



Disposal of illegally traded and confiscated specimens of CITES-listed species



Confiscation and disposal

- The Convention requires Parties to take appropriate measures to provide for the **confiscation** or **return** to the State of export of specimens traded in violation of the Convention
- Parties are aware that often the only anti-fraud measure against the exporter is the **confiscation** of specimens by the importing country
- The Management Authority of the country of export or re-export is not always aware of the confiscation (hence, will not investigate these violations)

Resolution Conf. 17.8

- The Conference of the Parties adopted **Resolution Conf. 17.8**, *Disposal of illegally traded and confiscated specimens of CITES-listed species*, to provide guidance on how to deal with this issue.
- This resolution addresses issues related to the confiscation and disposal of confiscated specimens and replaces three existing resolutions:
 - Resolution Conf. 9.9. (Confiscation)
 - Resolution Conf. 9.10 (Disposal of confiscated and accumulated specimens) and
 - Resolution Conf. 10.7 (Disposal of live specimens)

Resolution 17.8

- First part (para. 1): **Confiscation**
- Second part (para. 2): **Disposal of confiscated and accumulated dead specimens**
- Third part (para. 3): **Disposal of confiscated live specimens**
- Fourth part (para. 4): **Action plans**
- Fifth part (para. 5): **Costs associated with confiscated specimens**
- Sixth part (para. 6): **Publicity**
- Seventh part (para. 7): **Export or re-export of confiscated specimens**

Para. 1: Confiscation

- The Conference of the Parties recommends that when specimens are exported or re-exported in violation of the Convention, importing Party consider that the seizure and confiscation of such specimens are generally preferable to the definitive refusal of the import of the specimen;
- The importing party should also notify as soon as possible the Management Authority of the State from which the specimens were consigned of the violation and of any enforcement actions taken concerning these specimens;
- Finally, when the import of specimens that have been exported or re-exported in violation of the Convention is refused by the country to which the specimens are consigned, the exporting or re-exporting Party take the measures necessary to ensure that such specimens are not reentered into illegal trade, including monitoring their return to the country and providing for their confiscation.

Para. 2: Confiscated and accumulated dead specimens

The Conference of the Parties to the Convention recommends that:

- Parties dispose of confiscated and accumulated dead specimens of **Appendix-I** species, including parts and derivatives, only for bona fide scientific, educational, enforcement or identification purposes, and save in storage or destroy specimens whose disposal for these purposes is not practicable; and
- as a general rule, confiscated dead specimens, including parts and derivatives, of **Appendix-II and Appendix-III** species be disposed of in the best manner possible to achieve the purposes of the Convention, and steps be taken to ensure that the person responsible for the offence does not receive financial or other gain from the disposal and that such disposal does not stimulate further illegal trade.

Para. 3: Live specimens (1)

- This part of the resolution attempts to guide the authorities in the difficult decision-making process regarding the treatment of live specimens (animals and plants)
- The decision is guided by Annexes 1 and 2 of the Resolution 17.8 which are among the most detailed of all annexes to the Resolutions of the Conference of the Parties.



Para. 3: Live specimens (2)

- Shipments of Appendix-II or -III live specimens can include large quantities of specimens for which no adequate housing can be made available, and that there may be inadequate data about country of origin and site of capture for these specimens
- Even if the country of origin and the place where the specimens were obtained are known, the Conference of the Parties recognizes that releasing confiscated specimens into the wild includes **risks**, such as the introduction of pathogens and parasites, genetic pollution and negative effects on the local fauna and flora, and that release to the wild may not always be in the best interest of the conservation of a species, especially one not in danger of extinction

Para. 3: Live specimens (3)

- The Conference of the Parties therefore recommends that a Management Authority, before making a decision on the disposal of confiscated live specimens of species in the Appendices, **consult** with and obtain the advice of its own Scientific Authority and, if possible, of that of the State of export or origin of the confiscated specimens, and other relevant experts such as groups of specialists IUCN/SSC
- The Scientific Authorities should take into account the **CITES Guidelines** on the use of confiscated live plants and animals as set out in Annexes I and II of the Resolution

Annexe 1

Lignes directrices CITES pour l'utilisation des animaux vivants confisqués

principe

confisque des animaux vivants, la responsabilité de les utiliser de façon appropriée lui en inco
les animaux confisqués doit tendre vers trois buts: 1) tirer le meilleur parti de l'intérêt
été le comportement ou le statut de conservation des populations de l'espe
favoriser le commerce illicite ou irrégulier dont l'espèce fait l'ob
renvoi dans la nature ou l'euthanasie.

entraîné

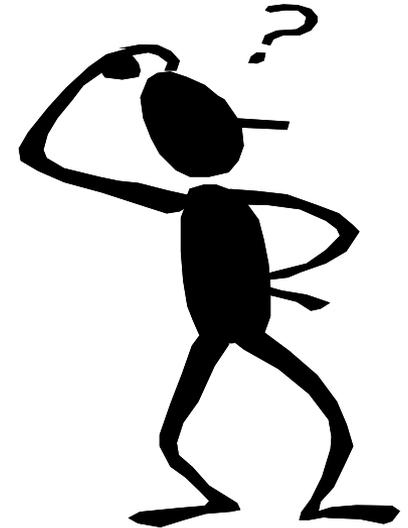
Para. 3: Live specimens (4)

- The **Secretariat** should be informed about any decision taken on the disposal of confiscated live specimens of species that are either in Appendix I or, if in Appendix II or III, involve commercial quantities
- It is also recommended that when live specimens arrive in an importing country without the proper export permits or re-export certificates, and where an importer refuses to accept a shipment of live specimens, the shipment be **confiscated** and the specimens disposed of in accordance with the CITES guidelines.



Annex 1: Live animals (5)

- When deciding on the disposal of **confiscated live animals**, the competent services must ensure the non-rigorous treatment of animals as well as the conservation interests and the safety of wild populations of the species concerned.
- Three main options are possible:
 1. Maintaining the animals in **captivity**
 2. Returning the animals to the **wild**
 3. **Euthanasia**



Option 1: Captivity

- The advantages of placing confiscated animals in a life support center offering them good conditions are:
 - Educational value
 - Potential for captive breeding for eventual reintroduction; and
 - Possibility for the confiscating authority to recover, from sales, the costs of confiscation
- The disadvantages are:
 - Potential to encourage undesired trade
 - Cost of placement
 - Confiscated animals may serve as vectors for disease
 - Captive animals can escape from captivity and become pests

Option 2: Return to the wild

- Although CITES requires that repatriation of confiscated CITES-listed animals to the country of export be considered as an option for disposal by a confiscating authority, the treaty in no way requires that animals be returned to the wild in that country
- Return to the wild is an option that is desirable only in a very **small number of cases**, and in very special circumstances
- While return to the wild may appear to be humane, it may be nothing more than a sentence to a slow death.
- In cases where returning confiscated animals to the wild appears to be the most humane option, such action can only be undertaken if it does not threaten existing populations of wild plants and animals or the ecological integrity of the area in which they live

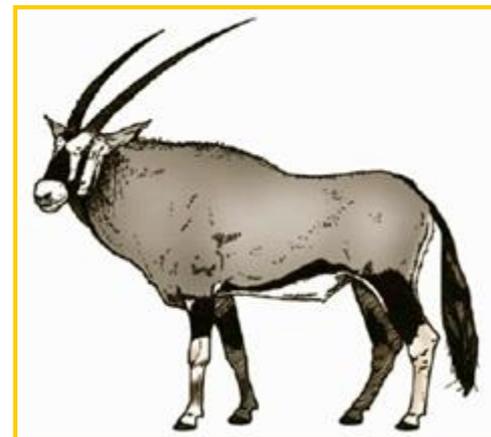
Option 2: Return to the wild (2)

- If the country of origin and site of capture of the animals is not known, or if there is any question of the source of the animals, supplementation may lead to inadvertent pollution of distinct genetic races or subspecies
- Animals held in captivity and/or transported, even for a very short time, may be exposed to a variety of pathogens
- Release of these animals into the wild may result in introduction of disease to conspecifics or unrelated species with potentially catastrophic effects.



Option 2: Return to the wild (3)

- However, there are several benefits of returning animals to the wild, either through reintroduction or reinforcement of an existing population.
- In situations where the existing population is severely threatened, such an action might improve the long-term conservation potential of the species as a whole, or of a local population of the species
- Returning animals to the wild makes a strong political/educational statement concerning the fate of the animals, and may serve to promote local conservation values



Option 3: Euthanasia

- Euthanasia – the killing of animals carried out according to humane guidelines – is unlikely to be a popular option amongst confiscating authorities for disposal of confiscated animals.
- However, euthanasia may frequently be the **simplest and most humane option available**.
- Euthanasia has **several clear advantages** and carries **far fewer risks** when compared to returning animals to the wild.
- Euthanasia will also act to **discourage** the activities that gave rise to confiscation, as the animals in question are removed entirely from trade.
- Euthanasia may be in the best interest of the welfare of the confiscated animals.

Annex 2: Live plants

- Regarding the disposal of **confiscated live plants**, the decision must be made in order to maximize conservation value of the specimens without in any way endangering the genetic integrity or conservation status of wild or cultivated populations
- The decision on disposal must also discourage further illegal or irregular trade in the taxon; and avoid the resources used by organizations involved in their care or disposal being diverted away from other equally important conservation activities



Annex 2: Live plants (2)

- Within a conservation perspective, by far the most important consideration in reviewing the options for disposal is the **conservation status** of the species concerned
- For confiscated plants of endangered or threatened taxa, particular effort should be directed towards evaluating whether and how these plants might contribute to a conservation programme for the taxon concerned.



Annex 2: Live plants– temporary placement

- Seized plants are usually maintained in publicly managed horticultural establishments pending a decision on confiscation
- Placement may be in the country of origin, the country of export (if different), the country of confiscation, or a country with adequate and/or specialized facilities for the taxa in question
- Depending on the circumstances and national laws, plants can be donated, loaned or sold

Annex 2: Live plants – options for final placement

- Final placement may be in botanic gardens or other publicly managed facilities, or with private organizations/individuals
- Placement options include botanic gardens and other publicly managed facilities, universities and research laboratories, specialist societies or clubs, and the sale of confiscated specimens to traders, commercial propagators or others involved in commercial activities



Option 1: Maintain in cultivation - benefits

- The **benefits** of placing confiscated plants in a facility that will provide a satisfactory standard of horticultural care include:
 - **Educational** value
 - potential for **propagation** for eventual reintroduction and/or to satisfy consumer demand for artificially propagated specimens; and
 - potential to carry out **genetic fingerprinting and other molecular studies** contributing to a better understanding of the population genetics and therefore conservation status of the taxa concerned

Option 1: Maintain in cultivation - disadvantages

- The **disadvantages** of placing plants in a facility not involved in an established programme for artificial propagation and reintroduction include the following:
 - The risk of **encouraging illegal trade**
 - **Cost** of placement
 - **Disease**
 - Risk of **escape**



Option 2: Return to the wild

- Before “Return to the wild” of confiscated plants is contemplated, several issues of concern must be considered in general terms:
 - Conservation value
 - Cost
 - Source of specimens
 - Disease



Option 2: Return to the wild (2)

- There are certain **benefits** of returning plants to the wild:
 - In situations where the existing population is severely threatened, such an action might improve the long-term conservation potential of the taxon as a whole, or of a local population of the taxon
 - Returning plants to the wild makes a strong political/educational statement concerning their fate and may serve to promote local conservation values.

Option 3: Destruction

- Destruction of plant material of common taxa, poorly documented specimens and/or those of horticultural origin, or of diseased material that will require expensive techniques to rid it of the diseases or pests involved, is clearly a justifiable action
- Destruction of such material, if publicized, will also act to discourage the activities that led to confiscation
- Destruction of material that is well-documented as to its wild provenance should be done only as a last resort when all other options for its disposal have been exhausted.

Para. 4: Action plans

- Since confiscation of live specimens requires rapid action and effective organization, dispositions must be made in advance
- The Conference of the Parties urges Management Authorities, in consultation with Scientific Authorities and other bodies concerned, to develop action plans to deal with seized and confiscated live specimens consistent with the guidelines set out in Annex 3 of this Resolution.

Annex 3: Action plan on seized and/or confiscated live specimens

- This plan should:
 - identify means for procuring funds to provide care, quarantine, and transport and other costs incurred for seized and confiscated live specimens
 - establish a procedure for implementing the Guidelines in accordance with the Party's domestic law and policy;
 - identify government agencies and personnel with authority to make decisions regarding the seizure and disposal of live specimens and clarify their roles and jurisdiction in this process
 - Identify which authority in the country of origin listed in the CITES Directory should be contacted in the event that live specimens are seized.

Annex 3: Action plan on seized and/or confiscated live specimens (2)

- This plan should also:
 - provide for training of personnel involved in the seizure and disposal of live specimens to ensure both the immediate and long-term welfare of the specimens
 - include a list of experts who or institutions which can assist in species identification, care and/or other technical aspects of the seizure, confiscation and disposal process
 - Identify and/or develop facilities to provide for the care of live specimens immediately after seizure
 - identify temporary holding facilities that have agreed to provide adequate care for seized live specimens of particular taxa until the confiscation process is completed

Annex 3: Action plan on seized and/or confiscated live specimens (3)

- This plan should finally:
 - identify approved facilities and programmes located within the country that have agreed to provide adequate care, including veterinary or phytosanitary care, and that are willing to accept confiscated live specimens of particular taxa. Parties should prepare a list of such facilities and programmes, which should be submitted to the Secretariat which will make it available to the Parties on request; and
 - ensure that the Party begins evaluating options for disposal of seized live specimens immediately after seizure.



CITES Secretariat Geneva

