

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



Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

Interpretation and implementation matters

Regulation of trade

NON-DETRIMENT FINDINGS

1. This document has been submitted by the Animals Committee in collaboration with the Chair of the Plants Committee.*

Background

2. At the joint session of the 29th meeting of the Animals Committee and the 23rd meeting of the Plants Committee (AC29/PC23; Geneva, July 2017), the Secretariat introduced document [AC29 Doc. 10/PC23 Doc. 11.1](#) on *Non-detriment findings (NDFs)*.
3. The Secretariat recalled that Resolution Conf. 16.7 (Rev. CoP17) on *Non-detriment findings* notes “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,” and states that the Conference of the Parties is “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”.
4. The Secretariat observed in its document that specific guidance on the making of NDFs has been made available to the Parties since 2000¹, and that the demand for, and the development of additional or more specific support for making NDFs, had gained significant momentum since then. One of the more comprehensive initiatives in this regard was the hosting by Mexico of an *International Expert Workshop on CITES Non-Detriment Findings* in Cancun in 2008. It generated guidance on NDFs for a wide range of CITES-listed taxa, and outputs were discussed at the 15th meeting of the Conference of the Parties (Doha, 2010; see documents [CoP15 Doc. 16.2.2](#) and [CoP15 Doc. 16.3](#)). Since that time and following the adoption of Resolution Conf. 16.7 on *Non-detriment findings* in 2013, Parties have frequently decided that further species- and taxon- specific guidance for the making of NDFs was needed (e.g. for trade in queen conch, sharks, snakes, tortoises and freshwater turtles, timber and agarwood). An increasing number of research projects have been undertaken aimed at assisting Parties in the making of NDFs. A growing number of Parties have started to share national or regional NDFs for trade in a variety of species, and several Parties actively engaged in producing generic guidance for certain taxa and species groups, such as the ‘nine steps’ NDF guidance for the making of non-detriment findings for plants, developed and disseminated by Germany. In Resolution Conf. 12.8 (Rev. CoP17) on *Review of Significant Trade in specimens of Appendix-II species*, the Conference of the Parties expects “that the implementation of recommendations and actions resulting from the Review of Significant Trade process will improve the capacity of the Scientific Authorities to carry

* 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.

¹ See <https://cites.org/eng/cop/11/info/03.pdf>

out their non-detriment findings”, and its implementation may therefore enhance case study-information on NDFs that can be of support to other Scientific Authorities and Parties.

5. All these initiatives and activities have resulted in a range of NDF case studies and guidelines. But the requests by Parties for support in the making of sound, scientifically robust NDFs is growing as more species are included in the Appendices; fisheries and forestry sectors are increasingly involved in CITES; the number of Parties increases; and various CITES compliance mechanisms may call for the making of (better) NDFs.
6. In light of these developments, the Secretariat argued that it would be timely and useful to identify priorities for additional or improved NDF guidance and support. These priorities could be addressed by targeted research projects, or by bringing together experts to shape new guidance as needed. A dedicated, multi-taxon expert workshop on NDFs, similar to Cancun 2008, could be envisaged to boost NDF capacity across a range of taxa, increase visibility, and promote the distribution and uptake of NDF guidance.

Draft decisions concerning NDFs for consideration at CoP18

7. At AC29/PC23, the Secretariat proposed that work be undertaken to review materials and guidance on NDFs that are currently available to the Parties, identify gaps and needs, and develop and agree on new or updated materials as needed, possibly involving one or more dedicated expert workshops. The ‘gap analysis’ would assess where coverage of NDF guidance seems adequate, or is lacking in terms of taxonomic groups, geographical spread, exporting countries, commodities in trade, scientific information or language versions; and evaluate the appropriateness of the formats used, as well as their accessibility, amongst others.
8. The Secretariat indicated that it would develop draft decisions in this regard for consideration by the Conference of the Parties at its 18th meeting (CoP18, Colombo, 2019). The Committees noted document AC29 Doc. 10/PC23 Doc. 11.1, and asked the Secretariat to share draft decisions with the Animals and Plants Committees for their comments and review at their next meetings.
9. At the joint session of the 30th meeting of the Animals Committee and the 24th meeting of the Plants Committee (AC30/PC24; Geneva, July 2018), the Secretariat introduced document [AC30 Doc. 10.1/PC24 Doc. 10.1](#). It contained draft decisions concerning the making of non-detriment findings. One of the main objectives of the initiative was to support the implementation of Resolution Conf. 16.7 (Rev. CoP17) [and indirectly of Resolution Conf. 12.8 (Rev. Cop17)], by *inter alia* assisting Parties in exploring methods for making non-detriment findings; sharing experiences and examples of ways of making NDFs; and helping to generate and update information from the Animals and Plants Committees, Parties and other sources on NDFs, which can be maintained on relevant sections of the CITES website. The Secretariat was also mindful of the need to develop specific NDF guidance for trade in specimens with source codes R and F, as requested in Decision 17.105 (see [document AC30 Doc. 13.3](#)).
10. The Committees noted document [AC30 Doc. 10.1/PC24 Doc. 10.1](#), and established an in-session working group on non-detriment findings with a mandate to review and revise the edits proposed during the plenary by the representative of North America of the Plants Committee and the Chair of the Plants Committee to the draft decisions presented in document [AC30 Doc. 10.1/PC24 Doc. 10.1](#), to be submitted by the Animals Committee to the Conference of the Parties at its 18th meeting.
11. At AC30/PC24, the Committees adopted the draft decisions in document [AC30/PC24 Com. 2 \(Rev. by Sec\)](#) and shown in Annex 1 to the present document.

Recommendations

12. The Conference of the Parties is invited to adopt the draft decisions on *Non-detriment findings* in Annex 1 to the present document.

COMMENTS OF THE SECRETARIAT

- A. The Secretariat recommends the adoption of the draft decision in Annex 1, as proposed by the Animals Committee in paragraph 12.
- B. An estimation of the external resources that would be needed to implement the proposed draft decisions is shown in Annex 2.

Draft decisions on *Non-detriment findings*

Directed to the Secretariat

18.AA The Secretariat shall:

- a) inventory and review the materials and guidance for the making of non-detriment findings (NDFs) that are available to the Parties, and identify any apparent gaps or needs (e.g. regarding taxonomic or geographical coverage, form or format, comprehensiveness, accessibility, languages, updates, practicality, etc.), including guidance for making NDFs for trade in specimens from different sources (W, R and F), and NDFs for taxa prioritized/called for in Decisions or Resolutions;
- b) identify, in consultation with the Animals and Plants Committees and Parties, and based on the analysis, priorities for additional or improved NDF guidance materials, and for addressing apparent gaps or needs;
- c) subject to external funding, address the agreed priorities in capacity building by:
 - i) undertaking targeted research in support of the development of new or updated NDF guidance materials in collaboration with relevant experts, Parties and organizations; and
 - ii) organising one or more interdisciplinary expert workshops on NDFs, including the 2nd international expert workshop on non-detriment findings, with assistance of the Animals and Plants Committees, where draft guidance materials on NDFs are to be reviewed, advanced or completed;
- d) present the results of the work to the Animals and Plants Committees for their review, and make suggestions on how best to use the outputs to assist Scientific Authorities in the making of NDFs; and
- e) make available to Parties on the CITES website the NDF guidance materials resulting from the implementation of the present Decision.

Directed to the Animals and Plants Committees

18.BB The Animals and Plants Committees shall:

- a) review the Secretariat's gap analysis of NDF materials and guidance, and assist in identifying priorities for additional or improved NDF guidance materials, and for addressing apparent gaps or needs;
- b) participate as appropriate in the interdisciplinary expert workshops on NDFs where draft guidance materials are to be reviewed, advanced or completed;
- c) assist the Secretariat in preparing the 2nd international expert workshop on non-detriment findings as a follow up from Cancun 2008, based on the progress made since then;
- d) review and make recommendations concerning the outcomes of the interdisciplinary expert workshops on NDFs; the final draft guidance materials on NDFs; the use of these outputs in support of the making of NDFs by Scientific Authorities; and their publication on the CITES website; and
- e) report on these activities at the 19th meeting of the Conference of the Parties.

Directed to the Parties

18.CC The Parties are encouraged to:

- a) provide financial support for the implementation of Decision 18.AA, including the 2nd international expert workshop on non-detriment findings;
- b) provide any help and information regarding methodologies, tools, scientific information, expertise and any other resources used to formulate NDFs in order to contribute to such a workshop, the results of which should be submitted to the Conference of the Parties for consideration at its 19th meeting; and
- c) make use of the guidance materials on NDFs resulting from the implementation of Decisions 18.AA and 18.BB, and report experiences and findings to the Animals and Plants Committees.

**TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS**

According to Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding.

The work directed to the Secretariat in Decision 18.AA, paragraphs a), b) and e) is expected to be undertaken with existing resources.

Decision 18.BB would have relatively important work load implications for the Animals and Plants Committees, and resources may be needed to allow appropriate participation of the Committees in the proposed workshops.

Tentative budgets for implementing the aspects of the decisions that would require external funding are indicated below.

Activity	Notes	Approximate cost
i) undertaking targeted research in support of the development of new or updated NDF guidance materials in collaboration with relevant experts, Parties and organizations.	Technical studies; development of NDF guidance materials	USD 20,000 – 40,000 per area requiring the development of new materials
ii) organising one or more interdisciplinary expert workshops on NDFs, including an international expert workshop on non-detriment findings, with assistance of the Animals and Plants Committees, where draft guidance materials on NDFs are to be reviewed, advanced or completed.	International expert workshop on non-detriment findings – large meeting 2-4 Technical workshops – small meetings	USD 100,000 – 200,000 USD 5,000-7,000 (Secretariat travel) USD 10,000-25,000 per workshop