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Background paper on Methodologies for national wildlife trade reviews

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CONTENTS

1. INTRODUCTION

This draft presents an outline of a general methodology for cases where Parties intend to review their national wildlife trade policies. It also provides guidelines for developing and implementing such policies. The reviews are intended to focus on a Party's domestic wildlife trade policy, including their policy approach to implementing CITES. The nature and scope of the reviews will differ according to the country or countries conducting the review and according to the type of trade policy. The methodology should be interpreted in a flexible way and can be treated as offering a menu of options from which countries can choose when conducting their reviews. The methodology will itself be subject to review and amendment at a technical workshop on wildlife trade policies and economic incentives.

The overall objective of the policy reviews is to improve national wildlife trade polices by creating greater understanding of and transparency in the various wildlife trade policies and practices. Another purpose is the appreciation of the impact of those policies on the functioning of CITES and the conservation of CITES-listed species. The reviews should lead to improved implementation of CITES provisions and recommendations, in some cases through the adjustment of existing policies. The reviews are not intended to include criticism of the goals of the policy under review. These goals are set by the national governments and remain a national prerogative.

For many countries, national wildlife trade polices are articulated only in a fragmented way across different institutions of government. Yet such policies – in the sense of a coherent package of goals and instruments for realising those goals – are being increasingly recognised as important both for the achievement of a country's objectives relating to the trade, conservation and sustainable use of wild species, and for the implementation of CITES. This recognition is, in part, a lesson learnt from over 25 years of implementing CITES. The effective introduction of economic incentives as a tool for ensuring the sustainability of the wildlife trade within a regulatory framework also requires a holistic policy approach.

National wildlife trade policies are typically the responsibility of individual states (the European Union is one exception to this rule). However, national governments need not take decisions about the content of those policies in isolation. A wide range of stakeholders can usefully contribute to the process of reviewing, developing and implementing those policies and the process is likely to be more effective when this is so.

There is an emphasis in this paper on the supply side of the wildlife trade. Nevertheless, the national wildlife trade policies of the importing countries are also important. Many of the underlying questions raised in the review of national wildlife trade policies are the same although they may arise in different ways in countries that are predominantly *importers* of wildlife.

This paper looks first at the background and the mandate for this proposed work on national wildlife trade polices. Next it addresses the question of what is a national wildlife trade policy. It then discusses three issues relating to the development of a methodology for reviewing such policies and finally it identifies the key questions to be addressed in the review.

2. BACKGROUND AND MANDATE

Decision 12.22 calls on the Secretariat to 'organise a technical workshop on wildlife trade policies and economic incentives applicable to the management of and trade in CITES-listed species, and in particular to develop a methodology to review those policies.' This paper is a contribution to the development of a methodology to review national wildlife trade policies. It offers a draft methodology that can be criticised and amended at the technical workshop. Decision 12.22 envisages that following a report on the workshop to the Standing Committee, the Secretariat, in cooperation with the interested Parties, will carry out a review of national wildlife trade policies, which takes into account 'economic incentives, production systems, consumption patterns, market access strategies, price structures, certification schemes, CITES-relevant taxation and subsidy schemes, property rights, mechanisms for benefit sharing and re-investment in conservation, as well as stricter domestic measures that Parties apply or are affected by.'

The Decision also addresses funding issues, and instructs the Secretariat to 'prepare and submit a project proposal to the Global Environmental Facility and other funding institutions and development agencies, to seek financial support to prepare the trade policy reviews in selected countries.'

A broader mandate for the work on national wildlife trade policies is provided by the *Strategic Vision through 2005*. Goal 1 of the Strategic Plan is to 'Enhance the ability of each Party to implement the Convention' and Objective 1.1 refers more explicitly to the development of domestic policies and links this to the use of social and economic incentives that promote and regulate the sustainable management of responsible trade in wild fauna and flora. Objective 1.1 is as follows:

> To assist in the development of appropriate domestic legislation and policies that encourage the adoption and implementation of social and economic incentives allied to legal instruments that:
> - promote and regulate sustainable management of wild fauna and flora;
> - promote and regulate responsible trade in wild fauna and flora; and
> - promote the effective enforcement of the Convention

The development of national wildlife trade policies can also be reasonably expected to contribute to the achievement of the other objectives that fall under Goal 1. These deal with issues such as improving the capacity and coordination between national agencies responsible for regulating the wildlife trade.

The value of national wildlife trade policies and the role of CITES bodies in promoting their development has also been noted in relation to other specific CITES projects and processes, particularly those concerned with the implementation of CITES. For example CoP12 Doc 28 (National Laws for the Implementation of the Convention) states, under the heading of 'Wildlife trade policy' that 'wildlife policy development is an essential precursor to drafting adequate legislation'. The document goes on to note some of the specific advantages of having an appropriate policy framework for national legislation. The recognition of the importance of a

policy framework is reflected in Decision 12.83 (National Laws for the Implementation of the Convention) which directs the Secretariat, *inter alia*, to provide 'training of CITES authorities and other relevant bodies responsible for the formulation of wildlife trade policies or legislation.'

A similar, if not quite so explicit recognition has emerged in connection with the Significant Trade Review process. Through that process there has been an increased acknowledgement that the success of Appendix II listings depends on how trade is managed within exporting states – an issue which is the direct responsibility of the national policies of those states.

Moreover, with the recent launch of the first significant trade review in Madagascar which is at the national rather than the species level, there is an acceptance that many of the key issues relating to the implementation of Appendix II listings, need to be addressed in a *systematic* way at the national level.

Thus, the Parties' experience of more than 25 years of implementing CITES points to the crucial importance of national policies for the wildlife trade, including the management of that part of the trade that occurs within the borders of the exporting states.

3. WHAT IS A REVIEW OF NATIONAL WILDLIFE TRADE POLICY?

In considering what is meant by the review of national wildlife trade policy, the meaning of each of the terms is important.

National

Three points can be made about the use of the term 'national' in this context. First, it is typically understood to refer to the policy of a nation-state rather than policy of an international body such as CITES. The European Union constitutes an exception to this, in that its wildlife trade policies are, at least in part, developed and implemented at the EU level, rather than at the level of individual states. But for the purposes of this discussion EU wildlife trade policy will be treated as an example of 'national' policy. In the area of wildlife trade policy the relationship between

the policies of international bodies such as CITES and national policies is of some importance and national policy will be shaped by international obligations and the need to cooperate with other states for the successful implementation of national policy. Second, the term 'national' refers to national, rather than sub-national policy. Third, what is in question is national policy towards international trade. Nevertheless, national wildlife trade policy may also deal with that part of the international trade that takes place within the borders of the state (that is, in the case of exporting states, the trade from harvesting to the point of export). It might be suggested that those parts of the trade chain that occur *within* Parties do not, strictly speaking, fall within the mandate of CITES. However, it is the case that CITES had increasingly devoted attention to these parts of the trade chain, on the grounds that they directly affect the size and sustainability of the international trade.

Wildlife

In the context of CITES the term 'wildlife' is used to refer to all wild species of fauna and flora, and this is how the term will be understood here. However, it should be noted that many countries make a distinction between commercial timber and fisheries species on the one hand and other wild species on the other. In English-speaking countries the term 'wildlife' is sometimes reserved for the latter. This has important implications for the scope of a national wildlife trade policy. Of course, even if 'wildlife' is understood in the narrower sense it is likely that policy on timber and fisheries will have some bearing on the national wildlife trade policy. There is a further question about whether a review of national wildlife trade polices that takes place under the auspices of CITES should deal only with CITES-listed species, or whether it should also address the trade in species that are not listed by CITES.

Trade

In the context of CITES, 'trade' is understood to refer to the export, import, re-export and introduction from the sea of wild fauna and flora. As already noted, a policy on wildlife trade, in this sense, may need to address those parts of the trade chain that occur within countries, if those parts affect the international trade.

Policy

The term 'policy' is used in many different senses (Colebatch, 1998; Hill, 1997; Hogwood & Gunn, 1984). Rather than attempting an authoritative definition we will simply try to use the term in clear and consistent way. It will be used to refer to an area of state activity that consists of a set of goals and set of instruments for achieving those goals. Policy, in this sense, is often thought to have several attributes (Colebatch, 1998).

Authority. Policy represents and authoritative determination of what is to be done in a particular field of activity.

Coherence. The different parts of policy should fit together in a coherent whole. For example, the policy instruments should be appropriate for achieving the policy goals and the different agencies implementing policy should coordinate their actions.

Knowledge-based. Policy should be based on an informed understanding of the issue to be addressed and of what can be done about it.

The second and third attributes are sometimes better thought of as features it is *desirable* for policy to possess rather than necessary attributes of actually-existing policy.

Two questions about policy sometimes arise that are directly relevant to national wildlife trade policies. The first question is whether policy must be explicitly adopted. The view taken here is that it is possible to have a policy that is *not* explicitly formulated, but is implicit in a particular set of practices undertaken by the Party. Nevertheless, the more usual case is where policy is explicit. The second question is whether policy must be implemented to constitute genuine policy. The view taken here is that policy which simply exists as a statement of goals and where no action is taken to realise those goals does not count as real policy. Policy requires that policy instruments be employed to realise the desired goals.

Finally it should be noted that, in addition to the policy goals and policy instruments, successful realisation of those goals rests on a number of other conditions, including the existence of

appropriate institutions, staffed with trained personnel and supported by the deployment of the necessary financial and other resources. Moreover, policy and its implementation need to be underpinned with the appropriate legislation. While these additional components may or may not be considered part of policy, they are clearly important for the success of policy.

In what follows the term 'policy instrument' will be used to refer to the determinate means that are used to realise the goals of policy. Examples of policy instruments, in this context, include those directly related to trade, e.g. CITES permits, export quotas, hunting licenses, certification and labelling schemes, community revenue sharing, harvesting fees, etc.; and those related to wildlife management and conservation, e.g. property rights, land use policies, subsidies, etc.. The term 'policy implementation' refers to the process by which those policy instruments are put to work. A description of policy implementation will typically refer to the institutions, personnel, coordinating mechanisms and resources that are made available to put the policy instruments into effect.

Review

A review of policy will be assumed here to involve the examination and assessment of policy goals and policy instruments and of the process of policy implementation together with the funding of policy and the legislation in which it is embodied.

Summary

In the light of these characterisations, the term 'wildlife trade' is understood here to refer to the international (export, import, re-export and introduction from the sea) trade in wild species of fauna and flora. The expression 'national wildlife trade policies' is used to refer to the goals and guiding principles which nation-states (and other groupings) establish for the trade, together with the instruments they employ to achieve these goals. The review of national wildlife trade policies will examine those policies and their implementation.

Since the wildlife trade policy reviews will be conducted under the auspices of CITES, there are outstanding questions about whether the reviews will be concerned with the trade in all types of

wild species; the extent to which they will address those parts of the trade chain that occur within countries, and whether they will deal only with the policy towards CITES-listed species.

4. DEVELOPING A METHODOLOGY FOR REVIEWING NATIONAL WILDLIFE TRADE POLICIES

Introduction

This section outlines three key issues in the development and implementation of national wildlife trade policy reviews. These are: the objectives and goals of the review; the implementation of the review; and the funding of the reviews.

The objective and goals of the review of national wildlife trade policies

The overall objective of the review is to improve national wildlife trade policies. This implies that the review will be most useful when it is seen as part of a process leading to policy reform, rather than as an end in itself. Indeed, if a Party is not committed to using the review as a part of process for improving wildlife trade policy, then the case for embarking on the review is weakened. Conversely, if this commitment is present, stakeholders will have a good reason to participate in the review, since the outcome of the review will influence policy. The existence of this overall objective also implies a need for the review process to be flexible. The strengths and weaknesses of the trade policies of different Parties are different, and if the review is to contribute to improved policy, it must reflect the particular circumstances of individual Parties.

In the light of the overall objective, two more specific goals are proposed here which, if successfully realised, will contribute to the overall goal. These are

1) To identify the elements of a national wildlife trade policy that are present.

2) To provide an initial assessment of the overall coherence of the different elements of the policy.

The first goal is motivated by the consideration that a national wildlife trade policy is made up of several component parts and, as was observed earlier, while Parties may have some of the elements of such a policy, they may not have them all and those elements that they do have may not have been explicitly developed as part of a national wildlife trade policy. Therefore, the review will serve a useful role by identifying what is and is not currently present.

The second goal is motivated by the consideration that one of the main difficulties in the development of a wildlife trade policy is ensuring that the different elements work together in a coherent way. There are three reasons why overall coherence represents a particular challenge in the case of national wildlife trade policy. First, it is a policy area that cuts across several different concerns, including international trade, rural development and conservation, each of which may be the responsibility of different parts of government. Second, as is evidenced by Decision 12.22, it is a policy area that has been influenced by changing conceptions of environmental policy making, with new roles envisaged for the state and the market. Indeed, the Decision specifically notes that the review should take into account

> ..economic incentives, production systems, consumption patterns, market access strategies, price structures, certification schemes, CITES-relevant taxation and subsidy schemes, property rights, mechanisms for benefit sharing and reinvestment in conservation, as well as stricter domestic measures that Parties apply or are affected by (Decision 12.22, paragraph (d)).

Integrating these economic measures with the more traditional regulatory structure represents a pressing task for policymakers.

Third, different constituencies often have very different ethical stances towards the commercial trade in wildlife. Attempting to accommodate these different concerns can lead to internal tensions and even inconsistencies in wildlife trade policy.

The implementation of the national wildlife trade policy review

There are three important issues relating to the implementation of wildlife trade policy reviews. These are: the process prior to implementation; implementation itself; and the links to other review and planning processes.

Process prior to national implementation
As was noted earlier, Decision 12.22 envisages that the Workshop on National Trade Policies and Economic Incentives will develop a methodology for carrying out the policy reviews that can then be presented by the Secretariat to the Standing Committee. Subsequently, the Secretariat will then 'invite Parties to inform the Secretariat, on the basis of the results of the workshop, if they wish to be included in the trade policy review'.

This indicates that participation in the review process is voluntary – a Party will only be included if it nominates itself. However, it is not clear that *every* Party that nominates itself will necessarily be included in the review. It is possible that funding and other constraints may limit the number of Parties that can participate. If this is so, it will be important that the choice of which Parties are to participate is made in a transparent way. There are a number of criteria that might be used to choose which Parties to included in the review process. These include

- The volume of the Party's wildlife trade
- Levels of illegal / unsustainable trade
- The commitment of the Party to reform its policy in the light of the results of the review
- Whether the Party uses economic incentives
- The desirability of including a diversity of countries in the review process

One option is to carry out the reviews in a phased way, as has happened with the National Legislation Project.

National implementation
If a review is to contribute to improved policies, then the *way* in which it is carried out is important. There are a number of issues to be resolved in the implementation of the review of

national wildlife trade policies. They include overall responsibility; participation; preparation of review documents; process and timetable.

Overall responsibility

There is a need to identify an agency (or 'focal point') in each Party with overall responsibility for ensuring that the review is carried out.

Participation

In implementing the review it is important that all the key stakeholders concerned with the wildlife trade policies are included in the review process, either directly or through their representatives. This would include:

- Relevant government ministries
- CITES Management Authority
- CITES Scientific Authority
- Enforcement Agencies
- Exporters (and/or export trade associations or similar)
- Importers
- Harvesters
- Universities/research institutes with knowledge of the trade
- Non-governmental organisations with knowledge of the trade

Preparation of review documents

In the course of carrying out the review a number of documents (and draft documents) will need to be prepared. These may be prepared by the agency with overall responsibility, or sub-contracted to consultants. This is an issue for the Party in question.

Process and timetable

Decisions about how the review is carried out in practice are the responsibility of the Party in question. It is likely that different processes will be appropriate for different Parties.

One possible model is to organise the review around a national workshop in which stakeholders and policy makers are involved. This could help ensure wide participation in the review. The success of such a workshop will depend, in part, on the degree of preparation that goes on beforehand. Preparation could include the completion of a draft review in consultation with stakeholders. This draft review could then be submitted to the workshop for criticism and amendment. After the workshop the review would need to be revised in the light of the workshop findings, and a second, shorter workshop might be necessary to finalise the content of the review.

A draft timetable might be:

Activity	Duration
Identification of agency with overall responsibility for the review; informing all stakeholders of the review; initial characterisation of the content of the review; appointment of agencies responsible for preparation of key documents;	3 months
Consultation with stakeholders and preparation of draft review	3 months
National workshop to assess draft review of national wildlife trade policies	3-5 days
Incorporation of workshop findings into the review; completion of missing elements in the review (if necessary).	3 months
Final preparation of review documents	1 month

It should be emphasised the above remarks about the process and timetable for implementation are intended to be suggestive rather than definitive. Different processes and timetables may be appropriate for different Parties. For example, in some cases it may be appropriate to use the national workshop to define the extent and depth of the review. In that case, it would be appropriate to hold such a workshop at an earlier stage in the process (i.e. before the draft review is prepared).

Links to other review and planning processes

Many Parties are engaged in other review and planning processes relating to the sustainable use and conservation of biodiversity. These processes may derive from their international commitments (including treaties such as the Convention on Biological Diversity), or from decisions made at the national level. In order to avoid unnecessary burdens to Parties, and to maximise the synergies between different processes, there is a strong case for linking the review

of national wildlife trade policies to these other processes. Nevertheless, it must also be recognised that, in some circumstances, establishing such links can itself add to the burdens faced by Parties. Such links should be made where they *facilitate* the implementation of the review of national wildlife trade policies.

Some of the other review and planning processes that may be relevant to the review of national wildlife trade policies include:

- The preparation of National Biodiversity Strategies and Action Plans, as required by the Convention on Biological Diversity
- The preparation of National Strategies for Sustainable Development
- National planning for fisheries, forestry, land use, land reform, rural development.

Funding

The implementation of the review of national wildlife trade policies is dependent on the successful identification of new and additional funding to enable Parties to carry out these reviews. Decision 12.22 directs the Secretariat to:

> Prepare and submit a project proposal to the Global Environment Facility, and other funding institutions and development agencies, to seek financial support to prepare the trade-policy reviews in the selected countries, in the context of their national and regional strategies for biodiversity conservation.

The task of identifying funding is an urgent one, since without funding it will be difficult to carry out reviews of national wildlife trade policy. In the case of the Global Environment Facility (GEF), which is singled out for mention by Decision 12.22, there is a particular need to make a case for the eligibility of these reviews for GEF funding. It may be – and this is hinted at by the language of Decision 12.22 – that the eligibility of the national wildlife trade policy reviews will be improved if an explicit link is made between these reviews, and the National Biodiversity Strategy and Action Plans that are required by the CBD.

In this context it is also worth noting the Parties to the CBD have adopted a programme of work on incentive measures. The rationale for undertaking such a programme is provided by Article 11 of the Convention, which provides that:

> Each Contracting Party shall, as far as possible and appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.

Decisions at the fifth and sixth Conference of the Parties (Decisions V/15 and VI/15) have addressed the issue of incentive measures and two workshops on incentives have been held in Montreal. The first, in November 2001, addressed the design and implementation of incentive measures and the second, in June 2003, focused on ways to remove or mitigate perverse incentives. Linking with this programme of work not only makes sense in its own right, it may also assist with the identification of funding.

5. ISSUES TO BE ADDRESSED IN THE REVIEW OF NATIONAL WILDLIFE TRADE POLICIES

Introduction

In Section 3 it was said that a review of policy involves the examination and assessment of policy goals and policy instruments, and of the process of policy implementation together with the funding of policy and the legislation in which it is embodied. In Section 4 it was suggested that the specific goals of the review of national wildlife trade policy were: (1) to identify the elements of a national wildlife trade policy that are present; and (2) to provide an initial assessment of the overall coherence of the different elements of the policy.

The two claims, made in Sections 3 and 4, determine the issues that are to be addressed in the review. There are five main topics that need to be examined and one of them (policy implementation) can be sub-divided into three parts. These five topics are: the goals and guiding principles of policy; policy instruments; policy implementation (institutions, personnel and information); finance; and legislation. To these can be added a sixth topic: the assessment of

policy effectiveness and feedback mechanisms to adjust policy in the light of the findings. In relation to each of these six topics two sorts of question can be asked: 'What elements are present?'; and 'How do those elements cohere with the other elements in the overall policy?'.

In what follows, six main questions (corresponding to the six main topics) are posed. Any review of national wildlife trade policy will have to provide answers to these questions. But before tackling those questions a review needs to be informed by an understanding of the nature and scale of the wildlife trade. A list of questions relating to the trade are posed. Finally, there is a more detailed consideration of the six main questions, with comments on each of them, together with a brief discussion of the coherence issues that arise in relation to each topic.

Overall, this section is intended to provide an outline of the main issues to be dealt with in any review of national wildlife trade policy; together with some suggestions about how those issues can be examined in more detail. The level of detail that is appropriate may vary from Party to Party. Moreover, particular questions are likely to be more relevant to some Parties than to other. There could also be flexibility with regard to *which* species the review is applied to. There may be a case for focusing on policy towards a limited number of species. These might be the species that are of greatest economic importance; or those which are most heavily traded; or those which are most threatened.

The main questions

The main questions to be addressed in a review of national wildlife trade policy are set out below.

| 1. Goals and guiding principles | What are the goals and guiding principles of the national wildlife trade policy? |
| 2. Policy instruments | What are the main types of policy instrument used in the national wildlife trade policy? |

3a. Policy implementation Institutions	What are the institutions involved in the implementation of national wildlife trade policy? What are their respective roles?
3b. Policy implementation Personnel	What types of personnel are involved? What skills do they have?
3c. Policy implementation Information	What information is needed for policy implementation and how is this need met?
4. Finance	How are the different parts of the national wildlife trade policy financed?
5. Legislation	Is the national wildlife trade policy embodied in legislation?
6. Assessment and feedback	Is there any provision in the national wildlife trade policy for assessment of the success of policy and, if so, for a feedback mechanism to all for the appropriate amendment to policy?

Background information

A review of a national wildlife trade policy needs to be informed by an understanding of the nature, scale, and value of the wildlife trade. A survey of the trade will need to answer questions such as:

- What are the main species (or groups of species) in trade, by volume and value?
- How are the specimens traded? Live or dead? As whole specimens or as parts and derivatives?
- Are the specimens collected from the wild, or from artificial propagation, captive breeding or ranching operations?
- What are the destinations and end uses of the traded species?
- For the most important species (value and volume) what is the structure of the trade? Who are the collectors, who are the intermediaries and who are the exporters? What are the main trade routes?
- What role does harvesting play in the livelihoods of the harvesters?

- For all of the above, what are the important changes that have occurred over time?

A more detailed consideration of the main questions

The types of issue that will need to be addressed in answering the main questions, together with the coherence issues that they raise, are set out below.

1. Goals and guiding principles

What are the goals and guiding principles of the national wildlife trade policy?

Comments

1. The goals of the national wildlife trade policy may be shaped by more general commitments of various sorts. For example, these may be commitments to:

- The sustainable use of wild fauna and flora
- The equitable distribution of benefits from the use of wild fauna and flora
- The principle of adaptive management
- The use of the precautionary principle in environmental management
- The fulfilment of the country's international treaty obligations

2. The specific goals of national wildlife trade policy may include:

- Ensuring that the trade in wildlife does not threaten the conservation of wild species
- Adherence to CITES requirements
- Increased national income from the wildlife trade
- Increased returns to the primary harvesters of wildlife
- An end to the wildlife trade

3. The goals of the national wildlife trade policy may be still more determine. They might include:

- The promotion of the sustainable trade in particular species of economic importance to the country
- The restriction of trade in particularly important and/or vulnerable species

4. These goals may or may not be explicitly formulated. If they are explicitly formulated they may be found in a variety of places such as

- In legislation
- In Biodiversity Strategy and Action Plans
- In other conservation strategy documents
- In other strategy documents such as those dealing with rural development
- In Ministerial statements

Coherence issues

Depending on the particular set of goals adopted, there may be tensions between them. For example, there may be a tension between the goal of increasing national income from biodiversity and ensuring that the trade does not pose a conservation threat. Or between halting the trade and supporting the livelihoods of harvesters. It may be possible to reconcile different goals if there is a hierarchical relationship between them. For example, it may be that one goal is established as the more important one and a second goal can only be pursued so long as it does not compromise the realisation of the first.

2. Policy instruments

What are the main types of policy instrument used in the national wildlife trade policy?

Comments:

1. A range of different types of policy instrument may be used in realising the goals of the national wildlife trade policy. These include:

- Regulatory instruments. Including trade bans, regulation of harvesting and exports through permits and licenses, quotas, stricter domestic measures.
- Economic instruments. Decision 12.22 explicitly emphasises that the wildlife trade policy review should take into account 'economic incentives, production systems, consumption patterns, market access strategies, price structures, certification schemes,

CITES-relevant taxation and subsidy schemes, property rights, mechanisms for benefit sharing and reinvestment in conservation, as well as stricter domestic measures that Parties apply or are affected by.'

- Education and public information campaigns. These may be aimed at a variety of audiences, including harvesters, exporters and tourists.
- Promotion of cooperation amongst economic actors in the trade. For example, supporting the establishment of harvesters' cooperatives or export trade associations.

Coherence issues

Are the policy instruments appropriate for realising the specified goals of the national wildlife trade policy? Do the different instruments complement or conflict with one another?

1. If there is a goal but no policy instrument for realising that goal, the commitment to that goal is called into question. Conversely, if certain goals are adopted, such as India's ban on wildlife trade (Misra 2003), then many of the policy instruments will not be relevant to the achievement of the policy goal.

2. Most of the above instruments can complement each other. For example an education campaign can be used in support of regulatory instruments and the establishment of an export trade association of wildlife traders similarly can assist in the regulation of the trade.

3. The relationship between regulation and the use of economic instruments can take various forms. In some cases, changes in the regulations, while not themselves economic instruments, can provide economic incentives for conservation. In other cases, part of the explanation for why regulatory instruments may not be effective may be the existence of (perverse) incentives to ignore the regulations. In this situation economic instruments may be able to play a role in aligning the incentives with the regulations. In yet other situations it may be possible to do away with (large parts of) regulatory systems through the use of appropriately designed economic instruments. In the case of crocodiles, the gradual evolution of regulatory policy, combined with the judicious use of economic incentives, has led to a situation where 'crocodilians are subject to biologically sustainable harvests in some 30 different nations in programmes that are widely considered to be models for market led conservation' (Hutton & Webb, 2003). In the case of rhinos, the picture is mixed. For some species and sub-species, economic incentives have played a part, in combination with other measures, in restoring numbers. For other species, an effective

combination of measures has not yet been identified, and numbers continue to decline (Leader-Williams, 2003).

3a. Policy implementation: institutions

What are the institutions involved in the implementation of national wildlife trade policy? What are their respective roles?

Comments:

1. With regard to that part of national wildlife policy that is concerned with the implementation of CITES, the Convention itself sets out certain requirements about the institutions that must be established and their respective roles.

2. The CITES Management Authority (in exporting states) is concerned with issues relating to the management of harvesting and of trade. Its responsibilities are likely to include:

- Allocation of licenses to collect animals and plants
- Issuance of collection permits and allocation of collection quotas
- Allocation licences to exporters
- Allocation of export quotas
- Issuance of CITES permits
- Monitoring of operations
- Overall coordination
- Collection of revenues
    - From collection
    - From export

3. The CITES Scientific Authority (in exporting states) is concerned with gathering information about the harvest of traded species and issuing recommendations to the Management Authority.

4. An important part of the regulatory system is the system of enforcement. The description of the enforcement system will answer questions such as:

- What institutions are involved (Management Authorities, Customs, Police, Parks officials, etc)?
- What are their respective responsibilities?

- What penalties are involved?

- Are these enforced?

5. Typically there will be more than one institution involved in the implementation of any one policy instrument and different policy instruments will be implemented by different sets of institutions. For example a different set of institutions are likely to be involved in the implementation of non-regulatory instruments as are involved in the implementation of regulatory instrument. Promoting the establishment of an export trade association will be likely to involve the ministries concerned with trade and/or industry. The implementation of a policy for establishing or strengthening communal or private property rights over land is likely to involve ministries with responsibility for land and/or rural development.

3b. Policy implementation: Personnel

What types of personnel are involved? What skills do they have?

Comments

For all the institutions involved in the implementation of policy it can be asked whether they have adequate personnel with the appropriate skills and expertise. This is certainly a relevant question in relation to the implementation of CITES regulations and a lack of skills is not infrequently cited as problem (eg Misra, 2003). It is also particularly relevant when we are considering the implementation of innovative tools such as economic instruments which have not, traditionally, been used in conservation policy; or when conservation agencies are required to take on new objectives - such improving the livelihoods of harvesters – for which their training may not have prepared them.

3c. Policy implementation: Information

What information is needed for policy implementation and how is this need met?

Comments

Several different parts of the system of implementation need appropriate information in order to function successfully. This is obviously true of the Scientific Authority and the enforcement

agencies. But it is also true of those implementing economic instruments, or those who seek to improve the returns to primary harvesters who may need information about the market chain, including likely changes such as a shift towards artificial propagation, or a change in consumer demand.

Coherence issues

Do the different parts of the system of implementation work together in a coherent way? Does implementation occur in a way that contributes to the realisation of the policy goals?

1. Do all parts of the regulatory system work successfully? Sometimes the exports are successfully monitored but the permit system for regulating harvests is non-functional.

2. Does the system of implementation favour the achievement of some goals over others?

3. The availability of information can be an important implementation issue. In relation to the recently listed *Swietenia macrophylla*, it has been noted how information relating to the species may be scattered among different institutions and hence there is a need for coordination between those institutions (Oldfield and Newton, 2003)

4. The enforcement of regulations is sometimes problematic. It may appear that more resources are needed to make enforcement more effective. But it may be that the regulatory system is itself badly designed and that an incentive-driven approach may be more effective.

4. Finance

How are the different parts of the national wildlife trade policy financed?

Comments:

Are all parts of the policy financed directly by the national exchequer? What happens to revenues raised by the permit fees, license fees and similar charges? Are they used to finance the regulatory system, or are they returned directly to the national exchequer?

Coherence issues

1. Are the means of financing the policy sufficient for achieving its goals?

2. Are there particular parts of the system that are under-financed?

3. If some parts of the system are particularly costly to operate, are there ways of achieving the same goals through more cost-effective means?

4. It is commonly argued that economic instruments can be cheaper and more cost-effective than regulatory systems. On the other hand, developing countries may not have the legislative framework or necessary capacity to implement them.

5. *Legislation*

Is the national wildlife trade policy embodied in legislation?

Comments

With regard to that part of national wildlife trade policy that is concerned with the implementation of CITES, the CITES National Legislation Project is very relevant. It will be important to make use of the results of the National Legislation Project where appropriate and to avoid duplication. For policy to be effective it must be underpinned by the adequate and enforceable legislation.

Coherence issues

Does the legislation contribute to the achievement of policy goals? Inappropriate legislation or an insufficient legislative framework may impede the realisation of policy goals. This may be particularly so in relation to the proposed use of innovative policy instruments, such as economic instruments.

6. *Assessment and feedback*

Is there any provision in the national wildlife trade policy for assessment of the effectiveness of policy and, if so, for a feedback mechanism to all for the appropriate amendment to policy?

Comment

This question links closely to the way in which information is handled within the system, but also raises the additional issue of whether policy can be adjusted in the light of information about the success of policy.

6. CONCLUSIONS

This paper has considered the need and mandate for a process of national wildlife trade policy reviews. It has discussed what is meant by national wildlife trade policy. It has considered some of the important issues for developing a methodology for reviewing such policies, including the objective and goals of the review, the process of implementation and the funding of the review. It has identified the key issues that need to be addressing any review. Three points have been emphasised as particularly important. First, there is a need to identify funding sources that will enable the reviews to be carried out. Second, it is important that the requirements of the review process are interpreted in a flexible way that is responsive to the real needs of Parties and does not place unnecessary burdens upon them. Third, one of the main challenges for the development of coherent and effective national wildlife trade policies lies in the integration of economic incentives with the regulatory framework.

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