

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

Sixty-seventh meeting of the Standing Committee  
Johannesburg (South Africa), 23 September 2016

Interpretation and implementation matters

Exemptions and special trade provisions

REGISTRATION OF OPERATIONS THAT BREED  
APPENDIX-I ANIMAL SPECIES IN CAPTIVITY FOR COMMERCIAL PURPOSES -  
REGISTRATION OF THE OPERATION "NOUVELLE DÉCOUVERTE"  
BREEDING *ASTROCHELYS RADIATA*

1. This document has been prepared by the Secretariat. It refers to an application from Mauritius to include the operation "Nouvelle Découverte", breeding *Astrochelys radiata*, in the Secretariat's CITES *Register of operations that breed Appendix-I animal species for commercial purposes*, and an objection from Madagascar thereto.
2. The case is considered in accordance with the provisions in [Resolution Conf. 12.10 \(Rev. CoP15\)](#) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*.
3. On 6 March 2014, the Secretariat received an application from Mauritius to include the operation "Nouvelle Découverte", breeding *Astrochelys radiata*, in the *CITES Register of operations that breed Appendix – I animal species for commercial purposes* and published Notification to Parties [No. 2015/035](#) of 15 June 2015, proposing the above new captive-breeding operation to be added to the Register.
4. On 7 August 2015, the Secretariat received an objection from Madagascar to this proposed registration, which questioned, *inter alia*, the legality of *Astrochelys radiata* in Mauritius, and the technical capacities of the breeding operation.
5. The Secretariat followed step by step the procedures established by Resolution Conf. 12.10 (Rev. CoP15), Annex 2, to assist both Parties to initiate a dialogue and resolve the matter. However, the objection from Madagascar was not withdrawn and the identified problems were not resolved. In accordance with Resolution Conf. 12.10 (Rev. CoP15), Annex 2, paragraph 4, the application was therefore submitted to the Standing Committee at its 66th meeting (SC66, Geneva, January 2016). More detailed information on the developments prior to SC66 can be found in document [SC66 Doc. 42.2](#).
6. The Standing Committee reviewed document SC66 Doc. 42.2, noting the absence of Mauritius at SC66. Madagascar explained that it was seeking more information on the legal origin of the breeding stock, and clarifications about the monitoring of the animals at the facility, noting that none of the *Astrochelys radiata* kept there were registered with the European Association of Zoos and Aquaria (EAZA). Madagascar expressed its wish to collaborate with Mauritius to resolve these matters.
7. While deploring that Mauritius was not present, several interventions encouraged further mediation and collaboration between Madagascar and Mauritius, and a postponement of decisions regarding the registration until the next meeting of the Standing Committee.
8. The Standing Committee invited Madagascar and Mauritius to continue their deliberations with the support of the Secretariat. The issue now requires consideration at the present meeting.
9. Following a request from Madagascar and upon the invitation of, and with the financial support from Mauritius, Dr. Herilala Randriamahazo, member of the CITES Scientific Authority of Madagascar, visited

the captive breeding operation “Nouvelle Découverte” in Mauritius during a two-day evaluation mission in May 2016. The report from Madagascar is presented in Annex 1 to this document.

10. The response from Mauritius to Madagascar’s report is presented in Annex 2 to this document.

#### Recommendation

11. The Committee is invited to consider the objection from Madagascar concerning the registration of the captive breeding operation “Nouvelle Découverte” for *Astrochelys radiata* in Mauritius in accordance with Resolution Conf. 12.10 (Rev. CoP15), Annex 2, paragraph 4.

- a) If the Committee considers the objection trivial or ill-founded, it shall reject it and the application shall be accepted.
- b) If the Committee considers the objection justified, it shall review the response of the applying Party and decide whether or not to accept the application.

### Report from the CITES Management Authority of Madagascar

1. This document has been prepared by Madagascar.<sup>1</sup>
2. The Secretariat issued Notification to the Parties no. 2015/035 of 15 June 2015 relating to an application by Mauritius to include the operation “Nouvelle Découverte” for the breeding of *Astrochelys radiata* in the CITES Register of operations that breed Appendix I animal species in captivity for commercial purposes.
3. On 7 August 2015, Madagascar, concerned about the origin of the breeding stock and the technical capacities of the breeding operation, submitted an objection to this proposal to the Secretariat.
4. On 24 August 2015, the Secretariat transmitted the objection by Madagascar to the Management Authority of Mauritius and encouraged the two countries to establish a dialogue concerning the proposed registration. This step not being taken, the Secretariat forwarded the application to the Animals Committee, which, after reviewing the material, did not concur with the objection raised by Madagascar.
5. The Secretariat again invited the two countries to resolve the matter. However, after the deadline passed for reaching a common understanding on the issue, the document was referred to the 66th Meeting of the Standing Committee in January 2016. At this session, Madagascar maintained its objection, and sought to obtain more information on the legal origin of the breeding stock, as well as clarifications regarding the monitoring of the animals at the facility. Unfortunately, Mauritius was not present at the meeting and several questions remained unanswered. For this reason, the session recommended postponing the decision until the 67th Meeting of the Standing Committee, while encouraging the two countries to continue their deliberations.
6. On 24 March 2016, the Secretariat sent both countries a letter announcing the decision of SC66 and inviting the countries to initiate a technical and practical dialogue to address the issues and questions raised concerning the “Nouvelle Découverte” breeding operation.
7. Madagascar, having continually expressed its desire to cooperate, thanked the Secretariat for its assistance and took the initiative to contact its Mauritian counterpart.
8. Following this, both parties agreed to a visit by the delegation of the CITES authorities of Madagascar to better understand the situation of the “Nouvelle découverte” facility in Mauritius. Mr. Herilala Randriamahazo, member of the Scientific Authority of Madagascar, thus visited Mauritius from 23 May to 26 May 2016, touring the facility in question in the presence of officials from the National Parks and Conservation Service.
9. Tortoises of various sizes, in stages from eggs to adults of reproductive age, were indeed found at the facility. However, the certificates of origin of the animals raise a concern with regard to traceability, as the owners of the facility and the CITES Management Authority in Mauritius confirm the existence of individuals from this species for sale on the open market for wild animals in Mauritius. It is therefore obvious that other tortoises of the same species not identified by the competent authority exist in large numbers in Mauritius and are able to enter the legal trade system.
10. Our concern regarding the traceability of the origin of the tortoises is supported by the fact that eggs and neonates are not marked at the “Nouvelle découverte” facility. It is nevertheless difficult for us to recommend the enforcement of a national law protecting this species in Mauritius when it is not possible to rule out the risk of illicit trafficking in specimens of these tortoises whose origin has been falsified.
11. Further, a batch of 137 tortoises from Madagascar was recently discovered in illegal transit and seized by the customs authorities in Mauritius (May 2016). In this context, the arrival of new tortoises from Madagascar to neighbouring islands cannot be ruled out; these animals are still in Mauritius at the writing of this report.

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<sup>1</sup> *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

12. For these reasons, Madagascar strongly solicits the support of the member countries of the Standing Committee in sustaining its objection to the registration of the new facility in Mauritius, pending clarification of the situation. Our great concern is the arrival of an avalanche of applications following this one.

### Comments from the CITES Management Authority of Mauritius\*

(Text from the report submitted by Madagascar and contained in Annex 1 is in *italics*, comments from the CITES Management Authority of Mauritius are in **bold**)

1. *This document has been prepared by Madagascar.\**

#### **Take cognizance**

2. *The Secretariat issued Notification to the Parties no. 2015/035 of 15 June 2015 relating to an application by Mauritius to include the operation "Nouvelle Découverte" for the breeding of *Astrochelys radiata* in the CITES Register of operations that breed Appendix I animal species in captivity for commercial purposes.*

#### **Take cognizance**

3. *On 7 August 2015, Madagascar, concerned about the origin of the breeding stock and the technical capacities of the breeding operation, submitted an objection to this proposal to the Secretariat.*

#### **Take cognizance**

4. *On 24 August 2015, the Secretariat transmitted the objection by Madagascar to the Management Authority of Mauritius and encouraged the two countries to establish a dialogue concerning the proposed registration. This step not being taken, the Secretariat forwarded the application to the Animals Committee, which, after reviewing the material, did not concur with the objection raised by Madagascar.*

#### **Take cognizance**

5. *The Secretariat again invited the two countries to resolve the matter. However, after the deadline passed for reaching a common understanding on the issue, the document was referred to the 66th Meeting of the Standing Committee in January 2016. At this session, Madagascar maintained its objection, and sought to obtain more information on the legal origin of the breeding stock, as well as clarifications regarding the monitoring of the animals at the facility. Unfortunately, Mauritius was not present at the meeting and several questions remained unanswered. For this reason, the session recommended postponing the decision until the 67th Meeting of the Standing Committee, while encouraging the two countries to continue their deliberations.*

#### **Take cognizance**

6. *On 24 March 2016, the Secretariat sent both countries a letter announcing the decision of SC66 and inviting the countries to initiate a technical and practical dialogue to address the issues and questions raised concerning the "Nouvelle Découverte" breeding operation.*

#### **Take cognizance**

7. *Madagascar, having continually expressed its desire to cooperate, thanked the Secretariat for its assistance and took the initiative to contact its Mauritian counterpart.*

**The Management Authority of Mauritius on its behalf also initiated necessary actions to resolve this issue and at various occasions during pre-cop and other meetings/workshops deliberated on the matter with the Malagasy CITES Authority.**

8. *Following this, both parties agreed to a visit by the delegation of the CITES authorities of Madagascar to better understand the situation of the "Nouvelle découverte" facility in Mauritius. Mr. Herilala Randriamahazo, member of the Scientific Authority of Madagascar, thus visited Mauritius from 23 May to*

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26 May 2016, touring the facility in question in the presence of officials from the National Parks and Conservation Service.

Despite repeated request from the CITES Management Authority of Mauritius for a report on the visit of Dr Herilala Randriamahazo representing the Scientific Authority of Madagascar at the Nouvelle Decouverte captive breeding Centre of Mr Forget in May 2016, there was no response from the CITES Management Authority of Madagascar. In email dated 07 May 2016, Mrs R. Sahondra highlighted that *“With regards to the registration request of Mr. Gilbert Forget, we are not against it in principle .....*”. It is to be noted that the visit of the Malagasy delegate was funded by the applicant.

9. *Tortoises of various sizes, in stages from eggs to adults of reproductive age, were indeed found at the facility. However, the certificates of origin of the animals raise a concern with regard to traceability, as the owners of the facility and the CITES Management Authority in Mauritius confirm the existence of individuals from this species for sale on the open market for wild animals in Mauritius. It is therefore obvious that other tortoises of the same species not identified by the competent authority exist in large numbers in Mauritius and are able to enter the legal trade system.*

### **Issues of Traceability**

- 9.1 **Issue of traceability does not arise since all the breeding status of (a) Parental Stock, (b) Sub adult and (c) Juvenile Radiata tortoises are duly registered with the CITES Management Authority of Mauritius. Furthermore, the breeding centre is required to submit annual reports on the breeding status and stocking of the radiata tortoises. There is also constant monitoring of the reproductive/breeding status, clutch size, non breeding adult/subadult stock etc. of radiate tortoises at the Nouvelle Decouverte Breeding Centre by the Mauritius CITES Management Authority through regular site visits.**
- 9.2 **At Nouvelle Decouverte Breeding Centre, different egg clutches belonging to specific breeding adults are clearly marked into separate compartments in incubators therefore indicating the parental origin and thus facilitating traceability. From egg to adult stage, all growth stage recordings are registered in a timely manner in a studbook.**
- 9.3 **The same objection concerning illegal trade of radiate tortoise from captive bred stock was raised in the past for the registration of La Vanille Reserve de Mascareigne and despite that the latter obtained the registration as a Captive breeding Centre for this species.**
10. *Our concern regarding the traceability of the origin of the tortoises is supported by the fact that eggs and neonates are not marked at the “Nouvelle découverte” facility. It is nevertheless difficult for us to recommend the enforcement of a national law protecting this species in Mauritius when it is not possible to rule out the risk of illicit trafficking in specimens of these tortoises whose origin has been falsified.*
  - 10.1 **All eggs produced are recorded and traceable. Eggs belonging to the same clutch are incubated in separate batches labelled with its specific identification number. The Nouvelle Decouverte Breeding Centre is also willing to adopt alternative marking systems that are of international standards and that would increase traceability. Eggs will be henceforth marked individually with pencil and actions are being initiated at the captive breeding centre to adopt Photo documentation of each newly born (day old) to juveniles (up to three years) individuals that are marked with nail varnish on the shells. After three years, juveniles are microchipped. It is to be noted that photo documentation marking system is already being implemented in Germany (German society for herpetology and terrarium keeping).**
  - 10.2 **The Management Authority monitors the number of eggs produced, the number of eggs hatched and number of juveniles produced. These statistics are then analysed and serves as a basis to check if the production declared is in line with the production capacity of the breeding facility. In this way, as it is being done with La Vanille Reserve de Mascareign, the possibility of juvenile entering into Nouvelle Decouverte Breeding Centre is inexistent. This serves as control measures together with regular site visits to ensure that the Data being submitted by the breeding facility relates to the actual breeding herd.**

**10.3** It should be recognised that all radiata tortoises present in the Republic of Mauritius are Captive animals being held by either individuals, companies, organisations or the Government of Mauritius. Animals are kept either in fully control environments or in parks and enclosures for non commercial purpose as part of awareness raising, within the two registered commercial breeding operations and within conservation programmes. As such, there is no FERAL/WILD population of radiata tortoises in Mauritius.

**10.4** Some 13 radiata tortoises are being used as part of a restoration experiment on Round Island Nature Reserve as analogue species to replace extinct species together with *Aldabrachelys gigantea*. It was found that *A. gigantea* was more appropriate for use as an analogue species and it is now being favoured for use in our effort to restore Round Island.

11. *Further, a batch of 137 tortoises from Madagascar was recently discovered in illegal transit and seized by the customs authorities in Mauritius (May 2016). In this context, the arrival of new tortoises from Madagascar to neighbouring islands cannot be ruled out; these animals are still in Mauritius at the writing of this report.*

**11.1** With reference to par (11), The Management Authority of Mauritius has set up a strong system to counteract illegal importation of exotic species in Mauritius. We have an on- going training programme for Custom Officers so that they intercept any animal or plant that would be illegally imported within the country. The reference to the 137 tortoises intercepted in May 2016 is proof to how the system in place is efficient. Not only, animals being smuggled in Mauritius are being intercepted, but now animals being smuggled through Mauritius (In transit) are also being intercepted. This systems put in place is in line with the fact that Mauritius has identified alien invasive species as being the major threat to its endemic biodiversity. Hence this system put in place to protect our local biodiversity is also very successful in combating illegal trafficking in wildlife.

12. *For these reasons, Madagascar strongly solicits the support of the member countries of the Standing Committee in sustaining its objection to the registration of the new facility in Mauritius, pending clarification of the situation. Our great concern is the arrival of an avalanche of applications following this one.*

**12.1** The question of “Avalanche” in request for new application of registration as breeding centres is irrelevant since the Management Authority of Mauritius will scrutinise the authenticity of each application prior to any recommendation. Since the Listing of the said species in Appendix I of CITES in 1975, ONLY TWO APPLICATIONS for breeding of the Radiata species have been received. We regret to note that despite the species being given protection under its National Law and International Agreements, there is continued illegal trafficking of Radiata tortoises from the Country of Origin. Further captive breeding centres will no doubt help to save the population from extinction in the wild in their In-situ habitat.

Mauritius is hereby requesting the SUPPORT of the members of the Standing Committee to approve the registration of the Nouvelle Decouverte Breeding Centre Facility long overdue. We consider the objections raised by Madagascar as being unjustified and weak. Furthermore, we take note that Madagascar is a member of the Standing Committee and we request that Madagascar should not take part in the Voting so as to avoid any conflict of interest (Judge and party).