

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



Seventeenth meeting of the Conference of the Parties
Johannesburg (South Africa), 24 September – 5 October 2016

Strategic matters

ESTABLISHMENT OF THE RURAL COMMUNITIES COMMITTEE
OF THE CONFERENCE OF THE PARTIES

1. This document has been submitted by Namibia, the United Republic of Tanzania, Zambia and Zimbabwe.*
2. It is now widely recognized that Community-based natural resource management promotes sustainable use of wildlife, and reduces illegal use and trade in wildlife. It fosters the support of local people for conservation, by generating income and stimulating local economies. The Preamble of the Convention recognises that peoples and States are and should be the best protectors of their own wild fauna and flora, which is being achieved through Community-based natural resource management.
3. Articles 18 and 41 of the UN Declaration on the Rights of Indigenous Peoples respectively affirms that Indigenous people "*have the right to participate in decision making in matters which would affect their rights*" and that "*ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established*".
4. Community based initiatives must be given the support they need to deliver incomes to local people through legal wildlife utilisation, incomes that are crucial in alleviating poverty. This support shall include the right for indigenous peoples and local communities to be consulted as equal partners in wildlife conservation.
5. The consequences of ignoring or failing to encourage such community operations, in social contexts steeped in poverty, is well established. Poaching increases, often with the same local people recruited into poaching gangs, by organised criminal syndicates. Community-based natural resource programs are an important and attainable part of the solution to the poaching and illegal trade in wildlife.
6. The participation of indigenous peoples and rural communities in the CITES decision-making mechanisms, has been almost completely neglected. Yet the lack of community engagement is one of the main causes of increased illegal trade in wildlife and this neglect has far reaching ramifications. The Convention has not established any mechanism to assess the social consequences of listing of species in the Appendices, and when CITES makes decisions that restrict trade, without consultation with the people that share their land and livelihoods with wildlife, unintended consequences, such as increased poaching, are to be expected.
7. That CITES has no mechanism for addressing effectively the social consequences of its decisions that allow or disallow trade, when the livelihoods of many rural poor depend on that trade, is a serious humanitarian shortcoming. An exclusively biological focus on sustainability of wildlife harvesting and trade can never guarantee sustainable use of any species. Sustainability considerations need an ecosystem scale of assessment, in which the social systems with their cultural, economic and political dimensions are embedded.

* *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.*

8. The proposed draft Resolution seeks, through the establishment of a permanent Rural Communities Committee of the Conference of the Parties, to give an advisory role to representatives of legally recognized organisations of Rural Communities or Community-based Natural Resource Management (CBRNM) organisations on issues pertaining to wildlife conservation.
9. It is envisaged that the proposed Committee would provide guidance and advice to Parties, through the administrative structure of the Convention, on issues related to wildlife trade, in order to assess, *inter alia*, the potential social impact of CITES decisions, including amendment proposals, draft decisions and resolutions of the Conference of the Parties, on indigenous peoples and local communities.
10. The establishment of a permanent Rural Communities Committee with clearly specified terms-of-reference will 'operationalise' principles embodied in the Preamble to the Convention as well as Resolution Conf. 8.3 (Rev. CoP13) on *Recognition of the benefits of trade in wildlife*, and Resolution Conf. 16.6 on *CITES and livelihoods* and will be part of the process to achieve the goals and targets of the UN 2030 Agenda for Sustainable Development.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat advises the Parties that, in its view, the impact of CITES could be improved by greater participation from rural community and community-based natural resource management (CBRNM) organizations. However, the establishment of a full Committee of the Conference of the Parties is a major step and would require very careful consideration.
- B. Although paragraph 6 of the present document states that, "[t]he Convention has not established any mechanism to assess the social consequences of listing of species in the Appendices...", the Secretariat draws attention to the Standing Committee's CITES and Livelihoods Working Group "CITES and Livelihoods toolkit" (CoP16. Inf. 21) and accompanying handbook (available at <https://cites.org/eng/prog/livelihoods>) that allow a rapid assessment of the impact of the implementation of CITES listings decisions on the livelihoods for poor local communities. Parties may wish to formally adopt or make further use of these tools to collect more case studies, which could contribute to this discussion – see document CoP17 Doc. 16.
- C. If it is the wish of the Conference of the Parties to address these issues in more detail after CoP17, it could consider establishing a working group of the Standing Committee on this subject, with a clear and targeted mandate; in particular the practical implementation of the operative sections of Resolution Conf. 8.3 (Rev. CoP13) on *Recognition of the benefits of trade in wildlife* and Resolution Conf. 16.6 on *CITES and livelihoods*.
- D. Regarding the detail of the arrangements for the functioning of the proposed Rural Communities Committee, the Secretariat observes the following:
 - a. The specific mandate of the proposed Rural Communities Committee – "guidance and advice..... on issues related to wildlife trade, in order to assess also the potential social impact of CITES overall decisions on rural communities" – would appear rather open and it is not clear how this guidance and advice would be used. It may be better for the proposed Committee to focus its work on the practical implementation of the operative sections of Resolution Conf. 8.3 (Rev. CoP13) on *Recognition of the benefits of trade in wildlife* and Resolution Conf. 16.6 on *CITES and livelihoods*.
 - b. The proposal contains some contradictions in its descriptions of who the members are representing: in one part they are described as representatives of rural communities and/or CBRNM organizations legally recognized by a Party, but elsewhere the text speaks of the members being representatives of Parties. The Secretariat observes that it is States (and the European Union) that are Party to the Convention.
 - c. The question of the definition of "organization of rural communities" and "community-based natural resource management organizations" also arises. The proposed text states that these organizations would have to be legally recognized by "a" Party, but it is not clear who would be allowed to become member of the proposed Committee: would the Party where any organization of rural communities is

located have a power of veto for their membership? Could there be a rural community recognized by some Parties, but not others? Who would decide what is a CBNRM? It appears that these issues would be addressed by each region, but the Secretariat feels that further clarification at the outset would be helpful.

- d. As presently drafted, it does not appear that CITES Management Authorities would be able to attend meetings of the proposed Committee as observers, but only representatives of legally recognized rural community and/or community-based natural resource management organizations from Parties.
- e. The phrase “all Committee members may participate in Committee business but only the regional members or alternate regional members shall have the right to vote” is confusing because according to the rest of the text there are no other members of the proposed Committee except the regional or alternate regional members.
- f. Comments on the proposed budget: Annex 2 of the present document should refer to the budget period 2017-2019 and not "2017-2020" as indicated.

E. If the principle of the establishment of a Rural Communities Committee and the financial means for its operation are agreed at the present meeting, the Secretariat recommends that the provisions relating to its establishment and operation should be included in Resolution Conf. 11.1 (Rev. CoP16) on Establishment of committees, rather than in a separate resolution. This is in line with paragraph k) of the first RESOLVES of Resolution Conf. 11.1 (Rev. CoP16) which states that “all committees established by the Conference of the Parties shall be listed in annexes to this Resolution”.

F. If the proposed Committee meets once every year for five days in Geneva, the Secretariat’s estimate of the annual budget required would be as follows:

Description	Annual cost (USD) 2017-2020	Annual cost to CITES Trust Fund (USD)	Remarks
Translation of documents	40,000	40,000	38 documents (12 pages per document) = 455 pages x \$88 = \$40,000
Secretariat staff to meetings	20,000	-	If in Geneva at the Standing Committee - no travel for CITES staff
Members’ travel	50,000	30,000	6 persons x \$2,000 in ticket x \$6 days x \$400 in DSA x \$152 in terminal expenses = \$27,300 plus extra DSA days depending on travel = total of \$30,000
Logistics	10,000	5,000	Additional room and equipment at venue
TOTAL	120,000	75,000	

G. If the meetings were not conducted in Geneva, then either provision would have to be added for CITES staff travel and possible interpretation (average cost per translator is \$6,000 in fee and travel), or the host Party would need to pay these additional costs.

H. The Secretariat does not currently have the human resources to service another committee of the Conference of the Parties and servicing such a committee would represent an increase of about 25% of the existing workload of the Governing Bodies and Meeting Services Unit.

I. The Secretariat also notes that no provision has been added in the budget table for the regional meetings, which are supposed to be taking place between the meetings of the Conference of the Parties.

J. Overall, the Secretariat does not recommend the establishment of a Rural Communities Committee of the Conference of the Parties without further consideration of the financial and procedural implications by the Standing Committee between the present meeting and CoP18.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

NOTING that the Preamble of the Convention recognized, inter alia, that peoples and States are and should be the best protectors of their own wild fauna and flora;

RECALLING the adoption by the General Assembly of the United Nations on 13 September 2007, of Resolution A/RES/61/295¹ on the United Nations Declaration on the Rights of Indigenous Peoples, which was supported by the vast majority of United Nations Member States;

ACKNOWLEDGING that the Economic and Social Council of the United Nations and the Convention on Biological Diversity (CBD) have established respectively, the UN Permanent Forum on Indigenous Issues, with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights and the International Indigenous Forum on Biodiversity (IIFB) as the indigenous caucus in the CBD negotiations working as a coordinating mechanism to facilitate indigenous participation and incidence in the work of the Convention through preparatory meetings, capacity building activities and other initiatives;

RECALLING the adoption by the United Nations General Assembly on 30 July 2015 of Resolution A/RES/69/314 on "Tackling illicit trafficking in wildlife"², which strongly encourages the full engagement of the communities in and adjacent to wildlife habitats as active partners in conservation and sustainable use, enhancing the rights and capacity of the members of such communities to manage and benefit from wildlife and wilderness;

RECALLING ALSO the adoption by the United Nations General Assembly on 25 September 2015, of Resolution A/RES/70/1 "Transforming our world: the 2030 Agenda for Sustainable Development"³, which includes a set of 17 goals and 169 associated targets and in particular target 15.c that requests UN Member States to enhance global support for efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities;

NOTING the need to respect, preserve and maintain knowledge, innovations and practices of indigenous peoples and rural communities embodying traditional lifestyles relevant for the conservation and sustainable use of CITES-listed species;

NOTING ALSO that decision-making mechanisms at the CITES level, have to take into account the needs of people sharing the land and obtaining their livelihoods from wildlife and ACKNOWLEDGING that rural communities are best placed to advocate their needs;

CONCERNED that CITES does not effectively address the social consequences of trade and listings. The strictly biological focus on the sustainability of wildlife harvesting and trade is never going to lead to effective responses because sustainability in the use of any species is usually embedded in sustainability considerations at the scale of the whole ecosystem, and this, in turn, is embedded in larger social systems with cultural, economic and political dimensions;

AWARE of the role that CBRNM (Community Based Natural Resource Management) programmes have in the sustainable use of wildlife and reduction of poverty through legal trade in wildlife species and devolved wildlife proprietorship as a crucial solution to fight poaching and consequent illegal wildlife trade and achieve the goals and targets of the 2030 Agenda for Sustainable Development;

MINDFUL that Resolution Conf. 8.3 (Rev. CoP13), adopted at the 8th meeting of the Conference of the Parties (Kyoto, 1992) and amended at its 13th meeting (Bangkok, 2004), recognizes that commercial trade may be beneficial to the conservation of species and ecosystems, and to the development of local people when carried out at levels that are not detrimental to the survival of the species in question;

¹ http://www.un.org/esa/socdev/unpfi/documents/DRIPS_en.pdf

² http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/314

³ http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

MINDFUL ALSO that Resolution Conf. 8.3 (Rev CoP13) further recognizes that implementation of CITES-listing decisions should take into account potential impacts on the livelihoods of the poor;

RECALLING Resolution Conf. 11.1 (Rev. CoP16), adopted by the Conference of the Parties at its 11th meeting (Gigiri, 2000) and amended at its 16th meeting (Bangkok 2013), relating to the establishment of committees and in particular letter c) under the first RESOLVES states that the Conference of the Parties may appoint additional committees as the need arises;

RECALLING ALSO that Resolution Conf. 16.6 adopted by the Conference of the Parties at its 16th meeting (Bangkok 2013) relating to CITES and livelihoods, gives ample recognition of the role of indigenous and local communities in conservation of wildlife;

NOTING that stricter domestic measures taken pursuant to Article XIV, paragraph 1, of the Convention, as interpreted by Resolution Conf. 6.7 adopted at the sixth meeting of the Conference of the Parties (Ottawa, 1987), may have an adverse impact on the conservation of the species concerned by severely constraining management options as well as unintended adverse impacts on the livelihoods of indigenous peoples and local communities by impeding legitimate and legal trade;

WELCOMING the work accomplished by the Standing Committee in producing, with the support of the Secretariat and the General Secretariat of the Organisation of American States (OAS), the Handbook on CITES and Livelihoods as a tool intended for those carrying out rapid local appraisals of the positive and negative effects resulting from the implementation of the inclusions in the CITES Appendices on the livelihoods of the poor; and

EMPHASIZING the fundamental importance of ensuring the full and effective participation of local communities in the implementation of the Convention also as a mean to achieve the goals and targets of the UN 2030 Agenda for Sustainable Development;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DECIDES to establish a permanent Rural Communities Committee of the Conference of the Parties, as provided in the Annex to this Resolution, which shall report to the Conference of the Parties;

RESOLVES that:

- a) the Rural Communities Committee shall adopt its own Rules of Procedure;
- b) the Rural Communities Committee will be listed in an Annex to Resolution Conf. 11.1 (Rev. CoP16) according to letter k) under the first RESOLVES of Resolution Conf. 11.1 (Rev. CoP16);
- c) the Secretariat shall make provision for the payment of reasonable and justifiable travel expenses of members, including attendance at the relevant committee meetings, and other expenses of the Chair of the Rural Communities Committee; and
- d) the Secretariat shall, upon request by the committee chair, provide secretarial services when such services can be met within the approved budget of the Secretariat;

URGES the Conference of Parties to adopt financial provisions in the Budget of the Secretariat for the operations of the Rural Communities Committee;

Regarding representation in the Rural Communities Committee

RECOMMENDS that the following guidelines be implemented:

- a) Parties select representatives from their legally recognized Indigenous and/or rural Communities and CBRNM organisations dealing with wildlife issues on a Regional basis; and
- b) the names of the proposed candidates, and their curricula vitae, should be circulated to the Parties of the region concerned at least 120 days before the meeting of the Conference of the Parties at which the representatives will be elected.

Annex
(to draft resolution)

Establishment of the Rural Communities Committee of the Conference of the Parties

CONSIDERING the important role that rural communities, living with wildlife, play in conserving natural resources with particular reference to wildlife species listed in the CITES Appendices:

CONSIDERING the number of wildlife trade issues that occur between the South and the North, and that indigenous peoples and rural communities worldwide have a significant influence in deciding the status of the affected species listed in the Appendices; and

CONSIDERING the importance of ensuring that representation of regions in the Convention clearly reflects the participation of the Parties covered by each region;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES to establish the Rural Communities Committee of the Conference of the Parties, with the following terms of reference:

within the policy agreed to by the Conference of the Parties, the Rural Communities Committee shall:

- a) provide guidance and advice to the Conference of the Parties and the Secretariat on issues related to wildlife trade, in order to assess also the potential social impact of CITES overall decisions on rural communities;
- b) provide coordination and advice as required to other committees and provide direction and coordination of working groups established by the Committee itself or the Conference of the Parties;
- c) carry out activities related wildlife trade and conservation relevant to CBRNM including inter alia on wildlife use rights;
- d) draft resolutions and decisions for consideration by the Conference of the Parties;
- e) report to the Conference of the Parties on the activities it has carried out between meetings of the Conference; and
- f) perform any other functions as may be entrusted to it by the Conference of the Parties;

DETERMINES:

- a) the following principles for the composition of the Rural Communities Committee:
 - i) the membership of the Rural Communities Committee shall consist of:

representatives of rural Communities and/or CBRNM organizations legally recognized by a Party, elected from each of the six major geographic regions consisting of Africa, Asia, Central and South America and the Caribbean, Europe, North America and Oceania, according to the following criteria:

 1. one representative for regions with up to 15 Parties;
 2. two representatives for regions with 16 to 30 Parties;
 3. three representatives for regions with 31 to 45 Parties; or
 4. four representatives for regions with more than 45 Parties;
 - ii) each Party's representative elected as an alternate member for a member described in subparagraph i), to be represented at meetings as a regional member only in the absence of a representative of the member for which it is the alternate; and
 - iii) the membership of the Committee shall be reviewed at every regular meeting of the Conference of the Parties. The terms of office of the regional members shall commence at the close of the regular

meeting at which they are elected and shall expire at the close of the second regular meeting thereafter;

- b) that the Rural Communities Committee shall adhere to the following procedures:
- i) all Committee members may participate in Committee business but only the regional members or alternate regional members shall have the right to vote;
 - ii) the Chair, Vice-Chair and any other necessary executive officers shall be elected by and from the regional members;
 - iii) if an extraordinary meeting of the Conference of the Parties is held between two regular meetings, the host Party of that meeting shall participate in the work of the Committee on matters related to the organization of the meeting;
 - iv) the Chairs of the technical committees shall be invited on a regular basis to the meetings of the Rural Communities Committee;
 - v) Parties representatives of a legally recognized rural Community and/or CBRNM organization, not members of the Committee shall be entitled to be represented at meetings of the Committee by an observer who shall have the right to participate but not to vote;
 - vi) the Chair may invite any person or a representative of any other country or organization to participate in meetings of the Committee as an observer without the right to vote; and
 - vii) the Secretariat shall inform all Parties of the time and venue of the Rural Communities Committee meetings; and
- c) principles for the payment of travel expenses to members of the Rural Communities Committee meetings:
- i) the Secretariat shall make provisions in its budget for the payment, if requested, of reasonable and justifiable travel expenses of one person representing each regional member, to attend each regular meeting of the Rural Communities Committee meetings;
 - ii) the Chair of the Rural Communities Committee may be refunded for all reasonable and justifiable travel expenses for travel undertaken on behalf of the Committee, Conference of the Parties, the Standing Committee, or the Secretariat; and
 - iii) travel arrangements for sponsored regional members will be made by the Secretariat in accordance with the Rules and Regulations of the United Nations and, where applicable, claims for refunds must be supported by receipts, and be submitted to the Secretariat within 30 days from the completion of the travel; and

RESOLVES that the duties of the regional representatives in the Rural Communities Committee are as follows:

- a) regional representatives should maintain a fluid and permanent communication with the Parties of their region and the Secretariat;
- b) before the meetings of the Rural Communities Committee, the representatives should communicate to the Parties of their region the items on the agenda, to request their opinions, preferably on matters specifically relevant to the countries or the region. They should also inform them of the results of the meeting. At least two regional meetings should take place between meetings of the Conference of the Parties, one of which should be specifically to deal with proposals to be submitted to the Conference at its next meeting. The regional representatives should convene these meetings; and
- c) the regional representatives should report in detail on their activities, initiatives and achievements at the regional sessions that are taking place during meetings of the Conference of the Parties. The Parties may make comments on these reports, which should be included in the proceedings.

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

1. According to Resolution Conf. 4.6 (Rev. CoP16) 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 authors of this document propose the following tentative budget and source of funding.
2. The tentative budget for the Rural Communities Committee is shown in the table.
3. The source of funding would be the General Trust Fund (CTL). We are open to suggestions and institutional donors' assistance on budgetary matters.

Tentative Budget for the Rural Communities Committee

Description	Annual Budget (USD) 2017-2020
Translation of documents	40,000
Secretariat Staff to meetings	20,000
Members' travel	50,000
Logistics	10,000
TOTAL	120,000