

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



Eighteenth meeting of the Plants Committee
Buenos Aires (Argentina), 17-21 March 2009

INTERNATIONAL EXPERT WORKSHOP ON NON-DETRIMENT FINDINGS
(PC18 Doc. 14.1)

Membership (as decided by the Committee)

Co-Chair: Mexico and the representative of Oceania (Mr Leach).

Members: the representatives of Asia (Mr Partomihardjo), Central and South America and the Caribbean (Ms Mites Cadena) and Oceania (Mr Leach) and the alternate representative for North America (Ms Sinclair).

Party observers: Canada, Chile, Germany, Malaysia, Netherlands, Thailand and United States of America.

IGOs and NGOs: European Community, Assam Agar Traders & Agaroil Manufacturers' Association, Species Survival Network and WWF.

Mandate

Consider the following points, establishing the methodology and necessary time-frame for each:

1. Create an email working group of both Committees to identify ways and means to refine the outcomes and expand the results of the workshop, and to report at CoP16;
2. Review the full reports of the working group and developing documentation that could assist Scientific Authorities in the making of non-detriment findings. This point will have to be addressed in collaboration with the working groups established in documents PC18 Doc. 14.3, PC18 Doc. 14.4 and PC18 Doc. 14.5;
3. Address the issues of capacity building, especially with regard to further options for research, use of information generated by the Committees (e.g. the Review of Significant Trade and the Periodic Review of the Appendices);
4. Assess how to take the outcome of the workshop into account in the ongoing evaluation of the Review of Significant Trade. This point will have to be addressed in collaboration with the working group concerned;
5. Draft a resolution which, while acknowledging that the making of Non-detriment Findings is primarily a matter for the Parties, could also draw attention to the outcomes of the workshop and the reference manual to encourage Parties to take these into account while making Non-detriment Findings; and
6. Draft a resolution and decisions, if relevant, with an indication of the budget necessary to implement each.

Recommendations

Regarding Item 1, the WG agreed that there was no need to create an email working group of both Committees to identify ways and means to refine the outcomes and expand the results of the workshop, and to report at CoP16. The discussion highlighted that Parties had not yet assessed the applicability of the results of the expert workshop. The WG proposes that a Notification be sent by the Secretariat to Parties, just after Animals Committee (AC24), specifically worded to request comments on the applicability of the outcomes of the NDF expert workshop and if they need further refinement to be received by June 30, 2009 by Mexico (H. Benitez) and the Representative of Oceania (G. Leach) and report to CoP15. The WG recommends that the Animals Committee be invited to participate through designating two representatives in receiving feedback as the expert workshop was a joint initiative of both Committees.

Regarding Item 2, the WG agreed that this is underway for timber species and *Prunus africana*, medicinal plants, and agarwood, as a result of Decisions 14.135 and 14.143. The WG advises that review of full reports and further development of documentation to assist Scientific Authorities should be considered after feedback on the applicability of the expert workshop has been received from Parties. The WG noted that the report of the NDF expert workshop will be considered at CoP15 which will also represent feedback from the Parties. The WG also noted that Decision 14.135 called for development of principles, criteria and indicators for making NDFs for high-priority taxa **such as** timber species, *P. africana*, and medicinal plants, indicating an opportunity for work on other high priority taxa. The WG also noted that the process for making NDFs may be similar for these taxa, as will be demonstrated by the individual working groups on timber and *Prunus*, medicinal plants, and agarwood.

Regarding Item 3, the WG:

- a) recognized that capacity building with regards to making NDFs is an important issue;
- b) noted that capacity was included as a consideration in the guidance provided for making NDFs for timber and *Prunus*, medicinal plants, and agarwood;
- c) noted that there are processes to assist with capacity building already established in the Convention (e.g., built into the costed programme of work and under the Strategic Vision, as well as under Resolution Conf. 12.2 on the procedure for approval of externally funded projects);
- d) recommends that the Secretariat specify to Parties that any NDF capacity issues should be identified when coordinating regional meetings; and
- e) agreed that the most effective use of funds to assist with capacity for making NDFs would be to implement NDF training upon request of a Party for a particular species or taxa identified by the Party.

Overall, the WG agreed that the focus should be on the provision and explanation of the guidance that is available to assist Scientific Authorities in making NDFs. Explanation of the guidance available to make NDFs will enable a better assessment of the capacity needed to carry them out.

Regarding Item 4, the WG recommends that the advisory group and working group on the evaluation of the review of significant trade (1) note that when the guidance on making NDFs is followed, significant trade review would not be necessary; and (2) refer to the outcomes of the international expert workshop on NDFs, and the NDF elements within, when carrying out their reviews of significant trade reviews.

Regarding Item 5, the WG agreed that a new Resolution be drafted entitled "Non-Detriment Findings", and that paragraph h) of the current Resolution Conf. 10.3 Designation and role of the Scientific Authorities include a link to this new Resolution with amended text (underlined) as follows:

PROPOSED AMENDMENT OF RESOLUTION CONF. 10.3 PARAGRAPH H)

- h) the findings and advice of the Scientific Authority of the country of export could follow the requirements of Resolution Conf. 15.XX Non-Detriment Findings, and be based on the scientific review of available information on the population status, distribution, population trend, harvest and other biological and ecological factors, as appropriate, and trade information relating to the species concerned;

The WG agreed on the components of the new Resolution as follows (see Annex):

- a) with a preliminary statement acknowledging that the making of Non-detriment Findings is primarily a matter for the Parties;

- b) a list of guiding principles for making NDFs (agreed to by all four PC18 NDF working groups and to be discussed by the Animals Committee);
- c) a statement drawing reference to the outcomes of the expert workshop on NDFs (with an Internet link to the workshop website); and
- d) two annexes, one containing the elements recommended for consideration in making NDFs identified in the report on the International Expert Workshop on Non-Detriment Findings (document PC18 Doc. 14.1) and another containing guidance for timber and *Prunus africana*, medicinal plants, and agarwood.

Regarding item 6, The WG concluded that there would be no budget implications to implement this approach.

The WG recommends that the co-chairs continue by email up to CoP15 to revise the report on the international workshop on non-detriment findings (document PC18 Doc. 14.1) with the intention to include a summary version as an Annex to the new Resolution on non-detriment findings. The WG also recommended that the two representatives of Animals Committee also participate in this working group.

DRAFT RESOLUTION Conf. 15.XX

Non-Detriment Findings

RECOGNIZING that according to Articles II, III, and IV of the Convention, Parties shall only allow trade in specimens of species included in Appendices I and II in accordance with its provisions. It is required that an export permit shall only be granted when a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of the species being traded (i.e. non-detriment finding or NDF), which shall be considered an essential requirement for CITES implementation.

Furthermore, in Resolution Conf. 10.3 (Designation and role of the Scientific Authorities), the Conference of the Parties recommends that:

- c) Management Authorities not issue any export or import permit, or certificate of introduction from the sea, for species listed in the Appendices without first obtaining the appropriate Scientific Authority findings or advice [NDF];

and

- h) the findings and advice of the Scientific Authority of the country of export be based on the scientific review of available information on the population status, distribution, population trend, harvest and other biological and ecological factors, as appropriate, and trade information relating to the species concerned;

On the basis stated above, Scientific Authorities of exporting countries, and sometimes also of importing countries, are continually challenged to define whether a particular export will be detrimental to the survival of a species and therefore it is important to have documented guidelines and methodologies to assist in making non-detriment findings to improve the implementation of the Convention.

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

- a) Parties consider the following guiding principles in advising that trade will not be detrimental to the survival of a species, known as making non-detriment finding:
 - i) The non-detriment (NDF) for Appendix I and II species verifies that traded volumes within the range state are not detrimental to the survival of that species.
 - ii) The NDF considers whether the species is maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs.
 - iii) The data requirements for an NDF are tailored to appropriate precision according to the resilience or vulnerability of the target species.
 - iv) The implementation of an adaptive management scheme based on regular monitoring is an important consideration in the NDF evaluation process.
 - v) The NDF is based on resource assessment methodologies.
 - vi) The NDF employs appropriate broad-scale assessment, such as total harvest assessments.
- b) Parties consider the guidance for making non-detriment findings, including taxon-based guidance (Annex 1) and guidance for timber and *Prunus africana*, medicinal plants, and agarwood (Annex 2); and
- c) Parties use additional information provided by the International Expert Workshop on CITES Non-detriment Findings, including 60 case studies, by referring to the workshop website http://www.conabio.gob.mx/institucion/cooperacion_internacional/TallerNDF/taller_ndf.html