

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

Seventeenth meeting of the Conference of the Parties
Johannesburg (South Africa), 24 September – 5 October 2016

Species specific mattersSHARING EXISTING WRITTEN SCIENCE-BASED RATIONALES
AND SCIENTIFIC INFORMATION FOR NON-DETRIMENT FINDINGS
MADE FOR TRADE IN CITES LISTED SPECIES

1. This document has been submitted by Australia.*

Background

2. CITES Parties have previously recognised the challenges Scientific Authorities have in accessing scientific information and applying a consistent methodology when making non-detriment findings for trade in CITES listed species. To help address these challenges the Parties adopted Resolution Conf. 16.7 *Non-detriment findings* at the 16th Conference of the Parties. The resolution was an encouraging step forward for CITES as it details the scientific principles and resource assessment methodologies that Scientific Authorities can take into account when making non-detriment findings. These are detailed in paragraph a) ix A-H of Resolution Conf. 16.7.
3. Parties also recognised through Resolution Conf. 16.7 that sharing experiences and examples of non-detriment findings would contribute to capacity building and improve how science-based non-detriment findings are made. The Parties also considered that important aspects of the implementation of the Resolution is, to maintain written records of the science-based rationale that informs the non-detriment finding assessment and to offer when requested assistance to other Parties.

Implementation of Resolution Conf. 16.7

4. Since adoption of Resolution Conf. 16.7, some Parties have implemented the Resolution by sharing on the CITES NDF web portal (<https://cites.org/eng/prog/ndf/index.php>) case studies and the science-based rationale of non-detriment finding assessments for a number of CITES listed species. Collaboration between the Parties, the CITES Technical Committees, stakeholders and the scientific community has produced technical guidance documents that inform non-detriment findings. Examples include guidance on making non-detriment findings for sharks and rays, tortoises and freshwater turtles, and perennial plants.
5. Many capacity building workshops have taken place globally providing Parties further opportunities to improve their understanding of making non-detriment findings. Although these workshops, guidelines and shared examples build on the available resources that Scientific Authorities can use when making non-detriment findings, availability of existing examples of the science-based rationale and scientific information which underpin non detriment findings are limited. This limitation can restrict Scientific Authorities from making informed and rigorous non-detriment findings.
6. The impacts of not sharing scientific information are further highlighted when assessing shared or migratory populations (shared populations being those cases where the species range is across multiple jurisdictions). Absence of science-based rationales and scientific information can lead to less than rigorous

* *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.*

and data deficient non-detriment findings; mainly through the absence of access to neighbouring, regional or international scientific information.

Outcomes of sharing existing science-based rationale and scientific information

7. Where they exist, the sharing of written science-based rationale and scientific information would lead to more informed non-detriment findings, which enable more data to be considered than would otherwise be available. Scientific Authorities would then be able to develop more informed and rigorous non-detriment findings. Common approaches for non-detriment findings on similar taxa and management approaches would lead to:
 - a) increased collaboration and cooperation between Parties, for example in implementing the sharks and rays listings and the ability to inform other work that may be in development for the conservation of sharks;
 - b) increase capacity building efforts to assist Scientific Authorities in developing non-detriment findings would also be supported and improved; and
 - c) the ability to refer to one single portal on the CITES web site for such information would be an invaluable resource for all Parties, the scientific community in general and the species concerned. To share those records through the CITES Secretariat on the CITES web site NDF portal (<https://cites.org/eng/prog/ndf/index.php>)

Recommendations

8. The Conference of the Parties is invited to adopt the proposed additions to Resolution Conf. 16.7 *Non-detriment findings* in the Annex of the present document, to further encourage Parties that have existing written records of the science-based rationale of the information noted in paragraph a) ix) A-H of the Resolution to share these records.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat concurs with the views expressed in document CoP17 Doc. 78 that the sharing, dissemination and exchange of existing scientific information and science-based management practices is important to strengthen the capacity of Parties to make non-detriment findings. The Secretariat therefore recommends the adoption of the two amendments to Resolution Conf. 16.7, as proposed in the document.
- B. While the adoption of the proposed amendments to Resolution Conf. 16.7 may generate more work for the Secretariat, it believes that these costs could be absorbed within its regular budget.

PROPOSED AMENDMENTS TO RESOLUTION CONF. 16.7 *NON-DETRIMENT FINDINGS*

NB: Proposed new text is underlined.

Resolution Conf. 16.7

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 prevents 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 scientifically-based 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;

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 concepts 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 whether a proposed export is detrimental to the survival of that species or not;¹

- 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) in making a non-detriment finding, Scientific Authorities should consider the 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);
- iv) the data requirements for a determination that trade is not detrimental to the survival of the species should be proportionate to the vulnerability of the species concerned;
- v) the making of an effective non-detriment finding relies upon a correct identification of the species concerned and verification that it is specimens of this species that are to be exported;
- vi) 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;
- vii) the methodology used should be flexible enough to allow for consideration of the specific and individual characteristics of different taxa;
- viii) the implementation of adaptive management, including monitoring, is an important consideration in the making of a non-detriment finding;
- ix) the non-detriment finding is based on resource assessment methodologies which may include, but are not limited to, consideration of:
 - A. species biology and life-history characteristics;
 - B. species range (historical and current);
 - C. population structure, status and trends (in the harvested area, nationally and internationally);
 - D. threats;
 - E. historical and current species-specific levels and patterns of harvest and mortality (e.g. age, sex) from all sources combined;
 - F. management measures currently in place and proposed, including adaptive management strategies and consideration of levels of compliance;
 - G. population monitoring; and
 - H. conservation status; and
- x) the sources of information that may be considered when making a non-detriment finding 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;
 - E. consultations with relevant local, regional and international experts; and
 - F. national and international trade information such as that available via the CITES trade database maintained by UNEP World Conservation Monitoring Centre (UNEP-WCMC), publications on

trade, local knowledge on trade and investigations of sales at markets or through the Internet for example; 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 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;
 - i) to request the Secretariat to make available these examples on the CITES web site, and
- c) to maintain written records of the science-based rationale included in the Scientific Authorities' non-detriment finding assessments;
 - (i) to provide to the Secretariat for publication on the CITES website, where they exist, written records of the science-based rationales and scientific information used for 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

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.