

## **BIOIDIVERSITY AND WILDLIFE ACT 2003**

### **ARRANGEMENT OF SECTIONS**

#### **Section**

#### **PART 1 - PRELIMINARY**

1. Short title
2. Interpretation

#### **PART 11 - ADMINISTRATION**

3. Directors Technical Officers to carry into effect Provisions of this Act
4. Biodiversity and Wildlife management plans monitoring and evaluation
5. Preparation and review of the National Biodiversity and Wildlife Policy
6. Liaison with national and international organisations
7. Basic biodiversity and wildlife training facilities
8. Biodiversity and Wildlife research and studies
9. Duties of Officers
10. Disciplinary action
11. Technical officers not be involved in biological produce dealings
12. Technical officers to carry identification cards
13. Prevention of offences

#### **PART 111- PROTECTED AREAS**

14. Establishment of Protected Areas
15. Preliminary notification of intention to create protected Area and appointment of Protected Area Settlement Committee
16. Notice of enquiry
17. Duties of Protected Area Settlement Committee to have judicial powers
18. Protected Area Settlement Committee to have judicial powers
19. Power of Protected Areas Settlement Committee to join or sever claims
20. Submission of Protected Areas Settlement Committee's findings on completion of inquiry
21. Right may be extinguished or modified by Secretary of State
22. Notification of proposed protected Area and rights admitted
23. Order of the Secretary of State constituting a Protected Area
24. Revision or Modification of Orders constituting a Protected Area
25. Privileges admitted in Protected Area
26. Extinguishing and reviving rights
27. No new rights to be acquired in lands to be constituted a Protected Area without
28. Rights in Protected Area may not be alienated without approved
29. Non-exercise of rights
30. Lands and rights may be granted absolutely to the state
31. Power to de-reserve a Protected Area
32. Exploitation of resources within Protected Areas

## **PART VI - MANAGEMENT OF PROTECTED AREAS**

33. Management of Protected Areas
34. Local communities and Protected Areas
35. Role of Local Biodiversity and wildlife Committee in the administration of Protected Areas
36. Biodiversity impact assessment of farming, industrial projects and other activities on Protected Areas
37. National Wildlife Inventory
38. National Wildlife Action Programmed
39. Inventory in Protected Areas
40. Management plans for Protected Areas
41. Plan of operation for Protected Areas

## **PART V - BOIDIVESITY FUND**

42. Establishment of the Fund
43. Purpose of the Fund
44. Resources of the Fund
45. Accounts and audit

## **PART VI - CONTROL OF HUNTING AND HARVESTING**

46. Protected biological resources
47. Power to declare open season
48. Hunting or harvesting licences required
49. Form and conditions of licences
50. Applications for licences
51. Power to refuse to issue licences
52. Appeals for refusal of licence
53. Power to cancel or suspend licence
54. Appeals against cancellation or suspension
55. General provisions for hunting or harvesting licences
56. Defence of life or property
57. Duty to seek assistance
58. Wounded animals
59. Hunting harvesting by authorized officers
60. Vermin
61. Penalty for illegal hunting or harvesting

## **PART VII - PROHIBITED METHODS OF HUNTING OR HARVESTING**

62. Prohibited methods of hunting or harvesting: general provision
63. Use of fire prohibit
64. Hunting at night prohibited
65. Driving animals into water
66. Restriction on use of vehicles
67. Power to suspend or further prohibit
68. Penalties for use of prohibited hunting or harvesting methods

## **PART VIII - SALE OF SCHEDULE RESOURCES**

- 69. Commercial sale of schedule biological resources prohibit
- 70. Import permit
- 71. Power to issue import permit
- 72. Export permit
- 73. Power to issue export permit

## **PART IX - IMPORT AND EXPORT OF SCHEDULES BIOLOGICAL RESOURCES**

- 74. Permit to be carried by holders
- 75. Household and personal effects
- 76. Penalty for illegal import and export

## **PART X - ENFORCEMENT POWERS**

- 77. Powers to stop and search
- 78. Powers to search seize and arrest
- 79. Legal proceedings
- 80. Prohibition on obstructing authorized officer
- 81. Exemption of authorized officers

## **PART XI - PRESUMPTIONS, PENALTIES AND FORFEITURES**

- 82. Evidence and presumptions
- 83. General penalties
- 84. Offences by bodies corporate
- 85. Forfeiture
- 86. Destruction of game-pits, etc on conviction
- 87. Effect of conviction
- 88. Other laws applicable

## **PART XII - BIODIVERSITY AND WILDLIFE COORDINATION MECHANISM**

- 89. Establishment of the Inter-Sectoral Committee on Biodiversity and Wildlife
- 90. Functions and objective of the Biodiversity and Wildlife Committee
- 91. Land use management and biodiversity and Wildlife conservation
- 92. Biodiversity and Wildlife research
- 93. Incentives, access and benefit sharing

## **PART XIII - MISCELLANEOUS**

- 94. Prescribed forms
- 95. Power to make regulations
- 96. Act to prevail over all other laws on biodiversity and Wildlife matters
- 97. Repeal and savings



“commercial business” means a shop, store, restaurant or any other fixed place of business open to the public for the purpose of supplying for reward any of the components biodiversity and wildlife in its natural or raw form or as its products;

“conservation” means the application of policies and programmes in the management of natural resources for human kind and for the long term retention of natural communities under conditions which provide the potential for continuing evolution and at the same time maintain the potential to meet the needs and aspirations of the present a future generations.

“Department” means the Department of Parks and Wildlife Management, Department of Agriculture service, Department of livestock Services, Department of Forestry, Department of Water Resources, as the context specifies or implies;

“Director” means the Director of Parks and Wildlife Management, Director of Agricultural Services, Director of Livestock Services, Director of Forestry, Director of Fisheries, Director General of the National Agriculture Research Institute, the Executive Director of the National Environment Agency or the Director of Water resource, as the context specifies or implies;

“eco-system” means a dynamic complex of plant, animal and microorganism communities and their non –living environment interacting as a function unit;

“export” includes the export of as scheduled biological resource, meat, or trophy of a scheduled biological resource that has been previously imported;

“ex-situ conservation” means the conservation of components of biodiversity outside their nature habitat;

“general licence” means a licence issued by a licensing officer under this Act, authorising use in any form of a scheduled biological resource;

“genetic material” means a material of plant, animal, microbial or other origin containing functional units of heredity;

“harvest” includes call, collect, gather, cut, fell and catch;

“hunt” means –

- (a) kill, wound, capture or shoot at;
- (b) willfully disturb, molest or take by any method nest or egg of a wild animal;
- (c) follow, lie in wait for or search for with the intent to kill, wound, capture or shoot at, or
- (d) doing any further act immediately directed at killing, wounding or capturing a wild animal;

“licensing officer” means the Director or any other officer authorised by him or her in writing;

“meat means the fat, blood, flesh or tissue of an animal whether fresh or dried, , pickled or otherwise processed;

“national parks” means any area of land so classified under section 14 for -

- (a) the propagation, protection, conservation and management of sustainable use of biological resource;
- (b) the protection of sites, landscapes or geological formations of particular scientific or aesthetic value for the benefit and enjoyment of general public, and in which hunting and harvesting of biological resources, destruction or collection of plants, human settlement and certain other human activities disruptive of biological resource and the culture environments are prohibited or strictly controlled in accordance with the provisions of Part III of this Act;

“national reserve” means an area of land so classified under section 14 for the propagation, protection, conversation, management and sustainable use biological resources, and the associated habitats, and in which hunting, harvesting and certain other human activities are prohibited in accordance with Parts III of this Act

“open season” means a period of time declared by the Secretary of State as an open season under section 47;

“Protected Area” means a geographically define area which is designated or regulated and managed to achieve specific conversation objectives and includes a forest park, a protected Forest a national park, a national reserve, protected fisheries area and local sanctuary;

Scheduled  
“scheduled biological resource” means a biological resources listed in the scheduled or such other biological resource as may be specified by the Secretary of State by regulations published in the Gazette;

“Secretary of State means the Secretary of State responsible for the administration of this Act;

“sell” means sell, barter, exchange, offer or expose for sale or transfer;

“sustainable use” means the use of components of biodiversity and wildlife in a manner and at a rate that does not lead to the long-term decline of biodiversity and wildlife, thereby maintaining its potential to meet the needs and aspiration of present and future generations;

“Technical Officer” means an officer appointed under section3;

“trophy” means a scheduled biological resource, whether alive or dead, or a durable portion whether processed, added to or changed, which is recognisable as a durable portion, and a nest or an eggshell;

“Vermin” means –

- (a) wild animal or birds, including warthogs, baboons, red pates monkeys, rats, mice and weave birds, that destroy or harm crops, food or game; or
- (b) parasitic insects, that are unpleasant or harmful to society,

which are declared by the Secretary of State to be vermin under section 60;

“wild animal means an animal that is not a domesticated animal;

“wildlife” means –

- (a) all living organisms in the wilderness;
- (b) all animal and plants that are not domesticated; or
- (c) all free ranging vertebrates in their free or natural environment.

## **PART II -ADMINISTRATION**

Directors and Technical Officers to carry into effect provisions of this Act

3. (1) The Director and such other Technical Officers as may be appointed by the Public Service Commission as necessary shall carry into effect the purposes and provisions of this Act.

(2) The appropriate Director may, in writing, delegate or assign any of his or her functions under this Act such other authorised officers as he or she may think fit.

(3) The Director shall, subject to the provisions this Act and any general or specific directions of the Secretary of State, have the general Superintendence of all matters contained in this Act.

Biodiversity and  
wildlife  
management  
plans  
monitoring and  
evaluation

4. (1) The Director shall develop and keep under continual review plans for the rational biodiversity and wildlife in the Gambia, taking into account national, regional and international aspects of biodiversity and wildlife management.

(2) Each biodiversity and wildlife management plan shall be designed to ensure that biodiversity and wildlife is rationally managed and conserved so as to yield to The Gambia in general, and in individual areas in particular, optimum returns in terms of ecological, culture, aesthetic, scientific and economic gains as are incidental to proper biodiversity and wildlife management.

(3) The Director of parks and wildlife Management, in consultation with other sectoral Directors, shall establish and implement a comprehensive monitoring and evaluation system on biological resource, and utilization of biological resources and revenue which shall be detailed in guidelines issued by him or her.

(4) The comprehensive monitoring and evaluation system shall consist of annual plans of operation and reports on biodiversity and wildlife management.

Preparation and  
Review of the  
National  
Biodiversity and  
Wildlife Policy

5. (1) The secretary of State responsible for wildlife shall appoint a multi-sectoral working group under the leadership of the Department of Parks and Wildlife Management to prepare biodiversity and wildlife policy proposals for the approval of the Cabinet which shall, when approved, constitute the National Biodiversity and Wildlife Policy.

(2) The Secretary of State responsible for biodiversity and wildlife may, review the National Biodiversity and wildlife policy at any time but not later than ten years after its approval by the Cabinet.

Liaison with national and international organisations

6. The Department of Parks and Wildlife Management shall be responsible for co-operating and liaising with, national and international organisations and bodies on matters of biodiversity and wildlife conservation.

Basic Biodiversity and Wildlife training Facilities

7. (1) A Biodiversity and Wildlife Training Center shall be established for the purposes of providing basic biodiversity and wildlife training to Wildlife Officers and trainees from other Department, organisations or communities.

(2) The Training Centre shall provide a minimum of one year practical and theoretical training for wildlife security guards and rangers and issue a certificate to a person who successfully completes the training.

Biodiversity and wildlife research and studies

8. The Director General of National Agricultural Research Institute shall ensure that essential biodiversity and wildlife research and studies are conducted within the institute and in other appropriate research and educational institutions.

Duties of officers

9. (1) The Director shall ensure that-

(a) all biodiversity and wildlife related activities in respect of his or her Department are carried out according to the provisions of this Act and regulations made under it; and

(b) every Technical Officer is fully acquainted with the provisions of this Act and the regulations under it.

(2) A Technical Officer shall enforce the provisions of this Act and regulations made under it impartially and report any offence to his or her superior officer and in this respect shall acquaint himself or herself with the provisions of this Act and the regulations made under it.

Disciplinary  
action

10.(1) Failure to comply with section 9 (2) shall be considered a just cause for disciplinary action against a Technical Officer.

(2) Where the Director is satisfied that a Technical officer has aided or abetted the commission of or connived with another person to commit an offence under this Act or regulations made under it, he or she may order or recommend that the Technical Officer be summarily dismissed in accordance with Public Service Commission Regulations.

Technical  
officers not to  
be involved in  
biological  
produce  
dealings

11. A Technical Officer shall not-

- (a) obtain a licence or permit under this Act;
- or
- (b) have shares or any form of partnership arrangement with a person operating a business or industry on the basis of a licence or permit issued under this Act.

Technical  
Officers to  
Identification  
Cards

12. A Technical Officer shall, in the exercise of his or her official duties under this Act, carry at all times his or her official identification card, which shall be issued by the Director, bearing the photograph and showing the rank of the Officer.

Prevention of  
Offences

13. It is lawful for a Technical Officer, Police Officer, a member of the Biodiversity and Wildlife Committee or a local authority officer to prevent the commission of an offence under this Act.

#### **PART 111 - PROTECTED AREAS**

Establishment  
of protected  
areas

14. (1) The Secretary of State responsible for biodiversity and wildlife may, on recommendation of the Directors, declare an area to be Protected Area for the purposes of biodiversity and wildlife conservation and sustainable use.

(2) The Secretary of State shall, in declaring an area to be a Protected Area, take into consideration the following factors-

- (a) the importance of the area for the conservation of biodiversity and wildlife;

- (b) an evaluation if the current and potential value of the economic activities to be carried out in the area;
- (c) the human settlement and the regime of land tenure governing the area; and
- (d) the social benefits to be derived from the management of the area.

(3) The Secretary of State shall, in declaring a Protected Area, recognize the rights of the communities and indigenous people traditionally settled in the area.

(4) The declaration of Protected Area shall be by an Order of the Secretary of State published in the Gazette and shall, in the case of a national park, be approved by the Cabinet.

(5) The Protected Areas shall be classified into national parks, national reserves, fisheries protected areas, local sanctuaries and culture and heritage sites defined by regulations made by the Secretary of State.

(6) Notwithstanding anything contained in any other law, a Protected Area shall not be de-reserved without the consent of the Secretary of State and, in the case of a national parks, approval of the Cabinet.

Preliminary notification of intention to create protected area and appointment of protected area settlement committee

15. (1) The Secretary of State shall, before designating a land to be a Protected Area, publish in the Gazette, a Notice-

- (a) specifying as nearly as may be, the situation and the limit of the land;
- (b) declaring that it is intended to designate the land a Protected Area, either for the general purposes of the Government or for the particular use and benefit wholly or in part of a class of persons or for the benefit of a community;
- (c) declaring that the land will form a Protected Area;

(d) appointing a committee to be known as a Protected Area Settlement Committee which shall consist of -

- (i) the Attorney General or his or her designated representative,
- (ii) the Divisional Commissioner,
- (iii) the District Seyfo,
- (iv) the Alkalolu of the villages concerned,
- (v) a member of the Area Council,
- (vi) the Divisional Technical Officers of the Departments concerned,  
and
- (vii) a co-opted technical expert,  
where appropriate.

(2) The Protected Area Settlement Committee shall be chaired by the Attorney General or his or her designated representative.

Notice of enquiry

16. On publication of a Notice under section 15, the Protected Area Settlement Committee shall-

- (a) immediately cause the particulars contained in the Notice to be made know in the areas under the jurisdiction of the Area Council or local authority in which the land is situated-
  - (i) by causing it to be read and interpreted into the local language in every court in the areas under the jurisdiction of the Area Council or local authority and
  - (ii) as far as it considers essential by informing in writing the Seyfo of the communities dwelling on, and the Area Council or local authority having jurisdiction over the land;  
and

(b) fix, make known a period within, and a place where, a person or community claiming a right in or, over the proposed Protected Areas land, shall send a written claim to be the Committee or appear before it and state orally the nature and extent of the claim.

Duties of protected area settlement committee at enquiry

17. (1) As soon as possible after the period fixed by the Protected Area Settlement Committee under section 16, the Committee shall -

(a) inquire into and determine the limits of the land specified in the Notice published under section 15; and

(b) inquire into and determine the existence, nature and extent of a claim or right claimed by or alleged to exist in favour of a person or community named in the claim or any other right in or over the proposed Protected Area.

(2) The Protected Area Settlement Committee shall keep a record in writing of-

(a) a claim or an alleged right;

(b) an objection made to a claim or alleged right; and

(c) any evidence in support of or in opposition to the claim or alleged right.

Protected area settlement committee to have judicial powers

18. for the purpose of the inquiry, the Protected Area Settlement Committee shall have all the powers conferred by law on a High Court.

Power of Protected Area Settlement Committee to join or sever claims

19. The Protected Area Settlement Committee may, at any time during the inquiry, join any number of claims or sever any claims joined and, in its findings may join any number of claims or sever any claim which were formerly joined.

Submission protected area

20. On the completion of the inquiry, the Protected Area Settlement Committee shall submit to

settlement  
committee's  
finding on  
completion of  
inquiry

the Director, for the consideration of the  
Secretary of State, its findings-

- (a) describing the limits of the land specified in the notice published under section 15;
- (b) setting out all such particulars as may be necessary to define the nature, duration, incidence and extent, of any claim and alleged right referred or brought to its notice in respect of the land; and
- (c) admitting or rejecting the claim or alleged right wholly or in part.

Right may be  
extinguished or  
modified by  
Secretary of  
State

21. (1) where the Protected Area Settlement Committee has admitted wholly, or in part any claim or alleged right and, in the opinion of the Director, the admission would –

- (a) stultify the objects of the proposed Protected Area;
- (b) seriously hinder the efficient working of the proposed Protected Area; or
- (c) cause any damage to the proposed Protected Area,

he or she shall made a report to the Secretary of State.

(2) The Secretary of State may, on receiving the Director's report-

- (a) extinguish the claim or right and may give monetary compensation or grant in exchanger similar right on other situated land either within or outside the final boundaries of the Protected Area;
- (b) confine or restrict the claim or right to certain areas either within or outside the final boundaries of the Protected Area or the exercise of the right to certain times of the year;

- (c) make an enclave or so amend the boundaries of the proposed Protected Area so as to exclude from the Protected Area, an area over which the claim or right has been admitted;
- (d) add any additional right as he or she shall consider just and equitable to allow, notwithstanding that the Protected Area Settlement Committee has not admitted the claim or right; or
- (e) adopt wholly or in part, any one or any combination of the methods specified in the paragraphs (a) to (d) of dealing with the matter.

(3) Where the Secretary of State, alters the external boundaries of the proposed Protected Area, he or she shall not include an area which lies outside the original limits set out in the Notice published under section 15.

Notification  
Proposed  
Protected Area  
and rights  
admitted

22. (1) The Secretary of State shall, on receiving the report of the Director and taking any action specified under section 21, publish a Notice in the Gazette specifying -

- (a) the land which is finally intended to be designated a Protected Area;
- (b) the rights which may be exercised within the proposed Protected Area; and
- (c) any other special conditions affecting the proposed Protected Area.

(2) The notice shall be made know in the same manner as in section 16 and to every other person and community affected by the decision of the Secretary of State under subsection (1).

Order of the  
Secretary of  
State  
constituting a  
Protected Area

23. (1) The Secretary of State may, after issuing the Notice under section 22, make an Order designating as a Protected Area the land in respect of which an inquiry has been held

(2) The Order shall set out -

(a) the limits of the land which constitutes the Protected Area; and

(b) all rights affecting the land as set out in Notice published under section 21;

(3) The order shall be published in the Gazette and made known in the same manner as in section 16.

(4) The land shall be a Protected Area from the date of the publication of the Order in the Gazette.

Revision  
or modification  
of Orders  
constituting a  
Protected area

24. (1) An Order made under section 23 may be revised or modified by the Secretary of State and the revision or modification may given retrospective effect.

(2) In a revision or modification made under this Section, the Secretary of State may, after such further inquiry as he she may deem necessary –

(a) exercise the right conferred on him or her under section 21;

(b) add any additional right as he or she considers just and equitable to allow notwithstanding that the right had not been admitted in the notice published under section 22; or

(c) Provide for any two or more contiguous protected area to be joined to form one protected area.

Privileges  
admitted in  
Protected area

25. (1) Privileges in Protected Area may be admitted if a written permission specifying the quantity of a defined produce is obtained from the responsible technical officer who shall determine the method of exploitation and the sustainable exploitation of the produce accordance with this section.

(2) Privileged in a protected area shall be-

(a) limited to non-commercial exploitation of a non-biological produce; and

(b) only be granted to a person residing in the immediate surrounding of a protected area

(3) A person who fails to comply with this provision commits an offence and liable on conviction to a fine fifty thousand dalasis imprisonment for a term not exceeding two years or to both fine and imprisonment.

Extinguishing  
And reviving  
Rights

26 .(1) subject to subsection (2), a right in or over a land in respect of which no claim has been made to the Protected Area Settlement Committee or which not brought to the notice of the committee shall be extinguished.

(2) if the person, within one year of date of the publication in the Gazette of the notice under section 15, claim and satisfies the Secretary of State -

(a) that he or she had a right in respect of which he or she might have made a claim; and

(c) that, through ignorance of the fact that an inquiry was being held or for other sufficient reason he or she failed to make the claim,

the secretary of state may direct that the right shall be revived, modified or extinguished in accordance with the provisions of section claim 21.

no new right  
to be acquired in  
lands to be  
constituted a  
protected area  
without approval

27. During the period between the dates of the publication of the notice under section 15 of the intention to create a protected area and of the order under section 23 designating the Protected Area, no-

(a) right shall be acquired in to over the land comprised in the notice otherwise than by succession or under a grant or contract in writing entered into with the approval of the

secretary of state; and

(b) act or thing shall be done in contravention of this act, except that a right specified in the order published under section 23 may be exercised to the extent and in the manner described in the order the community or person to whom it was granted, without prejudice to any subsequent revision or modification as provided for in this act.

right in  
protected area  
may not be  
alienated  
without  
approval

28.(1)A person or community shall not without the consent of the Secretary of State having been first obtained alienate by sale mortgage or transfers a right specified in an order made under section 23.

(2) A sale mortgage or transfer effected without consent shall be null and void.

non-exercise  
of rights

29. (1) A right in the Protected Area specified in an order made under section 23 and not exercised for a period of ten years shall be deemed to have been extinguished

(2) where another right of way is available, the Secretary of State may, by notice in the Gazette close a right of way in a Protected Area.

land and  
right may be  
granted  
absolutely to  
the state

30. Notwithstanding any customary law is to the contrary a person a family and the seyfo or Alkalo of a community on behalf of community, shall be entitled to enter into an agreement to grant and convey to the state any of them in the proposed Protected Area.

power to  
de-reserved  
protected area

31. (1) The secretary of state may, by notice published in the Gazette, direct than from a date stated in the notice any land or part of any land designated a protected area under section 23, shall case to be a protected area or part of the Protected Area.

(2) From the date specified under subsection (1) the land shall cease to be a Protected Area or part of the Protected Area, Providing that a right, if any, which may have been extinguished in the land shall not revive in consequence of the cessation.

exploitation of  
resources

32. (1) Where the nation interest so requires, the exploitation of mineral resources or the

within  
Protected Areas

exploitation of mineral resources or the development if infrastructure project may be permitted within a Protected Area.

(2) Notwithstanding subsection (1), the exploitation of resources and the development of infrastructure project within a Protected Area shall be subject to such environment laws and no.13 of 1994 Regulation made under the national environment management act, 1994 and such condition as may be prescribed by the Director in Bye –Laws made under this Act.

(3) The Director may make Bye-laws regulating the national utilization of resources by local community within Protected Area.

#### **PART IV –MANAGEMENT OF PROTECTED AREAS**

Management  
Protected Areas

33.(1) A Protected Area shall be administered by means of a management plan which shall be in accordance with the management plan developed under section 4.

(2) The rules of procedure for the preparation and execution of the management plan shall be prescribed by regulations.

(3) The administration of the Protected Area shall Consist of –

(a) an administrative body for the Area which shall be the highest body for management and decision-making at the local level and shall be in charge of the local communities, with an Administrator appointed by the Director as the head;

- (b) a management committee which supports, assesses and supervises the administration of the Protected Area; and
- (c) park security guards or rangers who shall be the competent body for monitoring and surveillance in the Area.

(4) The Department of Parks and Wildlife Management shall be responsible for the park guards or ranger and the Director may make Bye-law governing their operations.

Local communities and protected Areas

34.(1) The Director of parks and wildlife Management shall encourage community participation, in the form of a Local Biodiversity and Wildlife Committee in the management of a Protected Area, particularly the communities in the area and its immediate surrounding.

(2) In the process of technical evaluation and identification of significant area for conversation, the Director shall involve local communities in the design process of a proposed area to be declared a Protected Area.

Role of local Biodiversity and Wildlife Committee in the administration of protected areas

35. A Local Biodiversity and Wildlife Committee empowered under section 43 to supervise the administration of a Protected Area shall-

- (a) protect the Area from fire;
- (b) decide, in collaboration with the Department of Parks and Wildlife Management, the type and number of licences and permits to be issued in the Area;
- (c) monitor the activities of licence and permit holders in the Area;
- (d) prevent any illegal act in the Area; and
- (e) administer the revenues collected from the Area in accordance with this Act.

Biodiversity  
impact

36(1) Where farming, an industrial project or any other activity in a Protected Area is assessed

assessment  
farming,  
industrial  
project and  
other activities  
in protected  
Areas  
No.13 of 1994

other activity in a Protected Area is not assessed for its environmental impact as provided under the National Environment Management Act, 1994, the developer of the activity shall be required to submit a project brief to the Director stating -

- (a) the nature of the project;
- (b) the activities that shall be undertaken;
- (c) the area of Protected Area that may be affected;
- (d) the possible products and by product of the activities anticipated; and
- (e) any other matter that affect the biodiversity and wildlife within the Area.

(2) If after considering the project brief, the Director is the view that the proposed project will have an adverse impact on the Protected Area, he or she shall -

- (a) require the developer to re-design the project taking into account the recommendations of the Director or
- (b) reject the proposed project if it is found incompatible with the biodiversity and wildlife policy, the protected area management objective or the provisions of this Act and any regulations made under it.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of fifty thousand dalasis or imprisonment for a term not exceeding two years or to both the fine and imprisonment.

National  
Wildlife

37.(1) The Department shall prepare and conduct a National Wildlife Inventory every ten years

Inventory	according to the modalities set by the Secretary of State.
	(2) The realization of the inventory is the responsibility of the Director who may subcontract the work to a specialization and competent Organization.
National Wildlife Action Programme	38. The Director shall prepare a ten-year National Wildlife Action Programme to conserve and develop wildlife resources, which shall be based on the results of the National Wildlife Inventory.
Inventory in Protected Areas	39. For the management of a Protected Area, a Protected Area Inventory shall be conducted by the respective Department in accordance with regulations made under this Act.
Management Plan for Protected Areas	40. The respective Department of a shall establish a Protected Area Management Plan for each Protected Area as may be specified in regulations made under this Act.
Plan of Operation for Protected Areas	41. The management activities in a Protected Area shall be in accordance with a plan of operations, which shall be prepare annually for all Protected Areas.

## PART V-BIODIVERSITY AND WILDLIFE FUND

Establishment of the fund	42. There is hereby established a fund to be known as the National Biodiversity and Wildlife Trust Fund (in this part referred to as “the Fund”).
Purpose of the Fund	43. The proceeds of the Fund shall be used to promote the protection, development and Sustainable use of biological resources.
Resources of the Fund	<p>44.(1)The Fund shall consist of-</p> <ul style="list-style-type: none"><li>(a) proceed of the sale of biological produce extracted from the protected Areas;</li><li>(b)fifty per cent of all fees and royalties received under this Act;</li><li>(c) Monies earned from projects financed from the fund; and</li><li>(d) grants, donation and endowments received from sources within and outside The Gambia.</li></ul> <p>(2) The Fund shall be kept in a separate account with the Accountant General and shall be administered by the Director and the Permanent Secretary of the Department of State responsible for wildlife.</p>
Accounts and audit	<p>45. (1) The Director of Parks and Wildlife Management shall, in consultation with other concerned Director, within a period of three months before the end of each financial year, make and submit to the Secretary of State for his or her approval estimates of the income and expenditure of fund for the ensuing year.</p> <p>(2) No expenditure shall be made out of the fund unless the expenditure has been approved by the Secretary of State under the estimates for the year in which the expenditure is made, or in any other estimates supplementary to those estimates.</p> <p>(3) The Director of Parks and Wildlife Management shall, in consultation with the other Director, prepare in respect of each financial year, a statement of account which shall</p>

include -

- (a) a balance sheet, a statement of income and a statement of surplus or deficit; and
- (b) such other information in respect of the financial affairs of the fund as prescribed in the Financial Instructions.

(4) The account of the fund shall, in respect of each financial year, be audited by the Auditor General.

## **PART VI-CONTROL OF HUNTING AND**

### **HARVESTING**

Protected biological resources

46. (1) Except as otherwise provided under this Act, a scheduled biological resources found in The Gambia, whether or not originating in The Gambia, is hereby protected as a biological resource.

Power to declare open season

47.(1) The secretary of state may, if he or she is satisfied that pursuant to a Biological Resource Management Plan developed under section 4, it is desirable to do so, declare an open season during which it is lawful to hunt or harvest the species of biological resource specified in the declaration.

(2) A declaration made under this section shall be by Notice published in the Gazette, and may make different provision in respect of different areas and different species of biological resources.

(3) No open season shall apply to a Protected Area.

Hunting or harvesting licences required

48. Except as otherwise provided under this Act, a person shall not hunt or harvest a scheduled biological resource except under and in accordance with the conditions of a valid hunting or harvesting licence issued pursuant to this Part.

Form and conditions of licences

49. (1) The Secretary of state shall, by regulations, prescribe the type, form of and the terms and conditions attaching to hunting or harvesting licences.

(2) A hunting or harvesting licence issued under this Part shall be subject to-

- (a) such conditions as may be prescribed by regulation made under this section; and
- (b) such other conditions as the secretary of state may determine.

(3) Nothing in this Part shall be taken as authorising the hunting or harvesting of a biological resource in a Protected Area.

(4) Conditions prescribed under this section shall include conditions concerning-

- (a) the species or variety of species or the sex of biological resources which may be hunted or harvested under the licence;
- (b) the method of hunting or harvesting to be employed with each licence;
- (c) the number of biological resources of each prescribed specie, variety or sex which may be hunted or harvested;
- (d) the area or areas in which each licence shall be valid;
- (e) the time or times of the year during which a specified specie, variety or sex of biological resource may be hunted or harvested; and
- (f) the appropriate fee payable in respect of each type of licence

Applications for licences.

50. An application for licence shall be made in the prescribed form to the appropriate licensing officer.

Power to refuse  
to issue licence

51.(1)A licensing officer may, if he or she thinks fit and without assigning a reason refuse to issue to a person a hunting or harvesting licence for which an application has been made.

Cap21.01

(2) A hunting or harvesting licence, in which the use of firearms or weapons for hunting or harvesting is authorized shall not be issued to a person who is not the holder of a valid licence issued under the Arms and Ammunition Act, which authorizes the person to possess firearms.

(3) A licensing officer issuing a hunting or harvesting licence to which subsection (2) applies may require the firearms licence to be produced at the time of issuing the licence.

(4) A hunting or harvesting licence shall not be issued to a person unless the licensing officer is satisfied that the person is in possession of, or will, at the time of hunting or harvesting under the licence, be in possession of a suitable firearm or weapon, and is competent and responsible in the use of the firearm or weapon.

(5)The licensing officer may require the person to whom subsection (4) applies to undergo any shooting or other tests in order to ascertain whether the person is competent and responsible in the use of the firearm or weapon.

Appeals for  
refusal of  
licence

52. If a licensing officer may require the person to or harvesting licensing applicant may, within one month after the date of the refusal, appeal to the Secretary of State, whose decision shall be final.

Power to cancel  
or suspend  
licence

53. The Director may, if he or she thinks fit and without assigning a reason, suspend or cancel a hunting or harvesting licence issued under this Part.

Appeals against  
cancellation or  
suspension

54. If the Director suspends or cancels a licence under section 53, the licence holder may, within one month of the date of the suspension or

cancellation, appeal to the Secretary of State, whose decision shall be final.

General provision for hunting or harvesting licences

55.(1) A person shall not transfer a hunting or harvesting licence to any other person, and no person, except the person to whom it is issued, shall hunt or harvest under the licence.

(2) The holder of a licence shall carry the licence with him or her at all times when engaged in an activity authorized by the licence, and shall produce it on request to an authorized officer.

(3) Subject to the provisions of section 57, relating to the suspension and cancellation of licences, a hunting or harvesting licence shall be valid for the period specified in licence.

Defence of life or property

56. (1) Nothing in this Act shall make it an offence for a person to take such measures as may be reasonably necessary to defend his or her person or any other person, or to protect a livestock, crop or other property which he or she has a duty to protect or a legitimate interest in protecting from a direct and immediate attack by a wild animal, provided that -

(a) shooting shall be resorted to only where no other alternative measure is possible or feasible; and

(b) this section shall not exonerate a person who, at the time of the attack, was committing an offence under this Act or was knowingly acting under circumstances amounting to deliberate provocation or enticement of the wild animal.

(2) where a wild animal is killed or wounded under this section, the fact and circumstances shall be reported immediately to the nearest authorized officer, and the animal shall become the property of the Government, to be handed over to the nearest authorized officer for disposal in such manner as the Director of parks and wildlife management may think fit.

(3) The burden of proving that a wild animal has been killed or wounded under this section shall lie on the person who has killed or wounded the animal.

Duty to seek 57. Except where there is a direct assistance and immediate attack on life or property, where a wild animal threatens injury or otherwise becomes a threat to life, livestock, crop or other property the fact shall be reported to the nearest authorized officer at the earliest practicable moment, and such assistance shall be sought from the officer to deal with wild animal as the Director parks and wildlife management may think fit.

Wounded  
Animals

58. A person who, in any circumstance whatsoever, wounds a wild animal or observes that a wounded wild animal could become dangerous shall as soon as practicable thereafter make a report of the facts and circumstances to the nearest authorized officer of the Director of Parks and Wildlife Management.

Hunting or  
harvesting by  
authorised  
officer

59. Nothing in this Act shall make it an offence for the Director or a duly authorized officer under the direction of the Director to hunt or harvest or possess a biological resources, in an area of The Gambia, including a Protected Area, at any time and by any method, for the purposes of-

(a) education or scientific research;

(a) conservation and proper biodiversity management and administration; or

(b) prevention of undue suffering of the biological resource.

Vermin

60. (1) The Secretary of State may, by Notice published in the Gazette, declare a wild animal to be vermin, either generally or in a specified area for a specified period of time.

(2) It is not an offence for a person to hunt without a licence a wild animal declared to be vermin in such area and under conditions as may be specified in the Notice.

(3) Nothing in this section shall be taken as authorising the hunting, in a Protected Area, of an animal declared to be vermin.

Penalty for illegal hunting or harvesting

61. A person who hunt or harvests a scheduled biological resource in contravention of this Part commits an offence and is liable on conviction to a fine not exceeding fifty thousand dalasis or imprisonment for a term not exceeding two years or to both the fine and imprisonment.

#### **PART VII- PROHIBITED METHODS OF HUNTING OR HARVESTING**

Prohibited methods of hunting or harvesting: general provision

62. (1) A person shall not hunt a wild animal that is obviously immature or is a female accompanied by its young.

(2) A person shall not, in connection with hunting, make use or have in his her possession-

- (a) a firearm capable of firing more than one missile as a result of one pressure of the trigger;
- (b) an explosive, other than the propellant charge in firearm cartridge, or a missile containing an explosive;
- (c) a fixed stake or similar sharp instrument;
- (d) a set-gun, pitfall, game pit, trench or similar excavation;
- (e) a net, fence or an enclosure or similar trap or a mist net, snare or similar contrivance capable of killing or capturing a wild animal;
- (f) a drug poison poisoned weapon or poisoned bait; or
- (g) any other method or mean of hunting which may be prohibited in regulations made under this Act.

Use of fire prohibited

63. A person shall not, in connection with hunting or harvesting, cause a fire or drive or surround a biological Resources with fire.

Hunting at night prohibited

64.(1) A person shall not, during the hour of darkness, hunt a wild animal, or use a dazzling light for the purpose of hunting any wild animal.

(2) For purpose of this section, “hour of darkness” means the period between half an hour after sunset and half an hour before sunrise.

Driving animal into water

65. A person shall not drive a wild animal into water for the purpose of hunting the animal.

Restriction on use of vehicles

66. (1) A person shall not-

(a) use a motor vehicle, an aircraft, a boat, or any other craft or conveyance for purpose of hunting a wild animal; or

(b) discharge a firearm or any other weapon on a wild animal from inside from a point within two hundred yards of a motor vehicle, an aircraft, a boat or any other craft or conveyance.

(2) A firearm which is located in or a motor vehicle, an aircraft, a boat or any other craft or conveyance shall, at all times, be unloaded and inside a cover or gun case.

Power to suspends or further prohibit

67. The Secretary of State responsible for wildlife may by Notice published in the Gazette-

(a) impose such additional conditions or restriction in respect of the use of a specified method of hunting or harvesting as he or she may think fit;

(b) suspend the operation of a section of this Part in respect of a specified biological resource, for a period of time and for a specified area, other than a Protected Area where he or she considers it necessary for proper biodiversity management or the protection of life or property.

Penalties for use of prohibited hunting or

68. (1) Except otherwise provided, a person who contravenes a provision of this Part commits an offence and is liable on conviction to a fine not

harvesting  
methods

exceeding twenty thousand dalasis or imprisonment for a term not exceeding two year or to both the fine and imprisonment

(2) A person who receives or is found in possession of a scheduled biological resource knowing or having reasonable cause to believe that the biological resource was taken in contravention of the provision of this part commits an offence and is liable on conviction to a fine not exceeding fifty thousand dalasis or imprisonment for a term not exceeding two years, or both fine and imprisonment.

### **PART VIII - SALE OF SCHEDULED BIOLOGICAL RESOURCES**

Commercial  
sale of  
schedule  
biological  
resources  
prohibited

69.(1) A commercial business shall not sell in The Gambia a scheduled biological resource, meat or trophy of schedule biological resource.

(2) The secretary of state responsible for wildlife may, on the recommendation the concerned Director at any time, by Notice published in the Gazette, suspend the of this Part in operation respect of a specified biological resources for a period of time in the Notice.

(3) A commercial business or a person acting on behalf of the business, who sells a scheduled biological resources meat or trophy of a scheduled biological resources in contravention of this section commits an offence and is liable on conviction to a fine not exceeding fifty thousand dalasis or imprisonment for term not exceeding two years or to both the fine and imprisonment.

### **PART IX –IMPORT AND EXPORT OF SCHEDULED BIOLOGICAL RESOURCES**

Import  
permit

70. A person shall not import or attempt to import into The Gambia a scheduled biological resources, biological meat or trophy of a scheduled biological resources except under a valid import permit issued by the Director or other officer authorized in writing by the Director and in accordance with the conditions of the import permit;

Power to issue export permit

73. (1) The Director may, on a written application and payment of the prescribed fees, issue an export permit if he or she satisfied that-

- (a) the export is not detrimental to the survival of that specie;
- (b) the schedule biological resource, meat or trophy of the schedule biological resource was lawfully obtained;
- (c) a schedule biological resource will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
- (d) an import permit has been granted by the importing country for the scheduled biological resource, meat, or trophy.

(2) Any permit issued under this section is valid for such time as is stated in it and shall be subject to such conditions and the payment of such fee as may be prescribed by regulations made under this Act.

Permit to be carried by holders

74. A person who holds a permit or other document issued under this Part shall carry it with him or her at all times when exercising any of the rights conferred on him or her permit or document, and produce it on request to an authorized officer.

Household and personal effects

75. The Secretary of State responsible for wildlife may make regulations exempting household or personal effects from the requirements of sections to 70 to 74, subject to such conditions as he or she may think appropriate.

Penalty for illegal import and export

76. A person who imports or exports, or attempts to import or export, a schedule biological resource, in contravention of the provisions of this Part commits an offence and is liable on conviction to a fine not exceeding fifty thousand dalasis or imprisonment for a term not exceeding two years or to both the fine and imprisonment.

## PART X – ENFORCEMENT POWERS

Power to stop  
and inspect

77. An authorized officer may, without a warrant-

- (a) stop a person whom he or she sees doing an act or whom he or she has reasonable grounds for believing has done an act for which a licence or permit is required under this Act or regulations made under it;
- (b) require the person to produce inspection-
  - (i) a licence, permit or other document required under this Act or any regulation made under it.
  - (ii) a scheduled biological resources, meat, or trophy of a scheduled biological resources in his or her possession,
  - (iii) a firearm or other weapon, device or material which appears to be connected with hunting or harvesting.

Power to  
search, seize  
and arrest

78. (1) If an authorized officer has reasonable grounds for believing that a person has committed an offence under this Act or regulation made, he or she may, without a warrant-

- (a) enter and search any land, building or other premises in the occupation of the person, and open and search any baggage or other thing in the possession of the person, but he or she shall not enter or search a dwelling house without warrant;
- (b) stop, detain and search a motor vehicle boat, an aircraft or other craft, or conveyance which appears to have been used or is being used in the commission made under it;
- (c) require a passenger in a motor vehicle boat, an aircraft or other craft or conveyance, stopped pursuant to this section, to furnish his or her full address, and the detain of a licence, permit, or other document required under this Act, or any regulations made under it;

(d) seize a motor vehicle, boat, an aircraft, a firearm or other weapon, craft, conveyance or device in connection with which the offence appears to have been committed;

(e) seize a schedule biological resources, meat or trophy of a schedule biological resources which he or she has reason to believe has been obtained in contravention of this Act or any regulation made under it;

(f) arrest the person and use such force as may be reasonably necessary to effect the arrest.

(2) An authorized officer who seizes a thing under this section shall, where feasible, give to the person from whom the thing was seized a written receipt signed by the authorized officer, identifying the thing seized and stating the reason for the seizure.

(3) A scheduled biological resource seized under this section may be released or destroyed at the discretion of the seizing officer where he or she considers that action necessary in order to prevent undue suffering or for other good and sufficient reasons.

(4) A thing seized under this section which is of a perishable nature and which cannot be reasonably conserved, may, on the direction of the Director, be immediately disposed of by sale or otherwise.

(5) The proceeds of a sale under subsection (4) shall be held by the Director, pending determination of any proceeding brought in respect of the offence for which the thing was seized and shall then be dealt with by him or her as the court may direct.

Legal proceedings

79. A person arrested under section 78 shall be taken as soon as practicable before a court to be dealt with according to law.

Prohibition on obstructing authorizes officer

80. A person who-

(a) without reasonable excuse, fails to produce a thing which he or she is required to produce under section 77 or 78; or

(b) resist or willfully obstructs an authorized officer in the exercise of the powers

conferred on the officer under this Act or any regulations made under it,

commits an offence and is liable on conviction to a fine not exceeding fifty thousand dalasis or imprisonment for a term not exceeding two years or to both the fine and imprisonment.

Exemption of  
authorizes  
officers

81. Nothing in this Act shall be construed as rendering an offence under this Act or any regulations made under it, while acting in good faith in the course of his or her duty.

### **PART XI-PRESUMPTION, PENALTIES AND FORFELTURES**

Evidence  
and  
presumption

82.(1) The possession of a scheduled biological resource, or meat, or a trophy of a freshly obtained schedule biological resources shall be prime facie evidence against any person accused of contravening a provision of this Act that he or she has hunted or harvested the scheduled biological resource.

(2) If a person who hold a valid licence or permit granted under this Act, is found in possession of a scheduled biological resource in excess of the numbers mentioned in the licence or permit, or of a specie not authorized in the licence, he or she shall be presumed unless the contrary is proved, to have hunted or harvesting the scheduled biological resource in contravention of this Act or any regulations made under it.

(3) Where a scheduled biological resources is on or in a motor vehicle, boat, an aircraft or other craft or conveyance, or at a camping place, a person who is in any way associated with the motor vehicle, boat, aircraft or other or conveyance, or camping place, shall be presumed, unless the contrary is proved, to be in possession of the scheduled biological resources.

(4) A person who is found in possession or in control of a prohibited method or hunting or harvesting as designated under this Act or any regulation made under it, shall be presumed, unless the contrary is proved, to be using the method for the purpose of hunting or harvesting.

(5) The burden of proving a fact which would be a defense to a charger of contravening a provision of this Act, or any regulations made under it, is on the person charged.

General.  
penalties

83. (1) A person who is convicted of an offence under this Act or any regulations made under it, in respect of a thing done or omitted to be done for which no other penalty is expressly provided, is liable on conviction, in the case of-

(a) a first offence, to a fine not exceeding twenty thousand dalasis or imprisonment for a term not exceeding one year or to both the fine and imprisonment; and

(b) a second or subsequent offence, to a fine not exceeding fifty thousand dalasis or imprisonment for a term not exceeding two years or to both the fine and imprisonment.

(2) On the conviction of a person for an offence under this Act or any regulations made under it, which related to more than one scheduled biological resource or trophy, the court may impose an additional penalty in respect of each scheduled biological resource or trophy after the first, of a fine not exceeding one half of the fine prescribed by this Act for the offence.

Offences by  
bodies corporate

84. Where a body corporate is guilty of an offence under this Act or any regulation made under it, every director, the secretary or any similar officer of the body corporate shall, unless he or she proves that the offence was committed without his or her knowledge or consent, also be liable to be prosecuted, tried, convicted and punished for that offence.

Forfeiture

85 (1) where a person is convicted of an offence under this Act or any regulation made under it, the court-

(a) shall, unless it considers for reasons to be recorded by the court, that it would be unjust to do, order that-

(i) a scheduled biological resource, meat, trophy, or proceeds of sale of the scheduled biological resource, meat or trophy taken or involved, or

(ii) weapon or other means of hunting or harvesting a scheduled biological resources, used in the commission of the offence; and

(b) may order that a motor vehicle, boat, an aircraft, or any mechanical means of conveyance used in

the commission of the offence,

be forfeited to the Government without compensation.

(2) A scheduled biological resource, weapon or other thing forfeited under this section shall be disposed of in such manner as the Director may think fit.

(3) Where a thing has been seized under this section and the person charged with an offence in relation to that thing has not appeared to answer the charge within one month of the seizure, the court may order the thing to be forfeited to the Government to be disposed of as the Director may think fit.

Destruction of  
game-pits, etc  
on conviction

86.(1) Where a person is convicted of an offence under this Act or any regulations made under it, in respect of a game-pit, pit-fall, trench or similar excavation, or a fence or an enclosure, or similar other device whatsoever fixed to the ground which the person has unlawfully made, used or had in his her possession for the purpose of hunting or harvesting a schedule biological resource, the imposed, order that the court may, in addition to any other device be destroyed in such manner as the court may specify.

(2) An expenditure incurred on account of an order made under subsection (1) shall be recoverable from the person against whom the order was made as a civil debt due to the Government.

Effect of  
conviction

87. Where the holder of a licence or permit issued under this Act or any regulations made under it, is conviction shall, unless the court otherwise directs for reasons to be recorded in writing, have the effect of canceling the licence or permit with effect from the date of conviction.

Other laws  
applicable

88. Nothing under this Act shall relieve a person of an obligation or a requirement imposed by law concerning customs, health arms and ammunitions or other matters.

## **PART XII-BIODIVERSITY AND WILDLIFE COORDINATION MECHANISM**

Establishment  
of the Inter-sectoral  
Committee on  
Biodiversity and  
Wildlife

89. (1) There is hereby established an inter-sectoral Committee on Biodiversity and Wildlife (in this Part referred to as “the Biodiversity and Wildlife Committee”) as an appendage of the Agriculture and Natural Resources Working Group, which shall consist of at least twelve members, including-

- (a) the Director of Parks and Wildlife Management;
- (b) the Director of Forestry;
- (c) the Director of Fisheries;
- (d) the Director of Agriculture Services;
- (e) the Director of Livestock Services;
- (f) the Executive Director of the National Environment Agency;
- (g) the Director General of the, National Agricultural Research Institute; and
- (h) such number of person to represent the non-Governmental Organisation Community, farmers and the private sector, as the Secretary of state may determine.

(2) The Director of Parks and Wildlife Management shall be the chairperson of the Biodiversity and Wildlife Committee.

(3) The secretariat of the Biodiversity and Wildlife Committee shall be at the Biodiversity Unit within the Department of Parks and Wildlife Management.

(4) The Biodiversity and wildlife Committee shall establish four main Thematic Technical Advisory Teams of at least seven persons each of experts on agricultural biodiversity, forest biodiversity, fresh water and mariner biodiversity and parks and wildlife biodiversity to advice on issues relating to the conservation and sustainable use of biodiversity and wildlife.

Function and  
objectives of  
the Biodiversity

90. (1)The Biodiversity and Wildlife Committee shall oversee the implantation of the Convention on biodiversity within the framework of

The Gambia Environmental Action Plan.

(2) Notwithstanding the generality of subsection (1) the Biodiversity and wildlife Committee shall also-

- (a) preserve and protect biological resources and, maintain the variability of biodiversity and wildlife, in particular, species and ecosystem;
- (b) maintain the essential ecological process on which the survival of species depends on the various ecosystems;
- (c) ensure sustainable use of renewable natural resources; and
- (d) improve the people quality of life and promote the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

(3) In achieving its functions and objectives under this section, the Biodiversity and wildlife Committee shall institute policy measures aimed at-

- (a) incorporating principles and objective of the conservation of biodiversity and wildlife in the planning of environmental policies and in development, at local, Department and national levels;
- (b) strengthening the institutional capacity of the State and developing control mechanisms for an integrated and efficient management of genetic resources;
- (c) promoting the people's full participation in the management, administration and monitoring of the conservation of Biodiversity and wildlife, in support of the management of biological resources;
- (d) established an appropriate policy, properly updated, for renewable natural resources;

- (e) developing a management system for a variety of activities for the sustainable use of renewable natural resources;
- (f) establishing, maintaining and administering a system of protected natural areas for in-situ conservation measures such as gene banks, managed areas, zoos and botanical gardens;
- (g) implementing measures to conserve species within and outside in-situ conditions, such as protected natural areas, through ex-situ conservation measures such as gene banks, managed areas, zoos and botanical gardens;
- (h) developing scientific research and the generation of appropriate technologies;
- (i) saving and revitalizing traditional knowledge related to the use and management of biological and natural resources;
- (j) technical and scientific capacity-building and the training of specialist human resources;
- (k) raising people's awareness and appreciation of nature;
- (l) developing environmental education programmes geared towards the general public;
- (m) structuring a policy for the signing, ratification and implementation of international instruments of a bilateral, multilateral or global nature, relating to the conservation of biodiversity and wildlife; and
- (n) developing and implementing regulations for land-use management compatible with the conservation of biodiversity and wildlife.

and biodiversity  
and wildlife  
conservation

due regard to the conservation of biodiversity and  
wildlife, based on the following-

- (a) the maintenance of essential ecological processes and life support system within such limits as not to constitute a risk for the continuity of the natural momentum of ecosystems;
- (b) the areas necessary for the establishment of protected natural areas and their buffer zones and for the protection of extensive natural forest areas;
- (c) the planning of human settlement in a way that is compatible with the maintenance of natural processes, to benefit conservation and the people's quality of life;
- (d) the optimization of land use in the area currently devoted to farming in order to maintain and enhance their productive capacity;
- (d) the avoidance of drastic transformation of natural ecosystems, setting priorities for options of use that cause least change; and
- (e) other general principles provided in this Act.

Biodiversity and  
wildlife  
research

92.(1) The Biodiversity and Wildlife Committee shall, in consultation with the National Agricultural Research Board, set out a national scientific research plan for the conservation of biodiversity

and wildlife and shall formulated policies to facilitate research in the following areas-

- (a) the study of the species of flora and fauna, ecosystems;
- (b) the management and conservation of economically significant wild species that are threatened or in danger of extinction;
- (c) the study and conservation of biological

resources;

- (d) the sustainable management of natural and cultivated ecosystems, particularly forests, environmentally sensitive areas;
- (e) the development and use of appropriate technology for the conservation and sustainable use of biodiversity and wildlife; and
- (f) other research set out in the National scientific Research Plan for the conservation of biodiversity and wildlife.

(2) The Biodiversity and Wildlife Committee shall collaborate with other educational and research institutions to promote and coordinate-

- (a) the preparation and implementation of the National Scientific Research Plan for the conservation of biodiversity and wildlife;
- (b) the education and training of human resources for the management of the conservation of biodiversity and wildlife, in particular for biotechnology and the management of genetic resources;
- (c) the development of technologies aimed at increasing the productivity of genetic resources;
- (d) the participation of local communities in research programmes, combining traditional and scientific knowledge;
- (e) research applied to the subsistence use of wild flora and fauna resources; and
- (f) the evaluation of current educational programmes in sciences and technology and their gearing towards conservation objectives.

Incentives  
access and  
benefit sharing

- 93.(1) The Biodiversity Committee shall promote investment for the sustainable use of biological resources and for the implementation of plans, using appropriated technologies, whether traditional or alternative, in order to increase the productivity of the resources.
- (2) The Secretary of State responsible for finance may, with the approval of the President, provide specific incentives of a credit, tax, technical, scientific or other nature, in favour of those who contribute to the conservation of biodiversity and wildlife.
- (3) The Biodiversity and Wildlife Committee shall determine the criteria and levels for the provision of these incentives provided pursuant to subsection (2) and shall issue the corresponding certification for the purpose of applying for the incentives.
- (4) where species have been identified as flagship, threatened, endangered or endemic in the country's nature areas, incentives shall be given for community participation in their protection by means of technical aid, financial support and the certification mentioned in subsection (3).
- (5)The Biodiversity Committee shall-
- (a) develop principles and guidelines regulation access to biological resources and their products, traditional knowledge, innovations and practices and related benefit sharing arrangements;
  - (b) disseminate information on the principle and guidelines developed under paragraphs (a) to both user and providers of biodiversity; and
  - (c) involve relevant stakeholders, custodians and providers of biodiversity in access to biological resources and related benefit sharing arrangements negotiations and develop appropriate capacity-building measures to guarantee their effective negotiation and implementation of the arrangements

### PART XIII-MISCELLANCOUS PROVIONS

Prescribed  
forms

94. The Secretary of State may, from time to time, by regulation prescribed forms to be used for the purpose of this Act.

Power to  
make  
regulations

95. The Secretary of State may, make regulations for the better implementation of the provision and purpose of this Act, and without prejudices to the generality of the foregoing, the regulations may make provision for all or any of the following-

- (a) the specific conditions subject to which a licence, permit, or other authorization may, be granted or issued under this Act,
- (b) the procedure to be followed in respect of application for a licence, permit or other authorization;
- (d) the terms and conditions under which biological resources may be hunted or harvested under a hunting or harvesting licences, the number and sex of each species which may be hunted or harvested either generally or in a specitified area the type of, weapons prohibited or permitted and such other matter in respect of hunting or harvesting as he or she may think fit;
- (d) limiting of the number of hunting or harvesting licences which may be issued to a person or in respect of a specified species, period or area;
- (e) the prohibition of the use a specified type or caliber of weapon in the hunting or harvesting of a specified type of biological resources;
- (f) the declaration of vermin in respect of any species in a specitified period or area;
- (g) the haring and determination of any appeals to the Secretary of state;
- (h) the control of the sale of a scheduled biological resources, meat or trophy of a scheduled

biological resources within Gambia;

- (i) the control of import and export of a scheduled biological resources, meat or trophy of a scheduled biological resources into The Gambia;
- (j) the fees to be paid for anything to be done under this Act or the regulations made under it, and the remission in special cases of a fee payment
- (k) the prohibition, regulation or control of the hunting or harvesting of scheduled resources, in or near a municipality, residence, factory, quarry, mine, protected area, or on, over or on any road specified in the regulations;
- (l) the prohibition of methods of hunting or harvesting scheduled biological resources;
- (m) amending the scheduled to this Act;
- (n) the proper administration, management and development of protected Areas;
- (o) educating the public as regards biological resources by means of literature, lectures course of institution, films, radio, and television programmes, tours or such other means as may appear appropriate under the circumstances; and
- (o) generally, for the purpose of carrying into effect the purposes of this Act.

Act to  
Prevail over all  
other laws on  
biodiversity and  
wildlife  
matters

96. Where there is an inconsistency or a contradiction between this Act and any other enactment relating to the designation, reservation, de- reservation, or the general admission of a Protected Area or protected land, or on biodiversity and wildlife, this Act shall prevail.

Repeal and  
savings

97.(1) The Wildlife Conservation Act, 1977 is hereby repealed.

(2) Notwithstanding subsection (1), all Protected Areas existing at the commencement of this Act shall be deemed to have been designated under and in accordance with this Act.

(3) A licence or permit issued under the repealed Act shall be deemed to be issued under this Act but no licence or permit shall remain valid for a period exceeding six months after the commencement of this Act unless it is renewed in accordance with the provision of this Act or regulations made under it

## **SCHEDULE**

**section 2 and 95**

### **SCHEDULED BIOLOGICAL RESOURCES**

#### **Flagship Species**

Leopard  
Sitatunga  
Hippopotamus  
West African Manatee  
Whale  
Dolphin  
Green Turtle  
Monk Seal  
Roan Antelope  
Crown Crane  
Nile Crocodile  
Dwarf Crocodile  
Clawless otter  
Red Colobus  
Chimpanzee  
Brown necked Parrot  
Puff Backed Shrike  
Spur Wing Goose  
Abyssinian Ground Horn bill  
Osprey  
Batelleur Eagle  
African Fin foot

## **OBJECTS AND REASONS**

Biodiversity and Wildlife, resources form an important component of The Gambia biotic assets from both ecological and economic view points.

According to available data, there are 99 species of mammals, 49 species reptiles and 30 species of amphibian, making a total of 178 species of wild animals in The Gambia.

About 13 species of animal have become extinct over the last few years and a similar number is threatened with extinction.

There is no reliable data on the status and distribution of most invertebrates, micro-organism, most lower plants, including bryophytes and petrography as well as higher plants angiosperms and gymnosperms.

The Gambia is also endowed with a rich avifauna estimated at total of 552 species.

There are 7 wildlife Protected Areas occupying a total land area of 44772 hectares approximately 4.7 percent of the Gambia's total land area.

The overall goal of the biodiversity and wildlife policy is to create a society that sees itself as an integral part of nature, recognizes different life forms, sustainably uses natural resources and maintains for posterity a nurturing and dynamic world rich in biodiversity.

To actualize the above goal, The Gambia should have a contemporary legislation on biodiversity and wildlife.

Although legislation on Wildlife has existed in The Gambia since 1977, it is generally regarded as outdated, relatively incomplete, generally protective and repressive and over centralized.

The Bill therefore seeks to enact a contemporary biodiversity and wildlife legislation that will achieve the goals of government policy in this sector and address the inadequacies of the existing legislation.

**Susan Waffah Ogoo**  
**Secretary of State**  
**Fisheries, Natural Resources & the**  
**Environment**