

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



Seventy-fourth meeting of the Standing Committee
Lyon (France), 7 - 11 March 2022

Species specific matters

Tortoises and freshwater turtles (*Testudines spp.*)

REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.

Background

2. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions 18.286 and 18.287 on *Tortoises and freshwater turtles (Testudines spp.)*, as follows:

18.286 Directed to Madagascar

Madagascar should:

- a) *review its implementation of Resolution Conf. 11.9 (Rev. CoP18) on Conservation of and trade in tortoises and freshwater turtles; and*
- b) *report to the 73rd meeting of the Standing Committee on its implementation of Resolution Conf. 11.9 (Rev. CoP18), including in its report, information on any seizures, arrests, prosecutions and convictions secured as a result of activities implemented to address illegal trade in tortoises from Madagascar.*

18.287 Directed to the Standing Committee

The Standing Committee shall review the report from Madagascar in accordance with Decision 18.286, and any recommendations from the Secretariat, and consider if any further measures need to be implemented by Madagascar to address illegal trade in tortoises as it affects the Party.

3. At its 73rd meeting (SC73, online, May 2021), the Standing Committee reviewed and considered documents [SC73 Doc. 24.1](#) and [SC73 Doc. 24.2](#) on *Tortoises and freshwater turtles (Testudines spp.)*, prepared by the Secretariat and Madagascar respectively. Based on its deliberations, the Committee agreed the following recommendations, as presented in paragraph 24 of summary record [SC73 SR](#):

a) *The Committee encouraged Madagascar to:*

- i) *scale up efforts to gather information and intelligence concerning the criminal networks operating within and from the country, to facilitate investigations that will go beyond frontline offenders such as the local poachers who are often at the lowest end of the illegal trade chain, targeting those individuals managing and organizing the illegal activities;*

- ii) *actively pursue the continued implementation of the different aspects of Resolution Conf. 11.9 (Rev. CoP18) on Conservation of and trade in tortoises and freshwater turtles, including through the active implementation of its Regional strategy to combat trafficking in radiated tortoises (Astrochelys radiata) in the Atsimo-Andrefana region (Stratégie régionale de lutte contre le trafic de tortues radiées « Astrochelys radiata » dans la région Atsimo Andrefana – in French only); and*
 - iii) *revise and update its existing endemic tortoise and freshwater turtle species identification materials and posters to inform the general public about these species and the importance of their conservation and protection, as well as to raise awareness amongst relevant national law enforcement agencies about the way these species are affected by wildlife crime and the importance of the fight against trafficking in these species.*
- b) *The Committee encouraged Parties, intergovernmental and non-governmental organizations implementing programmes in Madagascar or planning to do so, to take into consideration in their work programmes and activities, as appropriate and applicable, recommendations a) i) to iii) above, the provisions of Resolution Conf. 11.9 (Rev. CoP18), and the Regional strategy to combat trafficking in radiated tortoises (Astrochelys radiata) in the Atsimo-Andrefana region (Stratégie régionale de lutte contre le trafic de tortues radiées « Astrochelys radiata » dans la région Atsimo Andrefana – in French only); and*
 - c) *The Committee requested the Secretariat to continue to monitor illegal trade in tortoise and freshwater turtle species as it affects Madagascar, and the measures being implemented to address it, and to report back at its next meeting.*
 - d) *The Committee invited Madagascar to provide an update on seizures, arrests and prosecutions, including on the outcomes of the prosecutions, and on its work with different partners, at its next meeting.*
4. As invited by the Standing Committee, Madagascar submitted a report to the Secretariat in December 2021. The document prepared by Madagascar is available as document SC74 Doc. 80.2 and the report is available in the Annex to document SC74 Doc. 80.2. It also includes as an Annex a brochure on the United States Agency for International Development's (USAID) project on "Fight against corruption and wildlife trafficking" ("Projet sur la lutte contre la corruption et le trafic d'espèces"). The report and its Annex are available in French only.
 5. The present document summarizes key elements from the report submitted by Madagascar (paragraphs 6 to 22) and contains the observations and recommendations of the Secretariat (paragraphs 23 to 33).

Summary of reporting from Madagascar

6. The report received from Madagascar addresses the implementation of Resolution Conf. 11.9 (Rev. CoP18) on *Conservation of and trade in tortoises and freshwater turtles*, as outlined in Decision 18.286, paragraph a), as well as the recommendations agreed by the Standing Committee at SC73.

Conservation efforts

7. In its report, Madagascar provides details on conservation and management activities conducted regarding tortoise and freshwater turtle species, in particular concerning the reintroduction of radiated tortoises (*Astrochelys radiata*) to the wild. On 27 July 2021, a total of 1,000 radiated tortoises were returned to the wild, and a further 500 are being prepared for reintroduction.

Capacity-building to combat wildlife crime

8. Capacity-building activities targeting authorities working in areas where turtles occur were undertaken during 2021 with the aim of raising awareness amongst these authorities and strengthening law enforcement responses.
9. From March 2020 to March 2021, training in the investigation of wildlife crimes was provided to different authorities including judicial enforcement officers of the Ministry of Environment and Sustainable Development (MEDD), the national police, the gendarmerie, customs, and others. Eighty investigators received basic training, and 42 investigators received more advanced training. As a direct outcome, trained officers conducted an investigation which led to the arrest of a member of the security forces for a case

involving the trafficking of 193 radiated tortoise (*Astrochelys radiata*). Similar trainings will be conducted in the future, as part of an ongoing project implemented by TRAFFIC. A mentoring system will also be initiated to further strengthen investigative capacity.

- 10 The MEDD is considering the creation of a specialized judicial police unit to strengthen its interministerial coordination mechanism to combat wildlife crime more effectively. This unit would be created with the technical support from partners and funding from the United States of America's Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL).
11. According to Madagascar, representatives from Anti-Corruption Centres¹ working under the Ministry of Justice have a central role in dealing with offences involving corruption, money laundering, economic, financial, and other serious crimes. A capacity-building workshop organized by the National School of Judicial and Court Offices was held in August 2021, attended by magistrates from the Anti-Corruption Centres of Mahajanga, Antananarivo and the Court of Cassation of the Supreme Court of Madagascar. The aim of the workshop was, *inter alia*, to reinforce the "zero tolerance" campaign towards environmental crimes.
12. Madagascar also reports on activities undertaken in collaboration with local communities, such as community patrols in turtle habitat. Village patrollers were trained on smartphone use and the collection of patrol data for recording in the Spatial Monitoring and Reporting Tool (SMART). In recognition of the local community's collaboration in protecting the ploughshare turtle from poaching, festivals were held in two villages in August 2021, that brought together approximately 2,000 people from 18 villages in the vicinity. During these festivals, awards were given to 40 patrollers to recognize their work and motivate them to continue their patrolling activities.
13. In the Atsimo Andrefana Region, at the request of the Governor of the Region, the Ministry of Justice approved an update of the Traditional Convention (Dina²) in August 2020, noting that combatting trafficking of terrestrial and marine wildlife forms part of the Dina.

Prevention, detection, and response efforts

14. Madagascar reiterates in its report that the MEDD is actively pursuing a "zero tolerance" policy towards wildlife crime, which includes systematically appealing cases in which judgements were not satisfactory and the strengthening of controls regarding protected areas and trafficking routes, amongst others. Following Decree No. 2020-206 of 26 February 2020, the MEDD is working to establish an anti-corruption unit³ within the Ministry. That unit will be responsible for establishing good practice to prevent and address corruption within the Ministry. It will centralize all corruption related complaints received by the Ministry to ensure follow-up and facilitate investigation as appropriate.

Seizures, arrests, and prosecutions

15. Madagascar includes in its report a comprehensive table outlining seizures of tortoises and freshwater turtles, as well as arrests, prosecutions, and convictions of offenders, covering the period 2019 to 2021. The information was collected specifically for the purpose of the report to the Standing Committee.
16. According to the table, in 2019, a total of 20 seizures were made in Madagascar, involving 738 animals and an unspecified quantity of meat in one of the seizures. In one of these cases, a penalty of one-year imprisonment was imposed. In another, imprisonment of 6 months and a fine were imposed. One case is pending finalization in court and, in three cases, warrants have been issued for the suspects. No information regarding ongoing processes or penalties is provided for the other 14 cases reported upon.
17. For 2020, the table shows that a total of 13 seizures were made in Madagascar, involving 421 animals and an unspecified quantity of meat in one of the seizures. In four of these cases, imprisonment and a fine were imposed; in one case, a fine was imposed; one case was reprieved; and for one case the reporting is not

¹ *Pôle Anti-Corruption (PAC)*

² *In order to reduce discrepancy between national law and traditional customs and norms (called dina), Madagascar gradually decentralized the governance of natural resources to the local level. Rules regarding the use of resources are defined in a dina, which could be recognized by law. Enforcement procedures are hierarchical, starting at the village level and escalating to higher levels if enforcement fails.*

³ *Unité de Lutte contre la Corruption (ULC)*

clear and only states “Placed in MD”. No information regarding ongoing processes or penalties is provided for the other six cases reported upon.

18. For 2021, the table shows that a total of five seizures were made in Madagascar, involving 509 animals. In one of these cases, imprisonment and a fine were imposed; in one case, a suspended prison sentence and a fine were imposed; and two cases are ongoing. No information regarding ongoing processes or penalties is provided for one case reported upon.

International cooperation

19. Where tortoises and freshwater turtles from Madagascar are detected, seized, and confiscated by other Parties, activities are undertaken by Madagascar to pursue repatriation. Such repatriations were pursued in collaboration with the Comoros, France and Malaysia. Discussions are underway with Mozambique and the United Republic of Tanzania concerning the repatriation of turtles they seized. No further details on repatriations that may have taken place or that are being pursued are provided.

Public awareness

20. Regarding public awareness campaigns, Madagascar reports on a 2020 photo contest concerning radiated turtles, which was followed by an awareness campaign arranged in Antananarivo. by the Turtle Survival Alliance (TSA) in collaboration with the Foundation for Protected Areas and Biodiversity of Madagascar, Madagascar National Parks, the National Office of Tourism of Madagascar, the MEDD and other partners.
21. The MEDD and its branches in 2019 set up social media accounts to raise awareness and share information about cases of seizures and arrests that have taken place in their constituencies. No further information is however provided, and it is not clear from the reporting to what extent these social media tools have been used to date to concerning matters related to tortoises and freshwater turtles.

Intergovernmental and non-governmental organization support

22. Madagascar highlights several projects that are ongoing in the country to support its efforts in the fight against wildlife crime, including illegal trade in tortoises and freshwater turtles. This includes a Global Environment Facility GEF-7 project led by the United Nations Environment Programme (UNEP), projects being implemented in collaboration with TRAFFIC, and a USAID project targeting corruption and financial crimes.

Observations of the Secretariat

23. The Secretariat welcomes the capacity-building activities reported upon by Madagascar and encourages Madagascar to continue and further expand such activities. Madagascar is also encouraged to make dedicated efforts to increasingly involve representatives from the Anti-Corruption Center in investigations concerning wildlife trafficking, including cases involving the poaching and trafficking of tortoises and freshwater turtles. The Secretariat considers that this could be of great assistance in scaling up investigations to target not only the poachers, but also those individuals managing and organizing the illegal activities, associated corruption, and money laundering.
24. The Secretariat further welcomes the ongoing work of the MEDD to establish an anti-corruption unit within the Ministry, as elaborated upon in paragraph 14 above. This seems like an undertaking that could greatly enhance responses to address any corrupt activities that may be detected and facilitate appropriate follow-up and investigations. Madagascar is encouraged to pursue the establishment of the anti-corruption unit as a matter of priority.
25. Madagascar reports that, where tortoises and freshwater turtles from Madagascar are detected, seized, and confiscated by other Parties, activities are undertaken by Madagascar to pursue repatriation. It is however not clear from the report if, in addition to repatriation efforts, activities are undertaken to exchange information and intelligence with the aim of initiating investigations to address and bring to justice the criminals involved across the illegal trade chain. The Party is encouraged to expand its activities in this regard taking into consideration paragraph 15 j) of Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*.
26. Regarding the information on seizures, arrests, and prosecutions provided by Madagascar in response to recommendation d), agreed at SC73, the Secretariat notes that, for most of the cases, information on prosecutions and penalties are not provided. For the cases, where such information is provided, it is mostly

limited without indication of the penalty imposed. Where information on penalties is included, penalties of imprisonment ranged from 6 months to one year and, in one case, three month suspended prison sentences were imposed. Where the information is provided, the fine imposed was 10 million Malagasy Ariary (approximately USD 2,500), and fines for restitution of damage ranged from 200,000 Malagasy Ariary (approximately 50 USD) to 13 million Malagasy Ariary (approximately 3,250 USD).

27. Madagascar may wish to consider reviewing and amending its legislation taking into consideration paragraphs 15 e), f) and g) of Resolution Conf. 11.3 (Rev. CoP18). Undertaking such work will also be in line with the recommendations resulting from the implementation of the International Consortium on Combating Wildlife Crime (ICWC) *Wildlife and Forest Crime Analytic Toolkit* in the country. One of the recommendations is to incorporate into the penal code the various general laws on corruption, money laundering, transnational organized crime and terrorism.
28. As reported at SC73, the United Nations Office on Drugs and Crime (UNODC) is working with relevant authorities in Madagascar to support the implementation of the ICCWC Toolkit recommendations. UNODC also continues to engage with national authorities and partner agencies to undertake a port assessment in support of the potential establishment of a [Container Control Programme](#) Port Unit. Engagement concerning arrangements for an *ICCWC Indicator Framework for Combating Wildlife and Forest Crime* workshop to be held in Madagascar is also led by UNODC on behalf of ICCWC. This workshop was supposed to take place in 2021. However, due to travel restrictions associated with the COVID-19 pandemic, UNODC has postponed the implementation of the ICCWC Indicator Framework to 2022.
29. The Secretariat notes the information provided by Madagascar on projects led by various other stakeholders, to support the Party in its efforts to address wildlife crime. Parties, intergovernmental and non-governmental organizations implementing programmes or projects in Madagascar or planning to do so are encouraged to continue to take into consideration in their work programmes activities specifically aimed at supporting Madagascar to address poaching and trafficking in tortoises and freshwater turtles, as indicated in recommendation b) agreed at SC73.
30. The extent to which activities were conducted to revise and update existing endemic tortoise and freshwater turtle species identification materials and posters as anticipated by recommendation a) iii) is not clear from the information provided by Madagascar. Madagascar may wish to provide an oral update in this regard at the present meeting.
31. Room for improvement regarding the successful prosecution of cases continues to exist as information on prosecutions and convictions is lacking for 21 out of the 38 cases reported upon. It further seems that enforcement efforts continue to focus on the poachers and lower-level offenders. Work is needed to expand activities to gather information and intelligence concerning the criminal networks operating within and from Madagascar. This would lead to the targeting of those individuals managing and organizing the illegal activities within the country as outlined in recommendation a) i).
32. The Secretariat welcomes the information provided by Madagascar on the reintroduction of radiated tortoises (*Astrochelys radiata*) seized from illegal trade to the wild. The Secretariat commends Madagascar for its work in this area. The number of animals reintroduced however also reaffirms that numbers of tortoises and freshwater turtles in Madagascar affected by illegal trade remains high. The information on repatriation efforts and seizures also indicates that smuggling and illegal trade continues. With 509 animals seized during the course of 2021 according to the report and with a further 868 radiated tortoises seized by authorities in Madagascar in January 2022 according to [open source information](#), the ongoing nature of poaching and trafficking concerning these species affecting Madagascar is evident.

Recommendations

33. The Secretariat invites the Standing Committee to:
 - a) welcome the work undertaken and initiatives ongoing in Madagascar to respond to and address wildlife crime, including illegal trade in tortoises and freshwater turtles;
 - b) note the ongoing nature of poaching and trafficking in tortoises and freshwater turtles affecting Madagascar, and encourage its national authorities to:
 - 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 15 e), f) and g) of Resolution Conf. 11.3 (Rev. CoP18) 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 its 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.
- c) request the Secretariat to continue to monitor illegal trade in tortoise and freshwater turtle species as it affects Madagascar, and the measures being implemented to address it, and to bring any matters of concern that may arise to the attention of the Standing Committee.
 - d) agree that Decisions 18.286 and 18.287 have been implemented.