



Implementing Multilateral Environmental Agreements in Developing Countries: The Case of the 1973 Washington Convention in Ghana

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Authors' contributions

This work was carried out in collaboration between both authors. Both authors read and approved the final manuscript.

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ABSTRACT

Ghana signed to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) also known as the 1973 Washington Convention in 1975. The signing of the CITES demonstrated her commitment to the protection of the environment. It was timely because it came in the wake of rapid global depletion of endangered plants and animals through international trade. Despite this, not much has been achieved in terms of implementing the provisions of the Convention in Ghana. This paper seeks to unravel the mystery surrounding the lack of effective implementation of the convention in the country. Using elite interviews and documentary sources, the paper found that lack of political will by political leaders, the absence of a national law that encapsulates the relevant provisions of CITES, administrative lapses, the lack of coordination and cooperation between Ghana's law enforcement agencies and her neighboring member states, among others have contributed to this implementation challenge. The study noted that in order to overcome the challenges, Ghana must show political zeal and domesticate CITES provisions in the country's forest and wildlife policies to give the necessary political backing for smooth implementation in the country. Also, a regional body with oversight responsibility to ensure effective collaboration and coordination is another option to overcome the challenges. Again, providing the necessary logistics and motivation to workers of implementing agencies to enhance performance and make the work attractive to qualified individuals, among others, cannot be underestimated in this regard.

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1. INTRODUCTION

Mostly, determining strategies for actualizing perpetual changes in human behavior for the protection of the 'global commons' have been quite problematic. However, the adoption of an effective environmental regime with its accompanied treaty to create the necessary rules to define and regulate behavior has often been the accepted solution. Efforts to make this solution work through effective implementation are mostly difficult for State parties to carry out. The worst culprits are developing States which have ailing economies, weak political institutions, lack the necessary expertise to carry out such strategies within their jurisdictions, among other factors.

Further, what makes the situation complicated is the fact that the environment directly relates to development and to the operation of the global economy and that economic gains and environmental exploitation go hand in hand, therefore the act of ensuring a balance seem unattainable [1]. However, cooperation of various forms could be adopted to confront these problems. The outcome of such cooperation has led to the proliferation of international environmental organizations and regimes of which the 1973 Washington Convention or the CITES which is the focus of this study is an example. The purpose of CITES is to prevent the over-exploitation of endangered economically and scientifically viable plants and animal species through international trade. Yet, despite the existence of CITES the problem still persists.

Significantly, domain scholars attribute this situation to the absence of an international enforcer and the role of self-interest in shaping State's decision about whether or not to accept treaties and other forms of international rules [2]. As a result, it becomes difficult for Multilateral Environmental Agreements (MEAs) to receive the necessary implementation support to realize their objectives, especially in developing countries.

Again, what further compounds the implementation challenge is that, available literature reveals wildlife trade as highly profitable, involving vast number of species with millions of animals and plants traded each year. For instance, Farve opines that wildlife trade is so profitable in monetary terms that its economic value worldwide is surpassed only by the drug trade and perhaps the arms trade [3]. In addition, Kueck states that the annual average trade in wildlife products is estimated at 5 billion US dollars which presupposes that the wildlife trade venture is very lucrative [4]. This therefore requires strong political will, enabling political environment and competent institutions to make sure that laws enacted in this direction are strictly enforced. Most developing countries are unable to carry out this strict law enforcement agenda. This buttresses the need for cooperation.

Additionally, despite the call for international cooperation in wildlife conservation, the preamble of CITES posits that "peoples and states are, and should be, the best protectors of their own wild fauna and flora" (<http://www.cites.org>). With this at the background, it could be deduced that the Convention's successful implementation depends on individual States which are parties to it. Further, it requires national legislation to realize its successful implementation, emphasizing on the popular assertion; 'think globally, act locally'. This trend of argument is consistent with Xinxia's study on China; thus, the Chinese in a bid to bridge the gap between CITES and domestic law enacted the Regulation for the Protection of Terrestrial Wild Animals in 1992 [5]. This law stipulates that "rare and endangered species of

wildlife introduced or brought into the country from outside can be treated as key animals under state protection, subject to approval by the competent administrative department of forestry under the State Council" (Xinxia 1996: 206). Other cases in point are the United States, which adopted the Endangered Species Act of 1973 even before the formation of CITES. Also, the United Kingdom gave effect to the CITES Convention by adopting the Endangered Species (Import and Export) Act of 1976 purposely to give the needed political backing to realize the Convention's effective implementation in their jurisdiction [6].

Subsequently, in Ghana the absence of such a legal framework like those in the developed countries makes it difficult for the objectives of CITES to be realized. Looking at the flora and fauna situation in the country, it could be seen that a century ago nearly half of Ghana was covered with forest enriched with several species of fauna and flora. By the early 1990s only about one-third of the country was still forested. However, this keeps reducing at a very astronomical rate. The reason being that majority of Ghanaians (over 50%) still engage in various forms of agriculture which depletes the forest. Aside that, the forestry sector provides over 120000 direct employment and tens of thousands jobs in the informal sector. This has further increased the rate of depletion of the forest which fluctuates between 50000 and 65000 hectares per annum from the year 2002 onwards (ec.europa.eu/development). Hence putting excessive pressure on the habitats of flora and fauna species, also leading to their gradual extinction. The listing of endangered flora species like cedrela and afrormosia and fauna species like African grey parrots, royal pythons, chameleons and others on CITES was expected to stabilize their gradual depletion, but this has turned out to be the reverse. Calling into question the implementation of the MEA in the country.

Aside the few developing country cases like that of the Chinese who had to correct their implementation error and to strengthen their enforcement effort by adopting the 1992 Regulation, others like Ghana have not thought about it or are yet to do so. Ghana's plight reflects the usual practice of most developing countries hastening to ratify MEAs, but do little to realize their effective implementation. It is therefore against this backdrop that this paper seeks to answer the following questions - What strategies are in place to implement CITES in Ghana? What are the roles and challenges faced by implementing agencies in implementing the Convention? What has been the nature of the implementing environment and how has it influenced the Convention's implementation in the country? What can be done to overcome the challenges associated with the Convention's implementation in the country? This is a qualitative study that uses purposive sampling of elites with extensive knowledge of the Washington Convention in the protection of endangered species and existing documents to answer the research questions.

2. THE CITES REGIME

The text of the Convention on International Trade in Endangered Species of Wild Fauna and Flora was adopted on 3rd March 1973 at Washington D.C. Hence the name, the 1973 Washington Convention. Subsequently, it entered into force on 1st July 1975. The CITES text consists of a Preamble, 25 Articles and three Appendices of species lists. The peculiarity of the three appendices is comprehensively outlined in Article II of the CITES text. For species listed on Appendix I, trade is not allowed at all unless during exceptional circumstances. These exceptional circumstances include situations where species were acquired before the provisions of this Convention for personal/household effects or for non-commercial transaction especially between scientists and their institutions, and among others (see Article VII). Appendix II consists of a list of species which are not now threatened with extinction but are likely to become so unless trade in such species is subject to strict

regulation to prevent usage incompatible with their survival. The third appendix (Appendix III) contains a list of species that state parties identify as being subject to regulation within their jurisdictions for the purpose of preventing or restricting exploitation and the need for cooperation of other parties in controlling trade in such species. Finally Article II (4) concludes by providing that parties should not allow trade in species included in Appendices I, II and III except in accordance with the provisions of the present Convention. The above reveals that, the Convention does not totally ban trade but provides measures to reduce the over-exploitation of endangered plants and animals by regulating trade in them.

More importantly, Ghana signed onto CITES on 14th November 1975 and enforcement of the Convention began in the country on 12th February 1976. Also, the Convention requires member states to designate Management and Scientific Authorities in their respective jurisdictions. These Authorities are to be responsible for the Convention's implementation in member states. They are also to ensure that trade in Specimens of CITES-listed species do not take place without being covered by valid permits or certificates.

As it is expected from every member state, Ghana made some efforts to commence enforcement of the Convention in its jurisdiction. It began by designating the Wildlife Department to perform both the roles of the Management Authority and Scientific Authority. This role of the Wildlife Department continued to the early 1990s when a Scientific Authority was properly designated (Oduro, W., Personal Communication, December 8, 2011). Currently, the Wildlife Department has become one of the divisions of the Forestry Commission which was set up by an Act of Parliament (Act 571) in 1999. The Wildlife Division of the Forestry Commission is the Management Authority of CITES whereas the Department of Wildlife and Range Management (DWRM) under the Faculty of Renewable Natural Resources of the Kwame Nkrumah University of Science and Technology [KNUST] has been designated as CITES Scientific Authority. Some NGOs are called upon to offer assistance where necessary to realize CITES objectives. Also, Custom Officials at the port of entries and exits cannot be underestimated with regards to CITES implementation in Ghana.

3. POLITICAL AND SOCIO-ECONOMIC INFLUENCE ON CITES IMPLEMENTATION

3.1 Political Influence

Ghana adopted the CITES Convention exactly four years after the second military takeover in 1972. Specifically, this was under the regime of the military ruler General Acheampong. During this period several decrees were passed imposing restrictions on movement, speech and other activities [7]. With such a frightening atmosphere the implication was that business persons, both local and foreign especially those interested in animals and plants trade found it difficult to operate. This difficulty to operate stemmed from the fear of losing their investments and lives. It could be deduced that, though the National Redemption Council (NRC) or Supreme Military Council (SMC I) regime showed a lot of commitment by ratifying the CITES agreement, serious attention was not given to its implementation. It could also be seen that a number of decrees and legal instruments were enacted under this regime with regards to plants and animals' conservation, but none of these incorporated the provisions of the CITES in them. It is worth pointing out that the Environmental Protection Council [EPC] was set up in 1974 by Acheampong's regime to advise it on environmental matters; unfortunately its advisory role was not felt in the implementation of CITES. Again, one

cannot discuss Acheampong without mentioning his Operation Feed Yourself policy. Though this policy was good in bringing about abundant food supply, it was detrimental to environmental conservation objective. This was because people farmed indiscriminately, destroying habitats of wildlife and causing the extinction of most valuable plants and animals species.

Furthermore, the SMC II led by General Akuffo came to power after the Acheampong regime through a coup in 1978. The short lifespan of this regime (SMC II) and the politics of the time did not help it make any significant impact in the area of the environment, specifically with the implementation of CITES. Again, the situation became worse when the Armed Forces Revolutionary Council (AFRC) deposed the SMC II through a coup d'état on June 4th 1979. The behavior of the new junta, the AFRC, enormously affected in great detail all aspect of Ghanaian public life. Amamoo (2007:204) describes the period as "a very uneasy and uncomfortable period to be in Ghana" most especially if one had no connection or friends or relatives that have established links with members of the junta or its close associates. The general atmosphere of insecurity definitely scared investors. The few professional public servants who may have been responsible for the effective implementation of environmental agreements such as CITES had to flee from the country for fear of their lives. Also, this period witnessed political leaders employing their unqualified cronies in public offices who were accountable only to them. With such an attitude, policy implementation in general suffered. Again, foreign businessmen and trained professionals were labeled as spies and some were even arrested since the regime was generally anti-west.

Subsequently, the Limann government came to power after the AFRC on 24th September 1979 through an election. For this regime also, issues like internal party conflicts, the fear that the head of the AFRC would stage another military intervention, and coupled with Ghana's worst economic situation and the short lifespan of the regime did not help it to achieve much with regards to the environment. Although the EPC, now called the Environmental Protection Agency (EPA), was still in existence during this regime, no efforts were made to make its impact felt. After the Limann government, the Provisional National Defense Council (PNDC) then came to power on 31st December 1981 through a coup d'état and ruled from this period to 1993.

The earlier part of the PNDC reign was characterized by a massive reign of terror, also "the constitution and parliament were abolished and a dawn-to-dawn curfew was decreed" (Amamoo 2007: 222). Violators of this curfew, even by few minutes, had to receive severe lashes from soldiers. This violent political environment created by the regime saw the occurrence of unrecorded cases of rape, gross violations of human rights, state-sponsored murders, extra-judicial killings, and among others (Amamoo 2007). Naturally, this atmosphere scared investors, led to delays in economic recovery of the country and uprooted the political clout to implement international treaties. More importantly, staff of implementing agencies in such an unsecured environment lacked the necessary motivation to enforce the requisite provisions of an international convention such as CITES. Additionally, on ideological grounds, the initial stance of the PNDC was strictly pro-east which signified an automatic detachment of pro-west agenda. As a result, the CITES which is pro-west was not attended to in this era and not even the later conditions for a change of stance by the regime brought about any change in their effort to implement the Convention.

In the early part of the 1990s, measures were put in place to return the country to democratic rule. The Fourth Republican Constitution was drafted and adopted through a referendum on 28th April 1992. This saw the constitution as the only means of governance. Elections were

subsequently held in 1992 and the National Democratic Congress (NDC), an offshoot of the PNDC, won. As the supreme law of the land, the 1992 Constitution provides the basis on which the government could initiate policies to promote sound environmental protection and management as evident in Article 36 (9) that “the State shall take appropriate measures needed to protect and safeguard the national environment for posterity; and shall seek cooperation with other states and bodies for purposes of protecting the wider international environment for mankind.” However, this received little support from the NDC and subsequent regimes as well. Despite the good effort to initiate the 1994 Forest and Wildlife Policy by the NDC government, it only mentions the CITES Convention in passing but did not make any effort to domesticate it in its provisions. It could be seen that significant efforts were not achieved in the aspect of CITES implementation in Ghana. Since this innovative policies remained only on paper.

The New Patriotic Party (NPP) took over power from the NDC on January 7, 2001. The regime made some contributions to the environment but this was inadequate. As a matter of fact, the political will to fully implement MEA such as the CITES was nonexistence. This was because no amendment or whatsoever was done to incorporate CITES provisions in the existing 1994 Forest and Wildlife Policy or other existing environmental policies. Again, in its second phase (2004-2008) the regime continued with its earlier policies, especially that of environmental protection. Although the NDC government that came to office in 2009 has continued with the policies of the NPP in the protection of the environment, interactions with staffs of CITES implementing agencies have indicated that amendment of the 1994 Forest and Wildlife Policy is being carried out of which it is deemed may incorporate CITES Provisions (Nateq, Personal Communication, March 21, 2012). It could be realized from the ensuing discussion that Ghana has in place some good environmental policies but its implementation has always been problematic over the years.

3.2 Socio-economic Influence

To begin with, it could be realized that political instability led to stunted growth in Ghana's economy which was already worsening from the 1966 period onwards. This poor economic performance, especially between 1970 and 1983, had a negative influence on the physical environment of Ghana. Additionally, the situation was worsened by the severe drought conditions that hit the country in 1983 and which resulted in nationwide bush fires destroying the wildlife and forest resources in many parts of the country.

More importantly, though governments from Nkrumah to Busia and to Acheampong put in place measures to safeguard the economy, their efforts were far from success. Economic problems such as balance of payment deficits, foreign exchange shortages, general mismanagement and the huge debt burden still persisted. Not even the austerity measures such as the repudiation of debt considered to be tainted with corruption and the unilateral abrogation of rescheduling arrangements of some debts, undertaken by Acheampong were able to rescue the economy. A palace coup led by General Akuffo in 1978 was expected to have delivered Ghanaians from their economic woes or provide a befitting business environment for businessmen and women but was to no avail.

Further, the Limann administration made efforts to reconstruct the economy targeting food production, export and transportation. However, cocoa prices fell, oil prices soared and corruption and internal conflicts within the ruling party coupled with its short lifespan did not favor the economic reconstruction efforts of the regime. With such mounting hardships on the government and the general populace, issues about environmental conservation,

precisely having to do with the implementation of an international agreement like CITES would be relegated to the background.

Again, the unreliable performance of Ghana's economy from the 1970s to the early 1980s which was further aggravated by the expulsion of about one million Ghanaians from Nigeria, the continuous fall in cocoa prices, factories inability to operate in full capacity, high inflation, among others prompted the PNDC government to adopt the IMF/World Bank supported Economic Recovery Program (ERP) and the Structural Adjustment Program (SAP) in 1983 [8]. This policy involved a number of policy reforms, that is, moving away from a highly regulated economy to one where market forces play a dominant role and where there are cuts in government expenditure. These strategies included prudent monetary policies, withdrawal of subsidies, removal of controls, privatization of state enterprises, and removal of trade restrictions. As a fact, the SAP policy advocated for the increase of cash crops (cocoa) and primary export commodities (timber) for export at the expense of food crops. Cutbacks of governments spending in utilities and social services put a lot of pressure on the poor. The deteriorating plight of the poor as a result of SAP increased their dependence on the natural resources specifically plants and animal species; and this therefore becomes detrimental to the protection of the environment. With this at the backdrop, regulations binding protected areas and wildlife conservation sites were definitely not going to be complied with and even some irate youth in these rural areas would go to the extent of fighting with wildlife and forest officers.

Further, the NPP government came to office in 2001 and continued the economic stabilization began by the previous government and also took a bold step of ending subsidies of petroleum prices. The effect of this was felt by all and sundry especially rural farmers who have to cart their produce to markets in the cities for sale. Wildlife exporters were also not left out in the sense that they had to cart their catch to their various quarantine stations located in the cities. On a more positive note, there was a steady improvement in real GDP growth which stood at 5% in 2004 for the first time in 10 years and further reached an estimated 6.2% in 2006. This success was mostly attributed to solid macroeconomic management coupled with major debt relief, large inflows of donor supports, increased cocoa and gold prices, and steady increases in remittances. It is significant to state that this favorable economic environment supported business entities especially expatriate firms who wanted to come and invest in Ghana's wildlife and forest resources.

In addition, from this period onwards till now, it could be realized that agriculture still remained the mainstay of the economy, accounting for more than one third of GDP and again an estimated 55% of employment. Also, according to a 2006 Country environmental profile, the forestry sector contributes about 6% of Ghana's GDP and the fourth largest foreign exchange earner; it also provides over 120000 direct employment and tens of thousands of jobs in the informal sector. This has resulted in an increased rate of depletion of the forest which fluctuates between 50000 and 65000 hectares per annum from the year 2002 onwards. It must be emphasized that, the excessive logging of trees for timber, illegal chain-saw operations, overharvesting of some types of flora or capture of some fauna species for economic gains, traditional medicines, and among others, put lots of pressure on Ghana's natural resources and partly explains the fast rate of flora and fauna depletion in the country.

4. CITES IMPLEMENTING AGENCIES IN GHANA AND THEIR CHALLENGES

This aspect of the paper discusses CITES implementing agencies in Ghana taking into consideration a brief overview of their functions and the challenges they face in implementing the Convention. Before delving into this, a closer look at the issue of illegal trade on some endangered species in Ghana reveal the enormity of the task these agencies are often confronted with. Illegal trade in Ghana has both domestic and international dimensions. For species like African Grey Parrots which Ghana together with some West African States have banned its international trade, these countries species continue to flood the international market. Particularly, in Ghana where the parrot trade is illegal, all manner of strategies are adopted by smugglers, taking advantage of the weaknesses in the enforcement of wildlife laws within the country and also by the national border authorities at exit ports. This put strain on the species since it is mishandled and leads to very high mortality rates. With this at the backdrop, the discussion that follows would first look at the Forestry Commission (Wildlife Division) and then follow it up with the Faculty of Renewable Natural Resources (Department of Wildlife and Range Management) as the main agencies implementing CITES Convention in Ghana.

4.1 Forestry Commission

A forestry department was established in the country as far back as the early 1900s [9]. Incorporated in this department was a Game Unit responsible for fauna conservation. Following the enactment of the Wild Animals Preservation Act (Act 43 of 1961); the Game Unit of the Forestry Department was upgraded to a full department, thus the Department of Game and Wildlife in 1965 under the Ministry of Lands and Forestry mainly responsible for managing Ghana's wildlife resources. Later, the Department of Game and Wildlife was changed to the Wildlife Department after the adoption of the Forestry and Wildlife Policy of 1994. The Wildlife Division is currently one of the three divisions of the reconstructed Forestry Commission and currently the Management Authority of the CITES.

The Wildlife Division performs a number of functions as the implementing agency of the CITES. First, it is the agency that issues CITES permits and certificates for the export and import of species. Before doing this, it ensures that certain conditions are adhered to, thus, species are legally acquired, the exporter has a suitable quarantine station where species are kept awaiting for shipment, and full address of the consignee are provided during application (Nateq, Personal Communication, March 12, 2012). Second, it is also responsible for the issuing of license for the capture of animal species; without their license, every animal captured is considered illegal and punishable by law. Third, it is the information and liaison unit of CITES in the country. It is responsible for providing information to any individual or organization internally or externally who wants to know the state of implementation of CITES in the country. As the liaison unit, it coordinates with the Secretariat; it compiles annual reports of international trade in CITES-listed species and relays it to the Secretariat. These data are collated on behalf of the secretariat by the World Conservation Monitoring Centre (WCMC) and enables a rough assessment to be made on the volume of international trade in CITES-listed species (Environmental Law Materials, n. d.) [10]. In sum, these form the main functions of the CITES Management Authority in Ghana.

More importantly, there are key challenges that the Management Authority face in carrying out its duties to realize CITES objectives in Ghana. The Forestry Commission is largely

dependent on government subventions, which according to officials, are woefully inadequate and not released on time for the execution of its important programs such as the implementation of its policy decisions. This therefore tends to affect the performance of the Commission and the staff who risk their lives in the bush to enforce forest and wildlife policies and laws (Allah-Mensah, 2004) [11]. Additionally, it is not uncommon to hear in the newspapers and other media outlets that officials of the Forestry Commission have been attacked in the bush by persons who do not have the permit to carry out certain activities in the forests.

Moreover, because the FC also includes other divisions dealing with forestry, their liabilities have also become part of the FC which places enormous burden on the finances of the FC. Subsequently, other problems that are evident among the staff include the change to a different organizational culture and work ethics necessitated by the merging of the different divisions; this has therefore affected service delivery (Osei-Bonsu, Personal Communication, March 22, 2012). Also, "the envisaged corporate image being created for the commission stands in conflict with the larger number of personnel in terms of corporate management" (Allah-Mensah 2004: 218). Other problems include inadequate staff to engage in monitoring of forest reserves and the situation of range officers coming into a face-to-face confrontation with chainsaw operators, community members, and the likes. A classic example of this incident was what occurred at the Ankasa Reserve where FC staff prevented community members from picking snails from the reserve; the community members mobilized themselves with arms to face the range officials, and it was the timely intervention of the police that put a stop to this debacle (Osei-Bonsu, personal communication, March 22, 2012).

Other challenges which the Wildlife Division face in its implementation of CITES in Ghana include first; the inadequacy of staff members to man the borders and various ports of entries and exits in the country. According to Nateq (personal communication, March 12, 2012), since staff of the wildlife division are few and cannot be everywhere there are some unscrupulous individuals or firms that exploit this avenue to illegally smuggle threatened species of plants and animals that are economically viable to neighboring countries for trade. The porous nature of security on Ghana's borders, the lack of awareness about CITES provisions and corrupt practices among some border patrol teams facilitate smuggling and illegal trade of CITES listed species. Another challenge is the lack of collaboration and coordination between neighboring countries in implementing the Convention (E.K. Osei, personal communication, March 24, 2012). Though Ghana's neighbors (Ivory Coast, Burkina Faso and Togo) are members of the Convention, the lack of collaboration among them and the entire West African sub-region in general, in CITES implementation is hugely manipulated by profiteering individuals and international crime syndicates to achieve their selfish objectives. Corrupt individuals and international criminal organizations exploit these implementation lapses to their own advantage. They receive support from local communities of common tribes on both sides of the borders. That is to say, they are given sanctuary after committing acts of poaching and smuggling.

Another weakness of the division is in the aspect of its relationship with the other implementing stakeholders. These include the exporting firms, NGOs, law enforcement agencies such as customs, police and the judiciary. The interviews conducted revealed that the implementing agency assumes that exporting firms are familiar with CITES provisions. As a matter of fact, they hold the view that once an individual or a firm wants to engage in international trade of economically viable threatened plants and animals species, then that individual/firm should automatically be familiar with CITES provisions. Further, they argue

that once an organization or individual is not aware of the CITES provision, those individuals/firms bear the consequences for their own ignorance, which may lead to their items being confiscated or returned back to the country of origin. As a result, they see it as less significant to embark on any form of education for exporters, which should not be the case when one wants to ensure effective implementation of the MEA.

Again, the relationship between the division and NGOs especially domestic ones with regards to CITES implementation is fashioned along the lines of when it is deemed necessary. Interestingly, the only local NGO that CITES had had contact with, had been the Ghana Wildlife Society (GWS); and this was a study on birds. Nothing of that sort had been done with any NGO. In addition, according to Ntiamoah-Baidu (personal communication, April 25, 2012), CITES Management Authority made some initial advances to train police personnel, especially newly recruited ones, but this stopped along the line. The reason given for the stoppage of this important exercise was lack of resources. Custom officials also see their role at the ports of entries and exits as that of complementary and view their activities as doing a favor to the CITES Management Authority. Generally, they view their role as complementing the numerical deficiency of the Wildlife Division (E. K. Osei, personal communication, March 24, 2012). The division, on the other hand, expects Custom Officers to be able to track and arrest violators though no form of education has been organized to effectively equip these officers. Also, the judiciary finds itself in the same situation, since CITES provisions are alien to most judges in the country. It could be seen that no effort has been made to collaborate with judges to give them some insight about CITES provisions. The challenge with regards to CITES is not only on the side of the management authority but also the above stated stakeholders as well. The lack of collaboration and the inability to create the enabling environment for the Management Authority to embark on some form of education with these implementing stakeholders is another great implementation challenge of CITES in Ghana.

Administrative lapses and lack of seriousness on the part of the staff is another major challenge. An exporter managed to circumvent the entire procedure of exporting species consignment without permit and was not arrested. What broke the camel back was that after the consignment had reached the designated country, the exporter was asked to produce a permit, he quickly came back to Ghana and in one way or the other managed to get a permit which was not consistent with the date of arrival of the consignments, a clear display of incompetence and corruption.

4.2 Faculty of Renewable Natural Resources [FRNR]

The initiative to designate a Scientific Authority of CITES commenced when a researcher named Professor William Oduro currently the Dean of the Faculty identified a major loophole in CITES implementation in Ghana through a research. His bold efforts led to the designation of the Scientific Authority in 1994 by convincing others to buy into his ideas (W. Oduro, personal communication, December 8, 2011).

More importantly, it could be realized that the Department of Game and Wildlife was performing both the separate task of the Scientific and Management Authorities. These separate tasks are enormous and burdensome to be performed by only a single outfit, and may partly explain the limited impact of CITES in the country before the early 1990s. With the drafters of the Convention perceiving this situation, they thought it wise to specifically make a provision in Article IX titled "Management and Scientific Authorities" [paragraph 1] that "each party shall designate for the purpose of the present Convention: a) one or more

Management Authorities Competent to grant permits or certificates on behalf of that party; b) one or more Scientific Authorities.” This is therefore to ensure effective implementation and to lessen the burden on the outfits designated as either Scientific or Management Authorities.

Furthermore, according to W. Oduro (personal communication, December 8, 2011) the main function of the Scientific Authority is to determine the categorization of species being traded in the country [Ghana] and advise the Management Authority to put in place all forms of strategies to reduce the harvesting of such species which are being overexploited through international trade. Again, the Scientific Authority may also receive request from international bodies inquiring about the background and status of certain species that they may have received. The Scientific Authority is supposed to conduct surveillance to determine the number of species threatened by international trade, their total population, their gestation and other important biological compositions. This function of the Scientific Authority is at a standstill due to the lack of funding. Not all, as a training institution, the issue of capacity building for CITES is another important role that Ghana's Scientific Authority performs. From the various interviews it was revealed that over 90% of CITES staff [Wildlife Division] have been trained by the FRNR and other local public institutions.

Despite the important role played by the Scientific Authority it has not been free from challenges. A major problem facing the Scientific Authority is the lack of funding to carry out its functions of research and surveillance. Structures for the effective implementation of CITES provisions are already in place. For instance, the Senior Members of the faculty have diverse expertise in the area of forest and wildlife resources management. That is, their role is to embark on research and to train personnel in the area of forestry and wildlife management. As a matter of fact, their competence and readiness to embark on their duties is without question but the financial push to set them to work, is woefully lacking. It was realized from the interactions with members that no funding has been given by government ever since the coming into being of the Scientific Authority. This has therefore made the Authority to rely on research findings of its students to make predictions which are not accurate and reliable.

More so, from the interviews conducted, it was realized that there is no link whatsoever between the Scientific Authority and NGOs in the country. There has not been any collaborative research or joint symposia on the implementation of CITES in Ghana. The only NGOs that have some direct contact with the Scientific Authority are the international ones. These international NGOs often consult the Scientific Authority when they have realized that a particular species is being affected by international trade and as such needed a global attention. Also, when there is the need to vote to list a specific species on CITES or transfer it from its existing appendix to a different one, then these international NGOs get in touch with the Scientific Authority. Finally, it could be realized that though Ghana as a country did very well in ratifying the CITES Convention, its implementation has not received the needed attention as it should. Currently, no surveillance has been conducted to ascertain the estimated number of species that are endangered. The last time such a thing was done was around the 1970s. This therefore demonstrates a big implementation failure of the country in implementing CITES provisions.

5. CHALLENGES POSED BY THE CONVENTION

As has been stated earlier, CITES main concern is the prevention of over-exploitation of threatened species of plants and animals through international trade. It is important to point

out that though CITES provides a good regulatory mechanism for the prevention of the over-exploitation of species; there are some challenges which the Convention poses. It could be argued that these challenges partly work against Ghana's efforts to implement the Convention's provisions effectively.

5.1 Single Cause of Species Extinction

CITES concentrates on only one of the causes of species extinction, that is, international trade (commercial exploitation). Available studies show that habitat loss is the greatest threat causing extinction in plants and animals species. Even among birds such as parrots, which international trade is a significant cause of their extinction, habitat loss still remains the major threat. To further buttress this argument, a study conducted by Collar et al. (1994) revealed that, of the 55 parrot species that occur in Australia, ten species (18%) are at some risk of extinction. Out of those which have risk of extinction, 60% of them are caused by habitat loss or alteration, with 40% resulting from a combination of habitat loss and trade [12]. It must be stressed that, the Convention has no remedy for habitat loss and this may partly explain why it has not received the necessary support in Ghana. Again, a country survey by the Ministry of Environment Science and Technology [MEST] of Ghana in 1992 concerning major threats to biodiversity depletion did not view international trade as one of the major threats. CITES falls in the domain of curbing a minor single threat to biodiversity in Ghana, and as conventional wisdom demands, it would automatically receive little attention in its implementation in the country. And that may partly explain why much attention has not been accorded to it in the country since its enforcement in 1976.

5.2 Domestic Trade

Again, domestic trade poses a major challenge to CITES. Even though international trade poses a major challenge to most species, especially birds, greater chunk of them are trapped and traded domestically and CITES has no antidote whatsoever to curb their overexploitation.

5.3 The Stricter Domestic Measure Provision

Subsequently, another weakness of the Convention lies in some of its provisions. The first to be considered here is the "Stricter Domestic Measure" provision. As a matter of fact, most countries exploit this provision to their advantage, neglecting its effects on others. For instance, the USA, EU and Australia have strongly applied the 'stricter domestic measures' in their jurisdictions. According to Hutton (2000), the US unilaterally imposes embargo and prohibitions on the use of species already listed on CITES, even where the international community has determined that the species conservation might benefit from controlled trade. The over-exploitation of this provision for parochial gains by the so-called big markets does not enhance equal treatment of member parties. It could be realized that these large wildlife markets use the provision to deny range states mostly developing states access to their markets. Ghana for instance trade mostly with the EU and the US and so denial of access to these big wildlife markets to raise some moneys for the implementing agencies to get some funding to carry out their work definitely discourages the state's effort to effectively comply with CITES. Also, when parties begin to realize that their fellow parties are using the Convention to impose their superiority on them, their zeal to implement the Convention's provisions wane automatically.

5.4 The Reservation Provision

Another provision of the Convention that may serve as a weakness is the 'reservation' provision. Further, the application of the 'reservation' provision of CITES may have negative implications for conservation. The 'reservation' provision provides that once a party enters a 'reservation' of a particular species, the Convention ceases to apply to that species, whether the species in question is listed on Appendix I or II or III. Most States usually adopt this measure when species in question are economically viable. When this happens, the scenario being created is like giving something to someone with your right hand and taking it back with your left. State parties may overexploit this provision to their advantage but to the detriment of the species in question and the vision of CITES as a whole.

On the whole, it is clear that CITES may pose some challenges to implementing states. It could, however, be argued that despite these challenges, the Convention still remains relevant and not narrow in scope as perceived by most critics. This is because international trade serves as the main conduit for the overexploitation of plants and animals species. Almost all the major threats that take place, thus excessive harvesting of plants and animal species which further cause habitat loss in the long run, domestic trade, among others, all have as a goal to engage in international trade or better still to export plant and animal species to the developed countries. Put succinctly, international trade becomes the final part of a vicious cycle and CITES serves as a regulatory mechanism to curb this final part with the intention that the other parts of the cycle would eventually stop. This, therefore, makes the Convention one of the most important MEAs and as such requires the necessary attention for its effective and efficient implementation. In effect, the few challenges that CITES poses should not be an excuse for lack of implementation by state parties.

6. CONCLUSION

This paper has successfully highlighted the factors that have worked against the realization of CITES objectives in Ghana. It could be seen that despite the international nature of the Convention, the onus lies with State parties to make it work in their jurisdictions. As a matter of fact, State parties are individually required to put their houses in order and act locally while thinking globally.

Additionally, the paper has demonstrated that Ghana has not been idle in dealing with conservation issues and also not isolated from global efforts. However, it is evident from the CITES case that the country's efforts have been merely enacting flora and fauna laws and ratifying international conventions; actual implementation leaves much to be desired. Factors such as lack of political zeal by political leaders has not augur well for the effective implementation of the Convention. The paper has revealed that political leaders at a point in time are preoccupied with either hunting for solutions for Ghana's economic problems or working for the security or legitimacy of their regimes especially in the case of the military ones. As such, issues of the environment are seen not to be a pressing need. Further, this problem has become glaring because of the absence of a national law that encapsulates the relevant provisions of CITES in the country's domestic laws. If this had been done, political leaders would only need to strengthen the appropriate institutions by providing them with the necessary logistics and motivation to carry out their assigned duties.

Subsequently, political instability in the early part of 1970s to the later part of 1980s greatly affected CITES implementation. Governments had to channel their resources to ensuring

stable political atmosphere, thereby neglecting issues of the environment. This emphasizes the importance of a stable political atmosphere and the need to always strive for such when implementing MEAs.

Also, the paper has shown administrative lapses and lack of commitment to work by staff of the Implementing Agencies as another great challenge. It is therefore important for staff to be re-oriented on their duties, that is, what is expected of them as implementers and ensure that they meet certain set targets. In addition, recruiting staff to these Agencies should be based on merit and not politicised to eschew future inefficiencies. Again, over reliance on government to provide funds to implement MEAs should be halted. Instead alternative sources of funding should be explored to help in that direction.

Not only the above, the case of Ghana further revealed a lack of coordination and corporation between Ghana's law enforcement agencies and her neighbouring member States in the West African sub-region. This has brought about lapses in the activities of border patrol teams of which criminal groups take advantage of. A regional body of a sought with oversight responsibility to ensure effective collaboration and coordination can be set up. Also constant dialogue among member parties should be encouraged to identify challenges faced by individual states and appropriate measures adopted as and when appropriate. Additionally, government of Ghana and other developing countries should provide better financial support for their various Management Authorities and Scientific Authorities for effective implementation of the Convention. This paper further recommends that developing countries should be encouraged to cooperate with the developed ones for capacity building and further update their domestic legislation to capture the provisions of CITES for effective implementation.

On a whole, developing countries and Ghana for that matter should be conscious of why they sign international Conventions, and identify what they stand to gain or lose before doing that, rather than just acceding to them for political expediency and in the end doing nothing or little about those Conventions. Above all, in the case of CITES, state institutions should be strengthened; also, the international community and civil society must come on board to provide the necessary assistance in implementing the MEA to prevent a future doom of fauna and flora extinction.

COMPETING INTERESTS

Authors have declared that no competing interests exist.

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