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EDITORIALS

CITES: A FAR CRY FROM CONSERVATION

Other than those within the bureaucracy of the U.N. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), everyone agrees that the treaty, as it pertains to plants and as presently administered, is a failure. Each year, CITES becomes more and more unworkable. Rather than providing a way to solve the basic problem of conserving endangered plant species, it specifically abolishes the international trade in plants.

CITES and its administration have yet to save any endangered species. Conversely, the treaty has created a market for plants declared rare, when in fact they exist in great quantity in the wild or in nurseries. Because of scarce data on which plants are rare and endangered, it is illogical to so list whole families and broad species, when justification for listing awaits fieldwork yet to be done.

The bureaucracy that has grown up to administer CITES around the world is self-serving and rules without recourse or oversight, much as the divine-right-of-kings and with appointments-for-life, as documented by the following facts.

For many countries, CITES paperwork is a way of making money and a source of graft and control. The whole operation has turned into a money and hostage situation; time is money, and certification is held up or delayed to extract money.

CITES is administered selectively and inequitably by administrators far removed from the native countries of listed plants. Administrators, who dictate to and control those countries, consider all movement of plants to be "trade" (with a monetary value) and ignore the non-monetary scientific collection for research and the sharing of scientific knowledge between individuals.

Certification is left up to countries that lack people qualified to inspect and certify plant materials. Many inspectors are unable to distinguish nursery-grown plants from those collected in the wild, and some inspectors cannot tell, without a label, if a plant is on a CITES appendix.

Far from the original intent of the Convention to control the trade and movement of wild-collected plants, CITES administrators have expanded their authority to hybrids and plants growing in sterile flasks. Restrictions even are placed on seed collection, which ranks among the greatest chances for the conservation of many plant species.

Prohibiting the salvage of plants destined for loss by logging, agriculture expansion, road building, or other means, is immoral and a far cry from conservation.

I call for oversight of the entire CITES process, not just the trade restrictions but also the incompetent administration and its rules. The problem should be moved to the courts for resolution; therefore, I propose that a committee be organized to investigate these claims. Signatory countries should be polled to see if they have changed their minds and want to be dropped from the list of Parties to the Convention, if they wish to regain control of their own property, material and intellectual.

Those who agree that CITES needs oversight and change are encouraged to share their ideas and suggestions.

—Ted Green
Green Plant Research
P.O. Box 597
Kaaawa, HI 96730 USA
Email: tgreen@aloha.net

THE INSANITY OF CITES AS APPLIED TO PLANTS: A THEORETICAL CASE STUDY

This is the story of a single plant of *Paphiopedilum insigne,* a ladyslipper orchid. To identify it as a single specific plant, we will call it by the clone name of 'Jones.' It has been living quietly and privately in the jungles of India since who knows when. This plant had sprouted and grown from a seed, one of hundreds of thousands that were produced from a single seedpod. It had matured a few years later and now produces flowers and seed pods itself to perpetuate

the species. The wild location where the orchid happened to grow was fertile, and over the years it grew into a lovely clump. One day, a man came by and seeing its lovely flowers decided to dig a piece of it and take it home. Fortunately for the plant, the removal of the piece did not do it irreparable damage, so it soon had replaced that which had been removed. Later, other men came by and each in turn took a piece of the plant, which likewise grew back in time. This harvesting of a piece of the plant continues to this day, and the plant continues to thrive.

Ah, but what of these little pieces of the plant that were removed? How did they fair when taken from their native land? Remember, all of these little pieces are identical genetically. All are of the one clone. Of those pieces removed prior to when a U.N. treaty called CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) came about, some were shipped to other countries, some were grown on and artificially propagated (in a manner defined later as such by CITES regulations). Some of those shipped to other countries were done so legally, and some were smuggled into other countries. Some of the artificially propagated pieces also were shipped to other countries legally or smuggled into them. In their new homes, they produced even more pieces. In today's world, they all are considered 'legal,' whether they got there legally or were smuggled. After CITES came into effect, all orchid species were classified as "Appendix II" or "Threatened." Those pieces of 'Jones' collected prior to CITES coming into effect and/or artificially propagated were shipped out legally as "Pre-CITES," while others were smuggled out.

Even when the CITES regulations categorized the species as "Appendix I" or "Endangered," the pieces collected prior to CITES and/or artificially propagated were shipped out legally as "Pre-CITES," and again others were smuggled out. For those pieces collected during the period when they were classified as "Appendix II" or "Threatened," some were shipped out of the country legally as "wild-collected," while others were smuggled out. Some of the grown-on and artificially propagated plants were shipped out legally as "artificially propagated," while others were smuggled out. Even when the CITES regulations categorized the species as "Appendix I" or "Endangered," the pieces artificially propagated were shipped out legally as "artificially propagated," while others were smuggled out. For those pieces collected when the CITES regulations categorized them as "Appendix I" or "Endangered," the pieces were smuggled out, since they could not be sent out legally. Even those pieces that were collected and later became "artificially propagated" had to have lots of documentation before they could be legally shipped out of the country, while others were smuggled out. After CITES came into effect, pieces of our original plant, which is still growing in its original site, were classified as "legal" or "illegal" depending on when and how they came to a foreign country. Those smuggled into other countries were, of course, classified as "illegal." Thus, it is possible to have both "legal" and "illegal" pieces of *Paphiopedilum insigne* 'Jones' in the same collection. How does one tell the legal from the illegal? Since literally no documentation exists to support the legality of the original imports, and they are all identical genetically, there is no way to tell which is or is not "legal"!

That, however, is not the end of the story. There is a plant named *Paphiopedilum spicerianum,* and it has the clone name of 'Smith.' This specific plant is "legal" by definition. Now some orchid fancier decided to make a hybrid between this species and *Paphiopedilum insigne* 'Jones.' The resultant progeny are all called *Paphiopedilum* Leeanum, no matter whether they are made by the Jones-Smith clones or other clones of the same two species, or whether *Paphiopedilum spicerianum* is the mother or the father of the hybrid. Now, our orchid fancier has two pieces of *Paphiopedilum insigne* 'Jones,' one that is "legal" and one that is not. He decides to use both pieces for the hybrid to make certain he gets the seed he wants. Our orchid fancier is successful in his hybridizing efforts and soon has two groups of seedlings of the same hybrid (called grex) of *Paphiopedilum* Leeanum coming along. Because one of the parents of one hybrid was an illegal piece of *Paphiopedilum insigne* 'Jones,' however, all of the seedlings resulting from the use of that piece of plant also are "illegal." How do you tell the two sets apart, and how do you determine which are "legal" and which are not? You can't! If any of the "illegal" seedlings are used in further hybridizing, those seedlings also will be "illegal," and on and on and on. On top of that, numerous other orchid fanciers have made this same hybrid grex using different clones of the parents, some "legal" and some "illegal." How do you determine which are legal and which aren't? You can't! Now I have used the example of one hypothetical plant through time to illustrate how absurd it is to expect amateurs or professionals to know when they have a plant that is or is not legal, let alone expect the government to keep track or be able to prove it. Likewise it is equally applicable to the entire species.

The application, however, does not stop there. Any hybrid of any orchid, if it is not imported

legally, no matter how many of its brothers or sisters are legally in a country, is an "illegal," and if it is used for hybridizing, the progeny are illegal. "Illegal" begets "illegal"! The consequences of having illegal plants are that the plants can be confiscated and the owner fined and imprisoned. How can the federal government determine if a plant is legal or not? They can't, with few exceptions. Any species that is legally within a country now cannot be distinguished from those plants that are illegal. Any newly discovered species of Appendix I plants can be distinguished only so long as none are legally imported into the country. Any newly discovered Appendix II plants can be distinguished only for the time it takes to raise them from seed, since seed of Appendix II plants is exempt from CITES. For wild collected plants, they can only be distinguished from the time they are imported until they have grown sufficiently to be able to remove and discard the portion of it that can be identified as coming from the wild.

What, then, do we have? We have a system that all but doesn't work and can't work. The government cannot keep up with all the species and hybrids legally imported and where they all go, let alone where and to whom they are distributed within the country. Plants grow, are divided and passed to others without any type of certification. Only recently has the federal government even issued copies of import documents with the plants when they come in, thus providing some proof that the plants were legally imported. How do people prove their orchids are legal? Basically, they can't; but at the same time, the government can't prove otherwise. CITES has encouraged smuggling that evades the vital plant inspection system set up in the United States by the U.S. Department of Agriculture to protect us from foreign organisms, which could infect our plants and animals. In addition, we have created a bureaucratic mess that not only costs taxpayers money; it costs both customers and dealers an inordinate amount of time and money to comply with ineffective, useless regulations and restrictions.

So what has CITES accomplished? What has it done for conservation? What are we getting for the millions of dollars spent and thousands of man-hours invested? The answer is nothing! Then why is it being continued? In the United States, that is a question every U.S. Representative and every U.S. Senator should be asked and held accountable for answering.

—Carson E. Whitlow
2291-280th Street
Adel, IA 50003 USA
Email: slipperguy@aol.com

It's Time to Change CITES

Saving endangered species from extinction—the original intent of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)—is a goal I wholeheartedly support. Whereas CITES administrators, as well as amateur and professional growers, taxonomists, educators, importers, and exporters—individuals and organizations—all share this common goal, it is the methods for achieving conservation that have taken us on radically divergent paths. It is my opinion that CITES regulations, in practice, have proven to be counterproductive to orchid conservation.

Preventing the trade in animal life is one thing, but CITES is misguided in extending that policy to plant life and, in particular, to orchids. The provisions of CITES created to protect endangered species of fauna have worked over the years; but the flora regulations, created as an afterthought, have not saved one plant from extinction in the history of the treaty. CITES authorities should seriously consider the difficulties that the treaty has caused the orchid world.

Appendix I of CITES lists certain orchids that have been declared "endangered species" to prevent them from being transported across international borders. Each party to the treaty sets up its own system of enforcement. In the United States, the treaty is enforced by the U.S. Department of the Interior/Fish and Wildlife Service and the U.S. Department of Agriculture.

Although every *Phragmipedium* species is included in Appendix I, most of the people who drafted the treaty and those who enforce it have yet to visit the sites where these plants grow. In an effort to have all of those involved with CITES regulations think differently about CITES for orchids, a personal invitation is herewith extended to have them come and see the myriad plants growing in situ here in Ecuador, where one can see thousands of *Phragmipedium longifolium* plants growing in a single population. At a streamside location, stands of many

hundreds of plants of *Phragmipedium piercii* can be seen growing side by side. *Phragmipedium besseae* ranges from Ecuador into Peru with plants numbering probably in the millions. Each of these orchid species grows at many locations. Most of the plants of *Phragmipedium kovachii,* labeled "the most important orchid find in the past 100 years," are still in their natural habitat in Peru. In Brazil, *Laelia jongheana* also is "protected" with Appendix I designation, yet plants of this species grow by the hundreds of thousands.

Those familiar with the situation know that the international trade in orchids is a drop in the bucket compared to the loss of millions of orchids, along with their host trees and other plants, as the result of slash-and-burn agriculture.

Based on the fact that there are substantial populations of all *Phragmipedium* species in Central and South America (including *P. kovachii*), I believe that it makes sense to remove the species in this genus from Appendix I. The placing of all orchids (other than those in Appendix I) into Appendix II also does not seem realistic or constructive. Speaking for many people in the orchid world and for myself, I respectfully propose that these restrictions be lifted.

Because orchids must have phytosanitary certification before being shipped or carried across international borders, the quantity of orchids being shipped can still be checked and controlled at the time of these inspections. I remember the policy practiced in Jamaica prior to the advent of CITES. It worked well, in that collectors were limited to a maximum of five plants of any species to be removed from the island. Orchids were checked and released upon completion of a plant health inspection and record of the species.

Importations, whether by individuals or commercial growers, can meet practical guidelines provided they pass sanitary inspection prior to shipping and an inspection at ports of entry. Yes, USDA inspectors should examine orchids and other plants for diseases, insects, and other pests. With such a simplified system of inspection, the nations of the world can expect the cooperation of importers, because no grower, private or commercial, wants to introduce plants with infections into their growing environment. Plant inspectors should be encouraged to work with responsible growers and scientists.

A more flexible approach by those who have created and those who enforce CITES would allow desirable orchids to be imported for future propagation by responsible, certified growers. The subsequent availability of plants reproduced in numbers might then be sold at reasonable cost. Making them available might very well help protect orchids in their natural environment.

A scientist wishing to send dried, pressed specimens of orchids or vouchers of flowers or other plant parts must go through the time and expense of obtaining CITES permits to carry or send material for their work. This is certainly not a productive application of CITES regulations. Removal of Appendix II restrictions would eliminate these problems with which researchers must cope.

CITES authorities should change the rulings on flora to a more practical and effective approach, if they wish to save species. Orchids, trees, and other plants should be monitored; but it is my opinion that restrictive orchid rulings need to be re-examined and changed. Plants that are being destroyed by habitat destruction should be harvestable, and reasonable quantities of orchids should be allowed in trade. In the long run, removal of orchid species from Appendix II will truly advance orchid conservation.

—Harry Zelenko
P.O. Box 17-22-20043
Cumbaya, Quito, Ecuador
Email: zzz@uio.satnet.net