

# CITES World

## Official Newsletter of the Parties

Convention on International Trade  
in Endangered Species of Wild Fauna and Flora (CITES)

Issue Number 16 – December 2005

### *Everyone's problem*

What is the most difficult problem facing those who implement CITES? If the questions posed by participants in capacity-building workshops are indeed a 'window on the soul of CITES', then the problem of confiscations is by far the most difficult problem. I have yet to take part in a workshop where this question does not come up, and it usually does so quite early in the discussions.

The confiscation of illegally-traded or -possessed specimens of CITES-listed species is usually hailed as a success for conservation and law enforcement. Confiscation of specimens traded in violation of the Convention is one of the most basic measures required of Parties by the text of the Convention, leading to the eventual return of specimens to the State of export, to a rescue centre, or to any other suitable place the Management Authority may select. Beyond an announcement in the media about a successful confiscation, attention seldom remains and the specimens disappear from public attention. But these specimens certainly do not disappear, and they present a particularly difficult challenge for all Parties: what to do with confiscated specimens?

Confiscated parts and derivatives can be stored fairly easily, even beyond their usefulness in any court proceedings that may require them as evidence, as long as secured storage space is available. For some countries, seized items made from CITES-listed species can amount to significant quantities.

*From the Editor – Everyone's problem*

*Resolutions Conf. 9.9, 9.10 (Rev. CoP13) and 10.7 explained*

*Experiences from Belgium, Indonesia, Switzerland, the United Kingdom and the United States*

*Perspectives from NGOs*

*WAZA Guidelines*

*Handling confiscated specimens*

*New checklist; updated training presentations*

But the more pressing problem concerns the confiscation of live specimens. Smuggled live specimens are often transported in very harsh conditions and seized animals may be injured or in poor health, and plants may be dehydrated and damaged. The challenge in such cases is not only to cope with handling and holding the specimens, but keeping them alive and bringing them back to health.

It may also happen that, for a number of reasons, live specimens prepared and shipped with all necessary care are confiscated, and the quantities involved and the species concerned may also pose serious problems. What can be done quickly, humanely, and in accordance with national legislation, policy and available personnel? Beyond the initial confiscation is the matter of disposal. Should specimens be returned to countries of export and if so, who pays the costs? Should confiscated specimens be destroyed, sold or permanently placed in zoos or botanical gardens?

This edition of *CITES World* focuses on confiscation of specimens of CITES-listed species, starting with the obligations imposed by CITES and an explanation of the approach adopted by the Parties on how to deal with confiscated specimens and their disposal. In this edition Belgium, Indonesia, Switzerland, the United Kingdom and the United States share their experiences with confiscations and the disposal of specimens. The World Association of Zoos and Aquariums (WAZA) shares its guidelines on the acceptance of seized or confiscated animals. The TRAFFIC Network offers thoughts on the issue of ivory and rhino horn stockpiles, and the Royal Society for the Prevention of Cruelty to Animals of the United Kingdom offers its perspectives as an operator of rescue centres dealing with exotic animals.

While we cannot offer any easy solutions to dealing with confiscated specimens, we can at least try to focus some attention on a very important aspect of CITES law enforcement and implementation that, while too often hidden from view, is everyone's problem.

*Stephen Nash*

## *Explaining Resolution Conf. 9.9 - Confiscation of specimens exported or re-exported in violation of the Convention*

The Convention requires Parties to take appropriate measures to provide for the confiscation or return to the State of export of specimens exported or re-exported in violation of the Convention. However, returning confiscated specimens to the country of export or re-export may result in the specimens re-entering trade at a later time unless measures are taken to prevent this from happening. Parties are also aware that when specimens are exported or re-exported in violation of the Convention, often the only enforcement action taken against the exporter is the confiscation of these specimens by the importing Party, and the Management Authority of the country of export or re-export may not be aware of the confiscation (and therefore would not investigate these violations in their country). To provide guidance on these matters, the Conference of the Parties adopted Resolution Conf. 9.9 on Confiscation of specimens exported or re-exported in violation of the Convention.

In this Resolution Parties recommend that when specimens are exported or re-exported in violation of the Convention, importing Parties should consider that the seizure and confiscation of such specimens are generally preferable to the definitive refusal of the import of the specimens. Importing Parties should also notify as soon as possible the Management Authority of the State of export or re-export that a violation has occurred, and notify them of any enforcement actions taken concerning the specimens. Finally, when the import of specimens is refused by the importing country, it is recommended that the exporting or re-exporting Party take the measures necessary to ensure that the specimens do not re-enter illegal trade, including monitoring their return to the country and providing for their confiscation.

*The Secretariat*

## *U.S. procedures for handling CITES 'contraband'*

When the U.S. Government seizes animals, plants, or products imported in violation of CITES, enforcement officers have a number of options for dealing with the contraband. Live animals and plants are sometimes returned to the country of export. But a number of other alternatives exist for 'placing' wild animal, parts and derivatives thereof and wild plants.



Photo: U.S. Fish and Wildlife Service

*Service Wildlife Inspector Ed Marshall (front right) enlisted counterparts from U.S. Customs and Border Protection to help remove this Appendix-II queen conch seizure from a vessel in Brownsville, Texas. Confiscated shells and other wildlife products typically go to a Service repository that makes them available for use in education, scientific research and public display.*

### *Wild animals*

When U.S. Fish and Wildlife Service (Service) inspectors seize live animals, they often turn to local *ad hoc* networks of qualified institutions, such as accredited zoos, aquaria and nature centres, that can provide temporary or long-term care. The Service uses written transfer documents to loan or donate wildlife officially to such groups for scientific research, educational use or public display.

To retain custody of seized animals, organizations must comply with U.S. regulations governing wildlife loans and donations and with any specific conditions in the transfer document. All recipients must show that they can provide adequate care and security. They cannot sell the animals and they may be required to account for them periodically. They must also give Service officers access to their premises for inspection purposes.



Photo: U.S. Fish and Wildlife Service

*Sea turtle shells and boots are among the seized wildlife products that the Service provides to educators for use in teaching about threats to wildlife*

In addition, those holding seized wild animal as a loan cannot transfer custody without prior Service permission. Even donees typically cannot retransfer without Service permission for a specified period of time.

### *Parts and derivatives*

Many seizures for CITES violations involve wild animal parts and derivatives. Once officially abandoned or forfeited to the U.S. Government, these items are shipped to the Service's National Wildlife Property Repository outside of Denver, Colorado. Items stored there include products imported into the United States in violation of CITES and U.S. wildlife trade laws and regulations – products that range from sea turtle shells, rhino horns and leopard skins to ivory carvings, tiger bone medicinals and reptilian leather goods. The Repository's one million-plus item inventory also contains parts and products confiscated during Service investigations of domestic wildlife crimes involving poaching and profiteering in U.S. species.

Some of this inventory is used to support conservation education. The Service has a formal partnership with several non-profit groups and the National Oceanic and Atmospheric Administration (another U.S. government agency that also enforces wildlife laws) called 'Suitcase for Survival' that provides wildlife items to zoos, nature centres, school, refuges and similar groups for 'hands-on' conservation education. Products are also loaned to museums for use in displays spotlighting threats to wildlife. Some items go to universities and research centres to support scientific studies as well as anthropological and other types of academic research.

In addition, the Service has the authority to destroy items or sell confiscated wildlife property that is not in itself barred from commerce (e.g. CITES Appendix-II specimens). A 1999 auction of wildlife

products, for example, netted over USD 435,000 for use in paying rewards to people who help the Service solve wildlife crimes.

### *Plants*

In 1978, the Service established the Plant Rescue Center (PRC) programme to care for confiscated CITES-listed plants. At first, the Service assigned these plants to the U.S. National Botanical Garden and other affiliated agencies. These centres, however, soon reached their full capacity for caring for confiscated plants, and the Service was obliged to enlist additional centres. To qualify as a PRC, a facility must be a public botanical garden, arboretum, zoological park, or research institution, and must be a government or a privately-funded non-profit entity. Currently, there are 74 institutions in 25 U.S. States, the District of Columbia and Puerto Rico that cooperate as volunteer PRCs.

When U.S. agricultural inspectors confiscate a CITES plant shipment, they alert the Service and provide details about the plants contained in the shipment. The Service identifies a PRC that has the capability to care for the species involved and is interested in accepting the shipment. Once a home is located, inspectors ship the plants, typically at U.S. government expense.

The Service then notifies appropriate officials in the country of export/re-export and inquires about their interest in the return of the shipment. Confiscated plant shipments are available for return provided that these officials notify the Service within 30 days and arrange to cover return shipping costs. Because of this notification process, the PRC must maintain the plant shipment as a unit for 30 days. After 30 days, if the country of export/re-export has not claimed the shipment it becomes part of the PRC's collection. The PRC may then display, propagate, or use the plants for other purposes consistent with CITES.



Photo: Seattle Department of Parks and Recreation, Volunteer Park Conservancy

*Confiscated CITES plants are placed in public institutions to contribute to conservation, research and education*

During 2004, the United States Government confis-





cated 269 plant shipments traded in violation of CITES, which contained a total of 6,422 plants (5,261 orchids, 600 cacti, 202 agaves, 141 cycads, 63 euphorbias and 155 plants of other taxa). Of these 269 shipments, 263 were assigned to PRCs. The plants in the remaining six shipments perished before assignment to PRCs or were destroyed at the port.

*Ms Sandra Cleva, U.S. Fish and Wildlife Service,  
Office of Law Enforcement*

*Ms Monica Powell, U.S. Fish and Wildlife Service,  
Division of Management Authority – Branch of Operations*

---

## *Explaining Resolution Conf. 9.10 (Rev. CoP13) - Disposal of illegally traded, confiscated and accumulated specimens*

Parties have long recognized the challenge of disposing of confiscated specimens and over the years have adopted no less than seven resolutions providing or including guidance on this subject. The Conference of the Parties chose to consolidate the advice found in these resolutions into Resolution Conf. 9.10 on Disposal of illegally traded, confiscated and accumulated specimens. This Resolution was then amended at its 10th (Harare, 1997) and 13th meetings (Bangkok, 2004).

The Convention requires Parties to return any confiscated living specimen to the State of export, after consultation with and at the expense of that State, or to place it in a rescue centre or other appropriate place of their choosing. Of course, Parties are also free to refuse to accept a shipment of CITES specimens, meaning the specimens have to be sent back to the exporter or re-exporter (Resolution Conf. 9.9 offers advice on such cases). Some Parties allow the sale of confiscated specimens, though others are concerned about the message this may transmit to the public.

With regard to the export or re-export of illegally traded specimens, the Parties recommend that no re-export of specimens be authorized for which there is evidence that the specimens were imported in violation of the Convention, except if the specimens are re-exported for investigatory or judicial purposes, or are being returned to the State of export or re-

export or to a designated rescue centre or other appropriate place. A further exception may occur in the case of the legal sale of confiscated specimens by a Management Authority if it is satisfied that this would not be detrimental to the survival of the species. In all of these instances the permits and certificates must clearly indicate that the specimens are confiscated specimens.

With regard to the disposal of illegally traded, confiscated and accumulated dead specimens of Appendix-I species, Parties are recommended to transfer specimens only for *bona fide* scientific, educational, enforcement or identification purposes, and Parties should save in storage or destroy any excess specimens whose transfer for these purposes is not practicable.

With regard to the disposal of illegally traded, confiscated and accumulated specimens of Appendix-II and Appendix-III species, as a general rule confiscated dead specimens, including parts and derivatives, of such species should be disposed of in the best manner possible to benefit enforcement and administration of the Convention, and that steps should be taken to ensure that the person responsible for the offence does not receive financial or other gain from the disposal.

Parties are also recommended to make provision in their legislation to require the guilty importer and/or the carrier to meet the costs of confiscation, custody and storage or destruction of the specimens, including returning specimens to the country of origin or re-export (as appropriate), where the Scientific Authority of the confiscating State deems it in the interest of the specimens to do so, and if the country of origin or re-export so wishes. Where such legislation does not exist and the country of origin or re-export wishes the live specimens to be returned, financial assistance should be sought to facilitate the return.

With regard to the disposal of seized or confiscated plants, priority should be given to the care of seized or confiscated wild-collected specimens of Appendix-I species and of Appendix-II species that may be at risk.

Finally, Parties are recommended to publicize information on seizures and confiscations when appropriate as a deterrent to illegal trade, and inform the public about their procedures for dealing with seized and confiscated specimens and about rescue centres.

*The Secretariat*

## Confiscated specimens - Switzerland

Article VIII of the Convention requires that CITES Parties take appropriate measures to enforce the provisions of the Convention, including measures to provide for the confiscation or return to the State of export of specimens traded in violation thereof. With regard to living specimens, the Management Authority has to, after consultation with the State of export, return the specimens to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the Convention. A rescue centre as referred to in Article VIII means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated. Switzerland does not only place in such rescue centres live confiscated specimens but also certain types of confiscated goods.

Thus according to Article 18 of the Swiss Endangered Species Ordinance, seized (i.e. not yet confiscated) specimens are to be brought to a place destined by the Swiss Management Authority at the costs and the risk of the importer.

In the case of live animal specimens this place is a quarantine station in a zoo in the eastern part of Switzerland under contract with the Swiss Management Authority. Goods derived from animals are kept at a safe place at the border.

Seized live plants as well as plant parts and derivatives of commercial shipments are usually placed at the domicile of the importer and banned from sale, under penalty of a fine or imprisonment in case of violation, until the case is closed, i.e. the seizure lifted or the shipment confiscated or delivered. Non-commercial live plant shipments are usually placed at the national CITES rescue centre at the Botanical Garden of the University of Bern, under a contract with the Swiss Management Authority.

If the importer is not able to present valid documents within one month (or within 10 days for live specimens in transit), the Management Authority confiscates the specimens. An extension of this time is possible in well-founded cases.

Confiscated specimens of animals and plants have to be returned to the State of export at the expense of that State or will be stored at a safe place or at another

place as the Management Authority deems appropriate and consistent with the purposes of the Convention.

In the case of confiscated live animals, we indeed always look at the possibility of returning them to the State of export. But in the few cases where we considered this reasonable (in view particularly of Resolution Conf. 10.7), the States of export have been mostly unwilling to cover the expenses of the return transport. Thus we have sent back confiscated live specimens only in very exceptional cases, in particular when the carrier (who brought these specimens into Switzerland) offered to bring them back again.

Consequently, in most cases, confiscated live animals are registered and placed with appropriate institutions in Switzerland or in other parts of the world. We consider as appropriate institutions – in that order – scientifically administered zoos (that preferably have a breeding programme for the species in question or have already bred the species or a related one), private or public zoos, breeder associations and – very rarely – private individuals. The animals are not donated but given as a permanent loan and there is a contract signed between the Management Authority and the institution, which defines clearly rights and duties. The institution must agree to pay all the costs for housing, feeding and care and is able to transfer the loaned specimen only with the consent of the Management Authority. The ownership of the confiscated specimen remains with the Management Authority, but any offspring is owned by the institution. If a loaned confiscated live specimen dies then the Management Authority has to be informed and the report from the veterinarian sent to it, and it will note the death in its files.

Confiscated goods derived from animals are registered in data file and are then stored, as we always say, for eternity, in a safe store room in the subterranean vaults of the Federal Veterinary Office. We destroy specimens that are really in bad shape or are perishable. Confiscated goods are never sold, as we do not want those illegal goods to enter into trade again, however we may loan them to individuals and institutions for research or instruction purposes. For example, we have loaned confiscated specimens to schools for their natural history collections, to the Customs for exhibition and instruction purposes, to museums for exhibits and also to the CITES Secretariat for training courses. The pressure to destroy part of this collection and gain storing space is increasing. We are therefore trying to find a museum which would be willing to house these (or most of these) items in a permanent exhibit.

Confiscated live plants are placed, as far as possible, in botanical gardens and public parks under a contract as a permanent loan. Conditions are the same as for animals. If no destination can be found, specimens are destroyed. So far, no candidates for repatriation have ever been identified, as confiscated shipments usually consist of artificially-propagated specimens or of wild-collected specimens of very common species or in a very bad shape. Confiscated parts and derivatives of plants are treated the same way as goods derived from animals.

*Federal Veterinary Office*

---

## *Funding conservation from the sale of confiscated specimens: the Belgian experience*

In January 1986, Customs officers of the port of Antwerp discovered and seized a consignment of 9.6 tonnes of raw African elephant ivory originating from the United Republic of Tanzania, disguised as beeswax. Following legal proceedings, the tribunal confiscated the ivory and, in conformity with CITES provisions at that time, the ivory was sold at auction by the Customs Administration. This sale earned the equivalent of EUR 1.25 million. In 1993 an agreement was reached between the Governments of Belgium and the United Republic of Tanzania to use the funds for elephant conservation in the latter country. The 'Beeswax Fund' was administered by the CITES Secretariat, to be used for field projects developed with the Tanzanian authorities and implemented by the World Wide Fund for Nature (WWF). The projects were submitted for approval by the Belgian authorities and administered as externally-funded projects by the Secretariat.

Since the funds were made available, USD 460,641 was spent on strengthening anti-poaching activities in key protected areas and ecosystems, USD 40,000 on supporting the Pasiansi Wildlife Training Institute, USD 33,929 on supporting anti-poaching activities in the Tarangire National Park and USD 99,000 for TRAFFIC and wildlife trade monitoring in the United Republic of Tanzania. Current projects funded by the Beeswax Fund include a USD 356,643 project on the conservation

and management of the Selous Game Reserve, and a USD 95,625 project on the conservation and management of the Mkomazi Game Reserve.

In 1989 Belgian Customs officers seized 1,623 whole skins and 3,967 flanks of spectacled caiman at the port of Antwerp, originating from Argentina and in transit towards Italy. In 1998, after a long legal case and the prosecution of the exporter in Argentina, the Belgian Customs Administration organized another auction, and raised EUR 29,747.20. The Belgian CITES Management Authority proposed, in accordance with Resolution Conf. 9.10 (Rev. CoP13) and with the agreement of the Finance Ministry, to delegate the administration of the funds to the CITES Secretariat with the purpose of supporting CITES projects in Argentina.

Conservation projects require funding and it is clear that many more valid projects exist than there are available funds to support them. In these instances, the proceeds of the sale of CITES specimens confiscated by the importing country were used to support conservation activities in the country from where the specimens originated. This approach is an innovative example of international collaboration and of the use of confiscated specimens for conservation purposes.

*Management Authority of Belgium*

---

## *Explaining Resolution Conf. 10.7 - Disposal of confiscated live specimens of species included in the Appendices*

At the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994) a third Resolution relating to confiscated specimens was adopted, after Resolutions Conf. 9.9 and Conf. 9.10 (see elsewhere in this issue). However, Resolution Conf. 9.11 was repealed at the 10th meeting of the CoP (Harare, 1997) and replaced with Resolution Conf. 10.7 on Disposal of confiscated live specimens of species included in the Appendices. While the Resolution is quite short, its Annexes are the most detailed to be found in any



of the Conference of the Parties' Resolutions. Unlike the earlier Resolutions that are concerned mainly with the procedural aspects of the confiscation and disposal of specimens in violation of the Convention, and the disposal of parts and derivatives, this Resolution attempts to help guide Authorities through the difficult decision-making process of dealing with live specimens.

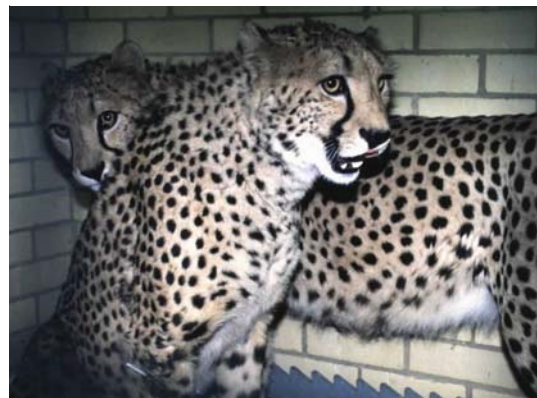
The Resolution notes that shipments of Appendix-II or -III live specimens often include large quantities of specimens for which no adequate housing can be made available, and that in general there are no detailed data about country of origin and site of capture for these specimens. Even if the country of origin, and the location where the specimens were obtained are known, the Resolution recognizes the risks of releasing confiscated specimens into the wild, 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.

Before making a decision on the disposal of confiscated live specimens of species included in the Appendices, Parties therefore recommend that a Management Authority consult with and obtain the advice of its own Scientific Authority and, if possible, of that of the State of export of the confiscated specimens, and other relevant experts such as the IUCN/SSC Specialist Groups. The Scientific Authorities should consider the CITES guidelines for the disposal of confiscated live animals and plants found in Annexes 1 and 2 of the Resolution. In the case of disposal of confiscated live specimens of species that are either in Appendix I or involve commercial quantities of Appendix-II or -III species, the Secretariat should be informed about any decision taken. The Resolution also recommends that in cases where shipments arrive without documents and are refused by the importer, the shipment should be confiscated and the specimens disposed of in accordance with the CITES guidelines.

*The Secretariat*

## *Re-homing of seized specimens in the United Kingdom*

The majority of confiscations of CITES-listed specimens in the United Kingdom are made at Heathrow Airport, London. Her Majesty's Revenue and Customs (HMRC) are the lead agency in inspecting and confiscating any CITES specimens that are not covered by the correct import or export documentation. HMRC have a dedicated team of eight officers at Heathrow who deal with all aspects of CITES enforcement. The team undertake all the confiscations of live specimens and unlike many other countries are also responsible for re-homing them. In 2004 - 2005 the CITES team re-homed some 7,065 live animals, reptiles, birds and corals and 4,191 live plants.



Although the team is made up of eight officers, one officer is responsible for coordinating all the re-homing of confiscated specimens. The role of dedicated re-homing officer has worked so well that the officer concerned now coordinates the re-homing of all live specimens confiscated at the United Kingdom's ports and airports. Two crucial aspects of the re-homing officers' role are those of liaison and accurate record keeping. A full tracking system must be in place for each specimen from confiscation to re-homing.

We are fortunate in having expert animal handlers and a secure facility in which to conduct the examination of shipments containing CITES-listed specimens available to us at Heathrow. Once the examination has been completed it may be necessary to confiscate some or all of the shipment. Arrangements are made by the detecting officer to remove the specimens and house them temporarily, if practically

possible, at Heathrow. This can include reptiles, tortoises or small numbers of birds. Any quarantine restrictions will also apply to seized birds or mammals. The seizure information is passed to the re-homing officer who will then oversee the permanent re-homing of the seized specimens. Temporary housing of confiscated mammals is not possible on site and the re-homing officer will endeavour to move these specimens as soon as possible to a larger quarantine facility. The Customs legislation also allows for animals to be moved immediately to a larger quarantine facility or new institution if this is required.



HMRC have a good working relationship with our two scientific authorities, the Joint Nature Conservation Committee (JNCC), for fauna, and the Royal Botanic Gardens, Kew, for flora. There are over 28,000 plant species covered by CITES and some of these species are very delicate and require specialist handling and immediate care. We have different guidelines in place for species listed on Appendix I and those listed on Appendix II or III. Should we need to confiscate any live animals or birds listed on Annex A of the European Commission (which includes all CITES Appendix-I species), the re-homing officers will first call the JNCC and pass onto them the details of species and quantity of specimens for their consideration. The JNCC will then provide the re-homing officer with the necessary information and contact details of the most suitable location for the specimens. This location may not be in the United Kingdom or even the European Union. If the confiscated specimen is to be re-homed outside the European Union, the re-homing officer will liaise with the UK CITES Management Authority, the Global Wildlife Division of the Department for Food and Rural Affairs (DEFRA). Arrangements will be made to issue the required CITES re-export permits for the confiscated specimen. If the confiscated specimens are plants, things are a lot simpler as the shipment will already be at the Royal Botanic Garden,

Kew for the inspection. In addition any phytosanitary checks will also need to be undertaken if the correct phytosanitary certificates do not accompany the plants.

If the confiscated specimens are listed on Appendix II or III, things are dealt with in a slightly different manner. The JNCC will only be contacted if the specimens are unusual or rare in trade. Since the inception of the CITES team in 1992, the various re-homing officers have built up a considerable library of institutions or recognized societies that may be available to house the confiscated specimens. It is departmental policy not to re-home specimens to members of the public unless they are members of a recognized society. If a quantity of specimens is re-homed with a society, a detailed list of the recipients is provided to the re-homing officer by the society concerned. This has proved a workable solution to what can be a logistical problem if you are dealing with a large number of confiscated specimens from the same species, e.g. 700 *Testudo horsfieldii* or 497 *Testudo graeca*. The recipients of the confiscated specimens are required to sign a letter of receipt for the specimens; they are also given a letter from HMRC listing the species, the number, any permanent markings and stating that the specimens have been confiscated by HMRC. It must be stressed that this letter does not give the recipient the authorization to sell the specimens. They still have to obtain permission from HMRC if they want to move the specimens to new owners.



At Heathrow, in addition to the live-animal Border Inspection Post, we have a live-fish Border Inspection Post. This facility has a properly equipped examination area separate from the storage areas. We receive large consignments of live fish but these consignments can also include seahorses and live corals. While the seahorses are readily identifiable, the live corals pose much more of a problem being difficult to identify and very sensitive to their environment. Consequently they have to be dealt without delay and we have put in place a system with



one of the recognized institutions whereby, after informing the relevant institution of any confiscated live coral and seahorses, the specimens are collected from the airport, their identification is double-checked and they are temporarily re-homed. This institution will then re-home the specimens but only with prior consent from our re-homing officer.

Fortunately most of the non-EU commercial live animal and plant shipments enter the United Kingdom via Heathrow, Gatwick or Manchester airports and provisions are in place to deal with those. The problems arise when passengers arrive at the regional airports with a small number of tortoises or parcels are found at the Coventry International parcels Hub (C.I.H.) that are suspected to contain live animals. Procedures have now been implemented at C.I.H. to process these parcels in line with current health and safety guidelines. A qualified expert is now available to examine these suspect parcels in a controlled environment and provide temporary housing while arrangements are put in place to transfer the specimens to Heathrow. This is not always possible at the regional airports. In some cases airlines may transport the specimens to Heathrow, if this is not possible other arrangements need to be made in order to house the specimens locally. These last two scenarios further emphasize the need for forward planning and liaison with other competent bodies.



Photo: HMRC

The re-homing of seized specimens provides the department with very positive publicity, many of the zoos and wildlife parks will have an information panel explaining that such and such specimen has been confiscated by HMRC and providing information about CITES. The role of re-homing officer on our team is certainly a challenging one but once you have a robust re-homing system, transparent tracking system and the assistance of your colleagues in times of need, it can also be a rewarding one.

HMRC Team

## *The Indonesian experience with the disposal of illegally traded, confiscated and accumulated specimens*

Indonesia is known as a major wildlife producer and exporter. It is situated in between two major continents (Asia and Australia) and between two oceans (the Indian Ocean and the Pacific) and consists of more than 17,000 islands with more than 60,000 km of coastline. With the intensification and strengthening of CITES law enforcement in Indonesia, interception of smuggling has improved and illegally-traded specimens have been confiscated in Indonesia, usually during attempts to export them. Confiscations also occur in the countries of destination or transit, and specimens may be returned to Indonesia. For live specimens, especially of nationally-protected and Appendix-I species, the first consideration is given to the possibility of returning the specimens to the wild. For this purpose the Government has established several live-animal post-confiscation rescue and orang-utan rehabilitation centres.

### *Legal basis*

Act No. 5 of 1990 concerning *Conservation of Living Resources and their Ecosystems* along with associated government regulation No. 7 of 1999 concerning *Preservation of Animals and Plants Species*, government regulation No. 8 of 1999 concerning *Utilization of Wild Animals and Plants Species*, and the decree of the Minister of Forestry number 447/2003 concerning *Administrative directives* provide the legal basis for undertaking the confiscation and disposal of specimens, and establishment and management of post-confiscation rescue centres and the orang-utan rehabilitation centres. Specimens seized as evidence in the country of destination or transit are regarded as belonging to the State. The cost of returning the specimens is borne by the exporter or the importer, in accordance with regulations in the country of destination.

### *Establishment of rescue and rehabilitation centres*

In order to fulfil the provisions of Article VIII of the Convention and to reduce the risks of stress, injury and death of confiscated live animals, the

Rescue centre	Number of animals held (to December 2004)
Tasikoki (Manado)	reptiles: 205; mammals: 69; birds: 457
Cinangka (Sukabumi)	reptiles: 370; mammals: 149; birds: 269
Petungsewu (Malang)	reptiles: 1; primates: 32; other mammals: 7; birds: 105
Yogyakarta	reptiles: 590; mammals: 63; birds: 163

Government has developed and established eight post-confiscation rescue centres as transit places and temporary care centres for confiscated live animals. The centres are located in Jakarta, Bogor, Sukabumi, Yogyakarta, Malang, Denpasar, Ambon and Manado. The centres are developed and run in a collaborative partnership between the Government and non-government organizations (NGOs). All confiscated live specimens are directly sent to the rescue centre for quarantine purposes and further treatment. The decision on the final disposal of the confiscated specimens is taken jointly by the provincial office of the Management Authority and the rescue centre.

The daily management of each centre is run by an NGO with full coordination and control by the provincial office of the Management Authority. The Management Authority has full control of the confiscated animals, while the running of the centre is the responsibility of the NGO in charge. A database on the confiscated animals in the rescue centres is being developed. For example, the table above lists the holdings of four rescue centres.



Photo: Peter Dollinger

The orang-utan (*Pongo pygmaeus*, Appendix I) is frequently encountered in illegal trade. Severe forest fires have degraded forest habitats important to this species, adults are illegally killed and orphans are illegally traded as pets. The precise annual figure of specimens entering trade remains unknown, and it is believed these are mainly smuggled by sea on logging and fishing vessels. Last year the Thai Government confiscated more than 100 animals at a zoo that were suspected to be of illegal origin, and recently Cambodian authorities seized more than 30 orang-utans.

The Government operates several rehabilitation centres for the orang-utan. These are in Tanjung Puting National Park, Wanariset, Samboja Lestari, Pangkalan Bun, Nyaru Menteng, Sibolangit and Bukit Tiga Puluh. The rehabilitation centres aim to adapt confiscated and repatriated orang utans (as well as other animals) to semi-wild conditions with the ultimate goal of full reintroduction in the wild.

The Government is developing guidelines and standard operating procedures for the management of rescue centres and for post-rescue treatment of the animals held in the centres including the orang-utan rehabilitation centres. These procedures will cover the roles and authority given to the centres regarding specimen care, maintenance of the facilities; administration and reporting; and the final disposal of the specimens. The increasing number of specimens taken on by centres places a strain on the limited financial and human resources available.

### Concerns with the application of Resolution Conf. 9.10 (Rev. CoP13)

Resolution Conf. 9.10 (Rev. CoP13) stipulates that confiscated specimens of Appendix-II and -III species may be subsequently sold by the Management Authority. From the Indonesian point of view, this provides a loophole that facilitates the laundering of confiscated specimens, especially parts and derivatives. Indonesia is aware of one instance where confiscated reptile skins illegally shipped from Indonesia were seized and confiscated on arrival in another country and then auctioned by the Management Authority of that country without informing the Indonesian authorities. Being kept informed of this case would have influenced subsequent Indonesian non-detriment findings for trade in the species concerned, and the revenue from the sale could have been invested in conservation in Indonesia.

Samedi and Faustina Ida Hardjanti  
 CITES Management Authority of Indonesia

## *The increasing problem of finding good homes for unwanted exotics*

Over the past few years exotic animals have become increasingly popular as household pets. Exotic animals, usually defined as non domesticated and non endemic, include both CITES and non-CITES species and have become increasingly available in pet shops and through specialists' outlets. Whilst exact figures are difficult to obtain, estimates indicate that over 114,000 reptiles and amphibians are imported into the United Kingdom each year for sale to the public. People in the United Kingdom now have as many terrapins and snakes as horses or ponies, and the number is rising. Keeping an exotic such as a snake or lizard has assumed iconic fashion status.

However this rise has also seen an increase in animals with physical or psychological problems. Many owners or prospective owners do not understand how to care for their exotics as species-specific information is often not easily accessible. The welfare problems or abandonment of these species have risen and more worryingly have added to an increasing problem of finding good new homes for these animals.

The Royal Society for the Prevention of Cruelty to Animals (RSPCA) has been working to improve animal care in the United Kingdom for over 180 years. Its 330-strong inspectorate investigates over 100,000 cases of animal cruelty and abuse annually. In recent years inspectors have been called out to growing numbers of rescues and collections of non-domesticated animals such as birds, snakes, terrapins caimans and primates. The stray iguana is starting to replace the stray dog as a problem animal.

The RSPCA has carried out a number of studies on the scale of the problem. The number of exotics that are coming into the care of the RSPCA is increasing. Between 1999 and 2000 alone there was a 200% increase in the numbers of exotics being collected by inspectors. This increase is supported by a survey of owners of exotics which found that many owners had concerns on the level of information they were given and on their pets' poor appetite and breeding success. Also many veterinarians feel that they do not have the expertise to treat exotics and had serious concerns on the neglect of exotics by uninformed

pet owners. In a 2003 RSPCA survey of British vets, less than half treated exotics and, amongst those that did not, only a third referred the case to another vet.

The problem in the United Kingdom appears to be fairly broad across the country and common to both rural and urban areas. The RSPCA, as the leading animal rescue organization in the United Kingdom, has had to respond to this growing number of unwanted exotic animals that come into our care. It is becoming increasingly difficult to keep up with the increase in numbers.

There are three options available to an inspector once he has collected any exotic. The first is to take it to specialized keepers. The RSPCA has a list of approved keepers that will take on an animal, provide it with the proper care and veterinary help and crucially only 're-home' it to a prospective owner that has the necessary skills, knowledge and equipment. This is the most common outlet, taking over 54 % of all exotics that were re-homed in 2004. However as the numbers of unwanted exotics continues to increase so the numbers of places available in these homes decreases. The second option is to re-home the animal through a RSPCA home but the same limitations apply. It is important that the animals do not go back into commercial trade but the number of people that can provide the right accommodation is limited. The final option, euthanasia, is used as a last resort for a healthy animal, but may become more common as opportunities to use the other two options decrease.

CITES Parties also face a similar conundrum with the disposal of confiscated live CITES animals. If there are no re-homing possibilities, and this would probably be limited to zoos, euthanasia becomes the only remaining option. The dilemma is that euthanasia is a realistic option but is a difficult concept to explain to the general public. Ironically the initial problem lies with the same constituency. There are some moves towards rectifying this in the United Kingdom. A new law is being discussed by Parliament that would mandate any owner to provide a duty of care to any pet. However, this is probably a long-term solution and until unwanted exotics are reduced in the short-term, new innovative ways of dealing with this problem will have to be considered.

*The Royal Society for the Prevention of Cruelty to Animals*



## *Guidelines of the World Association of Zoos and Aquariums (WAZA) on the acceptance of seized or confiscated animals*

Live wild animals are seized and confiscated by local, regional and national authorities for a variety of reasons. After seizure, the authorities must ensure that the animals are temporarily placed at a facility where they are housed, fed and cared for according to animal welfare requirements. By the subsequent act of confiscation, the authorities become the owners of the animals and have to dispose of them in a responsible, timely and efficient manner, taking into account practical, legal, animal welfare and conservation aspects.

The authorities are assumed to take into account the following guidelines when disposing of confiscated animals:

- a. The CITES *Guidelines for the Disposal of confiscated live specimens of species included in the Appendices* [Resolution Conf. 10.7, adopted at the 10th meeting of the Conference of the Parties (Harare 1997)]; and
- b. The IUCN *guidelines for the placement of confiscated animals* [approved at the 51st Meeting of the IUCN Council (Gland, 2000)].

Both guidelines refer to zoos and aquariums as suitable recipients of confiscated animals. They recognize, however, that zoos and aquariums generally cannot accommodate large numbers of animals that become available through confiscations and that, in particular for species with lower conservation value, the authorities may also have to explore other options, such as rescue centres, life-time care facilities, specialist societies, humane societies, commercial captive breeders or research institutions.

Further guidance is provided to the authorities by

- c. The IUCN *guidelines for re-introductions* [approved at the 41st meeting of the IUCN Council (Gland 1995)]; and

- d. The IUCN *guidelines for the prevention of biodiversity loss caused by alien invasive species* [approved at the 51st meeting of the IUCN Council (Gland 2000)].

### *Acceptance of seized animals*

Whenever possible, zoos and aquariums should support the efforts of their authorities by accepting to temporarily house, feed and care for seized animals temporarily. Institutions accepting such animals may request that their expenses be reimbursed. It is strongly recommended that arrangements be made under which the costs will be charged to the confiscating authority rather than directly to the importer or owner of the animals.

### *Advice to authorities regarding placement of animals*

When confiscating animals, the authorities will have to take the basic decision whether the animals should be:

- a. Returned to the wild;
- b. Maintained in human care for the remainder of their natural lives; or
- c. Euthanized.

To facilitate this basic decision, both the CITES and IUCN Guidelines contain decision trees. WAZA and its association members will not interfere with this stage of the decision making process. Individual zoos and aquariums will also refrain from influencing the authorities, unless they are (part of) the CITES Scientific Authority or belong to another government established consultative body and are approached by the authorities in that capacity.

### *Acceptance of confiscated animals for permanent keeping*

Zoos and aquariums will accept confiscated animals only if they have the necessary expertise and can ensure appropriate care and accommodation of the animals in the long term.

The animals may be accepted under a permanent loan agreement or as donations. A permanent loan agreement should also define the ownership of the offspring.

While the receiving institutions may pay for transportation costs, they should refrain from buying the animals.

Zoos and aquariums accepting animals will do so only if the transaction will not result in any benefits to the person or institution from which the animals were confiscated.

If the animals belong to a species for which a coordinated regional conservation breeding programme exists, they should be integrated into that programme, if appropriate.

### *Acceptance of confiscated animals for returning them to the wild*

If zoos or aquariums are requested by the confiscating authority to accept animals for returning them to the wild, they will accept only if the requirements of the IUCN *guidelines for re-introductions* are met. They will make sure that, during the whole process, these guidelines are fully respected.

### *Creating awareness and fundraising for conservation*

Zoos and aquariums having confiscated animals on display should take the opportunity to inform the public about the reason which led to the confiscation. In particular, they should make the public aware of the threats unsustainable and illegal trade poses to wild species and of the role CITES plays in combating such trade.

Efforts should be made to raise funds for supporting *in situ* projects for the species concerned, especially in the case of high profile species, such as primates, large carnivores, elephants, rhinos, parrots or marine turtles.

*Adopted at the WAZA Plenary Session of 20 November 2003 – 58th Annual meeting, held at San José, Costa Rica, 2003.*



*Mounted leopard skins in storage*

Photo: Simon Milliken TRAFFIC

## *Taking stock: experiences of elephant ivory and rhino horn stockpile management in Africa*

'Ivindo 3' might sound like the final part of some epic film trilogy, but it does indeed tell an interesting three-stage journey highlighting the close links between ivory confiscations and stockpiles. Taking its name from the clear markings, 'Ivindo 3' was one of five tusks seized near Lope, Gabon, during a field patrol in early 1999. Following presentation as evidence in a court case in Makokou, it rapidly left government custody and subsequently re-entered illegal trade. By remarkable coincidence, the same 'Ivindo 3' ultimately became one of 330 ivory tusks seized during a routine inspection by Huang Pu Customs in Guangzhou, China on 18 March 1999. Clear markings on this tusk enabled it to be traced back to Gabon, despite the fact that its disappearance following the court case was not known. Clearly, gaps in the initial stages of stockpile management had facilitated its return into illegal trade, and there are likely to be similar cases involving other countries.



Photo: Tom Milliken TRAFFIC

*Ivindo 3 in China*

One of the most common measures applied to confiscated wildlife products – deemed property of the State – is to store them in a secure room, warehouse or safe. Such measures are commonly included in national legislation as a means to ensure that the illegally-traded specimens are removed from the possession of the guilty individual(s) as well as allowing the State to dispose of the specimens as deemed fit, possibly to help recoup enforcement-related costs.

With regard to CITES provisions, Resolution Conf. 9.10 (Rev. CoP13) on Disposal of illegally traded, confiscated and accumulated specimens recommends that "Parties transfer confiscated and accumulated dead specimens of Appendix-I species, including parts and derivatives, only for *bona fide* scientific / educational or enforcement / identifi-

cation purposes, and that Parties save in storage or destroy those excess specimens whose transfer for these purposes is not practicable”. It also recommends that “confiscated dead specimens, including parts and derivatives, of Appendix-II and Appendix-III species be disposed of in the best manner possible to benefit enforcement and administration of the Convention”.

In reality, stockpiles often include wildlife products derived from legal sources (e.g. natural mortalities, managed off-take, problem animal control, etc.) in addition to confiscated specimens.



Photo: Simon Millidge

*Stockpiled ivory in undisclosed location in South Africa*

Few people realize how wildlife product stockpiles can actually become so large, or how quickly they may accumulate. In Africa, two of the highest profile wildlife products are stockpiled in significant quantities. TRAFFIC has documented over 18 tonnes of rhino horn, almost four-fifths of which are found in just four locations and increasing at a rate of up to 25% every four years. Even larger quantities of elephant ivory exist, with individual warehouses now holding volumes as much as around 100 tonnes and increasing by up to six tonnes annually.

Disregarding the precise origin of the individual specimens, and as illustrated by the ‘Invindo 3’ case above, good stockpile management is key to minimizing the risk of stockpiled wildlife products entering illegal trade.

The term ‘stockpile management’ covers the entire process from confiscation and collection of a wildlife specimen to secure storage (and subsequent disposal), which may see the wildlife product move through many pairs of hands and via many locations.

Accidental deficiencies or deliberate abuse of stockpile management practices anywhere along that process can therefore result in wildlife products entering illegal trade. For example, at the field level, the accumulation rates of ivory and horn collected from some of the largest elephant and rhino populations in Africa are lower than expected levels. At the other end, there have been several examples of ivory thefts from strongrooms throughout East and southern Africa in the past two decades. Most recently, the Ethiopian Wildlife Conservation Department undertook legal action and improvements to stockpile management practices in response to the theft of at least 1,700 kg of ivory from the main government store.

Indeed, it is increasingly evident that poor stockpile management holds the potential to undermine other efforts to prevent illegal trade, which have traditionally focused on ensuring adequate field protection and infiltrating illegal trade syndicates.

There are essentially four main components to good stockpile management:

1. *Collection and centralization* – Adequate investigative procedures are required to ensure the proper collection and recording of evidence, whilst timely centralization helps reduce the accumulation of stockpiles in less secure locations with a higher risk of theft.
2. *Marking and measuring* – Individual specimens in the stockpile should be marked with a unique numbering system (which incorporates essential measurements) using a proven marking technique. For example, ivory should be marked using the CITES prescribed system (i.e. country of origin two-letter ISO code, last two digits of year, serial number for year in question, and weight in kg) whilst a combination of visible markings and hidden microchips are recommended for rhino horns.



Photo: Megan Diamond/TRAFFIC

*Rhino stock in South Africa*



3. *Registration and audits* – Registration is perhaps the most important part of stockpile management, to ensure information is accurately recorded and to minimize the risk of specimens not reaching the final stockpile. Central to registration is an auditable paper trail and use of comprehensive registers to record all locations and persons holding or moving specimens, which are in turn individually identifiable accordingly to their unique numbering system. Audit mechanisms are required in the same way as periodic checks are performed on other valuable assets.
4. *Storage and security* – Adequate storage facilities and security measures are required to prevent theft, decline in quality and prevent unauthorized access.

Simon Milledge, Deputy Director,  
TRAFFIC East/Southern Africa

---

## Handling confiscated specimens

The handling of confiscated specimens can be made easier if one is well-prepared and well-equipped. A suitably-equipped location is of utmost importance, as in the case of live specimens there will always be a risk of an escape. Information should be kept at hand, such as a list of experts in animal and plant handling, identification and care; a list of rescue centres; and the telephone numbers where the Management Authority can be reached (keeping in mind that confiscations often occur in the evening and at weekends). Basic equipment can include a bird net, leather gloves, snake hooks, face masks, protective eyewear, surgical gloves, cloth sacks, a large clean container (such as a rubbish container with a lid), towels and blankets, and antibacterial soap.

Handling wildlife can be dangerous, and it is important to take precautions for your safety, that of your colleagues, and for the safety of the specimens. Animals are often faster and much stronger than might be expected. Quite apart from the damage that can be caused by claws, teeth, beaks, toxins, spines or others, animals can also carry infectious diseases such as hepatitis A and B, psittacosis and salmonella. Dead specimens may also pose a risk, for instance, hunting trophies may have sharp claws, talons, horns or antlers, and they may have been treated with

chemicals which are poisonous if inhaled. Handling plants can also be risky, as plants may secrete toxic substances or have sharp spines, and they may have been treated with chemicals and pesticides.

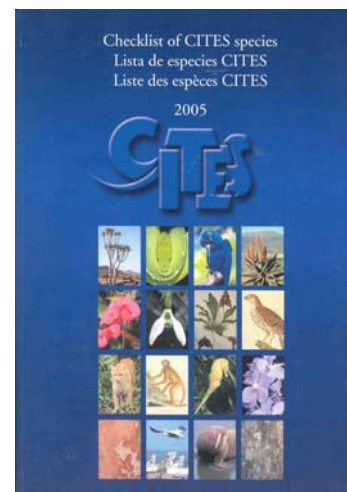
*The Secretariat*

---

## 2005 Checklist of CITES species now available

The *Checklist of CITES species* provides the official alphabetical list of CITES species, their scientific synonyms, their common names in English, French and Spanish (to the extent that these were available to the compilers) and an indication of the Appendix in which they are listed. The publication includes a CD-ROM that contains in PDF format all of the information above as well as the Annotated CITES Appendices and reservations. The latter provides the original listing date of all taxa (orders, families, genera, species, subspecies) and populations specifically named in the current or past Appendices. It also indicates all reservations ever made by Parties, with the dates on which they entered into force and, in the case of past reservations, the dates on which they were withdrawn. This book should be particularly useful to CITES Management and Scientific Authorities, Customs officials and all others involved in implementing and enforcing the Convention.

Paper copies can be ordered from the CITES website (USD 60 per copy). An electronic version can be downloaded in PDF format from the website at no cost.



## Updated training presentations

The Secretariat has prepared an ID-ROM (card-sized CD-ROM) with training presentations on CITES. Produced in the three working languages of the Convention (English, French and Spanish), it contains 16 training presentations in PowerPoint format, the text of the Convention, CITES Appendices I, II and III (valid from 23 June 2005) and the standard CITES export/import permit and re-export certificate.

The PowerPoint presentations include an introductory section and cover the following topics: definitions, roles of CITES Authorities, role and function of the Scientific Authority, permits and certificates, special procedures, reading the Appendices, using the Appendices, science, non-detriment findings and data, role of quotas in CITES, trade with non-Parties, permit management systems, filling in permit forms, reservations and plants.

This ID-ROM is an updated and improved version of the CD-ROM that was distributed in November 2003, and the Secretariat hopes that Parties will again find it a useful tool in their CITES training programmes.

The Secretariat has also updated the CD-ROM training programme for Customs. This self-instruction course was first provided to the Parties in 2004, and has been updated to reflect changes adopted at the 13th meeting of the Conference of the Parties (Bangkok, 2004).

Copies of these two training materials are available on request from the Secretariat.



*The Secretariat*



CITES Secretariat  
International Environment House  
Chemin des Anémones  
CH-1219 Châtelaine, Geneva  
Switzerland

Telephone: +41 (22) 917 81 39/40 Fax number: +41 (22) 797 34 17

Email: [cites@unep.ch](mailto:cites@unep.ch) Website: <http://www.cites.org>

If you would like to submit an article, or make suggestions or comments, please contact the Capacity-Building Unit.

Although every attempt is made to ensure the accuracy of the articles, the opinions expressed are those of the individual authors. The designations of geographic entities do not imply the expression of an opinion from the CITES Secretariat concerning the legal status of any country, territory, or area, or of its frontiers and borders.