

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



Eighteenth meeting of the Plants Committee
Buenos Aires (Argentina), 17-21 March 2009

Timber issues

INCONSISTENT IMPLEMENTATION OF APPENDIX-III TIMBER LISTINGS ANNOTATED TO INCLUDE
ONLY THE NATIONAL POPULATIONS OF THE LISTING COUNTRIES

1. This document has been submitted by the United States of America*.
2. Over the past few years, there have been several instances in which a CITES Party has listed a timber species in Appendix III, but has annotated that listing to include only its own national population. Experience continues to suggest that the intent of such listings and the manner in which they are to be implemented are not clearly understood by the Parties.
3. Currently, there are 135 Appendix-III listings in the CITES Appendices; 125 for animal taxa, two for non-timber plant taxa, and eight for timber plant taxa. Of these 135 listings, three are annotated to include only the national populations of the listing countries. All three are for timber species: *Cedrela odorata*, annotated to include only the national populations of Colombia, Guatemala, and Peru; *Dalbergia retusa*, annotated to include only the national population of Guatemala; and *Dalbergia stevensonii*, also annotated to include only the national population of Guatemala.
4. At the 17th meeting of the Plants Committee (PC17, Geneva, April 2008), the Committee discussed the document PC17 Doc. 16.4 from the United States, entitled *Problems regarding population-specific Appendix-III timber listings*. The document outlined inconsistencies and resultant problems the United States had observed in the implementation of Appendix-III timber listings annotated to include only the national populations of the listing countries. After discussion of this document, the Plants Committee agreed to request that the Secretariat prepare a Notification to the Parties asking whether other Parties had encountered issues similar to those observed by the United States.
5. In response to the Plants Committee's request, the Secretariat posted Notification to the Parties No. 2008/048 on 24 July 2008, inviting Parties to inform the Management Authority of the United States by 31 October 2008, of any problems they have encountered in relation to the implementation of such Appendix-III timber listings.
6. The Management Authority of the United States received only two responses to Notification No. 2008/048, one from China and one from the European Commission (EU). China considered the key problem of such Appendix-III timber listings to be how to efficiently control illegal trade. The EU reported that an analysis of data on imports into the EU of *Cedrela odorata* indicated that reporting of trade in this species was possibly occurring in an inconsistent manner. The EU noted that several range countries of *Cedrela odorata* other than the three countries that listed it (Colombia, Guatemala, and Peru) reported CITES

* The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

exports of the species to the EU, even though the listing could be interpreted to exempt exports from non-listing range countries from CITES controls. Similarly, several importing countries in the EU reported CITES imports of the species from range countries other than the listing countries. The EU recommended that a uniform approach be applied for the control and reporting of *Cedrela odorata*, and concluded that Appendix-III species listings that are annotated to include only the national populations of the listing countries lead to confusion for exporters and importers, as well as importing and exporting countries, as to which populations are actually covered by CITES and should be reported.

7. Because the U.S. Management Authority received only two responses to Notification No. 2008/048, we contacted the Management Authorities of a number of key Parties in hope of obtaining additional useful information about implementation of Appendix-III listings of timber species annotated to cover only the national populations of the listing countries. The Parties we contacted included the listing countries, several other range countries, and several major importing countries. We received responses to these direct communications from Argentina, Brazil, Japan and Mexico.
8. Argentina informed us that it imports *Cedrela odorata* sawn wood from Bolivia and Brazil, neither of which is a listing country for the species. Nevertheless, Argentina requires that such imports be accompanied by CITES certificates of origin issued by those countries. Brazil reported that it requires issuance of CITES certificates of origin for exports of *Cedrela odorata* but does not record such exports in its CITES annual reports. Japan reported that, for imports of logs, sawn wood, and veneer sheets of *Cedrela odorata* from a listing country (Peru, Colombia, or Guatemala), a CITES export permit from the listing country must accompany each such shipment, but for imports of logs, sawn wood, and veneer sheets of this species from other range countries, no CITES document at all is required. Instead, in such cases, Japan requires that the accompanying documents or invoices indicate the country of origin. Mexico informed us that, for imports of logs, sawn wood, and veneer sheets of *Cedrela odorata* from a listing country, a CITES export permit from the listing country must accompany each such shipment, and for imports of logs, sawn wood, and veneer sheets of this species from other range countries, a CITES certificate of origin must accompany each such shipment.
9. In our implementation of the Appendix-III listing of *Cedrela odorata*, the United States requires that an import of logs, sawn wood, or veneer sheets of the species from a listing country (Peru, Colombia, or Guatemala) must be accompanied by a CITES export permit from that country. We also report such imports in our CITES annual reports. However, for an import of logs, sawn wood, or veneer sheets of *Cedrela odorata* from a non-listing range country, the United States does not require that a certificate of origin or any other CITES document accompany such an import, nor do we record such imports in our CITES annual reports.
10. The responses we received to Notification No. 2008/048 and to our direct communications with other Management Authorities demonstrate that implementation of Appendix-III listings annotated to include only the national populations of the listing countries, such as the listing for *Cedrela odorata*, have been and continue to be inconsistent, and that the same can be said about the reporting of trade in such listed species in CITES annual reports.
11. Appendix-III timber listings annotated to include only the populations of the listing countries began to appear following the adoption of Recommendation a) iv) in Resolution Conf. 9.25 (Rev. CoP14), on *Inclusion of species in Appendix III*, which states that “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.” This recommendation was adopted at the 10th meeting of the Conference of the Parties to CITES (CoP10, Harare, June 1997) for the purpose of addressing circumstances similar to Costa Rica’s initial listing of bigleaf mahogany (*Swietenia macrophylla*) in Appendix III in 1995. In that case, Costa Rica limited the listing to the populations in the Americas, and thus excluded plantation-grown specimens originating outside the natural range of the species. However, Costa Rica’s bigleaf mahogany listing included the entire natural range of the species and only excluded specimens originating from outside the natural range, thus allowing for the cooperation of all other Parties within the natural range of the species by requiring them to issue CITES certificates of origin.
12. The United States agrees with the EU’s recommendation that a uniform approach be applied for the control and reporting of Appendix-III species listings that are annotated to include only the national populations of the listing countries. We believe that Recommendation a) iv) in Resolution Conf. 9.25 (Rev. CoP14) may be encouraging Parties that are considering listing a timber species in Appendix-III to limit that listing through an annotation to just their national population. It is certainly a Party’s prerogative to annotate an Appendix-III listing to include only its own national population, but we believe it is not

necessary to encourage such listings for timber species in a CITES Resolution. In fact, because experience has shown that such listings result in inconsistent control of trade in the listed species, and also limit CITES' ability to collect consistent and comparable information about the trade in these species outside of the listing countries, it may be advisable to encourage Range countries considering such a listing to carefully consider whether that listing would accomplish their objectives. For these same reasons, Range countries that have already listed species in Appendix III with annotations to include only the populations within their borders may wish to reconsider whether such listings provide the protection and cooperation with other CITES Parties that was intended.

13. We invite discussion by the Plants Committee on methods for facilitating a uniform approach among the Parties for the control and reporting of Appendix-III species listings annotated to include only the national populations of the listing countries. It may be necessary for the Plants Committee to ask the Secretariat to issue a Notification to the Parties providing the Secretariat's interpretation of how such Appendix-III listings should be implemented, with regard to both CITES document requirements and annual reporting. We also ask the Plants Committee to comment on the value of submitting a proposal at the 15th meeting of the Conference of the Parties (CoP15) to delete Recommendation a) iv) from Resolution Conf. 9.25 (Rev. CoP14).