

# SOMALILAND

WILDLIFE TRADE LEGAL GAP ANALYSIS



SEPTEMBER 2020



LICIT

LEGAL INTELLIGENCE FOR CHEETAH ILLICIT TRADE



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# Table of Contents

<b>INTRODUCTION</b>	<b>2</b>
<b>COUNTRY OVERVIEW</b>	<b>2</b>
Trade Governance generally	3
Wildlife Trade Environment	4
Enforcement Environment	4
Policy Environment	5
<b>GAP ANALYSIS</b>	<b>6</b>
<b>INTERNATIONAL LEGAL FRAMEWORK</b>	<b>6</b>
Relevant Treaties and Adherence	6
CITES Compliance Assessment	7
<b>NATIONAL LEGAL FRAMEWORK</b>	<b>8</b>
Summary of the Legal Framework	8
Framework Analysis	9
National Gap Analysis	10
<b>CONCLUSIONS</b>	<b>23</b>
<b>INTERNATIONAL LEGAL ENVIRONMENT</b>	<b>23</b>
<b>NATIONAL LEGAL ENVIRONMENT</b>	<b>23</b>
<b>ANNEX I.</b>	
<b>NATIONAL FRAMEWORK OVERVIEWS</b>	<b>25</b>
<b>ANNEX II.</b>	
<b>SOMALILAND WILDLIFE OFFENSES</b>	<b>28</b>
<b>ANNEX III.</b>	
<b>WILDLIFE OFFENSES AND PENALTIES ASSESSMENT</b>	<b>51</b>



# INTRODUCTION

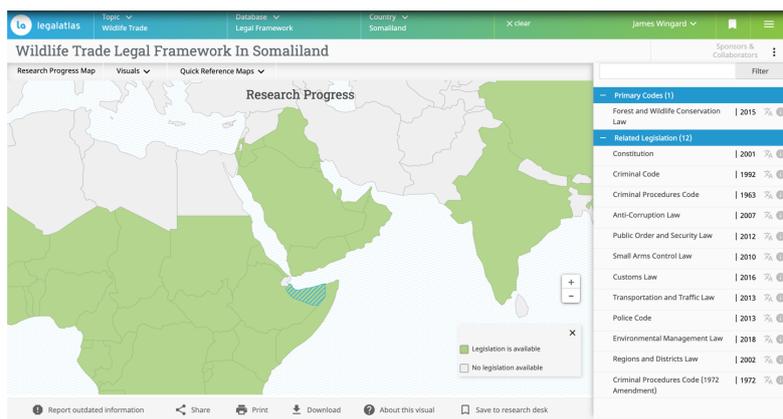
Legal Intelligence for Cheetah Illicit Trade (LICIT) is a 3-year project (2019-2022) sponsored by the UK Department for Environment Food and Rural Affairs (DEFRA) through the Illegal Wildlife Trade Challenge Fund (IWT Fund). It is implemented by an alliance between the Cheetah Conservation Fund (CCF),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

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

The methods used to identify and compile related legislation are based on those developed by Legal Atlas® for use in its legal intelligence platform. In addition to independent review, the methods also include review and identification of relevant legal

material by local sources. The results of the compilation can be accessed in the Legal Atlas® platform by going to [www.legal-atlas.net](http://www.legal-atlas.net).

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



## COUNTRY OVERVIEW

Somaliland's governance structures and challenges are a function of multiple political and historical factors. Briefly, the region was a British Protectorate for just over 70 years, from 1887 to 1960, when it declared independence.<sup>1</sup> In 1961, under the Somaliland Union Law and the 1961 Act

<sup>1</sup> Royal Proclamation Terminating Her Majesty's Protection Over the Somaliland Protectorate granting independence, dated 24 June 1960.



of Union, Somaliland and Somalia united to form the “Somali Republic,” later known as the “Republic of Somalia.” In 1991, the Republic of Somaliland re-asserted its sovereignty, terminating the 30-year union after a long civil war.

The Republic of Somaliland is not currently recognized as an independent country by any other state. Internationally, it is only recognized as an autonomous region of Somalia. As a result, it has only informal diplomatic relationships with other countries and no direct involvement in international fora, global events or agreements.

Somaliland is home to small populations of the three gazelle species of concern for the LICIT project.

- Dorcas gazelle (*Gazella dorcas*)
- Soemmerring’s gazelle (*Nanger soemmerringii*)
- Speke’s gazelle (*Gazella spekei*)

Its population of **cheetah** (*Acinonyx jubatus*) is currently unknown and needs to be researched.<sup>2</sup>

That being said, Somaliland is known to be a source country for illegally trafficked cheetah cubs as well as a major transit country targeted by organized crime groups. Its location and 750-km coastline along the Gulf of Aden make it a natural route for all types of contraband moving from the east African region to the Arabian Peninsula.

What is known about the three gazelle species generally and in Somaliland is as follows:

The **Dorcas gazelle**, also known as the Ariel gazelle, is a small and common gazelle whose range and distribution covers much of northern Africa and includes all or portions of 14 countries,<sup>3</sup> including three of the four jurisdictions in this review – Ethiopia, Somalia, and Somaliland. IUCN lists the Dorcas gazelle as Vulnerable with populations decreasing generally across its entire range. The population in Somaliland appears to be minimal.

The **Soemmerring’s gazelle**, also known as Abyssinian mohr, is a gazelle species native to the Horn of Africa with a small population in Somaliland. The IUCN lists it as ‘Vulnerable’.

The **Speke’s gazelle** (*Gazella spekei*) is the smallest of the gazelle species, listed by IUCN as Endangered, population decreasing. Its range and distribution are confined to the Horn of Africa. According to independent sources, it has been hunted to extinction in Ethiopia and is endangered in Somalia due to war, hunting and overgrazing. In Somaliland, it is widely but thinly distributed on the open plains in the center of the country. The total population was estimated in the tens of thousands more than 20 years ago, but there is no estimate for the Somaliland sector of the range.

To the extent these species are covered by Somaliland’s wildlife and trade related legislation, a majority of this review will be applicable.

## Trade Governance generally

Lack of international status has had significant impacts on all aspects of governance and rule of law in Somaliland, which also directly affects trade governance. Formally, Somaliland does not belong to any regional or international organizations and has not signed any of the international trade agreements identified in this research.<sup>4</sup>

Nonetheless, it has been able to negotiate at least some agreements that may be of interest to wildlife trade. For example, Somaliland has a transit and trade facilitation agreement with Ethiopia. In 2016, its Berbera Port Authority signed agreements with DP World (the Dubai-based global maritime port terminal operator), providing for a 30-year concession for Berbera Port, and the establishment of duty-free zones.

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<sup>2</sup> MoERD 2017. Strategic Planning and Development Workshop for a Proposed Wildlife Sanctuary and Rehabilitation Center in Somaliland: Report. Hargeisa, Somaliland: Ministry of Environment and Rural Development.

<sup>3</sup> Including: Algeria, Chad, Egypt, Ethiopia, Libya, Mali, Mauritania, Morocco, Niger, Somalia, Somaliland, Sudan, Tunisia, and parts of Israel and Sinai in the Middle East.

<sup>4</sup> Miritto, C.B. (2017) Customs reform and trade facilitation in the Horn of Africa: Somaliland under the microscope. TRALAC.



## Wildlife Trade Environment

The information on general trade governance and trade specific to cheetah through Somaliland has been gleaned from several sources including CITES Information documents submitted by governments, multiple media articles.<sup>5</sup>

### International Demand for Cheetahs

Trade appears to be driven by the demand for cheetah cubs as exotic pets in the Arabian Peninsula as well as poaching pressures in the Horn of Africa resulting from Human-Wildlife Conflict. “A year-long journalistic investigation conducted in 2013 documented cheetah cubs, along with other live African wildlife, being smuggled by boat out of Somaliland, through Yemen, and up the coastal road to the border crossing with Saudi Arabia”.<sup>6</sup> This international demand challenges Somalia’s efforts to prevent trade for the same reason other jurisdictions are challenged.

### Somaliland as Source and Transit Country

Somaliland is a known transit country for cheetah trade and as more information is collected, it is now clear that it is also a source country.

While the native cheetah population is not well researched and exact numbers have not been established, both Somaliland’s and Ethiopia’s cheetah populations are known to be a source for this trade. Other populations from Kenya or Somalia are still being investigated; although some reports indicate that small cubs would be unlikely to survive the extended journey sourcing in those countries would necessarily require.<sup>7</sup>

These source populations are of a unique subspecies of cheetah found only in East Africa, the *Acinonyx jubatus soemmerringii*. This ongoing threat is forcing these to the brink of extinction.

Reports suggest that cheetah trafficking follows known routes across the Gulf of Aden to unregulated Yemeni ports that have been traditionally involved in smuggling. They are trafficked via Somaliland and cross the narrow waters between the Red Sea and the Gulf of Aden, moving between territorial waters using ‘dhows.’

Traders cross the Gulf of Aden to purchase the cubs from the Somalis.

## Enforcement Environment

In 2017 Somaliland’s Chief Justice, Hon. Adan H. Ali Ahmed, noted a number of criminal justice sector reforms, including a key effort to fight corruption, improve justice for women/minorities, and expand the rule of law in far east and west rural areas. The need for capacity building remains, especially for police, immigration and customs, environmental prosecutors and courts.<sup>8</sup> A key priority is the establishment of a specific unit within the police force that is focused on wildlife protection and the environment at large.<sup>9</sup>

The UNODC has assisted with the production of The Criminal Justice Compendium for Somaliland comprising six English and Somali language tools and manuals on crime prevention and criminal justice in Somaliland.

### Enforcement Data

While records from the last decade are now being analyzed, initial analysis of 2020 data (January to June) offers 20 cheetahs being confiscated with 22 additional cheetahs allegedly in trade though seizures were not made.

As with any other illicit activity, experts suspect actual trade is much larger but worry that even this smaller number represents an estimated 15% of the remaining known cheetah (*soemmerringii*)

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<sup>5</sup> <https://cites.org/sites/default/files/eng/cop/18/inf/E-CoP18-Inf-073.pdf>

<https://news.mongabay.com/2020/10/in-the-horn-of-africa-conflict-and-illegal-trade-create-a-cheetah-hell/>

<sup>6</sup> Sheffer (2013); Sheffer and Kennedy (2013)

<sup>7</sup> CITES Decision 16.72, citing Welthungerhilfe in litt. 2014.

<sup>8</sup> MoERD (2017)

<sup>9</sup> Id., comment by General Abdirahman Leeban, Deputy Police Commissioner, Somaliland.



population in a single year. ‘Relative to the surviving populations, this trade is large and is, almost certainly, driving the small, vulnerable cheetah populations in this region to extinction.’<sup>10</sup>

Online trade appears to be a significant factor. Reaching the Arabian Peninsula, the cubs are exhibited for sale on social media and eCommerce platforms to supply the demand for exotic pets.

Suffering dehydration, malnutrition and exposure to infectious disease and trauma, mortality rate for these young animals is high, with many dying within 72-hours of confiscation.<sup>11</sup>

## International Collaboration

The international community has recognized the need for countries to deploy a broader spectrum of government resources to counter illegal wildlife trafficking. Somaliland’s current international status places constraints on its ability to react to this petition. Although it is a coastal state, Somaliland has not been able to engage with the multi-national maritime security task forces operating in the Gulf of Aden and surrounding waters. Likewise, Somaliland is not a CITES member and cannot independently take advantage of CITES programs and resources. Despite this significant hurdle, Somaliland has found some opportunities for involvement in international collaborations directed at wildlife trade generally, or cheetah trade specifically.

### 1. Wildlife Trade generally

In April 2017, several meetings were held in Hargeisa between the MoERD, CCF, DECAN and GIZ, with the result of drafted a set of strategies to facilitate Somaliland’s ability to fight the trafficking of wildlife. The Strategy to Combat Illegal Wildlife Trade in Somaliland (SL-IWT), developed under the framework of the Illegal Cheetah Trafficking Blueprint, includes activities such as awareness, capacity building, regional cooperation and, in the longer term, a sanctuary for confiscated wildlife.

In March 2020, the Cheetah Workshop took place in Addis Ababa, convened by the Cheetah

Conservation Fund and IFAW and the support of the United States government.

During the workshop, advances in rescue capacity were presented including the two CCF-run safe houses for confiscated cubs and the planning of a third one. Participants discussed strategies to end the trade and protect the species, focusing on three themes: sources of cheetah trafficking, trafficking routes, and demand. The result was a new ‘Cheetah Action Plan’ building upon the original 2016 Cheetah Blueprint, the 2017 Hargeisa Workshop, and other cheetah-focused initiatives to date, to provide an updated and revised framework for cheetah projects and programs. The new Cheetah Action Plan identifies priority actions in five areas of community engagement, mapping of trafficking networks, strengthen of laws and law enforcement, reducing demand, and providing solutions for live confiscated animals that are welfare-minded.

### 2. HAWEN

Regional efforts include the establishment of the Horn of Africa Wildlife Enforcement Network (HAWEN), launched by the IGAD Member States in November of 2017 as a means to strengthen regional cooperation against wildlife trafficking.

The HAWEN website was launched in September 2020 and a UN-volunteer will be assigned to the HAWEN secretariat to assist in making it operational.

Somaliland participates in the HAWEN on an informal basis.

## Policy Environment

There does not appear to be any specific policy on domestic or international wildlife trade in Somaliland beyond the currently approved legislation.

<sup>10</sup> Durant, S. (2019) Cheetahs, CITES, and illegal trade: Are consumer countries doing enough? Mongobay

<sup>11</sup> Id.



# GAP Analysis

## INTERNATIONAL LEGAL FRAMEWORK

Somaliland's Constitution states that "*The Republic of Somaliland shall observe all treaties and agreements entered into by the former state of Somalia with foreign countries or corporations provided that these do not conflict with the interests and concerns of the Republic of Somaliland.*"<sup>12</sup> In compliance with this, Somaliland abides by international law through Somalia as its status does not allow it to become a signatory to regional and multilateral agreements. To this extent, it participates on an informal or observer basis.

Based on this international legal reality, this section takes a detailed look at the international laws and agreements that apply to wildlife trade either directly or indirectly that Somalia is either a member of, has signed, or is eligible to sign.

### Relevant Treaties and Adherence

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

As with the national legal frameworks, the method for identifying and compiling relevant international agreements is based on those developed by Legal Atlas® for use in its legal intelligence platform.<sup>13</sup> The method also included input by other members of the LICIT project team.

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

### Treaties signed, but not ratified

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

#### Enforcement

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

#### Governance

- AU-Convention on Corruption

### Treaties not signed

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

#### Enforcement

- AU-Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)

<sup>12</sup> Constitution, Art. 10.1

<sup>13</sup> Results WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended can be viewed online at [www.legal-atlas.net](http://www.legal-atlas.net)



- AU-African Maritime Transport Charter (Revised)

This organization is not intended to indicate that some are less important than others, as any given instance of trade may make any of them more important than the others for that particular question.

### Resources Management

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

### Trade generally

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

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

#	Convention Name	Somalia Status
<b>Wildlife Trade</b>		
1	CITES	Party, 1986
2	UN Convention against Transnational Organized Crime, including: • Resolution E/2013/30 to treat Wildlife Crime as a "Serious Crime" <sup>23</sup>	Not Signed
3	Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora	Not Signed
4	AU African Common Strategy on Combating Illegal Exploitation and Trade in Wild Fauna and Flora in Africa	AU Member
<b>Wildlife and Natural Resources generally</b>		
CMS, including:		
5	• Decisions 12.55 to 12.60 and 13.86 to 13.87 on Joint CMS-CITES African Carnivores Initiative • Decisions 12.61 to 12.66 and 13.92 to 13.95 on Conservation and Management of Cheetah and African Wild Dog	Party, 1986
6	WHO-Convention concerning the Protection of the World Cultural and Natural Heritage	Not Signed
7	Convention on Biological Diversity	Party, 2009
8	AU-Convention on Conservation of Nature and Natural Resources	Signatory, 1968
9	AU-Revised Convention on Conservation of Nature and Natural Resources	Signatory, 2006
<b>Governance</b>		
10	UN Convention Against Corruption	Not Signed
11	AU-Convention on Corruption	Signatory, 2006
12	UNWTO-Framework Convention on Tourism Ethics	Not Signed
13	Agreement Establishing the Inter-Governmental Authority on Development (IGAD)	Party, 1986
<b>Trade generally</b>		
14	WCO-Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) as amended	Not Signed
15	WCO-Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences	Not Signed
16	WCO-International Convention on the Harmonized Commodity Description and Coding System	Not Signed
17	WCO-Convention A.T.A. Carnet for the temporary admission of goods	Not Signed
18	WCO-Convention on Temporary Admission (Istanbul Convention)	Not Signed
19	WTO-Agreement on Sanitary and Phytosanitary Measures	Observer, 2016
20	AU-Phyto-Sanitary Convention for Africa	Not Signed
<b>Enforcement generally</b>		
21	INTERPOL Constitution, including: • INTERPOL Rules on the Processing of Data	Party, 1975
22	AU-Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)	Not Signed
23	AU-African Maritime Transport Charter (Revised)	Not Signed
24	OAU Convention on the Prevention and Combating of Terrorism	Signatory 2006
25	Protocol of the OAU Convention on the Prevention and Combating of Terrorism	Signatory 2006
26	IGAD Convention on Mutual Legal Assistance in Criminal Matters	Party, 1986
27	IGAD Regional Biodiversity Action Plan • Statement on Wildlife Trade	Party, 1986
28	IGAD Hawen Protocol	Signatory 2017

### List of Relevant Treaties

- Table 1 lists the international and regional agreements deemed relevant to wildlife trade occurring within, passing through, or coming from Somalia.
- Treaties have been organized by their overarching purpose, starting with those most directly relevant to trade and enforcement.

## CITES Compliance Assessment

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

Assessing Somaliland's national laws in this regard, however, is not a straightforward exercise. The jurisdiction approach to voluntarily abide the terms of the treaty does not change its status as



a non-member. CITES trade permits cannot be issued by Somaliland authorities, CITES Authorities are not in place and regular CITES customs procedures do not apply.

Assessing Somaliland's CITES regulatory approach is therefore deemed premature and potentially confusing.

## NATIONAL LEGAL FRAMEWORK

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

- the practicalities of wildlife trade for cheetah;
- the high mortality rate of confiscated cubs, and therefore the need to regulate placement;<sup>14</sup>
- the project goal of examining the penalty provisions;
- the project goal of considering other areas of law, in particular legislation that may support local communities.

## Summary of the Legal Framework

A total of 16 laws and regulations were identified and ultimately 14 of them reviewed. Two laws identified as potentially relevant by Somaliland counterparts (Transfer of Prisoners Act and the Law on Judicial System) could not be located and made available for review. Their impact on the analysis cannot be fully assessed, but prior experience indicates that these laws will likely be directed at prosecution generally as well as cross-border enforcement. The framework has been reviewed by local staff and counterparts in Somaliland. Overviews for each law are available in

the Legal Atlas® platform to the extent translated.<sup>15</sup>

There are at least a few possible regulations and/or guidelines identified in the law that are not otherwise accessible online, as well as translations that are currently being completed. Additionally, several of the laws were obtained solely in the official language and automatic translation to English compromised possibilities for in-depth analysis. For this reason, this assessment remains an open inquiry. The LICIT team along with counterparts in Somaliland remain engaged, including in identifying missing regulations and translating laws in the legal frameworks. Both the assessment and the platform will be updated as new material becomes available.

The degree to which the untranslated documents impact the review is not considered significant, as the laws concerned are not principally directed at illegal wildlife trade or associated penalties. They are highlighted in red font in Table 1, which includes the list of laws compiled and analyzed by Legal Atlas for this research.<sup>16</sup>

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

### PRIMARY LEGISLATION

1. Forest and Wildlife Conservation Law, 2015

### RELATED LEGISLATION

2. Constitution, 2001
3. Criminal Code, 1992
4. Criminal Procedure Code, 1963
5. Criminal Procedures Code (1972 Amendment)
6. Anti-Money Laundering Act, 2019
7. Anti-Corruption Law, 2007
8. Public Order and Security Law, 2012
9. Small Arms Control Law, 2010
10. Customs Law, 2016
11. Transportation and Traffic Law, 2013
12. Police Code, 2013
13. Environmental Management Law, 2018
14. Regions and Districts Law, 2002
15. Transfer of Prisoners Act (Missing)
16. Law on Judicial System (Missing)

<sup>14</sup> CITES SC65 Doc. 39 (Rev. 2): Illegal Trade in Cheetahs (*Acinonyx jubatus*), Sixty-fifth meeting of the Standing Committee Geneva (Switzerland), 7-11 July 2014

<sup>15</sup> [https://www.legal-atlas.net/Wildlife\\_Trade/Legal\\_Framework/Yemen](https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Yemen).

<sup>16</sup> The same list can also be found online in the Legal Atlas® platform at [https://www.legal-atlas.net/Wildlife\\_Trade/Legal\\_Framework/Somaliland](https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Somaliland).



## Framework Analysis

The Gap Analysis method draws primarily from four sources:

- ICCWC Wildlife and Forest Crime Analytic Toolkit (Revised Edition)<sup>17</sup>
- Legal Atlas methods for best practice assessment, and
- Research conducted by the LICIT team.

## Legal Strategy

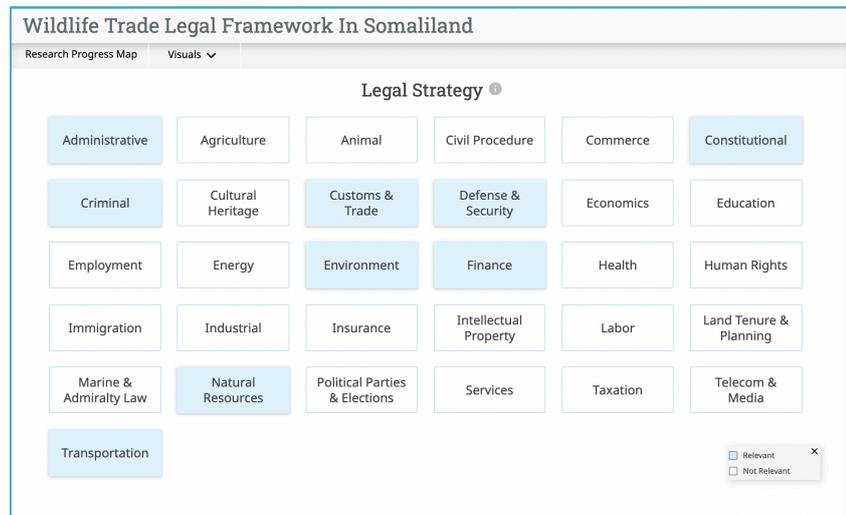
Before discussing the details, this section takes a brief look at the overarching framework to highlight major concerns. The visual that accompanies this initial inquiry and that appears in Figure 1 is drawn from the Legal Atlas® platform and can be viewed there in interactive form using the links provided below.<sup>18</sup> The commentary included here is in addition to what is contained in the platform.

Whether or not intended, the types of laws used represent the ad hoc regulatory ‘strategy’ followed by a particular jurisdiction in addressing a given topic. The Legal Strategy visual recognizes three things:

- **that any given topic will be regulated by more than one law.** This is illustrated by Table 2, which lists the 16 pieces of Somaliland’s legislation that in some way apply to wildlife trade.
- **that these laws come from different parts of a country’s legal system** (e.g., administrative, constitutional, criminal, environmental law, etc.). This is discernible just from the names of the laws, even if it is not stated explicitly. The Regions and Districts Law, for example, would

most likely be classified as an “Administrative” law as it regulates administrative authorities generally; whereas the Public Order and Security Law would fall under the category of “Defense and Security”. This categorization is important because it means they are often developed, at least initially, by different committees or groups within a given legislative body in response to different concerns, expertise, and interests.

Figure 1. Legal Strategies



- **that the type of law means they naturally have different objectives, mandates, jurisdictional reach, and implementing agencies.** The kind of law, and therefore its regulatory objectives, mandates, etc., has an impact on what is being regulated and how. This in turn affects the law’s ability to address issues specific to a particular topic, in this case wildlife trade. The COVID-19 crisis has provided an unfortunate example of this, revealing that health and safety laws applicable to those markets where wildlife is sold, are primarily concerned with domesticated species and the meat processing industry, with little attention paid to the risk of zoonotic diseases coming from or affecting

<sup>17</sup> International Consortium on Combating Wildlife Trade (2012) Wildlife and Forest Crime Analytic Toolkit (Revised Edition).

<sup>18</sup> Account holders can follow this link directly to access the information - [https://www.legal-](https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Somaliland/Legal_strategy)

[atlas.net/Wildlife\\_Trade/Legal\\_Framework/Somaliland/Legal\\_strategy](https://www.legal-atlas.net/Wildlife_Trade/Legal_Framework/Somaliland/Legal_strategy).



wildlife.<sup>19</sup> As a result, the markets that sell wildlife where zoonotic disease is a concern fall into an unintended and mostly invisible gap.

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

In Somaliland’s case, there are three types of law often found in the wildlife trade frameworks of other countries, but which this assessment has so far determined are not being used.<sup>20</sup> This result would not be altered by the inclusion of any of the regulations identified in the law but not published.

These include:

- **Telecom and Media** – used to regulate advertising of wildlife, including online trade and liability for illegal advertisement.
- **Health** – used to regulate foods and medicines that contain wildlife-based ingredients. They will usually include sourcing, labeling, testing and reporting requirements.
- **Commerce** – used to regulate the commercial aspects of wildlife trade including trade licenses, marks affecting wildlife products, etc.

This is not to suggest that these types of laws *must* be used to regulate the issues listed, or that this is the only way to regulate. It is, however, indicative of major areas of law that are currently not part of the available strategy and that bear consideration going forward. For example, there has been some concern mentioned about wildlife trade connected to traditional medicine uses. Figure 1 highlights a potential overarching legislative gap for this type of trade. This assessment, as with the other three HoA jurisdictions studied, has noted a consistent gap in this regard.

## National Gap Analysis

The key content analysis is divided into sections as follows:

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

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

Somaliland’s Transportation and Traffic Law, for example, may only be minimally applicable to wildlife trade based on its current content. Primarily, it regulates the use of animals in transport (i.e., animal-drawn vehicles, see for example Art. 8(1)) and Art. 15(b).<sup>21</sup> It may be applicable to wildlife trade as it establishes standards and procedures applicable to the transportation of all animals, but this is an interpretation that has not yet been confirmed. For purposes of further review, it has been included in the framework but not further assessed as there are no specialized provisions connected with any of the five sections selected for assessment.

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<sup>19</sup> Wingard, J. et. al. (2020) Regulatory Frameworks Governing Wet Markets, Wildlife, and Zoonotic Disease: Rapid Survey of 37 Jurisdictions – Preliminary Results. Legal Atlas.

<sup>20</sup> Based on results from Legal Atlas® platform covering 60+ jurisdictions, primarily in Africa, South East Asia and the Americas.

<sup>21</sup> Somaliland, Transportation and Traffic Law, Art. 8(1) and Art. 15(b).



This gap analysis also omits questions concerning the overall functioning of the some of the laws, as well as the prosecutorial system in general. In other words, it does not pretend to cover all of the gaps that might be associated with Somaliland's criminal laws or security and defense laws. Nor does it examine how prosecutions are conducted, the use of investigators, forensics and the like. All of these have an impact on how well the country manages wildlife trade and should be the subject of future reviews.

Given the status of the translations and the need to continue conferring with Somaliland counterparts on potential missing regulations, the assessment is likely not complete and may contain sections that need to be revised if new information is received.

## Scope and Application

### 3. Coverage of the Wildlife Trade Chain

The Forest and Wildlife Conservation Law is the primary law governing wildlife and wildlife trade in Somaliland. Unlike the other three jurisdictions assessed in the LICIT project, Somaliland imposes an almost complete ban on hunting,<sup>22</sup> trading and exporting 'wildlife, including predators, birds, and turtles inhabiting Somaliland.'<sup>23</sup>

Somewhat at odds with these prohibitions, however, trade is nonetheless possible in certain forms, and it is therefore regulated. The following summarize the acts identified in the law:

- **Hunting** – hunting is completely banned in Somaliland for nationals and foreigners alike. Specific acts are mentioned include 1) catching, harming, or killing any species of animal;<sup>24</sup> and 2) catching, trapping, shooting, or collecting eggs, bones, skin, fur, or any part of an animal.<sup>25</sup>

- **Trade** – the term is defined as '[a]ny activity involving the exchange, buying, or selling for profit, except for personal use at no commercial benefit.' It is also prohibited to 'trade' in wildlife.<sup>26</sup> It is not, however, included as a specific offense.<sup>27</sup> Instead, the law imposes penalties on certain types of individuals engaged in trade, specifically: 'brokers, merchants, and exhibitors of wild animals for profit.'<sup>28</sup>

- **Possession** – The term itself is not used. Instead, there are paragraphs that in essence describe forms of possession, but at no point is it fully defined or made illegal to the same degree as hunting. Specifically, the law forbids 'keeping wild animals in hotels and private compounds.'<sup>29</sup> However, at the same time and in apparent contradiction, it requires the Ministry to register wild animals living in restaurants and private compounds.<sup>30</sup> It authorizes the Ministry to confiscate privately-owned wildlife, but leaves them where they are until they can be moved to a sanctuary.<sup>31</sup> It also grants the President the authority to offer wild animals as gifts, provided they are neither endangered, nor endemic.<sup>32</sup>

As a practical matter, the combined effect of these provisions means that some forms of legal possession exist and the only explicitly prohibited forms of possession are directed at restaurants and private compounds.

- **Transportation** – it is a violation of the law to '[r]emove [from the wild] or transport wild animals, birds, predators, turtles, or parts of their bodies.'<sup>33</sup> Ministry 'guards' have the authority to '[s]top and inspect any means of transport presumed likely to contain illegal plants (including trees) or any wild animals such as predators, birds, turtles, or parts of the bodies of these animals.

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<sup>22</sup> Somaliland, Forest and Wildlife Conservation Law, Art. 18.

<sup>23</sup> Id. at 21

<sup>24</sup> Id. at Art. 18(1).

<sup>25</sup> Id. at Art.18(2).

<sup>26</sup> Id. at Art. 21(1).

<sup>27</sup> Id. at Art. 27, references hunting, collecting, taking, removing and using.

<sup>28</sup> Id. at Art. 18(3).

<sup>29</sup> Id. at Art. 18(9).

<sup>30</sup> Id. at Art. 18(10).

<sup>31</sup> Id. at Art. 18(11). Somaliland has two (2) operating sanctuaries for cheetah.

<sup>32</sup> Id. at Art. 18(8).

<sup>33</sup> Id. at Art. 27(B).



- **Exhibitions** are not regulated, other than the general prohibition against private ownership and the keeping of wild animals in hotels and private compounds.<sup>34</sup> Translation likely plays a role in the assessment of this element, but it seems relatively certain that ‘ownership’ and ‘keeping of wild animals’ are not necessarily synonymous with ‘exhibitions.’
- **International trade** is partially regulated through a prohibition on the import of ‘foreign species,’<sup>35</sup> and the export of ‘native species.’<sup>36</sup> Neither the term ‘foreign species’ nor ‘native species’ is defined by this or other legislation. Nor are there any articles that describe how it will be implemented and which species in particular would fall within the scope of the law. Neither the import of species that are not ‘foreign’ to Somaliland, nor the export of ‘non-native’ species (Note: cheetah would be among these) are covered.

Apparently, the combined effect of Art. 19 paragraphs 1 and 2 is to preclude the export of alien species.<sup>37</sup> In other words, those interviewed believe that an explicit prohibition against exporting foreign species is unnecessary because alien species should not be imported in the first place. Presumably as a result of this interpretation, there are no permitting requirements or procedures for what might otherwise be deemed legal international trade; e.g., import of non-foreign species and export of non-native species.

It seems likely that this interpretation may not function entirely as expected as it ignores definitional and practical realities of wildlife trade.

- **Zoos and Breeding Centers** may be established by the Ministry<sup>38</sup> but there are no established guidelines or other regulatory framework for their management.

These are typically highly regulated operations if only to manage for animal health and welfare. To the extent they exist and act as a source for international trade of non-

native species, the lack of any regulatory framework is a significant gap.

- **Sanctuaries**, or more specifically, a ‘conservation center for rescued animals and a wildlife reserve’ must be established by the Ministry. As with zoos and breeding centers, there is no further development of this requirement in the Forest and Wildlife Conservation Law.<sup>39</sup>

In sum, although wildlife trafficking is recognized problem noted in the Preamble to the law and despite a blanket ban on related activities such as hunting, there is no single statement or set of statements that would address trade in its various forms and as a whole.

## Regulatory Development

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

The following have been identified as candidates for further development.

### 4. Power to Issue Regulations

There are no articles that explicitly describe who has the authority to draft and approve regulations for the implementation of the Forest and Wildlife Conservation Law.

This power may be a function of other legislation. To the extent this is the case, cross-referencing to the relevant laws and/or articles, and including either a general statement or explicit requirements to develop implementing regulations would be considered best practice.

### 5. Regulatory Development Needs

Although Somaliland places an almost complete ban on certain wildlife trade activities (e.g., hunting, transport, ownership), there are nonetheless continuing and significant exceptions. Among the notable ones are:

<sup>34</sup> Id. at Art. 18(9).

<sup>35</sup> Id. at Art. 19(1).

<sup>36</sup> Id. at Art. 19(2).

<sup>37</sup> Interviews with Ministry staff in 2019.

<sup>38</sup> Id. at Art. 20.

<sup>39</sup> Id. at Art. 18(3).



- 1) ownership of wildlife gifted by the president,
- 2) possession of wildlife in hotels and restaurants (that have not yet been removed to a sanctuary), and
- 3) international trade involving the import of species that are not ‘foreign,’ and the export of non-native species.

These exceptions, and for that matter even the category of activities that are otherwise completely banned, would all benefit from further regulatory development.

- **International Wildlife Trade Regulations** – While Somaliland cannot yet become a member of CITES, it does engage in trade with CITES member states, including the other three jurisdictions assessed in the LICIT project.

Establishing a regulatory format consistent with CITES minimum requirements and best practices would harmonize approaches in the region and increase chances that the prosecution of foreign committed crimes would be based on the same or similar crime types in Somaliland as in the other jurisdictions.<sup>40</sup>

International trade would therefore further benefit from:

1. an expansion of the trade prohibition to cover all CITES species;
2. prohibition of trade in illegally sourced wildlife regardless of its status;
3. a more specific listing of nationally protected species, whether because of the status as endangered or endemic;
4. a specific listing of what constitute ‘foreign species’ and/or a listing of ‘native species’; and
5. detailed documentation requirements and procedures for legal trade to the extent it is allowed; e.g., international trade in non-native species.

These additional legal tools would clarify what constitutes legal and illegal trade and would further support enforcement by more specifically

identifying which species may be permitted in trade and under what conditions.

- **Domestic Wildlife Trade Regulations** – As illegal trade is likely to continue, it will improve the legal foundation if there is, at a minimum, more explicit criminalization of acts associated with the trade chain, including investigation and enforcement authorities.

Those trade-related activities either not mentioned or only partially regulated that should receive further treatment in the law, include:

- Acquisition and disposition, including
  - sale
  - offering for sale
  - purchase
  - solicitation for purchase
  - advertising, including
  - online trade and associated transactions (banking) and activities (consignment)
- Possession
- Storage
- Transportation
- Processing
- Hide and leather trade
- Live animal trade
- Exhibitions
- Markets (where wildlife are or may be sold)
- Consumption

The two activities in red font have been highlighted for their recognized relevance to trade in Somaliland.

The first, **online trade**, has been identified as a significant practice for cheetah trade.

The second, **transportation**, is prohibited by the Forest and Wildlife Conservation Law, but for which there is no regulation and no criminal penalty in this law or the Law on Transportation.

- **Evidentiary Protocols** – a key impediment to the adequate prosecution of wildlife trade comes from the lack of evidentiary protocols adapted to the particular needs that

<sup>40</sup> Dual criminality is a requirement in Somaliland’s Criminal Code, Art. 7(e), as well as in all of the other jurisdictions. The Mutual Legal Assistance Convention that applies to

IGAD members only recommends that this requirement be waived.



identifying and preserving perishable wildlife evidence requires. While this may be more detail than can be adequately covered in the law, reference could be made to establish such and for these to be based on accepted best practices. Among these are:

- Evidence collection
- Evidence labelling and storage
- Evidence documentation
- Transfer of evidence/chain of custody

- **Confiscated animal protocol** – according to reports and as confirmed in interviews, the question of how to manage confiscated animals is a critical regulatory development need for cheetah.

This is mentioned in the law, but not further developed.

## Enforcement

### 6. Powers of Wildlife Related Enforcement Officers

The law would benefit from some tightening of language and a more specific approach defining the rights and responsibilities of the officers engaged in enforcement.

The first issue to note is the law's use of 11 different terms to reference the 'guards' responsible for enforcement of wildlife, forest and environmental concerns including:

1. Officer in charge<sup>41</sup>
2. Forest Officer<sup>42</sup>
3. Forest Guard<sup>43</sup>
4. Senior Reserve Guards<sup>44</sup>
5. Wildlife Guards<sup>45</sup>
6. Environment Guards<sup>46</sup>

7. Environmental Guards<sup>47</sup>
8. Protection Guards<sup>48</sup>
9. Environmental Protection Force<sup>49</sup>
10. Environmental Protection Guard<sup>50</sup>
11. Task forces<sup>51</sup>

This diversity of terms is not common in law generally where most often single terms are defined and used throughout a text, and even between texts, to ensure precision. The use of multiple alternative terms, as might be done in poetry, is not considered a legal best practice.<sup>52</sup> It is, however, an observed practice in laws with direct or partial ties to Arabic and Persian traditions, where poetry played a major role in education, including medicine, science and law.<sup>53</sup> Experience with other countries that share this tradition has found similar approaches in how legal concepts are sometimes referenced; e.g., the concept of 'land' in Afghanistan's Land Law.<sup>54</sup>

This same approach appears to be true with this law, although not yet confirmed through independent resources. It is, however, true for Somaliland in general. Indeed, it is called 'The nation of poets' and Hargeysa is known by Somalis as 'The mother of Somali Arts and Culture'.<sup>55</sup>

Despite repeated readings, it still is not entirely clear what the intended structure is for enforcement personnel. Conversations with Ministry staff held in 2019 in the context of an independent assessment indicate that the law only creates two (2) types of guard:<sup>56</sup>

- a **Wildlife Guard** responsible for the protection of animals; and
- a **Forestry Guard** responsible for forests, grazing reserves, and other plant resources.

This statement, however, is at odds with Art 26(5), which authorizes the Ministry to recruit a

<sup>41</sup> See Art. 2 Definitions

<sup>42</sup> Id.

<sup>43</sup> Id. and Art. 3(12).

<sup>44</sup> Id.

<sup>45</sup> Id. at Art. 3(12) and Art. 18(5), (7)

<sup>46</sup> Id. at (13).

<sup>47</sup> Id. at Art. 28(1) and Art. 30(2).

<sup>48</sup> Id. at Art. 10(5).

<sup>49</sup> Id. at Art. 26(6) and (7).

<sup>50</sup> Id.

<sup>51</sup> Id. at Art. 30(1)

<sup>52</sup> Eberle, E. (2006) Poetry and Law. Roger Williams University School of Law.

<sup>53</sup> See for example, Nimrouzi, M, A. Salehi, A. Ahmadi, H. Kiani. (2015). Avicenna's medical didactic poems: Urjuzeh Tebbi. Acta Med Hist Adriat 2015; 13(Suppl. 2); 45-56.

<sup>54</sup> See for example, Wingard, J. (2009) Presentation. Persian Poetry and the Afghan Land Law. The Asia Foundation.

<sup>55</sup> Kaariye, B. (2016) The Role of Somali Poetry for Somaliland Disarmament. High-quality Research Support Programme (HQRS)

<sup>56</sup> Annotations to the English language version of the Forest and Wildlife Conservation Law.



‘special force’ for investigating, monitoring and enforcement under the title of ‘Environmental Protection Force or Guard.’ In fact, these environmental guards are to be drawn from pre-existing enforcement bodies, including ‘police, special security forces, or other military or general security forces.’<sup>57</sup> The result is confusing and should be clarified to avoid unintended conflicts and gaps that can occur when legal mandates lack precision.

Regardless of how they are called, or whether there are only two types, the law lacks a full description of the specific powers that these enforcement personnel will have. The powers mentioned include the rights to:

1. request that a suspect produce the relevant license or permit;<sup>58</sup>
2. stop and inspect any means of transport;<sup>59</sup>
3. enter and inspect a private residence (pursuant to a warrant);<sup>60</sup> and
4. confiscate illegal wildlife, including materials used to commit the crime.<sup>61</sup>

It is not clear whether these powers are the only ones to be exercised when acting as an environmental guard, or whether they are intended to combine with the powers any given environmental guard would otherwise have as a police or other security force. The Police Code, for example, gives the police force the authority to arrest and prosecute any criminal offense,<sup>62</sup> as well as to investigate and arrest any person suspected of organizing or planning crimes.<sup>63</sup> Neither of these powers are mentioned in the wildlife law.

Other powers and duties not mentioned include:

- Which laws they may enforce;
- Whether, how and when they may use force;
- Whether and how weapons may be carried and used;
- Powers to investigate beyond the inspection rights mentioned; and
- Powers to collect evidence.

It may be that some or all of these are regulated by separate legislation, in which case best practice would call for cross-referencing to the governing law or article.

## 7. Investigations

In addition to the enforcement powers, there are often a variety of investigatory powers, procedures and techniques that receive at least some treatment in law and regulations. Some of them are mentioned in the Forest and Wildlife Conservation Law including:

1. Community policing<sup>64</sup>
2. Reporting offences<sup>65</sup>

The majority, however, are entirely absent from the law. Among them are:

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

Again, it may be that some are covered by the Criminal Code and Criminal Procedure Code. To the extent already covered, cross-referencing relevant provisions that apply to wildlife trade is considered a legal best practice.

Related to the foregoing are the following intelligence gathering powers and authorities that would be worth considering:

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

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<sup>57</sup> Somaliland, Forest and Wildlife Conservation Law, Art. 29(1)

<sup>58</sup> Id. at Art. 30(1)

<sup>59</sup> Id. at Art. 30(3)(a)

<sup>60</sup> Id. at Art. 30(3)(b)

<sup>61</sup> Id. at Art. 30(3)(c)

<sup>62</sup> Somaliland, Police Code, Art. 16(1).

<sup>63</sup> Id. at Art. 16(2).

<sup>64</sup> Somaliland, Forest and Wildlife Conservation Law, Art. 18(6) and Art 25(1).

<sup>65</sup> Id. at Art. 18(6).



## International Cooperation in Criminal Matters

### 8. Foreign Crimes

Somaliland's Criminal Code, Art. 7, provides for the prosecution of crimes predicated on acts committed in a foreign jurisdiction. These are limited to the following five (5) instances:

- Crimes against the personality of the State;
- Crimes of counterfeiting the seal of the state or using such counterfeited seal
- Crimes of counterfeiting money
- Crimes committed by public officers in the service of the State by abusing their powers or violating their duties
- Any other offense to which the criminal code applies, or international agreement.<sup>66</sup>

The last condition opens the door to other crime types, potentially including those listed in the Forest and Wildlife Conservation law. However, this article is intended principally as a limitation on the prosecution of crimes committed on foreign soil. Pursuant to Art. 8, they can only be prosecuted in Somaliland if the offenses committed in the foreign country are considered a crime *in both countries*; i.e., the law contains a 'dual criminality' requirement.

The limitations presented in Somaliland's Criminal Code (no direct mention of wildlife related crimes) and the vast differences between the crimes it includes in its Forest and Wildlife Conservation Law and those of neighbouring countries will certainly have an impact on the ability to bring a claim for foreign committed wildlife crimes.

### 9. Regional Instruments and Strategies

A major concern in the region is the need to harmonize wildlife trade related legislation to address cross-border trafficking and international trade that threatens certain species; in particular cheetah.

Somaliland's status makes it ineligible to sign key international instruments, leaving a gap in its current framework. Some of these are mentioned in the annex to the Forest and Wildlife

Conservation Law as aspirational goals of the law. Specifically, Annex I states that '[t]he Republic will make every effort to conform to significant international conventions on wildlife and plant conservation.' It then lists five (5) it considers most important. Of these, directly related to wildlife trade are:

- The Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), and
- The Palermo Convention, also known as the United Nations Treaty Against Transnational Organized Crime.

None of the best practices embodied in these international agreements have been formally included in the national legal framework so far.

## Crimes Analysis

### 10. Penalties across the Framework

Of the 14 laws identified as part of Somaliland's legal framework for wildlife trade, the following eight (*n.* 8) contain specific penalty provisions:

- Forest and Wildlife Conservation Law
- Environmental Management Law
- Criminal Code
- Anti-Corruption Law
- Anti-Money Laundering Law
- Customs Law
- Transportation and Traffic Law
- Police Code

Two laws have not been assessed pending translation – the Public Order and Security Law; and the Regions and Districts Law.

For two of the three (3) laws assessed but not included in the list, the result is considered normal as they are general governance related laws for which penalties are not usually included.

In this framework, the Small Arms Control Law does not contain specific penalties, but instead generally references the Criminal Code without referencing a particular article. The use of arms is regulated in the Criminal Code in numerous articles, none of which appear to apply.<sup>67</sup> Without

<sup>66</sup> Somaliland, Criminal Code, Art. 7(a)-(e).

<sup>67</sup> Somaliland, Criminal Code, Art. 35 (use of arms by public officers); Art. 185 (use of arms by citizens against State);



a more specific reference, it is not clear what penalties would apply.

## 11. Definition of offenses and penalty design

### Forest and Wildlife Conservation Law

The Forest and Wildlife Conservation Law contains one article (Art. 27) that describes the offenses for which penalties apply. These are:

- hunting and collecting
- removing [from the wild] or transporting
- taking for research, educational, or entertainment purposes;
- using for breeding.

The gaps left by this approach are a function of unlisted, but related activities. A comprehensive approach would list them all to maximize enforcement opportunities and close potential exculpatory arguments.

Article 31 titled “trafficking” is a catch-all provision, saying that any violation of the law will be subject to consideration by a court, including confiscations (wildlife, tools, means of transportation) and, for air carriers, additional penalties in the form of fines, loss of license to operate in the country and register on a book of offenders.

This article should apply to other violations of the law not covered in Art. 27 such as the use, possession or trade of wildlife included as crimes in Art. 18. This raises the further question as to whether all other crimes (those not listed in Art. 27) would not be subject to a fine or prison term, but only the other collateral penalties of confiscation, loss of license for carriers, and register in book of offenders.

### Criminal Code

Somaliland still uses the Penal Code which came into force under Italian Somalia rule in 1964.

While it is the primary law regulating criminal offences, it may only be indirectly related to wildlife trade. The terms ‘wildlife’ or ‘wild animal’

do not appear in any provision. There are instead numerous references to crimes involving animals, the majority of which are linked directly to domestic animals. Of the 20 mentions of animals in the law, only two crimes mention animals generally with no further qualification. These are: Art. 524 (control of dangerous animals) and Art. 562 (cruelty to animals).

Other crimes that may be related to wildlife trade include:

- falsification of documents (Chapter III, Arts. 366-382);
- abuse of public office (Art. 104).

Other articles that are indirectly related are those defining:

- aggravating circumstances (Art. 39); and
- concurrent, continuing and complex offenses (Arts. 44-46).

Given the general nature of many provisions, it is likely that other provisions may apply. All of the possible crimes are, however, ancillary to any particular wildlife trade crime.

### Anti-Corruption Law

The same is true for Somaliland’s Law on the Prevention of the Misappropriation of Public Assets and on Combatting Corruption. It applies to corrupt practices generally, regardless of the resource or transaction involved. Although it does not include a specific reference to wildlife or wildlife trade, it is indirectly related as some of the offences described may apply in instances of wildlife trade; e.g., theft and abuse of national property (Art. 2); abuse of power (Art. 5); bribery (Art. 7); and fraud (Art. 9).

### Anti-Money Laundering Law

Similar to many jurisdictions, Somaliland appears to take an ‘all crimes’ approach in its anti-money laundering legislation, which would therefore cover crimes against wildlife defined in the Criminal Code, Forest and Wildlife Conservation Law, or other relevant legislation.

However, there is some question as to whether this interpretation is entirely accurate given the

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Art. 221 (armed insurrection); Art 225 (arming in service of foreign State); Art. 226 (use of arms as an aggravating circumstance); Art. 305 (escape); Art. 324 (devastation and pillage); Art. 481 (crimes against property); Art. 539

(failure to keep arms in custody); Art. 540 (dangerous ignitions and explosions); and Art. 541 (definition of arms).



qualifier of ‘obvious crime’ that appears in the English language translation defining the term ‘crime.’ The crime of money laundering is defined by Article 4, which states that an ‘illegal act’ is any act prohibited by the Anti-Money Laundering Law. The law further defines crimes in the definitions sections as follows:

*"Leading crime" means an act of any crime resulting in financial gain even if in whole or in part abroad.*

*"Criminal benefit" means any money, any property, or any profit directly or indirectly derived or obtained, or as a result of related to a crime, regardless identification of the perpetrator.*

*"Crime" means an obvious crime contained in a legal provision under Somaliland law, or an act against a valid law in a foreign country that, had the act been committed in Somaliland, would also be a crime under Somaliland law.*

The use of the qualifying term ‘obvious’ may be a mistranslation, making any further analysis premature. If, however, it is a correct translation, some further assessment is needed to determine whether this has the effect of excluding any crime types from the ambit of the law, making it essentially a predicate offense or threshold approach.

## 12. Matching the crime to the perpetrator

The liability established for wildlife violations in the Forest and Wildlife Conservation Law appear to be personal only, creating a gap in the prosecution of criminal conduct by legal entities and organized crime groups.

The section defining prohibitions and penalties for wildlife crimes only references persons. The term is not defined in the law, but other provisions applying penalties expressly mention both persons and companies, indicating that persons is not inclusive of legal entities.

The conclusion is that if the law meant to hold companies liable for wildlife crimes, they would

need to be, and would have been, similarly mentioned.

## 13. Identifying all possible actors and stages of completion in the criminal chain

Typical of criminal laws, Somaliland’s Criminal Code expressly creates criminal liability for individuals that ‘assist’ in the commission of a crime. Specifically, the law penalizes anyone that ‘assists anyone to secure the proceeds, profit, or price of an offense’<sup>68</sup> other than for money laundering offenses, which are handled by Art. 504.

The wording suggests that the concept of assisting does not apply to the co-commission of the core offense, but rather to the secondary objects of the crime; e.g., securing proceeds, profit and prices.

The Criminal Code also defines ‘attempting a crime’ and allows for a decrease in the penalty applied of one-third to two-thirds.<sup>69</sup> This formulation likely works directly counter to deterrence objectives and is especially important for crime types that, as a practical matter, would almost always be prosecuted as ‘attempts,’ e.g., any attempt to export that did not result in the actual exportation of the animal.

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

Annex III presents the detailed result of applying a standardized classification of wildlife offenses to Somaliland’s legislation. This classification was developed by Legal Atlas after an exhaustive review of offenses in a cross-section of eight jurisdictions representing a variety of legal systems, languages, and approaches.<sup>70</sup> The classification serves multiple purposes, starting with providing a first-ever panoramic view of possible wildlife-related crimes. As used in this assessment, its application allows a rapid comparison of a given country’s approach to criminalizing misconduct along the trade chain,

<sup>68</sup> Criminal Code, Art. 298.

<sup>69</sup> Id. at Art. 17.

<sup>70</sup> Pascual, M., J. Wingard, N. Bhatri, A. Rydannykh, and J. Phelps. (2020). Global taxonomy of wildlife offenses. (In progress). The classification includes 487 offense types

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



highlighting strengths and weaknesses. The following table summarizes the results, which can be reviewed in detail in Annex III. The table takes the main wildlife offenses (77 level-2 offense types) and shows the degree to which these offenses are included in the country's laws.

Of the 77 level-2 offense types reviewed, Somaliland's legislation fully incorporates just 8. Another 2 are partially included and 12 not included at all. Due to the restrictive nature of the wildlife management in Somaliland, where almost all activities are simply prohibited and thus not regulated or subjected to licensing, the review found a total of 39 offenses that are just not applicable, as these offenses relate to the breach of authorization of procedures when conducting regulated activities. Finally, another 16 offenses have not yet been classified based on the legislation reviewed.

Table 3 summarizes the result of the review, which can be found in detail in Annex III.

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

Global Wildlife Offenses Classification – Somaliland Status				
Based on 77 Level-2 Wildlife Offenses				
YES	PARTIAL	NO	N/A	Unknown
8	2	12	39	16
10%	2%	16%	51%	21%

### 15. Considering expanding Penalty Types

Penalty design is a core concern in the administration of justice, as it represents the attempt to pair offenses with meaningful sanctions. Many objectives can inspire the design of these penalties so that they have meaning in the law and for the management of a given issue. Among them are the following:

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

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

Annex IV shows which penalty types are being used for which crime types based only on the wildlife offenses that apply to Somaliland. In brief, the jurisdiction uses a total of five penalty types when sanctioning wildlife offenses including fines (#1), confiscations (#3), disqualification for license (#8), imprisonment (#17), and reparation (#19). The remaining 17 penalty types should be considered for their relevance to wildlife trade activities in Somaliland and their ability to achieve societal and management objectives.

**Table 4. Administrative and Criminal Penalty Types**

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



## 16. Penalty levels

This assessment also looked in detail at all penalties associated with wildlife related offenses

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

Source: Legal Atlas, 2019.

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

(see Annex IV). The determination of penalty levels is indeed a complex national subject but the goal of harmonizing wildlife crime laws in the region makes this a critical task. Uneven penalty approaches open the door to venue shopping either by the criminal organizations involved or by defense at the time of prosecution.

For benchmark purposes, Table 5 shows the levels of fines and prison time for ‘hunting protected species’ in other jurisdictions that, like Somaliland, are affected by transnational wildlife crime. The table includes sanctions from eight countries and was elaborated in a 2019 by Legal Atlas. Somaliland does not establish maximum amounts but sets a minimum of USD 5,000 for “hunting protected species”, which increases to USD 6,800 if the offender is a foreigner. It also establishes a minimum prison term of one (1) year for national and five (5) for foreigners. Although Somaliland compares favourably to Angola, it is still on the low end of the penalty scale, and with no minimum, it remains a question what fine levels will actually be applied.

## 17. Absence of Aggravating and Mitigating Circumstances

**Forest and Wildlife Conservation Law** - The Forest and Wildlife Conservation Law states that penalties applicable to residents that violate the law may be increased ‘based on the graveness of the act.’<sup>71</sup>

There are no further statements concerning what circumstances would be considered or how this would affect the application of the law. This is likely regulated by the Criminal Code, Arts. 117 to 135, which further define aggravating circumstances and the application of increased or decreased sentences.

It is unclear whether these provisions from the Criminal Code are applicable to the offenses listed in the wildlife law.

**Criminal Code** - The Criminal Code defines aggravating circumstances in Art. 39. Those likely applicable to wildlife trade crimes include:

- Committing an offense while wilfully evading arrest or imprisonment for a prior offense;<sup>72</sup>
- Aggravating or attempting to aggravate the Crime;<sup>73</sup>
- Committing the crime through abuse of power<sup>74</sup>

<sup>71</sup> Somaliland, Forest and Wildlife Conservation Law, Art. 28(1).

<sup>72</sup> Somaliland, Criminal Code, Art. 39(f).

<sup>73</sup> Id. at Art. 39(h).

<sup>74</sup> Id. at Art. 39(i).



- Committing the crime through abuse of authority<sup>75</sup>

Even though these are still somewhat limited, there is at least the opportunity to at least reference them in the Forest and Wildlife Conservation Law with respect to wildlife trade crimes.

For benchmark purposes, the same study Legal Atlas conducted in 2019 in eight countries affected by IWT identified 52 types of aggravating or mitigating circumstances used to increase or decrease penalties accordingly. The list is quite comprehensive, but the following commonly used ‘aggravating circumstances’ should be considered by Somaliland in expanding its current list:

- Prior record for similar offenses<sup>76</sup>
- Prior record for the same offense
- Operating in the context of an organized crime group
- Violations by government officials (Corruption)
- Violations involving any endangered species
- Violations for any illegally source species
- Violations of more than a defined volume or defined value.

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<sup>75</sup> Id. at Art. 39(k).

<sup>76</sup> Without qualification or requirement that the accused be actively evading arrest, as is currently required by the

Criminal Code. See also the application of increased penalties for ‘recidivism’ in the Criminal Code, Art. 124.



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

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



# CONCLUSIONS

This review is principally directed at the 2015 Forest and Wildlife Conservation Law as the primary wildlife trade law, although it includes some commentary on the Criminal Code, Anti-Corruption Law, Transportation Law and others.

## INTERNATIONAL LEGAL ENVIRONMENT

As noted, Somaliland's status prevents it from signing key wildlife trade-related international instruments. As a matter of law, however, nothing prevents it from incorporating or mirroring certain requirements within its national legislation. This could include:

- Implementing CITES minimum requirements and improving its implementation of the treaty by meeting the best practices laid out in the CITES Legislation Checklist as appropriate to the country.
- Treating wildlife crimes as **'serious crimes'** matching the Palermo Convention's definition of a maximum prison sentence of at least 4 years.
  - For residents of Somaliland, wildlife offenses as defined in Art. 27<sup>77</sup> are penalized with 'not less than one year **and** a penalty of at least SL. SH. 3,000,000 (USD 5,204).<sup>78</sup>
  - For foreigners, the penalty is 'five years in prison **or** a financial penalty of SL.SH 40,000,000 (USD 69,391).<sup>79</sup>
  - Although penalties for residents can be increased depending on the severity of the offense it does not stipulate a maximum of at least 4 years and therefore does not meet the requirement of the Palermo Convention.

<sup>77</sup> Somaliland, Forest and Wildlife Conservation Law, Art. 27.

<sup>78</sup> Id. at Art. 28(1).

## NATIONAL LEGAL ENVIRONMENT

**Framework level gaps** – Major areas of law addressing key forms of trade are still missing from the framework. These include:

- Commerce
- Health
- Telecom and Media
- Transportation

Considering the degree to which Somaliland acts as a preferred trafficking route, a more comprehensive approach that focuses on all possible activities is warranted.

**Regulatory development** – numerous areas are ripe for regulatory development. None, however, have been expressly identified in the law. These would include, at a minimum, the following:

- International Wildlife Trade
- Domestic Wildlife Trade
- Zoos and Breeding Facilities
- Sanctuaries
- Enforcement Powers
- Investigations and Intelligence
- Evidentiary Protocol

**Criminal Sanctions** – the overall framework has a number of opportunities to apply sanctions for involvement in illegal wildlife trade.

Criminalizing acts across the illicit trade chain.

In the current law, only some parts of the trade chain, are expressly identified. These are:

- hunting and collecting
- removing [from the wild] or transporting
- taking for research, educational, or entertainment purposes;
- using for breeding.

A comprehensive approach is warranted and recommended to counter operations using Somaliland as a primary trafficking route for illegally sourced wildlife.

<sup>79</sup> Id. at Art. 28(3).



Adapting the penalty to the crime and perpetrator.

Tools often used but not found in Somaliland's 2015 Forest and Wildlife Conservation Law include:

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



# ANNEX I.

## NATIONAL FRAMEWORK OVERVIEWS

NO	YEAR	LAW NAME	OVERVIEW
1	2015	Forest and Wildlife Conservation Law	<p>Somaliland’s Forest and Wildlife Conservation Law is the primary legislation governing wildlife and wildlife trade in the country. That said, the law contains only a few provisions directly related to trafficking, and clauses regarding the import and export of foreign and endemic animal species leave room for interpretation. Trafficking of animals is covered by Art. 18, which generally covers hunting, but also regulates the possession of wild animals. In particular, it does the following:</p> <ul style="list-style-type: none"> <li>• Grants the President sole authority to offer wild animals as gifts, provided they are neither endangered nor endemic; (Art. 18(8))</li> <li>• forbids keeping wild animals in hotels and private compounds; (Art. 18(9))</li> <li>• requires the Ministry to register wild animals living in restaurants and private compounds; (Art. 18(10))</li> <li>• authorizes the Ministry to confiscate privately-owned wildlife, but allows animals to remain where they are found until a rescue centre is established for their care; (Art. 18(11))</li> <li>• prohibits the acquisition of new wild animals to replace old ones living in restaurants and private compounds; (Art. 18(12))</li> <li>• requires the Ministry to establish a conservation centre for rescued animals and a wildlife reserve. (Art. 18(13)).</li> </ul> <p>Further, Art. 19 prohibits the import of ‘foreign species’ (Art. 19(1)), and the export of ‘native species.’ Neither the term ‘foreign species’ nor ‘native species’ is otherwise defined by this or other legislation. Art. 21 which prohibits hunting, trading and exporting ‘wildlife, including predators, birds, and turtles inhabiting Somaliland. Wildlife offenses (defined in Art. 27) are penalized with ‘not less than one year and a penalty of at least SL. SH. 3,000,000’ for residents (Art. 28(1)) and by ‘five years in prison or a financial penalty of SL.SH 40,000,000’ for foreigners. (Art. 28(3)). Penalties can be increased depending on the severity of the offense. (Id.)</p>
2	2001	Constitution	<p>Somaliland’s Constitution has a few articles with at least some potential relevance to wildlife trade. Art. 18 states that ‘[t]he state shall give a special priority to the protection and safeguarding of the environment, which is essential for the well-being of the society, and to the care of the natural resources. Therefore, the care of and (the combating of) the damage to the environment shall be determined by law. (Art. 18(1)). Art. 12(4) declares the government responsible for the exploitation and protection of the country’s natural resources. And pursuant to Art. 34, every citizen has the duty</p>

NO	YEAR	LAW NAME	OVERVIEW
			'to care for, protect and save the environment.' (Art. 34(4)). Neither animals nor wildlife, are otherwise mentioned, and 'natural resources' are not expressly defined.
3	2002	Regions and Districts Law	PENDING TRANSLATION – current copy available only in Somali
4	2018	Environmental Management Act	Somaliland's Environmental Management is indirectly related to wildlife trade to the extent it provides for the conservation of wildlife. Although the terms 'animals' and 'wildlife' are both used (see for example Art. 2(8), Art. 21(1)(v)), neither are defined and it is not clear whether there are differences or exclusions in the application of the law. Trade in plants and animals is mentioned in what appears to be the context of environmental impact assessment but <b>the copy of the law available does not provide sufficient context to allow commentary at this point.</b> (p. 69).
5	2016	Customs Law	Somaliland's Customs Law has several provisions directly related to wildlife trade. Art. 22(2)(d) refers to products obtained from hunting. Art. 196 authorizes customs officials to seize illegal animal products. Art. 197(2) provides for the disposal of perishable goods, including seized animal products. To the extent wildlife are covered by the law, the remaining provisions governing customs authorities and procedures also apply, as do the penalties for violation of the law. <b>The translation of the law is insufficient at this point to make further statements.</b>
6	2013	Transportation and Traffic Law	Somaliland's Transportation and Traffic Law may only be minimally applicable to wildlife trade. It regulates the use of animals in transport in numerous articles (i.e., animal-drawn vehicles, see for example Art. 8(1)) and Art. 15(b). It does not mention either the transport of animals or 'wildlife' in any article. It is included in this framework pending further research into its applicability.
7	2010	Law on the Control of Small Arms	Somaliland's Law on the Control of Small Arms is relevant wildlife trade to the extent it provides a foundation for regulating the use and possession of firearms. Art. 2 states among the law's primary purposes: <ul style="list-style-type: none"> <li>• preventing possession and illegal possession of firearms (Art. 2(2)), and</li> <li>• preventing or reducing crimes involving firearms. (Art. 2(4))</li> </ul> It requires registration both of the weapons as well as the owner, (Arts. 7, 8, 11, 12), including weapons used for hunting (Art. 11). Penalties for violation of this law are handled by the Penal Code. (Art. 32).
8	2013	Police Code	Somaliland's Police Code is relevant to wildlife trade, even though it does not regulate it specifically, as it establishes the enforcement powers and procedures that the police may exercise with respect to crimes within their jurisdiction. for the investigation of applicable to all crimes, including those related to wildlife trade. Art. 16 gives the police force the authority to arrest and prosecute any criminal offense (Art. 16(1)), as well as to investigate and arrest any person suspected of organizing or planning crimes. (Art. 16(2)).

NO	YEAR	LAW NAME	OVERVIEW
9	2012	Maintenance of the Public Order and Security Law	PENDING TRANSLATION - Somaliland's Maintenance of the Public Order and Security Law has [x] provision[s] indirectly related to wildlife trade.
10	1962	Penal Code	<p>Somaliland still uses the Penal Code which came into force under Italian Somalia rule in 1964. Pursuant to Art. 130 of the Somaliland Constitution, any provisions of the Code contrary to the fundamental rights and freedoms of the individual and to Islamic Sharia are void, as is any provision expressly repealed by the Constitution. None of these appear to significantly impact the application of the Code to wildlife trade.</p> <p>While the Penal Code is the primary law regulating criminal offences, it may only be indirectly related to wildlife trade. The terms 'wildlife' or 'wild animal' do not appear in any provision. There are instead numerous references to crimes involving animals, the majority of which are linked directly domestic animals. Of the 20 mentions of animals in the law, only two crimes mention animals generally with no further qualification. These are: Art. 524 (control of dangerous animals) and Art. 562 (cruelty to animals). Other crimes that may be related to wildlife trade include: falsification of documents (Chapter III, Arts. 366-382); abuse of public office (Art. 104). Other articles that are indirectly related are those defining aggravating circumstances (Art. 39); concurrent, continuing and complex offenses (Arts. 44-46).</p>
11	1963	Criminal Procedure Code	Somaliland's Criminal Procedure Code is relevant to wildlife trade, even though it does not regulate it specifically, as it establishes the standards and procedures applicable to the investigation and prosecution of all crimes. Critical elements to consider include – joinder of offenses (Art. 6); conflicts of jurisdiction (Art. 9); and search and seizure (Arts. 52-58), among others.
12	1972	Criminal Procedure Code (1972 Amendment)	Somaliland's 1972 Amendment to its Criminal Procedure Code includes numerous amendments but does not add any that directly regulate wildlife trade. As with the original, it remains relevant as it governs the investigation and prosecution of all crimes (e.g., Summary Trials, Disposal of Property).
13	2007	Law on the Prevention of the Misappropriation of Public Assets & on Combatting Corruption	<p>Somaliland's Law on the Prevention of the Misappropriation of Public Assets and on Combatting Corruption applies to corrupt practices generally, regardless of the resource or transaction involved.</p> <p>Although it does not include specific reference to wildlife or wildlife trade, it is indirectly related as some of the offences described may apply in instances of wildlife trade; e.g., theft and abuse of national property (Art. 2); abuser of power (Art. 5); bribery (Art. 7); and fraud (Art. 9).</p>

# **ANNEX II. SOMALILAND WILDLIFE OFFENSES**

**Offense Code**
**Global Taxonomy of Wildlife Offenses**
**Somaliland Offenses Legal Basis**
**01-00-000-000 OFFENCES RELATED TO THE CONSERVATION OF WILDLIFE AND WILDLIFE HABITATS**
**01-01-000-000 Prohibited activities inside protected areas (e.g. national parks, game reserves, conservation areas, state forests, etc)**

01-01-001-000	Chasing, disturbing, or harassing wildlife inside protected areas		
01-01-002-000	Causing harm or injury to wildlife inside protected areas		
01-01-003-000	Prevent breeding of wildlife inside protected areas		
01-01-004-000	Trespassing in a protected area to hunt wildlife		
01-01-005-000	Entering into a protected area with hunting weapons, vehicles, equipment, or substances		
01-01-006-000	Feeding or watering wildlife inside protected areas		
01-01-007-000	Illegally accessing genetic wildlife resources		
01-01-008-000	Introducing invasive species inside protected areas		
01-01-009-000	Allowing livestock to enter into a protected area		

01-01-010-000	Discharging pollutants into wildlife habitats	Partial	
01-01-010-001	Discharging hazardous substances into the soil or water bodies that are part of wildlife habitats and ecosystems	Yes	Environmental Management Act, 2018 (Art. 73)
01-01-010-002	Discharging into the atmosphere gases, fumes, dust or contaminants that cause damage to wildlife	Yes	Environmental Management Act, 2018 (Art. 72)
01-01-010-003	Discharging emissions of noise, vibrations, thermal energy or light that cause damage to wildlife	No	

01-01-011-000	Destroying wildlife critical habitat elements		
01-01-011-001	Destroying wildlife nests		
01-01-011-002	Destroying wildlife breeding sites		
01-01-011-003	Destroying wildlife refuges and shelters		
01-01-012-000	Causing arson in wildlife habitats		
01-01-013-000	Conducting military maneuvers		
01-01-014-000	Conducting live shooting training		

**01-02-000-000 Conducting activities inside protected areas without authorization (i.e. ecotourism, scientific research, photography, etc)**
**01-03-000-000 Conducting activities inside protected areas in breach of legal requirements**

01-03-001-000	Conducting activities in breach of approved management plans		
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**01-99-000-000 Other acts in violation of the law related to wildlife and wildlife habitats conservation**
**02-00-000-000 OFFENCES RELATED TO THE HUNTING OF WILDLIFE (e.g. Tapping, taking, collecting, poaching, catching, etc.)**

02-01-000-000	Hunting wildlife	Yes	
02-01-001-000	Hunting for recreational purposes (sports hunting)	Yes	Forest and Wildlife Conservation Act (69/2015), Article 18.1 and 27
02-01-002-000	Hunting for subsistence purposes	Yes	Forest and Wildlife Conservation Act (69/2015), Article 18.1 and 27
02-01-003-000	Hunting for commercial purposes (professional hunting)	Yes	Forest and Wildlife Conservation Act (69/2015), Article 18.1 and 27
02-01-004-000	Hunting wildlife subjected to temporary bans	N/A	
02-01-005-000	Hunting migratory wildlife species	Yes	Forest and Wildlife Conservation Act (69/2015), Article 18.1 and 27

**02-02-000-000 Hunting without authorization**

02-02-001-000	Hunting for scientific purposes without authorization	N/A	
02-02-002-000	Hunting for control purposes without authorization (e.g. population, pest or disease, danger animal control)	N/A	
02-02-003-000	Hunting for commercial purposes without authorization	N/A	
02-03-004-000	Hunting for recreational purposes without authorization	N/A	

**02-03-000-000 Hunting wildlife in prohibited areas**

02-03-000-000		N/A	
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02-03-001-000	N/A	Hunting wildlife in captivity (zoos, captive breeding sites, rescue centers)
02-03-001-001	N/A	Hunting in zoos
02-03-001-002	N/A	Hunting in captive breeding facilities
02-03-001-003	N/A	Hunting in wildlife rescue centers
02-03-001-004	N/A	Hunting around captive holding facilities of released wildlife
02-03-002-000	N/A	Hunting where wildlife is especially vulnerable (drinking areas, flooded land, bird roosting sites)
02-03-002-001	N/A	Hunting in drinking areas
02-03-002-002	N/A	Hunting in bird roosting sites (e.g. night refuges)
02-03-002-003	N/A	Hunting in flooded land
02-03-003-000	N/A	Hunting wildlife in special zones
02-03-003-001	N/A	Hunting outside designated hunting areas
02-03-003-002	N/A	Hunting inside protected areas
02-03-003-003	N/A	Hunting in migratory species' ecosystems
02-03-003-004	N/A	Hunting in public parks and gardens
02-03-003-005	N/A	Hunting in climatic areas
02-03-003-006	N/A	Hunting in and around dams of public domain
02-03-003-007	N/A	Hunting in urban areas
02-03-003-008	N/A	Hunting in suburban areas
02-03-003-009	N/A	Trespassing on private property to hunt wildlife
<b>02-04-000-000</b>	<b>N/A</b>	<b>Hunting using illegal means or methods</b>
02-04-001-000	N/A	Hunting using prohibited weapons or traps
02-04-001-001	N/A	Hunting using automatic weapon
02-04-001-002	N/A	Hunting using prohibited weapon
02-04-001-003	N/A	Hunting using prohibited ammunition
02-04-001-004	N/A	Hunting using weapon with calibre exceeding the limits of the law
02-04-001-005	N/A	Hunting using bow and arrow
02-04-001-006	N/A	Hunting using darts
02-04-001-007	N/A	Hunting using traps
02-04-001-008	N/A	Hunting using a weapon as part of a trap
02-04-002-000	N/A	Hunting using prohibited substances
02-04-002-001	N/A	Hunting using explosives
02-04-002-002	N/A	Hunting using chemicals
02-04-002-003	N/A	Hunting using poison or dangerous substances
02-04-002-004	N/A	Hunting using tranquilizing, narcotic, immobilizing or similar agent
02-04-003-000	N/A	Hunting using prohibited baits or control mechanisms
02-04-003-001	N/A	Hunting using electrical devices
02-04-003-002	N/A	Hunting using fire
02-04-003-003	N/A	Hunting using fencing to retain or attract wildlife
02-04-003-004	N/A	Hunting using live animals as baits
02-04-003-005	N/A	Hunting using salt as baits
02-04-003-006	N/A	Hunting using feed as baits
02-04-003-007	N/A	Hunting using artificial or recorded voices

02-04-004-000	N/A	Hunting using vehicles
02-04-004-001	N/A	Hunting from aerial vehicles
02-04-004-002	N/A	Hunting from terrestrial motorized vehicles
02-04-004-003	N/A	Hunting on horseback
02-04-005-000	N/A	Hunting from especially advantageous locations
02-04-005-001	N/A	Hunting from roadways
02-04-005-002	N/A	Hunting around railways and roadways
02-04-005-003	N/A	Hunting from a stand
02-04-005-004	N/A	Hunting by ambush (e.g. from a blind)
02-04-006-000	N/A	Hunting using prohibited tracking methods
02-04-006-001	N/A	Hunting using tracking wildlife
02-04-006-002	N/A	Hunting using drones
02-04-006-003	N/A	Hunting using camera traps
02-04-006-004	N/A	Hunting using electronic image amplifiers (e.g. night vision, infrared, cameras, etc.)
02-04-006-005	N/A	Hunting using lights, nightlights or spotlighting
02-04-006-006	N/A	Hunting using night-vision devices
02-04-007-000	N/A	Hunting using trained animals
02-04-007-001	N/A	Hunting using dogs
02-04-007-002	N/A	Hunting using bird of prey (falconry)
02-04-008-000	N/A	Hunting at night
<b>02-05-000-000</b>	<b>N/A</b>	<b>Hunting wildlife in breach of sustainability requirements</b>
02-05-001-000	N/A	Hunting wildlife above authorized quotas
02-05-002-000	N/A	Hunting wildlife outside authorized seasons
02-05-003-000	N/A	Hunting wildlife during its reproductive cycle
02-05-003-001	N/A	Hunting female wildlife specimens of reproductive age
02-05-003-002	N/A	Hunting pregnant female specimens of wildlife
02-05-003-003	N/A	Hunting female specimens when accompanied by offspring
02-05-004-000	N/A	Hunting wildlife under the minimum age allowed
02-05-004-001	N/A	Hunting wildlife eggs
02-05-004-002	N/A	Hunting wildlife offspring (e.g. newborn)
02-05-004-003	N/A	Hunting juvenile or sub-adult wildlife
02-05-005-000	N/A	Hunting wildlife under the minimum permitted weight
02-05-006-000	N/A	Hunting wildlife female specimen
<b>02-06-000-000</b>	<b>N/A</b>	<b>Hunting in breach of safety requirements</b>
02-06-001-000	N/A	Hunting under the influence
02-06-002-000	N/A	Hunting without the proper safety equipment
<b>02-07-000-000</b>	<b>N/A</b>	<b>Hunting in breach of ethical requirements</b>
02-07-001-000	N/A	Failing to inspect traps or other devices at regular intervals
02-07-002-000	N/A	Abandoning injured wildlife in the act of hunting
02-07-003-000	N/A	Interfering with other people's hunting
<b>02-08-000-000</b>	<b>N/A</b>	<b>Violation of reporting and documentation requirements</b>
02-08-000-001	N/A	Underreporting or misreporting hunting activities or quotas

02-08-000-002	N/A	Failing to properly tag hunted wildlife	
<b>02-99-000-000</b>	N/A	<b>Other acts in violation of the law related to hunting</b>	
<b>03-00-000-000</b>		<b>OFFENCES RELATED TO HUNTING WEAPONS AND AMMUNITION</b>	
<b>03-01-000-000</b>		<b>Prohibited actions related to hunting weapons and ammunition</b>	
03-01-001-000		Carrying prohibited weapons as hunting weapons	
03-01-002-000		Carrying a hunting weapon for personal safety	
03-01-003-000		Using authorized hunting weapons for non-hunting purposes	
03-01-004-000	Yes	Losing a hunting weapon or ammunition	Customs Code, 2016 (Art. 539)
<b>03-02-000-000</b>		<b>Handling hunting weapons or ammunition without authorization</b>	
03-02-001-000	N/A	Selling, purchasing or importing hunting weapons or ammunition without authorization	
03-02-002-000	Yes	Possessing hunting weapons or ammunition without authorization	Control of Small Weapons Act, 2010 (Art. 11)
03-02-003-000	Yes	Carrying a hunting weapon without authorization	Control of Small Weapons Act, 2010 (Art. 11)
03-02-004-000		Carrying a hunting weapon with an expired authorization	
03-02-005-000		Failing to establish the lawful origin of a hunting weapon	
<b>03-03-000-000</b>		<b>Use of hunting weapons and ammunition in breach of legal requirements and procedures</b>	
03-03-001-000		Using a hunting weapon that shows signs of deterioration	
03-03-002-000		Using a hunting weapon that fails to comply with safety standards	
03-03-003-000		Possessing a hunting weapon with the weapon's marking altered (e.g. serial numbers, factory characteristics, etc.)	
03-03-004-000	Yes	Possessing ammunition in quantities greater than those permitted by law	Control of Small Weapons Act, 2010 (Art. 17.1)
03-03-005-000		Failing to submit hunting weapon records when requested by the supervisory authority	
<b>03-99-000-000</b>		<b>Other acts in violation of the law related to hunting weapons</b>	
<b>04-00-000-000</b>		<b>OFFENCES RELATED TO THE TRANSPORTATION OF WILDLIFE</b>	
<b>04-01-000-000</b>	Yes	<b>Transporting wildlife</b>	Forest and Wildlife Conservation Act (69/2015), Article 27.1.B
<b>04-02-000-000</b>	N/A	<b>Transporting wildlife without due authorization</b>	
04-02-001-000	N/A	Transporting wildlife without the mandatory business registration	
04-02-002-000	N/A	Transporting wildlife without mandatory documentation	
04-02-002-001	N/A	Transporting wildlife without shipping documents	
04-02-002-002	N/A	Transporting wildlife without transit documents	
04-02-002-003	N/A	Transporting wildlife without a health certificate	
04-02-002-004	N/A	Transporting imported wildlife without a CITES permit	
<b>04-03-000-000</b>	N/A	<b>Transporting wildlife of illegal origin</b>	
04-03-001-000	N/A	Transporting wildlife illegally hunted in the country	
04-03-002-000	N/A	Transporting wildlife illegally hunted in a foreign country	
04-03-003-000	N/A	Transporting wildlife illegally imported	
04-03-004-000	N/A	Transporting Appendix I wildlife imported without CITES certificate	
04-03-005-000	N/A	Transporting wildlife sourced from unauthorized breeding site	
04-03-006-000	N/A	Transporting wildlife illegally sold	
04-03-007-000	N/A	Transporting wildlife illegally purchased	
04-03-008-000	N/A	Transporting stolen wildlife	
<b>04-04-000-000</b>	N/A	<b>Transporting wildlife in breach of legal requirements and procedures</b>	
04-04-001-000	N/A	Transporting wildlife in improper receptacles	
04-04-002-000	N/A	Transporting wildlife in overcrowded conditions	

04-04-003-000	N/A	Transporting wildlife in amounts that exceed what is necessary for customary use
04-04-004-000	N/A	Transporting wildlife that is unfit to be transported
04-04-004-001	N/A	Transporting wildlife injured or sick
04-04-004-002	N/A	Transporting wildlife that is likely to give birth during conveyance
<b>04-99-000-000</b>	<b>N/A</b>	<b>Other acts in violation of the law related to the breach of legal provisions on wildlife transportation</b>
<b>OFFENCES RELATED TO THE STORAGE OF WILDLIFE</b>		
<b>05-01-000-000</b>	<b>No</b>	<b>Storing wildlife</b>
<b>05-02-000-000</b>	<b>No</b>	<b>Storing wildlife without authorization</b>
<b>05-03-000-000</b>	<b>No</b>	<b>Storing wildlife of illegal origin</b>
05-03-001-000	No	Storing wildlife illegally hunted in the country
05-03-002-000	No	Storing wildlife illegally hunted in a foreign country
05-03-003-000	No	Storing wildlife illegally imported
05-03-004-000	No	Storing Appendix I wildlife imported without a CITES certificate
05-03-005-000	No	Storing wildlife sourced from unauthorized breeding site
05-03-006-000	No	Storing wildlife illegally sold
05-03-007-000	No	Storing wildlife illegally purchased
05-03-008-000	No	Storing wildlife illegally transported
05-03-009-000	No	Storing stolen wildlife
<b>05-99-000-000</b>	<b>No</b>	<b>Other acts in violation of the law related to the storage of wildlife</b>
<b>OFFENCES RELATED TO THE PROCESSING OF WILDLIFE</b>		
<b>06-01-000-000</b>	<b>No</b>	<b>Processing of wildlife</b>
06-01-001-000	No	Processing prohibited goods from wildlife
06-01-002-000	No	Processing wildlife for the food industry
<b>06-02-000-000</b>	<b>No</b>	<b>Processing wildlife without authorization</b>
06-02-001-000	No	Operating as a wildlife trophy dealer without authorization
06-02-002-000	No	Operating processing facilities for wildlife without authorization
06-02-003-000	No	Processing items from wildlife trophies without authorization
06-02-004-000	No	Processing wildlife skins without authorization
<b>06-03-000-000</b>	<b>No</b>	<b>Processing wildlife of illegal origin</b>
06-03-001-000	No	Processing wildlife illegally hunted in the country
06-03-002-000	No	Processing wildlife illegally hunted in a foreign country
06-03-003-000	No	Processing wildlife illegally imported
06-03-004-000	No	Processing Appendix I wildlife imported without CITES certificate
06-03-005-000	No	Processing wildlife sourced from unauthorized breeding site
06-03-006-000	No	Processing wildlife illegally sold
06-03-007-000	No	Processing wildlife illegally purchased
06-03-008-000	No	Processing wildlife illegally transported
06-03-009-000	No	Processing stolen wildlife
<b>06-04-000-000</b>	<b>No</b>	<b>Processing wildlife in breach of legal requirements and procedures</b>
06-04-001-000	No	Processing wildlife without possessing a control book (e.g. stud book, breeding log, etc.)
<b>06-99-000-000</b>	<b>No</b>	<b>Other acts in violation of the law related to wildlife processing</b>
<b>07-00-000-000 OFFENCES RELATED TO THE DOMESTIC TRADE IN WILDLIFE</b>		

07-01-000-000	Partial	Trading wildlife	
07-01-001-000	No	Advertising wildlife	
07-01-001-001	No	Advertising wildlife online	
07-01-001-002	No	Advertising wildlife in other media	
07-01-002-000	Yes	Selling wildlife	Forest and Wildlife Conservation Act (69/2015), Article 18.3
07-01-002-001	N/A	Selling wildlife under protection of temporary bans	
07-01-002-002	Yes	Selling wildlife hit on a road	Forest and Wildlife Conservation Act (69/2015), Article 18.3
07-01-002-003	Yes	Selling wildlife as pets	Forest and Wildlife Conservation Act (69/2015), Article 18.3
07-01-002-004	N/A	Selling wildlife sourced under non-commercial authorization	
07-01-003-000	Yes	Purchasing wildlife	Forest and Wildlife Conservation Act (69/2015), Article 18.12
07-01-003-001	Yes	Purchasing banned wildlife	Forest and Wildlife Conservation Act (69/2015), Article 18.12
07-01-003-002	Yes	Purchasing wildlife hit on a road	Forest and Wildlife Conservation Act (69/2015), Article 18.12
07-01-003-003	N/A	Purchasing wildlife sourced under non-commercial authorization	
07-01-004-000	Yes	Renting wildlife	Forest and Wildlife Conservation Act (69/2015), Article 18.3
07-01-005-000	Yes	Donating or gifting wildlife	Forest and Wildlife Conservation Act (69/2015), Article 18.8
07-01-006-000	Yes	Exchanging wildlife without authorization	Forest and Wildlife Conservation Act (69/2015), Article 18.8
07-01-007-000	No	Facilitating online wildlife trafficking	
07-02-000-000	N/A	Trading wildlife without authorization	
07-02-001-000	N/A	Selling wildlife without authorization	
07-02-001-001	N/A	Selling wildlife without sales authorization	
07-02-001-002	N/A	Selling wildlife after having the sales authorization revoked	
07-02-001-003	N/A	Selling wildlife using a sales authorization from a third party	
07-02-001-004	N/A	Selling wildlife without registering with competent environmental authorities	
07-02-002-000	N/A	Purchasing wildlife without authorization	
07-02-003-000	N/A	Renting wildlife without authorization	
07-02-004-000	N/A	Donating or gifting wildlife without authorization	
07-02-005-000	N/A	Exchanging wildlife without authorization	
07-03-000-000	N/A	Trading wildlife of illegal origin	
07-03-001-000	N/A	Advertising for sale wildlife of illegal origin	
07-03-001-001	N/A	Advertising wildlife illegally hunted in the country	
07-03-001-002	N/A	Advertising wildlife illegally hunted in a foreign country	
07-03-001-003	N/A	Advertising wildlife illegally imported	
07-03-001-004	N/A	Advertising wildlife sourced from an unauthorized breeding site	
07-03-001-005	N/A	Advertising illegally transported wildlife	
07-03-001-006	N/A	Advertising stolen wildlife	
07-03-001-007	N/A	Advertising wildlife without proof of its legal origin	
07-03-002-000	N/A	Selling wildlife of illegal origin	
07-03-002-001	N/A	Selling wildlife illegally hunted in the country	
07-03-002-002	N/A	Selling wildlife illegally hunted in a foreign country	
07-03-002-003	N/A	Selling wildlife illegally imported	
07-03-002-004	N/A	Selling wildlife sourced from an unauthorized breeding site	
07-03-002-005	N/A	Selling illegally transported wildlife	

07-03-002-006	N/A	Selling stolen wildlife			
07-03-002-007	N/A	Selling wildlife without proof of its legal origin			
07-03-003-000	N/A	Purchasing wildlife of illegal origin			
07-03-003-001	N/A	Purchasing wildlife illegally hunted in the country			
07-03-003-002	N/A	Purchasing wildlife illegally hunted in a foreign country			
07-03-003-003	N/A	Purchasing wildlife illegally imported			
07-03-003-004	N/A	Purchasing wildlife sourced from an unauthorized breeding site			
07-03-003-005	N/A	Purchasing illegally sold wildlife			
07-03-003-006	N/A	Purchasing illegally transported wildlife			
07-03-003-007	N/A	Purchasing stolen wildlife			
<b>07-04-000-000</b>	<b>N/A</b>	<b>Trading wildlife in breach of legal requirements and procedures</b>			
07-04-001-000	N/A	Selling wildlife in breach of legal requirements and procedures			
07-04-001-001	N/A	Selling wildlife with contagious diseases			
07-04-001-002	N/A	Selling legally bred wildlife in breach of legal procedures			
07-04-001-003	N/A	Selling wildlife using a false product description			
07-04-001-004	N/A	Selling wildlife in breach of reporting requirements (e.g. stocks, monetary values, inventory, etc.)			
07-04-001-005	N/A	Transferring the rights to sell wildlife			
<b>07-99-000-000</b>	<b>N/A</b>	<b>Other acts in violation of the law related to the domestic trade in wildlife</b>			
<b>OFFENCES RELATED TO THE FOREIGN TRADE IN WILDLIFE</b>					
<b>08-01-000-000</b>	<b>Yes</b>	<b>Importing, exporting or re-exporting wildlife</b>			
08-01-001-000	Yes	Importing, exporting or re-exporting wildlife subject to a national ban (e.g. rhino, pangolin, etc)			Forest and Wildlife Conservation Act (69/2015). Article 19.1. Customs Code, 2016 (Art. 1894)
08-01-002-000	Yes	Importing invasive wildlife			Forest and Wildlife Conservation Act (69/2015). Article 19.1. Customs Code, 2016 (Art. 1894)
08-01-003-000	Yes	Importing genetically modified wildlife			Forest and Wildlife Conservation Act (69/2015). Article 19.1. Customs Code, 2016 (Art. 1894)
08-01-004-000	Yes	Importing poisonous wildlife			Forest and Wildlife Conservation Act (69/2015). Article 19.1. Customs Code, 2016 (Art. 1894)
08-01-005-000	Yes	Importing wildlife pets			Forest and Wildlife Conservation Act (69/2015). Article 19.1. Customs Code, 2016 (Art. 1894)
<b>08-02-000-000</b>	<b>N/A</b>	<b>Importing, exporting or re-exporting wildlife without authorization</b>			
08-02-001-000	N/A	Importing, exporting or re-exporting protected wildlife without CITES authorization			
08-02-001-001	N/A	Importing, exporting or re-exporting wildlife without CITES permit			
08-02-001-002	N/A	Importing, exporting or re-exporting wildlife using a false, forged or altered CITES permit			
08-02-001-003	N/A	Importing, exporting or re-exporting wildlife in violation of an approved CITES permit			
08-02-002-000	N/A	Importing, exporting or re-exporting protected wildlife without CITES-Scientific Authority recommendation			
08-02-003-000	N/A	Importing, exporting or re-exporting wildlife without health certificates			
08-02-004-000	N/A	Importing potentially invasive wildlife without authorization			
08-02-005-000	N/A	Importing genetically modified wildlife without authorization			
<b>08-03-000-000</b>	<b>N/A</b>	<b>Importing, exporting or re-exporting wildlife of illegal origin</b>			
08-03-001-000	N/A	Exporting wildlife illegally hunted in the country			
08-03-002-000	N/A	Importing or re-exporting wildlife illegally hunted in a foreign jurisdiction			
08-03-003-000	N/A	Exporting wildlife sourced from unauthorized breeding site			

08-03-004-000	N/A	Exporting illegally sold wildlife
08-03-005-000	N/A	Exporting illegally purchased wildlife
08-03-006-000	N/A	Exporting illegally transported wildlife
08-03-007-000	N/A	Exporting stolen wildlife
<b>08-04-000-000</b>	<b>N/A</b>	<b>Importing, exporting or re-exporting wildlife in breach of customs procedures</b>
08-04-001-000	N/A	Importing wildlife without business registration as importer
08-04-002-000	N/A	Importing, exporting or re-exporting wildlife avoiding customs control (smuggling)
08-04-002-001	N/A	Importing, exporting or re-exporting hidden or concealed wildlife
08-04-002-002	N/A	Importing, exporting or re-exporting wildlife packaged to deceive customs officers
08-04-003-000	N/A	Importing, exporting or re-exporting wildlife without following customs clearance procedures
08-04-003-001	N/A	Importing, exporting or re-exporting wildlife through a point different from the designated port of entry
08-04-003-002	N/A	Importing, exporting or re-exporting wildlife by evading a point of animal health inspection
08-04-003-003	N/A	Importing, exporting or re-exporting wildlife carrying contagious diseases without reporting to quarantine authorities
08-04-003-004	N/A	Importing, exporting or re-exporting wildlife without shipping documentation
08-04-003-005	N/A	Importing, exporting or re-exporting wildlife without due customs declaration
08-04-003-006	N/A	Importing wildlife evading totally or partially the payment of customs duties
08-04-003-007	N/A	Exporting wildlife breaking mandatory quarantine requirements
08-04-003-008	N/A	Loading or unloading wildlife in a customs area before the approval of customs office
08-04-003-009	N/A	Unloading imported wildlife in a customs area outside of the authorized place
08-04-003-010	N/A	Breaking or removing seals, marks or stamps affixed by customs officers without permission
<b>08-99-000-000</b>	<b>N/A</b>	<b>Other acts in violation of the law related to importing, exporting or re-exporting wildlife</b>
<b>OFFENCES RELATED TO THE POSSESSION OF WILDLIFE</b>		
<b>09-01-000-000</b>	<b>Yes</b>	<b>Possessing wildlife</b>
<b>09-02-000-000</b>	<b>N/A</b>	<b>Possessing wildlife without authorization</b>
09-02-001-000	N/A	Possessing collections of wildlife without registration
09-02-002-000	N/A	Possessing wildlife trophies without authorization
<b>09-03-000-000</b>	<b>N/A</b>	<b>Possessing wildlife of illegal origin</b>
09-03-001-000	N/A	Possessing wildlife illegally hunted in the country
09-03-002-000	N/A	Possessing wildlife illegally hunted in a foreign country
09-03-003-000	N/A	Possessing wildlife illegally imported
09-03-004-000	N/A	Possessing Appendix I imported wildlife unaccompanied of the CITES certificate
09-03-005-000	N/A	Possessing wildlife sourced from unauthorized breeding site
09-03-006-000	N/A	Possessing wildlife illegally sold
09-03-007-000	N/A	Possessing wildlife illegally purchased
09-03-008-000	N/A	Possessing wildlife transported illegally
09-03-009-000	N/A	Possessing stolen wildlife
<b>09-04-000-000</b>	<b>N/A</b>	<b>Possessing wildlife in breach of hunting limitations</b>
09-04-001-000	N/A	Possessing wildlife below the minimum ages allowed (e.g. newborns, juveniles, etc.)
09-04-002-000	N/A	Possessing wildlife weighing below the minimum required animal weight
09-04-003-000	N/A	Possessing wildlife that is undersized
09-04-004-000	N/A	Possessing wildlife out of harvest season
<b>09-99-000-000</b>	<b>N/A</b>	<b>Other acts in violation of the law related to wildlife possession</b>

10-00-000-000 OFFENCES RELATED TO THE BREEDING OF WILDLIFE		
10-01-000-000	Yes	Breeding wildlife
11-01-001-000	Yes	Breeding or training wildlife for fights
10-02-000-000	N/A	Breeding wildlife without authorization
10-02-001-000	N/A	Breeding wildlife without registration
10-02-002-000	N/A	Breeding wildlife specimen without documentation to proof their legal origin
10-03-000-000	N/A	Breeding wildlife using breeding stock of illegal origin
10-03-001-000	N/A	Breeding wildlife using breeding stock illegally hunted in the country
10-03-002-000	N/A	Breeding wildlife using breeding stock illegally hunted in a foreign country
10-03-003-000	N/A	Breeding wildlife using breeding stock illegally imported
10-03-004-000	N/A	Breeding Appendix I wildlife using imported breeding stock unaccompanied by its CITES permit
10-03-005-000	N/A	Breeding wildlife using breeding stock from unauthorized breeding site
10-03-006-000	N/A	Breeding wildlife using breeding stock illegally sold
10-03-007-000	N/A	Breeding wildlife using breeding stock illegally purchased
10-03-008-000	N/A	Breeding wildlife using breeding stock transported illegally
10-03-009-000	N/A	Breeding wildlife using stolen breeding stock
10-04-000-000	N/A	Breeding wildlife in breach of legal requirements and procedures
10-04-001-000	N/A	Breeding wildlife without conducting a feasibility study
10-04-002-000	N/A	Breeding wildlife without maintaining a control book (e.g. stud book, breeding log, etc.)
10-04-003-000	N/A	Breeding wildlife without submitting reports to authorities
10-04-004-000	N/A	Breeding wildlife without proper marking system or certification of the bred specimen
10-04-005-000	N/A	Not maintaining the purity of wildlife up to the first generation by breeders
10-99-000-000 Other acts in violation of the law related to wildlife breeding		
11-00-000-000 OFFENCES RELATED TO EXHIBITING WILDLIFE		
11-01-000-000	Yes	Exhibiting wildlife
11-01-001-000	Yes	Organizing fights involving wildlife
11-02-000-000	N/A	Exhibiting wildlife without authorization
11-03-000-000	N/A	Exhibiting wildlife of illegal origin
11-03-001-000	N/A	Exhibiting wildlife illegally hunted in the country
11-03-002-000	N/A	Exhibiting wildlife illegally hunted in a foreign country
11-03-003-000	N/A	Exhibiting wildlife illegally imported
11-03-004-000	N/A	Exhibiting Appendix I imported wildlife unaccompanied of the CITES certificate
11-03-005-000	N/A	Exhibiting wildlife sourced from unauthorized breeding site
11-03-006-000	N/A	Exhibiting illegally sold wildlife
11-03-007-000	N/A	Exhibiting wildlife illegally purchased
11-03-008-000	N/A	Exhibiting illegally transported wildlife
11-03-009-000	N/A	Exhibiting stolen wildlife
11-04-000-000	N/A	Exhibiting wildlife in breach of legal requirements and procedures
11-04-001-000	N/A	Exhibiting wildlife in performances requiring skill using untrained wildlife
11-04-002-000	N/A	Exhibiting wildlife in performances involving cruelty
11-04-003-000	N/A	Exhibiting wildlife in performances under the influence of stimulants
11-04-004-000	N/A	Exhibiting wildlife in iron cages

Forest and Wildlife Conservation Act (69/2015), Article 27.1.D

Forest and Wildlife Conservation Act (69/2015), Article 27.1.D

Forest and Wildlife Conservation Act (69/2015), Article 18.3

Forest and Wildlife Conservation Act (69/2015), Article 18.3

11-04-005-000	N/A	Exhibiting wildlife in unsuitable places	
<b>11-99-000-000</b>	N/A	<b>Other acts in violation of the law related to wildlife exhibition</b>	
<b>12-00-000-000</b>	<b>OFFENCES RELATED TO SCIENTIFIC RESEARCH USING WILDLIFE</b>		
<b>12-01-000-000</b>	Yes	Conducting scientific research using wildlife	Forest and Wildlife Conservation Act (69/2015), Article 27.1.C
<b>12-02-000-000</b>	N/A	Conducting scientific research on wildlife without due authorization	
12-02-001-000	N/A	Conducting scientific research on wildlife without accreditation of the research or academic entity	
12-02-002-000	N/A	Conducting scientific research on wildlife without proper academic credentials by the lead researcher	
12-02-003-000	N/A	Conducting scientific research on wildlife for biotechnology purposes without authorization	
12-02-004-000	N/A	Conducting scientific research on wildlife to study pain and distress without authorization	
<b>12-03-000-000</b>	N/A	<b>Conducting scientific research with wildlife of illegal origin</b>	
12-03-001-000	N/A	Conducting scientific research with wildlife illegally hunted in the country	
12-03-002-000	N/A	Conducting scientific research with wildlife hunted illegally in a foreign country	
12-03-003-000	N/A	Conducting scientific research with illegally imported wildlife	
12-03-004-000	N/A	Conducting scientific research with Appendix I imported wildlife unaccompanied by its CITES certificate	
12-03-005-000	N/A	Conducting scientific research with wildlife sourced from unauthorized breeding site	
12-03-006-000	N/A	Conducting scientific research using wildlife illegally sold	
12-03-007-000	N/A	Conducting scientific research with wildlife illegally purchased	
12-03-008-000	N/A	Conducting scientific research with illegally transported wildlife	
12-03-009-000	N/A	Conducting scientific research with stolen wildlife	
<b>12-04-000-000</b>	N/A	<b>Conducting scientific research compromising the welfare of wildlife</b>	
12-04-001-000	N/A	Conducting scientific research with wildlife while not providing due care before, during or after the experiment	
12-04-002-000	N/A	Conducting scientific research with wildlife and causing painful or cruel experiences when there is an alternative	
12-04-003-000	N/A	Conducting scientific research with wildlife and not using adequate sedation	
12-04-004-000	N/A	Conducting scientific research with wildlife and not following euthanasia requirements	
12-04-005-000	N/A	Conducting scientific research with wildlife by reusing the same specimen after reaching the main objective of the research project	
<b>12-05-000-000</b>	N/A	<b>Conducting scientific research in breach of legal requirements and procedures</b>	
12-05-001-000	N/A	Conducting scientific research with biological materials without providing duplicate samples to authorities	
12-05-002-000	N/A	Conducting scientific research with wildlife without sharing results with authorities	
<b>12-99-00-000</b>	N/A	<b>Other acts in violation of the law related to the use of wildlife for scientific research</b>	
<b>13-00-000-000</b>	<b>OFFENCES RELATED TO OTHER USES OF WILDLIFE</b>		
<b>13-01-000-000</b>	No	Using wildlife	
13-01-001-000	No	Using wildlife in audiovisual productions	
<b>13-02-000-000</b>	N/A	<b>Using wildlife without authorization</b>	
13-02-001-000	N/A	Using wildlife without permit	
13-02-002-000	N/A	Using Appendix I imported wildlife in breach of the CITES permit	
13-02-003-000	N/A	Using wildlife in breach of authorized purposes	
13-02-003-001	N/A	Using wildlife for other purposes when it was sourced for scientific purposes	
13-02-003-002	N/A	Using wildlife for other purposes when it was sourced for control purposes	
13-02-003-003	N/A	Using wildlife for other purposes when it was sourced for subsistence purposes	
<b>13-03-000-000</b>	N/A	<b>Using wildlife of illegal origin</b>	
13-03-001-000	N/A	Using wildlife illegally hunted in the country	
13-03-002-000	N/A	Using wildlife illegally hunted in a foreign country	

13-03-003-000	N/A	Using wildlife illegally imported	
13-03-004-000	N/A	Using Appendix I imported wildlife unaccompanied by the CITES permit	
13-03-005-000	N/A	Using wildlife sourced from unauthorized breeding site	
13-03-006-000	N/A	Using wildlife illegally sold	
13-03-007-000	N/A	Using wildlife illegally purchased	
13-03-008-000	N/A	Using illegally transported wildlife	
13-03-009-000	N/A	Using stolen wildlife	
<b>13-99-000-000</b>	<b>N/A</b>	<b>Other acts in violation of the law related to other uses of wildlife</b>	
<b>OFFENCES RELATED TO ANIMAL HEALTH AND WELFARE</b>			
<b>14-01-000-000</b>			
<b>Treating wildlife with cruelty</b>			
14-01-001-000		Injuring wildlife in captivity	
14-01-002-000		Mutilating wildlife	
14-01-003-000		Vivisectioning wildlife for purposes other than research	
14-01-004-000		Slaughtering wildlife in breach of humanitarian rules	
14-01-005-000		Performing sexual acts with wildlife	
14-01-006-000		Using devices causing unnecessary suffering to wildlife	
14-01-007-000		Releasing captive wildlife under dangerous conditions	
<b>14-02-000-000</b>			
<b>Failing to comply with animal welfare legal standards</b>			
14-02-001-000		Failing to provide appropriate nutrition for captive wildlife	
14-02-002-000		Failing to provide appropriate veterinary care for captive wildlife	
14-02-003-000		Failing to meet safety standards for captive wildlife	
14-02-004-000		Failing to provide appropriate living conditions for captive wildlife	
<b>14-03-000-000</b>			
<b>Violation of quarantine procedures</b>			
14-03-001-000		Failure to quarantine wildlife specimens carrying or suspected to carry pest or diseases	
14-03-002-000		Failure to quarantine people carrying or suspected of carrying pest or wildlife diseases	
14-03-003-000		Failure to quarantine equipment carrying or suspected of carrying pest or wildlife diseases	
14-03-004-000		Failure to quarantine water carrying or suspected of carrying pest or wildlife diseases	
14-03-005-000		Failure to quarantine packing material carrying or suspected of carrying pest or wildlife diseases	
14-03-006-000		Failure to report infected wildlife to nearest authorities	
<b>14-99-000-000</b>			
<b>Other acts in violation of the law related to animal health and welfare</b>			
<b>15-00-000-000</b>			
<b>OFFENCES RELATED TO FORGERY OF WILDLIFE DOCUMENTS</b>			
<b>15-01-000-000</b>			
<b>Falsifying elements on wildlife-related public and private transactions</b>			
15-01-001-000		Falsifying public documents (e.g. hunting permit, breeding permit, etc)	Environmental Management Act, 2018 (Art. 71); Customs Code, 2016 (Art. 186)
15-01-002-000	Yes	Falsifying private documents (e.g. invoices, breeding log, etc.)	
15-01-003-000		Falsifying signatures	
15-01-004-000		Falsifying official identification elements	
15-01-004-001		Falsification of official uniforms, insignia or badges	
15-01-004-002	Yes	Falsification of official marks, seals and stamps	Customs Code, 2016 (Art. 189)
<b>15-02-000-000</b>			
<b>Using forged elements on wildlife-related public and private transactions</b>			
15-02-001-000		Using forged public documents	
15-02-002-000	Yes	Using forged private documents	Environmental Management Act, 2018 (Art. 71)
15-02-003-000		Using forged signatures	

15-02-004-000	Using forged official identification elements				
15-02-004-001	Using of forged official uniforms, insignia or badges				
15-02-004-002	Using of forged official marks, seals and stamps				
15-02-005-000	Using false identities				
<b>15-99-000-000</b>	<b>Other acts in violation of the law related to forgery of wildlife documents</b>				
<b>16-00-000-000</b>	<b>OFFENCES RELATED TO THE OBSTRUCTION OF JUSTICE IN WILDLIFE CRIMES</b>				
<b>16-01-000-000</b>	<b>Breaching reporting and enforcement requirements</b>	<b>No</b>			
16-01-001-000	Failing to present declaration of wildlife inventories	No			
16-01-002-000	Failing to report wildlife abuse	No			
16-01-003-000	Failing to submit wildlife-related reports	No			
16-01-004-000	Failing to keep wildlife records or books when obliged by law	No			
16-01-005-000	Failing to stop or report wildlife offences by enforcement officers	No			
<b>16-02-000-000</b>	<b>enforcement and investigative actions</b>	<b>Yes</b>			Environmental Management Act, 2018 (Art. 69) Criminal Code, 1962 (Art. 506)
16-02-001-000	Refusing to answer a question of an enforcement officer	Yes			
16-02-002-000	Refusing to provide documentation at the request of an inspector or enforcement officer	Yes			
16-02-003-000	Providing false information to governmental officials	Yes			
16-02-003-001	Yes Providing false information to a wildlife officer	Yes			
16-02-003-002	Yes Providing false information to a customs officer	Yes			Customs Code, 2016 (Art. 181.1)
16-02-003-003	Yes Providing false information in a wildlife damage claim	Yes			
16-02-004-000	Refusing to allow lawful search of an inspector or enforcement officer	Yes			
16-02-004-001	Refusing to allow search within customs area by enforcement officer	Yes			Customs Code, 2016 (Art. 181.1)
16-02-004-002	Refusing to allow search in road controls by enforcement officer	Yes			
16-02-005-000	Refusing to follow an order by an inspector or enforcement officer	Yes			Criminal Code, 1962 (Art. 505)
16-02-006-000	Assaulting verbally, morally or physically an officer or inspection authority in the exercise of their functions	Partial			
16-02-006-001	Assaulting a wildlife enforcement officers during the exercise of his or her functions	No			
16-02-006-002	Assaulting a park ranger in the exercise of their functions	No			
16-02-006-003	Assaulting a customs officer in the exercise of their functions	Yes			Customs Code, 2016 (Art. 179.1)
16-02-006-004	Refusal by a hunter to unload a weapon during an inspection	No			
<b>16-03-000-000</b>	<b>Obstructing the prosecution of a wildlife crime</b>	<b>No</b>			
16-03-001-000	Obstructing performance of judicial authorities in wildlife crimes	No			
16-03-002-000	Obstructing witness testimonies in wildlife crime cases	No			
<b>16-99-000-000</b>	<b>Other acts in violation of the law related to obstruction of justice in wildlife crimes</b>				

# **ANNEX III. WILDLIFE OFFENSES AND PENALTIES ASSESSMENT**

Offense Code	Global Taxonomy of Wildlife Offenses					Confiscation of							
	Detention	Fine	Prison	Wildlife	Hunting Tools and Weapons	Means of Transport	Proceeds of the Crime	Public Registers of Offenders	License revocation	Disqualification for license	Remediation	Compensation	
<b>OFFENCES RELATED TO THE CONSERVATION OF WILDLIFE AND WILDLIFE HABITATS</b>													
01-00-000-000	Partial	<b>Prohibited activities inside protected areas (e.g. national parks, game reserves, conservation areas, state forests, etc)</b>											
01-01-010-000		Discharging pollutants into wildlife habitats											
01-01-010-001	Yes	Discharging hazardous substances into the soil or water bodies that are part of wildlife habitats and ecosystems											
01-01-010-002	Yes	Discharging into the atmosphere gases, fumes, dust or contaminants that cause damage to wildlife											
<b>OFFENCES RELATED TO THE HUNTING OF WILDLIFE (e.g. Tapping, taking, collecting, poaching, catching, etc.)</b>													
02-00-000-000	Yes	<b>Hunting wildlife</b>											
02-01-001-000	Yes	Hunting for recreational purposes (sports hunting)					Yes	Yes					
02-01-002-000	Yes	Hunting for subsistence purposes					Yes	Yes					
02-01-003-000	Yes	Hunting for commercial purposes (professional hunting)					Yes	Yes					
02-01-005-000	Yes	Hunting migratory wildlife species					Yes	Yes					
<b>OFFENCES RELATED TO HUNTING WEAPONS AND AMMUNITION</b>													
03-01-000-000	Yes	<b>Prohibited actions related to hunting weapons and ammunition</b>											
03-01-004-000	Yes	Losing a hunting weapon or ammunition					1,000- \$L						
03-02-000-000	Yes	<b>Handling hunting weapons or ammunition without authorization</b>											
03-02-002-000	Yes	Possessing hunting weapons or ammunition without authorization											
03-02-003-000	Yes	Carrying a hunting weapon without authorization											
03-03-000-000	Yes	<b>Use of hunting weapons and ammunition in breach of legal requirements and procedures</b>											
03-03-004-000	Yes	Possessing ammunition in quantities greater than those permitted by law											
<b>OFFENCES RELATED TO THE TRANSPORTATION OF WILDLIFE</b>													
04-01-000-000	Yes	<b>Transporting wildlife</b>					Yes	Yes	Yes	Yes	Yes	Yes to alpine carriers if recidivism	Yes to alpine carriers if recidivism
<b>OFFENCES RELATED TO THE DOMESTIC TRADE IN WILDLIFE</b>													
07-01-000-000	Partial	<b>Trading wildlife</b>											
07-01-002-000	Yes	Selling wildlife					Yes	Yes					
07-01-002-002	Yes	Selling wildlife hit on a road					Yes	Yes					
07-01-002-003	Yes	Selling wildlife as pets					Yes	Yes					
07-01-003-000	Yes	Purchasing wildlife					Yes	Yes					
07-01-003-001	Yes	Purchasing banned wildlife					Yes	Yes					
07-01-003-002	Yes	Purchasing wildlife hit on a road					Yes	Yes					
07-01-004-000	Yes	Renting wildlife					Yes	Yes					
07-01-005-000	Yes	Donating or gifting wildlife					Yes	Yes					
07-01-006-000	Yes	Exchanging wildlife without authorization					Yes	Yes					
<b>OFFENCES RELATED TO THE FOREIGN TRADE IN WILDLIFE</b>													
08-01-000-000	Yes	<b>Importing, exporting or re-exporting wildlife</b>					Yes	Yes	Yes	Yes	Yes	Yes to alpine carriers if recidivism	Yes to alpine carriers if recidivism
08-01-001-000	Yes	Importing, exporting or re-exporting wildlife subject to a national ban (e.g. rhino, pangolin, etc)					Yes	Yes	Yes	Yes	Yes	Yes to alpine carriers if recidivism	Yes to alpine carriers if recidivism
08-01-002-000	Yes	Importing invasive wildlife					Yes	Yes	Yes	Yes	Yes	Yes to alpine carriers if recidivism	Yes to alpine carriers if recidivism

08-01-003-000	Yes	Importing genetically modified wildlife	10 LAB (Customs Law), => 80 million for airplane carrier or double if recidivism (Wildlife Law)	Up to 5Y (Customs Law)	Yes	Yes	Yes	Yes to airplane carriers if recidivism	
08-01-004-000	Yes	Importing poisonous wildlife	10 LAB (Customs Law), => 80 million for airplane carrier or double if recidivism (Wildlife Law)	Up to 5Y (Customs Law)	Yes	Yes	Yes	Yes to airplane carriers if recidivism	
08-01-005-000	Yes	Importing wildlife pets	10 LAB (Customs Law), => 80 million for airplane carrier or double if recidivism (Wildlife Law)	Up to 5Y (Customs Law)	Yes	Yes	Yes	Yes to airplane carriers if recidivism	
<b>OFFENCES RELATED TO THE POSSESSION OF WILDLIFE</b>									
09-01-000-000	Yes	Possessing wildlife			Yes				
<b>OFFENCES RELATED TO THE BREEDING OF WILDLIFE</b>									
10-01-000-000	Yes	Breeding wildlife			Yes				
11-01-001-000	Yes	Breeding or training wildlife for fights	=> SL SH 30 million (USD 5,000) ; = 40million (USD 6,800) for foreigners	=> 1Y and =5Y if foreigner	Yes	Yes			
11-01-002-000	Yes	Breeding or training wildlife for fights	=> SL SH 30 million (USD 5,000) ; = 40million (USD 6,800) for foreigners	=> 1Y and =5Y if foreigner	Yes	Yes			
<b>OFFENCES RELATED TO EXHIBITING WILDLIFE</b>									
11-01-000-000	Yes	Exhibiting wildlife	=> SL SH 30 million (USD 5,000) ; = 40million (USD 6,800) for foreigners	=> 1Y and =5Y if foreigner	Yes				
11-01-001-000	Yes	Organizing fights involving wildlife	=> SL SH 30 million (USD 5,000) ; = 40million (USD 6,800) for foreigners	=> 1Y and =5Y if foreigner	Yes				
<b>OFFENCES RELATED TO SCIENTIFIC RESEARCH USING WILDLIFE</b>									
12-01-000-000	Yes	Conducting scientific research using wildlife	=> SL SH 30 million (USD 5,000) ; = 40million (USD 6,800) for foreigners	=> 1Y and =5Y if foreigner	Yes	Yes			
<b>OFFENCES RELATED TO FORGERY OF WILDLIFE DOCUMENTS</b>									
15-00-000-000	Partial	Falsifying elements on wildlife-related public and private transactions							
15-01-002-000	Yes	Falsifying private documents (e.g. invoices, breeding log, etc.)							
15-01-004-000	Partial	Falsifying official identification elements							
15-01-004-002	Yes	Falsification of official marks, seals and stamps							
15-02-000-000	Yes	Using forged elements on wildlife-related public and private transactions							
15-02-002-000	Yes	Using forged private documents							
<b>OFFENCES RELATED TO THE OBSTRUCTION OF JUSTICE IN WILDLIFE CRIMES</b>									
16-00-000-000	Yes	Forcement and investigative actions							
16-02-001-000	Yes	Refusing to answer a question of an enforcement officer							
16-02-002-000	Yes	Refusing to provide documentation at the request of an inspector or enforcement officer							
16-02-003-000	Yes	Providing false information to governmental officials							
16-02-003-001	Yes	Providing false information to a wildlife officer							
16-02-003-002	Yes	Providing false information to a customs officer							
16-02-003-003	Yes	Providing false information in a wildlife damage claim							
16-02-004-000	Yes	Refusing to allow lawful search of an inspector or enforcement officer							
16-02-004-001	Yes	Refusing to allow search within customs area by enforcement officer							
16-02-004-002	Yes	Refusing to allow search in road controls by enforcement officer							
16-02-005-000	Yes	Refusing to follow an order by an inspector or enforcement officer							
16-02-006-000	Partial	Assaulting verbally, morally or physically an officer or inspection authority in the exercise of their functions							
16-02-006-003	Yes	Assaulting a customs officer in the exercise of their functions							