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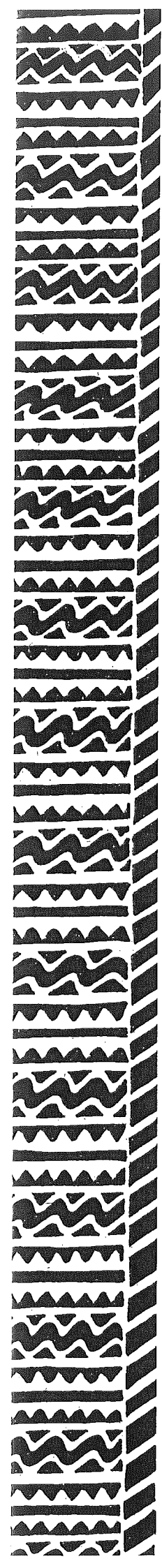
**CITES APPENDIX III
AND THE TRADE
IN BIG-LEAFED
MAHOGANY**

**XIMENA BUITRÓN AND
TERESA MULLIKEN**

A TRAFFIC NETWORK REPORT

TRAFFIC

— NETWORK —



**CITES APPENDIX III AND THE TRADE IN
BIG-LEAFED MAHOGANY**

By Ximena Buitrón and Teresa Mulliken

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INTRODUCTION

The beauty and durability of the wood of the American mahoganies *Swietenia* spp. have long made them a favourite source of materials for the production of furniture, cabinets, and other consumer goods. Unfortunately, demand for this valuable timber has resulted in severe declines in the wild populations of two mahogany species. Such declines prompted the listing of Honduran Mahogany *Swietenia humilis* in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1975, the year the Convention came into force, and of Caribbean Mahogany *S. mahagoni* in this same Appendix in 1992. Both species are now considered commercially extinct throughout much of their ranges.

Demand for mahogany from the Neotropics remains strong, however. The trade has shifted to Big-leafed Mahogany *S. macrophylla*, a species whose range extends from southern Mexico through South and Central America to Bolivia and Brazil, and includes large portions of the Amazon basin. Today, *S. macrophylla* is one of the most important Neotropical hardwoods in international trade. Concern that international trade might pose a threat to this species prompted proposals to include it in Appendix II submitted for consideration at the eighth (1992) and ninth (1994) meetings of the Conference of the Parties to CITES. Following the defeat of the proposal in 1994, Costa Rica included the Neotropical populations of *S. macrophylla* in CITES Appendix III, annotated to include only saw-logs, sawn wood and veneers. Finished products and timber originating from outside of the Americas are therefore not covered by this listing. This listing entered into force on 16 November 1995.

This report examines the implementation of the Appendix III listing of *S. macrophylla* by the main countries involved in the international trade in this species: Bolivia, Brazil, Peru, the UK and the USA. Additional information on implementation in other range States is also provided as available, and a more general explanation of Appendix III in relation to the timber trade provided as background.

CITES and trade controls for Appendix III specimens

The purpose of CITES is to provide a mechanism to control and monitor the international trade in species that are either threatened or potentially threatened by that trade. However, when the treaty was drafted, it was recognized that individual Parties might require assistance in controlling the trade in native species even though those species might not be threatened globally. Appendix III was designed to support the efforts of those range States seeking to control the exploitation and international trade of native species not already covered by the Convention. The text of the treaty therefore contains a provision for Parties to list in Appendix III those species subject to regulation within their jurisdictions, and for which cooperation from other Parties is deemed necessary to control international trade. Unlike listings in Appendices I and II, listings in Appendix III do not require a vote of the Parties, but simply the application to the Secretariat by a Party. Resolution Conf. 9.25 recommends that Parties ensure that species they propose for listing in Appendix III are native to their country, that their national regulations are adequate to prevent or restrict exploitation and to control trade, that they require the assistance of other Parties to control illegal trade, and consult with other range States, the CITES Secretariat and the CITES Animals or Plants Committee, as appropriate, prior to submitting their request to the Secretariat.

Although the inclusion of a species in Appendix III is a unilateral measure taken by a single Party, as is the case for *S. macrophylla*, implementation of an Appendix III listing is a shared responsibility of all Parties. In fact, as articulated in CITES Article V, the participation of importing Parties is central to implementing Appendix III listings. Importing Parties are required to confirm that any shipment to be imported is accompanied by either a CITES Export Permit, if the shipment is from a country that listed the species in Appendix III, a CITES Certificate of Origin, if the shipment has been exported by another range State, or a CITES Certificate of Re-export if the shipment has been re-exported. It is important to note here that the term 'certificate of origin' is also commonly used to apply to other documents used for Customs purposes. This can be a source of confusion to authorities implementing CITES trade controls at ports of entry or exit.

Although it is implicit in the Convention that CITES Certificates of Origin/ Re-export accompany all shipments in trade, presentation is only required at the time of import. There is no requirement that such Certificates are obtained and presented prior to export, unlike the requirements for CITES Export Permits for Appendix I, II

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and III species (in the latter case, required for countries listing the species in Appendix III).

The Convention is unclear with regard to the information required to be included on CITES Certificates of Origin/Re-export, and also the period of validity for these Certificates. Although Article VI, which outlines the basic information that must be included on CITES Permits and Certificates, makes reference to CITES Certificates granted under Article V, no specific mention is subsequently made regarding requirements for CITES Certificates of Origin. This would appear to be an oversight when the treaty was written, one which the Parties have attempted to rectify somewhat through the adoption of Resolutions. Resolution Conf. 5.8 noted that issuance of certificates of origin by Customs or other agencies did not satisfy the requirements of the requirements of the Convention, and therefore recommended that certificates of origin only be issued by a Management Authority competent to grant CITES permits, and that Parties not accept certificates of origin unless they were issued by such authorities. This recommendation was included in Resolution Conf. 9.3 during the process of consolidating Resolutions. It is interesting to note that certificates of re-export were already required to be issued by a Management Authority under Article VI. Parties are required to report on the trade in Appendix III specimens under Article VIII.

To assist with implementation of the Appendix III-listing for *S. macrophylla*, in September 1995 the CITES Secretariat requested range States to provide information about the types of CITES Certificates of Origin they intended to use to authorize the export of this species. This information was then forwarded to the Parties via Notifications No. 890 (30 November 1995) and No. 903 (28 February 1996), to which were attached copies of certificates of origin that had been provided to the Secretariat by Belize, Bolivia, Brazil and Venezuela. Mexico indicated that it would use a standard CITES Permit, with the box 'other' (certificate) ticked. Nicaragua did not specify that a separate certificate of origin form would be used, but did notify the Secretariat that an export quota had been established. The Secretariat noted that, in the absence of information to the contrary, it was operating under the assumption that Nicaragua intended to use standard CITES permit forms.

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METHODOLOGY

This report summarizes the findings of a study of the Appendix-III listing of *S. macrophylla* undertaken by TRAFFIC International's Plants Officer, initiated in mid-1996. Research took the form of interviews with government personnel and individuals in the private sector knowledgeable about the trade in *S. macrophylla* and/or CITES in the range States of Bolivia, Brazil and Peru. The primary author conducted numerous interviews in Bolivia and Brazil, and also contacted relevant authorities in other range States. Additional research was undertaken by consultants hired for this purpose in Bolivia and Brazil. Information provided for implementation the UK and the USA largely derives from that held within TRAFFIC offices, with additional information sought from CITES authorities. TRAFFIC USA provided much of the information provided for the USA.

National legislation for Bolivia and Brazil was examined in detail, as were available trade data, including copies of CITES Certificates of Origin provided by the Government of Bolivia; copies of CITES Certificates of Origin and related documentation received in the USA from June-October 1996, provided by the US Government in response to a TRAFFIC USA Freedom of Information Act request; and UK data on issuance and use of import licences for *S. macrophylla* compiled and provided by the UK Department of the Environment. Customs data were collected for Brazil, Peru, the USA and the European Union; however, the lack of detail with regard to timber species in trade limited their usefulness for this study in some cases. CITES annual report data were obtained from the World Conservation Monitoring Centre. These data provided very little information, however, as the Appendix III-listing did not enter into force until the end of 1995, and 1996 annual reports likely to document the trade in this species are not due until October 1997.

Wherever possible, trade data are presented in this report in terms of cubic metres (m³). Data originally provided in other units were converted to cubic metres using the following conversion factors:

1m³ = 276.5 pies cuadrados (p2, pies tablados, board feet); this conversion factor is used by the Government of Bolivia

1m³ = 0.73 tonnes (t); this conversion factor is used by the Government of Brazil

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KEY PRODUCER STATES

Bolivia

Introduction

Mahogany is the most important forestry species of the humid tropical forest of Bolivia (R. Mancilla, pers. comm. to X. Buitrón, 1996; Quiroga and Salinas, 1996), being used domestically and exported in large volumes. Available information indicates that Bolivia is the second largest exporter of *S. macrophylla*, with the vast majority of this timber destined for the USA. Annual export volumes have not been documented by the Bolivian Government, although annual extraction has been estimated by the Cámara Nacional Forestal (CNF, National Forestry Chamber), a Bolivian timber trade association, to have averaged approximately 119 000m³ per year during the past 16 years, and 95 000m³ during the past 3 years (Anon., 1996a).

According to Quiroga and Salinas (1996), CNF estimates that 50% of all *S. macrophylla* extracted in Bolivia is exported. Others have estimated the export rate to be closer to 70% (C. Barrera, pers. comm. to X. Buitrón, 1996; J.C. Gómez, pers. comm. to X. Buitrón, 1996; L. Gotia, pers. comm. to X. Buitrón, 1996). Mahogany exports are believed to have declined in response to the increasing rarity of the species (E. Cardona, pers. comm. to X. Buitrón, 1996).

The Government of Bolivia recognizes the importance of forestry resources to the country, and enacted new legislation in July 1996 to improve forestry controls. However, this new law is in the early stages of implementation, with appointments of regional Forestry Superintendents not yet made at the time of this writing.

Bolivia, with the USA, is a co-proponent of a proposal to include *S. macrophylla* in CITES Appendix II being considered by the tenth meeting of the Conference of the Parties to CITES. In supporting the Appendix II listing proposal, the Bolivian Government cited a progressive and drastic decline of *S. macrophylla* populations throughout the species' range resulting from intensive and uncontrolled exploitation, adding that this species is a strategic resource for forestry development in Bolivia and therefore it was necessary to take urgent measures that contribute to its conservation and ensure its use is sustainable (M.J. Levy, MDSMA, *in litt.* to M. Jones, USFWS, 17 December 1996).

Legislation and responsible authorities

Prior to July 1996, export of mahogany and other timber products was controlled under the *Ley General Forestal de la Nación* (General Forestry Law) adopted in 1974. On 12 July 1996, the Government approved a new *Ley Forestal* (Forestry Law). The new *Forestry Law* and accompanying regulations adopted in December 1996 establish a framework for the utilization of Bolivia's forestry resources, calling for the sustainable and efficient use of these resources to help achieve the goal of socioeconomic development, and recognizing the importance of biodiversity and ecosystem conservation, and access to forestry resources and their benefits by the Bolivian population.

According to *Article XI* of the *Forestry Law*, which refers to international instruments, implementation of Bolivia's forestry management system will be in accordance with the international agreements to which the country is a Party, including CITES. The Ministerio de Desarrollo Sostenible y Medio Ambiente (MDSMA, Ministry of Sustainable Development and Environment), which is also Bolivia's CITES Management Authority, was charged with responsibility for establishing national strategies, policies and regulations to implement the Forestry Regime.

In December 1995, the Government approved *Ministerial Resolution No. 225*, which required all exports of *S. macrophylla* to be accompanied by a CITES Certificate of Origin. The Secretaría Nacional de Recursos Naturales y Medio Ambiente (SRN, National Secretary of Natural Resources and Environment) of MDSMA was given responsibility for developing a mechanism to implement the Certificate of Origin requirement and for its subsequent implementation.

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These Certificates do not result in further restrictions on *S. macrophylla* exports according to one of the issuing officers, but are simply another document that must be acquired prior to export (J. Duran, pers. comm. to A. Visinoni, 1996). The CITES Certificate of Origin requirement was greeted by protests from the timber industry, who suggested that the placement of a certifying stamp on documentation already required for exports be used instead of a separate document. They also objected to the imposition of a permit fee (C. Barerra, pers. comm. to X. Buitrón, 1996; J.C. Gómez, pers. comm. to X. Buitrón, 1996).

Several individuals interviewed during the course of this study commented that the new law is not a significant improvement over previous legislation, with the real problem lying with implementation of forestry controls (L. Gotia, pers. comm. to X. Buitrón, 1996; A. Swagrzak, pers. comm. to X. Buitrón, 1996; E. Vasquez, 1996 pers. comm. to X. Buitrón, 1996).

Under *Secretarial Resolution No. 11* of 13 February 1996, responsibility for issuing CITES Certificates of Origin was allowed to be decentralized under the coordination of the Dirección de Aprovechamiento Forestal (DAF, Directorate of Forestry Exploitation) and the Dirección Nacional de Conservación de la Biodiversidad (DNCB, National Directorate of Biodiversity Conservation), both of which are departments of MDSMA-SRN.

DNCB allocated responsibility for issuing CITES Certificates of Origin to two staff, one based in the DAF office in La Paz, who began issuing CITES Certificates of Origin in March 1996, and one based in an office of the Servicio de Encauzamiento de Agua y Regularización del Río Piray (SEARPI, Department of Channelling and Regularization of the Piray River) in Santa Cruz, who began issuing CITES Certificates of Origin in April 1996. The issuing officer in La Paz is employed by SRN-DNCB-DAF, while the issuing officer in Santa Cruz is employed jointly by SRN-DNCB-DAF and SEARPI.

Procedures

Businesses or institutions seeking to export mahogany are required to be registered with CNF, and to register with DNCB the names and signatures of individuals legally authorized to verify that the information provided on CITES Certificates of Origin is accurate. After learning that a single person had been registered as the authorized representative of ten different businesses, this requirement was modified, with DNCB instructions to exporters seeking a Certificate of Origin now indicating that the signatures of one or two people may be registered.

Applicants for CITES Certificates of Origin are required to send a letter of request to the issuing office in either La Paz or Santa Cruz. Upon receipt of such a request, the issuing officer sends the prospective exporter a blank Certificate form to be completed by the exporter and returned with the following:

- a Sistema de Ventanilla Unica de Exportaciones (SIVEX) certificate of origin, required for commercial exports of products from Bolivia and issued by the Secretaria Nacional de Industria y Comercio (National Secretary of Industry and Trade); and
- a receipt confirming payment of a fee of 60 Bolivianos (US\$11.85) into the MDSMA account at the Banco Nacional de Bolivia.

The completed Certificate of Origin and accompanying documentation are reviewed, and if approved, the Certificate of Origin is authorized with both a Government signature and a stamp, and returned to the exporter with any accompanying documentation. Two copies of the Certificate of Origin are kept by SRN, one of which is subsequently sent to the CITES Secretariat. The entire process takes approximately one day (C. Barrera, pers. comm. to X. Buitrón, 1997; J.C. Gómez, pers. comm. to X. Buitrón, 1997).

This system was temporarily modified somewhat in La Paz in late 1996, when the staff person responsible for CITES Certificate of Origin issuance began requiring the owners of businesses seeking such Certificates to apply for them in person. He also required the owners to bring with them a copy of the management plan required under the previous and existing forestry legislation certifying that the *S. macrophylla* was exploited in a sustainable manner. Timber company representatives voiced disagreement with this policy during a meeting with Government staff in January 1997, noting that the owners are frequently in the field and therefore cannot

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come to the office, and further, that this was not a CITES requirement for issuance of CITES Certificates of Origin. In response to the concerns of the industry, these two additional requirements were subsequently dropped.

Once issued, CITES Certificates of Origin are valid for six months, with a box on the Certificate of Origin form headed "Valido Hasta El" (Valid Until) provided for recording the final date of validity. However, no information was provided in this box for the majority of CITES Certificates of Origin issued in Santa Cruz. CITES Certificates of Origin may be renewed through issuance of a new Certificate.

The original and yellow copy of any unused CITES Certificates of Origin must be returned to SRN (C. Barrera, pers. comm. to X. Buitrón, 1997; L. Gotia, pers. comm. to X. Buitrón, 1996), however, there is currently no mechanism in place to confirm which CITES Certificates of Origin have been used, and therefore to confirm that all unused documents are returned (C. Barrera, pers. comm. to X. Buitrón, 1997).

Bolivian CITES Certificates of Origin are headed "CERTIFICADO DE ORIGEN CITES (*Swietenia macrophylla*)", but do not have a CITES logo. They are provided with a unique control number. Information to be specified on the Certificate of Origin includes the name and address of the exporter and importer, the scientific and common name of the species to be exported, and the unit and level of processing of the timber to be exported.

As noted above, the Government of Bolivia provided a copy of their Certificate of Origin to the CITES Secretariat which then circulated a copy to the Parties. All CITES Certificates of Origin for Bolivian mahogany known to have been accepted by the USA matched the sample form provided by Bolivia.

There are no designated ports of exit for *S. macrophylla*. As Bolivia is a landlocked country, *S. macrophylla* to be exported to overseas markets must first pass through one or more other South American countries. Customs inspects the SIVEX document accompanying shipments to be exported, but not CITES Certificates of Origin. The country's extensive borders are noted as being very difficult to control adequately given current staffing levels (E. Vasquez, pers. comm. to X. Buitrón, 1996). All of the *S. macrophylla* that leaves from La Paz is exported via a port in Arica, Chile (C. Barrera, pers. comm. to X. Buitrón, 1997), with many Bolivian CITES Certificates of Origin showing this as the port of export. This port is staffed by Bolivian Customs officials (J.C. Gómez, pers. comm. to X. Buitrón, 1997).

Bolivia is not known to import *S. macrophylla* and therefore the Government has not implemented a process to check for CITES Certificates of Origin from other countries of origin or to issue CITES Certificates of Re-export (J.C. Gómez, pers. comm. to X. Buitrón, 1997).

Trade volumes

Based on a review of CITES Certificates of Origin issued and provided to the authors, approximately 225 CITES Certificates of Origin were issued for the export of *S. macrophylla* in 1996. Approximately 30 different companies exported mahogany from Bolivia in 1996, the largest company exporting over 9800m³ during that year. The majority of CITES Certificates of Origin recorded the wood exported as sawn wood, with export volumes reported in "p2 or pies cuadrado" (board feet). Several CITES Certificates of Origin were issued without specifying the quantity of wood to be exported, and several others issued for finished products (doors and chairs).

Virtually all the CITES Certificates of Origin showed the USA as the country of import, with fewer than 20 issued for trade to other countries. CITES Certificates of Origin for a total of 42 683m³ of *S. macrophylla* were issued for exports to the USA in 1996, according to MDSMA (Anon., 1997a), a figure very close to that calculated by TRAFFIC from copies of CITES Certificates of Origin received from the Government. Data compiled by TRAFFIC based on Bolivian CITES Certificates of Origin for shipments cleared for import by the US Department of Agriculture show the import of approximately 16 000m³ during the period June-October 1996, the period for which such forms were available. While confirming that the USA is a major importer of Bolivian mahogany, further analysis is hindered by the differences in the reporting period and the fact that

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Bolivian CITES Certificates of Origin may not be used for as much as six months after they are issued.

CITES Certificates of Origin for the export of only 381m³ were issued for exports to European countries in 1996, with only five such CITES Certificates of Origin issued for exports to the UK. UK import data show that import permit applications were received in the UK for a total of seven shipments during the period in which CITES Certificates of Origin were issued by Bolivian authorities in 1996, and confirm that very small quantities of *S. macrophylla* are imported from Bolivia. Several CITES Certificates of Origin were also issued for exports to Argentina. No CITES Certificates of Origin were issued for the export of *S. macrophylla* to Brazil. However, there are indications that *S. macrophylla* is being shipped from Bolivia to Brazil (A.T. Matsunaga, pers. comm. to X. Buitrón, 1997; Visinoni and Silva, 1994; A. Visinoni, pers. comm. to X. Buitrón, 1996).

Conclusions

The Government of Bolivia has made a serious effort to implement Appendix III for *S. macrophylla* exports, by requiring that all exports be accompanied by a Certificate of Origin issued by the Management Authority. This requirement does not provide a significant additional burden on exporters, as other documentation is already required prior to export, and CITES Certificates of Origin are issued within a matter of days following receipt of a request. Implementation may be facilitated by the fact that both CITES and forestry measures are implemented under the same Ministry.

Analysis of CITES Certificates of Origin collected in the USA showed that all shipments imported and inspected on arrival from Bolivia were accompanied by what appeared to be valid CITES Certificates of Origin. Based on this, implementation of Appendix III in Bolivia would appear to be successful with regard to *S. macrophylla* exports to the USA.

The Appendix III-listing has resulted in more effective trade monitoring in Bolivia, with export data compiled from CITES Certificates of Origin considered to be more accurate than those compiled by CNF (C. Barrera, pers. comm. to X. Buitrón, 1997). The apparent lack of implementation of Appendix III for imports from Bolivia by some neighbouring States would seem likely to reduce the effectiveness of this listing for controlling trade, however.

Brazil

Introduction

Brazil holds the world's largest reserves of *S. macrophylla* and produces the greatest volumes of wood of this species in trade. *S. macrophylla* is both consumed locally and exported in large volumes; estimates of domestic consumption range from 50% (Viana, 1996) to more than 60% (P.J. Prudente de Fontes, pers. comm. to X. Buitrón, 1996).

Brazil permitted the export of approximately 650 000m³ of *S. macrophylla* from 1992 to 1996 according to data compiled by Brazil's Departamento de Operações de Comércio Exterior (DECEX, Department of External Trade) (E. Martins, IBAMA, *in litt.* to Chief, Office of the Scientific Authority, USFWS, 11 November 1996).

Export volumes reported by Brazil declined during this period, however, coinciding with the implementation by the Government of reduced export quotas.

The Government of Brazil has established a series of exploitation and trade controls aimed at maintaining exploitation within sustainable levels. According to IBAMA, these measures are sufficient to conserve the species within Brazil, a CITES Appendix II listing therefore being unnecessary (E. Martins, IBAMA, *in litt.* to Chief, Office of the Scientific Authority, USFWS, 11 November 1996).

Legislation and responsible authorities

The Government has adopted a variety of legislative measures aimed at controlling mahogany exploitation, transport and trade, including laws, decrees, provisional measures and regulations. The export quota for *S.*

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macrophylla was progressively reduced from 150 000m³ in 1990 to 70 000m³ in 1996. The export quota for 1997 remains at 70 000m³. In July 1996, the Brazilian Government adopted *Decree No. 1963* which suspended all new authorizations and concessions for commercial exploitation of *S. macrophylla* while the current logging system is evaluated. *Provisional Measure No. 1511*, adopted at the same time, reduced the allowable proportion of clear cutting of any forest from 50% to 20%, and enlarged the Forest Reserve within the area known as the Amazonia Legal, which covers just over 60% of Brazilian territory. A system for evaluating the effectiveness of existing Forestry Management Plans for *S. macrophylla* was also implemented.

CITES is implemented in Brazil under *Decree No. 76.723*, which was adopted in July 1975, and covers all species included in the Appendices. Under *Decree No. 120* of 16 November 1996, Brazil authorized the use of Autorização para Transporte de Produto Florestal (ATPF) forms marked with the stamp "CARIMBO DE CERTIFICACAO DE ORIGEM - CITES)" as CITES Certificates of Origin. This form does not have a CITES logo.

As with other aspects of CITES implementation in Brazil, Brazil's CITES Management Authority, the Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis (IBAMA), is responsible for issuing CITES Certificates of Origin. IBAMA notified the CITES Secretariat that five IBAMA offices would be authorized to issue CITES Certificates of Origin, one each in the ports of Belém, Paranaguá, São Francisco do Sul, Itajaí and Santos. This information was communicated to the Parties via CITES Notification No. 890, along with a copy of the ATPF form Brazil uses as a CITES Certificate of Origin.

CITES Certificates of Origin are issued by staff in offices of the Superintendências Estaduais (SUPES, **State Superintendent**) of IBAMA based in the ports named above. Export controls are a shared responsibility of the Unidades Portuárias (Port Units) of IBAMA and the Receita Federal do Ministério da Fazenda (**Federal System of the Finance Ministry**). CITES annual reports are compiled by the Departamento de Vida Silvestre (DEVIS, Wildlife Department) of IBAMA based on copies of ATPF forms issued.

Procedures

Brazil began issuing CITES Certificates of Origin for *S. macrophylla* in March 1996. These Certificates take the form of an ATPF form stamped as described above, and are valid for six months, however, no validity date is included on the form.

Prospective exporters must be registered with IBAMA, and submit several documents in addition to an ATPF form which has previously been completed by IBAMA. These include a 'Fiscal Note', which is issued by the **Ministerio de Industria, de Comércio do Turismo** (Ministry of Industry and Commerce) and identifies the exporter, the volume and value of timber to be exported and the importer, and confirms payment of relevant taxes; a registration permit certifying that the exporter is registered with IBAMA; and documents confirming authorization for *S. macrophylla* exploitation and export. The requirement that valid documents from more than one government agency be presented prior to issuance of a Certificate of Origin increases the potential to ensure that exports comply with the various relevant laws.

ATPF forms are printed on special paper and perforated with a stamp that identifies the authorized port of export, greatly reducing the chance of document fraud. If the application for the Certificate of Origin is accepted, IBAMA stamps the ATPF form with the required CITES stamp. The original and a copy are returned to the exporter, and a copy retained by IBAMA.

As noted above, staff of both IBAMA and the Finance Ministry share responsibility for inspection of shipments to be exported. They confirm that shipments of *S. macrophylla* to be exported are accompanied by CITES Certificates of Origin. An examination of documentation accepted as CITES Certificates of Origin received for shipments of timber to the USA indicates that all but two shipments inspected by the US Department of Agriculture for compliance with the Appendix III-listing were accompanied by Brazilian CITES Certificates of Origin. The two other shipments were accompanied by ATPF forms, but these lacked a CITES stamp.

No CITES documents are required by the Brazilian Government for the import of *S. macrophylla* into Brazil.

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IBAMA staff have noted that *S. macrophylla* enters Brazil from Bolivia (A.T. Matsunaga, pers. comm. to X. Buitrón, 1997), commenting that its origin can be determined from Customs documents, and that some is subsequently re-exported (C. Costa, pers. comm. to X. Buitrón, 1996; P.J. Prudente de Fontes, pers. comm. to X. Buitrón, 1996). IBAMA staff noted that IBAMA is requiring CITES Certificates of Origin to be presented for re-exports of some *S. macrophylla* originating from other countries, adding that they have refused to allow the re-export of some shipments lacking such CITES Certificates of Origin (A.T. Matsunaga, IBAMA, pers. comm. to X. Buitrón, 1997). There were indications that other measures might be under consideration with regard to re-exports in certain circumstances, but this requires clarification.

Trade volumes

Trade data provided by IBAMA demonstrate the scale and breadth of Brazil's *S. macrophylla* exports (Table 1). These data were provided in tonnes, but have been converted to cubic metres using the conversion factor of $1\text{ m}^3 = 0.73\text{ t}$, which is the official conversion factor used by the Brazilian Government (C. Rosetti, *in litt.* to X. Buitrón, 4 April 1997). The USA is by far the largest market for exports of *S. macrophylla*, with over 260 000 m^3 exported to the USA from 1992 to 1996. US imports appear to have declined somewhat in 1996, but there was no declining trend overall.

Europe is the second largest importer, with the combined imports totalling nearly 170 000 m^3 . Reported exports to the UK declined significantly during the mid-1990s, falling from over 35 000 m^3 in 1993 to less than 11 000 m^3 in 1996 according to Brazilian Customs data. However, UK import data indicate that imports from Brazil during the latter year were approximately 15 000 m^3 . Without further information it is not possible to explain this discrepancy, however it could reflect in part *S. macrophylla* being exported from Brazil in 1995 but not being imported into the UK until 1996.

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Table 1. Exports of *S. macrophylla* from Brazil from 1992-1996 (m³).

COUNTRIES	1992	1993	1994	1995	1996	TOTAL
South Africa	201	95	285	719	660	1960
Germany	714	1215	1178	949	1281	5337
Netherlands Antilles (NL)	138	234	663	164	19	1219
Saudi Arabia	0	0	0	119	0	119
Argentina 877	1507	1021	925	605	4934	
Australia	448	566	749	588	712	3063
Barbados	356	737	523	527	359	2503
Belgium	164	593	300	145	179	1382
Cuba	0	389	147	0	119	655
Denmark	203	477	137	0	84	900
United Arab Emirates	516	803	96	0	60	1475
Spain	6616	3548	9110	3181	3760	26215
Finland	207	111	78	159	60	615
France	0	0	0	388	40	427
Guadeloupe (FR)	904	1059	774	636	296	3668
Ireland	3234	2768	1392	1918	2190	11503
Jamaica	482	664	525	463	263	2397
Malta	1330	278	1326	408	218	3560
Martinique (FR)	2015	1874	751	310	189	5138
Mexico	0	1141	1068	244	0	2454
Low countries	3245	4895	4225	3622	1689	17675
Puerto Rico (US)	6078	1664	4199	2103	1256	15300
United Kingdom	32078	35395	22811	22148	10596	123027
Dominican Republic	130	2500	4810	6125	10693	24258
St. Vincent	64	278	108	0	36	486
USA	52229	47803	76645	47951	36710	261337
Venezuela 1067	186	0	0	0	1253	
Others	2159	1099	125	703	522	4607
TOTAL	115458	111878	133044	94493	72597	527470

Source: Anon., 1997b.

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Conclusions

The Government of Brazil has taken significant steps to implement Appendix III for exports of *S. macrophylla* originating in Brazil, and implementation for such exports would seem to be effective. Brazil not only issues CITES Certificates of Origin, but also inspects shipments to be exported to ensure they are accompanied by such CITES Certificates. Examination of documents received in the USA indicate that shipments have been accompanied by Brazilian CITES Certificates of Origin. The implementation of the Appendix III listing appears to have been complementary to existing management and trade controls.

However, the lack of control of imports of *S. macrophylla* originating from other range States reduces the effectiveness of this listing for controlling international trade. Information indicating that *S. macrophylla* is being imported from Bolivia warrants further investigation given that the Government of Bolivia is not known to have issued CITES Certificates of Origin for exports to Brazil during 1996. Further information is also required regarding controls on re-exports of *S. macrophylla* from Brazil.

Peru

Introduction

Peru has only recently become a major source of *S. macrophylla* in trade, with both extraction and exports increasing in recent years. According to data from the Dirección General de Areas Naturales Protegidas y Vida Silvestre (Directorate of Natural Protected Areas and Wildlife), only 37m³ of *S. macrophylla* were exported in 1994, this figure rising to 133m³ in 1995, then rising dramatically to over 8000m³ during the period January-September 1996 (Anon., 1997c,d). Excluding what appears to be an erroneous record, data for the entire year 1996 (Anon., 1997c) indicate that export volumes were approximately 12 000m³.

Legislation and responsible authorities

Export of sawn mahogany in its natural state is banned in Peru under *Decreto Supremo No. 013-96-AG Art. 4*. However, according to *Decreto Supremo No. 001-97-AG*, exports of worked mahogany (e.g. moulded, glued, turned, carved, tongue and grooved, veneer, etc.) are allowed with a maximum width of 5" (12.7 cm).

CITES is implemented in Peru under the *Ley Forestal y de Fauna Silvestre* (Forestry and Wildlife Law) and various decrees and resolutions. INRENA began issuing CITES Certificates of Origin in March 1996.

CITES Certificates of Origin are issued by the Instituto Nacional de Recursos Naturales (INRENA), the recognized CITES Management and Scientific Authority for Peru. Standard CITES permit forms are used for these CITES Certificates. These forms do not have a CITES logo, but do mention the Convention.

Procedures

CITES Certificates of Origin are issued by INRENA just prior to export. When requesting CITES Certificates of Origin from INRENA, exporters must provide the following:

Certificate of Identification of the wood to be exported, signed by a certified biologist Forestry Engineer;

Forest Transportation Docket issued by the Autoridad Forestal (Forestry Authority), Ministerio de Agricultura (Ministry of Agriculture);

Receipt for payment of logging rights;

Proof of registration with the Registro de Exportacion de las Empresas (Register of Exporting Enterprises); and

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Proof of tax registration.

If the review of these documents is favourable, then the CITES Certificate of Origin is issued following payment of a 3% tax on the goods to be exported. The original and two copies are given to the exporter, a copy sent to the CITES Secretariat (roughly monthly) and two copies retained by INRENA. INRENA staff do not physically inspect the mahogany to be exported. CITES Certificates of Origin are issued within four days of application (A. Morizaqui, pers. comm. to A. Quispe, 1997).

Compliance with the CITES Certificate of Origin requirement is estimated to be very high by INRENA, who note that Customs requires CITES Certificates of Origin to be presented prior to export, and further, that importers are demanding that such Certificates accompany shipments (A. Morizaqui, pers. comm. to A. Quispe, 1997).

Examination of documentation provided by the US Government for *S. macrophylla* shipments imported into the USA indicates that most were accompanied by CITES Certificates of Origin issued by INRENA on CITES permit forms. However, several shipments appear to have been accepted based on other documentation, e.g. Customs forms (see USA, below). Based on information available, it is not possible to determine whether those shipments were accompanied by appropriate CITES Certificates of Origin, but these were misplaced following import, or whether they were exported from Peru outside Peru's CITES trade controls.

CITES Certificates of Origin are not required to be presented for shipments of *S. macrophylla* imported into Peru. Although generally not detailed enough to identify the species of wood in trade, Peruvian Customs data do show the import of veneer sheets from Brazil in 1994 (17 t) and 1996 (8 t). The latter import was recorded as taking place in October 1996, more than six months after the Appendix III-listing was implemented by Brazil, and therefore any shipments involved should have been accompanied by Brazilian CITES Certificates of Origin. There are also indications in Customs data of small imports of *S. macrophylla* from Bolivia.

Conclusions

The Government has implemented CITES Appendix III with regard to exports, and the majority of those shipments that have been accepted for entry US ports have been accompanied by Peruvian CITES Certificates of Origin. However, other shipments appear to have been accepted for import based on Customs documentation only, and it is possible that they were not similarly accompanied by Peruvian CITES Certificates of Origin.

Appendix III implementation in Peru has resulted in improved monitoring of *S. macrophylla* exports. However, as in Bolivia and Brazil, Appendix III has not been implemented with regard to imports, thereby reducing the effectiveness of the listing in terms of controlling intra-regional trade in this species.

KEY CONSUMER STATES

UK

Introduction

Available trade information for recent years indicates that the UK has been the second largest importer of *S. macrophylla* after the USA. As with the USA (see below), effective implementation of the Appendix III-listing for *S. macrophylla* in the UK is central to the effective implementation of the listing overall.

Legislation and responsible authorities

In the European Union (EU), of which the UK is a member, authority for implementation of the Appendix III-listing for *S. macrophylla* was provided for under *Council Regulation 3626/82*, the regulation under which CITES was implemented throughout the EU until 1 June 1997. Implementation of the Appendix III-listing for *S. macrophylla* in the UK under this Regulation was effective as of 16 November 1995, the date on which the Appendix III-listing came into force. In addition to CITES controls, this regulation required prior issuance of an

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import permit for all Appendix III shipments. However, this requirement and therefore the procedures described below changed when this regulation was replaced by *Council Regulation (EC) No. 338/97* which took effect 1 June 1997. *S. macrophylla* is listed in Annex C of the new regulation, which requires importers to complete an import notification regarding the shipment being imported, and to give a copy of that notification to Customs for forwarding to the CITES Management Authority of the Member State. The information presented below examines the implementation of CITES Appendix III under *Council Regulation 3626/82*, which was in effect at the time of this study.

Primary responsibility for CITES implementation in the UK is accorded to the Department of the Environment (DoE), the UK CITES Management Authority, however, H.M. Customs and Excise is responsible for inspecting and verifying the contents of imported shipments and accompanying documentation. Staff of the Royal Botanic Gardens, Kew, the UK Scientific Authority for plants, provide scientific advice on plant species when requested by either DoE or Customs.

Procedures

In accordance with *Council Regulation 3626/82*, the DoE requires that an import permit be issued in advance of the import of *S. macrophylla* from non-EU countries, referred to on the UK permit form as an 'import licence'. Prospective importers complete an application form, but are not required to present copies of CITES Certificates of Origin at the time import licences are requested. No fee is charged to import licence applicants.

Upon receipt of an import licence application for *S. macrophylla*, the DoE can request advice from the UK Scientific Authority if they so wish. There have been no instances where the DoE has had to refuse to issue import licences (B. Ford, pers. comm. to C. Allan, 1997). Import licences may carry special conditions or advice from the DoE. For example, licences issued for imports of *S. macrophylla* include a stipulation that export or re-export documentation from the country of origin is required to be presented to Customs at the time of import, and provide the name and address of the CITES Management Authority of the expected country of origin.

UK import licences may be issued for either single or multiple shipments. In the case of import permission for multiple shipments, referred to by the DoE as 'bulk licences', the maximum number of shipments and the maximum combined import volume to be accepted are established. The importer is then issued a covering letter stipulating the maximum combined amount of timber that may be imported and the set number of import licences, with the sections on import volumes and exporters being blank.

Import licences are valid for six months. According to DoE, although importers are requested to return unused import licences; there is currently no penalty if they fail to do so.

S. macrophylla may be imported through any Customs port of entry. Most is apparently imported through Liverpool, Tilbury Docks (London) or Felixstowe. In conjunction with the EU's single market policy, shipments accompanied by UK documentation may also be imported via any other EU port of entry, just as those with documentation for import into other EU countries may be imported via UK ports.

Importers are required to present valid CITES Certificates of Origin/Re-export or Export Permits to Customs at the point of import, and Customs have been advised that they are not to accept shipments arriving without such documents. Customs staff inspect the documents presented and contact Customs Headquarters and/or the Management Authority if they have any questions. There is also an automatic computerised system of document clearance whereby imports are cleared without physical inspection of documents by Customs. Checks on CITES documents under this procedure are mainly targeted, with some random checks also.

At the time the import is approved, Customs staff document the actual volume of *S. macrophylla* imported in a space provided for this purpose on the import licence. Customs then sends a copy of the import licence to the DoE for their records, and these are used by the DoE for compiling annual reports. The use of different means of punctuating numbers indicating the volume of timber in trade in some South American countries as compared with the UK may be resulting in some confusion. The numeric formats on export documents from South

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America often use a comma "," to indicate a decimal place, while those in the UK use a decimal point ".". A Customs Officer not familiar with such differences may record the details incorrectly. This appears to have been the case for a shipment initially recorded as 12 000m³ in the DoE database which, following additional investigation by DoE when checking their data, was found to have consisted of approximately 12m³. The larger figure mistakenly recorded in the DoE database was based upon the information recorded by Customs at the point of import. The export document was completed as follows: "12,000".

Only a very small percentage of the actual shipments are physically examined by Customs upon import (C. Miller, H.M. Customs and Excise, *in litt.* to C. Allan, 27 May 1997). Customs at ports of entry rely largely on documentation for Appendix III commodities. However, in one of the major ports of import, timber samples are collected from shipments and are being sent to the Scientific Authority for identification, to determine if there are problems of mis-declaration of species (P. Korabik, pers. comm. to C. Allan, 1997). There are no known instances of a *S. macrophylla* shipment having to be refused entry upon arrival in the UK (B. Ford, pers. comm. to C. Allan, 1997).

Trade data for *S. macrophylla* are compiled into a database by the DoE based on import licences used and returned to the DoE by Customs. The actual import volumes recorded by Customs on the import licences are entered into the DoE database.

No applications for CITES Certificates of Re-export for *S. macrophylla* have been received by the DoE, however such Certificates would be issued if requested (B. Ford, pers. comm. to C. Allan, 1997). CITES Certificates of Re-export would not be required for re-exports to other EU countries.

Trade volumes

According to DoE data, based on records of import licences used, approximately 15 000m³ of *S. macrophylla* were imported into the UK during 1996, all of which originated in Brazil. By contrast, export data provided by IBAMA for Brazil show the export in 1996 of approximately 10 000m³ to the UK, only two-thirds of the amount reported as imported by the UK (Anon., 1997b). This may be explained in part by exports from Brazil in 1995 that were not imported into the UK until 1996: Brazil shows the export to the UK in 1995 of approximately 24 000m³ of mahogany.

DoE data show that a total of nine import licences were issued by the DoE for imports of *S. macrophylla* from Bolivia, however, none of these would appear to have been used as of March 1997 according to DoE data. Information on imports from Customs however, indicate that two of the nine licences were in fact used. It may be that the data have not yet been entered into the database or that the licences were not returned to the DoE. Based upon comparisons between DoE and Customs data, there was certainly one other import from Bolivia in 1996 which was not recorded by the DoE, and it is not known if it was accompanied by valid documentation. In early 1997, another shipment from Bolivia entered the UK and appeared to be accompanied by all valid documentation. Three import licences were issued for shipments from the USA, and a single licence for an import from Peru. DoE data available at the time of writing did not indicate that these licences had been used.

Conclusions

Based on available data, the UK remained a significant importer of *S. macrophylla* following implementation of CITES Appendix III for this species. The implementation of the import licence requirement called for under the stronger domestic measures of the European Union has provided an effective system for monitoring imports of this species. However, this requirement will cease with the implementation of the new EU regulation for wildlife trade, at which time only an import notification and the presentation of valid export/re-export documentation will be required.

Accurate reporting of imports into the UK relies heavily on the cooperation and understanding of Customs to return import licences or CITES Certificates of Origin to the DoE and on the DoE to accurately report those returns. However, there appear to have been isolated occasions where the DoE may not have received such licences, possibly a result of shipments entering in conjunction with the automatic document clearance system

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used by Customs, or simply through clerical error. Automated document clearance procedures and limited staff resources at busy ports may be resulting in some problems in returns of documentation. There may also be difficulties in interpreting the different numerical formats applied by South American countries, which may lead to inaccuracies in reporting. It is also possible that the DoE have not recorded all licences returned in their database, however this is less likely.

Implementation of the Appendix III-listing in the UK would benefit from further training of Customs staff regarding the correct procedures in order to eliminate any confusion. A joint undertaking by the DoE, the Royal Botanic Gardens, Kew, H.M. Customs and TRAFFIC is being developed to meet this need. Sampling of timber for identification and verification of shipments is also being undertaken.

USA

Introduction

The USA is the largest consumer of *S. macrophylla* in international trade. Given the importance of importing Parties in implementing Appendix III, it is clear that effective implementation of the listing for *S. macrophylla* depends heavily on effective implementation in the USA.

Legislation and responsible authorities

CITES is implemented in the USA under the US *Endangered Species Act* (ESA) and accompanying regulations. The Secretary of Interior is designated under the ESA as the sole US CITES Management and Scientific Authority. Authority for CITES implementation is delegated by the Secretary of Interior to the US Fish and Wildlife Service (USFWS) under the Department of the Interior. The ESA also gives authority to the US Secretary of Agriculture to implement and enforce CITES trade controls for plants, with this responsibility delegated to the Animal and Plant Health Inspection Service (APHIS) of the US Department of Agriculture.

Procedures

Although the Appendix III-listing entered into effect in November 1995, the listing was not officially announced through official Government channels in the USA until 22 February 1996. It appears that little was done to enforce the listing prior to this announcement date, with implementation in US ports of entry delayed for several additional months. Examination of copies of CITES Certificates of Origin issued for *S. macrophylla* obtained from USFWS indicates that the earliest date on which a *S. macrophylla* shipment was inspected and cleared by APHIS was 6 June 1996.

In accordance with the Appendix III-listing, importers of *S. macrophylla* are required to provide a valid CITES Certificate of Origin/Re-export to APHIS Plant Protection and Quarantine (PPQ) inspectors upon arrival at one of 11 US ports of entry designated for the import of CITES-listed timber prior to the release of the *S. macrophylla* shipments by APHIS. Three additional ports for the entry of CITES-listed timber have been proposed but not yet approved by the Department of the Interior. The USFWS Office of Management Authority (OMA) sought to obtain sample copies of CITES Certificates of Origin from *S. macrophylla* range States for distribution to the ports (M. Albert, pers. comm. to C. Robbins, 1997). APHIS inspectors physically inspect timber and all other imported plant material for pests and diseases and check accompanying documentation (phytosanitary certificates, CITES Certificates of Origin, etc.) to ensure that documents reflect the material being imported. Incoming shipments of *S. macrophylla* are inspected at the port of first arrival.

APHIS inspectors check the validity of CITES Certificates of Origin. One APHIS inspector noted that the use of different units of measure (e.g., pieces, board feet, cubic metres) on CITES Certificates of Origin makes it difficult for inspectors to confirm quantities of mahogany imported from shipment to shipment (M. Lidsky, pers. comm. to C. Robbins, 1997). Once the validity of CITES Certificates of Origin and other documents is confirmed, the CITES Certificates of Origin are marked accordingly with the signature of an

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APHIS inspector and an APHIS stamp. APHIS forwards the original copies (usually on a monthly basis) to OMA for computerization and filing. These CITES Certificates form the basis for information contained in US CITES annual reports.

Virtually all documents received for shipments from Bolivia and Brazil conformed to the sample CITES Certificates of Origin provided to the CITES Secretariat by the Governments of those countries (two Brazilian shipments were accompanied by the appropriate form, but lacked the CITES stamp described above). The majority of documents received for shipments from Peru were CITES Export Permit forms issued and signed by the Ministry of Agriculture, Instituto Nacional De Recursos Naturales (INRENA), which is the CITES Management Authority for Peru. It appears, therefore, that the Government of Peru has decided to use standard CITES permit forms for CITES Certificates of Origin.

Several additional shipments from Peru do not appear to have been accompanied by such CITES Certificates, however, the corresponding shipments were presumably cleared for entry by APHIS based on other documentation, copies of which were provided to TRAFFIC. A certificate of origin issued by the Gobierno Regional de Ucayali, Ministerio de Agricultura, Dirección Regional Agraria, a phytosanitary certificate and a US Customs entry form were provided for what appears to be a shipment of *S. macrophylla* that entered Baltimore from Peru in August 1996. No mention was made on the certificate of origin of either CITES or INRENA. Documentation for a second shipment from Peru, consigned to Quebec, Canada, via Baltimore, included a Customs 'Generalized System of Preferences Certificate of Origin' and two accompanying invoices. The volume of mahogany stated on the invoices (178m³) was significantly higher than that stated on the certificate of origin (87t, or approximately 119m³), the latter of which was stamped by APHIS staff as 'inspected and released'. A third shipment of *S. macrophylla* exported from Peru to the port of New Orleans in August 1996 was documented on another 'Generalized System of Preferences Certificate of Origin'. Although this latter certificate was not stamped as cleared by APHIS, its provision to TRAFFIC USA by USFWS would seem to indicate that the shipment was cleared for entry.

As with Peru, although most shipments of *S. macrophylla* imported from Mexico and Nicaragua were accompanied by CITES Certificates of Origin, other shipments appear to have been accepted based on Customs documents. Inspection of documents received for shipments imported from Guatemala revealed that all were accompanied by what appeared to be Customs certificates of origin, none of which mentioned CITES. A number of these shipments were imported via the ports of Mobile, Alabama and Gulfport, Mississippi.

There is insufficient information to determine whether those shipments for which only Customs documents were provided to TRAFFIC were accepted without inspection of CITES documents; it is possible that the CITES documentation failed to be forwarded to USFWS and/or TRAFFIC. It seems likely, however, that Customs inspectors in some ports are either unaware of the CITES Certificate of Origin requirement, or are of the understanding that Customs documentation conforms to CITES requirements.

According to OMA, there have been two questionable shipments of *S. macrophylla* since the listing went into effect, one from Peru, for which no additional information is available, and one from Mexico. The shipment from Mexico was released before APHIS noticed that a document was questionable. This document was subsequently found to be invalid (M. Albert, pers. comm. to C. Robbins, 1997).

As the US Customs codes used for timber are not specific with regard to this species, and CITES annual reports for range States are not yet available, it is impossible to assess at this time whether additional shipments of *S. macrophylla* are entering the USA without inspection for compliance with this listing.

The USA has issued several multiple use permits for re-export of *S. macrophylla* according to OMA (S. Hicks, pers. comm. to C. Robbins, 1997). Re-exports have been destined for Denmark, Mexico and the UK, among other destinations.

Trade volumes

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According to CITES Certificates of Origin and other documentation provided by USFWS, nearly 500 shipments of *S. macrophylla* were imported into the USA from June to October 1996, totalling over 40 000m³. These shipments originated from the following range States, in descending order: Bolivia, Brazil, Peru, Guatemala, Honduras, Nicaragua, Mexico and Belize (Table 2). Owing to the delayed implementation of the Appendix III-listing however, earlier shipments are likely to have been imported but not inspected by APHIS for adherence to CITES requirements or recorded in trade. Of those shipments for which documentation was available, approximately half (246) were imported into the USA via Savannah, Georgia, all of which reportedly originated from Brazil. The remaining shipments entered the USA via the following ports: Mobile, Alabama; Charleston, South Carolina; Gulfport, Mississippi; Miami, Florida; Baltimore, Maryland; Philadelphia, Pennsylvania; and Brownsville, Texas. It should be noted that neither Miami, Florida nor Brownsville, Texas are designated ports for the import of CITES-listed timber species.

Table 2. US imports of *S. macrophylla* from June-October 1996 (m3).

Country of Export	Import volumes
Bolivia	15 935
Brazil	14 172
Peru	4 862
Guatemala	2 211
Honduras	1 619
Nicaragua	1 528
Mexico	956
Belize	22
TOTAL	41 305

Source: Export documentation for US imports of *S. macrophylla* provided to TRAFFIC USA by USFWS.

Several re-exports were reported from a single country, Mexico, this timber declared as originating in Bolivia. Not all of the *S. macrophylla* entering the USA appears to have been destined for domestic consumption, as evidenced by documents for a shipment consigned to Canada. Import information available from the UK also showed the re-export of Bolivian *S. macrophylla* to that country.

Conclusions

US implementation of CITES Appendix III for *S. macrophylla* appears to have been delayed for approximately seven months following the entry into force of the Appendix III-listing. No information is available, therefore, to assess whether imports during that time were accompanied by appropriate documentation.

The USFWS sought to obtain copies of CITES Certificates of Origin from range States in order to improve implementation at the ports. Most documents accepted by APHIS following US implementation of the listing appear to be valid CITES Certificates of Origin or Re-export, including virtually all of those for Bolivia and Brazil. However, a number of shipments appear either to have been accepted without CITES Certificates of Origin, or to have been accepted with such Certificates, but copies of which may have been misplaced and therefore not provided to USFWS and/or TRAFFIC. This situation appeared to be limited to specific ports of entry. In addition, several imports are known to have been allowed through ports not designated for entry of CITES-listed timber species.

Confirmation of shipment volumes is hindered by the variety of terms used to describe the amount of timber covered by CITES Certificates of Origin, a problem common to recording of trade in timber shipments in general.

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The US Government's actions to implement the CITES Appendix III-listing for *S. macrophylla* have resulted in more effective controls and monitoring of the trade in this species. Provision of additional training to staff in specific ports will further enhance the implementation of this listing.

OTHER RANGE STATES

The following is based on information collected during this study including examination of documentation received from the US Government for shipments accepted for import into the USA.

Argentina

Argentina is not a range State for *S. macrophylla*, however this species is used in furniture manufacture within that country. The Government of Argentina does not require presentation of CITES Certificates of Origin for imports of this species. CITES Certificates of Origin issued by Bolivia for exports to Argentina confirm that this country is a consumer of *S. macrophylla*.

Belize

CITES Certificates of Origin of the format provided to the CITES Secretariat were accepted for two shipments imported into the USA. These Certificates, which were issued by the Ministry of Natural Resources, the CITES Management Authority, described the goods to be imported as "mahogany", and made no reference to CITES.

Guatemala

Based on copies of documentation provided by the US Government, none of the certificates of origin accepted upon entry to the USA for shipments from Guatemala appeared to have been issued by Guatemala's CITES Management Authority. Instead, these all appeared to be certificates of origin related to Customs controls: Generalized System of Preferences Certificates of Origin; Certificados de Origen issued by La Cámara de Comercio de Guatemala (The Guatemalan Chamber of Commerce); and a Caribbean Basin Initiative Certificate of Origin. There was no stamp or other mark to indicate that the Management Authority had reviewed or approved the use of these documents for CITES purposes. Use of these documents as CITES Certificates of Origin does not comply with the recommendations of Resolution Conf. 9.3.

Mexico

The Government of Mexico uses standard CITES permit forms as CITES Certificates of Origin/Re-export, marking the box 'Other' on the permit form in the case of shipments originating from Mexico, and 'Re-export' in the case of re-exports. This fact was communicated to the Parties via CITES Notification. A review of documentation for *S. macrophylla* shipments cleared for entry into the USA indicates that most were accompanied by valid CITES Certificates of Origin issued on CITES permit forms. However, it appears that three shipments were accepted in August 1996 based on Tratado de Libre Comercio de America del Norte Certificados de Origen (North American Free Trade Certificates of Origin). Two Certificates of Re-export were also received in the USA for the re-export of *S. macrophylla* from Mexico stated as originating in Bolivia.

Nicaragua

Like Mexico, the Government of Nicaragua uses CITES permit forms as CITES Certificates of Origin for *S. macrophylla*. The review of US import documentation presented above revealed that most shipments known to have been accepted for import were accompanied by CITES Certificates of Origin issued on CITES permit forms. However, two shipments appear to have been accepted in August 1996 on the basis of Generalized System of Preferences Certificates of Origin.

Venezuela

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The Government of Venezuela provided the CITES Secretariat with copies of three different Customs certificates of origin, indicating their validity for CITES purposes. Copies of these documents were subsequently circulated by the Secretariat to the Parties via Notification. No mention of CITES was made on the copies of documents provided to the Secretariat. As these documents would not appear to be issued by Venezuela's CITES Management Authority, their use would not seem to be in accordance with the recommendations of Resolution Conf. 9.3.

SUMMARY AND CONCLUSIONS

The CITES Appendix III-listing for *S. macrophylla* has been in effect for approximately 18 months. During this time, a number of Parties have taken steps to implement the listing, including those five known to be most heavily involved in the international trade in this species, Bolivia, Brazil, Peru, the UK and the USA.

The Governments of Bolivia, Brazil and Peru all began requiring that CITES Certificates of Origin be issued in advance of the export of *S. macrophylla* shipments within approximately four months of the entry into force of the listing. The Certificate of Origin requirement does not appear to have resulted in any disruption of other trade controls, or to have placed an undue burden on government authorities or exporters.

The Governments of several other range States are also known to have implemented the Appendix III-listing for *S. macrophylla* exports, as evidenced by the receipt of CITES Certificates of Origin in the USA: Belize, Mexico and Nicaragua. The Government of Venezuela has decided to allow Customs documents to be used as CITES Certificates of Origin, as communicated to the Secretariat. Shipments imported into the USA from Guatemala are similarly arriving with Customs certificates of origin, but apparently no CITES documentation. Additional information is required to determine if the Government of Guatemala considers these Customs documents as fulfilling CITES requirements, or if, in fact, they require exported shipments to be accompanied by CITES Certificates of Origin issued by the Management Authority.

In conjunction with the requirements of stricter European Union trade legislation, the UK Government began requiring that import permits be issued for *S. macrophylla* in November 1995, the month the listing entered into force, with CITES Certificates of Origin required to be presented at the time of import. The US Government began checking imported shipments of *S. macrophylla* for accompanying CITES Certificates of Origin approximately seven months after the listing entered into force. It would appear, however, that some shipments from range States that are issuing CITES Certificates of Origin are being accepted for import into the USA based on Customs documentation alone. Argentina, Brazil and Peru do not require that CITES Certificates of Origin be presented for *S. macrophylla* being imported, although there are indications that this species is imported into all three countries.

The Governments of Mexico and the USA have also implemented the Appendix III-listing with regard to re-exports, both having issued CITES Certificates of Re-export for this species. The procedure for implementing CITES controls for the re-export of *S. macrophylla* from Brazil requires clarification.

The Appendix III-listing does not specifically require CITES Certificates of Origin/Re-export to be presented at the time of export, limiting its usefulness with regard to export controls. However, the Governments of Brazil and Peru have implemented domestic measures by requiring exporters to present CITES Certificates of Origin at the time of export, strengthening the role of this listing with regard to controlling trade from these countries.

The implementation of CITES Appendix III appears to have been effective with regard to trade between the key producer and consumer countries. However, the failure of several range States to implement CITES import controls for *S. macrophylla* undermines the listing's effectiveness.

The Convention does not specify what information is required to be included on CITES Certificates of Origin, nor does it indicate the required issuing authority or validity period. As a result, the Parties are free to decide on the format they wish such Certificates to take, and on the choice of government agencies

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allowed to issue them. In the latter case, as noted above, the Parties have advised by Resolution Conf. 9.3 that only Management Authorities should be authorized to issue such documents.

The CITES Timber Working Group (TWG) noted that guidance regarding information to be included on Certificates of Origin was lacking, and recommended minimum specific information that should be provided, including the name and where possible the logo of the Convention, the scientific name of the species, the nature and quantity of items in trade, and the country of import (Anon., 1996b). The TWG did not recommend that the name of the exporter be included, but such information would seem necessary to prevent documents from being transferred from one exporter to another without the approval of the issuing Management Authority.

The TWG also recommended that the period of validity for CITES Certificates of Origin be set at 12 months, consistent with other TWG recommendations that the validity of CITES export permits be extended to 12 months under specific conditions (Anon., 1996b). It should be noted, however, that those range States for which Appendix III implementation was examined during this study established six-month validity periods for CITES Certificates of Origin, and that there is no indication that this has been problematic.

Given that *S. macrophylla* is one of only a few timber species traded in large volumes for which CITES trade controls have been introduced, it seems likely that some Customs and other inspectors charged with monitoring timber imports may be unfamiliar with CITES requirements. This reduces their ability to implement Appendix III. Implementation of the listing may be hindered further by the use of a variety of 'certificates of origin' for Customs controls on timber, which may be confused with CITES Certificates of Origin. Such confusion is likely to be exacerbated by the decision of at least one Party, Venezuela, to adopt the use of Customs certificates for the purpose of implementing Appendix III for *S. macrophylla*. This decision was apparently taken despite the recommendation of Resolution Conf. 9.3 calling for CITES Certificates of Origin/Re-export to be issued by CITES Management Authorities.

A review of documentation accompanying *S. macrophylla* shipments accepted by US inspectors upon import indicates that some Customs certificates of origin have been accepted as CITES Certificates of Origin, even from countries where other CITES documents are in use. Acceptance of these documents is contrary to Resolution Conf. 9.3 which recommends that documents issued other than by CITES Management Authorities be refused. It seems likely that this is resulting in part from confusion regarding what constitutes a valid CITES Certificate of Origin. It is likely that such confusion extends to inspection staff in other countries.

Units of measurement used to document timber are variable, making it difficult for some inspectors to verify the volume of timber covered by export documentation. This problem was noted by the Timber Working Group in the larger context of reporting on the trade in timber species, and recommendations made regarding the terms and units of measurement to be used for reporting on timber in trade (Anon., 1996b). In addition, the expression of numeric values in some *S. macrophylla* range States is different to that used in importing countries: for example, the number "3,000 t" would be interpreted as three tonnes in Brazil, while in the UK or the USA, it would be interpreted as three thousand tonnes. This may confuse both the assessment of *S. macrophylla* volumes covered by CITES Certificates of Origin and the compilation of resulting trade data. Such a problem has already been identified with regard to a shipment entering the UK.

The breadth of the Appendix III-listing for *S. macrophylla* was discussed by the TWG, with the question raised as to whether it was necessary to include all natural populations of a species in Appendix III in order to assist a Party in implementing trade controls. The TWG responded by drawing the Parties' attention to Resolution Conf. 9.25, and suggesting that it be amended to recommend that consideration be given to listing only those geographically separate populations of a species for which an Appendix III-listing would best achieve the aims of the Convention, particularly with regard to the conservation of the species in the country requesting that the species be included in Appendix III (Anon., 1996b).

The impact of the listing on Costa Rica's implementation of its own trade controls was not examined during this study. However, the listing is known to have improved monitoring of exports from the range States of

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Bolivia, Brazil and Peru, and imports into the UK and the USA. Implementation of the listing by other Parties is almost certain to have had the same effect.

CITES annual report data are not yet available to allow comparison of reported exports and imports and Customs data are of insufficient detail to allow such a comparison. As a result, it is too early to assess whether or not a significant proportion of timber in trade is taking place outside Appendix III controls. It was reported to the TWG in September 1996 that available information indicated that the volumes of *S. macrophylla* in international trade had remained largely unaffected by the Appendix III-listing (Anon., 1996b).

RECOMMENDATIONS

The following recommendations are intended both to improve implementation of Appendix III for *S. macrophylla*, and to guide the Parties as they consider the various issues being discussed during the tenth meeting of the Conference of the Parties related to the trade in this species and CITES Appendix III implementation.

- Parties that have not yet done so should take steps to implement the Appendix III-listing for *S. macrophylla* for exports, re-exports and imports.
- Parties that are range States for *S. macrophylla* or border other range States should be especially vigilant with regard to prohibiting unauthorized imports of this species.
- Parties should implement the recommendation of Resolution Conf. 9.3 calling for CITES Certificates of Origin to be issued by Management Authorities competent to issue CITES permits, and to be refused otherwise.
- Parties choosing to use forms other than standard permit forms for CITES Certificates of Origin/Re-export that have not yet done so, should provide a copy of these Certificates to the CITES Secretariat for circulation to the Parties. Such documents should also be provided to participants in CITES training seminars.
- If the amendments to Resolution Conf. 9.3 recommended by the CITES Timber Working Group are accepted, the Parties should ensure that CITES Certificates of Origin adhere to the guidelines set out by those amendments.
- Parties should ensure that personnel charged with inspecting imported timber shipments are advised of CITES Appendix III requirements and provided with copies of CITES Certificates of Origin.
- The Parties should adopt uniform measures for documenting the volume of *S. macrophylla* in trade, in accordance with the recommendations of the CITES Timber Working Group.
- The World Customs Organization should revise existing tariff headings in order to allow identification to the species level of *S. macrophylla* and other commercially important timber species in international trade.
- In considering the proposal by Bolivia and the USA to include *S. macrophylla* in Appendix II, the Parties should bear in mind the fact that implementation of the Appendix III-listing for this species has complemented existing management and trade controls in the main countries of export. Therefore, there should be no major obstacles to Appendix II implementation if this proposal is accepted.

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Note to Editors:

Examples of wildlife species identified as priorities for action in the report *Searching for a Cure: Conservation of Medicinal Wildlife Resources in East and Southern Africa*

Animal species.

* African Rock Python. This species is in demand for medicinal use in almost all countries surveyed. Its skin is used to treat sexually transmitted diseases and the back for backache. Identified as a priority for action in Malawi, Mozambique, Namibia and South Africa.

* African Wild Ass. The meat, blood and fat are used to treat a variety of ailments. This critically endangered species is in need of increased protection in Eritrea, where medicinal use combined with other threats, such as hunting and interbreeding with domestic donkeys, poses a grave threat to its already precarious status.

* Cape Pangolin. The scales and blood are used to treat a variety of conditions such as heart problems and also as good luck charms, for rain making and to protect against bad omens and bullets. Identified as a priority for studies to determine the volume and impact of trade in Malawi, Mozambique, Namibia, South Africa and Tanzania.

* Green Turtle. The oil of this turtle is used to treat many conditions. In Kenya, where illegal local and international trade is occurring, the oil is believed to cure more than 40 ailments, from scabies to tuberculosis. This species is identified for priority action in Eritrea, Kenya and Tanzania. In Eritrea, the genitalia are used and there are exports to Saudi Arabia. The scale and impact of this trade should be examined.

Plant species

* *Aloe sinkatana*. Both the leaves and leaf exudate of this Sudanese succulent are valued to treat a variety of ailments, including skin diseases, constipation, fever and inflamed colon. This species is depleted in the wild and propagation is recommended.

* Baobab *Adansonia digitata*. The fruit and bark of this tree are used to treat dysentery. While it has a widespread distribution throughout the region, it is becoming scarce in Eritrea and Sudan. This scarcity at local level should be regarded as a potential trend and signal to neighbouring countries to more closely examine their own use of this resource.

* *Prunus africana*. The bark of this afro-montane tree is used to treat prostate problems. Since 1990 Kenya has exported approximately 1100 tonnes of bark, and Madagascar has exported over 4 tonnes of extract, to France. Surveys should be carried out to determine the population status of this tree, which became subject to international trade controls under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1994.

* *Warburgia salutaris*. The root and bark of this tree are valued to treat colds, coughs, headaches and stomach problems. This species is identified as a priority for management and propagation in Mozambique, Swaziland, Zambia and Zimbabwe. In addition, an investigation of the trade in Swaziland is recommended.



IUCN
The World Conservation Union

The TRAFFIC Network is the world's largest wildlife trade monitoring programme with offices covering most parts of the world. TRAFFIC is a programme of WWF—World Wide Fund For Nature and IUCN—The World Conservation Union, established to monitor trade in wild plants and animals. It works in close co-operation with the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The TRAFFIC Network shares its international headquarters in the United Kingdom with the World Conservation Monitoring Centre.

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