

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

Strategic matters

CITES and people

ENGAGEMENT OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES

1. This document has been submitted by Canada as Chair of the Standing Committee Working Group on engagement of Indigenous Peoples, and local communities.*

Background

2. Pursuant to Decision 18.31 (Rev. CoP19), the Standing Committee established an intersessional working group on the engagement of Indigenous Peoples, and local communities** with membership as found in the [list](#) of intersessional working groups established at SC76.

The mandate of the working group is as follows:

- a) consider how to effectively engage Indigenous Peoples, and local communities in the CITES processes, taking into account the discussions from the previous intersessional periods, including the information contained in document SC74 Doc.20.2 and SC70 Doc. 15, experiences shared by Parties and relevant Multilateral Environmental Agreements and international organizations, and any information provided pursuant to Decision 18.32 (Rev. CoP19); and present its findings and recommendations to the Standing Committee;
 - b) consider matters in document CoP19 Doc. 15 should the proponents of that document bring those matters to the attention of the working group;
 - c) develop non-binding guidance that proponent Parties may use, as appropriate, in consulting with Indigenous Peoples, and local communities as part of the consultations that may take place on proposals to amend the Appendices; and
 - d) make recommendations on the engagement of Indigenous Peoples, and local communities in CITES processes to the Standing Committee for its consideration.
3. Further, CoP Decision 18.35 (Rev. CoP19) directed to the Secretariat, subject to the availability of external financial resources, to organize a joint meeting of the intersessional working group on engagement of Indigenous Peoples, and local communities and the intersessional working group on CITES and livelihoods to support the implementation of Decisions 18.31 (Rev. CoP19) and 18.34 (Rev. CoP19). With the generous hospitality of the Government of Peru and financial support from the Government of China, the working group on engagement of Indigenous Peoples, and local communities met in Cusco, Peru from August 29 to September 1, 2023.

* *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.*

4. An interim report on the activities of this working group was presented to the Standing Committee at its 77th meeting (November, 2023). At that meeting, the Standing Committee, additionally requested the working group to consider [Decision 17.57](#) concerning terminology used in the CITES context when referring to “Indigenous Peoples”, “local communities” and “rural communities”.
5. To address paragraph a) and b) of its mandate, the working group at its Peru meeting brainstormed a wide range of ideas for engagement with Indigenous Peoples, and local communities at the national and international level as it reported to the 77th meeting of the Standing Committee. An updated compilation of ideas for engagement, as well as short summaries of the discussion, was prepared following the meeting and shared with the working group for their further evaluation and identification of those ideas that had their support, and those that did not. The Chair’s intent was to identify areas where possible convergence or consensus could be found through continued discussion in order to develop a short list of key ideas that could form recommendations to the 78th meeting of the Standing Committee for its consideration.
6. To address paragraph c) of the mandate, the Chair crafted a first draft of *non-binding guidance on consultation with Indigenous Peoples, and local communities on proposal to amend the Appendices* based on the outcomes of the working group meeting in Peru. This first draft was shared with the working group and revised based on their comments.
7. The draft *non-binding guidance on consultation with Indigenous Peoples, and local communities on proposals to amend the Appendices* is found in the annex to the present document for review and approval by the Standing Committee in fulfilment of Decision 18.31 paragraph c).
8. The working group briefly engaged in a discussion of options for presentation of the guidance to COP20. While some favoured presentation in the form of a new Resolution, the majority did not. Options thus considered were (1) to submit the draft guidance as an annex to the report of the Standing Committee on Decision 18.31 or (2) to include the non-binding guidance as an annex to Resolution Conf. 8.21 on *Consultation with range States on proposals to amend Appendices I and II* with consequential amendments to paragraph 2 of that Resolution. After hearing views from the working group, the Chair recommends option 1, as it appeared to have the greater support from the working group.

Engagement with Indigenous Peoples, and local communities in CITES processes at the national level

9. At the national or subnational (local) level, the initial discussions of the working group identified a large number of activities or approaches to engaging Indigenous Peoples, and local communities. In reviewing these ideas, most of the working group members underscored the crucial role of national engagement. In that regard, there was general support for several of the ideas for national level engagement, with the recognition that the application of such engagement must be undertaken taking into account the unique national context.
10. The working group generally supported encouraging engagement on what is broadly categorized as CITES implementation. Under this category would be activities aimed at engaging Indigenous Peoples, and local communities in national process for CITES implementation in line with national circumstances and as appropriate, such as:
 - incorporating traditional knowledge, with the free prior and informed consent of knowledge holders, in the development of non-detriment findings;
 - engaging Indigenous Peoples, and local communities in supporting co-management and monitoring of CITES-listed species and trade;
 - engaging Indigenous Peoples, and local communities in the development of legal acquisition findings;
 - consulting on the development, review or revision of national CITES implementing legislation/s;
 - developing of risk-based approaches to simplified procedures or permitting processes for the international movement of ceremonial or cultural articles containing CITES-listed animals or plants;
 - engaging Indigenous Peoples, and local communities in the development and review of proposals to amend the CITES-Appendices or other CITES agenda items, including assessing the impacts of such proposals, and in the development of national negotiating positions; and

- inviting representatives of Indigenous Peoples, and local communities to join national delegations to CITES meetings.
11. For national engagement to be effective however, it was generally recognized that awareness raising, capacity building, and financial support were necessary. As such, engagement at the national level would benefit from:
- undertaking engagement directly and with representatives of Indigenous Peoples, and local communities who have been confirmed by the Indigenous Peoples, and/or local communities involved;
 - developing appropriate mechanisms for the regular engagement of Indigenous Peoples, and local communities concerned with international wildlife trade;
 - providing financial support to enable Indigenous Peoples, and local communities to engage in CITES activities; and
 - building capacity, including by designing and delivering, in collaboration with Indigenous Peoples, and local communities, targeted CITES training and developing supporting CITES materials in the languages of Indigenous Peoples, and local communities.
12. One working group member additionally suggested the ideas for engagement would benefit from an overarching theory of change to elucidate expected outcomes of the change process. Several working group members also noted that many of the ideas for national engagement of Indigenous Peoples, and local communities are reflected in Resolution Conf. 16.6 (Rev. CoP18) on *CITES and livelihoods*, notably regarding empowerment of rural communities in section 3 of the Resolution.
13. Based on the discussions, the working group invites the Standing Committee to consider the ideas outlined in paragraphs 10 and 11 above and consider submitting a decision to consider whether to incorporate the ideas for the national engagement of Indigenous Peoples, and local communities proposed in this report into Resolution Conf. 16.6 (Rev. CoP18) on *CITES and livelihoods* in a manner that avoids duplication.

Engagement with Indigenous Peoples, and local communities in CITES processes at the international level

14. In the working group discussions, there was less agreement on possible approaches to engagement of Indigenous Peoples, and local communities in CITES processes at the international level. Some members of the working group expressed that engagement should only occur or be prioritized at the national level. Other members of the working group supported most or all of the ideas resulting from the brainstorming exercise. The potential resource implications of some ideas was raised by some as a concern. There was a wide range of views expressed in the working group, with no idea receiving full agreement.
15. Based on the discussion, the Chair identified a shorter list of ideas for engagement of Indigenous Peoples, and local communities in CITES processes that had some general (but not unanimous) support for consideration of future exploration by the Standing Committee.

These were as follows:

- a) waiving the cost of registration to attend CITES meetings as observers;
- Many working group members noted this option as a pragmatic approach to lowering barriers to participation in CITES meetings.
- b) explore the use of unique identifying marks (such as colour-coding) to visually recognize observers representing Indigenous Peoples, and local communities;
- Many working group members did not support ideas around creating new observer categories or seating arrangements, questioning the value in terms of increased engagement and raising concerns with associated cost. However, there was some interest in exploring other options that could formally recognize Indigenous Peoples, and local communities at CITES meetings and thus provide them a distinct voice.

- c) establishing a voluntary fund to support the participation of Indigenous Peoples, and local communities;
 - Many members recognized the value of consistent support for engagement of Indigenous Peoples, and local communities but many working group members also recognized the practical challenges of operationalizing and sustaining such a fund to which more thought would need to be given.
- d) Establishing (or encouraging the establishment of) an informal network or communication mechanisms to better support informal information sharing and coordination between representatives of Indigenous Peoples, and local communities;
 - The majority of working group members did not support or felt it premature to consider establishing permanent formal mechanisms, such as a new Committee or advisory body. However, some suggested exploration of informal mechanisms may be merited, possibly building on or taking lessons from the CBD *International Indigenous Forum on Biodiversity* (IIFB) model.
- e) developing training aimed at Indigenous Peoples, and local communities, subject to external funding;
 - Capacity building and training were recognized as needed to allow for more effective engagement in CITES processes and should firstly be occurring at the national level. Some working group members saw merit in exploring adapting existing training tools, synergizing with other partners or capacity building initiatives, sharing lessons learned at national level or other approaches to support needs identified by the Indigenous Peoples, and local communities. These activities could be supported by some dedicated time from a Secretariat expert.
- f) developing risk-based approaches for the international movement of ceremonial or cultural articles containing CITES-listed animals or plant specimens.
 - A working group member particularly noted the challenges for Indigenous Peoples, and local communities, in travelling between communities with ceremonial or cultural articles that comprise CITES-listed specimens. There is interest in exploring simplified procedures for the international movement of such specimens, possibly building on experiences with the cross-border movement of musical instruments.

16. Based on the discussion, the Standing Committee is invited to adopt a Decision to further explore the merits and drawbacks of the ideas presented in paragraph 15 of this document and make recommendations to CoP21.

Terminology

- 17. The working group examined the terminology used in different CITES Resolutions and Decisions when referring to “indigenous peoples”, “local communities” or “rural communities”. Generally, the working group agreed that a consistent approach to terminology would be preferable. Working group members acknowledged that the term “Indigenous Peoples” is universally well understood. Various views were expressed on understanding the scope of local communities as well as rural communities. Some members underscored the importance of not conflating Indigenous Peoples with local communities. Others suggested references should be solely to Indigenous Peoples or, if used, local communities should be prefaced with “as appropriate”.
- 18. While there was a range of views, most working group members recognized the terms “Indigenous Peoples” as well as “local communities” had broad usage and agreed both could be used while separated by a comma to avoid conflation and respect a distinctions-based approach. Alternatively, the terms could be separated by “as well as” for greater clarity. A distinction-based approach would also imply that oversimplified or short forms (such as “IPLC”) should not be used in recognition of the distinct circumstances that exists in countries and regions globally. Furthermore, the term “Indigenous Peoples” should always be capitalized, in line with the UN Editorial Manual.

Recommendations

- 19. The Standing Committee is invited to:

- a) regarding Decision 17.57, decide on use of standardized terminology that refers to “Indigenous Peoples, and local communities”;
- b) request the Secretariat review all relevant resolutions with reference to “Indigenous Peoples” “local communities” or “rural communities” and propose an approach or amendments to standardize the text;
- 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 and submit it for approval to the 20th meeting of the Conference of the Parties.
- d) submit the following draft decision to CoP20:

Directed to the Parties

20.AA Parties are invited to:

- a) use the *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.
- e) decide that Decision 17.57 (Rev. CoP19) and 18.31 (Rev. CoP19) have been completed and can be deleted.

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 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, 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, 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, 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, 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, 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, and local communities relevant information with sufficient time for their review and for their holding independent discussion

- Respectful – the consultation acknowledges, honours, and 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 were used in the proposal development

Documentation

Proponent Parties should include comprehensive details of the consultation process, such as whether consultations with 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*.