

# AFA in action...

# NEWS and VIEWS

APRIL 1989

## CITES

### What It Is and How It Functions

by Lee Phillips  
Chair, AFA CITES Committee  
Harwood, Maryland

CITES is the acronym for the Convention on International Trade in Endangered Species of Wild Fauna and Flora. It is a complex treaty between 95 sovereign countries and it relates to international trade in animals and plants. It has no jurisdiction in the internal affairs of the parties to the treaty. In our case, once a shipment and its papers are approved for entry into the United States, our own U.S. laws take effect. Let me state that there has been no proposal to move all Appendix II psittacines to Appendix I. That may be proposed for the next meeting of the parties to the treaty but at this time no such proposal has been made.

International trade was recognized years ago as a major threat to the survival of many wildlife species. In 1963 the International Union for Conservation of Nature and Natural Resources (the IUCN) made a formal call for an international treaty regulating trade in wildlife species and, after a whole decade of drafting, redrafting and consultations with governments, government agencies and non-government agencies, the draft of the CITES treaty was concluded at a conference attended by representatives of 80 countries in Washington, D.C. in March of 1973. The treaty was entered into effect on July 1, 1975 upon ratification by ten of its original signatories. Currently 95 countries are party to the treaty.

Meetings of the parties to the treaty are held every two years and the next meeting, originally scheduled for Jakarta, Indonesia, and now planned for Lausanne, Switzerland, is set for October 9 to 20, 1989.

CITES functions on the basis of its Appendices. It establishes different requirements for trade in species listed on the three species' appendices.

Article II of the Convention states that Appendix I shall include all species threatened with extinction which are or *may be* affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and trade must only be authorized in exceptional circumstances.

It further states that Appendix II shall include (a) all species which although not necessarily now threatened with extinction *may* become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival, and (b) other species which must be subject to regulation in order that trade in specimens of

certain species referred to in the above may be brought under effective control.

Article II also states that Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation and as needing the cooperation of other parties in the control of trade. However, when domestic legislation is adequate to protect a species it should not be added to Appendix III.

CITES functions on the basis of these appendices. It establishes different requirements for trade in species listed on the three species' appendices. The *minimum* requirement is the issuance by a competent government authority of a permit indicating that trade in any listed species will not be detrimental to the survival of the wild populations. This permit must contain the information specified in the permit form. Exemptions to these trade requirements under certain circumstances such as captive-bred specimens, scientific or educational purposes, personal or household items, are also enumerated in the Convention articles.

As stated, the treaty is an extremely complex document. It is easier to amend the constitution of the United States and its 26 amendments — which involves only one country — than it is to amend the CITES treaty which involves 95 countries. There are, however, procedures for amending the Appendices and any party to the treaty may propose an amendment to Appendix I or Appendix II for consideration at the next meeting. The text of the proposed amendment must be transmitted to the Secretariat in Switzerland at least 150 days prior to the meeting. The Secretariat, upon receiving the text of the proposed amendment for other than marine species, must immediately communicate it to the parties and as soon as possible thereafter makes its own recommendations. I do not know the basis for the Secretariat's recommendations.

The CITES appendices are amended by procedures specified in the Convention and clarified through resolutions adopted by the Conference of the parties. The resolutions, though non-binding, increasingly constitute the substance of the Convention and determine its direction.

Amendments to the appendices are adopted by a two-thirds majority of those parties present at the meeting and voting. Amendments adopted at a meeting enter into force 90 days after that meeting for all parties except those entering a reservation in accordance with the proper procedure.

Among the most important resolutions passed is the so-called Berne criteria which were adopted at the first meeting of the parties in Berne, Switzerland in 1976. These establish standards for the addition of species and other taxa to Appendices I and II, for their transfer from Appendix I and II, and for the deletion from Appendices I and II. It is not easy to move species around the Appendices — proposals must be

presented with a wealth of substantiating information.

As concerns the trade status of species proposed for an Appendix I listing, according to the treaty those meeting the Berne criteria should be listed if they *are* or *may be* affected by trade. This includes any species that might be expected to be traded for any purpose, scientific or otherwise. Particular attention should be given to any species for which trade *might* — over a period of time — involve numbers of specimens constituting a significant portion of the total population size necessary for the continued survival of the species. When biological data show a species to be declining seriously, there need be only a *probability* of trade contributing to the decline. *When trade is known to occur, information on the biological status need not be as complete.* This principle especially applies to groups of related species where trade can easily shift from one species that is well known to another for which there is little biological information. Further, Resolution 1.1 recommends that genera be listed if *most* of the species are threatened with extinction and identification of individual species within the genus is difficult.

When uncertainty exists as to whether a species should be deleted from Appendix II *the benefit of the doubt should go toward protecting the resource.* There must be positive scientific evidence that the animal can withstand the exploitation resulting from the removal of protection. In 1979, steps were taken to provide for a 10-year review of all species placed on Appendix I and II but so far no action has been taken in this regard.

Resolution 5.21 adopted at the 1985 meeting in Buenos Aires provides for the transfer of certain species from Appendix I to Appendix II under the condition that an export quota for the species be established by the country seeking the transfer and approved by the Parties. At the present time only two species of crocodiles are subject to quotas under this system, but it is something which might be applied to avian species.

The Conference, at its meeting in Costa Rica in 1979, addressed the problem of captive-bred specimens in the following manner: Specimens of animal species in Appendix I bred in captivity for commercial purposes shall be treated as if they were in Appendix II and shall not be exempted from the provisions of Article IV by the granting of certificates to the effect that they were bred in captivity. Resolution 6.21 passed in Ottawa last year provided for the certification of captive breeding establishments but so far only one such avian breeding operation has been certified. While the legal framework exists with reference to captive breeding, getting the resolutions implemented is a far different story.

The Provisions of the Convention are not subject to general reservations. However, reservations may be made with respect to species listed on Appendix I, II or III. Any state may enter a reservation with respect to an appendix listing and such a state is treated as a state not party to the Convention with respect to trade in the particular species until the reservation is withdrawn. Reservations must be entered within 90 days of the meeting of the Parties.

The number and variety of the resolutions that have been adopted over the years have made the Appendix amendment process increasingly complicated and access to the documentation necessary for making decisions is often limited, which hinders the process. Just as CITES membership has increased, so have the number and complexity of the issues the Convention was established to resolve. The parties are called upon with increasing frequency to make informed, far-reaching decisions as to the level of trade populations of wildlife species can support and the acceptability of complex trade control schemes such as the export quota system.

The Parties' decisions must reflect not only an insight into species' biology and ecology and the impact of trade on their wild populations, but also a thorough understanding of the treaty itself. Unfortunately, many of them — particularly the producer countries — lack the scientific and technical expertise needed to best fulfill their role under CITES. Nowhere has this become more critical than in the process by which the Parties review and amend the Appendices. In the absence of the expertise fundamental to this process, the decisions can only be made on political grounds. Already there is substantial concern that decisions are being made for political rather than scientific reasons. A decline in recent years in CITES' reliance on expert scientists for information and advice on species' status and availability for trade has impoverished the Parties' decision making and unduly alienated segments of the scientific community which should be strong allies to the treaty.

So, how does all this relate to the United States of America and AFA? This past fall, the Fish and Wildlife Service of the Department of the Interior invited proposals from within our country for consideration via the *Federal Register*. After the proposals are received they will be evaluated and presented in the *Federal Register* for comments. Later, after proposals from the Secretariat are received, Fish and Wildlife will have public hearings in Washington, D.C. for the purpose of inviting comments.

The Department of the Interior's Office of Scientific Authority will determine the official U.S.A. position our delegation will take to the next meeting. The United States ordinarily sends about a dozen official delegates to the Convention (Japan sends 50 to 60). Only the official delegates have voting privileges although in a very democratic fashion the Convention permits observers to present their views on the floor.

How do we make a proposal and what proposals shall AFA make? I am not sure that AFA has the resources and expertise at its disposal to make a proposal, as so much supporting information is required. We have no data or numbers of captive-bred specimens to support our position that captive propagation is a valuable conservation tool.

The names of observers must be sent to U.S. Fish and Wildlife Service for their approval and this approval is forwarded to the Secretariat in Switzerland. There is approximately a \$150 fee for observers, who may lobby the delegates from other countries, recognizing that only a small portion of the delegates speak English. French and Spanish are also languages of choice.

I firmly believe that AFA should be represented at the CITES meetings as we were in 1985 when past-president Jerry Jennings represented us in Buenos Aires, partly at his own expense. Our presence at these meetings is important. However, I think we need to be realistic as to how much we can expect to accomplish by our presence there. I seriously doubt that we will have an impact at the 1989 meeting but I would hope that if we are able to present a brochure outlining the benefits of captive breeding that we will ultimately be able to educate some of the delegates by personal contact. It's a matter of chipping away and hoping that some of our views will be accepted.

It is the intent of the AFA CITES Committee to take a strong stand for conservation. We intend to encourage the compilation of reliable data on wild populations and we plan to carefully review the proposals that are presented next spring and convey our position to U.S. Fish and Wildlife Service. We want to insist that the original intent of the CITES treaty be supported, that there should be a liberalization of trade in captive-bred specimens and that the re-listing of avian species meet the Berne criteria. ●

# AFA In Brief

by Gary Clifton  
Scottsdale, Arizona

## AFA Silver Mastercard

In March or April, AFA members should receive a letter offering an application for a special Silver Mastercard bearing AFA's name and logo. These cards will feature special benefits including no card membership fee the first year. Every time one of these cards is used, it will benefit AFA.

## Legislation Round-Up

AFA is what local aviculturists make it. While AFA can help aviculturists deal with local legislative issues, and can provide information, AFA cannot replace concerned local aviculturists when adverse activity occurs.

**WASHINGTON HB1614**, a bird ban bill more restrictive than New York's, has been presented by the Seattle Audubon Society. This bill would require licenses for breeders and would ban sales even of captive bred birds to anyone except zoos or other licensed breeders. AFA Northwest Region Vice-president Jeri Wright reports that for the first public session about eight proponents and about 175 opponents appeared to speak. A panel of four speakers from each side testified. The committee will meet in executive session to decide whether to table this bill or carry it on to the house.

**NEW MEXICO** AFA State Coordinator Bil Parker reported a bill introduced in New Mexico that would require licensing to be a "pet dealer." Though "pet dealer" was never defined, it appeared to apply to anyone wishing to keep, sell or give away birds. The bill was tabled.

**MINNESOTA HF2436**, dangerous animal bill. AFA North Central Region Vice-president Jim McCabe has been tracking this bill. The only birds listed are monk parakeets and mute swans. Amendments introduced appear to make this unenforceable.

**MICHIGAN** AFA State Coordinator Mike Underwood has been monitoring the situation. The wild bird ban (03224-87 Draft One) seems to be gone for now, but a dangerous animal bill is being watched. So far, no avian species are listed in this bill.

**NEW JERSEY A694, S2364**, prohibiting sale of wild-caught birds. No movement is reported on this bill.

**PENNSYLVANIA** still reports no reintroduction of Rep. McHale's bill to ban wild-caught birds.

**ARIZONA** Live Wildlife Regulations. Final public hearings were held January 19 and 20, 1989. This concluded the six month period for public comment. The Arizona Game and Fish Commission moved the adoption of the proposed new regulations as negotiated through a series of mediated sessions. The only substantive changes affecting birds were addition of the thick-billed parrot to Arizona's restricted list, and restricting masked bob-white quail in those enforcement districts surrounding the reintroduction site at Buenos Aires Ranch. ●

## Response to Lilienthal's Letter Re: "Operation Psittacine"

Letter received from the Director, Fish and Wildlife Service, Washington, D.C., dated 12-23-1988:

Dear Mr. Lilienthal:

Thank you for your letter of December 5, 1988 regarding the recent Fish and Wildlife Service (Service) undercover enforcement action known as "Operation Psittacine."

The smuggling of protected birds into the United States has long been a concern of the Service. The quarantine requirements imposed by the U.S. Government to prevent the spread of avian diseases make smuggling of valuable parrots and other sought-after birds an extremely lucrative business. Many of the species commonly smuggled into the U.S. face rapidly diminishing habitat where they occur in the wild, and the illegal trade simply makes the situation worse. We, therefore, place a high priority on investigations such as Operation Psittacine, targeting the smugglers and middlemen who are responsible and profit the most from such activities. It is essential and gratifying to know that our efforts have the support of responsible organizations such as yours.

You may be assured that all live birds and other wildlife which are seized in Service law enforcement operations are cared for properly. The Service has a Memorandum of Understanding with the American Association of Zoological Parks and Aquariums (Association) concerning the disposition of seized live wildlife. The Association acts as a clearinghouse for seized wildlife, placing animals with institutions where appropriate care is available. Occasionally, as with the endangered thick-billed parrots seized by the Service in 1985 and 1986, we are able to place forfeited birds in captive-breeding programs and eventually return the birds and their progeny to the wild.

I appreciate your support for Service law enforcement operations, and the publicity you have generated on our behalf. Please let me know if I can be of further assistance to your organization.

Sincerely,  
Director  
Fish and Wildlife Service

## Minnesota Cage Bird Association's Adopt-A-Bird Program

by Elizabeth Ryan  
St. Paul, Minnesota

Zoos and bird clubs can be natural teams. Avian curators in zoos all over the United States are actively involved in breeding and raising some of the world's endangered birds. In Seattle a bird society holds their monthly meetings at the zoo, and lectures are held at Chicago's city zoo. In Minnesota, a natural partnership between the zoo and a local bird organization resulted in a program that has brought over a hundred "orphan" birds together with new "parents" and new homes.

Bird lovers are sometimes depressingly reminded of the existence of bird owners who bought a parrot because it matched their living room carpeting, or were flabbergasted to discover that conures do a lot more than sit and look pretty in a cage. On the trendiness scale, a macaw on your shoulder ranks right up there with Jovan Musk Cologne™ as necessary equipment to attract the opposite sex.

Each one of us probably knows someone who has rescued a bird from an unscrupulous pet shop or uncaring owner. Humane societies often don't take birds. What happens to the no longer wanted bird?

At the Minnesota Zoological Garden inquiries were often made if the zoo would accept a parrot or budgie that "just hadn't worked out," or "we can't find a buyer for." Only a small number of the requests were birds the zoo had a place for; most were turned down. The lucky link in the chain was an avian curator who was also a member of the Minnesota Cage Bird Association. "Could the club get involved," he wondered, "could we create an outlet for placing these birds?" The opportunity to match one of the more unusual, exotic, or even threatened species with an experienced owner and a new mate was very appealing to the association.

The zoo was encouraging, with conditions. They wanted to see guidelines that assured them that any program devised would be fair and open to all applicants, and the birds would be properly cared for. The association got busy, some original and some borrowed ideas led to rules and forms, and the zoo gave its stamp of approval. Now the real test was to begin; on paper it looked great but how would it function, and would it succeed?

The answers came quickly. The success of the Minnesota Cage Bird Association's adoption program and the excitement it generated took more than one person by surprise.

The process begins when an individual interested in finding a home for a bird contacts the M.C.B.A. adoption committee, often by referral from the zoo. Arrangements are made for a volunteer foster parent who lives nearby to pick up the bird and care for it until the next club meeting. The owner fills out a form giving a history of the bird, its diet, habits, preferences and relinquishes all rights to the bird or its offspring. They may also specify the type of living situation they prefer for their bird, as a pet or breeder, in an aviary or cage. There is no fee to place a bird in the adoption program; no money changes hands.

At the next meeting, each foster parent makes a quick presentation to club members on the bird's background and their experiences while caring for it. Birds up for adoption are at the center of attention, discussion and inspection. Comments such as "a perfect mate for my female, I'm going to try for this one!" or "I bet I could turn that bird around with the right diet and environment," are often heard.

A form is passed out to each potential new owner and they sit down to write, some with a passion. Applications are favored that meet with the program's goals and the past owner's wishes. Questions asked deal with such issues as experience with the species, how and where the bird will be housed and cared for, and whether you have been a member of the association for the required six months. It also requests a code number for identity since no names are ever used.

Three members of the association including the president or president's designate, a member of the board of directors and a person selected from the general membership meet in private to review applications. Individuals often rotate in and out of the adoption committee keeping the process exciting and fair for all involved. For example, if a committee member wants to apply for a bird, they are replaced by another individual while that adoption is decided.

When the new owners are called out by their code numbers, they identify themselves. At this time smiles, cheers, and even a stray tear are common. Those selected sign forms stating they will responsibly care for the bird and that it cannot be sold. If, for some reason in the future, the bird needs a different home, it automatically returns to the adoption program.

The M.C.B.A. rescued a batch of budgies with a minor case of scaly mite that a local drug store had decided to destroy. An avian vet provided treatment free of charge, the program provided new homes, and a Merry Christmas was had by all, especially the budgies!

A pair of zebra finches I adopted were being fed only grocery

store wild bird mix. The expectation that a finch could crack a sunflower seed puzzled me. The female is nearly twice her size now, which has helped her considerably in muscling eight very assertive youngsters into eating on their own.

One month an African grey with a malformed wing was brought in by the foster family that had cared for it. Although they had grown emotionally attached, they had to apply along with others interested in the bird. Their application, anonymous as all applications are, must have impressed the committee. They went home with the parrot whose wing never got in the way of the affection flowing back and forth.

Two dusky conures, birds not commonly raised and sold in Minnesota, were put up for adoption. So shy where they that they barely peeked out of a nest box that could have held ten conures. Within six months with their new owner, new cage, and new nest box, they raised their first clutch, immediately lessening the need for importing wild-caught conures to Minnesota.

If you check the sidebar you will see the large variety of common and not so common birds that have been placed through the program. Not only are homes found for zebra finches and cockatiels, whose wild populations are not threatened, but also for the many species, whose numbers and habitats are shrinking, such as the spectacled Amazon.

Recently it was estimated that less than two dozen Indian Hill mynahs were being bred in the United States yearly. Few breeding successes have been achieved for some species, like the mynah, partly because there has been no perceived need to breed. In the past, birds caught in the wild were plentiful enough to satisfy demand. It is now well known the kind of decimation that has resulted from this uncontrolled plundering. Aviculturists have both the obligation and the privilege of turning this situation around.

I believe there is a direct connection between saving a budgie in Minnesota and protecting the dwindling rain forest. By attempting to find good homes, often breeding homes, a clear message is sent: "We no longer can afford, nor will we accept, a world of 'disposable' birds."

The consciousness of those around us is raised by demonstrating that these birds are important enough to create a program tailored specifically for them, that every bird deserves a good home. As a conservation project it shows that a contribution can be made which impacts far beyond our own backyards and, to me, that's really exciting!

For the Minnesota Cage Bird Association's forms and guidelines send a S.A.S.E. to: Adoption Forms, 2166 Waukon Ave., St. Paul, Minnesota 55119.

*Elizabeth Ryan, an architect who designs zoos, aquariums, and museums, is currently breeding zebra finches and considers herself owned by a very personable cockatiel.*

#### SIDEBAR 1985 to Present Adoptions

20 zebra finches	1 blue streaked lorikeet
2 society finches	1 Stanley rosella
2 canaries	2 dusky conures
1 Brazilian cardinal	5 nanday conures
8 budgerigars	1 Finsch's conure
1 diamond dove	2 mitred conures
7 ringnecked doves	1 cherry-headed conure
4 white sacred doves	3 blue crowned conures
1 button quail	3 African grey parrots
1 Fischer's lovebird	1 blue fronted Amazon
5 peach faced lovebirds	2 spectacled Amazons
2 blue masked lovebirds	1 red-lore Amazon
14 cockatiels	1 severe macaw
1 red-rumped parakeet	1 Goffin's cockatoo
2 Quaker parakeets	1 Moluccan cockatoo