

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



Nineteenth meeting of the Conference of the Parties
Panama City (Panama), 14 – 25 November 2022

Species specific matters

Maintenance of the Appendices

Amendments to Resolution Conf. 9.24 (Rev. CoP17)

PROPOSED AMENDMENTS TO RESOLUTION CONF. 9.24 (REV. COP17)

1. This document has been submitted by Botswana, Cambodia, Eswatini, Namibia and Zimbabwe.*

Background

2. Livelihoods have been identified as contributing to income, health and food security. Apart from these direct benefits, they contribute to species conservation, resilience to climate change, and capacity-building.
3. CITES has included livelihoods in its working procedure by adopting:
 - a) Resolution Conf. 8.3 (Rev. CoP13) on *Recognition of the Benefits of Trade in Wildlife* recognizing that implementation of CITES-listing decisions should take into account potential impacts on the livelihoods of the poor.
 - b) Resolution Conf. 16.6 (Rev. CoP18) on *CITES and Livelihoods* recognizing the potential benefits of legal and sustainable trade to both the conservation of the species and the livelihoods of rural communities that live alongside with wildlife.
 - c) Decisions 18.31 to 18.32 on *Engagement of Indigenous Peoples and Local Communities*
 - d) Decisions 18.33 to 18.37 on *Livelihoods*
4. At CoP17 in Johannesburg, Antigua and Barbuda, Côte d'Ivoire and Namibia submitted CoP17 Doc. 17 on a *Draft Resolution on Livelihoods and Food Security*, which was rejected by the CoP.
5. At CoP18 in Geneva, Namibia and Zimbabwe submitted document CoP18 Doc. 17.2 on *Proposed Amendments to Resolution Conf. 4.6 (Rev. CoP17) and Resolution Conf. 9.24 (Rev. CoP17)*, which was rejected by the CoP.
6. At CoP18 in Geneva, Botswana, Democratic Republic of Congo, Namibia, South Africa and Zimbabwe submitted document CoP18 Doc. 17.3, calling for a *Participatory Mechanism for Rural Communities*, which was rejected by the CoP.

* *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.*

7. At CoP18 in Geneva, Peru submitted document CoP17 Doc. 18.2 on *CITES and Livelihoods*, which was adopted by the CoP.
8. At CoP18 in Geneva, China submitted document CoP18 Doc. 18.3 on *Proposed Amendments to Resolution Conf. 9.24 (Rev. CoP19)*, which was rejected by the CoP.
9. At CoP18 in Geneva, the Standing Committee submitted document CoP18 Doc. 19 on *Food Security and Livelihoods*, which was rejected by the CoP by deleting Decisions 17.41 to 17.43.
10. Resolution Conf. 16.6 (Rev. CoP18) and Paragraphs 4 to 9 of this document indicate that Parties have an elevated interest in securing livelihoods and food security and in the engagement of rural communities. While Resolution Conf. 16.6 (Rev. CoP18) is ambitious, it fails to link the criteria for making amendments to the Appendices as stipulated in Resolution Conf. 9.24 (Rev. 17) having impacts on livelihoods and food security.
11. Changes to the criteria are therefore necessary in order to fully engage all stakeholders in the drafting process of a proposal and to avoid negative impacts on the livelihoods and food security of resource users.

Current listing criteria

12. According to Resolution Conf. 9.24 (Rev. CoP17), the inclusion of species in the Appendices follows biological and trade criteria even though socio-economic factors should be taken into account, as noted in the second last preambular paragraph.
13. The conservation statuses of a species, even with subspecies and geographically separate populations, is considered as a whole without differentiating between the conservation statuses in different regions.
14. Split-listings are discouraged due to enforcement issues this could generate.

Livelihoods and CITES-listed species

15. The current listing criteria do not take into account livelihoods and food security, despite above mentioned Resolutions and Decisions.
16. Livelihoods are oftentimes closely linked to CITES-listed species and are affected by Appendix I listings.
17. Livelihoods have long-standing histories with CITES-listed species that go beyond questions of legality, markets and prohibitions.
18. International trade is in many cases not the driver of species decline. Instead, threats are manifold and may include climate change, pollution, diseases, infrastructure or poaching. Appendix I-listings do not affect these threats, making utilisation continue yet without the ability of users to generate income.

Effects of Appendix I-listings on livelihoods, food security and conservation

19. For species that have a long-standing history of livelihood use, an Appendix I-listing takes away income sources, especially for resource-scarce regions.
20. When international trade is not the main driver of population decline, an Appendix I-listing does not benefit the species since utilisation continues against other threats.
21. Endangered species that have a transboundary distribution are often subject to conservation programmes. An Appendix I-listing may affect management options, government funding and public attention to species conservation by shifting resources away from active conservation.
22. Illegal trade may continue since illegal utilisation is one of few livelihood options while supply-strong stakeholders in trade and government are not affected
23. Illegal use may continue due to the long-standing history of livelihoods that does not take into account market developments or legal status.

24. Enforcement is strained even more, especially due to remoteness, low-capacity or resources and low political priority.

Application of relevant Resolutions and Decisions

25. In order for CITES to respond to the complex web of socio-ecological interactions, mere reliance on biological and trade criteria as stipulated in the Annexes of Resolution Conf. 9.24 (Rev. CoP17) is no longer sufficient since they do not address impacts on livelihoods and food security.

26. This omission may have negative impacts on livelihoods and conservation, requiring an expansion of the listing criteria to include effects on livelihoods and food security.

27. In order to apply the adopted relevant Resolutions and Decisions, the following should be considered in proposals for amendments to the Appendices:

- a) The effects of a listing on income flows, food security and health of traditional resource users.
- b) The nature of threats to a proposed CITES-listed species and the impacts of trade reduction on the conservation status, especially if the use of the species may continue after a listing.
- c) Existing conservation programmes and mechanisms that may be affected by a listing due to a potential reduction in management options, government funding and public interest.
- d) The effects on illegal use, especially in regard to
 - i) the role of the proposed CITES-listed species as a livelihood option amongst other options
 - ii) the role of supply-strong stakeholders
 - iii) the history of livelihoods especially in regard to recognition of market developments
 - iv) enforcement options

28. In order to fully apply relevant Resolutions and Decisions, these should be part of the listing criteria outlined in Annex 1, Annex 2a and Annex 2b to Resolution Conf. 9.24 (Rev. CoP17) and integrated in Annex 5 and Annex 6 of the same Resolution. Proposed amendments, can be found in Annex I to this document.

29. The proposed amendments do not have implications for the Standing Committee, the Plants Committee, the Animals Committee or the Secretariat, but lie in the responsibility of the Party proposing an amendment to the Appendices and in the responsibility of the Conference of the Parties when considering the amendment.

RECOMMENDATION

30. The Annexes to this document contain proposed amendments to Resolution Conf. 9.24 (Rev. CoP17) and (if needed) a draft decision on the recognition of livelihoods and food security in proposals for amendment to the Appendices. All Parties are invited to consider adoption.

PROPOSED AMENDMENTS TO RESOLUTION CONF. 9.24 (REV. COP17)

(to add underlined text and to delete ~~strike through text~~)

[...]

RECOGNIZING that, to qualify for inclusion in Appendix I, a species must meet biological ~~and~~, trade, livelihood and food security criteria;

[...]

RECOGNIZING that, for the proper implementation of this provision, it is necessary to adopt appropriate criteria, considering ~~both~~ biological ~~and~~, trade, livelihood and food security factors;

[...]

NOTING the objective to ensure that decisions to amend the Convention's Appendices are founded on sound and relevant scientific information, ~~take into account socio-economic factors~~, and meet agreed biological ~~and~~, trade, livelihood and food security criteria for such amendments.

[...]

Annex 1a: Biological criteria for Appendix I;

Annex 1b: Criteria for Appendix I proposals;

Annex 2 a: Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2 (a), of the Convention;

Annex 2 b: Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2 (b), of the Convention;

Annex 3: Special cases;

Annex 4: Precautionary measures;

Annex 5: Definitions, explanations and guidelines; and

Annex 6: Format for proposals to amend the Appendices;

[...]

Annex 1a: Biological criteria for Appendix I

[...]

Annex 1b: Criteria for Appendix I proposals

The following criteria must be read in conjunction with the definitions, explanations and guidelines listed in Annex 5, including the footnote with respect to application of the definition of 'decline' for commercially exploited aquatic species.

Proposals for inclusion in Appendix I should only be submitted when it is known, or can be inferred or projected, that international trade is the key driver for population decline, all stakeholders have been consulted, and the following criteria are met.

Traditional users:

- A. The impacts on income flows of traditional users have been considered
- B. The degree to which traditional utilisation continues despite an Appendix I listing have been considered

Wide-ranging species with different forms of use and trade

- A. The impacts of an Appendix I listing on already existing management programmes, especially internationally, have been considered. Special attention is to be given to impacts on:
 - i. management options
 - ii. government funding
 - iii. national and international attention

Unsustainable trade despite illegality

- A. The impacts on illegal use as being one of few livelihood options
- B. The role of powerful supply-actors within trafficking and governments
- C. The history of demand irrespective of prices
- D. Enforcement options have been assessed

[...]

Annex 2a: Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2 (a), of the Convention

[...]

A species should be included in Appendix II when it is known, or can be inferred or projected, that international trade is the key driver for population decline, all stakeholders have been consulted, and on the basis of available trade data and information on the status and trends of the wild population(s), livelihoods and food security, at least one of the following criteria is met:

[...]

Annex 5 Definitions, explanations and guidelines

[...]

Food security

All people and peoples, at all times, have physical, social, and economic access to sufficient, safe, and nutritious food that meets their food preferences and dietary needs for an active and healthy life.

[...]

Livelihoods

Livelihoods are the means that enable people to earn a living. This includes the capabilities, assets, income and activities people require in order to ensure that their basic needs are covered. A livelihood is sustainable when it allows people to cope with, and recover from, setbacks and stress (such as natural disasters and

economic or social upheavals), and improve their welfare and that of future generations without degrading the environment or natural resources base.

[...]

Annex 6: Format for proposals to amend the Appendices

[...]

C. Supporting statement

[...]

6.1 National utilization

Specify the types and extent of all known uses of the species, the history and nature of utilization and livelihood option of the species, indicating trends if possible. Provide detailed of harvest methods, management and conservation programmes. Indicate the extent to which utilization is from captive-bred, artificially propagated, or wild specimens. Provide information on how the proposed amendment is expected to affect the nature and degree of utilization.

[...]

6.4 Illegal trade

To the extent possible, quantify the level of illegal trade, nationally and internationally, and describe its nature. Assess the relative importance of this trade in relation to legal offtake for national use or legal international trade. Provide information on how the proposed amendment is expected to affect stakeholders and the nature of the trade.

[...]

8. Species management

8.1 Management measures

Provide details of programmes in place in the range States to manage populations of the species in question (e.g. controlled harvest from the wild, captive breeding or artificial propagation, reintroduction, ranching, quota systems, etc.). Include, where appropriate, details such as planned harvest rates, planned population sizes, procedures for the establishment and implementation of quotas, and mechanisms for ensuring that wildlife management advice is taken into account. Provide information on how the proposed amendment may affect management and conservation programmes.

[...]

10. Consultations

Provide details of the consultation undertaken to secure comments on the proposal from the range States of the species and relevant stakeholders, either through direct contact or via the CITES Secretariat. Comments received from each country and stakeholder should be provided. Where comments were sought but not received in sufficient time to enable their inclusion in the supporting statement, this should be noted, as well as the date of the request.

In cases of proposals to transfer Appendix-II species that are subject to the Review of Significant Trade to Appendix I, the proponent should consult the affected range State(s) and, as appropriate, relevant stakeholders, the Animals Committee or Plants Committee. The proponent should state the reasons to justify why the amendment proposal was made. In cases of consultation with Parties via the CITES Secretariat, information from range States and non-range States should be separated.

DRAFT DECISION ON *LIVELIHOODS AND FOOD SECURITY (IF NEEDED)*

Livelihoods and food security as part of proposals for amendments to the Appendices

Directed to Parties

- 19.AA** Parties proposing amendments to the Appendices shall consult with relevant stakeholders, ensure that international trade is the primary threat to a species and consider livelihoods options, food security and management programmes prior to tabling the proposal.

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

According to Resolution Conf. 4.6 (Rev. CoP18) 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 Secretariat proposes the following tentative budget and source of funding.