

# Raising Local Community Voices: CITES, Livelihoods and Sustainable Use

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*Trade in wild resources contributes to the livelihoods of many rural people and communities, particularly the poorer people in developing countries. Livelihoods are central elements of many strategies for conservation based on sustainable use of wildlife. This article surveys CITES' formal engagement on livelihoods, including decisions adopted at the recent sixteenth Conference of the Parties (CoP16). It then draws on examples from debate at CoP16 to illustrate that in practice, livelihood concerns have considerable relevance to CITES parties' decisions on listing species in the Appendices. It goes on to discuss several issues arising from this, and concludes that there are clear arguments for CITES decision making (including listing in particular) to more clearly and consistently address the impact of decisions on rural communities (including through enhanced participation of rural communities themselves), both for their own sake and because these impacts will often influence the eventual conservation success of CITES decisions.*

## INTRODUCTION

Since the thirteenth Conference of the Parties (CoP) in 2004, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)<sup>1</sup> has begun to directly address the question of how its decision making impacts on the livelihoods of the indigenous peoples and local communities who rely on the use and trade of wild resources. More broadly, these questions about how CITES decision making affects how local people use and manage resources are fundamental to debates about sustainable use of wild resources that have been ongoing in CITES since its inception. In this article, we review the current state of play regarding livelihoods in CITES decision making, discuss some emerging issues related to livelihoods, and comment on the political influences and issue dynamics that shape possible future trajectories of CITES decision making in this field.

<sup>1</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, DC, 3 March 1973; in force 1 July 1975) ('CITES').

## CITES AND LIVELIHOODS: A BACKGROUND

Globally, over a billion rural people, particularly the poor, are dependent for some part of their livelihood on the use and trade of wild resources, including fish and other marine resources, timber species, medicinal plants, mammals, birds and reptiles.<sup>2</sup> They may be used for subsistence or sold into markets for a wide variety of purposes – food, healthcare, building materials, handicrafts, pets, clothing, spiritual and cultural uses, decorative items, musical instruments and so on. Dependence on wild resources is significant and typically highly underestimated: recent estimates from two large-scale independent studies of rural people in tropical and sub-tropical countries found that 25–40% of household income derived from wild resources.<sup>3</sup> Trade in wild resources for international markets constitutes a highly variable and generally poorly understood amount of this, with typically only a very small percentage of the retail value of the wildlife product captured by the producer communities. However, these benefits can be significant in livelihood terms even where monetary values are low, where incomes are low or where wildlife trade constitutes one of the few or only sources of cash income for subsistence farmers or hunter gatherers. For example, Argentinian *gauchos* can earn up to US\$2,000 in a nesting season from the collection of caiman eggs (for ranching and sale for skins), which is highly significant given that their salary is around US\$400 per month.<sup>4</sup> Trophy hunting, which relies on trade of the hunting trophies to hunters' countries of

<sup>2</sup> D. Roe *et al.*, *Making a Killing or Making a Living? Wildlife Trade, Trade Controls and Rural Livelihoods* (International Institute for Environment and Development (IIED), 2002); Center for International Forestry Research (CIFOR), 'Forests, Food and Livelihoods: What Policymakers Should Know', CIFOR Factsheet No. 3 (CIFOR, November 2012).

<sup>3</sup> See CIFOR, n. 2 above; International Union for Conservation of Nature (IUCN), 'Rethinking Forest Reliance: Lessons from Applying the Forests-Poverty Toolkit' (undated), found at: <[http://cmsdata.iucn.org/downloads/gill\\_ny\\_flyercomplete\\_4ds.pdf](http://cmsdata.iucn.org/downloads/gill_ny_flyercomplete_4ds.pdf)>.

<sup>4</sup> A. Larriera, 'Ranching the Broad-snouted Cayman (*Caiman latirostris*) in Argentina: An Economic Incentive for Wetland Conservation by Local Inhabitants', in: M. Abensperg-Traun, D. Roe and C. O'Cruidain (eds.), *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'* (IUCN and IIED, 2011), 86, at 90.

origin, contributes around 34% of the total benefits to communities of Namibia's Community-based Natural Resource Management (CBNRM) programme, which supports the livelihoods of around 240,000 of Namibia's poorest people.<sup>5</sup> Trade in polar bear hides is valued at around US\$330,000 per year for Inuit communities living in remote regions of Canada with few economic options (and other uses involve much higher values).<sup>6</sup>

Benefits to people – particularly those indigenous and local people who live with wildlife, bear any associated costs (e.g., danger to life, damage to crops, restrictions on land use) and often play a *de jure* or *de facto* stewardship role – are fundamental to the concept of conservation based on sustainable use.<sup>7</sup> This approach to conservation contrasts with what is often referred to as the 'fences and fines' approach, or 'fortress conservation', which seeks to protect wildlife by restricting or prohibiting its use, both through formal protected areas and through legal prohibitions on use across the landscape. Conservation approaches based on sustainable use recognize that in appropriate institutional settings, people's use of wild resources can generate both the motivation and the revenue for conservation and sustainable management of species and their habitats, and are built on supporting and maintaining use of wild resources at sustainable levels. While both these conservation approaches can clearly be successful in certain contexts, either singly or in combination (and perhaps using varied measures of success), CITES debates on whether to tighten or relax trade regulation often hinge around which approach should be favoured and what the likely outcomes of pursuing each are likely to be. Livelihood considerations are therefore important in CITES both for their own sake, and because they underpin conservation questions.<sup>8</sup> However, the quality of these debates often suffers from a paucity of information to assist in determining any potential (conservation or human) benefits linked to local livelihoods.

<sup>5</sup> L.C. Weaver *et al.*, 'The Catalytic Role and Contributions of Sustainable Wildlife Use to the Namibia CBNRM Programme', in: M. Abensperg-Traun *et al.*, n. 4 above, 59, at 59.

<sup>6</sup> EcoResources Consultants, *Evidence of the Socio-Economic Importance of Polar Bears for Canada* (Environment Canada, 2011), at 16.

<sup>7</sup> M.W. Murphree, *Communities as Institutions for Resource Management* (Centre for Applied Social Sciences, 1991); J.M. Hutton and B. Dickson, 'Conservation out of Exploitation: A Silk Purse from a Sow's Ear?', in: J.D. Reynolds *et al.* (eds.), *Conservation of Exploited Species* (Cambridge University Press, 2001), 440; G.J.W. Webb, 'Conservation and Sustainable Use of Wildlife: An Evolving Concept', 8:1 *Pacific Conservation Biology* (2002), 12; J.M. Hutton and N. Leader-Williams, 'Sustainable Use and Incentive-driven Conservation: Realigning Human and Conservation Interests', 37:2 *Oryx* (2003), 215.

<sup>8</sup> See D. Roe *et al.*, n. 2 above; M.W. Murphree, 'The Strategic Pillars of Communal Natural Resource Management: Benefit, Empowerment and Conservation', 18:10, *Biodiversity Conservation* (2009), 2551.

The debate around livelihoods in CITES has had several strands. A first strand concerns the suspicion that CITES controls potentially remove economic options from poor rural people, sometimes in situations where the controls may serve no effective conservation purpose, or where the alienation of rural people due to the economic impacts stymies potential conservation gains. For instance, the listing of the Tanimbar corella (*Cacatua goffini*) in CITES Appendix I in 1992 resulted in loss of income for poor local people, with arguably little conservation benefit, as the bird was a common local agricultural pest which was simply destroyed in other ways when locals could not gain income from their sale.<sup>9</sup>

A second strand focuses on the support for CITES controls as mechanisms that – where sensitively applied – can support local livelihoods through helping to ensure sustainability of harvest and to combat illegal trade that undermines local benefits from use.<sup>10</sup> For instance, the story of vicuña (*Vicugna vicugna*), one of CITES' most evident success stories,<sup>11</sup> involves initially strict CITES prohibitions to counter a situation of excessive overharvest and illegal trade, followed by careful incremental easing of trade controls to allow sustainable use and generate further incentives for conservation once populations recovered. Now many indigenous and rural populations in Andean countries are gaining small but locally important economic benefits from vicuña fibre trade, while CITES controls remain critical elements of the sustainable management framework.<sup>12</sup>

A third strand centres on concerns that the introduction of livelihood considerations, particularly during debates around listing proposals, will dilute the scientific basis of decision making. CITES Secretary-General John Scanlon<sup>13</sup> effectively argues against this critique by suggesting a role for discussion of livelihoods in connection with listing proposals, while pointing out that proposals will still be assessed against biological and trade criteria as defined by the CoP.<sup>14</sup>

It should be noted that these various strands are closely related to the listing status of taxa. More recent

<sup>9</sup> P. Jepson, 'The Need for a Better Understanding of Context When Applying Wildlife Trade Regulations: The Case of an Indonesian Parrot – Tanimbar Corella' in: S. Oldfield (ed.), *The Trade in Wildlife: Regulation for Conservation* (Earthscan, 2003), 153.

<sup>10</sup> See D. Roe *et al.*, n. 2 above.

<sup>11</sup> G. Lichtenstein, 'Use of Vicuñas (*Vicugna Vicugna*) and Guanacos (*Lama Guanicoe*) in Andean Countries: Linking Community-based Conservation Initiatives with International Markets', in: M. Abensperg-Traun *et al.*, n. 4 above, 103.

<sup>12</sup> Ibid. See also G. Lichtenstein, 'Vicuña Conservation and Poverty Alleviation? Andean Communities and International Fibre Markets', 4:1 *Commons Journal* (2010), 100.

<sup>13</sup> J. Scanlon, 'Emerging Challenges and Opportunities in Listing Species on the Appendices, and in Ensuring Effective Implementation', in: M. Abensperg-Traun *et al.*, n. 4 above, x.

<sup>14</sup> See CITES Resolution Conf. 9.24 (Rev. CoP16), Criteria for Amendment of Appendices I and II (1994/2013).

discussions, reflected in the work of the CITES and Livelihoods Working Group (see below), involve consideration of what can be done to make implementation of listings more supportive of livelihoods.

A final strand of debate is the argument that, instead of within CITES, livelihoods should be dealt with in other policy arenas, particularly the Convention for Biological Diversity (CBD) with its broader remit.<sup>15</sup> Creating synergies between both conventions, such as through the development of joint action plans that support local livelihoods, would most likely provide better conservation outcomes and would be consistent with the Strategic Vision of CITES.<sup>16</sup>

That CITES has had difficulties in taking the conservation-poverty/livelihoods issue into its philosophical framework is highlighted by the development of its Strategic Vision 2008–2013, which has now been extended to 2020. The draft Strategic Plan<sup>17</sup> presented in 2006 to the 54th Meeting of the CITES Standing Committee, included a goal to '[a]dopt balanced wildlife trade policies compatible with human well-being, livelihoods and cultural integrity', and associated objectives. However, this passage was deleted from the final version.

## HOW HAS CITES ADDRESSED LIVELIHOODS? A BRIEF HISTORY

The close linkage between environmental resources and the livelihoods and well-being of people, particularly the poor, has been widely recognized in high-level international policy statements, including the Mission of the CBD's Strategic Plan,<sup>18</sup> and the outcome document of the United Nations Conference on Sustainable Development (Rio+20).<sup>19</sup>

Despite this background, CITES has only relatively recently begun to address the linkages between its decisions and local livelihoods and poverty. This

process was significantly influenced by an attempt to list Devil's Claw (*Harpagophytum* spp.) in CITES Appendix II at CoP11 in 2000. The proposal was withdrawn following strong opposition by range States on livelihood grounds. In part due to the attention to livelihoods this generated, two important resolutions were adopted at CoP13 in 2004. First, parties amended Resolution Conf. 8.3 ('Recognition of the benefits of trade in wildlife'),<sup>20</sup> adding that implementation of CITES listing decisions should take into account potential impacts on the livelihoods of the poor. This resolution had up until then referred primarily to the conservation benefits of trade in wildlife, laying out the classic elements of the arguments in favour of conservation through sustainable use<sup>21</sup> and recognizing that commercial trade may be beneficial to the conservation of species and ecosystems and to the development of local people when carried out at non-detrimental levels.<sup>22</sup> Second, parties adopted the Addis Ababa Principles and Guidelines on sustainable use of biodiversity, which contain several principles that are particularly relevant for the development of livelihoods issues within CITES.<sup>23</sup>

It should be noted that the wording added to Resolution Conf. 8.3 restricts the consideration of livelihood concerns to the *implementation* of CITES listing decisions.<sup>24</sup> The key significance here is that the highly charged and often controversial decisions taken by parties as to which species to list in the CITES Appendices should *not* involve consideration of livelihood impacts. Formally speaking, this restriction derives from the specific biological criteria (relating to the population status and trends of the taxon) and trade criteria (relating to level of trade and demand) for parties to consider when making listing decisions, as set

<sup>15</sup> On the CITES-CBD relationship, see R. Cooney, 'CITES and the CBD: Tensions and Synergies', 10:3, *Review of European Community and International Environmental Law* (2001), 259; and R. Caddell, 'Inter-treaty Cooperation, Biodiversity Conservation and the Trade in Endangered Species: Progress and Prospects', 22:3 *Review of European, Comparative and International Environmental Law* (2013), 264.

<sup>16</sup> J. Mulongoy and S.B. Gidda, 'Harmonizing Policy Support for CBNRM Amongst Multilateral Environmental Agreements', in: M. Abensperg-Traun *et al.*, n. 4 above, 41. See also CITES Resolution Conf. 16.3, CITES Strategic Vision 2008–2020 (2013).

<sup>17</sup> CITES, CITES Strategic Plan 2008–2013 (SC54 Doc. 6.1, 2006), at 11.

<sup>18</sup> CBD Decision X/2, Strategic Plan for Biodiversity 2011–2020 (2010), Annex, at paragraph 12.

<sup>19</sup> The Future We Want (UN Doc. A/RES/66/288, 11 September 2012), at paragraph 197.

<sup>20</sup> CITES Resolution Conf. 8.3 (Rev. CoP13), Recognition of the Benefits of Trade in Wildlife (1992/2004).

<sup>21</sup> The resolution recognizes the dangers of over-utilization, and highlighted that most CITES-listed species occur in the developing world, that (consumptive and non-consumptive) wildlife use could provide an economically competitive land-use option, and that 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 may occur. *Ibid.*

<sup>22</sup> B. Dickson, 'CITES and the Livelihoods of the Poor', 42:4 *Oryx* (2008), 548.

<sup>23</sup> CITES Resolution Conf. 13.2 (Rev. CoP14), Sustainable Use of Biodiversity: Addis Ababa Principles and Guidelines (2004/2007), Annex 1. See notably Practical Principle 2 ('Recognizing the need for a governing framework consistent with international/national laws, local users of biodiversity components should be sufficiently empowered and supported by rights to be responsible and accountable for use of the resources concerned') and Practical Principle 12 ('The needs of indigenous and local communities who live with and are affected by the use and conservation of biological diversity, along with their contributions to its conservation and sustainable use, should be reflected in the equitable distribution of the benefits from the use of those resources').

<sup>24</sup> CITES Resolution Conf. 8.3, n. 20 above.

out in Resolution Conf. 9.24.<sup>25</sup> While the issue of integrating socioeconomic considerations into the listing criteria contained in Resolution Conf. 9.24 has never been formally raised, the nature of discussions around livelihoods make it clear that this would be a very difficult undertaking. Strong opposition would likely be based largely on fears of sacrificing scientific rigour and CITES' conservation focus on decision making, and encroaching on issues that remain within the national sovereignty of the parties.

Following the amendment of Resolution Conf. 8.3 and a workshop on the subject<sup>26</sup>, a CITES and Livelihoods Working Group was established in 2008.<sup>27</sup> It was tasked with producing two documents – one on tools for voluntary use by the parties to rapidly assess positive and negative listing impacts on livelihoods (the 'Toolkit'), and draft voluntary guidelines for parties to address these impacts, particularly in developing countries (the 'Guidelines'). With Peru as chair, the CITES and Livelihoods Working Group has been pursuing this work over subsequent years. It includes representatives of countries from every CITES region, as well as a range of intergovernmental and nongovernmental organizations (NGOs), including the International Union for Conservation of Nature (IUCN), the United Nations Environment Programme World Conservation Monitoring Centre (UNEP-WCMC), the wildlife trade monitoring network TRAFFIC and the World Wide Fund for Nature (WWF). The Toolkit and Guidelines developed by the Working Group, along with a draft Resolution on livelihoods, were considered by the parties at CoP16 in 2013.

## THE LIVELIHOODS RESOLUTION OF CoP16: AN IMPORTANT STEP FORWARD

Based on very broad support, CoP16 adopted a new Resolution on CITES and Livelihoods (Resolution Conf. 16.6) based on the work of the Working Group.<sup>28</sup> Broadly, this resolution recognizes that CITES implementation is better achieved with the engagement of rural communities, particularly those that are traditionally dependent on CITES-listed species for their livelihoods. It recognizes that CITES listing decisions

can restrict income, employment, food and other resources for rural people, but can also enhance livelihoods by delivering long-term species conservation and reducing illegal/unsustainable trade.

The resolution applies only to the implementation of CITES listing decisions (and not their drafting or adoption), and is non-legally binding like all other CITES resolutions. It does not exhort or urge parties to take action, but rather sets out a series of considerations for parties when addressing livelihoods issues. These include:

- empowering rural communities, including through promoting associations of primary users of wildlife, recognizing resource tenure and ownership and traditional knowledge of rural communities;
- mitigating negative impacts of listing, including through providing financial assistance;
- supporting enabling policies and exploring the use of registered marks of certification and origin;
- recognizing that shifts in production from *in situ* to *ex situ* wildlife production [from wild harvest to captive breeding/artificial propagation] may lead to loss of revenues for rural communities, and that positive incentives to promote *in situ* production may encourage community benefits; and
- recommending parties to adopt mitigation strategies for human-wildlife conflict for CITES species.<sup>29</sup>

This resolution marks a significant, if measured, step forward for CITES along some important policy axes. Most fundamentally, it is the first recognition by CITES parties that CITES trade regulation has real impacts on people, and that CITES parties have some form of duty (however qualified) to seek to ensure that negative impacts on people are avoided or mitigated. It represents the most concrete way to date in which CITES has recognized the importance of indigenous and traditional knowledge (a previous resolution<sup>30</sup> urges parties to apply the CBD's Addis Ababa Principles and Guidelines, which include recognition of traditional knowledge). This contrasts with the CBD and many other multilateral policy fora (most recently the Intergovernmental Platform for Biodiversity and Ecosystem Services<sup>31</sup>), which have at a very early stage strongly affirmed the need to respect and support traditional knowledge and customs, alongside Western scientific approaches, in biodiversity conservation and sustainable use. Support for the recognition of tenure and ownership over wild resources by local communities is a new direction for CITES and is broadly reflective of recent international policy shifts supporting indigenous and local tenure, such as the FAO Voluntary

<sup>25</sup> CITES Resolution Conf. 9.24 (Rev. CoP15), Criteria for Amendment of Appendices I and II (1994/2010). This resolution also contains some further specific provisions that relate to 'look-alike' species and precautionary considerations regarding down-listing from Appendix I to Appendix II. Guidance on down-listing from Appendix I for the specific purpose of ranching is set out in CITES Resolution Conf. 11.16 (Rev. CoP15), Ranching and Trade in Ranches Specimens of Species Transferred from Appendix I to Appendix II (2000/2010).

<sup>26</sup> CITES, CITES and Livelihoods (CoP14 Doc. 14, 2007).

<sup>27</sup> CITES, CITES and Livelihoods (SC57 Doc. 14, 2008).

<sup>28</sup> CITES Resolution Conf. 16.6, CITES and Livelihoods (2013).

<sup>29</sup> *Ibid.*

<sup>30</sup> CITES Resolution Conf. 13.2 (Rev. CoP 14), Sustainable Use of Biodiversity: Addis Ababa Principles and Guidelines (2004/2007).

<sup>31</sup> See <<http://www.ipbes.net/>>.

Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests,<sup>32</sup> adopted in 2012, guidance on devolution contained in the CBD's Addis Ababa Principles and Guidelines<sup>33</sup> and the 'Malawi Principles' for the Ecosystem Approach.<sup>34</sup>

The accompanying Guidelines and Toolkit<sup>35</sup> are intended to be non-binding documents, providing a rich set of useful and practical guidelines, tools and approaches to assist parties to take livelihood considerations into account in their implementation of CITES trade measures. These were not adopted at the CoP, but will be further reviewed before returning to the parties for adoption. Furthermore, CoP16 adopted several decisions addressing a wide range of actions that are to be developed by parties and various actors, aimed at implementing steps to address post-listing impacts on livelihoods and communities associated with the Guidelines and Toolkit,<sup>36</sup> and may provide a yardstick to measure parties' level of commitment to the livelihoods issue in the shorter term. This includes, for example, the development of case studies and facilitation of exchange visits between relevant stakeholders from the different ongoing conservation and sustainable use programmes. If implemented, this has the potential to provide the fertile ground necessary for longer term national policy changes as encouraged in Resolution Conf. 16.6.

## CITES CoP16: DIRECTIONS IN DEBATE ON LIVELIHOODS AND SUSTAINABLE USE

We have explained the formal steps that CITES has taken to address livelihoods. This section moves on to discuss the more complex and ambiguous ways in which livelihoods impact on, and are reflected in, CITES listing decisions themselves, by reference to illustrative examples from CoP16. Our intention is to illustrate the underlying (if informal and largely unacknowledged) importance of livelihoods in the listing process, before going discussing a number of issues arising from this.

Despite the fact that, formally, CITES parties are directed to make listing decisions on the basis of biological and trade criteria, it is quite clear that in practice livelihood impacts are important to at least some

parties, because the impact of listing decisions on livelihoods is frequently raised in CoP debate. Parties, of course, as in any political forum, may take a wide range of political, economic and ideological factors into account in their decision making. Livelihood considerations may be raised either in support of or against up-listing, as will be clear from the following examples.

### POLAR BEAR

At CoP16, the United States proposed up-listing the polar bear (*Ursus arctos*) from Appendix II to Appendix I (as they had proposed at CoP15), on the basis primarily of a projected steep decrease in their sea ice habitat due to climate change.<sup>37</sup> While some range States were in support, Canada, the major range State (with two-thirds of the total population) opposed strongly, arguing that international trade was not a threat to the polar bear, and that the Canadian management system controlling harvesting was adaptive and based on sound science integrated with traditional knowledge, and that an Appendix I listing would impact negatively on Inuit livelihoods for no conservation benefit.

Central to the debate was the role of the Inuit, who hunt and trade polar bear, and the impacts that an Appendix I listing would have on them. Polar bears in Canada are co-managed with the Inuit, to whom the polar bear is of central cultural importance. An Inuit member of the Canadian delegation (and President of the Inuit representative body *Inuit Tapiriit Kanatami*) explained that Inuit hunt polar bear under quotas established through this co-management system, which integrates traditional knowledge and scientific knowledge. For the Inuit, the harvest is primarily a meat harvest, with trade of skins, skulls or other parts of the bear providing additional income in a region with high unemployment and very limited economic opportunities. As the right to hunt is established under land claim agreements and would not be affected by an Appendix I listing, it was argued that an Appendix I listing would not directly affect the level of hunting by Inuit, but would remove a source of income to these communities.

Inuit speakers from observer organizations highlighted the central role of polar bears in their culture, the importance of the revenue from hunting, and argued

<sup>32</sup> Food and Agriculture Organization of the United Nations (FAO), *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (FAO, 2012), found at: <<http://www.fao.org/docrep/016/i2801e/i2801e.pdf>>.

<sup>33</sup> CBD Decision VII/12, Sustainable Use (2004).

<sup>34</sup> CBD Decision V/6, Ecosystem Approach (2000).

<sup>35</sup> CITES, CITES and Livelihoods (CoP16 Doc. 19 (Rev. 1), 2013).

<sup>36</sup> CITES Decisions 16.17–16.25, CITES and Livelihoods (2013).

<sup>37</sup> The IUCN/TRAFFIC analyses found that the criteria for Appendix I listing were not met. The CITES Secretariat, TRAFFIC and WWF recommended rejection of the proposal. See IUCN/TRAFFIC Analyses of Proposals CITES CoP16, found at: <[http://www.iucn.org/about/work/programmes/species/our\\_work/species\\_and\\_policy/iucn\\_traffic\\_analyses\\_of\\_proposals\\_cites\\_cop16/](http://www.iucn.org/about/work/programmes/species/our_work/species_and_policy/iucn_traffic_analyses_of_proposals_cites_cop16/)>; CITES, List of Proposals to Amend Appendices I and II and CITES Secretariat's Recommendations (CoP16 Doc. 77, Annex 1, 2013), found at: <[http://www.cites.org/eng/cop/16/doc/Proposals\\_with\\_Secretariat\\_comments.pdf](http://www.cites.org/eng/cop/16/doc/Proposals_with_Secretariat_comments.pdf)>.

that a CITES up-listing decision would send a message to the Inuit of lack of faith in, and support for, their management. A delegate from South Africa made the point that while the projections of the impact of climate change on polar bear were dire, it was hard to see how alienating the communities who managed two-thirds of the polar bear population would help, and it could do the opposite by removing incentives for conservation.

While livelihoods were certainly not the only issue at stake in this debate – others being the current status of polar bears and scientific projections around climate change – it was certainly one of the central issues, along with the importance of the livelihood and cultural benefits of sustainable use to effective management approaches for polar bear conservation in Canada. The American proposal was ultimately rejected by the CoP. However, the pressures from animal protection and welfare NGOs on the American government and CITES parties were intense, and this issue may well return to CITES.

## AMERICAN CROCODILE (IN COLOMBIA)

Local livelihoods and their role in sustainable use were central to the proposal from Colombia to down-list the population of the American crocodile (*Crocodylus acutus*) of a particular bay (the Bay of Cispatá) from Appendix I to Appendix II.<sup>38</sup> This population has been the subject of a ten-year community-based programme involving nest collection, incubation and release of crocodiles, with more than 3,000 individuals being released. The proposal sought to generate greater social and economic value of the wild resource for local communities and change their perception of the crocodile through conservation by means of sustainable use. The local community, which is very poor, has been participating in protection and habitat conservation in part with the expectation that this would result in some sustainable economic benefits at some point.

This proposal was rejected by the CoP, although it did gain considerable stated support, particularly from Latin American parties. Some parties explicitly linked the proposal to the work on CITES and livelihoods and highlighted the importance of the community development aspect of the proposal and the benefits to communities from sustainable use.

## SHARKS AND RAYS

The CoP accepted proposals to list in Appendix II several sharks: oceanic white tip (*Carcharhinus*

*longimanus*), scalloped hammerheads (*Sphyrna lewini*) and two lookalikes (*Sphyrna* spp.) and porbeagle (*Lamna nasus*), and manta rays (*Manta* spp.).<sup>39</sup> In addition, proposals were put forward on several freshwater stingrays and a sawfish. Shark and ray fisheries generally are of considerable importance to fishing communities, and increasingly in tourism, and livelihoods and the socioeconomic impacts of listing were frequently raised in the debate to either support or oppose listings. For example, in the debate on the oceanic white tip, Saint Vincent and the Grenadines expressed concern about the impact of listing on the livelihoods of coastal communities.<sup>40</sup> In the debate on the scalloped hammerhead, Mexico highlighted the importance of the catch for coastal communities, but pointed out most of its trade was national, whereas the European Union and others highlighted that curbing overfishing through listing was important to preserve the socioeconomic benefits from tourism, and New Zealand argued that listing would help address illegal, unreported and unregulated (IUU) fishing and would have a positive impact on food and livelihoods for subsistence fisheries.<sup>41</sup> In support of the manta ray listing, Colombia highlighted that this listing would not undermine local livelihoods but rather ensure they had a sustainable future by controlling illegal trade and overharvest.<sup>42</sup> These proposals were adopted by the CoP.

## THAI CROCODILES

Thailand breeds in captivity the Siamese crocodile (*Crocodylus siamensis*) and saltwater crocodile (*C. porosus*), and sought to down-list its populations of these species from Appendix I to Appendix II with zero quotas for trade from the wild<sup>43</sup> – that is, allowing no commercial trade of specimens from wild-caught animals. While CITES regulations provide that captive-bred specimens of Appendix I listed species can be commercially traded subject to the same restrictions as Appendix II species,<sup>44</sup> down-listing would have eased the administrative requirements. However, wild populations continue to be small and fragmented, and both proposals failed.

The significant point here is that livelihoods were repeatedly raised in debate in support of Thailand's

<sup>39</sup> The IUCN/TRAFFIC analyses found that these taxa met the criteria for listing in Appendix II. TRAFFIC, WWF and the CITES Secretariat recommended adoption of these proposals. *Ibid.*

<sup>40</sup> C. Benson *et al.*, 'CITES COP 16 Highlights, Monday, 11 March 2013', 21:80 *Earth Negotiations Bulletin* (12 March 2013).

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

<sup>43</sup> The IUCN/TRAFFIC Analyses found that wild populations continue to meet the criteria for Appendix I. TRAFFIC, WWF and the CITES Secretariat recommended rejection of these proposals. See IUCN/TRAFFIC Analyses, n. 37 above.

<sup>44</sup> CITES, n. 1 above, Article VII.4.

<sup>38</sup> The IUCN/TRAFFIC analyses found that the wild subpopulation still met the criteria for Appendix I. TRAFFIC, WWF and the CITES Secretariat recommended rejection of the proposal. *Ibid.*

proposals, despite the fact that in a closed-cycle captive breeding situation, with a zero quota on the wild population, the contribution to local livelihoods is likely to be minor, not linked to incentives for conservation, and in any case unlikely to be significantly changed by down-listing. This suggests that in CITES discussions, 'livelihoods' can be invoked as a rhetorical tool to oppose trade restrictions (much as 'sustainable use' is on occasion), regardless of its relevance in the specific fact situation.

## CITES AND LIVELIHOODS: ISSUES AND DIRECTIONS

Above we have surveyed some of the currents – both formal and informal – of action and thought on livelihoods in CITES. In this section, we raise and reflect on a number of issues and questions these raise, and suggest possible directions for action on these points.

### LIVELIHOODS AND DECISIONS ON LISTING SPECIES IN THE APPENDICES

As we have seen above, livelihoods have no formal place in CITES listing decisions, which focus on biological and trade criteria. While this can be seen as positive from the perspective of trying to promote knowledge-based and conservation-focused decision making in CITES, it can also be seen as potentially problematic for several reasons. First, it is clearly a polite fiction, as the debates at CoP16 illustrate. Parties regularly raise other considerations from the biological and trade criteria in debate and make clear their positions are based on them, as do respected NGO sources of advice. For instance, TRAFFIC's recommendations to parties include considerations that go well beyond the formal criteria (such as whether a decision might prompt a reservation by a party).<sup>45</sup>

Second, examining these points raises the fundamental question of whether applying the formal CITES criteria alone is likely to lead to the best decision for *conservation* of the taxon.<sup>46</sup> Clearly, as reflected in the CoP debates, many parties take the view that a range of other considerations (including livelihood impacts) can be important considerations when trying to understand the likely conservation impact of a listing. Despite the

CITES Strategic Vision for 2008–2020 calling for '[t]he Appendices [to] correctly reflect the conservation needs of species',<sup>47</sup> parties are at no point directed in their listing decisions to consider the likely practical impact of the listing (on key variables such as the level of legal and illegal trade, enforcement effectiveness or incentives for sustainable use), or to make the decision that will be in the best interests of conservation of the species (except in the case of uncertainty<sup>48</sup>). While (perhaps curiously) the preamble of the resolution containing the listing criteria notes 'the objective to ensure that decisions to amend the Convention's Appendices are founded on sound and relevant scientific information, taking into account socioeconomic factors', most socioeconomic factors are excluded from the decision-making process.<sup>49</sup>

Understanding whether a listing is likely to be beneficial for conservation necessarily requires understanding of how it will affect people, and in particular the rural communities who use and live with wild species. As Marshall Murphree has stated: '[S]ustainability 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.'<sup>50</sup> Commentators have noted that rural communities should be seen as crucial actors for the implementation of CITES.<sup>51</sup> In particular, the capacities of most governments to enforce use and trade controls where local populations are not committed partners (and particularly where resources are high value) is extremely limited. Community-based natural resource management (CBNRM)<sup>52</sup> in particular is making an important contribution to conservation efforts in many of the poorer regions of the world, with a mixed record

<sup>47</sup> CITES Resolution Conf. 16.3, n. 16 above, Objective 1.4.

<sup>48</sup> CITES Resolution Conf. 9.24, n. 25 above, Annex 4.

<sup>49</sup> Ibid.

<sup>50</sup> M. Murphree, 'Strategic Roots and Implementational Evolution', Address Delivered at the Workshop Enhancing Sustainability: Resources for Our Future, World Conservation Congress (Montreal, October 1996), cited in: J. Hutton, 'A Question of Balance? Reflections on the Appropriate Relationship between Rural Development and an International Protocol to Regulate Wildlife Trade', in: M. Abensperg-Traun *et al.*, n. 4 above, 7, at 9.

<sup>51</sup> See J.M. Hutton and N. Leader-Williams, n. 7 above; M. Abensperg-Traun and H.M. Schally, 'CITES and Community-based Conservation: The Need for Constructive Engagement', in: M. Abensperg-Traun *et al.*, n. 4 above, 1.

<sup>52</sup> One of the agreed outcomes of Working Group 1 of the Vienna Symposium on CITES and CBNRM was that the term 'CBNRM' has outlived its usefulness, and IUCN Resolution WCC-2012-Res-092 calls for the more generic terminology of 'community resource management' (CRM) because CBNRM is a southern African term and has little meaning for other regions and continents. CBNRM is henceforth referred to as 'CRM'. See IUCN Resolution WCC-2012-Res-092, Promoting and Supporting Community Resource Management and Conservation as a Foundation for Sustainable Development (2012), found at: <[http://cmsdata.iucn.org/downloads/resolutions\\_and\\_recommendations\\_2012.pdf](http://cmsdata.iucn.org/downloads/resolutions_and_recommendations_2012.pdf)>, at 131.

<sup>45</sup> See IUCN/TRAFFIC Analyses, n. 37 above. Reservations are provided for in the Convention text, n. 1 above, at Article XXIII, apply to specific taxa, and have the effect that the party is treated as a non-party for the purposes of trade in specimens of that taxa.

<sup>46</sup> M. Abensperg-Traun, 'CITES, Sustainable Use of Wild Species and Incentive-driven Conservation in Developing Countries, with an Emphasis on Southern Africa', 142:5 *Biological Conservation* (2009), 948.

of success for other more conventional models of wild-life management.<sup>53</sup> These are arguments for livelihoods (and broader socioeconomic considerations in general) to be recognized as necessarily part and parcel of the calculus involved in assessing whether a CITES decision is likely to favour conservation of a species or not.

Third, and more controversially (within the CITES arena at least), is the argument that in the interests of social justice and in support of rights-based conservation, CITES decision making should take into account its impacts on rural communities and on the livelihood benefits they gain from using wild species. Through a variety of multilateral agreements, most CITES parties have made broad commitments to address and ameliorate poverty and recognized the close linkages between poverty and natural resources. When adopting their own national trade policies concerning wild fauna and flora, CITES parties are directed to 'take into account the needs of indigenous people and other local communities'.<sup>54</sup> Furthermore, in Resolution Conf. 13.2 parties are urged to make use of the Addis Ababa Principles and Guidelines, which include that '[t]he needs of indigenous and local communities who live with and are affected by the use and conservation of biological diversity, along with their contributions to its conservation and sustainable use, should be reflected in the equitable distribution of the benefits from the use of those resources'.<sup>55</sup> However, these considerations are precluded from the calculus of listing decisions. It is arguably inconsistent with such commitments, and with basic ethical requirements, for international species conservation to be pursued at the cost of making poverty and marginalization worse. These considerations argue in favour of: livelihood impacts being integrated into the decision-making process; making any trade-offs between human well-being and conservation clear in decision making; providing a basis for assessing whether alternative measures could achieve the same goal less restrictively; determining whether a delayed implementation (as is routinely used for most marine listings) is necessary to address livelihood issues; and to help make clear to range States and others whether mitigation measures will be required and are feasible.

In summary, there are clear arguments for CITES decision making (and listing in particular) to more clearly and consistently address the impact of decisions on rural communities, both for their own sake and because these impacts will often influence the eventual conservation success of the measure.

## **INFORMATION GAPS ON THE CONTEXT OF USE, INCLUDING LIVELIHOODS AND INCENTIVES**

However, such a direction would face considerable challenges, one of which is information. CITES parties are generally presented with very little information regarding the local context of use with respect to a species, including the cultural importance, the level of use and benefit for indigenous and local communities, how local people view the species (particularly in terms of human-wildlife conflict), how decisions are likely to impact on them, whether use is providing any incentives for management or benefits to offset costs of living with wild species, and how decisions would impact on these. The CITES proposal template contains a paragraph on 'species management', where proponents are asked to provide details of management programmes and in addition 'provide details of any mechanisms used to ensure a return from utilization of the species in question to conservation and/or management programmes', including 'community ownership'.<sup>56</sup> However, this falls far short of the kind of assessment that would cast clear light on the factors listed above, and one option to address this gap is to amend the proposal template to include a request for such information.

Abensperg-Traun and Schally have highlighted that lack of information on the community resource management (CRM)<sup>57</sup> context of a proposal critically hampers effective decision making in the EU on CITES proposals,<sup>58</sup> and commentators have highlighted that we '[n]eed better stakeholder consultation within countries to enable communities to inform listing decisions and/or their implementation – and need mechanisms to feed in information on impacts on CRM of the listing proposal'.<sup>59</sup> The importance and relevance of socioeconomic factors is not limited to the CRM context, but to the impacts and incentives facing key players from whatever sector. How to address this is not clear. One option could be developing standards and protocols for consultation by proponents of listing proposals of communities (at least poor rural communities) likely to be affected by the listing decision, and requiring proponents to include information in their proposal on both the process and the outcome of the consultation. While this would involve additional costs by proponents, it is possible this would be considerably outweighed by the benefit of making decisions based on a much more adequate understanding of the context and likely impact of the decision.

<sup>53</sup> C. O'Críodain, 'CITES and Community-based Conservation: Where Do We Go from Here?', in: M. Abensperg-Traun *et al.*, n. 4 above, 135.

<sup>54</sup> CITES Resolution Conf. 15.2, Wildlife Trade Policy Reviews (2010).

<sup>55</sup> CITES Resolution Conf. 13.2, n. 23 above.

<sup>56</sup> CITES Resolution Conf. 9.24, n. 25 above, Annex 6, at paragraph 8.1.

<sup>57</sup> See n. 52 above.

<sup>58</sup> See M. Abensperg-Traun and H.M. Schally, n. 51 above; H. Schally, 'Sustainable Livelihoods, Community Involvement and Awareness as Driving Forces for Biodiversity Conservation', in: M. Abensperg-Traun *et al.*, n. 4 above, 5.

<sup>59</sup> See M. Abensperg-Traun *et al.*, n. 4 above, at 124.

An issue associated with the provision of information on livelihood aspects related to listing proposals is timing. To influence decision making effectively, the voices of affected rural communities need to reach decision makers far in advance of CITES CoPs, when many (though presumably not all) parties already arrive with a clear mandate from their governments as to which proposals to support or oppose. Events and advocacy at the CoP are likely to come too late for many parties, certainly for the typically critical 28 votes of the European Union. Not all rural communities practicing CRM will have the necessary support of their governments to reach out to CITES parties. Where national governments do not take responsibility for gathering relevant community input, there may also be a role for developed parties and regions to proactively engage with relevant CRM programmes and where necessary assist in giving them a voice to help shape appropriate positions on relevant proposals. Using an appropriate mechanism, there is also the option of raising the livelihoods/poverty/conservation issue up to a higher political level, as was done for tigers in 2010,<sup>60</sup> either at the CoP or elsewhere. If this can be done for tigers, why not for the rural poor who share space and resources with protected species over large regions of the world, often at considerable cost to themselves, and who yield a major influence on the fate of such species and ecosystems?

More broadly, and to address critique within CITES on the functionality of community-based conservation, there is an urgent need for relevant CRM programmes to generate easily accessible and scientifically credible information on the benefits of community-based conservation to CITES-listed species and local communities. This can be challenging – many governments are unwilling to provide rural communities with secure tenure and user rights over resources, and CRM initiatives often do not attract support from major NGOs. The strategic collation of information on CRM programmes would help to address critique within CITES and the need for national policy changes in a wide range of fora.

## COMMUNITY PARTICIPATION

It is notable that there is very little participation at CITES meetings of the people – particularly the

indigenous and local rural communities – directly affected by trade controls.<sup>61</sup> The Inuit participated strongly at CoP16, both as part of Inuit organizations with observer status (such as *Inuit Tapiriit Kanatami*, the Inuit Circumpolar Council and the Government of Nunavut) and as part of the Canadian delegation, and their participation was felt by many to have had a strong influence on debate. Hearing directly from people culturally and economically linked to the species in question about their views on a decision – how it would affect them and how it would affect conservation – carries considerable weight. In the past, communities affected by issues of debate (notably elephants), have occasionally but rarely attended and been active at CITES meetings. However, communities often have limited resources and are not necessarily strongly supported by their governments. Notably, there is no organized voice at CITES meetings seeking to channel the perspectives of communities into the debate. When one compares this to the considerable organized forces acting in the interests of animal protection (e.g., the Species Survival Network), or for biodiversity conservation more broadly (e.g., IUCN, TRAFFIC, WWF and others), there is an enormous imbalance of power. For CITES to play the role envisaged for it in the Rio+20 outcome document, which includes contributing tangible benefits to local people,<sup>62</sup> addressing this imbalance is likely to be an important step.

## CONCLUSIONS

CITES has taken important steps in recent years, particularly at CoP16, to address its impacts on the livelihoods of the indigenous and local communities who rely on trade of wild resources. The CoP16 resolution on CITES and livelihoods provides a clear and sound basis for CITES parties to mitigate any negative impacts of listing decisions on rural communities, and new tools and principles under development will provide necessary and helpful guidance on this. However, sampling the debate at CoP16 makes clear that the importance of livelihoods goes well beyond an implementation issue, and for many parties is important in understanding whether a listing decision will be positive for conservation and whether its social impacts are acceptable. This casts an inquiring light on the CITES listing criteria and the process for these decisions more broadly. Given that the formal criteria do not reflect common practice, does it make sense to continue to pay lip service to them as the basis of listing? Do we need a more inclusive set of principles in which the criteria play a leading role, but

<sup>60</sup> See CITES, 'Remarks by John Scanlon, Secretary-General of CITES Made during the Illegal Tiger Trade Session of the International Tiger Forum' (22 November 2010), found at: <[http://www.cites.org/eng/news/sg/2010/20101122\\_sg\\_statement\\_tiger\\_forum.shtml](http://www.cites.org/eng/news/sg/2010/20101122_sg_statement_tiger_forum.shtml)>. The high-profile conservation conference, referred to as the 'Global Tiger Forum', was held in St Petersburg in the Russian Federation in November 2010. It was convened by Russian president Vladimir Putin and World Bank chief Robert Zoellick, was attended by relevant ministers of range States and leading international conservation organizations, and mobilized political, financial and celebrity support behind the goal of doubling the number of wild tigers by 2022.

<sup>61</sup> R. Cooney, 'CITES and Livelihoods: The Missing Voice of People Who Depend on Species Trade', *IUCN Blog* (12 March 2013), found at: <<https://portals.iucn.org/blog/2013/03/12/cites-and-livelihoods-the-missing-voice-of-people-who-depend-on-species-trade/>>.

<sup>62</sup> The Future We Want, n. 19 above, at paragraph 203.

explicit consideration is given to the broader question of what the likely conservation impact of a listing will be? In an era in which the conservation movement is (rightly) taking its human rights obligations much more seriously,<sup>63</sup> do we need new mechanisms to ensure the interests and the voices of indigenous and local communities are brought to, or represented in, CITES decision making?

Our response would be 'yes' to all of these questions. CITES needs to make progress on the escalating challenge of ensuring that wildlife trade does not threaten species with extinction and deliver on its promise of benefits through sustainable trade in an era of limited resources and stark social injustice. To do this it needs to use its regulatory tools based on a careful assessment of whether they are the right ones for a given situation, and make active and committed partners (not adversaries) of the local communities who live closest to wildlife.

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<sup>63</sup> See, e.g., IUCN Rights-based Approach to Conservation, found at: <<https://community.iucn.org/rba1/default.aspx>>.