

Overview of CITES

The CITES Convention

CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) is an international agreement between governments and is currently signed by 180 countries. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. Because the trade in wild animals and plants crosses borders between countries, the effort to regulate it requires international cooperation to safeguard certain species from over-exploitation. CITES was conceived in the spirit of such cooperation. States that have voluntarily joined CITES and agreed to be bound by the convention are known as Parties. Although CITES is legally binding on the parties, it does not replace national laws. Rather, it provides a framework to be respected by each party, which must adopt its own (domestic) legislation to ensure that CITES is implemented at the national level.

The CITES Appendices

Roughly 5,600 species of animals and 30,000 species of plants are protected by CITES against over-exploitation through international trade. They are listed in three CITES Appendices according to how threatened they are by international trade.

Appendix I lists species currently threatened with extinction; trade in specimens of these species is permitted only in exceptional circumstances and requires an export and import permit.

Appendix II lists species not necessarily threatened with extinction in the immediate term but in which trade must be controlled in order to avoid 'utilization incompatible with their survival'.

Appendix III lists species that are protected in at least one country that has asked other CITES parties for assistance in controlling trade in those species. Some of the listings are limited in scope to certain products. These limitations are set out in an annotation; the listing of e.g. *Cedrela odorata* in Appendix III is restricted to logs, sawn wood, and veneer sheets.

Proposals to list a species in CITES can only be made by a Party to CITES. Almost all countries are Parties. For Appendix III, the Party must be a range state and the proposal must be sent to the CITES Secretariat. Proposals for Appendix II can only be approved at a Conference of the Parties (which should take place every two years) and only if two thirds of the Parties present and voting agree.

CITES export permits

All trade in the species listed in Appendix I of the Convention must be accompanied by a CITES *export permit* issued by the exporting country and a CITES

import permit issued by the importing country. Species in Appendix II must be accompanied by an appropriate CITES export permit issued by the exporting country before entry to the importing country will be allowed. For Appendix III-listed species, an export permit is required for trade from a country that has listed its populations in the Convention. A certificate of origin or a re-export certificate is required for exports from any other country.

CITES Certificate of Origin

The Wildlife Division of the Ministry of Natural Resources is the CITES Management Authority in Guyana. CITES listed species are specifically dealt with in the 1999 Species Protection Regulations which is subsidiary to the Environmental Protection Act of 1996. The Species Protection Regulations, 1999, are made under the Environmental Protection Act 1996 (No. 11 of 1996) and govern the export trade of protected fauna and flora and are currently being reviewed.

Red Cedar is listed in Schedule III of the Regulations (*Cedrela odorata* #5 (populations of Colombia, Guatemala and Peru). The History of CITES listings (UNEP-WCMC 2014) indicates that Peru included its national population in Appendix III on 12/06/2001, Colombia on 29/10/2001 and Guatemala on 12/02/2008. Bolivia included the whole species in Appendix III on 14/10/2010 and Brazil on 27/04/2011. This listing implies that export from all other range States of the species, of specimens originating in those States, requires a CITES certificate of origin issued by the Management Authority of the range State, in accordance with Article V, paragraph 3, of the CITES Convention. The annotation #5 applied to listings of the tree species means that the parts and derivatives covered by the listing are logs, sawn wood and veneer sheets.

Non-Detriment Finding

Export permits for specimens of Appendix II-listed species must be based on a scientific non-detriment finding (NDF) and, notably, a legal acquisition finding. For timber species, NDF mean that successful implementation will require descriptive knowledge of the species resource base; where it occurs, how much is there, and its ecological role. NDF further require understanding of management practices necessary to promote growth and regeneration toward future harvests and a technical capacity to implement those practices. The mandate for legal supplies means that implementation will require regulatory and enforcement capacity adequate to the task of ensuring compliance with forest legislation; the ability to track legal supplies to separate these from illegal harvests; and clear protocols for handling harvests destined for domestic markets.

Export permits for specimens of Appendix III-listed species (required where the state of export listed the

species) need only legal acquisition findings, while certificates of origin require neither NDFs nor legal acquisition findings since those documents only identify the country of export as the country from which the specimen originated. They are not required to include sub-national 'origin' (such as concession of harvest).

Trade records

Parties must record all trade in listed species and report it annually to the CITES Secretariat. This information is made public through the online CITES trade database, managed by the UN Environment Programme World Conservation Monitoring Centre (UNEP-WCMC). In addition, the parties must designate at least one Management Authority responsible for licensing and at least one Scientific Authority responsible for assessing the effects of proposed and actual trade on the status of the species. In order to authorize the export of a specimen of a CITES-listed species, a national Management Authority must be satisfied that the specimen has been 'legally acquired' and, in the case of species listed in Appendices I and II, that the relevant national Scientific Authority has advised that the proposed export will not be detrimental to the survival of the species.

Timber species

Initially, commercial timber species were poorly represented in the CITES Appendices; however, in recent years there has been an increased focus on timber. The most recent CITES Conference of the Parties (CoP16), which took place in March 2013, voted to list a number of tropical hardwood species in Appendix II of the convention, including Malagasy ebony (*Diospyros* spp.) and various Rosewood species (*Dalbergia* spp.) from Madagascar, Central and South America and Thailand. Other tropical timber species already listed in CITES include Mahogany or *Swietenia macrophylla*, Ramin or *Gonystylus* spp., Afrormosia or *Pericopsis elata* (all Appendix II) and red cedar or *Cedrela odorata* (Appendix III).

Inconsistent implementation of Appendix-III timber listings

At its 15th meeting (CoP15, Doha, 2010), the Conference of the Parties discussed the problem of inconsistent implementation of Appendix-III timber listings where only specified national populations are included. It was noted that such listings can cause enforcement problems because, if one population of a species is included in Appendix III and all others are excluded, it is difficult to distinguish specimens that require a CITES permit or certificate from specimens that require none.

In cases where a whole species is included in Appendix III and national populations are also included, the permit requirements vary depending on the country of export.

In the case of *C. odorata*, the whole species is included in Appendix III and one or more Parties have also included their national populations of the species. When a Party includes a whole species in Appendix III, this means that all populations everywhere in the world are included. If other Parties also include their national populations, this changes the permit requirements for export from those States of specimens originating in those national populations.

Current listing of *Cedrela odorata*

The current listing of *Cedrela odorata* implies that 'usual' listings for the regulation of trade for whole species included in Appendix III should be implemented; i.e.:

Export, from the State that included the species in Appendix III (i.e. Brazil, Bolivia, Colombia, Guatemala and Peru) of specimens originating in that State:

- requires the prior grant and presentation of a CITES export permit that has been issued by the Management Authority of the State of export;

Export, from all other range States of the species, of specimens originating in those States (e.g. Guyana):

- requires a CITES certificate of origin issued by the Management Authority of the range State.

If Guyana decides, based on the outcome of this project (resource assessment and management plan and production and (international) trade in Red Cedar), that the national population of red cedar should be included on Appendix III, then exports of red cedar logs, sawn wood and veneer sheets from Guyana would fall in category a): i.e., a CITES export permit that has been issued by the Management Authority should be granted prior to export and be presented to the relevant authorities.

FORM A of Schedule V Species Protection Regulations 1999 APPLICATION FOR PERMIT/CERTIFICATE TO TRADE, IMPORT, EXPORT, RE-EXPORT or INTRODUCE FROM THE SEA ANIMALS OR PLANTS LISTED IN SCHEDULES I-IV	
Name of Applicant: (Surname first, if a person)	_____
Address of Applicant: (Registered or principal office, if a body corporate)	_____
Nationality of Applicant:	_____
Species scientific and common name of the animal/plant/taxa to be covered	_____
Number of animals/plants, quantity	_____
Type of goods/marks (if any)	_____
I hereby declare that I shall comply with the law relating to trading, exporting, re-exporting, importing and introducing from the sea, of animal and plant specimen and articles and agree to give the Management Authority such information as may be lawfully required by the Authority.	
Signature of applicant:	_____
Date:	_____



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