

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

Eighth Meeting of the Conference of the Parties

Kyoto (Japan), 2 to 13 March 1992

Interpretation and Implementation of the Convention

ROLE OF THE SCIENTIFIC AUTHORITY

This document has been prepared and is submitted by the United States of America at the request of the Animals Committee.

Background

Each Party to the Convention is required to establish at least one Scientific Authority to carry out specific responsibilities described in the Convention [Articles III(2)(a), III(3)(a) and (b), III(5)(a), IV(2)(a), IV(3), and IV(6)(a)]. A Party may establish additional Scientific Authorities to carry out some of the responsibilities, but one Authority should have overall responsibility for establishing the Party's policy and procedures to be followed by the others. In addition to the responsibilities described in the Convention, other duties are described in Resolutions including Resolutions Conf. 2.11 and 2.14, and still other activities should receive an assessment of scientific information and a recommendation from the Scientific Authority.

Furthermore, several responsibilities described in other Articles, including Article VII (4 and 5), and several Resolutions (Conf. 1.1 to 1.5; Conf. 2.12, 2.17 and 2.19; Conf. 3.15 and 3.20; Conf. 4.7, 4.13, 4.15, 4.19, 4.23 and 4.26; Conf. 5.3, 5.4, 5.13, 5.17, 5.19, 5.21 and 5.22; Conf. 6.1, 6.9, 6.17 and 6.19 to 6.22; Conf. 7.7, 7.10, and 7.14), are not assigned to a specific office, but require scientific considerations. Specifically, these include decisions related to determinations on artificial propagation, captive breeding, changes to the appendices, and scientific exchange.

Party Responsibilities

ACCEPTING that each Party to the Convention is required to establish one or more Scientific Authorities;

RECOGNIZING that:

- i) a Scientific Authority of a State of export must advise that the export of Appendix-I and Appendix-II specimens will not be detrimental to the survival of the species involved, prior to the issuance of an export permit;
- ii) a Scientific Authority of a State of introduction must advise that the introduction from the sea of Appendix-I and Appendix-II specimens will not be detrimental to the survival of the species involved, prior to the issuance of an appropriate certificate; and
- iii) a Scientific Authority of a State of import of an Appendix-I species must advise that the import will be for purposes which are not detrimental to the survival of the species involved, prior to the issuance of an import permit;

NOTING that trade in hunting trophies of animals of species listed in Appendix I should only be permitted when a Scientific Authority has examined biological information on the status of the species involved and has made a finding of non-detriment;

Therefore,

- a) each Party should designate one or more Scientific Authorities and notify the Secretariat of the designee(s);

- b) the Parties shall consider that issuance of permits by a Management Authority without appropriate Scientific Authority findings constitutes a lack of compliance with the provisions of the Convention, and seriously undermines species conservation;
- c) the Secretariat should distribute the addresses of the principal Scientific Authorities to the Parties and note the failure of any Party to inform the Secretariat of its Scientific Authority in the infractions report to the Parties at the biennial meeting;
- d) each Scientific Authority should maintain active contact with scientists and others familiar with species in trade; and
- e) each Scientific Authority should issue its advice independent of the Management Authority.

Export Findings

RECOGNIZING that:

- i) a Scientific Authority of a State of export must advise that the export of Appendix-I and-II specimens will not be detrimental to the survival of the species, before the Management Authority can issue an export permit; a Scientific Authority is also required to give a similar advice before the Management Authority can issue an introduction-from-the-sea certificate;
- ii) a Scientific Authority is required to determine that the export of specimens of an Appendix-II species should be limited in order to maintain that species at a level well above that at which that species might become eligible for inclusion in Appendix I (stricter domestic measures should be implemented to prevent over-exploitation of Appendix-II and Appendix-III species by trade);
- iii) special attention should be paid to those Appendix-II species that are the subject of significant international trade for which scientific information on the capacity of the species to withstand such levels of trade is insufficient;
- iv) a process exists to review trade and biological status of all Appendix-I and-II species indigenous to a region (Ten-Year Review of the Appendices);
- v) there is a need to review biological status, distribution, and trends, as well as trade information and the likely effect trade will have on the populations of listed species; and
- vi) biological status, trade, and other factors affecting the species are continually changing, and there is a need for current information to provide up-to-date advice.

Therefore,

- a) Parties should not export specimens of species listed in Appendix I or II or allow the introduction from the sea of such specimens unless a Scientific Authority of the State has advised that such action will not be detrimental to the survival of the species in question, and unless at least one of the following conditions is satisfied:
 - i) that export or introduction of specimens of any such species can be limited to maintain its distribution throughout its range; and
 - ii) that suitable measures can be taken to limit the export or introduction of specimens of any such species well above the level at which that species might become eligible for inclusion in Appendix I;
- b) each Scientific Authority must take into consideration the total take from the wild (both legal and illegal) of the species within the country, including subsistence and domestic use, in determining whether additional take for export or introduction from the sea will not be detrimental to the survival of the species involved;
- c) each Scientific Authority must advise its Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species when it appears that it can no longer sustain current trade levels; and
- d) each Scientific Authority should review population and trade data on those species in their country when those species in questions are traded in high or significant numbers.

Import Findings

RECOGNIZING that a Scientific Authority of a State of import must advise that the import of specimens of Appendix-I, species will be for purposes not detrimental to the survival of the species, before the Management Authority can issue an import permit;

NOTING that the rationale for these findings was presented in document Doc. 3.27; and

BELIEVING that this advice should be based upon the objective of preserving each species in its native ecosystem and that imports of wild-caught specimens should be permitted only when such imports would not be detrimental in any way to wild populations.

Therefore,

Parties should not allow the importation of specimens of species listed in Appendix I unless a Scientific Authority of the State has advised that such import will be for purposes that are not detrimental to the survival of the species involved, and unless at least one of the following conditions is satisfied:

- a) the activity is likely to enhance the survival of the species in its native ecosystem;
- b) the activity is likely to enhance the survival of the species in a controlled environment when enhancement of survival in its native ecosystem is not feasible;
- c) the activity is likely to enhance the survival of the species in a controlled environment when the ultimate effect is intended and is likely to enhance the survival of the species in its native ecosystem; or
- d) the activity will not affect the species in the wild in any way.

Finding on Suitability of Facilities and Care

RECOGNIZING that:

- i) the Convention requires a Scientific Authority to determine if a proposed recipient of a living Appendix-I specimen is suitably equipped to house and care for the specimen that would be imported, but requires a Management Authority make the same findings for introduction-from-the-sea specimens; and
- ii) Resolution Conf. 1.5 recommends that either a Scientific Authority or a Management Authority make the findings on the suitability of the recipient to house and care for Appendix-I imports and introductions from the sea.

Therefore, a Scientific Authority should either issue the required findings or should make its recommendations to the Management Authority prior to the issuance of findings by the latter.

Scientific Exchange

RECOGNIZING that, in relation to issuance of scientific-exchange certificates, museum needs for research specimens can have an adverse impact on small populations of rare animals and plants.

Therefore,

- a) each Scientific Authority should encourage museums to inventory their rare-and endangered-species holdings with the aim of reaching an international scientific consensus on those species for which further collection is unwarranted; and
- b) each Scientific Authority should advise its Management Authority as to whether the scientific institutions seeking registration for the purpose of being issued scientific-exchange certificates meet the criteria established in Resolution Conf. 2.14 and any other appropriate criteria, such as professional standards or stricter national requirements.

Bred-in-Captivity or Artificially Propagated

RECOGNIZING that special provisions exist for specimens considered as bred-in-captivity or artificially propagated and facilities producing them.

Therefore,

- a) each Scientific Authority should review all applications and advise its Management Authority as to whether the facility meets the criteria for producing specimens considered to be bred-in-captivity or artificially propagated; and
- b) each Scientific Authority should, when necessary, inspect or arrange for inspection of individual facilities and/or the status of captive or cultivated populations within the host country, and advise its Management Authority as to whether specimens meet the criteria to be considered as bred-in-captivity or artificially propagated.

Changes to the Appendices

RECOGNIZING that procedures and guidelines for amending the appendices, including special provisions for ranching and export quotas have been established in the Convention and several Resolutions.

Therefore, each Scientific Authority should:

- a) gather and analyse information on the biological status of species in trade and assist in the preparation of the proposals necessary to amend the appendices;
- b) review proposals submitted by other Parties to amend the appendices and make recommendations as to how the delegation of its own State should address each proposal;
- c) periodically review those species included in Appendix III and determine to what extent they enter trade and whether international co-operation can significantly assist in the protection of species in that country and, if appropriate, recommend the removal of those species from Appendix III or their inclusion in Appendix II; and
- d) review biological status and trade information on species not listed in the appendices to assess whether or not inclusion of additional species in the appendices is warranted.

Nomenclatural and Identification Responsibilities

RECOGNIZING that the identification of specimens of species listed in the appendices is of critical importance to effective enforcement of the Convention.

Therefore, each Scientific Authority, in conjunction with the Management Authority and enforcement authorities, should develop the appropriate scientific information for inclusion in the identification manual.

RECOGNIZING that several Resolutions adopted by the Parties have provided guidelines on nomenclatural issues and adopted checklists.

Therefore, each Scientific Authority should:

- a) be assigned the principal responsibility for interpretation of the listings;
- b) consult with the CITES Nomenclature Committee as appropriate;
- c) identify nomenclatural issues to be further reviewed by the Parties; and
- d) support and co-operate in the development and maintenance of the checklists.

Participation in Committee Activities

RECOGNIZING that Committees established by the Conference of the Parties require scientific input and play a major role in the implementation of the Convention.

Therefore, each Scientific Authority should:

- a) actively participate in Committees (especially the Animals and Plants Committees) and working groups;

- b) review species study proposals as requested; and
- c) report to these Committees with recommendations upon completion of these studies.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Role of the Scientific Authority

ACCEPTING that each Party to the Convention is required to establish one or more Scientific Authorities (Article IX);

RECOGNIZING that responsibilities of the Scientific Authority are discussed in Articles III, paragraphs 2(a), 3(a) and (b), and 5(a) and IV paragraphs 2(a), 3 and 6(a), and Resolutions Conf. 2.11 and 2.14 adopted at the second meeting of the Conference of the Parties (San José, 1979);

RECOGNIZING further that responsibilities described in other Articles, including Article VII paragraphs 4 and 5, and several Resolutions (Conf. 1.1 to 1.5; Conf. 2.12, 2.17 and 2.19; Conf. 3.15 and 3.20; Conf. 4.7, 4.13, 4.15, 4.19, 4.23 and 4.26; Conf. 5.3, 5.4, 5.13, 5.17, 5.19, 5.21 and 5.22; Conf. 6.1, 6.9, 6.17 and 6.19 to 6.22; and Conf. 7.7, 7.19 and 7.14), adopted respectively at each of the seven meetings of the Conference of the Parties (Berne, 1976; San José, 1979; New Delhi, 1981; Gaborone, 1983; Buenos Aires, 1985; Ottawa, 1987; and Lausanne, 1989), are not assigned to a specific office, but require scientific considerations;

NOTING that issuance of permits by a Management Authority without appropriate Scientific Authority findings constitutes a lack of compliance with the provisions of the Convention and seriously undermines species conservation;

THE CONFERENCE OF PARTIES TO THE CONVENTION

RECOMMENDS that

- a) the Secretariat distribute the addresses of the Scientific Authorities to the Parties and note that failure of any Party to inform the Secretariat of its Scientific Authority in the infractions report to the Parties at each biennial meeting;
- b) Management Authorities not issue any export or import permit, or introduction-from-the sea certificate, for species listed in the appendices without first obtaining the appropriate Scientific Authority findings or advice;
- c) those Parties concerned about whether or not their procedures ensure the appropriate scientific review and Scientific Authority advice consult with the Secretariat on ways to enhance their scientific assessment necessary for conservation of species listed in the appendices;
- d) the Parties consult with the Secretariat when there is reason for concern as to whether the proper Scientific Authority findings are being made, and the Secretariat after review of such situation may, with the consent of the Standing Committee, recommend a trade moratorium with specific countries when it has been shown that trade from these countries is continuing without proper advice being given by the Scientific Authority, and especially when such trade is detrimental to the survival of species listed in the appendices;
- e) each Scientific Authority issue advice on all permit applications for export or introduction-from-the-sea stating whether or not the actions will be detrimental to the survival of the species;
- f) each Scientific Authority take into consideration the total harvest of native species from the wild (both legal and illegal), including subsistence and domestic use, in determining whether or not additional take for export or introduction from the sea will not be detrimental to the survival of the species involved;
- g) the findings and advice of each Scientific Authority be based on independent scientific review of the biological status, distribution, population trend, total harvest, and trade information relating to the species concerned;
- h) each Scientific Authority issue advice on import-permit applications for Appendix-I species stating whether the action will be for purposes not detrimental to the survival of the species, that is, when plants or animals in the wild will not be affected by the import in any way, or when the survival of the species involved will be enhanced by allowing the import;

- i) each Scientific Authority monitor the status of native species and export data as appropriate, in order to recommend suitable remedial measures to limit the export of specimens to maintain each species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which the species might become eligible for inclusion in Appendix I;
- j) each Scientific Authority either make the finding required on the suitability of the recipient to house and care for live specimens of Appendix-I species being imported or introduced from the sea, or make its recommendations to the Management Authority prior to the latter making such findings and the issuance of permits;
- k) each Scientific Authority provide advice to its Management Authority as to whether or not scientific institutions seeking registration for the purpose of being issued scientific-exchange certificates meet the criteria established in Resolution Conf. 2.14, and other standards or any stricter national requirements;
- l) each Scientific Authority review all applications submitted for consideration under Article VII, paragraph 4 or 5, and advise its Management Authority as to whether the facility meets the criteria for producing specimens considered to be bred-in-captivity or artificially propagated in accordance with the Convention and relevant Resolutions;
- m) each Scientific Authority gather and analyse information on the biological status of species affected by trade to assist in the preparation of proposals necessary to amend the appendices; and
- n) each Scientific Authority review proposals to amend the appendices submitted by other Parties and make recommendations as to how the delegation of its own State should address each proposal.