

Liberalising Intra Africa Trade in Wild Meat

Policy Recommendations

Dr Biandri Joubert
Research Fellow
African Wildlife Economy Institute
Stellenbosch University

21 December 2022

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|--|----------|
| 0. Overview | 2 |
| 1. Introduction | 3 |
| 2. Technical policy recommendations: The AfCFTA NTB Mechanism | 4 |
| 2.1 Build broad industry awareness and capacity related to international trade | 4 |
| 2.2 Build specific capacity in the wild meat industry related to the AfCFTA | 5 |
| 2.3 Build specific capacity in the wild meat industry related to the AfCFTA NTB Mechanism..... | 5 |
| 2.4 Facilitate eased access to NTB data from the AfCFTA NTB Mechanism | 5 |
| 2.5 Prioritise proactive prevention, removal, or mitigation of NTBs..... | 6 |
| 2.6 Increase certainty and transparency: Establish a National Monitoring Committee and National Focal Point | 7 |
| 3. Technical policy recommendations: Broader concerns beyond the AfCFTA mechanism | 7 |
| 3.1 Harmonise and standardise what wildlife meat means..... | 7 |
| 3.2 Define HS codes beyond the 6-digit HS code level in National tariff books | 8 |
| 3.3 Address specific barriers during the harvesting phase of the value chain..... | 8 |
| 3.4 Support the further development of existing recommendations and strategies to facilitate import and export of wild meat trade..... | 9 |
| 3.5 Co-operate with other industries on the removal of barriers related to the country animal health status | 9 |
| 3.6 Create an open AfCFTA database that contains templates of harmonised veterinary certificates..... | 10 |
| 3.7 Develop technical trade literature to accompany requests for permits related to specialised wild meat products or categories of wild meat..... | 10 |

3.8 Simplify and streamline permit procedures..... 10
3.9 Reform National legal frameworks..... 10
3.10 Address administrative capacity gaps of the competent authorities 11

0. Overview

The research that led to the policy recommendations in this document is the result of three distinct phases of research. The first was a combination of desktop research and scoping interviews with persons practically involved in different stages of the wild meat industry. This stage identified broad barriers faced by the industry in the export or import of wild meat in the three countries, Namibia, South Africa and Zambia. The second phase was the evaluation of the data collected within the context of the appropriateness of the AfCFTA NTB reporting, monitoring and elimination mechanism in the resolution of the barriers identified. At this stage online consultations were conducted and the outcomes of the research and draft of recommendations were presented to stakeholders for further engagement and discussion. The third phase of the research is the development of policy recommendations based on the outcomes of the first two phases and broader, related, needs identified in the wild meat industry. Although three countries were used in the scoping phase, the recommendations are generalised across AfCFTA Members and this report and recommendations do not address country specific matters.

This research considered the AfCFTA NTB mechanism as an appropriate forum of dispute resolution for the barriers identified as within the scope of this research. This research aimed to develop policy recommendations that have the potential to effect actual change in the industry. It was initially assumed that the recommendations made would be limited to technical improvements of the mechanism itself. However, through the course of the research and in particular during the consultations phase, it became apparent that there is a limited engagement with the NTB mechanism in the wild meat industry. The policy recommendations below reflect the critical need for technical co-operation and open information available to stakeholders as well as specific capacity building in the wild meat industry. The recommendations related to the NTB mechanism are largely capacity related and on account of the limited engagement on the matter from stakeholders there are limited technical recommendations in terms of improvement of the mechanism itself. Given the importance of recurring themes and barriers in the research, recommendations are made regarding the broader barriers identified in the research that are not directly related to the purpose and scope of the AfCFTA NTB mechanism.

Recommendations were presented to stakeholders in December 2022.

1. Introduction

Taking advantage of the opportunities offered by the AfCFTA to grow trade in wild meat will be greatly facilitated by identifying and addressing non-tariff barriers (NTBs) that restrict the intra-African wild meat trade. This report evaluates aspects of the AfCFTA NTB Reporting, Monitoring and Elimination Mechanism and in particular and considers its appropriateness as a forum of dispute resolution for the barriers identified 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 NTBs and makes recommendations for how it can be improved.

The core objective of this report is to assess the ability of the AfCFTA's NTB mechanism as a tool through which to address the identified challenges and NTBs in the wildlife meat industry. Where relevant, specific differences between South Africa, Namibia and Zambia are highlighted, however given the focus of the report on the AfCFTA mechanism, where possible focus remains and the broader NTBs that are relevant in an intra-AfCFTA trade context and are capable of generalization.

The African Continental Free Trade Area (AfCFTA) is an agreement between African countries that creates a continental free trade area. A free trade area typically requires the reduction of tariffs and facilitates the removal of non-tariff barriers within the area concerned. It can also be expected to be a driver of economic growth and development. The AfCFTA is one of the flagship projects of the African Union's Agenda 2063: The Africa We Want.¹ It is ambitious and the African Continental Free Trade Area (AfCFTA) is the world's largest free trade area with 55 member states from the African continent in one market.² By eliminating barriers to trade in Africa, the objectives of the AfCFTA include significantly boosting intra-Africa trade, particularly trade in value-added production and trade across all sectors of Africa's economy.³ The African Union estimates that there are around 1.3 billion people within the AfCFTA area which amounts to a potential \$3.4 trillion market.⁴ A number of international organisations, such as the World Bank and IMF have published research data that expresses the potential benefit of the AfCFTA to the continent.⁵ Outcomes such as economic integration, increased investment, a boost in trade, better jobs, a reduction in poverty, and increased shared prosperity in Africa are ones that the continent welcomes. Estimates indicate that intra African trade could be boosted by as much as 52.3 percent. Significant to this research is that this will possibly double if non-tariff barriers are also significantly reduced. What's important to note in the reports relating to the potential of the AfCFTA is that the benefits would not only

¹ <https://au.int/en/agenda2063/flagship-projects>.

² <https://au-afcfta.org/about/>.

³ <https://au-afcfta.org/about/>.

⁴ <https://au-afcfta.org/about/>.

⁵ <https://www.worldbank.org/en/topic/trade/publication/the-african-continental-free-trade-area>;
<https://www.imf.org/en/Publications/Staff-Discussion-Notes/Issues/2020/05/13/The-African-Continental-Free-Trade-Area-Potential-Economic-Impact-and-Challenges-46235>.

extend to intra-African trade, but the increased investment etc. is also expected to lead to increases in export to the rest of the world by about 32 percent by 2035 according to the World Bank.

This research report applied 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* 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.*⁶ Wild meat, in this research report, is therefore the product of legally harvested and regulated trade in the wild meat industry.

The outcome of the research was that the barriers faced by the wild meat industry are not all barriers that the AfCFTA mechanism can reasonably be expected to resolve. The recommendations are split into two categories. The first is technical recommendations related to the mechanism itself and the second is broader recommendations.

2. Technical policy recommendations: The AfCFTA NTB Mechanism

2.1 Build broad industry awareness and capacity related to international trade

As far as the AfCFTA mechanism is concerned there is a lack of awareness of the potential and purpose of the AfCFTA NTB Mechanism, and it may be that smaller industries such as the wildlife meat industry are not being reached by AU level capacity building and stakeholder engagement. It is recommended that training material be developed to guide stakeholders through a broad overview of the foundations and core concepts of international trade to facilitate further engagement with and insight into the potential of the AfCFTA. It is also recommended that training material be developed to guide importers or exporters of wild meat through the use and purpose of the NTB mechanism.

Develop training material to:

- Guide stakeholders through the foundations and core concepts of international trade including individual rights, obligations and methods of dispute or barrier resolution
- Guide stakeholders through the role and purpose of international standards, international standard setting bodies, private standards, and national standards

⁶ Craig Stephen 2021

2.2 Build specific capacity in the wild meat industry related to the AfCFTA

The AfCFTA provides the opportunity for the wild meat industry to grow intra African trade and to benefit from the free trade area that the agreement creates. In order to benefit from the opportunities presented by the agreement the wild meat industry will benefit from specific capacity building related to the AfCFTA in general and the disciplines of international trade law that practically affect their ability to engage in trade.

Develop training material to:

- Guide importers or exporters of wild meat through the use and purpose of AfCFTA (including disciplines further than NTBs)
- Guide stakeholders and actors in the value chain of wild meat through the use and purpose of AfCFTA (including disciplines further than NTBs)

2.3 Build specific capacity in the wild meat industry related to the AfCFTA NTB Mechanism

The scoping interviews and consultations indicated that in general, stakeholders were not familiar with nor actively engaged in reporting relevant NTBs through the AfCFTA mechanism.

Develop training material to:

- Guide importers or exporters of wild meat through the use and purpose of AfCFTA NTB Reporting, Monitoring and Elimination Mechanism
- Guide stakeholders and actors in the value chain of wild meat through the use and purpose of the AfCFTA NTB Reporting, Monitoring and Elimination Mechanism

2.4 Facilitate eased access to NTB data from the AfCFTA NTB Mechanism

There is a lack of access to the data captured by the AfCFTA mechanism. The AfCFTA mechanism is potentially the closest to a single source of quantifiable NTB related data in the continent should the mechanism succeed in attracting reporting and resolution of barriers. Access to this data, the downloading of a record of resolved, recently reported and ongoing NTBs reported will enable both researchers and industry to make targeted suggestions and decisions about what to do in terms of resolving barriers proactively. It is a barrier to the industry and researchers to have to follow a route of requesting data through focal point, especially given the errors identified above at as far as contact details

for focal points is concerned. Reliance on filtering options from the website itself for example is not adequate.

- Facilitate free and open access to downloadable versions of the data recording NTBs notified through the AfCFTA mechanism as well as the details and status of the incidents
- Build industry capacity in terms of the interpretation of data and its importance in decision making

2.5 Prioritise proactive prevention, removal, or mitigation of NTBs

Proactive prevention, removal, or mitigation of NTBs should be prioritized. If barriers are not proactively addressed industry may find itself in a position where it cannot guarantee supply and encourage investment. The removal of barriers is an exercise that cannot be achieved by one group alone. The proactive reduction or removal of NTBs would benefit from mixed-methodology and intra-disciplinary research as both qualitative and quantitative research across trade law, economics, science (animal health), social science and conservation sciences. Different backgrounds can contribute to proactive action towards NTB removal as opposed to a reliance on the reactive resolution of barriers. Research must be conducted with the practical effect of decisions in mind and with input from industry. It should include the development of wild meat specific guidelines and build technical capacity.

- Implement intra-African research and NTB identification projects
 - mixed-methodology and intra-disciplinary research across trade law, economics, science (animal health), social science and conservation sciences
 - both qualitative and quantitative research
 - foster proactive action as opposed to a reliance on the reactive resolution of barriers
- Equip researchers and postgraduate students from diverse academic backgrounds with the necessary training, methodological tools, and funding to assist in conducting the required research
- Develop commodity specific import and export guidelines and build technical capacity

2.6 Increase certainty and transparency: Establish a National Monitoring Committee and National Focal Point

There is a lack of certainty and transparency during the NTB reporting and resolution process once the complaint is passed on to the Member country concerned. It is of little use to have international guidelines or laws if at the national level where in this case the active resolution of the barrier reported is addressed, there is no mandated guideline and responsibility assigned in national legislation. It opens up the opportunity to evade responsibility for inaction or to evade responsibility for a decision made. It could also result in uncertainty about which department has the mandate to act.

It is recommended that Member countries develop domestic legislation or regulations that mandate the establishment of a National Monitoring Committee and National Focal Point. They should detail specific time frames and responsibility as well as other necessary institutional responsibility and mandates and they should state consequences for a failure to act as well as applicable remedies. This recommendation is not wild meat specific as the National Monitoring Committee and National Focal Point are responsible for all relevant matters, not just matters related to wild meat.

Develop domestic legislation or regulations that mandate the establishment of a National Monitoring Committee and National Focal Point

- Detail specific time frames and responsibility as well as other necessary institutional responsibility and mandates
- State consequences for a failure to act as well as applicable remedies should be clearly stated

3. Technical policy recommendations: Broader concerns beyond the AfCFTA mechanism

3.1 Harmonise and standardise what wildlife meat means

It will be useful to harmonise and standardise at a continental level what wildlife meat is (or is not) in the commercial sense in the wildlife meat industry. The certainty that language and definition provides can ease the further standardization of import and export guidelines or protocols. The standard should be set by consultation within industry and contain details that distinguish the understanding of what wildlife meat is or is not in terms of ranching practices, veterinary intervention etc.

- Develop a harmonised standard at an AfCFTA level defining what is considered "wildlife meat" and what is not for purposes of commercial trade in wildlife meat within the continent

- This standard should include clarity on, for example, production and harvesting practices

3.2 Define HS codes beyond the 6-digit HS code level in National tariff books

Related to the definition of what wildlife meat is the further definition of wildlife meat in tariff books. One of the barriers highlighted earlier is inadequate product classification or customs related issues. Clarity of HS codes beyond a 6-digit level will not only facilitate eased movement across borders and potentially avoid delays in the movement of perishable products, but it will also start to develop a clearer picture of the more precise economic value of formally traded wildlife meat and valuable data for the industry.

- AfCFTA Members should define their HS codes specific to wildlife meat beyond the 6-digit HS code level

3.3 Address specific barriers during the harvesting phase of the value chain

The research indicates a point in the value chain of wildlife meat that faces a particularly high concentration of barriers to trade at the harvesting phase. Where national standards are absent or inadequate develop private standards for the harvesting of wildlife meat in the AfCFTA area. It is important that these be accessible and are accompanied by accessible and up to date import and export guidelines per category of wildlife meat (where necessary) per country in the AfCFTA. Namibia has an example of clear guidelines for harvesting for export to the EU. The following recommendations are made:

- Develop private standards for harvesting wild meat in the AfCFTA area
 - This should include certification of inspectors and other necessary support)
 - Develop training guidelines and material for professional development of those implementing private standards
- Develop harmonised national standards for the harvesting of wild meat in the AfCFTA area
- Develop accessible and up to date import and export guidelines per category of wildlife meat per country in the AfCFTA
- Develop capacity and technical trade literature regarding the importance of a country's animal health status in import and export of wild meat

- Develop technical (veterinary) and trade literature and training material to create awareness of the importance of and actions to take towards greater animal health and disease prevention

3.4 Support the further development of existing recommendations and strategies to facilitate import and export of wild meat trade

There are existing strategies and agreements related to the facilitation of the export of meat, in particular in the event of disease outbreaks that affect country disease free status.

- Facilitate the further development of existing recommendations, for example commodity-based trade from areas in which animal health statuses fluctuate

3.5 Co-operate with other industries on the removal of barriers related to the country animal health status

The animal health status of the country has a large bearing on the ability to export or not. Diseases such as foot and mouth disease, African swine fever, rabies and avian influenza are examples of diseases that both the livestock and wildlife industries are affected by.

To adequately address this barrier there must co-operation with the domestic livestock industry in the reporting, control of and prevention of animal diseases that affect both industries. There must also be co-operation between commercially orientated and hobby focused wildlife producers in the reporting, control of and prevention of animal diseases. It is recommended that technical (veterinary) and trade literature and training material be developed to create awareness of the importance of and actions to take towards greater animal health and disease prevention. There are solutions that already exist and it is recommended that industry further development these existing recommendations, for example commodity-based trade from areas in which animal health statuses fluctuate.

- Co-operation with the domestic livestock industry in the development of simplified procedures for permitting
- Open central database of up to date, accessible scientific information, and trade guidelines per species of wildlife and information related to overlapping disease control and related matters shared with the livestock industry

3.6 Create an open AfCFTA database that contains templates of harmonised veterinary certificates

It will be useful to develop an open central database of up to date, accessible scientific information, and trade guidelines per species of wildlife exported for purposes of facilitating the continuation or resumption of trade in the event of the outbreak of a listed animal health disease. The central database should contain templates of harmonised veterinary certificates based on the guidelines by international standard setting bodies for use by the relevant departments responsible for issuing them. The templates available should account for the different scenarios that possibly arise during and after disease outbreaks. Explanatory literature of the technical justification for the specifications should accompany the templates.

- The central database should contain templates of harmonised veterinary certificates based on the guidelines by international standard setting bodies for use by the relevant departments responsible for issuing them. Templates available should account for the different scenarios that possibly arise during and after disease outbreaks.

3.7 Develop technical trade literature to accompany requests for permits related to specialised wild meat products or categories of wild meat

Development of technical (veterinary) and trade literature that is science based and user friendly to accompany the request for specific permit requests in countries where the exporter is known to not have comparable wildlife or diseases present

3.8 Simplify and streamline permit procedures

It is very important that government departments simplify and streamline permit procedures. This can be done through co-operation with the domestic livestock industry in the development of simplified procedures for permitting, especially as it relates to the control of diseases that affect the trade in both domestic livestock and wildlife meat.

3.9 Reform National legal frameworks

Legislation must be enabling, and it must not add to the collection of barriers that already exist. It is not possible to entirely remove barriers related to regulation if the legislation under which the trade is conducted is not purpose specific and is in itself a barrier to trade on account of vagueness, outdated practices or other reasons. Legislation should domesticate international rights, principles and obligations into national law for purposes of certainty, transparency and benefit of the individuals to whom it applies in international trade.

- Write legislation that is enabling, purpose specific and practically implementable in the wildlife meat value chain
- Reform the national SPS related frameworks of AfCFTA members into frameworks that prioritize the design and implementation of a legislative framework designed for the purpose of translating international SPS-related rights, obligations and principles into law and policy at the national level

3.10 Address administrative capacity gaps of the competent authorities

Where administrative capacity is lacking or absent during the activities under the competence of various government departments or representatives, the creation of private standards or assignees should be implemented.