

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

DISCUSSION PAPER ON NON-DETRIMENT FINDINGS

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 .
2. At the 15th meeting of the Conference of the Parties (CoP15, Doha, 2010), in response to Decision 14.50, the Animals and Plants Committees presented a review of the International Expert Workshop on Non-Detriment Findings held in Cancun, Mexico, from 17 to 22 November 2008 (see document CoP15 Doc. 16.2.2). The Conference accepted the Committees' proposal to consider the report of the Cancun workshop as the discussion paper on this subject.
3. As a result of this report, the Conference of the Parties adopted the following decisions:

15.23 Directed to Parties

Parties are encouraged:

- a) *to consider the outputs of the International Expert Workshop on Non-Detriment Findings (Cancun, 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.*

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;*

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- 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 (Cancun, 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 Committees provided guidance for Parties submitting reports under Decision 15.23 in Notification to the Parties No. 2011/004 of 6 January 2011. The Secretariat has provided copies of the reports received in document PC19 Doc. 10.2.
 5. The results of the Cancun workshop and the responses to Notification to the Parties No. 2009/023 referred to in Decision 15.24, paragraph d), are found in document CoP15 Doc. 16.2.2, Annexes A and B respectively.
 6. At its 18th meeting (PC18, Buenos Aires, March 2009), the Plants Committee agreed on the text of a draft resolution on non-detriment findings. This draft resolution was presented at the 24th meeting of the Animals Committee (Geneva, April 2009) in document AC24 Doc. 9 Addendum, but the Animals Committee had little time to consider it and decided that it was too early to prepare a resolution on non-detriment findings. Since that time, the matter has been discussed by the Conference of the Parties, which again has directed the Animals and Plants Committees to draft a resolution on the establishment of non-legally binding guidelines for the making of non-detriment findings, if considered appropriate.
 7. At its 19th meeting (PC19, Geneva, April 2010), the Plants Committee agreed on the establishment of a joint intersessional working group with members of the Animals Committee to, among other issues, to elaborate a draft for the discussion paper on non-detriment findings mentioned in paragraph b) of Decision 15.24, to be submitted for the consideration of the next meetings of the scientific committees. The agreement of the Plants Committee included also some background and key elements on the interest of drafting a resolution on non-detriment findings to be submitted to the Conference of the Parties.
 8. At its 25th meeting (AC25, Geneva, July 2010), the Animals Committee agreed on the proposal from the Plants Committee on the establishment of the joint intersessional working group mentioned in paragraph 7 to elaborate a draft of a discussion paper on non-detriment findings according to paragraph b) of Decision 15.24.
 9. The Committees are invited to decide on whether the draft resolution in the Annex to the present document is suitable to be submitted for approval to the 16th Conference of the Parties.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

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];

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 non effective implementation of Article IV, paragraphs 2 (a), 3 and 6 (a) makes necessary measures to ensure that the export of an Appendix-II species takes place at a level that will not be detrimental to the survival of that species [Resolution Conf. 12.8 (Rev. CoP13)];

RECOGNIZING, on the basis stated above, Scientific Authorities of exporting countries, and sometimes also of importing countries, regularly find it a challenge to determine 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;

RECOGNIZING that there is a great variety of taxa and life forms of Appendices species under international trade with common and differentiated requirements;

RECOGNIZING furthermore that the CITES Strategic Vision 2008-2013 (Resolution Conf. 14.2) establishes Objective 1.5: "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 guiding principles in advising that trade will not be detrimental to the survival of a species:
 - i) The non-detriment findings for Appendix I and II species verify that quantities of specimens harvested for international trade from the range State are not detrimental to the survival of that species.
 - ii) The NDF considers, for Appendix II species, 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 shall be influenced by, and be proportionate to, the resilience or vulnerability of the target species [stock or geographically separate population].

- iv) The documentation and implementation of an adaptive management scheme including regular monitoring is an important consideration in the NDF making process.
- v) The NDF is based on resource assessment methodologies. Standard information fields for NDFs may include, but are not limited to:
 - A. species biology and life history characteristics;
 - B. species range – historic and current;
 - C. population structure, status and trends (nationally and in the harvest area);
 - D. threats;
 - E. species specific levels of harvest/mortality from the export operation;
 - F. estimates of species specific levels of harvest/mortality from all sources combined;
 - G. management measures currently in place and proposed, including adaptive management strategies and consideration of rates of compliance;
- vi) The type of information that may be considered by Scientific Authorities 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. stock or population assessments;
 - E. historical harvest rates including explanations of any reduction in harvest (i.e. reduced effort, or became harder to find);
 - F. information on all sources of mortality, such as recreational or local harvest (hunting, fishing etc), and any important ecological disturbances that affect the species; and
 - G. the management arrangements for the species, including harvest levels, adaptive management strategies, and justification as to why this is considered sustainable in the context of the factors in the preceding dot-points.
- 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 AC-PC XX (AC_PC_NDFs_Draft_Guidance) 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.

DIRECTS the Secretariat to maintain and update regularly with information from the Animals and Plants Committees and Parties, a prominent section of the CITES website devoted to the making of non-detriment findings.