

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

ENGAGEMENT OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES

1. This document has been submitted by Senegal* regarding SC78 Doc. 27 Engagement of Indigenous Peoples and local communities.

Summary

2. This document responds to SC78 Doc. 27 prepared by the Chair of the intersessional working group on the engagement of Indigenous Peoples, and local communities.
3. Doc. 27 includes draft *non-binding guidance on consulting Indigenous Peoples, and local communities on proposals to amend the Appendices* (in the Annex), and proposes draft Decisions for CoP20 (in paragraph 19 d)).
4. This document proposes amendments to the recommendations in paragraph 19 based on the following concerns and considerations:
 - a) The non-binding guidance is not ready for submission to the 20th meeting of the Conference of the Parties.
 - b) National governments are responsible for all consultations with indigenous peoples and local communities within their territory. Given the differences between national jurisdictions, the question of whether and how such consultations take place should be left to the discretion of national authorities, taking into account national sovereignty and circumstances. Some of the ideas proposed for the national engagement are too detailed and would impose challenges on managing authorities seeking to implement them. We therefore consider that these ideas require further debate. In addition, many of the ideas on the engagement of indigenous peoples and local communities in CITES processes at the national level are already included or reflected in Resolution Conf. 16.6 (Rev. CoP18). It is therefore not necessary to discuss their incorporation into the Resolution.
 - c) There was opposition and lack of agreement among working group members on ideas for the engagement of Indigenous Peoples, and local communities in CITES processes at the international level, presented in paragraph 15. Further exploration would not represent a good use of time and resources,

Recommendations

5. Amend the recommendation in paragraph 19 c) as follows:

The Standing Committee is invited to:

* *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.*

c) regarding Decision 18.31, review the *non-binding guidance on consulting Indigenous Peoples, and local communities on proposals to amend the Appendices* found in the Annex to this document Standing Committee and request the Secretariat to post it on the CITES website as a draft for further comment ~~submit it for approval to the 20th meeting of the Conference of the Parties.~~

6. Consider amendments to the non-binding guidance submitted to the working group by Liberia (see Annex).
7. Invite the Standing Committee to consider and adopt the following amendments proposed to the draft Decisions in paragraph 19 d). Additional text is underlined and text proposed for deletion is ~~struck through~~.

Directed to the Parties

20.AA Parties are invited to:

- a) Note use the draft non-binding Guidance on consulting with 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, 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, and local communities on proposals to amend the Appendices in their preparations for CoP 21 in order to adjust the non-binding guidance, as appropriate;~~
- b. ~~consider whether and how to incorporate the ideas on engagement of 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 of the ideas on engagement with 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.~~

Amendments proposed to the non-binding guidance by Liberia in the intersessional working group.

DRAFT NON-BINDING GUIDANCE ON 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, and as appropriate local communities, among other stakeholders, 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 of all stakeholders is most effective when it is:

- Bi-directional or reciprocal: consultation should be two-way, with feedback provided if possible to the consultees on how their views were addressed
- ~~When engaging with Indigenous Peoples, consultations should be undertaken with the goal of achieving 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 if possible and follow a clear timeline, allowing sufficient time for meaningful feedback if possible 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, and as appropriate local communities and involve a diverse range of communities and community members, among other stakeholders

Identifying audience

National CITES Authorities are best placed to undertake the relevant consultations. These Authorities are able to identify relevant Indigenous Peoples, and as appropriate communities for consultations, among other stakeholders, 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, and as appropriate local communities, among other stakeholders, within their borders.

Timing of consultation

~~Noting the guidance provided in Resolution Conf. 8.21 (Rev. CoP16) on Consultation with Range states on proposals to amend Appendices I and II, 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 possible they begin considering preparing a proposal to amend the CITES Appendix I or II. Early consultation with Indigenous Peoples, and local communities at the proposal development stage will better to allow for meaningful, substantive, relevant and timely consultation with Indigenous Peoples, and as appropriate local communities, among other stakeholders. 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 schedule Conference of the Parties.~~

Structure of a consultation

Each consultation process should be tailored to and respect the distinct characteristics of the Indigenous Peoples, and as appropriate local communities being consulted. Some key elements of a consultation would include to the extent possible:

- 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, and as appropriate local communities relevant information with sufficient time for their review and for their holding independent discussion
- Respectful – the consultation acknowledges, honours, respects any traditional knowledge being shared and enables that knowledge to inform decision-making
- 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 was used in the proposal development

Documentation

Proponent Parties ~~are encouraged to provide information on~~ ~~should include comprehensive details of the consultation process, such as whether consultations with Indigenous Peoples or with as appropriate local communities, among other stakeholders, 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.*~~