

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



Seventeenth meeting of the Conference of the Parties
Johannesburg (South Africa), 24 September – 5 October 2016

Implementation and implementation matters

Trade control and traceability

Identification of specimens in trade

TIMBER IDENTIFICATION

1. This document has been submitted by the Secretariat and prepared by the United Nations Office on Drugs and Crime (UNODC)*. This document provides a summary of the ongoing work lead by UNODC within the framework of the International Consortium on Combating Wildlife Crime (ICCWC) to strengthen the development and use of tools and technologies to address illicit trafficking of timber. It provides explanatory text to accompany a set of decisions (included as Annex 1 and 2 respectively) for consideration at the 17th Conference of the Parties to CITES to improve timber identification of CITES listed trees and look-alike species.

Background

2. The resolution 'Crime prevention and criminal justice responses to illicit trafficking in protected species of wild fauna and flora' adopted by the Economic and Social Council (ECOSOC Resolution 2013/40), encourages UNODC, in cooperation with ICCWC, to continue its efforts to provide technical assistance to combat illicit trafficking in wild fauna and flora.
3. The resolution 'Strengthening a targeted crime prevention and criminal justice response to combat illicit trafficking in timber and forest products' (Resolution 23/1), adopted by Member States during the 23rd Session of the Commission on Crime Prevention and Criminal Justice (CCPCJ), invites UNODC to strengthen 'the development of tools and technologies for addressing illicit trafficking in forest products, including timber' and to 'promote enforcement related to illicit trafficking in forest products, including timber'.
4. Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) voted unanimously to bring 293 new timber species under CITES control (CoP16, Bangkok, March 2013) to ensure legal, sustainable and traceable trade in timber and non-timber forest products.
5. Resolution Conf. 11.3 (Rev. CoP16) on Compliance and enforcement, under Regarding additional actions to promote enforcement, paragraph i) encourages Parties and organizations to promote and increase the use of forensic technology in the investigation of wildlife crime offences.
6. A number of other decisions adopted at CoP16 encourage the increased use of forensic analysis to support the implementation and enforcement of CITES. These include among others Decisions 16.84 paragraph d) and 16.89 paragraph b) on Rhinoceroses (Rhinocerotidae spp.), Decision 16.102, paragraph

* *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.*

b) on Snake trade and conservation management (*Serpentes* spp.) and Decision 16.136 paragraph a) i) on Sturgeons and paddlefish (*Acipenseriformes* spp.).

Progress

7. To strengthen the development and use of tools and technologies to address illicit trafficking of timber, UNODC recognised the need, as a first step, to consider the applicability of available scientific methods for timber identification in support of law enforcement operations and to ensure that a standardized approach is in place through the whole process from the crime scene to the court room, to address challenges posed by the transnational nature of illicit trafficking of timber.
8. A background paper produced by UNODC provides an overview of the existing scientific methodologies available for timber identification, discusses the suitability of each method as screening and diagnostic tools and the questions each can potentially answer. Additionally, it considers issues relevant to all identification methodologies, namely those of underlying variation, taxonomy, reference material, and the transition of techniques from research methods to forensic tools.
9. The transnational and organized nature of the illicit trade in timber necessitates a common and coordinated global response. UNODC organised an Expert Group Meeting (EGM) on Timber Analysis jointly with ICCWC partners in order to consider the requirements at national, regional, and international levels related to the entire crime chain; to address the challenges for timber identification and use of standardised methodologies; and to engage international expertise.
10. The EGM convened in Vienna in December 2014, brought together the law enforcement and scientific communities with expert participants from various national agencies, forensic and research scientists, front line law enforcement officials and legal experts. The meeting highlighted the need to address and discuss the process and practicalities of the different areas of work and related expertise required, the challenges specific to timber identification cases, and the necessity for increased communication and cooperation. A Conference Room Paper was presented by UNODC to the 24th Session of the CCPCJ in May 2015, detailing the outcomes of the EGM and the scientific recommendations produced (CN.15/2015/CRP.4).
11. UNODC, ICCWC, and subject matter experts continued collaborative work for the development of a guide on the subject, which was discussed at a second EGM in October 2015. The guide covers the whole chain of custody, including information on the collection, analysis and interpretation of forensic timber identification evidence as well as exploring the options for further development of forensic best practices to provide evidence-based information, support law enforcement investigations and lead to successful prosecutions. The 'Best Practice Guide for Forensic Timber Identification' is to be launched at the 25th Session of the CCPCJ in May 2016.
12. Experts at the EGM agreed on a set of draft decisions for consideration and adoption at the 17th Conference of the Parties to CITES to improve timber identification of CITES listed trees and look-alike species. An explanation of the rationale for these decisions is included as Annex 1. The decisions for consideration at the 17th Conference of the Parties to CITES are included as Annex 2.
13. UNODC reported on the development timber identification guidance and the draft decisions at the 22nd meeting of the CITES Plants Committee [PC22 Doc. 14.2 (Rev.1)]. The Plants Committee supported the work undertaken by UNODC to improve identification of CITES-listed tree species and recognized the importance for the Committee to provide assistance in this regard. The Plants Committee invited UNODC to bring this issue to the attention of the Standing Committee at its 66th meeting, as reflected in the report of the Chair of the Plants Committee. UNODC reported on the development timber identification guidance and the draft decisions at the 66th meeting of the CITES Standing Committee (SC66 Inf. 18), as requested.

Recommendation

14. The Conference of the Parties is invited to take note of this report and to adopt the draft decisions in Annex 2.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat notes the document prepared by the UNODC, and recommends that the Conference of the Parties adopt the draft decisions in Annex 2, with a few amendments indicated below.
- B. CITES has increasingly worked on developing guidance to Parties to more effectively identify specimens of listed species that dominate international trade. Due to the increasing number of tree species included in CITES (evolving from 18 in 1975 to more than 400 nowadays), the identification of timbers of listed tree species is a key area that requires prompt attention, and the development of relevant capacities and materials can be considered a priority.
- C. In 2014, ICCWC partners agreed to join efforts to advance existing guidance for identifying CITES-listed timbers. This requires significant expertise and a good understanding of the needs of multiple audiences, from forest managers and Scientific Authorities in exporting countries to Management Authorities, inspectors, enforcement officers and prosecutors. Since 2014, the Secretariat has worked closely with the UNODC, other ICCWC partners, and with Parties, on the production of the “Best Practice Guide for Forensic Timber Identification”. The Secretariat recommends that the draft decisions in Annex 2 be adopted with the following amendment:
- 17.x2 b) ~~Work with~~ Encourage interested Parties under Decision 17.x1 to identify, collect and curate reference samples,...
- D. Concerning the activities proposed in draft decision 17.x2, the Plants Committee could benefit from, and make use of the work proposed in document CoP17 Doc. 25 on Enforcement matters (see draft decision 17.A c) and d) in Annex 1 and Annex 4 on Review of wildlife forensic science and laboratory capacity to support the implementation and enforcement of CITES). The Plants Committee, Parties, experts and ICCWC partners could collaborate to consider how to strengthen capacities at various levels for the identification of CITES-listed tree species in trade.
- E. The Secretariat expects that the activities and consultations proposed in draft decision 17.x2 can be undertaken within the Plant Committee’s regular operational budget, and no further funding seems to be required at this stage. However, acting upon the findings and recommendations of the Plants Committee may require external funding when this would involve undertaking research or developing certain capacity building tools.

RATIONALE FOR DRAFT DECISIONS
(ANNEX 2)

Although CITES already has procedures for resolving nomenclature and for developing identification material for species in trade, the recent listing in the CITES Appendices of a large number of tree species primarily traded as timber, including species in the same genera and species whose wood appears very similar, has increased identification challenges. These challenges confound enforcement, hamper prosecution, and may contribute to illegal logging and associated trade.

These draft Decisions are designed to address and prioritize problems associated with regulating the trade in timber of CITES-listed tree species by encouraging Parties to support research on identification of CITES-listed tree species in trade, identifying methodologies that will be legally defensible (i.e. forensic), and facilitating the sharing of reference samples between relevant institutions.

To do this, authenticated reference material is required that includes samples from the types of material commonly traded (e.g. timber).

These draft Decisions are designed to tackle the difficulty of getting national permission to share wood and other samples between labs.

Forensic identification (that is, identification that is used in connection with prosecuting crimes) requires the development of robust reference collections, containing reference samples that have been collected and curated according to research standards so that it is defensible in a court of law.

To address this, these draft Decisions suggest researching and compiling best practices—a prudent measure for assisting enforcement authorities and supporting the implementation of the CITES listings.

Some reference collections already exist.

These draft Decisions suggest first looking to existing collections, and expanding or creating collections where they are lacking for particular taxa.

For some recently listed tree species, there is lack of agreement regarding the nomenclature that contributes to identification and enforcement difficulties.

These draft Decisions are designed to address this by calling attention to such instances.

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

Improving timber identification of CITES-listed trees and look-alike species

Directed to Parties

- 17.x1 Parties are encouraged to expand or create and maintain scientific reference collections essential for the development of methodologies to identify CITES-listed tree species and distinguish them from look-alike species, in accordance with current best practices regarding collection, curation and facilitation of exchange of reference materials.

Directed to the Plants Committee

- 17.x2 With respect to CITES-listed tree species, the Plants Committee shall, at its 23rd and 24th meetings:

Concerning standard nomenclature

- a) Prioritize taxa for the adoption of new or updated standard nomenclature references, in particular where nomenclature poses a barrier to identification of CITES-listed trees in trade;
- b) Identify the research needs and resource requirements for the production of standard nomenclature references for priority taxa;

Concerning wood and other material as reference samples for identification purposes, in collaboration with relevant stakeholders

- a) Determine, for all CITES-listed tree species, the locations and availability of existing reference samples or collections, and identify priorities in addressing gaps;
- b) Work with interested Parties under Decision 17.x1 to identify, collect and curate reference samples, and facilitate exchange to make them available, as appropriate, to research institutions, law enforcement agencies, and other authorities concerned;
- c) Identify and compile information on best practices for the collection and curation of reference samples, identifying gaps where they exist; and
- d) Consider how best to assist and strengthen capacities for forensic work on identification of CITES-listed tree species in trade.

- 17.x3 The Plants Committee shall update the Standing Committee on progress made on the implementation of Decisions 17.x(1-2) at SC70; and will report its findings and recommendations for consideration by the Conference of the Parties at its 18th meeting.

Directed to the Secretariat

- 17.x4 The Secretariat shall, subject to external funding, in cooperation with the United Nations Office on Drugs and Crime (UNODC), the International Consortium on Combating Wildlife Crime (ICWC) and other relevant stakeholders, support the implementation of Decisions 17.x(1-3).