

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



Fourteenth meeting of the Plants Committee
Windhoek (Namibia), 16-20 February 2004

Other issues resulting from PC13

REPORT OF THE BIGLEAF MAHOGANY WORKING GROUP (DECISION 12.21)

1. This document has been prepared by the Secretariat.
2. Decision 12.21 of the Conference of the Parties states that:
 - a) *The Swietenia macrophylla Bigleaf Mahogany Working Group shall be maintained.*
 - b) *The Secretariat shall reconvene the Working Group, subject to the availability of external funding.*
 - c) *The Working Group shall discuss the capacities needed for the implementation of the Appendix-II listing of Swietenia macrophylla, related to sustainable harvest and scientifically based non-detriment findings and shall review the recommendations contained in Annex 3 to these Decisions.*
 - d) *This Working Group shall report to the Conference of the Parties at its 13th meeting.*
3. The second meeting of the Working Group was held in Belem (Brazil) from 6 to 8 October 2003.
4. Participants in the meeting included delegates from 14 of the 17 range States of *Swietenia macrophylla*, and from two of the main importing countries, a representative from the Plants Committee; the International Tropical Timber Organization; and the CITES Secretariat.
5. The meeting was generously supported by the Government of the United Kingdom of Great Britain and Northern Ireland; the US Fish and Wildlife Service; the US Environment Protection Agency; the US Department of Agriculture, Forestry Service; the International Tropical Timber Organization; the Brazilian Ministry of Environment and IBAMA, the Brazilian CITES Management Authority.
6. The recommendations formulated by the Working Group at its second meeting are attached as an Annex (English only). The Plants Committee may wish to review and prioritize these recommendations, and provide practical advice on their implementation. The Secretariat proposes to further edit and condense the recommendations of the Working Group, and to produce a shortlist of priority actions.



MWG2

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

Second meeting of the Bigleaf Mahogany Working Group
Belem (Brazil), 6-8 October 2003

PRIORITY MEASURES AND RECOMMENDATIONS ON THE IMPLEMENTATION OF DECISION 12.21

Sustainable management and scientifically based non-detriment findings

With respect to the making of non-detriment findings for trade in *Swietenia macrophylla* in compliance with Article IV of the Convention

1. The group recognized that the management unit is the most appropriate for making a non-detriment finding. This was accepted for three reasons. The sustainable management of mahogany is dependent on both how mahogany is harvested and the number and character of the mahogany trees left in the residual stand. Secondly, a national determination of non-detriment would require recurring national inventory that is currently unattainable and would not verify local harvesting practices. Thirdly, annual harvest and/or exportation quotas do not, as such ensure the conservation of the species. The Working Group recommends that only wood originating under Management Plans should be accepted for export under Appendix II and that the Management Plans should include, as a minimum, the following components:

Management Plan Components

A forest plan and verification of its implementation
Commercial forest census, at a minimum of the area before an annual entry
Mapping of commercial and sub-commercial trees (submitted in the Operational Plan)
Identification of seed-producing trees and minimum density of seed-producing trees retained per hectare following harvesting
Minimum felling diameter
Verified post logging monitoring to account for individual trees planned for the next harvesting cycle, regeneration and seed tree retention
Promotion of mahogany regeneration

2. By the time of CoP13, non-detriment findings should be prepared for mahogany originating in managed areas, and these should include the items listed below. The Working Group requests the support of the CITES Secretariat in implementing this task.
 - a) The general management plan must have a mahogany specific content-
 - b) Inventory with location of trees of commercial and sub-commercial size, in order to give quantitative information on density, population structure, distribution over the area and specified cycle and levels of future fellings to maintain the economic viability of the forest area.

- c) Definition of minimum felling diameter limits which will retain enough trees to give a second harvest during the next felling cycle.
- d) Retention of enough trees greater than the minimum felling diameter limit to ensure the reproductive regeneration of the stand after the felling (seed-producing trees). This level must be at least 20% of the original commercial density, unless this reduces the population density below 1 tree/50 ha (0.02/ha), or a maximum distance between trees of one kilometre.
- e) Application of forestry practices promoting the growth of individual trees that will grow into future harvests, i.e. sub-commercial trees and natural regeneration (seedlings), and application of artificial regeneration practices (enrichment) when necessary in order to augment areas of low population density.
- f) Periodic audits to ensure plans are carried out.
- f) Acceptance by the owner of a mechanism to assure the retention of the forest stand, with fines for conversion of the land to other purposes, and so on.

The MWG should prepare, before May 2004, a proposal on the linkage between management plans and non-detriment findings to be presented at the COP13.

With respect to developing national and regional sustainable management programmes for *Swietenia macrophylla*

3. Considering that:

- a) it is desirable to know the population and distribution of mahogany in each range State of the species;
- b) the forest inventory is a tool by which the population, condition and commercial potential of mahogany in forests can be known and monitored;
- c) few of the range States of the species have such inventories;
- d) the Parties can use such inventories as a tool for long-term planning, policy and forestry investment; and
- e) in most of the range States of the species, the information on mahogany distribution and population basically comes from Management Plans,

the Working Group concludes that, although not needed to make a non-detriment finding, it is important to carry out studies and to promote programs to determine and monitor the distribution, population numbers and genetic conservation of mahogany in each country and recommends that regional forest inventories should be promoted.

With respect to collating and distributing know-how, expertise and information on *Swietenia macrophylla* management techniques (e.g. silviculture techniques, regeneration programmes)

- 4. The Working Group recommends that Parties, the Secretariat, International Organizations and NGOs consider ways and means to address issues raised in the following list.
 - a) The CITES Secretariat request the CITES Management and Scientific Authorities of each Party to provide a list of all the investigative work related to the topic of mahogany management and a list of all the national experts on *Swietenia macrophylla*.
 - b) Each Party organizes the existing information on local experiences in the area of sustainable management of *Swietenia macrophylla*.
 - c) Range states consider sub-regional workshops to further discuss issues of non-detriment findings, chain of custody and customs controls.

- d) Formulation, in coordination with the CITES regional offices, of training programmes directed towards relevant actors and users on the management of and trade in *Swietenia macrophylla*.
- e) Promotion, in coordination with the authorities of the relevant Parties, of the exchange of experiences among groups and communities which are carrying out Management Plans.
- f) Identification of financial resources in order to support all of the information-distribution and investigative activities proposed.
- g) Making available to the general public the electronic versions of the documents identified, which should be implemented by means of a virtual library.
- h) Development and dissemination of recommendations to the range States of *Swietenia macrophylla*, in order to establish the lines of priority research.
- i) The CITES Secretariat create and consolidate the mahogany web-page.

With respect to national and regional capacities needed for the implementation of the Appendix-II listing of *Swietenia macrophylla*, related to sustainable harvest and scientifically based non-detriment findings: priorities; funding and resource needs; actions to address concerns

5. The Working Group concludes that there is a need for capacity-building in monitoring and management relating to CITES procedures and documents, including management tools, as well as a need to promote exchange of experiences on the conservation and sustainable exploitation of mahogany in producer countries. Additionally, it must be made easier to identify the specific Scientific Authorities for mahogany, and thus the Working Group recommends:
 - a) That details of any specific Scientific Authorities for mahogany be provided to the Secretariat..
6. Considering the need for better documentation on the actions of the Scientific Authorities for mahogany with respect to CITES, and considering that there is a need to incorporate the actions of the CITES Scientific Authorities into actions taken by governments, the Working Group recommends:
 - a) The creation, consolidation and institutionalization of a Mahogany Working Group in each range State of the species, in line with each country's needs. The composition of the Group should include government technical specialists, experts, research institutions and actors involved with the practical activities of forest management.
7. Taking into account the need for exchanges between the Scientific Authorities on advances in the management and conservation of mahogany, the Working Group recommends:
 - a) The promotion of activities in regional exchange workshops on the management of mahogany, such as for example: (a) technical visits and practical field activities, involving scientific, management and technical authorities, (b) participation by the authorities in other events in which there are discussions on mahogany, forest management and application of the relevant legislation.
 - b) The promotion of the exchange of scientific knowledge, identification of areas where further research is still needed, and determination of the strengths and weaknesses of the research institutions with regard to the management, ecology and genetics of mahogany and as regards forest management, in order to define the research priorities for mahogany.
 - c) The use of a matrix based on investigations by and experiences of the Parties (following the working methodology used in drawing up document MWG2 Doc. 8).

Sample table

Topic	Country 1			Country 2		
	Low	Average	High	Low	Average	High
Distribution						
Reproduction						
...						

8. Taking into account the fact that promotion of the conservation of mahogany, and of studies into ecology and genetics, also requires awareness of alternatives and tools making it possible to promote economic development based on forest management applied to mahogany, the Working Group recommends:
 - a) The production of a 'Guide/Manual on Forest Management Practices Relating to Mahogany' incorporating experience and knowledge on ways to produce mahogany in a sustainable way. It is suggested that the documents submitted to the second meeting of the Bigleaf Mahogany Working Group be used as the basis for the Guide.
 - b) The organization of training with technical specialists from various countries in field audit practices, intended to verify that appropriate forest management practices and criteria relating to the harvesting of mahogany have indeed been adopted. Resources should be sought from the CITES Secretariat and from other countries with an interest in supporting this activity. Brazil offers to organize and carry out this field training at the end of 2004.
 - c) The organization of training in the identification of mahogany wood in the field and at ports. Production of a Practical Guide to the Identification of Mahogany Wood and Other Commercial Woods and of a Practical Guide to Botanical Identification in the Field. It is suggested that the Guides in each country should take cognizance of the experience of Colombia (*Manual CITES*) and the experiences of other countries.

9. The Working Group recognizes the capacity to carry out studies on an integrated basis, using resources from international organizations (such as ITTO or FAO) and initiatives related with the subject, like the projects supported by USAID (such as Forestry Transparency, or the US initiatives against illegal logging), and recommends that:
 - a) The producer countries explore sources of funding to support their initiatives, while at the same time the donor countries and organizations identify and undertake to support relevant initiatives.

10. The Working Group has suggested the following general components of national capacity which provide the institutional basis for the making of non-detriment findings:

Components	Tasks/capacities needed
Sustainable forestry management	<ul style="list-style-type: none"> - scientific information supporting management - development of Sustainable Management Plans - implementation of the Management Plans - monitoring of the Management Plans
Monitoring / enforcement	<ul style="list-style-type: none"> - enforcement of the Management Plans - tracking of the chain of custody - frontier checks - prohibitions/penalties/incentives

Implementation at national level, policy development, coordination, communication	<ul style="list-style-type: none"> - CITES findings <ul style="list-style-type: none"> non-detriment legal acquisition Issue of CITES permits and reports Coordination among: <ul style="list-style-type: none"> CITES Authorities (Management and Scientific) CITES Authorities, forestry authorities and other ministries Government with NGOs/industry Government to Government <ul style="list-style-type: none"> Regional/ international Government with international organizations (such as CITES, INTERPOL, ITTO)
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Technical implementation and enforcement issues

With respect to collating and distributing information on national regulations pertaining to harvest of and trade in *Swietenia macrophylla*.

11. Considering the necessity to collate, standardize, and distribute national legal information pertaining to harvest of and trade in the species:
- a) The Working Group has developed a matrix which is intended to gather information on the legal framework, including general rules and technical specifications; whether or not quotas are in existence, contact persons, management incentive systems and penalty systems.

Country	Legal Framework			Incentives	Penalties	Contacts
	General rule	Technical specifications	Quotas			

- b) The range States of the species should list focal points consistent with the provisions of the Convention at the national level in order to collate and summarize this information and send it to the CITES Secretariat.. They should also develop guidelines for completing the matrix.
- c) The Management Authorities should take responsibility for communication to and follow-up with the Secretariat. After summarization and translation, the information should be placed on the CITES website, with links to the complete documents for each country and to the ITTO site.

With respect to the CITES requirements for implementing the Appendix-II listing of the species and controlling international trade in it

12. a) Taking into account,
- i) The difficulties which exist in relation to identification of the species;
 - ii) The needs for capacity-building and training and the necessity of financial support at various levels of the management and monitoring processes;
 - iii) The need for greater interaction and communication between authorities and with strategic allies;
 - iv) The existing training initiatives, tools and documents (identification guides, procedures manuals, publications and other informational and training material, Web pages and

other initiatives undertaken to support the implementation of Appendix II, drawn up by Canada, Colombia, Brazil, the United States of America, the United Kingdom, the CITES Secretariat, CCAD [*Comisión Centroamericana de Ambiente y Desarrollo* – Central American Commission on the Environment and Development] and others), available to the Bigleaf Mahogany Working Group;

- b) The Working Group considers that it is necessary to have regional training plans or projects, identifying priorities and action levels and listing the specific requirements applicable to each region. However, the countries will also be able to define their respective priorities on the basis of the topics listed in the following tables:

Central America and Mexico	
<u>Training needs</u>	<u>Target groups</u>
Training in procedures	Management and Scientific Authorities
Training in procedures and identification	Customs personnel Inspectors Quarantine personnel Police, army Judges and public prosecutors
<u>Support material</u>	
Forestry studies and detection of populations in the region	
Technical and field identification guides	
Awareness-raising campaign (posters, placards, information)	
Educational material (magazines)	
Appendix-II implementation manual	

South America		
<u>Training needs</u>	<u>Target groups</u>	<u>Tools available</u>
General training on the species and wood identification techniques	1, 2, 3, 4, 5	Existing information (national, international, CITES guides Internet)
Mechanisms to establish the chain of custody	1, 2, 3, 4, 5	Experiences from other countries
Skills in the preparation of internal procedures manuals (issue of documents, non-detriment findings)	1, 2	Secretariat evaluation Experiences from other countries
Training in working with the national legal base and CITES requirements	1, 2, 3, 4, 5	Secretariat, reference documents, legal departments, experts
Design of publicity materials and communication strategy	1	Existing examples (magazines, Web pages, CDs)
1 Management and Scientific Authorities 2 Operational and monitoring personnel (inspectors, Customs personnel) 3 Supervisory personnel, mayors. 4 Judges, public prosecutors and experts 5 Users (owners, intermediaries, exporting and importing companies, governmental and non-governmental organizations)		

- b) The Working Group considers that the necessities listed should be incorporated into a training project taking into account the aspects of educational empowerment, theoretical and practical modular design and guides.

- c) The Working Group recommends to the Parties, to NGOs and to the industry that they support these regional training initiatives as a block and identify sources of funding.
- d) The ITTO has a fund for assistance with the preparation of projects and for funding related to the implementation of Appendix II, which it has placed at the disposal of the Parties. The assistance consists of projects of the kind required by the country, and has training components or other needed features. The fund is primarily intended for the leading exporters but is also applicable to other Member States.
- e) The Working Group recommends to the CITES Secretariat that it hold periodic training courses.
- f) The Working Group recommends that the existing tools be used and that new ones be designed in line with the priorities identified.

With respect to communication amongst trading Parties regarding illegal or suspicious shipments, permits or certificates issued, etc.

13. Taking into account the existence of national focal points consistent with the provisions of CITES, as well as the proposal to establish a mahogany section within the CITES Secretariat website, the group considers that those mechanisms already established will support appropriate and effective communication.
- a) The Working Group recommends to the Parties that the CITES Directory be updated immediately when the authorities change, or the contact details change, in order to permit efficient communication.
 - b) Given the necessity to be aware of confiscation data from the other countries so that appropriate measures can be taken, the Working Group recommends to the Parties that the countries of origin be informed when Parties receive illegal shipments and that specific details of cases be communicated.
 - c) If there are doubts as to the destination of confiscated products, the Working Group recommends that the Parties refer to Resolution Conf. 9.10 (Rev.).
 - d) The Working Group is in agreement that problems relating to permits of dubious origin should be resolved bilaterally. Similarly, the group is in agreement that the final destination of confiscated products shall be resolved in accordance with the legislation of the confiscating country.

With respect to illegal and unregulated trade, cross-border movements, border control problems

14. Taking into account the necessity to resolve control-related issues concerning this and other species and with reference to the issues identified and described below:
- a) CITES permits are issued after the ship has been loaded and has set sail. This problem relates not only to mahogany but also to other species and is an obligation on the authorities.
 - i) The Working Group points out that Resolution Conf. 12.3 deals with the topic of permits and recommends that permits should not be issued retrospectively.
 - b) A problem exists relating to the quantity of mahogany that is loaded aboard a ship and the documents available to enforcement officials in the country to which the shipment is destined. It is very difficult for enforcement officials in either the exporting or importing country to determine with accuracy if the cubic volume of wood authorized by a CITES export permit matches the actual amount of wood in the shipment. Also, many CITES documents issued for bigleaf mahogany exports are not properly validated at the time of export as required in Resolution Conf. 12.3.
 - i) The Working Group recommends that information be sent out on the methods of verifying the volume of wood and suggests that additional information be included on shipments of mahogany. There should perhaps also be an Annex on the dimensions of given volumes. The Annex could be a document such as an inventory sheet or dimensional

tally sheet. It is proposed that an amendment to the Resolutions be prepared to require that marks and numbers that typically appear on a shipment of lumber and veneers be written on the CITES export permit in the space provided for "marks and numbers". That information would prove more useful than a bill of lading number to enforcement officials in importing countries.

- c) Countries are not observing the correct unit of measurement to be reported (m³).
- d) Many CITES export documents issued for shipments of bigleaf mahogany are not endorsed by an authorized government official, at the time that the shipment is exported or reexported from the country from which the CITES document was issued. The United States reported that this is a problem of significant magnitude.
 - i) The Working Group recommends that the Parties refer to the Standard CITES Permit format and the instructions related to export endorsement (block #14 of Standard CITES Permit).
- e) Regional cooperation mechanisms and bodies should be used to deal with joint problems. In particular consideration should be given to creating a plan for cooperation at the regional level with OTCA [*Organización del Tratado de Cooperación Amazónica* – Organization of the Treaty for Amazonian Cooperation], the Permanent Secretariat of which is located in Brazil.
 - iii) The Working Group recommends to the Parties to work on the problems internally through their support committees and inter-Authority coordination committees.

15. The Working Group views the topic of the chain of custody as being a very important one for establishing legality and sustainability. Some Parties are already working on this process and require strengthening. There is also a need to secure financial and human resources.

16. With reference to the recommendation for comparison of tabulations with UNEP-WCMC data, the ITTO proposes that account should also be taken of other data of origin from the mahogany trade, in order to compare the matching between exports and imports. The ITTO recommends that collaborative work be pursued with CITES and that this information be shared.

17. The Working Group would wish to point out that further information would be useful to detect illegal trade.

With respect to facilitating implementation and enforcement, and encouraging compliance through e.g. identification guides, training, information exchange and communication, compliance incentives, regulatory reforms, penalties, labelling, exchange of model permits and certificates, etc.

The majority of the points under this heading have already been covered as part of or in parallel with the other points.

18. On the topic of incentives, the Working Group points out the necessity to:

- a) Identify variables and mechanisms to promote such variables.
- b) Take account of the existing initiatives such as the increase in value added or the sale of finished products.
- c) Create or generate prizes for the best forest management (from governmental and non-governmental organizations).
- d) Take part in the related discussions: for example, on the topic of synergies between CITES and the CBD.
- e) Document cases of successful or perverse incentives and share experiences.

- f) The Working Group is in agreement that information on incentives and penalties should be placed on the website.
19. The Parties should send new models of permits, when changes have been made to formats of permits, to the CITES Secretariat.
20. The Working Group recommends that the CITES Secretariat send a Notification to the Parties containing instructions for issuing export and re-export permits and certificates of origin as well as instructions for importing countries on the acceptance of such documents for *Swietenia macrophylla* exported before and after 15 November 2003.
21. The United Kingdom will send to the Parties information on the European Commission initiative on 'Forest law enforcement governance and trade'.

With respect to the scope for regional collaboration, monitoring and harmonization

22. In view of the existing opportunities of regional forums which could be used and action bodies which might give support in aspects related to the implementation of CITES or in securing funds, the Working Group recommends that the Secretariat send a letter to OTCA and CCAD, exploring the possibility of their cooperating with the Bigleaf Mahogany Working Group and CITES, and also enclosing the results of the current meeting.
23. The Bigleaf Mahogany Working Group recommends that it remain in existence and that this be communicated at the next meeting of the Conference of the Parties (CoP13).
24. ITTO has indicated its interest in collaborating in sustainable management and in supporting CITES in achieving the change to sustainability of mahogany.
25. The group recommends that participation by the industry and by non-governmental organizations in that objective be promoted.
26. MWG2 recommended that the participation of NGOs and industry should be encouraged in future activities at the national, regional and international levels, including future meetings of the MWG.

With respect to document MWG2 Doc. 10.1 on the Determination of the definition of *Swietenia macrophylla* Plywood (analysed and discussed at the request of the United States)

27. The Working Group noted the Plants Committee support of the Document on Determination of the Definition of *Swietenia macrophylla* plywood, concluded that the topic requires further discussion and analysis, that there is a need to review the translation into Spanish and that the final proposal will be determined by the Plants Committee. However, the United States proposal was adopted on a provisional basis.