

THE ILLEGAL PARROT TRADE IN MEXICO

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The illegal traffic of wildlife is one of the major enemies of biodiversity. Unfortunately, Mexico is an important part of the wildlife trafficking network, with the illicit market for the sale of wild animals being one of the most severe problems that face the country's wild animal species. The complexity of the wildlife trade goes beyond buyers and sellers, it involves a whole network of people making illegal transactions that occur under the radar of law enforcement, making it as difficult to eradicate as other forms of organized crime.

In Mexico, the governmental institutions in charge of protecting wildlife lack the structures needed to fulfill their purpose. They are understaffed, underprepared, disconnected and do not have the budget to even attempt to dismantle the networks of illegal trafficking. Seizures are often made by chance, at a checkpoint, or due to a complaint from a neighbor, when cyber police could help locating and stopping many of their illegal transactions. An example of this is the case of the parrots, which are one of the most illegally traded species in Mexico. Parrot traffickers create an unusual obstacle for the environmental enforcement and judiciary authorities, they use children inside their network to pick the chicks out of their nests, transport the specimens, and sell them, knowing that they will be unimpeachable for crimes:

Detention will be used only as an extreme measure and for the shortest period of time, and may only be applied to adolescents over fourteen years of age, by the commission or participation in an act that the law designates as a crime.¹

The illegal parrot traffic network employs nest looters and vendors who operate in markets and social media. Delivery services often act as accomplices. An essential part of the illegal trade takes place through social networks. Here animals are offered for sale, including those that the law protects. People can buy specimens of wild animals such as macaws, parrots, turtles, spiders, monkeys, certain felines, and other species. This is a factor that facilitates the growth of this business, for example in the state of Tamaulipas, Mexico; several Facebook pages have been detected in which exotic species were traded. In most of them, animals and plants were for sale, which are included in some category of the NOM-059-SEMARNAT-2010. The portal did not offer any information about the origin of the specimens or their legality. The illegal trade taking place in social networks remains often unpenalized by the environmental authorities since, unlike the

¹ Art 18, Constitución Política de los Estados Unidos Mexicanos.

ministerial ones, they do not have cyber police; in this sense, the majority of the illegal trade goes unpunished.

There exist several legal mechanisms that protect Mexican wildlife, such as the *Norma Oficial Mexicana* (Official Mexican Standard 059 of the Secretary of Environment and Natural Resources from 2010 (*NOM 059 SEMARNAT-2010*)). This is the regulatory instrument that identifies species or populations of fauna at risk to define which measures need to be taken to protect them; this Mexican Law is equivalent to the Endangered Species Act in the United States:

The purpose of this Official Mexican Standard is to identify the species or populations of wild flora and fauna at risk in the Mexican Republic, through the integration of the corresponding lists, as well as to establish the inclusion, exclusion, or change of risk category criteria for the species or populations, by means of a method of evaluating their risk of extinction and is mandatory throughout the National Territory, for natural or legal persons who promote the inclusion, exclusion, or change of wild species or populations in any of the categories of risk, established by this Standard.²

Another important Federal Law is the General Law of Wildlife, *LGVS (Ley General de Vida Silvestre)*, which was amended on October 14, 2008, to prohibit the sale of animals that belong to the Psittacidae family commonly known as parrots. According to Article 60, Bis 2 of this law, no specimen of bird corresponding to the family Psittacidae, whose natural distribution is part of the national territory, may be subject of extractive use for subsistence or commercial purposes.³

Illegal wildlife trafficking is classified as a crime according to Article 420 of the Mexican Federal Criminal Code, *CPF (Código Penal Federal)*, which states that people found in possession of protected species or involved in their purchase and sale can be punished with penalties of one to nine years in prison and severe fines:

Article 420. A sentence of one to nine years in prison and a fine for the equivalent of three hundred to three thousand days will be imposed on anyone who unlawfully:

IV. Carries out any activity with the purpose of trafficking, capture, possession, transport, collection, import or export of any specimen, its products or by-products and other genetic resources, of a species of wild, terrestrial or aquatic flora or fauna under moratorium, considered endemic, threatened, in danger of extinction, subject to special protection, or regulated by an international treaty to which Mexico is a party, or

V. Damages any specimen of the species of wild, terrestrial or aquatic flora or fauna indicated in the previous section.

² Art 1, Norma Oficial Mexicana 059 de la Secretaría de Medio Ambiente y Recursos Naturales, 2010.

³ Art 60, bis 2 de la Ley General de Vida Silvestre.

An additional penalty of up to three more years in prison and up to a thousand additional days fine will be applied, when the behaviors described in this article are carried out in or affect a protected natural area, or when they are carried out for commercial purposes.⁴

The agency in charge of protecting wildlife in Mexico is the Federal Agency for Environmental Protection *PROFEPA (Procuraduría Federal de Protección al Ambiente)*, which, once it knows of the case, has to gather the evidence and turn the case over to the Attorney General's Office. Unfortunately, this process discourages many people from reporting because it requires time and rigorous paperwork. Citizens can file complaints directly to the Attorney General's Office, *FGR (Fiscalía General de la República)* since many of these trafficked animals are protected under federal legislation, however, not many do it.

In addition, the Federal Law against Organized Crime, *LFCO (Ley Federal Contra el Crimen Organizado)* was amended on April 7, 2017, to include the trafficking of species as organized crime:

Article 2. When three or more people are in fact organized to carry out, permanently or repeatedly, behaviors that by themselves or together with others, have the purpose or result of committing one or more of the following crimes, they will be sanctioned for that single act, as members of organized crime:

X. Against the Environment provided for in section IV of article 420 of the Criminal Federal Code.⁵

Despite the legal protections, the illegal trade of parrots continues. All of Mexican species of parrots are at some level of risk and almost half of these are at the verge of becoming extinct. Among these, is the Amazona Oratrix, or yellow-headed parrot, the most endangered and trafficked specie in the country. Their populations have almost disappeared due to the intense looting and destruction of their habitat. Looting has particularly increased in the last two years due to the national and international demand for parrots derived from the Covid pandemic.

The wildlife trade also creates a critical scenario for the transmission of zoonotic diseases. The interactions between wildlife and humans are becoming more frequent, and these are often carried out outside the margin of any sanitary control increasing the probability of transmission of pathogens among species.

⁴ Art 420, X. Sec. IV del Código Penal Federal.

⁵ Art 2 de la Ley Contra el Crimen Organizado.

In the meantime several campaigns have been launched to make people aware of the consequences of illegal wildlife trafficking, particularly parrots, where people are encouraged to stop buying these animals. If people within the country and also outside, would not purchase these animals, the illegal trade and trafficking would decreased significantly. However, the practice of buying wild parrots as pets is expected to continue inside the country, as having a parrot as a pet has been part of the Mexican culture for generations. This is why the strengthening of enforcement efforts by all government agencies involved is crucial.