



***Prunus africana* workshop**  
**Naivasha, Kenya**  
**8-11 September 2008**

**Convention on International Trade in Endangered  
Species of Wild Fauna and Flora**

# Overview

- Overview of CITES
- Roles and responsibilities under the Convention
- Review of Significant Trade
- *Prunus africana* and CITES
- Relevant Resolutions
- Understanding Non-detriment Findings

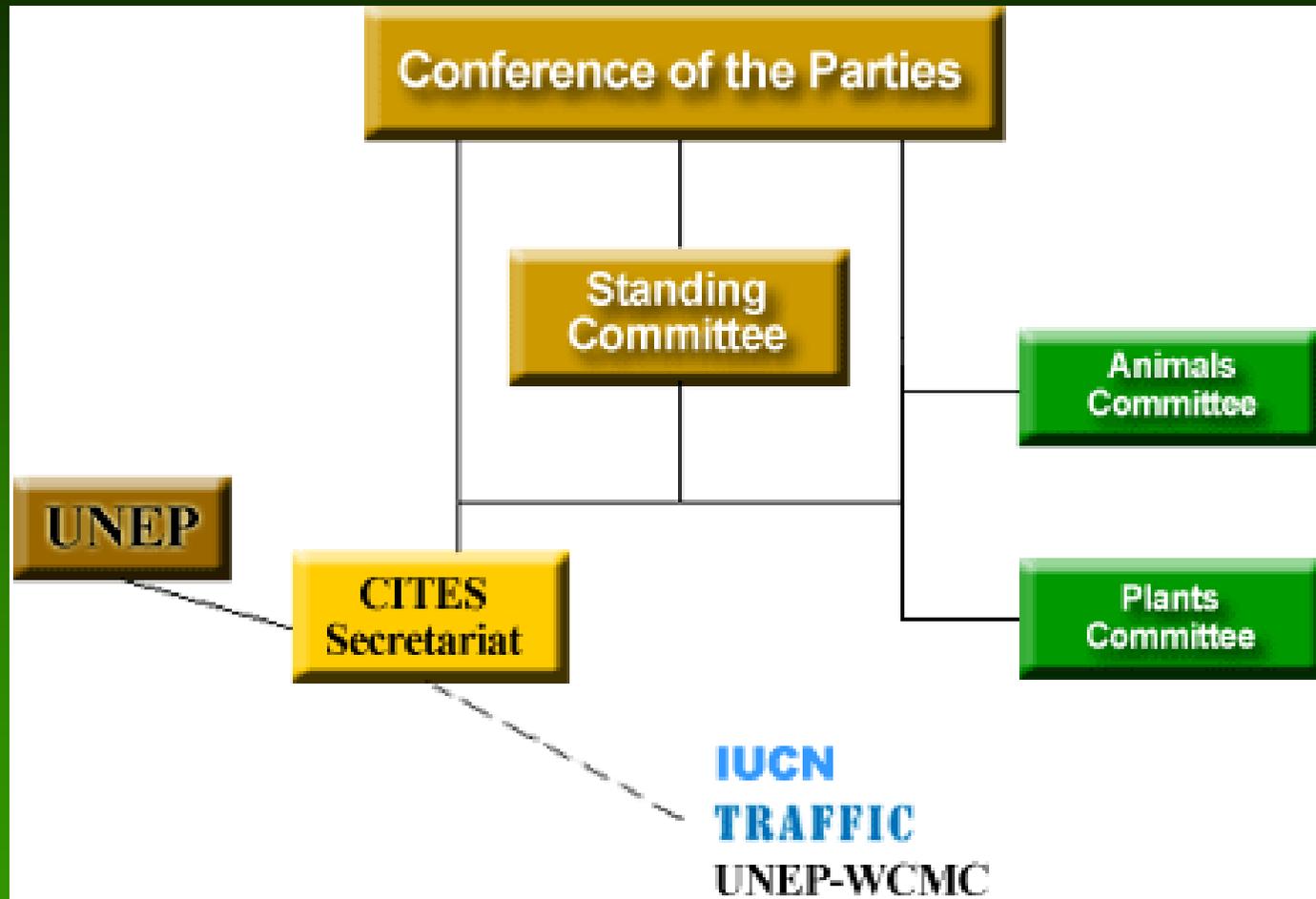


# CITES

- CITES is an agreement between governments recognizing that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade
- CITES combines wildlife and trade with a legally binding instrument for achieving conservation and sustainable trade objectives
- CITES is an international legal framework with common procedural mechanisms for the effective regulation of international trade in listed species that operates on the basis of a system of permits and certificates



# CITES



# Roles and Responsibilities

- A Party to the Convention **must**:
  - designate at least one Management Authority and one Scientific Authority;
  - prohibit trade in specimens in violation of the Convention;
  - penalize such trade; or
  - confiscate specimens illegally traded or possessed

# Roles and Responsibilities

- Each Party has to designate (Art IX):
  - A **Management Authority**, responsible for the administrative aspects of implementation (legislation, permits, annual reports on trade, communication, coordination, etc)
  - A **Scientific Authority**, responsible for non-detriment findings and other scientific aspects of implementation

# Roles and Responsibilities

- Exporting Party:
  - Two important considerations before commercial trade can be allowed are that the proposed export will **not be detrimental to the survival of the species** and the specimen was **legally obtained**



# Roles and Responsibilities

- The importing Party has a role in monitoring trade, in particular, to:
  - prohibit trade in specimens in violation of the Convention
  - penalize such trade
  - confiscate specimens illegally traded or possessed
- **Note:** Some importing Parties choose to use Art XIV by applying stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof
- **But ...** As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay (Art VIII)

# Roles and Responsibilities

- The Secretariat's role is expressly catered for in the Convention (Art VII) and includes:
  - ... that will contribute to the implementation of the present Convention
  - to study the reports of Parties and request further information ...on implementation of the Convention
  - to make recommendations for the implementation of the aims and provisions of the present Convention
- In addition, there is a compliance role to identify any species included in Appendix I or II that is being affected adversely by trade, and where appropriate bring this to the attention of the CoP which may make whatever recommendations it deems appropriate (Art XIII)

## Article IV: the heart of CITES

- Commercial international trade in Appendix-II species may take place, but only if the Management Authority of the exporting State issues an export permit
- No such permits should be issued unless:
  1. The Scientific Authority of the exporting State advises that the export which is to take place will **not be detrimental to the survival of the species** (Art IV para 2 (a))
  2. The Management Authority of the exporting State is satisfied that the specimens were **not illegally obtained**
- These are essential for the effectiveness of CITES

## Article IV: the heart of CITES

- Article IV also charges the Scientific Authority to monitor both the export permits issued and the actual exports (Art IV, para 3)



## Article IV: the heart of CITES

- When monitoring exports, the export of specimens of any Appendix-II species should be limited in order to maintain its role in the ecosystems in which it occurs, and to avoid it becoming eligible for inclusion in Appendix I (Art IV, 3)
- If the species is reduced to a level which compromises its role in the ecosystem or it becomes eligible for Appendix I, the Scientific Authority has to advise the Management Authority of suitable measures to limit the grant of export permits (Art IV, 3)
- Such measures could include reductions in quotas, or halting exports altogether



## Article IV: the heart of CITES

- Authorized trade is likely to take place at unsustainable levels if:
  - there is no adequately functioning mechanism for the Scientific Authority to advise on safe levels of trade, or
  - “non-detriment” findings are incorrect or not made, or
  - the Management Authority issues export permits contrary to the advice of the Scientific Authority, or
  - no adequate monitoring takes place

## Include in Appendix I

- If a regime of unsustainable trade in an Appendix-II species is not noted and rectified in the monitoring process expected of the Scientific Authority, then ultimately a proposal may be formulated by other Parties for the inclusion of the species in Appendix I
- If accepted by the Parties, then the problem will finally be addressed by the prohibition of all commercial trade

## Article IV: the heart of CITES

- The requirements are laid down formally in Article IV of the Convention
- Diligent implementation of the provisions of Article IV is essential for the effectiveness of CITES



# Review of Significant Trade



# Improve implementation of Article IV

- As early as 1979, the Parties expressed concern that export permits are often granted for trade in Appendix-II species without the benefit of effective 'non-detriment findings', and have been trying to find appropriate remedies
- Attempts at remedies started with CoP2 (Costa Rica, 1979), including recommending Parties take stricter domestic measures (Art XIV) and again at CoP4 (Botswana, 1983) where a Technical Committee was requested to monitor trade and develop measures
- At CoP6 (Canada, 1987) Parties agreed to establish an Animals Committee and Plants Committee to list taxa significantly affected by trade, formulate recommendations for remedial measures and develop projects to collect information
- At CoP8 (Japan, 1992), it was decided that the supportive approach was not entirely sufficient, and that punitive elements should be incorporated into the process
- At CoP12 (Chile, 2002), the Resolution and the various Decisions were amalgamated into Resolution Conf. 12.8

This is the **Significant Trade Review Process**



# The Significant Trade Review Process

- The Significant Trade Review process, if implemented correctly, acts as a **safety net** by ensuring that species do not decline because of trade while they are listed in Appendix II
- If corrective measures are taken in a timely manner, then there should be a reduction in the number of animal and plant species that need to be transferred from Appendix II to Appendix I because they are endangered by international trade



# The Significant Trade Review Process

- The Significant Trade Review Process is clearly a compromise in which Parties acknowledge that CITES has not operated as effectively as it should
- The process establishes a framework to ensure that the Convention can achieve its objectives through a multilateral process involving a high degree of consultation and co-operation



# The Significant Trade Review Process

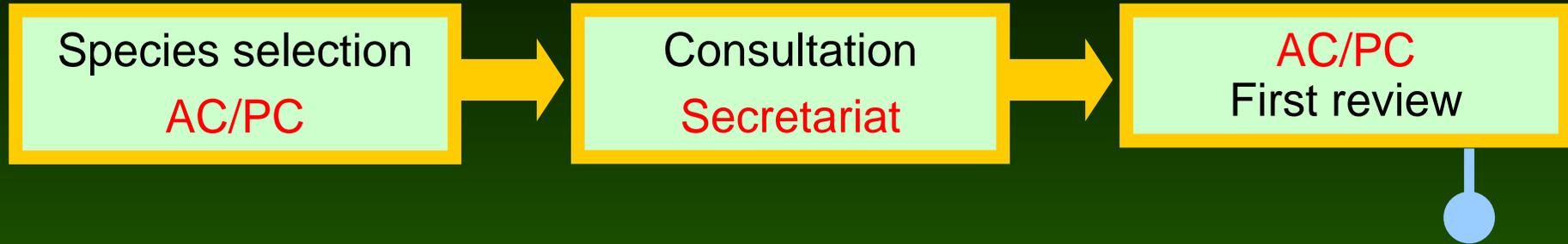
- The process is conducted by the Animals and Plants Committees
- The Committees have a mandate to identify Appendix-II species subject to significant levels of trade that are of immediate concern
- They consult with range States, the CITES Secretariat and experts to review and assess relevant biological and trade information
- If necessary, they make recommendations for action by range States where exports are problematic, with time limits for implementation

# The Significant Trade Review Process

- Resolution Conf. 12.8 (Rev. CoP13) also spells out when each of the participants in the process has a particular task to carry out
- The Review is a process to ensure that provisions of Article IV are being met, and trade is sustainable and not detrimental to the survival of the species
- Problems identified in the course of the review that are not related to the above shall be addressed in an other manner

# The process

● Points where <sup>22</sup> species could exit process



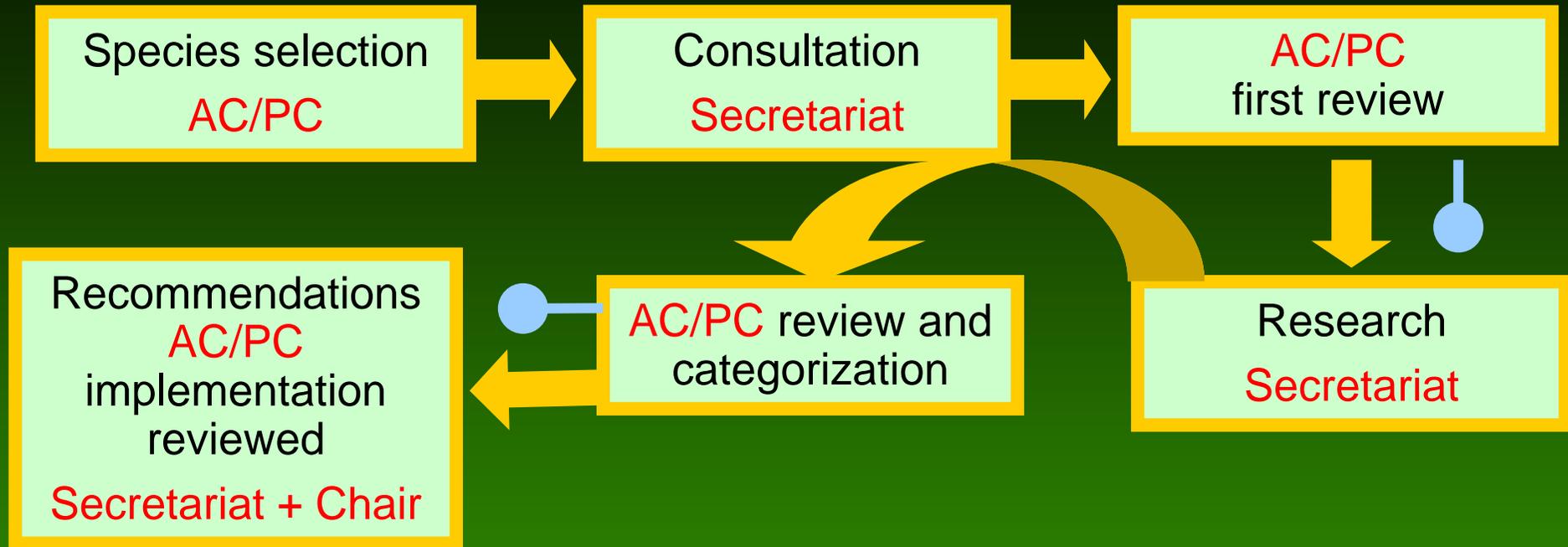
# The process

● Points where species could exit process <sup>23</sup>



# The process

Points where species could exit process <sup>24</sup>





# Benefits of the Significant Trade Review

- The result of the Significant Trade Review process generally removes the need for importing countries to apply unilateral stricter domestic measures (such as import bans or externally-imposed export quotas for range States)
- The process can result in individual exporting countries being assisted to undertake field studies as well as to develop the technical and administrative capacity necessary to implement the requirements of Article IV if these are lacking



# Benefits of the Significant Trade Review

- Although the Significant Trade Review process can result in punitive measures where there are problems with the implementation of the provisions of Article IV, implicit in the process is the fact that the species remains in Appendix II
- This allows the range State to remain in control of trade and to continue the sustainable exploitation of this natural resource



*Prunus africana*  
and  
CITES



## *Prunus africana* – some CITES history

- At CoP9 (USA, 1994) *Prunus africana* listed on Appendix II because of concerns about over collection in some parts of its range.
- *Prunus africana* is listed on Appendix II with an annotation
  - #1 All parts and derivatives, except:
    - a) seeds, spores and pollen (including pollinia);
    - b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers;
    - c) cut flowers of artificially propagated plants; and
    - d) fruits and parts and derivatives thereof of artificially propagated plants of the genus *Vanilla*.

## *Prunus africana* – some CITES history

- At CoP10 (Zimbabwe, 1997) the PC indicated that trade in medicinal plants was an important subject having been discussed since 1992 and that the trade would continued to be monitored and linked to the review of significant trade process for plants.
- At PC8 (Chile, 1997), the committee discussed problems with implementing control mechanisms for *Prunus africana*
- At PC9 (Australia, 1999), the committee supported the development of a project on the population status of *Prunus africana* and mechanisms for quota determinations
- At PC10 (USA, 2000) France reported on its project work in Cameroon



## *Prunus africana* – some CITES history

- At PC11 (Malaysia, 2001) concerns were expressed about the harvest methods and volume of trade in *Prunus africana*
- At PC12 (The Netherlands, 2002), the committee recommended the species for Review of Significant Trade
- At CoP12 (Chile, 2002), Parties made Decision 12.74 which called for a Review of Significant Trade in *Prunus africana* supporting the PC12 recommendation
- At PC15 (Switzerland, 2005) it was concluded that Article IV, paragraphs 2 (a) and 3, was not being implemented satisfactorily for *Prunus africana* and a consultant (Tony Cunningham) was contracted to compile information on the biology and management of and trade in this species

## *Prunus africana* – some CITES history

- At PC16 (Chile, 2006) progress with the implementation of the review was considered and the PC formulated and adopted recommendations concerning *Prunus africana*
- Also at PC16, the PC established an intercessional working group to facilitate the implementation of the recommendations
- It is the first time that a working group is created for this purpose



## *Prunus africana* – some CITES history

- SC57 (Switzerland, 2008) agreed to the following recommendations:
  - Burundi, Kenya, Madagascar
    - If seek to recommence exports, provide information to the Secretariat on how the recommendations have been implemented
  - Cameroon, DRC, Equatorial Guinea, United Republic of Tanzania
    - Full implementation of the recommendations by 31 December or recommend a suspension of trade

## *Prunus africana* – some CITES history

Key elements of the Plants Committee recommendations

- inventory of standing stock and scientific monitoring
- export quota
- timetable for peer reviewed studies
- long term management plan

# Relevant Resolutions



# Quotas

## Resolution Conf. 14.7 *Management of nationally established export quotas*

- Exporting Parties use voluntary export quotas as a key management tool

*'When export quotas are established, they should be set as a result of a non-detriment finding by a Scientific Authority ...*



# Permits

## Resolution Conf. 12.3 (Rev CoP14) *Permits and certificates*

- Para VIII (b) for species subject to an annual quota indicate the total quota and certify that quota is being complied with
- The quantity of specimens already exported should be specified on the permit

# Scientific Authorities

## Resolution Conf. 10.3 *Designation and role of the Scientific Authorities*

- d) Parties enlist the assistance of SA of other Parties, as appropriate...
- e) Neighbouring Parties consider sharing their resources by supporting common scientific institutions to provide scientific findings...
- h) Findings of SA be based on scientific review of population status, distribution, population trend, harvest and other biological and ecological factors...

# Plants Committee

## Resolution Conf. 11.1 (CoP14) *Establishment of Committees*

- a) Provide scientific advice and guidance to the CoP, other committees, working groups, Secretariat...
- d) Cooperate with the Secretariat on the implementation of its programme of work to assist SA
- i) Make available advice on management techniques and procedures for range States requesting assistance

## Trade in Appendix II

### Resolution Conf. 11.18 *Trade in Appendix-II and -III species*

- If a Party deems that an App-II species is being traded in a manner detrimental to the survival of that species
  - Consult with the Management Authority of the export country
  - Make use of the options to apply stricter domestic measures

# Reporting

## Resolution Conf. 11.17 (Rev CoP14) *National Reports*

- ArtVIII – Annual reports collating permit data and biennial reports summarising legislative, regulatory and administrative measures
- Reports monitor international trade
- Particular attention should be given to species subject to annual export quotas

# Reporting

- Failure to submit an annual report by 31 October constitutes a major problem with the implementation of the Convention
- Such cases are referred to the Standing Committee for a compliance and enforcement solution, where there is not adequate justification
- Where a Party fails to submit an annual report for 3 consecutive years without adequate justification, the CoP recommends Parties not authorize trade in any CITES-listed specimens
- The Secretariat and UNEP World Conservation Monitoring Centre can assist with assembling reports

# Funding Proposals

Resolution Conf. 12.2: *Procedure for approval of externally funded projects*

1. Criteria for project development
2. Submission and approval of project proposals
3. Funding sources and approval

Annex 2 – format for project proposal

# Summary

- CITES is an international agreed legally binding instrument with obligations and responsibilities
- Article IV specifies the role of Scientific Authorities
- Article IV is essential for the effective implementation of the Convention
- The Review of Significant Trade process is a safety net
- *Prunus africana* has a relatively long history in CITES
- PC recommendations need to be implemented for international trade to take place
- There are a number of Resolutions of relevance to trade in *Prunus africana*

# Understanding non-detriment findings



# Terminology

- Over-exploitation (Preamble)
- Threatened with extinction (Art. II)
- Utilization incompatible with their survival (Art. II)
- Export will not be detrimental to the survival of that species (Art. IV)
- Export of specimens ... should be limited to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs (Art. IV)
- Export of specimens ... well above the level at which that species might become eligible for inclusion in Appendix I (Art. IV)
- Being affected adversely by trade (Art. XIII)

## The non-detriment finding

- Requiring the **advice** of a Scientific Authority that a proposed action will not be detrimental to the survival of a species is a concept found in Articles III and IV of CITES
- This advice is effectively a **decision** that must be made by the **Scientific Authority**



# The non-detriment finding

- Article IV (Appendix II)
  - 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 that species



## The non-detriment finding

- A non-detriment finding is a decision that can take many forms
  - A **written advice** from the Scientific Authority
  - A **verbal advice** from the Scientific Authority
  - A **quota** agreed by the Scientific Authority for a specific time period

CITES list of national export quotas for 2005  
(excluding quotas for Acipenseriformes)

Lista CITES de los cupos nacionales de exportación para 2005  
(salvo los cupos para los Acipenseriformes)

Liste CITES des quotas d'exportation nationales pour 2005  
(à l'exception des quotas d'Acipenseriformes)

Species/especies/espèces	Quotas/Cupos	Specimens	Especímenes	Types de spécimens	
Argentina/Argentine		(Note: see annotation to this species in Appendix II)	(Note: véase la anotación a esta especie incluida en el Anéndice II)	(Note: voir l'annotation à cette espèce inscrite à l'Annexe II)	03/21
				trophées de chasse, deux par an	

# How to do a non-detriment finding

- Analyze risks
  - analyze impacts or effects
  - determine probability or likelihood
  - identify the risks
- Manage risk
  - consider mitigating measures
- Take a decision
- Monitor results

# How to do a non-detriment finding

- Principles
  - Data requirements should be proportionate to the potential risks
  - Assessment should be based on the best information available
  - If you need extra information and can get it, do so
  - Experience helps

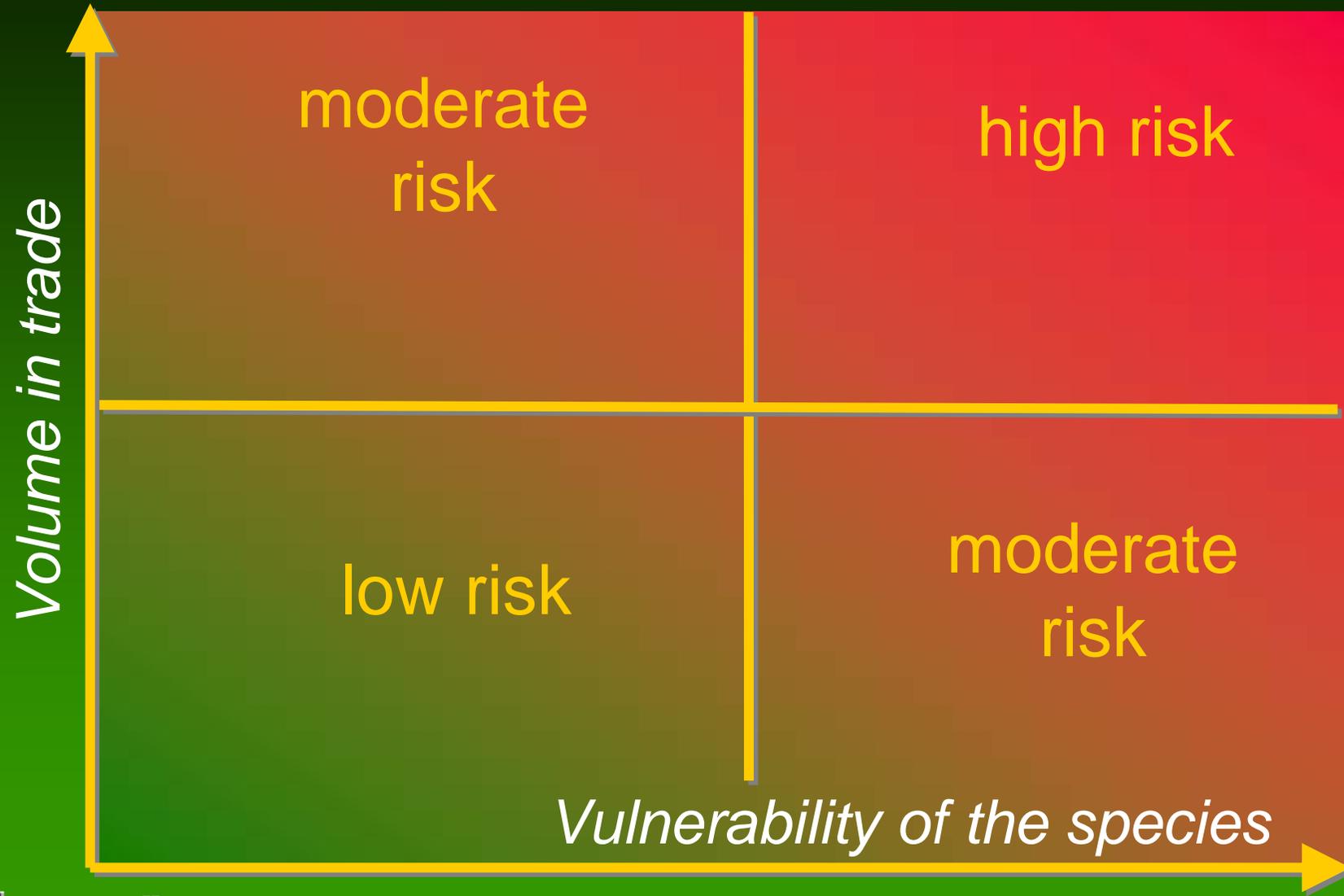
## How to do a non-detriment finding

- The non-detriment finding is essentially a risk assessment

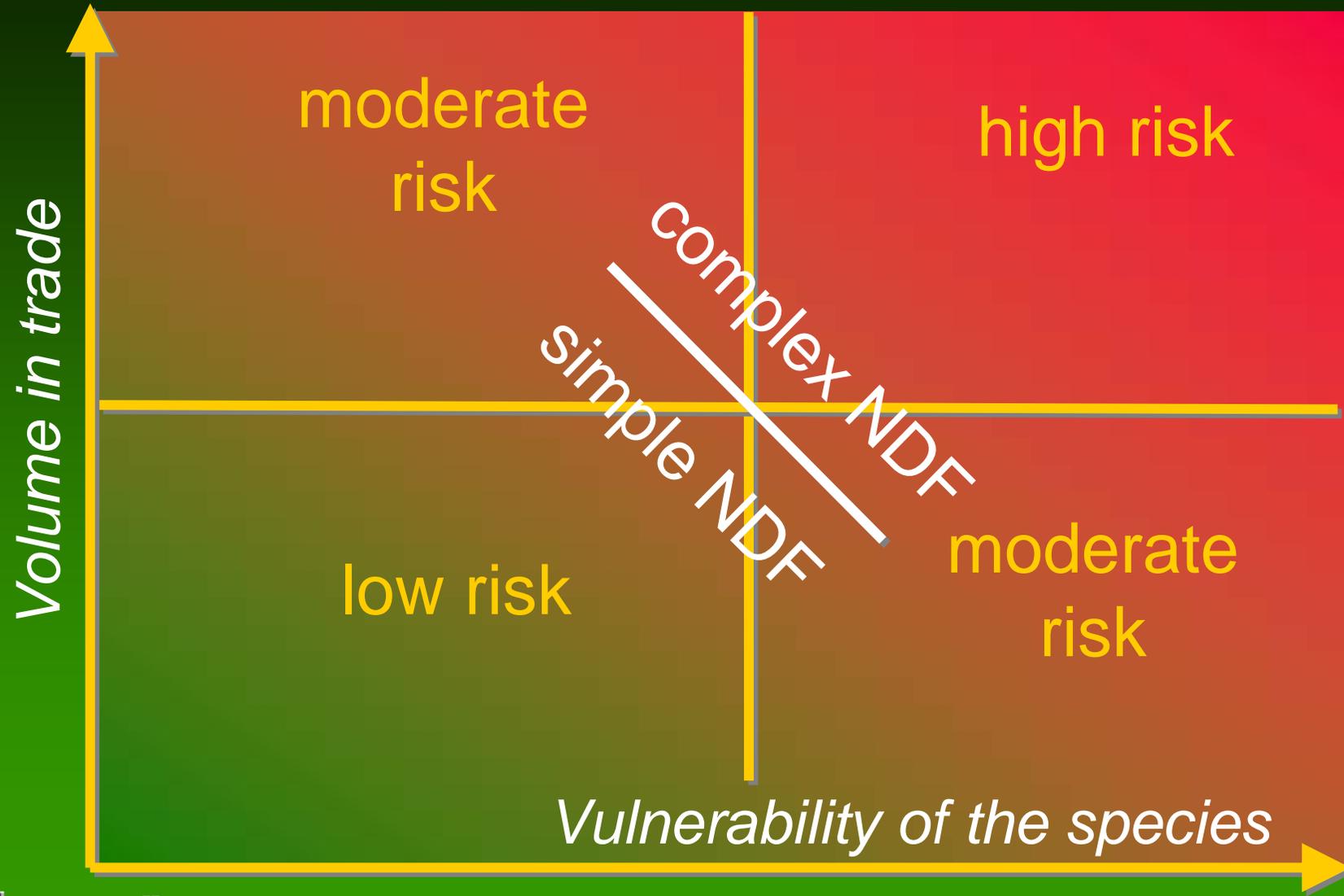
The same approach and thinking applies...



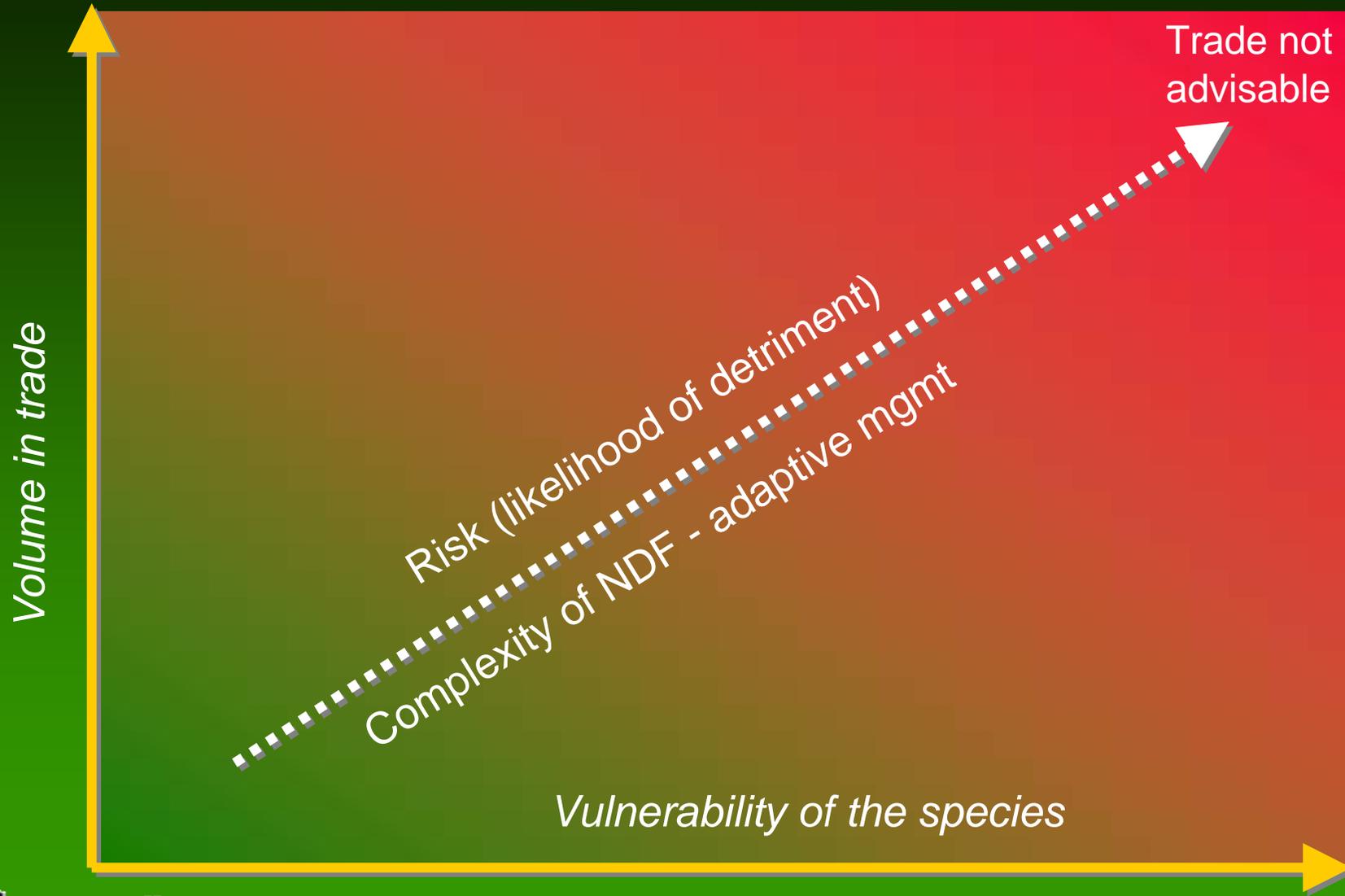
# NDF = science-based risk assessment



# NDF = science-based risk assessment



# NDF = science-based risk assessment



## A checklist for non-detriment findings

- A checklist has been designed to help build the capacity of Scientific Authorities in advising whether exports of Appendix II-listed taxa are not-detrimental to the species' survival
- The checklist originally circulated to the Parties as **Document Inf. 11.3** at CoP11 (Gigiri, 2000), and was published by IUCN in 2002 (SSC Occasional Paper No. 27)
- The checklist comprises **two tables** that should be followed for each species in Appendix II that is the subject of export as a result of removal of specimens from the wild



## A checklist for non-detriment findings

- The tables summarize the **harvest regimes** and **factors affecting management** of the harvesting regimes
  - Table 2 reviews more general biological and management information

Table 2: Factors Affecting Management of the Harvesting Regime

Biological characteristics: Animals only	
2.1. Life history: What is the species' life history?	High reproductive rate, long-lived
	High reproductive rate, short-lived
	Low reproductive rate, long-lived
	Low reproductive rate, short-lived
	Uncertain
2.2. Ecological adaptability: To what extent is the species adaptable (habitat, diet, environmental tolerance etc)?	Extreme generalist
	Generalist
	Specialist
	Extreme specialist
	Uncertain

# A checklist for non-detriment findings



# Adaptive management

- Adaptive management monitors the responses of a biological resource to a management regime, taking timely corrective action to ensure that the resource is not overexploited
- Advantages of this approach:
  - the inherent variability of natural ecosystems and the resource can be accounted for more effectively
  - knowledge about the ecosystem and the resource concerned can be accumulated



# Adaptive management

- One of the most important aspects of pragmatic management is **MONITORING**
- This means that, despite the absence of sufficient scientific information to make a comprehensive non-detriment finding, the CITES Authorities make a serious effort to collect such data while trade takes place, and to consider the impact of any trade



# Adaptive management

- Monitoring could involve, but is not limited to, some of the following:
  - Change in the area of distribution
  - Population abundance/density and trends, comparing harvested and non-harvest areas
  - Harvest efforts
  - Past harvest trends (from local knowledge or annual reports)
  - Market trends

# Adaptive management

- The type of monitoring chosen will depend on the capacity of the CITES Authorities to adequately do this
- Trading without a scientific basis and without monitoring is **NOT** an acceptable way of implementing CITES, and will almost always result in remedial action



# Remedial measures

- The causes of unsustainable trade are complex and often related to problems in environmental protection, national development and governance in general
  - Unauthorized or illegal trade occurring parallel to legal trade
  - Inadequate scientific information is available on the wild population and authorized levels of off-takes are set too high
  - Inadequate planning, e.g. no limits are placed on harvests or exports; and/or
  - Monitoring of the wild population to determine the impact of harvesting for trade is ineffective or absent
- In these cases non-detriment findings were not or could not be made

# Remedial measures

- When legal trade has been shown to be unsustainable, CITES provides for a number of corrective mechanisms and remedial measures:
  - quotas to limit the export level can be established by Parties voluntarily or by the COP
  - trade in those species is reviewed by the Animals and Plants Committees through their Review of Significant Trade, leading to further actions
  - the Animals and Plants Committees can recommend corrective measures when there is evidence that weaknesses in non-detriment findings are causing serious negative impacts on the species
  - the species can be transferred to Appendix I to halt all commercial trade

# Remedial measures

- Every transfer of a species from Appendix II to Appendix I because of lack of determination that trade is not detrimental can be considered as a failure of the Parties to fulfill their obligations under the Convention
- The goal of all CITES Authorities should be to manage off-takes of Appendix-II species and subsequent exports to prevent unsustainable trade and thus to avoid any external measures to limit or halt trade



# Summary

- An essential requirement before commercial trade can be allowed is that the proposed export will **not be detrimental to the survival of the species**
- Non-detriment findings are like **risk assessments** with key elements analyzed – biology, population status, management, control, monitoring, incentives, protection
- Adaptive management **monitors** the responses of a biological resource to a management regime, taking **timely corrective action** to ensure that the resource is not overexploited