

The Legal Status of Diurnal Birds of Prey in Africa

Peter J. Robinson

INTRODUCTION

Outside Africa (perhaps also within Africa), little appears to have been published on the legislation applicable to diurnal birds of prey within that continent. The varied historical/political background of Africa has given us a situation today of considerable governmental variation. Not surprisingly this results in a wide range of approaches towards the formation of legislation.

Africa encompasses several climatic zones, in addition to which few resident bird of prey species occur throughout the continent. Equally important is the fact that a significant proportion - over half - of Eurasian diurnal birds of prey winter wholly or partially in Africa.

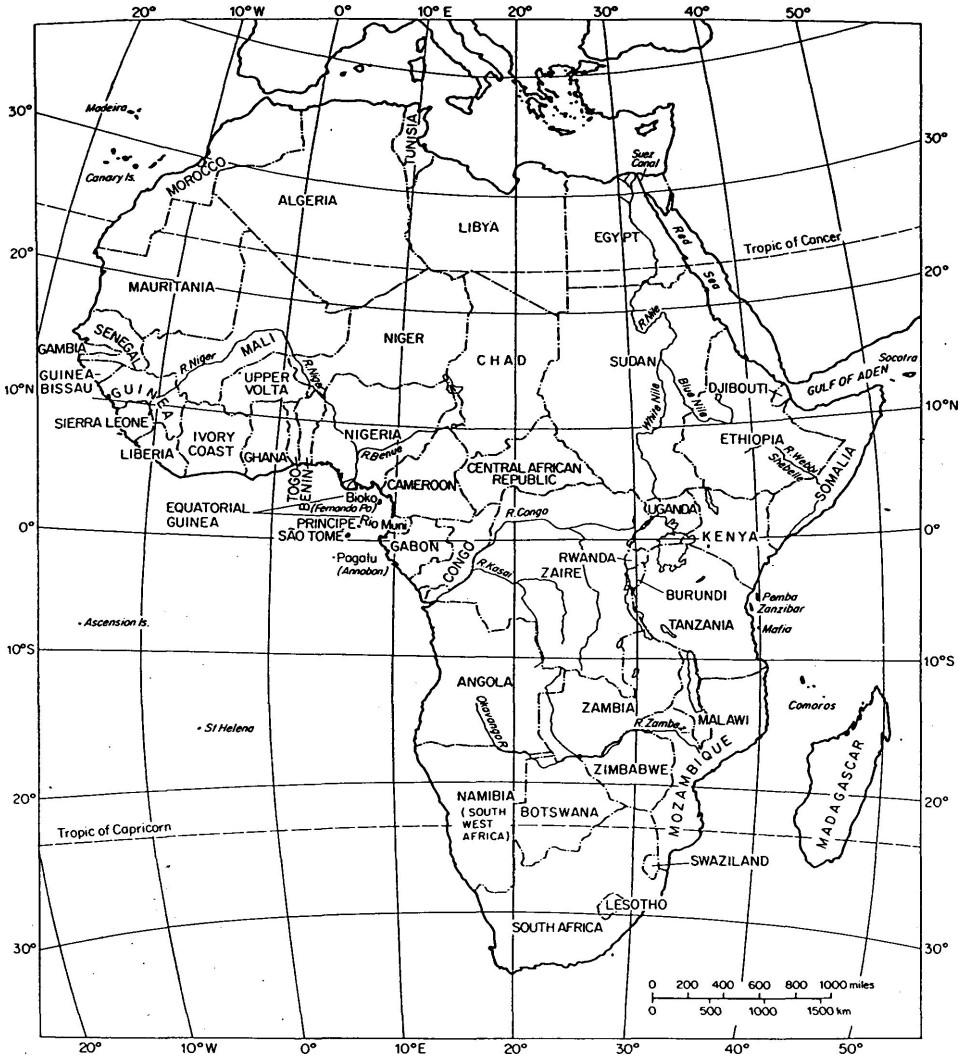
This paper attempts to summarise the legislation applicable to diurnal raptors in Africa, but it should not be treated as an authoritative, species-by-species or country-by-country account. Such an ambitious work may prove possible in the future, but there appear to be far too many gaps in our knowledge to make such a proposition possible at this time.

The ornithological information in this paper is drawn, in the main, from Brown, Urban and Newman (1982), but also from King (1981). Part of the information on legislation was gleaned from Lyster (1985); however, the greater majority was extracted from de Klemm and Lausche - IUCN (1986). Indeed, this paper would not have been possible were it not for the availability of this last work and it is recommended to students of the subject for further reading.

Although the author's own researchers revealed a number of inaccuracies in the text - not surprising in view of the ambitious nature of the work - this publication represents a significant advance in its field, so long as care is taken in interpreting data contained within it.

It must be emphasised that any paper which, as this one does, deals with the legislation of 51 countries is bound to become outdated rapidly with the passage of time. Readers are urged to keep this point in mind. On the other hand, if this humble attempt at a summary of African birds of prey legislation is found wanting, the author would be most anxious to receive comments, if only because an updated and more authoritative version may be contemplated in due course.

Map 1: A political map of Africa



THE LEGISLATION

The continent of Africa comprises 51 countries (Map 1). Six of these are islands or groups of islands (Table 1).

Table 1: Total number of African countries = 51

of which 6 are islands or groups of islands.

Note: Namibia is treated as a part of South Africa.

In 1900, six European governments met in London at the Convention for the preservation of Wild Animals, Birds and Fish in Africa. These were France, Germany, Great Britain, Italy, Portugal and Spain. Among other animals, the Convention recommended the total protection of the Secretary Bird *Sagittarius serpentarius* and all vultures *Gypaetus*, *Neophron*, *Necrosyrtes*, *Gyps*, *Aegypius*. However, the Convention also urged the "control" of all other birds of prey.

This was followed by a second Convention in London, in 1933, to be known as The London Convention. Apart from the six European countries already mentioned, three African countries also took part.

A third Convention took place in Algiers in 1968, to become known as The African Convention. This Convention concerned itself mainly with the establishment of protected areas, but all birds of prey were listed as protected; greater protection was urged in the case of species threatened with extinction.

Of the 44 countries that support The African Convention, 28 have so far ratified (Table 2).

Table 2: Countries party to 1968 African Convention on Conservation of Nature and Natural Resources (African Convention)

Cameroon U. Rep	Malawi	Tanzania U. Rep
Central African Rep	Mali	Togo
Comoros	Morocco	Tunisia
Djibouti	Mozambique	Seychelles
Egypt	Niger	Uganda
Ghana	Nigeria	Upper Volta
Ivory Coast	Rwanda	Zaire
Kenya	Senegal	Zambia
Liberia	Sudan	
Madagascar	Swaziland	<i>Total 28 or 55%</i>

Sixteen countries have signed The African Convention but not ratified (Table 3).

Table 3: Signed but not ratified African Convention

Algeria	Ethiopia	Mauritania
Botswana	Gabon	Mauritius
Benin	Gambia	Sierra Leone
Burundi	Guinea	Somalia
Chad	Lesotho	
Congo	Libya	<i>Total 16 or 31%</i>

It follows that seven countries have yet to sign The African Convention (Table 4).

Table 4: Non-signatory to African Convention

Angola	Soa Tome and Principe	
Cape Verde	South Africa	
Equatorial Guinea	Zimbabwe	
Guinea Bissau		<i>Total 7 or 13%</i>

Four countries are apparently without any legislation protecting birds of prey (Table 5). Only one of these, Gabon, is geographically significant in terms of land-mass. The other three comprise groups of islands, or are a combination of islands and mainland territory. However, Equatorial Guinea may be more significantly placed for migrating raptors than is at first apparent, due to its position in the corner of the Gulf of Guinea.

Table 5: Without legal protection for any birds of prey

Cape Verde*		
Equatorial Guinea		
Gabon:		
Sao Tome and Pricipe		<i>Total 4 or 9%</i>

* situation unclear

: signatory to African Convention

No information is available for a further six countries (Table 6). Chad and Libya together represent a significant proportion of the African land-mass and are currently engaged in hostilities with each other. Guinea may also be strategically placed for coasting migrants. Burundi and Djibouti

are both small countries; however, Djibouti commands a key position for migrant raptors crossing the Bab-el-Mandeb Straits between Africa and the Arabian Peninsula (Redman 1987). Comoros is a group of islands which may act as a "bridge" for any migrant raptors crossing from mainland Africa to Madagascar, e.g. Sooty Falcon *Falco concolor* (Map 2).

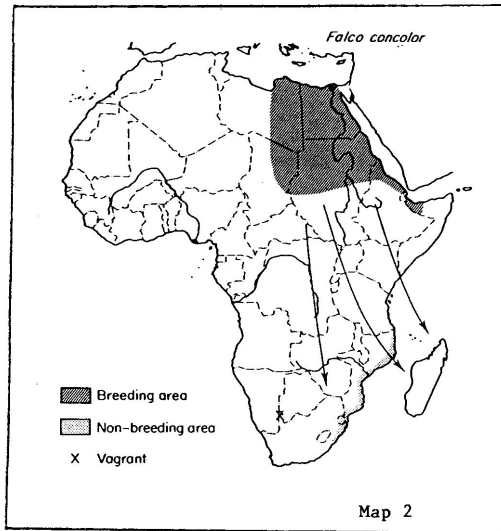


Table 6: No information available

Burundi:	Djibouti+	
Chad:	Guinea:	
Comoros+*	Libya:	Total 6 or 11%

+ party to African Convention
 : signatory to African Convention
 * has endangered sub-species

A total of 19 countries protect all birds of prey from being killed or taken (Table 7). In Morocco it is permissible for landowners and lessees of hunting rights to kill birds of prey. However, the legislation is sufficiently far-sighted to control their subsequent possession, transport, taxidermy or sale. Thus undue exploitation may be avoided.

In Egypt the prohibition on killing is apparently restricted to parts of Sinai and Matrouk.

Table 7: Protecting all birds of prey from being killed or taken

Algeria	Mozambique	
Egypt (in limited areas only)	Nigeria	
Ghana	Rwanda	
Gambia	Seychelles	
Kenya	Somalia	
Lesotho	Senegal	
Liberia	Tanzania U. Rep	
Malawi	Tunisia	
Morocco (except landowners)	Zambia	
Mauritania*		Total 19 or 37%

* situation unclear

Eighteen countries control both the possession of birds of prey and their internal (national) trade (Table 8). It should be noted that these are not always those same countries which protect birds from being killed or taken, e.g. Ivory Coast. This approach presumably reflects the philosophy that controlled possession removes any incentive to kill or take! Alternatively, and more probably, the intention may be to allow for the protection of 'property' but not commercial exploitation.

Table 8: Controlling possession and internal trade in birds of prey

Algeria	Mauritania*	Somalia
Gambia	Morocco	Tanzania U. Rep
Ghana	Mozambique	Tunisia
Ivory Coast	Nigeria	Zambia
Kenya	Rwanda	
Liberia	Senegal	
Malawi	Seychelles*	<i>Total 18 or 35%</i>

* situation unclear

Seven countries prohibit the taking and killing of a limited number of bird of prey species, but not their possession or trade (Table 9).

Table 9: Control the taking of some birds of prey but not possession or internal trade

Cameroon U. Rep+	Lesotho+	
Congo*	Niger+	
Egypt (in limited areas only)+	Sierra Leone*	
Guinea Bissau+		<i>Total 7 or 14%</i>

+ in all protected species * in some protected species
 Note: not all these countries protect all species.

Five countries adopt the reverse of this for a limited number of species, controlling possession and/or internal trade, but not killing or taking (Table 10).

Table 10: Do not control taking but control possession and/or internal trade in birds of prey

Benin*	Togo*
Ivory Coast*	Upper Volta*
Sudan+	Total 5 or 10%
+ in one species	* in some species

Five countries list all or some birds of prey as "noxious" (Table 11). Of these, Madagascar alone appears to offer no full protection to any bird of prey, despite two of its endemic species being listed as endangered (see below).

Table 11: Classifying all or some birds of prey as "noxious"

Madagascar*	- Hawks, Buzzards, Black Kite, Kestrels
Swaziland *	- Hawks, Eagles
Togo	- Shikra, Rüppell's Griffon, African Hawk Eagle
Angola	- All, except Eagles, Vultures, Secretary Bird
Sierra Leone	- All, except Eagles, Vultures, Hawks, Secretary Bird
* has two endangered species	<i>Total 5 or 10%</i>

To date, 31 countries are known to have ratified the 1973 Washington Convention on International trade in Endangered Species of Wild Fauna and Flora ("CITES") (Table 12).

Table 12: Ratified CITES

Algeria	Liberia	Somalia
Benin	Madagascar	South Africa
Botswana	Malawi	Sudan
Cameroon U. Rep	Mauritius	Tanzania U. Rep
Central African Rep	Morocco	Togo
Congo	Mozambique	Tunisia
Egypt	Niger	Zaire
Gambia	Nigeria	Zambia
Ghana	Rwanda	Zimbabwe
Guinea	Senegal	
Kenya	Seychelles	<i>Total 31 or 61%</i>

It follows that 20 countries have still to ratify CITES (Table 13).

Table 13: Not ratified CITES

Angola	Gambia	Sierra Leone
Burundi	Guinea Bissau	Swaziland
Cape Verde	Ivory Coast	Uganda
Chad	Lesotho	Upper Volta
Comoros	Libya	
Djibouti	Mali	
Equatorial Guinea	Mauritania	
Ethiopia	Sao Tome and Principe	<i>Total 20 or 39%</i>

A total of 17 countries apparently control international trade in ALL birds of prey (Table 14). Interestingly, two of these, Ivory Coast and Lesotho, have not ratified CITES.

Table 14: Regulating international trade in all birds of prey

Algeria	Mozambique+	
Gambia+	Rwanda+	
Ghana+	Senegal+	
Ivory Coast	Seychelles+	
Kenya+	Somalia+	
Lesotho	Tanzania U. Rep+	
Liberia+	Tunisia+	
Malawi+	Zambia+	
Mauritania*		<i>Total 17 or 33%</i>

* situation unclear + ratified CITES

Of the 31 countries that have ratified CITES so far, 16 are without full international trade controls for all species of birds of prey (Table 15). Of those 16, seven are lacking any such controls at all.

Table 15: Ratified CITES but are without FULL international trade controls for all birds of prey

Benin*	Morocco+	
Botswana*	Nigeria*	
Cameroon U. Rep+	Niger+	
Central African Rep*	South Africa*	
Congo+	Sudan*	
Egypt+ Togo*	Zaire*	
Madagascar+	Zimbabwe+	
Mauritius*a		<i>Total 16 or 31%</i>

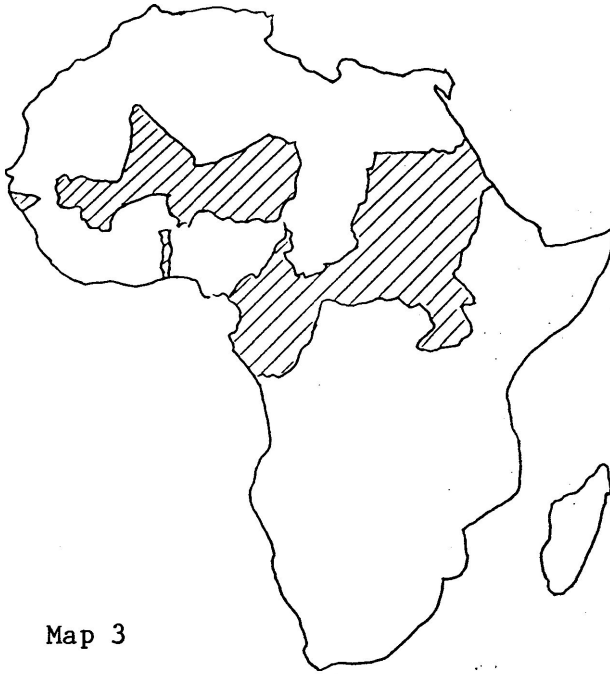
+ no controls at all * controls on some species

A total of 10 countries apparently give no protection to any Eurasian migrant species; probably to no African migrant either (Table 16).

Table 16: Apparently giving no protection to any migrant species of bird of prey

Cameroon U. Rep	Mauritius	
Central African Rep	Niger	
Congo	Sudan	
Guinea Bissau	Togo	
Mali	Uganda	Total 10 or 20%

The probable relevance of this is only apparent when the geographical distribution of those ten countries is considered. Together they occupy a significant percentage of central tropical Africa, providing "winter" territory for many Eurasian migrants and astride the southward route of others (Map 3). This point is more easily appreciated if we consider the African distribution maps of some of these species, in particular Lesser Spotted Eagle *Aquila pomarina* (Map 4), Booted Eagle *Hieraaetus pennatus* (Map 5), Montagu's Harrier *Circus pygargus* (Map 6), Red-footed Falcon *Falco vespertinus* (Map 7), and European Hobby *Falco subbuteo* (Map 8).



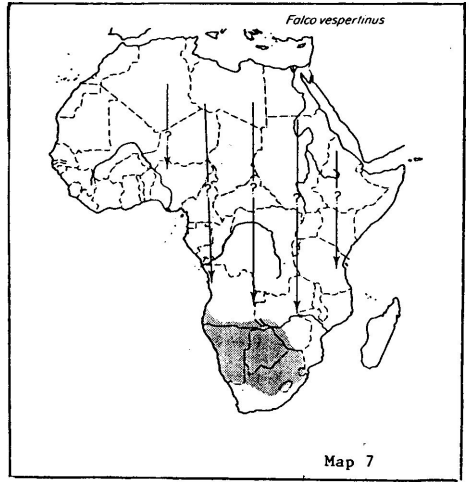
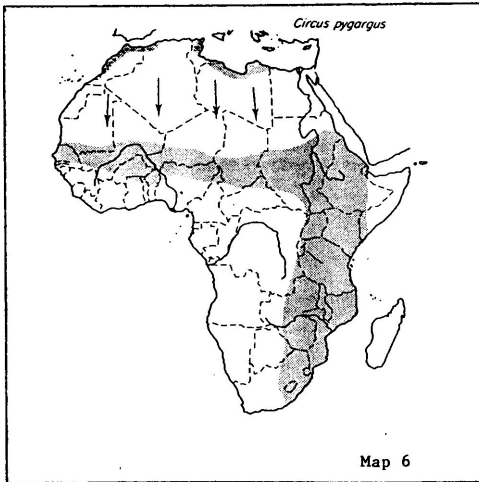
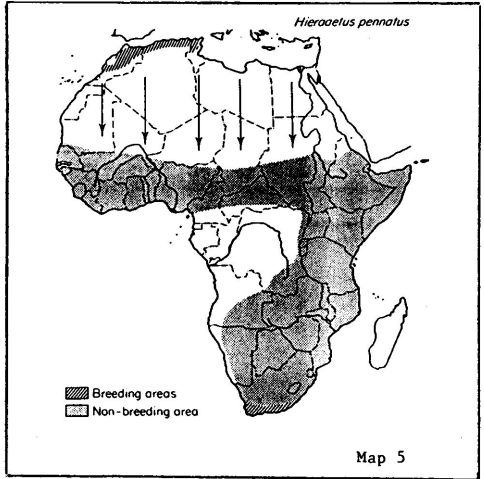
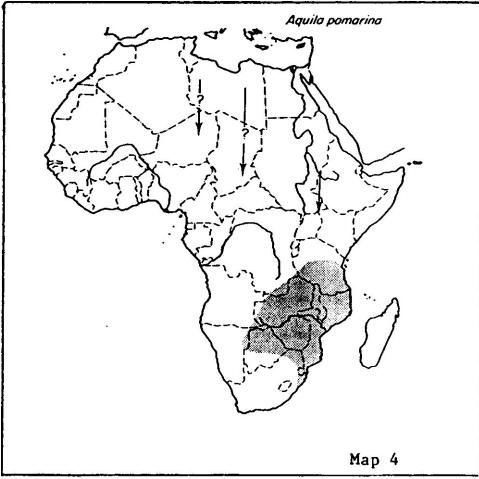
Map 3

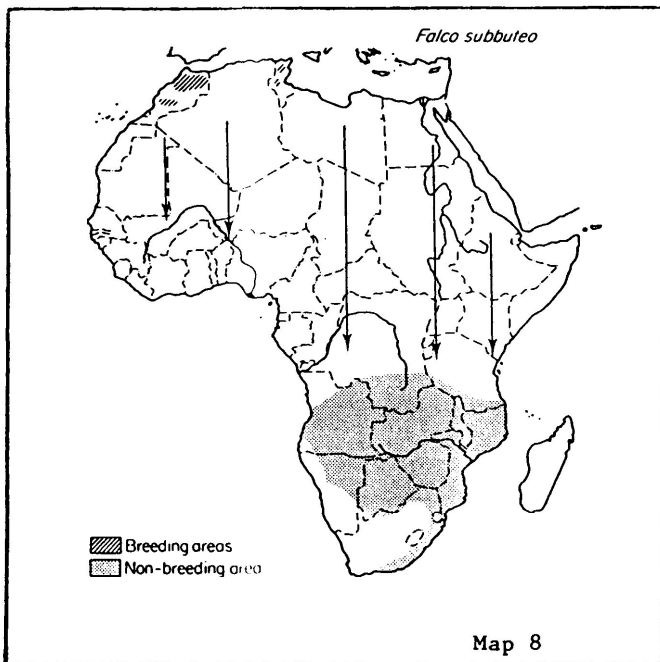
A few species get preferential treatment. The Secretary Bird is protected in at least 31 of the 35 countries in which it occurs. It is protected in a further three where it does not regularly occur (Table 17). This is probably a reflection of the widespread human dislike of snakes, upon which this species often preys.

Table 17: Secretary Bird *Sagittarius serpentarius*

Occurs in 35 countries = 69%.
 Protected in 31 of those countries or 89%; legal status unknown in other 4.
 Protected in a further 3 countries.

Map 4, Map 5, Map 6, Map 7





Conversely the Osprey, a widely distributed bird in Africa (both as a migrant and a resident), is protected in only 21 countries (Table 18).

Table 18: Protecting the Osprey *Pandion haliaetus*

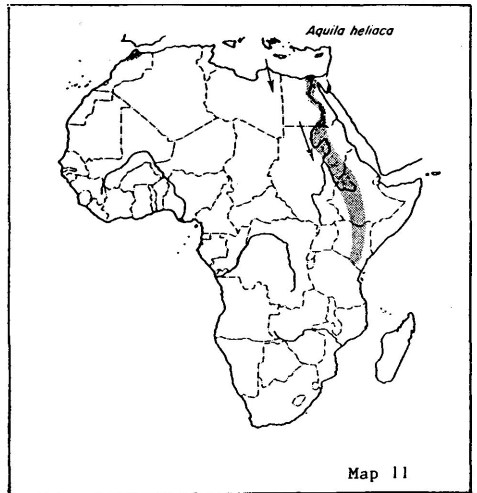
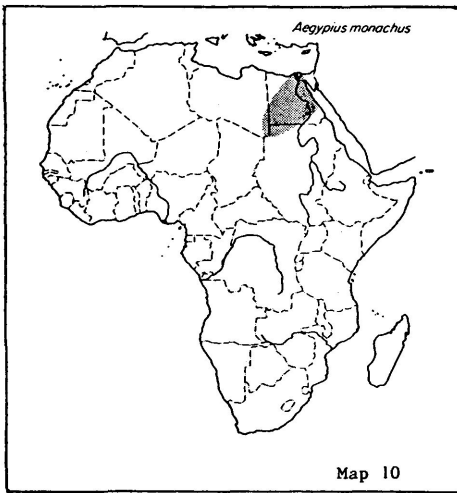
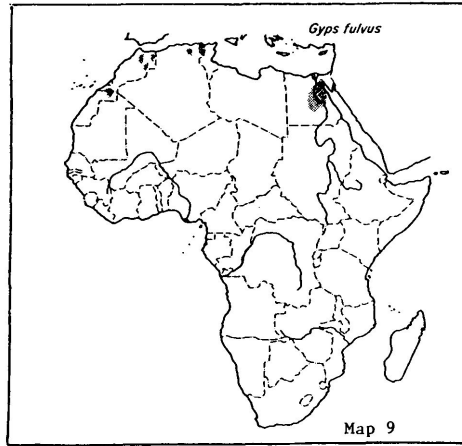
Algeria	Malawi	Seychelles
Ethiopia	Mauritania	Somalia
Gambia	Morocco	South Africa
Ghana	Mozambique	Tanzania U. REP
Kenya	Nigeria	Tunisia
Lesotho	Rwanda	Zambia
Liberia	Senegal	Zimbabwe
Probable range of Osprey = 100%		Total 21 or 41%

Vultures *Gypaetus*, *Neophron*, *Necrosyrtes*, *Gyps*, *Aegyptius* are clearly well thought of too. Twenty-four countries afford full protection to all vulture species (Table 19).

Table 19: Countries protecting all vultures

Algeria	Liberia	Swaziland
Angola	Mali	Tanzania U. Rep
Benin	Morocco	Togo
Botswana	Mozambique	Tunisia
Ghana	Niger	Uganda
Guinea Bissau	Nigeria	Zaire
Ivory Coast	Rwanda	Zimbabwe
Kenya	Senegal	
Lesotho	Sierra Leone	Total 25 or 49%

However, such statements can mislead and a truer picture emerges when the distribution of species is considered. Egypt is not one of the countries protecting vultures, except in limited areas, e.g. parts of Sinai. If we look at the distribution of just two species, Griffon Vulture *Gyps fulvus* (Map 9) and Black Vulture *Aegyptius monachus* (Map 10), we can see the possible relevance of Egypt's lack of legislation.



Nineteen countries give full protection to all eagles (Table 20).

Table 20: Giving full protection to all eagles

Algeria	Liberia	Seychelles
Angola	Malawi	Somalia
Botswana	Mauritania	Tanzania U. Rep
Ethiopia	Mozambique	Tunisia
Gambia	Nigeria	Zambia
Ghana	Rwanda	
Kenya	Senegal	<i>Total 19 or 37%</i>

These include both Ethiopia and Kenya, which is of benefit to the Imperial Eagle *Aquila heliaca*, a Eurasian migrant (Map 11). What may not be quite so beneficial for it is the fact that to get to those countries it must pass through Egypt and Sudan, where it is not protected.

Two countries give protection to a single species of bird of prey (Table 21). That Mauritius protects only the Mauritius Kestrel *Falco punctatus* requires no comment. That Sudan protects only the Secretary Bird perhaps defies comment.

Table 21: Protect a single species of bird of prey

Mauritius Mauritius Kestrel
Sudan Secretary Bird *Total 2 or 4%*

One-quarter of all African countries protects less than 20 species of bird of prey (Table 22).

Table 22: Protection for less than 20 species of birds of prey

Number of species			
Cameroon U. Rep	3	Niger	1
Central African Rep	4	Sudan	1
Congo	3	Togo	15
Guinea Bissau	11	Uganda	11
Mali	11	Zaire	18
Mauritius	11		<i>Total 11 or 22%</i>

Referring to species distribution, we again see how misleading such figures may be. Zaire is an example. It is a large country situated in the centre of the African continent. Of the 18 species of bird of prey listed as protected in that country (Table 22), only 12 actively occur there with regularity (Table 23).

Table 23: Number of "protected" birds of prey which actually occur in Zaire

Vultures	7	
Aquila eagles	4	
Secretary Bird	1	<i>Total 12</i>

However, some 68 species probably occur in Zaire in total, leaving around 56 unprotected.

ENDANGERED AFRICAN BIRDS OF PREY

Seven African species of bird of prey are listed in the "Red Data Book" (King 1981).

Anjouan Sparrowhawk *Accipiter francesii pusillus*

Confined to Anjouan island in the Comoros group, this subspecies is listed as Endangered. No legal protection is known.

Madagascar Serpent Eagle *Eutriorchis astur*

Last reliably reported in 1930, this forest species is probably already extinct. It is classified as Possibly Extinct. No legal protection was or is known. This situation is all the more lamentable when account is taken of the fact that Madagascar is a party to the African Convention; the same comment applies to the following species.

Madagascar Sea Eagle *Haliaeetus vociferoides*

Restricted to the coasts and wetlands of Madagascar, this species is classified as Endangered. Again, no protection is known for this species.

Seychelles Kestrel *Falco araea*

Probably confined to Mahé, Silhouette and Praslin Islands in the Seychelles group. It is classified as Rare and is fully protected.

Mauritius Kestrel *Falco punctatus*

Confined to the island of Mauritius, the species is Critically Endangered. It is fully protected. In addition to which, work is in hand to try and increase the population through egg manipulation and captive rearing.

Cape Verde Peregrine Falcon *Falco peregrinus madens*

Confined to perhaps only four or five of the Cape Verde Islands, this subspecies is classified as Rare. Were it a full species, its population of approximately six pairs would doubtless raise its status among rare raptors to that of the California Condor *Gymnogyps californianus* and Mauritius Kestrel. No legal protection is known.

Cape Vulture *Gyps coprotheres*

This species occurs over a substantial part of southern Africa and is given almost universal protection. It is classified as Vulnerable. A question hangs over its legal status in Namibia (Table 24).

Table 24: Cape Vulture, *Gyps coprotheres*

Status: VULNERABLE

Range	Legal protection
Angola	FP
Botswana	FP
Lesotho (possession not controlled)	PP
Mozambique	FP
South Africa	FP
Swaziland	FP
Zaire	FP
Zambia	FP
Zimbabwe	FP

FP = Full protection

PP = Partial protection

CONCLUSIONS

It might be prudent at this juncture to admit that there are those people who question the need for any examination of the African legislation applicable to birds of prey. They argue that, as there is no exploitation of these birds by the native inhabitants, certain countries - some may say all countries - can maintain healthy populations of these species without the need for complicated laws or their costly enforcement. It is a point of view. It may even be true that, generally speaking, native human populations in African countries do not unduly molest birds of prey. However, there appears to have been no research carried out aimed at proving or disproving the point. Most certainly a great deal has appeared in print in recent years concerning the native poaching of "big game" animals in Africa. It seems logical to assume that this exploitation is carried out either directly by the natives to obtain food, or indirectly (as agents or guides for white Africans and non-Africans in search of trophies or live animals) in order to obtain money. Bearing in mind the acute famine problems afflicting much of Africa, it would, I suggest, be entirely reasonable to suppose that many native people are exploiting every food source available to them, and every source of income. Apart from which, old traditions linger on all over Africa without doubt, including animism and black magic. Whether or not, and if so to what extent, any of these affect birds of prey is a question which requires further study. There are some indications however that they do (Thauront 1987).

We perhaps need to look outside Africa for the real argument in favour of adequate and effective legislation for birds of prey. In many so-called first world countries falconry, or to be more precise, bird of prey keeping, has become extremely popular. As a consequence there is now a thriving international market in these birds, with no shortage of dealers and "middlemen" ready to cater to the demand. Recent advances in egg incubation techniques and improved technical knowhow in egg transportation mean that these dealers are able to exploit any breeding population in the world at will, all without the risks formerly associated with the need to smuggle give-away, noisy, smelly, live young birds.

Recent court cases in North America, Australia, Great Britain and Zimbabwe all prove the accuracy of these statements. In a court case in Britain in 1986, a prominent falconer and bird of prey keeper was prosecuted and fined heavily for his part in the illegal import of 27 Lanner Falcon *Falco*

biarmicus eggs from nests in Morocco (pers. comm.). In another court case in Britain, this time in 1985, another bird of prey keeper was prosecuted and fined for his involvement in the import of the eggs of various eagle species from Zimbabwe, which he had previously hatched and passed off as captive-bred in Britain (pers. comm.).

However, the problem is not solely confined to eggs for hatching. The traditional techniques of trapping live adult birds of prey are sufficiently well-known and used within the scientific world today as to make further explanation unnecessary. It probably goes without saying that these same methods are also used by the dealers and their suppliers. Once again there is the evidence of court cases to substantiate this.

If countries without legislation are vulnerable to exploitation from without as well as from within, it is clear that they must have legislation controlling international trade. If not, dealers can be expected to operate across international boundaries without fear of detection. This thought prompts a comment on another aspect of international legislation, an aspect which, according to many observers, has already contributed heavily to the decline of some rare South American bird species. In the case of large continents made up of many smaller countries, the enforcement of international trade controls can be only as effective as the weakest country within the group. For while it may be comparatively easy for a country to control what is exported aboard aircraft or ship, it will be far more difficult for that country to exercise controls over what is carried across its many miles of border with neighbouring countries. If the international controls of those same neighbours are weak or non-existent, then a ready point of exit exists for the commercial exploitation of the wildlife of the whole region.

A few countries adopt the philosophy of investing property of all wildlife in the government, or in the President. Thus an offence against wildlife is an offence against President or State. This philosophy is sound only as long as the administration is sound; if not, it amounts to an open invitation to corrupt financial exploitation and a recipe for disaster.

It would be unwise to try and reach firm conclusions from a presentation of abstract data such as this, especially where it must be admitted that the data are unreliable or incomplete! Nonetheless the evidence, such as it is, does point strongly in certain directions.

Four African countries are without any legal protection for birds of prey.

No information is available for another six. Between them, these 10 countries make up 20% of the total (Map 12). Three of these, Chad, Libya and Gabon, are significant in terms of geographical area. Chad's immediate eastern neighbour, Sudan, protects only one species - the non-migratory Secretary Bird - despite its strategic position astride a major migration route.

Over 20% of countries protect no more than an estimated 28% of their birds of prey (Map 13) and 20% of countries ignore the protection of migrant species. The predominance of these countries in the area of the Sahara and the beleaguered Sahel region, and across the breadth of the continent, is worthy of note.

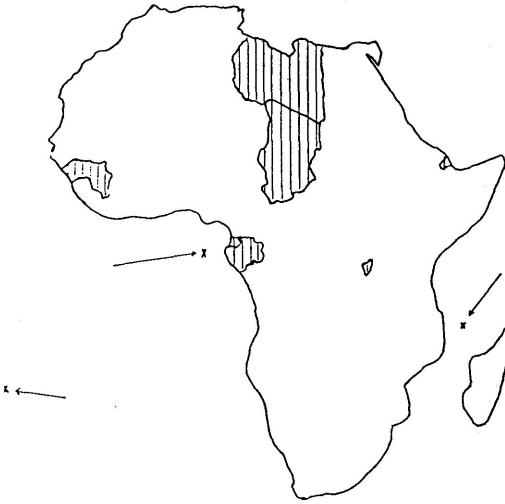
There is a clear bias towards the protection of "beneficial" species, e.g. vultures, Secretary Bird. Eagles in general are looked upon favourably with 37% of countries protecting all species.

Almost one-third of all African countries are without full international trade controls for all birds of prey species.

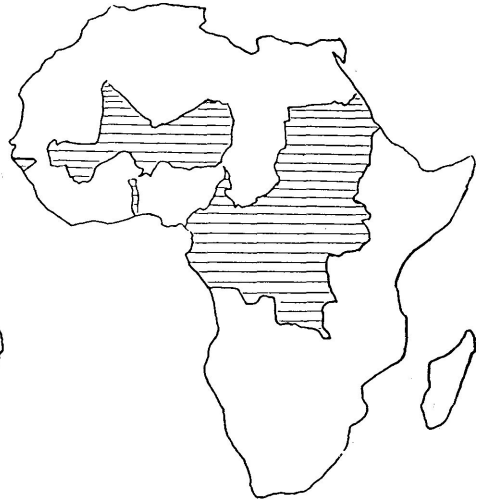
Seven African species or subspecies of birds of prey are listed in the Red Data Book (King 1981). As might be expected, six of these are island species; one may already be extinct.

At least two countries, Nigeria and South Africa, adopt a regional or federal approach to wildlife legislation. Without detailed examination of the actual statutes it is not possible to ascertain the status of individual species within these countries. This problem is perhaps seen in the extreme in the case of Namibia.

One country more than any other invites comment. Madagascar alone appears to display an attitude of total intolerance towards its birds of prey. It apparently lists no bird of prey species as protected, despite the occurrence within that country of two endangered endemic species (one of which may be already extinct). "Hawks" *Accipiter*, "buzzards" *Buteo*, *Butastur*, "kestrels" *Falco* and the Black Kite *Milvus migrans*, are all listed as "noxious". Madagascar is a party to the African Convention. She has ratified CITES, but is without international trade controls for birds of prey.



Map 12. Countries apparently without any legislation protecting birds of prey, or for which no information is available



Map 13. Countries protecting less than 20 species of birds of prey

ACKNOWLEDGEMENTS

I am grateful to Academic Press, the publishers of *Birds of Africa* (Brown, Urban & Newman 1982) for their kind permission to reproduce from Volume 1 species distribution maps and the map of Africa which appear in this paper (Maps 1, 2, 4, 5, 6, 7, 8, 9, 10 and 11). Tim Inskipp provided additional information on legislation.

REFERENCES

- BROWN, L. H., E. K. URBAN & K. NEWMAN 1982. *The Birds of Africa*, Vol 1, London.
 DE KLEMM, C. & B. LAUSCHE IUCN 1986. *African Wildlife Laws*. Siegburg.
 KING, W. B. 1981. *Endangered Birds of the World* (The ICBP Bird Red Data Book), Washington DC.
 LYSTER, S. 1985. *International Wildlife Laws*. Cambridge.
 REDMAN, N. 1987. *British Birds* 80: 163, Kempston.
 THAURONT, M. 1987. *World Birdwatch* 9: 9.

Peter Robinson
 Investigations Section
 The Royal Society for the Protection of Birds
 The Lodge
 Sandy
 Bedfordshire, SG19 2DL England