

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



Seventy-eighth meeting of the Standing Committee
Geneva (Switzerland), 3 - 8 February 2025

Title

ENGAGEMENT OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES*

This document has been prepared by the in-session drafting group on the basis of document SC78 Doc. 27 after discussion in the seventh session of the plenary (see document SC78 Sum 7)

The Standing Committee

- a) regarding Decision 17.57, recognize that there is a need for consistency in the terminology used in CITES and invite the Conference of the Parties to advise on the preferred terminology;
- b) regarding Decision 18.31, submit the non-binding *Guidance on consulting ~~Indigenous Peoples~~, indigenous peoples and local communities** on proposals to amend the Appendices found in the Annex to this document for consideration to the 20th meeting of the Conference of the Parties.
- c) submit the following draft decisions to CoP20:

Directed to the Parties

20.AA Parties are invited to:

- a) use the non-binding *Guidance on consulting with ~~Indigenous Peoples~~, indigenous peoples and local communities** on proposals to amend the Appendices, as appropriate to their national circumstances, when preparing for CITES CoP21;
- b) consider funding, facilitating or otherwise supporting the consultation taking place within the range State, including supporting the cost of translation and interpretation to local languages; and
- c) share their views and experiences in using the non-binding guidance on consulting ~~Indigenous Peoples~~, indigenous peoples and local communities* on proposals to amend the Appendices.

Directed to the Standing Committee

20.BB Taking into consideration document SC78 Doc. 27, the Standing Committee shall:

- a) consider approaches to seek and review Party experiences in using the *non-binding guidance on consulting ~~Indigenous Peoples~~, indigenous peoples and local communities** on proposals to amend the Appendices in their preparations for CoP 21 in order to adjust the nonbinding guidance, as appropriate;

* For the purpose of these Decisions, "indigenous peoples and local communities" is understood to include rural communities

- b) consider whether and how to incorporate the ideas on engagement of ~~Indigenous Peoples~~, indigenous peoples and local communities* at the national level proposed in document SC78 Doc. 27 into Resolution Conf. 16.6 (Rev. CoP18) on *CITES and livelihoods* in a manner that avoids duplication;
- c) ~~further explore the merits and drawbacks~~ identify opportunities and limitations of the ideas on engagement with ~~Indigenous Peoples~~, indigenous peoples and local communities* in CITES processes at the international level presented in document SC78 Doc. 27; and
- d) make recommendations regarding Decision 20.BB, paragraphs a), b) and c) to the 21st meeting of the Conference of the Parties.

d) agree that Decisions 17.57 (Rev. CoP19) and 18.31 (Rev. CoP19) have been completed and can be deleted

Note: With respect to Decision 20BB b) and c), one Member expressed a preference for the deletion.

CONSULTING INDIGENOUS PEOPLES, AND LOCAL COMMUNITIES** ON PROPOSALS TO AMEND THE APPENDICES

Objective

The objective of this guidance is to support Parties in meaningfully engaging with ~~Indigenous Peoples~~, indigenous peoples and local communities* during the development and submission of proposals to amend the Appendices. The guidance is aimed at supporting range State consultations in the consideration of proposals to amend the Appendices. The guidance could also be used for consultations prior to including species in Appendix III.

Guiding Principles of Consultation

To be meaningful, consultation is most effective when it is:

- Bi-directional and reciprocal: consultation should be two-way, with feedback provided to the consultees on how their views were addressed;
- When engaging with Indigenous Peoples, consultations should be undertaken to obtain free, prior and informed consent as stated in the UN Declaration on the Rights of Indigenous People (UNDRIP)
- Timely and predictable: engagement should begin early and follow a clear timeline, allowing sufficient time for meaningful feedback and input
- Accessible: consultation should be undertaken in clear jargon-free language, ideally in the language of the consultee
- Honest, transparent, respectful and gender responsive: the process should be unbiased and conducted with integrity and sensitivity to cultural norms
- Inclusive: the consultation process should reflect the diversity of ~~Indigenous Peoples~~, indigenous peoples and local communities* and involve a diverse range of communities and community members

Identifying audience

National CITES Authorities are best placed to undertake the relevant consultations. These Authorities are able to identify relevant ~~Indigenous Peoples~~, indigenous peoples and local communities* for consultations, including established national representative networks that may exist or other unique cultural context. Additionally, Parties may have provisions in national laws, regulations or policies that govern when and how to undertake consultations with ~~Indigenous Peoples~~, indigenous peoples and local communities* within their borders.

Timing of consultation

Parties are encouraged to initiate engagement (if they are a range State) or contact the national CITES Authorities of the range State(s) as soon as they begin considering preparing a proposal to amend the CITES Appendix I or II. Early consultation with ~~Indigenous Peoples~~, indigenous peoples and local communities* at the proposal development stage will better allow for meaningful, substantive, relevant and timely consultation. Building on the guidance provided in Resolution Conf. 8.21 (Rev CoP16) on *Consultation with range States on proposals to amend Appendices I and II*, Parties should aim to begin consultations 182 – 250 days before the next scheduled Conference of the Parties.

Structure of a consultation

Each consultation process should be tailored to and respect the distinct characteristics of the ~~Indigenous Peoples~~, indigenous peoples and local communities* being consulted. Some key elements of a consultation would include:

- Informed – the consultation clearly explains the CITES context and the relevance, implications and consequences of the proposal(s), including both its benefits and potential impacts, in a language and format that allows it to be understood in sufficient detail
- Deliberate – the consultation process provides ~~Indigenous Peoples~~, indigenous peoples and local communities* relevant information with sufficient time for their review and for their holding independent discussion

* For the purpose of this guidance, “indigenous peoples and local communities” is understood to include rural communities

- Respectful – the consultation acknowledges, honours, and respects any traditional knowledge being shared, and enables that knowledge to inform decision-making with science- and evidence-based approaches;
- Documented – a detailed record of the consultation process, including participants, discussions and outcomes, is made available in the language of the consultee
- Feedback – the consultees are provided with clear and timely communication on how the information and views shared were used in the proposal development

Documentation

Proponent Parties should include comprehensive details of the consultation process, such as whether consultations with ~~Indigenous Peoples~~, indigenous peoples or with local communities took place, who was consulted, and the feedback received, including any views, concerns, or support expressed on the proposal. This information should be included in Section 10 of the supporting statement, in line with Annex 6 of Resolution Conf. 9.24 (Rev. CoP17) on *Criteria for amendment of Appendices I and II*.