

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



Nineteenth meeting of the Plants Committee
Geneva (Switzerland), 18-21 April 2011

Non-detriment findings

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

1. This document has been prepared by the interim Chair of the Plants Committee^{*} and 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:

Directed to Parties

15.23 *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.*

^{*} *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.*

Directed to the Animals and Plants Committees

15.24 *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 (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 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-detriment findings were adopted at CoP15 and directed to the Secretariat:

Decision 15.25

The Secretariat shall:

- a) *include non-detriment 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-detriment findings in regional workshops.*

Decision 15.27

The Secretariat shall:

- a) *include practical elements for making non-detriment 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-detriment 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-detriment 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 (see document PC19 Inf. 8), Parties were urged to report specific findings and observations on the outcomes of the International Expert Workshop on Non-Detriment 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-Detriment 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-detriment findings and reporting their outcomes to the Animals and Plants Committees.
16. The Plants Committee is invited to take note of the present document.