

CONVENTION SUR LE COMMERCE INTERNATIONAL DES ESPECES
DE FAUNE ET DE FLORE SAUVAGES MENACEES D'EXTINCTION

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Interprétation et application de la Convention

Commerce d'espèces et conservation

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Le présent document a été préparé par le Secrétariat sur la base du document 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.

Recommendation 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.

Recommendation 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.

Recommendations 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.

Recommendation 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.

Recommendation 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.

Recommendation 7

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

Recommendation 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.

Recommendation 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).

Recommendation 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.

Recommendation 12

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

Recommandations révisées du Secrétariat

Le Secrétariat souhaite réviser comme suit la recommandation faite au point 21 du document SC58 Doc. 39:

Le Comité permanent devrait poursuivre à sa 59^e session (mars 2010), l'examen de la mise en œuvre par le Pérou des recommandations de la 57^e session. En attendant, le Pérou devrait compiler des informations supplémentaires ou entreprendre les actions pertinentes concernant sa mise en œuvre des recommandations de la 57^e session. Le Secrétariat devrait conduire une mission de vérification et d'assistance technique au Pérou dans le courant de l'année. Par la suite, le Pérou devrait préparer un rapport actualisé sur sa mise en œuvre des recommandations de la 57^e session.

Le Secrétariat devrait envoyer une lettre aux Etats de l'aire de répartition de l'acajou au nom du Comité permanent, les informant de la recommandation 5 (sur l'inclusion dans leurs permis d'exportation d'informations relatives aux concessions autorisées et vérifiées) et les priant instamment de l'appliquer.

Le Comité permanent devrait informer les pays, autres que les Etats-Unis, qui importent de l'acajou du Pérou, au sujet de la recommandation 7, et les prier instamment de l'appliquer.

S'inspirant des discussions sur les marchandises qui ont eu lieu au Comité pour les plantes, et des plans préparés dans le projet OIBT/CITES sur les bois pour financer une étude de marché sur les produits de l'acajou, le Comité permanent devrait demander au Secrétariat de trouver des fonds et d'entreprendre, en coopération avec l'OIBT et peut-être l'*International Trade Centre* de Genève, une étude de marché sur le commerce des produits bruts, semi-finis et finis en acajou des Antilles. Sur la base de cette étude, la révision de l'annotation sur l'acajou des Antilles figurant dans l'Annexe II de la Convention pourrait être envisagée.