

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



Nineteenth meeting of the Plants Committee
Geneva (Switzerland), 18-21 April 2011

Timber issues

AGARWOOD PRODUCING TAXA (DECISION 15.94)

1. This document has been submitted by the regional representative for Oceania (Mr Greg Leach).*
2. Decision 15.94 is directed to the Plants Committee:

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.

3. The Decision seeks to examine whether there are any deficiencies in the definitions of artificially propagated as they apply to mixed species plantations. Although the wording of the Decision is very broad and applies to all mixed tree species plantations, the primary concern remains that of Agarwood.
4. This Decision in fact arises from previous work on Agarwood. Dealing with the regulation and permitting of increasing amounts of plantation-grown Agarwood has been discussed at several Agarwood workshops and PC meetings.

Approaches

5. There are two possible approaches to this Decision in considering the definitions of artificially propagated as they apply to trees in mixed species plantations. One is through Resolution Conf. 10.13 (Rev. CoP15) *Implementation of the Convention for timber species*. The other is through Resolution Conf. 11.11 (Rev. CoP15) *Regulation of trade in plants*.

Resolution Conf. 10.13 (Rev. CoP15) *Implementation of the Convention for timber species*

6. An approach was presented at CoP15 which sought a solution by clearly including plantation-grown Agarwood as artificially propagated in Resolution Conf. 10.13 (Rev. CoP15) *Implementation of the Convention for timber species*. Changes in the text to this Resolution were adopted at CoP15. These changes now clearly encompass plantation produced Agarwood as artificially produced but only if produced in monospecific plantations.

* *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.*

7. Paragraph g) of Resolution Conf. 10.13 (Rev. CoP15) now reads:

Regarding the definition of 'artificially propagated'

g) timber and non-timber products derived from trees grown in monospecific plantations be considered as being artificially propagated in accordance with the definition contained in Resolution Conf. 11.11 (Rev. CoP14);

8. Some Agarwood producing states sought to exclude the word 'monospecific' as Agarwood is often grown in mixed species plantations along with other fruit or commodity species such as rubber. From an ecological perspective mixed species plantations are generally favoured over monospecific plantations. An argument in favour of broadening the definition is that CITES should be seen to be supporting preferred ecological practices in plantations.
9. A number of Parties did not support such a broadening of the definition of 'plantation' due to concerns about remnant or regrowth species then becoming included within the definition of artificially propagated. This could provide unintended loopholes to allow the definition of artificially propagated being applied to wild specimens.

Resolution Conf. 11.11 (Rev. CoP15) Regulation of trade in plants

10. Artificial propagation is defined in Resolution Conf. 11.11 (Rev. CoP15) *Regulation of trade in plants* and refers to plant specimens that are:
- 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.
11. The Resolution defines 'under controlled conditions' as meaning grown 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.
12. It is clear that Agarwood plantations and other areas managed as gardens would qualify as being grown under controlled conditions.
13. To apply paragraph b) to mixed species plantations, the origin of the plantation material needs to be established. The source material will be presumably either seeds or some form of vegetative reproduction such as cuttings, marcots etc.

Plantation material established from seed.

14. All Agarwood species are listed in Appendix II with annotation #4 which states:

"All parts and derivatives, except:

- a) seeds".

15. Hence Agarwood plantations derived from seed would be determined as exempt from the Convention. In considering other CITES species grown in mixed species plantations it will be necessary to consider the status and annotation of the CITES listing.
16. The Resolution provides for a series of exceptions whereby plants grown from wild-collected seeds or spores can be deemed as artificially propagated. Agarwood is generally easy to cultivate and does not present significant problems in establishing 'cultivated parental stock'. However, Range states may find the exceptions useful in establishing genetically diverse cultivated stock from wild material. These exceptions may also be relevant to other CITES listed tree species that are grown in plantation conditions. The relevant part of the Resolution is under the first 'Recommends'.

Plantation material established from vegetative sources.

17. This requires a consideration of the application of 'derived from cultivated parental stock'. The Resolution defines 'cultivated parental stock' as meaning 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:
- a) established in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species; and
 - b) 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.
18. If the plantation is derived from 'cultivated parental stock' that has been legally obtained then both conditions i) and ii) will be met and the plantation produced material can be determined as artificially propagated.
19. The remaining scenario is that of material derived directly from wild vegetative sources such as cuttings from wild parental stock. The second 'Determines' in the Resolution provides the interpretation for this scenario:

DETERMINES that plants grown from cuttings or divisions are considered to be artificially propagated only if the traded specimens do not contain any material collected from the wild; ...

20. If Agarwood is extracted from mature plantation trees that have been vegetatively produced from wild mother stock then this clause would allow determination of this Agarwood to be artificially produced.

Recommendations

21. The Plants Committee is requested to consider the approaches outlined above as a means to implementing Decision 15.94. In particular:
- a) Should a revised wording for Resolution Conf. 10.13 (Rev. CoP15) be crafted that restricts the consideration of plantation material only to those specimens that have been deliberately cultivated and explicitly exclude any adventive material that occurs in a plantation? Would such a wording alleviate concerns and allow consideration of deletion of the restriction to monospecific plantations?
 - b) Parties producing plantation grown Agarwood are requested to provide background on the source of origin of the plantation material i.e., is the material sourced from within or outside the range state, whether seed or vegetative propagation is used and whether there is ongoing collection of wild propagating material.
 - c) Does the application and interpretation of Resolution Conf. 11.11 (Rev. CoP15) satisfy all Parties that are producing mixed species plantation grown Agarwood that this material can qualify as artificially propagated?
 - d) Are there other non-Agarwood CITES listed tree species that should be considered in this discussion of mixed species plantations?