

ANNEX 2

OVERVIEW OF RELEVANT NATIONAL LEGISLATION BY COUNTRY

| Country | Overall National Protection Status | Law protecting species | Legal protection from killing, capturing... | Penalties | Responsible Authority |
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| Angola | AHD covered by general categories of species ("marine mammals" and CITES App. I listed species) but no species-specific protections. | Lei 6-A_04 (Lei dos Recursos Biológicos Aquáticos) de 12-10-2004 ("Aquatic Biological Resources Law"), available at https://www.fao.org/faolex/results/details/en/c/LEX-FAOC050971 . | <p>Article 71.4.a): Lists "marine mammals" as "protected species."</p> <p>Article 75.1.a): Prohibits the "[p]ossession, transport, storage, processing, display and sale" of "protected species."</p> <p>Article 1.(54): Defines "fishing" as "the attempted, prepared for or actual activity of catching, harvesting, removing, collecting or harvesting, by any process, of aquatic biological resources."</p> | <p>Article 234.1.o) Classifies as a "serious offense": "Attempting to fish or fishing for, collecting or harvesting corals and other species the fishing of which is prohibited under this law and its regulations, by any means whatsoever, and possessing, selling or exhibiting them for sale."</p> <p>Article 235: "Serious offenses" are "punishable by a fine ranging from a minimum equal to half the value of the annual fishing fee established for the type of fishing that was being carried out to a maximum equivalent to 50, 40, or 30 times this minimum, depending on whether the fishing is industrial, semi-industrial, or artisanal, respectively."</p> <p>Article 238.2.d): In addition to a fine, the following penalties are available for "serious offenses":</p> <ul style="list-style-type: none"> ▪ Captain prohibited from "exercising" profession for 3 months to 2 years. ▪ Revocation or suspension of fishing certificate for 1 to 6 months. ▪ Revocation of concession or suspension of fishing rights for 6 months to 1 year. <p>Article 241: If offender commits an "equal" offense or one of the "same kind and gravity" as the original offense within 1 year, then fines doubled.</p> | <p>Article 1.49: Defines "competent ministry" as "the public administration body that oversees activities concerning aquatic biological resources, in particular fisheries in the Exclusive Economic Zone and continental waters."</p> <p>Article 223: The "competent ministry" appoints "supervisory officers" from the ministry who are authorized to "supervise compliance" under the fishery law.</p> |

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| | | Decreto Executivo n. 469/15 - Proíbe o abate em território nacional das Espécies Protegidas da fauna e da flora selvagens, <i>available at</i> https://www.fao.org/faolex/results/details/en/c/LEX-FAOC148227 | Article 1: Prohibits the “slaughter” of animals listed on CITES Appendix I. | Article 12: The fine for “hunting” animals protected under CITES is assessed per animal from Kz: 300.000,00 to Kz: 600.000,00 in addition to civil and criminal liability “under the terms of the legislation in force.” | Article 3: The Ministry of the Environment administers and enforces this decree. |
| | | Decreto Presidencial n. 311/18 - Aprova o Regulamento sobre a Importação e Reexportação de Espécies de Fauna e Flora Selvagens Ameaçadas de Extinção, <i>available at</i> https://www.fao.org/faolex/results/details/en/c/LEX-FAOC182945 | Article 6: Incorporates CITES appendices into Angolan law. | | |
| Benin | AHD covered by general category of species (“all aquatic mammals”) but no | Loi-cadre n° 2014-19 du 07 août 2014 relative à la pêche et à l'aquaculture, <i>available at</i> http://extwprlegs1 . | Article 79: Prohibits the “fishing, keeping and marketing” of any species of “aquatic mammals” or marine turtles. Article 2.n) | Article 112: <ul style="list-style-type: none"> ▪ Fine of 500,000 to 3 million CFA francs and ▪ 6-12 months imprisonment. ▪ Potential 1 year license/permit suspension for “fishing, keeping, or marketing” any aquatic mammals. | Article 92: “The following shall be competent to investigate and record violations: (a) sworn officials of the administration in charge of fisheries, customs, water |

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| | species-specific protections. | fao.org/docs/pdf/Been162059.pdf | Defines “fishing” as “any activity aimed at catching, gathering or harvesting any species of aquatic organisms in maritime or continental waters under Beninese jurisdiction.” | Article 115: Penalties doubled for recidivism (within 2 years of original offense), if offense involves a fully protected species, or if committed by public officials or members of a management body. | and forests and the merchant navy, and (b) officers of the naval forces on a commanded surveillance mission in waters under Beninese jurisdiction.” |
| Cameroon | AHD listed as a “protected species” but no species-specific protections. However, the applicable law does not expressly penalize the take of animals listed as “protected species.” | Loi n° 94/01 portant régime des forêts, de la faune et de la pêche, <i>available at</i> https://sherloc.unodc.org/cld/document/cmr/1994/law_no_94-01_of_20_january_1994_to_lay_down_forestry_wildlife_and_fisheries_regulations_en.html ? | <p>Section 78:</p> <ul style="list-style-type: none"> ▪ “Animal species living in the national territory shall, for the purpose of their protection, be classified into three classes: A, B and C; according to conditions laid down by order of the minister in charge of wildlife.” ▪ May only be killed if (1) pose a danger or cause damage to persons and/or property [but only the wildlife “service” may kill the animal] or (2) necessary in self-defense. ▪ However, capture or captivity may be authorized. <p>Section 83: Proof of self-defense (as provided for in Section 78) must be provided within 72 hours.</p> <p>Section 85: “Hunting” is “any act aimed at pursuing, killing or capturing a wild</p> | <p>Section 155: For failure to provide proof of self-defense pursuant to Section 83¹:</p> <ul style="list-style-type: none"> ▪ Fine of 50,000 to 200,000 CFA francs and/or ▪ Imprisonment for 20 days to 2 months. <p>Section 158: For “killing or capture of protected animals either during periods when hunting is closed or in areas where hunting is forbidden or closed”²:</p> <ul style="list-style-type: none"> ▪ Fine of 3 to 10 million CFA francs and/or ▪ Imprisonment from 1 to 3 years. <p>Section 162: Penalties doubled for recidivism or if violations committed by “sworn officials of the competent services or by judicial police officers with general jurisdiction or with their complicity.”</p> | <p>Article 141(1):</p> <p>“Without prejudice to the prerogatives of the Public Prosecutor’s Office and judicial police officers with general jurisdiction, sworn agents of the administrations in charge of forests, wildlife and fisheries . . . are responsible for the investigation, recording and prosecution of offences committed in matters of forests, wildlife and fisheries, as the case may be.”</p> <ul style="list-style-type: none"> ▪ Within the Ministry of Forests and Wildlife is the National Forest Control and Anti-Poaching Operations Brigade, which has authority over the |

¹ In the apparent absence of an explicit penalty provision for killing a fully “protected” species (under Section 78), this section comes closest to providing for such a penalty, albeit subject to the precondition that the self-defense exception has not been properly invoked.

² The penalty section of this law does not expressly refer to violations of Section 78 (protected species) and only includes the qualified reference to the killing of “protected” animals. Our research did not disclose any later laws, decrees or orders that filled this apparent gap in penalties. The 1994 law only penalizes “the capture, sale or possession of any protected fishery resources appearing on a list established by fisheries services.” See Section 127(m) & Section 157. However, the definition of “fishery resources” does not include marine mammals.

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| | | | animal or guiding expeditions for that purpose; includes photographing and filming wild animals for a commercial purpose. | | investigation of and legal action against wildlife offenses. See http://www.minfof.cm/brigade-nationale.php (last visited on 2/12/21). |
| | | Arrêté n°053/MINFOF du 1 Avril 2020 fixant les modalités de répartition des espèces animales en classes de protection. | <p>Article 2:</p> <ul style="list-style-type: none"> ▪ Prohibits the hunting, capture and possession of fully protected species of Class A, including the collection of their eggs. ▪ The following are exempt from the above restrictions: holders of hunting permits or research permits, authorized wildlife harvesters, and in cases of self-defense. <p>Annex 1:</p> <ul style="list-style-type: none"> ▪ Lists AHD as a Class A species. | | |
| | | Décret n° 95-466-PM-DU 20 Juillet 1995 fixant les modalités d'application on du régime de la faune, <i>available at</i> https://www.fao.org/faolex/results/details/en/c/LEX-FAOC004157 | | Article 72: Defines recidivism to mean a repeat offense within 12 months of the commission of the same offense. | |
| Côte d'Ivoire | The fisheries law prohibits the take of species protected under | Loi n° 2016-554 du 26 juillet 2016 relative à la pêche et à l'aquaculture, <i>available at</i> https://www.fao.org | Article 11: "The fishing, hunting, capture and retention of all protected species in accordance with the relevant international agreements are prohibited, except with the specific | Article 108: The "capture or removal of biological species whose capture is prohibited" is punishable by: <ul style="list-style-type: none"> ▪ A fine of 500,000 francs to 5,000,000 francs and/or ▪ Imprisonment of 3 months to a year. | Article 69: "The following are competent for monitoring, control and surveillance of fishing activities:" |

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| | “international agreements.” However, it is likely that the legislature would need to pass a law implementing such treaty provisions into domestic law for this protection to apply. ³ We did not locate any such implementing legislation. | g/faolex/results/details/fr/c/LEX-FAOC159952/ | authorization of the Minister in charge of fisheries, for scientific or technical research purposes.” | Confiscation of the fishing gear involved may also be ordered. | <ul style="list-style-type: none"> ▪ Fisheries Administration officers; ▪ administrators of Maritime and Port Affairs; ▪ National Marine officers; ▪ Air Force officers ▪ Judicial Police officers; ▪ authorized agents from customs and the Ministry of the Environment. |
| Equatorial Guinea | No specific or general protections for AHD. Any such protections are dependent upon preparation of a “National Catalog of Threatened Species” that | Ley N° 7/2003 - Ley reguladora del Medio Ambiente, available at https://www.fao.org/faolex/results/details/en/c/LEX-FAOC102892/ | <p>Article 34:</p> <ul style="list-style-type: none"> ▪ Prohibits the “killing, harming disturbing” of wild animals included in a “National Catalog of Threatened Species.” ▪ Prohibits the “possession, trafficking and trading” of live or dead specimens of wild animals included in the catalog. <p>Article 38:</p> <p>“The Ministry of Fisheries and the Environment . . . in collaboration with other institutions involved in</p> | <p>Article 44:</p> <p>Violations are subject to administrative liability, “without prejudice to any criminal, civil or other liability.”</p> <p>Article 45:</p> <p>Lists administrative violations, including: “The destruction, death, deterioration, collection, trade, capture and exhibition for unauthorized trade or naturalization of species of animals [included in the national catalog].”</p> <p>Article 46:</p> <ul style="list-style-type: none"> ▪ The above violation is classified as “very serious.” | <p>Article 46:</p> <p>“The sanctioning of . . . very serious infringements shall be the responsibility of the Ministry of the Environment or, where appropriate, of the Prime Minister of the Government.”</p> <p>Article 47:</p> <p>When infractions could constitute a crime or misdemeanor, the</p> |

³ According to Cote d'Ivoire's Constitution (Constitution of 2016, Art. 123), ratified or approved treaties and agreements have (on their publication) an authority superior to that of national laws. Under this “monist” approach, published treaties are automatically incorporated into national law without the necessity of the passage of a separate law by the legislature implementing treaty obligations – the latter referred to as a “dualist” approach. However, the Constitution (Art. 120) further requires passage of implementing legislation for treaties that concern certain subjects, including treaties “which modify the internal laws of the State.” It is likely that CMS, which calls for a Party to implement species protections into its domestic legislation, would fit within this seemingly broad category. Accordingly, it is possible that the legislature must enact national laws that effectively implement the nation's CMS obligations for them to be legally binding under Ivorian law.

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| | does not yet appear to be in place. | | the management of the environment, shall prepare a National Catalog of Threatened Species, to be implemented by regulation . . .” However, we were unable to locate a catalog. | <ul style="list-style-type: none"> “Very serious” violations penalized with a fine of 100,000,001 to 200,000,000,000 FCFA and a 10-day fishing prohibition. | administrative authority will defer to the civil or criminal process in lieu of proceeding with administrative sanctioning. |
| Gabon | AHD covered by general category of species (“all cetaceans” classified as “fully protected”) but no species-specific protections; includes bycatch measures for “fully protected species” | Arrêté n° 012 portant classement d'especes animales aquatiques (8 October 2019) | <p>Article 6:</p> <ul style="list-style-type: none"> The “direct targeting, possession, possession, transport and marketing” of “fully protected species” is strictly prohibited “Accidental” capture must be documented by specifying the number of individuals caught dead or alive. <p>Article 7:</p> <ul style="list-style-type: none"> The catches of fully protected species are classified as “accidental” if they are less than 1% of the weight of the total monthly catches. Catches of more than 1% are considered illegal and expose the offender to prosecution. Fishing gear and methods must provide an optimal level of bycatch reduction. <p>Article 8:</p> <p>Accidentally caught fully protected species must be immediately released (even if dead).</p> | <p>Article 15:</p> <p>“Violations of this decree shall be recorded and punished in accordance with the laws in force.” [See Loi n° 15/2005 below]</p> | <p>Article 4:</p> <p>“Without prejudice to the other prerogatives granted to the officers of the Ministry of Water and Forests, the fisheries administration is responsible for the application of the provisions governing these species.”</p> |
| | | Loi n° 15/2005 du 8 août 2005 portant code de la pêche et de l'aquaculture en | | <p>Article 98A:</p> <p>Listing as an offense “the capture or retention of biological species prohibited from fishing.”</p> <p>Article 99:</p> | |

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| | | République Gabonaise, available at http://extwprlegs1.fao.org/docs/pdf/gab65652.pdf . | | <p>For violations of Art. 98A:</p> <ul style="list-style-type: none"> ▪ Imprisonment of 1 to 3 months and/or ▪ Fine of 300 to 500 million CFA francs. <p>Exception: For small-scale fisheries, the penalties are reduced:</p> <ul style="list-style-type: none"> ▪ 1 to 3 months' imprisonment and/or ▪ Fine from 55,000 to 3 million CFA francs. | |
| | | Loi n°042/2018 du 05 juillet 2019 portant Code Pénal | | <p>Article 627: Issues “administrative acts of convenience” (administrative documents issued to an official’s relative(s) or through bribery) that facilitate the “capture, slaughter, purchase, sale, acquisition, use, marketing, transport, import, processing and any other operation involving [protected wildlife species]:</p> <ul style="list-style-type: none"> ▪ Imprisonment up to five years and ▪ Fine “determined by the specific texts in force.” <p>Article 628: “Anyone who, knowing [that the documents are false], facilitates the transport, marketing and export of protected or classified wildlife species by regulation”:</p> <ul style="list-style-type: none"> ▪ Imprisonment for a term not exceeding ten years and ▪ Fine “determined by the particular laws in force.” | |
| Ghana | AHD covered by general category of species (“marine mammals”) | Fisheries Act, 2002 (Act No. 625 of 2002), available at http://extwprlegs1.fao.org/docs/pdf/gab65652.pdf . | <p>Article 90:</p> <ul style="list-style-type: none"> ▪ Prohibits fishing for all “marine mammals.” ▪ Incidentally caught marine mammals must be released. | <p>Article 90:</p> <ul style="list-style-type: none"> ▪ Local industrial or semi-industrial vessel or a foreign fishing vessel: fine of US \$50,000 to US \$1 million. ▪ In any other case: 500 penalty units⁴ | <p>Part 1:</p> <ul style="list-style-type: none"> ▪ Establishes Fisheries Commission “to regulate and manage the utilization of the fishery resources of Ghana and co-ordinate |

⁴ As described by the Ghana Revenue Authority: “Penalty unit’ refers to such units established by the Fines (Penalty Units) Act 2000 (Act 572). The monetary value of a penalty unit stands at GH¢12.00.” See <https://gra.gov.gh/domestic-tax/tax-offences-and-penalties/>.

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| | but no species-specific protections. | fao.org/docs/pdf/ga34737.pdf | <p>Article 140:</p> <ul style="list-style-type: none"> ▪ Defines “fish” to include marine mammals. ▪ Defines “fishing” as: “searching for, catching, taking or harvesting fish;” attempting to do the same; or “any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish.” | | <p>the policies in relation to them.”</p> <ul style="list-style-type: none"> ▪ Minister of Fisheries has responsibility for managing Commission. <p>Article 94:</p> <ul style="list-style-type: none"> ▪ Establishes Fisheries Monitoring, Control, Surveillance and Enforcement Unit. ▪ Enforcement Unit includes personnel from the Navy, Airforce, the Secretariat of the Fisheries Commission, and other competent bodies or organizations (as determined by the Fisheries Minister in consultation with the Minister of Defense). ▪ Attorney from the Ministry of Justice assigned to Enforcement Unit. |
| | | Fisheries Regulations, 2010 (L.I. 1968), available at http://extwprlegs1.fao.org/docs/pdf/ga151991.pdf | <p>Article 17:</p> <p>Prohibits fishing for “marine or freshwater mammals” without Fisheries Commission approval.</p> | <p>Article 17:</p> <p>Refers to penalties in Article 90 of fishing code.</p> | |
| Guinea-Bissau | <ul style="list-style-type: none"> ▪ AHD covered by general category of species | Decreto-Lei n.º 10/2011 que aprova a Legislação Básica da Pesca, | <p>Article 27:</p> <p>Prohibits the “capture of marine species and aquatic birds considered to be endangered⁵ or in danger of extinction” unless</p> | <p>Article 63:</p> <p>Fishing for protected species is a “very serious” offense.”</p> <p>Article 69:</p> | <p>Article 43:</p> <p>“The National Inspection and Control of Fishing Activities Service, (FISCAP), is responsible</p> |

⁵ It is unclear whether the species must be included on a list of “endangered” species before this prohibition is triggered. We were unable to locate any such list.

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| | <p>(“marine species . . . considered to be endangered”) in general fishery law but no species-specific protections;</p> <ul style="list-style-type: none"> ▪ AHD covered by general category of species (“marine mammals”) in special artisanal fishing law but no species-specific protections. | <p>available at https://www.fao.org/faolex/results/details/en/c/LEX-FAOC116923</p> | <p>authorized “for scientific or technical research purposes”</p> <p>Article 6: Defines “fishing” as “the act or attempt to capture, catch or extract, by any means, biological species whose normal or most frequent living environment is water.”</p> | <ul style="list-style-type: none"> ▪ “In case of recidivism of the captain or master of the fishing vessel, the amount of the fines . . . is doubled.” ▪ “Recidivism” occurs when the agent commits the same offense within a year of their conviction. <p>Article 70: Fishing for protected species punishable by a fine between XOF 20,000,000 and XOF 90,000,000.</p> <p>Article 72: In addition to a fine, an accessory penalty may be applied:</p> <ul style="list-style-type: none"> ▪ “Interdiction, provisionally or definitively, of the exercise of the profession in [national waters] or of the waters under the activities related to the infraction.” ▪ “Suspension or revocation of the fishing license or deprivation of the right to obtain or renew it, for a period to be established in specific regulations.” <p>Article 73: An industrial fishing license may refused or not renewed if “the applicant or the fishing vessel to be licensed has been convicted . . . either administratively or judicially, of two or more very serious infringements in the two years preceding the date of the licence application or renewal.”</p> <p>Article 67: Small-scale fishing vessels are covered by a specific regulation.</p> | <p>for implementing the national system for inspecting fishing vessels in waters under national jurisdiction, in order to detect infractions.”</p> <p>Article 44: FISCAP “note[s] infractions of the provisions of the present diploma and its regulations, to draw up the corresponding notices of infraction and to investigate and initiate the respective processes.”</p> |
| | | Decreto n.º 24/2011 que aprova o | Article 19: Prohibits the “capture” of “marine mammals . . . as well as other | Article 43: | Article 38: ▪ “The coordination, at a national level, of the |

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| | | Regulamento da Pesca Artesanal (applies only to artisanal fishing), available at https://www.fao.org/faolex/results/details/en/c/LEX-FAOC116968 | species considered rare and vulnerable ⁶ unless authorized for scientific or technical research purposes. | <p>“The capture, detention, landing, stocking, processing, transport and sale of protected species” is a serious offense.</p> <p>Article 47: Same rules for recidivism as in Article 69 of Decreto n.10/2011.</p> <p>Article 48: Fishing for protected species punishable by a fine between XOF 50,000 and XOF 100,000.</p> <p>Article 50: Same rules for accessory penalties as in Article 72 of Decreto n.10/2011.</p> <p>Article 51: Same rules for refusal or non-renewal of licence as in Article 73 of Decreto n.10/2011.</p> | <p>supervision and control of artisanal fishing . . . is the responsibility of the National Inspection and Control of Fishing Activities Service.”</p> <ul style="list-style-type: none"> ▪ The foregoing is without prejudice to authority conferred under other law to “Captaincies of the Ports of Guinea-Bissau, to the Marine Park Guards and to other State Departments . . .” |
| Guinea (Conakry) | AHD covered by general categories of species (“marine mammals”, CITES App. I listed species, and IUCN Red List species) but no species-specific protections. | Loi n°2015/26/AN du 14 septembre 2015 Portant Code de la pêche maritime, available at http://extwprlegs1.fao.org/docs/pdf/gui158572.pdf . | <p>Article 85:</p> <ul style="list-style-type: none"> ▪ Prohibits “killing, maiming, capturing, removing, or hunting” of “protected and threatened marine species,” which include marine mammals (Art. 85.1); ▪ Same protections apply to CITES App. I listed species and IUCN Red List species. <p>Article 85.2: All accidentally caught “protected and threatened marine species” must be released (but does not</p> | <p>Article 84.4: All violations of Art. 85 are classified as “very serious.”</p> <p>Article 241(j): Directed or attempted directed fishing of prohibited species” is a Category 2 “very serious” offense.</p> <p>Article 242: Category 2 “very serious” offenses are punishable by a fine of:</p> <ol style="list-style-type: none"> EUR 3,000-10,000 for fishing vessels not exceeding 12 meters; EUR 5,000-150,000 for fishing vessels 12- 24 meters; | <p>Article 4: “The Ministry in charge of Maritime Fisheries is the competent authority for the implementation of the government policy in the field of maritime fisheries.”</p> |

⁶ It is unclear whether the species must be included on a list of “rare or vulnerable” species before this prohibition is triggered. We were unable to locate any such list.

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| | | | <p>indicate whether applies to dead specimens).</p> | <p>c. EUR 100,000-800,000 for fishing vessels 24-50 meters; d. EUR 500,000- 1.5 million for fishing vessels longer than meter 50 meters.</p> <p>Article 242.1: Possible confiscation of fishing gear and catch and the detention of vessel (for 15-30 days after date fine paid).</p> <p>Article 242.2: Penalties (fine and detention) doubled for recidivism.</p> <p>Article 242.3: Vessel prohibited from fishing for 1 year in all the maritime zones under the sovereignty or jurisdiction of the Member States of the Sub-Regional Fisheries Commission (SRFC).</p> <p>Article 242.4: Master or officer authorization for a Guinean flag fishing vessel withdrawn or suspended for not less than 12 months.</p> | |
| <p>Liberia</p> | <p>Fisheries law prohibits take of “fish” (includes “any marine animal) listed as “endangered,” but we were unable to find such a list. Wildlife law prohibits the taking of</p> | <p>Fisheries and Aquaculture Management and Development Law of 2019, <i>available at</i> https://www.fao.org/faolex/results/details/en/c/LEX-FAOC192628</p> | <p>Section 1.3: Defines “fish” as any water-dwelling aquatic or marine animal.”</p> <p>Section 4.14: “(1) The Board of Directors may . . . declare as protected or endangered any fish which are designated as endangered by international agreement or on recommendation by the Director General or the Fishery Advisory Council.</p> | <p>Section 4.14 & Schedule 2, Part A:</p> <ul style="list-style-type: none"> ▪ Fine up to US \$100,000 and/or ▪ Imprisonment up to 3 years. <p>Section 15.5: Fine may be trebled for corporate offender.</p> <p>Section 15.6: Fine for repeat offender “shall be at a significantly higher level than imposed on the previous occasion and, to the extent possible, shall be double such level.”</p> <p>Section 15.7:</p> | <p>Section 1.3: Defines “Authority” as the “National Fisheries and Aquaculture Authority of Liberia as established by the National Fisheries and Aquaculture Authority Act of 2017.”</p> <p>Section 3.1: “The Authority is responsible for the conservation, management and development of</p> |

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| | species listed as “fully protected,” but the only list we located does not include AHD or a relevant general category (e.g., marine mammals). | | <p>. . .</p> <p>(3) No person shall take, land, display for sale, sell, deal in, transport, receive, buy or possess any fish or fish product declared as endangered in accordance with this section.”</p> | Banned from fishing in Liberian waters “found by a court or admitted under Summary Administrative Proceedings to have committed any offence or offences against this Act on three separate occasions.” | <p>Liberia's fisheries resources in accordance with this Act.”</p> <p>Section 11.2: Fisheries inspectors are responsible for monitoring, control, and surveillance.</p> <p>Section 11.3: Provides for appointments of fisheries inspectors by the Director General, including members of the Liberian Coast Guard as approved by the Director General and the Minister of Defense.</p> |
| | | | <p>Section 6.3: “(a) The Authority shall declare any wild plant or animal to be classified as a protected species based on best available data on the status of the species. (b) The Authority shall, for purpose of species classification, conduct biological surveys at least once every five years to . . . [e]stablish, maintain, and update a list of animals and plants, and, in collaboration with The Ministry of Agriculture, aquatic species, that are threatened with or in danger of extinction in Liberia . . .” (c) The Authority shall promulgate regulations to . . . [e]stablish</p> | <p>Section 11.2: Killing or destruction of a protected animal without permit or license:</p> <ul style="list-style-type: none"> ▪ Fine US \$250 to \$5,000 or ▪ 6 months imprisonment <p>Section 11.3: If repeat offender within two years of conviction of an offense is convicted of a second offense:</p> <ul style="list-style-type: none"> ▪ Fine US \$500 to US \$1,000 or ▪ 1 to 2 years imprisonment | <p>Section 3.1: Forestry Development Authority (FDA) shall serve as the implementing agency.</p> <p>Section 3.2: FDA may collaborate with other ministries.</p> |

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| | | | <p>categories of protection, including fully protected and partially protected, to apply to identified species.”</p> <p>Section 6.3.2: “[N]o person shall hunt, kill, capture, injure, harass, or trade any protected species, live or dead, or any part thereof, identified in the list established and maintained by the Authority . . .”</p> | | |
| | | | <p>Note: The only “protected species” list located is associated with the forestry code; includes some marine species (e.g., sea turtles and manatees) but not AHD or a general category in which AHD would fall. See, https://liberia.arcelormittal.com/~media/Files/A/ArcelorMittal-Liberia/reports-and-presentations/am-nimba-envl-baseline-vol-3.pdf</p> | | |
| Mauritania | AHD covered by general category of species (“all marine mammals”) but no species-specific protections. | Loi n° 2015-017 du 29 juillet 2015 portant code des pêches maritimes, available at http://extwprlegs1.fao.org/docs/pdf/Mau164733.pdf . | <p>Article 39:</p> <ul style="list-style-type: none"> ▪ The “fishing, capture and detention of all species of marine mammals” is prohibited at any time and in any place, “without special authorization from the Minister responsible for fisheries and for scientific and technical research.” ▪ Marketing of marine mammals also prohibited. <p>Article 4:</p> | <p>Article 85:</p> <ul style="list-style-type: none"> ▪ A violation of Article 39 is a “serious offense.” ▪ Penalties applied based upon a detailed specification of vessel tonnages and volume (with larger vessels receiving higher fines). <p>Article 87: Penalties doubled for recidivism (if convicted within 1 year of original offense).</p> <p>Article 88:</p> <ul style="list-style-type: none"> ▪ Fishing concession or license may be withdrawn or suspended. | <p>Article 60: Minister of Fisheries and Maritime Economy (“Minister of Fisheries”) is responsible for fisheries control and surveillance in waters and for ensuring compliance with the fisheries law and implementing texts.</p> |

| Country | Overall National Protection Status | Law protecting species | Legal protection from killing, capturing... | Penalties | Responsible Authority |
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| | | | “Fishing” broadly defined to include the “act or the attempt to capture, extract or kill, by any process whatsoever, species living whose normal or most frequent living environment is water.” | <ul style="list-style-type: none"> ▪ Captain may also be fined 500,000-10 million ouguiyas and have professional license temporarily or permanently revoked. | |
| | | Décret n° 0211 / 2017-PM du 29 mai 2017 fixant les attributions du ministre des pêches et de l'économie maritime et l'organisation de l'administration centrale de son département, <i>available at</i> http://extwprlegs1.fao.org/docs/pdf/Mau184461.pdf . | | | Article 3: Coast Guard, under authority of the Minister of Fisheries, designated as the main institution for monitoring, control, and surveillance of fisheries. |
| Nigeria | AHD covered by general category of species (“Family <i>Delphinidae</i> ”) but no species-specific protections. | Endangered Species (Control of International Trade and Traffic) Act of 1985, <i>available at</i> https://www.fao.org/faolex/results/details/en/c/LEX-FAOC018379 As amended by: Endangered Species (Control of International | Section 1: Prohibits the “hunting or capture of or trade in” species listed in the First Schedule. First Schedule: Lists Family <i>Delphinidae</i> . | Section 5: Anyone who “trades in, or is in possession of or otherwise deals with a specimen” listed in the First Schedule is liable for: <ul style="list-style-type: none"> ▪ First offense: N5,000,000. ▪ Second offense: imprisonment for 1 year without the option of a fine. | |

| Country | Overall National Protection Status | Law protecting species | Legal protection from killing, capturing... | Penalties | Responsible Authority |
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| | | Trade and Traffic) Act of 2016, available at https://www.fao.org/faolex/results/details/en/c/LEX-FAOC177674 | | | |
| | | National Environmental (Protection of Endangered Species in International Trade) Regulations of 2011, available at https://www.nesrea.gov.ng/wp-content/uploads/2020/02/Protection_of_Endangered_Species_in_International_Trade_Regulation_2011.pdf | | <p>Section 7.- (3): Offense “to have in his possession or under his control, or to offer or expose for sale or display to the public, any specimen of a species listed [under CITES], the Schedules to the [Endangered Species] Act and the Regulations, which was acquired in contravention of the provisions of [CITES], the [Endangered Species] Act and/or these Regulations.”</p> <p>Section 7.- (4): Fine of N5,000,000 and/or imprisonment up to 3 years.⁷</p> | Section 2.- (3) Designates the National Environmental Standards and Regulations Enforcement Agency (NESREA), a parastatal of the Federal Ministry of Environment, as the agency to enforce the Endangered Species Act. |
| Republic of Congo | AHD listed as a “protected species” but no species-specific protections. | Loi n° 2 - 2000 du 1er fevrier 2000 portant organisation de la peche maritime en Republique du Congo, available | <p>Article 87: Penalises fishing for “protected species”⁸</p> <p>Article 4: “Fishing” defined as “the act of capturing, extracting or killing, by</p> | <p>Article 87: Fine of 20 to 100 million CFA francs.</p> <p>Article 105: ▪ Penalties doubled for recidivism or for offenses committed at night.</p> | Article 4: Defines “fisheries administration” as “the general directorate, the regional directorates of fisheries and fishery resources.” ⁹ |

⁷ This provision appears to be in conflict with Section 5 of the Endangered Species Act, which requires a choice between a fine and imprisonment and, with respect to the latter, only authorizes 1 year of imprisonment.

⁸ Although this provision does not cross-reference any other law with respect to the term “protected species,” we will assume for the purposes of this overview that the wildlife code provisions that classify certain species as “protected” fill this apparent gap in the fisheries law.

⁹ The fisheries law also refers to the “Maritime Fisheries Authority.” The law does not define this term, but we assume for the purposes of this overview that it is included within the “fisheries administration.” Additionally, the wildlife codes that define “protected species” also provide for penalties for killing such species. However, we will assume that, in accord with the French civil law system, the “fisheries administration” has jurisdiction over the catch of marine species. The only possible exception is within marine protected areas, but our research to date has not disclosed any laws or regulations specifying the jurisdictional parameters in such areas.

| Country | Overall National Protection Status | Law protecting species | Legal protection from killing, capturing... | Penalties | Responsible Authority |
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| | | at http://extwprlegs1.fao.org/docs/pdf/Con25244.pdf | any accepted process, biological species whose most common living environment is water." | <ul style="list-style-type: none"> ▪ In the case of recidivism, fishing authorization suspended for minimum of 12 months. | |
| | | Loi n° 003/91 du 23 Avril 1991 sur la protection de l'Environnement, available at https://www.fao.org/faolex/results/details/en/c/LEX-FAOC005810 | <p>Article 18:</p> <ul style="list-style-type: none"> ▪ Environment Minister responsible for creating and revising lists of species to be protected due to rarity or threat of extinction. ▪ Lists set forth in Arrêté n° 6075. | | |
| | | Arrêté n° 6075 du 9 avril 2011 déterminant les espèces animales intégralement et partiellement protégées, available at http://extwprlegs1.fao.org/docs/pdf/Con105724.pdf | <p>Articles 1&2; Annex 1:</p> <ul style="list-style-type: none"> ▪ Establishes species lists in accord with the wildlife species "classes" specified in Loi n° 37-2008. ▪ AHD listed as "Class A" species, which are "fully protected." <p>Article 5: Class A species may only be "killed, captured, kept, transported, marketed, imported or exported for exclusively scientific purposes, by recognized research institutions, in accordance with the regulations in force."</p> | | |
| | | Loi n° 37-2008 sur la faune et les aires protégées available at http://extwprlegs1.fao.org/docs/pdf/Con86726.pdf | <p>Article 24: Establishes three classes of protection for wildlife, including "fully protected."</p> | | |
| Senegal | AHD covered by general categories of species ("all | Loi n° 2015-18 du 13 juillet 2015 portant Code de la Pêche maritime, | Article 67(a): Prohibits "fishing, keeping and marketing of all species of marine mammals." | Article 127: <ul style="list-style-type: none"> ▪ The "capture and retention of marine species in violation of the prescribed provisions" is a "serious" fishing offense. | Article 83: "The Minister responsible for maritime fishing [Ministry of Fisheries and |

| Country | Overall National Protection Status | Law protecting species | Legal protection from killing, capturing... | Penalties | Responsible Authority |
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| | species of marine mammals" and "all cetaceans") but no species-specific protections. | <p>available at http://www.jo.gouv.sn/spip.php?article10425</p> | <p>Article 7: Defines fishing as "the act of catching or seeking to catch, to extract or kill by any means whatsoever animal or plant species whose normal or dominant living environment is water," as well as "all activities with a direct purpose of catching, such as the search for marine organisms or the use of instruments intended to attract them."</p> | <ul style="list-style-type: none"> ▪ Industrial fishing: fine of 5 to 8 million CFA francs and confiscation of catches. <p>Article 129: Artisanal fishing: fine of 50,000 to 150,000 CFA francs and confiscation of catches.</p> <p>Article 134: Exact penalties (imprisonment time and fine amount) are determined based on the nature of the offense, the characteristics of the vessel, the type of fishing, the species caught and the economic benefit expected.</p> <p>Article 135: Penalties doubled for recidivism (if convicted within 2 years of conviction for original offense); gear and catch may also be confiscated.</p> <p>Article 136:</p> <ul style="list-style-type: none"> ▪ May suspend professional license of captain of domestic industrial vessel (depending on severity offense). ▪ May suspend professional license of captain of foreign vessel until fines, damages and costs are paid. | <p>Maritime Economy] is responsible for the supervision and coordination of all activities and operations for monitoring and protecting fisheries in maritime waters under Senegalese jurisdiction."</p> <p>Article 84: Lists authorized "surveillance" officers: "(a) agents of the administration of maritime fisheries; (b) Navy officers and petty officers; (c) Air Force officers and non-commissioned officers; (d) national park officials and water and forest officials; (e) administrators of maritime affairs; (f) judicial police officers of the National Gendarmerie and the Police; (g) customs officials."</p> |
| | | <p>Loi n° 86-04 portant Code de la chasse et de la protection de la nature, available at http://extwprlegs1.fao.org/docs/pdf/en4472.pdf</p> | <p>Article 27: Prohibits "voluntarily slaughter[ing] or captur[ing] fully protected animals without a scientific permit."</p> | <p>Article 27: Slaughtering or capturing a "fully protected" species:</p> <ul style="list-style-type: none"> ▪ Fine of 240,000 to 2.4 million CFA francs and ▪ Imprisonment of 1 to 5 years. | <p>Note: Department of Water and Forests, Hunting and Soil Conservation (DEFCCS) Department of National Parks, and Department of Community Marine Protected Areas (created only since 2012) are attached to the Ministry</p> |

| Country | Overall National Protection Status | Law protecting species | Legal protection from killing, capturing... | Penalties | Responsible Authority |
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| | | | | | of the Environment and have authority over wildlife management. ¹⁰ See https://www.eaux-forets.sn/?page_id=1754 Article 6: Lists the agents permitted to enforce the hunting code: “sworn agents of the Water, Forestry and Hunting Service or of the National Parks, the judicial police officers, the judicial police agents, the hunting lieutenants and the sworn customs agents, wearing their uniforms or bearing the signs of their function.” |
| | | Décret n° 86-844 portant Code de la chasse et de la protection de la faune - Partie réglementaire, <i>available at http://extwprlegs1.fao.org/docs/pdf/en4473.pdf</i> | Article D.36: <ul style="list-style-type: none"> ▪ “Fully protected” animals are protected in an “absolute way” throughout their territory. ▪ “Hunting or capture” is strictly prohibited, except for holders of scientific permits. ▪ List of fully protected animals includes “all species of cetaceans.” | | |
| Sierra Leone | There are not any specific protections for the AHD. | Fisheries and Aquaculture Act, 2018 (No.10 of 2018), <i>available at</i> | Article 47(1): The Minister of Fisheries “may declare any aquatic animal or plant | | Article 19: <ul style="list-style-type: none"> ▪ The Monitoring, Control, Surveillance and Enforcement Department |

¹⁰ Neither the fishery nor the hunting codes appear to specify who has jurisdiction over the take of marine mammals. Presumably, if the take of an AHD takes place in a fishery operation, the fisheries ministry has jurisdiction over the offense.

| Country | Overall National Protection Status | Law protecting species | Legal protection from killing, capturing... | Penalties | Responsible Authority |
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| | <p>The fisheries law and its implementing regulations do not clearly prohibit the take of “marine mammals.” They provide for protections for “aquatic animals” declared by the Ministry of Fisheries to be “endangered” but no such declaration appears to have been made.</p> | <p>https://www.fao.org/faolex/results/details/en/c/LEX-FAOC192561</p> | <p>protected or endangered . . . under an international convention; or . . . on the declaration by the Director of Fisheries based on the best available scientific evidence.”</p> <p>Article 47(2): “No person shall take, land, sell, deal in, transport, receive, buy, possess, import or export aquatic animal or plant declared as protected or endangered under this section without the written permission of the Director of Fisheries.”</p> | | <p>(MCSED) is responsible for the enforcement of “the [Fisheries] Act, the regulations and any other enactment relating to the regulation of fishing activities within Sierra Leone fisheries waters.”</p> <ul style="list-style-type: none"> ▪ The Director of Fisheries appoints the head of this department. ▪ This department “may include personnel from other relevant Ministries, Departments and Agencies.” <p>Article 20:</p> <ul style="list-style-type: none"> ▪ The MCSED may appoint “authorised officers, inspectors and observers for carrying out functions relating to monitoring, control surveillance and enforcement.” ▪ “Any Fisheries Officer who is an officer of the Ministry of Fisheries and Marine Resources shall be deemed an authorised officer for the purpose of this Act. ▪ “Any Navy personnel, Customs or Police” are also deemed to be “authorised officers.” |

| Country | Overall National Protection Status | Law protecting species | Legal protection from killing, capturing... | Penalties | Responsible Authority |
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| | | <p>Fisheries and Aquaculture Regulations, 2019, <i>available at</i> https://www.fao.org/faolex/results/details/en/c/LEX-FAOC192562</p> | <p>Regulation 9: “Prohibitions regarding sea turtles, rays and sharks.”</p> <p>Regulation 10(1): The Minister may, on the advice of the Scientific, Economic and Technical Committee, by notice published in the Gazette, declare any species of fish to be endangered or threatened with extinction, including those adopted under any international agreement or instrument.</p> <p>Regulation 10(2): “A person who fish, catch, possess, transport, process, buy or sell any species of fish declared endangered or threatened with extinction under [10(1)] commits an offence”</p> <p>Schedule 4:</p> <ul style="list-style-type: none"> ▪ States that “possession” of “marine mammals” is prohibited under Regulation 9 <u>but</u> cited provision only covers sea turtles, rays and sharks. ▪ States that “[f]ishing, possession of, landing, selling, dealing in, transporting, receiving, buying; processing, importing or exporting of protected or endangered aquatic species” is prohibited under Regulation 10(2), <u>but</u> that provision requires the species to | <p>Schedule 4:</p> <ul style="list-style-type: none"> ▪ Classifies “possession of marine mammals” under Regulation 9 as a “serious” offense and imposes penalty from US \$200,000 to US \$240,000 [but see qualification re: Regulation 9] ▪ Classifies violation of Regulation 10(2) as “very serious” and imposes penalty from US \$200,000 to US \$240,000 [but see qualification re: Regulation 10(2)]. <p>Regulation 52: In addition to a fine, a court may order:</p> <ul style="list-style-type: none"> ▪ Imprisonment for up to 12 or imprisonment in lieu of payment of the fine. ▪ Forfeiture of vessel. ▪ Cancellation or suspension of a licence or authorization. | |

| Country | Overall National Protection Status | Law protecting species | Legal protection from killing, capturing... | Penalties | Responsible Authority |
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| | | | be listed, and no such declaration was located. | | |
| The Gambia | There are not any specific protections for the AHD. The fisheries law protects “fish” (defined to include “marine mammals) declared by the Secretary of State to be “endangered” but no such declaration appears to have been made. | Fisheries Act, 2007 (No. 20 of 2007), available at https://www.fao.org/faolex/results/details/en/c/LEX-FAOC077403 | <p>Section 2: Defines “fish” to include “marine mammals.”</p> <p>Section 17.1: Secretary of State may declare any “fish” to be a “protected species”:</p> <ul style="list-style-type: none"> ▪ “that he or she considers is endangered” or ▪ “which is designated as endangered by international agreement.” <p>Section 17.2: Prohibits the “taking, removal, landing, display for sale, sale, dealing, transport, receipt, purchase and possession of fish” declared as protected under Section 17.1. But, no such declaration appears to have been made.</p> | <p>Section 17.3: Violation of Section 17.2 punishable by:</p> <ul style="list-style-type: none"> ▪ Fine between 1 million to 3 million dalasis and/or ▪ Imprisonment for 3 to 5 years. | <p>Section 3: The Secretary State administers the Fisheries Act.</p> <p>Section 4: The Public Service Commission appoints a Director who is responsible for, among other things, monitoring, control and surveillance; the Director may authorize fisheries officers to exercise any of the Director’s duties.</p> |
| Togo | Fishery law prohibits the “killing, injuring or pursuing” of aquatic mammals that are listed as protected species under | Loi n° 2016-026 du 11 octobre 2016, Reglementation de la p che et de l’aquaculture au Togo, available at http://extwprlegs1.fao.org/docs/pdf/Tog.164371.pdf | Article 61: Prohibits killing, injuring, and chasing aquatic mammals that are “protected under the legal and regulatory provisions in force” | Article 1: Infringements are punished under the Penal Code and the Code of Criminal Procedure. ¹¹ | Article 117: “The Minister in charge of Fisheries and Aquaculture is responsible for the coordination of the control and surveillance operations of fisheries in continental waters and maritime waters under Togolese jurisdiction.” |

¹¹ Our review of the Penal Code (as amended in 2000) did not disclose any provisions specifically applicable to fishing violations or other violations of the provisions of the fishery law.

| Country | Overall National Protection Status | Law protecting species | Legal protection from killing, capturing... | Penalties | Responsible Authority |
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| | <p>other law but the AHD is not a listed species in the applicable law.</p> | <p>Ordonnance n° 4 du 16 janvier 1968 réglementant la protection de la faune et l'exercice</p> | <p>Appendix I(A): Lists "fully protected species"; no marine species listed</p> | <p>Article 34: <ul style="list-style-type: none"> ▪ Violations of this ordinance punished by a "fine of five hundred thousand (500,000) CFA francs and five years' imprisonment, without prejudice to damages." </p> | <p>Article 118: The following have jurisdiction over the investigation of infringements: <ul style="list-style-type: none"> ▪ agents of the administration in charge of fisheries specially authorized in writing for this purpose ▪ judicial police officers ▪ officers commanding warships or aircraft ▪ officers and petty officers in command of state-owned ships, units or aircraft assigned to maritime surveillance ▪ customs administration agents ▪ harbour masters and officers ▪ agents of the national marine parks and the agents of the waters and forests within their territorial jurisdiction ▪ maritime affairs administrators; ▪ all agents specially authorized for this purpose by order </p> <p>Article 31: "Actions and prosecutions shall be carried out directly by the Director of Waters and Forests or his</p> |

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| | | de la chasse au Togo, available at https://www.fao.org/faolex/results/details/fr/c/LEX-FAOC004270/ | | <ul style="list-style-type: none"> ▪ Confiscation of “devices and materials used to commit the offence.” <p>Article 35: The fines and imprisonment doubled:</p> <ul style="list-style-type: none"> ▪ when the crime was committed during the day and in a classified area ▪ when the crime was committed at night ▪ in the case of recidivism. ▪ | representative before the competent courts, without prejudice to the right of the Public Prosecutor's Office before these courts.” |