

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



Twenty-fourth meeting of the Plants Committee
Geneva (Switzerland), 20, 21 and 23-26 July 2018

AN OVERVIEW OF THE EVOLUTION OF RESOLUTION CONF. 11.11 (REV. COP17)

1. This document has been submitted by the representative of Oceania (Mr. Leach) and the acting representative of Asia (Ms. Setijo Rahajoe) as co-chairs of the intersessional working group in relation to agenda item 16.*
2. The document was prepared as a response to paragraph a) of the working group mandate:
 - a) give an overview of the evolution of Resolution Conf. 11.11 (Rev. CoP17) and perspective on the original intent of the Resolution guiding the definition of artificial propagation in order to inform debate regarding possible amendment of Resolution Conf. 11.11 (Rev. CoP17).

* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

**Overview of the evolution of CITES Resolution Conf. 11.17 (Rev. CoP17)
and the regulation of artificially propagated plants in trade.**

Prepared by a member (USA) of the intersessional working group at the request of the co-chairs of the working group.

The Conference of the Parties adopted the first Resolution concerning 'artificially propagated' plants at its 2nd meeting (CoP2, San Jose, 1979): Resolution Conf. 2.12, on *Regulating trade in artificially propagated specimens under the Convention*. This Resolution defined 'artificially propagated' as "grown by man from seeds, cuttings, callus tissue, spores or other propagules under controlled conditions" and 'controlled conditions' for plants is "an environment that is intensively manipulated by man for the purpose of producing selected species." "General characteristics of controlled conditions may include but are not limited to tillage, fertilization, weed control, irrigation, or nursery operations such as potting, bedding or protection from weather." The Resolution specified that artificially propagated stock must be:

- i) established and maintained in a manner not detrimental to the survival of the species in the wild,
and
- ii) managed in a manner to maintain the artificially propagated stock indefinitely.

At its 4th meeting (CoP4, Gaborone, 1983), the Conference of the Parties adopted Resolution Conf. 4.16, on *Artificially propagated plants in Appendix II*, concerning the issuance of phytosanitary certificates for Appendix II plant specimens. The Conference of the Parties also adopted a Decision to establish a Plant Working Group under the Technical Committee (TEC), to develop recommendations on how the Convention could work better for plants in trade.

At its 5th meeting (CoP5, Buenos Aires, 1985), the Conference of the Parties adopted Resolution Conf. 5.14, on *Improving the regulation of trade in plants* and Resolution Conf. 5.15, on *Improving and simplifying the regulation of trade in artificially propagated plants*, based on the work and recommendations of the Plant Working Group. Resolution Conf. 5.14 provided recommendations on several plant related issues (e.g., higher taxon-listing, identification materials), and Resolution Conf. 5.15 provided recommendations concerning the registration and licensing of traders of artificially propagated Appendix-I, -II or -III plant species.

At its 6th meeting (CoP6, Ottawa, 1987), the Conference of the Parties adopted Resolution Conf. 6.19, on *Additional considerations on artificially propagated hybrids of Appendix I plants*.

At its 8th meeting (CoP8, Kyoto, 1992), the Conference of the Parties noted that the text of the Convention and the existing Resolutions concerning plants did not truly reflect modern plant propagation and trade in artificially propagated plants, and that a different approach was often necessary for plants. The Parties replaced Resolution Conf. 2.12 with the new Resolution Conf. 8.17, on *Improving the regulation of trade in plants*. The Resolution greatly expanded the definitions for artificially propagated, controlled conditions, and cultivated parental stock, and included additional types of propagation methods (e.g., grafted plants, division, flaked seedlings) used to produce CITES-listed plant species.

The Conference of the Parties also adopted Resolution Conf. 8.5, on *Standardization of CITES permits and certificates*, which recommended that certificates of artificial propagation should indicate whether the specimens concerned are Appendix-I species, or parts or products thereof, whether plants have been artificially propagated for commercial or non-commercial purposes, or are specimens of Appendix-II or Appendix-III species.

At its 9th meeting (CoP9, Fort Lauderdale, 1994), the Conference of the Parties adopted a new Resolution consolidating Resolution Conf. 8.17 and Resolution Conf. 5.1, and parts of Resolution Conf. 5.14 into Resolution Conf. 9.18, on *Regulation of trade in plants*, which provided recommendations for higher-taxon listings of plants and for hybrids.

At its 10th meeting (CoP10, Harare, 1997), the Conference of the Parties further improved the implementation of Resolution Conf. 9.18 (Rev.) by adopting amendments to address issues related to the legal origin of parental stock and parts and derivatives (language found in paragraphs b. i, and c, respectively, of Resolution Conf. 11.11 (Rev. CoP17), on *Regulation of trade in plants*).

At its 11th meeting (CoP11, Gigiri, 2000), the Conference of the Parties repealed Resolution Conf. 9.18 (Rev.) and replaced it with Resolution Conf. 11.11, *Regulation of trade in plants*, which also included a recommendation concerning personal effects exemption for rainsticks of Cactaceae species.

At its 12th meeting (CoP12, Santiago, 2002), the Conference of the Parties adopted Decision 12.11, which directed the Plants Committee to complete a thorough review of Resolution Conf. 11.11 and to submit its recommendations for consideration by the 13th meeting of the Conference of the Parties. At the following meeting of the Plants Committee (PC13, Geneva, 2003), the Committee established an intersessional working group comprising representatives of Management and Scientific Authorities to ensure that scientific as well as technical aspects of the Resolution and implementation issues were addressed in the review of Resolution Conf. 11.11.

The PC Working Group completed a comprehensive review of Resolution Conf. 11.11 which included a review of its substance and terminology, the treatment of long-lived Appendix-I listed species, and other significant issues. The WG submitted its review and recommendations to the 14th meeting of the Plants Committee (PC14 Doc. 7.4; Namibia 2004), and continued its work at the meeting, resulting in suggested amendments to Resolution Conf. 11.11 (PC14 WG4 Doc. 1).

At the 13th meeting of the Conference of the Parties (CoP13, Bangkok, 2004), the recommendations of the PC Working Group (CoP13 Doc. 51) were further amended and subsequently adopted by the Conference of the Parties. The amendments that were adopted constituted a significant revision to Resolution Conf. 11.11 and the trade of artificially propagated plants. In particular, the provision that plants grown under controlled conditions are considered artificially propagated if they were grown from seeds that are not covered by the Convention; or, if they were grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that were derived from cultivated parental stock (which is also consistent with the requirements for nursery registration under Resolution Conf. 9.19 (Rev. CoP15), on *Registration of nurseries that artificially propagate specimens of Appendix-I plant species for export purposes*). Also, a provision for specimens grown under controlled conditions propagated from wild-collected seeds or spores of late reproductive Appendix-I species (e.g., *Araucaria araucana*), under certain conditions, are considered artificially propagated. In addition, the paragraph concerning personal effects exemption for rainsticks of Cactaceae species was deleted and an exemption was subsequently included in Resolution Conf. 13.7 (Rev. CoP17), on *Control of trade in personal and household effects*.

At CoP14 (The Hague, 2007) and CoP15 (Doha, 2010), the Conference of the Parties adopted minor editorial amendments to Resolution Conf. 11.11 to improve clarity of the existing text, but did not adopt any substantive amendments.

At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted an amendment to Resolution Conf. 11.11 (Rev. CoP15) to delete the reporting requirement of paragraph 12 (c) concerning national plant-trade organizations, resulting in the current Resolution Conf. 11.11 (Rev. CoP17) on *Regulation of trade in plants*.

In summary, prior to the establishment of the Plants Committee in 1988 (CoP6 1987), from 1983 to 1988 the Plant Working Group, a sub-committee of the Technical Committee (TEC), worked on issues and made recommendations to improve the implementation and the effectiveness of the Convention for artificially propagated plants in trade. Thus, from the early years of CITES to present day, the Parties, the Plants Committee and its predecessor have continually sought to improve the regulation of trade in artificially propagated plants of CITES-listed species.