



**Guyana Wildlife
Conservation
and
Management
Commission**

**CODE OF CONDUCT
FOR WILDLIFE
EXPORTERS**

Guyana
Wildlife Conservation and Management
Commission

CODE OF CONDUCT
FOR
WILDLIFE EXPORTERS

Guyana Wildlife Conservation and Management Commission, 2018

CONTENTS	PAGE
Purpose.....	3
Scope.....	3
Interpretation.....	3
Jurisdiction of the Guyana Wildlife Conservation and Management Commission	4
Violation of Law and Commission Discipline.....	4
Amendments	4
General Provisions	4
Conflict of Interest	5
Reporting Violations	5
Prohibited Conduct.....	6
Self-Disclosure of Arrests and Convictions	7
Reporting Violations	8
Disciplinary Procedures	8

1. Purpose

The Guyana Wildlife Conservation and Management Commission (“the Commission”) as the governing body to provide for the protection, conservation, management and sustainable use of wildlife in the internal and external trade of Guyana’s wildlife recognizes the importance of accountability of Wildlife Exporters with regard to transparency and predictability in its operations.

This Code sets out minimum ‘Standards of Performance’ in accordance with which Wildlife Exporters are required to conduct themselves and related activities. The Code enlists Wildlife Exporters’ commitment toward maintaining the integrity of the Commission when a license is granted for commercial exportation. The standards and procedures outlined under the Code of Conduct are not intended to duplicate any civil or criminal process nor are they intended to act a substitute for the Wildlife Conservation and Management Act 2016. This code seeks to operate in conjunction with the Wildlife Conservation and Management Act.

2. Scope

The Code shall apply to all Wildlife Exporters issued a license under Section 49(b) of the Wildlife Conservation and Management Act, 2016, including a duly authorized attorney or agent and all employees of exporters whether permanent or temporary. It is the Wildlife Exporter’s responsibility to disseminate the contents of the Code and to take all such steps as are necessary to ensure compliance with it.

3. Interpretation

In this code unless the context otherwise requires:

“Animal” means live animal specified in the First, Second or Third Schedule of the Wildlife Conservation and Management Act, 2016 or any other wildlife but does not include domestic animals.

“Act” means the Wildlife Conservation and Management Act, 2016;

“Authority” means the Guyana Wildlife Conservation and Management Commission established under the Act;

“Authorized Person” means any institution, person or body authorized by the Commission to enforce the Act;

“Code” means the Wildlife Exporter’s Code of Conduct;

“Commission” means the Guyana Wildlife Conservation and Management Commission established under the Act;

“Export License” means a license issued under Section 49(b) of the Act;

“Disciplinary Action” means the action set out in Section 9 of the Code;

“Wildlife Exporter” means the holder of a license issued under Section 49(b) of the Act; Wildlife Exporters shall retain this status for so long as they hold a valid Commercial Export licence.

4. Compliance with Laws

In addition to meeting the requirements of this Code of Conduct, a Wildlife Exporter must comply with all other laws, regulations, treaties, conventions and agreements applicable to their operations locally and as is required by the countries to which they export must comply with the Wildlife Conservation and Management Act 2016 of Guyana and all other laws, regulations, treaties, conventions and agreements relevant to their operations locally and internationally.

5. Violation of Law and Commission Discipline

While not exhaustive, the following illustrate the expectations of the Commission and provide examples of misconduct subject to discipline. Many of these categories, and the accompanying examples, are criminal law offenses. Guyanese criminal law offences and the processes of the criminal judicial system are not part of the Commission’s Code and an individual in violation will be prosecuted only on matters related to the breach of the Act.

The Commission’s disciplinary proceedings may be instituted against a Wildlife Exporter cited for a violation of the Wildlife Conservation and Management Act 2016 or this Code.

When a Wildlife Exporter is cited by local authorities with a violation of law, the Commission will not request or agree to special consideration for that

individual because of their status as a Wildlife Exporter. The Commission will cooperate fully with law enforcement and other agencies in the enforcement of the law and any conditions or sanctions imposed by Guyana's Court.

6. AMENDMENTS

The Commission reserves the right to review and revise this Code, when needed, to reflect changes in best practices, for the public interest or to reflect amendments or changes in the laws or any convention where Guyana is a signatory.

7. General Provisions

A Wildlife Exporter shall adhere to the following principles and practices in the conduct of their professional activities-

- (1) Subscribe to the highest reasonable standards of integrity and conduct and proactively promote and demonstrate ethical behavior.
- (2) Seek an appointment to meet with the Commissioner, and understand and accept that these are subject to reasonable dates and times at Commissioner's convenience.
- (3) Recognize research and scientific management of wildlife species, their environments, and their stakeholders as primary goals.
- (4) Encourage and sustain the use of sound biological, physical, and social sciences information in management decisions.
- (5) Disseminate information to promote understanding of, and appreciation for, values of wildlife and their habitats.
- (6) Strive to increase the knowledge and skills needed to advance the practice of wildlife management.
- (7) Promote competence in the field of wildlife management by insisting on high standards of education, employment, and performance wherever possible.
- (8) Strive to be punctual when shipping specimens to comply with time specified on any shipment requests. In the event of an unforeseeable circumstance that may cause excess delay, to take all reasonable steps to notify the Commission.
- (9) Cooperate with the staff of the Guyana Wildlife Conservation and Management Commission to actively support and further the interest of the Commission in the protection, conservation, management and sustainable use of Guyana's wildlife in the internal and external trade of Guyana's wildlife.

8. Conflict of Interest

A conflict of interest exists when it is likely that a person could be influenced, or could be perceived to be influenced, by a personal interest at work when carrying out their duty. A conflict of interest that leads to partial decision making may constitute corrupt conduct.

A Wildlife Exporter is expected to report to the Commission any situation that is or may reasonably appear as a conflict of interest and/or desist from any conduct which is or may reasonably appear to be a conflict of interest. Some related interests that may give rise to a conflict of interest include but are not limited to-

- (1) An employee of the Commission having an economic interest or benefit in a transaction for which a Commercial Export License is issued by the Commission.
- (2) a Wildlife Exporter having a personal relationship with an employee of the Commission beyond the level of a professional working relationship; these include attending private dinners or other social functions in the company of, or pursuing a non-platonic relationship with an employee of the Commission.
- (3) The secondary employment for a staff member of the Commission by a Wildlife Exporter.
- (4) A staff member of the Commission accepting gifts and or other benefits from a Wildlife exporter for favorable treatment or to influence a decision in favor of the Wildlife Exporter¹.

The acceptance of gifts, benefits, travel or hospitality by a staff member of the Commission from a Wildlife Exporter is strictly forbidden. A Wildlife Exporter has a duty to report any instances of solicitation by an employee or an Authorized Person of the Commission for gifts or financial benefits.

9. Prohibited Conduct

A Wildlife Exporter found to have committed one or more of the following act(s) of prohibited conduct is subject to the disciplinary action by the Commission as set forth in Part 12 of this Code.

- (1) Prohibited Conduct with respect to the Commission-** Prohibited conduct against the Commission shall include but is not limited to, the following-
 - (a) Furnishing false or misleading information to any employee or authorized person of the Commission;
 - (b) Forgery, alteration, or misuse of any Commission document, record, or instrument of identification;
 - (c) Bribery of a Commission employee or Authorized Person;

- (d) Disruption or obstruction of office administration, disciplinary proceedings, or other activities of the Commission, including its public functions whether on or off the compound of the Commission.
- (e) Failure to comply with directions of an employee or Authorized Person of the Commission and/or failure to identify oneself to these persons when requested to do so;
- (f) Altering records or altering the facts concerning age, condition, or other material information about any animal in order to affect the sale, trade, loan, or other transaction with respect to such animal;
- (g) Tampering with licence, permits and certificates or document or records by hand or electronically belonging the Commission or used for the purpose of making a declaration to the Commission;
- (h) Claiming falsely to represent the Commission;
- (i) Misrepresentation to gain access or use of a service or facility under the name of the Commission;
- (j) Attempted or actual theft of and/or damage to property of the Commission or property of an employee or Authorized Person of the Commission or other personal or public property of the Commission.
- (k) Unauthorized possession, duplication, or use of keys or access cards to any premises owned or controlled by the Commission; and
- (l) Theft or other abuse of computer usage, including, but not limited to: Use of the Commission's computing facilities, network, equipment, accounts, or services in a manner contrary to that which is permitted by the Commission.

2. Prohibited conduct with respect to persons-Prohibited conduct at premises owned, licensed, leased by or under the control of the Commission with respect to persons shall include but is not limited to-

- (a) **Physical Abuse**-Intentionally or recklessly causing physical harm or endangering the health or safety of any person, including, but not limited to, simple assault and aggravated assault.
- (b) **Prohibited sexual conduct-** prohibited sexual conduct, including, but not limited to, sexual advances, requests for sexual favors, and other types of verbal or physical conduct of a sexual nature
- (c) **Harassment/Threatening Behavior –**
 - (i) **Harassment** - not being of a sexual nature includes: Conduct (physical, verbal, graphic, written, or electronic) that is (1) unwelcome; (2) discriminatory on the basis of genetic information, race, color, religion, national origin, age, disability or protected veteran status; (3) directed at an

individual; and (4) so severe, pervasive or objectively offensive that a reasonable person with the same characteristics of the alleged victim would be adversely affected to a degree that interferes with their ability to perform effectively.

- (j) **Threatening behavior** means any statement, communication, conduct or gesture, including those in written form that causes a reasonable apprehension of physical harm to a person or their property.

10. Self-Disclosure of Convictions

It is the duty of a Wildlife Exporter to disclose to the Commission any conviction(s) for a criminal offense—excluding misdemeanors.

This disclosure obligation applies to all convictions described above that occur within the jurisdiction of Guyana. Such disclosures must be communicated either at the time of making application for a license, or in any other case forthwith upon conviction.

Where there is an appeal, any disclosure made pursuant to the Code may not be used by Commission as the reason for denial of any application or application of any sanction under the Code, until the final hearing and determination of the appeal. Exporters shall have a duty to inform the Commission forthwith upon the final determination of any appeal and the result thereof.

11. Disciplinary Actions

Violations of this code may result in sanctions against offenders. The severity of sanctions will depend on the severity of the violation at the discretion of the Guyana Wildlife Conservation and Management Commission and whether the violation was as a result of an involuntary error, willful misconduct, and/or negligent action(s)

- (1) Conduct that may result in immediate sanction
 - (a) Disorderly behavior within a premises owned, licensed, leased by or under the control of the Commission or conduct that adversely affects or is detrimental to the carrying out of the Commission's functions activities, the offender will be given a warning to desist; should the offender persist, the offender will be asked to leave the premises.

Failure to leave when required to do so shall result in the Commission using all reasonable means, including calling for the assistance of the Guyana Police Force, or its own internal Security officers, to effect the removal of the offender.

- (2) Conduct resulting in breach of the code other than that stated in part (1)
 - (a) Any allegation of conduct in breach of the Code by a Wildlife Exporter shall be submitted by transmitting a written statement to the Commissioner together with all accompanying documents and materials in support, if any.
 - (b) The Commissioner shall upon receiving the written statement and accompanying materials, if any, shall transmit copies of the allegation and all supportive materials to the Chairperson as well as all Members of the Board;
 - (c) Within thirty days of receiving all materials, the Board will determine whether the allegation has merit;
 - (d) If determined there is merit to the allegation the Wildlife Exporter will be notified of the allegation within thirty days and shall be issued with full particulars of the allegation and copies of any documents or information submitted by the complainant in support of the allegation;
 - (e) The Wildlife Exporter shall have thirty days to submit a response in writing to the allegation, to the Board;
 - (f) The Commission shall consider the response, and shall determine whether the Code has been violated;

- (g) Where the Board determines that the code has been violated, it may–
 - (i) issue a warning;
 - (ii) issue a censure; or
 - (iii) cancel the Wildlife Exporter’s Commercial Exportation Licence in accordance with section 50(2) of the Act.
- (h) The Wildlife Exporter shall be notified within thirty days of the decision of the Commission.

I have received and taken due note of the contents of the Wildlife Exporters Code of Conduct of the Guyana Wildlife Conservation and Management Commission and hereby agree to abide by it.

Name in block letters

Signature

Date