

**AN OVERVIEW OF THE LUSAKA AGREEMENT
ON CO-OPERATIVE ENFORCEMENT
OPERATIONS DIRECTED AT ILLEGAL TRADE IN
WILD FAUNA AND FLORA**

**A PRESENTATION TO TIMBER ENFORCEMENT MEETING
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INTRODUCTION/BACKGROUND

An international Task Force to combat cross-border wildlife crime in Africa is a brainchild of wildlife law enforcement officers from eight from eastern and southern Africa countries meeting in Lusaka, Zambia, in December 1992 under the auspices of the Zambian Ministry of Tourism and the United Nations Environment Programme (UNEP). The officers highlighted the alarming rate of trafficking of wildlife resources and the problem of lack of co-operation between wildlife law enforcement agencies in different countries. The primary recommendation made by the Conference was the conclusion of an agreement to enable the establishment of a Task Force.

The first stage was the negotiation of an agreement. Since the conference giving birth to the idea was held in Lusaka it was named the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.

The Agreement entered into force on the 10th December 1996 with ratification, or formal acceptance, by three signatories. To date, there are six Parties i.e. Republic of Congo, Kenya, Uganda, Zambia, United Republic of Tanzania and the Kingdom of Lesotho. Republic of South Africa, Ethiopia and the Kingdom of Swaziland remain signatories. A number of the Congo basin countries have expressed their wish to join the Agreement and are consulting with the relevant government authorities in their respective countries.

OBJECTIVE OF THE AGREEMENT

To reduce and ultimately eliminate illegal trade in wild fauna and flora and to establish a permanent Task Force for this purpose.

FUNCTIONS/OBLIGATIONS OF THE TASK FORCE:

- (a) To facilitate co-operative activities among the National Bureaus in carrying out investigations pertaining to illegal trade;
- (b) To investigate violations of national laws pertaining to illegal trade, at the request of the National Bureaus or with the consent of the Parties concerned, and to present to them evidence gathered during such investigations;

- (c) To collect, process and disseminate information on activities that pertain to illegal trade, including establishing and maintaining databases;
- (d) To provide, upon request of the Parties concerned, available information related to the return to the country of original export, or country of re-export, of confiscated wild fauna and flora; and
- (e) To perform such other functions as may be determined by the Governing Council.

PREVIOUS SITUATION

- (a) Before the establishment of the Lusaka Agreement, law enforcement operations directed at illegal wildlife traders across national boundaries were difficult to undertake and accomplish.
- (b) There was no structure in which such matters could be handled except through Interpol-ICPO, and the speed at which these matters were followed gave no hope of arresting the criminals.
- (c) Law enforcement agencies both in country and across the borders never exchanged intelligence information on criminals involved in illegal wildlife trade.

ACHIEVEMENTS

- (a) The Task Force embarked on capacity building in order to impart skills to the law enforcement officers that would enable them discharge their duties effectively and professionally.
- (b) Wildlife law enforcement officers in the Party and non-Party states are now able to conduct joint cross-border enforcement operations to curb illegal wildlife trade. Two examples are the Singapore seizure and the arrest of a notorious reptile trader in Kenya.
- (c) The Task Force has recommended that the Forest legislations be reviewed with a view to include local community participation in the management and utilization of forest resources. The Congo Basin region has rich potential forest resources that are capable of improving the economies of the region.
- (d) Party states have equipped their law enforcement units.

CHALLENGES

- ❖ Excessive demands from the consumers – available markets, good money;
- ❖ Wildlife crime not taken seriously by law implementers;
- ❖ Low penalties create incentives (risks vs successes);
- ❖ Corruption: Abuse of power and authority (Licenses/ Permits forged, Fraud, etc.);
- ❖ Inadequate investment in law enforcement (financial and human resources);
- ❖ Lack of co-operation and coordination between and among law enforcement agencies (national, regional and international level);
- ❖ Increased traffic of goods and people across inter-boundaries;
- ❖ Civil wars and influx of refugees;
- ❖ Commercial exploitation of forests for timber; and
- ❖ Other socio-economic factors: poverty and failure for alternatives.

WAY FORWARD

- Review of the inadequate and outdated laws with a view to criminalizing the offences committed against forests and forest products.
- Encourage all African countries to accede to various Agreements such as the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.