

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



Fifteenth meeting of the Plants Committee
Geneva (Switzerland), 17-21 May 2005

ANNOTATIONS OF PLANTS LISTED IN APPENDICES II AND III

The working group comprised the regional representatives of Africa (D. Hafashimana), Central and South America and the Caribbean (D.I. Rivera), Europe (G. Frenguelli), North America [R. Gabel (Chairman)], observers from Canada, China, France, Germany, Italy, Mexico, Republic of Korea, South Africa, United States of America, UNEP-WCMC, IUCN-The World Conservation Union and IWMC-World Conservation Trust.

The Chairman opened the discussion by noting that previous Resolutions had existed (e.g., Conf. 4.24) in which the Parties had agreed to include all parts and derivatives unless listings were annotated otherwise. It was further noted that, even after repeal of these Resolutions, such guidance had existed in the Interpretation of the Appendices. The Chairman therefore suggested that it might be preferable to reinstate such guidance in a Resolution.

The observer from IWMC-World Conservation Trust noted that the Appendices are binding whereas Resolutions are not. He therefore suggested that it might be preferable to reinstate the previous Interpretation of the Appendices that included all parts and derivatives unless otherwise annotated. He further suggested that Resolution Conf. 11.21 on Annotations be amended to indicate that the Secretariat should not make substantive amendments to the Interpretation of the Appendices without a specific decision from the Conference of the Parties. He also drew attention to the fact that the Parties had taken decisions early in the history of the Convention (e.g., at CoP2 and CoP4) to include all parts and derivatives unless listings were otherwise annotated. Finally, he advised that, because changes had been made to the Interpretations of the Appendices without a decision from the Parties, the Plants Committee could refer the matter to the Standing Committee to reinstate the pertinent sections.

The observer from Germany clarified that Resolution Conf. 9.6 (Rev.) was not appropriate for supporting inclusion of all parts and derivatives in unannotated listings, because it merely clarified what is readily recognizable. He also noted that something should be done to ensure that proposals submitted without an annotation are presumed to include all parts and derivatives so that amendments at a CoP could be considered a reduction in scope and therefore permissible.

Several observers suggested that Resolution Conf. 9.24 (Rev. CoP13) should be amended to require that proposals to amend the Appendices should specify which parts and derivatives are to be included. However, it was noted that such guidance already exists in the Resolution and proposals are still submitted without annotations to reflect the full scope intended by the proponent.

The observer from France noted that Article I of the Convention advised that only designated parts and derivatives are included in listings of Appendix-II and -III plants, so she questioned how an unannotated listing could be interpreted as including all parts and derivatives. It was concluded by the group that the Parties could decide that, unless otherwise specifically indicated by annotation, all parts and derivatives are designated for inclusion in the Appendices when a species is listed without an annotation.

The observer from Germany suggested that Resolution Conf. 11.21 on Annotations could be amended to address our concerns. However, she also noted that this resolution only pertains to Appendices I and II. The

group noted that Resolution Conf. 9.25 (Rev.) pertaining to listings of species in Appendix III should be reviewed and amended as necessary to also ensure that all parts and derivatives are included in unannotated listings. The Working Group agreed that an intersessional drafting group should be established by the Plants Committee to develop appropriate amendments for Resolutions Conf. 11.21 and Conf. 9.25 (Rev.) and present them to the next meeting of the Plants Committee for further discussion, with the ultimate goal of presenting a proposal to CoP14.

Finally, it was noted that there are few unannotated species in the Appendices, but they should be reviewed to determine whether amendment proposals are needed to add annotations or whether they will be appropriately listed without annotation if the aforementioned Resolutions are amended. The Chairman advised that the United States will review *Dudleya*, but noted that someone needs to consult with Madagascar about the affected species of palms to determine what action is necessary. One Appendix-III plant species from Costa Rica was identified as possibly requiring review.