

*This Law is the last law on this topic passed by the democratic government of the Somali Republic. It has since been amended during the Somali dictatorship era.*

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## **Law on Fauna (Hunting) and Forest Conservation**

### **Law No. 15 of 25 January, 1969**

THE PRESIDENT OF THE REPUBLIC

Taking note of the approval of the National Assembly

HEREBY PROMULGATES  
the following law:

#### **Chapter I**

#### **Preliminary Provisions**

Article 1  
Title

This Law may be called as the law on Fauna (Hunting) and Forest Conservation.

Article 2

For the purpose of this Law, unless the context indicates otherwise:

1. "aerodrome" means any area of land or water designed, equipped, set apart, or commonly used for affording facilities for the landing and departure of aircraft;
2. "aircraft" means any type of airplanes, airship balloon kite, whether captive, navigable of free and whether controlled or directed by human agency or not.
3. "animal" means any kind of vertebrate animal including the eggs and the young thereof, but excluding human beings, domestic animals and fish;
4. "authorized officer" means any member of the Police, Game Service, Illalos, Forest Officers, Games Officers, or by other person empowered by the Minister of Rural Development and Self Help Schemes to carry out the provisions of this law;
5. "bona-fide road" means well marked and publicly used road or path'
6. "capture" means and includes by act immediately directed at the taking of by animal and the taking of any nest, egg or young;
7. "charcoal" means the black porous residue party burnt wood;
8. "closed season" means any period specified in accordance with Article 13 of this law;
9. "commercial use" means any use other than direct for personal purposes, including uses involving barter, sale, trade or by other disposition is received;
10. "controlled area" means and area specified in Schedule 2 Part "A" of this law in which the hunting of all animals is regulated by the written permission of the Minister of Rural Development and Self Schemes under Article 9 but in which entry and residence are not restricted;

11. "dangerous animal" means any animal specified in Schedule 20 if this Law and any other animal which may be prescribed;
12. "Forest officer" means any officer of the Forest Department of or above the rank of forest guard, or any person upon whom the Minister may, in writing, confer the powers of a forest officer;
13. " Firewood" includes parts of trees made up into bundles or loads, or cut wood for burning, and all refuse wood generally, but does not include logs or poles;
14. "Forest Operation" means any operation of works undertaken by the Forest Department, or their authorized agent, in the interest of the well being of the forest or considered necessary for future improvement;
15. "Forest produce" includes bark, planks, pillets, fodder, frankincense, myrrh, poles, props, bees wax, canes, fruit, yalls, grass, gum, honey, leaves, limestone, lotter, moss, murrum, peat, resin, reeds, rushes, seeds, spices, stone, timber, trees, wax whithies, roots, charcoal, earth, fibre, firewood and such other things as the Minister may declare to be forest produce for the purpose of this law;
16. "Forest reserve" means any area of land declared under the provisions of Article 51 of Book II of this law to be a forest reserve;
17. "Game and game animal" means any animal specified in Schedules 3 and 4 of this Law and includes the egg and the young thereof;
18. "Game Licence" means any licence issued under Article 17 of this Law;
19. "Game reserve" means any are specified in Schedule 1 of this Law in which the hunting of all animals is prohibited under Article 4 and in which entry and residence are regulated;
20. "Honorary Game rangers and Wardens" means those officers whom the Minister may, by notice and decree appoint under Article 69;
21. "hide" means any form of man made screen, fence, platform, pit or ambush intended to conceal a hunter;
22. "hours of darkness" means the period commencing at sunset on any day and ending half an hour before sunrise on the next day;
23. "hunting" means any act immediately directed at the killing or capturing of any animal and includes disturbing and molesting any animal'
24. "indigenous hunter" means any Somali citizen who hunts animal for food to support his family;
- 25; "Licence" means a valid licence granted by the Minister, or person duly authorized by him in that behalf;
26. "licencing officer" means the Minister of Rural Development and Self Help Schemes of any other person authorized by him to issue licences under the provisions of this law;
27. "livestock" includes cattle, sheep, goats, horses, donkeys, camels, mules and all other domesticate animals and their young;
28. "Log" means the stem of a tree or a length of stem, or branch after felling, cross-cutting and rimming, but does not include a pole;
29. "meat" includes the fat, flesh and blood of any animal, fresh, dried or otherwise preserved;
30. "mechanically propelled vehicle or vehicles" means all vehicles, including watercraft and aircraft, which receive their motive power form internal combustion;
31. "Secretary of States" means the Secretary of State responsible for Forestry and Game;

32. "partial game reserve" means any area specified in Schedule 1 Part "B" of this law and in which hunting of certain animals as specified in Schedule 3 Part "B" of this law is prohibited except under and in accordance with the provisions of article 20 of this law;
34. "permits" means a permit in writing issued by the Minister or Senior Forest Officer on the Minister's behalf;
35. "pole" means a tree or part of a tree of suitable size for use in the round as a telegraph, power transmission or building pole, dhow's mast or for similar purpose;
36. "prescribed" means prescribed by regulation made under this law;
37. "private land" means any freehold or lease hold land or land held under a right of occupancy;
38. "professional hunter" means any person who for hire or reward conducts hunting parties or assists any person or hunting party in the hunting of animals;
39. "purchase" and "sell" include barter;
40. "reserved tree" means any tree declared by order made under Article 58 to be reserved tree;
41. "residence" include all forms of dwelling arrangement meant for the living of people therein whether of temporary or permanent nature and irrespective of its kind, design and size;
42. "road" means any highway and any other road to which the public has access and includes bridges over road passes;
43. "Senior Forest Officer" means any officer of the Forest Service of or above the rank of Forest Superintendent;
44. "settlement" means act of settling or state of being settled;
45. "timber" means any tree which has been felled or which has fallen, and the part of any tree which has been cut of or fallen, and all wood whether sawed, split, hewn or otherwise fashioned;
46. "tree" includes palms, bamboos, cnes, shrubs, bushes, plants, poles, climbers, seedlings, saplings, and the regrowth thereof of all kinds and of all ages and any part thereof;
47. "trophy" means any animal, alive or dead, and any tooth, tusk, bone, horn, shell, claw, hoof, skin, hair, egg, feather, or other durable portion whatsoever of any animal, whether processed or not, provided that it is readily recognized as a durable portion of any animal;
48. "trophy dealer" means any person who, engages in by buying, in by buying, selling, or processing of trophies other than those obtained on a game licence;
49. "unreserved land" means land not situated within a forest and grazing reserve which is not free hold or lease hold (or not deemed to be free hold or lease hold land under any law for the time being in force) or land occupied under an right of occupancy granted under the provisions of the Land Ordinance;
50. "vehicle" means all vehicles including mechanically propelled machines of all types as well as those which receive their motive power from forces of nature or animal or human power;
51. "vermin" means any animal specified in Schedule 10 of this law any animal declared to be vermin under Article 34;
52. "wild life" means any animals, birds, river fish and reptiles of any description, but not including other lower terrestrial forms of life within the land areas of the Somali Republic.

## **FAUNA (HUNTING) CONSERVATION**

### **Chapter I**

#### **Game Reserves, Controlled Areas, Partial Game Reserves Prohibited and Close Seasons**

##### Article 3

###### Game Reserves

The areas prescribed in Schedule 1 of this are hereby declared to be Game Reserves.

##### Article 4

###### Hunting in Game Reserves forbidden

Except as provided by Article 20 (which relates to a Minister's licence) no person shall hunt animals in a Game Reserve. Any person who contravenes the provisions of this Article shall be guilty of an offence under this law.

##### Article 5

###### Entry and Residence in a Game Reserve

1. No person other than:

- a) a public officer on duty in the reserve; or
- b) a servant of a public officer on duty in the reserve; or
- c) a person whose place of ordinary residence is within the reserve; or
- d) a person entering the reserve solely for picnicking, sightseeing, bathing or other such recreational purposes; or
- e) a person engaged in a reserve upon forest or water works of any kind permitted by law; or
- f) a person engaged in a reserve on bona fide prospecting or mining operation,

shall enter or reside in a Game Reserve except with the written authority of the Minister of Rural Development authority of the Minister of Rural Development and Self Help Schemes previously sought and obtained.

2. Any person who contravened any provision of this Article shall be guilty of an offence under this law.

##### Article 6

###### Possessions of Weapons in a Game Reserve

1. No persons other than those referred to in paragraphs a) through c) of Article 5 (1) shall be in possession of a fire arm or bow and arrow, or any other instrument or device capable of killing or capturing game animals in a Game Reserve without the written permission of the Minister of Rural Development Self Schemes previously sought and obtained.

2. Any person who contravenes any provision of this Article shall be guilty of an offence under this Law.

## Article 7

### Protection of Vegetation in Games Reserves

1. No person shall willfully or negligently cause any bush or grass fire, or fell; cut; burn; injure, or remove any standing tree, shrub, bush, sapling, seedling, or any part thereof on a Game Reserve except by and in accordance with the written permission of the Minister of Rural Development and Self Help Schemes previously sought and obtained, and if any part of the reserve is included in a forest reserve, the Head of Forest and Game Services or his duly authorized representative.
2. Any person who contravenes any provision of this article shall be guilty of an offence under this Law.

## Article 8

### Controlled Areas and Partial Game Reserves

1. The areas described in Part "A" of Schedule 2 are hereby declared to be controlled areas.
2. The areas described in Part "B" of Schedule 2 are hereby declared to be Partial Game Reserves.

## Article 9

### Hunting Controlled Areas and Partial Game Reserves

1. Except as proved by Article 20 and 26 (which relates to the Minister's licence) no person shall, in a controlled area or partial game reserve, hunt any game animal without the Game Licence for such animal and the permit for such area previously sought and obtained from the Minister of Rural Development and Self Help Schemes.
2. In addition, in the case of partial game reserves, no person shall hunt any of the animals shown in Schedule 3 part "B" of this law in those areas where they are prohibited.

## Article 10

### Refusal and Conditions of "Controlled Area and Partial Game Reserve" Permit

The Minister of Rural Development and Self Help Schemes may, in his discretion refuse to grant a "controlled area or partial game reserve" permit to any person, giving reasons for such refusal or attaching such conditions and restrictions to the granting of the permit as he may see fit.

## Article 11

### Permit fees for Controlled Areas and Partial Game Reserves

1. The Minister of Rural Development and Self Help Schemes may specify the fee that shall be payable in respect of a "controlled area" or "partial reserve" the locality within such area, and the date on which such fees become effective for such permit and area.
2. Any person who contravenes any provision of this Article or any condition or restriction contained in a "controlled area permit" shall be guilty of an offence under this Law.

#### Article 12 Prohibited Game

1. The animal specified in Schedule 3 Part "A" of this Law shall be hunted, killed or captured throughout the Somali Republic save as expressly provided in Article 20.
2. Every holder of a General Game Licence and a Bird Licence is required to know the prohibited and protected games listed in Schedule 3.
3. Any person who hunts, kills or captures any prohibited games listed in contravention of the provisions of this sections shall be guilty of an offence under this Law.

#### Article 13 Close Season

1. From first March to thirty first July every year is closed season.
2. Save as this law otherwise expressly provides, no person, shall hunt, kill or capture any animals during closed season.
3. Any person who hunts, kills, or captures any animal in contravention of section (2) of this Article shall be guilty of an offence under this Law.

### **Chapter II Hunting of Animals**

#### Article 14 Hunting with a Licence

No person shall hunt any animal specified in Schedule 4 of this Law except under and in accordance with the conditions of a game licence issued to him under the provisions of Article 16.

#### Article 15 Hunting without a Licence

1. No licence shall be necessary to hunt any animal specified in Schedule 4 in any area in which it has been declared to be vermin under the provisions of Article 35.

2. The Minister of Community Development may, by notice in the Bulletin add to, amend or replace all or any part of the Schedule 4 of this Law.
3. Any person who contravenes any provisions of Article 14 or 15 shall be guilty of an offence under this Law.

#### Article 16

##### Issuance of Game Licences

1. Game Licences may be issued by any licencing officer upon application made in writing in the form shown in Schedule 5 to this Law and shall be valid for any area and period specified in the licence.
2. Provided that the licencing officer before issuing the licence may require the applicant to appear before him in person and produce for his inspection his arms licence.

#### Article 17

##### Types of Game Licences and Fees

1. Game licence shall be of the following kinds:
  - a) a General Game Licence in the form shown in Schedule 6 hereto, which shall entitle the holder to hunt animals of the kind and number specified in the first and second columns of part "A" of Schedule 4.  
Provided that no more than one valid General Game licence may be held by any one person at one time,
  - b) a Supplementary Game Licence, in the form shown in Schedule 7 hereto, which shall be issued only to the holder of a General Game Licence and which shall entitle the holder to hunt animals of the kind and the number therein specified in accordance with the first, third and fifth columns of Schedule 4 of this Law subject to the following conditions:
    - i) the maximum number of each species in the first column of Schedule 4 which may be hunted during the validity of one supplementary game licence shall not exceed the numbers corresponding to such species shown in the third column of the said Schedule irrespective of the number of licences issued;
    - ii) subject to the provisions of sub-paragraph (i) of this section, any number of supplementary game licences may be issued to one individual during the currency of the general game licence in relation to which it is issued, to hunt, any or all of the species shown in the first column of Schedule 4 provided that the total number of animals of each species allowed on all the supplementary game licences do not exceed the figures for such species as specified in the fourth column of the Schedule 4 of this Law.
  - c) a Bird Licence in the forms shown in Schedule 8 hereto, which shall entitle the holder to hunt birds, dikdik, hare and warthog (hereinafter called "Game Birds" up to the number and of the species specified in Schedule 7 Part "B" of this Law;
  - d) a Capturing Licence in the form shown in the Schedule 13 hereto, which shall entitle the holder to capture animals of the kind and the number specified therein. This

licence shall be valid up to such time when the animals specified therein have been captured which period shall not exceed six months. Game animals to be captured together with fees chargeable per head of animal shall be as shown in Schedule 14 of this Law;

e) no person shall act as a professional hunter unless he is in possession of a valid professional hunter's licence in the form shown in Schedule 9. This licence may be issued by the Minister of Rural Development and Self Help Schemes in his discretion to any person upon application made in writing in the form shown in Schedule 5.

2. The fees payable in respect of the licences (other than a Minister's licence and supplementary game licence) issued under the Law shall be as set out in Schedule 19. The fees payable for a supplementary game licence in relation to which it is issued. A professional hunter's licence shall be valid for one year from date of issue.

#### Article 19

##### Transfer of Licences Prohibited

1. No person shall transfer any licence to any other person and no person except the person to whom it is issued shall make use of any licence.
2. Any person who contravenes any provision of Article 17 and 18 shall be guilty of an offence under this Law.

#### Article 20

##### Minister's licence

1. Notwithstanding the provisions of Article 17, the Minister of Rural Development and Self Help Schemes, upon such conditions as he may deem fit, with or without a fee may grant to any person a licence to be called a "Minister's licence" which shall entitle the holder to hunt the animals specified therein for any of the following purposes:
  - a) complimentary purposes for visiting foreign dignitaries;
  - b) control of animal diseases or animal population.
2. A Minister's licence issued for any of the purposes except (a) mentioned in section 1 of this Article may authorize the hunting of any animal, whether protected by any other provision of this Law or not, and whether in a game reserve or not.
3. The Minister of Rural Development and Self Help Schemes may set any time after assigning reasons, cancel or suspend any licence issued under this section.

#### Article 21

##### Refusal to Issue Licences

Any licencing officer may after giving reasons, refuse to issue or suspend any licence, permit, permission, or authority, and in any case in which he shall have done so he shall forthwith report the fact to the Minister of Rural Development and Self Help Schemes.

Provided that an honorary game ranger may not cancel any licence.

#### Article 22

##### Review by the Minister

Any person aggrieved by an order under Article 21 may appeal to the Minister of Rural Development and Self Help Schemes whose decision shall be final.

#### Article 23

##### Disqualification from Grant of Licence

1. Any person who has been convicted of an offence under this Law or any Law or Ordinance repealed by this Law or in respect of whom any licence under this Law has been cancelled or suspended, or who at any time has been refused a licence under this Law, shall be disqualified from the grant of any licence under this Law unless and until in any case other than of a conviction under this Law, the period of disqualification shall be that specified in Article 66 of this Law.
2. Any person who fails to inform the Minister of Rural Development and Self Help Schemes or licencing officer at the time of his application for any licence under this Law of the fact he has or is disqualified from possessing or this Law or who makes a false declaration in or in connection with any application for any licence under this Law shall be guilty of an offence under this Law.

#### Article 24

##### Possession of Licence and Recording of Game

1. Any person to whom there has been issued a licence, permit, permission or authority in accordance with the provisions of this Law shall carry such licence, permit, permission or authority with him when exercising the rights thereby conferred and shall record immediately in indelible writing in the space provided on any licence when an animal is killed or captured and before the animal or any part thereof is removed from the place where it fell, details of all the animals killed or captured by him and all other details required on the reverse of such licence.
2. Not later than fifteen days after the expiry of any licence or before leaving the territory of the Somali Republic or the area for which such licence is valid, the holder shall surrender such licence or any licencing officer and shall sign a declaration certifying the accuracy of the record of game killed.
3. Any person who contravenes any provision of this Article shall be guilty of an offence under this Law.

#### Article 25

##### Hunting Near Roads and Human Habitation

The Minister of Rural Development and Self Help Schemes may make such regulations as he may consider expedient prohibiting or regulating the hunting of animals near roads and human habitation.

#### Article 26

##### Hunting by Indigenous Hunter

1. No indigenous hunter may kill any animal specified in Schedule 3, Parts "A" and "B".
2. No indigenous hunter may kill any animal except for the purpose of providing food for himself and his family.
3. All trophies of all animals killed for food pursuant to section 2 are government property and must be turned over to the local police officer or other person authorised by the Ministry of Rural Development and Self Help Schemes.

#### Article 27

##### Defence of Life

1. Nothing in the Law shall make it an offence to kill or injure any animals specified in Schedule 20 as a dangerous animal.
2. Section 1 shall not apply to killing or injury of any animal in self defense if the behavior or the result of molestation or deliberate provocation by or with the knowledge and consent of the person killing or injuring such animal.
3. Nothing in this Article shall be deemed to exonerate any person who, when such defense become necessary was committing an act in contravention of any provision of this Law.

#### Article 28

##### Protection of Propriety

1. Nothing in the law shall make it an offence for the owner or occupier of any property or their agents to drive out or destroy any animals which are destroying, endangering or about to destroy any animal which are destroying, endangering or about to destroy or endanger crops, human habitation or other property of value.
2. The owner or occupier or their agencies shall notify any authorized officer as soon as possible of the danger to property and either protect the property under the supervision of such officer or report to him after the means of protection have been taken.
3. Under no circumstances may the owner, occupier of land or their agents kill any prohibited game specified in Schedule 3, Part "B" only with the express permission of an authorized officer.

#### Article 29

##### Destruction of Animals

1. Notwithstanding any other provision of this law, an authorized officer may kill or authorize the killings of any animal by any method if he considers it necessary in the interests of public safety or protection of property.
2. A person killing such animal may retain any meat obtained.
3. The Minister of Rural Development and Self Help Schemes may direct that a reward shall be paid to the person killing any animal authorized under Section 1 of this Article.
4. Any trophy obtained from killing a game animal under Section 1 of this Article or from killing for food under Article 26 shall be turned over to a local police officer or other authorized person of the Ministry of Rural Development and Self Help Schemes. The trophy shall either be given to a Somali Museum or Zoological organization for non-commercial purposes or sold, and the Minister shall deposit the proceeds in the General Revenue of the State.

#### Article 30

##### Reporting of Wounded Dangerous Animals

1. Any person who in any circumstances whatsoever, wounds a dangerous animal as specified in Schedule 20 and fails to kill such an animal, shall make a report at the earliest possible moment after the loss of such animal, to an administrative officer or a police officer of the District in which the wounded took place or to the Minister of Rural Development and Self Help Schemes.
2. Such report shall state what animal has been wounded, the time, date and place of the wounding, the type of wound, or wounds inflicted, what efforts were made to kill the animal after it had been wounded, when and where the animal was finally lost, together with any other information which might help to locate and identify the animal.
3. Any person who wounds and fails to kill any dangerous animal and fails to report at the earliest possible moment the loss of such animal in the manner required by this Article shall be guilty of an offence under the law.

#### Article 31

##### Gift or Loan of Breech-loading Weapons

No person shall give or lend a breech-loading weapon for the purpose of hunting animals except in accordance with the provisions of the Public Order Law and the Regulations made thereunder.

#### Article 32

##### Hunting on Private Land

Any person who shall hunt on private land, clearly demarcated and shown on the ground, without the authority, written where possible, of the owner or occupier previously sought and obtained shall be guilty of an offence under this law.

#### Article 33

##### Hunting of Young and Females Prohibited

1. Except as may be authorized under Article 20 (a) and (b), no person shall hunt the young or females of any animal.

Provided that, subject to any order made by the Minister of Rural Development and Self Help Schemes this provision shall not apply to vermin.

2. Any person who contravenes any provision of this Article shall be guilty of an offence under this Law.

#### Article 34

##### Unlawful Methods of Hunting

1. No person shall, except when so authorized for the destruction of vermin by the Minister or Rural Development and Self Help Schemes:

- a) hunt any game while in or on a mechanically propelled vehicle whether stationary or moving. or within 200 Yards of such vehicle;
- b) use for the purpose of hunting any animal a mechanically propelled vehicle for the purpose of driving or stampeding game except for the purpose driving or stampending game from an aerodrome or from private land;
- c) except by and in accordance with the written permission of the Minister of Rural Development and Self Help Schemes previously sought and obtained, use for the purpose of hunting any animal, any poisoned meat, poisoned weapon, pitfall, stakes, net, gin-trap, set gun, missile containing explosives, snares, fence or enclosure, except in any circumstances to which Article 29 applies.
- d) for the purpose of hunting cause any grass or bush fire;
- e) use any artificial light for the purpose of hunting animals;
- f) hunt any animal duck or geese during the hours of darkness.
- g) use for the purpose of hunting any animals any firearm capable of firing more than one cartridge as a result of one pressure of the trigger or of loading itself without further action by the operator excluding double-barreled shotguns;
- h) for the purpose of hunting any animals, with the exception of dikdik, warhog, hare and birds, use any rifled breech-loading weapon of a calibre of 22 of an inch or less which has a muzzle velocity lower than 2650 feet per second;
- i) use dogs for the purpose of hunting animals, other than game birds and lawfully wounded animals;
- j) human animal not being a game bird within five hundred yards of any surface water or salt lick to which the game animals resort;
- k) use any other method of hunting which may be prescribed as unlawful;

2. Any person who contravenes any provision of this Article shall be guilty of an offence under this Law.

#### Article 35

##### Vermin

1. The Minister of Rural Development and Self Help Schemes may by order declare any animal to be vermin either generally or in any area specified therein other than game reserves, and it shall not be necessary to hold a game licence to destroy any such animal in such area.
2. Until any such order be made the animals set out in the Schedule 10 hereto shall be deemed to be vermin, and may be hunted in any area other than a game reserve designated in Schedule.
4. The Minister of Rural Development and Self Help Schemes by order prohibit the hunting of any animal from time to time included in Schedule 10 hereto wither generally or in any specified area except with a licence issued under Article 20 of this law.

#### Article 36

##### Sale and Transport of Meat Restricted

1. No person shall except by and in accordance with written permission of the Minister of Rural Development and Self Help Schemes previously sought and obtained, buy, sell, or export the meat of any game animal.
2. The Minister of Rural Development and Self Help Schemes may prohibit the removal from any specified area for such periods as shall be specified of more than a specified quantity of meat obtained by any licence or holder of a permit and may attach such conditions to the moving of such meat as he may think fit.
3. Any person who contravenes the provisions of this section or any condition imposed under this section shall be guilty of an offence under this law.

### **Chapter III**

#### **Trophies**

#### Article 37

##### Manufacture of Article from Trophies

1. No person shall manufacture articles from trophies for sale or carry on the business or a trophy dealer except under a licence issued under the provisions of this Chapter.
2. Any person who contravenes the provisions of this section shall be guilty of an offence under this law.

#### Article 38

## Trophy Dealer's Licence

1. A trophy dealer's licence in the form shown in Schedule 11 hereto, may be issued by the Minister of Rural Development and Self and Schemes in his discretion, upon application made in writing in the form shown in Schedule 5, and such licence shall entitle the holder to carry on the business of a trophy dealer upon the premises specified in the licence.
2. A trophy dealer's licence shall be valid for one year from the date on which it was issued.
3. No person shall transfer a trophy dealer's licence to any other person and no person other than the person to whom it was issued shall make use of a trophy dealer's licence.
4. The fees payable in respect of a trophy dealer's licence shall be that specified in Schedule 19 hereto.

Any person who contravenes any provision of Section (3) of this Article shall be guilty of an offence under this law.

## Article 39

### Record and Return of Trophy Dealers

1. A trophy dealers hall shall keep a register in the form shown in schedule 12 an the certificate of ownershop of trophies in his possession, and shall make such returns as shall be prescribed.
2. Any person who contravenes the provisions of this section shall be guilty of an offence under this law.

## Article 40

### Register and certificates of Ownership for Trophies

Any licensing officer may, subject to such conditions as may be prescribed, on presentation of a trophy by the person who killed the game animal, issue a certificate of ownership in the form shown in schedule 15.

## Article 41

### Import and Export of Trophies

1. The Director of Customs may issue a certificate of lawful export in the form shown in Schedule 16 to any person wishing to export any trophy who produces a certificate of ownership in respect of such trophy, and no person shall export any trophy unless he holds such a certificate.
2. No person shall export from Somali Republic or transfer by gift, sale or otherwise to any person any trophy unless he is in possession of a certificate of a certificate of ownership and such certificate shall be handed over to the Director of Customs or to the transferred, as the case may be, at the time of export or transfer.

Provided that nothing in this law shall be deemed to permit any person to export any live animal from the territory of the Somali Republic unless a Minister's Licence has been granted under Section (1) of Article 20.

3. No person shall import any trophy from any country unless he produces a certificate of ownership to the Director of Custom, together with a certificate of lawful export in respect of the trophy from the country of origin. Any trophy imported in contravention of this provision may be confiscated and forfeited to the Government.
4. No person shall import or export any trophy other than through one of the approved customs posts specified in Schedule 17 hereto.
5. Any person who contravenes any provision of this Article shall be guilty of an offence under this law.

#### Article 42

##### Restriction on Possession and Disposal of Trophies of Game Animals

1. No person shall receive in any way any trophy unless the person offering to sell, transfer or ownership for said trophy.
2. No person shall sell, transfer or otherwise dispose of or offer for disposal or sale the trophy or any part of the trophy of any game animal to which this Article applies unless therefore issued under Article 40 and upon sale or disposal of any such trophy shall deliver such certificate to the person buying or receiving thee same.
3. No person shall be in possession of the trophy or any part of the trophy of any game animal to which this Article applies without the certificate of lawful ownership therefore issued under Article 40 of this law.
4. The provision of this Article shall apply to the animals specified in Schedule 4 and to any other game animal which the Minister of Rural Development and Self Help Schemes may by order direct.
5. Any person who contravenes any provision of this Article shall be guilty of an offence under this law.

#### Chapter IV

##### Ivory and Rhinoceros Horn

#### Article 43

##### Production of Ivory and Rhonoceros Horn to Licencing Officer

1. Every person who kills an elephant or a rhinoceros shall produce the ivory or rhinoceros horn to a licencing officer whithin thirty days of the killing therefore, or within such

further period as may be allowed by such officer in writing in any special case, together with the game licence under which it was killed.

2. Any person who contravenes any provision of this Article shall be guilty of an offence under this law.

#### Article 44

##### Registration of Ivory and Rhinoceros Horn and Identification Marks

1. The officer to whom any ivory or rhinoceros horn is produced under the provision of Article 43, if satisfied after such enquiry as he may consider necessary that the Ivory or Rhinoceros horn has been lawfully obtained, shall weight, number, owner's name, date and other information as may be required in the register to be kept for this purpose as set out in Schedule 21 and shall return the ivory or rhinoceros horn to the person producing it together with a certificate of ownership as in Article 40 on which shall be entered the registered particulars and the authority for the issue of such certificate of ownership.
2. The registration marking hammer showing the name of the town and the serial numbers shall be kept by the District Commissioner residing in that town.

#### Article 45

##### Retention of Ivory and Rhinoceros Horn Pending Investigation

1. If the officer is not satisfied as in Article 44 he may retain the ivory or rhinoceros horn pending further investigation:

Provided that if no proceedings are instituted within three months of the production of the ivory or rhinoceros horn it shall be dealt with as prescribed in Article 44.

#### Article 46

##### No Ivory and Rhinoceros Horn May be Sold, Transferred or Disposed of Without a Certificate of Ownership

1. No person shall in any manner sell, transfer or dispose of any ivory or rhinoceros horn until it has been produced, marked and registered under the provisions of this Chapter.
2. Upon every transfer of ivory or rhinoceros horn the certificate of ownership shall be handed over by the transferor to the transferee and shall be endorsed with a note of the transaction and signed by both parties.
3. Any person who contravenes the provisions of this Article shall be guilty of an offence under this law.

#### Article 47

##### Notification by the Director of Customs

The weight and identification marks for ivory or rhinoceros horn exported from the Somali Republic shall be entered upon the certificate of lawful export by the Director of Customs who shall notify the same to the Minister of Rural Development and Self Help Schemes.

## **Chapter V**

### **Government Trophies**

#### Article 48

##### Definition of Government Trophies

The following are Government trophies and are the property of the Government:

1. Any game animal which has been killed or captured without a licence and the trophy of any such animal.
2. Any animal killed or captured in contravention of any of the provisions of this law and the trophy of any such animal;
3. Any game animal found dead and the trophy of any such animal or any part of any game animal which is found dead;
4. Any trophy in respect of which a breach of the provisions of this law has been committed;
5. Any animal or trophy which has been stolen or unlawfully obtained and in respect of which the true owner cannot be found;
6. Any animal killed pursuant to Article 26, 27 and 28;
7. Any elephant tusks weighing less than twenty-two pounds the pair, (ten kilograms), or eleven pounds, (five kilograms) in the case of an elephant having a single tusk, or such other weight as may be prescribed in respect of the whole territory or of any particular area;
8. Any other animal or trophy which may be prescribed.

#### Article 49

##### Possession of Government Trophies to be reported

1. Any person who by any means obtains possession of a Government trophy shall forthwith make a report thereof to the nearest administrative officer who shall convey information of the same to the Minister of Rural Development and Self Help Schemes and shall, if required, hand the trophy over to him.
2. Any person who is unlawfully in possession of or deals in any Government trophy in contravention of Articles 48 and 49 shall be guilty of an offence under this law.

#### Article 50

## Disposal of Government Trophies

The Minister of Rural Development and Self Help Schemes shall dispose of all Government trophies in the manner specified by Article 29 (4).

## **Book II**

### **Forest Conservation**

#### **Chapter I**

#### **Creation of forest Reserves**

##### Article 51

##### Declaration of Forest Reserves

1. Subject to the provisions of Article 52, the President of the Republic may, on the proposal of the Ministers, by decree declare any area as a forest reserve.
2. As soon as practicable after the publication of a decree under the provisions of Section (1) declaring any area of unreserved land to be a forest reserve, the Minister shall cause the boundaries of such forest reserve to be visibly demarcated on the ground.

##### Article 52

##### Requirements for Declaration of Area as Forest Reserve

1. Before a decree under Article 51 is issued, the Minister shall:
  - a) Give not less than ninety days notice in writing of the proposed declaration of the said area as a forest reserve. The notice shall contain a description of the boundaries of the proposed forest reserve. The notice shall be published in the Official Bulletin and exhibited at the office of the District Commissioner within whose district the whole or any part of the said area is situated and in such other manner as may be customary in the area concerned;
  - b) Take into consideration any grounds of objection that may be notified in accordance with Section (2);
  - c) Satisfy himself;
    - (i) that all claims to right in relation to land or forest produce notified in accordance with Section (2) have been investigated and determined in accordance with provisions of Section (4);
    - (ii) that all rights so claimed which have been determined to be lawfully exercisable by any person or group of persons within the said area have been recorded in accordance with the provisions of Article 53 or have been voluntarily surrendered;
    - (iii) that in the case of voluntary surrender such compensation (if any) as may be attributable to the loss of the said rights has been assessed in accordance with the provision of Section (9) and has been or will be duly paid.

2. Any person or group of persons who:

- a) Objects to the declaration of such an area as a forest produce in such area or part thereof; may before the expiry of the period of ninety days following upon the publication of the notice referred to in Section (1), lodge with the District Commissioner within whose jurisdiction the whole or part of the area is situated, notice either in writing or by word of mouth, stating either;
  - a) the grounds of his or their objection, or
  - b) the rights claimed, as the case may be, and where verbal notice is given such District Commissioner shall record the same in writing.
3. Any notice stating grounds of objection lodge in accordance with the provisions of Section (2) shall be submitted by the District Commissioner to the Minister.
4. Any notice stating a claim to rights in relation to land or forest produce shall be investigated by the District Commissioner within whose jurisdiction the area is situated or the rights claimed, or by such other officer or person as the Minister may appoint for the purpose, and the District commissioner or other officer or person so appointed shall determine the nature and extent of such rights so claimed as may be lawfully exercisable, if any, and shall without delay notify in writing the person or group of persons claiming such rights of such determinations and the grounds therefore.
5. Notwithstanding any other provision of this Article, no claim in respect of any rights arising subsequent to the ninety day publication period of a notice of intention to declaration area to be a forest reserve shall be investigated under this Article.
6. Any person or group of persons aggrieved by the determination of the part of the district appointed in regard to rights in relation to land or forest produce claimed by him, or them, may appeal within thirty days of notification to the Regional Court whose jurisdiction such area is situated. The court may confirm, rescind or vary the determination of the District Commissioner or other officer or person, and may make such further or other order as the court may think just.
7. Every right in relation to land or forest produce in respect of which no claim has been made in accordance with the provisions of Section (2), shall, subject to the provisions of this law, be deemed to be extinguished.
8. Any person or group of persons possessing any rights in relation to land or forest produce which have been determined under this law to be lawfully exercisable in a forest reserve shall be entitled to surrender all or any of such rights, the same shall be extinguished.
9. Any compensation payable in respect of rights to land or forest produce within any area within a proposed forest reserve which have been voluntarily surrendered shall be assessed by the District Commissioner within whose jurisdiction such area is situated or by such other officer or person as the Minister may appoint in this behalf. Such compensation shall by the holder or holder of the right by reason of surrender of such right;

Provided that in assessing compensation no account shall be taken of:

- a) improvements made or works constructed on the land after publication of the notice referred to in subsection a) of Section (1) or,
- b) the loss of any right not ordinarily enjoyed by the holder or holders thereof at the time of publication of such notice.

10. Within thirty days from the notification of the decision of the District Commissioner or of the official appointed by the Minister for the purpose of fixing the amount of compensation, judicial proceedings against such decision may be initiated before the regional Court territorially competent.

11. Any compensation awarded under the provisions of this Article be paid out of such funds as may be set aside for this purpose by the Ministry having heard the Council of Ministers.

### Article 53

#### Recording of Rights in relation to Land or Forest Produce

1. Any rights in relation to land or forest produce which have been determined under Article 52 to be lawfully exercisable within any area declared to be a forest reserve, shall, if they are not voluntarily surrendered, be recorded within such time and in such manner as may be prescribed, and the Minister shall, subject to the provisions of Article 54, permit the exercise of such rights.
2. A copy of any record made as aforesaid concerning rights in relation to land or forest produce which if certified by or on behalf of the Minister, or such other person or officer as the Minister may appoint for the purpose, as the case may be, shall be prima facie evidence for all purpose, of the possession of such rights as may be therein set forth by such person or group of persons as may be respectively shown therein as possession such rights.

### Article 54

#### Grant of Permits to take Forest Produce

Where any person or group or persons possesses any rights in relation to forest produce which have been determined under Article 52 provided, such person or any member or members of such group of persons shall apply in the prescribed manner to the Minister for a permit in writing to exercise such rights. The Minister, if he is satisfied that such person or group of persons is or are the person or group of persons lawfully entitled to the exercise of such rights, shall without charge grant a permit accordingly and such permit when granted to any person or group of persons shall be lawful authority to the holder or holders and to his or their heirs and successors according to law for the exercise of those rights in relation to forest produce to such extent, for such period, in such manner and subject to such terms and conditions as may be set forth in such permit;

Provided that such terms and conditions shall not be inconsistent with the nature of such rights.

## Article 55

### Restriction on Creation of New Rights in Area of Intended Reserve

1. The provision of this Article shall apply to any area of unreserved land in respect of which notice has been given in accordance with subsection a) of Section (1) of Article 53, with effect from the date of the publication of such notice (hereinafter referred to in this Article as the effective date).
2. Notwithstanding the provisions of any other law:
  - a) no right in relation to land in such area shall be capable of being created or existing except by or under a grant under the Land Law;
  - b) subject to the provisions of the Land Law, it shall not be lawful for any person to use or occupy any land in such area unless he holds a right of occupancy granted under the said law; and
  - c) no right in relation to forest produce in such area shall be capable of being created or existing.
3. Nothing in Section (2) of this Article shall prejudice or affect:
  - a) any right to forest produce in such area enjoyed immediately before the effective date; or
  - b) the right of any citizen or group of citizens to the use and occupation of any land within such area which such citizen or group of citizens were lawfully using or occupying in accordance with law and customs immediately before the effective date; or
  - c) the right of any citizen or group of citizens who lawfully succeed under law and customs to the use and occupation of land to which sub-section b) of this Section applies;

Provided, however, as follows:

- (i) Any right specified in sub-section (b) or (c) if this sub-section shall be extinguished if at any time thereafter such citizens or his or its successor in title, as the case may be, abandons the land concerned for a period of six months or more or if such right is merged in a right of occupancy granted in respect thereof under the Land Law; and
  - (ii) any right specified in sub-paragraph (b) or (c) of this Section shall extend only to the area of use or occupation which such citizens were lawfully using or occupying immediately before the effective date.
4. The Minister shall cause:
    - (a) the boundaries of every such area to be beckoned; and
    - (b) notices to be exhibited on such boundaries, in the English, Italian and Arabic languages, in such manner as may be sufficient for such boundaries to be known in the neighborhood.

5. The preceding provisions of this Article shall cease to apply to such area:

- a) if at any time before it is declared to be a forest reserve under the provisions of Article 51, the Minister by notice in a decree declares that the intention to declare such area to be a forest reserve has been abandoned, or
- b) when such area, as near as may be, is declared to be a forest reserve under the provisions of Article 51.

## **Chapter II**

### **Protection of Forests and Forest Produce**

#### Article 56 Restriction and Prohibitions within Forest Reserves

1. Any person who in any forest reserve without a licence or other lawful authority:
  - a) cuts, fells, takes, burns, injures, removes, has in his possession, sets fire to or damages any forest produce; or
  - b) clears, cultivates or breaks up for cultivation or any other purpose, any land; or
  - c) constructs or re-opens on work place; or
  - d) occupies or resides on any land; or
  - e) erects any building, shelter or livestock enclosure; or
  - f) grazes or pastures livestock, or permits livestock to enter therein; or
  - g) collects any honey or beeswax, or hangs or places on any tree or elsewhere any honey barrel, hive or other receptacle for the purpose collecting honey or beeswax; or
  - h) constructs any road, path water course; tramway or fence, or obstructs any existing road, path, tramway or water course; or
  - i) covers any tree stump with brushwood or by any other means whatsoever conceals, destroys or removes such tree stump or any part thereof; or
  - j) damages, defaces, alters, shifts, remove or in any way whatsoever interferes with and beacon, fence, notice or notice board, shall be guilty of an offence under this Law.
2. If any person, without lawful excuse, within any forest reserve has in his possession any implement for cutting, talking, working or rendering any forest produce, he shall be guilty of an offence under this law.
3. The Minister may by notice published by decree exempt the whole or any part of any forest reserve form the application of the provisions of any forest reserve from the application of the provisions of any of the sub-sections of Section (1), or of Section (2), subject to such conditions and limitations as he may think fit.

#### Article 57 Public to Assist in Protecting Forest Reserves from Fire

1. Any forest officer, administrative officer, or any fore brigade officer may require any person who is within a reasonable distance of any forest reserve to assist in averting or extinguishing any fire in or threatening to enter or affect such forest reserve, or in securing any property within the forest reserve form loss or damage arising from fire:

provided that no such person shall be required to do any-thing which may reasonably be expose him to the risk of death or serious injury.

2. Any person who fails to comply with any lawful requirement made under this article shall be guilty of an offence under this Law.
3. Any person other than a Government officer who has been required by one of the persons mentioned in Section (1) to assist in averting or extinguishing any fire, or in securing any property from loss or damage by fire, may be entitled to receive shall payment for such work as the senior forest officer who is in charge of the concerned forest reserve considers adequate.

#### Article 58

##### Reserved Trees

1. The Minister may by order published in a Decree declare in respect of an unreserved land that any tree or class of trees shall be reserved.
2. If any unreserved land referred to any order made under Section (1) ceases to be unreserved land the provisions of such order shall cease to apply in respect of such land.

#### Article 59

##### Restriction on the Use of Trees in Unreserved Land

Any person who without a licence or other lawful authority cuts, fells damages or removes any tree on any unreserved land or collects seed for the purpose of sale, barter or profit or for use in trade, industry or commercial undertaking shall be guilty of an offence under this Law:

Provided that:

- a) any citizen who is not lawfully prohibited from so doing may without a licence cut and remove from such land, trees which are not reserved trees, not near settlements, river banks, or are isolated on steep terrain, for any of the following purposes:
  - i) for use in connection with domestic art, craft, nomadic hut parts, which term shall include the manufacture of domestic furniture and fittings and agricultural implements for local uses;
  - ii) for clearing land for cultivation for which a lawful authority has been preciously sought and obtained;
  - iii) for livestock enclosures where dead branches are not readily available.
- b) Nothing in sub-section (a) shall prevent any person form removing edible fruit from any forest tree which is not a reserved tree.

#### Article 60

##### Declaration of Grazing Reserve

1. The Minister may, after having heard the opinion of District Commissioner within whose jurisdiction an area intended to be declared a grazing reserve is situated, declare any area of unreserved land to be a grazing reserve for the purpose of controlling grazing in such area.
2. Prior to the declaration of any area as a grazing reserve the Minister shall cause the boundaries of any such area to be demarcated in such manner as is sufficient for such boundaries to be clearly known in the neighbourhood.
3. The Minister shall prescribe the periods, and the duration of such periods during which a grazing reserve shall be closed or open to grazing as the case may be. He shall also prescribe the number and kind of animals to be allowed into the reserve during the periods when such reserve is open to grazing together with the fees payable per head of animal for any specified period.
4. The Minister may, from time to time by decree, make such orders for the purpose given in Section (1) of this Article as and when he thinks necessary, and may also vary or cancel any such order or part thereof.
5. The Minister may, by decree declare that any grazing reserve shall cease to be so from a given date and that all orders when he thinks necessary, and may also vary or cancel any such area from such given date.
6. Any person who contravenes any provision of any order made under this Article shall be guilty of an offence under this law.

### **Chapter III**

#### **Licences**

#### Article 61 Grant of Licences

1. The Minister or any person authorized by him may grant licence for all or any of the purpose of this Book. Every such licence shall be subject to such conditions as may be specified therein, and there shall be payable in respect thereof such fees as may be prescribed.
2. The Minister or any person authorized by him may at any time cancel or suspend any licence granted by or on behalf of the Minister, the holder of which has been on reasonable grounds suspected by the Minister or such other authorized person, to have infringed any of the conditions upon or subject to which the said licence has been granted, and may at any time vary the conditions of any such licence.
3. Any person aggrieved by any order under this Article may appeal to the Minister of Rural development and Self Help Schemes whose decision shall be final.

4. The Minister or any person authorized by him shall grant charcoal export licence or permit.

## **BOOK III**

### **General Provisions**

#### **Chapter I**

#### **Prevention and detection of Offences**

##### Article 62

##### Powers of Search, Seizure and Arrest

1. If a forest officer, police officer, or administrative or other authorized officer has reasonable grounds to believe that any person has committed an offence under this law, he may:
  - a) require such person to produce for his inspection any animal, meat, trophy, forest produce, weapon, tool or implement in his possession or any licence or other document issued to him or required to be kept by him under the provisions of this law or the Public Order Law and the regulations made thereunder;
  - b) enter and search any land, building, tent vehicle, or any other means of transport in the occupation or use of such person, and open and search any baggage or other things in his possession;
  - c) seize any animal, meat, trophy, forest produce, weapon, tool or implement used in the commission of said offence;
  - d) stop and search any person whom he sees doing or suspects of having done, any act for which a licence, permit, permission or authority is required under the provisions of this law; and
  - e) enter at reasonable times the licenced premises of any trophy dealer and inspect the records and certificates of ownership which are required to be kept under the provisions of Article 39 of this law.

Provided that any search or seizure carried out pursuant to Section (1) shall be made with a search warrant or without a search warrant if the officer has reasonable grounds or believes that the person to be searched may abscond or that the animal, meat, trophy, forest produce, weapon, tool or implement or other material evidence will be altered or destroyed.

Provided further, that the powers conferred under this Section to search domestic buildings without a search warrant shall extend only to forest officers and police officers (excluding honorary Game Rangers and Forest Officers) not below the rank of Senior Forest Ranger and Forest Officers) not below the rank of Senior Forest Ranger or the rank of Police Sergeant.

2. Any person who fails to produce his licence, permit, permission, or authority when lawfully ordered or signalled to do so, or fails to allow any vehicle of his to be searched, shall be guilty of an offence under this Law.

3. Any person who willfully obstructs any person in the exercise of the powers conferred by this Article or without reasonable excuse, fails to give any information or produce anything which under the powers of this Article he is required to give or produce shall be guilty of an offence under this law.
4. If a forest officer, or administrative or authorized officer has reasonable grounds to believe that any person has committed an offence under this Law he may arrest that person wither with or without a warrant.

Provided that any arrest made without a warrant shall be made only if an arrest warrant cannot be obtained in time or it is likely that the person to be arrested will not be able to be found if he is not arrested immediately.

5. In all other respects, searches and siezures and arrests shall conform to the appropriate provisions of the Criminal Procedure Code.

#### Article 63

##### Erection of Barriers

1. For the more effective carrying out of the provisions of this law, and notwithstanding the provisions of the Traffic Code relating to the obstruction of roads and highways, any forest officer, police officer, or administrative or other authorized officer may erect a temporary barrier across any road.
2. Every pedestrian person in charge of a vehicle on approaching such a barrier shall, on being requested to do so by an authorized officer, stop or bring such vehicle to a standstill.
3. Every person so required to stop and every person on such vehicle shall allow the authorized officer to perform the lawful inspection described in Article 62.
4. Any person who fails to comply with any of the foregoing provisions of this Article or who fails to comply with any lawful order given by an authorized officer shall be guilty of an offence under this law.

## **Chapter II**

### **Miscellaneous Offences, Penalties and Forfeitures**

#### Article 64

##### Unlawful Receiving or Possession of Forest Produce

Any person who without lawful authority or excuse, knowingly receives or is found in possession of any forest produce of commercial purpose with respect to which an offence under this law.

#### Article 65

##### Counterfeiting and Similar Offences

Any Person who:

- a) counterfeits, alters, obliterates, or defaces any stamp, mark, sign licence, permit, authority, or receipt uses or issued under this law, or any rules, orders or notices made thereunder;
- b) fraudelently or without due authority uses or issues any stamp, mark, sign licence, permit, authority or receipt intended to be used or issued under this law or any rules, orders or notices made thereunder; or
- c) without due authority alters, moves, destroys or defaces any boundary mark of a forest reserve, game reserve, partial game reserve or controlled area.

Shall be guilty of an offence under this law.

## Article 66

### Penalties and Forfeitures

1. Any person who commits an offence under Articles 5, 6, 7, 11, 13, 19, 23, 24, 31, 32, 34, 35, 36, 42 (3), 49, 56, 59, 60, 63, and 64 of this law, shall be liable on conviction to a fine from 200 (two hundred) Somali Shilling to 3001 (three thousand and one) Somali Shillings.
2. Any person who commits an offence under Articles 4, 9, 12, 37, 38, 39, 41, 42 (2), 42 and 65 of this law shall be liable on conviction to a fine from 500 (five hundred) Somali Shillings to 3001 (three thousand and one) Somali Shillings or to imprisonment for 6 (six) months or to both such fine and imprisonment.
3. Any person who:
  - a) contravenes any other provision of this law or fails to comply with any other requirement thereof
  - b) commits a breach of the conditions of any licence or permit; or
  - c) fails to comply with any lawful order or directive given him under any power conferred by this law.

Shall, if the said be stated therein to be an offence under this law, be liable on conviction to a fine from 200 (two hundred) Somali Shillings to 3001 (three thousand and one) Somali Shillings.

4. All offence committee under this law shall be deemed to be contravention for purposes of the Penal Code and all penalties may be increased up to three times the amount stated in paragraphs 1 (2 and 3) above, pursuant to Article 99 (2) of the Penal Code.
5. When any person is convicted of an offence under this law, the Court may order that any animal, meat, trophy, forest produce, trap, weapon, tool or implement, poison or vehicles shall be forfeited to the Government.

6. Any animal, meat, trophy, forest produce, trap, weapon, tool or implement, poison, or vehicle forfeited under this law shall be sold and any proceeds of sale shall be paid into the general revenue.
7. A conviction of a licence or holder of a permit, permission or authority under this law for an offence against any of the provisions of this law shall have the effect of cancelling any such licences, permit, permission or authority effective on the date of conviction.
8. Any person convicted of any offence under this law shall be disqualified from holding any licence issued under the provisions of this law for a period of not less than 6 (six) months nor more than 3 (three) years from the date of such conviction.
9. Notwithstanding the above paragraph, any trophy dealer who is convicted of violating Articles 41, 42 or 46 shall in addition to the other penalties and forfeitures prescribed, be disqualified from holding a trophy dealer's licence for a period of 3 (three) years from the date of such conviction.
10. Where any person is convicted of an offence which consists in occupying, cultivating, or grazing on any land in any forest or grazing reserve without a licence, the Court may in addition to any other penalty or fine imposed, order the person so convicted to remove any buildings, enclosures, butts, crops, or livestock within a reasonable period specified in such order.
11. If the person fails to remove the property specified and ordered in the preceding paragraph, any building, enclosure, but, corps of livestock remaining shall be deemed to be the property of the Government and may be sold or disposed of by the Minister and any proceeds shall be paid into the general revenue.

#### Article 67

##### Operation of Other Laws

1. Nothing in this law shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a more serious crime under such other law.
2. Nothing in this law shall affect the right of the Government of any person to sue for and recover in a civil suit, compensation for damages or injury caused by an offence against this law.

#### Article 68

##### Rewards of Informers

The Court may award, in its discretion, any amount not exceeding one third of any fine imposed upon conviction for an offence under this law or one half of the proceeds of any sale of forfeited property, to any person, not being a person in the service of the Government, who may have supplied such information as may have led to the conviction of the offender.

## **Chapter III**

### **Miscellaneous**

#### Article 69

##### Honorary Game Rangers and Forest Officers

1. The Minister of Rural Development and Self Help Schemes may appoint fit and proper persons to be honorary Game Rangers or Forest Officers for the purpose of assisting in carrying out the provisions of this law.
2. Except as may be otherwise herein provided and honorary Game Ranger or Forest Officers for the purpose of assisting in carrying out the provisions of this law.

#### Article 70

##### Power to make Regulations

1. The Minister of Rural Development and Self Help Schemes may make regulations or rules either of general or limited application for the purpose of conserving and controlling wild animal life and forest resources.
2. To enforce these regulations the Minister or Rural Development and Self Help Schemes may fix penalties for the breach of such regulations up to but not exceeding the penalties in Article 66.
3. Specifically, the Minister is authorized to make, but is not limited to, regulations for the following purposes:
  - a) regulating the felling, working and removal of forest produce;
  - b) prescribing any areas of unreserve land in which all or any forest produce may or may not be cut or removed;
  - c) prohibiting or regulating the use and occupation of land in forest reserves for residential, cultivation, commercial or industrial purposes or grazing;
  - d) prohibiting or regulating the use of land on forest reserves for camping or any other purpose of such nature;
  - e) prescribing the time and manner of recording and publicizing rights in relation to land or forest produce within forest reserves;
  - f) regulating the sale and disposal of forest produce by tender, public auction, private treaty or otherwise, and matters incidental thereto, fixing the price of forest produce, by assessment within prescribed limits by specified persons otherwise, prescribing the fees to be paid for the cutting or removal of forest produce and providing for the remission of all or any part of any such fee, either generally or in individual cases;
  - g) prohibiting or regulating any act liable to cause damage to forest or forest produce;
  - h) prohibiting or controlling the entry of persons, animals or vehicles into any forest reserve or part thereof, and regulating the period during which such persons, animals

or vehicles may remain therein, and providing for the conditions subject to which they may do so;

- i) providing for the declaration of insect and fungal pests dangerous to forest produce and prescribing measures to be taken to control or eradicate such notified pests;
- j) prescribing the names to be applied to forest produce in order to promote its better utilization and marketing and providing for the manner in which any list of names made hereunder may be from time to time amended or varied;
- k) providing for the compulsory use of property marks by timber dealers licenced to take timber under this Ordinance or any rules made thereunder and the registration of such marks;
- l) providing for the compulsory use of property marks by owners of private wood land for the purpose of identifying timber sold from private wood land;
- m) providing for the prohibition of the use of marks not registered under the provisions and rules under this Articles;
- n) prohibition or regulating the use of roads or paths other than public highways within forest reserves and providing for the repair of roads, tracks, or bridges in a forest reserve by any person damaging the same;
- o) prohibiting or regulating within forest reserves the lighting of fires, smoking, or the carrying, kindling or throwing of any fire or light or inflammable material;
- p) providing for the registration of stamps and marks for use by the Forest Department for making forest produce or indicating forest reserves;
- q) providing for the registration and use of such Forest Service brands, tags, or other devices for making livestock licenced to graze in forest reserves;
- r) prohibiting or regulating the export from the territory or from any area of the territory of forest produce;
- s) providing generally for the carrying out of the purposes and provisions of this Ordinance or prescribing anything which may be prescribed under this law.

#### Article 71

##### Additional Powers of the Minister

1. The Minister of Rural Development and Self Help Schemes may in addition, by order:

- a) apply to a controlled game area or to any part thereof for a specified period of time to be mentioned in the order, any or all of the provisions of Book I relating to game reserves;
- b) prescribed fees to be paid for anything to be done under this law;
- c) prescribed the forms to be used for any application, permit, licence, certificate, return or other document to be issued or amend, add and replace such forms;
- d) prescribe anything which, by the provisions of this law is to be prescribed; and
- e) amend, add to or delete any part of the Schedules to this law.

2. The President of the Republic may, on the proposal of the Minister having heard the Council of Ministers, by decree alter the provisions of this law relating to the sale, transfer, disposal and export of trophies.

#### Article 72

## Delegation of Powers

The Minister of Rural Development and self Help Schemes may, in his discretion, delegate to any fit and proper person any or all of the powers granted him by this law, except these under Article 20, Article 71 – Section 1 (e) and 2.

## Article 73

### Petitions to the Supreme Court

Any person aggrieved by a final administrative decision by the Ministry of Rural Development and Self Help Schemes may file a petition before the Supreme Court, in the manner and within the time limit prescribed by law.

## Article 74

### Saving of Mining Rights

Nothing in the law shall affect mining claims, prospecting rights or exclusive prospecting licences which have been registered, issued or granted under the provisions of the law relating to mining, prospecting and exploration.

Provided that nothing in this Article shall be read to exempt any such holder from complying with the provisions of Book I in regards to hunting, trapping and capturing wild animals or the provision of the laws relating to mining which to forest reserves, forest produce, game reserves and animals.

## Article 75

### Right of Mining Lessee and Claim Holder to Take Timber

1. A lessee may, on the lands include within his lease cut, take and use tree when necessary in the course of mining or domestic purposes;

Provided that he shall be liable for any fees which may be payable under the mining law relating to forestry.

2. A claim holder may, on the lands included within his claim, cut, take and use any tree when necessary in the course of mining operations when required for mining law relating to forestry.

Provided that he shall not cut, take or use:

- a) any tree within a forest reserve; or
- b) any tree situate outside of forest reserve which has been declared under Article 58 of this law to be a reserved tree, unless licenced to do so under the provisions of this law.

Provided further that the claim holder is liable to pay the fees and royalties prescribed under this law for the cutting, taking or using of forest reserved trees.

## **Chapter IV**

### **Repeal and Commencement**

#### Article 76

##### Repeal

1. This law repeals and replaces the Game Ordinance No. 18 of 1955, of the Northern Regions and the Ordinamento per l'Exercizio della Caccia nel Territorio della Somalia No. 26 del 6-12-1952 of the Southern Regions and the Forest Ordinance Vol. II Cap. 122 of the Northern Region. Any other laws, ordinances or regulations inconsistent with this law are also hereby repealed.
2. All licences, permits, permissions, certificates or other documents and all forest, grazing and game reserves declared and valid shall be deemed to have been declared and issued under the provisions of this law.

#### Article 77

##### Commencement

1. This law shall come into force 15 days after publication in the Official compilation of Laws and Decrees.
2. It shall be observed by everyone and shall be enforced as Law of the State.
3. The law shall be available to the public at all Police Stations and District Officers.

Mogadishu, 25<sup>th</sup> January, 1969

Abdirashid Ali Scermarke

The Prime Minister

Mohamed Hagi Ibrahim Egal

The Minister of Rural Development and Self Help Schemes

Hassan Hagi Omar Amei

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### **Schedule 1**

#### **Game Reserves**

1. Manderu Game Reserve

All that area enclosed by a line from the weir in the water-course half a mile east of the central prison following the water course in a north-westerly direction to the Berbera-Hargeisa road; thence following the said road to the village known as Sheik Abdal to the prison; then following the footpath from the prison to the point of commencement.

## 2. Bushbush Game Reserve

All that area in the Juba Region enclosed by a line from the point where the Border with Kenya touches the Indian Ocean, following the boundary till to the Station o Kolbio is reached; thence along the road from Kolbia to Kismaya on a north-easterly direction passing through the following stations: Grima, Lofaftu, Gania, Dumfa, Wamo, Idu, Wadessa, Jak Haji, Badada; thereafter from the last mentioned station along the road which leads back to Solama; thence following the watercourse of this bed to the seas; thence along the coast to the point of commencement.

## 3. Geedkabeheh Game Reserve

All that area being approximately 40 square miles bounded by a line;

Commencing at a cairn on a point on the Hargeisa to Geedkabeheh Road 14 miles from Hargeisa;

Thence proceeding in an easterly direction in a straight line for a distance of  $1\frac{3}{4}$  miles to the southern-most outcrop of conical shape on the north to South running ridge known as Anaweineh;

Thence proceeding in a north-easterly direction for a distance of  $1\frac{3}{4}$  miles along the top of a broad flattened ridge following a well marked stock route to a point marked by a cairn where the ridge merges into level ground;

Thence proceeding in a north-easterly direction for a distance of one mile down a demarcated line on a slope to a point on the left bank of the Isha Denta Tug;

Thence following the said Isha Denta Tug in general East North Easterly direction for distance of  $1\frac{1}{2}$  miles to its confluence with the Kalgoreh Tug;

Thence following the said Kalgoreh Tug in a general northerly direction for a distance of 4 miles to a point at a sharp bend where the said Kalgoreh tug passes the south-east end of Ealaneh Doh hills;

Thence proceeding along the southern side of the said Dalenen Doh hills in a north-westerly direction for a distance of 2 miles along a series of evenly (text omitted) demarcated with cairns to a point on the Arapsiyo to Guban stock and trade route where there are many graves about 3 miles from the place known as Geedkadebleh;

Thence proceeding in a straight line in a north-westerly direction for a distance of  $2\frac{1}{2}$  miles along the top of a rocky ridge, leaving this said rocky ridge when it turns northwards, and continuing north-westward over the top of a conical hill to a point on the Alalo Tug;

Thence proceeding in a straight line in a north-westerly direction for a distance of  $\frac{3}{4}$  mile through the southern-most peak, called Debi Gadareh, of ridge running north to south;

Thence proceeding in a north-westerly direction for a distance of  $1\frac{3}{4}$  miles along a gradually declining ridge to a point marked with a cairn;

Thence proceeding in a south-westerly direction along the watershed between the Debi Gadareh and the Daga Habeda basins and then along a ridge with two district peaks for a distance of  $2\frac{1}{4}$  miles.

Thence proceeding in a south-westerly direction for a distance of  $1\frac{1}{2}$  miles over the hill known as Debi Oman and on over two cainred outcrop to a point in the Debigaouman Tug 4 mile from the said place known as Geedkadeblen;

Thence proceeding in a south-westerly direction for a distance of  $2\frac{1}{4}$  miles over strongly undulating land to the top of the hill known as Tugi Kubalantai, the highest hill in the neighborhood;

Thence proceeding in a south-westerly direction for a distance of  $4\frac{1}{2}$  miles following the north-western foothills of the Assa Hamatu range and crossing the Tug Anayu at a point  $\frac{1}{2}$  mile east permanent water to the twin-topped hill known as Dagu Liban;

Thence proceeding in an easterly direction for a distance of 3 miles over the hill known as Daga Aanyu across the Tug Antel to Karinta Gaban the last outcrop of rock on the western side of the said Hergeisa to Geedkadebleh road;

Thence proceeding in a south-easterly direction for a distance of  $\frac{1}{4}$  mile to the point of commencement.

#### 4. Mogadishu Game Reserve

All that area bounded by a line:

Commencing form Mogadishu and running along the coast to Adaleh;

Thence west along the southern edge of the road from Adaleh to Mahadi Weyn up to a point on the east bank of the Scebelli River opposite Mahaddi Weyn;

Thence south along the east bank of the Scebelli River form Mohadi Weyn to Giohar;

Thence following old train road towards Afgoi; thence East along the north edge of the road form Afgoi to Mogadishu.

## **Schedule 2**

### **Part A**

#### **Controlled Areas**

#### 1. Borama District Controlled Area

All that area lying bounded in the north by the sea; in the west and south by Somalia Frontier and in the east by a line from the point on the frontier where Hargerisa – Jigjiga road crosses the frontier to the hill known as Jifu Uri; Thence to the village of gebile; thence following the Diora Wein, the tug Durdur, and tug Kabri Bahr to the Sea.

#### 2. Bushbush Controlled Area

All that are included within the following limits:

North: The motor road from Bardera to El Wak.

East: The left bank of the Guiba River from Bardera to Kisimayu, thence following the coast of the Indian Ocean to the point where lack Salamo discharges into the sea.

South: the northern boundary of the Bushbush Game Reserve.

West: Starting from Kolbio and following the Somali – Kenya border till Ell Wak, the point of commencement, is reached.

#### 4. Juba – Left Controlled Area

All that area situated on the left side of the Juba River which is enclosed by the following limits:

North: The motor road Bardera to Dinsor; thence along a straight line from insor through Sare to Mahboi.

East: Along a caravan road from Mahaboin up to the branching at Mudun passing through the following stations; Dadle, Ore Maret, Marere wein, Wago, Wak Tali, Ider, Golo, Soblale, and Kovonne Wein.

South: The motor road from Mudun to Gelib where it joins the Juba River.

West: From Gelob along the juba River up to Bardera, the point of commencement.

### **Part B**

#### **Partial Game Reserve**

##### 1. Oddur Partial Game Reserve

All that area bounded by the following limits:

North: A line following the Somali-Ethiopia border from El Berde through Bugberd up to Elmeghet; thence along the motor road through Abseale, Kirkiri to Belet Wein:

East: Along the caravan road from El Ali;

South: Along the caravan road from El Ali to

South: Along the caravan road from El Ali to Tigigiello; thence along the motor road from Tigigiello through El Garas to Oddur;

West: From Oddur along the motor road to Ted through Ber Fager; thence along the caravan road through Bur Corin to El Berde the point of commencement.

## 2. Jowhar Partial Game Reserve

All that area lying within the following limits:

North: A straight line from Bur Acaba to Bulu Burti;

East: From Bulu Burti down along the Schebele River to Afgoi;

South: Following the Schebele River from Afgoi to Audegle;

West: From Audegle along the motor road to Bur Acaba the point of commencement.

## 3. Belet Wein Partial Game Reserve

All that area enclosed within the following limits:

North: The motor road from Belet Wein through Sinadago to Dusamareb;

East: Along the caravan road from Dusamareb road from Dusamareb through Torduja Emadle, Ghhodo, Hario, Ghodo to Harardara;

South: Along the caravan road from Meregh, El Gelib, Awale Gubti to Bulu Burti;

West: Along the Schebele River from Bulu Burti to Belet Wein.

## 4. Bulu Burti Partial Game Reserve

All that area lying within the following limits:

North: Along the caravan road from Bulu Burti, Awale Gubri, Ey Gelib to Meregh;

East: Along the coast from Meregh to Adalen;

South: Along the Northern side of the motor road from Adaleb to Mahdi Weyn;

West: Along the Schebele River from Mahadi Weyn to Bulu Burti.

## **Schedule 3**

## **Part A.**

### **Prohibited Game**

Throughout the Somali Republic the following animals may not be hunted:

A. Males, females and young of:

1. Aard-vark. opr Ant Bear; Oryeti-pus after (Som. Qarandry Sedda Sul).
2. Ard-wolf; proteirs cristatus (Som. Goolo-warabeh, Danamedo).
3. Black eared fo; Bat eared or long eared Fox; Otocyon megalotis (Som. Gel-mango).
4. Dugong; halicore dugong (Som. Gel-mango).
5. Clerk's Gazelle; Ammodoreas Clarkei (Som. Dib-taag).
6. Hunter's Harte beest Daliscous (Som. Irole).
7. Orys; Orix beisa (Som. Baiid).
8. Pangolin (Scaly ant eater); smutesia tmminekii (Som.).
9. Wild Ass; Equus assinus Sominsis (Som. Damer Dibadead).
10. Klipspdinger; preotragus (Som. Ali-kud).
11. Red-duiker; Cephalophus Harvey, thos (Som. Sagaro-gudud).
12. Grimmis duiker; Silvicapra primmia inneaseus (Som. Furduk).
13. Rhinoceros; Rhinoceros (Som. Wiyil).
14. Leopard; Pardus, Panther pardus linneaus (Som. Shabeel).
15. Beira; Doroo tragus megalotis (Som. Beira).
16. All species of wild bvirids not included in Schedule 4, Part B.

## **Part B**

### **Protected Animals**

The following animals may not be hunted on the Partial Game Reserve specified in Schedule 2, Part B:

1. Hippopotamus; Hipopotamus amphibious (Som. Jer).
2. Elephant; Loxonsonta africana (Som. Marodi).
3. Cheetah; Leptailurus servals (Som. Harima'ad).
4. Lion; Panthera Leolinneaus (Som. Libah).
5. Ostrich; Sturthio camelus molybdopabos Reich (Som. Gorayo).
6. Giraffe; Giraffa reticulata (Som. Geri).

**Schedules are incomplete.**