



Guidelines for the management of confiscated, live organisms

Neil Maddison, editor



About IUCN

The International Union for Conservation of Nature (IUCN) is a membership Union uniquely composed of both government and civil society organisations. It provides public, private and non-governmental organisations with the knowledge and tools that enable human progress, economic development and nature conservation to take place together.

Created in 1948, IUCN is now the world's largest and most diverse environmental network, harnessing the knowledge, resources and reach of more than 1,300 Member organisations and some 13,000 experts. It is a leading provider of conservation data, assessments and analysis. Its broad membership enables IUCN to fill the role of incubator and trusted repository of best practices, tools and international standards.

IUCN provides a neutral space in which diverse stakeholders including governments, NGOs, scientists, businesses, local communities, indigenous peoples organisations and others can work together to forge and implement solutions to environmental challenges and achieve sustainable development.

Working with many partners and supporters, IUCN implements a large and diverse portfolio of conservation projects worldwide. Combining the latest science with the traditional knowledge of local communities, these projects work to reverse habitat loss, restore ecosystems and improve people's well-being.

www.iucn.org

<https://twitter.com/IUCN/>

IUCN Species Survival Commission (SSC)

With over 8,000 members, the Species Survival Commission (SSC) is the largest of the six expert commissions of IUCN and enables IUCN to influence, encourage and assist societies to conserve biodiversity by building knowledge on the status and threats to species, providing advice, developing policies and guidelines, facilitating conservation planning, and catalysing conservation action.

Members of SSC belong to one or more of the 140 Specialist Groups, Red List Authorities and Task Forces, each focusing on a taxonomic group (plants, fungi, mammals, birds, reptiles, amphibians, fishes and invertebrates), or a disciplinary issue, such as sustainable use and livelihoods, reintroduction of species, wildlife health, climate change and conservation planning.

www.iucn.org/theme/species/about/species-survival-commission

Guidelines for the management of confiscated, live organisms

Neil Maddison, editor

The designation of geographical entities in this book, and the presentation of the material, do not imply the expression of any opinion whatsoever on the part of IUCN concerning the legal status of any country, territory, or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

The views expressed in this publication do not necessarily reflect those of IUCN.

This publication has been made possible in part by funding from Environment Agency Abu Dhabi.

Published by

IUCN, Gland, Switzerland

Copyright

© 2019 IUCN, International Union for Conservation of Nature and Natural Resources

Reproduction of this publication for educational or other non-commercial purposes is authorised without prior written permission from the copyright holder provided the source is fully acknowledged.

Reproduction of this publication for resale or other commercial purposes is prohibited without prior written permission of the copyright holder.

Citation

IUCN (2019). *Guidelines for the management of confiscated, live organisms*.

Gland, Switzerland: IUCN. iv + 38 pp.

Editor

Neil Maddison

ISBN

978-2-8317-1960-3 (PDF)

DOI

<https://doi.org/10.2305/IUCN.CH.2019.03.en>

Cover photo

Jhonathan Miranda

Available from

IUCN, International Union for Conservation of Nature

Rue Mauverney 28

1196 Gland

Switzerland

Tel +41 22 999 0000

Fax +41 22 999 0002

www.iucn.org/resources/publications

Table of contents

Acknowledgements	iv
1 Context	1
1.1 Statement of need	1
1.2 Purpose of these Guidelines	1
1.3 Precautionary principles	2
1.4 Taking a proactive approach	3
1.5 Definitions	4
2 Criteria for decision-making	7
2.1 The individual scale	7
2.2 Resources available	8
2.3 Legal considerations and international agreements	9
3 Action planning	10
3.1 Immediate short-term care	10
3.2 Information gathering and initial assessment process	11
3.2.1. Species identification	11
3.2.2. IUCN Conservation status and priorities	12
3.2.3. Health	12
3.2.4. Fitness to survive	13
3.2.5. Reason for confiscation	13
3.2.6. Country of origin and arrival	14
3.2.7. Recognised invasive species	15
3.3 Interim holding	15
3.4 Using the Decision Tree for longer term management	15
3.4.1. Repatriation	16
3.4.2. Translocation (or 'returning the confiscated individuals back to the wild')	16
3.4.3. Long-term captive care	18
3.4.4. Humane killing / destruction	20
4 Conclusion	21
Appendix 1: Confiscation Advisory Network-Terms of reference	23
Appendix 2: Useful sources of information with internet links	27
Appendix 3: Information gathering and initial assessment	31
Appendix 4: Decision Tree-Confiscated species	35

Acknowledgements

Kira Mileham contributed greatly to the compilation and integration of input and feedback. Mark Stanley Price (University of Oxford) and Tomasina Oldfield (TRAFFIC) made invaluable contributions to this publication. Attendees at the Wild Animal Rescue Network Conference 2014 and the IUCN Conservation Planning Specialist Group 2014 (formerly Conservation Breeding Specialist Group) also contributed significantly, and the Editor wishes to record their thanks. Rachel Hogan (OBE) of Ape Action Africa and Valentina Rodrigues of the Colombia Environmental Police Force also gave valuable feedback to help shape the Guidelines. Special thanks to the late Maria Boyd for her input on the management of live, confiscated animals in China.

1 Context

Illegal trade in wildlife has increased dramatically over the past decade; however, so have enforcement efforts aimed at mitigating this threat. Successful enforcement often involves the seizure and confiscation of wild species from diverse taxa of plants, animals and fungi. These confiscations may be parts of non-living specimens in the form of artefacts, food or medicinal products but, in many cases, they involve live individuals. With increasingly frequent confiscations and often high numbers of individuals involved, it is important that best practice management approaches are followed to maximise the conservation role and the individual welfare of these plants and animals. This document aims to provide guidance on this best practice.

1.1 Statement of need

The International Union for Conservation of Nature (IUCN) is the world's foremost authority on biodiversity conservation and sustainable use, nature-based solutions and related environmental governance, and helps the relevant authorities find realistic, practical solutions to environmental challenges. IUCN produces a series of 'Guidelines' designed to give advice to those making decisions that relate to natural resource management. The first IUCN *Guidelines for the Placement of Confiscated Animals* were adopted in February 2000. This updated version of the Guidelines considers the changing situation of wildlife trade over the last two decades. The update also aims to increase consistency with international policy and legislation, and to support the requirement of national governments to manage an increasing number of live, wild animals and plants being confiscated by the relevant authorities and requiring action.

The reasons for the increase in the number of wild animals and plants being confiscated are many and can be complex, but are generally related to an increase in the illegal trade of live animals and plants. Furthermore, confiscations of live specimens have increased due to improved knowledge and understanding by enforcement authorities. In some cases more resources have been allocated to confiscating authorities and their agents. There have also been changes in national legislation and in international agreements such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). These legal requirements have tended to become increasingly restrictive, and sometimes include provisions which put more emphasis on the need to manage wildlife confiscations.

From the perspective of conserving global biodiversity, in most cases priority should be given to managing individual animals and plants of species that are classified as being under threat of extinction, and whose loss would put even greater pressure on a species that is declining in the wild. With the mounting pressure on wildlife globally, there is a need for a decision-making process for the management of live confiscated individual animals and plants that places the **prevention of species extinctions and the maintenance of healthy wild populations and biodiversity** above all other criteria; that includes assessing risks both to the confiscated species, and also to any species in the wild in a potential release site. The IUCN Guidelines below are designed to help meet that need. Species considered to be globally threatened with extinction are those listed on The IUCN Red List of Threatened Species™ as being Vulnerable (VU), Endangered (EN) or Critically Endangered (CR) (<http://www.iucnredlist.org/>). In addition, for the management of confiscated individuals of species classified as Extinct in the Wild (EW), Data Deficient (DD), Near Threatened (NT), Not Evaluated (NE), or threatened populations of Least Concern (LC) species should also be prioritised (national red lists can be useful in identifying threatened populations of LC species).

The Guidelines set out below intend to help governmental authorities in making decisions on how to manage living animals, plants and fungi confiscated under wildlife laws, regardless of their conservation value. The Guidelines will also have merit in assisting the relevant authorities in managing confiscated animals and plants of non-threatened species, but it must be emphasised that these Guidelines are to assist in the maintenance of healthy, wild populations of species, and that decisions made based on managing individual animals from a purely welfare perspective may require different actions.

1.2 Purpose of these Guidelines

These Guidelines are intended for government bodies and/or their authorised agents that have the legal responsibility to determine how a *confiscated* live organism is managed both in the immediate short term (an initial period that may last between several hours to several weeks) and the longer term (which may often be a ‘permanent’ situation).

A confiscated specimen is defined in this document as a live organism at the point when it comes under the authority of the decision-making body or agent responsible for deciding where to place the individual in the long

term; this is NOT the point of seizure, where different management protocols may apply.

Important Note: If a live organism that is listed on the CITES Appendices is confiscated, and the country of confiscation is a signatory to CITES, then the CITES protocols for managing these specimens must take precedence over the IUCN Guidelines, for example CITES Resolution Conf. 17.8 on Disposal of illegally traded and confiscated specimens of CITES-listed species.

1.3 Precautionary principles

An over-arching principle for these Guidelines is **avoidance of biodiversity loss through inappropriate or poorly managed releases**. The primary risks include the spread of disease from released animals or plants, introduction of animals or plants to a non-native area (risking introducing invasive alien species or introgressive genes through hybridisation, and, hence, potentially ultimate loss of biodiversity), or unnatural competition between species leading to indigenous species being displaced.

To ensure that these and other risks do not become real, the precautionary principle of management underpins these Guidelines. Specifically, the confiscating authority should not release an individual live organism into the wild unless it can demonstrate a convincing plan of action for the animal or plant in question that either contributes to the conservation of the species, or poses no significant risk to its conservation across its range, or to the conservation of other species in the release environment.

1.4 Taking a proactive approach

It can be extremely challenging to make a decision in the best interests of conservation when faced with a lack of information, and conflicting arguments and ethical considerations from differing sectors. Many factors often need to be considered before determining how a confiscated live organism should be managed. Consequently many different areas of expertise may be required in order to ensure sufficient information for optimal decision-making. Confiscating authorities and their agents are therefore encouraged to develop local, national, regional and international contacts and form a **Confiscation Advisory Network** (see Appendix 1) with specialists in these particular areas:

- Taxonomic expertise to enable rapid and accurate identification to species/subspecies level
- Medical and veterinary expertise on human and animal health, including quarantine
- Wildlife rescue, husbandry and behavioural expertise
- Botanical expertise
- Appropriate legal expertise
- Logistical expertise to advise on holding and transport

To enable this, confiscating authorities are encouraged to proactively establish points of contact with:

- Local, regional, and international wildlife rescue/rehabilitation centres, zoo authorities and associations, and sanctuaries which may be able to provide expert advice and in some cases short- or long-term holding
- In-country World Organisation for Animal Health (OIE) focal points and government/university veterinary departments, which may be able to advise on animal health and welfare issues
- Local, regional, and international botanic gardens
- In-country CITES Management and Scientific Authorities, and the CITES Secretariat
- In-country wildlife crime enforcement and border authorities
- Other in-country wild animal and plant health and animal welfare agencies and advisory bodies as appropriate

In particular, there should be a close link between the decisions that **confiscating authorities** and their agents need to make and those that **CITES Management Authorities** need to make. There is the opportunity for close collaboration between the two bodies (if separate) that should be utilised.

1.5 Definitions

The following definitions are used for the purpose of this document:

Animals:

all live parts of recognised fauna, including eggs.

Confiscated, Live Organism:

a live organism at the point when it comes under the authority of the decision-making body or agent responsible for deciding where to place the individual in the long term.

Captivity / *Ex situ*:

conditions under which individuals are spatially restricted with respect to their natural spatial patterns or those of their progeny, are removed from many of their natural ecological processes, and are managed on some level by humans. In essence, the individuals are maintained in artificial conditions under different selection pressures than those in natural conditions in a natural habitat. (IUCN Guidelines on the Use of *Ex situ* Management for Species Conservation).

Consignment origin:

the country from which an organism was transported prior to seizure.

Country of origin:

the country in which a specimen/individual was taken from the wild, bred in captivity or artificially propagated (CITES glossary of terms).

Euthanasia:

the taking of an animal's life arising from the need to end suffering.

Humane killing:

The painless taking of an animal's life for purposes other than to end an existing condition causing suffering. [Note: the protocols for utilising both *Euthanasia* and *Humane Killing* – even though the two are significantly different in terms of the rationale for use – are given under the single term of '*euthanasia*' in the AMVA Guidelines on Euthanasia].

Indigenous range:

the known or inferred distribution of a species generated from historical (written or verbal) records, or physical evidence of the species' occurrence (IUCN Guidelines for Reintroductions and Other Conservation Translocations).

One Plan:

inclusive development of management strategies and conservation actions by responsible parties across all populations of a species, whether inside or outside their indigenous range.

Plants:

all live parts of recognised flora, including seeds.

Point of seizure: the initial point at which an authorised body took a live organism into custody.

Reinforcement:

the intentional movement and release of an organism into an existing population to boost the populations of threatened species in the wild (IUCN Guidelines for Reintroductions and Other Conservation Translocations).

Reintroduction:

the intentional movement and release of an organism inside its indigenous range from which it has disappeared (IUCN Guidelines for Reintroductions and Other Conservation Translocations).

Repatriation:

return of the confiscated individual to its country of origin.

Translocation:

is the human-mediated movement of living organisms from one area, with release in another, including reintroduction and reinforcement projects (IUCN Guidelines for Reintroductions and Other Conservation Translocations).

2 Criteria for decision-making

Three priority criteria set the boundaries for making decisions on how to manage live confiscated animals and plants and are therefore important to consider before taking action.

2.1 The individual scale

How a confiscated organism is managed will in part depend on the attributes of that particular individual, even if the individual is part of a large number of confiscated animals or plants. Assessment therefore needs to be done at the individual level. From a conservation perspective, a **critical factor to determine is the species to which the individual belongs**. In many cases, determining the wild population from which the individual originated will not be feasible. However, in cases where this is known, decisions should be made based on the *population of origin* rather than the *country of origin*. Once the identification of the species is confirmed, an action plan for the individual can be developed. Without knowing the exact species, the options open to the managing party are severely limited. Accurate identification of individuals can be extremely challenging, particularly when the number of animals to be identified is large and they are similar in appearance; however, decisions based around conservation status, health and origin for example, require precise identification and consideration of each individual organism.

Case study: Indonesian bird markets



© Kira Milleham

Jakarta's Pramuka Bird Market is one of Indonesia's largest bird markets. Many native birds of differing conservation status are taken illegally from the wild and sold for the song-bird market. The scale of the challenge to identify which animals are being sold legally, and those that are not, can be enormous and demand significant expertise and financial resources. For example, in 2016 a TRAFFIC report¹ documented nearly 23,000 birds were recorded in five markets in Surabaya, Yogyakarta and Malang during a three-day survey, with clear indication that the vast majority were illegally taken from the wild. In addition, many of the birds in the Pramuka Bird Market are non-indigenous, are imported illegally, and pose a significant threat to Indonesian bird life if they are not managed appropriately.

¹ Chng, S.C.L. and Eaton, J.A. (2016). *In the Market for Extinction: Eastern and Central Java*. TRAFFIC. Petaling Jaya, Selangor, Malaysia.

An organism whose species identity is not known (even if suspected) should NEVER be released into the wild as this poses an unacceptable risk to global biodiversity. Unless there are strongly supported mitigating circumstances (see IUCN Guidelines for Reintroductions and Other Conservation Translocations), individuals in general should ONLY be considered for release in their native range, and if known, within their population of origin. These restrictions are necessary in order to avoid introducing alien invasive species, causing genetic pollution, and altering the genetic structure of the species.

2.2 Resources available

One of the most important factors that influences decision-making is the *level of resources* available to the confiscating authority. It is recognised that the level of resources available may vary depending on circumstances and conservation priorities. In every situation, however, there will be finite resources available, and the confiscating authorities will have to assess what actions are desirable, appropriate and feasible in the context of the resource constraints. The confiscating authorities may transfer the management of confiscated individuals to a responsible third party organisation, and the level of resources available to such third party organisations will inevitably affect how the individuals are managed in the short and long term. Before decisions can be made about appropriate management options, consideration should be given to the resources available, including:

- i.** Are sufficient resources (such as funds, personnel, quarantine capacity, expertise) available for **repatriation** of the individual to the country/area of origin where the individual would be managed to the level of standards laid out in these Guidelines?
- ii.** Are sufficient resources available for implementing a **reintroduction / translocation / reinforcement** programme (such as funds, expertise, monitoring), especially for species classified as threatened?
- iii.** Are sufficient resources available to ensure **long-term ex situ management** (i.e. in captivity) of the individual at an appropriate welfare level (such as funds, facilities, personnel, expertise)?
- iv.** Is there an appropriate organisation or group of organisations that could supply the resources necessary for any of the above options and could

therefore act as a third party (in addition to the confiscating authority and the country of origin) in management of the individual?

v. Does the proposed level of allocation of resources reflect the conservation value of the individual(s)?

IUCN recognises that the availability of resources can be *the* most important element in decision-making. In cases of managing individuals of species classified as threatened, however, significant effort may be required to acquire a suitable level of resources.

2.3 Legal considerations and international agreements

Deciding how to manage an individual will depend not only on the properties of the individual and the resources available, but also on local conditions – principally the *laws* of the country where the individual is confiscated and any *international conventions, agreements or regulations* that apply. In the context of confiscations, if a confiscating authority is in a country that is bounded by CITES regulations, then the CITES protocol for managing CITES-listed species (CITES Resolution Conf. 17.8 on Disposal of illegally traded and confiscated specimens of CITES-listed species) should be adhered to, carried out under the 'Management Authority'.

3 Action planning

3.1 Immediate short-term care

The first stage of action in managing a confiscated live organism is to ensure that the individual is safe, secure and that any suffering has been alleviated as much as possible. Many animals and plants that are confiscated by authorities are suffering on many levels from factors such as: distress, lack of food, water or light, inappropriate transportation conditions, disease, and other poor standards of animal and plant husbandry. The immediate priority should be the urgent provision of **appropriate standards of animal and plant care** to ensure that basic needs are met, such as suitable water, food, space, light and shelter. Different species have different husbandry and welfare requirements. This is true for both animals and plants. Failure to provide adequate care (for example, over-watering a succulent plant; inappropriate foodstuff for specialist feeders) may lead to increased suffering and mortality. It is highly recommended therefore, as outlined above, that the confiscating authority has access to, or proactively initiates, a **Confiscation Advisory Network** which can advise on immediate, short-term care needs. Suggested Terms of Reference for a **Confiscation Advisory Network** are set out in Appendix 1. Further information is available in the *World Zoo and Aquarium Animal Welfare Strategy*.

Due to the risk of disease being transferred to other organisms from the confiscated live organism (including the risk to humans), it is imperative that the confiscated organisms are immediately placed into quarantine facilities. Quarantine needs may vary widely depending on the specific species and circumstances. Guidance on appropriate procedures and facilities is available in the OIE-IUCN Manual of Procedures for Wildlife Disease Risk Analysis. The OIE Terrestrial Animal Health Code Chapter 5.6, and the OIE-IUCN-EAZWV Quarantine and Health Screening Protocols for Wildlife prior to Translocation and Release into the Wild provide useful supplementary information. Links to these and other useful documents are provided in Appendix 2.

Once immediate needs are met it is necessary to gather information to inform the decision-making process for longer term management of the individual.

The following sections are intended to be used in conjunction with the accompanying flowcharts: Information gathering and initial assessment (Appendix 3), and Decision Tree - Confiscated species (Appendix 4).

3.2 Information gathering and initial assessment process

3.2.1. Species identification

Once the organism is safe and secure, the next priority is for the confiscating authority to determine the *precise species identity* of each individual. This can be challenging, especially in the case of a confiscation of a large number of individuals from similar looking taxa. For this reason, relationships should be proactively built with **taxonomic experts**, as part of a **Confiscation Advisory Network** (see Appendix 1), to help with this process. Many species of animals and plants resemble each other visually, so unless great care is taken a species may be incorrectly identified, resulting in all subsequent decisions being misinformed. Identification can be even more complicated when subspecies, varieties and changes in taxonomy are taken into consideration.

Case study: species identification



© Craig Stanford

The Indo-China box turtle (*Cuora galbinifrons*) originates from northern Vietnam, northern Laos and southern China. In central Vietnam and central Laos, the Bouretti's box turtle (*Cuora bouretti*) occupies the equivalent ecosystem. In 2004, DNA testing resulted in its reclassification of Bouretti's box turtle from a subspecies of *C. galbinifrons* to a full species. However, from outward appearances the two are virtually indistinguishable. Both are listed as threatened species (CR) and both are highly prized in the illegal wildlife trade and sought by poachers. During collection by traders and subsequently shipment, several turtle species may become mixed in the same container and become very difficult to recognise as different species unless identification is carried out by an expert herpetologist.

The burden of identification falls upon the confiscating authorities. The use of guides, manuals and taxonomic keys available for basic identification is highly recommended. Due to the potential implications of misidentification, it is recommended that where there is doubt or potential confusion, the confiscating authorities should refer to taxonomic specialists; such expertise may be found in natural history museums, universities, herbaria, botanic gardens, zoos or aquariums, or sometimes there may be an individual known for her/his expertise in a particular taxon. The Specialist Groups of the IUCN Species Survival Commission (SSC) can sometimes provide the assistance required, or make connections to other appropriate expertise.

Taxon experts are often able to assist in this identification process through digital images, but in some cases further assistance with DNA profiling may be required to support definitive identification.

3.2.2. IUCN Conservation status and priorities

The IUCN Red List of Threatened Species™ has made great strides in identifying the conservation status of the world's known species and whilst not complete, it is a very good starting point for confiscating authorities.

In the interests of conserving the world's biodiversity, for the purposes of managing confiscated organisms it is argued here that individuals of species threatened with extinction or of unknown conservation value should have the first call on available resources. This includes species classified at Critically Endangered, Endangered, Vulnerable, Data Deficient, Not Evaluated or Extinct in the Wild).

In addition to the global IUCN Red List, national and regional Red List data (where present), National Biodiversity Action Plans, and/or authorities on national threatened species classifications should be referred to in order to determine the regional conservation value of a confiscated individual. The identification of individuals of nationally important species may also require specialist knowledge and resources.

3.2.3. Health

Whether in transit, holding or translocation, moving animals and plants outside their indigenous range can pose significant disease transmission risks to humans and human livelihoods, and to other individuals of the same or different species. The mitigation of these risks is covered under the IUCN Guidelines for Wildlife Disease Risk Analysis and the IUCN Guidelines for Reintroductions and Other Conservation Translocations.

It is of crucial importance to carry out an assessment of the individual organism's *fitness to survive* either in the wild or in captivity (for either short or longer term), including being **free of any disease** that could potentially affect wild and/or captive populations of the same or different species. Furthermore, assessing fitness to survive often goes beyond determining immediate physical health. It is not unusual for confiscated individuals to be physically or (for animals) mentally unfit for anything other than long-term captive care, or in more extreme cases, euthanasia of an animal or destruction of a plant. Hybrids and unusual phenotypes may also not be genetically suitable for release.

Euthanasia in these Guidelines refers to the humane ending of an animal's life for the intention of preventing further suffering of an injured and/or sick animal. The protocols for carrying out the euthanasia of an injured and/or sick animal are outlined in the [AMVA Guidelines on Euthanasia](#).

Determining fitness to survive is a challenge and the confiscating authorities will likely require expertise, as part of a **Confiscation Advisory Network** (see Appendix 1) to assess this fitness for any confiscated individual.

3.2.4. Fitness to survive

The fitness of the individual to survive in the wild needs to be considered in the light of whether or not the individual has historically existed in the wild without support, or could do so without ongoing support. Individuals that have been born, or lived a significant portion of their lives in captivity, or have been artificially propagated, *may* have the ability to survive without assistance in the wild and contribute to the conservation of global biodiversity. However, other individuals may not have the capability to do so, and this needs to be assessed by a behavioural, husbandry or botanic expert, as part of a **Confiscation Advisory Network** (see Appendix 1) before a decision can be taken. If the organism *has* been born in captivity or artificially propagated, but is considered to be fit enough to be released into the wild, then the [IUCN Guidelines for Reintroductions and Other Conservation Translocations](#) and the [IUCN Guidelines on the Use of *Ex situ* Management for Species Conservation](#) need to be used as the basis for evaluating whether or not the release of the individual(s) can make a useful contribution to conservation, with minimal and acceptable levels of risk to wild populations.

3.2.5. Reason for confiscation

In some instances seizures can be temporary, such as because of incorrect completion of the required paperwork to allow the individuals to be traded. Confiscations can therefore be 'short term' (i.e., a management protocol until the individuals can be moved legally); or 'long term' (i.e., management protocol for individuals confiscated due to illegalities that will not be overcome). In considering the reason for a confiscation, two questions need to be asked:

i. Why was it confiscated?

Is this an issue of incorrect procedure for a species that could be legally traded, or is it a species prohibited from trade under international agreements and national laws?

If an individual belongs to a species that **can** be legally traded, then the ‘only’ issue is that of legal or illegal acquisition, trading or holding. Depending on the circumstances and region, the options open to the confiscating authority may include holding the individual organism until such time as the legal proceedings are completed, or the organism is surrendered to the authorities for its ongoing management.

ii. Who is claiming ownership of the individual?

Is anyone claiming ownership of the individual? If the person claiming ownership is known, then again the question arises as to the reasons for confiscation. Depending on the circumstances, the options open to the confiscating authority may include holding the individual organism until such time as the legal process is completed, or the organism is surrendered to the authorities for management. If no one is claiming ownership of the individual then the management should be determined by the decision tree process (see Appendix 4).

3.2.6. Country of origin and arrival

Determining where the individual originated can be extremely difficult, as it may have passed through several regions or countries before its confiscation. Additionally, many species and subspecies naturally occur in many countries. For example, identifying the country of origin of a confiscated West African grey parrot (*Psittacus erithacus* and *Psittacus timneh*), could be problematic as this heavily traded species is indigenous to thirteen countries, and individuals are frequently smuggled across borders.



© Kira Mileham

Ideally, from a management perspective, individuals will be confiscated within the country of origin. This makes the decision-making process simpler as the country has the responsibility to manage its own biodiversity resources, and the national ownership of the individual(s) is clear. The decision-making process and options for management are more complicated when the individual is confiscated in a country other than the country of origin. In all cases it will be important to determine whether or not the country of origin is within the indigenous range of the species, or if the individual is an invasive alien species within its country of origin, or if it does not occur (either naturally or as an invasive alien) in the country of origin. These different possibilities have very different implications for decisions regarding future management of the individual in question.

3.2.7. Recognised invasive species

Some species are recognised as holding serious invasive potential and therefore pose a prominent threat to global biodiversity. These are recorded on the [IUCN Global Invasive Species Database](#). Individuals of these species should never be released into the wild outside of their indigenous range.

3.3 Interim holding

Once sufficient information has been gathered in order to make an informed decision, it may be that a live organism needs to be kept in appropriate welfare conditions for a period of time before reaching its ultimate destination. In this case, interim holding facilities need to be found, with the assistance of a **Confiscation Advisory Network** (see Appendix 1). The standards of care should be to those recommended in the [Caring for Wildlife: The World Zoo and Aquarium Animal Welfare Strategy](#).

When all of the above information has been gathered, then the decision for the longer term management can be made using the Decision Tree (see accompanying flowchart in Appendix 4).

3.4 Using the Decision Tree for longer term management

The options available to the confiscating authority are limited to three main possibilities, with a fourth, arguably less desirable option if the law allows, and if options 1, 2, and 3 are deemed not to be appropriate. All decisions taken require transparency and thorough justification. These options are:

1. Repatriation
2. Conservation translocation (including 'Reintroduction');
3. Long-term *ex situ* management; and
4. Humane killing/destruction (where local conditions allow) of fit individuals (either animals or plants) or euthanasia of unfit animals

Important Note: Please refer to the flowcharts (Appendices 3 and 4) to determine which option is the most suitable for the individuals concerned.

3.4.1 Repatriation

If the country of origin is different to the country of confiscation, then the confiscating authorities could look to return the individual to the country of origin for that country's authorities to make a decision. There are significant factors, however, that need to be taken into account before deciding whether or not to repatriate an individual. These are:

- Does the country of origin lie within the indigenous range of the species?
- Is the consignment origin known to be the same as the country of origin? It may be that the individual has arrived in the country of confiscation via several countries, and that the precise country of origin is unknown.
- Is the country of origin *willing* and able to manage the confiscated individual?
- Are there any welfare concerns for an individual if it is repatriated? If there are, then it could be inappropriate to return the individual.
- Is there agreement on which party will cover the costs of any repatriation?
- Is it in the best interest of the individual to be repatriated to the country of origin (due to civil war, economic constraints, etc)?
- Are there any recognised experts/NGOs in country that can assist the authorities with the management of returned consignments if required?
- Are there sufficient guarantees that the country of origin has an efficient and effective system in place to avoid the confiscated individual being put back in illegal trade?

3.4.2 Translocation (or 'returning the confiscated individuals back to the wild')

Whilst this may seem to be the most attractive option to the confiscating authority in terms of individual (animal) welfare, the perception of the public, and being morally '*the right thing to do*', there are several very important factors that need to be taken into account before embarking on such a course, however well-intentioned.

It is important to highlight the fact that returning individuals to the wild in a responsible manner can be extremely difficult, often requiring long-term commitment and significant resources (not just financial). The confiscating authority therefore needs to be confident that they have the commitment and resources to undertake such an action. That said, translocation undertaken from a point of view of conservation of the species can be a very valuable tool. It is worth noting that, due to the importance of conserving biodiversity and because of frequent competition for limited resources (financial and other), translocation of confiscated individuals of non-threatened species should **not** take precedence over threatened species. In practice, due to the constraints that many countries face when dealing with confiscations, this means that resources should be **first** used for translocations with a conservation purpose, rather than for those with a purely *welfare, religious, aesthetic, budgetary or convenience* purpose. Furthermore, translocation of non-native species conflicts with the principles of biodiversity conservation, and in no circumstances should species of unknown origin, non-native status or unknown disease risk be released into the wild.

Case study: inappropriate release leading to invasive alien species expansion



From “Of Least Concern? Range extension by Rhesus Macaques (*Macaca mulatta*) threatens long-term survival of Bonnet Macaques (*M. radiata*) in peninsular India”. By Kumar, R., Radhakrishna, S. and Sinha, A. (2011) *International Journal Primatology* 32: 945-959. doi:10.1007/s10764-011-9514-y

“Bonnet macaques have been displaced from many areas within their former distributional range. The southern and the northern distributional limits for rhesus and bonnet macaques, respectively, currently run parallel to each other in the western part of the country, are separated by a large gap in central India, and converge on the eastern coast of the peninsula to form a distribution overlap zone. This overlap region is characterized by the presence of mixed-species troops, with pure troops of both species sometimes occurring even in close proximity to one another. The range extension of rhesus macaque—a natural process in some areas and a direct consequence of introduction by humans in other regions—poses grave implications for the endemic and declining populations of bonnet macaques in southern India.”

© Russell A. Mittermeier

Comprehensive guidance to evaluate the suitability of conservation translocations as a management tool for confiscated individuals is given in the IUCN Guidelines to Reintroduction and other Conservation Translocations.

3.4.3 Long-term *ex situ* management

There are a number of reasons why an individual organism **cannot** be returned to the wild immediately or in the long term and must therefore be held in long-term captive care. These reasons include (but are not limited to) the following:

- Insufficient information is available to allow translocation to go ahead, for example unclear species identity, disease risk, etc.
- The age or life stage of the individual, or other reasons, indicate that it lacks the skills necessary for survival in the wild.
- There are concerns about the physical, or psychological health of the individual.
- The ecological needs of the species to which the individual belongs (e.g., habitat requirements, carrying capacity limits, etc) make a translocation difficult.
- The social/behavioural needs of the species to which the individual belongs (e.g., age structure, sex ratios, social structure, etc) make a translocation difficult.
- There is a lack of resources available for a release programme.
- There is a lack of available habitat.
- The individual(s) is/are not representative of wild forms (e.g., hybrids, non-wild colour morphs, etc).
- Permit requirements and/or delays in permissions from relevant government agencies make translocations problematic.
- Immediate threats to the survival of the species (such as hunting, or human/wildlife conflicts causing individuals of the species to be regarded as 'pests').
- There is a health risk for other species, or there is a public health concern.

If the decision is made that long-term holding in captivity is the preferred option, then the IUCN Guidelines for the Use of *Ex situ* Management for Species Conservation should be studied carefully to understand the conservation relevance of any such decision. The World Zoo and Aquarium Animal Welfare Strategy should also be closely consulted to understand the approaches and standard of care required to sustain this decision in

the long term. If conditions for the long-term maintenance of the individual can be met, then these Welfare Guidelines should be used as an ongoing management tool.



© Kira Mileham

In some countries, confiscated individuals of species which are deemed not suitable for translocation must, by law be placed into holding facilities (such as rescue centres, zoos, and botanic gardens). This may place a resource burden on those rescue centres and may lead to resource or welfare difficulties. In some cases managing individuals from non-threatened species by allowing them to return to the legal trade might be a solution to consider, as long as this does NOT have an adverse effect on wild populations of threatened species (for example by stimulating an illegal or unsustainable trade in that or similar species either nationally or internationally, or by spreading disease, or by introducing the species outside its indigenous range). Any return to the legal trade can only be permitted in situations where there is strong and effective law enforcement, so that corruption and illegal trade is not stimulated, and that no individuals or companies profit from illegal trade.

It should be noted that there are both risks and benefits from holding an individual in long-term care. Risks to animals, plants and humans include dangers from disease, or escapes, as well as the costs associated with captive care. Potential benefits include the use of the individuals in managed breeding, education and/or research programmes.

If long-term captive care is chosen, preference should be accorded to the placement of confiscated individuals in zoos and botanic gardens where space and expertise are available, and which participate in *ex situ* national and/or international breeding programmes under a 'One Plan' approach.

3.4.4 Humane killing / destruction

Humane killing as a management tool – the taking of an animal's life for reasons other than relieving suffering (euthanasia) – is forbidden in many countries, and considered unacceptable for religious or ethical reasons in many others. Local laws and culture should be observed before considering whether or not such an option is even available for use.

Humane killing could be viewed as a failure of all other options to manage individuals; nevertheless it is sometimes the only appropriate option and can overcome challenges in the future, such as individuals being maintained in very low standards of welfare or released irresponsibly.

The way that a country manages its animals can have a significant impact on how wildlife is viewed within that country. There are important legal, ethical and moral considerations that need to be taken into account by the confiscating authorities (or third party manager) before humane killing can be used as an appropriate management tool for animals. It should not be used lightly. If all other options have been explored in detail, and humane killing is justifiable, then the process by which this is carried out needs to be humane in procedure. Guidance is given in the *AMVA Guidelines on Euthanasia*.

The destruction of confiscated, live plant material of non-threatened species is recommended as an appropriate tool to use by the confiscating authority if other options have been deemed inappropriate. Due to the risk posed of establishing invasive species from confiscated live plants (including seeds), *incineration* of all parts of the confiscated plant is the recommended destruction method.

4 Conclusion

As is clear from the options previously mentioned, none of them can be considered to be ideal. The best option of all is to prevent living animals and plants from being in the illegal trade in the first place. However, in an imperfect world, Confiscating authorities have to make difficult decisions. These guidelines are offered to assist such authorities to factor conservation concerns into their decision-making.



© Thomas Couvreur



Appendix 1 Confiscation Advisory Network - Terms of reference

The rationale for accessing support from a national-level 'Confiscation advisory network' is identified in paragraph 3.1 of the IUCN *Guidelines for the management of confiscated, live organisms*, in order to advise on immediate, short-term care needs of confiscated individuals.

The terms of reference for such groups or teams therefore need to reflect the range of competencies, skills and contacts required to enable enforcement authorities to secure appropriate short-term care for confiscated live organisms, in a short-time scale. This is necessary in order to prevent the welfare of animals and/or the viability of animals, plants and macro-fungi from being compromised. If successful short-term measures are taken, then the options for their placement of individuals in the longer term can be considered.

To ensure these requirements can be met, the make-up of the groups/teams needs to be given careful consideration, but should, as a minimum, ensure access to:

- Taxonomic expertise to enable rapid and accurate identification to species/subspecies/variety level.
- Species-appropriate medical and veterinary expertise on human and animal health, including quarantine.
- Species-appropriate behavioural and husbandry expertise.
- Species-appropriate botanical expertise in the case of plants.
- Appropriate legal expertise.
- Logistical expertise to advise on holding and transport.

The group should establish and maintain points of contact with:

- Local, regional and international wildlife rescue/rehabilitation centres and sanctuaries, zoo and botanic garden authorities and their respective associations, which may be able to provide expert advice and in some cases short-term accommodation.
- In-country World Organisation for Animal Health (OIE) focal points and government/university veterinary departments, which may be able to advise on animal health and welfare issues (www.oie.int).
- In-country CITES Management and Scientific Authorities, and the CITES Secretariat (www.cites.org).
- In-country wildlife crime enforcement and border authorities.
- Other in-country wild animal welfare and animal health and phytosanitary agencies and advisory bodies, as appropriate.

- In-country Official Contact Points of the International Plant Protection Convention (IPPC), which can advise on phytosanitary issues (<https://www.ippc.int/en/>).

The group should establish a point or points of contact, which can be accessed 24 hours a day and can be made available to the appropriate enforcement authorities likely to be directly involved in confiscations.

The groups/teams should seek to establish training programmes for enforcement authorities in order to ensure they are familiar with the IUCN Guidelines for the Management of Confiscated Live Organisms, and related CITES, IUCN, OIE, IPPC, WAZA and other guidance.

The groups/teams should seek to establish contact with other such groups/teams in other countries in order to facilitate the exchange of information and best practice.

The specific selection criteria and terms of reference for the modus operandi of the group/team may require a region- or country-specific focus. In its development, the advisory network may wish to consult existing terms of reference of relevance including:

- Terms of Reference for the IUCN Species Survival Commission Specialist Group and Task Force Chairs

Other important reference bodies and materials include:

- Global Federation of Animal Sanctuaries Standards of Excellence/
- European Association of Rescue Centres and Sanctuaries
- WAZA Animal Welfare Strategy
- CITES Resolution Conf. 17.8 on Disposal of illegally traded and confiscated specimens of CITES-listed species.

Appendix 2

Useful sources of information with internet links

AMVA Guidelines on Euthanasia of Animals

<https://www.avma.org/KB/Policies/Pages/Euthanasia-Guidelines.aspx>

CITES Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*

<https://cites.org/eng/res/17/17-08.php>

Committing to Conservation: The World Zoo and Aquarium Conservation Strategy

<https://www.waza.org/priorities/conservation/conservation-strategies/>

IUCN Global Invasive Species Database

<http://www.iucngisd.org/gisd/>

IUCN Guidelines on *Ex situ* Management for Species Conservation

<https://portals.iucn.org/library/node/44952>

IUCN Guidelines Reintroductions and Other Conservation Translocations

<https://portals.iucn.org/library/node/10386>

IUCN Red List of Threatened Species

<http://iucnredlist.org/>

IUCN Species Survival Commission Specialist Groups

<https://www.iucn.org/theme/species/about/species-survival-commission/ssc-specialist-group-directory>

OIE-IUCN-EAZWV Quarantine and Health Screening Protocols for Wildlife prior to Translocation and Release into the Wild

<https://portals.iucn.org/library/node/7971>

OIE-IUCN Guidelines for Wildlife Disease Risk Analysis

<https://portals.iucn.org/library/node/43385>

OIE-IUCN Manual of Procedures for Wildlife Disease Risk Analysis

<https://portals.iucn.org/library/node/43386>

OIE Terrestrial Animal Health Code

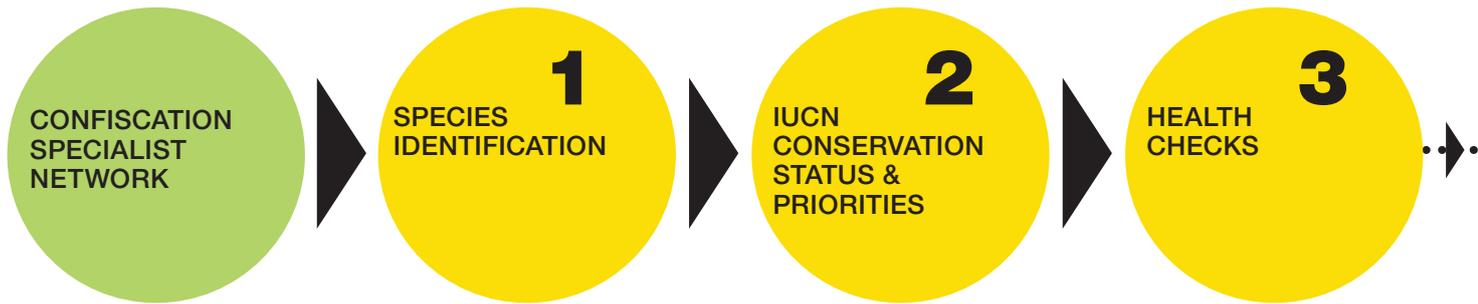
<http://www.oie.int/international-standard-setting/terrestrial-code/>

WAZA Animal Welfare Strategy

<https://www.waza.org/priorities/animal-welfare/animal-welfare-strategy/>

Appendix 3

Information gathering and initial assessment



What species is each confiscated individual?

Is specialist identification required (available via taxonomic organisations)

What is its range?

Does it exist in the country of confiscation?

Is the country of confiscation part of the species native range?

Have all the relevant authorities been consulted e.g. quarantine?

Is there an existing conservation action plan for the species?

Is it classified as a 'Threatened Species' on the IUCN Red List of Threatened Species™ (i.e. Is it classified as Vulnerable, Endangered or Critically Endangered?) See www.redlist.org

What are the conservation requirements for the species as advised by the IUCN Red List?

If it is not listed on the IUCN Red List or is Listed as NE or DD, seek advice from the IUCN Species Survival Commission

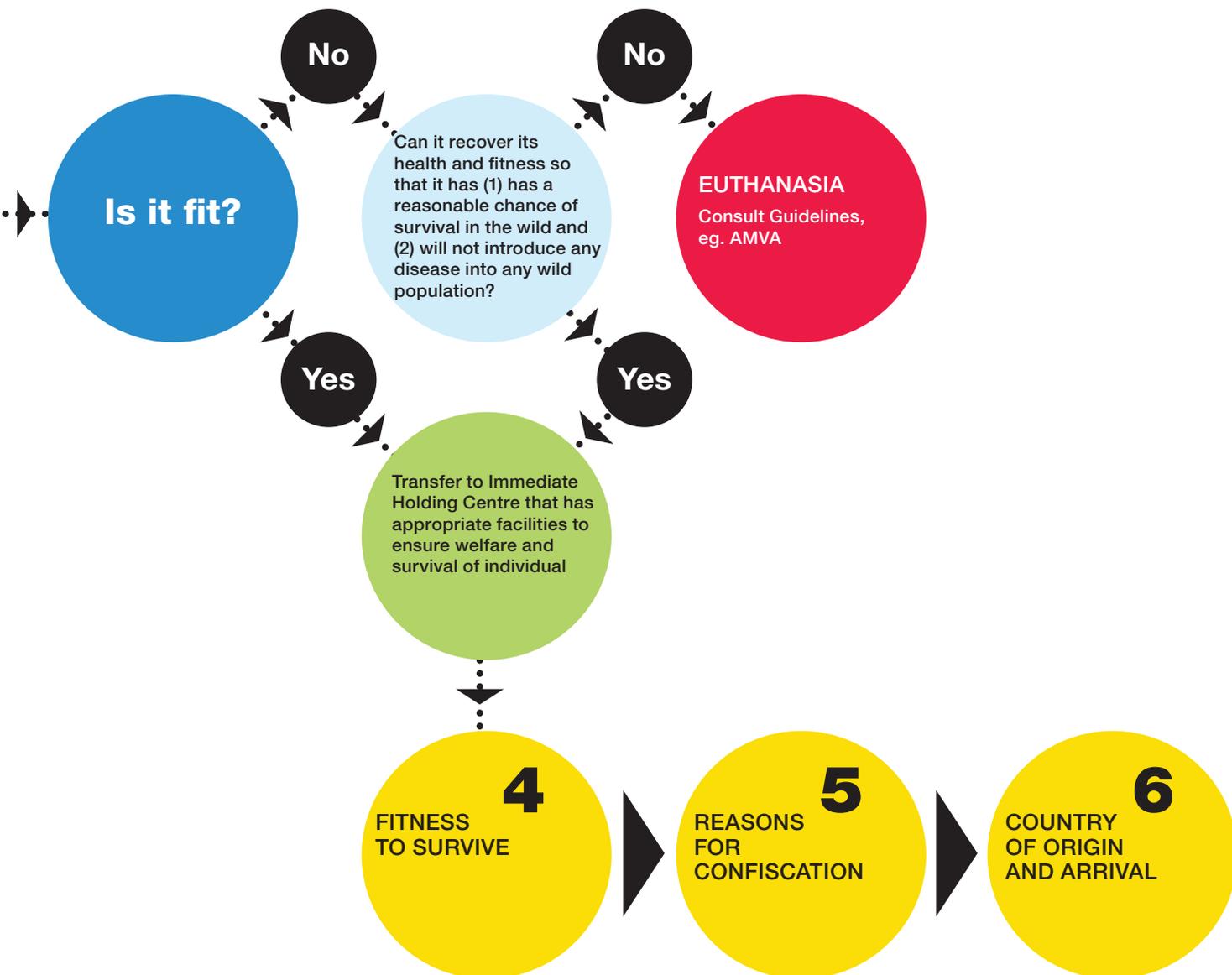
Does the individual belong to a species of national conservation importance based on National Red List Data or other national conservation list?

Has a health check in accordance with the IUCN-OIE Guidelines for Wildlife Disease Risk Analysis been carried out?

Is it 'Fit'? An individual is considered to be 'Fit' if it has been through comprehensive veterinary screening and quarantine and shows no sign of infectious diseases or disability that would adversely affect it from surviving independently

If it is 'Unfit', can the individual be made 'Fit' through treatment? Are the facilities / resources available for required treatment?

Does it require immediate euthanasia to prevent further suffering? Requires Vet/ Expert assessment



4

Has the individual been taken from its natural wild habitat?

Is this a captive born individual/ artificially propagated?

Is it a species that is held in any conservation breeding programme?

If so, can it make a contribution to a conservation breeding programme?

5

Is the individual a species that can be legally traded?

If so, have the correct procedures for trade/possession been followed?

Is it likely that the correct procedures and bureaucratic process will be completed in the near future?

If so, when?

6

Where was the location the confiscated individual was taken from the wild: in which country; in which area?

If 'UNKNOWN', can the location be identified?

Is the country of origin a signatory to any of the following: Convention on Biological Diversity; Nagoya Protocol on Access and Benefit Sharing (ABS); Convention on International Trade in Endangered Species (CITES); International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)?

Is the country the individual arrived from the same as the country of origin?

Is the country where the individual arrived from willing to manage the confiscated individual?

Are there any welfare concerns if the individual is repatriated?

Appendix 4

Decision Tree – Confiscated species



Does the species have a conservation

No: be mindful of allocation of limited resources

Can it be repatriated

Quarantine/holding until completion of paperwork

Yes

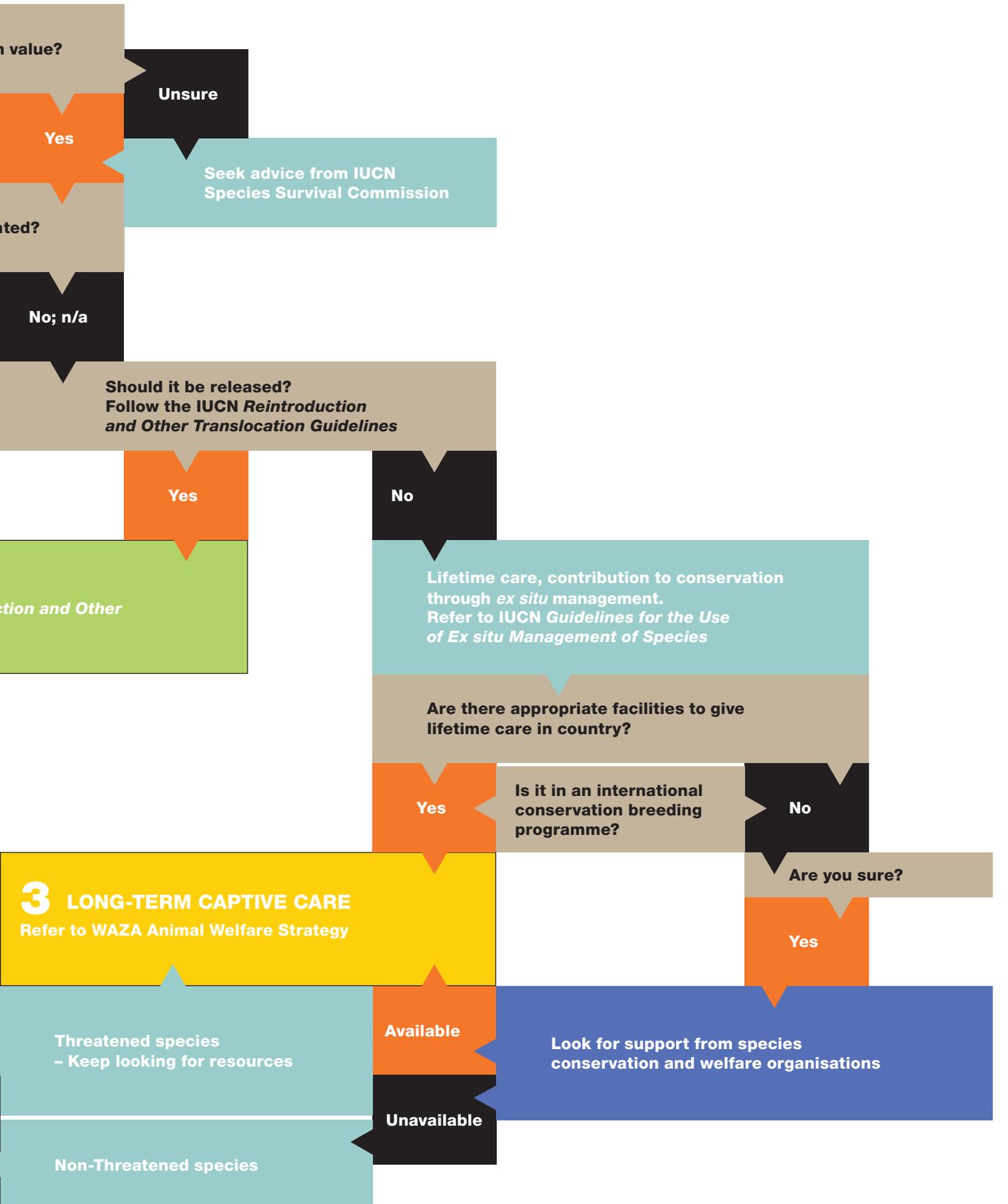
1 REPATRIATION
Return to the country of origin to an authorised organisation and/or 'approved' facility i.e. those set up to cover for confiscations under CITES

Follow IUCN *Guidelines for the Management of Confiscated, Live Organisms* (this document)

2 TRANSLOCATION
Release to IUCN *Reintroduction Translocation Guidelines*

4 HUMANE KILLING/DESTRUCTION
Consult Guidelines, eg. AMVA

to survive	Reason for confiscation	Country of origin and arrival	Recognised invasive species
------------	-------------------------	-------------------------------	-----------------------------





INTERNATIONAL UNION
FOR CONSERVATION OF NATURE

WORLD HEADQUARTERS
Rue Mauverney 28
1196 Gland, Switzerland
mail@iucn.org
Tel +41 22 999 0000
Fax +41 22 999 0002
www.iucn.org

