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Via email to: scientificauthority@fws.gov
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Re: Recommendations of the Species Survival Network for Proposals and Resolutions to Consider at CITES CoP14

Dear Messrs. Gabel and Thomas:

The Species Survival Network (“SSN”) is an international coalition of over eighty non-governmental organizations (NGOs) committed to the promotion, enhancement, and strict enforcement of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Through scientific and legal research, education and advocacy, the SSN member organizations work together to prevent the over-exploitation of animals and plants due to international trade, and to ensure that all such trade is legal, humane and not detrimental to the survival of the species involved.

On January 20, 2006, the U.S. Fish and Wildlife Service (“Service”) requested information and recommendations on species proposals and resolutions to consider at the fourteenth meeting of the Conference of the Parties to CITES (CoP14). On behalf of SSN and the undersigned organizations, representing more than ten million members worldwide, we are pleased to submit the following recommendations in response to the Service’s request.



I. SPECIES PROPOSALS

SSN respectfully requests that the United States consider proposing and/or supporting the following species for inclusion in or transfer between Appendices I and II of CITES:

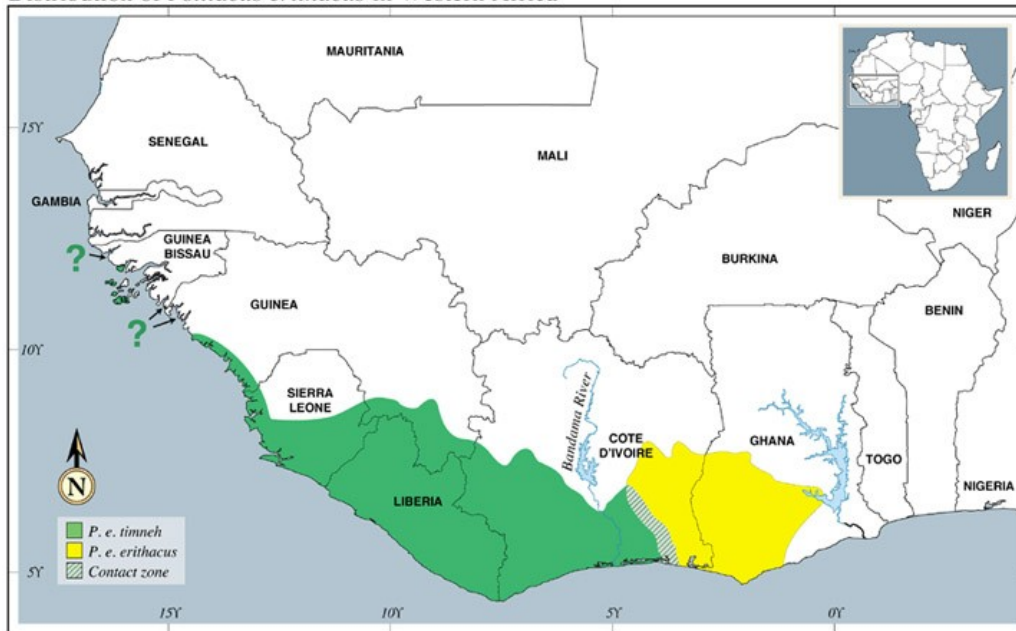
A. Birds

A.1 Timneh Grey Parrot (*Psittacus erithacus timneh*)

The African grey parrot (*Psittacus erithacus*) is the most heavily traded of all psittacine birds. SSN believes that the Timneh subspecies of grey parrot (*P. e. timneh*) should be transferred from Appendix II to Appendix I, in accordance with Annex I, criteria C(ii) of Resolution Conf. 9.24 (Rev. CoP13): a decline in the number of individuals in the wild, which is inferred or projected based on a decrease in the area or quality of habitat and levels of exploitation.

The Timneh grey parrot can be distinguished from the Congo African grey parrot (*P. e. erithacus*) by its smaller size and maroon, as opposed to red, tail. The Timneh is usually a slightly darker grey than the Congo with a lighter upper mandible. *P. e. timneh* has a small geographic range that extends westward from Côte d'Ivoire in a narrow band along the coast broadly coinciding with the historical extent of the Upper Guinea lowland evergreen forests of Côte d'Ivoire, Liberia, Sierra Leone, Guinea and the Bijagós islands of Guinea-Bissau (Clemmons 2003).

Distribution of *Psittacus erithacus* in Western Africa



Source: Clemmons (2003)

Based on field surveys, estimates, and extrapolations, the total population of *P. e. timneh* in 1992 was estimated to be 120,100-259,000 individuals. A 1991 field survey estimated Guinea's wild population of *P. e. timneh* at 5,000-10,000 individuals (Dändliker 1992a). Based on the estimated density of the species in Ghana and Guinea, Dändliker (1992a) calculated population estimates of *P. e. timneh* for Liberia (50,000-100,000), Guinea-Bissau (100-1,000), Sierra Leone (11,000-18,000), and Côte d'Ivoire

(54,000-130,000). However, Clemmons (2003) argues that Dändliker’s population estimate is unreliable because it was based on a count of parrots at a single roost in Guinea (Dändliker was unable to locate any other roosts throughout the two-month field study). A more recent study, completed in 2004, estimated the total population of *P. e. timneh* in Côte d’Ivoire to be 150,000 individuals (Yaokokoré-Béibro 2004), however, the methodology used to obtain this estimate is unclear. Because the survey size is unknown, the counts (totaling 20,300-59,700 individuals) cannot be converted to population density estimates. The basis for Yaokokoré-Béibro’s “national average population” appears to be the combination of the counts and the conclusion that “the national distribution of this subspecies is twice as big as that of *P. erithacus erithacus*.”

Grey parrots nest in the hollows of large, old trees and the existence of such trees in sufficient number is a critical habitat requirement for the species (Clemmons 2003). In Guinea and Guinea-Bissau, trees used by *P. erithacus* for nesting are the same species sought after by the timber industry (Clemmons 2003). Consequently, there is a positive correlation between the status of *P. erithacus* and the status of primary forest cover (Dändliker 1992b)—where the forests are declining, so too are populations of *P. erithacus* (Clemmons 2003). Table 1 provides data on the remaining primary forest in key range States.

West Africa is experiencing rapid deforestation, estimated at about 1.2 million hectares per year (FAO 2003). Nearly 90% of the original moist forest is gone, and what remains is heavily fragmented and degraded (World Resources Institute 2003). West African countries that export *P. erithacus* are experiencing some of the highest rates of loss of natural forests in the world. From 1990-2000, Côte d’Ivoire, Liberia and Sierra Leone experienced a loss of natural forests of 28%, 18% and 25%, respectively (World Resources Institute 2003). Unable to find any reason to anticipate a decline in the rate of forest loss, the FAO (2003) states that forest-cover reduction will continue in West Africa. Scientists predict West Africa will lose 70% of its remaining forest by the year 2040 (Barnes 1990).

Due to the lack of suitable habitat, grey parrots in Guinea and Guinea-Bissau are scarce, and where they are found, they are living in marginal habitat (Clemmons 2003). The combination of habitat loss and over-collecting led Clemmons to recommend that trade in grey parrots from both countries be suspended.

Table 1. Primary Forest Remaining in Range States of *Psittacus erithacus timneh* in 2005

Country	Total Acreage Area (1000 hectares)*	Primary Forest Area (1000 hectares)*	Percentage of Total Land Area
Cote d’Ivoire	32,246	625	2%
Guinea	24,586	63	0.3%
Liberia	11,137	129	1%
Sierra Leone	7,174	--	--%

Source: FAO (2006)

Lack of information on population trends and recruitment rates of *P. e. timneh* prevents us from properly quantifying the impact of international trade on wild populations. However, based on trade figures from 1992-2002 (see Table 2), exports of the subspecies represent 20-45% of the total estimated population. These figures do not include losses due to pre-export mortality, estimated for *P. erithacus* at 30-66% (Fotso 1998b; Fotso 1998a; McGowen 2001).

Table 2. Gross exports of *Psittacus erithacus timneh*

Exporter	Term	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	Total
Cote d'Ivoire	Live	3,661	0	0	0	0	3	2	2,103	2,676	1,940	2,778	13,163
Guinea	Live	10,900	4,348	443	504	532	748	514	225	856	756	500	20,326
Liberia	Live	0	0	0	0	0	0	2,300	2,200	1,700	1,601	1	7,802
Senegal	Live	0	1	0	3,211	0	0	0	0	0	0	0	3,212
Sierra Leone	Live	0	0	890	0	2,000	500	2,500	1,000	1,100	720	0	8,710
Other*	Live & bodies	0	52	3	126	9	0	6	283	1	0	2	482
Total	Live & bodies	14,562	4,401	1,336	3,841	2,543	1,251	5,323	5,812	6,333	5,020	3,317	53,739

*"Other" represents data combined for countries where total gross export volumes for 1992-2002=<500 specimens.

Source: TRAFFIC/IUCN/SSC Wildlife Trade Programme (2004)

There have also been substantial irregularities in the trade. The total number of birds exported by Guinea in 1992 (10,900 individuals) was greater than the maximum estimated national population (TRAFFIC/IUCN/SSC Wildlife Trade Programme 2004). Despite this clear evidence of over-utilization and possibly illegal trade, the CITES Secretariat accepted the establishment of an annual export quota of 450 specimens per year in 1994 (CITES Notification 800) instead of recommending the suspension of trade in the species. In 2001, Guinea increased its export quota by 66% to 750 specimens per year, but reinstated a quota of 450 in 2004 (see Table 3). Dealers in Guinea state that birds from that country have sometimes been used to fill quotas in other exporting countries (e.g. Sierra Leone and Liberia) during times of political unrest (Clemmons 2003). Clemmons (2003) also reports that "shipping parrots into and out of the country via commercial airlines apparently presents no obstacle for professional smugglers."

P. erithacus was included in Phase 1 of the Review of Significant Trade (Resolution Conf. 8.9/12.8 (Rev. CoP13)). However, the export quotas (see Table 3) approved during this review were based on studies using unreliable methodologies and have been exceeded in many instances (Côte d'Ivoire in 1999, 2000; Guinea in 1997, 1998, 2000, 2001; and Sierra Leone in 1998). In 1993, the Standing Committee recommended that Parties not accept documentation from Côte d'Ivoire for imports of *P. erithacus* (CITES Notification 746), but that suspension was lifted after the publication of Yaokokoré-Béibro's study in 2004. That same year, Liberia satisfied the recommendations of the Review by stating that they had prepared a proposal for population surveys (Doc. SC30.6.1), yet the surveys were never undertaken. All commercial imports of CITES-listed species from Liberia have been suspended since April 30, 2004 due to non-compliance of national legislation with CITES requirements.

Table 3. Export quotas for *Psittacus erithacus timneh*

Exporter	Term	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Côte d'Ivoire	Live	-	2,000	2,000	-	2,000	-	2,000	-	2,000	2,000
Guinea	Live	450	450	450	450	750	-	750	450	450	-
Liberia*	Live	-	-	2,500	2,500	3,000	-	-	-	-	-
Sierra Leone	Live	1,000	1,000	1,000	2,000	2,000	-	1,000	1,000	1,000	1,000

* All commercial imports of CITES-listed species from Liberia have been suspended since 30 April 2004 due to non-compliance of national legislation with CITES requirements.

Sources: TRAFFIC/IUCN/SSC Wildlife Trade Programme (2004); CITES (2006)

The Parties again included *P. erithacus* in the Review of Significant Trade after CITES CoP13 in 2004. However, the Review of Significant Trade may be inadequate to address the status of the *P. e. timneh* because it does not take into account the ongoing and severe habitat loss and habitat fragmentation, which are projected and inferred to have a significant negative impact on the status of the subspecies.

For the foregoing reasons, we urge the United States to submit a proposal to list *Psittacus erithacus timneh* on Appendix I of CITES. Trade in the subspecies has continued for over two decades (UNEP-WCMC 2003) at unsustainable levels. More than 50,000 individual birds have been exported over the ten year period from 1992-2002. High mortality rates prior to export result in up to two birds being removed from the wild for each one exported. These figures will be further magnified by the illegal trade that is masked and facilitated by the continued legal trade in the subspecies. A marked decline is both inferred and projected as a result of exploitation and habitat loss (Resolution Conf. 9.24 (Rev. CoP13), Annex 1, criterion C(ii)). Nearly 90% of West Africa's original moist forest is gone, and range States of *P. e. timneh* are experiencing some of the world's highest rates of deforestation. Such forest loss is predicted to continue into the future.

In addition, we urge the United States, at both CoP14 and at the CITES Animals Committee meeting in June 2006, where procedures for approval of externally funded projects will be on the agenda, to seek standards for CITES status surveys, including a requirement for peer review of both proposals and study results. Six status surveys of *Psittacus erithacus* populations have been undertaken, yet results of some studies are unreliable. Both McGowan (2001) and Clemmons (2003) reviewed these studies and their methodologies, providing much needed guidance for additional CITES status surveys on Psittacine species, including the importance of conducting an assessment of the population dynamics. The failure of the first Review of Significant Trade of *P. erithacus* illustrates the importance of basing management decisions on reliable scientific information. We realize that the Parties often do not have the time to undertake a review of population surveys required for the establishment of export quotas; therefore, we encourage the United States to seek a stringent approval process for CITES field projects to ensure that CITES management decisions are based on sound science.

B. Reptiles

B.1 Alligator Snapping Turtle (*Macrolemys temminckii*) and North American Map Turtles (*Graptemys* spp.)

We would like to take this opportunity to commend the Service on its decision to list the alligator snapping turtle (*Macrolemys temminckii*) and all 12 species of North American map turtles (*Graptemys* spp.) on CITES Appendix III. Wild populations of these turtles are threatened by over-collection to supply the domestic and international pet trade in addition to human consumption. The listings will provide federal oversight of international trade in the species, ensuring that exported specimens were legally obtained and that live specimens are prepared and shipped so as to minimize the risk of injury, damage to health, or cruel treatment. Also, by requiring other countries that export the species to issue certificates of origin, the listings will create a paper trail that will allow accurate trade data for these species to be collected for the first time. We are optimistic that, over time, this data will provide greater insight into actual trade levels and global trade routes, which currently are not well understood in the absence of regulation. Such information will be useful in clarifying whether or not the species meets the criteria for inclusion in Appendix II. We recognize that this is the first time that

the United States has listed a species on Appendix III, and we would like to encourage additional use of this important mechanism for other species that may benefit from an Appendix III listing.

B.2 Parson's Chameleon (*Calumma parsonii parsonii*)

We urge the United States to sponsor a proposal to transfer Parson's chameleon (*Calumma parsonii parsonii*) from Appendix II to Appendix I.

One of the largest chameleons in the world, Parson's chameleon is endemic to Madagascar. The wild population is comprised of small sub-populations at very few locations within the eastern forested region (Brygoo 1971). The remaining known habitat for this subspecies is unprotected, highly fragmented, and largely agricultural. Parson's chameleon has a restricted area of distribution, and there is no record in the literature of this subspecies inhabiting any protected area. Range reduction and fragmentation from extensive and ongoing deforestation has almost certainly led to significant population declines, particularly in areas that are under cultivation for agriculture. Commercial exploitation has also reduced population density in the unprotected areas where the subspecies is customarily harvested (see below).

Extensive habitat loss, combined with the low reproductive potential and late sexual maturity of the species, make the Parson's chameleon particularly vulnerable to overexploitation. The destruction of natural forests in eastern Madagascar has been well documented (Jolly 1980; IUCN/UNEP/WWF 1987; Newman 1990; Green & Sussman 1990; Preston-Mafham 1991). Based on detailed analyses of aerial photographs and satellite imagery, it has been estimated that only 34% (3.8 million hectares) of Madagascar's original 11.2 million hectares of forest remained intact by 1985, and the average rate of deforestation between 1950 and 1985 was 111,000 hectares annually. At this rate, only forests located on the steepest slopes would remain by the year 2020 (Green & Sussman 1990).

The threat posed by forest habitat loss is compounded by the continued harvest of *C. p. parsonii* for commercial purposes. Research conducted in 1999 for the IUCN/SSC found that a decade of commercial exploitation of *C. p. parsonii* had led to a decline in population density in the unprotected areas where it is customarily harvested—Ifanadiana, Tolongoina, Ranomafana (outside the national park), Ambatoharanana-Ambositra, Soanierana-Ivongo, Maroantsetra and Antalaha (Ravoninjatovo & Rabemananjara 1999). More than 17,000 specimens of *C. p. parsonii* were exported between 1985 and 2004, the majority of which were *C. p. parsonii*. In addition, high demand for this subspecies in the pet trade has resulted in a significant illegal trade (Abate 2001; Abate unpublished data).

The reproductive characteristics of this subspecies leave it ill-equipped to sustain such trade. Parson's chameleon is highly *K*-selected. Limited anecdotal data from captive management indicates that *C. p. parsonii* may reach sexual maturity and adult size between three and five years of age (Tröger 1997). The gestation period is estimated at three to five months (Tröger 1997), and the incubation period in captivity ranges between 13 and 24 months (Abate 1994), among the longest recorded for any species of reptile.

C. p. parsonii has also proven difficult to keep and breed in captivity. Captivity-related stress, disease, and inadequate captive husbandry contributed to significant levels of early mortality in wild-caught imported specimens regardless of life-stage at importation (Abate 1999).

In 1994, the CITES Standing Committee recommended that Parties suspend imports of all but four chameleon species from Madagascar, including *C. p. parsonii* (CITES Notification 2004/028). Despite this recommendation, and a petition signed in 2001 by 47 scientists and experts expressing their support to list this subspecies on CITES Appendix I, many countries, including the United States, continued to import *C. p. parsonii*. SSN believes that *C. parsonii parsonii* meets the criteria for inclusion in Appendix I consistent with Resolution Conf. 9.24 (Rev. CoP13) Annex 1, criteria B(i) and B(iv). Accordingly, we urge the United States to submit a proposal to include this subspecies on CITES Appendix I at CoP14.

B.3 Central American River Turtle (*Dermatemys mawii*)

Despite being listed on CITES Appendix II since 1981, the Central American river turtle (*Dermatemys mawii*) has not been adequately protected by the Convention to date—a fact reflected in the continued decline of the species. At the 21st meeting of the Animals Committee (AC) in 2005, the Scientific Authority of Mexico presented a review of the status of *D. mawii* in accordance with Decision 10.71 (AC21 2005a). The review indicates that the species qualifies for transfer to Appendix I, noting that it meets Resolution Conf. 9.24 (Rev. CoP13), Annex 1, criteria A(i), A(v), B(iv) and C(ii) for listing in that Appendix. Based on the data from the Mexican population, the Working Group on Periodic Review of Animal Species included in the CITES Appendices agreed that *D. mawii* met the biological criteria for Appendix I, but deferred a final recommendation until AC 22, at which time it requested Mexico to present a revised report on the species. The Working Group encouraged Belize, Guatemala, and Honduras—and others with access to data on the species—to provide information on their populations to Mexico (AC21 2005b) in advance of that meeting, which will be held in Peru in July 2006.

In preparation for the twenty-second meeting of the Animals Committee, Mexico intends to hold two workshops on the status of *D. mawii* in April 2006. A national workshop will address the status of the species' wild populations, the development of a specific conservation strategy for the species in Mexico, and all of the issues involved in its possible transfer to Appendix I (or retention in Appendix II). The workshop is open to the participation of all stakeholders including ranchers, researchers, government, zoos, and non-governmental organizations. A second workshop will bring together the governments of Mexico, Guatemala, and Belize in order to obtain additional information on the status of *D. mawii* throughout its range and to discuss its status in CITES Appendices. A final decision on whether to submit a proposal for Appendix I or retain the species in Appendix II, and any other relevant decision regarding CITES and conservation measures for the species, will be available after the conclusion of these workshops (Benitez 2006).

SSN commends Mexico for its review and agrees that the transfer of *D. mawii* to Appendix I is warranted on the basis of the data already available. Not only is this a rare and heavily exploited species, but it is of considerable biological interest as the only surviving member of the family Dermatemydidae. SSN therefore recommends that, if the government of Mexico decides to proceed with a proposal to transfer the species to Appendix I, the United States should offer to be a co-sponsor. We would also recommend that the Service provide assistance to Mexico and the other range States for the conservation of this species, including considering support for any CITES-related recommendations that may arise from the national and trinational workshops.

C. Amphibians

C.1 Madagascar Microhylid Frogs (*Scaphiophryne* spp.)

SSN believes that microhylid frogs (*Scaphiophryne* spp.) merit inclusion on CITES Appendix II in accordance with Resolution Conf. 9.24 (Rev. CoP13), Annex 2a, criterion B and Annex 2b, criterion A.

Endemic to Madagascar, the genus *Scaphiophryne* is currently believed to contain eight nominal species (*S. boribory*, *S. brevis*, *S. calcarata*, *S. gottlebei*, *S. madagascariensis*, *S. marmorata*, *S. menabensis*, *S. spinosa*) (Glos et al. 2005), not counting *S. obscura* and *S. verrucosa* the taxonomy of which is in doubt (Vences et al. 2003). Of these, only *S. gottlebei* is currently listed on Appendix II.

There is limited information about the exact distribution and population size of *Scaphiophryne* species. However, *S. boribory*, listed as Endangered on the 2004 IUCN Red List, has only been found in specific sites in the Fierenana region, outside protected areas (Vences et al. 2003). *S. marmorata* is listed as Vulnerable and *S. madagascariensis* as Near Threatened. Evidence suggests that populations of these three species are probably in decline (IUCN 2004). *S. obscura* and *S. verrucosa* are listed as Data Deficient on the 2004 IUCN Red List. However, discussions about the validity of these two taxa are ongoing (Vences 2003). New species have been described only very recently.

The survival of the *Scaphiophryne* species is threatened by habitat destruction and collection for the pet trade. Madagascar's Ministry of Environment, Water and Forests has found that several of the unlisted species are traded in significant numbers (Anonymous 2002):

Species of the genus *Scaphiophryne* traded by year (# of individuals)

Species	2000	2001
<i>S. pustulosa</i>	1,775	1,008
<i>S. madagascariensis</i>	1,137	387
<i>S. marmorata</i>	1,833	2,918

Source: Anonymous (2002)

The Global Amphibian Assessment (Andreone et al. 2005) recommends the listing of two species, *S. boribory* and *S. marmorata*, in Appendix II of CITES. These species are reported to be in high market demand for the pet trade because of their attractiveness. *S. madagascariensis* and *S. pustulosa* are also reported in the pet trade, although the taxonomic validity of the latter species is uncertain at present. The genus is also threatened by the growing trade in amphibians over the internet. A recent search found *S. marmorata*, *S. gottlebei* and *S. pustulosa* all available over the internet for prices of \$25-\$30 per specimen.

In 2002, Madagascar proposed the listing of four species of *Scaphiophryne* on Appendix II of CITES; however, only one species, *S. gottlebei*, was included at that time. SSN believes that entire genus should be listed on Appendix II at CoP14. Listing is warranted for the following reasons: several species are in trade; several taxonomic uncertainties still surround this genus; many specimens are traded under taxonomic names that are thought to be invalid; and a non-expert is likely unable to differentiate the various *Scaphiophryne* species from each other. SSN requests that, as the largest

importer of *S. madagascariensis*, the United States offer to co-sponsor a proposal with Madagascar to include all unlisted species of the genus *Scaphiophryne* on Appendix II of CITES.

D. Fish

D.1 Orange Roughy (*Hoplostethus atlanticus*)

SSN believes that an Appendix II listing for orange roughy (*Hoplostethus atlanticus*) is warranted and should be proposed by the United States. Orange roughy is a very slow-growing, extremely long-lived fish, with an estimated lifespan of up to 150 years and an age at maturity of 25-30 years (NZMF 2006). While well-adapted to the orange roughy's deep sea environment, this type of longevity makes the species particularly vulnerable to human exploitation. Not surprisingly, heavy trade and market demand for this popular fish have proven devastating to orange roughy populations. The species' low-fecundity and its aggregation in huge schools during the brief spawning season further increases its susceptibility to overfishing—a fact reflected in the series of “boom” and “bust” fisheries that have led to the rapid commercial exhaustion of the species in one region after another. As with other slow-growing, late-maturing deep-sea fishes, *H. atlanticus*, will recover only slowly, if at all (Devine et al. 2006). The orange roughy's biological traits combined with the insufficient regulations and continued demand for this species in international trade, make it a compelling candidate for Appendix II listing in accordance with Annex 2a, criteria A and B of Resolution Conf. 9.24 (Rev. CoP13).

According to a report released by TRAFFIC and WWF in November 2003, management of orange roughy fisheries worldwide has generally failed to ensure sustainability of the stocks (Lack et al. 2003). Of the thirty orange roughy fisheries addressed in the report, almost half have been fished to below 30% of their pre-fishing levels. The other half of the stocks cannot be assessed due to lack of data resulting from either insufficient stock assessments or no assessments at all. TRAFFIC's report also contends that the primary harvesting countries (the EU, Japan, and the United States) have inadequate monitoring and surveillance systems in place for this species. Although New Zealand and the United States—the main producer and consumer countries, respectively—have both adopted specific customs codes for orange roughy, no such codes or means of tracking the trade exist in Australia, Canada, the EU, Japan, or Namibia. Without these basic codes or an adequate means of tracking trade, a “rigorous monitoring and surveillance system” is not possible. In addition, data from China, which has emerged as an exporter/re-exporter rivaling New Zealand in the amount of orange roughy it exports, are non-existent.

The TRAFFIC report also highlights the inconsistencies in the available trade data (Lack et al. 2003). Comparisons between the existing data on U.S. importation and FAO estimates of global catch suggest that the FAO substantially underestimates the actual global catch of orange roughy. For example, in 2001, the FAO estimated the global catch to be roughly 25,000 metric tons, while the United States alone imported over 30,000 metric tons. This is a discrepancy of at least 25%, and that number does not include other importing countries for which there are no data.

Scientists who have researched the biological vulnerabilities of orange roughy agree that overexploitation is threatening the long-term viability of this species (Francis 2005). *H. atlanticus* has experienced both rapid declines in recent decades and long-term population decline relative to its historic abundance. For example, *H. atlanticus* stocks have been reduced to 10% of its historical biomass in only 6 years in Namibian waters, Australia biomass levels dropped to 7–13% in

approximately 15 years, and the New Zealand stock was fished down to 15–20% of its historical biomass in less than 15 years while annual sustainable levels of fishing have been estimated to be less than 2% of historical biomass (Morato 2006).

By comparison, the CITES definition of decline for commercially exploited aquatic species set forth in footnote 2 of Annex 5 of Resolution Conf. 9.24 (Rev. CoP13) suggests that a less severe decline, to 15–20% of baseline population, would be sufficient to merit the listing of a low-productivity species such as the orange roughy. The definition also emphasizes the importance of taking both exploitation and biological characteristics into account when listing an aquatic species: “For listing in Appendix II, the historical extent of decline and the recent rate of decline should be considered in conjunction with one another. The higher the historical extent of decline, and the lower the productivity of the species, the more important a given recent rate of decline is” (Resolution Conf. 9.24 (Rev. CoP13)). Whether considered in terms of its historical extent or its recent rate, the decline of the orange roughy has been and continues to be precipitous. Given its extremely low productivity, the species cannot recover (or long survive) without the protections afforded by CITES.

International trade poses a severe threat to this biologically vulnerable species. Consequently, SSN urges the United States to propose Appendix II listing for *H. atlanticus* as a means of regulating the trade that is largely going unmonitored.

E. Sharks

E.1 Spiny Dogfish (*Squalus acanthias*)

SSN encourages the United States to support and offer to co-sponsor Germany’s proposal to list the spiny dogfish (*Squalus acanthias*) on Appendix II of CITES. The conservation status of this shark species is of particular concern because of its dramatic population declines and the continued threat to wild populations posed by international trade in its meat, fins and other body parts worldwide. A CITES Appendix II listing is in accordance with Annex 2a, criterion A of Resolution Conf. 9.24 (Rev. CoP13).

S. acanthias is long-lived, even for a taxon known for its long life expectancy. Age at maturity varies among stocks, ranging from 12–23 years for females and 6–14 for males (Fordham & Dolan 2004). Spiny dogfish give birth to live young after an 18–24 month gestation period, among the longest of all animals (Fordham & Dolan 2004). This combination of late maturity, low reproductive capacity, long generation time (25–40 years) creates a low intrinsic rate of population increase (2–7% per year) that makes the spiny dogfish especially vulnerable to over-exploitation (Anon. 2006a). In 2006, the Shark Specialist Group of the World Conservation Union (IUCN) recommended that *S. acanthias* be listed as Vulnerable worldwide, Endangered in the Northwest Atlantic and Critically Endangered in the Northeast Atlantic, on the next edition of IUCN’s Red List (Anon. 2006a).

Fisheries management is absent in most waters through which this highly migratory species travels. Where management does exist, it has proven woefully inadequate to reverse population declines and ensure the long-term viability of the species. In the Northwest Atlantic, more than a decade of heavy and unregulated overfishing, targeted at reproductive females—which are larger than the males—reduced the breeding population of *S. acanthias* by 75% and led to seven years of recruitment failure (Fordham & Dolan 2004). In 2000, the National Marine Fisheries Service prohibited directed fishing

of *S. acanthias* in U.S. federal waters. Similar measures imposed by coastal states four years later remain tenuous in the face of intense industry pressure. But despite U.S. efforts, the population has yet to show signs of recovery. Furthermore, Canadian fisheries targeting the same population continue at levels deemed unsustainable by U.S. assessments.

As U.S. fishery restrictions for Atlantic populations of *S. acanthias* have tightened, interest in developing fisheries off Alaska and Washington State is increasing. Preliminary limits established for Pacific populations of *S. acanthias* are not sufficiently precautionary, and fisheries appear to be proceeding ahead of population assessments. Other populations around the world have also suffered serious declines due to overexploitation.

Most *S. acanthias* meat harvested in U.S. and Canadian waters is exported to the European Union, which has already devastated its own *S. acanthias* stocks. A recent study estimates the population in the Northeast Atlantic to be below 5% of carrying capacity (Fordham & Dolan 2004). The fins are exported separately to Hong Kong to be used in shark fin soup.

In 2004, the Shark Working Group established by the CITES Animals Committee agreed that *S. acanthias* (as well as *Lamna nasus*, discussed below) appeared to meet the requirements for CITES Appendix II listing. CITES listing for this species is also wholly consistent with the FAO International Plan of Action for the Conservation and Management of Sharks (FAO 1999).

As a range State with dwindling stocks of *S. acanthias*, the United States has a vested interest in the long-term sustainability of this species and should show its support for conservation efforts by co-sponsoring and actively supporting Germany's listing proposal. With domestic measures proving inadequate for the recovery of these sharks, a more concerted international effort is needed to ensure that spiny dogfish are managed in a sustainable manner. Listing the species on Appendix II could help address the uncontrolled exploitation of *S. acanthias* by providing critically needed information on the harvest, trade and status of this species, while helping ensure its long-term survival.

E.2 Porbeagle Shark (*Lamna nasus*)

SSN also encourages the United States to support and offer to co-sponsor Germany's second shark proposal to list the porbeagle shark (*Lamna nasus*) on CITES Appendix II. Evidence indicates that *L. nasus* is experiencing significant and ongoing population declines in the North Atlantic. Currently, *L. nasus* is listed as Near Threatened on IUCN's Redlist, but the IUCN Shark Specialist Group has recommended that it be reclassified as Vulnerable globally, Critically Endangered in the Atlantic and Mediterranean, Endangered in the Northwest Atlantic and Near Threatened in the southern ocean (Anon. 2006b). The Northwest Atlantic stocks, in particular, have experienced significant population declines, with stock biomass declining to 11-17%, total abundance to 21-24%, and numbers of mature females to 12-15% of historic levels (Anon. 2006b). A CITES Appendix II listing is in accordance with Annex 2a, criterion A of Resolution Conf. 9.24 (Rev. CoP13).

The principal global threat to this species is overfishing, including both targeted fisheries and bycatch. This threat is exacerbated by the fact that *L. nasus* is a slow-growing, late maturing species with a low reproductive rate, long generation time and, consequently, a low rate of population growth (5-7% per year) (Anon. 2006b). With an intrinsic rate of population increase of less than 0.14 and a generation time of more than 10 years, *L. nasus* falls into FAO's lowest productivity category of the most

vulnerable species and meets the guidelines suggested by the FAO for the listing of commercially exploited aquatic species (Anon. 2006b). The combination of these biological characteristics makes it difficult for this species to recover from overfishing, thus increasing its vulnerability and the likelihood of further population declines when faced with continued unregulated harvest and trade.

An Appendix II listing would help ensure that exploitation of this globally threatened species is regulated and monitored, that international trade is not detrimental to the survival of the species, and contribute to the implementation of the UN FAO International Plan of Action for the Conservation and Management of Sharks. We remain grateful for U.S. leadership in international shark conservation, including the proposal of and strong support for multiple shark listings at CITES over the last decade. SSN urges the United States to continue this leadership by co-sponsoring Germany's proposal to list *L. nasus* on CITES Appendix II.

E.3 Sawfish (*Pristis* spp.)

We commend the United States for its attempt to list all species of sawfish on CITES Appendix I in 1997 and remain appreciative of this tremendous and groundbreaking effort. Since that time, information on the biological and trade status of sawfish has improved. The IUCN Shark Specialist Group has recommended that all species of sawfish be listed as Critically Endangered on the forthcoming update of the Red List. SSN urges the United States to seek out a Range state with whom to co-sponsor a proposal to list *Pristis* spp. on CITES Appendix I.

F. Mollusks

F.1 Perlemoen (*Haliotis midae*)

SSN recommends that the United States take action to protect perlemoen (*Haliotis midae*), an endemic member of the abalone family from South Africa. TRAFFIC, following a detailed report on the status of this species released in 2004 (Willock et al. 2004), urged the South African government to list *H. midae* on Appendix III (TRAFFIC 2004). South Africa has yet to take this action, and the status of the species continues to worsen.

Although no detailed population surveys for perlemoen are available, evidence suggests that the population is in decline due to unsustainable harvests and may be heading for commercial extinction (Steinberg 2005; Yeld 2005). For example, legal harvest quotas were reduced in 2004/2005 "because of the diminishing number of perlemoen" (Yeld 2005). TRAFFIC noted in its study that the average size of harvested perlemoen is becoming increasingly small, and that "Current projections indicate that the resource can only sustain harvest at approximately 14% of the levels possible before illegal harvesting began to escalate in the early 1990s" (Willock et al. 2004).

Perlemoen is in high demand in China and other Asian countries, where it is consumed as a delicacy and valued for its supposed aphrodisiac properties, fetching prices up to USD 300/kg for dried specimens. This demand is driving a significant and growing illegal harvest and trade in the species (Willock et al. 2004). In recent years, poachers who operated largely along the shore have switched to fishing boats in deeper water, where they are taking a higher proportion of breeding individuals (Gosling 2004). In response, South Africa has repeatedly attempted to curb the illegal trade, spending

some R20,000,000 annually on the distribution of quotas among local communities and enforcement efforts by special police units, but poaching continues openly at extremely high levels.

The illegally harvested catch has escalated annually. According to a recent South African press report, “In 2002, close to 900,000 perlemoen were confiscated—equal to the entire legal commercial perlemoen harvest for the year. In 2003, 690,000 perlemoen were confiscated from poachers and 743,000 in 2004. The amounts are thought to be only about 10 percent of the total amount poached” (Yeld 2005). A detailed study of the illicit trade published in 2005 noted that “Enforcement authorities believe that if the 2004/05 season is as bad as the previous one, commercial fishery will be unsustainable by 2006” (Steinberg 2005). The highly lucrative illegal trade has attracted gangs and other organized crime interests, leading to a number of violent incidents and evident linkages to the narcotics trade (Redpath 2002). Enforcement efforts within South Africa are further hindered by corruption, with members of the police force arrested for complicity with poaching rings (Gosling 2004).

Ninety percent of the perlemoen harvest is exported, mostly to China and Hong Kong. Although the species is endemic to South Africa, many shipments are labeled as originating from neighboring countries, including landlocked states such as Zimbabwe and Swaziland (Raymond 2006). With the possible exception of shipments from Namibia, where limited perlemoen farming is taking place, these almost certainly represent illegally taken specimens. The majority of the smuggled specimens are taken out of South Africa across land borders or on light aircraft. Smuggling has also taken place through major ports. According to Steinberg (2005), “In late 2004, for instance, Hong Kong customs agents contacted the South African authorities to inform them that consignments from Johannesburg International Airport, collectively weighing more than a ton, had been detected.”

TRAFFIC has concluded that a listing on CITES “would benefit all stakeholders committed to a sustainable and legal fishery in the country without introducing trade bans” (TRAFFIC 2004). A listing on either Appendix II or Appendix III would certainly make it easier to monitor and control shipments supposedly originating in non-range States. TRAFFIC recommended Appendix III on the grounds that a listing could be achieved without resorting to the Conference of the Parties and could therefore be done more quickly. However, South Africa's failure to enter such a listing has effectively eliminated this advantage.

Ideally, SSN would like to see this species listed on Appendix II. We believe that it qualifies for listing in this Appendix under both criteria A and B of Annex 2a of Resolution Conf. 9.24 (Rev. CoP13). However, we understand that a proposal sponsored by the United States without South African support would have little chance of success. SSN therefore recommends that the United States either approach South Africa with a view to preparing a co-sponsored proposal, or, if this is not feasible, encourage South Africa to proceed with an Appendix III listing itself, preferably in advance of CoP14.

We recognize that a CITES listing alone will not be sufficient to bring trade in this species under control. A concerted, cooperative effort involving both South Africa and the major countries of import or transit will be necessary to address the considerable enforcement issues involved. In particular, attention needs to be paid to the problem of identification. Much of the trade is in the form of dried meat, which is extremely difficult to identify. Steinberg (2005), in discussing the problem, noted:

Indeed, detection at consumer country ports would depend on the development of a profiling system tailored to perlemoen, developed in tandem with South African enforcement authorities. Border control agencies in consumer countries would have to flag containers originating from sub-Saharan ports, familiarise themselves with perlemoen-specific methods of doctoring waybills and manifests, and so forth. In other words, perlemoen would have to join a long list of commodities which Chinese border control authorities routinely profile.

An essential component to action under CITES, therefore, should be the development of all the necessary protocols for examining and identifying perlemoen shipments, possibly through cooperative workshops involving both importing and exporting countries. We therefore recommend that the United States should promote a workshop, or series of workshops, under CITES auspices, to address issues of cooperation, identification and enforcement. The United States may also wish to consider whether any other commercially harvested species of abalone would benefit from the proceedings of such workshops.

On the basis of the foregoing information, SSN recommends that the United States:

- Approach the government of South Africa with an offer to assist in the preparation of a co-sponsored proposal to list *Haliotis midae* on Appendix II, or, alternatively, encourage South Africa to complete an Appendix III listing prior to CoP14; and
- Prepare a draft resolution, preferably in cooperation with South Africa, urging all relevant States to cooperate in bringing the illegal trade in perlemoen under control, and calling for an international workshop or series of workshops on cooperative enforcement measures, including the development of identification techniques for perlemoen specimens, including, if possible, live, dried, and canned specimens, and labeling techniques for farmed and legally-harvested wild specimens.

II. RESOLUTIONS AND DECISIONS

A. *Nationally Established Export Quotas*

SSN supports the work of the United States to establish guidelines for nationally established export quotas. We believe that guidance to the CITES Parties on how to establish and enforce such quotas is urgently needed, as we are concerned that currently quotas are: a) often not based on scientific data; b) unclear as to which sources or products are included; and c) frequently exceeded. Based on the most current draft of the guidelines being prepared by the Export Quota Working Group (December 2005), SSN urges the United States to preserve the language of paragraph 2(c) to ensure that the terms of the Convention are fulfilled. This paragraph states:

When export quotas are established, they should be set as a result of a non-detriment finding by a Scientific Authority, in accordance with Article III, paragraph 2(a), or Article IV, paragraph 2(a), of the Convention, and should ensure that the species is

maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs, in accordance with Article IV, paragraph 3.

Without this language, the guidelines create a tremendous loophole in the making of non-detriment findings since it could be inferred that export quotas alone satisfy the requirement for non-detriment findings, which would undermine implementation of the Convention. As a result, SSN strongly supports the language of paragraph 2(c) and encourages the United States to support and preserve this language.

SSN also urges the United States to promote guidelines that:

- Encourage Parties to provide the scientific information upon which the non-detriment finding was made for the export quota in order to provide for independent assessment and transparency. Require Parties to record the exact number (or quantity) of specimens exported on the permit instead of using approximate figures. If this would necessitate an amendment to Resolution Conf. 12.3 (Rev. CoP13), we urge the United States to consider proposing such an amendment.
- Require, unless indicated otherwise, that an export quota apply to all specimens exported from the country issuing the export quota. This would help to prevent the fraudulent export of wild caught specimens as captive bred, farmed or ranched.

B. Export Quotas

A related problem arises in the context of export quotas established by the Conference of the Parties. Although the text of the Convention describes neither the establishment nor the implementation of export quotas, Parties have adopted their use as an important operational mechanism. However, the relevant resolutions suggest that the use of these means for establishing an export quota effectively negates the need to make non-detriment findings.¹ Parties cannot ignore the non-detriment finding requirements, nor can export quotas simply replace the requirement to make non-detriment findings without defined rules for doing so. Instead, the Parties must clearly define the role of non-detriment findings in the export quota processes to facilitate proper administration and implementation of CITES, as they are striving to do for nationally established export quotas.

SSN urges the United States to support the same clear understanding between non-detriment findings and nationally established export quotas for all export quota regimes. To accomplish this goal, SSN proposes the following changes to Resolution Conf. 9.21, Resolution Conf. 9.24, and Resolution Conf. 11.21 that clarify the need to make adequate non-detriment findings whenever an export quota is set.

To make Resolution Conf. 9.21 (Rev. CoP13) clear, SSN proposes the following changes to the preamble:

¹ See e.g., Resolution Conf. 9.21 (Rev. COP13), *The Interpretation and Application of Quotas for Species Included in Appendix I*, preamble (“Aware that it is the understanding and practice of the majority of Parties that the establishment of quotas by the Parties satisfies the required findings that the export of a specimen will not be detrimental to the survival of the species.”).

~~AWARE that it is the understanding and practice of the majority of Parties that the establishment of quotas by the Parties satisfies the required findings that the export of a specimen will not be detrimental to the survival of the species and that the import of that specimen will not be for purposes detrimental to the survival of the species, provided that the export is within the limits set in the quota;~~

RECALLING that Article III, paragraph 2(a) of the Convention requires, as a condition for granting an export permit, that a Scientific Authority of the State of export has advised that the export will not be detrimental to the survival of the species concerned;

AWARE however that the failure of some Parties to implement ~~adhere to~~ this ~~majority understanding~~ requirement [on a regular basis] has had negative consequences on the conservation of species by range States;

And change the operative paragraphs to read:

- a) a Party wishing the Conference of the Parties to establish a quota for a species included in Appendix I, or to renew or amend an existing quota, should submit to the Secretariat its proposal, with supporting information including details of the scientific and management basis for the proposed quota and evidence that the requested quota will not be detrimental to the survival of the species, at least 150 days before a meeting of the Conference of the Parties; ~~and~~
- b) whenever the Conference of the Parties has set an export quota for a particular species included in Appendix I, this action by the Parties satisfies the requirements of Article III regarding the findings by the appropriate Scientific Authorities that the export will not be detrimental to the survival of the species and that the purposes of the import will not be detrimental to the survival of the species, provided that:
 - i) the quota is not exceeded; ~~and~~
 - ii) a non-detriment finding is conducted annually to determine whether no new scientific or management data have emerged to indicate that the species population in the range State concerned can no longer sustain the agreed quota; and
 - iii) the results of the non-detriment findings are transmitted to the Secretariat within one month following the date when the findings are due; and
- c) if a Party which has been allocated a quota for a species included in Appendix I fails to submit the results of the non-detriment findings, the Secretariat shall immediately notify Parties that the export quota has been amended to zero.

To clarify Resolution Conf. 9.24 (Rev. CoP13), SSN proposes the following change to Annex 4, paragraph c:

- a) an integral part of the amendment proposal is an export quota set in accordance with the results of a non-detriment finding or other special measure approved by the Conference of

the Parties, based on management measures described in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; or

SSN suggests the following addition to Resolution Conf. 11.21 (Rev. CoP13):

- g) substantive annotations establishing export quotas for Appendix I species should be in compliance with the measures contained in Resolution Conf. 9.21 (Rev. CoP13);

C. *Non-Detriment Findings*

The Secretary General has called the issuance of non-detriment findings “obviously essential for achieving the aims of the Convention” (Wijnstekers 2003). Nonetheless, many Parties lack the technical expertise, financial resources, and political will to make appropriate non-detriment findings. As the IUCN reported in its *Guidance for CITES Scientific Authorities: Checklist to assist in making non-detriment findings for Appendix II exports* (“IUCN Checklist”), “many species continue to be traded in the absence of information about the impact of such exploitation on the wild population” (IUCN 2000). Despite the availability of the Checklist, which was incorporated into CITES Inf. Doc. 11.3, the Parties and the Secretariat have continued to express the need to further clarify the parameters of adequate non-detriment findings.

SSN would like to identify several issues that arise in conjunction with non-detriment finding criteria that should be affirmatively addressed by the Parties. First, although non-detriment findings for imports differ from non-detriment findings for exports, the Parties have never established criteria that distinguish the two types of non-detriment findings. Second, not only have Parties not clearly articulated the differences between import and export non-detriment findings, they have also not defined in a resolution the scientific, trade, and/or management information sufficient for adequate non-detriment findings. Finally, it is unclear whether Parties have an affirmative obligation to ensure that a non-detriment finding is made on the basis of at least *some* scientific information.

The existing CITES and IUCN information on non-detriment findings, while helpful, is scattered throughout multiple documents, and does not adequately resolve these issues. The Strategic Plan provides a course of action for the Parties but does not provide specific technical advice for implementing the Convention. Similarly, Information Documents, such as Inf. Doc. 11.3, are provided as information only and not as technical advice. The IUCN Checklist, of course, is not a Convention document. Only Resolution Conf. 10.3 constitutes persuasive authority that the Parties are expected to implement. SSN therefore suggests that the United States prepare and submit a new resolution combining and expanding the best elements of these documents.

Such a resolution should:

- Improve on the information contained in existing CITES and IUCN documents. Currently, the IUCN Checklist evaluates key biological information, such as reproduction and population data, on a scale of one to five and uses imprecise indicators such as high/low, common/rare, effective/ineffective, fast/slow, and beneficial/harmful. The Checklist’s inquiry on threats to a species extends only to overuse, habitat loss, invasive species, or

“other,” with no blank to fill in what the “other” threat might be, followed by a generic five-scale assessment of the severity of the threat.

- Advise the Parties more specifically than does Resolution Conf. 10.3 on the type of information on which to base an adequate non-detriment finding. Specifically, it should provide guidance on non-detriment findings for the import of Appendix I species.
- Represent guidance on the types of information that should be considered to make an adequate non-detriment finding instead of simply a method for doing so. In this way, a new resolution would be less outcome-determinative and offer more flexibility for species- and country-specific concerns than the IUCN Checklist.
- Take into consideration the need for technical support for and collaboration among Scientific Authorities to ensure robust non-detriment findings.
- Enhance transparency by recommending that a designated contact person in each Scientific Authority regularly share information and data supporting their non-detriment findings with the Secretariat, and that this information be published on the CITES website.
- Take into account the need for precaution when making non-detriment findings.

D. Working Group on Production Systems

We commend the United States for its leadership role in addressing production systems for CITES-listed species and the associated source codes. We fully agree with the position taken by the United States that source codes should be kept to a minimum and should be simple and clear. We also agree that it would be inappropriate to associate source codes with a certain conservation value and that source codes must not be used as a substitute for making non-detriment findings.

E. Workshop on Introduction from the Sea

SSN wishes to take this opportunity to comment on the results of the Introduction from the Sea Workshop (IFS Workshop), held in Geneva, Nov. 30-Dec. 2, 2005. Prof. Chris Wold of Lewis & Clark Law School participated in the IFS Workshop as a representative of SSN, and SSN thanks the United States for providing financial support for the meeting.

As the United States knows, the IFS Workshop participants discussed two important aspects of introduction from the sea: the definition of “marine environment not under the jurisdiction of any State” and “transportation into a State.” As the United States prepares for the next meeting of the Standing Committee and CoP14, SSN urges the United States to:

- support the definition of “marine environment not under the jurisdiction of any State” adopted by the IFS Workshop; and
- support efforts to make the port State the primary issuer of introduction from the sea certificates and limit, if not eliminate, the possibility for the flag State to issue such certificates.

F. *National Enforcement Action Plans*

Resolution Conf. 11.3 (Rev. CoP13) recommends that Parties “consider formulating national action plans, incorporating timetables, targets and provisions for funding, designed to enhance enforcement of CITES, achieve compliance with its provisions, and support wildlife-law enforcement agencies.” To date, no action has been taken to implement this provision. We therefore urge the United States, as a long-standing supporter of CITES enforcement measures, to consider submitting draft Decisions designed to kick-start the implementation of National Enforcement Action Plans (NEAPs).

One Decision could be directed to Parties and, in accordance with Res. Conf. 11.3 (Rev. CoP13), call for NEAPs to support wildlife law enforcement agencies, incorporating timetables, targets and provisions for funding, to be submitted to the Standing Committee by a deadline which would enable the Committee to review the plans at the fifty-eighth meeting of the Standing Committee, the last full meeting before CoP15. A second Decision would be needed directing the Standing Committee to review the NEAPs, provide feedback to Parties and monitor their implementation. The Standing Committee could also be directed, if necessary, to establish a working group at SC57 to provide guidance for the formulation of NEAPs in cooperation with the Secretariat. A third Decision would be needed directing the Secretariat: to assist the Standing Committee with the provision of guidance; to assist Parties, on request, with the formulation of NEAPs; and to prepare a synthesis document following receipt of the NEAPs for review by the Standing Committee.

G. *Bigleaf mahogany (Swietenia macrophylla)*

The Conference of the Parties listed bigleaf mahogany (*Swietenia macrophylla*) on Appendix II at its twelfth meeting in 2002. More than two years after coming into force, significant problems with the implementation of this listing persist, requiring further action to ensure that the Parties are in full compliance with CITES.

In particular, SSN remains concerned about Peru’s continued non-implementation of the Convention and the consequent effects on the country’s remaining population of *S. macrophylla*. Since the listing came into force, there have been several capacity-building workshops designed to assist Peru with the enforcement of its forestry laws: a workshop organized by the International Tropical Timber Organization in Pucallpa, Peru in May 2004; a workshop organized by the CITES Secretariat in April 2005, which was attended by the chair of the CITES Plants Committee and the Management and Scientific Authorities of Spain; and a mission by the Scientific Review Group of the European Union in 2005.

Despite these efforts, and in contravention of Article IV(2)(a) of CITES, Peru’s Scientific Authority has seemingly never made a non-detriment finding for the export of *S. macrophylla*, and yet export permits continue to be issued by INRENA, Peru’s Management Authority. But even INRENA admitted that it could not comply with its obligations under CITES, writing in its agency magazine that it had not developed or implemented a strategy that would allow it to monitor reliably the origin of *S. macrophylla* in trade or the effects of that trade on the native population (INRENA 2005).² The agency

² “Pero a casi dos años de la entrada en vigencia de esta inclusión, aún no se ha logrado desarrollar e implementar una estrategia que permita un monitoreo confiable de la procedencia de la madera comercial de esta especie ni de los efectos sobre las poblaciones naturales” (INRENA 2005).

is aware of the criminality involved in the harvest of *S. macrophylla*, including false declarations, unsustainable harvests, and black markets, but lacks the resources to control them (INRENA 2005).³ With the help of the CITES Secretariat and WWF, INRENA verified the presence of *S. macrophylla* in the 2004 Annual Operative Plans for concessions located in Madre de Dios and Ucayali—the two departments from which much of the *S. macrophylla* originates (INRENA 2005). Of the twenty-seven concessions INRENA reviewed, almost half contained false information (INRENA 2005).⁴ But the problem may even be larger still. The director of INRENA, Leoncio Alvarez, estimated that there are problems with 90% of Peru's concessions (ITTO 2005).

Faced with these implementation issues, instead of restricting the export of *S. macrophylla* to the amount that could be verified as coming from legal origin, Peru increased the volume permitted for export. The 2005 export quota of 23,621 cubic meters (m³) established by Peru for *S. macrophylla* was the total of four categories of timber, each with its own quota—only one of which represented the volume of mahogany harvested in 2005, Rubro I. The other three categories permitted the export of *S. macrophylla* from already harvested stocks. The quota for Rubro I, 19,756 m³, was exhausted on August 23, 2005. However, in order to accommodate the applications for export permits it continued to receive, INRENA announced on September 28, 2005, that it would allow an additional 3600 m³ of mahogany exports from Rubro I. The additional volume represented the “positive balances” remaining in the Rubros II-IV. However, the categories are not fungible. When part of the quota is transferred from any of Rubros II, III, or IV to Rubro I, the amount of mahogany taken from the forest increases concomitantly. Even if the quota set for Rubro I was the total amount of mahogany that could be sustainably harvested from the forest, any amount in excess of that quota would be above sustainable levels. Although the overall quota remained the same, the amount of *S. macrophylla* taken from the forest increased by nearly 20%.

Implementation of the listing of *S. macrophylla* was taken up at the fifteenth meeting of the CITES Plants Committee in May 2005, where the chairman expressed her “grave concern” over the trade in *S. macrophylla* following her visit to Peru in April (PC15 2005). The Plants Committee took particular note of Peru's need for support to combat illegal trade in the species (PC15 2005). The Committee directed the Bigleaf Mahogany Working Group, chaired by Peru and vice-chaired by the United States, to report back at its next meeting in June 2006. At that time, if the Plants Committee deemed the progress insufficient, it would include *S. macrophylla* in the Review of Significant Trade (PC15 2005).

As the world's largest importer of Peruvian mahogany, and a leading member of the CITES community, the United States has a special responsibility to ensure that the trade in *S. macrophylla* returns to a proper and legal course. The United States imports almost all of Peru's *S. macrophylla*—over 20,000 m³ in 2005 (ITTO 2006). SSN commends the United States for its financial support for

³ “En los últimos meses el proceso de implementación de las concesiones forestales se ha visto minado y puesto en riesgo por la tala y el comercio ilegal de madera, principalmente de caoba. Estos actos ilícitos son diversos a lo largo de la cadena productiva, encontrándose entre ellas la declaración falsa de volúmenes inexistentes, el aprovechamiento irracional y la comercialización informal, ya que existe una gran carencia de recursos logísticos para que el INRENA realice el monitoreo y control respectivo” (INRENA 2005).

⁴ “Las Autoridades CITES, mediante el Proyecto de Fortalecimiento, presentado con el apoyo de WWF y financiado con presupuesto del TFCA, han logrado realizar la verificación de existencias de caoba en los planes operativos anuales del 2004 de las concesiones forestales con fines maderables de los departamentos de Madre de Dios y Ucayali, encontrando que de las veintisiete concesiones evaluadas casi la mitad ha presentado información falsa, por lo que OSINFOR ha empezado a aplicar las sanciones correspondientes” (INRENA 2005).

the capacity-building workshops in Peru. SSN also supports the work of the CITES Plants Committee and the Bigleaf Mahogany Working Group. However, as necessary as these programs are, they will not solve Peru's implementation problems in the short-term. For that reason we urge the United States to submit for consideration at the next Conference of the Parties a resolution to suspend the export of *S. macrophylla* from Peru until such time as the following conditions have been met:

- Peru has submitted an inventory of its stocks of *S. macrophylla* to the Bigleaf Mahogany Working Group;
- Peru's Scientific Authority has made a scientifically sound non-detriment finding and submitted the basis of its finding to the Bigleaf Mahogany Working Group; and
- Peru's Management Authority has conducted documented field assessments of all concessions where *S. macrophylla* is said to be present and provided the results of these reviews to the Bigleaf Mahogany Working Group.

H. The Role of Wildlife Trade in the Spread of Infectious Diseases

It is well-established and widely-accepted that the international trade in wild animals has contributed to the spread of infectious diseases (Karesh et al. 2005). These diseases have had an enormous impact on human health, the health of domesticated animals, and the conservation and health of wildlife populations, and have caused hundreds of billions of dollars in economic damage and threatened livelihoods (Karesh et al. 2005). CITES has not yet addressed this important and inherent aspect of international wildlife trade. A CITES Resolution on this topic would acknowledge and highlight the problem and recommend actions that can be taken by Parties importing and exporting wildlife to reduce the risks of spreading infectious diseases via international trade in wildlife.

A recent report by the World Health Organization (WHO), the Food and Agriculture Organization of the United Nations (FAO), and the World Organization for Animal Health (OIE) states that more than three-quarters of human diseases that are new, emerging or re-emerging⁵ are caused by pathogens originating from animals or animal products (WHO/FAO/OIE 2004). Trade in exotic animals is considered by the WHO/FAO/OIE as one of the 'major drivers' of zoonotic disease emergence (2004).

The international wildlife trade contributes to the development and spread of disease by creating the opportunity for contact between humans and wild species that are reservoirs for zoonotic diseases during capture and transport and by introducing wild animals and their diseases from one region of the world to another. In addition to posing a risk to human health, wildlife-borne diseases can infect domesticated animals and native wildlife with devastating consequences.

Neither surveillance systems nor quarantine measures are adequate to prevent the spread of the disease through wildlife trade. There is too little information on epidemiological events in wildlife populations to know before an animal reaches port whether it poses a risk to human or animal health (Juiken 2005). Improved surveillance and reporting systems would assist countries in identifying shipments that require additional inspection and quarantine procedures. Currently, quarantine measures implemented

⁵ The report defined an emerging zoonosis as "a zoonosis that is newly recognized or newly evolved, or that has occurred previously but shows an increase in incidence or expansion in geographical, host or vector range."

by importing countries only test for known diseases and often focus on species that have, in the past, been associated with disease outbreaks. Many countries do not require that all imported species be quarantined. As the UK's experience with highly pathogenic avian influenza has demonstrated, many countries allow importers to quarantine wildlife shipments in their own private facilities, where regulations may be easily circumvented and enforcement is lax. Quarantines in importing countries also do not prevent the spread of disease upstream in the chain of trade. For example, trappers and transporters handle animals in exporting countries before the shipment has been found free of disease. Some importing countries require the issuance of veterinary certificates prior to export, but these, like importing country quarantines, are designed to detect specific, known diseases. Furthermore, asymptomatic stages of incubation are unlikely to be detected by this process.

Recent examples where, according to the WHO/FAO/OIE (2004), the trade in wild animals was implicated in the spread of an emerging zoonosis include: H5N1 avian influenza, associated with the wild bird pet and falconry trades; Severe Acute Respiratory Syndrome (SARS), associated with the trade in civets for human consumption;⁶ monkeypox virus, associated with the import to North America of African rats for the pet trade; Ebola virus, associated with the consumption of 'bushmeat' in Africa; arthropod-borne diseases (pathogens carried by arthropods, such as ticks, found on traded animals);⁷ and food-borne diseases (caused by consumption of wildlife species).

The zoonotic disease of major international concern at the moment is H5N1 avian influenza. Although most human cases of H5N1 are believed to have originated in human contact with infected poultry, the virus is known to infect both wild birds⁸ and mammals and has been detected in individuals of CITES-listed species of wild birds destined for the pet (DEFRA 2005) and falconry⁹ (Van Borm et al. 2005) industries. The international trade in and transport of wild birds across international borders is a recognized means by which H5N1 avian influenza could spread (NWHC 2005). As a result, many countries, including the United States, have banned the importation of birds, either globally or from countries with documented cases of H5N1 in poultry (CDC 2006). In addition to its evident impacts on human and poultry health, and the economy, the spread of H5N1 also has important conservation impacts. According to the Royal Society for the Protection of Birds, "it is estimated that between 5% and 10% of the world population of wild bar-headed geese (*Anser indicus*) died in the recent outbreak in China" (RSPB 2005).

Many wildlife-borne diseases, though harmless to humans, may nevertheless pose a risk to domestic animals and native wildlife. These include: exotic Newcastle disease, a viral disease affecting birds

⁶ It was recently discovered that Chinese horseshoe bats (*Rhinolophus sinicus*) were the reservoir for SARS but that the civet served as a host. Lau, Susanna K.P. et al. 2005. Severe Acute Respiratory Syndrome Coronavirus-like Virus in Chinese Horseshoe Bats. *Proceedings of the National Academy of Sciences* 102:14040.

⁷ All species and subspecies of leopard tortoise (*Geochelone pardalis*), African spurred tortoise (*Geochelone sulcata*), and Bell's hingeback tortoise (*Kinixys belliana*) have been found to carry ticks, which are vectors of heartwater.

⁸ According to the U.S. Geological Survey, "mortality from H5N1 has been reported in nearly 60 wild bird species worldwide, including 21 species of free-ranging wild birds and 23 species in captivity, plus an additional 12 species experimentally infected." http://www.nwhc.usgs.gov/research/avian_influenza/avian_influenza.html

⁹ For example, two Crested-Hawk eagles (*Spizaetus nipalensis*), a species listed on Appendix II of CITES, smuggled from Thailand and intercepted at the Brussels airport were found to be infected with avian influenza. Not only were these two birds destroyed, but in order to prevent the spread of the disease, 650 birds that were housed in the same quarantine facility with the hawks were also destroyed. It was later found that none were infected with the virus.

that is associated with the trade in birds for pets; paramyxovirus, also associated with the pet bird trade; chytridiomycosis, a fungal disease believed to be the major cause of the extinction of 30% of amphibian species, which was originally spread by the international trade in African clawed-frogs; heartwater disease, a wasting disease of domestic and wild ruminants, and other diseases transmitted by ticks found on reptiles traded internationally as pets (Karesh 2005).

We propose that the United States submit a discussion document containing a draft resolution to call attention to the role of the international wildlife trade in the spread of infectious disease and to recommend steps that can be taken to address and minimize the risks of disease transmission. Recommendations might include:

- That all Parties follow the recommendations of the WHO/FAO/OIE (2004) (note that whilst the WHO/FAO/OIE recommendations focus on zoonoses, we recommend these be expanded to include infectious diseases that pose a risk to non-humans as well);
- Direct the Secretariat to collaborate with WHO, FAO, and OIE to elicit political awareness of and support for the implementation of a public and animal health infrastructure to address zoonotic disease issues;
- Direct the Animals Committee to collaborate with WHO, FAO and OIE to develop technical guidelines on issues such as regulation of international import and export of live exotic animals and regulation of live-animal markets, and the definition of core competencies required to assess the risk for emerging zoonoses;
- Direct the Animals Committee to promote adequate and standardized quarantine measures including health documentation for shipments of live wildlife (Pearl 2004); and
- Encourage parties to increase and integrate surveillance of wildlife for infectious diseases with surveillance systems in humans and domestic animals (Pearl 2004).

I. Internet Trade in Wildlife

In recent years, several studies have exposed the use of the Internet as a platform for legal and illegal wildlife trade in a number of industrialized CITES Parties, and as a means to open new markets.¹⁰ All have shown that the volume of this trade, which involves live specimens of CITES-listed species as well as their parts and derivatives, is increasing significantly.

The nature of the Internet allows traders to operate anonymously and to circumvent national and international law more easily. The scale of the trade, the difficulty in identifying and locating these traders, their use of multiple pseudonyms and the ease with which they can get away with misdeclaring

¹⁰ See e.g. International Fund for Animal Welfare (IFAW). 2005. Caught in the Web. IFAW, London; International Fund for Animal Welfare (IFAW). 2004. Elephants on the High Street. IFAW, London; The Humane Society of the United States. 2002. An Investigation of Ivory Markets in the United States. HSUS, Washington, D.C.; Williamson, Douglas F. 2004. Tackling the Ivories: The Status of the US Trade in Elephant and Hippo Ivory. TRAFFIC North America, Washington D.C.; Commission for Environmental Cooperation (CEC) & North American Wildlife Enforcement Group. 2005. Illegal Trade in Wildlife: A North American Perspective. CEC, Montreal.

products (e.g. new ivory as antiques or mammoth ivory) make the legality of the trade difficult to determine, not only for enforcement agencies, but also for millions of online consumers. Studies have also revealed that existing international and national laws as well as national enforcement capacities are not sufficient to tackle the problems arising from wildlife trade on the Internet—primarily illegal trade and animal welfare concerns. The lack of urgency attributed to the issue has meant that resources allocated to tackle the problems have been far from adequate.

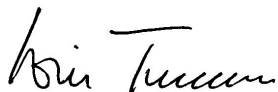
SSN believes that international cooperation through CITES is urgently needed to address Internet wildlife trade, and recommends that the United States submit a resolution on the subject for consideration at CoP14. Since the scale of the problem demands prompt attention, we suggest that such a Resolution should provide for an Action Plan on Internet wildlife trade (to be implemented preferably before CoP15), which could include:

- Establishment of a CITES Internet Wildlife Trade Enforcement Task Force to bring together enforcement agencies in relevant Parties¹¹ along with relevant experts and organizations, including Interpol, Internet experts, site owners, IGOs and NGOs. Its terms of reference should include designing strategies and technology to combat illicit trade on the Internet; increasing networking between Parties and relevant Internet organizations, and improving cooperation in international investigations.
- Submission of reports by Parties participating in the Task Force to determine the scale and nature of the trade, based on monitoring and assessment of Internet wildlife trade through sites based in their respective countries.
- Implementation of targeted national public awareness campaigns and promotion of national reporting mechanisms for consumers (i.e. hotlines).
- Development of a CITES-approved Code of Practice by which all Internet sites (auction houses, chat sites, etc) from which CITES-listed species are sold should abide.

To enhance the effectiveness of the Action Plan, provisions to induce compliance in the event that Parties fail to implement it should be considered. Precedent for such provisions can be found in the Action Plan on internet ivory trade approved at CoP13 (Decision 13.26, Annex 2).

Thank you for considering the comments of the Species Survival Network. We look forward to working with you to develop proposals and other documents for the United States to submit for consideration at CITES CoP14 and to working with the Service to achieve our common CITES goals.

Sincerely,



Will Travers
President
Species Survival Network

¹¹ Parties with the greatest e-commerce/online trading, e.g. China, France Germany, UK, USA etc.

Endorsed by the following organizations:

Animal Concerns Research and Education Society (Acres)

Born Free USA

Cetacean Society International

David Shepherd Wildlife Foundation

Defenders of Wildlife

Humane Society International

Humane Society of the United States

International Fund for Animal Welfare (IFAW)

International Primate Protection League

International Wildlife Coalition

Pro Wildlife

Whale and Dolphin Conservation Society

World Parrot Trust



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