

Liberalising Intra Africa Trade in Wild Meat

Draft summary of research

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Introduction

During the online consultations we will present the current draft of our research related to the barriers to freeing intra- African trade in wildlife products, specifically wild meat. We will provide a technical and practical overview of the AfCFTA NTB mechanism [1], and its intended purpose. Thereafter, the discussions will turn towards gaining perspectives and experiences from stakeholder participants, and their views of the findings and potential recommendations that we propose. The objective of these sessions is to gather further insight to the challenges of exporting wildlife meat between trading partners within the continent and to ensure that stakeholders have the opportunity to contribute to the discussion. A further goal is to lead the project towards a set of policy recommendations. The following background information is shared in advance of the consultations.

[1] African Continental Free Trade Area (AfCFTA) Non-Tariff Barriers online reporting, monitoring, and eliminating mechanism – see: Non-Tariff Barriers: Trade barriers in Africa

1. Overview and background information

Introduction to the rationale for the project and purpose of the research conducted

Taking advantage of the opportunities offered by the AfCFTA to grow trade in wildlife products, requires identifying and addressing NTBs that restrict wildlife trade. The purpose of this research is to ensure the presentation of a research report that remains focused on barriers that are broadly experienced within the industry allowing for policy recommendations that have the potential to effect actual change in the industry. This report evaluates aspects of the AfCFTA NTB Reporting, Monitoring and Elimination Mechanism in particular and considers its appropriateness as a forum of dispute resolution for the barriers within the scope of this research. The AfCFTA NTB mechanism is currently in its infancy and is similar in form to the NTB mechanism in place in the SADC region. This report considers the accessibility and effectiveness of the mechanism, its suitability as a forum for the resolution of a variety of NTB's and makes recommendations for how the mechanism can be improved. This research report forms the basis for policy recommendations document which will be finalized after further consultation with stakeholders and government officials during online stakeholder workshops.

The recurrent themes that have arisen in the research on which considerable focus has been placed are as follows:

- There is not enough certainty about what "wildlife meat" is;
- The HS codes up to 6 digits do not provide enough granularity to accurately determine the size of the wildlife industry and the species being traded through trade statistics;
- There are persistent concerns about administrative capacity within regulatory bodies (veterinary and animal health related, especially in the harvesting phase);
- There are recurring animal health diseases that inhibit the ability to export certain categories of meat (e.g., the inability to export cloven hoofed animals on account of FMD); and
- There is a vacuum in the legal framework of clear, concise, and specific regulation of wildlife meat as a harvestable set of products for export purposes.

This research applies a paraphrased adaptation of the definition of wildlife trade in the OIE's *A Rapid Review of Evidence on Managing the Risk of Disease Emergence in the Wildlife Trade*¹ to define wildlife meat trade in this research report as:

Wildlife meat trade includes the legal (regulated) harvesting, transportation, trade, and end use of wildlife meat across jurisdictions along a supply chain involving harvesters, intermediaries, and consumers. Wildlife meat, in this research report, is therefore the product of legally harvested and regulated trade in the wildlife meat industry.

2. A summary of the potential sources of barriers identified

- **A lack of consensus about what “wildlife meat” is in international trade terms**

In the research, it became apparent that there is a lack of consensus of what constitutes “wildlife meat.” The description “wildlife meat” is sometimes used interchangeably with “game meat.” The lack of further definition provided by HS codes at the 6-digit level or 8-digit level adds to the uncertainty. There also does not appear to be a standard that defines when a ranching system crosses from hosting “wild” animals to one considered to be hosting domesticated wild animals and whether or not that distinction is of relevance in a discussion of the wildlife meat industry. The opportunity exists to develop a harmonized standard for wildlife meat applicable to the AfCFTA Member's in addition to the recommendations provided in terms of HS codes below.

- **HS codes up to 6 digits do not provide enough granularity to accurately determine the size of the wildlife industry and the species being traded through trade statistics**

The lack of detail provided by the trade statistics at a 6-digit level is one that not only has an impact on the ability to define what wildlife meat is in broad terms, but it also results in the inability to truly report on the exact size of the wildlife meat industry worldwide or to accurately compare countries with each other. This is particularly true in of the vague categories of wildlife meat that are recorded within the same HS code as domesticated meat. For example, meat of bovines is classified as carcasses. The quantification of the wildlife meat industry therefore relies on the internal collection of data from parties engaged in the import or export of wildlife meat products. This is an inefficient system and one that is not subject to specific reporting standards.

¹ See: [OIE review wildlife trade March2021.pdf](#)

In the context of NTBs and removing barriers to trade, caution should be applied in equating the size of the industry or its potential size to the importance of removing the barriers within the industry. If the prioritization of the removal of barriers is dependent on the size of the industry a cycle of stagnation is likely to develop where the industry is not growing because barriers are not removed, the barriers are not removed because the industry is not large enough to inflict enough pressure on those with the ability to change the situation, and so on.

- **Concerns about administrative capacity of the competent authorities**

The entire value chain of wildlife meat is reliant on the actions of a variety of representatives from multiple competent authorities (departments within government). These activities range from the issuing of permits to the inspection of carcasses and the certification procedures related to the approval of abattoirs etc. Meat destined for export is also subject to further inspection and approval procedures and, in many instances, outside audit by the destination country or through private standards. From desktop research, wildlife meat appears to largely be free of the politicization of trade as far as wildlife meat as a product is concerned. However, Wildlife meat does not originate in a vacuum from other industries and the events that take place in industries processing meat from domestic livestock have a bearing on the possibility to access certain markets with wildlife meat as well.

- **Recurring animal health diseases that inhibit the ability to export certain categories of meat**

There is a particular concern for the future of the export of wildlife meat harvested from cloven hoofed animals in South Africa. Foot and mouth disease is one of the main diseases of concern. Namibia is focused on preventing entry of the disease to protect the domestic red-meat export market and ensure continued export of meat from Namibia. Animal health issues are a good example of a point at which there is considerable intersection with the interests of domestic livestock and the red-meat industries of the various countries.

- **The legal framework**

The legal framework (broadly) as far as it relates to the clear, concise, and specific regulation of wildlife meat is largely of concern to persons engaged in the wildlife meat trade. In general, it appears that the legal frameworks of all three countries could benefit from further refinement of legislation and from less dependency on multiple departments within the value chain with concurrent or overlapping jurisdictions.

3. Further detail and technical points to consider

- **What is wildlife meat? A general barrier of language use in the definition and understanding of what the wildlife meta value chain includes**

From the onset of this research report, it is important to emphasise that “wildlife” meat is the collective term used in this report for a meat product harvested from a wild animal for purposes of cross-border trade and ultimately for human consumption. It does not, however, suggest that wildlife meat is a homogenous product. The different species of wild animals can be seen as separate products and when considering products in a more technical sense, the different cuts of meat are further definable separate products. An international trade focused view on wildlife meat, and the use of the “language” that HS codes provide in terms of clarity and categorization of wildlife meat, is useful in establishing clarity of what wildlife meat is and identifying the nuances within the industry that require individualized attention. These nuances may not benefit from broad generalization as to what “the industry” requires to thrive.

By introducing nuance into the dialogue of developing an inter-continental trade in these products it is possible to both manage animal health concerns and legitimate trade bans while allowing for simultaneous (and ideally unrestricted) movement of unaffected wildlife products. A challenge with developing policy, regulations, and standards with broad generalisations about a meat products nature (wild versus domestic) is that nuance is lost in the language. The existence of one barrier (such as FMD) cannot be timeously overcome and can cause harm to the rest of the industry’s potential to develop. The “wildlife meat” sector needs to be clear on its definition of wildlife meat in its outward messaging for specific international trade concerns to gain traction in negotiations

Wildlife meat, as an export commodity or product, is subject to the same rules and regulations as any other product being traded across a border. This includes rules and regulations as well as rights and obligations related to sanitary and phytosanitary measures, technical measures, tariffs, trade remedies, pre-shipment inspection, and/or other internationally set standards and requirements.

What currently distinguishes products from one another and to a greater extent distinguishes groups of wildlife meat into one of two broad product categories is the split between cloven hooved and non-cloven-hooved animals. From a trade perspective this split may be the most significant in as far as the ongoing problem of FMD in the Southern part of Africa is concerned, particularly in South Africa. When

devising recommendations for the removal of a barrier, FMD's only concern is that cloven-hoofed animals are impacted by the ban itself. In order to specify on an HS level what the other products are that are not subject to this ban and to record the impact (from a trade perspective) that such a ban has had on the industry, the lack of specificity in HS code detail adds to the lack of clarity in understanding. This is in itself a barrier to the industry and to the ability to make disease specific policy.

The non-specificity of HS codes is a barrier to the wildlife industry in itself. The complexity of the matter and the effect of losing the quantifiability of the wildlife industry is a recurring cause for concern in the scoping interviews as well as literature related to the topic. The language of international trade is simplified across countries and in languages by the use of HS codes that identify products. 184 Members have agreed under the World Customs Organization to use these codes in customs declarations. Although intended to identify a product and the duties payable upon import of the product, HS codes are a powerful quantifier of other insights into international trade as well. Any agricultural or wildlife product imported or exported is being recorded at the border as belonging to a specific HS code upon presentation. This means that theoretically there is a way to identify or link a specific import and specific HS code to a broader set of documents such as a sanitary or veterinary certificate and any supporting documentation or permits

- **Barriers during the harvesting phase of the value chain**

Harvesting of wildlife meat is a point in the value chain that differs the most significantly from meat production in domestic livestock. The harvesting stage carries risks with both animal health and food safety consequences. For this reason, there is legitimate concern about what protocols should or could be in place to ensure that the end product is safe for human consumption while still be a financially sustainable process. These are not typically barriers for which the AfCFTA NTB mechanism is a suitable forum through which to engage and solve the challenges experienced.

- **Barrier in the import-export phase of the value chain: *the animal health status of the country***

The animal health status of the country has a bearing on whether or not meat originating from certain species of animal can or cannot be export or imported and in what form the product is allowed to enter or exit a country. The World Animal Health Organisation (formerly the OIE) and the Codex Alimentarius Commission are the international standard setting bodies of most relevance to the import and export of wildlife meat. Both bodies provide detailed guidelines and recommendations which can be applied to mitigate the risks of trading in wildlife meat. They can also be

applied in a manner that facilitates trade. In this regard they are a useful source of guidance in the establishment of the necessary protocols and distinctions between the various species of wildlife and wildlife meat.

Once lost, recognition of disease-free status under the OIE is difficult to regain and often results in a ban in the movement of relevant products to trading partners during this period. In some cases, different standards may apply, and trade can pick up again, but there is a need for considerable bilateral negotiation during these periods.

- **Barrier in the import-export phase of the value chain: *permit requirements***

OIE data show that only South Africa has recorded infection in wildlife in the period for which data is available online from the OIE. In domestic animals, both Namibia and Zambia also make the list. However, South Africa remains the dominant reporter. It is possible to deduce that as far as an application of specific policy towards protecting disease free status, South Africa faces challenges in both wild and domestic meat. The reality is, as stated earlier, that disease free status affects both industries, usually regardless of the species in which the outbreak is recorded, dependent on the location of the outbreak being in a demarcated FMD zone or not.

- **Barrier in the import-export phase of the value chain: *classifying wildlife meat***

The process of arriving at the correct classification of wildlife meat is complicated. The World Customs Organisation (WCO) provides a “Harmonized Commodity Description and Coding System” also referred to as the “Harmonized System” by which products or categories of products are classified for the facilitation of trade and the collection of trade statistics. It is essentially a language facilitated by codes that introduces specificity and certainty to trade statistics, primarily for the purpose of assigning import duties during international trade. Correct and accurate classification of products through the use of the harmonised system is important beyond the quantification of trade statistics. It provides an avenue to be precise in classifying or categorising further measures that also require compliance at the point of entry or exit of a border. In addition, the harmonised system and the flow of products across borders is a tool that can be used to visualise the reach of the industry, its comparability to other countries and the effects of, for example, disease related movement bans.

In tariff classification, the rules are extensive and complicated. Classifications are typically done by someone with advanced knowledge of the field of customs. For the most part, well known or, for example single composition products, are classifiable by the person engaged in their import or export.

- **Barrier in the import-export phase of the value chain: *border requirements and broader NTB's during transit***

The barriers that persons engaged in the import or export of wildlife meat experience at the border are typically, although not exclusively, most appropriately addressed by the AfCFTA mechanism. It is necessary that at the border there is an awareness amongst individuals engaged in trade that this mechanism exists. Its usefulness depends entirely on the actions taken by Member governments once the barrier or incident at the border has been recorded. This is elaborated on below.

4. The AfCFTA NTB Mechanism

A potential forum for the resolution of the barriers experienced in the inter-continental trade of wildlife meat?

The AfCFTA is a flagship project of the African Union's Agenda 2063: The Africa we Want (African Union 2015). The first objective listed in the Agreement Establishing the African Continental Free Trade Area is to "create a single market for goods, services, facilitated by movement of persons in order to deepen the economic integration of the African continent and in accordance with the Pan African vision of 'An integrated, prosperous, and peaceful Africa' enshrined in Agenda 2063." The agreement goes on to list specific objectives in Article 4. Of particular relevance to this research are the following provisions:

For the purposes of fulfilling and realising the objectives set out in Article 3, state parties shall:

- (a) progressively eliminate tariffs and non-tariff barriers to trade in goods;

Annex 5 of the AfCFTA provides the framework to address non-tariff barriers. It provides the institutional structure, categories of NTB's as well as reporting and monitoring tools and for the facilitation of identified barriers. According to the agreement NTBs are categorised as follows:

- (a) government participation in trade and restrictive practices tolerated by Governments;
- (b) customs and administrative entry procedures;
- (c) technical Barriers to Trade;
- (d) sanitary and Phytosanitary Measures;
- (e) specific limitations; and
- (f) charges on imports.

A sub-committee of the Committee of Trade in Goods is established for on Non-Tariff Barriers, and it is to be composed of members for AfCFTA State Parties. State Parties are expected to establish National Monitoring Committees and National Focal Points on NTBs. In addition to this, it is expected that the NMC perform a number of functions, including:

- (a) identifying, resolving, and monitoring NTBs;
- (b) defining the process of elimination;
- (c) confirming deadlines for action;
- (d) agreeing on recourse due to non-action;
- (e) defining the mandate and responsibilities of NTB institutional structures and
- (f) providing clear guidelines to the business community for the resolution of identified NTBs; and
- (g) any other related activities.

The AfCFTA establishes the “Mechanism for identifying, reporting, resolving, monitoring and elimination of non-tariff barriers” in Article 12 of Annex 5. Article 13 further requires that State Parties “prepare a Time Bound Elimination Matrix, based on the agreed categorisation of NTBs and their level of impact on intra-Africa trade.” The article 12 mechanism has translated into a website through which matters can be resolved.

[The website](#) describes the online reporting mechanism as follows:

The African Continental Free Trade Area (AfCFTA)’s Non-Tariff Barriers online reporting, monitoring, and eliminating mechanism is a facility developed to enhance trade through removal of non-tariff barriers to trade (NTBs).



The layout of the mechanism is therefore, at first glance, user friendly. The reporting can be done online and according to the website there will be a mobile reporting option “soon”. The language options currently available are English, French, Arabic and Portuguese.

The website describes seven broad categories of NTBs. These are: Government Participation in Trade and Restrictive Practices Tolerated by Governments; Customs and Administrative Entry Procedures; Technical Barriers to Trade; Sanitary and Phytosanitary Measures; Specific Limitations; Charges on Imports; Other. It is useful to the reader that there is some sort of guideline available. Each category lists a few examples of the type of barrier that it represents.

Under the “complaints” tab it is possible to see active complaints and resolved complaints. The most recent active complaint is coded AfCFTA-000-015. Presumably that is complaint number 15 since the mechanism has been in use. Secondly, of those potentially 15 only 1 has been resolved and only 5 are listed as active. The website lists complaints with the ability to filter them according to NTB type; Location, reporting country of region and status:

location: airport; border post; seaport; government institution; non-government institution; roadblock; weighbridge; other. In the description of the affected product the HS code can be recorded or a product name if that is unknown.

The mechanism design assumes a number of things. The first and most critical assumption is that people know it exists. The second is that the persons using it are able

to identify their challenges as an NTB that is reportable. The third is that there is enough confidence in the mechanism for people to take the time to submit a complaint.

A significant drawback is the fact that it is not possible to export the details of active or resolved case data to excel or csv document for further analysis. To request such data, if it exists and what is likely to be limited to data relevant to that specific contact point, there are contact details provided for the relevant AU members under the “contacts” tab. The confidence of persons submitting reports is potentially influenced by the fact that on the “contacts” page, a large number of contact point e-mail addresses listed are personal “gmail” or “yahoo” accounts. In addition, the listed @tradbarriers.africa email addresses are occasionally invalid, for instance gambia,the@tradebarriers.africa which includes a comma. This is an indication of a low level of institutional memory that the mechanism facilitates in the national government departments.

Despite the fact that there are examples of categories of NTB’s provided on the website this is likely not enough guidance for a number of exporters and importers. The field of NTB’s is a daunting and complicated field even for persons specialised in it. The mechanism misses a significant amount of reliability for the persons it seeks to serve.

A system such as the reporting mechanism described here is one that is reactive as opposed to being a proactive mechanism to prevent barriers from recurring. It also depends on the stability of each focal point or contact point and will be subject to challenges related to staff turnover and general resource limitations. A low level of NTB reporting will not be an indication of a low level of NTB’s.

There are clearly barriers that the mechanism cannot solve. The mechanism relies on the willingness and ability of State parties to act on the information passed on to them. It presupposes that the State Parties receiving the complaint have both the technical and financial capacity to address the barrier and to act upon the information provided to them. It is not a mechanism well suited to a barrier that is technically complicated or requires swift action to resolve. As it stands, the mechanism is effectively tool for collection of data provided by public or other State Parties.

The suitability of the AfCFTA mechanism as a tool to resolve the main categories of barriers in the intra-African wildlife meat trade

The mechanism is not a suitable forum through which to solve the broad challenges that the intra-African trade of wildlife meat faces. In particular, it is not suitable as a forum to address matters that are inherently technically complex. It will not be of assistance in further defining “wildlife meat”, nor does it provide further insight or granularity in accurately determining the size of the wildlife industry and the species being traded

through the continent. The concerns of lacking administrative capacity are also not a barrier that the mechanism is able to address.

There are recurring animal health diseases that inhibit the ability to export certain categories of meat (e.g., the inability to export cloven hoofed animals on account of FMD) and the AfCFTA mechanism is not the correct forum through which to report such issues.

5. Who is South Africa, Namibia and Zambia exporting to in Africa?

This research uses the UN Comtrade data as the data analysed for the same reasons that Andersson et al do. UN Comtrade is the most reliable source of trade data available and it is the primary database recording and making trade data available to the public. It records both volume and value whereas CITES's data which uses non-standardized measurement units data is not suited to this type of research. The CITES data also has other inconsistencies related to reporting practices and value declarations are not a requirement of the data (Andersson et al. 2021). UN Comtrade only records legal wildlife trade, which is also suitable in the context of this research as illegal trade is entirely excluded.

- **020850 - Meat and edible meat offal; of reptiles (including snakes and turtles), fresh, chilled, or frozen**

During the period 2017 to 2021, Namibia did not report any exports of products classified under this HS code. South Africa and Zambia, however, did. Zambia only exported to the DR Congo and South Africa exported to Namibia. There were also other country's recorded, however the quantities were very low and volumes of less than 30 kgs per country were reported.

- **020890 - Meat and edible meat offal; n.e.c. in chapter 2, fresh, chilled, or frozen**

South Africa is by far the country that exported products classifiable under 020890 to the most African countries during 2017-2021. The main export destinations in terms of volume during this period were Namibia, Lesotho, Somalia, Mozambique and Eswatini. Namibia exported to fewer countries, with South Africa being the main country of destination by far. Zambia primarily exported to the DR Congo with lesser volumes to South Africa during this period as well.

- **021099 - Meat and edible meat offal; salted, in brine, dried or smoked, and edible flours and meals of meat or meat offal, other than of primates, whales,**

dolphins, porpoises, manatees, dugongs, seals, sea lions, walruses, reptiles (including snakes and turtles)

South Africa reported exports to the largest number of countries under this HS code. Most notable volumes were to Namibia and the DR Congo. Namibia primarily exported to Zambia, but also reported exports to South Africa in low total volume. Zambia's primary market for this is indicated as Angola based on the available statistics.

- **021093 - Meat and edible meat offal; salted, in brine, dried or smoked, and edible flours and meals of meat or meat offal, of reptiles (including snakes and turtles)**

During the period 2017-2021, South Africa only exported 32kg of product under this tariff code to Zimbabwe. Neither Namibia nor Zambia reported having exported any products into Africa under this HS code.

- **160290 - Meat preparations; of meat, meat offal or the blood of any animal, n.e.c. in heading no. 1602**

South Africa primarily exported this product to Lesotho, Eswatini and Namibia, with smaller volumes to Botswana and Namibia. Namibia's main export destination was South Africa with very limited volumes to other countries, including Zambia, Angola, and Botswana. During this period, Zambia only reported exporting 50kg in total volume to the DR Congo.

- **020810 - Meat and edible meat offal; of rabbits or hares, fresh, chilled, or frozen**

Only South Africa recorded exporting product under this HS code during the period. These were to Botswana, Angola and to a lesser extent Mozambique. Zambia and Namibia did not report any exports.

- **020840 - Meat and edible meat offal; of whales, dolphins, and porpoises (mammals of the order Cetacea); of manatees and dugongs (mammals of the order Sirenia); of seals, sea lions and walruses (mammals of the suborder Pinnipedia), fresh, chilled, or frozen**

South Africa was the only one of the three countries to report exports of this product into Africa during the 2017-2021 period. Primarily to Lesotho and Eswatini.

- **020860 - Meat and edible meat offal; of camels and other camelids (Camelidae), fresh, chilled, or frozen**

South Africa was the only one of the three countries to report exports of this product into Africa and only to Mozambique.

South Africa is the only one of the three countries to export products under each of these categories in this period. Despite the potential overlaps of wild and domestic meat the exclusion of certain broader tariff codes, such as those listed above, means that some of the context of what the industry is as an export industry, is lost. All three countries appear to be important wildlife meta trade partners to each other, at least in an African context and on very specific products.

6. Other barriers

SPS and TBT measures are regularly characterized in NTB literature as being the barriers plaguing the progress of cross-border trade. This mischaracterisation is a barrier to trade liberalisation in itself. SPS and TBT measures as NTM's are, if developed according to international rights, obligations and available guidelines are possible trade liberalisers. They become NTB's for a number of reasons, one of them being that when they are drawn into the politicised debates regarding the (mostly economic) protection of domestic industries against imported goods.

FMD remains one of the main obstacles to international trade of meat from cloven hoofed animals. This is not a new problem; it is one that has existed for many years. It does, however, not prohibit the export of meat from equines and other non-cloven-hoofed animals. The wildlife meat industry needs to be cognisant of the similarities and differences between itself and the domestic livestock industry. This is true in both production and market. An export focused market has very different motivations for regulation or self-regulation that one that is predominantly local.