

CONVENCIÓN SOBRE EL COMERCIO INTERNACIONAL DE ESPECIES
AMENAZADAS DE FAUNA Y FLORA SILVESTRES

Quincuagésimo octava reunión del Comité Permanente
Ginebra (Suiza), 6-10 de julio de 2009

Interpretación y aplicación de la Convención

Comercio y conservación de especies

CAOBA

Este documento ha sido preparado por la Secretaría a tenor del documento SC58 Doc. 39.

Bigleaf mahogany (revised version)

The Secretariat discussed a draft of document SC58 Doc. 39 and the SC57 recommendations with the CITES Management Authority of Peru in the margins of the ITTO-CITES Project: Latin American workshop on conversion factors during April 2009. At that time, the Secretariat indicated a number of points on which additional information or clarification from Peru was needed. When it received information from Peru related to the quotas for 2008 and 2009, it sent an email also requesting clarification of several points.

The Secretariat has had some informal communications with the United States about its mahogany trade with Peru and activities under the US-Peru Trade Promotion Agreement.

The Secretariat, the Chair of the Plants Committee and Peru met several times in the margins of this meeting to discuss the implementation status of the SC57 recommendations. These discussions have shown that progress has been made on most of the SC57 recommendations. Not all of the recommendations, however, have been fully implemented. In addition, the Secretariat has received allegations about illegal and unregulated mahogany trade continuing to occur in Peru.

As well as providing an update on the implementation status of each of the SC57 recommendations, the Secretariat will provide a revised set of recommendations for the Standing Committee to consider. It is expected that Peru will wish to make an intervention following the Secretariat's oral report.

Recomendación 1

As indicated in the Annex to document SC58 Doc. 18 on National laws for implementation of the Convention, Peru's legislation has been included in Category 1 - with brackets which indicate that the categorization is pending confirmation of the legislation's legal validity. Certain legislation in the country has been suspended in the country on the basis of constitutionality concerns related to the sufficiency of consultation with indigenous peoples. We understand that the government is working hard to address these concerns as quickly as possible. In the meantime, the Secretariat has received some additional information on this point from Peru and discussed it with the delegation. We need some additional time, however, to complete our analysis of the implications that the suspension has for CITES-related legislation.

Recomendación 2

Peru has advised us that the National Action Plan for Mahogany (PAEC) has been incorporated into the US-Peru Trade Promotion Agreement. Information is needed, however, on the status of implementation of the PAEC.

Recomendaciones 3 and 4

The Secretariat would appreciate receiving reports from Peru on implementation of the 2007 and 2008 quotas, including the amount of any leftovers that may exist.

With regard to the Resolution adopted by Peru in 2009 which purports to increase the quota for 2008 from 761 trees to 851 trees, the Secretariat continues to believe that this is inconsistent with Resolution Conf. 14.7 on export quotas and with other national law. We nevertheless understand that certain local communities were authorized to harvest mahogany in 2008 and now wish to export such mahogany, and that the government erroneously failed to include this quantity in the 2008 quota. We further understand that this additional amount would have been within the range of trees set by the Scientific Authority's non-detriment finding for 2008.

The Secretariat would propose, as an alternative to the *ex post facto* increase of the 2008 quota, that the Government of Peru might consider purchasing the 126 trees whose harvest was authorized in 2008. This would compensate the local communities involved, and the government could thereafter discuss with the Secretariat possible options for the use of those trees.

Recomendación 5

This recommendation has been fully implemented by Peru. The Secretariat still has not received any information indicating that other mahogany range States are including information on authorized and verified concessions on their export permits.

Recomendación 6

The Secretariat appreciated receiving the Scientific Authority's non-detriment finding reports for 2007 and 2008 and would also like to receive its non-detriment finding report for 2009. As mentioned earlier, Peru adopted Resolutions regarding the 2008 and 2009 quotas and provided them to the Secretariat. Peru has been increasingly transparent about details regarding its mahogany management and trade and, in the future, might consider making information about mahogany quotas, approved concessions and other relevant information available on its government website. In bilateral discussions with the United States, the Secretariat learned that it has received three mahogany shipments from Peru during 2009 involving the 2007 and 2008 quotas. No shipments have apparently been made or received under the 2009 quota.

Recomendación 7

The Secretariat has still not received any information from importing countries, other than the US, on their mahogany trade with Peru.

Recomendación 8

The Resolution adopted by Peru established its 2009 mahogany quota in terms of trees (851 trees) but did not give a quantity in cubic meters of sawn wood, so the quota could not be published on the CITES website. During discussions in the margins of this meeting, Peru provided the annual volume of mahogany to be harvested and exported (i.e. xxx cubic meters). This information will soon be posted on the CITES website.

Recomendación 9

Although Peru previously indicated that it would be establishing a national commission on timber yield coefficients, this has not occurred. It appears that Peru used the same timber yield coefficient in 2009

that it has used in previous years. The nature and extent of Peru's trade in semi-finished or finished mahogany products is still unclear.

Recommendation 10

More information is needed on the steps that Peru has taken to implement new and existing legislative provisions relevant to mahogany trade. Peru has informed the Secretariat that its multi-sectoral commission against illegal logging has now been replaced by the government agency OSINFOR. It appears that Peru does not yet have an operational mechanism for independently supervising the chain of custody for mahogany specimens (e.g. from the approved concession to the sawmill and then the border).

Recomendación 11

On 6 July 2009, the Secretariat and ITTO met with representatives of countries involved in their joint timber project. Peru participated in that meeting and provided a report on the meeting in April 2009 on timber coefficients.

Recomendación 12

As indicated above, the Secretariat has had several discussions with Peru in the margins of this meeting.

Recomendaciones revisadas de la Secretaría

La Secretaría revisaría la recomendación contenida en el párrafo 21 del documento SC58 Doc. 39 como sigue:

El Comité Permanente debería proseguir su examen de la aplicación por el Perú de las recomendaciones formuladas en la SC57 en la 59ª reunión del Comité Permanente (marzo de 2010). Entre tanto, el Perú debería compilar información adicional o adoptar las medidas relevantes en lo que concierne a la aplicación de las recomendaciones de la SC57. La Secretaría debería llevar a cabo una misión de asistencia técnica y verificación en el Perú a finales del presente año. Ulteriormente, el Perú debería preparar un informe de situación actualizado sobre su aplicación de las recomendaciones de la SC57.

En nombre del Comité Permanente, la Secretaría debería enviar una carta a los Estados del área de distribución, a fin de informarles acerca de la Recomendación 5 (es decir, la inclusión de información sobre concesiones autorizadas y verificadas en sus permisos de exportación) e instarles a que la apliquen.

El Comité Permanente debería informar a los países, otros que Estados Unidos, que importan caoba del Perú, acerca de la Recomendación 7 e instarles a que la apliquen.

Basándose en las deliberaciones del Comité de Flora sobre los productos y en los planes en el marco del proyecto sobre la madera de la OIMT-CITES de financiar un estudio de mercado sobre los productos de caoba, el Comité Permanente debería solicitar a la Secretaría que trate de obtener financiación para realizar, en cooperación con la OIMT y posiblemente con el Centro de Comercio Internacional en Ginebra, un estudio de mercado sobre el comercio de productos de caoba en bruto, semiacabados o acabados. A tenor de este estudio, se podría considerar la posibilidad de revisar la anotación a la caoba contenida en el Apéndice II de la Convención.