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

Seventeenth meeting of the Conference of the Parties
Johannesburg (South Africa), 24 September – 5 October 2016

Interpretation and implementation matters

Trade control and traceability

REVIEW OF THE DEFINITION OF 'ARTIFICIALLY PROPAGATED' FOR PLANTS

1. This document has been submitted jointly by China, Georgia, Indonesia and Kuwait.*

Background

2. Resolution Conf. 11.11 (Rev. CoP15) on *Regulation of trade in plants*, adopted at the 11th meeting of the Conference of the Parties (Gigiri, 2000), and amended at the 13th, 14th and 15th meetings (Bangkok, 2004; The Hague, 2007; Doha, 2010), includes the provisions that:

   a) 'under controlled conditions' means in a non-natural environment that is intensively manipulated by human intervention for the purpose of plant production. General characteristics of controlled conditions may include but are not limited to tillage, fertilization, weed and pest control, irrigation, or nursery operations such as potting, bedding or protection from weather;

   b) 'cultivated parental stock' means the ensemble of plants grown under controlled conditions that are used for reproduction, and which must have been, to the satisfaction of the designated CITES authorities of the exporting country:

      i) established in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild; and

      ii) maintained in sufficient quantities for propagation so as to minimize or eliminate the need for augmentation from the wild, with such augmentation occurring only as an exception and limited to the amount necessary to maintain the vigour and productivity of the cultivated parental stock;

   DETERMINES that the term 'artificially propagated' shall be interpreted to refer to plant specimens:

   a) grown under controlled conditions; and

   b) grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that either are exempt from the provisions of the Convention or have been derived from cultivated parental stock;

3. The core elements of the definition concerning "artificial propagated" and "controlled conditions" date back to the genesis of the Convention and are found in Resolution Conf. 2.12 covering specimens bred in captivity or artificially propagated. Since that time there has been no comprehensive review of the definition, no analysis of its effectiveness or utility, or compilation of case studies on how it is applied to the

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* *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.*

different plant life forms by the CITES Parties. Parties have applied the definition using a range of strategies with perhaps the most widespread being the use of registration schemes combined with an inspection process. However, over this period the mechanisms of plant cultivation and propagation have evolved and the range of plants listed on CITES has expanded, including for example parasitic plants and plants producing high value resins and extracts. CITES Parties have also sought to encourage cultivation of CITES species by local communities in local conditions and some Parties have found it a challenge to apply the current definition in such conditions.

4. In Resolution Conf. 16.10, on Implementation of the Convention for agarwood-producing taxa, the Conference of Parties agreed that the current definition of 'artificially propagated' in Resolution Conf. 11.11 (Rev. CoP15) does not meet the circumstances of agarwood-producing taxa, due to the definition of the term 'under controlled conditions', and adopted the following definition:

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

5. It seems likely that the current definition of 'artificially propagated' included in Resolution Conf. 11.11 (Rev. CoP15) is not best fitted to current practice in artificial propagation of relevant CITES listed plants and may in some cases discourage community based cultivation of CITES listed plant taxa.

6. Resolution Conf. 10.19 (Rev. CoP14) and Resolution Conf. 9.19 (Rev. CoP15) acknowledge that artificial propagation can relieve pressure on wild populations.

Rationale

7. Modern techniques and new methods, such as tissue culture, seedling hardening and artificial infection of parasitic plants have been broadly adopted in propagation of threatened species especially in the case of medicinal and ornamental plants. Treated or screened individuals of plants can grow exuberantly in a semi-natural even a full-natural environment without intensive manipulation by humans. For example, many species of Orchidaceae are widely propagated through tissue culture technique, then moved to semi-natural or natural environment before being harvested for commercial trade. Sometimes, the seedling is bound to trees in nature. Spores of *Cistanche* are artificially inoculated on host plants (i.e. *Tamarix ramosissima* or *Haloxylon ammodendron*) which are artificially planted in the wild. Except for irrigating once or twice per year, these specimens are totally under natural conditions before being harvested. Small holders cultivate species of *Cyclamen* and *Galanthus* with minimum intervention, however to fully meet the current definition of artificial propagation an intense management programme is required stretching the resources of local communities and discouraging such local initiatives. CITES Parties also struggle with the practical application of the definition to the use of mother stock plants and seeds in the new high technology propagation, high volume production of orchids, cacti and succulents.

8. Artificial propagating of threatened species in a semi-natural or a full-natural environment is relatively cost-effective and benefits local community livelihood – giving a value to the local resource. In the context of sustainable development, planting cloned and hardened seedlings in the desert or on rocks helps diminish deforestation and stony desertification; and benefits achieved through inoculation of host desert plants and their subsequent management encourages local people to implement desertification controls and afforestation. These activities concur with the goal of CITES, which aims at conserving wild population and eliminating pressure on them, as well as improving the livelihood of local communities. Similarly local cultivation of geophytes such as *Galanthus* and *Cyclamen* compliments sustainable wild collection allowing wild collected undersized tubers and bulbs to be utilized and allowing local communities to develop a more integrated harvest programme that can link to traditional farming practices such as growing maize where bulbs can be grown as an undercrop. Some Parties allow some manipulation of the wild habitat and treat the resultant plants as sustainably produced from the wild with a positive Non-Detriment Finding. This is a limited option and does not address the range of cultivation and propagation systems currently extant in CITES Parties.

9. Due to time limitation, comments on this document are collected from a small scope of parties and experts. We received general positive responses. Besides the applicability of the current definition of artificial propagation, some other concerns are expressed: 1) There is a lack of guidance in implementing well the definition of artificial propagation, especially with regard to motherstocks; 2) It might be difficult to distinguish between artificial propagated and wild harvested specimens (especially when they are harvested in natural or semi-natural systems); 3) Possible conservation concerns exist when re-introducing and later harvesting from such populations.

10. Considering the above concerns mentioned, guidance, training or capacity building on how to implementing the new definition (if it is adopted by the Conference of the Parties) seems necessary for people involved in propagating, trading and managing of plants listed in CITES Appendices.

11. Decision 16.156 tasked the Plants Committee to consider the current production systems of tree species, including mixed and monospecific plantations, and assess the applicability of the current definitions of artificial propagation in Resolution Conf. 10.13 (Rev. CoP15) and Resolution Conf. 11.11 (Rev. CoP15) respectively, and report back at the 17th meeting of the Conference of the Parties. The Plants Committee at its 22nd meeting (Tbilisi, Georgia, October 2015) recommended that this remit be extended to CoP18.

12. While seeking comments on this proposal, some parties also pointed out that tree and non-tree species were quite different taxa, and a review process for tree species has already been provided by Decision 16.156, the two processes should be pursued in parallel. Therefore, it is proposed that draft Decision in the annex to this document focused on non-tree species.

Recommendations

13. There is evidence that the current definition of "artificially propagated" outlined in Resolution Conf. 11.11 (Rev. CoP15) does not adequately address the range and complexity of current cultivation and propagation mechanisms for CITES listed plants.

14. That a review is required of relevant cultivation and propagation systems of CITES listed plants and the applicability and utility of the current definition of artificial propagation with the aim to improve the definition.

15. The following draft decisions in the Annex are therefore submitted for discussion and adoption.

COMMENTS FROM THE SECRETARIAT

A. The Secretariat agrees that Parties would benefit from further guidance on the applicability of the current definitions of 'artificially propagated', 'under controlled conditions' and 'cultivated parental stock' as per Resolution Conf. 11.11 (Rev. CoP15) on *Regulation of trade in plants*. Regarding the applicability of the current definition of artificial propagation for CITES-listed tree species, the Secretariat commented on this issue in document CoP17 Doc. 53.1, and recommends the adoption of the proposed draft decision 16.156 (Rev. CoP17) in paragraph 6 of that document.

B. Regarding the applicability of the definitions for CITES-listed plants that are not trees, the document proposes a parallel process as to the one outlined in draft decision 16.156 (Rev. CoP17). To avoid any duplication the Secretariat suggests that the draft decisions in the Annex could be amended as follows:

Directed to the Plants Committee

17.XX1 The Plants Committee shall review ~~the diversity of~~ current production systems for artificial propagation and cultivation of non-tree-plant taxa listed in the Appendices and assess the applicability and utility of the current definitions of 'artificial propagation' and 'under controlled conditions' ~~artificial propagation outlined~~ in Resolution Conf. 11.11 (Rev. CoP15). ~~with special reference to the terms 'artificial propagation' and 'under controlled conditions'.~~

17.XX2 The Plants Committee, following the above review, shall consider if Resolution Conf. 11.11 (Rev. CoP15) and other relevant Resolutions need to be revised ~~require amendment~~, and as appropriate, propose such amendments for consideration and adoption at the 18th meeting of the Conference of the Parties. ~~and indicate what type of guidance, training and capacity building, may be required to inform Parties on how to adequately implement such revised Resolutions. , and report on its findings at the 18th meeting of the Conference of the Parties and, as appropriate, submit amendments to the Resolutions concerned and relevant recommendations.~~

C. Concerning the identification of guidance and capacity building materials needed to implement the eventual revisions to Resolution Conf. 11.11 (Rev. CoP15), the Secretariat considers that this is a later

step in the process, and that a draft decision for that purpose could be proposed for adoption at the 18th meeting of the Conference of the Parties.

D. In case the Conference of the Parties considers that the draft decisions not only relate to scientific advice and guidance but also to policy and general operational direction, it may request the Plants Committee to report its considerations to the Standing Committee, for the Standing Committee to review these and report to the 18th meeting of the Conference of the Parties.

E. The Secretariat does not anticipate that the implementation of the proposed draft decisions would have budget implications that cannot be covered within the existing resources for the Secretariat and the Plants Committee.

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

Directed to the Plants Committee

17.XX The Plants Committee shall review the diversity of production systems for artificial propagation and cultivation of taxa listed in the Appendices and assess the applicability and utility of the current definition of artificial propagation outlined in Resolution Conf. 11.11 (Rev. CoP15) with special reference to the terms 'artificial propagation' and 'under controlled conditions'.

17.XX The Plants Committee, following the above review, shall consider if Resolution Conf. 11.11 (Rev. CoP15) and other relevant Resolutions require amendment, and as appropriate, propose such amendments and indicate what type of guidance, training and capacity building, may be required to inform Parties on how to adequately implement such revised Resolutions, and report on its findings at the 18th meeting of the Conference of the Parties and, as appropriate, submit amendments to the Resolutions concerned and relevant recommendations.