



# Wildlife Conservation Law

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## Abstract

Legislation is a significant element of wildlife conservation and management. Wildlife conservation law is found at international, regional and national levels. The relevant legislation is listed and sources and relevant literature are provided.

## Keywords

Wildlife · Species · Animal · Law · Legislation · International · Convention · Enforcement

## Introduction

Throughout the world wildlife is suffering from a wide variety of depredations. Populations of animals, plants and other organisms, both rare and common, are being depleted at an ever-increasing rate, together with their habitat and wider environment.

Numerous measures, some discussed in other chapters in this book, are used to conserve what remains. These include conservation practices and management, politics, economics, traditional culture, community relations and education plus anything else that might make a difference. In

addition, the law is seen as an essential, if not necessarily particularly effective, instrument to protect and conserve wildlife, habitats, the environment and biodiversity.

Law can be used in a variety of ways to aid wildlife conservation. It can provide the administrative structure for the management of species and their habitats. It can establish offences, rules and regulations regarding wildlife that can be enforced through the judicial system.

Ideally, conservation legislation should be fit for purpose and properly enforced. Unfortunately, while wildlife legislation can be found in most countries, the extent and quality can vary considerably from old-fashioned hunting controls to comprehensive, contemporary provisions tailored to the needs of species and their habitat. Judicial systems and law enforcement in some countries are of high quality, imposing substantial penalties. However, elsewhere they are inadequate and under-used.

Legislation emanates from many sources, both within a country or internationally. National laws provide the essential authority and framework for wildlife conservation and management. International legislation is of considerable importance in wildlife conservation given the need for collaboration between nations arising from the extensive movement of non-domesticated species around the world as a natural occurrence, for trade and for other purposes.

No law is fully effective unless it is enforced. Where this involves punishing offences by

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prosecution through the judicial system, evidence must be provided. In the case of wildlife offences, forensic science is often called upon to produce sound evidence. Evidence, based on forensic science, is frequently required for the pursuit of claims involving wildlife in other fields of law, for example, for compensation for injury or damage to property or persons or for a breach of contract.

In addition to legislation, wildlife management and habitat protection are at times underpinned by “soft” law, such as agreements, statements of principles, memoranda of understanding, guidelines and standards. These are not legally enforceable but enable the development of co-operation and good practice in circumstances where authorities are not able to make a legally binding agreement (Birnie et al. 2009).

Customary laws and practices in use within a given community are sometimes applied as part of good conservation practices, see, for example, Kahler, A (2018) <https://www.nomos-elibrary.de/10.5771/9783845294360-912.pdf>.

## General Information and Definitions

In both science and law, definitions and terminology play an important role in providing clarity and precision in the production of sound information, documents and interpretation. Words often have assumed meanings that are used without further thought. Prime examples are the terms “wildlife” and “wild”. These words may intentionally refer to species that are truly free-living. Alternatively, they are often used for species that are of a kind commonly found in the wild but are actually held in captivity or under constraint. Thus, many zoological collections are described as a “wildlife park” or “wild animal attraction”. We speak readily of the wildlife trade or “the trade in wild animals”, but in fact an animal in trade is, of necessity, under some form of captivity or control and not “in the wild”. On closer examination, further questions arise. Does “wildlife” refer to animals? To invertebrates (Fig. 1)? To plants? To other organisms? To biodiversity in general?



**Fig. 1** Invertebrates, such as this East African hesperiid butterfly, form 90 percent of living creatures. Image credit: Mrs. Margaret E Cooper

It may be useful to use the term “wild” or “wildlife” in a general sense when it is clear from the context. However, in legal or scientific writing, particularly in respect of conservation, it may be important to make it clear whether the subject refers to free-living specimens or to those of a species that are most commonly found in the wild but are actually in captivity. In applying legislation, the laws or requirements often differ according to whether a species is free-living or captive. For example, an elephant, African or Asian, in most circumstances is assumed to be free-living, but, in fact, some are displayed in enclosures in zoological collections. In certain countries, Asian elephants are kept as working transport or ceremonial animals or live in holy temples. Conservation laws apply to the free-living elephants, but those in captivity are entitled to the benefits of any welfare legislation and may be subject to property laws. There may be grey situations where species are under partial control, for example, when captive-bred non-domesticated species are on “soft release” as part of a translocation or repopulation procedure.

In many day-to-day situations, the context will provide an insight into the intended meaning. However, when writing academic, scientific or forensic documents, it is important to examine critically the usage and to provide definitions appropriate in the circumstance. Décory (2019) looks in depth at definitions of animals.

In this chapter the terms will be used in a generic sense with more specific terminology for clarification where necessary. Some other key terms (primarily used in respect of animals) that should be considered carefully are also listed in Table 1 below.

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## Types of Law

There are many types or fields of law that can be relevant to wildlife conservation. For the most part, the basis and authority for wildlife conservation are parliamentary statutes (acts) or subsidiary (administrative) legislation such as regulations that provide the detailed implementation of the statute. The law is most commonly couched in terms of criminal law in that offences are provided as a means to enforce the laws. However, some civil law rights regarding land and property are used, particularly in environmental issues.

The types of law listed in Table 2 are based on the legislation of the “common law” countries, historically derived from the British legal system, that relies both on parliamentary legislation and on precedent, i.e. decisions of the courts. Other countries may have “civil law” systems based on Roman law, with codes of laws as the primary legal authority. Islamic law forms the basis of some countries’ legal systems and may be mixed with other regimes. For further information on the nature of legal systems, and the status of individual countries, refer to the University of Ottawa’s website JuriGlobe (<https://juri-globe.ca/en/>). For a brief summary of the legislative framework of EU member states, see N\_LEX (<https://n-lex.europa.eu/n-lex/>), a database providing access to the national laws of European Union (EU) countries.

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## Wildlife Conservation Law

### Levels and Sources

The purpose of wildlife conservation law is to provide measures to conserve or manage wildlife

in its many forms: species (of animal, plant and other organisms) and the habitat (locations, landscapes and other areas of land or water) upon which species (and people) depend for survival.

This chapter will focus on legislation relating to animals. However, past experience and present principles and practice of conservation management make it clear that, without the appropriate habitat, no species will survive in the wild (Fig. 2). It is acknowledged, therefore, that biodiversity, habitat and environmental law are equally important.

Wildlife conservation legislation should also include the means to implement and enforce such laws. Legislation is found in various levels and sources of law; see Table 3:

## The Development of Wildlife Laws

Wildlife laws existed at least a thousand years ago in England. Their early purpose was largely to manage wildlife and forests in order to preserve hunting, economic and other rights of the sovereign and other landowners (Law Commission 2012). In the USA, the right to hunt free-living animals for food, sport or pest control was, and is, fiercely defended. The late nineteenth century saw the beginnings of the legal protection of land and species for conservation purposes in various countries. In the UK, the Wild Birds Protection Act 1880 was one of the first species protection statutes. In the USA the passenger pigeon received legal protection by some states in the 1880s prior to its extinction. The federal Lacey Act was passed in 1900 to make it an offence to trade, in the widest sense, with illegally acquired, owned or transported wildlife, whether in violation of US or other countries’ laws.

National laws directed at wildlife conservation expanded during the next century in many parts of the world (see Table 7). The multiplicity of laws and lack of harmonisation lead to wide variation in the quality of protection and enforcement. The Council of Europe drew up the Berne Convention (see Table 6), and, subsequently, the European Union introduced the Habitats

**Table 1** Definitions

Term	Definitions	Comments
Wildlife	Species (animals, plants or organisms) that have not been domesticated Species that are commonly found free-living (free-ranging), living not under the control of people	Note: specimens of “wildlife” or “wild” animals or plants may also exist in captivity, e.g. in collections or research facilities. Some aspects of wildlife conservation law may apply to captive specimens as do animal welfare and animal health laws
Wild	Indicates variously “free-living” or “free-ranging”, i.e. not under control or constraint Non-domesticated species Non-cultivated plants Often used to describe species that are <i>of a kind</i> that is normally free-living but are actually under control	The term should be carefully defined in documents, research and evidence
Animal (scientific context)	Member of the scientific kingdom “Animalia” (see below)	Animals include both vertebrates and invertebrates
Animal (legal context)	The term “animal” has a different meaning in almost every piece of legislation, in accordance with its purpose	The definition is usually provided in the interpretation section of a law or regulation
Species Scientific name	Every known animal, plant and other organism has a designated scientific name The International Commission on Zoological Nomenclature (ICZN) advises and arbitrates on the naming of species through the International Code of Zoological Nomenclature ( <a href="https://www.iczn.org/">https://www.iczn.org/</a> ). The Royal Botanic Gardens, Kew, maintains the International Plant Names Index (IPNI) of the scientific names of plants ( <a href="https://www.ipni.org/">https://www.ipni.org/</a> )	Commonly used in modern wildlife legislation to define species to which the law applies Sometime the scientific name is revised, but the legislation continues to use the old nomenclature. This may need to be explained in forensic or other documents
Species Common name	Non-scientific name There may be multiple or local names for a single species	Used in old wildlife legislation. Explanation may be needed.
Species Vernacular name	Name used in the language of a particular group of people or in an area	Occasionally appears in old wildlife legislation This may need to be explained in forensic or other documents
Non-domesticated species	Species of animal not established as domesticated	
Free-living Free-ranging	Not under the control of people	
Feral	Free-living domesticated species	
Hybrid	Bred from more than a single species	In legislation (e.g. CITES) an offspring of a captive and a free-living specimen of a species may be referred to as “hybrid”
Domesticated species	An animal that breeds under human control, provides a product or service useful to humans, is tame and has been selected away from the wild type (Mason 1984)	Usually involves day-to-day control; dependent on humans for survival and welfare See also Décorey (2019)
Captive animals	Living under the control or care of people May be domesticated or non-domesticated	Non-domesticated species are kept in captivity for, e.g. pets, zoos, hobbies, rehabilitation, breeding, sport, research and breeding programmes for commercial or conservation purposes

(continued)

**Table 1** (continued)

Term	Definitions	Comments
Livestock	Domesticated species kept by people for food, other products or traction	“Wildlife”/non-domesticated species are kept for production, e.g. crocodile, ostrich or snail farming
Vertebrates/ invertebrates	Animals with/without backbones	In legislation the definition of “animal” may include or exclude invertebrates
Alien invasive species	IUCN: “species that are introduced, accidentally or intentionally, outside of their natural geographic range and that become problematic” EU “‘alien species’ means any live specimen of a species, subspecies or lower taxon of animals, plants, fungi or micro-organisms introduced outside its natural range; it includes any part, gametes, seeds, eggs or propagules of such species, as well as any hybrids, varieties or breeds that might survive and subsequently reproduce” EU ‘invasive alien species’ means an alien species whose introduction or spread has been found to threaten or adversely impact upon biodiversity and related ecosystem services’	International Union for Conservation of Nature (IUCN) <a href="https://www.iucn.org/regions/europe/our-work/biodiversity-conservation/invasive-alien-species">https://www.iucn.org/regions/europe/our-work/biodiversity-conservation/invasive-alien-species</a> Definition EU Regulation (EU) No 1143/2014 <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R1143">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R1143</a>
Endangered species	Term used in the IUCN Red List (IUCN 2020) Term used generically for animals at risk of extinction	The IUCN Red List of Threatened Species. Version 2020-2. <a href="https://www.iucnredlist.org">https://www.iucnredlist.org</a> The Red List categories describe a scientific, not a legal, status Also used as a specific designation in legislation, e.g. The Endangered Species Act, 1973 (USA) (Vucetich et al. 2006; <a href="https://www.jstor.org/stable/3879130?seq=1">https://www.jstor.org/stable/3879130?seq=1</a> Gleaves et al. 1992 <a href="https://scholarship.law.umt.edu/cgi/viewcontent.cgi?article=1231&amp;context=plrlr">https://scholarship.law.umt.edu/cgi/viewcontent.cgi?article=1231&amp;context=plrlr</a> )
Threatened species	The level of risk of extinction of a species is assessed in the IUCN Red List (IUCN 2020) There are 9 categories including “threatened” “critically endangered”, “endangered”, and “vulnerable” Also used as a specific designation in legislation, e.g. The Endangered Species Act, 1973 (USA)	The IUCN Red List of Threatened Species. Version 2020-2. <a href="https://www.iucnredlist.org">https://www.iucnredlist.org</a> . The Red List categories describe a scientific, not a legal, status

Directive and the EU Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Regulations (see Table 6) to provide a level of uniformity in the standards and provisions of wildlife legislation amongst their member countries. Regional treaties have also been drawn up in other parts of the world for the same purpose (see Table 6).

Legislation is made at different levels (see Table 3), and this has led to multiple designations

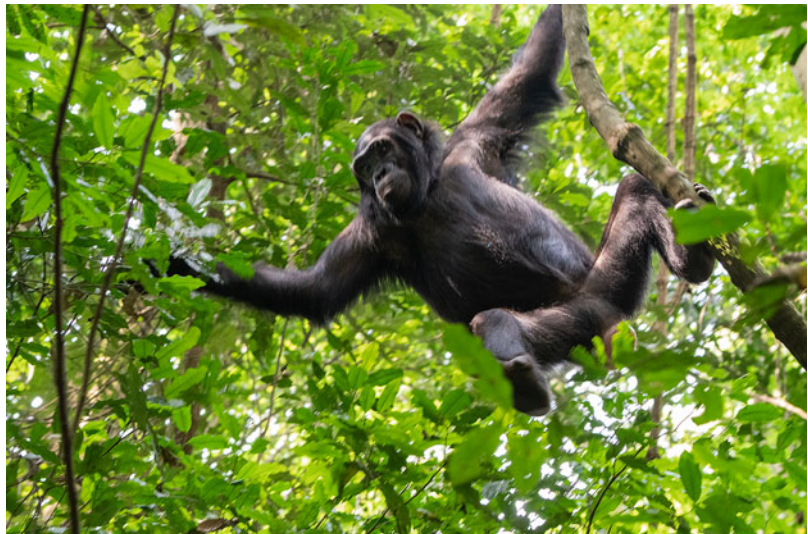
of protected species and habits. For example, the mountain gorilla (*Gorilla beringei beringei*) (Fig. 3) is listed on CITES and the Convention on Migratory Species (CMS) and in national legislation, and large parts of its habitat are designated as World Heritage sites (one area also as a Ramsar site) as well as being national parks (see Table 4).

Even a World Heritage site that is designated for its cultural value can nevertheless provide

**Table 2** Types and sources of law relevant to wildlife

Law	Description	Comments
Statute law	Legislation made by a parliament/legislature	Can apply to the fields of criminal, civil and other law
Criminal law	Laws that rely on offences and punishments by way of enforcing them	
Subsidiary law (UK) Administrative law (USA)	Regulations that implement the main statutory law	
Civil law	Applies to disputes between individuals, corporations and institutions Includes the law of nuisance, negligence, contract, property	Aspects of these forms of law may be used in claims relating to damage to the environment, e.g. claims for compensation or injunctions for personal injury, for damage to property or causing a “nuisance” such as excessive noise or the unregulated discharge of waste
Common law, case law	Law arising from decisions made by the courts. Often used in the interpretation and application of subsequent cases (precedent)	Interpretation of existing statute and subsidiary law or case law
Public law	Constitutional, administrative and criminal law	
European Union law	Regulations take direct effect in the law of member states Directives must be given legal effect by member states	<a href="https://ec.europa.eu/info/law/law-making-process/types-eu-law_en">https://ec.europa.eu/info/law/law-making-process/types-eu-law_en</a>
International law	Treaties and other instruments made between nations and other recognised international entities	Global or multi-lateral conventions, treaties, protocols, agreements, memoranda of agreement
Unwritten/customary law	Laws of an ethnic or other community or a locality; supervised by elders or leaders	Incorporating traditional management of natural resources to conservation practices
“Soft” law	Non-binding agreements, statements of principles, memoranda of understanding, guidelines and standards. These are not legally enforceable but enable the development of co-operation and good practice when legally binding agreement is not feasible (Birnie et al. 2009)	Widely used in multi-lateral wildlife negotiations

**Fig. 2** This chimpanzee (*Pan troglodytes schweinfurthii*) in Kibale National Park, Uganda, depends on its habitat for survival. Image credit: Nigel Harcourt-Brown



**Table 3** Levels and sources of wildlife conservation legislation

Level of law	Examples	Comments
International law	Global treaties, conventions, protocols	Made between governments Open to all countries They have to be implemented and enforced by measures in the national law of the participating countries
	Multi-lateral treaties Bilateral treaties	Made by specified governments for a common purpose
Regional		
European Union 27 member states	Directives Regulations	Legislation applies in all EU member states
Council of Europe 49 member states	Conventions	<a href="https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/104">https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/104</a>
Treaties for Africa, ASEAN countries, Central America	See Table 6	
Regional Seas Conventions, Protocols and Agreements	See Table 6	Protection of coastal marine areas and areas beyond national jurisdiction
National law		
Unitary countries	Made by individual countries E.g. Bangladesh, Kenya, New Zealand, Uganda	Applicable within that country's jurisdiction Laws apply throughout the country
Regionalised unitary countries	E.g. China, France, Indonesia, UK	Some powers devolved to regional governments
Federal countries Federal law	E.g. Australia, Canada, Germany, India, Mexico, Nigeria, USA	Federal laws apply and are enforced throughout the country International treaty conservation implementation and enforcement are managed thorough federal laws.
Federal countries State law	Law that applies within an individual state (province, lande, keshetra) that is a component of a federal country	The law applies and is enforced only within the jurisdiction of that state. Many conservation laws are made and enforced at state level
Local law, municipal law	Law applied within a city, county or other lower administrative jurisdiction	Usually deals with local concerns, e.g. licencing the keeping of non-domesticated animals and public health
Customary law (see above)	Unwritten law that is accepted by a community and supervised by elders or leaders	E.g. traditional rules of managing or sharing wildlife resources or recognising property rights May be recognised or applied in the course of wildlife conservation and management

some protection for the species and habitat within the protected area (Fig. 4).

## International Wildlife Conservation Legislation

### The Main Conventions

International conservation law began at the opening of the twentieth century with the London

Convention of 1900 (Convention for the Preservation of Wild Animals, Birds, and Fish in Africa) as a response to the loss of wildlife in Africa caused by hunting. While early treaties had little impact, the modern conservation conventions dealing with trade, habitat protection and cultural heritage and migratory species emerged alongside such policies as the Stockholm Declaration of 1972, World Conservation Strategy of 1980, World Charter for Nature 1982, and Report of the Brundtland Commission



**Fig. 3** The mountain gorilla and its habitat are protected by multiple legal designations. Image credit: Nigel Harcourt-Brown

(1987) on the need for sustainable development. This body of soft law (i.e. non-binding agreements, statements and other documents) recognising the need for conservation to be coupled with the sustainable use of natural resources, the recognition of the role played by human beings, their right to share the benefits of natural resources and the need to conserve the environment and ecology as a whole, led to the Convention on Biological Diversity (CBD) 1993. While the first four conventions dealt with single issues of species and habitat, the CBD addresses the need to conserve biodiversity in conjunction with the sustainable use and the fair sharing of natural resources. The five conventions, although developed separately, now collaborate extensively on common and overlapping issues. Authors who discuss the international wildlife legislation in detail include Birnie et al. (2009), Bowman et al. (2010) and Sands et al. (2018). A useful list of current international conservation laws and soft law agreements with a discussion of their value to conservation is provided by Trouwborst et al. (2017). The convention websites have the full legal and administrative documents and extensive information about the conventions and allied legislation.

The five conservation conventions are listed below in Table 4, together with sources of further information.

### **Sectoral and Single Species Treaties**

Some treaties and agreements are restricted in their application. They may apply to a specific area, species or purpose and may not relate directly or solely to wildlife conservation but may, nevertheless, be beneficial to conservation. Some are related to the management of stocks rather than species conservation. Some of these instruments are listed in Table 5.

### **Regional Wildlife Conservation Legislation**

In addition to treaties that are open to all nations, there are many regional and special purpose conventions and agreements. They may be directed at co-operation in a particular part of the world or may relate to a particular species or purpose in a region.

An example of the former is the Council of Europe Convention on the Conservation of European Wildlife and Natural Habitats (1979), known as the Berne Convention. It was the first conservation treaty to include provisions for both species and their habitats. It served to raise the standards of conservation and relevant legislation amongst its 49 member states, the EU and five African countries. Subsequently, the European Union brought in the Habitats Directive 1992 which has to be transposed into (implemented in) all 27 member states' national legislation.

There are regional conservation treaties for the Western Hemisphere, Africa, the South Pacific, the ASEAN countries and Central America that promote co-operation on conservation amongst countries of the particular areas (see Table 6).

Transboundary protected areas, such as the Great Limpopo Transfrontier Park in Mozambique, South Africa, and Zimbabwe are set up and managed under regional multi-lateral treaties between the concerned countries. The



**Table 4** The main conventions

Treaties/conventions	Purpose	Comments and definitions	Websites and references
Convention on Wetlands (Ramsar) 1971 171 parties	Designation and development of the wise use of wetland areas of international importance and international co-operation	“Wise use” means the conservation and sustainable use of wetlands	Convention website <a href="https://www.ramsar.org/">https://www.ramsar.org/</a> Full definition of “wise use”: <a href="https://www.ramsar.org/about/the-wise-use-of-wetlands">https://www.ramsar.org/about/the-wise-use-of-wetlands</a>
World Heritage Convention (WHC) 1972 193 parties	Designation, protection and conservation of sites of cultural or natural heritage	Includes areas of habitat important to threatened species or areas of exceptional value to conservation	Convention website <a href="https://whc.unesco.org/en/convention/">https://whc.unesco.org/en/convention/</a>
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 1973 183 parties	Regulation of the inter-country movement of threatened species (or their derivatives) listed on the Appendices, whether or not for commercial purposes	“Trade” means export, re-export, import and introduction from the sea <a href="https://cites.org/eng/disc/text.php#1">https://cites.org/eng/disc/text.php#1</a> Biological samples—simplified permits <a href="https://cites.org/sites/default/files/document/E-Res-12-03-R18.pdf">https://cites.org/sites/default/files/document/E-Res-12-03-R18.pdf</a>	Convention website <a href="https://cites.org/Appendices">https://cites.org/Appendices</a> <a href="https://cites.org/eng/app/appendices.php">https://cites.org/eng/app/appendices.php</a>
Convention on the Conservation of Migratory Species of Wild Animals (CMS or Bonn) 1979 130 parties	Framework for the conservation and sustainable use of migratory species listed on Appendices	CMS definition of migratory species: “cyclically and predictably cross one or more national jurisdictional boundaries” <a href="https://www.cms.int/sites/default/files/instrument/CMS-text.en_.PDF">https://www.cms.int/sites/default/files/instrument/CMS-text.en_.PDF</a> Numerous Agreements and Action Plans to promote co-operation between “range states” in conserving migratory species, such as birds, gorillas and marine turtles	Convention website <a href="https://www.cms.int/">https://www.cms.int/</a>
Convention on Biological Diversity (CBD) 1992 196 parties	Promotes the conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits derived from using natural resources	Cartagena Protocol To ensure the safe handling, transport and use of living modified organisms <a href="http://bch.cbd.int/protocol">http://bch.cbd.int/protocol</a> Nagoya Protocol Provides a legal framework: the fair and equitable sharing of benefits derived from using genetic resources. <a href="https://www.cbd.int/abs/about/default.shtml/">https://www.cbd.int/abs/about/default.shtml/</a>	Convention website <a href="https://www.cbd.int/intro/">https://www.cbd.int/intro/</a> Common portal for the conservation conventions <a href="https://www.cbd.int/cooperation/related-conventions/guide.shtml">https://www.cbd.int/cooperation/related-conventions/guide.shtml</a>

**Fig. 4** Gedi Ruins is a tentative World Heritage site and a designated national monument and museum. As such, it provides some protection for the species and habitat at the location. Image credit: Mrs. Margaret E Cooper



ensuing co-operation is also useful for dealing with wildlife crime. These “peace parks” occur in many parts of the world for the purpose of conservation of species, migratory patterns, habitats, landscapes and marine areas. Many protected areas are listed in the IUCN World Database on Protected Areas (<https://www.iucn.org/theme/protected-areas/our-work/world-database-protected-areas>).

Numerous multi-lateral treaties and agreements have been made under the Convention on Migratory Species in order to encourage co-operation in the conservation of the areas along the migratory routes of species listed on the Appendices to the CMS. These include agreements relating to various species of bird, gorillas and marine turtles.

The Antarctic Treaty serves to protect the continent in restricting its use to peaceful purposes and scientific research (<https://www.ats.aq/e/antarctic.html>). The Convention on the Conservation of Antarctic Marine Living Resources provides measures for the management of marine resources and fishing stocks in the region (<https://www.ccamlr.org/en/organisation/convention>). There are conservation laws for Antarctic polar bears (*Ursus maritimus*) and six species of Antarctic seals. Together, these treaties

comprise the Antarctic Treaty System (<https://www.scar.org/policy/antarctic-treaty-system/>). A number of books have been written on the Antarctic laws and are available at <https://newbooksinpolitics.com/political/the-antarctic-treaty-regime/>.

The UNEP Regional Seas Programme promotes the conservation of coastal seas and high seas and their natural resources. This includes treaties, agreements and plans of action for improving conservation legislation and species protection and preventing pollution in marine areas. The Regional Seas Programme provides a framework for inter-state collaboration in protection and conserving the environment of most of the world’s oceans and coastal regions (<https://www.unenvironment.org/explore-topics/oceans-seas/what-we-do/working-regional-seas/why-does-working-regional-seas-matter>).

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## National Wildlife Conservation Legislation

Most countries have national wildlife legislation. The provisions vary greatly between nations in content, quality and development. Some examples of individual countries’ legislation are

**Table 5** Sectoral or single species treaties

Treaty	Purpose	Websites
International Convention for the Regulation of Whaling 1946 89 members	The conservation of whale stocks and the management of catch limits	<a href="https://iwc.int/convention">https://iwc.int/convention</a>
Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) 26 members	Management of marine resources and fish stocks in southern Antarctic seas	<a href="https://www.ccamlr.org/en/organisation/convention">https://www.ccamlr.org/en/organisation/convention</a>
Agreement on the Conservation of Polar Bears 1973 5 range states	Range states recognise the need to conserve the polar bear	<a href="https://polarbearagreement.org/about-us/1973-agreement">https://polarbearagreement.org/about-us/1973-agreement</a>
Convention for the Conservation of Antarctic Seals 1972 17 parties	Protection, scientific study and rational use of Antarctic seals, maintaining ecological balance	<a href="https://iea.uoregon.edu/treaty-text/2808">https://iea.uoregon.edu/treaty-text/2808</a>
Convention on the Conservation and Management of the Vicuna 1979 5 signatories	Conservation and management, including economic use, of vicuna ( <i>Vicugna vicugna</i> )	<a href="https://www.ecolex.org/details/treaty/convention-for-the-conservation-and-management-of-the-vicuna-tre-000102/">https://www.ecolex.org/details/treaty/convention-for-the-conservation-and-management-of-the-vicuna-tre-000102/</a>

listed in Table 7, and the portals to collections of national laws are listed in Table 8.

National governments give effect to international treaties, such as the conservation conventions and other legislation mentioned earlier, by putting the provisions into their national law and providing powers to enforce them. For example, the US federal law, the Endangered Species Act of 1973 implements the CITES Convention. The EU CITES Regulations do the same for the 27 EU member states ([https://ec.europa.eu/environment/cites/legislation\\_en.htm](https://ec.europa.eu/environment/cites/legislation_en.htm)).

National wildlife legislation can include species protection for both plants and animals and habitat protection for both land and water. Habitat conservation is based on the designation of protected areas. There are so many different categories, from those internationally recognised to small local areas managed by private organisations, that the IUCN classifies them according to their management needs and governance types (Dudley et al. 2013). The protection accorded thereby also provides benefits (intentionally or otherwise) for the species located in the area. The conservation value of both

species and habitat is unequal as those that are most at risk receive stricter protection.

Despite inevitable variabilities, there are some core topics that are commonly included in species protection, as follows:

- Protected species are usually listed according to varying degrees of protection.
- Killing, taking, injuring and disturbing protected species are made offences (Fig. 5).
- Possession of wild animals may require authorisation, especially if they are protected species.
- Sites, nests, young and eggs are protected during the breeding season.
- Trade, i.e. sale or other commercial use, is an offence or controlled. CITES implementation may be included or put in separate legislation.
- Hunting may be illegal or regulated. There may be restrictions on the equipment used and methods of hunting.
- Close season restrictions are set for game species so that they are not hunted in the breeding season.
- Sustainable use of some species may be allowed by permit (see below).

**Table 6** Regional legislation

Regional	Regional conventions	Protection of coastal marine areas and areas beyond national jurisdiction
European Union	Birds Directive Habitats Directive CITES Regulations	Legislation applies in all EU member states
Council of Europe	Convention on the Conservation of European Wildlife and Natural Habitats (Berne Convention)	<a href="https://www.coe.int/en/web/bern-convention">https://www.coe.int/en/web/bern-convention</a> <a href="https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/104">https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/104</a>
Africa	African Convention on the Conservation of Nature and Natural Resources (revised 2006)	<a href="https://portals.iucn.org/library/sites/library/files/documents/EPLP-056.pdf">https://portals.iucn.org/library/sites/library/files/documents/EPLP-056.pdf</a>
Southeast Asia	ASEAN Agreement on the Conservation of Nature and Natural Resources	<a href="http://agreement.asean.org/media/download/20161129035620.pdf">http://agreement.asean.org/media/download/20161129035620.pdf</a>
UNEP Regional Seas programme Other regional seas programmes	Conventions, protocols and agreements on the conservation of coastal marine areas and the high seas	<a href="https://www.unenvironment.org/explore-topics/oceans-seas/what-we-do/working-regional-seas/why-does-working-regional-seas-matter">https://www.unenvironment.org/explore-topics/oceans-seas/what-we-do/working-regional-seas/why-does-working-regional-seas-matter</a>
The Antarctic Treaty	For the management of the Antarctic for peaceful and scientific purposes	<a href="https://www.ats.aq/e/antarctic treaty.html">https://www.ats.aq/e/antarctic treaty.html</a>

Some national legislation is made for the protection of an individual species that is particularly at risk or of special national significance, for example, the Philippine Eagle (*Pithecophaga jefferyi*) (<https://www.chanrobles.com/republicacts/republicactno6147.html>) (between 1970 and 2001) (see Table 7 and Krupa (1989)), bald (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos canadensis*) in the USA (<https://www.fws.gov/birds/policies-and-regulations/laws-legislations/bald-and-golden-eagle-protection-act.php>) and the European badger (*Meles meles*) in the UK.

Strict regulation usually requires some scope for flexibility, and authorisation may be given for the use of protected species or activities that may be acceptable as sustainable use or necessary control, such as:

- Captive breeding, farming or ranching, particularly when this reduces the pressure on wild populations
- Wildlife rescue, rehabilitation and release—in many countries, this requires training and authorisation
- Taxidermy of dead animals, legally acquired
- Display of protected species for education and entertainment
- Scientific research
- Sport, such as falconry
- Farming/ranching
- Protection of property
- Protection of crops
- Public health

Wildlife legislation often includes restrictions on the release into the wild of non-indigenous animals and plants outside their natural range. This has become an issue of serious concern due to the propensity of alien species of animal and plant to damage or to displace native species or habitat. Release may be illegal altogether or have to be authorised. By way of example, in the EU where there are estimated to be **12,000 alien species, 15% of which are invasive**, the EU regulation on invasive alien species makes it illegal to bring them into the EU, breed or transport or release them. There are also measures to deal with accidental introduction and for their control and eradication ([https://ec.europa.eu/environment/nature/invasivealien/index\\_en.htm](https://ec.europa.eu/environment/nature/invasivealien/index_en.htm)).

The variability of national wildlife conservation laws is such that it is essential to examine the precise law relating to any species, habitat or particular situation in a given country. The laws of a number of countries have been listed in

**Table 7** Examples of national wildlife legislation and where to find it

Country	Legislation and sources
Africa, West and Central	See LAGA Legal Regional Library in Table 8
Australia states and territories	Wildlife legislation within each state Database for federal and state legislation Australasian Legal Information Institute <a href="http://www.austlii.edu.au/">http://www.austlii.edu.au/</a> Environmental Crime in Australia, Samantha Bricknell, Australian Institute of Criminology 2010 Canberra <a href="https://core.ac.uk/download/pdf/30682032.pdf">https://core.ac.uk/download/pdf/30682032.pdf</a>
Australia federal law	Environment Protection and Biodiversity Conservation Act 1999 (amnd 2001); implementing obligations under international treaties <a href="https://www.environment.gov.au/biodiversity/wildlife-trade/law#">https://www.environment.gov.au/biodiversity/wildlife-trade/law#</a>
Cameroon	LOI N°94/01 du 20 janvier 1994 portant régime des forêts, de la faune et de la pêche See LAGA database in Table 8 Djeukam (2012), Nkoke et al. (2018)
Canada	Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (S.C.1992, c. 52) <a href="https://laws-lois.justice.gc.ca/eng/acts/W-8.5/">https://laws-lois.justice.gc.ca/eng/acts/W-8.5/</a> Wildlife Area Regulations (C.R.C., c. 1609) <a href="https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1609/index.html">https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1609/index.html</a> Migratory Birds Regulations (C.R.C., c. 1035) <a href="https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1035/index.html">https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1035/index.html</a> Canada Wildlife Act (R.S.C., 1985, c. W-9) <a href="https://laws-lois.justice.gc.ca/eng/acts/W-9/wildlife">https://laws-lois.justice.gc.ca/eng/acts/W-9/wildlife</a> National Parks Wildlife Regulations (SOR/81-401) <a href="https://laws-lois.justice.gc.ca/eng/regulations/SOR-81-401/">https://laws-lois.justice.gc.ca/eng/regulations/SOR-81-401/</a> Canada National Parks Act (S.C. 2000, c. 32) <a href="https://laws-lois.justice.gc.ca/eng/acts/n-14.01/">https://laws-lois.justice.gc.ca/eng/acts/n-14.01/</a> National Parks Wildlife Regulations (SOR/81-401) <a href="https://laws-lois.justice.gc.ca/eng/regulations/SOR-81-401/">https://laws-lois.justice.gc.ca/eng/regulations/SOR-81-401/</a>
India	The Wild Life (Protection) Act, 1972 (amnd 2003) <a href="http://legislative.gov.in/sites/default/files/A1972-53_0.pdf">http://legislative.gov.in/sites/default/files/A1972-53_0.pdf</a> Forest (Conservation) Act, 1980 (amnd 1988) The Environmental (Protection) Act 1986 No. 29 OF 1986 [23rd May, 1986.] No. 29 OF 1986 [23rd May, 1986] Sinha (2010) Handbook on Wildlife Law Enforcement in India. <a href="https://www.traffic.org/site/assets/files/6284/handbook-wildlife-law-enforcement-india.pdf">https://www.traffic.org/site/assets/files/6284/handbook-wildlife-law-enforcement-india.pdf</a> Wildlife Conservation Laws in India An Overview <a href="http://awsassets.wfindia.org/downloads/lecture_notes2_session_11_1.pdf">http://awsassets.wfindia.org/downloads/lecture_notes2_session_11_1.pdf</a> Legal Framework for Wildlife Conservation in India <a href="https://www.conservationindia.org/resources/the-legal-framework-for-wildlife-conservation-in-india-2">https://www.conservationindia.org/resources/the-legal-framework-for-wildlife-conservation-in-india-2</a>
Ireland	Wildlife Acts 1976 to 2018 <a href="https://www.npws.ie/legislation">https://www.npws.ie/legislation</a>
Jamaica	The Wildlife Protection Act 1945 <a href="https://moj.gov.jm/sites/default/files/laws/The%20Wild%20Life%20Protection%20Act.pdf">https://moj.gov.jm/sites/default/files/laws/The%20Wild%20Life%20Protection%20Act.pdf</a>
Kenya	The Wildlife (Conservation and Management) Act 2009 <a href="http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/Wildlife__Conservation_and_Management_Act__Cap_376_.pdf">http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/Wildlife__Conservation_and_Management_Act__Cap_376_.pdf</a>
Malaysia	Wildlife Conservation Act 2010 <a href="https://sherloc.unodc.org/cld/uploads/res/document/wildlife-conservation-act-2010_html/Wildlife_Conservation_Act_2010.pdf">https://sherloc.unodc.org/cld/uploads/res/document/wildlife-conservation-act-2010_html/Wildlife_Conservation_Act_2010.pdf</a>
Montserrat	Forestry, Wildlife, National Parks and Protected Areas Act (revised 2008) <a href="http://agc.gov.ms/wp-content/uploads/2011/10/Forestry-Wildlife-National-Parks-Act.pdf">http://agc.gov.ms/wp-content/uploads/2011/10/Forestry-Wildlife-National-Parks-Act.pdf</a>

(continued)

Table 7 (continued)

Country	Legislation and sources
New Zealand	Wildlife Act 1953 <a href="https://www.doc.govt.nz/about-us/our-role/legislation/wildlife-act/">https://www.doc.govt.nz/about-us/our-role/legislation/wildlife-act/</a>
Pakistan	Wildlife Trade Control Act 2012 <a href="http://extwprlegs1.fao.org/docs/pdf/pak164599.pdf">http://extwprlegs1.fao.org/docs/pdf/pak164599.pdf</a> Rules of the Pakistan Wildlife Trade Control Act of Fauna and Flora 2012
Papua New Guinea	Fauna (Protection and Control) Act 1966 <a href="http://www.paclii.org/pg/legis/consol_act/faca1966290.pdf">http://www.paclii.org/pg/legis/consol_act/faca1966290.pdf</a>
Philippines	Republic Act No. 9147 on the Wildlife Resources Conservation and Protection Act of 2001 <a href="https://www.lawphil.net/statutes/repacts/ra2001/ra_9147_2001.html">https://www.lawphil.net/statutes/repacts/ra2001/ra_9147_2001.html</a> Republic Act No. 6147—an act declaring the <i>Pithecochaga jefferyi</i> . . . as a protected bird in the Philippines (and other laws) (Krupa (1989)). Repealed in 2001 by the Republic Act 9147
Republic of China	Wildlife Conservation Act <a href="https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0120001">https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0120001</a> Laws and regulations database of the Republic of China
Tanzania	Wildlife Conservation Act 2009 <a href="https://tanzlii.org/tz/legislation/act/2009/5-0">https://tanzlii.org/tz/legislation/act/2009/5-0</a> <a href="https://www.loc.gov/law/help/wildlife-poaching/tanzania.php#_ftn16">https://www.loc.gov/law/help/wildlife-poaching/tanzania.php#_ftn16</a> Wildlife cases <a href="https://www.iucn.org/sites/dev/files/content/documents/wildlife_cases_in_tanzanian_courts_1_0.pdf">https://www.iucn.org/sites/dev/files/content/documents/wildlife_cases_in_tanzanian_courts_1_0.pdf</a>
Trinidad	Conservation of Wildlife Act 1958 as amended <a href="https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/67.01.pdf">https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/67.01.pdf</a>
Uganda	Uganda Wildlife Act 2019 Act No. 17 of 2019.pdf ( <a href="https://www.ugandawildlife.org">https://www.ugandawildlife.org</a> )
UK	Wildlife and Countryside Act 1981 as amended and other legislation <a href="https://www.legislation.gov.uk/ukpga/1981/69/contents">https://www.legislation.gov.uk/ukpga/1981/69/contents</a> Wildlife-related laws (Cooper, 2016)
USA—all US law	Guide to Law online (all US law) <a href="https://www.loc.gov/law/help/guide.php">https://www.loc.gov/law/help/guide.php</a> US Code (of all federal statutes) <a href="https://uscode.house.gov/browse/prelim@title16&amp;edition=prelim">https://uscode.house.gov/browse/prelim@title16&amp;edition=prelim</a>
USA—federal wildlife law	<a href="https://www.fws.gov/le/laws-regulations.html">https://www.fws.gov/le/laws-regulations.html</a>
Code of Federal Regulations	<a href="https://www.fws.gov/international/laws-treaties-agreements/regulations.html">https://www.fws.gov/international/laws-treaties-agreements/regulations.html</a> Fish and wildlife: <a href="https://ecfr.io/Title-50/">https://ecfr.io/Title-50/</a>
US state laws	<a href="https://www.loc.gov/law/help/guide/states.php">https://www.loc.gov/law/help/guide/states.php</a>
US state wildlife law	A general summary of state laws is provided by the organisation Born Free <a href="https://www.bornfreeusa.org/campaigns/animals-in-captivity/summary-state-laws-exotic-animals/">https://www.bornfreeusa.org/campaigns/animals-in-captivity/summary-state-laws-exotic-animals/</a>

Table 7, and, for a wider range of legislation, Table 8 provides databases and portals that give access to a further range of national wildlife conservation laws.

National wildlife legislation normally includes provisions to prohibit or control the trade in wildlife species that occur within the country. The cross-border trade in CITES-listed species is regulated by the Convention provisions

The 193 parties to the CITES Convention are required to incorporate the terms of the

Convention in their national law. Again, the final national provisions will vary; nevertheless, the fundamental framework is common to all countries and is summarised below.

The Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates the “trade” in endangered species. The basic provisions are as follows:

- “Trade” means any cross-frontier movement of species of animals or plants that are listed on the Appendices to CITES.

**Table 8** List of databases and other sources providing access to national legislation

EUR-LEX	Database of all EU law <a href="https://eur-lex.europa.eu/homepage.html">https://eur-lex.europa.eu/homepage.html</a>
European Union Official Journal	Database of all EU legislation, notices and information as published <a href="https://eur-lex.europa.eu/oj/direct-access.html">https://eur-lex.europa.eu/oj/direct-access.html</a>
United Kingdom	<a href="http://www.legislation.gov.uk">http://www.legislation.gov.uk</a> <a href="https://www.legislation.gov.uk/all?theme=environment">https://www.legislation.gov.uk/all?theme=environment</a> <a href="https://www.cps.gov.uk/legal-guidance/wildlife-offences">https://www.cps.gov.uk/legal-guidance/wildlife-offences</a> Wild Birds and the Law. England and Wales <a href="https://www.rspb.org.uk/globalassets/downloads/documents/positions/wild-birds-and-the-law/wild-birds-and-the-law%2D%2D-a-plain-guide-to-bird-protection-today.pdf">https://www.rspb.org.uk/globalassets/downloads/documents/positions/wild-birds-and-the-law/wild-birds-and-the-law%2D%2D-a-plain-guide-to-bird-protection-today.pdf</a> Wild Birds and The Law: Scotland <a href="https://www.rspb.org.uk/globalassets/downloads/documents/positions/wild-birds-and-the-law/wild-birds-and-the-law%2D%2Dscotland.pdf">https://www.rspb.org.uk/globalassets/downloads/documents/positions/wild-birds-and-the-law/wild-birds-and-the-law%2D%2Dscotland.pdf</a>
EUR-LEX National Transposition	Searchable database of national laws of member states that implement EU laws <a href="https://eur-lex.europa.eu/collection/n-law/mne.html">https://eur-lex.europa.eu/collection/n-law/mne.html</a>
N-LEX	Database of access to national laws of EU member states Includes summary of the country's legislation framework <a href="https://n-lex.europa.eu/n-lex/">https://n-lex.europa.eu/n-lex/</a>
LEGIS-PALOP + TL	The juridical official database of the Portuguese-speaking African Countries +Timor Leste <a href="https://www.legis-palop.org/">https://www.legis-palop.org/</a>
ECO-LEX	Portal to environmental law. Treaties, agreements, soft law, national laws, judicial decisions and policy. Compiled from the resources of the Food and Agriculture Organization, IUCN Environmental Law Centre and United Nations Environment Programme (UNEP) <a href="https://www.ecolex.org/">https://www.ecolex.org/</a>
FAOLEX	Database of national laws, mainly agricultural and environmental <a href="http://www.fao.org/faolex/associated-databases/en/">http://www.fao.org/faolex/associated-databases/en/</a>
ELAWS	List of Caribbean environmental laws <a href="https://home.elaw.org/caribbean/laws">https://home.elaw.org/caribbean/laws</a>
International Environmental Law Research Guide	Georgetown University International Environmental Law database <a href="https://guides.ll.georgetown.edu/c.php?g=273374&amp;p=1824812">https://guides.ll.georgetown.edu/c.php?g=273374&amp;p=1824812</a>
LAGA Legal Regional Library	Last Great Ape Organisation. Links to the wildlife laws of 11 West and Central African countries <a href="https://www.laga-enforcement.org/en/legal-regional-library">https://www.laga-enforcement.org/en/legal-regional-library</a>
Wildlife Law Africa	Website featuring legislative, enforcement and judicial aspects of wildlife law of African countries <a href="https://wildlifelawafrica.com/">https://wildlifelawafrica.com/</a>
Uganda Wildlife Crime Database	Under construction <a href="https://uganda.wcs.org/Initiatives/Law-Enforcement/Wildlife-Crime-Database.aspx">https://uganda.wcs.org/Initiatives/Law-Enforcement/Wildlife-Crime-Database.aspx</a>
WILDLEX	New database currently containing wildlife laws and case reports from Tanzania and Cameroon. <a href="https://www.wildlex.org/">https://www.wildlex.org/</a>
Free Access to Law Movement	Portals to the legislation of a variety of counties in Africa, Asia, the Commonwealth and elsewhere. Provided by organisations committed to free access to legal information <a href="http://www.fatlm.org/members/current/">http://www.fatlm.org/members/current/</a>
Reports	Country Reports to the United Nations (UN) or Convention Secretariats Publications by UNEP, IUCN and other international agencies Report on national conservation strategy or policy These often contain summaries of relevant national laws
Gorillas	A survey of legislation relating to gorillas (Cooper 2017)



**Fig. 5** This letterbox is closed annually while a small passerine bird produces young. In accordance with UK law, it must not be disturbed while nesting. Image credit: Mrs. Margaret E Cooper

- Such a movement must be authorised by the appropriate CITES permit.
- “Trade” includes movement to another country for any purpose (commercial or non-commercial). Consequently, transfer for scientific purposes requires a CITES permit.
- This rule applies to the movement of live animals and plants, dead specimens and any “derivatives”, i.e. anything that can be identified, by any means, as belonging to a CITES-listed species.
- The Appendices:
  - Appendix I: Species of animals and plants at risk of extinction
  - Appendix II: Species not immediately at risk of extinction but are likely to become so if trade is not closely monitored (Fig. 6)
  - Appendix III: Species listed by a country that requests help from other countries in controlling the trade in it
- Permits are required for import and export and are issued by the CITES Management

Authority on the advice of the Scientific Authority of each country

- CITES permits:
  - Appendix I:
    - Permits are not given for primarily commercial purposes.
  - Appendix II:
    - Permits for commercial purposes are issued but the trade monitored.
  - Appendix III:
    - For species listed as requested by parties.
- Export permits may only be given for legally obtained specimens and must not be detrimental to the survival of the species. Live specimens must be transported to minimise the risk of injury, damage to health or ill treatment

There are extensive provisions beyond these basic elements. The CITES website provides the documentation and information regarding the Convention (<https://cites.org/eng>), and a detailed account of its functioning is provided in Wijnstekers (2018).

As mentioned above, CITES allows parties to impose measures that are stricter than the actual Convention requirements. For example, the European Union has raised the status of a good number of Appendix II species to the equivalent of Appendix I within the EU. It also has stricter control on the commercial use of CITES species but provides for a regulated trade in captive-bred Annex A (equivalent of Appendix I) species. The convention is implemented by EU Regulations that take direct effect in all member states. The latter have only to provide national enforcement legislation. Information on, and links to, the EU CITES legislation is provided at [http://ec.europa.eu/environment/cites/legislation\\_en.htm](http://ec.europa.eu/environment/cites/legislation_en.htm), and the implementation is explained in the Reference Guide to EU Regulations ([http://ec.europa.eu/environment/cites/legis\\_refguide\\_en.htm](http://ec.europa.eu/environment/cites/legis_refguide_en.htm)). Links to CITES relevant information for individual member states are provided at [https://ec.europa.eu/environment/cites/links\\_national\\_en.htm](https://ec.europa.eu/environment/cites/links_national_en.htm), and N-LEX is a portal to all the national legislation of the member states ([https://ec.europa.eu/environment/cites/links\\_national\\_en.htm](https://ec.europa.eu/environment/cites/links_national_en.htm)).



**Fig. 6** The giraffe (*Giraffa camelopardalis*) was added to CITES Appendix II in 2019 to enable trade, particularly in derivatives, to be monitored. Image credit: Mrs. Margaret E Cooper



The UK left the EU on 31 January 2020, but its CITES legislation will be comparable to that of the EU. Specific information and guidance on UK CITES law is available at <https://www.gov.uk/guidance/cites-imports-and-exports>, and the UK legislation database is at <https://www.legislation.gov.uk/>.

CITES is implemented in the United States of America (USA) by the Endangered Species Act and managed and enforced by the United States Fish and Wildlife Service (USFWS); see <https://www.fws.gov/endangered/laws-policies/> and <https://www.fws.gov/international/cites/index.html>. The permit procedures are described in <https://www.fws.gov/international/pdf/factsheet-cites-permits-and-certificates-2013.pdf>.

Many countries now maintain a public database of their national legislation on the Internet, and this is likely to include their CITES legislation. If this is accessible, information may be available from the country's CITES Management Authority as it is the national body responsible for issuing permits.

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## Wildlife Law Enforcement

Wildlife is traded at every level of society and commerce. In legitimate trade, animals and plants

are in demand for breeding or propagation, exhibition, private collections, pets and scientific study. Plants and timber also have widespread uses. TRAFFIC estimates that the legal trade in wildlife is worth Euro 13 billion per year in the EU alone and takes the view that a sustainable legal trade can be beneficial. CITES regulates (see above) the trade in some 5950 species of animals and 32,800 species of plants. In parts of the world where electricity is scarce, charcoal is widely used for cooking. The long haul, sometimes cross-boundary, trade in charcoal, whether or not permitted, has depleted landscapes of trees to the detriment of the environment (Fig. 7).

In addition, large numbers of animals and plants, of all degrees of endangerment, are moved around the world illegally. The illegal trade in wildlife ranks with drug and human trafficking as a substantial cause of serious and organised national and international crime. It attracts corruption at every stage, and cybercrime and dark Internet markets are also implicated. The sheer numbers of species involved, and the quantity of each, put their wild populations at risk of extinction (Fig. 8).

There are extensive efforts at national and international levels by some countries to apply enforcement measures to curtail the illegal trade in wildlife; on the other hand, there are parts of

**Fig. 7** In this case, charcoal-burning is illegal, and a witness is indicating the evidence. Image credit: Mrs. Margaret E Cooper



**Fig. 8** The trade in ivory puts free-living elephant (*Loxodonta africana*) populations at risk of extinction. Image credit: Mrs. Margaret E Cooper



the world where illegal trade is rife and benefits from poor governance, legislation and enforcement. The UK government states that the illegal trade is worth £17 billion per year, and Clifton and Rastogi (2016) suggest US\$19 billion or more, depending on the authority cited. INTERPOL reported that more than 300 tonnes

of wood and timber, 3.9 tonnes of pangolin scales, 25 tonnes of animal parts and 22,000 derivatives and processed products, amongst other wildlife, were seized in a single 92-country enforcement operation (INTERPOL 2018). Ivory is one of the largest and best-known categories of illegal trade; with the

inevitable effect on elephant populations. The Wildlife Conservation Society states that “some 100,000 elephants across Africa [were] killed illegally between 2010 and 2012” (<https://www.wcs.org/our-work/species/african-elephants>), and there is a similar impact on pangolins, rhinos and many other species of animals and plants (INTERPOL 2018).

Countless efforts are being made to counter poaching and other aspects of illegal trade from on-the-ground support for wildlife rangers in the field, reports and analysis based the collection of in situ market data (<https://www.traffic.org/about-us/legal-wildlife-trade/>) and identification services (The Royal Botanic Gardens Kew <https://www.kew.org/read-and-watch/tackling-illegal-wildlife-partnership>) (RGB Kew 2017) to multi-disciplinary theoretical studies of consumer patterns and dark networks based on theories and modelling (The Oxford Martin Programme on the Illegal Wildlife Trade <https://www.illegalwildlifetrade.net/>). TRAFFIC launched, in April 2020, the Wildlife Trade Portal, an open-source database of wildlife trade incidents and seizures (<https://www.wildlifetradeportal.org/>).

Many countries that are rich in rare species have long suffered from weak laws and enforcement procedures. In recent years, increasing recognition has been accorded to the need for improvement in these areas and is included in strategy and planning and by NGOs, funding and other agencies, both private and public and governmental and international. It has led to a steady increase in training and capacity building for enforcement authorities and for the judiciary—covering investigation and forensic facilities, prosecution, the legislative framework and legislation, judicial procedure, advocacy, sentencing and the recording of decided cases (The International Consortium on Combating Wildlife Crime ICCWC <https://cites.org/eng/prog/iccwc.php>; INTERPOL 2018; UNODOC 2016, 2020). Recent examples of capacity building are the setting up of a wildlife crime task force in Uganda (<https://uganda.wcs.org/About-Us/News/ID/13876/Government-of-Uganda-Inaugurates-a-National-Wildlife-Crime-Task-Force.aspx>) and training in the analysis of

wildlife prosecutions in Tanzania and Cameroon (<https://www.wildlex.org/>). In West and Central Africa, the Last Great Ape Organisation (LAGA) has developed a comprehensive model to improve the effectiveness of wildlife law enforcement, first established in Cameroon and now extended to other countries in the region (<https://www.laga-enforcement.org/en>). A guide to law enforcement in Cameroon is provided by Nkoke et al. (2018).

There have been several multi-national statements on illegal trade, culminating in the London Declaration of 2018, made at the London Conference on the Illegal Wildlife Trade and signed by 73 countries. The Declaration affirms that these countries recognise the social and economic damage and risks to security caused by wildlife crime and undertake to strengthen, inter alia, the capacity of legal and justice systems to combat wildlife crime (<https://www.gov.uk/government/publications/declaration-london-conference-on-the-illegal-wildlife-trade-2018/london-conference-on-the-illegal-wildlife-trade-october-2018-declaration>).

Governments of high-income countries have made funds available for such projects, for example, the UK’s Illegal Wildlife Trade Challenge Project Funding is aimed specifically at projects that include the “strengthening of law enforcement” and “ensuring effective legal frameworks” ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/891874/iwt-challenge-fund-list.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/891874/iwt-challenge-fund-list.pdf)).

The US Department of State has established a task force pulling together federal departments and agencies to combat wildlife crime by “strengthening law enforcement, reducing demand, and building international cooperation” under the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (<https://www.state.gov/2019-end-wildlife-trafficking-strategic-review/> and <https://www.state.gov/2019-end-wildlife-trafficking-report/>).

CITES has a role in wildlife law enforcement. Parties are required to incorporate the CITES convention’s provisions in their national law and to include provisions for enforcement. Compliance with this is still in progress for many

countries, according to the CITES Secretariat's National Legislation Project ([https://cites.org/eng/legislation/National\\_Legislation\\_Project](https://cites.org/eng/legislation/National_Legislation_Project)). It also provides accounts of wildlife seizure and prosecutions in its twice-yearly bulletins and annual illegal trade reports ([https://cites.org/eng/resources/reports/Annual\\_Illegal\\_trade\\_report](https://cites.org/eng/resources/reports/Annual_Illegal_trade_report)). TRACE Wildlife Forensics Network (<https://www.tracenetwork.org/>) supports capacity-building in DNA forensics in Africa and Asia. The provision of sound evidence is essential to the success of a prosecution, and a number of initiatives have produced written guidance on forensics, for example, FWG/PAW (2014) on forensic techniques (Baker et al. (2020)) and UNODC/IWCCWC (2014) on ivory identification. For a broader approach to forensic investigation, see Cooper and Cooper (2013) and Huffman and Wallace (2012).

International wildlife trade is one of the major categories of cross-border serious and organised crime and can only be effectively combatted with collaborative action. To this end a number of regional Wildlife Enforcement Networks (WENs) have been established, such as the Lusaka Agreement Task Force (<https://www.peacepalacelibrary.nl/ebooks/files/C08-0009-Lusaka-Mrema.pdf>) and the International Consortium on Combating Wildlife Crime and the South Asia Wildlife Enforcement Network (ASEAN-WEN) to share information and take joint action on wildlife crime in their region ([https://cites.org/eng/prog/iccwc.php/Action/report\\_second\\_global\\_meeting\\_WENs](https://cites.org/eng/prog/iccwc.php/Action/report_second_global_meeting_WENs)).

In addition, there are overarching collaborative entities that bring together major international institutions. The International Consortium on Combating Wildlife Crime brings together INTERPOL, UNODC, the World Bank and World Customs Union with CITES to take concerted wildlife enforcement initiatives, including strengthening wildlife legislation and building capacity in enforcement and judicial systems (<https://cites.org/eng/prog/iccwc.php>). The merits of international collaboration in wildlife crime are discussed by Pink and White (2016).

Without the implementation of improved wildlife conservation legislation and enforcement,



**Fig. 9** This Kibale chimpanzee appears to contemplate the future with gravity. Image credit: Nigel Harcourt-Brown

species, their habitat, biodiversity and environment are likely to contemplate a bleak future (Fig. 9).

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## Conclusion

Legislation is an essential tool in wildlife conservation. It provides the framework that permits authorities to implement conservation policy management and other actions. It includes enforcement powers to support such activities and to combat illegal use, damage or destruction of species and their habitat. It is important to know what legislation exists and to be able to locate and examine the current version. Despite the convenience of accessible law databases and the immediacy of Internet-based information, deeper consideration of the legislation and its implications is available in published literature. This chapter provides a guide to the structure, sources and discussion of wildlife conservation legislation.

**Acknowledgements** The author would like to express her appreciation of the help and support of Susan Underkoffler, senior editor of this book, for the invitation and encouragement to contribute, for her help in editing

this contribution and for her generous approach to submission deadlines. Nigel Harcourt-Brown kindly provided the splendid great ape images in this chapter, and I would like to thank him for raising the standards of photography in the chapter. The remaining images were taken by the author, and she is also grateful to Dr. Dino Martins for the opportunities to take photographs at Mpala Research Centre, Laikipia, Kenya, some of which are included in this chapter.

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