CONVENTION SUR LE COMMERCE INTERNATIONAL DES ESPÈCES
DE FAUNE ET DE FLORE SAUVAGES MENACÉES D'EXTINCTION

Soixante-sixième session du Comité permanent
Genève (Suisse), 11 – 15 janvier 2016

Interprétation et application de la Convention

Dérogations et dispositions spéciales pour le commerce

Enregistrement des établissements élevant en captivité à des fins commerciales des espèces animales inscrites à l'Annexe I

ENREGISTREMENT DE L'ETABLISSEMENT A-US-524 (HYACINTH MACAW AVIARY, INC.) POUR L'ARA HYACINTHE *(ANODORHYNCHUS HYACINTHINUS)*

1. Le présent document a été préparé par le Secrétariat.

2. La résolution Conf. 12.10 (Rev. CoP15) sur l'*Enregistrement des établissements élevant en captivité à des fins commerciales des espèces animales inscrites à l'Annexe I* établit les procédures d'enregistrement de ces établissements d'élevage en captivité. Elle précise notamment les rôles des organes de gestion, du Comité pour les animaux, du Comité permanent et du Secrétariat dans le processus d'enregistrement, ainsi que les étapes à suivre en cas d'objection à un enregistrement ou de non-respect dispositions de la résolution.

3. Le présent document fait référence à l'enregistrement de l'établissement A-US-524 Hyacinth Macaw Aviary, Inc, Inc. au *Registre CITES des établissements élevant en captivité à des fins commerciales des espèces animales inscrites à l'Annexe I,* et à une objection s'y opposant.

Contexte de l'enregistrement

4. Le 19 novembre 2012, le Secrétariat a reçu une demande des États-Unis d'Amérique pour l'enregistrement au *Registre CITES des établissements élevant en captivité à des fins commerciales des espèces animales inscrites à l'Annexe I* de l'établissement Hyacinth Macaw Aviary, Inc. pratiquant l'élevage d'*Anodorhynchus hyacinthinus*. La notification aux Parties n° 2013/050 du 13 novembre 2013 a proposé d'inscrire au registre cet établissement d'élevage en captivité. Le Secrétariat a reçu une objection à cet enregistrement, de la part de l'organe de gestion CITES des Philippines, dans le délai de soumission des objections.

5. Suivant les procédures décrites dans la résolution Conf. 12.10 (Rev. CoP15) pour résoudre les problèmes découlant de la proposition d'enregistrement de cet établissement, le Secrétariat a transmis l'objection au Comité pour les animaux, pour examen, et a transmis ses commentaires aux Philippines et aux États-Unis, en juin 2014. Comme aucun accord n'a été conclu entre les deux Parties et que l'objection n'a pas été retirée, la demande a été soumise au Comité permanent à sa 65e session (SC65, Genève, juillet 2014) (voir le document SC65 Doc. 35, en anglais seulement).

6. À la 65e session du Comité permanent, les Philippines et les États-Unis ont été invités par le Comité permanent à se consulter de manière bilatérale. Les États-Unis ont rapporté plus tard dans la réunion qu'aucun accord n'avait pu être atteint, les Philippines ayant confirmé qu'elles maintenaient leur objection à l'enregistrement de l'établissement. Le Président a demandé un vote sur la question conformément aux articles 24 et 25 du règlement intérieur. Par un vote de six voix pour et une voix contre, avec huit

abstentions, le Comité a décidé d'inclure dans le *Registre CITES* l'établissement Hyacinth Macaw Aviary Inc., aux États-Unis d'Amérique, pour l'élevage d'*Anodorhynchus hyacinthinus*. Le Secrétariat a enregistré l'établissement le 17 juillet 2014 en tant que A-US-524 Hyacinth Macaw Aviary, Inc.

Conformité de l'établissement aux dispositions de la résolution Conf. 10.16 (Rev.)

7. La Bolivie (État plurinational de) a exprimé ses préoccupations au sujet de l'enregistrement mentionné ci-dessus dans deux lettres du Vice-Ministre de l'Environnement, de la Biodiversité, du Changement climatique et de la Gestion des forêts (l'organe de gestion CITES) adressées au Secrétariat le 3 septembre et le 26 novembre 2014 (voir annexe 1, dans la langue dans laquelle les lettres ont été reçues). Les préoccupations portaient sur l'origine des stocks reproducteurs. Dans sa réponse au Vice-Ministre, le Secrétariat a fourni une explication détaillée des procédures suivies pour enregistrer l'établissement (voir annexe 2). Il a encouragé la Partie à porter la question à l'attention de l'organe de gestion CITES des États-Unis en vue de discuter des informations dont dispose chacune des deux Parties, de clarifier l'origine du stock reproducteur, et de déterminer si des mesures supplémentaires étaient nécessaires. Le Secrétariat a proposé de soutenir la poursuite du dialogue entre la Bolivie et les États-Unis d'Amérique, le cas échéant.

8. Le 16 septembre 2015, le Secrétariat a rappelé à la Bolivie et aux États-Unis que le paragraphe i) de la résolution Conf. 12.10 (Rev. CoP15) stipulait :

> *que toute Partie estimant qu'un établissement enregistré ne respecte pas les dispositions de la résolution Conf. 10.16 (Rev.) peut, après consultation du Secrétariat et de la Partie concernée, proposer au Comité permanent que l'établissement soit supprimé du registre. À sa session suivante, le Comité permanent, examinant les préoccupations exprimées par la Partie ayant émis l'objection, ainsi que les éventuels commentaires de la Partie demandant son enregistrement et les commentaires du Secrétariat, détermine si l'établissement devrait être supprimé du registre.*

9. Le Secrétariat a également rappelé que la date limite pour la soumission de documents pour la 66e session du Comité permanent était de 12 novembre à 2015.

10. Le 12 novembre 2015, le Secrétariat a reçu une lettre du ministère de l'Environnement et de l'Eau de l'État plurinational de Bolivie. Elle indiquait qu'en raison de changements de personnel au sein de l'organe de gestion des États-Unis, les deux Parties n'avaient pas été en mesure de poursuivre leurs négociations pour régler la question. Dans sa lettre, l'organe de gestion CITES de la Bolivie a réitéré sa demande de retrait de l'établissement Hyacinth Macaw Aviary, Inc. du *Registre CITES des établissements élevant en captivité à des fins commerciales des espèces animales inscrites à l'Annexe I* (voir annexe 3, dans la langue dans laquelle la lettre a été reçue).

Recommandation

11. Conformément au paragraphe i) de la résolution Conf. 12.10 (Rev. CoP15), le Comité permanent, compte tenu des préoccupations soulevées par la Partie ayant émis l'objection, des commentaires de la Partie ayant demandé l'enregistrement, et des commentaires du Secrétariat, détermine si l'établissement A-US-524 Hyacinth Macaw Aviary, Inc. devrait être retiré du *Registre CITES des établissements élevant en captivité à des fins commerciales des espèces animales inscrites à l'Annexe I.*

Estado Plurinacional de Bolivia

Ministerio de Medio Ambiente y Agua

MMAyA
Ministerio de Medio Ambiente y Agua

Nuestra Señora de La Paz, 03 SEP 2014

MMAYA/VMABCCGDF/ Nº 1543 /2014

Mr. Øystein Størkersen
Chairman of the CITES Standing Committee
Direktoratet for naturforvaltning (Directorate for Nature Management)
Tungasletta 2 N-7485
TRONDHEIM Norway
oystein.rune.storkersen@miljodir.no - &

Mr. John Scanlon
Secretary General CITES Secretariat International Environment House
11 Chemin des Anémones CH-1219 Châtelaine,
Geneva Switzerland John.
Scanlon@cites.org INFO@cites.org

Señores,

Ref.- Solicita la supresión del registro de cría en cautividad con fines comerciales número A-US-524 Hyacinth Macaw Aviary Inc,. 26800 SW 189th Ave. Homestead, Florida 33031

De mi mayor consideración,

A tiempo de expresarles mis más cordiales saludos, mediante la presente se informa que, se tomó conocimiento del registro efectuado por la Secretaria de un criadero de *Anodorynchus hyacintinus*, con fines comerciales, otorgado por ustedes sobre un plantel parental procedente del Estado Plurinacional de Bolivia, que salió del Estado Plurinacional de forma irregular, utilizando un Permiso de Exportación CITES observado y cuyo registro no está consignado en la base de datos del Estado Plurinacional de Bolivia.

En esa línea, vale aseverar que, el Estado Plurinacional de Bolivia, en cumplimento de lo dispuesto por el artículo 382 de su Constitución Política, debe repatriar el material biológico proveniente de sus recursos naturales, máxime, cuando éste material fue extraído de manera irregular; al respecto y sobre el caso particular , es imperante exteriorizar que, mediante las Notificaciones: Nº 224 de 16 de septiembre de 1982 y Nº 246 de 04 de febrero de 1983, oportunamente se comunicó que, varios permisos de exportación (incluyendo al permiso 01748 del 27 de octubre de 1982) desaparecieron, observándose que los mismos no fueron emitidos por el Estado Plurinacional de Bolivia y recomendándose a todos los Estados Partes para rechazar cualquier permiso de exportación numerado desde al 01600 al 01750 proveniente del Estado Plurinacional de Bolivia.

En tal contexto, se incoa la responsabilidad común asignada a los países en el marco de la Convención, por el que debe primar el principio cautelar principalmente por parte del país importador, en este caso, los Estado Unidos de Norteamérica, cuya omisión permitió el comercio de especímenes CITES sin cumplir con los requisitos establecidos por la Convención. Así mismo, se tiene a bien

VICEMINISTERIO DE MEDIO AMBIENTE, BIODIVERSIDAD CAMBIOS CLIMATICOS Y DE GESTIÓN Y DESARROLLO FORESTAL
AV. CAMACHO NO. 1471-Telf. : 2146382-2146385-2146374

Estado Plurinacional de Bolivia

Ministerio de Medio Ambiente y Agua

MMAyA
Ministerio de Medio Ambiente y Agua

reseñar lo establecido en el inciso h) de la Resolución de la Conf. 12.10 (Rev. CoP15), por el cual se dispone que: toda Parte que tenga jurisdicción sobre un establecimiento de cría en cautividad podrá solicitar unilateralmente su supresión del registro, sin señalarlo a las demás Partes, mediante una notificación a la Secretaría, y, en ese caso, el establecimiento será suprimido del registro inmediatamente.

Por lo anteriormente expuesto, en sujeción a lo dispuesto por el inciso i) de la Resolución de la Conf. 12.10 (Rev. CoP15) y en mi calidad de Autoridad Administrativa CITES Bolivia, solicito muy respetuosamente que, se suprima el registro de cría en cautividad con fines comerciales número: **A-US-524 Hyacinth Macaw Aviary Inc,. 26800 SW 189th Ave. Homestead, Florida 33031**, dado que, la exportación del stock parental, habría sido obtenido en violación a la Convención, siendo el permiso 01748 del 27 de octubre de 1982, un permiso inexistente, que no fue emitido por el Estado Plurinacional de Bolivia, lo que fue oportunamente puesto a conocimiento de las Partes, mediante las Notificaciones antes señaladas y según las cuales, este permiso fue declarado como desaparecido de las oficinas CITES en Bolivia junto con otros permisos que se mencionan en las Notificaciones, lo que es de conocimiento de ustedes. Esta circunstancia fue debidamente comunicada por las autoridades bolivianas a la Secretaría CITES y a las Partes, como se menciona más arriba, de forma que debería haber sido tomada en cuenta al analizar la solicitud de inscripción en el registro de esta operación.

Adicionalmente, el Estado Plurinacional de Bolivia reitera su pedido de anular dicho registro y requiere al Secretariado, al Comité Permanente y a la Autoridad Administrativa CITES de USA, de cooperar para el cumplimiento de lo dispuesto por el numeral 1 del artículo VIII del texto de la Convención y se devuelva al Estado Plurinacional de Bolivia como país de origen de estos especímenes, el plantel parental exportado y la descendencia del mismo, subsidiariamente se recalca que, efectuada una revisión exhaustiva de la base de Datos de la Oficina Administrativa CITES Bolivia, se puede afirmar que ningún Permiso de exportación de esta especie ha sido realizada a los Estados Unidos de Norteamérica, solicitándose al Secretariado, que inste una pronunciación inmediata de las Partes que cuenten con criaderos de especímenes de especies de origen boliviano y de ser el caso, cumplan lo estipulado en el numeral 1 del artículo VIII del texto de la Convención.

Sin otro particular, me despido con las mayores consideraciones. Muy Atentamente,

Roberto I. Salvatierra Zapata
VICEMINISTRO DE MEDIO AMBIENTE
BIODIVERSIDAD CAMBIOS CLIMÁTICOS
Y DE GESTIÓN Y DESARROLLO FORESTAL
MMAyA

Autoridad Administrativa CITES – Estado Plurinacional de Bolivia.

RZS/TPC/JNRR/rhs/
Adj. Lo indicado
Arch. DGBAP

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

SECRETARIAT

c/o UICN, avenue du Mont-Blanc
CH-1196 Gland, Switzerland

Telex: 22618 iucn ch
Tel.: (022) 64 71 81

Telegrams:
IUCNATURE GLAND

Ref.:

NOTIFICATION TO THE PARTIES

No. 224

Gland, 16 September 1982

CONCERNING:

Situation in Bolivia

1. A member of the Secretariat recently visited Bolivia to examine with the competent authorities the problems relative to the implementation of the Convention in this country.

2. The head of the Bolivian Management Authority denounced, with considerable written proof and in the presence of the representative of the Secretariat, that the former responsible of CITES, Mr. Enrique Jordán, had had printed 2000 copies of CITES forms (which had been developed with the same representative of the Secretariat in May 1981) by the Asociación de Exportadores de Aves de Bolivia (bird export association of Bolivia). For this "service", Mr. Jordán gave to this association 1500 blank CITES forms, while he kept the remaining 500.

3. Although Mr. Jordán's superiors, Messrs. Atilio Montero Vasquez and Mariano Mendez R., were aware of the situation, as shown in letters on file at the Secretariat, they did not take the necessary sanctions.

4. This serious situation was discussed in depth by the Secretariat's representative with the Minister of Asuntos Campesinos y Agropecuarios, Mr. Victor H. Balderrana C., and with the new Director General of the Centro de Desarrollo Forestal, Mr. Ricardo Muñoz Rivadeneira, from whom the Bolivian Management Authority is directly dependent. Both decided that as of 5 August 1982 all Bolivian permits developped during Mr. Jordán's management (a sample of which was sent to the Parties through the Notification to the Parties No. 174 of 24 July 1981) would be considered invalid and that Parties should reject them.

5. The representative of the Secretariat proposed to have the new CITES permits printed in Switzerland with expected external funding. This was accepted by the Bolivian authorities.

Administered by the International Union for Conservation of Nature and Natural Resources on behalf of the United Nations Environment Programme

6. The representative of the Secretariat with the help of the Bolivian authorities was able to "recover" 783 blank CITES permits, however, 1217 blank permits are still into "circulation".

7. Awaiting the new CITES forms for Bolivia, it was decided, in a common agreement with the Bolivian authorities, to take 150 of the 783 "recovered" forms, those numbered 01600 to 01750 and to use them under strict control. The 633 remaining permits were destroyed.

8. The Secretariat of the Convention requests from all Parties the maximum collaboration and strictness with respect to the situation developped in Bolivia.

ENDANGERED SPECIES CONVENTION — SECRETARIAT

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

SECRETARIAT

c/o UICN, avenue du Mont-Blanc
CH-1196 Gland, Switzerland

Telex: 22618 iucn ch
Tel.: (022) 64 71 81

Telegrams:
IUCNATURE GLAND

Ref.:

NOTIFICATION TO THE PARTIES

No. 246

Gland, 4 February 1983

CONCERNING:

Situation in Bolivia
(continued)

1. The present Notification is a continuation of the Notification to the Parties No. 224 of 16 September 1982.

2. The Management Authority of Bolivia informed the Secretariat that, as of 1 January 1983, it has started using the new CITES permit form printed in Switzerland by the Secretariat (a copy of this form was attached to the Notification to the Parties No. 243 of 6 January 1983).

3. The new head of the Bolivian Management Authority informed the Secretariat that, at the time he took office, he became aware of the disappearance of the permit forms No. 01600 to 01750, which had been set aside by the former head in co-operation with a member of the Secretariat to be used until the new CITES export permit forms were printed.

4. Consequently, the Secretariat urges all Parties to reject any Bolivian permit of the older format bearing the No. 01600 to 01750 issued from 23 November 1982.

5. In addition, the Secretariat requests the Parties to send it copies of all Bolivian permits of the series 01600 to 10750 that they have received, as many of them seem to have been altered after issuance.

Administered by the International Union for Conservation of Nature and Natural Resources on behalf of the United Nations Environment Programme

CITES

Convention on International Trade of Endangered Species

[X] Exportation
[ ] Reexportation

1. Original Permit No. 01748

2. Permit Valid until: 27 de Abril de 1,983.

3. Consignees Name:
'ACIFIC BIRD
.OS ANGELES, CALIFORNIA, U.S.A.

4. This Permit issued to:
ZOOLOGICAL GARDENS SUPPLIERS
P.O. BOX 1942, SANTA CRUZ, BOLIVIA.

5. All shipments of Bolivian wildlife must originate in Santa Cruz or La Paz Bolivia International Air Ports.

All shipments must be by licensed Bolivian wildlife exporter Companies.

Shippers License No. R.M. # (F) 210-07-82, issued by Ministerio de Asuntos Campesinos y Agropecuarios.

License No. ..... Issued by Ministry of Industry and Commerce.

6. Ministerio de Asuntos Campesinos y Agropecuarios. Centro de Desarrollo Forestal

Departamento de Vida Silvestre
Av. Camacho 1323 – 4to. Piso
La Paz, Bolivia

SEAL

Jefe Nacional de Vida Silvestre
Parques Nacionales Caza y Pesca

7. Common Name	8. Scientific Name	9. Description or Marks for their Identification.	10. Appendix No.	11. No. of Shipping boxes
'araba azul amarillo	ARA ARARAUNA		II – W Country of origin: BOLIVIA Permit No.	
'araba frente roja	ARA RUBROGENYS		II – W Country of origin: BOLIVIA Permit No.	
'araba azul	ANADORHYNCHUS HYACINTHINUS		II – W Country of origin: BOLIVIA Permit No.	
'araba roja verde	ARA CHLOROPTERA		II – W Country of origin: BOLIVIA Permit No.	
'araba cachete azul	ARA CANINDE		II – W Country of origin: BOLIVIA Permit No.	

12. Country in which the species were captured, born or raised in captivity: BOLIVIA

14. Approval of Exportation

See Item	Quantities
A	124-Ciento veintiCuatro.
B	30-Treinta.
C	60-Sesenta.
D	23-Veintitres.
E	3-Tres.
F	160-Ciento sesenta
G	
H	
I	
J	
K	

13. This Permit is approved by the following authority

La Paz, 27 de Octubre de 1,982.
City, Date

Stamp of wildlife inspector

15. Airway bill No.

Total No. of Shipping Boxes .....

SANTA CRUZ.....
Port of Exportation Date Signature Cargo Stamp

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

SECRETARIAT

c/o UICN, avenue du Mont-Blanc
CH-1196 Gland, Switzerland

Telex: 22618 iucn ch
Tel.: (022) 64 71 81

Telegrams:
IUCNATURE GLAND

Ref.:

NOTIFICATION TO THE PARTIES

No. 243 Gland, 6 January 1982

CONCERNING:

Transmission of Documents

1. On 17 December 1982, the Secretariat sent a Notification by diplomatic channels to contracting or signatory states of the Convention which included the list of proposals for amendment of Appendices I and II to be considered at the fourth meeting of the Conference of the Parties, and the supporting statements for these proposals. Copies of the Notification and the supporting statements were sent to the Management Authorities on 17 December 1982.

2. On 4 January 1983, the Secretariat sent a Note to the Parties through diplomatic channels to remind them that the presentation of credentials is necessary in order to have the right to vote at the fourth meeting of the Conference of the Parties. A copy of this Note is attached to this Notification.

3. The Secretariat hereby transmits to the Parties the revised Provisional Agenda [Doc. 4.1 (Rev.)] and Provisional Working Programme (Doc. 4.2) of the fourth meeting of the Conference of the Parties. These documents will have to be adopted by the Conference of the Parties.

4. The Secretariat transmits to the Parties the following pages of the Directory sent with Notification to the Parties No. 139 of 5 June 1980. One of these pages is new (Sudan). The others reflect changes and replace pages of the Directory as follows:

Administered by the International Union for Conservation of Nature and Natural Resources on behalf of the United Nations Environment Programme

List of Parties:	1.1.1983/2 replaces 15.3.1982/2
Australia:	AU/1.1.1983 replaces AU/30.9.1982
Cameroon, United Republic of:	CM/1.1.1983 replaces CM/15.11.1981/1 and 2
Canada:	delete the sheets CA/15.6.1981/3 and 4
Colombia:	CO/1.1.1983 replaces CO/15.9.1982
Guyana:	GY/1.1.1983 replaces GY/1.5.1980
Italy:	IT/1.1.1983/2 and 3 replace IT/15.11.1981/2
Liechtenstein:	LI/1.1.1983/1 and 2 replace LI/15.6.1981/1 and LI/1.1.1982/2
Mauritius:	MU/1.1.1983 replaces MU/1.5.1980
Morocco:	MA/1.1.1983 replaces MA/1.5.1980
Nicaragua:	NI/1.1.1983/1 and 2 replace NI/1.5.1980
Nigeria:	NG/1.1.1983 replaces NG/1.5.1980
Rwanda:	RW/1.1.1983 replaces 15.12.1980/RW
Sudan:	SD/1.1.1983 (new)
Switzerland:	CH/1.1.1983/1,2 and 3 replace CH/15.6.1981/1, CH/1.7.1981/2, CH/1.1.1982/3 and CH/15.6.1981/4
Zimbabwe:	ZW/1.1.1983/1 and 2 replace ZW/15.5.1982/1 and 2

5. Further, the Secretariat transmits to the Parties copies of the following documents:

Bolivia:	Export/Re-export Permit
Cameroon, United Rep. of:	Export/Re-export/Import Permit
Guyana:	Application for Permit/Certificate to Export Endangered/Unendangered Species
Liberia:	Import/Export Permit - Re-export/Other Certificate
Malaysia:	Export/Re-export Permit
Paraguay:	Export/Re-export Permit

Suriname:	Export/Re-export Permit
Zimbabwe:	Export Permit/Re-export Certificate to Export Endangered Species and Other Wild Life (see the Notification to the Parties No. 228 of 13 October 1982, paragraph 3).

6. Finally, the Secretariat transmits for information to the Parties the following documents:

Australia:	Annual Report 1981
Finland:	Annual Report 1980
France:	Annual Report 1981
Germany, Fed. Rep. of:	Annual Report 1981
WTMU:	TRAFFIC Bulletin, Vol. IV, No. 3; 4/5
TRAFFIC (U.S.A.):	1982 Newsletter, Vol. 4, No. 3 and 4

Estado Plurinacional de Bolivia

Ministerio de Medio Ambiente y Agua

MMAyA
Ministerio de Medio Ambiente y Agua

La Paz, 25 NOV 2014

MMAYA/VMABCCGDF/ Nº 2172/2014

Señor
Mr. John Scanlon
Convención sobre el Comercio Internacional de Especies
Amenazadas de Flora y Fauna Silvestre
Telf: +41 (0) 22 917-8139/40
Fax: + 41 (0) 22 917-8139/40
John.Scanlon@cites.org - INFO@cites.org
Ginebra – Suiza.-

Ref.- Reitera solicitud anulación registro de cría en cautividad con fines comerciales número A-US-524 Hyacinth Macaw Aviary Inc,. 26800 SW 189th Ave. Homestead, Florida 33031

De mi mayor consideración,

Por intermedio de la presente, a tiempo de expresarle un cordial saludo, tengo a bien recordarle que el Estado Plurinacional de Bolivia a través de la Autoridad Administrativa CITES, en el marco de lo dispuesto por el inciso 1, del artículo VIII del Texto de la CITES, mediante nota CITE MMAYA/VMABCGDF Nº 1543/2014 de 03 de septiembre de 2014, solicitó de manera formal y fundamentada, la anulación del registro de cría en cautividad con fines comerciales *No A-S524 Hyacinth Macaw Aviary Inc,. 26800 SW 189th Ave. Homestead, Florida 33031*, la misma se fundamenta en que el registro, no cumple con lo siguiente:

- Art. XIII parágrafo 1 del Texto de la Convención CITES
- Resolución Conf. 10.16 (Rev.)…..(*ii) el plantel reproductor, a satisfacción de las autoridades gubernamentales competentes del país exportador: y A. se estableció de conformidad con las disposiciones de la CITES y la legislación nacional y sin perjudicar la supervivencia de la especie en el medio silvestre;)*
- Resolución Conf. 16.2 (Rev. CoP15)
- Conf. 10.7 (Rev. CoP15).

Por lo expuesto, dada la necesidad que el caso sea resuelto, solicitamos a la Secretaria CITES solucione a la brevedad posible la anulación del Registro de cría en cautividad con fines comerciales número A-US-524 Hyacinth Macaw Aviary Inc,. 26800 SW 189th Ave. Homestead, Florida 33031, por lo que corresponde notificar oficialmente a la Autoridad Administrativa CITES USA, la anulación del criadero, facultándonos la repatriación del stock parental, mismo que fue obtenido en violación a la Convención.

Sin otro particular, me despido con las mayores consideraciones.

Muy Atentamente,

Roberto I. Salvatierra Zapata
VICEMINISTRO DE MEDIO AMBIENTE
BIODIVERSIDAD CAMBIOS CLIMÁTICOS
Y DE GESTIÓN Y DESARROLLO FORESTAL
MMAyA

RSZ/TAPC/MVVA/rhs
Adj.: Lo indicado
Arch.: DGBAP

VICEMINISTERIO DE MEDIO AMBIENTE, BIODIVERSIDAD CAMBIOS CLIMATICOS Y DE GESTIÓN Y DESARROLLO FORESTAL
AV. CAMACHO NO. 1471-Telf. : 2146382-2146385-2146374

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

UNEP

Our ref.: DHM/TDM/elk
Your ref.: MMAYA/VMABCCGDF/No. 1543/2014

Roberto Ingemar Salvatierra Zapata
Viceministro
Viceministerio de Medio Ambiente,
Biodiversidad, Cambios Climáticos y de
Gestión y Desarrollo Forestal
Dirección General de Biodiversidad y
Áreas Protegidas
Oficina Administrativa CITES
Av. Camacho No. 1471
Entre Bueno y Loayza
LA PAZ
Plurinational State of Bolivia

Geneva, 5 December 2014

Subject: Captive-breeding Operation A-US-524 *Hyacinth Macaw Aviary Inc.*

Excellency,

Thank you for your letter of 3 September 2014, addressed to myself and Mr. Øystein Størkersen, Chair of the CITES Standing Committee (SC), and for your letter of 26 November 2014. I can assure you that your concerns have been carefully considered and that we are making every effort to identify constructive ways to deal with the objections that your government has submitted following the decision of the Standing Committee to agree with the inclusion of the above-mentioned captive-breeding operation in the CITES Register of captive breeding operations last July. The rich biodiversity of the Plurinational State of Bolivia and its active role in CITES are recognized by the Secretariat, and have been highlighted in recent meetings mainly through the excellent work achieved through cooperation between CITES and the ACTO member States and the ACTO Permanent Secretariat.

You have expressed serious concerns regarding the registration of the captive-breeding operation A-US-524 Hyacinth Macaw Aviary Inc., and requested the removal of that operation from the Register. In responding to your concerns and your request, I would like first to outline the existing procedures for registering captive-breeding operations, which have been adopted by the Conference of the Parties to CITES through relevant Resolutions. I would also like to explain the process that we followed in this particular instance, and offer some possible options for addressing the concerns you have raised.

As you know, Article VII, paragraph 4, of the Convention provides that specimens of Appendix-I animal species (such as *Anodorhynchus hyacinthinus*) bred in captivity for commercial purposes shall be deemed to be specimens of species included in Appendix II. The Conference of the Parties has established in Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*[1] a process for registering captive-breeding operations that wish to benefit from this special provision. In that Resolution, the Conference of the Parties resolves among other things that:

b) the first and major responsibility for approving captive-breeding operations under Article VII, paragraph 4, shall rest with the Management Authority of each Party, in consultation with the Scientific Authority of that Party;

1 See http://www.cites.org/esp/res/12/12-10R15.php

c) *the Management Authority shall provide the Secretariat with appropriate information to obtain, and to maintain, the registration of each captive-breeding operation as set out in Annex 1 of that Resolution.*

The Resolution includes a requirement that an operation may only be registered if specimens produced by that operation qualify as 'bred in captivity' according to the provisions of Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity*[2]. Resolution Conf. 10.16 (Rev.) includes the provision that the breeding stock (meaning the ensemble of the animals in the operation that are used for reproduction) must, to the satisfaction of the competent government authorities of the exporting country, have been established in accordance with the provisions of CITES and relevant national laws, and in a manner not detrimental to the survival of the species in the wild.

Notification to the Parties and period for objections

Regarding the matter to which you refer, the Secretariat received on 19 November 2012 an application from the United States of America to include *Anodorhynchus hyacinthinus*, bred by Hyacinth Macaw Aviary Inc. of Homestead, Florida, USA, in the *CITES Register of captive breeding operations.* The application was supported by documentary evidence as required in Annex 1 of Resolution Conf. 12.10 (Rev. CoP15). The Secretariat's role is primarily to confirm that the required information has been provided by the applicant, which was done.

Having verified that all required information had been submitted, the Secretariat published Notification to the Parties No. 2013/050 of 13 November 2013 in the three working languages of the Convention, proposing that the captive-breeding operation be added to the CITES Register, and setting 11 February 2014 as the deadline for any Party to object to the registration of this operation.

An objection was received on 6 February 2014 from the Philippines (see Annex 2 of document SC65 Doc. 35, attached).

Second opportunity to enter objections: Animals Committee (May 2014)

Attempts by the United States and the Philippines to reconcile the concerns were unsuccessful, and in accordance with Annex 2, paragraph 3 of Resolution Conf. 12.10 (Rev. CoP15), the Secretariat referred the documentation regarding the registration application to the CITES Animals Committee in order for that Committee to review the Philippines' objection and provide comments.

After reviewing the documentation and the objection during its 27th meeting (Veracruz, April-May 2014) in a working group composed of its members only, the Animals Committee made the following comments:

a) The Committee noted that it was a requirement of Resolution Conf. 12.10 (Rev. CoP15) that the Management Authority of the State in which the breeding operation is situated should provide evidence that the parental stock has been obtained in accordance with national measures and with the provisions of the Convention;

b) The Committee felt that the matters raised by the Philippines in their objection were primarily of an administrative nature, such that the Committee recommended that the United States provide information to the Philippines to respond to their questions; and

c) In particular, the United States may wish to provide more information about the birds that were disposed of in 2012, and whether any of those birds are in the lineage of the current breeding stock provided in Attachment 1 of the application for registration. The United States could then consider providing the relevant information in diagram form, as suggested by the Philippines in its comments on Section 6 of the application.

The two representatives of the Central and South American and Caribbean region for the Animals Committee, Mr. Paul Ouboter (Suriname) and Mr Marcel Calvar Agrelo (Uruguay), took part in these

2 See http://www.cites.org/eng/res/10/10-16C15.php

deliberations while Ms Rosemarie Gnam (United States), the representative of the North American region, did not participate in this working group.

In accordance with Resolution Conf. 12.10 (Rev. CoP15), Annex 2, paragraph 3, the Secretariat forwarded the comments of the Animals Committee to both concerned Parties on 3 June 2014 to allow a further 30-day period for resolution of the identified problems.

Third opportunity to enter objections: Standing Committee (July 2014)

The Secretariat received no indication by 3 July 2014 that the objection by the Philippines had been withdrawn, or the identified problems resolved. In accordance with Annex 2, paragraph 4 of Resolution Conf. 12.10 (Rev. CoP15), the registration application was therefore referred to the 65th meeting of the Standing Committee (SC65, Geneva, Switzerland, 7-11 July 2014) for decision. The history of this matter is available in document SC65 Doc. 35[3], which also includes in its annex full details of the application by the United States and all supporting information regarding the Operation. A copy is attached.

The Secretariat invited the Committee to consider the objection by the Philippines in accordance with Resolution Conf. 12.10 (Rev. CoP15), Annex 2, paragraph 4. After having heard an introduction of and initial interventions on the case in plenary session during the morning of 10 July 2014, the Standing Committee requested the Philippines and the United States to consult bilaterally and to report the results of their discussions. Later in the meeting, the United States reported in plenary session that no agreement could be reached with the Philippines, which confirmed that it maintained its objection against the registration. The Chair thus requested for a vote on the matter in accordance with Rules 24 and 25 of the Rules of Procedure of the Standing Committee. By a vote of six votes in favour and one against, with eight abstentions, the Committee agreed to the inclusion in the Register of captive breeding operations of Hyacinth Macaw Aviary Inc., in the United States, for the breeding of *Anodorhynchus hyacinthinus*. This decision is recorded in the executive summary of the 8th session of SC65[4]. The representatives of the Central and South American and Caribbean region of the Standing Committee, Bahamas, Colombia and Guatemala, were present during the discussions on this matter.

Registration

All the steps stipulated in the procedure for the registration of captive breeding operations being completed, namely the issuance of a Notification to the Parties about the pending application for registration, a period for submitting objections, and deliberations on this matter at the Animals and Standing Committees, the latter decided to accept the registration application. The Secretariat therefore proceeded to include the operation Hyacinth Macaw Aviary, Inc. in the CITES Register of captive breeding operations under code A-US-524.

The Secretariat is bound by the decision of the Standing Committee, which is the interim policy body between sessions of the Conference of the Parties. The Secretariat has no legal authority to de-register an operation that has been registered following a decision taken by the Standing Committee. Only the Committee can undo what it has done, unless the United States unilaterally requests the removal of the relevant operation.

Bolivia's concerns about the registration and possible options for addressing them

As regards your concerns about the compliance of captive-breeding operation A-US-524 Hyacinth Macaw Aviary Inc. with the provisions of Resolution Conf. 10.16 (Rev.) relating to the origin of the breeding stock, and your request to remove this operation from the CITES Register, we respectfully encourage you to undertake bilateral consultations with the applicant Party. Specifically we encourage you to bring these matters to the attention of the CITES Management Authority of the United States with a view toward discussing the information, seeking full clarity on the matter of the breeding stock and determining whether any additional action is needed. To initiate and facilitate such a bilateral exchange, and with your agreement, we propose to share a copy of this letter, as well as copies of your letters of 3 September 2014 and 26 November 2014, with the Management Authority of the United States.

---

[3] See http://cites.org/sites/default/files/eng/com/sc/65/E-SC65-35.pdf
[4] See http://www.cites.org/sites/default/files/esp/com/sc/65/exsum/S-SC65-Sum-08.pdf

As mentioned above, removal of operation A-US-524 from the CITES Register of captive breeding operations, at this stage, and in consideration of the due process mentioned above, goes beyond the legal competency of the Secretariat. However, the Conference of the Parties resolved in Resolution Conf. 12.10 (Rev. CoP15), paragraph h) that *any Party within whose jurisdiction an operation is registered may unilaterally request the removal of that operation from the Register without reference to other Parties by so notifying the Secretariat, and, in this case, the operation shall be removed immediately*. You may wish to consider discussing this option with the United States, based on the evidence that you are referring to. The United States might also consider temporarily suspending exportations of specimens of *Anodorhynchus hyacinthinus* from Operation A-US-524 Hyacinth Macaw Aviary, Inc. to allow Bolivia's concerns about the origin of the breeding stock to be resolved. This is another matter that could be discussed with the United States.

Finally, paragraph i) of Resolution Conf. 12.10 (Rev. CoP15) states that after an operation has been registered:

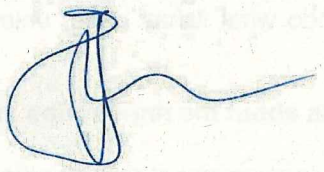
> *any Party believing that a registered operation does not comply with the provisions of Resolution Conf. 10.16 (Rev.) may, after consultation with the Secretariat and the Party concerned, propose to the Standing Committee that this operation be deleted from the Register. At its following meeting, the Standing Committee shall, considering the concerns raised by the objecting Party and any comments from the Registering Party and the Secretariat, determine whether the operation should be deleted from the Register.*

If Bolivia seeks to follow this formal procedure, the Standing Committee could consider the concerns that you raise and any comments from the United States and the Secretariat at its next ordinary meeting (SC66, January 2016), and determine whether the operation should be deleted from the CITES Register or not.

The Secretariat offers its assistance in facilitating any discussion with the United States, or in providing any further technical guidance that may be required. I will be in Washington D/C. on 9 December 2014 and will personally draw your concerns to the attention of the CITES Management Authority of the United States. It would be helpful if I could also share relevant correspondence with the Management Authority, as requested above.

Once again, we understand and appreciate the concerns that have been expressed by Bolivia in relation to the breeding stock for the above-mentioned CITES-registered captive breeding operation. We hope that this letter is helpful in explaining the procedures adopted by the Conference of the Parties, and followed by the Secretariat, in relation to the CITES registration of captive breeding operations, and the possible options available to Bolivia for addressing its concerns about the breeding stock. We stand ready to provide any further information or clarification that Bolivia or the United States may need.

Please accept, Excellency, the assurances of my highest consideration.



John E. Scanlon
Secretary-General

Cc. Mr. Øystein Størkersen
Annex: Document SC65 Doc. 35

Estado Plurinacional de Bolivia

Ministerio de Medio Ambiente y Agua

MMAyA
Ministerio de Medio Ambiente y Agua

La Paz 11 NOV 2015

MMAYA/VMABCCGDF/ N° 2026 /2015

Mr. Øystein Størkersen
Chairman of the CITES Standing Committee
Direktoratet for naturforvaltning (Directorate for Nature Management)
Tungasletta 2 N-7485
TRONDHEIM Norway
oystein.rune.storkersen@miljodir.no - &

Mr. John Scanlon
Secretary General CITES Secretariat International Environment House
11 Chemin des Anémones CH-1219 Châtelaine,
Geneva Switzerland John.
Scanlon@cites.org INFO@cites.org

David H. W. Morgan
Jefe, Organos Rectores y Servicios de Conferencias
CITES Secretariat - UNEP - United Nations
15, chemin des Anemones
1219 Chatelaine, Geneva, Switzerland
tel +4122) 917 8156
email: (David.MORGAN@cites.org)

Señores,

Ref.- REITERA SOLICITUD DE SUPRESIÓN DEL REGISTRO DE CRÍA EN CAUTIVIDAD CON FINES COMERCIALES NÚMERO: A-US-524 HYACINTH MACAW AVIARY INC,. 26800 SW 189TH AVE. HOMESTEAD, FLORIDA 33031

De mi mayor consideración,

A tiempo de expresarle mis más cordiales saludos y en atención a su nota de fecha 16 de septiembre de 2015, se tiene a bien traslucir lo siguiente:

- El Estado Plurinacional de Bolivia, por intermedio de nota de éste despacho de 03 de septiembre de 2014, en coherencia a lo prescrito por el párrafo h) de la Resolución Conf. 10.16 (Rev), formalmente solicitó a la Secretaria General CITES: *"…. se suprima el registro de cría en cautividad con fines comerciales número:* ***A-US-524 Hyacinth Macaw Aviary Inc,. 26800 SW 189th Ave. Homestead, Florida 33031****, dado que, la exportación del stock parental, habría sido obtenido en violación a la Convención, siendo el permiso 01748 del 27 de octubre de 1982, un permiso inexistente, que no fue emitido por el Estado Plurinacional*

Estado Plurinacional de Bolivia

Ministerio de Medio Ambiente y Agua

MMAyA
Ministerio de Medio Ambiente y Agua

de Bolivia", presentándose en el nota precitada, los argumentos que sustentan la pretensión interpuesta.

- En tanto la Secretaria General de la CITES, no efectuó manifestación alguna respecto a la solicitud realizada por la Autoridad Administrativa CITES del Estado Plurinacional de Bolivia, en noviembre de la pasada gestión, la cual, en diciembre de 2014, fue respondida por la Secretaría General de la CITES, manifestándose el marco procedimental vinculado con la pretensión del Estado Plurinacional de Bolivia.

- En sujeción a lo dispuesto por el párrafo i) de la Resolución Conf. 12.10 (Rev. CoP15), consultó sobre el particular, a la Autoridad Administrativa CITES de los Estados Unidos de América, mas empero, en razón al cambio de ésta autoridad, no se pudo progresar con las tratativas en el tópico que nos atañe.

Por lo anteriormente expuesto, nuevamente se solicita la supresión del registro de cría en cautividad con fines comerciales número: **A-US-524 Hyacinth Macaw Aviary Inc,. 26800 SW 189th Ave. Homestead, Florida 33031**, reiterándose el texto de la nota de 03 de septiembre de 2014 y solicitándole muy respetuosamente, sírvase proponer al Comité Permanente que se suprima el mentado establecimiento de registro.

Sin otro particular, me despido con las mayores consideraciones. Muy Atentamente,

Lic. Gonzalo Rodríguez Cámara
VICEMINISTRO DE MEDIO AMBIENTE, BIODIVERSIDAD, CAMBIOS CLIMATICOS Y DE GESTION Y DESARROLLO FORESTAL
MMAyA

Autoridad Administrativa CITES – Estado Plurinacional de Bolivia.

GRC/FCA/VA/rhs/
Adj. Lo indicado
Arch. DGBAP