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LAWS CONCERNING HUNTING RESTRICTIONS

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COMPARATIVE SUMMARY

LAWS CONCERNING HUNTING RESTRICTIONS

This study surveys the legislation of 24 countries, and concerns the inhumane, and in most cases, illegal practice of airborne hunting. The basis for the selection of countries for this report is the fact that these countries are primary destinations for airborne trophy hunting, due to the richness of their natural habitats. The countries included represent various regions of Africa, Asia, and the former Soviet Union. The study of the environmental legislation of Sweden, which is considered a “hunter’s paradise” is included and provides the reader with an example of a responsible approach to the problem of using mechanized vehicles and aircrafts in hunts, according to major European norms.

In the majority of the countries reviewed, the issues of environmental protection come under the joint jurisdiction of both national and sub-national authorities. China and Pakistan appear to be the countries where hunting issues are exclusively regulated at the provincial level, and the legislation of these countries’ individual provinces varies. Most countries included in this report recognize that hunting animals from an aircraft or a motorized vehicle violates wildlife management principles and the hunting rules of “fair chase.” These methods are banned by the national laws, or by international obligations accepted by many of the countries (e.g., African Convention on Conservation of Nature and Natural Resources of 1968). Many countries extend this limitation to shooting, tracing, and chasing animals. Additionally, the laws of South Africa prohibit the use of aircraft even for reconnaissance purposes.

The laws of some countries (South Africa, Tanzania) prohibit shooting from the ground in near proximity to an aircraft or a vehicle outlawing the hunting method known as “land and shoot,” used for chasing animals until they are exhausted and then murdering them on the ground. However, even in the countries where airborne hunting is prohibited, there could be some exclusions. Kenya allows the use of an aircraft if a hunt is being conducted for scientific purposes; other countries may allow airborne hunting of specific species (wild boars in Pakistan, species selected by the authorities in Turkey); or, may issue special licenses, which allow deviation from established rules for safety purposes (Botswana). It appears that only a few countries of Africa (Ethiopia, Mozambique, Zimbabwe) do not regulate this issue.

Almost everywhere where airborne hunting is prohibited, the nation’s criminal legislation specifies penalties for this offense, which extend from fines to corrective labor, to several years of imprisonment.

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ANGOLA

LAWS CONCERNING HUNTING RESTRICTIONS

Legislative Diploma No. 2,873 of December 11, 1957 (*Regulamento de Caça*) regulates hunting activities in Angola.¹ Article 7 determines that hunting in Angola is free once the dispositions contained in the regulation regarding time conditions and ways of hunting are respected. The regulation also lists a series of places and situations where hunting is permitted, restricted or prohibited,² as well as license requirements.³ Article 40(1) prohibits the chase and hunt of wild animals using aircrafts, automobiles or horses.

A proposed law (*Anteprojecto de Lei das Florestas, Fauna Selvagem e Áreas de Conservação Terrestres*), consolidating the legislation on forests, wild life and preservation areas is currently under analysis in the Ministry of Agriculture and Rural Development.⁴ The proposed law, if approved as it is, revokes Legislative Diploma No. 2,873 and other related legislation,⁵ but maintains the prohibition on chasing and hunting wild animals using an aircraft, an automobile or a horse.⁶

Angola is not a signatory to the African Convention on the Conservation of Nature and Natural Resources, 1968.⁷

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¹ Regulamento de Caça aprovado pelo Diploma legislativo no. 2873 de 11 de dezembro de 1957. Luanda, Angola, Impr. Nacional, 1967.

² *Id.* arts. 9, 10 and 11.

³ *Id.* art. 50.

⁴ Anteprojecto de Lei das Florestas, Ministério da Agricultura e do Desenvolvimento Rural, available at <http://www.angola-portal.ao/MINADER/PublicacoesD.aspx?Codigo=150> (last visited Aug. 27, 2009).

⁵ *Id.* art. 286.

⁶ *Id.* art. 178(b).

⁷ African Convention on the Conservation of Nature and Natural Resources, 1968, Organization of African Unity, available at http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_Nature%20&%20Natural_Resources.pdf.

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BENIN

LAWS CONCERNING HUNTING RESTRICTIONS

The sources available to the Law Library of Congress indicate that Benin was a signatory to the African Convention on the Conservation of Nature and Natural Resources¹, signed on September 15, 1968 in Algeria. Article VII of the Convention, on Faunal Resources, prohibits the use of mechanically propelled vehicles in hunting wild animals.²

As of May 5, 2009, Benin has not ratified nor deposited the instruments of accession as provided for in the Convention, nor has Benin provided notification of denunciation of the treaty.

According to a list of laws on the UN Food and Agriculture Organization website, Benin enacted a Law on Regulating the Protection of Nature and Hunting³ and a Law on Conditions for Hunting and Photo-Tourism.⁴ Neither piece of legislation is available in the Law Library's collection. Either one of these laws might have provisions on restrictions on hunting methods.

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¹ African Union website, http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_Nature%20&%20Natural_Resources.pdf.

² African Convention on the Conservation of Nature and Natural Resources of Sept. 15, 1968, The African Union, available at http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_Nature%20&%20Natural_Resources.pdf (official source).

³ Act. No. 87-014, Sept. 21, 1987, FAO, *Legislation Reviewed*, FAO CORPORATE DOCUMENT REPOSITORY, <http://www.fao.org/docrep/005/y3844e/y3844e0a.htm> (last visited February 2, 2009).

⁴ Act. No. 93-111, Aug. 3, 1993, FAO, *Legislation Reviewed*, FAO CORPORATE DOCUMENT REPOSITORY, <http://www.fao.org/docrep/005/y3844e/y3844e0a.htm>.

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BOTSWANA

LAWS CONCERNING HUNTING RESTRICTIONS

Botswana signed but did not ratify the African Convention on the Conservation of Nature and Natural Resources, 1968.¹ That agreement provides that Contracting States shall adopt adequate legislation on hunting, capture, and fishing under which unauthorized methods are prohibited,² including the use of mechanically propelled vehicles.³

Botswana's Wildlife Conservation and National Parks Act has provisions on hunting methods.⁴ Article 57 of this Act prohibits firing a weapon at an animal from or using any vehicle, aircraft, or mechanically propelled vessel to hunt or capture animals. Such vehicles and vessels may not be brought closer than 200 meters from any animal for hunting purposes.⁵ Exceptions are made when the hunter has a specific permit to use the vehicle or vessel, when it is necessary to keep animals away from aircraft, and when the hunt is for crocodiles, sitatunga (a type of swamp antelope), or certain waterfowl.⁶

It does not appear that any amendments have been made to the laws restricting hunting methods since June 2007.

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¹ African Convention on the Conservation of Nature and Natural Resources, 1968, Organization of African Unity, http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_Nature%20&%20NaturalResources.pdf (last visited Aug. 27, 2009).

² *Id.* art. VII, para. 2 (b).

³ *Id.* art. VII, para. 2 (c) (4) (1).

⁴ Wildlife Conservation and National Parks Act, Dec. 11, 1992, Act No. 28, 1992, as amended through 1999, available in 4 THE LAWS OF BOTSWANA Cap. 38:01 (2003).

⁵ *Id.* art.57, para. (1).

⁶ *Id.* art.57, para. (2).

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BURMA (MYANMAR)

LAWS CONCERNING HUNTING RESTRICTIONS

It could not be determined from the materials on hand in the Law Library whether or not Burma prohibits the use of mechanized vehicles or aircraft for hunting. The Protection of Wildlife and Conservation of Natural Areas Law¹ has a short chapter on hunting, which provides that hunting is by license and that the license may stipulate “terms and conditions” for hunting. Those who have been given licenses must abide by the specified terms. It is possible that such terms may relate to hunting methods.²

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¹ Protection of Wildlife and Conservation of Natural Areas Law, Law No. 6/94, June 8, 1994, *translated in* OFFICE OF THE ATTORNEY GENERAL, MYANMAR LAWS 1993-1994, 257-274 (2003).

² *Id.* arts. 19-20.

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CAMEROON

LAWS CONCERNING HUNTING RESTRICTIONS

Cameroon is a signatory of the African Convention on the Conservation of Nature and Natural Resources, 1968.¹ That agreement requires that contracting states adopt adequate legislation on hunting, capture and fishing under which unauthorized methods are prohibited,² including the use of mechanically propelled vehicles.³ Cameroon ratified the Convention on July 18, 1977, and deposited instruments of accession on September 29, 1978.

Cameroon enacted a Law on Forests, Wild Life and Fish in 1994. In its section on hunting, the Law specifies that traditional hunting is permitted, but that for other forms of hunting a license is required. The Law does not discuss, however, restrictions on particular methods of hunting.⁴ According to a list of laws on the UN Food and Agriculture Organization website, Cameroon also adopted a Decree on the Application of the Wild Life Regime in 1995.⁵ Unfortunately, that Decree could not be located in the Law Library's collection. It is possible that it contains provisions restricting hunting methods.

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¹ African Convention on the Conservation of Nature and Natural Resources, 1968, Organization of African Unity, http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_Nature%20&%20Natural_Resources.pdf (last visited February 2, 2009).

² *Id.* art. VII, para. 2 (b).

³ *Id.* art. VII, para. 2 (c) (4) (1).

⁴ Law No. 94/01, Jan. 20, 1994., *Regime des Forêts de la Faune et de la Pêche*, 1 CAMEROON TRIBUNE: LES CAHIERS SPECIAUX 5-19 (1994).

⁵ Decree No. 95/466, July 20, 1995, FAO, *Legislation Reviewed*, FAO CORPORATE DOCUMENT REPOSITORY, available at <http://www.fao.org/docrep/005/y3844e/y3844e0a.htm> (last visited Aug. 27, 2009).

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CHAD

LAWS CONCERNING HUNTING RESTRICTIONS

The sources available to the Law Library of Congress indicate that Chad is a signatory to the African Convention on the Conservation of Nature and Natural Resources¹, signed on September 15, 1968 in Algeria. Article VII of the Convention, on Faunal Resources, prohibits the use of mechanically propelled vehicles in hunting wild animals.²

As of May 5, 2009, Chad has not ratified nor deposited the instruments of accession as provided for in the Convention, nor has Chad provided notification of denunciation of the treaty.

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¹ African Union website, http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_Nature%20&%20Natural_Resources.pdf.

² African Convention on the Conservation of Nature and Natural Resources of Sept. 15, 1968, The African Union, available at http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_Nature%20&%20Natural_Resources.pdf (official source).

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CHINA

LAWS CONCERNING HUNTING RESTRICTIONS

Executive Summary

In China, the national law does not specifically prohibit the use of a vehicle in hunting, but authorizes the government wildlife protection agency and local governments to determine prohibited hunting methods. Five out of 32 governments on the provincial level¹ have issued wildlife protection regulations containing a prohibition against hunting with vehicles.

I. National Law

The *Wildlife Protection Law* (promulgated by the Standing Committee of the National People's Congress, SCNPC, in 1988, amended on Aug. 28, 2004) of the People's Republic of China provides protection to wild animals against illegal hunting. According to the law, government wildlife protection agencies and local governments are authorized to regulate and prohibit hunting gear and hunting methods.²

The Ministry of Forestry (MOF) is the authorized wildlife protection agency in the central government. The MOF promulgated *The Implementation Regulations on Terrestrial Wildlife Protection* in 1992 (approved by the State Council on Feb. 12, 1992, effective Mar. 1, 1992) (the Regulations).³ The Regulations delineate prohibited methods of hunting, which include using military weapons, poison, and illuminated hunting at night. Although hunting with a vehicle is not within the list of prohibited hunting methods, the Regulations do not exclude it and leave it to the local governments to decide.⁴

It is worth noting that before the Wild Life Protection Law was passed, China regulated wildlife protection through a document titled *The State Council Instruction on Active Protection and Reasonable Use of Wildlife Resources* (issued on September 14, 1962) (Instruction).⁵ In the Instruction, hunting with a vehicle was specifically prohibited. The validity of the Instruction is not clear after the Wildlife Protection Law was passed. However, the Instruction has not been officially declared to be void. Thus, local governments may refer to the Instruction when making their determination to prohibit specific hunting methods within their jurisdictions.

¹ Currently, there are 23 provinces (China considers Taiwan to be its 23rd province), 5 autonomous regions and 4 municipalities directly under the State Council. In addition, China has two special administrative regions (Hong Kong and Macau), which are not covered by this report. *Chinaview, About China*, XINHUANET, http://news.xinhuanet.com/english/2003-02/19/content_815536.htm (last visited January 12, 2009).

² Wildlife Protection Law, art. 20, 2004 FAGUI HUIBIAN 1060, 1063.

³ Regulations, 1992 FAGUI HUIBIAN 645.

⁴ Regulations, art. 18, 1992 FAGUI HUIBIAN 651.

⁵ Instruction, sec. 5. CHINALAWINFO (Chinalawinfo ID No. 256).

II. Local Legislation

Within the local government wildlife protection regulations available at the Law Library of Congress, five provincial wildlife protection regulations contain the prohibition of hunting with motorized vehicles. The five regulations are:

- (i) *Xinjiang Uygur Autonomous Region Implementation Regulations of Wildlife Protection Law* (promulgated Nov. 2, 1991, amended Nov. 26, 2004);⁶
- (ii) *Qinghai Province Implementation Regulations of Wildlife Protection Law* (promulgated Sept. 22, 1995, effective Nov. 1, 1995);⁷
- (iii) *Gansu Province Implementation Regulations of Wildlife Protection Law* (promulgated Oct. 31, 1990, amended June 4, 2004);⁸
- (iv) *Jilin Province Interim Implementation Regulations of Wild Animals and Plants Protection Law* (promulgated and effective Mar. 3, 1985);⁹ and,
- (v) *Guizhou Province Regulations of Terrestrial Wildlife Protection* (promulgated and effective Oct. 17, 1992).¹⁰

Guizhou Province revised its terrestrial wildlife protection regulations on August 4, 2008; the prohibition against hunting with vehicles remained intact.¹¹

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⁶ CHINALAWINFO (ChinaLawInfo ID No. 16837299).

⁷ CHINALAWINFO (ChinaLawInfo ID No. 16783359).

⁸ CHINALAWINFO (ChinaLawInfo ID No. 16831053).

⁹ CHINALAWINFO (ChinaLawInfo ID No. 16805292).

¹⁰ CHINALAWINFO (ChinaLawInfo ID No. 16918780).

¹¹ CHINALAWINFO (ChinaLawInfo ID No. 17022837).

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ETHIOPIA

LAWS CONCERNING HUNTING RESTRICTIONS

Ethiopia signed but did not ratify the African Convention on the Conservation of Nature and Natural Resources, 1968.¹ The Convention calls for protection of certain listed species from hunting, killing, capture or collection of specimens by Contracting States. The degree of protection differs based on the inclusion of the species in Class A or B of the Annex to the Convention.

Proclamation No. 192 of 1980 to Provide for the Conservation and Development of Forest and Wildlife Resources² prohibits hunting wild animals without written permission from the National Forest and Wildlife Conservation and Development Authority. The Proclamation also imposes penalties including imprisonment, a fine or both, on violators. The Proclamation does not specifically prohibit hunting methods such as shooting from aircraft and motorized vehicles.

A Proclamation published in September 2007 prohibits hunting in a state forest without “written permit from the Ministry of Agriculture and Rural Development or the appropriate regional body”.³ Violation of this provision entails punishment by imprisonment of not less than 6 months and not exceeding 5 years and 30,000 Birr (\$3300.33) fine.⁴ This proclamation does not provide any specific restrictions regarding hunting methods that may be employed by licensed hunters.

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¹ Organization of African Unity website, http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_Nature%20&%20Natural_Resources.pdf (last visited Aug. 27, 2009).

² Proclamation No. 192 of 1980, FAOLEX - DOCUMENT METADATA, available at http://faolex.fao.org/cgi-bin/faolex.exe?rec_id=002236&database=FAOLEX&search_type=link&table=result&lang=eng&format_name=@ERALL. Although parts of this Proclamation have been repealed by the Forest Conservation, Development and Utilization Proclamation No. 94/1994, provisions that relate to wildlife have remained in effect. See Girma Hailu, Environment Law: Ethiopia (2000), available at <http://www.dundee.ac.uk/cepmlp/journal/html/vol9/article9-12.pdf>, last visited Jan. 5, 2009.

³ Art. 14(3)(d), A Proclamation to Provide for the Development, Conservation and Utilization of Forests, No. 542, FEDERAL NEGARIT GAZETA, 3812-3828 (2007) (official source).

⁴ *Id.* Art. 20(6).

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FORMER SOVIET REPUBLICS OF
ARMENIA, AZERBAIJAN, KAZAKHSTAN, KYRGYZSTAN
TAJIKISTAN, TURKMENISTAN, AND UZBEKISTAN
LAWS CONCERNING HUNTING RESTRICTIONS

Despite the fact that each country included in this report has national hunting and environmental protection legislation, the definition of illegal hunting is provided by criminal laws. The Criminal Codes of all researched post-Soviet Republics criminalize activities aimed at illegal extracting of fauna if the act was committed with aggravating circumstances, making the consequences of the illegal hunting especially grave and severe. Criminal punishment, including imprisonment, is established for those who commit this crime. Except of Turkmenistan, all countries listed in this report recognize illegal hunting as an administrative misdemeanor; all of them, however, consider the use of mechanized air, land, and water vehicles or other means of transportation a factor entailing especially aggravating consequences. The description of vehicles and the punishment prescribed by each national Criminal Code varies.

This report reviews relevant provisions of nations' criminal laws and provides updates on recent law enforcement activities in the field of environmental protection. Recent years were characterized by increased environmental law enforcement in all countries included in this report. In all countries researched, charges were brought against those who were involved in illegal hunting, and some cases were resolved by local courts with criminal sentencing of the hunters.

Armenia: "Illegal hunting, which has been committed through the use of mechanical means of transportation or aircraft... is punished by a fine in the amount of 100 to 400 minimal monthly salaries, or correctional labor up to 2 years, or with arrest for the term of 2-3 months. The same action committed by abuse of official position or by a group of persons with prior agreement, is punished with imprisonment for the term of up to 2 years."¹

In 2008, the State Prosecutor's Office of Armenia reviewed the activities of companies advertising hunting assistance to foreigners, and made sure that services offered to the hunters do not contradict environmental protection legislation.²

Azerbaijan does not include the provision on illegal hunting in its Criminal Code,³ perhaps because of the insignificance of hunting activities in this country due to its geographic

¹ Criminal Code of Armenia, adopted by the Parliament on April 18, 2003, Sec. 294.

² Reported by *ArmInfo* news agency at <http://www.regnum.ru/news/fd-abroad/armenia/979384.html> (last visited Aug. 27, 2009).

³ Criminal Code of Azerbaijan, adopted by the legislature on January 31, 2005.

terrain. However, article 256.2.2 of the Criminal Code prosecutes illegal extraction of fish and other water animals, and provides for punishment in the form of corrective works for up to one year or imprisonment for up to two years, if this was committed with the application of self-propelled floating means.⁴

In Azerbaijan, the State Hunting Inspection ordered the extension of the previously imposed ban on bird hunting during the winter hunting season for an indefinite time, and bird hunting was prohibited for the 2008 and 2009 winter hunting seasons.⁵ In February 2008, because of illegal hunting, foreign citizens were deported from Azerbaijan and prohibited from entry into this country in the future. That was reportedly the first case of deportation of an individual indicted for violation of environmental legislation.⁶

Kazakhstan: “Illegal hunting if committed with the use of mechanical means of transportation or aircraft... is punishable by a fine in the amount equal to the 2 to 5 monthly incomes of the accused person, or correctional labor up to 2 years, or with arrest for the term of from 4 to 6 months. The same action committed by a person who used his official position or by a group of persons with prior agreement is punishable by a fine in the amount equal to 5 to 7 average monthly incomes of the accused person, or by imprisonment for the term of up to 2 years.”⁷

Kyrgyzstan: “Illegal hunting committed with the use of a mechanical vehicle or an aircraft... is punishable by a fine in the amount equal to 200 to 500 minimal monthly salaries, or by a 6-month arrest, or by imprisonment up to two years. The same action committed by a person who used his official position or by a group of persons with prior agreement is punishable by imprisonment up to three years.”⁸

Tajikistan: “Illegal hunting if committed using land, water, or air means of transportation is punishable by a fine of 500 to 1,000 times the monthly minimal wage or by correctional labor for up to 2 years, or by imprisonment for a period of from 3 to 6 months. The same act committed by a group in a conspiracy is punishable by imprisonment for a period of from 3 to 5 years.”⁹

In **Turkmenistan**, any violation of the established hunting rules regardless of the presence of aggravating factors is considered a crime punishable by a fine and one year of corrective labor.¹⁰ Any form of usage of mechanized transportation vehicles in the course of a

⁴ *Id.* Sec. 256.2.2.

⁵ Reported by *Interfax Azerbaijan* news agency at http://www.analitika.az/articles.php?item_id=20061128070538985&sec_id=8 (last visited Aug. 27, 2009).

⁶ Reported on Feb. 12, 2008, by Mir TV channel at <http://mirtv.ru/content/view/23910/86/> (last visited Aug. 27, 2009).

⁷ Criminal Code of Kazakhstan, adopted by the Law No. 167-1 of July 16, 1997, Sec. 288.

⁸ Criminal Code of Kyrgyzstan, adopted by the Law No. 68 of October 1, 1997, Sec. 278.

⁹ Criminal Code of Tajikistan, adopted by the legislature on May 16, 1998, Sec. 232.

¹⁰ Criminal Code of Turkmenistan, Sec. 321, adopted by the Law No. 222-1 of June 12, 1997, in force since January 1, 1998.

hunt is an aggravating factor that increases the punishment to a two-year imprisonment or corrective labor.¹¹

Amendments to the Criminal Code adopted in October 2008 introduced increased fines,¹² and in November 2008, an outfitter who organized an illegal hunt was fined in the amount equal to US \$5,600, which is a very large sum of money by local standards.¹³ Also, on January 1, 2009, the Government established ban on the issuance of licenses to hunt animals included in the national list of endangered species (Red Book) entered into force.¹⁴

Uzbekistan: “Violation of rules regarding hunting, fishing, or extraction of other species... with the use of land, water, or air mechanical means... is punishable by a fine in the amount of 75 to 100 times of the minimal monthly labor wage or imprisonment for a term of from three to five years with confiscation of property.”¹⁵

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¹¹ *Id.* Sec. 321.2(b).

¹² Law on Amendments to the Criminal Code of Turkmenistan, TURKMENISTANYN MEJLISININ MAGLUMATLARY [OFFICIAL GAZETTE], Oct. 25, 2008, at 2.

¹³ A report by Central Asia News Service, available at <http://www.centrasia.ru/newsA.php?st=1224059880> (last visited Aug. 27, 2009).

¹⁴ TURKMENISTANYN PREZIDENTININ NAMALARYNYN WE TURKMENISTANYN HOKUMETININ COZGUTLERININ YGYNDYSY [OFFICIAL GAZETTE FOR ACTS OF THE EXECUTIVE BRANCH OF GOVERNMENT] 2008, No. 24, Item 347.

¹⁵ Criminal Code of Uzbekistan, adopted by the Law No. 214-XII of September 22, 1994, in force since January 1, 1995, Sec. 202.

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KENYA

LAWS CONCERNING HUNTING RESTRICTIONS

Introduction

Kenya law prohibits the hunting of wildlife in the national parks or with the use of motorized vehicles or aircraft for reconnaissance, scouting, chasing or otherwise harassing animals. Except as provided in the Wildlife Conservation and Maintenance Act,¹ discussed below, a person hunting any protected animal or game animal, other than as the holder of a license and subject to the conditions thereof, is deemed guilty of a forfeiture offense. Similarly, hunting a game bird is an offense.

The Wildlife Conservation and Maintenance Act

Authorization for hunting may only be issued for scientific purposes, subject to the conditions imposed in the authorization. No person shall approach within five hundred meters of a game animal for the purpose of hunting in a motor vehicle or aircraft. An aircraft or motor vehicle shall not be used to locate a game animal, nor shall a person use such vehicle to drive, stampede, or unduly disturb any protected animal or game animal for any purpose. No firearm shall be discharged at or in the direction of an animal from a motor vehicle or aircraft or from within four hundred meters of a motor vehicle. Shooting an animal from a mechanically propelled vessel while the vessel is in mechanically induced motion is an offense.²

In May 1969, Kenya ratified the African Convention on the Conservation of Nature and Natural Resources, 1968³ which mandates that member states adopt “adequate legislation on hunting, capture and fishing prohibiting unauthorized methods of hunting.”⁴ The Convention specifically prohibits the use of mechanically propelled vehicles.⁵

It does not appear that any amendment has been made to the Kenya Wildlife Conservation and Maintenance Act restrictions on hunting with the use of motorized vehicles or aircraft since date of the original publication of this report.

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¹ Laws of Kenya, v. 15, c. 376.

² *Id.* § 35.

³ African Convention on the Conservation of Nature and Natural Resources, 1968, Organization of African Unity, available at [http://www.africa-union.org/root/au/Documents/Treaties/Text/ConventionNature%20&%20Natural Resources.pdf](http://www.africa-union.org/root/au/Documents/Treaties/Text/ConventionNature%20&%20Natural%20Resources.pdf).

⁴ *Id.* art. VII, para. 2 (b).

⁵ *Id.* art. VII, para. 2 (c) (4) (i).

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MONGOLIA

LAWS CONCERNING HUNTING RESTRICTIONS

Executive Summary

Mongolia's 1995 Law on Hunting bans chasing animals with vehicles. The Law of Mongolia on Special Protected Areas prohibits hunting, catching, frightening, or driving out animals or damaging or demolishing their nests, dens, or holes for purposes other than those stipulated in that Law. The Law further generally prohibits landing an aircraft or flying over national conservation parks at extremely low altitudes without previous permission from the relevant authorities. Moreover, the use of prohibited means to hunt animals in a prohibited place, at a prohibited time without due permission is a punishable act under the Criminal Code.

I. General Legislation

The Constitution of Mongolia stipulates that Mongolia's "land, its subsoil, forests, water, fauna and flora and other natural resources shall be subject to people's power and State protection" (art. 6, para. 1) and that its citizens have "the right to a healthy and safe environment, and to be protected against environmental pollution and ecological imbalance" (art. 16, para. 1, item 2).¹ Moreover, the Constitution states that citizens have the duty "to protect nature and the environment" (art. 17, para. 2), while the government, in implementing state laws, has the power "to undertake measures on the protection of the environment and on the rational use and restoration of natural resources" (art. 38, para. 2, item 4).²

The Mongolian Law on Protection of the Environment,³ which came into effect in June 1995, requires that natural resources, including wildlife, be protected from adverse effects and

¹ The Constitution of Mongolia, adopted on January 13, 1992, as last amended on December 14, 2000. For an online text of the Constitution in Mongolian and in English translation, see National Legal Center, *Essential Business Laws of Mongolia*, Official Website of the Government Organizations of Mongolia, <http://www.pmis.gov.mn/law/english/laws.html> (last visited Jan. 12, 2009).

² *Id.*

³ The Law on Protection of the Environment, Mar. 30, 1995, entered into force on June 5, 1995; it was amended by the Law Amending the Law on Protection of the Environment, Nov. 18, 2005. For the text of the 1995 Law in English translation, with amendments as of April 25, 2002, see Mongolia Ministry of Industry and Trade website, http://mit.mit.pmis.gov.mn/en/download/laws/envprot_law.pdf (last visited Jan. 12, 2009) (labeled "official translation"). An English translation is also available on the FAOLEX [online legal database maintained by the Legal Office of the Food and Agriculture Organization of the United Nations] website, at <http://faolex.fao.org/docs/texts/mon32709.doc>. For the text of the 2005 amendments, see *Amendments of the Environmental Protection Law of Mongolia*, FAOLEX, Nov. 18, 2005, available at <http://faolex.fao.org/docs/texts/mon61514.doc> (unofficial source). The text of the Law as amended in 2008 is currently not available in English translation in the Law Library

ecological imbalance (art. 3). It further stipulates that very rare animals may not be hunted or trapped and that rare and very rare animals must be registered in the Red Book of Mongolia and be given protection (art. 19, para. 2, items 1 & 2).

II. Laws on Hunting, Specially Protected Areas, and Fauna

The Law on Hunting of 1995 was passed to “regulate the protection and proper use of Mongolia's game animals” and therefore concentrated “mainly on those species that are or were regularly hunted.”⁴ The Law gives total protection to certain species and regulates the hunting of others by means of permits, fees, and closed seasons. It apparently also prohibits certain hunting methods and the taking of animals under certain circumstances. Among the banned hunting practices are chasing animals in snow or ice, smoking out marmots, and chasing animals with vehicles.⁵ Under the Criminal Code, causing “a large amount” of damage by hunting or catching animals without appropriate permission during a prohibited time at a prohibited place with prohibited weapons, means, or methods is punishable by a fine as well as confiscation of property, incarceration for a term of more than three to six months, or imprisonment for a term of up to three years (article 203.1).⁶

The Law of Mongolia on Special Protected Areas⁷ of 1995 stipulates, under article 12 on activities prohibited in national conservation parks, that it is prohibited to hunt, catch, scare, or

of Congress collection, nor was it found online. The 2005 and 2008 amendments are referenced in Philip Tortell, Adiyasuren Ts. Borjigidkhan, & Erdenesaikhan Naidansuren, INSTITUTIONAL STRUCTURES FOR ENVIRONMENTAL MANAGEMENT IN MONGOLIA 15 (Aug. 2008), United Nations Development Program [UNDP] website, available at http://mirror.undp.org/Mongolia/publications/Env_Gov_%20Final_Report.pdf.

⁴ *Chapter 2: Status of Conservation in Mongolia*, National Biodiversity Strategy and Action Plan (Part III, English version), Biodiversity Conservation Action Plan for Mongolia (Ulaanbataar, Apr. 1996), Convention on Biological Diversity Web site, <http://www.cbd.int/doc/world/mn/mn-nbsap-01-p3-en.pdf> (last visited Jan. 13, 2009). The Law on Hunting, Apr. 10, 1995, entered into effect on June 5, 1995. See *Mongolia - Links*, Asian Development Bank Web site, <http://www.adb.org/MNRM/links.asp?p=ctrymon> (last visited Jan. 13, 2009). See also sample pages of MONGOLIA TODAY: SCIENCE, CULTURE, ENVIRONMENT AND DEVELOPMENT (Dendeviin Badarch, Raymond A. Zilinskas, & Peter J. Balint eds. 2003), available at http://books.google.com/books?id=JFCcHroYNCUC&dq=Mongolia+Today&printsec=frontcover&source=bl&ots=wGWYQnXGaU&sig=JqBV5BbE_i-0mcfNB2BG1ZS9IY&hl=en&sa=X&oi=book_result&resnum=5&ct=result#PPA12.M1. (last visited Jan. 13, 2009).

⁵ *Chapter 2: Status of Conservation in Mongolia*, *supra* note 5.

⁶ The Criminal Code of Mongolia entered into force Sept. 1, 2002. For an English translation, see Criminal Code of Mongolia (Revised), United Nations High Commissioner for Refugees (UNHCR) Refworld, <http://www.unhcr.org/refworld/pdfid/3ed919fd4.pdf> (last visited Jan. 13, 2009). For an English translation of 2004 amendments to the Code, see Amendment to the Criminal Code of Mongolia of May 14, 2004, UNHCR Refworld, available at <http://www.unhcr.org/refworld/docid/4721ca222.html> (last visited Jan. 13 2009).

⁷ The Law of Mongolia on Special Protected Areas was adopted Nov. 15, 1994, and became effective Apr. 1, 1995. For an English translation, see the State Great Hural of Mongolia Database of Laws. Please see attachment. Article 11 of the Law covers activities that are permitted in limited zones provided that they are done in a way not harmful to nature and with relevant permission. Item 4 is “activities regulating the census of animals, their number, age, gender and herd composition according to approved schedule and methodology.” Note that the translation of the text is incomplete; it only covers up to the middle of article 15.

drive out animals or damage or demolish their nests, dens, or holes with purposes other than those stipulated in article 11, paragraph 1, of the Law (art. 12(3)). The Law further prohibits landing an aircraft or flying over national conservation parks at extremely low altitudes without previous permission from the relevant authorities unless there is no other option (art. 12(8)). A “national conservation park” is defined as “an area taken under special protection of the State in order to ensure the ecological balance for peculiar features of natural zone and belt, its state of originality and outstanding scientific significance” (art. 7).

Mongolia also has a Law on Fauna, which was adopted in 2000. It stipulates that the hunting and trapping of fauna is regulated by the Law on Hunting (art. 2, para. 2) and provides a number of definitions related to fauna, among them, definitions of “extremely rare animals,” “rare animals,” “game animals,” and “game resources” (art. 3, para. 1, items 2 & 3).⁸ With regard to the protection of extremely rare fauna, the Law states that the species enumerated as such “may be hunted or trapped with special permits by the central government organization only for scientific purposes”. The Law prohibits “hunting or trapping, preparing and trading hides, fur and other parts of extremely rare fauna” for purposes other than those specified (art. 7, paras. 2 & 3).⁹ Hunting or trapping of rare fauna, a list of which is to be approved by the government, is allowed by permit under certain specified circumstances (art. 7, para. 5).

In addition, Mongolia has regulations specific to certain nature reserves. Thus, according to a set of regulations for the Gun-Galuut Nature Reserve, it is prohibited, with certain exceptions, “[t]o hunt, catch, scare or drive out animals, damage or demolish their nests, dens or holes with the purpose other than activities regulating the census of animals, their number, age, gender and herd composition” (art. 4, para. 4.2, item 4. 2.3) or “[t]o conduct other activities harmful to ... nature and [the] environment prohibited by legislation and [the] protection regime” (art. 4, para. 4.2, item 4. 2.10).¹⁰ The exceptions have to do, for example, with conducting surveys and research through methods not harmful to the environment (art. 3, para. 3.2); engaging in certain activities with a permit, such as fishing and sports hunting, in a permitted place in a tourism zone (art. 3, para. 3. 4, item 3.4.3); and, engaging in those kinds of activities, among other specified ones, in a limited zone (art. 3, para. 3.5, item 3.5.1).

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⁸ The Law on Fauna (also sometimes translated as the Law on the Animal World), May 5, 2000. For the text in Mongolian, see the Mongolian Legal Unified Information System, <http://www.legalinfo.mn/insys/lawmain.php?vlawid=23#> (last visited Jan. 12, 2009), or alternatively LEX-FAOC042018, FAOLEX, <http://faolex.fao.org/docs/texts/mon42018.doc>. (last visited Jan. 12, 2009). Note that FAOLEX has translated the title of the document as the Law on Hunting. It has also indicated that the text it provides is in Russian; it is actually in Russian Cyrillic format but not in Russian translation. For an English translation, see Law on Fauna, FAOLEX, <http://faolex.fao.org/docs/pdf/mon77263E.pdf>. (last visited Jan. 13, 2009).

⁹ *Id.*

¹⁰ Regulation Must Be Adhered in Gun-Galuut Nature Reserve [sic], Appendix Two of Resolution No. 1 of 9th Citizens’ Representative Khural of Bayandelger Soum [district], Tov Province, Sept. 26, 2003, available at http://www.argalipark.com/file/regulation_Gun-Galuut_nature_reserve.pdf.

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* At present there are no Law Library of Congress research staff members versed in Mongolian. This report has been prepared by the author's reliance on practiced legal research methods and on the basis of relevant legal resources, chiefly in English, currently available in the Law Library and online.

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LAW LIBRARY OF CONGRESS

MOZAMBIQUE

LAWS CONCERNING HUNTING RESTRICTIONS

In order to hunt in Mozambique, the legislation requires that a person, either a national or a foreigner, have a license. The specific license needed varies according to the type of hunt, type of hunting tools used, type of hunter, species to be hunted and hunting place. However, the regulation concerning commercial hunting available at the government's web site is silent in regard to the use of motorized vehicles during the hunting.¹

Mozambique signed and ratified in 1981, the African Convention on the Conservation of Nature and Natural Resources, 1968.²

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¹ Portal do Governo de Moçambique, Caça Comercial, available at http://www.portaldogoverno.gov.mz/Servicos/NegInvestiment/licenc/cacaCom/index_html/view?searchterm=ca%C3%A7a%20comercial (last visited January 5, 2009).

² African Convention on the Conservation of Nature and Natural Resources, 1968, Organization of African Unity, available at http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_Nature%20&%20Natural_Resources.pdf.

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NAMIBIA

LAWS CONCERNING HUNTING RESTRICTIONS

Executive Summary

Namibian law regulates hunting and subject to specific exemptions, generally prohibits hunting while using vehicles and aircraft for the purpose of shooting, tracing, and chasing animals.

I. Introduction

The Nature Conservation Ordinance, 1975 (No. 4 of 1975) (hereafter the Ordinance),¹ as amended,² consolidates the laws of Namibia relating to the conservation of nature, the establishment of game parks and nature reserves, the control of problem animals, and related issues.

Namibia is not a signatory of the African Convention on the Conservation of Nature and Natural Resources, 1968.³

II. Legality of Hunting While Utilizing a Mechanized/Motorized/Moving Vehicle

The Ordinance prohibits the use of vehicles and aircraft in the process of hunting, subject to specific exemptions. It provides:

Use of vehicles and air-craft when hunting and capturing game.

43. (1) Any person who, during a hunting expedition shoots at game out of or from a moving motor vehicle or an aircraft, or who, for any purpose whatsoever, including that of filming or photography, wilfully [sic] drives game by means of a motor vehicle or an aircraft, shall be guilty of an offence: Provided that the Executive Committee may grant exemption from the provisions of this section prohibiting him from using motor vehicles and aircraft so to capture, to drive away or to shoot at game, to-

¹ Nature Conservation Ordinance, 1975 (No. 4 of 1975), FAOLEX (a database of national legislation and international agreements concerning food and agriculture maintained by the Legal Office of the Food and Agriculture Organization of the United Nations), *available at* http://www.fao.org/fi/shared/faolextrans.jsp?xp_ISIS_MFN=014319 &xp_faoLexLang=E&xp_lang=en (last visited Aug. 27, 2009).

² For a list of amending acts and their full text *see* FAOLEX, http://faolex.fao.org/cgi-bin/faolex.exe?rec_id=014319&database=FAOLEX&search_type=link&table=result&lang=eng&format_name=@ERALL (last visited Aug. 27, 2009).

³ Organization of African Unity website, http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_Nature%20&%20Natural_Resources.pdf.

(a) the owner or lessee of a farm or land-

(i) desiring to drive away or shoot at game in accordance with the provisions of section 37 (1);

(ii) desiring to capture game on such farm or land in accordance with the provisions of section 40 (1) or (2);

(b) a licensed game dealer desiring to capture game in accordance with the provisions of this Ordinance.

(2) Any exemption referred to in subsection (1) may be granted in general or to a specific person or in respect of a specific occasion.⁴

III. Legality of Shooting Animals from an Aircraft or a Vehicle

The prohibition against using vehicles and aircraft in hunting applies to hunting “by any means whatsoever to kill or attempt to kill, or to shoot or attempt to shoot at.”⁵ In addition, the Ordinance provides:

Restrictions in regard to fire-arms and capturing apparatus.

42. (1) No person shall use a revolver, pistol or automatic fire-arm when hunting game or use a fire-arm of which the bullet has an energy at the muzzle of the barrel which is lower than the following when hunting the species of game indicated thereunder:

(a) 5400 joules:

Buffalo.

(b) 2700 joules:

Eland

Kudu

Oryx

Wildebeest

Hartebeest

All species of exotic game.

(c) 1350 joules:

Springbok

Duiker:

Provided that the Executive Committee may for the purposes of this subsection by regulation differentiate between the calibre [sic] of different fire-arms in respect of different species of game.

(2) No person shall when hunting the species of game mentioned in subsection (1) (b) or (c) use cartridges with bullets commonly known as "solid".

(3) No person shall convey any fire-arm otherwise than in a securely fastened case or cover along any public road in the Territory unless such person is the owner or lessee of the land

⁴ The Nature Conservation Ordinance, 1975 (No. 4 of 1975) § 43, FAOLEX, available at http://www.fao.org/fi/shared/faolextrans.jsp?xp_ISIS_MFN=014319&xp_faoLexLang=E&xp_lang=en (last visited Aug. 27, 2009).

⁵ *Id.* § 1 (xxiv), defining the word “hunt.”

upon which such road is situated or has the right to hunt game or any other wild animal on such land.

(4) Subject to the provisions of chapter IV no person shall-

(a) bring or cause to be brought, or be in possession of, any snare, trap, spring trap, net, birdlime or any other device or means whatsoever, intended or suitable for the capture of any game or other wild animal or, subject to the provisions of subsection (3), a fire-arm;

(b) make any pitfall;

onto, or on, any land on which any game or other wild animals may presumably be found, unless such person is the owner or lessee of such land or unless such owner or lessee has previously given permission in writing to the person concerned to bring the article concerned onto such land or to make a pitfall on such land, and the said owner or lessee may destroy or render harmless any such article as aforementioned, which may have been brought onto such land without his permission: Provided that the provisions of paragraph (a) shall not apply to any stocks held by a licensed game dealer.

(5) Any person who contravenes or fails to comply with any provision of this section, [sic] shall be guilty of an offence.⁶

IV. Legality of Using Vehicles, Boats or Aircraft for Tracing or Chasing Animals

The prohibition against using vehicles and aircraft in hunting applies also to hunting “by any means whatsoever...to pursue, to search for, to lie in wait.”⁷

V. Legal Sources

The Ordinance is cited as The Nature Conservation Ordinance, 1975 (No. 4 of 1975) (hereafter the Ordinance).⁸ The full text of the ordinance and amendments is available on the FAOLEX website.⁹ It does not appear that any amendment was made to the restrictions on hunting with the use of motorized vehicles or aircraft since June 2007.

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⁶ *Id.* § 42.

⁷ *Id.* § 1 (xxiv), defining the word “hunt.”

⁸ Nature Conservation Ordinance, 1975 (No. 4 of 1975), FAOLEX, available at http://www.fao.org/fi/shared/faolextrans.jsp?xp_ISIS_MFN=014319&xp_faoLexLang=E&xp_lang=en (last visited Aug. 27, 2009).

⁹ *Id.*

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NEPAL

LAWS CONCERNING HUNTING RESTRICTIONS

Nepal enacted a law to protect wildlife in 1973.¹ The Act prohibits entry into a national game park without obtaining an entry permit or a written permission from the authorized official.² No person can hunt inside a national park without an official written authorization.³ All mammals, birds and reptiles as listed in Schedule I of the Act are considered protected wildlife. Hunting them is prohibited.⁴

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¹ The National Parks and Wildlife Conservation Act, 1973, http://www.internationalwildlifelaw.org/National_Park_Act_Nepal.pdf (unofficial source and translation).

² *Id.* § 4.

³ *Id.* § 5.

⁴ *Id.* § 9.

LAW LIBRARY OF CONGRESS

PAKISTAN

LAWS CONCERNING HUNTING RESTRICTIONS

In Pakistan, according to the Constitution, the protection, preservation, and conservation of wildlife is a subject on which the provinces may legislate. Each province has enacted similar conservation of wildlife laws to apply within its provincial territory.

For example, the Province of Punjab, which constitutes sixty percent of the population of the country, enacted the law in 1974.¹ The Act prohibits hunting in reserved or protected forests.² No one is allowed to possess a wild animal without a license.³ No one is allowed to hunt or shoot a wild animal by use of any firearm or other weapon.⁴ It is an offense to use any dog or hawk to run an animal to ground and kill it, even with the possession of a hunting license.⁵ Finally, use of a vehicle of any type to pursue an animal is also an offense and shooting an animal, except a wild boar, from a vehicle or conveyance is prohibited.

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¹ The Punjab Wildlife (Protection, Preservation, Conservation and Management) Act, No. 2 of 1974.

² *Id.* § 1(4).

³ *Id.* § 12.

⁴ *Id.* § 9.

⁵ *Id.* § 10.

LAW LIBRARY OF CONGRESS

SOUTH AFRICA

LAWS CONCERNING HUNTING RESTRICTIONS

Executive Summary

Subsidiary legislation regulating hunting and other restricted activities recently went into effect in South Africa. Among other prohibitions, the regulations restrict activities involving hunting while using motorized vehicles and aircraft. Such restricted hunting activities include shooting, tracing, and chasing animals.

I. Introduction

The Biodiversity Act, 2004 (Act 10 of 2004): Threatened or Protected Species Regulations (Regulation 152 of 2007)¹ was passed by the Minister of Environmental Affairs and Tourism on February 23, 2007 and went into effect on June 1, 2007.² Among other prohibitions, the regulations are designed to regulate hunting and provide for the specific restriction of activities involving specific listed threatened or protected species (hereafter listed species).³

South Africa is not a signatory of the African Convention on the Conservation of Nature and Natural Resources, 1968.⁴

II. Legality of Hunting While Utilizing a Mechanized/Motorized/Moving Vehicle

As a general rule, except for the management of damage-causing animals, listed threatened or protected species may not be hunted by motorized vehicles or aircraft.⁵ Such methods of hunting, however, will be permitted in the case of a veterinarian carrying out a

¹ Biodiversity Act, 2004 (Act 10 of 2004): Threatened or Protected Species Regulations (Regulation 152 of 2007) GOVERNMENT GAZETTE No. R. 152 (February 23, 2007). See also Policy, Law, Economics and Politics - Deepening Democracy through Access to Information (POLITY) website, http://us-cdn.creamermedia.co.za/assets/articles/attachments/04416_regulation152.pdf

. (last visited Aug. 27, 2009).

² Biodiversity Act, 2004 (Act 10 of 2004): Commencement of Threatened or Protected Species Regulations (Regulation 152 of 2007).

³ Biodiversity Act, 2004 (Act 10 of 2004): Threatened or Protected Species Regulations (Regulation 152 of 2007) § 2. For a list of relevant species see the Biodiversity Act, 2004 (Act 10 of 2004): Publication of lists of Critically Endangered, Endangered, Vulnerable and Protected Species, see GOVERNMENT GAZETTE No. R. 152, (February 23, 2007).

⁴ Organization of African Unity website, http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_Nature%20&%20Natural_Resources.pdf. (last visited Aug. 27, 2009).

⁵ Biodiversity Act, 2004 (Act 10 of 2004): Threatened or Protected Species Regulations § 26 (1)(c) (Regulation 152 of 2007) GOVERNMENT GAZETTE No. R. 152 (February 23, 2007). See also POLITY website at http://us-cdn.creamermedia.co.za/assets/articles/attachments/04416_regulation152.pdf

. (last visited Aug. 27, 2009).

disease control procedure, a scientific experiment, or an activity designed for management purposes, i.e., for the provision of veterinary treatment, or for relocating or transporting an animal.

The regulations allow the use of an aircraft and motorized vehicles for tracking an animal in an area where the hunt takes place over long range and for “culling.” The latter includes operations taken for execution of management plans as well as for killing an escaped damage-causing animal, if no other alternative exists. A motorized vehicle may also be used to allow a physically disabled or elderly person to hunt.⁶

III. Legality of Shooting Animals from an Aircraft or a Vehicle

In addition to the prohibition on hunting animals by motorized vehicles or aircraft, except for the management of damage-causing animals, listed threatened or protected species may not be hunted by means of any of the following:

- (vi) a weapon which, after it has been discharged, automatically reloads and fires when the trigger thereof is pulled or held in a discharged position;
- (vii) a weapon discharging a rim firing cartridge of .22 of an inch or smaller caliber;
- (viii) shotguns, except for the hunting of birds; and,
- (ix) air guns.⁷

IV. Legality of Using Vehicles, Boats or Aircraft for Tracing or Chasing Animals

The prohibitions on hunting by using motorized vehicles and aircraft apply to hunting activities, including tracing and chasing animals. According to the regulations the prohibitions apply to hunting activities that are designed;

- (a) to intentionally kill such species by any means, method or device whatsoever;
- (b) to capture such species by any means, method or device whatsoever with the intent to kill;
- (c) to search for, lie in wait for, pursue, shoot at, tranquillise [sic] or immobilise [sic] such species with the intent to kill; or,
- (d) to lure by any means, method or device whatsoever, such species with the intent to kill, but excludes the culling of a listed threatened or protected species in a protected area or on a registered game farm or the culling of a listed threatened or protected species that has escaped from a protected area and has become a damage causing animal.⁸

⁶ Biodiversity Act, 2004 (Act 10 of 2004): Threatened or Protected Species Regulations § 26 (4-6) (Regulation 152 of 2007) GOVERNMENT GAZETTE No. R. 152 (February 23, 2007).

⁷ *Id.* § 26 (1)(a)(vi-ix).

⁸ *Id.* § 1.

V. Legal Sources

The regulations are cited as “The Biodiversity Act, 2004 (Act 10 of 2004): Threatened or Protected Species Regulations (Regulation 152 of 2007), GOVERNMENT GAZETTE No. R. 152 (Feb. 23, 2007).”⁹ The full text of the regulations is accessible on the POLITY website.¹⁰

Although some amendments have been made to the regulations since June 2007, the restrictions on hunting with the use of motorized vehicles or aircraft have remained unchanged.

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⁹ *Id.*

¹⁰ POLITY website, http://us-cdn.creamermedia.co.za/assets/articles/attachments/04416_regulation152.pdf
. (last visited Aug. 27, 2009).

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SWEDEN

LAWS CONCERNING HUNTING RESTRICTIONS

Executive Summary

Sweden's Environmental Code and Species Protection Ordinance provide for special legal protective measures to be taken in regard to certain wild fauna. The Environmental Code indicates in general that local authorities may issue rules restricting the right to hunt in a specific area if an animal species in that area needs special protection "over and above" the relevant prohibitions imposed elsewhere in the Code or the prohibitions and restrictions provided for in the legislation on hunting.

The Species Protection Ordinance provides that motor vehicles and aircraft may not be used to capture or kill such species, nor may means or methods of capturing or killing them be used in such a way to cause "serious disturbance" to a local population of the species. Sweden is also party to Europe's Bern Convention and the Habitats Directive of the Council of Europe, which have similar provisions. However, it has not been possible at this time to determine whether or not motorized vehicles or aircraft may be used to hunt non-protected birds and animals.

I. General Legislation

Hunting in Sweden is regulated in general by the Environmental Code¹ as well as by a variety of hunting laws and ordinances. The latter include, most notably, the Hunting Act,² the Hunting Ordinance,³ and the Species Protection Ordinance.⁴

¹ Miljöbalk (Svensk författningssamling [SFS] 1998:808) (Swed.). The Environmental Code entered into force on January 1, 1999. For an online text in Swedish, updated as of 2009, see Rättsnätet website, <http://www.notisum.se/rnp/SLS/lag/19980808.htm> (last visited Aug. 13, 2009) (unofficial source). The most recent amendment is SFS:652, issued June 4, 2009, and in force as of Aug. 1, 2009, on activities requiring a permit, and affects Chapters 4, 6, 9, 16, and 17. For an English translation of the Code, amended as of August 1, 2000, see REGERINGSKANSLIET [Government Offices of Sweden] website, <http://www.regeringen.se/content/1/c4/13/48/385ef12a.pdf> (last visited Aug. 13, 2009) (unofficial source).

² Jaktlag (SFS 1987:259). The Law was issued on May 14, 1987. The text was last amended by SFS 2007:1241, issued on December 6, 2007, and entered into force on January 1, 2008. For the Swedish text, see Rättsnätet website, <http://www.notisum.se/rnp/sls/lag/19870259.HTM> (last visited Aug. 13, 2009) (unofficial source). An English translation is not currently available in the Law Library of Congress collection.

³ Jaktförordning (SFS 1987:905). The Ordinance was issued on September 24, 1987. It was last amended by SFS2009:655, issued on June 4, 2009, and in force on July 1, 2009. For the Swedish text, see Rättsnätet website,

Chapter 8, “Special Provisions Concerning the Protection of Animal and Plant Species,” of Part II, “Protection of Nature,” of the Environmental Code contains a broad provision that authorizes the government to issue rules prohibiting the killing of wild animals, among other acts, “where there is a risk of a wild animal species becoming extinct or being subject to exploitation or where they are necessary for compliance with Sweden’s international undertakings with respect to the protection of such a species” (*see also* below) except when necessary to defend a person or valuable property against attack (section 1, paragraph 1).

Furthermore, “[s]pecial provisions shall apply to the killing or capture of wild animals of certain species where such an act takes place in connection with hunting or fishing” (section 1, paragraph 2). Chapter 7, “Protection of Areas,” under Part II of the Code contains general protections on national parks, wildlife and plant sanctuaries, and special protection areas and special areas of conservation, among other matters. In regard to the sanctuaries, it provides, in the case of animals, that local authorities may issue rules restricting the right to hunting or the right of the public or the owner of the land to enter a specific area if an animal species in that area needs special protection “over and above” the prohibitions imposed in chapter 8, section 1, or the prohibitions and restrictions provided for in the legislation on hunting (section 12).

II. Specific Regulations

In regard to the specific issues of whether the use of a motorized vehicle for hunting purposes is illegal, the Species Protection Ordinance contains the following provisions. Section 5, paragraph 1, prohibits the use of “non-selective” means or methods of capturing or killing certain animal species living in the wild “that may cause the extinction or serious disturbance of a local population of the species.” It goes on to state, “[c]apture or killing may not take place from a motor vehicle in motion or from an aircraft” [*Fångst eller dödande får inte ske från motorfordon i rörelse eller från flygplan*].⁵ Such species are specified in an Annex to the Ordinance.

However, according to paragraph 2 of section 5, the above prohibition does not apply to the capture or killing of birds or mammals. It further stipulates that the lawful means and

<http://www.notisum.se/rnp/SLS/lag/19870905.HTM> (last visited Aug. 13, 2009) (unofficial source). An English translation is not currently available in the Law Library of Congress collection.

⁴ Artskyddsförordning (SFS 2007:845). The Ordinance was issued on Nov. 8, 2007. For the Swedish text, *see* Rättsnätet website, <http://www.notisum.se/rnp/SLS/lag/20070845.htm>. It was last amended by SFS2009:325, issued on November 8, 2007. For an English translation of the Artskyddsförordning (SFS 1998:179), the former Species Protection Ordinance that was issued on April 14, 1998, last amended by SFS2007:845 (issued on Nov. 8, 2007), and repealed on Jan. 1, 2008, *see* Rättsnätet website, <http://www.notisum.se/rnp/sls/lag/19980179.HTM>. The text of the Ordinance as amended as of June 2006 (by SFS2006:1016) is available in English translation; *see* *Species Protection Ordinance* (click on *The Previous Species Protection Ordinance*), the Swedish Environmental Protection Agency (Naturvårdsverket) website, http://www.naturvardsverket.se/en/In-English/Menu/Nature-conservation_and_wildlife_management/Protection-of-plants-and-animals/Species-Protection-Ordinance/ (last visited Jan. 9, 2009). Section 1b, paragraphs 1 and 2, are virtually identical to paragraphs 1 and 2 of section 5 of the new Species Protection Ordinance.

⁵ Artskyddsförordning (SFS 2007:845).

methods of capturing or killing these animals are found in the Hunting Act and the Hunting Ordinance, while provisions on fishing, to which the paragraph 1 prohibition also does not apply, are found in the Ordinance on Fishing, Aquaculture, and Fisheries (1994:1716).

Regrettably, English translations of the Hunting Act and the Hunting Ordinance are apparently at present unavailable in the Law Library of Congress collection or online. It is unclear, therefore, whether using motorized vehicles or aircraft to hunt non-protected species not in danger of extinction or serious disturbance is permitted under these provisions.

III. Relevant European Treaties

Sweden is a signatory to the Convention on the Conservation of European Wildlife and Natural Habitats.⁶ Article 6(c) of the Convention stipulates: “the deliberate disturbance of wild fauna, particularly during the period of breeding, rearing and hibernation, insofar as disturbance would be significant in relation to the objectives of this Convention,” is prohibited for certain wild fauna species (listed in its Appendix II, “Strictly Protected Fauna Species”). According to article 8:

In respect of the capture or killing of wild fauna species specified in Appendix III [Protected Fauna Species] and in cases where, in accordance with Article 9, exceptions are applied to species specified in Appendix II, Contracting Parties shall prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species, and in particular, the means specified in Appendix IV.

Appendix IV lists aircraft and “vehicles in motion” among these prohibited means.⁷

As a Member State of the European Union, Sweden must also implement the Habitats Directive,⁸ whose article 15 stipulates:

⁶ The “Bern Convention.” The Convention entered into force on June 1, 1982. European Treaty Series [ETS] No. 104, done at Bern, Sept. 19, 1979, available at <http://www.lcje.org/Docs/Legislation/BERN%20CONVENTION%20TEXT.doc>. Sweden signed the Convention on Sept., 19, 1979, and ratified it on June 14, 1983; it entered into force on October 1, 1983. Available at Council of Europe website, <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=104&CM=8&DF=6/21/2007&CL=ENG> (last visited Jan. 8, 2009).

⁷ Hunting of Appendix II species is otherwise apparently permitted in small numbers, according to article 9. That article lists, among exceptions to the prohibited means in article 8, “the taking, keeping or other judicious exploitation of certain wild animals and plants in small numbers,” provided this is done “under strictly supervised conditions, on a selective basis and to a limited extent.”

⁸ Council Directive 92/43 /EEC, of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora, OJ L 206, 22.7.1992, p. 7, as amended, available at EUROPA, <http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1992/L/01992L0043-20070101-en.pdf> (last visited Jan. 8, 2009) (unofficial source). A list of European Community legislation on the environment, including the conservation of wild flora and fauna, is available at <http://eur-lex.europa.eu/en/legis/latest/chap1510.htm> (last visited Jan. 9, 2009).

In respect of the capture or killing of species of wild fauna listed in Annex V (a) and in cases where, in accordance with Article 16, derogation's are applied to the taking, capture or killing of species listed in Annex IV (a), Member States shall prohibit the use of all indiscriminate means capable of causing local disappearance of, or serious disturbance to, populations of such species, and in particular:

- (a) use of the means of capture and killing listed in Annex VI (a);
- (b) any form of capture and killing from the modes of transport referred to in Annex VI (b).

The “modes of transport” in Annex VI, referred to in article 15(b) above, include aircraft and moving motor vehicles.

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* At present there are no Law Library of Congress research staff members versed in Swedish. This report has been prepared by the author's reliance on practiced legal research methods and on the basis of relevant legal resources, chiefly in English, currently available in the Law Library and online.

LAW LIBRARY OF CONGRESS

TANZANIA

LAWS CONCERNING HUNTING RESTRICTIONS

Tanzania signed the African Convention on the Conservation of Nature and Natural Resources, 1968,¹ and ratified it in 1974. That agreement states that Contracting States shall adopt adequate legislation on hunting, capture and fishing under which unauthorized methods are prohibited,² including the use of mechanically propelled vehicles.³

Tanzania's Wildlife Conservation Act⁴ states that no one shall, other than with written permission, use any mechanically propelled vehicle to hunt any animal. It also prohibits hunting any animal from any mechanically propelled vehicle or within 200 meters of such a vehicle, except when hunting birds in water.⁵

It does not appear that any amendments have been made to the laws restricting hunting methods since June 2007.

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¹ African Convention on the Conservation of Nature and Natural Resources, 1968, Organization of African Unity, available at http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_Nature%20&%20Natural_Resources.pdf.

² *Id.* art. VII, para. 2 (b).

³ *Id.* art. VII, para. 2 (c) (4) (1).

⁴ Wildlife Conservation Act, Dec. 1, 1974, as amended through 1994, available in 7 LAWS OF TANZANIA Cap. 283 (2003).

⁵ *Id.* art. 57 para (1) (a) (i) & (1) (b) (i).

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TURKEY

LAWS CONCERNING HUNTING RESTRICTIONS

Executive Summary

Hunting in the Republic of Turkey is governed chiefly by the Terrestrial Hunting Law of 2003 and its by-laws, which contain provisions banning hunting with aircraft or motorized vehicles. Turkey is a member of the Bern Convention and is also seeking to conform to the provisions of the Council of Europe's Habitats Directive and Birds Directive; all three of these documents prohibit the hunting of certain wildlife species using aircraft or motorized vehicles.

I. National Legislation

The Constitution of the Republic of Turkey contains the general provision: “[i]t is a duty of the state and citizens to improve the natural environment, protect the environmental health and prevent environmental pollution.”¹ The Environmental Law (No. 5491/2006) of April 2006, which entered into force on October 12, 2006, updated Turkey’s longstanding environmental legislation of 1983 (Law No. 2872).²

Law No. 4915 on Terrestrial Hunting (*Kara Avcılığı Kanunu*) (hereinafter Hunting Law) of July 1, 2003,³ and its by-laws are the key legislative bases in Turkey for the protection,

¹ Türkiye Cumhuriyeti Anayasası [Constitution of the Republic of Turkey] art. 56, ¶ 2, as amended Feb. 23, 2008 (in Turkish), available at <http://www.anayasa.gen.tr/1982ay.htm> (last visited Jan. 12, 2009) (unofficial source). Although the Constitution was amended in February 2008, the Constitutional Court annulled the amendments in a decision dated June 5, 2008 (No. E.2008/16, K.2008/116). Kemal Gözler, *Turkish Constitutional Law Materials in English*, last updated Aug. 19, 2008, available at <http://www.anayasa.gen.tr/english.htm>. For an English translation of the Constitution as amended in May 2007, see *Turkey Constitution*, INTERNATIONAL CONSTITUTIONAL LAW [ICL], May 10, 2007, available at http://www.servat.unibe.ch/icl/tu000000_.html (unofficial source, but based on the text published by the Office of the Prime Minister).

² Çevre Kanunu [Law on the Environment], No. 2872, adopted on August 9, 1983, in force on August 11, 1983, as amended by Law No. 5491 of April 24, 2006, Turkish Ministry of Environment and Forestry website, available at <http://www.cevreorman.gov.tr/yasa/k/2872.doc>. For a brief description of Law No. 5491, see *Turkey: Law No. 5491 amending the Environmental Law No. 2872*, available at FAOLEX website, No. LEX-FAOC065097, http://faolex.fao.org/cgi-bin/faolex.exe?rec_id=065097&database=FAOLEX&search_type=link&table=result&lang=eng&format_name=@ERALL (last visited Jan. 12, 2009). Law No. 5491 was published in 26167 RESMÎ GAZETE [OFFICIAL GAZETTE] (May 13, 2006). The FAOLEX webpage cited above has a link to an English translation of Law No. 2872 of 1983.

³ The Hunting Law entered into force July 11, 2003, with its publication in 25165 RESMÎ GAZETE (July 11, 2003). For the online text in Turkish, see Ministry of Justice website, <http://www.mevzuat.adalet.gov.tr/html/1269.html> (last visited Jan. 12, 2009) (unofficial source). The Law was apparently amended on January 23, 2008; those amendments are incorporated into the text of the Law provided by the Ministry of Justice.

management, and conservation of wildlife, including those species listed under Annex IV of the Council of Europe’s Habitats and Birds Directives, with which Turkey is seeking to be in conformity (*see below*). Article 6 of this Law prohibits the use of ground vehicles, air- and watercraft, magnetic waves, and light-emitting vehicles and equipment when hunting in certain locations determined by the Central Hunting Commission. Turkey’s Central Hunting Commission has the authority to take additional protective measures when needed.⁴ The Hunting Law also provides for the annual establishment of provincial hunting commissions, each of which drafts decisions about hunting-related issues in its province, which are forwarded to the Central Hunting Commission Secretariat of the General Directorate of Nature Protection and National Parks.⁵

Some other potentially relevant documents include the Circular on Illegal Hunting of Wild Animals (*Yaban Hayvanlarının Yasadışı Öldürülmeleri ile İlgili*) of May 21, 2002;⁶ the Regulation on Hunting Procedures and Principles Applicable to Local and Foreign Hunters (*Yerli ve Yabancı Avcıların Av Turizmi Kapsamında Avlanmalarına İlişkin Usul ve Esaslar Hakkında Yönetmelik*) of January 8, 2005;⁷ and the Regulation on Protecting Habitats of Game and Wild Animals (*Av ve Yaban Hayvanlarının ve Yaşam Alanlarının Korunması, Zararlılarıyla Mücadele Usul ve Esasları Hakkında Yönetmelik*) of October 24, 2005.⁸

II. European Conventions and EU Directives

Turkey is a party to the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention).⁹ Article 6(c) of the Convention prohibits the “deliberate

⁴ *Country Session: The Republic of Turkey*, Agenda Item: Habitat Directive, Directive 92/43/EEC, of Screening Chapter 27: Environment, May 29-June 2, 2006, available at Republic of Turkey Prime Ministry Secretariat General for EU Affairs website, http://www.abgs.gov.tr/tarama/tarama_files/27/SC27_DET_02.09.HABITAT.pdf (last visited Jan. 12, 2009).

⁵ Özgün Emre Can, *Status, Conservation and Management of Large Carnivores in Turkey* (Oct. 2004), Report to the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, Strasbourg, 24th Meeting, November 29-Dec. 3, 2004, T-PVS/Inf (2004) 8, available at <http://www.lcie.org/Docs/Regions/Turkey/COE%20LCs%20in%20Turkey%202004.pdf> (last visited Aug. 27, 2009).

⁶ The Circular entered into force on the date of its promulgation in the Official Gazette, May 21, 2002. *See* 24761 RESMÎ GAZETE (May 21, 2002), available at FAOLEX, <http://faolex.fao.org/docs/texts/tur35440.doc> (last visited Jan. 9, 2009) (unofficial source). A description in English of the Circular’s contents is available through a search (e.g., “Turkey, hunting”) on the FAOLEX website.

⁷ The Regulation entered into force January 8, 2005. *See* 25694 RESMÎ GAZETE, Jan. 8, 2005, available at the Turkish Ministry of Justice website, <http://www.mevzuat.adalet.gov.tr/html/23064.html> (last visited Jan. 12, 2009) (unofficial source). A description in English of the Regulation is available on the FAOLEX website, through a search. FAOLEX also has a link to the text in Turkish, at <http://faolex.fao.org/docs/texts/tur50399.doc>.

⁸ The Regulation entered into force on October 24, 2005. For the text in Turkish, *see* 25976 OFFICIAL GAZETTE (Oct. 24, 2005), available at Turkish Ministry of Justice website, <http://www.mevzuat.adalet.gov.tr/html/23064.html> (last visited Jan. 12, 2009).

⁹ The Convention entered into force on June 1, 1982. European Treaty Series [ETS] No. 104, done at Bern, September 19, 1979, available at Large Carnivore Initiative for Europe website, <http://www.lcie.org/Docs/Legislation/BERN%20CONVENTION%20TEXT.doc> (last visited Jan. 12, 2009). Turkey signed the Convention on September 19, 1979, and ratified it on May 2, 1984; it entered into force for Turkey on September 1, 1984. *See*

disturbance” of certain wild fauna species specified in Appendix II, “Strictly Protected Fauna Species.” In addition, according to article 8:

In respect of the capture or killing of wild fauna species specified in Appendix III [Protected Fauna Species] and in cases where, in accordance with Article 9, exceptions are applied to species specified in Appendix II, Contracting Parties shall prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species, and in particular, the means specified in Appendix IV.

Appendix IV lists aircraft and “vehicles in motion” among these prohibited means.¹⁰ Although Turkey’s instrument of ratification contains reservations to the Convention with regard to some species and some methods and tools of hunting,¹¹ the latter reservations do not include aircraft and vehicles in motion.

Because Turkey has “Accession Country” status for membership in the European Union, it is required to adjust to Accession Partnership and make efforts to put the EU’s Environmental Acquis into practice. Part of this requires implementation of the Habitats Directive¹² and the Birds Directive.¹³ Each of these Directives has prohibitions against the capture or killing of certain wild fauna species by means of motorized vehicles or aircraft. Article 15 of the Habitats Directive stipulates:

In respect of the capture or killing of species of wild fauna listed in Annex V (a) and in cases where, in accordance with Article 16, derogations are applied to the taking, capture or killing of species listed in Annex IV (a), Member States shall prohibit the use of all indiscriminate means capable of causing local disappearance of, or serious disturbance to, populations of such species, and in particular:

(a) use of the means of capture and killing listed in Annex VI (a);

Council of Europe website, <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=104&CM=8&DF=1/12/2009&CL=ENG> (last visited Jan. 12, 2009).

¹⁰ Hunting of Appendix II species is otherwise apparently permitted in small numbers, according to article 9. That article lists, among exceptions to the prohibited means in article 8, “the taking, keeping or other judicious exploitation of certain wild animals and plants in small numbers,” provided this is done “under strictly supervised conditions, on a selective basis and to a limited extent.” *See also Country Session: The Republic of Turkey, supra* note 4.

¹¹ For the list of reservations, *see* Council of Europe website, <http://conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=104&CM=8&DF=01/02/2006&CL=ENG&VL=1> (last visited Jan. 12, 2009).

¹² Council Directive 92/43 /EEC, of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora, OFFICIAL JOURNAL (L 206), 22/07/1992, at 7 -50, as amended, *available at* EUROPA, <http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1992/L/01992L0043-20070101-en.pdf> (last visited Jan. 12, 2009) (unofficial source). A list of European Community legislation on the environment, including the conservation of wild flora and fauna, is *available at* <http://eur-lex.europa.eu/en/repert/1510.htm#15103020>.

¹³ Council Directive 79/409/EEC of 2 April 1979 on the Conservation of Wild Birds, OFFICIAL JOURNAL (L 103), 25/04/1979, at 1-18, *available at* EUROPA, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31979L0409:EN:HTML> (last visited Jan. 12, 2009) (unofficial source).

- (b) any form of capture and killing from the modes of transport referred to in Annex VI (b).

The “modes of transport” in Annex VI, referred to in article 15(b), above, include aircraft and moving motor vehicles. Under article 8 of the Birds Directive, it is stipulated that:

1. In respect of the hunting, capture or killing of birds under this directive, member states shall prohibit the use of all means, arrangements or methods used for the large-scale or non-selective capture or killing of birds or capable of causing the local disappearance of a species, in particular the use of those listed in Annex IV (a).
2. Moreover, Member States shall prohibit any hunting from the modes of transport and under the conditions mentioned in Annex IV (b).

Annex IV(b) includes aircraft and motor vehicles as well as boats driven at a speed over five kilometers per hour. However, “[o]n the open sea, member states may, for safety reasons, authorize the use of motor-boats with a maximum speed of 18 kilometres per hour,” but must inform the European Commission of any authorizations granted.¹⁴ According to one secondary source, with regard to the hunting of birds in Turkey:

All birds are protected except game birds and so-called pest species such as crows. Turkish Hunting Regulation [sic] are updated each year by a commission, and protect most species, although a few are not protected as required by the Bern Convention. There are close [sic] seasons for quarry species, and for turtle doves and quails this is 1 March – 22 August. Bag limits are set for these quarry species. Spring shooting is banned. Trapping and the use of poisoned baits, boats and vehicles for hunting are prohibited.¹⁵

Given Turkey’s membership in the Bern Convention and goal of implementing the Council of Europe’s Habitats and Birds Directives, the above-cited restriction applies to other protected fauna. Nevertheless, as stated by Turkey’s own Ministry of Environment and Forestry in a 2006 report:

Although the requirements in the Habitats and Birds Directives may be met in general terms by the provisions of Law on National Parks No. 2873, Law on Terrestrial Hunting No. 4915 and other existing laws as laid down in Table 5.7 [of the report], the requirements of these Directives are not completely satisfied. Turkish National legislation is especially insufficient in forming inventory about habitats and species; establishing a monitoring system for habitats and species; identification and classification of habitat types and animal and plant species which have special significance to these; taking into

¹⁴ *Id.*, Annex IV. For Turkey’s actions in relation to the Birds Directive, see, e.g., *Country Session: The Republic of Turkey*, Agenda Item: Birds Directive, Directive 79/409/EEC, of Screening Chapter 27: Environment, May 29-June 2, 2006, available at Republic of Turkey Prime Ministry Secretariat General for EU Affairs website, http://www.abgs.gov.tr/tarama/tarama_files/27/SC27DET_02.08.NP_bird.pdf (last visited Jan. 12, 2009).

¹⁵ *Illegal Hunting of Birds in Southern Europe and the Situation [sic] in Turkey*, AKYAKA.ORG, http://www.akyaka.org/birding/english/illegal_hunting.htm (last visited Jan. 12, 2009).

consideration of flora and fauna as well as their living environments in spatial plans; forming [a] protected areas network and in defining management plans. In order to remedy this deficiency, the draft of [a] Law on Biodiversity and Nature Protection has been prepared.¹⁶

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¹⁶ MINISTRY OF ENVIRONMENT AND FORESTRY, REPUBLIC OF TURKEY: EU INTEGRATED ENVIRONMENTAL APPROXIMATION STRATEGY (2007-2023) 49 (2006), available at http://www.cevreorman.gov.tr/belgeler4/uces_eng.pdf (last visited Aug. 27, 2009). See in particular § 5.7, “Nature Protection Sector.”

* At present there are no Law Library of Congress research staff members versed in Turkish. This report has been prepared by the author’s reliance on practiced legal research methods and on the basis of relevant legal resources, chiefly in English, currently available in the Law Library and online.

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ZAMBIA

LAWS CONCERNING HUNTING RESTRICTIONS

Zambia signed the African Convention on the Conservation of Nature and Natural Resources, 1968,¹ and ratified it in 1972. That agreement states that contracting states shall adopt adequate legislation on hunting, capture, and fishing under which unauthorized methods are prohibited,² including the use of mechanically propelled vehicles.³

Zambia adopted a Law on National Parks and Wildlife that includes provisions on hunting methods.⁴ Article 111 of this Law provides that except in certain cases, such as when a permit has been issued or in order to drive away animals from facilities to insure the safety of aircraft, the use of motor vehicles, boats, or aircraft for hunting game or protected animals, other than birds, is prohibited. It also specifies that it is an offense to discharge a weapon at an animal, other than a bird, from any motor vehicle, boat, or aircraft.

The Zambian Wildlife Act also among other things prohibits the use of motorized vehicles for hunting except in limited circumstances. According to §69, it is an offence to:

- a. use a motor vehicle, boat or aircraft for hunting any game animal or protected animal other than birds; or,
- b. use a motor vehicle, boat or aircraft to drive or stampede for any purpose any game animal or protected animal other than birds; or,
- c. discharge any firearm or other weapon at any animal, or protected animal, other than birds, from any motor vehicle, aircraft, boat or other conveyance, or discharge such firearm or other weapon from a point within two hundred and fifty meters' distance of any such motor vehicle, aircraft, boat or other conveyance.⁵

The Act, however, does allow the use of a motor vehicle, aircraft, boat or other conveyance for hunting any game animal or protected animal if proper permits that expressly allow such methods have been issued.⁶ The Act also allows driving away any animal, or protected animal from any aerodrome or land used or about to be used as an aerodrome in case of

¹ African Convention on the Conservation of Nature and Natural Resources, 1968, Organization of African Unity, available at http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_Nature%20&%20Natural_Resources.pdf.

² *Id.* art. VII, para. 2 (b).

³ *Id.* art. VII, para. 2 (c) (4) (1).

⁴ Law on National Parks and Wildlife, Aug. 29, 1991, Act No. 10, 1991, amended by Act No. 13, 1994, available in 12 LAWS OF THE REPUBLIC OF ZAMBIA Cap. 201 (1995).

⁵ Wildlife Act, Apr 24, 1998, Act No. 12, 1998, available at the Zambia Wildlife Authority website at http://www.zawa.org.zm/Zambia_Wildlife_Act_1998.htm (last visited January 5, 2009) (official source).

⁶ *Id.*

an emergency.⁷ The Act, in addition, authorizes the concerned Minister to regulate “conditions under which ...a vehicle, boat, or aircraft ...may enter into, travel through, reside or be kept, as the case may be, within a National Park or any part of the National Park.”⁸

It does not appear that any amendments have been made to the laws restricting hunting methods since June 2007.

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⁷ *Id.*

⁸ *Id.* §25(1)(a).

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ZIMBABWE

LAWS CONCERNING HUNTING RESTRICTIONS

Zimbabwe is not a signatory to the African Convention on the Conservation of Nature and Natural Resources, 1968.¹ As far as could be determined from the materials on hand in the Law Library of Congress, Zimbabwe does not have a provision restricting hunting with or from mechanized vehicles in its major legislation. Hunting is subject to licensing requirements and various other restrictions under the Parks and Wild Life Act.²

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¹ African Convention on the Conservation of Nature and Natural Resources, 1968, Organization of African Unity, available at http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_Nature%20&%20Natural_Resources.pdf.

² Parks and Wild Life Act, 3 STATUTE LAW OF ZIMBABWE 20:14 (1996), as amended by Act No. 19, 2001 (Harare, Government Printer, 2001).