

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

Twenty-fifth meeting of the Animals Committee
Geneva (Switzerland), 18-22 July 2011

NON-DETRIMENT FINDINGS (DECISIONS 15.23 AND 15.24)

1. This document has been prepared by the interim Chair of the Animals Committee, Chair of the Plants Committee and the Secretariat.
2. At the 15th meeting of the Conference of the Parties (CoP15, Doha, 2010), in response to Decision 14.50, the Animals and Plants Committees presented a review of the International Expert Workshop on Non-Detriment Findings held in Cancun, Mexico, from 17 to 22 November 2008 (see document CoP15 Doc. 16.2.2). The Conference accepted the Committees' proposal to consider the report of the Cancun workshop as the discussion paper on this subject requested in Decision 14.50.
3. As a result of this report, the Conference adopted:

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;*

- c) *review the non-detriment finding training materials used by the CITES Secretariat when conducting regional capacity-building workshops and provide advice for their improvement; and*
- d) *taking account of the results of the International Expert Workshop on Non-detriment Findings (Cancun, November 2008) and the responses to Notification to the Parties No. 2009/023 of 8 June 2009:*
 - i) *establish the mechanism for reporting from the Parties on their findings in an open and intersessional process;*
 - ii) *prepare draft guidance on the making on non-detriment findings at their 25th and 19th, and 26th and 20th meetings respectively;*
 - iii) *submit this draft guidance to the Secretariat to be conveyed to Parties for comment in a Notification to the Parties; and*
 - iv) *review comments received from Parties and prepare revised draft guidance as a tool for making non-detriment findings for submission and consideration at CoP16.*

4. The Committees provided guidance for Parties submitting reports under Decision 15.23 in Notification to the Parties No. 2011/004 of 6 January 2011. The Secretariat has provided copies of the reports received in document PC19 Doc. 10.2.
5. The results of the Cancun workshop and the responses to Notification to the Parties No. 2009/023 referred to in Decision 15.24, paragraph d), are found in document CoP15 Doc. 16.2.2, Annexes A and B respectively.
6. The interim Chair of the Animals Committee, Chair of Plants Committee and the Secretariat understand that the "non legally binding guidelines for the making of non-detriment findings" referred to in paragraph b) of Decision 15.24 are the same as the "guidance on the making on non-detriment findings" mentioned in subparagraph d) ii). To be able to consider at their 2012 meetings the comments from Parties called for in Decision 15.24, subparagraphs d) iii) and iv), the scientific committees will need to draft these guidelines by the end of 2011 at the latest.
7. At its 18th meeting (PC18, Buenos Aires, March 2009), the Plants Committee agreed on the text of a draft resolution on non-detriment findings. This draft resolution was presented at the 24th meeting of the Animals Committee (Geneva, April 2009) in document AC24 Doc. 9 Addendum, but the Animals Committee had little time to consider it and decided that it was too early to prepare a resolution on non-detriment findings. Since that time, the matter has been discussed by the Conference of the Parties, which again has directed the Animals and Plants Committees to draft a resolution on the establishment of non-legally binding guidelines for the making of non-detriment findings, if considered appropriate.
8. The interim Chair of the Animals Committee, Chair of Plants Committee and the Secretariat consider that the draft resolution produced at PC18 would form a good basis for further discussion and could be used to provide some generic guidelines which would be helpful to Scientific Authorities in discharging their functions under Article III, paragraphs 2. a) and 5 a), and Article IV, paragraphs 2 (a), 3 and 6 (a), of the Convention.
9. At its 19th meeting (Geneva, April 2011), the Plants Committee discussed this issue and came to the following conclusions [subject to formal approval of the Executive Summary of the relevant part of the meeting in question]:

1. A joint intersessional working group should be established between the Animals and Plants Committees after AC25. The mandate for the group is as per Decision 15.24 (a, b and d) to:
 - a) produce a summary based on the responses to Notification to Parties No. 2011/004, paragraph 1 f) of Notifications to the Parties No. 2010/027 and No. 2009/023, which should offer a generic summary of experiences and lessons learned (without identifying individual responses) by the Parties;
 - b) draft guidelines referred to in paragraph d) ii) of Decision 15.24. These need to be produced

in August/ September 2011 and circulated to the Parties for comment. Based on responses from the Parties a revised document should be produced; and

- c) prepare a discussion paper on NDFs (using the results from Cancun workshop, Parties' experiences and other efforts) as background to the draft guidelines, which are intended for orientation for the Scientific Authorities.

Results of the intersessional working group should be submitted to the Animals and Plants Committees. All information should be prepared by the end of 2011.

2. The Plants Committee should propose to Animals Committee that the intersessional joint working group should be chaired jointly by the Chairs of the Committees and comprise:
 - a) all regional representatives of both Committees, who should reflect the concerns and perceptions of their region and keep their alternate representatives informed. Parties are encouraged to provide input through their regional representative;
 - b) a maximum of four IGOS and four NGOs with relevant expertise on NDFs for animals and plants to be selected by c.v. by the Committee Chairs; and
 - c) the Secretariat.
3. The Plants Committee should make a recommendation to the Secretariat to make the section on NDFs in the CITES website more prominent and include all information from the Cancun workshop; experiences of Parties in making NDFs (and responses to all notifications on NDFs); other NDF workshop results; and other materials relevant to NDFs. The template for Parties to respond on application of Cancun workshop outputs should be available on the CITES website and the opportunity to complete this application online could be explored.
4. A Notification should be sent to the Parties with a letter from the PC and AC Chairs, encouraging them to inform the Committees of methodologies, tools, information, expertise and other resources needed to formulate non-detriment findings. This letter should include the link to the reporting template on the CITES website but also suggest that Parties can respond in other different ways. Once the Notification is sent, regional representatives should follow up with Scientific Authorities in their regions and encourage them to respond. Replies should be considered by the Committees at their meetings in 2012.
5. The Plants Committee should agree that a resolution on NDFs is warranted for the following reasons:
 - a) 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 its 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;
 - b) In Resolution Conf. 10.3 (*Designation and role of the Scientific Authorities*), the Conference of the Parties recommends that:
 - 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 [NDF]; 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;*
 - c) Scientific Authorities of exporting countries, and sometimes also of importing countries, are continually challenged to define whether a particular export will be detrimental to the survival of a species and therefore it is important to have non-legally binding guidelines,

methodologies and other documents to assist in making non-detriment findings to improve the implementation of the Convention;

- d) NDFs are at the core of the role of CITES in ensuring the sustainability of trade in wild species and safeguarding their resources for the future and they are a valuable tool to help Parties effectively and sustainably manage and trade their wild resources;
- e) Parties need support and guidance in making NDFs; and
- f) A diversity of methodologies for NDFs exist, including the outputs of the Cancun workshop and the experience of the Parties. Parties can choose the most appropriate way to make their NDFs.

10. In the context of the implementation of Decision 15.24, the Committee is requested to consider the conclusions of the Plants Committee recorded in paragraph 9 of the present document, improve them if necessary and adopt them.