

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



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Species conservation and trade

Fauna

SPIX'S MACAW (*CYANOPSITTA SPIXII*)

1. This document has been submitted by Brazil.*

Introduction

2. The Spix's macaw (*Cyanopsitta spixii*) is a Brazilian endemic psittacine that was extinct from the wild in the 1990s, mainly due to habitat loss and to illegal capture motivated by demand from international breeders. It has been included in CITES Appendix I since the Convention entered into force on 1 July 1975.
3. As soon as the last specimen of Spix's Macaw was identified in the wild, in 1990, the Brazilian federal agency responsible for implementing Brazil's environmental policy, IBAMA, created the Permanent Committee for the Recovery of the Spix's Macaw – CPRAA. This committee initiated conservation and research fieldwork as well as established a coordinated captive breeding program.
4. Following the creation of the Committee, IBAMA Ordinance No. 2161/90 was issued. This ordinance stated that, considering the willingness of international authorities and Spix's macaw keepers in adhering to the guidelines established by the Management Plan drafted by the CPRAA, IBAMA would exceptionally not seek the confiscation of specimens of Spix's Macaw of unknown origin, as long as they were subjected to the Management Plan established by the CPRAA.
5. In 1993, a formal binding agreement (Term of Responsibility) was signed by the keepers of Spix's Macaws, outlining, as part of their obligations, the guarantee that the specimens under their care would be managed in accordance with the CPRAA's determinations. These determinations included the end of commercial transactions involving Spix's macaws, the management of all the captive birds as a single population and the barring of birds transferred between breeders without prior consent from IBAMA.
5. In 2001, Brazil requested through Notification to the Parties No. 2001/052, that all Parties to the Convention not allow the international transfer of specimens of Spix's macaw without the formal endorsement of the Brazilian government, specifically its CITES Management Authority.
6. The CPRAA was dissolved in 2002 due to disagreements between the parties involved and evidence that commercial transactions of Spix's macaws took place despite the terms previously agreed. A few of the parties remained engaged, however with the dismemberment of IBAMA in 2008, the coordination of the captive breeding program was assigned to the newly created government institute, the Chico Mendes Institute for Biodiversity Conservation – ICMBio.

* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

6. In 2005, three Spix's macaws were imported into Germany with their import permits imposing certain conditions. Chiefly that the imported birds only be used for non-commercial purposes as part of a conservation breeding program for the species and that the importer should cooperate with the program managed by IBAMA (later ICMBio). Also included was that the offspring reproduced by the importer might only be kept for non-commercial purposes and by cooperating with the guidelines of Brazil's official conservation breeding program for the species. Finally it also added that after importation, the attached permit conditions would set out the further use and legal basis for possession of the imported birds and any offspring, and if conditions were not complied with, the legal basis for extending possession of these animals would end and they might be confiscated.
7. An additional three Spix's macaws were imported into Germany from Qatar in 2015 also under the condition that they not be sold. In 2018, another 114 Spix's macaws were imported into Germany from Qatar, under the conditions that they could not be purchased, offered for sale, acquired for commercial purposes, presented to the public for commercial purposes, used for commercial purposes or for sale, held for sale, offered for sale or transported for sale.
8. However, in early 2023, twenty-six Spix's macaws were transferred from a breeding facility located in Germany to a private zoo in India, without any prior consent from Brazil. Information also surfaced that 49 Spix's macaws were transferred to several other breeders within the European Union, again without prior consent from Brazil; of these, 16 were transferred with marketing certificates issued by the German national authority.

Background

9. As set out in document SC77 Doc. 33.8, the Secretariat identified potential compliance matters regarding the registration of operations that breed Appendix-I animal species in captivity for commercial purposes in the European Union. The Secretariat considered the most fundamental issue to be the degree of commerciality of the transactions and remarked that a significant number of captive-bred specimens in the facilities visited during its technical missions are traded for commercial purposes.
10. At the SC77 meeting, Brazil stated via information document SC77 Inf. 37 that it had never been consulted by the relevant Management Authorities about the transfers of specimens of Spix's macaws from Germany to India nor those within the European Union. It also reminded parties of Notification to the Parties No. 2001/052 and reinforced that Brazil does not agree with any international transfer of Spix's macaw that is not carried out under a management program coordinated by the Brazilian authorities. Germany stated at the meeting that it was unaware of the Notification to the Parties No. 2001/052 at the time of analysing and issuing the export permits and emphasized it would comply with the Notification in future.
11. Also at the meeting, the Committee urged the CITES Management Authorities of the European Union to ensure that facilities that are breeding specimens of Appendix-I listed species for commercial purposes be registered with the CITES Secretariat in accordance with the procedures established in Resolution Conf 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*. Some members of the Committee have also invited Parties to restrict imports of captive-bred specimens of Appendix-I species for primarily commercial purposes to allow only those produced under operations included in the CITES Register.
12. The Committee also determined, through a motion approved by a simple majority of 11 votes, that Article III and Article VII para. 4 of the Convention are not being effectively implemented by the European Union with regard to the registration of operations that breed Appendix-I animal species in captivity for commercial purposes, in particular concerning two main elements: a) the evidence that the parental stock has been obtained in accordance with relevant national laws and the provisions of the Convention (e.g., dated capture permits or receipts, CITES documents, markings, etc.); and b) the primarily commercial nature of the operations breeding Appendix-I animal species in captivity.

Brazilian prior consent

13. As stated in the Introduction, the Brazilian government has been trying to coordinate a captive breeding program for Spix's macaws since the 1990s. However, it has faced growing and serious difficulties in the international governance of the captive bird population and actor non-compliance to the program's guidelines.

14. Brazil upholds that it has sovereign rights over its own biological resources, as well as it being responsible for the conservation of its biological diversity, specially critically endangered species, and for decisions concerning the sustainable use of its own biological resources.
15. In this regard, Brazil would like to reinforce to the Committee, as well as to all CITES Parties, the need to duly implement Notification to the Parties No. 2001/052. That is, in order to generate the greatest possible conservation benefit to the species, international transfers of specimens of Spix's macaw shall only be acknowledged and authorized if they are in accordance with the management plan coordinated by the Brazilian authorities.
16. Therefore, Brazil reiterates its requests to the Parties not to issue permits or certificates for import, export or re-export for specimens of Spix's macaw without consulting and receiving written statements from IBAMA, the Brazilian CITES Management Authority.

Transfer of specimens for "risk diversification" and "re-financing" of conservation breeding programs

17. The German *ex-situ* breeding facility that exported Spix's macaws in 2023 claimed, as per document SC77 Doc. 33.8, that profits from sales operations would be reinvested in the conservation project and that it was necessary to send specimens to other breeding centers to diversify the risk of *ex-situ* operations and increase the breeding capacity of macaws, since their facilities in Germany had reached maximum capacity.
18. Brazilian Authorities coordinating the Spix Macaw management program have no control or clarity regarding the inflow of resources into the German *ex-situ* breeding facility that resulted from the exported Spix's macaws to their respective destination. As such, there is no way to separate profit or personal gain from the resources that were allegedly effectively applied in the conservation program.
19. In all other conservation projects for endangered birds carried out with the knowledge and support of the Brazilian State, the possibility of obtaining resources through the sale of specimens of the project species was never approved as an option for resource capture. Brazil abides by the principle that project partners should obtain resources through options that do not generate or imply greater pressure on the already endangered species.
20. Brazil is also concerned that the alleged need for risk diversification has not led to the sending of Spix's macaws to Brazil, the place of origin of this species and from where it is endemic. Brazil defends that measures for the *ex-situ* conservation of Spix's macaws should preferably be fomented and occur in their country of origin.
21. Brazil is fully capable of receiving and expanding capacity in breeding these birds within its own territory and can count on support from partners, both domestic and international, who have assisted other official Brazilian species management programs. Therefore, the commercial transfers of Spix's Macaws to third-party countries, without prior consent, because of a need to make room in the facilities that currently hold the species is unsubstantiated and could prove detrimental to Brazil's program goal.
22. In addition, the entry of new breeders or subsidiaries into the captive breeding program must follow Brazilian regulations and be approved by the captive breeding program coordinator, the Brazilian government. While each breeder has freedom to govern in-house matters, this should not form the basis for making unilateral decisions that reallocate birds geographically across borders even if these purported destinations are operations under partnership, coordinated and/or owned by the same legal person.
23. Brazil therefore reiterates to Management Authorities that if ever any Spix's Macaw keeper is unable to maintain specimens, this must be reported to Brazil so that an appropriate destination within the official management program can be decided upon, without resorting to any need for commercial transactions.

Possible misuse of CITES purpose-of-transaction codes

24. All Spix's macaws exports from Germany in 2023 occurred under CITES permits with purpose code "B" (Breeding in captivity). Brazil has the understanding that the CITES purpose code "B" should be used exclusively for non-commercial purposes.
25. Brazil cautions all CITES Management Authorities whenever analysing such transfers alleging no commercial purposes, to consider that, according to general principle b) of CITES Resolution Conf. 5.10

(Rev. CoP19) on *Definition of 'primarily commercial purposes'*, the existence of economic benefit does not depend on the purpose for which the economic benefit is derived.

26. In this sense, Brazil is concerned to know that, in addition to the lack of prior consent, permits have been issued for purported non-commercial breeding purposes, when the intended future use of offspring appears to be commercial trade.

Reintroduction of the species into the wild

27. Brazil upholds that the *in situ* conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural environment are fundamental requirements for the conservation of biological diversity.
28. Based on this premise, the Brazilian government created, in 2018, the Spix's Macaw Wildlife Refuge and the Spix's Macaw Environmental Protection Area, two federal protected areas managed by ICMBio, in Curaçá, Bahia, the region where the Spix's macaw is endemic. The creation of these protected areas, covering 1,200 km², is part of Brazil's efforts to allow the species to be reintroduced into the wild, the ultimate goal of the captive breeding program coordinated by ICMBio.
29. This program resulted in the release of 20 Spix's macaws throughout 2022. However, since then, no more birds have been introduced. The periodic release of captive-bred specimens is essential for the wild population to recover in a viable manner. Although considered an initial success and with one pair of birds having mated in the wild, the mortality rate of released birds remains high, as they are captive-born and lack all the necessary skills for survival in the wild.
30. In May of this year (2024), the German CITES Management Authority issued permits for the export of 41 Spix's macaws to Brazil, but in July the keeper who would send the birds withdrew the application for some specimens, seemingly for "ownership" reasons. In September (2024), the same keeper requested the issuance of 41 CITES import permits for Spix's macaws to the Brazilian CITES Management Authority. The permits were issued, but haven't been used yet.
31. Brazil points out that the continuity and speed of growth behind the reintroduction project depends on the import of more Spix's macaws to Brazil, since the population stock already found within Brazilian territory is limited compared to those kept privately abroad and will serve the primary function of being Brazil's own sovereign reserve population to guarantee the long-term viability of the conservation program.

Recommendations

32. Based on the above, the Standing Committee is invited to:
- a) take note of the information provided in the present document;
 - b) request the Secretariat to report to the 20th meeting of the Conference of the Parties (CoP 20) on the progress made by the European Union in adopting measures ensuring the full implementation of Resolution Conf 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*;
 - c) determine a revision of CITES purpose-of-transaction code "B" in light of its potential misuse as a way to produce offspring for future commercial purposes from specimens of Appendix-I species originally transacted to breed in captivity exclusively for non-commercial purposes; and
 - d) establish an *in-session* working group whereby affected Parties can discuss measures to rectify non-compliance of operations with *Cyanopsitta spixii* to the Brazilian government's official Spix's macaw conservation programme and to enable the import of more birds to the reintroduction into the wild program for the species, submitting such recommendations to the 20th meeting of the Conference of the Parties (CoP20).