



METHODOLOGY

Diagnostic tool for reviewing domestication of international instruments relevant to wildlife

SWM SUSTAINABLE
WILDLIFE
MANAGEMENT
PROGRAMME



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1. INTRODUCTION TO THE TOOL

This methodology is developed to contribute to the achievement of “Result 1” of the Sustainable Wildlife Management (SWM) Programme, namely, “improve the institutional and legal frameworks for sustainable wildlife management”. It is designed to facilitate the use of the **“diagnostic tool for reviewing domestication of international instruments relevant to wildlife”**, also referred to as annex 2a.

This tool helps to review the extent to which the national legal framework implements and enforces the most relevant international and regional binding instruments (conventions, agreements, etc.) for the sustainable management of wildlife. Its main objective is to identify how obligations of States arising from international agreements and conventions are reflected in national legal frameworks. This process and status are referred to here as “domestication”.

Annex 2a does not suggest that States should incorporate all obligations arising from an international instrument into their national legal framework. Indeed, a State may consider that the most appropriate way to implement international instruments is through a national policy, strategy or operational work plan.

The international instruments whose domestication is reviewed through this tool should be selected based on (i) their relevance to wildlife management and (ii) their spatial scope (global and regional).

This tool covers the following international conventions:

- Convention on the Conservation of Migratory Species of Wild Animals (CMS);
- Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES);
- Convention on Wetlands of International Importance especially as Waterfowl Habitat (RAMSAR);
- Convention on Biological Diversity (CBD) and its two Protocols (Nagoya and Cartagena);
- Convention Concerning the Protection of the World Cultural and Natural Heritage (WHC);
- United Nations Convention Against Corruption (UNCAC);

Any instrument that is relevant and applicable at regional level could also be added (e.g. Agreement on the Conservation of African-Eurasian Migratory Waterbirds, AEWA).

2. HOW TO USE THE TOOL

- Each tab in the spreadsheet accommodates one of the international/regional instruments whose domestication is being reviewed.
- Listed in the left-hand column of each tab is the number of the relevant article(s) of the given international/regional legal instrument, accompanied, where appropriate, by the indication of the specific paragraph/subparagraph. See for example Art. II-1, Art II-2 and Art II-3 from the Convention on the Conservation of Migratory Species of Wild Animals (CMS) in the table below.
- Each international instrument’s article is associated with one or more “elements” reflecting its content and the underlying principle with respect to wildlife management. **The reviewing of the domestication of the international/regional instrument aims to determine how these “elements” are incorporated in national legislation.**

CMS Art.	CMS elements
Art. II-1	The legal framework provides for the conservation of migratory species and their habitats, especially those species whose conservation status is unfavourable.
Art. II-2	The legal framework provides for measures to avoid any migratory species becoming endangered.
Art. II-3	The legal framework provides for: <ul style="list-style-type: none"> a) promotion and support of research on migratory species; b) immediate protection for migratory species included in Appendix I of the CMS.

- The “Labels of domesticating instrument” column is meant to be filled in with the mapping tool (annex 1) assigned file label corresponding to those normative texts that contain one or more provisions domesticating (or contributing to domesticate) the given “element”. In case of more than one “domesticating instrument” the listing should follow the hierarchy of norms and a blank space should be left between labels. In case no corresponding instrument exists in the national legal framework, “N/A” (not applicable) should be indicated in this column while other columns will remain blank.
- The “Reference for domestication” column is to be filled in with the full text of the provision(s) of the domesticating instrument corresponding to the referenced “(element)”. If the complete provision is too long and not entirely relevant, an extract may be quoted, in which case it must be preceded or followed by ellipsis (the sign “[...]”) and the indication “(extract)” must be mentioned next to the provision’s number. The provision’s numbers are clearly mentioned in bold. No blank space should be left between provisions/sections of the same instrument. The title of the relevant domesticating instrument is to be indicated above the provision’s full text/excerpt, also in bold. In case of more than one “domesticating instrument”, a blank space should be left between the listing of the relevant provisions, which should follow the listing order of the labels. Example on the next page:

Labels of domesticating instrument	Reference for domestication
ZWE_LE_WE_14_19751101.pdf	<p>Parks and Wild Life Act Section 4(1) (extract): Subject to this Act, the functions of the Authority shall be— [...] (b) to examine and report to the Minister from time to time upon — [...] (vii) the protection of animals or particular species of animals in sanctuaries; [...]</p>
ZWE_RE_WE_76_19980327.pdf	<p>Parks and Wild Life Regulations Section 5(4)(b) (extract): No certificate referred to paragraph (b) of subsection (1) shall be issued in terms of subsection (1) or (2) for the import into Zimbabwe of any wild life, or trophy of any wild life, which has been taken from a marine environment not under the jurisdiction of any State [...] Section 7: When issuing any permit or certificate in terms of subsection (1) or (2), the Director of Customs, as may be, shall have regard to the obligations of Zimbabwe under the Convention.</p>

- The “Comments” column includes additional legal considerations in the event that it is necessary to complement/clarify the matching/correspondence of the referenced provisions with the “element”. This is the case when matching is partial as the referenced provision does not fully domesticate the “element”.

CMS Art.	CMS elements	Comments
Art. II-1	The legal framework provides for the conservation of migratory species and their habitats, especially those species the conservation status of which is unfavourable.	<p>The Wildlife Act provides for the preservation, conservation, propagation or control of the wild life, fish and plants as well as natural landscape. These sections cover specially protected animals. However, the Act does not provide specific protection for all migratory species as defined in the CMS. Nine species are not covered:</p> <ul style="list-style-type: none"> - seven birds (<i>Falco peregrinus</i>; <i>Pandion haliaetus</i>; <i>Terathopius ecaudatus</i>; <i>Lophaelus occipitalis</i>; <i>Circaetus pectoralis</i>; <i>Aquila rapax</i>; <i>Accipiter melanoleucus</i>) - two mammals (<i>Loxodonta africana</i>; <i>Panthera pardus</i>)

- The “Recommendations for ensuring/improving domestication” column should include concrete suggestions on the necessary policy, legal or regulatory measures to achieve full domestication of the given “element”.
- At the bottom of each tab, the ratification date for the given international/regional instrument, as well as the link to its full text, should be indicated.

SUSTAINABLE WILDLIFE MANAGEMENT (SWM) PROGRAMME

Millions of people depend on the meat of wild animals for their food and income. It is an important source of protein, fat and micronutrients, especially for indigenous peoples and rural communities in the tropics and subtropics of Latin America, Africa and Asia. The demand for meat from wild animals is increasing significantly, especially in urban areas. Yet, if the hunting of wild animals for their meat is not managed in a sustainable manner, wildlife populations will decline, and rural communities will be at risk of increased food insecurity. Recent studies show that hundreds of wild species are threatened with extinction due to overexploitation for meat consumption.

Between 2018–2024, the Sustainable Wildlife Management (SWM) Programme will help improve the conservation and sustainable use of wildlife in forests, savannahs and wetlands. Field projects are being implemented in 15 countries in Africa, the Caribbean and the Pacific, and aim to:

- improve regulations on the hunting of wild animals;
- increase the supply of sustainably produced meat and fish;
- strengthen the wildlife management capacities of indigenous and rural communities;
- reduce the demand for wild meat, especially in towns and cities.

The SWM Programme is an initiative of the Organisation of African, Caribbean and Pacific States (OACPS), which is funded by the European Union (EU) and co-financed by the French Facility for Global Environment (FFEM) and the French Development Agency (AFD). It is being implemented by a dynamic consortium of four partners with expertise in wildlife conservation and food security:

- Food and Agriculture Organization of the United Nations (FAO)
- Center for International Forestry Research (CIFOR)
- French Agricultural Research Centre for International Development (CIRAD)
- Wildlife Conservation Society (WCS).

For further information: www.swm-programme.info



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