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OF WILD FAUNA AND FLORA



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RURAL COMMUNITIES, LIVELIHOODS AND CITES:
A GUIDE TO KEY DOCUMENTS FOR DISCUSSION AT CITES COP18

This document has been submitted by China and prepared by IUCN SSC/CEESP SULi, in relation to agenda items 11, 17, 18, and 19.*

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Background

For a number of years, the CITES Parties have considered the livelihoods impacts of CITES trade regulation and its implementation, and possible means to strengthen the participation of rural communities in CITES decision-making. At CoP18, there are a number of documents submitted by Parties that are relevant to, and propose decisions relevant for, rural communities and local livelihoods. While the documents have emerged from various different processes and Parties, there is a considerable degree of overlap between them in terms of the recommendations they are putting forward. Exploring ways to streamline these proposals improve their probability of adoption by the Parties is thus warranted.

This guide is prepared by the IUCN CEESP/SSC Sustainable Use and Livelihoods Specialist Group (SULi). It is intended to help Parties and other stakeholders navigate the documents and make informed decisions on the most appropriate mechanisms to reflect the impacts of CITES decisions on local peoples' livelihoods and to strengthen their participation in decision-making.

In Brief....

Which documents include proposals with implications for communities and livelihoods?

- Document 11, which calls for a review of the Convention with respect to a number of issues relevant to rural communities and their livelihoods;
- Documents 17.1, 17.2, and 17.3, which include various proposals on the way forward for increasing the participation of rural communities in CITES decision-making;
- Documents 18.1, 18.2 and 18.3, which address the issue of the livelihood impacts of trade in CITES-listed species and its regulation, and the future of the CITES and Livelihoods Working Group; and
- Document 19 which addresses the issue of food security and livelihoods.

1. What is being proposed for increasing the engagement of rural communities in CITES deliberations?

There are several proposals on the table:

- First, in the most substantive proposed change to CITES processes, Doc 17.3 proposes a process for creation of a new permanent body in CITES, a Rural Communities Committee. [This was discussed at CoP17, at a meeting of the Standing Committee's Rural Communities Working Group (RCWG) in Nairobi in 2017, and at SC70 in Sochi in 2018. Different Parties, while not necessarily disputing the important role of rural communities, have expressed strong views either for or against the proposed Committee].
- Second, the CITES Secretariat in its comments on Doc 17.1 proposes changes to Res. Conf. 16.6 (Rev. CoP17) *CITES and Livelihoods* for the Parties to include representatives of rural communities potentially affected by the proposed measures in official national delegations to meetings of the CoPs. [This draws on recommendations from the RCWG].

17.2 includes a proposed change to Annex 6 of Res. Conf. 9.24 (Rev. CoP17), (the Format for Proposals to Amend the Appendices) to encourage proponents of proposals to amend the Appendices to provide details of any consultation undertaken to secure comments on these proposals from rural communities living within the range of the species, in addition to providing details of how the potential impacts on the livelihoods of these same communities were considered. Similar measures are proposed in Doc 18.3. [These proposals draw on recommendations both from the RCWG and from several CITES and Livelihoods meetings].

2. Is anyone proposing changing the listing criteria in Res. Conf. 9.24 (Rev. CoP17)?

No. Proposed changes to Res. Conf. 9.24 (Rev. CoP17) are only to the template that Parties use for preparation of amendments to the Appendices (in Annex 6), not to the listing criteria themselves. Docs 17.2 and 18.3 both propose such amendments. These would make any livelihood and knock-on conservation implications of listings visible and clear at the time of decision-making. This was recognised by the CITES Secretary General in 2011¹ as benefiting CITES decision-making through enabling consideration of implementation issues, together with measures that could be put in place to facilitate implementation. Such measures, such as delayed implementation, specific Annotations, and/or forms of national implementation, could enable positive livelihood impacts of listings to be enhanced and detrimental impacts minimised.

3. What amendments to Res. Conf. 16.6 (Rev. CoP17) CITES and Livelihoods are being proposed?

The Secretariat in Doc 17.1 has proposed two amendments to the existing Resolution on CITES and Livelihoods:

- First, a provision that Parties take account of the impact of measures on rural communities, when they are submitting proposals to amend the Appendices, draft decisions, draft resolutions or other documents, and when reviewing such documents submitted by other Parties. This would increase visibility and scrutiny of how CITES decisions might affect rural communities, which is important in understanding the likely knock-on conservation consequences.
- Second, a provision that Parties include representatives of potentially affected rural communities in official national delegations to meetings of the Conference of the Parties. This would provide another mechanism for Parties to support the engagement of IPLCs from their national territory.

4. What are the implications of proposed decisions for the future of the Standing Committee working group on CITES and Livelihoods?

Peru, in Doc 18.2, is proposing an extension of the work of the CITES & Livelihoods WG and sets out a set of key issues for it to consider.

¹ See: Abensperg-Traun, M., Roe, D. and O'Criodain, C. (2011). *CITES and CBNRM: Proceedings of an international symposium on "The relevance of CBNRM to the conservation and sustainable use of CITES-listed species in exporting countries"*. Gland, Switzerland and London, UK, IUCN and IIED, p xii. Online at <https://www.iucn.org/fr/content/cites-and-cbnrm-proceedings-international-symposium-relevance-cbnrm-conservation-and>

In Detail: A guide to CoP 18 documents on livelihoods and rural communities

Doc no.	Proponents/ Author	Title	Summary
11	DR Congo Namibia Zimbabwe	Review of the Convention	<p>Notes that three priority issues from the review of CITES' effectiveness presented to CoP10 have not been fully implemented and argues this has caused ongoing problems for CITES' effectiveness: guidance on sustainable use (SU), an accelerated process of review of the scope and coverage of the Appendices; and the relationship between CITES and the World Trade Organisation/General Agreement on Tariffs and Trade</p> <p><i>Recommendations include to:</i></p> <p>"undertake a second comprehensive review of the Convention with the aim of improving – not the effectiveness of the Convention as in the first review, but the equitability of the Convention with regards to the role of people and States to be the best protectors of their own wild fauna and flora and the rights of rural communities and indigenous people over their own natural resources which include wild animals and plants"</p> <p><i>Secretariat comments:</i></p> <p>"a further independent review may well be warranted".</p>
17.1	SC	Rural Communities: Report of the Standing Committee	<p>Summarises the work of the RCWG established at SC69, including its meeting in February 2018, and the lack of consensus at SC70 regarding its recommendations</p> <p><i>Recommends CoP 18:</i></p> <p>take note of this doc and the RCWG Report to SC70 (SC70 Doc 15)</p> <p>consider whether the Standing Committee should be directed to continue the work on how to engage RCs in CITES processes and report to CoP19.</p> <p><i>Secretariat comments:</i></p> <p>Reiterates its view that "the impact of CITES could be improved by greater participation from rural communities"</p> <p>Notes the similarities between sentiments expressed in the RCWG report; CoP17 Doc 13; and Resolution Conf. 16.6 (Rev. CoP17) CITES and Livelihoods;</p> <p>Suggests changes to Res. Conf. 16.6 (Rev. CoP17) as follows:</p> <p>Insert new sub-paragraphs [with consequent re-numbering]</p>

			<p>3. a) i) taking account of the impact of the measures proposed on rural communities that may be affected by them, when preparing and 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;</p> <p>3. a) ii) including representatives of rural communities that may be affected by the proposed measures in official national delegations to meetings of the Conference of the Parties.</p> <p>Notes this would not have impacts on budget or workload.</p>
17.2	Namibia Zimbabwe	Rural Communities: Proposed Amendments to Resolution Conf. 4.6 (Rev. Cop17) and Resolution Conf. 9.24 (Rev. CoP17)	<p>Summarises arguments for increased role of RCs in CITES</p> <p>Highlights that a number of recommendations of the RCWG to SC70 were not considered at SC70, and proposes adoption of these by Cop18</p> <p><i>Recommends (in Annex 1&2, pp 5-8):</i></p> <p>Amend Res. Conf. 4.6 (Rev CoP17)</p> <p>Insert new para <i>1bis</i>: “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.</p> <p>Amend the Format for Proposals to Amend the Appendices set out in Annex 6 of Res. Conf. 9.24 (Rev. CoP17)</p> <p>Add new subparagraph 6.6: “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.</p> <p>Add 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.”</p> <p><i>Secretariat comments:</i></p> <p>Recommends adoption of proposed amendments.</p> <p>Reiterates its view that the implementation of CITES is better achieved with the engagement of rural communities, and confirms proposed changes are in line with RCWG recommendations.</p> <p>Notes these amendments 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.</p> <p>Draws attention to Doc 18.1 (summarised below), Annex 1, in which decisions have been revised to reflect Secretariat’s comments on all related docs.</p>

<p>17.3</p>	<p>Botswana DR Congo Namibia Zimbabwe</p>	<p>Rural Communities: Participatory Mechanism for Rural Communities</p>	<p>Summarises arguments for greater involvement of RCs in CITES</p> <p>Cites the 2018 UNGA adoption of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, notably the commitment that “before adopting and implementing [...], international agreements [...] that may affect the rights of peasants and other people working in rural areas, States shall consult and cooperate in good faith with peasants and other people working in rural areas through their own representative institutions, engaging with and seeking the support of peasants and other people working in rural areas who could be affected by decisions before those decisions are made...”/</p> <p><i>Recommends:</i></p> <p>CoP19 endorse the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas through a Resolution to be developed by the Secretariat in consultation with the Standing Committee</p> <p>Establishment of a Rural Communities Committee and suggests composition, draft ToRs and operational modalities.</p> <p>Decisions to the Secretariat to carry out costings (18.AA); and to the Standing Committee to consider these and make recommendations to CoP 19 (18.BB) and to consider extending the RCWG to make recommendations to SC73 (18.CC).</p> <p><i>Secretariat comments:</i></p> <p>Does not recommend establishment of a RCC</p> <p>Draws attention to Doc 18.1 (summarised below), Annex 1, in which decisions have been revised to reflect Secretariat’s comments on all related docs.</p>
<p>18.1</p>	<p>Secretariat</p>	<p>CITES and Livelihoods Report of the Secretariat</p>	<p>Reviews work on CITES & Livelihoods</p> <p><i>Recommends:</i></p> <p>A consolidated set of Decisions reflecting Sec’t comments on Decisions relevant for 17.2, 17.3, 18.1, 18.2, and 18.3, including:</p> <p>To Parties: to conduct new case studies using standardised template</p> <p>To the Secretariat: assist Parties in developing new case studies; commission review of case studies and existing guidelines on SU; prepare guidance on maximising benefits of CITES trade to RCs; commission evaluation of certification mechanisms; hold workshop; raise awareness; and develop partnerships.</p> <p>To the SC: review the report of the Secretariat and monitor the progress of Parties.</p>
<p>18.2</p>	<p>Peru</p>	<p>CITES & Livelihoods Proposal by Peru</p>	<p>Highlights the importance of the use of certification to help address consumer concerns regarding social, environmental and ethical aspects of production of products from CITES-listed species.</p> <p>Highlights the need for more awareness on how wildlife contributes to conservation of species and livelihoods of rural communities</p>



			<p><i>Recommends:</i></p> <p>Dec 18AA to SC: Re-establishment of the CITES and Livelihoods WG with new mandate including on certification, on avoiding unintended consequences of trade measures.</p> <p>Adoption of new Resolution establishing an International Day for Livelihoods of Rural Communities</p> <p><i>Secretariat comments:</i></p> <p>Supports decisions, as amended and consolidated in Doc 18.3, Annex 1</p> <p>Does not support new International Day for Livelihoods, but proposes livelihoods as theme of next World Wildlife Day</p>
18.3	China	CITES & Livelihoods Proposed Amendments to Res Conf. 9.24 (Rev. Cop17)	<p>Summarises key points that emerged from discussion at the CITES and Livelihoods meeting in Guangzhou, October 2018</p> <p><i>Recommends that CoP:</i></p> <p>Amend the Format for Proposals to Amend the Appendices set out in Annex 6 of Res. Conf. 9.24 (Rev. CoP17) to include:</p> <p>Impacts on beneficial livelihoods</p> <p>Potential to detrimental livelihood, and</p> <p>How the proposed listing would impact through livelihoods in the whole trade chain to the conservation of wildlife.</p> <p><i>Secretariat comments:</i></p> <p>Does not support these amendments, but instead the similar amendments to the same Res. Conf. proposed in Doc 17.2.</p>
19	SC	Food Security and Livelihoods	<p>The COP is invited to renew Decisions 17.41 to 17.43 which call for greater clarity on a draft resolution presented to CoP17 on bringing elements related to food and nutrition security from the Universal Declaration of Human Rights and the strategic objectives of the FAO into CITES.</p> <p><i>Secretariat comments:</i></p> <p>Notes the currently divergent views of stakeholders and suggests renewing these decisions is unlikely to lead to a better outcome.</p>

A way forward? Possible options to enhance engagement of communities across these proposals

Some of the proposals that are on the agenda for discussion are not controversial – suggesting the CoP notes reports, previous decisions etc. This applies to elements of Doc 11 and Doc 18.2 but particularly to Doc 17.1, Doc 18.1, and Doc 19. However, Parties may wish to consider if the Secretariat suggestions in Doc 17.1 would adequately address concerns about rural community participation. Further, Parties may wish to consider if the consolidated set of Decisions in Doc 18.1 do indeed adequately address concerns raised repeatedly in meetings on CITES and Livelihoods, in the meeting of the RCWG, and in various Party submissions to this and previous CoPs.

Other proposals are significantly more complex, and Doc 17.3 in particular seems likely to be contested, based on previous discussions on this issue at CoP17 and SC70. This is not due to a lack of support for increased attention from CITES to involvement of rural communities, but *inter alia* because the proposed mechanism of a permanent Rural Communities Committee represents a significant change to the operation of this inter-governmental treaty and would require significant financial resources.

If the option of a Rural Communities Committee is contested, one way forward to significantly maximise attention to rural community engagement and livelihoods without requiring substantive reforms of the operation of the Convention would be to merge Doc 18.3 with Doc 17.2 (or withdraw 18.3 in favour of 17.2) since the two substantially overlap, and to support the proposed amendment in 17.2.

However, there may be some important lessons from other Conventions that could help further deliberations on appropriate mechanisms for enhancing the voice of rural communities going forward, as discussed below.

Some lessons for CITES in the future? Community engagement in the CBD and UNFCCC

The **Convention on Biological Diversity** (CBD) does not make any *formal* provision for participation of rural communities – it remains the role of States to carry these obligations out at the national level. In practice, however, they have been able to secure strong and effective engagement in policy deliberations, specifically through Article 8(j) which establishes an obligation to "[...] respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities [...]"; and Article 10(c) which requires Parties to "[p]rotect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements."

The main, formal participation mechanism is the Working Group on Article 8(j) which includes an indigenous co-Chair. This Working Group ([WG8j](#)) is open to all Parties and

"indigenous peoples and local communities" - IPLC (the preferred CBD terminology for rural communities) representatives play a full and active role in its work, rather than simply relying on influencing Party decisions. Note, however, all outputs from the WG still have to go to CoP where they are subject to Party-only negotiations towards consensus.

Beyond WG8j, the CBD regularly calls for submissions on various issues from Parties and other stakeholders including IPLC organizations or networks.

The CBD Secretariat staff is specifically mandated to facilitate and support the engagement of IPLCs in CBD deliberations. Processes that have developed in a more informal sense that enable IPLC participation in international deliberations include:

- The International Indigenous Forum on Biodiversity (IIFB) - a network of IPLC organizations, which shares information, organizes meetings in the lead up to CoPs or subsidiary body meetings, and may develop unified policy positions and inputs.
- The CBD Alliance - a network of civil society organizations that have a common interest in the CBD (i.e. broader than IPLCs), aiming to enhance cooperation and general understanding, and to be a bridge between those involved in biodiversity work on the ground and those who participate in CBD processes.
- The Indigenous Women's Biodiversity Network (IWBN) which promotes the active participation of indigenous women in international environmental deliberations, particularly the CBD, and has developed regional networks to facilitate effective organization and participation at this level.

Within the **Climate Change Convention**, CoP24 in December 2018 made a landmark decision to establish a [Local Communities and Indigenous Peoples Platform](#) (LCIPP) in order to strengthen the knowledge, technologies, practices, and efforts of local communities and indigenous peoples related to addressing and responding to climate change, to facilitate the exchange of experience and the sharing of best practices and lessons learned on mitigation and adaptation in a holistic and integrated manner and to enhance the engagement of local communities and indigenous peoples in the UNFCCC process. A Facilitative Working Group consisting of 14 members – half are Party representatives and half are IPLC representatives – has been established to develop a work plan for the Platform.

It is also worth noting that the UN Environment Assembly (UNEA) and the Inter-governmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) both have strong mechanisms to support and enable active participation of indigenous peoples and local communities in their deliberations.