Comments by the Animals Committee (AC) on the objection by the Philippines to the registration of a bird-breeding operation in the United States [Pacific Northwest Falcons]

Dear Laurent,

On January 26 you informed me as Chair of the Animals Committee that in accordance with Resolution Conf. 12. 10 (Rev. CoP14) you submit the application of the USA for the registration of the bird-breeding operation "Pacific Northwest Falcons" to the Animals Committee for comments, since the Philippines had raised an objection and was not willing to withdraw it. Since the file is quite substantial and had to be sent to the members of the Animals Committee by post, we agreed that the deadline for comments would be April 3, i.e. last Friday. The members of the Animals Committee have been informed accordingly.

Until that date I unfortunately have received only very few comments, which I forward to you below. Under the present circumstances I am unable to express a common view on the subject by the Animal Committee as a whole, but I hope nevertheless that the comments received by a few members (on their personal capacity) might help the Parties concerned to solve the issue.

Let me first start with a few comments of my own: The present case has some interesting resemblance to the other case, where the Philippines applied for the registration of a parrot breeding operation (Birds International Incorporated), where after a substantial process of deliberations and discussions, involving the Animals Committee and the Range States (and even the Parties at CoP14), we have today a situation where all the Range States have withdrawn their objection (and/or even have concluded or are in the process of concluding a MoU with the Philippines for conservation projects in regard to the species concerned as laid out in Res.Conf 13.9), but where the USA (and Australia ?), a non Range-State for the species concerned are still upholding their objection on the ground that it is of the opinion that the legal origin of the founder stock of some of the species bred today at the said operation cannot be proven to their satisfaction.

Some members of the Animals Committee already then were of the opinion that in view of the fact that the beginning of many breeding operations go back many years, perhaps into pre-convention times, it may indeed be difficult in some instances to prove the legal establishment of a parent stock, because documents may be incomplete, formally incorrect or might be indeed inexistent. However, because of the advantages the registration of a breeding operation includes, in particular the more stringent control (and control rights) by the national CITES authorities, and in the interest of the registration process as a whole, some members of the Animal Committee, were in favor of a rather tolerant attitude in this regard and recommended that the objections be withdrawn and equally that the Philippines commit themselves (together with the said parrot breeding operation) to support conservation projects in regard to the species in question, preferably in the Range States of the species concerned. As mentioned this has resulted in a rather promising development.

In analogy to this case, I tend to agree with a statement received quite early in the process from Rodrigo Medellin, in regard to the case at hand (Pacific Norwest Falcons), which said: "It is often difficult to prove legal provenance with complete certainty, particularly for the original breeding stock of operations that have been functioning for many years", and was therefore recommending to exert some tolerance. I also tend to agree with some other comments he made – in his personal capacity - where he questioned the value of objections against such applications for registering breeding operations in general, in view of the fact that this may lead eventually to a loss of control and a loss of tracking of all the trade that is done by these operations (since the breeding operation is after registration under control of the legislation and authorities of the Party concerned). Equally, he also felt that one might lose a good opportunity of cooperative conservation under the ex-situ-in-situ cooperation scheme, described in Res Conf 13.9. and finally said that even if there might be still some doubts about the origin of some of the falcons in the operation, he would agree to the registration so that we have a future record of each operation and also to promote ex-situ-in-situ cooperation.

In the interest of correctness, I want to confirm however that, in his capacity of representative of the North American region, Rodrigo has informed us that his region, which includes of course the affected Party, has consensus in the sense that it disagrees with the objection referred.

Carlos Ibero Solana, has voiced his difficulties, to assess the case in detail, given its absolute administrative essence, having nothing to do with conservation, resources management or direct implications for the country opposing (the Philippines). It seemed to him however that the letter from the United States

answering to the objection was satisfactory enough to believe that the breeding operation is under control of the USA legislation and authorities and recommended that the Philippines should therefore withdraw their objection.

Best regards
Thomas

Comments by the Animals Committee (AC) on the objection by the Philippines to the registration of two bird-breeding operations in the United States [David Knutson and Hollister Longwings]

Only three members of the AC sent in their comments, namely the representative of Oceania and the two representatives of Europe (one of them being the Chair of the AC). The comments concentrated on the two points raised by the Philippines in their objection of July 15 2009.

In regard to the first point, mentioned under paragraph a) of the objection (missing entries in the box "USFWS Use Only" on copies of the forms 3-186A of the annex, which purportedly makes it difficult to verify the validity of the associated declarations), the comments can be summarized as follows:

It was noted that these forms are the permittee's copies, which might explain, why there are no entries in the box “USFWS Use Only”. It was also noted that they do have indications of the relevant USFWS permit and band numbers, which presumably gives USFWS the information they need to validate the declarations. Therefore it was considered helpful for the US Management Authority to clarify how the permittee's copies of form 3-186A align with those received by the USFWS, in other words that the omission of any entry in the said box on the permittee's copies is satisfactorily explained.
If this can be resolved satisfactorily, AC felt that it was not necessary for the applicant to submit or make available further documentation in this regard.

What concerns the second point, mentioned under paragraph b) of the objection (missing clarification on two statements in regard to the captive-bred origin of all parental stock and the F2 status or greater of all offspring produced in the last 20 years), the comments can be summarized as follows:

Indeed the two statements "all parental stock was bred in captivity in the USA between 1997 and 2007", and "all offspring produced in the last 20 years [i.e. since 1989] has been F2 or greater" are confusing, because there is a twelve year time gap between the “offspring produced since 1989” and the “parental stock bred in captivity since 1997”. This needs to be clarified. It might be that the two statements refer to two different populations (the first one to the population of the applicant’s breeding station and the second one to the population in US breeding institutions in general), but this needs to be made clear.

Further it was commented that the proof of a specimen being of "captive-bred" and not "wild" origin in a Range Country of the said species rests after all on trust and/or controls. It was noted that the evidence in this case is the seamless aluminum leg bands. These bands however, can be slipped on the leg of a gyrfalcon or peregrine falcon chick that has been produced in the wild and has been taken from the nest in the wild as easily as on the leg of a gyrfalcon or peregrine falcon chick that has been produced in a controlled environment (i.e. captive bred). In such a way, a specimen with “wild” origin could be laundered into a specimen with “captive–bred” origin. It was felt therefore that it would be helpful if any doubts about this could be removed by exactly describing how the marking of the captive-bred chicks by the breeder with these leg bands was and is administered and controlled (is e.g. an official, like an USFWS-officer or an authorized veterinarian present ? Or are there DNA tests made among the hatchlings and between hatchlings and parents ?). Such information could probably also satisfy the Party that has objected.

Finally the following comment of a more general nature was made: In Switzerland (and perhaps also in other countries) all efforts are undertaken to ban the breeding and use by falconers of hybrids of birds of prey of which Switzerland is a Range Country. These hybrids are treated almost as alien species, not to say invasive alien species, because if they are fertile - as in the present case - they compete, when deliberately released or accidentally escaped, with the native ancestor-species, in particular with the females, because due to their size they could be more attractive to the wild males. It was felt that this is of particular relevance in regard to paragraph 17 of the application where it says that the applicant began breeding peregrine falcons for release into the wild and that he has sold falcons (assuming also hybrids) all over the world for the sport of falconry, breeding and education. Therefore the wish was expressed that – in the interest of conservation - the applicant be advised to end the production of hybrids of these two species in future.