

## INTRODUCTION TO CITES AND AGARWOOD

## OVERVIEW

Asian Regional Workshop on Agarwood; 22-24 November 2011

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**A bit of history**

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Several genera from the family Thymelaeaceae are agarwood producing taxa. These are: *Aquilaria*, *Enkleia*, *Aetoxylon*, *Gonystylus*, *Wikstroemia*, *Gyrinops*. They produce different qualities of agarwood from which *Aquilaria* seems to be the best (see Indonesia report of 2003).

From these six genera we have currently three listed on CITES Appendix II. The history of these listings is as follows:

**THYMELAEACEAE (AQUILARIACEAE)** (E) Agarwood, ramin; (S) Madera de Agar, ramin; (F) Bois d'Agar, ramin

<i>Aquilaria</i> spp.	II		12/01/05	#1CoP13	
	II/r	AE	12/01/05		Excludes <i>Aquilaria malaccensis</i> . Excluye <i>Aquilaria malaccensis</i> . Exclus <i>Aquilaria malaccensis</i> .
	II/r	KW	12/01/05		Excludes <i>Aquilaria malaccensis</i> . Excluye <i>Aquilaria malaccensis</i> . Exclus <i>Aquilaria malaccensis</i> .
	II/r	QA	12/01/05		Excludes <i>Aquilaria malaccensis</i> . Excluye <i>Aquilaria malaccensis</i> . Exclus <i>Aquilaria malaccensis</i> .
	II/r	SY	12/01/05		Excludes <i>Aquilaria malaccensis</i> . Excluye <i>Aquilaria malaccensis</i> . Exclus <i>Aquilaria malaccensis</i> .
	II		13/09/07	#1CoP14	
	II		23/06/10	#4CoP15	
<i>Aquilaria malaccensis</i>	II		16/02/95	#1CoP9	
	II		12/01/05		Included in <i>Aquilaria</i> spp. Incluida en <i>Aquilaria</i> spp. Inclus dans <i>Aquilaria</i> spp.
<i>Gonystylus</i> spp.	III	ID	06/08/01	#1CoP11	
	III/r	MY	17/08/01		
	II		12/01/05	#1CoP13	
	II/r	MY	12/01/05		
	II/w	MY	07/06/05		
	II		13/09/07	#1CoP14	
	II		23/06/10	#4CoP15	
<i>Gyrinops</i> spp.	II		12/01/05	#1CoP13	
	II/r	AE	12/01/05		
	II/r	KW	12/01/05		
	II/r	QA	12/01/05		
	II/r	SY	12/01/05		
	II		13/09/07	#1CoP14	
	II		23/06/10	#4CoP15	

The current annotation for these taxa is #4 and reads:

All parts and derivatives, except:

- a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia). The exemption does not apply to seeds from Cactaceae spp. exported from Mexico, and to seeds from *Beccariophoenix madagascariensis* and *Neodypsis decaryi* exported from Madagascar;
- b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) cut flowers of artificially propagated plants;
- d) fruits, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genus *Vanilla* (Orchidaceae) and of the family Cactaceae;
- e) stems, flowers, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (Cactaceae); and
- f) finished products of *Euphorbia antisyphilitica* packaged and ready for retail trade.

The work on *Aquilaria malaccensis* started with the Plants Committee in 1998. Since then, many reports and reviews have been undertaken on this species and, on other agarwood producing species that were also considered in order to assess the general status of the management, conservation and trade of *Aquilaria malaccensis*.

Between 2004 and 2010 the CITES Secretariat facilitated the production of the following reports on agarwood:

- 1- Procedure to make non-detriment findings for the trade in *Aquilaria malaccensis* and other agarwood producing species in Indonesia. **2003**. Prepared by the CITES Management Authority of Indonesia in collaboration with TRAFFIC Southeast Asia. Responding to the Review of Significant Trade in *Aquilaria malaccensis*.
- 2- Significant trade in plants. PC14 Doc. 9.2.2. CITES Secretariat 2004. Annex 2. *Aquilaria malaccensis*. **2003**. TRAFFIC Southeast Asia.
- 3- The Use of Agarwood in Japan. **2005**. TRAFFIC East Asia-Japan and TRAFFIC Southeast Asia.
- 4- The Trade and Use of Agarwood in Taiwan. 2005. TRAFFIC Southeast Asia.
- 5- M.C.M. Eurlings, B. Gravendeel. **2006**. *TrnL-trnF sequence data imply paraphyly of Aquilaria and Gyrinops (Thymelaeaceae) and provide new perspectives for agarwood identification*. Leiden, The Netherlands. 20 pp. Document PC16 Inf 1.
- 6- Summary Record of the Experts Group Meeting on Agarwood: Capacity-building Workshop for Improving Implementation and Enforcement of the CITES listing of *Aquilaria malaccensis* and other Agarwood-producing species. Kuala Lumpur, 14-17 November, **2006**. TRAFFIC Southeast Asia.
- 7- Ten steps to the non-detriment finding. CITES Non-Detriment Finding (NDF) Methodology for Agarwood-Producing Species. **2008**. Lim Teck Wyn, James Compton and Anders Jensen. TRAFFIC network.
- 8- Recommendations for Agarwood annotations. **2009**. James Compton. TRAFFIC network.
- 9- Report on the Dynamics and Major Characteristics of the agarwood Market in the United Arab Emirates. **2010**. By Marina Antonopoulou, James Compton, Lisa Perry and Razan Al-Mubarak. TRAFFIC network.
- 10- Wood for the trees. A review of the agarwood (gaharu) trade in Malaysia. **2010**. Lim Teck Wyn, Noorainie Awang Anak and James Compton. TRAFFIC network.

Along the years mentioned above, several range States and importing countries made a lot of progress on different fronts on the implementation of CITES for agarwood producing species.

The overall objective of this workshop hosted today by Kuwait, from the 03 to the 06 October 2011, is to continue making progress on the management and conservation of these species, on the formulation of non-detriment findings, on the production of identification materials, on the products and quantities that could be exempted from CITES controls, on the definitions of the terms used in this field of agarwood management and trade, and, very importantly, on strengthening the stakeholders communications and network.

The Decisions adopted at the last Conference of the Parties need were directed to the Parties (to yourself), to the Plants Committee and, to the CITES Secretariat.

The work that has been done all these years by some range States, by some importing countries, by the Secretariat and by TRAFFIC, will hopefully serve as basis for discussions during the present workshop. The Power Point presentation by the Secretariat will aim at linking all these documents to the CoP15 Decisions since the latter can be partially implemented by using the data on the reports.

### **CoP15 Decisions on agarwood**

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#### **Non-detriment findings**

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##### ***Directed to Parties***

15.23 Parties are encouraged:

- a) to consider the outputs of the International Expert Workshop on Non-Detriment Findings (Cancun, November 2008) to enhance CITES Scientific Authorities' capacities, particularly those related to the methodologies, tools, information, expertise and other resources needed to formulate non-detriment findings;
- b) taking into account Resolution Conf. 10.3, to prioritize activities such as workshops on capacity building to better understand what non-detriment findings are and how to enhance the ways to formulate them; and
- c) to report their findings regarding paragraphs a) and b) above at the 25th and 26th meetings of the Animals Committee and 19th and 20th meetings of the Plants Committee.

#### **Non-detriment findings for timber, medicinal plants and agarwood**

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##### ***Directed to Parties***

15.26 Parties are invited to conduct workshops with the participation of appropriate experts on the use of timber species and *Prunus africana*, medicinal plants and agarwood-producing species non-detriment finding guidance in range States concerned with the cooperation of the importing Parties.

##### ***Directed to the Secretariat***

15.27 The Secretariat shall:

- a) include practical elements for making non-detriment findings for these plant groups in its capacity-building workshops, in order to generate feedback from Scientific Authorities to refine the guidelines on making non-detriment findings included in document CoP15 Doc. 16.3;
- b) use the external funds offered from interested Parties, intergovernmental and non-governmental organizations, and other funding sources to translate the guidelines into Arabic, Chinese and Russian and to support capacity-building workshops regionally on the use of timber species and *Prunus africana*, medicinal plants and agarwood-producing species non-detriment finding guidance in the range States concerned; and
- c) maintain the information up to date and accessible to Parties.

#### **Agarwood-producing taxa**

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##### ***Directed to Parties involved in agarwood trade and to the Secretariat***

14.137 Parties involved in trade in agarwood should, in consultation with the Secretariat, identify funds and produce identification materials for all forms of traded products under CITES control.

14.138 Parties concerned should identify and agree on which agarwood products and quantities should be exempted from CITES controls. Once agreed, Parties concerned should agree which range State will prepare and submit a proposal for amendment of the current annotation for agarwood-producing species to be considered at the 16th meeting of the Conference of the Parties.

14.140 Parties involved in agarwood trade shall prepare a glossary with definitions that illustrate the content of the amended annotations, the terms used and their practical application during enforcement and border controls. The Secretariat should facilitate the preparation and production of these materials, and strategies for incorporating them in training material.

**Directed to Parties and the Secretariat**

14.141 Parties and the CITES Secretariat will work with intergovernmental and non-governmental organizations to seek ways to share information through the establishment of networks, organization of regional workshops, capacity-building programmes, exchange of experiences and identification of financial resources.

**Directed to the Plants Committee**

15.94 The Plants Committee shall consider current definitions of artificially propagated plants and how they apply to trees in mixed species plantations and report at the 16th meeting of the Conference of the Parties.

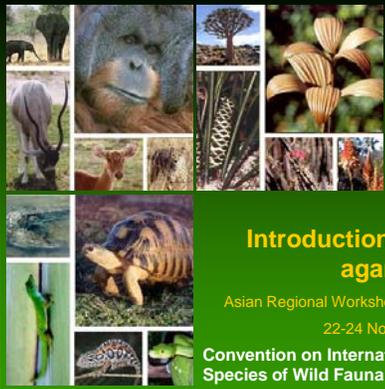
**Directed to the Secretariat**

14.144 The Secretariat shall assist in obtaining funding from Parties, intergovernmental and non-governmental organizations, exporters, importers and other stakeholders to support a workshop aimed at strengthening the capacity of Parties to implement agarwood-related Decisions before the 16th meeting of the Conference of the Parties.  
(Rev. CoP15)

15.95 Subject to external funding, the Secretariat shall, in cooperation with the agarwood range States and the Plants Committee, organize a workshop to discuss management of wild and plantation-source agarwood.

CoP15 Decisions	Reports that can be most relevant
15.23, 15.26, 15.27, 15.94 and 15.95	<ul style="list-style-type: none"> <li>1- Report on Indonesia (2003)</li> <li>2- PC14 Doc. 9.2.2 Annex 2 (2004)</li> <li>5- ID of Aquilaria and Gyrinops (2006)</li> <li>7- NDF methodology (2008)</li> <li>10- Report on Indonesia (2010)</li> </ul>
14.137, 14.138 (Rev.CoP15), and 14.140	<ul style="list-style-type: none"> <li>1- Report on Indonesia (2003)</li> <li>3- Report on Japan (2005)</li> <li>4- Report on Taiwan (2005)</li> <li>6- Sum.Rec.KL (2006)</li> <li>8- Recomms. on annotations (2009)</li> <li>9- Report on United Arab Emirates (2010)</li> <li>10- Report on Indonesia (2010)</li> </ul>

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### Introduction to CITES and agarwood

Asian Regional Workshop on Agarwood; Indonesia,  
22-24 November 2011

Convention on International Trade in Endangered  
Species of Wild Fauna and Flora

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### Section contents

- Overview
- CoP15 Decisions concerning agarwood
- Background reports



### Overview - NDF

- *Aquilaria malaccensis* was the first agarwood producing species listed in CITES in 1995
- Today we have the whole genus *Aquilaria* plus other two genera listed in the same Appendix II
- We will focus on the work done on *Aquilaria* and *Gyrinops* since *Gonystylus* is not used mainly for its agarwood but for its timber



### Article IV: the heart of CITES

- Commercial international trade in Appendix-II species may take place, but only if the Management Authority of the exporting State issues an export permit
- No such permits should be issued unless the Scientific Authority of the exporting State advises that the export which is to take place will not be detrimental to the survival of the species



### ...NDF is about management

We currently have five Decisions (15.23, 15.26, 15.27, 15.94 and 15.95) that focus on the work that Parties are doing in order to well manage and use sustainably their populations of agarwood-producing taxa. In other words, they aim at **strengthening the capacities to formulate NDFs**



### ...NDF is about management

**Non-detriment findings**

- **Directed to Parties**
- 15.23 Parties are encouraged:...
- b) taking into account Resolution Conf. 10.3, to prioritize activities such as workshops on capacity building to better understand what non-detriment findings are and how to enhance the ways to formulate them; and
- c) to report their findings regarding paragraphs a) and b) above at the 25th and 26th meetings of the Animals Committee and 19th and 20th meetings of the Plants Committee.



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### ...NDF is about management

- *Directed to the Plants Committee*
- 15.94 The Plants Committee shall consider current definitions of artificially propagated plants and how they apply to trees in mixed species plantations and report at the 16th meeting of the Conference of the Parties.



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### Overview

- Challenges for CITES implementation
- Challenges for CITES enforcement



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### What are we talking about?

- **Compliance** means the fulfilment by contracting Parties of their obligations under a multilateral environmental agreement and any amendments to it
- **Implementation** refers to all relevant laws, regulations, policies, and other measures and initiatives, that Parties take to meet their obligations under the agreement and its amendments if any



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### What are we talking about?

- **Enforcement** means the range of procedures and actions employed by a State, its competent authorities and agencies to ensure that organizations or persons, potentially failing to comply with environmental laws or regulations implementing multilateral environmental agreements, can be brought or returned into compliance and/or punished through civil, administrative or criminal action



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### Reporting

- On the annual reports **little agarwood trade is being reported**



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### Challenges for CITES implementation

- Identification
- Reservations on the listing
- Industry practice
- Article IV provisions (legal acquisition and non-detriment findings)
- Poor reporting
- Personal effects



### Agarwood in trade

- Trunk, branch sections
- Chips and flakes (most common)
- Powder / dust
- Oil
- Finished products (perfumes, incense, medicines, etc)

Powder and wood chips are usually the type of specimens found on the **export quotas**



### Identification

– <i>Aquilaria malaccensis</i>	– <i>Aquilaria grandiflora</i>
– <i>Aquilaria beccariana</i>	– <i>Aquilaria secundana</i>
– <i>Aquilaria hirta</i>	– <i>Aquilaria moszkowskii</i>
– <i>Aquilaria microcarpa</i>	– <i>Aquilaria tomentosa</i>
– <i>Aquilaria cumingiana</i>	– <i>Aquilaria bailonii</i>
– <i>Aquilaria audate</i>	– <i>Aquilaria sinensis</i>
– <i>Aquilaria brachyantha</i>	– <i>Aquilaria apiculata</i>
– <i>Aquilaria urdanetensis</i>	– <i>Aquilaria acuminata</i>
– <i>Aquilaria citrinaecarpa</i>	– <i>Aquilaria yunnanensis</i>
– <i>Aquilaria parvifolia</i>	– <i>Gyrinops versteegii</i>
– <i>Aquilaria rostrata</i>	– <i>Gyrinops moluccana</i>
– <i>Aquilaria crassna</i>	– <i>Gyrinops decipiens</i>
– <i>Aquilaria banaense</i>	– <i>Gyrinops ledermanii</i>
– <i>Aquilaria khasiana</i>	– <i>Gyrinops salicifolia</i>
– <i>Aquilaria subintegra</i>	– <i>Gyrinops caudate</i>
– <i>Aquilaria filaria</i>	– <i>Gyrinops podocarpus</i>

### Identification

- Molecular-based identification
  - Using DNA markers to discriminate cultivated from wild agarwood



### Parts and derivatives

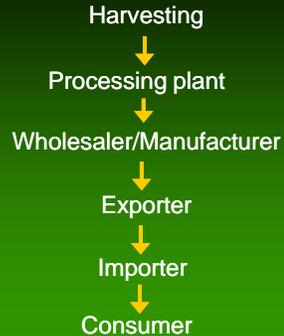
- The listing of *Aquilaria* spp. and *Gyrinops* spp. in Appendix II includes **all parts and derivatives**, except:
  - seeds, spores and pollen (including pollinia)
  - seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers and
  - cut flowers of artificially propagated plants



We all have a role to play on the overall management and trade of these species. How many links should there be in the chain?

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    graph TD
      A[Harvesting] --> B[Processing plant]
      B --> C[Wholesaler/Manufacturer]
      C --> D[Exporter]
      D --> E[Importer]
      E --> F[Consumer]
    
```



### Chain of custody

- Experience shows us that **controlling the raw product is the most efficient and simplest thing to do**
- If you try to control the finished product, it is probably too late
- Controls should be focused at the early stages of the production chain



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### Caviar labelling system

- This label must include, as a minimum:
  - a standard species code;
  - the source code of the specimen;
  - the ISO two-letter code of the country of origin;
  - the year of repackaging;
  - the official registration code of the repackaging plant, which incorporates the ISO two-letter code of the country of repackaging if different from the country of origin (e.g. IT-  
www);
  - the lot identification number, or CITES export permit or re-export certificate number (e.g. zzzz)

PER/W/IR/2001/IT-**www**/zzzz



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### Lessons for agarwood?

- Use of non-reusable labels for commercial and non-commercial purposes, and for national and international trade
- Definitions of products in trade
- Label affixed by the processing plant (or by the repackaging plant) to the primary container
- The information on the label must be given on the export permit or re-export certificate, or in an annex attached to the CITES permit or certificate
- Each importing, exporting and re-exporting Party should establish a registration system for processing and repackaging plants in its territory
- Labelling system must be used before trade is allowed



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### Summary

- Control of trade in *Aquilaria* spp and *Gyrinops* spp offer specific challenges for both implementation of the Appendix II listing and enforcement of the provisions of the Convention



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### ...Implementation and enforcement

- The fact that some Parties hold a reservation would not affect Decisions which are directed to all Parties.
- Decisions 14.137, 14.138 (Rev.CoP15), and 14.140 target the work that Parties are doing on the production of ID materials for products in trade, on the ID and agreement on agarwood products and quantities that should be exempted and, on the preparation of glossaries with definitions to illustrate the content of the annotation.



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### ...Implementation and enforcement

- **Agarwood-producing taxa**
- **Directed to Parties involved in agarwood trade and to the Secretariat**
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### Article IV provisions

- WG 1 – will focus on Management and NDF for natural populations in the wild;
- WG2 – will focus on Management of agarwood plantations and administrative issues.



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## Thank you

