

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

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Interpretation and implementation of the Convention

Exemptions and special trade provisions

NON-COMMERCIAL LOAN, DONATION OR EXCHANGE OF MUSEUM AND HERBARIUM SPECIMENS

1. This document has been submitted by the United States of America.
2. The United States submitted this document in order (a) to present concerns expressed by the scientific community and (b) to ask the Conference of the Parties to consider how the implementation of the Convention might be improved for non-commercial loan, donation or exchange of museum and herbarium specimens, particularly through more widespread application of the exemption contained in Article VII, paragraph 6, of the Convention.
3. At its first and second meetings (Bern, 1976; San José, 1979), the Conference of the Parties adopted Resolutions Conf. 1.4 and Conf. 2.14, containing recommendations relating to implementation of this exemption. These recommendations were re-affirmed in a consolidated resolution (Resolution Conf. 11.15), adopted at the 11th meeting (Gigiri, 2000).
4. It is noteworthy that, since its first meeting, the Conference of the Parties has recommended that "Parties...encourage scientific research on wild fauna and flora, where this may be of use in conserving species" and that they should also "encourage their natural history museums and herbaria to inventory their holdings of rare and endangered species and make that information widely available [for] researchers to efficiently borrow specimens for study" [Resolution Conf. 11.15, paragraphs a) and b) under RECOMMENDS].
5. Resolution Conf. 11.15 contains procedures from the second meeting of the Conference of the Parties (San José, 1979) for Parties to register scientific institutions with the CITES Secretariat. This registration system is intended to ensure that non-commercial exchange of scientific specimens is not interrupted and that it occurs in a way consistent with the terms of the Convention. Through registration, the exemption is limited to *bona fide* scientific institutions that meet certain standards, as determined by their national CITES authorities. Under this system, exchanges may occur only between registered institutions. These procedures ensure the protection and control of resources of national concern.
6. Registering qualified institutions and allowing efficient exchange of specimens with other institutions significantly benefits national and international efforts to study and understand the Earth's plant and animal resources. With ever-increasing pressures on natural areas for resource extraction and development, it is necessary to assess the diversity of species for land-use decisions and to focus conservation efforts on key areas that will maximize the number of taxa and habitats that will receive protection.
7. The United States consistently hears complaints from the scientific community about difficulties experienced in the international movement of specimens for scientific research, particularly for purposes

of taxonomic study and assessment of biodiversity. These difficulties arise largely because many Parties do not implement the exemption for scientific loan, donation or exchange.

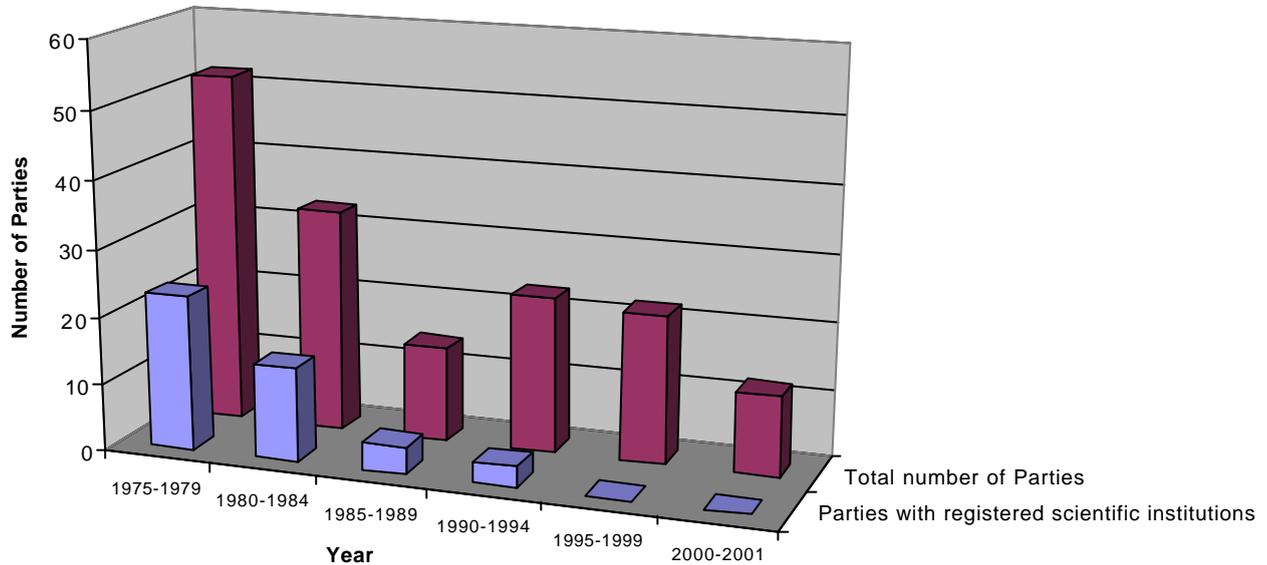
8. The Convention now has 158 Parties, yet only 47 Parties (less than 30 per cent) have registered scientific institutions with the Secretariat. Even among the Parties that first acceded to the Convention, less than half have registered any scientific institution, and no institutions have been registered by Parties that have acceded to the Convention since 1993 (see Figure 1). A cursory review of the countries that have registered institutions shows that both developed and developing countries have done so. Similarly, both developed and developing countries have failed to register their scientific institutions. Whereas not all countries may have institutions that would qualify for registration, it is clear that some countries that could implement this exemption have not done so.
9. Because of the difficulty in exchanging specimens for essential taxonomic research and comparative study, scientists are increasingly reluctant to conduct basic research on species listed in the Appendices to the Convention.
10. In addition, the lack of broad use of the scientific exchange exemption undermines the ability of countries to conserve their wildlife and plant resources effectively. Any Party that is a range State for a listed species will benefit from research on the species and therefore has a vested interest in facilitating research by scientists in other countries, especially when they are cooperating with scientists in the range State.
11. Impediments to scientific exchange also undermine the Convention and prevent the Parties from fulfilling the Convention's *Strategic Vision through 2005* (Decision 11.1, Annex 1). The Strategic Vision emphasizes the importance of using sound science to develop and implement effective management programmes for the conservation and recovery of species, to amend the Appendices and make non-detriment findings.

Recommendations

12. There are a number of measures that can be taken within the existing structure and activities of the Convention to improve the implementation of the scientific exchange provisions. However, they require an increased awareness and commitment from the Conference of the Parties and the Secretariat, as follows.
 - a) All Parties that have accessioned scientific collections in universities, herbaria, museums, or other qualifying institutions should take the necessary steps to implement the Convention's scientific exchange exemption and register these institutions with the Secretariat. Initially this may require changes to implementing legislation or other significant actions, but implementing this exemption will ultimately result in efficiencies by eliminating the need to issue individual permits for qualifying specimens.
 - b) Activities aimed at improving Parties' implementation of the Convention should include a component on scientific exchange. Such activities could involve revising countries' national legislation to implement the Convention, training workshops, and other capacity-building activities.
 - c) Contacts should be made with organizations representing scientists and scientific institutions to facilitate greater understanding of the provisions of the Convention relating to scientific exchange.
 - d) For circumstances under which the exchange of scientific specimens cannot be conducted under the exemption of Article VII, paragraph 6, of the Convention, Parties should implement procedures that facilitate the timely and efficient issuance of permits or certificates so that *bona fide* conservation-oriented research is not impeded.

- e) The Animals and Plants Committees could be requested to develop a brochure that would further illustrate the importance of registering scientific institutions and demonstrate how the registration procedures can be applied in a simplified manner.

Figure 1. Numbers of Parties for which CITES entered into force and numbers of Parties with registered scientific institutions, 1975-2001 (per Notification to the Parties 2001/095)



COMMENTS FROM THE SECRETARIAT

- A. The impression of the Secretariat is that most of the complaints that it has heard regarding the movement of scientific specimens arise because: the special provisions of Article VII, paragraph 6, are applicable only to “herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material” and not to other types of specimens; many Management Authorities are slow in dealing with applications for permits for scientific specimens; and scientists often believe that they should be exempted from the requirement for permits and certificates.
- B. Regarding recommendation a), Parties could be encouraged to register scientific institutions through a minor amendment to Resolution Conf. 11.15.
- C. Recommendation b) seems unnecessary since the capacity-building activities of the Secretariat already contain a component on the scientific exchange of specimens.
- D. Recommendation c) is obviously directed at improving awareness of the special provisions of Article VII, paragraph 6, at the national level, which could be encouraged through a minor amendment to Resolution Conf. 11.15.
- E. Recommendation d) is to a large extent dealt with in document CoP12 Doc. 51 regarding time-sensitive biological samples.
- F. Recommendation e) does not seem appropriate. The Secretariat does not believe that it should be a function of the permanent scientific committees to produce awareness-raising brochures.