SANBI
Biodiversity for Life
South African National Biodiversity Institute

TERMS OF REFERENCE FOR THE ALIEN SPECIES RISK ANALYSIS REVIEW PANEL (ASRARP)

version March 2018

1. INTRODUCTION AND OBJECTIVES

1.1 Definitions

Risk analysis is the process of: (1) risk assessment (identifying, evaluating, and measuring the probability and severity of risks) and (2) risk management (deciding what to do about risks). In the context of the Alien Species Risk Analysis Review Panel (ASRARP), risk assessment is a formal assessment of the hazards posed to the recipient system (South Africa) by the introduction, naturalisation and spread of alien species, including the likelihood of the hazard occurring, and the consequences thereof; risk management is determining how South Africa should respond [specifically whether and how a species should be regulated under the Alien and Invasive Species Regulations, 2014, promulgated in terms of National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), ("NEM:BA A&IS Regulations")].

1.2 Requirements

The South African Government has formally committed to ensuring there is a process whereby South Africa analyses the risks due to biological invasions:

1.2.1 South Africa is a party to the Convention on Biological Diversity (CBD). During the sixth session of the Conference of Parties (COP 6) to the CBD, Parties adopted guiding principles and a programme of work for the implementation of Article 8 (h) (decision VI/23. Article 8(h) of the CBD calls on Parties to "as far as possible and appropriate: Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or native species";

1.2.2 South Africa is party to the World Trade Organisation ("WTO"), the International Plant Protection Convention ("IPPC") and the World Organisation for Animal Health ("OIE"). The WTO, IPPC, and OIE, have similar definitions of risk assessment and analysis (as above), and require parties to conduct risk analyses based on available scientific evidence and in an independent, objective and transparent manner; and

1.2.3 Sections 65 (2) and 71 (2) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004; amended 2013), and Chapter 6 of the NEM:BA A&IS Regulations of 2014.

The responsibility for the management of alien and invasive species is shared between National Departments, with most aspects of the implementation of the NEM:BA A&IS Regulations assigned to the Directorate: Biosecurity Services under the Department of Environmental Affairs (DEA:BS). The Department of Environmental Affairs has requested that the South African National Biodiversity Institute ("SANBI") constitute a scientific advisory panel dealing with issues pertaining to the risk posed by alien species (ASRARP).

1.3 Aims

ASRARP aims:

1.3.1 to make informed recommendations on whether to approve applications, and any permit conditions pertaining thereto, to:

1.3.1.1 import alien species;

1.3.1.2 list species under the NEM:BA A&IS Regulations;

1.3.1.3 delist species under the NEM:BA A&IS Regulations; and

1.3.1.4 change the category under which species are listed under the NEM:BA A&IS Regulations.

1.3.2 to develop a set of standard conditions under which species listed as category 2 may be granted a permit, and review any recommendations for those conditions.

1.3.3 to review risk analyses conducted on currently listed species to ensure that they are appropriately conducted and the species appropriately listed.

1.3.4 to develop risk analysis guidelines which must be aligned to Chapter 6 of the NEMBA A&IS Regulations.

1.3.5 to establish realistic timeframes for review of applications in the context of the number of applications received.

1.3.6 to identify external expert reviewers who can review risk analyses.

1.3.7 to ensure that recommendations consider overall environmental, human health and socio-economic risks and benefits associated with alien species.

1.3.8 where possible to provide public access to recommendations made by ASRARP, clearly outlining the rationale for such recommendations; and

1.3.9 to be available to provide recommendations on any proposed changes to the A&IS Regulations before they are sent to the Minister for approval.

2 MEMBERSHIP AND COMPOSITION

2.1 Composition:

The ASRARP will consist of:

- representatives from the South African National Biodiversity Institute (SANBI); and
- appointed panel members that can provide relevant expertise (including taxon specialists, risk analysis scientists, independent academic experts).

2.2 A quorum is formed by the presence of a representative of SANBI and four (4) panel members;

2.3 Appointed panel members are expected to be appointed for terms of three (3) years, and must thereafter reapply to serve on the panel.

2.4 In case of resignation of a panel member, a new member can be co-opted for the remainder of the term of the resigned member.

2.5 Ad-hoc membership. Additional expert advisors and reviewers may be co-opted on a needs basis, and for specific risk analyses.

2.6 SANBI will pay the costs of attending meetings of the ASRARP including flights, accommodation, transport and consultation fee (where applicable, for review of documents and hours spent at meetings) for non-public servants for their service. There will be a set rate of pay for reviewing risk analyses within the specified timeframe for ASRARP members, relevant experts and reviewers negotiated on an annual basis.

2.7 Members should be committed to the general objectives of ASRARP.

2.8 Members should declare any conflict of interest with a particular application and as appropriate recuse themselves from the review process (see Annexure 1 for guidelines).

2.9 Structure

The structure of the ASRARP is as follows:

- **Chairperson:** SANBI Representative
- **Secretariat:** SANBI Official
- **Panel Members**

3 MEETINGS

3.1 The ASRARP shall meet at least three times a year and consult electronically on a needs basis.

3.2 Meeting dates and venues will be determined by the Chairperson in consultation with the Members of the ASRARP.

3.3 Minutes will be recorded for each meeting and circulated to all Members to provide comments and inputs as appropriate, as an official record. Documentation for meetings should be circulated at least one week prior to the meeting.

3.4 The ASRARP Secretariat will keep records of attendance, the agenda and minutes of each meeting.

4 PROCEDURE FOR DEVELOPING RECOMMENDATIONS

4.1 The procedure for developing recommendations is outlined in Annexure 2

4.2 In the case of applications for import or for changes to listings, ASRARP is to provide a recommendation based on the best available scientific evidence and the report from reviewers (as appropriate) as to whether an application should be accepted or rejected.

4.3 ASRARP need to verify that appropriate stakeholders were identified, whether conflicts of interest might exist, and how they were addressed in the risk analysis.

4.4 In instances where ASRARP recommends rejecting an application, the reasons for the rejection need to be clearly stated and the conditions under which an application could be reconsidered outlined.

4.5 If ASRARP does not reach consensus, or the recommendation from ASRARP is different from that from the expert reviewers, the final recommendation should reflect the discussion held and note differences in opinion.

4.6 The recommendations of ASRARP are to be communicated to DEA:BS within a set timeframe (see Annexure 2).

4.7 It is intended that all ASRARP recommendations are tabled at meetings of ASRARP with a view to reaching consensus prior to their submission to DEA:BS.

4.8 Notwithstanding point 4.7, an application of a specific and urgent nature can be discussed by the chair and relevant risk assessors over the telephone prior to submission of recommendations to DEA:BS. This consultation does not replace the requirement for consultation with the whole panel over e-mail.

5 CONFIDENTIALITY

5.1 The ASRARP shall treat information furnished by DEA, the applicant or any other person for purposes of the execution of duties under these Terms of Reference, as confidential.

5.2 Subject to this clause, the member(s) so furnished with information shall not disclose such information to another person without the prior written consent of the Chairperson and shall take reasonable steps to ensure that such information is not disclosed to another person.

5.3 The member(s) agree that this clause is not intended to restrict use or disclosure of any portion of such information which:

5.3.1 is made known to the public;

5.3.2 is rightfully received and having no obligation of confidentiality to DEA.

5.4 Notwithstanding the above, reviewers may consult experts regarding technical issues providing it does not compromise the rights of the applicant.

5.5 The provisions of this clause will survive the termination of membership.

5.6 Notes from ASRARP meetings will record relevant discussion leading to recommendations but will not attribute these to particular panel member(s).

6 PROVISION FOR REVISION OR AMENDMENT

6.1 These Terms of Reference will be reviewed every two years, revised and amended when necessary and as agreed to by consensus of the ASRARP.

Annexure 1: Guidelines for declaring conflicts of interest

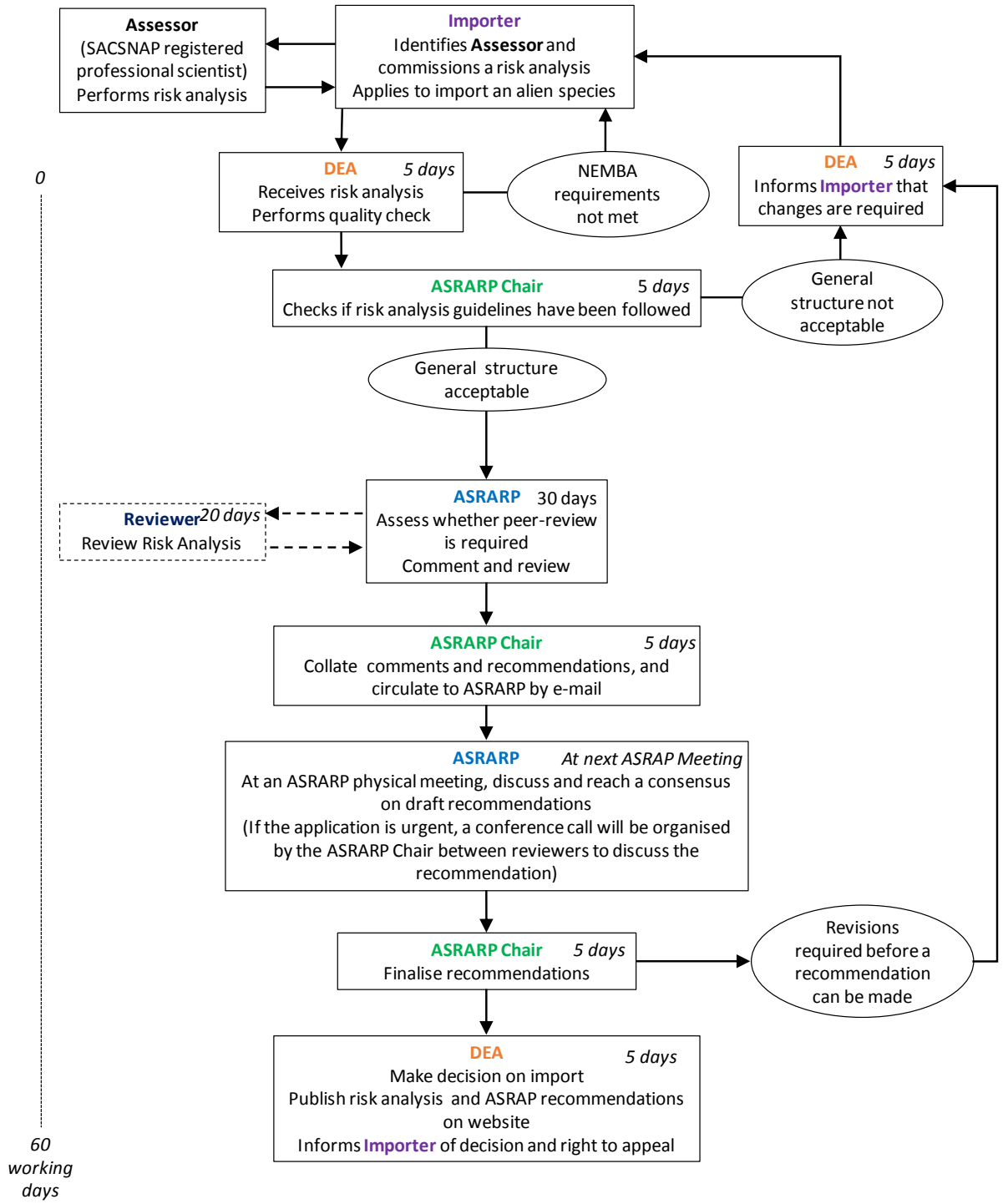
ASRARP members or reviewers working on behalf of ASRARP must notify the ASRARP Chair, and recuse themselves from pertinent items tabled to ASRARP if they:

- are party to an application;
- are party to the production of a risk assessment;
- have a close personal relationship with the applicant or the risk assessor; and
- any decision taken will have a direct financial impact on them.

ASRARP members or reviewers working on behalf of ASRARP must notify the ASRARP Chair, and may be recused from an item tabled to ASRARP if

- there is any reasonable expectation that they may benefit in the future from the issuing of a permit; or
- they were contacted by either the applicant or risk assessor with an aim to soliciting their input.

Annexure 2a: Procedure for development of recommendations regarding the import of an alien species not currently legally in the country



Annexure 2b: Procedure for development of recommendations regarding additions, deletions or changes to the listing of species under the NEM:BA A&IS Regulations, including roles of the parties involved in the Risk Analysis process.