

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

**Committee I**

Non-detriment findings

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

*This document has been prepared by South Africa as chair of a working group on this matter established in the first session of Committee I. It is based on Annex 1 to document CoP16 Doc. 33 (Rev. 1).*

**Original text with text to be deleted ~~crossed out~~ and proposed new text underlined.**

DRAFT RESOLUTION ON 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~~ 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; and CoP16 Doc. 33 (Rev. 1), Addendum (Rev. 1) – p. 2.

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 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 ~~that whether~~ a proposed export is ~~not~~-detrimental to the survival of that species<sup>1</sup> or not;
- 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 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);

- 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;
- 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 to be exported;
- 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 ;
- vi) the methodology used should be flexible enough to consider 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 assessments methodologies that may include consideration of, but are not limited to:~~ [Canada]

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); CoP16 Doc. 33 (Rev. 1), Addendum (Rev. 1) – p. 3
- C. population structure, status and trends (~~nationally or in the harvested area,~~ nationally and internationally);
- D. threats;
- E. historic and current species-specific levels and patterns of harvest and mortality (e.g. age, sex) (~~historical and current~~) from all sources combined;

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<sup>1</sup> *In considering whether an export may be detrimental, the sustainability of the overall harvest will usually be a necessary consideration.*

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:

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 website<sup>1</sup>.

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

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 CoP16 Doc. 33 (Rev. 1), Addendum (Rev. 1) – p. 4.

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.

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

## Clean text as proposed by the working group

### DRAFT RESOLUTION ON 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; 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 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.<sup>1</sup>
  - 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, 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);

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<sup>1</sup> In considering whether an export may be detrimental, the sustainability of the overall harvest will usually be a necessary consideration.

- 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 consider 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. historic 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.
- 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 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 website<sup>1</sup>.

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

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
- 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.