

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



Sixty-ninth meeting of the Standing Committee
Geneva (Switzerland), 27 November - 1 December 2017

Species specific matters

TORTOISES AND FRESHWATER TURTLES (TESTUDINES SPP.):
REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.
2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted *inter alia* Decisions 17.294 to 17.296 and 17.298 on *Tortoises and freshwater turtles (Testudines spp.)*, as follows:

Directed to the Secretariat

17.294 *The Secretariat shall engage the government of Madagascar and other relevant stakeholders to provide urgent assistance to combat illegal collection and trade in the Ploughshare tortoise (Astrochelys yniphora) or Angonoka.*

17.295 *The Secretariat shall:*

- a) *with funding already provided, establish and convene a CITES Tortoises and Freshwater Turtles Task Force (Task Force) to operate, as described in Decision 17.296. The members of the Task Force could include the Association of Southeast Asian Nations (ASEAN), the members of the ICCWC, Madagascar and those Parties in Asia that are most affected by the illegal trade in tortoises and freshwater turtles and their parts and derivatives and other individuals who the Secretariat determines may contribute to the work of the Task Force;*
- b) *seek funding to support the work and additional meetings of the Task Force through the 18th meeting of the Conference of the Parties;*
- c) *work to establish a secure electronic communications platform for the Task Force (i.e. the GENComm Environet of the World Customs Organization);*
- d) *transmit the findings and recommendations of the Task Force, under Decision 17.296 c), to the 69th meeting of the Standing Committee for its consideration, and make its own recommendations as appropriate; and,*
- e) *transmit to the Standing Committee, for consideration at its 70th meeting, a progress report on the implementation of the Committee's recommendations by the Parties, as described in Decision 17.298 c).*

Directed to the Tortoise and Freshwater Turtles Task Force

17.296 *The Task Force shall:*

- a) *as it deems appropriate, exchange intelligence and other information on the illegal trade in tortoises and freshwater and terrestrial turtles;*

- b) *discuss enforcement and implementation issues related to the illegal trade in tortoises and freshwater and terrestrial turtles as outlined in document CoP17 Doc. 73 Annexes 1 – 4 and any other materials it deems relevant; and,*
- c) *deliver findings and recommendations, through the Secretariat, to the 69th meeting of Standing Committee to strengthen the enforcement and implementation of the Convention for these species by the Parties.*

Directed to the Standing Committee

17.298 *The Standing Committee shall:*

- a) *at its 69th meeting, consider the findings and recommendations of the Secretariat and the Task Force, under Decisions 17.295 d) and 17.296 c) and recommend actions by the Parties, as it deems appropriate, to strengthen enforcement and implementation of the Convention for these species;*
- b) *at its 70th and 71st meetings, evaluate the reports of the Parties under Decision 17.297 b) and determine whether additional recommendations or measures are needed, including appropriate compliance measures in accordance with Resolution Conf. 14.3 on CITES compliance procedures; and*
- c) *report on actions and progress achieved by the Committee, Task Force and the Parties at the 18th meeting of the Conference of the Parties.*

Implementation of Decision 17.294

3. To progress the implementation of Decision 17.294, the Secretariat met with representatives from Madagascar in the margins of the CITES Tortoise and Freshwater Turtles Task Force meeting to discuss possible modes of assistance that could be provided to the Party. In the light of the discussions, the Secretariat proposed to deploy a Wildlife Incident Support Team (WIST) to Madagascar, to support the Party in gathering information and intelligence about the illegal trade in *Astrochelys yniphora*, as well as in strengthening law enforcement action and enhancing international cooperation to address this matter. The Secretariat also formally wrote to the Party in this regard, subsequent to the Task Force meeting. Madagascar formally replied to the Secretariat, accepting the offer to deploy a WIST. At the time of writing, the Secretariat is putting in place arrangements with INTERPOL to deploy such a WIST.

Implementation of Decisions 17.295, paragraphs a) and d), 17.296 and 17.298, paragraph a)

4. The Secretariat convened a CITES Tortoise and Freshwater Turtles Task Force meeting in Singapore, from 25 to 27 April 2017,¹ in close cooperation with its partners in the International Consortium on Combatting Wildlife Crime (ICWC).² The CITES Secretary General delivered welcoming remarks through a video message at the meeting,³ which was co-hosted by the Agri-Food and Veterinary Authority of Singapore and Wildlife Reserves Singapore, and organized thanks to generous funds provided by the United States of America.
5. The meeting brought together over 50 representatives from 15 countries affected by illegal trade in tortoises and freshwater turtles (Bangladesh, China, Colombia, India, Indonesia, Madagascar, Malaysia, Myanmar, Pakistan, Philippines, Singapore, Sri Lanka, Thailand, the United States of America and Viet Nam), and from international intergovernmental and non-governmental organizations, and the South Asia Wildlife Enforcement Network (WEN). A detailed report on the meeting is available as an information document prepared for the present meeting.
6. In accordance with Decisions 17.295, paragraph d) and 17.296, paragraph c), the recommendations developed by participants to the CITES Tortoise and Freshwater Turtles Task Force meeting are presented

¹ https://cites.org/eng/news/pr/cites-task-force-agrees-on-strategies-to-combat-illegal-trade-in-tortoises-and-freshwater-turtles_28042017

² ICWC comprises the CITES Secretariat, INTERPOL, the United Nations Office on Drugs and Crime (UNODC), the World Bank and the World Customs Organization (WCO).

³ https://www.cites.org/eng/news/sq/cites-sq-welcome-remarks-at-meeting-cites-tortoises-and-freshwater-turtles-task-force-singapore_25042017

in sections 1-6 below. The Secretariat offers some observations and amendments on these in paragraph 7 of the present document, for consideration by the Standing Committee:

1. All Parties affected by illegal trade in tortoises and freshwater turtles should:

Targeting illegal trade

- a) Undertake risk profiling and provide capacity-building interventions and detection equipment to enforcement officers at ports to enable them to better target known modes of transport used for trafficking in tortoises and freshwater turtles;
- b) Scale up activities to address illegal trade in tortoise and freshwater turtle specimens being shipped through postal and courier services, and to address illegal trade at identified key locations in domestic markets;

Information and intelligence sharing

- c) Where possible, use platforms such as INTERPOL's Regional Investigative and Analytical Case Management (RIACM) meetings, and the Wildlife Inter-Regional Enforcement (WIRE) meetings of the United Nations Office on Drugs and Crime (UNODC) for information sharing regarding trafficking in tortoises and freshwater turtles;
- d) Encourage national agencies responsible for wildlife law enforcement to engage with their INTERPOL National Central Bureau (NCB) to request that access to the INTERPOL I-24/7 global communications system and databases be extended to them;

Seizures and disposal

- e) Encourage their national authorities to, in collaboration with non-governmental organizations, academia and other pertinent institutions, prepare general and country-specific protocol(s) for seizure management, by organizing a workshop with appropriate specialists, and/or by establishing a drafting group to prepare preliminary protocols to be circulated among experts for further input and refinement;
- f) Taking into consideration the provisions of relevant national legislation, develop standard operating procedures for unexpected large scale seizures and, where appropriate, consider the construction of facilities to care for confiscated live animals, and dispose of seized specimens in accordance with the provisions of Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species* and its annexes;

Species identification

- g) Implement a three-step identification process for tortoises and freshwater turtles as follows:
 - i. Enforcement officers (including customs officers) use available identification materials to identify the most frequently traded tortoise and freshwater turtle species and their parts and products;
 - ii. Where doubt remains about identification after using available identification materials, enforcement officers should share photographs of traded animals with national identification experts, for specific identification or confirmation. National authorities are encouraged to designate a national facilitator for this purpose; and
 - iii. Where doubt continues to remain after consulting national identification experts, enforcement officers should share photographs and other information, through their national designated facilitator, with global identification experts, and draw upon forensic analysis, in particular molecular analysis, as may be needed; and
- h) Develop supplementary identification guidance containing basic information on the characteristics used for tortoise and freshwater turtle identification to support the accurate application of existing identification materials. This guidance should be tailored to the specific needs of each country.

2. All Parties should:

Illegal trade on the internet

- a) Engage online communities, e.g. auction platforms and closed discussion groups, to create awareness about all aspects of illegal wildlife trade in tortoises and freshwater turtles;

Cooperation

- b) When possible make use of INTERPOL's National Environmental Security Seminars (NESS)⁴ to promote inter-agency coordination, pursuant to strengthening the implementation of paragraph 1 b) in Resolution Conf. 11.9 (Rev. CoP13) on Conservation of and trade in tortoises and freshwater turtles; and
- c) As appropriate, cooperate through regional wildlife enforcement networks for the better involvement of their member countries, pursuant to strengthening the implementation of paragraph 1 b) in Resolution Conf. 11.9 (Rev. CoP13) on Conservation of and trade in tortoises and freshwater turtles.

3. All Parties and organizations should:

Public awareness and empowerment

- a) As appropriate, create and implement awareness tools that can engage target audiences and cultures, in particular young adults, through social and other digital media, pursuant to strengthening the implementation of paragraph 1 f) and g) in Resolution Conf. 11.9 (Rev. CoP13) on Conservation of and trade in tortoises and freshwater turtles;
- b) As appropriate, highlight the plight of tortoises and freshwater turtles in their campaigns to address wildlife trafficking;
- c) Empower the general public by raising awareness about existing tools available to report illegal trade in tortoises and freshwater turtles and other wildlife crimes, e.g. mobile phone applications, hotline numbers, toll-free phone numbers, social media, etc.; and
- d) Encourage the general public to act as the eyes and ears of law enforcement through awareness raising initiatives and materials targeting for example public transport, roadside stops and restaurants, airports and other transport hubs, with a particular focus on illegal trade in tortoises and freshwater turtles.

4. The Standing Committee is invited to:

Targeting illegal trade

- a) Discuss the fact that in some countries non-native species of tortoises and freshwater turtles are not being covered in national legislation;

Illegal trade on the internet

- b) In its deliberations, consider the best way to fight the use of social media platforms as a form of e-commerce for illegal trade in tortoises and freshwater turtles;

Funding opportunities

- c) Encourage donors to increase funding initiatives to combat illegal trafficking in tortoises and freshwater turtles;

⁴ <https://www.interpol.int/en/Media/Files/Crime-areas/Environmental-crime/Leaflets-brochures/National-Environmental-Security-Seminar-NESS/>.

Resolutions

- d) Propose to the Conference of the Parties revisions to Resolution Conf. 11.9 (Rev.CoP13) on *Conservation of and trade in tortoises and freshwater turtles*, as follows⁵:
- i. Removal of the word “Asian” in the Resolution unless specifically relevant for certain issues;
 - ii. (Para 1a) “all Parties, especially range States and exporting and importing States of ~~Asian~~ tortoises and freshwater turtles, to enhance and increase enforcement and prosecution efforts with regard to existing legislation as a matter of urgency”;
 - iii. (Para 1b) “all Parties, ~~especially range States and exporting and importing States of Asian tortoise and freshwater turtles~~, to enhance cooperation amongst wildlife-law enforcement agencies at national and international levels concerning control of trade in tortoises and freshwater turtles, and between enforcement agencies and national CITES authorities”;
 - iv. (Para 1h) “all Parties, especially in the Asian region, to collaborate on all aspects of conservation and management of, trade in, and implementation of the Convention for, tortoises and freshwater turtles, ~~taking into consideration the recommendations formulated at the technical workshop on Conservation of and trade in tortoises and freshwater turtles held in Kunming, China, 25-28 March 2002~~”;
 - v. (Para 2): “DIRECTS the Secretariat to provide assistance with securing financial resources from Parties, United Nations specialized agencies, intergovernmental and non-governmental organizations, trade associations, industry and others as appropriate, for range States in need of and requesting financial support to develop and implement management and enforcement strategies and action plans concerning CITES-listed tortoises and freshwater turtles in accordance with this Resolution”; and
- e) Establish a working group of enforcement experts to draft a resolution on operational intelligence support to enforcement work.

5. Members of the CITES Tortoise and Freshwater Turtles Task Force should:

Information and intelligence sharing

- a) Work towards the development of an enforcement alert on tortoises and freshwater turtles, including information on species trafficked, *modus operandi*, trafficking routes, concealment methods, and nationalities of offenders involved, to be updated on a rotational basis in accordance with a timeframe identified by Task Force members; and
- b) Each aim to, where possible, issue at least one INTERPOL Red Notice on known high priority offenders involved in illegal trade in tortoises and freshwater turtles, and consider the use of other INTERPOL Notices as appropriate.⁶

6. The CITES Secretariat should:

Targeting illegal trade

- a) Request the World Customs Organization (WCO) to develop a set of risk profiles and indicators focusing on illegal trade in tortoises and freshwater turtles;
- b) Request UNODC to use enforcement alerts on tortoises and freshwater turtles, and any risk indicators for these species developed by WCO, in its capacity-building activities on container profiling;

⁵ NB: Text proposed to be deleted is crossed out. Proposed new text is underlined.

⁶ <https://www.interpol.int/INTERPOL-expertise/Notices>

Information and intelligence sharing

- a) ~~Create a platform on the CITES website where Parties' legislation can be shared, and e~~
Encourage Parties to consult the CITES permit samples as available on the CITES Management Authorities Forum and in WCO's ENVIRONET,⁷ if needed;

Seizures and disposal

- d) Post a list of tortoise and freshwater turtle rescue facilities on the CITES website;

Species identification

- e) Request the IUCN/SSC Tortoise and Freshwater Turtles Specialist Group to:
 - i. Establish a rapid identification assistance network for live tortoises and freshwater turtles and their parts and derivatives; and
 - ii. Develop guidance on how to photograph tortoise and freshwater turtle specimens for identification.

7. The Secretariat believes that the recommendations in paragraph 6 above, developed by participants of the CITES Tortoises and Freshwater Turtles Task Force to strengthen CITES implementation and law enforcement responses to combat illegal trade in tortoises and freshwater turtles and their parts and derivatives, provide a strong basis for Parties to take concrete action to respond to this illegal trade. In the interest of further strengthening these responses, the Secretariat takes this opportunity to offer the following observations for consideration by the Standing Committee:

- a) With regards to recommendations 1 e) and 1 f) on Seizures and disposal, the Secretariat believes that the aims of these two recommendations are already addressed in Resolution Conf. 17.8 on Disposal of illegally traded and confiscated specimens of CITES-listed species, and in particular Annex 3 to the Resolution. As such, these two recommendations might not be needed.
- b) With regards to recommendations 2 a) to c), and 3 a), c) and d), and 4 a), the Secretariat believes that these recommendations could benefit from being specific to tortoises and freshwater turtles, to ensure that they do not overlap with or are not duplicative of other CITES provisions on similar matters. The Secretariat offered some suggested text in the mentioned recommendations in paragraph 6 above. Text proposed to be deleted is crossed out, and proposed new text is underlined.
- c) With regards to recommendation 4. e), it should be noted that the sharing of operational intelligence is a sensitive matter dealt with in accordance with relevant national legislation and strict protocol. In the light of this, the Secretariat is not convinced that the work called for in this recommendation would be justified, and believes that Resolution Conf. 11.3 (Rev. CoP17) on Compliance and enforcement, in particular paragraph 13 j), sufficiently addresses this matter.
- d) With regards to recommendation 6 c) the Secretariat notes that a platform already exists on the CITES website where Parties can share examples of CITES national legislation.⁸ Parties that are interested to do so are invited to send the relevant legislation to the Secretariat. The Secretariat offered some suggested changes to recommendation 6 c) in paragraph 6 above. Text proposed to be deleted is crossed out, and proposed new text is underlined.
- e) With regards to recommendation 6 e) i. on Species identification, the Secretariat notes that this recommendation is duplicative of Decision 17.291, paragraph c). The Secretariat will liaise closely with the IUCN/SSC Tortoise and Freshwater Turtles Specialist Group in implementing Decision 17.291, paragraph c), and in the light of this, the Secretariat believes that this recommendation is not needed.
- f) With regards to the revisions to Resolution Conf. 11.9 (Rev.CoP13) proposed in recommendation 4 d) i. to v., it should be noted that the Secretariat did not propose any changes to what participants to the CITES Tortoises and Freshwater Turtles Task Force agreed, and all text proposed to be deleted and

⁷ <https://cites.org/sites/default/files/notif/E-Notif-2015-039.pdf>

⁸ <https://cites.org/legislation>

crossed out, as well as proposed new text underlined in recommendation 4 d) i. to v. is shown exactly as it was agreed at the Task Force meeting. The Secretariat however believes that it would be of benefit to conduct a more comprehensive revision of the Resolution. Some of the text in the recommendations in paragraph 6 above, for example, could assist in further strengthening the guidance provided to Parties in the Resolution. In this regard, the Standing Committee may wish to request the Secretariat to prepare a draft revised version of Resolution Conf. 11.9 (Rev.CoP13), incorporating the revisions proposed in recommendation 4 d) i. to v., and taking into consideration other recommendations in paragraph 6 above, as agreed, for consideration by the Standing Committee at its 70th meeting, and subsequent submission to the 18th meeting of the Conference of the Parties.

Implementation of the Decision 17.295, paragraph b)

8. The United Nations Office on Drugs and Crime (UNODC) hosted a Wildlife Inter-Regional Enforcement (WIRE)⁹ meeting for police from countries of the Association of South-East Asian Nations (ASEAN) and from African countries in Bangkok, Thailand, from 29 November to 2 December 2016. This meeting, in which INTERPOL participated, led to the creation of a roadmap where the most relevant opportunities for cooperation based on current cases and investigations were identified. Illegal trade in tortoises and freshwater turtles is, among other wildlife crimes, identified in this road map. During the discussion, it emerged that countries may be more inclined to conduct a series of coordinated bilateral investigations rather than venturing into a large multilateral investigation. The meeting report concluded that this could be best achieved through INTERPOL-led follow-up Regional Investigative and Analytical and Case Meetings (RIACMs).¹⁰
9. Following the UNODC WIRE meeting and the CITES Tortoise and Freshwater Turtles Task Force meeting, INTERPOL hosted a RIACM meeting on tortoises and freshwater turtles in Singapore, from 22 to 24 May 2017. The meeting was attended by representatives from Bangladesh, India, Malaysia and Thailand, and focused on identifying key individuals involved in illegal trade in tortoises and freshwater turtles, in particular with regard to specimens sourced from South Asia. A number of investigations initiated through this meeting are currently ongoing.
10. The Secretariat has not secured external funding to initiate activities to support the work and additional meetings of the CITES Tortoise and Freshwater Turtles Task Force, as required by the provisions of Decision 17.295, paragraph b). However, the Secretariat believes INTERPOL's RIACM meetings would provide an appropriate and operational platform that will enable Parties to build upon the outcomes of the CITES Tortoise and Freshwater Turtles Task Force, by initiating targeted investigations and enforcement action on the front lines. This would also be in line with the recommendations adopted by the Task Force. The Secretariat will work with INTERPOL to explore opportunities to convene further RIACM meetings to build upon the work already done, and to support the implementation of Decision 17.295, paragraph b). The Secretariat would welcome funding support for such work.

Implementation of the Decision 17.295, paragraph c)

11. In collaboration with the WCO, a Closed User Group for the CITES Tortoise and Freshwater Turtles Task Force was established on the WCO CENComm platform.¹¹ The Closed User Group includes members of the Tortoises and Freshwater Turtles Task Force (or their representatives) for whom access was requested, including law enforcement agencies, intergovernmental organizations, and nongovernmental organizations. The CENComm platform provides a secure communication system similar to email, designed for law enforcement purposes, where communication passes through encrypted channels to ensure security. All members of the Closed User Group are able, at their discretion, to send messages and information to any other members of the Closed User Group. Closed User Group members also have access to a digital library of documents which, for example, includes alerts and other relevant materials and information. This digital library is however a restricted-access platform, and only members of the User Group representing customs, police and wildlife and forest authorities have full access.

⁹ A WIRE meeting is a meeting convened by UNODC designed in response to the need for intensified cooperation in the investigation of transnational criminal networks. It offers a specialized platform to convene one category of officials at a time, with a view to build bridges among like-minded professionals from different countries.

¹⁰ A RIACM is a meeting convened by INTERPOL to support investigations and operational analytical work., in particular to follow-up on transnational investigations linking organized criminal networks through information exchange and the development of operational plans to target these networks.

¹¹ <http://www.wcoomd.org/en/topics/enforcement-and-compliance/instruments-and-tools/cen-suite/cencomm.aspx>

12. At the time of writing, Colombia, India, Indonesia, Myanmar, Singapore, the United States of America, Viet Nam, the International Union for the Conservation of Nature (IUCN), the South Asian Wildlife Enforcement Network (SAWEN), and Wildlife Reserves Singapore have requested access to the CITES Tortoise and Freshwater Turtles Task Force Closed User Group, and the registration of users was ongoing. Altogether more than 30 members of the Task Force and their representatives have requested access to the Closed User Group, the majority of whom are representing wildlife and forest authorities. At the time of writing, no users representing police authorities have been registered, and the Secretariat would like to encourage those Task Force members who have not yet requested access to the Closed User Group either for themselves or for their representatives, to do so. All members of the Task Force are also encouraged to, where appropriate, invite representatives from their national police authorities to request access to the Closed User Group.

Final remarks

13. Open source information indicates that illegal trade in tortoises and freshwater turtles continues in 2017, with numerous seizures and arrests having been reported in the period since CoP17. Examples include 330 ploughshare tortoises originating from Madagascar seized in Malaysia;¹² 97 Indian Star Tortoises returned to India after they were seized in Singapore;¹³ a turtle trafficker sentenced to 39 months' imprisonment by a Malaysian court after being found guilty of illegal possession of 20 Black Pond Turtles (*Geoclemys hamiltonii*);¹⁴ six traffickers each sentenced to 6 months' imprisonment by a Malaysian court for illegal possession of 1,300 Malaysian Box Turtles (*Cuora amboinensis*);¹⁵ and two arrests of traffickers attempting to smuggle in 2,089 living star tortoises in Sri Lanka.¹⁶
14. One undertaking worth noting is an operation code named "Operation Save Kurma", initiated by India, and conducted from 15 December 2016 to 30 January 2017. The operation focused specifically on major Indian states affected by poaching, transportation and illegal trade in live tortoises and freshwater turtles. During the operation, 15,912 live tortoises and turtles were seized. It is considered by India to be one of the largest numbers of these species seized in any operation in Southeast Asia to date. Fifty-five suspects were arrested during the operation, and India reported at the CITES Tortoise and Freshwater Turtles Task Force meeting that a number of investigations were still ongoing.
15. The successes achieved during "Operation Save Kurma" are commendable. It however also highlights the current scale of illegal trade in live tortoises and freshwater turtles, and the urgent need to step up efforts to combat it. The Secretariat is of the opinion that scaling up efforts through similar targeted operations in future, by Parties affected by this illegal trade, can significantly contribute to addressing illegal trade in tortoise and freshwater turtle specimens. All Parties affected by this illegal trade are therefore encouraged to initiate similar operations.

Recommendations

16. The Standing Committee is invited to:
- adopt the recommendations developed by participants to the CITES Tortoise and Freshwater Turtles Task Force as presented in paragraph 6 of the present document, including the amendments suggested by the Secretariat in paragraph 7 of the present document;
 - request the Secretariat to prepare a draft revised version of Resolution Conf. 11.9 (Rev. CoP13) on *Conservation of and trade in tortoises and freshwater turtles*, incorporating the revisions proposed in recommendation 4 d) i. to v. developed by participants of the CITES Tortoises and Freshwater Turtles Task Force, and taking into consideration the other recommendations developed by the Task Force and discussions at the present meeting, for consideration by the Standing Committee at its 70th meeting; and
 - note the success achieved during "Operation Save Kurma" initiated by India, and encourage Parties affected by significant levels of illegal trade in tortoises and freshwater turtles to consider undertaking similar operations in future.

¹² <http://news.sky.com/story/critically-endangered-tortoises-worth-200k-seized-at-malaysia-airport-10878453>

¹³ <http://indianexpress.com/article/india/97-smuggled-indian-star-tortoises-to-fly-back-from-singapore-to-india-4780878/>

¹⁴ <http://www.traffic.org/home/2017/5/23/turtle-trafficker-conviction-highlights-illegal-trade-threat.html>

¹⁵ <http://www.thestar.com.my/news/nation/2017/04/28/six-jailed-for-having-1300-turtles/>

¹⁶ <http://www.dailymirror.lk/article/Two-arrested-for-smuggling-star-tortoises-from-India-131098.html>