

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
(agenda item 8)

Membership

Co-Chairs:	Mr Carlos Ibero Solana and Ms Margarita África Clemente Muñoz
Members:	AC Representatives: Africa, Asia, Central and South America and the Caribbean; Europe; North America and Oceania; PC Representatives: Africa, Asia, Central and South America and the Caribbean; North America and Oceania
Party observers:	Australia, Brazil, Canada, Chile, China, Czech Republic, France, Germany, Iraq, Ireland, Japan, Kuwait, Madagascar, Malaysia, Mexico, Poland, Republic of Korea, Russian Federation, South Africa, Thailand, The Netherlands, United Kingdom; United States of America
CITES Secretariat:	Mr John Scanlon, Ms Milena Sosa Schmidt, Ms Elena Kvitsinskaia
IGOs and NGOs:	European Commission, IUCN, Assoc of Midwest Fish & Wildlife Agencies, Assoc. of Northeast Fish & Wildlife Agencies, Assoc. of Western Fish & Wildlife Agencies, Association of Fish & Wildlife Agencies, Conservation Force, CSA&C, Eurogroup for Animals, HSI, Humane Society US, NRDC, Safari Club International Foundation, SSN, TRAFFIC International

Mandate

The working group shall:

1. review and provide comments on the actions proposed in paragraphs 15 and 16 of document AC26/PC20 Doc. 8.2;
2. on the basis of document AC26/PC20 Doc. 8.4 and taking account of the results of the International Expert Workshop on Non-Detriment Findings (Cancún, November 2008) and the responses to Notification to the Parties No. 2009/023, paragraph 1 f) of Notification to the Parties No. 2010/027, Notification to the Parties No. 2011/004 and paragraph f) of Notification to the Parties No. 2011/049, prepare draft guidance on the making of non-detriment findings, which can be conveyed to Parties for comment, in line with paragraph d) iii) of Decision 15.24; and
3. on the basis of document AC26/PC20 Doc. 8.5, prepare a discussion paper for consideration at the 16th meeting of the Conference of the Parties (CoP16) with options on how to use the workshop outputs, including a draft resolution on the establishment of non-legally binding guidelines for the making of non-detriment findings.

Recommendations

1. The Working Group concludes that the point 1 is included in 3.
2. The Working Group concludes that the Annex Doc. AC26/PC20 Doc.8.4 has to be submitted to the CoP16 as framework and flexible examples for the Parties to make NDF.
3. Regarding point 3: the Working Group recommends the following draft resolution be adopted by the Animals and Plants Committees:

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. 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;

RECALLING also that Article IV, paragraph 3, requires a Scientific Authority of each Party to monitor exports of Appendix-II species and to advise the Management Authority of suitable measures to be taken to limit such exports in order to maintain such species throughout their range at a level consistent with their role in the ecosystem [and well above the level at which they would qualify for Appendix I];

NOTING that Resolution Conf. 14.7 (Rev. CoP15) recommends that when Parties are establishing national voluntary export quotas, they should do so based on a non-detriment finding by the Scientific Authority of the State of export;

RECALLING furthermore, that in Resolution Conf. 10.3 (Designation and role of the Scientific Authorities), the Conference of the Parties recommends, amongst 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;

RECALLING that the effective implementation of Article IV, paragraphs 2 (a), 3 and 6 (a) will prevent the need to take appropriate actions according to Res. Conf 12. 8 (Rev. CoP13) on the *Review of Significant Trade in specimens of Appendix-II species*.

NOTING that the great variety of taxa, life forms and biological characteristics 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 when making scientifically-based non-detriment findings, and that guiding principles and experience sharing for making non-detriment findings would improve implementation of Articles III and IV of the Convention;

RECOGNIZING the outputs of the national and international/ regional workshops on CITES non-detriment findings (China, Dominican Republic, Indonesia, Kuwait, Mexico, Nepal, Peru, etc), the guidance for CITES Scientific Authorities produced by the IUCN and, other capacity building workshops;

Note: It was agreed to mention the CITES Strategic Vision in its updated version as appropriate 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;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

- a) Scientific Authorities consider the following, non-binding, guiding principles in advising that trade will, or will not, be detrimental to the survival of a species:
 - i) The non-detriment findings for Appendix I and II species is a science-based assessment that verifies that the proposed export is 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 depend on the level of risk and shall be influenced by, and be proportionate, to the vulnerability of the target species.
 - iv) The implementation of adaptive management, including monitoring, is an important consideration in the NDF making process.
 - v) The NDF is based on resource assessment methodologies which may include consideration of, but not limited to:
 - a) species biology and life history characteristics;
 - b) species range – historic and current;
 - c) population structure, status and trends (nationally or in the harvested area); threats;
 - d) species specific levels of harvest/mortality from the export operation; – historic and current;
 - e) estimates of species specific levels of harvest/mortality from all sources combined;
 - f) management measures currently in place and proposed, including adaptive management strategies and consideration of rates of compliance;
 - g) results of population monitoring.
- When making an NDF the methodology used, should employ flexibility that enables the specific and individual characteristics of different *taxa* to be considered.
- vi) The sources of information that may be considered by the Scientific Authorities, but not limited to, in making NDFs includes:
 - a) relevant scientific literature concerning species biology, life history, distribution and population trends;
 - b) details of any ecological risk assessments conducted;
 - c) scientific surveys conducted at harvest locations and related sites that the species could recruit from (i.e. demonstrated important habitat that has been protected from harvest and other impacts);
 - d) relevant knowledge and expertise of local and indigenous communities.
- vii) The NDF employs appropriate broad-scale assessment, including assessments of total off-take whether destined for international trade or not.
- b) Parties consider as framework for making NDF the information included in the Annex of AC26/PC20 Doc.8.4 and any subsequent updates available on the CITES Website <http://www.cites.org/eng/prog/ndf/index.php>

ENCOURAGE Parties:

- a) To explore more methods of making NDF.
- b) To share experiences and examples of making NDF through appropriate regional or subregional workshops, and communicate them to the Secretariat in time.
- c) To maintain written records of the science based rationale included in the Scientific Authorities NDF assessments.
- d) To offer, on request, cooperative assistance to developing countries, for improvement of capacity regarding NDF based on nationally identified needs. Such cooperative assistance could take multiple forms, including financial and technical support.

DIRECTS the Secretariat

- a) to maintain and update regularly with information from the Animals & Plants Committees and Parties, a prominent section, with appropriate categorization of the information, on the CITES web site devoted to the making of non-detriment findings
- b) to assist identifying possible funding sources to help Parties implementing capacity building activities to make NDF.