

No rules violated, but ... — A response and comments from the Herbario San Marcos (USM) to Rijkvovorsel's proposal to suppress Selbyana vol. 23 Supplement

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The recent proposal by Rijkvovorsel (in Taxon 55: 103. 2006) to include the four-page Selbyana 23 Supplement in the list of “opera utique oppressa” has been strongly criticized as an improper and undesirable usage of current ICBN rules and recommendations (Anderson in Taxon 56: 615–616. 2007; Higgins & Benzing in Taxon 56: 968–969. 2007). Here we present comments and perspectives on the proposal, on the two names involved, *Phragmipedium kovachii* and *P. peruvianum*, on their type collections, and on the need for careful consideration of both local regulations and code of conduct in publishing new species.

Illegal collections, local and international laws, and “criminal” naming

The orchid family is the largest plant family in the Peruvian flora, with over 770 endemic taxa recently recognized, and at the same time still poorly known and collected (Roque & León in Revista Peruana Biol. 13: 759. 2007). The regulation of wild plant collection and exportation in Peru, administered by the Instituto Nacional de Recursos Naturales (INRENA), requires for both activities a permit regardless of whether the taxon is included in the international CITES (Convention on International Trade in Endangered Species) list. This fact prompted CITES in September of 1999 to issue a notification drawing the attention “to the stricter domestic measures” (<http://www.cites.org/eng/notif/1999/067.shtml>) regarding the export of all specimens of Peru's wild biota.

Phragmipedium kovachii J.T. Atwood & al. was based on a specimen presumably purchased on 5 June 2002 in Peru and subsequently exported to the United States, while *P. peruvianum* Christenson was based on a specimen that flowered in cultivation in Peru in May 2002 and never left the country (Christenson in Orchids 71: 620–622. 2002.) The export violations surrounding the *P. kovachii* type specimen were mentioned in Rijkvovorsel's proposal as supporting evidence for suppression of its original publication. However, illegal activity can also be connected with the type specimen of *P. peruvianum*, which was obtained without a collecting permit. Thus, under Peruvian law both type specimens are associated with illegal actions.

In the naming of some plant species of Peru's flora, this is not the first time that citation of illegal collections has occurred. In a few cases collectors or politicians with objectionable pasts have been honored, as an example: *Vochysia lequiana* J.F. Macbr. honors a dictator of eleven years. Therefore, if Selbyana vol. 23 Supplement was suppressed

because not doing so would be “detrimental to the credibility and good reputation of botanical nomenclature” (Rijkvovorsel, l.c.), we agree with both Anderson (l.c.) and Higgins & Benzing (l.c.) that this would create a dangerous precedent for the chaotic rejection of any publications that include undesirable names. The preamble of the ICBN (McNeill & al. in Regnum Veg. 146. 2006) clearly states its purpose, which is primarily to facilitate communication in science. Ethical issues surrounding plant naming are outside the jurisdiction of the *Code*, and do not provide criteria for rejection of any name under the *Code*.

Type collections, type citations, local institutions and CITES

Both *Phragmipedium kovachii* and *P. peruvianum* were validly published according to the *Code* (Arts. 32.1, 36.1). Type material was clearly indicated for both names, and the herbarium USM where the holotypes were conserved was specified in accordance with Art. 37. Although as shown by Higgins & Benzing (l.c.) it is doubtful that the supposed type material of *P. peruvianum* is the original material described. Indeed the voucher cited by Christenson (l.c.) does not exist at USM, instead there is a collection by “K. Villena s/n ex Bennet 7996-1” (the typewritten label mistakenly cites 7496-1) from December 2002 that was later annotated as the type.

After a complaint by INRENA to the U.S. Fish & Wildlife Service, the type specimen of *P. kovachii* was returned to Peru, and specifically deposited at USM (Herbario USM No. 164789), although “U.S. Fish and Wildlife Service later determined that USM, the Peruvian CITES Scientific Authority was not a CITES registered institution” (Higgins & Benzing, l.c.). This comment appears to imply, as does that of Raven (in Pl. Sci. Bull. 53: 47–50. 2007), that the repatriation of this specimen was improperly achieved.

According to the Peruvian law, any unicate collection and those used as type material must remain in a Peruvian institution. A CITES web-page (http://www.cites.org/common/directy/e_directy.html) cites all Peruvian institutions with special status under CITES. The Peruvian law considers INRENA to be the primary Management Authority, and it is true that INRENA and three other special management authorities are the only ones able to issue permits for collection and exportation of the biota. However, among the institutions listed as CITES “Scientific Authorities” in Peru is the Universidad Nacional Mayor de San Marcos, and spe-

cifically the Museo de Historia Natural. The Herbarium San Marcos (USM) belongs to that University and is housed in the museum as cited in the Index Herbariorum (<http://sweetgum.nybg.org/ih/>). Thus, although USM does not have the exemption for scientific exchange of herbarium specimens (under CITES Art. VII, paragraph 6) conferred by institutional registration, it is an appropriate place for deposition of Peruvian type specimens.

The citation of USM as the type repository in the publications of both species was made without the proper knowledge of both Museum and Herbarium authorities. It is unfortunate that some botanists apparently lack collegiality when publishing new species or new records for Peru's flora. In the best interests of international scientific cooperation, publication of new names requires the ethical conduct of authors. Several peer-reviewed journals already have clear guidelines stressing the importance of author responsibility in terms of data gathering. Similar guidelines should include the verification of details and/or the coordination with institutions in citing type material. USM is making efforts to care for and catalogue its most valuable collections, such as types, and this requires the participation of all botanists involved.

The acceptance of the proposal by Rijkcevoersel would remove the status of *P. kovachii* as a validly published name. However, the alternative name *P. peruvianum* has its own nomenclatural complications, regarding the designation of a type that did not actually exist (Higgins & Benzing, l.c.).

Valid names, citations and destabilization

Rijkcevoersel (l.c.) considers that the “short term destabilization [to nomenclature brought about as a result of the approval of his proposal] will be limited in scope”. We consider that this proposal will not only be destabilizing to the nomenclature of this species, but it also will have implications in its conservation, trade and regulation. The name *P. kovachii* is already officially listed by INRENA (http://www.inrena.gob.pe/iffs/iffs_biodiv_catego_flora_silyv.htm). Additionally, the name has already been used in recent publications (see Cribb in Curtis's Bot. Mag. 22: 8–11. 2005; Millán & al., http://www.inrena.gob.pe/iffs/iffs_biodiv_estud_flora_fauna_silvestre.htm 2007; Roque & León, l.c.). For this reason and those already discussed, we believe that *P. kovachii* should remain the validly published and accepted name of the species involved, while *P. peruvianum* should be considered a synonym of it.