

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



Sixteenth meeting of the Conference of the Parties
Bangkok (Thailand), 3-14 March 2013

Interpretation and implementation of the Convention

Trade control and marking

NON-DETRIMENT FINDINGS

1. This document has been submitted by the Chairs of the Animals and Plants Committee, on behalf of the Animals and Plants Committees*.

Background

2. The 15th meeting of the Conference of the Parties (Doha, March 2010) 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;*
- 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;*

* 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.

- c) [not pertinent to the present document]; and
- d) taking account of the results of the International Expert Workshop on Non-detiment 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-detiment 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-detiment findings for submission and consideration at CoP16.

15.26 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-detiment finding guidance in range States concerned with the cooperation of the importing Parties.

15.27 Directed to the Secretariat

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.

Implementation of Decision 15.24, paragraph a)

4. The Secretariat solicited the information requested in paragraph c) of Decision 15.23 in Notifications to the Parties Nos. 2010/027 of 24 August 2010 and 2011/049 of 10 November 2011. Additionally, in Notification to the Parties No. 2011/004 of 6 January 2011, the Committees provided guidance for Parties that wished to submit reports in compliance with Decision 15.23. The responses received can be found in the Annex to document PC19 Doc. 10.2 (Rev. 1) and the Annex to document AC26/PC20 8.3. They were discussed and reviewed by the Animals and Plants Committees at their 25th and 26th, and 19th and 20th meetings respectively.
5. In Annex 2 to Notification to the Parties No. 2011/004, the Committees provided guidelines and suggestions for the organization by Parties of workshops on non-detiment findings.

Implementation of Decision 15.24, paragraphs b) and d)

6. The results of the Cancun workshop and the responses to Notification to the Parties No. 2009/023 are presented in document CoP15 Doc. 16.2.2, Annexes A and B respectively.
7. Paragraphs b) and d) of Decision 15.24 direct the scientific Committees to prepare draft guidance on the making of non-detiment findings including, if considered appropriate, a draft resolution on the establishment of guidelines for the making of non-detiment findings. The Decision further directs the

Committees to submit this draft guidance to the Secretariat, to be conveyed to Parties for comment in a Notification to the Parties.

8. At the joint sessions of the 26th meeting of the Animals Committee and the 20th meeting of the Plants Committee (AC26/PC20, Dublin, March 2012), the Committees agreed that the discussion paper that they would prepare for consideration for the 16th meeting of the Conference of the Parties (CoP16) in compliance with Decision 15.24, paragraph b), would include a draft resolution on the establishment of non-legally binding guidelines for the making of non-detriment findings.
9. At AC26/PC20, after a lengthy and detailed debate, the Committees developed and adopted a draft resolution on the making of non-detriment findings and asked the Secretariat, in collaboration with the Chairs of the committees, to finalize the editing and formatting of the agreed text. The final version of the draft resolution is found in Annex 1 to the present document.
10. In accordance with paragraph d) iii) the draft resolution, intended to be submitted to CoP16 as a tool for making non-detriment findings, was distributed for comments from the Parties with Notification to the Parties No. 2012/050 of 7 August 2012. Parties were invited to submit their comments to the Secretariat by 15 September 2012.
11. The Committees agreed at AC26/PC20 that the Secretariat would forward the responses of the Parties to Notification No. 2012/050 to the Chairs of the Animals and Plants Committees. They further agreed that should the contributions or proposed amendments prove to be minor and non-controversial, the Committees would endeavour to consolidate these in a revised version of a draft resolution on non detriment findings for consideration at CoP16. Otherwise, the Committees would submit at CoP16 the existing draft resolution with a summary of the different responses that had been received.
12. Comments in response to Notification No. 2012/050 were received from Australia on behalf of New Zealand, Samoa, Solomon Islands and Vanuatu, Canada, India, Japan, the United Kingdom of Great Britain and Northern Ireland and the United States of America. They are presented in Annex 2 to the present document.

Further conclusions on the implementation of Decision 15.24, paragraph d)

13. The Committees concluded that the information contained in Annex 3 to the present document should be submitted at the present meeting as guidance, references and flexible examples for the Parties to make non-detriment findings.

Implementation of Decisions 15.26 and 15.27.

14. At the 19th meeting of the Plants Committee (PC19, Geneva, April 2011), the Secretariat presented a progress report and noted that the Committee should decide whether further work was required. After some discussion on whether it was practical or appropriate to standardize techniques for such a diverse set of species and to produce a handbook for making non-detriment findings, the Committee established an intersessional working group.
15. At the 20th meeting of the Plants Committee (PC20, Dublin, April 2012) the intersessional working group presented the document PC20 Doc.15.1 with recommendations, the Committee established a working group during the meeting to consider these issues among others. As result of the recommendations of the working group the Committee regarding Timber species, medicinal plants and agarwood-producing species (Decisions 15.26 and 15.27) adopted the following:
16. Due to differences in management and lifeforms, it was agreed that it would not be appropriate to standardize NDF guidance across timber species, *Prunus africana*, medicinal plants and Agarwood-producing species. Separate guidance should be developed for each of these groups.
17. The comments on structuring a handbook for making non-detriment findings for the above species were noted. However due to the amount of ongoing work of the Parties, it was agreed that it was premature to produce such a handbook.
18. In relation to paragraph 8 of document PC20 Doc. 15.1, the Committee agreed two draft Decisions included in the Annex at the present document to be submitted for consideration of the CoP16:

19. Regarding Decision 15.26, it was agreed that due to ongoing work of the Parties this Decision should be extended to CoP17 and to be submitted for consideration of the CoP16. The draft Decision is included in the Annex at the present document.
20. In relation to Decision 15.27, noting that it would be premature to translate the guidance material produced to date as it will be refined in the future. It was agreed that this Decision should be extended to CoP17 and to be submitted for consideration of the CoP16. The draft Decision is included in the Annex at the present document.
21. The Plants Committee recommends the CoP16 to consider and to adopt the draft Decisions included in the Annex to the present document.

Recommendations

22. The Conference of the Parties is invited to adopt the draft Resolution in Annex 1 to the present document, taking into account the suggestions made in Annex 2 if these are found appropriate. The Conference of the Parties is invited to take note of the information in Annex 3 of the present document. Finally, the Conference of the Parties is invited to adopt the draft Decisions in Annex 4 to the present document and extension of the other Decisions mentioned therein.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat believes that the draft resolution on non-detiment findings in Annex 1 of the present document represents a compromise that has been developed in a consultative and open process and that its adoption would result in a significant step forward for the Convention. The Secretariat finds some merit in the suggestions made in Annex 2 of the present document and in order to facilitate further discussion, has prepared an addendum to the present document consolidating all these in one document.
- B. Concerning the draft decisions in Annex 4 of the present document, the Secretariat offers the following recommendations:

First draft decision

For the sake of consistency, and because it is likely to be updated in the light of experience, the guidance referred to in the first draft decision should be added to the list in Annex 3 of the present document. The Secretariat can make the guidance in Annex 3 available in a prominent position on the CITES website. Consequently the Secretariat does not recommend that this draft decision be adopted in isolation as proposed.

Second draft Decision

The Secretariat does not believe that a specific decision is required in order for the range States of agarwood species to take advantage of the advice of the Plants Committee. In addition, a more comprehensive draft decision on the same subject is proposed by the Plants Committee in document CoP16 Doc. 67.1. Consequently it does not recommend that this draft decision be adopted.

Proposed extension of Decision 15.26

The Secretariat believes that an extension of this Decision is not necessary if the draft resolution in Annex 1 of the present document is adopted with the paragraph ENCOURAGES, which proposes that Parties work to improve non-detiment finding methodology for the full range of species and not just the limited number of species mentioned in Decision 15.26. This also is in line with the Animals and Plants Committee's recommendation for the adoption of a decision on the promulgation of good practice in non-detiment findings, in document CoP16 Doc. 23. Consequently, if the proposed draft resolution is adopted with the paragraph ENCOURAGES, then the Secretariat recommends that Decision 15.26 be deleted.

Proposed extension of Decision 15.27

This is closely linked to Decision 15.26. The Secretariat believes that its capacity-building activities on non-detiment findings should extend to all species and that there is no need for a Decision of this type restricted to a limited number of plant species. Consequently the Secretariat recommends that Decision 15.27 be deleted.

- C. With the submission of the present document, the Secretariat believes that Decisions 15.23 and 15.24 have been completed and recommends that they be repealed.

DRAFT RESOLUTION ON THE MAKING OF NON-DETRIMENT FINDINGS

Non-detriment findings

RECOGNIZING that, in accordance with Articles III and IV of the Convention, export permits for specimens of species included in Appendices I and II shall be granted only when a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of the species, (following a determination known as a 'non-detriment finding');

RECALLING that Article IV, paragraph 3, requires a Scientific Authority of each Party to monitor exports of specimens of Appendix-II species and, whenever necessary, 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 ecosystems and well above the level at which they would qualify for Appendix I;

NOTING that, in Resolution Conf. 14.7 (Rev. CoP15) (*Management of nationally established export quotas*), the Conference of the Parties recommends that, when Parties establish national voluntary export quotas, they do so on the basis of a non-detriment finding made by their Scientific Authority;

RECALLING further paragraphs c) and h) under RECOMMENDS in Resolution Conf. 10.3 (*Designation and role of the Scientific Authorities*);

RECALLING that the effective implementation of Article IV, paragraphs 2 (a), 3 and 6 (a), of the Convention will prevent the need to take actions in accordance with Resolution Conf. 12.8 (Rev. CoP13) (*Review of Significant Trade in specimens of Appendix-II species*);

NOTING that because of the great variety of taxa, life forms and biological characteristics of species included in Appendices I and II, there are various ways a Scientific Authority can make non-detriment findings;

AWARE of the challenges that Parties face when making non-detriment findings, and that the sharing of guiding principles and experience for making such findings would improve implementation of Articles III and IV of the Convention;

RECOGNIZING the outputs of the national, regional and international workshops on CITES non-detriment findings (in China, the Dominican Republic, Indonesia, Kuwait, Mexico, Nepal, Peru and other countries), the guidance for CITES Scientific Authorities produced by the International Union for Conservation of Nature (IUCN), and other capacity-building workshops; and

REAFFIRMING Objective 1.5 of the *CITES Strategic Vision: 2008-2013* in Resolution Conf. 14.2, adopted by the Conference of the Parties at its 14th meeting (The Hague, 2007), that the best available scientific information is the basis for non-detriment findings;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

- a) Scientific Authorities take into account the following definitions and non-binding guiding principles in considering whether trade would be detrimental to the survival of a species:
 - i) a non-detriment finding for an Appendix-I or -II species is the result of a science-based assessment that verifies that a proposed export is not detrimental to the survival of that species;
 - ii) Scientific Authorities should consider whether the species would be maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs;
 - iii) the data requirements for a non-detriment finding depend on the level of risk and should be influenced by, and be proportionate to, the vulnerability of the species concerned;

- iv) the making of an effective non-detriment finding relies upon a correct identification of the species concerned and subsequent verification that it is specimens of this species that are exported;
 - v) the origin of the specimen will affect the type of non-detriment finding assessment that is appropriate, and may simplify assessment of risks;
 - vi) the methodology used should be flexible enough to enable the specific and individual characteristics of different taxa to be considered;
 - vii) the implementation of adaptive management, including monitoring, is an important consideration in the making of a non-detriment finding;
 - viii) non-detriment findings should be based on resource assessment methodologies that may include consideration of, but are not limited to:
 - A. species biology and life history characteristics;
 - B. species range (historical and current);
 - C. population structure, status and trends (nationally or in the harvested area);
 - D. threats;
 - E. species-specific levels and patterns of harvest and mortality (e.g. age, sex) (historical and current) from all sources combined;
 - F. management measures currently in place and proposed, including adaptive management strategies and consideration of levels of compliance; and
 - G. results of population monitoring;
 - ix) the sources of information that may be considered include but are not limited to:
 - 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 at sites protected from harvest and other impacts; and
 - D. relevant knowledge and expertise of local and indigenous communities; and
- b) Scientific Authorities consider, as a reference for making non-detriment findings, the information included in the Annex to document AC26/PC20 Doc. 8.4 and any subsequent updates available on the CITES website¹.

ENCOURAGES Parties:

- a) to explore methods for making non-detriment findings;
- b) to share experiences and examples of ways of making non-detriment findings, including through appropriate regional or subregional workshops, and communicate them to the Secretariat;
- c) to maintain written records of the science-based rationale included in the Scientific Authorities non-detriment finding assessments; and

¹ See <http://www.cites.org/eng/prog/ndf/index.php>.

- d) to offer, on request, cooperative assistance to developing countries, for improvement of capacity to make non-detriment findings, based on nationally identified needs. Such cooperative assistance could take multiple forms, including financial and technical support; and

DIRECTS the Secretariat:

- a) to maintain a prominent section for non-detriment findings on the CITES website and to update it regularly with information from the Animals and Plants Committees, Parties and other sources;
- b) to implement a user-friendly mechanism on the CITES website that would allow Parties to easily submit relevant information to be considered for inclusion in the website;
- c) to ensure that this information is accessible in the appropriate sections of the CITES Virtual College; and
- d) to assist in identifying possible funding sources to help Parties implementing capacity-building activities related to the making of non-detriment findings.

Responses to the Notification to the Parties in No. 2012/050

Australia, also on behalf of New Zealand, Samoa, Solomon Islands and Vanuatu



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

19 September 2012

**OCEANIA REGION RESPONSE TO CITES NOTIFICATION NO. 2012/050:
DRAFT RESOLUTION ON NON-DETRIMENT FINDINGS**

Australia consulted with Oceania region Parties in the preparation of this response. New Zealand, Samoa, the Solomon Islands and Vanuatu have indicated their support. To date, no response has been received from Fiji, Palau and Papua New Guinea.

The Oceania Region is supportive of the draft resolution text in Notification No. 2012/050 to provide non-binding guidance for Parties in making non-detriment findings.

We consider that the draft guidance will assist Parties to decide which factors should be considered in determining whether the export of a CITES species will be detrimental to its survival, and how these factors may be weighed against one another.

We recognise the importance of basing non-detriment findings on the best available scientific information. We also recognise the value of CITES Parties sharing their experiences in making non-detriment findings, and the importance of providing cooperative assistance to developing countries.

We support the resolution text being transmitted to CoP16 for decision as currently drafted, with the inclusion of a footnote in paragraph a) i) and minor amendments to paragraphs a) viii) C. and a) vii) E.

Proposed amendment to paragraph a) i)

We suggest amendment to the wording in paragraph a) i), in order to improve the clarity of the language. As currently drafted, paragraph a) i) could be misinterpreted. An export itself will rarely, if ever, be detrimental to the survival of the species. Rather, it is the harvest that should be considered. We note that the current definition of 'non-detriment finding' is a *conclusion by a Scientific Authority that the export of specimens of a particular species will not impact negatively on the survival of that species in the wild*, but in many situations, factors that are broader than export alone may be important.

The following footnote would clarify that in most instances of export, the sustainability of harvest is a consideration:

- a) Scientific Authorities take into account the following definitions and non-binding guiding principles in considering whether trade would be detrimental to the survival of a species:
 - i) a non-detriment finding for an Appendix-I or -II species is the result of a science-based assessment that verifies that a proposed export is not detrimental to the survival of that species **1**;

Footnote 1: In considering whether an export may be detrimental, the sustainability of the overall harvest will usually be a necessary consideration.

Proposed amendment to paragraph a) viii) C.

Multiple spatial scales are potentially relevant when considering the population structure, status and trends of a species. As such, we propose the following amendment to paragraph a) viii) C.

C. population structure, status and trends (nationally or in the harvested area, **nationally and internationally**)

Proposed amendment to paragraph a) viii) E.

We propose the following amendment to paragraph a) viii) E. in order to clarify the language.

E. **historic and current** species-specific levels and patterns of harvest and mortality (e.g. by age, sex) (historic and current) from all sources combined.

19 September 2012

Canada

We welcome the NDF Resolution as a significant and useful new tool for making non-detriment findings.

The suggestions we provide below were made with the goal to ensure clarity of statements in the Resolution. We also have suggested the addition of one new clause to highlight the importance of consideration of trade data, and to elucidate the relationship between trade information and biological information in making an NDF. However, we feel more drafting work would be necessary in order to better achieve the aim of a resolution that is non-prescriptive in both nature and tone.

Our specific suggestions are provided below. We hope these comments are useful toward further work on this Resolution.

Specific Comments on the text of the Resolution

Underlined text shows additions, ~~strikeout text shows deletions~~, and explanatory comments are shown in square brackets [].

DRAFT RESOLUTION ON THE MAKING OF NON-DETRIMENT FINDINGS

Non-detriment findings

RECOGNIZING that, in accordance with Articles III and IV of the Convention, export permits for specimens of species included in Appendices I and II shall be granted only when a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of the species, (following a determination known as a 'non-detriment finding');

RECALLING that Article IV, paragraph 3, requires a Scientific Authority of each Party to monitor exports of specimens of Appendix-II species and, whenever necessary, 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 ecosystems and well above the level at which they would qualify for Appendix I;

NOTING that, in Resolution Conf. 14.7 (Rev. CoP15) (*Management of nationally established export quotas*), the Conference of the Parties recommends that, when Parties establish national voluntary export quotas, they do so on the basis of a non-detriment finding made by their Scientific Authority;

RECALLING further paragraphs c) and h) under RECOMMENDS in Resolution Conf. 10.3 (*Designation and role of the Scientific Authorities*);

RECALLING that the effective implementation of Article IV, paragraphs 2 (a), 3 and 6 (a), of the Convention will prevent the need to take actions in accordance with Resolution Conf. 12.8 (Rev. CoP13) (*Review of Significant Trade in specimens of Appendix-II species*);

NOTING that because of the great variety of taxa, life forms and biological characteristics of species included in Appendices I and II, there are various ways a Scientific Authority can make non-detriment findings;

AWARE of the challenges that Parties face when making non-detriment findings, and that the sharing of guiding principles and experience for making such findings would improve implementation of Articles III and IV of the Convention;

RECOGNIZING the outputs of the national, regional and international workshops on CITES non-detriment findings (in China, the Dominican Republic, Indonesia, Kuwait, Mexico, Nepal, Peru and other countries), the guidance for CITES Scientific Authorities produced by the International Union for Conservation of Nature (IUCN), and other capacity-building workshops; and

REAFFIRMING Objective 1.5 of the *CITES Strategic Vision: 2008-2013* in Resolution Conf. 14.2, adopted by the Conference of the Parties at its 14th meeting (The Hague, 2007), that the best available scientific information is the basis for non-detriment findings;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

- a) Scientific Authorities take into account the following ~~definitions and~~ non-binding guiding principles in considering whether export trade would be detrimental to the survival of a species: [this change is to clarify that the guiding principles in this Resolution apply to export, as established in the preamble;
 - i) a non-detriment finding for an Appendix-I or -II species is the result of a science-based assessment that verifies ~~that whether~~ a proposed export is not detrimental to the survival of that species; [A "non-detriment finding" is the decision. It can either be "positive" or "negative"].
 - ii) Scientific Authorities should consider whether the species would be maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs;
- xxx) in making a non-detriment finding, Scientific Authorities consider volume of legal and illegal trade (known, inferred, projected, estimated) relative to the vulnerability of the species (intrinsic and extrinsic factors that increase the risk of extinction of the species). [The terms "vulnerability," "extrinsic factor" and "intrinsic factor" are defined in Res. Conf. 9.24. In Res. Conf. 10.3, a scientific authority needs to consider both biological and trade information in making an NDF; the relationship between trade and species' vulnerability is a common element in recent NDF training initiatives and workshops and in training materials in the CITES Virtual College]
- iii) the data requirements for a determination that trade is not detrimental to the survival of the species non-detriment finding depend on the level of risk and should be influenced by, and be proportionate to, the vulnerability of the species concerned; ["risk" is elaborated upon in the proposed new point above and if "risk" means "risk of extinction," it's also redundant and therefore unnecessary; the phrase "influenced by" is redundant and unnecessary]
- iv) determination that a particular export will be non-detrimental to the survival of the species relies also upon the making of an effective non-detriment finding relies upon a correct identification of the species concerned and subsequent verification that it is specimens of this species that are being exported; [changes are to clarify the message.]
- v) the methodology used to make a non-detriment finding should reflect the origin and type of specimen, such that the method used to make a non-detriment finding for a specimen known to be of non-wild origin may be less rigorous than that for a specimen of wild origin for example the origin of the specimen will affect the type of non-detriment finding assessment that is appropriate, and may simplify assessment of risks; [clarification of the message and providing an example of when NDFs may be simpler]
- vi) the methodology used should be flexible enough to consider enable the specific and individual characteristics of different taxa to be considered; [editorial changes to the language]

- vii) the implementation of adaptive management, including monitoring, is an important consideration in the making of a non-detriment finding because adaptive management can mitigate risk of extinction; [clarification of how adaptive management can be used in assessing non-detriment]
 - viii) vulnerability of the species can be evaluated non-detriment findings should be based on resource assessments methodologies that may include consideration of, but are not limited to [text to ensure it's clear that the following list is to be used as a starting point for assessing a species' vulnerability. An NDF should also consider trade data (see the next point, below, and explanatory text below)]:
 - A. species biology and life history characteristics;
 - B. species range (historical and current);
 - C. population structure, status and trends (nationally or in the harvested area);
 - D. threats;
 - E. species-specific levels and patterns of harvest and mortality (e.g. age, sex) (historical and current) from all sources combined;
 - F. management measures currently in place and proposed, including adaptive management strategies and consideration of levels of compliance; and
 - G. results of population monitoring; and
 - H. conservation status
 - ix) the sources of information that may be considered when making a non-detriment finding include but are not limited to [clarification that this is more than just a list of sources of information for the vulnerabilities, it's a list of all kinds of sources for making the NDF, which includes trade information]:
 - 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 at sites protected from harvest and other impacts; and
 - D. relevant knowledge and expertise of local and indigenous communities; and
 - E. national and international trade information such as that available via the WCMC trade database, publications on trade, local knowledge on trade and investigations of sales at markets or through the internet for example.
- b) Scientific Authorities consider, as a reference for making non-detriment findings, the information included in the Annex to document AC26/PC20 Doc. 8.4 and any subsequent updates available on the CITES website².

ENCOURAGES Parties:

- a) to explore methods for making non-detriment findings;
- b) to share experiences and examples of ways of making non-detriment findings, including through appropriate regional or subregional workshops, and communicate them to the Secretariat;
- c) to maintain written records of the science-based rationale included in the Scientific Authorities non-detriment finding assessments; and

² See <http://www.cites.org/eng/prog/ndf/index.php>.

- d) to offer, on request, cooperative assistance to developing countries, for improvement of capacity to make non-detriment findings, based on nationally identified needs. Such cooperative assistance could take multiple forms, including financial and technical support; and

DIRECTS the Secretariat:

- a) to maintain a prominent section for non-detriment findings on the CITES website and to update it regularly with information from the Animals and Plants Committees, Parties and other sources;
- b) to implement a user-friendly mechanism on the CITES website that would allow Parties to easily submit relevant information to be considered for inclusion in the website;
- c) to ensure that this information is accessible in the appropriate sections of the CITES Virtual College; and
- d) to assist in identifying possible funding sources to help Parties implementing capacity-building activities related to the making of non-detriment findings.

India

The Draft Resolution for CoP16 has been perused and India supports this welcome step forward and spirit of the draft Resolution with a view to guiding the Parties and strengthening their capability for carrying out NDF studies. However, I take this opportunity to suggest the following:

1. In general, the Draft Resolution seems acceptable and has potential of wide acceptance by Parties.
2. CITES Secretariat may strengthen its efforts in the direction of designing the basic Guidelines for preparing NDF in a uniform manner for wider use of Parties.
3. A detailed discussion on the subject involving the reputed scientific organisations/experts, probably in the form of international workshop/ conference/ seminar etc may add to the clear understanding of the subject by the Parties.
4. It is suggested that Secretariat may compile and maintain a regional/sub-regional panel of experts from the Scientific Authorities, who are capable and willing to participate as Resource persons on specific groups/taxa for NDF. Secretariat may also explore the opportunities of funding support for capacity building initiatives by Parties in this regard.
5. in paragraph a) v) - '*origin of a specimen*' needs more specificity so that Parties do not misinterpret this. Necessary clarification may be appropriately incorporated in the draft notification.
6. In paragraph a) vii) - '*including monitoring*' also may be elaborated further for the scope intended e.g. '*..population status, levels of legal and illegal trade, and/or changes to other threats...*' etc.

Japan

Upon instruction by the Government of Japan, I hereby inform the Secretariat that Japan has no comment on the draft resolution for CoP16 prepared by the Animals and Plants Committees on Non-detriment findings.

United Kingdom of Great Britain and Northern Ireland

I am writing to confirm that the UK has no comments at this time on the draft Resolution on NDF's contained in Notification 2012/050.

United States of America



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



IN REPLY REFER TO:
FWS/DSA/CoP16

SEP 14 2012

Mr. John Scanlon
Secretary-General
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VIA EMAIL: info@cites.org

Dear Mr. Scanlon:

We appreciate this opportunity to provide comments on the draft resolution on non-detriment findings for CoP16 prepared by the Animals and Plants Committees. The United States was a member of the Working Group at the joint meeting of the CITES Animals and Plants Committees and contributed to the development of the Working Group's draft resolution. As you know, at this meeting the Committees requested that the Secretariat issue a Notification to the Parties inviting comments on the draft resolution developed by the Working Group, and the Committees agreed to submit for consideration at CoP16 either a revised version of the Working Group's draft resolution or the existing version.

As we reviewed the draft resolution provided in Notification No. 2012/050, we noted that the Secretariat made several changes to the Working Group's draft resolution. Although some of the Secretariat's changes are editorial, others are substantive, resulting in the loss of important elements that the Working Group intentionally included in its original draft. We have addressed these issues and provided additional comments on this revised draft resolution in the attached table, which provides a comparison of the Working Group's draft resolution and the Secretariat's revised draft. Finally, we have attached a final version of the draft resolution that incorporates the U.S. changes to the Secretariat's draft.

Thank you for the opportunity to provide additional feedback on this work. Please let me know if you have any questions or need additional information.

Sincerely,

Rosemarie Gnam
Rosemarie Gnam, Chief
Division of Scientific Authority

Robert R. Gabel
For Robert R. Gabel, Chief
Division of Management Authority

Attachments

U.S. Comments on the Draft Resolution on the Making of Non-Detriment Findings
(annex to CITES Notification No. 2012/050)

Section	Working Group's draft resolution from joint meeting of the CITES AC/PC (AC26/PC20 WG3 Doc. 1)(Strike-out reflects deletions made in Plenary & underlined text reflects additions made in Plenary)	Secretariat's Revised Draft Resolution as per CITES Notification No. 2012/050	U.S. Comments (rev. 9/19/12) on Secretariat's Revised Draft Resolution as per CITES Notification No. 2012/050
Preambular	<ul style="list-style-type: none"> - 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]; - NOTING that Resolution Conf. 14.7 (Rev. CoP15) recommends that, when Parties are establishing national voluntary export quotas, they should do so based on a non-detriment 	<ul style="list-style-type: none"> - RECOGNIZING that, in accordance with Articles III and IV of the Convention, export permits for specimens of species included in Appendices I and II shall be granted only when a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of the species, (following a determination known as a 'non-detriment finding'); - RECALLING that Article IV, paragraph 3, requires a Scientific Authority of each Party to monitor exports of specimens of Appendix-II species and, whenever necessary, 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 ecosystems and well above the level at which they would qualify for Appendix I; - NOTING that, in Resolution Conf. 14.7 (Rev. CoP15) (<i>Management of nationally established export quotas</i>), the Conference of the Parties recommends that, when Parties establish 	<p>General comment: The scope of the resolution needs to be clarified in the preamble; it is unclear whether the resolution applies to both export and import or just export. Depending on the scope, the language needs to be edited accordingly.</p> <ul style="list-style-type: none"> - U.S. agrees to edits. - U.S. agrees to edits. - U.S. agrees to edits.

Section	Working Group's draft resolution from joint meeting of the CITES AC/PC (AC26/PC20 WG3 Doc. 1)(Strike-out reflects deletions made in Plenary & underlined text reflects additions made in Plenary)	Secretariat's Revised Draft Resolution as per CITES Notification No. 2012/050	U.S. Comments (rev. 9/19/12) on Secretariat's Revised Draft Resolution as per CITES Notification No. 2012/050
	<p>finding by the Scientific Authority of the State of export;</p> <ul style="list-style-type: none"> - 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: <ul style="list-style-type: none"> 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 effective implementation of Article IV, paragraphs 2 (a), 3 and 6 (a) will prevent the need to take appropriate actions according to Res. Conf 12. 8 (Rev. CoP13) on the <i>Review of Significant Trade in specimens of Appendix-II species</i>. - NOTING that the great variety of taxa, life forms and biological characteristics of species included in Appendices I and II supports the idea that there are various ways a Scientific Authority can make non-detriment findings; - AWARE of the challenges Parties face when making scientifically-based non-detriment 	<p>national voluntary export quotas, they do so on the basis of a non-detriment finding made by their Scientific Authority;</p> <ul style="list-style-type: none"> - RECALLING further paragraphs c) and h) under RECOMMENDS in Resolution Conf. 10.3 (<i>Designation and role of the Scientific Authorities</i>); - RECALLING that the effective implementation of Article IV, paragraphs 2 (a), 3 and 6 (a), of the Convention will prevent the need to take actions in accordance with Resolution Conf. 12.8 (Rev. CoP13) (<i>Review of Significant Trade in specimens of Appendix-II species</i>); - NOTING that because of the great variety of taxa, life forms and biological characteristics of species included in Appendices I and II, there are various ways a Scientific Authority can make non-detriment findings; - AWARE of the challenges that Parties face when making non-detriment findings, and that the 	<ul style="list-style-type: none"> - U.S. agrees to edits. - Change “will prevent” to “prevents.” - U.S. agrees to edits. - Re-insert “scientifically-based” prior to “non-detriment

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	<p>findings, and that guiding principles and experience sharing for making non-detriment findings would improve implementation of Articles III and IV of the Convention;</p> <ul style="list-style-type: none"> - RECOGNIZING the outputs of the national and international/ regional workshops on CITES non-detriment findings (China, Dominican Republic, Indonesia, Kuwait, Mexico, Nepal, Peru, etc), the guidance for CITES Scientific Authorities produced by the IUCN and, other capacity building workshops; <p><i>Note: It was agreed to mention in the preamble the CITES Strategic Vision in its updated version as appropriate [REAFFIRMING Objective 1.5 of the CITES Strategic Vision: 2008-2013 (Resolution Conf. 14.2) adopted by the Conference of the Parties at its 14th meeting (The Hague, 2007), that the best available scientific information is the basis for non-detriment findings].</i></p>	<p>sharing of guiding principles and experience for making such findings would improve implementation of Articles III and IV of the Convention;</p> <ul style="list-style-type: none"> - RECOGNIZING the outputs of the national, regional and international workshops on CITES non-detriment findings (in China, the Dominican Republic, Indonesia, Kuwait, Mexico, Nepal, Peru and other countries), the guidance for CITES Scientific Authorities produced by the International Union for Conservation of Nature (IUCN), and other capacity-building workshops; and - REAFFIRMING Objective 1.5 of the CITES Strategic Vision: 2008-2013 in Resolution Conf. 14.2, adopted by the Conference of the Parties at its 14th meeting (The Hague, 2007), that the best available scientific information is the basis for non-detriment findings; 	<p>“findings,” because the Working Group (WG) intentionally included this language to emphasize the concept that NDFs are based on science.</p> <ul style="list-style-type: none"> - U.S. agrees to edits. - U.S. agrees to edits.
Operative RECOMMENDS that:	<p>a) Scientific Authorities consider the following, non-binding, guiding principles in advising that trade will, or will not, be detrimental to the survival of a species:</p> <ul style="list-style-type: none"> i) The non-detriment findings for Appendix-I and -II species is a science-based assessment that verifies that the proposed export is not detrimental to the survival of that species. ii) The non-detriment finding considers whether the species is maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs. 	<p>a) Scientific Authorities take into account the following definitions and non-binding guiding principles in considering whether trade would be detrimental to the survival of a species:</p> <ul style="list-style-type: none"> i) a non-detriment finding for an Appendix-I or -II species is the result of a science-based assessment that verifies that a proposed export is not detrimental to the survival of that species; ii) Scientific Authorities should consider whether the species would be maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs; 	<ul style="list-style-type: none"> - The Secretariat added the word “definitions” to a). Since there are no definitions in the operative part of the resolution, change the word “definitions” to “concepts.” - The Secretariat added the word “should” in ii). Understanding that ii) is a concept the WG agreed to, change this sentence back to that in the WG’s draft.

Section	Working Group's draft resolution from joint meeting of the CITES AC/PC (AC26/PC20 WG3 Doc. 1)(Strike-out reflects deletions made in Plenary & underlined text reflects additions made in Plenary)	Secretariat's Revised Draft Resolution as per CITES Notification No. 2012/050	U.S. Comments (rev. 9/19/12) on Secretariat's Revised Draft Resolution as per CITES Notification No. 2012/050
	<p>iii) The data requirements for a non-detriment finding depend on the level of risk and shall be influenced by, and be proportionate, to the vulnerability of the target species.</p> <p>iv) <u>The making of an effective non-detriment finding relies upon specimen verification and certainty of identification for all specimens.</u></p> <p>v) <u>The origin of the specimen will affect the type of non-detriment finding assessment that is appropriate, and may simplify assessment of risk.</u></p> <p>vi) <u>When making a non-detriment finding, the methodology used should employ flexibility that enables the specific and individual characteristics of different taxa to be considered.</u></p> <p>iv) vii) The implementation of adaptive management, including monitoring, is an important consideration in the non-detriment finding making process.</p> <p>vi) viii) The non-detriment finding is based on resource assessment methodologies which may include consideration of, but not limited to:</p> <ul style="list-style-type: none"> A. species biology and life history characteristics; B. species range - historic and current; C. population structure, status and trends (nationally or in the harvested area); threats; D. threats; E. species-specific levels <u>and patterns</u> of harvest/mortality (e.g. age, sex) <u>from the export operation</u>; - historic and current; F. estimates of species-specific levels of harvest/mortality from all sources 	<p>iii) the data requirements for a non-detriment finding depend on the level of risk and should be influenced by, and be proportionate to, the vulnerability of the species concerned;</p> <p>iv) the making of an effective non-detriment finding relies upon a correct identification of the species concerned and subsequent verification that it is specimens of this species that are exported;</p> <p>v) the origin of the specimen will affect the type of non-detriment finding assessment that is appropriate, and may simplify assessment of risks;</p> <p>vi) the methodology used should be flexible enough to enable the specific and individual characteristics of different taxa to be considered;</p> <p>vii) the implementation of adaptive management, including monitoring, is an important consideration in the making of a non-detriment finding;</p> <p>viii) non-detriment findings should be based on resource assessment methodologies that may include consideration of, but are not limited to:</p> <ul style="list-style-type: none"> A. species biology and life history characteristics; B. species range (historical and current); C. population structure, status and trends (nationally or in the harvested area); D. threats; E. species-specific levels and patterns of harvest and mortality (e.g. age, sex) (historical and current) from all sources combined; F. management measures currently in 	<ul style="list-style-type: none"> - To make iii) a non-binding guiding principle consistent with the WG's approach, replace "should" with "may." - In iv), insert "to be" after "species that are." NDFs must be made, and the permit that relies on the NDF granted, prior to the import or export. - To make vi) a non-binding guiding principle consistent with the WG's approach, modify vi) to read: <i>use of flexible methodology enables specific and individual characteristics of different taxa to be considered;</i> - The Secretariat added "should" to viii), thereby changing the intent of the concept the WG had agreed to; therefore, change this sentence back to that in the WG's draft, with the following edit to the word order: <i>...may include, but are not limited to, consideration of...</i> - E. reflects a change made by the Secretariat, combining E. and F. in the WG's draft. The WG intended for these two principles to be mutually exclusive;

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	<p>combined;</p> <p>G. management measures currently in place and proposed, including adaptive management strategies and consideration of rates levels of compliance; <u>and</u></p> <p>H. results of population monitoring.</p> <p>When making an NDF the methodology used, should employ flexibility that enables the specific and individual characteristics of different taxa to be considered.</p> <p>vi) ix) The sources of information that may be considered by the Scientific Authorities, but not limited to, in making non-detriment finding includes:</p> <ul style="list-style-type: none"> 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 <u>at sites</u> protected from harvest and other impacts); <u>and</u> D. relevant knowledge and expertise of local and indigenous communities. <p>vii) The NDF employs appropriate broad-scale assessment, including assessments of total off take whether destined for international trade or not.</p> <p>b) Parties consider as framework reference for making NDF the information included in the Annex of AC26/PC20 Doc.8.4 and any subsequent updates available on the CITES Website http://www.cites.org/eng/prog/ndf/index.php.</p>	<p>place and proposed, including adaptive management strategies and consideration of levels of compliance; and</p> <p>G. results of population monitoring;</p> <p>ix) the sources of information that may be considered include but are not limited to:</p> <ul style="list-style-type: none"> 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 at sites protected from harvest and other impacts; and D. relevant knowledge and expertise of local and indigenous communities; and <p>b) Scientific Authorities consider, as a reference for making non-detriment findings, the information included in the Annex to document AC26/PC20 Doc. 8.4 and any subsequent updates available on the CITES website¹.</p> <p>¹ See http://www.cites.org/eng/prog/ndf/index.php</p>	<p>therefore, separate E. and F, as in the WG's draft.</p> <p>- The U.S. recognizes the importance of considering all relevant expertise, but we feel that the sentence, as currently worded, is too narrow; therefore, the U.S. recommends broadening D., as follows: consultations with relevant local, regional, and international experts; and</p>

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Operative ENCOURAGES Parties:	<ul style="list-style-type: none"> a) to explore more methods of making non-detriment findings; b) to share experiences and examples of making non-detriment findings, <u>including</u> through appropriate regional or subregional workshops, and communicate them to the Secretariat in time; c) to maintain written records of the science-based rationale included in the Scientific Authorities non-detriment finding assessments; <u>and</u> d) to offer, on request, cooperative assistance to developing countries, for improvement of capacity regarding non-detriment finding based on nationally identified needs. Such cooperative assistance could take multiple forms, including financial and technical support. 	<ul style="list-style-type: none"> a) to explore methods for making non-detriment findings; b) to share experiences and examples of ways of making non-detriment findings, including through appropriate regional or subregional workshops, and communicate them to the Secretariat; c) to maintain written records of the science-based rationale included in the Scientific Authorities non-detriment finding assessments; and d) to offer, on request, cooperative assistance to developing countries, for improvement of capacity to make non-detriment findings, based on nationally identified needs. Such cooperative assistance could take multiple forms, including financial and technical support; and 	<ul style="list-style-type: none"> - U.S. agrees to edits.
Operative DIRECTS the Secretariat:	<ul style="list-style-type: none"> a) to maintain and update regularly with information from the Animals & <u>and</u> Plants Committees and Parties, a prominent section, with appropriate categorization of the information, on the CITES web site devoted to the making of non-detriment findings b) to implement a user-friendly mechanism on the <u>CITES website that would allow Parties to easily submit relevant information to be considered for inclusion in the website</u>; c) <u>to request that this information is accessible in the Introduction to CITES and non-detriment findings course in the CITES Virtual College; and</u> b) <u>d) to assist identifying possible funding sources to help Parties implementing capacity building activities to make non-detriment findings.</u> 	<ul style="list-style-type: none"> a) to maintain a prominent section for non-detriment findings on the CITES website and to update it regularly with information from the Animals and Plants Committees, Parties and other sources; b) to implement a user-friendly mechanism on the CITES website that would allow Parties to easily submit relevant information to be considered for inclusion in the website; c) to ensure that this information is accessible in the appropriate sections of the CITES Virtual College; and d) to assist in identifying possible funding sources to help Parties implementing capacity-building activities related to the making of non-detriment findings. 	<ul style="list-style-type: none"> - U.S. agrees to edits.

DRAFT RESOLUTION ON THE MAKING OF NON-DETRIMENT FINDINGS

Non-detiment findings

RECOGNIZING that, in accordance with Articles III and IV of the Convention, export permits for specimens of species included in Appendices I and II shall be granted only when a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of the species, (following a determination known as a 'non-detiment finding');

RECALLING that Article IV, paragraph 3, requires a Scientific Authority of each Party to monitor exports of specimens of Appendix-II species and, whenever necessary, 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 ecosystems and well above the level at which they would qualify for Appendix I;

NOTING that, in Resolution Conf. 14.7 (Rev. CoP15) (Management of nationally established export quotas), the Conference of the Parties recommends that, when Parties establish national voluntary export quotas, they do so on the basis of a non-detiment finding made by their Scientific Authority;

RECALLING further paragraphs c) and h) under RECOMMENDS in Resolution Conf. 10.3 (Designation and role of the Scientific Authorities);

| RECALLING that the effective implementation of Article IV, paragraphs 2 (a), 3 and 6 (a), of the Convention ~~will prevent~~ the need to take actions in accordance with Resolution Conf. 12.8 (Rev. CoP13) (Review of Significant Trade in specimens of Appendix-II species);

NOTING that because of the great variety of taxa, life forms and biological characteristics of species included in Appendices I and II, there are various ways a Scientific Authority can make non-detiment findings;

| AWARE of the challenges that Parties face when making scientifically-based non-detiment findings, and that the sharing of guiding principles and experience for making such findings would improve implementation of Articles III and IV of the Convention;

RECOGNIZING the outputs of the national, regional and international workshops on CITES non-detiment findings (in China, the Dominican Republic, Indonesia, Kuwait, Mexico, Nepal, Peru and other countries), the guidance for CITES Scientific Authorities produced by the International Union for Conservation of Nature (IUCN), and other capacity-building workshops; and

REAFFIRMING Objective 1.5 of the CITES Strategic Vision: 2008-2013 in Resolution Conf. 14.2, adopted by the Conference of the Parties at its 14th meeting (The Hague, 2007), that the best available scientific information is the basis for non-detiment findings;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

- | a) Scientific Authorities take into account the following conceptsdefinitions and non-binding guiding principles in considering whether trade would be detrimental to the survival of a species:
 - | i) a non-detiment finding for an Appendix-I or -II species is the result of a science-based assessment that verifies that a proposed export is not detrimental to the survival of that species;
 - | ii) a non-detiment finding Scientific Authorities should considers whether the species would be maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs;
 - | iii) the data requirements for a non-detiment finding depend on the level of risk and may should be influenced by, and be proportionate to, the vulnerability of the species concerned;
 - | iv) the making of an effective non-detiment finding relies upon a correct identification of the species concerned and subsequent verification that it is specimens of this species that are to be exported;

- v) the origin of the specimen will affect the type of non-detriment finding assessment that is appropriate, and may simplify assessment of risks;
- vi) ~~the methodology used should be of~~ flexible ~~methodology enough to enables the~~ specific and individual characteristics of different taxa to be considered;
- vii) the implementation of adaptive management, including monitoring, is an important consideration in the making of a non-detriment finding;
- viii) non-detriment findings ~~should be are~~ based on resource assessment methodologies ~~which that~~ may include, ~~but are not limited to,~~ consideration of, ~~but are not limited to:~~
 - A. species biology and life history characteristics;
 - B. species range (historical and current);
 - C. population structure, status and trends (nationally or in the harvested area);
 - D. threats;
 - E. species-specific levels and patterns of harvest and mortality (e.g. age, sex) ~~(historical and current); from all sources combined;~~
 - F. estimates of species-specific levels of harvest and mortality from all sources combined;
 - G. management measures currently in place and proposed, including adaptive management strategies and consideration of levels of compliance; and
 - H. results of population monitoring~~;~~
- ix) the sources of information that may be considered include but are not limited to:
 - 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 at sites protected from harvest and other impacts; and
 - D. consultations with relevant ~~knowledge and expertise of~~ local, regional, and international experts. ~~and indigenous communities; and~~
- b) Scientific Authorities consider, as a reference for making non-detriment findings, the information included in the Annex to document AC26/PC20 Doc. 8.4 and any subsequent updates available on the CITES website³.

ENCOURAGES Parties:

- a) to explore methods for making non-detriment findings;
- b) to share experiences and examples of ways of making non-detriment findings, including through appropriate regional or subregional workshops, and communicate them to the Secretariat;
- c) to maintain written records of the science-based rationale included in the Scientific Authorities non-detriment finding assessments; and

³ See <http://www.cites.org/eng/prog/ndf/index.php>.

- d) to offer, on request, cooperative assistance to developing countries, for improvement of capacity to make non-detriment findings, based on nationally identified needs. Such cooperative assistance could take multiple forms, including financial and technical support; and

DIRECTS the Secretariat:

- a) to maintain a prominent section for non-detriment findings on the CITES website and to update it regularly with information from the Animals and Plants Committees, Parties and other sources;
- b) to implement a user-friendly mechanism on the CITES website that would allow Parties to easily submit relevant information to be considered for inclusion in the website;
- c) to ensure that this information is accessible in the appropriate sections of the CITES Virtual College; and
- d) to assist in identifying possible funding sources to help Parties implementing capacity-building activities related to the making of non-detriment findings.

1. DOCUMENTS FROM THE 15TH MEETING OF THE CONFERENCE OF THE PARTIES (DOHA, 2010)

- CoP15 Doc 16.2.2 Report of the Animals and Plants Committees
English: <http://www.cites.org/eng/cop/15/doc/E15-16-02-02.pdf>
Français: <http://www.cites.org/fra/cop/15/doc/F15-16-02-02.pdf>
Español: <http://www.cites.org/esp/cop/15/doc/S15-16-02-02.pdf>
- CoP15 Inf.3. International expert workshop on non-detriment findings – Working group reports
English: <http://www.cites.org/eng/cop/15/inf/E15i-03.pdf>
Français: <http://www.cites.org/fra/cop/15/inf/F15i-03.pdf>
Español: <http://www.cites.org/esp/cop/15/inf/S15i-03.pdf>
- CoP15 Doc. 16.3 Non-detriment findings for timber, medicinal plants and agarwood
English: <http://www.cites.org/eng/cop/15/doc/E15-16-03.pdf>
Français: <http://www.cites.org/fra/cop/15/doc/F15-16-03.pdf>
Español: <http://www.cites.org/esp/cop/15/doc/S15-16-03.pdf> (Annex 2)

2. LESSONS LEARNED FOR NON-DETRIMENT FINDINGS – 25TH ANIMALS COMMITTEE (GENEVA 2011)

AC25 Inf. 2 - <http://www.cites.org/common/com/AC/25/E25i-02.pdf>

3. RESULTS AND CASE STUDIES FROM THE INTERNATIONAL EXPERT WORKSHOP ON ON-DETRIMENT FINDINGS (CANCUN, NOVEMBER 2008)

Global link to the Workshop:

http://www.conabio.gob.mx/institucion/cooperacion_internacional/TallerNDF/taller_ndf.html

Link to main documents and Working Groups globally, as well as related “Activities post-workshop”:

http://www.conabio.gob.mx/institucion/cooperacion_internacional/TallerNDF/wfunctioning.html

WORKING GROUP		CO-CHAIRS
1	<u>Trees</u>	Rafael María Navarro Cerrillo – Spain
		James Grogan – USA
2	<u>Perennials</u>	Greg Leach – Australia
		Adrienne Sinclair – Canada, in coord. with Andrea White
3	<u>Succulents and Cycads</u>	John Donaldson – South Africa
		Patricia Dávila – Mexico
4	<u>Geophytes and Epiphytes</u>	Noel McGough – United Kingdom
		Beatrice Khayota – Kenya
5	<u>Mammals</u>	Rodrigo Medellín – Mexico
		Alisson Rosser – United Kingdom
		Holly Dublin – IUCN-SSC, South Africa

WORKING GROUP		CO-CHAIRS
6	Birds	Rod Hay – New Zeland
		Phillip McGowan – United Kingdom
7	Reptiles and Amphibians	Peter Paul van Dijk – IUCN Turtle and Tortoises SG
		Thomasina Oldfield – TRAFFIC Research and Analysis Program
		Charlie Manolis – Wildlife Management International
8	Fishes	Glenn Sant – TRAFFIC Global Marine Program Leader
		Marcelo Vasconcelos - Brazil
9	Aquatic Invertebrates	Vincent Fleming – United Kingdom
		Glynnis Roberts – USA

Links to specific Working Groups:

Working Group 1 Trees (WG1)

http://www.conabio.gob.mx/institucion/cooperacion_internacional/TallerNDF/wg1.html

- [WG1-M](#) Members
- [WG1-SR](#) Summary Report
- [WG1-FR](#) Full Report and [WG1-FR Annexes](#) (Presentation).

CASE STUDIES		Country	Doc (Annexes)	Summary	Presentation
1	<i>Gonystylus bancanus</i> (Ramin)	Malaysia	WG1-CS1	WG1-CS1-S	WG1-CS1-P
2	<i>Pericopsis elata</i> (Afromosia)	Cameroon	WG1-CS2	WG1-CS2-S	WG1-CS2-P
3	<i>Aquilaria malaccensis</i> (Agarwood)	Malaysia	WG1-CS3	WG1-CS3-S	WG1-CS3-P
4	<i>Swietenia macrophylla</i> (Mahogany)	Peru, Colombia, Brazil	WG1-CS4	WG1-CS4-S	WG1-CS4-P
5	<i>Caesalpinia echinata</i> (Brasilwood)	Brazil	WG1-CS5	WG1-CS5-S	WG1-CS5-P
6	<i>Taxus</i> (Yew)	Canada	WG1-CS6	WG1-CS6-S	WG1-CS6-P
7	<i>Guaiacum sanctum</i> (Guayacan)	Mexico	WG1-CS7	WG1-CS7-S	WG1-CS7-P
8	<i>Prunus africana</i> (African cherry)	---	WG1-CS8	WG1-CS8-S	WG1-CS8-P
9	<i>Prunus africana</i> (African cherry)	Cameroon	WG1-CS9	WG1-CS9-S	---
E	<i>Swietenia macrophylla</i> (Mahogany)	Mexico	---	---	WG1-CSE-P

Working Group 2 Perennials (WG2)

- [WG2-M](#) Members
- [WG2-SR](#) Summary Report

- [WG2-FR](#) Full Report and [WG2-FR Annex](#)
- [WG2-P](#) Presentation

CASE STUDIES		Country	Doc (Annexes)	Summary	Presentation
1	<i>Cibotium barometz</i> (Golden hair dog fern)	China	WG2-CS1	WG2-CS1-S	WG2-CS1-P
2	<i>Pelargonium sidoides</i> (Kalwerbossie)	Lesotho	WG2-CS2	WG2-CS2-S	WG2-CS2-P
3	<i>Nardostachys grandiflora</i> (Jatamansi)	---	WG2-CS3	WG2-CS3-S	WG2-CS3-P
4	ISSC-MAP	---	WG2-CS4 (Annex)	WG2-CS4-S	WG2-CS4-P
5	<i>Panax quinquefolius</i> (American ginseng)	Canada	WG2-CS5	WG2-CS5-S	WG2-CS5-P
6	<i>Panax quinquefolius</i> (American ginseng)	USA and Canada	WG2-CS6	WG2-CS6-S	WG2-CS6-P
7	<i>Tillandsia xerographica</i>	Guatemala	WG2-CS7	WG2-CS7-S	WG2-CS7-P

Working Group 3 Succulents and Cycads (WG3)

- [WG3-M](#) Members
- [WG3-SR](#) Summary Report
- [WG3-FR](#) Full Report
- [WG3-P](#) Presentation

CASE STUDIES		Country	Doc (Annexes)	Summary	Presentation
1	<i>Aloes</i>	East Africa	WG3-CS1 (addenda)	WG3-CS1-S	-----
2	<i>Ceratozamia mirandae</i> (Cycad)	Mexico	WG3-CS2	WG3-CS2-S	WG3-CS2-P
3	<i>Dioon edule</i> (Cycad)	Mexico	WG3-CS3	WG3-CS3-S	WG3-CS3-P
4	<i>Encephalartos</i>	South Africa	WG3-CS4	WG3-CS4-S	WG3-CS4-P
5	<i>Cycas circinalis</i> (Sago-palm)	India	WG3-CS5	WG3-CS5-S	WG3-CS5-P
6	<i>Hoodia gordoni</i>	Southern Africa	WG3-CS6 (addenda)	WG3-CS6-S	WG3-CS6-P
7	<i>Carnegiea gigantea</i> (Sahuaro)	Mexico	WG3-CS7	WG3-CS7-S	WG3-CS7-P

Working Group 4 Geophytes and Epiphytes (WG4)

- [WG4-M](#) Members
- [WG4-SR](#) Summary Report

- [WG4-FR Geophytes](#) Full Report
- [WG4-FR Epiphytes](#) Full Report
- [WG4-P](#) Presentation WG4 Full Reports above were also shown during presentation

CASE STUDIES		Country	Doc (Annexes)	Summary	Presentation
1	Rare orchid species	---	WG4-CS1	WG4-CS1-S	---
2	<i>Galanthus woronowii</i> (Snowdrop)	Georgia	WG4-CS2	WG4-CS2-S	WG4-CS2-P
3	Orchid species	Ecuador	WG4-CS3	WG4-CS3-S	WG4-CS3-P
4	<i>Vanda coerulea</i> (Blue banda)	Thailand	WG4-CS4	WG4-CS4-S	WG4-CS4-P
5	<i>Ansellia</i> (Leopard orchid)	Kenya	WG4-CS5	WG4-CS5-S	WG4-CS5-P
6	<i>Galanthus elwesii</i> (Population modelling)	Turkey	WG4-CS6	WG4-CS6-S	WG4-CS6-P
7	<i>Galanthus elwesii</i> (NDF development)	Turkey	WG4-CS7	WG4-CS7-S	WG4-CS7-P

Working Group 5 Mammals (WG5)

- [WG5-M](#) Members
- [WG5-SR](#) Summary Report
- [WG5-FR](#) Full Report
- [WG5-P](#) Presentation

CASE STUDIES		Country	Doc (Annexes)	Summary	Presentation
1	<i>Panthera leo</i> (Lion)	Tanzania	WG5-CS1 (Annex)	WG5-CS1-S	WG5-CS1-P
2	<i>Tursiops aduncus</i> (Indo-Pacific bottlenosed dolphin)	Solomon Islands	WG5-CS2	WG5-CS2-S	WG5-CS2-P
3	<i>Ursus arctos horribilis</i> (Grizzly bear)	Canada	WG5-CS3	WG5-CS3-S	WG5-CS3-P
4	<i>Panthera pardus</i> (Leopard)	South Africa	WG5-CS4	WG5-CS4-S	WG5-CS4-P
5	<i>Macaca fascicularis</i> (Crab-eating monkey)	China	WG5-CS5	WG5-CS5-S	WG5-CS5&6-P
6	<i>Macaca mulatta</i> (Rhesus monkey)	China	WG5-CS6	WG5-CS6-S	
7	<i>Monodon monoceros</i> (Narwhal)	Greenland	WG5-CS7 (Annex1, Annex2)	WG5-CS7-S	WG5-CS7-P
8	<i>Vicugna vicugna</i>	Peru	WG5-CS8	WG5-CS8-S	WG5-CS8-P

Working Group 6 Birds (WG6)

- [WG6-M](#) Members
- [WG6-SR](#) Summary Report
- [WG6-FR](#) Full Report
- [WG6-P](#) Presentation

CASE STUDIES		Country	Doc (Annexes)	Summary	Presentation
1	<i>Psittacus erithacus</i> (African grey parrot)	Guinea	WG6-CS1	WG6-CS1-S	WG6-CS1-P
2	<i>Amazona europalliata</i> (Yellow nape amazon)	Nicaragua	WG6-CS2	WG6-CS2-S	WG6-CS2-P
3	<i>Platycercus eximius</i> (1-Eastern rosella) and <i>Cacatua galerita</i> (2-Sulphur-crested cockatoo)	New Zeland	WG6-CS3-A WG6-CS3-B	WG6-CS3-S	WG6-CS3-P1 WG6-CS3-P2
4	<i>Cacatua sulphurea</i> (Yellow-crested cockatoo)	Indonesia	WG6-CS4	WG6-CS4-S	WG6-CS4-P
5	<i>Falco cherrug</i> (Saker falcon)	United Arab Emirates	WG6-CS5	WG6-CS5-S	WG6-CS5-P
6	Parrots in Mexico	Mexico	WG6-CS6	---	WG6-CS6-P
E	Collecting data NDF Parrots	---	---	---	WG&-CSE-P

Working Group 7 Reptiles and Amphibians (WG7)

- [WG7-M](#) Members
- [WG7-SR](#) Summary Report
- [WG7-FR](#) Full Report
- [WG7-P](#) Presentation

CASE STUDIES		Country	Doc (Annexes)	Summary	Presentation
1	<i>Crocodylus niloticus</i> (Nile crocodile)	Kenia	WG7-CS1	WG7-CS1-S	WG7-CS1-P
2	<i>Cuora amboinensis</i> (Southeast Asian box turtle)	Indonesia	WG7-CS2	WG7-CS2-S	WG7-CS2&6-P
3	<i>Malacochersus tornieri</i> (Pancake tortoise)	Kenia	WG7-CS3	WG7-CS3-S	WG7-CS3-P
4	<i>Ptyas mucosus</i> (Oriental rat snake)	Indonesia	WG7-CS4	WG7-CS4-S	WG7-CS4-P
5	<i>Uromastyx</i> (Lizards)	Israel	WG7-CS5 (Annex)	WG7-CS5-S	WG7-CS5-P
6	<i>Cuora amboinensis</i> (Southeast asian box turtle)	Malaysia	WG7-CS6	WG7-CS6-S	WG7-CS2&6-P

Working Group 8 Fishes (WG8)

- [WG8-M Members](#)
- [WG8-SR Summary Report](#)
- [WG8-FR Full Report](#)
- [WG8-P Presentation](#)

CASE STUDIES		Country	Doc (Annexes)	Summary	Presentation
1	Arapaima	Brazil	WG8-CS1*	WG8-CS1-S**	---
2	Anguilla anguilla (European eel)	Sweden	WG8-CS2 (Annex)	WG8-CS2-S	---
3	Cheilinus undulates (Napoleon fish)	Indonesia	WG8-CS3	WG8-CS3-S	---
4	Hippocampus spp (Seahorses)	---	WG8-CS4	WG8-CS4-S	WG8-CS4-P
5	Sturgeons	---	WG8-CS5 (Annex)	WG8-CS5-S	---

Working Group 9 Aquatic Invertebrates (WG9)

- [WG9-M Members](#)
- [WG9-SR Summary Report](#)
- [WG9-FR Full Report and WG9-FR Annex](#)
- [WG9-P Presentation](#)

CASE STUDIES		Country	Doc (Annexes)	Summary	Presentation
1	Black coral (Anthipatharia)	Hawaii	WG9-CS1 (Annex)	WG9-CS1-S	WG9-CS1-P
2	Tridacnidae (Giant clams)	Palau	WG9-CS2	WG9-CS2-S	WG9-CS2-P
3	Strombus gigas (Queen conch)	Colombia	WG9-CS3 (Annex)	WG9-CS3-S	WG9-CS3-P
4	Queensland coral fishery	Australia	WG9-CS4 (Annex)	WG9-CS4-S	WG9-CS4-P
5	Stony corals (Scleractinia)	Indonesia	WG9-CS5 (Annex)	WG9-CS5-S	WG9-CS5-P

4. DOCUMENTS FROM WORKSHOPS ON NDF

- [Taller anual de Coordinación y Capacitación de Expertos CITES "Dictámenes de Extracción no Perjudicial". Lima, Perú, 13-15 Septiembre 2010](#)
www.minam.gob.pe

Presentations to the Workshop: [Taller Dictámenes - MINAM; CITES y los DEnP : Análisis Doc UICN; DEnP Informes y Resultados CdP15; Resultados Taller Cancún; Especies CITES Exportaciones -](#)

[MINAM; DENP Caoba; DEnP Taricayas; DEnP – SIG; - Aplicacion de orientaciones para DEnP;](#)
[Grupos de trabajo; Proximos pasos Taller Dictámenes](#)

Working Groups:

[Evaluacion Sajino](#)

[Evaluacion Vicuña](#)

[Trabajo Grupal Caoba](#)

[Trabajo Grupal Paiche](#)

[Trabajo Grupal Palo Santo](#)

[Trabajo Grupal Pecaris](#)

[Trabajo Grupal Vicuña](#)

Main findings of the workshop can be also consulted in the answer of Peru to the Notification to the Parties 2011/004, included in the Annex to Doc. [PC19 Doc. 10.2 \(Rev.1\)](#).

- [Taller de Fomento de Capacidades sobre Dictámenes de Extracción No Perjudicial para Centroamérica y República Dominicana 15-17 de Noviembre de 2010, Santo Domingo, República Dominicana](#)

<http://www.sica.int/ccad/DENP.aspx>

Results of the workshop: [Informe de Resultados del Taller](#)

Presentations to the Workshop: [La CITES y los DeNP](#), [Procesos DeNP EEUU](#), [UICN Lista de Verificación](#), [Resultados del taller de Cancún](#)

Working Groups:

1. FAUNA

[Historia de vida del caracol](#)

[Generalidades del *Strombus gigas*](#)

[Análisis comparativo para *Strombus gigas*](#)

[Evaluación de riesgo *Strombus gigas*](#)

[Experiencia de formulación DeNP's, *S. gigas* Honduras](#)

2. FLORA

[Generalidades antecedentes *Swietenia macrophylla* en la CITES](#)

[Historia de la *Swietenia macrophylla* en la CITES](#)

[Experiencias de manejo de la caoba en Guatemala](#)

[Análisis de riesgo de la información disponible para DeNP's caoba](#)

[Análisis de la aplicabilidad de los resultados del taller Internacional DeNP's Caoba](#)

- [Workshop to prepare Non-Detriment Finding reports for black bear *Ursus americanus*, and grizzly bear *Ursus arctos*. November 26-28, 2010, Ottawa \(Ontario, Canada\). The Canadian Scientific Authority has already prepared standing NDF reports for several species, including bobcat, grey wolf, polar bear, lynx, American ginseng and goldenseal. And is currently working on standing NDF reports for cougar, northern](#)

river otter, black bear, grizzly bear and sandhill crane
(<http://www.ec.gc.ca/cites/default.asp?lang=En&n=2942DC30-1>).

- Proceeding of the Capacity Building Workshop on Non Detriment Findings and Review of Significant Trade on Plant Species (January 09-11, 2011. Katmandu, Nepal). Published as PC19 Inf 11 (Rev 1)
- <http://www.cites.org/common/com/PC/19/E19i-11.pdf>
- Proceeding of the Workshop for Agarwood-producing species in Kuwait (3-6, October, 2011).
- Proceeding of the Workshop for Agarwood-producing species in Indonesia (22-24, November, 2011).

5. IUCN GUIDANCE

- Rosser, A.R. and Haywood, M.J. (Compilers). (2002). Guidance for CITES Scientific Authorities: Checklist to assist in making non-detriment findings for Appendix II exports. IUCN, Gland, Switzerland and Cambridge, UK. xi + 146pp.
- http://data.iucn.org/themes/ssc/our_work/wildlife_trade/citescop13/CITES/guidance.htm#guide
- **Checklist to assist in making non-detriment findings for Appendix II exports Compiled by A. Rosser and M. Haywood**
- Français: [Fiche d'évaluation pour aider à émettre un avis de commerce non préjudiciable pour les exportations de spécimens de l'Annexe II](#)
- Español: [Listado de apoyo para la elaboración de dictámenes de no-perjudicial para las exportaciones del Apéndice II](#)
- **To view the entire publication in PDF format, click on the above cover page image. To view specific sections of the publication, [click here](#).**
- http://data.iucn.org/themes/ssc/our_work/wildlife_trade/citescop13/CITES/CITES-guidance-Annex1.pdf (Spanish and French versions)
- **The following are links to specific sections of the publication:**
 - [Preliminary Pages \(Cover, Contents, Acknowledgements, List of Workshop Participants\)](#) (338 KB)
 - [PART I: Introduction and rationale](#) (116 KB)
 - [PART II: Presentations made by Scientific Authority staff from producer and consumer Parties](#) (141 KB)
 - [PART III: Technical considerations in making non-detriment findings](#) (88KB)
 - [PART IV: Guidelines to assist the Parties in making non-detriment findings](#) (4,681 KB)
 - [ANNEX I: French and Spanish translations of the Checklist to assist Scientific Authorities in making Non-detriment Findings](#) (1,262 KB)
 - [ANNEX II: Background Documents Text of the Convention](#) (245 KB)
 - [References](#) (345 KB)

6. OTHER USEFUL SPECIALIZED SOURCES OF INFORMATION

- For sharks and rays (Class Elasmobranchii) is suggested to consult the bilingual publication:
[Sharks: conservation, fishing and international trade](#)
<http://www.cites.org/common/com/AC/24/EF24i-05.pdf>

Tiburones: conservación, pesca y comercio internacional

<http://www.cites.org/esp/com/AC/24/S24i-05.pdf>

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

Decision 16.XX

Directed to Parties and the Secretariat

That the Agarwood NDF guidance, as amended by the WG (PC20 WG6), be used by the Parties and the Secretariat in capacity building workshops and training materials relating to Agarwood-producing species.

Decision 16.XX

Directed to agarwood species range States

That range States are encouraged to make use of the Agarwood NDF guidance as amended by the WG (PC20 WG6).

Decisions to be extended to the CoP17:

Directed to Parties

15.26 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.

Directed to the Secretariat

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.