

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA



Seventy-eighth meeting of the Standing Committee  
Geneva (Switzerland), 3-8 February 2025

Illegal trade and enforcement

TORTOISES AND FRESHWATER TURTLES (TESTUDINES SPP.)

1. This document has been prepared by the Secretariat.
2. At its 19th meeting (CoP19, Panama City, 2022) the Conference of the Parties adopted Decisions 19.125 to 19.127 on *Tortoises and freshwater turtles (Testudines spp.)*, as follows:

**Directed to Madagascar.**

**19.125** *Madagascar is encouraged to:*

- a) *prepare a comprehensive conservation strategy for its four critically endangered species (Astrochelys radiata, A. yniphora, Pyxis arachnoides and P. planicauda), taking into consideration the multifaceted threats of collection for local consumption and international trade compounded by habitat loss;*
- b) *undertake the activities in document CoP19 Doc. 78, paragraph 4 b) i) to iv); and*
- c) *present the work prepared under paragraph a) of the present Decision to the Animals Committee for assessment at its 34th meeting.\**

**Directed to the Animals Committee**

**19.126** *The Animals Committee shall, at its 34th meeting\*, review the conservation strategy reported by Madagascar under Decision 19.125 and submit recommendations to the Standing Committee and Secretariat, as appropriate.*

**Directed to Standing Committee and Secretariat**

**19.127** *The Standing Committee and the Secretariat shall:*

- a) *consider the recommendations provided by the Animals Committee under Decision 19.126 and prepare new decisions directed to Madagascar outlining future work to combat the ongoing threats of illegal collection and trade of the four Astrochelys and Pyxis species; and*
- b) *report at the 20th meeting of the Conference of the Parties on the implementation of Decision 19.125 and provide recommendations as per paragraph a) of the present Decision, as appropriate.*

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\* As adopted at CoP19. The Secretariat believes that the intention was for Madagascar report to the 33rd meeting of the Animals Committee since the 34th meeting of the Animals Committee would take place after CoP20.

## Background

3. At its 33rd meeting (AC33; Geneva, July 2024), the Animals Committee considered document [AC33 Doc. 33](#) on *Tortoises in Madagascar* (*Astrochelys radiata*, *A. yniphora*, *Pyxis arachnoides* and *P. planicauda*), submitted by Madagascar. As outlined in summary record [AC33 SR](#) (agenda item 33), the Committee agreed on a recommendation inviting Madagascar to report on any progress regarding implementation of its conservation strategies and of Decision 19.125, paragraph b), to the Standing Committee at the present meeting.
4. Since Madagascar was not present at AC33, the Secretariat formally wrote to the Party on 24 September 2024 drawing its attention to the AC33 recommendation. On 3 December 2024, the Secretariat received a response from Madagascar stating that an evaluation of the implementation of conservation strategies for tortoises endemic to Madagascar will be undertaken in 2025 as part of a Global Environment Facility (GEF) project entitled *Sustainable Management of Conservation Areas and Improved Livelihoods to Combat Wildlife Trafficking in Madagascar*. Madagascar also stated its intention to provide an oral progress report at the present meeting, followed by a written report on work and activities conducted to the 34th meeting of the Animals Committee in 2026.
5. In Decision 19.125, paragraph b), Madagascar is encouraged to undertake activities as outlined in paragraph 4 b) i) to iv), of document [CoP19 Doc. 78](#) on *Tortoises and freshwater turtles (Testudines spp.)*:
  - i) further scale up efforts to address illegal trade in tortoises and freshwater turtles, in particular by scaling up efforts to gather information and intelligence concerning the criminal networks operating within and from the country, and by engaging representatives from the Anti-Corruption Centres of the Ministry of Justice in such efforts, to pursue investigations targeting those individuals managing and organizing the illegal activities;
  - ii) pursue activities to facilitate information and intelligence exchange with Parties that seize and confiscate tortoises and freshwater turtles originating from Madagascar, with the aim of initiating investigations to bring to justice the criminals involved across the illegal trade chain;
  - iii) consider reviewing and amending Madagascar's legislation taking into consideration paragraphs 6. c), d) and f) of Resolution Conf. 11.3 (Rev. CoP19)<sup>1</sup> on *Compliance and enforcement*, and associated recommendations resulting from the implementation of the International Consortium on Combating Wildlife Crime (ICWC) Wildlife and Forest Crime Analytic Toolkit in the country; and
  - iv) continue efforts to inform and sensitize the public about endemic tortoise and freshwater turtle species of Madagascar and the importance of their conservation and protection and undertake further awareness-raising activities targeting relevant national law enforcement agencies, to sensitize them about illegal trade in tortoises and freshwater turtles and the importance of scaling up law enforcement efforts to address this illegal trade.
6. Document AC33 Doc. 33 and its Annexes include some information relevant to Decision 19.125, paragraph b). In the absence of a dedicated report from Madagascar to the present meeting, the Secretariat has summarized information relevant to the Standing Committee in Madagascar's report to AC33, in the paragraphs below.

## Summary of document AC33 Doc.33

### *Information and intelligence on criminal networks*

7. In 2007, during a workshop, actions such as establishing checkpoints were identified to combat tortoise and freshwater turtle trafficking. In 2008, an international workshop on the conservation of tortoises and freshwater turtles recommended the creation of a special brigade to monitor and stop illegal activities, and in September 2011 a symposium was held to establish a Global Action Plan for the protection of Madagascar's endemic turtles and tortoises.
8. Madagascar also highlighted several needs, including redefining crime prevention strategies; strengthening protection at highly threatened sites; permanent marking of tortoises and freshwater turtles to deter poaching

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<sup>1</sup> Updated by the Secretariat to reflect the correct new paragraph numbers of Resolution Conf. 11.3 (Rev. CoP19) on Compliance and enforcement as revised at the 19th meeting of the Conference of the Parties.

and trafficking; enhancing border controls; and creating a database of tortoises and freshwater turtles in captivity. Insufficient resources and lack of communication and cooperation among national enforcement authorities were noted as a challenge.

9. Madagascar's law enforcement agencies aim to reduce trafficking of protected tortoise and freshwater turtle species. To achieve this, tortoises and freshwater turtles must be protected within their natural habitats through permanent controls, in collaboration with wildlife authorities working in these protected areas. Systematic searches of vehicles, boats, pedestrians and any forms of transport should also be conducted to detect animals that were removed from their natural habitats.

#### Information exchange

10. Madagascar is willing to coordinate and collaborate with other Parties regarding seized specimens originating from Madagascar, including agreeing on repatriation procedures. Considering that high demand in markets abroad is driving illegal collection (including in protected areas within Madagascar), tortoises and freshwater turtles originating from Madagascar that are seized and held in other countries result in the loss of these animals in the wild, particularly in cases where there are no bilateral agreements in place for their return. There are challenges associated with repatriating seized animals, where discussions often extend for a prolonged period.

#### Legislation

11. Madagascar has established a comprehensive legislative framework to support conservation and the protection of its unique biodiversity. Various legislative provisions are in place, including:
  - The Environmental Charter, created under Law 90-033 of 12 December 1990 and amended by Law 97-012 of 6 June 1997, which provides the general framework for biodiversity protection;
  - The Forestry Law and Ordinance 60-126 of 3 October 1960, used to regulate aspects such as hunting and wildlife protection;
  - Decree 2006-400 of 13 June 2006, which provides for the protection of endangered species. Under this decree, protected species are classified into two categories: species in Category I are afforded absolute protection prohibiting hunting, capture, or possession of these species, except in specific cases, whilst species in Category II may be subjected to hunting or capture under regulatory conditions;
  - Decree 2006-097 that govern international trade in wildlife;
  - Decree 2006-098 that includes all endemic land tortoises in Appendix I (prohibiting commercial use) and freshwater turtles in Appendix II of CITES; and
  - the Protected Areas Code, established under Law 2001-005 of 11 February 2003 and implemented through Decrees 2005-013 and 2005-848 that governs the management of conservation zones and habitats; and others.
12. Madagascar emphasized that its legislative framework integrates conservation efforts with environmental policies, enforcement measures, and sustainable development, aiming to address threats to its unique biodiversity while protecting the natural habitats of its endemic species.
13. Madagascar indicates that there is a need to strengthen the enforcement of existing laws and regulations, citing several challenges such as insufficient dissuasive impact of the current laws and regulations, corruption, inadequate financial and logistical resources, and lack of motivation among implementing authorities. Poaching remains a significant threat, compounded by weaknesses in protected area guarding systems, poor application of laws regarding poaching and lack of a system to monitor cases and court processes.
14. As an example, Madagascar notes that, from 2001 to 2011, only 29 investigations were reported, averaging just three per year. Madagascar shared that, out of these 29 cases, only 11 were presented in court and three resulted in convictions and imprisonment.

### Awareness-raising

15. The Global Action Plan of Madagascar, as highlighted in paragraph 7 of the present document, includes activities aimed at ensuring that public and stakeholders are informed about existing laws and the importance of conserving and protecting its endemic tortoise and freshwater turtle species. Madagascar refers to a number of activities outlined in the Global Action Plan, such as establishing a communication system to strengthen and maintain support to protect key conservation areas and the adoption of procedures for reporting to protect whistleblowers.

### Observations and conclusions of the Secretariat

16. The Secretariat notes with concern that the initiatives and activities reported by Madagascar in 2024 are outdated and seem to have limited relevance to information and intelligence concerning criminal networks operating within and from Madagascar. The Party continues to identify challenges and needs, but there is scant reporting on how Madagascar has been addressing these challenges and needs in the last 15 years through the projects and funding invested in wildlife management and combating wildlife crime in the country.
17. Although Madagascar's report contained limited information about activities on information and intelligence exchange with Parties that seize and confiscate tortoises and freshwater turtles originating from Madagascar, the Secretariat has been included in the correspondence between Madagascar and other Parties regarding such exchanges. While the Secretariat does not have information on the outcomes of these engagements, it acknowledges the importance of such engagement and welcomes the efforts made by Madagascar in this regard. Madagascar is encouraged to continue and further scale up these efforts with the aim of initiating investigations along the illegal trade chain to bring the criminals involved to justice.
18. Madagascar reports that it has a comprehensive legislative framework in place, but it is not clear from the report whether the legislation aligns with paragraphs 6. c), d) and f) of Resolution Conf. 11.3 (Rev. CoP19) and, if not, whether Madagascar is considering any review and amendment of its national legislation. The report acknowledges that there are challenges to strengthening enforcement of existing laws and regulations but there is no information on what actions have been taken by Madagascar to address these challenges.
19. Regarding awareness-raising, Madagascar reported on activities related to a Global Action Plan established in 2011. It is not clear from the report on the outcomes of these activities or if any recent awareness-raising activities were undertaken with the aim to reduce activities related to wildlife crime.
20. In summary, the information contained in the document that was submitted by Madagascar to AC33 suggests very little progress has been made in recent years regarding the implementation of activities as outlined in paragraph 4 b) i) to iv), of document CoP19 Doc. 78. Madagascar is encouraged to use the opportunity presented by the GEF project described in paragraph 4 of the present document to rapidly update and progress implementation of its national conservation strategy for tortoises and freshwater turtles. This should include rapidly progressing enforcement aspects as outlined in paragraph 4 b) i) to iv) of document CoP19 Doc. 78.
21. Considering the above, the Secretariat proposes new draft decisions regarding Madagascar for consideration by the Standing Committee for its onward submission to the 20th meeting of the Conference of the Parties. These are presented as draft decisions 20.AA to 20.EE in the Annex to the present document. Should the Committee agree, Decisions 19.125, 19.126 and 19.127 can be proposed for deletion.

### Recommendations

22. The Standing Committee is invited to:
  - a) consider and agree draft decisions 20.AA to 20.EE presented in the Annex to the present document, for onward submission to CoP20; and
  - b) recommend the deletion of Decisions 19.125, 19.126 and 19.127.

DRAFT DECISIONS ON *TORTOISES AND FRESHWATER TURTLES (TESTUDINES SPP.)*

**Directed to Madagascar**

**20.AA** Madagascar is requested to:

- a) provide an update on its Global Action Plan for the Conservation of Madagascar's endemic tortoises and freshwater turtles, including species-specific strategies, for the critically endangered tortoise and freshwater turtle species (*Astrochelys radiata*, *A. yniphora*, *Pyxis arachnoides* and *P. planicauda*);
- b) report on recent activities undertaken to implement the Global Action Plan and to finalize and implement the species specific strategies, taking into consideration the multifaceted threats of collection for local consumption and international trade compounded by habitat loss; and
- c) submit a report covering the aspects in sub-paragraphs a) and b) of Decision 20.AA to the Secretariat 90 days in advance of the 34th meeting of the Animals Committee, for it to be made available to the Committee.

**20.BB** Madagascar is requested to:

- a) report on recent activities undertaken to:
  - i) gather information and intelligence on the criminal networks operating within and from the Madagascar and pursue investigations targeting those individuals managing and organizing the illegal activities;
  - ii) facilitate information and intelligence exchange with Parties that seize and confiscate tortoises and freshwater turtles originating from Madagascar, with the aim of initiating investigations to bring criminals involved across the illegal trade chain to justice;
  - iii) strengthen enforcement of existing laws and regulations, as well as any activities that might be undertaken to consider reviewing and amending Madagascar's legislation as needed, taking into consideration paragraphs 6. c), d) and f) of Resolution Conf. 11.3 (Rev. CoP19) on *Compliance and enforcement*, and associated recommendations resulting from the implementation of the International Consortium on Combating Wildlife Crime (ICWC) Wildlife and Forest Crime Analytic Toolkit in the country; and
  - iv) inform and sensitize the public about endemic tortoise and freshwater turtle species of Madagascar and the importance of their conservation and protection, as well as to sensitize and raise awareness among its national law enforcement agencies regarding illegal trade in tortoises and freshwater turtles and the importance of scaling up law enforcement efforts to address this illegal trade and analyse the outcomes of these activities.
- b) submit a report to the Secretariat 90 days in advance of the 81st meeting of the Standing Committee, for it to be made available to the Committee.

**Directed to the Secretariat**

**20.CC** The Secretariat shall review the reports from Madagascar in accordance with Decisions 20.AA and 20.BB and make them available to the Animals Committee and the Standing Committee, respectively, together with any recommendations the Secretariat may have.

**Directed to the Animals Committee**

**20.DD** The Animals Committee shall review the report from Madagascar and any recommendations the Secretariat may have in accordance with Decision 20.AA, and submit its recommendations to the Standing Committee, as appropriate.

***Directed to the Standing Committee***

**20.EE** The Standing Committee shall:

- a) consider the report from the Animals Committee in accordance with Decision 20.DD and the report from Madagascar and any recommendations of the Secretariat in accordance with Decision 20.CC, and agree recommendations directed to Madagascar, as appropriate; and
- b) report at the 21st meeting of the Conference of the Parties on the implementation of Decision 20.EE.