

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

Fifth Meeting of the Conference of the Parties

Buenos Aires (Argentina), 22 April to 3 May 1985

Interpretation and Implementation of the Convention

Trade in Plant Specimens

IMPROVING IMPLEMENTATION OF THE CONVENTION
FOR PLANTS

1. The Conference of the Parties, at its fourth regular meeting, established a Plant Working Group to develop clear recommendations on how CITES can work better for plants. This decision is recorded in documents Doc. 4.14, Doc. 4.17, and Com. 4.1. The Plant Working Group, operating as a subcommittee of the Technical Committee (TEC), met to carry out this task on February 27-March 3, 1984, at Tucson, Arizona (USA).
2. A summary report of the Plant Working Group's recommendations (Doc. TEC. 1.11) was discussed at the first meeting of TEC in Brussels (Belgium), 25-30 June 1984. It was agreed that the Plant Working Group would prepare a draft resolution incorporating the major recommendations of the report, to be discussed by TEC at or immediately prior to the fifth meeting of the Conference of the Parties. Further, it was announced that a copy of the Plant Working Group's report would be distributed along with other working documents of TEC to all Parties.
3. The Plant Working Group's recommendations were generally endorsed by TEC with only the following exception. The Plant Working Group recommended that the use of phytosanitary certificates as CITES documents for artificially propagated plants should not be extended to Appendix I species. Several representatives objected, stating that they believed it would be beneficial to do so under certain conditions. No agreement was reached by TEC on this point. It was decided that the Plant Working Group would re-examine this matter in light of comments received and that advice should be sought from the best available legal authorities on the influence of paragraphs 4 and 5 of CITES Article VII on this issue.
4. Further discussion on the use of phytosanitary certificates occurred at the first meeting of the TEC Regional Co-ordinators in Kuala Lumpur (Malaysia), 5-8 October 1984. It was noted that the Convention establishing the use of phytosanitary certificates prohibited their modification of use for other purposes. In this regard, Resolution Conf. 4.16 recommends that Parties may consider phytosanitary certificates as CITES documents for artificially propagated specimens of Appendix II plants, and urges the FAO Committee on Agriculture to reconsider its stand against the inclusion of a CITES declaration on its "model phytosanitary certificate".

5. The Plant Working Group has not yet been able to resolve this issue. The Parties have agreed (in Conf. 2.12) that where plants listed in CITES Appendix I are artificially propagated for commercial purposes, they shall be treated as if they were in Appendix II, and shall not be exempted from the provisions of Article IV by the granting of certificates to the effect that they were artificially propagated. This means that Parties wishing to use phytosanitary certificates for such specimens must ensure that the certificates meet all requirements of CITES Article VI concerning export permits. Further, CITES Article XIV provides that this Convention shall in no way affect the obligations of Parties deriving from any other treaty, convention, or international agreement relating to other aspects of trade, including any measure pertaining to the plant quarantine field.
6. It appears best to incorporate the major recommendations of the Plant Working Group into two draft resolutions: one on improving and simplifying the regulation of trade in artificially propagated plants (which addresses the use of phytosanitary certificates), and another on the remaining major recommendations. The summary report of the Plant Working Group is available to the Parties. It is comprehensive and provides detailed recommendations on many plant trade issues. However, TEC urges that only those critical issues requiring agreement of the Conference of the Parties be the subject of resolutions.
7. The two draft resolutions attached to this document summarize the major recommendations of the Plant Working Group. The draft resolution on artificially propagated plants contains two alternatives regarding the use of phytosanitary certificates, which will need to be discussed at the meeting of the Parties in Buenos Aires.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Improving the Regulation of Trade in Plants

BEING AWARE that the Convention provides measures for international co-operation for the protection of certain species of wild plants, as well as wild animals, against over-exploitation through international trade;

RECOGNIZING the urgency of taking appropriate measures to this end, in view of the extent to which many wild plant species are threatened with extinction;

RECALLING the problems Parties to the Convention have faced in implementing the Convention for plants, as outlined in the IUCN Threatened Plants Unit Report (Doc. 4.17);

NOTING that the Summary Report of the CITES Plant Working Group (Doc. TEC. 1.11) contains a comprehensive set of recommendations that provide useful guidance to all Parties in implementing the Convention for plants;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS with regard to

a) The Need to Regulate Trade in Certain Plants

- i) that CITES Parties continue to strive for greater implementation for plants;
- ii) that all Parties increase and improve their enforcement actions with regard to plants under the Convention; and
- iii) that concerted efforts be made to have specific non-member countries join the Convention, especially those that are suppliers of CITES-listed plants;

b) Refinement of the List of Plants in the Appendices

- i) that current higher taxon listings of plants in the appendices, including the families Orchidaceae and Cactaceae, be maintained as they are essential for effective control of trade in the many species within those taxa that are threatened or potentially at risk;
- ii) that problems associated with higher taxon listings be addressed by:
 - A) informing traders about reasons for regulating their trade and about procedures for them to follow in order to satisfy CITES requirements;
 - B) simplifying Management Authority procedures for administering the permit system and reporting on trade; and
 - C) developing identification materials to distinguish threatened species from those of similar appearance that are not at risk;

- iii) that Parties contemplating transfer of an individual plant species from a higher taxon listing in Appendix II to a separate listing in Appendix I consider:
 - A) whether the increased protection possible by a transfer to Appendix I would compensate for the increased risk brought on by singling out the species to traders;
 - B) the ease with which it can be propagated artificially;
 - C) the extent to which it is currently available in cultivation from artificially propagated specimens; and
 - D) any practical problems in identifying that species, particularly in the form in which it may be traded; and
 - iv) that higher taxon listings be reassessed as the ability of Parties to fulfill their obligations for plants under CITES improves;
- c) Development of a Standardized Plant Names List
- i) that the CITES Nomenclature Committee develop a list of standard names for plants included in the appendices together with a list of their synonyms;
 - ii) that the standard lists developed supersede as necessary the overall generic standard of Willis' Dictionary; and
 - iii) that the highest priorities in developing the lists of standard names and synonyms be:
 - A) species names of plants listed at the species level in the appendices;
 - B) generic names of plants listed at the genus or family level in the appendices; and
 - C) family names of plants listed at the family level in the appendices;
- d) Identification of Plant Specimens
- i) that non-technical identification materials be prepared and provided to port inspectors; this material should include a general key with illustrations and general descriptions of CITES plants, including differences between wild and artificially propagated specimens, lists of names of plants used in trade, and countries where they occur;
 - ii) that a second type of identification material including labelled, botanical quality black and white drawings and/or photographs of plants as they appear in trade also be prepared; the material should include detailed botanical descriptions of the species, indicating key diagnostic features, a list of countries where they occur, and references to further information or illustrations; and
 - iii) that the highest priority for the production of these materials be given to Appendix I plants and commonly traded taxa of Appendix II that are at risk, and that Parties and non-governmental organizations be urged to aid in the preparation of these materials as a high priority;

e) Trade in Salvaged Plant Specimens

- i) that, whenever possible, Parties ensure programmes of environmental modification do not threaten the survival of plant species listed under CITES, and that protection of Appendix I species in situ be considered as a national and international obligation;
- ii) that Parties establish salvaged specimens in cultivation where concerted attempts have failed to ensure that such development programmes do not put at risk wild populations of species listed under CITES; and
- iii) that international trade in salvaged specimens of Appendix I plants, and Appendix II plants where their entry into trade might be detrimental to the survival of the species in the wild, be permitted where all of the following conditions are met:
 - A) such trade would clearly enhance the survival of the species, albeit not in the wild;
 - B) import is for the purposes of care and propagation of the species; and
 - C) import is by a bona fide botanic garden or scientific institution and is not for primarily commercial purposes;

f) Return or Placement of Confiscated Plants in Rescue Centres

- i) that priority be given to care of seized wild-collected specimens of Appendix I species and of Appendix II species that may be at risk;
- ii) that exporting countries accept return of seized plant specimens, provided that they can be returned to the wild; or if this is not possible, use them as stock for artificial propagation so that an acceptable source, which may become commercially self-sustaining, will be established in the country of origin; or use them for conservation education, scientific study, or in other ways that further the purposes of the Convention;
- iii) that importing countries develop adequate procedures and rescue centres to accommodate seized specimens, and likewise use these specimens in ways that further the purposes of the Convention, such as artificial propagation, conservation education, and scientific study; their destruction should be only a last resort;
- iv) that Parties provide the Secretariat with information on their experience in maintaining seized plants having specialized requirements, as a first step toward a horticultural guide to maintenance of specimens of such species; and that the Secretariat distribute the provided information to Parties;
- v) that Parties include information on seizures of plant specimens in their annual reports as recommended in Resolution Conf. 3.10; and
- vi) that Parties publicize such information on seizures when appropriate as a deterrent to illegal trade, and inform the public about their procedures for dealing with seized specimens and rescue centre operations;

g) Reporting on Trade in Plants

- i) that Parties make every effort to report trade in CITES-protected plants at the species level, or if this is impossible for those taxa included in the appendices by family, at the generic level; however, artificially propagated Appendix II orchid hybrids may be reported as such; and
- ii) that Parties distinguish in their reports between plant specimens of wild and of artificially propagated origin;

h) Enforcement for Plants

- i) that Parties inform the Secretariat of the agencies responsible for enforcing the provisions of CITES with respect to trade in plants and that the Secretariat distribute this information to all Parties;

- ii) that Parties ensure that:

A) enforcement officers are adequately informed of CITES requirements, procedures governing inspection and clearance of CITES plant specimens, and procedures necessary for the detection of illegal trade;

B) enforcing agencies obtain access to materials and expertise enabling identification of plant specimens in trade, including whether the specimen is of wild or artificially propagated origin;

C) enforcing agencies utilize annual reports, plant health documents, nursery catalogues and other sources of information to detect possible illegal trade; and

D) enforcing agencies maintain close liaison with the Management and Scientific Authorities for the purpose of setting and implementing enforcement priorities; and

- iii) that Parties, in co-operation with the Secretariat, develop co-operative programmes to resolve enforcement difficulties, especially in the area of identification; and

i) Education about Plant Conservation through CITES

- i) that Parties take the case of plant species conservation by CITES to scientific associations, legislative bodies, tourist organizations and non-governmental organizations;

- ii) that the Secretariat prepare suitable brochures providing a clear explanation of CITES trade controls, the reasons for them, and the roles of Scientific and Management Authorities of Parties so that they can make the information available to plant traders;

- iii) that Parties prepare brochures describing their own CITES permit processes and distribute them to plant traders; and

- iv) that Parties produce lectures and displays and publish information in scientific and trade journals concerning how CITES works, the volume and value of trade in listed plants, and the effect of trade on wild populations.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Improving and Simplifying the Regulation of Trade in
Artificially Propagated Plants

RECOGNIZING that many of the problems associated with regulating international trade in plants under the Convention involve artificially propagated specimens;

OBSERVING that certain Parties that export large quantities of artificially propagated plants need to find ways of (a) reducing paperwork while maintaining protection for wild plants, and (b) helping exporters of artificially propagated plants to understand and to comply with requirements of the Convention;

RECALLING that the Conference of the Parties previously recommended in Resolution Conf. 4.16 that any Party having considered the practices governing the issue of its phytosanitary certificates for export of Appendix II specimens, and having determined that such a procedure provides adequate assurance that the specimens are artificially propagated in accordance with Article VII, paragraph 5, of the Convention, may consider these documents as certificates under that Article; and that such certificates must include the scientific name of the species and the type and quantity of the specimens and bear a stamp, seal or other specific indication stating that the specimens are artificially propagated as defined under the Convention;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that Parties consider, where appropriate to their circumstances, licensing individual traders of artificially propagated Appendix I, II or III plants; adequate steps shall be taken to ensure that such traders do not also trade in wild-collected plants; such steps can include inspection of nursery premises whenever possible, together with inspection of trade catalogues, advertisements and other relevant literature;
- b) that authorized traders may be issued a licence for a specified length of time to export any quantity of specified Appendix II or III artificially propagated plants, provided that a certified copy of the licence and a schedule recording quantities and other details of the plants accompany each consignment; this would be an alternative to the system of phytosanitary certificates recommended in Resolution Conf. 4.16; and
- c)* that with proper safeguards and limitations, either of the systems mentioned above may be extended to trade in artificially propagated Appendix I plants. Phytosanitary certificates may serve as CITES export permits for such plants only where:

* Paragraph c) extends the use of phytosanitary certificates to Appendix I species, a practice opposed in the Summary Report of the Plant Working Group but supported by some members of the Technical Committee. This issue has not yet been resolved in the Technical Committee. Inclusion of paragraph c) in this draft is for discussion purposes; it has not been endorsed by the Technical Committee.

- i) phytosanitary authorities are designated as CITES Management Authorities;
- ii) phytosanitary certificates contain all of the information required for CITES export permits and otherwise meet requirements of CITES Article VI; and
- iii) phytosanitary certificates bear a stamp, seal or other specific indication stating that the specimens are artificially propagated as defined by CITES;

REQUESTS each Party adopting any such system to inform the Secretariat accordingly and to provide copies of the documents, stamps, seals, etc. used; and

DIRECTS the Secretariat to notify the Parties to this effect.