

# Review of Egypt's National Laws, Regulations, and Adequacy of Enforcement



# Aim of the Legal Review

- Comprehensive summary of the currently existent laws and regulations that address bird hunting and trapping in Egypt, including their compatibility with international conventions.
- Then, this legal review will assess the gaps and weaknesses in the enforcement of existent laws and regulations.
- Recommendations will be proposed aiming to improve law enforcement to combat illegal bird killing.

# Local Legislation and Executive Regulations

- Presidential system – President elects cabinet of ministers with legislative capabilities for proposal of laws;
- Elected parliament drafts, proposes and approves proposed laws.

# The Process of Legislation

- **Phase 1:** Drafting Legislation
- **Phase 2:** Local and Administrative Stakeholder Hearing
- **Phase 3:** Proposal of Legislation
- **Phase 4:** Passing Legislation
- **Phase 5:** Publication and Enforcement

# Laws

- **Law for the Protection of the Environment (4/1994)**
  - “All institutions and projects submit an environmental impact assessment (EIA) that **integrates the wellbeing of wildlife and biodiversity, including birds.**”
  - Protection of coasts and wetlands from pollution, in light of biodiversity concerns (that include birds).
  - Encourages the establishment of protected areas, in hope of protecting wildlife and other natural resources.

# Law For the Protection of the Environment (4/1994)

- Article 28 explicitly forbids the hunting, killing, catching or trading of species that determined by the law's executive regulations:
  - *“It is forbidden to hunt, kill, or catch the species of wild birds and animals determined in the executive regulations of this Law or to possess, transport, circulate with, sell or offer to sell such birds and animals either **dead or alive**. It is also forbidden to damage the nests or eggs of these birds... The executive regulations of this Law shall determine the areas to which the provisions of this article apply and shall specify the conditions for a hunting license in these areas as well as the competent administrative authorities responsible for implementing the provisions of this article.”*

# Law for the Protection of the Environment (4/1994)

- Article 84 specifies the legal consequences of violating the previous article (28):
  - *“Whoever violates the provisions of Article 28 of this Law shall be **sentenced to jail and/or fined a sum of not less than five thousand Egyptian pounds and not more than fifty thousand Egyptian pounds.** In addition, birds and animals seized as well as the machines and equipment used in the violation shall be **confiscated.**”*

# Law for Protected Areas

## 102/1983

- “providing safe spaces for birds and other wildlife from hunting, pollution and other forms of human disturbance.”
- Article 2 of this law explicitly prohibits hunting, trafficking or disturbing all wildlife, alive or dead, located within the boundaries of the protected area.
- Prohibits any nearby activities taking place outside the boundaries of the protected area if such activities are damaging or harmful to the protected area and the creatures residing within it.



# Law for Protected Areas

- Park rangers and other administrative staff working in a protected area are vested with full authority to enforce the law and its executive regulations, to ensure the continued protection of the protected area's natural resources.
- Violating such laws can result in a jail sentence and/or a fine, as well as confiscation of equipment and machinery.
- Under this law, five different protected areas were established along the northern Mediterranean coast.

# Law on Fishing, Aquatic Life and Aquaculture

- Article 14 of this law prevents the hunting of birds on any of the islands located within wetland lakes falling under the jurisdiction of the *General Authority for Fisheries Resources Development (GAFRD)*, unless a permit is acquired from the GAFRD.
- Article 20 of this law's executive regulations prohibits the hunting of waterbirds in areas that fall under the jurisdiction of GAFRD, unless a permit is requested and acquired from the GAFRD.

# Law on Agriculture

- Articles 117 and 146 specifically prohibit the capturing, hunting and trading of wildlife.

# Executive Regulations

- Executive body is responsible for completing the law with technical details to ensure proper implementation and enforcement.
- Article 23.1 of the executive regulations refers to appendix 4 in the executive regulations, which stipulates the types of species that cannot be hunted, trapped, traded, or disturbed.
- Article 24.1. directly addresses the issuing of hunting permits:
  - *It is forbidden to issue licenses for the hunting of the birds and wild animals referred to in Annex (4) hereof except for purposes of scientific research, overcoming an epidemic or for such other purposes as are approved by the EEAA.*
  - *The application for a license shall be submitted in writing to the Ministry of Interior, indicating the species and number of birds or wild animals for which the hunting license is required, the purpose for which they will be hunted, the hunting period, the names of the person or persons to be licensed, and the method and weapons to be used in hunting. The said Ministry shall refer the application to the EEAA in order to ascertain its seriousness and importance.*

# Executive Regulations for the Environment Protection Law

- Appendix 4 prohibits the hunting, capturing and trading of all wildlife, including all birds, with the exception of a list of birds determined by the EEAA as being eligible for hunting, during the specified hunting seasons, and upon acquiring the necessary permits stipulated above.
- This list does not contain any species that are prohibited on the global level.
- Explicit reference is also made to species that are determined by CITES as illegible for hunting and trade.
- Appendix 4 also prohibits the killing birds and the destruction/degradation of their natural habitats in Important Bird Areas, wetlands determined by the Ramsar Convention, and protected areas established under the Protected Areas Law (102/1983).
- It is also prohibited to hunt any endangered species specified by the EEAA.

# Enforcement of Laws & Regulations

- In the field of bird conservation, there are a number of administrative bodies responsible for the execution and enforcement of laws and regulations relating to the killing of birds:
  - **Egyptian Environmental Affairs Agency (EEAA)**
    - The EEAA is the Ministry of Environment's executive body, with the jurisdiction of implementing and enforcing the Law 4/1994 (amended by Law 9/2009) for the Protection of the Environment and its executive regulations.
    - The EEAA's Nature Conservation Sector (NCS) is responsible for protected areas and biodiversity.
    - The Department of Biodiversity in the NCS is specialised in dealing with local and migratory birds, and is designated with issuing the annual hunting guidelines and regulations that are sent to local government administrations to be implemented and enforced. These annual produced guidelines determine the timings for hunting seasons, the permitted methods of hunting and related guidelines, as well as the permitted species.

# Enforcement of Laws & Regulations

- **Ministry of Agriculture:**

- The Ministry of Agriculture has a variety of jurisdictions, including jurisdiction over wildlife outside of the realms of protected areas.
- The Egyptian Wildlife Service is a department working under the auspices of the Ministry of Agriculture, and is specialised with matters pertaining to wildlife, including the relationship between specific birds and benefits to agriculture.
- The Ministry of Agriculture is also responsible for preventing the import or export of birds without permits, as well as monitoring the health of birds and the safety of agro-chemicals to birds.

# Enforcement of Laws & Regulations

- **Governorate Offices – Environmental Department:**
  - This *environmental department* issues the “environmental permits” required for setting up nets along the coast, using the EEAA’s regulations and decrees as guidelines for issuing said permits to ensure the sustainability of placing nets in different areas along the coast.



# Enforcement of Laws & Regulations

- **City Halls / Town Halls**
  - They are responsible for issuing the permits required to place nets along the coast. After receiving copies of the “environmental permit” (issued by the Environmental Department - 2.4.4.), the city/town hall determines whether or not the permit-seeker can place nets in the requested area.

# Enforcement of Laws & Regulations

- **Coast Guard – Ministry of Defense**
  - The Egyptian Coast Guard has jurisdiction over all coastal areas across the country, meaning that any activities are only to take place after acquiring security permits from their local offices.
  - The local Coast Guard Intelligence offices issue security permits for nets after determining that there are no security risks in the areas designated for netting.
  - This is merely a security clearance for netters to be present at a specific time and place along the coast.
  - Furthermore, the Coast Guard Intelligence offices issue the same security clearance for individual hunters using rifles.

# Enforcement of Laws & Regulations

- **Local Police – Interior Ministry**
  - The local police force in each governorate is responsible for issuing licenses to bear arms and purchase ammunition, a prerequisite for legal hunting using rifles.
  - The police force is also responsible for the enforcement of laws and regulations with regards to illegal hunting practices, in coordination with the EEAA, as they provide the “manpower” to enforce laws and regulations.

# Procedure to issue hunting & trapping permits

- **Trapping:**

- The Ministry of Environment issues its annual ministerial decree containing the hunting and trapping regulations for the autumn and winter seasons of the current and following year.
- This decree is sent to a number of administrative bodies, including the coastal *governorate offices*, their respective *environmental departments*, the Coast Guard, and the Environment & Water Police.
- In coordination with their *environmental departments*, some of the *governorate offices* will issue a set of tailored regulations for bird hunting and trapping along the Mediterranean coast as well as other areas allocated for hunting (lakes, wetlands, etc.)
- The *governorate offices* will inform the local government administrations (city/town halls) and the Coast Guard offices, that permits for netting are to be acquired through the city and town halls, in accordance to the upcoming procedures.

# Procedure to issue hunting & trapping permits

- **Trapping:**

- Citizens seeking permits for nets should first submit a request to the *environmental department* of the relevant *governorate office*, including information on the exact location intended for bird trapping. Upon approval (based on environmental considerations), the *environmental department* issues an “environmental permit” to the citizen seeking a permit.
- Citizens then head to the local government administration at the city/town hall, and submit a request for a permit, also including the exact location intended for netting.
- With the acquired permit at hand, citizens then submit a request to the designated Coast Guard Intelligence office, to issue the necessary security permit (clearance) to allow those engaging in the bird-netting to be located on the coast during the allocated hunting and trapping seasons.

# Procedure to issue hunting & trapping permits

- **Hunting Using Rifles:**

- If/when a gun license is acquired from the local police administration, individual citizens wishing to hunt using a rifle are required to submit a request to the designated Coast Guard Intelligence office to issue the necessary security permit (clearance).
- If a citizen is a member of an official shooting club, then all the relevant procedures for issuing permits are handled immediately through his/her club. Shooting clubs issue their permits directly from the EEAA.

# Egypt's Duties under these Conventions and Agreements

- Article 93 of the Egyptian Constitution of 2014 dictates that Egypt shall be bound by all of the international conventions and agreements it has signed and ratified. This is the legal foreground for asserting Egypt's responsibility to uphold its duties and obligations under international law.
- Egypt is a signatory of all the major international agreements and conventions regarding the conservation of migratory birds, ensuring that it is under international duties to fulfill its obligations to conserve migratory birds and take the necessary local measures to do so.
- Conventions include: CITES, CBD, CMS, AEWA.

# Assessment of Existent Laws and Executive Regulations

- **General Legislative Framework**

- Although plenty of legislation does exist to address illegal bird killing, they are sporadically **spread across** a number of different laws and decrees, and are to be enforced by different governmental and administrative bodies that do not necessarily coordinate their efforts in a matter stipulated by law.
- While the EEAA is specialised in the field of biodiversity conservation, it only has sole jurisdiction over protected areas
- Although the currently existent legal framework dictates that the EEAA issues hunting guidelines and regulations, most requests for hunting and trapping **permits are submitted to other administrative bodies** (Coast Guard Intelligence, local government offices, city/town halls, etc.)
- There is no unified legal document that highlights the monitoring and enforcement duties of the relevant governmental bodies.



# Assessment of Existent Legislation & Enforcement

- **Law 4 / 1994 – Law for the Conservation of the Environment**
  - This law does not dictate the need for integrating wildlife concerns, particularly migratory birds, in the local urban and economic development plans and strategies.
  - The law does not dictate the need for the relevant administrative authorities to coordinate efforts to reduce illegal bird killing, and does not provide a legal framework for such coordination.
  - The law and its regulations do not include the integration of local communities in biodiversity conservation efforts, particularly law enforcement efforts to reduce illegal bird killing.

# Assessment of Existent Legislation & Enforcement

- **Law 4 / 1994 – Law for the Conservation of the Environment**
  - The law does not dictate the establishment of a database of all the individuals and companies that have filed for permits to hunt birds, reducing the EEAA's ability to accurately determine the socioeconomic drivers behind bird hunting, as well as limiting the potential for collaboration between enforcement efforts and local hunters.
  - AEWA's regulations only make an exception for the use of nets and traps if they are used for livelihood purposes. The law, its executive regulations, and relevant ministerial decrees do not distinguish between the use of nets for sustenance and commercial netting.
  - The Law does highlight the necessary enforcement mechanisms required for monitoring compliance with regulations versus illegal bird killing.

# Assessing Current Enforcement of Legislation

- Despite of the legislative issues hindering the reduction of illegal bird killing, the more significant issue lies within the mere implementation of the existent laws and regulations. Because :
  - **Illegal bird killing is not viewed as a priority**
  - **There is a lack of awareness of law enforcement bodies and administrative offices**
  - **Lack of coordination between relevant governmental bodies**
  - **Insufficient follow up on hunters' compliance with laws and regulations**
  - **Bureaucratic difficulties to acquire necessary permits**
  - **Lack of community engagement in the law enforcement processes**

# Preliminary Recommendations

- **Unified law for hunting management**
- **Amendments to Law 4/1994 – Environmental Conservation Law**
  - The Environmental Conservation Law and/or its executive regulations should establish a *Hunting Management Unit* within NCS-EEAA, to be specialised with all matters relating to the hunting and trapping of migratory birds, acting as the Ministry of Environment's focal point for all correspondences with relevant parties. As well as deal with all of its inadequacies discussed above.

# Preliminary Recommendations

- **Amendments to annual hunting regulations (ministerial decree)**
  - Definitions for “livelihood purposes”, as well as “sustainable,” in reference to the trapping of birds.
  - Prohibit any form of hunting during spring season, as well as aggregate all the prohibited acts under one clear and concise list.
  - Coordinate with

# Recommendations for Improved Enforcement

- Memorandum of understanding between coastal governorates & law enforcement
- Raising technical capacity of local government bodies and law enforcement personnel
- Formally establishing monitoring committees in local government
- Enhancing the role of EEAA Rangers along the coast
- Using permit fees to fund local government monitoring committees
- Reviewing current fees allocated for trapping permits
- Integrating local communities in the enforcement procedures
- Aggregate hunting law