

This document has been submitted by the Chairman of the Plants Committee.

COMMUNIQUÉ FROM THE PLANTS COMMITTEE  
FOR THE INFORMATION OF THE STANDING COMMITTEE

In response to Document SC54 Doc. 31.1 on mahogany published by the CITES Secretariat on its website, where the Plants Committee discovered it after the deadline for submitting documents to be discussed at the 54th Standing Committee meeting, the Plants Committee wishes to transmit the following information and thoughts to the Standing Committee in this information document:

1. The results of the extremely lengthy deliberations on *Swietenia macrophylla* and the recommendations that were formulated and agreed at the 16th Plants Committee meeting in Lima, Peru in July 2006 are attached in the Annex of the present information document (in draft form until approval of the proceedings). These recommendations were adopted with the single abstention of the Representative of North America, due to the lack of consensus in his region.
2. The Plants Committee wishes to express its great concern and surprise at the way Document SC54 Doc. 31.1 has been presented, and at its content. As it makes no mention of the debates that took place during the PC meeting, it could lead to false perceptions of the facts. It could give the impression of a lack of transparency or that the Committee made its decision lightly.
3. The Plants Committee wishes to explain to the Standing Committee that, contrary to deductions that could be drawn from reading document SC54 Doc. 31.1, at its 16th meeting, the PC first thoroughly studied and debated all the information presented by the Chairman of the Working Group on Bigleaf Mahogany (MWG), which had met from 29 June to 1 July 2006 in Lima. The PC then formed a specific working group chaired very objectively, neutrally and efficiently by Canada. This group was given the precise mandate of analyzing and discussing the recommendations and conclusions formulated by the MWG. The group delved into great detail and worked long hours, finally presenting its conclusions to the plenary session of the Plants Committee.
4. The Plants Committee would have greatly appreciated hearing details of the Secretariat's concerns and comments of a legal nature during its 16th meeting. The Chair repeatedly requested the participation of an officer from the Legal Affairs and Trade Policy Unit at the PC meeting, in anticipation of the need to know these aspects and provide the highly desirable aid that could have been offered to the range countries during the meeting. Unfortunately, the Secretariat did not consider any such participation to be pertinent, advising the PC Chair that only the Scientific Support Unit could attend meetings of the scientific committees and the MWG meeting held three days earlier in the same Peruvian city.
5. The range Parties expressed major concerns about placing the species in the Significant Trade Review, for several reasons:
  - a) the short time since its listing on Appendix II, since the inclusion of mahogany in this appendix came into force on 15 November, 2003.
  - b) the notable drop in exports over the last three years, since trade from several range countries (Brazil, Costa Rica, Nicaragua and Panama) was discontinued, or quotas were set (as is the case of Peru).
  - c) the efforts made to meet the obligations resulting from the listing, in terms of gathering scientific information to make non-detriment findings, and the difficulties of all sorts (capacity building, funding, etc.) preventing countries from moving more quickly to fully implement the provisions of Appendix II.

- d) the range Parties that had banned trade in the species would be left out of the first stages of the Review, and would not receive potential aid stemming from the process; aid they urgently need in order to fully comply with the requirements of Appendix II and be able to use this instrument to guarantee sustainability of the species.
  - e) some Parties have a negative view of the Significant Trade Review, as they feel it consumes a large amount of funding and by nature could result in punitive action. It is considered more desirable to first spend these efforts and funding on helping Parties to fully comply with implementation of Appendix II, before having to resort to the Significant Trade Review. This is especially relevant in cases of highly complex species, such as bigleaf mahogany.
6. The Plants Committee recognizes that the Significant Trade Review is an efficient tool, and including the species in the process is an option. The Plants Committee has been evaluating use of this option since its 15th meeting, held in Geneva in 2005.
  7. The 16th PC meeting was a forum for a long, difficult dialogue on whether to include bigleaf mahogany in the Significant Trade Review. After several days of debate, the Committee decided to leave this option open until early in 2008, and seek the best solution in the interest of the species, to reach full commitment on fulfilment of the Plants Committee's recommendations by all range Parties and all other stakeholders.
  8. Furthermore, the Plants Committee considered the existence of the joint project of the CITES Secretariat and the ITTO that was due for submission to the EU for funding. This project, already mentioned by the Secretariat at the 53rd Standing Committee meeting (Geneva, 2005), would attempt to facilitate among other matters, the necessary scientific studies and capacity building for the correct implementation of Appendix II for three CITES-listed timber species, one of which is *Swietenia macrophylla*. This project was approved in September, and will receive 2.3 million Euros from the EU.
  9. To summarize, the Plants Committee, with the abstention of only one representative, agreed on a process involving short- and medium-term measures to successfully implement the Appendix II mahogany listing. This process provides a strict frame of action for all range States to achieve substantial improvements in a reasonable period of time. The Plants Committee's decisions combine the efforts of all stakeholders in management, conservation, and trade in mahogany. Nevertheless, the Committee will again analyze compliance with the commitment made by the Parties in Lima, and, in the first part of the year 2008, will reconsider whether it would be appropriate to include the species in the Significant Trade Review.
  10. Among the short-term recommendations formulated by the Plants Committee, the CITES Secretariat was asked to raise the issue of mahogany enforcement and compliance problems at this meeting (SC54). In this regard, strict observance of the procedure outlined in Resolution Conf. 11.3 (Rev. CoP13), which establishes the process for implementing Article XIII of the Convention, is to be expected.
  11. The Plants Committee is deeply saddened by the Secretariat's request to the Standing Committee for the SC to instruct the Plants Committee to reconsider its (PC's) recommendations and to agree to include the species in the Significant Trade Review process by the postal procedure. The Secretariat would better fulfil its advisory role by cooperating with the scientific committees and helping them make decisions, whereas this request is more easily interpreted as attempting to force a change of position through resort to a higher authority.
  12. The PC representatives who endorsed the recommendations to be followed wish to point out that they fully understand the North American representative's abstention due to the lack of consensus in his region. Furthermore, they reaffirm that inclusion of mahogany in the Significant Trade Review at this time would undermine the level of understanding and cooperation attained at the 16th Plants Committee meeting in Lima.

The observer from Peru, Chairman of the MWG, gave a very detailed presentation of document PC16 Doc. 19.1.1. He remarked that it contained an overview of compliance with the provisions of Decision 13.58 by the *Swietenia macrophylla* range States that had attended the meeting (Bolivia, Brazil, Costa Rica, the Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama and Peru). The document also offered recommendations arranged by thematic areas, and included additional notes on discussions at the meeting held in Lima from 29 June to 1 July 2006, where the USA, UK, Spain, and several representatives from NGOs had also attended.

The Plants Committee took note of document PC16 Doc. 19.1.1 and established a working group (PC16 WG5) to discuss the report from the MWG. The composition of the working group was:

Chairman: Cecilia Lougheed (Canada).

Members: Regional representatives for Central and South America and the Caribbean (F. Mereles and D.I. Rivera), Europe (M. Clemente and G. Frenguelli) observers from Brazil, Guatemala, Mexico, Peru, Spain, the United Kingdom, the United States of America, UNEP-WCMC, European Community, IUCN-The World Conservation Union, Defenders of Wildlife, International Wood Products Association, IWMC-World Conservation Trust, Natural Resources Defense Council, Species Survival Network, TRAFFIC and WWF Peru.

#### Mandate

Under document PC16 Doc. 19.1.1:

- To analyze information on actions taken by range States in conformity with Decision 13.58 and advise on any Plants Committee recommendations to CoP14 arising from them
- To review recommendations formulated by the MWG and propose decisions to be submitted by the Plants Committee to CoP14 on the basis of these recommendations, offering further decisions, if necessary, for the Plants Committee to submit to CoP14 for adoption
- To advise on the possible inclusion of *Swietenia macrophylla* in the Significant Trade Review

Following a long, intense, two-day meeting of the working group, the Chair of PC16 WG5, (Canada) submitted document PC16 WG5 Doc. 1 to the Plants Committee. This document contained a broad set of recommendations.

The Plants Committee listened to the detailed presentation by the Working Group Chair, receiving remarks from range states supporting the general sense of the Working Group that the species should not be subjected to the Significant Trade Review process at this time. The U.S.A., however, was in favour of including it in this process. The EU Representative offered the alternative of accepting the Working Group's recommendations with a series of amendments.

After endless discussion and countless comments, bearing in mind document PC16 WG5 Doc. 1, the Plants Committee adopted the following recommendations:

1. Regarding progress made by the MWG, the Plants Committee considers:
  - a) that some progress has been made by certain States (see document PC16 Doc. 19.1.1), although no Party has fully complied with Decision 13.58. The activities of the MWG have promoted compilation and sharing of existing information, and have resulted in progress in development of inventories and other scientific applications that contribute to making non-detriment findings (NDFs) for mahogany;
  - b) that the format used to report the results of the MWG regarding evaluation of the fulfilment of Decision 13.58 does not adequately reflect the work that each of the countries has prepared;

- c) that in spite of some range States having compiled trade information to estimate existing volumes of mahogany, field-based inventories, distribution statistics and age class information (critical to making NDFs) that are specific to mahogany are not available. In addition, range Parties have not developed effective mechanisms or a standardized approach for making NDFs for mahogany; and
- d) that there is currently no mechanism to systematically compile scientific information gathered by the range States and recommendations made by the MWG to understand the situation at the regional level and support the range States in adequately implementing Article IV of the Convention.
2. Regarding the 15 recommendations made by the MWG in document PC16 Doc. 19.1.1, the Plants Committee agrees to:
- a) endorse the following recommendations (document PC16 Doc. 19.1.1, pages 14-15, Table of order of priority) and submit them for consideration at CoP14: recommendation 1 (with the clarification that for purposes of the work of the PC, the information sharing and capacity building activities shall be related to making non-detriment findings); and recommendations 3, 9, 10, and 12;

RECOMMENDATIONS OF THE MAHOGANY GROUP		AREA
1	Attempt to increase activities relating to information and capacity building among countries, sharing them regionally among mahogany range states, covering the requirements of the different stakeholders (customs, government, police, the legal system) involved in implementing the CITES Appendix II listing of mahogany.	Capacity Building
3	Promote national synergies among producing countries by formally and specifically establishing multi-institutional committees where competent scientific organizations participate, to support Scientific Authorities.	Institutional Strengthening
9	Perform studies of the sawn lumber yield from logs, and on the height-diameter ratio, in order to improve administration and control over mahogany timber.	Studies
10	Foster regional territorial planning for mahogany and validate or verify reports by forestry users, including periodic studies on ecology and growth dynamics.	Studies
12	Analyze the possibility of giving CITES species special treatment in technical standards, such as census-taking based on smaller diameters than the minimum cutting size to determine stocks of remaining trees, setting minimum cutting diameters, percentage of remaining trees that should be left, and harvesting techniques.	Regulation

and

- b) forward to the Standing Committee the following recommendations on compliance and enforcement for its consideration: Recommendation 1 (information sharing and capacity building activities related to compliance and enforcement); and recommendations 7, 11, 13 and 15.

RECOMMENDATIONS OF THE MAHOGANY GROUP		AREA
1	Attempt to increase activities relating to information and capacity building among countries, sharing them regionally among mahogany range states, covering the requirements of the different stakeholders (customs, government, police, the legal system) involved in implementing the CITES Appendix II listing of mahogany.	Capacity Building
7	Request producing countries to make an extra effort to control volumes of CITES-listed timber species, especially in comparison with volumes of past years.	Regulation
11	Call upon the relevant national authorities to ensure their institutions take on the defence of professionals who are prosecuted in fulfilment of duties to implement CITES regulations.	Institutional Strengthening
13	Countries should reach synergies between the public and private sectors in order to obtain accreditation of the legal provenance of the timber.	Information Systems
15	Suggest that countries take measures to avoid legal regulations being used to encourage trade in timber from illegally felled trees.	Regulation

Recommendations presented by the MWG not included in items a) and b) above are currently included in the revised Decision 13.59 to be proposed at CoP14.

3. In addition to the recommendations contained in the MWG report, the Plants Committee recommends the following short- and mid-term actions directed to the Plants Committee, the Parties or the Secretariat:

- a) Recommendations to be addressed in the short-term (next 6 months); urgent matters:
- i) Directed to the Plants Committee: support the development of further guidance to exporting countries regarding elements necessary for making NDFs for timber species.
  - ii) Directed to the Plants Committee: support the organization of a workshop on NDFs for timber species (focused on identifying the necessary information for making and documenting a NDF).
  - iii) Directed to Parties: by 30 November 2006, Parties shall submit a report to the MWG, in a format agreed to by the PC Chairman or the Plants Committee, detailing fulfilment of Decision 13.58. The MWG will compile these reports and forward them to the Plants Committee for inclusion in its own report to CoP14.
  - iv) Directed to Parties: emphasize the importance of no mahogany export occurring without a NDF made by the Scientific Authority of the State concerned, based on valid, sound scientific information.
  - v) Directed to Parties: emphasize that no export shall take place without evidence of the legal origin of the timber.
  - vi) Directed to Parties: importing countries should refuse mahogany shipments accompanied by CITES export permits issued under a court order, unless the importing country can confirm that a NDF has been made by the Scientific Authority of the country of origin.

- vii) Directed to the Secretariat: raise the issue of mahogany enforcement and compliance problems at SC54.
  - viii) Directed to the Secretariat: investigate the high volume of mahogany imports from the Dominican Republic.
  - ix) Directed to the Secretariat: update website links on mahogany in order to provide all the information generated by meetings of the MWG and other fora for use by the range countries.
  - X) Directed to the Parties: export quotas should be based on sound, valid scientific information.
- b) Mid-term recommendations, to be submitted at CoP14 for adoption as new decisions and amendments to current Decisions 13.55 to 13.59:

*Directed to Parties*

- i) Bigleaf mahogany range states, in cooperation with importing countries and international organizations, should develop a strategic action plan for the region to address: NDFs, legal origin, compliance and enforcement issues. The strategy should include the 15 recommendations made in the report of the MWG (document PC16 Doc. 19.1.1) and mechanisms to ensure adequate implementation and enforcement. Progress on implementation should be reported to the Plants Committee and at the 15th meeting of the Conference of the Parties.

*Directed to the Secretariat*

- ii) The Secretariat shall seek funding to facilitate production of guidelines for making NDFs for timber species. The guidelines should reflect the detailed information contained in document MWG2 Doc. 7.
- iii) Amend Decisions 13.55 to 13.59 as follows:

*Directed to the Plants Committee*

- 14.XX The Plants Committee shall discuss and review progress on the implementation of the strategic action plan for the region.
- 14.XX At its 17th meeting, the Plants Committee shall analyze the reports presented by the range States and progress made in implementing Decision 13.58, and review the need to include the species in the Significant Trade Review.
- (13.55) The Bigleaf Mahogany (*Swietenia macrophylla*) Working Group shall continue its work under the Plants Committee. The Working Group shall primarily comprise the range states of the species, the main importing countries and at least one member of the Plants Committee.
- (13.56) The Plants Committee shall present a report at the 15th meeting of the Conference of the Parties on the progress made by the Working Group.

*Directed to the Standing Committee*

- 14.XX The Standing Committee shall address the issue of compliance and enforcement with respect to *Swietenia macrophylla* at each of its meetings between its 57th meeting and the 15th meeting of the Conference of the Parties, and recommend appropriate action.

The current decisions shall be amended as follows, and submitted for the consideration of CoP14.

*Directed to Parties*

- (13.57) The member countries of the Bigleaf Mahogany Working Group should attempt to ensure their representatives' attendance at Working Group meetings, as well as the presence of at least one of the PC representatives from the range States.
- (13.58) In order to facilitate the making of non-detriment findings, the *Swietenia macrophylla* range states should:
- a) prioritize the preparation, adoption and implementation of national and sub-regional forest management plans, including specific requirements for mahogany, as outlined in document MWG2 Doc. 7;
  - b) develop and conduct forest inventories enabling species-level identification and analysis of data on *Swietenia macrophylla*, as well as programmes to monitor mahogany distribution, population size and conservation status, incorporating the three basic requirements for non-detriment findings highlighted in document MWG2 Doc 7;
  - c) design capacity-building programmes in monitoring and managing CITES-related processes and documents. This activity might also involve assistance from the Plants Committee and the Secretariat;
  - d) submit progress reports on implementation of this decision to the Secretariat no later than 90 days before the 17<sup>th</sup> meeting of the Plants Committee, so that the Secretariat may include them in a report it will present at that meeting; and
  - e) establish working groups at the national, sub-regional and regional levels to implement the present Decision.

*Directed to Parties, the Secretariat and intergovernmental and nongovernmental organizations and the bigleaf mahogany importing and exporting industries*

- (13.59) Parties (importing and exporting), the CITES Secretariat and intergovernmental and non-governmental organizations shall seek ways to share information by organizing regional workshops, capacity-building programmes, exchange of experiences and identification of funding sources to assist exporting countries with activities, training, studies, and capacity building. Attempts should be made to gain support, in the form of funding from import and export firms, for such capacity building activities.

It was observed that many of these recommendations were similar to those that might be made if *Swietenia macrophylla* were to be placed in the Significant Trade Review, that the best way to ensure their effective implementation was to subject the species to this process, and that this would draw the necessary political attention to management of the species. However, several *Swietenia macrophylla* range states opposed the inclusion, Peru claiming that it would cause difficulties for concession owners and exporters.

The Plants Committee, with the abstention of the PC representative of North America, decided not to include *Swietenia macrophylla* in the Significant Trade Review at this moment in time.