

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



Joint sessions of the 31st meeting of the Animals Committee and
the 25th meeting of the Plants Committee
Online, 4 and 21 June 2021

NON-DETRIMENT FINDINGS

Membership (as decided by the Committee)

- Members:** representative for Africa for the Plants Committee (Ms. Khayota), representative for Central and South America and the Caribbean of the Animals Committee (Mr. Ramadori), representative for Central and South America and the Caribbean of the Plants Committee (Ms. Núñez Neyra), representative for Europe of the Animals Committee (Ms. Zikova), alternate representative for Europe of the Plants Committee (Mr. Wolf) (**co-Chair**), representative for North America of the Plants Committee (Ms. Gnam), alternate representative for North America of the Animals Committee (Ms. Lougheed) (**co-Chair**), alternate representative for Oceania of the Animals Committee (Ms. McIntyre), nomenclature specialist for the Animals Committee (Mr. van Dijk);
- Parties:** Argentina, Australia, Cambodia, Canada, Chile, China, Colombia, Gabon, Georgia, Germany, Indonesia, Israel, Japan, Kenya, Mexico, Namibia, South Africa, Thailand, *United Kingdom* of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, and Zimbabwe; and
- Observers:** Food and Agriculture Organization of the United Nations, United Nations Environment Programme-World Conservation Monitoring Centre, International Union for Conservation of Nature; Animal Welfare Institute, Blue Resources Trust, Born Free USA, Center for Biological Diversity, CIC – International Council for Game and Wildlife Conservation, Cheetah Conservation Fund, Dallas Safari Club, Defenders of Wildlife, Environmental Investigation Agency US, European Federation of Associations for Hunting and Conservation, ForestBased Solutions, Forest Trends, German Society of Herpetology, Humane Society International, International Wood Products Association, Safari Club International, Sea Shepherd Legal, TRAFFIC, Wildlife Conservation Society, World Parrot Trust, World Wide Fund for Nature, and Zoological Society of London.

Mandate:

The in-session working group shall:

- a) review the Secretariat's suggestions regarding priority gaps and weaknesses and corresponding workstreams, as presented in the Annex to the Addendum of document AC31 Doc. 14.1/PC25 Doc.17;
- b) review the terms of reference of the Technical Advisory Committee in paragraph 8 of the Addendum;
- c) consider the draft decisions in paragraph 9 of the Addendum for submission to the 19th meeting of the Conference of the Parties; and
- d) formulate recommendations for consideration by the Animals and Plants Committees later in this meeting.

Outcomes of the in-session working group meeting

The working group had an initial virtual meeting where the path forward was discussed and agreed upon. At the same meeting, the working group discussed the draft decisions in paragraph 9 of the Addendum of document AC31 Doc. 14.1/PC25 Doc.17. The working group agreed that the Animals and Plants Committees should have a leadership role when it comes to advice pertaining to technical and scientific matters and guide the content and structure of a future workshop, and that the Secretariat should lead the organization as well as retain the financial accountability. A small group, composed by a representative from the North American Region, the Secretariat and the co-Chairs of this working group were tasked with updating the draft decision and proposing a way forward. The proposal from this group was presented during the second virtual meeting and it was agreed to by the working group.

In advance of the second virtual meeting, the working group was asked to provide input to specific questions related to items a) and b) of the mandate. Regarding item a), the questions were oriented at gathering information to allow a review of the priority gaps and weaknesses, as well as the 10 workstreams proposed by the Secretariat in the document and to identify priorities amongst the workstreams. Regarding item b), the questions focused on the proposed Terms of Reference of the Technical Advisory Committee (TAC). The co-chairs received written input from 43 participants, which is summarised in the attached Word file. This document forms the basis for the discussions of the working group regarding items a) and b) of the mandate.

Recommendations:

The working group recommends that the Animals and Plants Committees agree to the following:

Concerning the implementation of Decisions 18.132 to 18.134:

Pursuant to Decisions 18.132 to 18.134, the Animals and Plants Committees considered the most effective way to provide advice and assistance to the Secretariat for their implementation, and therefore agreed to recommend the establishment of a Technical Advisory Committee (TAC), co-chaired by the Chairs of the Animals and Plants Committee, and consisting of Members of the Animals and Plants Committees and a balanced representation of Parties, intergovernmental organizations (IGOs) and non-governmental organizations (NGOs). The Animals and Plants Committee Chairs will advise the Secretariat on the modalities, Terms of Reference (ToR) and timing for establishing the TAC.

Regarding the Secretariat's suggestions regarding priority gaps and weaknesses and corresponding workstreams, as presented in the Annex to the Addendum of document AC31 Doc. 14.1/PC25 Doc.17

The Animals and Plants Committees considers the following additional priorities or workstreams, as appropriate, in further development of the process by the Technical Advisory Committee (TAC):

1. Additional priorities (noting that priorities already covered in the suggested workstreams of Addendum of AC31 Doc. 14.1/PC25 Doc 17 are not included here)
 - NDF for subproducts that derive from a larger and more targeted activity
 - NDF for specimens where the living specimen is never compromised
 - NDF for species harvested in very high volumes which are close to the maximum sustainable harvest (such as some reptiles)
 - NDF for different geographical scopes and its relation with the available information
 - Taxon-specific field methodologies for evaluating and monitoring population size and trends, as well as statistical analysis orientation/quantitative analyses
 - Guidance on sustainable offtake levels for different taxa
 - Access of range States to experts on population monitoring etc., and building capacity to analyse and make effective decisions from data
 - Establishing a register of conversion factors

- Conversion factors
 - NDF for parrots and hummingbirds
 - NDF for sharks and rays (mentioned several times)
 - NDF for reptile leather
 - NDF for *Varanus salvator* and *Python reticulatus*
 - NDF for freshwater stingrays
 - NDF for non-tree plant species
 - NDF for non-timber producing tree species (e.g., *Prunus africana*)
 - Issues which have been highlighted during the Review of Significant Trade should be taken into account
 - NDF for eels
2. Additional workstreams from new or already identified priorities
- Reptiles
 - NDFs to ensure a better geographic coverage
 - Consideration of geographic coverage, to address the imbalance as shown in paragraph 17 to 20 in document AC31 Doc. 14.1/PC25 Doc. 17
 - Guidance illustrating the concept, definition and implementation of assessing a species role in its ecosystem
 - Risk-based approach
 - Guidance on risk characterization as a tool for NDF evaluation
3. Add to existing workstreams or changes to the proposed workstreams
- Summary of concepts or terminology
 - Guidance on the temporality of the NDF according to the taxa
 - Understanding impact from trade against the overall mortality
 - Guidance on scope of NDF with respect to geographic scale
 - Illustrate how to integrate missing/conflicting information and trade-offs between different considerations
 - Improve the reliability of NDF guidance by comparing the results of different methods or information from different sources
 - Greater emphasis on species monitoring including incorporation of local, traditional and indigenous knowledge
 - Include low data and low capacity marine NDF guidance
 - Better representation of terrestrial invertebrates
 - Combine workstreams 5 & 6 to focus on guidance on migratory or shared populations

- Combine invertebrates – move invertebrates from workstream 5 to workstream 7
 - Present the idea of “conditional NDFs” in a way that makes it clear that the application of the precautionary principle is necessary. Consider renaming to “NDFs subject to precautionary conditions”
 - Under workstream 3, consider using terms that are inclusive of all knowledge systems.
4. Should there be a need for prioritization, consider the following identified priorities, as appropriate, in further development of the process by the TAC

Workstream (presented in the order that they are included in the Addendum of AC31 Doc. 14.1/PC25 Doc 17)	# of responses
1. Updating and expanding generic NDF guidance to incorporate a more comprehensive analysis of risk assessments and categorizations. The generic guidance should also be applicable for ‘low risk’ situations involving source code W, and NDFs associated with source codes A, C, D, F, R and Y. Illustrative examples or case studies could take into account topics or taxa not specified in other clusters that were suggested for improved or updated NDF guidance, such as species’ roles in ecosystems, incorporating knowledge from certification processes, and live reptiles.	23
2. Applying adaptive management and precautionary approaches, and making ‘conditional’ NDFs, also in low data and low-capacity situations	24
3. Incorporation of local, traditional and indigenous knowledge, and participatory species monitoring and management in NDF making	8
4. NDFs for Appendix I imports	5
5. NDFs for marine or aquatic species, including regional implications for shared species, introduction from the sea, and NDFs for marine invertebrates (corals, sea cucumbers)	19
6. NDFs for migratory terrestrial mammals	5
7. NDFs for terrestrial invertebrates (butterflies, scorpions, tarantulas, spiders)	5
8. NDFs for birds, including vultures, songbirds, hornbills and birds of paradise	5
9. Species-specific NDF guidance for high-value timbers, with focus on forest inventories and sustainable quotas	29
10. NDFs for specific life forms of medicinal and aromatic plants (MAPs), and ornamental plants	9

5. Consider the following identified priorities/workstreams, as appropriate, in further development of the process by the TAC. These were mentioned to be of priority but are not clearly connected to one of the suggested workstreams in the summary of responses in addendum of document AC31 Doc 14.1/PC25 Doc 17
- How to develop NDFs in case of lack of – or low quality of – biological information on the species, few/weak information on the population status, the type of management that takes place in other distribution areas (including other Parties), etc.
 - Priority areas should include generic guidance that includes low risk situations, applying adaptive management and precautionary approaches, NDFs for aquatic species and introduction from the sea (this may include conversion factors for some species which is a cross cutting theme), marine invertebrates (especially corals). It may be important to look at taxa that have recently been subject to RST or those which have been highlighted in the recent the extended analyses (e.g. AC31 Doc. 13.4 A2). We suggest eels, sharks and rays and high value timber such as *Pterocarpus*

erinaceus (no range States appear to be making NDFs as outlined in document PC25 Doc, 15.5, Annex) as well as Agarwood

- Taxon-specific field methodologies for evaluating and monitoring population size and trends, as well as statistical analysis orientation
 - Updated field data for CITES species (biology, density, structure, trends, growth rates), reference values, proxies, clarity about which are the most recommended and reliable methods for population monitoring (estimation of sample size, field sampling and statistical analysis), as well as algorithms or models to estimate the level or rate of sustainable use at the population/species/national/regional level.
 - Methods for populations assessment and monitoring for perennial plants that are resource sensitive and suitable for non-expert staff which have been trained by the Scientific Authority. Development of training packages for same. Issue of linking a desk-based NDF with required actions on the ground to implement the NDF and required actions to sustain it.
 - Orientation on developing NDFs in case of low information and different scales
 - Developing guidance on transboundary population (stocks).
 - Generate guidance materials for transboundary species, focusing on species with higher international trade volumes (of wild origin; W).
 - Conversion factors of whole organisms to commercial products.
 - Examples of materials illustrating how missing or conflicting information and trade-offs between different considerations can be seamlessly integrated through objective discussions;
 - Specific guidance and examples of guidance materials to integrate expert knowledge and local and traditional knowledge on terrestrial species and species not subject to trophy hunting;
 - Examples showing how the comparison of the results of different methods or information from different sources, peer reviews or consultations with stakeholders can improve the reliability of NDF guidance
 - Taxonomic coverage.
 - Building a significant cache of species-based case studies.
 - Generic NDFs for stockpiles of timber for newly listed tree species in CITES Appendices
 - Additional or improved NDF guidance materials for *Prunus africana*
 - NDF for plant species (such as ornamental plant) which are precise and not ambiguous
 - NDF for specific genus or species of plants
6. Consider the following recommendations related to NDFs (but that are outside the scope of guidance for making NDFs), as appropriate, in further development of the process by the TAC.
- New workstream on capacity building
 - Include another thematic group to address the findings of the imbalance of NDF materials (in geographic coverage and) language coverage as shown in paragraph 17 to 20 in document AC31 Doc. 14.1/PC25 Doc. 17. Below is the draft thematic group and workstream. Considering English is not our mother language, we welcome further revision. NDFs for geographic and language coverage. Inviting more NDFs materials from non-European regions in particular Asia, Oceania and North America, and in non-English working languages. We would like to add our priorities from the list in document PC25 Doc. 17 as “mobilize resources to support range State (Parties) for: a) conducting assessments of non-detrimental findings (NDF) of selected CITES-listed timber tree species (5-15 species/range State (Parties), CITES Legal Acquisition Findings (LAF); b)

assessment of current management, harvest control, and monitoring practices of selected CITES listed timber species (5-15 species/range State (Parties); c) capacity building trainings on green supply chain of timber forest product, E-permit for timber product trade, NDF for CITES-listed timber species, LAF; d) Developing wood identification manuals for forest law enforcement related to legal trade of timber forest products of CITES-listed timber tree species; and e) planting of 10 billion of CITES-listed timber tree species (from 2022-2030) to provide support to the UN Decade on Ecosystem Restoration (2020–2030), as part of global landscape restoration and species recovery of respective range State (Parties)”

- Capacity to develop national NDFs procedures that can be done by Scientific Authorities. Here we need to adopt the generic one and localise it.
 - Translation into three official languages important, but to languages other than the official languages can be led by Parties & stakeholders to benefit implementation.
 - The groupings seem sensible, however, it is somewhat unclear whether the anticipation is that the workshop will be organised around these groupings, which may not be the best way to learn from other's experiences.
 - Parties have limited access to NDFs issued by other Parties. Making written NDFs publicly available can assist other Parties when formulating their own NDFs, contribute to Parties developing a shared understanding of requirements, and would provide much-needed transparency on NDF implementation
 - Encourage Parties to maintain written records of the science-based rationales for their NDFs and to make them available on the CITES website. We note that there are places on the CITES website such as the page on sharks and manta rays where written NDFs can be posted and easily found. They can be used as guidance for Parties making NDFs on the same or similar species, especially for shared populations.
 - Since Cancun organised its agenda along taxonomic lines, we would encourage the organisers on this occasion to look in detail into cross-cutting issues, such as those in workstreams 1, 2, 3 and 5
7. The Secretariat is instructed to incorporate the following editorial change to the priorities and workstreams proposed in the Addendum of document AC31 Doc. 14.1 / PC 25 Doc. 17:

Workstream #1: Risk characterization was noted in the Annex table of the Addendum of document AC31 Doc. 14.1 (second row of table in the merged cell under PC response & AC response). However, in workstream #1, both in the Annex table and in Paragraph 7 of the Addendum, the term “risk categorization” is used in place of “risk characterization”. Two changes are recommended:

- i. Edit Workstream 1 as follows (both in the Annex table and in Paragraph 7 of the Addendum): Updating and expanding generic NDF guidance to incorporate a more comprehensive analysis of risk assessments and ~~categorizations~~ **characterization**.

Regarding the terms of reference of the Technical Advisory Committee in paragraph 8 of the Addendum

The Animals and Plants Committees should consider the following recommendations when establishing the Technical Advisory Committee (TAC):

- Do not limit TAC membership to 20 (but not too large as to hinder progress)
- Balanced participation between Parties (exporting and importing), intergovernmental organizations (IGOs) and non-governmental organizations (NGOs) ensuring they have the required expertise

The Animals and Plants Committees should consider the following Terms of Reference for the Technical Advisory Committee:

- a) The following terms of reference would be proposed for this Technical Advisory Committee (TAC):
 1. The TAC is to direct the Secretariat, as appropriate, on:

- a) the most appropriate ways to address the gaps and weaknesses in NDF guidance materials as identified in document AC31 doc. 14.1/PC25 doc. 17, Addendum and the recommendations from AC31/PC25, as contained in the present document and the executive summary of the AC31/PC25 joint meeting session.
- b) the content agenda and conduct of the second international expert workshop on NDF guidance;
- c) the draft guidance materials on NDFs that are to be prepared for the workshop for review, advancement or completion;
- d) the finalization and dissemination of the workshop outputs; and
- e) the development of a strategy and feedback mechanism for Parties and the wider CITES community to share experiences with using NDF guidance materials.

Regarding the draft decisions in paragraph 9 of the Addendum for submission to the 19th meeting of the Conference of the Parties (text proposed to be deleted are in ~~strike through~~ and proposed new text is underlined)

The Animals and Plants Committees agree to submit the following draft decisions to CoP19:

Directed to the Secretariat

19.AA The Secretariat shall:

- a) subject to external funding, address ~~agreed~~ agreed priorities in capacity-building related to non-detriment findings (NDF), ~~as determined by~~ agreed by the Secretariat and the ad hoc Technical Advisory Committee (TAC), in consultation with the Animals and Plants Committees and Parties, by:
 - i) continuing to support the ad hoc Technical Advisory Committee through which the Animals and Plants Committees provided support and advice for implementing Decisions 18.132 to 18.134;
 - ii) ~~organizing in consultation with the ad hoc TAC the 2nd an~~ organizing in consultation with the ad hoc TAC an international expert workshop on non-detriment findings ~~with assistance of the Animals and Plants Committees~~ to review, advance or complete draft guidance materials on NDFs; and
 - iii) ~~undertaking targeted research in support of the development of new or updated NDF guidance materials in close collaboration with a technical advisory committee~~ undertaking targeted research in support of the development of new or updated NDF guidance materials in close collaboration with the ad hoc TAC, relevant experts, Parties and organizations;
- b) compile and present the results of the work under paragraph a) to the Animals and Plants Committees for their review and make suggestions on how best to use the outputs to assist Scientific Authorities in the making of NDFs;
- c) make available to Parties on the CITES website the NDF guidance materials resulting from the implementation of the present Decision;
- d) develop a strategy and feedback mechanism for Parties and the wider CITES community to share experiences with using NDF guidance materials, which should allow the Animals and Plants Committees to make recommendations pertaining to review and update the NDF materials as may be needed; and
- e) consult ~~keep~~ the Animals and Plants Committees ~~informed~~ on the implementation of the present Decision and make recommendations to the Conference of the Parties as appropriate.

Directed to the Animals and Plants Committees

19.BB The Animals and Plants Committees shall:

- a) continue the ad hoc Technical Advisory Committee (TAC) established under the recommendations in document AC31/PC25 Com. 3 through which the Animals and Plants Committees provided support and advice for implementing Decisions 18.132 to 18.134, review the functioning of the ad hoc TAC, and make any appropriate decisions to ensure continued advice and assistance for the implementation of Decisions 19.AA to 19.CC; assist the Secretariat in preparing the 2nd international expert workshop on non-detriment findings;
- b) participate as appropriate in the international expert workshop on NDFs where draft guidance materials are to be reviewed, advanced or completed;
- c) review and make recommendations concerning: the outcomes of the international expert workshop on NDFs; the use of its outputs in support of the making of NDFs by Scientific Authorities; and their publication on the CITES website;
- d) ~~make recommendations to the Secretariat concerning a~~ based on the strategy and a feedback mechanism for from Parties and the wider CITES community ~~to share on~~ experiences with using NDF guidance materials, ~~which should allow to review and update of~~ NDF materials as may be needed; and
- e) report on these activities at the 20th meeting of the Conference of the Parties.

Directed to Parties

19.CC Parties are encouraged to:

- a) provide any help and information regarding methodologies, tools, scientific information, expertise and any other resources used to formulate NDFs in order to contribute to such a workshop;
- b) make use of the guidance materials on NDFs resulting from the implementation of Decisions 19.AA and 19.BB and participate as appropriate in the feedback mechanism on NDF guidance, to be developed by the Secretariat as referred to in Decision 19.AA, paragraph d); and
- c) provide financial and technical support for the implementation of Decision 19.AA, including for ~~an the 2nd~~ international expert workshop on non-detriment findings.