

CITES regional workshop for range States of African rosewood (*Pterocarpus erinaceus*)

Background document

2 to 6 September 2024

Douala (Cameroon)

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Section 1: Introduction to the workshop and overview of *Pterocarpus erinaceus*

1.1. Introduction and objective of the workshop

The African populations of *Pterocarpus erinaceus* (African rosewood) are listed in Appendix II of the Convention with annotation #17 (Logs, sawn wood, veneer sheets, plywood and transformed wood).

Since the 74th meeting of the Standing Committee (SC74, Lyon, February 2023), all sixteen known range States of *Pterocarpus erinaceus* are concerned by the expedited application of Article XIII process, of which eight are submitted to a recommendation to suspend trade. There are two conditions to withdraw the recommendation to suspend trade for these eight countries, which also apply to countries that established voluntary zero export quotas should they wish to resume international trade, namely:

- a) The Party concerned makes scientifically based non-detriment findings (NDFs) for trade in the species in their countries to the satisfaction of the Secretariat and the Chair of the Plants Committee, having regard to Resolution Conf. 16.7 (Rev. CoP17) on **Non-detriment findings** and based on the outcomes of the Review of Significant Trade (RST) for this species; and,
- b) The Party provides evidence of legal acquisition findings (LAFs) to the satisfaction of the Secretariat and the Chair of the Standing Committee, having regard to Resolution Conf. 18.7 (Rev. CoP19) on **Legal acquisition findings**.

The other eight countries have published voluntary zero export quotas for *Pterocarpus erinaceus* and thus are not concerned by the recommendation to suspend trade. However, any resumption of the trade in this species would be submitted to the same conditions of the making of NDFs and LAFs.

Additionally, eight of the sixteen *Pterocarpus erinaceus* range States are undergoing recommendations under the review of significant trade process [Resolution Conf. 12.8 (Rev. CoP18)] in parallel to the expedited application of Article XIII process, these are: Benin, Burkina Faso, the Gambia, Ghana, Guinea-Bissau, Mali, Nigeria.

At its 77th meeting (SC77, Geneva, 2023), the Standing Committee requested the Secretariat to organize a regional workshop on NDFs and LAFs for *Pterocarpus erinaceus* range States, thus adopting an integrated range-State approach in addressing NDF and LAF recommendations under the expedited Article XIII procedure and the RST process.

The objective of the workshop is to catalyse at a regional level the implementation of recommendations under CITES expedited Article XIII and the review of significant trade processes for *Pterocarpus erinaceus*, through a theoretical and practical capacity building approach for the preparation of NDFs and LAFs for the species.

1.2. Highlights of relevant provisions in the Text of the Convention and associated Resolutions

The present section provides an overview of the most relevant provisions of the text of the Convention and associated Resolutions, with emphasis on those related to NDFs and LAFs, as they are most crucial for the implementation of ongoing recommendations under the expedited application Article XIII and RST process.

Text of the Convention and associated Resolutions	Short description
<p><u>Text of the Convention</u></p> <ul style="list-style-type: none"> - Article III on <i>Regulation of Trade in Specimens of Species included in Appendix I</i> - Article IV on <i>Regulation of Trade in Specimens of Species included in Appendix II</i> <p><u>Resolution</u></p> <ul style="list-style-type: none"> - Resolution Conf. 16.7 (Rev. CoP17) on <i>Non-detriment findings</i> 	<p><u>Non-detriment findings (NDFs)</u></p> <p>Export permits for specimens of species included in Appendices I and II shall be granted only when a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of the species, following a determination known as 'non-detriment finding' (NDF). Resolution Conf. 16.7 (Rev. CoP17) establishes guidelines for Scientific Authorities to consider when developing NDFs.</p>
<p><u>Text of the Convention</u></p> <ul style="list-style-type: none"> - Article III - Article IV - Article V on <i>Permits and Certificates</i> <p><u>Resolutions</u></p> <ul style="list-style-type: none"> - Resolution Conf. 18.7 (Rev. CoP19) on <i>Legal acquisition findings</i> 	<p><u>Legal-acquisition findings (LAFs)</u></p> <p>Article III, paragraph 2(b), Article IV, paragraph 2 (b) and Article V, paragraph 2 (a) require a Management Authority of the State of export to be satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora.</p> <p>Article III, paragraph 4 (a), and Article IV, paragraph 5 (a) require a Management Authority of the State of re-export to be satisfied that the specimen was imported into that State in accordance with the provisions of the Convention.</p> <p>The Resolution includes Guiding principles to be used by Parties for verifying the legal acquisition of specimens to be exported.</p>
<p><u>Text of the Convention</u></p> <ul style="list-style-type: none"> - Article XIII on International measures <p><u>Resolutions</u></p> <ul style="list-style-type: none"> - Resolution Conf. 14.3 (Rev. CoP19) on <i>CITES compliance procedures</i> - Resolution Conf. 12.8 (Rev. CoP18) on <i>Review of Significant Trade in specimens of Appendix-II species</i> 	<p><u>Compliance procedures and review of significant trade process (RST)</u></p> <p>The aim of the RST process is to ensure that trade in Appendix II species is being conducted sustainably and in accordance with Article IV or the Convention, and to identify remedial action where it is needed with the ultimate intent of improving the implementation of the Convention.</p> <p>Compliance procedures under Article XIII of the Convention are aimed at promoting, facilitating and achieving compliance with obligations under the Convention and, in particular, assisting Parties in meeting their obligations regarding such compliance.</p>

2.3. Global report on CITES-listed rosewood tree species, including *Pterocarpus erinaceus*

The CITES Secretariat's report on the conservation and trade of CITES-listed rosewood tree species [Leguminosae (Fabaceae)] (2024)¹, henceforward referred to as the CITES Rosewood report, identifies *Pterocarpus erinaceus* as a high priority rosewood tree species, *inter alia* due to the underlying issues that led to the ongoing CITES compliance procedure under the expedited application of Article XIII and the RST process.

The report includes a fact sheet on *Pterocarpus erinaceus*, that can serve as a baseline resource to consider when developing non-detriment findings (NDFs) for the species. The fact sheet includes information and useful resources on the population structure, status and trends of the species at a global scale; noting however that the information at the national level requires to be collected by range States.

The full CITES rosewood report is available in English in the in the “supporting resources” section of the workshop's [webpage](#). The executive summary and the fact sheet on *Pterocarpus erinaceus* are also available in English and French in the webpage of the workshop.

¹ Available at: <https://cites.org/sites/default/files/documents/E-PC27-27.pdf>

Section 2 : CITES non-detriment findings (NDF)

2.1. CITES Guidance on Non-detriment findings (NDF)

In accordance with Article IV of the Text of the Convention, export permits for specimens of species included in CITES Appendices I and II shall be granted only when a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of the species (following a determination known as a 'non-detriment finding') and in the case of Appendix I imports, that the purpose of the import will not be detrimental to the survival of the species.

The CITES NDF Guidance (CITES Secretariat, 2024) provides guidance to CITES Parties, and primarily the CITES Scientific Authorities, on how to determine whether or not trade of CITES-listed specimens is detrimental.

The guidance (comprised a total of 16 modules) is available in all three languages of the Convention. Links to the [English](#) and [French](#) translations are included here. The introductory modules 0 to 3 of the NDF Guidance are a must-read to understand the general concepts and principles of a CITES NDF.

Particularly relevant for this workshop is module 10 on NDFs for tree species, also available in [English](#) and [French](#). Module 10 provides complementary guidance on key principles of sustainable forest management (SFM) for Parties to consider when undertaking NDFs for tree species traded as timber or wood products.

2.2. Recent examples of NDFs for *Pterocarpus erinaceus* accepted by the Plants Committee

Some range States of *Pterocarpus erinaceus* have made significant progress in implementing the NDF-related recommendations under the expedited Article XIII and/or the RST process.

Recent examples of this are Ghana, Mali and Sierra Leone, the NDFs of which have been accepted by the Plants Committee at recent meetings. These NDFs will be discussed as illustrative examples in the workshop, and are available in the following links, as well as in the list of supporting documents of the workshop webpage:

<i>Pterocarpus erinaceus</i> NDF	Link	Status
Ghana	SC77 Inf. 6	At its 27th meeting (PC27, Geneva 2024), the Plants Committee accepted a 40,000 m ³ quota in round wood equivalent for the off-reserve underwater (Volta Lake) operations. See PC27 Sum. 4 (Rev. 1) .
Mali	PC26 Doc. 16.4, Annex 3	At its 26th meeting (PC26, Geneva 2023), the Plants Committee accepted that the NDF presented by Mali supports the quota requested (55,384.8 m ³ of <i>Pterocarpus erinaceus</i> in round wood equivalent). See PC26 SR .
Sierra Leone	PC27 Doc. 15.3, Annex 6	At its 27th meeting (PC27, Geneva 2024), the Plants Committee accepted the NDF presented by Sierra Leone in support of the requested quota of 76,324.5 m ³ for <i>Pterocarpus erinaceus</i> in round wood equivalent. See PC27 Sum. 4 (Rev. 1) .

Section 3: Legal acquisition findings

3.1. CITES legal acquisition findings (LAF) and traceability considerations

LAF

In accordance with Articles III, IV and V of the Convention, an export permit shall only be granted when a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora. The finding that a Management Authority shall make is referred to as a **legal acquisition finding (LAF)**.

This requirement applies to the export of any specimen of a species included in Appendix I, II or III of the Convention. With regard to Appendix III, the obligation to make a legal acquisition finding applies only to the Party which included the species in that Appendix.

[Resolution Conf. 18.7 \(Rev. CoP19\)](#) on **Legal acquisition findings** includes in its Annexes 1 and 2, respectively, guidance for making LAFs as well as precisions on additional circumstances requiring the verification of legal acquisition or other legal findings. Annex 3 develops the Rapid guide for the making of LAFs.

Participants to the workshop are encouraged to have the resolution at hand, as this will be the basis for the presentations on this matter. Additional resources on LAF are available in the webpage at: https://cites.org/eng/imp/legal_acquisition_findings

Traceability

Additionally, Parties might wish to be mindful of traceability considerations in the framework of the Convention. The working definition of CITES traceability is “...the ability to access information on specimens and events in a CITES species supply chain”, noting that this information should be carried on a case by case basis, from as close to the point of harvest as practicable and need to the point at which the information facilitates the verification of legal acquisition and non-detriment findings and helps prevent laundering of illegal products.

Reference materials and resources on traceability are available in the webpage at: https://cites.org/eng/prog/Cross-cutting_issues/traceability

3.2. Progress achieved by range States of *Pterocarpus erinaceus* in the development of LAFs

<i>Pterocarpus erinaceus</i> NDF	Link	Status or next steps towards resuming trade
Ghana	SC77 Inf. 6	Following the acceptance by the Plants Committee of its NDF at PC27 (see section 2.2), Ghana is developing the legal acquisition finding(s) for consideration of the Secretariat and the Chair of the Standing Committee.
Mali	PC26 Doc.	Following the acceptance of its NDF at PC26 (see section 2.2), Mali presented an LAF for a volume of 40,000.00 m ³ of <i>Pterocarpus erinaceus</i>

<i>Pterocarpus erinaceus</i> NDF	Link	Status or next steps towards resuming trade
	16.4, Annex 3	for consideration of the Secretariat and the Chair of the Standing Committee, who were satisfied that Mali presented evidence of LAF for a total volume of 39,950.4 m ³ . On 29 April 2024, the Secretariat published Notification to the Parties No. 2024/057 informing Parties of the partial withdrawal of the recommendation to suspend trade for this particular case.
Sierra Leone	PC27 Doc. 15.3, Annex 6	Following the acceptance by the Plants Committee of its NDF at PC27(see section 2.2), Sierra Leone is to develop the legal acquisition finding(s) for consideration of the Secretariat and the Chair of the Standing Committee.