

# SOMALIA

## WILDLIFE TRADE LEGAL GAP ANALYSIS



SEPTEMBER 2020



# LICIT

## LEGAL INTELLIGENCE FOR CHEETAH ILLICIT TRADE



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for Environment  
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Challenge Fund

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# INTRODUCTION

Legal Intelligence for Cheetah Illicit Trade (LICIT) is a 3-year project (2019-2022) sponsored by the UK Department for Environment Food and Rural Affairs (DEFRA) through the Illegal Wildlife Trade Challenge Fund (IWT Fund). It is implemented by an alliance between the Cheetah Conservation Fund (CCF), the Legal Atlas and The International Fund for Animal Welfare (IFAW). The expected impact of the project is that trafficking of live cheetahs and gazelle decreases between the Horn of Africa and the Arabian Peninsula as an established public and private sector network effectively enforces wildlife trafficking legislation. LICIT aligns with and supports a wider effort by Horn of Africa regional governments and partners to strengthen ongoing cooperation to end trafficking of cheetahs and other endangered wildlife in the region. The principal project activities include legal research and analysis, training and capacity building, and network building. This assessment and the accompanying legislative agenda are the outputs of the legal research component of the project conducted by Legal Atlas.

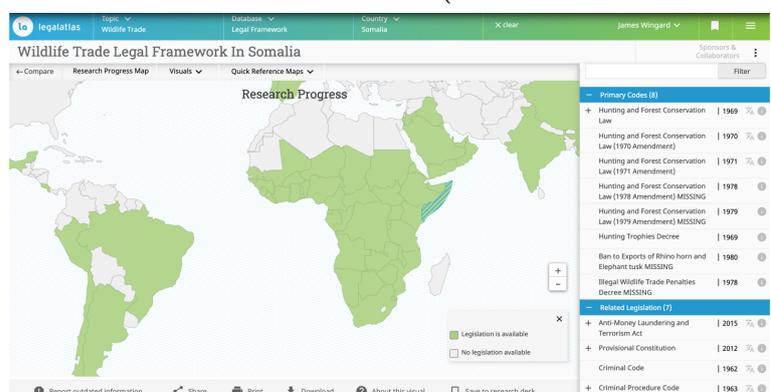
The objective of this assessment is to take a simultaneously broad and detailed look at the current international and national legal frameworks that apply to wildlife trade in Somalia, with a particular focus on their application to illicit cheetah trade. It is one of four reports produced by Legal Atlas in the LICIT project covering three jurisdictions in the Horn of Africa (Ethiopia, Somalia and Somaliland Region) and one in the Arabian Peninsula (Yemen).

The methods used to identify and compile related legislation are based on those developed by Legal Atlas® for use in its legal intelligence platform. In addition to independent review, the methods also include review and identification of relevant legal material by local sources. The results of the compilation can be accessed in the Legal Atlas® platform by going to [www.legal-atlas.net](http://www.legal-atlas.net).

**Legal Atlas® Platform** - Legal Atlas provides Somalia authorities with easy access to the legislation of neighboring jurisdictions. This open resource is intended to facilitate understanding of

commonalities and differences in laws regulating wildlife, offering the ability to benchmark laws and identify opportunities for harmonization at international and regional levels, as well as support inquiries related to mutual legal assistance when combatting international crimes. The platform contains legislative frameworks for wildlife trade for more than 70 jurisdictions. In May 2020, Legal Atlas presented a demonstration of the platform to government officials from countries served by the LICIT project. This initial training focused on an overview of content, its application to investigation and prosecution strategies, as well as research inquiries.

The writing of this report overlapped with ongoing efforts by the Somali government to introduce revisions to its core wildlife trade law (Law on



Fauna (Hunting) and Forest Conservation) to meet CITES requirements. Legal Atlas has reviewed the new bill and has based its CITES best practices review as well as the Key Content Analysis on it, rather than the current law.

## COUNTRY OVERVIEW

Suffering from protracted internal conflict and the attending difficulties in governance that occur at all levels, Somalia has nonetheless made significant strides in its efforts to foster development, improve the economy, and combat environmental degradation.

Due to its climatic and geographical diversity, Somalia has a high degree of species endemism and richness. It is home to a wide variety of mammals, among them the lion, cheetah, reticulated giraffe, hamadryas baboon, civet, serval, African bush elephant, Soemmerring's



gazelle, antelope, ibex, kudu. In all, more than 140 vertebrates are endemic to the country, including 30 mammals. Somali fauna is adapted to the arid and semi-arid ecosystems of Northeastern Africa and is considered a high conservation priority.

Somalia is home to all four of the species of concern in this assessment:

- **Cheetah** (*Acinonyx jubatus*) is the species of primary concern in this research. This region harbors a highly threatened subspecies of cheetah (*Acinonyx jubatus soemmeringii*), which is estimated to number less than 300 individual adults and adolescents. The status of Somalia's population is, however, unknown.<sup>1</sup>
- The **Dorcas gazelle** (*Gazella dorcas*), also known as the Ariel gazelle, is a small and common gazelle whose range and distribution covers much of northern Africa and includes all or portions of 14 countries,<sup>2</sup> including three of the four countries in this review – Ethiopia, Somalia, and Somaliland. IUCN lists the Dorcas gazelle as Vulnerable with populations decreasing generally across its entire range.
- The **Soemmerring's gazelle** (*Nanger soemmeringii*), also known as Abyssinian mohr, is a gazelle species native to the Horn of Africa with a small population in Somalia. The IUCN lists it as 'Vulnerable.'
- The **Speke's gazelle** (*Gazella spekei*) is the smallest of the gazelle species, listed by IUCN as Endangered, with population decreasing. Its range and distribution are confined to the Horn of Africa. According to independent sources, it has been hunted to extinction in Ethiopia and is endangered in Somalia due to war, hunting and overgrazing. The total population was estimated in the tens of thousands more than 20 years ago.

What is known about trade in the region for the three gazelle species will have to be advanced

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<sup>1</sup> CITES Decision 16.72, Illegal Trade in Cheetahs (*Acinonyx Jubatus*), Twenty-seventh meeting of the Animals Committee Veracruz (Mexico), 28 April – 3 May 2014

<sup>2</sup> Including Algeria, Chad, Egypt, Ethiopia, Libya, Mali, Mauritania, Morocco, Niger, Somalia, Somaliland, Sudan, Tunisia, and parts of Israel and Sinai in the Middle East.

<sup>3</sup> Id.

during in-country review as there is little published concerning trade practices, volumes, and values specific to Somalia.

To the extent these species are listed by CITES or otherwise covered by Somalia's wildlife and trade related legislation, a majority of this review will nonetheless be applicable.

## Trade Governance generally

Somalia has labored under conflict, instability, and uncertain governance for close to 30 years, which has undermined the government's ability to regulate trade. This has enabled the growth of illegal enterprises, both on land and at sea, that impact lawful trade.<sup>3</sup> Some major criminal enterprises focus on the illicit trade in charcoal and trafficking in small arms.<sup>4</sup>

## Wildlife Trade Environment

Somalia's rich wildlife heritage has made it the target of both over-exploitation and trade in wildlife. During the 1960s, approximately 60,000 gazelle skins, 250,000 dikdik skins, 18,000 kg of ivory and between 3,000 and 5,000 live monkeys were exported.<sup>5</sup>

The country's prolonged conflict and instability has facilitated illegal trade that exerts pressure on several endangered species. In 2006, a survey of wildlife trade in southern Somalia revealed strongly increased illegal trade in various species at local markets and for export purposes.<sup>6</sup> Some 32 species of vertebrates were identified with varying levels of harvest and trade intensity depending on the local situation and market demands.

Anecdotal information indicates that random hunting for meat still exists particularly for

<sup>4</sup> Id.; see also Nichols, M. (2019). Iran is new transit point for Somali charcoal in illicit trade taxed by militants: U.N. report. Reuters.

<sup>5</sup> Somalia National Biodiversity Action Plan, 2015.

<sup>6</sup> Amir, O. (2007) Wildlife Trade in Somalia. Volume 1 Issue 4 March 2007 ISSN 1990-8237



antelopes. Cheetah are caught and smuggled to the gulf countries for cash. As reported in Somalia's National Biodiversity Action Plan, one cub may bring as much as USD 20,000.<sup>7</sup> Other reports quote prices between USD 10,000 and 12,000.

Trade is particularly critical for the country's threatened species, among them: cheetah (*Acinonyx jubatus*), leopard (*Panthera pardus*), lion (*Panthera leo somaliensis*), elephant, dibatag (*Ammodorcas clarkei*), hirola (*Damaliscus hunteri*), beira (*Dorcatragus megalotis*), Speke's gazelle (*Gazella spekei*), Pelzeln's gazelle (*Gazella dorcas pelzelni*), Haggard's oribi (*Ourebia ourebi haggardi*) and silver dikdiks (*Modaqua piacentinii*).<sup>8</sup>

There is also trade in several reptiles, some of which are being harvested for medicinal purposes. Among these are the hawksbill sea turtle (*Eretmochelys imbricate*), green sea turtle (*Chelonia mydas*), leopard tortoise (*Geochelone pardalis - Stigmochelys pardalis*) and Somali chameleons (*Chamaeleo spp.*).<sup>9</sup>

Some of these reptiles are considered to be aphrodisiacs and the turtle-derived medicines are specially used to treat lung diseases such as tuberculosis, asthma and cough. The leopard tortoise and chameleons are being traded internationally to the Gulf region and Southeast Asia.

### International Demand for Cheetahs

Trade appears to be driven by the demand for cheetah cubs as exotic pets in the Arabian Peninsula as well as poaching pressures in the Horn of Africa resulting from human-wildlife conflict. "A year-long journalistic investigation conducted in 2013 documented cheetah cubs, along with other live African wildlife, being smuggled by boat out of Somaliland, through Yemen, and up the coastal road to the border crossing with Saudi Arabia.<sup>10</sup> This international demand challenges Somalia's efforts to prevent trade for the same reason other jurisdictions are challenged.

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<sup>7</sup> Somalia National Biodiversity Action Plan, 2015.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Sheffer (2013); Sheffer and Kennedy (2013)

### Somalia's role as a Source and Transit Country: Under Investigation

East Africa is the region with the highest recorded levels of illegal cheetah trade. Although Somalia is a part of the international trade network, little is known of the resident cheetah population or the levels of poaching and illegal trade occurring within its boundaries. Its role as a transit country is also being investigated.

That being said, governmental reports recognize that the two decades of civil war and the higher presence of arms in the country increased both the number of hunters and illegal wildlife traders. In addition, many hunters adopted new hunting and trapping techniques, and learned how to handle live animals bound to be sold in foreign counties. With the cheetah trade being that of live animals, this is especially relevant to this species being illegal trafficked. Indeed, as part of its proposed wildlife protection strategy, the government of Somalia reported in 2020 attempts to traffic cheetahs from Somalia to the Arabian Peninsula<sup>11</sup>.

The need for further understanding and assessments of wildlife population and crimes taking place in Somalia is clear to fill existing knowledge gaps.

### The Role of Protected Areas

Wildlife issues are overseen by the Director of the Department of Wildlife in the Directorate of Environment and Climate Change in the Prime Minister's office.

In addition, two agencies within the Ministry of Livestock, Forestry and Range are responsible for the management of Somalia's terrestrial environment:

- Central Rangelands Development Project (CRDP) which has jurisdiction in the central region of the country, and
- National Range Agency (NRA) which is responsible for the southern and northern regions.

<sup>11</sup> Somalia Wildlife Protection Proposal, Directorate of Environment and Climate Change, Prime Minister's Office.



## Enforcement Environment

### Enforcement Data

Since 2005, the Cheetah Conservation Fund (CCF) has compiled records of confiscations - many arranged through cooperation between national authorities and conservationists-, as well as of illegal trade.

Earlier records are scarce, and likely reflect an absence of active trade monitoring efforts rather than an absence of trade. Verified records are those that NGOs observed or where they facilitated the disposition of animals. In other instances, reports of illegal trade were communicated by others to researchers.

While records from the last decade are now being analyzed, initial analysis of the first half of 2020 data offers 20 cheetahs being confiscated in the Somaliland region that borders the Gulf of Aden, with 22 additional cheetahs allegedly in trade though seizures were not made.

As with any other illicit activity, experts suspect actual trade is much larger but worry that even this smaller number represents an estimated 15% of the remaining known cheetah (*soemmeringii*) population in a single year. 'Relative to the surviving populations, this trade is large and is, almost certainly, driving the small, vulnerable cheetah populations in this region to extinction.'<sup>12</sup>

Suffering dehydration, malnutrition and exposure to infectious disease and trauma, mortality rate for these young animals is high, with many dying within 72-hours of confiscation.<sup>13</sup>

### Cross-Border Collaboration

The international community has recognized the need to deploy a broader spectrum of government resources to counter illegal wildlife trafficking.

**Maritime Security** - CITES recommends that parties who are part of the multi-national maritime security task forces operating in the Gulf of Aden and surrounding waters should take under consideration the potential to provide briefings to the maritime security forces which could support greater detection and deterrence of illegal wildlife trade.<sup>14</sup> Somalia could follow up this recommendation by providing such briefings .

**HAWEN** -\_Ministers responsible for wildlife conservation from the IGAD member states<sup>15</sup> signed a Protocol and Declaration to establish the Horn of Africa Wildlife Law Enforcement Network (HAWEN) as a specialized technical network of IGAD. The HAWEN is expected to lead implementation of the wildlife enforcement component of the IGAD Wildlife Management Strategy adopted in July 2017.

This includes coordinating the participating governments on wildlife trafficking and enforcement matters and providing a regional platform for information sharing, promoting uniform enforcement standards, law enforcement cooperation, coordination of capacity building and training, and public outreach.

Externally, the HAWEN is designed to act as a focal point for relations with other WENs and partner organizations including the partners in the International Consortium on Combating Wildlife Crime (ICWC). The HAWEN will also need to support implementation of the African Strategy on Combating Illegal Exploitation and Illegal Trade in Wild Fauna and Flora in Africa, adopted by the African Union in 2015, within the IGAD region.

**TWIX Platform** - This is an online tool developed by TRAFFIC to facilitate information exchange and international co-operation in regard with wildlife crime between law enforcement agencies across Europe and Central Africa. There are currently three TWIX platforms in operation, EU-TWIX, AFRICA-TWIX, and SADC-TWIX, with over 2,000 management and enforcement officers connected and privately exchanging information on seizures and crimes. A fourth iteration, the Eastern Africa WIX is currently under development. HAWEN is requesting support to implement a TWIX platform

<sup>12</sup> Durant, S. (2019) Cheetahs, CITES, and illegal trade: Are consumer countries doing enough? Mongobay

<sup>13</sup> Id.

<sup>14</sup> CITES Decision 16.72

<sup>15</sup> Somalia has been a member since 1986.



for the Horn of Africa so an expanded Eastern Africa TWIX is currently under consideration.<sup>16</sup>

## Policy Environment

Somalia has been a member of IGAD since 1986, which released a Regional Biodiversity Action Plan and Statement on Wildlife Trade in 2017 and formed the Horn of Africa Wildlife Enforcement Network (HAWEN) in the same year. Somalia is also committed to implementing the African Strategy on Combating Illegal Exploitation and Illegal Trade in Wild Fauna and Flora in Africa, adopted by the African Union in 2015.

There is otherwise no specific policy on domestic or international wildlife trade in Somalia beyond the currently approved legislation. The National Biodiversity Action Plan mentions wildlife trade in its section dealing with over-exploitation and over-use but does not provide a policy, per se. The Ministry of Natural Resources Strategic Plan for 2013-2016<sup>17</sup> does not mention wildlife, but the 2016-2019 National Development Plan does; expressly calling for the development and approval of policies and strategies for the range, forest and wildlife.

There are, however, three draft policies that have so far not been approved – the National Wildlife Policy, the National Wildlife Strategic Plan, and the Somalia Wildlife Protection Proposal<sup>18</sup>.

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<sup>16</sup> See <https://www.traffic.org/what-we-do/projects-and-approaches/supporting-law-enforcement/twix/>

<sup>17</sup> A more recent Strategic Plan was not located for this assessment.

<sup>18</sup> Somalia Wildlife Protection Proposal, Directorate of Environment and Climate Change, Prime Minister's Office.



# GAP ANALYSIS

The following sections look at the international and national legal frameworks as they apply to wildlife trade in Somalia.

For the most part, each type of law (international or national) is reviewed independent from the other. However, the national law intended to implement CITES have been reviewed in the international section, as CITES requires national legislation for compliance. This review overlaps with but is still separate from review of national legislation.

## INTERNATIONAL LEGAL FRAMEWORK

This section takes a detailed look at the international laws and agreements that apply to wildlife trade either directly or indirectly and to which Somalia is either a member, a signatory, or eligible to sign.

### Relevant Treaties and Adherence

Research identified 28 international and regional agreements relevant to wildlife trade management and enforcement for Somalia. These are organized in the following table according to their primary objectives.

As with the national legal frameworks, the method for identifying and compiling relevant international agreements is based on those developed by Legal Atlas® for use in its legal intelligence platform.<sup>19</sup> The method also included input by other members of the LICIT project team.

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<sup>19</sup> Results WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended can be viewed online at [www.legal-atlas.net](http://www.legal-atlas.net)

In general, the results indicate that Somalia has numerous opportunities to improve its international tools for combatting illegal wildlife trade. Indeed, half (*n.* 14 of 28) of the identified international instruments have not been signed and another five have been signed, but not ratified. Many of them are directly related to wildlife trade, important areas of governance, trade, and enforcement.

### Treaties signed, but not ratified

Of the 28 treaties and treaty decisions relevant to wildlife trade, the country has signed, but not yet ratified five. Two of these are key to wildlife trade enforcement in the region. The others are directed at resource management and questions of governance more generally. These include:

#### Enforcement

- OAU Convention on the Prevention and Combating of Terrorism
- Protocol of the OAU Convention on the Prevention and Combating of Terrorism
- Resource Management
- AU-Convention on Conservation of Nature and Natural Resources
- AU-Revised Convention on Conservation of Nature and Natural Resources

#### Governance

- AU-Convention on Corruption

### Treaties not signed

It has also neither signed nor implemented 14 others, some of which are specifically directed at managing illicit wildlife trade, and others that are intended to harmonize and improve border controls. Organized by type, these include:

#### Enforcement

- AU-Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)
- AU-African Maritime Transport Charter (Revised)



## Resources Management

- WHO-Convention concerning the Protection of the World Cultural and Natural Heritage

## Trade generally

- WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended
- WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi Convention)
- WCO-International Convention on the Harmonized Commodity Description and Coding System
- WCO-Convention A.T.A. Carnet for the temporary admission of goods
- WCO-Convention on Temporary Admission (Istanbul Convention)
- WTO-Agreement on Sanitary and Phytosanitary Measures
- AU-Phyto-Sanitary Convention for Africa
- Wildlife Trade
- UN Convention Against Transnational Organized Crime, including the Protocol on Wildlife Trade
- Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora
- Governance
- UN Convention Against Corruption
- UNWTO-Framework Convention on Tourism Ethics

## List of Relevant Treaties

- Table 1 lists the international and regional agreements deemed relevant to wildlife trade occurring within, passing through, or coming from Somalia.
- Treaties have been organized by their overarching purpose, starting with those most directly relevant to trade and enforcement. This organization is not intended to indicate that some are less important than others, as any given instance of trade may make any of them more important than the others for that particular question.

**Table 1. List of applicable international and regional agreements relevant to the management of wildlife trade in Somalia**

#	Convention Name	Somalia Status
<b>Wildlife Trade</b>		
1	CITES	Party, 1986
2	UN Convention against Transnational Organized Crime, including: <ul style="list-style-type: none"> <li>Resolution E/2013/30 to treat Wildlife Crime as a "Serious Crime"<sup>n 23</sup></li> </ul>	Not Signed
3	Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora	Not Signed
4	AU African Common Strategy on Combating Illegal Exploitation and Trade in Wild Fauna and Flora in Africa	AU Member
<b>Wildlife and Natural Resources generally</b>		
5	CMS, including: <ul style="list-style-type: none"> <li>Decisions 12.55 to 12.60 and 13.86 to 13.87 on Joint CMS-CITES African Carnivores Initiative</li> <li>Decisions 12.61 to 12.66 and 13.92 to 13.95 on Conservation and Management of Cheetah and African Wild Dog</li> </ul>	Party, 1986
6	WHO-Convention concerning the Protection of the World Cultural and Natural Heritage	Not Signed
7	Convention on Biological Diversity	Party, 2009
8	AU-Convention on Conservation of Nature and Natural Resources	Signatory, 1968
9	AU-Revised Convention on Conservation of Nature and Natural Resources	Signatory, 2006
<b>Governance</b>		
10	UN Convention Against Corruption	Not Signed
11	AU-Convention on Corruption	Signatory, 2006
12	UNWTO-Framework Convention on Tourism Ethics	Not Signed
13	Agreement Establishing the Inter-Governmental Authority on Development (IGAD)	Party, 1986
<b>Trade generally</b>		
14	WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended	Not Signed
15	WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences	Not Signed
16	WCO-International Convention on the Harmonized Commodity Description and Coding System	Not Signed
17	WCO-Convention A.T.A. Carnet for the temporary admission of goods	Not Signed
18	WCO-Convention on Temporary Admission (Istanbul Convention)	Not Signed
19	WTO-Agreement on Sanitary and Phytosanitary Measures	Observer, 2016
20	AU-Phyto-Sanitary Convention for Africa	Not Signed
<b>Enforcement generally</b>		
21	INTERPOL Constitution, including: <ul style="list-style-type: none"> <li>INTERPOL Rules on the Processing of Data</li> </ul>	Party, 1975
22	AU-Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)	Not Signed
23	AU-African Maritime Transport Charter (Revised)	Not Signed
24	OAU Convention on the Prevention and Combating of Terrorism	Signatory 2006
25	Protocol of the OAU Convention on the Prevention and Combating of Terrorism	Signatory 2006
26	IGAD Convention on Mutual Legal Assistance in Criminal Matters	Party, 1986
27	IGAD Regional Biodiversity Action Plan <ul style="list-style-type: none"> <li>Statement on Wildlife Trade</li> </ul>	Party, 1986
28	IGAD Hawen Protocol	Signatory 2017

## CITES Compliance Assessment

Of the treaties reviewed in this assessment, there is only one (CITES) that requires compliance in the form of national legislation with specified content and a set of best practices that can be reviewed in a standardized format across jurisdictions.

This section is therefore limited to reviewing the degree of implementation of CITES in Somalia's national legal framework. Given the known status of the 1969 legislation's failure to meet the minimum requirements, the decision was taken to reviewing the proposed 2108 draft legislation with the intent to provide timely input for consideration prior to adoption.

**NOTE on the 2018 English Translation of the Bill:** There are several errors in the language, as well as in the numbering of articles and sub-articles; e.g.,



there are two Article 3 entries. References contained in the CITES Checklist table follow the numbering provided without attempting to make corrections.

## Minimum Requirements

Based on the law currently in place, Somalia is listed as a Category 3 country by CITES National Legislation Project, the lowest possible rank, meaning that “legislation is believed generally not to meet the requirements for the implementation of the convention.” It is for that reason that Somalia has been subject to a recommendation by CITES to suspend all trade since 2002. The current draft law is intended to address and rectify the deficiencies raised by CITES.

Member states are required to meet the requirements expressed in Resolution Conf. 8.4 (Rev. CoP15), which mandates that every state member, within its national legislation, must:

1. designate at least one Management Authority and one Scientific Authority
2. prohibit trade in specimens in violation of the Convention;
3. penalize such trade; and
4. confiscate specimens illegally traded or possessed.

As a Category 3 country, Somalia’s legislation is listed as needing priority attention and currently under a notice suspending all commercial trade.<sup>20</sup>

For purposes of comparison, the other jurisdictions in this project have the following CITES Category:

- Ethiopia and Yemen are Category 1 countries;<sup>21</sup>
- Somaliland is not yet eligible to sign the treaty, and therefore not assessed.

## CITES National Legislation Checklist

The foregoing requirements are, however, considered only a minimum. To fully secure the implementation of CITES, the Secretariat has developed an assessment guideline (‘Legislation

Checklist’) that identifies legal content (i.e., best practices) to enable the consistent and detailed review of CITES implementing legislation. The checklist contains 70 concepts for consideration and is organized in 13 major conceptual categories.<sup>22</sup>

Annex II recreates a portion of that compliance checklist for the draft legislation. For several reasons, not all 70 have been used in this assessment.

- Some have been eliminated as they do not apply to the inquiry of this report (e.g., #14. definition of introduction from the sea, which is relevant to marine species but not cheetah trade).
- Others are not considered essential as indicated by the text making the recommendation (e.g., #70. Some countries may wish to...).
- Some are repetitive or at least overlapping and can either be merged or modified such that a single concept is reviewed.
- Others are potentially contrary to existing national legislation (e.g., earmarking of funds) and should be reviewed in a larger legal context.
- And finally, some are suggestive of general rather than specific content (e.g., the call to include ‘more detail’ concerning CITES permitting procedures), and therefore not ripe for assessment.

All 70 recommendations were reviewed for their applicability to this assessment, and a final selection of 43 was made. Somalia’s legislation was then assessed to determine the degree of compliance with those 43 CITES recommendations. Detailed results are available in Annex II and the following is a summary of them.

## Summary Results

The results of the assessment made for the new 2108 wildlife bill indicate that Somalia’s proposed legislation would still fall short of fully complying with CITES. The results show that compliance is achieved only for under half of the 43 selected

<sup>20</sup> CITES Notification to the Parties, No. 2019/035, extending a pre-existing suspension of trade pending approval of implementing legislation. Available at <https://cites.org/eng/resources/ref/suspend.php>.

<sup>21</sup> Status of Legislative Progress for Implementing CITES (Updated November 2019) Parties with Legislation in Category 1.

<sup>22</sup> CITES National Legislation Checklist



CITES best practices – 20 (47%). Partial gaps were observed in another 11 (26%); and full gaps were found in additional 11 (26%); with 1 remaining best practice not assessed for lack of information.

Most of the conceptual categories have at least one partial gap. For the Field of Application and Management and Scientific Authorities categories, these are minor issues. More important are the partial gaps and gap found in the category developing best practices around Permitting.

Somalia – CITES Compliance Analysis		
Based on 43 Recommendations (100%)		
Full Compliance	Partial Compliance	No Compliance
20	11	11
47%	26 %	26%

CITES relies heavily on the integrity of the permitting process. Somalia’s proposed new law, however, is either silent or lacks adequate detail for many of the 16 permitting best practices selected for review: *n.* 5 are full gaps (31%) and *n.* 6 are partial gaps (38%). Among the full gaps are the lack of any regulatory guidelines for captive breeding (BP #41); export permit requirements for captive-bred Appendix I specimens for commercial purposes; certificates of captive-breeding for all others (BP #42); as well the licensing procedures and conditions for commercial operations (BP #43).

Other individual areas of concern include the express prohibition of the possession, transport, sale, offering for sale, and purchasing of any specimen of CITES-listed species that has been imported (BP #50); the requirement that traders exporting or re-exporting CITES specimens keep a register of all transactions (BP #56); the inclusion of attempts, aiding and abetting as offences. (BP #62); and penalties sufficient to constitute deterrent (BP #64).

The following is a summary listing of the best practices either not addressed (Gap), or partially addressed (Partial Gap) in the legislation. Annex II for full list of results and additional commentary.

#### General provisions, scope of application and authorities

1. **Partial Gap** - Use of CITES nomenclature (BP #9). Schedules listing species not included in the draft; not reviewable at this time.
2. **Partial Gap** - Specific mention of a ‘scientific authority’ (BP #21)

#### Permit requirements, form, validity, conditions and procedures

3. **Partial Gap** - requirement that specimen not be obtained in contravention of the law only applies expressly to exports, not re-exports or trade generally. (BP #24)
4. **Partial Gap** - Prescribed form, template or other content requirements for permits (BP #30)
5. **Gap** - Separate permit or certificate is required for each consignment of specimens (BP #32)
6. **Partial Gap** - Only the question of non-transferability of permits expressly mentioned. Other procedures and conditions as per BP #33 not included.
7. **Partial Gap** - No procedural regulations for the power to amend, suspend or revoke permits or certificates. (BP #35)
8. **Partial Gap** - Authority to disqualify a person, from obtaining a permit or certificate is only temporary; no authority to permanently disqualify. (BP #36)
9. **Gap** - There are no regulatory guidelines for captive breeding (BP #41)
10. **Gap** - No specific export permit requirements for captive-bred Appendix I specimens for commercial purposes; certificates of captive-breeding for all others (BP #42)
11. **Gap** - No licensing procedures and conditions for commercial operations (BP #43)
12. **Gap** - Exchange of scientific material and registration of institutions (BP #45)
13. **Partial Gap** - There are offenses for the misuse of marks but no expressly stated power to issue such. (BP #47)

#### Border Control, consignments, traders, possession and domestic trade

14. **Partial Gap** - No general power to refuse to accept permits from exporting countries based on ‘reasonable grounds’ (BP #49)
15. **Gap** - Prohibition of the possession, transport, sale, offering for sale, and purchasing of any



specimen of CITES-listed species that has been imported. (BP #50)

16. **Partial Gap** - Power to conduct investigations and detain specimens (BP #51)
17. **Gap** - Requirement that traders exporting, or re-exporting CITES specimens keep a register of all transactions (BP #56)

#### Enforcement and Penalties

18. **Partial Gap** - Clear designation of enforcement departments and agents (BP #58)
19. **Gap** - Attempts, aiding and abetting are also offences. (BP #62)
20. **Gap** - Penalties sufficient to constitute deterrent (BP #64)

#### Disposal of Confiscated Specimens

21. **Gap** - Allow for the costs of returning confiscated live specimens to the country of origin or re-export to be charged to the guilty importer and/or carrier (BP #65)

## NATIONAL LEGAL FRAMEWORK

This section takes a detailed look at the national laws governing several key components of wildlife trade in Somalia. Our analysis is informed by the following:

- the practicalities of wildlife trade for each of the identified species;
- the high mortality rate of confiscated cubs, and therefore the need to regulate placement;<sup>23</sup>
- concerns raised by reports and key informants with knowledge of wildlife trade in Somalia;
- the project goal of examining the penalty provisions;
- the project goal of considering other areas of law, in particular legislation that may support local communities.

In addition, CITES concerns have been taken into account. In 2014, the CITES Secretariat issued its

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<sup>23</sup> CITES SC65 Doc. 39 (Rev. 2): Illegal Trade in Cheetahs (*Acinonyx jubatus*), Sixty-fifth meeting of the Standing Committee Geneva (Switzerland), 7-11 July 2014

Decision 16.72 highlighting the ‘importance of legislative and regulatory controls in detecting and preventing illegal trade in cheetahs.’<sup>24</sup> Of particular concern, the Decision notes the following:

- The opportunity for Gulf States to adopt measures to tackle region-wide problems of uncontrolled keeping of and illegal trade in big cats;
- The need for East Africa to develop and adopt a common strategy to deal more effectively with confiscated live cheetahs.
- The possibility of cheetah parts and derivatives entering the traditional medicine market.

## Summary of the Legal Framework

**\*\*Methodological Note:** No one has comprehensive access to the entire body of legislation issued in Somalia during the period between its independence and the end of its civil war (1960 - 2000). This inevitably creates gaps in the legislation this research was able to obtain. The laws listed here represent the primary body of legislation governing wildlife trade but is not considered comprehensive.

A total of 11 laws and regulations, plus four amendments, were reviewed (listed below), as well as one proposed new law (the Fauna (Hunting) and Forest Conservation Bill), intended to achieve, among other things, compliance with CITES requirements.

The entire framework is pending review by local staff and counterparts in Somalia. There are several laws identified but for which the LICIT team was not able to obtain copies. These are:

- Hunting and Forest Conservation Law, 1978 amendments
- Hunting and Forest Conservation Law, 1979 amendments
- Ban to Exports of Rhino horn and Elephant tusk
- Illegal Wildlife Trade Penalties Decree

<sup>24</sup> CITES Decision 16.72: Illegal Trade in Cheetahs (*Acinonyx jubatus*), 27<sup>th</sup> meeting of the Animals Committee Veracruz (Mexico), 28 April – 3 May 2014.



These four missing pieces of legislation have been included in Annex I, comprising Somalia's national framework, and have been commented and described to the extent other sources discuss their content.<sup>25</sup> However, as they remain missing, no further analysis has been possible to date.

For this and other reasons (e.g., the status of the proposed 2018 draft law), this assessment remains an open inquiry. The LICIT team along with counterparts in Somalia remain engaged, including in particular locating the missing information in the legal framework. Both the assessment and the platform will be updated as new material becomes available.

The degree to which the missing documents impact the review is likely significant, at least to the extent this review focuses on the current legislation and also because the key role that the missing Illegal Wildlife Trade Penalties Decree is assumed to play in establishing trade related offenses, a core objective of this assessment. As noted later in this document, in the Key Content Analysis, the condition of 2018 draft also makes more detailed analysis and recommendations difficult.

As informed by Somalia representatives, the proposed Fauna (Hunting) and Forest Conservation Bill is slated for approval in the near term. This would make unnecessary a detailed analysis of at least the 1969 Hunting and Forest Conservation Law moot. For this reason, the CITES assessment focuses exclusively on the 2018 proposed bill.

The Key Content analysis focuses on those parts of the legal framework that have a bearing on wildlife trade unrelated to CITES, including primarily reference to the 2018 bill, but also to the 1969 law where comparisons are instructive. The offenses section focuses solely on the proposed new law.

A quick reference to the list of legislation is provided in Table 2.<sup>26</sup>

Table 2. List of Somalia's Legislation relevant to Wildlife Trade

#### PRIMARY LEGISLATION

1. Hunting and Forest Conservation Law, including 4 amendments (1970, 1971, 1978 and 1979)
2. Hunting Trophies Decree
3. Ban to Exports of Rhino horn and Elephant tusk
4. Illegal Wildlife Trade Penalties Decree

#### RELATED LEGISLATION

5. Provisional Constitution
6. Anti-Money Laundering and Terrorism Act
7. Criminal Code
8. Criminal Procedure Code
9. Public Order Law
10. Veterinary Law
11. National Parks Agency Law

## Framework Analysis

The Gap Analysis method draws primarily from three sources:

- ICCWC Wildlife and Forest Crime Analytic Toolkit (Revised Edition)<sup>27</sup>
- Legal Atlas methods for best practice assessment, and
- Research conducted by the LICIT team.

### Legal Strategy

Before discussing the details, this section takes a brief look at the overarching framework to highlight major concerns. The visual that accompanies this initial inquiry and that appears in Figure 1 (referred to as the 'Legal Strategy') is drawn from the Legal Atlas® platform and can be

<sup>25</sup> Two laws have not been commented on – 1) the 1989 Ban on Exports of Rhino horn and Elephant tusk and 2) the 1978 Illegal Wildlife Trade and Smuggling Penalties Decree.

<sup>26</sup> The same list can also be found online in the Legal Atlas® platform at [https://www.legal-atlas.net/Wildlife\\_Trade/Legal\\_Framework/Somalia](https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Somalia).

<sup>27</sup> International Consortium on Combating Wildlife Trade (2012) Wildlife and Forest Crime Analytic Toolkit (Revised Edition).



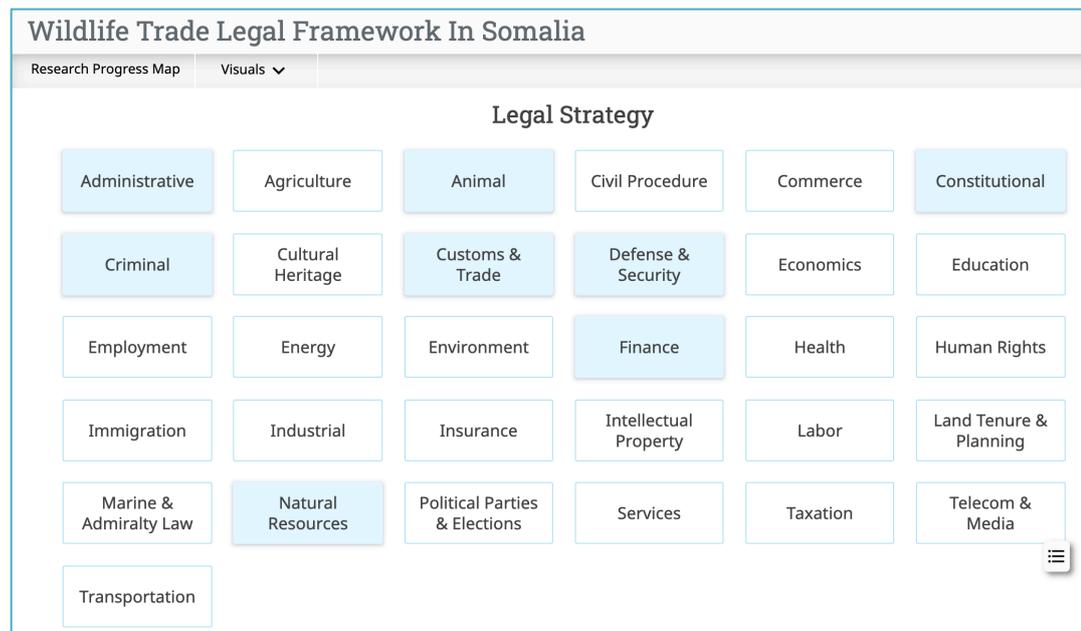
viewed there in interactive form using the links provided below.<sup>28</sup> The commentary included here is in addition to what is contained in the platform.

The Legal Strategy visual recognizes three things:

- **that any given topic will be regulated by more than one law.** This is illustrated by Table 2, which lists the 11 pieces of Somalia’s legislation that in some way apply to wildlife trade.
- **that these laws come from different parts of a country’s legal system** (e.g., administrative, constitutional, criminal, environmental law, etc.). This is discernible just from the names of the laws, even if it is not stated explicitly. The Regions and Districts Law, for example, would most likely be classified as an “Administrative” law as it regulates administrative authorities generally; whereas the Public Order and Security Law would fall under the category of “Defense and Security”. This categorization is important because it means they are often developed, at least initially, by different committees or groups within a given legislative body in response to different concerns, expertise, and interests.
- **that the type of law means they naturally have different objectives, mandates, jurisdictional reach, and implementing agencies.** The kind of law, and therefore its regulatory objectives, mandates, etc., have an impact on what is being regulated and how. This in turn impacts the law’s ability to address issues specific to a particular topic, in this case wildlife trade. The COVID-19 crisis has provided an unfortunate example of this, revealing that health and safety laws applicable to those markets where

wildlife is sold, are primarily concerned with domesticated species and the meat processing industry, with little attention paid to the risk of zoonotic diseases coming from or affecting wildlife.<sup>29</sup> As a result, the markets that sell wildlife where zoonotic disease is a concern fall into an unintended and mostly invisible gap.

Figure 1. Legal Strategies



Before considering the question of ‘how well’ something is regulated, however, the initial inquiry needs to be whether certain types of law are being used at all as part of the country’s overall strategy to combat illegal wildlife trade.

In Somalia’s case, there are four types of law often found in the wildlife trade frameworks of other countries, but which this assessment has so far determined are not being used.<sup>30</sup>

These include:

- **Telecom and Media** – used to regulate advertising of wildlife, including online trade and liability for illegal advertisement.

<sup>28</sup> Account holders can follow this link directly to access the information - [https://www.legal-atlas.net/Wildlife\\_Trade/Legal\\_Framework/Somalia/legal\\_strategy](https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Somalia/legal_strategy).

<sup>29</sup> Wingard, J. et. al. (2020) Regulatory Frameworks Governing Wet Markets, Wildlife, and Zoonotic Disease:

Rapid Survey of 37 Jurisdictions – Preliminary Results. Legal Atlas.

<sup>30</sup> Based on results from Legal Atlas® platform covering 60+ jurisdictions, primarily in Africa, South East Asia and the Americas.



- **Health** – used to regulate foods and medicines that contain wildlife-based ingredients.
- **Commerce** – used to regulate the commercial aspects of wildlife trade including trade licenses, marks affecting wildlife products, etc.
- **Transportation** – used to regulate documentation requirements, inspection authorities, and sometimes the conditions of transport for live animals.

This is not to suggest that these types of laws *must* be used to regulate the issues listed, or that this is the only way to regulate. It is, however, indicative of major areas of regulation that are currently not part of the available strategy and that bear consideration going forward. For example, there has been some concern mentioned about wildlife trade connected to traditional medicine uses, a documented form of trade in Somalia. The visual highlights a potential overarching legislative gap for this type of trade.

## Key Content Analysis

Since LICIT is focused on fighting illicit wildlife trade, the analysis is consequently driven by that interest, resulting in the following areas being identified as the core legal areas or concerns to address:

- **Scope and Application** – discussing regulatory elements that manage the jurisdictional divisions and the extent to which the trade chain is covered by the identified legislation.
- **Regulatory Development** – discussing the status of implementing regulations and any gaps observed in the general development of such legislation.
- **Enforcement and Intelligence** – discussing the legal mandates for enforcement as they apply to various parts of the wildlife trade chain.
- **International cooperation in criminal matters** – discussing the legal tools available for managing instances of cross-border trade requiring judicial and investigatory support from foreign jurisdictions.

- **Crimes and penalties** – discussing the types of crimes and the penalties directly applicable to wildlife trade.

This focus implies that not all of the laws included in the framework have provided inputs for the gap analysis. All of them show relevance to wildlife issues, but only a selection has a significant bearing on the core concerns outlined.

For example, the Establishment of National Parks Agency Law is only indirectly related to wildlife trade. It provides for the protection of species that might be a target, but its principal aim is limited to establishing the National Parks Agency (Arts. 1 and 2). The powers of the General Manager are listed but there is no mention of wildlife, wildlife trade, or other authority that has an express link to the issue of wildlife conservation, hunting, or trade in any form.<sup>31</sup>

This gap analysis also omits questions concerning the overall functioning of the some of the laws, as well as the prosecutorial system. In other words, this assessment does not pretend to cover all of the gaps that might be associated with, for example, Somalia’s protected areas system or its veterinary laws. Nor does it examine closely how prosecutions are conducted, the use of investigators, forensics and the like. However, all of these also have an impact on how well the country manages wildlife trade.

### NOTE on Review of 2018 *draft* Law

This assessment focuses on that 2018 Wildlife Law draft although it does not yet include detailed recommendations for its improvement.

This is in part because the 2018 draft does not yet seem ripe for full review. It contains a number of drafting errors that raise questions about its status. These include repeated articles,<sup>32</sup> mis-numbered paragraphs,<sup>33</sup> sentences with repeated words or phrases, potentially missing sections, and cross-references to articles that do not exist and likely come from the 1969 version of the law.<sup>34</sup> References to the existing law issued in 1969 are included for comparison with the new approach

<sup>31</sup> Somalia National Parks Agency Law, 1970.

<sup>32</sup> See Art 31 Powers of Search, Confiscation and Arrest and Art. 33 also covering Powers of Search, Confiscation and Arrest.

<sup>33</sup> See Art. 9 which contains two sub-paragraphs (4).

<sup>34</sup> See Art. 23(1) referencing Art. 53; and (5) referencing Art. 51. The 2018 draft only contains 36 articles.



but no detailed analysis has been concluded, assuming it will soon be superseded.

For these reasons, clarification is needed on the status of the draft law before finalizing and developing either the Legal Agenda or Guidelines. The following assessment is likely not complete and may contain sections that need to be significantly revised if new information is received.

## Scope and Application

### 1. Preamble and Objectives do not mention Wildlife Trade

While the Hunting and Forest Conservation Bill expressly regulates trade and international trade is clearly a driving factor, domestic wildlife trade is not mentioned either in the Preamble or the Objectives.

This may seem a minor point but establishing the purpose of the law has an impact on awareness of the law's intent as well as on possible interpretations when the law is applied in a given case.

### 2. Inconsistent and Incomplete Coverage of the Wildlife Trade Chain

There are differences in this approach between the 1969 and 2018 versions that are worth highlighting.

First, wildlife trade per se is never expressly or fully identified anywhere in the 1969 version of the Law on Fauna. Instead, it is treated piecemeal in a variety of sections.

- Commercial use is generally defined as 'any use other than direct for personal purposes, including uses involving barter, sale, trade or by other disposition is received.'<sup>35</sup> However, commercial activities related to wildlife are never fully discussed.
- The sale and transport of meat are restricted but not prohibited.<sup>36</sup>
- The 'manufacture of articles from trophies for sale or carry[ing] on the business or [acting

as] a trophy dealer' are similarly restricted to holders of a license.<sup>37</sup>

- Import and export are restricted.<sup>38</sup>
- Ivory and rhinoceros horn possession are subject to reporting and registration procedures.<sup>39</sup>
- And finally, possession of government trophies (which comprise any illegally possessed wildlife) is subject to a reporting procedure that does not automatically result in confiscation.<sup>40</sup>

In all of this, there is no single statement addressing trade as a whole. From the combination of the provisions just cited, it appears that several activities are not being regulated. A comprehensive legal coverage of wildlife trade would include specific mention of activities such as:

- Sale Acquisition, including purchase and solicitation for purchase of wildlife products
- Advertising wildlife and wildlife products, including online advertising and transactions
- Possessing wildlife
- Transportation of wildlife
- Consumption of wildlife
- Use of wildlife in exhibitions and performances
- Use of wildlife for scientific research

The 2018 draft regulates wildlife trade in the context of its international obligations but contains even fewer provisions regulating domestic wildlife trade when compared to the 1969 law. Hunting provisions, occupying a major part of the 1969 law, are almost entirely absent in the 2018 draft, with just two provisions mentioning the term, although not regulating the activity at all.<sup>41</sup>

Part Two of the 2018 draft law is dedicated to the management of Somalia's forests, including 'forest produce.' This term is sometimes used in other jurisdictions to include a broad range of plants and animals associated with forest habitat; to which extent forest laws are often a critical part of a wildlife trade framework. However, in this draft, it does not seem to be the case. Nothing is expressly said that provides certainty that regulation of forest resources covers wildlife at all. Contributing

<sup>35</sup> Law on Fauna (Hunting) and Forest Conservation, Art. 2(9), 1969.

<sup>36</sup> Id., at Art. 36(1).

<sup>37</sup> Id., at Art. 37(1)

<sup>38</sup> Id. at Art. 41

<sup>39</sup> Id., at Arts. 43-47

<sup>40</sup> Id., at Arts. 48 and 49.

<sup>41</sup> *draft* Law on Fauna (Hunting) and Forest Conservation, Art. 3 definitions of 'hide' and 'indigenous hunter.' 2018.



to this interpretation is the fact that the enforcement provisions list separately the concepts of forest resources and ‘animals.’<sup>42</sup> This, combined with the consistent forest and plant-oriented subject matter of Part 2 of the law, would indicate that ‘forest produce’ does not include wildlife.

## Regulatory Development

In addition to the gaps identified in the ‘Legal Strategy’ section, there are a number of areas that either have minimal or no legislative basis for their management.

The following have been identified as candidates for further development.

### 3. Power to Issue Regulations

In the 1969 version of the law, the powers to issues regulations were fully described in Art. 70.

In the 2018 draft, there is no similar statement. Instead, the power to issue regulations is alluded to in the following:

- Art. 4(3) – granting the Minister the power to create a Schedule 4<sup>43</sup> and 5<sup>44</sup> *by regulation*
- Art. 9(4) – granting the Minister the power to add or delete species from Schedules 4 and 5 *by regulation*.

There are no other articles that reference the power to create regulations, or that direct the development of regulations under the new draft. This may be a function of other legislation describing the general powers of the Wildlife Directorate that has not been part of the review. To the extent this is the case, cross-referencing in the draft would be considered best practice, meaning the 2018 draft should include express reference of the piece/s of legislation establishing who holds the power and authority to issue regulations.

### 4. Regulatory Development Needs

Areas that should be considered for regulatory development, in addition to those already identified in the CITES Legislation Checklist, include:

- **Hunting and Hunting Areas** – the 2018 draft includes the term ‘Hunting’ in the title and references it in two definition but is otherwise silent on the issue. By contrast, the 1969 law contained an entire section and numerous articles dedicated to regulating this activity. Several articles provide the major regulatory tools typically found in hunting legislation; e.g., different zones where hunting is either prohibited or restricted (Art. 3 and Art. 9), closed seasons (Art. 13), hunting license requirements (Arts. 14-24); and unlawful hunting methods (Art. 34). The sale and transport of game meat is restricted, but not completely prohibited (Art. 36).<sup>45</sup>

It is not clear whether the omission in the 2018 draft is intentional, a function of an incomplete draft, or whether hunting is to be effectively banned.

Numerous areas of management need to be addressed, including some of the ones already listed in the 1969 law, inter alia 1) listing protected animals, game animals, etc. 2) hunting seasons, 3) permitted and prohibited methods for hunting and trapping; 4) hunting areas; 5) procedures for quota setting, and more.

- **Domestic Wildlife Trade Regulations** – Chapter 1 of the 2018 draft is entirely dedicated to regulating international trade in wildlife and their products, probably to counteract CITES reports on deficiencies and trade ban recommendations. There is no corresponding regulation of domestic trade. In addition to hunting and trapping activities, this may include, but not be limited to:

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<sup>42</sup> Id., at Art. 31, regulating Powers to Search, Confiscate and Arrest, mentions animals and forest produce separately in sub-paragraph 2.

<sup>43</sup> To include species indigenous to Somalia that are not included in Schedule 1 and yet are believed to be threatened with extinction, whose trade must be subject to particularly strict regulation in Somalia.

<sup>44</sup> species indigenous to Somalia, not included in Schedules 1, 2, 3 or 4, that may become threatened unless trade in such species is strictly regulated, as well as other species whose trade must be regulated to effectively control trade.

<sup>45</sup> Hunting and Forest Conservation Law, 1969.



- Captive breeding
- Transportation
- Possession
- Sales, Purchases, and Solicitation
- Online trade
- Processing
- Hide and leather trade
- Live animal trade
- Exhibitions
- Markets, including wet markets (if present)

- **Protected Areas** – While a National Park Agency is called for in a 1971 law,<sup>46</sup> there seems to be no further development of the national parks system other than a 1975 law.<sup>47</sup> While cheetah populations are low or non-existent, national parks can still play a role in their conservation/reintroduction, as well as in the conservation of the many other species known to be traded.
- **Evidentiary Protocols** – a key common impediment to the adequate prosecution of wildlife trade comes from the lack of evidentiary protocols adapted to the particular needs that identifying and preserving perishable wildlife evidence requires. While this may be more detail than can be adequately covered in the law, reference could be made to establish such and for these to be based on accepted best practices.
- **Confiscated animal protocol** – according to reports and as confirmed in interviews, the question of how to manage confiscated animals is a critical regulatory development need for cheetah.

Pursuant to Art. 11(1)(b)(vii) of the 2018 draft, the Management Authority has the responsibility of '[e]stablishing one or more Rescue Centers to look after the welfare of seized and confiscated living specimens, and in consultation with the Scientific Authority making final decisions on disposal of seized and confiscated specimens.'<sup>48</sup>

It is not clear whether and how this will be applied in the context of purely domestic

trade. There is no similar provision covering international trade.

## Enforcement

### 5. Powers of Wildlife Anti-Poaching Officer

Several government officials have been entrusted with enforcement powers under the 2018 law, including 'forest officer, police officer, or administrative or other authorized officer.'<sup>49</sup>

Powers are:

- Detention, search and seizure, whenever the officer has 'reasonable grounds to believe that any person has committed an offense.'
- Searching domestic premises, limited to 'forest officers and police officers (excluding honorary Game Rangers and Forest Officers) not below the rank of Senior Forest Rangers or the rank of Police Sergeant.'<sup>50</sup>
- Arrests based on reasonable grounds and conducted without a warrant if 'a warrant cannot be obtained in time or it is likely that the person to be arrested will not be able to be found if he is not arrested immediately.'

Although the law is substantially explicit regarding powers and duties, it is advisable to include the specific list of which laws they may enforce, and also consider other several powers/duties not yet mentioned, among them:

- Whether, how and when they may use force
- Carry and use of weapons
- Powers to investigate
- Powers to collect evidence

### 6. Investigations

There are wide variety of investigation powers, procedures and techniques that are commonly present in wildlife laws and regulations but that are completely missing in Somalia's Wildlife Proclamation.

1. Types of investigative powers
2. Investigation procedures and techniques

<sup>46</sup> Law No. 34 of 1 March 1971.

<sup>47</sup> Law No. 79 of 12 April 1975.

<sup>48</sup> *draft* Law on Fauna (Hunting) and Forest Conservation, Art. 11(1)(b)(vii), 2018.

<sup>49</sup> *Id.* at Art. 31.

<sup>50</sup> *Id.*



3. Information and evidence gathering
4. Identification of suspects
5. Interviewing
6. Forensics and crime scene investigation
7. Witness and victim protection
8. Community policing
9. Partnerships
10. Reporting offences
11. Facilities and equipment
12. Financial investigations

The proposed 2018 law is silent on all of these. It may be that some are covered by the Criminal Code and Criminal Procedure Code. To the extent already covered, cross-referencing relevant provisions that apply to wildlife trade is considered a legal best practice.

Related to the foregoing are the following intelligence gathering powers that would be worth considering as additional to the investigation powers listed above:

1. Intelligence gathering and exchange
2. Covert techniques
3. Informants
4. Patrols and checkpoints
5. Proactive investigations

## International cooperation in criminal matters

### 7. Foreign Crimes

Somalia's Criminal Code, Art. 7, provides for the prosecution of crimes predicated on acts committed in a foreign jurisdiction. However, there is a limit on the type of crime. Those crimes listed that may be applicable to wildlife trade include:

- Crimes committed by public officers;<sup>51</sup> and
- Any other offense in respect of which Somali penal law is made applicable by law or international convention.<sup>52</sup>

Similar to other jurisdictions, there is a limit on the court's jurisdiction to instances of dual criminality; i.e., the crime alleged must be a crime in both jurisdictions.

Somalia ratified in 1986 the IGAD Convention on Mutual Legal Assistance (MLA) (see Table 1),

<sup>51</sup> Criminal Code, Art. 7(d).

<sup>52</sup> Id. at Art. 7(e).

which encourages member states 'to render assistance in the absence of dual criminality' and to adopt such measures allowing it to render such service.<sup>53</sup> The limitations in Somalia's Criminal Code and the differences between Somalia's wildlife trade crimes and those of neighboring countries will have an impact on the ability to bring a claim for foreign committed wildlife trade crimes.

Several areas covered by the MLA Convention of particular interest in the prosecution of wildlife crimes are:

- Extradition
- Confiscation of assets
- Transfer of proceedings
- Transfer of sentenced persons

### 8. IGAD, African Union and Other Regional Instruments and Strategies

A major concern in the region is the need to harmonize wildlife trade related legislation to address cross-border trafficking and international trade that threatens certain species, e.g., cheetah. In addition to the IGAD MLA already mentioned, there are several other wildlife trade related instruments and strategies issued by IGAD, the African Union and other Regional Organizations that Somalia is committed to support/implement.

However, a formal statement connecting these international instruments with national legislation is missing. The 2018 draft is an opportunity to make that connection and include a specific reference to the international instruments that is intended to implement or for which compliance is a requirement. Depending on drafting requirements, this can be done in the Preamble or directly in the section covering Objectives, as guiding both the intent and application of the law.

## Crimes Analysis

### 9. Penalties across the Framework

Of the 11 laws identified as part of Somalia's legal framework for wildlife trade, just under half (*n.* 5) contain no penalty provisions. For these five, this is considered a normal format as they represent

<sup>53</sup> Art. 33 of the MLA Convention.



general governance related legislation for which penalties are not usually included. The remaining six (6) laws all contain at least some applicable penalty provisions. There are nonetheless significant opportunities to improve penalty design and these have been commented in the following sections.

## 10. Definition of offenses and penalty design in the 2018 Law on Fauna (Hunting) and Forest Conservation

Note: There is a separate law for Wildlife Trade Penalties that was not available for review and is therefore not part of the current assessment.

Unlike some laws, rather than listing specific offenses, the 2018 draft law uses two alternative approaches. The first involves statements within articles declaring that violation of that article constitutes an offense. The second approach – the catch-all offense approach – is the inclusion of a blanket statement that any violation of any provision will be subject to a penalty. However, it is unclear from the language actually used in the law, whether the second approach is in fact properly stated. The key language is contained in Art. 35(3) which states in relevant part:

Any person who:

a) contravenes any other provision of this law or fails to comply with any other requirement thereof;

...

Shall, if the said be stated therein to be an offence under this law, be liable on conviction to...<sup>54</sup>

More than one article contains a statement that makes violation of its terms an offense. However, none of these articles apply to wildlife.

In any event, canvassing all provisions that declare an article violation to be an offense, the primary subjects for criminalization are the forestry-related provisions. Curiously, although the weight of international trade regulation is heavy in the law (the entire Part I), there are no expressly identified violations concerning CITES-restricted trade.

There is also almost no inclusion of penalties for the trade chain otherwise described in the law. The only possibly related offenses would be limited to:

- Fraud, forgery, unauthorized use of official marks and the like;<sup>55</sup>

All of this depends critically on the interpretation of the paragraph in Art. 35(3) that would make violation of any provision a crime.

## 11. Matching the crime to the perpetrator

It is well known that criminal activities carried out by business or by individuals have substantially different degrees of impact. In the context of wildlife crimes, best practices call for differentiated and higher penalties to legal entities when compared with individual offenders.

When analyzing penalty design in Somalia for wildlife offenses, on only one occasion is it possible to find any consideration of the legal entities involved in the crime. This the case for the penalty of “Disqualification for license” that is applied to many offenses as a subsidiary sanction along with fines, prison terms and confiscation. Article 35 of the 2018 Law on Fauna (Hunting) and Forest Conservation” (Bill) imposes this type of penalty for offenses such as possession of illegal specimens, or forgery of wildlife related documents. The disqualification period is between 6 months and 3 years. Trophy dealers are to receive the maximum penalty of three years.

Apart from this, however, there is no differential penalty for legal entities; no structure for the application of liability in the context of a business; and no mention of how a prison sentence might be applied, if warranted.

## 12. Identifying all possible actors in the criminal chain

The profile of the cheetah trafficking outlined in the introductory section describes networks involved in harvesting cubs in the wild, holding them before and after crossing international borders, engaging land and sea transport, and end market sales. Networks also include all those that through legitimate activities related to transportation, banking, communications, may be acting as collaborators, aids, and facilitators of the crime.

Unlike Somalia’s Criminal Code and Anti-Money Laundering law, the 2018 draft Wildlife Law makes

<sup>54</sup> draft Law on Fauna (Hunting) and Forest Conservation, Art. 35(3), 2018.

<sup>55</sup> draft Law on Fauna (Hunting) and Forest Conservation, Art. 34, 2018.



no inclusive mention of the possible actors in the criminal activity. To cover this gap, the recommendation is to consider adding language similar to the Criminal Code or to cross-reference Section III, Arts. 71 through 80 as appropriate.

As an example of language that may be used directly in the draft, Somalia’s Anti-Money Laundering Law states:

Any person or entity commits an offense of money laundering if the person or entity, assist any person or entity who is involved in the commission of the predicate offence to evade the legal consequences of his or her actions:

...

2. Participates in, associates with the commission of, or attempts to commit, aids, abets, facilitates or counsels anyone in the commission of any of the above activities.<sup>56</sup>

### 13. Closing gaps in penalizing misconduct along the trade chain

Annex III presents the result of applying a standardized classification of wildlife offenses to Somalia’s legislation. This classification was developed by Legal Atlas after an exhaustive review of offenses a cross-section of eight jurisdictions representing a variety of legal systems, languages, and approaches.<sup>57</sup> The classification serves multiple purposes, starting with providing a first-ever panoramic view of all possible wildlife-related crimes. As used in this assessment, its application allows a rapid comparison of a given country’s approach to criminalizing misconduct along the trade chain, highlighting strengths and weaknesses. The following table summarizes the results, which can be reviewed in detail in Annex III. The table takes the main wildlife offenses (77 level-2 offense types) and shows the degree to which this offense is included in the country’s laws.

Since the Wildlife Trade Penalties Law has not been included in the analysis, results presented are provisional. Both the table and the annexes establish that many of the wildlife offenses are not

present in Somalia, but this is based only on the legislation available for review. As an example, it is safe to assume that both the Public Order Law and the Criminal Code hold all possible penalties related to hunting weapons (section 3 of the classification), since management of arms is consistently found in the legal category of Defense Laws. In that case, all crimes included in section 3 are classified as either present, partially present or absent in Somalia’s legislation. The same approach has not been taken in other sections, where offenses not found have been classified as “Unknown” instead of as “NO”, since could be included in the Wildlife Trade Penalties Law.

Of the 77 level-2 offense types reviewed, Somalia’s legislation fully incorporates just four (4). Another 15 are partially included and one (1) can be discarded as a crime at this point. One more offense (1) is considered not applicable as Somalia’s approach to management make that offense unnecessary. Finally, another 56 offenses have been not yet classified. It is expected that the law on Wildlife Trade Penalties would provide the missing information.

Annex III shows how the results presented in Table 3 (in yellow and red) are distributed along the entire chain, affecting hunting, transportation, trading breeding, scientific research, uses, possession and exhibition of wildlife.

**Table 3. Potential Gaps in Somalia Criminalization of Wildlife Offenses**

Global Wildlife Offenses Classification – Somalia Status				
Based on 77 Level-2 Wildlife Offenses				
YES	PARTIAL	NO	N/A	Unknown
4	15	1	1	56
<b>5%</b>	<b>20%</b>	<b>1%</b>	<b>1%</b>	<b>73%</b>

<sup>56</sup> Anti-Money Laundering and Countering the Financing of Terrorism Act, Art. 35(2), 2015.

<sup>57</sup> Pascual, M., J. Wingard, N. Bhatri, A. Rydannykh, and J. Phelps. (2020). Global taxonomy of wildlife offenses. (In progress). The classification includes 487 offense types

organized into 16 overarching categories (level-1) divided into 77 main types of wildlife offenses (level-2). In some cases, wildlife offense types are disaggregated to provide more detail resulting in 256 level-3 wildlife offenses and 138 level-4 wildlife offenses.



#### 14. Considering expanding Penalty Types

Penalty design is at the core of justice administration as it represents the attempt to pair offenses with meaningful sanctions. Many objectives can inspire the design of penalties including the following:

- deterring and preventing illegal conduct
- removing offenders
- repairing damage caused
- denying the benefit of the crime to offenders
- denying access to privileges
- rehabilitating the conduct of the offender
- compensating the government for the expenses of law enforcement
- compensating society for the damages

Those objectives are achieved usually through the combination of different types of penalties. Table 4 presents a list of 22 penalty options that Legal Atlas has compiled through the review of offenses and penalties associated with wildlife crimes in different legislations.

Annex IV shows which penalty types are being used for which crime types based only on the wildlife offenses that apply to Somalia. The country uses a total of five penalty types when sanctioning wildlife offenses including fines (#1), confiscations (#3), disqualification for license (#8), imprisonment (#17), and inscription in public register of environmental offenders (#22)

The analysis calls for be potential benefits of exploring additional penalty types to better cover multiple sanctioning objectives.

Table 4. Administrative and Criminal Penalty Types

<b>Economic</b>	
1	Fines
2	Reimbursement of the process expenses
<b>Product</b>	
3	Confiscation/seizure
4	Reintroduction to nature
5	Repatriation of non-native specimen
6	Product destruction
<b>Rights</b>	
7	Revocation of rights, permits and licences
8	Ban from future rights, permits, and licences
9	Suspension of public position
10	Ban from public position
11	Temporary suspension of corporate activities
12	Permanent suspension of or ban on corporate activities
13	Loss of corporate custom benefits and incentives
14	Loss of corporate right to conduct customs activities
<b>Loss of personal freedom</b>	
15	Administrative arrest
16	Community service
17	Imprisonment
18	Deportation of foreign offenders
<b>Environment</b>	
19	Reparation
20	Compensation/indemnification
<b>Information</b>	
21	Warning letter
22	Inscription in public register of environmental offenders

#### 15. Penalty levels

This country assessment took into account the 2018 Wildlife Proclamation Bill to analyze penalty levels. Annex IV therefore references the proposed new fines when offenses are defined by that specific law. The determination of penalty levels is indeed a complex national subject but the goal of harmonizing wildlife crime laws in the region makes this a critical task. Uneven penalty approaches open the door to venue shopping either by the criminal organizations involved or by defense at the time of prosecution.

For benchmark purposes, Table 5 shows the levels of fines and prison time for hunting protected species in other jurisdictions that, like Somalia, are affected by transnational wildlife crime. The table includes sanctions from eight different countries



and was elaborated in a 2019 by Legal Atlas. Somalia is on the lower end of the monetary fines with a maximum fine of USD 3,000 for “hunting without authorization” – used for comparison instead of ‘hunting protected wildlife’ as this type of crime was not found in the reviewed legislation.

**Table 5. Comparative Penalties for the “Hunting Protected Wildlife” in 8 countries, 2019**

		Angola	Brazil	Cambodia	Costa Rica	Indonesia	Kenya	Mexico	Vietnam
<b>Administrative Fine</b>	Min	\$ 900		\$ 2,450			\$ 49,157	\$ 221	\$ 22
	Max	\$ 1,800		\$ 36,750		\$ 6,988	\$ 196,628	\$ 308,722	\$ 21,500
<b>Criminal Fine</b>	Min	\$ 22	\$1.295 x S					\$ 1,608	\$ 2,163
	Max	\$ 133	\$2.591 x S					\$ 16,080	\$ 64,917
<b>Imprisonment Years</b>	Min	0.5	0.8	1	1		5	1	0.5
	Max	3	1.5	10	3	5	Life	9	5

Source: Legal Atlas, 2019.

## 16. Absence of Aggravating and Mitigating Circumstances

The 2018 draft law states in Art. 35(4) that all penalties included in the law are increased three (3) times if conditions set in Criminal Code’s Art. 99(2) are met. If met, a judge would be allowed to determine if the fine is deemed ‘to be ineffective by reason of the financial position of the offender.’<sup>58</sup> This approach succeeds in taking into account the economic profile of the offender to increase the fine. However, it does not consider culpability or seriousness of the crime, nor does it take into account other key considerations such as the potential value of the crime or the need to deter based on the perceived opportunity for gain. Discretionarily introduced by such clause also opens doors for corruption as criminal gangs’ legal defenses can easily identify such loopholes. For example, the maximum fine in the 2018 draft is equivalent to USD 3,000, while a single cheetah cub may be worth as much as USD 12,000 in the end market. Tripling the higher fine (based on Criminal Code Art. 99(2)) would result in a fine of USD 9,000, which is still less than the market value of a cheetah cub.

The Criminal Code recognizes them in numerous provisions (see, Section II, Arts. 61-70; and Section III, Arts. 71-80). It would be consistent with Somalia’s legal system to recognize them as well in the wildlife laws.

For benchmark purposes, the same study Legal Atlas conducted in 2019 in eight different countries affected by IWT provided up to 52 types of circumstances that are considered aggravating or mitigating and which are used to increase or decrease penalties accordingly. The list is quite comprehensive, but Somalia could consider at least increasing penalties for:

- Prior record for similar offenses
- Prior record for the same offense
- Operating in the context of an organized crime group
- Violations by government officials (Corruption)
- Violations involving any endangered species
- Violations of more than a defined volume or defined value.

<sup>58</sup> draft Law on Fauna (Hunting) and Forest Conservation, Art. 35(4), 2018.



**Table 6. Classification of Aggravating and Mitigating Circumstances applicable to Wildlife Offenses**

Category	Aggravating or Mitigating Crime Circumstances	
Type or risk of harm caused	1	Caused harm to public security
	2	Caused harm to public health
	3	Caused harm to the broader ecosystem/environmental
	4	Caused harm to private property
	5	Caused harm to fauna that was irreversible
	6	Caused harm to multiple individuals (number of specimens)
	7	Caused harm to species that were protected
Technical characteristics of the offence (e.g., methods, time, place)	8	Used methods of mass destruction
	9	Used cruel methods
	10	Used illegal methods
	11	Used aerial, terrestrial or river transportation
	12	Used weapons
	13	Used violence
	14	Used coercion
	15	Used false documents
	16	Occurred inside protected areas
	17	Occurred inside areas under legal protection
	18	Occurred inside wilderness areas
	19	Occurred inside an urban area
	20	Occurred at night
	21	Occurred in times of drought or flood
22	Occurred during closed hunting seasons	
23	Occurred on Sundays or public holidays	
24	Occurred using fraud or involving breach of trust	
25	Took improper advantage of authority	
26	Involved corrupt officers	
27	Took advantage of national disasters, wars, states of emergency	
28	Occurred in breach of the terms of a licence	
29	If continued crime	
30	Was of international nature	
31	Involving minors	
Economic characteristics of the offence	32	Depending on the monetary value of the affected wildlife
	33	Depending on the scale of the gain or estimated proceeds
	34	If damage was caused to private property
Offender's circumstances	35	Involved recidivism (repeat offending)
	36	Depending on offender's age
	37	Depending on offender's criminal past record
	38	Depending on offender's educational level
	39	Depending on offender's economic condition
	40	Depending on offender's social condition
	41	Depending on offender's psychological and psychiatric condition
	42	Involved a professional hunter
	43	Involved a legal entity
	44	Involved a public officer
	45	Involved a legal guardian of the wildlife resource
	46	Involved an organized group
	47	Involved an indigenous person with traditional uses for wildlife
Offender's degree of intent	48	Demonstrated negligence
	49	Demonstrated intent
	50	Made the offender profit or was motivated by commercial profit
	51	Done in the interest of a legal entity receiving public funds
52	Depending on the offender's behaviour following the crime	



# CONCLUSIONS

This review is principally directed at the 2018 draft law, although it includes some commentary on the 1969 law for comparison. As noted earlier, there is some question about the status of the 2018 draft given a number of document errors that presumably would be addressed before presenting to parliament.

There is a significant difference between the proposed law and its predecessor primarily due to the goal of achieving CITES Category 1 status and avoid international trade bans. Differences in all instances that deal with wildlife and wildlife trade are substantial enough that no single set of commentary would apply to both laws.

The 2018 draft law, for example, only mentions the term ‘hunting’ but contains no articles regulating the activity; whereas the 1969 law, currently valid, dedicates an entire section to it. The first half of the 2018 draft deals with nothing but CITES implementation; whereas the 1969 law is clearly deficient.

The conclusions below are directed both at the International Legal Environment, including CITES implementation, and the National Legal Environment, in particular the domestic regulation of wildlife trade based either entirely or principally on the 2018 draft.

## INTERNATIONAL LEGAL ENVIRONMENT

Somalia has yet to take advantage of several key international instruments that can support their efforts to better manage international trade, improve enforcement coordination, and provide a foundation for mutual legal assistance.

Of particular importance are the following, not necessarily in order of importance:

**HAWEN Protocol** – This protocol provides a mechanism within IGAD for strengthening and facilitating regional cooperation against wildlife trafficking.

**Lusaka Agreement** – This agreement is particularly important as the only existing practically oriented co-operative enforcement instrument assisting the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and other biodiversity related agreements at regional level. Ratifying this agreement should be a priority.

**Implementing CITES** – the 2018 draft makes substantial strides to improve compliance with and implementation of CITES. But there are still areas that can be improved, most importantly the regulation of permitting systems.

CITES relies on the integrity of the permitting process. Somalia’s proposed new law, however, is either silent or lacks adequate detail for many of the 16 best practices selected for review: *n.* 5 are full gaps (31%) and *n.* 6 are partial gaps (38%). Among the full gaps are the lack of any regulatory guidelines for captive breeding (BP #41); export permit requirements for captive-bred Appendix I specimens for commercial purposes; certificates of captive-breeding for all others (BP #42); as well the licensing procedures and conditions for commercial operations (BP #43).

Other individual areas of concern include the express prohibition of the possession, transport, sale, offering for sale, and purchasing of any specimen of CITES-listed species that has been imported (BP #50); the requirement that traders exporting or re-exporting CITES specimens keep a register of all transactions (BP #56); the inclusion of attempts, aiding and abetting as offences. (BP #62); and penalties sufficient to constitute deterrent (BP #64).

## NATIONAL LEGAL ENVIRONMENT

**Covering the Wildlife Trade Chain** – Major areas of the trade chain are, as per the documents review, still not regulated. These are:

- Commerce
- Health
- Telecom and Media
- Transportation

Perhaps more importantly, there is no regulation of the domestic trade in the 2018 proposed draft, leaving a major gap even for internationally traded



species once they enter or as they transit the country.

**Regulatory development** – numerous areas are ripe for the development of implementing regulations. Some of these have been identified in the law itself, but there are others whose drafting would be consistent with best practices. Considering principally the 2018 draft law, these are:

- Hunting and Hunting Areas
- Wildlife Conservation
- Wildlife Trade
- Protected Areas
- Evidentiary Protocols
- Confiscated Animals Protocol

**Coordination and Collaboration** – both at the national and international level, Somalia would benefit from the definition and use of formal systems of coordination and collaboration to improve its ability to enforce, investigate, and prosecute wildlife crime.

At the international level, this would include making use of the IGAD Mutual Legal Assistance Convention, as well as the signing and/or implementation of the wildlife trade related international agreements identified in Table 1. List of applicable international and regional agreements relevant to the management of wildlife trade in Somalia.

At the national level, many jurisdictions are experiencing positive advances in law enforcement through the formalization of regular coordination among the many agencies directly or indirectly involved in the fight against IWT (e.g. environmental authorities, custom authorities, AML bureaus, police, protected areas directors, national intelligence agencies, etc.). Ethiopia's recent initiative to establish its Environmental Crime Unit

is an example. So far, there does not appear to be a similar effort in Somalia.

**Criminal Sanctions** – incomplete information (e.g., missing the Wildlife Trade Penalties Law and the status of the 2018 draft law) makes this part of the assessment provisional only. That said, the overall framework has a number of opportunities to apply sanctions for involvement in illegal wildlife trade.

Criminalizing acts across the illicit trade chain.

From the 2018 draft, there is concern that certain parts of the trade chain, other than CITES trade, do not appear to be covered. These are:

- Transportation
- Processing
- Sale
- Purchase
- Online trade
- Exhibitions
- Live trade

Adapting the penalty to the crime and perpetrator.

In addition, tools often used but not found in Somalia's 2018 draft include:

- Aggravating and mitigating circumstances
- Identification of all possible actors and action engaged in illicit activities
- Higher penalties for organized crime syndicates or formal business operations, loss of licenses, etc.
- Different forms of liability for persons, legal entities and government officials

Penalty levels

The penalty levels established by the 2018 draft still seem low compared to the market value of cheetah, leaving wildlife trade a low risk, high reward venture.



# ANNEX I.

## SOMALIA WILDLIFE TRADE NATIONAL FRAMEWORK

NO.	YEAR	LAW NAME	OVERVIEW
1	1969	Law on Fauna (Hunting) and Forest Conservation	Somalia's Law on Fauna (Hunting) and Forest Conservation, including its amendments (e.g., 1970, 1971, 1978, 1979), is the primary legislation responsible for management of wildlife trade in the country. It covers 'animals' defined 'any kind of vertebrate animal including the eggs and the young thereof, but excluding human beings, domestic animals and fish.' (Art. 2(3)). Hunting is prohibited for species listed in Schedule 3, Part A of the law, which include, inter alia, Clerk's Gazelle ( <i>Ammodoreas Clarkei</i> ); Pangolin ( <i>Smutesia tmminekii</i> ); and Rhinoceros (with no mention of the specific species). Species for which hunting is restricted include among them Elephant ( <i>Loxonsonta africana</i> ); Cheetah ( <i>Leptailurus servals</i> ); and Lion ( <i>Panthera leo Linneaus</i> ). Several other articles provide the major regulatory tools typically found in hunting legislation; e.g., different zones where hunting is either prohibited or restricted (Art. 3 and Art. 9), closed seasons (Art. 13), hunting license requirements (Arts. 14-24); and unlawful hunting methods (Art. 34). The sale and transport of game meat is restricted, but not completely prohibited (Art. 36).
2	1970	Hunting and Forest Conservation Law (1970 Amendment)	Somalia's 1970 Hunting and Forest Conservation (Amendment) Law is directly applicable to wildlife trade, as it amends relevant articles; e.g., the closed season (Art. 1, paragraph. It increases the offences and levels of fines in respect of the killing of a number of listed wild animals listed in Articles 2 and 3 of this Law, as well as for possession of their ivory, horns, hides etc.
3	1971	Hunting and Forest Conservation Law (1971 Amendment)	Somalia's 1971 Hunting and Forest Conservation (Amendment) Law suspends Art 16, which previously gave 'any licensing officer' the authority to issue game licenses for any area and period.

NO.	YEAR	LAW NAME	OVERVIEW
4	1978	Hunting and Forest Conservation Law (1978 Amendment)	Somalia's 1978 Hunting and Forest Conservation (Amendment) Law increases the offences and levels of fines for taking of a number of wild animals listed in Articles 2 and 3 of this Law, as well as for possession of their ivory, horns, hides etc. <b>(Missing document, this is an abstract found online at <a href="http://somalilandlaw.com">somalilandlaw.com</a>)</b>
5	1979	Hunting and Forest Conservation Law (1979 Amendment)	Somalia's 1979 Hunting and Forest Conservation (Amendment) Law adds one article (Art. 3 in the 1978 amendment law) that penalizes aiding or covering up offences, and purchasing illegally wild fauna hides, horns etc. (Missing document, this is an abstract found online at <a href="http://somalilandlaw.com">somalilandlaw.com</a> )
6	1978	Illegal Wildlife Trade Penalties Decree	Missing document
7	1969	Hunting Trophies Decree	Somalia's Hunting Trophies Decree, officially entitled Decree of the Supreme Revolutionary Council No. 3 of 16 December 1969, is a short decree (only 4 articles) relevant to wildlife trade as a transitional order directing those in possession of hunting trophies for certain species to report to Customs authority within 15 days of the publication of the Decree (Art. 1); ordering dealers to obtain a license (Art. 2) and comply with the requirements of Fauna (Hunting) and Forest Conservation Law. (Art. 3). Violation of the law carries a prison term of two years 'in addition to the penalties prescribed in Article 66 of the Hunting law. (Art. 4).
8	1980	Assimilation of the Wildlife Protection Corps (Game Rangers) into the Police Law	Missing document
9	1980	Ban on Exports of Rhino horn and Elephant tusk	Missing document
10	2018	Fauna (Hunting) and Forest Conservation Bill	My assumption is that they do not want this published. Listing it here only to have a full record in front of me of what we can/should look at.
11	2012	Provisional Constitution	Somalia's Provisional Constitution has a few articles with at least some potential relevance to wildlife trade. Art. 25 grants every person 'the right to an environment that is not harmful to their health and wellbeing (Art.25(1)), as well as 'the right to have a share of the natural resources of the country, whilst being protected from excessive and damaging

NO.	YEAR	LAW NAME	OVERVIEW
			exploitation of these natural resources.’ (Art. 25(2)). Art. 44 states that the allocation of natural resources is to ‘be negotiated by, and agreed upon, by the Federal Government and the Federal Member States’ in accordance with the Constitution. Art. 45(1) calls upon the government to give priority to ‘the protection, conservation, and preservation of the environment against anything that may cause harm to natural biodiversity and the ecosystem.’ Art. 45(3) more specifically states that the Federal Government and the governments of the Federal Member States affected by environmental damage shall: (d) Take necessary measures to reverse desertification, deforestation and environmental degradation, and to conserve the environment and prevent activities that damage the natural resources and the environment of the nation.’
12	1970	Establishment of National Parks Agency	Somalia’s Establishment of National Parks Agency law is only indirectly related to wildlife trade. Its principal aim is to establish the National Parks Agency under the direct supervision of the President (Arts. 1 and 2). The powers of the General Manager are listed but there is no mention of wildlife, wildlife trade, or other authority that has an express link to the issue of wildlife conservation, hunting, or trade in any form.
13	2016	Veterinary Law Code	Somalia’s Veterinary Law Code applies to all vertebrate species, other than humans, (Sect. 1), expressly covers wild birds (Sect. 1), and has direct relevance to wildlife trade. In addition to the mention of wild birds in the Definitions section, Wildlife are specifically mentioned in four other articles. Art. 2.1.2 includes among the functions of the Veterinary Service, the monitoring of wildlife diseases. Art. 5.1.1(g) prohibits the keeping of wildlife in inappropriate places for tour and commercial purposes. Art. 6.3.2 expressly prohibits the exportation of wild animals specific to Somalia’s ecosystem, or those that are in danger of extinction. Under Art. 12.4, the Ministerial Disease Emergency Task Force is responsible for maintaining ‘key data on livestock and wildlife populations. (Art. 12.4(e)). Given the general scope (all vertebrates) of the law, it is likely that several other provisions apply although they do not expressly mention wildlife; e.g., Art. 2.3.3 (veterinary certification for international trade); Art. 7.2 (transportation certificates); Art. 7.4 (welfare standards during transport), among several more.
14	1963	Public Order Law	Somalia’s Public Order Law is directly relevant to wildlife trade to the extent it establishes Public Order Authorities and delegates specific enforcement powers. Among them: <ul style="list-style-type: none"> <li>• preventing and suppressing crimes in accordance with law; (Art. 1(b))</li> <li>• cooperating with other authorities to ensure that laws and regulations are observed; (Art. 1(d)).</li> <li>• Public Order Authorities include the Minister of the Interior (Art. 2(1)(a)), Regional Governors (Art. 2(1)(b), District Commissioners and Heads of Sub-Districts (Art. 2(1)(c), or in the absence of the latter, the Officer in charge of the Police Station may temporarily exercise such authority. (Art. 2(2)). The same law is also responsible for regulating the manufacture, collection, trade, and use of firearms. (see Arts. 21-24) Only the Minister of the Interior has the power to authorize weapons manufacture, collection and trade (Art. 22) other than those used by the military.</li> </ul>

NO.	YEAR	LAW NAME	OVERVIEW
15	1962	Criminal Code	Somalia's Criminal Code is the primary law regulating criminal offences but may only be indirectly related to wildlife trade. The terms 'wildlife' or 'wild animal' do not appear in any provision. There are instead numerous references to crimes involving animals, the majority of which are linked directly domestic animals. Of the 20 mentions of animals in the law, only two crimes mention animals generally with no further qualification. These are: Art. 524 (control of dangerous animals) and Art. 562 (cruelty to animals). Other crimes that may be related to wildlife trade includes: falsification of documents (Chapter III, Arts. 366-382); abuse of public office (Art. 104). Other articles that are indirectly related are those defining aggravating circumstances (Art. 39); concurrent, continuing and complex offenses (Arts. 44-46).
16	1963	Criminal Procedure Code	Somalia's Criminal Procedure Code regulates how crimes are investigated and prosecuted generally. Although it does not include a specific reference to wildlife trade crimes, its provisions are to be applied in all investigation and prosecution cases, including those related to wildlife trade.

# ANNEX II.

## CITES COMPLIANCE ASSESSMENT

This table organizes the selected recommendations or best practices according to the categories used in the CITES Legislation Checklist, documenting compliance. The first column provides the numbering for the best practice as listed in the CITES Checklist; followed in the next column by the best practice concept. The middle column provides a simple rating on the Legal Atlas assessment for how well the identified best practice has been included in Ethiopia's legislation. Rating is as follows:

- green = in full compliance;
- yellow = in partial compliance
- red = non-compliance

For all best practices, the final column includes commentary derived from the review.

CITES No.	CITES Best Practice Concept	Somalia Status	Somalia Compliance Assessment
<b>GENERAL CONSIDERATIONS</b>			
1	It is essential that any national law contain a general clause empowering the government to control international trade (and also domestic trade, possession and transport) in any species of animal or plant for conservation purposes.	■	<p>Art 2 states the purpose of the law including, <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>• the control of import, export and re- export of wildlife species and specimens; and</li> <li>• the implementation of relevant international treaties, conventions, agreements or other arrangement to which Somalia is a party</li> </ul> <p>Art 3 prohibits '[t]he import, transit and transshipment, export, re-export, and introduction from the sea of any specimens other than in accordance with the provisions of this Law is prohibited,</p>

			regardless of whether the State from which the specimen comes or to which it is directed is a Party to CITES.’
<b>FIELD OF APPLICATION all green but 9</b>			
7	Legislation applies to all animal and plant species, including their parts and derivatives, as listed in all three CITES appendices.	■	Art. 3, definition of ‘Specimen’ includes all animals and plants, as well as parts and derivatives. It does not tie itself directly to the species listed in CITES appendices. Instead, it refers to its on Schedules 1 through 5.  Schedules defined in Art. 4 and comply with this requirement.
8	Legislation includes three schedules containing the species listed in Appendices I, II, and III and that these schedules be amended as soon as amendments to the appendices have come into force (there should be a mechanism in the legislation or regulations to allow this). Other schedules may be used for non-CITES species the country may wish to include specifically within its trade controls.	■	Schedules defined in Art. 4 and comply with this requirement.
9	Legislation uses CITES nomenclature for listing of species.	■	Schedules listing species not included in the draft; not reviewable at this time.
12	The Convention definition of 'specimen' should be used in the legislation, and parts and derivatives must be included.	■	In compliance; Art. 3 Definitions.
13	Trade controls should apply to any specimens that are parts or derivatives of CITES species.	■	See Arts. 3, 4
15	Import may be interpreted several ways and requires clarification, but the introduction of specimens under any Customs procedure other than transit and transshipment should be considered as an import in the sense of the Convention.	■	In compliance, Art. 3 Definitions; ‘Import’
16	Definitions of transit and transshipment should be provided in the legislation, and these should follow Resolution Conf. 9.7 (Rev. CoP15).	■	In compliance, Art. 3 Definitions; ‘Transit’ and ‘Transshipment’

18	The Convention should be applied to the whole of the territory over which the Party has sovereignty.	■	In compliance; Art. 3 Definitions; 'Import,' 'Export', 'Transit' and 'Transshipment' – apply to 'any place under the jurisdiction of Somalia.'
19	It is necessary, to avoid all possible doubts, to state that the legislation is applicable to trade in CITES specimens with any country, whether a Party or not.	■	In compliance; Art. 3 Regulation of International Trade <sup>59</sup>
<b>MANAGEMENT AND SCIENTIFIC AUTHORITIES</b>			
20	The Management Authority should be the body designated to grant the permits and certificates required under the Convention.	■	In compliance; Art. 11(1)(b)(ii) vesting the Regulatory Services Department (RSD) of the Wildlife Directorate with the power to issue 'permits and certificates in accordance with the provisions of CITES and to attach to any permit or certificate any condition that it may judge necessary.'
21	The Scientific Authority <i>should be an independent scientific body</i> designated to advise the Management Authority and the tasks of the Scientific Authority stated as outlined in Resolution Conf. 10.3.	■	Art. 12 defines the rights and responsibilities of the Scientific Authority. The requirement is that it be an independent body; but unlike the designation of the Management Authority, the draft does not in fact mention who the actual Scientific Authority is. Otherwise, Art 12 meets the requirements as stated here.
<b>PERMIT REQUIREMENTS</b>			
24	Legislation should state that any specimen to be exported or re-exported, or to be traded, must not have been obtained in contravention of the law.	■	Art. 9(1)(d) applies this requirement to exports.  For re-exports and trade generally, the requirement is not expressly stated. Instead, the obligation is to ensure that the specimen 'was imported in accordance with the provisions of this Law and of CITES.'
26	The Management Authority, for export or re-export, must be satisfied that any living specimen will be prepared and shipped so as to minimize the risk of injury, damage to health or cruel treatment.	■	In compliance; Art. 9(1)(f)

<sup>59</sup> Second Art. 3 in the draft legislation.

29	Quotas may be set in legislation, or by the Management Authority or the Scientific Authority if the legislation empowers it to do so. The legislation should provide that no export permits shall be granted after the quota has been reached.	■	In compliance; Art. 9(1)(a)
<b>FORM AND VALIDITY OF PERMITS AND CERTIFICATES</b>			
30	It is recommended that legislation require permits to be in any form prescribed by regulations, or by the Management Authority. A model of the required permit form should be appended to the regulations. The regulations should specify in detail all the information which should be included in the permits and certificates (see Resolution Conf. 12.3 (Rev. CoP16)). The permit form should follow that recommended in Resolution Conf. 12.3 (Rev. CoP16).	■	Art. 9(2) states that all permits ‘shall be issued in the form prescribed in schedule 4. Art. 10(1) states that ‘[t]he CITES permit form and the prescribed fee shall be as it is indicated in schedules 6 and 7, respectively. As the Schedules are not include, this requirement cannot be fully assessed at this time.
31	The period of validity of permits should be specified in the legislation (export and re-export permits are valid for import purposes only if presented within six months of issue at the most; the validity of import permits should not exceed twelve months). Note: there may be exceptions made for permits for timber species, provided that Article VI, paragraph 2 is respected.	■	In compliance; Art 15.
32	The legislation should specify that a separate permit or certificate is required for each consignment of specimens (this is an obligation under Article VI.5).	■	No mention of this requirement found.
33	The following are useful requirements that may be added to the legislation: a. include procedures for permit applications and application forms. b. empower the Management Authority to require applicants to provide necessary information. c. institute fees for processing applications and issuing permits and certificates. d. describe procedural requirements, like surrendering permits to Customs or returning unused permits to the issuing authority etc.	■	Art. 9(6) provides for the non-transferability of permits. None of the other requirements are stated in the body of the law; although they may be included in one of the Schedules not available with this draft.

	<p>e. describe the non-transferability of permits</p> <p>f. make retrospective permits unlawful except in specified circumstances (see Resolution Conf. 12.3 (Rev. CoP16).</p> <p>g. penalize fraudulent permit applications.</p>		
REVOCATION, MODIFICATION AND SUSPENSION OF PERMITS (yy)			
35	The Management Authority must be empowered to amend, suspend or revoke permits or certificates as might be required, and the procedure for revocation, modification or suspension of permits should be laid down in regulations as a guarantee against arbitrary decisions.	■	<p>Pursuant to Art. 30(2) the Directorate of Wildlife Office has the power to amend, cancel, or suspend any licence granted. Under Art. 30(3), aggrieved persons may appeal such decisions.</p> <p>There is, however, no mention of any procedures for the exercise of this authority.</p>
36	The Management Authority or other competent authority, including the courts, should be empowered to disqualify a person, temporarily or permanently, from obtaining a permit or certificate.	■	<p>Art. 35(8) and (9) impose disqualification of 6 months to 3 year on anyone convicted of any offence; trophy dealers, 3 years.</p> <p>There is no provision for permanent disqualification.</p>
EXCEPTIONS TO PERMIT REQUIREMENTS (black, 3R, GRY)			
38	No derogation other than those allowed for under Article VII of the Convention is allowed. If any of the possible derogations or special provisions in that Article are allowed for in the legislation, their definitions should be included in the legislation, such as for 'pre-Convention' and 'bred in captivity' (the latter should follow that given in Resolution Conf. 10.16 (Rev.)		
41	Captive breeding for commercial purpose should follow the guidelines laid out in Resolution Conf. 12.10 (Rev. CoP15).	■	Not found in the legislation.
42	Legislation should require export permits for captive-bred Appendix-I specimens of live animals for commercial purposes, and certificates of captive-breeding for all others.	■	Not found in the legislation.
43	Legislation should provide a licensing procedure for commercial operations, requirements that captive-breeding operations keep records, and provide for the Management Authority or other competent authority to inspect	■	Not found in the legislation.

	premises and records, ask for information, mark specimens as necessary, and revoke licences or cancel registrations when offences have been committed or when conditions of the licence or registration have not been fulfilled.		
44	The definition of "artificially propagated" in Resolution Conf. 11.11 (Rev. CoP15) should be incorporated into legislation.	■	In compliance; Art 3 Definitions, 'Artificially propagated' refers only to plants grown by man from seeds, cuttings, callus tissues, spores or other propagated under controlled conditions, as may be further defined in Resolutions of the Conference of the Parties;
45	Exchange of scientific material should follow Article VII.6 of the Convention and Resolution Conf. 11.15, and legislation should provide for the registration of institutions. The Scientific Authority should be empowered to advise on registration standards.	■	Not found in the legislation.
47	Legislation should empower the Management Authority to mark any CITES specimen if required. The legislation should state that any person who alters, defaces, erases or removes a mark shall be guilty of an offence.	■	Art. 34 provides offenses for altering, defacing, erasing, counterfeiting and fraudulently issuing marks, but the power to issue such is not listed under the Management Authorities powers in Art. 9.
<b>BORDER CONTROLS</b>			
48	The requirement that relevant CITES documents be presented at the time of export/import must be in the legislation. Documents should have to conform with the prescriptions of CITES before being accepted. The authority competent to check the documents and consignments should be clearly designated in the legislation. In the case of transit or transshipment, the authority should also require the presentation of the relevant permits or certificates.	■	In compliance
49	Legislation should provide for the Management Authority to refuse to accept permits from exporting countries when they have reasonable grounds to do so, for example if it appears that substantial irregularities have taken place. Legislation could require import permits for Appendix-II and -III species (as a stricter domestic measure), to enable the Management Authority to determine the validity of documents before the specimens enter the country.	■	Not entirely clear.  Art. 9 sets forth several conditions for the issuance of a license but there is no generally apply power to refuse to accept a permit on the basis of 'reasonable grounds.'

CONTROL OF CONSIGNMENT AND PERMITS			
50	The legislation should prohibit the possession, transport, sale, offering for sale, and purchasing of any specimen of CITES-listed species that has been imported, introduced from the sea or taken from the wild without the required permits. The onus of proof of legality should fall on the owner or trader.	■	Not expressly stated.
51	Legislation should empower the Management Authority or any other authorized body to proceed with any required investigation and to detain specimens where there are reasonable doubts on their identification, pending the results of other investigations.	■	Art. 31, sub-paragraph 4 provides the power to seize any 'seize any animal, meat, trophy, forest produce, weapon, tool or implement used in the commission of [an] offence.' This may be based on 'reasonable grounds' as per Art. 31 sub-paragraph 1. No express power to engage in investigations.
52	Legislation should specify the ports of exit and ports of entry at which specimens must be presented for clearance.	■	In compliance; Art. 16 specifies the ports of entry and exit
53	Legislation should make seizure mandatory whenever there are reasonable grounds to believe a transaction is in violation of CITES.	■	Likely in compliance; Art. 31 gives officials the authority to seize whenever there are reasonable grounds to believe there is a violation. The law does not expressly state CITES, but the first part of the law is dedicated to its implementation and in substantial compliance with the convention's best practices.
CONTROL OF TRADERS, POSSESSION AND DOMESTIC TRADE			
56	Legislation may include a requirement that traders exporting or re-exporting CITES specimens keep a register of all transactions, and that the Management Authority may inspect the register and the premises of the trader at any time.	■	Not found in the legislation.
ENFORCEMENT AND PENALTIES			
58	The departments and agents responsible for enforcement of CITES and any implementation legislation must be clearly designated in legislation.	■	Art. 31 provides a generic list only.
59	The powers of enforcement officers need to be clearly established by the legislation. These powers may include powers to search persons, baggage	■	In compliance; Art. 31.

	or other property and vehicles; powers to search premises (may require powers to request a warrant); powers to request information, to inspect documents, and to take samples for identification purposes; powers to seize specimens where illegalities are suspected; and powers of arrest.		
61	If possible, offences committed by corporations relating to trade in CITES specimens should be made punishable by national legislation.	■	Art. 3 Definitions, defines person to include legal entities.
62	Attempts to commit an offence as well as aiding and abetting the committing of an offence under the legislation should also be punishable offences.	■	Not found in the legislation.
63	Legislation must provide for the confiscation or return to the State of export of all illegally traded specimens.	■	Not found in the legislation.
64	Penalties outlined in the legislation must be high enough to constitute an effective deterrent.	■	Penalties range from USD 200 to USD 3001. The value of a single cheetah cub is estimated at USD 12,000.
<b>DISPOSAL OF CONFISCATED SPECIMENS</b>			
65	Refer to Resolution Conf. 10.7 (Rev. CoP15) for details. It is recommended that legislation allow for the costs of returning confiscated live specimens to the country of origin or re-export to be charged to the guilty importer and/or carrier.	■	Not found in the legislation.
<b>REPORTS</b>			
69	The preparation and submission of annual reports and biennial reports on legislative measures as required by Article VIII.7 should be listed in the legislation as one of the duties of the Management Authority.	■	In compliance; Art. 11.

# ANNEX III.

## SOMALIA WILDLIFE OFFENSES

## **ANNEX IV.**

# **WILDLIFE OFFENSES AND PENALTIES ASSESSMENT**

Offense Code

## Global Taxonomy of Wildlife Offenses

## Somalia Offenses Legal Basis

**01-00-000-000 OFFENCES RELATED TO THE CONSERVATION OF WILDLIFE AND WILDLIFE HABITATS****01-01-000-000 Prohibited activities inside protected areas (e.g. national parks, game reserves, conservation areas, state forests, etc)**

01-01-001-000	Chasing, disturbing, or harassing wildlife inside protected areas	
01-01-002-000	Causing harm or injury to wildlife inside protected areas	
01-01-003-000	Prevent breeding of wildlife inside protected areas	
01-01-004-000	Trespassing in a protected area to hunt wildlife	
01-01-005-000	Entering into a protected area with hunting weapons, vehicles, equipment, or substances	
01-01-006-000	Feeding or watering wildlife inside protected areas	
01-01-007-000	Illegally accessing genetic wildlife resources	
01-01-008-000	Yes Introducing invasive species inside protected areas	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 24.1.f)
01-01-009-000	Allowing livestock to enter into a protected area	
01-01-010-000	Discharging pollutants into wildlife habitats	
01-01-010-001	Discharging hazardous substances into the soil or water bodies that are part of wildlife habitats and ecosystems	
01-01-010-002	Discharging into the atmosphere gases, fumes, dust or contaminants that cause damage to wildlife	
01-01-010-003	Discharging emissions of noise, vibrations, thermal energy or light that cause damage to wildlife	
01-01-011-000	Destroying wildlife critical habitat elements	
01-01-011-001	Destroying wildlife nests	
01-01-011-002	Destroying wildlife breeding sites	
01-01-011-003	Destroying wildlife refuges and shelters	
01-01-012-000	Yes Causing arson in wildlife habitats	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 24.1.a
01-01-013-000	Conducting military maneuvers	
01-01-014-000	Conducting live shooting training	
<b>01-02-000-000</b>	<b>Conducting activities inside protected areas without authorization (i.e. ecotourism, scientific research, photography, etc)</b>	
<b>01-03-000-000</b>	<b>Conducting activities inside protected areas in breach of legal requirements</b>	
01-03-001-000	Conducting activities in breach of approved management plans	
<b>01-99-000-000</b>	<b>Other acts in violation of the law related to wildlife and wildlife habitats conservation</b>	
<b>02-00-000-000 OFFENCES RELATED TO THE HUNTING OF WILDLIFE (e.g. Tapping, taking, collecting, poaching, catching, etc.)</b>		
<b>02-01-000-000</b>	<b>Hunting wildlife</b>	
02-01-001-000	Hunting for recreational purposes (sports hunting)	
02-01-002-000	Hunting for subsistence purposes	
02-01-003-000	Hunting for commercial purposes (professional hunting)	
02-01-004-000	Hunting wildlife subjected to temporary bans	
02-01-005-000	Hunting migratory wildlife species	
<b>02-02-000-000</b>	<b>Hunting without authorization</b>	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 22
02-02-001-000	Yes Hunting for scientific purposes without authorization	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 22
02-02-002-000	Yes Hunting for control purposes without authorization (e.g. population, pest or disease, danger animal control)	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 22
02-02-003-000	Yes Hunting for commercial purposes without authorization	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 22

02-03-000-000		Hunting wildlife in prohibited areas	
02-03-001-000	Hunting wildlife in captivity (zoos, captive breeding sites, rescue centers)		
02-03-001-001	Hunting in zoos		
02-03-001-002	Hunting in captive breeding facilities		
02-03-001-003	Hunting in wildlife rescue centers		
02-03-001-004	Hunting around captive holding facilities of released wildlife		
02-03-002-000	Hunting where wildlife is especially vulnerable (drinking areas, flooded land, bird roosting sites)		
02-03-002-001	Hunting in drinking areas		
02-03-002-002	Hunting in bird roosting sites (e.g. night refuges)		
02-03-002-003	Hunting in flooded land		
02-03-003-000	Hunting wildlife in special zones		
02-03-003-001	Hunting outside designated hunting areas		
02-03-003-002	Hunting inside protected areas		
02-03-003-003	Hunting in migratory species' ecosystems		
02-03-003-004	Hunting in public parks and gardens		
02-03-003-005	Hunting in climatic areas		
02-03-003-006	Hunting in and around dams of public domain		
02-03-003-007	Hunting in urban areas		
02-03-003-008	Hunting in suburban areas		
02-03-003-009	Trespassing on private property to hunt wildlife		
02-03-004-000	Yes Hunting for recreational purposes without authorization	Yes	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 22
02-04-000-000		Hunting using illegal means or methods	
02-04-001-000	Hunting using prohibited weapons or traps		
02-04-001-001	Hunting using automatic weapon		
02-04-001-002	Hunting using prohibited weapon		
02-04-001-003	Hunting using prohibited ammunition		
02-04-001-004	Hunting using weapon with calibre exceeding the limits of the law		
02-04-001-005	Hunting using bow and arrow		
02-04-001-006	Hunting using darts		
02-04-001-007	Hunting using traps		
02-04-001-008	Hunting using a weapon as part of a trap		
02-04-002-000	Hunting using prohibited substances		
02-04-002-001	Hunting using explosives		
02-04-002-002	Hunting using chemicals		
02-04-002-003	Hunting using poison or dangerous substances		
02-04-002-004	Hunting using tranquilizing, narcotic, immobilizing or similar agent		
02-04-003-000	Hunting using prohibited baits or control mechanisms		
02-04-003-001	Hunting using electrical devices		
02-04-003-002	Hunting using fire		
02-04-003-003	Hunting using fencing to retain or attract wildlife		

02-04-003-004	Hunting using live animals as baits
02-04-003-005	Hunting using salt as baits
02-04-003-006	Hunting using feed as baits
02-04-003-007	Hunting using artificial or recorded voices
02-04-004-000	Hunting using vehicles
02-04-004-001	Hunting from aerial vehicles
02-04-004-002	Hunting from terrestrial motorized vehicles
02-04-004-003	Hunting on horseback
02-04-005-000	Hunting from especially advantageous locations
02-04-005-001	Hunting from roadways
02-04-005-002	Hunting around railways and roadways
02-04-005-003	Hunting from a stand
02-04-005-004	Hunting by ambush (e.g. from a blind)
02-04-006-000	Hunting using prohibited tracking methods
02-04-006-001	Hunting using tracking wildlife
02-04-006-002	Hunting using drones
02-04-006-003	Hunting using camera traps
02-04-006-004	Hunting using electronic image amplifiers (e.g. night vision, infrared, cameras, etc.)
02-04-006-005	Hunting using lights, nightlights or spotlighting
02-04-006-006	Hunting using night-vision devices
02-04-007-000	Hunting using trained animals
02-04-007-001	Hunting using dogs
02-04-007-002	Hunting using bird of prey (falconry)
02-04-008-000	Hunting at night
<b>02-05-000-000</b>	<b>Hunting wildlife in breach of sustainability requirements</b>
02-05-001-000	Hunting wildlife above authorized quotas
02-05-002-000	Hunting wildlife outside authorized seasons
02-05-003-000	Hunting wildlife during its reproductive cycle
02-05-003-001	Hunting female wildlife specimens of reproductive age
02-05-003-002	Hunting pregnant female specimens of wildlife
02-05-003-003	Hunting female specimens when accompanied by offspring
02-05-004-000	Hunting wildlife under the minimum age allowed
02-05-004-001	Hunting wildlife eggs
02-05-004-002	Hunting wildlife offspring (e.g. newborn)
02-05-004-003	Hunting juvenile or sub-adult wildlife
02-05-005-000	Hunting wildlife under the minimum permitted weight
02-05-006-000	Hunting wildlife female specimen
<b>02-06-000-000</b>	<b>Hunting in breach of safety requirements</b>
02-06-001-000	Hunting under the influence
02-06-002-000	Hunting without the proper safety equipment

<b>02-07-000-000</b>	<b>Hunting in breach of ethical requirements</b>		
02-07-001-000	Failing to inspect traps or other devices at regular intervals		
02-07-002-000	Abandoning injured wildlife in the act of hunting		
02-07-003-000	Interfering with other people's hunting		
<b>02-08-000-000</b>	<b>Violation of reporting and documentation requirements</b>		
02-08-000-001	Underreporting or misreporting hunting activities or quotas		
02-08-000-002	Failing to properly tag hunted wildlife		
<b>02-99-000-000</b>	<b>Other acts in violation of the law related to hunting</b>		
<b>03-00-000-000</b>	<b>OFFENCES RELATED TO HUNTING WEAPONS AND AMMUNITION</b>		
<b>03-01-000-000</b>	<b>Prohibited actions related to hunting weapons and ammunition</b>	<b>No</b>	
03-01-001-000	Carrying prohibited weapons as hunting weapons	No	
03-01-002-000	Carrying a hunting weapon for personal safety	No	
03-01-003-000	Using authorized hunting weapons for non-hunting purposes	No	
03-01-004-000	Losing a hunting weapon or ammunition	No	
<b>03-02-000-000</b>	<b>Handling hunting weapons or ammunition without authorization</b>	<b>Partial</b>	
03-02-001-000	Selling, purchasing or importing hunting weapons or ammunition without authorization	Yes	Public Order Law, 1963 (Art.22 and 23)
03-02-002-000	Possessing hunting weapons or ammunition without authorization	Yes	Public Order Law, 1963 (Art.27 and 28)
03-02-003-000	Carrying a hunting weapon without authorization	Yes	Public Order Law, 1963 (Art.27 and 28)
03-02-004-000	Carrying a hunting weapon with an expired authorization	Yes	Public Order Law, 1963 (Art.27 and 28)
03-02-005-000	Failing to establish the lawful origin of a hunting weapon	No	
<b>03-03-000-000</b>	<b>Use of hunting weapons and ammunition in breach of legal requirements and procedures</b>	<b>Partial</b>	
03-03-001-000	Using a hunting weapon that shows signs of deterioration	No	
03-03-002-000	Using a hunting weapon that fails to comply with safety standards	No	
03-03-003-000	Possessing a hunting weapon with the weapon's marking altered (e.g. serial numbers, factory characteristics, etc.)	No	
03-03-004-000	Possessing ammunition in quantities greater than those permitted by law	No	
03-03-005-000	Failing to submit hunting weapon records when requested by the supervisory authority	Partial	Public Order Law, 1963 (Art.24)
<b>03-99-000-000</b>	<b>Other acts in violation of the law related to hunting weapons</b>		
<b>04-00-000-000</b>	<b>OFFENCES RELATED TO THE TRANSPORTATION OF WILDLIFE</b>		
<b>04-01-000-000</b>	<b>Transporting wildlife</b>		
<b>04-02-000-000</b>	<b>Transporting wildlife without due authorization</b>		
04-02-001-000	Transporting wildlife without the mandatory business registration		
04-02-002-000	Transporting wildlife without mandatory documentation		
04-02-002-001	Transporting wildlife without shipping documents	Yes	Veterinary Law, 2016 (Section 7.2)
04-02-002-002	Transporting wildlife without transit documents		
04-02-002-003	Transporting wildlife without a health certificate		
04-02-002-004	Transporting imported wildlife without a CITES permit		
<b>04-03-000-000</b>	<b>Transporting wildlife of illegal origin</b>		
04-03-001-000	Transporting wildlife illegally hunted in the country		
04-03-002-000	Transporting wildlife illegally hunted in a foreign country		
04-03-003-000	Transporting wildlife illegally imported		

04-03-004-000	Transporting Appendix I wildlife imported without CITES certificate			
04-03-005-000	Transporting wildlife sourced from unauthorized breeding site			
04-03-006-000	Transporting wildlife illegally sold			
04-03-007-000	Transporting wildlife illegally purchased			
04-03-008-000	Transporting stolen wildlife			
<b>04-04-000-000</b>	<b>Partial</b>	<b>Transporting wildlife in breach of legal requirements and procedures</b>		
04-04-001-000	Yes	Transporting wildlife in improper receptacles		Veterinary Law, 2016 (Section 7.1)
04-04-002-000	Yes	Transporting wildlife in overcrowded conditions		Veterinary Law, 2016 (Section 7.1.)
04-04-003-000	No	Transporting wildlife in amounts that exceed what is necessary for customary use		
04-04-004-000	Partial	Transporting wildlife that is unfit to be transported		
04-04-004-001	Yes	Transporting wildlife injured or sick		Veterinary Law, 2016 (Section 5.1)
04-04-004-002	No	Transporting wildlife that is likely to give birth during conveyance		
<b>04-99-000-000</b>		<b>Other acts in violation of the law related to the breach of legal provisions on wildlife transportation</b>		
<b>05-00-000-000</b>		<b>OFFENCES RELATED TO THE STORAGE OF WILDLIFE</b>		
<b>05-01-000-000</b>		<b>Storing wildlife</b>		
<b>05-02-000-000</b>		<b>Storing wildlife without authorization</b>		
<b>05-03-000-000</b>		<b>Storing wildlife of illegal origin</b>		
05-03-001-000		Storing wildlife illegally hunted in the country		
05-03-002-000		Storing wildlife illegally hunted in a foreign country		
05-03-003-000		Storing wildlife illegally imported		
05-03-004-000		Storing Appendix I wildlife imported without a CITES certificate		
05-03-005-000		Storing wildlife sourced from unauthorized breeding site		
05-03-006-000		Storing wildlife illegally sold		
05-03-007-000		Storing wildlife illegally purchased		
05-03-008-000		Storing wildlife illegally transported		
05-03-009-000	Yes	Storing stolen wildlife		Criminal Code, 1962 (Art. 548)
<b>05-99-000-000</b>		<b>Other acts in violation of the law related to the storage of wildlife</b>		
<b>06-00-000-000</b>		<b>OFFENCES RELATED TO THE PROCESSING OF WILDLIFE</b>		
<b>06-01-000-000</b>		<b>Processing of wildlife</b>		
06-01-001-000		Processing prohibited goods from wildlife		
06-01-002-000		Processing wildlife for the food industry		
<b>06-02-000-000</b>		<b>Processing wildlife without authorization</b>		
06-02-001-000		Operating as a wildlife trophy dealer without authorization		
06-02-002-000		Operating processing facilities for wildlife without authorization		
06-02-003-000		Processing items from wildlife trophies without authorization		
06-02-004-000		Processing wildlife skins without authorization		
<b>06-03-000-000</b>		<b>Processing wildlife of illegal origin</b>		
06-03-001-000		Processing wildlife illegally hunted in the country		
06-03-002-000		Processing wildlife illegally hunted in a foreign country		
06-03-003-000		Processing wildlife illegally imported		

06-03-004-000	Processing Appendix I wildlife imported without CITES certificate
06-03-005-000	Processing wildlife sourced from unauthorized breeding site
06-03-006-000	Processing wildlife illegally sold
06-03-007-000	Processing wildlife illegally purchased
06-03-008-000	Processing wildlife illegally transported
06-03-009-000	Processing stolen wildlife
<b>06-04-000-000</b>	<b>Processing wildlife in breach of legal requirements and procedures</b>
06-04-001-000	Processing wildlife without possessing a control book (e.g. stud book, breeding log, etc.)
<b>06-99-000-000</b>	<b>Other acts in violation of the law related to wildlife processing</b>
<b>07-00-000-000</b>	<b>OFFENCES RELATED TO THE DOMESTIC TRADE IN WILDLIFE</b>
<b>07-01-000-000</b>	<b>Trading wildlife</b>
07-01-001-000	Advertising wildlife
07-01-001-001	Advertising wildlife online
07-01-001-002	Advertising wildlife in other media
07-01-002-000	Selling wildlife
07-01-002-001	Selling wildlife under protection of temporary bans
07-01-002-002	Selling wildlife hit on a road
07-01-002-003	Selling wildlife as pets
07-01-002-004	Selling wildlife sourced under non-commercial authorization (e.g. sourced from subsistence, recreational or scientific hunting)
07-01-003-000	Purchasing wildlife
07-01-003-001	Purchasing banned wildlife
07-01-003-002	Purchasing wildlife hit on a road
07-01-003-003	Purchasing wildlife sourced under non-commercial authorization (e.g. sourced from subsistence, recreational or scientific hunting)
07-01-004-000	Renting wildlife
07-01-005-000	Donating or gifting wildlife
07-01-006-000	Exchanging wildlife without authorization
07-01-007-000	Facilitating online wildlife trafficking
<b>07-02-000-000</b>	<b>Trading wildlife without authorization</b>
07-02-001-000	Selling wildlife without authorization
07-02-001-001	Selling wildlife without sales authorization
07-02-001-002	Selling wildlife after having the sales authorization revoked
07-02-001-003	Selling wildlife using a sales authorization from a third party
07-02-001-004	Selling wildlife without registering with competent environmental authorities
07-02-002-000	Yes Purchasing wildlife without authorization
07-02-003-000	Renting wildlife without authorization
07-02-004-000	Donating or gifting wildlife without authorization
07-02-005-000	Exchanging wildlife without authorization
<b>07-03-000-000</b>	<b>Trading wildlife of illegal origin</b>
07-03-001-000	Advertising for sale wildlife of illegal origin

Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 332, Criminal Code, 1962 (Art. 548)

07-03-001-001	Advertising wildlife illegally hunted in the country	
07-03-001-002	Advertising wildlife illegally hunted in a foreign country	
07-03-001-003	Advertising wildlife illegally imported	
07-03-001-004	Advertising wildlife sourced from an unauthorized breeding site	
07-03-001-005	Advertising illegally transported wildlife	
07-03-001-006	Advertising stolen wildlife	
07-03-001-007	Advertising wildlife without proof of its legal origin	
07-03-002-000	Selling wildlife of illegal origin	
07-03-002-001	Selling wildlife illegally hunted in the country	
07-03-002-002	Selling wildlife illegally hunted in a foreign country	
07-03-002-003	Selling wildlife illegally imported	
07-03-002-004	Selling wildlife sourced from an unauthorized breeding site	
07-03-002-005	Selling illegally transported wildlife	
07-03-002-006	Selling stolen wildlife	
07-03-002-007	Selling wildlife without proof of its legal origin	
07-03-003-000	Purchasing wildlife of illegal origin	
07-03-003-001	Purchasing wildlife illegally hunted in the country	
07-03-003-002	Purchasing wildlife illegally hunted in a foreign country	
07-03-003-003	Purchasing wildlife illegally imported	
07-03-003-004	Purchasing wildlife sourced from an unauthorized breeding site	
07-03-003-005	Purchasing illegally sold wildlife	
07-03-003-006	Purchasing illegally transported wildlife	
07-03-003-007	Yes Purchasing stolen wildlife	Criminal Code, 1962 (Art. 548)
<b>07-04-000-000</b>	<b>Trading wildlife in breach of legal requirements and procedures</b>	
07-04-001-000	Selling wildlife in breach of legal requirements and procedures	
07-04-001-001	Selling wildlife with contagious diseases	
07-04-001-002	Selling legally bred wildlife in breach of legal procedures	
07-04-001-003	Selling wildlife using a false product description	
07-04-001-004	Selling wildlife in breach of reporting requirements (e.g. stocks, monetary values, inventory, etc.)	
07-04-001-005	Transferring the rights to sell wildlife	
<b>07-99-000-000</b>	<b>Other acts in violation of the law related to the domestic trade in wildlife</b>	
<b>08-00-000-000</b>	<b>OFFENCES RELATED TO THE FOREIGN TRADE IN WILDLIFE</b>	
<b>08-01-000-000</b>	<b>Importing, exporting or re-exporting wildlife</b>	
08-01-001-000	Importing, exporting or re-exporting wildlife subject to a national ban (e.g. rhino, pangolin, etc)	
08-01-002-000	Importing invasive wildlife	
08-01-003-000	Importing genetically modified wildlife	
08-01-004-000	Importing poisonous wildlife	
08-01-005-000	Importing wildlife pets	
<b>08-02-000-000</b>	<b>Importing, exporting or re-exporting wildlife without authorization</b>	
08-02-001-000	Yes Importing, exporting or re-exporting protected wildlife without CITES authorization	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 3

08-02-001-001	Yes	Importing, exporting or re-exporting wildlife without CITES permit	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 3
08-02-001-002	Yes	Importing, exporting or re-exporting wildlife using a false, forged or altered CITES permit	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 3
08-02-001-003	Yes	Importing, exporting or re-exporting wildlife in violation of an approved CITES permit	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 3
08-02-002-000		Importing, exporting or re-exporting protected wildlife without CITES-Scientific Authority recommendation	
08-02-003-000	Yes	Importing, exporting or re-exporting wildlife without health certificates	Veterinary Law, 2016 (Section 6.2)
08-02-004-000		Importing potentially invasive wildlife without authorization	
08-02-005-000		Importing genetically modified wildlife without authorization	
<b>08-03-000-000</b>		<b>Importing, exporting or re-exporting wildlife of illegal origin</b>	
08-03-001-000		Exporting wildlife illegally hunted in the country	
08-03-002-000		Importing or re-exporting wildlife illegally hunted in a foreign jurisdiction	
08-03-003-000		Exporting wildlife sourced from unauthorized breeding site	
08-03-004-000		Exporting illegally sold wildlife	
08-03-005-000		Exporting illegally purchased wildlife	
08-03-006-000		Exporting illegally transported wildlife	
08-03-007-000		Exporting stolen wildlife	
<b>08-04-000-000</b>		<b>Importing, exporting or re-exporting wildlife in breach of customs procedures</b>	
08-04-001-000		Importing wildlife without business registration as importer	
08-04-002-000		Importing, exporting or re-exporting wildlife avoiding customs control (smuggling)	
08-04-002-001		Importing, exporting or re-exporting hidden or concealed wildlife	
08-04-002-002		Importing, exporting or re-exporting wildlife packaged to deceive customs officers	
08-04-003-000		Importing, exporting or re-exporting wildlife without following customs clearance procedures	
08-04-003-001	Yes	Importing, exporting or re-exporting wildlife through a point different from the designated port of en	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 16
08-04-003-002	Yes	Importing, exporting or re-exporting wildlife by evading a point of animal health inspection	Veterinary Law, 2016 (Section 6.2)
08-04-003-003	Yes	Importing, exporting or re-exporting wildlife carrying contagious diseases without reporting to quarai	Veterinary Law, 2016 (Section 6.2)
08-04-003-004		Importing, exporting or re-exporting wildlife without shipping documentation	
08-04-003-005		Importing, exporting or re-exporting wildlife without due customs declaration	
08-04-003-006		Importing wildlife evading totally or partially the payment of customs duties	
08-04-003-007	Yes	Exporting wildlife breaking mandatory quarantine requirements	Veterinary Law, 2016 (Section 6.2)
08-04-003-008		Loading or unloading wildlife in a customs area before the approval of customs office	
08-04-003-009		Unloading imported wildlife in a customs area outside of the authorized place	
08-04-003-010		Breaking or removing seals, marks or stamps affixed by customs officers without permission	
<b>08-99-000-000</b>		<b>Other acts in violation of the law related to importing, exporting or re-exporting wildlife</b>	
<b>09-00-000-000</b>		<b>OFFENCES RELATED TO THE POSSESSION OF WILDLIFE</b>	
<b>09-01-000-000</b>	N/A	<b>Possessing wildlife</b>	
<b>09-02-000-000</b>	Yes	<b>Possessing wildlife without authorization</b>	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 332
09-02-001-000	Yes	Possessing collections of wildlife without registration	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 332
09-02-002-000	Yes	Possessing wildlife trophies without authorization	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 332
<b>09-03-000-000</b>		<b>Possessing wildlife of illegal origin</b>	
09-03-001-000		Possessing wildlife illegally hunted in the country	
09-03-002-000		Possessing wildlife illegally hunted in a foreign country	

09-03-003-000	Possessing wildlife illegally imported
09-03-004-000	Possessing Appendix I imported wildlife unaccompanied of the CITES certificate
09-03-005-000	Possessing wildlife sourced from unauthorized breeding site
09-03-006-000	Possessing wildlife illegally sold
09-03-007-000	Possessing wildlife illegally purchased
09-03-008-000	Possessing wildlife transported illegally
09-03-009-000	Possessing stolen wildlife
<b>09-04-000-000</b>	<b>Possessing wildlife in breach of hunting limitations</b>
09-04-001-000	Possessing wildlife below the minimum ages allowed (e.g. newborns, juveniles, etc.)
09-04-002-000	Possessing wildlife weighing below the minimum required animal weight
09-04-003-000	Possessing wildlife that is undersized
09-04-004-000	Possessing wildlife out of harvest season
<b>09-99-000-000</b>	<b>Other acts in violation of the law related to wildlife possession</b>
<b>10-00-000-000</b>	<b>OFFENCES RELATED TO THE BREEDING OF WILDLIFE</b>
<b>10-01-000-000</b>	<b>Breeding wildlife</b>
<b>10-02-000-000</b>	<b>Breeding wildlife without authorization</b>
10-02-001-000	Breeding wildlife without registration
10-02-002-000	Breeding wildlife specimen without documentation to proof their legal origin
<b>10-03-000-000</b>	<b>Breeding wildlife using breeding stock of illegal origin</b>
10-03-001-000	Breeding wildlife using breeding stock illegally hunted in the country
10-03-002-000	Breeding wildlife using breeding stock illegally hunted in a foreign country
10-03-003-000	Breeding wildlife using breeding stock illegally imported
10-03-004-000	Breeding Appendix I wildlife using imported breeding stock unaccompanied by its CITES permit
10-03-005-000	Breeding wildlife using breeding stock from unauthorized breeding site
10-03-006-000	Breeding wildlife using breeding stock illegally sold
10-03-007-000	Breeding wildlife using breeding stock illegally purchased
10-03-008-000	Breeding wildlife using breeding stock transported illegally
10-03-009-000	Breeding wildlife using stolen breeding stock
<b>10-04-000-000</b>	<b>Breeding wildlife in breach of legal requirements and procedures</b>
10-04-001-000	Breeding wildlife without conducting a feasibility study
10-04-002-000	Breeding wildlife without maintaining a control book (e.g. stud book, breeding log, etc.)
10-04-003-000	Breeding wildlife without submitting reports to authorities
10-04-004-000	Breeding wildlife without proper marking system or certification of the bred specimen
10-04-005-000	Not maintaining the purity of wildlife up to the first generation by breeders
<b>10-99-000-000</b>	<b>Other acts in violation of the law related to wildlife breeding</b>
<b>11-00-000-000</b>	<b>OFFENCES RELATED TO EXHIBITING WILDLIFE</b>
<b>11-01-000-000</b>	<b>Exhibiting wildlife</b>
11-01-001-000	Breeding or training wildlife for fights
11-01-001-000	Organizing fights involving wildlife
<b>11-02-000-000</b>	<b>Exhibiting wildlife without authorization</b>

<b>11-03-000-000 Exhibiting wildlife of illegal origin</b>	
11-03-001-000	Exhibiting wildlife illegally hunted in the country
11-03-002-000	Exhibiting wildlife illegally hunted in a foreign country
11-03-003-000	Exhibiting wildlife illegally imported
11-03-004-000	Exhibiting Appendix I imported wildlife unaccompanied of the CITES certificate
11-03-005-000	Exhibiting wildlife sourced from unauthorized breeding site
11-03-006-000	Exhibiting illegally sold wildlife
11-03-007-000	Exhibiting wildlife illegally purchased
11-03-008-000	Exhibiting illegally transported wildlife
11-03-009-000	Exhibiting stolen wildlife
<b>11-04-000-000 Exhibiting wildlife in breach of legal requirements and procedures</b>	
11-04-001-000	Exhibiting wildlife in performances requiring skill using untrained wildlife
11-04-002-000	Yes Exhibiting wildlife in performances involving cruelty
11-04-003-000	Exhibiting wildlife in performances under the influence of stimulants
11-04-004-000	Exhibiting wildlife in iron cages
11-04-005-000	Exhibiting wildlife in unsuitable places
11-04-005-000	Veterinary Law, 2016 (Section 5.1)
<b>11-99-000-000 Other acts in violation of the law related to wildlife exhibition</b>	
<b>12-00-000-000 OFFENCES RELATED TO SCIENTIFIC RESEARCH USING WILDLIFE</b>	
<b>12-01-000-000 Conducting scientific research using wildlife</b>	
<b>12-02-000-000 Conducting scientific research on wildlife without due authorization</b>	
12-02-001-000	Conducting scientific research on wildlife without accreditation of the research or academic entity
12-02-002-000	Conducting scientific research on wildlife without proper academic credentials by the lead researcher
12-02-003-000	Conducting scientific research on wildlife for biotechnology purposes without authorization
12-02-004-000	Conducting scientific research on wildlife to study pain and distress without authorization
<b>12-03-000-000 Conducting scientific research with wildlife of illegal origin</b>	
12-03-001-000	Conducting scientific research with wildlife illegally hunted in the country
12-03-002-000	Conducting scientific research with wildlife hunted illegally in a foreign country
12-03-003-000	Conducting scientific research with illegally imported wildlife
12-03-004-000	Conducting scientific research with Appendix I imported wildlife unaccompanied by its CITES certificate
12-03-005-000	Conducting scientific research with wildlife sourced from unauthorized breeding site
12-03-006-000	Conducting scientific research using wildlife illegally sold
12-03-007-000	Conducting scientific research with wildlife illegally purchased
12-03-008-000	Conducting scientific research with illegally transported wildlife
12-03-009-000	Conducting scientific research with stolen wildlife
<b>12-04-000-000 Conducting scientific research compromising the welfare of wildlife</b>	
12-04-001-000	Yes Conducting scientific research with wildlife while not providing due care before, during or after the experiment
12-04-002-000	Yes Conducting scientific research with wildlife and causing painful or cruel experiences when there is an alternate
12-04-003-000	Yes Conducting scientific research with wildlife and not using adequate sedation
12-04-004-000	Yes Conducting scientific research with wildlife and not following euthanasia requirements
12-04-005-000	Conducting scientific research with wildlife by reusing the same specimen after reaching the main objective of the research project

<b>12-05-000-000</b>		<b>Conducting scientific research in breach of legal requirements and procedures</b>	
12-05-001-000	Conducting scientific research with biological materials without providing duplicate samples to authorities		
12-05-002-000	Conducting scientific research with wildlife without sharing results with authorities		
<b>12-99-00-000</b>		<b>Other acts in violation of the law related to the use of wildlife for scientific research</b>	
<b>13-00-000-000</b>		<b>OFFENCES RELATED TO OTHER USES OF WILDLIFE</b>	
<b>13-01-000-000</b>		<b>Using wildlife</b>	
13-01-001-000	Using wildlife in audiovisual productions		
<b>13-02-000-000</b>		<b>Using wildlife without authorization</b>	
13-02-001-000	Using wildlife without permit		
13-02-002-000	Using Appendix I imported wildlife in breach of the CITES permit		
13-02-003-000	Using wildlife in breach of authorized purposes		
13-02-003-001	Using wildlife for other purposes when it was sourced for scientific purposes		
13-02-003-002	Using wildlife for other purposes when it was sourced for control purposes		
13-02-003-003	Using wildlife for other purposes when it was sourced for subsistence purposes		
<b>13-03-000-000</b>		<b>Using wildlife of illegal origin</b>	
13-03-001-000	Using wildlife illegally hunted in the country		
13-03-002-000	Using wildlife illegally hunted in a foreign country		
13-03-003-000	Using wildlife illegally imported		
13-03-004-000	Using Appendix I imported wildlife unaccompanied by the CITES permit		
13-03-005-000	Using wildlife sourced from unauthorized breeding site		
13-03-006-000	Using wildlife illegally sold		
13-03-007-000	Using wildlife illegally purchased		
13-03-008-000	Using illegally transported wildlife		
13-03-009-000	Using stolen wildlife		
<b>13-99-000-000</b>		<b>Other acts in violation of the law related to other uses of wildlife</b>	
<b>14-00-000-000</b>		<b>OFFENCES RELATED TO ANIMAL HEALTH AND WELFARE</b>	
<b>14-01-000-000</b>		<b>Treating wildlife with cruelty</b>	
14-01-001-000	Yes Injuring wildlife in captivity		Veterinary Law, 2016 (Section 5.1)
14-01-002-000	Yes Mutilating wildlife		Veterinary Law, 2016 (Section 5.1)
14-01-003-000	Yes Vivisectioning wildlife for purposes other than research		Veterinary Law, 2016 (Section 5.1)
14-01-004-000	Yes Slaughtering wildlife in breach of humanitarian rules		Veterinary Law, 2016 (Section 5.1)
14-01-005-000	Yes Performing sexual acts with wildlife		Veterinary Law, 2016 (Section 5.1)
14-01-006-000	Yes Using devices causing unnecessary suffering to wildlife		Veterinary Law, 2016 (Section 5.1)
14-01-007-000	No Releasing captive wildlife under dangerous conditions		
<b>14-02-000-000</b>		<b>Failing to comply with animal welfare legal standards</b>	
14-02-001-000	Yes Failing to provide appropriate nutrition for captive wildlife		Veterinary Law, 2016 (Section 5.1)
14-02-002-000	Yes Failing to provide appropriate veterinary care for captive wildlife		Veterinary Law, 2016 (Section 5.1)
14-02-003-000	Yes Failing to meet safety standards for captive wildlife		Veterinary Law, 2016 (Section 5.1)
14-02-004-000	Yes Failing to provide appropriate living conditions for captive wildlife		Veterinary Law, 2016 (Section 5.1)
<b>14-03-000-000</b>		<b>Violation of quarantine procedures</b>	

14-03-001-000	Failure to quarantine wildlife specimens carrying or suspected to carry pest or diseases					
14-03-002-000	Failure to quarantine people carrying or suspected of carrying pest or wildlife diseases					
14-03-003-000	Failure to quarantine equipment carrying or suspected of carrying pest or wildlife diseases					
14-03-004-000	Failure to quarantine water carrying or suspected of carrying pest or wildlife diseases					
14-03-005-000	Failure to quarantine packing material carrying or suspected of carrying pest or wildlife diseases					
14-03-006-000	Failure to report infected wildlife to nearest authorities	Yes				Veterinary Law, 2016 (Section 3.3)
<b>14-99-000-000</b>	<b>Other acts in violation of the law related to animal health and welfare</b>					
<b>15-00-000-000</b>	<b>OFFENCES RELATED TO FORGERY OF WILDLIFE DOCUMENTS</b>					
<b>15-01-000-000</b>	<b>Falsifying elements on wildlife-related public and private transactions</b>					
15-01-001-000	Falsifying public documents (e.g. hunting permit, breeding permit, etc)	Yes				Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 34 a), Criminal Code, 1962 (Art. 366, 367 and 372)
15-01-002-000	Falsifying private documents (e.g. invoices, breeding log, etc.)	Yes				Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 34 a), Criminal Code, 1962 (Art. 368 and 373)
15-01-003-000	Falsifying signatures					
15-01-004-000	Falsifying official identification elements	Partial				
15-01-004-001	No Falsification of official uniforms, insignia or badges	No				
15-01-004-002	Yes Falsification of official marks, seals and stamps	Yes				Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 34 a)
<b>15-02-000-000</b>	<b>Using forged elements on wildlife-related public and private transactions</b>					
15-02-001-000	Using forged public documents	Yes				Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 34 b), Criminal Code, 1962 (Art. 378)
15-02-002-000	Using forged private documents	Yes				Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 34 b), Criminal Code, 1962 (Art. 378)
15-02-003-000	Using forged signatures					
15-02-004-000	Using forged official identification elements	Partial				
15-02-004-001	No Using of forged official uniforms, insignia or badges	No				
15-02-004-002	Yes Using of forged official marks, seals and stamps	Yes				Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 34 b)
15-02-005-000	Using false identities	Yes				Criminal Code, 1962 (Art. 383)
<b>15-99-000-000</b>	<b>Other acts in violation of the law related to forgery of wildlife documents</b>					
<b>16-00-000-000</b>	<b>OFFENCES RELATED TO THE OBSTRUCTION OF JUSTICE IN WILDLIFE CRIMES</b>					
<b>16-01-000-000</b>	<b>Breaching reporting and enforcement requirements</b>					
16-01-001-000	Failing to present declaration of wildlife inventories					
16-01-002-000	Failing to report wildlife abuse					
16-01-003-000	Failing to submit wildlife-related reports					
16-01-004-000	Failing to keep wildlife records or books when obliged by law					
16-01-005-000	Failing to stop or report wildlife offences by enforcement officers					
<b>16-02-000-000</b>	<b>Obstructing wildlife enforcement and investigative actions</b>	Yes				Law on Fauna (Hunting) and Forest Conservation (2018 BILL), 33.3
16-02-001-000	Refusing to answer a question of an enforcement officer	Yes				Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 33.3.
16-02-002-000	Refusing to provide documentation at the request of an inspector or enforcement officer	Yes				Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 31 and 33.2. Criminal Code, 1962 (Art. 506)
16-02-003-000	Providing false information to governmental officials					
16-02-003-001	Providing false information to a wildlife officer					
16-02-003-002	Providing false information to a customs officer					
16-02-003-003	Providing false information in a wildlife damage claim					

16-02-004-000	Yes	Refusing to allow lawful search of an inspector or enforcement officer	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 31.
16-02-004-001	Yes	Refusing to allow search within customs area by enforcement officer	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 31.
16-02-004-002	Yes	Refusing to allow search in road controls by enforcement officer	Law on Fauna (Hunting) and Forest Conservation (2018 BILL), Article 31.
16-02-005-000	Yes	Refusing to follow an order by an inspector or enforcement officer	Criminal Code, 1962 (Art. 505)
16-02-006-000		Assaulting verbally, morally or physically an officer or inspection authority in the exercise of their functions	
16-02-006-001		Assaulting a wildlife enforcement officers during the exercise of his or her functions	
16-02-006-002		Assaulting a park ranger in the exercise of their functions	
16-02-006-003		Assaulting a customs officer in the exercise of their functions	
16-02-006-004		Refusal by a hunter to unload a weapon during an inspection	
<b>16-03-000-000</b>		<b>Obstructing the prosecution of a wildlife crime</b>	
16-03-001-000		Obstructing performance of judicial authorities in wildlife crimes	
16-03-002-000		Obstructing witness testimonies in wildlife crime cases	
<b>16-99-000-000</b>		<b>Other acts in violation of the law related to obstruction of justice in wildlife crimes</b>	



07-00-000-000 OFFENCES RELATED TO THE DOMESTIC TRADE IN WILDLIFE										
07-02-000-000 Partial Trading wildlife without authorization										
07-02-002-000	Yes	Purchasing wildlife without authorization	Yes	Hunting Law; USD 200/500 to USD 3000. Multiplied by 3 if Art. 99(2) of Penal Code. Criminal Code; 100 Sh. So/USD 1.7	6 months. Multiplied by 3 if Art. 99(2) of Penal Code (Hunting Law). 6 months (Criminal Code)	Yes	Yes	Yes	Yes	6 mo to 3 Year - Trophy dealer 3 Years
07-03-000-000 Partial Trading wildlife of illegal origin										
07-03-003-000	Partial	Purchasing wildlife of illegal origin								
07-03-003-007	Yes	Purchasing stolen wildlife		USD 0,17	6 months					
08-00-000-000 OFFENCES RELATED TO THE FOREIGN TRADE IN WILDLIFE										
08-02-000-000 Importing, exporting or re-exporting wildlife without authorization										
08-02-001-000	Yes	Importing, exporting or re-exporting protected wildlife without	Yes	USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code	6 months. Multiplied by 3 if Art. 99(2) of Penal Code	Yes	Yes	Yes	Yes	6 mo to 3 Year - Trophy dealer 3 Years
08-02-001-001	Yes	Importing, exporting or re-exporting wildlife without CITES permit	Yes	USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code	6 months. Multiplied by 3 if Art. 99(2) of Penal Code	Yes	Yes	Yes	Yes	6 mo to 3 Year - Trophy dealer 3 Years
08-02-001-002	Yes	Importing, exporting or re-exporting wildlife using a false, forged or altered CITES permit	Yes	USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code	6 months. Multiplied by 3 if Art. 99(2) of Penal Code	Yes	Yes	Yes	Yes	6 mo to 3 Year - Trophy dealer 3 Years
08-02-001-003	Yes	Importing, exporting or re-exporting wildlife in violation of an approved CITES permit	Yes	USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code	6 months. Multiplied by 3 if Art. 99(2) of Penal Code	Yes	Yes	No	Yes	6 mo to 3 Year - Trophy dealer 3 Years
08-02-003-000	Yes	Importing, exporting or re-exporting wildlife without health certificates	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
08-04-000-000 Partial Importing, exporting or re-exporting wildlife in breach of customs procedures										
08-04-003-000	Partial	Importing, exporting or re-exporting wildlife without following customs clearance procedures								
08-04-003-001	Yes	Importing, exporting or re-exporting wildlife through a point different from the designated port of entry	Yes	USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code	6 months. Multiplied by 3 if Art. 99(2) of Penal Code	Yes	Yes	No	Yes	6 mo to 3 Year - Trophy dealer 3 Years
08-04-003-002	Yes	Importing, exporting or re-exporting wildlife by evading a point of animal health inspection	Yes	USD 1,000	6 months		Yes		Yes	
08-04-003-003	Yes	Importing, exporting or re-exporting wildlife carrying contagious diseases without reporting to quarantine authorities	Yes	USD 1,000	6 months		Yes		Yes	
08-04-003-007	Yes	Exporting wildlife breaking mandatory quarantine requirements	Yes	USD 1,000	6 months		Yes		Yes	
09-00-000-000 OFFENCES RELATED TO THE POSSESSION OF WILDLIFE										
09-02-000-000 Yes Possessing wildlife without authorization										
09-02-001-000	Yes	Possessing collections of wildlife without registration	Yes	USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code	6 months. Multiplied by 3 if Art. 99(2) of Penal Code	Yes	Yes	Yes	Yes	6 mo to 3 Year - Trophy dealer 3 Years
09-02-001-000	Yes	Possessing collections of wildlife without registration	Yes	USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code	6 months. Multiplied by 3 if Art. 99(2) of Penal Code	Yes	Yes	Yes	Yes	6 mo to 3 Year - Trophy dealer 3 Years

09-02-002-000	Yes	Possessing wildlife trophies without authorization	Yes	USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code	6 months. Multiplied by 3 if Art. 99(2) of Penal Code	Yes	Yes	Yes	Yes	6 mo to 3 Year - Trophy dealer 3 Years
<b>11-00-000-000 OFFENCES RELATED TO EXHIBITING WILDLIFE</b>										
11-04-000-000	Partial	<b>Exhibiting wildlife in breach of legal requirements and procedures</b>								
11-04-002-000	Yes	Exhibiting wildlife in performances involving cruelty	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
<b>12-00-000-000 OFFENCES RELATED TO SCIENTIFIC RESEARCH USING WILDLIFE</b>										
12-04-000-000	Partial	<b>Conducting scientific research compromising the welfare of wildlife</b>								
12-04-001-000	Yes	Conducting scientific research with wildlife while not providing due care before, during or after the experiment	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
12-04-002-000	Yes	Conducting scientific research with wildlife and causing painful or cruel experiences when there is an alternative	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
12-04-003-000	Yes	Conducting scientific research with wildlife and not using adequate sedation	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
12-04-004-000	Yes	Conducting scientific research with wildlife and not following euthanasia requirements	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
<b>14-00-000-000 OFFENCES RELATED TO ANIMAL HEALTH AND WELFARE</b>										
14-01-000-000	Partial	<b>Treating wildlife with cruelty</b>								
14-01-001-000	Yes	Injuring wildlife in captivity	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
14-01-002-000	Yes	Mutilating wildlife	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
14-01-003-000	Yes	Vivisectioning wildlife for purposes other than research	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
14-01-004-000	Yes	Slaughtering wildlife in breach of humanitarian rules	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
14-01-005-000	Yes	Performing sexual acts with wildlife	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
14-01-006-000	Yes	Using devices causing unnecessary suffering to wildlife	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
14-02-000-000	Yes	<b>Failing to comply with animal welfare legal standards</b>								
14-02-001-000	Yes	Failing to provide appropriate nutrition for captive wildlife	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
14-02-002-000	Yes	Failing to provide appropriate veterinary care for captive wildlife	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
14-02-003-000	Yes	Failing to meet safety standards for captive wildlife	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
14-02-004-000	Yes	Failing to provide appropriate living conditions for captive wildlife	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
14-03-000-000	Partial	<b>Violation of quarantine procedures</b>								
14-03-006-000	Yes	Failure to report infected wildlife to nearest authorities	Yes	USD 1,000	6 months	Yes	Yes	Yes	Yes	
<b>15-00-000-000 OFFENCES RELATED TO FORGERY OF WILDLIFE DOCUMENTS</b>										
15-01-000-000	Partial	<b>Falsifying elements on wildlife-related public and private transactions</b>								
15-01-001-000	Yes	Falsifying public documents (e.g. hunting permit, breeding permit, licenses, etc)	Yes	USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code	6 months. Multiplied by 3 if Art. 99(2) of Penal Code. Criminal Code: 1 to 32 months	Yes	Yes	Yes	Yes	6 mo to 3 Year - Trophy dealer 3 Years
15-01-002-000	Yes	Falsifying private documents (e.g. invoices, breeding log, etc.)	Yes	USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code	6 months. Multiplied by 3 if Art. 99(2) of Penal Code. Criminal Code: 1 to 24 months.	Yes	Yes	Yes	Yes	6 mo to 3 Year - Trophy dealer 3 Years
15-01-004-000	Partial	Falsifying official identification elements								
15-01-004-002	Yes	Falsification of official marks, seals and stamps	Yes	USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code	6 months. Multiplied by 3 if Art. 99(2) of Penal Code	Yes	Yes	Yes	Yes	6 mo to 3 Year - Trophy dealer 3 Years
15-02-000-000	Partial	<b>Using forged elements on wildlife-related public and private transactions</b>								
15-02-001-000	Yes	Using forged public documents	Yes	Hunting Law: USD 200/500 to USD 3000. Multiplied by 3 if Art. 99(2) of Penal Code. Criminal Code: 32 months	Hunting Law: 6 months. Multiplied by 3 if Art. 99(2) of Penal Code. Criminal Code: 32 months	Yes	Yes	Yes	No	6 mo to 3 Year - Trophy dealer 3 Years

15-02-002-000	Yes	Using forged private documents	Yes	Hunting Law: USD 200/500 to USD 3000. Multiplied by 3 if Art. 99(2) of Penal Code.	Hunting Law: 6 months. Multiplied by 3 if Art. 99(2) of Penal Code. Criminal Code: 32 months	Yes	Yes	Yes	No	Yes	6 mo to 3 Year - Trophy dealer 3 Years
15-02-004-000	Partial	Using forged official identification elements									
15-02-004-001	No	Using of forged official uniforms, insignia or badges									
15-02-004-002	Yes	Using of forged official marks, seals and stamps	Yes	USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code	6 months. Multiplied by 3 if Art. 99(2) of Penal Code	Yes	Yes	Yes	No	Yes	6 mo to 3 Year - Trophy dealer 3 Years
15-02-005-000	Yes	Using false identities			Up to 1 Year						
<b>16-00-000-000 OFFENCES RELATED TO THE OBSTRUCTION OF JUSTICE IN WILDLIFE CRIMES</b>											
16-02-000-000	Yes	<b>Obstructing wildlife enforcement and investigative actions</b>				Yes	Yes	Yes		Yes	6 mo to 3 Year - Trophy dealer 3 Years
16-02-001-000	Yes	Refusing to answer a question of an enforcement officer	Yes	USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code	6 months. Multiplied by 3 if Art. 99(2) of Penal Code	Yes	Yes	Yes		Yes	6 mo to 3 Year - Trophy dealer 3 Years
16-02-002-000	Yes	Refusing to provide documentation at the request of an inspector or enforcement officer	Yes	USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code (Hunting Law). 1 month (Criminal Code)	6 months. Multiplied by 3 if Art. 99(2) of Penal Code (Hunting Law). 1 month (Criminal Code)	Yes	Yes	Yes		Yes	6 mo to 3 Year - Trophy dealer 3 Years
16-02-004-000	Yes	Refusing to allow lawful search of an inspector or enforcement officer	Yes	Hunting Law: USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code.	Hunting Law: 6 months. Multiplied by 3 if Art. 99(2) of Penal Code	Yes	Yes	Yes		Yes	6 mo to 3 Year - Trophy dealer 3 Years
16-02-004-001	Yes	Refusing to allow search within customs area by enforcement officer	Yes	Hunting Law: USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code.	Hunting Law: 6 months. Multiplied by 3 if Art. 99(2) of Penal Code	Yes	Yes	Yes		Yes	6 mo to 3 Year - Trophy dealer 3 Years
16-02-004-002	Yes	Refusing to allow search in road controls by enforcement officer	Yes	Hunting Law: USD 200/500 to USD 3000. Multiplied by 3 if Art. 99 (2) of Penal Code.	Hunting Law: 6 months. Multiplied by 3 if Art. 99(2) of Penal Code	Yes	Yes	Yes		Yes	6 mo to 3 Year - Trophy dealer 3 Years
16-02-005-000	Yes	Refusing to follow an order by an inspector or enforcement officer		3000 Sh.	3 months						