



# Regulation of Wild Animal Wet Markets in Selected Jurisdictions

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# Comparative Summary

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## I. Introduction

This report, prepared by staff at the Law Library of Congress, examines the regulation of “wet markets” at which wild animals, or the meat of such animals, can be purchased for human consumption. It covers 28 jurisdictions around the world, with a particular focus on sanitary requirements for such markets and the legality or otherwise of trading in wild animals or wild meat (also referred to as “bushmeat”). The term “wet market” can be taken to generally refer to “a partially open commercial complex with vending stalls organized in rows; they often have slippery floors and narrow aisles along which independent vendors primarily sell “wet” items such as meat, poultry, seafood, vegetables, and fruits.”<sup>1</sup> Such markets may or may not sell live animals and do not necessarily include wildlife or the meat or other products derived from wild animals.<sup>2</sup>

Wet markets and other types of local or traditional food markets exist in countries around the world and are an important source of food as well as supporting the livelihoods of many people. However, they have also been identified as potential or likely sources of outbreaks of zoonoses (diseases or infections that are transmissible from animals to humans),<sup>3</sup> including most recently in the context of the COVID-19 pandemic. A recently published study on the effect of a wet market on COVID-19 transmission dynamics in China explained that

[e]vidence suggests that the novel coronavirus likely jumped from a primary reservoir (e.g. horseshoe bats) to an intermediary reservoir, possibly generating an outbreak among wild animals in at least one wet market in Wuhan, China (By Jon CohenJan, 2020, Li et al., 2020). The virus first infected multiple individuals working at, or visiting, the Huanan Seafood Wholesale Market at an early stage, initiating multiple chains of transmission that ensured sustained transmission in the human population (Yang et al., 2020). While details of the origin of the outbreak remain uncertain, significant evidence strongly links the Huanan Seafood Wholesale Market in Wuhan with the early spread of the novel coronavirus (COVID-19) among humans (Li et al., 2020).<sup>4</sup>

In April 2020, the director general of the World Health Organization (WHO) stated in a media briefing on COVID-19 that the WHO is working with United Nations bodies to develop new

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<sup>1</sup> Shuru Zhong et al., *Constructing Freshness: The Vitality of Wet Markets in Urban China*, 37 *Agric. & Human Values* 175 (2020), <https://perma.cc/2846-3U27>.

<sup>2</sup> Sigal Samuel, *The Coronavirus Likely Came from China’s Wet Markets. They’re Reopening Anyway*, *Vox* (Apr. 15, 2020), <https://www.vox.com/future-perfect/2020/4/15/21219222/coronavirus-china-ban-wet-markets-reopening>.

<sup>3</sup> *Zoonoses*, WHO, <https://perma.cc/LN5T-4PQ3>.

<sup>4</sup> Kenji Mizumoto et al., *Effect of a Wet Market on Coronavirus Disease (COVID-19) Transmission Dynamics in China, 2019-2020*, 97 *Int. J. Infect. Dis.* 96 (Aug. 2020), <https://perma.cc/979W-UAQV>.

guidance on the safe operation of wet markets.<sup>5</sup> He stated that the “WHO’s position is that when these markets are allowed to reopen it should only be on the condition that they conform to stringent food safety and hygiene standards.”<sup>6</sup> The director general also emphasized that governments must “vigorously enforce bans on the sale and trade of wildlife for food.”<sup>7</sup>

The WHO previously issued guidance on “healthy food markets” in 2006 as part of a larger initiative on this issue.<sup>8</sup>

## II. Wild Animal Wet Markets

In this report, we use the term “wild animal wet market” to refer to physical marketplaces at which wild animals, their meat, or other derivative products can be purchased for human consumption. In some cases, it was difficult to determine with certainty the existence of such markets in a country, although there were reports of wild animals or wild meat being traded to varying extents. Some countries, such as Botswana and Angola, where bushmeat is reportedly an important source of nutrition but where information on how such meat is actually commercially traded is limited, have been included in this report. In addition, examples of countries, such as Argentina and Georgia, where game meat may be sold in establishments or markets other than what might be termed traditional “wet markets” have been included. The following jurisdictions have also been included in an appendix to this report: Mexico, Saudi Arabia, the United Arab Emirates, and the United Kingdom. These jurisdictions do not appear to have wet markets at which wild animals are sold for human consumption, but have laws relevant to animal protection and/or the safety of game meat.

## III. Legality of Trading in Wild Animals and Their Parts

The jurisdictions covered in this report restrict the hunting and trading of wild animals through wildlife protection and hunting laws. Generally, species that are not listed as protected may be hunted, subject to licensing or permit requirements. In a number of the jurisdictions, the trade of game meat or bushmeat for consumption is legal with respect to unprotected animals, with such commercial activity also subject to a permit system. This includes, for example, Botswana, Cambodia, China, the Democratic Republic of the Congo (DRC), Ghana, India, Indonesia, Nepal, Thailand, Turkey, and Vietnam. In Greenland, meat from wild land animals may be sold by hunters directly to consumers, including in local markets. The sale of polar bear meat may only occur in such markets after the kill has been officially registered with the municipality and biological tests have been conducted.

Several jurisdictions also have laws authorizing and regulating the breeding and raising of wild animals for commercial purposes, including the DRC, Nepal, Thailand, Turkey, and Vietnam. In Turkey, the only wild-caught animal that can be traded commercially is wild boar.

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<sup>5</sup> Helen Briggs, *Coronavirus: WHO Developing Guidance on Wet Markets*, BBC (Apr. 21, 2020), <https://perma.cc/CY8C-LPCA>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> WHO, *A Guide to Healthy Food Markets* (2006), <https://perma.cc/Y3CX-RRP4>.

In some jurisdictions, it appears that the types of wild animals or their derivative products sold for consumption are largely protected species, and therefore their trade is illegal. This includes Egypt, India, Liberia, and Pakistan.

Several countries have banned the trade and/or consumption of wild meat in response to outbreaks of zoonotic diseases, particularly Ebola and COVID-19, including China (with respect to wild land animals); Côte d'Ivoire (in response to both Ebola and COVID-19); the DRC (reports indicate a possible temporary ban in response to Ebola); Gabon (with respect to pangolins and bats); Liberia (although the ban in response to Ebola was subsequently lifted); and Vietnam. In Indonesia, the wild meat trade through wet markets has remained legal in particular provinces, although some local authorities have sought to limit the supply of such meat and to discourage its consumption.

#### **IV. Market Sanitation and Food Safety Requirements**

Generally, there are two main areas of law under which governments seek to ensure that animals and their derivative products are fit for human consumption and to protect against the risk of infections or diseases: food safety requirements that apply to the handling of animals and meat at different points in the supply chain, and sanitation requirements imposed on food businesses through public health or related laws. Public or environmental health and disease prevention laws may also be relevant. In some countries, including Angola and Russia, there are separate meat safety and/or butchery licensing regulations that apply to the production and sale of all types of meat.

Some jurisdictions covered in this report, particularly China, Indonesia, and Thailand, have specific regulations that apply to wet markets. In these, such markets and market managers are largely subject to regulations promulgated by local governments. However, in China and Indonesia, central government regulations related to market sanitation and food safety also apply, with these laws providing for inspections by relevant authorities. In Thailand, a regulation applicable to markets in Pattaya and Bangkok is used by other localities as a guideline for their own hygiene regulations.

In China, wet markets were temporarily closed in response to the outbreak of COVID-19. All street markets in Egypt, including a known wild animal market, were shut down to combat the spread of the disease. In Indonesia, it appears that local governments allowed wet markets to remain open, but with restrictions on opening hours. In Pakistan, markets appear to be governed by provincial laws, including provincial food sanitation and safety laws. In response to the COVID-19 pandemic, federal and provincial governments issued guidance for markets, including health and preventative measures. The central government food safety authority in India also issued new guidance and indicated that it would soon start giving hygiene ratings to meat and fish markets.

## **V. Enforcement**

Enforcement challenges with respect to wildlife protection or hunting laws and food safety or sanitation laws were identified in a number of jurisdictions. In some countries, there may be a lack of capacity in terms of enforcing licensing or permit systems related to hunting and trading in wild meat. There may also be difficulties, and possibly reluctance on the part of authorities to enforce certain restrictions and requirements, due to the importance placed on local hunting and consumption traditions, such as in Botswana, Côte d’Ivoire, and Indonesia.

In China, where several different authorities are involved in enforcing laws related to wild animal trading, there have been enforcement challenges with respect to licensing, inspections, and identifying illegal vendors. In 2020, the authorities vowed to increase inspections of wildlife breeding sites and revoke all licenses for the commercial use of wild animals for food. However, the previous experience after the end of the 2003 SARS epidemic shows that there can be problems with ongoing enforcement. Amendments to strengthen the relevant wildlife law will be considered in 2020.

# Angola

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**SUMMARY** A Provincial Decree states that game meat can be legally sold in Angola, defines the different types of game, and sets forth the requirements butcheries need to follow to obtain a license to operate in the country, including sanitary standards.

## I. Regulation of Meat Trade

The meat trade in Angola is regulated by Provincial Decree No. 92 of October 8, 1974.<sup>1</sup> The regulation defines game (*caça ou bravia*) as wild animal species, whose meat can be legally sold; small game as all birds, rodents and reptiles, amphibians or not, whose hunting is not prohibited; big game as all wild animals not covered by the designation small game whose hunting is not prohibited; game meat (*peça de caça*) as wild animal after being slaughtered; sanitary license as an indispensable document to assess the operating conditions of the establishment from a hygienic-sanitary point of view, and butchery (*talho*) as an establishment that is exclusively for the sale of meat.<sup>2</sup>

## II. Wild Animal Wet Markets

Our research was unable to confirm the extent to which wild animal wet markets exist in Angola. However, a notice by the National Institute for Consumer Protection advises the population to avoid the consumption of game meat marketed in informal markets, since such markets may not maintain proper sanitary practices.<sup>3</sup> The requirements described below by their terms apply to butcheries, and some provisions reference game meat, which as noted above is defined to include wild animal species.

### A. Licensing

All natural or legal persons wishing to install or modify a butchery in any location in the state must apply for the necessary authorization in a request addressed to the Director of Trade Services.<sup>4</sup> Article 15 of Provincial Decree No. 92 lists the requirements that must accompany the application.<sup>5</sup>

All requests for installation, modification, and relocation of butcheries must be submitted to the Director of Commerce Services, accompanied by the opinion of the Delegation of Commerce

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<sup>1</sup> Regulamento do Comércio de Carnes, Decreto Provincial No. 92/74, de 8 de Outubro, <https://perma.cc/7XHF-8VRB>.

<sup>2</sup> Id.

<sup>3</sup> INADEC Proíbe Consumo de Carne de Caça por Ser Prejudicial a Saúde, <https://perma.cc/4U7T-Z38S>.

<sup>4</sup> Regulamento do Comércio de Carnes art. 15(1).

<sup>5</sup> Id. art. 15.

Services in the area, on aspects of economic viability and supply and information provided by the following entities:

- a) sanitary authority over the construction conditions on the public health aspect;
- b) veterinary authority on the hygienic and functional conditions of the establishment, as well as on the existence of slaughterhouses and the feasibility of sanitary inspection of animals and their meat;
- c) local authority or administrative body, or entity that approved the construction project, from the point of view of the urbanization plan and rules; [and]
- d) representative body of merchants in the respective area, if any.<sup>6</sup>

Authorizations to install new butcheries will be granted only in the locality where the sanitary inspection of meat can be ensured, where there is a slaughterhouse or other appropriate place, or where the supply of meat can be guaranteed through a slaughterhouse located somewhere else.<sup>7</sup>

The opening or reopening of any butchery depends on prior inspection of the premises to be requested by the interested party to the Director of Commerce Services and to be carried out by a commission made up of the Trade Services delegate who chairs it and by the health and veterinary authorities.<sup>8</sup>

It is incumbent upon the Provincial Director of Veterinary Services to grant the health license, which must be issued within 15 days after receipt of the report of the final inspection of the butchery.<sup>9</sup> A copy of the final inspection will be delivered to the interested party, which will temporarily display it until the issuance of the permit and sanitary license.<sup>10</sup> The health license must be renewed annually, during the month of January, at the request of the interested party, and must be posted in a visible place of the establishment.<sup>11</sup>

The authorization to open a butchery is issued in the form of a permit, within 30 days after receipt of the final inspection report.<sup>12</sup>

## **B. Game Meat**

The sale of meat from game species may only be carried out in butcheries established for that purpose, remaining subject to the provisions of the hunting regulations.<sup>13</sup> This rule does not apply

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<sup>6</sup> Id. art. 16.

<sup>7</sup> Id. art. 18.

<sup>8</sup> Id. art. 19(1).

<sup>9</sup> Id. art. 20(1).

<sup>10</sup> Id. art. 20(2).

<sup>11</sup> Id. art. 20(3).

<sup>12</sup> Id. art. 21(1).

<sup>13</sup> Id. art. 50(1).

to small game that can be sold in other establishments previously authorized for this purpose by the commercial services and the veterinary services.<sup>14</sup> Game meat may only be marketed in locations where sanitary inspection is ensured.<sup>15</sup> All meats must be present for sanitary inspection in the place indicated by the veterinary authority, whole and properly eviscerated, and the big game bled.<sup>16</sup>

Licensing of butcheries for the sale of game meat is the responsibility of the commercial services, in line with the provisions of Provincial Decree No. 92 of October 8, 1974, for the other butchers.<sup>17</sup>

Individuals or companies that have been granted licenses to hunt wild animals on farms or hunting farms have priority to obtain authorization to install butchers for the sale of game meat.<sup>18</sup>

Butcheries for the sale of game meat must obey the hygienic-technical norms and precepts contained in annex I, no. 1, paragraphs (b), (e), (f), (g), (h), (i), and (q) of Provincial Decree No. 92 of October 8, 1974 (discussed below).<sup>19</sup>

### C. Sanitary Requirements

Annex I, no. 1 of Provincial Decree No. 92 of October 8, 1974, determines the sanitary (*higio-técnicas*) conditions that an establishment for the sale of meat must satisfy in regard to its location. For the sale of game meat, the following is specifically required:

b) free of dust, any dangerous proximity or places where smells, fumes or gases are likely to contaminate or in any way alter the products for sale; . . .

e) ventilation and natural and artificial lighting that ensure good ventilation and perfect visibility;

f) when the butchery is not air-conditioned, the exterior openings must be fitted with a mosquito net, and double doors with appropriate springs must be installed at the main entrances that automatically close them; in the case of double doors, the use of flexible curtains is permitted in those that communicate directly with the public road, without prejudice to the mandatory application of springs in which to communicate with the interior of the establishment;

g) walls covered with tiles, or any other smooth, waterproof, shock-resistant material, rot-resistant and washable, up to at least 2.20 meters in height and the rest of the extension and the ceiling plastered or painted in light-colored paint, smooth and washable with rounded edges and angles;

h) impermeable floor, and shock resistant material, rot-resistant and washable with sufficient slope for easy drainage of the washing waters;

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<sup>14</sup> Id. art. 50(2).

<sup>15</sup> Id. art. 51(1).

<sup>16</sup> Id. art. 51(2).

<sup>17</sup> Id. art. 52.

<sup>18</sup> Id. art. 53(1).

<sup>19</sup> Id. art. 54.

- i) drinking water supply, running abundantly and under pressure, with outlets for washing hoses with nozzle; . . .
- q) automatic scales suitable for weighing meat.<sup>20</sup>

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<sup>20</sup> Id. annex I, no. 1.

# Argentina

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**SUMMARY** Although Argentina has no legislation on wet markets as such, it has enacted a comprehensive regulation for the sale of animals, including game animals and their by-products. The regulation includes sanitary and health requirements applicable to establishments handling and selling animal products for human consumption. The National Animal Health Service is the enforcement authority that controls the manufacture and commercialization of animal products, including game animals, for human consumption.

## I. Regulatory Requirements

Argentina enacted a comprehensive regulation in 1968 on the sale of animals, including game animals, that ensures basic standards of hygiene for animal products, by-products, and derivatives intended for human consumption.<sup>1</sup> The Secretariat of State of Agriculture and Livestock, through its specialized agencies, is the authority in charge of such regulation.<sup>2</sup>

The Regulation on the Inspection of Products, By-products, and Derivatives of Animal Origin (hereinafter the R.I.) sets forth sanitary and health requirements and protocols for the preparation and commercialization of such products.<sup>3</sup> The R.I. governs all the hygienic-sanitary aspects of the manufacture and production of meat, by-products, and derivatives, and of all animal products, as well as the sanitary building requirements for the construction of establishments where animals are slaughtered and processed.<sup>4</sup> These establishments are subject to authorization, registration, and inspection before they are authorized to operate.<sup>5</sup>

The R.I. defines “food” as any nutritive substance or mixture of substances intended for human or animal consumption.<sup>6</sup> It defines an “animal,” for the purposes of the regulation, as the living unit of zoological species of slaughter allowed in establishments enabled for this purpose.<sup>7</sup>

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<sup>1</sup> Decreto 4238/1968 Reglamento de Inspección de Productos, Subproductos y Derivados de Origen Animal art. 1, Boletín Oficial [B.O.], Aug. 26, 1968, <https://perma.cc/KN3J-P76Z>.

<sup>2</sup> Id. art. 3.

<sup>3</sup> Id.

<sup>4</sup> Id. art. 1.

<sup>5</sup> Id. ch. II.

<sup>6</sup> Id. ch. I, § 1.1.1.9.

<sup>7</sup> Id. ch. I, § 1.1.12.

The following are considered animals whose slaughter for human consumption is allowed only in establishments that comply with the requirements of the R.I.:<sup>8</sup>

- Cattle
- Buffalo
- Equines
- Pigs
- Sheep
- Goats
- Llamas
- Domestic rabbits
- Hatchery otters
- Chickens and roosters
- Turkeys
- Domestic ducks
- Domestic geese
- Quail

The term “wild game animals fit for human consumption” is defined to include land mammals, birds, reptiles, and certain amphibians whose meat is obtained through authorized hunting methods.<sup>9</sup>

The R.I. provides detailed requirements for establishments where animals are slaughtered and their meat is processed and sold. It includes cleaning, disinfection, painting, and illumination requirements.<sup>10</sup> There are also mandatory requirements for the provision and use of water and sewage as well as wastewater disposal.<sup>11</sup> The same requirements apply to establishments selling game animals.<sup>12</sup>

Establishments processing and selling animal meat are required to have a veterinary inspection and to store products derived from different animal species in separate sections.<sup>13</sup> In addition,

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<sup>8</sup> Id. ch. I, § 1.12.1.

<sup>9</sup> Id. ch. I, § 12.2.

<sup>10</sup> Id. ch. III.

<sup>11</sup> Id. ch. IV.

<sup>12</sup> Id. ch. XIX.

<sup>13</sup> Id. ch. V.

cleaning, refrigeration, and preservation are subject to different procedures according to each animal species.<sup>14</sup>

## II. Penalties and Enforcement

Violations of the R.I. may be subject to penalties ranging from a warning to fines, cancellation of authorizations, and seizure of animal pieces and tools used in the perpetration of a violation.<sup>15</sup> The R.I. provides that these sanctions are mainly applicable in the following cases:

- Unauthorized use or sale of meats, products, and by-products of animal origin and/or their derivatives in the manufacture of food products for human or animal use with no veterinary inspection<sup>16</sup>
- Preparation of food products with raw materials that do not meet the conditions established in the R.I.<sup>17</sup>
- Extracting products without sanitary health documentation issued by the veterinary inspection authority<sup>18</sup>
- Manufacture, manipulation, storage, or transport of products in violation of the R.I.<sup>19</sup>
- Providing inaccurate or false information on the quality, quantity, or origin of products subject to veterinary inspection<sup>20</sup>
- Allowing people with no health card issued by the competent authority to work in the establishment<sup>21</sup>
- Allowing the swarming of rodents or other animals harmful to health<sup>22</sup>
- Working in establishments with suspended national authorizations<sup>23</sup>

No information on the level of compliance with the R.I. has been identified.

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<sup>14</sup> Id. ch. XXX, § 19.2.1.

<sup>15</sup> Id. ch. XXX, § 19.2.2.

<sup>16</sup> Id. ch. XXX, §§ 30.2.1 , 30.2.2 & 30.2.10.

<sup>17</sup> Id. ch. XXX, § 30.2.7.

<sup>18</sup> Id.ch. XXX, §. 19.2.11.

<sup>19</sup> Id. ch. XXX, § 19.2.12.

<sup>20</sup> Id. ch. XXX, § 19.2.15.

<sup>21</sup> Id. ch. XXX, § 19.2.18.

<sup>22</sup> Id. ch. XXX, § 19.2.20.

<sup>23</sup> Id. ch. XXX, § 19.2.26.

# Botswana

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**SUMMARY** In Botswana, bushmeat, a key source of protein, is predominantly harvested for subsistence use. Although some trade in bushmeat exists, it forms a small part of the utilization of bushmeat and is largely localized due to a number of legal and logistical issues.

Under the Conservation and National Parks Act, trade in bushmeat requires a permit and trading without one is an offense punishable by a fine and custodial sentence. Buying from a person who does not have a permit to trade in bushmeat is also an offense. Evidentiary rules in the Act make it easy to prosecute offenders. For instance, a person apprehended in possession of bushmeat in any place of business is presumed to be there to trade, unless he or she can prove otherwise. Wildlife officers, who enforce the Act, are accorded broad inspection, search, and seizure authority.

The Food Control Act and the Public Health Act, both of which adopt a broad definition of the term food, criminalize the sale of food that is contaminated, unhygienic, or unfit for human consumption.

The enforcement of laws relating to bushmeat appears to be lax, largely due to lack of resources, enthusiasm, and the prioritization of crimes related to trophy hunting.

## I. Introduction

Bushmeat is an integral part of people's diet in Botswana. According to one source, in the 1970s, although the level may have varied from one locality to another, "[m]ost meat eaten in Botswana [was,] in fact, game [meat]."<sup>1</sup> Another source makes a similar point, noting that

[t]he majority of animal protein comes from wild animals of every kind and size including not only what is traditionally considered as game but meat of all mammal including predators, birds and their eggs, bats and insects virtually every animal is edible . . . Over 50 species of wild animals are hunted for food, providing 90.7 kg [about 200 pounds] per annum per person in some areas, equivalent to 40% of the diet.<sup>2</sup>

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<sup>1</sup> Thomas M Butynski & Wolfgang von Richter, *In Botswana Most of the Meat is Wild*, 26(106) *Unasylva* (1974), <https://perma.cc/MU9F-YQZC>.

<sup>2</sup> Yaa Ntiamoa-Baidu, *Wildlife and Food Security in Africa* (FAO Conservation Guide 33, 1997), <https://perma.cc/H65E-JQCB>.

While the trade of bushmeat with permits does take place, it makes relatively a small part of the utilization of wildlife resources in the country.<sup>3</sup> It appears that the majority of bushmeat harvested in the country is not traded. One reason for this is the fact that use of game meat in Botswana is predominantly subsistence-based “for maintaining the nutritional, food security and economic status of rural communities.”<sup>4</sup> A 1997 survey in the Kweneng District and the Kgalagadi District of western Botswana found that monthly wild meat consumption accounted for 4.6 pounds of meat per person in the former and about 5 pounds per person in the latter.<sup>5</sup> Trading was a small part of the utilization of game meat in both districts; in Kweneng, 96% of game meat collected was used for subsistence purposes and only 4% was traded, while in Kgalagadi 85% of game meat was used for subsistence and 15% was traded.<sup>6</sup> Bushmeat represents “the only viable meat protein source, with domestic meat being prohibitively expensive and largely unavailable.”<sup>7</sup> In addition, restrictions placed on transporting bushmeat and the distance between hunting areas and potential markets make trading in bushmeat challenging. According to the 1997 survey,

[t]he movement of game meat from hunting areas to more populated market areas is severely hampered by veterinary movement restrictions. Only dried game meat (biltong) can be transported through control fences and a Movement Permit is required. A review of 1997 Movement Permits indicates that in general hunters only transported small quantities (between 2-10 kg). Hunters were found to predominantly (82%) transport game meat biltong as gifts for friends and relatives when travelling home for holidays . . . Large distances between wildlife supply areas and potential markets, together with movement restrictions, have resulted in any legal trade from licensed hunting being localized and generally limited.<sup>8</sup>

Furthermore, from 2014 through 2019, Botswana had instituted a temporary ban on hunting and stopped issuing hunting licenses with only narrow exceptions.<sup>9</sup>

## II. Licensing

### A. Substantive Law

The Wildlife Conservation and National Parks Act of 1992 bars trading in “any game animal or non-designated animal, or the meat, eggs or trophy of any such animal” without a permit.<sup>10</sup> The

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<sup>3</sup> *Food for Thought: The Utilization of Wildmeat in Eastern and Southern Africa* 51 (Rob Barnet ed., 1997), <https://perma.cc/LJ4Q-8Y99>.

<sup>4</sup> Barnet, *supra* note 3, at 48.

<sup>5</sup> *Id.* at 49.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at vi & 21.

<sup>8</sup> *Id.* at 51.

<sup>9</sup> *Botswana Hunting Ban Takes Effect*, AfricaGeographic (Jan. 27, 2014), <https://perma.cc/4G6F-ZXCM>; *The People of Botswana Have Decided Suspension on Hunting Lifted*, International Wildlife Management Consortium (May 24, 2019), <https://perma.cc/V5AB-ZXY3>.

<sup>10</sup> Wildlife Conservation and National Parks Act of 1992, § 60, VI Laws of Botswana Cap. 38:01 (rev. ed. 2016), <https://perma.cc/33WG-Q2LM>.

Director of Wildlife and National Parks may, under the direction of the Minister of Environment, Natural Resources Conservation and Tourism, issue a permit for “the selling of animals killed or captured under the authority of a licence or permit and the selling of any meat, trophy or eggs from such animals, where the Director is satisfied that such selling is in the interest of wildlife conservation and the proper regulation of commercial development connected with wildlife.”<sup>11</sup> The Director may, per the instructions of the Minister, delegate the authority to issue permits to a licensing officer.<sup>12</sup>

A bushmeat trading permit is subject to all the terms and conditions imposed by the Minister, the Director, and the licensing officer and endorsed on the permit.<sup>13</sup> A violation of any such terms and conditions is a crime, on conviction, punishable by a fine Botswana Pula BWP1,000 (about US\$87) and to imprisonment for one year.<sup>14</sup> A person who trades in bushmeat without a permit also commits an offense that is subject to the same punishment.<sup>15</sup>

Buying bushmeat from an unlicensed person is also an offense and is subject to a harsher penalty. The Act states that

[n]o person shall purchase from another person any game animal or non-designated animal or the meat, eggs or trophy thereof without satisfying himself, by reasonable evidence, that such other person is the holder of a valid permit . . . authorizing him to sell such animal, meat, eggs or trophy, or that he is entitled to do so in accordance with [all applicable rules and regulations] . . ., and any person who contravenes the provisions of this subsection shall be guilty of an offence and liable to a fine of P2 000 [about US\$174] and to imprisonment for 2 years.<sup>16</sup>

However, such person is not considered to have committed an offense if he or she purchased the bushmeat

- (a) from a stall at any fete, bazaar or other like function which is open to the public;
- (b) from any person who lawfully exhibits his goods for sale in any road, street or other public place; or
- (c) in the ordinary course of business from a person who carries on business in a shop, store or other fixed place of business.<sup>17</sup>

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<sup>11</sup> Id § 39(1)(c).

<sup>12</sup> Id. § 39(3).

<sup>13</sup> Id. § 41.

<sup>14</sup> Id.

<sup>15</sup> Id. § 60(3).

<sup>16</sup> Id. § 61.

<sup>17</sup> Id.

## B. Evidentiary Rules

The possession of bushmeat without a permit in any place of business creates a legal presumption of violation of the Act. The Act states that

[a]ny game animal or non-designated animal, or the meat, eggs or trophy of any such animal found in any shop, store or other place of business, shall be presumed to have been acquired for the purpose of sale, and the person in whose possession it is found shall be presumed to have dealt therewith in contravention of the provisions of this section unless he is the holder of a valid permit.<sup>18</sup>

Similarly, a person accused of having committed an act that would amount to a contravention of the Act unless done with a proper license, permit, authority, or permission (for instance, trading in bushmeat without a permit), “shall be presumed to have done such act without such licence, permit, authority or permission, as the case may be, unless the contrary is proved.”<sup>19</sup>

In addition, “[t]he burden of proving any fact which would be a defence to a charge of contravening or failing to comply with any provision of this Act shall lie on the person charged with such contravention or failure.”<sup>20</sup>

Further, if a person being prosecuted for selling bushmeat illegally disputes that a particular piece of meat came from the alleged animal, the person has the burden of proving such claim. The Act states that “[i]n any prosecution for an offence under this Act, whenever . . . the question whether any fresh, dried, unprocessed or partly processed meat is or was the meat of any animal, is relevant to the issue before the court, such meat shall be presumed to be or to have been the meat of such animal, unless the contrary is proved.”<sup>21</sup>

## C. Enforcement Powers

If a wildlife officer has reason to believe that a person committed any offense under the Act, the officer may

- (a) stop and search such person or require him, or enter upon any land and there search or require him, to produce for inspection any animal, meat, trophy or weapon in his possession, or any licence, permit or other document issued to him or required to be kept by him under this Act or the Arms and Ammunition Act;
- (b) enter and search any land, building (including a dwelling house), tent, vehicle, boat or aircraft in the possession of or being used by such person, and open and search any baggage or thing in his possession;

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<sup>18</sup> Id. § 60(2).

<sup>19</sup> Id. § 72(4).

<sup>20</sup> Id. § 72(5)

<sup>21</sup> Id. § 72(6)

- (c) stop, seize and search any vehicle, boat or aircraft which he believes to have been used in the commission of the offence, or to contain anything which might provide evidence of the offence;
- (d) require such person, or the driver of such vehicle, or the pilot of such aircraft, or the person in charge of such boat, or any passenger in such vehicle, boat or aircraft to furnish his full name and address and the details of any licence, permit, authority or permission issued to him under this Act.
- (e) seize any animal, meat, trophy or weapon in the possession of any person, which he believes, on reasonable grounds, to constitute evidence of the offence and, unless he is satisfied that such person will appear and answer any charge that may be preferred against him, arrest and detain him;
- (f) undertake any inspection which he may deem necessary to determine whether the provisions of this Act and any other written law relating to the hunting, capture, acquisition, game farming, keeping in captivity, destruction or disposal of animals in Botswana are being complied with; and
- (g) destroy any pitfall or trap suspected of being used for the unlawful hunting or capture of any animal, and which cannot be removed from the place where it is found, or the removal of which is difficult.<sup>22</sup>

### III. Hygiene Rules

#### A. Food Control Act

The Food Control Act of 1993 criminalizes the selling of “any food that has in or upon it any poisonous or harmful substance, or consists in whole or in part of any filthy, dirty, tainted, putrid, rotten, decomposed, or diseased substance or foreign matter, or is in any way adulterated or otherwise unfit for human consumption.”<sup>23</sup> The Act also criminalizes the “the sale of any food under unhygienic conditions.”<sup>24</sup> The term “food” is defined as

any animal product, fish, fruit, vegetable, condiment, beverage and any other substance whatever, in any form, state or stage of preparation which is intended or ordinarily used for human consumption, and includes any article produced, manufactured, sold or presented for use as food or drink for human consumption, including chewing gum, and any ingredient of such food, drink or chewing gum.<sup>25</sup>

A person who violates any of the above provisions is, upon conviction, subject to a fine of BWP1,000 and three months of imprisonment.<sup>26</sup> If the offense is an ongoing one, the person is liable to additional fine of BWP500 (about US\$43) and one month of imprisonment “for each day

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<sup>22</sup> Id. § 73.

<sup>23</sup> Food Control Act (Act 11, 1993), § 12(1), <https://perma.cc/5E7D-RTES>.

<sup>24</sup> Id. § 12(5).

<sup>25</sup> Id. § 2.

<sup>26</sup> Id. § 12(8).

on which the offence continues.”<sup>27</sup> Recidivism is subject to a fine of BWP5,000 (about US\$432) and six months of imprisonment; if the offence is ongoing, the person is subject to a fine of BWP2000 and two months of imprisonment for each day of the offence.<sup>28</sup> In addition to the applicable financial and custodial penalties, the court may suspend or revoke the person’s license and may order the offender to forfeit any item relevant to the crime in question.<sup>29</sup>

The Act accords an authorized officer certain powers to enforce its provisions, including search and seizure authority, stating as follows:

- (1.) An authorised officer may, in the proper execution of his duties under this Act, and at any time which is, in all the circumstances, reasonable-
  - (a) enter any premises where he believes any food is sold, prepared, preserved, packaged, stored or conveyed, examine such food and take samples thereof and examine anything that he believes is used or capable of being used for such preparation, packaging, storing, or conveying;
  - (b) stop or search or detain any aircraft or vehicle in which he believes, on reasonable grounds, that any food intended for consumption by or sale to members of the public is being conveyed, and may take samples of such food;
  - (c) open and examine any receptacle or package which he believes, on reasonable grounds, to contain any food intended for consumption by or sale to members of the public;
  - (d) examine any books, documents or records found in any premises that he believes, on reasonable grounds, to contain any information relevant to the enforcement of the provisions of this Act, and may make copies of such books or documents;
  - (e) seize and detain for such time as may be necessary any food or article in respect of which, or by means of which he believes, on reasonable grounds, that any provision of this Act has been or is being contravened.<sup>30</sup>

An authorized officer includes “any health officer, or any suitably qualified person authorised in writing by the Permanent Secretary, or by a council [a city council, a town council, a township authority of a district authority] with the approval of the Permanent Secretary, a police officer of or above the rank of sergeant, or a customs and excise officer.”<sup>31</sup>

## **B. Public Health Act**

The Public Health Act of 1971 bars the sale of tainted food and requires all persons engaged in the sale of food to take steps to prevent contamination, stating as follows:

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<sup>27</sup> Id.

<sup>28</sup> Id.

<sup>29</sup> Id. §§ 12(9) & 12(10).

<sup>30</sup> Id. § 6.

<sup>31</sup> Id. § 2

- (1) No person shall sell or expose for sale or bring into Botswana or into any market or have in his possession without reasonable excuse any food for human consumption in a tainted, adulterated, diseased or unwholesome state, or which is unfit for human consumption, or any food for any animal which is in an unwholesome state or unfit for its use, and any health officer, veterinary officer or police officer of or above the rank of sergeant may seize any such food, and any magistrate or a health officer or approved veterinary officer may order it to be destroyed, or to be so disposed of as to prevent it from being used as food for humans or animals, as the case may be.
- (2) No person shall collect, prepare, manufacture, keep, transmit or expose for sale any foodstuffs without taking adequate measures to guard against or prevent any infection or contamination thereof.<sup>32</sup>

Food in this context includes “any animal product, fish, fruit, vegetables, condiments, confectionery, beverages and any other substance whatsoever (other than drugs or water) in any form, state or stage of preparation which is intended or ordinarily used for human consumption.”<sup>33</sup>

A health officer or a person authorized by a health officer has search and seizure powers and may “enter any shop or premises used for the sale or preparation for sale, or for the storage of food, to inspect and examine any food found therein which he has reason to believe is intended for human consumption, and should such food appear to such officer to be unfit for such use, he may seize the same.”<sup>34</sup> Anyone who is found in possession of food that is unfit for consumption commits a crime and is liable on conviction to a fine of BWP200 (about US\$17), a maximum of six months of imprisonment, or both.<sup>35</sup> The person charged with the offense has the burden of proving that such food was not for sale or intended for human consumption.<sup>36</sup>

The Act accords health officers and other authorized government agents entry and inspection powers, stating that

[a]ny health officer, veterinary officer, or any police officer of or above the rank of sergeant or any other person generally or specially authorized in writing by the Minister may, at any reasonable hour for the proper performance of his duty, enter any land or premises to make any inspection or to perform any work or to do anything which is required or authorized by this Act or any other law to be done, if such inspection, work or thing is necessary for or incidental to the performance of his duties or the exercise of his powers.<sup>37</sup>

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<sup>32</sup> Public Health Act (Act 44, 1971), § 58, <https://perma.cc/77Z9-7JNL>.

<sup>33</sup> Id. § 2.

<sup>34</sup> Id. § 59.

<sup>35</sup> Id. § 60.

<sup>36</sup> Id. § 59.

<sup>37</sup> Id. § 86.

#### IV. Enforcement

Enforcement of the laws relating to bushmeat appears to be lax, largely due to lack of resources, enthusiasm, and the prioritization of crimes related to trophy hunting. A 2015 survey found that, while the temporary hunting ban was in place, 30% of hunters who were interviewed reported selling bushmeat illegally.<sup>38</sup> Illegal trade in bushmeat, which is largely localized, is said to be mostly immune from legal scrutiny. According to one source, “factors such as limited law enforcement capacity, a tendency to focus on trophy related offences, and reluctance by many wildlife authority personnel to implement bush meat related legislation to the full extent of the law, have resulted in very few people in Botswana being convicted for bush meat offences.”<sup>39</sup>

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<sup>38</sup> Mathew S. Rogan et al., *Illegal Bushmeat Hunting in the Okavango Delta, Botswana: Drivers, Impacts and Potential Solutions* 6 (FAO, 2015), <https://perma.cc/SP8N-MBC7>.

<sup>39</sup> Barnet, *supra* note 3, at 56.

# Bulgaria

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**SUMMARY** By joining the European Union on January 1, 2007, Bulgaria completed the harmonization of its legislation with the EU and became subject to EU regulations on wildlife. There are no dedicated wild animal wet markets, urban or otherwise, in Bulgaria. Hunting is largely conducted as a part of leisure activities (including special hunting tours) and to catch animals for international sale. Meat and fish, including wild-caught, are sold at regular farmers markets. General veterinary and sanitary control rules apply in all situations where such products are sold.

## I. Regulatory Overview

As a member of the European Union, Bulgaria adheres to EU regulations on wildlife, its usage, and its protection.<sup>1</sup>

Bulgaria adopted the Animal Protection Act in 2008. Its provisions regulate the maintenance and usage of animals, including wild animals.<sup>2</sup> Wild animal hunting is regulated by the Hunting and Game Protection Act, adopted on June 6, 2001.<sup>34</sup> Article 64a of the Act forbids the sale, exchange, or donation of game and game products without documents related to their origin. The Act specifically stipulates the rules for the sale of wild animals and wild animal products.<sup>5</sup>

Under this Act sale is allowed only for the purpose of resettlement of animals, farming, zoo and zoo needs, import, and export.<sup>6</sup> Amendments to the Act instruct on procedures for obtaining licenses for sale.<sup>7</sup>

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<sup>1</sup> European Parliament, *Briefing No. 6: Bulgaria and the Enlargement of the European Union*, <https://perma.cc/JRJ6-3FHL>; *Member-State Law: Bulgaria*, European e-Justice, <https://perma.cc/7V2A-3JMV>; *Bulgaria: Overview*, Europa.eu, <https://perma.cc/JQQ4-K5G2>.

<sup>2</sup> Animal Protection Act of the Republic of Bulgaria, No. 13, adopted Feb. 8, 2008, last updated Nov. 22, 2011, <https://perma.cc/R3P3-7NE4> (in Bulgarian).

<sup>3</sup> Hunting and Game Protection Act of Bulgaria, No. 151, adopted June 29, 2001, last updated Apr. 5, 2019, <https://perma.cc/M4CH-EQRC> (in Bulgarian).

<sup>4</sup> Id. art. 9, para. 12.

<sup>5</sup> Id. arts. 71-77.

<sup>6</sup> Id. art. 71.

<sup>7</sup> Id. paras. 110-114.

The law firm Peter Atanasov & Gabriela Nasheva offers an overview of regulations for the sale of wild animals and animal products.<sup>8</sup> Regarding trade in game and game products, the firm notes that

trade in game products, as well as live game for resettlement in nature and for farming for the needs of zoos, . . . is carried out at negotiation and prices determined by the persons managing the game. The game and game products subject to the transaction shall be accompanied together with a veterinary certificate and a document of origin. The minimum prices for the sale of live game and game products are approved annually by the Executive Director of the EAG and the Minister of Agriculture and Food, respectively.<sup>9</sup>

## II. Legal Status of Markets

Bulgaria is a fully operating market economy, in which the majority of the companies are private. After market reforms, Bulgaria completed its major privatizations in the 1990s and early 2000s.<sup>10</sup> All farmers markets and agricultural markets became private enterprises. Farmers markets are privately owned and management of the markets are obliged to follow standards and sanitary norms introduced by the government. As a member of the EU, Bulgaria is subject to the EU regulations.<sup>11</sup> The markets are growing in numbers every year in Bulgaria and are almost everywhere either in cities or rural areas.

## III. National Legislation on Veterinary and Sanitary Standards

The Law on Veterinary Activity of the Republic of Bulgaria regulates veterinary medical requirements for raw materials and foods of animal origin.<sup>12</sup> Also, the Law provides minimum requirements of protection and welfare for the sale of animals. According to this Law, raw materials and foods of animal origin must be placed on the market if they meet the requirements of this Act, the Foodstuffs Act, and secondary legislation for their implementation.

Under this Law, raw materials and foods of animal origin intended for placing on the market must meet the health requirements and have passed a veterinary medical control as well as be marked with a health or identification mark that identifies their origin. Additionally, the veterinary registration number of the production and storage site where they originated from must be entered into the veterinary documents.<sup>13</sup> The Law also defines the veterinary standards and requirements for those who carry out production, transportation, trade, and placing on the

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<sup>8</sup> *Sale of Wild Animals and Wild Animal Products*, Law Firm Peter Atanasov & Gabriela Nasheva, <https://perma.cc/X5U9-V3SR> (in Bulgarian).

<sup>9</sup> *Id.* ¶ 6.

<sup>10</sup> U.S. Commercial Service, Department of Commerce, *Doing Business in Bulgaria: Country Commercial Guide for U.S. Companies*, 2015, <https://perma.cc/P8T5-SH6G>.

<sup>11</sup> Ekaterina Arabska, *Farmers' Markets as a Business Model Encouraging Sustainable Production and Consumption*, 7(1) *Visegrad J. Bioeconomy & Sustainable Dev.* 2 (May 2018), <https://perma.cc/YC6L-6RXG>.

<sup>12</sup> Law on Veterinary Activity of the Republic of Bulgaria, No. 87, adopted Nov. 1, 2005, last updated June 20, 2020, <https://perma.cc/U8A5-DAVH> (in Bulgarian).

<sup>13</sup> *Id.* ch. 2, arts. 67 & 68, paras. 1 & 2.

market of raw materials and foods of animal origin. According to article 248, they must adhere to the veterinary-sanitary and hygienic requirements during the realization of their activities and must

- provide an opportunity to veterinarians to freely use the premises and equipment necessary for the realization of their activity;
- inform within the proper time the official veterinarians on changes in the activities in their establishments;
- cooperate with veterinarians during the realization of their activity; and
- conduct disinfection, insect prevention, and rodent prevention measures using means approved by the Ministry of Health.<sup>14</sup>

Article 439 of this Law stipulates the amount of fines for those who violate veterinary and sanitary rules and norms while carrying out production, trade, or placing on the market of raw materials or foods of animal origin, animal by-products, and products, stating

[a]ny manufacturer, who manufactures or places on the market veterinary medicinal products, in violation of the requirements, with which the license for use of the veterinary medicinal products have been issued, shall be punished with a property sanction, shall be fined in the amount of 2,000 to 5,000 BGN [approx. US\$1198.86 to \$2997.16], and in the case of a repeated violation – property sanctions in the amount of 5,000 to 10,000 BGN [US\$2997.16 to \$5,992.87].<sup>15</sup>

The Law on Veterinary Medical Activity of the Republic of Bulgaria introduces the veterinary requirements for the safety of raw materials and foodstuffs of animal origin during their production and transport, and introduces the rules and standards for placing them on the markets.<sup>16</sup> This Law also regulates the types and quantities of veterinary-sanitary documentation for trade and exchange of animals, germinal products, animal by-products, and raw materials and foodstuffs of animal origin.

Under this law, veterinarians are obliged to carry out clinical examinations and veterinary medical inspections at the place of origin of the animals of the embryonic products, the animal by-products, and the products obtained from them, for an observance of the veterinary medical requirements for identification of the animals; implementation of the program for prevention, supervision, control, and eradication of animal diseases; and observance of the veterinary medical requirements in centers for the extraction and storage of germinal products, at markets and collection centers for animals, and at sites for cleaning and disinfection of vehicles.<sup>17</sup>

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<sup>14</sup> Id. art. 248.

<sup>15</sup> Id. art. 451.

<sup>16</sup> Law on Veterinary Medical Activity of the Republic of Bulgaria, No. 87, adopted Nov. 1, 2005, last updated June 9, 2020, <https://perma.cc/3CAE-GK6J> (in Bulgarian).

<sup>17</sup> Id. art. 67.

The Food Law of the Republic of Bulgaria provides basic definitions, goals, and principles for food safety and defines procedural rules for food control.<sup>18</sup> Under this Law, the specific requirements are envisaged for direct deliveries of small quantities of raw materials and foodstuffs of animal origin to the final consumer and to local retail outlets. Primary products like raw hen, quail eggs, fresh and chilled sea, freshwater fish, fresh meat, poultry, and rabbits slaughtered on the farm, as well as hunted large and small game or the meat of large and small game, cannot be delivered to consumers without special issuance of an ordinance from the Minister of Agriculture, Food and Forestry of the Republic of Bulgaria.<sup>19</sup>

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<sup>18</sup> Food Law of the Republic of Bulgaria, No. 90, adopted Oct. 15, 1999, last updated June 9, 2020, <https://perma.cc/8RE9-ND7H> (in Bulgarian).

<sup>19</sup> Id. art. 21b.

# Cambodia

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**SUMMARY** Cambodia has wild animal wet markets. A 2003 sub-decree on food hygiene regulates food market sanitation. Cambodian wild animals are deemed to be state property. Trading in endangered animals is restricted, and trading in common wild animals is regulated.

## I. Overview

Cambodia has wild animal wet markets.<sup>1</sup> Consumption of wildlife meat is a Cambodian holiday practice and serving such meat may be a status symbol in urban areas.<sup>2</sup> The country is also a transit point for the trafficking of wild animals to Vietnam and China.<sup>3</sup> There is a sub-decree regulating markets and other establishments that deal with food. Food hygiene regulations also contain provisions applicable to food derived from animals. The wild animal trade is prohibited by law, except for persons holding permits to trade in common wildlife species.<sup>4</sup>

## II. Food Sanitation Regulations

Under the 1990 Sub-Decree No.02 AN.Kr on Food Hygiene, “food production bases, stock and distribution places, [and] restaurants shall have suitable installations with hygienic characters.”<sup>5</sup> Food hygiene officials of the Health Ministry, or those appointed by provincial or municipal people’s committees, may inspect food, including animal meats.<sup>6</sup>

The 2003 Sub-Decree No. 47 on Food Hygiene for Human defines “food” as “the substances[,] whether they are fully or half or not yet processed[,] which are intended to be used as food for people.”<sup>7</sup> The Sub-Decree states as follows:

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\* At present there are no Law Library of Congress research staff members versed in Khmer. This report has been prepared by the author’s reliance on practiced legal research methods and on the basis of relevant legal resources, chiefly in English, currently available in the Law Library and online.

<sup>1</sup> Paula Froelich, *Inside the Horrific, Inhumane Animal Markets Behind Pandemics Like Coronavirus*, N.Y. Post (Jan. 25, 2020), <https://perma.cc/UQ44-YMAN>.

<sup>2</sup> Andrew Haffner, *The Bushmeat Trade*, Southeast Asia Globe (Apr. 14, 2020), <https://perma.cc/X6W5-4YVS>.

<sup>3</sup> *Calls for an End to Cambodia’s Wildlife Trade in Response to the Coronavirus*, Wildlife Alliance (Jan. 30, 2020), <https://perma.cc/ADQ8-774D>.

<sup>4</sup> Law on Forestry, NS/RKM/0802/016, Aug. 31, 2002, art. 48, <https://perma.cc/25GH-AHZ5>.

<sup>5</sup> Sub-Decree No.02 AN.Kr on Food Hygiene (Jan. 1, 1990), art. 3, <https://perma.cc/SGD4-H4UU>.

<sup>6</sup> Id. arts 7 & 8.

<sup>7</sup> Sub-Decree No. 47 on Food Hygiene for Human (May 16, 2003), art. 3, <https://perma.cc/8C26-6NQ9>.

Article 45

Food products shall be effectively protected from heat, sunlight, dirt, changes of weather, insects, rodents and other animals. Food products which may go spoilt easily shall be stored in a proper cool condition by using ice or other means. Tools and other kinds of materials used for producing food products shall be kept in a clean condition and shall be sterilized if necessary.

Article 46

Bodies and clothes of the staff members whose duty is to mix, handle and touch food products shall be hygienically clean. Those staff members shall not have skin diseases and other infectious diseases which may contaminate food.

Article 47

At permanent market places, washing instruments shall be readily prepared for people who mix, handle or touch food products to wash their hands in a hygienic manner if there are no permanent hygienic instruments. There shall be a clean water place for washing and cleaning instruments and equipment.

Article 48

At permanent market places, there shall be a suitable place or/and suitable containers for storing substances and hazardous wastes and/or uneatable products whether solid or liquid before discharging them to the ultimate places as defined by the competent authorities.

As a general rule for food handling, food products must be protected from all sorts of contamination by adequate wrapping, except those food products that have their own natural protections such as peel, scale, or skin that needs to be first removed before eating. Sellers must prohibit their customers from handling or touching their food products with bare hands, except the kinds of food with natural protections or that are properly wrapped.<sup>8</sup> When preparing food, wastes must be frequently discharged from the working places. Those wastes must be quickly dumped into garbage cans with lids which tightly close between each use and be discharged, washed, and disinfected at least once a day.<sup>9</sup> Places dealing with food must have an adequate supply of drinkable water. Drinkable water must be used to treat food.<sup>10</sup>

In addition, Sub-Decree No. 47 requires that any surface that directly touches food must be smooth and durable enough to withstand repeated washing and sterilization. Wooden tables and chopping boards used for cutting meat must be carefully cleaned and sterilized after the completion of each workday.<sup>11</sup> Food products ready for sale must be kept or displayed for sale in a way that prevents spoiling or contamination. Stalls for selling goods, and tables for selling meat, fish, vegetables, and fruits, must be made from washable materials and kept in clean condition

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<sup>8</sup> Id. art. 37.

<sup>9</sup> Id. art. 26.

<sup>10</sup> Id. art. 28.

<sup>11</sup> Id. art. 22.

with regular maintenance and sterilization. Food products must not be displayed at a place that is lower than 50 cm (about 20 inches) from the ground.<sup>12</sup>

### III. Wild Animal Protection

Cambodian animals are state property under the Forestry Law of 2002. The Law states “[a]ll kinds of wildlife species in the Kingdom of Cambodia are State property and the component of forest resources, including all species of mammals, birds, reptiles, amphibians, insects, other invertebrates, and their eggs or offspring.”<sup>13</sup>

All wildlife is classified in three categories: endangered species, rare species, and common species. The 2002 Law requires that

[the] Ministry of Agriculture, Forestry and Fisheries, through the proposal of the Forestry Administration, shall issue a Prakas [regulation] to determine the criteria for each category and establish a separate list for endangered and rare species, which may vary between regions in Cambodia, with consultation with [the] Ministry of Environment.<sup>14</sup>

The Law prohibits hunting, harming, or harassing all wildlife by using any type of dangerous means, hunting during the prohibited season, and hunting in protected zones and special public areas.<sup>15</sup> In addition, the Law prohibits anyone from transporting and trading in rare and endangered wildlife species. The Law also prohibits anyone from transporting and trading in common wildlife species in an amount exceeding that necessary for customary (subsistence) use without a permit issued by the Forestry Administration.<sup>16</sup>

Trading in endangered wildlife species is punishable by imprisonment for five to 10 years.<sup>17</sup> Trading in rare species is punishable by imprisonment for one to five years, a fine of 10 million to 100 million Riels (US\$2,400 to US\$24,000), or both.<sup>18</sup> Trading in common species of wild animals in breach of the Law is punishable by a fine equaling two to three times the market value of the animal.<sup>19</sup>

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<sup>12</sup> Id. art. 39.

<sup>13</sup> Id.

<sup>14</sup> Id. art. 48. Prakas 020 PRK.MAFF (2007), and Prakas 240 PRK.MAFF (2018) define the status of Cambodian animal species. Olly Griffin, *The Bio Diversity of Keo Seima Wildlife Sanctuary* 11 (Oct. 2019), <https://perma.cc/P4VE-F52L>. Texts of the Prakas were not located.

<sup>15</sup> Law on Forestry art. 49.

<sup>16</sup> Id. art. 50.

<sup>17</sup> Id. art. 97.

<sup>18</sup> Id. art. 98.

<sup>19</sup> Id. art. 96.

In addition, under the Law on Nature Protection Area, the catching, trapping, poaching, poisoning, and collecting the eggs or offspring of wildlife is an offense punishable by fines from 100,000 Riels (US\$24) to one million Riels (US\$240) on top of restoration damages.<sup>20</sup>

#### **IV. Law on Animal Health and Animal Production**

The Law on Animal Health and Production<sup>21</sup> contains the following chapters that may be relevant to processing and trading in wild meat: Slaughterhouse and Sanitation (Chapters 8), Movement of Animals and Animal Products (Chapter 9), Animal Welfare (Chapter 11), and Inspection (Chapter 19).<sup>22</sup> An English translation of the Law was not located.

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<sup>20</sup> Law on Nature Protection Area, No NS/RKM//0208/007, Feb. 15, 2008, art. 58, <https://perma.cc/86HU-2BXA>.

<sup>21</sup> Law on Animal Health and Animal Production No. NS/RKM/0116/003 (Jan. 28, 2016), <https://perma.cc/X93T-JJ4Q>.

<sup>22</sup> Animal Rescue Cambodia, *Dog Meat Trade Cambodia 2019: Key Findings of Investigations in Siem Reap 12* (2019), <https://perma.cc/9QG6-FMGL>.

# China

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**SUMMARY** China’s Wildlife Protection Law prohibits the sale, purchase, or use of state-protected wild animals and products made from these animals, but allows the trade and use of “artificially-bred wild animals” if approvals are in place. Wildlife falling outside of the state protection catalog may be legally traded if quarantine certificates and other mandatory licenses and approvals are obtained.

The existing Wildlife Protection Law bans food products made from state-protected wild animals, but not those made from other wild animals. A land wildlife protection regulation prohibits the sale or purchase of state-protected wild animals and products at marketplaces, but allows hunting license holders to sell non-state protected wild animals at certain marketplaces designated by local government authorities.

In response to the COVID-19 pandemic, a fast-track legislative decision was passed on February 24, 2020, banning consumption of any wild land animals as food, including any artificially bred or farmed wild animals. It also bans hunting, trading, or transporting, for the purpose of eating, any land animals that grow and reproduce naturally in the wild. The decision does not ban other uses of wildlife, such as for scientific research, medicine, or exhibition. The Wildlife Protection Law is expected to be revised during 2020.

## I. Introduction

Despite the rise of supermarkets since the 1990s, traditional markets<sup>1</sup> where fresh meat, fish, vegetables, fruits, and other perishable goods are sold, known as “wet markets,” have remained the most prevalent food outlet in urban China.<sup>2</sup> Products sold in these markets are considered to be fresher and less expensive than in many supermarkets. According to a domestic industry report released in 2019, about 73% of the fresh produce purchased by Chinese households came from traditional wet markets, 22% from supermarkets, and only about 3% from online grocery stores.<sup>3</sup> In these wet markets, unpackaged meat and live fish and poultry are common, while pigs, lambs, and cows are butchered in special slaughtering factories rather than on site. Many wet markets may be deemed unsanitary, especially in smaller communities, while there are well-managed and hygienic wet markets in and near bigger cities.<sup>4</sup>

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<sup>1</sup> 菜市场 (*cai shi chang*) or 农贸市场 (*nong mao shi chang*) in Chinese.

<sup>2</sup> Zhong Taiyang et al., *The Impact of Proximity to Wet Markets and Supermarkets on Household Dietary Diversity in Nanjing City, China*, 10(5) *Sustainability* 1465 (2018), <https://perma.cc/5MH9-HBDT>.

<sup>3</sup> Jiang Xuan, *Life and Death of Farmers Market*, Chinanews.com (Mar. 1, 2020), <https://perma.cc/Y6NM-2L88> (in Chinese).

<sup>4</sup> *Wuhan Is Returning to Life. So Are Its Disputed Wet Markets*, Bloomberg (Apr. 8, 2020), <https://perma.cc/MWD7-D3HQ>.

Although it is rare for Chinese wet markets to sell exotic animals, the practice has continued in poorly regulated sites, such as the Huanan Seafood Wholesale Market.<sup>5</sup> There has long been a wildlife-eating culture in certain areas of China. Over the past three decades, consuming exotic foods has become a symbol of social status. In addition, in some of China's impoverished regions, wildlife farming is an important source of income for people. Furthermore, traditional Chinese medicine has for centuries used various types of wildlife to treat human ailments. Scales of pangolins, for example, are used to treat conditions such as blocked breast ducts, rheumatoid arthritis, and poor blood circulation, despite no scientific evidence of effectiveness.<sup>6</sup> As of 2016, China reportedly had a wildlife breeding industry that was worth an estimated 520 billion yuan (about US\$74 billion) and employed more than 14 million people. These animals are used in various sectors, among them fur farming, which has the highest value, followed by food, medicine, tourism/pets, and laboratory research.<sup>7</sup>

## II. Wildlife Trade and Consumption

### A. Wildlife Protection Law

The primary Chinese legislation on the management and protection of wildlife, the Wildlife Protection Law, was first passed in 1988, substantially revised in 2016, and most recently amended in 2018.<sup>8</sup> In addition to providing wildlife protection, the Law has always permitted the "use" of wildlife as a "resource."<sup>9</sup> As mentioned above, wildlife may be used for fur farming, medicine, tourism, pets, and laboratory research, in addition to food. As a result, wild animals protected by the Law are limited to (1) rare and endangered wild land and aquatic animals; and (2) wild land animals of important ecological, scientific, and social value ("three-value animals").<sup>10</sup>

Under the Law, the central government authority maintains a state-protected wild animal catalog, which groups rare and endangered wildlife species into two classes and provides different levels of protection.<sup>11</sup> The pangolin, for example, is a Class II state-protected animal, while the panda is in Class I.<sup>12</sup>

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<sup>5</sup> Michael Standaert, "Mixed with Prejudice": Calls for Ban on "Wet" Markets Misguided, Experts Argue, *The Guardian* (Apr. 15, 2020), <https://perma.cc/VR9K-EY22>.

<sup>6</sup> Adolfo Arranz & Han Huang, *China's Wildlife Trade*, *South China Morning Post* (Mar. 4, 2020), <https://perma.cc/SWJ2-9G5E>.

<sup>7</sup> *Id.*

<sup>8</sup> Wildlife Protection Law (adopted by the Standing Committee of the National People's Congress (NPCSC) on Nov. 8, 1988, last amended Oct. 26, 2018), <https://perma.cc/Q7BS-3HAZ> (in Chinese).

<sup>9</sup> *Id.* arts. 3 & 4.

<sup>10</sup> *Id.* art. 2.

<sup>11</sup> *Id.* art. 10.

<sup>12</sup> National Forestry and Grassland Administration, *Catalog of Wild Animals under State Protection* (Jan. 4, 2018), <https://perma.cc/5VPW-DU4L> (in Chinese).

### 1. *Commercial Use of Wildlife*

The Wildlife Protection Law prohibits the sale, purchase, or use of state-protected wild animals and products made from these animals, but provincial-level wildlife authorities may otherwise permit such activities for certain purposes, such as scientific research and artificial breeding.<sup>13</sup> Furthermore, the Law establishes a licensing system for the artificial breeding of state-protected wild animals. The central government releases another catalog of such “artificially-bred wild animals” that are allowed to be traded and used if approvals are in place.<sup>14</sup>

Wildlife falling outside of the state protection catalog may be legally traded if quarantine certificates and other required licenses and approvals are in place. First, the Wildlife Protection Law expressly allows the commercial use of non-state protected wild animals, as long as quarantine certificates and proof of legal sources of the wild animals concerned are presented, such as hunting permits or import and export certificates.<sup>15</sup> According to the Land Wildlife Protection Regulation, which was issued in 1992 and most recently revised in 2016, the commercial use of these animals must be registered with the government market authority.<sup>16</sup>

Second, the commercial use of certain wild animals falling outside of the state protection catalog may be subject to local wildlife protection regulations requiring local approvals and may also be subject to quotas limiting the number of animals that may be traded.<sup>17</sup> Many local governments also encourage artificial breeding of non-state protected wild animals but require a local artificial breeding license.<sup>18</sup>

### 2. *Food Products*

The Wildlife Protection Law specifically prohibits producing or selling food products made from state-protected wild animals, or from other wild animals without proof of legal sources.<sup>19</sup> In this regard, the Law does not differentiate artificially-bred animals from other wild animals. Therefore, the existing Wildlife Protection Law bans food products made from state-protected wild animals, but not from other wild animals including the “three-value animals.”

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<sup>13</sup> Wildlife Protection Law art. 27.

<sup>14</sup> *Id.* art. 28.

<sup>15</sup> *Id.* art. 27.

<sup>16</sup> Regulation on the Land Wildlife Protection (issued by the Ministry of Forestry on Mar. 1, 1992, revised Feb. 6, 2016) (Land Wildlife Regulation) art. 25, <https://perma.cc/4ZJT-ZYAB> (in Chinese).

<sup>17</sup> E.g., Jiangsu Province Wildlife Protection Regulation (adopted by the Standing Committee of Jiangsu Province People’s Congress on Sept. 26, 2012, revised Nov. 23, 2018) (Jiangsu Regulation) art. 28, <https://perma.cc/6HAW-QWG4> (in Chinese).

<sup>18</sup> *Id.* art. 27.

<sup>19</sup> Wildlife Protection Law art. 30.

### 3. *Wildlife Sold at Wet Markets*

The Land Wildlife Protection Regulation contains an article prohibiting the sale or purchase of state-protected wild animals and products made from these animals at marketplaces. The article also states that hunting license holders may sell non-state protected wild animals and products at certain marketplaces designated by local government authorities.<sup>20</sup>

According to the Regulation, wild animals traded at marketplaces are subject to oversight and inspection by the government market authority, while those traded outside of marketplaces are regulated by the government wildlife authority, market authority, or other delegated entities.<sup>21</sup>

#### **B. Recent Ban of Wildlife Consumption**

In response to the COVID-19 pandemic, the Standing Committee of the National People's Congress (NPCSC) passed a fast-track legislative decision on February 24, 2020—the NPCSC Decision on Completely Prohibiting the Illegal Wildlife Trade, Eliminating the Bad Habit of Indiscriminately Eating Wild Animals, and Truly Ensuring the Health and Safety of the People. The NPCSC Decision took effect on the same day.<sup>22</sup>

Significantly, the Decision bans consumption of all wild land animals as food, including the “three-value animals” and artificially bred or farmed wild animals. It also bans hunting, trading, and transporting, for the purpose of eating, any land animals that grow and reproduce naturally in the wild. Punishments for violators will be based on those prescribed in the existing laws.<sup>23</sup> In addition, hunting, trading, transporting, or eating of wild animals that is already prohibited by the Wildlife Protection Law will be subject to harsher punishments than those prescribed by existing laws, according to the Decision.<sup>24</sup>

However, the NPCSC Decision does not ban other uses of wildlife such as for scientific research, medical purposes, or exhibition, but these uses are subject to strict approval processes and quarantine inspections.<sup>25</sup> The Decision also does not prohibit consumption of aquatic wild animals. Any animals included in the catalog of livestock and poultry genetic resources are also not subject to the new ban.<sup>26</sup>

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<sup>20</sup> Land Wildlife Regulation art. 26.

<sup>21</sup> *Id.* art. 27.

<sup>22</sup> Decision on Completely Prohibiting the Illegal Wildlife Trade, Eliminating the Bad Habit of Indiscriminately Eating Wild Animals, and Truly Ensuring the Health and Safety of the People (passed by the NPCSC on Feb. 24, 2020), <https://perma.cc/5LQV-AEB5> (in Chinese).

<sup>23</sup> *Id.* art. 2.

<sup>24</sup> *Id.* art. 1.

<sup>25</sup> *Id.* art. 4.

<sup>26</sup> *Id.* art. 3.

The NPCSC has officially added revisions of the Wildlife Protection Law and the Animal Epidemic Prevention Law to its legislative agenda for 2020.<sup>27</sup>

### III. Regulation of Wet Markets

Wet markets are largely regulated by local governments.<sup>28</sup> However, in 2003, the central government's Ministry of Health issued a regulation on food hygiene at marketplaces, which specifies sanitary requirements for wet markets and subjects wet markets to sanitary inspections by the government health authority.<sup>29</sup> Under the Regulation, areas of wet markets dealing with livestock, poultry, and aquatic products must be separated from other areas by a distance of not less than five meters.<sup>30</sup> Market operators must inspect the quarantine certificates of meat products entering the market on a daily basis.<sup>31</sup>

In addition, under China's Animal Epidemic Prevention Law, wet markets trading in animals must meet the conditions for animal epidemic prevention laid down by the authorities, and are subject to the supervision and inspection by the government animal health supervision agencies.<sup>32</sup>

### IV. Enforcement

Even before the COVID-19 outbreak, the central and local governments had tried to regulate wild animal trading at markets, instituting occasional checks to improve sanitation.<sup>33</sup> In reality, however, there are numerous issues with licensing, approvals, quarantine inspection, and law enforcement.<sup>34</sup> The Huanan market, for example, was reportedly inspected by the local market authority in 2019. That inspection identified eight vendors in the market that were legally licensed to trade wild animals, such as tiger frogs, snakes, and hedgehogs. After the outbreak of COVID-19, many illegal operations were revealed at this market, such as vendors lacking proper licenses

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<sup>27</sup> NPCSC, 2020 Legislative Agenda (June 20, 2020), <https://perma.cc/3NJK-ESQ6> (in Chinese).

<sup>28</sup> E.g., Zhuhai Municipality Nong Mao Shi Chang Management Measures (issued by the Zhuhai Municipality Government on Jan. 24, 2013, revised Aug. 14, 2015, effective Oct. 28, 2015), <https://perma.cc/5YEF-QDUC>; Shanghai Municipality Standard Cai Shi Chang Management Measures (issued by Shanghai Municipality Government on Mar. 30, 2011), <https://perma.cc/55KY-XXPM> (both in Chinese).

<sup>29</sup> Regulation of Food Hygiene Management of Marketplaces (issued by the Ministry of Health on Mar. 10, 2003, effective May 1, 2003), Westlaw China (by subscription).

<sup>30</sup> Id. art. 7.

<sup>31</sup> Id. art. 17.

<sup>32</sup> Animal Epidemic Prevention Law (adopted by the NPCSC on July 3, 1997, last amended Apr. 24, 2015) art. 20, <https://perma.cc/69SM-V2NX> (in Chinese).

<sup>33</sup> *Wuhan Is Returning to Life. So Are Its Disputed Wet Markets*, supra note 4.

<sup>34</sup> Wang Chen & Jiang Yifan, *The Legal Proposals Shaping the Future of Wildlife in China*, China Dialogue (Apr. 3, 2020), <https://perma.cc/BHT6-QT7V>.

or official quarantine inspections.<sup>35</sup> Closed on January 1, 2020, the Huanan market appears to have no plan to reopen and its vendors have been moved to other seafood markets in Wuhan.<sup>36</sup>

Following the passage of the NPCSC Decision, the National Forestry and Grassland Administration announced on February 26, 2020, that the wildlife authorities at all levels will launch inspections of wildlife breeding sites and commercial use entities and revoke all licenses and approvals for the artificial breeding or commercial use of wild animals for food.<sup>37</sup> On March 2, 2020, the Ministry of Public Security announced that they had investigated 948 criminal cases and 2,147 administrative cases involving the illegal wildlife trade.<sup>38</sup> Recently, the central government indicated that in addition to cracking down on the illegal trade in and consumption of wild animals, the market authority will restrict live poultry trading and on-site slaughtering at markets. Live poultry trading in China's wet markets will gradually be banned completely, according to an official with the General Administration of Market Supervision.<sup>39</sup>

It remains to be seen, however, whether the new ban and the revised Wildlife Protection Law will be fully enforced after the current pandemic. After the 2003 outbreak of SARS, the central and local governments reportedly tried to tackle the wildlife trade, banning the sale of some wild animals such as civet cats, but many of the bans either weren't enforced or were quietly removed after the SARS epidemic subsided.<sup>40</sup> As pointed out by a China expert with the Environmental Investigation Agency, the COVID-19 pandemic "has demonstrated in the starkest of terms how no one country's biodiversity and wildlife trade policies exist in isolation. The link to wildlife trade in China, whether legal or illegal, shows the urgent need for stronger laws and enforcement to close markets for wild animal products."<sup>41</sup>

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<sup>35</sup> Jiang, *supra* note 3.

<sup>36</sup> *One Hundred Days of Unblocking Wuhan: Pain and Love in the Post-epidemic Period*, Shanghai Observer (July 21, 2020), <https://perma.cc/5JVE-R9RU> (in Chinese).

<sup>37</sup> *National Forestry and Grassland Administration: All Commercial Use of Land Wildlife for the Purpose of Food Is Stopped*, Xinhua (Feb. 27, 2020), <https://perma.cc/L5XV-BUGF> (in Chinese).

<sup>38</sup> *China Enters Era of No Wildlife Eating*, Xinhua (Mar. 4, 2020), <https://perma.cc/NV86-3Z6A> (in Chinese).

<sup>39</sup> *Gradual Cancellation of Market Trade of Live Poultry Is the General Trend*, Xinhua (July 7, 2020), <https://perma.cc/TKL3-WVGA> (in Chinese).

<sup>40</sup> Ben Westcott & Serenitie Wang, *China's Wet Markets Are Not What Some People Think They Are*, CNN (Apr. 23, 2020), <https://perma.cc/7CXH-ZFSF>.

<sup>41</sup> Wang & Jiang, *supra* note 34.

# Democratic Republic of the Congo

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Bushmeat is among the principal sources of protein for many inhabitants of the Democratic Republic of the Congo (DRC). Indeed, insects and wild game may account for 70% to 80% of the protein sources for inhabitants of the country's forests and riverine areas.<sup>1</sup> Game meat also appears to be sold in city markets, particularly in the form of dried or smoked meat.<sup>2</sup> Bushmeat is therefore an important source of income for the rural populations that provide these meat products to the urban markets.<sup>3</sup>

Congolese law provides that wild animals can be raised for commercial purposes, provided the government authorizes it.<sup>4</sup> Similarly, individuals may keep wild animals only if they have been granted official permission.<sup>5</sup> Anyone wishing to use wild animals, or wild animal products, for commercial purposes must also obtain a government license.<sup>6</sup> Live wild animals held for commercial purposes must be quarantined before their commercialization.<sup>7</sup> Violations of these provisions are punishable by fines and up to five years in jail.<sup>8</sup> However, it appears that these legal provisions are applied very inconsistently, if at all.<sup>9</sup>

Some reports indicate that the consumption of meat from wild animals was banned in the DRC during the 2018 Ebola epidemic.<sup>10</sup> It appears that this prohibition was temporary, and the legal status of bushmeat in the DRC is unclear. At least one report states that consumption of bushmeat in the DRC is currently legal, as it was not banned in the context of the coronavirus pandemic.<sup>11</sup> Another report states that hunting and consuming bushmeat has, in fact, been banned by the

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<sup>1</sup> TRAFFIC Afrique Centrale, *République Démocratique du Congo, Elaboration de la stratégie et du plan d'action national sur la « viande de brousse »* 1 (2011), <https://perma.cc/5JJC-DQCT>.

<sup>2</sup> Id.

<sup>3</sup> Id. at 2.

<sup>4</sup> Loi No. 82-002 du 28 mai 1982 portant réglementation de la chasse, art. 82, <https://perma.cc/9M7L-75UY>.

<sup>5</sup> Id. art. 78.

<sup>6</sup> Arrêté No. 014/CAB/MIN/ENV/2004 du 29 avril 2004 relatif aux mesures d'exécution de la Loi No. 82-002 du 28 mai 1982 portant réglementation de la chasse, art. 38, <https://perma.cc/Q7U9-HMYA>.

<sup>7</sup> Id. art. 40.

<sup>8</sup> Loi No. 82-002 du 28 mai 1982 portant réglementation de la chasse, art. 85; TRAFFIC Afrique Centrale, *supra* note 1, at 9.

<sup>9</sup> TRAFFIC Afrique Centrale, *supra* note 1, at 2, 6, 16, 18.

<sup>10</sup> Jacques Deveaux, *Malgré Ebola, la consommation de viande de brousse reste prisée en Afrique*, France Info (June 4, 2018), <https://perma.cc/JZ7N-SFEH>.

<sup>11</sup> Christelle Marot, *En Afrique centrale, la consommation de viande de brousse ne faiblit pas*, Equal Times (June 3, 2020), <https://perma.cc/6GWN-AXUU>.

Congolese government, at least in Virunga National Park.<sup>12</sup> We were unable to find any primary sources—laws, decrees or other official texts—confirming whether or not hunting or consuming bushmeat is currently legal in the DRC.

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<sup>12</sup> Joseph Tsongo, *DRC: Ban on Bushmeat Consumption Affects Community Diets*, Barza Wire (July 6, 2020), <https://perma.cc/AB87-B4HK>.

# Côte d'Ivoire

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Bushmeat is a significant source of protein in many tropical African countries, including Côte d'Ivoire, where the trade of bushmeat is widespread.<sup>1</sup> Although quantitative data on the exploitation of bushmeat is scarce and often outdated, a 1999 study estimated that approximately 120,000 tons of wild game were consumed annually, compared with 45,000 tons of domestic meat.<sup>2</sup> This represented the equivalent of 1.7% of the country's gross domestic product.<sup>3</sup>

In April 2014, the government of Côte d'Ivoire banned the sale and consumption of bushmeat in an effort to prevent the spread of the Ebola virus.<sup>4</sup> However, despite possible punishments of up to five years in jail, the sale of bushmeat continued to flourish on the black market.<sup>5</sup> The government lifted the ban on bushmeat by 2016.<sup>6</sup>

As part of its effort to stop the spread of the novel coronavirus, the government of Côte d'Ivoire again banned the consumption of all bushmeat, starting on March 17, 2020.<sup>7</sup> As was the case in 2014-2016, the government may have difficulty enforcing this prohibition, as this measure is not well accepted by the Ivorian population, for whom the consumption of bushmeat is a strong and long-standing tradition.<sup>8</sup>

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<sup>1</sup> S. Gondelé Bi et al., *Bushmeat Hunting Around a Remnant Coastal Rainforest in Côte d'Ivoire*, 51(3) *Oryx* 418-427 (July 2017), <https://perma.cc/8TBW-MTVA>.

<sup>2</sup> *Id.* at 419.

<sup>3</sup> *Id.*

<sup>4</sup> Charles Bouessel, *En Côte d'Ivoire, « on mange de la viande de brousse la peur au ventre »*, *Jeune Afrique* (Nov. 5, 2015), <https://perma.cc/KW9S-MUM9>.

<sup>5</sup> *Id.*

<sup>6</sup> Rémi Carlier, *La viande de brousse, de retour dans les assiettes ivoiriennes*, *Le Monde* (Oct. 7, 2016), <https://perma.cc/PV7R-ZPJM>.

<sup>7</sup> Yassin Ciyow, *Covid-19: la viande de brousse, toujours consommée en Côte d'Ivoire, malgré l'interdiction*, *Le Monde* (Mar. 24, 2020), <https://perma.cc/AJ94-7V9V>.

<sup>8</sup> *Id.*

# Egypt

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**SUMMARY** A wild animal market is located in an area called “Al-Saydah Aasha” in Cairo, Egypt. The market includes reptiles, wild mammals, and birds. Apparently, there is no formal veterinarian unit in the market that monitors the health condition of animals or any violations related to sanitation and cleanness of the market.

Law No. 53 of 1966 and Law No. 4 of 1994 prohibit the sale of wild animals, either dead or alive.

According to news reports, the sale of most of the wild animals found in the Al-Saydah Aasha Market is banned under the Egyptian law. The Egyptian police conduct frequent raids on the market to arrest violators and confiscate wild animals.

## I. Introduction

A wild animals market is located in an area called “Al-Saydah Aasha” in Cairo, Egypt. The market is called the “Al-Saydah Aasha Market.” It is a street market that takes place once a week, every Friday. The market includes reptiles, wild mammals, and birds. The reptiles also include different types of snakes, such as the Egyptian cobra, Nile crocodiles, spiny-tailed lizards, monitor lizards, and iguanas. The mammals offered in the market include desert foxes and monkeys. Also, the market includes wild birds, such as eagles and owls.<sup>1</sup> Different types of bat are also sold in the market.<sup>2</sup> The animals are predominantly purchased as exotic pets.<sup>3</sup>

Sometimes, the meat of Nile crocodiles is used for human consumption.<sup>4</sup> The price of Nile crocodiles in the market ranges from 200-300 Egyptian pounds (about US\$12-\$18).<sup>5</sup> The prices of spiny-tailed and monitor lizards in the market ranges between 250-500 Egyptian pounds (about US\$15-\$31). Snake prices ranges between 800-40,000 Egyptian pounds (about US\$49-\$2,474).<sup>6</sup> Prices for monkeys start from 10,000 Egyptian pounds (about US\$618). Eagle prices start from 800

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<sup>1</sup> Abdullah Hisham, *Banned and Rare Animals in the Al-Saydah Aasha Market*, Al Dostor (Sept. 1, 2018), <https://perma.cc/4CWV-FV7R> (in Arabic).

<sup>2</sup> Hatem Musheer, *Al-Saydah Aasha Market for Banned Animals Where Nile Crocodiles Have Appeared*, Al Masry Al Youm (Feb. 6, 2016), <https://perma.cc/7XLK-6XNA> (in Arabic).

<sup>3</sup> *Al-Saydah Aasha Market is a Destination for the Poor and the Rich. The Merchants in the Market Sell Monkeys and Snakes*, Al Byan (Oct. 13, 2005), <https://perma.cc/2QZ6-5QTQ> (in Arabic).

<sup>4</sup> Minah Ashmawi & Lamya’a Mahmoud, *The Religious Ruling on the Consumption of Crocodiles’ Meat*, Al Watan News (Aug. 22, 2019), <https://perma.cc/QMF7-8JWJ> (in Arabic).

<sup>5</sup> Amel Alam, *Strangest Photos for Egyptians Who Are Interested in Keeping Snakes, Lizards and Iguanas in Their Homes*, Al Youm 7 (July 4, 2019), <https://perma.cc/894P-DFK6> (in Arabic).

<sup>6</sup> Hisham, *supra* note 1.

Egyptian pounds (about US\$50).<sup>7</sup> The price for desert foxes varies between 4,000-6,000 Egyptian pounds (about US\$247-\$371).<sup>8</sup>

## II. Possession and Trade of Wild Animals

### A. Law No. 53 of 1966

Law No. 53 of 1966 prohibits the trade and possession of wild animals, whether those animals are alive or dead.<sup>9</sup> Violators may be sanctioned by a fine of up to 10,000 Egyptian pounds (about US\$618). Any tools used to sell, slaughter, or keep the wild animal will be also confiscated.<sup>10</sup>

### B. M.R. No. 28 of 1967

Ministerial Resolution No. 28 of 1967 bans the hunting and possession of certain types of deer, lions, tigers, and leopards.<sup>11</sup>

### C. Law No. 4 of 1994

Law No. 4 of 1994 and its executive regulation prohibit the sale of wild animals, either dead or alive, that are protected by international agreements and Ministerial Resolution No. 28 of 1967.<sup>12</sup> The Law sanctions violators with a fine of between 200-5,000 Egyptian pounds (about US\$12-\$309) and the confiscation of the wild animals as well as all tools used to keep those animals.<sup>13</sup>

## III. Enforcement and Veterinary Care

### A. Enforcement

According to news reports, the sale of the wild animals found in the Al-Saydah Aasha Market is banned under Egyptian law. The Egyptian police conduct frequent raids on the market to arrest

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<sup>7</sup> Duaa Aurabi, *American Tourist Purchases an Eagle in Al-Saydah Aasha Market*, Al Watan (Aug. 8, 2019), <https://perma.cc/6YCH-ZTNS> (in Arabic).

<sup>8</sup> Ryham Al Iraqi, *The Friday Market: "Mafia" Trading Banned Wild Animals and Birds*, Al Masry Al Youm (Nov. 24, 2019), <https://perma.cc/X3E5-6BQH> (in Arabic).

<sup>9</sup> Law No. 53 of 1966, art. 117, Al-Jaridah Al-Rasmiyah, vol. 206, 10 Sept. 1966, <https://perma.cc/ZD8F-RSGG> (in Arabic).

<sup>10</sup> Id. art. 146.

<sup>11</sup> Ministerial Resolution No. 28 of 1967, Al Waqa'a Al Masryah, vol. 63, 2 May 1967, <https://perma.cc/TYH2-LE5D> (in Arabic).

<sup>12</sup> Law No. 4 of 1994, art. 28, Al-Jaridah Al-Rasmiyah, vol. 5, 3 Feb. 1994, <https://perma.cc/T8XC-JLPB> (in Arabic).

<sup>13</sup> Id. art. 84.

violators and confiscate banned wild animals.<sup>14</sup> Additionally, not all animal traders in the market have a permit to deal with animals.<sup>15</sup>

In February 2016, in conjunction with the Ministry of Environment, the Egyptian police conducted a large-scale raid on the Al-Saydah Aasha Market. The raid resulted in the confiscation of a great number of wild animals, including fruit bats, Nile crocodiles, iguanas, and different types of monkeys.<sup>16</sup> Also, in April 2017, the police raided the market one more time to confiscate wild animals sold in the market and arrest individuals who were selling those animals without a permit.<sup>17</sup> The most recent police raid on the Al-Saydah Aasha Market took place in January 2020.

In an effort to combat the spread of COVID-19, the Governor of Cairo has decided to block all gatherings by shutting down all street markets. Accordingly, the Al-Saydah Aasha Market was shut down.<sup>18</sup>

## B. Veterinary Care

Apparently, there is no formal veterinarian unit in the market that monitors the health condition of the animals and any violations related to sanitation and cleanness of the market.<sup>19</sup> However, there is a veterinarian who comes to the market on a voluntary basis. Customers pay him a fee to check the animals before purchasing them. However, this practice is not mandatory.<sup>20</sup>

## IV. Islamic Prohibition on Eating Bushmeat

The Fatwa Commission at Al-Azhar University, the oldest Egyptian Islamic institution, issued a fatwa prohibiting the eating of bushmeat in 2018. The Commission based its legal ruling on one of the speeches of the prophet banning Muslims from eating all fanged beasts of prey and all birds having talons.<sup>21</sup>

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<sup>14</sup> Musheer, *supra* note 2.

<sup>15</sup> Hisham, *supra* note 1.

<sup>16</sup> Indiana Khaled, *The Ministry of Environment Confiscates Bats and Monkeys During a Raid on the Friday Market*, Al Dostor (Feb. 19, 2016), <https://perma.cc/5ETQ-GFVP> (in Arabic).

<sup>17</sup> *The Police of the Khalifa County Conduct a Raid Against the Sellers of Animals on Souk El Hamam Street*, Masr Anharda (Apr. 24, 2017), <https://perma.cc/28MH-HY76> (in Arabic).

<sup>18</sup> *Shutting Down the Hammam and Friday Markets in Al-Saydah Aasha*, Masrawi (June 12, 2020), <https://perma.cc/KZU6-2QRB> (in Arabic).

<sup>19</sup> Duaa Al Aurabi, *Violations Against Animals in the Al-Saydah Aasha Market*, Al Watan (Aug. 10, 2019), <https://perma.cc/4P8G-N2LG> (in Arabic).

<sup>20</sup> Mohamed Galeb, *A Veterinarian in the Al-Saydah Aasha Market*, Al Watan (Oct. 12, 2015), <https://perma.cc/FVY9-V6W7> (in Arabic).

<sup>21</sup> *The Islamic Studies Authority: Eating Dog and Cat Meat is Forbidden under Islamic Law*, Al Bawaba (Nov. 28, 2018), <https://perma.cc/9N8E-XMUU> (in Arabic).

# Gabon

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The consumption of meat from wild animals is an important part of everyday life in Gabon. A study from 2010 found that over 70% of all rural families engage in some degree of subsistence hunting, which provides up to 90% of the protein diet of families living in the most remote areas.<sup>1</sup> In addition to being an important part of their diet, bushmeat is also a significant source of income for rural communities, as they supply more urban areas with it.<sup>2</sup> Most bushmeat is sold either through direct orders to a hunter, through roadside or street vendors, or through restaurants, while only about 18% is sold through fixed marketplaces.<sup>3</sup>

Hunting, trading, and transporting bushmeat appears to be theoretically subject to licensing and permit requirements.<sup>4</sup> However, it appears that these requirements are generally unenforced, as the legislation instituting them has generally not been followed up with appropriate application measures.<sup>5</sup> According to some sources, the commercialization of bushmeat is illegal in Gabon, except for sales among members of the same community.<sup>6</sup> We were unable to find any primary sources—laws, decrees or other official texts—confirming whether bushmeat can legally be sold in Gabon.

On March 30, 2020, the government of Gabon issued an executive order banning the sale of all species of pangolins and bats.<sup>7</sup> This order appears to be actively enforced by the government, in an effort to prevent the possible transmission of viruses from these animals to humans.<sup>8</sup>

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<sup>1</sup> Katharine Abernethy & Anne Marie Ndong Obiang, *Bushmeat in Gabon* 6-7 (U. of Stirling Dec. 2010), <https://perma.cc/49VU-PAAU>.

<sup>2</sup> Christelle Marot, *En Afrique centrale, la consommation de viande de brousse ne faiblit pas*, Equal Times (June 3, 2020), <https://perma.cc/6GWN-AXUU>.

<sup>3</sup> Abernethy & Ndong Obiang, *supra* note 1, at 8.

<sup>4</sup> *Id.* at 11.

<sup>5</sup> *Id.*

<sup>6</sup> Marot, *supra* note 2; Joseph Sotinel, *Gabon: les ventes de pangolin flanchent*, La Presse (Mar. 16, 2020), <https://perma.cc/QR69-HGQK>.

<sup>7</sup> Désiré-Clitandre Dzonteu, *Viande de brousse: Une mission de contrôle dans les marchés de l'Estuaire*, Gabon Rev. (May 11, 2020), <https://perma.cc/KV88-5KNZ>; Albertine Ondo, *Pour limiter les risques épidémiques, le Gabon entend mieux réguler les marchés de viande de brousse*, La Libreville (May 10, 2020), <https://perma.cc/JLN3-4K67>.

<sup>8</sup> Dzonteu, *supra* note 7.

# Georgia

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**SUMMARY** Georgia, a member of the Caucasus eco-region, represents one of the 34 biodiversity “hotspots” identified by Conservation International as areas distinguished for having high levels of endemic species. Hunting is an inherent part of the country’s cultural heritage. While hunting is considered to be a popular leisure activity, game is rarely used as part of the food supply. Georgian legislation provides for animal protection and hunting is regulated by the Ministry of Environmental Protection and Agriculture through annually issued rules for the issuance of hunting licenses, with designated times when and territories where hunting is allowed as well as the animal species that may be hunted. A dedicated wet market for wild animals does not exist in Georgia, neither in the urban areas nor in the countryside. However, wild animal products may be sold to private individuals or restaurants after obtaining a special veterinary certificate.

## I. Introduction

Georgia is known for its intricate landscape and varied climate, which create a diverse ecosystem.<sup>1</sup> The main biomes to be found in Georgia are forests, freshwater systems, and wetlands, marine and coastal habitats, high mountains, semi-deserts, and steppes. The ecosystem is governed by national legislation and international conventions/treaties to which Georgia is a signatory, including the Convention on Conservation of European Wildlife and Natural Habitats, the Convention on Biological Diversity, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on the Conservation of Migratory Species of Wild Animals, and the European Convention on Protection of Animals during International Transport.<sup>2</sup>

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<sup>1</sup> *Georgia – A Haven for Biodiversity*, International Union for Conservation of Nature (IUCN) (Dec 7, 2012), <https://perma.cc/BJ94-UGRG>.

<sup>2</sup> Council of Europe, Bern Convention, Convention on the Conservation of European Wildlife and Natural Habitats, Nov. 2009, ETS No. 104, <https://perma.cc/25ZT-TBPD>; *Country Profiles: Georgia*, Convention on Biological Diversity, <https://perma.cc/2J7P-5XZM>; Convention on International Trade in Endangered Species of Wild Fauna and Flora, Mar. 3, 1973, 1942 U.N.T.S. 410, <https://perma.cc/3NKQ-9J3L>; *Legislation*, Georgian Society of the Protection and Safety of Animals, <https://perma.cc/4C2N-YXRM>; European Convention on the Protection of Animals during International Transport (Revised), Nov. 6, 2003, CETS No. 193, <https://perma.cc/CA2V-KAHW>; Convention on the Conservation of Migratory Species of Wild Animals (CMS), Inventory: Implementation of Articles III.4 and III.5 of the Convention, Georgia, <https://perma.cc/G95J-ZAK9>.

## II. Legal Status of Markets

After the collapse of the Soviet Union, Georgia conducted market reforms as well as privatization reforms. All farmers markets and *bazaars* (agricultural markets) became private enterprises. Farmers markets are privately owned and managers of the markets are obliged to follow standards and sanitary norms introduced by the government.<sup>3</sup>

As a result of signing the Deep and Comprehensive Free Trade Agreement (DCFTA) with the EU, safety and security standards have been made stricter in order to enter the EU market.<sup>4</sup> Making Georgian legislation compatible with relevant EU legislation in food and agriculture most importantly requires regulations on hygiene, food safety, and animal health. The Agreement's objectives are

- ensuring full transparency of trade-related sanitary and phytosanitary measures;
- recognizing the health status of animals and plants, and implementing the principles of regionalization;
- deepening the partnership between Georgia and the EU in implementing sanitary and phytosanitary measures; and
- facilitating the development of the same standard and approach to animal welfare in Georgia and the EU.<sup>5</sup>

## III. National Legislation on Veterinary and Sanitary Standards

The animal world is regulated by the Law of Georgia on the Animal World.<sup>6</sup> Article 7 of the Law provides a very detailed overview of the animal world:

1. The objects of the animal world are:
  - a) Cordy (including vertebrates—mammals, birds, reptiles, amphibians, fish, etc.) and invertebrates (arthropods, mollusks, etc.), all species and populations at any stage of development (eggs, embryos, shells, etc.), which are in a state of natural freedom;
  - b) wildlife derivatives;
  - c) wild animal products (honey, wax, poison, etc.);
  - d) fossil remains of wild animals;
  - e) wildlife litter, nests, bird nests and other habitats for animals.

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<sup>3</sup> Thomas Lines, *Research on DCFTA Impact on Small-holder Farmers in Georgia* (Feb. 2017), <https://perma.cc/8Q4X-MLS9>.

<sup>4</sup> *Free Trade with the EU*, [dcfta.gov.ge](https://dcfta.gov.ge), <https://perma.cc/74PL-5R9Z>; Ministry of Economy and Sustainable Development of Georgia, *Deep and Comprehensive Free Trade Agreement (DCFTA) 2014-2017, Action Plan Implementation Report for 2015*, <https://perma.cc/3NCK-4SZ8>.

<sup>5</sup> DCFTA Agreement, EU-Georgia, Sanitary and Phytosanitary Measures, ch. 4, art. 50, 2014 O.J. (L 261) 4, <https://perma.cc/FU6D-6P5J>.

<sup>6</sup> Law of the Republic of Georgia on the Animal World, Dec. 1996, last updated Jan. 22, 2017, <https://perma.cc/P8CG-XUCM> (in Georgian).

2. Wildlife objects, as well as wildlife breeding sites, temporary and permanent gathering places, other areas that are habitats of wildlife, are all protected by the state.<sup>7</sup>

Article 38 stipulates the rights of users of wildlife objects, and paragraph D allows the sale of manufactured products and goods (except for products and goods from animals commonly used for their nutritional value) according to the rules mandated by the legislation of Georgia.

The Georgian Law on Food and Animal Feed Safety, Veterinary and Plant Protection Code, stipulates the standards and controls for compliance with the requirements put forward in Georgian legislation in the veterinary field.<sup>8</sup> According to this Law, the direct sale of hunted wild animals is allowed if inspection and documentation standards are met:

1. Inspection is a state control mechanism, through which the study of the stages of production, processing and distribution of animals, products of animal origin, veterinary drugs, and of certain aspects of animal health and welfare is carried out to determine their compliance with the requirements and procedures identified by the Georgian legislation, which includes:
  - a) inspecting the activities of business operators at the stages of production, processing and distribution, as well as assessing the health status and welfare of animals;
  - b) performing a documentary check; . . . .<sup>9</sup>

Under this Law, obligations of business operators in the field of veterinary are as follows:

1. Business operators carrying out animal breeding, driving, transportation, sale and/or slaughter shall:
  - a) implement preventive and liquidation measures against epizootic diseases, including vaccinations, diagnostic examinations, treatment and other measures against the contagious diseases;
  - b) slaughter animals under veterinary supervision for further sale;
  - c) fulfil the Agency's instructions to implement preventive and liquidation activities against epizootic diseases; [and]
  - d) cooperate with the relevant authorities in the implementation of diagnostic, preventive and liquidation measures against animal diseases and in the implementation of processes for the identification and registration of animals; . . . .<sup>10</sup>

Additionally, the Code stipulates that, "[t]o perform traceability, food/feed, animals, plants, products of animal and plant origin, veterinary drugs, pesticides and agrochemicals shall be labelled as determined by the Government of Georgia."<sup>11</sup>

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<sup>7</sup> Id. art. 7 (translation by author).

<sup>8</sup> Law on Food/ Animal Feed Safety, Veterinary and Plant Protection Code, No. 6155-ES, adopted May 8, 2012, consolidated version issued July 12, 2017, art. 13, para. 1, sub-para. av, <https://perma.cc/G33M-ESQC> (in Georgian).

<sup>9</sup> Id. art. 26.

<sup>10</sup> Id. art. 18.

<sup>11</sup> Id. art. 17, para. 3.

The Technical Regulation, Rules of Veterinary Inspection for Slaughtering Animals and Veterinary-Sanitary Examination of Meat and Meat Products, adopted by the Government of Georgia on December 31, 2013, regulates wild animal consumption in the same manner as domesticated animal consumption.<sup>12</sup> The regulation stipulates veterinary-sanitary examination of products for hunted wild animals and birds.<sup>13</sup> Paragraphs of this article provide detailed rules for obtaining veterinary certificates for hunted wild animals. The ownership of such a certificate makes the sale of the product permissible, as in the case of domesticated animals. Also, after veterinary-sanitary examination of meat and meat products, veterinarians must conduct their veterinary examination and stamping according to the current instructions, as well as issue conclusions about the use of the product.<sup>14</sup>

The Decree of the Minister of Labor, Healthcare and Social Welfare of the Republic of Georgia on Approval of Sanitary Rules and Norms for Quality and Safety of Food Raw Materials and Food Products establishes hygienic standards of quality and safety for raw food materials and foodstuffs and regulates the quantity of toxic elements in meat, birds, and eggs.<sup>15</sup> Violations of hunting and veterinary rules are addressed in the Administrative Offences Code of Georgia, which provides for monetary fines as a form of punishment.<sup>16</sup>

Poaching is a widely unacceptable practice for most of Georgian society. The Hunters Association of Georgia has lobbied the government to accelerate the fight against poaching and offered a concrete set of measures aimed at the regular examination of agricultural markets to enforce veterinary and sanitary rules, with the purpose of minimizing the possibility of illegal sales of hunted game.<sup>17</sup>

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<sup>12</sup> Technical Regulation, Rules of Veterinary Inspection of Slaughter Animals and Veterinary-Sanitary Examination of Meat and Meat Products No. 444, Dec. 31, 2013, <https://perma.cc/E99V-RJXZ> (in Georgian.)

<sup>13</sup> Id. art. 20.

<sup>14</sup> Id. art. 4, para. 3.

<sup>15</sup> Decree of the Minister of Labor, Healthcare and Social Welfare of the Republic of Georgia on Approval of Sanitary Rules and Norms for Quality and Safety of Food Raw Materials and Food Products, No. 301/N, ch. 6, arts. 1 & 2, Aug. 16, 2001, <https://perma.cc/AF7L-WNSC> (in Georgian).

<sup>16</sup> Administrative Offences Code of the Republic of Georgia art. 86 (Dec. 31, 1984, consolidated publication Mar. 3, 2018), <https://perma.cc/AU53-CLE7>.

<sup>17</sup> *Ministry of Internal Affairs along with Environment and Natural Resources Protection and Finance Ministries Has Signed Memorandum of Understanding*, Ministry of Internal Affairs (June 25, 2015), <https://perma.cc/B4DH-SH5U>.

# Ghana

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**SUMMARY** In Ghana, bushmeat consumption and trade has a long history that goes back centuries. Although it was historically governed under traditional and religious rites, in 1989 Ghana amended the subsidiary legislation to the Wild Animals Preservation Act of 1961, the Wildlife Conservation Regulations, requiring licensing for trade in bushmeat. Violation of the licensing rules is an offense punishable by a fine, custodial sentence, or both. Similarly, hygiene rules criminalize, among other matters, the sale of food that is contaminated, unhygienic, or otherwise unfit for human consumption.

However, the licensing rules do not appear to be strictly enforced. Similarly, hygiene rules that apply to the processing and sale of most food items are either inapplicable to bushmeat or overlooked.

## I. Introduction

Bushmeat trade in Ghana is an old practice. According to one source, “[a]s long ago as the fifteenth century, De Marees recorded smoked game and snails being traded over long distances in Ghana . . . In 1856, Daniell listed various commodities traded in Accra, including ‘smoked deer’.”<sup>1</sup> At that time, the trade was regulated under customary and religious rites. One source describes the practice as follows:

Bushmeat hunting has a long pedigree dating back to ancient times when hunting was done on subsistent basis and regulated by socio-cultural practices, i.e. norms, sanctions and taboos. Most of the various animal species were considered sacred, or totems and their exploitation restrained by taboos. Other animals were regarded as unclean and abhorred because of some misfortune in the past associated with those species or religious restrictions. Some animals were used as sacrificial or ceremonial animals for religious, cultural and festivals of some communities. Such animals or species were strictly protected by the various customary rites and practices.<sup>2</sup>

The importance of bushmeat as a source of food and income in Ghana today is undisputed. A source described the contribution of bushmeat to the lives and livelihoods of large segments of the Ghanaian society as “one of the most valuable tropical forest products after timber. It is an important source of protein, widely consumed in both rural and urban areas . . . It can also make a significant contribution to households living in extreme poverty (daily per capita income less than US\$1), particularly as a source of cash income but also as a key food during the lean

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<sup>1</sup> Samantha Mendelson et al., *Anatomy of a Bushmeat Commodity Chain in Takoradi, Ghana*, J. Peasants Stud. 73, 76 (Aug. 5, 2006).

<sup>2</sup> Conservation International Ghana, *Assessment of Bushmeat Trade during the Annual Closed Season on Hunting in Ghana (1<sup>st</sup> Aug. – 1<sup>st</sup> Dec. 2001)* 4 (Feb. 2002), <https://perma.cc/9FSY-PGXL>.

agricultural season.”<sup>3</sup> Another source notes that “[i]n parts of Ghana, bushmeat is the freshest protein available. Farmers who would otherwise be struggling during the dry season can feed their families and bring in some extra income.”<sup>4</sup>

However, the size of the bushmeat market appears difficult to assess. One source estimated the annual consumption of bushmeat within the range of 225,000 pounds—385 tons and its value at US\$205-350 million.<sup>5</sup> The same source noted that around 270,000 self-employed hunters supply bushmeat to the various markets in the country.<sup>6</sup> The bushmeat trade in Ghana is valued at over US\$130 million, according to another source.<sup>7</sup> Another source puts it in the range of US\$42-205 million.<sup>8</sup>

## II. Licensing

Trade in bushmeat requires a license. A 1989 amendment to the 1971 Wildlife Conservation Regulations, a subsidiary legislation to the Wild Animals Preservation Act of 1961,<sup>9</sup> added a provision banning trade in bushmeat without a license, stating as follows:

- (1) No person sell trade in bushmeat unless he is the holder of a licence granted to him for that purpose.
- (2) An application for a licence under this regulation shall be made to the Chief Game and Wilde Officer or his representative in the District of the residence of the applicant and shall be accompanied by such fees as the Chief Game and Wildlife Officer shall determine.
- (3) Eighty percent of all fees collected for licence under this regulation shall be paid into the account of the relevant District Assembly and the remaining twenty percent shall be paid into central government account.<sup>10</sup>

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<sup>3</sup> Mendelson et al., *supra* note 1, at 74.

<sup>4</sup> Yepoka Yeebo, *Inside Ghana's Biggest Bushmeat Market*, Mosaic (Sept. 26, 2016), <https://perma.cc/5LLU-MPZL>.

<sup>5</sup> Jan Van Raamsdonk et al., *Ghana: A Country Study Within the Framework of the Evaluation of the Netherlands Government's Policy on Tropical Rainforests* 32 (Jan. 2008), <https://perma.cc/PQ79-NMHR>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Mendelson et al., *supra* note 1, at 74.

<sup>9</sup> A recent report indicated that Ghana is on the verge of enacting a new wildlife conservation law to replace the 1961 Wild Animals Preservation Act. *Ghana to Pass New Law for Wildlife Conservation*, Xinhua (Mar. 3, 2020), <https://perma.cc/KKL4-VD3Y>. It is unclear if this law has been enacted and, if so, what the immediate implications are for the subsidiary legislation to the Wild Animals Preservation.

<sup>10</sup> Wildlife Conservation (Amendment) Regulations, 1989, L.I. 1452, § 6A (Aug. 11, 1989), <https://perma.cc/Q4CC-FM9Q>.

Violation of the licensing requirement is a crime punishable on conviction by a fine not exceeding Ghanaian Cedi C100,000 (about US\$17,373) or imprisonment not exceeding one year, or both.<sup>11</sup>

The licensing laws do not appear to be strictly enforced. For instance, a 2005 study, which surveyed 34 bushmeat traders and hunters regarding hunting and trading rules, found that only 53% (18) of the subjects were aware that hunting and trading in bushmeat required a license, and among them only three were properly licensed.<sup>12</sup>

### III. Hygiene Rules and Enforcement

Part five of the Public Health Act, dealing with environmental sanitation, bars the sale of unwholesome food. It states that “[a] person commits an offence if that person sells, serves or offers for sale food that is unwholesome or unfit for human or animal consumption and is liable on summary conviction to a fine of not more than one thousand penalty units (C20 million (about US\$ 3,474,788) or to a term of imprisonment of not more than four years or to both.”<sup>13</sup> In addition, it prohibits sale of food under insanitary conditions and food that is unfit for human consumption, violations of which are subject to similar penalties.<sup>14</sup>

Part seven of the Public Health Act of 2012, entitled food and drugs, established the Food and Drug Authority (the Authority), including two divisions: the Food Division and the Drugs, Cosmetics, Medical Devices and Household Chemical Substances Division.<sup>15</sup> One of the objectives of the Authority is “to provide and enforce standards for the sale of food.”<sup>16</sup> To this end, it is mandated to “ensure adequate and effective standards for food . . .” and “monitor through the District Assemblies and any other agency of State compliance with the provisions of this Part.”<sup>17</sup> The part bars the sale or supply of food not registered by the Authority.<sup>18</sup> It makes it a crime to sell food that

- (a) has in or on it a poisonous or harmful substance;
- (b) is unwholesome or unfit for human or animal consumption;
- (c) consists in whole or in part of a filthy, putrid, rotten,
- (d) decomposed or diseased animal or vegetable substance;
- (e) is adulterated;

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<sup>11</sup> Id. § 6(B)(6); Fines (Penalty Units) Act (Act 572 of 2000), § 3, 4 Laws of Ghana (rev. ed. 2004).

<sup>12</sup> John Swensson, *Bushmeat Trade in Techiman, Ghana, West Africa* 15 & 20 (Mar. 2005) (unpublished undergraduate thesis, Uppsala University), <https://perma.cc/P8CD-H2LT>.

<sup>13</sup> Public Health Act (Act 851 of 2012), § 51 (Oct. 9, 2012), <https://perma.cc/3FMX-KA92>; Fines (Penalty Units) Act, § 3.

<sup>14</sup> Public Health Act §§ 52 & 53.

<sup>15</sup> Id. §§ 80 & 91.

<sup>16</sup> Id. § 81.

<sup>17</sup> Id. § 82.

<sup>18</sup> Id. § 97.

- (f) is injurious to health; or
- (g) is not of the nature, substance, quality or prescribed standards.<sup>19</sup>

This part of the Act, like the part dealing with environmental sanitation, also bars the sale of food under insanitary conditions and food that is unfit for human consumption.<sup>20</sup> It defines the term food as including “a substance or a thing of a kind used, capable of being used or represented as being for use, for humans or animal consumption whether it is live, raw, prepared or partly prepared.”<sup>21</sup>

A charge under part seven of the Act is punishable on conviction by a fine, a custodial sentence within the range of four to fifteen years, or both.<sup>22</sup>

Prior to the enactment of the 2012 legislation, the Food and Drugs Act of 1992, repealed in 2012, provided similar rules.<sup>23</sup>

The sanitation rules are said to be either inapplicable or, as is the case with licensing rules, overlooked with regard to bushmeat markets. According one source, “[w]hile there may be standards set to ensure domestic meat hygiene, these either do not seem to apply to bushmeat or are totally ignored when it comes to bushmeat marketing and processing.”<sup>24</sup>

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<sup>19</sup> Id. § 100.

<sup>20</sup> Id.

<sup>21</sup> Id. § 149.

<sup>22</sup> Id. § 110.

<sup>23</sup> Id. § 175; Foods and Drugs Act, 1992 (as amended in 1996), <https://perma.cc/VD3V-URQE>.

<sup>24</sup> Conservation International Ghana, *supra* note 2, at 15.

# Greenland

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**SUMMARY** There are no legal wet markets that sell live wild animals and slaughter them on site across Greenland. However, freshly killed fish, whale, seal, reindeer, muskoxen, and polar bear may be butchered and sold at local food markets known as *brætter*. Regulation of the sale of food products, including fresh fish and meat, falls within the scope of Greenland's self-determination. All meat sold in Greenland must meet certain hygiene requirements, and may not be sold if it is likely to cause sickness or food poisoning. In addition, Greenland has special rules for the treatment of certain meats, including from reindeer and polar bears.

Local fresh food markets are subject to local municipal control, whereas other sales of food, such as in a supermarket, are subject to supervisory control by Greenland's Veterinary and Food Authority. The establishment of local food markets requires prior approval from the municipality. In 2018, a local market closed and re-opened in a redesigned way in order to ensure the hygienic sale of food products. The changes were not popular with local fishermen, who wanted to maintain closer and more familiar contact with their customers.

In 2016, an outbreak of trichinella infections in humans was traced to meat from a polar bear sold at a local food market, and in 2019 wild reindeer were found infected with trichinella, but there appears to have been no more recent reports of human infections related to local food markets in Greenland than that from 2016.

## I. Introduction

The largest fresh food market in Greenland, Kalaalliaq, can be found in the Greenlandic capitol Nuuk.<sup>1</sup> Nuuk has a population of about 58,000.<sup>2</sup> Similar markets (commonly known as *brætter* in Danish) are found in each local municipality. At these markets, food from wild fish and animals, such as seal, whale, reindeer, and polar bear, may be sold.<sup>3</sup> No live animals are sold but most of the meat is freshly caught and recently killed.

Until 2018 only fresh meat could be sold at the Nuuk and similar local markets, but in 2018 the government of Greenland issued an exception to Greenlandic Food Ordinance rules, whereby dried and salted meat could also be sold at that market.<sup>4</sup> In 2017, about 8,000 metric tonnes of

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<sup>1</sup> *Kalaalimineerniarfik – The Fish Market*, Greenland: Be a Pioneer (July 3, 2012), <https://perma.cc/7UWB-NV5Z>.

<sup>2</sup> *Greenland*, CIA World Fact Book (July 17, 2020), <https://perma.cc/K2ZW-KWJ5>.

<sup>3</sup> *Brættet*, KommuneQarfik, <https://perma.cc/6BMM-YHCE>. For additional information on the sale of polar bear meat at brættet see *Fangeren: Isbjørnen var så flot og stolt, at jeg glemte at skyde*, KNR (Apr. 11, 2009), <https://perma.cc/9AK8-TQRZ>.

<sup>4</sup> *Tørret fisk og kød kan nu købes på brædter*, Government of Iceland (Sept. 3, 2018), <https://perma.cc/9RPX-9H67>.

seal, 3,500 metric tonnes of whale, and 330,000 metric tonnes of terrestrial animals (including reindeer and muskoxen) were caught in Greenland.<sup>5</sup> There appear to be no official figures on how much of that meat was sold at local markets.

## II. Legal Framework

### A. Laws Regulating the Sale of Wild Meat and Fish

Greenland is an autonomous territory of the Kingdom of Denmark and enjoys self-rule.<sup>6</sup> Thus, the Greenlandic people, represented in the Greenlandic parliament (Inatsisartut)<sup>7</sup> and with a Greenlandic executive body (Naalakkersuisut),<sup>8</sup> may regulate certain issues that concern Greenland locally, whereas other matters, such as foreign affairs, are regulated together with the Danish Parliament.<sup>9</sup> Regulation of food products was placed under Greenlandic control as of January 1, 1992.<sup>10</sup>

The sale of fish and meat is regulated in several Greenlandic laws and regulations, ranging from how products may be marketed and labelled to how soon game meat must be sold following the hunt.<sup>11</sup> In accordance with Greenlandic law, all food products sold must be of a sound and good nature and have a reasonable shelf-life at the moment of sale, and may not be sold if it can be assumed that it may cause sickness or food poisoning, or otherwise may be considered unfit for human consumption.<sup>12</sup> Freshly caught fish may be sold both at local markets and to supermarkets. In addition, meat from wild animals, such as reindeer and polar bear, may be sold

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<sup>5</sup> Grønlands statistik, *Grønland i Tal 2019* (May 2019), <https://perma.cc/H6YP-8S96>.

<sup>6</sup> Act on Greenland Self-Government, Act No. 473 of 12 June 2009, <https://perma.cc/GY7F-DZGJ>. For more information on the history of Greenland's self-governance see Elin Hofverberg, *Greenland's National Day, the Home Rule Act (1979), and the Act on Self-Government (2009)*, In Custodia Legis (June 21, 2019), <https://perma.cc/W7P6-3N6D>.

<sup>7</sup> Act on Greenland Self-Government § 1.

<sup>8</sup> Id.

<sup>9</sup> Id. § 11.

<sup>10</sup> Id. § 12; see also Bemærkninger til Lovforslaget (June 2, 2015), <https://perma.cc/UHQ5-8GTH>.

<sup>11</sup> Specifically, all food-related matters are regulated in the following laws and regulations: Inatsisartutlov nr. 24 af 28. november 2019 om fødevarer, <https://perma.cc/4ZER-Z24B>; Inatsisartutlov nr. 39 af 9. december 2015 om markedsføring og mærkning (markedsføringsloven), <https://perma.cc/5HL9-ZFD5>; Selvstyrets bekendtgørelse nr. 20 af 15. november 2019 om mærkning af fødevarer (mærkningsbekendtgørelsen) <https://perma.cc/ZJ4A-FWP5>; Hjemmestyrets bekendtgørelse nr. 7 af 17. marts 2008 om vandkvalitet og tilsyn med vandforsyningsanlæg, <https://perma.cc/K3QS-PE8D>; Hjemmestyrets bekendtgørelse nr. 21 af 27. juli 1998 om levnedsmiddelvirksomheder, <https://perma.cc/LV64-AL38>; Anordning nr. 523 af 8. juni 2004 om ikrafttræden for Grønland af lov om fødevarer m.m., <https://perma.cc/7UDA-SYRR>; Anordning nr. 524 af 8. juni 2004 om ikrafttræden for Grønland af lov om sygdomme og infektioner hos dyr, <https://perma.cc/G3TM-CWKR>; Anordning nr. 525 af 8. juni 2004 om ikrafttræden for Grønland af lov om dyrlægegerning m.v., <https://perma.cc/B9PD-W2GX>.

<sup>12</sup> § 6 Inatsisartutlov nr. 24 af 28. november 2019 om fødevarer; § 7 Anordning nr. 523 af 8. juni 2004 om ikrafttræden for Grønland af lov om fødevarer m.m.

by the hunter directly to the consumer.<sup>13</sup> All sales of self-caught reindeer meat by hunters must be done within three days of the killing of the animal, and any such sale may only be done during the hunting period.<sup>14</sup> The sale of polar bear meat at local markets may only be carried out after the kill has been officially registered with the municipality.<sup>15</sup> In addition, biological tests of the polar bear must be conducted and biological specimens delivered to the municipality prior to the sale.<sup>16</sup> The hunt of polar bears and wild reindeer require separate licenses, but no additional licenses are required to sell the animal.<sup>17</sup>

In accordance with the Act of 1998 on Food Companies, most rules that apply to the sale of fish and meat at supermarkets also apply to sales directly from fishermen and hunters to the individual consumer.<sup>18</sup> However, fishermen and hunters need not comply with the Act on Food Companies with respect to the rules on prior approval, a building or venue's construction and surroundings, water supply, drainage conditions and renovation, interior design, lighting and ventilation, inventory, tools and machinery, etc.<sup>19</sup> However, they must still conduct the sale of their products in a hygienically justifiable manner.<sup>20</sup>

## B. Local Markets

The establishment of markets (*brætter*) and places of slaughter (*flænseplader*) requires prior approval from the municipality.<sup>21</sup> Local markets must be established, cleaned, and maintained in such a way as to avoid contamination of foodstuffs, and the local municipalities must ensure that

- surfaces that come into contact with food are in good condition and made of smooth, washable, and non-toxic materials;
- there is an adequate supply of water that meets the requirements for drinking water;
- there are adequate facilities for washing hands;
- there are adequate facilities for the hygienic storage and disposal of waste;

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<sup>13</sup> § 1 stk. 7 Hjemmestyrets bekendtgørelse nr. 21 af 27. juli 1998 om levnedsmiddelvirksomheder.

<sup>14</sup> § 7 stk 3 Selvstyrets bekendtgørelse nr. 7 af 27. juni 2013 om beskyttelse og fangst af vilde rensdyr, <https://perma.cc/Q7ML-Y9MM>.

<sup>15</sup> § 15 Selvstyrets bekendtgørelse nr. 3 af 14. september 2018 om fangst og beskyttelse af isbjørne, <https://perma.cc/DP9R-VQGB>.

<sup>16</sup> Id. § 17.

<sup>17</sup> Id. § 8; § 6 Selvstyrets bekendtgørelse nr. 7 af 27. juni 2013 om beskyttelse og fangst af vilde rensdyr.

<sup>18</sup> § 1 Hjemmestyrets bekendtgørelse nr. 21 af 27. juli 1998 om levnedsmiddelvirksomheder.

<sup>19</sup> Id. § 1 stk 7.

<sup>20</sup> § 7 Inatsisartutlov nr. 24 af 28. november 2019 om fødevarer.

<sup>21</sup> § 24 Inatsisartutlov nr. 24 af 28. november 2019 om fødevarer; § 3 Hjemmestyrets bekendtgørelse nr. 21 af 27. juli 1998 om levnedsmiddelvirksomheder.

- foodstuffs are placed in such a way as to avoid contamination (food must be placed at least 80 cm above the ground); and
- manufacture of foodstuffs at the market is not permitted except for plucking, gutting of fish, and carving that is done in immediate connection with the sale.<sup>22</sup>

The municipality must also facilitate the tracking and tracing of meat sold in local markets.<sup>23</sup>

The requirement to obtain prior approval before establishing a local market where food products can be sold fresh directly by fishermen and hunters is meant to ensure that all food products that are produced, stored, transported, or placed on the domestic market are of high quality.<sup>24</sup> A legislative report observes that while it is important that Greenland be able to access local food resources and buy Greenlandic food products, it is more important that all food sold is safe.<sup>25</sup> The same report notes that food products that are treated (such as salted or dried meat) are more likely to include bacteria that are harmful to humans; therefore, it is important that any such product adhere to stringent hygiene and food product rules.<sup>26</sup> Because of the distinction between fresh produce and treated produce (such as dried or salted meat), Greenlandic authorities have long opted to keep these different forms of produce separate.<sup>27</sup> Local fishermen, on the other hand, have been critical of the fact that local markets cannot sell dried or salted products.<sup>28</sup>

In 2018, the local market at the harbor outside Nuuk was demolished by the local municipality and rebuilt.<sup>29</sup> The local fishermen that sold their products at the market criticized the new market's layout and rules, as they restricted the products they could sell and kept them farther from their customers.<sup>30</sup> The sellers wanted to continue operating with close and familiar contact with the customer.<sup>31</sup>

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<sup>22</sup> § 26 Hjemmestyrets bekendtgørelse nr. 21 af 27. juli 1998 om levnedsmiddelvirksomheder.

<sup>23</sup> § 21 Inatsisartutlov nr. 24 af 28. november 2019 om fødevarer.

<sup>24</sup> Bemærkninger til Lovforslaget, supra note 10, at 10 & 23.

<sup>25</sup> Id. at 11.

<sup>26</sup> Id. at 10.

<sup>27</sup> Id.

<sup>28</sup> *Ønsker et mere 'grønlandsk' bræt*, Sermitsiaq AG (Mar. 19, 2013), <https://perma.cc/S9QV-B6K5>.

<sup>29</sup> *Vi river det Gamle Bræt (Kalaaliaratoqaa) ned – og bygger et nyt*, NRK (Nov. 8, 2018), <https://perma.cc/F4XC-F6ZN>.

<sup>30</sup> *Nuuk-fangere foretrækker brættet i Kolonihavnen*, KNR (Nov. 14, 2018), <https://perma.cc/R5BA-68DY>.

<sup>31</sup> Id.

### III. Enforcement

Generally, the quality and standard of meat and fish sold in Greenland is enforced by the Veterinary and Food Authority (Veterinær- og Fødevaremyndigheden, VFMG).<sup>32</sup> However, all meat sold at brætter or similar local fresh food markets is the responsibility of the municipality (*kommune*).<sup>33</sup> All sales at local markets that are under the authority of the municipality must still adhere to the Food Ordinance that is currently in force.<sup>34</sup>

### IV. Illness Tied to Fresh Meat Sold at Local Food Markets

Trichinella infections are a common problem in wild animals in Greenland. In 2016, a group of Greenlanders fell ill after eating polar bear meat purchased at a local food market.<sup>35</sup> Prior to sale the polar bear had been inspected for disease without remark; however, following the incident the polar meat was re-examined and found to be infected with trichinella worms.<sup>36</sup> As of 2017, the inspection of seal and polar bear meat for trichinella is not mandatory; instead, the government of Greenland recommends that consumers of polar bear and seal meat cook the meat thoroughly to avoid infection.<sup>37</sup> In 2019, trichinella was found in wild reindeer meat.<sup>38</sup> However, it appears it did not spread to humans.<sup>39</sup>

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<sup>32</sup> *Veterinær- og Fødevaremyndigheden i Grønland*, Government of Greenland (Apr. 28, 2020), <https://perma.cc/A4K8-7A6Q>.

<sup>33</sup> § 7 stk. 2 Selvstyrets bekendtgørelse nr. 7 af 27. juni 2013 om beskyttelse og fangst af vilde rensdyr; *Brættet, KommuneQarfik*, supra note 3.

<sup>34</sup> § 7 stk. 3 Selvstyrets bekendtgørelse nr. 7 af 27. juni 2013 om beskyttelse og fangst af vilde rensdyr.

<sup>35</sup> *Sådan Undgår Du at Blive Smittet med Trikiner!*, Government of Iceland (Apr. 12, 2017), <https://perma.cc/8GZB-KXSE>.

<sup>36</sup> Id.

<sup>37</sup> Selvstyrets bekendtgørelse nr. 10 af 25. juli 2017 om ophævelse af bekendtgørelse om tvungen trikinkontrol i Grønland, <https://perma.cc/GXC2-DW8B>; Government of Greenland, *Trikinose - Information og Vejledning til at Undgå Smitte*, <https://perma.cc/27TK-ZFLF>.

<sup>38</sup> *Information om parasitter i kød fra veldt*, Government of Greenland (Sept. 5, 2019), <https://perma.cc/65EL-6TRA>.

<sup>39</sup> Id.

# Guyana

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Guyana is located in northern South America, bordering the North Atlantic Ocean, between Suriname and Venezuela. As of July 2020, its population was estimated at 750,204. Guyana occupies a territory of about 83,000 sq. miles.<sup>1</sup>

Wild meat is said to be

“. . . one of the traditional culinary delicatessen” in Guyana and “is sold freely in different places, in stylish or popular restaurants, in bars (locally known as “rum bars”, in which it is sold with plantains or french fries as snack), in private houses or on the road side . . . Guyana’s inhabitants, indigenous or from Indian or African origins, hunt and trade wildmeat as a source of food, to generate income or as a traditional hobby.”<sup>2</sup>

While no specific legislation regulating markets or the sale of wild meat has been identified, the Guyanese Food and Drugs Act of 1971 prohibits the manufacturing, preparation, preservation, packaging, or storing of any food under insanitary conditions.<sup>3</sup> Such conditions apply to circumstances that “may contaminate a food . . . with dirt or filth or render the same injurious to health or unsafe for use.”<sup>4</sup>

On May 15, 2019, the Guyanese parliament reportedly passed the Food Safety Bill, which was originally introduced in 2016.<sup>5</sup> The bill provides for the establishment of a food safety authority that will be responsible for ensuring that all agricultural produce destined for human consumption “are of the highest quality and are produced under the strictest of hygienic conditions and are not capable of causing harm to the consumer.”<sup>6</sup>

The bill provides for the appointment of food analysts and inspectors for purposes of its implementation.<sup>7</sup> Additionally, the bill regulates food establishments, among others, by licensing and instituting operating procedures to ensure food safety.<sup>8</sup> The bill authorizes the Minister of

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<sup>1</sup> See *Guyana*, CIA, The World Factbook (updated June 17, 2020), <https://perma.cc/M2CS-U65Y>.

<sup>2</sup> Center for International Forestry Research, *Wildmeat in Guyana’s Coast* (June 2, 2016), <https://perma.cc/5VXP-JMWM>.

<sup>3</sup> Food and Drugs Act (Act No. 12 of 1971), § 1, Laws of Guyana Ch. 34:03, <https://perma.cc/5Q4P-7DXC>.

<sup>4</sup> *Id.* §§ 5(e) & 8.

<sup>5</sup> Food Safety Bill (Bill No. 22 of 2016), <https://perma.cc/U8FT-GG7Y>.

<sup>6</sup> Nikosi Bruce, *Safer Food, Healthier People – Food Safety Bill Get Parliamentary Nod*, Guyana Department of Public Information, Prime Minister’s Office (May 15, 2019), <https://perma.cc/EK8M-3MCN>.

<sup>7</sup> Food Safety Bill ch. VI.

<sup>8</sup> *Id.* ch. IX & X.

Agriculture, among others, to issue implementing regulations for the inspection of markets.<sup>9</sup> Although anticipated to come into force on February 3, 2020, such regulations have not been identified. A search of the Laws of Guyana has also not identified a final text of the Food Safety Act.<sup>10</sup>

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<sup>9</sup> Id. § 91(2)(t).

<sup>10</sup> *Food Safety Act to Be Operationalised Next Month – Agri. Minister, Guyana Standard* (Jan. 4, 2020), <https://perma.cc/GL28-JJAU>.

# India

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**SUMMARY** In India, wild meat for consumption is reportedly sold at markets in different parts of the country. The unlicensed buying and selling of scheduled wild animals and their derivatives is prohibited under the Wildlife (Protection) Act, 1972. Food and meat safety and sanitation regulations and standards exist at the Union, state, and municipal levels, but no law was found that is specifically tailored towards wet markets or wildlife markets.

## I. Wild Animal Wet Markets in India

According to WCS India, the state of West Bengal has nine markets where it is believed that commercial trade in wildlife or wild meat for consumption takes place. Such markets also exist in the states of Goa, Assam, Nagaland, and Tripura.<sup>1</sup> West Bengal, in particular, “is a major hub, where turtle meat is a delicacy.”<sup>2</sup> One report indicates that wet markets in India illicitly sell turtles and “occasionally other wild meat and derivatives,” including porcupine quills, lizard oil, and manta rays, which are all protected species by law.<sup>3</sup>

Dr. Saket Badola, the head of TRAFFIC’s India office, states that “[t]ortoises and freshwater turtles in India are probably the most traded wildlife species in terms of their numbers in illegal trade. It is extremely worrisome to see the scale of the illegal domestic market for these species for the pet trade and for meat consumption.”<sup>4</sup> TRAFFIC states that at least around 111,000 individual tortoises and freshwater turtles “entered illegal wildlife trade in a 10-year period i.e. September 2009–September 2019. This equates to more than 11,000 individuals in illegal wildlife trade every year or at least 200 per week since 2009,” and that, “[c]onsidering that an unknown proportion of illegal wildlife trade presumably goes undetected, the actual numbers could be much higher.”<sup>5</sup>

Another report states that “[e]nforcement agencies and experts confide that the sale of turtle meat in such wet markets is rampant across the country.”<sup>6</sup> It further states that

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<sup>1</sup> Gargi Sharma, *Global Health Implications of Wildlife Trade*, WCS India (Apr. 27, 2020), <https://perma.cc/9KZF-GN5C>.

<sup>2</sup> *Id.*

<sup>3</sup> Perna Singh Bindra, *[Commentary] Crackdown on Wet Markets and Illegal Wildlife Trade Could Prevent the Next Pandemic*, Mongabay (Mar. 25, 2020), <https://perma.cc/L5C7-DAQN>.

<sup>4</sup> TRAFFIC, *Tortoises and Freshwater Turtle Trade in India 2009-2019* (Oct. 1, 2019), <https://perma.cc/TT8A-K5C9>.

<sup>5</sup> *Id.*

<sup>6</sup> Bindra, *supra* note 3.

[t]here has to be an immediate, urgent crackdown on such markets and on the illegal trade of wildlife. And this has to be a collective effort of forest, health, food and bio-safety authorities aided by other enforcement agencies.<sup>7</sup>

In late March 2020, five national animal protection organizations “asked Union [i.e., central government] health minister Harsh Vardhan to shut illegal meat markets and unlicensed wildlife and pet markets with immediate effect” and also said “the government should take “immediate action” against markets” that do not follow food safety guidelines “to prevent the emergence of novel diseases and spread of the current coronavirus disease.”<sup>8</sup>

## II. Legal Status

Trade or commerce involving “over 1800 species of wild animals, plants and their derivatives”<sup>9</sup> is prohibited under the Wildlife (Protection) Act, 1972.<sup>10</sup> Wild animals are classified into six schedules and “only species listed in Schedule V (vermin) can be hunted without permission. All other species can be hunted only under special conditions and authorisations.”<sup>11</sup> Section 38 of the Act stipulates that wild animals are to be government property.<sup>12</sup> Section 49B prohibits unlicensed dealing in any scheduled wild captive animals or meat derived from such animals. “Dealer” is defined under the Act “in relation to any captive animal, animal article, trophy, uncured trophy, meat or specified plant, means a person, who carries on the business of buying or selling any such animal or article, and includes a person who undertakes business in any single transaction.”<sup>13</sup> One news report notes that the Act extends protection to “animals listed under its Schedule, which are mostly animals native to the Indian subcontinent, and doesn’t have exotic species within its purview.”<sup>14</sup> There are no specific provisions on wildlife markets in the Act.

## III. Sanitary Status of Markets

Since India does not legally allow dealing in scheduled wildlife,<sup>15</sup> there are no particular laws for the regulation of wildlife markets. The Food Safety and Standards Act, 2006 (FSS Act),<sup>16</sup> is the primary law at the Union level for the regulation of food products and food safety standards.

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<sup>7</sup> Id.

<sup>8</sup> *Shut Illegal Meat Markets, Animal Rights Bodies to Govt Amid Covid-19 Pandemic*, Hindustan Times (Mar. 26, 2020), <https://perma.cc/RU73-MXPN>.

<sup>9</sup> *Counter Wildlife Trafficking*, WCS-India, <https://perma.cc/JH3V-NHS4>.

<sup>10</sup> The Wild Life (Protection) Act, No. 53 of 1972, <https://perma.cc/SK9W-VJ4H>.

<sup>11</sup> Samir Sinha, *Handbook on Wildlife Law Enforcement in India* 117 (TRAFFIC India & WWF-India, 2010), <https://perma.cc/W33L-DLT8>.

<sup>12</sup> The Wild Life (Protection) Act § 38.

<sup>13</sup> Id. § 49B.

<sup>14</sup> *COVID-19: India Must Act Quickly to Open the Eyes of Its Laws to Exotic Species*, The Wire (June 12, 2020), <https://perma.cc/Y5TT-738C>.

<sup>15</sup> ENVIS Centre on Wildlife & Protected Areas, Schedule Species Database, <https://perma.cc/PU46-754Q>.

<sup>16</sup> The Food Safety and Standards Act, 2006, <https://perma.cc/28WD-5HE4>.

Section 4 of the Act establishes the Food Safety and Standards Authority of India (FSSAI) as an autonomous body under the Ministry of Health and Family Welfare. One of FSSAI's mandates is to formulate food safety standards.

The FSS Act contains certain registration and licensing requirements for food businesses, and requirements are further specified under the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011.<sup>17</sup> Under section 31(1) of the FSS Act, every "Food Business Operator" in the country is required to be licensed by the FSSAI. Petty Food Business Operators (FBO)<sup>18</sup> are only required to register under section 2.1.1 of the 2011 Regulations and are subject to "basic hygiene and safety requirements" provided in part I of schedule 4 of the Regulations. Licensed FBOs are subject to license conditions and safety, sanitary, and hygienic requirements. States and municipalities have their own rules on sanitation of fish/meat markets and slaughterhouses.<sup>19</sup>

In February 2020, it was reported that, in response to COVID-19, the FSSAI has been auditing meat and fish markets due to concerns about poor hygiene and sanitation conditions and will soon start giving them hygiene ratings.<sup>20</sup> During the pandemic crisis, the Union government issued *Food Hygiene and Safety Guidelines for Food Businesses During Coronavirus Disease (COVID-19) Pandemic*,<sup>21</sup> which contains "measures, detailed in the document, [that] include maintaining high levels of personal hygiene; excluding COVID-19 infected persons from the operations; practicing social distancing; and appropriate cleaning/sanitisation of the food operations' premises, food contact materials etc."<sup>22</sup>

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<sup>17</sup> Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, <https://perma.cc/4Y75-F8HR>.

<sup>18</sup> Regulation 1.2 of the Regulations defines Petty Food Business Operators (FBO) to mean any food manufacturer who:

- (a) manufactures or sells any article of food himself or a petty retailer, hawker, itinerant vendor or temporary stall holder; or distributes foods including in any religious or social gathering except a caterer; or
- (b) such other food businesses including small scale or cottage or such other industries relating to food business or tiny food businesses with an annual turnover not exceeding Rs 12 lakhs and/or whose
  - (i) production capacity of food (other than milk and milk products and meat and meat products) does not exceed 100 kg/ltr per day or Version - II (09.11.2017)
  - (ii) procurement or handling and collection of milk is up to 500 litres of milk per day or
  - (iii) slaughtering capacity is 2 large animals or 10 small animals or 50 poultry birds per day or less.

<sup>19</sup> Press Release, Ministry of Fisheries, Animal Husbandry and Dairying, Poor Hygiene in Meat Shops/Slaughter Houses (Mar. 20, 2020), <https://perma.cc/3BBS-Z978>.

<sup>20</sup> FSSAI to Improve Hygiene at Fish & Meat Markets on Account of Covid-19 Outbreak, Hindustan Times (Feb. 17, 2020), <https://perma.cc/X4R9-TQHZ>.

<sup>21</sup> FSSAI & Eat Right India, *Food Hygiene and Safety Guidelines for Food Businesses During Coronavirus Disease (COVID-19) Pandemic* (updated version June 7, 2020), <https://perma.cc/T5EE-MGSS>.

<sup>22</sup> Press Release, FSSAI, Food Hygiene and Safety Guidelines for Food Businesses During Coronavirus Disease (COVID-19) Pandemic (Apr. 15, 2020), <https://perma.cc/FZ6P-H9CZ>.

# Indonesia

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**SUMMARY** Reports indicate that there are a number of traditional markets in Indonesia where meat from wild animals is sold. The most well-known market is the Tomohon Faithful Market in North Sulawesi province, which, along with other markets in the province, serves as a hub for the multi-province bat bushmeat trade. Unprotected animals, including bats, can be hunted and traded with a permit, and a quota system applies, although this system is reportedly not fully implemented or enforced. In response to the COVID-19 pandemic, local authorities in North Sulawesi have sought to limit the supply of wild meats and have encouraged traders and consumers to switch to other products. However, they have not closed the relevant markets.

Traditional markets are established and managed under central and local government regulations. Traditional market management may be carried out by a cooperative, private sector entity, state-owned company, or regional-owned company, with managers required to hold a traditional market business license. Central and local governments, in accordance with their areas of responsibility, are to conduct “guidance and supervision” of the markets. City/regency regulations contain provisions on the responsibilities and oversight of traditional market managers. For example, the regional market company that manages the Tomohon Faithful Market has responsibilities related to community welfare, including social aspects, health, and cleanliness.

A Minister of Health decree on “healthy markets” contains detailed environmental health criteria relating to traditional market locations, buildings, sanitation, and the promotion of “clean and healthy behavior” for traders, visitors, and market managers, and refers to regular assessments by local health authorities. Inspections of traditional markets and the food sold at them appear to be carried out by provincial food safety offices of the National Agency of Drug and Food Control and by provincial and city/regency health offices. In addition, numerous studies have been conducted on the cleanliness and sanitation facilities of traditional markets throughout the country.

## I. Wild Animal Wet Markets in Indonesia

### A. Prevalence of Wild Animal Markets

The largest and most well-known market selling “extreme,” “wild,” “exotic,” or “unique” meats in Indonesia appears to be the Tomohon Traditional Market (or Tomohon Faithful Market, *Pasar Beriman Tomohon*) in the province of North Sulawesi (*Sulawesi Utara*), on the island of Sulawesi. The *New York Times* reported in May 2020 that the Tomohon market was one of seven large markets identified by the central government as selling wild meat, with others situated on

Sulawesi as well as the islands of Bali and Java, although activists claim smaller markets in the country also sell wildlife meat.<sup>1</sup>

A study on the bat bushmeat trade in North Sulawesi, published in 2015, stated that

Manado, the capital of North Sulawesi province, Indonesia, is the center of the high intensity bushmeat trade in Indonesia. The predominantly Christian population is not prohibited from eating wildlife like bats and boar, unlike other parts of Indonesia where a majority of people are Muslim and must observe halal dietary restrictions (Lee et al., 2005). Eight markets scattered throughout the province represent the trading hubs for bushmeat: Karombasan (PK) and Baserhati (PB) in Manado; Airmadidi (PAi) in North Minahasa; Tomohon (PT), Kawangkoan (PKa), and Langowan (PL) in Minahasa; and Amurang (PA) and Motoling (PM) in South Minahasa.<sup>2</sup>

The article explained that

[l]ocals believe that during holidays or other special occasions (e.g. birthdays, weddings), they should serve several types of “unique meat” (*daging unik*) to enliven the atmosphere. Despite its name, “unique meat” belies the level of abundance and ubiquity at which it occurs in the market. “Unique meat” encompasses any kind of meat not available through domestication (e.g. beef, pork, chicken, duck) and refers to wild animals such as: endemic black macaques (*Macaca nigra*), pythons from Kalimantan (*Python reticulatus* or *P. curtus*) (Stuebing, 1991), water monitors (*Varanus salvator*), Sulawesi wild pigs (*Sus celebensis*) (Milner-Gulland and Clayton, 2002), and Bornean bearded pigs (*Sus barbatus*). Species are valued by rarity, and occasionally available in the market in limited quantities. Flying foxes are commonly found in the market, making them considerably cheaper and more accessible than these other types of “unique meat”. The price of other bushmeat varies from Rp 20,000 to 60,000 (US\$2.00 to \$6.00), depending on the season, market, and availability of stock. These “unique meats” can only be found in North Sulawesi, making it the iconic local delicacy of the province.<sup>3</sup>

In addition,

[t]he bushmeat trade that previously existed only on a local level increased in intensity over the past few decades and developed into a sophisticated multi-province trade network. The markets in North Sulawesi are connected via a distribution network, with Tomohon, Langowan, and Motoling at the center as supply hubs for other markets by receiving bats from external sources directly. Tomohon established itself as the main market by maintaining a stockpile of bats as inventory.<sup>4</sup>

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<sup>1</sup> Richard C. Paddock & Dera Menra Sijabat, *Where Bats Are Still on the Menu, If No Longer the Best Seller*, New York Times (May 13, 2020; updated May 19, 2020), <https://perma.cc/GC5C-R5A2>.

<sup>2</sup> Sheherazade & Susan M. Tsang, *Quantifying the Bat Bushmeat Trade in North Sulawesi, Indonesia, with Suggestions for Conservation Action*, 3 *Global Ecology & Conservation* 324, 325 (2015), <https://perma.cc/SF5G-UF7C>.

<sup>3</sup> *Id.* at 327.

<sup>4</sup> *Id.*

## B. Legality of the Wild Meat Trade

Different Indonesian laws apply to the hunting and trading of “protected” and “unprotected” wild animals. There are currently 919 protected endemic species.<sup>5</sup> According to a 1999 regulation, unprotected wild animal species may only be traded by business entities established in accordance with Indonesian law, unless the trading is conducted on a limited scale in the local community around the hunting area.<sup>6</sup> Hunting is further regulated by regulations and decrees related to hunting licenses,<sup>7</sup> game hunting,<sup>8</sup> and the designation of hunting locations.<sup>9</sup> In addition, a 2003 Minister of Forestry regulation concerning the capture or harvesting and distribution of wild animals and plants established a quota system for various unprotected species.<sup>10</sup>

According to the 2015 study on bat bushmeat referred to above,

most bats are unprotected by law, but hunting and trading can only be conducted with a legal permit (Law Number 5 year, 1990, Government Act Number 8 year, 1999). However, there is no legal enforcement to ensure hunters and traders have permits. Furthermore, the legally mandated quota for inter-provincial trade of unprotected animals set by LIPI [Lembaga Ilmu Pengatahuan Alam, Indonesian Institute of Sciences] and BKSDA [Balai Konservasi Sumber Daya Alam, Natural Resources Conservation Agency] has not been implemented yet (Broad et al., 2003, Shepherd, 2006). The BKSDA in North Sulawesi, which acts as the executor for the quota focuses mostly on endemic animals, and the enforcement of trade of other animals was a lower priority.<sup>11</sup>

A 2017 *BBC Indonesia* article reported that, of the unprotected wild species most traded at the Tomohon Faithful Market, only pythons were subject to a quota set in North Sulawesi. A species of bat, *Pteropus vampyrus*, was subject to quotas in North Sumatra and Central Java, while the bats

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<sup>5</sup> Law No. 5 of 1990 concerning Conservation of Living Resources and Their Ecosystems, <https://perma.cc/EC67-BBFB>; Government Regulation No. 7 of 1999 concerning Preserving Flora and Fauna Species, <https://perma.cc/VT3A-DZBC>, amended by Peraturan Menteri Lingkungan Hidup dan Kehutanan Nomor P.20/MENLHK/SETJEN/KUM.1/6/2018 tentang Jenis Tumbuhan dan Satwa Yang Dilindungi, <https://perma.cc/SK6L-ZUAC>.

<sup>6</sup> Government Regulation No. 8 of 1999 concerning Wild Flora and Fauna Exploitation art. 19, <https://perma.cc/N7BY-C5R9>.

<sup>7</sup> Government Regulation No. 13 of 1994 concerning Game Hunting Affairs arts. 12 & 14, <https://perma.cc/C8SQ-JRXS>.

<sup>8</sup> Decree of the Minister of Forestry No. 616/KPTS-II/1996 concerning the Control of Game Hunting, <https://perma.cc/YX28-7PRK>.

<sup>9</sup> Decree of the Minister of Forestry No. 593/KPTS-II/1996, concerning Hunting Locations in Hunting Areas, <https://perma.cc/9NFZ-G64G>.

<sup>10</sup> Regulation of the Minister of Forestry No. 447/KPTS-II/2003 concerning Administration Directive of Harvest or Capture and Distribution of the Specimens of Wild Plant and Animal Species, <https://perma.cc/2LHX-DJHJ>.

<sup>11</sup> Sheherazade & Tsang, *supra* note 2, at 328.

endemic to Sulawesi were not included in the quota list.<sup>12</sup> The head of the North Sulawesi Natural Resources Conservation Center also explained that “law enforcement measures related to quotas on the use of wild animals had not yet been applied to traders in traditional markets for cultural reasons.”<sup>13</sup>

A biologist quoted in a May 2020 *Jakarta Post* article regarding wild meat stated that there was a need for stricter regulations to protect wildlife, as well as efforts to educate the public on the risks for the environment and public health from eating wild animals.<sup>14</sup> The director general of the Center for International Forestry Research, a nonprofit scientific institution based in Indonesia, was reported as calling for more awareness campaigns to be run in rural areas on proper sanitary methods for processing wild meats, stating that “[w]ild meat is neither more dangerous nor more unsafe than improperly processed domestic meat,” and “[t]he main issue is that very often the processing of carcasses and the markets where the meat is sold have very low standards of hygiene and cleanliness.”<sup>15</sup>

In August 2018, it was reported that Indonesia was “preparing a regulation to ban the trade of meat derived from pets and exotic animals, aiming to promote animal welfare and rein in disease.”<sup>16</sup> A spokesman for the Ministry of Agriculture stated that the Ministry was gathering material to support the planned regulation, and that already, under the food law, dog meat is not a food.<sup>17</sup> However, no information was located on subsequent regulations or amendments related to this issue.

### C. Responses to the COVID-19 Pandemic

The director of biodiversity conservation at the Ministry of Environment and Forestry was reported by the *New York Times* in May 2020 as stating that closing markets selling wild meat is the responsibility of local officials, although the Ministry had encouraged this action in response to the 2019 novel coronavirus.<sup>18</sup> The article further stated that “[o]fficials in Tomohon and other localities have resisted calls to close the sections of markets selling wildlife because they provide an important source of traditional food and income” and “Tomohon city officials, in response to the coronavirus, cut the market’s hours by more than half in March to reduce social contact.”<sup>19</sup>

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<sup>12</sup> Pijar Angugerah, *Tradisi Ganjil Makan Daging ‘Menakutkan’ di Sulawesi Utara dan Harga Lingkungannya*, BBC Indonesia (Dec. 23, 2017), <https://perma.cc/5H6X-A43P>.

<sup>13</sup> Id.

<sup>14</sup> Agustinus Hari et al., *COVID-19 Spoils Appetite for Wild Meat*, *Jakarta Post* (May 22, 2020), <https://perma.cc/8HUL-JL7Z>.

<sup>15</sup> Id.

<sup>16</sup> *Indonesia Works to Ban Trade of Meat from Pets, Exotic Animals*, Reuters (Aug. 7, 2018), <https://www.reuters.com/article/us-indonesia-animals-meat/indonesia-works-to-ban-trade-of-meat-from-pets-exotic-animals-idUSKBN1KS14Q>.

<sup>17</sup> Id.

<sup>18</sup> Paddock & Sijabat, *supra* note 1.

<sup>19</sup> Id.

A February 2020 *ABC News* article in Australia reported that the deputy mayor of Tomohon had called on residents to temporarily stop consuming wild meats such as bat meat until the official cause of the novel coronavirus was known.<sup>20</sup> However, the deputy mayor noted that “the popularity of the historic market made it difficult to shut down.”<sup>21</sup>

March 2020 reports from Indonesian news outlets indicate that the Tomohon city government (*Pemerintah Kota Tomohon*) was immediately preventing snake and bat meat from being sent to the city, with traders advised to switch to other meats.<sup>22</sup> The regional secretary stated that the government would establish two surveillance posts to stop the meat coming in from outside North Sulawesi. A team formed of representatives from several local agencies, including the Tomohon Regional Market Company, Agriculture and Fisheries Service, Health Service, Civil Service Police Unit, and Tomohon City Industry and Trade Office, were involved in the plans and operations for preventing the meat entering the area.<sup>23</sup>

The *Jakarta Post* reported in May 2020 that demand for bat meat had decreased in the Tomohon market, although some considered that this was primarily due to economic factors rather than fears about viruses.<sup>24</sup> The article also stated that “many local administrations have already tried to discourage residents from eating wild animal meat.”<sup>25</sup> For example, the Tomohon city administration had “tried to put a cap on the trade of wild meat by limiting the supply of bats and snakes from outside North Sulawesi, while also urging vendors to sell more common farmed meats such as pork, chicken and beef.”<sup>26</sup> In addition, the mayor of Surakarta, in Central Java, said that “although his administration could not forcibly close down wild meat vendors, they would be supervised and persuaded to change products.”<sup>27</sup>

## II. Ownership and Management of Traditional Markets

According to the US Department of Agriculture, in Indonesia “[t]he traditional sector continues to maintain a large majority market share in Indonesian food retailing. This sector includes *warungs* or small food stalls, often found in traditional markets.”<sup>28</sup> Traditional markets (*pasar tradisional*) are established and managed under government regulations issued at the national, provincial, and city/regency level. These regulations often contain provisions that relate to promoting or protecting the traditional sector, with certain restrictions placed on the

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<sup>20</sup> Hellena Souisa et al., *Coronavirus Scare Prompts Call to Pause Bat Meat Consumption from Indonesian Market*, *ABC News* (Feb. 4, 2020), <https://perma.cc/7J7H-ZGDD>.

<sup>21</sup> *Id.*

<sup>22</sup> Yoanes Litha, *Pemkot Tomohon Hentikan Suplai Daging Ular dan Kelelawar, Bikin Pos Pengawasan*, *Voice of America* (Mar. 3, 2020), <https://perma.cc/YDS9-WA59>.

<sup>23</sup> *Id.*

<sup>24</sup> Hari et al., *supra* note 14.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Fahwani Y. Rangkuti, *Indonesia – Retail Foods: Retail Foods Update § II* (USDA Foreign Agricultural Service, GAIN Report No. ID1816, June 25, 2018), <https://perma.cc/9X8D-W8D2>.

development and operation of modern stores, although some rules have become more relaxed in recent years.<sup>29</sup>

At the national level, Law Number 7 of 2014 on Trade includes provisions on “people’s markets” (*pasar rakyat*), stating that the central government and local governments will collaborate in order to develop, empower, and improve the quality of management of people’s markets in the context of increasing competitiveness.<sup>30</sup> This includes the development or revitalization of such markets, the implementation of professional management, facilitating access to quality goods with competitive prices, and facilitating access to finance for market traders.<sup>31</sup>

Presidential Regulation No. 112 of 2007 concerning Administration and Development of Traditional Markets, Shopping Centers and Modern Stores defines “traditional market” as a market that is built and managed by central government, local government, or the private sector, or state and regional-owned enterprises, including in cooperation with the private sector. Such markets consist of businesses in the form of shops, kiosks, stalls, and tents that are owned/managed by small or medium-scale traders, “community self-support” or cooperatives, with small-scale business, small capital, and where the buying and selling of traded goods is conducted through bargaining.<sup>32</sup> The regulation provides that the location and establishment of traditional markets must be based on city/regency plans and zoning regulations, and that their establishment must take into account the social and economic conditions of the community and the existence of other traditional markets and retail stores; provide a minimum amount of parking; and provide facilities that guarantee the traditional market is a “clean, healthy (hygienic), safe, orderly and comfortable public space.”<sup>33</sup>

Under the 2007 regulation, in order to conduct business, managers of traditional markets must have a “Traditional Market Business License” (IUPPT)<sup>34</sup> and the central government and local government, in accordance with their areas of responsibility, are to conduct “guidance and supervision” of traditional markets and modern stores.<sup>35</sup> In order to foster traditional markets, local governments have responsibility for seeking alternative sources of funding for traditional market empowerment, improving the competence of traders and market managers, prioritizing the opportunity for existing traders to get a place in a traditional market that has been renovated or relocated, and evaluating the management of traditional markets.<sup>36</sup>

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<sup>29</sup> See *Regulatory Changes Boost Indonesian Retail*, in Oxford Business Group, *The Report: Indonesia 2018* (2018), <https://perma.cc/FJN8-FWBQ>.

<sup>30</sup> Law No. 7 of 2014 concerning Trade art. 13(1), <https://perma.cc/LM53-N3A6>.

<sup>31</sup> Id. art. 13(2).

<sup>32</sup> Peraturan Presiden (PEPRPRES) Nomor 112 Tahun 2007 tentang Penataan dan Pembinaan Pasar Tradisional Pusat Perbelanjaan dan Toko Modern art. 1(2), <https://perma.cc/F2SX-QSGV>.

<sup>33</sup> Id. art. 2.

<sup>34</sup> Id. art. 12(1)(a).

<sup>35</sup> Id. art. 15(1).

<sup>36</sup> Id. art. 15(2).

A 2013 Minister of Trade Regulation contains guidelines for the administration and development of traditional markets, shopping malls, and modern stores.<sup>37</sup> The regulation provides that traditional market management may be carried out by a cooperative, private sector entity, state-owned company, or regional-owned company.<sup>38</sup> It states that the Minister, governor, and mayor may “individually or jointly carry out the empowerment of the Traditional Market management in the framework of improving competition capacity.”<sup>39</sup> Such improvement is carried out in the form of “renovation or revitalization of the traditional market building; application of professional management; provision of trading goods of good quality and with competitive prices; and/or facilitation of the financing process of market traders in order to obtain capital credit and credit for the business place ownership.”<sup>40</sup> Traditional market managers have various roles, including “carrying out the guidance, mentoring and control of the traders” through “improvement of services to the consumers, either on the quality of goods, hygiene, dosage, packing, presentation/set up of goods or in utilizing the market facilities” and “the improvement of traders competence through education, training and counseling.”<sup>41</sup>

Multiple city/regency regulations were located relating to traditional markets from throughout Indonesia.<sup>42</sup> These regulations include provisions on the responsibilities and oversight of traditional market managers and on funding for traditional markets, among other matters. The Tomohon Traditional Market, for example, is managed by a “regional market company,” *Perusahaan Daerah (PD) Pasar Tomohon*, under the supervision of the Tomohon city government (*Pemerintah Kota Tomohon*). The company was established by a 2006 Tomohon city regulation and has responsibilities related to community welfare, including social aspects, health, cleanliness,

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<sup>37</sup> Regulation of the Minister of Trade Number 70/M-DAG/PER/12/2013 concerning Guidelines for Structuring and Guidance of the Traditional Market, Shopping Center and Modern Shop, <https://perma.cc/E56N-252Q>, amended by Regulation of the Minister of Trade Number 56/M-DAG/PER/9/2014 concerning Amendment to Regulation of the Minister of Trade Number 70/M-DAG/PER/12/2013 concerning Guidelines for Structuring and Guidance of the Traditional Market, Shopping Center and Modern Shop, <https://perma.cc/3GM7-27DY> (in Indonesian). See *Guideline of Arrangement and Development of Traditional Market, Shopping Centre, and Modern Market*, Leks & Co (Nov. 11, 2014), <https://perma.cc/XBH5-WX2E>; Widayan & Partners, *Exemptions Issued for New Regulation 70 Regime in Indonesia's Retail Sector* (Nov. 2014), <https://perma.cc/MV3J-MXMA>.

<sup>38</sup> Regulation of the Minister of Trade Number 70/M-DAG/PER/12/2013 art. 18(1).

<sup>39</sup> Id. art. 18(2).

<sup>40</sup> Id. art. 18(3).

<sup>41</sup> Id. art. 19.

<sup>42</sup> See, e.g., Peraturan Daerah [Local Regulation] Kabupaten Bengkayang [Bengkayang Regency] Nomor 5 Tahun 2010 tentang Pengelolaan Pasar [Market Management], <https://perma.cc/8Z9L-JP83>; Peraturan Daerah Kota Surabaya Nomor 1 Tahun 2015 tentang Pengelolaan dan Pemberdayaan Pasar Rakyat [Management and Empowerment of People's Markets], <https://perma.cc/K483-7QVV>; Peraturan Daerah Provinsi Jawa Timur Nomor 3 Tahun 2008 tentang Perlindungan, Pemberdayaan Pasar Tradisional Modern di Provinsi Jawa Timur [Protection, Empowerment of Modern Traditional Markets in East Java Province], <https://perma.cc/22CL-9865>; Peraturan Daerah Kota Batu Nomor 2 Tahun 2019 tentang Pelindungan, Pembinaan, dan Penataan Pasar Rakyat Pusat Perbelanjaan, dan Toko, <https://perma.cc/FFX2-6D2G>; Peraturan Daerah Kota Bekasi Nomor 2 Tahun 2018 tentang Pengelolaan Pasar Rakyat, <https://perma.cc/U2N2-ZM9F>.

and general service.<sup>43</sup> It appears that a supervisory board, appointed by the city government, oversees the company.<sup>44</sup>

### III. Market Sanitation Requirements

A 2008 Minister of Health decree sets out guidelines for the implementation of “healthy markets.”<sup>45</sup> The decree followed the issuance of a joint regulation of the Minister of Home Affairs and the Minister of Health in 2007 on healthy cities/regencies, which stated that healthy markets is a main factor in realizing a healthy city/regency.<sup>46</sup> The decree was also promulgated in anticipation of the potential spread of epidemic diseases, including SARS and avian influenza.<sup>47</sup> The guidelines in the decree are targeted at health workers in charge of environmental health and health promotion within the central, provincial, and regency/city governments, as well as relevant government institutions, market managers, traders, market associations, and other stakeholders.<sup>48</sup>

The decree states that “healthy market” is a market condition that is clean, comfortable, safe, and healthy through the cooperation of all relevant stakeholders in providing safe and nutritious food for the community.<sup>49</sup> Stakeholders include the central government, local governments, market managers, suppliers, sellers, other market workers, and consumers.<sup>50</sup>

Part V of the decree lists detailed environmental health criteria for a healthy market relating to location; buildings; sanitation; promoting “clean and healthy behavior” for traders, visitors, and market managers; security; and the provision of other facilities, including religious facilities. For example, building requirements include the division of areas based on the type of commodity sold, according to its nature, such as wet, dry, live poultry, and slaughtering of poultry, and the selling of meat, carcasses of poultry, and fish in a special place. In addition, the distance between

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<sup>43</sup> Peraturan Daerah (PERDA) Kota Tomohon No. 12 Tahun 2006 tentang Pembentukan Perusahaan Daerah. See Jovan Wirahana Nelwan et al., *The Existence of Traditional Market Toward Modern Market in Tomohon City*, 5(3) Jurnal EMBA 3348, 3353 (Sept. 2017), <https://perma.cc/WG3S-4WN4>; Cinthya Lingkan Simbala et al., *Professionalism of Employees Regional Market Company of Tomohon City* 14 (undated), <https://perma.cc/48WU-E3R9>.

<sup>44</sup> See Press Release, Pemerintah Kota Tomohon, Pengambilan Sumpah/Janji Dan Pelantikan Badan Pengawas Dan Anggota Badan Pengawas Perusahaan Daerah Pasar Kota Tomohon [Taking an Oath/Promise and Inauguration of the Supervisory Board and Members of the Supervisory Board of the Tomohon City Market] (undated), <https://perma.cc/JS68-LFC3>.

<sup>45</sup> Keputusan Menteri Kesehatan Nomor 519/MENKES/SK/VI/2008 tentang Pedoman Penyelenggaraan Pasar Sehat [Minister of Health Decree No. 519 of 2008 concerning Guidelines for Implementing a Healthy Market], available at <https://www.calameo.com/read/00067923926cfcc942fe3>.

<sup>46</sup> Peraturan Menteri Dalam Negeri dan Menteri Kesehatan Nomor 34 of 2005; Nomor 1138/MENKES/PB/VII/2005 tentang Penyelenggaraan Kabupaten/Kota Sehat § V.III.A(9), <https://perma.cc/LZ6W-R65C>.

<sup>47</sup> Minister of Health Decree No. 519 of 2008 concerning Guidelines for Implementing a Healthy Market § I.A.

<sup>48</sup> Id. § II.B.1.

<sup>49</sup> Id. § I.B.2.

<sup>50</sup> Id. § I.B.3.

poultry shelters and slaughterhouses and the main market must be at least 10 meters or be divided by a parapet at least 1.5 meters in height.<sup>51</sup> There are also requirements relating to “wet food” stores, including with respect to types of tables, hanging of meat, cutting mats, the type of knife used, storage of food, availability of a place to wash food and equipment, availability of hand washing facilities, and availability of bins.<sup>52</sup>

In terms of sanitation, the decree contains requirements related to the availability and placement of clean water, bathroom and toilet facilities, waste management, drainage, hand washing facilities, animal-borne disease vectors (e.g., requirements that there must be no rats in the market area and that there is no more than a maximum density of flies and cockroaches), food quality, and disinfection of the market.<sup>53</sup>

Implementation of the decree appears to primarily fall within the responsibility of regional and local governments in partnership with market managers, traders, and other stakeholders. The decree sets out guidance regarding the following steps: advocacy for the development and implementation of healthy markets, capacity building through training, situation analysis, the setting of priorities and establishing work plans and funding to address problems, implementation of the work plan, guidance and supervision, and reporting mechanisms.<sup>54</sup> In the context of guidance and supervision, the decree refers to assessments by the local health office, at least every six months, using the Market Inspection Form attached to the decree, as well as monitoring and evaluation of the implementation of resulting recommendations by a relevant team of specialists at least every three months using the Market Appraisal Form also attached to the decree.<sup>55</sup>

In addition, Indonesia’s food safety laws require that everyone involved in activities related to food, including transportation and distribution, must meet sanitary requirements and guarantee food safety.<sup>56</sup> Additional Minister of Health decrees contain hygiene and sanitation requirements for different types of food businesses.<sup>57</sup>

Multiple press releases and news articles were located that refer to inspections of traditional markets and the food sold at them by provincial food safety offices of the National Agency of

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<sup>51</sup> Id. § V.

<sup>52</sup> See *Syarat Kesehatan Lingkungan Pasar*, Indonesian Public Health (Dec. 17, 2013), <https://perma.cc/6T6P-XEAY>.

<sup>53</sup> Id.

<sup>54</sup> Minister of Health Decree No. 519 of 2008 concerning Guidelines for Implementing a Healthy Market § IV.B.

<sup>55</sup> Id. § IV.B. Langkah [Step] 6.

<sup>56</sup> Law No. 18 of 2012 concerning Food art. 71, <https://perma.cc/PV46-J9ZZ>; Peraturan Pemerintah Nomor 86 Tahun 2019 tentang Keamanan Pangan [Government Regulation No. 86 of 2019 concerning Food Safety] art. 4(1) <https://perma.cc/PE46-ULWK>.

<sup>57</sup> Keputusan Menteri Kesehatan Nomor 942 /MENKES/SK/VII/2003 tentang Pedoman Persyaratan Hygiene Sanitasi Makanan Jajanan [Food Hygiene Guidelines]; Keputusan Menteri Kesehatan Nomor 1098/MENKES/SK/VII/2003 tentang Persyaratan Hygiene Sanitasi Rumah Makan dan Restoran [Restaurants]; Keputusan Menteri Kesehatan Nomor 715/Menkes/SK/V/2003 tentang Persyaratan Hygiene Sanitasi Jasaboga [Catering].

Drug and Food Control (*Badan Pengawas Obat dan Makanan*, BPOM) and by provincial and city/regency health offices.<sup>58</sup> In addition, it appears that numerous studies have been conducted on the cleanliness and sanitation facilities of traditional markets throughout the country,<sup>59</sup> including a study that examined the knowledge and practices of traders within the Tomohon market with respect to food hygiene and sanitation.<sup>60</sup> In May 2018, it was reported that the mayor of Tomohon had stressed that the Tomohon Faithful Market must be a “healthy market” in accordance with the 2008 decree, and said he would therefore tighten market surveillance. He was speaking at the opening of a forum, organized by the Manado Center for Drug and Food Control, on the framework for implementing safe markets free from hazardous materials.<sup>61</sup>

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<sup>58</sup> See, e.g., *Inspeksi Mendadak Pasar di Kabupaten Tangerang*, Badan POM (June 6, 2017), <https://perma.cc/9ECM-Z548>; Bersama Perindagkop dan Dinas Kesehatan, Balai POM Palu Inspeksi Pasar Tradisional Modern Bunku dan Pasar Tradisional Wosu, Badan POM (Mar. 14, 2018), <https://perma.cc/K84A-U4MM>; Antara, *BPOM Intensifkan Pemeriksaan Bahan Pangan Sepanjang Ramadan*, Tempo.co (May 17, 2020), <https://perma.cc/NDV5-BQHH>; *Inspeksi Kesehatan Lingkungan (IKL)*, Dines Kesehatan Provinsi NTB (July 10, 2019), <https://perma.cc/VU8E-JH6P>.

<sup>59</sup> See, e.g., Ervin Wahyuning Maulidah et al., *Condition of Sanitation Facilities at Mojosari Traditional Market, Mojokerto*, XI(2) GEMA Lingkungan Kesehatan 95 (Aug. 2013), <https://perma.cc/9YVW-GMNZ>; Meidyas Dwi Anggraeni, *Gambaran Sanitasi Lingkungan di Pasar Blambangan, Banyuwangi Tahun 2017*, 3(4) J. Ilmiah Mahasiswa Kesehatan Masyarakat (2018), <https://perma.cc/ANX7-BDNA>; Imam Muhsin Mubarak et al., *Penerapan Keputusan Menteri Kesehatan Republik Indonesia Nomor 519/MENKES/SK/VI/2008 Tentang Pedoman Penyelenggaraan Pasar Sehat di Pasar-Pasar Tradisional di Kabupaten Kebumen Hasil Renovasi Tahun 2011-2013*, 8(2) Sanitasi: J. Kesehatan Lingkungan (2016), <https://perma.cc/8GE5-JPDV>; Rusman Efendi & Jihan Nada Alya Syifa, *Health Status of Market Aspects of Sanitation and a Clean Healthy Living Behaviours (PHBS) in Ciputat Market and Market Modern BSD South Tangerang City*, 9(3) J. Kesehatan Indonesia (2019), <https://perma.cc/5U5C-S34D>; Muhammad Zakaria Umar et al., *Penerapan Keputusan Menteri Kesehatan Republik Indonesia Nomor: 519/MENKES/SK/VI/2008 Tentang Pedoman Penyelenggaraan Pasar Sehat Terhadap Desain Pangkalan Pendaratan Ikan di Kota Kendari*, 2(1) J. Malige Arsitektur 11 (June 2020), <https://perma.cc/TG94-UAQG>.

<sup>60</sup> Gabriella Veronika Wawoh et al., *Gambaran Pengetahuan dan Praktik Pedagang Penjual Makanan Tentang Hygiene dan Sanitasi Makanan Jajanan di Pasar Kuliner Kota Tomohon Tahun 2017*, <https://perma.cc/5JC6-W77T>.

<sup>61</sup> *Menuju Pasar Sehat, Pemkot Perketat Pengawasan Pasar Beriman Tomohon*, Manado Tempo (May 22, 2018), <https://perma.cc/3J6P-E5KT>.

# Kazakhstan

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**SUMMARY** Kazakhstan has no designated wild animal wet markets. Meat and fish, including wild-caught, is sold at regular farmers markets. General veterinary and sanitary control rules apply in all situations for selling farm and farm-produced products. Hunting is mainly a recreational activity and a means for the collection of non-food remains of wild animals.

## I. Introduction

As a member state, Kazakhstan is subject to the veterinary regulations of the Eurasian Customs Union of the Eurasian Economic Union.<sup>1</sup>

Kazakhstan has very little wooded area, amounting to only approximately 3% of the territory. Many animals, including antelope and elk, inhabit the plains. Wolves, bears, and snow leopards, as well as commercially important ermine and sable, are found in the hills. Fishermen acquire sturgeon, herring, and roach from the Caspian Sea.<sup>2</sup>

## II. Legal Status of Markets

### A. General Considerations

After the collapse of the Soviet Union, Kazakhstan underwent market reforms and privatization reforms. All farmers markets and *bazaars* (agricultural markets) became private enterprises. Farmers markets are privately owned and managers of the markets are obliged to follow standards and veterinary norms introduced by the government. Traditionally, almost all cities and villages have several farmers markets.

Kazakhstan became the 162nd World Trade Organization member in November 2015.<sup>3</sup> Since then sanitary and phytosanitary measures in the local markets have improved.<sup>4</sup>

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<sup>1</sup> Ministry of Internal Affairs, Ministry of Internal Affairs along with Environment and Natural Resources Protection and Finance Ministries, Has Signed Memorandum of Understanding (June 25, 2015), <https://perma.cc/B4DH-SH5U>.

<sup>2</sup> *Kazakhstan*, Encyclopedia Britannica (July 16, 2020), <https://perma.cc/2D9Q-27QU>.

<sup>3</sup> Jürgen Wandel, *Agroholdings or Clusters in Kazakhstan's Agri-Food Sector?*, IAMO Forum 2008, <https://perma.cc/S42C-X26Q>.

<sup>4</sup> Food and Agriculture Organization of the United Nations, *Country Fact Sheet on Food and Agriculture Policy Trends: Kazakhstan* (Aug. 2017), <https://perma.cc/A4GF-4EVK>.

## B. Veterinary and Sanitary Standards Legislation

Kazakhstani legislation does not stipulate the classification of specific animals, instead dividing them into the broad categories of “wild,” “farming,” or “pets,” with a heavy emphasis on sanitary norms, public health, and environmental protection in regard to the treatment of all types of fauna. Wildlife usage in Kazakhstan is regulated by the Law on the Protection, Reproduction and Usage of Wildlife, No. 593-II, adopted on July 9, 2004.<sup>5</sup> This Law recognizes the following categories of wild animals:

- 1) Rare and endangered animal species;
- 2) Animal species, being the object of hunting;
- 3) Animal species, being the object of fishing;
- 4) Animal species, used for other economic purposes (except for hunting and fishing);
- 5) Animal species, not used for the economic purpose, but having ecological, cultural and other values;
- 6) Animal species, the number of which is subject to regulation for the purpose of health protection of population, protection from diseases of farm and other domestic animals. Prevention of damage to the environment, prevention of the danger of causing significant damage to agricultural activity.<sup>6</sup>

The same Law declares the animal world as solely state-owned property.<sup>7</sup> Local authorities have broad competencies in the field of wildlife management and exercise control and coordination of hunting permit issuance.<sup>8</sup> The Law authorizes the following uses of the animal world:

- 1) Hunting;
- 2) Fishing, including seizure of invertebrate animals and marina mammals;
- 3) Use of animals, not referring to the objects of hunting and fishing for economic purposes;
- 4) Use of animals for scientific, cultural, educational, aesthetic purposes, as well as for prevention of epizootics;
- 5) Use of useful properties and products of vital activities of animals;
- 6) Use of species of animals for reproductive purposes.<sup>9</sup>

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<sup>5</sup> Law on Protection, Reproduction and Use of Animal World of the Republic of Kazakhstan, No. 593, July 9, 2004, last updated Oct. 28, 2019, <https://perma.cc/U7SN-GDTN> (in Kazakh), <https://perma.cc/NJH5-AJMD> (in English translation).

<sup>6</sup> Id. art. 3(1).

<sup>7</sup> Id. art. 4(1).

<sup>8</sup> Id. art. 9.

<sup>9</sup> Id. art. 24.

The Environmental Code of Kazakhstan allows the usage of wild animals for obtaining products of their life without the seizure and destruction of animals, deterioration of their habitats, or infliction of harm on animals.<sup>10</sup>

The Law on Veterinary of the Republic of Kazakhstan does not differentiate veterinary requirements for domestic and wild animals.<sup>11</sup> General rules apply to the entire category and measures refer to all sorts of animals and animal products. The national policy in the veterinary domain has as its objectives

- 1) implementation of the state veterinary inspection over production, storage, and realization of cargoes subject to the state veterinary supervision;
- 2) retention of national monopoly on certain types of veterinary activities, established by Article 11 of this Law;
- 3) protection from bringing and dissemination of infectious and exotic animal diseases into the [Republic of Kazakhstan] territory from other countries;
- 4) guaranteeing of independence of the state veterinary supervision;
- 5) development of veterinary rules and norms based on scientific approach with consideration of objective assessment of epizootic situation and international veterinary norms;
- 6) achievement of the higher level of veterinary measures comparing to those of the stipulated by international recommendations provided that they are based on scientific grounds;
- 7) non-admission of unreasonable restrictions in realization of cargoes subject to the state veterinary supervision in a course of implementation of veterinary measures with the purpose to ensure veterinary and sanitary safety; [and]
- 8) establishment of a procedure for costs recovery of seized and destroyed animals posing a danger for health of animals and humans.<sup>12</sup>

Under the Veterinary Law, markets are subject to mandatory veterinary and sanitary examinations. Goods and raw materials of animal origin cannot be sold without veterinary and sanitary examinations. All procedures for such examinations at markets are established by the state and the authorized veterinary body. Transported cargo must be inspected for conformity to state veterinary regulations through a review of veterinary shipping documents and an examination of the subject animals, goods, and primary materials of animal origin.<sup>13</sup>

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<sup>10</sup> Environmental Code of the Republic of Kazakhstan, No. 212, art. 243(2), Jan. 9, 2007, <https://perma.cc/77BA-8VAQ> (unofficial translation).

<sup>11</sup> Law of the Republic of Kazakhstan (RK) on Veterinary, No. 339-II, July 10, 2002 (amended through RK Laws No. 13-III of Dec. 20, 2004 & No. 45-III of Apr. 15, 2004), <https://perma.cc/YUT5-MZGT>.

<sup>12</sup> Id. art. 4.

<sup>13</sup> Id. art. 14.

Goods and raw materials of animal origin are prohibited from sale without veterinary and sanitary examination.<sup>14</sup> In order to implement state veterinary supervision and veterinary and sanitary examination market administrators must provide office facilities for veterinary inspectors and veterinary and sanitary testing laboratories complying with veterinary norms based on agreements within the procedure established by Republic of Kazakhstan Law.<sup>15</sup>

The Technical Regulation on Requirements for the Safety of Meat and Meat Products on Approval of the Technical Regulation on Requirements for the Safety of Meat and Meat Products regulates conditions for the circulation of meat and meat products on the market,<sup>16</sup> stating as follows:

Meat and meat products that have obvious signs of poor quality, do not have accompanying documents confirming safety, origin, and quality, as well as if the properties and labeling do not comply with the requirements of the current legislation and with an unspecified shelf life, are withdrawn for veterinary and sanitary examination in an accredited (certified) veterinary laboratory.<sup>17</sup>

The Regulation also provides safety requirements for the preparation of animals and birds for slaughter. According to the Regulation animals and birds that do not pass the mandatory identification procedure cannot be sent to processing plants.<sup>18</sup> Additionally, each batch of animals and birds sent for slaughter must be accompanied by a veterinary certificate issued in accordance with the established procedure.<sup>19</sup>

The Decree of the Minister of Agriculture of the Republic of Kazakhstan on the Approval of Veterinary (Veterinary and Sanitary) Requirements for Production Facilities Carrying Out Procurement (Slaughter of Animals), Storage, Processing and Sale of Animal Products and Raw Materials Origin regulates rules and establishes norms for the administrations of markets selling all types of products of animal origin.<sup>20</sup> According to the Decree the administration (owner) of a facility, including a market, must provide appropriate conditions for trade in meat and other products of animal origin in accordance with the requirements of veterinary and sanitary rules, and must conduct sanitary days, a regular cleaning and disinfection territory, trading places, other auxiliary premises, refrigerators, and market inventory.<sup>21</sup> Additionally, the Decree states

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<sup>14</sup> Id. art. 22.

<sup>15</sup> Id. art. 22(7).

<sup>16</sup> Technical Regulation, "Requirements for the safety of meat and meat products" on approval of the Technical Regulation "Requirements for the safety of meat and meat products," Resolution of the Government of the Republic of Kazakhstan, No. 336, Apr. 8, 2008, <https://perma.cc/G8ZT-8ZN9> (in Russian).

<sup>17</sup> Id. § 3 (translation by author).

<sup>18</sup> Id. § 7.

<sup>19</sup> Id.

<sup>20</sup> Decree of the Minister of Agriculture of the Republic of Kazakhstan on the Approval of Veterinary (Veterinary and Sanitary) Requirements for Production Facilities Carrying Out Procurement (Slaughter of Animals), Storage, Processing and Sale of Animal Products and Raw Materials Origin, No. 7-1/832, Sept. 18, 2015, Registered with the Ministry of Justice of the Republic of Kazakhstan on Oct. 29, 2015, <https://perma.cc/JY5D-SKG2> (in Russian).

<sup>21</sup> Id. art. 86(1) & (5).

that for purposes of carrying out veterinary and sanitary examinations of products and raw materials of animal origin, markets must have laboratories for veterinary and sanitary expertise.<sup>22</sup> All meat and other raw products of slaughter animals, fish, poultry, milk and dairy products, and other animal products of animal origin must conform to the results of the veterinary and sanitary examination and must be sold in separately designated premises of the market and on separate counters.<sup>23</sup>

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<sup>22</sup> Id. art. 87(1).

<sup>23</sup> Id. art. 119(4).

# Liberia

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**SUMMARY** Bushmeat is an important source of protein and income in Liberia. Liberia is said to have robust, informal bushmeat markets that often sell the meat of protected animals. Although the Liberian government imposed restrictions on the bushmeat trade during the 2014 Ebola outbreak, such restrictions were relaxed and open trading resumed after the outbreak subsided. No regulations governing licensing of such markets were located.

In 2019, Liberia enacted a new law on food quality and safety. Among other things, this Law authorizes the Ministry of Health to issue regulations regulating the hygiene practices of all commercial activities relating to food and feed. No such regulations were located. The law also established the Food Authority of Liberia, an independent agency with a mandate to implement official controls over the food system, including conducting inspections to ensure establishments selling food are properly licensed and follow the proper hygiene protocols.

## I. Introduction

Bushmeat is said to be an important source of nutrition, income, and pest control in Liberia. The 2006 National Forestry Policy and Implementation Strategy states that

[T]he harvesting and sale of bushmeat makes a significant contribution to local income and employment, as well as providing a major share of protein in the average Liberian's diet . . . . Liberians have always been very dependent on bushmeat as a source of protein and, in recent years, it is believed that hunting for bushmeat has accelerated rapidly.<sup>1</sup>

It is difficult to get a clear understanding of the level of consumption of bushmeat in Liberia. According to a Food and Agriculture Organization of the United Nations (FAO) 2016 report, in the 1990s, bushmeat is said to have accounted for 80% to 90% of meat consumption in the country.<sup>2</sup> The FAO report notes more recent data indicating that consumption of bush meat is substantially down, stating that by 2007 "bushmeat represented up to 23 percent of the value of meat consumption in Liberian rural areas and 7 percent in the capital, Monrovia."<sup>3</sup> However, another 2008 report emphasized the importance of bushmeat as a source of employment and diet, noting that "[i]n many areas, bushmeat hunting is the most lucrative occupation available to

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<sup>1</sup> Forestry Dev. Auth., *National Forestry Policy and Implementation Strategy* 4, 17 (2006), <https://perma.cc/PDU8-VXQZ>.

<sup>2</sup> FAO, *Impact of the Ebola Virus Disease Outbreak on Market Chains and Trade of Agriculture Products in West Africa* 31 (2016), <https://perma.cc/ZR6Y-F6N2>.

<sup>3</sup> *Id.*

young adult males, and also provides an important component of the diet (three quarters or more of protein consumption is said to be from wild meat, on a national scale)."<sup>4</sup>

Liberia has “robust national and sub national markets for . . . bushmeat” involving multiple actors; the hunters and their households, transporters, security personnel, marketers and restaurants in urban areas.<sup>5</sup> However, “a prevailing characteristic of the bush-meat trade is that it is generally informal and frequently illegal,” involving protected animals.<sup>6</sup> By one estimate, protected species account for 30% of the meat sold in markets.<sup>7</sup>

Calls for the restriction or ban of bushmeat in Liberia are based on two main arguments: Bushmeat consumption endangers biodiversity, and it creates a public health risk.<sup>8</sup> Bushmeat consumption is associated with the possible spread of the Ebola virus, which was the cause of an epidemic that claimed 4,809 lives in Liberia from 2014 through 2016.<sup>9</sup> These two arguments appear to inform the restrictions imposed on bushmeat trade and consumption in the country.

## II. Licensing Rules

The approach to dealing with hunting and trade in bushmeat to protect the country’s biodiversity appears measured. The country’s National Forestry Law authorizes the Forest Development Authority to issue regulations to “control the use of Wildlife . . . [.] control Hunting to achieve sustainable harvests[,] . . . control trade in Wildlife[,] . . . establish requirements for the issuance of Hunting and Wildlife trading certificates and licenses.”<sup>10</sup> It also restricts possession of protected animals, stating that “[n]o Person shall possess any Protected Animal, whether live or dead, or any part thereof, without a certificate of legal ownership issued by the Authority. The burden of proving lawful possession of any protected animal or any part thereof shall lie with the Person in possession.”<sup>11</sup> The Law also states that “[N]o person shall hunt, capture, or trade any species identified in the list established and maintained by the [Forestry Development] Authority . . . .”<sup>12</sup>

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<sup>4</sup> David Brown, *Prospects for Community Forestry in Liberia: Implementing the National Forest Policy* 16, Sustainable Dev. Inst. (July 2008), <https://perma.cc/4EJ2-LV86>.

<sup>5</sup> United States Agency for International Development, *GAP Analysis of Targeted Domestic Natural Resource Markets in Liberia: Final Report* 1, 29 (Mar. 2015), <https://perma.cc/8LN2-BCSL>.

<sup>6</sup> Joe K. Roberts, *Liberia: The Economic Void of the President's Bushmeat Ban*, New Democrat (June 30, 2010), <https://perma.cc/2FSN-EWB4>; FAO, *supra* note 2, at 31.

<sup>7</sup> United States Agency for International Development, *supra* note 5, at 29.

<sup>8</sup> FAO, *supra* note 2, at 32.

<sup>9</sup> *History of Ebola Virus Disease*, Centers for Disease Control and Prevention (Sept. 18, 2018), <https://perma.cc/6WA4-U7WV>; *Ebola: Mapping the Outbreak*, BBC News (Jan. 14, 2016), <https://perma.cc/J5U9-C6BL>.

<sup>10</sup> National Forestry Reform Law of 2006, § 9.11 (Oct. 4, 2006), <https://perma.cc/KD2Q-U89U>.

<sup>11</sup> *Id.* § 9.12(d).

<sup>12</sup> *Id.* §§ 1.3, 9.12(b)(i).

No regulation governing the licensing of bushmeat traders was located.

Attempts to ban the bushmeat trade and consumption have failed in the past. A 1988 attempt to prohibit the consumption of bushmeat and a 2003 effort to outlaw its commercial sale were unsuccessful, according to one source.<sup>13</sup> In 2010, Liberian President Ellen Johnson-Sirleaf issued a proclamation prohibiting the export of wild animals and bushmeat from Liberia.<sup>14</sup> More recently, the government reportedly banned the hunting and sale of bushmeat in July 2014, around the time the Ebola outbreak started to spread to Liberia and Sierra Leone from Guinea.<sup>15</sup> Although the ban is said to have initially worked, as the fear of the Ebola epidemic began to subside, the bushmeat trade picked up again.<sup>16</sup> When, in March 2016, the World Health Organization lifted the public health emergency of international concern status on West Africa's Ebola situation, Liberia began lifting restrictions and markets resumed selling bushmeat openly.<sup>17</sup>

Illegal hunting of protected wildlife and trade in bushmeat appears to be common. In 2019, the Forestry Development Authority reportedly confiscated and burned "a large quantity of bushmeat, including 1,156 pieces," seized from traders in Grand Bassa County, the Gola National Park, and the Grand Cape Mount County.<sup>18</sup> Following the seizure and burning of the confiscated items, the Authority noted that "it remains firm in confiscating and burning of bush meat as a way of sending a clear caveat to all those who are in the constant habit of destroying the generation of 'protected animals for their own selfish economic gains.'"<sup>19</sup>

### III. Hygiene Rules

In 2019, Liberia enacted a new law on national food quality and safety. This Law establishes "the general principles to ensure safety and quality of food and feed at the national level" and it aims to "institute the structures and mechanisms for Food Safety in the Republic of Liberia."<sup>20</sup> The Law

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<sup>13</sup> Reginald Hoyt, *Wild Meat Harvest and Trade in Liberia: Managing Biodiversity, Economic and Social Impacts*, ODI Wildlife Pol'y Briefing (Nov. 6, 2004), <https://perma.cc/3ZJ3-87A6>.

<sup>14</sup> Roberts, *supra* note 5.

<sup>15</sup> *Ebola (Ebola Virus Disease), 2014-2016 Ebola Outbreak in West Africa*, Ctrs. for Disease Control & Prevention, <https://perma.cc/N9KE-HCQ9>; *Bush Meat Trade Roaring Again Despite Ebola Ban*, New Humanitarian (June 24, 2015), <https://perma.cc/2ZEU-Z4AA>.

<sup>16</sup> New Humanitarian, *supra* note 15.

<sup>17</sup> Hilair Zon & Carley Petesch, *Post-Ebola, West Africans Flock Back to Bushmeat, with Risk*, Associated Press (Sept. 21, 2016), <https://apnews.com/2ff0034f651a4e229c6d9a74b21bc80f/post-ebola-west-africansflock-back-bush-meat-risk>.

<sup>18</sup> Vida Johnson, *Seized Bush Meat Burnt at FDA*, Daily Observer (Apr. 26, 2019), <https://perma.cc/MR65-EGLX>.

<sup>19</sup> *Id.*

<sup>20</sup> Food Law of Liberia of 2017, § 2.1 (Sept. 17, 2019), <https://perma.cc/N6XD-CSCA>; *President Weah Signs Several Acts into Law, Including UN Convention Against Illicit Trafficking in Narcotics*, Exec. Mansion (Sept. 18, 2018), <https://perma.cc/R5BQ-67D8>.

applies to “all activities and all areas of the safety and quality of foods and feeds affecting the health of consumers [in] . . . all stages of production, processing, and distribution of foods and commodities, which are undertaken in the course of a food business.”<sup>21</sup> The Law authorizes the Ministry of Health to issue regulations, including to secure “the observance of hygienic conditions and practices in connection with the carrying out of commercial [activities] with respect to food and feed.”<sup>22</sup> No such regulations were located.

The Law established the Food Authority of Liberia, an autonomous agency within the Executive Branch that reports directly to the country’s president.<sup>23</sup> The Authority is responsible for the implementation of official controls under the Law. Official control of food is “an inspection by the . . . [A]uthority of the compliance with provisions of [the Law] followed by measures to ensure that any contraventions are corrected.”<sup>24</sup> It includes one or more of the following:

- Inspection
- Sampling and analysis
- Medical examination and inspection of staff health and hygiene
- Examination of written and documentary material
- Examination of records
- Licensing of establishments.<sup>25</sup>

The Law requires that inspections for official control of the safety of food and feed be carried out regularly in accordance with “priorities determined by risk assessment” and in instances “[w]here noncompliance is suspected.”<sup>26</sup> The Authority may delegate its functions to “any public officer.”<sup>27</sup>

The Law requires hygiene inspection of persons who come into contact with food, stating that “[p]ersons who handle food and feed products or materials which come into contact with them shall be subject to a hygiene inspection, including a periodic medical examination with frequency and content to be prescribed by regulation.”<sup>28</sup> The inspection “shall establish whether such persons comply with regulations concerning health status, personal cleanliness and clothing.”<sup>29</sup>

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<sup>21</sup> Food Law of Liberia of 2017 § 2.2.

<sup>22</sup> Id. § 12.4.

<sup>23</sup> Id. §§ 40.1-4.

<sup>24</sup> Id. § 3.20.

<sup>25</sup> Id. § 25.1.

<sup>26</sup> Id. § 26.1.

<sup>27</sup> Id. § 51.1

<sup>28</sup> Id. § 28.1.

<sup>29</sup> Id. § 28.2.

The Authority may take samples of food “for analysis to provide information for the purposes of official control of safety of food and feed.”<sup>30</sup>

The Law also includes a self-policing provision requiring food business operators and establishments to put in place a system to control food safety hazards, “a biological, chemical or physical agent in, or condition of, food or feed with potential to cause an adverse effect on human health.”<sup>31</sup> It states that

22.1 Food business operators and establishments shall implement a system of controls with their operations based on the following principles:

- 22.1.1 Identification of food safety hazards associated with their products, processes, and identification of critical points in their establishment on the basis of the manufacturing processes used;
- 22.1.2 Establishing and implementing methods for monitoring and checking such critical points, and for taking corrective actions to prevent or minimize the risk of hazards arising;
- 22.1.3 Taking samples for analysis for the purpose of checking, cleaning and disinfection methods and for the purpose of checking compliance with the food safety requirements established by this [Law] and regulations made under this [Law].
- 22.1.4 Keeping a written record or a record register in an indelible fashion of the preceding points with a view to make them available to the competent Authority. The results of the different checks and rest will be kept for a period of at least two years.<sup>32</sup>

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<sup>30</sup> Id. ch. 29.

<sup>31</sup> Id. §§ 3.17, 22.1.

<sup>32</sup> Id. § 22.1.

# Nepal

Tariq Ahmad  
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**SUMMARY** Nepal’s main wildlife law prohibits the sale, supply, or conduct of trade in wildlife trophies without a license. The sale of meat is also subject to licensing requirements and rules for sanitation and safety, which can be found in Nepal’s animal slaughter and meat inspection law and regulations. There do not appear to be specific laws or rules for the regulation of wildlife markets or wet markets.

## I. Wildlife Meat Consumption and Markets in Nepal

Nepal appears to be major source and transit for wildlife trade and trafficking, particularly with respect to the endangered pangolin and its parts.<sup>1</sup> The government of Nepal has conservation action plans for a number of wildlife species. One plan, on pangolins, states that “[t]he Pangolins are under threats mostly due to poaching, illegal trade and loss and degradation of their habitats. The species is highly threatened due to high demand of its skins, scales, and meat in the local and international illegal wildlife trade market.”<sup>2</sup> The plan also states that pangolins are “hunted for local consumption of meat and medicinal purpose[s],”<sup>3</sup> but also that, “[d]ue to high value in international market, hunting for medicinal and consumptive use at local level is already insignificant with almost all poached animals ending in international market [sic].”<sup>4</sup> According to the conservation action plan on pheasants, the “[m]eat of pheasants (especially Kalij Pheasant) is considered a delicacy in Nepal,”<sup>5</sup> and certain species are protected under Nepal’s wildlife protection law.<sup>6</sup> Another plan also notes that “[c]onsumption of red panda meat has been reported from central and western Nepal.”<sup>7</sup>

One paper on illegal hunting of wildlife species in the northern section of Bardia National Park notes that wild meat is sold at ad hoc “highway markets” and some of the meat is being supplied

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<sup>1</sup> Purushottam Khatri, *Pangolin Poaching Up Despite Tight Vigilance*, *The Rising Nepal* (Nov. 8, year unknown), <https://perma.cc/XVP8-GFBB>.

<sup>2</sup> Department of National Parks and Wildlife Conservation & Department of Forests, *Pangolin Conservation Action Plan for Nepal (2018-2022)* Foreword (2018), <https://perma.cc/6FB2-FRRM>.

<sup>3</sup> *Id.* at 12.

<sup>4</sup> *Id.*

<sup>5</sup> Department of National Parks and Wildlife Conservation, *Pheasant Conservation Action Plan (2019-2023)* 33 (2019), <https://perma.cc/Q9BC-6SVY>.

<sup>6</sup> *Id.* at 32.

<sup>7</sup> Ministry of Forests and Environment, *Red Panda Conservation Action Plan for Nepal (2019-2023)* 12 (2018), <https://perma.cc/AWY3-TFJW>.

to the capital and regional cities.<sup>8</sup> A news report from 2017 notes that, in certain rural areas like Chainpur, the district headquarters of Bajhang, when winter approaches locals and poachers have started illegally hunting and poaching wild animals for meat. People are buying and selling the meat of “jharal (Himalayan Tahr), ghoral, musk deer, bear, kalij, danphe (lopophorous) among others.” The meat appears to be sold to butchers at the district headquarters.<sup>9</sup>

## II. Legal Status

Nepal’s main wildlife protection law is the National Parks and Wildlife Conservation Act, 2029 (1973)<sup>10</sup> and its subsidiary rules.<sup>11</sup> The Act includes a section that stipulates that, subject to certain exceptions, “wildlife mentioned in Schedule-1 of this Act shall be considered as the protected wildlife and their hunting is prohibited.”<sup>12</sup> Section 19(1) prohibits the sale, supply, or conduct of trade in trophies without license:

- (1) No person shall be permitted to sell or supply trophy, or hand over his\her title in any manner or conduct trade in trophy without obtaining a license from the prescribed authority.<sup>13</sup>

Nepal’s Forest Act also prohibits the unsanctioned sale of “forest products,” which include “[b]irds, wild lives and trophies,” from national forests.<sup>14</sup> There do not appear to be specific provisions addressing wildlife markets in either law.

The 2003 Working Policy on Wildlife Farming, Breeding and Research allowed for the commercial farming of wild animal species, “including those protected under the law,” including “the farming of common wildlife animals such as wild boar, deer (barking, spotted, hog and samber deer)” and other animals.<sup>15</sup> In 2017, an amendment was made to the National Parks and Wildlife Conservation Act that allowed “commercial wildlife farming and sale of the products from wildlife and their body parts by individual firms and institutions that have acquired licenses from the concerned authority.”<sup>16</sup> Amended rules to bring the wildlife farming provisions into force

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<sup>8</sup> Babu Ram Bhattarai et al., *Illegal Hunting of Prey Species in the Northern Section of Bardia National Park, Nepal: Implications for Carnivore Conservation*, 3(4) *Environments* 32 (2016), <https://perma.cc/YW6G-AXGU>.

<sup>9</sup> Jagat Khadka, *Wildlife Meat Openly Bought and Sold in Bajhang*, MyRepublica, <https://perma.cc/3V2L-C78W>.

<sup>10</sup> National Parks and Wildlife Conservation Act, 2029 (1973), <https://perma.cc/8GGG-3XSE>.

<sup>11</sup> National Parks and Wildlife Conservation Rules, 2030 (1974), <https://perma.cc/4BHH-6HJX>.

<sup>12</sup> National Parks and Wildlife Conservation Act, 2029, § 10.

<sup>13</sup> *Id.* § 19(1).

<sup>14</sup> Forest Act 2049 (1993), § 49. <https://perma.cc/C2NS-DDW3>.

<sup>15</sup> Ministry of Forests and Soil Conservation, *Nepal: Third National Report to the Convention on Biological Diversity* (Mar. 2006), <https://perma.cc/G7TE-3VPK>.

<sup>16</sup> *Nepal Move to Allow Wildlife Farming, Commercialisation of Wildlife Products Irks Activists*, Kathmandu Post (Feb. 5, 2017), <https://perma.cc/ZL7Y-K293>.

were implemented in 2019.<sup>17</sup> Wildlife organizations have criticized the amendment, arguing that it

risks fuelling the illegal wildlife trade by perpetuating the notion that wild animals, and their parts and derivatives, are commodities for human consumption. The amendment could also create a cover for the trade in wild caught species fraudulently sold as captive-bred. This concern has previously been raised at CITES. Neither CITES nor the Nepal government have mechanisms to distinguish between captive-bred and wild-caught animals, which will make it easy for license holders to flout the rules.<sup>18</sup>

### III. Sale of Meat

Nepal's Animal Slaughterhouse and Meat Inspection Act, 2055 (1999), prohibits the sale of meat without a license.<sup>19</sup> The purpose of the Act is twofold, according to one researcher: "firstly to prevent adulteration and contamination of the meat during and after slaughtering and secondly to ensure slaughter of healthy animals without any disease condition which can make the meat unsafe for human consumption."<sup>20</sup> Terms and conditions, including rules for sanitation and safety, for licensed meat sellers can be found in the Slaughterhouse and Meat Inspection Regulation, 2057 (2001).<sup>21</sup> Moreover, no sale of meat of any animal other than those mentioned in section 2(1) is allowed. Section 2 of the Act defines "animal" to mean

castrated or castrated goat, sheep, Himalayan goat (Chyangra), pig, wild pig, he buffalo or rabbit the females of buffalo, goat sheep, Himalayan goat, pig, or rabbit which are fit for meat other than a cow, an ox a bull, and this word also includes poultry, ducks, pigeon or other species of beasts and birds kept for meat purpose.<sup>22</sup>

Section 13(1) also prohibits the adulteration of meat, requiring that "[n]o sale of meat shall be made by deceiving the species of animal or by adulterating meat of one species of animal with other species of animal."<sup>23</sup> Persons in violation of these sections "shall be liable to a fine up to Ten Thousand Rupees for the first time and Twenty Thousand Rupees or an imprisonment up to three months or both from the second time and onwards for each offence."<sup>24</sup>

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<sup>17</sup> *New Rules Allow Commercial Farming, Reproduction of Wild Animals*, The Himalayan (Dec. 22, 2019), <https://perma.cc/4ZJM-3R4V>.

<sup>18</sup> *Animal Welfare Groups Urge Nepal to Rethink Amendment to Wildlife Protection Act Allowing Farming of Wildlife*, Humane Society International (Feb. 4, 2017), <https://perma.cc/LXA2-56WV>.

<sup>19</sup> Animal Slaughterhouse and Meat Inspection Act, 2055 (1999), § 3, <https://perma.cc/BN9F-C9EK>.

<sup>20</sup> Yadav Sharma Bajagai, *Major Issues About the Safety of Meat in Nepal*, Food & Environment Blog (2019), <https://perma.cc/YR35-FD74>.

<sup>21</sup> Slaughterhouse and Meat Inspection Regulation, 2057 (2001), <https://perma.cc/95UJ-AV5M>.

<sup>22</sup> Animal Slaughterhouse and Meat Inspection Act, 2055, § 2.

<sup>23</sup> *Id.* § 13(1).

<sup>24</sup> *Id.* § 17(2).

One researcher notes that the Act has not been successfully enforced to date, stating that “[t]he government has tried to enforce the act in some of the municipalities of the country by constructing slaughter houses but those slaughter houses were not utilized by the meat enterprisers.”<sup>25</sup>

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<sup>25</sup> Bajagai, *supra* note 20.

# Pakistan

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## I. Wild Animal Wet Markets in Pakistan

Although Pakistan is not known as a major wildlife consumer country, it has been a significant source and transit point for the East Asian trade in illegal wildlife, and wild animal markets exist in nearly all its major cities, according to the World Wildlife Fund (WWF) Pakistan.<sup>1</sup> One study reported to have been conducted by WWF Pakistan notes that Karachi has “hosted the highest number of markets and shops dealing in illegal wildlife followed by Peshawar.”<sup>2</sup> These are primarily for international illegal trade of wildlife as pets and for overseas consumption.<sup>3</sup> In May 2017, a study conducted by the WWF found “that in a sample of 288 shopkeepers across 23 cities of Pakistan, all of them were involved in illegal wildlife trade, in one way or another.”<sup>4</sup>

Although wild animal meat and other derivatives appear to be mostly for traditional medicinal purposes, one news report notes that “consumption of dried meat of the Indian cobra and sand lizard is recorded to be widespread in Khyber Pakhtunkhwa and Punjab.”<sup>5</sup> One news report also notes that “[a]uthorities say that pangolin meat is being sold in the local market,” which caters to Chinese nationals, but also notes that “these allegations have never been formally investigated or proven.”<sup>6</sup>

## II. Legal Framework

In Pakistan, wildlife protection and management appears to be a provincial responsibility under the Constitution.<sup>7</sup> Each province, and the federal capital territory of Islamabad,<sup>8</sup> has a wildlife

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<sup>1</sup> WWF *Statement on Closing of Illegal Wildlife Trade in Markets Across the Asia Pacific Region Following Coronavirus Outbreak* (Jan. 31, 2020), <https://perma.cc/BW6J-GBTL>.

<sup>2</sup> Faiza Ilyas, *Illegal Trade in Wildlife Rife Across Pakistan, Says Study*, Dawn.com (last updated Mar. 12, 2018), <https://perma.cc/WVF3-KSGK>.

<sup>3</sup> WWF *Recommends Action Against Wildlife Open Markets*, Express Trib. (Apr. 8, 2020), <https://perma.cc/935S-NAVY>.

<sup>4</sup> Tehseen Khalid & Samra Minhaj, *Illegal Wildlife Trade in Pakistan*, in 4(7-8) *Pakistan Inst. for Parliamentary Seros. Parliamentary Res. Dig.* 11-18 (July-Aug. 2017), <https://perma.cc/8LHN-8JP9>.

<sup>5</sup> Faiza Ilyas, *supra* note 2.

<sup>6</sup> *Chinese Appetite for Pangolins Threaten [sic] Their Numbers*, Express Trib. (May 28, 2019), <https://tribune.com.pk/story/1982210/1-chinese-appetite-pangolins-threaten-numbers>.

<sup>7</sup> Pakistan Const., as modified up to May 31, 2018, <https://perma.cc/6DNP-7VUQ>. See Khalid & Minhaj, *supra* note 4, at 13.

<sup>8</sup> Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979, <https://perma.cc/DAY9-RQ7F>.

protection law that prohibits the illegal trade and trafficking of prohibited wildlife.<sup>9</sup> Buying, selling, and otherwise dealing in wild animals and their meat derivatives are also prohibited.<sup>10</sup>

Restrictions on animal slaughter are regulated by provincial laws, rules, and municipal by-laws. Some provincial-level animal slaughter laws appear to restrict the sale of meat,<sup>11</sup> but the applicability of these laws is usually limited to certain animals, including bulls, bullocks, buffaloes, buffalo-bulls, camels, cows, goats, ostriches, sheep or any other halal animal (animals prepared as prescribed by Islamic law). The law in the province of Punjab prohibits the selling or supplying of meat or the carcass of a “haram animal” or of the “meat or carcass of any animal which has been slaughtered in contravention of this Act or does not bear the stamp, mark, tag or certification of the slaughter-house specified by the concerned local authority” or the selling or causing to be sold of “any meat at a place other than that set apart or approved for this purpose by the concerned local authority.”<sup>12</sup>

Food sanitation and safety are regulated by provincially adopted laws such as the Punjab Food Authority Act, 2011.<sup>13</sup> Public and private markets, including the rules for their licensing, appear to be governed by provincial local government laws and municipal by-laws.<sup>14</sup> However, no particular legal framework was found for the regulation of wildlife markets.

In response to the COVID-19 pandemic, federal and provincial governments have issued various guidelines and standard operating procedures (SOPs), including those that address health and preventative measures that need to be taken in markets and during the slaughtering of animals on the occasion of the religious holiday of Eid al-Adha.<sup>15</sup>

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<sup>9</sup> Punjab Wildlife (Protection, Preservation, Conservation and Management) Act, No. 2 of 1974, <https://perma.cc/CF32-X9B7>; Sind Wild-life Protection Ordinance, No. 5 of 1972 (Apr. 13, 1972), <https://perma.cc/AY7Y-EC9R>; Balochistan (Wildlife Protection, Preservation, Conservation and Management) Act, No. 14 of 2014, Balochistan Provincial Assemb. Secretariat, <https://perma.cc/Y6JP-NFUZ>; Khyber Pakhtunkhwa Wildlife and Biodiversity (Protection, Preservation, Conservation and Management) Act, 2015, <https://perma.cc/BC7B-4PU7>.

<sup>10</sup> Punjab Wildlife (Protection, Preservation, Conservation and Management) Act, § 15.

<sup>11</sup> Punjab Animals Slaughter Control Act, No. 3 of 1963, <https://perma.cc/XX32-AFCS>.

<sup>12</sup> Id. § 3(3).

<sup>13</sup> Punjab Food Authority Act, No. 16 of 2011, <https://perma.cc/7RDQ-VPPK>.

<sup>14</sup> Khyber Pakhtunkhwa Local Government Act, No. 28 of 2013, § 113, seventh sched. Part II (“Bye-laws”), <https://perma.cc/6KAC-YBM2>; Sindh Local Government Act, 2013, § 19-23, Judge’s Library, High Court of Sindh, <https://perma.cc/RU54-2NWT>.

<sup>15</sup> *Guidelines*, Gov’t of Pakistan, <https://perma.cc/3DRA-P5RK>; Gov’t of Pakistan, *Guidelines for Eid ul Adha for Prevention of Corona Virus* (July 12, 2020), <https://perma.cc/42JF-KG6Z>.

# Russia

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**SUMMARY** There are no live animal wet markets in Russia. The meat of wild animals killed by individual recreational and professional hunters is subject to sanitary inspection before it is sold at farmers' markets or supplied to stores, restaurants, and food processing establishments. Sanitary control is organized under the Federal Law on Veterinary Medicine and Animal Safety and regional rules establishing sanitary control stations at local markets and places for collecting game. The sanitary control of markets and the biological and bacteriological analysis of meat and meat products offered for sale are conducted by regional and local veterinary authorities. Rules approved by the federal Ministry of Agriculture are applicable nationwide and prescribe the methods and techniques for examining meat.

Even though the Russian internet is full of advertisements selling exotic animals, and offers to supply the meat of rare animals and birds can be found online, it appears that there are no markets in Russia where it would be legal to sell or slaughter live wild animals. Game animal meat is subject to the same sanitation and veterinary control rules as industrially or farm-produced food products sold at farmers' markets across the country.

## **I. Legal Status of the Markets**

Farmers' markets traditionally existed in almost all Russian cities and large settlements and were usually managed by local trade departments. After market reforms were introduced in Russia in the 1990s, these markets were privatized and converted into private enterprises with a different legal status. It appears that most of them are joint stock companies and earn income by renting out their space to the traders. The market's owners appoint its management or hire a managing company. Market managers are responsible for complying with applicable veterinary and sanitary standards.

## **II. National Sanitary and Veterinary Legislation**

The areas of food security and veterinary and sanitary control are subject to dual regulation by federal and regional authorities. The Federal Law on Veterinary Medicine and Animal Safety states that federal authorities decide on the establishment of a quarantine regime, issue mandatory safety instructions, and monitor the implementation of rules by regional and local sanitary authorities.<sup>1</sup> At the federal level, the government also maintains a national information system aimed at monitoring the traffic of all controlled goods and the issuance of veterinary-

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<sup>1</sup> Law of the Russian Federation No. 4979-I on Veterinary Medicine and Animal Safety, *Vedomosti S'ezda Narodnyh Deputatov* [then the official gazette] RF 1993, No. 24, Item 857, art. 3.1, <https://perma.cc/3BZP-TTzM> (in Russian).

related permits and certificates.<sup>2</sup> According to the Law, all meat products should meet safety requirements and originate in territories that are not affected by the infectious diseases of animals.<sup>3</sup> The meat, subproducts of slaughtered animals, game meat, milk, milk products, eggs, and other products of animal origin, animal food, and food supplements are subject to control at markets and other points of sale. Food products that are not veterinary certified are not allowed to be sold.<sup>4</sup> Documents required to ensure the safety of products are defined by the Ministry of Agriculture Directive.<sup>5</sup> The procedure for sanitary and veterinary control of foodstuffs sold at markets or supplied to stores and restaurants is prescribed by the Rules of Veterinary Control for Slaughtered Animals and Sanitary Inspection of Meat and Meat Products.<sup>6</sup>

The Rules provide for pre- and post-slaughter control, detail the food safety procedures for the meat of varied types of wild animals and livestock, and regulate the work of veterinary control stations at farmers' markets. These stations should be staffed with veterinary technicians and supervised by a doctor of veterinary medicine. Sanitary analysis of food sold on the market should be done for free. In addition to reviewing the quality of the food sold at the market, the staff of the station monitors the sanitary condition of the pavilions where meat and milk products are sold. Together with the police, they are required to ensure that no uncertified meat is sold at the market.<sup>7</sup>

Subject to veterinary control are:

- All types of meat products and subproducts from farm and wild animals,
- Poultry,
- Animal fat,
- Fish and seafood products,
- Milk and milk products,
- Eggs,
- Mushrooms, and
- Honey.<sup>8</sup>

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<sup>2</sup> Id. art. 5.

<sup>3</sup> Id. art. 15.

<sup>4</sup> Id. art. 21.

<sup>5</sup> Ministry of Agric. of the Russian Fed'n, Directive No. 598 of Dec. 27, 2016, <https://perma.cc/Z4HV-M5SC> (in Russian).

<sup>6</sup> Order of the USSR Ministry of Agriculture on Approval of the Rules of Veterinary Control for Slaughtered Animals and Sanitary Inspection of Meat and Meat Products, Dec. 27, 1983, available at [Legalacts.ru](https://perma.cc/Y42F-98QL), <https://perma.cc/Y42F-98QL> (in Russian).

<sup>7</sup> Id. § 1.

<sup>8</sup> Id. §§ 3, 4.

Sanitary stations have the right to remove foodstuffs not meeting sanitary standards from the market and destroy them. Destruction of substandard meat and fish should be conducted under the supervision of the veterinary doctor in charge of the sanitary station. If milk products do not meet the quality standards, they should be colored with black coffee or red paint and returned to the owner.

Similar sanitary rules apply to slaughter houses, permanent stores where animal farms are selling their products, and food establishments purchasing meat and fish from individual suppliers.

### **III. Specifics of Game Meat Sanitary Control**

In regard to wild animals, the Rules allow the meat of moose, impalas, deer, wild sheep, wild boar, bears, hares, groundhogs, beavers, and wild birds to be used as food. Hunters must verify that game was obtained lawfully following the established hunting rules and submit proof that wild animals were killed in a territory with no known animal diseases. Inspection of game caught by individual hunters is conducted at the market sanitary stations. Game collected by hunting organizations or cooperatives is examined at the places of collection. The body of an animal without skin and internal organs is subject to examination. Game birds are examined with feathers but disemboweled. During the examination, attention should be paid to the meat's freshness, the animal's appearance, the nature of the wound, the level of blood remaining, and the presence of pathological changes in the animal's anatomy. In a case where good quality and freshness are in doubt, microbiological testing needs to be conducted. Bacteriological analysis is always required for the meat of boars, bears, groundhogs, nutria, and some other wild animals.<sup>9</sup>

Game is destroyed if killed wild animals appear to be ill or show signs of emaciation, meat fibers look yellowish within two days after test cooking, or meat produces an unusual smell that does not disappear after test cooking.<sup>10</sup>

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<sup>9</sup> Id. § 5.

<sup>10</sup> Id.

# Thailand

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**SUMMARY** Thailand has wet markets at which wild animals or their meat is traded. Public health regulations apply to such markets. A person who operates a wet market must obtain a license from the relevant local authority. In addition, there are laws that protect wild animals. The wild animal trade is also regulated by laws that seek to control epidemics. Animals to be slaughtered for meat are examined by an official before slaughter for food safety.

## I. Overview

Thailand has wet markets at which wild animals or their meat is traded. Thailand also has “many venues that serve as transit points for cross-border trade in illegal wildlife.”<sup>1</sup> These wild animals end up in wet markets in China and Vietnam. Although there are laws that protect wild animals from being killed, captured, sold, and treated cruelly, the enforcement of laws restricting the wild animal trade is regarded as lax.<sup>2</sup>

Thailand has public health regulations that apply to markets, including wild animal wet markets. There is also a law aimed at preventing animal pandemics. Animals to be consumed are examined by an official before slaughter for food safety.

## II. Public Health Regulations

The Public Health Act B.E. 2535 (1992) includes provisions that regulate markets. Under the Act, “market” means a place ordinarily arranged for merchants to assemble to offer for sale animals, meat, vegetables, fruits, prepared or cooked food, or perishable items, with or without other kinds of goods for sale, regularly, from time to time, or on appointed dates.<sup>3</sup> In order to establish a market, a person must obtain a license issued by the local competent official.<sup>4</sup> The Act states that the relevant local government issues ordinances and oversees markets.<sup>5</sup>

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\* At present there are no Law Library of Congress research staff members versed in Thai. This report has been prepared by the author’s reliance on practiced legal research methods and on the basis of relevant legal resources, chiefly in English, currently available in the Law Library and online.

<sup>1</sup> Editorial, *A Wuhan in the Making?*, Bangkok Post (Mar. 21, 2020), <https://perma.cc/6ZZ9-4ZTN>.

<sup>2</sup> Charlie Campbell, *Don’t Blame China. The Next Pandemic Could Come from Anywhere*, Time (Mar. 10, 2020), <https://perma.cc/6U6J-ZRPD>.

<sup>3</sup> Public Health Act B.E. 2535 (1992), sec. 4, <https://perma.cc/QCG8-59CK>.

<sup>4</sup> Id. sec. 34.

<sup>5</sup> Id. sec. 35.

The Ministerial Regulations on Market Hygiene B.E. 2551 (2008) establish hygiene requirements for the markets in Pattaya and Bangkok. Other localities use the Regulations as guidelines for their own hygiene regulations.<sup>6</sup> Market license holders are responsible for cleaning, pest-control, and maintenance of the markets.<sup>7</sup> They are also responsible for keeping the market and foods to be sold safe and clean.<sup>8</sup> They make sure that animals to be sold are caged, and no other animals enter the markets. The slaughtering or washing of large animals, such as cows, buffaloes, goats, sheep or pigs, in the market is prohibited. Slaughtering or cutting poultry in the market is also prohibited in the event of an influenza epidemic transmitted by birds in the locality.<sup>9</sup> The location of the market must be at least 100 meters (about 109 yards) away from sources that cause pollution, including waste, animal husbandry, and sewage disposal, unless the public health official has given approval due to pollution in the market being prevented.<sup>10</sup>

The Regulations divide markets into two types: markets with building structures (Category 1) and markets without buildings (Category 2).<sup>11</sup>

The requirements in the Regulations for Category 1 markets include the following:

- The floor is made of materials that are strong, smooth and easy to clean, and does not absorb water;
- The building has barricades or obstructions made of strong and durable materials to prevent animals such as dogs from entering the market;
- Ventilation within the market is sufficient, suitable, and without a musty odor;
- The intensity of the light in the market building is not less than 200 lux;
- Food stalls consist of strong materials with smooth surfaces and easy to clean, with a height of not less than 60 cm (about 23.6 inches) and 1.5 square meters (about 16 square feet) or more;
- There is sufficient tap water or clean water from pipes for cleaning and washing hands and there is a sufficient number of sinks;
- The wastewater treatment system and drainage channels are in accordance with the law;<sup>12</sup>
- The market provides toilets and sinks in accordance with the general building regulations. Toilets must be located right outside the market building or separated by a wall from the food distribution area in the market building.<sup>13</sup>

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<sup>6</sup> Ministerial Regulations on Market Hygiene B.E. 2551 (2008), art. 2, <https://perma.cc/ZHQ4-5QW2> (in Thai).

<sup>7</sup> Id. arts. 19 & 20.

<sup>8</sup> Id. art. 21.

<sup>9</sup> Id.

<sup>10</sup> Id. art. 5.

<sup>11</sup> Id. art. 4.

<sup>12</sup> Id. art. 8.

<sup>13</sup> Id. art. 9.

The requirements for Category 2 markets include the following:

- The flooring is smooth, strong, not slippery, easily washed and cleaned for the sellers of fresh food;
- Food stalls consist of strong materials with smooth surfaces and are easy to clean, with a height of not less than 60 centimeters and may be foldable;
- There is sufficient tap water or clean water for washing foods;
- The drainage system is adequate;<sup>14</sup>
- The market has toilets and sinks for the vendors;<sup>15</sup>
- There are adequate numbers of toilets and sinks, and they are located separate from the sales location, unless there are public toilets or other toilets that are able to be used in the vicinity (not more than 50 meters (about 54 yard) away);<sup>16</sup>
- There are enough collection or storage facilities to support the amount of waste each day.<sup>17</sup>

In the following cases, the director general of the Health Department can order a market to be closed or that any other measures be taken to prevent harm to the public:

- Microbes that cause disease or excess numbers of them were found on samples of food, surfaces of utensils or equipment, or food vendors' hands by microbiological examination;
- The quantity of animals or insects that are carriers of diseases, such as rats, flies, or cockroaches, are more than the criteria;
- A merchant or sales assistant is found infected with, or a person is found to have been infected by consuming food, pathogens of certain communicable diseases, such as cholera, measles, mumps, tuberculosis, hepatitis A, and influenza, or pathogens were found in the market; or
- Leaks from a septic tank or a sewage treatment tank spreads germs or cause the breeding of animals or insects that are carriers of disease.<sup>18</sup>

### III. Wildlife Conservation and Protection Act

In March 2019, Thailand enacted the Wildlife Conservation and Protection Act, B.E.2562.<sup>19</sup> The Act created five categories of wildlife: preserved wildlife, protected wildlife, controlled wildlife, dangerous wildlife, and wildlife carcasses. Preserved wildlife are rare or endangered wild animals. Protected wildlife means wild animals that are important to the ecosystem or species whose population tends to decrease, which may affect the ecosystem. Controlled wildlife means

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<sup>14</sup> Id. art. 13.

<sup>15</sup> Id. art. 12.

<sup>16</sup> Id. art. 14.

<sup>17</sup> Id. art. 15.

<sup>18</sup> Id. art. 26.

<sup>19</sup> Wildlife Conservation and Protection Act, B.E.2562 (2019), <https://perma.cc/F79W-LFJP> (in Thai).

wild animals that are protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora,<sup>20</sup> and other wild animals that require appropriate control measures as specified in this Act.<sup>21</sup>

The Act prohibits hunting of preserved or protected wild animals.<sup>22</sup> Hunting a protected wild animal is punishable by imprisonment for up to 10 years or a fine not exceeding 1 million baht (US\$31,450), or both.<sup>23</sup> If the hunting takes place in a wild animal sanctuary, the punishment is increased to imprisonment for three to 15 years or a fine of 300,000 baht (US\$9,430) to 1.5 million baht (US\$47,000), or both.<sup>24</sup>

The Wildlife Conservation and Protection Act also prohibits possession of preserved wild animals, protected wild animals, or the carcass of these wild animals except as otherwise permitted by the Act.<sup>25</sup> A violation is punishable by imprisonment for up to five years or a fine of up to 500,000 baht (US\$15,700), or both.<sup>26</sup>

A person may breed protected wild animals if the government specifies the species to be allowed for breeding and the person obtains a license.<sup>27</sup> A license is also required when a person keeps protected wildlife that can be propagated.<sup>28</sup> A violation is punishable by imprisonment for up to one year or a fine of up to 100,000 baht (US\$3,145), or both.<sup>29</sup> The Act also requires a person who transports a preserved wild animal, protected wild animal, controlled wild animal, carcasses of these animals, or products derived from such carcasses to notify the authority for inspection.<sup>30</sup> A violation is punishable by imprisonment for up to four years or a fine up to 400,000 baht (US\$12,600), or both.<sup>31</sup>

Trading in preserved wild animals, protected wild animals, their carcasses or products derived from such carcasses is prohibited.<sup>32</sup> A violation is punishable by imprisonment for up to 10 years or a fine not exceeding 1 million baht (US\$31,450), or both.<sup>33</sup> A person who imports or exports

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<sup>20</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora, U.N.T.S. I-14537, entered into force July 1, 1975, <https://perma.cc/FC2Q-LG8Q>.

<sup>21</sup> Wildlife Conservation and Protection Act, B.E.2562 (2019), sec. 4.

<sup>22</sup> Id. sec. 12.

<sup>23</sup> Id. sec. 89, para. 1.

<sup>24</sup> Id. sec. 89, para. 2.

<sup>25</sup> Id. sec. 17.

<sup>26</sup> Id. sec. 92.

<sup>27</sup> Id. sec. 28.

<sup>28</sup> Id. sec. 18.

<sup>29</sup> Id. sec. 90.

<sup>30</sup> Id. sec. 25.

<sup>31</sup> Id. sec. 94.

<sup>32</sup> Id. sec. 29.

<sup>33</sup> Id. sec. 89, para. 1.

protected wild animals or products derived from the protected animals must obtain a license.<sup>34</sup> A violation is punishable by imprisonment for up to 10 years or a fine up to 1 million baht (US\$31,450), or both.<sup>35</sup>

#### **IV. Animal Epidemics Act**

The Animal Epidemics Act, B.E. 2558 (2015), states as follows:

For the purpose of prevention and control of epidemics from the animal or carcass trade, any person who trades or seeks profit in the form of an intermediary from the following animals or carcasses shall obtain a license from a registrar:

- (1) elephant, horse, cow, buffalo, goat, sheep, deer, pig, wild boar, dog, cat;
- (2) bird, chicken, duck, goose including eggs used for reproduction;
- (3) a carcass of the animals under (1) or (2); and
- (4) other kinds of animals or carcasses as prescribed in the Notifications by the Minister.<sup>36</sup>

The license expires in one year, and is renewable.<sup>37</sup>

#### **V. Cruelty Prevention and Welfare of Animal Act**

The Cruelty Prevention and Welfare of Animal Act, B.E. 2557 (2014), states that no person can perform any act that is deemed an act of cruelty to an animal without justification.<sup>38</sup> Killing for food an animal that is commonly used as food and killing an animal under the Control of Animal Slaughter for the Distribution of Meat Act (discussed in Part V, below)<sup>39</sup> are justified.

#### **VI. Control of Animal Slaughter for the Distribution of Meat Act**

The Control of Animal Slaughter for the Distribution of Meat Act, B.E. 2559 (2016), applies to the slaughter of cows, buffaloes, goats, sheep, pigs, ostriches, chickens, ducks, geese, and other animals as prescribed in by ministerial regulation.<sup>40</sup> When such an animal is slaughtered at a market to sell its meat, this act is applicable. Although slaughtering animals outside a slaughterhouse for the distribution of meat is prohibited, in a case where it appears that the locality has no slaughterhouse or where there are exceptionally reasonable grounds, the

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<sup>34</sup> Id. sec. 23, para. 1.

<sup>35</sup> Id. sec. 93.

<sup>36</sup> Animal Epidemics Act, B.E. 2558 (2015), sec. 24, <https://perma.cc/9GWS-PWGT>.

<sup>37</sup> Id. art. 26.

<sup>38</sup> Cruelty Prevention and Welfare of Animal Act, B.E. 2557 (2014), sec. 20, <https://perma.cc/H8MP-CD34>.

<sup>39</sup> Id. sec. 21.

<sup>40</sup> Control of Animal Slaughter for the Distribution of Meat Act, B.E. 2559 (2016), sec. 4, <https://perma.cc/3S3L-EC6J>.

governor may permit the slaughtering with the approval of the Animal Slaughter Business Supervisory Commission.<sup>41</sup>

A person who intends to slaughter animals for the distribution of meat must notify the local official of the kinds and number of the animals to be slaughtered, their origin, the date, time, and location for their slaughter, and must also pay the slaughter duties.<sup>42</sup> Prior to the slaughter, an animal-disease examination official carries out an examination. In a case where the official has reasonable grounds to suspect that the animal to be slaughtered has contracted a disease or is unsuitable for consumption as food, the official will order a suspension of the slaughter and removal of the animal for verification.<sup>43</sup>

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<sup>41</sup> Id. sec. 39. The Animal Slaughter Business Supervisory Commission consists of the Permanent Secretary for Agriculture and Co-operatives as Chairperson and other government officials. Id. sec. 6.

<sup>42</sup> Id. sec. 31.

<sup>43</sup> Id. sec. 34.

# Turkey

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**SUMMARY** The Turkish legal framework regulating the sale of animals forbids the sale of live wild animals and meat and other products obtained from them, unless the animals are produced or raised in regulated production facilities. Wild boar meats are exempted from this rule, and may be sold or exported subject to special rules and certification. For wild and game animals produced in regulated production facilities, the producers or purveyors of such animals must comply with additional requirements under the Game and Wild Animals Regulation, such as displaying their special producers' license at the place of sale, obtaining special origin certificates or veterinarian reports, and preparing a special sales certificate.

## I. Overview of the Legal Framework

In Turkish law, the main legislation that applies to the regulation of animal markets is Law No. 5996.<sup>1</sup> Two regulations based on this Law provide the details of the legal framework applicable to animal markets: the Regulation on the Procedure and Principles Regarding the Licensing and Inspection of Animal Markets (Animal Markets Regulation or AMR),<sup>2</sup> and the Regulation on the Procedure and Principles Regarding the Operation and Inspection of Purveyors Dealing in Live Animals (Live Animal Trade Regulation or LATR).<sup>3</sup> Additional rules regarding, in particular, the sale of wild animals and wild animal products are provided in the Regulation on the Stocking, Production, and Trade of Game and Wild Animals and Products Obtained from These (Game and Wild Animals Regulation, or GVAR).<sup>4</sup> This latter regulation is based on Law No. 5199,<sup>5</sup> Turkey's international obligations as a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora,<sup>6</sup> and the Bern Convention.<sup>7</sup> Finally, general rules about the regulation and inspection of the animal husbandry supply chain are found in the

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<sup>1</sup> Veteriner Hizmetleri, Bitki Sağlığı, Gıda ve Yem Kanunu, Law No. 5996, Official Gazette [O.G.] No. 27619, June 13, 2010, <https://perma.cc/653V-JZDY> (in Turkish).

<sup>2</sup> Hayvan Satış Yerlerinin Ruhsatlandırılma ve Denetleme Usul Ve Esasları Hakkında Yönetmelik, O.G. No. 28152, Dec. 24, 2011, as amended, <https://perma.cc/4ZSM-SV56> (in Turkish).

<sup>3</sup> Canlı Hayvan Ticareti Yapan Satıcıların Çalışma ve Denetlenmesi ile ilgili Usul ve Esaslar Hakkında Yönetmelik, O.G. No. 28177, Jan. 18, 2012, as amended, <https://perma.cc/D3X4-7CRF> (in Turkish).

<sup>4</sup> Av ve Yaban Hayvanları ile Bunlardan Elde Edilen Ürünlerin Bulundurulması, Üretimi ve Ticareti Hakkında Yönetmelik, O.G. No. 25847, June 16, 2005, <https://perma.cc/5MF9-KDB7> (in Turkish).

<sup>5</sup> Hayvanları Koruma Kanunu, Law No. 5199, O.G. No. 25509, July 1, 2004, <https://perma.cc/626G-EUDY> (in Turkish).

<sup>6</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora, U.N.T.S. I-14537, entered into force July 1, 1975, <https://perma.cc/FC2Q-LG8Q>.

<sup>7</sup> Convention on the Conservation of European Wildlife and Natural Habitats [Bern Convention], E.T.S. No. 104, entered into force June 1, 1982, <https://perma.cc/R36D-XXQA>.

Regulation on Animal Health and the Animal Health Constabulary (Animal Health Regulation or AHR).<sup>8</sup>

## II. Regulation of Wild Animals in Animal Markets

### A. Rules Regarding the Sale of Wild and Game Animals

GWAR regulates the transport, sale, import, and export of wild game animals and derived products. Separate rules apply to game animals taken from the wild and game animals produced in regulated production facilities. GWAR forbids outright the trade of game meat of any game animal taken from the wild in accordance with the Ministry's permission, with the single exception of wild boar.<sup>9</sup> Live wild animals that are not produced in regulated production facilities cannot be stocked or sold for commercial purposes.<sup>10</sup> Wild boar meat can be sold or exported upon obtaining special sales and transport licenses from the Ministry.<sup>11</sup> The hunter who has taken the boar must obtain a certificate of origin and a transport license from municipal authorities without butchering the animal.<sup>12</sup> Licensed purveyors may butcher the animal only after obtaining a report from a state veterinarian finding that the animal is suitable for human consumption.<sup>13</sup>

Wild and game animals (including birds, raptors, rodents, and other small mammals, predator and herbivore mammals, and fur-bearing animals) can be raised by producers upon obtaining a license from the Ministry of Agriculture and Forestry.<sup>14</sup> The requirements for obtaining a license vary according to the species that will be produced and the production capacity. Producers must document their production by regularly filing production record forms with the Ministry.<sup>15</sup> Producers are subject to regular annual and at-will inspections by Ministry officials, and regular animal health scans must be conducted by licensed veterinarians.<sup>16</sup> Importation of wild and game animals, their meat, or other products obtained from them are subject to additional licensing.<sup>17</sup> GWAR also regulates the labeling of produced animals and the reporting of livestock to the Ministry.<sup>18</sup>

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<sup>8</sup> Hayvan Sağlığı ve Zabıtası Yönetmeliği, O.G. No. 20109, Mar. 15, 1989, as amended, <https://perma.cc/KQT6-WTEZ> (in Turkish).

<sup>9</sup> GWAR art. 64.

<sup>10</sup> Id. art. 68 et seq.

<sup>11</sup> Id. art. 65.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id. art. 4.

<sup>15</sup> Id. art. 17.

<sup>16</sup> Id. arts. 20 and 27.

<sup>17</sup> Id. arts. 75-81.

<sup>18</sup> Id. art. 82.

Live wild animals may be stocked only for hobby or collection purposes, and in limited numbers, in accordance with the special rules provided in GVAR; the sale of such animals is forbidden, and persons stocking these animals must submit them annually to an inspection by a veterinarian who will keep track of their health and immunization.<sup>19</sup> The hobby collector must bear all the costs of the veterinarian's services and keep the veterinarian's report on file to produce it in case of an inspection by the Ministry.<sup>20</sup>

Hunting in Turkey is regulated by the legal framework provided in Law No. 4915, which provides rules regarding allowed hunting practices and equipment, maintenance of hunting grounds and conservation areas, hunting seasons, hunting licenses, and hunting tourism.<sup>21</sup> All hunters must obtain a hunter's certificate and a hunting license to hunt legally in Turkey.<sup>22</sup> GVAR regulates the disposal of game taken in violation of Law No. 4915.<sup>23</sup>

## **B. Regulation of Animal Markets**

Wild animals that are raised in regulated production facilities may be sold in live animal markets, which are regulated under AMR. AMR applies to all animal markets, live animal exchanges, fairs, and collection and sale centers used for the buying, selling, and storage (pending sale) of animals (hereinafter generally, "animal markets").<sup>24</sup> The scope of AMR was widened in July 2020 to include animal collection and sale centers.<sup>25</sup>

AMR requires all animal markets to be licensed by the provincial governorate.<sup>26</sup> Besides rules regarding zoning and infrastructure, AMR provides the minimum technical and hygienic standards to which the physical facilities of animal markets must comply to be licensed.<sup>27</sup> Among other things, animal markets must have facilities ensuring a certain level of animal welfare, and facilities and systems that maintain necessary hygiene such as manure cleaning systems, biological waste depots, animal quarantine zones, and offices for veterinarians.<sup>28</sup> AMR requires all animal markets to have a licensed veterinarian as a manager, who will be jointly responsible with the market owner for the proper operation of the market, including regular disinfection of the premises and taking other necessary measures against the impact of the market on the environment and public health, and the proper filing of official documents

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<sup>19</sup> Id. arts. 45-56.

<sup>20</sup> Id. art. 48.

<sup>21</sup> Kara Avcılığı Kanunu, Law No. 4915, O.G. No. 25165, July 11, 2003, as amended, <https://perma.cc/7QMQ-CEHJ> (in Turkish).

<sup>22</sup> Law No. 4915 art. 6.

<sup>23</sup> GVAR art. 85.

<sup>24</sup> AMR art. 2.

<sup>25</sup> By amending regulation published in O.G. No. 31190, July 19, 2020, <https://perma.cc/FX8L-FC6N> (in Turkish).

<sup>26</sup> AMR art. 5.

<sup>27</sup> Id. arts. 7-8/A.

<sup>28</sup> Id.

required by the Ministry under the relevant legislation, such as animal transport certificates and veterinarian reports.<sup>29</sup> Animal markets are subject to at least four periodic inspections a year by Ministry veterinarians.<sup>30</sup>

While the AMR regulates animal markets, persons selling certain live animals are subject to an additional set of rules under LATR. LATR applies to all persons buying, selling, and transporting cattle, sheep, goats, and swine-type animals for commercial purposes (hereinafter generally, “purveyors”).<sup>31</sup> LATR provides detailed rules regarding the minimum technical and hygienic standards to which the premises purveyors use in connection with animal trade must conform.<sup>32</sup> LATR also provides rules applicable to the operation of purveyors regarding, among other things, animal welfare, the handling of animals, personal protective gear that workers must wear while on the premises, training of workers in matters of hygiene, and animal health inspections by state veterinarians.<sup>33</sup> The premises of purveyors are subject to inspection at least twice a year.<sup>34</sup>

In June 2019, the Ministry issued a circular detailing the procedures for the oversight and inspection of purveyors of live animals (“Circular”).<sup>35</sup> The Circular recognizes the heightened risk of zoonotic diseases due to the high volume of trade in live animals and the high volume of live animal freight between provinces. The Circular reiterates that the establishments of live animal purveyors must be inspected twice every year by a team of two Ministry veterinarians, who will prepare a report on the purveyors’ compliance with the minimum technical and hygiene standards set out in LATR, and it provides details about the inspection procedure.<sup>36</sup>

### C. Additional Requirements for the Sale of Wild and Game Animals in Animal Markets

In addition to the rules provided in AMR and LATR, GVAR requires producers and breeders of game and wild animals who sell their animals and derivative products in animal markets to comply with certain extra requirements. Accordingly, these producers must display a copy of their production and breeding license on the premises where they sell their goods, have a copy of the place of origin certificate or a veterinarian’s report, ensure that their animals are labeled or marked, and prepare a “Certificate of Sale or Donation of Game and Wild Animals and Products” for each concluded sale.<sup>37</sup>

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<sup>29</sup> Id. art. 9.

<sup>30</sup> Id. art. 12.

<sup>31</sup> LATR art. 4(g).

<sup>32</sup> Id. art. 10.

<sup>33</sup> Id. arts. 10-13.

<sup>34</sup> Id. art. 14.

<sup>35</sup> Ministry of Agric. & Forestry Gen. Directorate of Nutrition & Control, *Circular No. 2019/3: On the Inspection and Control of Live Animal Purveyors* (June 17, 2019), <https://perma.cc/BTB8-Z3NG> (in Turkish).

<sup>36</sup> Id.

<sup>37</sup> GVAR art. 70(2).

### III. Enforcement of Rules and Outbreaks of Zoonotic Diseases

While there are frequent reports of illegal butchering, meat smuggling, and zoonotic diseases that originate from the consumption of wild and game meat in the media and medical literature, it appears that almost all of the cases reported actually concern meat from domesticated animals such as cattle, sheep, goats, poultry, or swine.<sup>38</sup> Nevertheless, rare cases of zoonotic diseases caused by the consumption of raw or undercooked wild game meat have been reported in the medical literature.<sup>39</sup> Research did not find reporting of widespread illegal trade in wild game meat.

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<sup>38</sup> See, e.g., Nurullah Akkoç et al., *A Large-Scale Outbreak of Trichinellosis Caused by Trichinella britovi in Turkey*, 56 *Zoonoses & Pub. Health* 65 (2009), <https://perma.cc/RU3F-Y5ZF>; Ergün Ayaz, *Şarbon hastalığı görülen Dilovası'nda kaçak et operasyonu*, *Hürriyet* (Sept. 8, 2007), <https://perma.cc/7QF5-A2S7> (in Turkish); Salim Uzun, *Kaçak etten uzak durum*, *Hürriyet* (Sept. 5, 2018), <https://perma.cc/WRW2-MT86> (in Turkish).

<sup>39</sup> Y. Heper et al., *Letter to the Editor, A Trichinosis Outbreak Caused by Wild Boar Meat in Turkey*, 12 *Parasite* 191 (2005), <https://perma.cc/P537-E4S2>.

# Vietnam

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**SUMMARY** Vietnam has wild animal wet markets. The Law on Veterinary Medicine sets hygiene standards applicable to such markets. Trading in endangered and rare animals is restricted, and trading in common wild animals is regulated. In order to reduce the risk of new pandemics, the Prime Minister issued a directive on July 23, 2020, banning the wildlife trade and eliminating wildlife markets.

## I. Animal Market Regulation

Vietnam has wild animal wet markets.<sup>1</sup> “Wildlife is commonly traded and used in Vietnam for meat, pets, skins, traditional medicine, or display in private zoos and collections.”<sup>2</sup> It appears that the markets themselves are legal. The Law on Veterinary Medicine sets hygiene standards applicable to animal markets and small animal markets as follows:

1. Regarding animal markets:
  - a) Location shall conform with the planning of local government;
  - b) Animals shall be kept in separate areas;
  - c) Equipment, tools and water shall satisfy the veterinary hygiene standards;
  - d) Measures for collecting and treating waste water and waste matters safety that are conformable to the law provisions on environmental protection shall be taken to ensure [preventing] epidemic;
  - dd) Cleansing, decontamination and disinfection shall be carried out according to the regulations.
2. Regarding small animal markets:
  - a) Located separately from other branches;
  - b) Convenient for cleansing, decontamination, disinfection and collection and treatment of waste water, waste matters.<sup>3</sup>

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\* At present there are no Law Library of Congress research staff members versed in Vietnamese. This report has been prepared by the author’s reliance on practiced legal research methods and on the basis of relevant legal resources, chiefly in English, currently available in the Law Library and online.

<sup>1</sup> Michael Tatarski, *Vietnam Considers Wildlife Trade Ban in Response to Coronavirus Pandemic*, Mongabay (Mar. 18, 2020), <https://perma.cc/US5M-H42G>.

<sup>2</sup> *COVID-19: The Right Time for Revising Wildlife Trade and Consumption Policy*, Vietnam Law & Legal Forum (May 25, 2020), <https://perma.cc/2XE4-AWG2>.

<sup>3</sup> Law on Veterinary Medicine, No. 79/2015/QH13 (June 19, 2015), art. 71, cls. 1 & 2, <https://perma.cc/CE3S-JZ2W>. This Law does not indicate what constitutes a difference between animal markets and small animal markets.

The Law on Veterinary Medicine also sets standards for establishment trading in animal products. “Animal products” means any product derived from animals.<sup>4</sup> At establishments trading animal products,

- a) Things used for display, sale and containing of animal products shall be made of stainless materials so as not to badly affect the quality of products and shall be easy for cleansing, decontamination and disinfection;
- b) Appropriate preservation measures shall be taken to prevent animal products from losing food safety and degeneration;
- c) Location and things used for trading of animal products shall be carefully cleansed before, while and after the sale of animal products and shall be periodically decontaminated and disinfected;
- d) Warehouses, equipment for preservation of animal products shall comply with the regulations according to corresponding technical standards; [and]
- dd) Measures for collecting and handling waste water and waste matters safety that are conformable to the law provisions on environmental protection shall be taken during the trading of animal products to ensure epidemic.<sup>5</sup>

Establishments trading animal products for use as food must also comply with legislation on food safety.<sup>6</sup>

## II. Endangered and Rare Animal Trade Regulation

It is generally illegal to buy, sell, or trade an endangered animal in Vietnam. Such animals, however, are sometimes placed on the market illegally.

Under the 2017 Law on Forestry, “endangered and rare forest plant and animal species” are those forest plant and animal species that have special economic, scientific, medical, ecological, landscaping, and environmental value, and that number only a few in nature or are under threat of extinction.<sup>7</sup> Under the Biodiversity Law, “endangered precious and rare species prioritized for protection” are similarly defined.<sup>8</sup> The government must make a list of endangered and rare species of forest animals<sup>9</sup> and must develop policies on their management and protection and procedures for using them as provided in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).<sup>10</sup>

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<sup>4</sup> Id. art. 3, cl. 2

<sup>5</sup> Id. art. 72, cl. 1.

<sup>6</sup> Id. art. 72, cl. 2.

<sup>7</sup> Law on Forestry, No. 16/2017/QH14 (Nov. 15, 2017), art. 2, cl. 14, <https://perma.cc/N2DC-9RAM>.

<sup>8</sup> Law on Biodiversity, No. 20/2008/QH12 (Nov. 13, 2008), art. 3, cl. 20, <https://perma.cc/59ET-M7N9>.

<sup>9</sup> Law on Forestry art. 38, cls. 1 & 2; Decree on Management of Endangered, Precious and Rare Species of Forest Fauna and Flora and Observation of Convention on International Trade in Endangered Species of Wild Fauna and Flora, No. 06/2019/ND-CP (Jan. 22, 2019), art. 4, <https://perma.cc/FG8N-T6JN>.

<sup>10</sup> Law on Forestry art. 38, cl. 2.

Hunting, fishing, exploring body parts of, killing, consuming, transporting, purchasing, or selling species on the list of endangered and rare species, and advertising, marketing, or consuming products originated from such species are restricted.<sup>11</sup> Breeding forest animals that are endangered or rare, or are listed in the CITES Appendices, may be allowed if a person follows the requirements, procedures, and scope of licensing set by the government.<sup>12</sup>

Specimens of endangered and rare wild forest plant and animal species provided in the CITES Appendices must be marked to identify legal origins in accordance with characteristics and categories of each specimen and ensure the marks are falsification-proof. “Specimens of animal species” means living or dead animals, eggs, larvae, or their parts or derivatives.<sup>13</sup> When a person trades in such specimens, the person must ensure they are from legal origins and appropriately managed for processing and consumption.<sup>14</sup>

Those who violate laws protecting endangered species are punishable by imprisonment for up to 15 years and fines under the Penal Code.<sup>15</sup>

### **III. Trade of Non-Endangered Wild Animals**

The Law on Forestry states that when a person trades forest products, including wild animals,<sup>16</sup> the person must follow regulations on documentation on forest products and inspection of their origins.<sup>17</sup> The inspection of the origin of forest products includes the inspection of forest products in the course of harvesting, transporting, processing, trading, and storing such products.<sup>18</sup> Forest rangers take charge of the inspection, in cooperation with the police, army, market surveillance authorities, customs, and other authorities.<sup>19</sup>

Those who violate laws protecting common wild animals that are valued at 500 million dong (about US\$ 21,600) or more are punishable by imprisonment for more than six months, a community sentence, or fines under the Penal Code.<sup>20</sup>

### **IV. New Directive to Heighten Enforcement of Existing Laws on Illegal Wildlife Trade**

In early March 2020, Prime Minister Nguyen Xuan Phuc ordered the Ministry of Agriculture and Rural Development to draft a directive to eliminate the illegal wildlife trade and the consumption

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<sup>11</sup> Law on Biodiversity art. 7, para. 4.

<sup>12</sup> Law on Forestry art. 49.

<sup>13</sup> Id. art. 2, cl. 15.

<sup>14</sup> Id. art. 72, cl. 2.

<sup>15</sup> Penal Code No. 100/2015/QH13 (Nov. 27, 2015), arts. 234 & 244, <https://perma.cc/SS2U-8GFJ>.

<sup>16</sup> Law on Forestry art. 2, cl. 16.

<sup>17</sup> Id. art. 72, cl. 1, dd.

<sup>18</sup> Id. art. 42, cl. 1.

<sup>19</sup> Id. art. 42, cl. 3.

<sup>20</sup> Penal Code No. 100/2015/QH13 (Nov. 27, 2015), art. 234, <https://perma.cc/SS2U-8GFJ>.

of wildlife, and to submit the draft to the government no later than April 1.<sup>21</sup> Though it was delayed, on July 23, 2020, Prime Minister Phuc issued a directive calling for enhanced enforcement efforts on illegal wildlife trade in Vietnam with immediate effect in order to reduce the risk of new pandemics.<sup>22</sup>

The directive includes twelve provisions. The first provision temporarily bans the import of live wild animals and wildlife products until further notice. It also states that the government is eliminating illegal wildlife markets and enforcing prohibitions on the illegal hunting and trading of wild animals,<sup>23</sup> including through online sales.<sup>24</sup> Further, the directive instructs the People's Committees of the provinces to strengthen inspections of wildlife rearing and trading establishments in compliance with the legal origin regulation, and of veterinary hygiene and environment and food safety.<sup>25</sup>

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<sup>21</sup> Sen, *Vietnam to Ban Wildlife Trade Following Conservationists' Demand*, VN Express (Mar. 9, 2020), <https://perma.cc/NA7J-B742>.

<sup>22</sup> Chỉ Thị Về Một Số Giải Pháp Cấp Bách Quản Lý Động Vật Hoang Dã [Directive on Urgent Solutions for Wildlife Management], No. 29/CT-TTG 2020 (July 23, 2020), <https://perma.cc/43Z3-LTDE>.

<sup>23</sup> Id. item 1 & 11.

<sup>24</sup> Id. item 9.

<sup>25</sup> Id. item 12.

## *Appendix*

# Mexico

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According to a bill introduced in April 2020 in Mexico's Senate, wet markets in poor sanitary conditions exist in Mexico, and therefore, the bill proposes to close them and penalize their operations by federal law.<sup>1</sup>

Specifically, the bill proposes to provide powers to the federal Departments of Agriculture and Health to close animal marketplaces and slaughterhouses that do not have the necessary animal health measures in place to ensure food safety and thus pose an epidemiological risk, under pertinent regulations to be developed by these departments.<sup>2</sup>

The initiative also proposes the following:

- The General Health Law should be reformed to consider the killing of animals (both domestic and wild) in public streets as a specific crime.
- The Federal Criminal Code should be reformed so that whoever trades in animal products that fail to comply with animal health and hygiene regulations risks human health and safety and should be punished.
- Anyone who operates an underground slaughterhouse should be convicted of a crime and sentenced to imprisonment.<sup>3</sup>

The bill is currently pending in the Mexican Senate.<sup>4</sup>

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<sup>1</sup> Iniciativa de la Sen. Laura María de Jesús Rodríguez Ramírez, del Grupo Parlamentario Morena, con proyecto de decreto por el que se reforman y adicionan diversas disposiciones de la Ley Federal de Sanidad Animal, de la Ley General de Salud y del Código Penal Federal, Gaceta del Senado, Apr. 24, 2020, <https://perma.cc/VC3Q-TT7E>.

<sup>2</sup> Id.

<sup>3</sup> Press Release, Animal Equality, *Animal Equality Introduces New Initiative in Mexico to Ban Sale of Live Animals at Markets* (Apr. 28, 2020), <https://perma.cc/E967-WCAX>.

<sup>4</sup> Iniciativa de la Sen. Laura María de Jesús Rodríguez Ramírez, del Grupo Parlamentario Morena, con proyecto de decreto por el que se reforman y adicionan diversas disposiciones de la Ley Federal de Sanidad Animal, de la Ley General de Salud y del Código Penal Federal, Gaceta del Senado, Estado Actual: Pendiente, Apr. 24, 2020, <https://perma.cc/HY4T-AS6D>.

# Saudi Arabia

George Sadek  
Foreign Law Specialist

**SUMMARY** One of the largest markets in the Kingdom of Saudi Arabia for wild animals, birds and reptiles is the Al-Ahdl Market, located in the Khoumrah County, south of Jeddah, Saudi Arabia. It includes all types of exotic birds, reptiles, and animals.

In January 2018, in conjunction with the local police, a team of veterinarians affiliated with the Ministry of Environment confiscated 6,500 birds from the Al-Ahdl Market after positive cases of a bird flu virus, type H5N8, emerged in the market.

Royal Decree M/9 of 6/3/1421 (Hijiri) corresponding to June 8, 2000, regulates the possession and trade of wild creatures and their production.

The Director of the Environmental Health Department in Jeddah has announced the establishment of the Joint Deceases Commission. The main purpose of the commission is to monitor any violations concerning the sanitary requirements in the Al-Ahdl Market that might cause an outbreak of any kind.

## I. Introduction

One of the largest markets in the Kingdom of Saudi Arabia for wild animals, birds, and reptiles is the Al-Ahdl Market located in the Khoumrah County, south of Jeddah, Saudi Arabia. The Al-Ahdl Market only takes place on Fridays. It is a street market. It includes all types of exotic birds, reptiles, and animals. For instance, sellers in the market may offer different types of lizards, nonvenomous snakes such as pythons, and sometimes venomous snakes including cobras.<sup>1</sup> Wild animals for sale in the market include cape hyraxes, caracals, hyenas, and wild foxes. Likewise, the market offers a variety of birds such as eagles, peafowls, and curlews.<sup>2</sup> Different types of monkeys also are available in the market.<sup>3</sup>

In January 2018, in conjunction with the local police, a team of veterinarians affiliated with the Ministry of Environment confiscated 6,500 birds from the Al-Ahdl Market after positive cases of a bird flu virus called H5N8 emerged in the market.<sup>4</sup> Based on news reports, some bird sellers in

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<sup>1</sup> Amer Hilabi, *Jeddah Animal and Bird Souk: A Haven for the Rare and Wonderful*, Saudi Gazette (Jan. 5, 2013), <https://saudigazette.com.sa/article/27343>.

<sup>2</sup> Turkey Al-Qhtani, *Birds Market in Jeddah Sells All Unique Birds and Animals from Bulbuls to Horses*, Al Madinah (May 24, 2013), <https://perma.cc/ETF8-SDKD> (in Arabic).

<sup>3</sup> *Heavy Crowd Weekly in the Animal Market of Jeddah*, Amoon (May 2, 2013) <https://perma.cc/D3MS-NZHD> (in Arabic).

<sup>4</sup> Dawood Al-Kathiri, *Ministry of Environment Gets Rid of 6,500 Birds and Shuts Down Al-Ahdl Market*, Al Madinah (Jan. 5, 2018), <https://perma.cc/4GW4-43F2> (in Arabic).

the market voiced their concern about the spread of viruses and diseases in the market due to a poor level of hygiene and the failure to enforce health and environmental requirements.<sup>5</sup>

## II. Possession and Trade of Wild Creatures

### A. Royal Decree M/9 of 6/3/1421

Royal Decree M/9 of 6/3/1421 (Hijri) corresponding to June 8, 2000, regulates the possession and trade of wild creatures and its production. The Royal Decree defines the term “production of a wild animal” as any raw or processed parts of the animal’s body. The Decree defines the term “trade” as offer and transport of an animal for the purpose of sale.<sup>6</sup> It also bans the sale of wild creatures without the permission of the National Wildlife Protection Authority.<sup>7</sup>

The Decree grants authority to the local police, with the cooperation with the Ministry of Environment, to inspect animal markets and means of transportation to ensure the implementation of the Decree.<sup>8</sup>

Violation of the Decree will be punished by a fine not exceeding 10,000 Saudi Riyals (about US\$2,665). In the event of repetition of the violation, the amount of fine will be doubled.<sup>9</sup> Furthermore, the wild animal that was offered for sale will be confiscated, and the seller must pay for the animal’s food and housing after it is confiscated by the appropriate authorities.<sup>10</sup>

### B. Prohibition of Bushmeat Under Islamic Law

Saudi Islamic jurists, such as Abdul Aziz Ibn al-Baz, claim that the consumption of bushmeat is forbidden under Islamic law. Ibn Al-Baz bases his legal opinion on one of the speeches of the Prophet Mohammed. The speech was recounted by Ibn Abbas, one of the Prophet’s companions. Ibn Abbas has reported that “Allah’s Messenger (may peace be upon him) forbade (the eating) of all the fanged beasts of prey, and of all the birds having talons.”<sup>11</sup>

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<sup>5</sup> Mouhannad Qhtan, *Birds in the Al-Ahdal Market – A Story That Has Not Ended Yet*, Al-Balad ( July 8, 2019), <https://perma.cc/J6ES-7W62> (in Arabic).

<sup>6</sup> Royal Decree M/9 of 6/3/1421 (Hijri) corresponding to June 8, 2000, posted on the Cabinet website, <https://perma.cc/KN6J-NFQW> (in Arabic).

<sup>7</sup> Id. art. 3.

<sup>8</sup> Id. art. 6.

<sup>9</sup> Id. art. 7(a).

<sup>10</sup> Id. art. 7(b).

<sup>11</sup> Religious Decree (fatwa) issued by Abdul Aziz Ibn Al-baz on the prohibition of eating bushmeat, <https://binbaz.org.sa/fatwas/17092/حكم-اكل-الحيوانات-البرية-ذوات-الظفر-والناب> (in Arabic). See also Sahih Muslim, vol. 21, Hadith (speech) no. 4754, <https://perma.cc/E6BV-4XAQ>.

### III. Sanitary Measures and Enforcement

#### A. Sanitary Measures

The Director of the Environmental Health Department in Jeddah has announced the establishment of the Joint Diseases Commission. The main purpose of the commission is to monitor any violations concerning the sanitary requirements in the Al-Ahdl Market that might cause an outbreak of any kind. The Director stated that 100 health observers are assigned to monitor health violations in the market as well.<sup>12</sup>

In March 2020, the General Administration for Environmental Control ordered the closing and disinfecting of the market as a precautionary measure to curb the spread of the COVID-19 virus.<sup>13</sup>

#### B. Enforcement

In November 2019, in cooperation with the local police, a team from the Ministry of Environment conducted an inspection in the Al-Ahdl Market to ensure that merchants maintain the cleanness of the market to prevent any future bird flu outbreak or epidemic. The local police and the team were able to identify violators during the inspection. They also took some random samples from the birds and animals in the market to check on any infectious diseases that they might carry.<sup>14</sup>

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<sup>12</sup> Turkey Al-Qhtani, *supra* note 2.

<sup>13</sup> *The Closure of Auctions Avenues for Birds in the Jeddah Market*, Bawabaa News (Mar. 8, 2020), <https://perma.cc/K9CR-LZJ5> (in Arabic).

<sup>14</sup> Abdallah Al-Jarhi, *Jeddah: A Quattro Commission Stands in the Al-Ahdl Market and Finds 13 Violations* (Nov. 9, 2019), <https://perma.cc/3UE5-DSXC> (in Arabic).

# United Arab Emirates

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**SUMMARY** Some United Arab Emirates (UAE) citizens want to own exotic animals as a historical and cultural practice. Also, owning an exotic animal is perceived as signifying high social status. In December 2016, the UAE issued Federal Law No. 22 of 2016 imposing fines and jail time on individuals found guilty of owning, buying or selling all types of wild animals. Despite such restrictions, sales of wild animals moved from street markets to an online illegal market.

Animals in the UAE are not sold for human consumption by UAE citizens. However, there are many expatriates living in the UAE who might consume the meat of wild animals. Law No. 22 of 2016 prohibits the trading of all wild animals, dead or alive, and their meat as well.

The ministry of environment announced that it follows online ads for the sale of wild animals to find the location of the sellers. The Abu Dhabi and Sharjah provinces have implemented Law No. 22 of 2106 against the possession and trade of wild dangerous animals by issuing tickets against owners of wild animals and arresting individuals smuggling wild animals into the country.

## I. Introduction

According to Hiba Al Shehhi, Acting Director of the Biodiversity Department at the Ministry of Climate Change and Environment (MoCCA), some Emirati citizens want to own wild animals as a historical and cultural practice. Also, owning a wild animal, such as a tiger, a lion or a panther, is perceived as signifying high social status.<sup>1</sup>

In December 2016, the United Arab Emirates (UAE) issued Federal Law No. 22 of 2016 imposing fines and jail time on individuals found guilty of owning, buying or selling all types of dangerous and wild animals. This legal measure has restricted the open sale of wild animals in street markets.<sup>2</sup>

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<sup>1</sup> Megha Merani, *How Illegal UAE Wildlife Sales Have Shifted Online*, Arabian Bus. (Feb. 16, 2019), <https://perma.cc/RQH7-2UP2>.

<sup>2</sup> *All You Need to Know About the UAE's New Animal Possession Laws – Graphic*, The Nat'l (Jan. 11, 2017), <https://perma.cc/5VQ8-AMLC>.

Animals in the UAE are not sold for human consumption by UAE citizens. However, there are many expatriates living in the UAE who might consume the meat of wild animals.<sup>3</sup> Law No. 22 of 2016 prohibits the trading of all wild animals, dead or alive, and their meat as well.

Despite such restrictions, sales of wild animals moved from the street markets to an online illegal market. According to news reports, the online market of wild animals includes tigers, lions, cheetahs, and a huge variety of monkeys. Prices range from about Dh4,000 (about US\$1,089) for a two-month-old baboon to more than Dh40,000 (about US\$10,890) for a cheetah or a tiger.<sup>4</sup> Also, the online market offers reptiles such as snakes, lizards, and crocodiles.<sup>5</sup> There are some allegations that the illegal wildlife trade funds other types of illegal markets, such as human trafficking, drugs, and arms.<sup>6</sup>

Finally, given the secrecy of this illegal trade, there is no guarantee for the buyers that those wild animals undergo the necessary medical examination by a veterinarian to ensure that they are free of diseases.<sup>7</sup>

## II. The Possession and Trade of Wild Animals

Federal Law No. 22 of 2016 on the possession of dangerous animals prohibits any person from owning or selling wild animals.<sup>8</sup> The Law requires any person who becomes aware of the existence of a wild dangerous animal that is in the possession of another to notify the MoCCAЕ or the closest police station.<sup>9</sup> If an entity (not a person) possess a wild animal, it must notify the MoCCAЕ if such animal is sick with an infectious disease.<sup>10</sup>

The Law subjects any person who possesses a wild animal with the intent to sell it to a term of imprisonment (the provision does not specify the length of imprisonment) and a fine between 50,000 and 500,000 Dh (between about US\$13,612 and US\$136,120), or either of those penalties.<sup>11</sup> The Law also subjects anyone who possesses a wild animal without the intent to sell it to a term

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<sup>3</sup> Immigrants comprise more than 90% of the UAE's private workforce. Froilan T. Malit Jr. & Ali Al Youha, *Labor Migration in the United Arab Emirates: Challenges and Responses*, Migration Pol'y Inst. (Sept. 18, 2013), <https://perma.cc/V6KF-5ENV>.

<sup>4</sup> Nick Webster, *Illegal Wildlife Trade Funneled Back to Organized Crime in the Region*, *The Nat'l* (Dec. 23, 2018), <https://perma.cc/5J8R-J67U>.

<sup>5</sup> Amna Ehtesham Khaishgi, *UAE Law on Wild Animal Possession 'a Milestone,' Activists Say*, *The Nat'l* (Jan. 14, 2017), <https://perma.cc/3RN8-N52D> (in Arabic).

<sup>6</sup> *Supra* note 4.

<sup>7</sup> Majda Malawi, *Department of Environment of Abdu Dhabi: Abu Dhabi Law Prohibits the Sale and Purchase of Wild Animals*, *Al Bayan* (Jan. 5, 2013), <https://perma.cc/5PVH-DA4B> (in Arabic).

<sup>8</sup> Law No. 22 of 2016, *al-Jaridah al-Rasmīyah* (Official Gazette), vol. 609, 15 Dec. 2016, <https://perma.cc/EH5U-DQ4E> (in Arabic).

<sup>9</sup> *Id.* art. 9.

<sup>10</sup> *Id.* art. 10.

<sup>11</sup> *Id.* art. 19.

of imprisonment between one to six months and a fine between 10,000 and 500,000Dh (between about US\$2,722 and US\$1,361,280), or either of those penalties.<sup>12</sup>

Finally, the Law includes a list of all banned animals that are labeled as “dangerous.” The list mentions the following animals: all types of rats, bats, bears, lions, and tigers, leopards, wolves, hyenas, aardvarks, pangolins, zebras, crocodiles, alligators, snakes and vipers, scorpions, and spiders.<sup>13</sup>

### III. Enforcement

In an effort to combat the online illegal trade of wild animals, in conjunction with the communications authority, the MoCCAЕ announced that it follows online ads for the sale of wild animals to find the location of the sellers.<sup>14</sup>

Moreover, in the province of Abu Dhabi, the Abu Dhabi Urban and Municipal Planning Department announced that it issued 15 tickets against individuals who own wild animals in violation of the law.<sup>15</sup> Likewise, in the province of Sharjah, the Sharjah Environment and Natural Reserves Authority arrested a number of individuals for smuggling eight crocodiles illegally into the country. The arrest came as an implementation to Law No. 22 of 2016 prohibiting the trade and possession of wild animals in the United Arab Emirates.<sup>16</sup>

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<sup>12</sup> Id. art. 20.

<sup>13</sup> Id. annex 1, list of dangerous animals.

<sup>14</sup> *Despite the Ban on the Possession and Sale of Wild Animals, Those Animals Are Still Being Sold Online in Emirates*, Siniar (Oct. 19, 2017), <https://perma.cc/9CUZ-ZDLK> (in Arabic).

<sup>15</sup> Ahmed Abed, *A Fine Up to 10,000 Dhs: Violations by Owners of Animals in 15 Apartments and Villas*, Al-Emarate Al Youm (Apr. 13, 2018), <https://perma.cc/T8PU-MG8M> (in Arabic).

<sup>16</sup> *Emirates Thwarts a Smuggling Operation of Rare Birds and Crocodiles*, Al Sarq Al Awsat (Aug. 22, 2019) <https://perma.cc/27HA-4FSG> (in Arabic).

# United Kingdom

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**SUMMARY** There do not appear to be any wet markets that sell live wild animals and slaughter them on site across the United Kingdom (UK). However, wild game meat may be lawfully sold across the UK through Approved Game Handling Establishments or privately, and this market is regulated through a combination of retained European Union (EU) law and the Food Safety Act 1990. These laws require compliance with general hygiene, consumer protection, and traceability provisions that are designed to ensure the safety of wild game meat for the final consumer.

## I. Introduction

There do not appear to be any wet markets that sell live wild animals and slaughter them on site across the UK. While the UK left the European Union (EU) on January 31, 2020, it created a new body of domestic law, known as retained EU law, transposing all EU law that applied to the UK immediately before its exit. Wild game may lawfully be sold by retailers and hunters in the UK under these laws<sup>1</sup> and the Food Safety Act 1990.<sup>2</sup>

## II. Laws Regulating the Sale of Wild Game Meat

Wild game is defined as

wild ungulates and lagomorphs, as well as other land mammals that are hunted for human consumption and are considered to be wild under the applicable law in the Member State concerned. These include mammals living in enclosed territory under conditions of freedom similar to those of wild game . . . and wild birds that are hunted for human consumption.<sup>3</sup>

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<sup>1</sup> The following retained EU law as in force on the day the UK exited the EU (October 31, 2019) applies to the sale of wild game meat: Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin, <https://perma.cc/E9K4-E267>; Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs, <https://perma.cc/C5Y6-VKCE>; Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, <https://perma.cc/QT9D-9PAS>; Commission Implementing Regulation (EU) No. 931/2011 of 19 September 2011 on the traceability requirements set by Regulation (EC) No. 178/2002 of the European Parliament and of the Council for food of animal origin, <https://perma.cc/WSL9-VA24>.

<sup>2</sup> Food Safety Act 1990, c. 16, <https://perma.cc/6QPK-9Z8J>.

<sup>3</sup> Regulation (EC) No. 853/2004, Annex I, ¶ 1.5.

Thus, the legislation extends to hooved animals such as wild deer and wild boar, rabbits, squirrels, and wild birds. Hunters or those who organize the shooting of wild game are considered to be primary producers under EU food hygiene regulations.

To ensure wild game that will be consumed by humans remains free of disease at least one person in a hunting party, or a hunter of wild game, must be a “trained person” and “have sufficient knowledge of the pathology of wild game, and of the production and handling of wild game and wild game meat after hunting, to undertake an initial examination of wild game on the spot.”<sup>4</sup> A trained person must have received training in the anatomy, physiology, and behavior of wild game along with abnormal behavior and pathological changes in wild game caused by diseases, environmental contamination, and any other factors that could impact human health after eating wild game; hygiene rules and techniques to handle, transport, and field-dress wild game; and the laws relating to the sale of wild game.<sup>5</sup>

For large wild game, the trained person must include a numbered declaration that indicates the date, time, and location of the killing and includes a statement that no abnormal characteristics were found during the examination of the animal and viscera and that no abnormal behavior was observed prior to killing the animal. This declaration must remain with the wild game until the animal is processed at the Approved Game Handling Establishment (AGHE).<sup>6</sup> In cases where abnormal behavior or abnormal characteristics have been detected in small wild game, the trained person must inform the Official Veterinarian at the AGHE.<sup>7</sup>

In England, training from the National Gamekeepers’ Organisation is sufficient to meet the requirements of Regulation 853/2004. In Scotland, the Scottish Gamekeepers Association or British Association for Shooting and Conservation provide training. A nationally recognized vocational qualification in Wild Game Meat Hygiene that meets these requirements has been introduced and is being offered across the UK, and the skills required have also been introduced within Deer Stalking Certificate level 1.<sup>8</sup>

#### **A. Hunters Supplying Small Quantities of Wild Game Directly to Consumers or Retailers**

Hunters who shoot, process and supply small quantities of “in fur” or “in feather” wild game either directly to the final consumer, or to local retailers within 30 miles of the hunter’s county

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<sup>4</sup> Regulation 853/2004, § IV, ch. 1, art. 1.

<sup>5</sup> Id. § IV, ch. 1, art. 4.

<sup>6</sup> Id. An AGHE is defined in Annex II, ¶ 1.18 of this Regulation as “any establishment in which game and game meat obtained after hunting are prepared for placing on the market.”

<sup>7</sup> Food Standards Agency and Food Standards Scotland, *The Wild Game Guide* ¶ 63 (rev. ed. Nov. 2015), <https://perma.cc/887W-XG65>.

<sup>8</sup> Id. ¶ 74.

boundaries who then supply the wild game carcasses in fur or in feather<sup>9</sup> directly to the final consumer,<sup>10</sup> are exempt from the EU Food Hygiene Regulations.<sup>11</sup>

While hunters operating in this manner are not covered by the aforementioned Regulations, they are considered to operate a food business and must register as such with the local authority.<sup>12</sup> These hunters must meet the traceability requirements contained in EU Regulation 178/2002. A “one step forward one step back” approach has been adopted and means the food business operator must have information about their immediate supplier and immediate customer, unless the immediate customer is the final consumer.<sup>13</sup> This means hunters and retailers must provide an accurate description, including the quantity of wild game and date of dispatch of the wild game, the name and address of the person sending and receiving the wild game, and a reference number that enables the identification of the wild game.<sup>14</sup> The information “must be kept and be retrievable for at least until it can be reasonably assumed that the food has been consumed.”<sup>15</sup>

Hunters operating as such a food business must also comply with general hygiene requirements contained in Regulation 852/2004. This Regulation specifies the way primary products are to be stored and transported, and how meat should be prepared from the primary products. More specifically, individuals who handle wild game and game meat must be in good health and trained about the health risks of wild game.

The provisions of the Food Safety Act 1990<sup>16</sup> must also be complied with. The provisions in this Act set out basic food safety standards, prohibit individuals from placing unsafe food on the market or falsely describing food, and provide for the inspection and seizure of any food that is suspected of being unsafe. It also sets forth consumer protections and the requirement for individuals to register as food business with the local authority.

Regulations further provide that operators of game larders must ensure that the larder has sufficient capacity to hygienically handle wild game; that only potable water is used; that the larder is ventilated, protected from pests and contamination from pests and animals, and kept clean and disinfected appropriately when necessary; and that steps are taken to prevent the

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<sup>9</sup> “In fur or in-feather game that has undergone no more than any necessary preparation that is part of normal hunting practice. Such preparation is usually the evisceration of large wild game animals, which is carried out either ‘in the field’ or in a game larder.” Id. ¶ 15, <https://perma.cc/887W-XG65>.

<sup>10</sup> Regulation 178/2002, art. 3(18) defines the final consumer as “the ultimate consumer of a foodstuff who will not use the food as part of any food business operation or activity.”

<sup>11</sup> Regulation 853/2004 art. 1(3)(c) &(e).

<sup>12</sup> Food Standards Agency and Food Standards Scotland, *supra* note 7, ¶ 43.

<sup>13</sup> Commission Implementing Regulation (EU) No. 931/2011 of 19 September 2011 on the traceability requirements set by Regulation 178/2002 of the European Parliament and of the Council for food of animal origin, <https://perma.cc/WSL9-VA24>.

<sup>14</sup> Regulation 178/2002, art. 18; Commission Implementing Regulation 931/2011.

<sup>15</sup> Food Standards Agency and Food Standards Scotland, *supra* note 7, ¶ 46.

<sup>16</sup> Food Safety Act 1990, c. 16. In Northern Ireland these laws are contained in the Food Safety (Northern Ireland) Order 1991, 1991/762 (N.I. 7), <https://perma.cc/6WA4-FKDZ>.

introduction and spread of any contagious diseases that can be transmitted to humans through food.<sup>17</sup> Any cases of suspected diseases should be reported to the competent authority. Any waste and hazardous substances on the premises should be handled appropriately to prevent the contamination of the wild game.

Individuals involved in processing wild game must have a food safety management procedure in place based on Hazard Analysis and Critical Control Point (HACCP) principles to prevent, eliminate, or reduce the safety hazards and meet food traceability requirements.<sup>18</sup> Records must be kept to demonstrate that these procedures have been established and are being followed.<sup>19</sup>

## **B. Hunters Obtaining Wild Game from Shoots and Supplying It to Retailers**

Hunters who obtain in fur or in feather wild game from shoots that they do not participate in and who supply these to retailers, even in small quantities, must register as food businesses with the local authority and are subject to the hygiene requirements of Regulation 853/2004. As a result, any wild game obtained in this manner cannot be directly supplied to the public or to local retailers and may only be provided to an AGHE. To sell wild game to an AGHE, these individuals must comply with

- the traceability requirements of Regulation 178/2002,
- general food business operators' obligations under Regulation 852/2004, and
- wild game handling requirements to supply to an AGHE under Regulation 853/2004.

The hunter must also ensure that a declaration from a trained person accompanies the bodies of large wild game to the AGHE.<sup>20</sup> In order to prevent confusion over game hunted for personal use and game purchased from elsewhere for the supply of others, the Food Standards Agency recommends that this game be clearly identified and kept separately from any game the individual has personally hunted.

It is an offense for a person to consign wild game purchased through this process directly to a retailer. If this occurs, both the middleman and the buyer may be prosecuted for the transaction.<sup>21</sup>

## **C. Hunters Supplying Wild Game to Approved Game Handling Establishments**

Hunters who supply in fur and in feather game, or individuals who collect and transport this wild game to a middleman or to an AGHE must register with the local authority as a food business and comply with the hygiene requirements for primary producers.<sup>22</sup>

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<sup>17</sup> Id. art. 4.

<sup>18</sup> Id. ch. 1, arts. 1 & 5; Regulation 178/2002, ch. 2, arts. 6 & 18.

<sup>19</sup> Id. Regulation 852/2004, ch. 1, arts. 1 & 5.

<sup>20</sup> Regulation 853/2004, § IV, ch. 1, art. 4.

<sup>21</sup> Food Standards Agency and Food Standards Scotland, *supra* note 7, ¶ 44.

<sup>22</sup> Id. ¶ 19.

An AGHE may only place large wild game meat on the market if the body was transported to it as soon as a trained person examined the body.<sup>23</sup> In cases where a trained person was unavailable to inspect large wild game, the AGHE may accept the body if the head and viscera are labelled and remain with the body of the large wild game. The diaphragm of wild boars must always remain with the body to provide suitable samples for testing for trichinella.<sup>24</sup>

Large wild game must be cooled and maintained to a temperate of 7 degrees Celsius or below and small wild game to 4 degrees Celsius or below within a reasonable time after the wild game has been killed.<sup>25</sup> To achieve these temperatures the Food Standards agency recommends that game larders have an efficient chiller installed and has stated that the chiller should never be overfilled, or skinned and unskinned wild game carcasses should be separated from one another, even if the carcasses are wrapped in plastic.

#### **D. Businesses Processing and Supplying Wild Game Meat to Wholesale or Retail Customers**

Businesses that purchase in fur and/or in feather wild game and process and supply unlimited quantities of this meat directly to retail or wholesale customers are considered to be food business operators<sup>26</sup> and must be approved as an AGHE by the Food Standards Agency in England and Wales, Food Standards Scotland if located in Scotland, or the Department of Agriculture and Rural Development in Northern Ireland.<sup>27</sup>

An AGHE must comply with traceability requirements, as discussed above, have a food safety management procedure based on the principles of HACCP in place, meet the hygiene requirements, and comply with official veterinary controls. It is an offense for persons to process wild game if they are not exempt from the requirements of the Regulations or are not an approved AGHE.<sup>28</sup>

#### **E. Hunters Supplying Wild Game for Private Domestic Consumption**

Those who hunt wild game for private domestic consumption, or to provide to family and friends, are considered primary producers for domestic use and, provided the wild game is not sold or supplied to any other person as part of a food business, are not considered to be a food business operator. Thus, these individuals are exempt from the requirements of the Regulations.<sup>29</sup>

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<sup>23</sup> Regulation 853/2004, § IV, ch. II, art. 3.

<sup>24</sup> Id.

<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> Food Standards Agency and Food Standards Scotland, *supra* note 7, ¶ 37.

<sup>28</sup> Id. ¶ 39.

<sup>29</sup> Id. ¶ 14.

## F. Individuals Collecting and Transporting Wild Game

Individuals responsible for collecting and transporting in fur and/or in feather wild game carcasses to an AGHE must

- register with their local authority as a food business,
- comply with the traceability provisions of Regulation 178/2002,
- comply with the general hygiene provisions under Regulation 852/2004 relating to primary producers, and
- comply with the provisions of Regulation 853/2004 that apply to the handling of wild game supplied to an AGHE.

To prevent contamination of the wild game, the person transporting it must take measures to prevent contamination from other animals and pests, and keep any vehicles used for the transport of wild game clean and disinfected where necessary. The bodies of wild game must not be stacked on top of one another and the wild game must be chilled as soon as possible after it is killed and transported to an AGHE in a chilled vehicle.<sup>30</sup>

In cases where the bodies of large wild game will be sold to an AGHE, a trained person must be present when the game is shot to examine the body of the game. This person must then complete documentation that must remain with the bodies of the large wild game transported to the AGHE. Any wild game bodies must be transported as soon as possible after they have been examined by a trained person, and a declaration from the trained person must accompany any large wild game body.<sup>31</sup>

Unskinned bodies of large wild game animals may be consigned to other EU Members States but a certification by an official veterinarian along with the declaration from a trained person is required.<sup>32</sup>

## G. Farmed Game

There are instances in the UK where game is farmed, such as deer or boar. The law provides that “[a]ll meat from farmed game placed on the market must be produced in approved slaughterhouses.”<sup>33</sup>

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<sup>30</sup> Regulation 852/2004 ch. I. See also Food Standards Agency and Food Standards Scotland, *supra* note 7, ¶¶ 71-72.

<sup>31</sup> Food Standards Agency and Food Standards Scotland, *supra* note 7, ¶ 22.

<sup>32</sup> Regulation 854/2004, § IV, ch. II, art. 6.

<sup>33</sup> Food Standards Agency and Food Standards Scotland, *supra* note 7, ¶ 7.

### **III. Enforcement**

The laws are enforced by the Department of Agriculture and Rural Development in Northern Ireland, Food Standards Scotland in Scotland, and local authorities in England and Wales.<sup>34</sup>

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<sup>34</sup> Id.