

CONVENTION SUR LE COMMERCE INTERNATIONAL DES ESPECES
DE FAUNE ET DE FLORE SAUVAGES MENACEES D'EXTINCTION



Dix-neuvième session du Comité pour les animaux
Genève (Suisse), 18 – 21 août 2003

Conservation et commerce des tortues d'eau douce et des tortues terrestres
[résolution Conf. 11.9 (Rev. CoP12) et décision 12.43]

APPLICATION DE LA RESOLUTION CONF. 11.9 (REV. COP12)
ET DES DECISIONS 12.41, 12.42 ET 12.43

1. Le présent document a été préparé par le Secrétariat.

Contexte

2. A sa 12^e session (CdP12, Santiago, 2002), la Conférence des Parties a adopté la résolution Conf. 11.9 (Rev. CoP12), Conservation et commerce des tortues d'eau douce et des tortues terrestres (voir annexe 1), et les décisions 12.41, 12.42 et 12.43 suivantes:

A l'adresse des Parties

12.41 *Toutes les Parties autorisant le commerce de tortues terrestres et de tortues d'eau douce devraient soumettre au Secrétariat six mois au moins avant la 13^e session de la Conférence des Parties, un rapport détaillé suivant une présentation normalisée, pour indiquer les progrès accomplis dans la mise en œuvre des recommandations contenues dans la résolution Conf. 11.9 (Rev. CoP12), Conservation et le commerce des tortues terrestres et des tortues d'eau douce.*

A l'adresse du Secrétariat

12.42 *Le Secrétariat préparera une présentation normalisée pour ces rapports, évaluera les rapports et les informations qu'il aura reçues, et en soumettra un résumé par écrit à la 13^e session de la Conférence des Parties.*

A l'adresse du Comité pour les animaux

12.43 *Avant la 13^e session de la Conférence des Parties, et en collaboration avec le Secrétariat, les autorités scientifiques et les organes de gestion des Etats de l'aire de répartition connus de Malacochersus tornieri (tortue de Tornier), le Comité pour les animaux, en particulier son groupe de travail sur les tortues terrestres et les tortues d'eau douce:*

- a) *examinera la biologie, la variabilité génétique, la conservation et la répartition de cette espèce dans la nature;*

- b) *évaluera les systèmes actuels de production de cette espèce dans le but de donner des avis sur les pratiques adéquates de contrôle, de gestion et de suivi;*
- c) *envisagera les systèmes appropriés d'identification et de marquage des spécimens dans le commerce et des stocks reproducteurs en captivité; et*
- d) *donnera des avis sur les besoins en matière de formation et de renforcement des capacités pour gérer et contrôler le commerce de cette espèce.*

Résolution Conf. 11.9 (Rev. CoP12)

3. La recommandation du Comité pour les animaux acceptée à la CdP12 était que son groupe de travail sur les tortues d'eau douce et les tortues terrestres soit maintenu après la CdP12 afin de suivre l'application de la résolution Conf. 11.9 (Rev. CoP12) et de donner suite aux recommandations et aux conclusions formulées lors de l'atelier technique sur la conservation et le commerce des tortues d'eau douce et des tortues terrestres tenu à Kunming, Chine, du 25 au 28 mars 2002 (voir document CoP12 Doc. 10.1, point 99).
4. A cet égard, le Secrétariat souhaite attirer l'attention du Comité sur le paragraphe h) de la résolution, qui prie instamment:
 - h) *toutes les Parties, notamment en Asie, de collaborer sur tous les aspects de la conservation et de la gestion, du commerce et de l'application de la Convention en ce qui concerne les tortues terrestres et les tortues d'eau douce, tenant compte des recommandations formulées à l'atelier technique sur la conservation et le commerce des tortues terrestres et des tortues d'eau tenu à Kunming, Chine, du 25 au 28 mars 2002;*
5. Les recommandations de l'atelier de Kunming ont été élaborées par des groupes de travail sur le contrôle du commerce et la lutte contre la fraude, la gestion de la conservation, et l'application de la CITES et les besoins et techniques de renforcement des capacités; elles indiquaient des actions à entreprendre en vue de la conservation et du commerce durable des tortues d'eau douce et des tortues terrestres (voir annexe 2).
6. Pour aider les Parties à appliquer le paragraphe h) de la résolution, le groupe de travail du Comité pour les animaux pourrait envisager d'actualiser, regrouper et clarifier les recommandations issues de l'atelier de Kunming et d'en établir les priorités, tout en tenant compte des aspects pratiques et de leur faisabilité, ainsi que des coûts qu'elles impliquent. Dans ce contexte, les documents AC19 Doc. 15.1 et AC19 Doc. 15.2 seraient aussi à prendre en considération. Le groupe de travail pourrait aussi voir si des avis concrets ou des recommandations aux Parties et aux Etats des aires de répartition ne pourraient pas être élaborés concernant d'autres éléments de la résolution.

Décisions 12.41 et 12.42

7. Reconnaissant l'ampleur de la tâche actuelle des Parties dans l'établissement de rapports, le Secrétariat estime que les obligations supplémentaires prévues à ce sujet dans la décision 12.41 ne devraient s'appliquer qu'aux Parties pour lesquelles certains aspects de la conservation et du commerce des tortues d'eau douce et des tortues terrestres sont des questions significatives. La présentation des rapports devrait être claire et conçue de manière que les informations fournies soient aussi significatives et utiles que possible pour les Parties concernées. Les Parties devraient pouvoir les utiliser quand elles préparent les stratégies de gestion et les plans d'action (régionaux) demandés au paragraphe j) de la résolution. Lorsqu'elles auront été regroupées et que leurs priorités auront été établies, les activités et les recommandations de l'atelier de Kunming pourraient être incluses dans les rapports sur la mise en œuvre des parties a) à j) de la résolution.

Décision 12.43

8. La décision 12.43, proposée par le Kenya, concerne la conservation et le commerce de *Malacochersus tornieri* (tortue de Tornier). A la CdP12, le Kenya a expliqué que des recherches sur la répartition géographique des populations sauvages de l'espèce avaient été entreprises au Kenya et en République-Unie de Tanzanie. La délégation de l'Ouganda a indiqué que l'espèce était également

présente dans son pays. Le Secrétariat estime qu'il y a encore des incertitudes quant à la répartition géographique de l'espèce et que le Comité pour les animaux devrait donc poursuivre ses travaux. La décision 12.43 a été adoptée pour répondre à ces préoccupations.

9. Certaines mesures de gestion devant être élaborées pour *M. tornieri* pourraient être applicables à d'autres tortues terrestres et Etats d'aires de répartition; le Secrétariat prône la préparation de recommandations génériques là où c'est approprié et pratique. Cela concerne, par exemple, des systèmes d'identification et de marquage appropriés pour les spécimens commercialisés et pour les stocks reproducteurs tenus en captivité dans les Etats des aires de répartition (paragraphe c), des avis sur le contrôle adéquat, les pratiques de gestion et de suivi (paragraphe b), et des avis sur les besoins de formation et de renforcement des capacités pour gérer et contrôler le commerce (paragraphe d).
10. Le groupe de travail du Comité pour les animaux pourrait envisager d'élaborer un mandat pour une étude de la tortue de Tornier pour entreprendre les activités énumérées dans la décision 12.43. Ces activités pourraient inclure des études de terrain, des évaluations des stocks, les méthodes et l'action de production, l'évaluation des méthodes de marquage disponibles, et l'élaboration de mesures de gestion pratiques et de protocoles de suivi. Le Secrétariat a réuni des fonds limités pour aider à mettre en œuvre cette décision.

Conf. 11.9 (Rev. CoP12)*

**Conservation et commerce
des tortues d'eau douce et
des tortues terrestres**

SACHANT que le commerce international global des tortues d'eau douce et des tortues terrestres porte chaque année sur des millions de spécimens;

RECONNAISSANT que presque toutes les espèces asiatiques de tortues d'eau douce et de tortues terrestres sont commercialisées et que plusieurs espèces sont déjà inscrites à l'Annexe I ou à l'Annexe II;

OBSERVANT que les prélèvements de tortues d'eau douce et de tortues terrestres sont effectués dans le cadre d'un large réseau informel de poseurs de pièges, de chasseurs et d'intermédiaires, et que l'ampleur des prélèvements et les quantités commercialisées sont considérables, en particulier en Asie;

CONSIDERANT en outre que les populations sauvages de tortues terrestres et de tortues d'eau douce sont en général vulnérables faces à la surexploitation en raison de leurs caractéristiques biologiques – maturité tardive, faible potentiel reproducteur annuel, mortalité juvénile élevée – et de la dégradation et la disparition de leur habitat;

NOTANT qu'il y a deux types importants de commerce de tortues d'eau douce et de tortues terrestres – le commerce, en grande quantité, de leurs parties destinées à la consommation et à la médecine traditionnelle, et le commerce des espèces vendues comme animaux de compagnie;

SACHANT que certaines espèces de tortues terrestres et de tortues d'eau douce sont élevées en grand nombre dans les Etats des aires de répartition et ailleurs, pour répondre à la demande de produits alimentaires ou de produits utilisés en médecine traditionnelle, et que les risques et les avantages pour la conservation de l'élevage commercial à grande échelle des tortues terrestres et des tortues d'eau douce sont mal connus;

NOTANT que souvent, le transport des tortues d'eau douce et des tortues terrestres vivantes n'est pas effectué conformément aux Articles III, IV et V de la Convention, et que souvent, leur transport aérien, en particulier, n'est pas effectué conformément à la réglementation de l'IATA;

ADMETTANT que le commerce non réglementé ou non durable des tortues terrestres et des tortues d'eau douce représente une menace importante aux populations dans la nature, et que la coopération internationale est nécessaire pour éliminer rapidement ces menaces;

RAPPELANT que l'atelier technique sur la conservation et le commerce des tortues terrestres et des tortues d'eau douce tenu à Kunming, Chine, du 25 au 28 mars 2002, a émis des recommandations concernant la gestion de la conservation, la mise en œuvre de la CITES, la lutte contre la fraude, le contrôle du commerce et les besoins en matière de renforcements des capacités, ainsi que des suggestions pour amender la résolution Conf. 11.9, qui ont été communiquées par le Secrétariat au Comité pour les animaux;

* *Amended at the 12th session of the Conference des Parties.*

LA CONFERENCE DES PARTIES A LA CONVENTION

PRIE instamment:

- a) toutes les Parties, en particulier les Etats des aires de répartition des tortues d'eau douce et des tortues terrestres d'Asie ainsi que les pays d'exportation et les pays d'importation de ces tortues, d'améliorer et de renforcer de toute urgence l'action qu'ils mènent pour faire respecter leur législation;
- b) toutes les Parties, en particulier les Etats des aires de répartition des tortues terrestres et des tortues d'eau douce d'Asie ainsi que les pays d'exportation et d'importation de ces tortues, d'améliorer la coopération entre les organismes chargés de faire appliquer les lois relatives aux espèces sauvages aux niveaux national et international concernant le contrôle du commerce des tortues terrestres et des tortues d'eau douce, et entre les organismes de lutte contre la fraude et les autorités nationales CITES;
- c) toutes les Parties, en particulier les Etats des aires de répartition des tortues d'eau douce et des tortues terrestres d'Asie, d'évaluer la gestion actuelle de leurs populations et de l'améliorer – en établissant, par exemple, des quotas qui tiennent compte des caractéristiques biologiques des tortues terrestres et des tortues d'eau douce;
- d) toutes les Parties de préparer et de réaliser des programmes de recherche pour identifier les espèces faisant l'objet d'un commerce, pour suivre et évaluer les effets du commerce sur les populations sauvages, et pour évaluer les risques et les avantages pour la conservation de l'élevage commercial à grande échelle de tortues terrestres et de tortues d'eau douce;
- e) toutes les Parties dont la législation ne leur permet pas de contrôler effectivement les prélèvements non durables de tortues d'eau douce et de tortues terrestres, d'adopter des textes législatifs pour protéger et gérer adéquatement ces espèces;
- f) toutes les Parties de sensibiliser l'opinion publique aux menaces qui pèsent sur les tortues d'eau douce et les tortues terrestres du fait des prélèvements non durables et du commerce non réglementé;
- g) toutes les Parties d'étudier les moyens de faire participer chasseurs, commerçants, exportateurs, importateurs et consommateurs à la conservation et au commerce durable des tortues d'eau douce et des tortues terrestres;
- h) toutes les Parties, notamment en Asie, de collaborer sur tous les aspects de la conservation et de la gestion, du commerce et de l'application de la Convention en ce qui concerne les tortues terrestres et les tortues d'eau douce, tenant compte des recommandations formulées à l'atelier technique sur la conservation et le commerce des tortues terrestres et des tortues d'eau tenu à Kunming, Chine, du 25 au 28 mars 2002;
- i) toutes les Parties, notamment en Asie, d'élaborer, conformément à la résolution Conf. 10.7, des plans d'action applicables sans délai en cas de saisie de spécimens vivants de tortues terrestres et de tortues d'eau douce; et
- j) les Etats des aires de répartition des tortues terrestres et des tortues d'eau douce d'élaborer, en collaboration avec le Secrétariat, des représentants de l'industrie, des organisations gouvernementales et non gouvernementales intéressées, et d'autres parties prenantes, selon le cas, des stratégies pour la gestion des tortues terrestres et des tortues d'eau douce inscrites aux annexes CITES, y compris des plans d'action régionaux pour la conservation des tortues terrestres et des tortues d'eau douce d'Asie; et

CHARGE le Secrétariat de fournir une assistance en obtenant des ressources financières des Parties, des institutions spécialisées des Nations Unies, des organisations intergouvernementales et non gouvernementales, des associations commerciales, de l'industrie et, s'il y a lieu, d'autres entités, pour fournir une aide financière aux Etats des aires de répartition qui en ont besoin et qui en ont fait la demande, afin qu'ils puissent élaborer et mettre en œuvre des stratégies et des plans d'action pour la gestion des tortues terrestres et des tortues d'eau douce inscrites aux annexes CITES, conformément à la présente résolution.

TECHNICAL WORKSHOP ON TRADE IN FRESHWATER TURTLES AND TORTOISES IN ASIA
KUNMING, YUNNAN PROVINCE, PEOPLE'S REPUBLIC OF CHINA, 25-28 MARCH 2002

1. Decision 11.150 directs the Secretariat, subject to available funds, to convene a technical workshop in order to establish conservation priorities and actions to achieve sustainable trade in freshwater turtles and tortoises.
2. With financial support from the Government of Germany, the US Fish & Wildlife Service of the United States of America, the Government of Netherlands, Chelonian Research Foundation, Conservation Treaty Support Fund, Deutsche Gesellschaft fur Herpetologie und Terrarienkunde, the Humane Society of the United States, the Van Tienhoven Stichting, and WWF-US/TRAFFIC North America, sufficient funds could be secured to organize the technical workshop on conservation of and trade in freshwater turtles and tortoises in Kunming, China, from 25 to 28 March 2002.
3. The Chairman of the Animals Committee, the Animals Committee representatives from North America, Asia, Africa and Europe, representatives from Cambodia, China, Germany, India, Indonesia, Malaysia, Myanmar, Pakistan, Papua New Guinea, Thailand, Singapore, the United States of America and Viet Nam, and from Non Governmental Organisations (TRAFFIC, Conservation International, Kadoorie Farm and Botanical Garden, IUCN/SSC), and the CITES Secretariat participated in the workshop.
4. The objectives of the workshop were the following:
 - a) to establish conservation priorities and actions to achieve sustainable trade in tortoises and freshwater turtles in Asia;
 - b) to consider specific actions to follow up on and to implement recommendations elaborated at the workshop on trade in terrestrial and freshwater turtles and tortoises in Asia (Cambodia, December 1999), particularly those related to regulation and management of trade in CITES-listed species, the future role of CITES, trade monitoring and controls, national legislation and regulations, captive breeding and ranching, conservation management and research priorities, enforcement and capacity building;
 - c) to formulate findings and recommendations at the workshop for reporting to the Animals Committee before CoP12.
5. During the workshop, general overviews on the trade and conservation status of freshwater turtles and tortoises in Asia, national and regional reports, and contributions from NGOs were presented. Working groups on enforcement and trade controls, conservation management and CITES implementation, and capacity-building needs and activities were tasked with formulating specific actions and conservation priorities*.
6. As required under Decision 11.150, the Secretariat shall report the findings and recommendations of the workshop to the Animals Committee before CoP12, on the basis of which the Animals Committee may wish to formulate recommendations for consideration at CoP12. These could for instance include amendments to Resolution Conf. 11.9.

* See Annex 3 of the present document.

FINDINGS AND RECOMMENDATIONS OF THE WORKING GROUPS

Findings and recommendations of the working group on trade controls and enforcement

The tasks in the Terms of Reference were grouped under five broader headings, and actions to follow up on the recommendations elaborated at the workshop on conservation and trade of freshwater turtles and tortoises in Asia (Cambodia, December 1999) were also taken into consideration.

1. Task 1: Legislation

a) Objectives:

- i) Identify gaps in current legislation in Asian countries concerning the conservation of and trade in turtles and tortoises, and propose measures to address these gaps.
- ii) Review current status of trade controls in the Asian range countries

b) General review:

- i) Most countries are in the process of improving the legislation and addressing gaps
- ii) Identified gaps include: insufficient coverage of CITES species (no Appendix III or only domestic species); means to update species lists after each CoP and use of scientific names; common names and trade names; required compliance with IATA regulations; use of labels to prove existence of CITES species in product; control of transit and transshipment; consistency among wildlife, Customs and other relevant legislation; clarification of institutional responsibilities and coordination mechanism; and adequate penalty levels)
- iii) Many Asian countries have a wildlife policy and legislation banning the import and export of domestic freshwater turtles and tortoises (as well as other domestic wildlife). This means that most of the transboundary movement of these turtles and tortoises is illegal but not always easy to detect unless CITES or other documents are required and checked. The policy of Malaysia needs to be clarified. Both Indonesia and Malaysia set export quotas.
- iv) Permits issued by fisheries departments refer only to FWTT and do not specify species. The MA does not have "access" to the regulations applicable to FWTT (Indonesia).

c) Recommendations:

- i) Legislation must meet the four requirements for CITES implementation. Most Asian countries do not yet have adequate legislation.
- ii) If applicable, countries should submit a CITES Legislation Plan to the Secretariat by 31 May 2002.
- iii) Countries should continue working to reach Category 1 status and thereafter continue to strengthen the legislation. Legislation also should have flexibility where needed. Use list of identified gaps to determine whether other gaps exist in legislation and address those gaps.
- iv) Countries interested in becoming a Party to CITES should first evaluate the adequacy of their legislation and other implementation needs, and develop a plan to address those.
- v) Request legislative assistance from countries in Category 1, other neighbouring countries and Secretariat, if needed.

- vi) Check sufficiency of authority to control transit in accordance with Resolution Conf. 9.7.
- vii) FWTT of priority concern should be placed on CITES Appendices in order to better control transboundary movements.
- viii) Institutional clarification and coordination should focus inter alia on the role of fisheries departments and the need to have power to deal with unprotected species, nationally protected species and CITES species. The respective roles of sectoral agencies as well as local, provincial and central authorities should be clear, consistent and complementary.
- ix) It might be helpful to reconsider wildlife trade policies/legislation as total bans on domestic and/or international trade do not seem effective and may be contributing to illegal trade
- x) Many range States will be participating in the upcoming Regional CITES Legislation Workshop (Hong Kong SAR, 22-26 April 2002) and TETF Wildlife Law Enforcement Training Course, 13-24 May 2002). These should provide useful follow-up to the FWTT workshop.

2. Task 2: Enhanced enforcement

a) Objectives:

- i) Identify measures that will enhance enforcement of existing national regulations.
- ii) Assess the situation regarding prosecuting and penalising infractions [from seizure to prosecution], and suggest measures as appropriate.

b) General review:

- i) Several identification guides on FWTT have been developed in various local languages as well as English, French and Spanish.
- ii) Some countries have regular informants and funds to reward information leading to conviction.
- iii) Some countries have systems for rewarding good enforcement actions.
- iv) A number of countries lack sufficient follow-up action after seizure.
- v) Sometimes a lack of exchange of information between importing and exporting countries exists.
- vi) Several countries have regular CITES training for enforcement officers.
- vii) Many countries have done market monitoring and spot checks but not on a regular basis.
- viii) Softshell and hardshell turtles should be separated when discussing international trade (China).
- ix) When Cuora spp was listed on App II, traders shifted to other species (China).
- x) Taking into account the need to maintain scarce natural sites, integrated conservation and development projects are a mechanism to manage bioresources. (Viet Nam)

c) Recommendations:

- i) Use participant contact information from this workshop and email to improve information exchange. Consider a national intranet among enforcement authorities.
- ii) The Regional Representative to the Standing Committee (for this region, China) should keep an updated list of national contact persons which would supplement the CITES Directory.

This should be distributed regularly to CITES authorities, including enforcement authorities, in the region.

- iii) Encourage the provision of intelligence information by regular informants, traders, NGOs, the public and others by the use of web sites, a hotline, brochures in post offices, airports/airlines and ports, training and the payment of rewards for information that leads to convictions. The Secretariat should continue to provide intelligence information.
- iv) Arrange wider distribution of identification information, especially simple guides in local languages for field use, through additional hard copies for enforcement officers, CD-ROMs and a special web site for identification guidance.
- v) Improve analysis of intelligence by the use of specialized intelligence officers and assistance from Interpol.
- vi) The Secretariat should continue the development of a handbook on wildlife crime for the judiciary that would describe the approaches by various countries.
- vii) Market monitoring and spot checks should be continued.
- viii) Digital photos and expert groups like the IUCN/SSC specialist group should be used for obtaining expert identification advice. Funds should be sought to purchase digital cameras and computers for those countries that do not have them.
- ix) Large seizures of illegally traded specimens should be reported to Secretariat.
- x) There should be a network of forensic labs (Thailand).
- xi) Designation of import ports, more careful permit confirmation, better transit control can help enforcement (China).
- xii) Initiatives like the Independent Commission Against Corruption (Hong Kong SAR) could be considered.
- xiii) Enforcement needs to focus on trends and take a strategic approach (India).
- xiv) Profiles of offenders should be developed and shared with photos and key information (India).
- xv) Customs should have copies of the MA Directory so that they know who to contact in other countries (India).
- xvi) Overall trade needs to be better documented as it does not reflect actual exports (Indonesia)

3. Task 3: Confiscation and disposal

- a) Objective: Provide recommendations to establish effective confiscation policies, and offer recommendations regarding the disposal of confiscated specimens.
- b) General review:
 - i) All countries have the power to confiscate specimens in illegal trade. In Hong Kong SAR, it is mandatory to confiscate such specimens.
 - ii) Most of the countries have wildlife rescue centres. Some of these centres also do breeding while breeding centres are separate in other countries. Thailand has the only specialized FWTT rescue centre but China uses its general wildlife rescue centres to deal with FWTT.
 - iii) Most countries follow the disposal guidance provided in Resolution Conf. 10.7. The preference, if possible, is to return native species seized domestically to the wild. Exotic

specimens often are given to zoos or breeding centres. A number of countries have difficulties dealing with large quantities of confiscated common species.

iv) Countries discussed possible support available from the Turtle Survival Alliance, taking into consideration whether confiscated species are native or exotic.

c) Recommendations:

i) Countries should be very cautious in returning confiscated species to the wild (because of potential for disease, return to inappropriate habitat and disruption of existing wild population) and follow Resolution Conf. 10.7 as well as the IUCN guidelines for reintroduction. New protocols being developed by IUCN also should be useful in the future.

ii) Many countries expressed interest in the identification or establishment of regional rescue centres, perhaps one in each habitat zone (temperate, subtropical and tropical).

iii) In principle, countries expressed interest in the support offered by the Turtle Survival Alliance. They suggested, however, that this support should be focused on building local capacity to hold, breed and reintroduce confiscated specimens. TSA could assist in the development of a network of rescue and breeding centres to help enhance the exchange of information and experience.

iv) The management of rescue and breeding centres should be strengthened through the development of regulations, if they do not already exist.

v) The USA, Canada and Mexico have an MOU for the return of confiscated specimens. This could be a useful model though the main problem is expense.

4. Task 4: Compliance incentives

a) Objectives:

i) Identify measures that will enhance compliance with national regulatory measures including incentives and collaboration with trade associations

ii) Assess ways to improve monitoring of export quotas.

b) General review:

i) All countries accept the idea of compliance incentives but few have actually tried them. Others are considering them seriously but need to further explore their consistency with national law and practice.

ii) Hong Kong SAR has close contact with trade associations, including consultations with traders on potential legislative amendments.

iii) Several other countries have contact with local trade associations and require the registration of traders. There are no specialized trade associations for FWTT, however.

iv) Several countries "blacklist" companies that violate import and export regulations.

v) Indonesia monitors its export quotas by incorporating them into the computerized permit system. Most countries do not allow trade in FWTT so there is no need for export quotas and other countries like China and Viet Nam do not set export quotas for FWTT.

c) Recommendations:

i) Efforts should be made to identify regular traders in FWTT.

ii) Traders should be consulted before new legislative or other controls are adopted.

- iii) Trade associations should be used to distribute CITES-related information.
- iv) Workshops or seminars with traders should be used to raise awareness about CITES and relevant legislation.
- v) NGOs or government agencies could organize heads of companies to sign statements that they will not eat FWTT.
- vi) Financial (e.g. subsidies) and technical support should be provided to breeding facilities to reduce wild turtle trade.
- vii) Continue monitoring catch/export quotas and breeding populations.
- viii) Use of Harmonized Customs Code (10 codes addressing FWTT) can assist in trade control (China).
- ix) There is a need to sensitize and increase collaboration with transport sector (e.g. rail, road, air, sea) to deal with illegal trade (India).
- x) Need to increase the awareness of rural communities and identify economic alternatives (Viet Nam). This may be in the capacity building segment but perhaps should be highlighted. These are key issues in the bushmeat trade area as well.

5. Task 5: Cooperation

a) Objective:

- i) Provide suggestions for improving national collaboration between MA, SA and relevant enforcement agencies.
- ii) Formulate actions that can lead to better collaboration amongst Asian countries with respect to controlling international trade in tortoises and turtles.

b) General review:

- i) Hong Kong SAR has an Endangered Species Protection Liaison Group composed of the Management Authority, Customs and the Police which meets regularly. Thailand's legislation requires that CITES authorities must consult each other. Other countries have informal cooperation among the MA, SA and enforcement authorities. China is working to establish a coordination body for enforcement matters.
- ii) Regional cooperation is assisted by ASEAN (10 countries in the region) and bilateral agreements among some countries.
- iii) Indonesia and Malaysia have an MOU on forestry and could extend it to wildlife.

c) Recommendations:

- i) Cooperation between non-ASEAN and ASEAN countries should be strengthened. China's protocol with ASEAN could be extended to wildlife trade issues. The Memorandum of Understanding between Thailand and Malaysia on CITES, including regular meetings and information exchange, could be used as an example for other bilateral arrangements between countries that share borders (e.g. between Thailand and Cambodia and between Thailand and Myanmar). Papua New Guinea and Indonesia could extend their current border liaison, which has an environment component, to include CITES matters.
- ii) The ASEAN Memorandum of Understanding on sea turtles could be used as a model for a similar agreement or cooperative arrangement among workshop countries on FWTT.

- iii) Direct bilateral communication should be used to address enforcement issues but regional focal points and the Secretariat can be asked to facilitate if necessary.
- iv) There is a need to liaise with health and veterinary officials on health regulations that limit or ban trade in or use of wild species (China).
- v) Lao PDR should be brought into the CITES family in order to have better regional coordination and control.
- vi) Missions undertaken by China to Malaysia, Singapore and Thailand to observe the systems in place and discuss needs could be good example (China)

Findings and recommendations of the working group on conservation management and CITES implementation

6. The working group addressed each of the tasks that were provided in its Terms of Reference, and considered actions to follow up on the recommendations elaborated at the workshop on conservation and trade of freshwater turtles and tortoises in Asia (Cambodia, December 1999).
 - a) Identify means to improve the implementation of Article IV in Asia [aimed at MA and SA].
 - i) The Secretariat should provide Guidelines to Asian range States for the making of non-detriment findings for the exportation of CITES Appendix-II listed species of tortoises and freshwater turtles, for the establishment of export quotas, and for developing monitoring protocols. These Guidelines could tie into generic adaptive management frameworks that take into consideration the ecological and biological characteristics of tortoises and freshwater turtles [e.g. differentiate between “soft shell” and “hard shell” species; between habitat specialist and generalists; reflecting distinctive reproduction strategies; etc.]. Adaptive management frameworks and Guidelines should be applicable to both CITES-listed and non-listed species.
 - ii) The Scientific and Management Authorities in Asian range States should be trained in the making of Non-Detriment Findings, in developing management programmes and in monitoring compliance with Article IV. The Secretariat is requested to organise one of its CITES regional capacity building workshop in 2003 in Asia to assist in this effort.
 - iii) In making non-detriment findings, the particular biology of tortoises and freshwater turtles should be taken into consideration. The harvesting of wild adults should be limited and precautionary because the removal of slow growing, mature animals may have significant impacts on the viability of the population that is targeted. Although it may generally be perceived as preferable to harvest small (juvenile) individuals, it was noted that unlike in tortoises, the offtake of juveniles in wild populations of freshwater turtles is relatively easy, that the removal of certain age classes may negatively impact wild populations, and that in practice, all age classes are often harvested. Also, juveniles do not necessarily or readily meet the demand for turtles and tortoises in the food and medicinal markets.
 - iv) Cooperation between CITES Management and Scientific Authorities at a regional level in (Southeast) Asia is important, and the countries in the region are encouraged to seek an appropriate mechanisms to achieve regular coordination through [annual or bi-annual] regional meetings, existing regional agreements [e.g. ASEAN], the establishment of contact groups, or other manners.
 - v) The Asian regional representative on the CITES Standing Committee could take initiatives in this respect or assist in organising a meeting for CITES authorities in the region.
 - b) Assess the need to revise Resolution Conf. 11.9 and/or to establish links with Decision 11.166, and formulate recommendations in this regard.
 - i) Decision 11.166 was not evaluated by the working group.

- ii) The following amendments and additions to Resolution Conf. 11. 9 are suggested for consideration by the working group on tortoises and freshwater turtles of the Animals Committee, which will convene at AC 18 (8-12 April 2002):
 - iii) In the paragraphs of the operational part under URGES:
 - "consuming" should be changed into "importing"
 - after "quotas" add "that take into account the particular biology of tortoises and freshwater turtles."
 - iv) Additional elements that could be added to the operational part under URGES:
 - h) *Parties in the Asia region to collaborate on all aspects of conservation of and trade in tortoises and freshwater turtles;*
 - i) *Asian Parties, in compliance with Resolution Conf. 10.7, to develop a plan of action that can be executed without delay in the event that live specimens of tortoises and freshwater turtles are seized.*
 - v) Further considerations:
 - Some form of reporting [to the Secretariat, the AC and/or CoP] on progress in implementing the different actions that the Parties are urged to undertake should be considered. This could be in the form of a CoP12 Decision or an amendment to the Resolution. It was recognised that the existing reporting duties of CITES Parties are considerable. Additional reporting should therefore only target those Parties that are most concerned by the trade in and conservation of tortoises and freshwater turtles, and require for information that would make the reports as meaningful and useful as possible to these Parties.
 - Parties should explore ways in which government income directly derived from trade in tortoises and freshwater turtles through taxation, fees or other forms of charges can be reinvested in activities that benefit the conservation management of the species concerned and that improve baseline knowledge and research capacity. A recommendation along these lines could be incorporated into the Resolution.
- c) Formulate recommendations regarding the listing of turtle species under CITES Appendices.
- i) The working group participants generally agree that all the remaining non-CITES listed species of Asian turtles should be listed under the Appendices of CITES. It was however recognised that it is not feasible to prepare listing proposals for all the taxa concerned by 6 June 2002, the deadline for the submission of proposals to amend the Appendices to CITES at CoP12 in November 2002. The listing criteria as laid out in Resolution Conf. 9.24 require information and levels of consultation that can simply not be provided within the available time.
 - ii) 4 draft proposals prepared by Germany are good initiatives that warrant support from the range States concerned.
 - iii) The USA offers to assist Asian range States in developing additional listing proposals in as much as the range States require for such help and the listing of the species concerned is agreed to be a priority. It was accepted that Chelonian Research Foundation's "top-ten" list of Asian taxons requiring CITES-listing gives appropriate guidance in this regard. The USA would prefer that one or more range States take the lead in sponsoring these proposals, and that the proposals have full range State support. The USA would consider co-sponsoring proposals if range States feel that this is desirable. Since the time for compiling a listing proposal for submission at CoP12 is very short (only 2 months left) Asian range States, when interested, are encouraged to immediately follow up on the proposition of the USA.

- iv) It was noted that Cambodia expressed an interest in listing all its 24 species of turtles and tortoises in Appendix III in as much as these species would not be proposed for Appendix-II listing at the next CoP. Cambodia currently lacks the scientific information to determine whether the species would require further or higher listing.
- v) The working group recommends that the following species be proposed for listing in Appendix II at the next meeting of the Conference of the Parties:
- 4 draft proposals prepared and circulated by Germany:
 - Heosemys* spp. (*H. depressa*, *H. leytensis*, *H. grandis*, *H. spinosa*)
 - Leucocephalon yuwonoi*
 - Orlitia borneensis*
 - Ananame (Mauremys) annamensis*
 - 2 early draft proposals available from USA (these can be further developed by the USA in collaboration with range States upon request from range States):
 - Kachuga* spp.
 - Platysternon megacephalum*
 - 6 taxa for which no draft proposals are currently available, but that are considered priorities for CITES listing by the working group (USA prepared to assist range countries in developing proposals if range countries express interest in collaboration and support):
 - Chinemys* spp.
 - Mauremys mutica*
 - Chitra* spp
 - Pyxidea mouhotii*
 - Pelochelys* spp.
 - Hieremys annandali*
- Note: *Chelodina* spp. was left out because this taxa was hardly discussed in the working group and it does not seem to be in the high volume trade.
- d) Provide recommendations regarding the need for and the establishment of quotas for CITES-listed species: The establishment of export quotas should be based on non-detriment findings made in compliance with Article IV of the Convention, and would benefit from involving experts in conservation and management of tortoises and freshwater turtles (where available). In case that levels of export are significant or considered to be of conservation concern, Resolution Conf. 8.9 (Rev.) provides a mechanism whereby the CITES Animals Committee can review the situation and formulate recommendations to ensure that the export is not detrimental to wild populations of the species under review. Trade in 4 Asian species is currently assessed under the Significant Trade Process, and the range States concerned are encouraged to fully collaborate in the process. This may also influence the export quotas that certain range States have established for some of the species under review.
- e) Provide recommendations on the management and control of commercial farming and breeding of freshwater turtles and tortoises for Asian consumer markets.
- i) More information should be collected and provided on commercial captive breeding operations, including on species being bred, annual production and production trends, the types of animals that are commercialised and for which market niche (food, medicine, pets or a combination thereof). This applies in particular to China, where presumably more species are bred in much larger numbers than generally assumed, but is also relevant to other countries in Southeast Asia. It is noted that Germany is supporting a project regarding mid- and long-term conservation measures for Asian turtles and tortoises that addresses *inter alia* the possible benefits and risks associated with large-scale commercial breeding. The results of this study should be available by the end of 2002 and be shared with and taken into consideration by Asian range States.

- ii) The working group supports a suggestion from China to collate information on the scale of the commercial breeding in the country, and to prepare an information paper on commercial captive breeding and captive breeding operations in China for CoP12 (taking into consideration the project currently undertaken with support from Germany).
- iii) The working group agrees that practical recommendations on commercial farming and ranching of Asian turtles and tortoises, and on controls and monitoring of such operations would be useful for the relevant authorities and for the traders concerned. It notes that a very large amount of good quality materials concerning commercial breed in of different species is widely available in China (books, videos, DVD's, CD Roms, etc.).
- f) Provide advice regarding the management of wild populations of tortoises and freshwater turtles, and the related export and import measures [e.g. marking, size or age restrictions,...].
- g) Give advice on how to monitor the harvest and trade of freshwater turtles and tortoises, and to research the impact of trade on wild populations.
 - i) The working group touched upon management, research and monitoring in discussions on several of the points above. The following additional findings and recommendations are formulated:
 - ii) Base line data for many species of Asian turtles and tortoises is not readily available, and should be obtained via experts, networks (IUCN/SSC), internet, field studies,... Field studies can be conducted by scientists, university students, NGO's, government agencies, etc.
 - iii) The Secretariat is requested to seek support from the Commission of the European Union to help develop guidelines and protocols to manage wild populations of tortoises and freshwater turtles in Asia, to conduct field studies as appropriate, and to obtain baseline data on several species that are heavily traded. To facilitate fundraising from potential donors such as the USA, countries in Asia are requested to indicate priority species that would require (and benefit most from) such management projects and research activities.
 - iv) Priority for research and management guidance should be give to species with specific ecological and habitat requirements, which are rare, or that are otherwise more vulnerable than common species or species that adapt to human environments such as *Heosemys grandis*, *Aspideretes gangeticus*, *Kachuga tecta?*/*tentoria?*/*smithi?*, *Cuora amboinensis*, or *Sieberrochielle crassicolis*.
 - v) Recommendations 5, 7 and 10 of Cambodia workshop were reviewed during the working group session. Specific actions to follow up on each of these recommendations have been identified and formulated above.

Findings and recommendations of the working group on Capacity building needs and activities

7. Based on the discussions at the plenary session and the working group, the participants to the working group adopted the following findings and recommendations on capacity building for the management and sustainable use of freshwater turtles and tortoises:
 - a) Training needs are identified in the following areas for enforcement officers, wildlife management personnel, biologists, high-level officials, etc:
 - i) Field guidance
 - ii) Identification (basic materials are more appropriate for enforcement staff)
 - iii) Law enforcement
 - iv) Turtle management (in order to ensure the well-being of the animals)
 - v) Research methodology

- vi) Training for Customs, police, judiciary, private companies, traders
 - vii) Awareness building on CITES for high and management level officers
 - viii) Training manual
 - The "training for trainers" approach is recommended so as to reach as many audiences as possible. Training materials for long-term use and training on how to use training materials are considered desirable. Government wildlife conservation agencies are encouraged to work closely with NGOs in conducting training activities.
 - Regular CITES training courses already exist in most of the participating countries. These courses usually target for CITES staff and enforcement officers. Freshwater turtles and tortoises should be incorporated in these workshops.
 - The diversity of local languages, lack of communications, funding constraints, low priority placed on freshwater turtles and tortoises, discontinuity of CITES staff on their posts are considered the main gaps and challenges in capacity building. The following actions are proposed to address these issues:
 - Establishing networks and channels for the purpose of communication;
 - Strengthening bilateral and multilateral collaboration;
 - Enhancing internal communication within Parties;
 - Improving training or capacity building within the country;
 - Simple training materials should be available in all countries.
- b) Identification and training materials are widely available in most participating countries in various forms, such as identification book and field guide, training manual, slide/photo, card, poster, video, film, CD-ROM, website and specimens. Taxonomists and hobbyists of freshwater turtles and tortoises can be found in most participating countries who can help with the identification of the species concerned. Yet the lack of taxonomical knowledge for certain groups of species and the identification techniques for derivative materials are found as the main constraints. Actions proposed to address these problems are:
- i) Share identification information and techniques among the countries concerned;
 - ii) Encourage the distribution and access to available identification materials from other sources which currently request copyright clearing and licencing;
 - iii) Develop fund-raising mechanism;
 - iv) Prepare projects for fund-raising purposes;
 - v) Develop links to biochemical laboratories to facilitate analysis of derivative products.
- c) Various outreach efforts on the awareness of wildlife conservation and CITES are carried out in most participating countries, often in cooperation with NGOs, yet most of them do not contain a strong component on freshwater turtles and tortoises. It is therefore recommended that freshwater turtles and tortoises be incorporated in existing outreach programmes, and efforts be made to develop new and innovative outreach programmes specifically for the protection of freshwater turtles and tortoises. Each country is encouraged to use all forms of media to raise public awareness on the plight of freshwater turtles and tortoises.

- d) The following groups are identified as the stakeholders in the utilization, consumption and protection of Asian freshwater turtles and tortoises:
- i) Breeders/farmers
 - ii) Traders/middlemen
 - iii) Hobbyists
 - iv) Conservationists
 - v) Wild collectors/hunters
 - vi) Zoos, museums and aquariums
 - vii) Medicinal industries (inc. tonic)
 - viii) Restaurants
 - ix) Enforcement officer and legislators
 - x) Religious community
 - xi) Consumers
- e) Whilst enhancing the awareness on the legal protection status of freshwater turtles and tortoises are believed to be appropriate for all the stakeholders, the following awareness building activities are recommended for each specific group:
- i) Basic knowledge on the harm of releasing exotic species to the nature and proper knowledge on keeping the animals need to be provided to breeders and farmers.
 - ii) Hobbyists should keep as much as possible captive-bred freshwater turtles and tortoises so as to minimize the impact on wild populations.
 - iii) Conservationist should help raise the profile of the freshwater turtle and tortoises species;
 - iv) Wild collectors and hunters should adopt an approach of sustainable harvest. Guidelines for harvesting should be developed, which could involve restrictions on the size of animals and season of harvesting, and may draw on experiences from crocodile harvest.
 - v) Zoos, museums and aquariums should make efforts not to use wild-collected specimens in order to minimize impact on wild population. They should also be encouraged to help promote and highlight crisis of freshwater turtles and tortoises in their exhibitions.
 - vi) Medicinal industries and restaurants should be invited to engage in dialogues with the conservationists to use sustainably produced sources of supplies only.
 - vii) Enforcement officers and legislators should be made aware of the status of freshwater turtles and tortoises. In the absence of proper legislation, this effort is meant to build the awareness of the legislators, thereby having appropriate legislation enacted. Every effort should be made to include the protection of freshwater turtles and tortoises in new wildlife legislation. It should be made clear that poor management and legislation endangers an actual or potential resource.
 - viii) Religious communities should be made aware of the status of wild freshwater and tortoises and the imperativeness of the conservation needs and their support to influence people at large as well as the importance of proper animal handling practices.

- f) Efforts should be made to meet the current demand for freshwater turtles and tortoises from sustainable sources and carefully managed resources with proper guidelines. Research on the actual medicinal effectiveness should be conducted. Medical scientists and nutritionists can be invited to educate the consumers. Awareness and education programmes should be developed and implemented for the consuming communities.
- g) Captive breeding and ranching of freshwater turtles and tortoises with careful management should be encouraged in order to achieve non-negative impact on the wild population. Non-turtle substitutes should be sought, e.g. using herbs to replace turtle bone for pharmaceutical purpose.
- h) Efforts should be made to encourage the participation of collectors, traders, exporters, importers and consumers in the conservation of and sustainable trade in freshwater turtle and tortoises species so that they can move to more positive utilization approaches. Collectors should adopt sustainable harvest methods and a collector community forum can be set up. Associations of traders of freshwater turtles and tortoise already exist in Thailand and Myanmar. It is desirable to set up such associations in other countries in the region.
- i) Most of the above activities require funding support, and all possible funding sources should be therefore sought, including national wildlife conservation agencies and foreign aid agencies of developed countries, conservation NGOs, IGOs, corporate companies, other related conventions, etc.