

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

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ACTION PLAN FOR THE REFORM OF MADAGASCAR'S WILDLIFE EXPORT TRADE

Background

Madagascar is a major global centre of biodiversity with many unique species of plants and animals. A significant number of these are rare and some are threatened with extinction. The country also exports appreciable volumes of wildlife and wildlife products, both plant and animal, for commercial purposes. These exports involve a wide range of species. Some of the specimens for export are collected directly from the wild, others are ranched (collected from the wild and then grown on in captivity or cultivation prior to export) and others are captive-bred or artificially propagated. In addition, there is notable export of specimens for non-commercial purposes, primarily for scientific research. The level of commercial export has grown rapidly since the late 1980s. The trade brings significant economic benefits to those directly involved in it as well as generating income for the government (through export taxes and licence fees). Some economic benefits accrue to individuals in rural areas, although this is undoubtedly a small fraction of the overall value of the trade.

Collection and export of wildlife and wildlife products is controlled by a series of domestic laws and regulations. In addition, Madagascar has been a Party to the Convention on International Trade in Endangered Species (CITES) since it entered into force in 1975. Parties to CITES agree to regulate international trade in those species that are included in one of the three appendices to the Convention. Specimens of species included in Appendix I are banned from international trade for primarily commercial purposes. Specimens of species included in Appendix II are permitted in commercial trade under the Convention but are subject to monitoring and regulation. In particular, export of Appendix-II listed species should be limited to ensure that it does not have a detrimental effect on the conservation status of the species in the wild. Parties may also list in Appendix III of the Convention species subject to regulations within their jurisdiction for which they need the cooperation of other Parties in the control of trade. Under the Convention, control of international trade in CITES-listed species is the responsibility of one or more designated Management Authorities in the country concerned, acting on the advice of one or more designated Scientific Authorities.

Many of the species currently exported from Madagascar are listed in one or other of the CITES appendices. Concerns have been expressed for the past 15 years about the possible conservation impacts of the export trade on at least some of these and other species involved. There are also concerns about the effectiveness of the system in place to regulate the collection and export of wild species, and particularly about the implementation of CITES in the country.

The identified major problem areas include:

- A lack of a coherent, explicit wildlife trade policy
- Inappropriate or inadequate legislation concerning protection, collection and export of wild resources
- Lack of a functioning Scientific Authority
- Lack of transparency regarding implementation of controls
- Inadequate implementation of controls as evinced, for example, by persistent failure to maintain exports of some species below established quota limits

- Inadequate enforcement of regulations governing collection and export, as evinced by presence in captivity and export of species only known to occur in protected areas and continuing evidence of illegal export of protected species.

To tackle these problems, a strategic and integrated approach is required, with reforms in the following areas:

- **National policy concerning wildlife use and conservation**
- **Legislation and regulations regarding collection of and trade in wild species**
- **Scientific input into decision-making regarding collection of and trade in wild species**
- **Operational procedures regarding control of the commerce in wild species, from collection to export**
- **Enforcement of controls**

Changes will need to be variously implemented by the following actors within Madagascar:

- **The Ministry of the Environment, Water and Forests (MEEF) (as the CITES Management Authority and government department responsible for harvest of terrestrial wild resources), both the centralised and provincial administrations**
- **The Departments of Animal Biology and Plant Biology at the University of Antananarivo (as the CITES Scientific Authorities)**
- **Exporters of wildlife and wildlife products**
- **Customs**
- **The National Police (Gendarmerie)**
- **The Forest Sector Oversight Agency (Observatoire du Secteur Forestier)**
- **Local authorities**
- **Central veterinary service**
- **Phytosanitary service**
- **The Ministry of Agriculture, Livestock and Fisheries**
- **The Ministry of Industrialisation, Commerce and Development of the Private Sector**
- **Government statistical service**
- **National legislature**
- **Collectors of wild species and their products**
- **NGOs and national and international research organisations with relevant expertise**
- **Donors**

A range of actors will be required to participate in many areas of reform, but the burden of action will fall on the first five listed above.

Reforms will essentially entail changes in behaviour, which will require:

- **A mandate for and agreement on any new procedures to be followed**
- **Training**
- **Incentives**
- **Availability of resources, including information resources, information technology and other material requirements**

In all cases there will be a series of **risks** and **assumptions**, that is external factors that may have an impact on whether the desired objectives are achieved.

1. National policy

National policy and legislation establish the framework within which management takes place. It is important that these are internally consistent, adhere to international norms and support appropriate management decisions.

Needs:

Review of existing policy indicates that clarification is needed in the following areas:

- objectives for Madagascar CITES management plan;
- decentralisation of controls;
- sharing of benefits with local communities at the harvest level;
- policy for management of centres holding introduced species;
- criteria for allocation of quotas and permits.

Actions	Actors`	Time-frame	Resources
<ul style="list-style-type: none"> • Create a national policy framework for the management of wildlife trade, drawing on existing national biodiversity and environmental policy documents (eg. DSRP, National Environment Charter, Forestry Policy, National Environmental Action Plan, National Strategy for the Management of Biodiversity). • Undertake a cost-benefit analysis of wildlife trade and use the results of this analysis to inform the policy framework. 	Ministry of Environment, Water and Forests to take lead with input from other stakeholders.	Medium term	Funding * Personnel * Equipment * Information **
		Short term	Funding * Personnel * Equipment * Information **

Risks and hypotheses:

That it is possible to formulate an agreed and internally consistent wildlife trade policy.

That the results of any cost-benefit analysis are consistent with such a policy.

Note

* - limited resources needed

** - moderate resources needed

*** - substantial resources needed

2. Legislation

Needs:

Review of existing legislation (Laws, Ordinances, Decrees, "Arrêtés") indicates that clarification, harmonisation or reform is needed in the following areas:

- classification of animal species (protected; game; nuisance), including status of introduced species;
- hunting/collection season for wild terrestrial animals;
- regulations governing issuance of collection permits for wild animals;
- protection and control of collection of wild plant species;
- CITES-listed marine species;
- export controls of non-CITES wild species
- penalties for infractions.

Actions	Actors	Time-frame	Resources
<p>Draw up revised legislation and submit this to the national legislature for adoption:</p> <ul style="list-style-type: none"> • Classification of animal species to be revised to reflect conservation status of species concerned, following advice from the Scientific Authority, who may wish to apply the IUCN threatened species criteria. • Scientific nomenclature to be brought in line with international standards, using where possible standard CITES references • List of plant species to be protected to be drawn up following advice from the Scientific Authority • Hunting season for different groups of species to be established following advice from the Scientific Authority • Collection permits to identify species, numbers of specimens and permitted collection sites • Tax per specimen collected to be revised in line with FOB values • Explicit regulations concerning export of non-CITES wild species to be drawn up • Penalties to be revised taking into account inflation and currency depreciation 	<p>Ministry of Environment, Water and Forests to take the lead with input, including technical advice, from other relevant ministries within Madagascar, Scientific Authority, CITES Secretariat and other organisations with appropriate expertise.</p>	<p>Short term</p>	<p>Funding ** Personnel * Equipment * Information **</p>

Risks and assumptions:

That appropriate legislation can be agreed on by principal stakeholders.

That the national legislature is prepared to accept any proposed new laws.

3. Scientific input into decision-making regarding collection of and trade in wild species

Needs:

Establishment of non-detriment findings is a requirement for the export of wild specimens of CITES-listed species. Such findings require information on the conservation status of affected species and on the impacts of collection on wild populations. It is the responsibility of the Scientific Authority to provide such information, and associated recommendations, to the Management Authority. The Scientific Authority has only recently been established and needs to develop an effective means of working, requiring assistance in the following areas:

- identification of tasks and responsibilities;
- training and capacity building;
- provision of information on relevant species;
- development and implementation of an effective information management system;
- development and implementation of mechanisms to ensure that advice from the Scientific Authority is used appropriately in management decisions.

Actions	Actors	Time-frame	Resources
<ul style="list-style-type: none"> • Draw up a set of terms of reference for the Scientific Authority to be agreed by the Scientific Authority and Management Authority to include: recommendations for annual collection and export quotas (which may be zero) of CITES-listed and non-CITES species; periodic review of Malagasy species listed in the CITES appendices; review of non-CITES species that are exported; recommendation of proposals to amend the CITES appendices if required and provision of information for supporting statements of any such proposals; assistance in preparation of criteria for assessment of animal and plant export and breeding operations; assistance in periodic inspection of such operations; provision of advice on allocation of quotas; assistance in preparation of identification materials. 	Scientific Authority to take lead, with technical input and assistance from organisations with appropriate expertise (environmental NGOs and national and international research institutions), and acting in consultation with Management Authority.	Short term	Funding * Personnel * Equipment * Information *
<ul style="list-style-type: none"> • Identify and provide background resources concerning the different roles of the Scientific Authority 		Short term	Funding ** Personnel * Equipment * Information **
<ul style="list-style-type: none"> • Identify and provide background information on the conservation status of Malagasy species particularly those identified as actually or potentially in commerce. 		Short term	Funding * Personnel * Equipment * Information *

<ul style="list-style-type: none"> Identify gaps in that information and develop a strategy for filling the gaps. Design a simple information management system, including library (hard copy) resources, a meta-database on sources of information and a database of existing information, organised by species Establish a mechanism, to be agreed by the Scientific Authority and Management Authority, to ensure that advice from the Scientific Authority is acted on in a timely fashion. 		Medium term	Funding * Personnel * Equipment * Information *
		Medium term	Funding * Personnel * Equipment ** Information *
		Short term	Funding * Personnel * Equipment * Information *

Risks and assumptions:

That individuals are sufficiently motivated to carry out their duties efficiently and effectively.

That resources remain available on an ongoing basis to enable individuals to carry out their duties effectively.

That institutions are sufficiently stable, and staff turnover low enough that loss of experience and expertise does not seriously impede implementation.

That the advice of the Scientific Authority is acted on in a timely and expeditious fashion.

4. Operational procedures regarding control of the commerce in wild species, from collection to export

Needs:

Many of the procedural problems identified in the management of the wildlife export trade concern a lack of clarity and transparency as well as inadequate coordination and centralised monitoring. The major areas where action is needed are:

- Reform of internal procedures of the MA (ie. the MEEF)
- Improved coordination and communication between central and provincial offices
- Improved coordination and communication with other agencies, including Scientific Authority, customs, police, veterinary service, phytosanitary service.
- Transparency in quota allocation
- Control of collection (and linking to export allocations)
- Monitoring of actual exports against quotas allocated

Actions	Actors	Time-frame	Resources
<ul style="list-style-type: none"> • Design and implement a streamlined procedure for authorising exports of CITES and non-CITES specimens 	Management Authority to take lead, with technical assistance from organisations with appropriate expertise, and acting in consultation with Scientific Authority, government enforcement agencies, the Ministry of Agriculture, Livestock and Fisheries and operators, chiefly through exporters' association.	Medium term	Funding * Personnel ** Equipment * Information *
<ul style="list-style-type: none"> • Design and implement a mechanism for monitoring of implementation of the action plan for the reform of the export trade in Madagascar's wildlife 		Short term	Funding * Personnel * Equipment * Information **
<ul style="list-style-type: none"> • Implement a coordination and communications strategy: eg. six-monthly stakeholders' meeting 		Short term	Funding * Personnel * Equipment * Information *
<ul style="list-style-type: none"> • Establish a permanent secretariat and determine its roles and responsibilities 		Medium term	Funding ** Personnel ** Equipment ** Information *
<ul style="list-style-type: none"> • Design and implement an anti-corruption strategy 		Medium term - Long term	Funding *** Personnel *** Equipment * Information **

Actions	Actors	Time-frame	Resources
<ul style="list-style-type: none"> Design and implement an agreed, transparent quota setting system (see 2 above) 		Short term	Funding * Personnel * Equipment * Information **
<ul style="list-style-type: none"> Design and implement a system to allow MA to monitor and control collection of wild specimens 		Medium term - Long term	Funding ** Personnel ** Equipment ** Information **
<ul style="list-style-type: none"> Design and implement a system to allow MA to track actual exports against quotas allocated 		Short term	Funding * Personnel * Equipment ** Information **
<ul style="list-style-type: none"> Design and implement standardised stock-monitoring system for each operator 		Medium term	Funding * Personnel * Equipment ** Information *
<ul style="list-style-type: none"> Draw up and agree upon a set of minimum standards for different classes of operator 		Medium term	Funding * Personnel * Equipment * Information *
<ul style="list-style-type: none"> Formalise exporters' association 		Short term	Funding * Personnel * Equipment * Information *

Risks and assumptions:

That corruption and other forms of malpractice do not seriously impede implementation.

That individuals are sufficiently motivated to carry out their duties efficiently and effectively.

That resources remain available on an ongoing basis to enable individuals to carry out their duties effectively.

That institutions are sufficiently stable, and staff turnover low enough that loss of experience and expertise does not seriously impede implementation.

That implementation of new procedures is not unnecessarily impeded by delays in formulating policy and appropriate new legislation and regulations.

5. Enforcement of controls

Needs:

Control of collection of wild specimens is perceived to be weak for a range of reasons, including shortage of manpower, lack of training, lack of motivation, lack of equipment and corruption. Enforcement of export controls is perceived to be better but still suffers from the same problems to a lesser degree. Illegal export of wildlife and wildlife products continues and is in a few cases a major conservation problem. Action to redress this is needed in the following areas:

- Improved enforcement of regulations concerning collection
- Design and implementation of standardised procedures for monitoring operators (see 4 above)
- Improved enforcement of regulations concerning export
- Design and implementation of standardised procedures for monitoring exports (see 4 above)

Actions	Actors	Time-frame	Resources
<ul style="list-style-type: none"> • Design and implement a training programme 	Management Authority to play coordinating role, acting with government enforcement agencies, with technical input from organisations with appropriate expertise and cooperation from operators.	Short term Medium term	Funding ** Personnel ** Equipment * Information **
<ul style="list-style-type: none"> • Develop and implement a strategy for making the most efficient use of available resources for on-the-ground controls 		Medium term	Funding ** Personnel *** Equipment *** Information **
<ul style="list-style-type: none"> • Design and implement an anti-corruption strategy 		Medium term – long term	Funding *** Personnel *** Equipment * Information **
<ul style="list-style-type: none"> • Implement a coordination and communications strategy that involves all relevant enforcement and management agencies 		Short term	Funding * Personnel ** Equipment * Information **

Actions	Actors	Time-frame	Resources
<ul style="list-style-type: none"> Produce and distribute identification manuals and other identification materials 		Short term - Medium term	Funding ** Personnel * Equipment ** Information ***
<ul style="list-style-type: none"> Produce and distribute manuals of procedure 		Short term - medium term	Funding ** Personnel * Equipment * Information **
<ul style="list-style-type: none"> Procure other resources (transport, computers) as needed 		Short term – long term	Funding ** Personnel * Equipment *** Information **

Risks and assumptions:

That corruption and other forms of malpractice do not seriously impede implementation.

That agents are sufficiently motivated to carry out their duties efficiently and effectively.

That resources remain available on an ongoing basis to enable agents to carry out their duties effectively.

That implementation of new procedures is not unnecessarily impeded by delays in formulating policy and appropriate new legislation and regulations.

That institutions are sufficiently stable, and staff turnover low enough that loss of experience and expertise does not seriously impede implementation.

Roles, responsibilities and expectations of the major actors

Institution	Roles in the action plan	Responsibilities	Expectations
Ministry of Environment, Water and Forests	To coordinate the management and control of the wildlife export trade including both CITES-listed and non-CITES species, from collection to export.	To ensure that collection and export of wild species is carried out in a sustainable manner, so that the conservation status of the species concerned is not adversely affected. To treat those involved in the trade in a fair and transparent way. To act on advice from relevant bodies and organisations (the Scientific Authority, CITES institutions) in a timely manner.	To have the resources to be able to carry out their duties effectively; to receive full cooperation from exporters; to receive relevant advice from the Scientific Authority, and CITES institutions in a timely fashion; to receive technical support from organisations with appropriate expertise.
The Departments of Animal Biology and Plant Biology at the University of Antananarivo	To provide scientific advice to the Management Authority regarding the collection and export of wildlife and wildlife products, and in particular to advise whether collection for export causes detriment to wild populations or not.	To make use of the best available information and to provide disinterested advice in a timely manner.	To be provided with the resources to carry out their functions effectively; to be technically supported by international conservation NGOs and research organisations, through provision of information; to have their advice acted on in a timely manner.
Exporters of wildlife and wildlife products	To generate economic activity through the export of wildlife and wildlife products	To conduct their operations in a professional and responsible manner and in particular to ensure that all export is legal, and that all specimens exported are legally obtained or are the product of legally-obtained specimens. To pay appropriate taxes and dues in a timely fashion.	To be treated in a fair and transparent fashion by the authorities. That regulations governing their activities are reasonable.
Customs	To enforce legal regulations concerning import and export of wildlife and wildlife products.	To enforce such regulations as assiduously as possible.	To be provided with the resources to carry out their work, including equipment, identification materials, up-to-date information on regulations.
The National Police (Gendarmerie)	To enforce domestic regulations concerning the collection, transport and keeping of wildlife and wildlife products.	To enforce such regulations as assiduously as possible.	To be provided with the resources to carry out their work, including equipment, identification materials, up-to-date information on regulations.

Institution	Roles in the action plan	Responsibilities	Expectations
The Forest Sector Oversight Agency (Observatoire du Secteur Forestier)	Facilitate good governance in the forestry sector through continuing oversight	To work in a disinterested and transparent fashion	To be provided with the resources to carry out their work; to have the full cooperation of the other actors.
Ministry of Agriculture, Livestock and Fisheries	To manage marine fisheries and assist in the control of export of marine species listed in the CITES appendices.	To work with the Management Authority and the Scientific Authority to ensure that management and control of export of marine species listed in the CITES appendices is consistent with that of non-marine species.	That resources are available to enable the Department to carry out necessary work; that a mechanism is established to enable the Department to have input into the CITES management system.
Government statistical service	To disseminate statistical information concerning the trade in wildlife and wildlife products.	To disseminate information that is accurate, comprehensible and timely.	To be provided with information in a usable form in a timely fashion.
The Ministry of Industrialisation, Commerce and Development of the Private Sector	Assist in the monitoring of export of natural resources	To disseminate information that is accurate, comprehensible and timely.	To be provided by the Management Authority and customs with information in a usable form in a timely fashion.
National legislature	To approve legislation concerning management of wild resources	To act in a timely and reasonable manner in passing new laws and regulations	To be presented with high-quality draft texts for approval and to be provided with justification for any changes in existing regulations.
Collectors of wildlife and wildlife products	To supply the wildlife and wildlife products that form the basis of the export trade, directly or indirectly (in the latter case through ranching or captive-breeding/artificial propagation)	To adhere to relevant regulations and to harvest resources in a responsible and sustainable manner.	That regulations governing their activities are reasonable; that they are treated fairly by officials and by those who they supply; that they are provided with all relevant information, including the ARGUS prices of species.
Environmental NGOs and national and international research organisations	To support Malagasy institutions in the conservation and sustainable use of wild resources through provision of technical assistance as agreed.	To provide such support in a timely and appropriate fashion	To be provided with a clear framework within which to operate. To be treated in a reasonable and transparent fashion.
CITES Institutions	To assess compliance with the Convention and with relevant decisions and resolutions of the Conference of the Parties and to make recommendations for any further necessary action.	To be reasonable in their expectations of progress.	That every reasonable effort at compliance is made in a timely fashion. To be regularly apprised of progress.
Donors	To provide assistance to implement those parts of the action plan identified as requiring additional resources.	To provide such assistance in timely fashion and not impose onerous conditions, including excessive reporting burdens.	That assistance will be used in an appropriate and efficient manner and in particular to establish systems that aim at self-sustainability in the medium to long term.