

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



Twelfth meeting of the Plants Committee
Leiden (The Netherlands), 13-17 May 2002

Technical proposals for the 12th meeting of the Conference of the Parties

TRADE IN SEEDS

1. This document has been prepared by the United States of America.

Background

2. The United States of America has encountered differences in interpretations of the provisions of the Convention pertaining to the annotations of Appendix-II plants and the exemption of seeds. We believe these differences in interpretation merit discussion in the Plants Committee to determine whether any formal proposals should be developed and submitted to the 12th meeting of the Conference of the Parties to ensure that the Convention is interpreted and implemented uniformly by the Parties.

Treatment of specimens of Appendix-II species grown from wild-collected seeds

3. The Secretariat has advised the Scientific Authority and Management Authority of the United States of America that plants grown from wild-collected seeds of Appendix-II species should be treated as artificially propagated specimens when the listing of those species is annotated to exclude seeds. The United States believes, however, that this is inconsistent with the definition of 'artificially propagated' contained in Resolution Conf. 11.11 under "Regarding the definition of 'artificially propagated'", which states in paragraph c) that "seeds shall be regarded as artificially propagated only if they are taken from specimens acquired in accordance with paragraph b)...and grown under controlled conditions...." Paragraph b) requires that parental stock is established legally and without detriment to the survival of the species in the wild, and it also requires that the cultivated stock be managed in such a way that its long-term maintenance is guaranteed.
4. It is the understanding of the United States that the Secretariat's interpretation is derived from the fact that the origin of seed of many Appendix-II species is irrelevant because the listings are annotated to exclude the seed from CITES controls. The Secretariat has also advised the United States that a non-range country may not consider plants grown from seed within its borders to be given a source code of 'W' for wild. This is inconsistent with the way in which the Convention is applied to animal species. For example, if a wild-collected egg of a listed bird species is imported into a non-range country and incubated to produce a live bird, the resulting bird is considered wild.

5. The United States acknowledges the unique status of exempt seed of Appendix-II plants, and that the Secretariat's position in this matter may reflect a practical viewpoint. However, if the Parties are to accept the interpretation of the Secretariat, the United States believes that the current wording of Resolution Conf. 11.11 is not straightforward and may need revision. Currently, in the opinion of the United States, plants grown from wild-collected seed, or seed of unknown origin which may have been collected from the wild, do not meet the requirements to be designated as artificially propagated specimens. Most importantly, they are not derived from cultivated parental stock or cannot be determined to be so. The United States recommends that the Plants Committee consider whether an additional paragraph is needed to define 'artificially propagated' for plants derived from seeds or other material excluded from the listing, or whether such plants should be considered merely 'cultivated'. If it is determined that such specimens should be considered 'cultivated' and not 'artificially propagated', further amendments to Resolution Conf. 10.2 (Rev.), "Permits and certificates", may be needed to provide a unique source code for specimens that the Parties do not wish to treat as 'wild' but which do not qualify as 'artificially propagated'. There is such an intermediate code for animal specimens that are born in captivity but do not meet the definition of 'bred in captivity' adopted by the Conference of the Parties.