

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



Seventy-fourth meeting of the Standing Committee  
Lyon (France), 7 - 11 March 2022

Strategic matters

Engagement of indigenous peoples and local communities

REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.
2. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions 17.57 (Rev. CoP18), 18.31 and 18.32 on *Engagement of indigenous peoples and local communities*\* as follows:

**17.57 (Rev. CoP18) Directed to the Standing Committee**

*The Standing Committee shall:*

- a) *examine the terminology used in different Resolutions and Decisions when referring to "indigenous peoples", "local communities" or "rural communities"; and*
- b) *make recommendations to the 19th meeting of the Conference of the Parties on whether there is need for consistency of terminology across these Resolutions and Decisions.*

**18.31 Directed to the Standing Committee**

*The Standing Committee shall:*

- a) *establish an intersessional working group to consider how to effectively engage indigenous peoples and local communities\* in the CITES processes, taking into account the discussions from the last intersessional period and any information provided pursuant to Decision 18.32 and present its findings and recommendations to the Standing Committee*
- b) *when establishing the intersessional working group, endeavour to achieve regional balance of Parties and observers, and give special consideration to participation of representatives of indigenous peoples and local communities\*;*
- 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.*
- d) *make recommendations on the engagement of indigenous peoples and local communities\* in CITES processes to the 19th meeting of the Conference of the Parties.*

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

### 18.32 Directed to the Secretariat

*The Secretariat shall:*

- a) *issue a Notification inviting Parties to provide information on their experiences and lessons learned in engaging indigenous peoples and local communities\* in CITES processes;*
- b) *consult and collaborate with relevant organizations and experts to gather information on experiences and lessons learned to complement information received from Parties under paragraph a) above; and*
- c) *compile the information received from the Parties and other relevant organizations and provide a summary to the Standing Committee.*

#### Introduction

3. According to the United Nations, there are an estimated 476 million indigenous peoples in the world living across 90 countries. They make up less than 5% of the world's population, but account for 15% of the poorest. The UN Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly on 13 September 2007, calls on states to obtain free, prior and informed consent of indigenous people through their representative institutions before adopting legislative or administrative measures that would affect them. Wildlife conservation and management policies can deeply affect indigenous peoples and local communities (IPLCs) as they hold and manage a significant part of the Earth's most biodiverse regions and play a vital role in conserving lands, seas as well as life on earth and below water. The contribution of IPLCs to wildlife conservation has become more prominent and gained increasing recognitions in recent years.
4. The outcome document of the United Nations Conference on Sustainable Development, *The Future we Want*, recognizes that CITES is "an international agreement that stands at the intersection between trade, the environment and development, promotes the conservation and sustainable use of biodiversity, should contribute to tangible benefits for local people and ensures that no species entering into international trade is threatened with extinction. Unlike the MEAs and other environmental bodies or initiatives that came into existence after the Rio Conference in 1992, the text of the Convention does not have provisions related to livelihoods and the participation of IPLCs in its processes. However, the Convention has been evolving to address this. Resolution Conf. 16.6 (Rev. CoP18) on *CITES and livelihoods* urges Parties to "enable the rights of indigenous and local communities and support livelihood options". For the first time, the *CITES Strategic Vision: 2021-2030* calls on Parties to "support sustainable wildlife trade policies, especially those that increase the capacity of Indigenous peoples and local communities to pursue livelihoods". Parties at CoP18 adopted Decisions that specifically call for the compilation of best practices and lessons learned among Parties as well as relevant organizations so that the voices of IPLCs can be better heard including in the decision-making process at all levels.

#### Implementation of Decision 18.32

5. Pursuant to paragraph a) of Decision 18.32, the Secretariat sent out Notification to the Parties No. 2020/040 on 29 April 2020 inviting Parties to provide information on their experiences and lessons learned in engaging indigenous peoples and local communities in CITES processes by responding to a questionnaire. The questionnaire has been prepared by the Secretariat with inputs from Members of the Standing Committee's intersessional working group on engagement of indigenous peoples and local communities. Botswana, Cambodia, Canada, China, the Democratic Republic of the Congo, Finland, Guatemala, Kenya, Mexico, Namibia, Nigeria, Peru and the United States of America responded to the questionnaire. Kenya Wildlife Conservancies Association (KWCA) and Wildlife Conservation Society (WCS) also provided their responses to the questionnaire. The Secretariat shared the responses with the chair of the Standing Committee's working group on IPLC engagement in June 2020.
6. The questionnaire contains the following five sections: status of IPLCs and their relationship with CITES-listed species; scale and form of engagement; successful experiences in IPLC engagement in relation to CITES; challenges, and additional information. Responses to the questionnaire are summarized as follows:

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

a) *Status of IPLCs and their relationship with CITES-listed species*

- i) Although IPLCs, which include rural communities as noted in Decision 18.31, are found in CITES Parties across the world, their numbers and status vary significantly among Parties. By way of example, there are as many as 2,703 native communities and 7,267 peasant communities in Peru, whereas Finland states that the Sámi are the only indigenous people of Finland and of the European Union. China points out that there are no indigenous people in the country if the definition of “indigenous people” by the United Nations is applied, adding that the rural population accounts for 49.73% of its total population.
- ii) In countries where wild animals and plants constitute an important part of local or national economies, the IPLCs are often closely associated with land use in the forms of registered conservancy, forest community, community fisheries, group ranches and beach management units, e.g. in Botswana, Cambodia, Namibia and Kenya. Mexico notes that not all of its IPLCs populations live in rural communities and not all rural communities are of indigenous descent. Both the Democratic Republic of the Congo and Kenya report that 80% of their IPLCs live in proximity with wild animals and plants, representing the highest percentage among the respondents. In general, the rights of IPLCs are legally protected in almost all countries that responded to the questionnaire, which include the right to use wild animals and plants.

b) *Scale and form of engagement*

- i) Whilst full participation in CITES processes at local, national and international levels are reported by Parties such as Botswana, Canada, Kenya and Namibia, in other countries, the engagement appears to be mostly at local level and national levels. Several Parties have included IPLCs in their national delegations of meetings of CITES CoPs. Overall, IPLCs participate in the production and value chain of the trade in specimens of certain CITES-listed species although this varies in countries and depends on species. In Peru, IPLC communities directly export their vicuña fibre to importing countries around the world, most notably to Europe.
- ii) Canada gives the opportunity to IPLCs to provide inputs to a variety of CITES processes via existing formal or informal channels of cooperation with the federal, provincial or territorial governments. They are also involved in the review process of non-detriment findings on species-specific and permit-by-permit basis. Further, IPLCs in Canada participate in the management, conservation, designation of legal status or the use of native CITES-listed species, the preparation of a national position on an issue to be addressed at CITES meetings, the adoption of legislative or administrative measures at national or local levels that will affect them, and/or participation in CITES meetings as a member of the national delegation.
- iii) Kenya’s Constitution requires that all stakeholders be consulted through public participation in policy and legislation formulation processes. As a result, IPLCs participate in decision-making processes concerning wildlife conservation. In the United States of America, IPLCs have been engaged in CITES processes through the CITES Export Program (CEP) and the public process that allows all stakeholder groups including IPLCs to contribute to the preparation of US policies for CITES CoPs. Similarly, the CITES Management Authority of Mexico usually seeks to conduct public consultations for all stakeholders prior to the meetings of the CoPs which include IPLCs.
- iv) Reinvesting proceeds from trade in CITES-listed species in species conservation and community development programmes exist in several Parties including through the funds from the sale of hunting quotas/licences. In Cambodia, it is a government policy that companies that trade in CITES-listed species must pay or contribute to the conservation of the species and its habitat.

c) *Successful experiences in IPLC engagement in relation to CITES*

- i) As noted in Resolution Conf. 16.6, successful experiences in the engagement and empowerment of IPLCs in the CITES process largely depend on an enabling environment, which can include, but not limited to, factors such as community governance/institutions; traditional leadership and use of traditional knowledge; establishment of trust and integrity; laws ensuring adequate benefit sharing or other well-established mechanisms; support from the government; support from non-governmental organizations; capacity-building for IPLCs; and awareness and education campaigns. These factors are listed in the questionnaire for respondents to indicate which ones have been most relevant to their experiences. In general, respondents seem to agree that all listed

factors can potentially contribute to successful IPLC engagement. Several Parties underline the importance of fair benefit sharing.

- ii) Botswana, Kenya and Canada provided detailed explanations on how each factor contributes to success. Mexico uses species examples (crocodile, bighorn sheep, mahogany) to explain why such factors are critical. Peru attributes the active participation of peasant communities and the support of the State to the successful recovery of vicuña through sustainable and well-regulated trade.
- iii) In terms of level of success, respondents have chosen either “low” or “medium”, but none has chosen “high”. Canada explains that while Canada has had a greater degree and consistency in engaging with Inuit communities in CITES processes, the same cannot be said for other IPLCs in the country.

d) *Challenges*

- i) Illiteracy, inequality, lack of capacities (technical, legal, financial, experts/experienced people), dispersed distribution, social insecurity, negative perceptions about CITES and lack of a clear framework for collaboration are among the gaps and challenges found by the responding Parties. On a broader scope, Canada believes that, at the structural level, CITES has been slow to embrace the value of different knowledge systems including that of IPLCs in understanding how decisions can best achieve conservation outcomes.
- ii) Solutions proposed include providing capacity-building and funding support; developing evaluation methods and models to promote and encourage IPLC participation; strengthening communities’ governance structures to improve benefit sharing; establishing and enhancing formal or informal interactions and communications during CITES CoP cycles to identify CITES issues that affect IPLCs.
- iii) Botswana points out that if IPLCs benefit from coexisting with wildlife, the need to be part of decision-making and ownership will increase.

7. As mandated by paragraph b) of Decision 18.32, the Secretariat also consulted relevant international organizations and MEAs to learn from their experiences in engaging IPLCs. The summary below covers the consultations with three international organizations and three MEAs, namely the United Nations Development Programme (UNDP), the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), the International Union for Conservation of Nature (IUCN), the Convention on Biological Diversity (CBD), the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and the Convention on Wetlands (Ramsar Convention).

a) UNDP –Efforts in engaging IPLCs are summarised as follows:

- i) The Social and Environmental Standards and the Social and Environmental Screening Procedure established by UNDP are the primary mechanisms that UNDP applies at project level to ensure the rights of IPLCs are respected. Standard 6 on Indigenous Peoples contains requirements regarding participation of and agreement with indigenous peoples throughout the project cycle.
- ii) UNDP engages and support IPLCs through its many field projects in developing countries across the world, and the Small Grants Programme, as an example, which is implemented by UNDP with the Global Environment Facility in the past 30 years is recognized as one of the “primary modalities of engagement” for indigenous peoples.
- iii) Through its work on the ground UNDP strives to ensure that governments they work with fully engage and respect IPLCs.
- iv) UNDP provides funding and other support to CBD and other processes to promote IPLC engagement.

b) IPBES – As an independent intergovernmental body established by Member States to strengthen the science-policy interface for biodiversity and ecosystem services, IPBES engages IPLCs in the following ways:

- i) At the structural level, IPBES has a Technical Support Unit on Indigenous and Local Knowledge. In addition, the Task Force on indigenous and local knowledge currently has six indigenous members.
  - ii) IPBES has been working to develop a “participatory mechanism” which they believe is, so far, the most ambitious effort of an intergovernmental platform to bring Indigenous and Local Knowledge to the core of large-scale assessments. While this remains a work in progress, the current avenues for IPLC participation in IPBES assessments include participating as authors, attending indigenous and local knowledge dialogue workshops, online calls for contributions, online review periods, outreach and follow up after assessments.
  - iii) Stakeholder engagement serves as another form of IPLC engagement, i.e. through a self-organized network of IPBES stakeholders – International Indigenous Forum on Biodiversity and Ecosystem Services (IIFBES).
- c) IUCN – The most significant development in recent years within IUCN with regards to engaging IPLCs in governance is the establishment of a new category of IUCN membership for Indigenous Peoples’ Organisations (IPO). This was the first time IUCN reformed its membership structure in its 70-year history and it did so specifically to recognize the specific situation and role of IPOs and to allow IUCN to play an important convening and facilitating role for indigenous participation in environmental decision-making. IPO Members have now developed a self-determined strategy identifying joint priorities for advancing their rights and issues in conservation and engaging with each other and within IUCN moving forward. The very first World Summit of Indigenous Peoples and Nature took place at the IUCN World Conservation Congress in Marseille in 2021.
- d) CBD – Its work in engaging IPLCs is highlighted as follows:
- i) Participation of IPLCs in the CBD is underpinned by the text of Convention itself, through Article 8, paragraph (j).
  - ii) Strong mechanisms, including financial support through the Voluntary Fund for IPLCs, are established to ensure full and effective participation of IPLCs in meetings held under the Convention in particular, the *ad hoc* open-ended Working Group on Article 8(j). IPLCs can also request accreditation to participate in official meetings under the CBD as IPLC organizations and their seats are assigned as such. Enhanced participation practices in the Working Group include such measures as: the nomination of an indigenous co-chair to assist the Chairperson of the meeting, as well as an indigenous peoples and local community bureau, and co-chairs for sub-working groups and contact groups, and enhanced opportunities to make interventions on all agenda items.
  - iii) The Conference of the Parties acknowledges the importance of capacity-building as a tool for the effective participation of IPLCs, and capacity-building workshops have been organized.
  - iv) Specific web pages and web-based tools, including the Traditional Knowledge Information Portal, are created and managed by the CBD Secretariat.
  - v) The International Indigenous Forum on Biodiversity (IIFB) and the Indigenous Women’s Biodiversity Network represent some of the other opportunities that IPLCs can add their voices to the CBD decision-making process.
  - vi) Strong Secretariat support which includes two staff members with the explicit mandate to support IPLCs.
- e) CMS – There is currently no mechanism for the participation of IPLCs in their decision-making processes. Resolution 11.10 (Rev.COP13) on *Synergies and partnerships* “Encourages Parties, the Secretariat, NGOs, and other stakeholders to strengthen engagement with indigenous peoples, youth groups and local communities across the CMS Family”. Decisions adopted at COP13 in February 2020 on *Community Participation and Livelihoods* request the CMS Secretariat to review CITES case studies on livelihoods, prepare a compilation of case studies and initiatives related to community involvement in the conservation and management of CMS-listed species that include a focus on the particular challenges of migratory species, including factors such as land rights, management responsibilities, authority over distribution of benefits by communities, spiritual values and cooperation among communities along migratory pathways to promote community connectivity.

- f) Ramsar Convention – The Ramsar Convention’s approach with respect to IPLCs evolved significantly over the years from a standard of “recognition” to one of “active involvement”. The *Guidelines for establishing and strengthening local communities’ and indigenous people’s participation in the management of wetlands* was adopted in 1999. While participation at site level in the management of wetlands is the starting point, the importance of representation of IPLCs at national and global levels (on National Ramsar Committees and in national delegations to COP Meetings) are also highlighted. *Ramsar Handbook 7 – Participatory Skills* published in 2010 was specifically designed to enhance the participation of IPLCs. One of the priority focal areas of the Ramsar Strategic Plan 2016-2024 is to “strengthen and support the full and effective participation and the collective actions of stakeholders, including indigenous peoples and local communities”.

## Discussion

8. Responses from Parties to the questionnaire show that good experiences in engaging IPLCs in the CITES processes do exist at all levels, from the legal protection of the rights of IPLCs at national level; the participation of IPLCs in the production and value chain of legal and sustainable trade in CITES-listed species; the consultation with IPLCs on non-detriment findings; to the preparation of national positions on issues on the CITES agenda and the attendance in CITES meetings at global level. It will continue to take strong political will, determination and resources to ensure that all IPLCs benefit from such efforts, even for a country that is already successful in engaging one particular group of IPLCs. For this reason, the Secretariat recommends that inspiring experiences be shared among Parties.
9. The experiences of other MEAs and organizations in IPLC engagement are valuable for CITES’ endeavours to further open its inclusive and participatory approach in decision-making for IPLCs. The Committee may wish to assess the experiences from different MEAs and intergovernmental organizations, , which provide relevant and useful lessons. The fundamental legal provisions on IPLC engagement in the text of the CBD, for example, and the solid participatory mechanism coupled with funding support and capacity-building arrangements can help address some of the challenges identified by CITES Parties. However, it is interesting to note that a report shared by the CBD Secretariat underlines that “a challenge remains for achieving full integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention and its Protocols, with full and effective participation of indigenous peoples and local communities and that is, to what extent the practices for enhanced participation of IPLCs enjoyed under the Working Group can be taken up by other subsidiary bodies or the COP itself.” This can be a situation to be borne in mind when considering a mechanism for the engagement of IPLCs in the decision-making processes in CITES.
10. The term “engagement” can have a broad range of meanings and represent different forms of participation and levels of empowerment. The questionnaire that the Secretariat prepared includes information giving, consultation, involvement, collaboration and empowerment. The establishment of indigenous peoples’ organizations as a separate category of members in IUCN (other categories being States/governments and NGOs) with voting rights is probably one of the most significant development in any major organization, noting, however, that local communities are not identified as indigenous peoples. While this is a major development worth noting, intergovernmental treaties and organizations will operate within their rules.
11. *Wild Life, Wild Livelihoods*, published by the United Nations Environment Programme in 2018, includes some detailed reviews of mechanisms for IPLC engagement in key conservation policy bodies including MEAs such as CITES and an analysis of the enabling and disabling factors for IPLC engagement at international level. It can be a useful reference for a future in-depth study of practices of relevant international organizations and MEAs in engaging IPLCs in decision-making.
12. The Secretariat has been working closely with the Chair of the Standing Committee’s working group on IPLC engagement and is highly grateful for the support of the working group in the preparation of the questionnaire. Unfortunately, the working group has not been able to make progress in implementing Decisions 17.57 (Rev. CoP18) and 18.31. However, the Secretariat believes that the responses from Parties and the experiences shared by other organizations will remain valuable if the Standing Committee and the Conference of the Parties decide to extend to the next intersessional period the work on the preparations of various guidance and recommendations on the engagement of IPLCs in CITES.

## Recommendations

13. The Standing Committee is invited to take note of the present document, in particular of the summaries of the responses from Parties on their experiences and lessons learned in engaging indigenous peoples and local communities in the CITES processes and of the experiences shared by relevant organizations and Multilateral Environmental Agreements in engaging IPLCs.
14. The Secretariat suggests that draft decisions on engagement of indigenous peoples and local communities to be submitted by the Standing Committee for consideration by the Conference of Parties at its 19th meeting refer to the Parties' responses to the questionnaire.