



POSITION PAPER: CITES AND RURAL COMMUNITIES

Prepared by ACBA for CITES (COP27)

Key Messages:

- Decisions made by the Convention on International Trade in Endangered Species of Fauna and Flora (CITES) affect communities^[1] and their livelihoods, especially those living in rural areas where these species are prevalent.
- The rights of rural communities to be actively involved in making decisions that affect their lives and livelihoods are upheld in the UN Declaration on the Rights of Indigenous People (UNDRIP) and the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP).
- CITES must develop a mechanism for incorporating the views and ideas of rural communities in decision making.
- Examples of such mechanisms are found in the Convention on Biological Diversity (CBD) and the UN Framework Convention for Climate Change (UNFCCC).
- Two proposals for CoP19 suggest re-establishing a working group on indigenous people and local communities (Doc.13) and doing case studies on livelihoods (Doc.14). These proposals should be supported, but they are not ambitious enough to achieve the goal of including communities and their livelihoods.
- African Parties (plus Cambodia) submitted two proposals that provide a clear mechanism for incorporating rural communities in CITES (Doc. 15) and giving due consideration to livelihoods in proposals for up-listing species (Doc. 87.1). These ambitious proposals will make substantial progress towards bringing CITES in line with international best practice and should therefore be fully supported.

[1] Note on nomenclature: the term "rural communities" is used here as a broad term that includes, but is not limited to, indigenous people groups. The term Indigenous People and Local Communities (IPLCs) is used in some of the conventions and documents proposed here, which also includes rural communities. The term IPLC is used when discussing the relevant conventions and documents, while the term rural communities is used in the remainder of this paper.



Communities, livelihoods and biodiversity conservation in context

The role that rural communities play in conserving ecosystems and native plant and animal species is becoming increasingly recognised worldwide. In a summary report for policy makers on the sustainable use of biodiversity, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) highlighted the role that communities play in conservation, their dependency on sustainable use of wildlife for their livelihoods, and the need for policy-makers to include rural communities when making decisions relating to sustainable use.

“Policy instruments and tools are most successful when tailored to the social and ecological contexts of the use of wild species and support fairness, rights and equity.” (IPBES, 2022)

Including rural communities in international policy-making processes is therefore likely to improve outcomes for biodiversity.

Besides the potential for positive outcomes, the rights of indigenous people to participate in policies and decisions that affect their livelihoods are upheld by the UN Declaration on the Rights of Indigenous People (UNDRIP) and the

rights of rural communities are upheld in the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP).

“Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.” (Article 18, UNDRIP, emphasis added)

“Peasants and other people working in rural areas have the right to active and free participation, directly and/or through their representative organizations, in the preparation and implementation of policies, programmes and policies that may affect their lives, land and livelihoods.” (Article 10(1), UNDROP, emphasis added)

Unlike the UN Convention on Biological Diversity (CBD) and UN Framework Convention on Climate Change (UNFCCC), CITES (which is not a UN convention) has not prioritized aligning itself with UNDRIP and UNDROP. However, as an international convention that is concerned with biodiversity conservation and economic trade that have clear links with rural communities and their rights, CITES must join other conventions in finding ways to better integrate rural communities and their livelihoods into its decision-making processes.

The Convention on Biological Diversity (CBD) has provided space for Indigenous People and Local Communities (IPLC) to participate through a permanent working group, an IPLC caucus and a fund to support IPLCs attending CBD meetings. The UN Framework Convention on Climate Change (UNFCCC) has established similar provisions, including a platform for IPLCs to share knowledge and lessons learned relating to climate change. Both of these conventions recognize the impact of their respective remits (biodiversity and climate change) on the lives and livelihoods of IPLCs.



“Recognizing the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components” (Preamble, CBD, emphasis added)

The rights and recognition of rural communities are further emphasized within Africa. The African Commission on Human and Peoples’ Rights (AHCR) in Resolution 489 calls on African states and non-state actors to “recognize the role of communities in the ownership, management and conservation of natural resources that drives the wildlife economy across Africa and to address our concerns, in the spirit of environmental and economic justice.”

Similarly, the Kigali Call to Action produced during the first IUCN African Protected Areas Congress (APAC) held in Rwanda earlier this year calls for: “Ensuring equitable, effective, generational and gender-responsive participation of all rights-holders and stakeholders, including IPLCs and youth in decision making related to biodiversity, at all levels”.

In their Declaration at APAC, the IPLCs attending the Congress called on all governments to: “Consider IPLCs as right holders in the design, planning, management and monitoring of biodiversity and livelihood related to conservation.” And to “Proactively bring IPLCs into the strategy, policy and law-making and implementation arenas.”

African nations are thus encouraged to ensure that CITES provides suitable mechanisms for rural communities and their livelihoods to be taken into account when making listing decisions.

CITES, Rural Communities and Livelihoods

Since CoP13 in 2004, CITES has formally recognised that the sustainable use and associated legal trade in wildlife has potential benefits both in terms of conservation and livelihoods for local communities (Res Conf 8.3 (Rev. CoP13)). A CITES and Livelihoods Working Group was established, which produced a toolkit at CoP16 (Information document CoP16 Inf. 21) that provided voluntary guidelines for Parties to assess impacts of CITES decisions on livelihoods. The working group has produced several detailed case studies and other guidelines since CoP16. CoP17 amended the criteria for listing species on CITES Appendices such that socio-economic factors should be taken into account when up-listing species (Resolution Conf. 9.24 (Rev. CoP17)).

A Rural Communities Working Group was established at CoP17 to guide CITES on the effective engagement of rural communities, as a result of negotiations on CoP17 Doc. 13 on the Establishment of the Rural Communities Committee of the Conference of the Parties.

The working group was re-established at CoP18 in Decision 18.31. This was followed by Resolution Conf. 16.6 (Rev. CoP18) that calls on CITES Parties to make greater efforts to empower and engage with rural communities in relation to CITES decisions and implementation. This resolution marked an important step, but focuses on the national level without providing a mechanism for rural communities to engage directly with CITES. The Rural Communities Working Group has not provided substantive guidance for CITES to take this next step.

While these recommendations are moving CITES in the right direction, there is still no formal mechanism for taking livelihoods into account prior to CITES listing decisions, and rural communities do not have a formal place at the discussion table in CITES.



Key Proposals for CoP19 on Rural Communities and Livelihoods

Four working documents have been submitted to CoP19 on the subject of rural communities and livelihoods. Two of these have been proposed by the CITES Standing Committee (Doc. 13 and Doc. 14), while the other two have been proposed by groups of African countries (Doc. 15 and Doc. 87.1). While the former documents appear to be well intended, they fall short of proposing the significant changes required to bring CITES in line with other international conventions and the UN declarations mentioned above.

Rural Communities need real inclusion in CITES rather than mere recognition

Document 13 (Standing Committee) recommends a renewal of the Rural Communities Working Group, which was initially at CoP17, but has been largely dormant since then despite being re-established at CoP18. If this is accepted, it is critical that the Chair of the Working Group is a CITES Party that has a good record of engaging with rural communities nationally and is committed to the outcomes of this Working Group.

Our recommendation:

support this Document and ensure that one of the African Parties that submitted Doc. 15 and/or Doc. 87.1 is put forward as a potential Chair of the Working Group (i.e. Botswana, Eswatini, Namibia or Zimbabwe).

Document 15 (Eswatini, Namibia and Zimbabwe) recommends that CITES endorse UNDROP and establish a Rural Communities Advisory Sub-Committee that advises the Plants and Animals Committees. If accepted, this proposal would bring about major changes that would fully include rural communities in CITES processes, which is in line with the spirit and intent of the international and African statements and declarations listed previously.

Our recommendation:

while the modalities of how to incorporate rural communities into CITES processes could still be changed during discussions at CoP19, it is important that the spirit of this proposal is fully supported – that we need a pragmatic way forward that gives rural communities a voice and involves them in decision-making processes. The Rural Communities Working Group could assist with implementing a decision such as the one proposed here, but it is critical that progress is made beyond just re-establishing a Working Group. See Information Document CoP19 Inf. 29 for a detailed account of potential mechanisms for rural communities to engage with CITES based on their engagement with other international conventions.

Livelihoods should be included in CITES decisions, not merely studied

Document 14 (Standing Committee) recommends more case studies to be collected on CITES and livelihoods, and the re-establishment of the CITES and Livelihoods Working Group.

Our recommendation:

support this Document and ensure that a committed Party is elected as Chair of the Working Group. This Document should not be favoured over Document 87.1, which provides practical recommendations for incorporating livelihoods into CITES listing decisions.

Document 87.1 (Botswana, Cambodia, Eswatini, Namibia and Zimbabwe) recommends that listing proposals should go through extensive consultations with affected stakeholders. The document focuses on Appendix I listing decisions, as this prevents international commercial trade, which could have severe impacts on local communities that use such trade to create jobs and improve food security. The document also calls for more scrutiny of the causes of species decline. If legal international trade is not the primary cause of decline, then preventing such trade will not have noticeable conservation outcomes. Choosing to restrict trade could actually hurt conservation and livelihoods, which means that up-listing decisions must be taken with full knowledge of these consequences.

Our recommendation:

this document must be fully supported as an important step towards improving CITES listing decisions. We do not think that the listing criteria need to be changed in order to take livelihoods into account, rather that each proposal for up-listing should include a section that indicates to what extent the species is currently traded and what impact trade has

on rural community livelihoods. Therefore, as a compromise, we would favour the proposed amendments to Annexes 5 and 6 of Resolution Conf. 9.24 (Rev.CoP17) are maintained in the current proposal so that listing criteria are not changed. While livelihoods case studies recommended in Document 14 will be useful, the recommendations in Doc. 87.1 move beyond studies and into action.

The Potential for CITES to Improve Rural Community Livelihoods and Food Security

By adopting the above working documents, especially 15 and 87.1, CITES will open up more possibilities for international wildlife trade to contribute to the livelihoods and food security of rural communities. According to the World Bank, the COVID-19 pandemic and associated global economic woes, along with the war in Ukraine leading to increased food prices have exacerbated food insecurity in developing countries worldwide. An estimated 150 million more people are affected by hunger than there were before the COVID-19 pandemic. Worsening climate change impacts in rural areas, especially protracted droughts and severe flooding, deepens the food security crisis faced by rural communities (Food and Agriculture Organisation, 2015).

Legal, regulated trade in wildlife products that is based on community-based natural management principles and sustainable use has the potential to increase the resilience of community livelihoods to external shocks (both economic and climate-related) and improve food security (Pailler, 2015). In the wake of COVID-19, a zoonotic disease, there have been many calls to ban all wildlife trade especially for food. Such a move would deepen the food security crisis for millions of rural communities worldwide, leading wildlife trade experts to suggest alternative options (Roe et al., 2020, Biggs et al., 2021). It is critical that any such regulations involve the people that would be most affected – rural communities. The full inclusion of rural communities into CITES

is therefore both urgent and necessary, given the current global situation.

In this context, the advantages of creating a formal platform for rural communities to engage with CITES and integrating livelihoods into listing proposals include: 1) ensuring that CITES trade regulations support community-based management structures; 2) avoiding or at least mitigating potentially negative consequences of trade restrictions on community livelihoods; 3) opening avenues for cooperation and finding joint solutions to illegal wildlife trade with rural communities; and 4) working with rural communities to improve the health and safety of legal wildlife trade to prevent future global pandemics.

Conclusion

The rights and livelihoods of rural communities can no longer be ignored by CITES. Rural communities have fundamental rights to sustainably use plant and animal resources to support their livelihoods, and this use includes international trade. More substantive action is required than working groups and case studies alone, as these options do not lead to the inclusion of the perspectives and livelihoods of rural communities in CITES decisions.

The two proposals led by African Parties provide an opportunity to bring CITES in line with international and African aspirations to uphold the rights of rural communities and include them in decisions that affect their livelihoods. All CITES Parties are therefore strongly encouraged to support Working Documents 15 and 87.1 alongside Working Documents 13 and 14 at CoP19 in Panama.

