

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



Eighteenth meeting of the Plants Committee
Buenos Aires (Argentina), 17-21 March 2009

DEFINITION OF NON-TIMBER FOREST PRODUCTS

1. This document has been prepared by the regional representative of Oceania*.
2. At its 14th meeting (The Hague, 2007), the Conference of the Parties adopted Decision 14.142, directed to the Plants Committee and the Secretariat as follows:

In consultation with relevant intergovernmental organizations such as the Food and Agriculture Organization of the United Nations, the Plants Committee in consultation with the Secretariat should draft a definition of non-timber forest products to be considered at the 15th meeting of the Conference of the Parties.

3. At PC17 a working group was formed (PC17 WG11) to work intersessionally with the following membership: Regional Representative for Oceania, Canada, Chile, China, Kuwait, Madagascar, Malaysia, Mexico, Saudi Arabia, Thailand, United States of America, FAO, IUCN, UNEP-WCMC, American Herbal Products Association, Species Survival Network, TRAFFIC, and WWF. A discussion paper was prepared by the Chair and circulated to members in October. Recommendations are proposed based on working group member responses.

Background

4. At the Experts Group Meeting on Agarwood: Capacity building Workshop for improving implementation and enforcement of the listing of *Aquilaria malaccensis* and other Agarwood-producing species, held in Kuala Lumpur, Malaysia in November 2006, the issue of dealing with the regulation and permitting of increasing amounts of plantation-grown Agarwood was a major topic of discussion.
5. A possible solution for exempting the plantation material from CITES controls was to include plantation grown Agarwood in the definition of 'artificially propagated' in Resolution Conf 10.13 (Rev. CoP14) (Implementation of the Convention for timber species). Such a solution raised the subsequent issue that Agarwood was not really a timber species and workshop participants found it peculiar that a resolution relating to timber species should be utilised for Agarwood. The discussion considered the question of what was 'Agarwood' as a product, and it was in this context that the issue of a definition of non-timber products was raised with reference to the implementation of the Convention. The workshop did not consider the subtlety in the difference between a definition of non-timber products compared with non-timber *forest* products or minor *forest* products.
6. Agarwood can be traded in many forms from large lumps of wood to woodchips, wood powder or sawdust, leaves for tea, distilled oil and manufactured products such as incense and perfumes. It is not a high-value

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timber species, but commands high prices for its non-timber products. It was noted that CITES has the capacity to almost infinitely define products that are either controlled or exempted from control.

7. The original problem for Agarwood that initiated this discussion was solved at CoP14 by an amendment to Resolution Conf. 10.13 (Rev. CoP14) with the inclusion of non-timber products from trees in the definition of artificially propagated specimens. Plantation-grown Agarwood in any of its traded forms can now be treated as artificially propagated.
8. There is potential confusion in that the title of the relevant Resolution [Resolution Conf. 10.13 (Rev. Cop14)] is "Implementation of the Convention for timber species" but the definition of 'artificially propagated' in the Resolution now allows non-timber products from trees to be considered under this Resolution.
9. The information documents presented at PC17 (PC17 Inf. 1 and PC17 Inf. 2) demonstrated the breadth of definitions that are available for non-timber forest products. These can span from the direct products of trees to associated fauna to tourism/recreation and ecosystem services. Interventions at PC17 indicated that some Parties preferred definitions for CITES purposes that restricted the terms to the direct products from CITES-listed species.
10. It was observed that there is confusion in the use of two separate terms, "non-timber products from trees" and "non-timber forest products." These are not the same, but were being used interchangeably at the last PC meeting. In one instance, the artificial propagation definition would apply as for timber from plantations, but for the other it would not. For example, agarwood harvested from trees in a plantation would qualify as artificially propagated (as a non-timber product from trees), but specimens from some sort of understory plants growing under the trees in a plantation (a non-timber forest product) would only qualify if the understory plants were themselves artificially propagated in accordance with the definition contained in Resolution Conf. 11.11 (Rev. CoP14).
11. The WG noted that a definition of non-timber products can not expedite the permitting process, which was cited as an impetus for requesting the definition. The harvesting of "non-timber products" is not implicitly non-detrimental to the survival of wild populations. Plantation-derived "non-timber" products should be treated exactly the same as any plantation CITES timber. Permitting procedures should continue to be approached from the basis that the production of the specimens to be exported has not been detrimental to the survival of wild populations. Further, all relevant annotations still apply as these are a legally binding element of the listing.
12. Agarwood is an aromatic plant, not a timber species, and the discussions related to the selection of parts and derivatives of medicinal and aromatic plants for inclusion in CITES adopted at CoP13 are also relevant. The most pertinent one in this case refers to the "part that occurs most commonly in trade" and this applies regardless of any non-timber or non-wood forest product definition or lack thereof in CITES.
13. A more relevant discussion would involve distinguishing plantation-derived versus wild origin material and the issue of mixed species plantations.

The FAO definition

14. The 2006 Agarwood workshop suggested that the FAO definition was a good starting point. This definition is:

"Non-wood forest products consist of goods of biological origin other than wood, derived from forest, other wooded lands and trees outside forests".

15. The definition of 'non-wood' excludes wood chips and hence Agarwood in this commonly traded form is excluded. However, the distilled oil would be included. 'Forest' includes plantations and so all artificially propagated material would be included. The FAO defines 'products' to exclude forest services such as ecotourism and ecosystem services. From the perspective of Agarwood, this definition divides two of the major forms of traded Agarwood (wood chips and oil) with one being included and one being excluded. Along with the inclusion of plantation material, it appears this definition probably causes more confusion from the perspective of implementation of CITES.

Recommendation

16. The working group proposes that a definition of non-timber forest products (NTFPs) is no longer needed and recommends Decision 14.142 has been implemented, for the following reasons.

- a) In the context of Resolution Conf. 10.13 (Rev. CoP14), paragraph g), non-timber clearly refers to anything that is derived from a plantation-grown tree specimen that is not timber. No further definition is required.
- b) Although the language of Resolution Conf. 10.13 (Rev. CoP14) is sufficiently precise and clear as to its intent, should further clarification be required, the WG suggests the Resolution could be amended using existing CITES terminology as follows:

Regarding the definition of 'artificially propagated'

- g) ~~Timber and non-timber products or other parts or derivatives of~~ derived from trees grown in monospecific plantations be considered as being artificially propagated in accordance with the definition contained in Resolution Conf. 11.11 (Rev. CoP14);
 - c) Ultimately, a general definition of NTFP would not be useful or meaningful in a CITES context and could have unwanted consequences. A CITES definition of NTFP, with its own set of rules would overly complicate the issue, especially due to the large number and breadth of potential definitions for NTFPs (botanical cuttings, understory vegetation, fungi, wildlife, etc.). It is of concern that a definition of NTFP (or any other derivation thereof), when taken out of context from Resolution Conf. 10.13 (Rev. CoP14), could be applied to other CITES-listed species, such as medicinal plants, many of which are non-timber products derived from trees.
 - d) Finally, although paragraph g) applies to non-timber products from ALL trees, the WG believes that changing the title of Resolution Conf. 10.13 (Rev. CoP14), "Implementation of the Convention for timber species", would require careful consideration. Generalizing each paragraph in the Resolution to include all CITES-listed trees versus those trees that are in the timber trade could have unintended ramifications that would be detrimental to the species.
17. A further proposal by Thailand was to delete the word 'monospecific' from the definition of artificially propagated. However, there was not consensus in the working group on this point. Thailand is encouraged to raise this issue with the Committee.