



CITES non-detriment findings in context

International Expert Workshop on CITES Non-Detriment Findings.

Cancún, Mexico, 17-22 November, 2008



Terminology

- Over-exploitation (Preamble)
- Threatened with extinction (Art. II)
- Utilization incompatible with their survival (Art. II)
- [Export/introduction] will not be detrimental to the survival of that species (Art. III, IV)
- Purposes which are not detrimental to the survival of the species (Art. III)
- Export of specimens ... should be limited to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs (Art. IV)
- Being affected adversely by trade (Art. XIII)



Non-detriment findings in the treaty

- Requiring the **advice** of a Scientific Authority that a proposed action will not be detrimental to the survival of a species is a concept found in Articles III and IV of CITES
- This advice is effectively a **decision** that must be made by the **Scientific Authority**



Non-detriment findings in the treaty

- Article III (Appendix I)
 - 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 that species
 - An import permit shall only be granted when ... a **Scientific Authority of the State of import** has advised that the import will be for purposes which are not detrimental to the survival of the species involved
 - A [introduction from the sea] certificate shall only be granted when ... a **Scientific Authority of the State of introduction** advises that the introduction will not be detrimental to the survival of the species involved



Non-detriment findings in the treaty

- Article IV (Appendix II)
 - 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 that species
 - A [introduction from the sea] certificate shall only be granted when ... a **Scientific Authority of the State of introduction** advises that the introduction will not be detrimental to the survival of the species involved



Non-detriment findings in the treaty

- Article IV (Appendix II)
 - Scientific Authority...shall monitor both the export permits granted.....and the actual exports... Whenever [it] determines that the export of specimens... should be limited in order to **maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I**, [it] shall advise the.... Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.



CoP advice on non-detriment findings

- 1991/2
 - Animals Committee discussions and adoption of Res. Conf. 8.6 on *Role of the Scientific Authority*
 - NDFs to be based on species'
 - *Population status*
 - *Distribution*
 - *Population trend*
 - *Harvest*
 - *Other biological and ecological factors*
 - *Trade information*
 - Secretariat to
 - prepare general guidelines for conducting scientific reviews to make NDFs for review by AC and PC
 - Coordinate regional workshops on the conduct of Scientific Authorities



CoP advice on non-detriment findings

- 1995/6
 - Secretariat questionnaire for Scientific Authorities
 - Responses did not make it evident that guidelines were required
 - Need for training stressed
 - Results reported to AC/PC



CoP advice on non-detriment findings

- 1997
 - Res. Conf 8.6 (Rev.) replaced by 10.3 on *Designation and role of Scientific Authority*
 - Idea of Guidelines replaced by encouragement to support workshops/seminars to improve implementation of CITES by Scientific Authorities



CoP advice on non-detriment findings

- 1998/9
 - IUCN leads two workshops resulting in report *CITES Scientific Authorities' Checklist to assist in making Non-detriment Findings for Appendix II Exports*
 - Report presented to Parties at CoP11 (2000)
 - Promulgated by the Secretariat to over 100 Parties at 15 training workshops since



CoP advice on non-detriment findings

- 2004-7
 - Res. Conf. 13.2 (Rev. CoP14) urges Parties to make use of *Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity* when adopting non-detriment finding processes.
 - AC/PC confirm that these would be valuable for the development of taxa-specific guidelines, for instance for tree species
 - Principles 1, 2, 4, 5, 6, 7, 8, 9, 11 and 12 in particular may be considered for development of further taxa-specific guidelines



CoP advice on non-detriment findings

- Acceptance of a non-detriment finding can be “agreed” by the Conference of the Parties, based on quotas adopted by the CoP
 - Subject to certain conditions, such quotas have been agreed for Appendix I species: cheetah, leopard, markhor and black rhinoceros
 - Proposals to establish or amend such quotas need to be accompanied by supporting information including details of the scientific basis for the proposed quota



CoP advice on non-detriment findings

- Precise guidance about this scientific basis for the proposed quota is not provided but recent successful proposals have included information on:
 - species distribution
 - population status
 - population trends
 - threats
 - utilization and trade
 - actual or potential trade impact
 - population monitoring
 - management and control measures



CoP advice on non-detriment findings

- Res. Conf. 14.7 on *Management of nationally established quotas* recognizes that such quotas:
 - are a management tool, used to ensure that exports of specimens of a certain species are maintained at a level that has no detrimental effect on the population of the species
 - advised by a Scientific Authority effectively meet the requirement to make an NDF for Appendix I or II species and, for Appendix II species, the requirement to ensure that the species is maintained throughout its range at a level consistent with its role in the ecosystems in which it occurs



CoP advice on non-detriment findings

- ...but..
 - The export quotas should be established or revised through an NDF by a Scientific Authority and;
 - They should be reviewed annually.



CoP advice on non-detriment findings

- CITES Strategic Vision: 2008-2013 objective
“Best available scientific information is the basis for non-detriment findings”



CoP advice on non-detriment findings

- Indicators that “Best available scientific information is being used as the basis for non-detriment findings”
 - The number of surveys undertaken by exporting countries of:
 - the population status as well as the trends and impact of trade upon Appendix-II species; and
 - the status of and trend in Appendix I species and the impact of any recovery plans
 - The number of Parties that have adopted standard procedures for making non-detriment findings.
 - The number and proportion of annual export quotas based on population surveys; and
 - The number of Appendix-II species for which trade is determined to be non-detrimental to the survival of the species as a result of implementing recommendations from the Review of Significant Trade.



Observations from the Secretariat

- The non-detriment finding is essentially a risk assessment

The same approach and thinking can be applied...



Observations from the Secretariat

Risk assessment steps

- Analyze risks
 - Analyze impacts // effects
 - Estimate probability // risk // impact
 - Manage risk // consider mitigating measures
- Determine exposure
 - Exposure = Risk + Impact
- Take a decision
- Monitor results

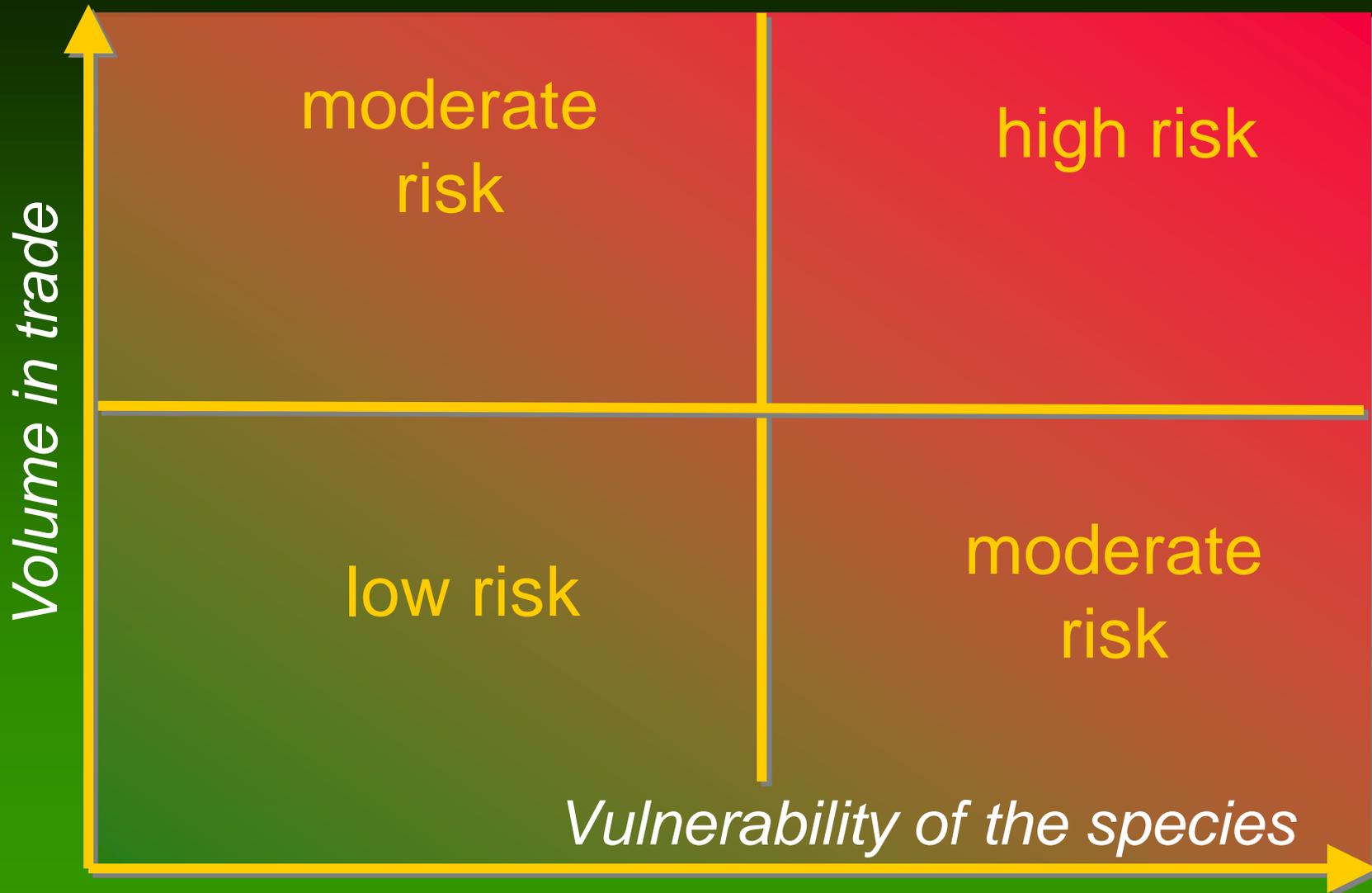


Observations from the Secretariat

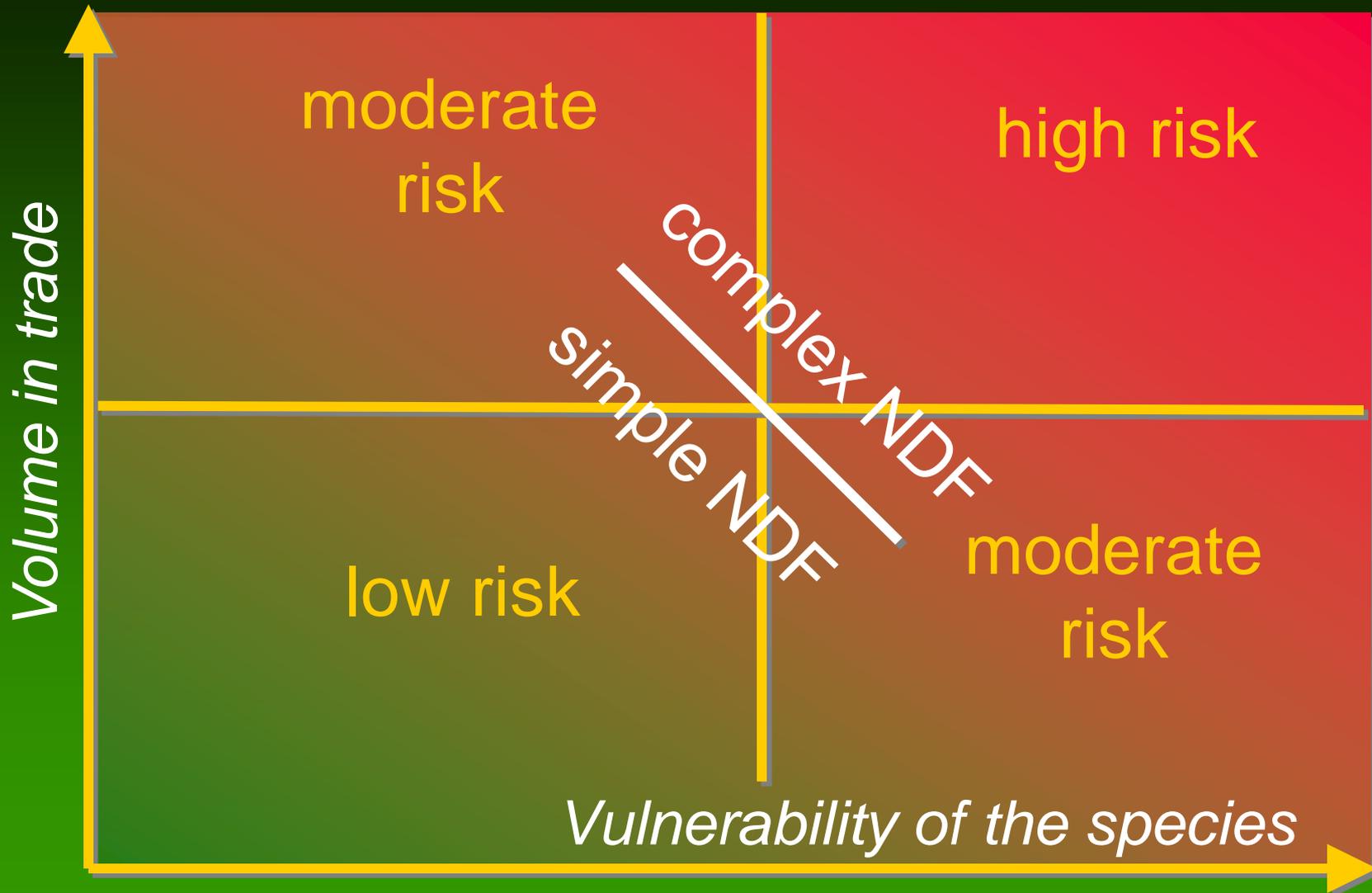
- Risk assessment principles
 - Data requirements should be proportionate to the potential risks
 - Assessment should be based on the best information available
 - If you need extra information and can get it, do so
 - Experience helps



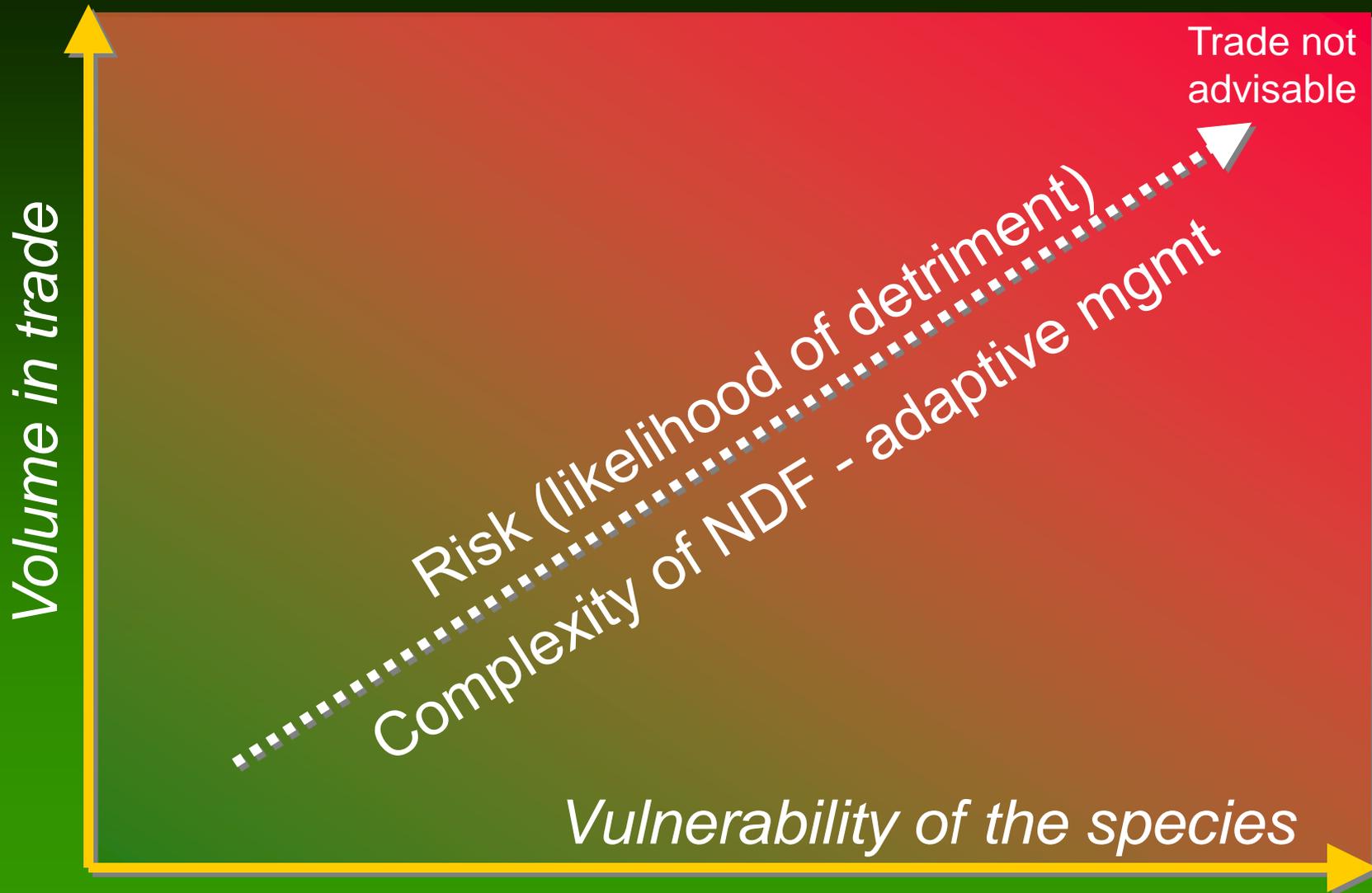
NDF = science-based risk assessment



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Observations from the Secretariat

- Lessons can be learnt from studying and linking with other processes (especially MEAs) grappling with the similar issues:
 - *CBD Voluntary guidelines on biodiversity-inclusive environmental impact assessment*
 - *Ramsar Guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation and/or processes and in strategic environmental assessment*
 - *CMS Impact assessment and migratory species*
 - *AEWA Guidelines on sustainable harvest of migratory waterbirds*



Observations from the Secretariat

- Workshop results will need to be:
 - realistic
 - practical
 - commensurate with the nature on the determination to be made



Future steps

- CITES Animals and Plants Committees to review the proceedings resulting from the workshop
- AC and PC to prepare a discussion paper for CoP15 and, if considered appropriate, a draft resolution on the making of NDFs
- Secretariat to make proceedings resulting from the workshop available to the general public *via* the CITES website



Thank you for your attention

CITES Secretariat
Geneva

