

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

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Interpretation and implementation of the Convention

Species trade and conservation issues

Conservation of *Swietenia macrophylla*: report of the Mahogany Working Group

COMMENTS FROM BRAZIL REGARDING THE CONSERVATION OF MAHOGANY
(*SWIETENIA MACROPHYLLA*) (DOCUMENT COP12 DOC. 47 AND PROP. 50)

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CONSERVATION OF *SWIETENIA MACROPHYLLA* - BRAZILIAN POSITION

1. Brazil wishes to draw attention to the fact that conservation of *Swietenia macrophylla* will be dealt with under two different items of CoP12 agenda: a) **Consideration of the Mahogany Working Group report** (Doc. 47); and b) **Consideration of a proposal put forward by Guatemala and Nicaragua for inclusion of the species in Appendix II** (Prop. 50). The following comments address both situations, which reflect different approaches in dealing with that species' conservation, each approach suggesting a different conservation strategy.
2. It must be kept in mind that the **Mahogany Working Group** was established by the Conference of the Parties itself as its eleventh meeting (Nairobi, April 2000). The adoption of Decision 11.4 followed a presentation on: a) the results of a Working Group convened by Brazil back in 1998; and b) the measures taken by the Brazilian Government following the inclusion of its populations of *Swietenia macrophylla* in Appendix III. In that light, the Working Group created by CoP11 was mandated, among other things, to "review the effectiveness of current and potential Appendix-III listings".
3. The Working Group (WG) met in Santa Cruz de la Sierra, Bolivia, from 3 to 5 October 2001. The report of its findings (Doc. 47) is being submitted to this Twelfth Meeting of the Parties, as requested by CoP11. Some of the conclusions contained in the report must be highlighted:
 - 3.1 "From the information presented in the report by TRAFFIC and from the national reports, it was clear that the countries that had voluntarily included their populations in Appendix III (in particular Bolivia, Brazil and Peru) had in the past three years made considerable progress in the implementation of the Appendix-III listing, and thereby in the effective regulation of harvest as well as national and international trade. **This confirms that there is a benefit from an Appendix-III listing.**
 - 3.2 Some range States, however, have difficulties (in varying degrees) with implementing the listing. **These countries could consider including their populations as well to ensure a more effective implementation of the Convention for the species.** Such an inclusion could in particular eliminate the current confusion regarding the use of the CITES permits and certificates of origin."
 - 3.3 "...illegal trade occurs, although the extent of it differs from country to country. This reflects that **this is an important issue for all countries concerned..**
 - 3.4 "...there are problems with regard to border controls between some range States and/or importing countries. Nevertheless, **all should take adequate measures** to remedy this to the extent possible, recognizing that in certain areas this is not easy, even if sufficient staff is available".
4. The report indicates, furthermore, the need to undertake studies to assess the occurrence of mahogany and also to obtain more accurate information on illegal trade. The WG also requests the Secretariat **"to investigate the possibility of obtaining funds for facilitating the implementation of CITES in range States** with regard to mahogany and other CITES timber species".
5. The Working Group is seeking an extension of its mandate in order to evaluate important issues that were identified at its first meeting – including illegal trade, improvement of information exchange related to international trade between producer and consumer States, and information related to the progress on the management and monitoring of the species – and others the Conference of the Parties might consider opportune. Brazil, who took an active part in the Santa Cruz de la Sierra meeting, fully supports the extension of the mandate of the WG, which, in our view, provides an adequate framework for dealing with the issues related to the conservation of the species.
6. The Santa Cruz de la Sierra meeting made it clear that each range country situation regarding conservation and monitoring of *Swietenia macrophylla* is **differentiated** and Brazil considers that any decision taken on the issue should take this aspect into consideration. It was indicated that some of the problems faced by range States could be addressed through the adoption of internal measures, in the context of an Appendix-III listing. In that sense, Brazil deplores the fact that **some range countries have not yet taken the decision to include its *Swietenia macrophylla* populations in Appendix-III**, as suggested by the WG, in the

understanding that “such an inclusion could in particular eliminate the current confusion regarding the use of the CITES permits and certificates of origin”.

7. It is important to point out that if all range States had included their mahogany populations in Appendix-III, international trade in the species would only be allowed to take place in the conditions stipulated in Article V of the Convention, thereby reducing possibilities of fraud – which does not occur today. On the other side, one could argue that some range countries would not be in a position to implement internal measures to ensure an appropriate level of management by themselves only and that for this reason an Appendix-III listing on the part of those countries might not lead to the expected results. As regards this particular issue, as stated above, the WG pointed out to the need to improve international cooperation with a view to assist countries in that situation. Brazil is prepared, to the extent of its capacity, to contribute to the global effort towards this goal and, to this same end, Brazil would like to add its voice to those who have expressed the notion according to which those Parties that are in a position to do so should also be prepared to contribute financially in that regard.
8. On the other hand, for the same reasons stated above, **Brazil opposes the proposal put forward by Guatemala and Nicaragua**. Besides not taking into consideration the suggestions contained in the WG meeting report, **the proposal prejudices the results of further work proposed by the WG**, which gathered almost all range States (Belize, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Peru and Venezuela), the major importers (Argentina, the United Kingdom and the United States of America) and representatives of interested intergovernmental and non-governmental organizations.
9. It must also be said that Brazil – as the most important range state for the species – was not consulted by the proponents before the presentation of their proposal nor was it informed by the Secretariat according to the procedure prescribed by Resolution Conf. 8.21. We find this circumstance disturbing and unfortunate since it did not allow Brazil sufficient time to prepare its comments. Actually, the first time Brazil took notice of the proposal was when it was consulted by another Party, which seems to be in direct contravention of the spirit and the letter of the above mentioned Resolution. We deplore this and we make a call that in future occasions the Parties and the Secretariat fully comply with the procedure established by Resolution Conf. 8.21.
10. Besides those objections we are forced to raise on procedural grounds, Brazil also opposes the proposal presented by Guatemala and Nicaragua for the following reasons:
 - 10.1 Mahogany range states experience differentiated situations vis-à-vis the regulation of harvest and control of national and international trade in the species. Brazil, which included its populations of mahogany in Appendix-III back in 1998, has been implementing a series of measures aimed at ensuring its sustainable harvesting. Those measures include the prohibition of exploration outside the context of Sustainable Forest Management Plans – SFMP and the imposition of export quotas. As stated in the proposal, Brazil imposed a total ban on trade in mahogany in October 2001. Brazil is firmly committed to only resume trade in the species after the implementation of a new System for Monitoring and Control of Forest Species-SISPROF, the presentation of which was to be done yesterday **Wednesday 6, at 17h30, at the Extension Centre**. Brazil is willing to cooperate with other interested range States in that regard and we also call for cooperation from the international community at large as regards the areas identified by the Mahogany Working Group. We think an Appendix-II listing would not adequately address the differentiated situations among range States. Actually, the available information indicates that in some cases (including Brazil's), controls either exist or are being put in place in order to ensure a successful implementation of Appendix-III.
 - 10.2 Some of the data contained in the proposal is either vague or does not represent the consensus of the scientific community. On the one hand, some expressions used throughout the text in relation to some of the conclusions arrived at denote the uncertainties surrounding some of the issues and one could argue that such expressions do not belong to studies that intend to command scientific authority. On the other hand, there are a number of studies made by scientists such as Ariel Lugo or the same James Grogan (whose study is presented in support of the allegations made) that point to substantially different conclusions from the ones arrived at by Guatemala and Nicaragua. As an example, we quote a few observations contained in James E. Grogan's PhD thesis on the Life History of Bigleaf Mahogany in Southeast Pará (2001):

- 10.2.1 “Few trees produce large seed crops in any given year...some large trees rarely produced fruit at all”. This seems to be in direct contradiction with the notion according to which “exploration is prejudicial because it reduces production of seeds by removing the most seed productive trees (for example the largest trees)”, contained on page 4 of the proposal. Indeed, Sustainable Forest Management Plans aim to ensure that most seed productive trees (which will not necessarily be the largest or oldest ones, as implied in the proposal) will be maintained.
- 10.2.2 Regarding regeneration, Grogan’s investigations indicated that “...small stem size classes are well-represented compared to large trees, meaning that logged forests retain more “trees of the future” than has been previously reported”.
- 10.2.3 Grogan also states that “...Population structures as represented by size class frequency distributions appear multi-aged at all spatial scales examined, with small trees commonly growing near larges ones, small size classes intermixed with large ones within aggregations, and this pattern repeated among aggregations at local and regional scales...” and that “...Based on this evidence **I conclude that population structures within aggregations are multi-aged in all observed cases..**”. This scientific evidence, which resulted from thorough investigation, is contrary to the supporting statement made by the IUCN/TRAFFIC: “...Mahogany takes from 50 to 120 years to reach commercial size. It generally requires specialized conditions for regeneration and tends to occur in even-aged stands...”.
- 10.2.4 Bearing these conclusions in mind, Brazil challenges the assertion according to which “...There is no seed bank in the soil and because of the prevalence of even-aged stands, harvesting tends to remove 90% of seed trees in one cut (Snook, 2002)”.
- 10.2.5 Grogan also found, with regard to the purposes of seed-bearers in logged areas, that “...Seed trees should be retained to provide seeds for enrichment plantings during future management interventions, **not for the purpose of reseeded logged areas through natural dispersal...**”.
- 10.2.6 These assertions – which do not exhaust some of the evidences Grogan compiled in his study and which could be presented in opposition to some of the main arguments of the proposal – indicate that scientific certainties do not apply to those allegations contained in that proposal, especially as relates to population status and regeneration. At a minimum, they suggest that mahogany habitats may substantially differ from country to country and even from region to region and therefore, in the absence of more detailed studies, all evidence presented must be seen with extreme caution. Besides Grogan’s paper (whose conclusions are mentioned on a selective basis in Proposal 50), other scientific studies could be brought forward. Brazil therefore challenges the proposal presented by Guatemala and Nicaragua on scientific grounds, since it suggests the existence of scientific certainties around issues that are still surrounded by uncertainties, on the one hand, and upon which experts and scientists do not concur unanimously, on the other.
- 10.3 Brazil finds that the following statement contained in the proposal is both inaccurate and misleading: “...Mahogany **is now commercially extinct** in Mato Grosso, south-eastern Pará, Rondonia and Tocantins, east of the Cuiabá-Santarém highway and west of BR-364 in the States of Amazonia and Acre (Grogan, 2001)...”. Considering the population trends provided by natural regeneration of the species in those regions (Grogan, 2001), any management plan demands a minimum of 30 years cycle before another round of commercial exploration might take place in the same area. Since the proposal itself recognizes that in Brazil “...intensification of exploration has occurred only in a recent decades...”, it is clear that it is not yet time for a second run of commercially sized trees from those areas, which is completely different from commercial extinction.
- 10.4 At the same time, Brazil cannot accept the argument presented on page 4 of the proposal according to which plantations “...cannot compete with low-priced wood from natural forests, which is unsustainable...”. This relates exclusively to a trade issue that has to do with competition and effectiveness, and should not be used to justify an Appendix II proposal. Secondly, from a scientific and economic point of view, the idea that the exploration of natural forests is unsustainable is both mistaken and misleading. On the contrary, Brazil firmly believes that natural forests can be sustainable used, to the

benefit of local communities in special, if their products are duly valued, in the context of sustainable forest management plans.

10.5 Indeed, the main reason for opposition to the said proposal, however, is that Brazil is convinced that control and monitoring of the species, as well as its sustainable exploration, can only be achieved through a strong system aimed at ensuring Government control along all the custody line, on the basis of **Sustainable Forest Management Plans**. This was recognized by the WG which recommended: "...Range States should enforce their control mechanisms, improve communications between national CITES authorities and national forestry organizations and, to the extent possible, establish tracking procedures from the moment of harvest to the moment of export of internal use..." The SISPROF is aimed at that. We think this is the only way to **reconcile conservation with** the need to ensure that sustainable use of forest resources takes place under conditions that are both **sustainable and beneficial, specially to local communities**, who depend on it for their livelihoods, without any further trade hindrances.

11. Therefore, Brazil encourages the Parties to this Convention, upon making a decision on this matter, to give serious consideration to the efforts undertaken by those countries that have already listed their Mahogany populations in Appendix-III and that are reinforcing their ability and capacity to comply with the obligations of Article V.