

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



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

FACILITATING THE INTERNATIONAL MOVEMENT OF CITES-LISTED
WILDLIFE SPECIMENS FOR FORENSIC SCIENCE PURPOSES

1. This information document has been jointly prepared by Australia, the Society for Wildlife Forensic Science and the Australian Museum Research Institute, and is submitted by Australia in relation to agenda item 31.1 on *Enforcement matters*.*
2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties to CITES adopted Decision 17.85, paragraph a), on *Enforcement Matters* as follows:

The Standing Committee shall:

- a) examine mechanisms to facilitate the efficient international movement of samples for forensic or enforcement purposes, for consideration by the 18th Conference of the Parties; and
3. This document explores the barriers to efficiently moving forensic samples internationally, canvasses some potential mechanisms to streamline the process and identifies some of the issues that will need to be addressed, to support the Standing Committee's consideration of Decision 17.85, paragraph a).

Background

4. The world is becoming increasingly concerned about the impacts of illegal wildlife trade. Wildlife trafficking threatens species with extinction. It undermines sustainable economic development and regional security. Transnational crime groups are often involved and it diminishes the rule of law.
5. Article VIII of CITES requires that Parties take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation thereof. Parties to CITES have recognised the need for improved enforcement of wildlife trade laws to address wildlife trafficking.
6. Resolution Conf 11.3 (Rev. CoP17) on *Compliance and enforcement*, paragraph 13(d) recommends that Parties 'promote and increase the use of wildlife forensic technology and specialised investigation techniques, such as controlled deliveries', in the investigation of wildlife crime offences. Resolution Conf. 10.10 (Rev. CoP17) on trade in elephant specimens, 10.8 (Rev.CoP14) on Conservation of and trade in bears and Resolution Conf. 9.14 (Rev. CoP17) on Conservation of and trade in African and Asian rhinoceroses, all call for some use of wildlife forensic science to support implementation of the Convention.
7. Wildlife forensics is a powerful scientific tool to support the investigation and prosecution of wildlife trafficking. Wildlife forensics uses science to identify the species of smuggled plants and animals. It can also be used to determine whether processed products, such as powder, include products from a protected species. Wildlife forensics can help investigators establish whether a specimen has been captive bred and support or

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

refute parentage claims. Under the right circumstances, wildlife forensics can provide useful scientific information about the geographic origin or the age of a specimen.

8. [CITES CoP17 Doc 25](#) on *Enforcement Matters* discussed global wildlife forensic capacity based on the findings of a review commissioned by the CITES Secretariat with the United Nations Office on Drugs and Crime (UNODC). The review was undertaken in cooperation with the Society for Wildlife Forensic Science and considered how wildlife forensic science and laboratory capacity can better support the implementation and enforcement of CITES ([CoP17 Doc. 25 Annex 4](#)).
9. The CITES Secretariat has noted that many countries have identified a need to establish a wildlife forensic testing facility. The review found there is unlikely to be sufficient work for every country to have a wildlife forensics facility and many countries do not have the legal, scientific and enforcement frameworks necessary for the establishment of such a facility. Instead, they recommend Parties consider the establishment of regional wildlife forensic hubs to help maximise access to quality assured wildlife forensic resources.
10. There are a number of considerations important to the establishment of regional forensic hubs. One issue identified by the wildlife forensic community is the existing difficulty in moving wildlife specimens internationally for forensic purposes.

The problem

11. Timely delivery of evidence to support investigations into potential breaches of CITES is required to enable investigators to:
 - rapidly ascertain the identity of animal and plant products, and
 - gain near real-time information concerning the likely origin of samples and subsequent trafficking routes.
12. This information can help confirm whether a crime has been committed and the nature of the crime. Delays in the delivery of forensic results may cause investigations being stopped or seizures released due to lack of evidence.
13. At present, the international transfer of samples suspected to contain a species listed on Appendix II to CITES requires the application for, and, issuance of, a CITES export permit. The process is more cumbersome for species listed on Appendix I to CITES, where an import permit must be obtained before the export permit can be issued. This process can take several months, depending on national business systems and capacities of the importing and exporting countries. These processes can create chronic delays in forensic analysis, hindering effective law enforcement.
14. Alongside evidential samples, the transfer of forensic reference materials is also highly problematic. Reference standards are required to provide analytical controls in forensic casework and, as with evidential samples, are currently subject to CITES import and export permit requirements.
15. While there is guidance in Resolution [Conf.12.3](#) (Rev.CoP17) on Permits and certificates encouraging Parties to adopt simplified processes to facilitate the international movement of wildlife forensic samples for enforcement purposes, there is little evidence of this being used by Parties. Forensic laboratories report complex, time consuming processes and significant delays as barriers to undertaking analyses.
16. These barriers deter enforcement agencies from having specimens analysed, particularly in countries where access to wildlife forensic testing nationally is limited. These limitations will need to be overcome if forensic science is to be effective against the sophisticated organised transnational crime networks engaged in wildlife trafficking.

Potential solutions

Using scientific exchange provisions under CITES

17. [Article VII, paragraph 6](#) of the Convention specifies that:
 6. *The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of*

herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority.

18. Resolution Conf. 11.15 (Rev. CoP12) on the non-commercial loan, donation or exchange of museum and herbarium specimens provides detailed policy advice on the interpretation and application of this provision.
19. The Resolution currently limits the exemption to legally obtained specimens between registered scientific institutions to prevent abuse of the system. Allowing the international movement of wildlife forensic samples would require amendment of this limitation to allow the exchange of both legally obtained and suspected illegal specimens in limited circumstances.
 - a. Resolution Conf. 11.15 (Rev. CoP12) was last amended by the Conference of the Parties in 2002. Much has changed since then. Parties would need to consider whether sufficient safeguards could be established to prevent the use of the exemption to ship illegally obtained specimens intended for illegal markets.
20. The Standing Committee could consider recommending that the Conference of the Parties amend the resolution to explicitly allow for the non-commercial loan, donation or exchange of specimens between registered scientists or scientific institutions for wildlife forensic testing.
 - a. This would require broadening the categories in Resolution Conf. 11.15 (Rev. CoP12) of specimens that are permitted to be exchanged under 'herbarium specimens, other preserved, dried or embedded museum specimens and live plant material' to include animal and plant forensic samples and specimens.
 - b. Safeguards could be incorporated as guidance in Resolution Conf. 11.15 (Rev. CoP12) on:
 - Reducing corruption risks
 - Mechanisms to prevent the use of fraudulent paperwork and mis-labelling
 - Criteria for registration of institutions, including partnerships between law enforcement and scientific institutions and standards for forensic institutions
 - Coding and labelling requirements
 - Guidance on appropriate record keeping and chain of custody considerations
 - c. It would be important to consider how movement of forensic samples could be managed when the species is unknown.

Using multiple consignment authorities

21. Resolution [Conf.12.3](#) (Rev.CoP17) on *Permits and certificates* recommends Parties implement fast and simplified processes to facilitate the international movement of wildlife forensic samples for enforcement purposes:

XII. Regarding the use of simplified procedures to issue permits and certificates

20. Recommends that:

- a) *Parties use simplified procedures to issue permits and certificate to facilitate and expedite trade that will have a negligible impact, or none, on the conservation of the species concerned, e.g.:*

- i) *where biological samples of the type and size specified in the present Resolution are urgently required:*

...

C. for judicial or law enforcement purposes;...

E. for diagnostic or identification purposes;...

iv) in other cases judged by a Management Authority to merit the use of simplified procedures;...

22. There is little evidence to suggest that this provision is being utilised by Parties to facilitate the international movement of CITES listed wildlife specimens for forensic science purposes.
23. Several Parties, including Australia and the United States, use multiple consignment authorities to expedite low-risk trade in products containing species listed on Appendix II to CITES.
 - a. Australia's system involves the CITES Management Authority issuing a multiple consignment authority that enables multiple shipments of specimens listed on the authority. Trade in specimens under the authority is limited to species listed on Appendix II to CITES only. Every shipment made under the authority must be acquitted through detailed reporting.
24. Such a multiple consignment authority system could be modified to allow for the exchange of samples involved in forensic testing.
 - a. It would be important to consider how movement of Appendix I listed specimens could be facilitated under such a system (due to the requirement for the issuance of an import permit before an export permit is issued for Appendix I listed species), and how movement of forensic samples could be managed when the species is unknown.
25. Further investigation of this option would require a better understanding of the reasons why Parties don't use these or similar mechanisms currently to facilitate the international movement of wildlife forensic samples, given CITES already encourages such measures in Resolution Conf. 12.3 (Rev. CoP17).

Recommendations

26. The Standing Committee agree recommendation a) in paragraph 35 of document SC69 Doc. 31.1 on *Enforcement matters*, that the Standing Committee involves the Society for Wildlife Forensic Science and its members in the implementation of Decision 17.85, paragraph a).
27. In contemplating that recommendation, we recommend that the Standing Committee also considers the potential solutions canvassed in this information document when deciding how to progress implementation of Decision 17.85, paragraph a).