

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

IMPLEMENTATION OF DECISION 15.23 ON NON-DETRIMENT FINDINGS:  
BACKGROUND AND LINKS WITH DECISIONS 15.24, 15.26 AND 15.27

1. This document is submitted by the Chairs of the Animals and Plants Committees on behalf of the Intersessional Working Group on Non-Detriment Findings and it is a description of the process followed in Notification to the Parties No. 2011/004, as well as other activities implemented in accordance with the above-mentioned Decisions\*.
2. Two documents on non-detriment findings (NDFs) were submitted at the 15th meeting of the Conference of the Parties (CoP15). The first one (CoP15 Doc. 16.2.2) was a review by the Animals and Plants Committees of the outcomes of the International Expert Workshop on Non-Detriment Findings held in Cancun, Mexico, from 17 to 22 November 2008.
3. As a result, the Conference adopted Decisions 15.23 and 15.24, as follows:

**15.23      *Directed to Parties***

*Parties are encouraged:*

- a) *to consider the outputs of the International Expert Workshop on Non-Detriment Findings (Cancún, November 2008) to enhance CITES Scientific Authorities' capacities, particularly those related to the methodologies, tools, information, expertise and other resources needed to formulate non-detriment findings;*
- b) *taking into account Resolution Conf. 10.3, to prioritize activities such as workshops on capacity building to better understand what non-detriment findings are and how to enhance the ways to formulate them; and*
- c) *to report their findings regarding paragraphs a) and b) above at the 25th and 26th meetings of the Animals Committee and 19th and 20th meetings of the 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.

## **15.24 Directed to the Animals and Plants Committees**

*The Animals and Plants Committees shall:*

- a) *review feedback received from Parties on the outputs from the International Expert Workshop on Non-Detriment Findings and advise on a path forward on how best to use the outputs to assist Scientific Authorities in the making of non-detriment findings;*
- b) *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, if considered appropriate, a draft resolution on the establishment of non legally binding guidelines for the making of non-detriment findings;*
- c) *review the non-detriment finding training materials used by the CITES Secretariat when conducting regional capacity-building workshops and provide advice for their improvement; and*
- d) *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 of 8 June 2009:
  - i) establish the mechanism for reporting from the Parties on their findings in an open and intersessional process;
  - ii) prepare draft guidance on the making on non-detriment findings at their 25th and 19th, and 26th and 20th meetings respectively;
  - iii) submit this draft guidance to the Secretariat to be conveyed to Parties for comment in a Notification to the Parties; and
  - iv) review comments received from Parties and prepare revised draft guidance as a tool for making non-detriment findings for submission and consideration at CoP16.*

4. The second document submitted to the Conference was document CoP15 Doc. 16.3, which was the result of implementing Decisions 14.135 and 14.143 on non-detriment findings and plants, adopted at CoP14 (The Hague, 2007).
5. The Conference deleted Decisions 14.135 and 14.143, considering that the mandate had been fulfilled by providing the Parties with detailed guidance for several plant groups in document CoP15 Doc. 16.3 and its Annexes. The Conference believed that such guidance should be considered as a flexible framework that could be improved by the Parties on the basis of their own experience. It adopted Decision 15.26 on *Non-detriment findings for timber, medicinal plants and agarwood* as follows:

### ***Directed to Parties***

*Parties are invited to conduct workshops with the participation of appropriate experts on the use of timber species and Prunus africana, medicinal plants and agarwood-producing species non-detriment finding guidance in range States concerned with the cooperation of the importing Parties.*

6. There are differences between documents CoP15 Doc. 16.2.2 and CoP15 Doc. 16.3.
7. Document CoP15 Doc. 16.2.2 establishes an open process for Parties to participate and communicate their experiences. Its ultimate aim is that the Animals and Plants Committees prepare draft guidelines for the making of non-detriment findings, in the form of a non legally-binding instrument, and submit them at CoP16 for consideration.
8. Document CoP15 Doc. 16.3 provides very specific practical guidance that needs to be enriched with the Parties' experience. This is why the Decision encourages Parties to organize experts' workshops to compare and improve the guidance made available to Parties.

9. Two additional Decisions (15.25 and 15.27) on non-detiment findings were adopted at CoP15 and directed to the Secretariat:

**Decision 15.25**

***The Secretariat shall:***

- a) *include non-detiment findings as a principal component of its regional capacity-building workshops; and*
- b) *use the external funds offered from interested Parties, intergovernmental and non-governmental organizations, and other funding sources, to translate the guidelines into Arabic, Chinese and Russian and to support activities for capacity building on non-detiment findings in regional workshops.*

**Decision 15.27**

***The Secretariat shall:***

- a) *include practical elements for making non-detiment findings for these plant groups in its capacity building workshops, in order to generate feedback from Scientific Authorities to refine the guidelines on making non-detiment findings included in document CoP15 Doc. 16.3;*
- b) *use the external funds offered from interested Parties, intergovernmental and non-governmental organizations, and other funding sources to translate the guidelines into Arabic, Chinese and Russian and to support capacity-building workshops regionally on the use of timber species and Prunus africana, medicinal plants and agarwood-producing species non-detiment finding guidance in the range States concerned; and*
- c) *maintain the information up to date and accessible to Parties.*

10. Given the importance of these Decisions of the Conference and of the benefits that Parties could draw from their correct implementation, the Animals and Plants Committees were consulted by postal procedure to draft Notification to the Parties No. 2011/004 of 6 January 2011.
11. In that Notification, Parties were urged to report specific findings and observations on the outcomes of the International Expert Workshop on Non-Detiment Findings, including how they could be improved and cases where they have proven to be particularly useful.
12. The participation and active collaboration of Parties, as requested in Decisions 15.23 and 15.26, are crucial and Parties were invited to share their experience in different ways.
13. Parties could support the process individually by: 1) reviewing the outcomes of the International Expert Workshop on Non-Detiment Findings to enhance CITES Scientific Authorities' capacities, 2) comparing the workshop outcomes with their own experience, and 3) reporting their findings to the Animals and Plants Committees (Decision 15.23). To do so, a form was annexed to Notification to the Parties No. 2011/004 for completion and submission to the scientific committees.
14. Parties were also invited to use other ways to review the outcomes of the workshop. For instance, through workshops that they would organize at the national level, with other Parties, with international organizations, at the regional or subregional level, or for experts, and workshops organized by the CITES Secretariat.
15. Annex 2 to Notification to the Parties No. 2011/004 contained some general guidelines for organizing workshops on non-detiment findings and reporting their outcomes to the Animals and Plants Committees.
16. At its 19th meeting (Geneva, April 2011), the Plants Committee agreed the following recommendations for submission to the 25th meeting of the Animals Committee:

1. A joint intersessional working group should be established between the Animals and Plants Committees after AC25. The mandate for the group is as per Decision 15.24 (a, b and d) to:
  - a) produce a summary based on the responses to Notification to Parties No. 2011/004, paragraph 1 f) of Notifications to the Parties No. 2010/027 and No. 2009/023, which should offer a generic summary of experiences and lessons learned (without identifying individual responses) by the Parties;
  - b) draft guidelines referred to in paragraph d) ii) of Decision 15.24. These need to be produced in August/ September 2011 and circulated to the Parties for comment. Based on responses from the Parties a revised document should be produced; and
  - c) prepare a discussion paper on non-detiment findings (NDFs) (using the results from Cancun workshop, Parties' experiences and other efforts) as background to the draft guidelines, which are intended for orientation for the Scientific Authorities.

Results of the intersessional working group should be submitted to the Animals and Plants Committees. All information should be prepared by the end of 2011.
2. The Plants Committee should propose to Animals Committee that the intersessional joint working group should be chaired jointly by the Chairs of the Committees and comprise:
  - a) all regional representatives of both Committees, who should reflect the concerns and perceptions of their region and keep their alternate representatives informed. Parties are encouraged to provide input through their regional representative;
  - b) a maximum of four IGOS and four NGOs with relevant expertise on NDFs for animals and plants to be selected by c.v. by the Committee Chairs; and
  - c) the Secretariat.
3. The Plants Committee should make a recommendation to the Secretariat to make the section on NDFs in the CITES website more prominent and include all information from the Cancún workshop; experiences of Parties in making NDFs (and responses to all notifications on NDFs); other NDF workshop results; and other materials relevant to NDFs. The template for Parties to respond on application of Cancun workshop outputs should be available on the CITES website and the opportunity to complete this application online could be explored.
4. A Notification should be sent to the Parties with a letter from the PC and AC Chairs, encouraging them to inform the Committees of methodologies, tools, information, expertise and other resources needed to formulate non-detiment findings. This letter should include the link to the reporting template on the CITES website but also suggest that Parties can respond in other different ways. Once the Notification is sent, regional representatives should follow up with Scientific Authorities in their regions and encourage them to respond. Replies should be considered by the Committees at their meetings in 2012.
5. The Plants Committee should agree that a resolution on NDFs is warranted for the following reasons:
  - a) 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-detiment finding or NDF), which shall be considered an essential requirement for CITES implementation;
  - b) 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;*
- c) 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 non-legally binding guidelines, methodologies and other documents to assist in making non-detriment findings to improve the implementation of the Convention;
- d) NDFs are at the core of the role of CITES in ensuring the sustainability of trade in wild species and safeguarding their resources for the future and they are a valuable tool to help Parties effectively and sustainably manage and trade their wild resources;
- e) Parties need support and guidance in making NDFs; and
- f) A diversity of methodologies for NDFs exist, including the outputs of the Cancun workshop and the experience of the Parties. Parties can choose the most appropriate way to make their NDFs.

17. At its 25th meeting (Geneva, July 2011), the Animals Committee endorsed the conclusions of the Plants Committee at its 19th meeting contained in paragraph 9 of document AC25 Doc. 13 with the following amendment:

- 1. In subparagraph 1. b), replace the text after the word 'produced' with by 22 January 2012 for consideration at the joint meeting of the Animals and Plants Committees in March 2012. The Secretariat should be requested to circulate this draft to Parties in order for the comments to be considered during the joint meeting; and
- 2. The Committee also agreed that the Secretariat should send a Notification to intergovernmental organizations and non-governmental organizations asking them to submit representatives' *curricula vitae* to the Chairs of the Animals and Plants Committees if they were interested in participating in the intersessional working group. The Secretariat should also send a Notification to the Parties indicating the new date for production of the draft guidelines referred to in subparagraph 9. 1 b) of document AC25 Doc. 13 and encouraging Parties to make contact with their regional representatives

18. The Secretariat sent the Notification No. 2011/033 to accomplish the conclusions of the 19th meeting of the Plants Committee (Geneva, April 2011) and the 25th meeting of the Animals Committee (Geneva, July 2011).

19. As respond to the Notification the Animals and Plants Committees Chairs received applications from representatives of one IGO (IUCN) and 2 NGOs (Western Association of State Fish and Wildlife Agencies and WWF International) who were incorporated in the intersessional working group.

20. To implement the Decisions 15.23 and 15.24 the Secretariat sent four Notifications. The following Parties sent answers to the Notifications:

- No. 2009/023: 35 responses were received from 31 Parties from the 6 CITES regions: Australia, Belgium, Belize, Bolivia, Brazil, Canada, China, Costa Rica, Spain, USA, France, Hungary, Indonesia, Japan, Malaysia, Mexico, Monaco, Montenegro, New Zealand, Panama, Peru, United Kingdom (2), Czech Republic, Romania (3), San Marino, South Africa, Thailand (2), Turkey, Uzbekistan and Zimbabwe. Some Parties sent more than one answer to the questionnaire. In those cases answers were integrated to be considered as the response of a single country.

- No. 2011/004 and paragraph 1 f) of No. 2010/027: Canada; Ecuador; Guatemala on behalf of Belize, Panama, Costa Rica, Nicaragua, El Salvador, Honduras, Guatemala and Dominican Republic; India; Mexico; New Zealand; Peru and Spain.

21. Other activities for the implementation of Decisions 15.23; 15.25 and 15.27:

- Workshop in Kathmandu, Nepal (9-11, January, 2011). It was attended by representatives of Management and Scientific Authorities from Bangladesh, Bhutan, China, India, Myanmar, Nepal, and Sri Lanka including one regional representative for Asia of the Plants Committee from Indonesia (<http://www.cites.org/common/com/PC/19/E19-11.pdf>).
- Workshop for Agarwood-producing species in Kuwait (3-6, October, 2011). It was attended by representatives of Management and Scientific Authorities from Bahrain, Bhutan, Brunei, Cambodia, China, India, Indonesia, Kuwait, Malaysia, Myanmar (Burma), Oman, Papua New Guinea, Qatar, Singapore, Thailand, Viet Nam, Laos, Saudi Arabia and United Arabs Emirates including the regional representatives for Asia and the representative for Oceania of the Plants Committee.
- Workshop for Agarwood-producing species in Indonesia (22-24, November, 2011). It was attended by representatives of Management and Scientific Authorities from Bangladesh, Bhutan, Cambodia, China, India, Indonesia, Kuwait, Malaysia, Myanmar, Qatar, Singapore, Thailand and Viet Nam including the alternate regional representative for Asia (Kuwait) of the Plants Committee.

22. The Animals and Plants Committees are invited to take note of the present document.