

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



Joint sessions of the 26th meeting of the Animals Committee and
20th meeting of the Plants Committee
Dublin (Ireland), 22-24 March 2012

Non-Detriment Findings

DRAFT RESOLUTION FOR DISCUSSION

1. This information document has been submitted by North American region in relation to agenda item 8*.
2. The North American Region is supportive of a Resolution that provides guiding principles for use by Scientific Authorities when making non-detriment findings.
3. This draft Resolution includes elements of the AC/PC Chairs' draft Resolution and also incorporates additional guiding principles agreed upon at the International Expert Workshop on CITES Non-Detriment Findings (Cancún, 2008).
4. The North American Region offers this draft version for consideration by the joint meeting of the 26th Animals Committee and the 20th Plants Committee.

* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

DRAFT RESOLUTION Conf. 16.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 their provisions. An essential requirement for CITES implementation is that Parties issue permits and certificates only when the Scientific Authority of the State of concern has advised that:

1. The export of specimens will not be detrimental to the survival of the species under the provisions of Article III paragraph 2 (a) and Article IV paragraph 2 (a) of the Convention; and
2. The introduction from the sea of specimens will not be detrimental to the survival of the species under the provisions of Article III paragraph 5 (a) and Article IV paragraph 6 (a) of the Convention.

RECALLING that Resolution Conf. 10.3¹ recommends, among other things, 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; 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;

NOTING that Resolution Conf. 14.7 (Rev. CoP15) urges Parties to establish national export quotas based on non-detriment findings by the Scientific Authority of the State of export;

REAFFIRMING Objective 1.5 of the CITES *Strategic Vision: 2008-2013* (Resolution Conf. 14.2) adopted by the Conference of the Parties at its 14th meeting (The Hague, 2007), that the best available scientific information is the basis for non-detriment findings;

ACKNOWLEDGING the outputs of the International Expert Workshop on CITES Non-Detriment Findings (Cancún, 2008) and the Guidance for CITES Scientific Authorities produced by the IUCN (2002);

REAFFIRMING the principles agreed upon by the Steering Committee working session at the International Expert Workshop on CITES Non-Detriment Findings (Cancún, 2008; reported in PC18 Doc. 14.1 and AC24 Doc. 9);

NOTING that the great variety of taxa and life forms of species included in Appendices I and II supports the idea that there are various ways a Scientific Authority can make non-detriment findings;

AWARE of the challenges Parties face to formulate scientifically-based non-detriment findings, and that guiding principles for making non-detriment findings would improve implementation of Articles III and IV of the Convention;

¹ Originally referred to Resolution Conf. 8.6 (Rev. CoP9)

RECOGNIZING that the contents of this resolution are relevant to the implementation of Resolution Conf. 12.8 (Rev. CoP13), and also that they are intended as guiding principles and do not prescribe how a Party must make its decisions with regard to non-detriment.

REAFFIRMING the commitment of the Conference of the Parties that non-detriment findings are essential to ensure that international trade is sustainable and non-detrimental to the survival of species.

THE CONFERENCE OF THE PARTIES TO THE CONVENTION RECOMMENDS that:

a) Based on principles that reflect those agreed upon by the Steering Committee working session at the International Expert Workshop on CITES Non-Detriment Findings (Cancún, 2008; reported in documents PC18 Doc. 14.1 and AC24 Doc. 9), Scientific Authorities consider the following non-binding guiding principles in making non-detriment findings:

i) A non-detriment finding is a science-based assessment of the risk of detriment of international trade to the survival of a species.

ii) Flexibility that allows the specific and individual characteristics of differing *taxa* to be addressed should be part of the methodology used in making a non-detriment finding (NDF).

iii) A risk-based approach can be useful in NDF assessments, recognizing that data requirements (i.e., amount of data and level of certainty of data on which the finding is based) for NDF assessments differ depending on various factors (e.g., resilience and/or vulnerability of the species of concern, specimen origin, etc.).

iv) Consideration of the best interest of the species is important, especially where confidence in the quantity or quality of available information is limited.

v) Total impact on the species population, including domestic harvest, illegal trade, by-catch, and mortality is relevant, as international trade may not be the principle source of pressure on a species.

vi) The geographical and jurisdictional scope of the non-detriment finding within a country and identification of the subject population are useful to define, as is harvest impact on populations of the species.

vii) An iterative and continually improving approach that by monitoring adapts and adjusts outcomes of species management can reduce risks of detriment and increase confidence in the non-detriment finding.

viii) Confidence in specimen verification and certainty of identification for all specimens and taxonomic groups facilitates the making of an effective non-detriment finding.

ix) The origin of the specimen will affect the type of NDF assessment that is appropriate, and may simplify assessment of risk where specimens are: captive-bred or artificially propagated; ranches or produced from other captivity-based production systems; or introduced outside of their native range.

x) Collaboration and communication between Scientific Authorities, and with wildlife management authorities, such as forestry and fishery departments and national or sub-national wildlife management bodies will strengthen and inform the NDF process especially when considering shared populations.

b) When making non-detriment findings, Scientific Authorities may consider the information included in the Annex of AC-PC XX (AC_PC_NDFs_Draft_Guidance) and any subsequent updates available on the CITES website in addition to the following CITES Resolutions related to non-detriment findings:

- Resolution Conf. 14.7 (Rev. CoP15), *Management of nationally established export quotas*;
- Resolution Conf. 13.5 (Rev. CoP14), *Establishment of export quotas for black rhinoceros hunting trophies*;
- Resolution Conf. 13.2 (Rev. CoP14), *Sustainable use of biodiversity: Addis Ababa Principles and Guidelines*;
- Resolution Conf. 11.16 (Rev. CoP15), *Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II*;
- Resolution Conf. 10.14 (Rev. CoP14), *Quotas for leopard hunting trophies and skins for personal use*;
- Resolution Conf. 9.21 (Rev. CoP13), *The interpretation and application of quotas for species included in Appendix I*;
- Resolution Conf. 9.20 (Rev.), *Guidelines for evaluating marine turtle ranching proposals*.

ENCOURAGES Parties:

a) To explore more methods of making sound non-detriment findings; and

b) To share experiences and examples of making non-detriment findings through appropriate regional or sub-regional workshops, and communicate them to the Secretariat as appropriate.