

# Synthesis Report **2**

## **BIRD HUNTING POLICY & LEGISLATION** In Mediterranean Third Countries of North Africa and the Middle East



## Synthesis Report ( II )

# BIRD HUNTING POLICY & LEGISLATION In Mediterranean Third Countries of North Africa and the Middle East

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### Project partners



## 1. Migratory bird hunting – the national policy contexts

All project countries have conservation, environmental or agriculture policies which cover wildlife, hunting and protected areas but no country has any policy relating specifically to hunting of migratory birds. A range of national policies have potential relevance for migratory bird hunting and for the conservation and management of key sites and habitats used by migrants (bottleneck sites, wetlands etc.) .

In Egypt, the NBSAP (National Biodiversity Strategy and Action Plan) makes specific mention of migratory birds in relation to compliance with CMS and AEWA<sup>1</sup> . In Jordan, the NBSAP includes projects for species at risk outside protected areas, which could include action to address hunting issues at bottleneck sites and the Jordan Parks Policy makes specific mention of the conservation needs of migrants including birds. In Lebanon, despite the current hunting ban, the revised NBSAP (2006) contains a specific objective related to the organization and regulation of hunting and recognizes the socio-economic and recreational possibilities offered by sustainably managed hunting. Migrant bottleneck sites and waterbird wintering areas in several countries are recognized as Important Bird Areas and, in some cases, also as part of the national protected area network. Several countries have broad policies relating to habitat management (e.g. afforestation, desertification, coastal zone management) which will have impacts on migratory birds through their use of these habitats but these policy frameworks do not address migrant hunting specifically. Adherence by countries to international conventions and agreements (MEAs) is dealt with below (Section 6) .

## 2. Migratory bird hunting laws and regulations

All countries have hunting legislation; in some cases a specific Hunting Law, in other countries, hunting legislation comprises parts of the Agriculture or Environment Law. In most countries, the various laws and decrees deal with hunting generally but in some (e.g. Lebanon), the legislation was drafted principally to cover bird hunting. Most countries do not have specific migratory bird hunting legislation but some countries (e.g. Jordan, Tunisia, Algeria, Morocco) have legislation and regulations which are very species-specific (e.g. bag limits, seasons, regions and even allowed times of day for hunting individual species) and these include some migrants. Several countries currently or very recently had total hunting bans but these appear to have driven hunting underground rather than stopping it: illegal (non-registered) hunters in Syria, for example, are estimated to number 200,000 .

The level of detail and the adequacy of the legislation to deal with migratory bird hunting issues vary greatly across the region (see Table 1 and section 7). There are inadequacies in the legislation in all countries and parts of it are very out of date in some countries. For example, several countries still have legislation which lists predators which can be killed and other lists of birds harmful to agriculture, with no recognition of more modern attitudes to ecosystem management and the fact that such species may be integral parts of ecosystems and biodiversity even if their activities are sometimes damaging to farming or other human interests .

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<sup>1</sup> Convention on the Conservation of Migratory Species of Wild Animals ("Bonn Convention") and African-Eurasian Waterbird Agreement (under the CMS)

Many countries have recently revised or are revising their environmental legislation. However, no country has fully translated the obligations under international conventions which support migratory bird conservation into effective national hunting legislation and implementing regulations (see section 6). Enforcement is also weak and illegal or unregulated hunting of many kinds is widespread. In Egypt, for example, measures have been taken to regulate hunting in protected areas but excessive and indiscriminate hunting still occurs in many sites which are of international importance for bird conservation. In Morocco, hunting is strictly forbidden in protected areas but regular poaching occurs in these sites. In Lebanon, the number of reported violations is known to be far lower than the actual situation and the number of cases brought to justice fewer still. In Palestine, the Israeli occupation has hampered the development of policies for all aspects of biodiversity conservation and much of the necessary legislation is only now in development as part of the Peace Process .

In most countries, the hunting laws and regulations cover a very wide range of hunting management issues including :

- ministries and agencies responsible for administration and regulation of hunting
- permits/ licenses and fees
- designation of game species and bag limits (these often specify bag limits per region and per season)
- Fully protected species (i.e. cannot ever be hunted, trapped, transported, bought or sold etc. )
- species deemed harmful to agriculture which can be hunted any time of year
- designation of hunting grounds (for hunting) and locations in which hunting is forbidden
- permitted hunting seasons (in some cases specifically for migratory species) and times of day
- permitted or forbidden methods (e.g. use of mist nets in some countries is permitted for scientific research only)
- Fines, imprisonment and other penalties for illegal hunting .

In some countries legislation also covers trade in wild species (which species can be traded and under what conditions; species and species products which cannot be traded etc.). However, even where national legislation exists, in many cases, it is not adequate or not adequately enforced to fulfill the requirements and obligations of CITES ( see section 6 ) .

**Table 1:**  
**Hunting legislation in the eight project countries**

Country	Hunting Legislation	Notes
Lebanon	<p>Terrestrial Hunting Law of Lebanon (law no. 580 dated 25/2/2004) Recently, two application decrees were issued in July 2006 initiation of the Higher Hunting Council with representatives from ministries and public institutions (decree no. 17454 dated 15/7/2006); internal governance and procedures for the Higher Hunting Council (decree no. 17455 dated 15/7/2006). These are crucial decrees that would allow the issuance of the remaining application decrees for the enforcement of the law. Enforcement of the hunting law is pending the issuance of all related decrees and decisions.</p> <p>Law for Environment Protection (law no. 444 dated 29/7/2002) stressed the importance to abide by the concept of biodiversity protection; in addition to a specific section related to the management of natural resources and protection of biological diversity.</p> <p>The proposed Framework Law on Protected Areas in Lebanon is expected to be adopted soon. Further, a National Action Plan for Protected sites has been prepared.</p> <p>Draft Law on Access and Benefit Sharing of genetic resources in Lebanon has been prepared.</p>	<p>Under the new law, apart from the species designated as game species, all birds and terrestrial animals, resident or migratory, are protected all year long and their hunting is prohibited</p> <p>The new Hunting law states that the Minister of Environment has the prerogative to issue hunting decisions based on the HHC suggestions. The decisions include setting hunting season, list of birds and animals harmful to agriculture which are allowed to be hunted, and the list of game species.</p> <p>Hunting was Banned in 1994, and still is until the new hunting law enters the implementation stage. Hunting ban was initially respected but enforcement was very weak and government sent out mixed messages (for instance allowing import, production and sale of hunting gear and ammunition during the ban). Frustration among hunters increased with each renewal of the ban and levels of illegal (often indiscriminate) hunting are thought to be very high: the hunting ban and absence of permits made monitoring impossible</p> <p>Fines and regulations in place are still those applicable under Hunting Ban: fines on hunting of "local" species are much higher than those for migratory species</p> <p>Law on Access and Benefit Sharing could support development of sustainable hunting practices</p>

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Country	Hunting Legislation	Notes
Syria	Hunting Law (1994)	Hunting banned throughout Syria apart from hunting season: 1 September to 15 February Since 1994 all hunting has been banned: the ban extends to November 2006 or until a new hunting law (currently under review by President's Office) is approved by Parliament
Jordan	The Agriculture Law (2002) is main instrument dealing with wildlife hunting	All desert regions to the east of the Hijaz Railway are free hunting areas except for named protected species and sites Hunting Licenses are issued by approval of Ministry of Interior; all Jordanians are eligible if they meet specified criteria and non-Jordanians likewise for temporary (1 week) licenses
Palestine	Hunting legislation is based on Jordanian legislation but not yet fully approved/ applied	No mention of game species in draft legislation No specific designated hunting areas within Palestinian territories Hunting Ban currently imposed by Governor in the area of Jericho, until hunting is fully regulated by law.
Egypt	Law for the Environment (1994); Law on Arms and Ammunition (1949); The Agriculture Law (1966); Law on Catching Fish and Aquatic Life (1983); Law for Natural Protectorates (1983)	The Law for the Environment: most significant interms of hunting; includes provision for international conventions, hunting management, species protection Agriculture Law includes species protection (birds beneficial to agriculture, globally - threatened species); Law on Catching Fish includes hunting at lakes, fish farms, inland wetlands; Law for Natural Protectorates includes habitat protection for biodiversity and prohibits hunting in these areas Other legal instruments which include provisions relating to hunting of migratory birds are : Ministerial Decrees, Governorate Decrees, regulations from National Committees

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Country	Hunting Legislation	Notes
Tunisia	<p>First legal hunting text (1918); incorporated into Forest Code (1959) (Min. of Agriculture). Forest Code (FC) amended by several Laws (1966; 1988; 2001; 2005)</p> <p>FC establishes the Consultative Commission on Hunting and Game Conservation.</p>	<p>Legal framework (Forest Code &amp; amendments) defines: hunting and its purpose; authorized and banned practices; species authorized for hunting and their seasons; hunters' obligations and specifies organization of :shooting; hunting with dog; falconry; hunting photography; requirements for predator destruction; tourism hunting; fines and sanctions.</p> <p>Additional texts cover other issues such as: establishment and management of reserves; organization of hunting associations; captive breeding of game birds; taxidermy. Byelaws (1988) deal with: breeding and trade; capture of falcons and Sparrow hawks ; Hunting Tourism.</p> <p>Tourism hunting is only permissible through tourism agencies. Authorized forms of hunting include use of shotguns; hunting with dogs; and falconry. Use of motorized vehicles and non selective methods (traps, nets, snares, glue, light and sound lures) are banned. Hunting is strictly forbidden in protected areas including Hunting Reserves and the majority of the Important Bird Areas; during snowfall; at night.</p> <p>An award from the President was established by decree to be given annually for the protection of wild fauna. This award goes to hunters' and environmental protection associations for efforts in conserving game and managing hunting reserves</p>
Algeria	<p>The Hunting Law (2004) is the main instrument</p> <p>Law relating to Plant Protection (1987) defines pests harmful to agriculture</p> <p>Other laws: Sustainable Land Use Planning and Development (2001); Forestry (1984); Environment (2003) have potential relevance e.g. through chapters relating to protection of fauna, habitats, protected areas</p>	<p>The Hunting Law defines the requirements and procedures for hunting permits; the rules relating to hunting activities, methods, locations and hunting tourism; hunting associations; hunting heritage including game birds and congregating species; fines and sanctions.</p> <p>The hunting license is a national document allowing the holder to hunt on lands leased to the hunting association of which he or she is a member. Applicants have to follow a training course and pass an exam showing ability to distinguish game birds, protected</p>

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Country	Hunting Legislation	Notes
Algeria (continue)		species and those which cannot be hunted. Tourism hunting is only permissible through tourism agencies. Authorized forms of hunting include use of shotguns; hunting with dogs; falconry and use of horses. Use of motorized vehicles and certain methods (traps, nets, snares, glue, light and sound lures) are banned. Areas within which hunting is banned include: protected areas; forests and other habitats destroyed by fire or recently reforested; forests and public lands not leased to a hunting association; snow-covered sites. A byelaw establishes The National Hunting Heritage Development Plan for species rehabilitation and enhancement, species-specific conservation measures (e.g. threatened species) and habitat restoration for species.
Morocco	Dahir for Game Protection, July 21 1923 and Byelaws (1955, 1962) mandate Ministry of Agriculture to regulate hunting and Department of Waters and Forests to issue annual decrees (seasons, bag limits, hunting localities etc.)	All hunting rights belong to the State which can lease them to hunters' associations or individuals 1923 Dahir defined hunting rights; creation of hunting reserves; requirements for licenses; approved and banned hunting methods; penalties. Byelaws deal with hunting on private lands, trade in game birds, protection of rare and useful species, hunting times, locations and methods etc. Permitted methods are shooting; hunting with dogs; falconry. Bird calls and decoys may be used for certain waterbirds and waders but trapping is illegal. Hunting is strictly forbidden in protected areas including Important Bird Areas; various defined private and cultivated areas; during snowfall; at night (except 30 minutes after sunset for some species)



No country appears to have adequate legislation on these aspects to support implementation of sustainable hunting programmes. Legislation and regulation relating to ownership, sale and manufacture of guns is usually under different ministries (e.g. Ministries of Defense/ Economy/ Trade/ Industry) from other aspects of hunting (and bird conservation) legislation (Ministries of Agriculture, Environment) with little or no cross-referencing or integration .

In Morocco, sale of hunting weapons and ammunition are regulated through a separate Dahir (1937) from that which regulates hunting. In Algeria, authorization is granted at local government level for acquisition and transfer of weapons, ammunition and accessories; weapons and ammunition may not be held or used out with the hunting season. There are also legal limits on the amounts of gunpowder, cartridges and other accessories which can be used per month and sales are regulated at local level by police and civil protection authorities. In Lebanon, it is easy to obtain a gun license or a gun by paying for it and avoiding official procedures (thus monitoring of licenses does not give an accurate figure for the number of hunters). In Tunisia, the delivery of the gun licenses – which is a condition to obtaining a hunting permit - is stopped since more than 15 years now. This had lead to the decrease of the number of registered hunters (16.000 in 1987, 11.400 in 2005) in the country .

Although some countries have legislation relating to sale, manufacture or import of trapping equipment, this is easily circumvented through local manufacture of "home-made" traps. In Lebanon, the legal position is unclear: import of calling machines is illegal but their local manufacture and sale may be overlooked. In Tunisia and Morocco, trapping is illegal but poachers are known to make and use their own traps .

## 4. International and regional conventions and agreements relevant to hunting of migratory birds

A number of MEAs (multi-lateral environmental agreements) have direct or potential relevance to migratory bird hunting in the region:

**CMS:** The Convention on the Conservation of Migratory Species of Wild Animals ("Bonn Convention") aims to conserve terrestrial, marine and avian migratory species throughout their range. AEWA is an Agreement within the CMS framework; there is also a proposal from the UK for a regional agreement for protection of raptors .

**AEWA:** African-Eurasian Waterbird Agreement includes recommendations regarding the use of lead shots; hunting of waterbirds; conservation of key sites for their protection and species-specific action plans. Lebanon has ratified this Agreement without being party to the framework convention (CMS) .

**Bern Convention on the Conservation of European Wildlife and Natural Habitats:** covers the whole of the natural heritage of the European continent and extends to some States of Africa. Its aims are to conserve wild flora and fauna and their natural habitats and to promote European co-operation in that field. Among the MTC countries, Tunisia and Morocco are formal Observers to this Convention.

**CITES:** The Convention on International Trade in Endangered Species of Wild Fauna and Flora aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival .

**CBD:** The Convention on Biological Diversity requires Member States to ensure the protection, conservation and sustainable use of its biological resources according to the Addis Ababa Principles on Sustainable Use of Biodiversity. These include the concept of conservation through use of natural resources and highlight the roles of scientific guidance and legislation in achieving sustainable use.

**Ramsar Convention:** includes obligations and actions related to hunting at sites identified as being Wetlands of Importance for Birds. Member States are required to undertake a National Wetlands Inventory for the identification and designation of Ramsar sites which is an important conservation management tool for wetlands, waterbirds and other migrant birds using wetland habitats .

**Barcelona Convention:** a regional convention for Mediterranean countries, covering environmental as well as social, economic and other issues. SPAMs (Specially Protected Areas of Mediterranean Importance) are the aspect of greatest relevance to hunting and conservation of migratory birds .

**Jeddah Convention (for Conservation of the Red Sea and Gulf of Aden Environment):** regional environmental cooperation; specifically on conservation of the marine and coastal environment of the Red Sea/ Gulf of Aden .

**African Convention for the Conservation of Nature and Natural Resources:** a regional convention to encourage individual and joint action for the conservation, utilization and development of soil, water, flora and fauna and specifying that parties shall conserve faunal resources and use them wisely, manage populations and habitats, control hunting, capture and fishing, and prohibit the use of poisons, explosives and automatic weapons in hunting ( art. VII ) ;

**Table 2:**  
**Ratification of relevant multi-lateral environmental agreements by project country**

Country	CMS	AEW A	BERN	CITES	CB D	Ramsar	African Convention	Barcelona	Jeddah
Syria	√	√	X	√	√		N/A		N/A
Lebanon	X	√	X	X	√	√	N/A	√	N/A
Jordan	√	√	X	√	√	√	N/A	X	√
Egypt	√	√	X	√	√	√	√	√	√
Tunisia	√	√	√	√	√	√	√	√	N/A
Algeria	X	X	√	√	√	√	√	√	N/A
Morocco	√*	√*	√	√	√	√	√	√	N/A
Palestine	Palestine Environmental Law contains a clear commitment to regional and international MEAs								

\* signed but not ratified

## 5. Legislative and implementation gaps

There are very big variations between countries in the degree to which current legislation provides an adequate framework to implement sustainable hunting of migratory birds. Each country will have to address its own individual situation but across the region, the main weaknesses in terms of legislation and regulation are :

- lack of integration of different bits of legislation relevant to hunting of migratory birds (different laws and regulations overlap and may conflict; different Ministries have different responsibilities with no mechanism for collaboration and integration)
- lack of clarity; missing elements; out of date laws, regulations and penalties which are not adequate for the current situation
- lack of implementing regulations, decrees, byelaws, institutions, permit systems etc. specified in the legislation which means that approved legislation cannot be implemented and there is confusion about the status of the law
- inadequate review and updating; lack of consultation with stakeholders over revisions in legislation
- lack of adequate national legislation to implement objectives and obligations of international conventions (MEAs) relating to migratory birds, which countries have ratified (national legislation conflicting with objectives of MEAs which the country has ratified; or conflicting MEA objectives)
- lack of enforcement (for a variety of reasons: e.g. lack of political will; lack of adequate administrative structures; lack of training and institutional capacity and funding)
- lack of a scientific basis to legislation which may therefore not achieve its purpose even if fully implemented (e.g. good and exhaustive data on migratory bird populations, movements and hunting)
- lack of data and monitoring to check on compliance (by hunters under national legislation and by countries with regard to MEA obligations)
- issues such as lack of awareness (public; decision-makers and legislators); political instability; corruption all weaken national capacity to implement legislation effectively and achieve sustainable hunting .

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In Mediterranean Third Countries of North  
Africa and the Middle East