

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



Sixteenth meeting of the Conference of the Parties
Bangkok (Thailand), 3-14 March 2013

Interpretation and implementation of the Convention

Species trade and conservation

Agarwood-producing taxa

DRAFT RESOLUTION ON IMPLEMENTATION OF THE CONVENTION
FOR AGARWOOD-PRODUCING TAXA

1. This document has been submitted by Indonesia, Thailand, Kuwait, and China*.
2. The 15th meeting of the Conference of Parties (CoP15) adopted the following Decisions:

Non-detriment findings for timber, medicinal plants and agarwood

Directed to Parties

15.26 *Parties are invited to conduct workshops with the participation of appropriate experts on the use of timber species and Prunus africana, medicinal plants and agarwood-producing species non-detriment finding guidance in range States concerned with the cooperation of the importing Parties.*

Directed to the Secretariat

15.27 *The Secretariat shall:*

- a) *include practical elements for making non-detriment findings for these plant groups in its capacity-building workshops, in order to generate feedback from Scientific Authorities to refine the guidelines on making non-detriment findings included in document CoP15 Doc. 16.3;*
- b) *use the external funds offered from interested Parties, intergovernmental and non-governmental organizations, and other funding sources to translate the guidelines into Arabic, Chinese and Russian and to support capacity-building workshops regionally on the use of timber species and Prunus africana, medicinal plants and agarwood-producing species non-detriment finding guidance in the range States concerned; and*
- c) *maintain the information up to date and accessible to Parties.*

* *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.*

Agarwood producing taxa

Directed to Parties involved in agarwood trade and to the Secretariat

- 14.137 *Parties involved in trade in agarwood should, in consultation with the Secretariat, identify funds and produce identification materials for all forms of traded products under CITES control.*
- 14.138 *Parties concerned should identify and agree on which agarwood products and quantities should (Rev. be exempted from CITES controls. Once agreed, Parties concerned should agree which range CoP15) State will prepare and submit a proposal for amendment of the current annotation for agarwood-producing species to be considered at the 16th meeting of the Conference of the Parties.*
- 14.140 *Parties involved in agarwood trade shall prepare a glossary with definitions that illustrate the content of the amended annotations, the terms used and their practical application during enforcement and border controls. The Secretariat should facilitate the preparation and production of these materials, and strategies for incorporating them in training material.*

Directed to Parties and the Secretariat

- 14.141 *Parties and the CITES Secretariat will work with intergovernmental and non-governmental organizations to seek ways to share information through the establishment of networks, organization of regional workshops, capacity-building programmes, exchange of experiences and identification of financial resources.*

Directed to the Plants Committee

- 15.94 *The Plants Committee shall consider current definitions of artificially propagated plants and how they apply to trees in mixed species plantations and report at the 16th meeting of the Conference of the Parties.*

Directed to the Secretariat

- 14.144 *The Secretariat shall assist in obtaining funding from Parties, intergovernmental and non-governmental organizations, exporters, importers and other stakeholders to support a workshop (Rev. CoP15) aimed at strengthening the capacity of Parties to implement agarwood-related Decisions before the 16th meeting of the Conference of the Parties.*
- 15.95 *Subject to external funding, the Secretariat shall, in cooperation with the agarwood range States and the Plants Committee, organize a workshop to discuss management of wild and plantation-source agarwood.*
3. A workshop on Implementation of CITES for Agarwood-producing species was held in Kuwait, 3-6 October 2011, and the Asian Regional Workshop on Agarwood: Management of Wild and Plantation-Grown Agarwood was held in Bangka Tengah, Indonesia, 22-24 November 2011
4. National reports were presented by Parties and two working groups were established during the two workshops, one on administrative issues, and one on scientific issues. The two workshops fulfilled discussion in line with the Decisions on agarwood-producing species that had been adopted at CoP14 and at CoP15.
5. The scientific and administrative working groups result and recommendations were presented at the Twentieth meeting of the Plants Committee (PC20, Dublin, Ireland, 22-30 March 2012). The Plants Committee considers the results of the discussions have been made regarding Decisions 15.26 and 15.27 (Timber Species, Medicinal Plants and Agarwood-Producing Species) and Decision 15.94 (Agarwood Producing Taxa) of which results and recommendations was presented in Documents PC 20 Doc. 15.1; PC20 Doc. 17.2.1; and PC20 Com. 1.
6. In response to Decision 15.94, Parties attended the Workshops concluded that the current definitions of artificial propagation do not apply to mixed species plantations. Those Parties also agreed that the definition of "under controlled conditions" should be amended to explicitly encompass the external environmental conditions as found in tree plantations for the purpose of plant production including their parts and derivatives.

7. The Plants Committee adopted recommendation as presented in paragraph 1 of document PC20 WG6 Doc. 1 that it would not be appropriate to standardize NDF guidance across timber species, *Prunus Africana*, medicinal plants and Agarwood-producing species. Separate guidance should be developed for each of these groups. The adoption of the Plants Committee on this matter was presented in document PC20 Sum. 5 (Rev. 1).
8. At its 20th meeting, the PC took note and agreed on some of the results of the WG on agarwood as presented in Document PC20 Sum 5 (Rev 1), including PC adoption on the recommendation *to develop a new Resolution relating solely to Agarwood to be submitted to CoP16*. In this regard, China, Indonesia, Kuwait and Thailand present a draft resolution on Agarwood as presented in Annex to this document.

Recommendation

9. The Conference of the Parties is invited to consider and adopt the recommendations in Annex to the present document.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat supports in principle the draft resolution in the Annex to the present document although it notes that this document omits some important details that reflect the efforts and work done by the Parties concerned.
- B. The 12 range States and eight of the main importing Parties concerned with the management of and trade in agarwood were represented at the workshops held in Kuwait and Indonesia. In consultation with the Secretariat, they agreed a proposed amendment to the definition of 'controlled conditions' in Resolution Conf. 11.11 (Rev. CoP 15) on *Regulation of trade in plants*, that would be applicable to agarwood tree plantations without interfering with the effect of the current definition . The proposed definition was developed in a consultative and open process.
- C. The guidance on non-detriment findings (NDF) for agarwood-producing species is the only guidance that has been further refined for a particular group of species since the original draft document on NDF guidance for tree species was proposed at the International Expert Workshop on Non-Detriment Findings in Cancun in November 2008.
- D. It could be envisaged that the principles mentioned in the two paragraphs above, be inserted in an existing Resolution such as Resolution Conf. 11.11 (Rev. CoP15) on *Regulation of trade in plants*.
- E. If amending Resolution Conf. 11.11 (Rev. CoP15) is not agreed at CoP16, the Secretariat would support the adoption of the draft resolution as it is presented in the Annex to this document.
- F. The specificity of the agarwood trade would justify a resolution that would address the various aspects of this trade. This specificity has been recognized and addressed in the past through the adoption of sets of Decisions that have been carried over from one CoP to the next. Transferring these Decisions into a standing Resolution would seem the most sensible way to regroup this guidance to the Parties.
- G. The proposed draft resolution links directly to Resolution Conf. 11.11 (Rev. CoP15) and respects the definition of 'parental stock' set in that Resolution.

DRAFT: RESOLUTION CONF.16.AA

Implementation of the Convention for agarwood-producing taxa

REALIZING that, Resolution Conf. 11.11 (Rev. CoP15) on Regulation of Trade in Plants, provides a definition of 'artificially propagated';

ALSO REALIZING that, Resolution Conf. 10.13 (Rev. Cop15) on Implementation of the Convention for Timber Species, further clarifies how to apply the definition above, to specimens from plantations;

RECOGNIZING that Agarwood-producing species, as listed in Appendix II refer to *Aquilaria spp.* and *Gyrinops spp.*;

NOTING that these species are internationally traded strictly for their resin and hardly for other plant derivatives;

AWARE that the resin used in trade of agarwood is produced through the infection of certain organisms and, that hence, the amount of standing stock is not equivalent to the quantity of produced resin.

RECOGNIZING that some tree species are easy to propagate artificially and, can be manipulated to produce the agarwood resin.

ACKNOWLEDGING the outcome of the workshops on Implementation of CITES for Agarwood-producing species held in Kuwait, 3-6 October 2011, and, the outcome of Asian Regional Workshop On Agarwood: Management of Wild and Plantation-Grown Agarwood held in Bangka Tengah, Indonesia 22-24 November 2011,

CONSIDERING that the current definition of 'artificially propagated' as per Resolution Conf. 11.11 (Rev. CoP15) on Regulation of Trade in Plants, cannot be applied for tree plantations;

RECOGNIZING that for a plant species artificially propagated and for a part of such plant, provisions of Article VII par 5) of text of the Convention will apply;

ACKNOWLEDGING that range States may have different procedure in implementing NDF for agarwood, most suitable for their national adaptive management;

REALIZING that management of agarwood can be improved through measures taken by and cooperation among range, export and import states of specimens from agarwood producing taxa.

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding artificially propagated plant

AGREES that

- a) the current definition of 'artificially propagated' in Res. 11.11 (Rev. CoP15) does not meet the circumstances in agarwood producing taxa, due to the definition of the term 'under controlled conditions' and, that the source of parental stock is not suitable and fully complied with in the plantation activities of agarwood producing taxa.
- b) The source of seed or propagules for cultivation of agarwood-producing species may be obtained from the wild according to the definition of 'cultivated parental stock' in Resolution 11.11 (Rev. CoP15).

ADOPTS the following definition for terms used in this resolution:

For agarwood producing taxa, "under controlled condition' means in a tree plantation, including other non-natural environment that is manipulated by human intervention for the purpose of producing plants or plant's parts and derivatives.

DETERMINES that the term 'artificially propagated' shall be interpreted to refer to plant specimens of agarwood as follows:

- a) grown under controlled conditions; and
- b) grown from seeds, seedlings, saplings, cuttings, grafting, marcoting/air-layering, divisions, plant tissues or other propagates that have been derived from wild or cultivated parental stocks, according to the definition of 'cultivated parental stock' as per Resolution Conf. 11.11 (Rev. CoP15).

AGREES that trees of agarwood producing taxa grown in cultivation such as:

- a) gardens (home and/or community garden);
 - b) state, private or community production plantation, either monospecific or mixed species,
- shall be considered as artificially propagated in accordance with the definition contained above.

Regarding Non-detrimental Findings (NDF)

ENCOURAGE range states to make use of the Agarwood NDF guidance as reference while making NDF for wild harvest of agarwood producing taxa. The guidance should be available on the website of the Secretariat and be updated if necessary.

DIRECT Parties and the Secretariat, use the Agarwood NDF guidance in capacity building workshops and relevant training materials.

Regarding management and trade control

ENCOURAGES range states to establish a registration system for artificially propagated of agarwood trees.

RECOMMENDS export states to establish a registration system of exporters who export pure or mixed oil of agarwood. Samples of the labels used and list of relevant exporters should be communicated to the Secretariat by export states, and then be informed to all parties through a notification.

ENCOURAGE parties to make use of the glossary as reference while inspecting and controlling specimens of the agarwood products. The Glossary was adopted by the PC20 presented in the document CoP16 Inf. XXX which the images illustrate sample of products eventhough does not represent the whole products of agarwood.