

MEANINGLESS SPECIES PROTECTION OF EUROPEAN HERPETOFAUNA UNDER THE BERNE CONVENTION AND THE NEW E.C. DIRECTIVE

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The protection of European reptiles and amphibians has the attention of many herpetologists. It is therefore remarkable that so little concern has been expressed about the list of European species as protected under the new E.C. directive (published e.g. in Herpetofauna News of November 1992 by Tom Langton). The outline mentions 38 species on Annex II: these require habitat protection. An amazing number of 127 species have been denominated to require strict species protection and are thus listed on Annex IV (though some have also been included on Annex II). A milder protection is intended for four frogs on Annex V (to allow the production of frog legs?).

It is striking that the E.C. (or now E.U.?) apparently considers that there is a greater need for species protection (via Annex IV) than for habitat protection (Annex II). The rationality behind this is not at all clear to us. Earlier serious doubt has already been expressed as to the Appendix II adoption of reptiles and amphibians in the Berne Convention – many of which are very common (Pickett & Townson, 1981) – and other animal groups (Lyster, 1985). Unfortunately, the convention has actually not established criteria for inclusion in or deletion from the appendices (Lyster, 1985)!

The E.C. Annexes II and IV are largely identical with the Appendix II of the Berne Convention, but since a number of signatory countries to the convention are not E.C. members, there are logically some differences in the lists. It is, however, strange to see the Turkish *Lacerta danfordi* on the E.C. list. Probably this is because of poor taxonomic knowledge: the Greek island *danfordi* are presently considered to be *L. anatolica* and *L. oertzeni*.

It is not only such errors of fact, but also the emphasis on species protection and the oversimplified, Eurowide intended application of faunal lists, wielded by people behind desks or by green fanatics, that worries us. The resulting rules, moreover, spring into existence almost completely outside of democratic or even oligarchic control.

So far, it is uncertain how a parallel enforcement of both legislations will be carried out. For that reason, and because of their similarities, our critique pertains to the species protection of both systems. In the following we shall focus on the inappropriateness of the adoption of just a few of the now strictly protected species, but such remarks could well be made on many others on the appendices and the new annexes.

The extremely common lizards *Podarcis muralis* (largest distribution within the genus) and *Podarcis sicula* are apparently considered threatened by E.C. officials since they

are on Annex IV. Only for the subspecies *P. muralis muellerlorenzi* on the Italian rocky islet La Scuola, Honegger (1981) states it is probably decreasing. Certainly some populations can be locally vulnerable, typically near the margins of the species' range (this is virtually a law of nature), but *P. muralis* is by no means endangered in its entire distribution (Gruschwitz & Böhme, 1986).

A good example of a locally threatened population is the one northernmost, small colony of *P. muralis* in Maastricht in The Netherlands. With about 100 animals the common wall lizard is the rarest Dutch reptile. Indisputably it enhances the national species diversity. The drastic decline some years ago was a clear example of habitat destruction: the old fortifications were restored by filling every crack with cement. Happily the actions of a sole amateur convinced the local authorities for the need of a lizard-friendly restoration. A breeding project by Dutch amateurs (Kruyntjens & Biard, 1991) then helped the population to recover. On a European basis, however, a strict general protection makes no sense at all; even a few km south of Maastricht *P. muralis* thrives in abundant populations in Belgium.

Of the fifty odd currently recognised *P. sicula* subspecies, Honegger (1981) mentioned three threatened ones: *P. s. cerbolensis* on the island of Cerboli, *P. s. coerulea* on the Faraglione rocks, and *P. s. sanctistephani* on San Stefano. Decline due to over-collecting is only imaginable for the blue coloured *P. s. coerulea*, though Mertens (1952) already also pointed out that rats share the rocks with the lizards. The reason for *P. s. cerbolensis*' decline is guessingly "Over-collecting?". For the decline of *P. s. sanctistephani* Honegger (1981) lists an intricate complex of predation by feral cats and *Coluber viridiflavus carbonarius*, interbreeding with accidentally introduced *P. s. sicula*, an unexplained decrease in reproduction potential and an epidemic. Just try to stop that by putting *P. sicula* on any Annex or Appendix!! Henle & Klaver (1986) moreover called Honegger's reasons for decline "an hypothesis out of the blue without any ecological support" and consider a change in gene frequency caused by migration combined with unchanged selection pressure as a major factor.

It is indeed a sad example of a listing that, like those of many species, has been based on guesswork and other non-scientific material.

It does not make sense to give very common species a strict species protection just because one population or subspecies is threatened. With the past subjective European tradition many subspecies have been described on an ambiguous basis. Though these are widely recognised as being of little or no scientific use, such obsolete improper deeds strangely enough find extensive misemployment in environmental policies, so that a creature these days should be "happy" if it has a trinomen. One shudders at the future consequences: a political taxonomic avalanche?

Many species in the Berne Appendix II have been added in 1987. We are unaware of the basis. Some are Greek species (now also on the E.C. Annex IV) in which we have been much involved. Instead of habitat protection, a virtually useless formal species protection of all Greek reptiles and amphibians has been adopted. Should that show the outside world in black and white that Greece cares about its wildlife? Should Greece (although it still has not ratified the Berne Convention), or any other contracting party, put forward proposals that lack sound ecological support, they must indeed be rejected. Nature is too precious to allow smoke screen tactics.

One of us is especially acquainted with *Podarcis peloponnesiaca* (Bringsøe, 1986) which was also included. Throughout its range (except parts of the northwestern and northeastern Peloponnese comprising its marginal distribution) it occurs in stable and abundant populations. *P. peloponnesiaca* is not collected to any appreciable extent, neither for terrarium nor scientific purposes.

With over twenty years of field experience we have seen in the wild most of the now strictly protected herpetofauna. With rare exceptions none of them seems to be under any species-specific threat and some are surely the most abundant vertebrates in their area. Some are extremely numerous, like *Podarcis dugesii* on Madeira. On the island it is considered to be a pest by tomato and vine growers and the animals are even judged to have a negative impact on tourism (Matuschka, 1992). Who is going to see that no lizard comes to any harm and that the widely used (Matuschka, 1992) strychnine poisoning stops? Will the poor farmers get dispensations or can they claim compensations? In any case such an E.C. protection is bound to backlash on the lizards and on the credibility of the whole system.

Naturally we do not dismiss the notion that some species are, or could soon become (e.g. certain vipers), very rare and need special, almost individual protection, but to catalogue well over a hundred species is utterly out of touch with reality.

The Berne Convention places strongest emphasis on the protection of habitats of species which have been listed as threatened. We can only hope that this shall also apply to the new E.C. Directive, but as yet we have no indication that it will. The species lists (appendices) form in practice the basis for all protection within the convention, habitat protection as well as species protection (though Article 4 promises on paper the protection of endangered natural habitats). This rudimentary type of legislation means that habitats can be protected because listed species live there. Thus, as it is today, removing the many non-threatened species from Appendix II could result in reduced possibilities for habitat protection, against all our good intentions. Therefore this kind of legislation is inappropriate because the real threat to the vast majority of our reptiles and amphibians (and many other life-forms) comes from habitat destruction.

Luckily this is in reality reflected by numerous cases with fine efforts of habitat protection, a few of which are referred to in Herpetofauna News 2(6): 3-4. Nevertheless, a thorough revision of the convention is warranted: we should with the highest priority prevent further destruction of the natural environment even though the species living there may not need species protection. One should keep species protection and habitat protection apart, though inevitably a number of species will need both types of care. However, species preservation without attention for the habitat demands can only be a last resort measure and should never be top of the bill. Nature conservation is not a simple game for bureaucrats and taxonomists waving faunal and floral lists, but a highly complex biological exercise, requiring skills in many areas.

A significant degree of flexibility should be incorporated by the possibility of protection of single populations rather than entire species. Members of groups on the edge of their range do not necessarily fall into this category since decrease or increase there is a natural phenomenon in the dynamics of taxa. Grand, world-wide solutions do not exist.

We feel that the pointless high-level protection of the very common species may in the end profoundly devalue management efforts for seriously threatened species. As authorities and the public realise that *Triturus cristatus*, *Rana arvalis*, *Podarcis muralis*, *P. sicula* etc. are in many areas virtually all over the place, it could have grave consequences when we try to defend the really endangered species like *Salamandra (atra) aurorae*, *Alytes muletensis*, and *Gallotia simonyi* and their habitats. These animals have at the moment the same kind of protection in the law under the Berne Convention (with slight differentiation in the E.C. Directive) as the common and abundant species. It is plainly a question of honesty.

It is also difficult to understand why in certain official herpetological circles the amateur herpetologists are repeatedly accused of forming a major threat to the European herpetofauna. Also Böhme (1992) in an excellent review of "Conservation of European Reptiles and Amphibians" posed this question and wondered why the editor (or authors?) in a negative, dogmatic and unfounded way points the finger to the amateur. This is all the more incomprehensible when they know that journals like those of the British Herpetological Society, of the Dutch *Lacerta*, the German *Salamandra*, etc. have each issue filled with valuable contributions of these "amateurs".

Action must be taken to update the Convention and the E.C. Directive to a much more realistic level with a sound ecological basis, and to initiate a major revision of the appendices and annexes with respect to reptiles and amphibians.

In addition, an open discussion in accessible journals would surely help to gain support much more easily than does scheming behind the scenes, a fate which prevented publication of this paper in *Herpetofauna News* (and a previous one initially submitted to *Amphibia-Reptilia*: Bringsøe, 1992) for an extended period of time. Problems and disagreements just do not disappear if you shout loud enough, ignore them or sweep them under the carpet, neither by inventing draconic measures. Instead we see a constructive dialogue as the only solution for a realistic preservation of our wildlife.

REFERENCES

- Böhme, W. (1992). Besprechung von: Corbett (1989): Conservation of European Reptiles and Amphibians. *Salamandra*, 28: 159-160.
- Bringsøe, H. (1986). *Podarcis peloponnesiaca* (Bibron & Bory, 1833) – Peloponnes-Eidechse. In: Böhme, W. (ed.) *Handbuch der Reptilien und Amphibien Europas*. 2/II. Echsen III, pp. 209-230. Aula Verlag, Wiesbaden.
- Bringsøe, H. (1992). The adoption of the poison-arrow frogs of the genera *Dendrobates* and *Phyllobates* in Appendix II of CITES. *Herp. Review*, 23: 16-17.
- Gruschwitz, M. & Böhme, W. (1986). *Podarcis muralis* (Laurenti, 1768) – Mauereidechse. In: Böhme, W. (ed.). *Handbuch der Reptilien und Amphibien Europas*. 2/II. Echsen III, pp. 155-208. Aula Verlag, Wiesbaden.
- Henle, K. & Klaver, C. J. J. (1986). *Podarcis sicula* (Rafinesque-Schmaltz, 1810) – Ruineneidechse. In: Böhme, W. (ed.) *Handbuch der Reptilien und Amphibien Europas*. 2/II. Echsen III, pp. 254-342. Aula Verlag, Wiesbaden.
- Honegger, R. E. (1982). *Threatened Amphibians and Reptiles in Europe*. Supplementary Volume of "Handbuch der Reptilien und Amphibien Europas". Akademische Verlagsgesellschaft, Wiesbaden, pp. i-vii, 1-158.
- Kruyntjens, B. & Biard, H. (1991). Kweken draagt steentje bij aan herstel van de Maastrichtse muurhagedis-populatie (*Podarcis muralis*). *Lacerta*, 49: 122-134.
- Lyster, S. (1985). *International Wildlife Law. An Analysis of International Treaties Concerned with the Conservation of Wildlife*. Grotius Publ., Cambridge, pp. i-xxiii, 1-470.
- Matuschka, F.-R. (1992). Wie sich auf Madeira ein Schädling nützlich macht. Mitt. deutsch. *Forsch.-Gemeinsch.*, 2-92: 27-29.
- Mertens, R. (1952). Schwarzblaue Insel-Eidechsen und die neueren Ansichten über ihr Farbkleid. *Nat. Volk*, 82: 386-394.
- Pickett, J. & Townson, S. (1982). New international legislation: The Berne Convention. *Brit. Herpetol. Soc. Bull.*, (3): 15-19.

APOLOGY

In an article entitled "Meaningless Species Protection of European Herpetofauna under the Berne Convention and the new E.C. Directive" by H. Brinsøe and H.A.J. in den Bosch (*British Herpetological Society Bulletin* 47, 12-15, 1994), the assertion was made that "scheming behind the scenes" prevented publication of this paper in *Herpetofauna News*. We have subsequently received a complaint from the editor of *Herpetofauna News* that this assertion is untrue. The Society would like to apologise for any offence caused by this assertion, and take this opportunity to remind readers of the disclaimer which appears in the inside front cover of each Bulletin, "The Society does not, as a body, hold itself responsible for statements made or opinions expressed in the Bulletin; nor does the Editorial necessarily express the official opinion of the Society".