



**DEMAND DRIVEN:  
THE TRADE OF INDIAN STAR  
TORTOISES  
*GEOCHELONE ELEGANS*  
IN PENINSULAR MALAYSIA**

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**A TRAFFIC SOUTHEAST ASIA REPORT**

Published by TRAFFIC Southeast Asia,  
Petaling Jaya, Selangor, Malaysia

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Layout by Noorainie Awang Anak,  
TRAFFIC Southeast Asia

**Suggested citation:** Shepherd, Chris R.,  
Burgess, Elizabeth A. and Loo, Maple (2004).  
*Demand Driven: The Trade of Indian Star Tortoises*  
*Geochelone elegans in Peninsular Malaysia*  
TRAFFIC Southeast Asia

ISBN 983-99246-8-0

**Photograph credit:**  
Indian Star Tortoise, *Geochelone elegans*  
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*Credit: Elizabeth A. Burgess/TRAFFIC Southeast Asia*



**Indian Star Tortoise, *Geochelone elegans***

## CONTENTS

Acknowledgements	iii
Executive Summary	iv
Introduction	1
Legislation	1
<i>Ranges States</i>	1
<i>Peninsular Malaysia</i>	2
Methodology	3
Results	4
Observations and Discussion	4
<i>The Market</i>	4
<i>Supply of Tortoises to Malaysia</i>	5
<i>Exporting Tortoises from Malaysia</i>	7
Conclusion	8
Recommendations	8
References	10

## ACKNOWLEDGEMENTS

The authors would like to express their appreciation to Pn. Mislihah Mohd. Basir, Dr. Elizabeth L. Bennett, Steven Broad, James Compton, Vadivu Govind, Julie Gray, Dr. Melvin Gumal and Maija Sirola for their comments and advice on earlier drafts of this report.



Thanks to the Wildlife Conservation Society for generously financing the completion and publication of this report.

## EXECUTIVE SUMMARY

The Indian Star Tortoise *Geochelone elegans* is highly prized in the pet trade. Despite being listed in Appendix II of CITES and afforded legal protection in its range countries of India, Sri Lanka and Pakistan, the Indian Star Tortoise remains the target of international wildlife trade. This report documents the trade of the Indian Star Tortoise in Peninsular Malaysia, and identifies an oversight in the current legislation which allows for the sale of the species. In Malaysia, the responsibility for the protection of wildlife and implementation of CITES is divided between the federal authorities in Peninsular Malaysia and the States of Sarawak and Sabah. Each authority exercises independent administrative and legislative responsibilities.

The study, carried out in Kuala Lumpur in October and November 2003, uses information from retail surveys and interviews to provide estimates of the volume, value and sources of the trade. Observations and results show a significant, unregulated trade in the exotic Indian Star Tortoise, revealing India and Sri Lanka to be the primary source nations for the trade of this species. This report highlights concerns pertaining to inadequacies within Malaysia's legislation that do not allow for proper management and conservation of Indian Star Tortoise. At the 50th meeting of the CITES Standing Committee, in discussions relating to the ongoing CITES National Legislation Project, it was pointed out that Malaysia has developed both a draft of amended legislation as well as submitted a CITES legislation plan to the CITES Secretariat (Anon., 2004). However, as Malaysia's progress will be further reviewed at the 51st Meeting of the Standing Committee in October 2004, a critical opportunity exists to ensure all loopholes in the law, such as those identified in this report, are taken into consideration by a comprehensive review and revision of the Protection of Wild Life Act 1972.

## INTRODUCTION

The Indian Star Tortoise *Geochelone elegans* is restricted to the dry regions of south-eastern and southern India, north-western India, northern and eastern Sri Lanka and extreme eastern Pakistan in Sind (Daniel, 1983; Das, 1991; Iverson, 1992; Das, 2002). It is primarily found in scrub forests, grasslands and coastal scrublands of arid and semi-arid regions (Daniel, 1983; Das, 2002). No subspecies of *G. elegans* are recognised. This species is still considered common throughout its range, though populations are declining due to habitat loss and illegal collection for the pet trade (Choudhury *et al.*, 2000). A conservative estimate of the yearly toll on the Indian population is 10 000-20 000 animals taken from the wild (Sekhar *et al.*, 2004).

Nesting seasons coincide with the monsoons. In western India, the nesting season is mid-November, while in south-eastern India eggs are laid from March to June, as well as from October to January. Clutch size is 1-10 eggs with an incubation period of 47-178 days (Das, 2002).



Credit: Chris R. Shepherd/TRAFFIC Southeast Asia

**The carapace patterns makes the Indian Star Tortoise highly prized in the pet trade**

The Indian Star Tortoise is so named because of the star-like patterns on the carapace. The background colouring is dark brown to black, with each scute having a yellow or beige areolus from which a number of radiating streaks extend to the edges of the scutes and onto the plastron. The head is yellow, sometimes having black spots on the top. The forelimbs are also yellow and covered in prominent scales. It is a small tortoise, with females reaching ten inches (25 cm) and the males approximately six inches (15 cm) in length (Pritchard, 1979; Das, 1991).

The ornate patterns of the Indian Star Tortoise serve as camouflage in its arid habitat. Unfortunately, it is this beautiful coloration and patterning that makes it such a popular pet to collectors around the world, and Peninsular Malaysia is no exception.

## LEGISLATION

### *Range States*

Throughout its natural range, the Indian Star Tortoise is afforded protection by national legislation: under the Indian *Wildlife Protection Act 1972 (No. 53 of 1972)*, the Sri Lankan *Fauna and Flora Protection Ordinance of 1938 (Amendment 1993)* and in Pakistan by the provincial legislation the *Sind Wildlife Protection Ordinance 1972* (Sind Province being the only natural range of *G. elegans* in Pakistan).

While the Indian Star Tortoise is not listed on the IUCN Red List of Threatened Species (2003), it is listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Species listed in Appendix II are not necessarily now threatened with extinction but are

at risk of becoming so unless trade is strictly regulated. All range nations, India, Pakistan and Sri Lanka, are members of CITES (since 1976, 1976 and 1979, respectively). Of the range states:

- India has gone further than CITES requires by banning the export for commercial purposes of most animal species included in Appendices I, II and III (Anon., 1999); in addition any violation of CITES is regarded as a violation of the *Import and Export Policy* and is dealt with under the *Customs Act*.
- Pakistan imposed a federal ban on the export of all wild mammals, reptiles, and protected indigenous birds, under the *Export Trade Control Order of 1981*.
- In Sri Lanka, the *Fauna and Flora Protection Ordinance* prohibits the commercial export both of live indigenous wild birds, “beasts”, or reptiles, and their eggs, skins, or other parts without a permit.

Despite the fact that export prohibitions have been laid out by the Indian, Sri Lankan and Pakistan governments and that this species is listed on Appendix II of CITES, the Indian Star Tortoise remains a target for the illegal international wildlife trade.

### ***Peninsular Malaysia***

Malaysia consists of eleven States (Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Selangor and Trengganu) and two Federal Territories (Kuala Lumpur and Putrajaya) forming mainland Peninsular Malaysia, plus the states of Sabah and Sarawak covering the northwestern parts of Borneo. In Malaysia, the responsibility for the protection of wildlife and implementation of CITES is divided between the federal authorities in Peninsular Malaysia and the states of Sarawak and Sabah. Each authority exercises independent administrative and legislative responsibilities.

In Peninsular Malaysia, the primary legislation for the protection of wildlife is the *Protection of Wild Life Act 1972 (Act 76)*, which is implemented by the *Department of Wildlife and National Parks (Pejabat Hidupan Liar dan Taman Negara, or PERHILITAN)*. This legislation is applicable only to Peninsular Malaysia and affords protection only to the wild animals listed in its extensive schedules of mammals, birds, reptiles (excluding chelonians) and insects (butterflies only). Inexplicably absent from these schedules are all species of freshwater turtles and tortoises found in Peninsular Malaysia, as well as fish and amphibians. The exclusion of native chelonians from this Act means they are extremely vulnerable to exploitation.

In Malaysia, turtles are afforded some protection under the *Fisheries Act 1985 (Act 317)* which allows for the control of the exploitation of native turtles and their eggs. However, this Act was primarily intended for the management of marine turtles and riverine fisheries of native terrapins (i.e. freshwater turtle species *Batagur baska*, *Callagur borneoensis* and *Orlitia borneensis*) only, and adoption and enforcement is a prerogative of the various States. Thus, the onus lies on each State to formulate effective legislation to protect native turtles. This circumstance has led to a lack of standardised legal protection across the States of Malaysia. Of the eleven peninsular states, only six currently have legislation pertaining to protection and exploitation of turtles, and three States have draft documents under review (Sharma and Tisen, 2000). The Federal Territory of Kuala Lumpur and adjacent State of Selangor in which this survey was conducted, currently have no legislation to safeguard chelonians.



At the federal level in Malaysia, both the *Protection of Wild Life Act 1972* and the *Fisheries Act 1985* are deemed inadequate to conserve and protect turtles and tortoises in Peninsular Malaysia, as the former fails to include chelonians and the latter specifically extends matters pertaining to turtles to the States.

Malaysia became a party to CITES in 1978. Peninsular Malaysia has no specific CITES implementation legislation, although an amendment to the *Protection of Wildlife Act* in 1991 added CITES Appendix I, II and III animals by listing them in the schedules of protected animals. However, no amendment was made to add the absent taxonomic groups of chelonians, fish and amphibians to the Act's schedules. This oversight means that chelonian species listed on CITES, including the Indian Star Tortoise, were omitted from the listing and are subsequently not covered by the *Protection of Wild Life Act*, and PERHILITAN, as the CITES Management Authority for Peninsular Malaysia has no jurisdiction to take action against their being traded. This serious legislative omission was been previously highlighted by Jenkins (1995), Gregory and Sharma (1997) and Sharma (1999), but no action has yet been taken.

The only department within Peninsular Malaysia which can currently enforce CITES regulations for the Indian Star Tortoise is the *Royal Customs and Excise Department*. It can only regulate the import or export of CITES-listed species if detected at the point of entry to, or exit, from Peninsular Malaysia. Customs does not have any jurisdiction once the species has entered the country. Therefore, if Indian Star Tortoises are smuggled successfully into Peninsular Malaysia, i.e. avoiding detection by Customs at the point of entry, dealers can sell them without fear of prosecution.

## METHODOLOGY

Surveys were conducted on the trade of the Indian Star Tortoise in Peninsular Malaysia by visiting 31 pet and aquarium stores in the Federal Territory of Kuala Lumpur and adjoining district of Petaling Jaya in the State of Selangor, between 27<sup>th</sup> October and 10<sup>th</sup> November 2003. Stores were randomly selected to

represent the spectrum of pet and aquarium retail operations in the greater city of Kuala Lumpur.



Credit: Elizabeth A. Burgess/TRAFFIC Southeast Asia

**Retail prices of Indian Star Tortoises vary with the size of the animal - small (not depicted), medium (left) and large (right)**

Each store was visited once during the period of the survey, where the total number of Indian Star Tortoises for sale and their sizes were recorded. Retailers made a distinction between three size classes when quoting a price, and for the purposes of this report we define them as: *small* with carapace length (CL) <5 cm; *medium* CL 5-10 cm; and *large* CL >10 cm. Small tortoises represented the hatchling age group and large tortoises were adults. Gender was not recorded.

Retail assistants or shop owners were questioned by TRAFFIC researchers posing as potential buyers of tortoises: (i) the origin of the tortoises; (ii) their retail price; (iii) when new stock would arrive; (iv) if more stock was available, in order to gauge market turnover; and (v) recommendations for exporting tortoises out of Peninsular Malaysia, in order to determine if dealers were illegally re-exporting Indian Star Tortoises. Questions were kept simple and not once did dealers refuse to answer the questions. Prices were given in Malaysian Ringgit (MYR) (USD 1=MYR 3.8, November 2003).

## RESULTS

Indian Star Tortoises were mainly found in aquarium retail shops and also in a variety pet and bird stores. Twenty-four of 31 shops (77.4%) surveyed admitted to selling Indian Star Tortoises, although only 17 of the 31 (54.8%) shops had had tortoises in stock on the day of visitation. A total of 173 individual Indian Star Tortoises were observed in this survey. Small-sized tortoises accounted for the majority of specimens (54.9%), with the minority being large tortoises (17.3%) (see **Figure 1**). Each store on average had 10 tortoises available for sale, but both the range of size-classes and prices varied considerably between stores (see **Table 1**). Small tortoises sold for between MYR 65 (USD 17.10) and MYR 198 (USD 52.10), while a large tortoise retailed for a minimum of MYR 188 (USD 49.50) (see **Table 1**), with the largest specimen seen priced at MYR 1000 (USD 216.15) (CL approximately 20 cm).

Using information from dealers, sources of Indian Star Tortoises were identified as India (82.6%) and Sri Lanka (17.4%). Interviews revealed that the availability of these tortoises was “seasonal”, which is considered to be every 2-3 months. Retailers described smuggling operations being conducted to export the tortoises out of India and Sri Lanka and into Malaysia. According to dealers during this survey, no permits were used to import any of these animals from their countries of origin. Of the 24 retailers who regularly stock tortoises, 21 provided information and made recommendations about exporting tortoises out of Malaysia. Fifty per cent of these retailers volunteered advice about smuggling tortoises to avoid detection during international transit, while 37.5% recommended enquiring about an export permit from the appropriate authorities, and the remaining 12.5% admitted being unclear about export procedures. **Table 2** shows the CITES records for the international trade in Indian Star Tortoises involving Malaysia and the source countries between 1995 and 2002. According to CITES records, no shipment of Indian Star Tortoises into Malaysia for commercial or trade purposes occurred between 1995 and 2002. In 1995, Malaysia was identified as the country of origin for 20 Indian Star Tortoises, said to have been captive bred and commercially exported to Japan. Sri Lanka had not issued any permits for export of Indian Star Tortoises during this period. Pakistan is the only range country exporting tortoises in commercial quantities, and these were bound for the Czech Republic and Japan.

## OBSERVATIONS AND DISCUSSION

### *The Market*

Results of this study show that there is a significant market for the trade in Indian Star Tortoises in Peninsular Malaysia. Numerous pet shops and aquarium stores in the greater environs of Kuala Lumpur sell various turtle species. While some turtle species available in these shops are sold for food or to be released for religious purposes, the majority are sold for the pet trade. The Indian Star Tortoise is among

Figure 1.

The proportion of Indian Star Tortoises observed in each size category during this survey (n = 173).

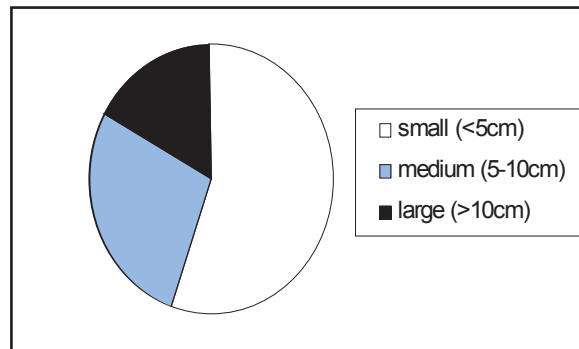


Table 1.

The variation in prices observed and total count for each size category of Indian Star Tortoises, in 31 pet stores surveyed (MYR and USD).

SIZE CATEGORY	PRICE in MYR and (USD)			TOTAL COUNT
	minimum	maximum	average	
small	65 (17)	198 (51)	123 (32)	95
Medium	118 (30)	200 (52)	151 (39)	48
large	188 (49)	1000 (262)	365 (95)	30
<b>GRAND TOTAL</b>				<b>173</b>

Table 2.

CITES annual records of trade in live Indian Star Tortoises involving range countries and Malaysia between 1995-2002. (NB: Malaysia and range countries are highlighted in bold)

SOURCE: UNEP-WCMC

Year	Import Country	Export Country	Origin Country	Quantity	Transaction Purpose	Source
1995	JP	US	<b>MY</b>	20	Commercial/Trade	Bred in Captivity
1997	GB	CA	<b>IN</b>	20	Captive Breeding	Confiscated/Seized
1997	GB	<b>IN</b>		1	Personal	
1998	FR	AE	<b>PK</b>	1	Captive Breeding	Bred in Captivity
1998	FR	OM	<b>IN</b>	1	Captive Breeding	Bred in Captivity
1998	CZ	<b>PK</b>		450	Commercial/Trade	Taken from Wild
1998	US	<b>PK</b>		1		Taken from Wild
1999	JP	CZ	<b>PK</b>	127	Commercial/Trade	Taken from Wild
2000	US	<b>MY</b>		2	Personal	Confiscated/Seized
2002	<b>IN</b>	SG	<b>IN</b>	1830	Commercial/Trade	Confiscated/Seized

Codes: AE-United Arab Emirates; CA-Canada; CZ-Czech Republic; FR-France; GB-United Kingdom; IN-India; JP-Japan; MY-Malaysia; OM-Oman; PK-Pakistan; SG-Singapore; US-United States of America.

the most expensive and widely available species sold for pets. The number of Star Tortoises observed in this study indicates a significant market for the species. In preliminary interviews with pet store retailers by TRAFFIC in 2000, India was reported to be the primary source nation (Shepherd, C.R. *in litt.*, 2000). However, this report reveals Sri Lanka to also be a significant exporter of Indian Star Tortoises to Peninsular Malaysia. A study in India on the trade in tortoises also confirmed Chennai (India) and Sri Lanka as the major hubs of the trade (Sekhar *et al.*, 2004).

Retailers openly acknowledged that these tortoises were a protected species in their country of origin, and that they were not regulated by enforcement agencies in Malaysia, which allows retailers in Malaysia to trade Indian Star Tortoises openly. One franchise pet store operator knew clearly that Indian Star Tortoises were not protected by government legislation in Malaysia, but that the Green Iguana *Iguana iguana* (CITES Appendix II) was. This observation highlights the flaw in current legislation which protects CITES Appendix II-listed lizard species by listing in the schedules of the *Protection of Wild Life Act*, but not freshwater turtles and tortoises. Most traders were aware of the status of the Indian Star Tortoise, being illegally imported, and some had no apprehension about using the term “protected species” to entice buyers.

The demand for Indian Star Tortoises requires that retailers replenish their stock “seasonally”, every 2-3 months. The reproductive life-history of the species and the variations in nesting seasons and incubation periods throughout its natural range are such that it could potentially be “seasonally” harvested from the wild in the timeframe suggested by the retailers. When asked if it was possible to acquire a large batch of 20-30 animals, traders usually requested only 1-2 days to acquire the tortoises. Retailers in the Kuala Lumpur area were found to source tortoises from other local pet shops and middlemen.

### ***Supply of Tortoises to Malaysia***

Indian Star Tortoise can potentially be bred in captivity (van Dijk, *in litt.* to TRAFFIC, 2000). However, all captive breeding in Peninsular Malaysia of any CITES-listed species must be registered with PERHILITAN, which has no records for captive breeding of the Indian Star Tortoises in Malaysia. However, according to CITES records (see **Table 2**), 20 Indian Star Tortoises were commercially exported from the US to Japan in 1995, with the country of origin being Malaysia, stating that they were captive bred. It is therefore likely that this shipment of Indian Star Tortoises was mis-declared.

Furthermore, this species is not bred anywhere in the world in the quantities needed to supply the commercial demand (van Dijk, *in litt.* to TRAFFIC, 2000). It can therefore, be concluded that all specimens of Indian Star Tortoises observed in the shops in Kuala Lumpur were sourced from the wild.

International trade is permitted in CITES Appendix II-listed species provided appropriate export permits are issued. However, CITES annual reports submitted by member countries do not include any records for the commercial export of Indian Star Tortoises to Malaysia between 1995 and 2002. for the commercial export of Indian Star Tortoises to Malaysia between 1995 and 2002. . Thus, the trade in Indian Star Tortoise in Peninsular Malaysia can be presumed to have taken place without CITES authorisation. This was confirmed by retailers interviewed for this survey, who openly admitted to smuggling occurring out of India and Sri Lanka to supply the Malaysian market.

The most common methods of smuggling the Indian Star Tortoise into Malaysia appear to be by concealing the animals in airline carry-on and cargo luggage or concealed on the person during the flight. Two seizures were made at the Chennai Airport in India, totaling 1265 Indian Star Tortoises that were bound for Kuala Lumpur (see **Box 1**). Another seizure was made in Singapore of 1090 Indian Star Tortoises that were flown from India to Singapore, via Kuala Lumpur, and a further 580 were seized in Kuala Lumpur itself, having been flown in from Chennai (see **Box 1**). All these specimens were hidden in luggage.

Surveys found that juvenile Indian Star Tortoises are readily available in Kuala Lumpur. Adults were harder to obtain, and those retailers that did have an adult specimen commented that their larger tortoises had been in the store for a longer period. Retailers remarked that small-sized or hatchling tortoises were more popular with customers and more obtainable from suppliers. The availability of smaller tortoises might be attributed to the fact that they are smuggled, i.e. it is easier to conceal a smaller individual, and shipping small tortoises can increase the potential to import a greater number of specimens in a confined space. Tortoises are often smuggled out of India packed in overcrowded crates (Sekhar *et al.*, 2004)

Many tortoises die during the course of smuggling, due to stress, rough handling and unhealthy conditions (see **Box 1**). Furthermore, many retailers surveyed in Kuala Lumpur showed a very poor understanding of animal husbandry, and were operating under unsanitary conditions in their stores. This is likely to further increase the mortality rate of animals from importer to buyer.

**Box 1. Recent Media Reports of Illegal Indian Star Tortoise Seizures involving Kuala Lumpur**

**31 July, 2002** – Authorities in Singapore seized 1090 Indian Star Tortoises that had come from Chennai, India, to Singapore, via Kuala Lumpur, from an Indian national (Walker, 2002).

**24 July, 2003** - Authorities in Kuala Lumpur seized 580 Indian Star Tortoises from an Indian national upon entry into Malaysia. Sixty-five of the tortoises had died during the smuggling operation from Chennai, India (Anon., 2003).

**19 August, 2003** – Authorities of India seized a consignment of 305 Indian Star Tortoises intended to be smuggled to Kuala Lumpur from an Indian national at Chennai Airport. The tortoises were found in a carton in the person's baggage (Oppili, 2003).

**27 August, 2003** – Authorities of India seized 960 Indian Star Tortoises hidden in bags from two people at Chennai Airport, India, as they attempted to board a flight bound for Kuala Lumpur (Manikandan, 2003).

### ***Exporting Tortoises from Malaysia***

When retailers were asked about export procedures to take tortoises out of Malaysia, some stated that taking tortoises out of the country required permits from government authorities, and also quarantine measures.

Of concern is the high proportion of retailers offering advice and techniques to smuggle tortoises out of Malaysia, such as suggesting that tortoises be kept in individual oxygen-filled plastic bags to keep them

alive while smuggling them out in luggage. Retailers also advised that the tortoises be bound with tape or stuffed into a stocking to prevent movement, and also dehydrated, to avoid detection by authorities during transit. One retailer told of an individual who smuggled 10 medium-sized Indian Star Tortoises in personal luggage from Kuala Lumpur to Hong Kong. The ability of the species to survive without food for days, and its lack of vocal expression, enables them to be easily smuggled undetected.

When questioned about penalties, retailers contended that if only one or two tortoises were found in personal luggage, the worst-case scenario would be confiscation of the animals by the Customs authorities, but transporters would not be fined, prosecuted or jailed. One retailer even offered his personal details for Malaysian Customs officials to contact should there be a problem with the export. The nexus between the smugglers and import/export officials is considered a primary factor that permits the trade to flourish (Sekhar *et al.*, 2004).



Credit: Agri-Food and Veterinary Authority (AVA),  
CITES Management Authority, Singapore

**Confiscated Indian Star Tortoises, Singapore**

## CONCLUSION

The pet trade in Malaysia has become a prime driving-force for the illegal exportation of the Indian Star Tortoise out of India and Sri Lanka. Judging by the current survey in Indian Star Tortoises in Kuala Lumpur alone, it is apparent that the species is under pressure from trade, despite being listed on CITES Appendix II. Although all of the countries involved in the trade chains to and from Malaysia have acceded to CITES, Indian Star Tortoises continue to be traded illegally across international boundaries. The traders involved will continue to operate without restriction until the loophole in the federal Malaysian wildlife legislation is amended, and enforcement is enabled.

## RECOMMENDATIONS

1. The primary recommendation of this report is that the Peninsular Malaysian *Protection of Wild Life Act, 1972* should be further amended to include all CITES-listed species currently omitted from the Act. Without such revision the loophole openly enables species, such as Indian Star Tortoises that have entered the country illegally, to be sold. This and other such loopholes in the current legislation continue to seriously undermine conservation efforts relative to wildlife trade.
2. Customs staff at points of entry into Malaysia should be made aware of the trade, and its legal and conservation implications. Identification materials and information regarding the trade, smuggling methods and common source countries should be made available to Customs staff. Increased vigilance on the part of Customs is necessary to intensify checks at transit points.

3. Those apprehended for smuggling Indian Star Tortoises, at the points of entry and exit, should be sufficiently penalised. The specimens should be confiscated and the offender punished as required by law in accordance with the regulations of the *Royal Customs and Excise Department*. For a guilty smuggling offence the penalty may amount to a fine of up to MYR 100,000 (USD 26,316) or to an imprisonment term of three years, or both for a first time offence under the *Customs Act 1967 (Act 235, revised 1980)*.

4. Confiscated specimens should be returned to the country of origin. If this proves to be impossible, the animals should be placed in suitable locations, such as zoos or rescue centres. The confiscated specimens must not be allowed to re-enter the trade.

5. The general public, especially those interested in keeping such pets, should be informed of the illegality and conservation implications of purchasing Indian Star Tortoises by the Malaysian government, conservation NGOs and the media. Public awareness materials such as posters and brochures should be made and distributed at key locations such as pet shops, pet fairs and schools. Local zoos have the opportunity to play a major role in educating the public, and are urged to be involved in public awareness campaigns concerning the trade of Indian Star Tortoises.

6. Authorities in the range States of India, Pakistan and Sri Lanka should be alerted to the continuing illegal trade of the Indian Star Tortoise in Peninsular Malaysia. Vigilance and enforcement efforts should be increased at international airports (e.g. Chennai) and other points of exit from these range States. Malaysia should be encouraged to increase cooperation with these range State countries to more effectively address the trade of Indian Star Tortoises.

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TRAFFIC, the wildlife trade monitoring network, works to ensure that trade in wild plants and animals is not a threat to the conservation of nature. It has offices covering most parts of the world and works in close co-operation with the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

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