

A COMPARITIVE STUDY
OF
WILDLIFE LAWS
OF
ETHIOPIA AND VIETNAM

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ABSTRACT**University of Eastern Finland**

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Abstract			
<p>Illegal wildlife trade (IWT) and trafficking is counted among the worst organized transnational crimes. It worsens biodiversity loss and a potential spread of emerging infectious diseases. Good wildlife laws and their effective enforcement is perhaps the best tool in the box to tackle this wicked problem.</p> <p>This study compares the wildlife laws of Ethiopia and Vietnam, both being source and transit hubs of IWT. The link between them is established from the plight of the pangolins, the most trafficked animal in the world. Field conservation studies in both countries along with a review of the country profiles, legal traditions, animal welfare laws, and policy framework was done to compare the wildlife laws. International wildlife treaties supporting national wildlife laws, especially CITES, were examined along with enforcement of these laws in Ethiopia and Vietnam.</p> <p>Armed conflicts, hunter-gatherer traditions, bushmeat consumption, and non-recognition of animal sentience were common to both countries. Wildlife farming and the Vietnamese Traditional Medical (VTM) industry were the drivers unique to Vietnam. Stakeholder coordination is of the essence for effective implementation of wildlife laws in Vietnam. The wildlife policies and laws in Ethiopia await amendment when security and political stability are restored. Judicial reforms might be remediation-oriented in the future, and not penalties-oriented as at present. However, when rich countries are dominant global players of IWT, effective wildlife laws might be the only tools to curb a trade which leaves our forests bereft of wildlife.</p>			
Keywords			
Illegal Wildlife Trade, Ethiopia, Vietnam, Wildlife Policy, Laws, Comparison			

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Acronyms

IWT - Illegal Wildlife Trade

COVID-19 - Coronavirus Disease 2019

CHA - Controlled Hunting Areas

CITES - Convention on International Trade in Endangered Species

NGO - Nongovernmental Organization

HDI - Human Development Index

GNI - Gross National Income

VTM - Vietnamese Traditional Medicine

FAO - Food and Agriculture Organization

EU - European Union

TFEU - Treaty on the Functioning of the European Union

FDRE - Federal Democratic Republic of Ethiopia

CBD - Convention on Biological Diversity

CMS - Convention on Conservation of Migratory Species of Wild Animals

AEWA - Agreement on the Conservation of African-Eurasian Migratory Waterbirds

DCUWP - Development, Conservation and Utilization of Wildlife Proclamation

WDCUR - Wildlife Development, Conservation and Utilization Council of Ministers and Regulations

WDCAEP - Ethiopian Wildlife Development and Conservation Authority Establishment Proclamation

EWCA - Ethiopian Wildlife Conservation Authority

MoCT - Ministry of Culture and Tourism

VND - Vietnamese Dong

COP - Conference of Parties

PES - Payments for Ecosystems Services

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1 INTRODUCTION

1.1 Background

1.1.1 Wildlife Crime

Illegal wildlife trade (IWT) is the unlawful purchase or sale of harvested wild species or derivatives.¹ It is a driver of species extinction,² and possibly pandemics as well. There is evidence that SARS-COV-2 virus, the causative agent of COVID-19, was transmitted from the Wuhan live animal market where bats and other wild animals were sold and stored.³

Extinctions are insidious and take time to avert, but pandemics are incontrovertible and necessitate urgent action. As much as curbing IWT is of the essence to tackle the twin threats, the menace goes on unabated.⁴ It ranks among the most lucrative of organized transnational crimes along with drug trafficking, money laundering and counterfeiting and likely provides funding to such crimes.⁵

How did hunting lead to poaching and trafficking of wild animals for a trade that took ages to be called out as a crime? Can wild animals be freely harvested and legitimately traded in tropical forests worldwide⁶ as bushmeat⁷, pets⁸, trophies and

¹ 't Sas-Rolfes, M. *et al.* 'Illegal Wildlife Trade: Scale, Processes and Governance' (2019) 44 (1) *Annual Review of Environment and Resources* 201-228.

² Scheffers, B.R. *et al.* 'Global wildlife trade across the tree of life' (2019) 366(6461) *Science* 71-76.

³ Aguirre, A.A., *et al.* 'Illicit Wildlife Trade, Wet Markets, and COVID-19: Preventing Future Pandemics' (2020) 12 *World Medical & Health Policy* 256-265.

⁴ Rosen, G.E. & Smith, K.F. 'Summarizing the Evidence on the International Trade in Illegal Wildlife' (2010) 7(1) *EcoHealth* 24-32.

⁵ Guynup, S., Shepherd, C.R. and Shepherd, L. 'The True Costs of Wildlife Trafficking', (2020) 21 *Georgetown Journal of International Affairs* 28-37.

⁶ Ziegler, S., *et al.* 'Mapping Bushmeat Hunting Pressure in Central Africa' (2016) 48(3) *Biotropica* 405-412.

⁷ Brashares, J.S., *et al.* 'Bushmeat Hunting, Wildlife Declines, and Fish Supply in West Africa' (2004) 306(5699) *Science* 1180-1183. (and) Luiselli, L., *et al.* 'Bushmeat consumption in large urban centres in West Africa' (2018) *Oryx* 1-4.

⁸ Bush, E.R., Baker, S.E., and MacDonald, D.W. 'Global Trade in Exotic Pets 2006–2012' (2014) 28(3) *Conserv. Biol* 663-676.

curios⁹, ranch animals¹⁰, and to prepare medicinal products¹¹? Not only are these open questions but, answers also are locked up inside the proverbial Pandora's box.

The wildlife-livestock interface is the amphitheatre where this sordid trade plays out as people hunt, gather, farm livestock with crops, and consume bushmeat. Poverty contributes to IWT when criminal gangs engage vulnerable communities to ply the trade which is now a multibillion-dollar business. To paraphrase Bronowski,¹² if domestication of animals was a milestone in the ascent of man, extermination of animals caused by IWT is a milestone in the descent of man.

Asian countries are the world's biggest market for trafficked wildlife and products, and they rely on species sourced from Africa to satiate the demand due to a steep decline in native wildlife species.¹³ Vietnam and Ethiopia are both source and transit hubs of IWT, with the traded species encompassing three biodiversity hotspots, namely the Eastern Afromontane, Horn of Africa, and Indo-Burma. Given that IWT is a multifactorial and wicked problem at the intersection of law enforcement, cultural heritage, and environmental management,¹⁴ this inquiry seeks to delineate the intercontinental trade link, drivers, policies, and wildlife laws that could curb wildlife crime.

1.1.2 The Need for Wildlife Laws and This Study

Wildlife crime pulls down growing economies like Ethiopia and Vietnam because loss of species adversely impacts nature, endemism, food security, and health¹⁵ in both countries. But a pervasive human-centred approach in both countries has led to a lack

⁹ Simon, A. 'The competitive consumption and fetishism of wildlife trophies' (2019) 19(2) *Journal of consumer culture* 151-168. (and) Festa-Bianchet, M., et al. 'Undesirable evolutionary consequences of trophy hunting', (2003) 426(6967) *Nature* 655-658.

¹⁰ Cousins, J.A., Sadler, J.P. and Evans, J. 'Exploring the Role of Private Wildlife Ranching as a Conservation Tool in South Africa: Stakeholder Perspectives', (2008) 13(2) *Ecology and Society* 43.

¹¹ Alves, R.R.N. and Rosa, I.L. *Animals in Traditional Folk Medicine: Implications for Conservation*. (2013) Springer-Verlag, Berlin.

¹² Bronowski, J. *The Ascent of Man* (1973) Little Brown and Company. Boston.

¹³ Utermohlen, M., & Baine, P. 'Flying Under the Radar – Wildlife Trafficking in the Air Transport Sector' (2019) Report. TRAFFIC.

¹⁴ Arroyave, Petersen, A. M., Jenkins, J., & Hurtado, R. 'Multiplex networks reveal geographic constraints on illicit wildlife trafficking' (2020) 5(1) *Applied Network Science* 1–20.

¹⁵ Brisman, & South, N. *Routledge international handbook of green criminology* (2020) 2nd ed Routledge, Taylor & Francis Group.

of ideas, will, and ethic to curb wildlife trafficking in both countries,¹⁶ and an array of wildlife species are on the brink of extinction as a result (Table 1).

Ethiopia			Vietnam		
Critically Endangered	Endangered	Vulnerable	Critically Endangered	Endangered	Vulnerable
African Wild Ass	Ethiopian wolf	Walia Ibex	Cat Ba Langur	Red-shanked Douc Langur	Burmese Python
	African wild dog	Bale Monkey	Tonkin Snub-nosed Monkey	Black-shanked Doc Langur	
	Mountain Nyala	Temminck's Pangolin	Grey-shanked Douc Langur	Southern Yellow-cheeked Gibbon	
	Swayne's Hartebeest	Prince Raspoli's Turaco	Western, Black-crested Gibbon	White-Cheeked Gibbon	
	Bale shrew	Ankober Serin	Eastern, Black-crested Gibbon	Hatinh Langur	
	Stresemann's bushcrow	Blue-winged goose	Northern White-cheeked Gibbon	Francois's Langur	
			Delacour's Langur	Pygmy Slow Loris	
			Sunda Pangolin		
			Chinese Pangolin		

Table 1. A Short-list of threatened species from the IUCN Red List¹⁷

¹⁶ Cao Ngoc, A. and Wyatt, T. 'A Green Criminological Exploration of Illegal Wildlife Trade in Vietnam' (2013) 8(2) *Asian journal of criminology* 129-142.

¹⁷ The IUCN Red List of Threatened Species . Version 2017. 5.2.

Effective wildlife laws and enforcement needed to reverse the declining wildlife population trends. The salient uses of wildlife laws include:¹⁸

- a. Conservation of animals as intangible cultural heritage, for e.g., the Ethiopian wolf (*Canis simensis*) and Delacour's langur (*Trachypithecus delacouri*) endemic to Ethiopia and Vietnam, respectively. Whereas the two endangered species are presently protected by strictly enforced 'no hunting' laws, species categorized as 'Least Concern' need protection from overharvesting with regulated hunting season, bag limits, and gear restrictions. Wildlife also needs legal protection against pollution of wilderness areas by industries discharging contaminants from mining and tannery wastes.
- b. Allocation of rights for sustainable utilization of natural resources, including wildlife, based on a licencing system, for e.g., Controlled Hunting Areas (CHA) in Ethiopia. Harvest quota is allocated for the mountain nyala (*Tragelaphus buxtoni*) an endemic and endangered antelope in the Abasheba-Demaro CHA located on the eastern flank of the Bale Mountains. A study on the population density estimates of the nyala found no adverse impacts on the health indices of the hunted nyala population to date likely due to the regulations in place.¹⁹
- c. Protection of free ranging and captive wildlife from cruelty as an extension of animal welfare standards is gaining traction in a world fraught with animal abuse. The Vietnamese Government has committed to closing of all bear farms by 2022,²⁰ although the demand for bear bile persists in the manufacture of traditional medicines and wildlife farming of other species is permitted. A lack of legislation in Ethiopia for a total ban on fur farming and civet farming highlight the need for wildlife laws.

¹⁸ Freyfogle E.T., Goble D. D, and Wildermuth T.A. *Wildlife Law: A Primer*. 2nd Ed. Island Press 2019.

¹⁹ Evangelista P., et al. 'Demographic Observations of Mountain Nyala *Tragelaphus Buxtoni* in a Controlled Hunting Area, Ethiopia'(2005) 3: 145 *J Biodivers Endanger Species*.1-7.

²⁰ Davis, E. O., et al. 'How Will the End of Bear Bile Farming in Vietnam Influence Consumer Choice?'(2022) 20(1) *Conservation & Society* 1-11.

- d. Managing invasive species labelled as pests or pets in a humane manner under a legal framework is an important function. Both human-baboon conflicts in Ethiopia,²¹ and the unregulated pet trade in exotic animals, of which Vietnam is a major exporter²² driving the spread of invasive alien species are examples of the two vexed conservation issues.
- e. Extermination of large mammals severely impacts the entire ecosystem which can only be recouped by species recovery.²³ Effective wildlife laws are an important tool to prevent loss of biodiversity due to wildlife trade given that cultural practices like bushmeat consumption cannot be curtailed by any other means. What was lost forever due to IWT in Ethiopia and Vietnam is lesser than what remains, and good wildlife laws with teeth enable conservation.

When local communities live ‘cheek-in-jowl’ with wildlife already restricted to relatively small, isolated protected areas with no corridors of connectivity there is a thin division between cultural aspirations and material needs. The tragedy of the commons²⁴ plays out in Ethiopia and Vietnam because a combined population of 220 million people consume meat-based staple foods produced in huge animal-industrial. The scale of meat production is not only carbon-intensive, but also a major driver in the overuse of natural resources,²⁵ especially wildlife as bushmeat.

Comparing the IWT issues shared by Ethiopia and Vietnam through the prism of wildlife laws is the purpose of this study. The need to compare the wildlife laws of Ethiopia and Vietnam, in general, is to determine how country-specific variables shaped their wildlife laws. They include demographics, socioeconomics, geopolitics, cultural traditions, drivers of IWT, legal histories, attitudes to animal welfare, and treaties.

²¹ Pai, M and Aliwo, S. ‘A Survey of Attitudes towards Human–Baboon Conflicts in a University Campus in Ethiopia’ (2014) 3 (4) *J Biodivers Manage Forestry* 1-2.

²²Nijman. ‘An overview of international wildlife trade from Southeast Asia’ (2009)19(4) *Biodiversity and Conservation* 1101–1114.

²³ Vynne, C., *et al.* ‘An ecoregion-based approach to restoring the world's intact large mammal assemblages’ (2022) *Ecography* e06098.

²⁴ Hardin, G. ‘The tragedy of the commons’ (1968)162 (3859) *Science* 1243-1248.

²⁵ Arcari, P. ‘Normalised, human-centric discourses of meat and animals in climate change, sustainability and food security literature’ (2016) 34(1) *Agriculture and Human Values* 69–86.

Specifically, this comparison is needed to determine the efficacy of wildlife laws of Ethiopia and Vietnam on the metric of enforcement, with an emphasis on the implementation of international agreements on trade in endangered species of fauna and flora.

1.1.3 Travels and Travails of Pangolins

The IWT link between Africa and Southeast Asia is seen in the thriving trade of pangolins. There are eight species of pangolins, four each in Africa and Asia (Fig 1). Pangolins are toothless, scaly anteaters, and the most-trafficked mammals on earth.²⁶ There are eight species of pangolins, four each in Africa and Asia, and all eight are on the edge of extinction with three Asian species classified as critically endangered, and the others are either endangered or vulnerable.²⁷ (Fig). Pangolin meat is considered a delicacy and health restorative²⁸ and its scales are used in the manufacture of traditional Chinese²⁹ and Vietnamese³⁰ medicines. The huge demand for pangolin meat and medicinal products in China and Vietnam has led to steep population declines in the Chinese and Sunda pangolins respectively and is the major driver in the trafficking of pangolins from Africa to China and Vietnam.^{31,32}

In 2019, in Vietnam where the Sunda pangolin is critically endangered, one kg of pangolin meat earned \$25 for a poacher, \$45 for a low-level trader, \$265 for a high-level trader, and \$350 for a restaurant serving wild meats. A full consignment of pangolins could net a trader \$50,000 and past records document the sale of 24 tonnes of

²⁶ Gaubert, P. *et al.* 'The Complete Phylogeny of Pangolins: Scaling Up Resources for the Molecular Tracing of the Most Trafficked Mammals on Earth' (2018) 109 (4) *Journal of Heredity* 347-359.

²⁷IUCN 2022. The IUCN Red List of Threatened Species. Version 2021-3.

²⁸ Volpato, G. 'Baby pangolins on my plate: possible lessons to learn from the COVID-19 pandemic' (2020) 16 (1) *J Ethnobiology & Ethnomedicine* 1-19.

²⁹ Stanislas, Z. *et al.* 'Ethnozoological and commercial drivers of the pangolin trade in Benin' (2021) 17 (1) *J Ethnobiology & Ethnomedicine* 1-11.

³⁰ Sexton, R. *et al.* 'The Use and Prescription of Pangolin in Traditional Vietnamese Medicine' (2021) 14 (1) *Tropical conservation science*, p.194008292098575.

³¹ Asia's Unceasing Pangolin Demand from 2015-2021 (2022). Report. TRAFFIC.

³² Ingram, D.J. *et al.* 'First records of pangolin trafficking in South Sudan' (2020) 58 (1) *African Journal of Ecology* 133-137.

pangolins for over \$2 million.³³ The volumes and revenues of the pangolin trade indicate why African pangolins are on the line, and where they likely end up in packages.

All eight pangolin species are monitored by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) since its inception in 1975, through a system of permits allocated for legally traded wild faunal and floral species listed in three Appendices.³⁴ The traded species are classified under these Appendices based on the level of threat due to global trade. Appendix I lists endangered species and CITES permits their trade only in exceptional circumstances. Appendix II lists species at the threshold of becoming endangered if their trade is not regulated. Appendix III lists species subject to domestic regulations by a country that is a Contracting Party to CITES with a request for the cooperation of other Parties to control international trade of the listed species.

Pangolins were listed in Appendix II in 1995, with a zero-export quota for the four Asian species to prevent trade from the year 2000 onwards. The Asian pangolins were traded much lesser than the African pangolins as a result.³⁵ According to a recent report of the CITES, the highest trade in pangolins takes place neither in southeast Asia, nor Africa, but in the U.S.³⁶ There is an urgent need to closely monitor all trade in pangolins, both legal and illegal, and strictly enforce laws to conserve the pangolins.

³³ Pai, Murali, *Tilo's Troops – Handiwork of a Primatologist in Vietnam*. Manipal Universal Press 2019.

³⁴ The Convention on International Trade in Endangered Species of Wild Fauna and Flora (2013). "[Appendices I, II and III](#)"

³⁵ Heinrich, S. *et al.*, 'Where did all the pangolins go? International CITES trade in pangolin species' 2016 (8) *Global Ecology and Conservation* 241-253.

³⁶ *Ibid*

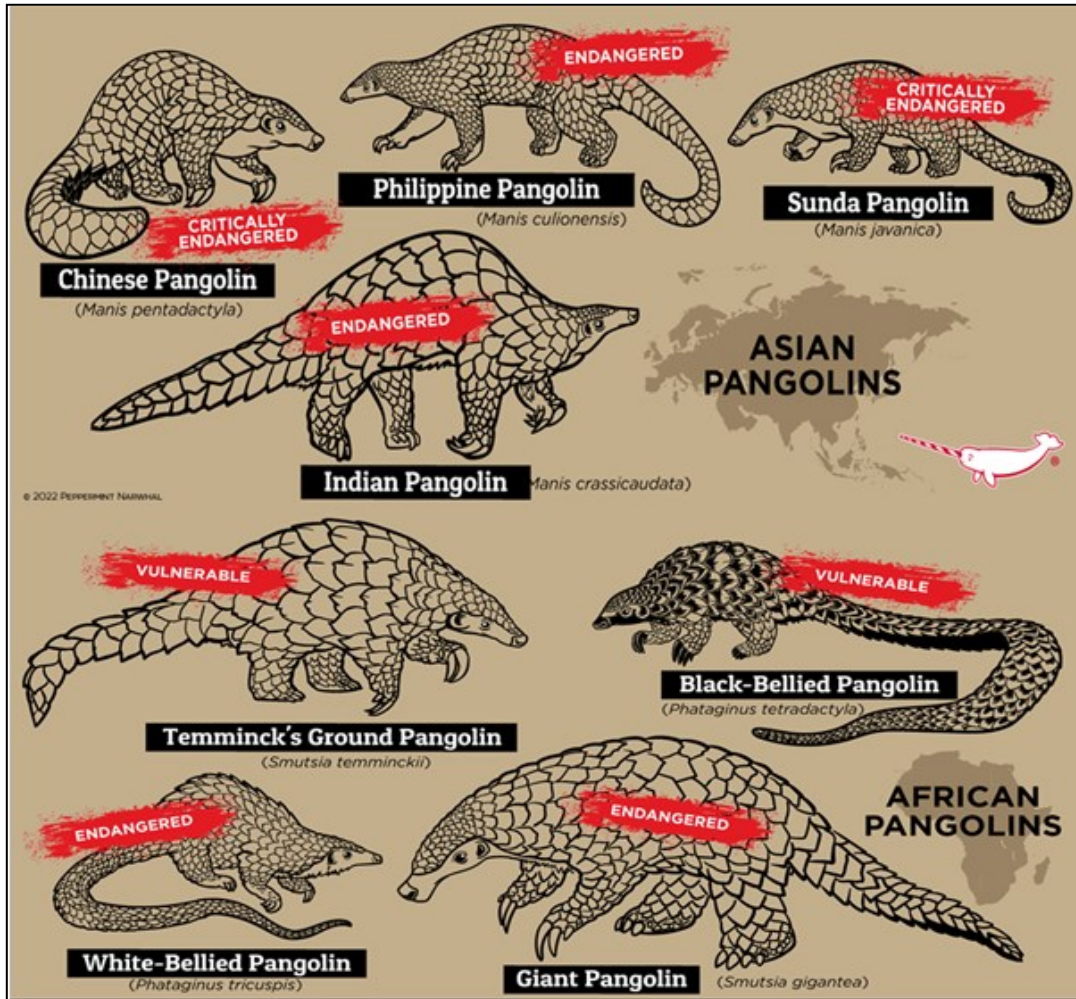


Fig 1. The Pangolins (pic credit: Peppermint Narwhal)

1.1.4 Field Notes on Pangolins

I travelled by bus on a late-night journey in mid-September 2016 with members of a Vietnamese wildlife NGO and forty Sunda pangolins in wooden crates. We were driven 1400 km from Cúc Phương National Park to Cát Tiên National Park in 18 hours with ample 'bio' breaks and steaming bowls of soup noodles (phở bò and phở gà). In the wee hours of the next morning, I jumped out of my skin when a pangolin brushed against my legs and slithered away to the front of the bus. The driver of our 'Pang Bus', a veteran pangolin catcher, calmly braked, stopped the bus, and carefully picked up the escape artist. The animal was boxed in a spare crate because it had drilled through the old one with pincer claws. We released the cohort of rescued pangolins later in the night within Cát Tiên. The forty pangolins were rescued two months ago from appalling conditions along with several dead ones stuffed in plastic bags. Wild animals are traded

alive or dead; as exotic pets or dismembered as skin, scales, bones, horns, and tusks for an insatiable global market in wildlife products.

How, why, and when did a nocturnal, toothless, long-tongued, scaly ant eater which turns into a curled-up ball as it sleeps through the day become critically endangered in Vietnam? Pangolins are not farmed like civets because they hardly reproduce in captivity. The plight of the Sunda pangolin exemplifies the extent of wildlife crime with seizure of pangolin scales increased 10-fold in just five years³⁷ mainly to supply the Chinese and Vietnamese Traditional Medical (C/VTM) industry. The scales are reportedly promoted blood circulation and increased lactation in nursing women, and the meat is consumed as a tonic as per C/VTM. In Nigeria, for example, pangolin body parts are used to treat a wide range of body and mental ailments.³⁸ The tools and terms for understanding IWT are critical to make informed policy interventions and effective laws to curb this seemingly unstoppable trade.³⁹

Two years teaching wildlife management at an Ethiopian University was quite an experience before the Vietnam stint. The tribes of southern Ethiopia including the Hamar, Ari, Banna, and Bashada were custodians of the last remaining wilderness. Antelope, giraffe, zebra, and lion abounded near their homestead, and sustainable harvest was part and parcel of their culture. A fast-tracking of the economy and rapid urbanization took away vast swathes of tribal lands for factories and sugar plantations. The wars raging in South Sudan, Somalia, and now Tigray have led to irreversible loss of biodiversity in Ethiopia. The scramble to build infrastructure at the expense of terrestrial and aquatic ecosystems has to habitat loss and species exterminations.⁴⁰ Consequently, bushmeat is scarce in comparison to Vietnam.

The comparison of wildlife laws of Ethiopia and Vietnam is not only a legal inquiry, but also an in-depth analysis of socio-economic, political, cultural, ecological,

³⁷ World Wildlife Crime Report 2020, United Nations Office on Drugs and Crime (UNODC).

³⁸ Ibid.

³⁹ Phelps, J., D. Biggs, and E.L. Webb. 'Tools and terms for understanding illegal wildlife trade' (2016) 14(9) *Front Ecol Environ* 479-489.

⁴⁰ Bauer, J. How Environmental and Societal Changes Affect Wildlife in the Tropics. In *Tropical Forestry Handbook* (2016) Springer Berlin Heidelberg 2177-2195.

policy, and enforcement aspects that influenced the law-making process to begin with. Furthermore, a comparison of legal systems that facilitate nature conservation in diverse countries is needed because a 'One-Size-Fits-all' approach cannot unravel the tangled skein of wildlife crime in general, and IWT in particular because of the complexity of the issues involved. This study examines how national wildlife laws work with international laws and agreements to promote, reinforce, and accelerate efforts to curb illegal wildlife trade.

1.1.5 Attitudes to Animal Welfare

In Ethiopia, Kitfo is a widely consumed delicacy. It is raw beef dipped in mitmita (hot spice) and mixed in niter kibbeh (clarified butter) with the body parts of butchered cattle arranged on dining tables at highway eateries in Ethiopia. Kitfo is eaten by customers by slicing off meat chunks with knives, to dip in mitmita (hot spices) mixed in niter kibbeh (clarified butter) just as customers would dip bread in hot molten cheese at a fondue restaurant in Switzerland. Although raw meat is consumed as Mett (raw ground pork) in Germany, and as Ossenswurst (raw beef sausage), it is unlikely European animal welfare laws or food hygiene standards would permit serving customers with freshly butchered ox limb, brisket, or head on dining tables at haute cuisine restaurants or even whole fish displayed in sushi restaurants popular across Europe.

In Vietnam, restaurants serving wild meats normally display live animals in cages for customers to choose from, and a pangolin, turtle, snake, or bird can be butchered in front of a customer as per their preferences. Trung vit Lon (fertilized duck egg), Tiet Canh (fresh blood soup), Bun Oc (sea snail soup), and Mam Tom (raw octopus) are popular street foods in Vietnam.

It is not only the optics, but also an awareness that joy, pleasure, pain, depression, and fear matter to animals as they do to humans. How animal welfare influenced wildlife laws of Ethiopia and Vietnam will be examined.

1.2 Research Objectives, Research Questions, Methods, and Study Limitations

1.2.1 Research Objectives

The general objective of this study is to examine how wildlife laws were made in Ethiopia and Vietnam, and how they have evolved over the years to take on wildlife crime with transboundary ramifications under the ambit of international law. The specific objectives are to: (a) find out how the social, cultural, and geopolitical factors contribute to IWT in the study countries (b) explore the causes and effects of the problem (c) examine the legal traditions, policy frameworks and the wildlife laws (d) and finally to look ahead by examining how wildlife laws in Ethiopia and Vietnam could be strengthened.

Given that Ethiopia and Vietnam are renowned for species richness and high endemism in both countries, integrating habitat status, human population pressure, ecology, and protection status into biodiversity conservation priority setting⁴¹ would be the first step in solving the wicked problem of wildlife trafficking and crime to conserve the threatened wildlife. The problem of IWT in Ethiopia and Vietnam is defined, and the policies that influence wildlife legislation are examined along with the factors that make both countries global hubs of IWT.

This study examines the wildlife laws of Ethiopia and Vietnam on the criteria of country profiles, legal traditions, animal welfare laws, drivers of IWT, wildlife laws and treaties, and trade links. Because wildlife laws concern natural heritage, economy, human health, and crime prevention they are compared in the backdrop of the said criteria.

1.2.2 Research Questions

1. What are the biodiversity challenges for Ethiopia and Vietnam and how does IWT link them up? (Chapter 1 & 2)
2. How did Ethiopia and Vietnam's political, historical, economic, and linguistic contexts mould their legal systems?⁴² (Chapter 3)

⁴¹ Shi, H *et al.* 'Integrating Habitat Status, Human Population Pressure, and Protection Status into Biodiversity Conservation Priority Setting.' (2005) 19(4) *Conservation Biology*, 1273–1285.

3. What are the causes and effects of IWT in Ethiopia and Vietnam, and the drivers? (Chapter 4)
4. How do attitudes on animal welfare shape wildlife laws in Ethiopia and Vietnam (Chapter 5)
5. What are the wildlife laws in Ethiopia and Vietnam and how do they compare? (Chapter 6)
6. How are national laws in Ethiopia and Vietnam implemented in conjunction with international treaties like CITES? (Chapter 7)
7. How do the findings tie into the big picture? (Chapter 7)?

1.2.3 Methodology

1. Field conservation studies in Ethiopia and Vietnam:

Teaching wildlife management at Arba Minch University in Ethiopia⁴³ (2013 -15), and rehabilitation of confiscated pangolins, civets, and primates in Vietnam⁴⁴ (2018 -19) inspired this inquiry into wildlife laws. First-hand work at the human-livestock-wildlife interface led to questions like 'Do law makers legislate laws in ivory towers, 'Did villagers who snared porcupine in Vietnam or civet in Ethiopia break laws because they had to eat,' 'Why do Westerners keep as pets lorises and budgerigars wild-caught from Vietnam?' Managing the nocturnal and defenceless pangolins informed on why they are the favourites of poachers. A pangolin or a loris can just be grabbed from a tree at night by someone familiar with their habits and habitats. The biodiversity challenges from the IWT perspective for Ethiopia and Vietnam include human-centred conservation approaches, cultural preference for bushmeat, unsustainable use of resources, civil unrest, complex wildlife laws, weak enforcement, and conviction is 'penalties-based' and not 'remediation-based.'

2. Case study of trade in pangolins and how this links the two countries:

Pangolins are type animals of this study because they are highly sought after for their meat and scales which purportedly have medicinal properties. Therefore, the Sunda

⁴² Eberle, E.J. 'The Method and Role of Comparative Law' (2009) 8(3) *Washington University Global Studies Law Review* 451-486.

⁴³ Pai, M and Serekebirhan, T.K. 'Training a New Generation for Careers in Wildlife Management in Ethiopia' (2016) 4 (2) *African Journal of Teacher Education* 1-6.

⁴⁴ Pai, M. *Tilo's Troops – Handiwork of a Primatologist in Vietnam*. Manipal Universal Press 2019.

pangolin in Vietnam is now critically endangered, and pangolins trafficked from Africa end up in southeast Asia to meet the unrealistic demand. The role of the national laws of Ethiopia and Vietnam along with CITES was examined in the case study of the pangolins. The field experience of releasing rescued pangolins into Cat Tien National Park in Central Vietnam from a pangolin rehabilitation centre in Cuc Phuong in North Vietnam is evidence of the elevated levels of trade in this species.

3. Review of literature on country profiles, legal traditions, animal welfare laws, policy framework, and wildlife laws of Ethiopia and Vietnam:

Much as Ethiopia seems different to Vietnam as chalk from cheese, their shared destinies bring them closer, especially in the context of IWT. However, the two countries were compared based on country profiles, legal traditions, animal welfare laws, wildlife policy frameworks, before their wildlife laws were juxtaposed.

4. Examine the problem trees and drivers of IWT that are common and specific to both countries.

A problem tree analysis was done by visualizing the main problem as the tree's trunk, causes as the tree's branches, and the effects as the tree's roots. The causes of IWT shared by Ethiopia and Vietnam were poverty, bushmeat consumption, human-centred conservation approaches, and cultural mores. The ongoing war in Tigray, Northern Ethiopia is an inciting cause. The effects of IWT in Ethiopia were food shortages, poaching and trafficking, species extinction and a rise in poverty.

Two causes unique to Vietnam were wildlife farming and Vietnamese Traditional Medicines (VTM) industry. The effects of IWT in Vietnam were high demand in wild meats, rampant poaching to supply VTM and wildlife farms, species extinctions, and a rise in poverty.

5. Elucidate the level of protection accorded to wildlife species by the national laws of Ethiopia and Vietnam.

The threatened species in Ethiopia and Vietnam are comprehensively classified in the IUCN Red List, and the status of their trade listed in the CITES Appendices. The level of

protection accorded to threatened species by law is generic in Ethiopia. Vietnam has issued a list of species protected by law⁴⁵ and included them in a Red Data Book of threatened species⁴⁶. The status quo of threatened species and the level of protection was assessed at length.

6. Interpret the role of multilateral treaties like CITES in supporting the wildlife laws of Ethiopia and Vietnam.

CITES not only reinforces national wildlife laws of Ethiopia and Vietnam but proves its mettle as a standalone treaty to prevent the overuse of trade in species comprehensively listed in its three Appendices. But for CITES, the four African pangolin species would be closer to extinction like the Asian species because the trade curbs set by CITES seemed to be working.

1.2.4 Limitations

The inherent differences between people of two nationalities are subjective, although laws can be objectively analysed. The lack of survey of attitudes to animal welfare and conservation in the study countries is a limitation because this is integral to wildlife legislations.

This is a preliminary study of wildlife laws of Ethiopia and Vietnam. A good grasp of their laws in Amharic and Vietnamese is a must for comparison which lacks in this study. However, a ground has been laid for an analysis of wildlife policies and laws as a well-structured study in green criminology as a future endeavour. The fight against IWT comes under the ambit of national security but could be thwarted when those living in war zones take to wildlife poaching as the society is inured to the conflicts and crimes, regardless of the law-and-order situation.⁴⁷ Not knowing the realities in war-torn Ethiopia is a limitation.

⁴⁵ Govt. of Vietnam Decree No.32/2006/ND-CP and Decree No.59/2005/ND-CP along with Circular No.02/2006/TT-BTS.

⁴⁶ Vietnam Red Data Book. Part I and II. 2007. Ministry of Science and Technology & Vietnamese Academy of Science and Technology.

⁴⁷ Duffy, R. 'Crime, Security, and Illegal Wildlife Trade: Political Ecologies of International Conservation' (2022) 1(22) *Global Environmental Politics*.

1.3 Outline of thesis

Chapter 2 profiles Ethiopia and Vietnam in the context of their biodiversity which is rich in species and endemism but threatened by a thriving illegal trade in wildlife and trafficking. The problems trees illustrate the causes and effects of IWT and provide a bird's eye view of the issue. The IWT link between Africa and Southeast Asia is illustrated with the example of the pangolins.

Chapter 3 examines the legal traditions of Ethiopia and Vietnam that provide the necessary policy and legal framework for wildlife conservation.

Chapter 4 elucidates the drivers of IWT common to both countries and specific to them as well to understand the similarities and differences in the context of wildlife laws in Ethiopia and Vietnam.

Chapter 5 determines attitudes to animal welfare, laws that enable it, and the role they likely play in wildlife legislations of Ethiopia and Vietnam. A compassion for animals possibly sets the agenda for wildlife conservation, and a lack of it detracts from it. Therefore, animal welfare standards in the study countries likely influenced the shaping of their wildlife laws.

Chapter 6 compares the wildlife laws of Ethiopia and Vietnam in the backdrop of their policies. The role of international agreements, specifically CITES, is fleshed out and how CITES works together with the national laws is determined.

Chapter 7 synthesizes the research done and brings together the pieces that make up the fascinating picture that emerged on comparing the wildlife laws of Ethiopia and Vietnam. Recommendations to strengthen the protection of threatened species and future direction for wildlife legislation are discussed.

2. COUNTRY PROFILES

2.1 Ethiopia

The Federal Democratic Republic of Ethiopia is the most populous (120 million) landlocked country in the world. It shares borders clockwise with Eritrea, Djibouti, Somaliland, Somalia, Kenya, South Sudan, and Sudan.

Ethiopia holds 25% of the continent's biodiversity and several endemic species within its borders. "There are 320 mammals, 860 birds, 240 reptiles, 71 amphibians, 150 freshwater fish, and over 1,225 arthropods and 6,600 plant species in Ethiopia."⁴⁸ The country is renowned for the genetic diversity of crops, of which there are 11 cultivated crops, and wild-growing ones like coffee, teff, enset, noug, and anchote among others.

The endemics include "the Ethiopian wolf (*Canis simensis*), Swayne's hartebeest (*Alcelaphus buselaphus swaynei*), Rasplio's turaco (*Menelikornis ruspolii*), Stresemann's bush crow (*Zavattariornis stresemanni*), Bale mountains frog, and the Ethiopian mountains adder (*Bitis parviocula*)."⁴⁹ Among the threatened taxa, "There are six critically endangered, 23 endangered, and 70 vulnerable species of wild animals in Ethiopia."⁵⁰

Ethiopia and Somalia go by the moniker of 'sad sisters of Africa' due to cyclic periods of famine, poverty, coup, and civil unrest. How these factors cause land use-land changes leading to exploitation of natural resources and undermine Ethiopia's biodiversity is a moot point.⁵¹ The Eastern Afromontane hotspot encompassing Ethiopia, Sudan, South Sudan, Rwanda, and Kenya has had high levels of ethnic strife that

⁴⁸ Pai, M and Serekebirhan, T.K. 'Wildlife Management in Ethiopian Universities: Can a Pen Move Mountains?' (2014) 2(1) *J Biodivers Endanger Species* e112.

⁴⁹ Ibid

⁵⁰ Dabella, Habte. 'Command and Control: 75 Years of Quasi Wildlife Policy Analysis of Ethiopia' (2019) 22(1) *Journal of International Wildlife Law & Policy* 33-54.

⁵¹ Gebretsadik, Teklu. 'Causes for Biodiversity Loss in Ethiopia: A Review from Conservation Perspective' (2016) 16(11) *Journal of Natural Sciences Research* 32-40.

blunted their conservation priorities.⁵² There is a premise that small wars emerge when the ecosystem becomes a political asset.⁵³

Ethiopia's pluralistic society comprises about 80 ethnolinguistic groups. The major ethnic groups in the country include Oromo (34.4%), Amhara (27%), Somali (6.2%), Tigray (6.1%) and Sidama (4%).⁵⁴ Peace and amity among people is tenuous, but critical for normative democratic, economic, socio-political processes, and biodiversity conservation as well. However, traditional ecological knowledge (TEK) of the local communities, especially the tribes of southern Ethiopia at the intersection of north Kenya and South Sudan, namely the Hamar, Ari, Banna, and Bashada draws upon centuries of continuous interaction with the environment, generally handed down orally through generations. The knowledge of indigenous peoples is practical, observation based, linked to traditional livelihoods, and fosters sustainable development and an ability to preserve game stocks.⁵⁵

Human Development Index (HDI), a key economic and social indicator was used to compare the study countries. HDI is a statistical index calculated on three indices of human development viz., life expectancy, education levels, and standard of living measured by Gross National Income (GNI) per capita. A mean of these three indices is the HDI, and a score near 'one' denotes a high level of economic development, while 'zero' denotes a very low level.

Ethiopia with GNI per capita⁵⁶ \$ 2,410, and HDI 0.485 was ranked 173 out of 189 countries. Norway with GNI per capita \$ 65,500, and HDI 0.957, was ranked first out of 189 countries (2020). This difference between the two countries is not only significant, but also shapes the conservation priorities of the 'haves' and 'have nots.' Ethiopia's climate crisis is evident from the cyclic drought and famine that grips the Horn of Africa, the commissioning of the Grand Ethiopian Renaissance Dam (GERD) on the Blue Nile

⁵² Hanson, T. et al. 'Warfare in Biodiversity Hotspots' (2009) 23(3) *Conserv.Biol* 578-587.

⁵³ Malmud, Marina. 'The Environment as a Factor in Small Wars' (2018) 29(2) *Small wars & insurgencies* 245-268.

⁵⁴ Crous, W. Human Capital and Labour Report of Ethiopia (2016) K R Publishing.

⁵⁵ Koivurova, T. Introduction to international environmental law (2014) Routledge.

⁵⁶ The World Bank data <https://data.worldbank.org/indicator/NY.GNP.PCAP.PP.CD>

notwithstanding. The economic impacts of climate change for Ethiopia dependant on rain-fed agriculture include crop failure, unproductive livestock, less hydropower, heavy floods, and damaged roads.⁵⁷

Ethiopia veered from its growth trajectory due to the ongoing civil unrest, COVID-19 pandemic, high inflation, and the climate crisis. An ecological crisis due to species extinction from unabated IWT would be the proverbial last straw on the camel's back. Can the wildlife policies and laws of Ethiopia avert the looming crisis?

2.2 Vietnam

Vietnam is a Socialist Republic in Southeast Asia with 99 million people living in a landmass that is like a finger jutting into the South China. Although France invaded Vietnam in 1858, the French took 26 years to take control of it, and Vietnam was a part of the French Indochina by 1887 and remained a French colony till the communist forces led by Ho Chi Minh defeated the war-worn French in 1954. The small country underwent a big division in 1954 when North and South Vietnam were created as per the Geneva Accord. The U.S. allied with South Vietnam and a long and dreary war was waged right up to a peace declaration in 1973, after the U.S. finally withdrew. Vietnam was reunified after two years as a communist country.

All the wars did not take away Vietnam's species richness and high endemism with several plant and animal species newly described to science in the past three decades, including the saola (*Pseudoryx nghetinhensis*) a forest-dwelling wild bovid; this was an exciting large mammal discovery in the world after 50 years, in 1993.

Vietnam is a part of the Indo-Burma biodiversity hotspot; among 25 highly biodiverse global regions with a high rate of endemism. It lies within the Indochinese Peninsula, which includes Cambodia, Lao PDR, Myanmar, Thailand, parts of southern China and northeast India.⁵⁸ The second highest primate diversity in Asia after Indonesia, is in Vietnam with about 40 species; it has 26 taxa comprised of 12 colobine

⁵⁷ Robinson, S. *et al.* 'A dynamic general equilibrium analysis of adaptation to climate change in Ethiopia' 2012 16(3) *Review of Development Economics* 489-502.

⁵⁸ Tordoff, A.W. *et al.* 'Key Biodiversity Areas in the Indo-Burma Hotspot: Process, Progress and Future Directions' (2012) 4 (8) *Journal of Threatened Taxa* 2779–2787.

monkeys, six gibbons, six macaques, and two lorises. The biogeography of Vietnam is singular with the Truong Son Mountain Range (Annamite Range), and Sông Mê Kông (Mekong River) as the mainstay of biodiversity.⁵⁹ The Red River Delta in the north and the Mekong Delta in the south are densely populated, intensively farmed, differ in hydrologic features, and host a range of diverse fauna and flora.⁶⁰

There are 54 ethnic groups comprising the Kinh 85.7%, Tay 1.89%, Thai 1.8%, Muong 1.47%, Khmer 1.46%, Chinese 0.95%, Nung 1.12%, and Hmong 1.24%,⁶¹ with a 'hunter-gatherer' legacy. Vietnam's GNI per capita was \$8,150, and with HDI 0.69, it was ranked 118 out of 189 countries (2020).

Agriculture remained the root of the Vietnamese society, mostly smallholders tilling small land parcels while coping with declining arable land, and a shortage of young farm hands.⁶² The renovation policy (*doi moi*) started by the Vietnamese government in 1986, was a reform to liberalize and restructure the economy to make it competitive and boost exports after years of economic downturn. The VTM or the traditional medicines industry and wildlife farming were the key areas that could contribute to the success of the renovation policy, and this marked a spurt in ITW in the region as well.⁶³ It was a double whammy that suits the infamous "Golden Triangle", a special economic zone in Laos that shares borders with Thailand, Myanmar, and China's Yunnan Province. This is the global hub of IWT and wildlife trafficking in addition to a stockpile of drugs and opium.

Vietnam is an engine of growth in southeast Asia, an economy that trundles despite similar challenges faced by Ethiopia, minus the civic unrest that buffets the latter. Its chequered past with imperialism and colonialism makes the Vietnamese strive

⁵⁹ Pai, Murali, *Tilo's Troops – Handiwork of a Primatologist in Vietnam* Manipal Universal Press. 2019.

⁶⁰ Sterling, E. *et al.* Vietnam: A Natural History. 2006. Yale University Press.

⁶¹ "VIETNAM: COUNTRY PROFILE*", 2013, *Current Politics and Economics of South, Southeastern, and Central Asia* (2013) 22 (3) 377-394.

⁶² Thompson, E. *et al.* Asian Smallholders in Comparative Perspective (2019) Amsterdam University Press.

⁶³ Ibid

for better days without compromising on nature conservation. However, cultural practices and social mores are not conducive to sustainable utilization of resources, which is the domain of illegal wildlife trade. The urban elite tend to splurge on wildlife products especially wildmeat and health tonics with wildlife derivatives. Vietnam is still a marvel of biodiversity because one slip of a country carries all it can despite upheavals.

In summary, Ethiopia and Vietnam share similar biodiversity influences from demographics, geopolitics, livelihoods, and borders with countries that are a potential conduit to IWT with the ongoing armed conflicts in Ethiopia and Vietnam's proximity to the golden triangle, a global IWT hub, as singular country specific attributes.

3 LEGAL TRADITIONS

Law making goes hand in hand with a country's legal tradition that shapes laws meaningful to its citizens. The two main legal traditions of the world are common law tradition and civil law tradition. In the common law tradition, case law in the form of published judicial opinions is of the essence, whereas in civil law tradition it is the codified statutes. The wildlife laws of Ethiopia and Vietnam evolved under their civil law traditions moulded by their chequered histories.

3.1 Ethiopia

Ethiopia follows a civil law system with a lingering shadow of Fetha Nagast (The Law of the Kings), the book of laws enforced by the erstwhile Ethiopian monarchy grounded in Christian orthodoxy for centuries.⁶⁴ The judiciary was derived from the clergy, which not only assumed intellectual superiority but wielded moral authority over the public as well.

Three centuries of clerical judges led to a stereotype that they were superhuman because of their moral fortitude, wisdom, and fairness.⁶⁵ If this situation were to linger even now, one would argue such beliefs emanated from foreign law. That said, religion is intertwined with the social fabric in Ethiopia, and Ethiopian law makers are working to ensure it does not spill over into their present laws.

The diverse normative systems therefore include the formal state law, tribal orders of more than 80 ethnic groups, canon law, certified arbitration forums, and spirit mediators between humans and supernatural forces.⁶⁶

The Ethiopian Civil Code (1960) deals with alternative dispute resolution mechanisms such as conciliation, compromise, and arbitration.⁶⁷ Other mechanisms

⁶⁴ Heron, C.A. 'A Christian Oasis: The Role of Christianity and Custom in the Laws of Ethiopia' (2018) 51(3) *Cornell International Law Journal* 6.

⁶⁵ Wondirad, A. An overview of the Ethiopian legal system (2013) Presentation. New Zealand Association of Comparative Law (NZACL).

⁶⁶ Epple, S & Assefa, G. (eds). *Legal Pluralism in Ethiopia – Actors, Challenges, and Solutions* (2020) Verlag, Bielefeld.

⁶⁷ Krzeczunowicz, G. 'A New Legislative Approach to Customary Law: The "Repeals" Provision of the Ethiopian Civil Code of 1960' (1963) 1(1) *Journal of Ethiopian Studies* 57-67.

include the labour law, ombudsman, Ethiopian Arbitration and Conciliation Centre and the Draft Mediation Law. The adoption of the Universal Declaration of Human Rights (UDHR) and related convention and treaties was the debut of international law in Ethiopia's legal ecosystem. It paved the way to laws protecting human rights in Ethiopia's constitution of 1995 and led to proclamations of animal rights and wildlife conservation in the due course.

The judges are "investigators" who conduct court matters by bringing charges, examining witnesses, and referring to legal codes. Although lawyers represent their clients in civil matters, they have a lesser role. As in common law systems, the lawyers prepare legal briefs for their clients, advise them on the legal modalities to ensure their writ petitions are filed as per the court procedures.⁶⁸

There is greater awareness and affirmative action on constitutional recognition of the status and law of ethnic tribes in Ethiopia.⁶⁹ However, more judicial reforms are needed to pull this bellwether country in the Horn of Africa from the precipice of civil war that it presently finds itself at.

In summary, Ethiopia turned the page from imperialism when the last king of Africa was deposed by a coup before democracy took root. Despite legal pluralism, negotiations between the state, religious and customary legal practitioner, government officials, legal activists, local leaders, and political functionaries⁷⁰ confer checks and balances to uphold the rule of law.

Wildlife laws of Ethiopia also work under the remit of legal pluralism which makes arbitration of wildlife crime onerous, tedious, and time-consuming. Civil unrest puts a further damper because war subsumes human rights and everything else in its wake.

⁶⁸ Glenn, H.P. *Legal Traditions of the World*. 5th Ed. Oxford University Press, 2014

⁶⁹ Ibid.

⁷⁰ Epple, S & Assefa, G. (eds). *Legal Pluralism in Ethiopia – Actors, Challenges, and Solutions* (2020) Verlag, Bielefeld

3.2 Vietnam

Vietnam was a monarchy until colonization by France in 1887 and remained occupied for almost six decades before the U.S. jumped into the Vietnam war in 1955, after the French were defeated in the Battle of Dien Bien Phu in 1954. The Vietnamese were used to obeying the King's command as law. But lawlessness pervaded the country even after its independence from France on 2nd September 1945 till the country was reunified in 1975. The emergence of a legal system in a new Vietnam therefore has touches of its feudal past which continued even as it was a French colony. The citizens sparingly took to legal recourse and worked their social connections to settle disputes. This is true to some extent even now.

Vietnam's civil law system broke ground in 2008, and its sources of law include 12 legal documents with hierarchical legal validity, of which, the constitution is supreme in the national legal system (Article 2, Law on Laws 2008).⁷¹ The erstwhile Soviet Union's civil law system tweaked by the Marxist-Leninist ideology was a prototype Vietnam relied upon during its war years and after it became a single nation. Vietnam's constitution came into being in 1980 with liberal inputs from the constitution of the former Soviet Union.⁷² The Socialist Republic of Vietnam is "a state of proletarian dictatorship (Art. 2),⁷³ comprised of the proletariat, peasants, and political class (Art. 3)." The constitution contained a "provision on the singular role of the Communist Party of Vietnam as the only political party (Art. 4)." The "party's organizations operate within the framework of the constitution (Art. 4, Par. 3)."⁷⁴

The Vietnamese and Soviet court systems resembled each other. The communist party, elected judges and assessors led both countries and were expected to demonstrate revolutionary morality, senior courts play a key role in guiding lower

⁷¹ The Law No. 91/2015/QH13. Civil Code. Socialist Republic of Vietnam, 2015.

⁷² Glenn, H.P. Legal Traditions of the World. 5th Ed. Oxford University Press, 2014

⁷³ Constitution of the Socialist Republic of Vietnam, Fourth National Assembly Seventh Session on 18.12.1980 and promulgated on 19.12.1980

⁷⁴ Ibid

courts, and they have a propagandist function to inculcate law and order to the masses.⁷⁵

A new Civil Code 2015 came into force in 2017 to replace obsolete laws, and bring clarity, transparency, and consistency to the legal system of Vietnam. Earlier in 2014, a Law of Investment (LOI) was enacted followed by a decree guiding its implementation.⁷⁶ This LOI bars investors from operating seven businesses including trade in specimens of rare and/or endangered species of wild fauna and flora.⁷⁷

Given that the legal system in Vietnam is in a state flux, public interest litigation has emerged as a legal tool in the backdrop of a plethora of laws enacted, promulgated, revised, or amended in the past decades at the behest of stakeholders thereof.⁷⁸

In summary, the Vietnamese are diffident about their rather complex legal system and seem inured to its social functions as well. Law is seen as a weapon used by those in power to impose sanctions and penalties, which is unfortunate in the context of wildlife crime. Although the local government system at the provincial, district, and commune levels can adjudicate local issues like wildlife poaching within the scope of authority, arbitration is tedious, tardy, and usually gets transferred to higher courts even as wildlife offences escalate with each passing year.

⁷⁵ Nicholson. *Borrowing court systems : the experience of Socialist Vietnam*. (2007) Martinus Nijhoff Publishers, Boston.

⁷⁶ Decree 118/2015/ND-CP guiding the implementation of the Law of Investment 2014.

⁷⁷ Article 6 of the Law of Investment 2014

⁷⁸ Sidel M. *Law and Society in Vietnam : The Transition from Socialism in Comparative Perspective* (2008) Cambridge University Press.

4 PROBLEM TREES & DRIVERS OF ILLEGAL WILDLIFE TRADE

Every good business is an intricate supply chain greased with the right investment, sales targets, marketing, and efficient delivery. Wildlife trade is no different, although right-thinking people would hardly say anything good about the macabre trade in 'half-dead' animals or their body parts in packages. However, this study is about wildlife laws and examining the causes and effects, and drivers of IWT in Ethiopia and Vietnam sets the stage for it.

4.1 Problem Tree of IWT in Ethiopia

The tree's branches (causes of IWT) emerging from the trunk (IWT problem) (Fig 3) include hunter-gatherer tradition,⁷⁹ dietary habits,⁸⁰ climate crisis⁸¹, high inflation, civil unrest, and a lack of conservation awareness.⁸² The red flags tied to the branches are: (a) ban on hunting; a total ban on hunting is not feasible in Ethiopia because the controlled hunting areas in the country brings in revenues from rich tourists who purchase hunting permits which are out of bounds for most Ethiopians. (b) urbanization; the wilderness areas are declining due to rapid urbanization and encroachments . (c) weak policies and laws; due to a lack of political will and the compulsion of vote bank politics.

The tree's roots (effects of IWT) are chronic food shortages, poaching and wildlife trafficking as an alternate livelihood, biodiversity loss, and rise in wildlife crime. Just as a big tree can be felled due to unseen threats, biodiversity can be lost due to insidious IWT.

⁷⁹ Arthur, J.W. *et al.* 'The transition from hunting-gathering to food production in the Gamo highlands of Southern Ethiopia' 2019 36 (1) *The African Archaeological Review*. 5-65.

⁸⁰ Gurmu, A.B. *et al.* 'Cost-minimized nutritionally adequate food baskets as basis for culturally adapted dietary guidelines for Ethiopians' 2019 11(9) *Nutrients* 2159.

⁸¹ Comenetz, J and Caviedes, C. 'Climate variability, political crises, and historical population displacements in Ethiopia' 2002 4(4) *Environmental Hazards* 113-127.

⁸² Bas, D. *A History of the Seventies: the political, cultural, social, and economic developments that shaped the modern world.* Vernon Press.

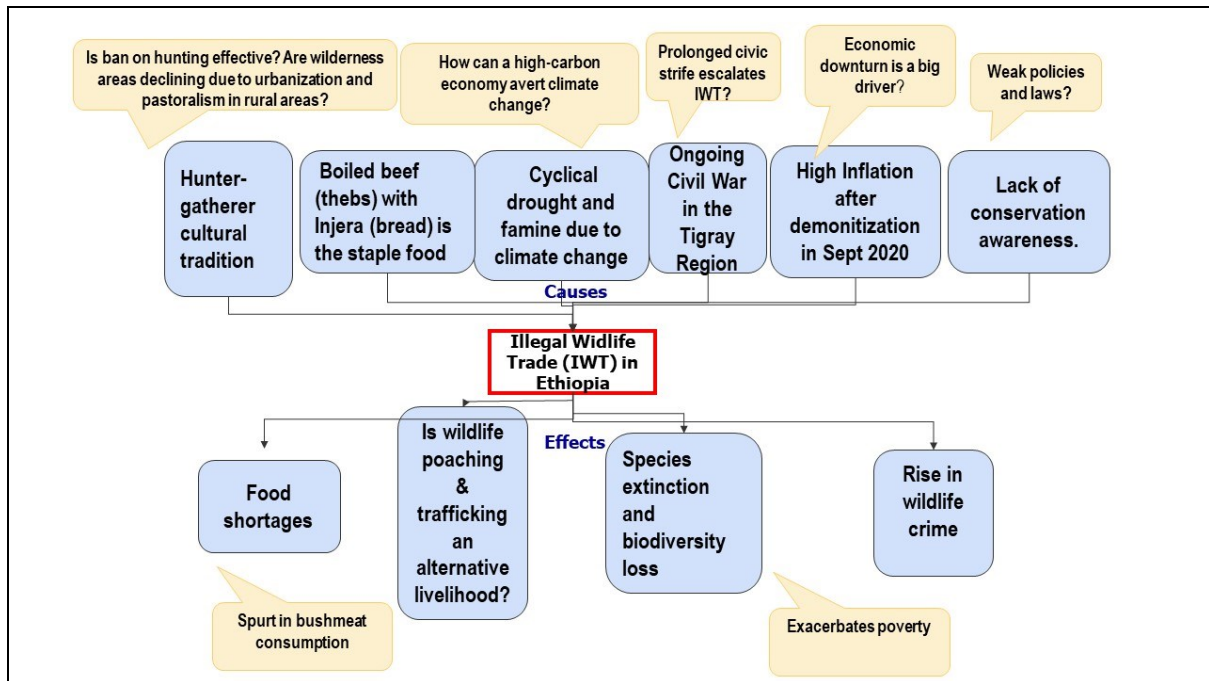


Fig 2. Causes and Effects of IWT in Ethiopia

4.2 Problem Tree of IWT in Vietnam

This tree's branches (causes of IWT) emerging from the trunk (IWT problem) (Fig 4) include hunter-gatherer tradition, dietary habits, popular use of wildlife products in Vietnamese Traditional Medicines (VTM), legal wildlife farms, and a lack of conservation awareness. The red flags tied to the branches are: (a) ban on hunting does not work because wilderness areas are now lesser (b) wildlife products used across the border in Chinese traditional medicines (c) spurt in poaching to supply shortages in wildlife farms (d) weak policies and laws

The tree's roots (effects of IWT) are high demand for wild meats among the urban elite as a status symbol while villagers hunt the odd wild pig or porcupine.⁸³ The resultant high level of poaching also supplies the VTM industry leading to biodiversity loss and rise in wildlife crime.

⁸³ Drury, R. 'Identifying and understanding consumers of wild animal products in Hanoi, Vietnam: Implications for conservation management. (2009) Ph.D. Dissertation. University College London

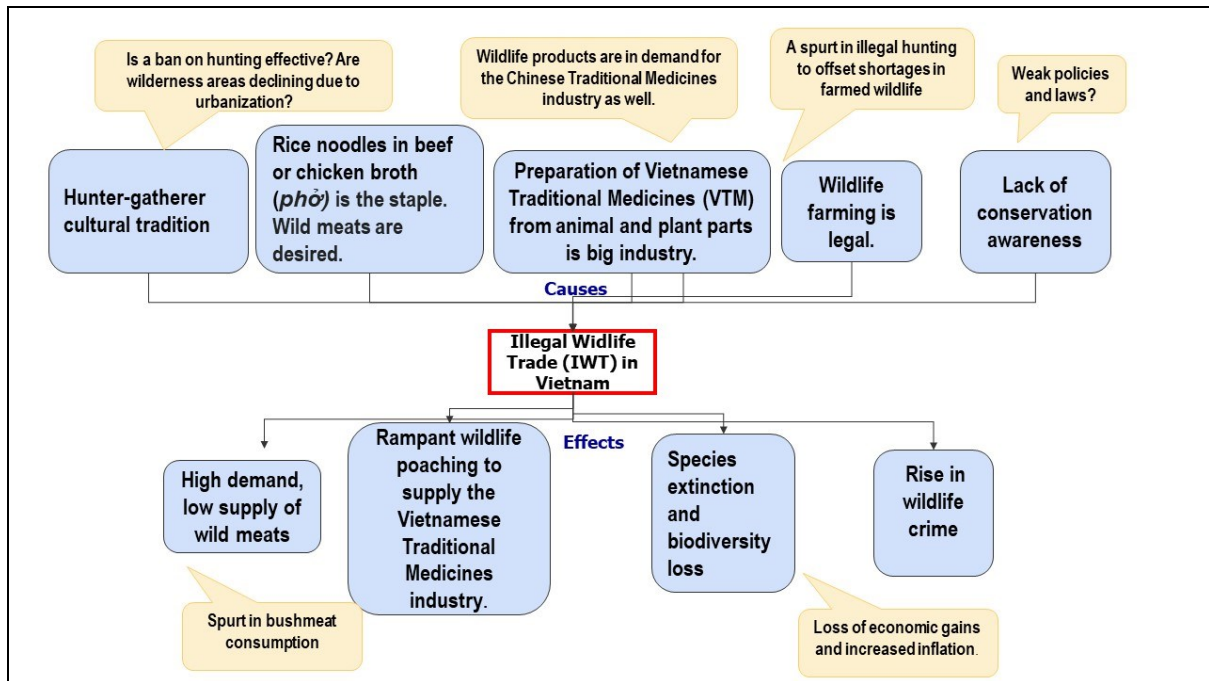


Fig 3. Causes and Effects of IWT in Vietnam

4.3. Drivers of IWT in Ethiopia

Ethiopia has suffered at least one famine every decade for 500 years and is presently in the grip of another one along with the war in Tigray. The famine in 1973 led to 200,000 deaths by starvation, and the monarchy was overthrown by the Derg i.e., military junta in 1974.⁸⁴ During the military rule that lasted until 1987, botched up land reforms, agrarian crisis, and the famine continued. The advent of democracy in the nineties and a division of the country based on ethnicities could not fully undo these crises. Armed ethnic conflicts, and social insecurity hasten biodiversity loss due to high wildlife poaching levels during lawlessness prevailing even now.⁸⁵

The Ethiopian people are among the most diverse among the world with more than 100 distinct ethno-linguistic groups ranging in size from 10,000 to nearly 30

⁸⁴ Crummey, D *et al.* Farming and Famine: Landscape Vulnerability in Northeast Ethiopia, 1989-1991. University of Wisconsin Press 2018.

⁸⁵ Brito, J.C. *et al.* 'Armed conflicts and wildlife decline: Challenges and recommendations for effective conservation policy in the Sahara-Sahel', (2018) 11(5) *Conservation letters* e12446.

million⁸⁶ of an estimated 115 million population in 2021. Hunting is part and parcel of their culture, as also bushmeat consumption. This is an intractable issue with four main barriers:⁸⁷

- (i) The local people feel left out of the conservation agenda as they have no rights to use wildlife resources. There is no incentive in preventing abuse of wildlife as well.
- (ii) Large scale hunting for bushmeat could lead to the extermination of large mammals; an ecosystem setback that may never be redeemed.
- (iii) Farming wildlife is not the same as farming livestock because breeding wild animals in captivity is unsustainable.
- (iv) Urbanization is the bane of wilderness areas in Ethiopia. There was loss of forest cover with steep declines in grasslands and wetlands over 35 years in a study of the Kaffa biosphere reserve, Ethiopia.⁸⁸

Ethiopia is worse off with wildlife conservation although it was never colonized, whereas colonized countries in Africa have a better record in conservation. An analysis of policy instruments of the monarchy, military regime, and the present-day democracy revealed a 'command & control' policy practiced over 75 years has led to widespread habitat loss, species declines, and extinction as well.⁸⁹

Ethiopia is both a source and a transit country for international wildlife trade in at least 32 species, and home to four vulnerable species – Cheetah (*Acinonyx jubatus*), dorcas gazelle (*Gazella dorcas*), Soemmerring's gazelle (*Nanger soemmerringii*), and the endangered Speke's gazelle (*Gazella spekei*). Cheetah cubs and antelopes are in demand as exotic pets in the Arabian Peninsula.⁹⁰ A study of wildlife trade and trafficking in

⁸⁶ Hogan, Lindstrom, D. P., & Hailemariam, A. *The Resilient Families of Ethiopia : Population Dynamics in a Society in Crisis*. (2014) The Edwin Mellen Press.

⁸⁷ Wilkie, D. *et al.* 'Eating and conserving bushmeat in Africa' (2016) 54(4) *African Journal of Ecology* 402-414.

⁸⁸ Mengist, Wondimagegn. 'Monitoring Afromontane Forest cover loss and the associated socio-ecological drivers in Kaffa biosphere reserve, Ethiopia' (2021) 6 *Trees, Forests and People* 100161.

⁸⁹ Dabella, Habte. 'Command and Control: 75 Years of Quasi Wildlife Policy Analysis of Ethiopia' (2019) 22(1) *Journal of International Wildlife Law & Policy* 33-54.

⁹⁰ Wingard, J. *et al.* *Ethiopia: Wildlife Trade Legal Gap Analysis* (2020) Legal Atlas, LLC.

Ethiopia found China to be the most frequent destination country and Chinese nationals the most frequently apprehended traffickers.⁹¹

4.4 Drivers of IWT in Vietnam

Vietnam is a hotspot, an important hub for the consumption of plant and wildlife products, and a transit point for international wildlife trade in southeast Asia.⁹² A human-centred approach to managing Vietnam's diverse ecosystems, historic consumption of bushmeat, fast-growing economy, and recent biodiversity laws make it hard for the country to surmount environmental challenges.⁹³

Wildlife farming is a big enterprise in Vietnam, and the government permits the farming of protected wildlife species for the much-needed foreign exchange. Twelve provinces in southern Vietnam had 4000 farms with 180 species, and a total of 1.2 million animals, including protected and endangered species as per a FAO survey that also found that these farms colluded with the poachers to replace their stock with wild-caught animals and fudge their inventories.⁹⁴

A study found 24 dried wildlife products were popular as "souvenirs, decoration, food, or medicine" in Vietnam with the most popular being "bear bile, tiger teeth, bear teeth, artistic ivory, artistic turtle shell, pangolin scales and sea turtles." Of the huge revenues earned by these illegal dried wildlife products, bear bile sale was the highest⁹⁵ Bear bile is renowned among VTM products as a panacea of all ailments and is widely used to treat diarrhoea, pains and aches, jaundice, and poisoning. Patients aver traditional medicines are gradual and natural health restoratives minus side effects

⁹¹ Tessema, M. *et al.* 'Trend, Challenges and Opportunities of Illegal Wildlife Trafficking and Trade Activities within and through Ethiopia' (2021) 44(1) *Sinet* 47-61.

⁹² Nguyen, Duc Hanh & Dinh, Thi Mai. 'Impacts of wildlife trade and sustainable development in Vietnam' (2020) 157 *E3S web of conferences* 3301.

⁹³ Cao Ngoc, A. and Wyatt, T. (2013) 'A Green Criminological Exploration of Illegal Wildlife Trade in Vietnam' (2013) 8(2) *Asian journal of criminology* 129-142.

⁹⁴ Pai, Murali, *Tilo's Troops – Handiwork of a Primatologist in Vietnam* (2019) Manipal Universal Press.

⁹⁵ Cao Ngoc, A. and Wyatt, T. (2013) 'A Green Criminological Exploration of Illegal Wildlife Trade in Vietnam' (2013) 8(2) *Asian journal of criminology* 129-142.

compared to fast acting allopathic drugs that lead to temporary relief with toxic effects and are expensive.⁹⁶

It is trendy for high-status and rich Vietnamese, mostly males, to eat wildmeat⁹⁷ in Vietnam. It is fashionable for wildmeat restaurants to display live animals like rabbits, pangolins, turtles, birds, and fish kept in cages and aquariums for the choice and wish of customers. Wild-caught, rare, and expensive species are consumed by the rich during business parties, whereas cheaper, legal, and farmed species are eaten during casual or social drinking settings.⁹⁸ Cost drives the trade in wild animals because a wild-caught porcupine fetches half the price of farm-bred adults.⁹⁹

Global trade in exotic pets is a driver of biodiversity loss. Birds were the most species-rich class traded across the world by IWT. Reptiles were the second most abundant but unusually, the most studied in this context. Finally, mammals were the least abundant in the trade.¹⁰⁰ Primates including lorises and langurs are much in demand in the flourishing pet markets dotting the cities and villages in Vietnam, as are bird species in gilded cages.¹⁰¹

Vietnam shares its northern border with the Yunnan and Guangxi provinces of China, of which Yunnan is considered a major route for the trafficking of Vietnamese wildlife and wildlife products to Guangdong and other inland provinces, in addition to Hong Kong,¹⁰² and leading to the 'Golden Triangle', the world IWT shared with Laos, Myanmar, and Thailand. The belt and road initiative mooted by China to link 70

⁹⁶ Drury, R. 'Identifying and understanding consumers of wild animal products in Hanoi, Vietnam: Implications for conservation management. (2009) Ph.D. Dissertation. University College London.

⁹⁷ Drury, R. 'Hungry for Success: Urban Consumer Demand for Wild Animal Products in Vietnam' (2011) 9(3) *Conservation and Society* 247–257

⁹⁸ Shairp, Rachel et al., 'Understanding urban demand for wild meat in Vietnam: Implications for conservation actions' (2016) 11(1) *PLOS ONE* e0134787.

⁹⁹ Brooks, E.G.E., et al. 'The conservation impact of commercial wildlife farming of porcupines in Vietnam' (2010) 143(11) *Biological Conservation* 2808-2814.

¹⁰⁰ Bush, E.R., Baker, S.E., and MacDonald, D.W. 'Global Trade in Exotic Pets 2006–2012' (2014) 28(3) *Conservation Biology* 663-676.

¹⁰¹ Ibid

¹⁰² Li W., & Wang H. 'Wildlife trade in Yunnan Province, China, at the border with Vietnam' (1999) 18(1) *Traffic Bulletin* 21-30.

countries by road, rail, and sea routes could potentially accentuate IWT,¹⁰³ especially in tigers farmed in Vietnam to supply the traditional medicinal industries so popular in China and Vietnam.

In summary, poverty, political instability, hunting, bushmeat consumption, and a high demand in China are the main drivers of IWT in Ethiopia and Vietnam. Recurrent famine and civic unrest are drivers unique to Ethiopia, as Vietnamese Traditional Medicines (VTM) and wildlife farming are to Vietnam.

Ethiopia is more vulnerable to the climate crisis than Vietnam, but the latter is disadvantaged by unsustainable practices that drain its species richness through IWT. A lingering civic unrest put paid to Ethiopia's growth trajectory, but Vietnam's booming economy gives IWT a heft with the indulgence of its nouveau rich.

Considering Ethiopia and Vietnam are lower and middle HDI countries respectively, they are suppliers of IWT products to higher HDI countries as evidenced from the trade in pangolins. There is a likely exchange of pangolin scales between the two countries as pangolins are in a decline in southeast Asia, and the African pangolins are highly trafficked to feed the IWT chain in southeast Asia, and Vietnam and Ethiopia are linked by this chain.

¹⁰³ Farhadinia, M.S. *et al.* 'Belt and Road Initiative may create new supplies for illegal wildlife trade in large carnivores', 2019 3(9) *Nat Ecol Evol.* 1267-1268.

5 THE ROLE OF ANIMAL WELFARE IN SHAPING WILDLIFE LAWS

5.1 *The Relevance of animal welfare*

How humans and nonhuman animals coexist is a cornerstone of civilization as we now know. How society concedes five freedoms to animals. Just as humans, animals deserve “freedom from thirst, hunger, and malnutrition”, “freedom from discomfort”, “freedom from pain, injury, and disease”, “freedom to express normal behaviour”, and “freedom from fear and distress.”¹⁰⁴ This is a basis for the welfare of animals, and policy/legislation to prevent animal abuse and suffering.

Comparing the animal welfare laws of Ethiopia and Vietnam with those of Netherlands, a leader in animal welfare standards (Table 3), provides context to the attitudes for wildlife, conservation, and policies/laws to protect wildlife because it has been said the “greatness of a nation and its moral progress can be judged by the way its animals are treated.”¹⁰⁵

Famine, wars, and political upheavals render people bereft of empathy for animals and even kinship among themselves. This is likely a reason IWT is entrenched in China, Vietnam, and Ethiopia. A review of animal welfare in global wildlife trade during 2006 to 2011 revealed that neither was the term ‘animal welfare’ hardly mentioned, nor was animal abuse documented. This is glaringly evident from the IWT in live birds, herpetofauna, and small mammals as pets.¹⁰⁶

A comparison of animal welfare laws of Ethiopia, Vietnam, and Netherlands is made because Amsterdam’s Schiphol airport is an important transit port for IWT, and its high rate of contraband seizure and arrest of traffickers comes from a combination of EU and Dutch laws that counteract IWT with the gravity it deserves. The Dutch animal welfare laws make the fight against wildlife crime strict, systematic, and speedy with maximum penalties for wildlife criminals. The wildlife laws of Ethiopia and Vietnam could be improved with reforms to their animal welfare laws, and the Netherlands is an exemplar of the close correlation between animal welfare and wildlife laws.

¹⁰⁴ Webster J (1995) *Animal welfare: A Cool Eye Towards Eden*. Blackwell, Oxford.

¹⁰⁵ Attributed to M.K. Gandhi.

¹⁰⁶ Baker, S.E. *et al.* ‘Rough Trade: Animal Welfare in the Global Wildlife Trade (2013) 63(12) *BioScience* 928-938.

5.2 Animal Sentience

Sentience refers to a subjective state to experience joy, pleasure, pain, depression, and fear; a parameter that is measured and studied with scientific rigor, and a fundamental concept to support and legislate animal welfare.¹⁰⁷

Presently, there is no policy or legislation to recognize animal sentience in Ethiopia and Vietnam. Sentience is integral to the animal welfare policies of the Netherlands and the EU. The Treaty of Lisbon (2009) or the Treaty on the Functioning of the European Union (TFEU) in Article 13, affirmed the commitment of the EU member states to recognize animals as sentient beings and heed to their welfare requirements as well.¹⁰⁸ Furthermore, Article 1.3 of the Dutch Animals Act 2011 formally recognised animal sentience. Although Vietnam legislated the Law on Animal Health (2015) that states the need to treat animals humanely and minimize pain and fear, sentience is not mentioned.

5.3 Prevention of Animal Suffering

Ethiopia's Article 822 in the Criminal Code Proclamation No. 414/2004, makes it an offence to commit acts of cruelty towards animals.¹⁰⁹

Vietnam's Law on Animal Husbandry (2018)¹¹⁰ prohibits the ill-treatment of livestock during rearing, transport, slaughter, and scientific research. In 2018, the Vietnamese Government established the Vietnam Animal Welfare Association and handed over its functioning to animal welfare NGOs.

The Netherlands took a more 'direct' approach with Article 1.4 of the Animals Act 2011, which makes it a duty of Dutch citizens to care for animals, based on the Five freedoms.¹¹¹ Article 2.1(6) of the said Act also requires citizens to give due care to 'helpless' animals including wildlife.

¹⁰⁷ Proctor, H.S. *et al.* 'Searching for Animal Sentience: A Systematic Review of the Scientific Literature.'(2013) 3(3) *Animals (Basel)* 882-996.

¹⁰⁸ Article 13, Treaty on the Functioning of the European Union (TFEU).

¹⁰⁹ Getahun, A and Bizelew, G. 'The General Status of Animal Welfare in Developing Countries: The Case of Ethiopia. 2015 7 (3) *Journal of Veterinary Science & Technology*.

¹¹⁰ Law No: 32/2018/QH14, Socialist Republic of Vietnam.

¹¹¹ Wet dieren, 2011(Animal's Act with 'five freedoms' as a leitmotif).

	Welfare Indicator	Ethiopia	Vietnam	Netherlands
1	Animal Sentience Alternative Law	No policy or legislation to recognize sentience Nil	No policy or legislation to recognize sentience. Law on Animal Health (2015) states the need to treat animals humanely and minimise pain and fear.	At the EU level, Article 13 of the TFEU recognises animal sentience and requires that Member States 'pay full regard to the welfare requirements of animals.' Article 1.3 of the Dutch Animals Act 2011 formally recognises animal sentience
2	Prevention of animal suffering	Article 822 in the Criminal Code Proclamation No. 414/2004 that makes it an offence to commit acts of cruelty towards animals.	The Law on Animal Husbandry (2018) prohibits the ill-treatment of livestock in rearing, transport, slaughter, and scientific research. In 2018, the Vietnamese Government established the Vietnam Animal Welfare Association.	Article 1.4 of the Animals Act 2011 sets out the duty of Dutch citizens to care for animals, based on the Five Freedoms. Article 2.1(6) also requires citizens to give due care to 'helpless' animals including wildlife.
3	Protection of wild animals	Proclamation No: 541/2007 provides for the conservation and development of forest and wildlife resources including animals and prohibits hunting without a licence (Article 51).	Under the Vietnamese Penal Code, the illegal trafficking, killing, and raising of endangered species can result in up to 15 years imprisonment and/or a large fine. Government Decree 32/2006/ND-CP is the primary wildlife protection decree.	At the EU level, Council Directives 92/43/EEC and 2009/147/EC called the Habitats and Birds Directives are comprehensive and role model wildlife legislations. Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora regulates wildlife trade.
4	Law for enforcement	None	None	Article 8.12(3) of the Animals Act 2011 makes infringement of law a criminal offence. Article 7.6(2) of the Nature Protection Act provides for imposition of administrative order for enforcement.

Table 2. Animal Welfare Laws in Ethiopia, Vietnam, and Netherlands

5.3 Protection of Wild Animals

Ethiopia's Proclamation No. 192/1980 provides for the conservation and development of forest and wildlife resources including animals and prohibits hunting without a licence.¹¹² The Ethiopian Wildlife Conservation Authority (EWCA) was established by proclamation No. 575/2008.¹¹³ The EWCA is the regulatory agency tasked with managing protected areas and conservation issues in Ethiopia.

The Netherlands has at the EU level, Council Directives 92/43/EEC and 2009/147/EC called the Habitats and Birds Directives which are considered role model for wildlife legislations. Its Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora regulates wildlife trade.

5.4 Law for Enforcement

Neither Ethiopia nor Vietnam have laws for enforcement of animal welfare, whereas Article 8.12(3) of the Animals Act 2011 in the Netherlands made infringement of law a criminal offence. Article 7.6(2) of the Nature Protection Act provides for imposition of administrative order for enforcement.

¹¹² Proclamation No. 192/1980. Negarit Gazeta of the Transitional Govt. of Ethiopia.

¹¹³ Ethiopian Wildlife Development and Conservation Authority Establishment Proclamation No. 575/2008.

6 WILDLIFE LAWS OF ETHIOPIA AND VIETNAM

A comparison of wildlife laws of Ethiopia and Vietnam is based on their biodiversity profiles, legal traditions, drivers of IWT, policy frameworks, legal sources, principal wildlife laws, and treaties because these factors matter most to curb IWT.

6.1 Nomenclature

In Ethiopia, the term 'wildlife' means undomesticated mammals, birds, reptiles, amphibians, fish, and invertebrates, whereas in the U.S., wildlife means only species of free-living vertebrates including mammals, birds, amphibians, reptiles, and fish.¹¹⁴

Vietnam has interpreted wildlife to mean the same as in Ethiopia and grouped wild flora with fauna in its wildlife legislations.

6.2 Sources

The constitution of the Federal Democratic Republic of Ethiopia (FDRE) was adopted in 1995, and that of Socialist Republic of Vietnam in 2013. They are the primary sources of wildlife laws for the two countries (Table 3).

Both countries wrote, enacted, and promulgated their constitution during peacetime. Ethiopia's constitution came into effect on 21 August 1995 and Vietnam's on 28 November 2013, and it was the fourth one since the country was reunified in 1975.

6.2.1 Ethiopia

Article 51/5, FDRE1/1995 of the constitution mandates the House of People's Representatives to promulgate laws for conservation and utilization of land, natural resources and historical heritages under the power and duties of the Federal Government.

Ethiopia's Proclamation No: 541/2007¹¹⁵ concerns Development, Conservation and Utilization of Wildlife Proclamation (DCUWP) and is the principal wildlife legislation of Ethiopia. It starts with a preamble that sets the agenda for the purpose. Part I comprises general provisions with definitions and objectives. Part II lists the wildlife conservation areas and hunting permissions. Part III details the economic activities to be undertaken in wilderness areas and the benefits accrued from them including

¹¹⁴ Legal Information Institute (LII), Cornell Law School

¹¹⁵ Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia. Proclamation No. 541/2007. Addis Ababa. 20 August 2007.

tourism. Part IV sets out the duties of the concerned ministries, powers of the concerned authorities, antipoaching task force, and finally the penalties for wildlife offences. Article 51 lists the powers and functions of the Federal Government to enact laws for the utilization and conservation of land and other natural resources. Article 52(2) (d) lists the powers and functions of the states to administer land and other natural resources in accordance with the federal laws.

	Ethiopia	Vietnam
Constitution Proclaimed	21 August 1995	28 November 2013
Law	Proclamation No: 541/2007	Decree No.32/2006/ND-CP
Purpose	Concerns the conservation and utilization of wildlife in Ethiopia, trading in wildlife and their products.	Concerns management of endangered, precious, and rare plants and animals in Vietnam.
Law	Proclamation No. 575/2008.	Decree No.59/2005/ND-CP
Purpose	The Ethiopian Wildlife Conservation Authority (EWCA) was established.	Concerns utilization of aquatic resources
Penalties	Violators shall be punished with fine not less than Birr 5000 (\$100) and not exceeding Birr 30,000 (\$600) or with imprisonment not less than one year & not over five years or both.	Violators shall be punished with a fine of VND 1000,000 (\$50) or imprisonment not let than one year and not exceeding three years.

Table 3. Primary Sources of Wildlife Laws in Ethiopia and Vietnam

In 2008, the Wildlife Development, Conservation and Utilization Council of Ministers and Regulations (WDCUR) were issued to help implement the provisions of the DCUWP for managing wildlife conservation areas, such as the licensing of wildlife user rights and

management of human-wildlife conflicts. Importantly, the WDCUR defines wildlife offences, and prescribes the penalties for violations. The Ethiopian Wildlife Development and Conservation Authority Establishment Proclamation (WDCAEP) No. 575/2008 established the Ethiopian Wildlife Conservation Authority (EWCA), the regulatory agency for the sustainable utilization of Ethiopia's natural resources and protected areas management. The EWCA is accountable to the Ministry of Culture and Tourism (MoCT) which is the line ministry in charge of the wildlife sector.

6.2.2. Wildlife Policy Framework (Ethiopia)

Biodiversity conservation was given due weight in the constitution adopted by Ethiopia in 1995, especially sustainable utilization of its natural resources. Previously, Ethiopia had acceded to the World Heritage Convention in 1977, CITES in 1989, and the Convention on Biological Diversity (CBD) in 1994. Subsequently, Ethiopia acceded to the Convention on Conservation of Migratory Species of Wild Animals (CMS), The Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) in 2010, and the Nagoya Protocol in 2012 regarding access to genetic resources and their fair and equitable sharing of benefits arising from their utilization. These policies provide a framework for Ethiopia's wildlife laws (Table 4).

International Agreements	Ethiopia	Vietnam
CITES	1989	1994
CBD	1994	1994
CMS	2010	2001
AEWA	2010	Not Ratified
Nagoya Protocol	2012	2014

Table 4. Secondary Sources of Wildlife Laws in Ethiopia and Vietnam

6.3.1 Vietnam

The legislative history of Vietnam includes Decree 131 (20 July 1946) and Decree 142 (21 December 1949) spearheaded by Ho Chi Minh in North Vietnam with the tacit support of the French in the newly minted Democratic Republic of Vietnam. Both these decrees detailed the functions and tasks of forest rangers for forest protection. These two decrees would remain Vietnam's only wildlife laws for the next 48 years, till a reunified Vietnam acceded to the two futuristic international agreements namely, the CBD and CITES in 1994.

Vietnam's principal wildlife legislation is the Government Decree 32/2006/ND-CP of 30 March 2006 on Management of Endangered, Precious, and Rare Species of Wild Plants and Animals is based Law on Government Organization of 25 December 2001, and the Law on Forest Protection and Development of 12 March 2004 and was drafted by the Ministry of Agriculture and Rural Development (MARD). This Decree has three chapters, 14 articles, and a comprehensive list of rare and precious plant/animal species. Group I species are prohibited from exploitation and commercial uses; and Group II species are restricted from exploitation and commercial uses. This law is however work in progress and has been amended four times since 2006. The Vietnam Government has bolstered the main wildlife law with the enactment of the supporting laws¹¹⁶

¹¹⁶ Decree No.59/2005/ND-CP along with Circular No.02/2006/TT-B Fisheries trade and its sustainable utilization
 The Law on Biodiversity 2008.
 The Law on Handling of Administrative Violations 2012; The Law of Investment 2014
 The Penal Code 2015; The Criminal Procedure Code 2015
 The Law on Organization of Criminal Investigation Agencies 2015
 The Law on Forestry 2017
 Decree 06 of 2019 on management of endangered, precious, and rare forest plants and animals and the implementation of the CITES
 Resolution 05 of 2018 of the Judicial Council of the Supreme People's Court guiding the application of the Penal Code's Articles 234 and 244 on the violations of regulations on protection of wildlife and endangered, precious, and rare wild animals.
 Prime Minister Decision 1250 of 2013 adopting the national strategy on biodiversity up to 2020, with a vision toward 2030.
 Decision 45 of 2014 approving the overall master plan on biodiversity conservation up to 2020, with orientations toward 2030.
 Ministry of Agriculture and Rural Development Circular 27 of 2018 providing the management and tracing of origin of forest products

6.3.2. Wildlife Policy Framework (Vietnam)

Vietnam's commitment to wildlife conservation is reflected in the policies made after its constitution was adopted in 2013, such as the National Biodiversity Strategy (NBS) 2020, Vision 2030.¹¹⁷ The NBS aimed to prevent the decline of threatened wildlife species by control of illegal hunting, trade and consumption of wild fauna and flora, among other ideals. This was followed by Decree 160/2013/ND-CP on Criteria for Identification and Management of Endangered, Precious and Rare Species Prioritized for Protection.

Earlier in 2008, a unified Vietnam had legislated the National Biodiversity Law with Decree 65/2010/ND-CP on the Implementation of Biodiversity Law 2008. In 2017, the Fisheries Law was legislated, and the Penal Code 2015 amended to increase penalties for wildlife crime.

There are seven ministries tasked with the implementation of Vietnam's wildlife policies (Table P). Vietnam joined CITES in 1994 and is also a signatory to other international treaties on biodiversity conservation.

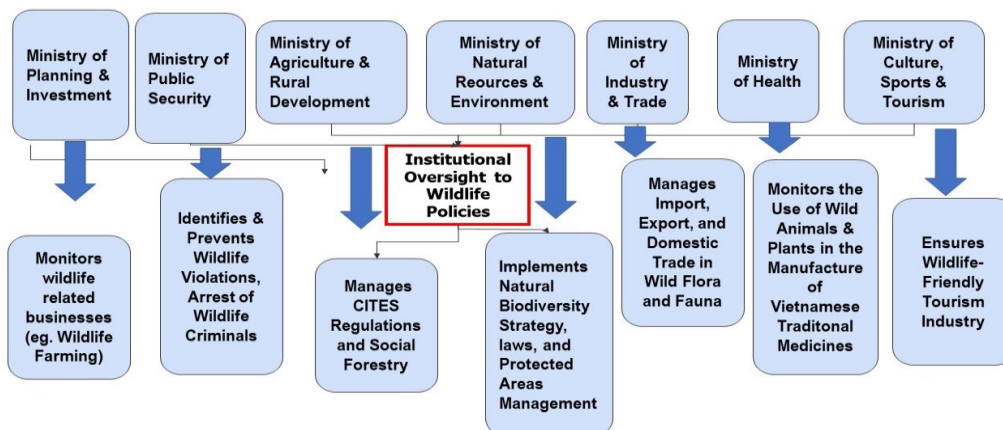


Fig 4. Wildlife Policy Framework in Vietnam¹¹⁸

¹¹⁷ National Biodiversity Strategy 2020, Vision 2030 <https://leap.unep.org/countries/vn/national-legislation/national-biodiversity-strategy-2020-vision-2030>

¹¹⁸ Pham Thu Thuy *et al.* 'Enhancing the legal framework towards holistic and sustainable wildlife conservation in Vietnam'(2021) 351 *Infobrief CIFOR-ICRAF*. Pp10.

6.4 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a multilateral convention established in 1973, and 184 countries are now parties to the Convention. The global trade in endangered species is regulated and restricted with more than 38,000 species of animals and plants under the CITES umbrella, and works seamlessly with a set of scientific, legal, and administrative protocols. CITES collaborative with other global agencies to implement three programs to prevent illegal trade in wild fauna and flora, namely, The International Consortium on Combating Wildlife Crime (ICWC), Monitoring Illegal Killing of Elephants (MIKE), and CITES Tree Species Program (CTSP).

CITES works through a system of permits and certificates issued for export, import, or introduction of species grouped into three Appendices based on the degree of threat from international trade. Appendix I lists species endangered due to global trade and permits such trade only in exceptional circumstances. Appendix II lists species that may become endangered if their trade is not regulated. Appendix III lists species subject to domestic regulations by a country that is a Contracting Party to CITES with a request for the cooperation of other Parties to control international trade of the listed species.

Parties to the Convention have designated separate management authority and scientific authority. The former manages the licensing system, and the latter assesses the impacts of trade on the status of the species. All export, import, re-export, and species introductions covered by CITES need to be duly authorized and approved. When a CITES-listed species is transferred from a Party to a non-Party country, the former needs to accept documentation equivalent to the CITES permits. Although the convention is legally binding on the Parties, it does not replace national laws but provides a framework to adapt domestic legislation to implement CITES at the national level. Each Party to the Convention must designate personnel in charge of administering permits and technical staff to advise them on the impact of trade on the status of the

species. The Standing Committee and two scientific committees: the Plants Committee and the Animals Committee constitute the operations branch of the CITES. Every two to three years, a Conference of the Parties (COP) is hosted by one of the Parties to review the implementation of the Convention.

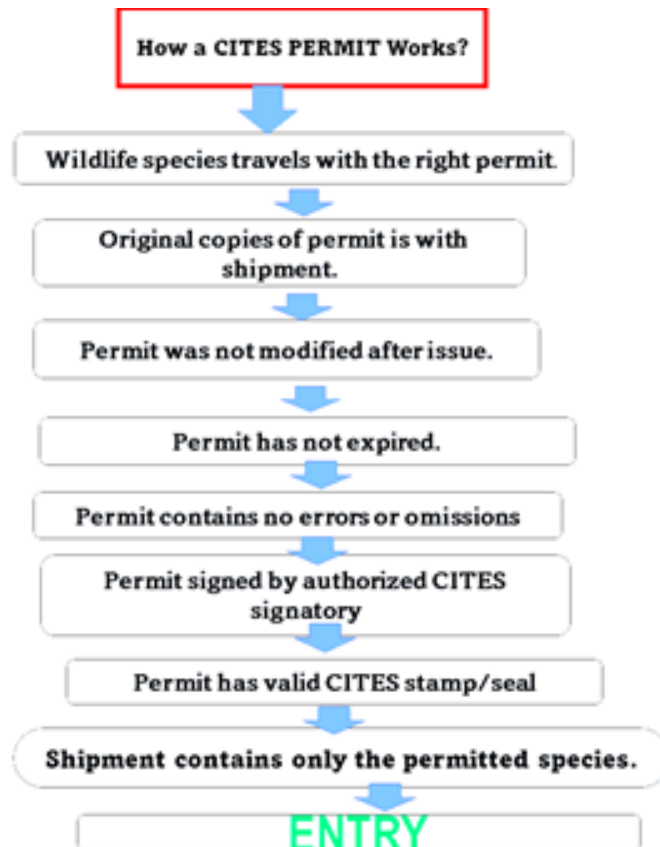


Fig 5. The verification of CITES permits¹¹⁹

CITES functions as the singular ‘check post’ to curb illegal wildlife trade, and for countries with civic strife, like Ethiopia, it could be the first and last resort to prevent wildlife trafficking because there is a breakdown of the legal system when countries are at war. Therefore, CITES functions as a safety net, especially for the richly biodiverse countries including Ethiopia and Vietnam, the national laws of which were discussed earlier.

¹¹⁹ Beastall, C.A. and Chng, S.C.L. ‘The identification of commonly traded wildlife with a focus on the Golden Triangle (Lao PDR, Myanmar, and Thailand). TRAFFIC, Southeast Asia Office, Selangor, Malaysia.

The efficacy of CITES is exemplified in the legal protection of the pangolins, and the reason these anteaters still exist albeit on the edge of extinction. A study found that the global CITES trade in pangolin species from Asia under CITES decreased during 1977 to 2014, while the trade in pangolin species from Africa declined since 2000.¹²⁰ Did this happen because CITES was effective to curtail the trade in Asia or because the pangolins became so scarce in China and Vietnam, that pangolin species from African countries were procured to fulfill the high demand? A prevailing 'zero export' quota for wild-caught Asian pangolins hardly dented the demand and it was found an estimated 17,500 Asian pangolins were traded from 2001 to 2014. It emerged that the U.S. was a dominant player in the global pangolin trade, and the biggest importer of pangolin body parts in the world. Such revelatory investigations can be performed from the [CITES](#) database available online.

A lack of enforcement and compliance with wildlife laws and multilateral agreements like CITES is a sore point in the domain of international law. Not only is CITES hampered by funding issues, but also CITES relies too much on member countries (Parties) to realize its potential. When Ethiopia has slim resources to enforce wildlife laws in their authority, how can they catch violators of CITES? Administrative support from CITES to parties, particularly in Africa, would go a long way in the implementation of its provisions.¹²¹

Among the suggestions for better enforcement of CITES are (a) better incentives for compliance (b) higher sanctions for noncompliance (c) a share in cost-benefits between CITES and parties e.g., rewards from seizure of contraband. Countries like Ethiopia and Vietnam are understaffed with customs agents, overworked to monitor their borders and ports of entry, have insufficient resources, burdened with weak legal and administrative infrastructure to prosecute wildlife criminals, and plagued by

¹²⁰ Heinrich *et al.* 'Where did the pangolins go? International CITES trade in pangolin species' (2016) 10(1) *Global ecology and conservation* 241-253.

¹²¹ Dehgan, A. 'Determining Lusaka's Potential' (1998) 1(1) *Journal of International Wildlife Law and Policy* 143-154.

corruption. Political instability or armed conflicts aggravates the issue as it does in Ethiopia.¹²²

In Vietnam, wildlife breeding farms are licensed by the Ministry of Investment and Planning which monitors suspicious farms that flout the Law on Investment (LOI) that bars trade in rare species to supplement their stocks from wild caught specimens. Even oversight provided by CITES and provincial forest protection departments (FPDs) are unable to prevent sourcing and killings of wild-caught animals because of the weakness in farm inventories, poor enforcement, and widespread corruption.¹²³

The biggest stumbling block for wildlife laws and their effective enforcement in Ethiopia and Vietnam is the corruption that pervades the legal system and manifested in the issue of permits. Breeders of wildlife farms or poachers falsely report wild-caught animals as captive bred, fudge their species inventory, don't report births/deaths, and tend to do transact in cash without proper invoice or transport records.¹²⁴

In summary, wildlife laws of Ethiopia and Vietnam work better with CITES, but not as standalone laws because wildlife crime can only be curbed by a legal system global in scope and local in reach to keep up with the source, transit, and destination of the wildlife traffic. If the U.S. with its landmark legislations like the Endangered Species Act (ESA), 1973 and the Lacey Act, 1900 still emerged as the biggest importer of pangolin body parts in the world, how can Ethiopia and Vietnam take on the wildlife traffickers?

¹²² Dehgan, A. 'Determining Lusaka's Potential' (1998) 1(1) *Journal of International Wildlife Law and Policy* 143-154.

¹²³ Pham Thu Thuy *et al.* 'Enhancing the legal framework towards holistic and sustainable wildlife conservation in Vietnam'(2021) 351 *Infobrief* CIFOR-ICRAF. Pp10.

¹²⁴ Wyatt, T. *et al.* (2018) 'Corruption and Wildlife Trafficking: Three Case Studies Involving Asia' (2018) 13(1) *Asian journal of criminology* 35-55.

7. THE ENFORCEMENT OF WILDLIFE LAWS IN ETHIOPIA AND VIETNAM

7.1 Ground Realities

Enforcement of wildlife laws is a complex process that involves knowing the intricacies of overlapping legal provisions of national laws and CITES, identifying a specimen from morphology or DNA analysis, tracking down offenders in distant countries, and working with a range of stakeholders in the transboundary IWT trade.¹²⁵ Just as two faces of a coin become legal tender, wildlife law and its enforcement need to work in tandem for the larger cause of nature conservation to succeed. Conceptually, a State stands on the four pillars of the State namely the Judiciary, Executive, Legislature, and Free Press. An objective comparison of how wildlife laws in Ethiopia and Vietnam are enforced is a curious exercise with a democratic country on one side and a communist country on the other with no aspersions cast on the conservation goals, and modus operandi of the two opposite geopolitical States.

Conservation conflicts occur when stakeholders with strong opinions clash among themselves over conservation objectives, and one party supposedly gains advantage over another.¹²⁶ This is germane to law enforcement in both the study countries.

In Ethiopia pastoralists are allowed to graze their cattle within buffer zones but not core areas of a national park or wildlife sanctuary. However, this author observed Guiji herdsmen using the core area of the Nechisar National Park in southern Ethiopia as a pasture for herds of cattle and fishing in the wetlands there as well. Neither was there any enforcement of wildlife laws, nor were the herders taken to task when the endangered Swayne's hartebeest (*Alcelaphus buselaphus swaynei*) went extinct in Nechisar during their encroachment. This issue needs a concerted conservation campaign for stakeholders to abide with the law.

¹²⁵ Nguyen, Duc Hanh & Dinh, Thi Mai. 'Impacts of wildlife trade and sustainable development in Vietnam' (2020) 157 *E3S web of conferences* pp.3301.

¹²⁶ Chapron, G and López-Bao, J.V. 'The place of nature in conservation conflicts' (2020) 34(4) *Conservation Biology* 795-802.

In Vietnam, a wildlife offender cannot be prosecuted even if h/she had hunted a critically endangered species like a grey-shanked douc langur (*Pygathrix cinerea*) if they had no idea that the species was so protected¹²⁷ under the Government Decree 32/2006/ND-CP of 30 March 2006. In fact, first-time offenders are released by the rangers without punishment. Conservation awareness goes before enforcement.

In general, enforcement of wildlife laws is the domain of forest rangers in both Ethiopia and Vietnam, and their efficiency entails knowing the lay of the land, commonly traded wildlife products, shipment methods, IWT actors involved, namely the chain of suppliers, intermediaries and consumers, the use of GPS tracking equipment, and training in the use of sniffer dog squads.

The ranger focus would be on the middlemen between the harvester and consumer whom the rangers dare not raid without the tacit support of the police. A simple bushmeat trade chain in rural areas would involve five key actors, namely two suppliers (professional hunter and part-time farmer hunter), and three intermediaries (wholesaler, retailer, and restaurant owner) apart from consumers who usually go scot-free. But, in urban areas the chain would involve 10 actors especially during periods of civil unrest. But global IWT trade from Southeast Asia to international markets in CITES-listed taxa would be much more complex and would involve actor teams to smuggle the contraband across international borders.¹²⁸

7.2 Enforcement in Ethiopia

Enforcement of wildlife laws in Ethiopia is facilitated by the Ethiopian Wildlife Conservation Authority (EWCA) through rangers, customs officers, federal and regional police at border checkpoints with Eritrea, Djibouti, Somaliland, Somalia, Kenya, South Sudan, and Sudan, and airports, mainly the Bole International Airport, Addis Ababa, which is a global IWT transit hub. The effectiveness of enforcement depends on five variables political stability, government effectiveness, regulatory quality, rule of law, and control of corruption.¹²⁹ The law enforcement ratio was defined as the proportion of all

¹²⁷ Pai, Murali, *Tilo's Troops – Handiwork of a Primatologist in Vietnam* (2019) Manipal Universal Press.

¹²⁸ *Ibid.*

¹²⁹ Underwood, F.M. *et al.* 'Dissecting the Illegal Ivory Trade: An Analysis of Ivory Seizures Data' (2013) 8 (10) PLoS ONE.

seizure instances which led to prosecution and sentencing of wildlife criminals with prison terms or fines in one year. In 2019, this was zero because no work was possible¹³⁰ likely due to civil unrest.

Ethiopia has the second highest seizure of wildlife contraband in Africa after Kenya, but only 9% confiscation at the Bole airport because wildlife traffickers prefer taking the road to South Sudan which has no modern technology to apprehend the culprits. The most frequently seizure contraband in Ethiopia includes elephant ivory, rhino horn, pangolin scales, and European eels.¹³¹

The drawbacks for law enforcement in Ethiopia include inadequate stakeholder coordination between EWCA, customs, postal department, federal and regional police, Ethiopian Biodiversity Institute, and other government organizations that makes it difficult to take on wildlife trafficking with cooperative efforts.¹³² Lack of transparency was the single most impediment for the enforcement of wildlife laws in Ethiopia. Although 80% of customs officers acknowledged illicit export of wildlife was a serious issue, and 70% knew about CITES, only 60% were clued-in on the domestic legal frameworks in assisting nature conservation. A lack of communication between customs staff and enforcement agencies at the border points negatively impacted the enforcement process.¹³³

Capacity building of field staff at the forefront of enforcement is paramount with practical skills in identification and handling of wildlife specimens being crucial. Only half the customs checkpoints in Ethiopia had manuals to assist with identification of IWT products and CITES guidelines for enforcement.¹³⁴ Working with the local communities by incentivizing intelligence gathering on contraband is of the essence in Ethiopia. This approach has worked well in Kenya and could be replicated in Ethiopia. Collaborating

¹³⁰ Tessema, M. et al. 'Trend, Challenges and Opportunities of Illegal Wildlife Trafficking and Trade Activities within and through Ethiopia' (2021) 44(1) *SINET: Ethiop. J. Sci.* 47-61.

¹³¹ Utermohlen, M., & Baine, P. 'Flying Under the Radar- Wildlife Trafficking in the Air Transport Sector' (2019) Report. TRAFFIC.

¹³² Getachew, M. 'Contemporary Status of Illicit Wildlife Genetic Resource Trafficking in Ethiopia (2016) 3(4) *The Journal of Zoology Studies* 91-101.

¹³³ Getachew, M. et al. 'Knowledge, Attitude and Practice of Custom Agents on Wildlife Trafficking in Three Bottlenecks Border Custom Checkpoint of South-eastern Ethiopia' (2017) 11(4) *Advances in Biological Research* 171-182.

¹³⁴ Ibid.

with counterparts of neighbouring countries is an important way ahead in this fight.¹³⁵ Sniffer dogs were used to detect drugs, weapons, cigarettes, and cash on passengers, in baggage, cargo or mail, but they were not purposely trained in the combat of wildlife crime in Ethiopia.¹³⁶

Tools using GPR-GPRS technology, unmanned aerial vehicle systems (UAVS), and acoustic traps, need to be deployed for effective surveillance and enforcement of wildlife laws¹³⁷ in the Horn of Africa region, and Ethiopia could use some of these tools on a sharing basis with the neighbouring Kenya to augment the success of its enforcement drive.

7.3 Enforcement in Vietnam

The storage, sale, marketing, and slaughter of wild animals without a governmental permit or licence is unlawful because enforcement of wildlife laws in Vietnam is weak.¹³⁸ It is the task of forest rangers employed by the forest protection department under the Ministry of Agriculture and Rural Development (MARD). The rangers work in tandem with the local police during seizure of a contraband. For instance, when a forest ranger suspects an approaching truck to search for contraband, they need police to accompany them to intercept the vehicle. Neither are they empowered to search nor arrest the driver of the truck if contraband were to be seized. This is a problem that weakens their authority and empowering rangers would be the start of better enforcement.

Rangers are poorly paid and if a truck with IWT products needs to pass the Vietnam border to enter China, and if the consignment is valued \$10000, a trader could get away with a bribe of \$100 at the border. The temptation to make easy money is because the rangers lack the motivation under the circumstances. The poachers undoubtedly use better technology than the rangers who use two-wheelers to get

¹³⁵ Getachew, M. 'Contemporary Status of Illicit Wildlife Genetic Resource Trafficking in Ethiopia (2016) 3(4) *The Journal of Zoology Studies* 91-101.

¹³⁶ Gebretensae, K and Gebremicael, M. 'Gap analysis of Ethiopian wildlife legal frameworks and challenges to implement existing laws' (2018) Report. EWCA Addis Ababa.

¹³⁷ Ibid.

¹³⁸ Newer, R and Diana B. 'Identifying and quantifying the threats to biodiversity in the U Minh peat swamp forests of the Mekong Delta, Vietnam (2013) 48-1 *Oryx* 88-94.

around for work. They do need better conveyance and sophisticated GPS tracking systems to upend the traffickers.

The most frequently seized wildlife in Vietnam includes pangolins, turtles, songbirds, geckos, and snakes. These animals are supplied to Vietnamese medicine manufacturers, international pet trade, and wild meat restaurants. There were 316 restaurants in Vietnam serving two tonnes of wild meats daily in 2003, and restaurant owners near national parks earned high profits from wild caught animals used in their menus.¹³⁹

A bigger hassle for enforcement is from the legal wildlife farms, with 4000 farms in 12 provinces of southern Vietnam keeping 1.2 million animals and are big suppliers to the exotic restaurants and VTM industry. Although licensed and monitored by the Ministry of Planning and Investment, these farms enlist poachers to replace their stock and fudge inventories. So, that is one big source of IWT that is out of bounds for the forest rangers who already have so much on their plate.

7.4 The Future of Enforcement

The advent of technology has enabled the IWT actors to stay much ahead of the authorities in the enforcement of wildlife laws. Global wildlife cybercrime or cyber-enabled wildlife trafficking elephant hair bracelets, ivory jewellery, crocodile and snakeskin, African grey parrots, live snakes like ball python, live cats including cheetah, caracal, and lion cubs has boomed in recent times. An array of species, from Ethiopia and Vietnam included, are sold, and bought online. Tackling cybercrime by identifying online portals to restrict sale and distribution of IWT products, producing INTETPOL-guidelines and capacity building, recruiting 'cyber spotter' trained volunteers to report suspicious sites are some action points to curb this IWT menace.¹⁴⁰

Even the old wildlife trafficking methods were fortified by wildlife criminals using technology that enabled them to ply their trade. Two contemporary methods giving good results in enforcement are the use of sniffer dogs and satellite tracking. Dogs are valuable in identifying the scents of endangered mammals and birds from shipping

¹³⁹ Cao Ngoc, A. and Wyatt, T. 'A Green Criminological Exploration of Illegal Wildlife Trade in Vietnam' (2013) 8(2) Asian journal of criminology 129-142.

¹⁴⁰ Global Wildlife Cybercrime Action Plan – Conference on IWT, (2018) Report London.

containers and packages at airports, border checkpoints, and ports. In Africa, Kenya has developed best practices in the use of sniffer dogs for surveillance of IWT, and Ethiopia as its neighbouring country stands to gain from this rich experience. Vietnam has also embarked on a project to deploy sniffer dogs in monitoring wildlife crime.

Technology however is no substitute to the hard work that remains relevant to enforcement of wildlife laws of Ethiopia and Vietnam, with capacity building, collaborative transboundary networks, and resolute personnel being the priority areas. The following are recommendations to improve enforcement of wildlife laws¹⁴¹ in Ethiopia and Vietnam:

Access to information

1. Knowing which wildlife product is trafficked by what means of transport is critical to enforcement.¹⁴² Awareness of the laws, CITES provisions, specimen identification manuals, sensitising stakeholders on the perils of IWT, and educating transporters on banned cargo are vital. A campaign with list of protected species of fauna and flora in Amharic/Vietnamese outlining their conservation status, laws protecting these species, and penalties for wildlife offences is urgently needed. The social media is a useful tool and with the advent of better internet in both countries, the public needs to know their species, conservation laws, and punishment for wildlife offences.

2. Ignorance is not an excuse and habitual violation of laws needs stronger penalties.

3. Traditional medical products are not exempted and needs to be categorized as controlled products subject to verification of provenance.

Community participation

Concise, cogent, and consistent wildlife laws work the best by the participation of stakeholders to upgrade policies suited for making wildlife laws relevant to our times. Capacity building of rangers, investigators, prosecutors, and judges on the management of wildlife offences as criminal cases, caring for rescued wildlife and its rehabilitation,

¹⁴¹ Nguyen, Duc Hanh & Dinh, Thi Mai. 'Impacts of wildlife trade and sustainable development in Vietnam' (2020) 157 *E3S web of conferences* pp.3301

¹⁴² Utermohlen, M., & Baine, P. 'Flying Under the Radar – Wildlife Trafficking in the Air Transport Sector' (2019) Report. TRAFFIC.

and publishing law manuals in vernacular languages of legal provisions and their functions to assist better enforcement of wildlife laws. Transparency in wildlife laws needs outreach by the judicial system and communities.

Better enforcement

Enforcement of wildlife laws in Ethiopia and Vietnam can be improved with better stakeholder coordination, capacity building of staff, technological upgrades, and investing in advanced methods like sniffer dog squads and satellite tracking for better enforcement of existing laws.

The process of court trial in wildlife offences needs to be fast tracked for speedy prosecution of criminals taking advantage of inordinate delays and backlogs in courts. Mandatory non-bailable three-year prison term for wildlife offences is required.

The national wildlife laws of Ethiopia and Vietnam work better with international agreements, especially CITES, because the CITES Appendices cover a wide range of the wild faunal and floral species abused by IWT in Ethiopia and Vietnam. Acceding to CITES was a step in the right direction taken by the study countries, and ensuring their laws facilitate CITES is the way forward to curb IWT in the long term.

8. SYNTHESIS & CONCLUSIONS

8.1 Findings

Salient points of the comparison of wildlife laws of Ethiopia and Vietnam are tabulated here below (Table 5) and conclude with the need for judicial reforms in Ethiopia and stakeholder coordination in Vietnam as crucial for effective wildlife laws.

Feature	Ethiopia	Vietnam
1 Country Profile	Civil Unrest	Near Golden Triangle (global IWT hub)
2 Legal Tradition	Legal pluralism. Too many steps in the arbitration of wildlife offences.	Deferment to higher courts is a norm and delays arbitration.
3 Cause-Effect	Food Insecurity – Poaching	Wildmeats Eateries – Wildlife Farming
4 Drivers	Recurrent famine	Vietnamese Traditional Medical industry
5 Animal Welfare	Apathy to animals.	High use of animals as food source has blunted humane treatment of animals
6 Wildlife Laws	Few laws, outdated, ineffective	Several laws, complex, ineffective
8 CITES	Flounders due to weak national laws	Works despite complexity of national laws.
9 Conclusion	Wildlife laws of Ethiopia need judicial reforms.	Wildlife laws of Vietnam need stakeholder coordination.

Table 5. Salient points in the comparison of wildlife Laws of Ethiopia and Vietnam

8.2 Country Profiles

Ethiopia and Vietnam share similar biodiversity influences from demographics, geopolitics, livelihoods, and borders with countries that are a potential conduit to IWT with the ongoing armed conflicts in Ethiopia and Vietnam's proximity to the golden triangle, a global IWT hub, as singular country specific attributes. Conflicts led to severe environmental impacts and misgovernance in the Horn of Africa region since 1970¹⁴³ as evident from weak wildlife laws in Ethiopia. IWT was increasingly outsourced by Chinese crime groups operating in the Golden Triangle to local groups in Myanmar and Laos with which Vietnam shares a large border.¹⁴⁴

8.3 Legal Traditions

Ethiopia is presently at the crossroads of its young democracy and a policy paralysis has hampered its civil law system from judicial reforms because of prolonged civil unrest and insecurity. The issue was addressed by a study that concluded political ecology needed a systemic ethical engagement to highlight injustices caused to people or animals.¹⁴⁵

Vietnam has a top-heavy legal system in which wildlife offences are not considered serious enough to be fast tracked for early resolution of violations although judicial reforms per se have augmented the rate of convictions in accordance with the provisions of wildlife laws.

8.4 The IWT Cause-Effect

Ethiopia and Vietnam have shared destinies with wars, coups, and civil unrest at various times in their histories. Conflicts escalated IWT in Ethiopia with the ongoing war in the Tigray region waged for two years now. More than half the pangolins confiscated from IWT had emerged from Africa from 2015-2020,¹⁴⁶ with Ethiopia being a source-

¹⁴³ Negasi, S. *et al.* 'Environmental impacts and causes of conflict in the Horn of Africa: A review' (2018) 177 (2) *Earth-Science Reviews* 284-290.

¹⁴⁴ van Uhm *et al.* 'Chinese organized crime and the illegal wildlife trade: diversification and outsourcing in the Golden Triangle' (2021) 24 (4) *Trends in Organized Crime* 486-505.

¹⁴⁵ Duffy, R & Brockington, D. 'Political ecology of security: tackling the illegal wildlife trade', (2022) 29(1) *Journal of Political Ecology*:21-35.

¹⁴⁶ World Wildlife Crime Report 2020, United Nations Office on Drugs and Crime (UNODC).

cum-transit hub. This is consistent with a study that found a four-fold increase in rhino poaching in Assam, India, when militancy was at its peak in 1980-90 ¹⁴⁷

Ethiopia narrowly staved off colonization by Italy, but Vietnam was colonized by France, and subsequently occupied by the U.S. and allies with longstanding armed conflicts. Vietnam has a better conservation ethic than Ethiopia due to its colonial legacy of conservation policies. Biodiversity conservation got a boost much later in Ethiopia although its constitution was adopted eight years earlier than Vietnam. The 'command and control' legacy, a relic of the monarchy, for wildlife policy and legislation did not translate into conservation action. ¹⁴⁸

Bushmeat consumption is a cultural tradition in the hunter-gatherer communities of Ethiopia and Vietnam. There can be neither bushmeat police, nor laws to curb the preference for bushmeat because it meets the cultural, nutritional, and economical needs of the societies in the study countries. The traditional Ethiopian and Vietnamese knowledge could be harnessed to instil the conservation ethic that would make them eschew bushmeat at the proper time.

Wildlife farming is a big diver of IWT in Vietnam, and to a lesser extent in Ethiopia where mostly civets are farmed for musk production in perfumery. Wildlife farming is legal and a win-win for the stakeholders, especially the government. A survey by FAO found 12 provinces in southern Vietnam had 4000 farms with 180 species, and 1.2 million captive animals, including endangered species. Most farms are supplied stock by wildlife poachers as they routinely replace stock with wild-caught animals to fudge their inventories. ¹⁴⁹ The best of conservation plans would be just on paper till such time as the wildlife farms are permanently closed in Vietnam. The COVID-19 pandemic was a wake-up call, and they did suspend wildlife imports and clamped down on illegal wildlife markets. But the farms are still in business.

¹⁴⁷ Lopes, A.A. 'Civil unrest and the poaching of rhinos in the Kaziranga National Park, India' (2014) 103 *Ecological Economics*. 20-28.

¹⁴⁸ Habte, D. 'Command and Control': 75 Years of Quasi Wildlife Policy Analysis of Ethiopia', (2019) 22(1) *Journal of International Wildlife Law & Policy* 33-54.

¹⁴⁹ Pai, Murali, *Tilo's Troops – Handiwork of a Primatologist in Vietnam*. Manipal Universal Press 2019.

The Vietnamese Traditional Medicines (VTM) industry is a significant purveyor of wildlife products, and a big customer for the IWT. The local communities relied on pills and potions made from wildlife body parts as health tonics starting in the 13th century, and this continued after the advent of modern medicine in the 19th century. There is a ubiquitous practice of mixing bone powder derived from monkey bones in the phở bò and phở gà (rice noodles soup) as it is considered good for the bone health of consumers. Research on the source of the monkey bones would be like opening Pandora's box.

Wild meats are a big draw in haute cuisine restaurants patronized by the rich and famous, including government officials and police. These restaurants display cabinets full of glassware with whole animals – snakes, pangolins, and baby primates steeped in rice brandy or body parts of serows like legs and testicles. Some even display whole disembowelled bear with fur immersed in giant aquariums. There are live animals in cages to choose from as well. It is a scenario above board and the law.

8.5 Drivers of IWT

The drivers of IWT in Ethiopia and Vietnam include poverty, lack of political will, hunting and bushmeat consumption, and a high demand in China.

Vietnamese Traditional Medicine (VTM) and wildlife farming are significant outlier for the trade in Vietnam. How the poor take to wildlife poaching, and why specific communities are criminalized because of their hunting practices needs further research in both the countries.¹⁵⁰

8.6 Attitudes to Animal Welfare

Animal welfare is an enabler of wildlife laws, and the Netherlands was seen as an exemplar while comparing the welfare laws of Ethiopia and Vietnam. Both countries do not recognize animal sentience in their policies or laws. Although cruelty to animals is an offence in the study countries, and humane treatment of animals is emphasized as well, there is a disconnect between their welfare policies and wildlife laws. This could be because cultural traditions, livelihoods, and the economy itself relies on domesticated animals to a considerable extent, and welfare is taken for granted. Given there is scope

¹⁵⁰ Duffy, R. *et al.* 'Toward a new understanding of the links between poverty and illegal wildlife hunting' (2016) 30(1) *Conservation Biology* 14-22.

and a dire need to strengthen their wildlife laws, it is imperative both countries go back to the drawing board to improve animal welfare.

8.7 Law enforcement

Enforcement of wildlife law is the task of the rangers employed by the Ethiopian Wildlife Conservation Authority (EWCA), and with the forest protection department under the Ministry of Agriculture and Rural Development (MARD) in Vietnam. The task of enforcement is beset with challenges in both countries concerning the need for rangers to be empowered to arrest criminals on seizure of wildlife contraband in trafficking cases. In addition, rangers lack the proper training and tools to remain vigilant and fulfil their tasks to enforce the said laws. However, CITES is ahead of its remit and quite effective in the study countries and the national laws should work synergistically with CITES to be up to the task for better law enforcement.

8.8 Course correction for wildlife policies and laws of Ethiopia and Vietnam

Ethiopia's head start with biodiversity conservation was evident when its new constitution (1995) set the stage for policies to steer the country towards sustainable utilization of natural resources with laws for conservation, controlled hunting areas, and adoption of treaties like CITES much earlier. A law to establish a regulatory agency to manage protected areas in 2008 did not pan out as expected. A study in Uganda found that engaging local communities in protected area conservation is important for law enforcement efforts to succeed in curbing wildlife crime.¹⁵¹

Ethiopia faltered by not updating old policies and laws further weakened by an ongoing war in their northern frontier. The wildlife policies and laws in Ethiopia are due for an amendment when security and political stability are restored.

Vietnam had its priorities sorted only in 2013 when its constitution was adopted, after the new Socialist Republic emerged from war fatigue. Yet, Vietnam's colonial rule had left some conservation ethic behind for the hunter-gatherer public. The new country set a record of sorts in wildlife policy making a slew of policies to enable strict

¹⁵¹ Anagnostou, M. *et al.* (2020) 'Ranger perceptions of the role of local communities in providing actionable information on wildlife crime' (2020) 2 *Conservation science and practice*.

wildlife laws. With seven ministries tasked with the implementation of Vietnam's wildlife policies there is confusion about who did what as two ministries developed separate laws for protected species without consulting one another, and their differences could not be reconciled.¹⁵² Therefore, stakeholder coordination is of the essence for effective implementation of wildlife laws in Vietnam. The government's non-compliance with international legal mechanisms to crackdown on wildlife trafficking was concern expressed by wildlife crime investigators in the past.¹⁵³

A fresh approach to wildlife legislation in Ethiopia and Vietnam could be a focus on "remediation" rather than 'penalties' that hardly seem to work with poachers and traffickers in both countries. Wildlife offenders would be liable to restore wildlife habitats, recompense by working as forest guards, or conduct conservation awareness campaigns for their communities.¹⁵⁴

In summary, the stranglehold of Illegal Wildlife Trade on growing economies is elucidated by comparing the wildlife laws of Ethiopia and Vietnam. Given that human-centric growth is a paradigm, enabling environmental stewardship, sustainable resource utilization, and user-friendly laws that would conserve wildlife as intangible heritage can make the difference. Ethiopia and Vietnam's low and medium HDI ranks are cause for concern and necessitate an inclusive approach to environmental governance by which local communities are empowered to make informed choices for their conservation agendas, including the sustainable use of wildlife resources. Much as wildlife laws are good tools in the box, their sparing use would be possible with judicial reforms that could be remediation-oriented in the future, and not penalties-oriented as at present. However, when rich countries are dominant global players of IWT, effective wildlife laws might be the only tools to curb a trade which leaves our forests bereft of wildlife.

¹⁵² Pai, Murali, *Tilo's Troops – Handiwork of a Primatologist in Vietnam*. Manipal Universal Press 2019.

¹⁵³ Covert, J. 'Wildlife justice commission: First public hearing: Investigating wildlife trafficking in Viet Nam', (2016) 46 (6) *Environmental Policy and Law* 368-370.

¹⁵⁴ Fajrini, R. *et al.* 'Poacher pays? Judges' liability decisions in a mock trial about environmental harm caused by illegal wildlife trade' (2022) 266 *Biol.Conserv.* 109445 pp 9.