

CONVENTION SUR LE COMMERCE INTERNATIONAL DES ESPECES
DE FAUNE ET DE FLORE SAUVAGES MENACEES D'EXTINCTION



Quinzième session de la Conférence des Parties
Doha (Qatar), 13 – 25 mars 2010

Questions stratégiques

EXAMENS DE POLITIQUES NATIONALES EN MATIERE DE COMMERCE D'ESPECES SAUVAGES

1. Le présent document a été préparé par le Secrétariat.
2. A sa 14^e session (CoP14, La Haye, 2007), après discussion du document CoP14 Doc. 15, la Conférence des Parties a adopté les décisions suivantes:

A l'adresse des Parties

- 14.21 *Les pays d'importation et d'exportation sont invités à examiner leur politique nationale relative aux espèces sauvages afin de contribuer à une meilleure compréhension des effets de cette politique sur le commerce international de ces espèces.*
- 14.22 *Les Parties qui examinent volontairement leur politique en matière de commerce d'espèces sauvages sont invitées à partager avec d'autres Parties les éléments pertinents de leur examen et les enseignements qu'elles en ont tiré.*

A l'adresse des Parties, des organisations intergouvernementales et des organisations non gouvernementales

- 14.23 *Les Parties, les organisations intergouvernementales et les organisations non gouvernementales devraient fournir un retour d'informations sur le projet de cadre d'examen des politiques commerciales en matière d'espèces sauvages ainsi qu'une aide technique et financière pour conduire des examens des politiques commerciales nationales.*

A l'adresse du Secrétariat

- 14.24 *Sous réserve de fonds externes disponibles, le Secrétariat, en collaboration avec les organisations internationales pertinentes telles que le Programme des Nations Unies pour l'environnement ou la Conférence des Nations Unies sur le commerce et le développement, et avec les Parties importatrices et exportatrices intéressées:*
- a) *facilite l'examen de leur politique nationale concernant l'utilisation et le commerce de spécimens d'espèces CITES, en tenant compte des questions économiques, sociales et environnementales et des instruments de politique pertinents;*
 - b) *compile les informations fournies volontairement par les Parties concernant l'examen de leur politique commerciale nationale, et met ces informations à la disposition des autres Parties;*
 - c) *fait rapport au Comité permanent à sa 57^e session et à ses sessions ultérieures, et à la Conférence des Parties à sa 15^e session, sur les progrès accomplis dans l'application de la présente décision; et*

- d) *recherche un appui financier externe auprès des donateurs et des partenaires intéressés, bilatéraux, multilatéraux et autres, à l'appui d'autres examens des politiques commerciales relatives aux espèces sauvages et d'activités de renforcement des capacités dans ce domaine.*

3. La Conférence a aussi adopté la résolution Conf. 14.2, qui inclut la *Vision de la stratégie CITES de 2008 à 2013*, dont l'objectif 1.1 est que "Les Parties remplissent leurs obligations découlant de la Convention par le biais de politiques, d'une législation et de procédures appropriées".

Contexte des examens de politiques en matière de commerce des espèces sauvages

4. Une rubrique du site web de la CITES (Programmes: autre questions), régulièrement mise à jour, est consacrée aux examens de politiques en matière de commerce des espèces sauvages. Les raisons et les avantages d'entreprendre ces examens sont résumés dans l'introduction à cette rubrique, qui note que ces examens permettent aux Parties de faire un inventaire systématique des informations et des activités liées aux politiques de gestion et de conservation des espèces CITES, de prendre la mesure des principaux échecs et réalisations (ce qui marche et ce qui ne marche pas), d'élaborer des indicateurs et des critères pour déterminer et analyser les principales raisons de ces échecs et réalisations, de consulter les parties prenantes dans l'évaluation des résultats des politiques et les impliquer, d'accroître les capacités des autorités nationales en augmentant leurs connaissances et leur savoir-faire dans ces politiques, et de suggérer des manières concrètes d'améliorer l'efficacité des politiques et de faire des choix politiques plus rationnels.
5. L'idée d'examiner les politiques en matière de commerce des espèces sauvages vient de l'expérience acquise avec le projet CITES sur les législations nationales. Comme indiqué à la 12^e session de la Conférence des Parties (Santiago, 2002), "l'élaboration d'une politique relative aux espèces sauvages représente un préalable nécessaire à la rédaction des textes législatifs appropriés." (voir document CoP12 Doc. 28).
6. Des décisions relatives à ces politiques ont été adoptées aux 12^e, 13^e (Bangkok, 2004) et 14^e sessions de la Conférence des Parties. Elle ont entraîné, entre autres choses, l'organisation d'un atelier technique en 2003 et la mise en œuvre du projet sur les examens de politiques en matière de commerce des espèces sauvages de 2006 à 2008. Cette activité, sur laquelle l'attention de la Conférence a été attirée pour la première fois à la CoP14, est évoquée plus en détail ci-après.

Projet CITES sur les examens de politiques

7. Le Secrétariat a signalé à la CoP14 que quatre pays pilotes (Madagascar, Nicaragua, Ouganda et Viet Nam), le Secrétariat, l'équipe spéciale PNUE/CNUCED pour le renforcement des capacités dans les domaines du commerce, de l'environnement et du développement (CBTF) et l'Institut universitaire d'études sur le développement de l'Université de Genève (l'actuel Institut de hautes études internationales et du développement) avaient lancé un projet sur l'amélioration des capacités nationales d'examiner les politiques concernant l'utilisation et le commerce des spécimens des espèces CITES (projet CITES d'examen des politiques). Un appui financier a été fourni par le CBTF (avec des fonds alloués par l'Union européenne) et le Réseau universitaire international de Genève (l'actuel Réseau suisse pour les études internationales).
8. Le but du projet était d'élaborer et de tester un projet de cadre pour examiner les politiques en matière de commerce des espèces sauvages et de faire parallèlement des études en sciences sociales.
9. A l'époque de la CoP14, les comités directeurs nationaux et les équipes chargées de l'examen, ainsi qu'un comité directeur international et un groupe consultatif, ont été établis. Les équipes des pays pilotes se sont réunies à Genève et les examens ont été lancés via des ateliers nationaux consultatifs auxquels ont participé les partenaires internationaux.
10. Par la suite, des études théoriques et sur le terrain ont été entreprise dans chaque pays et ont fourni la base des projets de rapports sur les examens. Le rapport du Secrétariat à la 57^e session du Comité permanent (Genève, juillet 2008), inclus dans le document SC57 Doc. 17, explique que les études de terrain ont permis aux examinateurs de rencontrer les autorités locales, les préleveurs, les producteurs, les autochtones et les représentants de la société civile, qui s'étaient sentis exclus de l'élaboration et de la mise en œuvre des politiques relatives à la CITES. L'analyse de la dimension locale de la mise en œuvre de la CITES a été l'un des aspects et des contributions les plus profitables des examens des politiques.

11. Les projets de rapports sur les examens ont été présentés lors des ateliers nationaux consultatifs, auxquels les partenaires internationaux ont aussi participé. Les commentaires écrits et oraux sur ces ateliers ont été inclus dans les rapports sur les examens rédigés par les équipes nationales.
12. En avril 2008, les équipes des pays pilotes se sont réunies à Genève pour examiner les étapes nécessaires pour finaliser les rapports sur les examens nationaux et achever le projet CITES d'examen des politiques, fournir un feedback sur le projet de cadre pour les examens qui avait été testé, et pour s'accorder sur les grandes lignes du rapport de synthèse sur les quatre examens nationaux. L'apport des pays pilotes a été utilisé pour préparer un projet de cadre révisé pour examiner les politiques en matière de commerce des espèces sauvages.
13. Alors qu'ils étaient à Genève, les équipes des pays pilotes ont participé à une réunion en marge de la 23^e session du Comité pour les animaux (2008) où ils ont fourni un bref résumé sur leur examen et leurs conclusions. Cette réunion s'intitulait "*Wildlife Trade Policy Reviews: Bridging the Science-Policy Gap*" et le discours de l'ambassadeur adjoint de la mission permanente de l'Ouganda à Genève (voir annexe du document SC57 Doc. 17) a porté notamment sur les points suivants:
 - La formulation et la mise en œuvre d'une politique efficace et facile à appliquer pour le commerce des espèces sauvages dépend fortement d'informations scientifiques pertinentes, fiables et objectives sur les processus écologiques et les fonctions d'appui de la vie qui sont celles des écosystèmes naturels. Le projet d'examen des politiques en matière de commerce des espèces sauvages, du moins pour l'Ouganda, a impliqué les sciences sociales ainsi que la politique publique, le développement socio-économique et la gouvernance, etc., et en a montré l'importance. Ces sciences "douce" peuvent contribuer à combler le fossé qui peut exister entre le domaine complexe de la science écologique et la formulation de politiques.
 - Le projet a montré que les gouvernements ne devraient pas rechercher ou attendre des informations scientifiques parfaites sur lesquelles fonder leurs décisions politiques. Ils devraient plutôt prendre et appliquer des décisions politiques fondées sur les meilleures informations scientifiques disponibles.
 - La science informe la politique. Il a cependant été suggéré que déterminer si les gouvernements en savent assez pour agir est en soi une question politique et non une question scientifique.
 - La ligne de démarcation entre la connaissance scientifique et la connaissance politique n'est pas toujours claire et peut être franchie. Il faut faire preuve d'un respect mutuel dans l'interface science/politique et être prêt à travailler de manière pluridisciplinaire.
14. Le rapport du Secrétariat à la 57^e session du Comité permanent inclut une série de conclusions préliminaires et les leçons tirées des examens des politiques, ainsi que des points sur l'interface science/politique, la prise de décisions politiques fondée sur des preuves, et l'importance des partenariats dans la conduite des examens des politiques (voir points 17 à 37 du document SC57 Doc. 17).
15. Le projet CITES sur l'examen des politiques s'est achevé fin 2008. Les rapports finals sur l'examen de Madagascar (en français et en anglais), le Nicaragua (en espagnol et en anglais), l'Ouganda (en anglais) et le Viet Nam (en vietnamien et en anglais) sont disponibles sur le site web de la CITES. Les études faites par l'Institut de hautes études internationales et du développement de Genève, intitulées *Dynamique sociale du commerce de faune et de flore* et *Leçons apprises du processus de revue de la politique nationale CITES* (en anglais, en français pour Madagascar et en espagnol) sont disponibles sur le site web de la CITES. La synthèse du rapport faite à partir des quatre examens est jointe en tant qu'annexe 4 au présent document. Elle est communiquée conformément à la décision 14.24 et devrait s'avérer utile aux autres pays qui font, ou souhaitent faire, des examens similaires. Au moment de la rédaction du présent document (octobre 2009), le projet de cadre révisé était encore en cours de finalisation. Des fonds externes du projet CITES sur l'examen des politiques seront utilisés pour traduire en français et en espagnol le rapport et le cadre pour qu'ils soient distribués dans les trois langues à la présente session.
16. Un article du PNUE et du Secrétariat CITES sur le projet intitulé *Our Experience with the GIAN: New Partnerships for new Challenges*, a été inclus dans un livre publié en août 2008 qui résume les activités du GIAN des sept dernières années (*Les liaisons fructueuses: Des rencontres insolites de disciplines et d'institutions: l'aventure du Réseau universitaire international de Genève à l'aube du XXI^e siècle*).

Atelier régional sur les examens de politiques en matière de commerce des espèces sauvages à l'intention des pays arabophones

17. A la 58^e session du Comité permanent (Genève, juillet 2009), le Secrétariat a signalé l'organisation d'un atelier régional sur les examens de politiques en matière de commerce des espèces sauvages à l'intention des pays arabophones (Koweït, mars 2009). L'atelier résultait d'une initiative du Koweït et d'un groupe de

travail de la Ligue des Etats arabes sur la biodiversité et la désertification. Un appui financier et technique a été fourni pour l'atelier par le Koweït, la Ligue des Etats arabes et le Conseil des ministres arabes chargés de l'environnement, le Bureau régional du PNUE pour l'Asie de l'Ouest, l'Organisation islamique pour l'éducation, la science et la culture, les autorités scientifiques CITES du Viet Nam, la Branche Economie et commerce du PNUE et le Secrétariat (avec des fonds externes alloués par l'Union européenne). Voir dans le document SC58 Doc. 15 des détails sur l'atelier, et dans l'annexe 3 de ce document, les recommandations des participants.

Futurs développements prévus

18. Comme indiqué au Comité permanent à sa 57^e session, "les ministres de l'environnement d'Amérique centrale ont décidé d'élaborer une politique régionale pour le commerce des espèces sauvages. Les accords commerciaux régionaux peuvent jouer un rôle crucial dans l'élaboration de politiques fondées sur des preuves dans cette région."
19. A sa 58^e session, le Comité permanent a été informé que "Le Viet Nam avait obtenu des fonds externes qui lui permettront d'entreprendre en 2009, une analyse approfondie de l'efficacité de sa mise en oeuvre des politiques relatives au commerce des espèces sauvages." Le Comité a aussi été informé que "l'organe de gestion CITES de la Jamaïque avait informé le Secrétariat de son intention de continuer à travailler avec un consultant à élaborer une politique nationale relative aux espèces sauvages. Une fois terminée, le Cabinet de ce pays pourrait adopter cette politique en tant que "livre vert" (c'est-à-dire une proposition initiale émanant du gouvernement à débattre au niveau national), ce qui devrait permettre de la mettre à disposition d'autres parties intéressées."
20. Le Secrétariat sait que d'autres Parties sont en train d'examiner et de réviser leurs politiques en matière de commerce d'espèces sauvages mais il n'a pas encore reçu d'informations susceptibles d'être communiquées.
21. Des représentants de gouvernements, du secteur privé et d'ONG ont exprimé leur intérêt sur le forum consacré aux politiques en matière de commerce d'espèces sauvages, créé à l'origine sur le site web de la CITES pour les partenaires nationaux et internationaux du projet CITES sur l'examen des politiques. Le forum sera plus largement ouvert aux participants intéressés fin octobre 2009.
22. D'autres examens des politiques en matière de commerce des espèces sauvages sont prévus dans l'activité 32 du programme de travail chiffré pour 2009 à 2011 et des fonds externes limités sont disponibles à cet effet. Ces examens sont importants pour garantir que des politiques efficaces soutiennent et guident les actions des gouvernements et autres parties prenantes afin que ces actions aient le maximum d'impacts positifs tant sur la conservation de la biodiversité que sur le bien-être des êtres humains.
23. Compte tenu du temps mis par les Parties à la CITES pour discuter et agir concernant les examens des politiques en matière de commerce des espèces sauvages, et de l'intérêt croissant pour ce sujet, il semble approprié de s'appuyer sur les décisions 14.21 à 14.24 et l'expérience acquise à ce titre pour élaborer un projet de résolution sur les examens des politiques en matière de commerce des espèces sauvages. La décision 14.24 pourrait alors servir de base pour élaborer un projet de décision chargeant le Secrétariat de soumettre un rapport d'activité sur l'application de cette décision.

Recommandation

24. Il est recommandé à la Conférence des Parties d'adopter le projet de résolution joint en tant qu'annexe 1 au présent document et le projet de décision joint en tant qu'annexe 2.

PROJET DE RESOLUTION DE LA CONFERENCE DES PARTIES

Examens de politiques nationales en matière de commerce d'espèces sauvages

RAPPELANT le troisième paragraphe du préambule de la Convention, qui reconnaît que les peuples et les Etats sont et devraient être les meilleurs protecteurs de leur faune et de leur flore sauvages;

REAFFIRMANT les buts et les objectifs de la *Vision de la stratégie CITES de 2008 à 2013*, adoptée par la Conférence des Parties à sa 14^e session, en particulier l'objectif 1.1, qui demande que "les Parties remplissent leurs obligations découlant de la Convention par le biais de politiques, d'une législation et de procédures appropriées";

RECONNAISSANT l'importance de systèmes de gouvernance efficaces pour la mise en œuvre de la Convention, des politiques et des législations nationales relatives à la CITES, et des plans de gestion des espèces CITES;

RAPPELANT les recommandations de l'atelier régional sur les examens de politiques en matière de commerce des espèces sauvages à l'intention des pays arabophones, tenu au Koweït du 8 au 11 mars 2009;

LA CONFERENCE DES PARTIES A LA CONVENTION

INVITE les pays d'exportation et les pays d'importation à examiner leur politique en matière d'utilisation et de commerce des spécimens des espèces sauvages inscrites aux annexes CITES en tenant compte des questions économiques, sociales et environnementales, et des instruments politiques pertinents, afin de faciliter la compréhension des effets de ces politiques sur le commerce international des espèces sauvages;

INVITE aussi les Parties à examiner les politiques régionales ou subrégionales en matière de commerce des espèces sauvages;

PRIE instamment les Parties qui décident d'examiner leur politique en matière de commerce des espèces sauvages de tenir compte des leçons tirées du projet CITES d'examen des politiques (2006-2008), et des outils élaborés dans ce projet;

DEMANDE aux Parties qui entreprennent l'examen de leur politique en matière de commerce des espèces sauvages à titre volontaire d'en partager avec les autres Parties les détails pertinents et les leçons tirées;

CHARGE le Secrétariat de faciliter l'examen de politiques en matière de commerce des espèces sauvages, de compiler les informations fournies volontairement par les Parties concernant l'examen de leur politique en matière de commerce des espèces sauvages, et de les mettre à la disposition des autres Parties;

ENCOURAGE les Parties à tenir compte des besoins des autochtones et autres collectivités locales en adoptant une politique en matière de commerce des espèces sauvages;

PRIE instamment les Parties de promouvoir la compréhension mutuelle et l'appui dans l'interface science/politique, et de veiller à ce que les scientifiques spécialisés en biologie et en sciences sociales et les décideurs travaillent de manière pluridisciplinaire;

DEMANDE que des ateliers similaires à l'atelier régional sur les examens de politiques en matière de commerce des espèces sauvages à l'intention des pays arabophones soient tenus dans d'autres régions; et

INVITE les donateurs et les partenaires bilatéraux, multilatéraux et autres, à appuyer les examens de politiques en matière de commerce des espèces sauvages et les activités de mise en place d'institutions à cet égard.

PROJET DE DECISION 15.XX

A l'adresse du Secrétariat

- 15.xx Le Secrétariat fait rapport au Comité permanent à sa 62^e session et à la Conférence des Parties à sa 16^e session sur les progrès accomplis dans l'application de la résolution Conf. 15.xx, *Examens de politiques nationales en matière de commerce d'espèces sauvages.*

Atelier régional sur les examens de politiques en matière de commerce
des espèces sauvages à l'intention des pays arabophones
(Koweït, 8-11 mars 2009)

RECOMMANDATIONS

1. Inviter les Etats membres de la région à lancer le processus d'examen, de mise à jour et/ou d'élaboration de politiques en matière de commerce des espèces sauvages, conformément aux politiques nationales et aux lois en place, avec l'appui du Secrétariat CITES, du PNUE/ROWA, du CAMRE, du Secrétariat du GCC, et des autres parties prenantes et organisations régionales spécialisées concernées.
2. Demander au CAMRE, aux autorités en charge de la CITES au niveau national, au Secrétariat du GCC, au PNUE/ROWA, à l'ISESCO et au Secrétariat CITES de réaliser, avec l'appui d'autres organisations internationales spécialisées et des donateurs, des examens de politiques régionales/subrégionales sur les espèces sauvages afin de les présenter (s'ils sont terminés) à la 15^e session de la Conférence des Parties à la CITES (CoP15) qui se tiendra à Doha (Qatar) au premier trimestre de 2010.
3. Encourager la tenue d'ateliers similaires à l'atelier régional sur les examens de politiques en matière de commerce des espèces sauvages à l'intention des pays arabophones dans d'autres régions d'Asie et d'Afrique.
4. Prier instamment les organisations régionales/subrégionales concernées d'allouer les fonds nécessaires pour la traduction en arabe des matériels CITES pertinents pour les examens de politiques en matière de commerce des espèces sauvages.
5. Demander aux pays arabes Parties à la CITES d'envisager de détacher un spécialiste de la région pour travailler avec le Secrétariat CITES et de fournir un appui financier, comme l'ont fait d'autres Parties, pour aider le Secrétariat à fournir un appui technique pour la mise en œuvre de la CITES dans la région.
6. Inclure les questions relatives aux espèces identifiées au cours de l'atelier, comme le bois d'agar, les faucons, le caviar et les anguilles, dans les examens régionaux ou nationaux de politiques en matière de commerce des espèces sauvages.
7. Améliorer la formation de réseaux et la coopération entre les Parties à la CITES et les non-Parties de la région par des mécanismes appropriés (réunions de groupes de spécialistes, ateliers, échange d'informations, version en arabe du site web de la CITES susceptible d'être créée et tenue à l'avenir grâce à des fonds externes, etc.).
8. Inviter des pays non-Parties (Bahreïn, Liban et Iraq) à rejoindre la Convention et, si possible, leur fournir un appui technique dans le processus d'adhésion.
9. Demander au Secrétariat CITES, au PNUE/ROWA et aux autres organisations intéressées de coopérer dans la mobilisation de fonds pour parrainer la participation de représentants des pays arabes à la CoP15 (Doha, 2010).
10. Inviter le CAMRE à prendre les mesures nécessaires pour que l'arabe soit l'une des langues officielles et/ou de travail de la Convention.

CITES Policy Review Project
Synthesis Report

INTRODUCTION

This report presents a synthesis of the four pilot wildlife trade policy reviews carried out in Madagascar, Nicaragua, Uganda and Vietnam. These reviews all began in the first half of 2007 and were completed by August 2008.

The reviews were undertaken under the auspices of a joint project developed by the UNEP-UNCTAD Capacity Building Task Force on Trade, Environment and Development, the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Secretariat) and the University of Geneva's Graduate Institute of International and Development Studies (IHEID). Funding for the project was provided by the European Union and the Geneva International Academic Network.

Decisions about trade policy reviews have been adopted at the last three meetings of the Conference of the Parties to CITES. The Decisions currently in force are those adopted at CoP14 (Decisions 14.21 – 14.24). The first of these sets out the purpose of the reviews in general terms:

Exporting and importing countries are invited to carry out national wildlife policy reviews in order to facilitate a better understanding of the effects of wildlife trade policies on the international wildlife trade (CITES Decision 14.21)

Decision 14.24 states that such reviews should take into account 'environmental, social and economic issues and relevant policy instruments' [CITES Decision 14.24 (a)]. Decision 14.22 invites Parties that undertake a wildlife trade policy review to share relevant details of their reviews and lessons learned with other Parties.

In conducting their reviews the four countries were guided by the 'Draft Framework for Reviewing National Wildlife Trade Policies' (CoP14 Inf. 17) that had been developed by the project partners. This states that the review process seeks to enable CITES Parties to:

- Develop a systematic understanding of existing wildlife trade policies and practices and other relevant national policies that have an impact on wildlife trade;
- Assess the overall relevance, coherence and effectiveness of the different measures used to implement the wildlife trade policy and the coherence of these measures with those of other policies;
- Increase understanding of the environmental, social and economic impacts of national wildlife trade policies and identify measures to optimize the beneficial nature of those impacts; and
- Identify opportunities to improve the content and implementation of national wildlife trade policies.

The draft framework is currently being revised in the light of experience gained in testing it in the pilot reviews.

Successful wildlife trade regulation requires the interaction of different elements. These include: appropriate policies, legislation and procedures; dedicated and well-resourced institutions; and effective measures to monitor legal trade and to prevent and address unsustainable or illegal trade. Where there are problems they are rarely due to one element alone, but are typically caused by a combination of factors. The reviews provided an opportunity to examine policy implementation in an integrated way and to develop ways to improve its effectiveness. Indeed, one of the reasons Parties have adopted the Decisions on the reviews is that the experience of implementing CITES has shown that where there are weaknesses in implementation the causes are often systemic rather than specific. These weaknesses, therefore, need a systemic response and the policy reviews provide an opportunity for this.

PILOT COUNTRY REVIEWS

Introduction

There are many differences between the pilot countries and the challenges they face in regulating the wildlife trade. These include differences in biodiversity, geography, political history, economic development and current policy objectives. But as the reviews show there are also common challenges. What the pilot countries also

share is that their wildlife trade policies are in the process of development. The reviews provided an opportunity to assess their policies and make recommendations for their future direction. The main findings and recommendations of each of the country reviews are set out below.

Madagascar

Context

Madagascar is a mega-biodiversity country. It is the fourth largest island in the world with a land area of 590,000 sq km. The population is 18.5 million and seventy per cent of the population live on less than US\$1 per day. Fifty five per cent have no access to drinking water or electricity, thirty per cent of adults over fifteen years old are illiterate and forty two per cent of the population are under nourished.

There is a very high degree of species endemism. Fourteen thousand plant species have been counted, of which 85 per cent are endemic; Of the 250 species of amphibians, 99 per cent are endemic and of the 300 species of reptiles, 85 per cent are endemic. Madagascar has relatively few mammal species, but most are endemic. There are around 80 species of lemurs, all of which are endemic. This high endemism promotes interest from collectors of wildlife and the wildlife trade is extensive. The pattern of the wildlife trade has changed over time. There was a big increase in the trade in chameleons and geckos from the mid 1980s and between 1990 and 1999 Madagascar exported over 655,000 geckos (from 17 species of the *Phelsuma* genera) and more than 283,000 chameleons (from over 28 species of the *Furcifer* and *Calumma* genera). Subsequently there was increased interest in some amphibian species. In 1990, the export of amphibians was mostly centred on *Mantella aurantiaca*. Between 1997 and 1999, ten *Mantella* species were on the market; between 2000 and 2006, their number increased to 14. Almost 280,000 *Mantella* individuals were exported between 1995 and 2005; of these, around 180,000 individuals were sold between 2000 and 2005. The wildlife trade is driven in part by poverty at the local level. Some families and households in rural areas are highly dependent on hunting and harvesting.

Policy

Madagascar acceded to CITES in 1975, but for a long time its CITES obligations were poorly understood and only partially implemented. In 1989 the Malagasy government elaborated its National Environmental Action Plan (PNAE) with the support of the World Bank, but this dealt with the wildlife trade only in passing. In 2002, during the political crisis in the country, which led to the existence of two governments at the same time, all trade in wild species of fauna and flora was suspended. Trade was resumed in 2003. This period marked a watershed in the evolution of Madagascar's wildlife trade policy. At that time it was agreed to carry out, for the first time in the history of CITES, a broad review of significant trade at the national level. This led to the formulation of a CITES Action Plan, considerable interest from international donors and, in due course, a series of measures to strengthen the implementation of CITES. In 2003 a ministerial order led to the establishment of an operational Scientific Authority and in October 2005 a law was passed that brings Malagasy legislation into line with CITES requirements. At the end of 2006 a procedures manual was published that defines the legal and regulatory framework for CITES implementation and identifies the various stakeholders concerned. During the joint meeting in Geneva in April 2008, the CITES Animals and Plants Committees recommended that Madagascar should no longer have to report on the country-wide review of the country's significant trade.

Madagascar does not yet have a specific national policy on trade in species of wild fauna and flora. Nevertheless, the elements of such a policy are present in other policies and in legislation. These elements include a commitment to the implementation of CITES; and a commitment to raising the economic value of biodiversity while ensuring its rational utilisation.

Implementation issues

In the period since 2003 there have been significant advances in the implementation of CITES in Madagascar. The country has the Management and Scientific Authorities required by CITES. These meet regularly to exchange information on the progress on the CITES Action Plan. Each year the Scientific Authority and the environmental NGOs participate in a large meeting to share recent data in order to set annual quotas for Appendix II species. In 2006 the Management and Scientific Authorities also met with traders, as proposed by the Action Plan. The Management and Scientific Authorities carry out annual visits to animal breeding and plant propagation centres in order to check that they are complying with their terms of reference. In 2007 the Scientific Authority was assigned an operational budget, which improved its capacity to carry out its functions. Madagascar participates in the meetings of the CITES scientific committees and sends regular reports to the CITES Secretariat.

Nevertheless, challenges still remain. These include the lack of adequate political support for the implementation of CITES, the rapid changes at ministerial and senior official level, and the challenges of coordinating a decentralised administrative system. Control and monitoring officials lack equipment and the wildlife trade is not a priority for the national gendarmerie or for customs officials. In the absence of a broad wildlife trade policy there is a tendency for issues to be dealt with on a case by case basis.

Owing to a lack of staff, illegal trafficking and trade continue both at the national and international levels. Reports of crimes related to wildlife trade and the illegal utilization of timber continue. Moreover, owing to the huge size of the island, it is difficult for the relevant officials to curb illegal acts. It is not yet possible to rely on the general population to report wildlife crimes because of they are often unaware of the law relating to wildlife.

Impacts

The wildlife trade has contributed to population declines of some species, particularly in combination with other factors such as habitat loss. In this context the regulation of the wildlife trade and, in some cases, the use of moratoria has been of value.

Not all measures have a positive impact on biodiversity because, while being good for one or two species, they can be detrimental to others. For example, the inclusion in Appendix II of chameleons and green lizards prompted great interest in the exploitation of other species, such as *Uroplatus* spp., and other species of amphibians. In addition, the ban on the exploitation of the Golden Mantella frog (*Mantella aurantiaca*) has boosted the exports of other Mantella species.

Some measures are reported to have a negative effect on the targeted species; this is the case, for example, with the Malagasy radiated tortoises which are currently traded and collected illegally on a large scale. It is suggested that the export restrictions may have actually increased the demand for these species.

As is often found in the wildlife trade, the benefits of the trade are captured disproportionately by the traders. The collectors working for the traders typically receive only a small fraction of the overall revenue.

Analysis

There have been undoubted improvements in Madagascar's wildlife trade policy since 2003. The CITES Action Plan was a significant landmark and it is estimated that 80 per cent of its goals have been attained.

There has been a gradual improvement in the level of professionalism of traders and collectors who have become aware of the advantages which can be achieved by improving the centres where animals and plants are held and reducing the mortality rate during collection from the wild. In addition the elaboration of standards for reproduction and breeding centres, for the transport of species, and for export have all assisted.

In addition, the studies into certain species (*Pachypodium brevicaule*, *Aponogeton*, *Mantella*, crocodiles), carried out by research students and professors, in cooperation with the University of Antananarivo and other universities, both American and European, have made it possible to create a reliable database, which makes it easier for Scientific Authorities and the Management Authority to set quotas.

Nevertheless, the place of wildlife trade in the overall State policy remains problematic. Wildlife trade policy and CITES are not accorded sufficient attention. The Malagasy State gives priority to problems which are directly linked to poverty, which makes wildlife trade seem of secondary importance, whereas in reality this is a promising sector that can contribute to poverty alleviation. Thus, there is indifference on the part of the political leadership. This is reflected in the fact that the means and resources allocated to the proper functioning of wildlife trade regulation are largely insufficient.

More specifically the following issues can be noted:

- The lack of a specific budget for the resource management policy means there is often reliance on international donors. Yet, donors and government authorities do not always share the same perspective. They have different priorities; for example, in the environmental field, donors advocate giving priority to conservation, whereas for the Malagasy people reforestation is a precondition for conservation because wood remains one of the main sources of income for the predominantly poor rural population. At the same time, while there is plenty of funding for studies, reviews or the elaboration of action plans, finding donors for the implementation of the recommendations is difficult.

- A failure to minimize changes in administrative staff means that new staff do not know the system well enough and this leads to inconsistent decisions.

Recommendations

The key recommendations from the review are:

- Enhance biological, ecological and biogeographical data on marketed and marketable species. Each year the aim should be to carry out studies on two species of fauna and eight species of flora.
- Set up regional networks of scientists and researchers. These regional networks can play a very important role in organizing work, updating the knowledge and data at the regional scale, promoting cooperation, and supporting the decentralized services involved in the implementation of CITES.
- Determine objectives for the quota system, the terms of references for traders and the state of wild populations in nature.
- Establish a CITES steering committee. Its main role will be identifying the necessary funds for the proper implementation of CITES in Madagascar and for projects related to CITES (including inventories).
- Bodies implementing CITES should have access to the National Forest Fund, which is managed by the Ministry of Water and Forests.
- Obtain the support of decision-makers and donors for the wildlife trade policy. The challenge consists in demonstrating that this sector has a lot of potential and that it can be vital to development and the reduction of poverty.
- Hire permanent technical staff in order to improve CITES implementation and to mitigate the consequences of constant changes of leadership (minister, secretary-general, directors, section heads, service heads, etc.)
- Strengthen enforcement, including taking into account environmental disciplines when recruiting Customs officials; equip ports and airports with organic scanners; improve the system of coastal control of Madagascar (the coast is around 5,000 km long).
- Update the legislative and regulatory instruments that govern the wildlife trade and adapt them to the context of the country. In particular, revise the texts on the classification of the Malagasy flora according to their national conservation status and the trade in samples/specimens of species of wild flora.

Nicaragua

Context

Nicaragua lies in the central part of the Central American isthmus and measures 130,347 sq km. The population is just over 5 million of whom 46.2 per cent live in poverty. The poor have an average of 2.2 years of education and the illiteracy rate among people over 10 years of age is 20.5 per cent. The per capita GDP is lowest in Central America.

Approximately 1,800 species of vertebrates and 14,000 species of invertebrates have been identified in Nicaragua, along with 6,500 species of vascular plants. There are 72 protected areas covering 17 per cent of its territory.

Nicaragua is characterised by ethnic diversity and indigenous communities are concentrated on the Atlantic coast, which is also an area of high biodiversity. Indigenous communities and other rural people depend on wild species as a source of food and for medicinal and cultural use. Rural households also derive income from the commercial harvesting of wild fauna.

One of the biggest threats to biodiversity is posed by the advance of the agricultural frontier, including the illegal extraction of wildlife for trade. For example, in the period 1950-2000 Nicaragua lost 29,628.33 sq km of forest, corresponding to about 23 per cent of the national land area.

Between 1996 and 2006 reptiles were the most heavily exported wild fauna (694,432 specimens), followed by amphibians (222,376 specimens), birds (47,147 specimens) and arachnids (41,568 specimens). In 2004, wild quotas were suspended for the traded groups other than *Caiman crocodilus chiapasius*, which is subject to a precautionary quota.

Policy

Nicaragua does not currently have an explicit wildlife trade policy. The history of the management of international trade in species of wild flora and fauna at risk of overexploitation in Nicaragua can be divided into

two periods. Before the signing of CITES (1955-1977) Nicaragua's legal framework for wildlife trade was based on species protection and conservation, with the predominant idea being that species of fauna were principally of interest for hunting.

Nicaragua acceded to CITES in 1977. The Convention was not truly implemented after its ratification because of the existence of Decree No. 625 of 1977 prohibiting the export of wild fauna. International wildlife trade, in psittacines and coordinated by a government agency, began in 1986 with small export quotas. The income helped to strengthen the regional inspectorates through the provision of vehicles and communication equipment for resource monitoring. Then in 2004, the government ended the wild quotas for species in Appendices II and III (birds, reptiles and amphibians). The only exception was for *Caiman crocodilus chiapasius* which is currently subject to a precautionary national quota of 1,500 skins a year.

The growth in the Nicaraguan timber trade has been very rapid, particularly for *Swietenia macrophylla*, necessitating regulatory measures to prevent greater impacts on forest ecosystems and their environmental services. In 1997 the government issued a decree prohibiting the exploitation of *Swietenia macrophylla* and *Cedrela odorata*. However the decree was not effective and the government promulgated a new law in 2006 with the aim of putting an end to the disorderly use of Nicaragua's forests.

Implementation issues

There is a problem with the illegal trade in wildlife in Nicaragua. The illegal fauna trade goes on alongside its legal counterpart and is supplied, particularly as regards CITES-listed species, by the same registered collectors as work for the companies involved in legal export.

The main CITES species harvested for illegal trade are: macaws (*Ara* spp.), the yellow-naped Amazon parrot (*Amazona auropalliata*), the green basilisk (*Basiliscus plumifrons*), the green iguana (*Iguana iguana*), the two-toed sloth (*Choloepus hoffmanni*), monkeys of the Cebidae family, and eggs of the Olive Ridley turtle (*Lepidochelys olivacea*).

The illegal traffic in *Swietenia macrophylla* and other crop trees is more complex than that in wild fauna since the flow is from one country to another and vice versa, with the cross-border movement helping to hide the illegality.

The ban on trade in *Swietenia macrophylla* and *Cedrela odorata* in 1997 failed to have the desired effect. One trader said, in statements to the Communication Research Centre (CINCO) and the Centre for International Policies (CIP), that the amount of timber from these two species that left the country during the first year of the ban was five times the previous average.

Population studies of CITES species, e.g. psittacines and *Caiman crocodilus chiapasius*, have been made with the aim of providing a basis for the setting of export quotas. There have also been unofficial studies supported by international organizations, including studies of the green, Olive Ridley and hawksbill turtles financed by the World Wide Fund for Nature.

The CITES authorities have recently concentrated on the dissemination of studies of the species of the greatest economic value for exporters, on the production of manuals and on disseminating information on the systems of closed seasons. Funds obtained from the issue of wildlife trade permits have been used to run a number of national-level training seminars on the application of CITES

There is a tendency for the work of the CITES Management Authority to focus on the administration of the permits rather than on the sustainability of the trade. Under a policy of decentralisation, the functions of monitoring and supervising captive breeding have been transferred to the Ministry's local offices but their lack of technical and operational resources hinders the effective application of legislation. Until 2002 the Scientific Authority was the responsibility of one person, but the Authority has since been strengthened.

Impacts

Analysis of the environmental, economic and social impacts of the wildlife trade (and of wildlife trade policy) is extremely difficult because of the lack of indicators and up-to-date databases. The CITES-Ni Management Authority prepares annual operating plans and they are subject to institutional appraisal, but there is no review of the application of wildlife trade law. There is no institutional culture of assessing the efficiency of the application of policy instruments, laws or other measures. There are forms for use in the assessment and

sectoral follow-up of the regulation of captive-breeding activities, but very few for use in monitoring and evaluating wildlife trade at the national level.

Many wildlife populations are declining but this may not be due to the wildlife trade. For Psittacine populations a comparison of a 1994-95 study to a 2004 study shows a decline of 61%. However, it is unclear how much of this decline was due to the wildlife trade. Because of the advance of agricultural frontier with the consequent destruction of nesting areas, populations are probably continuing to decline even with suspension of export quotas for wild-taken specimens.

With regard to economic impacts, it has been reported that the income that Nicaragua obtained from wildlife trade during the period 1990-1992 was:

- 1990, USD 97,410.00
- 1991, USD 612,751.75
- 1992, USD 656,388.44

making a total of USD 1,366,550.19, of which the Government took 35 % (USD 478,292.57) as payment for resource use. That sum was used to pay the salaries of CITES staff, purchase materials and equipment and cover the cost of studies and research and the fees of foreign wildlife management and reproduction experts.

The social impacts of the wildlife trade and wildlife trade regulation are difficult to quantify. In general poverty in rural areas persists or is getting worse and it is likely that poor people are affected by the decline of wild species. Many indigenous people are suffering from the consequences of the timber trade rather than benefiting from it in that they lose the resources on which they depend but are not compensated for this. Value chain analysis indicates that most income from the wildlife trade goes to external actors and little to local communities. Government policy, including the ending of quotas for wild-taken specimens, has an effect on the trade chain, and may contribute to an increase in illegal trade.

Analysis

Nicaragua saw the regulated opening of the international trade in wild fauna from 1986 onwards. More recently the emphasis has been on captive breeding and since 2004 the only legal exports of wild fauna have been of captive bred species. The single exception to this is the exports of *Caiman crocodiles chiapasius*, which are still harvested from the wild and subject to an export quota.

Nicaragua's membership of CITES has enhanced its ability to manage and regulate domestic and international wildlife trade. There are shortages of people and financial and technical resources that hinder the optimum implementation of the legal framework for wildlife trade, but there is good cooperation between the bodies with responsibility for enforcing the laws.

The regulatory instruments pertaining to sustainable management of wildlife trade are relevant and coherent and provide a basis for the formulation of an explicit wildlife trade policy but such a policy does not yet exist.

The non-regulatory instruments for measuring the commercial sustainability of wildlife trade are little used. The most important of them are: monitoring, research, education and information.

There has been decentralization of the functions of CITES implementation to local offices but without sufficient additional technical and operational resources. This hinders the effective application of the laws on wildlife trade.

The severe degradation of some high-commercial-value CITES species, such as bigleaf mahogany (*Swietenia macrophylla*), is attributable to illegal logging, the inconsistency of the laws on harvesting and the lack of capacity for *in situ* monitoring. The result is a loss to the Nicaragua economy of some USD 8 million a year.

There is insufficient attention paid to equity issues in the wildlife trade. Nowhere is there reference to the equitable sharing with rural communities of the income from trade in wild fauna or flora. Such sharing should be widely reflected in a national wildlife policy,

Recommendations

The main recommendations from the review are as follows.

- Draw up a wildlife trade policy. The policy should address issues such as: species sustainability, re-stocking, incentives, fairness and viable financial mechanisms. The policy should take into account the threats that uncontrolled trade poses to flora and fauna and restate the object, principles and goals set out in the country's General Environmental and Natural Resource Law (*Ley General del Medio Ambiente y los Recursos Naturales*), the Environmental Policy of Nicaragua (*Política Ambiental de Nicaragua*) and the National Biodiversity Strategy (*Estrategia Nacional de Biodiversidad*). The policy should include provision for the resources – human, financial and operational – needed for its effective application and ensure the continuation of population monitoring studies with a view to finding solutions that will result in the better management and sustainable harvesting, with community participation, of psittacines, the spectacled caiman (*Caiman crocodilus chiapasius*) and other internationally traded species;
- Strengthen institutional capacity, including the capacity of local offices, for the sustainable management of wildlife trade, focusing on effective use of the tools of monitoring, research, education, and information;
- Enter into strategic alliances with universities, research centres and other bodies with the capacity to carry out monitoring, research and education conducive to the effective use of wildlife trade sustainability management tools;
- Unify and standardize, for use in monitoring and research systems, indicators and methodology for assessing the sustainability of CITES species in domestic and international trade;
- Design and implement a system of education, communication and information for rural development actors that will help to change attitudes and so contribute towards sustainable wildlife use;
- Institute, as a preventive rule, studies and research to secure the biological criteria for the setting of quotas;
- Undertake pilot projects to establish systems for the management of high-commercial-value species in local communities, bearing in mind the harvesting of the species in their natural habitats.
- Strengthen and redefine the operation of the CITES Scientific Authority;
- Strengthen cooperation between institutions and build alliances with local and regional authorities and NGOs;
- Step up information and intensive training for all sectors and actors involved in wild flora and fauna harvesting and trade.

In view of the need to elaborate a national wildlife trade policy, consideration should be given to the following:

- Financial support and specialized technical assistance for the drawing up of the policy;
- Strengthening the consensus among wildlife trade actors regarding a policy's benefits for sustainable wildlife use;
- Promoting broad participation by wildlife trade actors from civil society together with State bodies so as to guarantee a policy that will be accepted by all;
- Setting up an official Technical Committee for planning, implementation, follow-up and assessment of the recommendations for the elaboration of the policy.

Uganda

Context

Uganda has a population of around 30 million and a land area of 241,500 sq km. The economy is largely agrarian with agriculture as the major source of GDP and employment. Over 90 per cent of people live in rural areas.

With wide altitudinal variations, Uganda has habitats for a broad variety of species. It has nearly six thousand chimpanzees, at least 50 per cent of the global population of mountain gorillas (*Gorilla gorilla beringei*), over 10 per cent of the world's bird species and about 4,600 plant species.

In the first half of the twentieth century Uganda was an exporter of elephant ivory, rhino horn, hippo teeth and timber species. During the 1970s and 1980s the export of some species declined and the wildlife sector is currently not well developed although there is scope for it to increase. Currently, there are six known wildlife exporters in Uganda. Available statistics indicate that during 2000-2006, a total of 69 species of birds (13,176 individuals), 12 species of chameleons (11,169 individuals), 6 species of tortoises and turtles (3,977 individuals), 11 species of lizards (1,167 individuals) and 19 species of snakes (2,881 individuals) were exported. Crocodile skins are also exported. The value of the wildlife trade is about US\$3 million per year. This

makes the wildlife sector very small compared to other components of the agricultural sector like cotton, which generates US\$16 million, and much smaller than tourism, which records over US\$160 million. There is also the challenge of widespread illegal trade which is unregulated and is not monitored.

Wildlife trade in Uganda has been constrained by the general deteriorating trends of the country's biodiversity over the years. A report on the state of Uganda's biodiversity in 2000 showed that the rate of biodiversity loss was high (estimated at 1 per cent per year). This has been attributed to the rampant degradation of natural ecosystems. It has also been complicated by the lack of incentives to offset costs incurred by farmers to promote tolerance towards wildlife. The effect of this has been an irregular fluctuation in the number of tradable species and their populations (in the context of overall decline), impacting significantly on wildlife trade in the country

Policy

In the 1960s the post-Independence governments in Uganda typically continued with the same protectionist policies that had been followed by the colonial authorities. During the 1970s and 1980s, the network of protected forests and wildlife areas which had emerged as the cornerstone for conservation activities suffered from political instability and the breakdown of the public service institutions that were mandated to manage these resources. However, since taking leadership of the country in 1986, the National Resistance Movement (NRM) Government put in place a number of policies and legal and institutional reforms to ensure that the management of Uganda's natural resources is supportive of the national development policy objectives and is consistent with international obligations and commitments. Uganda ratified CITES in 1991 and enacted the Uganda Wildlife Statute in 1996. The Statute was revised and published in 2000 as the Wildlife Act, Cap 200 under the 2000 Revised Edition of the Law in Uganda. Since then there has been a new momentum in the policy arena for the wildlife trade.

The Wildlife Act established a regime of Wildlife Use Rights (WUR) and incorporated provisions for the regulation of the international trade in species and specimens. One of the major innovations brought by the Act was the recognition and establishment of a legal regime within which extractive use of wildlife resources could be pursued in a more sustainable and regulated manner. Consequently, the following extractive uses are recognized and provided for under the Act: wildlife ranching; hunting; wildlife farming; and trade in wildlife and wildlife products. In 1999, the Uganda Wildlife Authority (UWA) developed the Uganda Wildlife Policy to provide the policy framework for the implementation of the Act and generally the sustainable management of wildlife resources in the country. Although it is generally accepted that the policy has never been approved by Cabinet, it is now perceived and used as the *de facto* policy framework for wildlife management. The policy set out the rationale and content of wildlife use rights. The policy states that "Wildlife use rights are intended to promote the sustainable management of wildlife resources within an approved management plan, with the incentive to manage the wildlife coming from the viability of the enterprise." The Wildlife Use Rights Programme was initiated in 2001. This programme established a number of pilot projects across the range of wildlife use rights that are provided for under the Act. Thus, Uganda is committed to promoting a sustainable trade in wildlife.

Uganda is also currently developing national legislation aimed at enhancing enforcement of CITES at the national level. The law will specify mechanisms for monitoring the wildlife trade and enforcement of CITES, specify offences and penalties and provide for reporting mechanisms, court action and other general procedures. Uganda is a party to the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora – a regional agreement to strengthen of the enforcement of wildlife trade regulation.

Implementation issues

The Uganda Wildlife Authority has a Law Enforcement Unit based in Kampala responsible for coordinating operations aimed at reducing and ultimately eradicating the illegal wildlife trade. The unit staff inspects wildlife consignments at ports of entry and exit. At the regional level the unit collaborates with Lusaka Agreement Task Force (LATF) for information sharing and joint operations. The unit also closely works with Uganda Customs, Uganda Police (which has assigned a CID Liaison Officer to handle cases related to wildlife management) and other law informant organs in curbing illegal trafficking of wildlife.

UWA has established a multidisciplinary wildlife use rights committee, composed of wildlife biologists, researchers, veterinary doctors and social scientists, that is responsible for guiding and facilitating implementation of the wildlife use rights programme. In addition to this, UWA is planning a training program for law enforcement agencies (Customs, Uganda Police). UWA is also in the process of developing manuals, leaflets and posters, which will be displayed at ports of entry and exit as well other relevant public centers.

Uganda is implementing a number of pilot projects under the auspices of its wildlife use programme. These include projects based on sport hunting and butterfly farming and Uganda also has its own UNCTAD National Biotrade programme overseen by the Uganda Export Promotion Board. Uganda has adopted a set of regulations to govern access to and the sharing of benefits from the exploitation of biological resources. However, there is some uncertainty regarding the scope of these regulations and whether, in particular, they apply to the wildlife trade.

Impacts

The study recognized that there needs to be a proper assessment of the potential negative and positive impacts of wildlife trade. However, the major obstacle to undertaking an impact assessment of wildlife trade in Uganda is the fact that there are no identified variables upon which the assessment can be based. To overcome this problem, a set of variables were developed based on the review of the existing policies and legislation governing wildlife. Environmental variables were selected based on their relevance to the resources base, conservation objectives and the specific conservation strategies reflected in national policy and legislation. Social variables were selected based on the range of policy and legal instruments that guide social development in the country. Economic variables were selected based on the objectives of conservation and poverty eradication.

Analysis

This study clearly shows that there is growing interest in the wildlife trade in Uganda although the volume of trade is still at a low level. This interest is evidenced not only by the range of species being traded but also by the growing number of wildlife enterprises. There is also anecdotal evidence suggesting that communities engaged in the ongoing wildlife projects are deriving economic and social benefits. The following are the key general issues that emerge from this study:

- It is evident that a combination of human and physical factors is imposing significant pressure on the country's wildlife protected area system. Over the last decade, population pressure combined with growing needs for land for investment has led to increased calls for degazettment of certain protected areas. It is important to emphasize that the viability and stability of wildlife species in *in situ* conditions is a pre-condition for a growing and sustainable wildlife trade.
- Agriculture is still seen as the key driver for the growth and transformation of the economy. Since the adoption of the Poverty Eradication Action Plan, agriculture has been put at the centre of Uganda's development strategy. However, neither the Plan for Modernization of Agriculture nor the agriculture zoning scheme provide any specific guidance on wildlife farming. There is an over-emphasis on conventional agriculture.
- The ongoing oil exploration in or near protected areas, in particular Queen Elizabeth National Park and Murchison Falls National Peak is likely to create serious challenges for wildlife conservation and hence the wildlife trade. The extent to which the potential negative impacts of oil exploitation activities on the protected areas are minimized will be important in sustaining a case for international trade in wildlife from Uganda.
- Evidence from the study suggests there is coordination between the key institutions with mandates relating to the wildlife trade. However, when analyzed in the light of the regulations on access to genetic resources, the current institutional configuration reveals some disconnects between wildlife trade regulation and regulations governing access to genetic resources and benefit sharing. It is important that trade in wildlife be considered in the context of these regulations given their elaborate provisions both on procedure and on benefit sharing and documentation.
- Evidence from the study already demonstrates efforts by public agencies to promote trade in wildlife. These efforts are complemented by an enthusiastic and growing private sector that is keen to take advantage of the enterprise opportunities that the wildlife trade presents. While this is a positive development in macro-economic terms, increased trade in wildlife, if not managed properly, can have a devastating effect on the status of wildlife species in the country. It is important that trade promotion be guided by resource sustainability as the fundamental policy objective.
- At the moment, Uganda Wildlife Authority is effectively discharging its responsibilities with respect to the regulation of wildlife trade. Licensing of wildlife enterprises and wildlife trade transactions must remain an integral part of the regulation agenda.
- The 1999 national wildlife policy was not officially adopted by the Cabinet as standard practice would require. However, current practice suggests clear recognition of the policy and the *de facto* policy regime governing the wildlife sector in the country.
- The single biggest challenge for wildlife trade in Uganda will probably be how to ensure that it is coherent with the broad range of policies that may impact on wildlife management. Wildlife trade spans a range of

disciplines including conservation, agriculture, investment, private sector development, institutional mandates, revenue sharing and generally access to and the management of genetic resources.

Recommendations

The main recommendations from the review include:

- Government should desist from taking actions that undermine the integrity of protected areas.
- The current legal and policy framework for wildlife trade needs to be reviewed and strengthened to support sustainable wildlife trading activities. The Wildlife Statute, for example, should be amended to address issues of ownership of species and specimens, create an appropriate legal basis for public-private partnerships in wildlife ventures and incorporating appropriate provisions to meet CITES obligations. Although the 1999 wildlife policy has hitherto operated as the de facto policy instrument, it is important that Government moves expeditiously to reformulate and promulgate a new policy.
- There is need to clearly demarcate institutional mandates and responsibilities with particular reference to issues of trade promotion and trade regulation. At the moment, these functions are spread throughout the network of institutions in the sector. A clear delineation of mandates would promote coordination, efficiency and accountability.
- To ensure that decision-making is based on clear and convincing scientific evidence, it is important that three core mandates be clearly delineated among the responsible institutions. These are:
 - Regular collection and dissemination of data. This should cover ecological data as well as data on wildlife production systems;
 - Development of clear monitoring indicators. These should cover, *inter alia*, wildlife sustainability; resource stability and productivity; equity; community benefits from wildlife conservation; and the number of *in situ* and *ex situ* wildlife enterprises
- Clear separation of mandates for policy formulation, regulation and trade promotion. The fusion of these mandates in one Ministry may compromise the transparency and integrity of the decision making process. The increasing involvement of the private sector in the sector comes with the potential to circumvent regulatory controls unless effective mechanisms for accountability are in place and enforced.

Vietnam

Context

Vietnam has a land area of 331,688 sq km and has about 3,260 km of coastline that includes a thousand islands. It has a population of more than 84 million. The economy is growing quickly at about 8 per cent per year, although agriculture and fisheries still account for 38 per cent of the GDP.

Vietnam is one of the most biodiversity-rich countries in the world, with 310 mammal species, 840 bird species, 700 freshwater fish species and 2,000 species of sea fish. There are about 20,000 to 30,000 vascular plant species that account for about 6 per cent of the species in the world. About 40 per cent of the plant species nationwide are believed to be endemic. Around 28 per cent of the mammals, 10 per cent of the birds and 21 per cent of the amphibians are endangered

International wildlife trade in Vietnam began to flourish in the late 80s and in recent years Vietnam became an important location in South East Asia for the harvest, use and trade in wild fauna and flora. It is estimated that each year around 3,700 to 4,500 tons of wildlife fauna (excluding aquatic species) are used as food, medicine, ornaments, and pets. In terms of species, 147 terrestrial animal species, 40 coleopteron species, 90 butterfly species and hundreds of flora species are being consumed and traded as food, medicines and ornaments domestically and internationally.

The export of non-timber forest products has developed dramatically since 1999 and the total volume of rattan and bamboo products exported in 2003 was double the volume exported in 1999.

The illegal trade in wildlife in Vietnam poses a serious threat to the survival of many species of wild fauna and flora. Recently, illegal wildlife trade was identified as one of the most important factors threatening species such as cats (*Felidae* spp.), bears (*Ursus* spp.), pangolins (*Manis* spp.) amphibians, reptiles, orchids (*Paphiopedilum* spp.), and agarwood (*Aquilaria* spp.).

Policy

Vietnam joined CITES in 1994 although it was not until 2002 that a decree was passed for implementing CITES (Decree No.11/2002/NĐ-CP). After four years of implementation (2002-2006), it was recognized that this decree was impractical in certain respects since there were inconsistencies and overlaps with other decrees. In 2006 another decree was passed that attempted to address these problems; more guidance was provided on the registration and management of captive breeding and artificial propagation enterprises and the procedures for issuing CITES permits and certificates were significantly streamlined and simplified.

Overall, within Vietnamese policy there is an emphasis on strict control of the wildlife trade, together with moves to promote captive breeding and artificial propagation.

The National Strategy for Environmental Protection until 2010 and Vision towards 2020 (2003) includes among its objectives, 'Strictly control the trade of rare and endangered species; eliminate all the destructive manner of exploitation, particularly in fishery exploitation; strengthen in-situ and ex-situ conservation'. There is rather less emphasis on measures to ensure that the trade from the wild is sustainable.

Implementation issues

One of the biggest implementation challenges facing Vietnam has been the scale of the illegal trade. There have been significant attempts to control this trade. From 1996 to March 2007 a total of 14,758 violations of the regulations on wildlife hunting and trade were prosecuted and about 635 tons of wildlife made up of a total of 181,670 individuals (animals) was confiscated. The data showed an increasing trend in the number of wildlife violations, from 1,469 cases in 2000 to 1,880 cases in 2002. In addition, the North-East and Central North and Southern provinces were identified as important illegal wildlife trade hotspots. According to the assessment of the Government, law enforcement has controlled from 5 to 10 per cent of the total illegal wildlife trade. Nevertheless, it seems that the incidence of the illegal trade decreased dramatically from 2005. This could have resulted from a variety of reasons such as: the increasing effectiveness of law enforcement; the potential commercial extinction of certain resources after a long period of overexploitation; or increased competition from specimens coming from captive breeding and artificial propagation operations.

In 2004 Vietnam agreed a National Action Plan for strengthening wildlife trade management. The goal was to 'enhance the effectiveness and efficiency of the relevant agencies in order to control the illegal wildlife trade'. The plan responded to an urgent need to provide clear direction for the management of the wildlife trade, integration of such management with overall socio-economic development, prevention of illegal wildlife trade and the enhancement of the captive breeding and artificial propagation of species with high economic value. In the plan, a series of actions were adopted for implementation of its goals. The review team was pleased to find that many specific implementation actions have been actively addressed, including those related to law enforcement; capacity enhancement, completion of the legal framework; establishment of captive breeding and artificial propagation procedures and facilities, and international cooperation.

It is significant that the Action Plan reflects an agreement between Vietnam and China to organize an annual meeting on the implementation of CITES. In addition, the Plan also emphasized the need for a regular meeting of Mekong countries on the management of wildlife trade, with the support of the CITES Secretariat. These specific actions have been implemented in accordance with the Action Plan.

Some of the remaining problems relating to implementation include the confiscation and disposal of illegally traded specimens especially with regard to the housing and care of live specimens.

Impacts

It is difficult to assess the impacts of wildlife trade policies in Vietnam. Nevertheless, it seems that wildlife trade regulation has had some positive impacts on the conservation status of certain wild species, although, as noted there are still some problems with the control of the illegal trade. In the case of some captive breeding and artificial propagation operations there have been positive impacts on local livelihoods, although that was not the primary aim of policy, which was to reduce the pressures on wild populations. Moreover, these positive impacts have only been partially achieved to date because captive breeding and artificial propagation facilities are mostly operated by average-income households, and poor people are still restricted to harvesting animals and plants from the wild.

Analysis

The following points emerged from the study.

- Vietnam's current wildlife trade policy is heavily focused on protection and law enforcement. The development of legal utilization is not given equal attention. The right of local people to harvest and use wild species is not taken into account in the policy. Therefore, those livelihoods that heavily depend on the exploitation of natural resources are severely impacted by a policy of banning use and trade. Alternative livelihoods to replace the use of banned species were rarely provided. In addition, the policy does not include provision for developing a sustainable harvesting mechanism to address illegal harvesting and trade. Most terrestrial wild animals have been banned from export, listed as endangered or restricted in terms of their use. Therefore, the positive effects of legal use have yet to be seen because emphasis continues to be placed on detecting and combating illegal exploitation and use.
- In developing policy there is a lack of consultation with local people, farmers and wildlife trade communities. The lack of appropriate consultation with relevant stakeholders limits the policy. In particular little encouragement and guidance have been provided to local people, especially communities living in the buffer zones of protected areas, on how they might find other livelihoods that could replace traditional hunting and wildlife harvesting. Policies have tended to focus only on conservation and law enforcement, and have therefore sometimes ignored social and livelihood issues.
- The current policy had promoted the development of the legal wildlife trade based on captive breeding and artificial propagation. However, the development of captive breeding and artificial propagation has been hampered by the lack of proper markets and an absence of research and evaluation. As a result, these enterprises have often been negatively affected by shifts in the market with reduced prices and uncertain demand. These enterprises can be unstable and unsustainable businesses that do not provide a good approach to increasing the income of local people and casts doubt on the use of captive breeding and artificial propagation as a tool to help the national strategy for hunger elimination and poverty eradication.
- The inclusion of some species in the protection and management list of the current policies is based mostly on their scientific or the endemic value rather than whether they are impacted by overexploitation and trade. As a result, some listed species have never been threatened by illegal trade or overexploitation, and some species heavily impacted by illegal trade are not on the lists. In addition, some species that are considered to be extinct in the wild, but are bred in captivity, were listed creating some difficulties for the trade in captive bred specimens.
- Very little research is carried out in the field to support the up-listing or down-listing of species. The lack of this important information does not help the development of either correct listing or the use of appropriate conservation measures for those species that are heavily impacted by overexploitation and illegal trade.
- There are some inconsistencies in the terms and definitions used in legislative and regulatory instruments. In addition, some of the documents issued lacked appropriate connections with related policies.
- Not much attention has been paid to environmental education in the current policy. As result only a small part of the population is aware of the relevant legislation. This is partly the result of inadequate funding.
- Vietnam's policies establish the functions and responsibilities of the CITES authorities. Decree No.11/2002/NĐ-CP and No.82/2006/NĐ-CP, in particular, require the State to ensure the necessary operational financing for CITES authorities. In reality, however, such financing is very limited and is only allocated to the operation of the Management Authority. A budget for researching, assessing and monitoring populations of protected species has not yet been established. There also is no budget for CITES Scientific Authorities to participate in regional or international CITES meetings. As a result, participation in regional, international meetings depends on external financing from international donors.

Recommendations

The main recommendations are as follows:

- The positive aspects of the wildlife trade need to be promoted.
- There should be a unified policy for wildlife trade management. The development of such a policy would create favorable conditions for implementation and monitoring.
- Development objectives should be given adequate attention in the wildlife trade policy.
- The inclusion of a species in a protected list should be accompanied by consideration of the impact that the listing would make on the livelihoods of local community. The list should focus strictly on the species that are threatened by overexploitation and the illegal trade.
- The concepts of captive breeding, legal trade and illegal trade should be distinguished in the policy. Only the illegal trade threatens wildlife and biodiversity. Well managed utilization and trade would actually help control the illegal trade and increased income from the trade is a potential tool for economic development and conservation.

- A strong mechanism for wildlife population monitoring and trade evaluation is very important to ensure the survival of wildlife as well as the sustainability of the trade.
- The evaluation of the impacts of wildlife trade policy should be undertaken in a regular and timely manner. This is important to reduce the negative impacts of the policy and to ensure its proper implementation.
- There should be appropriate funding for wildlife trade management, especially for addressing the illegal wildlife trade. Appropriate funding will improve the effectiveness of the wildlife trade policy.
- Official state funding for wildlife trade rescue activities is necessary to assist law enforcement.
- The current policy of selling confiscated wildlife needs to be reevaluated. The re-selling of confiscated specimens can have the effect of legalizing specimens that were illegally traded and encourage the use of illegal products.
- Good veterinary management is very important to reduce the outbreaks of disease in captive breeding operations.
- Public education would increase support from the public and could help control the illegal wildlife trade. It is recommended that there is a large and stronger educational campaign on wildlife trade to promote the implementation of the policy. Campaigns should be implemented regularly with official funding from the state.

LESSONS LEARNT

The policy cycle

In all the pilot countries wildlife trade policy is evolving. Although the process of policy development is unique to each country, in more than one case there are instances of studies leading to ambitious action plans, which are then imperfectly implemented; to be followed at a later date by more, often externally-funded, studies and reviews. There is a need to move towards a virtuous cycle, where evaluations feed into an on-going process of policy improvement that allows Parties to develop imaginative solutions that suit their particular needs and are practicable within the resources available. One of the merits of the trade policy review process is that it has increased the capacity of the pilot countries to assess and evaluate their wildlife trade policies.

The science/policy interface

There are a number of lessons to be learnt about the science/policy interface from these pilot reviews. First, in all of the pilot countries the lack of sufficient scientific information (about population, harvest and trade levels) on which to base regulatory decisions was identified as a common problem and one that needed to be tackled in order to improve CITES implementation. There are no easy solutions here, although building collaborative networks of existing institutions and individuals with expertise that can inform decision-making is desirable. There is also a role for adaptive management approaches and the appropriate use of precaution in the face of incomplete information. Second, there is also a need to understand the impacts of wildlife trade policy itself. Is it effective? Does it have any unpredictable or undesirable consequences? Yet providing scientifically credible answers to such questions can be challenging. Here the need is for indicators that can inform future policy and regulatory decisions without being too resource intensive to use. Third, the focus on evidence based decision making should not come at the expense of appropriate consultation with stakeholders, including those living closest to wildlife. Most regulation will be more effective when it is understood by those it affects and when their concerns have been accommodated to the extent possible.

Captive breeding and artificial propagation

Several of the pilot countries have a policy of actively promoting captive breeding and artificial propagation. In the right circumstances this can have the effect of relieving the pressure on wild populations and providing a sustainable income to local people. However, there are some risks with this approach. In some circumstances it can divert attention from the task of ensuring that the export of species from the wild is sustainable, it can remove incentives for conserving wild habitat, and, depending on where it takes place, lead to a loss of benefits to rural people. If the market is not well understood, it may even be unsuccessful in its own terms. The reviews provided an opportunity to highlight these issues in several pilot countries.

Wildlife trade and poverty alleviation

Many of the stakeholders in the wildlife trade would like to see the trade contributing to poverty alleviation, at least at the local level. This aspiration is often not integrated in wildlife trade policy and it presents a considerable challenge for policy-makers. The wildlife trade chains examined in these policy reviews show repeatedly that the rural poor who, as harvesters, are typically at the beginning of the trade chain, receive a small fraction of the income gained by those higher up the chain. Moreover, those responsible for regulating the

wildlife trade often lack the expertise to address issues of livelihoods. Nevertheless, there are examples from different parts of the world, where sustainable harvesting is combined with significant benefits to local people, and there is a strong case for promoting more South-South learning in this field. Making the link between wildlife trade regulation and livelihoods can not only help to win support for effective regulation amongst communities, it can also help win the attention of decision-makers who would otherwise see the wildlife trade as an issue of secondary importance.

Holistic analysis

The policy reviews demonstrate the value of taking an overview of wildlife trade policy and its implementation in particular countries. Many of the challenges that are faced in improving CITES implementation do not lie with one element in the overall system (whether it is legislation, the functioning of the Scientific Authorities, or the resources available to enforcement agencies) but in the combination of the different components. A policy review provides the opportunity to identify those measures that are working well and the adjustments that would help the overall system of regulation function more effectively.