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Appendix III...?

Of the Convention's three species lists, Appendix III is by far the least known, least used and most poorly understood. The primary focus of CITES will always be on Appendices I and II, as cooperation on the regulation of international trade in those species is the essence of the Convention. However, CITES, through its Appendix III, also invites Parties that support of the national efforts of countries that wish to prevent or restrict the exploitation of specific species occurring within their territory but that do not necessarily merit inclusion in the other Appendices.

Anticipating instances where a nationally protected species would benefit from such cooperation, the drafters of the Convention created within the Convention the possibility to use, when

appropriate, measures similar to the United States of America's Lacey Act. Passed in 1900, the Lacey Act is one of the world's first wildlife trade laws. This Act prohibits import, export, transportation, sale, receipt, acquisition, or purchase of "fish, wildlife, or plants" that are taken, possessed, transported or sold in violation of any national or, very importantly, any foreign law. The Act was designed to strengthen national laws and provide assistance to foreign Governments in the enforcement of their wildlife laws.

The challenge is knowing whether foreign laws are transgressed. CITES provides the legal framework and common procedural mechanisms that help Parties determine when trade is legal and in accordance with its provisions. Listing a species in a CITES Appendix allows a country to apply its laws to prevent trade in that species if it is not in accordance with the laws of the State of origin.

However, 30 years after the Convention was signed, Appendix III remains little used. The list contains only some 300 species (one per cent of all CITES listings), most of which have never been recorded in international trade. Only 21 Parties, 12 of whom have listed less than five species, have listed these. Is there no real need for the provisions of this Appendix? Or is this an example of its judicious application? Indeed, having many species listed in Appendix III could seriously undermine its usefulness by unnecessarily complicating existing regulatory measures for species that ultimately do not need such attention.

Whatever the answer, there is insufficient awareness of Appendix III and how it contributes to the work of the Convention. This 11th edition of *CITES World* examines this seemingly forgotten list, looking at the current level of trade in Appendix-III species, and what makes for a suitable listing. Articles from Canada, Indonesia, New Zealand and TRAFFIC present views on the contribution Appendix III has made to national conservation efforts. This edition also looks at Appendix III and national CITES legislation, and how the CITES Secretary-General considers the future of this interesting, if obscure, conservation mechanism.

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What is Appendix III and how does it work?

Appendix III provides a mechanism that allows a Party to obtain assistance from other Parties for controlling international trade in specimens of certain species within their jurisdiction. Appendix III contains species that are protected in at least one country, which has asked other CITES Parties for assistance in controlling the trade.

An export permit must accompany specimens in trade from the Party that listed the species, and a certificate of origin must accompany specimens being exported from other range States. In cases where only the populations of a species of certain countries are included, the other populations of these species are excluded from the Appendices and therefore specimens from them are exempt from certificate requirements.

All trade in Appendix-III specimens must conform to the provisions of the Convention that apply. There are, however, important differences between the provisions for trade in Appendix-III specimens and those for trade in specimens included in Appendices I and II.

The export of Appendix-III specimens does not require a non-detriment finding from the Scientific Authority before the Management Authority may authorize it. In the case of certificates of origin, there is no requirement in the text of the Convention that specimens must have been obtained in accordance with the laws of that State for the protection of fauna

and flora. Another difference is that although a 'specimen' of a plant species in Appendix I or an animal species in Appendix I or II includes any readily recognizable part or derivative thereof, Appendix III only includes the parts or derivatives specified in the listing.

The re-export of a specimen of an Appendix-III listed species requires only a certificate stating the specimen was processed in the State issuing the certificate or is being re-exported.

Article XVI states that any Party may at any time submit to the Secretariat a list of species for inclusion in Appendix III. Such species must be subject to regulation within the Party's jurisdiction, and parts and derivatives to be included in the listing must be specified at that time. A Party may also withdraw a species it has listed in Appendix III at any time.

Parties adopted additional guidance on inclusion of species in Appendix III in Resolution Conf. 9.25 (Rev.), recommending a wider consultation with other range States and the Animals Committee or the Plants Committee before considering adding a species to Appendix III. The Parties also recommend timing the inclusion of Appendix-III species with the publication of Appendices I and II after meetings of the Conference of the Parties, to facilitate the adoption of changes in the Appendices in national legislation.

Exemptions and other special provisions for Appendix-III specimens are similar to derogations available for Appendix-I and -II specimens, though all personal and household effects derived from Appendix-III species are exempt from the provisions of CITES, without exception.

The Secretariat

Differences in provisions relating to species included in Appendix III and in Appendices I and II

Provision	Appendices I and II	Appendix III
Non-detriment finding by a Scientific Authority	Required for export permit	Not required for export permit
Specimens must not have been obtained in contravention of the laws of the State of export for the protection of fauna and flora	Required for trade under an export permit	Required for trade under an export permit; not required for trade under a certificate of origin (however national legislation may require this)
'Specimen' includes any readily recognizable part or derivative thereof	Yes for Appendix-I and -II animals and Appendix-I plants	Only includes the parts or derivatives specified in the listing
Exemption for personal and household effects	May or may not apply, depending on the Appendix and origin and whether the specimens are being imported into the owner's State of usual residence	All personal and household effects are exempt

Appendix-III listed species and types of specimens recorded in international trade in 2001

(Source: UNEP-WCMC trade database)

Species (Countries that have listed the species in Appendix III)	Types of specimens in trade
FAUNA	
CLASS MAMMALIA	
<i>Idiurus macrotis</i> (Ghana)	specimens
<i>Hystrix cristata</i> (Ghana)	live, trophies, quills
<i>Dasyprocta punctata</i> (Honduras)	live
<i>Canis aureus</i> (India)	skins
<i>Nasua nasua</i> (Uruguay)	live
<i>Potos flavus</i> (Honduras)	live
<i>Mellivora capensis</i> (Botswana, Ghana)	live, skins, skulls, trophies
<i>Mustela altaica</i> (India)	live, skins, trophies, garments, hair
<i>Mustela erminea ferghanae</i> (India)	trophies
<i>Mustela sibirica</i> (India)	skins, trophies, garments, hair
<i>Arctictis binturong</i> (India)	live
<i>Civettictis civetta</i> (Botswana)	live, trophies, skulls, skins
<i>Paguma larvata</i> (India)	live
<i>Paradoxurus hermaphroditus</i> (India)	live
<i>Viverricula indica</i> (India)	hair
<i>Proteles cristatus</i> (Botswana)	live, trophies, skulls, skins
<i>Odobenus rosmarus</i> (Canada)	carvings, bones, teeth, tusks, skins
<i>Antilope cervicapra</i> (Nepal)	live, skins, skulls, trophies
<i>Bubalus arnee</i> (Nepal)	skins, skulls
<i>Damaliscus lunatus</i> (Ghana)	skins, skulls, trophies
<i>Gazella dorcas</i> (Tunisia)	skins, skulls, trophies
<i>Gazella leptoceros</i> (Tunisia)	live
<i>Tragelaphus eurycerus</i> (Ghana)	live, skins, skulls, trophies
<i>Tragelaphus spekii</i> (Ghana)	live, skins, skulls, trophies
CLASS AVES	
<i>Bubulcus ibis</i> (Ghana)	live, trophies
<i>Casmerodius albus</i> (Ghana)	feathers
<i>Egretta garzetta</i> (Ghana)	live
<i>Ephippiorhynchus senegalensis</i> (Ghana)	live
<i>Leptoptilos crumeniferus</i> (Ghana)	live
<i>Bostrychia hagedash</i> (Ghana)	live, specimens
<i>Threskiornis aethiopicus</i> (Ghana)	live, specimens
<i>Alopochen aegyptiaca</i> (Ghana)	live, feathers, skins, trophies, meat
<i>Anas acuta</i> (Ghana)	live, feathers, trophies
<i>Anas capensis</i> (Ghana)	live
<i>Anas clypeata</i> (Ghana)	live, feathers, trophies, specimens
<i>Anas crecca</i> (Ghana)	live, feathers, trophies, specimens
<i>Anas penelope</i> (Ghana)	live, feathers, trophies, specimens
<i>Anas querquedula</i> (Ghana)	live, specimens
<i>Aythya nyroca</i> (Ghana)	live
<i>Cairina moschata</i> (Honduras)	feathers
<i>Dendrocygna autumnalis</i> (Honduras)	live
<i>Dendrocygna bicolor</i> (Ghana, Honduras)	live, trophies
<i>Dendrocygna viduata</i> (Ghana)	live, trophies
<i>Nettion auritus</i> (Ghana)	live
<i>Plectropterus gambensis</i> (Ghana)	live, trophies, specimens, meat
<i>Sarcoramphus papa</i> (Honduras)	live, feathers
<i>Crax globulosa</i> (Colombia)	live, feathers
<i>Pauxi pauxi</i> (Colombia)	live, feathers
<i>Penelope purpurascens</i> (Honduras)	feathers
<i>Penelopina nigra</i> (Guatemala)	live
<i>Agriocharis ocellata</i> (Guatemala)	live
<i>Lophura erythrophthalma</i> (Malaysia)	live, specimens
<i>Lophura ignita</i> (Malaysia)	live, skins, specimens
<i>Polyplectron inopinatum</i> (Malaysia)	live
<i>Rollulus rouloul</i> (Malaysia)	live
<i>Tragopan satyra</i> (Nepal)	live, feathers, skins
<i>Columba guinea</i> (Ghana)	live, specimens, trophies
<i>Columba livia</i> (Ghana)	live
<i>Oena capensis</i> (Ghana)	live
<i>Streptopelia senegalensis</i> (Ghana)	live, trophies
<i>Streptopelia turtur</i> (Ghana)	specimens



<i>Treron calva</i> (Ghana)	live
<i>Treron waalia</i> (Ghana)	live
<i>Turtur abyssinicus</i> (Ghana)	live
<i>Turtur afer</i> (Ghana)	live
<i>Turtur brehmeri</i> (Ghana)	live
<i>Turtur tympanistria</i> (Ghana)	live
<i>Psittacula krameri</i> (Ghana)	live
<i>Corythaëola cristata</i> (Ghana)	live
<i>Crinifer piscator</i> (Ghana)	live
<i>Musophaga violacea</i> (Ghana)	live
<i>Serinus canicapillus</i> (Ghana)	live
<i>Serinus leucopygius</i> (Ghana)	live
<i>Serinus mozambicus</i> (Ghana)	live, specimens
<i>Amadina fasciata</i> (Ghana)	live
<i>Amandava subflava</i> (Ghana)	live
<i>Estrilda astrild</i> (Ghana)	live
<i>Estrilda caerulea</i> (Ghana)	live
<i>Estrilda melpoda</i> (Ghana)	live
<i>Estrilda troglodytes</i> (Ghana)	live
<i>Lagonosticta rubricata</i> (Ghana)	live
<i>Lagonosticta rufopicta</i> (Ghana)	live
<i>Lagonosticta senegala</i> (Ghana)	live
<i>Lagonosticta vinacea</i> (Ghana)	live
<i>Lonchura bicolor</i> (Ghana)	live
<i>Lonchura cantans</i> (Ghana)	live
<i>Lonchura cucullata</i> (Ghana)	live
<i>Lonchura fringilloides</i> (Ghana)	live
<i>Mandingoa nitidula</i> (Ghana)	live
<i>Nesocharis capistrata</i> (Ghana)	live
<i>Nigrita bicolor</i> (Ghana)	live
<i>Oryzopsis atricollis</i> (Ghana)	live
<i>Pyrenestes ostrinus</i> (Ghana)	live
<i>Pytilia hypogrammica</i> (Ghana)	live
<i>Pytilia phoenicoptera</i> (Ghana)	live
<i>Spermophaga haematina</i> (Ghana)	live
<i>Uraeginthus bengalus</i> (Ghana)	live
<i>Euplectes afer</i> (Ghana)	live
<i>Euplectes ardens</i> (Ghana)	live, specimens
<i>Euplectes franciscanus</i> (Ghana)	live
<i>Euplectes hordeaceus</i> (Ghana)	live
<i>Euplectes macrourus</i> (Ghana)	live
<i>Passer griseus</i> (Ghana)	live
<i>Ploceus cucullatus</i> (Ghana)	live
<i>Ploceus heuglini</i> (Ghana)	live
<i>Ploceus luteolus</i> (Ghana)	live
<i>Ploceus melanocephalus</i> (Ghana)	live
<i>Ploceus vitellinus</i> (Ghana)	live
<i>Quelea erythrops</i> (Ghana)	live, specimens
<i>Sporopipes frontalis</i> (Ghana)	live
<i>Vidua chalybeata</i> (Ghana)	live
<i>Vidua macroura</i> (Ghana)	live, specimens
CLASS REPTILIA	
<i>Trionyx triunguis</i> (Ghana)	live
<i>Pelomedusa subrufa</i> (Ghana)	live
<i>Pelusios castaneus</i> (Ghana)	live, specimens
<i>Pelusios gabonensis</i> (Ghana)	live
<i>Pelusios niger</i> (Ghana)	live
<i>Cerberus rhynchops</i> (India)	live
<i>Xenochrophis piscator</i> (India)	live, specimens
<i>Agkistrodon bilineatus</i> (Honduras)	live
<i>Bothrops asper</i> (Honduras)	live
<i>Crotalus durissus</i> (Honduras)	live, specimens, derivatives
<i>Vipera russellii</i> (India)	live, skins, garments
FLORA	
<i>Cedrela odorata</i> (Colombia; Peru)	sawn wood
<i>Swietenia</i> spp.	carvings
<i>Swietenia macrophylla</i> (Bolivia, Brazil, Costa Rica, Colombia, Mexico, Peru)	sawn wood, veneer, timber, live
<i>Gonystylus</i> spp. (Indonesia)	sawn wood

*CITES and the conservation of the Atlantic walrus (*Odobenus rosmarus rosmarus*)*

Introduction

Walruses (*Odobenus rosmarus* Linnaeus, 1758) belong to the Order Pinnipedia and are the only living representatives of the Family Odobenidae. Walruses have a discontinuous circumpolar distribution, within which three sub-species occur. The Pacific walrus (*O. r. divergens*) and Laptev walrus (*O. r. laptevi*) do not typically occur in Canada, being distributed from eastern Russia to Alaska. The Atlantic walrus (*O. r. rosmarus*) is distributed throughout the eastern Canadian arctic and sub-arctic. The Atlantic walrus is of great cultural significance to Canadian Inuit, who have hunted them for centuries.

Male Atlantic walruses can grow to about 3 m in length and over 900 kg in weight; females are slightly smaller. In addition to their size, walruses are easily recognized by their ivory tusks, which first appear at about two years of age. Both male and female walruses have tusks, which they use to haul themselves across the ice or up the sides of ice floes, and to create breathing holes in the ice. Walruses also use their tusks as weapons, and have been known to attack small boats and pierce the hulls with their tusks. Walruses routinely haul out onto ice or land in all seasons and show a high degree of fidelity to haul-out sites and feeding areas. Walrus distribution is thought to be influenced not only by the availability of haul-out sites, but also by the location of shallow water (<100m) areas, in which their main food items (bivalve mollusks and other benthic invertebrates) are found. Some walruses also eat seals, a behaviour that may be more common when they do not have access to shallow water areas.

Walrus management in Canada

Canadian Atlantic walruses are managed by Fisheries and Oceans Canada (DFO) under the authority of The Fisheries Act and the Marine Mammal Regulations. In practice, DFO co-manages walrus stocks with wildlife resource management boards set up under aboriginal land claims. In the Canadian territory of Nunavut, the Nunavut Wildlife Management Board (NWMB) was created when the Nunavut Land Claims Agreement (NLCA) was signed in 1993. Under the terms of this agreement,

the Government retains the ultimate responsibility for wildlife management, but the NWMB is the main instrument of wildlife management and the main regulator of access to wildlife in the Nunavut Settlement Area (NSA). Walrus hunting in Nunavut is conducted subject to the terms of the NLCA and is regulated by the federal Marine Mammal Regulations. Within boundary areas of Nunavut known as Areas of Equal Use and Occupancy, northern Quebec (Nunavik) Inuit share wildlife resources and participate in wildlife management through membership on the NWMB (NLCA, S.40.2.14). Within northern Quebec, the interests of Nunavik Inuit are represented by Makivik Corporation, with whom DFO manages walrus hunted by Inuit in the communities of eastern Hudson Bay and Hudson Strait.



Photo: A. Ryan, Fisheries and Oceans Canada

Atlantic walrus (*Odobenus rosmarus rosmarus*)

Walruses were hunted commercially until the early 1900s, but since 1928 only subsistence hunting by aboriginal peoples has been permitted. An Inuk or Indian may take up to four walrus in a year without a license, unless a community quota is in place. Non-aboriginals may only hunt walruses under a license issued by DFO. In recent years, some walrus-hunting communities have expressed an interest in sport hunting. Since Inuit in Nunavut may assign their individual hunting rights to others, the NWMB reviews walrus sport hunting applications submitted annually by communities in both Nunavut and Nunavik (northern Quebec). The NWMB is currently reviewing the quota system and considering new ways of managing the walrus hunt.

Review of trade

Canada first listed the Atlantic walrus on CITES Appendix III in 1975, in order to monitor international trade levels. In 1987 the Committee on

the Status of Endangered Wildlife in Canada (COSEWIC) reviewed the status of the Atlantic walrus, and placed all Canadian Atlantic walrus stocks in their “Not at Risk” category. The same year, CITES reviewed the Appendix-III status of the Atlantic walrus and concluded that international trade levels did not warrant an increased level of protection.

Fisheries and Oceans Canada issues CITES Export Permits on behalf of Environment Canada, for species managed under the Fisheries Act. DFO recently reviewed the most recent 10-year period of CITES Export Permit issuance (1992-2001) to determine whether international trade in walrus products has changed significantly. A total of 181 CITES Export Permits were issued over the 10-year period. International shipments were lowest in 2001 (eight permits) and highest in 1999 (26 permits). Walrus exports comprised about 20% of the average total number of permits issued annually by DFO. Walrus products exported included raw and worked ivory, worked bone, hides, bacula and other raw bones, scientific exports and pre-Convention items. Walrus products were exported to 26 countries worldwide.



Photo: R. Stewart, Fisheries and Oceans Canada

Atlantic walrus (*O. r. rosmarus*) fitted with a satellite transmitter

Walrus ivory, a by-product of the Inuit subsistence hunt, is the most common walrus product in international trade. Walrus ivory is exported as either raw tusks or teeth, or as carved

figurines or jewelry items which are traded individually or as part of larger works of sculpture. Walrus ivory is also traded in the form of dried skulls with attached tusks. During the 1992-2001 period, 50 skulls with attached tusks and 366 dried raw ivory tusks were exported. It is not possible to estimate the amount of ivory used to produce individual worked ivory pieces, since these items ranged in size from small jewelry items (e.g. rings or earrings) to figures carved from walrus teeth or tusks. Exports of other Atlantic walrus products, such as hides, raw or worked bone, and research exports are few compared to those issued for walrus ivory items.

At this time, Canada does not consider that additional protective measures for the Atlantic walrus are warranted given the current level of international trade, however national CITES authorities will continue to use international trade records as an index of global consumption.

Future considerations

Information about stock size and trend, distribution, movements and vital rates for the Atlantic walrus in Canada is limited. The four provisional management stocks thought to occur in Canada are distributed in remote and sparsely inhabited Arctic areas making research logistically difficult and expensive to conduct. Walrus conservation in Canada will continue to benefit from the geographic and biological information contained in many CITES trade records, which contribute to the information base from which stock specific management plans are developed. Canada will continue to monitor for significant increases in international trade in Atlantic walrus products, and will periodically review its Appendix-III listing, as recommended in Resolution Conf. 9.25 (Rev.).

Among the studies that DFO and its co-management partners are conducting to address the current information gaps about the Atlantic walrus in Canada are: tracking the movements and distribution of High Arctic walrus using satellite transmitters; collecting biopsies from live walrus with which to develop population estimates; investigating the prevalence of zoonotic disease (e.g. Brucella or Trichinella) in harvested walruses; continuing to collect samples from harvested walruses in support of methods (genetics, lead isotopes in teeth) to distinguish among walrus populations.

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The bigleaf mahogany and CITES Appendix III

In the early 1990s, following centuries of exploitation, several CITES Parties initiated steps to control the international trade in bigleaf mahogany *Swietenia macrophylla*, one of the most beautiful and valuable of the tropical timber species. In 1995, following unsuccessful proposals to include the species in Appendix II at CoP8 (Kyoto, 1992) and CoP9 (Fort Lauderdale, 1994), Costa Rica placed this species in Appendix III. The listing was restricted to the populations of the Americas, thereby excluding plantation timber from non-range States, and to sawlogs, sawn wood and veneers, thereby excluding plywood and finished products.



The impacts of Costa Rica's action were not limited to this country alone, but felt by mahogany producer States from the southernmost part of the species's range in Bolivia and Peru to its northern limits in Mexico, and by consumer States in North America and Europe. The lack of a negative outcry in response to the listing may reflect the fact that the

1994 Appendix-II listing proposal had majority support; it was just six votes short of the two-thirds majority needed for adoption.

However, the lack of opposition for the Appendix-III listing did not translate into effective implementation. A 1997 TRAFFIC review revealed problems with implementation ranging from complete ignorance of Appendix-III requirements on the part of some Management Authorities to problems in identifying mahogany at the time of import (Buitrón and Mulliken, 1997). There was widespread confusion regarding Appendix-III 'certificate of origin' requirements, with a variety of documents being used and accepted, including Customs certificates, often issued by offices other than CITES Management Authorities. Implementation with regard to import and re-export controls within Latin America was very limited. Import controls in the main known countries of import, the United States of America and the United Kingdom, were established but implemented inconsistently; no import controls were established in the Dominican Republic, a previously unknown but increasingly important export destination for mahogany.

Major impediments to effective implementation included:

- Lack of understanding of Appendix-III requirements, which apply to exports, imports and re-exports;

- Insufficient human and financial resources to implement the listing effectively within Management Authorities and at border points;

- Lack of coordination among the different agencies charged with forestry administration, CITES and Customs controls, including with respect to information sharing (evidenced, for example, by widely differing data on trade volumes amongst different agencies in the same country);

- Low levels of coordination among the CITES Management, Customs and other authorities in different (especially adjoining) range States with regard to controlling cross border trade;

- Ineffective information management and reporting of trade in CITES annual reports; and

- Difficulties with identifying timber in trade.

Implementation problems did not go unnoticed, however. Unlike for other Appendix-III listings, the Appendix-III implementation for bigleaf mahogany was subject to regular reviews, including during meetings of mahogany and timber 'working groups' established by the Parties. Communications with government staff in the course of these reviews not



only drew their attention to problems identified, but also provided an opportunity for explaining CITES procedures and providing advice. This helped trading Parties to improve their procedures where deficiencies were found, e.g. in the case of Bolivia, Brazil, the United Kingdom and the United States. The possibility of further Appendix-II listing proposals may also have prompted exporting range States to demonstrate that they were taking action to implement Appendix III and otherwise bring trade under greater control.

CoP10 (Harare, 1997) saw the submission and then defeat of yet another proposal to include bigleaf mahogany in Appendix II. This was followed by a commitment from Bolivia and Brazil to include their populations in Appendix III. Both they and Mexico took this step in 1998, followed by Colombia and Peru in 2001. However, Appendix-III implementation remained problematic, undermining the effectiveness of the listing in reducing illegal trade.

Evidence of problems in controlling illegal trade was provided in the national reports presented at the 2001 meeting of the CITES Mahogany Working Group in Bolivia as well as in a TRAFFIC review of CITES implementation undertaken at the request of the CITES Secretariat (TRAFFIC 2001). Concerns regarding illegal harvests in Brazil prompted this country's Government to suspend all harvest authorizations. Reports emerged from Peru of illegal logging in protected areas, including indigenous reserves. Intelligence that illegally logged timber was being exported prompted seizures of large quantities of mahogany presented for import into the United States and Europe in 2001. The Appendix-III listing provided a basis for these seizures: in response to information received from Brazil's CITES Management Authority, some importing Parties questioned whether the timber had been obtained in accordance with Brazil's laws for the protection of fauna and flora, as required under Appendix III.

In 2002, the Parties accepted the proposal from Nicaragua and Guatemala to list the bigleaf mahogany in Appendix II, effective from 15 November 2003, eight years after the Appendix-III listing first came into effect. The experiences of Appendix III for mahogany may be useful in considering the appropriateness of Appendix III for other species and improving implementation.

Conclusions and lessons learned

Despite concerns that Appendix-III controls would present an administrative burden, interviews during reviews of CITES Appendix-III

implementation indicated that this was not the case; rather, CITES controls mirrored or complemented national export and import controls. In fact, the trade controls already in place in most if not all range States were stricter than those required under Appendix III. As most countries were seeking to ensure that timber to be exported had not only been obtained legally, but also sustainably, their aims were closer to those of Appendix II.

Appendix III can be effective in achieving its intended aim – assisting range States in controlling illegal exports. However, reviews of national trade controls in conjunction with assessing Appendix-III implementation show that Appendix III is not a substitute for action at the national level – international action can support national efforts to control harvest and trade, but not replace them. Furthermore, legislative changes are only successful if backed up by action on the ground.

Independent monitoring of CITES Appendix-III implementation is important in terms both of assessing and improving implementation. Such monitoring not only gives an overall picture of implementation, but also supports the efforts of range States to improve it. Range States and importing countries that were subject to such monitoring expressed more interest and placed greater emphasis on improving their control systems than those that were not.

Appendix III can generate information on trade volumes and trends important for identifying further measures that may be needed to ensure that trade is both legal and maintained within sustainable levels.

Finally, the experience with bigleaf mahogany demonstrates that an Appendix-III listing is not a substitute for an Appendix-II listing. Appendix II incorporates requirements that trade be maintained within sustainable levels and establishes permitting requirements that are both more widely understood and more widely implemented by CITES Parties than Appendix-III controls.

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Appendix III and the conservation of ramin (*Gonystylus spp.*) in Indonesia

Ramin (*Gonystylus spp.*) has been a subject of discussion in CITES since 1992 when, at the eighth meeting of the Conference of the Parties (Kyoto, 1992), the Netherlands proposed to include it in Appendix II. The proposal was not adopted, and a similar proposal was rejected at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994). In both instances the major range States of Indonesia and Malaysia did not support the proposal, believing at that time that ramin was not threatened by international trade.

It was later realized, however, that the Indonesian population of ramin appeared to decline and was being threatened by illegal logging and the encroachment into protected areas important to the species, such as the Tanjung Puting and Gunung Palung National Parks and the Muara Kendawangan Nature Reserve. The illegal logging in protected areas is believed to be an indicator of considerable population decline of the species outside the protected areas. The encroachment into protected areas, where prime quality stands of ramin exist, has been very alarming and threatening the sustainability of the species. It has therefore prompted the Government of Indonesia to take necessary measures to control harvesting and trade in ramin.

Ramin is a high value genus the products thereof are destined mainly for export. Only a very small portion of Indonesian ramin products is used domestically. Therefore, there is a strong relationship between illegal logging and the international trade of illegally harvested timber. While tackling the issue of illegal logging on the ground, it is important to combat also the associated international trade of illegally harvested timber of these species, and it is for this reason that the Government of Indonesia placed all species of ramin on CITES Appendix III. Parties to CITES were advised through Notification to the Parties No 2001/026 of 18 May 2001 that the listing entered into force on 6 August 2001.

The major distribution of ramin in Indonesia is in peat swamp forests of Kalimantan (Indonesian Borneo) and south-eastern Sumatra. There are at least 18 known species of ramin, but the main species in trade is *Gonystylus bancanus*. Since the early 1970s,

the exploitation of ramin has been conducted in production forests with the average annual production around 1.5 million m³. In the early 1990s the log production decreased to 900,000 m³/year. The trend of decline seems to persist, and government statistics show that from 1997 to 2000 the production was far below the early 90s figures, namely 489,289 m³; 292,176 m³; 371,984 m³; and approximately 24,000 m³ for 1997, 1998, 1999 and 2000 respectively.

Furthermore, a controversial conversion of one million hectare of peat swamp forest dominated by ramin into rice production began in 1997 in the Central Kalimantan Province, though this project has since been terminated. This province is known as the centre for ramin distribution in Indonesia.

For 2001 Indonesia set zero export quota for ramin. However, an exemption was granted to one concession holder, who already held a certificate of sustainable forest management. In addition, held stocks could be exported until December 2001. After this date only the certified company was allowed to harvest and export ramin products with CITES permit.

An inventory of ramin stocks was undertaken in April-May 2001 by the Forestry Services following the decision to stop ramin production. It was determined that stocks representing a total of more than 400,000 m³ of timber had accumulated. These stocks were far above the annual allowable harvest, indicating that most of the stocks might have derived from illegal logging.

Is the Appendix-III listing effective?

There is currently only one company holding a sustainable forest management certificate for ramin, and this company may export ramin products under permit. All other exports are illegal. Since the inclusion of ramin in Appendix III, illegal harvests appear to have substantially decreased. Inspections undertaken in September and October 2001 showed that registered companies had stocked no new ramin products. A considerable decrease on the illegal harvest of ramin timber has also been observed in the Tanjung Puting National Park since the inclusion of the species in Appendix III, corresponding with tighter law enforcement undertaken to safeguard the park.

During 2002, however, some illegal exports of ramin were intercepted both in Indonesia and overseas. The CITES Management Authority of Singapore reported on September 2002 that they had intercepted an illegal shipment of ramin in Singapore, and returned the specimens to Indonesia. The

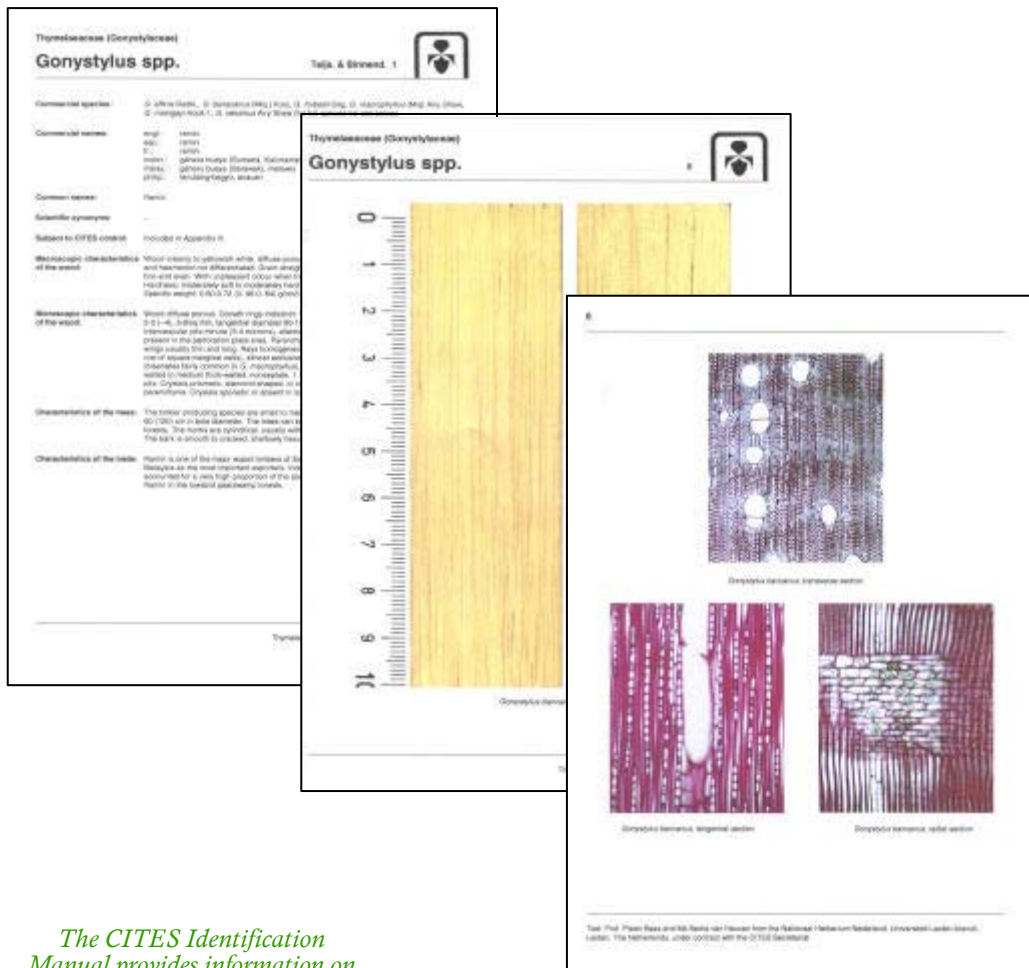
Customs authority of the United Kingdom also informed Indonesia that they intercepted a shipment of ramin that was declared as other species, and the importing company was fined.

Information on illegal shipments of ramin across land borders, especially to Malaysia (Sabah and Sarawak), is not available. Despite the ban on log import declared by the Malaysian Minister of Primary Industry, several loads of logs smuggled across the border by truck were intercepted at the Entikong checkpoint (on the border between the West Kalimantan province and Sarawak). However it is not known whether they contained ramin.

Illegal shipments of ramin products within the country appear to be very limited. Two such shipments were recorded during 2002 in Central Kalimantan and South Sumatra provinces and none has been noted in 2003.

Indonesia strongly believes that the Appendix-III listing contributes effectively towards controlling illegal logging in the country and managing any international trade, but international cooperation is still required to make this work.

*Dr Samedī
CITES Management Authority of Indonesia.*



The CITES Identification Manual provides information on Gonystylus spp. and the means to identify specimens in trade, in order to help Parties implement the Appendix-III listing.

*New Zealand's proposal for listing *Hoplodactylus* spp. and *Naultinus* spp. in Appendix III*

At the 12th meeting of the Conference of the Parties (CoP12), New Zealand proposed that the two gecko genera *Hoplodactylus* and *Naultinus* be listed on Appendix II. This proposal was rejected but New Zealand later decided to include them in Appendix III and this took effect on 28 May 2003.

New Zealand's proposal that the two genera be listed resulted from evidence that although all species within the two genera have been fully protected under the New Zealand Wildlife Act throughout their range since 1996, and the great majority since 1981, recent evidence and information show that New Zealand gecko species are appearing on the international market in numbers far exceeding the breeding capacity of the captive population. Prices of up to USD 15,000 per specimen are being quoted and intelligence suggests that they are becoming increasingly popular because they are colourful and attractive, are endemic to New Zealand, have unusual characteristics such as bearing live young, and are long lived.

A large decrease in habitat owing to the effects of land clearance during the last century plus predation by introduced species such as stoats, cats, rats and mice have meant that many species are now only found on predator-free offshore islands. In areas of the mainland where predator-free reserves have been established, poaching has become more frequent with consequent damage to the habitat. The increasing demand for geckos in international trade and the high prices they fetch represent an increasing risk of poaching spreading to those species confined to offshore islands. To conserve the species, New Zealand has prohibited collection from the wild and, to avoid fuelling the market, export permits for captive-bred species are not likely to be approved. Prosecutions for illegal trading in New Zealand gecko species have become more frequent since 1998 but it is believed that this is evidence of an increase in demand rather than an increased level of detection. Existing captive-bred stocks cannot meet such demand so the pressure on vulnerable wild populations will increase.

Although New Zealand's original proposal was for a listing of the two genera on Appendix II, which would have required a non-detriment finding to have been established before a permit could be issued and trade could take place, listing on Appendix III remains a valuable tool in the fight against illegal trade in geckos. The requirements of an export permit



Naultinus rudis (rough gecko)

Photo: A H Meads, Mike Thomas and B W Whitaker
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Crown copyright: Department of Conservation *Te Papa Atawhai*, New Zealand



Photo: Rod Morris

Naultinus gemmeus (jewelled green gecko female)

for export or re-export of the species of the two genera, which originate only in New Zealand, should act as a deterrent to illegal trade and thereby complement existing legislation of New Zealand.

Mr Wilbur Dovey
CITES Management Authority of New Zealand

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Photo: Rod Morris

Naultinus elegans punctatus (Wellington green gecko)

Remarks from the Secretary-General

Appendix III was created to allow any Party that prevents or restricts the exploitation of animal and plant species within its jurisdiction, to obtain the cooperation of other Parties in controlling the trade in those species.

The history of how Parties tried to deal with this provision of the Convention – see Article II, paragraph 3 – is rather extensive and started at the first meeting of the Conference of the Parties in 1976. It was found necessary to reduce the number of species included in Appendix III and, in particular, to remove species that were subject to adequate legislation in the country of origin as well as those that occur rarely or not at all in international trade. In 1985, it was suggested that certain Parties having listed species in Appendix III issued export permits only for finished products for economic reasons rather than as a conservation measure. Because some Parties had listed entire families in Appendix III, the Conference of the Parties recommended that only native species subject to regulations for their protection be included.

The fact that ‘under Article XI’ species can be included in Appendix III, or deleted from it at any time causes problems for third countries having to adapt their implementing legislation every time this happens. The Conference therefore recommended in 1989 that – unless there was an urgent need for inclusion – the Secretariat be informed at least three months before a meeting of the Conference of the Parties of intentions to include a species in or delete it from Appendix III, so that the amendment may enter into force at the same time as amendments to Appendices I and II¹.



Dendrocygna bicolor (fulvous tree-duck - Ghana, Honduras)

Photo: Peter Dollinger

Although in 1992 the right of each Party to decide which species are to be included in Appendix III was acknowledged, the doubts about the effectiveness of Appendix III and the administrative burden it caused were also made very clear. Parties were asked to show restraint in adding species and consider carefully whether the species concerned would actually benefit from an Appendix-III listing. They were also asked to request the advice of the Animals or Plants Committee on the trade and biological status of a species before listing it in Appendix III. The need was stressed for Parties to review their listings of species in Appendix III regularly and to withdraw them if their review, or the advice of the Animals or Plants Committee supported such withdrawal. Both Committees were directed to review the effectiveness of Appendix-III listings and advise Parties accordingly before the ninth meeting of the

¹ As in the case of amendments to Appendices I and II, the Parties are given 90 days to adapt their implementation legislation to the inclusion of species in Appendix III. However they only have 30 days to amend their legislation to the withdrawal of species from Appendix III.

Conference of the Parties in 1994. This led to the adoption of Resolution Conf. 9.25.

As a result of the above implementation difficulties and doubts about the effectiveness of Appendix III, many Parties were and still are unwilling to take on the administrative burden of implementing Appendix III.

In 1997, a first attempt was made to allow for the reduction of the territorial scope of Appendix-III listings. For species with a natural distribution going beyond the territory of the Party listing it in

Appendix III and its immediate neighbours, it was found that such a listing may not necessarily need to cover all range States. This is reflected in paragraph a) iv) of Resolution Conf. 9.25 (Rev.) under the first RECOMMENDS as follows: “for species that are traded for their timber, consideration is given to including only that geographically separate population of the species for which the inclusion would best achieve the aims of the Convention and its effective implementation, particularly with regard to the conservation of the species in the country requesting its inclusion in Appendix III”.

I have always had a difficulty with this recommendation as it would seem to go against the very intention and purpose of the mechanism Appendix III was thought to provide, namely that a country can ask other countries to make sure that animals, plants, or their parts and derivatives in trade do not originate in their country because they are protected and trade is prohibited or restricted. Without an export permit from the country having listed a species in Appendix III, importing countries should not import specimens thereof from that country. Other countries may of course allow trade in the species, but in order to make sure that specimens are not from the country having listed the species, they need to issue a certificate of origin or re-export certificate that will allow the importing country to establish where the specimens come from. Importing countries can of course not properly make this determination if documents are only necessary from e.g. 10 out of 20 possible countries of origin of specimens of species listed in Appendix III.

When discussing Appendix III, it should also be noted that the provisions concerning reservations with respect to Appendix-III listings are different from those in Articles XV and XXIII concerning Appendices I and II and amendments thereto:

a) Reservations may be entered at any time after the notification of new species whereas for amendments to Appendices I and II they must be made within 90 days from the date of listing; and

b) Reservations may also be entered with regard to parts and derivatives whereas in the case of Appendices I and II they can only concern the species as such.

Because of the fact that trade in specimens of Appendix-III species does not require a non-detriment finding and only a confirmation of legal acquisition if export is from the country having listed the species, Appendix III clearly plays a more limited role in the regulation of international wildlife trade than Appendices I and II.



Photo: Peter Dolliger

Bubulcus ibis (Cattle egret - Ghana)

Nevertheless the very fact that any Party to the Convention can decide for itself to use Appendix III as a tool against over-exploitation of their wild animals and plants is of crucial importance. In order to make it an effective tool, however, it is necessary to avoid listings followed by a big number of reservations or just non-implementation by many Parties. A well-considered use of Appendix III is therefore a must and if that can be achieved, Appendix III has a bright future ahead of it, albeit in the shadow of Appendices I and II.

Mr Willem W. Wijnstekers
CITES Secretariat

Appendix III and national legislation

Before a Party can request the inclusion of a species in Appendix III, it must first have national regulations that are adequate to prevent or restrict exploitation of that species and to control trade. Such regulations must also include penalties for illegal taking, trade or possession of the species, and provisions for confiscation. The Party should also have national enforcement measures to implement these regulations [see Resolution Conf. 9.25 (Rev.), Inclusion of species in Appendix III].

Provisions relating to regulating international trade in Appendix-III species must also be present in the CITES legislation of all Parties. By virtue of Article V of the Convention, all trade in specimens of species included in Appendix III must be in accordance with the Convention. Nevertheless, experience with the National Legislation Project has shown that legislation in a number of countries does not cover species listed in Appendix III. It needs to do so, however, in order to fulfil the requirements for CITES-implementing legislation set forth in Resolution Conf. 8.4, National laws for implementation of the Convention, and to be placed in Category 1 under the National Legislation Project.

Legislation should cover specimens of all species listed in all three Appendices and should be regularly updated to reflect changes in those Appendices. However, as Appendix III may be amended at any time, this means that keeping legislation current can be difficult, unless there are provisions for their automatic updating and updates are published in an official gazette.

Care should also be taken to ensure that legislation requires appropriate CITES documentation for trade in species listed in Appendix III (either an export permit or a certificate of origin or in a re-export certificate or a certificate of processing), and that such species are treated like other CITES-listed species where penalties and confiscation provisions are concerned.

CITES legislative guidance materials developed by the Secretariat can assist Parties in ensuring that they adequately cover species listed in Appendix III in their national legislation. These may be obtained on request to the Secretariat.

The Secretariat



Hong Kong commended for exemplary enforcement action

At a ceremony held on 6 May 2003, Mr Lay Chik-chuen, Assistant Director of Agriculture, Fisheries & Conservation Department of Hong Kong Special Administrative Region of China, presented a Certificate of Commendation to Customs & Excise Department officers.

This Certificate of Commendation was issued by Mr Willem Wijnstekers, the CITES Secretary-General. Hong Kong is the first recipient of such a certificate, which was introduced last year by the CITES Secretariat to recognize exemplary enforcement action.

The certificate was awarded to the Crew of Hong Kong Customs Launch No. 9 and the CITES Management Authority of Hong Kong S.A.R., China. It recognizes the actions on 13 October 2002 near Lamma Island, Hong Kong, when the crew of Customs Launch No. 9 intercepted a fishing vessel, conducted an intensive and lengthy search and discovered a carefully concealed compartment near the vessel's engine room. When the Customs personnel were able to overcome measures obstructing access to the compartment, it was found

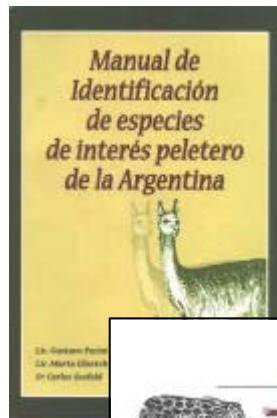
to contain 81 pieces of elephant tusk, totalling 506 kg in weight. Since the ivory was being smuggled in violation of the Convention, it was seized and the vessel and crew were detained. With the assistance of the CITES Management Authority of Hong Kong, a prosecution was conducted. The master of the fishing vessel was subsequently sentenced to 16 months imprisonment and the ivory was forfeited.

The Secretary-General attributed the successful enforcement action to the excellent cooperation between the departments, and viewed this as a deterrent to those who are tempted by the illegal trade in endangered species.

Hong Kong has a long history of commitment to the implementation of the Convention. The Animals & Plants (Protection of Endangered Species) Ordinance was enacted in 1976. The Endangered Species Protection Liaison Group also combines the expertise of the two departments and the Police in curbing illegal trade in endangered species.

The Government of Hong Kong said it is honoured to be the first recipient of the award. In his letter to CITES Secretary-General, Mr Raymond H C Wong, Commissioner of Customs and Excise, stated that "the successful seizure in this case by Hong Kong Customs has demonstrated the important role played by Customs in the area of CITES enforcement. We will maintain our vigilance and continue to work closely with the local CITES Management Authority in combating smuggling of endangered species."

New Identification Manuals



A new identification manual for wild species of Argentina has been produced by the International Fur Trade Federation and FACIF-Argentina (Federación Argentina Comercio e Industria de Fauna). The manual (in Spanish and English) includes descriptions, photographs and distribution maps for the main species in trade, and is primarily for the use of Customs and other authorities and agencies that need to identify specimens.



In Colombia, the (Instituto de Investigaciones Marinas y Costeras) (Institute of Marine and Coastal Research) and the (Ministerio del Medio Ambiente) (Ministry of the Environment) have produced a CITES identification manual for marine invertebrates of Colombia. This very well illustrated manual (in Spanish only) provides the means to identify CITES-listed marine invertebrates using keys and detailed descriptions, and also covers processed items that may appear in trade.



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