



Legal Protection of Great Apes & Gibbons

Compilation of Country Profiles for 17 Range Countries

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FOUNDATION



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Maribel Rodriguez
Maria Pascual
James Wingard
Naila Bhat
Alyona Rydannykh
Alexandra Russo
Julia Janicki

Arcus Foundation

is a global actor promoting social and environmental justice.

Arcus is dedicated to the idea that people can live in harmony with one another and the natural world. We believe respect for diversity among peoples and in nature is essential for a positive future for our planet and all its inhabitants.

Legal Atlas is

dedicated to decoding the complexities of law, making it understandable and accessible on a global scale. Our work is guided by a vision of smarter laws for a smarter planet.

We join the global alliance against wildlife crimes that threaten the earth's rich biological diversity. Our goal is to contribute to a better understanding of the legal challenges we all face in the protection of wildlife around the globe.

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ACRONYMS AND ABBREVIATIONS

AML	Anti-money laundering
AU	African Union
CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on Migratory Species
DRC	Democratic Republic of Congo
GRASP	UN Great Apes Survival Partnership
IUCN	International Union for Conservation of Nature
IWT	Illegal wildlife trade
SADC	Southern African Development Community
UNCAC	UN Convention Against Corruption
UNTOC	UN Convention Against Transnational Organized Crime
WCO	World Customs Organization
WTO	World Trade Organization



INTRODUCTION

Great Apes and Gibbons

Sharing up to 98% of human DNA, great apes are our closest relatives on earth. Human activities, however, pose serious challenges to their survival and threaten them with extinction. Expansion of the agricultural frontier into tropical forests, and poaching, driven by lucrative illegal markets for pets and bush meat, are the main forces cited for their population declines.¹ Meanwhile, in some parts of the world, people are eager to have baby chimps at home; others attend great ape ‘boxing matches’; while others are looking for that ‘Instagram-able’ moment with a captive great ape.

Regardless of the kinds of demand for great apes, we are losing thousands to illegal trade in these species every year. The exact number is unknown due to the illegal nature of the trade, but the UN Environment Programme estimates that no fewer than 3,000 great apes are taken from the wild each year.² Because of these high losses and continuing population declines, the

International Union for Conservation of Nature (IUCN) lists great apes and gibbons as either endangered or critically endangered on its Red List of Threatened Species. These categories denote species that are “very likely” to become extinct in the wild or face an “extreme high risk” of extinction, respectively.

There are seven species of great apes (excluding humans), divided into four genera – gorillas, orangutans, chimpanzees and bonobos. They inhabit areas of central Africa and South East Asia, and tend to live in humid mountainous areas and forests. Gibbons, part of the family of lesser apes, comprise 16 species, all of which are native to the tropical and subtropical forests of South East Asia.

Led initially by conservationists, today’s global commitment to protect great apes and gibbons encompasses a diverse range of stakeholders. Their complementary approaches to demand reduction, responsible tourism, enhanced legal protection, community livelihoods, land management, and enforcement have resulted in some success, at least for the mountain gorilla – the only species known to have reversed its population decline over the past years.³ For most of the other 22 species, however, declines continue and many more efforts are still needed.

This report is one such effort. This study takes a closer look at the legal underpinnings designed to combat illicit trade in these forms of wildlife. In particular, it discusses the need to adequately address all aspects of trade and highlights the gaps that hamper the efforts of conservationist and enforcement authorities to turn the tide. Law is not a panacea for these problems, but, with the right legal instruments in place, there is at least a stronger foundation available to promote better conservation practices and improve efforts to fight poaching of great apes and gibbons.

¹ Stiles, D., Redmond, I., Cress, D., Nellemann, C., Formo, R.K. (eds). 2013. *Stolen Apes – The Illicit Trade in Chimpanzees, Gorillas, Bonobos and Orangutans: A Rapid Response Assessment*. United Nations Environment Programme, GRID-Arendal.

² Ibid.

³ Bittel, Jason. 2018. *Mountain Gorillas are the Only Great Apes Increasing in Number*. World Economic Forum, retrieved on October 30th, 2018, from <https://www.weforum.org/agenda/2018/07/against-all-odds-mountain-gorilla-numbers-are-on-the-rise>.

The Legis-Apes Project

In 2017, with financial support from the Arcus Foundation, Legal Atlas launched the Legis-Apes Project to take a closer look at the state of legal protection afforded great apes and gibbons, and to provide specific guidance on additional measures that range countries might adopt to ensure full legal protection for them. The results of this review are intended to provide the UN Great Apes Survival Partnership's (GRASP) field partners with a legal resource in support of their conservation efforts for great apes and gibbons.

Although great apes and gibbons are known to be native to 31 countries across Africa and Asia⁴, this review includes only a selection based on the field locations of the GRASP partners. For this reason, research involved 17 countries – 10 in Africa and seven in Asia. This reduced geographical focus did not, however, limit the number of species reviewed here, since all existing great ape and gibbon species are found in the jurisdictions studied.

Legis-Apes limited its legal research to primary legislation regulating wildlife and wildlife trade. However, whenever research found a direct relation to wildlife in laws related to other topics (e.g. anti-money laundering [AML] laws), these were also considered. Ranging from 15 to 30 pieces of legislation per country, the compilations typically include laws related to general environmental protection, wildlife conservation, hunting, domestic endangered species, CITES⁵ implementation, forestry, animal health and welfare, zoo import-and-export rules, criminal codes, as well as AML, anti-corruption, and firearms laws.

The analysis and the conclusions drawn are limited to the legislation reviewed. Additional relevant legislation in the areas of customs, medical research, ecotourism, land tenure, and enforcement agencies, all of which also play a role in wildlife issues, would expand results beyond those presented here.

⁴ Twenty-one countries in Africa (<https://www.un-grasp.org/our-partners/range-states/>) plus 10 countries in Asia (www.wwf.org).

⁵ Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Research Questions

The following questions guided the legal research:

- What is the international legal framework most relevant to trade in great apes for the region and countries selected?
- What is the primary legal framework regulating wildlife trade in each jurisdiction?
- Which great ape and gibbon species have been included in the domestic lists of protected species in each jurisdiction?
- Within each jurisdiction, what are the gaps in terms of criminalizing illegal wildlife trade (IWT) along the entire supply chain?
- Do individuals, corporations, and government officials carry different liability when involved in wildlife crimes?
- What types of penalties are countries using to penalize key offenses related to IWT?
- What are the criteria that jurisdictions use to determine the level of their monetary penalties (fines)?
- What prison terms apply, and how do these relate to the UN Convention against Transnational Organized Crime's (UNTOC) threshold of a maximum sentence of at least four years for serious crimes?
- What types of aggravating or mitigating factors do jurisdictions apply to IWT penalties?
- Which authorities are in charge of the management and enforcement of wildlife legislation?

It is important to note that when researching the numerous offenses in the countries under analysis here, some of the questions had to be limited to critical wildlife offenses. Out of more than 100 offense types, a much reduced number of three main offenses (illegal take, illegal sale, and illegal advertising) were selected to limit the analysis to reasonable levels.



Availability of Research Results

The one-year research effort resulted in the compilation and analysis of 40 international treaties directly and indirectly applicable to great apes and gibbons, as well as more than 330 national laws and regulations.

All of these are available on the Legal Atlas platform, where the frameworks and key content from the treaties and laws can be accessed for independent and ongoing reviews.⁶

Presentations of the key findings are also being shared with international audiences involved in wildlife conservation generally, and conservation of great apes in particular, including the 2018 CITES Animal Committee, 2018 International Primatologist Congress, and Evidence to Action Symposium held just prior to the 2018 IWT London Conference. This publication is intended to add to these presentations, highlighting in more detail which treaties and laws are particularly relevant, which aspects of IWT crimes are covered, and in general how the legal frameworks at the international and national level can work better in their endeavour to protect great apes.

Country Profiles

In addition to the composite summary presented in the Key Findings section following this Introduction, the report contains 17 country profiles, which outline the major results for each jurisdiction under study. These include the following features:

Species Range Maps

Species range maps are based on the files provided by the IUCN, and available on their Red List site (<https://www.iucnredlist.org/>).

National Legal Frameworks

Each profile presents the list of laws compiled and analyzed, along with a short overview describing their relationship to IWT, and great apes in particular. These lists are introduced

by two visuals providing a composite view of the legal framework analyzed.

The first visual, labeled ‘Legal Strategy’, shows the general areas of law that each piece of legislation comes from (e.g. criminal law, commercial law, environmental law, etc). It is intended to highlight potential high-level gaps (e.g. transportation laws not used) and facilitate further research into how the type of law impacts what is being regulated and how.

The second, ‘Legal Hierarchy’, reproduces the compiled framework showing which laws are national in scope and issued by the primary legislative body, and which are regulations, promulgated to implement higher-level laws and usually issued by an executive agency. This visual provides a quick overview of the types of legal instruments used, and is a useful reference for legal development exercises and cross-referencing against money laundering laws that sometimes exclude regulations as predicate offenses.

Both visuals can be found on the Legal Atlas platform.

International Legal Frameworks

Each country profile lists the treaties that the country is eligible to join, from the 40 that are deemed relevant, and whether the country has signed and ratified them. It also indicates priorities by pointing out which treaties are more critical to IWT.

National Enforcement Authorities

For national authorities, the profiles present two more visuals – one for management authorities and another for enforcement authorities, as defined by the laws reviewed. Each identifies by name the agencies involved and establishes the relationship with the different generic managerial and enforcement powers found across the jurisdictions. Without a complete review of the administrative law describing generic competencies for these agencies, the visuals should be considered partial results. Understanding, nevertheless, that the role of administrations in the effective implementation of wildlife rules is critical, Legal Atlas is beginning to explore issues

⁶ See www.legal-atlas.net. Once registered, users can access the topic labeled ‘Wildlife Trade’ from the topic selector.



related to authorities through these comparative visuals.

Next Steps

During this study, the global community committed to address IWT through the use of AML legislation.⁷ This offers a new opportunity to great apes range countries to ensure that their AML laws are equipped to take advantage of this legal tool. As a recent analysis points out, however, their application to IWT is not straightforward.⁸ For example, AML laws do not always directly apply and sometimes contain language that compromises their use.

Research conducted in the Legis–Apes project highlights the need for further work at the country level to disseminate results and empower national stakeholders to seek positive changes in their legal environment. There is room for improvement in how great apes and gibbons are being legally protected, and this study provides several indications as to the directions that could be taken.

⁷ United Nations General Assembly Resolution A/71/L.88, September 2017, Points 7 and 8.

⁸ Wingard, J., Pascual, M. 2018. Following the Money: Wildlife Crimes in Anti-Money Laundering Law. Legal Atlas, <https://www.legalatlas.com/legal-atlas-publications.html>.





KEY FINDINGS

Markets for illegal wildlife start and finish at the national level. While CITES may be an important baseline, domestic protection is critical.

Beyond CITES, it is the inclusion of a species in the domestic protected species list that provides one of the stronger legal bases for protection and enforcement. Domestic protection makes a critical link between international trade and domestic elements of wildlife crime.

The figure below lists which of the species of apes and gibbons are native to each country, whether they are listed domestically, the year of the most recent version of the list, and the type of instrument used (law or regulation). From the visual, it can be seen that three out of the 17 countries do not provide domestic legal protection to all of their native great apes.

Research shows that jurisdictions tend to use four different approaches to list and define how they protect their great apes and gibbons. Seven of the countries offer domestic protection only to their native species.

All Native and Non-Native Species

The most expansive approach is represented by three countries: Malaysia, Tanzania, and Guinea. These countries have modified their laws in the last decade to provide legal protection in addition to, but also independently from, CITES and customs restrictions for all native and non-native species when in their territory, based on their international status as endangered.

This approach eases difficulties at the domestic enforcement level for non-native species smuggled into the country and which may be processed, transported, traded, or exhibited at the national level.

Native and Selected Non-Native Species

The next level of protection is represented by four countries in this review. These are countries that grant protection to some non-native species, but not all.

The rationale behind this approach is not explicitly stated in any of the laws reviewed, although it seems likely it is intended to add domestic protections for species known to be or suspected of being traded in domestic markets. As with the first approach, this one facilitates enforcement by providing a domestic legal basis independent from those enabled by international treaties, and eases technical difficulties associated with species recognition.

China is the most expansive example, listing all 16 gibbon species, although only five are native to the country. Other countries that use this approach are the Democratic Republic of Congo (DRC) (which lists the non-native gorilla, *Gorilla gorilla*); Myanmar (which lists one non-native gibbon, *Symphalangus syndactylus*); and Nigeria (which lists the non-native bonobo, *Pan paniscus*).

Native Species Only

This approach is followed by seven of the jurisdictions studied, listing as protected only those species that are native to the country. This is the most common approach found and is likely also to apply to a broader selection of countries than those reviewed in this study.

Countries that follow this approach are Uganda, Ivory Coast, Cameroon, Rwanda, Congo, Liberia, and Indonesia.

Only Some Native Species

Finally, the most restrictive approach lists only some of the native species that are otherwise recognized internationally as critically endangered or endangered. Of the 17 countries reviewed, three take this approach – Cambodia, Laos, and Vietnam.

Only impacting gibbons, the species not covered include two gibbons species found in Cambodia (*Nomascus annamensis* and *Nomascus gabriellae*); three gibbons found in Laos (*Nomascus siki*, *Nomascus annamensis*, and *Nomascus gabriellae*); and two gibbons in Vietnam (*Nomascus siki* and *Nomascus annamensis*).

This approach presents an obvious gap at the domestic–trade level, but also has impacts across the international trade chain. For consumer countries, it may increase the likelihood that species taken illegally find their way into the ‘legal’ trade.

It can also negatively impact the use of AML and organized crime laws. If an otherwise endangered species is not protected domestically, chances are greater that some or major aspects of its take and trade will not be recognized as a predicate crime, thereby precluding the opportunity to apply AML and organized crime legislation.⁹

GREAT APES & GIBBONS

RANGE COUNTRIES & DOMESTIC PROTECTION

○ Native Species

■ Domestic Legal Protection

2011 Year of the Law (L) or Regulation (R)

		UGANDA	IVORY COAST	NIGERIA	CAMBODIA	MYANMAR	LAOS	CHINA	CAMEROON	DR CONGO	VIETNAM	RWANDA	MALAYSIA	CONGO	TANZANIA	LIBERIA	INDONESIA	GUINEA
		1959	1965	1985	1994	1994	2003	2003	2006	2006	2006	2008	2010	2011	2013	2016	2018	2018
		L	L	L	R	R	R	R	R	R	R	R	L	R	L	L	R	L
GREAT APES	Gorillas	<i>Gorilla gorilla</i>		○					○					○				
		<i>Gorilla beringei</i>	○							○		○						
	Orangutans	<i>Pongo abelii</i>															○	
		<i>Pongo pygmaeus</i>											○				○	
		<i>Pongo tapanuliensis</i>															○	
	Chimpanzees	<i>Pan troglodytes</i>	○	○	○				○	○		○		○	○	○		○
GIBBONS	Bonobos	<i>Pan paniscus</i>							○									
	Gibbons	<i>Hylobates lar</i>				○	○	○					○				○	
		<i>Hylobates pileatus</i>			○		○											
		<i>Bunopithecus hoolock</i>			○													
		<i>Hylobates agilis</i>											○				○	
		<i>Hylobates albibarbis</i>															○	
		<i>Hylobates klossii</i>															○	
		<i>Hylobates moloch</i>															○	
		<i>Hylobates muelleri</i>															○	
		<i>Symphalangus syndactylus</i>											○				○	
		<i>Nomascus siki</i>					○				○							
		<i>Nomascus annamensis</i>			○		○				○							
		<i>Nomascus nasutus</i>						○			○							
		<i>Nomascus gabriellae</i>			○		○				○							
		<i>Nomascus hainanus</i>						○										
		<i>Nomascus concolor</i>					○	○			○							
		<i>Nomascus leucogenys</i>					○	○			○							

SOURCE: CITES Species+ and IUCN Red List Version 2018-1 for range countries and national laws mentioned in the framework section for domestic protection

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⁹ All countries require a base crime before applying the augmented penalty provisions available through AML legislation. This may be based on any crime (referred to as the ‘all crimes’ approach), or only crimes specifically listed (referred to as the ‘predicate offense’ approach). See Wingard, J. and Pascual, M. 2018. Following the Money: Wildlife Crimes in Anti-Money Laundering Laws, A Review of 109 Jurisdictions. Legal Atlas, LLC.

Countries in the study have untapped opportunities to join critical treaties in the fight against IWT.

The study identified 40 treaties that are important to international wildlife trade and related crimes, CITES being of central importance. All of the countries in this study are members of CITES and the status of their implementing legislation (as assessed by the CITES National Legislation Project) is provided in each country profile.

The remainder that are listed are a mosaic of various interrelated components of species trade and conservation treaties. The principally conservation-oriented treaties include instruments such as the Convention on Biological Diversity (CBD), the Convention on Migratory Species (CMS), the CMS – Gorilla Agreement, or the ASEAN and African Union Conventions on Conservation of Nature. Purely trade-related treaties considered important to wildlife trade include key instruments from the World Trade Organization (WTO) and the World Customs Organization (WCO), along with those treaties from ASEAN and the different regions of Africa that aim to create regional free-trade zones. Another important group of treaties considered are those focused on enhancing the capacity of jurisdictions to prosecute crime. Among them are the INTERPOL Constitution, the UN Convention Against Corruption and UNTOC, and treaties from ASEAN and the African Union (AU) intended to enhance cooperation in judicial matters.

Because some of the identified treaties are regionally based, not all can be joined by all of the countries in the review. That said, almost all countries are eligible for one or more treaties that they have not yet signed or ratified. These opportunities for enhancing their legal frameworks are indicated in each country profile.

Important regulatory gaps along the supply chain need attention.

Wildlife-trade crimes (and those related to it) are made up of several interconnected parts that happen along a chain of activities

designed to move wildlife from the wild to the market. Although this chain is connected, the parts that make it up occur at different times and places, linking different people and services, and are most likely to be observed by different enforcement personnel with different responsibilities along that chain. Rangers, for example, are concerned with criminal activity that occurs at the source (e.g. poaching or possession of firearms in a protected area). Hence, rangers tend not to be aware of, or have jurisdiction over, events in other parts of the chain (e.g. domestic sales, online trade, or international trade). Regulating only one part of the chain necessarily means limiting opportunities for enforcement in other parts of the chain and for the enforcement officials responsible for those types of activities.

Gaps in IWT Criminal Offenses

	Take	Transport	Processing	Storage	Advertising	Trade	IMP/EXP	Possession	Welfare	Exhibition
CAMBODIA										
CAMEROON										
CHINA										
CONGO										
DRC										
GUINEA										
INDONESIA										
IVORY COAST										
LAOS										
LIBERIA										
MALAYSIA										
MYANMAR										
NIGERIA										
RWANDA										
TANZANIA										
UGANDA										
VIETNAM										

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For this reason, the study organized all criminal provisions found in the legislation reviewed according to the part of the chain targeted. For all of the countries, three points along the chain are consistently covered – the moment of ‘take’ (e.g. hunting, trapping, capture); the moment of trade (usually not defined); and the moment of international trade.



To a far lesser degree, countries mention other parts of the trade process, e.g. transport, processing, storage, advertising, possession, animal welfare, and exhibition. It may be that in some jurisdictions, the term ‘trade’ has been interpreted, or is broad enough, to cover some of the other activities. However, the fact that at least one or two of these other activities are separately mentioned and regulated in all but three jurisdictions¹⁰ suggests that this is not a safe assumption.

Key players in illicit wildlife trade include private businesses and corrupt government officials. Without their involvement, large smuggling operations or sophisticated money laundering schemes are not possible. Extending special forms of liability to them (referred to here as differential liability) represents the opportunity to address the threat they pose, especially when organized in criminal networks.

Looking at the differential liability applied to individuals, corporations, and government officials involved in the selected crimes (illegal

take, sale, and advertising) reveals significant gaps and opportunities for improvement.

In general, differential liability for legal entities or government officials is rare, with the majority of penalties only applicable to individuals.



States do not take full advantage of tailoring liability to the type of crime, missing important opportunities to combat international criminal networks and corrupt practices involved in illegal wildlife trade.

¹⁰ Cameroon, Ivory Coast, and Uganda.



States tend not to use the full set of penalty types, missing the opportunity to consider the context (local hunter vs organized crime operation) and levy corresponding penalties.

Just as setting differing liabilities for different criminal actors can be a valuable tool, so is the ability to use more varied penalty types, beyond the common monetary fines and prison sentences. A frequently used penalty type in law is forfeitures, which are designed to go beyond the simple fine and deny the economic benefit of the crime. Penalties also include formulas for compensation and restoration. Lastly, community service is a legal tool applied to pursue rehabilitation of criminals.

After reviewing these types of penalties for the three crimes selected (illegal hunting, sales, and advertising), we have concluded that there is room for improvement in the types of penalties jurisdictions set.

The figure shows how restoration and community service are tools that are virtually unexplored. Some countries have become models to emulate when incorporating compensation, such as, Guinea, Nigeria, and Vietnam. Forfeiture penalties are found in many countries, but when considered in combination with the lack of differential liability for entities, its potential is significantly diluted.

It is worth noting from the figure that only a few countries currently penalize the advertising of trade in illegal wildlife. The constant and abundant evidence documented by enforcement agencies of online IWT is reason for urgent action to narrow these gaps.



■ Uses ■ Does not use ■ Protected Species Only

PENALTY TYPES

FINES

	Cambodia	Cameroon	China	Congo	DR Congo	Guinea	Indonesia	Ivory Coast	Laos	Liberia	Malaysia	Myanmar	Nigeria	Rwanda	Tanzania	Uganda	Vietnam
ILLEGAL HUNTING	■	■	■	■	■	■	■	■	■	■	■	P	■	■	■	■	■
ILLEGAL DOMESTIC SALES	■	P	■	■	P	■	■	■	■	■	P	■	■	■	■	P	P
ADVERTISING ILLEGAL PRODUCTS	■	■	■	■	■	■	■	■	■	■	P	■	■	■	■	■	■

FORFEITURES

ILLEGAL HUNTING	■	■	■	■	■	■	■	■	■	P	P	■	■	■	■	■	■
ILLEGAL DOMESTIC SALES	■	P	■	■	P	■	P	■	■	■	P	■	■	■	■	P	P
ADVERTISING ILLEGAL PRODUCTS	■	■	■	■	■	■	■	■	■	■	P	■	■	■	■	■	■

COMPENSATION

ILLEGAL HUNTING	■	■	■	■	■	P	■	■	■	P	■	■	■	■	■	■	■
ILLEGAL DOMESTIC SALES	■	■	■	■	■	■	■	P	■	■	■	■	■	■	■	■	■
ADVERTISING ILLEGAL PRODUCTS	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

RESTORATION

ILLEGAL HUNTING	■	■	■	■	■	■	-	■	■	■	■	■	■	■	■	■	■
ILLEGAL DOMESTIC SALES	P	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
ADVERTISING ILLEGAL PRODUCTS	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

COMMUNITY SERVICE

ILLEGAL HUNTING	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
ILLEGAL DOMESTIC SALES	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
ADVERTISING ILLEGAL PRODUCTS	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

PRISON

ILLEGAL HUNTING	P	■	P	■	■	■	P	■	P	■	P	■	P	■	■	■	■
ILLEGAL DOMESTIC SALES	P	P	P	■	P	■	P	■	■	■	P	P	P	P	■	P	P
ADVERTISING ILLEGAL PRODUCTS	■	■	■	■	■	■	■	■	■	■	P	■	■	■	■	■	■

Cambodia
Cameroon
China
Congo
DR Congo
Guinea
Indonesia
Ivory Coast
Laos
Liberia
Malaysia
Myanmar
Nigeria
Rwanda
Tanzania
Uganda
Vietnam

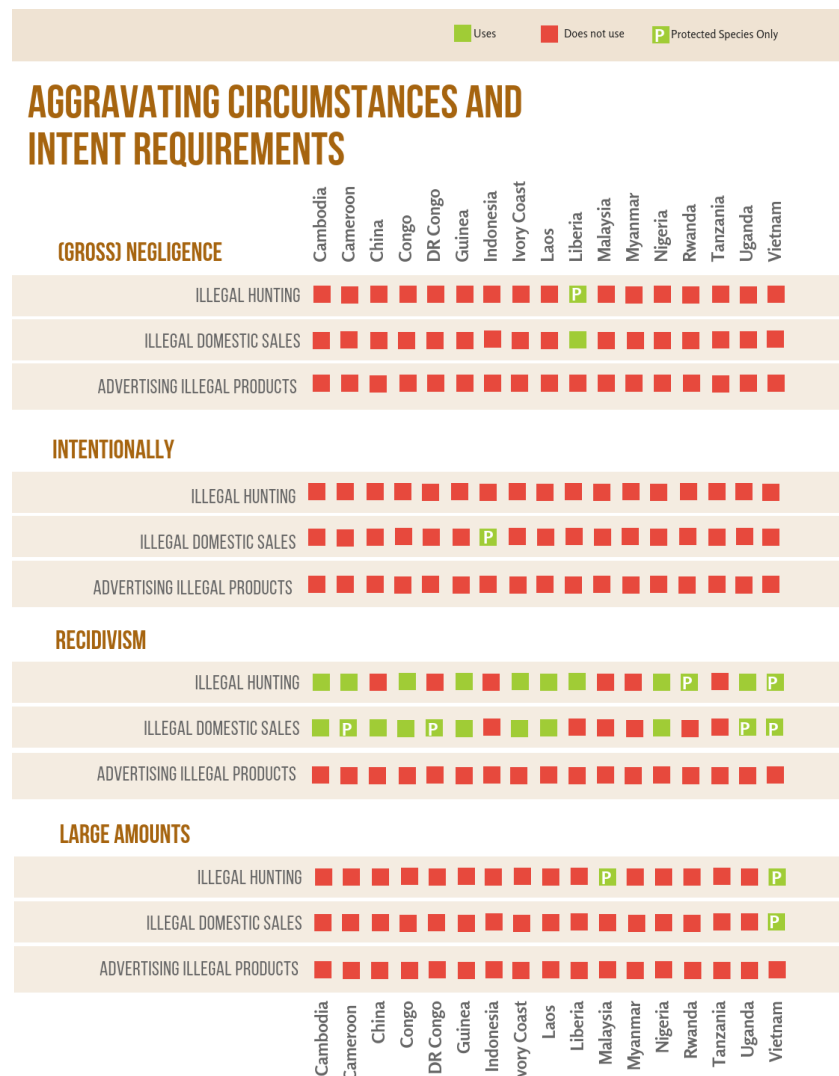
Wildlife laws rarely use common legal tools aimed at adjusting penalties to the specific circumstances of the crime.

Just as criminals are not all the same, not all criminal activities are the same, in that crimes are not perpetrated with the same intent, frequency, or impact.

A standard practice in all criminal systems is to include intent requirements, as well as aggravating and mitigating circumstances, when designing penalty formulas. The impact of committing a crime through negligence, gross negligence, or intentionality does not carry the same degree of guilt, and neither

that involve large volumes and values should be subject to significantly higher penalties.

The pattern observed overall for the criminalization of the wildlife offenses examined here repeats itself in the context of intent requirements and aggravating circumstances applicable to the wildlife offenses listed. In sum, all jurisdictions present opportunities to refine their legal frameworks in order to incorporate a greater degree of equity in their adjudication sentences in the area of wildlife justice.



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should the penalties applied. Similarly, repeat offenders and criminals carrying out crimes

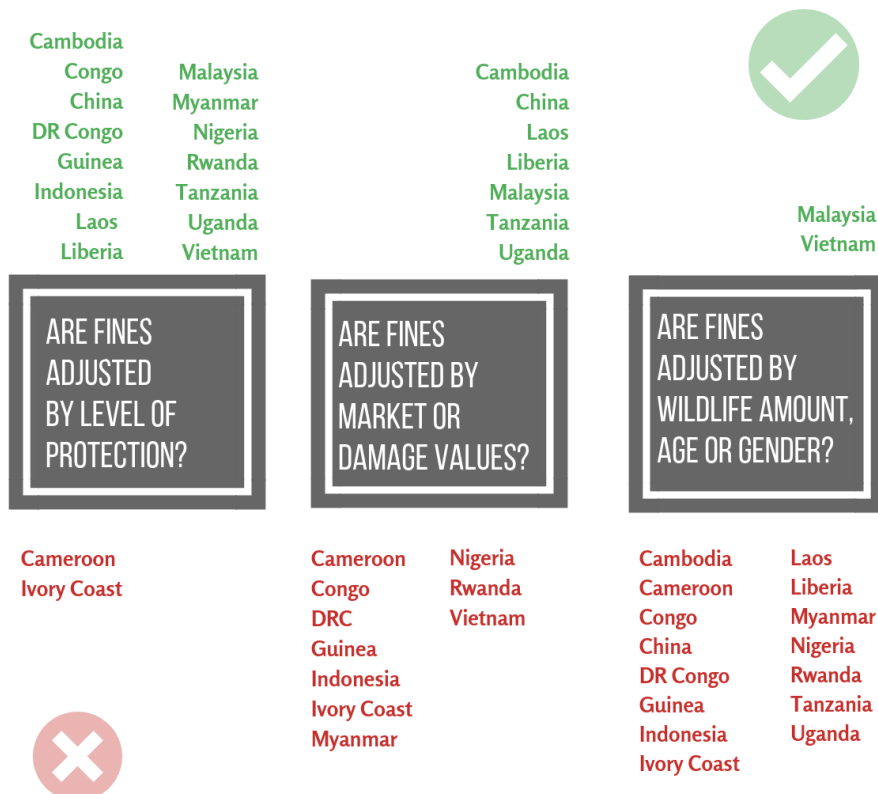


Countries use basic criteria to determine fine levels and overlook opportunities to deter and eliminate the financial gain.

The high gain/low risk ratio associated with IWT crimes is created by many factors, but the low level of fines is undoubtedly one of them. Key principles of fine calculation include setting levels that act as a deterrent, while also eliminating the financial gain by reflecting the real market value of the illegal sales. Fines should also correspond to the harm caused, accounting for, among other things, the level of protection of the species, the amounts taken, and the gender or age of the specimen.

Most of the countries reviewed (only for the three crimes selected) differentiate fine levels for protected and non-protected species, making this the most extensively used criterion. On the other hand, less than half take into account damage or market values; and only two out of the 17 countries adjust the fines on the basis of age or gender, or the volume of wildlife illegally traded.

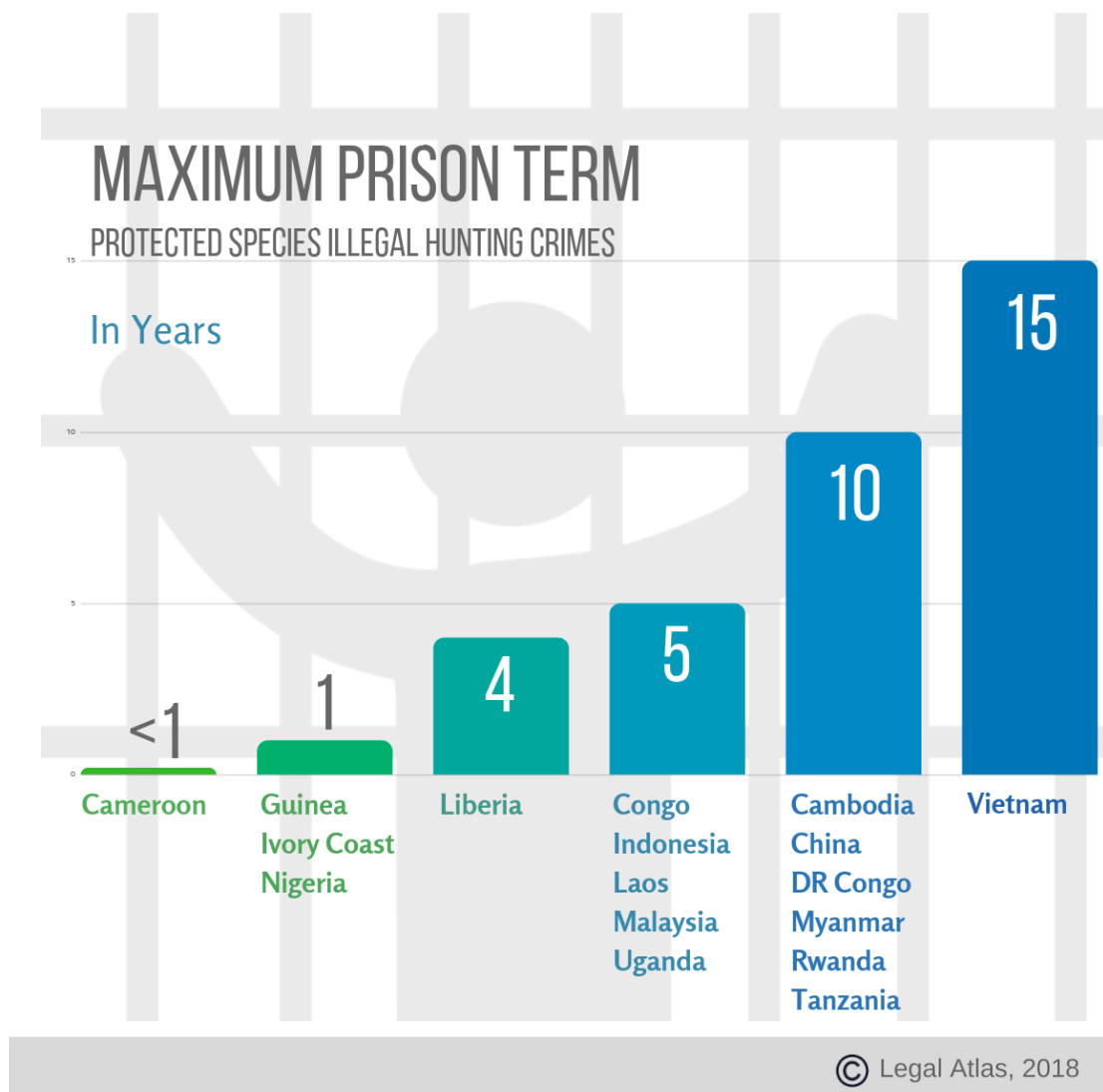
FINE CRITERIA IN IWT OFFENSES



Jurisdictions are mostly in compliance with the UNTOC sentencing threshold for serious crimes.

UNTOC calls for organized crimes to be considered serious crimes and, as such, for the establishment of a “maximum deprivation of liberty of at least four years or a more serious penalty” for such serious crimes. In this regard, it is safe to say that current prison terms for the illegal hunting of protected species in 13 of the 17 countries meet that threshold, whereas Cameroon, Guinea, Ivory Coast, and Nigeria would benefit from a review of their prison penalties.

The figure below shows the maximum prison terms that the same crime (i.e. illegal hunting of a protected species) carries depending on the jurisdiction in which the poaching occurred. Most of the countries provide for a range of four to 15 years, with Cameroon being a unique case, where there is a maximum prison term of just three months.





SUMMARY

Species of Concern

Cambodia is home to three species of gibbons:

- Northern buffed-cheeked gibbon (*Nomascus annamensis*)
- Pileated gibbon (*Hylobates pileatus*)
- Yellow/Red-cheeked crested gibbon (*Nomascus gabriellae*)

The Northern buffed-cheeked gibbon is found in northeast Cambodia in the Annamite Mountains, a habitat that extends into Laos and Vietnam's. The Pileated gibbon's range is in western Cambodia, and the Yellow/Red-cheeked gibbon in northeastern Cambodia.

International Protection and Agreements

These gibbon species are classified as endangered (EN) on the IUCN Red List.

They are also protected under CITES Appendix I, which limits international commercial trade. Cambodia ratified this treaty in 1997 and has implementing legislation in place that CITES assesses as Category 1 (i.e. it generally meets CITES implementation requirements).

In addition to CITES, Cambodia is signatory to four international agreements that are key to controlling the illegal wildlife trade:

- The ASEAN Agreement on the Conservation of Nature and Natural Resources
- UNCAC– UN Convention Against Corruption
- UNTOC
- WCO – International Convention on the Harmonized Commodity Description and Coding System

However, the Convention on Migratory Species (which does not include gibbon species native to Cambodia, but does include other Cambodian wildlife) and the WCO Nairobi Convention (a treaty relevant to customs cooperation between countries to prevent smuggling of products, including wildlife products) are two important agreements related to IWT that have not been signed by the country.

National Legal Framework

The core legal framework governing wildlife trade, as determined in this review, includes 15 pieces of legislation (10 laws and five regulations) belonging to eight different legal areas. Of these, the following laws are considered primary to the protection of great apes and gibbons:

- Forestry Law
- Protected Areas Law
- List of Prohibited Restricted Goods
- Wildlife Protection Declaration
- Prakas No. 240 amending the List of Protected Species
- CITES Implementing Law
- Sub-Decree on Wildlife Trade
- List of Protected Species

Domestic Protections

Cambodia's legal framework covers a number of activities relevant to wildlife trade. Pursuant to the Forestry Law, it is prohibited to harm, hunt, possess, trade, or transport wildlife unless a special permit is obtained.

A key element in this is the use of the word 'trade', as this may be sufficient to cover a broad range of transactions related to wildlife trade. The term, however, is not defined and it is not clear whether it would include things such as offer for sale, attempt to purchase, and cyber-enabled wildlife trade, all of which are



critical, particularly in the context of online trade.

Cambodia's legal framework presents two other significant gaps.

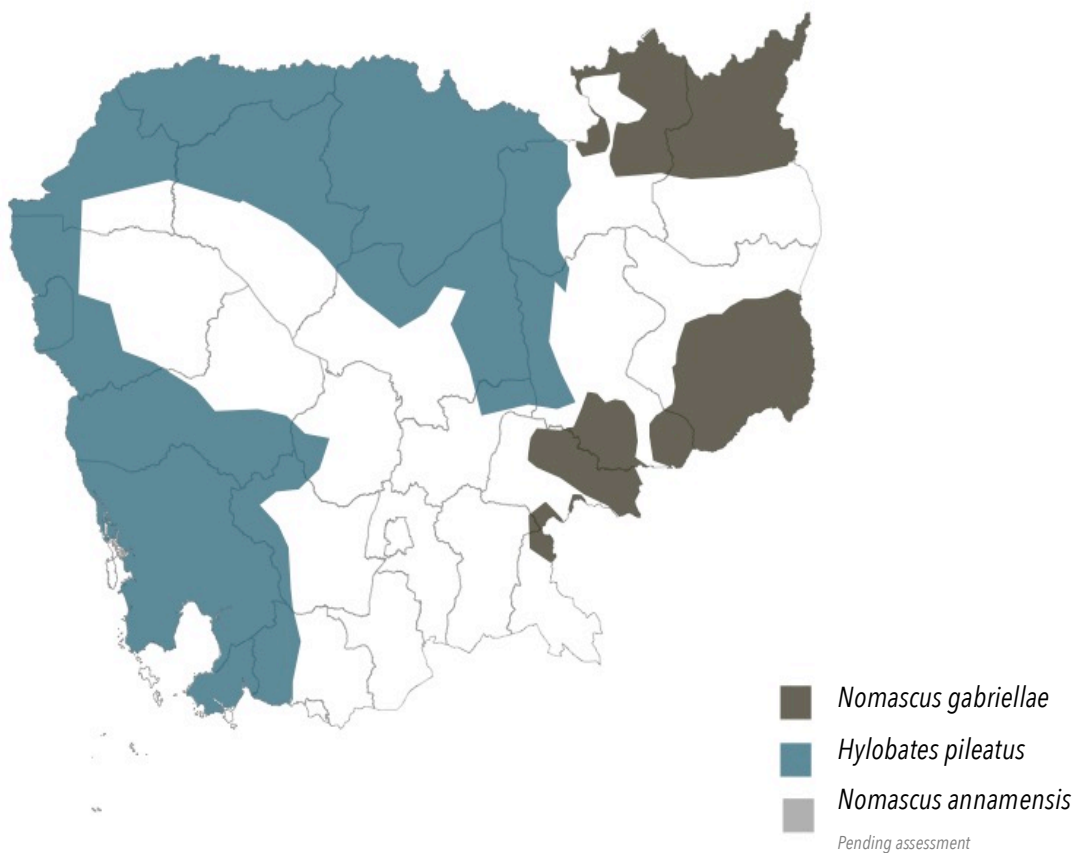
First, it provides complete protection only for the Pileated gibbon. The other two species (the Northern buffed-cheeked gibbon and the Yellow/Red-cheeked crested gibbons), benefit only from domestic controls, which are limited in their coverage of trade-related activities.

Secondly, it does not provide any protection for non-native species known to be traded, or that may transit through the country. Discovery of these smuggled animals or wildlife products may be penalized under customs and CITES implementing legislation, but would not be subject to other domestic trade restrictions.

Management and Enforcement Authorities

There are at least 11 different national authorities with either a specific mandate or a general power to deal with wildlife-trade issues in Cambodia. The primary authorities, however, are the Ministry of Environment and the Ministry of Agriculture, Forestry and Fisheries and Forestry. These two ministries also have enforcement authority to supervise compliance with rules and investigate offenses together with the customs and police authorities, and the Royal Gendarmerie.

Cambodia: GIBBONS RANGE DISTRIBUTION



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Cambodia fails to provide sufficient legal domestic protection by only protecting one of the three native gibbon species. All native and non-native great ape & gibbon species are protected under CITES Appendix I, and are thus subject to highly restricted global trade. If, however, non-native species are smuggled into the country, they do not benefit from full domestic legal protections.

2018 Cambodia PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>			CITES-Appendix I
	<i>Gorilla beringei</i>			CITES-Appendix I
Orangutans	<i>Pongo abelii</i>			CITES-Appendix I
	<i>Pongo pygmaeus</i>			CITES-Appendix I
	<i>Pongo tapanuliensis</i>			(*)
Chimpanzees	<i>Pan troglodytes</i>			CITES-Appendix I
Bonobos	<i>Pan paniscus</i>			CITES-Appendix I
Gibbons	<i>Hylobates lar</i>			CITES-Appendix I
	<i>Hylobates pileatus</i>	⊙	✓	CITES-Appendix I
	<i>Bunopithecus hoolock</i>			CITES-Appendix I
	<i>Hylobates agilis</i>			CITES-Appendix I
	<i>Hylobates albibarbis</i>			CITES-Appendix I
	<i>Hylobates klossii</i>			CITES-Appendix I
	<i>Hylobates moloch</i>			CITES-Appendix I
	<i>Hylobates muelleri</i>			CITES-Appendix I
	<i>Symphalangus syndactylus</i>			CITES-Appendix I
	<i>Nomascus siki</i>			CITES-Appendix I
	<i>Nomascus annamensis</i>	⊙		CITES-Appendix I
	<i>Nomascus nasutus</i>			CITES-Appendix I
	<i>Nomascus gabriellae</i>	⊙		CITES-Appendix I
	<i>Nomascus hainanus</i>			CITES-Appendix I
	<i>Nomascus concolor</i>			CITES-Appendix I
	<i>Nomascus leucogenys</i>			CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

(*) Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties





Cambodia is signatory to five international treaties critical to IWT. It ratified the CITES Convention in 1997 and the ASEAN – Agreement on the Conservation of Nature in 1999. The Convention on Migratory Species and the WCO Nairobi Convention, two important agreements related to IWT, have not been signed by the country. The CMS convention does not, however, apply to gibbon species.

CAMBODIA Participation in IWT-Related International Agreements

	1956	INTERPOL Constitution
	1982	INTERPOL Rules on the Processing of Data
	1995	Convention on Biological Diversity (CBD)
❖	1997	CITES
	1999	ASEAN Free Trade Agreement (AFTA)
❖	1999	ASEAN-Agreement on the Conservation of Nature and Natural Resources
❖	2003	WCO-International Convention on the Harmonized Commodity Description and Coding System
	2004	WTO-Agreement on Sanitary and Phytosanitary Measures
	2004	ASEAN-Tourism Agreement
❖	2005	UN Convention Against Transnational Organized Crime
❖	2007	UN Convention Against Corruption
	2010	ASEAN-Mutual Legal Assistance in Criminal Matters
	2014	ASEAN-Agreement on Customs
	2014	WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended
❖	none	Convention on Migratory Species (CMS)
❖	none	WCO-Convention on mutual administrative assistance for the prevention investigation and repression of Customs offences (Nairobi)
	none	WCO-Convention on Temporary Admission (Istanbul Convention)
	none	WCO-Convention A.T.A. Carnet for the temporary admission of goods
	none	UNWTO-Framework Convention on Tourism Ethics
❖	CRITICAL AGREEMENTS FOR IWT	

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found



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Ten laws and five regulations belonging to eight different legal areas constitute the core legal framework governing wildlife trade in Cambodia.

Wildlife Trade Legal Framework In Cambodia

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy



https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Cambodia/legal_strategy

Wildlife Trade Legal Framework In Cambodia

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Forestry Law	Protected Areas Law	CITES Implementing Law - MISSING
	Environmental Protection Law	Criminal Code	Customs Law
	Anti-Money Laundering Law	Anti-Corruption Law	Firearms Law
National Regulation	Sub-Decree on Wildlife Trade - MISSING	List of Prohibited Restricted Goods	List of Protected Species MISSING
	Wildlife Protection Declaration	Prakas No. 240	

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Cambodia/legal_hierarchy

PRIMARY LEGISLATION (8)

0802/016/
2002

Forestry Law

Cambodia's Forestry Law is the umbrella legislation for the management of its forests, including their conservation. It has several provisions related to wildlife trade. Wildlife is included into the definitions of forest, forest resources, and forest by-products. Art. 48 introduces 3 categories of wildlife: endangered, rare and common species and delegates to the Ministry of Agriculture, Forestry and Fisheries to establish a List of Protected Species (359/1994). Having an entire chapter dedicated to wildlife conservation (Chapter 10), this law manages the use of wildlife outside of Protected Areas (Pas). The use of wildlife inside the PAs is regulated by the Protected Areas Law. Forestry Law is one of the main laws used to investigate and prosecute wildlife crimes. Articles 96–98 list wildlife trade related offences, including possession, transport, import, export, hunting, and trading in endangered or rare wildlife.

208/007/
2008

Protected
Areas Law

Cambodia's Protected Areas Law is the primary legislation regulating protected areas inside the country (Pas). It regulates the use of wildlife inside the PAs and is related to wildlife trade. Together with the Forestry Law, it is one of the main laws used to investigate and prosecute wildlife trade crimes. Several wildlife trade related offences are listed in the articles 58–61, including hunting, trapping, importing, exporting wildlife that is vulnerable or without a permit. There are 4 grades of offences in the law, and only first three grades are applicable to wildlife trade crime. According to Art. 56 the maximum punishment for such crimes is 5 years in prison or 150.000.000 Riels fine.

209/2007

List of
Prohibited
Restricted
Goods

Cambodia's List of Prohibited and Restricted Goods lists 1,537 articles prohibited and restricted for import and export. Products of animal origin included in the CITES appendices, whether included or not in this list, will be subject to the issuance of import/export permits (Annex 2, II.2). The Decree implements Article 8 of the Customs Code of Cambodia.

1563/
1996

Wildlife
Protection
Declaration

Cambodia's Wildlife Protection Declaration prohibits wildlife trade and imposes fines for offences. Most of the provisions have subsequently been developed or changed by the Forestry Law and the Protected Areas Law, except for the Art.7, which bans consumption of the animals from the List of Protected Species as food in restaurants and nightclubs.

-/2018

Prakas No.
240
amending the
List of
Protected
Species

Cambodia's Prakas 240 amending the List of Protected Species is a primary law regulating wildlife trade. Specifically it amends the List of Protected Species, which implements art. 48 of the Forestry Law, by adding 12 new species to the list, all of which are non-native. The species include African elephants, seven species of pangolins, and four species of rhinoceros.

NS/RKM/0112/002
2012

CITES
Implementing
Law

Cambodia's CITES Implementing Law implements the agreement of the Convention into Cambodia's national law. More information will be available when the text of the law is updated in the platform.

53ANK.BK/
2006

Sub-Decree
on Wildlife
Trade

Cambodia's Sub-Decree on Wildlife Trade regulates Wildlife Trade in Cambodia. More information will be available when the text of the law is updated in the platform.

359/1994

List of
Protected
Species

Cambodia's List of Protected Species lists wildlife species that are protected in Cambodia. More information will be available when the text of the law is updated in the platform.

RELATED LEGISLATION (7)

1296/36/
1996

Environment
al Protection
Law

Cambodia's Environmental Protection Law is the umbrella legislation for the management of environment and natural resources. Only one article is indirectly related to wildlife trade: natural resources including wildlife shall be protected and used sustainably (Art.8). Chapter IX on penalties is silent about offences related to wildlife trade. This law will be replaced by the Environmental Code, which is currently being discussed.

1109/022/
2009

Criminal
Code

Cambodia's Criminal Code has several provisions related to wildlife trade. This law regulates illicit activities that might occur along the wildlife trade chain. Some crimes that may be related are: forgery (Art. 634–636), organized crimes (Art. 43), and conspiracy (Art. 453). Other articles that are indirectly related are those defining aggravating circumstances, recidivism, attempt, participation, and responsibility of legal persons.

0707/017/
2007

Customs Law

Cambodia's Customs Law regulates the incoming and outgoing traffic of goods into or from the national territory and the collection of import duties. Its provisions are applicable in cases of import or export of wildlife and wildlife products. Article 8 allows the government to conditionally prohibit or restrict the import or export of goods for a number of reasons, which include: protection of animals or plants; conservation of natural resources; compliance with other laws; and fulfillment of the UN obligations. This article is further implemented by the List of Prohibited Goods (209/2007). Other related articles are those regulating the fulfillment of customs formalities (Chapter V and VIII), storage (Chapter VII), and competences of Customs officials (Chapter X). Articles 73–75 stipulate penalties for breaches of this law, with a maximum of 5 years of imprisonment.

0607/014/
2017

Anti-Money
Laundering
Law

Cambodia's Anti-money Laundering Law has a predicate offense approach. Art 3(a),(b), and (e) predicate liability under this law to 'felonies and misdemeanor' offences. This may include wildlife trade offences to the extent they are defined elsewhere in national legislation and meet the definition of 'felony' or 'misdemeanor'.

0410/004/
2010

Anti-
Corruption
Law

Cambodia's Anti-Corruption Law is the umbrella legislation that defines and punishes corruption offences. It is indirectly related to wildlife trade, since some of the offences described may apply in specific cases. Art.33–37 mention penalties for several relevant offences such as bribery, abuse of power and concealing. The punishment goes up to 10 years imprisonment. Art. 25 and 27 give unprecedented powers to the Anti-Corruption Unit, such as full investigation, (including phone tapping and

other personal information access) and arrest. The Anti-Corruption Law (2011 Amendment) includes changes in operation of the Anti-Corruption Unit.

0605/016/
2005

Firearms
Law

Cambodia's Firearms Law is the umbrella legislation regulating weapons and ammunition. It is indirectly related to wildlife trade since its provisions will apply to the act of hunting, determining the legality of weapons and ammunition used.

-/1993

Constitution

Cambodia's Constitution contains two articles that are indirectly related to wildlife trade. Art. 58 establishes the State's ownership of natural resources, that shall be protected by the State according to Art. 59. While none of these provisions expressly regulates the topic, they may be relevant to the extent that controlling wildlife trade is necessary for "the protection of the environment" and the failure to adequately regulate may threaten the maintenance of a healthy and sustainable environment.

MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITE Count Repor
PARLIAMENT	■				■		■					■	■	
ROYAL GOVERNMENT (Council of Ministers)	■				■		■					■	■	
MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES														
Minister												■		
Forestry Administration (CITES MA & SA)	■	■	■			■	■	■		■	■		■	■
Fisheries Administration (CITES-SA Aquatic)		■									■			■
MINISTRY OF ENVIRONMENT		■	■											
Nature Protection and Conservation Administration							■							
MINISTRY OF COMMERCE													■	

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Wildlife management in Cambodia is mainly split between the Ministry of Environment and the Ministry of Agriculture, Fisheries and Forest, with both entities also holding authority to supervise compliance with wildlife rules and investigate wildlife offenses.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
ROYAL GOVERNMENT				■										
MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES														
Fisheries Administration										■			■	■
Legal Bureau	■	■	■	■						■				
Fisheries Inspectorates	■	■	■	■		■	■	■		■	■		■	■
Forest Crime Monitoring and Reporting Unit	■	■	■	■	■	■	■			■	■		■	■
MINISTRY OF ENVIRONMENT														
Environmental Inspectors	■	■	■	■	■	■	■			■	■	■	■	■
MINISTRY OF ECONOMY AND FINANCE														
Custom Officers	■	■	■	■	■	■	■			■	■	■	■	
ROYAL ARMED FORCES														
Royal Gendarmerie	■	■	■	■	■	■	■			■	■	■		
MINISTRY OF INTERIOR														
National Police	■	■	■	■	■	■	■			■	■	■		
MINISTRY OF JUSTICE														
Public Prosecutions Unit		■			■	■	■			■	■			
COURTS						■	■						■	■



SUMMARY

Species of Concern

Cameroon is home to two species of great apes:

- Chimpanzee (*Pan troglodytes*), including the two sub-species Central chimpanzee (*Pan troglodytes troglodytes*) widely found in southern Cameroon, and the Nigeria–Cameroon chimpanzee (*Pan troglodytes ellioti*) found in forests in central, southwestern, and western Cameroon.
- Western gorilla (*Gorilla gorilla*), which also includes two sub-species, the Cross River gorilla (*Gorilla gorilla diehli*), found in southwest Cameroon along the Nigeria – Cameroon border, and the Western lowland gorilla (*Gorilla gorilla gorilla*), found in southern Cameroon.

Populations of the *G. g. diehli* and *P. t. ellioti* are found on the border with Nigeria. Populations of the *G. g. gorilla* and *P. t. troglodytes* are found on the borders with Equatorial Guinea, Gabon, Republic of Congo, and Central African Republic.

International Protection and Agreements

The IUCN Red List classifies the *Gorilla gorilla* as critically endangered (CE) and the *Pan troglodytes* as endangered (EN). They are also protected under CITES Appendix I, which limits international commercial trade. Cameroon ratified this treaty in 1981 and has implementing legislation that CITES assesses as Category 1 (i.e. it generally meets CITES implementation requirements).

In addition to CITES, Cameroon is signatory to four international agreements critical to controlling the illegal wildlife trade:

- Convention on Migratory Species
- UNCAC
- UNTOC
- WCO – International Convention on the Harmonized Commodity Description and Coding System

Cameroon is eligible for, but has not signed another three agreements important to conservation of, and trade in, great apes. These are the CMS–Gorilla Agreement (which calls for gorilla range states to coordinate efforts to eradicate their poaching and help their conservation); the AU Convention on Conservation of Nature (which requires regulation of domestic trade, transportation, and possession of wildlife, and compliance with national and international laws); and the WCO Nairobi Convention (a treaty relevant to customs cooperation between countries to prevent smuggling of products, including wildlife products).

National Legal Framework

The core legal framework governing wildlife trade in Cameroon includes 29 pieces of legislation (17 laws and 12 regulations) belonging to 10 different legal areas. Of these, the primary pieces of legislation are:

- Forestry, wildlife and fisheries law
- Wildlife regulations
- CITES Implementing Decree
- Animal Classes Order
- Animal Killing Order
- Bushmeat Trade Decision
- Hunting in Community Managed Territories Order

Domestic Protection

Domestic listing protects all great apes – including sub-species – that are native to Cameroon. Pursuant to the law on forestry, wildlife and fisheries and its Animal Classes Order, they are not to be killed except in defense of self or property, and are not to be captured unless a special permit is obtained.

Cameroon does not, however, regulate all elements of trade. Among the trade-related activities not included are possession, transportation, processing, storage, advertising (including online), offer for sale, attempt to purchase, and cyber-enabled wildlife trade, welfare and exhibition, all of which are critical, particularly in the context of online trade.

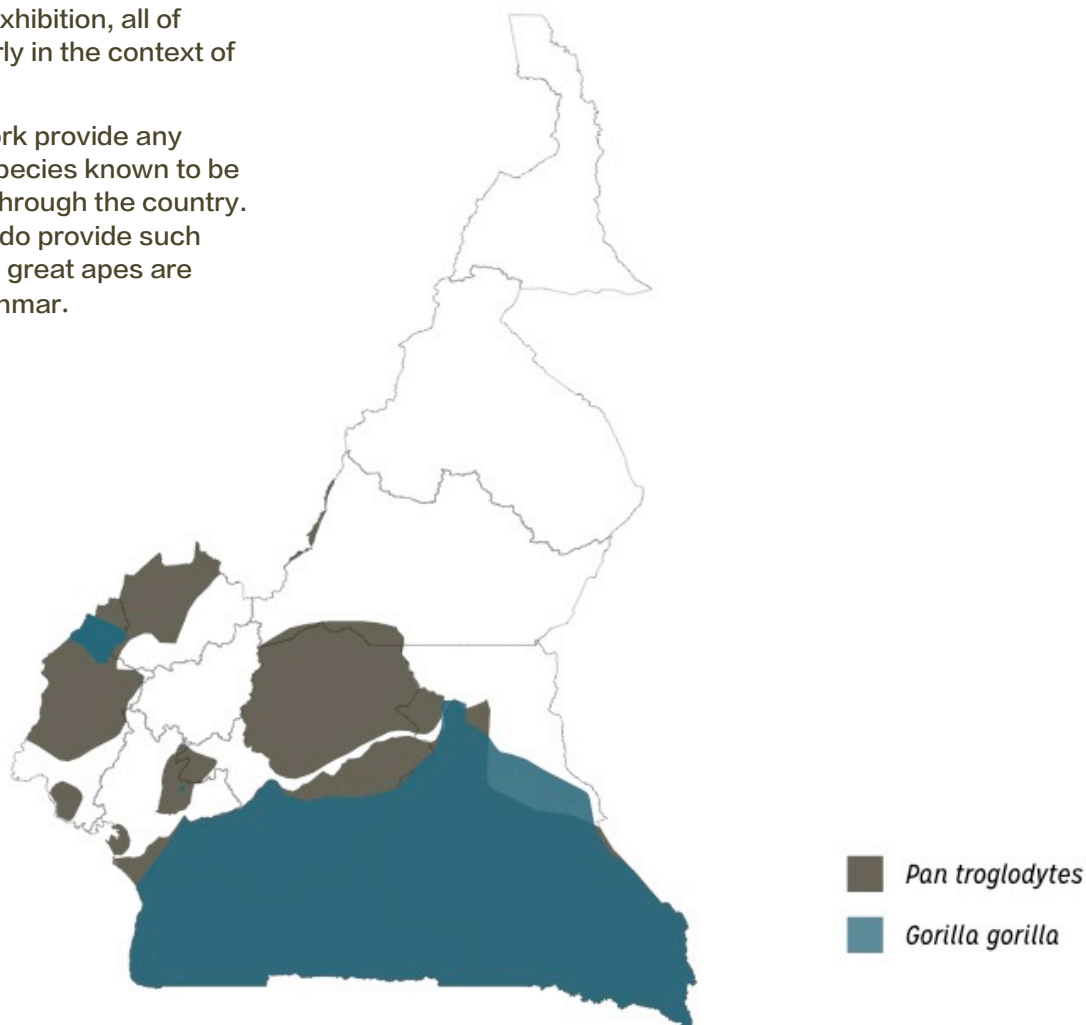
Nor does the legal framework provide any protection for non-native species known to be traded, or that may transit through the country. Examples of countries that do provide such protection for at least some great apes are China, Cambodia, and Myanmar.

Management and Enforcement Authorities

There are at least 10 authorities with competences to deal with wildlife-trade issues in Cameroon.

The primary authority is the Ministry of Forest and Wildlife, which also has enforcement authority to ensure compliance with the primary wildlife-related laws, as well as the authority to investigate offenses together with the customs and police authorities.

Cameroon: GREAT APES SPECIES RANGE DISTRIBUTION



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The two native great ape species, gorillas and chimpanzees, are legally protected in Cameroon. All other non-native great ape and gibbon species are protected under CITES Appendix I, and are thus subject to highly restricted global trade. If, however, they are smuggled into the country, they do not benefit from full domestic legal protection.

2018 Cameroon PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>	⊙	✓	CITES-Appendix I
	<i>Gorilla beringei</i>			CITES-Appendix I
Orangutans	<i>Pongo abelii</i>			CITES-Appendix I
	<i>Pongo pygmaeus</i>			CITES-Appendix I
	<i>Pongo tapanuliensis</i>			(*)
Chimpanzees	<i>Pan troglodytes</i>	⊙	✓	CITES-Appendix I
Bonobos	<i>Pan paniscus</i>			CITES-Appendix I
Gibbons	<i>Hylobates lar</i>			CITES-Appendix I
	<i>Hylobates pileatus</i>			CITES-Appendix I
	<i>Bunopithecus hoolock</i>			CITES-Appendix I
	<i>Hylobates agilis</i>			CITES-Appendix I
	<i>Hylobates albibarbis</i>			CITES-Appendix I
	<i>Hylobates klossii</i>			CITES-Appendix I
	<i>Hylobates moloch</i>			CITES-Appendix I
	<i>Hylobates muelleri</i>			CITES-Appendix I
	<i>Symphalangus syndactylus</i>			CITES-Appendix I
	<i>Nomascus siki</i>			CITES-Appendix I
	<i>Nomascus annamensis</i>			CITES-Appendix I
	<i>Nomascus nasutus</i>			CITES-Appendix I
	<i>Nomascus gabriellae</i>			CITES-Appendix I
	<i>Nomascus hainanus</i>			CITES-Appendix I
	<i>Nomascus concolor</i>			CITES-Appendix I
	<i>Nomascus leucogenys</i>			CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

(*) Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties

CAMEROON Participation in IWT-Related International Agreements

	1961	INTERPOL Constitution
❖	1981	CITES
	1982	INTERPOL Rules on the Processing of Data
❖	1983	Convention on Migratory Species (CMS)
	1983	ECCAS Treaty
	1987	AU-Phyto-Sanitary Convention for Africa
❖	1989	WCO-International Convention on the Harmonized Commodity Description and Coding System
	1995	WTO-Agreement on Sanitary and Phytosanitary Measures
	1995	Convention on Biological Diversity (CBD)
❖	2006	UN Convention Against Transnational Organized Crime
❖	2006	UN Convention Against Corruption
	2014	WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended
	2015	OAU Convention on the Prevention and Combating of Terrorism
	2015	Protocol of the OAU Convention on the Prevention and Combating of Terrorism
	<i>pending</i>	AU-Convention on Corruption
❖	<i>none</i>	CMS-Gorilla Agreement
❖	<i>none</i>	AU-Convention on Conservation of Nature
	<i>none</i>	AU-African Maritime Transport Charter (Revised)
	<i>none</i>	AU-Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)
❖	<i>none</i>	WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)
	<i>none</i>	WCO-Convention A.T.A. Carnet for the temporary admission of goods
	<i>none</i>	WCO-Convention on Temporary Admission (Istanbul Convention)
	<i>none</i>	ECCAS-Protocol on Transit and Transit Facilities
	<i>none</i>	UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

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Cameroon has been a party to the CITES Convention since 1981.

It has also signed four other international agreements of importance to wildlife trade. Cameroon is eligible for, but has not signed, three important IWT agreements: CMS–Gorilla Agreement, the AU Convention on Conservation of Nature, and the WCO Nairobi

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17 laws and 12 regulations belonging to 10 legal areas constitute the core legal framework governing wildlife trade in Cameroon.

Wildlife Trade Legal Framework In Cameroon

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy

Administrative	Agriculture	Animal	Civil Procedure	Commerce	Constitutional
Criminal	Cultural Heritage	Customs & Trade	Defense & Security	Economics	Education
Employment	Energy	Environment	Finance	Health	Human Rights
Immigration	Industrial	Insurance	Intellectual Property	Labor	Land Tenure & Planning
Marine & Admiralty Law	Natural Resources	Political Parties & Elections	Services	Taxation	Telecom & Media
Transportation					

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Cameroon/legal_strategy

Wildlife Trade Legal Framework In Cameroon

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Forestry, Wildlife and Fisheries Law	Hunting in Community Managed Territories Order	Environmental Protection Law
	Criminal Code	Criminal Procedure Code	International Trade Law
	Mining Law	Firearms Law	Decree on the Organization of the Ministry of Forests and Wildlife
	Decree on the Organization of the Ministry of Forests and Wildlife (2005 Amendment)	CEMAC Regulation on Anti-Money Laundering and Terrorism Financing	Tourism Law
	E-Commerce Law	Cybercrime Law	Forest and Wildlife Exploitation Taxes Decree
	Commercial Activity Law	Customs Code	
National Regulation	Wildlife Regulations	CITES Implementing Decree	Animal Classes Order
	Animal Killing Order	Bushmeat Trade Decision	Ngoyla Wildlife Reserve Decree
	Tofala Hill Wildlife Sanctuary Decree	Kagwene Gorilla Sanctuary Decree	Definition of Fines Decree
	Revenue Authorities Order	Rebates and Risk Premiums for Forestry, Wildlife, and Fisheries Staff Decree - MISSING	Rebates and Risk Premiums for Forestry, Wildlife, and Fisheries Staff Decree (1986 Amendment)
	Special Funds for Forestry, Wildlife and Fisheries Decree		

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Cameroon/legal_hierarchy

PRIMARY LEGISLATION [7]

1/1994

Forestry, Wildlife and Fisheries Law

Cameroon's Forestry, Wildlife & Fisheries Law is the umbrella legislation regulating wildlife and the management of forests, including its conservation. It is a primary piece of legislation on wildlife trade since it contains general provisions on the exploitation and commercialization of protected species and forest products. This Law implements Article 64 of the Environmental Protection Law by classifying its wildlife into 3 classes (A, B, & C), with those species in Category A having the most protection and those in C, the least (Art. 78). Fauna is also included in the definition of forest products (Art. 9.1), with ivory and other species considered as a 'special products' deserving specific regulation (Art. 9.2, 56, 61, 66, 100 & 155). Domestic trade of protected species and their trophies requires a 'certificate of origin'. In addition, exports require a permit (Art. 98). Other related provisions are those regulating hunting (Art. 79–96), arms use (Art. 106–108) and the establishment of areas where wildlife is protected (Art. 24). Enforcement, offences and penalties are covered in Part VI–Chapter III. The general provisions of this Law have further been developed by: Wildlife Regulations, Forest And Wildlife Exploitation Taxes Decree, Animal Classes Order (Art. 78), Animal Killing Order, Bushmeat Trade Decision, Hunting Season 2009 To 2010 Order, Special Funds for Forestry, Wildlife and Fisheries Decree, and Hunting in Community Managed Territories Order.

446/1995

Wildlife Regulations

Cameroon's Wildlife Regulations Decree is a primary law regulating wildlife trade. It implements Article 13 of the Forestry, Wildlife & Fisheries law by establishing that the trade, export, and import of listed species in Cameroon are subject to certificates and permits (Art. 43, 64–66). Additionally, licenses/permits are required for all use, possession, or taking of wildlife (Art. 40–58). These regulations also address the different types of hunting and their legality (Art. 20, 21, 24, 26–31, 34–39). The general provisions of this decree have further been developed by Animal Classes Order (Art. 14) and Animal Killing Order.

2869/2005

CITES Implementing Decree

Cameroon's CITES Implementing Decree is the legal instrument that transposes the text of this Convention into the national system. The CITES Convention is the most important Multilateral Environmental Agreement (MEA) governing international wildlife trade at international level. This Decree regulates all aspects of the import, export, and transport of wild species. The establishment and duties of CITES Management and Scientific Authorities are

stipulated in Art. 5–9. Chief among their duties is (i) the issuance of trade and possession permits/certificates, and (ii) management of wildlife, their parts and products.

648/2006

Animal Classes Order

Cameroon's Animal Classes Order implements Article 78 of the Forestry, Wildlife & Fisheries Law and Article 14 of the Wildlife Regulations by classifying wild animals into three categories of protection. It contains several provisions related to wildlife trade. The classification is based on CITES appendices and the national assessment of a species' vulnerability (Art. 6). Class A species have the strongest protection and may not be killed, unless for safety. Capturing and keeping of species in this class for scientific purpose is permitted with special authorization. This class includes species like Lions, Gorillas, Black Rhinos, etc. (Art. 2). Class B & C species are partially protected and their hunting, capture, or killing is regulated (Art. 2 & 3). The young of all listed species and the eggs of birds in Classes A and B fall in the Class A protection scheme (Art. 5).

649/2006

Animal Killing Order

Cameroon's Animal Killing Order implements Article 78 of Forestry, Wildlife & Fisheries Law and Article 14 of Wildlife Regulations by setting quotas on the number of individuals of a species that can be killed with a sporting license (Art. 1–3, 5). This order may be applicable in specific cases of wildlife trade as hunting forms an important part of the wildlife trade chain. It is interesting to note that the killing of a female of a species counts as two individuals (Art. 6).

857/2009

Bushmeat Trade Decision

Cameroon's Bushmeat Trade Decision is a primary piece of legislation regulating wildlife trade. It implements the Forestry, Wildlife & Fisheries Law and its Animals Classes Order and Animal Killing Order to regulate bushmeat trade. As per this Decision, bushmeat trade of Class C species (Art. 4.1) can only be carried out by holders of collection permits (Art. 2 & 4.1) during open hunting season (Art. 4.4). Trade in species belonging to Class A and B may only be carried out by holders of a valid hunting license or by competent authorities in context of an administrative or public auction (Art. 4.2).

1018/2007

Hunting in Community Managed Territories Order

Cameroon's Hunting in Community Managed Territories Order implements Article 54 of the Forestry, Wildlife & Fisheries law to regulate hunting and management of wildlife in community managed forests. This order regulates wildlife trade by requiring a certificate of origin and export authorization for wildlife or wildlife products obtained from community forests (Art. 12). While community members may freely dispose wildlife products collected in accordance with the management agreement (Art. 9), all possession and movement of these products

requires a certificate of origin (Art. 12). This order also limits hunting in these areas to community members and to third parties or licensed hunting guides who have valid permits of the hunt. (Art. 4). Finally, the order requires community members to report all instances of poaching in their community forests. (Art. 11).

RELATED LEGISLATION (22)

12/1996

Environmental
Protection Law

Cameroon's Environmental Protection Law is the umbrella legislation for the management of environment and natural resources. It has 4 articles related to wildlife trade. This law states that wildlife must be preserved and managed sustainably through an inventory of existing (endangered) species. (Art. 62–64). The exploitation of biological resources must be done in a transparent way, with the collaboration of national institutions and local communities and in keeping with international conventions (Art. 65). Art 64 of this law is further implemented by the Forestry, Wildlife and Fisheries Law.

7/2016

Criminal Code

Cameroon's Criminal Code has several provisions relate to wildlife trade. This law regulates illicit activities that might occur along the wildlife trade chain, such as animal cruelty (Art. 268). Other crimes that may be related to wildlife trade are forgery and counterfeiting (Book II, Part I, Chapter V), possession and use of arms (Art. 237, 238), and corruption (Art. 134, 134–1). Conspiracy is defined in Art. 95, and the offence of a felony committed by armed bands is addressed Art. 115. However, this code has no specific provision on organized crimes. Other articles that are indirectly related are those defining aggravating circumstances, recidivism, attempt, participation and responsibility of legal persons. Articles 362 to 371 which define offences are laid down by the Definitions of Fines Decree.

319/2016

Definitions of Fines
Decree

Cameroon's Definition of Fines Decree develops Articles 362–370 of the Criminal Code by stipulating four types of fines. It is related to wildlife trade in so far as any of these categories is regarded as a penalty for wildlife trade offences. These articles form an integral part of the Criminal Code.

7/2005

Criminal Procedure
Code

The Criminal Procedure Code of Cameroon 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 to all investigation and prosecution cases related to this topic.

5/2001

Customs Code

Cameroon's Customs Code regulates the incoming and outgoing traffic of goods into or from the national territory and the collection of import duties. Its provisions are applicable in cases of import or export of wildlife and wildlife products, particularly those regulating the fulfillment of customs formalities (Title V–Chapter I), storage (Title IV–Chapter I), criminal responsibility (Title XII–Chapter V–Section I), and competences of Customs officials (Art. 65, Title II–Chapter IV). Article 65(2)(d) permits the use of firearms by custom officers to control illegally imported or exported animals. Offences and penalties are described in Title XII–Chapter V, and offences related to wildlife trade include false declarations (Art. 401) and smuggling (Art. 387, 402, 405–408). General enforcement powers are listed in Title XII–Chapter I, and provisions related to judicial proceedings in Title XII–Chapters II & III. Cameroon, Congo, Gabon, Chad and Equatorial Guinea form a Customs Union and share the same Customs Code. The Code emanates from the 1964 Economic and Customs Union of Central Africa Treaty (UDEAC). It stipulates that Member States adopt and implement a common legislative body for customs fees and imports (Customs Code, Art. 29). UDEAC was absorbed in 1999 by the Central African Economic and Monetary Community (CEMAC) of which all countries are members. Pursuant Art. 3 of the CEMAC Treaty, the Customs Code became part of its legislative acquis.

4/2016

International Trade Law

Cameroon's International Trade Law is the umbrella legislation regulating the import, transit and/or export of goods to/from the national territory. It has a couple of provisions that apply to wildlife trade. Products that affect the protection of animal species are excluded from Cameroon's international trade free regime (Art. 7). Wildlife products that are imported or exported will be subject to veterinary and environmental inspections (Art. 18).

17/2016

Mining Law

Cameroon's Mining Law is the umbrella legislation for the management of the mining activity in the country. It contains a few articles indirectly related to wildlife trade requiring respect for fauna (Art. 137), the environment (Art. 135) and environmental related legislation (Art. 126 & 127). Breaches may imply the revocation of mining permits and suspension of activities (Art. 208) as well as a financial penalty (500,000 to 10 million CFA Francs) and/or imprisonment sentence between 6 months and 3 years (Art. 224).

16/2016

Firearms Law

Cameroon's Firearms Law is applicable to wildlife trade as it regulates weapons and ammunition. Its provisions will

apply to the act of hunting, determining the legality of weapons and ammunition used. In Cameroon, hunting weapons and ammunition are classified as ‘Category 5’ (Art. 3), and require authorization for possession (Art 28–30).

99/2005

Decree on the Organization of the Ministry of Forests and Wildlife

Cameroon's Decree on the Organization of the Ministry of Forests and Wildlife establishes the organization and role of this ministry in wildlife management (Title VI, Chapter IV), and as such is applicable to wildlife trade. The ‘Wildlife Branch’ comprises 2 sub-branches: (i) Wildlife Conservation, and (ii) Valuation and Exploitation of Wildlife (Art. 53). The Wildlife Branch, through its sub-branches, is responsible for development of wildlife management conventions (Art. 53), and issuing wildlife use licenses (Art. 57).

495/2005

Decree on the Organization of the Ministry of Forests and Wildlife (2005 Amendment)

Cameroon's Decree of on the Organization of the Ministry of Forests and Wildlife (2005 Amendment) has a few amended articles related to wildlife trade. The director of the Wildlife and Protected Areas Directorate is now responsible for the management of hunting, conservation, protection, exploitation, etc. of wildlife species (Art. 53). A Protected–Areas Sub–Directorate is responsible for the management, protection, and conservation of protected areas (Art. 60 & 61).

1/2016

CEMAC Regulation on Anti-Money Laundering and Terrorism Financing

Cameroon's Anti–Money Laundering and Terrorism Financing Law takes a predicate offense approach, including environmental crimes as one of them. This may include wildlife trade offences to the extent they are defined elsewhere in national legislation. Cameroon, DRC, Congo, Gabon, Chad and Equatorial Guinea share the same Anti–Money Laundering and Terrorism Financing Law. The law (Regulation 01/2016) emanates from the Central African Economic and Monetary Community (CEMAC) of which they are all members and it is directly applicable in all six countries pursuant Art. 41 of the CEMAC Treaty.

21/2010

E-commerce Law

Cameroon's E–commerce Law is the primary legislation regulating electronic communications and transactions. It has some articles indirectly related to wildlife trade such as Article 3.2 that states that electronic commerce is subject to the CEMAC Customs Code to which Cameroon is party to. This law contains provisions regarding legality of electronic contracts (Art. 11–14) and establishes the validity of electronic contracts (Art. 10).

12/2010

Cybercrime Law

Cameroon's Cybercrime Law is the umbrella legislation regulating the security of electronic transactions and related offences. Some of its provisions may be applicable

in specific cases of wildlife trade offences committed electronically such as electronically communicating false information (Section 78). The law permits criminal investigation officers to obtain electronic communications (Section 49) and details cybercrime legal procedures in Sections 52–59. The law also contains provisions regarding the liability of communication network services (Section 34) and legality of electronic signature (Section 17).

238/1996

Forest and Wildlife
Exploitation Taxes
Decree

Cameroon's Forest and Wildlife Exploitation Taxes Decree implements articles 88, 89, and 91 of the Forestry, Wildlife & Fisheries Law by establishing fees for hunting permits and licenses (Art. 7), and exploitation of wildlife (Art. 6). This order may be applicable in specific cases of wildlife trade as hunting forms an important part of the wildlife trade chain.

122/1986

Rebates and Risk
Premiums for Forestry,
Wildlife, and Fisheries
Staff Decree

Cameroon's Rebates and Risk Premiums for Forestry, Wildlife, and Fisheries Staff Decree establishes the general conditions for rebates and risk premiums granted to wildlife and protected areas protection officers. It is indirectly related to wildlife trade as it establishes incentives for officers to prevent criminal activities.

1158/1986

Rebates and Risk
Premiums for Forestry,
Wildlife, and Fisheries
Staff Decree (1986
Amendment)

Cameroon's Rebates and Risk Premiums for Forestry, Wildlife, and Fisheries Staff Decree (1986 Amendment) establishes a risk premium for fauna protection, natural parks and sanctuaries officers of 15,000 Francs. It is indirectly related to wildlife trade as it establishes incentives for officers to prevent criminal activities.

153/1993

Revenue Authorities
Order

Cameroon's Revenue Authorities Order establishes the competences to collect the revenues obtained from the granting of permits, including export permits, arms, capture and hunting fees, and fees for entry in national parks. It applies indirectly to wildlife trade.

237/1996

Special Funds for
Forestry, Wildlife and
Fisheries Decree

Cameroon's Special Funds for Forestry, Wildlife and Fisheries Decree implements the Forestry, Wildlife and Fisheries Law by creating a special fund to gather revenues from hunting and capture permits, wildlife products fees and those obtained from fines and auctions. It has one article directly related to wildlife trade. Art. 11 stipulates that 25% of the revenues obtained from enforcement operations will be reserved to officers who have participated in those actions.

18/2015

Commercial Activity Law

Cameroon's Commercial Activity Law is the umbrella legislation regulating commercial activities in the country. It is indirectly related to wildlife law since it establishes

		conditions that may apply to the trade of wildlife or wildlife products. It also regulates illicit commercial activities.
634/2008	Kagwene Gorilla Sanctuary Decree	Cameroon's Kagwene Gorilla Sanctuary Decree establishes the geographical boundaries of the Kagwene Gorilla Sanctuary (Art. 2), and has some articles related to wildlife trade. Gorillas and their habitat are specifically protected in this sanctuary, along with other animal species and their habitats (Art. 4).
3212/2014	Tofala Hill Wildlife Sanctuary Decree	Cameroon's Tofala Hill Wildlife Sanctuary Decree establishes the geographical boundaries of the Tofala Hill Wildlife Sanctuary (Art. 2), and has some articles related to wildlife trade. Animal species and their habitats are protected in Wildlife Sanctuaries (Art. 3).
2383/2014	Ngoyla Wildlife Reserve Decree	Cameroon's Ngoyla Wildlife Reserve Decree establishes the geographical boundaries of the Ngoyla Wildlife Reserve (Art. 4), and has some articles related to wildlife trade. Animal species and biodiversity are protected in Wildlife Reserves (Art. 2).
6/2016	Tourism Law	Cameroon's Tourism Law is the umbrella legislation covering tourism activities in the country. Its provisions apply indirectly to wildlife trade, as wildlife tourism is a component of Cameroon's tourist industry. This law states that all commercial tourist activities need approval and authorization (Art. 7), and that all tourist activities must comply with laws and regulations that are in force (Art. 6).
-/1972	Constitution	Cameroon's Constitution contains one article indirectly related to wildlife trade. Art. 26(d)(5) states that matters related to natural resources will be reserved to the legislative power. Also, in its Preamble, it establishes that the protection of the environment must be ensured by the state, and is the duty of all citizens (Intend 21). While none of these provisions expressly regulates the topic, they may be relevant to the extent that controlling wildlife trade is necessary for "the protection of the environment" and the failure to adequately regulate may "threaten the maintenance of a healthy and sustainable environment.

MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
PARLIAMENT	■													
PRESIDENT	■													
PRIME MINISTER	■						■	■						
MINISTRY OF FORESTS AND WILDLIFE (MINFOF)														
Minister's Office							■							
Legal Unit	■													
Directorate of Wildlife and Protected Areas (CITES-MA)	■	■	■	■	■	■	■			■			■	■
National Brigade for Forestry Control and Anti-Poaching Operations				■	■	■								
GAROUA WILDLIFE COLLEGE (EFG)														
CITES-SA											■	■		
MINISTRY OF LIVESTOCK, FISHERIES AND ANIMAL INDUSTRIES							■							

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In Cameroon, the Ministry of Forests and Wildlife is the leading authority dealing with both managerial and enforcement issues concerning wildlife.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
MINISTRY OF FORESTS AND WILDLIFE (MINFOF)														
Legal Unit										■				
Directorate of Wildlife and Protected Areas (CITES-MA)		■	■		■	■	■	■	■	■	■	■	■	■
National Brigade for Forestry Control and Anti-Poaching Operations	■	■	■							■			■	
CUSTOMS	■	■	■		■	■	■	■	■	■	■			
GENDARMERIE NATIONALE										■	■	■		
JUDICIAL POLICE					■	■	■	■	■	■	■			
COURTS													■	■



SUMMARY

Species of Concern

There are five gibbon species native to China:

- Lar gibbon (*Hylobates lar*)
- Eastern black crested gibbon (*Nomascus nasutus*)
- Hainan crested gibbon (*Nomascus hainanus*)
- Northern white-cheeked crested gibbon (*Nomascus leucogenys*)
- Western black crested gibbon (*Nomascus concolor*)

Habitat of gibbons is confined to a very limited area within the vastness of China. The *H. lar*, *N. concolor* and *N. leucogenys* are found in the southern province of Yunnan. *N. nasutus* ranges in the Guangxi province while the *N. hainanus* is found in a small pocket of the Hainan province. Several populations are found along China's borders with Myanmar, Laos, and Vietnam.

International Protection and Agreements

The IUCN Red List classifies all gibbon species as Endangered (EN). They are also protected under CITES Appendix I, which limits international commercial trade. China ratified this treaty in 1981 and has implementing legislation that CITES assesses as Category 1

(i.e. it generally meets CITES implementation requirements).

In addition to CITES, China is signatory to three international agreements that are key to controlling the illegal wildlife trade:

- UNCAC
- UNTOC
- WCO – International Convention on the Harmonized Commodity Description and Coding System

China is eligible for, but has not yet signed another two critical agreements related to IWT. These are the Convention on Migratory Species (which does not include gibbon species native to China, but does include other Chinese wildlife) and the WCO Nairobi Convention (a treaty relevant to customs cooperation between countries to prevent smuggling of products, including wildlife products).

National Legal Framework

The core legal framework governing wildlife trade in China includes 22 pieces of legislation (nine laws and 13 regulations) belonging to eight different legal areas. Of these, the primary pieces of legislation are:

- Wildlife law
- List of Protected Wildlife
- CITES Implementing Regulation
- Terrestrial Wildlife Regulation
- Medicinal Wildlife Regulation
- Food Containing Wildlife Products Regulation
- State Forestry Administration (SFA) Marking Notices from 2003 to 2005, 2007, 2009, and 2011

Domestic Protections

Of particular note is China's domestic comprehensive listing of the entire family of 16 gibbons, far beyond the five species native to China (List of Protected Wildlife). Because of the domestic listing of all species of gibbons, they are all afforded the same protection, which includes prohibitions against hunting, capture, and trade unless a special permit is obtained (see Wildlife Law).

China's framework protects against all non-native species of gibbons, but it covers several aspects of wildlife trade not seen in other countries. Among these are regulations governing the use of wildlife in traditional medicine, food, and commercial products.

China is also one of the few countries in the world to legislate against cyber-enabled wildlife trade. Specifically, its Wildlife Protection Law (art. 31) prohibits the "publication of an advertisement relating to the sale, purchase or utilization of wildlife" .

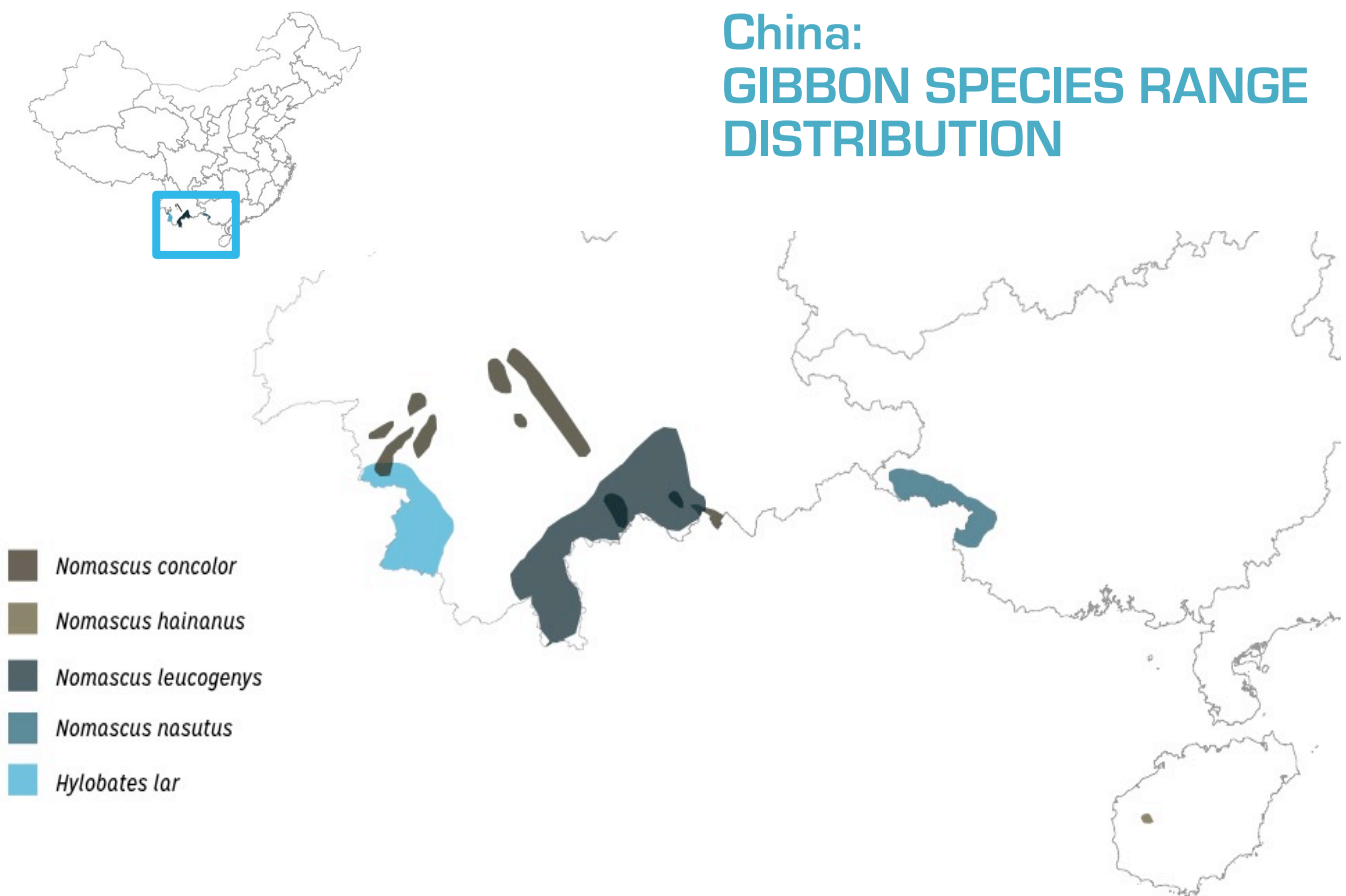
There are, however, still gaps. The legal framework does not provide any protection for great apes; although these may be non-native species they are nevertheless known to be traded, or in transit through the country.

Management and Enforcement Authorities

There are at least 13 different authorities with competences to deal with wildlife-trade issues in China.

Wildlife trade, while managed mainly by the State Forestry Administration, also has several other agencies with responsibility for different aspects of its management. The enforcement competences are shared by several agencies, making it unclear who is the principal authority for the enforcement of wildlife rules.

China: GIBBON SPECIES RANGE DISTRIBUTION



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China's gibbon species listing is comprehensive and includes the entire family of gibbons, which extends well beyond the five species that are native to China. All other non-native great ape species are protected under CITES Appendix I, and are thus subject to highly restricted global trade. If, however, they are smuggled into the country, they do not benefit from full domestic legal protection.

2018 China PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>			CITES-Appendix I
	<i>Gorilla beringei</i>			CITES-Appendix I
Orangutans	<i>Pongo abelii</i>			CITES-Appendix I
	<i>Pongo pygmaeus</i>			CITES-Appendix I
	<i>Pongo tapanuliensis</i>			(*)
Chimpazees	<i>Pan troglodytes</i>			CITES-Appendix I
Bonobos	<i>Pan paniscus</i>			CITES-Appendix I
Gibbons	<i>Hylobates lar</i>	⊙	✓	CITES-Appendix I
	<i>Hylobates pileatus</i>		✓	CITES-Appendix I
	<i>Bunopithecus hoolock</i>		✓	CITES-Appendix I
	<i>Hylobates agilis</i>		✓	CITES-Appendix I
	<i>Hylobates albibarbis</i>		✓	CITES-Appendix I
	<i>Hylobates klossii</i>		✓	CITES-Appendix I
	<i>Hylobates moloch</i>		✓	CITES-Appendix I
	<i>Hylobates muelleri</i>		✓	CITES-Appendix I
	<i>Symphalangus syndactylus</i>		✓	CITES-Appendix I
	<i>Nomascus siki</i>		✓	CITES-Appendix I
	<i>Nomascus annamensis</i>		✓	CITES-Appendix I
	<i>Nomascus nasutus</i>	⊙	✓	CITES-Appendix I
	<i>Nomascus gabriellae</i>		✓	CITES-Appendix I
	<i>Nomascus hainanus</i>	⊙	✓	CITES-Appendix I
	<i>Nomascus concolor</i>	⊙	✓	CITES-Appendix I
	<i>Nomascus leucogenys</i>	⊙	✓	CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

(*) Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties

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China has been party to CITES since 1981. It has also ratified three other agreements important to controlling IWT. It has not yet signed another two critical agreements: the Convention on Migratory Species and the WCO Nairobi Convention.

CHINA Participation in IWT-Related International Agreements

	1961	INTERPOL Constitution
❖	1981	CITES
	1982	INTERPOL Rules on the Processing of Data
❖	1993	WCO-International Convention on the Harmonized Commodity Description and Coding System
	1993	WCO-Convention A.T.A. Carnet for the temporary admission of goods
	1993	WCO-Convention on Temporary Admission (Istanbul Convention)
	1993	Convention on Biological Diversity (CBD)
	2000	WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention)
	2001	WTO-Agreement on Sanitary and Phytosanitary Measures
❖	2003	UN Convention Against Transnational Organized Crime
❖	2006	UN Convention Against Corruption
❖	none	Convention on Migratory Species (CMS)
❖	none	WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)
	none	UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

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Nine laws and 13 regulations belonging to eight different legal areas constitute the core legal framework governing wildlife trade in China.

Wildlife Trade Legal Framework In China

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy

Administrative	Agriculture	Animal	Civil Procedure	Commerce	Constitutional
Criminal	Cultural Heritage	Customs & Trade	Defense & Security	Economics	Education
Employment	Energy	Environment	Finance	Health	Human Rights
Immigration	Industrial	Insurance	Intellectual Property	Labor	Land Tenure & Planning
Marine & Admiralty Law	Natural Resources	Political Parties & Elections	Services	Taxation	Telecom & Media
Transportation					

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/China/legal_strategy

Wildlife Trade Legal Framework In China

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Wildlife Law	Environmental Protection Law	Forestry Law
	Criminal Code	Customs Code	Anti-Money Laundering Law
	Import and Export Commodity Inspection Law	Criminal Procedure Code	
National Regulation	List of Protected Wildlife	CITES Implementing Regulation	Terrestrial Wildlife Regulation
	Medicinal Wildlife Regulation	Food Containing Wildlife Products Regulation	SFA Marking Notice 3/2003
	SFA Marking Notice 6/2004	SFA Marking Notice 5/2005	SFA Marking Notice 8/2007
	SFA Marking Notice 6/2009	SFA Marking Notice 4/2011	Forestry Regulation
	Zoo Directive		

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/China/legal_hierarchy

PRIMARY LEGISLATION (12)

-/1988

Wildlife Law

China's Wildlife Law is the umbrella legislation regulating wildlife protection, including its trade. Art.10 guarantees protection to different categories of wildlife: first class special state protection, second-class special state protection, special local protection, and important ecological, scientific or social value. This provision is partially implemented by the List of Protected Wildlife (7/2003). Wildlife trade related activities are regulated in Arts 21–40. Trade of state protected species is prohibited with some exceptions (Arts. 27–28). The approval of CITES species lists and their import/export is regulated in Art 35. Offences and penalties are defined in Arts. 41–50.

7/2003

List of Protected Wildlife

China's List of Protected Wildlife determines the list of species under first and second class of special state protection, and it is directly related to wildlife trade. It implements Art.10 of China's Wildlife Law

465/2006

CITES Implementing Regulation

China's CITES Implementing Regulation is the legal instrument that transposes the text of this Convention into the national system. The CITES Convention is the most important Multilateral Environmental Agreement (MEA) governing international wildlife trade at international level. This Regulation establishes the procedures and administrative requirements for the import and export of endangered wildlife. Penalties are covered by arts 24–27

666/1992

Terrestrial Wildlife Regulation

China's Terrestrial Wildlife Regulation determines rules concerning the management of terrestrial wildlife, which is either endangered or of high economic and scientific value. It implements some provisions of the Wildlife Law and is directly related to wildlife trade. It requires administrative approval for the commercial import or export of the above-mentioned species (Art 30). Offences and penalties are covered in Arts 33–44.

-/1987

Medicinal Wildlife Regulation

China's Medicinal Wildlife Regulation regulates the use of protected species for the manufacture of traditional medicine products. The law identifies three types of wild medicinal species under national priority: endangered, important and major (Art. 4). Many endangered animals, such as gibbons, are commonly used for traditional medicine (TCM), which makes this law relevant to trade in wildlife products as long as the species are included in one of 3 above-mentioned classes.

5/2005

Food Containing Wildlife Product

China's Food containing Wildlife Products Regulation stipulates rules for the protection of wildlife in relation to their use in food

Regulations

products. It is related to wildlife trade. Art 3 prohibits the use of state protected species as raw materials for health food. Their import shall be certified by the State's Agricultural and Forestry Authorities (Art 7).

3/2003

SFA Marking Notice
3/2003

China's Wildlife Labelling for Commercial Use Notice implements Articles 27 and 28 of the Wildlife Law. It establishes a pilot scheme for marking wildlife and wildlife products for commercial use and it is related to wildlife trade. Subsequent notices provide details of implementation and list the enterprises awarded licenses to breed and trade wildlife and its parts and products: SFA Marking Notices 6/2004, 5/2005, 8/2007, 9/2009, 2011

6/2004

SFA Marking Notice
6/2004

China's SFA Marking Notice 6/2004 is issued under the pilot marking scheme, announced through the Wildlife Labelling for Commercial Use Notice and implements Articles 27 and 28 of the Wildlife Law. It lists the enterprises allowed to produce and sell wildlife-based products, notably ivory products, under a compulsory labelling scheme.

5/2005

SFA Marking Notice
5/2005

China's SFA Marking Notice 5/2005 is issued under the pilot marking scheme, announced through the Wildlife Labelling for Commercial Use Notice and implements Articles 27 and 28 of the Wildlife Law. It lists the companies and wild animals that are subject to the pilot scheme as from January 2006, including domesticated tigers, leopards, lions, elephants, orangutans and gibbon

8/2007

SFA Marking Notice
8/2007

China's SFA Marking Notice 8/2007 is issued under the pilot marking scheme, announced through the Wildlife Labelling for Commercial Use Notice and implements Articles 27 and 28 of the Wildlife Law. It lists the companies and wild animals that are subject to the pilot scheme as from January 2008, including saiga antelope horns, ivory, musk, crocodile, two species of CITES listed snakes, tiger and leopard skin.

6/2009

SFA Marking Notice
6/2009

China's SFA Marking Notice 6/2009 is issued under the pilot marking scheme, announced through the Wildlife Labelling for Commercial Use Notice and implements Articles 27 and 28 of the Wildlife Law. It lists the companies and wild animals that are subject to the pilot scheme as from October 2009.

4/2011

SFA Marking Notice
4/2011

China's SFA Marking Notice 4/2011 is issued under the pilot marking scheme, announced through the Wildlife Labelling for Commercial Use Notice and implements Articles 27 and 28 of the Wildlife Law. It lists the companies and wild animals that are subject to the pilot scheme as from February 2011.

RELATED LEGISLATION (10)

9/2014

Environmental
Protection Law

China's Environmental Protection Law is the umbrella legislation for the management of environment and natural resources. Only one article mentions wildlife specifically: governments are responsible for protecting natural habitat of rare species (Art.29). Although it does not include a specific reference to wildlife trade, it establishes primary measures for environmental protection and thus, is the origin of provisions more specifically identified in other laws.

17/1984

Forestry Law

China's Forestry Law is the umbrella legislation for the management of its forests, including their conservation. It provides a framework for establishing favorable habitats for wildlife. It contains two articles related to wildlife trade. Art. 24 allows for the establishment of protected areas for rare species and Art. 25 prohibits hunting of protected species. This law is implemented by the Forestry Regulation.

278/2000

Forestry
Regulation

China's Forestry Regulation implements the Forestry Law. It regulates the management of forest resources, included wild animals (Art 1), and it is indirectly related to wildlife trade since it attributes competences to monitor forest resources (Arts 10–11).

172/2010

Zoo Directive

China's Zoo Directive defines zoos and stipulates the rules for their management. It is related to wildlife trade since it prohibits the illegal sale of wild animals and the consumption of wildlife and their products (Third (2),(3)).

5/1979

Criminal Code

China's Criminal Code is the primary law regulating criminal offences and has an entire section (Section 6) of Chapter VI dedicated to environmental crimes, including wildlife trade. Art. 341 directly addresses hunting and trade of endangered wildlife, and Arts 343 to 345 covers the destruction of habitat. Punishment for smuggling of rare animals and plants is stated in Art. 151. Other crimes that may be related to wildlife trade are: illegal use of arms (Art.114, 115, 125–130) and corruption (Chapter VIII). Other provisions indirectly related are those defining aggravating circumstances (art. 62), recidivism (Arts 65–66), attempt (Art 23), participation (Arts 25–29) and responsibility of legal persons (Art. 30).

5/1979

Criminal
Procedure Code

China's Criminal Procedure Code regulates how crimes are investigated and prosecuted generally. Although it does not include specific reference to wildlife trade crimes, its provisions are to be applied in all investigation and prosecution cases

related to this topic.

-/1987

Customs Code

China's Customs Code regulates the incoming and outgoing traffic of goods into or from the national territory and the collection of import duties. Its provisions are applicable in cases of import or export of wildlife and wildlife products, particularly those regulating the inward and outward transport, goods and articles (Chapters II–IV). Related offences to wildlife trade include smuggling (Art 83).

14/1989

Export and Import
Law

China's Export and Import Law regulates the inspection of imported and exported goods. One of the requirements of the Law is protecting the environment and the health and safety of animals or plants (Art. 4). This Law is related to wildlife trade since customs inspection is an important step in the wildlife trade chain.

56/2006

Anti-Money-
Laundering Law

China's Anti-Money Laundering Law has a predicate offense approach. Art.2 predicates liability under this law to 'crimes of smuggling' and 'crimes of misappropriation of public property and bribery'. This may include wildlife trade offenses to the extent they are defined elsewhere in national legislation and meet the definition of these predicate offenses.

-/1982

Constitution

China's Constitution contains two articles that are indirectly related to wildlife trade. The state owns and ensures the rational use of China's natural resources and protects rare animals and plants (Art.9). The state also protects and improves the environment (Art.26). While none of these provisions expressly regulates the topic, they may be relevant to the extent that controlling wildlife trade is necessary for the protection of the environment and the rare animals.

MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
NATIONAL PEOPLE'S CONGRESS	■													
STATE COUNCIL	■		■	■	■		■					■	■	
STATE FORESTRY ADMINISTRATION														
Department of Wildlife Conservation and Nature Reserve Management		■	■	■	■	■	■	■	■		■		■	
The Endangered Species Import and Export Management Office (CITES-MA)			■									■	■	■
INSTITUTE OF ZOOLOGY														
Endangered Species Scientific Commission (CITES-SA)												■		■
STATE FOOD AND DRUG ADMINISTRATION			■			■								
STATE ADMINISTRATION FOR INDUSTRY AND COMMERCE								■		■				
MINISTRY OF HOUSING AND URBAN-RURAL DEVELOPMENT							■	■	■					

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There are at least 13 different authorities with competences to deal with wildlife trade issues in China. Although wildlife trade is mainly managed by the State Forestry Administration, there are several other agencies with authority over different aspects of its management. The functions of enforcement – supervising the fulfillment of rules and investigating offenses – are shared by several agencies, making it unclear who the leading authority is for enforcing wildlife rules.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
STATE FORESTRY ADMINISTRATION														
Department of Wildlife Conservation and Nature Reserve Management	■	■	■	■	■	■			■				■	■
PROTECTED AREAS MANAGEMENT AUTHORITY	■	■	■	■	■	■			■				■	■
GENERAL ADMINISTRATION OF CUSTOMS														
Customs Officials	■	■	■	■	■	■	■		■		■	■	■	■
Public Security Department (Customs Police)	■	■	■	■	■	■	■			■	■	■		
STATE ADMINISTRATION FOR INDUSTRY AND COMMERCE				■		■			■				■	■
GENERAL ADMINISTRATION OF QUALITY SUPERVISION, INSPECTION AND QUARANTINE	■	■	■		■									
MINISTRY OF PUBLIC SECURITY														
Border Control	■	■	■	■	■	■			■		■	■	■	■
Police Officers, Forest Branch	■	■	■	■	■	■	■			■	■	■		
PEOPLE'S PROCURATORATES										■	■			
COURTS													■	■



DEMOCRATIC REPUBLIC OF CONGO

SUMMARY

Species of Concern

There are three species of great apes native to the Democratic Republic of Congo (DRC):

- Bonobo (*Pan paniscus*)
- Chimpanzee (*Pan troglodytes*)
- Eastern gorilla (*Gorilla beringei*)

The gorillas and chimpanzees are migratory, and some of their populations can be found along the DRC's borders with the Republic of Congo, Uganda, Burundi, and Rwanda.

Both Eastern gorilla (*Gorilla beringei*) subspecies, the Mountain gorilla (*G. b. beringei*) and the Grauer's gorilla (*G. b. graueri*), are found in the east near the Burundi - Rwanda - Uganda border. The Eastern chimpanzee's (*P. t. schweinfurthii*) range lies in the north and east of the country; while the Central chimpanzee (*P. t. troglodytes*) occurs in a small pocket in the west, along the border with the Republic of Congo. The Bonobo (*Pan paniscus*) is found in central DRC.

International Protection and Agreements

The IUCN Red List classifies the *Gorilla beringei* as critically endangered (CE), and the *Pan troglodytes* and the *Pan paniscus* as endangered (EN).

They are also protected under CITES Appendix I, which limits international commercial trade. The DRC ratified this treaty in 1976 and has implementing legislation that CITES assesses as Category 1 (i.e. it generally meets CITES implementation requirements).

DRC is signatory to an additional seven international agreements that are key to controlling the illegal wildlife trade:

- Convention on Migratory Species
- CMS - Gorilla Agreement
- UNCAC
- UNTOC
- AU Convention on Conservation of Nature (ratification pending)
- SADC Protocol on Wildlife Conservation Law Enforcement (ratification pending)

The DRC is eligible for, but has not yet signed, one additional agreement important to IWT: the WCO Nairobi Convention (a treaty relevant to customs cooperation between countries to prevent smuggling of products, including wildlife products).

National Legal Framework

The core legal framework governing wildlife trade in the DRC includes 15 pieces of legislation (nine laws and six regulations) belonging to seven different legal areas. Of these, the following are considered the primary pieces of legislation:

- Nature Conservation Law
- Protected Animal Species Order
- CITES implementing regulation
- Decree establishing the Congolese Institute for the Conservation of Nature
- Hunting Law
- Hunting and Trading Fees Decree
- Hunting Regulation
- Decree establishing Protected Areas Corps

Domestic Protection

All of the DRC's native great ape species, along with the non-native *Gorilla gorilla*, are afforded strict protection by domestic listing in

the DRC: they are not to be hunted, captured, harmed, kept in captivity, or traded unless a special permit is obtained (see the section Nature Conservation Law later in this profile).

To the extent it protects non-native species by domestic listing, the DRC follows a legal pattern also observed in China, Cambodia, and Myanmar.

There are, however, still gaps. Other non-native great apes and gibbon species lack domestic protection. Discovery of these smuggled animals or wildlife products may be penalized under the customs and CITES implementing legislation, but would not be subject to other domestic trade restrictions.

Management and Enforcement Authorities

There are at least 12 different authorities with competences to deal with wildlife-trade issues in the DRC.

The primary authority is the Congolese Institute for the Conservation of Nature, which comes under the umbrella of the Ministry of Environment, Conservation and Tourism. This ministry also has enforcement authority to ensure compliance with relevant laws and the power to investigate offenses together with the customs and police authorities.



DRC: GREAT APES SPECIES RANGE DISTRIBUTION



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The three native great ape species – gorillas, chimpanzees, and bonobos – are legally protected in the DRC, along with the non-native *Gorilla gorilla*. All other non-native great ape and gibbon species are protected under CITES Appendix I, and are thus subject to highly restricted global trade. If, however, they are smuggled into the country, they do not benefit from full domestic legal protections.

2018 DRC PROTECTION STATUS		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>		✓	CITES-Appendix I
	<i>Gorilla beringei</i>	⊙	✓	CITES-Appendix I
Orangutans	<i>Pongo abelii</i>			CITES-Appendix I
	<i>Pongo pygmaeus</i>			CITES-Appendix I
	<i>Pongo tapanuliensis</i>			(*)
Chimpanzees	<i>Pan troglodytes</i>	⊙	✓	CITES-Appendix I
Bonobos	<i>Pan paniscus</i>	⊙	✓	CITES-Appendix I
Gibbons	<i>Hylobates lar</i>			CITES-Appendix I
	<i>Hylobates pileatus</i>			CITES-Appendix I
	<i>Bunopithecus hoolock</i>			CITES-Appendix I
	<i>Hylobates agilis</i>			CITES-Appendix I
	<i>Hylobates albibarbis</i>			CITES-Appendix I
	<i>Hylobates klossii</i>			CITES-Appendix I
	<i>Hylobates moloch</i>			CITES-Appendix I
	<i>Hylobates muelleri</i>			CITES-Appendix I
	<i>Symphalangus syndactylus</i>			CITES-Appendix I
	<i>Nomascus siki</i>			CITES-Appendix I
	<i>Nomascus annamensis</i>			CITES-Appendix I
	<i>Nomascus nasutus</i>			CITES-Appendix I
	<i>Nomascus gabriellae</i>			CITES-Appendix I
	<i>Nomascus hainanus</i>			CITES-Appendix I
	<i>Nomascus concolor</i>			CITES-Appendix I
	<i>Nomascus leucogenys</i>			CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

(*) Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties



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The DRC ratified CITES in 1976. It has also signed five other agreements related to wildlife–trade issues. The AU Convention on the Conservation of Nature, and the SADC Protocol on Wildlife Conservation and Enforcement have not yet been ratified.

DRC Participation in IWT-Related International Agreements

1963 INTERPOL Constitution

❖ 1976 CITES

1982 INTERPOL Rules on the Processing of Data

1983 ECCAS Treaty

❖ 1988 WCO-International Convention on the Harmonized Commodity Description and Coding System

❖ 1990 Convention on Migratory Species (CMS)

1995 Convention on Biological Diversity (CBD)

1997 SADC Southern African Development Community Treaty

1997 WTO-Agreement on Sanitary and Phytosanitary Measures

❖ 2005 UN Convention Against Transnational Organized Crime

❖ 2008 CMS-Gorilla Agreement

❖ 2010 UN Convention Against Corruption

❖ *pending* AU-Convention on Conservation of Nature

pending AU-Convention on Corruption

❖ *pending* SADC-Protocol on Wildlife Conservation and Law Enforcement

pending SADC Protocol on the Control of Firearms, Ammunition and other related Materials

pending SADC-Protocol on Mutual Legal Assistance in Criminal Matters

pending SADC-Protocol on Forestry

pending Agreement Establishing a Tripartite Free Trade Area among COMESA, EAC and SADC

pending WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended

pending OAU Convention on the Prevention and Combating of Terrorism

pending Protocol of the OAU Convention on the Prevention and Combating of Terrorism

❖ *none* WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)

none WCO-Convention A.T.A. Carnet for the temporary admission of goods

none WCO-Convention on Temporary Admission (Istanbul Convention)

none AU-African Maritime Transport Charter (Revised)

none AU-Phyto-Sanitary Convention for Africa

none AU-Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)

none ECCAS-Protocol on Transit and Transit Facilities

none UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

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Nine laws and six regulations belonging to seven different legal areas constitute the core legal framework governing wildlife trade in the DRC.

Wildlife Trade Legal Framework In Democratic Republic Of The Congo

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy



https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Democratic_Republic_of_the_Congo/legal_strategy

Wildlife Trade Legal Framework In Democratic Republic Of The Congo

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Nature Conservation Law	Hunting Law	Criminal Code
	Environmental Protection Law	Forest Code	CEMAC Regulation on Anti-Money Laundering and Terrorism Financing
	Firearms and Ammunition Law	Criminal Procedure Code	
National Regulation	Protected Animal Species Order	CITES Implementing Regulation	Decree establishing the Congolese Institute for the Conservation of Nature
	Decree establishing the Protected Areas Corps (CorPPN)	Hunting Regulation	Hunting and Trading Fees Decree

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Democratic_Republic_of_the_Congo/legal_hierarchy

PRIMARY LEGISLATION (8)

3/2014

Nature Conservation
Law

Democratic Republic of Congo's Nature Conservation Law is the primary legislation promoting the conservation of biological diversity and is directly related to wildlife trade. The law grants the State permanent sovereignty over natural and biological resources (Art 3). It requires the classification of species into totally and partially protected (Art 13) and grants protection depending on that classification. The possession, transport and trade of wild animals is prohibited (Art 14). The law also contains an entire chapter dedicated to international trade in protected species (Arts 63–67). Offences for crimes related to wildlife are described in Arts 71 (possession, transport), Art 72 (hunting), offences against protected species (Art 78), and international wildlife trade offences (Arts 79–80).

20/2006

Protected Animal
Species Order

Democratic Republic of Congo's Protected Animal Order is a primary piece of legislation in the regulation of wildlife trade as it establishes the list of totally (Annex I) and partially (Annex II) protected animals in the country. Elephants, Rhinos, Chimpanzees, Bonobos and Gorillas are some of the animals included in Annex I.

56/2000

CITES Implementing
Regulation

Democratic Republic of the Congo's CITES Implementing Regulation is the legal instrument that transposes the text of this Convention into the national system. The CITES Convention is the most important Multilateral Environmental Agreement (MEA) governing international wildlife trade at international level. This law establishes DRC's CITES Management and Scientific Authorities, (Art 6.12), the list of species covered by the Regulation (Art. 4–5) and rules for the international trade of those species, included the issuance of permits (Arts. 13–23), their validity (Art 24–30), captive breeding activities (Art 32–34), enforcement and establishment of offences (Art. 40–44).

15/2010

Decree establishing
the Congolese
Institute for the
Conservation of
Nature

Democratic Republic of Congo's Decree establishing the ICCN is the legal instrument setting the foundations of this institution, which is the national CITES Management Authority. It is directly related to wildlife trade since it determines the existence of eco-guards and 'conservation agents' under its umbrella. Also the CITES Scientific Authority for great apes and other fauna is under its control.

2/1982

Hunting Law

Democratic Republic of Congo's Hunting Law is the umbrella legislation regulating hunting activities in the country and it contains several provisions indirectly related to wildlife trade. It defines types of hunting, weapons to be used, season, guide

and licences requirements. It classifies game animals in three categories: totally, partially and non-protected animals (Art 26). The exploitation of wildlife through hunting or any other mean without the appropriate authorisation is prohibited.

3/2006	Hunting and Trading Fees Decree	Democratic Republic of Congo's Hunting and Trading Fees Decree implements the Hunting Law by establishing the payable fees for the hunting permits. It also sets fees for the import and export of protected and non-protected animals and their products, and the validity of the certificates of origin.
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14/2004	Hunting Regulation	Democratic Republic of Congo's Hunting Regulation implements the Hunting Law by establishing the conditions, limits, and procedures that regulate hunting activities in the country.
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12/2015	Decree establishing the Protected Areas Corps (CorPPN)	Democratic Republic of Congo's Decree establishing the Protected Areas Corps (CorPPN) is the instrument setting the bases for the national enforcement authority in charge of the protection of fauna. It regulates its structure and composition.
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RELATED LEGISLATION [7]

35/1985	Firearms and Ammunition Law	Democratic Republic of Congo's Firearms and Ammunition Law is the umbrella legislation regulating weapons and ammunition. It is indirectly related to wildlife trade since its provisions will apply to the act of hunting, determining the legality of weapons and ammunition used.
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9/2011	Environmental Protection Law	Democratic Republic of Congo's Environmental Protection Law is the umbrella legislation managing the protection of natural resources, which includes animals (Art 2) and is therefore applicable to wildlife trade. The State, provinces and territorial entities are entrusted with the sustainable management of natural resources (Art. 32). Although it does not include a specific reference to wildlife trade, it establishes primary measures for environmental protection and thus, is the origin of provisions more specifically identified in other laws.
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11/2002	Forest Code	Democratic Republic of Congo's Forest Code is the umbrella legislation for the management of its forests, including their conservation. It regulates the use of 'forest products', a concept from which animals are excluded (Art 1.2&3). This law contains only a few provisions indirectly related to wildlife trade. Art. 3 states that this Code aims at protecting the natural habitat of fauna. Art 51 establishes that the competent forestry authority may issue the necessary restrictions to
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protect biological diversity.

-/1940

Criminal Code

Democratic Republic of Congo's Criminal Code has several provisions related to wildlife trade. This law regulates illicit activities that might occur along the wildlife trade chain, such as seal forgery (Art. 121–122). Other crimes that may be related to wildlife trade are participating in armed gangs (Arts 202–205) and corruption related activities (Arts 147–159). Organized crime is defined in Arts. 156–159. Other articles that are indirectly related are those defining attempt (Art. 4) and participation (Art 21).

-/1959

Criminal Procedure
Code

Democratic Republic of Congo's Criminal Procedure Code regulates how crimes are investigated and prosecuted generally. Although it does not include specific reference to wildlife trade crimes, its provisions are to be applied in all investigation and prosecution cases related to this topic.

1/2016

CEMAC Regulation
on Anti-Money
Laundering and
Terrorism Financing

Democratic Republic of Congo's Cameroon's Anti-Money Laundering and Terrorism Financing Law takes a predicate offense approach, including environmental crimes as one of them. This may include wildlife trade offences to the extent they are defined elsewhere in national legislation. Cameroon, DRC, Congo, Gabon, Chad and Equatorial Guinea share the same Anti-Money Laundering and Terrorism Financing Law. The law (Regulation 01/2016) emanates from the Central African Economic and Monetary Community (CEMAC) and it is directly applicable pursuant Art. 41 of the CEMAC Treaty. Although DRC is not a member of CEMAC, in September 2017 it concluded an agreement with its Action Group against Money Laundering (GABAC) to become an associated member in these matters. Anti-money laundering acts are applicable in DRC pursuant to Art. 2 of that Agreement.

-/2011

Constitution

Democratic Republic of Congo's Constitution contains some articles that are related to wildlife trade. It states that fauna conservation, capturing, hunting and breeding are competences of the State (Art 202). Any act which has the consequence of depriving the Nation or physical persons of all or part of their means of existence drawn from their natural resources or their wealth constitutes an act of pillage punishable by the law (Art 56).

MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
NATIONAL ASSEMBLY	■													
COUNCIL OF MINISTERS	■													
MINISTRY OF ENVIRONMENT, CONSERVATION OF NATURE AND TOURISM	■		■			■								
Minister						■								
Secretary General					■	■	■	■	■	■				
Directorate of Fauna Resources and Hunting						■								
Congolese Institute for the Conservation of Nature (CITES-MA)	■	■					■	■	■	■		■	■	■
Zoological Garden of Kinshasa (CITES-SA Coordinator)		■						■			■		■	
PROVINCE GOVERNOR						■								
TERRITORIES ADMINISTRATOR					■	■								
LOCAL AUTHORITIES						■								
DIRECTOR OF THE HUNTING RESERVE						■								

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In the DRC, a public enterprise under the umbrella of the Ministry of Environment, Conservation and Tourism, the Congolese Institute for the Conservation of Nature, plays a leading role in the management of wildlife within national parks and reserves.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
MINISTRY OF ENVIRONMENT, CONSERVATION OF NATURE AND TOURISM														
Congolese Institute for the Conservation of Nature										■	■	■		■
CITES MA Agents										■	■			■
Conservation Agents	■	■	■	■								■		
Eco-Guards	■	■	■	■								■		
NATIONAL POLICE	■	■	■	■								■		
GENERAL DIRECTORATE OF CUSTOMS AND EXCISE	■		■							■				
PROSECUTORS										■				
JUDICIAL POLICE					■	■	■	■	■	■	■			
COURTS													■	■



GUINEA

SUMMARY

Species of Concern

There is only one species of great ape native to Guinea: Western chimpanzee (*Pan troglodytes verus*)

Its range covers almost the entire country. It is also a migratory species, and some of the populations can be found along Guinea's borders with Ivory Coast, Liberia, Mali, and Sierra Leone.

International Protection and Agreements

The IUCN Red List classifies the Pan troglodytes as endangered (EN).

It is also protected under CITES Appendix I, which limits international commercial trade. Guinea ratified this treaty in 1981 and has implementing legislation that CITES assesses as Category 21 (i.e. it generally does not meet all CITES implementation requirements).

In addition to CITES, Guinea is a signatory to five international agreements that are key to controlling the illegal wildlife trade:

- AU Convention on Conservation of Nature

- Convention on Migratory Species
- UNCAC
- UNTOC
- WCO – International Convention on the Harmonized Commodity Description and Coding System

Guinea is eligible for, but has not signed, one other agreement important to IWT: the WCO Nairobi Convention (a treaty relevant to customs cooperation between countries to prevent smuggling of products, including wildlife products).

National Legal Framework

The core legal framework governing wildlife trade in Guinea includes 12 pieces of legislation (10 laws and two regulations) belonging to eight different legal areas. Of these, the following are considered the primary pieces of legislation:

- Wildlife Law
- Livestock and Animal Products Law
- Hunting Closure Order
- Hunting Fees Order Nature Conservation Law

Domestic Protections

Guinea is one of three countries in this review that provides complete domestic protection to its native great ape species along with all non-native great ape and gibbon species. These species may not be traded unless a special permit is obtained.

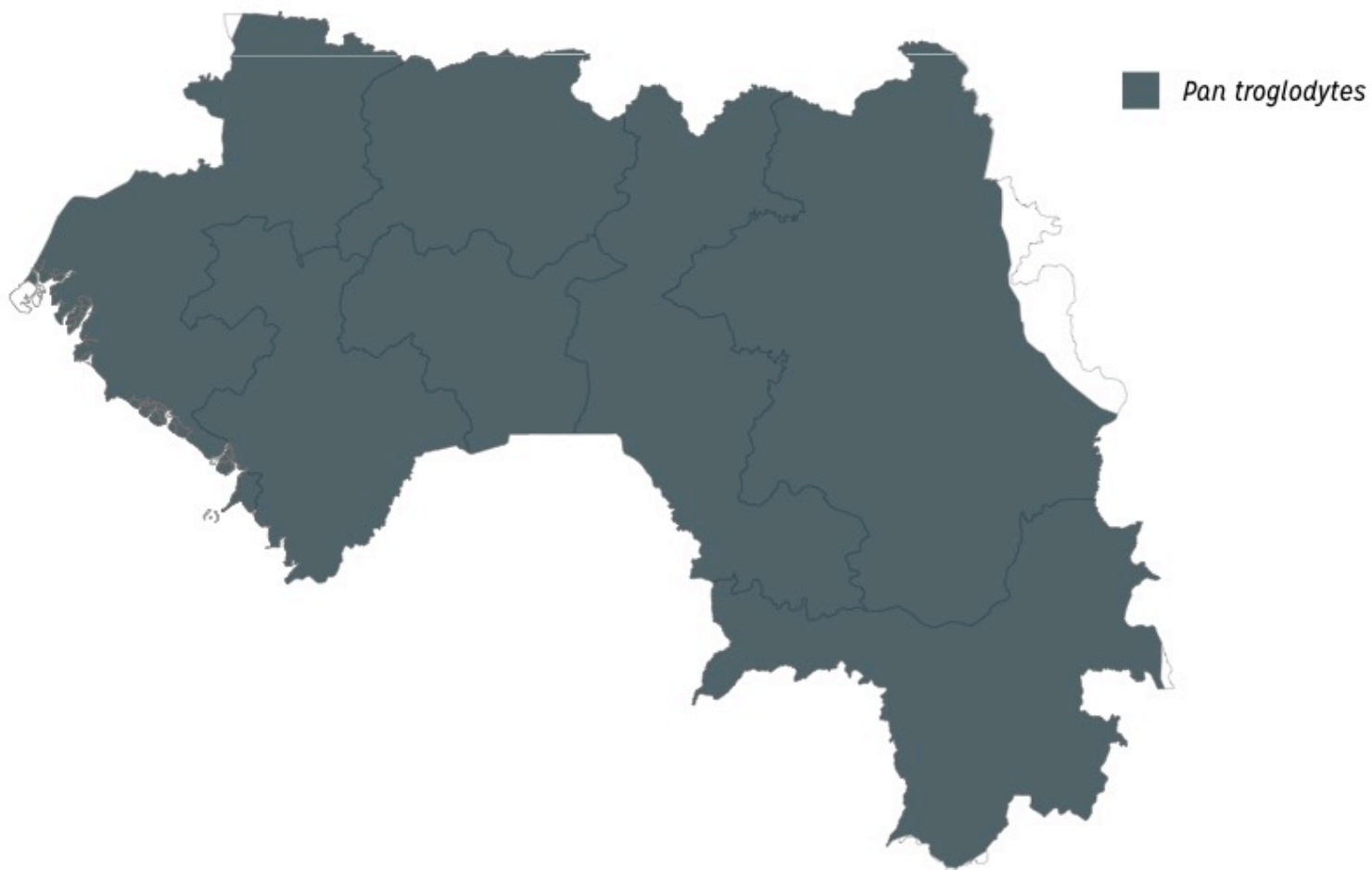
Management and Enforcement Authorities

There are at least 10 different authorities with competences to deal with wildlife-trade issues in Guinea.

The primary is the National Directorate of Water and Forest (part of the Ministry of Environment, Water and Forestry). This ministry has enforcement authority and the power to investigate offenses together with the customs and police authorities.

¹ Guinea passed a new wildlife law in 2018, and this may change the CITES assessment, dated on December 2017.

Guinea: GREAT APE SPECIES RANGE DISTRIBUTION



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Guinea has a comprehensive listing approach for great apes and gibbons, with all 23 existing species being legally protected at the domestic level, even though only chimpanzees are native to the country.

2018 Guinea PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>		✓	CITES-Appendix I
	<i>Gorilla beringei</i>		✓	CITES-Appendix I
Orangutans	<i>Pongo abelii</i>		✓	CITES-Appendix I
	<i>Pongo pygmaeus</i>		✓	CITES-Appendix I
	<i>Pongo tapanuliensis</i>		✓	(*)
Chimpanzees	<i>Pan troglodytes</i>	☉	✓	CITES-Appendix I
Bonobos	<i>Pan paniscus</i>		✓	CITES-Appendix I
Gibbons	<i>Hylobates lar</i>		✓	CITES-Appendix I
	<i>Hylobates pileatus</i>		✓	CITES-Appendix I
	<i>Bunopithecus hoolock</i>		✓	CITES-Appendix I
	<i>Hylobates agilis</i>		✓	CITES-Appendix I
	<i>Hylobates albibarbis</i>		✓	CITES-Appendix I
	<i>Hylobates klossii</i>		✓	CITES-Appendix I
	<i>Hylobates moloch</i>		✓	CITES-Appendix I
	<i>Hylobates muelleri</i>		✓	CITES-Appendix I
	<i>Symphalangus syndactylus</i>		✓	CITES-Appendix I
	<i>Nomascus siki</i>		✓	CITES-Appendix I
	<i>Nomascus annamensis</i>		✓	CITES-Appendix I
	<i>Nomascus nasutus</i>		✓	CITES-Appendix I
	<i>Nomascus gabriellae</i>		✓	CITES-Appendix I
	<i>Nomascus hainanus</i>		✓	CITES-Appendix I
	<i>Nomascus concolor</i>		✓	CITES-Appendix I
	<i>Nomascus leucogenys</i>		✓	CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

(*) Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties

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Guinea has been party to CITES since 1981. It has signed five other agreements important to wildlife–trade issues. It is eligible for, but has not signed, the WCO Nairobi Convention.

GUINEA Participation in IWT-Related International Agreements

1961 INTERPOL Constitution

❖ 1981 CITES

1982 INTERPOL Rules on the Processing of Data

1993 Convention on Biological Diversity (CBD)

❖ 1993 Convention on Migratory Species (CMS)

1993 ECOWAS Treaty (Revised)

1995 WTO-Agreement on Sanitary and Phytosanitary Measures

❖ 1998 WCO-International Convention on the Harmonized Commodity Description and Coding System

2003 OAU Convention on the Prevention and Combating of Terrorism

❖ 2004 UN Convention Against Transnational Organized Crime

❖ 2007 AU-Convention on Conservation of Nature

2011 Protocol of the OAU Convention on the Prevention and Combating of Terrorism

2012 AU-Convention on Corruption

❖ 2013 UN Convention Against Corruption

❖ none WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)

none WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended

none WCO-Convention A.T.A. Carnet for the temporary admission of goods

none WCO-Convention on Temporary Admission (Istanbul Convention)

none AU-African Maritime Transport Charter (Revised)

none AU-Phyto-Sanitary Convention for Africa

none AU-Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)

none UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

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Ten laws and two regulations belonging to eight different legal areas constitute the core legal framework governing wildlife trade in Guinea.

Wildlife Trade Legal Framework In Guinea

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy

Administrative	Agriculture	Animal	Civil Procedure	Commerce	Constitutional
Criminal	Cultural Heritage	Customs & Trade	Defense & Security	Economics	Education
Employment	Energy	Environment	Finance	Health	Human Rights
Immigration	Industrial	Insurance	Intellectual Property	Labor	Land Tenure & Planning
Marine & Admiralty Law	Natural Resources	Political Parties & Elections	Services	Taxation	Telecom & Media
Transportation					

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Guinea/legal_strategy

Wildlife Trade Legal Framework In Guinea

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Livestock and Animal Products Law	Wildlife Law	Criminal Code
	Criminal Procedure Code	Environmental Protection Law	Environmental Protection Law (1996 Amendment)
	Anti-Money Laundering Law	Customs Law	Mining Law
	Firearms Law		
National Regulation	Hunting Closure Order	Hunting Fees Order	

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Guinea/legal_hierarchy

PRIMARY LEGISLATION (4)

-/2018

Wildlife Law

Guinea's Wildlife Law is the main legislation governing wildlife trade and protecting any wild animal (including migratory species) found in the national territory (Art. 5, 50). This law permits the trade of Fully Protected Species only to holders of science, research, and wildlife farming licenses (Art. 58, 125). Partially Protected Species can be held in captivity only by those who hold permits for hunting, science, research, and authorized breeding (Art. 62). However, the possession, transport, and trade of elephant tusks, teeth, and trophies and remains of protected animals in the national territory is prohibited. (Art. 124). The illegal trade in wildlife products or bushmeat is penalized with imprisonment from 6 months to 5 years, and/or a fine of 10–50 million GNF, with imprisonment being mandatory for illegal bushmeat sale of Fully Protected Species (Art. 168–170). The law extensively regulates various aspects of hunting, including, permits, weapons, seasons, tourism, and products (Chapter XII–XIV). To ensure protection and conservation wildlife, this law establishes protected areas (Art. 11), where Integral Nature Reserves (Art. 13), Natural Areas (Art. 15), and National Parks (Art. 16) offer the strongest protections to wildlife, prohibiting, hunting and harm to wild animals. Hunting is managed in Areas of Hunting Interest (Art. 31), Hunting Areas (Art. 33), Managed Nature Reserves (Art. 19), Wildlife Ranches (Art. 42).

46/1995

Livestock and Animal Products Law

Guinea's Livestock And Animal Products Law is a primary wildlife trade law covering several aspects of the wildlife trade chain. Provisions in Book I–Title IV–Chapter 3 and Book V–Title II–Chapter 3 regulate the phytosanitary conditions surrounding import and export of animals and animal products. This law requires the protection of wildlife through maintaining a harmonious balance between wild animals and farming (Art. 207). Titles II & III of Book I set forth stipulations for animals in captivity and their breeding, with animal product sanitary requirements detailed in Book V–Titles I & II. Offences and penalties are described in several articles (Art. 217, 218, & 220–225). Offenses include illegal wildlife export, attacks on protected wildlife, and animal cruelty. Penalties range from imprisonment for 3 months to 3 years and fines of 100,000 to 2,000,000 Guinean Francs.

1434/2016

Hunting Closure Order

Guinea's Hunting Closure Order is directly related to wildlife trade as it details a closed hunting period from 30 April 2016 to 15 December 2016. Art. 2 defines the hunting limitations. The authorities in charge with the enforcement powers to implement this law are listed in Art. 3.

672/2005

Hunting Fees Order

Guinea's Hunting Fees Order is a primary piece of legislation regulating wildlife trade. It sets the fees for (i) hunting and scientific hunting permits (Art. 1, 2 & 4), (ii) commercial catching licenses (Art. 3) and certificate of origin of wild animals and trophies for export (Art. 5).

RELATED LEGISLATION [8]

45/1987

Environmental
Protection Law

Guinea's Environmental Protection Law contains a few articles directly related to wildlife trade. It prohibits any action that may cause damage to wildlife species (Art 49), and lists issues that must be further developed by Decree, among them, the list of protected species (Art. 50). Art 51 requires authorization for captive breeding activities and zoos (Art. 51). Chapter 2 contains related procedural and enforcement provisions and Chapter 3 defines two offences related to wildlife. Breaches of these provisions are penalized with economic fines and imprisonment (Art. 107 & 108).

12/1996

Environmental
Protection Law (1996
Amendment)

Guinea's Environmental Protection Law (1996 Amendment) increases some of the economic fines for breaches of wildlife protection provisions.

59/2016

Criminal Code

Guinea's Criminal Code has no specific provision directly related to wildlife trade, however, some of the offences described may be applicable in certain cases such as: animal cruelty against captive animals (Art. 1007–1009) and forgery (Arts 594–601). Art 499 describes money laundering offences, and Arts 771–776 corruption offences. Organized crime is defined in Art 375.

60/2016

Criminal Procedure
Code

Guinea's Criminal Procedure Code regulates how crimes are investigated and prosecuted generally. Its provisions are to be applied in all investigation and prosecution cases related to wildlife trade crimes. In particular, the investigation of actions against Wildlife, Forestry and Hunting Laws is attributed to the Nature Conservation Paramilitary Corps (Art. 26). Their powers are defined in Section IV. Stipulations regarding the placement and handling of confiscated animals are detailed in Art. 173.

7/2015

Customs Law

Guinea's Customs Law regulates the incoming and outgoing traffic of goods into or from the national territory and the collection of the import duties. Specifically, this law prohibits the import or export of goods that affect environmental preservation (Art. 56). It contains several articles related to wildlife trade, notably those regulating the: – fulfillment of customs formalities (Title III–Chapters I & II), – storage (Title IV–Chapter V) and, – liabilities for import duties (Title I–

Chapter V). The powers of customs officials are covered in Title II–Chapter IV and Articles 67–68. Article 67 permits the use of firearms by custom officers to control illegally imported or exported animals. Offences and penalties are described in Title XI–Chapter V, ranging from 15 days to 3 years imprisonment and fines up to 50 million Guinean Francs or 5 times values of the goods. The offences include false declarations (Art. 418) and smuggling (Art. 421, 422, 424–426). Enforcement powers are listed in Title XI–Chapter II, and provisions related to judicial proceedings in Title XI–Chapters III & IV.

10/2006

Anti-Money- Laundering
Law

Guinea’s Anti-Money Laundering Law uses an all crimes approach. Articles 1 and 2 state that liability under this law arises for any criminal offence that results in an economic benefit. This may include wildlife trade offences to the extent they are so defined elsewhere in national legislation.

6/2011

Mining Law

Guinea’s Mining Law has one article that regulates wildlife trade. Article 143 protects animals by requiring that mining activities occur in a manner that protects biodiversity and ecosystems.

8/1996

Firearms Law

Guinea’s Firearms Law is applicable to wildlife trade as it regulates weapons and ammunition. Its provisions will apply to the act of hunting, determining the legality of weapons and ammunition used. The law classifies the different types of arms per categories. Hunting weapons and ammunition are classified as ‘Category 5’ (Art. 2). Art 9 requires a permit to acquire and possess them. Further rules may be found in Ministerial Regulations.

-/2010

Constitution

Guinea’s Constitution contains no article directly related to wildlife trade. However, some of its provisions may be relevant. The state is responsible for the protection of the environment (Art. 16) and uses laws to define the fundamental principles of environmental protection (Art. 72). Any action by the President threatening the maintenance of a healthy and sustainable environment is considered high treason (Art. 119).

MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
NATIONAL ASSEMBLY	■													
PRESIDENT'S OFFICE	■													
MINISTRY OF ENVIRONMENT, WATER AND FORESTS	■		■	■	■	■	■	■	■	■			■	■
General Directorate of Nature Conservation (CITES-MA)							■	■	■	■			■	■
National Directorate of Water and Forests (DNEF)	■		■	■	■	■								
GAMAL ABDEL NASSER UNIVERSITY OF CONKARY (UGANC)														
Department of Biology (CITES-SA)		■	■											
MINISTRY OF NATIONAL EDUCATION & SCIENTIFIC RESEARCH			■										■	
LOCAL GOVERNMENT						■								

”

The primary Guinean authority dealing with wildlife trade is the National Directorate of Water and Forest (Ministry of Environment, Water and Forestry), which has enforcement authority to supervise the fulfillment of wildlife rules and investigate wildlife offenses.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
MINISTRY OF ENVIRONMENT, WATER AND FORESTS														
National Directorate of Water and Forests (DNEF)													■	
Nature Conservation Paramilitary Corps	■		■		■				■	■	■	■		
Sworn Forest Officers	■		■		■				■	■	■	■		
JUDICIAL POLICE					■	■	■	■	■	■	■			
MINISTRY OF BUDGET														
General Directorate of Customs			■	■	■	■	■		■	■		■		
MINISTRY OF STATE														
National Police	■	■	■	■	■				■	■	■	■		
COURTS													■	■



SUMMARY

Species of Concern

There are 10 great ape and gibbon species native to Indonesia, including Orangutan (all three species of *Pongo*) and seven species of gibbons (six *Hylobates* and the *Symphalangus syndactylus*):

- Bornean orangutan (*Pongo pygmaeus*)
- Sumatran orangutan (*Pongo abelii*)
- Tapanuli orangutan (*Pongo tapanuliensis*)
- Agile gibbon (*Hylobates agilis*)
- Bornean White-bearded gibbon (*Hylobates albibarbis*)
- Kloss's gibbon (*Hylobates klossii*)
- Müller's gibbon (*Hylobates muelleri*)
- Lar gibbon (*Hylobates lar*)
- Silvery Javan gibbon (*Hylobates moloch*)
- Siamang gibbon (*Symphalangus syndactylus*)

All of these are found mostly in the islands of Sumatra and Borneo, except for the Silvery Javan gibbon (*H. moloch*), found in Java, and the Kloss's gibbon (*H. klossii*), in the Mentawai islands. The two species native to Borneo (the Bornean Orangutan and Müller's Gibbon) are

also found in the two other countries whose territory shares the island: Malaysia and Brunei.

International Protection and Agreements

The IUCN Red List classifies all orangutan species as critically endangered (CE) and gibbon species as endangered (EN). They are all protected under CITES Appendix I, which limits international commercial trade. Indonesia ratified this treaty in 1979 and has implementing legislation that CITES assesses as Category 1 (i.e. it generally meets CITES implementation requirements).

Indonesia is also a signatory to five other international agreements that are critical to controlling the illegal wildlife trade:

- The ASEAN Agreement on the Conservation of Nature and Natural Resources
- UNCAC
- UNTOC
- 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

The Convention on Migratory Species (which does not include great ape or gibbon species native to Indonesia, but does include other Indonesian wildlife) is an important agreement related to IWT that has not been signed by the country.

National Legal Framework

The core legal framework governing wildlife trade in Indonesia includes 19 pieces of legislation (14 laws and five regulations) belonging to eight different legal areas. Of these, the following are considered the primary pieces of legislation:

- Conservation of Living Resources and their Ecosystems Act
- Wildlife Regulation (Preservation)
- Wildlife Regulation (Use)
- Wildlife Hunting Regulation

- Quarantine Law

Domestic Protections

All Indonesian native species are domestically protected: it is prohibited to keep, possess, transport, or trade them other than for research or conservation purposes, as per the Wildlife Regulation (Preservation).

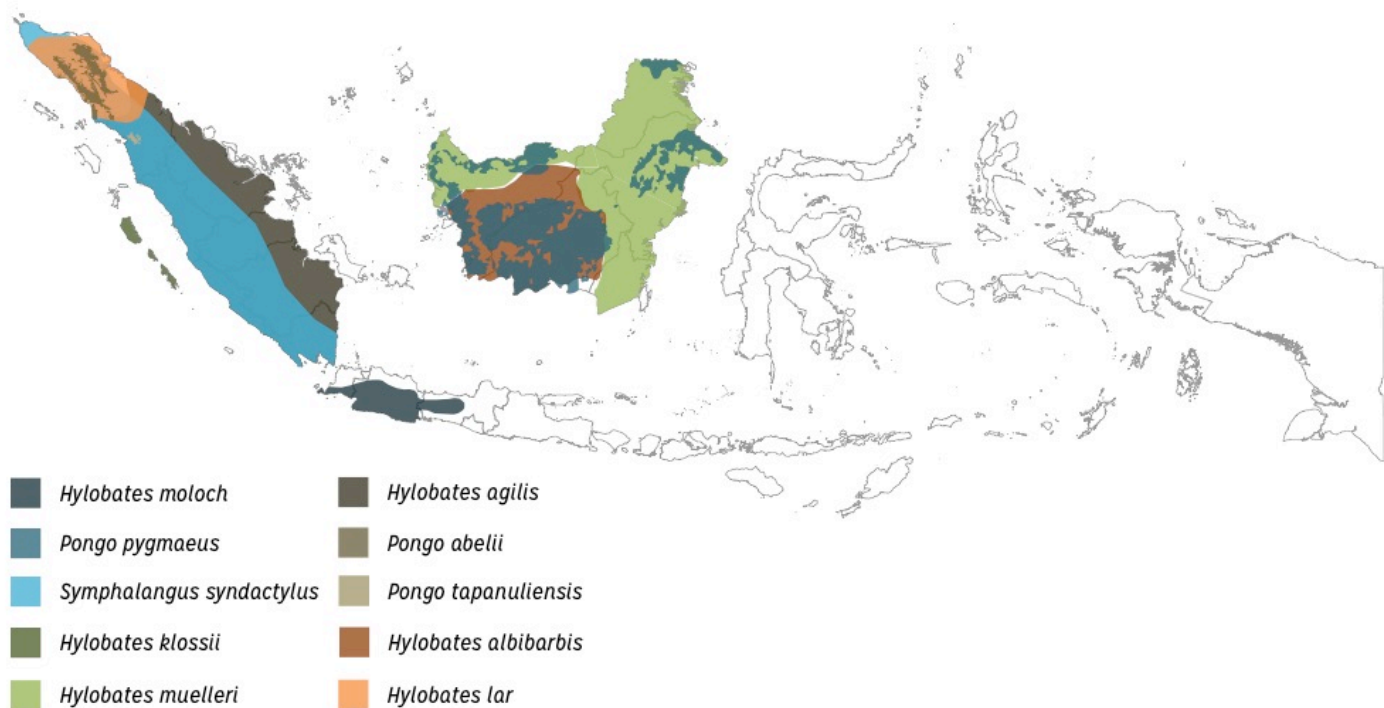
There are still gaps in the protection framework: non-native species lack domestic protection. If they make their way into the country, they may be hunted, harmed, transported, captured, and traded without any legal consequence.

Management and Enforcement Authorities

There are at least five national authorities with competences to deal with wildlife-trade issues in Indonesia.

The primary authority is the Ministry of Environment, through its Directorate General of Ecosystem and Natural Resources Conservation. The ministry also has enforcement authority and the power to investigate offenses together with Customs and national Police.

Indonesia: GREAT APES AND GIBBON SPECIES RANGE DISTRIBUTION



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All 10 native great ape and gibbon species are legally protected in Indonesia. Non-native great ape and gibbon species are protected under CITES Appendix I, and are thus subject to highly restricted global trade. If, however, they are smuggled into the country, they do not benefit from full domestic legal protections.

2018 Indonesia PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>			CITES-Appendix I
	<i>Gorilla beringei</i>			CITES-Appendix I
Orangutans	<i>Pongo abelii</i>	⊙	✓	CITES-Appendix I
	<i>Pongo pygmaeus</i>	⊙	✓	CITES-Appendix I
	<i>Pongo tapanuliensis</i>	⊙	✓	(*)
Chimpanzees	<i>Pan troglodytes</i>			CITES-Appendix I
Bonobos	<i>Pan paniscus</i>			CITES-Appendix I
Gibbons	<i>Hylobates lar</i>	⊙	✓	CITES-Appendix I
	<i>Hylobates pileatus</i>			CITES-Appendix I
	<i>Bunopithecus hoolock</i>			CITES-Appendix I
	<i>Hylobates agilis</i>	⊙	✓	CITES-Appendix I
	<i>Hylobates albibarbis</i>	⊙	✓	CITES-Appendix I
	<i>Hylobates klossii</i>	⊙	✓	CITES-Appendix I
	<i>Hylobates moloch</i>	⊙	✓	CITES-Appendix I
	<i>Hylobates muelleri</i>	⊙	✓	CITES-Appendix I
	<i>Symphalangus syndactylus</i>	⊙	✓	CITES-Appendix I
	<i>Nomascus siki</i>			CITES-Appendix I
	<i>Nomascus annamensis</i>			CITES-Appendix I
	<i>Nomascus nasutus</i>			CITES-Appendix I
	<i>Nomascus gabriellae</i>			CITES-Appendix I
	<i>Nomascus hainanus</i>			CITES-Appendix I
	<i>Nomascus concolor</i>			CITES-Appendix I
	<i>Nomascus leucogenys</i>			CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

(*) Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties

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Indonesia ratified CITES in 1979. It is signatory to five international agreements that are important to controlling IWT, and is also eligible for, but has not yet signed, one key convention: the Convention on Migratory Species.

INDONESIA Participation in IWT-Related International Agreements

1956 INTERPOL Constitution

❖ 1979 CITES

1982 INTERPOL Rules on the Processing of Data

❖ 1986 ASEAN-Agreement on the Conservation of Nature and Natural Resources

❖ 1993 WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)

1994 Convention on Biological Diversity (CBD)

1995 ASEAN Free Trade Agreement (AFTA)

1995 WTO-Agreement on Sanitary and Phytosanitary Measures

❖ 1995 WCO-International Convention on the Harmonized Commodity Description and Coding System

❖ 2006 UN Convention Against Corruption

❖ 2009 UN Convention Against Transnational Organized Crime

2007 ASEAN-Tourism Agreement

2008 ASEAN-Mutual Legal Assistance in Criminal Matters

2014 ASEAN-Agreement on Customs

2014 WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention)

2014 WCO-Convention on Temporary Admission (Istanbul Convention)

❖ *none* Convention on Migratory Species (CMS)

none WCO-Convention A.T.A. Carnet for the temporary admission of goods

none UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

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14 laws and five regulations belonging to eight different legal areas constitute the core legal framework governing wildlife trade in Indonesia.

Wildlife Trade Legal Framework In Indonesia

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy



https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Indonesia/legal_strategy

Wildlife Trade Legal Framework In Indonesia

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Conservation of Living Resources and their Ecosystems Act	Quarantine Law	Customs Law
	Criminal Procedure Code	Environmental Protection Law	Customs Law
	Customs Law (2006 Amendment)	E-Commerce Law	Forestry Law
	Trade Law	Anti-Money Laundering Law	Management of the Living Environment Law
	Local Government Law	Anti-Corruption Law	
National Regulation	Wildlife Regulation (Preservation)	Wildlife Regulation (Use)	Wildlife Hunting Regulation
	Wildlife Regulation (Preservation) Amendment	Forestry Regulation (Use)	Natural Reserves Regulation

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Indonesia/legal_hierarchy

PRIMARY LEGISLATION [5]

5/1990

Conservation of
Living Resources
and their
Ecosystems Act

Indonesia's Conservation of Living Resources and their Ecosystems Act is the primary law that deals with wildlife trade. It is the legal instrument that transposes the text of the CITES Convention into the national system together with Regulations 8 and 7/1999 (as amended by Regulation 6(2018) on the Preservation and the Use of Plants and Animals. This Convention is the most important Multilateral Environmental Agreement (MEA) governing international wildlife trade at international level. This Law contains the basic rules related to the use and preservation of wild species. Wild animals are divided into protected (endangered and rare) and unprotected in Art 20. It is prohibited to keep, transport and trade protected species with some exceptions allowed (Arts 22–23). This law also stipulates the principles for the use of wild species (Chapter VIII), including uses for research, breeding, hunting, exhibition, marketing and exchange. Enforcement provisions are to be found in Chapter XI. Offenses and penalties are covered by Chapter XII, with penalties up to 10 years imprisonment and 200 mil rupiah.

7/1999

Wildlife Regulation
(Preservation)

Indonesia's Wildlife Regulation (Preservation) is the CITES implementing legislation together with Law 5/1990 and Regulation 8/1999. It has several provisions related to wildlife trade. It contains the list of protected and unprotected species (Art 4). In-situ (Arts 9–14) and ex-situ (Art 15–21) preservation activities are also described. Chapter VI contains the basic principles for the shipment and transport of protected species in and outside Indonesia. Further provisions on captive breeding and transport are to be decided by the Government. This Regulation has been amended by the Wildlife Regulation (Preservation) Amendment Act 6/2018 by revoking its Annex and establishing a new list of protected species.

6/2018

Wildlife Regulation
(Preservation)
Amendment

Indonesia's Wildlife Regulation (Preservation) Amendment amends the list of protected species covered by Regulation 7/1999 on Wildlife Preservation, establishing special protection to almost 900 species. The rest of the Regulation remains unchanged.

8/1999

Wildlife Regulation
(Use)

Indonesia's Wildlife Regulation (Use) is the CITES implementing legislation together with Law 5/1990 and Regulation 7/1999 (as amended by Regulation 6/2018). It contains many provisions directly related to wildlife trade. It divides the use of wild species as: assessment, research and development (Chapter II); breeding (Chapter III); hunting (Chapter IV); trading (Chapter V); demonstration (Chapter VI); exchange (Chapter VII); and maintenance for pleasure (Chapter XI). Chapter X regulates the shipping and transport of wild specimens. Article 18 allows trading only for unprotected species designated by the Government (Art 43), which sets an annual quota (Arts 44–49). It is only allowed for entities established under Indonesia Law with a permit (Art 19).

Specific requirements are covered in Arts 20– 26. Further provisions are to be found in Ministerial Order on the Import and Export of Animals. Chapter XII stipulates offenses and administrative penalties. Fines may go up to 250 million rupiahs and temporary inhabilitation. Criminal offenses are referred to Law 5/1990 (Arts 50, 52, 54, 56, 60 and 61). Chapter XIII defines the CITES authorities and its responsibilities.

13/1994

Wildlife Hunting
Regulation

Indonesia's Hunting Regulation is a primary wildlife trade law as it establishes the requirements and conditions for game hunting activities in the country. It defines hunting areas and seasons (Arts 3–8), licences (Arts 9–15), hunters obligations (Arts 16–19) and forbidden weapons (Art 20). Protected animals are excluded from the definition of game: they only may be hunted under certain circumstances stipulated by the Minister in charged (Art 4). This law may be applicable then to the trade of unprotected species that have been hunted in Indonesia.

16/1992

Quarantine Law

Indonesia's Quarantine Law is the umbrella legislation regulating quarantine requirements to prevent pests and diseases in plant and animal species in the country. Its provisions relate to wildlife trade in so far as these requirements are applied to certain species and species products that are imported or exported from Indonesia. This law requires health certificates and certificates of origin for certain imported, transported and exported animals, including protected species (Arts 5–7).

RELATED LEGISLATION [14]

32/2009

Environmental
Protection Law

Indonesia's Environmental Protection Law is the umbrella legislation for the management of environment and natural resources. Although it does not include a specific reference to wildlife trade, it has some related articles. It requires further environmental laws at national and regional level to observe the principles of environmental protection set in this law (Art 44). It equally requires an Environmental Impact Assessment or Amdal for businesses having a substantial impact on the environment, based on, among others, criteria related to the influence in the conservation of natural resources (Art 22). It also contains obligations for the conservation, mitigation and restoration of damages to the environment (Arts 54–57). Chapter XI, XII and XIV define the competences of authorities at national and regional level, including enforcement powers and administrative sanctions. Arts 87–88 regulate the cases of compensation for damages and civil liability. Offenses and penalties are covered in Chapter XV.

41/1999

Forestry Law

Indonesia's Forestry Law is the primary law regulating the management and use of forests and forests products. 'Animals' are defined as forest products and natural wealth in this law (Arts 1.13

and 4.1), and many of the law's provisions are directly applicable to wildlife trade. All forest and their wealth are controlled by the State (Art 4). The law defines different types of forests, with different degrees of protection, including conservation forests (Art 7), which include nature reserves and hunting parks. It is prohibited to trade or possess illegally taken forest products (Art 50.3.f), as well as take or transport without a proper license wildlife that is unprotected but originates from a protected forest area (Art 50.3.m). For protected animals, the provisions of the Conservation of the Biological Resources Law apply.

24/2010	Forest Regulation (Use)	Indonesia's Forest Regulation (Use) regulates the use of forest areas for non-forestry activities. It has no specific provision related to wildlife trade. However, it requires users to obtain a permit (Art 6). The issuing Ministry may attach specific conditions to those permits (Art 15).
68/1998	Natural Reserves Regulation	Indonesia's Natural Reserves Regulations defines protected areas within the country and establishes basic principles for their management. More information will be available when an English translation of this law is updated in the platform.
23/2014	Local Government Law	Indonesia's Local Government Law regulates the powers and duties of local authorities, clarifying the distribution of powers between them and the central government. It is related to wildlife trade in so far as it grants provincial authorities the power to manage the use of non-timber forest products. More information will be available when an English translation of this law is updated in the platform.
4/1982	Management of the Living Environment Law	Indonesia's Management of the Living Environment Law regulates the basic principles to protect all natural resources. It contains several provisions directly related to wildlife trade, notably Section VI. This section establishes the right for compensation to damages caused to the environment (art 20) and the obligation to restore (Art 21). Offenses are found in Section VII. The 2009 Environmental Protection Law develops these rights.
-/2018	Criminal Code	Indonesia's Criminal Code is the primary law regulating criminal offenses and has several provisions related to wildlife trade such as forgery (Art 253) or bribery (Arts 209–210). Organized crime is regulated in Articles 169 and 170. Other articles that are indirectly related are those defining attempt (Arts 53–54), or acting as an accomplice (Arts 55–62).
8/1981	Criminal Procedure Code	Indonesia's Criminal Procedure Code regulates how crimes are investigated and prosecuted generally. Although it does not include specific reference to wildlife trade, its provisions are to be applied in all investigation and prosecution cases related to wildlife trade crimes.

10/1995	Customs Law	Indonesia's Customs Law regulates the traffic of goods into or out of the national territory, as well as the collection of the import duties. It contains many articles related to wildlife trade, notably those regulating the: – fulfillment of customs formalities, arrival, loading and unloading, – storage and release of goods (Chapter II), – liabilities for import duties (Chapter VI), – temporary storage (Chapter VIII), and – prohibitions and restrictions of import and export (Chapter X). The powers of Customs officials are covered in Chapter XII. Offenses and penalties are described in Chapter XIV, ranging from 2 to 8 years imprisonment and fines up to 500 million rupiah. Enforcement powers are listed in Chapter XV.
17/2006	Customs Law (2006 Amendment)	Indonesia's Customs Law (2006 Amendment) modifies substantially the previous law, some of which are relevant to wildlife trade. Several Chapters related to wildlife trade are affected, notably the: – fulfillment of customs formalities, arrival, loading and unloading, – storage and release of goods (Chapter II), – liabilities for import duties (Chapter VI), – temporary storage (Chapter VIII), – prohibitions and restrictions of import and export (Chapter X), and – offenses and penalties (Chapter XIV).
11/2008	E-Commerce Law	Indonesia's E-Commerce Law regulates the exchange of electronic information and electronic transactions. Although wildlife trade is not explicitly referenced, its provisions may apply in cases of electronic trade involving wildlife; notably in the case of electronic transactions between private persons (Chapter V). It requires businesses who offer products online to facilitate full and true information (Art 9). Transactions must be done in good faith (Art 17). Electronic documents are considered as valid legal evidence in Indonesia (Art. 5). The Government further regulates this law.
7/2014	Trade Law	Indonesia's Trade Law provides for the harmonization of trade provisions. It contains several articles directly related to wildlife trade. According to this law, the import or export of goods may be prohibited (Art 51) or restricted (Art 54) to protect the health and safety of animals and the environment. The list of goods is determined in a Regulation. Offenses of these rules may carry imprisonment of 5 years and/or fines up to 5 billion rupiah (Art 102). This law also defines domestic, foreign and border trade (Chapters IV–VI), describes the competences of Authorities (Chapters XIV, XVI) and lists enforcement powers (Chapter XVII) and other offenses and corresponding penalties (Chapter XVIII).
8/2010	Anti-Money-Laundering Law	Indonesia's Anti-Money Laundering Law takes a predicate offense approach, including environmental and forestry related offenses among those that trigger money-laundering liability. Other related offenses may be corruption, bribery, customs clearance, excise duties or other offenses punishable by imprisonment of four years or more, committed inside or outside Indonesia and the offenses are also criminal acts under Indonesian law.

13/1999

Anti-Corruption
Law

Indonesia's Anti-Corruption Law is the umbrella legislation that defines and punishes corruption offenses. It is indirectly related to wildlife trade, since some of the offenses described may apply in specific cases such as passive or active corruption and trafficking of influence.

-/1945

Constitution

Indonesia's Constitution contains several articles that are indirectly related to wildlife trade. The ownership of natural resources is held by the State (Art 33). The relationship between the State and the regional authorities in the management of natural resources is regulated by law (Arts 18, 18A). The Council of Regional Representatives may propose Bills on the use of natural resources and oversee their implementation (Art 22D).

MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
PEOPLE'S CONSULTATIVE ASSEMBLY	■													
MINISTRY OF ENVIRONMENT AND FORESTRY Directorate General of Ecosystem and Natural Resources Conservation (CITES MA)	■	■	■	■	■	■	■	■	■	■	■	■	■	■
INDONESIAN INSTITUTE OF SCIENCE Research Center for Biology (CITES-SA)		■	■		■		■	■	■	■	■	■	■	



The primary Indonesian authority dealing with wildlife trade is the Directorate General of Ecosystem and Natural Resource Conservation (part of the Ministry of Environment and Forestry), which also has enforcement authority to supervise the fulfillment of wildlife rules and investigate wildlife offenses, together with customs and national police.

ENFORCEMENT Authorities & Power

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
MINISTRY OF ENVIRONMENT AND FORESTRY/Directorate General of Law Enforcement for Environment and Forestry Wildlife Conservation Officer	■	■	■		■	■	■	■	■	■				
MINISTRY OF FINANCE/Customs And Excise General Director					■									
Customs Officer	■	■	■		■		■	■	■	■		■		
NATIONAL POLICE Investigators	■	■	■		■	■	■	■	■	■	■	■		
PROSECUTORS										■				
COURTS													■	■



IVORY COAST

SUMMARY

Species of Concern

There is only one species of great apes native to Ivory Coast: the Western chimpanzee (*Pan troglodytes verus*). Its range covers Ivory Coast's western border and includes smaller pockets in the northeast and southeast of the country. This is a migratory species, and some of the population's range borders with Guinea and Liberia.

International Protection and Agreements

The IUCN Red List classifies the Pan troglodytes as endangered (EN). It is also protected under CITES Appendix I, which limits international commercial trade. Ivory Coast ratified this treaty in 1995 and has implementing legislation that CITES assesses as Category 3 (i.e. it generally does not meet CITES implementation requirements).

In addition, Ivory Coast is signatory to five international agreements key to the fight against illegal wildlife trade:

- AU Convention on Conservation of Nature
- UNCAC

- UNTOC
- 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

Ivory Coast is eligible for, but has not signed, another agreement vital to IWT: the Convention of Migratory Species (which limits the taking of endangered migratory species, and includes Ivory Coast's native great ape species).

National Legal Framework

The core legal framework governing wildlife trade in Ivory Coast includes 33 pieces of legislation (12 laws and 21 regulations) belonging to nine different legal areas. Of these, the following are considered the primary pieces of legislation:

- Protection of Wildlife and Hunting Law
- Hunting Products Destination Order
- Trophies Trade Decree
- Captive Wild Animal Order
- Ivory Possession Decree

Domestic Protections

The native chimpanzee species is domestically protected. This protection proscribes its hunting, capture, or trade unless a special permit is obtained (see Protection of Wildlife and Hunting Law).

There are still gaps, however. Ivory Coast does not provide domestic protection to non-native great apes and gibbon species. If these are found inside its territory, they may therefore be traded.

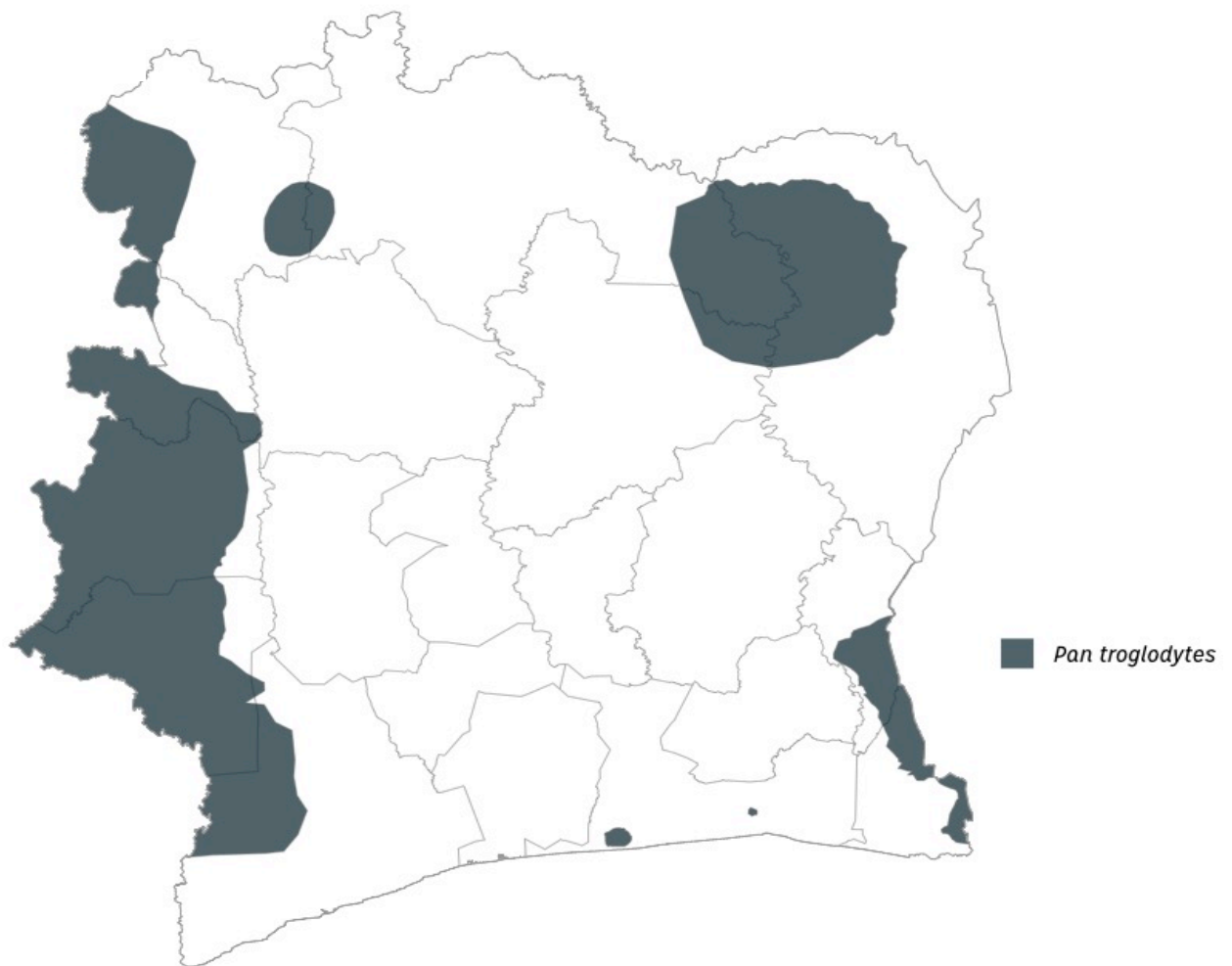
Management and Enforcement Authorities

There are at least 12 different authorities with competences to deal with wildlife-trade issues in Ivory Coast.

The Ministry of Agriculture, and the Ministry of Water and Forests, along with the Office of

Parks and Reserves, are the primary authorities for wildlife–trade management. The Office of Parks and Reserves, and the Ministry of Water and Forests both have enforcement authority and can investigate offenses, together with the customs and police authorities.

Ivory Coast: GREAT APE SPECIES RANGE DISTRIBUTION



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Ivory Coast has populations of chimpanzees, and provides legal protection to them domestically. All other non-native great ape and gibbon species are protected under CITES Appendix I, and are thus subject to highly restricted global trade. If, however, they are smuggled into the country, they do not benefit from full domestic legal protections.

2018 Ivory Coast PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>			CITES-Appendix I
	<i>Gorilla beringei</i>			CITES-Appendix I
Orangutans	<i>Pongo abelii</i>			CITES-Appendix I
	<i>Pongo pygmaeus</i>			CITES-Appendix I
	<i>Pongo tapanuliensis</i>			(*)
Chimpanzees	<i>Pan troglodytes</i>	☉	✓	CITES-Appendix I
Bonobos	<i>Pan paniscus</i>			CITES-Appendix I
Gibbons	<i>Hylobates lar</i>			CITES-Appendix I
	<i>Hylobates pileatus</i>			CITES-Appendix I
	<i>Bunopithecus hoolock</i>			CITES-Appendix I
	<i>Hylobates agilis</i>			CITES-Appendix I
	<i>Hylobates albibarbis</i>			CITES-Appendix I
	<i>Hylobates klossii</i>			CITES-Appendix I
	<i>Hylobates moloch</i>			CITES-Appendix I
	<i>Hylobates muelleri</i>			CITES-Appendix I
	<i>Symphalangus syndactylus</i>			CITES-Appendix I
	<i>Nomascus siki</i>			CITES-Appendix I
	<i>Nomascus annamensis</i>			CITES-Appendix I
	<i>Nomascus nasutus</i>			CITES-Appendix I
	<i>Nomascus gabriellae</i>			CITES-Appendix I
	<i>Nomascus hainanus</i>			CITES-Appendix I
	<i>Nomascus concolor</i>			CITES-Appendix I
	<i>Nomascus leucogenys</i>			CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

(*) Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties

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Ivory Coast has been a member of CITES since 1995.

It is also a signatory to five other international agreements vital to controlling IWT.

It has not yet signed the CMS.

IVORY COAST Participation in IWT-Related International Agreements

	1961	INTERPOL Constitution
	1962	WCO-Convention A.T.A. Carnet for the temporary admission of goods
	1982	INTERPOL Rules on the Processing of Data
❖	1983	WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)
❖	1991	WCO-International Convention on the Harmonized Commodity Description and Coding System
	1993	ECOWAS Treaty (Revised)
❖	1995	CITES
	1995	Convention on Biological Diversity (CBD)
	1995	WTO-Agreement on Sanitary and Phytosanitary Measures
❖	2012	UN Convention Against Transnational Organized Crime
❖	2012	UN Convention Against Corruption
	2012	AU-Convention on Corruption
❖	2013	AU-Convention on Conservation of Nature
	2013	WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended
	<i>pending</i>	OAU Convention on the Prevention and Combating of Terrorism
	<i>pending</i>	Protocol of the OAU Convention on the Prevention and Combating of Terrorism
❖	<i>none</i>	Convention on Migratory Species (CMS)
	<i>none</i>	AU-African Maritime Transport Charter (Revised)
	<i>none</i>	AU-Phyto-Sanitary Convention for Africa
	<i>none</i>	AU-Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)
	<i>none</i>	WCO-Convention on Temporary Admission (Istanbul Convention)
	<i>none</i>	UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

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12 laws and 21 regulations belonging to nine different legal areas constitute the core legal framework governing wildlife trade in Ivory Coast.

Wildlife Trade Legal Framework In Ivory Coast

Map Strategy **Hierarchy** Timeline Gap/Conflict Monitor

Legal Strategy



https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Ivory_Coast/legal_strategy

Wildlife Trade Legal Framework In Ivory Coast

Map Strategy **Hierarchy** Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Wildlife Law	Wildlife Law (1994 Amendment)	Anti-Money Laundering Law
	Criminal Procedure Code	Environmental Protection Law	Criminal Code
	Customs Law	Protected Areas Law	Arms and Munitions Decree
	Mining Law	Ministry of Environment, Urban Sanitation, and Sustainable Development Decree	Cultural Heritage Law
National Regulation	Hunting Products Destination Order	Captive Wild Animal Order	Trophies Trade Decree
	Ivory Possession Decree	Comoé National Park Internal Regulation	Comoé National Park Decree
	Hunting Guide License Decree	Hunting Permits Decree	Elimination of Pests Order
	Taï National Park Decree	Hunting Taxes and Fees Order	Commercial Hunting of Crocodiles And Monitor Lizards Order
	Azagny National Park Decree	Marahoué National Park Decree	Mont Sangbé National Park Decree
	Mont Péko National Park Decree	NZo Partial Wildlife Reserve Decree	Ivorian Office of Parks and Reserves Decree
	Officers and Agents of Parks and Reserves Decree	Dahliafleur Nature Reserve Decree	Azagny National Park Internal Regulation

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Ivory_Coast/legal_hierarchy

PRIMARY LEGISLATION [5]

255/1965

Protection of
Wildlife and
Hunting Law

Ivory Coast's Protection of Wildlife and Hunting Law is a primary piece legislation that governs wildlife trade. This law classifies Côte d'Ivoire's wild fauna into four main categories: Protected (fully or partially), Spectacular, Predatory, and Game species (Art. 1 & Annexes). Protected and Spectacular species are afforded higher protection, whereas Predatory and Game species have fewer protections. The trade of trophies from protected animals is regulated by the appointed administrative authority (Art 15). The trade of hunting meat is prohibited except for traditional hunters and those with local hunting permits (Art. 16). This law also defines the different types of hunting and catch permits, including a 'special commercial catch permit' that authorizes the capture, storage, exchange and export of live wild animals with the exception of Fully Protected Species (Art. 9.3). Breaches of this law and its implementing decrees are penalized with fines ranging from 3,000 to 300,000 Francs and/or 2–12 months imprisonment (Art. 33). The general provisions of this Law have further been developed by: Trophy Trade Decree (Art. 15), Hunting Permits Decree (Arts. 9 & 10), Hunting Guide License Decree (Arts. 13 & 14), Captive Wild Animal Order (Art. 17), Ivory Possession Decree, Hunting Products Destination Order (Art. 16), Problem Animals Order (Arts. 20 & 21), Hunting Taxes and Fees Order (Art. 10), and Commercial Hunting of Crocodiles and Monitor Lizards Order (Art. 4).

442/1994

Protection of
Wildlife and
Hunting Law
[1994
Amendment]

Ivory Coast's Protection of Wildlife and Hunting Law (1994 Amendment) amends provisions in the original law, including the list of species in its annexes. In this amendment, the appointed administrative authority now regulates the trade of trophies, remains and hunting meat of all fauna.

621/1967

Hunting Products
Destination Order

Ivory Coast's Hunting Products Destination Order is a primary piece of wildlife trade legislation. It implements Article 16 of the Wildlife Law by regulating trade of hunting meat. This order only permits the trade (and transport) of hunting meat directly between the hunter and buyer who obtains the meat for personal or within family consumption. The use of an intermediary to orchestrate this trade is prohibited (Art. 2). Penalties for contravention of this decree are listed in Article 33 of the Wildlife Law (Art. 3).

425/1966

Trophies Trade
Decree

Ivory Coast's Trophy Trade Decree is a primary piece of legislation regulating wildlife trade. It implements Article 15 of the Wildlife Law by regulating the trade of Protected and Spectacular animal trophies as listed in the Wildlife Law's Annexes I and II. Article 1 establishes the right of hunters with scientific or catch permits to freely dispose animal remains. However, the trade of remains of Fully Protected species is prohibited, except for holders of scientific permits that specifically mention the animal. This decree also establishes the need for a certificate of origin to

possess, trade or export wild animals, their trophies or remains (Art. 2). Further, it states that the bodies and trophies of wild animals found should be immediately handed to the administrative authority (Art. 3). The return of ivory tusks is given a monetary compensation (Arts 4). Penalties for breaches of this decree are listed in Article 33 of the Wildlife Law (Art. 6)

1069/1967

Captive Wild
Animal Order

Ivory Coast's Captive Wild Animal Order is a primary piece of wildlife trade legislation. It implements Article 17 of the Wildlife Law, by using the categories created in this law (Article 1) to establish the conditions of trade of wildlife species (listed in the annexes of the Wildlife Law). The trade and export of Fully Protected species is prohibited except for holders of scientific or capture permit with authorization to trade (Art. 1). Partially Protected animals can be traded by holders of scientific or catch permits, or exported as a donation to a zoo or scientific institution (Art. 2). Finally, Unprotected animals, if in personal possession, can be domestically traded with zoos or holders of scientific or catch permits, or be non-commercially exported with appropriate authorization, fee payment and obligations of phytosanitary regulations (Art. 3). Penalties for breaches of this decree are listed in Article 33 of the Wildlife Law (Art. 5).

130/1997

Ivory Possession
Decree

Ivory Coast's Ivory Possession Decree is the main piece of legislation, elaborating on the Wildlife Law, that defines ivory and establishes the provisions for its trade, possession, handling, and collection. It is directly related to wildlife trade. Export, import, and trade of ivory are prohibited except under exceptional circumstances and with the appropriate authorizations (Art. 10–12). Import is permitted only when it has been authorized by the competent authorities in the country of origin, and this authorization was obtained before the ivory was shipped (Art. 11). Export authorization is only given to persons who have resided for a continuous 6 months in Côte d'Ivoire, and the ivory is registered in their name (Art. 10). Penalties for contravention of this decree are listed in Article 32 of the Wildlife Law (Art. 13) and in Articles 58, 61 & 62 of the Cultural Heritage Law (Art. 14).

RELATED LEGISLATION [28]

102/2002

Protected Areas
Law

Ivory Coast's Protected Areas Law has several provisions that are related to wildlife trade. This law is integral in the creation of protected areas that allow for the management and conservation of wild animals (Art. 3 & 5). 'Integral Nature Reserves' and 'National Parks' have the strongest protections within their boundaries for wildlife, by completely prohibiting hunting, harming, and disturbing of wildlife (Art. 10 & 11). The general provisions of this Law have further been developed by the Ivorian Office of Parks and Reserves Decree.

766/1996

Environmental
Protection Law

Ivory Coast's Environmental Protection Law is the umbrella legislation for the management of environment and natural resources. It has a few articles that regulate wildlife trade. The

law requires authorization for trade, export, import, and hunting of wild animals and their products (Art. 16, 17, 19, 44). Permit conditions are fixed by Decree. Additionally, endangered and protected species in Côte d'Ivoire are afforded enhanced protection in terms of hunting, capture, and trade (Art. 87). This list of protected species is to be drafted by the State (Art 58). Finally, the hunting of animals in protected areas is penalized with imprisonment from 2 to 24 months, and a fine of 5 million Francs (Art. 89).

424/1966

Hunting Guide
License Decree

Ivory Coast's Hunting Guide License Decree implements Articles 13 & 14 of the Wildlife Law by establishing the criteria for obtaining a hunting guide license. This decree may be applicable in specific cases of wildlife trade as hunting guides form an important part of the wildlife trade chain, by organizing hunts, the products of which might be traded or exported.

423/1966

Hunting Permits
Decree

Ivory Coast's Hunting Permits Decree implements Articles 9 & 10 of the Wildlife Law by establishing hunting license criteria. The 'special commercial catch permit', necessary for the trade of wild animals, allows permit holders to keep wild animals captured within the limits of this permit until it is sold or exported. It also requires that these animals are kept in good care and hygiene (Art. 7). The 'special commercial catch permit' for fully protected animals is only granted to holders of 'scientific catch permits' (Arts. 7 & 8). Fees for this permit and other hunting permits are determined by the Hunting Taxes and Fees Order (Art. 10). Penalties for breaches of this decree are listed in Article 33 of the Wildlife Law (Art. 15).

68/1967

Hunting Taxes
and Fees Order

Ivory Coast's Hunting Taxes and Fees Order implements Article 10 of the Wildlife Law and Article 10 of the Hunting Permits Decree by establishing fees for hunting and hunting permits. This order may be applicable in specific cases of wildlife trade as hunting forms an important part of the wildlife trade chain.

1712/1966

Elimination of
Pests Order

Ivory Coast's Elimination of Pests Order implements Articles 20 & 21 of the Wildlife Law by addressing the hunting or killing of wildlife that might pose a danger to persons or property. It contains some articles related to wildlife trade. Trophies and parts of animals hunted under provisions of this law must be turned in to the administration (Art. 1 & 3). Article 4 of this Order permits the trade of panther skins, as long as the buyer reports it to the closest administrative post. Penalties for contravention of this decree are listed in Article 33 of the Wildlife Law (Art. 5).

1068/1967

Commercial
Hunting of
Crocodiles and
Monitor Lizards
Order

Ivory Coast's Commercial Hunting of Crocodiles and Monitor Lizards Order implements Article 4 of the Wildlife Law regarding the criteria for hunting of crocodiles and monitor lizards for commercial purposes (Art. 1). It is related to wildlife trade, as it prohibits the hunting or capture of animals with less than a fixed minimum skin size (Art 2). For a grace period of a year after this order came into effect, crocodile and monitor lizard skin traders were permitted to buy and export skins below the size set in

Article 2, as long as these skins made up 25% or less of the batch that was bought/exported (Art. 4).

183/1999

Arms and
Munitions Decree

Ivory Coast's Arms and Munitions Decree is applicable to wildlife trade as it regulates weapons and ammunition. Its provisions will apply to the act of hunting, determining the legality of weapons and ammunition used. In Côte d'Ivoire, hunting weapons and ammunition are classified as 'Category 5' (Art. 11), and require authorization for possession (Art 31, 53).

640/1981

Criminal Code

Ivory Coast's Criminal Code has several provisions related to wildlife trade. This law regulates illicit activities that might occur along the wildlife trade chain, such as animal cruelty (Art. 433) and unregulated scientific research on animals (Art. 434). Other crimes that may be related to wildlife trade are: forgery (Art. 284–286), corruption (Articles 232–235) and counterfeiting (Arts 287–292). Organized armed crimes are defined in Art. 164. Other articles that are indirectly related are those defining aggravating circumstances, recidivism, attempt, participation and responsibility of legal persons.

366/1960

Criminal
Procedure Code

Ivory Coast's Criminal Procedure Code regulates how crimes are investigated and prosecuted generally. Its provisions are to be applied in all investigation and prosecution cases related to wildlife trade crimes, and it has one provision that may be related to wildlife trade. In particular, Article 22 entrusts Water and Forest agents and inspectors to investigate breaches of water, forest and hunting legislation.

291/1964

Customs Law

Ivory Coast's Customs Law regulates the incoming and outgoing traffic of goods into or from the national territory and the collection of import duties. Its provisions are applicable in cases of import or export of wildlife and wildlife products, particularly those regulating the fulfillment of customs formalities (Title III), storage (Title III-bis), and competences of Customs officials (Title II–Chapters III & IV). Article 44(2)(c) permits the use of firearms by custom officers to control illegally imported or exported animals. Related offences to wildlife trade include false declarations (Arts. 293–298) and smuggling (Art. 287–292). General enforcement powers and provisions related to judicial proceedings are listed in Title XII–Chapters I–IV.

554/2005

Anti-Money-
Laundering Law

Ivory Coast's Anti-Money Laundering Law has an all crimes approach. Articles 1 and 2 state that liability under this law arises for any criminal offence that results in an economic benefit. This may include wildlife trade offences to the extent they are so defined elsewhere in national legislation.

138/2014

Mining Law

Ivory Coast's Mining Law is the umbrella legislation for the management of the mining activity in the country. It is indirectly related to wildlife trade as it contains general provisions requiring respect for the environment and environmental related legislation (Arts. 2, 57, 70, 140, 143). Breaches may imply the revocation of mining permits as well as a financial penalty and imprisonment

sentence between 1 and 3 years (Art. 44 & 182).

806/1987	Cultural Heritage Law	Ivory Coast's Cultural Heritage Law is indirectly applicable to wildlife trade as it provides for penalties for breaches of provisions in the Ivory Possession Decree (Art. 58, 61 & 62).
507/2014	Ministry of Environment, Urban Sanitation and Sustainable Development Decree	Ivory Coast's Ministry of Environment, Urban Sanitation & Sustainable Development Decree details the organization of this ministry, and contains some articles related to wildlife trade. It creates an 'Ecology and Nature Protection Directorate' (Art. 15) to monitor national wildlife management policies (Art. 16).
102/2002	Ivorian Office of Parks and Reserves Decree	Ivory Coast's Ivorian Office of Parks and Reserves Decree creates the "Ivorian Office of Parks and Reserves" (OIPR), which oversees and manages Côte d'Ivoire's wildlife, parks, and reserves (Art. 3, 4). It contains several articles indirectly related to wildlife trade. This decree describes the various units of this office and their responsibilities, which include wildlife management with scientific advice (Art. 12). Officers under this Decree have administrative and judicial competences to enforce national laws (Art 3.3).
22/2013	Officers and Agents of Parks and Reserves Decree	Ivory Coast's Officers and Agents of Parks and Reserves Decree lists the officials and agents who have the authority of judicial police within the country's parks and reserves.
218/1981	Azagny National Park Decree	Ivory Coast's Azagny National Park Decree establishes the geographical boundaries of the Azagny National Park and its buffer zone (Art. 1, 2 & 3), and has one article indirectly related to wildlife trade. Animal species are protected from hunting and disturbance in National Parks (Art. 5 & 6).
50/1986	Azagny National Park Internal Regulation	Ivory Coast's Azagny National Park Internal Regulation establishes rules within the park limits, and has some articles related to wildlife trade. This regulation forbids hunting or disturbance of animals and carriage of weapons (Art. 4).
81/1968	Comoé National Park Decree	Ivory Coast's Comoé National Park Decree establishes the geographical boundaries of the Comoé National Park (Art. 3), and has some articles related to wildlife trade. Animal species are protected from hunting and disturbance in National Parks (Art. 4).
5/1976	Comoé National Park Internal Regulation	Ivory Coast's Comoé National Park Internal Regulation establishes rules within the park limits, and has one provision regulating wildlife trade. It prohibits the trade and transport of wild animals and their trophies (Art. 3). Other relevant provisions forbid hunting or disturbance of animals (Art. 3), their destruction, and removal (Art. 4), and the carriage of weapons (Art. 3).
544/1972	Tai National Park Decree	Ivory Coast's Tai National Park Decree establishes the geographical boundaries of the Tai National Park (Art. 1), and has one article related to wildlife trade. Animal species are protected from hunting and disturbance in National Parks (Art. 3).

80/1968

Marahoué
National Park
Decree

Ivory Coast's Marahoué National Park Decree establishes the geographical boundaries of the Marahoué National Park (Art. 3), and has one article indirectly related to wildlife trade. Animal species are protected from hunting and disturbance in National Parks (Art. 4).

215/1973

Mont Sangbé
National Park
Decree

Ivory Coast's Mont Sangbé National Park Decree establishes the geographical boundaries of the Mont Sangbé National Park (Art. 1), and has one article indirectly related to wildlife trade. Animal species are protected from hunting and disturbance in National Parks (Art. 2).

79/1968

Mont Péko
National Park
Decree

Ivory Coast's Mont Péko National Park Decree establishes the geographical boundaries of the Mont Péko National Park (Art. 3), and has one article indirectly related to wildlife trade. Animal species are protected from hunting and disturbance in National Parks (Art. 4).

545/1972

N'Zo Partial
Reserve Decree

Ivory Coast's N'Zo Partial Reserve Decree establishes the geographical boundaries of the N'Zo Partial Reserve (Art. 1), and has one article indirectly related to wildlife trade. Animal species are protected from hunting and disturbance in Partial Reserves (Art. 2).

127/2013

Dahliafleur
Nature Reserve
Decree

Ivory Coast's Dahliafleur Nature Reserve Decree establishes the boundaries of the Dahliafleur Partial Nature Reserve (Art. 3), and has one article indirectly related to wildlife trade. Animals are protected from hunting in nature reserves (Art. 4).

886/2016

Constitution

Ivory Coast's Constitution has three articles indirectly related to wildlife trade. The state and territorial authorities are entrusted with the protection of fauna and the management of environmental damages (Art. 40). Additionally, the Republic of Côte d'Ivoire may establish intergovernmental organizations with other African states to cooperate in matters of environmental protection and management of natural resources (Art. 124 & 125). For instance, Ivory Coast is signatory to the African Union's Convention of the Conservation of Nature and Natural Resources.

MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
PARLIAMENT	■		■											
PRESIDENT'S OFFICE	■		■											
CABINET MINISTRY														
Secretary of State - National Park				■										
OFFICE OF PARKS & RESERVES	■	■	■		■	■								
Scientific Council	■													
MINISTRY OF WATER & FOREST						■				■				
Directorate of Wildlife and Hunting (CITES-MA)												■	■	■
MINISTRY OF AGRICULTURE					■	■	■	■	■	■				
CENTER FOR ECOLOGY RESEARCH (CITES-SA Chairman's Committee)		■	■											

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In Ivory Coast, the Ministry of Agriculture, and the Ministry of Water and Forests, along with the Office of Parks and Reserves, are the primary authorities dealing with wildlife-trade management. Water and Forests, and the Office of Parks and Reserves also have enforcement authority to supervise the fulfillment of wildlife rules and investigate wildlife offenses, together with customs and the national police.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
MINISTRY OF WATER & FOREST														
Sworn Agents			■			■				■	■			
Protected Areas Sworn Agents					■	■				■				
OFFICE OF PARKS & RESERVES														
Forest Agents		■	■		■	■			■	■				
GENERAL DIRECTORATE OF CUSTOMS														
Customs Agents	■	■	■		■	■	■			■		■		
MINISTRY OF INTERIOR														
National Police			■		■	■			■	■	■	■		
JUDICIAL POLICE					■	■								
PROSECUTORS										■				
COURTS													■	■



LAOS

SUMMARY

Species of Concern

There are seven gibbon species native to Laos: two *Hylobates* and five *Nomascus* species.

- Lar gibbon (*Hylobates lar*)
- Pileated gibbon (*Hylobates pileatus*)
- Northern buffed-cheeked gibbon (*Nomascus annamensis*)
- Northern white-cheeked crested gibbon (*Nomascus leucogenys*)
- Southern white-cheeked crested gibbon (*Nomascus siki*)
- Western black-crested gibbon (*Nomascus concolor*)
- Yellow/Red-cheeked crested gibbon (*Nomascus gabriellae*)

The range of all seven species covers the entire country. Several populations are found on the Laotian borders with China, Thailand, Vietnam, and Cambodia.

International Protection and Agreements

The IUCN Red List classifies all gibbon species as endangered (EN).

They are also all protected under CITES Appendix I, which limits international commercial trade. Laos ratified this treaty in 2004 and has implementing legislation that CITES assesses as Category 3 (i.e. it generally does not meet CITES implementation requirements).

In addition to CITES, Laos is signatory to two international agreements that are key to controlling the illegal wildlife trade:

- UNTOC
- UNCAC

Laos is also eligible for, but has not signed, four other agreements critical to wildlife trade: the ASEAN Agreement on the Conservation of Nature and Natural Resources (which prohibits the taking of, and regulates trade and possession of, its Appendix 1 and national endangered species); the CMS (which does not include gibbon species native to Laos, but does include other Laotian wildlife); the WCO Nairobi Convention (a treaty relevant to customs cooperation between countries to prevent smuggling of products, including wildlife products); and the WCO Convention on Harmonized Commodity Description (which provides a global standardized classification system for traded goods, including wildlife, and, thus, regulates how wildlife trade is classified and documented when moving through customs administrations).

National Legal Framework

The core legal framework governing wildlife trade in Laos includes 16 pieces of legislation (10 laws and six regulations) belonging to eight different legal areas. Of these, the following are considered the primary pieces of legislation:

- Wildlife and Aquatic Resources Law
- Wildlife and Protected Areas Regulation
- Enhancing Wildlife Management Instruction
- Prime Minister Notification on the Implementation of CITES
- Export and Import Decree

- Prohibited Items in Postal Services Decision
- Hunting Decree

Domestic Protections

The two native *Hylobates* species, along with *Nomascus concolor* and *N. leucogenys*, are domestically protected: any activity involving them requires approval from the Ministry of Agriculture and Forestry, and trade is strictly prohibited except for scientific research or reproduction (see Wildlife and Protected Areas Regulation).

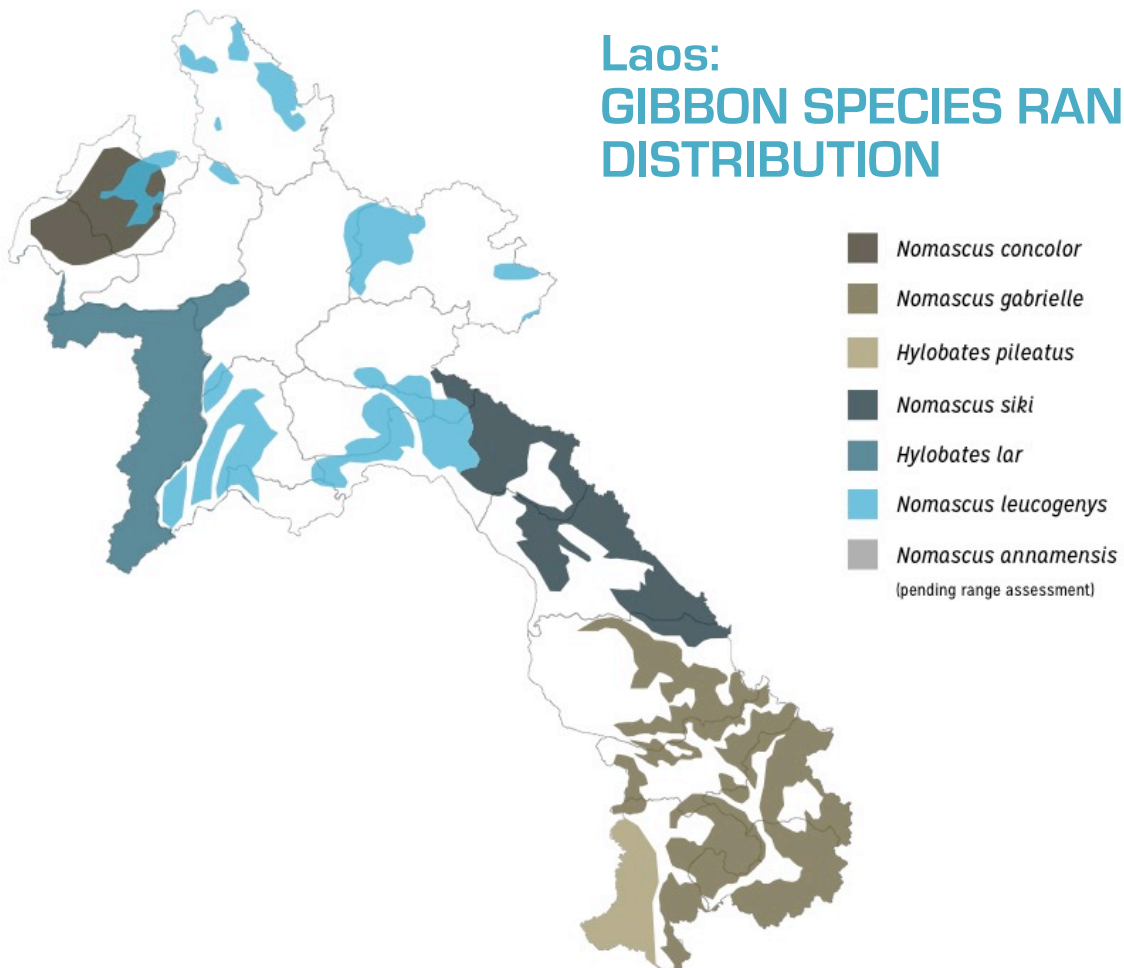
This leaves three species of *Nomascus* without the stricter level of protection that is afforded to the other species.

In addition, all other non-native species of great apes and gibbons lack domestic protection, so if they are found inside Laos's territory, they may be traded legally.

Management and Enforcement Authorities

There are at least 11 different national authorities with competences to deal with wildlife-trade issues in Laos.

The primary authority dealing with wildlife management is the Ministry of Agriculture and Forestry. This ministry also has enforcement authority and the power to investigate offenses, along with the customs and police authorities.



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Although the IUCN registers seven gibbon species in Laos, only four of them are legally protected in the country. All other non-native great ape and gibbon species are protected under CITES Appendix I, and are thus subject to restricted global trade. If, however, they are smuggled into the country, they do not benefit from full domestic legal protections.

2018 Laos PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>			CITES-Appendix I
	<i>Gorilla beringei</i>			CITES-Appendix I
Orangutans	<i>Pongo abelii</i>			CITES-Appendix I
	<i>Pongo pygmaeus</i>			CITES-Appendix I
	<i>Pongo tapanuliensis</i>			(*)
Chimpanzees	<i>Pan troglodytes</i>			CITES-Appendix I
Bonobos	<i>Pan paniscus</i>			CITES-Appendix I
Gibbons	<i>Hylobates lar</i>	⊙	✓	CITES-Appendix I
	<i>Hylobates pileatus</i>	⊙	✓	CITES-Appendix I
	<i>Bunopithecus hoolock</i>			CITES-Appendix I
	<i>Hylobates agilis</i>			CITES-Appendix I
	<i>Hylobates albibarbis</i>			CITES-Appendix I
	<i>Hylobates klossii</i>			CITES-Appendix I
	<i>Hylobates moloch</i>			CITES-Appendix I
	<i>Hylobates muelleri</i>			CITES-Appendix I
	<i>Symphalangus syndactylus</i>			CITES-Appendix I
	<i>Nomascus siki</i>	⊙		CITES-Appendix I
	<i>Nomascus annamensis</i>	⊙		CITES-Appendix I
	<i>Nomascus nasutus</i>			CITES-Appendix I
	<i>Nomascus gabriellae</i>	⊙		CITES-Appendix I
	<i>Nomascus hainanus</i>			CITES-Appendix I
	<i>Nomascus concolor</i>	⊙	✓	CITES-Appendix I
	<i>Nomascus leucogenys</i>	⊙	✓	CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

(*) Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties

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Laos has been party to CITES since 2004. It has signed two other agreements related to wildlife-trade issues, but there are still four more that have not been signed: the ASEAN Agreement on the Conservation of Nature and Natural Resources, the CMS, the WCO Nairobi Convention, and the WCO Convention on Harmonized Commodity Description.

LAOS Participation in IWT-Related International Agreements

1957 INTERPOL Constitution

1982 INTERPOL Rules on the Processing of Data

1996 Convention on Biological Diversity (CBD)

1997 ASEAN Free Trade Agreement (AFTA)

❖ 2003 UN Convention Against Transnational Organized Crime

❖ 2004 CITES

2004 ASEAN-Tourism Agreement

2007 ASEAN-Mutual Legal Assistance in Criminal Matters

❖ 2009 UN Convention Against Corruption

2013 WTO-Agreement on Sanitary and Phytosanitary Measures

2013 ASEAN-Agreement on Customs

2016 WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended

❖ none ASEAN-Agreement on the Conservation of Nature and Natural Resources

❖ none Convention on Migratory Species (CMS)

❖ none WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)

❖ none WCO-International Convention on the Harmonized Commodity Description and Coding System

none WCO-Convention A.T.A. Carnet for the temporary admission of goods

none WCO-Convention on Temporary Admission (Istanbul Convention)

none UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

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10 laws and six regulations belonging to eight different legal areas constitute the core legal framework governing wildlife trade in Laos.

Wildlife Trade Legal Framework In Laos

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy

Administrative	Agriculture	Animal	Civil Procedure	Commerce	Constitutional
Criminal	Cultural Heritage	Customs & Trade	Defense & Security	Economics	Education
Employment	Energy	Environment	Finance	Health	Human Rights
Immigration	Industrial	Insurance	Intellectual Property	Labor	Land Tenure & Planning
Marine & Admiralty Law	Natural Resources	Political Parties & Elections	Services	Taxation	Telecom & Media
Transportation					

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Laos/legal_strategy

Wildlife Trade Legal Framework In Laos

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Wildlife and Aquatic Resources Law	Environmental Protection Law	Forestry Law
	Customs Code	Natural Medicine Decree	Anti-Money Laundering Law
	Customs Code (2014 Amendment)	Anti-Corruption Law	Criminal Code
	Criminal Procedure Code		
National Regulation	Prohibited Items in Postal Service Decision	Prime Minister Notification on the Implementation of CITES	Export and Import Decree
	Hunting Decree	Enhancing Wildlife Management Instruction	Wildlife and Protected Areas Regulation

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Laos/legal_hierarchy

PRIMARY LEGISLATION [7]

07/NA/ 2007	Wildlife and Aquatic Resources Law	Laos's Wildlife and Aquatic Resources Law contains general principles for the sustainable use of wildlife and is a primary law regulating wildlife trade. Art.4 establishes that wildlife is owned by the nation and managed by the state except when it is private property. Art 10 implements provisions of the Environmental Protection Law by dividing wildlife in three categories: prohibition, management and general. Following this division, Art 40 covers trade in species whereas Art 42 covers the import, export, re-export and transit. Breaches of these two provisions are penalized in Arts 70–71. Penalties include imprisonment sentences, monetary fines and compensation for damages.
0360/AF/ 2003	Wildlife and Protected Areas Regulation	Laos's Wildlife and Protected Areas Regulation sets the rules, principles and measures to implement the Wildlife Law and the Forestry Law. Its provisions are valid in so far as they do not contradict Laos's Wildlife Law. The Regulation promulgates the two lists of the nationally protected species, thereby implementing the Art. 49 of the Environmental Protection Law.
2806/MON RE/ 2016	Enhancing Wildlife Management Instruction	Laos's Enhancing Wildlife Management Instruction prescribes 11 measures to be taken to tackle illegal wildlife trade and to strengthen the administration of the Wildlife Law. Among such measures are prohibitions to hunt and trade wild and aquatic life form the lists of protected species (promulgated by Laos's Wildlife and Protected Area Regulation), and specific prohibition to shops, restaurants, and hotels to sell and display products of such animals.
1364/GO.ED / 2015	Prime Minister Notification on the implementation of CITES	Laos's Prime Minister Notification on the implementation of CITES is directly related to wildlife trade. It establishes the competent ministries to draft and submit to the CITES Secretariat the national action plan on combating illegal ivory trade, to monitor business activities related to wildlife trade and to investigate specific cases of illegal trade/transit within Laos. This Notification also bans wildlife trade of CITES Appendix I species.
228/PM/ 2010	Export and Import Decree	Laos's Export and Import Decree regulates the procedures and requirements for establishing the origin of imported and exported goods, and the issuance and presentation of certificates of origin. This Decree is related to wildlife trade since the import, export and transport of wildlife requires a certificate of origin as prescribed in Arts 41–42 of the Wildlife and Aquatic Resources Law.
168/MPT/ 2017	Prohibited Items in Postal Services Decision	Laos's Prohibited Items in Postal Services Decision prohibits the processing of a number of items by the Postal Services to prevent smuggling or other actions contrary to national laws. It is directly related to wildlife trade since Type 1 of prohibited Items include all

wildlife prohibited by the Ministry of Natural Resource and Environment, especially rhino horn, ivory, and tiger's parts (Art.6). Prohibited Items Type 2 include live animals and biological items not approved for scientific research (Art.7). Art.11 stipulates the variety of measures that can be applied to breaches of this Decision.

118/CCM/
1989

Hunting Decree

Laos's Hunting Decree stipulates the permissions and restrictions of hunting and fishing. It contains several provisions related to wildlife trade. Restrictions are applied to types of weapons, season, status and breeding stage of the animals (Art. 3). The Decree also regulates export requirements (Art. 4) and self-defense hunting (Art. 5). Its provisions are valid in so far as they do not contradict Laos's Wildlife Law.

RELATED LEGISLATION [9]

29/SPS/
2012

Environmental
Protection Law

Laos's Environment Protection Law is the umbrella legislation for the management of environment and natural resources. It has some provisions related to wildlife trade. Part IV states general obligations to protect natural resources. It foresees the creation of a list of natural resources deserving protection (Art.49). This article is implemented by the Wildlife and Protected Area Regulation (0360/AF/2003). The law also stipulates that anyone engaging in the extraction, transport, storage, manufacturing and use of natural resources shall comply with the Law on Investment Promotion and other relevant regulations. (Art. 53).

06/NA/
2007

Forestry Law

Laos's Forestry Law is the umbrella legislation for the management of its forests, including their conservation. It regulates the management of forest and forest products, and has some articles related to wildlife trade. Wildlife is included in the definition of forest resources, but not of forest product (Art. 3.1). The transport of wildlife is prohibited in forest areas under total protection cover (Art. 24). Forest users are obliged to protect animals and prevent illegal hunting (Art 97). It is prohibited for businessmen to destroy forest resources (Art 101) and for people to cooperate with their destruction (Art 102).

155/PM/
2003

Natural Medicine
Decree

Laos's Natural Medicine Decree regulates the production, registration and licensing of traditional medicine. Many endangered animals, such as gibbons, are commonly used for traditional medicine, which makes this law relevant to trade in wildlife products. The Decree contains a list of medicinal natural resources, some of which are listed under CITES. Art. 7 divides all medicinal natural resources into three groups, Group I being endangered. Art. 8 identifies requirements for dealing with resources of different kinds. For example, rhino, elephant, tiger and all types of gibbons are listed under category I and can be hunted for medicinal

		purposes if permitted by Ministry of Health and related agencies (Art.8).
12/NA/ 2005	Criminal Code	Laos's Criminal Code is the primary law regulating criminal offences and has several provisions related to wildlife trade. This law regulates illicit activities that might occur along the wildlife trade chain, such as illegal hunting and sale of prohibited goods (Art.141 and 145). Other crimes that may be related to wildlife trade are: forgery (Art. 161), and corruption (Art. 157). Money laundering activities are defined in Art. 64. Other articles that are indirectly related are those defining aggravating circumstances (Art. 41), recidivism (Art. 12), attempt (Art.14), organized crime, and participation (Art 13).
01/NA/ 2004	Criminal Procedure Code	Laos'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 related to this topic.
4/NA/ 2011	Customs Code	Laos's Customs Code regulates the traffic of goods into or out of the national territory, as well as the collection of import duties. Its provisions are applicable in cases of import or export of wildlife and wildlife products, particularly those regulating the fulfillment of customs formalities (Part II), movement of goods (Part V), storage (Part VI, including of live animals Art. 38), and competences of Customs officials (Part XII). Part III establishes two types of goods: controlled and restricted. Environmental protection is specifically mentioned as one of the reasons of listing goods under controlled category (Art. 30). Illegal wildlife trade fits the description of a serious offence (Art. 91) that is fined at 30% of the value of the goods. This law has been amended by the Customs Code (2014 Amendment).
57/NA/ 2014	Customs Code (2014 Amendment)	Laos's Customs Code (2014 Amendment) changes a number of provisions of the Customs Code, namely the ones on competences of customs officers (Arts 74–75). These provisions are related to the import/export of wildlife. The amendment defines the organization and the structure of Customs' check points and their rights and duties (Art 111.2).
27/SR/ 2012	Anti-Corruption Law	Laos's Anti-Corruption Law is the umbrella legislation that defines and punishes corruption offences. It is indirectly related to wildlife trade, since some of the offences described may apply in specific cases such as passive or active corruption and trafficking of influence.
50/NA/ 2015	Anti-Money-Laundering Law	Laos's Anti-Money Laundering Law has a predicate offense approach. Article 8 predicates liability under this law to 'environmental crimes'. This includes illicit traffic of protected

wildlife and aquatic animals and unlawful exploitation of natural resources as stated in article 8.28. Other predicate offences in this law are 'illicit traffic of goods', 'forgery', 'participation in an organized criminal group', and 'smuggling'. They may include wildlife trade offences to the extent they are defined elsewhere in national legislation and meet the definition of the offences above listed.

-/1991

Constitution

Laos's Constitution contains one article indirectly related to wildlife trade. Art. 19 obliges all organizations to protect the environment, including animals. While this provision does not expressly regulate the topic, it may be relevant to the extent that controlling wildlife trade is necessary for "the protection of the environment" and the failure to adequately regulate may threaten the maintenance of a healthy and sustainable environment.

MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
NATIONAL ASSEMBLY	■													
MINISTRY OF AGRICULTURE AND FORESTRY	■	■	■			■	■	■		■	■	■	■	
Department of Forestry (CITES-MA)												■	■	■
MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT		■									■	■		■
Inspection Department											■	■	■	■
MINISTRY OF SCIENCE AND TECHNOLOGY														
Biotechnology and Ecology Institute (CITES-SA)		■									■			■
MINISTRY OF HEALTH						■								
MINISTRY OF INDUSTRY AND COMMERCE	■										■		■	
LOCAL AUTHORITIES						■								



In Laos, the Ministry of Agriculture and Forestry is the leading entity dealing with managerial issues in relation to wildlife. Enforcement competences are shared by this ministry, the Environment Ministry, customs, and police.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
MINISTRY OF AGRICULTURE AND FORESTRY														
Forest Inspectors	■	■	■	■	■	■	■			■	■		■	
MINISTRY OF FINANCE														
Customs Department	■	■	■	■	■	■	■			■	■	■		
MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT														
Park Rangers	■	■	■	■										
MINISTRY OF PUBLIC SECURITY														
Environmental Police Officials	■	■	■	■	■					■	■	■		
Economic Police Officials	■	■	■	■	■	■	■		■	■	■	■		
MINISTRY OF INDUSTRY AND COMMERCE														■
PROSECUTORS										■				
COURTS									■				■	■



SUMMARY

Species of Concern

There is only one species of great ape native to Liberia, the Western chimpanzee (*Pan troglodytes verus*). Its range can be found throughout most of Liberia. It is a migratory species and some of the populations are found in areas that border with Guinea, Ivory Coast, and Sierra Leone.

International Protection and Agreements

The IUCN Red List classifies the *Pan troglodytes* as endangered (EN). They are also all protected under CITES Appendix I, which limits international commercial trade. Liberia ratified this treaty in 1981 and has implementing legislation that CITES assesses as Category 3 (i.e. it generally does not meet CITES implementation requirements).

In addition to CITES, Liberia is signatory to six other international agreements that are key to controlling the illegal wildlife trade:

- AU Convention on Conservation of Nature
- Convention on Migratory Species
- Lusaka Agreement on African Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora

- UNCAC
- UNTOC
- WCO - International Convention on the Harmonized Commodity Description and Coding System

Liberia is also eligible for, but has not signed, the WCO Nairobi Convention (a treaty relevant to customs cooperation between countries to prevent smuggling of products, including wildlife products), a vital IWT agreement.

National Legal Framework

The core legal framework governing wildlife trade in Liberia includes 15 pieces of legislation (14 laws and one regulation) belonging to eight different legal areas. Of these, the following are considered the primary pieces of legislation:

- National Wildlife and Protected Areas Law
- Forestry Law
- Forest Development Authority Act
- Wildlife Conservation Fee Regulation
- 2012 Amendment of the Criminal Code

None of these include legal provisions specifically addressing apes, but provisions that apply to wildlife in general.

Domestic Protections

Liberia's great ape species is domestically protected, meaning that it is not to be hunted, captured, traded, or harmed unless a special permit is obtained (see National Wildlife and Protected Areas Law).

All other non-native species lack domestic protection; hence, if they are found inside Liberia's territory, they may be traded legally.

Management and Enforcement Authorities

There are at least eight authorities with competences to deal with wildlife-trade issues in Liberia. The primary is the Forest Development Authority, which also has enforcement authority and the power to investigate offenses, together with the revenue and police authorities.



Liberia: APES SPECIES RANGE DISTRIBUTION



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The only existing native great ape species, the chimpanzee, is legally protected in Liberia. All other non-native great ape and gibbon species are protected under CITES Appendix I, and are thus subject to highly restricted global trade. If, however, they are smuggled into the country, they do not benefit from full domestic legal protections.

2018 Liberia PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>			CITES-Appendix I
	<i>Gorilla beringei</i>			CITES-Appendix I
Orangutans	<i>Pongo abelii</i>			CITES-Appendix I
	<i>Pongo pygmaeus</i>			CITES-Appendix I
	<i>Pongo tapanuliensis</i>			(*)
Chimpanzees	<i>Pan troglodytes</i>	☉	✓	CITES-Appendix I
Bonobos	<i>Pan paniscus</i>			CITES-Appendix I
Gibbons	<i>Hylobates lar</i>			CITES-Appendix I
	<i>Hylobates pileatus</i>			CITES-Appendix I
	<i>Bunopithecus hoolock</i>			CITES-Appendix I
	<i>Hylobates agilis</i>			CITES-Appendix I
	<i>Hylobates albibarbis</i>			CITES-Appendix I
	<i>Hylobates klossii</i>			CITES-Appendix I
	<i>Hylobates moloch</i>			CITES-Appendix I
	<i>Hylobates muelleri</i>			CITES-Appendix I
	<i>Symphalangus syndactylus</i>			CITES-Appendix I
	<i>Nomascus siki</i>			CITES-Appendix I
	<i>Nomascus annamensis</i>			CITES-Appendix I
	<i>Nomascus nasutus</i>			CITES-Appendix I
	<i>Nomascus gabriellae</i>			CITES-Appendix I
	<i>Nomascus hainanus</i>			CITES-Appendix I
	<i>Nomascus concolor</i>			CITES-Appendix I
	<i>Nomascus leucogenys</i>			CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

[*] Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties



LIBERIA Participation in IWT-Related International Agreements

	1956	INTERPOL Constitution
❖	1981	CITES
	1982	INTERPOL Rules on the Processing of Data
	1993	ECOWAS Treaty (Revised)
	2001	Convention on Biological Diversity (CBD)
❖	2004	Convention on Migratory Species (CMS)
❖	2004	UN Convention Against Transnational Organized Crime
❖	2005	Lusaka Agreement on African Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora
❖	2005	UN Convention Against Corruption
	2007	AU-Convention on Corruption
❖	2011	WCO-International Convention on the Harmonized Commodity Description and Coding System
❖	2014	AU-Convention on Conservation of Nature
	2014	OAU Convention on the Prevention and Combating of Terrorism
	2014	Protocol of the OAU Convention on the Prevention and Combating of Terrorism
	2016	WTO-Agreement on Sanitary and Phytosanitary Measures
❖	none	WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)
	none	WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended
	none	WCO-Convention on Temporary Admission (Istanbul Convention)
	none	WCO-Convention A.T.A. Carnet for the temporary admission of goods
	none	AU-African Maritime Transport Charter (Revised)
	none	AU-Phyto-Sanitary Convention for Africa
	none	AU-Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)
	none	UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

”

Liberia has been party to CITES since 1981.

It has signed six other agreements important to wildlife-trade issues. It is eligible for, but has not yet signed, the WCO Nairobi Convention.

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14 laws and one regulation belonging to eight different legal areas constitute the core legal framework governing wildlife trade in Liberia.

Wildlife Trade Legal Framework In Liberia

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy



https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Liberia/legal_strategy

Wildlife Trade Legal Framework In Liberia

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Forestry Law	Criminal Code (2012 Amendment)	National Wildlife and Protected Areas Law
	Forestry Development Authority Act	Anti-Money Laundering Act	Criminal Procedure Code
	Environmental Protection Law	Criminal Code	Nimba Nature Reserve Act
	Firearms Law	General Business Law (2002 Amendment)	Revenue Code
	Sapo National Park Act	Community Rights Law	
National Regulation	Wildlife Conservation Fee Regulation		

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Liberia/legal_hierarchy

PRIMARY LEGISLATION [5]

-/2016

National
Wildlife and
Protected
Areas Law

Liberia's National Wildlife and Protected Areas Law is a primary law regulating wildlife trade. It details several aspects of wildlife ownership (§ 2.3), trade, management, and conservation. The Forest Development Authority (Authority) is the implementing agency of this law (§ 3.1) to (i) control wildlife and wildlife specimens trade, and (ii) sustainable wildlife management (§ 3.1.2). The legal import (§ 8.3) or export (§ 8.1) of wild animals requires a valid permit (§ 8.6–8.8) and a certificate of good health. Species listed in CITES appendices I & II can only be exported for scientific research, including captive breeding (§ 8.2). In addition, wildlife management is regulated through the development and management of the protected area network (Chapter 5), and through conservation as detailed in Chapter 6. Conservation of wild animals is achieved through regulations on: (i) species designated as “protected” (§ 6.3, 6.3.2, & Appendix I), (ii) hunting (§ 6.3.3), (iii) captivity of wildlife (§ 6.3.4), (iv) protection of migratory species (§ 6.3.1), and (v) goods derived from wild animals for personal use (§ 8.4). Offenses for contravention with provisions of this law are penalized with economic fines (maximum of \$10,000) or imprisonment of varying terms (maximum 4 years) (Chapter 11).

-/2006

Forestry Law

Liberia's Forestry Law is the umbrella legislation for the management of its forests, including their conservation. It is a primary law for wildlife trade because it regulates the prospecting, use, transport, processing, trade, and export of forest resources, including wild animals (§ 1.3). The Forest Development Authority (Authority) is the competent authority for forest-related issues (§ 2.2). It is entrusted to draw the list of threatened and endangered animals which trade is prohibited (§ 9.12). For those species that may be traded, a license is required. Chapter 13 regulates the international trade implementing several CITES provisions on the import and export of wild animals. International trade of species protected under Liberia's Law or included in the CITES appendices is prohibited with exceptions. International legal trade requires a valid permit and a certificate of good health. Wildlife trade may be further regulated by the Government (§ 9.11(a)). Enforcement provisions and offences are stated in Chapter 20. Offenses for breaches of this law are penalized with economic fines and/or imprisonment, and twice the cost of restoring the wildlife (§ 20.7). Monetary fines are linked to the economic benefit gained: they might be twice or three times the gain or up to US\$25,000, whichever is greater.

25/2000

Wildlife
Conservation
Fee Regulation

Liberia's Wildlife Conservation Fee Regulation is a primary wildlife trade law that implements § 4 of the Forestry Development Authority (FDA) Act. This regulation lists fully protected animals (§ I) and fees associated with wildlife conservation. It requires the application of a permit (§ II) and payment of fees (§ IV) to trade or hunt wildlife (§ II, IV & V); while detailing areas (§ III) and times (§ VII) exempt from hunting. Offenses against wild animals are penalized with economic fines (maximum of \$10,000) or imprisonment of varying terms (maximum 4 years) (§ VI).

-/1976 Forestry Development Authority (FDA) Act Liberia's Forestry Development Authority (FDA) Act creates the agency, FDA, that oversees and regulates wildlife trade in Liberia. Amongst its powers is the control of wildlife trade, transport, and use (§ 4), so as to conserve the country's wildlife resources (§ 3). The general provisions of this Act have been further developed by the Wildlife Conservation Fee Regulation (§ 4).

-/2012 Criminal Code (2012 Amendment) Liberia's Criminal Code (2012 amendment) adds a provision to the original law that is directly related to wildlife trade. In § 14.31 the offense of environmental crime is added to the code and defines it to include illegal hunting, killing, transport, and trade of rare and endangered wild animals. Destructive and illegal mining is also included in the definition of environmental crime. This article grades the offense of environmental crimes as either a first or second-degree felony.

RELATED LEGISLATION (11)

-/2002 Environmental Protection Law Liberia's Environmental Protection Law is the umbrella legislation for the management of environment and natural resources. It contains one article related to wildlife trade. Sec. 6 requires an Environmental Impact Assessment license for wildlife hunting, catching, trading, farming, and the creation of zoos and sanctuaries. In general, the law establishes primary measures for environmental protection and thus, is the origin of provisions more specifically identified in other laws. It protects wildlife by defining different wildlife conservation areas, and giving the Environmental Protection Agency responsibility to manage wildlife (Sec. 80).

26/1976 Criminal Code Liberia's Criminal Code has several provisions related to wildlife trade. This law regulates illicit activities that might occur along the wildlife trade chain, such as animal cruelty (§ 18.13). Other crimes that may be related to wildlife trade are: forgery and counterfeiting (§ 15.70–15.73), smuggling (§ 12.11), false declarations (§ 12.31–12.33) and corruption (§ 12.50–12.53). Conspiracy is defined in § 10.4, however, this code has no specific provision on organized crimes. Other articles that are indirectly related are those defining recidivism, attempt, facilitation, solicitation, participation, and responsibility of legal persons.

2/1969 Criminal Procedure Code Liberia's Criminal Procedure Code regulates how crimes are investigated and prosecuted generally. Although it does not include specific reference to wildlife trade crimes, its provisions are to be applied to all investigation and prosecution cases related to this topic.

-/2000 Revenue Code Liberia's Revenue Code contains the Customs Law in PART V (Chapters 12–18). It regulates the incoming and outgoing traffic of goods into or from the national territory and the collection of import duties. Its provisions are applicable in cases of import or export of wildlife and wildlife products, particularly those regulating the fulfillment of customs formalities (Section 14150–14154), storage (Section 14185), and competences of customs officials. General enforcement powers and provisions related to judicial

proceedings are listed in Chapter 16.

-/2012	Anti-Money-Laundering Act	Liberia's Anti-Money Laundering Act has a predicate offense approach. § 15.3 lists 'environmental crime', 'corruption and bribery', 'fraud', 'counterfeiting', 'forgery', 'smuggling', and 'robbery or theft', as predicate offences for money laundering. The predicate offense of 'environmental crime' includes wildlife trade offenses, as defined by the 2012 amendment of the Criminal Code. For the other predicate offenses, they may include wildlife trade offences to the extent they are defined elsewhere in national legislation.
-/2015	Firearms Law	Liberia's Firearms Law is applicable to wildlife trade as it regulates weapons and ammunition. Its provisions will apply to the act of hunting, determining the legality of weapons and ammunition used. In Liberia, 'small arms' (§ 1.2) are defined as 'shoulder fired single-barrel gun used exclusively for hunting', and requires authorization for possession (§ 1.21). This law prohibits recreational hunting (§ 1.20.c).
-/2002	General Business Law	Liberia's General Business Law is the umbrella legislation for regulating business transactions in the country. Its 2002 Amendment introduces a new chapter on electronic communications and transactions. This chapter contains some provisions that could be applicable to (online) wildlife trade such as those acknowledging the legal effect of offers, acceptance, contracts and signatures in electronic form (§ 13.5), or those determining the place of business of the originator of the offer (§ 13.19).
-/2009	Community Rights Law	Liberia's Community Rights Law has a few provisions related to wildlife trade. This law governs the sustainable management of 'Community Forest Lands' (§ 2.1), and establishes that local communities have ownership of forest resources on these lands (§ 2.2). However, forest resources must be used in a manner that conserves the area's biodiversity, ecology and habitat (§ 2.2). Commercial use of this land by local communities is permitted and limited to small (§ 6.1) and medium (§ 6.2) scale enterprises, as long as animal sanctuaries are protected (§ 6.6).
-/2003	Nimba Nature Reserve Act	Liberia's Nimba Nature Reserve Act establishes the geographical boundaries of the Nimba Nature Reserve (§ 2.1), and has some articles related to wildlife trade. Wildlife is protected in Nature Reserves (§ 2.2).
-/2003	Sapo National Park Act	Liberia's Sapo National Park Act establishes the geographical boundaries of the Sapo National Park (§ 2.1), and has some articles related to wildlife trade. Wildlife is protected in National Parks (§ 2.2).
-/1986	Constitution	Liberia's Constitution has one article indirectly related to wildlife trade. Article 7 makes the Republic responsible for the management of the country's natural resources, which includes animals as defined by Section 3 of the Environmental Protection Law.



MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
LEGISLATURE	■													
PRESIDENT'S OFFICE	■													
FOREST DEVELOPMENT AUTHORITY Conservation Department (CITES-MA)	■	■	■	■	■	■	■	■		■			■	■
UNIVERSITY OF LIBERIA W.R. Tolbert College of Agriculture and Forestry (CITES-SA)											■	■		

”

In Liberia, the Forest Development Authority is the leading entity dealing with both managerial and enforcement issues in relation to wildlife. Enforcement tasks are shared with the Revenue Authority and National Police.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
FOREST DEVELOPMENT AUTHORITY (FDA) Conservation Department					■	■	■	■	■					■
REVENUE AUTHORITY	■	■	■	■	■	■	■							
NATIONAL POLICE	■	■	■	■						■	■	■		
PROSECUTORS										■				
COURT													■	



SUMMARY

Species of Concern

Malaysia has one native species of great ape and three native gibbon species:

- Bornean orangutan (*Pongo pygmaeus*)
- Agile gibbon (*Hylobates agilis*)
- Lar gibbon (*Hylobates lar*)
- Siamang gibbon (*Symphalangus syndactylus*)

The gibbons range across peninsular Malaysia, while the orangutan can be found in Malaysian Borneo. Populations of Northeastern Bornean orangutan (*P. p. morio*) are found in the northeast of Sabah, along the border with Indonesia. The Northwestern Bornean orangutan (*P. p. pygmaeus*) occurs in Sarawak from the western coast through a narrow central stretch to the northeast along the border with Indonesia.

International Protection and Agreements

The IUCN Red List classifies the Bornean orangutan as critically endangered (CE) and the three gibbon species as endangered (EN).

They are also all protected under CITES Appendix I, which limits international commercial trade. Malaysia ratified this treaty in 1982 and has implementing legislation that CITES assesses as Category 1 (i.e. it generally meets CITES implementation requirements).

In addition to CITES, Malaysia is a signatory to four other international agreements that are key to controlling the illegal wildlife trade:

- UNCAC
- UNTOC
- 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

Malaysia is also eligible for, but has not signed, the Convention on Migratory Species (which does not include gibbon species native to Malaysia, but does include other Malaysian wildlife) and the ASEAN Agreement on the Conservation of Nature and Natural Resources (which prohibits the taking of, and regulates trade in and possession of, its appendix 1 and national endangered species), two key IWT agreements.

National Legal Framework

The core legal framework governing wildlife trade in Malaysia includes 21 pieces of legislation (17 laws and four regulations) belonging to 10 different legal areas.

Of these, the following are considered the primary pieces of legislation:

- Wildlife Law
- CITES Implementing Law
- Animal Welfare Law
- Wildlife Regulations (Permits)

Domestic Protections

The native Malaysian species, along with all other great apes and gibbons are domestically protected. This means that, among other things, they may not be hunted, kept in captivity, subjected to scientific research, or traded unless a special permit is obtained (see Wildlife Law).



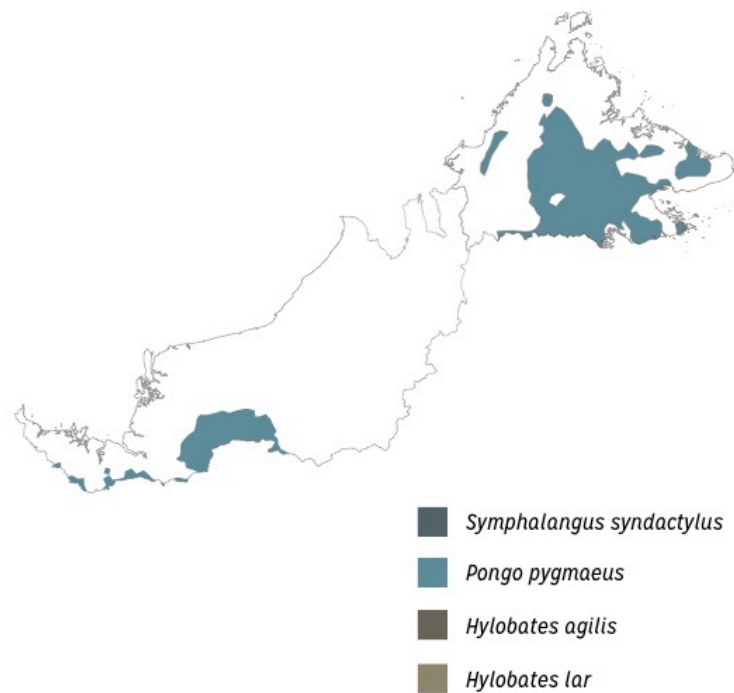
Malaysia: GREAT APES AND GIBBONS SPECIES RANGE DISTRIBUTION



Management and Enforcement Authorities

There are at least nine entities with competences to deal with wildlife-trade issues in Malaysia.

Wildlife trade, while mainly managed by the Ministry of Water, Land and Natural Resources (KATS), also has other agencies with authority over different aspects of its management. KATS is also appointed by law as the leading agency for the implementation and enforcement of CITES rules. For domestic wildlife rules, the enforcement competences are shared by several agencies, making it unclear who is the leading authority.



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Malaysia has adopted the most comprehensive approach to domestic protection for great apes and gibbons. Although home to only four great ape and gibbon species, the country offers legal protection to all existing 23 species.

2018 Malaysia PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>		✓	CITES-Appendix I
	<i>Gorilla beringei</i>		✓	CITES-Appendix I
Orangutans	<i>Pongo abelii</i>		✓	CITES-Appendix I
	<i>Pongo pygmaeus</i>	⊙	✓	CITES-Appendix I
	<i>Pongo tapanuliensis</i>		✓	(*)
Chimpanzees	<i>Pan troglodytes</i>		✓	CITES-Appendix I
Bonobos	<i>Pan paniscus</i>		✓	CITES-Appendix I
Gibbons	<i>Hylobates lar</i>	⊙	✓	CITES-Appendix I
	<i>Hylobates pileatus</i>		✓	CITES-Appendix I
	<i>Bunopithecus hoolock</i>		✓	CITES-Appendix I
	<i>Hylobates agilis</i>	⊙	✓	CITES-Appendix I
	<i>Hylobates albibarbis</i>		✓	CITES-Appendix I
	<i>Hylobates klossii</i>		✓	CITES-Appendix I
	<i>Hylobates moloch</i>		✓	CITES-Appendix I
	<i>Hylobates muelleri</i>		✓	CITES-Appendix I
	<i>Symphalangus syndactylus</i>	⊙	✓	CITES-Appendix I
	<i>Nomascus siki</i>		✓	CITES-Appendix I
	<i>Nomascus annamensis</i>		✓	CITES-Appendix I
	<i>Nomascus nasutus</i>		✓	CITES-Appendix I
	<i>Nomascus gabriellae</i>		✓	CITES-Appendix I
	<i>Nomascus hainanus</i>		✓	CITES-Appendix I
	<i>Nomascus concolor</i>		✓	CITES-Appendix I
	<i>Nomascus leucogenys</i>		✓	CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

(*) Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties

MALAYSIA Participation in IWT-Related International Agreements

1961 INTERPOL Constitution

❖ 1979 WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)

❖ 1982 CITES

1982 INTERPOL Rules on the Processing of Data

❖ 1988 WCO-International Convention on the Harmonized Commodity Description and Coding System

1988 WCO-Convention A.T.A. Carnet for the temporary admission of goods

1994 Convention on Biological Diversity (CBD)

1995 ASEAN Free Trade Agreement (AFTA)

1995 WTO-Agreement on Sanitary and Phytosanitary Measures

❖ 2004 UN Convention Against Transnational Organized Crime

2004 ASEAN-Tourism Agreement

2005 ASEAN-Mutual Legal Assistance in Criminal Matters

❖ 2008 UN Convention Against Corruption

2008 WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended

2012 ASEAN-Agreement on Customs

❖ none Convention on Migratory Species (CMS)

❖ none ASEAN-Agreement on the Conservation of Nature and Natural Resources

none WCO-Convention on Temporary Admission (Istanbul Convention)

none UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

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Malaysia ratified CITES in 1981. It is also a signatory to four other international agreements vital to controlling IWT. However, Malaysia has not signed two important IWT treaties it is eligible for: the CMS and ASEAN's Agreement on the Conservation of Nature and Natural Resources.

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Malaysia's core framework regulating wildlife includes 16 laws and four regulations belonging to 10 different legal areas.

Wildlife Trade Legal Framework In Malaysia

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy



https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Malaysia/legal_strategy

Wildlife Trade Legal Framework In Malaysia

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Wildlife Law	Animal Welfare Law	CITES Implementing Law
	National Parks Law	Criminal Code	Criminal Procedure Code
	Anti-Money Laundering and Anti-Terrorism Financing Law	Anti-Corruption Law	Customs Law
	Arms Law	E-Commerce Law	Firearms Law
	Land Public Transport Law	Trade Description Law	Protected Areas Law
	Forestry Law		
National Regulation	Wildlife Regulations (Permits)	Wildlife Regulations (Zoos) (2013 Amendment)	Wildlife Regulations (Zoos)
	Wildlife Regulations (Exhibitions)	Wildlife Regulations (Commercial Captive Breeding)	

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Malaysia/legal_hierarchy

PRIMARY LEGISLATION (4)

716/2010

Wildlife Law

Malaysia's Wildlife Law is the primary law for the conservation of wild species. It contains many articles directly related to wildlife trade. Section 1 divides wildlife into protected (First Schedule) and highly protected species (Second Schedule). The law mainly regulates hunting activities (Part III), the duties and obligations for hunters and taxidermists, including trade requirements (Part IV) and the exceptions to those (Part VI). Wildlife reserves and sanctuaries are defined in Part V, including the activities that are prohibited within their limits. Enforcement provisions are to be found in Part VIII. Offences and penalties related to hunting activities are covered by Part VII, with penalties up to 10 years imprisonment and 300,000 ringgit (hunting immature or females of totally protected wildlife without a permit). Part IX covers provisions applicable to judicial proceedings.

686/2008

CITES Implementing Law

Malaysia's CITES Implementing Law is the primary law covering the international trade of species protected listed in its Schedule. It is to be read together with other laws related to wildlife trade, but its provisions prevail in case of inconsistencies (Section 2). It defines the CITES Management and Scientific Authorities (Part II), and regulates trade in Scheduled species in Part III, including their import, export and re-export. Penalties for offences described in this part range from 3 to 10 years imprisonment and fines from 50,000 to 1 million ringgits. The basic rules for permits, certificates and registration are to be found in Part IV. It also provides the basic rules defining enforcement (Part V) and special provisions applicable to judicial proceedings (Part VI).

772/2015

Animal Welfare Law

Malaysia's Animal Welfare Law is the primary law for the promotion of the wellbeing of animals. It contains several articles related to wildlife trade. Part III regulates the obligation, procedure and requirements to obtain a special licence (Section 15) for activities related to the use of animals for, among others, performances, research, testing, breeding, animal rescue, rehabilitation, slaughtering and captivity for commercial purposes (Schedule). Obligations related to animal welfare, including during their transport, are covered in Part IV. Cruelty to animals is dealt with in Part V. Animal fighting ventures are prohibited under this Part, including the possession of audio-visual recordings (Section 32). This law also establishes certain obligations to be fulfilled in cases of animals in distress (Part VI). Enforcement provisions are covered by Part VII. Section 36 establishes the creation of 'Animal Welfare Officers'. Special provisions applicable to judicial proceedings are found in Part VII.

-/2013

Wildlife Regulations
(Permits)

Malaysia's Wildlife Regulations (Permits) implements articles 9 to 11 of the Wildlife Conservation Act by determining the payable fees in respect of the requirement for hunting, taking, dealing, researching, importing, exporting or re-export of protected and totally protected species or any part or derivative.

RELATED LEGISLATION [17]

730/2011

Trade Description
Law

Malaysia's Trade Description Law contains several provisions related to wildlife trade since 'animals' fall within the definition of 'goods' (Section 2). Sections 5–12 prohibit false trade descriptions. False or misleading statements in advertisement is also forbidden (Section 18). Goods bearing a false indication of origin are banned from import (Section 26), as well as abetting of offences committed abroad (Section 27). Part VII contains investigation and enforcement powers.

226/1980

National Parks Law

Malaysia's National Parks Law is the basic law establishing and controlling National Parks in Peninsular Malaysia with certain exceptions (Section 1.(2)). It contains one article related to wildlife trade: Section 11.(1) leaves it to the appropriate Minister to make regulations addressing: –the prohibition of the killing, maiming, trapping, capturing or impounding of any wildlife, –the prohibition of such animals from being taken into or remaining within the Park, –the disposal of wildlife, –conduct obligations for visitors, –offences and penalties, and –enforcement matters and powers of designated authorities. Some of these provisions are to be found in Malaysia's National Parks Regulation.

-/2012

Wildlife Regulations
(Zoos)

Malaysia's Wildlife Regulations (Zoos) implements the zoos provisions of the Wildlife Conservation Act, establishing conditions for this activity to take place. It requires the issuing of a permit (Sec. 3), establishes fees (Sec. 4) and describes the required health and enclosure conditions for the animals (Sec 6–11). It also determines special conditions for the holding of performances in the zoo premises (Sec 13). Sec 15 establishes the penalties for breaches of these obligations.

-/2013

Wildlife Regulations
(Zoos) (2013
Amendment)

Malaysia's Wildlife Regulations (Zoos) (2013 Amendment) modifies the Regulation of the same name. Among others, it introduces a new definition of zoo and prohibits the use of totally protected animals in zoos unless a special permit is granted (Sec 3(2). The enclosure sizes are also amended.

-/2013

Wildlife Regulations
(Exhibitions)

Malaysia's Wildlife Regulations (Exhibitions) implements the exhibitions provisions of the Wildlife Conservation Act, establishing conditions for this activity to take place. It requires the issuing of a permit (Sec. 3), establishes fees (Sec. 4) and

describes the required health and enclosure conditions for the animals (Sec 7–11). It also prohibits the holding of performances in the exhibition premises (Sec 12). Sec 14 establishes the penalties for breaches of these obligations.

-/2013

Wildlife Regulations
(Commercial Captive
Breeding)

Malaysia's Wildlife Regulations (Commercial Captive Breeding) implements the captive breeding provisions of the Wildlife Conservation Act, establishing conditions for this activity to take place. It requires the issuing of a permit for commercial captive breeding activities (Sec. 3), establishes fees (Sec. 4) and describes the required health and enclosure conditions for the animals. Recording and marking are also regulated (Sec 6–7). Sec 8 establishes the penalties for breaches of these obligations.

-/1959

Protected Areas
Law

Malaysia's Protected Areas Law has no provision directly related to wildlife trade. However, it contains two sections that might be applicable: it requests persons allowed to access a protected area or place to respect the rules of conduct specific for that place (Sections 4 and 5). Offences against this obligation may be penalized with imprisonment for a term of two years or to a fine of one thousand ringgit or to both (Section 7).

313/1984

Forestry Law

Malaysia's Forestry Law is the umbrella legislation that regulates the administration and management of forests, including their conservation. No animal species is included in the definition of forest produce (Section 2.(1)). However, it contains one article related to wildlife trade: Section 10 empowers the State Director of Forestry to classify permanent reserve forests as Forest Sanctuaries for Wildlife. In this case, the rules established in the Wildlife Law would be applicable.

45/1936

Criminal Code

Malaysia's Criminal Code is the primary law regulating criminal offences and has several provisions related to wildlife trade. It regulates illicit activities that might occur along the wildlife trade chain, such as animal mischief (Section 428). Other crimes that may be related to wildlife trade are forgery (Sections 463–465) or corruption (Chapter IX). Organized crime activities are defined in Chapter VIb. Other articles that are indirectly related are those defining aggravating circumstances, recidivism, attempt, (Sec 511), participation and responsibility of legal persons.

593/1935

Criminal Procedure
Code

Malaysia's Criminal Procedure Code regulates how crimes are investigated and prosecuted generally. Although it does not include specific reference to wildlife trade, its provisions are to be applied in all investigation and prosecution cases related to this topic.

62/1967

Customs Law

Malaysia's Customs Law regulates the incoming and outgoing traffic of goods into or from the national territory and the

collection of import duties. Its provisions are applicable in cases of import or export of wildlife and wildlife products, particularly those regulating the fulfillment of customs formalities (Part IV–VI), storage (Part VIII), and competences of Customs officials (Part II). Related offences to wildlife trade include false declarations (Section 133) and smuggling (Section 135). General enforcement powers are listed in Part XII, and provisions related to judicial proceedings in Part XIII.

37/1971

Firearms Law

Malaysia's Firearm Law provides increased penalties for the use of firearms in the commission of offences listed in the Schedule. Although none of the offences is related to wildlife trade, its provisions may be applicable in those cases in so far as they are related to the offences listed: robbery, house-breaking or resistance to arrest.

-/1960

Arms Law

Malaysia's Arms Law has one article directly related to wildlife trade. It prohibits discharging an arm to kill or hunt a wild animal or bird, unless a national law allows for it (Section 39). In addition, other provisions may be applicable such as the obligation to have an arms licence (Section 3–8), or the possession of arms for unlawful purposes (Section 33).

613/2001

Anti-Money-
Laundering and Anti-
Terrorism-Financing
Law

Malaysia's Anti-Money Laundering and Anti-Terrorism Financing Law has a predicate offense approach. Sections 2.1 and 3.1 predicates liability under this law to 'serious' criminal offences. The second Schedule contains a list of serious offences under national law that may trigger anti-money laundering provisions. These include several offences related to wildlife trade, including 23 different types of offences under the Wildlife Conservation Act.

694/2009

Anti-Corruption Law

Malaysia's Anti-Corruption Law has no specific provision directly related to wildlife trade, however, some of the offences described may be applicable in certain cases such as: accepting or offering gratifications (section 16–17) and bribery of national or foreign officers (sections 21–22). Parts V–VII contain relevant enforcement and judicial provisions.

658/2006

E-commerce Law

Malaysia's E-commerce Law is the primary legislation regulating electronic communications and transactions. It has some articles indirectly related to wildlife trade such as the attribution of electronic messages (Section 17), and date and place of dispatch and receipt (Sections 20–24).

715/2010

Land Public
Transport Law

Malaysia's Land Public Transport Law regulates land transit, whether by road or train. It contains no direct provision related to wildlife trade, however, some of its articles may be applied in wildlife trade cases. Section 198 penalizes the carrying of dangerous goods with up to 7 years imprisonment. It also

contains provisions regulating the powers of stopping and inspecting vehicles (Sec 77), to seize documents (Section 79) and vehicles (Sections 80–81), and arrest (Section 142). The Prime Minister is called upon to draft Regulations on the carrying of animals with contagious or infectious diseases (Section 252).

-/1957

Constitution

Malaysia's Constitution contains some articles that are indirectly related to wildlife trade. It establishes the National Land Council, which must draft the national policy on land use and may be consulted by the government when drafting or implementing land use laws (Sec. 91). Schedule 9 covers the distribution of competences between the Federal Government (mining, fisheries excluding turtles) and the different States (mining licensing, forests and turtles). The protection of wild animals and wild birds and the National Parks are concurrent competences.



MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
PARLIAMENT	■													
MINISTRY OF WATER, LAND AND NATURAL RESOURCES (Lead CITES MA & SA)														
Minister	■		■			■								
Department of Wildlife and National Parks (DNWP) Animals	■			■	■	■		■			■	■	■	■
MINISTRY OF AGRICULTURE AND AGRO-BASED STUDIES											■	■	■	■
Department of Fisheries (CITES-MA&SA)											■	■	■	
Fisheries Research Institute (CITES SA)											■	■		
STATES AUTHORITIES (CITES MA&SA)			■											
Sabah Wildlife Department													■	■
Sabah Fisheries Department													■	■
Sarawak Forest Department and Forestry Corporation (CITES SA)											■	■	■	■

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There are at least nine different authorities with competences to deal with wildlife-trade issues in Malaysia. Wildlife trade, while mainly managed by the Ministry of Water, Land and Natural Resources (KATS), also has other agencies with authority over different aspects of its management. KATS is also appointed by law as the leading agency for the implementation and enforcement of CITES rules. For domestic wildlife rules, the enforcement competences are shared by several agencies, making it unclear who is the leading authority.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offences	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
MINISTRY OF WATER, LAND AND NATURAL RESOURCES														
Officers	■	■	■		■	■	■	■		■	■	■		
MINISTRY OF AGRICULTURE														
Animal Welfare Officers	■		■		■	■	■			■				
STATES														
Wildlife Department Sabah	■	■	■		■	■	■	■		■	■			
Fisheries Department	■	■	■		■	■	■	■		■	■			
Forestry Department Sarawak	■	■	■		■	■	■	■		■	■			
ROYAL MALAYSIA POLICE	■	■	■		■	■	■	■		■	■	■		
ROYAL MALAYSIAN CUSTOMS DEPARTMENT														
Custom Officers	■	■	■		■	■	■	■		■	■			
PROSECUTORS										■				
COURTS													■	■



SUMMARY

Species of Concern

There are two gibbon species native to Myanmar:

- Hoolock gibbon (*Bunopithecus hoolock*)
- Lar gibbon (*Hylobates lar*)

The Lar gibbon is found in eastern Myanmar; the Hoolock gibbon can be found in northern Myanmar. Several populations are found along Myanmar's borders with China, Laos, Thailand, and India.

International Protection and Agreements

The IUCN Red List classifies all gibbon species as endangered (EN).

They are also all protected under CITES Appendix I, which limits international commercial trade. Myanmar ratified this treaty in 1978 and has implementing legislation that CITES assesses as Category 2¹ (i.e. it generally does not meet all CITES implementation requirements).

In addition to CITES, Myanmar is a signatory to four other international agreements that are key to controlling the illegal wildlife trade:

- The ASEAN Agreement on the Conservation of Nature and Natural Resources
- UN Convention Against Corruption
- UNTOC
- WCO – International Convention on the Harmonized Commodity Description and Coding System

Myanmar is also eligible for, but has not signed, the Convention on Migratory Species (which does not include gibbon species native to Myanmar, but does include other Myanmar wildlife) and the WCO Nairobi Convention (a treaty relevant to customs cooperation between countries to prevent smuggling of products, including wildlife products), two important IWT agreements.

National Legal Framework

The core legal framework governing wildlife trade in Myanmar includes 21 pieces of legislation (14 laws and seven regulations) belonging to 10 different legal areas. Of these, the following are considered the primary pieces of legislation:

- Biodiversity and Protected Areas Law
- Wildlife and Protected Areas Regulation
- Animal Health Law
- Zoo Animal Import Regulation
- Zoo Animal Export Regulation
- Notification on List of Protected Wildlife

Domestic Protections

The two native species, the Lar and Hoolock gibbons, along with the non-native Siamang gibbon (*Symphalangus syndactylus*), are domestically protected, meaning they may not be hunted, harmed, kept in captivity, transported, or traded unless a special permit is obtained (see Biodiversity and Protected Areas Law).

The other non-native gibbon and great apes species lack domestic protection. If they are found inside national territory they may therefore be traded legally.

Management and Enforcement Authorities

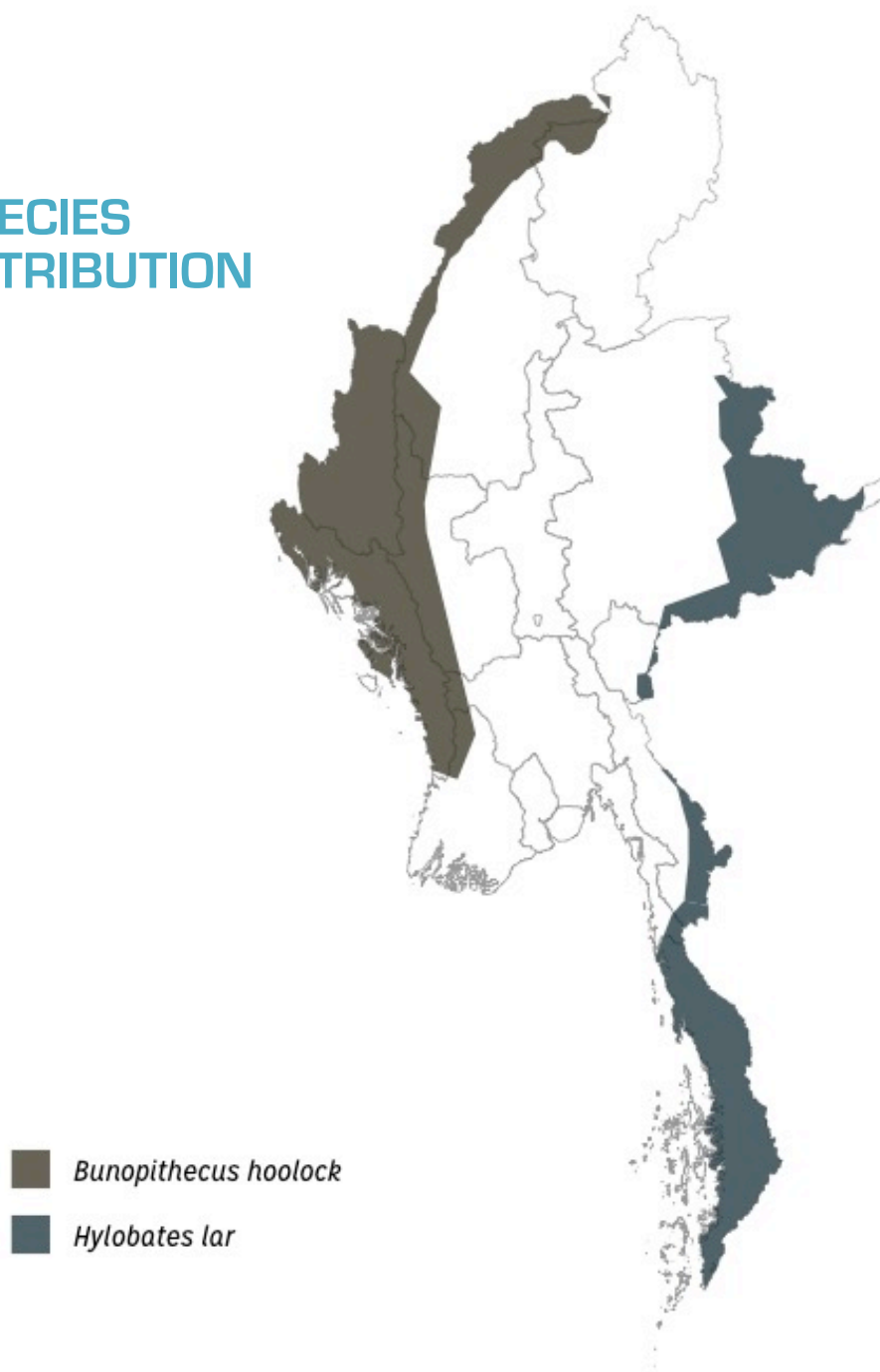
There are at least nine authorities with competences to deal with wildlife-trade issues in Myanmar.

¹ Myanmar passed a new wildlife law in 2018, and this may change the CITES assessment, dated from July 2018.



Wildlife trade, while mainly managed by the Ministry of Environmental Conservation and Forestry, has other agencies with authority over different aspects of its management. The enforcement competences are shared by the Forest Department, National Police, and customs officers, making it unclear who is the leading authority when it comes to enforcing wildlife rules.

Myanmar: GIBBON SPECIES RANGE DISTRIBUTION



Both native gibbon species are legally protected in Myanmar, which also protects a third non-native gibbon species, *Symphalangus syndactylus*. All other non-native great ape and gibbon species are protected under CITES Appendix I, and are thus subject to highly restricted global trade. If, however, they are smuggled into the country, they do not benefit from full domestic legal protection.

2018 Myanmar PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>			CITES-Appendix I
	<i>Gorilla beringei</i>			CITES-Appendix I
Orangutans	<i>Pongo abelii</i>			CITES-Appendix I
	<i>Pongo pygmaeus</i>			CITES-Appendix I
	<i>Pongo tapanuliensis</i>			(*)
Chimpanzees	<i>Pan troglodytes</i>			CITES-Appendix I
Bonobos	<i>Pan paniscus</i>			CITES-Appendix I
Gibbons	<i>Hylobates lar</i>	⊙	✓	CITES-Appendix I
	<i>Hylobates pileatus</i>			CITES-Appendix I
	<i>Bunopithecus hoolock</i>	⊙	✓	CITES-Appendix I
	<i>Hylobates agilis</i>			CITES-Appendix I
	<i>Hylobates albibarbis</i>			CITES-Appendix I
	<i>Hylobates klossii</i>			CITES-Appendix I
	<i>Hylobates moloch</i>			CITES-Appendix I
	<i>Hylobates muelleri</i>			CITES-Appendix I
	<i>Symphalangus syndactylus</i>		✓	CITES-Appendix I
	<i>Nomascus siki</i>			CITES-Appendix I
	<i>Nomascus annamensis</i>			CITES-Appendix I
	<i>Nomascus nasutus</i>			CITES-Appendix I
	<i>Nomascus gabriellae</i>			CITES-Appendix I
	<i>Nomascus hainanus</i>			CITES-Appendix I
	<i>Nomascus concolor</i>			CITES-Appendix I
	<i>Nomascus leucogenys</i>			CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

[*] Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties



MYANMAR Participation in IWT-Related International Agreements

1956 INTERPOL Constitution

❖ 1978 CITES

1982 INTERPOL Rules on the Processing of Data

❖ 1995 WCO-International Convention on the Harmonized Commodity Description and Coding System

1995 WTO-Agreement on Sanitary and Phytosanitary Measures

1995 Convention on Biological Diversity (CBD)

1997 ASEAN Free Trade Agreement (AFTA)

❖ 1997 ASEAN-Agreement on the Conservation of Nature and Natural Resources

❖ 2004 UN Convention Against Transnational Organized Crime

2004 ASEAN-Tourism Agreement

2009 ASEAN-Mutual Legal Assistance in Criminal Matters

❖ 2012 UN Convention Against Corruption

2013 ASEAN-Agreement on Customs

❖ none Convention on Migratory Species (CMS)

❖ none WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)

none WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended

none WCO-Convention A.T.A. Carnet for the temporary admission of goods

none WCO-Convention on Temporary Admission (Istanbul Convention)

none UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

”

Myanmar ratified CITES in 1978. It is signatory to four other international agreements important for wildlife-trade issues. It is also eligible for, but has not yet signed, the Convention on Migratory Species and the WCO Nairobi Convention.

”

14 laws and seven regulations belonging to 10 different legal areas constitute the core legal framework governing wildlife trade in Myanmar.

Wildlife Trade Legal Framework In Myanmar

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy

Administrative	Agriculture	Animal	Civil Procedure	Commerce	Constitutional
Criminal	Cultural Heritage	Customs & Trade	Defense & Security	Economics	Education
Employment	Energy	Environment	Finance	Health	Human Rights
Immigration	Industrial	Insurance	Intellectual Property	Labor	Land Tenure & Planning
Marine & Admiralty Law	Natural Resources	Political Parties & Elections	Services	Taxation	Telecom & Media
Transportation					

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Myanmar/legal_strategy

Wildlife Trade Legal Framework In Myanmar

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Animal Health Law	Animal Health Law (2010 Amendment)	Biodiversity and Protected Areas Law
	Forestry Law	Criminal Code	Criminal Code (2016 Amendment)
	Assistance on Crimes Law	Anti-Money Laundering Law	Anti-Corruption Law
	Environmental Protection Law	Sea Customs Law	Land Customs Law
	Traditional Drug Law	Firearms Law	Criminal Procedure Code
National Regulation	Wildlife and Protected Areas Regulation - MISSING	Notification on List of Protected Wildlife	Zoo Animal Import Regulation
	Zoo Animal Export Regulation	Forestry Regulation	Assistance on Crimes Regulation - MISSING
	Environmental Protection Regulation		

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Myanmar/legal_hierarchy

PRIMARY LEGISLATION [6]

37/2002

Wildlife and
Protected Areas
Regulation

Myanmar's Wildlife and Protected Areas Regulation establishes a framework for implementing the Wildlife and Protected Areas Law. More information will be available when the text of the law is updated in the platform.

12/2018

Biodiversity and
Protected Areas
Law

Myanmar's Biodiversity and Protected Areas Law is the umbrella legislation for the protection of wildlife and forest areas and regulates wildlife trade. Chapter V defines protected species and competences related to their use, including those related to the granting of import and export permits (Sec 21–23). Art. 19 states three categories of protected wildlife: completely, normally, and seasonally protected to be found in the Notification on List of Protected Wildlife, 583/1994. The law also establishes Myanmar's CITES Authorities (Sec 20). Further provisions regulate hunting (Chapter VII), the establishment of zoos (Sec 26–30) and the registration of other wildlife uses such as wildlife souvenirs, traditional customs or research purposes (Sec 31). Chapter XI sets out wildlife trade related offences with a maximum imprisonment of 10 years for, among others, illegally trading CITES specimens. The procedures for implementing the Law are elaborated on in the Wildlife and Protected Areas Regulation.

583/1994

Notification on List
of Protected
Wildlife

Myanmar's Notification on List of Protected Wildlife is a primary piece of legislation regulating wildlife trade. It implements Art.15 of the former Biodiversity and Protected Areas Law by establishing the list of protected species at national level. 'Completely protected' category includes 98 species, 'Normally protected' includes 61 species, and 'Seasonally protected' includes 15 species.

17/1993

Animal Health Law

Myanmar's Animal Health Law is the umbrella legislation regulating the phytosanitary requirements for the handling of animals. It is related to wildlife trade since it contains provisions for the inspection of imported and exported animals (Chapters V and VII respectively); the certification of products for export (Chapter V); and animal welfare (Chapter VIII). Chapter X contains information on penalties for offenses. This law has been amended by the Animal Health Law (2010 Amendment).

36/2010

Animal Health Law
(2010
Amendment)

Myanmar's Animal Health Law (2010 Amendment) introduces some changes into Animal Health Law. It is related to wildlife trade since it reduces the definition of 'animal' to only mammals, birds or bees (Art.2.a). It also adds the requirement of a 'recommendation certificate' for the import and export of animals (Sec 29).

-/2002

Zoo Animal Import
Regulation

Myanmar's Zoo Animal Import Regulation stipulates the procedures and requirements for importing wildlife as zoo animals. The Regulation lists the accompanying documents needed for animal import and rules

and procedures for transportation and quarantine.

-/2002

Zoo Animal Export
Regulation

Myanmar's Zoo Animal Export Regulation stipulates the procedures and requirements for exporting animals. It covers domestic and zoo animals, the latter being applicable to the topic of wildlife trade. The Regulation lists the fees and accompanying documents needed for animal export.

RELATED LEGISLATION (15)

8/1992

Forestry Law

Myanmar's Forestry Law is the umbrella legislation for the management of its forests, including their conservation. It is related to wildlife trade since the definition of forest produce includes "wild animals and insects, their parts and their by-products" (Art. 2.e). Chapter VI introduces the permits for forest produce extraction, and Chapter VII the requirements for its transport. Law enforcement powers and penalties for offenses are found in Chapters X and XII respectively. The maximum penalty for wildlife trade violations is established at 7 years of imprisonment. This law is further implemented by the Forestry Regulation.

-/1995

Forestry
Regulation

Myanmar's Forestry Regulation establishes the framework for implementing the Forestry Law.

9/2012

Environmental
Protection Law

Myanmar's Environmental Protection Law is the umbrella legislation for the management of environment and natural resources. Although it does not include a specific reference to wildlife trade, it establishes primary measures for environmental protection and thus, is the origin of provisions more specifically identified in other laws. Provisions implementing the Law are elaborated on in the Environmental Protection Regulation.

50/2014

Environmental
Protection
Regulation

Myanmar's Environmental Protection Regulation implements the Environmental Protection Law. Although it does not include a specific reference to wildlife trade, it establishes measures for environmental protection and thus, is the origin of provisions more specifically identified in other laws. Chapter X stipulates procedures for the conservation of natural resources.

India Act
XLV/1861

Criminal Code

Myanmar's Criminal Code has several provisions related to wildlife trade. This law regulates illicit activities that might occur along the wildlife trade chain, such as forgery (arts 463–471), seal counterfeiting (arts 472–476), or killing, poisoning or maiming animals (arts 428–429). Corruption is defined in Chapter IX. Other articles that are indirectly related are those defining conspiracy, aggravating circumstances, recidivism, attempt, participation and responsibility of legal persons. The Law has been amended in 2016 (see. Criminal Code (2016 Amendment)).

6/2016	Criminal Code (2016 Amendment)	Myanmar's Criminal Code (2016 Amendment) adjusts the fine and imprisonment terms stipulated in the Criminal Code. This includes the articles of the Criminal Code that regulate illicit activities that might occur along the wildlife trade chain, such as forgery, seal counterfeiting, or killing, poisoning or maiming animals.
-/1898	Criminal Procedure Code	Myanmar's Criminal Procedure Code regulates how crimes are investigated and prosecuted generally. Although it does not include specific reference to wildlife trade crimes, its provisions are to be applied in all investigation and prosecution cases related to this topic.
5/2004	Assistance on Crime Law	Myanmar's Assistance on Crime Law stipulates responsibilities on mutual assistance in criminal proceedings with states parties to international and regional agreements. It is indirectly related to wildlife trade, since it may be useful in the investigation and prosecution of wildlife crimes. Chapter V deals with law enforcement powers. The procedures for implementing the law are elaborated on in the Assistance on Crime Regulation.
5/2014	Assistance on Crime Regulation	Myanmar's Assistance on Crime Regulation establishes the framework for implementing the Assistance on Crime Law. More information will be available when the text of the law is updated in the platform.
India Act VII/1878	Sea Customs Law	Myanmar's Sea Customs Law regulates the incoming and outgoing traffic of goods into or from any sea customs area in the national territory and the collection of import duties. Together with the Land Customs Law, they are the umbrella legislation for customs issues. Its provisions are applicable for wildlife trade, particularly those regulating export and import (Chapter IV and XIII) and discharge of cargo (Chapter IX). Related offences to wildlife trade include transshipment (Chapter XII).
India Act XIX/1924	Land Customs Law	Myanmar's Land Customs Law regulates the incoming and outgoing traffic of goods into or from any land customs areas in the national territory and the collection of import duties. Together with the Sea Customs Law, they are the umbrella legislation for customs issues. Art. 5 deals with permits for exporting and importing goods, Art. 7 stipulates the penalties for breaking the customs regime.
11/2014	Anti-Money-Laundering Law	Myanmar's Anti-Money Laundering Law has a predicate offense approach and, although wildlife trade is not specifically listed as a predicate offence, environmental crimes (art 5.(d) and offences committed by organized criminal groups are (art 5(c)). This may include wildlife trade offences to the extent that they are defined elsewhere in national legislation and meet the definition of 'environmental crime' or 'organized crime'.
23/2013	Anti-Corruption Law	Myanmar's Anti-Corruption Law is the umbrella legislation that defines and punishes corruption offences. It is indirectly related to wildlife

trade, since some of the offences described may apply in specific cases such as bribery with a maximum of 15 years in prison and a fine (Article 55–57).

India Act
XI/1878

Firearms Law

Myanmar's Firearms Law is the umbrella legislation regulating weapons and ammunition, and it is indirectly related to wildlife trade. Its provisions will apply to the act of hunting, determining the legality of weapons and ammunition used.

7/1996

Traditional Drug
Law

Myanmar's Traditional Drug Law regulates the production, registration and licensing of traditional medicine. Many endangered animals, such as gibbons, are commonly used for traditional medicine, which makes this law relevant to trade in wildlife products to the extent animal product meet the definition of 'raw material' in Article 2(i).

-/2008

Constitution

Myanmar's Constitution contains three articles that are indirectly related to wildlife trade. It establishes the protection of the environment as a basic principle (Art. 45), a citizen duty (Art. 390), and points at the State as the owner of natural resources and lands (Art. 37). While none of these provisions expressly regulates the topic, they may be relevant to the extent that controlling wildlife trade is necessary for "the protection of the environment".



MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
ASSEMBLY OF THE UNION	■						■							
MINISTRY OF ENVIRONMENTAL CONSERVATION AND FORESTRY	■													
Minister							■			■			■	
Forest Department	■	■	■			■	■	■			■			
Director General (CITES-MA)			■			■		■	■	■			■	■
Nature and Wildlife Conservation Division (CITES SA)		■						■						■
MINISTRY OF LIVESTOCK AND FISHERIES														
Department of Fisheries (CITES-SA)		■												■
Livestock Breeding and Veterinary Department	■						■			■				
MINISTRY OF FINANCE														
Customs Department	■													

“

There are at least nine authorities with competences to deal with wildlife-trade issues in Myanmar. Wildlife trade, while mainly managed by the Ministry of Environmental Conservation and Forestry, also has other agencies with authority over different aspects of its management. The enforcement competences are shared by the Forest Department, National Police, and customs officers, being unclear who is the leading authority in enforcing wildlife rules.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
MINISTRY OF ENVIRONMENTAL CONSERVATION AND FORESTRY														
Forest Department			■		■	■							■	■
MINISTRY OF FINANCE														
Customs Officers	■	■	■	■	■	■	■			■	■		■	
MINISTRY OF HOME AFFAIRS														
Police Officers	■	■	■	■	■	■				■	■	■		
Forestry Police Officers	■	■	■	■	■					■	■	■		
ANTI-CORRUPTION COMMISSION	■	■	■		■				■	■				
PROSECUTORS										■				
COURTS						■	■	■	■				■	■



SUMMARY

Species of Concern

There are two species of great apes native to Nigeria:

- Cross River gorilla (*Gorilla gorilla diehli*)
- Nigeria-Cameroon chimpanzee (*Pan troglodytes ellioti*)

The Cross River gorilla can be found in the Cross River State along the Nigeria – Cameroon border. The Nigeria-Cameroon chimpanzee is found along the eastern border of Nigeria and in pockets of forests in southwestern Nigeria.

International Protection and Agreements

The IUCN Red List classifies the *Gorilla gorilla* as critically endangered (CE) and the *Pan troglodytes* as endangered (EN).

They are also protected under CITES Appendix I, which limits international commercial trade. Nigeria ratified this treaty in 1975 and has implementing legislation that CITES assesses as Category 1 (i.e. it generally meets CITES implementation requirements).

In addition to CITES, Nigeria is a signatory to seven additional international agreements

that are critical to controlling the illegal wildlife trade:

- Convention on Migratory Species
- Convention on Migratory Species – Gorilla Agreement
- UNCAC
- UNTOC
- 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
- AU Convention on Conservation of Nature (ratification pending)

National Legal Framework

The core legal framework governing wildlife trade in Malaysia includes 16 laws belonging to nine different legal areas. Of these, the following are considered the primary pieces of legislation:

- Trade in Endangered Species Law
- National Park Services Act

Domestic Protections

Both native species, along with the *Pan paniscus* (Bonobos) are domestically protected, which means absolute prohibition on their hunting, capture, and trade.

While *Pan paniscus* is not native to Nigeria, it enjoys the same domestic protection as Nigeria's native great apes species (see Trade in Endangered Species Law).

Other non-native great apes and gibbon species lack domestic protection. Discovery of these smuggled animals or wildlife products may be penalized under the Customs and CITES implementing legislation, but would not be subject to other domestic trade restrictions.

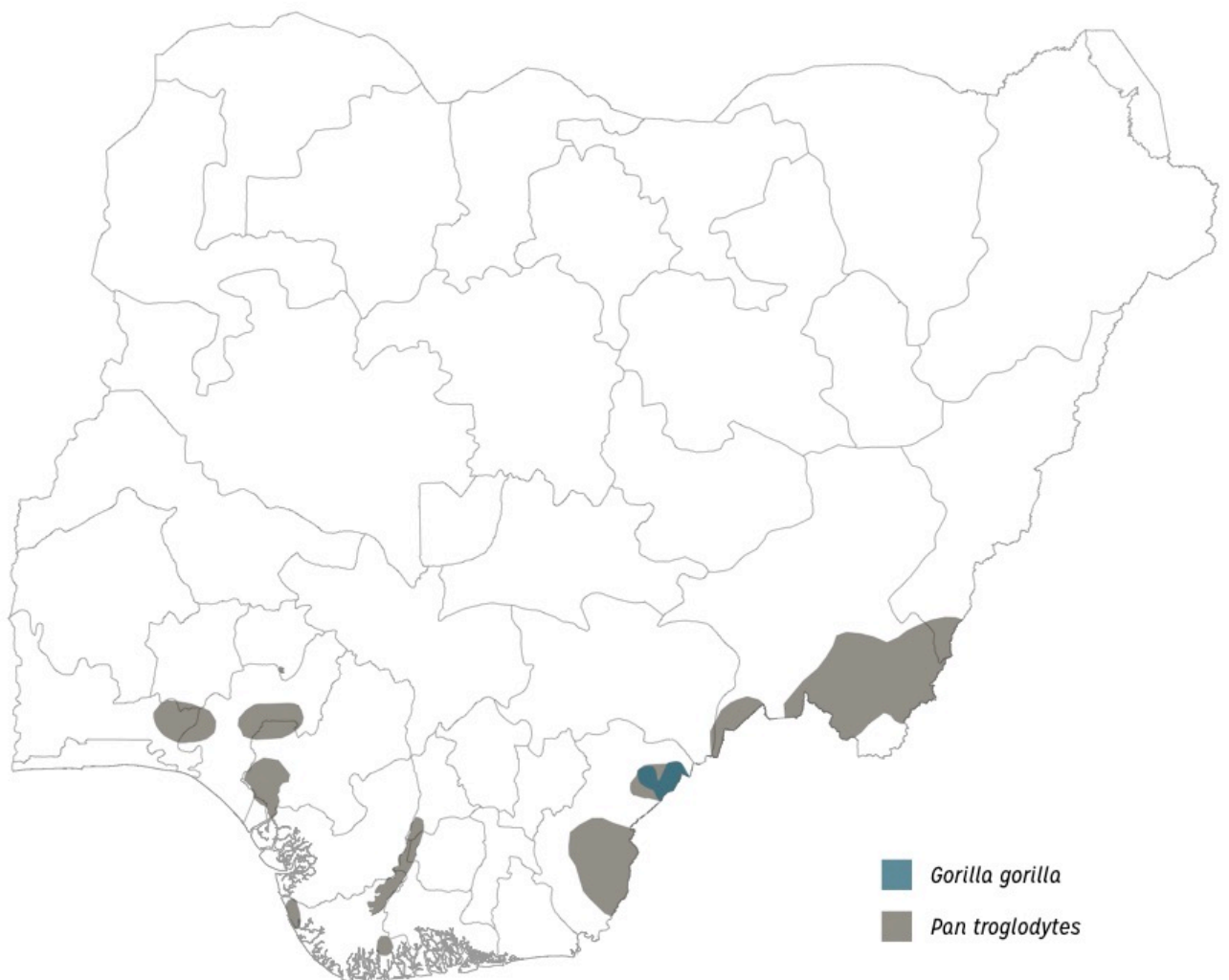


Management and Enforcement Authorities

There are at least nine authorities with competences to deal with wildlife-trade issues in Nigeria.

The primary authorities are the Ministry of Environment and the National Park Service. In addition to these, the National Environmental Standards and Regulations Enforcement Agency has enforcement authority, as well as the power to investigate offenses, together with the customs and police authorities.

Nigeria: GREAT APES SPECIES RANGE DISTRIBUTION



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Nigeria provides domestic legal protection to both its native great ape species and also to bonobos. The other, non-native, great ape are gibbon species are protected under CITES Appendix I, and are thus subject to highly restricted global trade. If, however, they are smuggled into the country, they do not benefit from full domestic protection.

2018 Nigeria PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>	⊙	✓	CITES-Appendix I
	<i>Gorilla beringei</i>			CITES-Appendix I
Orangutans	<i>Pongo abelii</i>			CITES-Appendix I
	<i>Pongo pygmaeus</i>			CITES-Appendix I
	<i>Pongo tapanuliensis</i>			(*)
Chimpanzees	<i>Pan troglodytes</i>	⊙	✓	CITES-Appendix I
Bonobos	<i>Pan paniscus</i>		✓	CITES-Appendix I
Gibbons	<i>Hylobates lar</i>			CITES-Appendix I
	<i>Hylobates pileatus</i>			CITES-Appendix I
	<i>Bunopithecus hoolock</i>			CITES-Appendix I
	<i>Hylobates agilis</i>			CITES-Appendix I
	<i>Hylobates albibarbis</i>			CITES-Appendix I
	<i>Hylobates klossii</i>			CITES-Appendix I
	<i>Hylobates moloch</i>			CITES-Appendix I
	<i>Hylobates muelleri</i>			CITES-Appendix I
	<i>Symphalangus syndactylus</i>			CITES-Appendix I
	<i>Nomascus siki</i>			CITES-Appendix I
	<i>Nomascus annamensis</i>			CITES-Appendix I
	<i>Nomascus nasutus</i>			CITES-Appendix I
	<i>Nomascus gabriellae</i>			CITES-Appendix I
	<i>Nomascus hainanus</i>			CITES-Appendix I
	<i>Nomascus concolor</i>			CITES-Appendix I
	<i>Nomascus leucogenys</i>			CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

(*) Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties



NIGERIA Participation in IWT-Related International Agreements

	1960	INTERPOL Constitution
	1973	WCO-Convention A.T.A. Carnet for the temporary admission of goods
❖	1975	CITES
	1982	INTERPOL Rules on the Processing of Data
❖	1984	WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)
❖	1987	Convention on Migratory Species (CMS)
❖	1988	WCO-International Convention on the Harmonized Commodity Description and Coding System
	1993	WCO-Convention on Temporary Admission (Istanbul Convention)
	1994	Convention on Biological Diversity (CBD)
	1995	WTO-Agreement on Sanitary and Phytosanitary Measures
❖	2001	UN Convention Against Transnational Organized Crime
	2002	OAU Convention on the Prevention and Combating of Terrorism
❖	2004	UN Convention Against Corruption
	2006	AU-Convention on Corruption
❖	2008	CMS-Gorilla Agreement
	2012	WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended
❖	pending	AU-Convention on Conservation of Nature
	pending	Protocol of the OAU Convention on the Prevention and Combating of Terrorism
	none	AU-Phyto-Sanitary Convention for Africa
	none	AU-Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)
	none	AU-African Maritime Transport Charter (Revised)
	none	ECOWAS Treaty (Revised)
	none	UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

”

Nigeria became a member of CITES in 1975.

It is signatory to six other international agreements important to controlling IWT, and has the ratification of the AU Convention on Conservation of Nature pending.

”

16 laws belonging to nine different legal areas constitute the core legal framework governing wildlife trade in Nigeria.

Wildlife Trade Legal Framework In Nigeria

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy

Administrative	Agriculture	Animal	Civil Procedure	Commerce	Constitutional
Criminal	Cultural Heritage	Customs & Trade	Defense & Security	Economics	Education
Employment	Energy	Environment	Finance	Health	Human Rights
Immigration	Industrial	Insurance	Intellectual Property	Labor	Land Tenure & Planning
Marine & Admiralty Law	Natural Resources	Political Parties & Elections	Services	Taxation	Telecom & Media
Transportation					

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Nigeria/legal_strategy

Wildlife Trade Legal Framework In Nigeria

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	National Park Service Act	Trade in Endangered Species Law	Trade in Endangered Species Law (2016 Amendment)
	Firearms Law	Criminal Code	Criminal Procedure Code
	Environmental Protection Agency Act	Anti-Money Laundering Act	Anti-Money Laundering Act (2012 Amendment)
	Customs Law	Mining Law	Cybercrimes Act
	Miscellaneous Offences Act	Anti-Corruption Law	Evidence Law
	Tourism Law	Animal Diseases Control Act	Animal Diseases Control Act - Schedules 3 to 12
National Regulation			

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Nigeria/legal_hierarchy

PRIMARY LEGISLATION [2]

11/1985

Trade in
Endangered
Species Law

Nigeria's Trade in Endangered Species Law is the primary legislation regulating wildlife trade. Article 1 completely prohibits the capture, hunting, and trading of species listed in the First Schedule of this law. This list contains several species, including Great Apes, Cheetahs, Pangolins, Black Rhinoceroses, etc. Further, Article 1 permits, with a license (Art. 3), the hunting, capturing and trading (Art. 2) of animals listed in the Second Schedule of this law. This list contains fewer species as compared to the First Schedule, and includes animals like the Hippopotamus, Ostrich, mature Elephants, etc. Penalties for offences against wildlife in this law are penalized with a fine (N500 or N1,000) or imprisonment (6 months or 1 year). In addition to these penalties, the court may order forfeiture and/or restitution (Art. 5). Article 5 permits the killing, capturing, or fishing of the species listed in Schedules 1 and 2, under extreme circumstances (including defense of life or property and public safety). However, the article in subsection (6) prohibits certain methods of this capturing and hunting.

-/2016

Trade in
Endangered
Species Law
[2016
Amendment]

Nigeria's Trade in Endangered Species Law (2016 Amendment) amends penalties in the Trade in Endangered Species Law. It modifies the fine amounts in Article 5 of the original law from N500 to N1,000,000 and from N1,000 to N5,000,000.

46/1999

National Park
Service Act

Nigeria's National Park Service Act has several articles that may apply to wildlife trade. This act is integral in the creation of protected areas that allow for the management and conservation of wild animals (Art. 18 & 19). Illicit activities within a national park that might occur along the wildlife trade chain include hunting, possession, and damage of wildlife (Art. 30), and violation of weapon restrictions (Art. 31). Penalties for offences against wildlife in this law are imprisonment of varying terms and/or economic fines (Art. 37). In addition to these penalties, the court may order forfeiture and compensation (Art. 39), and the National Park Service may compound the offences (Art. 41).

RELATED LEGISLATION [14]

25/2007

National
Environmental
Agency (NESREA)
Act

Nigeria's National Environmental Agency (NESREA) Act establishes the National Environmental Standards and Regulations Enforcement Agency, the prime agency for the management of environment and natural resources. This agency enforces compliance with international wildlife treaties and agreements, thereby providing key management and enforcement of wildlife trade laws and regulation. This act also establishes primary measures for environmental protection and thus, is the origin of provisions more specifically identified in other laws.

-/1988

Animal Diseases

Nigeria's Animal Diseases Control Act has a few provisions that regulate

Control Act wildlife trade. The import (Art. 1 & 2) and export (Art. 6) of animals and animal products into and out of Liberia is permitted only with a permit. Animals brought into the country may be subjected to phytosanitary inspection (Art. 1).

-/1916

Criminal Code

Nigeria's Criminal Code has several provisions related to wildlife trade. This law regulates illicit activities that might occur along the wildlife trade chain, such as theft of wild animal trophies and carcasses (Art. 382), captive animal cruelty (Chapter 50), and trial by exposure to crocodile or wild animal attack (Art. 207.1). Other crimes that may be related to wildlife trade are: forgery (Art. 463–483) and corruption (Art. 98–111). Conspiracy is defined in Chapter 54, however, this code has no specific provision on organized crimes. Other articles that are indirectly related are those defining attempt, participation and responsibility of legal persons.

80/1945

Criminal Procedure Code

Nigeria's Criminal Procedure Code regulates how crimes are investigated and prosecuted generally. Although it does not include specific reference to wildlife trade, its provisions are to be applied to all investigation and prosecution cases related to wildlife trade crimes.

20/1984

Miscellaneous Offences Act

Nigeria's Miscellaneous Offences Act has two provisions that may apply to wildlife trade. Article 1 lists offences that may be tried in the federal high court. These offences include import, export, transport, and sale of items prohibited from importation by any Nigerian law (Art. 1.14) and forging (Art. 1.2). Nigeria's Trade in Endangered Species Law prohibits the import and export of various animals, and as such, makes this article in the Miscellaneous Offences Act applicable to wildlife trade. Illicit trade is penalized with up to life imprisonment (Art. 1.14.a.ii), and forging is penalized with imprisonment up to 21 years (Art. 1.2.c).

55/1958

Customs Law

Nigeria's Customs Law regulates the incoming and outgoing traffic of goods into or from the national territory and the collection of import duties. Its provisions are applicable in cases of import or export of wildlife and wildlife products, particularly those regulating the fulfillment of customs formalities (Art. 45 & 62), storage (Art. 87), and competences of Customs officials (Art. 8). Related offences to wildlife trade include false declarations (Art. 161) and smuggling (Art. 77). General enforcement powers are listed in Articles 144–159, and provisions related to judicial proceedings in Articles 176–190. According to Nigeria's Trade in Endangered Species Law the trade of species in its Schedule 1 is prohibited, and trade of species in Schedule 2 is permitted only with authorized permits. As such, provisions in the customs law regulating goods subject to import and export prohibition apply directly to these species.

11/2011

Anti-Money-Laundering Act

Nigeria's Anti-Money Laundering Act has a predicate offence approach. Section 15 lists 'environmental crime', 'bribery and corruption', 'smuggling', and 'robbery or theft', as predicate offences for money laundering. This may include wildlife trade offences to the extent they are

defined elsewhere in national legislation and meet the definition of these predicate offences. These offences will be subjected to the associated penalties even when committed outside Nigerian borders.

1/2012

Anti-Money
Laundering-Act
(2012
Amendment)

Nigeria's Anti-Money Laundering Act (2012 Amendment) has a predicate offence approach. The amended Section 15 now lists in addition "corruption" and 'illicit trafficking in stolen goods' as predicate offences for money laundering. This may include wildlife trade offences to the extent they are defined elsewhere in national legislation and meet the definition of these predicate offences. The amended law increases money laundering penalties, while still subjecting these associated penalties when offences are committed outside Nigerian borders.

5/2000

Anti-Corruption
Law

Nigeria's Anti-Corruption Law is the umbrella legislation that defines and punishes corruption offences. It is indirectly related to wildlife trade, since some of the offences described may apply in specific cases such as passive or active corruption (Art. 8-10, 17, 18, 22, & 23) and trafficking of influence (Art. 12, 16, & 19).

-/2011

Evidence Law

Nigeria's Evidence Law is the umbrella legislation regulating the types and rules of admissibility for evidence brought before a Nigerian Court. It is related to wildlife trade as it applies to all judicial proceedings in Nigeria.

-/2015

Cybercrimes Act

Nigeria's Cybercrimes Act is the umbrella legislation regulating the security of electronic transactions and related offences. Some of its provisions may be applicable in specific cases of wildlife trade offences committed electronically such as fraudulent destruction of electronic messages (Art. 9), computer related forgery (Art. 13) or fraud (Art. 14), and attempt, conspiracy, aiding and abetting (Art. 27). A judge may authorize law enforcement officers and service providers to intercept electronic communications (Art. 39). This law details cybercrime legal procedures in Articles 45-47, and contains provisions regarding the liability of communication network services (Art. 40) and legality of electronic signature (Art. 17).

-/2007

Mining Law

Nigeria's Mining Law is the umbrella legislation for the management of the mining activity in the country. It has one article related to wildlife trade that prohibits the transport of wildlife out of the mining area by the leaseholder, unless authorized by a federal law (Art. 69). The law also has general provisions that prohibits mining in lands protected by the National Park Service Act (Art. 3), and those that require respect for the environment and environmental related legislation (Arts. 98, 118, 120, 124 & 125). Breaches may imply the revocation of mining permits as well as a minimum financial penalty of 20 million Naira and minimum imprisonment of 5 years (Art. 122, 131 & 133).

81/1992

Tourism Law

Nigeria's Tourism Law is the umbrella legislation covering tourism activities in the country. Its provisions apply indirectly to wildlife trade, as wildlife tourism is a component of Nigeria's tourist industry. In this regard,

the minister may make regulations that provide for hunting within holiday resorts (Art. 20).

-/1959

Firearms Law

Nigeria's Firearms Law is applicable to wildlife trade as it regulates weapons and ammunition. Its provisions will apply to the act of hunting, determining the legality of weapons and ammunition used (Art. 3-7).

-/1999

Constitution

Nigeria's Constitution has one article indirectly related to wildlife trade. Article 20 makes the State responsible for wildlife. It establishes that the State will protect and improve Nigeria's wildlife.

MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
NATIONAL ASSEMBLY	■													
MINISTRY OF ENVIRONMENT														
Minister	■		■									■	■	
Wildlife and CITES Management Division (CITES-MA)	■									■		■	■	■
Scientific Committee hosted by Wildlife Management Division (CITES-SA)		■	■											
NATIONAL PARK SERVICE	■													
National Park Management Committees		■		■	■	■								
Conservator General					■	■								

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Nigeria's Ministry of Environment and National Park Service are the primary agencies dealing with wildlife–trade management. The National Environmental Standards and Regulations Enforcement Agency has enforcement authority, together with customs and police.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
MINISTRY OF ENVIRONMENT														■
NATIONAL PARK SERVICE														■
Chief Park Officers												■		
NATIONAL ENVIRONMENTAL STANDARDS AND REGULATIONS ENFORCEMENT AGENCY														
Inspectors			■	■	■	■	■	■	■					
MINISTRY OF FINANCE														
Customs Officers			■	■	■	■	■	■	■		■			
POLICE	■	■	■	■	■	■	■	■	■		■	■		
PROSECUTORS										■				
COURTS				■					■				■	■



REPUBLIC OF CONGO

SUMMARY

Species of Concern

There are two species of great apes native to the Republic of Congo:

- Chimpanzee (*Pan troglodytes*)
- Western gorilla (*Gorilla gorilla*)

Both species can be found in the north and southwest of the country. They are also migratory, with some of their populations found along the border with the DRC, Central African Republic, Cameroon, and Gabon.

International Protection and Agreements

The IUCN Red List classifies the *Gorilla gorilla* as critically endangered (CE) and the *Pan troglodytes* as endangered (EN).

They are also all protected under CITES Appendix I, which limits international commercial trade. The Republic of Congo ratified this treaty in 1983 and has implementing legislation that CITES assesses as Category 2 (i.e. it generally does not meet all CITES implementation requirements).

In addition to CITES, the Republic of Congo is a signatory to six international agreements that are key to controlling the illegal wildlife trade:

- AU Convention on Conservation of Nature

- Convention on Migratory Species
- Convention on Migratory Species – Gorilla Agreement
- Lusaka Agreement on African Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora
- UNCAC
- WCO – International Convention on the Harmonized Commodity Description and Coding System

The Republic of Congo is also eligible for, but has not yet signed, two key IWT agreements: the UN Convention Against Organized Crime (an instrumental tool in tackling IWT, which is transnational and commonly involves extended criminal networks, from the international sphere) and the WCO Nairobi Convention (a treaty relevant to customs cooperation between countries to prevent smuggling of products, including wildlife products).

National Legal Framework

The core legal framework governing wildlife trade in the Republic of Congo includes 16 pieces of legislation (12 laws and four regulations) belonging to eight different legal areas. Of these, the following are considered the primary pieces of legislation:

- Wildlife and Protected Areas Law
- Primate Sale and Consumption Order
- Protected Animal Order
- Import and Export Law
- Wildlife Export Order

The Primate Sale and Consumption Order specifically forbids any sale or consumption of chimpanzees, gorillas, or monkeys in the Sangha Department of Congo.

The Republic of Congo is currently working on new legislation to address wildlife trade issues.

Domestic Protections

Congo's two native great ape species are domestically protected, which means they cannot be hunted, harmed, transported, kept in captivity, or traded unless a special permit is obtained (see Protected Animal Order).

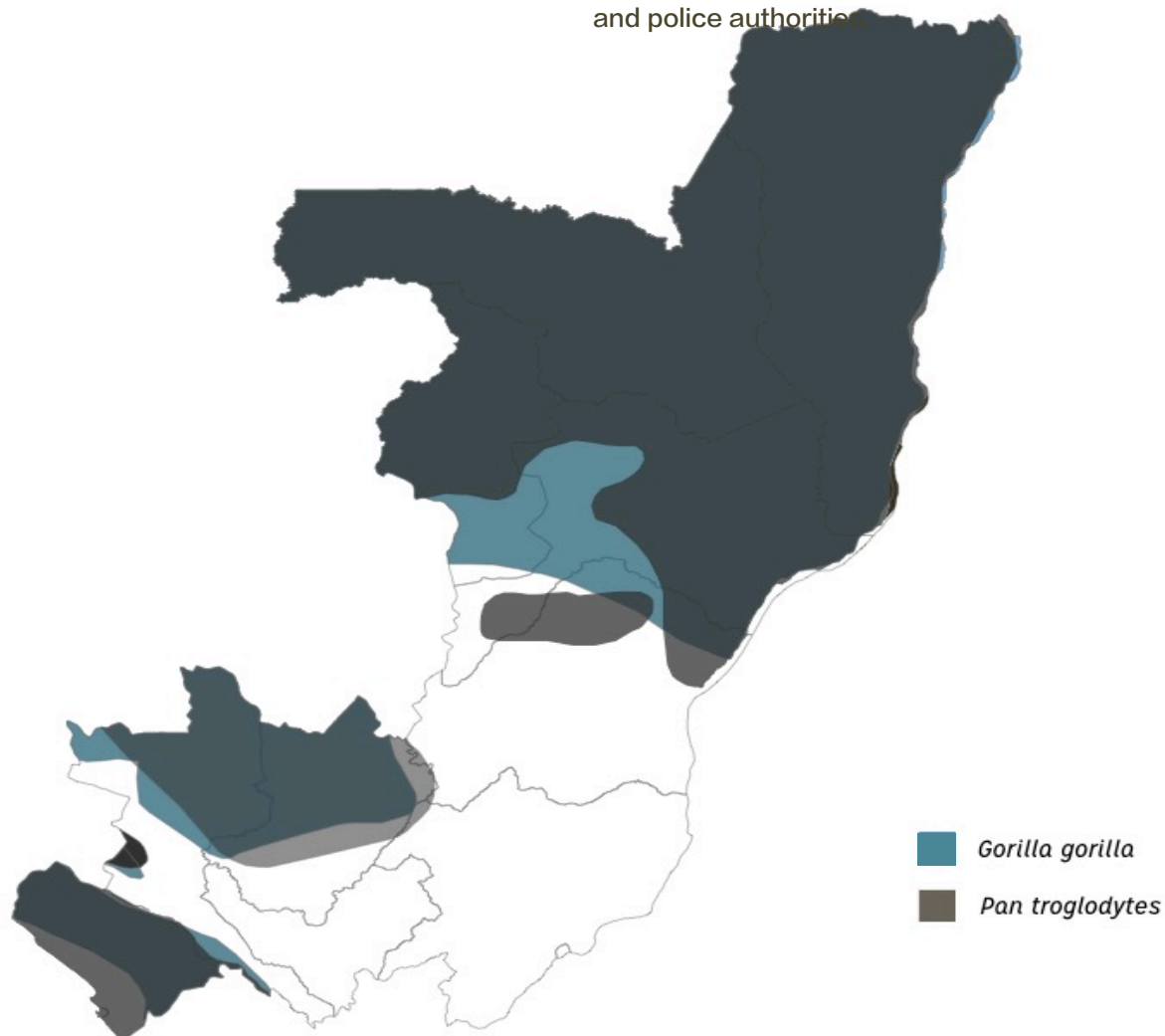
Non-native great ape (and gibbon) species lack domestic protection. If they make their way into the country, they may be hunted, harmed,

transported, captured, and traded without any legal consequence.

REPUBLIC OF CONGO: GREAT APES SPECIES RANGE DISTRIBUTION

Management and Enforcement Authorities

There are at least seven authorities with competences to deal with wildlife–trade issues in Congo, the primary one being the Ministry of Sustainable Development, Forest Economy and Environment. This ministry also has enforcement authority and the power to investigate offenses, together with the customs and police authorities.



The Republic of Congo provides legal domestic protection to both its native species. Additionally, all non-native great ape and gibbon species are protected under CITES Appendix I, and are thus subject to highly restricted global trade. If, however, these species are smuggled into the country, they do not benefit from full domestic legal protection.

2018 Republic of Congo PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>	⊙	✓	CITES-Appendix I
	<i>Gorilla beringei</i>			CITES-Appendix I
Orangutans	<i>Pongo abelii</i>			CITES-Appendix I
	<i>Pongo pygmaeus</i>			CITES-Appendix I
	<i>Pongo tapanuliensis</i>			(*)
Chimpanzees	<i>Pan troglodytes</i>	⊙	✓	CITES-Appendix I
Bonobos	<i>Pan paniscus</i>			CITES-Appendix I
Gibbons	<i>Hylobates lar</i>			CITES-Appendix I
	<i>Hylobates pileatus</i>			CITES-Appendix I
	<i>Bunopithecus hoolock</i>			CITES-Appendix I
	<i>Hylobates agilis</i>			CITES-Appendix I
	<i>Hylobates albibarbis</i>			CITES-Appendix I
	<i>Hylobates klossii</i>			CITES-Appendix I
	<i>Hylobates moloch</i>			CITES-Appendix I
	<i>Hylobates muelleri</i>			CITES-Appendix I
	<i>Symphalangus syndactylus</i>			CITES-Appendix I
	<i>Nomascus siki</i>			CITES-Appendix I
	<i>Nomascus annamensis</i>			CITES-Appendix I
	<i>Nomascus nasutus</i>			CITES-Appendix I
	<i>Nomascus gabriellae</i>			CITES-Appendix I
	<i>Nomascus hainanus</i>			CITES-Appendix I
	<i>Nomascus concolor</i>			CITES-Appendix I
	<i>Nomascus leucogenys</i>			CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

[*] Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties



REPUBLIC OF CONGO Participation in IWT-Related International Agreements

	1961	INTERPOL Constitution
	1982	INTERPOL Rules on the Processing of Data
❖	1983	CITES
	1983	ECCAS Treaty
	1996	Convention on Biological Diversity (CBD)
❖	1997	Lusaka Agreement on African Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora
	1997	WTO-Agreement on Sanitary and Phytosanitary Measures
❖	2000	Convention on Migratory Species (CMS)
❖	2006	UN Convention Against Corruption
	2006	OAU Convention on the Prevention and Combating of Terrorism
	2006	AU-Convention on Corruption
❖	2008	CMS-Gorilla Agreement
❖	2009	WCO-International Convention on the Harmonized Commodity Description and Coding System
	2014	AU-African Maritime Transport Charter (Revised)
❖	2014	AU-Convention on Conservation of Nature
	pending	CEMAC-Judicial Cooperation Agreement
	pending	Protocol of the OAU Convention on the Prevention and Combating of Terrorism
❖	none	UN Convention Against Transnational Organized Crime
❖	none	WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)
	none	WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended
	none	WCO-Convention A.T.A. Carnet for the temporary admission of goods
	none	WCO-Convention on Temporary Admission (Istanbul Convention)
	none	AU-Phyto-Sanitary Convention for Africa
	none	AU-Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)
	none	ECCAS-Protocol on Transit and Transit Facilities
	none	UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

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The Republic of Congo ratified CITES in 1983. It is signatory to six international agreements important to illegal wildlife trade and is also eligible for, but has not yet signed, two key conventions: the UN Convention Against Transnational Organized Crime and the WCO Nairobi Convention.

”

12 laws and four regulations belonging to eight different legal areas constitute the core legal framework governing wildlife trade in the Republic of Congo.

Wildlife Trade Legal Framework In Republic Of The Congo

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy

Administrative	Agriculture	Animal	Civil Procedure	Commerce	Constitutional
Criminal	Cultural Heritage	Customs & Trade	Defense & Security	Economics	Education
Employment	Energy	Environment	Finance	Health	Human Rights
Immigration	Industrial	Insurance	Intellectual Property	Labor	Land Tenure & Planning
Marine & Admiralty Law	Natural Resources	Political Parties & Elections	Services	Taxation	Telecom & Media
Transportation					

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Republic_of_Congo/legal_strategy

Wildlife Trade Legal Framework In Republic Of The Congo

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Import and Export Law	Wildlife and Protected Areas Law	Forest Law
	Anti-Corruption Law	Environment Protection Law	Mining Law
	Criminal Code	CEMAC Regulation on Anti-Money Laundering and Terrorism Financing	Criminal Procedure Code
	Establishment of the Agency for Wildlife and Protected Areas Law	Customs Code	
National Regulation	Primate Sale and Consumption Prohibition Order	Protected Species Order	Wildlife Export Order
	Firearms Ordinance		

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Republic_of_Congo/legal_hierarchy

PRIMARY LEGISLATION (5)

37/2008

Wildlife and
Protected Areas
Law

Congo's Wildlife and Protected Areas Law is the primary legislation governing wildlife management, and it contains many provisions related to wildlife trade. It implements Art 18 of the Environmental Protection Law by establishing categories of protected species (Arts 24). Arts 27–29 establish the principles for the import, export, possession and transit of fully and partially protected species. The requirement of certificates of origin is covered by art 30. In addition, hunting (Arts 25, 26, 35–50, 55–57, 62–64), capturing (Arts 51–52), game-farming and breeding (Arts 53, 54) are also regulated. Administrative and Enforcement provisions are covered by Chapters VI and VII respectively. Penalties for offences are detailed in Articles 112–115. Breaching the provisions related to international trade of protected species is penalized in accordance with Art 113.

54/2003

Primate Sale
and
Consumption
Order

Congo's Primate Sale and Consumption Order is a primary legislation prohibiting the sale and consumption of certain species of primates, and is therefore directly related to wildlife trade.

6075/2011

Protected
Animal Order

Congo's Protected Animal Order lists fully and partially protected wild animal species and is therefore directly related to wildlife trade.

3/2007

Import and
Export Law

Congo's Import and Export Law is the umbrella legislation regulating the import (Arts 10 and 11), transit (Title V) and/or export (Title III, Title IV) of goods to/from the national territory. It has a couple of provisions that apply to wildlife trade. Article 10 requires all imported goods to be declared to the Ministry of Commerce and to adhere to all phytosanitary and zoosanitary requirements (Art 18). Article 11 requires pre-shipment inspections covering the value, quantity, labeling, and origin of the product, except for goods imported for personal use. The law also covers offenses and penalties for breaches of this law (Title VI).

103/1984

Wildlife Export
Order

Congo's Wildlife Export Order is a primary law related to wildlife trade since it regulates the export of flora and fauna products out of the country. It requires export permits for wildlife products (Art 2), delivered by different authorities depending on the type of product. Live animals must also be accompanied by export permits and documents proving the legal hunt of the animal (Art 4). Crocodile skins and ivory products are subject to special requirements (Arts 5 and 6). Exports are subject to the payment of fees and taxes (Art 8). This law also establishes the competent authorities to implement its provisions (Art 10).

RELATED LEGISLATION (11)

3/1991

Environmental
Protection Law

Congo's Environmental Protection Law is the umbrella legislation regulating the protection of the environment and natural resources, and it contains several provisions related to wildlife trade. Title 3 governs the protection of wild flora and fauna, and requires the establishment of

classifications of protected species (Art 18). The law also forbids capturing, hunting, killing and exporting protected species (Art 19). Penalties are described in other laws directly governing flora and fauna (Art 71), such as the Wildlife and Protected Areas Law.

16/2000

Forest Law

Congo's Forest Law is the umbrella legislation for the management of its forests, including their conservation. It contains several articles that may apply to wildlife trade. It establishes the authority to manage forest species and habitats and ensure sustainable use of fauna (Arts 10, 105). It also authorizes Forest Administration agents to carry weapons and war ammunition while conducting their duties to ensure compliance with forest laws (106). The law establishes a Special Forest Fund fed with, among others, revenues from the exploitation of wild fauna (Art 108), and it grants local populations certain hunting rights as long as they adhere to other laws and regulations (Art 40).

-/1940

Criminal Code

Congo's Criminal Code has several provisions related to wildlife trade. This law regulates illicit activities that might occur along the wildlife trade chain, such as forging government documents, theft, and corruption. Other articles that are indirectly related are those defining aggravating circumstances, recidivism, attempt, participation and responsibility of legal persons.

1/1963

Criminal
Procedure
Code

Congo's Criminal Procedure Code regulates how crimes are investigated and prosecuted generally. Although it does not include specific reference to wildlife trade, its provisions are to be applied in all investigation and prosecution cases related to wildlife trade crimes.

34/2012

Law
Establishing the
Agency of
Wildlife and
Protected
Areas

Congo's Law Establishing the Agency of Wildlife and Protected Areas establishes the agency and tasks it with monitoring and conducting anti-poaching activities in the Congo (Art 4). It is thus related to wildlife trade.

5/001-UEAC-
097-CM-06
/2001

Customs Code

Congo's Customs Code regulates the incoming and outgoing traffic of goods into or from the national territory and the collection of import duties. Its provisions are applicable in cases of import or export of wildlife and wildlife products, particularly those regulating the fulfillment of customs formalities (Title V–Chapter I), storage (Title IV–Chapter I), criminal responsibility (Title XII–Chapter V–Section I), and competences of Customs officials (Art. 65, Title II–Chapter IV). Article 65(2)(d) permits the use of firearms by custom officers to control illegally imported or exported animals. Offences and penalties are described in Title XII–Chapter V, and offences related to wildlife trade include false declarations (Art. 401) and smuggling (Art. 387, 402, 405–408). General enforcement powers are listed in Title XII–Chapter I, and provisions related to judicial proceedings in Title XII–Chapters II & III. Cameroon, Congo, Gabon, Chad and Equatorial Guinea form a Customs Union and share the same Customs Code. The Code emanates from the 1964 Economic and Customs Union of Central Africa Treaty (UDEAC). It stipulates that Member States adopt and implement a common legislative body for customs fees and imports

(Customs Code, Art. 29). UDEAC was absorbed in 1999 by the Central African Economic and Monetary Community (CEMAC) of which all countries are members. Pursuant Art. 3 of the CEMAC Treaty, the Customs Code became part of its legislative acquis.

24/1962

Firearms
Ordinance

Congo's Firearms Ordinance is applicable to wildlife trade as it regulates weapons and ammunition. Its provisions will apply to the act of hunting, determining the legality of weapons and ammunition used.

1/2016

CEMAC
Regulation on
Anti-Money-
Laundering and
Terrorism
Financing

Congo's Anti-Money Laundering and Terrorism Financing Law takes a predicate offense approach, including environmental crimes as one of them. This may include wildlife trade offences to the extent they are defined elsewhere in national legislation. Cameroon, DRC, Congo, Gabon, Chad and Equatorial Guinea share the same Anti-Money Laundering and Terrorism Financing Law. The law (Regulation 01/2016) emanates from the Central African Economic and Monetary Community (CEMAC) of which they are all members and it is directly applicable in all six countries pursuant Art. 41 of the CEMAC Treaty.

5/2009

Anti-Corruption
Law

Congo's Anti-Corruption Law is the umbrella legislation that defines and punishes corruption offences. It is indirectly related to wildlife trade, since some of the offences described may apply in specific cases such as abuse of functions (Art 17) and fraud (Section 3).

4/2005

Mining Law

Congo's Mining Law is the umbrella legislation for the management of the mining activity in the country. It has some provisions indirectly related to wildlife trade. It requires companies to submit EIAs and environment protection programs as part of their license applications (Art 51), and it mandates that operating a mine or quarry should be in compliance with environmental protection obligations (Art 132). In case of non-compliance, the authority may prescribe any measure designed to ensure implementation (Art 134).

-/2015

Constitution

Congo's Constitution contains some articles that are indirectly related to wildlife trade. It states that citizens have the right to a healthy environment, and that the state is responsible for protecting it (Art 41). Any act or agreement intended to deprive the country of its natural resources will be considered as pillaging crime (Art 44). The protection and management of the environment and natural resources is determined by law (Art. 125). The President ratifies treaties regarding natural resources after having received the approval of Parliament (Art 217). Local authorities have competences in terms of environment (art 210). While none of these provisions expressly regulates the topic, they may be relevant to the extent that controlling wildlife trade is necessary for "the protection of the environment" and the failure to adequately regulate may "threaten the maintenance of a healthy and sustainable environment."

MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
PARLIAMENT	■													
THE STATE	■		■			■								
MINISTRY OF SUSTAINABLE DEVELOPMENT, FOREST ECONOMY AND ENVIRONMENT						■								
Secretary General													■	
Directorate of Fauna and Protected Areas (CITES-MA & SA Coordinator)	■		■										■	■
CONGOLESE WILDLIFE AGENCY		■												

”

In the Republic of Congo, the primary authority dealing with wildlife trade is the Ministry of Sustainable Development, Forest Economy and Environment, which also has enforcement authority to supervise the fulfillment of wildlife rules and investigate wildlife offenses, together with customs and the police.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke License
MINISTRY OF SUSTAINABLE DEVELOPMENT, FOREST ECONOMY AND ENVIRONMENT														
Sworn Agents	■		■		■	■	■			■	■	■		
MINISTRY OF ECONOMY AND FINANCE														
Customs Officers	■	■	■		■	■	■	■		■				
PROSECUTION OFFICE														
Judicial Police					■	■	■	■		■	■			
COURTS													■	■



SUMMARY

Species of Concern

There are two species of great apes native to Rwanda:

- Eastern chimpanzee (*Pan troglodytes schweinfurthii*)
- Mountain gorilla (*Gorilla beringei beringei*)

The Mountain gorilla is found in the Virunga Volcanoes region, on the borders with Uganda and DRC. The Eastern chimpanzee is found in Rwanda's western and southwestern forests, along the border with Burundi. Both are migratory species.

International Protection and Agreements

The IUCN Red List classifies the *Gorilla beringei* as critically endangered (CE) and the *Pan troglodytes* as endangered (EN).

They are also all protected under CITES Appendix I, which limits international commercial trade. Rwanda ratified this treaty in 1981 and has implementing legislation that CITES assesses as Category 3 (i.e. it generally does not meet CITES implementation requirements).

In addition to CITES, Rwanda is a signatory to six additional international agreements that are key to controlling the illegal wildlife trade:

- AU Convention on Conservation of Nature
- Convention on Migratory Species
- Convention on Migratory Species – Gorilla Agreement
- UNCAC
- UNTOC
- WCO – International Convention on the Harmonized Commodity Description and Coding System

Rwanda is also eligible for, but has not yet signed one significant IWT agreement: the WCO Nairobi Convention (a treaty relevant to customs cooperation between countries to prevent smuggling of products, including wildlife products).

National Legal Framework

The core legal framework governing wildlife trade in Rwanda includes 15 pieces of legislation (14 laws and one regulation) belonging to nine different legal areas. Of these, the following are considered the primary pieces of legislation:

- Biodiversity Law
- Wildlife Import and Export Order
- Protected Animal and Plant Order
- Environmental Protection Law

Rwanda is currently working on new legislation to address wildlife-trade issues.

Domestic Protections

Both Rwandan native species are domestically protected: they cannot be hunted unless a special permit is obtained (see Ministerial Order on List of Protected Animal and Plant Species).

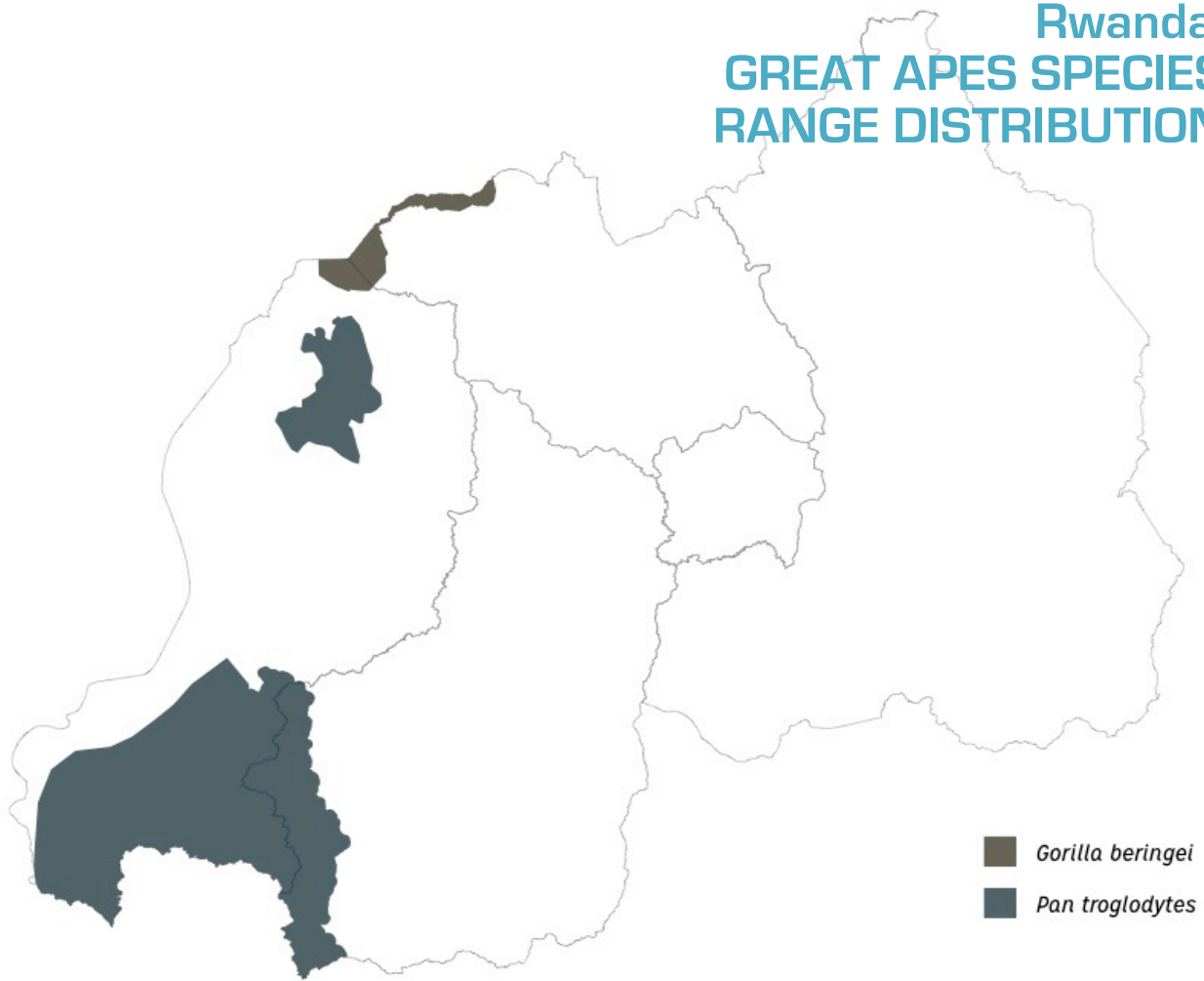
Management and Enforcement Authorities

There are at least eight authorities with competences to deal with wildlife-trade issues in Rwanda.

The primary authority is the Rwanda Environmental Management Authority (REMA). However, this authority does not correspond with the CITES accreditation of the Rwanda Development Board as the CITES-MA.

REMA also has enforcement authority and the power to investigate offenses, together with the customs and police authorities.

Rwanda: GREAT APES SPECIES RANGE DISTRIBUTION



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Both native great ape species, gorillas and chimpanzees, are legally protected in Rwanda. All other non-native great ape and gibbon species are protected under CITES Appendix I, and are thus subject to highly restricted global trade. If, however, they are smuggled into the country, they do not benefit from full domestic legal protections.

2018 Rwanda PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>			CITES-Appendix I
	<i>Gorilla beringei</i>	☉	✓	CITES-Appendix I
Orangutans	<i>Pongo abelii</i>			CITES-Appendix I
	<i>Pongo pygmaeus</i>			CITES-Appendix I
	<i>Pongo tapanuliensis</i>			(*)
Chimpanzees	<i>Pan troglodytes</i>	☉	✓	CITES-Appendix I
Bonobos	<i>Pan paniscus</i>			CITES-Appendix I
Gibbons	<i>Hylobates lar</i>			CITES-Appendix I
	<i>Hylobates pileatus</i>			CITES-Appendix I
	<i>Bunopithecus hoolock</i>			CITES-Appendix I
	<i>Hylobates agilis</i>			CITES-Appendix I
	<i>Hylobates albibarbis</i>			CITES-Appendix I
	<i>Hylobates klossii</i>			CITES-Appendix I
	<i>Hylobates moloch</i>			CITES-Appendix I
	<i>Hylobates muelleri</i>			CITES-Appendix I
	<i>Symphalangus syndactylus</i>			CITES-Appendix I
	<i>Nomascus siki</i>			CITES-Appendix I
	<i>Nomascus annamensis</i>			CITES-Appendix I
	<i>Nomascus nasutus</i>			CITES-Appendix I
	<i>Nomascus gabriellae</i>			CITES-Appendix I
	<i>Nomascus hainanus</i>			CITES-Appendix I
	<i>Nomascus concolor</i>			CITES-Appendix I
	<i>Nomascus leucogenys</i>			CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

[*] Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties

RWANDA Participation in IWT-Related International Agreements

1974 INTERPOL Constitution

❖ 1981 CITES

1981 AU-Phyto-Sanitary Convention for Africa

1982 INTERPOL Rules on the Processing of Data

1983 ECCAS Treaty

❖ 1994 WCO-International Convention on the Harmonized Commodity Description and Coding System

1996 WTO-Agreement on Sanitary and Phytosanitary Measures

1996 Convention on Biological Diversity (CBD)

2002 OAU Convention on the Prevention and Combating of Terrorism

❖ 2003 UN Convention Against Transnational Organized Crime

❖ 2004 AU-Convention on Conservation of Nature

2004 AU-Convention on Corruption

❖ 2005 Convention on Migratory Species (CMS)

❖ 2006 UN Convention Against Corruption

❖ 2008 CMS-Gorilla Agreement

2009 EAC-Customs Union Protocol

2010 Protocol of the OAU Convention on the Prevention and Combating of Terrorism

2011 WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended

pending Agreement Establishing a Tripartite Free Trade Area among COMESA, EAC and SADC

❖ *none* WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)

none WCO-Convention A.T.A. Carnet for the temporary admission of goods

none WCO-Convention on Temporary Admission (Istanbul Convention)

none AU-African Maritime Transport Charter (Revised)

none AU-Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)

none ECCAS-Protocol on Transit and Transit Facilities

none EAC-Protocol on Environment and Natural Resources Management

none UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

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Rwanda ratified CITES in 1981.

It is signatory to six other international agreements important to controlling IWT, and is also eligible for, but has not yet signed, the WCO Nairobi Convention.

”

14 laws and one regulation belonging to nine different legal areas constitute the core legal framework governing wildlife trade in Rwanda.

Wildlife Trade Legal Framework In Rwanda

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy

Administrative	Agriculture	Animal	Civil Procedure	Commerce	Constitutional
Criminal	Cultural Heritage	Customs & Trade	Defense & Security	Economics	Education
Employment	Energy	Environment	Finance	Health	Human Rights
Immigration	Industrial	Insurance	Intellectual Property	Labor	Land Tenure & Planning
Marine & Admiralty Law	Natural Resources	Political Parties & Elections	Services	Taxation	Telecom & Media

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Rwanda/legal_strategy

Wildlife Trade Legal Framework In Rwanda

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Environmental Protection Law	Wildlife Import and Export Order	Biodiversity Law
	Anti-Money Laundering Law	Customs Management Act	Forestry Law
	Electronic Transactions Law	Anti-Corruption Law	Mining Law
	Craft Sector Law	Criminal Procedure Code	Criminal Code
	Firearms Law		
National Regulation	Ministerial Order on List of Protected Animal and Plant Species		

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Rwanda/legal_hierarchy

PRIMARY LEGISLATION [4]

70/2013 **Biodiversity Law** Rwanda's Biodiversity Law is the primary legislation governing the management of biological diversity. It contains many provisions related to wildlife trade. Species are categorized as critically endangered, endangered, vulnerable and others (Art. 16). The list covered by the Protected Animal Order is updated at least every 5 years. It also regulates among others: permits to conduct activities involving protected species (Art 17); export of indigenous biological resources (Arts 27–28), and resource user rights (Art 29). Penalties are detailed in Chapter VI. General penalties for offences include suspension or cancellation of permit(s) or fines. Revenues from fines will be deposited into the National Fund for Climate and Environment (Art 37).

004/16.01/2010 **Wildlife Import and Export Order** Rwanda's Wildlife Import and Export Order directly regulates wildlife trade. The order describes rules (Arts 5 – 7) and permits (Art 8) for importing and exporting animals. It also describes restrictions on imports (Art 3) and it grants authorized agents the ability to access private property to research and identify harmful organisms for quarantine (Art 4).

7/2008 **Protected Animal and Plant Order** Rwanda's Protected Animal and Plant Order lists species that cannot be hunted without prior authorization from authorities (Art 3). This list is found in Appendix 1 and includes gorillas and chimpanzees, among other species.

4/2005 **Environmental Protection Law** Rwanda's Environmental Protection Law is the umbrella legislation managing the protection of the natural environment and natural resources (including animal species under Article 4). The law contains several provisions related to wildlife trade, among others provisions regulating hunting, capturing (Art 9), keeping wild animals and their derivatives (Art 22), domestic trade (Art 23), and international trade (Arts 20, 24). The law empowers authorities to investigate wildlife crimes (Arts 74–77), and requires the listing of protected animal species (Art 54). This list is to be found in the Protected Animal Order.

RELATED LEGISLATION [11]

47bis/2013 **Forestry Law** Rwanda's Forest Law is the umbrella legislation that regulates forest management. It contains no provisions specific to the trade of wild animal products, as animals are not covered under the scope of this law, specially as they are excluded from the definition of forest products (Art. 2.11). However, it states that forests must be protected against anything that threatens them (Art 25).

1/2012 **Criminal Code** Rwanda's Criminal Code is the primary law regulating criminal offences and has several provisions related to wildlife trade. It regulates illicit activities that might occur along the wildlife trade chain, such as killing

animals in protected areas (Art 416). It also prohibits poaching, selling, harming or killing gorillas or other endangered animals (art 417). Other crimes that may be related to wildlife trade are: forgery, corruption and counterfeiting. Organized armed crimes and money laundering activities are defined in Art. 681–683 and 523 respectively. Other articles that are indirectly related are those defining aggravating circumstances, recidivism, attempt, participation and responsibility of legal persons.

30/2013

Criminal Procedure
Code

Rwanda's Criminal Procedure Code regulates how crimes are investigated and prosecuted generally. Although it does not include specific reference to wildlife trade, its provisions are to be applied in all investigation and prosecution cases related to wildlife trade crimes.

-/2004

Customs
Management Act

Rwanda's Customs Management Act regulates the incoming and outgoing traffic of goods into or from the national territory and the collection of import duties. Its provisions are applicable in cases of import or export of wildlife and wildlife products, particularly those regulating the fulfillment of customs formalities (Arts 21–46, Part XV), storage (Part IV), and competences of Customs officials (Part XI). While this law does not explicitly declare customs officers have authority to carry weapons, it does indicate customs officers have the same powers as police officers (Art 7). Related offences to wildlife trade include using false documents (Art 203) and smuggling (Arts 202, 207). General enforcement powers and provisions related to judicial proceedings are listed in Part XII and Part XIX, respectively. Uganda, Burundi, Kenya, Rwanda, South Sudan, and Tanzania share the same Customs Law. It emanates from the East African Community (EAC) of which they are all members and it is directly applicable in all six countries pursuant Art. 2.2 and 75 of the EAC Treaty and EAC Customs Protocol.

-/1979

Firearms Law

Rwanda's Firearms Law is applicable to wildlife trade as it regulates weapons and ammunition. Its provisions will apply to the act of hunting, determining the legality of weapons and ammunition used.

47/2008

Anti-Money-
Laundering Law

Rwanda's Anti-Money Laundering Law has a predicate offense approach. Section 2 predicates liability under this law to 'felony or misdemeanor' crimes. This may include wildlife trade offences to the extent they are defined elsewhere in national legislation as a 'felony or a misdemeanor'.

23/2003

Anti-Corruption Law

Rwanda's Anti-Corruption Law is the umbrella legislation that defines and punishes corruption offences. Although it contains no specific provision related to wildlife trade, some of the offences described may be applied in cases of wildlife trade such as passive or active corruption (Arts 10–16) and trafficking of influence (Arts 19–21).

19/2010

Craft Sector Law

Rwanda's Craft Sector Law contains some provisions indirectly related to wildlife trade. It regulates the work of artisans on hides and leathers (Art 3). The law requires a certificate to work as an artisan (Arts 4–5), as well as registration in the national registry (Art 8). Also under this law,

artisans in cooperative organizations are governed by laws on cooperative organizations (Art 9) and artisans who form a commercial company are governed by commercial laws (Art 10). Breaches of these obligations are sanctionable by a fine of 30,000 Rwandan Francs (Art 12).

13/2014

Mining Law

Rwanda's Mining Law is the primary legislation regulating mining rights and activities. While the law does not directly regulate wildlife trade, it states holders of mineral licenses must comply with environmental laws and regulations (Art 30), and they are required to submit a deposit of financial guarantee for environmental protection (Art 32). Offences may result in the suspension or cancellation of licenses (Art 25).

18/2010

Electronic
Transactions Law

Rwanda's Electronic Transactions Law does not directly regulate wildlife trade, however, it does contain provisions that can be applied to combating the illicit online trade of wildlife products. The law contains provisions regarding admissibility of electronic messages as evidence (Art 6), liability of communication network services (Art 8), using a computer system with intent to commit offences (Art 59), and validity of electronic messages as contracts (Art 72).

-/2003

Constitution

Rwanda's Constitution contains no article directly related to wildlife trade. However, some of its provisions may be relevant. It provides that ownership of land and related rights shall be granted by the State (Art 30). Additionally, under the Constitution the State has a duty to safeguard cultural heritage (Art 47), and both the State and citizens have a duty to protect the environment (Art 53). While none of these provisions expressly regulates the topic, they may be relevant to the extent that controlling wildlife trade is necessary for "the protection of the environment" and the failure to adequately regulate may "threaten the maintenance of a healthy and sustainable environment".

MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
PARLIAMENT	■													■
RWANDA ENVIRONMENTAL MANAGEMENT AUTHORITY (CITES-MA)		■	■			■							■	
RWANDA DEVELOPMENT BOARD (CITES-MA and CITES-SA)														

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In Rwanda, legal powers, in relation to wildlife, assigned to the Rwanda Environmental Authority (REMA) do not correspond with the CITES accreditation of the Rwanda Development Board as CITES management and scientific authority.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
RWANDA ENVIRONMENTAL MANAGEMENT AUTHORITY														■
National Park Officers			■	■	■	■	■	■	■	■				
Protected Areas Officers			■	■	■	■	■	■	■	■				
RWANDA REVENUE AUTHORITY														
Customs Department	■	■	■		■	■	■	■	■					
NATIONAL POLICE														
Police Officers	■	■	■	■	■	■	■	■	■	■	■	■		
Judicial Police Officers		■	■	■	■	■	■	■	■	■	■			
NATIONAL ARMY												■		
PROSECUTORS									■	■	■			
COURTS						■	■	■	■				■	■



SUMMARY

Species of Concern

There is only one species of great apes native to Tanzania: the Eastern chimpanzee (*Pan troglodytes schweinfurthii*). Its range includes pockets of western Tanzania. This is a migratory species, and some of the populations can be found along the border with Burundi.

International Protection and Agreements

The IUCN Red List classifies the *Pan troglodytes* as endangered (EN).

They are also all protected under CITES Appendix I, which limits international commercial trade. Tanzania ratified this treaty in 1980 and has implementing legislation that CITES assesses as Category 2 (i.e. it generally does not meet all CITES implementation requirements).

In addition to CITES, Tanzania is a signatory to seven additional international agreements that are key to controlling the illegal wildlife trade:

- Convention on Migratory Species

- Lusaka Agreement on African Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora
- SADC Protocol on Wildlife Conservation and Law Enforcement
- UNCAC
- UNTOC
- WCO – International Convention on the Harmonized Commodity Description and Coding System
- AU Convention on Conservation of Nature (ratification pending)

Tanzania is also eligible for, but has not yet signed, the WCO Nairobi Convention (a treaty relevant to customs cooperation between countries to prevent smuggling of products, including wildlife products), a key IWT agreement.

National Legal Framework

The core legal framework governing wildlife trade in Tanzania includes 22 pieces of legislation (18 laws and four regulations) belonging to eleven different legal areas. Of these, the following are considered the primary pieces of legislation:

- Wildlife Conservation Law
- Wildlife Management Authority Law
- National Parks Law
- Wildlife Conservation Regulation (Hunting)
- Wildlife Conservation Regulation (Trophies)

Domestic Protections

This Tanzanian domestic species, along with all other great apes and gibbons, are domestically protected, meaning they may not be harmed in any way (see Wildlife Conservation Law).

All other non-native species of great apes and gibbons are protected according to domestic legislation.



Tanzania: GREAT APES RANGE DISTRIBUTION

Management and Enforcement Authorities

There are at least 11 authorities with competences to deal with wildlife-trade issues in Tanzania.

The primary authorities are the Ministry of Natural Resources and Tourism, and the Wildlife Management Authority. The latter is also the leading agency for the enforcement of



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Tanzania has a comprehensive listing approach for great apes and gibbons. All 23 existing species are legally protected at the domestic level, even though only the Eastern chimpanzee is native to the country.

2018 Tanzania PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>		✓	CITES-Appendix I
	<i>Gorilla beringei</i>		✓	CITES-Appendix I
Orangutans	<i>Pongo abelii</i>		✓	CITES-Appendix I
	<i>Pongo pygmaeus</i>		✓	CITES-Appendix I
	<i>Pongo tapanuliensis</i>		✓	(*)
Chimpanzees	<i>Pan troglodytes</i>	⊙	✓	CITES-Appendix I
Bonobos	<i>Pan paniscus</i>		✓	CITES-Appendix I
Gibbons	<i>Hylobates lar</i>		✓	CITES-Appendix I
	<i>Hylobates pileatus</i>		✓	CITES-Appendix I
	<i>Bunopithecus hoolock</i>		✓	CITES-Appendix I
	<i>Hylobates agilis</i>		✓	CITES-Appendix I
	<i>Hylobates albibarbis</i>		✓	CITES-Appendix I
	<i>Hylobates klossii</i>		✓	CITES-Appendix I
	<i>Hylobates moloch</i>		✓	CITES-Appendix I
	<i>Hylobates muelleri</i>		✓	CITES-Appendix I
	<i>Symphalangus syndactylus</i>		✓	CITES-Appendix I
	<i>Nomascus siki</i>		✓	CITES-Appendix I
	<i>Nomascus annamensis</i>		✓	CITES-Appendix I
	<i>Nomascus nasutus</i>		✓	CITES-Appendix I
	<i>Nomascus gabriellae</i>		✓	CITES-Appendix I
	<i>Nomascus hainanus</i>		✓	CITES-Appendix I
	<i>Nomascus concolor</i>		✓	CITES-Appendix I
	<i>Nomascus leucogenys</i>		✓	CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

(*) Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties



TANZANIA Participation in IWT-Related International Agreements

	1962	INTERPOL Constitution
❖	1980	CITES
	1982	INTERPOL Rules on the Processing of Data
	1995	WTO-Agreement on Sanitary and Phytosanitary Measures
❖	1996	Lusaka Agreement on African Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora
	1996	Convention on Biological Diversity (CBD)
❖	1999	Convention on Migratory Species (CMS)
	2003	OAU Convention on the Prevention and Combating of Terrorism
❖	2005	UN Convention Against Corruption
	2005	AU-Convention on Corruption
	2005	EAC-Customs Union Protocol
❖	2006	UN Convention Against Transnational Organized Crime
❖	2008	WCO-International Convention on the Harmonized Commodity Description and Coding System
	unknown	SADC Southern African Development Community Treaty
❖	unknown	SADC-Protocol on Wildlife Conservation and Law Enforcement
	unknown	SADC Protocol on the Control of Firearms, Ammunition and other related Materials
	unknown	SADC-Protocol on Forestry
	unknown	SADC-Protocol on Mutual Legal Assistance in Criminal Matters
❖	pending	AU-Convention on Conservation of Nature
	pending	Protocol of the OAU Convention on the Prevention and Combating of Terrorism
	pending	Agreement Establishing a Tripartite Free Trade Area among COMESA, EAC and SADC
	pending	EAC-Protocol on Environment and Natural Resources Management
❖	none	WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)
	none	WCO-Convention A.T.A. Carnet for the temporary admission of goods
	none	WCO-Convention on Temporary Admission (Istanbul Convention)
	none	WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended
	none	AU-African Maritime Transport Charter (Revised)
	none	AU-Phyto-Sanitary Convention for Africa
	none	AU-Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)
	none	UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

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Tanzania ratified CITES in 1980.

It is signatory to six other international agreements important to controlling IWT, and is also eligible for, but has not yet signed, one key convention: the WCO Nairobi Convention.

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18 laws and four regulations belonging to eleven different legal areas constitute the core legal framework governing wildlife trade in Tanzania.

Wildlife Trade Legal Framework In Tanzania

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy



https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Tanzania/legal_strategy

Wildlife Trade Legal Framework In Tanzania

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Wildlife Conservation Law	Wildlife Management Authority Law	National Parks Law
	Anti-Money Laundering Law	Organized Crime Law	Mining Law
	Firearms Law	Forest Law	Criminal Code
	Electronic Transactions Law	Customs Management Act	Anti-Corruption Law
	Criminal Procedure Code	Food, Drugs and Cosmetics Law	Traditional Medicines Law
	Animal Welfare Law	Hide, Skin and Leather Trade Law	Organized Crime Law (2016 Amendment)
National Regulation	Wildlife Conservation Regulation (Hunting)	Wildlife Conservation Regulation (Trophies)	Wildlife Conservation Regulation (Trophies) - Schedules 1 to 7
	Environmental Impact Assessment and Audit Regulations	Ngorongoro Conservation Area Ordinance	

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Tanzania/legal_hierarchy



PRIMARY LEGISLATION [5]

47/2013

Wildlife
Conservation Law

Tanzania's Wildlife Conservation Law is the primary legislation governing wildlife management, and it is directly related to wildlife trade. The law declares wild animals to be public property vested in the President as a trustee, and it contains provisions regulating wildlife user rights (Art 4), wildlife law enforcement (Art 13), protection of species (Arts 25, 26, 34, Part VII), participation in international conservation agreements (PART II, Section 7), as well as international trade (Arts 35, 36). General penalties for violations include fines of 1 million – 5 million shillings and/or 3–5 years imprisonment (Art 43). Specific penalties are listed for offences related to disturbing national game (Art 26) and government trophies (Part VII), including both live and dead specimens.

-/2013

Wildlife
Management
Authority Law

Tanzania's Wildlife Management Authority Law is the primary legislation governing wildlife outside the Ngorongoro Conservation Area and National Parks, and it contains many provisions related to wildlife trade. The law governs protection of wildlife outside protected areas (Part VIII), and it describes allowable consumptive and non-consumptive uses of wildlife (Part X). The law requires all game trophies to be registered (Part XIII), and it contains entries section dedicated to dealing in trophies (Part III) and international trade (Part XV). Penalties for offenses are detailed in Part XVI. Hunting without a permit may result in at least three years imprisonment and/or 1 million shillings (Art 33). Failing to properly register a trophy may result in at least one year imprisonment and/or fines of at least two times the value of the trophy (Art 86). Offenses related to international trade may result in at least five years imprisonment and/or fines of three times the value of the specimen involved. The law also states wildlife ranching, farming, breeding, and operating sanctuaries can only be conducted by Tanzanian citizens or businesses owned primarily by Tanzanian citizens (Art 93).

228/1959

National Parks
Law

Tanzania's National Parks Law is the primary legislation governing wildlife management in national parks, and it contains two provisions specific to wildlife trade. Article 23 prohibits unauthorized hunting, capturing, killing, wounding or molesting animals or nest in national parks. Offences may be punished by up to seven years imprisonment and a fine up to one hundred thousand shillings. The law also prohibits possessing or using an unauthorized device for killing, capturing or wounding animals in national parks. Offences may be punished by up to two years imprisonment and 20 thousand shillings (Art 24).

-/1974

Wildlife
Conservation
Regulation

Tanzania's Wildlife Conservation Regulation (Hunting) is directly related to wildlife trade. It specifies which species may be hunted,

(Hunting) the fee for each species (Third Schedule, Fourth Schedule), as well procedures to be followed prior to, during, and after hunting. General penalties for offences include up to three years imprisonment and/or fines up to fifteen thousand shillings (Art 20).

-/1974

Wildlife
Conservation
Regulation
(Trophies)

Tanzania's Wildlife Conservation Regulation (Trophies) is directly related to wildlife trade. It establishes obligations for trophy dealers licences (Arts 2–3), trophy importing/exporting requirements (Arts 6–8), types of trophies that may be traded, as well as the fees for each type of trophy (Second Schedule). The regulations also stipulates special requirements for the export permit of certain species protected by CITES (Eight Schedule). Under these regulations "trophies" refers to both live and dead wild animals (as observed in the Second Schedule). Penalties for offences are listed in Articles 3 and 9.

RELATED LEGISLATION [17]

19/2008

Animal Welfare
Law

Tanzania's Animal Welfare Law is the primary legislation governing the treatment of captive wild animals (Arts 3, 61), and is directly related to wildlife trade. The law provides guidelines on: standards of care (Art 4), duties of welfare inspectors (Art 8), powers to prosecute (Art 9), transporting (Arts 23–25), operating sanctuaries (Art 28), as well as using animals for biotechnology and experimentation (Arts 39–48). Offenses and penalties are described in Part VII.

18/2008

Hide, Skin and
Leather Trade
Law

Tanzania's Hide, Skin and Leather Trade Law is the primary legislation regulating the production and trade of hides, skins and leather, and contains several articles related to wildlife trade. Under Article 3 "skin" is defined as the raw skin of an animal of the smaller kinds, including reptiles, birds, and fishes, and therefore could include some species of wildlife. The law contains provisions on: registering businesses and obtaining certificates to export (Arts 10, 11, 17); inspecting premises where it is suspected that preparation, storage and exportation of hides, skins or leather is carried out (Art 29); and penalties for offences related to production and export of hides, skins and leathers – including failure to have proper documentation during transport and making false or misleading statements on applications licenses (Art 32, 33)

14/2002

Forest Law

Tanzania's Forest Law is the umbrella legislation for the management of its forests, including their conservation. It has several articles related to wildlife trade. It contains an entire section dedicated to the conservation of trees, wild plants, and wild animals (Part VIII). The law explicitly places ownership of biological resources in the hands of the government. Transferring biological resources and their derivatives will not extinguish the sovereignty of Tanzania over those resources (Art 69). The law also forbids

entering forest reserves and harming, taking, or transporting listed wild animals without a permit (Art 68). Penalties for offences related to wild animals are not listed in this law, but are governed by laws more directly related to wildlife (Art 87).

20/2005

Environmental
Impact
Assessment and
Audit Regulations

Tanzania's Environmental Impact Assessment and Audit Regulations implement its Environmental Management Law, the umbrella legislation managing the protection of natural resources, which includes animals (Art 3). The EIA Regulations contains one provision specific to wildlife trade. Under the first schedule the following activities require prior registration and/or completion of an EIA: introducing new species, catching, trading, transporting and hunting wildlife, establishing hunting blocks, ranching and farming wildlife, as well as operating zoos and sanctuaries.

-/1945

Criminal Code

Tanzania's Criminal Code is the primary law regulating criminal offences and has several provisions related to wildlife trade. It regulates illicit activities that might occur along the wildlife trade chain, such as killing and maiming animals (Art 325), stealing dead bodies of wild animals and their derivatives (Art 257). Other crimes that may be related to wildlife trade are: assembling for smuggling (Art 90), being armed with intent to commit an offence (Art 298), receiving property stolen or unlawfully obtained (Chapter XXXII), forgery (Chapter XXXVI, Chapter XXXVII). Other articles that are indirectly related are those defining aggravating circumstances, recidivism, attempt (Chapter XLIII), participation and responsibility of legal persons.

9/1985

Criminal
Procedure Code

Tanzania's Criminal Procedure Code regulates how crimes are investigated and prosecuted generally. Although it does not include specific reference to wildlife trade, its provisions are to be applied in all investigation and prosecution cases related to this topic.

-/2004

Customs
Management Act

Tanzania's Customs Management Act regulates the incoming and outgoing traffic of goods into or from the national territory and the collection of import duties. Its provisions are applicable in cases of import or export of wildlife and wildlife products, particularly those regulating the fulfillment of customs formalities (Arts 21–46, Part XV), storage (Part IV), and competences of Customs officials (Part XI). While this law does not explicitly declare customs officers have authority to carry weapons, it does indicate customs officers have the same powers as police officers (Art 7). Related offences to wildlife trade include using false documents (Art 203) and smuggling (Arts 202, 207). General enforcement powers and provisions related to judicial proceedings are listed in Part XII and Part XIX, respectively. Uganda, Burundi, Kenya, Rwanda, South Sudan, and Tanzania share the same Customs Law. It emanates from the East African Community (EAC) of which they are all members and it is directly applicable in all six countries pursuant Art. 2.2 and 75 of the EAC Treaty and EAC Customs Protocol.

2/2015

Firearms Law

Tanzania's Firearms Law is the umbrella legislation regulating weapons and ammunition. It is indirectly related to wildlife trade since its provisions will apply to the act of hunting, determining the legality of weapons and ammunition used (Arts 10 and 21). Offences may be punished by up to ten years imprisonment and/or 15 million shillings (Art 60).

12/2006

Anti-Money-
Laundering Law

Tanzania's Anti-Money Laundering Law has a predicate offense approach. Art. 3 predicates liability under this law to poaching, environmental crimes, participating in organized criminal groups and racketeering, illicit trafficking in stolen or other goods, corrupt practice, theft, smuggling, and forgery (Art 3). This may include wildlife trade offences to the extent they are defined elsewhere in national legislation and meet the definition of any of those offences.

11/2007

Anti-Corruption
Law

Tanzania's Anti-Corruption Law is the umbrella legislation that defines and punishes corruption offences. It is indirectly related to wildlife trade, since some of the offences described may apply in specific cases such as aiding and abetting (Art 30), abuse of position (Art 31) and transfer of proceeds of corruption (Art 34).

13/1984

Organized Crime
Law

Tanzania's Organized Crime Law has a predicate offense approach. The First Schedule (Sect 13) predicates liability under this law to economic offences including the (1) capture, hunt or trap animals in a game reserve or game-controlled area; (2) dealing in trophies or in Government trophies; or (3) possessing weapons in certain circumstances; or (4) possessing a trophy. This may include wildlife trade offences to the extent they are defined elsewhere in national legislation and meet the definition of organized crime in this law (Art. 1). These offences are defined in the Wildlife Conservation Act and the National Parks Act.

-/2016

Organized Crime
Law (2016
Amendment)

Tanzania's Organized Crime Law (2016 Amendment) modifies the original law, including the list of wildlife related crimes in the First Schedule. It predicates liability under this law to economic offences including (1) unlawfully captures in a game controlled area; (2) unlawfully deals in trophies; (3) unlawful possession of weapons; (4) unlawful possession of a trophy, contrary to sections 17, 19, 24, 26, 28, 47, 53, 103, 105, Part X or Part XI of the Wildlife Conservation Act, or to section 16 of the National Parks Act.

14/1959

Ngorongoro
Conservation
Area Ordinance

Tanzania's Ngorongoro Conservation Area Ordinance is the primary legislation managing entry and user rights in the Ngorongoro Conservation Area, and it contains several provisions related to wildlife trade. It regulates the entry and human settlement in the protected area (Part II), the protection of natural resources (Art 9), and establishes the powers to seize weapons (Art 16), and to arrest (Art 17).

13/2015

Electronic
Transaction Law

Tanzania's Electronic Transaction Law is the primary legislation regulating electronic communications and transactions. It has some articles indirectly related to wildlife trade such as the admissibility of data messages in legal proceedings (Art 18) and the use of electronic records in the formation of a contract (Art 21), both of which are relevant for investigating wildlife trade on internet platforms.

14/2010

Mining Law

Tanzania's Mining Law is the umbrella legislation for the management of the mining activity in the country. It has some provisions indirectly related to wildlife trade. It requires mineral license holders to take measures to protect the environment (Art 52) and it forbids mining activities in protected areas without written consent from the authorities managing the protected area (Art 95).

23/2002

Traditional
Medicine Law

Tanzania's Traditional Medicine Law is the primary legislation governing the production and sale of traditional and alternative medicines. This law is indirectly related to wildlife trade because certain traditional medicines include preparations derived from animal products based on social, cultural and religious background, and traditional knowledge (Art 3). The law describes processes for registering as a Traditional Medicine practitioner (Part V) and it provides for the regulation of marketing, importing, and exporting alternative medicine remedies (Schedule 3). Offences and penalties are described in Part VII.

1/2003

Food, Drugs and
Cosmetics Law

Tanzania's Food, Drugs and Cosmetics Law is the primary legislation regulating the production, import and export of foods, drugs, medical devices, cosmetics, herbal drugs and poisons. It is indirectly related to wildlife trade as it covers all animals, which Article 3 defines as "vertebrates, invertebrates or other fauna except man," and may be applicable in situations when wild animal products are used as ingredients in foods, drugs, medical devices, cosmetics, herbal drugs and poisons.

-/1977

Constitution

Tanzania's Constitution contains two articles indirectly related to wildlife trade. It mandates that national resources must be harnessed, preserved and applied toward the common good (Art 9), and that all citizens have a duty to protect natural resources (Art 27). While none of these provisions expressly regulates the topic, they may be relevant to the extent that controlling wildlife trade is necessary for "the protection of natural resources".



MANAGEMENT Authorities & Powers

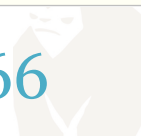
	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
PARLIAMENT	■													
PRESIDENCY	■													
MINISTRY OF NATURAL RESOURCES AND TOURISM	■		■		■	■					■		■	
Minister	■		■											
Director	■				■	■					■			
Wildlife Division (lead CITES MA)													■	■
Tanzania Wildlife Research Institute (CITES SA)		■												
TANZANIA WILDLIFE MANAGEMENT AUTHORITY	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Board					■									
Director General (CITES MA)					■	■	■	■					■	
TANZANIA NATURAL PARKS AUTHORITY	■				■	■					■			
NGORONGORO CONSERVATION AREA AUTHORITY	■					■					■			
LOCAL GOVERNMENTS	■		■											



Tanzania's Ministry of Natural Resources, and the Tourism and Wildlife Management Authority share core responsibilities for wildlife management. These authorities, along with the Ngorongoro Conservation Area Authority, customs, and police have enforcement authority to supervise the fulfillment of wildlife rules and investigate wildlife offenses.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
MINISTRY OF NATURAL RESOURCES AND TOURISM														■
Wildlife Division	■	■	■		■	■	■	■	■	■	■	■		
TANZANIA WILDLIFE MANAGEMENT AUTHORITY	■	■	■		■	■	■	■			■	■		
TANZANIA NATURAL PARKS AUTHORITY										■	■	■		
NGORONGORO CONSERVATION AREA AUTHORITY	■	■				■	■	■	■	■	■	■		
TANZANIA REVENUE AUTHORITY														
Customs and Excise Department	■	■	■		■	■	■	■	■					
POLICE FORCE	■	■	■		■	■	■	■	■	■	■	■		
PROSECUTORS										■				
COURTS													■	■





SUMMARY

Species of Concern

There are two species of great apes native to Uganda:

- Eastern chimpanzee (*Pan troglodytes schweinfurthii*)
- Mountain gorilla (*Gorilla beringei beringei*)

The Mountain gorilla can be found in two isolated areas in the southwest tip of the country. The Eastern chimpanzee's range is in western Uganda. Both are migratory species, and some of their populations border with the DRC and Rwanda

International Protection and Agreements

The IUCN Red List classifies the *Gorilla beringei* as critically endangered (CE) and the *Pan troglodytes* as endangered (EN).

They are also all protected under CITES Appendix I, which limits international commercial trade. Uganda ratified this treaty in 1991 and has implementing legislation that CITES assesses as Category 3 (i.e. it generally does not meet CITES implementation requirements).

In addition to CITES, Uganda is a signatory to six other international agreements that are key to controlling the illegal wildlife trade:

- Convention on Migratory Species – Gorilla Agreement
- Lusaka Agreement on African Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora
- UNTOC
- WCO Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences (Nairobi)
- WCO – International Convention on the Harmonized Commodity Description and Coding System
- AU Convention on Conservation of Nature (ratification pending)

Uganda is also eligible for, but has not yet signed, the UN Convention Against Corruption (the only legally binding international anti-corruption instrument in support of wildlife-trade enforcement) and the Convention on Migratory Species (which limits the taking of endangered migratory species, and includes Uganda's native great ape species), two agreements that are vital to IWT.

National Legal Framework

The core legal framework governing wildlife trade in Uganda includes 15 laws belonging to 10 different legal areas. Of these, the following are considered the primary pieces of legislation:

- Wildlife Act
- Hide and Skins Export Duty Act
- Game Preservation Act

Uganda is currently working on new legislation to address wildlife-trade issues.

Domestic Protections

Both Ugandan great ape species are domestically protected: they cannot be hunted or captured unless a special permit is obtained (see Wildlife Act).

Other non-native great ape and gibbon species lack domestic protection. Discovery of these smuggled animals or wildlife products may be penalized under the Customs and CITES



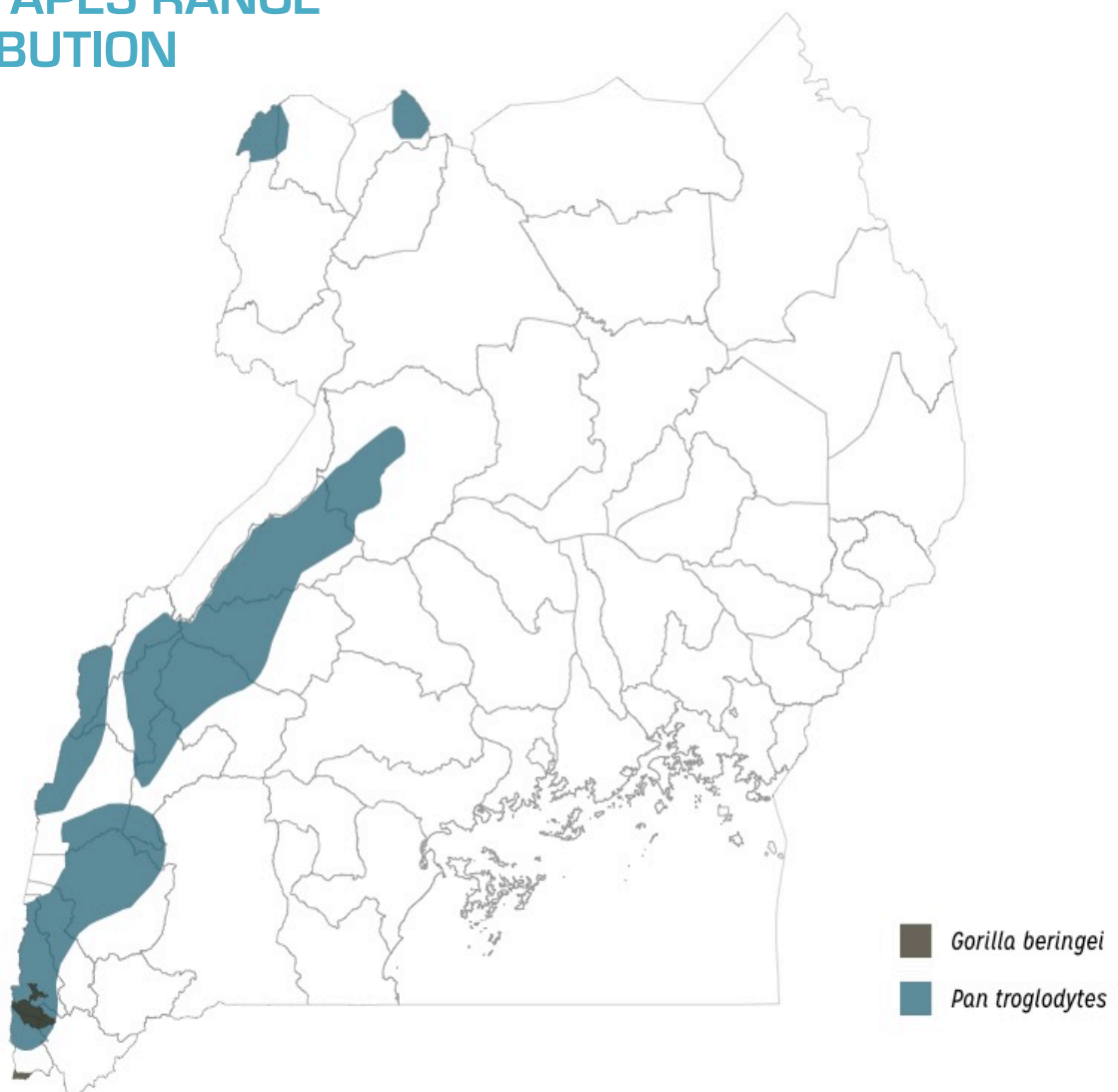
implementing legislation, but would not be subject to other domestic trade restrictions.

Management and Enforcement Authorities

There are at least six authorities with competences to deal with wildlife–trade issues in Uganda.

The primary authority is the Uganda Wildlife Authority, which also has enforcement authority and the power to investigate offenses, together with the customs and police authorities.

Uganda: GREAT APES RANGE DISTRIBUTION



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Both native great ape species are legally protected in Uganda. All other non-native great ape and gibbon species are protected under CITES Appendix I, and are thus subject to restricted global trade. If, however, they are smuggled into the country, they do not benefit from full domestic legal protections.

2018 Uganda PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>			CITES-Appendix I
	<i>Gorilla beringei</i>	☉	✓	CITES-Appendix I
Orangutans	<i>Pongo abelii</i>			CITES-Appendix I
	<i>Pongo pygmaeus</i>			CITES-Appendix I
	<i>Pongo tapanuliensis</i>			(*)
Chimpazees	<i>Pan troglodytes</i>	☉	✓	CITES-Appendix I
Bonobos	<i>Pan paniscus</i>			CITES-Appendix I
Gibbons	<i>Hylobates lar</i>			CITES-Appendix I
	<i>Hylobates pileatus</i>			CITES-Appendix I
	<i>Bunopithecus hoolock</i>			CITES-Appendix I
	<i>Hylobates agilis</i>			CITES-Appendix I
	<i>Hylobates albibarbis</i>			CITES-Appendix I
	<i>Hylobates klossii</i>			CITES-Appendix I
	<i>Hylobates moloch</i>			CITES-Appendix I
	<i>Hylobates muelleri</i>			CITES-Appendix I
	<i>Symphalangus syndactylus</i>			CITES-Appendix I
	<i>Nomascus siki</i>			CITES-Appendix I
	<i>Nomascus annamensis</i>			CITES-Appendix I
	<i>Nomascus nasutus</i>			CITES-Appendix I
	<i>Nomascus gabriellae</i>			CITES-Appendix I
	<i>Nomascus hainanus</i>			CITES-Appendix I
	<i>Nomascus concolor</i>			CITES-Appendix I
	<i>Nomascus leucogenys</i>			CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

(*) Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties

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Uganda has signed, but has yet to ratify, two AU conventions – on Conservation of Nature and Prevention of Terrorism – which will enhance its IWT legal frameworks. It should also consider signing the UN Convention Against Corruption and the CMS.

UGANDA Participation in IWT-Related International Agreements

	1966	INTERPOL Constitution
	1982	INTERPOL Rules on the Processing of Data
❖	1989	WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)
❖	1991	CITES
❖	1991	WCO-International Convention on the Harmonized Commodity Description and Coding System
	1993	Convention on Biological Diversity (CBD)
	1995	WTO-Agreement on Sanitary and Phytosanitary Measures
❖	1996	Lusaka Agreement on African Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora
	2002	WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended
	2003	OAU Convention on the Prevention and Combating of Terrorism
	2004	AU-Convention on Corruption
❖	2005	UN Convention Against Organized Crime
	2005	EAC-Customs Union Protocol
	2010	EAC-Protocol on Environment and Natural Resources Management
❖	2014	CMS-Gorilla Agreement
	2018	Agreement Establishing a Tripartite Free Trade Area among COMESA, EAC and SADC
❖	<i>pending</i>	AU-Convention on Conservation of Nature
	<i>pending</i>	Protocol of the OAU Convention on the Prevention and Combating of Terrorism
❖	<i>none</i>	UN Convention Against Corruption
❖	<i>none</i>	Convention on Migratory Species (CMS)
	<i>none</i>	WCO-Convention A.T.A. Carnet for the temporary admission of goods
	<i>none</i>	WCO-Convention on Temporary Admission (Istanbul Convention)
	<i>none</i>	AU-African Maritime Transport Charter (Revised)
	<i>none</i>	AU-Phyto-Sanitary Convention for Africa
	<i>none</i>	AU-Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)
	<i>none</i>	UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party of the agreement but information on the year is yet to be found

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15 laws belonging to 10 different legal areas constitute the core legal framework governing wildlife trade in Uganda.

Wildlife Trade Legal Framework In Uganda

Map Strategy **Hierarchy** Timeline Gap/Conflict Monitor

Legal Strategy

Administrative	Agriculture	Animal	Civil Procedure	Commerce	Constitutional
Criminal	Cultural Heritage	Customs & Trade	Defense & Security	Economics	Education
Employment	Energy	Environment	Finance	Health	Human Rights
Immigration	Industrial	Insurance	Intellectual Property	Labor	Land Tenure & Planning
Marine & Admiralty Law	Natural Resources	Political Parties & Elections	Services	Taxation	Telecom & Media
Transportation					

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Uganda/legal_strategy

Wildlife Trade Legal Framework In Uganda

Map Strategy **Hierarchy** Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Wildlife Bill DRAFT	Hides and Skins Export Duty Act	Game Preservation Law
	Wildlife Act	Forest Act	Environmental Protection Act
	Criminal Code	Anti-Money Laundering Act	Electronic Transactions Act
	Customs Management Act	Anti-Corruption Act	Mining Act
	Firearms Act	Firearms Act (2006 Amendment)	Animal Welfare Act
	Criminal Procedure Code		
National Regulation			

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Uganda/legal_hierarchy

PRIMARY LEGISLATION [3]

-/2017

Wildlife Bill

Uganda's Wildlife Act is currently not in force, but should become the primary legislation managing wildlife (which includes wild animal species native to Uganda and wild animals migrating through Uganda under Article 1), and it is directly related to wildlife trade. Under this law the Federal Government owns all wildlife (Art 3). Unlawfully taking or disturbing wild species is a crime (Art 21), with penalties described in Part XIII. Although protected species are not listed in this law, Part V does allow the minister to declare species of plants and animals as partially and fully protected by statutory order. The lists of protected species may be found in the Game Preservation Law. Different types of wildlife user rights and permits are described in Part VI, and regulations and permits for professional hunters and trappers are described in Part VII. Provisions regulating the international trade in wildlife, including importing, exporting, and reimporting, are described in Part X. A new Wildlife Bill has been proposed, but as of June 2018 it has not passed.

339/1962

Hide and
Skins Export
Duty Act

Uganda's Hide and Skins Export Duty Act regulates the export of game hides (Art 1), and is directly related to wildlife trade. The law covers export duties to be paid (Art 2, First Schedule, Second Schedule), points of allowable export (Art 3), and required documentation due to the regional commissioner (Art 4). Offences are punishable by fines up to five thousand shillings and/or imprisonment not exceeding six months (Art 5).

198/1959

Game
Preservation
Act

Uganda's Game Preservation Act contains provisions directly related to wildlife trade, as it describes protected animals and species that may be hunted. This law was repealed by the Uganda Wildlife Law, except for its Schedules, which implement Part V of that Law by establishing the lists of species of plants and animals considered as partially and fully protected.

RELATED LEGISLATION [12]

153/1995

Environmental
Protection
Act

Uganda's Environmental Protection Act is the umbrella legislation managing the protection of natural resources (which includes biological factors of animals under Art 1), and it contains several provision related to wildlife trade. The law contains provisions regarding: conservation of biological resources in situ and ex situ (Art 43), and EIAs for projects involving commercial exploitation of fauna (Third Schedule). Relevant enforcement and judicial provisions are covered by Chapters X and XIV. Penalties are detailed in Part XIII. General penalties for offences include imprisonment up to eighteen months and/or a fine of up to eighteen million shillings (Art 98).

8/2003

Forest Act

Uganda's Forest Act is the umbrella legislation for the management of its

forests and forest produce, which includes living organisms and its products (Art 3). To the extent ‘forest produce’ includes wildlife, this Act may be relevant to wildlife trade, although neither the term nor any specific wild fauna are identified in the text. This law regulates the ownership and uses of forest produce in private natural forests and forest plantations (Art. 22–27), as well as in forest reserves and community forests (Art 28–43). Trade of forest produce is covered by Art 45, which refers trade restrictions to statutory orders. Offences related to forest produce may be found in Part XI (Arts 81–82) and also scattered in the text of the law in Arts 14 (prohibition to destroy), Art 32 (prohibition to take in a forest reserve or community forest), Art 34 (prevention of damage), and Art 43 (unlicensed activities). Courts and enforcement powers are defined in Arts 84–87 and Arts 88 and 89 respectively.

39/1957

Animal
Welfare Act

Uganda’s Animal Welfare Act is the primary legislation governing the treatment of captive animals. It contains several provisions related to wildlife trade. The law provides guidelines and penalties related to: offences of cruelty (Art 2), detention of confiscated animals (Art 9), use of animals for experimentation (Arts 11–14).

120/1950

Criminal Code

Uganda’s Criminal Code is the primary law regulating criminal offences and has several provisions related to wildlife trade. This law regulates illicit activities that might occur along the wildlife trade chain, such as receiving (Art 314) and smuggling (Art 319) illegally obtained objects, possessing goods suspected of being smuggled (Art 320), attempting to smuggle goods (Art 321), or injuring certain types of animals (Art 334). Other crimes that may be related to wildlife trade are: forgery (Division VIII), and corruption (Chapter IX). Organized crimes and anti-money laundering activities are not defined in this law. Other articles that are indirectly related are those defining aggravating circumstances, recidivism, attempt, participation and responsibility of legal persons. While under this law wild animals are not capable of being stolen, their dead bodies and derivatives are (Art 253).

116/1950

Criminal
Procedure
Code

Uganda’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 related to this topic.

-/2004

Customs
Management
Act

Uganda’s Customs Management Act regulates the incoming and outgoing traffic of goods into or from the national territory and the collection of import duties. Its provisions are applicable in cases of import or export of wildlife and wildlife products, particularly those regulating the fulfillment of customs formalities (Arts 21–46, Part XV), storage (Part IV), and competences of Customs officials (Part XI). While this law does not explicitly declare customs officers have authority to carry weapons, it does indicate customs officers have the same powers as police officers (Art 7). Related offences to wildlife trade include using false documents (Art 203) and smuggling (Arts 202, 207). General enforcement powers and provisions related to judicial proceedings are listed in Part XII and Part XIX, respectively. Uganda, Burundi, Kenya, Rwanda, South Sudan,

and Tanzania share the same Customs Law. It emanates from the East African Community (EAC) of which they are all members and it is directly applicable in all six countries pursuant Art. 2.2 and 75 of the EAC Treaty and EAC Customs Protocol.

12/2013	Anti-Money-Laundering Act	Uganda's Anti-Money Laundering Act has an all crimes approach. Sections 1 and 3 state that liability under this law arises for any criminal offence that results from carrying out criminal activities. This may include wildlife trade offences to the extent they are defined elsewhere in national legislation.
6/2009	Anti-Corruption Act	Uganda's Anti-Corruption Act is the umbrella legislation that defines and punishes corruption offences. Although it contains no specific provision related to wildlife trade, some of the offences described may be applied in cases of wildlife trade such as bribery (Art 5) and corruption (Art 2). Penalties for offences are described in Part III.
-/1970	Firearms Act	Uganda's Firearms Act is the umbrella legislation regulating the purchase and possession of weapons and ammunition. It contains a few sections indirectly related to wildlife trade. Section 4 requires the holder of a firearm certificate for sporting purposes to obtain a game license. Section 24 elaborates further stating that nothing in this law relieves a person carrying a firearm from the obligation to have a license to kill game. Other relevant articles are those related to purchase (Art 3), issue of certificates (Art 4–9), and unlawful types of weapons (Sec. 24). Offences related to carrying firearms without appropriate certificates may be punished by fines not exceeding 20 currency points or 10 years imprisonment (Sec. 3).
23/2006	Firearms Act (2006 Amendment)	Uganda's Firearms Act (2006 Amendment) updates two penalties from the original Firearms Law. In Section 3 of the original law, penalties for purchasing, acquiring or possessing any firearm or ammunition without authorization are listed as imprisonment for a term not exceeding ten years and/or to a fine not exceeding twenty thousand shillings. Under the 2006 Amendment, penalties are updated to a fine not exceeding sixty currency points or both (Section 3). Also in Section 3 of the original version of the law, penalties for unauthorized purchase or acquisition of ammunition include imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings or to both. The 2006 Amendment updates these penalties to imprisonment not exceeding one year or a fine not exceeding sixty currency points or both (Section 3).
8/2011	Electronic Transactions Act	Uganda's Electronic Transactions Act is the primary legislation regulating electronic communications and transactions. It has some articles indirectly related to wildlife trade such as Section 8 that establishes the admissibility and evidential weight of a data message or an electronic record in Court proceedings. Section 29 limits the liability of service providers in respect of third-party material.
-/2003	Mining Act	Uganda's Mining Act is the umbrella legislation for the management of

the mining activity in the country. It contains an entire section dedicated to environment and wildlife protection (Part XI) and has some provisions indirectly related to wildlife trade. Mining permit holders are prohibited from conducting activities in national parks, game reserves, or forest reserves unless they have explicit permission (Art 78). They are obliged to have an environmental restoration plan (art 110) and execute an environmental performance bond (Art 112).

354/1995

Constitution

Uganda's Constitution contains a few articles that are indirectly related to wildlife trade. It states that the Federal Government is responsible for the environment, national parks, trade, forests and wildlife reserves (Sixth Schedule). The State shall protect natural resources, flora and fauna (Section XIII), and the biodiversity of Uganda and promote sustainable utilization of resources (Section XXVII). The Parliament is responsible for protecting the environment (Art 245) and Regional Governments are responsible for forests not managed by the Federal Government (Art 9). While none of these provisions expressly regulates the topic, they may be relevant to the extent that controlling wildlife trade is necessary for "the protection of the environment" and the failure to adequately regulate may threaten the maintenance of a healthy and sustainable environment.

MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
PARLIAMENT	■													
MINISTRY OF TOURISM, WILDLIFE AND ANTIQUITIES (CITES-MA)												■	■	■
UGANDA WILDLIFE AUTHORITY (CITES-SA)	■	■	■	■	■	■	■	■	■	■	■		■	■

”

The Uganda Wildlife Authority is solely responsible for the management of domestic wildlife issues, while customs, and the Ministry of Tourism, Wildlife and Antiquities control its international trade.

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
UGANDA WILDLIFE AUTHORITY														
Administration														■
Wildlife Protection Officers			■	■	■	■	■	■	■	■	■	■		
UGANDA REVENUE AUTHORITY														
Customs Officers	■	■	■		■	■	■	■	■					
NATIONAL POLICE	■				■	■	■	■	■		■			
PROSECUTORS										■				
ENVIRONMENTAL AND UTILITIES COURT													■	■



SUMMARY

Species of Concern

There are six *Nomascus* gibbon species native to Vietnam:

- Eastern black-crested gibbon (*Nomascus nasutus*)
- Northern buffed-cheeked gibbon (*Nomascus annamensis*)
- Northern white-cheeked crested gibbon (*Nomascus leucogenys*)
- Southern white-cheeked crested gibbon (*Nomascus siki*)
- Western black-crested gibbon (*Nomascus concolor*)
- Yellow/Red-cheeked crested gibbon (*Nomascus gabriellae*)

They are found distributed all over the country. Several populations are found on Vietnam's borders with China, Laos, and Cambodia.

International Protection and Agreements

The IUCN Red List classifies all gibbon species as endangered (EN).

They are also all protected under CITES Appendix I, which limits international commercial trade. Vietnam ratified this treaty in 1994 and has implementing legislation that

CITES assesses as Category 1 (i.e. it generally meets CITES implementation requirements).

In addition to CITES, Vietnam is a signatory to four other international agreements that are key to controlling the illegal wildlife trade:

- The ASEAN Agreement on the Conservation of Nature and Natural Resources
- UNCAC
- UNTOC
- WCO - International Convention on the Harmonized Commodity Description and Coding System

Vietnam is also eligible for, but has not yet signed, the Convention on Migratory Species (which does not include gibbon species native to Vietnam, but does include other Vietnamese wildlife) and the WCO Nairobi Convention (a treaty relevant to customs cooperation between countries to prevent smuggling of products, including wildlife products), two key IWT agreements.

National Legal Framework

The core legal framework governing wildlife trade in Vietnam includes 25 pieces of legislation (10 laws and 15 regulations) belonging to seven different legal areas. Of these, the following are considered the primary pieces of legislation:

- CITES Implementing Decree
- Exploitation of Endangered Species Decree
- Quarantine Decision
- Directive of the Prime Minister on Urgent Measures to Protect Wildlife
- Confiscated Wildlife Circular
- Directive of the Prime Minister to Strengthen Measures against Wildlife Trade
- Wildlife Law Enforcement Decision
- Goods Banned from Business Decree
- Appointment of CITES Authorities Decision
- Criminal Code Guidelines (Forest Violations) Circular
- Exploitation of Endangered Species Decree

Domestic Protections

Only four of the Vietnamese native species (*N. nasutus*, *N. leucogenys*, *N. concolor*, and *N. gabriellae*) are domestically protected, meaning that it is prohibited to exploit or use them for commercial purposes (per the Exploitation of Endangered Species Decree); trade, store, or transport them unless it is for research or conservation purposes, or unless a special permit has been issued (per the Exploitation of Endangered Species Decree).

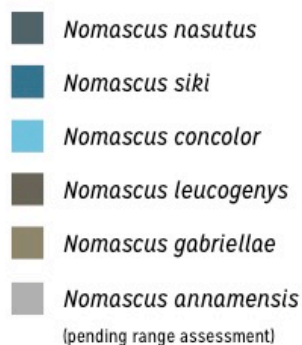
Other non-native great apes and gibbon species lack domestic protection. Discovery of these smuggled animals or wildlife products may be penalized under customs and CITES implementing legislation, but trade in these species would not be subject to other domestic trade restrictions.

Management and Enforcement Authorities

There are at least 16 different authorities with competences to deal with wildlife trade issues in Vietnam.

The primary authority is the Ministry of Agriculture and Rural Development, appointed by law as the leading agency for the implementation and enforcement of CITES rules.

Vietnam: GIBBON SPECIES RANGE DISTRIBUTION



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Although it is reported that Vietnam is home to six gibbon species, only four of them are listed domestically as protected wildlife. All other native and non-native gibbon (and great ape) species are protected under CITES Appendix I, and are thus subject to highly restricted global trade. If, however, non-native species are smuggled into the country, they do not benefit from full domestic legal protections.

2018 Vietnam PROTECTION STATUS

		Native	Domestic Protection	International Protection
Gorillas	<i>Gorilla gorilla</i>			CITES-Appendix I
	<i>Gorilla beringei</i>			CITES-Appendix I
Orangutans	<i>Pongo abelii</i>			CITES-Appendix I
	<i>Pongo pygmaeus</i>			CITES-Appendix I
	<i>Pongo tapanuliensis</i>			(*)
Chimpanzees	<i>Pan troglodytes</i>			CITES-Appendix I
Bonobos	<i>Pan paniscus</i>			CITES-Appendix I
Gibbons	<i>Hylobates lar</i>			CITES-Appendix I
	<i>Hylobates pileatus</i>			CITES-Appendix I
	<i>Bunopithecus hoolock</i>			CITES-Appendix I
	<i>Hylobates agilis</i>			CITES-Appendix I
	<i>Hylobates albibarbis</i>			CITES-Appendix I
	<i>Hylobates klossii</i>			CITES-Appendix I
	<i>Hylobates moloch</i>			CITES-Appendix I
	<i>Hylobates muelleri</i>			CITES-Appendix I
	<i>Symphalangus syndactylus</i>			CITES-Appendix I
	<i>Nomascus siki</i>	⊙		CITES-Appendix I
	<i>Nomascus annamensis</i>	⊙		CITES-Appendix I
	<i>Nomascus nasutus</i>	⊙	✓	CITES-Appendix I
	<i>Nomascus gabriellae</i>	⊙	✓	CITES-Appendix I
	<i>Nomascus hainanus</i>			CITES-Appendix I
	<i>Nomascus concolor</i>	⊙	✓	CITES-Appendix I
	<i>Nomascus leucogenys</i>	⊙	✓	CITES-Appendix I

SOURCE: CITES Species+ and IUCN Red List Version 2018-1

(*) Recently discovered species. Expected to be included in CITES Appendix I in the coming Conferences of the Parties

VIETNAM Participation in IWT-Related International Agreements

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Vietnam ratified CITES in 1994. It is signatory to four other international agreements important to controlling IWT, and is also eligible for, but has not yet signed, two key conventions: the Convention on Migratory Species and the WCO Nairobi Convention.

1970 INTERPOL Constitution

1982 INTERPOL Rules on the Processing of Data

❖ 1994 CITES

1995 ASEAN Free Trade Agreement (AFTA)

1995 Convention on Biological Diversity (CBD)

❖ 1997 ASEAN-Agreement on the Conservation of Nature and Natural Resources

❖ 2000 WCO-International Convention on the Harmonized Commodity Description and Coding System

2003 ASEAN-Tourism Agreement

2005 ASEAN-Mutual Legal Assistance in Criminal Matters

2007 WTO-Agreement on Sanitary and Phytosanitary Measures

2008 WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended

❖ 2009 UN Convention Against Corruption

❖ 2012 UN Convention Against Transnational Organized Crime

2012 ASEAN-Agreement on Customs

❖ *none* Convention on Migratory Species (CMS)

❖ *none* WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi)

none WCO-Convention A.T.A. Carnet for the temporary admission of goods

none WCO-Convention on Temporary Admission (Istanbul Convention)

none UNWTO-Framework Convention on Tourism Ethics

❖ CRITICAL AGREEMENTS FOR IWT

NOTE: Year reflects the year when the country became Party to the agreement by either instrument of ratification, acceptance, approval or accession. "Pending" reflects an agreement signed by the country but which ratification and Party status has not yet occurred. "Unknown" means the country is Party to the agreement but information on the year is yet to be found

”

10 laws and 15 regulations belonging to seven different legal areas constitute the core legal framework governing wildlife trade in Vietnam.

Wildlife Trade Legal Framework In Vietnam

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Strategy



https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Vietnam/legal_strategy

Wildlife Trade Legal Framework In Vietnam

Map Strategy Hierarchy Timeline Gap/Conflict Monitor

Legal Hierarchy

Constitutional Law	Constitution		
National Law	Criminal Code	Criminal Code (2017 Amendment)	Environmental Protection Law
	Biodiversity Law	Forestry Law	Customs Law
	Anti-Money Laundering Law	Anti-Corruption Law	Forestry Law
	Criminal Procedure Code	Administrative Offences Law	Anti-Corruption Law (2012 Amendment)
National Regulation	CITES Implementing Decree	Endangered Species Decree	Quarantine Decision
	Directive of the Prime Minister on Urgent Measures to Protect Wildlife	Confiscated Wildlife Circular	Directive of the Prime Minister to Strengthen Measures against Wildlife Trade
	Wildlife Law Enforcement Decision	Criminal Code Guidelines (Forest Violations) Circular	Goods Banned from Business Decree
	Appointment of CITES Authorities Decision	Exploitation of Endangered Species Decree - Annex I	Endangered Species Decree - Annex I
	Endangered Species Decree - Annex II	Goods Banned from Business Decree - Annex I	Goods Banned from Business Decree - Annex II
	Goods Banned from Business Decree - Annex III	Criminal Code Guidelines (Forest Violations) Circular - Annex I	Exploitation of Endangered Species Decree
	Forest Administrative Offences Decree	Use of Revenue from Wildlife Penalties Circular	Environmental Administrative Offences Decree
	Exploitation of Common Wildlife Circular	Forest Administrative Offences Decree (2017 Amendment)	

https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Vietnam/legal_hierarchy

PRIMARY LEGISLATION (11)

82/2006

CITES
Implementing
Decree

Vietnam's CITES implementing Decree develops general provisions stated in the Forestry Law. It transposes the obligations stemming from the CITES Convention into Vietnam's legal system, and it is directly applicable to wildlife trade issues. It provides detailed rules for the export, import, re-export, introduction from the sea, transit, breeding, rearing, and artificial propagation culture of protected species. Its obligations are applicable to two types of protected species: the CITES listed species in Appendices I, II, III and the protected species under the provisions of Vietnamese law (Arts. 1 & 2.6). Vietnam has two lists of nationally protected species: they are to be found in the Endangered Species Decree and the Exploitation of Endangered Species Decree.

160/2013

Endangered
Species
Decree

Vietnam's Endangered Species Decree implements the List of Endangered, Precious and Rare Species Prioritized for Protection, as mentioned in the Biodiversity Law Art. 37.2. It is the more general of two lists of species protected on a national level (the second list is implemented by the Exploitation of Endangered Species Decree and applies the provisions of this Decree).

45/2005

Quarantine
Decision

Vietnam's Quarantine Decision provides a list of microorganisms, animals, animal products and means of transport subject to quarantine. Section 2.1.4 include endangered species of wildlife, such as elephants, tigers, orangutans, gibbons, and others.

359/1996

Directive of the
Prime Minister
on Urgent
Measures to
Protect Wildlife

Vietnam's Directive of the Prime Minister on Urgent Measures to Protect Wildlife contains a number of urgent measures dictated by Vietnam's Prime Minister in 1996 to monitor wildlife hunting and prevent illegal wildlife trade. Some of these measures were reproduced in subsequent legislation, such as the Confiscated Wildlife Circular.

90/2008

Confiscated
Wildlife
Circular

Vietnam's Confiscated Wildlife Circular defines guidelines on handling confiscated wildlife specimen. Art. BI specifies measures to be taken towards nationally protected live species; Art BII deals with exhibits of dead nationally protected species. Articles BIII and BIV define the same provisions for CITES-listed animals.

3/2014

Directive of the
Prime Minister
to Strengthen
Measures
against Wildlife
Trade

Vietnam's Directive of the Prime Minister to Strengthen Measures against Wildlife Trade assigns tasks to Ministries, sectors, and local authorities. The tasks are aimed at strengthening prevention and handling the breaches of national laws and international conventions on wildlife protection. The Directive emphasizes rhino and ivory specimens originated from African countries.

1632/201
3

Wildlife Law
Enforcement
Decision

Vietnam's Wildlife Law Enforcement Decision establishes a National Committee to develop policies and identify priorities for controlling illegal wildlife trade.



59/2006	Goods Banned from Business Decree	Vietnam's Goods Banned from Business Decree promulgates the lists of goods banned and restricted for business and subject to conditional business. Wildlife listed in CITES and the List of Endangered, Precious and Rare Species (32/2006) are included into 2 lists: the list of goods banned from business and the list of goods subject to business restriction. Hunting rifles are included into the list of the goods subject to business restriction.
7/2007	Appointment of CITES Authorities Decision	Vietnam's Appointment of CITES Authorities Decision establishes the names of the institutions responsible to act as CITES Management and Scientific Authorities, and their competences.
19/2007	Criminal Code Guidelines (Forest Violations) Circular	Vietnam's Criminal Code Guidelines (Forest Violations) Circular explains some terms used in the Criminal Code, for example, "illegal hunting." It refers to the old (1999) version of the Criminal Code, and some of the terms explained are not relevant anymore (for example, "seriousness of damage"). No amendments of the Circular have been found.
32/2006	Exploitation of Endangered Species Decree	Vietnam's Exploitation of Endangered Species Decree develops general provisions stated in the Forestry Law. It promulgates the List of Endangered, Precious and Rare Forest Plants and Animals banned and restricted for commercial use, as mentioned in Forestry Law Art. 41.3. It is one of the two lists of species protected at national level (the second list is promulgated by the Endangered Species Decree). The Decree makes a distinction between two groups of species: strictly banned from exploitation (Group I) and permitted for restricted exploitation (Group II). Respective sub-categories A include plants and B – animals. The Decree requires that the State monitor the status of the listed species (art 4), and that forests where species happen must be specially protected (art 5.1&2). It regulates the activities that are prohibited or limited (art 5.3: hunting, trapping, catching, caging and slaughtering, processing, advertising, trading, using, storing, exporting or importing) and states the different limits to exploitation (Art 6). Transport and storage as well as captive breeding, processing and trading are regulated by this Decree (Arts 7–9). Enforcement provisions are to be found in arts 10–11. This Decree must be read in combination with Endangered Species Decree.

RELATED LEGISLATION (14)

55/2014	Environmental Protection Law	Vietnam's Environmental Protection Law is the umbrella legislation for the management of environment and natural resources. It has several articles related to wildlife trade. Art. 7 lists prohibited acts, such as obtaining, trading and consuming protected species (7.3), importing and transiting of untested animals (7.10), mass-killing of fauna (7.2), and infringing wildlife sanctuaries regime (7.12). With respect to tourism and festivals, Art.77 prohibits damages upon animals. Chapter XVII addresses breaches of this law; and Chapter XIX sets out the determination, responsibility and compensation for environmental damages.
20/2008	Biodiversity Law	Vietnam's Biodiversity Law is the primary law for the conservation of wild species, and it contains several provisions related to wildlife trade. It

classifies species in several categories, among them, species 'in danger of extinction', and species 'endangered, precious and rare prioritized for protection' (Arts. 3.14 and 3.20). Article 7 prohibits hunting, exploiting, consuming, trading and transporting endangered, precious and rare species. Article 37.2 establishes the need to draw a List of those species, which has been implemented by the Endangered Species Decree. Hunting and exploiting of species in protected conservation areas are only allowed for the purposes of scientific research. Article 75 states that organizations or individuals that cause damage to biodiversity shall pay for damages in accordance with the law.

29/2004

Forestry Law

Vietnam's Forestry Law is the umbrella legislation for the management of its forests, including their conservation. It is related to wildlife trade since the definition of forest products includes wildlife (Art.3.19). Art. 12 lists the prohibited acts, including illegal hunting, transportation, processing, advertising, trading, exporting and importing forest plants and animals. Article 41.3 requires a special protection regime for Endangered, Precious, and Rare Forest Plants and Animals, which is implemented by the Exploitation of Endangered Species Decree. Art. 85 states that any person who commits prohibited acts shall be subject to administrative proceedings or investigated for criminal liability. Compensation for damage is to be paid in accordance with Art. 86. The general provisions of this Law have further been developed by the CITES Implementing Decree, the Exploitation of Endangered Species Decree, and the Common Wildlife Management Circular. The Law is valid until the 31 of December 2018, after which the updated Forestry Law will enter into force.

157/2013

Forest
Administrative
Offences
Decree

Vietnam's Forest Administrative Offences Decree stipulates sanctions for administrative offences against the management, development, and protection of forests and forest products, including wildlife (Art 3.2). The offenses related to wildlife trade are listed in Arts 21–24. The financial penalties are based on the value of the goods seized, with a maximum penalty of VND 500 million for an individual and 1 billion for a legal entity.

41/2017

Forest
Administrative
Penalties
Decree (2017
Amendment)

Vietnam's Forest Administrative Penalties Decree (2017 Amendment) includes modifications in the severity of the penalties for wildlife trade related offences.

179/2013

Environmental
Administrative
Offences
Decree

Vietnam's Environmental Administrative Offences Decree establishes sanctions for offences against the environment. It contains two articles related to wildlife trade. Article 42 sanctions the illegal use, consumption, trade, transport or storage of endangered species. Article 43 stipulates a maximum fine of VND 500 million for offences against laws protecting wild species in sub-zones of strict protection. This Decree implements further the Administrative Offences Law, which defines the general rules applicable to administrative offences.

47/2012

Exploitation of
Common
Wildlife
Circular

Vietnam's Exploitation of Common Wildlife Circular promulgates the List of the Common Wildlife Species and stipulates the conditions and procedures for their exploitation. This Circular implements Art. 41.2 of the Forestry Law.

13/2009	Use of Revenue from Wildlife Penalties Circular	Vietnam's Use of Revenue from Wildlife Penalties Circular addresses the use of revenues from wildlife related penalties in support of the fight against smuggling and trade fraud in the field of forest and wildlife management (Art.1).
100/2015	Criminal Code	Vietnam's Criminal Code has several articles directly related to wildlife trade. It penalizes offences against endangered and rare wild animals. Penalties vary depending on the degree of protection granted in the List of Protected Species for Commercial Use and the value attached to the specimen: Art.234 refers to species in group IIB (with hyperlink to the list) or CITES Appendix II species (hyperlink) of lower value, whereas Art.244 relates to species listed as IB (hyperlink) or CITES Appendix I (hyperlink). Both articles contain higher penalties for aggravating circumstances such as commission by an organized crime group, the quantity of the specimens traded or the cross-border trade or transport of goods. They both include rules applicable to offences committed by legal persons. Offences against wildlife sanctuaries are covered by Art 232 and 245.
12/2017	Criminal Code (2017 Amendment)	Vietnam's Criminal Code (2017 Amendment) stipulates changes into some of the articles of the 2015 version, including the provisions on wildlife trade and protected areas (Arts. 55, 57, and 64 amend Arts. 232, 234, and 244 respectively). The changes mostly concern the grouping of offences.
101/2015	Criminal Procedure Code	Vietnam's Criminal Procedure Code regulates how crimes are investigated and prosecuted generally. Its provisions are to be applied in all investigation and prosecution cases related to wildlife trade crimes. Article 106.3.d mentions wildlife in the context of handling seized animals.
54/2014	Customs Law	Vietnam's Customs Law regulates the incoming and outgoing traffic of goods into or from the national territory and the collection of the import duties. It contains a good number of articles related to wildlife trade, notably those on smuggling and illegal cross-border trafficking of goods (Chapter V). Fulfillment of customs formalities, inspection and supervision are covered in Chapter III.
7/2012	Anti-Money-Laundering Law	Vietnam's Anti-Money Laundering Law has a predicate offense approach. Art. 4.1a) predicates liability under this law to 'offences defined in the Criminal Code'. This includes wildlife trade offences to the extent they are defined in that Code.
55/2005	Anti-Corruption Law	Vietnam's Anti-Corruption Law is the umbrella legislation that defines and punishes corruption offences. Although it contains no specific provision related to wildlife trade, some of the offences described may be applied in cases of wildlife trade such as criminalization of embezzlement, forgery, bribery, abuse of office, and money laundering, requirements to facilitate identification of illegitimate sources of income.
27/2012	Anti-Corruption Law (2012 Amendment)	Vietnam's Anti-Corruption Law (2012 Amendment) amends the original law to include provisions on access to information, publicity and transparency. It contains one article indirectly related to wildlife trade: it obliges property declarers to explain sources of increased property (Art 18). Authorities may

consider verifying the truthfulness of property declarations on the bases of Art 19.

15/2012

Administrative
Offences Law

Vietnam's Administrative Offences Law is the primary law regulating the establishment of sanctions for administrative offences. Its provisions are to be applied in all cases related to wildlife trade administrative offences. It defines the type of sanctions and remedial measures (Chapter I). It also states the competences to administer the sanctions (Chapter II), including those of Customs and Rangers (Art 43). Chapter III defines the establishment and execution of sanctions.

-/2013

Constitution

Vietnam's Constitution contains some articles that are indirectly related to wildlife trade. Article 53 states that all natural resources are owned by the people and represented and managed by the State. Article 63 requires the State to adopt environmental protection policies, including the protection of nature and biodiversity. It also penalizes the depleting of natural resources and weakening of biodiversity, and establishes the restoration and compensation for environmental damages. While none of these provisions expressly regulates the topic, they may be relevant to the extent that controlling wildlife trade is necessary for "the protection of the environment" and the failure to adequately regulate may "threaten" the maintenance of a healthy and sustainable environment.

MANAGEMENT Authorities & Powers

	POLICY & CONSERVATION			HUNTING			TRADE				CITES			
	Laws & Regulations	Population Studies	Species Listing	Hunting Bans	Hunting Quotas	Hunting Permits	Zoos & Reserves	Breeding Facilities	Pet Market	Transport	Assessing Threats	Establish Trade Limits	CITES IMP/EXP Permits	CITES Country Reports
NATIONAL ASSEMBLY	■													
MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT	■	■	■					■				■		
MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT		■	■	■	■	■								
Vietnam CITES MA	■						■	■					■	■
VIETNAM ACADEMY OF SCIENCE AND TECHNOLOGY														
Institute of Ecology and Biological Resources (CITES SA)		■						■			■		■	■
VIETNAM NATIONAL UNIVERSITY														
Center for Natural Resource and Environmental Studies (CITES-SA)		■						■			■		■	■

ENFORCEMENT Authorities & Powers

	DETECT & SUSPEND				SEARCH & SEIZURE					INVESTIGATE & ENFORCE				
	Stop	Question	Inspect	Suspend Activities	Search	Seize Instruments	Seize Vehicles	Seize Facilities	Seize Proceeds	Investigate Offenses	Make Arrests	Use Weapons	Issue Fines	Revoke Licenses
PEOPLE'S COUNCIL														
People's Committee	■	■	■	■	■	■	■	■	■		■		■	■
MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT						■	■	■	■				■	■
Administration of Environment						■	■						■	■
MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT														
Vietnam CITES-MA			■											■
Forest Rangers	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Animal Quarantine Unit			■											
MINISTRY OF PUBLIC SECURITY														
Inspectorate Police	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Environmental Police	■	■	■	■	■	■	■		■	■	■		■	■
Economic Police										■				
MINISTRY OF FINANCE														
Custom Officers	■	■	■	■	■	■	■			■	■	■	■	
Taxation Department			■			■			■				■	
MINISTRY OF DEFENSE														■
Border Guards	■	■	■	■	■	■	■			■	■	■	■	
Marine Police	■	■	■	■	■	■	■	■		■	■		■	
Transport Police	■	■	■	■	■					■	■			
MINISTRY OF INDUSTRY & TRADE														■
Market Control Officers	■	■	■	■	■	■			■		■		■	
CENTRAL BANK														
Financial Intelligence Unit										■				
VIETNAM INSTITUTE OF SCIENCE AND TECHNOLOGY														
Ecology and Biological Resource Institute (CITES-SA)			■											
HANOI NATIONAL UNIVERSITY														
Center for Natural Resource and Environment Research (CITES-SA)			■											
AIRPLANE, SHIPS AND TRAIN PILOTS LEAVING NATIONAL PORTS	■	■	■	■	■						■			
PROSECUTORS										■				
COURTS									■				■	■

Vietnam's Ministry of Agriculture and Rural Development is the country's leading management authority for wildlife.

Enforcement competences are shared among 13 authorities.