

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



Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

Strategic matters

Rural communities

PROPOSED AMENDMENTS TO RESOLUTION CONF. 4.6 (REV. COP17)
AND RESOLUTION CONF. 9.24 (REV. COP17)

1. This document has been submitted by Namibia and Zimbabwe.*

Background

2. At the 17th meeting of the Conference of the Parties a proposal (CoP17 Doc. 13) was made to establish a Rural Communities Committee of the Conference of the Parties. The rationale for that proposal (and what follows in this document) can be summarized as follows and is applicable to many parts of the world and involving numerous species included in the Appendices of CITES and their habitats:
 - a) rural communities occupy important wildlife habitats and have the ability to displace wildlife unless an incentive system is in place to encourage co-existence with wildlife;
 - b) rural community livelihoods depend, to variable degrees, on wildlife;
 - c) rural communities have vested rights over the natural resources on which they depend;
 - d) rural communities bear the cost of living with wildlife including the direct costs from crop, livestock or infrastructure losses due to wildlife as well as the loss of human lives;
 - e) rural communities in many instances bear the cost of conserving wildlife through a wide range of long-term community activities such as setting land aside for wildlife habitat protection, monitoring wildlife, patrolling against illegal killing and harvesting - many of which activities are formalized through community structures and agreements;
 - f) community-based natural resource management (or community-based conservation) has been adopted by a number of Parties to CITES as well as Regional Economic Communities as an integral part of their conservation strategies, policies, legislation and protocols; and
 - g) community-based natural resource management have indisputably achieved important conservation outcomes for threatened species, threatened habitats and species included in the Appendices of CITES, on scales matching or exceeding the conservation efforts and outcomes in protected areas.
3. Rural communities are essential stakeholders in conservation in many parts of the world; yet the participation of indigenous peoples and rural communities in CITES decision-making processes has been neglected. The socio-economic impacts of listing of species in the Appendices and other trade measures are barely

* *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.*

considered within CITES. Recognition of the contributions by rural communities to conservation is either not given or not adequately reflected in CITES decisions. The importance of establishing and safeguarding incentive systems to achieve the coexistence of people and wildlife is generally not appreciated within CITES. Most importantly, the rights of rural people over natural resources and their rights to be part of all decision-making concerning those resources, are not respected.

4. The Preamble of the Convention recognises that peoples and States are and should be the best protectors of their own wild fauna and flora. The people referenced here include rural communities living with wildlife and with cultural and economic interests in wildlife. These people have a particularly direct and interdependent relationship with wildlife and wildlife habitats that is unmatched in society. It has nevertheless proven difficult to get consensus within CITES on how to accommodate such rights and interests.
5. The global governance framework nevertheless requires that such accommodation be reached. Articles 18 and 41 of the UN Declaration on the Rights of Indigenous Peoples respectively affirm 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".
6. The Conference of the Parties through Resolution Conf. 8.3 (Rev. CoP13) on Recognition of the benefits of trade in wildlife already acknowledged that:
 - a) the majority of species of wild fauna and flora that CITES seeks to protect and enhance occur in the developing countries of the world;
 - b) the sustainable use of wild fauna and flora, whether consumptive or non-consumptive, provides an economically competitive land-use option;
 - c) unless conservation programmes take into account the needs of local people and provide incentives for sustainable use of wild fauna and flora, conversion to alternative forms of land use will occur;
 - d) the Conference of the Parties through the same Resolution recognized that commercial trade may be beneficial to the conservation of species and ecosystems or to the development of local people when carried out at levels that are not detrimental to the survival of the species in question; and that implementation of CITES-listing decisions should take into account potential impacts on the livelihoods of the poor.
7. Notwithstanding the adoption of Resolution Conf. 8.3 (Rev. CoP13), there has been little evidence of it in CITES outcomes.
8. In response to the proposal to CoP17 which sought to address this matter, the Conference of the Parties adopted Decisions 17.28 to 17.30 directed to the Standing Committee:

Decision 17.28

The Standing Committee shall establish an intersessional working group to consider how to effectively engage rural communities in the CITES processes and to present its findings and recommendations to the Standing Committee, for consideration at its 70th meeting.

Decision 17.29

In establishing the intersessional working group, which shall be comprised of Parties and representatives of rural communities, the Chair of the Standing Committee shall strive to achieve regional balance of Parties, with the number of members of rural communities not exceeding the number of Party delegates.

Decision 17.30

The Standing Committee shall make recommendations on the engagement of rural communities in CITES processes to the 18th Conference of the Parties.

9. The Standing Committee accordingly established this working group and received a report on its findings at its 70th meeting, as contained in SC70 Doc. 15. The Standing Committee concluded that further work is

needed on the format of rural community participation in CITES processes and that it should propose to the 18th meeting of the Conference of the Parties that its mandate should be extended to CoP19.

10. The working group nevertheless made other recommendations that are not contingent on any decision regarding the establishment of a permanent advisory body or the modalities of ensuring the participation of rural committees – the areas of contention - in CITES meetings.

11. These recommendations include:

a) to amend Resolution Conf. 4.6 (Rev.CoP17) on *Submission of draft resolutions, draft decision and other documents for meetings of the Conference of Parties*, by adding a new paragraph, 1 bis:

ENCOURAGES Parties, when submitting proposals to amend the Appendices, draft resolutions, draft decisions, and other documents for consideration at meetings of the Conference of Parties and when reviewing such documents submitted by other Parties, to take account of the impact of the measure proposed on rural communities that may be affected by them.

To ensure conformity with the operational parts of CITES Resolutions this recommendation should read:

AGREES that Parties, when submitting proposals to amend the Appendices, draft resolutions, draft decisions, and other documents for consideration at meetings of the Conference of Parties and when reviewing such documents submitted by other Parties, should take account of the impact of the measure proposed on rural communities that may be affected by them.

b) to amend Annex 6 (Format for proposals to amend the Appendices) of Resolution Conf. 9.24 (Rev. CoP17) on Criteria for the amendment of Appendices I and II, by adding two new sub-paragraphs to paragraph 6 Utilization and Trade and paragraph 10 Consultation.

New subparagraph 6.6:

Provide information on any involvement of rural communities within the range of the species, in *the*¹ use of, trade in and management of, the species.

New subparagraph to paragraph 10:

Provide details of any consultation undertaken to secure comments on the proposal from rural communities living with the range of the species. Comments received from these communities should be provided. Where comments were sought but not received in sufficient time to enable their inclusion in the supporting statement, this should be noted, as well as the date of request.

To prevent spurious claims of representation of rural community views, the latter proposal should preferably read, additions shown in underline:

New subparagraph to paragraph 10:

Provide details of any consultation undertaken to secure comments on the proposal from rural communities living with the range of the species or how the potential impacts of the proposal on rural communities were considered. Comments from rural communities should be from locally recognized institutions representing interests of rural communities living within the range of the species. Comments received from these communities should be provided. Where comments were sought but not received in sufficient time to enable their inclusion in the supporting statement, this should be noted, as well as the date of request.

12. The effect of these recommendations would be to ensure that the impact on rural communities of proposals to the Conference of the Parties would at least be considered; and when proposals to amend the Appendices are made, that account is given of consultations with affected rural communities. These proposals would not impede the Conference of the Parties in taking decisions on conservation and trade matters affecting communities but would ensure that informed decisions are taken in recognition that CITES decisions may affect the rights and interests of rural communities.

¹ The word "the" is inserted to improve the reading of the sentence.

Recommendation

13. Annexes 1 and 2 to this document contain these proposed amendments to Resolution Conf. 4.6 (Rev. CoP17) and Annex 6 of Resolution Conf. 9.24 (Rev. CoP17) respectively and the Conference of the Parties is requested to consider their adoption.

COMMENTS OF THE SECRETARIAT

- A. As it stated in its comments on document CoP17 Doc. 13, the Secretariat is of the view that the implementation of CITES is better achieved with the engagement of rural communities, especially those which are traditionally dependent on CITES-listed species for their livelihoods.
- B. The proposals made in the present document for revision Resolution Conf. 4.6 (Rev. CoP17) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties* and Resolution Conf. 9.24 (Rev. CoP17) on *Criteria for amendment of Appendices I and II* are in line with suggestions made to the Standing Committee's working group on rural communities by the Secretariat. They would not constrain Parties in their decision-making but would encourage consideration of the impacts of measures proposed at the Conference of the Parties on rural communities.
- C. The Secretariat therefore recommends that the Conference of the Parties adopt the revisions to Resolution Conf. 4.6 (Rev. CoP17) and Resolution Conf. 9.24 (Rev. CoP17) in Annexes 1 and 2 to the present document.
- D. In addition, the Secretariat notes that many documents have been submitted to the present meeting touching upon the participation and the livelihoods of rural, local or indigenous communities (documents CoP 18 Doc.17.1, Doc.17.2, Doc.17.3, Doc.18.1, Doc.18.2, Doc.18.3 and Doc.19). Furthermore, some of these documents propose recommendations along similar lines.
- E. In order to bring these documents together, the proposed decisions contained in Annex 1 to document CoP18 Doc.18.1 (Rev. 1) have been revised to reflect the Secretariat's recommendations found in documents CoP18 Doc. 17.2, 17.3, 18.2, and 18.3, including the proposed amendment to the draft decisions proposed in the present document. Additional tasks have also been proposed to the Standing Committee to continue its discussion on how to move this issue forward in a coordinated manner during the next intersessional period.

PROPOSED AMENDMENTS TO RESOLUTION CONF. 4.6 (REV.COP17) ON
*SUBMISSION OF DRAFT RESOLUTIONS, DRAFT DECISIONS AND OTHER
DOCUMENTS FOR MEETINGS OF THE CONFERENCE OF THE PARTIES*
(additions shown in underline)

CONSIDERING the volume of work involved in the preparation of documents to be submitted to the Conference of the Parties at its regular meetings;

AFFIRMING the obligation of the Parties to collaborate closely with the Secretariat in the organization of meetings of the Conference of the Parties;

RECOGNIZING the necessity that the Parties be informed in advance of the draft resolutions and other documents submitted by other Parties; and

OBSERVING that Article XV, paragraph 1 (a), of the Convention requires Parties to communicate the text of proposed amendments to Appendices I and II to the Secretariat at least 150 days before the meeting of the Conference of the Parties;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

1. AGREES that the term “the text of the proposed amendment” in Article XV, paragraph 1, of the Convention includes the substantially complete supporting statement accompanying it, and this interpretation is extended to draft resolutions, draft decisions and other documents submitted for consideration at meetings of the Conference of the Parties;

1bis. AGREES that Parties, when submitting proposals to amend the Appendices, draft resolutions, draft decisions, and other documents for consideration at meetings of the Conference of Parties and when reviewing such documents submitted by other Parties, to take account of the impact of the measure proposed on rural communities that may be affected by them;

2. RECOMMENDS that:

- a) the text of any draft resolution, draft decision or other document to be submitted for consideration at a meeting of the Conference of the Parties be communicated to the Secretariat at least 150 days before the meeting;
- b) the Secretariat be authorized to accept draft resolutions, draft decisions and documents (other than proposals for amendment of Appendices I and II) after the 150-day deadline only in exceptional circumstances, when it is established, to the satisfaction of the Secretariat, that the draft resolutions, draft decisions or documents could not have been communicated before the deadline;
- c) when drafting a resolution that is intended to treat a subject comprehensively, or to make significant changes in the way in which a subject is dealt with, a Party prepare the draft so that, if adopted, it will replace and repeal all existing Resolutions (or, as appropriate, the relevant paragraphs) on the same subject;
- d) when drafting resolutions and decisions which require the gathering of information, a Party consider whether such information could be sought via reports required under the provisions of Article VIII, paragraph 7, of the Convention or, if a special report is needed, and generally ensure that the reporting burden is kept to a minimum;
- e) unless practical considerations dictate otherwise, draft resolutions not include:
 - i) instructions or requests to committees, working groups or the Secretariat, unless they are part of a long-term procedure;
 - ii) decisions on the presentation of the Appendices; and

- iii) recommendations (or other forms of decision) that will be implemented soon after their adoption and will then be obsolete;
 - f) as a general rule, documents submitted for consideration at a meeting of the Conference of the Parties be no more than 12 pages in length; and
 - g) when a draft resolution is adopted that merely adds points to the recommendations (or other decisions) in existing Resolutions, or makes minor amendment thereto, the existing Resolutions be replaced by revised versions with the agreed changes;
3. DIRECTS the Secretariat to put the following proposals on the agenda of the next extraordinary meeting of the Conference of the Parties, whenever this may be convened, as amendments to the Convention:
- a) the provisions of Article XVI, regarding the listing of Appendix-III parts and derivatives, should be brought into line with Convention procedures for Appendices I and II (Article XV);
 - b) paragraph 5 of Article XIV should read: "Notwithstanding the provisions of Article IV, any export of a specimen" etc.;
 - c) paragraphs 3 (b) and 5 (b) of Article III should include "either a Management Authority or a Scientific Authority of the State" etc.;
 - d) the adoption of an official text of the Convention in Arabic; and
 - e) correction of errors of an orthographical nature discovered in the text of the Convention;
4. DIRECTS the Secretariat further:
- a) when revising its publication of current Resolutions after each meeting of the Conference of the Parties, to correct the texts of already existing Resolutions to ensure that all references to other Resolutions are accurate;
 - b) to update the Decisions after each meeting of the Conference of the Parties, to contain all the recommendations (or other forms of decision) that are not recorded in Resolutions and that remain in effect. The Decisions shall be sorted according to subject, using the subjects of the Resolutions for guidance, and within the section for each subject they shall be divided according to the body to which they are directed. The Secretariat shall distribute to the Parties a copy of the updated Decisions soon after each meeting of the Conference; and
 - c) when reviewing the list of current Decisions for the purpose of suggesting amendments, deletions or continuity, the Secretariat shall provide justification of any proposed changes to a Decision at each meeting of the Conference of the Parties; and
 - d) in preparation for each meeting of the Conference of the Parties, the Secretariat shall prepare a list of Decisions that are not anticipated to be subject to discussion under other agenda items at the meeting, for the purpose of allowing Parties to determine whether those Decisions should be deleted or retained;
5. DECIDES 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; and
6. DECIDES further that the recommendations contained in Resolutions and Decisions adopted by the Conference of the Parties shall enter into effect 90 days after the meeting at which they are adopted, unless otherwise specified in the recommendation concerned.

PROPOSED AMENDMENTS TO RESOLUTION CONF. 9.24 (REV. COP17) ON
CRITERIA FOR AMENDMENT OF APPENDICES I AND II

Annex 6 Format for proposals to amend the Appendices

Note: Due to the length of the text in Annex 6 only section C. *Supporting statement*, paragraph 6. *Utilization and trade*, and paragraph 10. *Consultations* are reproduced here, showing the proposed additions in underline.

C. Supporting statement

6. Utilization and trade

6.1 National utilization

Specify the types and extent of all known uses of the species, indicating trends if possible. Provide details of harvest methods. Indicate the extent to which utilization is from captive-bred, artificially propagated, or wild specimens.

Provide details of any stockpiles known to exist, and the measures that might be taken to dispose of them.

6.2 Legal trade

Quantify the level of international trade, identifying the source of statistics used (e.g. Customs statistics, CITES annual report data, FAO data, industry reports, etc.). Provide justification for inferences made about trade levels. Provide information about the nature of the trade (e.g. primarily for commercial purposes, primarily live specimens, primarily parts and derivatives, primarily of captive-bred or artificially propagated specimens, etc.) and about how the proposed amendment is expected to affect the nature of the trade.

6.3 Parts and derivatives in trade

To the extent possible, list parts and derivatives, including types of products in trade, Customs tariff codes specific to those parts and derivatives, and major importing and exporting countries that trade in those parts and derivatives.

6.4 Illegal trade

To the extent possible, quantify the level of illegal trade, nationally and internationally, and describe its nature. Assess the relative importance of this trade in relation to legal offtake for national use or legal international trade. Provide information on how the proposed amendment is expected to affect the nature of the trade.

6.5 Actual or potential trade impacts

Discuss the importance of current and future exploitation for international trade relative to overall use (domestic included) as a threat to the species in question.

Provide information on any involvement of rural communities within the range of the species, in the use of, trade in and management of, the species.

[...]

10. Consultations

Provide details of the consultation undertaken to secure comments on the proposal from the range States of the species, either through direct contact or via the CITES Secretariat. Comments received from each country should be provided. Where comments were sought but not received in sufficient time to enable their inclusion in the supporting statement, this should be noted, as well as the date of the request.

Provide details of any consultation undertaken to secure comments on the proposal from rural communities living with the range of the species or how the potential impacts of the proposal on rural communities were considered. Comments from rural communities should be from locally recognized institutions representing interests of rural communities living within the range of the species. Comments received from these communities should be provided. Where comments were sought but not received in sufficient time to enable their inclusion in the supporting statement, this should be noted, as well as the date of request.

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

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.