

CITES in Spain

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Spain is a source, transit and destination country for many of the trafficked wildlife species protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES): European eels are illegally captured in Spain and trafficked to Asian countries; Barbary macaques are trafficked through Spain to other European countries, and precious wood arrive in Spain from Latin America.

In 2022, in a single operation carried out on the island of Gran Canaria - Operation Naja -, the nature protection service of the Guardia Civil (SEPRONA) arrested a private individual with a total of 53 animals of protected CITES species from America, Africa, Asia and Oceania.

Cases like this show that one of the many challenges for CITES in Spain is to fight the demand for exotic pets from all continents. Other challenges are shared with the rest of CITES Parties and relate to updating the convention in line with its new Vision which aims to

“[c]onserve biodiversity and contribute to its sustainable use by ensuring that no species of wild fauna or flora is or remains subject to unsustainable exploitation through international trade, thereby contributing to a significant reduction in the rate of biodiversity loss (...)”

CITES implementation in Spain is a good example of this new vision and makes it possible

to identify strengths and weaknesses not only in terms of domestic compliance with CITES and the EU Regulation that incorporated it into European legislation, especially with regard to international cooperation and animal welfare.

In the framework of the CRIMEANTHROP project, I have highlighted that the increasing illegal trade in CITES species has made it necessary for Spain to take on new commitments, leading to the adoption -and then renovation- of the Spanish Action Plan against illegal trafficking and international poaching of wildlife species (TIFIES Plan 2018 and 2023) following the European Union Action Plans on Wildlife Trafficking (European Action Plan to Fight WLT 2016 and 2022).

The main areas of action of the TIFIES Plan are the improvement of the regulatory framework for combating WLT, prevention and awareness-raising, and transnational cooperation with countries of origin, transit and destination linked to Spain.

One of its international cooperation projects is LIFE SWIPE, which concluded in its final report in 2023 that 8,784 animals died between 2015 and 2020 in Spain as a result of offences committed against protected protected species of fauna – such as the use of poison, illegal hunting and fishing, use of prohibited capture methods,

or wildlife trafficking.¹

The considerable success of CITES enforcement in Spain lies in the cooperation between all CITES enforcement authorities. SEPRONA and the Public Prosecutor's Office have developed a modus operandi of cooperation to fight wildlife trafficking, which they also apply to their international cooperation.

A weakness to overcome is still that the judicial system had little or no CITES-related training, as judges are not specialised in the Spanish judiciary. However, this issue is now one of the priorities of the new European Action Plan to Fight WLT 2022.

As regards animal welfare, the European Action Plan to Fight WLT 2022 only refers to it in a footnote. In the case of the CITES Convention, animal welfare is just a marginal issue. As its former Secretary General John Scanlon said; CITES “remains the only, global legal instrument to directly address animal welfare, albeit in relation to a limited number of issues’ since ‘to date, States have considered that most animal welfare issues should be addressed through domestic law rather than international law’ and there is currently no global treaty governing neither animal welfare nor animal rights (CITES 2016).

1 Ministerio para la Transición Ecológica y el reto demográfico, Proyecto LIFE SWIPE, 1/06/2023, available at https://www.miteco.gob.es/content/dam/miteco/es/prensa/2306018784animalesmurieronentre2015y2020enespanapordelitoscontralavidasilvestre_tcm30-589191.pdf

Thus, the welfare of victims of wildlife trafficking and animal rights are not considered directly in the Spanish legislation on wildlife trafficking. In spite of this, Spain has adopted an exemplary practice regarding the fate of live animals seized at borders.

Previous CITES recommendations on seized animals, which stated that they should be euthanised, were not followed in Spain, which adopted a policy based on recovery and reintroduction that goes beyond the new CITES recommendations (CITES Res. Conf. 17.8).

CITES Authorities in Spain promote information exchange and cooperation with countries of origin to return victims of trafficking where possible. To the extent that their economic resources and the conditions of the WLT victims have allowed, the Spanish authorities have facilitated the reintroduction of these individuals into the wild in the countries of origin or keep them in recovery centres that serve to educate and raise awareness.

Only in cases where the most humane course of action has been to euthanise them has it been applied. This leads us to underline that the ultimate aim of the TIFIES Plan is that citizens do not resort to legal or illegal wildlife trade.

The opinions expressed in this policy brief are the author's own and do not reflect the view of the University of Oslo, Department of Criminology and Sociology of Law.

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