

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



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Interpretation and implementation of the Convention

Compliance and enforcement

REVIEW OF SIGNIFICANT TRADE IN SPECIMENS OF APPENDIX-II PLANT SPECIES

1. This document has been prepared by the Chair of the Plants Committee on behalf of the Committee^{*}.
2. Since its ninth meeting (PC9, Darwin, June 1999), the Plants Committee has been discussing trade in one or more of the following Asian species of medicinal plants: *Cistanche deserticola*, *Dioscorea deltoidea*, *Nardostachys grandiflora*, *Picrorhiza kurrooa*, *Pterocarpus santalinus*, *Rauvolfia serpentina* and *Taxus wallichiana*. Relevant background documents and summary records can be found on the CITES website at (www.cites.org).
3. At its 15th (PC15, Geneva, May 2005), 16th (PC16, Lima, July 2006) and 17th (PC17, Geneva, April 2008) meetings, the Plants Committee discussed all seven species mentioned in paragraph 2 above. In documents submitted at PC15 and PC16, Germany put forward a series of recommendations that were designed to address its concerns about the implementation of Article IV, paragraphs 2(a) and 3, of the Convention as well as other Convention provisions (e.g. Article IV, paragraph 2, and Article VIII, paragraph 1) by various range States. It was noted at all three meetings that some of Germany's concerns might be addressed through the inclusion of one or more species in the Review of Significant Trade, while others fell outside the purview of the Plants Committee and might instead be brought to the attention of the Standing Committee.
4. The Plants Committee decided to include five of the seven species in the Review of Significant Trade: *Cistanche deserticola* (PC17), *Nardostachys grandiflora* (PC15), *Pterocarpus santalinus* (PC15), *Rauvolfia serpentina* (PC15) and *Taxus wallichiana* (PC15). The Committee later withdrew *Nardostachys grandiflora* from the Review because it was satisfied, based on information provided by range States, that Article IV, paragraphs 2(a) and 3, of the Convention were being properly implemented.
5. Decision 14.20, adopted at the 14th meeting of the Conference of the Parties (CoP14, The Hague, 2007), directed range States of the species mentioned in paragraph 2 above, as well as the regional representatives of Asia on the Plants Committee and the Secretariat, to ensure:
 - a) *implementation of regionally coordinated actions to improve the management of and prevent illegal trade in the seven species, including, inter alia, measures to combat illegal trade, regional capacity-building workshops and harmonization of regulations and legislation; and*
 - b) *submission of progress reports at the 17th and 18th meetings of the Plants Committee.*

^{*} *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.*

6. At PC17, the Secretariat noted that "no new information had been received since the document had been prepared and stating that it considered the matter to be mainly one of non-compliance and therefore falling within the remit of the Standing Committee" (see PC17 summary record).
7. The Committee agreed to ask the Secretariat to bring issues of non-compliance and illegal trade in the species concerned to the attention of the Standing Committee, and further noted that issues related to non-detriment findings for some of the species were being dealt with under the Review of Significant Trade.
8. As the decision taken at PC17 did not specify a particular SC meeting at which issues of non-compliance and illegal trade in the species concerned should be raised, and as there had been little time since PC17 for the Secretariat to engage with range States, the Secretariat decided not to include a related item in the SC57 agenda.
9. On 24 September 2008, the Secretariat issued Notification to the Parties No. 2008/058 drawing Parties' attention to special reporting requirements relevant to the Animals and Plants Committees that had been agreed at CoP14. Among other things, the Notification pointed out that Decision 14.20 directed the range States of the species concerned to report on progress in the implementation of regionally coordinated actions (e.g. measures to combat illegal trade, regional capacity-building workshops and harmonization of regulations and legislation) to improve the management of and prevent illegal trade in those species.
10. On 14 November 2008, the Secretariat received a national report from China responding to the above-mentioned Notification. The Secretariat intended to make direct contact with other range States in February 2009 to learn whether any additional reports were already in preparation or might be prepared before PC18.
11. In its national report, China pointed out that it applied domestic measures that were stricter than the provisions of the Convention for certain imports, exports and re-exports, especially with regard to species which were 'sensitive' or in which there was significant trade. It stated that there was no record of any legal international export of two species (*Rauvolfia serpentina* and *Nardostachys grandiflora*) from China and explained that wild collection in two other species was either prohibited (*Taxus wallichiana*) or carefully regulated (*Cibotium deserticola* – the Secretariat assumed that China meant to refer to *Cistanche deserticola*) in China. The permit procedures described by China appeared consistent with those required by the Convention. China explained that a number of bilateral and regional consultations with and visits from other Parties concerning CITES trade, as well as one law enforcement seminar, had taken place since the year 2000.
12. On 24 November 2008, in the margins of a TRAFFIC network meeting being held in India, TRAFFIC International released the *Review of the Status, Harvest, Trade and Management of Seven Asian CITES-listed Medicinal and Aromatic Plant Species*. A pre-publication version was distributed at PC17 (document PC17 Inf. 10). TRAFFIC collaborated with the Species Programme of IUCN in preparing the *Review* and the German Federal Agency for Nature Conservation provided both financial and technical support. Contributors to the *Review* included government officials in a number of range States. The *Review* also made use of publicly available annual report trade data and Customs data that had been compiled and submitted by range States. Several range States had provided comments on draft species assessments that had been sent to them for review.
13. The dearth of written responses to Germany's recommendations to date and the non-submission of progress reports envisaged under Decision 14.20 would seem to show that more and different efforts are needed to obtain the engagement of range States regarding the concerns expressed in documents provided to the Plants Committee. More and different efforts also appear warranted to bring about any national and regionally coordinated actions that may be needed to improve the management of and prevent illegal trade in the seven species concerned.
14. The importance of organizing a regional meeting or workshop on this matter has been noted in previous documents provided to the Plants Committee. In addition, range States, representatives of Asia on the Plants Committee and the Secretariat have been directed under Decision 14.20 to ensure the implementation of regionally coordinated actions.
15. In the meantime, there is a possibility of addressing medicinal plant trade during a broader CITES capacity-building workshop for South and Southeast Asia that is planned for the second half of 2009, using external funds provided by the European Union. The Secretariat has also considered the possibility of

organizing a workshop in South Asia that would address both CITES legislation (making possible use of some existing Japanese external funds) and medicinal plant trade. Range States have not yet expressed their views on the holding of a regional meeting or workshop. TRAFFIC has offered to assist with fund-raising.

16. The Plants Committee discussed the issue again at PC18 and agreed on the following.
17. As the activities associated with Decision 14.20 are incomplete, an extension into the intersessional period between CoP15 and CoP16 is required. However, as several changes to Decision 14.20 have been requested, it is necessary to submit revised decisions on this matter.
18. Consequently, the Plants Committee recommends to the Conference of the Parties that Decision 14.20 be replaced by the new decisions that are contained in the Annex.
19. The budget for the implementation of these decisions is estimated at USD 45,000 per workshop.

COMMENTS FROM THE SECRETARIAT

NB: Text to be deleted is ~~crossed out~~. Proposed new text is underlined.

- A. The Secretariat notes that the present document builds upon document PC18 Doc. 8.5 (Rev. 1).
- B. The Secretariat supports the draft decisions contained in the Annex to the present document but would like to suggest a few editorial changes to make the decisions simpler and more positive in nature, as follows:

Decision 15.XX

Directed to the range States of Cistanche deserticola, Dioscorea deltoidea, Nardostachys grandiflora, Picrorhiza kurrooa, Pterocarpus santalinus, Rauvolfia serpentina and Taxus wallichiana, to the regional representatives for Asia on the Plants Committee and to the Secretariat with a view to:

The bodies to which this Decision is directed should ensure the implementation of regionally coordinated actions to improve the management of and prevent illegal trade in the seven species and ensure that the trade therein is legal, sustainable and traceable. These measures could include, *inter alia*, the organization of regional capacity-building workshops, measures to combat illegal trade, the improvement of methodologies to make non-detriment findings and to determine legal acquisition, regional capacity-building workshops, the harmonization of management and enforcement compliance measures, and improvement of methodologies to make non-detriment findings the development of incentives to prevent illegal trade.

Decision 15.XX

Directed to the Secretariat:

The Secretariat shall:

- a) subject to the availability of external funding and in collaboration with the range States, the regional representatives for Asia on the Plants Committee, the World Health Organization, traditional medicine associations and TRAFFIC, organize one or several regional capacity-building workshops, on the basis, *inter alia*, of the recommendations in document PC17 Inf. 10; and
- b) ~~the project shall start upon receipt of funding; and~~
- c) submit inform the Plants Committee on progress made reports at the its 19th and 20th meetings of the Plants Committee.

~~Decision 15.XX~~

Directed to the Secretariat

- ~~a) upon receipt of the draft project mentioned in Decision CoP15.XX, try and raise funds to organize the workshop referred to in that Decision; and~~
 - ~~b) submit progress reports at the 19th and 20th meetings of the Plants Committee.~~
- C. If a decision is made regarding work to be done, the amount of external funding required for its implementation should also be estimated (e.g. 45,000 USD per workshop, as mentioned in paragraph 19 of the present document). The Secretariat will thereafter incorporate the activity and the required amount of external funding into the costed programme of work for the appropriate year. As the Secretariat will be mobilizing resources for the overall costed programme of work, in accordance with priorities established by the Parties, there is no need for it to be separately instructed to identify funds for a particular activity, and such an instruction may be deleted.

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

Cistanche deserticola, Dioscorea deltoidea, Nardostachys grandiflora, Picrorhiza kurrooa, Pterocarpus santalinus, Rauvolfia serpentina and Taxus wallichiana

Decision 15.XX

Directed to the range States of Cistanche deserticola, Dioscorea deltoidea, Nardostachys grandiflora, Picrorhiza kurrooa, Pterocarpus santalinus, Rauvolfia serpentina and Taxus wallichiana, to the regional representatives for Asia on the Plants Committee and to the Secretariat with a view to:

The implementation of regionally coordinated actions to improve the management of and prevent illegal trade in the seven species, including, *inter alia*, measures to combat illegal trade, regional capacity-building workshops, the harmonization of management and enforcement measures, and the improvement of methodologies to make non-detriment findings.

Decision 15.XX

Directed to the Secretariat:

- a) in collaboration with TRAFFIC, organize one or several regional capacity-building workshops, on the basis of the recommendations in document PC17 Inf. 10;
- b) the project shall start upon receipt of funding; and
- c) submit progress reports at the 19th and 20th meetings of the Plants Committee.

Decision 15.XX

Directed to the Secretariat

- a) upon receipt of the draft project mentioned in Decision CoP15.XX, try and raise funds to organize the workshop referred to in that Decision; and
- b) submit progress reports at the 19th and 20th meetings of the Plants Committee.