

RUBBER-STAMPING ANIMAL CRUELTY
Why CITES needs reform

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1. INTRODUCTION

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) oversees the international trade in more than 35 000 species of plants and animals, including their products and derivatives. The Convention administers a permit system that seeks to ensure that the international trade in listed species is sustainable, legal and traceable.

In September 2016, the 17th CITES Conference of Parties (CoP17) will take place in Johannesburg, South Africa, the first time the meeting has been held in Africa since 2000. Its location is significant because African animals are being killed and traded at an unprecedented rate and South Africa is the frontline of rhino poaching, and a nexus of the illegal trade in rhino horn.

In 2016, the survival of many of the world's most iconic animal species – elephants, cheetahs, rhinos, pangolins and tigers – hangs in the balance and more than ever before the world needs an effective and efficient CITES to regulate the trade that is pushing them to the brink of extinction. However, as this paper will show, the Convention is seriously flawed and needs comprehensive reform, not only to address the shortcomings of its permit system, but also to acknowledge and begin to tackle the cruelty that characterises the trade in animals, both legal and illegal.

2. THE TRADE IN WILD ANIMALS¹

Every year millions of animals, including wild birds, primates, amphibians, reptiles, fish and insects are stolen from the wild and moved around the world for commercial purposes. Many are intentionally or unintentionally misidentified, many more are described as captive bred when in fact their true origin is the rainforests, savannahs and deserts of developing countries. While some animals are killed for their scales, embryos, skins, bones, teeth or claws, countless others enter the aquarium or “exotic pet” trade. Increasingly, they are traded online. Their welfare during capture, transport and marketing depends on a range of variables – including the way they are restrained,

¹ The trade in wildlife includes plants and animals. This report focuses on the trade in animals only. CITES regulates the trade in 5 600 animal species.

handled, fed and watered – but all will suffer because they have been removed from their natural environment and forced to live in close proximity to humans and often with other animals – sometimes their natural predators. Their lives are usually bleak and short and for every animal that makes it to a pet shop, or the online auction, countless others die along the way. Traded animals die in transit through crushing, asphyxiation, starvation, temperature shock, disease, injury and stress (Ashley *et al.*, 2014).

Not all wild animals that are traded are regulated by CITES, but large numbers of dead specimens – seemingly accepted as an unavoidable part of the trade in wild animals (Ashley *et al.*, 2014) – undermine the sustainability goals of both CITES and other global conventions, like the Convention on Biological Diversity (CBD) which aims to conserve biological diversity and encourages the sustainable use of the components of biodiversity. This is because new harvests are required to replace specimens that die in transit. As a result, the trade in wild animals (whether legal or illegal) can result in biodiversity loss, species loss, the introduction of invasive species and disease (Baker *et al.*, 2013).

2.1. The online trade in animals

Increased trade in exotic pets is being fuelled by a massive growth in Internet sales. An investigation conducted by the Born Free Foundation and the Blue Cross in the United Kingdom in 2014, revealed the scale of the online trade in animals: at any one time, across a sample of just six websites, there were about 25 000 advertisements offering more than 120 types of exotic animals for sale. The animals included reptiles, exotic birds, primates and wild cats like ocelots, serval, caracal and leopards.

According to the *One click away* report, very few adverts offered advice on the animals' history or how to care for them, potentially leaving new owners unaware of complex care requirements or possible behaviour problems. (Born Free Foundation/Blue Cross, Nd.)

2.2. The illegal trade in wild animals

CITES acknowledges that in recent years there has been a surge in the illegal trade in wildlife (CITES, 2015). According to the Convention, the illegal trade in wildlife is global in scope and taking place on an “industrial scale” (CITES, op cit.). For example, over 100 000 elephants are estimated to have been killed for their ivory in only two years on the African continent (2011 to 2013); between 2008 and 2015, poachers killed at least 5 940 rhinoceros for their horns², and pangolins (scaly anteaters) have become the most hunted animals on earth.

The illegal trade in wild animals is just one facet of wildlife crime, which includes “the taking, trading (supplying, selling or trafficking), importing, exporting, processing, obtaining and consumption of wild fauna and flora, including timber and other forest products, in contravention of national or international law.” (UNODC, 2012.) Such crimes have far reaching ramifications. They considerably accelerate the destruction of forest and wildlife resources and contribute to deforestation, desertification and environmental degradation. Wildlife crime seriously threatens the survival of many plant and animal species, reduces biodiversity and deprives countries of valuable renewable resources. While some of these impacts are obvious, there is a perverse aspect to the trade in wildlife that is less well known: the more endangered a species becomes, the greater its commercial value and, therefore, the commercial incentive for illegal trade. For instance, profits generated from the trade in rhino horn can be higher than those generated by trafficking in diamonds and cocaine (WWF, 2012).

Although there are many suggestions that wildlife and forest crime is one of the most profitable forms of organized crime and that it has grown to become the fourth largest illegal activity in the world (after drugs, counterfeit goods and human trafficking), the truth is its illicit nature makes it difficult, if not impossible, to quantify. Even so, the United Nations Environment Programme

² Save the Rhino: https://www.savetherhino.org/rhino_info/poaching_statistics

(UNEP) has suggested the trade may be worth between US\$7-billion and US\$23-billion annually (Nellemann, *et al.*, 2014).

2.3. The impacts of wildlife crime

There is strong evidence that wildlife crime is linked to organized crime, violence, corruption and armed conflict and that it has the potential to destabilize governments and threaten regional security. WWF has summarised the impacts of wildlife crime as follows:

- Illicit wildlife trafficking compromises the security of countries. Much of the trade in illegal wildlife products is run by criminal groups with broad international reach, and the profits can be used to finance civil conflicts and terrorist-related activities. Illicit wildlife trafficking is also linked to other forms of illegal trafficking and money-laundering.
- Illicit wildlife trafficking hinders sustainable social and economic development. The corruption associated with illicit wildlife trafficking, and the security threat posed by the often violent nature of illegal wildlife product sourcing, deter investment and hinder growth in source, transit and demand countries. They reduce the effectiveness of governments, deter civil engagement, erode the rule of law, harm the reputation of and trust in the state, and affect the growth of local communities.
- Illicit wildlife trafficking destroys natural wealth. Wildlife is considered an important asset by many communities in many countries. South Africa is a good example of this – the direct contribution of tourism to gross domestic product (GDP) grew from R84.3 billion in 2011 to R93.3 billion – or three per cent of GDP – in 2012. The country’s rich natural resource base holds immense recreational value and at present, South Africa competes very effectively for a share of the nature-based tourism market, one of the fastest growing sectors of the global tourism industry³. The illegal exploitation of wildlife is capable of heavily

³ OECD. 2009. Wildlife and nature-based tourism for pro-poor growth. *In* Natural resources and pro-poor growth: the economics and politics. OECD publishing. Available at <http://www.oecd-ilibrary.org>

depleting species and, in some cases, of bringing a species close to extinction.

- Illicit wildlife trafficking poses risks to global health.

(WWF/Dalberg, 2012.)

In spite of these very serious impacts, in most countries wildlife crime is poorly understood, often overlooked and seldom a priority. Moreover, wildlife laws and policies have not, or not always, kept up with changing degrees and patterns of trade. For criminals, this means that the illegal wildlife trade offers significant opportunities to make large profits, while the threat of being apprehended or convicted is extremely low.⁴

2.4. The threat of disease

Over 60 per cent of pathogens responsible for human diseases – like rabies, Ebola haemorrhagic fever, West Nile fever, avian influenza, brucellosis and foot and mouth disease – are of animal origin and the majority of these pathogens come from wildlife. (Diseases spread from animals to humans are called “zoonotic” diseases.)

In many parts of the world, the lack of control that characterises the animal trade (both legal and illegal) poses significant threats, including:

- the spread of zoonotic diseases to a potentially naïve consumer base;
- the escape of exotic animals into local environments;
- the introduction of disease to indigenous wildlife populations

(Ashley *et al.*, 2014).

⁴ The International Consortium on Combating Wildlife Crime (ICWC) was established in 2010 in response to a global spike in wildlife crime, and the recognition that wildlife crime had become increasingly transnational and sophisticated. The ICWC includes CITES, Interpol, the UN Office on Drugs and Crime (UNODC), the World Bank and the World Customs Organization. In May, the ICWC launched its World Wildlife Crime Report that for the first time analyses the effects of poaching and the illegal trade in thousands of species, not only in terms of environmental degradation, but also as potential drivers of conflict. The report is available at: https://www.unodc.org/documents/data-and-analysis/wildlife/World_Wildlife_Crime_Report_2016_final.pdf

3. CITES

CITES is an agreement between governments. CITES has a mandate to ensure that the international trade in specimens of wild animals and plants does not threaten their survival. The Convention currently has 182 member states, called “Parties”.

This report has already documented the scale and value of the trade in wildlife, but CITES itself emphasises how diverse this trade really is: “(it ranges from) live animals and plants to a vast array of products including food products, exotic leather goods, wooden musical instruments, timber, tourist curios and medicines” (CITES website).

The Conference of the Parties (CoP) is the supreme decision-making body of the Convention and comprises all Parties. The Standing Committee drafts resolutions for the consideration of the CoP and oversees the CITES Secretariat. The Standing Committee is made up of representatives of each of the six major geographic regions (Africa, Asia, Europe, North America, Central and South America and the Caribbean, and Oceania). The number of representatives from each region is weighted according to the number of Parties in the region.

Each Party is required to designate a management authority that administers CITES permits and a scientific authority that can advise it on the effect that trade has, or may have, on a species.

CITES uses a permit system to regulate the international trade in plants and animals listed in one of three “Appendices”. The permit system is administered by the management and scientific authorities in each country. Any international trade of a species listed in any of the appendices requires a permit. The level of protection afforded by CITES depends on the threat that trade presents to each species:

- Animals listed in Appendix I are threatened with extinction. Trade in specimens of these species “must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.” Trade may take place only when both import and export permits are granted.
- Species listed in Appendix II are not necessarily threatened with extinction but the trade in specimens of these species is subject to strict regulation in order to avoid “utilization incompatible with their survival.” Trade in Appendix II species requires only an export permit, unless the importing country has imposed additional requirements.
- Species listed in Appendix III are protected in at least one country. Trade may require a permit, a re-export certificate or a certificate of origin.

In some cases, animals may be listed on more than one appendix. For example, while black rhinos (*Diceros bicornis*) is listed on CITES Appendix I, white or square-lipped rhinoceros (*Ceratotherium simum*) is listed on both Appendix I and II. Trade of live white rhinos by South Africa and Swaziland, and trade in hunting trophies from these countries, is allowed. Similarly, elephants are listed on CITES Appendix I, except for the elephant populations of Botswana, Namibia, Zimbabwe and South Africa, which are listed on Appendix II.

Species can be added, deleted or transferred to another Appendix, subject to a two-thirds vote by the CoP. A CoP meeting is held once a year.

4. THE TRADE IN ANIMALS IS OUT OF CONTROL

There is overwhelming evidence that the animal trade is out of control and its regulator, CITES, needs urgent reform. South African environmental journalist, Don Pinnock, says of CITES: “If it is judged by that which it seeks to prevent, the agreement is a failure” (Pinnock, 2016)⁵.

⁵ See Appendix 1: Case studies

In the past, CITES has been criticised for protecting commercial interests ahead of its mandate of protecting wildlife. For example, critics argue that CITES delegations sometimes hide behind the secret ballot system when they want to avoid being seen to be putting commercial interests ahead of conservation (McGrath, 2013). The CoPs have also become intensely political because although the process is meant to be governed by scientific principles, in reality decision-making is rooted in the political and economic interests of the Parties, with some choosing to use scientific evidence to support their positions when it suits them, and refuting the validity of the science when it doesn't (McGrath, 2013; Jones, 2010). There are also instances where countries with vested interests in particular issues send large, powerful delegations to CITES with the intension of persuading other parties to vote with them on certain issues. For example, Japan has been accused of doing just this to protect its interests in the valuable fisheries for Bluefin tuna and several species of sharks. A 50-strong Japanese delegation worked to coerce small island states and developing nations into supporting Japan's position at CITES (Jones, 2010).

In recent years, in response to the rapid growth of the illegal trade in wildlife, criticism of CITES has deepened, to the point where scientists and activists now question its very existence. For example, internationally acclaimed elephant behaviourist, Joyce Poole, acknowledges that the capture and trade in limited numbers of elephant calves doesn't endanger the species as a whole, but, she says, "it certainly causes enormous and life-long suffering to individual elephants. What are we, the international community, going to do to stop this outright cruelty that is being sanctioned by an international treaty? We need to either revamp CITES or start a new organization that will." (Russo, 2015.)

Poole is referring to the shipment of 24 young elephants from Zimbabwe to China in July 2015. The two- and three-year-old elephants are being held at the Quingyuan quarantine facility in Guangdong Province, awaiting transfer to a new zoo in Qīngyuǎn, which is only scheduled to be complete in 2018. No

CITES permit was issued for the export of the elephants, a serious breach of CITES regulations.

There are three main reasons for the contemporary criticism of CITES:

i) The permit system that is the backbone of the Convention has been corrupted, to the point where in some instances it actually facilitates rather than controls the illegal trade in wildlife. Journalist and activist Karl Ammann has documented how the CITES management authorities in countries like the Democratic Republic of Congo (DRC) and Guinea sell CITES permits to animal traders, charging several thousand dollars for each one; and how the use of false CITES permits bearing the “C” source code (reserved for animals raised in captivity) has been used to facilitate the illegal export of hundreds of wild-caught chimps and gorillas from African countries to China (Ammann, 2015). There are less stringent CITES requirements for the trade in animals bred in captivity.⁶

ii) Since 2001, the CITES Secretariat has not performed routine permit checks. Originally, all CITES permits had to be submitted to the CITES head office in Geneva for inspection, but on 9 February 2001, the Secretariat notified the parties that it would not “undertake work involving routine permit confirmation matters” (CITES, 2001). This means that CITES permits only need to be approved by the officials working for the CITES management authority in each country and only reported in summary to Geneva. According to Karl Amman, the change in the scope of the CITES Secretariat’s responsibilities “marked the beginning of the opening of the floodgates and the breakdown of any chance of an effective permit system, and the effective

⁶ It should be noted that CITES has reacted to these criticisms. At the CoP 17 meeting, the Standing Committee will call for a review of the CITES rules governing international trade in specimens of species bred in captivity and will propose that “a process be put in place to monitor all trade in specimens of species claimed to have been bred in captivity with a view to identifying and taking action in cases where specimens taken from the wild are being traded as if they were bred in captivity, thus taking advantage of less strict controls.” (CITES, 2016).

A series of recommendations to suspend trade with certain countries will also be presented at CoP17 because these countries have, among other things, made no progress with improving national legislation, failed to submit CITES trade data and ignored export quotas (CITES, op cit.). However, there is no specific reference to the trade in the great apes made in these recommendations.

regulation of trade in many endangered species... there is little doubt that permit fraud is a worldwide issue and getting worse.” (Ammann, 2015.) It is estimated that hundreds of fake and falsified permits are issued annually and that dealers pay CITES officials hundreds of thousands of dollars to facilitate the illegal trade in CITES listed species (Pinnock, 2016).

iii) In spite of the fact that it rubber-stamps the trade in millions of animals every year, CITES has little or no control over the welfare of traded animals and this lack is actively working against CITES’ stated objective of ensuring the sustainability of species.

5. THE WELFARE OF TRADED ANIMALS

CITES Resolution 10.21⁷ requires “Management Authorities to be satisfied, before granting export permits, or re-export or travelling exhibition certificates, that specimens will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.” It repeats this requirement for the transportation of live specimens, saying that during any period of transit, animals should be properly cared for so as to minimise the risk of injury, damage to health or cruel treatment.

CITES Resolution 10.21 also notes that air transport is the preferred method for transporting live animals.

The Live Animals Regulations of the International Air Transport Association (www.iata.org) and the CITES guidelines for the non-air transport of live wild animals and plants provide additional requirements for the care of animals in transit.

It should be recognised that the welfare of traded animals is beginning to receive more attention from CITES; in 2015, CITES entered into an agreement with the World Organisation for Animal Health (OIE) to

⁷ Available at <https://cites.org/eng/res/10/10-21R16.php>

“collaborate on animal health and welfare worldwide to safeguard biodiversity and protect animals.” The cooperative framework includes a plan to promote standards of welfare for wild animals during transport and for animals killed for trade in their body parts. However, the *raison d'être* of the CITES/OIE agreement, and consequently its emphasis, is the control of zoonotic diseases and not animal welfare.

As with the issuing of CITES permits themselves, much of the responsibility for the welfare of traded animals rests with the CITES management authority in each country. Sufficient evidence has been presented by non-governmental organisations and activists to demonstrate that the management authorities of several Parties are dysfunctional, often corrupt and sometimes implicated in permit fraud. The expectation that management authorities, particularly those in developing countries, are sufficiently well informed and equipped to promote the welfare of traded animals is patently unreasonable. Delegating responsibility for animal welfare to the Parties themselves allows CITES to effectively turn its back on the cruelty that characterises the international trade in wildlife.

Another flaw in the CITES system is that the requirements of Resolution 10.21 are set at the point of export, not at the point of capture. This completely ignores the reality, which is that traded animals are handled from the very time of their capture. Before they reach a port of departure, they may have endured several weeks or even months of handling and possibly mistreatment (e.g. the Zimbabwe elephants were captured in November and exported in June and in spite of a legal obligation to do so, Zimbabwe's Society for the Prevention of Cruelty to Animals (SPCA) was not allowed to inspect the animals). Studies have shown that few people along the supply chain are proficient in the proper handling and care of wild animals and as a result, the highest mortalities occur prior to their international transport. Data compiled by the German NGO Pro Wildlife (and reported in *National Geographic*), show that up to 100 per cent of birds in Senegal and Indonesia; up to 85 per cent of ornamental fish in India and Hawaii; and up to 50 per cent of chameleons captured in Madagascar die before they are exported. In

spite of these horrifying statistics, CITES is powerless because the CITES quota system does not take into account the length of time that an animal survives after being bought as a pet, or how quickly it needs to be replaced (Nowak, 2013), even though this obviously has an impact on the sustainability of a population or species.

Large losses of animals in transit is characteristic of the wildlife trade (Ashley *et al.*, 2014) and undermines the sustainability goals of CITES. Much more can and should be done by CITES, which should be a powerful tool for improving animal welfare and reducing trade in some species groups.

A fundamental modification of the CITES “airport-to-airport” approach is necessary to ensure that animals are protected from the time of their capture until after the animal reaches its destination. Another step that CITES can take is to insist that all Parties subject traded animals to inspection. In certain countries, certain animals (like cows, rodents or primates) are subject to strict inspection protocols, but others (like reptiles, amphibians and fish) are not subject to inspection, even though there are serious health risks associated with their movement across international borders. Furthermore, whereas it is common for traded mammals to undergo formal quarantine periods of between 30 days and six months – mostly to guard against the transmission of rabies – amphibians and reptiles are not routinely quarantined, in spite of their potentially harbouring zoonotic pathogens (Ashley *et al.*, 2014).

Moving animal welfare onto the global animal trade agenda is another way to tackle the inherent cruelty in the animal trade. This would require more and better scientific evidence and changing an outmoded perception that animal welfare is an isolated, peripheral interest to one that conspicuously affects the collective future of human beings. (Baker *et al.*, 2013).

6. CONCLUSION AND RECOMMENDATIONS

As an animal welfare organisation, Network for Animals is deeply concerned about the lack of control that characterises the international trade in animals. David Barritt, Network for Animals’ campaign director, says that it is not only the growth in the illegal trade in animals that threatens species and

biodiversity, but also the legal trade in exotic pets and animal parts and products.

Until very recently, the unimaginable cruelty that is associated with the trade in animals has been ignored by CITES and, says Barritt, this is a shortcoming that must be rectified.

The protection of the thousands of animal species affected by trade requires international cooperation and, in spite of its many failings, CITES is the only international convention specifically tasked with regulating the animal trade. As such, it is the legal framework within which change must be brought about. Having said that there are three distinct areas in which CITES must rapidly be reformed: the fraud and corruption in its permit system must be addressed immediately; a system of permit verification must be reinstated; and the cruelty and mistreatment of traded animals must be curtailed and eventually eradicated.

With respect to the reform of CITES, Network for Animals recommends:

1. CITES must urgently address the corruption inherent in its permit system. It is essential that the CoP reverses the decision of 9 February 2001 and re-institutes the CITES Secretariat's oversight of the permit system.

2. CITES must formally recognise that the illegal trade in wildlife is out of control and severely threatens the sustainability of species and biodiversity, particularly in developing countries. Having recognised the damage that the illegal trade in wildlife is doing to the world, CITES must:

- Rapidly suspend trade with countries that are implicated in CITES permit fraud;
- Upscale its support for partnerships aimed at curtailing the illegal trade in wildlife, e.g. the ICCWC;
- Coordinate a global campaign to identify Parties with inadequate laws and regulations to control the domestic trade in wildlife, and work with

these Parties to institute new policies, laws and regulations to address these legislative gaps.

3. CITES must leverage its partnership agreement with the OIE to raise awareness of the dangers of zoonotic diseases and the threat that unhealthy and stressed animals traded across international borders poses for human health. In-so-doing CITES and the OIE should discourage the international trade in wildlife and encourage better controls, including the application of reasonable animal welfare requirements, and inspections.

4. CITES must formally recognise the inherent cruelty that characterises the trade in animals. It must relinquish its “airport-to-airport” approach and develop binding codes of good practice that all Parties must be obliged to adhere to. These codes of good practice must apply from the time that a species is captured, to the time that it reaches its final destination.

APPENDIX 1: CASE STUDIES

“If it is judged by that which it seeks to prevent, then CITES is a failure.”

Don Pinnock

1. The African elephant

The African elephant was first listed by Ghana in CITES Appendix III in 1976. The following year, at the first meeting of the Conference of the Parties (CoP1), African elephants were moved to Appendix II. In 1990, the species was moved to Appendix I in response to the fact that numbers of African elephants dropped by 50 per cent over the previous decade.

In 1999 and again in 2008, raw ivory from government-owned stockpiles of several elephant range countries with Appendix-II elephant populations was auctioned off to designated trading partners. These auctions are commonly referred to as the “one-off ivory sales”.

Studies by the Environmental Investigation Agency (EIA) have demonstrated that the one-off ivory sales stimulated the market, inflated prices and contributed to a devastating increase in the illegal ivory trade (EIA, 2012). Over 100 000 elephants are estimated to have been killed for their ivory in Africa between 2011 and 2013.

2. Pangolins

Pangolins, or scaly anteaters, are nocturnal, ant- and termite-eating mammals found in Asia and sub-Saharan Africa. Their bodies are covered with overlapping scales made of keratin, the same protein found in human hair and fingernails, and rhino horn. Pangolin scales are used in traditional Asian medicine, and their meat is considered a luxury food in many cultures. Experts estimate that more than one million pangolins have been traded illegally in the past decade. Today, pangolins have the dubious honour of being one of the most trafficked animals on earth.

Seven species of pangolin are listed on CITES Appendix II; the Asian pangolin was listed on Appendix I in 2000. Despite CITES protection, the

illegal trade in pangolins is pushing these animals towards extinction. All eight species are now listed on the IUCN Red List of Threatened Species.

3. Tigers

In 1975, tigers were listed in Appendix I of CITES, which prevents their commercial international trade. Nevertheless, tigers remain in serious danger from the illegal trade in wildlife. They are killed for their bones, which are used in traditional Asian medicines, and for their skins and other body parts, including teeth, skin and claws.

In 2014, there were believed to be approximately 3 200 wild Tigers in Asia, with fewer than 2 500 breeding adults. Tigers are listed as Endangered by the IUCN. Poaching for their parts and habitat loss are both major threats to tigers. Between 2000 and 2014, TRAFFIC's research found that parts of a minimum of 1 590 tigers were confiscated in tiger range States, an average of two tigers per week⁸.

⁸ <http://www.traffic.org/tigers/>

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Save the Rhino – <http://www.savetherhino.org>

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