



**United Nations
Environment
Programme**

**A DECADE OF REGIONAL WILDLIFE LAW ENFORCEMENT:
THE CASE OF THE LUSAKA AGREEMENT**

JUNE 2005

**BY UNEP FOR
THE PARTIES TO THE AGREEMENT**

TABLE OF CONTENTS

FOREWARD BY THE EXECUTIVE DIRECTOR , UNEP	iv
ACKNOWLEDGEMENT..	v
ACRONYMS AND ABBREVIATIONS.....	vi
EXECUTIVE SUMMARY.....	1
SUMMARY OF RECOMMENDATIONS.....	4
National Bureau.....	4
Governing Council.....	5
Bureau of the Governing Council.....	6
Task Force.....	6
METHODOLOGY.....	9
PARTIES AND SIGNATORIES TO THE AGREEMENT: A MAP	11
THE LUSAKA AGREEMENT: AN OVERVIEW.....	12
 PART I:BACKGROUND TO THE DEVELOPMENT OF THE LUSAKA AGREEMENT	 15
Reasons behind the development of the Lusaka Agreement: 1 st African Wildlife Law Enforcement Co-operation Conference, 1992:	15
Expert Working Group, June 1993:	16
First Expert Group Meeting, March 1994:	17
Second Expert Group Meeting, June 1994:	17
Third Expert Group Meeting and adoption of the Agreement, September 1994:	18
Status of the Agreement immediately following its Adoption:	18
Interim arrangements pending the establishment of the Task Force:	19
Initial support to the Lusaka Agreement.....	20
Summary	20
 PART II:INSTITUTIONAL MECHANISMS ESTABLISHED BY THE LUSAKA AGREEMENT.....	 21
NATIONAL BUREAUS.....	21
Their set up and functions:.....	21
Functions of the National Bureau:	23
Criteria for setting up a National Bureau:	24
Assessment of law enforcement capacities and needs of the Parties:.....	24
Institutional capacity building needs and training:	25
An ideal or model National Bureau	26
Submission of reports by National Bureaus.....	28
Summary	28
 THE GOVERNING COUNCIL	 29
Policy and Decision-making body:.....	29
Seat of the Task Force Determined:.....	30
Headquarters/Host Agreement Negotiated and Adopted.....	31

Appointment of the Task Force Field Officers:	32
The Bureau of the Governing Council and its role:	34
Budget of the Task Force:	36
Determination and assessment of Annual Budgets:	37
Development of programmes of work and methodology used to prepare them:	39
Determination of Parties' contributions to the Task Force:	41
Payment of contributions to the Task Force budget:	44
Financial Management:	47
Distribution of donor support:	48
Reporting obligations of the Task Force:	50
Summary:	50
 THE TASK FORCE	 52
A multinational body	52
Functions of the Task Force and activities to accomplish its objectives:	53
Composition and secondment of field officers to the Task Force:	57
Criteria for the selection of field officers:	58
Institutional linkage between National Bureaus, Governing Council and Task Force:	59
Summary:	63
 PART III: ACHIEVEMENTS MADE AND CHALLENGES FACED BY THE TASK FORCE.....	 64
Supply of equipment to the National Bureaus:	64
Field Operations with the National Bureaus:	67
Investigation of Illegal Cross-border activities.....	70
Capacity Building Including Training and Awareness Raising:	71
Partnership and networking with international and regional bodies:	76
Co-operation with CITES:	76
Cooperation with Interpol and WCO:	77
Co-operation with African Forests Law Enforcement & Governance (AFLEG) and Conference of Ministers in Charge of the Forests of Central Africa (COMIFAC):	79
Co-operation with African Wild Fauna Conservation Organization (AWFCO)	79
Development of Wildlife Crime Databases by the Task Force:	80
Development and enforcement of relevant laws and regulations:	81
Co-operation with Regional Agreements:	83
Considerations to replicate the Lusaka Agreement:	84
Summary of achievements and challenges of the Task Force	85
 PART IV: RECOMMENDATIONS TO STRENGTHEN THE LUSAKA AGREEMENT AND ITS INSTITUTIONS.....	 91
 RECOMMENDATIONS FOR STRENGTHENING THE ROLE OF THE NATIONAL BUREAUS.....	 92
Networking among National Bureaus:	92
Secondment of suitable national enforcement officers:	93
Regular bilateral and/or multilateral meetings to co-ordinate activities:	93
Development and harmonization of relevant laws.....	94
Collaborate with the Task Force in the development of the workplans:	95

RECOMMENDATIONS FOR STRENGTHENING THE ROLE OF THE GOVERNING COUNCIL.....	96
Follow up implementation of past decisions:	97
Expanded role of the Bureau of the Governing Council as an Implementation Committee: ..	97
Enhancement and strengthening the role of the Task Force:	99
Greater role in the development and approval of the Task Force work plans:	99
Financial strategy	99
Enhancing reporting formats for National Bureaus and Task Force:	101
Develop contingency and strategic plans for increasing Parties to the Agreement:	101
 RECOMMENDATIONS FOR STRENGTHENING THE ROLE OF THE TASK FORCE	104
Development of a practicable programme of work:	104
Development of capacity building programmes including training:	105
Provision of regional assessments:	106
Conducting international investigations:	106
Networking with international and regional entities	106
Community policing and awareness building.....	107
 PART V: CONCLUSION.....	109
 Annex 1.....	112
Annex 2.....	120
Annex 3.....	135
Annex 4.....	143
Annex 5.....	146
Annex 6.....	147
Appendix	

FOREWORD BY THE EXECUTIVE DIRECTOR, UNEP

The Lusaka Agreement Governing Council adopted decision VI/6(1) at its 6th Meeting held in Nairobi on 21 and 22 July 2003 which requested the Executive Director of UNEP, in co-operation with the Director of the Task Force, to initiate the process of carrying out an independent review of the work of the Task Force and the impact of the implementation of the Lusaka Agreement¹, since its adoption a decade ago in September 1994, and to make recommendations for the enhancement of the Task Force and the Lusaka Agreement. The Executive Director, in collaboration with the Director of the Task Force, undertook the review of the implementation of the Agreement and the bodies established under it as requested. In its draft form, the report was evaluated by Expert Representatives from Parties to the Lusaka Agreement and other relevant stakeholders at a workshop held in December 2004 in Nairobi, Kenya and their views and comments have been incorporated in this Final Report. The Review Report herein presented was considered and adopted by the Lusaka Agreement Governing Council at its 7th session, held in January 2005 in Nairobi.

**Executive Director
United Nations Environment Programme**

¹ Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, adopted 8 September 1994.

ACKNOWLEDGEMENT

The United Nations Environment Programme (UNEP) wishes to acknowledge the unreserved support and co-operation received from all the persons and organizations that contributed to the success of this review exercise. UNEP specifically appreciates the active involvement and keen interest of the Party States to the Lusaka Agreement during the review.

We recognize the integral role played by experts who evaluated the Review Report including those from Party States, CITES Secretariat, ICPO-Interpol General Secretariat, World Customs Organization (WCO), peer reviewers Messrs John Kundaali and Larsey Mensah, technical advisors Mr. Donald Kaniaru, Dr. Rosalind Reeve and to many others who took time to respond to requests for information.

UNEP further acknowledges the significant contribution made by the review consultant, Dr. Mike Norton-Griffiths, for spearheading the process. Lastly, we wish to thank the Director of the Lusaka Agreement Task Force and his team for their co-operation and logistical support.

ACRONYMS AND ABBREVIATIONS

ACB:	Anti Corruption Bureau (of Malawi)
AFLEG:	Africa Forest Law Enforcement and Governance (Yaoundé Declaration)
AWFCO:	African Wild Fauna Conservation Organization
CEFDHAC:	Conference on Central African Moist Forest Ecosystems
CITES:	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CITES/MIKE:	CITES/ Monitoring the Illegal Killing of Elephants
COMIFAC:	Conference of Ministers in charge of the Forests of Central Africa
DSWF:	David Shepherd Wildlife Foundation
EAPCO:	East African Police Chiefs' Cooperation Organization
EIA:	Environment Investigation Agency (of USA)
ESPU:	Endangered Species Protection Unit (of the South African Police Force)
ETIS:	Elephant Trade Information System
F/Y:	Financial Year
FIELD:	Foundation for International Environmental Law & Development
GC:	Governing Council (of the Lusaka Agreement)
HF:	High Frequency (radio transmitter)
IFAW:	International Fund for Animal Welfare
I-24/7:	Interpol's Global Communications System
ICPO-Interpol:	International Criminal Police Organization
IUCN:	International Union for the Conservation of Nature and Natural Resources (The World Conservation Union)
KPMG:	KPMG, Kenya
KWS:	Kenya Wildlife Service
LUSAKA AGREEMENT:	Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora

LATF:	Lusaka Agreement Task Force on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora
MEAs:	Multilateral Environmental Agreements
MEFE :	Ministère de l'Economie Forestière et de l'Environnement (République du Congo) [Ministry of Forest Economy and Environment]
MIST:	Monitoring Information System (in the Uganda Protected Areas)
MOU:	Memorandum of Understanding
NCB :	National Central Bureau (of Interpol)
NGOs :	Non-Governmental Organizations
NIA :	National Intelligence Academy (Kenya)
OCFSA:	Organization pour la Conservation de la Faune Sauvage en Afrique
RILO:	Regional Intelligence Liaison Office (of the World Customs Organization)
ROCCISS:	Regional Organized Counter Crime Intelligence Sharing System (of Interpol)
SADC:	Southern African Development Community
Task Force:	Lusaka Agreement Task Force for Co-operative Enforcement Operations Directed At Illegal Trade in Wild Fauna and Flora
TANAPA:	Tanzania National Parks
TRAFFIC:	Trade Record Analysis of Flora and Fauna in Commerce
UNEP:	United Nations Environment Programme
UNEP/DEPI:	United Nations Environment Programme – Division of Environmental Policy Implementation
USF&W:	United States Fish and Wildlife Service
UWA:	Uganda Wildlife Authority
WCO:	World Customs Organization
ZAWA:	Zambia Wildlife Authority

THE LUSAKA AGREEMENT: A REVIEW

EXECUTIVE SUMMARY

1. The Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (hereinafter referred to as the Lusaka Agreement or the Agreement) is the only existing practically oriented co-operative enforcement instrument assisting the implementation of CITES and other biodiversity related agreements at regional level in Africa. The main objective of the Agreement is for the Parties to undertake activities intended to reduce and ultimately eliminate illegal trade in wild fauna and flora. In this regard, the Agreement establishes a three-tier institutional mechanism comprising a permanent body—the Task Force (Article 5); a national implementing and enforcement body called National Bureau (Article 6); and a ministerial decision-making body called the Governing Council (Article 7).

2. The Lusaka Agreement adopted a decade ago, established a multinational Task Force five years ago to facilitate and monitor its implementation and enforcement. As time goes by, it needs to ensure that it effectively conducts its activities on a sound footing and is well guided by the supporting bodies, namely, the National Bureaus and the Governing Council. It is for this specific reason that the Governing Council of the Agreement requested the Executive Director of UNEP, in collaboration with the Director of the Task Force, to initiate and assist the Parties to carry out a review and evaluation of the work of the Task Force and its impact in the implementation of the Agreement since its adoption in 1994, and to *make recommendations for the enhancement of the Task Force and the Agreement* (emphasis added).² The Review Report, therefore, assesses the efficiency and effectiveness of the bodies established under the Agreement so as to effectively facilitate the implementation and enforcement of the Agreement and makes recommendations intended to further strengthen and enhance such bodies. To fulfill this mandate and the request made to the Executive Director of UNEP, the Review Report makes a number of recommendations for the institutional framework, and the Agreement as a whole.

3. Recommendations for strengthening the existing National Bureaus include ensuring that they fully participate in the development of the strategic action plan of the Task Force as

² See GC Decision VI/6 para 1 in the Report of the 6th Governing Council Meeting of the Parties to the Lusaka Agreement held in Nairobi, Kenya from 21-22 July 2003 in Doc LATF/LAGC.6

well as in the development of a comprehensive financial strategy for the work of the Task Force. Other recommendations include increasing networking and collaboration at national, regional and international levels with relevant stakeholders and agencies; placing greater emphasis on the development and harmonization of wildlife policies, laws and regulations; review the requirements for an ideal National Bureau; ensuring the secondment of competent Field Officers; and playing a more proactive leadership role.

4. Recommendations for enhancement of the Governing Council include ensuring a consultative process is used in the development of the Task Force strategic plan of action, developing the Task Force financial strategy, and formulating a strategy on payment of arrears. Other recommendations for the Governing Council include strengthening its policy making role, extending the mandate of the Governing Council Bureau, ensuring that its previous decisions are implemented, developing a revised template for preparation and submission of activity reports, encouraging cooperation with other regional and international bodies, developing a strategic plan to attract new Parties, and enhancement of the political profile of the Lusaka Agreement.

5. The Review Report recommends expanding the mandate of the Bureau of the Governing Council to equally serve as an Implementation Committee, and giving it responsibility for reviewing the Task Force' proposed strategic plan of action, and proposed budget. Other recommendations for the Bureau include development of financing arrangements with Parties and donors, review of Task Force salaries and benefits, monitoring implementation of the Agreement, and development of contingency and strategic plans for eventual expansion of the Agreement and the institutions established under it.

6. The Review Report makes recommendations for the Task Force to develop on priority basis a strategic plan of action in line with Governing Council decision VI/6, as well as a funding strategy. Other recommendations for the Task Force include completion of the earlier requested assessment of Parties' law enforcement needs and capacity, enhancing support to National Bureaus, follow up on implementation of past Governing Council decisions, promoting inter-agency cooperation and coordination, participation in the development of wildlife policies, laws and regulations, participation in community policing and awareness

building, strengthening intelligence gathering and dissemination, and enhancing international cooperation and investigations.

SUMMARY OF RECOMMENDATIONS

The following four tables summarize the key recommendations put forward in the Review Report for the enhancement and strengthening the roles of the National Bureaus, Governing Council, Bureau of the Governing Council, and the Task Force for consideration and review by the Governing Council at its 7th Meeting.

NATIONAL BUREAU

The table below summarizes the necessary recommendations for strengthening the role of the National Bureau

Recommendations for Strengthening the Role of the National Bureaus
<ol style="list-style-type: none">1) Participation in the development of strategic action plan and Programmes of work: Ensure that National Bureaus fully participate in the development of a strategic action plan and programmes of work for the Task Force, taking into consideration their activities and priorities. In this regard they should also ensure they fully participate in developing a funding strategy.2) Strengthening networking by National Bureaus: Strengthen the existing National Bureaus through encouraging them to facilitate more effective networking and collaboration at national level with relevant national stakeholders. There is also a need to strengthen networking with relevant regional and international organizations.3) Development and harmonization of wildlife policies, laws and regulations: Parties through their respective National Bureaus need to review their wildlife policies and related laws and institutional arrangements, as well as agree on common areas or principles of harmonization in liaison with the Task Force, for effective implementation of the Agreement as well as for the National Bureaus and the Task Force to fulfill their functions and obligations.4) Revision of the criteria for an ideal National Bureau: To ensure that the National Bureaus play a key role in monitoring and guiding the work of the Task Force through the Governing Council, the criteria for the establishment of an ideal National Bureau by the Parties be looked at afresh, revised and enriched to take into consideration findings of the Review Report, developments in the field and lessons learned so far in the role played by the existing Bureaus. The revamped criteria for the National Bureaus should include criteria for ideal national law enforcement officers responsible for implementation of the Agreement.5) Identification of field officer for secondment: Encourage each National Bureau to identify competent and experienced wildlife law enforcement officer, who possess suitable skills for the work of the Task Force.6) Playing a more proactive leadership role: Since the success and effectiveness of the Task Force depends on the commitment and lead role the National Bureaus will play, they need to be proactive in all their dealings with the Task Force, and give them, through the Governing Council, appropriate guidance, and mandates for effective follow up and implementation of agreed work plans.

GOVERNING COUNCIL

The following table summarizes the necessary recommendations put forward to ensure the role of the Governing Council is further strengthened.

Recommendations for strengthening the role of the Governing Council
<ol style="list-style-type: none">1) Promote a consultative process in the development of work plans: There is need to ensure collaborative activities are determined and executed by the National Bureaus and the Task Force through the development of the Task Force strategic action plan, which has been called for under Decision IV/6.1 of the sixth Governing Council Meeting.2) Encourage the development and approval of a financial strategy for the Task Force activities: The Governing Council needs to ensure that the Task Force develops a short, medium and long term financial strategy which will include a strategy for fund raising for its activities as a mechanism to guarantee sustainability in the medium and long term and establishment of a Trust Fund.3) Agree a strategy on payment of arrears. In view of the present levels of arrears, the Governing Council should develop a strategy on payment of arrears by Parties that includes mechanisms to ensure future compliance.4) Strengthen, through regular reviews, its policy-making role: Strengthen the role of the Governing Council in making strategic reviews of policies, objectives and progress as well as adopting more effective procedures for ensuring compliance by Parties and implementation of its decisions by the Task Force and National Bureaus.5) Extend the mandate of the Bureau of the Governing Council: Expand the mandate of the Bureau of the Governing Council to include in its terms of reference a regular review and monitoring of the functions and performance of the Agreement, provision for input by nominated and elected national technical experts, and provisions enabling it to serve as the Agreement's Implementation Committee. This is in addition to the Bureau's current role to review and adopt recommendations from the National Bureaus.6) Monitor implementation of decisions adopted in previous Governing Council Meetings: There is need to review and effectively follow up on the status of implementation and execution of past Governing Council decisions directed at the National Bureaus and the Task Force and ensure their fulfillment.7) Develop a new revised template for preparation and submission of activity reports: The Governing Council needs to review, revise and adopt a new comprehensive and all-encompassing template or format for the preparation of Parties' reports by the National Bureaus and Task Force reports by the Director for review and consideration by the Governing Council.8) Encourage co-operation with other regional and international bodies: To ensure complementarity, synergy and sharing of information, experiences, lessons learned as well as challenges, there is need to encourage the Task Force to continue to develop strong bonds and cooperation agreements with existing relevant regional and international bodies. These could include Interpol, WCO, ALFEG, COMIFAC, EAC, SADC, CITES and its relevant networks, to mention but a few.9) Develop a strategic plan to attract new Parties: There is need to develop strategic and contingency plans for encouraging the accession of new Parties, taking into account cost implications and the need to focus on countries neighbouring existing Parties.

10) Enhance political profile and generate support for the Lusaka Agreement: To enhance the political profile of, and generate support for the Lusaka Agreement, the President of the Governing Council should consider having the Agreement included in the agenda of major regional political conferences such as the East Africa Community Summit, the African Union Summit etc which could also be used as avenues to deliberate on it, promote accession and encourage countries to join.

BUREAU OF THE GOVERNING COUNCIL

The following are specific recommendations for enhancing and strengthening the role of the Bureau of the Governing Council.

Recommendations for enhancing the role played by the Bureau of the Governing Council

The Bureau would, between meetings of the Council, take responsibility for reviewing and monitoring implementation of the Agreement on behalf of the Governing Council as follows: -

- 1) In consultation with the National Bureaus, review the strategic work plan prepared by the Task Force, prioritize activities, and adopt medium to long-term strategies and objectives as well as financial implications.
- 2) Develop medium to long-term financial strategies; and on that basis assess and set annual contributions for the Parties.
- 3) Supervise development of strategic plan for medium to long term financing arrangements with donors.
- 4) Review budgets and financial management for the Task Force.
- 5) As an Implementation Committee, undertake regular review and monitoring of the implementation of the Agreement and the institutions established under it.
- 6) Develop contingency and strategic plans for eventual expansion of the Agreement.

TASK FORCE

The following are specific recommendations for strengthening the role of the Task Force.

Recommendations for strengthening the role of the Task Force

- 1) **Develop and monitor implementation of Strategic Plan:** The development of a short, medium and long term strategic plan of action (Decision VI/6.1 of the 6th Governing Council meeting) should be undertaken and completed by the Task Force as soon as possible.
- 2) **Promote support to National Bureaus:** Working in full partnership with National Bureaus, the Task Force needs to focus its training and capacity building programmes towards the agreed requirements and needs of the National Bureaus in the short, medium

and long term. Further, it needs to assess the impact and results such programmes have made on the individuals trained and through them the institutions they are serving as far as the enforcement of the Agreement is concerned as well as collaboration between the Task Force and National Bureaus. There are lessons to learn from regional customs partnerships and their collaboration with national customs and revenue authorities which could be included in the capacity building and training programmes.

- 3) **Assess law enforcement needs and capacities:** The Task Force needs to follow up and finalize the assessment of law enforcement capacities and needs of the Parties requested by the second Governing Council but which has not been completed to date. This assessment will enable the Task Force to determine the status of existing technical and institutional capacities and needs of the National Bureaus and identify gaps that need to be filled.
- 4) **Promote inter-agency coordination:** The Task Force needs to assist the National Bureaus to develop effective and operational inter-agency coordination and co-operation to gather, exchange and disseminate intelligence and information, and implement field operations. In this regard, the Task Force and National Bureaus need to work together to develop harmonized reporting systems on cases, or a case management system.
- 5) **Assist in the development and harmonization of relevant laws and regulations:** The Task Force needs to participate in the process of developing and/or strengthening and harmonizing relevant wildlife and other related laws and regulations. It is important that National Bureaus and the Task Force effectively implement decisions IV/1 and VI/1 on the development and harmonization of Parties' wildlife laws. When both decisions are implemented, they will fulfill the Parties obligations under Article 4 and the Task Force functions under Article 5 (9), as well as aspects of Rule 2.3 of the Operational rules.
- 6) **Support community policing and awareness building:** It is important that activities of the Task Force include awareness-raising programmes directed at other law enforcement agencies and local communities. Better understanding of the Agreement by them will encourage compliance and support for the objective of the Agreement.
- 7) **Follow up and report on implementation of past Governing Council decisions:** The Task Force needs to follow up past Governing Council decisions concerning implementation which have not been executed nor status of execution reported back to the Council.
- 8) **Develop its database and strengthen links and networks with relevant intelligence databases:** In consultation with the National Bureaus and regional enforcement organizations, the Task Force needs to explore on the existing databases, compile, maintain and update its regional intelligence database on wildlife crime and illegal trade in wildlife products; and forge links with INTERPOL/ROCCISS and RILO/CEN databases. This will make the Task Force a resource for National Bureaus and other enforcement agencies in the course of their work.
- 9) **Undertake strategic assessments:** The Task Force needs to undertake annual analysis and assessment of the volumes, value and patterns of illegal trade in wild flora and fauna; methods of smuggling (container profiles, air freight profiles) etc. It may need to call on all data sources including National Bureaus, CITES, consultant reports, NGOs, and the databases of WCO/RILO/CEN and INTERPOL/ROCCISS or I-24/7.
- 10) **Promote international cooperation:** The Task Force needs to actively promote cooperation through development of closer links with partners at sub-regional, regional and international levels (e.g. with Interpol, WCO, CITES etc.), and regular exchange of information and intelligence between the agencies, the Task Force and the National Bureaus. It should provide to the National Bureaus regular assessments and analyses of

wildlife crime intelligence and data on patterns of wildlife crime and illegal trade, at sub-regional, regional and (as appropriate) international level.

- 11) **Co-operate in international investigations:** As appropriate, the Task Force needs to carry out on behalf of the National Bureaus investigations of specific wildlife crimes, set up joint investigation teams to investigate specific cases of wildlife crime and to target, disrupt and wind up specific illegal networks, and report on the outcome and implications of such investigations to the National Bureaus.

METHODOLOGY

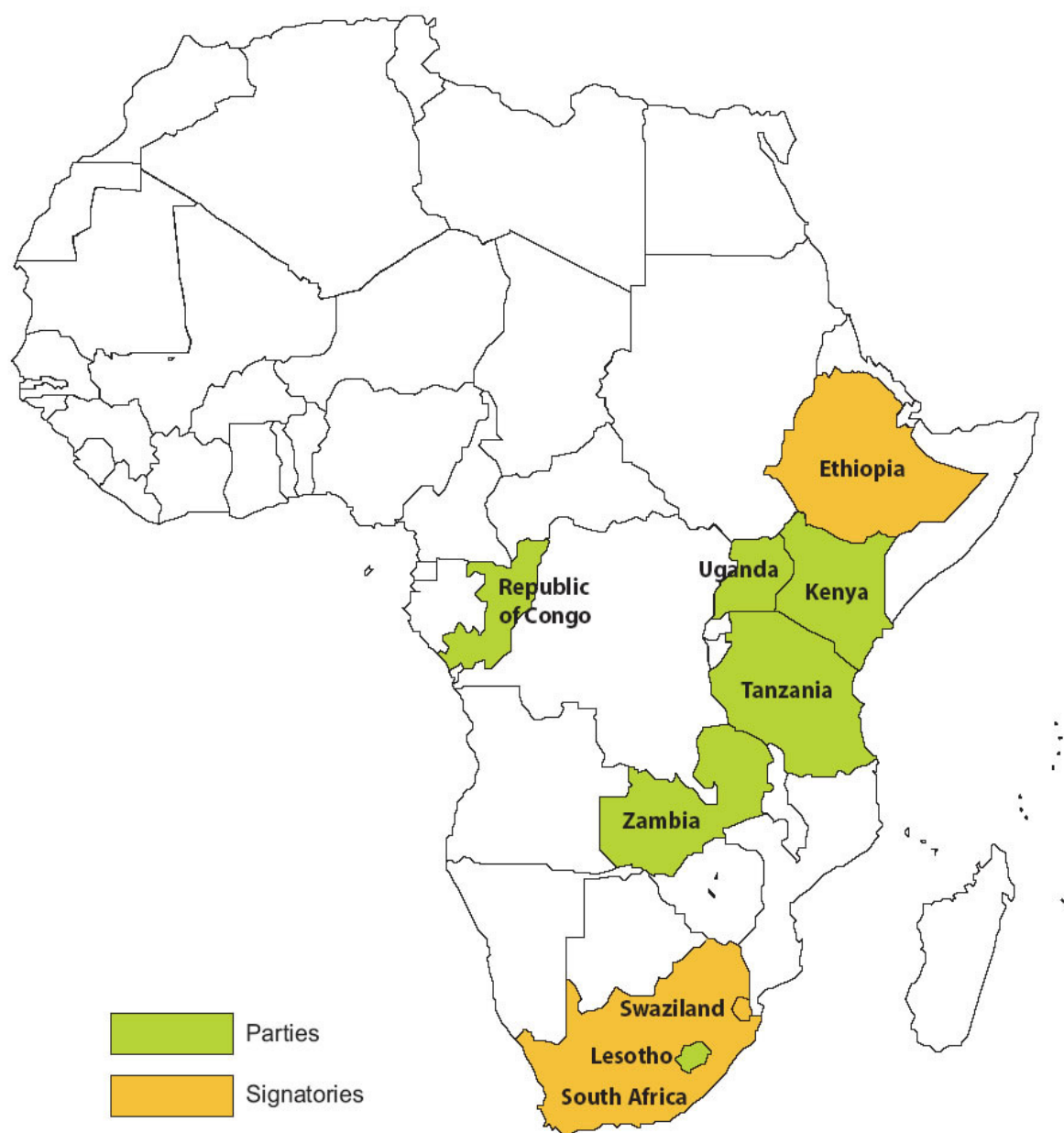
1. Decision VI/6 of the 6th Governing Council of the Lusaka Agreement (July 21-22 2003) on the “Evaluation of the Lusaka Agreement” requested the Executive Director of the United Nations Environment Programme (UNEP) to initiate the process of carrying out an independent review of the work of the Task Force and the impact of the implementation of the Lusaka Agreement (the Agreement) since its adoption in September 1994. The Decision also requested the Executive Director to make recommendations for the enhancement of the Task Force and the Agreement.
2. UNEP and the Lusaka Agreement Task Force (LATF or Task Force) developed the terms of reference for the Review (**Annex 1**), which were comprehensive and all embracing. The main objectives of the Review were to:-
 - (a) Determine options for the effective implementation of the Lusaka Agreement including the financial implications of actions related to the implementation of the Agreement;
 - (b) Critically analyze and assess the achievements and problems or challenges facing the implementation of the Agreement, both at national level with the National Bureaus, at the regional level with the Task Force, at international level in relation with relevant organizations, and address the main factors contributing to these problems; and
 - (c) Identify what the Agreement and the Task Force has accomplished or achieved as well as contributed to meeting objectives of the Agreement.

Schedule of Work

3. UNEP hired the services of a consultant who began his work on 16 January 2004 and, concluded in November 2004. The task entailed accessing a large volume of documentation, working with the Task Force, visiting all National Bureaus and making other visits and interviews as deemed necessary.
4. In all, the consultant held 127 interviews and consultations (**Annex 2**) with officers of national wildlife, fisheries and forestry authorities; civil servants in parent Ministries; police and customs officers; officers serving in Interpol and the WCO; regional and international organizations and civil servants (SADC, CITES, UNEP); independent consultants; NGOs; and of course with the Lusaka Agreement Task Force itself.

5. Interviews were open ended and, by guaranteeing complete confidentiality, elicited a wide range of views, opinions and recommendations about the Agreement, the Task Force and the National Bureaus.
6. On the basis of the consultant review and assessment, to which the Parties and other stakeholders generously contributed their considered views and opinions, UNEP prepared a draft Review Report that was reviewed by Experts during the Regional Governments Experts Workshop to Evaluate the Draft Report on the Review of the Lusaka Agreement, (hereafter referred to as the Review Workshop). The Workshop, attended by 41 participants was held in Nairobi from 8th – 10th December 2004. The draft Review Report had been earlier sent to all Parties, Signatories and other invitees by electronic means and by courier.
7. A team of two Peer Reviewers was hired to review and assess the draft review Report. They made their oral presentations, and submitted written comments during the Regional Review Workshop.
8. On the basis of the frank and sincere comments, opinions and concerns regarding the effectiveness of the Agreement and the institutions it establishes, received from the Peer Reviewers, and from experts at the Review Workshop, the Executive Director prepared this report and presented the same to the 7th Meeting of the Governing Council of the Lusaka Agreement for its review and consideration in January 2005.

PARTIES AND SIGNATORIES TO THE AGREEMENT: A MAP



THE LUSAKA AGREEMENT: AN OVERVIEW

Introduction

7. The Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (hereinafter referred to as the Lusaka Agreement) is the only existing practically oriented co-operative enforcement instrument implementing CITES and other bio-diversity related agreements at regional level in Africa. It establishes a unique multinational institution, namely the Task Force, to undertake undercover operations to reduce with an ultimate aim to eliminate such illegal trade. This Task Force is composed of law enforcement officers seconded from each of the Parties, who are capable of operating internationally against trans-boundary crime syndicates. The officers are deployed or seconded to the Task Force by the Parties, and, while retaining their national law enforcement powers, carry out cross-border and undercover operations and investigations but in close co-operation and partnership with national entities called National Bureaus.

8. It is this unique feature of the Task Force, which gives the Lusaka Agreement its greatest strength, thus rendering it a powerful weapon against illegal trade in wild fauna and flora. Its implementation is guided by the text of the Agreement (Lusaka Final Act) that was signed on 8 September 1994 in Lusaka, Zambia by the representatives of six States³ and adopted by eight states and subsequently deposited with the Secretary-General of the United Nations. It has been ratified/ acceded by six parties⁴.

9. The main objective of the Agreement is for the Parties to undertake activities intended to reduce and ultimately eliminate illegal trade in wild fauna and flora. In this regard, the Agreement establishes a three-tier institutional mechanism comprising of a permanent body—the Task Force (Article 5); a national implementing and enforcement body called National Bureau (Article 6); and a ministerial decision-making body called the Governing Council (Article 7).

10. The operational arm of the Lusaka Agreement, the Task Force, was launched and established in June 1999. At its launch, only two officers were appointed, namely, the

³ Kenya, Uganda, South Africa, Tanzania, Swaziland, Zambia, and later Ethiopia.

⁴ Kenya, Lesotho, Republic of Congo, Tanzania, Uganda and Zambia.

Director and the Intelligence Officer, to establish and set up the Task Force. A voluntary liaison officer, not supported under the Task Force budget was also appointed. At the end of 2002, another three officers were appointed to the Task Force and together undertook and initiated activities geared towards fulfilling the objective of the Agreement. It is, therefore, about two and half years at most since the Task Force was more or less fully staffed, so to speak, and able to undertake meaningful activities for the implementation and enforcement of the Agreement. Three years before then, while understaffed with inadequate resources both from the Parties and others, its activities focused primarily on administrative and logistical arrangements necessary for setting up and equipping the Task Force office. Its attention, then, centred on negotiation of a Headquarters Agreement with the host country (Kenya) which was necessary to legalize its stay and operations in the country. Only limited operational or substantive activities could be undertaken or initiated by the two Field Officers managing and setting up the office.

11. The Agreement, though still at its nascent stage of existence, has more or less gone through the difficult teething as well as challenging period of establishing itself and setting up the relevant structures for its operations. As time goes by, it needs to ensure that it effectively conducts its activities on a sound footing, well guided by the supporting bodies, the National Bureaus and the Governing Council. It was thus deemed fit by its policy-making body to call for a review of its activities and operations during the past few years of its existence. The review is also intended to determine whether or not the Task Force executes its activities and operations as anticipated, and if the Agreement is effectively implemented by Parties through their National Bureaus and Governing Council with a view to making adjustments or reflections, as necessary, to enable the continuation of activities as envisaged.

12. It is for this specific reason that the Governing Council of the Agreement requested the Executive Director of UNEP to initiate and assist the Parties to carry out an independent review of the work of the Task Force and its impact in the implementation of the Agreement since its adoption in 1994, and to *make recommendations for the enhancement of the Task Force and the Agreement* (emphasis added).⁵ The Report addresses this objective, seeking

⁵ See GC Decision VI/6 para 1 in the Report of the 6th Governing Council Meeting of the Parties to the Lusaka Agreement held in Nairobi, Kenya from 21-22 July 2003 in Doc LATF/LAGC.6

possible solutions to enhance and strengthen the activities of the Task Force, National Bureaus and Governing Council.

13. The Report is divided into four Parts, namely:

Part I:	Background to the Development of the Lusaka Agreement
Part II:	Institutional Mechanisms Established by the Lusaka Agreement
Part III:	Achievements made and challenges faced by the Task Force
Part IV:	Recommendations for further consideration to strengthen the Lusaka Agreement and its institutions.
PART V:	Conclusion

PART I

BACKGROUND TO THE DEVELOPMENT OF THE LUSAKA AGREEMENT

Reasons behind the development of the Lusaka Agreement: 1st African Wildlife Law Enforcement Co-operation Conference, 1992

14. The Lusaka Agreement was first conceptualized following deliberations held between senior wildlife law enforcement officers from Botswana, Kenya, Mozambique, South Africa, Swaziland, Tanzania, Uganda and Zambia, who were attending the first African Wildlife Law Enforcement Co-operation Conference. The Conference was organized under the auspices of the Zambian Ministry of Tourism with funding support from the United States Environmental Investigation Agency (EIA), David Shepherd Wildlife Foundation and Tusk Force UK. Discussion at the Conference, which was held in Lusaka, Zambia, from 9-11 December 1992, focused on problems faced by national law enforcement agencies in attempting to combat international wildlife smuggling syndicates. Participants cited inadequate human and financial resources, coupled with poor institutional capacity as factors that prevented law enforcement officials from adequately responding to sophisticated and well-resourced criminal networks. For instance, concerns were raised about the size and fluidity of the borders between many African countries, such as Tanzania's Serengeti National Park, which is situated next to Kenya's Maasai Mara Game Reserve. Ill-equipped law enforcement officers, limited numbers of aircraft for surveillance and field patrols, lack of trained law-enforcement officers to conduct undercover intelligence operations, coupled with lack of administrative capacity, made it difficult for countries to adequately respond to sophisticated and well-resourced cross-border smugglers.

15. Participants noted that criminal networks were able to exploit this lack of sufficient co-operation between national law enforcement agencies such as the police, customs, and wildlife authorities. The problem was further compounded at inter-state level by the lack of formal cross-border relationships with the law enforcement agencies in neighbouring countries. The resulting lack of co-operation was consequently exploited by international crime syndicates who, at times, received considerable support from local communities when committing crimes of poaching and smuggling. Legal problems were also cited as impeding national efforts to combat illegal trade in wildlife. For instance, the powers of enforcement officers are restricted to their national jurisdictions, and the officers are powerless across

borders while in hot pursuit, or to institute legal proceedings against poachers and smugglers—unless extradition arrangements exist. Even where extradition arrangements existed, the complex procedural rules to be adhered to, did not necessarily allow swift action to be taken. In addition, the rules of evidence (which differ from country to country) meant that cases were at times knocked down in courts on technical grounds, making it difficult for prosecution cases to succeed. Lastly, the low penalties imposed by national courts and/or laws against smugglers of wildlife species—compared to the value of the specimens poached or smuggled—had also failed to deter offenders from engaging in such lucrative business⁶.

16. All these practical and legal challenges prompted participants attending the Conference to propose more effective measures to combat illegal trade. In this regard, they proposed establishing a regional mechanism to complement national enforcement efforts aimed at prohibiting illegal trade in wildlife specimens in accordance with both national laws and relevant multilateral environmental agreements (MEAs), such as CITES.

17. The Conference unanimously agreed with the proposals made, and went ahead to formulate elements for the first draft of the Lusaka Agreement. The draft Agreement was endorsed by Zambia, Kenya, Tanzania and Uganda. South Africa, though it expressed support, did not endorse it at the time since the draft text had not been fully and legally developed and negotiated. The draft text received a further boost when the CITES Standing Committee endorsed and encouraged support for it on the two occasions when it met in 1993.

Expert Working Group, June 1993:

18. Meanwhile, the draft text was reviewed by an Expert Working Group, which met in Nairobi from 26-27 June 1993 under the auspices of the Zambian Ministry of Tourism, in cooperation with the Kenyan Ministry of Tourism and Wildlife. The Expert Working Group included senior law enforcement officers from the eight countries which had attended the December 1992 Wildlife Law Enforcement Cooperation Conference, experts from UNEP, the CITES Secretariat, the US Fish and Wildlife Service, the Foundation for International Environmental Law and Development (FIELD), and an observer from the South African

⁶ See Statements made by delegates attending the meeting in the Report of the First African Wildlife Law Enforcement Co-operation Conference held in Lusaka, Zambia in December 1992 in UNEP official file in archive.

Ministry of Foreign Affairs. The Expert Working Group produced the Draft Negotiating Text of the Agreement, which provided the basis of subsequent negotiations.

19. Immediately following the above Expert Working Group meeting, Zambia, together with Kenya, Tanzania and Uganda, presented a Draft Negotiating Text to the UNEP Conference between the Rhinoceros Range States, and Donors on Financing the Conservation of the Rhinoceros, which was held in the same year in 1993. At the Conference, a resolution, approved by consensus, endorsed the need for the Lusaka Agreement on cooperative measures to combat wildlife crimes. The resolution also requested UNEP, in collaboration with CITES, to undertake a co-coordinating role in finalizing the Negotiating Text.

First Expert Group Meeting under UNEP auspices, March 1994:

20. Following the request, UNEP set up a Co-coordinating Secretariat to service and facilitate the process of negotiations between various governments. The First Expert Group Meeting organized by UNEP was held in Nairobi from 7-11 March 1994. It was attended by Kenya, Lesotho, Malawi, Mozambique, South Africa, Swaziland, Tanzania, Uganda and Zambia. Also in attendance were observers from Zimbabwe, CITES Secretariat, Interpol, United States Fish and Wildlife Service and donor countries, which had also provided financial support for the negotiations.

21. During the meeting, the preliminary draft Agreement that had been prepared by the Expert Working Group was used as a basis for discussion. Following extensive debate, the preliminary draft Agreement was substantially improved, and subsequently agreed upon and termed the Initial Negotiating Text as Revised⁷.

Second Expert Group Meeting, June 1994:

22. The Second Expert Group meeting organized by UNEP, with delegates from Kenya, Lesotho, Mozambique, South Africa, Swaziland, Tanzania, Uganda and Zambia, was held two months later in Nairobi from 30 May to 3 June 1994. Malawi was unable to attend, but contributed its legal comments on the Negotiating Text, which had been agreed upon by the First Expert Group Meeting. The meeting succeeded in resolving most of the substantive

⁷ See Report of the First Expert Group Meeting in document UNEP/ELI/PAC/LAEG 1/7

issues concerning the Agreement and institutional structures including operations of the proposed Task Force—such as the budget likely to be required by the Task Force in its first year and arrangements for an Interim Secretariat to implement the Agreement⁸. Finally, delegates agreed upon the Final Draft Negotiating Text as Revised⁹.

Third Expert Group Meeting and adoption of the Agreement, September 1994:

23. The Third Expert Group meeting and the Ministerial Meeting to adopt the Agreement were held in Lusaka, Zambia from 5-9 September 1994 respectively. The experts finalized the draft text of the Agreement, discussed interim arrangements for its implementation, and recommended it for adoption by their Ministers. Subsequently, Ministers and delegates from the participating countries (Kenya, Lesotho, Mozambique, South Africa, Swaziland, Tanzania, Uganda, and Zambia) endorsed the adoption of the Agreement and opened it for signature. Six countries—Kenya, South Africa, Swaziland, Tanzania, Uganda, and Zambia—signed the Agreement immediately, while Ethiopia did so later. Three resolutions, including one on interim arrangements for the Agreement's implementation, were adopted unanimously by the Ministerial Meeting. These are attached to the Lusaka Agreement Final Act¹⁰.

Status of the Agreement immediately following its Adoption:

24. Following the adoption of the Agreement, it was opened for signature in Lusaka on 9 September 1994. Thereafter, in accordance with Article 12, it remained open for signature from 12 September to 12 December 1994 at the UNEP headquarters in Nairobi, and from 13 December 1994 to 13 March 1995 at the United Nations Headquarters in New York. Although it was closed for signature on 13 March 1995, with seven signatures on board¹¹, the Agreement as provided under Article 12(3) is still open for accession by any African State.

8 Report of the second expert group meeting, see document UNEP/ELI/PAC/LAEG.2/7/Rev.1 dated 3 June 1994

9 See the Official Text of the Lusaka Agreement in document UNEP/ELI/PAC/LAEG.2/5/Rev.2. The text is also available in UNEP doc. No. 94/7929

10 The main documents which served as the basis for the deliberations of the meeting were: Draft Text of the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora in document UNEP/ELI/PAC/LAEG.3/3; Draft Resolution 1 entitled Interim Arrangements in document UNEP/ELI/PAC/LAEG.3/4; Draft Resolution 2 entitled Responsibility of African States to Eliminate Illegal Trade in Wild Fauna and Flora in Africa in document UNEP/ELI/PAC/LAEG.3/4; and Draft Resolution 3 entitled Tribute to the Government of the Republic of Zambia in document UNEP/ELI/PAC/LAEG.3/4

11. Kenya, Uganda, South Africa, Tanzania, Swaziland, Ethiopia and Zambia. Lesotho, one of the negotiators but not a signatory was the first to accede to the Lusaka Agreement on 20th June 1995. Zambia ratified it on 9th November 1995, Uganda on 12th April 1996, Tanzania on 11th October 1996, Kenya on 17th January 1997, and the Republic of Congo (Brazzaville) on 14th May 1997.

25. To date, six States have ratified or acceded to the Lusaka Agreement.¹¹ According to Article 15 of the Lusaka Agreement, instruments of ratification, acceptance, approval or accession are to be deposited with the Secretary General of the United Nations who is mandated to carry out depository functions. The Agreement entered into force on 10 December 1996. This was in accordance with Article 13(1), which provides that the Agreement shall enter into force on the sixtieth day after the date of the deposit of the fourth instrument of ratification, acceptance, approval or accession.

Interim arrangements pending the establishment of the Task Force:

26. In accordance with Article 7(3) of the Agreement, the Executive Director of UNEP, who, by a resolution¹², was entrusted and mandated to provide Interim Arrangements for the Agreement, convened the first meeting of the Governing Council of the Parties in March 1997. Pending the Agreement's entry into force, Resolution 1(1) of the Final Act to the Lusaka Agreement (hereinafter referred to as the Lusaka Final Act)¹³ requested the Executive Director of UNEP to continue to provide interim arrangements prior to, and for, the first meeting of the Governing Council. UNEP, however, continued to perform all interim functions related to the full and effective implementation of the Agreement until the Lusaka Agreement Task Force (hereinafter referred to as the Task Force) was formally launched on 1 June 1999, whereupon secretariat duties were transferred to the Task Force enabling them to manage their own affairs. Nonetheless, UNEP continues to assist the Parties on the implementation of the Agreement with technical and advisory services, as and when required, as well as to support some of its operational activities¹⁴.

27. In addition, Resolution 1(3) of the Lusaka Agreement Final Act called upon and urged Governments, particularly donor Governments, to make financial contributions to the Executive Director of UNEP during the interim period with a view to ensuring full and effective participation of all African States in the Agreement¹⁵. UNEP established a Trust

¹² See resolution 1 titled Interim Arrangements in the Lusaka Agreement Final Act.

¹³ The Ministerial Meeting, in Resolution 3 entitled Tribute To the Government of the Republic of Zambia (UNEP/ELI/PAC/LAEG.3/4) decided, as a further sign of appreciation, to call the Final Act of the Ministerial Meeting the "Lusaka Final Act".

¹⁴ It is worth noting that all UNEP's contribution has been recognized and appreciated in all subsequent Governing Council meetings—most recently, Decision VI/3 of the 6th Governing Council (Nairobi, 21st to 22nd July 2003) expressed special appreciation to the Executive Director of UNEP for continued financial and material support.

¹⁵ Donors that have provided generous support towards the operations of the Task Force include International Fund for Animal Welfare (IFAW), Environmental Investigations Agency, Goldman Environmental Award, and the David Shepherd Conservation Foundation as well as the Governments of Netherlands, Norway, United Kingdom and United States of America

Fund on behalf of the Task Force, to manage the donor funding. Once the interim arrangement with UNEP came to a close, the funds in the Trust Fund were transferred to the Lusaka Agreement Task Force.

Initial support to the Lusaka Agreement

28. The Governments of the Netherlands and United Kingdom provided funding for the implementation of the Agreement from its adoption up to the convening of the first Governing Council Meeting and some of its other activities thereafter. The donor support facilitated capacity building programmes including training courses for national law enforcement officers on co-operative enforcement mechanisms for the participating and signatory countries to the Agreement in preparation for its implementation. Following the recommendations of a training seminar of wildlife law enforcement officers held in Tanzania in July 1995¹⁶, law enforcement officials from Tanzania¹⁷, Uganda¹⁸, Zambia¹⁹, Ethiopia²⁰ and Swaziland²¹ were supported with a series of two-week in-house national training courses on law enforcement and co-operative operations.

Summary

29. From the background of the development of the Lusaka Agreement, several conclusions can be made namely;
- (a) National wildlife law enforcement officials from the relevant national wildlife departments gave the initial impetus for the initiation of the Lusaka Agreement.
 - (b) The Agreement took exactly two years from its initiation, for negotiation and adoption.
 - (c) UNEP and CITES played a key role in facilitating the negotiation process for the development of the Lusaka Agreement to its adoption, while UNEP assisted in its implementation.
 - (d) Donors, which have provided generous support towards the operations of the Task Force, have included governments as well as NGOs.

¹⁶ The report of the Seminar can be found in UNEP/Env.Law/LAEG/INF.1

¹⁷ The course was held in Arusha, Tanzania from 2-13 December 1996

¹⁸ The course was held at Mbarara, Uganda from 3-14 January 1997

¹⁹ The course was held at Mpika, Zambia from 5-16 May 1997

²⁰ The course was held at Addis Ababa, Ethiopia, from 30 June to 11 July 1997

²¹ The course was held at Malawula Nature Reserve, Swaziland from 16 to 27 November 1998

PART II

INSTITUTIONAL MECHANISMS ESTABLISHED BY THE LUSAKA AGREEMENT

30. To effectively facilitate the implementation of the Agreement, a three-tier institutional structure has been set up, namely: the Governing Council for Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (hereafter referred to as the Governing Council), the Task Force for the Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (hereafter referred to as the Task Force) and the National Bureaus to facilitate the implementation of the Agreement (hereinafter referred to as the National Bureaus).

31. These institutional structures depend on each other, and have to work and undertake activities co-operatively and in co-ordination with each other. In this regard, functions of each institution are reviewed in detail. Assessment is also made of how the institutions depend on each other for their effectiveness and enforcement of the Agreement.

NATIONAL BUREAUS

Their set up and functions

32. To facilitate the implementation of the Agreement, each party is required under Article 4 and 6 to undertake various activities and obligations, one of which is to designate or establish a government entity as required under Article 6(1)(a) to play a lead role in its enforcement. Of the six parties, Tanzania²², Zambia²³, Uganda²⁴, Kenya²⁵ and the Republic of Congo²⁶ have designated existing institutions dealing with wildlife matters as their National Bureaus. Lesotho is yet to either designate an existing institution or establish a specific institution as its National Bureau. The National Parks Authority which deals with law enforcement matters related to fauna and flora crimes is loosely the *de facto* National Bureau though it has not formally been so designated. There are institutional reforms or organizational restructuring taking place between the National Parks and National Environment Secretariat, which are being addressed before such a confirmation can be made.

²² Department of Law Enforcement under the Ministry of Tourism and Natural Resources

²³ Zambia National Parks and Wildlife Services under the Ministry of Tourism

²⁴ Uganda Wildlife Authority (UWA), under the Ministry of Tourism and Wildlife

²⁵ Kenya Wildlife Service (KWS), under the Ministry of Environment and Wildlife

²⁶ Ministry of Forestry and Environment, Republic of Congo

Consequently, Lesotho has stated that it is unlikely to second an officer to the Task Force in the near future until it has built and strengthened its national law enforcement unit with adequately trained staff²⁷.

33. Nationwide wildlife reforms in Uganda and Zambia during the mid-1990s resulted in the development of new wildlife laws²⁸, and establishment of new institutions such as the Uganda Wildlife Authority and Zambia Wildlife Authority, respectively, to replace the earlier existing bodies. These authorities were then designated as National Bureaus for each of the two countries for purposes of the Agreement. These changes are, however, yet to be officially communicated to the depositary of the Agreement as required under Article 6(1)(c).

34. With the identification of national entities, the Parties are required under Article 6(1)(b), to inform the depositary within two months of the date of entry into force of the Agreement, the entity it has designated or established as its Bureau. The Kingdom of Lesotho is yet to fulfill this obligation, while the other Parties have done so. However, Zambia and Uganda need to inform the depositary of the change of the national entity to the new Wildlife Authorities. This should have been done within one month, as required under Article 6(1)(c).

35. The six current Parties to the Lusaka Agreement are also Parties to CITES, and the National Bureaus established under the Lusaka Agreement are invariably the same entities designated or established as Management and/or Scientific Authorities under CITES. For developing countries such as the Parties to the Agreement, designating existing institutions and identifying within them focal points to focus on implementation of a legal instrument/agreement is always considered the most cost effective. It facilitates reporting and creates synergy, complementarity, interlinkages and coordination among national institutions dealing with common or related issues, in this case illegal trade in wildlife under the regional Lusaka Agreement and the global CITES. Establishing new institutions for developing countries like Parties to the Agreement is not advisable since it entails additional and unnecessary costs. However, it is not necessarily the case that National Bureaus have to be CITES Management Authorities, and in some countries it may be more appropriate for the National Bureau to be located in an existing enforcement authority rather than a Management

²⁷ See the National Report of the Representative from Lesotho to the Second and Third Meetings of the Governing Council held in Nairobi, Kenya, 15-19 March 1999 and 3rd to 4th July 2000 respectively.

²⁸ Uganda Wildlife Statute 1996 and Zambia Wildlife Statute, 1998

Authority. Moreover, if a new Party joins, which is not a Party to CITES, it would have to designate or establish another entity as a National Bureau.

36. Although Uganda and Zambia have established new wildlife authorities in recent years, this was not done solely to facilitate implementation of the Agreement. These reforms were undertaken within the overall framework of national reforms of their wildlife sectors, which established these public authorities to replace previous departments. There is need to notify the depository (Secretary General, United Nations) on the change from the earlier designated entities into the new Authorities established by the new laws in these countries.

37. CITES regulates and controls international trade in endangered species of wild animals and plants listed in the three appendices at global level. In Article VIII(1) it calls on Parties to take appropriate measures to enforce CITES and to “prohibit trade in specimens in violation thereof”. The Lusaka Agreement provides a regional framework intended to reduce and ultimately to eliminate illegal trade in wild fauna and flora and to assist with enforcing national laws and fulfilling obligations under CITES. While CITES regulates trade in endangered wild fauna and flora, the Lusaka Agreement, on the other hand, focuses on wildlife law enforcement aimed at reduction and ultimately elimination of illegal trade in wild fauna and flora. Invariably both instruments operate through the same national entities, facilitating the implementation and enforcement of both CITES at global level and the Lusaka Agreement at regional level.

Functions of the National Bureau:

38. Technically the Agreement provides, under Article 6(2), only two functions of the National Bureau, namely, to provide and receive from the Task Force information on illegal trade; and co-ordinate with the Task Force on investigations that involve illegal trade. However, this Article should be read together with Article 4 of the Agreement, which provides for detailed functions of the Parties in the form of their obligations whose execution entails functional responsibilities for the enforcement of the Agreement. Article 4 establishes the Parties’ obligations, and it requires Parties to investigate and prosecute cases of illegal trade; co-operate with one another to ensure effective implementation; provide relevant information and technical assistance to the Task Force; and accord relevant privileges and immunities to Task Force members. It also calls upon the Parties to protect information;

encourage public awareness; adopt and enforce necessary legislative and administrative measures; adhere to agreed regulations on returning any confiscated specimens to the country of original export or country of re-export; and report to the Governing Council on the implementation of their obligations. Parties are also required to pay their annual assessed contribution to the Task Force as will be determined by the Governing Council.

Criteria for setting up a National Bureau:

39. The Governing Council was, since its first meeting, cognizant of the fact that effective implementation and enforcement of the Lusaka Agreement was dependent upon an effective and well structured National Bureau with trained and experienced national law enforcement officers. In this regard, it instructed its experts to deliberate and make recommendations to it on the following:

- (i) An assessment and evaluation of law enforcement capacities and the needs of the Parties to the Lusaka Agreement²⁹;
- (ii) Assessment and determination of the minimum requirements for an ideal National Bureau for the Parties to consider in the establishment or designation of their Bureaus for the implementation of the Agreement³⁰.

In addition, Parties whose officers were in need of specific training were urged to contact donors for support in such fields and to identify and assign officers for training at the National Bureaus in countries where such Bureaus operate efficiently, or alternatively at specifically designed courses earmarked for enforcement officials in the Task Force and National Bureaus organized by the Task Force, UNEP and/or other relevant organizations or institutions.³¹

Assessment of law enforcement capacities and needs of the Parties:

40. Two experts, one from KWS who later became the first Director of the Task Force and another from South Africa Endangered Species Protection Unit (ESPU) were identified and mandated to undertake the assessment of law enforcement capacities and needs of the Parties and, in turn, the National Bureaus. Progress on the requested assessment was reported

²⁹ See Report of the First Meeting of the Governing Council, Nairobi, 10-14 March 1997 in UNEP/Env.Law/LAGC.1/3

³⁰ See Report of the Second Meeting of the Governing Council and Decision II/2

³¹ See Report of the First Meeting of the Governing Council and Decision I/2; Report of the Second Meeting of the Governing Council and Decision II/2; Report of the Third Meeting of the Governing Council and Decision III/2; Report of the Fourth Meeting of the Governing Council and Decision IV/2; Report of the Fifth Governing Council and Decision V/4 and Report of the Sixth Meeting of the Governing Council and Decision VI/2

to the second Governing Council Meeting³². However, after this Meeting, the matter was neither carried forward to completion, nor reported again to the Governing Council for review and consideration.

41. One of the experts (Kenya), who was key since he came from a Party to the Agreement, later became the Director of the Task Force. He was preoccupied with other functional and administrative priorities required then for the establishment and setting up the new Task Force under difficult conditions, compounded by meager resources and no precedent to learn from. Unfortunately, he passed away two years later and the new Director has yet to take up the matter and follow it up to its logical conclusion. The National Bureaus and through them the Governing Council have not picked it up in their agenda items for meetings. For the three tier system set up by the Lusaka Agreement, namely, the National Bureaus, the Task Force and the Governing Council to work well and effectively implement the Agreement, it is crucial that the earlier requested assessment and evaluation is done and gaps identified so that solutions are sought to ensure the effectiveness of each tier.

Institutional capacity building needs and training:

42. Hand in hand with the request for an evaluation report on the needs and capacities of the Parties and their Bureaus, the Governing Council has determined in all its meetings to date that institutional capacity building, including training for both national law enforcement officials and Task Force field officers, as well as public awareness raising for the public at large, are key to the success of the Agreement and its implementation. In this respect, virtually all six Governing Council meetings held to date have discussed the matter and adopted specific decisions on capacity building and institutional strengthening, including training³³.

43. The Agreement itself is silent on the importance of capacity building, including training for the Parties and the Task Force, save for the public awareness campaigns to encourage public reporting of illegal trade stipulated in Article 4(7). However, the decisions of the Governing Council clearly underscore the significance of building and strengthening

³² See Report of the Second Meeting of the Governing Council and Decision III/4

³³ To date, five specific decisions on the matter (Decisions I/ 2, II/2, III/2, IV/2, and VI/2) have been adopted by the six Governing Council Meetings held.

capacities of law enforcement officers and relevant institutions for the effective implementation of the Agreement.

44. These Governing Council decisions have made the Task Force and, through it, the donor community and UNEP, focus attention on enhancing Task Force capacities as well as for the National Bureaus, through training programmes on various aspects of the implementation of the Agreement as will be shown elsewhere in the Report. The institutional structure set up by the Agreement is unique, new and never tested before. It is, therefore, important for both the National Bureaus and the Task Force, with the policy guidance from the Governing Council, to be at similar or common working level with the requisite knowledge base and capacity to implement the Agreement. It is important to understand the relevant techniques required as well as possess knowledge needed for combating illegal trade in wild fauna and flora and the networks involved in such trade. Consequently, the Governing Council has emphasized at its meetings that training needs of the Parties is an issue to be considered as a priority.

45. In view of the increasing sophistication of wildlife crime, there is clearly need to enhance the enforcement skills of National Bureaus and the Task Force, for example, in aspects of customs crime and money laundering. Other skills which may be relevant relate to financial planning, design of training programmes, networking at both national and international levels, data base design and implementation, and analysis of patterns of illegal trade. It may be necessary, under exceptional circumstances, to co-opt or recruit personnel with such skills, for short-term specific assignments, to fulfill certain functions.

An ideal or model National Bureau

46. Together with the evaluation of the capacities and needs of the Parties and their Bureaus and the emphasis on training, a decision was also taken by the Governing Council at its second meeting to request its experts to consider and provide proposals for the minimum requirement for an ideal National Bureau. An ideal National Bureau when discussed and agreed was intended to guide the Parties in building and strengthening their National Bureaus to effectively facilitate the implementation of the Agreement.³⁴ In this regard, the Expert

³⁴ See Second Report of the Meeting of the Governing Council and Decision II/2

Group³⁵ succeeded to produce a document recommending the minimum requirements of a National Bureau, either established or designated, which were discussed in its second meeting in March 1999. Based on the review of existing wildlife law enforcement entities, the Parties drew up a model for what they considered to be an ideal National Bureau under the Agreement. The model was also intended to assist the Parties to assess the current capacities of their law enforcement units and identify any gaps. After lengthy discussions the experts noted that the basic requirements for establishing or designating a National Bureau are “*appropriate skilled manpower*” and “*relevant technical gear*”. An ideal National Bureau (capacities and needs) as recommended by experts is attached as **Annex 4** for ease of reference and review.

47. As a follow up to the recommendations submitted by the Experts Group for consideration and review by the Governing Council, it adopted decision II/2 at its second meeting, which requested the experts to further review and work on the proposals provided for the minimum requirements for an ideal National Bureau. The experts were expected to provide their proposals to the interim secretariat, then UNEP, which should have shared them with the Parties for review and comments before being sent back to the Governing Council for review, consideration and possibly adoption of a model National Bureau for all Parties to use and follow. However, after the formal launch and establishment of the Task Force in June 1999 and the transfer of substantive functions and activities of the Agreement from the Interim Secretariat (UNEP) to the Task Force, this issue has not been taken up either by the Task Force or Governing Council. The reports of subsequent Governing Council Meetings, Parties’ reports to the Governing Councils and reports of the Task Force Director fail to show that this discussion on an ideal National Bureau was taken up again and concluded or a decision adopted to that effect.

48. UNEP, too, shares part of the blame in that decision I/3 of the Governing Council requested it to continue to support the Lusaka Agreement and the bodies established under it with, in particular, advisory and consultative services. UNEP, probably, did not then remind or advise the Parties of a pending non-implementation of this specific Governing Council decision.

³⁵ The team of experts comprised of representatives from Kenya, Uganda, Tanzania, Zambia and Interpol

Submission of reports by National Bureaus:

49. Templates, or approved formats, for submission of National Bureau reports to the Governing Council need to be further revised to make sure they are more comprehensive and all-encompassing. It has been observed that some National Bureau reports are more detailed than others. Although a template was presented at the 5th Governing Council and was subsequently used by National Bureaus in reports to the 6th Governing Council, there were varying levels of details. For example, while Zambia, Tanzania and Republic of Congo presented detailed accounts of illegal trade, including quantitative data, others provided only detailed narratives, and one, Lesotho, provided the least detail. Consequently, the Governing Council may wish to call for the development of a detailed checklist of items to be included in the national reports for its review and consideration in future. For example, it may wish to request the National Bureaus to distinguish between issues of national interest although still implementing the Agreement and those issues which are cross border and undertaken with or without the Task Force. The template / approved format is attached herewith as **Annex 5** for ease of reference.

Summary

- 1) With the exception of the Republic of Congo, whose National Bureau is the Forestry Ministry; the National Bureaus in other Party States are the national wildlife authorities or departments.
- 2) While CITES through Management Authorities, regulates international trade in wild fauna and flora, the Lusaka Agreement, through National Bureaus, is concerned with primarily enforcement measures to curb illegal trade in wild fauna and flora.
- 3) An assessment and evaluation of law enforcement capacities and needs of Parties is still key for effective enforcement of the Agreement. As requested by Governing Council, this task needs to be completed.
- 4) In view of the increasing sophisticated nature of wildlife crime, there may be need for the National Bureaus and Task Force to consider skills, which go beyond field operations and law enforcement, such as how to tackle customs crime and money laundering. There may also be need to place emphasis upon such skills as financial planning, design of training programmes, networking at both national and international levels, data base design and

implementation, and in the analyses of the patterns of illegal trade. Under exceptional circumstances, personnel with such skills may be co-opted or recruited on specific short-term assignments, to fulfill such functions.

- 5) Proposals for minimum requirements for an ideal or model National Bureau, which were requested by Governing Council in 1999, began with preliminary proposals by experts. It is still pertinent that the task should be completed by experts and recommendations submitted to the Governing Council for its review and consideration.
- 6) Lusaka Agreement National Bureaus, most of which are currently CITES Management Authorities being practically co-located in the same governmental entities, need to work together and collaborate effectively to create synergies and interlinkages in the implementation of both instruments.

THE GOVERNING COUNCIL

Policy and decision-making body:

50. The Agreement establishes, under Article 7, a policy and decision-making body called the Governing Council. This is the highest policy making body or organ, where each Party is represented by a Minister responsible for wildlife matters accompanied by high ranking officials dealing with wildlife law enforcement affairs, or officers whose duties are connected with the activities of the Task Force or experts in the subjects on the agenda.

51. Furthermore the first meeting of the Governing Council, which was convened by the Executive Director of UNEP, as called for under Article 7(3) of the Agreement and Resolution 1(1) of the Final Act to the Lusaka Agreement, other ordinary meetings have been convened at, more or less, regular intervals as determined by the Governing Council. Six regular Governing Council meetings have been held to date, out of which two were organized and convened by the Executive Director of UNEP, since the Task Force, which should have organized them, had not yet been officially established³⁶. UNEP has also provided financial support for the convening of all the Governing Council meetings to date.

36 First Meeting of the Governing Council, Nairobi, 10-14 March 1997, in UNEP/Env.Law/LAGC.1; Second Meeting of the Governing Council, Nairobi, 15-19 March 1999 in UNEP/Env.Law/LAGC.2/8; Third Meeting of the Governing Council, Nairobi, 5-7 July 2000, in LATF/LAGC.3/3; Fourth Meeting of the Governing Council, Nairobi, 23-24 July 2001, LATF/LAGC.4; Fifth Meeting of the Governing Council, Brazzaville, 20-24 July 2002., in LATF/LAGC.5 Sixth Meeting of the Governing Council, Nairobi, 3-7 July 2003, LATF/LAGC.6; The Seventh Governing Council, Nairobi, 19 – 21 January 2005

52. Furthermore, at the First Governing Council meeting, various crucial rules required to facilitate the work of the Task Force—such as the operational rules and procedures of the Task Force³⁷, its financial rules³⁸, staff rules³⁹, as well as its initial budget required to establish and operate the Task Force, including a decision on the assessment of the contributions for each Party to that budget - were negotiated, agreed and adopted⁴⁰.

53. The first Governing Council adopted a number of working documents intended to facilitate working and operational modalities for the Task Force, namely Staff Rules, Financial Rules Article 7(6)(d), Operational Rules, and Rules of Procedure for Governing Council Meetings as called for under Article 7(6)(a).

Seat of the Task Force Determined:

54. The Seat of the Task Force was decided and determined by the Governing Council at its second session with the selection of Kenya, that won over Tanzania (which withdrew) and South Africa (which could not be considered because it was not then a Party but a signatory), as decided by Governing Council decisions I/3 and II/1⁴¹, and Article 7(6)(b) of the Agreement. The Government of Kenya offered free office accommodation at KWS for the Task Force. The provision for office free of rent was made on the understanding that it was provided on provisional basis up to the time when the Task Force will be able to acquire its permanent office accommodation for its activities⁴². Subsequently, the Government of Kenya identified land for construction of permanent headquarters for the Task Force, as it had committed, and in accordance with Article 9 (3)⁴³. The construction has, however, not begun due to outstanding arrears by the Parties to initiate this activity while soliciting additional resources from donors. In the meantime, the Government of Kenya, through KWS, has provided additional office space to the Task Force following the appointment of three additional seconded Field Officers, and recruitment of administrative staff.⁴⁴

37 Annex II of the Report of the First Governing Council Meeting (UNEP/Env.Law/LAGC.1

38 Annex III, Report of the First Governing Council Meeting in UNEP/Env.Law/LAGC.1

39 Annex IV, Report of the First Governing Council Meeting in UNEP/Env.Law/LAGC.1

40 Annex V Report of the First Governing Council Meeting in UNEP/Env.Law/LAGC.1

41 See Report of the First and Second Meetings of the Governing Council (1997 and 1999 respectively)

42 See the Report of the Third Meeting of the Governing Council (2000), as well as the report of the Kenya National Bureau at the same meeting.

43 See the Fourth Report of the Governing Council (2001) and the report of the Kenya Wildlife Service National Bureau.

44 Ibid

55. Currently, the office space or accommodation at the seat of the Task Force at the KWS premises is limited and there might be very little room for expansion, if any, if more field officers are to be posted to the Task Force headquarters. The Director and Intelligence Officer have an office each while the other three Field Officers share a single room as an office. Other office space is used for secretarial services, accounts, and for radio and telecommunications equipment. It is hoped that the Government of Kenya, through KWS or otherwise, will be able to provide more office space as the need arises.

Headquarters/Host Agreement Negotiated and Adopted:

56. Following the decision by the Governing Council to host the Task Force secretariat in Kenya, the Executive Director of UNEP was requested to assist the Parties to negotiate with the Government of Kenya the Host Agreement for the Establishment of the Headquarters of the Task Force in Nairobi. Negotiations were held and the Agreement was adopted and signed on 22 December 2000. It was then gazetted in the Kenya Gazette vide legal notice no. 12 of 23rd March 2001⁴⁵, thereby according the Task Force and its recognized officials privileges and immunities which are comparable to those accorded to diplomatic missions and their personnel in Kenya. This development eased numerous problems the Task Force had encountered during the set up phase of the Task Force in the country; in particular, fulfillment of requisite processes for the procurement of goods and services for the Task Force since it was entitled to exemptions and waivers. In view of the fact that it took almost two years to negotiate, develop and adopt/sign the Host Agreement with Kenya and its subsequent gazetting in the Kenya Gazette, in practical terms the establishment of the Task Force and commencement of its field operational activities was equally delayed by the same period except where they could function on the basis of goodwill support from the partners and Parties. However, negotiating such a document in two years was commendable given that negotiating Host Agreements can take a long time in many countries.

57. After the conclusion of the Headquarters Agreement with the host country, it was anticipated that the Task Force would further initiate bilateral cross-border co-operation arrangements with individual National Bureaus. Such arrangements would have facilitated the activities and operations of the Task Force with national law enforcement officers in their

⁴⁵ See the Report of the Director of the Task Force in doc. LAGC.4/3 to the Fourth Meeting of the Governing Council held in Nairobi, Kenya, 23-24 July 2001 in LATF/LAGC.4

countries, as needs arise, pursuant to Articles 4 and 5 of the Agreement. Although the task was planned for initiation and possible completion during the 2000/2001 fiscal year, it could not be accomplished then due to operational pressures and setting up of the office, coupled with inadequate personnel⁴⁶.

58. A review of the reports of the Task Force Director to the fifth and sixth Governing Council meetings, as well as their deliberations, suggests that this task has not yet been initiated or fulfilled. Nonetheless, it is clear from the reports of both the Task Force and National Bureaus to the Governing Council meetings that they have collaborated on and conducted several field enforcement and operational activities aimed at curbing illegal trade in wild fauna and flora in Party countries. The Governing Council may, nevertheless, wish to remind the Task Force to take up the matter and initiate formal consultations with the National Bureaus to facilitate co-operative cross-border arrangements to guide their collaborative activities.

Appointment of the Task Force Field Officers:

59. A number of factors necessitated the delay in the consideration and appointment of the Task Force field officers, including the Director, for few years after the First Governing Council meeting despite provisions under Article 7(6)(c) of the Agreement. Firstly, some Parties had requested more time to select and identify their field officers to second. In addition, Parties required adequate time to consult with their appropriate authorities to budget for their assessed contributions to the Task Force.

60. In any case, there were no funds available at the time to commence Task Force activities. A Lusaka Agreement Experts Meeting undertook in 1998 a review of the budget of the Task Force and suggested, for consideration by the Governing Council, modalities for deployment of field officers to their National Bureaus. On the basis of the review, the meeting recommended and the second Governing Council agreed that during the initial phase of the Task Force operation, the headquarters would be staffed only by core personnel, namely, the Director and the Intelligence Officer, as well as an Honorary Liaison Officer who was not

⁴⁶ See the Report of the Director of the Task Force in doc. LAGC.4/3 to the Fourth Meeting of the Governing Council held in Nairobi, Kenya, 23-24 July 2001 in LATF/LAGC.4

supported by the Task Force's budget. The rest of the seconded officers would be appointed, but remain deployed in their respective National Bureaus and be called in as and when appropriate. As a result of the review, the proposed 1997 budget of the Task Force was reduced by thirty-four percent (34%), reducing Party contributions accordingly. This example can still be followed again, if deemed necessary.

61. In the interim, and in consultation with UNEP, the Governing Council empowered the Bureau to act on its behalf and made appropriate arrangements in that respect between the first and the second meeting of the Governing Council.⁴⁷ In this regard, UNEP was requested, by Decision I/3, to continue to support the Agreement and the bodies established under it, in particular, with advisory and consultative services. It was not until May 1999, after the second Governing Council meeting, that the Bureau, in accordance with Decision I/1, met to appoint field officers pursuant to decision II/2(5), taking into account recommended criteria by experts which were discussed, set and agreed during the second Governing Council meeting.⁴⁸ In preparation for the effective establishment of the Task Force, the Governing Council experts developed and recommended to the Governing Council for their consideration what they considered to be the bottom line criteria for the appointment of the Director, Intelligence Officer and other field officers. They are attached herewith in **Annex 6** for review. However, there is no decision indicating if the proposed criteria by experts were finally reviewed and approved by the Governing Council. Therefore, the Governing Council may wish to take up the matter once again, and, based on the experience and lessons learned to date, further re-examine, revise and enhance them to guide future appointments.

62. Three seconded national law enforcement officers were then appointed as the first field officers of the Task Force pursuant to Article 7(8)(b) for a three year term of service as called for under Article 5(3). Of the three, the Kenyan field officer was appointed as the first Director while the Tanzanian became the Intelligence Officer pursuant to Articles 5(3) and (4) as well as 7(6)(c). With these appointments, plus that of an Honorary Liaison Officer, the Task Force was thus launched and began its operational activities on 1st June 1999.⁴⁹ The other field officer, a Zambian, was deployed to the then Zambian designated National Bureau.

47 See Report of the First Meeting of the Governing Council and its Decision I/1(1)

48 See Reports of the Experts Meeting of 1998 and the Second Meeting of the Governing Council (UNEP/Env.Law/LAGC.2/4)

49 See Report of the Second Meeting of the Governing Council, paragraph 27

Three other field officers, though appointed, remained in their National Bureaus until December 2002⁵⁰ when resources began to flow into the Task Force.

63. The Expert Group Meeting of 15th to 19th March 1999 recommended that certain criteria should be taken into account by the Governing Council during its consideration of the appointment of a Director, Field Officers and an Intelligence Officer. The qualifications and suitability of these Task Force officers remain pivotal to the functions of the Task Force, and consequently, have an impact upon its achievements and challenges. The criteria are attached in **Annex 6** for ease of reference.

The Bureau of the Governing Council and its role:

64. When the Governing Council met at its first meeting in March 1997, it was anticipated that the Task Force would have then been established and launched and financial resources from the Parties available to enable it to begin its activities. That was equally the thinking of the negotiators of the Agreement since the interim arrangements for a coordinating role entrusted to the Executive Director of UNEP were only intended to run until the first meeting of the Governing Council.⁵¹ However, by the time the Governing Council held its first meeting, none of the Parties had seconded a field officer; the Task Force itself had yet to be established; and the budget, programme of work and assessed level of contribution by each Party was yet to be discussed and determined. Consequently there was neither structure nor funds for the Task Force to be launched during the Governing Council's first meeting.

65. As an interim measure, therefore, the Governing Council adopted decision I/1 which authorized its Bureau, elected pursuant to Rule 20 of its Rules of Procedure, to exercise decision-making powers on substantive issues, on a provisional basis subject to endorsement by the Council at the next meeting, related to, *inter alia*, the establishment and operation of the Task Force. The Bureau of the Governing Council is thus composed of the President, the Vice President and the Rapporteur elected from among the representatives of the Parties, normally the head of the delegation, present at the meeting, and paying due attention to the principle of geographical balance or equitable geographical representation and/or rotation in accordance with its operational rule 20(1). To date, with the exception of Tanzania whose

⁵⁰ They were, however, appointed in July 2001 during the 4th Governing Council, but relocated to the Task Force headquarters in December 2002.

⁵¹ See Resolution 1 on Interim Arrangements adopted with the Final Act of the Lusaka Agreement in September 1994

participation in all meetings has been headed by the Permanent Secretary responsible for natural resources and tourism, and Lesotho which has been led in all Governing Council meetings by a single and same person delegation, namely the Director of National Parks, all other Parties' delegations have been led by the ministers responsible for wildlife affairs and/or tourism.

66. As stipulated in Operational Rule 20(2), the Bureau remains in office until their successors are elected at the next ordinary meeting of the Governing Council and continue to serve in that capacity at any intervening or intercessional meetings. Exceptionally, one or more of these officers may be re-elected for one further consecutive term. However, this has not happened so far. The Bureau has, since its first meeting, practiced rotational or revolving movement within itself in the sense that when the President steps down, that place is taken by the Vice President and the Rapporteur becomes the Vice President and a new member is elected to take up the position of a Rapporteur. Currently, each member of the Bureau remains and/or will remain in office for a term of three years since the Governing Council has been meeting once every year. However, in future when the Council starts to meet once every two years pursuant to Rule 4(1) of its Rules of Procedure, each member will have an opportunity to serve for a term of six years.

67. Thus, the Governing Council is left, at the beginning of each Governing Council meeting, with the task of electing only one Bureau member as the Rapporteur to join the other veteran members. This process ensures continuity and institutional memory in the work and activities of the Governing Council for at least three years, based on the current trend of meeting once every year, and, in future, for at least six years if it is to meet on a biennial basis in accordance with its rules of procedure.

68. Pursuant to Decision I/1 of the first Governing Council Meeting, the Governing Council authorized its Bureau to exercise decision-making powers on substantive issues related to, *inter alia*, the establishment and operations of the Task Force, revision of the staff chart of the Task Force, distribution of funds in the approved Task Force budget on provisional basis, to be confirmed or endorsed by Governing Council at its next regular meeting. The Bureau assists the Governing Council to make provisional or intercessional decisions without having to call a full meeting or extra-ordinary meeting. This modality

enables the Governing Council to respond, through the Bureau, to emergencies or crises. Over the years, the Bureau has been meeting as and when there are issues to discuss and decide in between the Governing Council meetings. For instance, it meets before each Governing Council meeting to review and approve reports and documents for consideration by the Governing Council which include, *inter alia*, draft financial reports, the proposed programme of work for the upcoming year, and drafts documents or decisions submitted by the Parties.

69. For purposes of the Lusaka Agreement, the Bureau could also serve as an implementation committee. Many multilateral environmental agreements normally establish such a committee, composed of representatives of the Parties elected on rotational and geographical basis to serve on them for limited period of time (mostly two or three years), unless re-elected where permitted for an additional term, to oversee the implementation of those specific agreements. Taking into consideration the current small size of the Task Force and the relatively few Parties to the Agreement, plus the current limited resources for the Task Force activities as well as resources required to establish a new body to serve as an implementation committee, the Bureau could be mandated by a specific Governing Council decision to also undertake this specific task and monitor or follow up on Governing Council decisions and Parties' obligations.

70. To fulfill such a role effectively, each Bureau member would be requested to identify an individual expert in the relevant field from his/her country to assist them in the deliberations and follow up on the implementation of the decisions they adopt. This methodology will further guarantee continuity and institutional memory in the work of the Bureau if, for one reason or other, Bureau members, most of whom are politically appointed ministers in their respective countries, change portfolio or status.

Budget of the Task Force:

71. The Governing Council has the responsibility to consider and approve an initial budget to establish and operate the Task Force, and agree upon the contributions of each Party to the budget of the Task Force as stipulated under Article 7(6)(e). In addition, thereafter at each ordinary meeting, it is required to consider and approve the budget of the Task Force and agree upon the contributions of each Party to that budget in accordance with Article 7(7) and ensure compliance by the Parties. The Governing Council is also required to determine,

as called upon by Article 7(8), the general policies of the Task Force through the review and consideration of the reports prepared and submitted by the Director of the Task Force. Article 7(9)(b) permits the Governing Council to consider and undertake additional measures or actions and give instructions or directions that may be deemed necessary or appropriate for the achievement of the objective of the Agreement in the light of the experience gained in the management of the operations of the Task Force and implementation of the Agreement.

72. With six Governing Council meetings held so far since the Agreement entered into force, a total of thirty-one specific decisions have been considered and adopted. These decisions confirm the commitment of the Governing Council to consider issues called for under the Agreement itself (such as, approval of budget, annual contributions and programme of work). They also clarify certain salient issues not clearly or directly addressed under the Agreement (such as, institutional strengthening and capacity building) and/or provide further policy guidance to the Parties and the Task Force on implementation of the Agreement. While a number of these decisions confirm, adopt and approve the budget and the work plans/programme of work, some of them call for taking appropriate action and measures to implement them and report actions undertaken or difficulties faced in their implementation at the next Governing Council meeting.

73. At each ordinary meeting of the Governing Council, the Director of the Task Force submits, for review and consideration, the proposed programme of work and budget for the following year, which the Council reviews and uses to determine the level of assessed contribution for each Party to the Task Force budget. It is noted from decision V/1(iii) that the Task Force was directed to present its future budgets for consideration and approval in accordance with the format developed by the expert group.

Determination and assessment of Annual Budgets:

74. It is the responsibility of the Director of the Task Force to prepare and present to each ordinary meeting of the Governing Council a programme of work or work plan as well as annual budget for the forthcoming financial year for review, consideration and approval, as necessary. Over the last four-year period (1999-2003), the average annual budget approved by the Governing Council was US\$ 963,000 per year to be financed by the annual

contributions from the Parties. However, contributions from the Parties have averaged US\$ 334,000 each year, or 35% of the approved expenditures.

75. On average, a further US\$ 204,000 per year has been raised from donors and other sources during the period. This is always an unexpected amount of funds or unknown resources at the time the budget is prepared or presented for review and decided upon by the Governing Council. It has, therefore, been difficult to take donor funding into account when setting annual contributions. Specific activities or projects could, nonetheless, be identified and indicated in the budget estimates that could be executed only if extra budgetary resources will be raised for them as opposed to building them into the annual contribution before it is set. Consequently, priority substantive activities would first need to be determined, and the budget then set to support essential and prioritized operational and substantive costs, leaving the implementation of some other substantive activities to be executed with funds raised through extra budgetary resources. This will invariably also reduce the amount of the total estimated budget to be approved.

76. Taking into account donor funds received annually during the last four years (US\$ 204,000) plus the contribution received from the Parties (US\$ 334,000), the total average annual income comes to US\$ 538,000 or 56% of the approved budgeted expenditures, thus leaving an average annual deficit of some US\$ 425,000. The level of anticipated donor-funding needs to be confirmed at the time the Governing Council meets, before it can be built into the budget. Failure to do so would mean that the Task Force may fail to fulfill its operational obligations if the expected funds are not forthcoming. Alternatively, the Governing Council may determine that donor funding is to be raised for specific identified activities or projects and budgeted separately, while the Parties' contribution could be used for recurrent operational costs.

77. The following **Table 1** below shows the approved budgets, incomes and expenditures for the financial years 1999/00 to 2002/03.

Table 1 Average Annual Approved Budgets, Income and Expenditures For the Financial Years 1999/00 to 2002/03⁵²	
A. Annual Budget Approved by Governing Council	\$963,000
B. Actual Payments from Party States	\$334,000
C. Income from Donors and Other Sources	\$204,000
D. Total Income	\$538,000
F. Deficit: Total Income - Budget (D-A)	-425,000

Development of programmes of work and methodology used to prepare them:

78. Each ordinary Governing Council Meeting reviews and considers the proposed programmes of work or work plans prepared by the Task Force for the following year. These programmes of work have been used as the basis to guide the Task Force to determine its budget as well as assessed contributions to be paid by each Party for the execution and implementation of the approved activities.

79. A critical review of the proposed programmes of work to date by the Task Force, together with the reports of the National Bureaus to the Governing Council, suggests that more consultation and involvement of the National Bureaus are required when preparing the Task Force work plans. Although the Governing Council reviews the programme of work or work plan of the Task Force, the key cross-border activities anticipated to be executed by the National Bureaus are not presented to the Governing Council for it to assess any synergy or complementarity of the activities planned. The activities proposed by the Task Force might not necessarily be the priority activities determined and agreed by the Parties. If there were such prior consultations, one would have expected to see such references and/or commonalities of activities expected to be implemented by the Task Force as reflected in the National Bureaus' reports. The challenges observed by the National Bureaus in their cross border law enforcement mechanisms for the implementation of the Agreement would invariably have to be prioritized by the Task Force when determining its activities.

⁵² All data from KPMG audited accounts of LATF

80. In this respect, it is recommended that the National Bureaus play a more proactive role in determining their cross-border or trans-boundary wildlife law enforcement challenges and priorities which are difficult to handle or execute on their own but which could be taken up by the Task Force through their seconded field officers and hence reflected in the Task Force programme of work. In other words, the Task Force would be expected to fulfill the objectives anticipated by Lusaka Agreement negotiators, based on challenges determined then, and during the development of the Agreement. Without such consultations, what is observed is that the National Bureaus' reports to the Governing Council, though based on a template or outline approved by the Governing Council, contain mostly information on what the Bureaus have executed at national level, probably as per their own national programmes of work for their respective departments, rather than information on work related to implementation of the Lusaka Agreement.

81. The Governing Council approved in its 5th meeting, an outline or template to be used by National Bureaus in the preparation of their national reports to it. The format has indeed been used and followed in the submission of subsequent reports to the Governing Council. The template is attached as **Annex 5** for ease of reference. However, the Governing Council may wish to consider developing a revised template for the preparation of national reports in which the identified challenges and priorities will be linked to the programme of work prepared and proposed by the Task Force for the Governing Council consideration. Such synergy and linkage will ensure that the Task Force prepares the programme of work in consultation with the National Bureaus, fulfilling the priorities equally determined in consultation with them and not solely by the Task Force.

82. Although the current programmes of work presented to the Governing Council are divided into goals and a number of objectives, they are not submitted in any order of prioritization between different goals and objectives to assist the Council to determine and decide which ones to approve or not and at what level of prioritization. It would be useful for the Council to be able to equally see not only the order of priority of activities proposed for implementation, but also identification of the ones with confirmed funding from certain or specific donors, and the ones that do not have funding and which could only be executed if new and additional resources were secured. Equally important is to report on the activities planned to have been executed by the previous plans but which could not be implemented,

giving reasons for that, including a statement of whether or not they are still a priority to be considered by the Council or ought to be deleted.

83. An indication of activities which could be executed with the available human resources and those to be undertaken only with additional financial and human resources would be useful, as would an indication of when present and previous Governing Council decisions are being addressed. Likewise, such work plans need to also show the respective responsibilities of the Task Force and the National Bureaus for the aspects which will require their direct input. The work plans should also clearly show the relation of the activities proposed by the Bureaus and the Task Force. Such relationship shown in the work plans would also enable the National Bureaus to fulfill their role and take responsibility to guide the work of the Task Force through their representation in the Governing Council.

84. Programmes of work prepared in full consultation with the National Bureaus, with goals, objectives, performance indicators, means of verification, prioritization of activities with status of availability of human and financial resources to execute the activities, and identification of gaps would be a useful tool for the Governing Council to review, make informed decisions, and thus provide policy guidance to the Task Force and National Bureaus. In this way, the Governing Council would be able to measure performance against determined indicators for the National Bureaus and Task Force regarding fulfilling their functions and obligations under Article 6(2) and 4 and Article 5(9) and (10) respectively. It will also ensure that the priorities and concerns of the National Bureaus are taken into account and integrated into the programme of work and budget prepared by the Task Force for which they could be held responsible and accountable.

Determination of Parties' contributions to the Task Force:

85. On the basis of the approved budget for the Task Force by the Governing Council, which so far has averaged US\$ 963,000 per year, it is also required to determine and agree upon the contributions of each Party to that budget. Despite the divergent levels of economic development, gross domestic product, availability of wildlife resources, equity and income of each Party, the Governing Council has been calculating the annual contribution expected from each Party simply by dividing the budgeted expenditures equally among them. This has

resulted in the average annual contribution from each Party to the Task Force being assessed at US\$ 166,000. See **Tables 2 and 3** below:

TABLE 2 ⁵³											
Comparison between Budgets, Expenditures and Income, 1999-2003 (Figures in Thousands of Dollars)											
	f/y 1999/00		f/y 2000/01		f/y 2001/02		f/y 20002/03		Totals: 1999 - 2003		
Current Expenditure	Bud.	Act.	Bud.	Act.	Bud.	Act.	Bud.	Act.	Bud.	Act.	%
Personnel & benefits	\$186	\$137.1	\$415	\$160.5	\$498.4	\$290.7	\$505.9	\$493.5	\$1,605.3	\$1,081.8	50%
GC & Committees	\$65	\$4.3	\$60	\$25	\$75	\$40.6	\$57.5	\$54.4	\$257.5	\$124.3	6%
Office & general	\$40	\$27.4	\$51	\$39.8	\$45	\$50	\$41.7	\$68.9	\$177.7	\$186.1	9%
Vehicles	\$17	\$6.5	\$29	\$15	\$37	\$28.2	\$29	\$19.1	\$112	\$68.8	3%
Field Ops	\$257	\$43.7	\$310	\$72.9	\$130	\$136.2	\$110	\$64.7	\$807	\$317.5	15%
Training	\$20	\$13.1	\$30	\$63.4	\$90	\$43.1	\$116.5	\$108	\$256.5	\$227.6	10%
Miscellaneous	\$26	\$10.9	\$23	\$31.3	\$19	\$58.9	\$50.6	\$65.8	\$118.6	\$166.9	8%
Sub-Total Current	\$611	\$243	\$918	\$407.9	\$894.4	\$647.7	\$911.2	\$874.4	\$3,334.6	\$2,173	100 %
Capital Expenditure	\$164	\$90	\$235	\$148.6	\$42	\$37	\$36.8	\$31.1	\$477.8	\$306.7	
TOTAL	\$775	\$333	\$1,153	\$556.5	\$936.4	\$684.7	\$948	\$905.5	\$3,812.4	\$2,479.7	
Contribution set for each Party State	\$155		\$193		\$162		\$158				
Income											
From Party States		\$173.7		\$539		\$325.4		\$297.1		\$1,335.2	58%
From Donors		\$146.4		\$201.7		\$286.9		\$146.9		\$781.9	34%
Others		\$1.4		\$16.5		\$16.6		\$143.4		\$177.9	8%
Total		\$321.5		\$757.2		\$628.9		\$587.4		\$2,295	100 %
Party State contribution taking donor funding into account		\$37.04		\$56.383		\$63.533		\$102.533			
Actual Expenditure as % of Budget		43.0%		48.3%		73.1%		95.5%			
As % of Current Expenditure											
Salaries		56.4%		39.3%		44.9%		56.4%			
Field Operations & Training		23.4%		33.4%		27.7%		19.8%			

Legend:

Bud: Budget Figures

Act: Actual Figures

Notes: The increase on the budget for the year 2002-2003 was due to the following components:

- Terminal benefits of three Officers (late Director, former Intelligence Officer, and one Field Officer)
- Relocation expenses for four Officers (two leaving the TF and two coming into the TF)
- Gratuity and leave days

⁵³ All Data From KPMG Audited Accounts of Lusaka Agreement Task Force

Payment of contributions to the Task Force budget:

Table 3 Total annual Expenditures and Income for the Financial Years 1999/2000 to 2002/2003⁵⁴	
Average income from the Parties	US\$ 1,335,200
Average income from donors (\$ 781,900) and other sources (\$ 177,800)	US\$ 959,700
Average current and capital expenditures	US\$ 2,294,900

86. The estimated budget for the Task Force for each financial year continues to be based on the means used during the First Governing Council meeting, i.e. the level of the assessed contribution for each Party. This means the programme of work and the budget continues to be prepared on the basis that each Party will honour its contribution and pay. The slow speed at which the contributions are paid as well as the lower amount paid by some and the fact that some have not been able to pay clearly demonstrate that the Task Force and the Governing Council need to search for proactive mechanisms to ensure the estimated budget tallies with the income expected, in particular from the Parties. Since the trend so far shows more deficits than payments, the programme of work and the budget both need to be strategically prioritized such that they are realistic, though it is appreciated this could be difficult.

87. An analytical review of the budget and actual expenditures clearly show that the proportion of the budget actually spent is growing each financial year, from 43% in 1999/2000 to 95.5% in 2002/2003, while income remains almost flat or the same. The increase in the number of the Task Force seconded field officers from two in 1999 to five in 2002 as well as recruitment of seven support staff between 2001 and 2002 also necessitated this increase in expenditure, in particular, in relation to salaries and benefits.

88. Article 4(10) of the Agreement obliges each Party to pay its contribution to the budget of the Task Force as determined by the Governing Council under Article 7(7). To date, only two Parties to the Agreement, namely, Kenya and Tanzania have paid all and most of their

⁵⁴ All Data From KPMG Audited Accounts of Lusaka Agreement Task Force

contributions to the budget of the Task Force. Recently, one Party (Zambia)⁵⁵ has been able to pay a third of the arrears. One Party (Republic of Congo) has paid off a minimal amount⁵⁶, and another Party (Lesotho) has not as yet paid anything to this budget⁵⁷. See **Table 4** below.

TABLE 4 ARREARS IN ANNUAL CONTRIBUTIONS IN US\$⁵⁸	
Name of Party State	Arrears as at 30/09/04
Kenya	\$0
Tanzania	\$0
Uganda	\$643,365
Congo Brazzaville	\$588,043
Zambia	\$262,264
Lesotho	\$668,093
Total	\$ 2,161,765

89. Escalating arrears in the budget of the Task Force may be creating a number of unforeseen repercussions. These include:

- (a) Creating tensions among the Parties between those which pay and those with arrears;
- (b) Diminishing the operational capabilities of the Task Force due to lack of adequate resources and hence impact on the field operations and investigations;
- (c) What will happen with existing arrears if continued to be unpaid vis-a-vis those Parties, which have paid? If these arrears continue to accumulate, it may be increasingly difficult for the Parties to pay them. There may, therefore, be need for the Parties to deliberate on such likely repercussions and implications before the paying Parties get discouraged and fail to fully honour their contributions.
- (d) The size of the annual contribution could be a barrier to the recruitment of prospective new Parties, especially, taking into account that the Governing Council is of the view that the more the number of parties in the Agreement the less the amount of annual contribution will be required to be paid in future.

⁵⁵ Zambia contributed over US\$ 170,000 in year 2004 which is in addition to the contribution it made in December 2003 of US\$ 207,000.

⁵⁶ The situation in Congo Brazzaville may be viewed sympathetically, taking into account that it just came out of civil or internal strife and is still in the process of rebuilding and putting up all structures destroyed during the conflicts which ensued.

⁵⁷ Lesotho is in a different situation altogether. Although it is a Party to the Agreement, the Agreement does not have a proper 'home' yet in the country and there is a total lack of professional trained personnel to man such a 'home' even if one is so designated or established. Nature conservation issues are currently dealt under the Ministry of Agriculture, Cooperatives and Land Reclamation, as well as the Ministry of Environment, Gender and Youth, making it difficult to determine the home or National Bureau for purposes of the Lusaka Agreement. The result of this uncertainty has led to further problems regarding the identification of a Government department responsible for the implementation of the Agreement, including payment of dues. Until the institutional issues are resolved at national level, this Party may continue to face difficulties in designating or establishing a National Bureau, as well as payment of its contributions.

⁵⁸ Data from KPMG Audited Accounts for the Task Force, 1999-2003, and updated from the Lusaka Agreement records for August 2003 to September 2004

90. Parties need to equally bear in mind that the more the Parties, the more the number of field officers in the Task Force. If the current set up remains, additional office space and working tools will be required, all of which may demand even more resources and not less as anticipated. The Governing Council is encouraged to undertake an appropriate assessment of the cost implications to be created by the would-be additional Parties to the Agreement as well as develop a prioritized strategy for recruiting new Parties as necessary. For the time being, it may be advisable to keep the Task Force as it is currently constituted, so as to give it time to overcome its teething problems, which have arisen due to its newness and uniqueness, until such time as it is firmly grounded and adequately resourced before focusing on enticing more Parties to join.

91. As more countries are likely to become Parties to the Agreement, the Governing Council needs to develop a prioritized strategy for recruiting new Parties. In such a strategy, the Council may need to focus initially on countries which are neighbouring existing Parties, but which are presently not party to the Agreement. For example, the Governing Council may wish to give priority to the countries that neighbour the Republic of Congo, Uganda and Tanzania such as, Democratic Republic of Congo, Burundi and Rwanda which have already shown interest through their statements as observers to the Governing Council. A prioritized strategy of building a nucleus of new Parties around the Republic of Congo would allow this sub-region to focus on issues which are of common concern, such as illegal logging or trafficking in rare plant species. As an added advantage, dealing with several French-speaking countries rather than with one, as is the case presently, would be more cost effective with respect to communication cost, such as translation and interpretation for meetings and official documentation.

92. Mechanisms for reducing the budget of the current Task Force, though it may be an important issue to be considered by the Governing Council, would not bear positive results unless and until it is certain that the Parties will be able to contribute a lesser amount. If the assessed amount of contributions is considered high and unrealistic, which no one disputes, then there needs to be guarantees that if the Governing Council reduces the amount of assessed contributions to be paid, Parties will indeed pay their dues. At least two Parties (Uganda and Republic of Congo) have recently shown their commitment to the Agreement by making token contributions of an average of US\$ 25,000 to the budget of the Task Force

while one Party (Lesotho) has not been able to pay at all. The message here is that Parties need to search for long term and sustainable mechanisms, which will assist them with the burden of paying their contribution no matter how little it may be.

Financial Management:

93. The accounts of the Task Force have recently been subjected to auditing, and audited reports have been produced for verification in the Governing Council meetings. It should also be noted that the financial records of the Task Force are prepared in line with the format approved at the 5th Governing Council meeting. This procedure should be encouraged to continue, and the Governing Council may wish to review it so as to assess if it still fulfils the needs and requirements based on experience and lessons learned so far. However, it will be important for the Task Force to develop an overall financial policy as well as financial strategy with short, medium and long term financial planning to guide it in its financial management and contacts with donors. Currently, such long term financial planning does not exist. However, the Parties through the Governing Council have already thought it important. By decision VI/6, of the 6th Governing Council, the Director of the Task Force had been requested to develop such a strategy for presentation to the Governing Council for review and consideration. This decision is yet to be effected. It is awaiting the outcome of this Review of the Lusaka Agreement.

94. Hand in hand with this decision, the Task Force was requested in 2001, by decisions III/4 and IV/3, to establish a Trust Fund, which will assist the Parties to ease funding problems and income variations in its budget. The idea of a Trust Fund was mooted by the first Director of the Task Force who sought approval of the Governing Council and indeed was granted. The decision has not, however, been followed through after his demise, despite the fact that it is still maintained in the work plans submitted to the Governing Council for consideration⁵⁹. The Governing Council needs to reiterate the decision and ensure it is implemented. Existence of financial policy, strategy and periodic financial plans would facilitate Task Force contacts with the donors and hopefully, succeed to secure long term financial support from the donors to assist in planning and implementation of some of its activities.

⁵⁹ See the proposed work plans in the Director's report to the 5th and 6th Governing Council Meetings.

95. Recently, the Task Force secured a four year grant from the Government of the United States through US Fish and Wildlife Service which supports its elephant conservation field operations⁶⁰ and hence helps the Task Force to plan its field operations for the near future. If such long term donor funding could be secured, then planning of Task Force operations and management would be eased up and sustainable, in the short term, in terms of supporting specific and key parts of its work plan, such as capacity building activities including training, field operations and database development.

Distribution of donor support:

96. During the last four years, the Task Force has succeeded in raising funds from international organizations, governments, non-government organizations (NGOs) as well as private sources. The funding resources received are well distributed between the international and government sources on one hand, and NGOs on the other, as clearly shown by **Table 5** below.

⁶⁰ Grant Agreement No. 982-10-1-G.829 for African Elephant Conservation Project

<p style="text-align: center;">TABLE 5 <u>DONOR FUNDING TO THE TASK FORCE, JULY 1999-OCTOBER '04</u></p>								
DONOR	Before 99	99/00	00/01	01/02	02/03	03/Oct 04	TOTAL US\$	%
International/ Governmental								
United Nations Environment Programme	60,000	72,227		71,090	66,376	49,950	319, 643	31%
Council of Agriculture, Executive Yuan, Taiwan		60,000	45,000	25,000	25,000	35,000	190,000	18%
US Fish and Wildlife Service			64,750	64,750			129, 500	12%
Sub total	60,000	132,227	109,750	160,840	91,376	84,950	639,143	61%
NGOs								
Friends of Animals					1,630		1, 630	<1%
Humane Society of the US				30,000	4,975		34, 975	3%
David Shepherd Wildlife Foundation		72,535		38,070	16,000	10,780	137,385	13%
International Fund for Animal Welfare (IFAW)			99,975	54,950	40,000	17,200	212, 125	20%
Goldman Education Foundation			10,000				10, 000	1%
Environmental Investigation Agency (EIA)			4,583				4, 583	<1%
Sub total	-	72,535	114,558	123,020	62,605	27,980	400,698	38%
Private								
Three individuals				3,050	1,000	2,140	6,190	<1%
Grand Total	60,000	204,762	224,308	286,910	154,981	115,070	1,046,031	100%

97. In addition to the Parties' contributions received, the Task Force has successfully raised a total of US\$ 896,000 from both international and governmental sources (US\$ 518,000 or 58%), and various non-governmental organizations (US\$ 378,000 or 42%), and a small percentage from friendly individuals. It is clear that differing opinions in the world community exist as far as the management and trade of wild fauna and flora is concerned. In this respect, the Task Force needs to remain conscious that its function is to enforce wildlife

law, not to engage in the trade debate. It also needs to ensure that the funds it receives from partners are not conditioned so as to jeopardize the role and function of the Task Force in its efforts to combat illegal trade in wild fauna and flora.

Reporting obligations of the Task Force:

98. Article 5(9) (a) to (e) provides for a number of functions of the Task Force for which the Director is required to provide reports to the Governing Council. The Director's reports to the Governing Council have focused more on undercover activities conducted pursuant to Article 5(10) than those enumerated in Article 5(9) (a) to (e) of the Agreement. Hand in hand with a template approved for use by National Bureaus when reporting back to Governing Council, there is need to also develop a similar comprehensive checklist for use when the Task Force Director reports back to the Governing Council. This may, for example, require an update on each of the functions of the Task Force as enumerated in Article 5(9) and (10) of the Agreement. It may further require the Director to make a distinction between activities carried out in each Party State (although still implementing the Lusaka Agreement) and activities undertaken which are of cross-border relevance.

99. Having the Director report back to the Governing Council on each of the functions of the Task Force, which have been undertaken since the previous Governing Council meeting, not to mention reports on decisions taken at that meeting, would allow the Governing Council to provide adequate policy guidance to the Task Force, in pursuance of its mandate under the Lusaka Agreement.

Summary:

- 1) Development of bilateral arrangements between the Task Force and the Parties, on privileges and immunities of the Task Force's Field Officers, need to be initiated and completed, in line with what has been done with Kenya.
- 2) The Task Force was launched in June 1999 with the appointment of the Director and Intelligence Officer. However, it was not until December 2002 that it was strengthened with the secondment of an additional three field officers. Hence, for practical purposes, while the first two years focused on setting up the office and administrative functions, less than three years could be counted for effective activities and operations.

- 3) The Governing Council guarantees continuity and institutional memory in its work through rotational and revolving movement of the members of its Bureau — currently three years, but in future six years.
- 4) Templates, or approved formats, for submission of National Bureau reports to the Governing Council need to be further revised to make sure they are more comprehensive and linked, in part, with relevant components of the Task Force Reports.
- 5) There is need to prepare programmes of work/ work plans in collaboration and full consultation with National Bureaus to ensure the linkages between National Bureau priorities with those of the Task Force.
- 6) The Governing Council needs to look for solutions to ensure it approves realistic budgets on the basis of expected work plans based on realistic activities.
- 7) The implementation of the Lusaka Agreement is severely affected by inadequate funding for the Task Force budget, which is caused by non-payment or delayed payments of annual contributions by some Parties.
- 8) As more Parties join there will be more strain on the composition of the Task Force, in terms of office space and other practical constraints, which may require more resources. The Governing Council may need to undertake an assessment of the cost implications of accession by additional Parties, and develop an appropriate strategy for these purposes.
- 9) As more countries are likely to become Parties to the Agreement, the Governing Council may wish to develop a prioritized strategy for recruiting new Parties. In such a strategy, the Governing Council may need to initially focus on countries which are neighbouring existing Parties, but which are presently not party to the Agreement. This would allow the Task Force and National Bureaus to focus on issues, which are of priority common concern to them.
- 10) As already requested by the Governing Council, there is need to develop a short, medium and long-term financial strategy and a policy for the Task Force, as well as to establish a Trust Fund.
- 11) Hand in hand with a template approved for use by National Bureaus when submitting their national reports to the Governing Council, there is need for the Task Force Director to report back on each of the activities undertaken pursuant to the functions of the Task Force as enumerated in Article 5(9) and (10) of the Agreement. Equipped with equally detailed reports from the respective National Bureaus, the Governing Council would then

be able to discharge its functions of providing overall guidance and direction, as mandated under the Lusaka Agreement.

- 12) The Governing Council needs to consider the use of incentives and other tools to monitor and encourage the implementation of the Lusaka Agreement.
- 13) The Governing Council needs to equally address the issue of non-compliance by the Parties and create mechanisms necessary to encourage compliance.
- 14) There is need for the Governing Council to authorize its Bureau to equally serve as an implementation committee to monitor the implementation of the Agreement.

THE TASK FORCE

A multinational body:

100. Unlike other multilateral or regional environmental agreements, the Parties to the Lusaka Agreement decided to establish a regional wildlife enforcement mechanism, which some refer it as a unique “*African Wildlife Police*” or, an “*African Interpol*” to co-operate and collaborate in the search for practical solutions to their regional enforcement problems and challenges related to illegal trade in wildlife species. Consequently, the Parties decided not to establish a secretariat staffed by ‘*recruited*’ officials from anywhere in the world or region as other MEA secretariats. Instead, they opted and preferred to establish their own type of a unique permanent multinational institution, in accordance with Article 2 on the objective of the Agreement. The Task Force, as one of the institutions established under the Agreement, is composed of ‘*seconded*’, national law enforcement officers referred to as field officers under the Agreement as provided in Article 5(3).

101. Through co-operative enforcement mechanisms as called for in Article 5(9)(a) and undercover operations subject to the consent of the Parties and upon agreed conditions as mandated under Article 5(10), these officers are seen as a critical vehicle for the Parties to fulfill their principle objective. The objective is to undertake enforcement measures to reduce but with the ultimate aim of eliminating illegal trade in wild fauna and flora in the region. They decided the Task Force would not just be a conduit of exchange of information and data, but it would also undertake undercover field activities to combat and curb illegal trade in wildlife species. The only way to do so was seen to be by seconding their own enforcement officers to a multinational Task Force capable of operating internationally pursuant to Article

5(3), so that, in collaboration with their National Bureaus, they are able to net sophisticated international wildlife smuggling rings. For them to be able to operate regionally across borders, the Agreement empowers these field officers, pursuant to Article 5(5), to retain their national law enforcement authority during their time of service with the Task Force.

Functions of the Task Force and activities to accomplish its objectives:

102. Article 5(9)(a) to (e) of the Agreement sets out clearly the functions and responsibilities of the Task Force. These are, namely:

- (a) To facilitate cooperative activities among the National Bureaus of the Parties in carrying out investigations pertaining to illegal trade in wild fauna and flora;
- (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.

103. For the Task Force to carry out these functions the Agreement allows them under Article 5(10) to also use, when necessary and appropriate, undercover operations subject to the consent of the Parties concerned, and under such conditions as may be agreed with the said Parties. To facilitate the Task Force to fulfill its functions under Article 5(9) and (10), the Agreement gives the Task Force Officers necessary immunities and privileges while on these official duties. It is clear from the wording of Article 5(10) that though the Agreement gives room for the Task Force to undertake and use undercover operations, there are conditions attached to it.

104. For the Task Force to fulfill the above functions effectively and achieve its principal objective, Rule 2.3 of the Operational Rules and Procedures of the Task Force provides for a detailed list of activities which the Task Force is expected to undertake with the goal of

reducing and ultimately eliminating illegal trade in wild fauna and flora. The activities listed include:

- (a) To gather information regarding the illegal trade in wild fauna and flora;
- (b) To ensure that National Bureaus exchange among themselves, as well as with the Task Force, investigation information on a need-to-know basis;
- (c) To maintain, within the National Bureaus and relevant agencies, a file of individuals whose particular talents may be utilized in certain investigations;
- (d) To make recommendations for new laws and regulations which investigations have shown are needed to protect endangered wild fauna and flora;
- (e) To gain the highest rate of compliance with all laws and regulations which the Parties to the Lusaka Agreement have enacted in order to protect wild fauna and flora;
- (f) To ensure that reciprocal laws are enacted and administrative arrangements are made in the legal systems of the parties to the Lusaka Agreement, empowering the staff members of the Task Force to operate in the Parties' respective territories;
- (g) To ensure that National Bureaus of the Parties take necessary action to harmonize their operational procedures with the operational rules and procedures of the Task Force for smooth collaborative operational activities to curb illegal trade in wild fauna and flora;
- (h) To ensure that the Task Force liaises, where necessary and on a need-to-know basis, with the international agencies involved in similar investigations concerning wild fauna and flora;
- (i) To develop new investigative techniques that will help curtail violations which have the greatest impact on wildlife resources;
- (j) To develop a system of using informants;
- (k) To develop an effective system of case referrals;
- (l) To maintain the highest standards by providing ongoing training to staff members of the Task Force and the National Bureaus of the Parties through courses, seminars and workshops; and
- (m) To maintain intelligence and criminal records and disseminate information pursuant to the relevant laws.

105. Being seconded from their national authorities, these field officers continue to retain their national law enforcement authority during their term of service with the Task force as provided for under Article 5(5) of the Agreement. This authority permits the field officers to

work and collaborate with other colleagues in his/her National Bureau in the event of joint transboundary field operations and lead the Task Force team.

106. Furthermore, Rule 3.1 provides for specific policies of the Task Force as adopted by its policy-making organ, the Governing Council. They are: one, on general policy: *“The Task Force shall operate strictly in accordance with the provisions of the Lusaka Agreement and in accordance with the decisions of the Governing Council for Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora established under the Lusaka Agreement.”*; and two, on cooperation with National Bureaus: *“The flow of information between the Task Force and National Bureaus shall form the basis for conducting investigations. The Task Force shall assist the National Bureaus in identifying, investigating, apprehending and prosecuting all violators of laws, rules and regulations relating to wild fauna and flora.”*

107. To fulfill the above tasks, therefore, the Task Force has been established to comprise of field officers commanded by the Director appointed by the Governing Council, an Intelligence Officer and such other officers as the Council may determine and appoint as provided in Article 5(2) and (4). Article 1 defines a Field Officer as ‘a member of a Government organization, department or institution who is employed as a law enforcement officer with national law enforcement jurisdiction, and who is seconded to the Task Force’. These Officers are seconded to the Task Force by the Parties or, in other words, National Bureaus and while retaining their national law enforcement powers under Article 5(5), will carry out cross-border operations and investigations in close cooperation with the National Bureaus. However, the Task Force is also warned under Article 5(13) that it will not undertake or be involved in any intervention or activities of a political, military, religious or racial character.

108. The functions of the Task Force as set out in the Agreement, when read together with the list of activities to be fulfilled by it, provide guidance for the Task Force in carrying out its day-to-day operational activities and operations. They also provide guidance or in effect a checklist for the development of a budget and a programme of work with the National Bureaus for review and approval by the Governing Council. A critical review of the reports of the Director and National Bureaus to the Governing Council indicates that that they do not

follow this guidance or checklist, nor do they show how listed activities have been prioritized. The Governing Council may wish to take this issue up and build the checklist into the revised format or template for reports of the Task Force and National Bureau to the Governing Council, as well as the programme of work for implementation of the Agreement.

109. The institutional framework set up by the Lusaka Agreement has not had the opportunity to be tested before anywhere in the world as far as is known today. For the Parties, therefore, this was a bold decision and initiative for them to take and test the ground. With no precedent to emulate, replicate or learn from, the Agreement as well as the Task Force was obviously bound to take time to become firmly established and succeed in its activities and working modalities. Taking note that it is only five years since it was officially launched with a two-man team of field officers and three years since an additional three field officers were appointed, challenges were bound to occur, particularly since there were inadequate resources to fund its operational activities. The Task Force, through its Governing Council, had to search for solutions and test them, thus adding to the trial and error period. Had adequate resources been available for Task Force activities, this trial and error period could have been reduced.

110. To repeat, the principal objective of the Lusaka Agreement as set in Article 2 of the Agreement is *to reduce and ultimately eliminate illegal trade in wild fauna and flora and to establish a permanent Task Force for the purpose*. Operational Rule 2.1(1) of the Task Force clarifies as the objective of the Task Force, *to conduct enforcement operations and support the conducting of enforcement operations for the purpose of reducing and eliminating illegal trade in wild fauna and flora*. It further states in Rule 2.1(2) that *the Task Force shall focus on those who illegally seek monetary gain from and commit serious crimes against wild fauna and flora*.⁶¹

111. It is important that activities of the Task Force include awareness raising directed at other law enforcement agencies and local communities. Better understanding of the Agreement by them will encourage compliance, and support enforcement of the Agreement's objective.

⁶¹ See Operational Rules and Procedures for use by the Task Force adopted by the Governing Council at its First Meeting on 10 March 1997

Composition and secondment of field officers to the Task Force:

112. Currently, the Task Force is composed of five seconded field officers, namely, from Tanzania (Director), Zambia (Intelligence Officer), Kenya, Uganda and Republic of Congo. As noted above, Lesotho has not yet seconded its officer for appointment to the Task Force.

113. **Table 6** below shows the status and deployment of field officers who have taken up their positions in the Task Force since it was established.

Table 6 Seconded Field Officers to the Task Force⁶²				
	Director	Intelligence Officer	Field Officers	TOTAL
1999	1	1	0	2
2000	1	1	0	2
2001	1	1	2	4
2002	1	1	3	5
2003	1	1	3	5
2004	1	1	3	5

114. In addition, seven support staff have been recruited to undertake various functions in the Task Force as illustrated in **Table 7** below:

TABLE 7 The Task Force Staff Members⁶³				
Name	Country	Designation	Engagement Date	Engagement Expiry
Seconded national enforcement officers appointed as Field Officers				
Adan W. Dullo	Kenya	Director	1 st June 1999	Deceased (March 2002)
Musa M. Lyimo	Tanzania	Intelligence Officer, and a/c Director	1 st June 1999	21 st December 2002
Clement Mwale	Zambia	Intelligence Officer	16 th July 2001, and 22 nd march 2002	22 nd March 2005
Karl Karugaba	Uganda	Field Officer	11 th July 2001	11 th July 2004*

⁶² Data from Lusaka Agreement Task Force records

⁶³ Data from Lusaka Agreement Task Force records

Marcelin Agnagna	Congo B.	Field Officer	15 th June 2001	31 st July 2002 (resigned)
Adan M. Alio	Kenya	Field Officer	15 th December 2002	15 th December 2005
E. Stephen Kisamo	Tanzania	Director	15 th December 2002	15 th December 2005
Bonaventure Ebayi	Congo B.	Field Officer	15 th December 2002	15 th December 2005
Recruited Support staff				
Robert Mbugua	Kenya	Driver	1 st April 2001	1 st April 2004*
Sammuel Mbatha	Kenya	Computer programmer	15 th February 2001	15 th February 2004*
Wato A. Habiba	Kenya	Communications assistant	15 th March 2001	15 th March 2004*
Tom K. Tiriongo	Kenya	Finance officer	1 st January 2002	1 st January 2005*
Priscilla Njeri	Kenya	Accounts assistant	1 st July 2003	1 st July 2006
James Mungai	Kenya	Driver	3 rd June 2002	3 rd June 2005
Isabella B. Wekesa	Kenya	Administrative assistant	3 rd June 2002	3 rd June 2005

*The employment contracts have since been extended.

115. To ensure continuity in the Task Force and taking into consideration that the field officers are appointed for an initial term of three years, the Governing Council may wish to consider in future appointments that the terms of several officers do not expire at the same time. The above **Table 7** clearly shows that out of the five field officers, the periods of service for four of them will end in March and December 2005 respectively. Such a scenario, where the Task Force may find itself with all or a majority of field officers who are new, needs to be avoided. The same recommendation will apply to the support staff.

Criteria for the selection of Field Officers:

116. Before the Governing Council met for its first meeting in March 1997, experts from the participating countries in the Agreement and others assisted the interim secretariat (then UNEP) of the Agreement to develop, determine and recommended the criteria to be taken into account by the Governing Council in its consideration of the appointment of field officers, including the Director and Intelligence officer. The criteria proposed were considered by the Governing Council in its second meeting in March 1999⁶⁴, and hopefully are being, or have been, taken into account by the National Bureaus in the selection of officers seconded and by the Governing Council in its appointment of the field officers. The

⁶⁴ It is not clear from both the Reports of the second and third meetings of the Governing Council whether the proposed criteria was discussed and adopted or not.

criteria proposed, and attached at Part IV(c) of the Report of the Experts Group Meeting to the Governing Council⁶⁵, is attached as **Annex 6** for ease of reference.

Institutional linkage between National Bureaus, Governing Council and Task Force:

117. It is clear from the historical background and the objective that the Lusaka Agreement was initiated for the Parties to cooperate and jointly and practically track illegal traders of wild fauna and flora in the field. The intention was not only to network and report illegal trade or environmental crime taking place in their countries or around their borders. To do this, they equally realized they would need to network with each other as well as relevant stakeholders, share intelligence information and data needed for such operations, and undertake cooperative investigations. Consequently, the negotiators developed the Agreement and set up a three-tier institutional framework, comprising the National Bureaus, Governing Council and Task Force, to jointly and collaboratively fulfill this ambition.

118. A review of the interlinkages between the three institutions reveals that the success of the Lusaka Agreement in fulfilling its objectives is critically dependent on the effective role played by the National Bureaus in the following aspects:-

1. Ensuring that it seconds competent, experience and knowledgeable law enforcement officers to the Task Force.
2. Through the seconded field officer, each National Bureau is able to ensure its interest and priorities are taken into account in the functions and activities performed by the Task Force. In this regard, regular contacts and consultations between the respective National Bureaus and the Task Force could be further facilitated by such field officer.
3. With the field officer taking the lead for activities and operations in his/her country, it is assumed that such a field officer is well conversant with the national policies and other issues affecting the wildlife sector in his country, and is also familiar with the key stakeholders involved. This officer, then, is vital to any operations involving the Task Force in his country.
4. Any weakness or strengths of the Task Force with regards to its composition or fulfillment of its functions entirely depend upon the effectiveness and commitment of the National Bureaus, taking their role as anticipated in the Agreement. The National Bureaus must ensure that the activities of the Task Force are those that they determine

⁶⁵ See Report of the Expert Group Meeting held in Nairobi, Kenya from 17 to 21 February 1997 in document UNEP/Env.Law/LAEG/GC/4

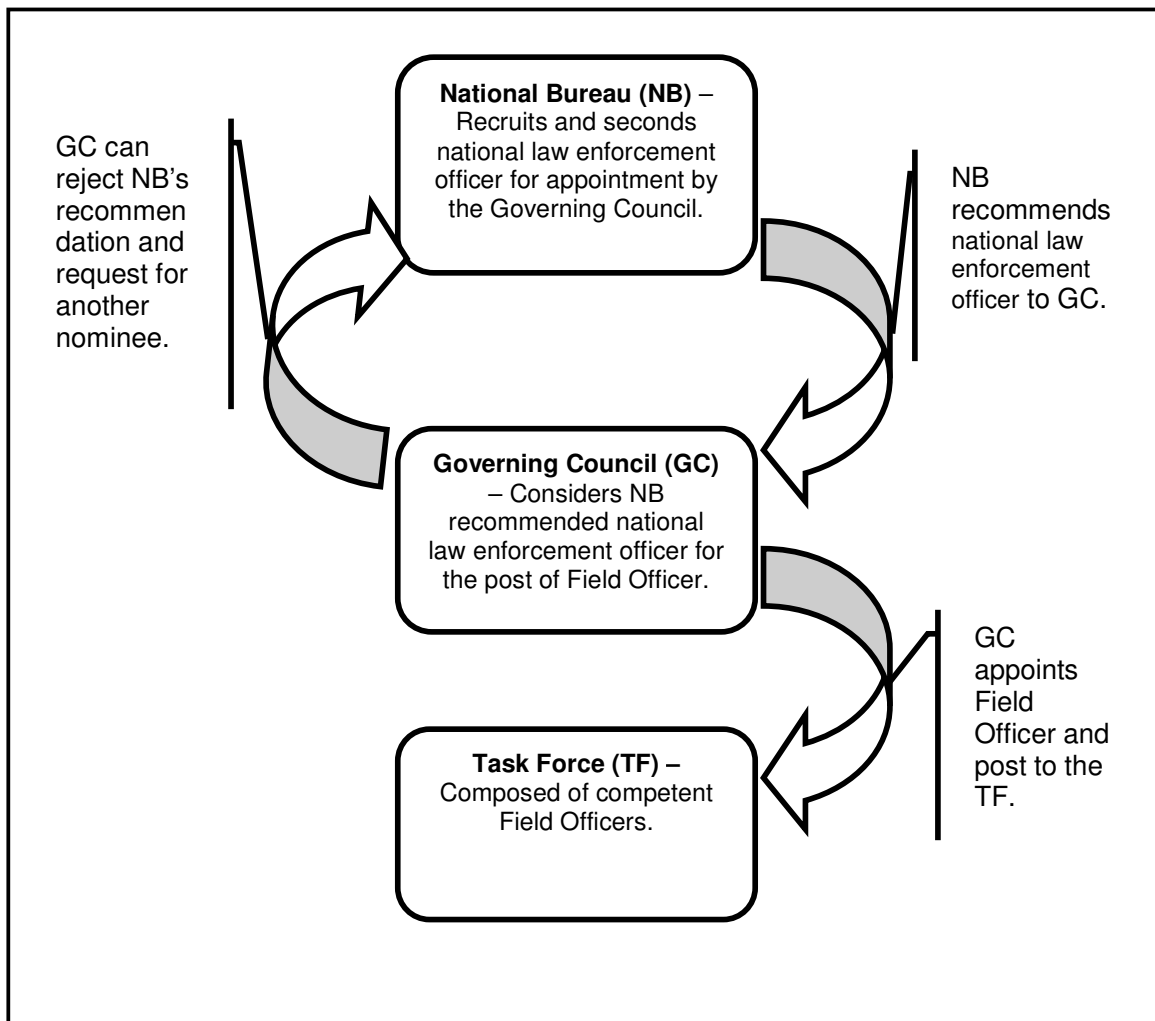
and prioritize, not those set by the Task Force alone. Consequently, the programme of work and budget has to be prepared by the Task Force in close consultation with the National Bureaus.

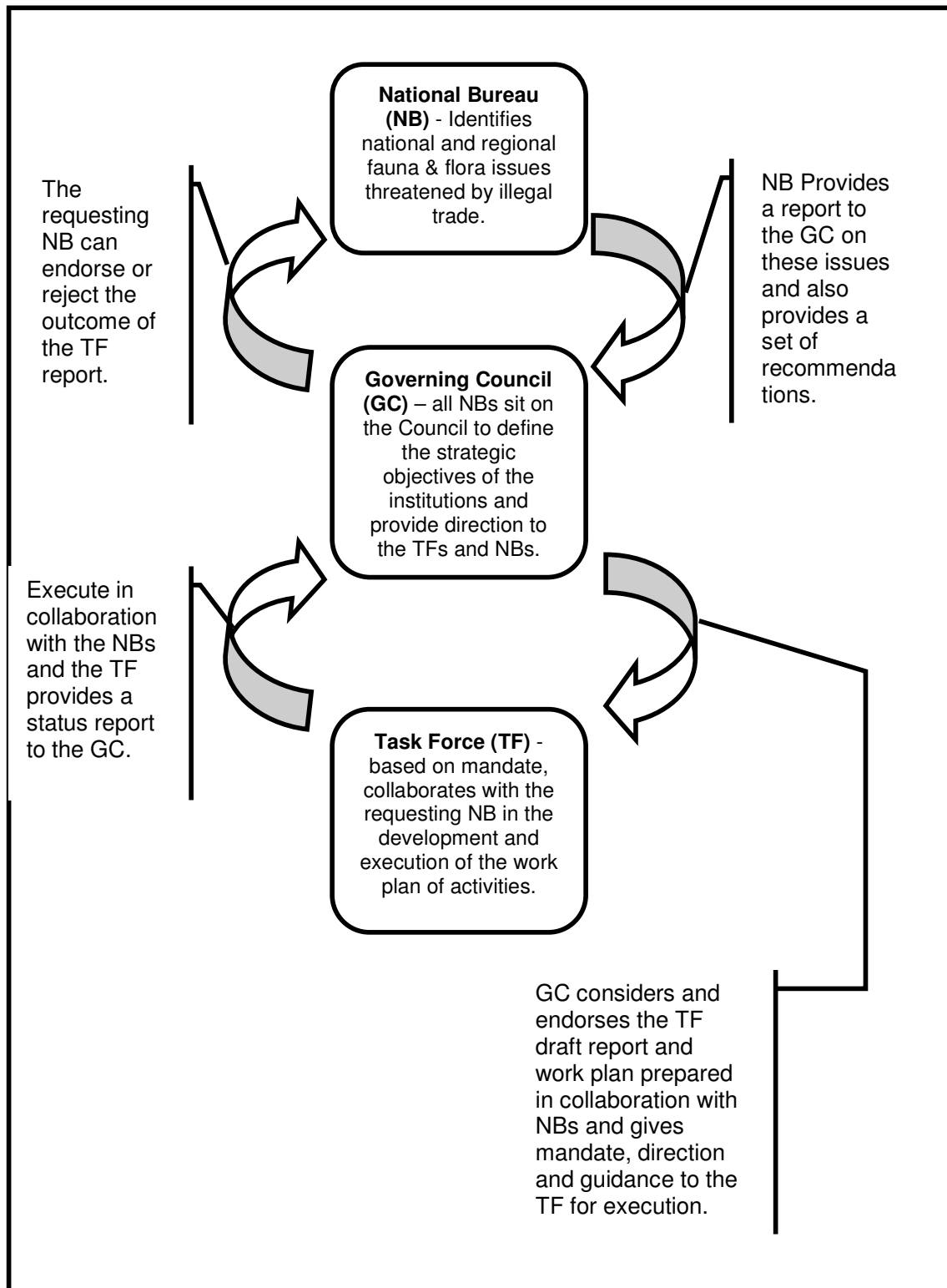
5. The National Bureaus are mandated to guide the Task Force, through the deliberations and decisions made by the Governing Council. While the National Bureaus are technical arms of the Governing Council, the Governing Council is the policy making body and through it instructs, reviews and approves the work of the Task Force. If the Task Force fails to perform its functions and responsibilities, it is the National Bureaus, through the Governing Council, which need to be proactive in guiding it and following up the implementation of the mandates or instructions given.

119. In other words, therefore, it is the National Bureaus which are key in terms of:

1. Identifying competent enforcement officers to second to the Task Force, who would be expected to lead Task Force teams undertaking field operations in coordination with colleagues in their respective National Bureau.
2. It is the Parties which, through the Governing Council, instruct, mandate and follow-up strictly on the activities and functions undertaken by the Task Force and guide it appropriately.

120. The institutional linkages between the National Bureau, Governing Council and Task Force can be represented as follows:





Summary:

1. The operations and activities of the Task Force, sometimes referred to as the “African Interpol” are severely affected by lack of adequate resources to undertake them or fulfill its obligations.
2. As a means to maintain continuity and institutional memory, the Governing Council needs to ensure that the terms of service of Task Force Field Officers and support staff do not expire at the same time.
3. Although the Agreement is open to all African countries, the Governing Council will need to act strategically in urging more countries to join.
4. Lesotho needs to be urged to comply with the obligations under the Agreement.
5. The success of the Lusaka Agreement greatly depends on the National Bureaus successfully carrying out their roles and functions. It is the Parties, through the Governing Council, which instruct, mandate and follow-up strictly on the activities and functions undertaken by the Task Force and guide it appropriately. In this respect, weaknesses and strengths of the Task Force entirely depend upon the effectiveness and commitment of the Parties playing their role as anticipated in the Agreement.
6. It is important that activities of the Task Force include awareness raising directed at other law enforcement agencies and local communities. A better understanding of the Agreement by them will encourage compliance, and support for its objective.

PART III

ACHIEVEMENTS MADE AND CHALLENGES FACED BY THE TASK FORCE

121. The spirit of the Lusaka agreement is: “to enhance co-operation in enforcement activities directed against the illegal trade in wild flora and fauna”. The function of the Task Force stipulated in Article 5(9)(a), is:- “to facilitate co-operative activities among the national bureaus in carrying out investigations pertaining to illegal trade”. Other functions stipulated in Article 5(9) include the investigation of violations of national laws pertaining to illegal trade; to collect, process and disseminate information on activities that pertain to illegal trade, including establishing and maintaining databases; to provide information concerning the return of confiscated flora and fauna to the original country of export; and to perform such other functions as may be determined by the Governing Council.

122. Since it became operational in July 1999, the Task Force had, by January 2004:-

- (a) Installed communications equipment linking, with the exception of Lesotho, the Task Force headquarters to each National Bureau. This network is now operational and provides secure communications for voice, fax, text and scanned data.
- (b) Organized and/or participated in a number of training courses.
- (c) Conducted a number of field operations leading to the arrest of suspects and the seizure of assorted government trophies, firearms, bush meat, and some live specimens. The majority of these field exercises have been carried out since January 2003, when the Task Force had three additional field officers.
- (d) Followed up four cases of illegal international wildlife trade. Three of these cases were reopened in 2003 for additional investigation.

Supply of equipment to the National Bureaus:

123. The National Bureaus do make requests for equipment to the Task Force and clearly they covet some of their more specialized field equipment. Within limited resources, the Task Force tries to respond, or put potential donors in touch with the National Bureaus. Such

equipment is crucial for direct communication links, and to be able to undertake joint measures to curb illegal trade.

124. The most significant equipment obtained by the Task Force for the National Bureaus is an HF radio system (**Table 8 below**) that integrates voice, fax, text and scanner data (digital photographs can also be sent across the system). The system operates over restricted frequencies using proprietary software and provides secure communications for confidential information between the headquarters of the Task Force and the National Bureaus.

Table 8 Task Force radio equipment⁶⁶	
• HF radio unit: Transceiver Modem Power supply	Barrett 950 series Barrett 923 series Barrett 922 series
• Computer: CPU Monitor	Compaq Belinea
• Scanner	Canoscan d66ou
• Printer	Epson stylus colour 680
• VHF radios	Motorola

125. Installation began in 2001, along with training for operators, and after the inevitable teething problems (especially with peripherals like the printers) the system was essentially operational by 2002. Problems, however, still remain. For example, the Republic of Congo has not succeeded in communicating with Task Force headquarters, although its HF component is used by the National Bureau to communicate with protected areas throughout the Republic. The Ugandan National Bureau has not also been able to use their equipment since there is an ongoing dispute with Government over the operating frequencies.

126. In the sixteen-month period January 2003 to May 2004, the Task Force radio logs show that some 211 messages were transmitted (see **Table 9** below). The greatest volume of traffic has been with Tanzania, the lowest with Kenya, whose National Bureau is within the same premises as the Task Force. An analysis of 50 of the logged messages suggests that just over half (52%) are of a purely administrative nature. Requests for, or provision of,

⁶⁶ Data obtained from the LATF records

information concerning specific wildlife crimes is the next most frequent subject of messages (38%), while those concerning intelligence, databases and international trade hardly figure at all. See **Table 10** below.

Table 9 Volume of Radio Traffic Between Task Force HQ and National Bureaus January 2003 – May 2004⁶⁷			
	From Task Force	To Task Force	Total Traffic
Congo Brazzaville	0	0	0
Kenya	7	11	18
Tanzania	72	40	112
Uganda	19	17	36
Zambia	17	28	45
Totals	115	96	211

127. While one might wish, perhaps, to see a higher proportion of messages dealing with information and intelligence rather than administration, there is no doubt that the system delivers swift and secure communication between the National Bureaus and the Task Force. Requests for information, and responses to these requests, flow as expected when there is a crime under investigation.

⁶⁷ Source: Task Force radio logs

<p style="text-align: center;">TABLE 10</p> <p style="text-align: center;">Breakdown of Messages by Content⁶⁸</p>	
Message	Percent
Administrative	52%
Information ⁽¹⁾	38%
Intelligence ⁽²⁾	4%
Data base	2%
International trade	4%
Total	100%
<p>(1): about a wildlife crime, or requesting information about a wildlife crime</p> <p>(2): advanced warning of a possible perpetrator & his <i>modus operandi</i></p>	

128. Email is also widely used by the Task Force, but primarily to communicate with the world at large rather than with the National Bureaus⁶⁹. Overall, the flow of emails to the world at large is about the same as to the National Bureaus over the HF radio system, 16 per month compared with 13 per month.

Field Operations with the National Bureaus:

129. Undertaking investigations and intelligence field operations is, under Article 5(9), the main *raison d'être* of the Task Force, complemented by other functions and activities stipulated in Article 5(10) and relevant operational Rules, and as envisaged by the Agreement. As **Table 11** (below) shows, the Task Force has succeeded in undertaking a total of 48 field operations in the last five years, between 1999 and 2003. The number of field operations increased substantially after 2002, when the Task Force increased from 2 to 5 field officers, with 21 (almost 51%) being carried out in 2003 alone.

⁶⁸ Source: analysis of 50 logged messages

⁶⁹ Over the last seven months of 2004, the ratio of emails to HF radio messages to the National Bureaus was running at 1:2.

Table 11 Number of Field Operations Carried Out by the Task Force, 1999-2003⁷⁰							
Country	1999	2000	2001	2002	2003	Total	Pcnt
Number of LATF Field Officers	2	1	4	5	5		
Congo Brazzaville	0	0	1	1	1	3	6%
Kenya	2	1	5	3	14	25	53%
Lesotho	0	0	0	0	0	0	0%
Malawi	0	0	0	1	0	1	2%
Mozambique	0	1	0	0	0	1	2%
Tanzania	2	1	3	1	5	12	25%
Uganda	0	0	1	1	1	3	6%
Zambia	0	0	0	1	0	1	2%
Ethiopia	0	0	1	1	0	2	4%
Totals:	4	3	11	9	21	48	100%

130. Analyzing the above **Table 11**, one would not fail to see that most of the field operations have been concentrated in Kenya (53%) and Tanzania (25%). The focus on Kenya could be necessitated by the co-location between the Task Force headquarters and the Kenya National Bureau, KWS, which makes it easier to coordinate and collaborate with the National Bureau at minimal or no cost with regards to exchange of information flow and dissemination of such information. These are fortunately some of the gains that a host government of any multilateral or regional agreement acquires over and above others, hence the politics involved in such bidding processes when secretariats are to be established. However, for any field operation to take place, or be initiated, there must be a case to investigate, a cross border issue to deal with, a request from a Party, cost implications, and, at times, proximity. All of these are issues which must be taken into consideration before a field operation is undertaken.

131. Nevertheless, the greater challenge will be the expectations of the Parties which have not been paying their dues or paid less. Despite less payment, they may still expect to see benefits accrue to them as well which may in turn serve as an incentive to encourage their payment in future. It is, however, difficult to balance such benefits expected by different Parties with varying degree of payment of their dues. What is important, however, is not the number of operations but the outcome of such activities. Nonetheless, such unequal

⁷⁰ Source: information from Task Force on all field activities, 1999 – 2003. Field operations in Malawi and Mozambique were to raise awareness of, and interest in, the Lusaka agreement

distribution of field undercover operations can give rise to a source of criticism among the Parties with regards to measurable benefits accrued through the Task Force activities.

132. **Table 12** below, based on information supplied by the Task Force, shows the statistics on the field operations carried between July 1999 and November 2004 as well as the estimated value based on the local black market. Of the field operations undertaken, a total of 6,900 kgs of ivory, 680 worked ivory pieces and 500 kg of bush meat were recovered with an average of 50 assorted big cat skins and 40 reptile skins. Timber accounted for 20 metric tonnes. In all these operations, about 90 suspects were arrested with 2 rifles and 2 vehicles recovered. It is clear that these successful operations were initiated by the Task Force through its own intelligence contacts, but working closely with the National Bureaus. Reviewing both the reports of the Task Force and the National Bureaus to the Governing Council, both have provided data on field operations undertaken but hardly any link is drawn to indicate whether such operations were undertaken jointly or in collaboration with the other. Such a link should be made in future reports to the Governing Council.

TABLE 12**Statistics on field operations, July 1999- November 2004⁷¹**

	Total	Estimated Value US\$
Number of suspects arrested	93*	N/A
Number of rifles recovered	2	2,000
Vehicles	2	22,000
Metal & hunting traps	5	100
Ivory in Kg	6,973	209,190
Ivory pieces (worked)	685	68,500
Ivory carving machines	3	4,500
Rhino horns in kg	12	18,000
Mount animals	2	4,000
Animal carcasses	3	300
Bush meat in Kg	500	250
Skins (assorted big cats)	49	9,800
Skins (assorted reptiles)	40	4,000
Animal specimen (e.g. hippo teeth) in kg	15	225
Timber (metric tones)	20	16,000
Live animals (chimpanzees)	5	40,000
Live reptiles (Naivasha bush vipers)	2	1,600
Birds (Eagles)	12	72,000
Unearthed documentation fraud (cases)	7	N/A
Infiltrated cross-border organized wildlife crime syndicates (cases)	11	N/A

***The prosecutions, which were subsequently handled by the National Bureaus relating to the 93 suspects, have been finalized.**

Investigation of Illegal Cross-border Activities:

133. One of the Task Force's functions is investigation of cross border transactions or any action in furtherance thereof in violation of national laws of the Parties for the protection of wild fauna and flora. In furtherance of this function, the Task Force assists the National Bureaus, which may have no resources to carry out and investigate cross-border international trade except to the extent that it impacts them directly at national level. The Task Force with the function to carry out undercover field operations could have the role, and in agreement

⁷¹ Information on black market values supplied by the Task Force

with National Bureaus, to assist them with such delicate investigations into illegal cross-border international trade which invariably, would involve both the Parties and non-Parties to the Agreement. In this regard the Task Force has been involved in four incidences or cases of international illegal trade in endangered species—relating to Ethiopia⁷², Bangkok⁷³, Shanghai⁷⁴, and Singapore⁷⁵ for which investigations are still ongoing.

134. The Task Force has put itself to test by these four high profile incidences or cases. The lessons learned and experience gained in the investigations should inform future international investigations so they may be conducted more effectively and within available financial and human resources.

135. As indicated earlier, from information availed by the Task Force, a total of 48 field operations were carried out in the five years between 1999 and 2003 (Table 11). The numbers each year broadly reflect the manpower available to the Task Force and clearly activities in the field have increased substantially since 2002, with 21 (almost 50%) being carried out in 2003 alone. As Table 11 shows, the Task Force has, since January 2003, conducted a number of field operations leading to the arrest of suspects and the seizure of assorted government trophies, firearms, bush meat, and some live specimens.

Capacity Building Including Training and Awareness Raising:

136. Building the capacity of the Task Force and National Bureaus, both in terms of personnel and institutional building, is key for the effective implementation of the Lusaka Agreement. Furthermore, for the Task Force to work with, cooperate and collaborate with the

72 Ethiopian customs seized some 44 pieces of elephant tusks which had been smuggled out of Kenya by lorry, bound for Addis Ababa. The Task Force took up with the Ethiopia Wildlife Conservation Organization the issue of the return of the ivory to Kenya as set out in Article 4.9(b) of the Agreement. By July 2003 agreement had been reached and the ivory was returned to Kenya.

73 The Task Force learned that on 17th July 2003 the Thai customs and the Thai CITES Management Authority had intercepted a consignment of 65 elephant tusks weighing 501.1kg (and one rhino horn of 3.8kg) at Bangkok international airport. The consignment had been exported from Tanzania through Kilimanjaro international airport and transshipped through Addis Ababa by Ethiopian airlines. The consignment was declared as “marble stones”. Investigations are still underway.

74 The Task Force was informed by the CITES Secretariat in October 2002 that a containerized consignment purporting to be hardwoods had been intercepted by customs in Shanghai, China, on 30th August 2002 and found to contain 3.334 tonnes of ivory. The container had been shipped by Maersk, Kampala, with the bill of lading showing a consignor in the Democratic Republic of the Congo (DRC) and a consignee in China. Investigations are still on-going.

75 A containerized shipment of 532 elephant tusks and 40,810 rough carved ivory cylinders like those used for hanko seals, weighing in at around 6.5 tonnes, was seized in Singapore. The ivory could have originated from and transited through any number of countries, including Democratic Republic of Congo, Rwanda, Zambia and Mozambique; but it was brought together and containerized in Malawi for onward transit by road through Mozambique to Durban. From there it was exported to Singapore, but its eventual destination was Japan and possibly China. With assistance from its Honorary Liaison Office, information was passed on to both the Israel Interpol NCB in Jerusalem and to the CITES Secretariat in Switzerland. Both organizations immediately passed the information on to the authorities in Singapore who reacted swiftly and seized the container. Later, a minor underling preparing import and re-export documentation for the shipment was arrested and fined S\$5,000. In 2003, with the agreement of all parties concerned, and with the relevant CITES permits, the ivory was shipped to Kenya where it is in the custody of the National Bureau, the Kenya Wildlife Service, as laid down in Rule 13.2 of the Operational Rules for the Task Force concerning the long term, secure storage of evidence.

National Bureaus, common baselines in terms of collection, processing and dissemination of information, investigation and operational skills and techniques, establishment and maintenance of information and databases and the creation of necessary links, to mention but a few, are equally *condition sine quo non* for the implementation of the Agreement. These prerequisites were realized not only by the negotiators as one of the reasons for poor law enforcement mechanisms at national level but also by the signatories⁷⁶ to the Agreement at virtually all Governing Council meetings⁷⁷.

137. In preparation for the effective implementation of the Agreement and through an assessment determined by the countries themselves in a meeting in July 1995⁷⁸, only Kenya and South Africa, signatories then, were confident that their institutional capacities were ready to effectively meet the challenges for the enforcement of the Agreement. As their contribution to enhancing the capacities of other signatories then, the national entities in Kenya (Kenya Wildlife Service - KWS) and South Africa (Endangered Species Protection Unit–ESPU) offered their technical experts, at no cost, to train identified national law enforcement experts in all the then signatories countries.

138. In this regard, UNEP through financial support from the UK Government facilitated the movement of the two national law enforcement experts (from Kenya and South Africa) who conducted a series of two week training courses in cooperative enforcement mechanisms in all signatory countries to the Agreement. Leaving Kenya and South Africa, which conducted the course, and Lesotho which at the time was not able to put together the team to be trained, law enforcement officials from Tanzania⁷⁹, Uganda⁸⁰, Zambia⁸¹, Ethiopia⁸² and Swaziland⁸³ benefited from the programme. The use of national law enforcement experts from within the participating countries to the Agreement clearly indicated and demonstrated the divergence of law enforcement capabilities in the countries participating in the Agreement.

76 See the Report of the Regional Meeting for Wildlife Law Enforcement Officials held in Dar Es Salaam, Tanzania in 24-25 July 1995 in doc.

UNEP/Env.Law/LAEG/Inf.1.

77 Each and every of the six Governing Council meetings held to date has adopted one or more specific decisions related to institutional capacity building including training, outreach, awareness raising etc.

78 See UNEP/Env.Law/LAEG/INF.1

79 The course was held in Arusha, Tanzania, from 2-13 December 1996

80 The course was held at Mbarara, Uganda, from 3-14 January 1997

81 The course was held at Mpika, Zambia, from 5-16 May 1997

82 The course was held at Addis Ababa, from 30 June to 11 July 1997

83 The course was held at Mulawula Nature Reserve, Swaziland, from 16- 27 November 1998

139. The need to equalize and rationalize these capabilities necessitated the Parties, through several Governing Council decisions, to underscore and emphasize the importance of building and strengthening technical expertise of national law enforcement officials as a key and priority to effective implementation of the Agreement. Thus, through the Governing Council and in accordance with Rule 2.3(1) of the Operational Rules and Procedures, supported by Parties, donors and UNEP, the Task Force has also focused its attention on undertaking activities geared towards enhancing institutional capacity building and training. In this regard, the Task Force in collaboration with National Bureaus has over the last four years organized and conducted 27 training courses. **Tables 13 and 14** below show details of courses undertaken where National Bureaus or Task Force officials were the primary beneficiaries. The courses undertaken fall into three major categories, namely, specialized training courses, train the trainers courses and awareness raising workshops.

Table 13						
Training courses with National bureaus, 2000 – 2003⁸⁴						
	2000	2001	2002	2003	Total	1997-1999
Congo Brazzaville	1	1	2	1	5	
Kenya	1		1	2	4	1
Lesotho	1				1	
Tanzania	1		2	2	5	2
Uganda	1	1	1	2	5	1
Zambia	1		2	2	5	1
Task Force	1			1	2	
Total	7	2	8	10	27	
Swaziland						1
Ethiopia						1

⁸⁴ Source: information from Task Force records. Note that some of the training courses above were conducted before 1999 when the Task Force officially commenced operations.

Table 14⁸⁵ LATF Training Courses							
Type	Year	Duration	People	Countries	Description and location	Location	Resource persons' institution
Sp	2000	6 weeks, Jul/Aug	25	11 African countries	Specialized intelligence training course for wildlife officers; Naivasha in Kenya	Naivasha	USF&WS, Israel N. Parks, CID Training School-Kenya. Germany, Austria and LATF.
Sp	2000	2 weeks, Dec	2	Lusaka Agreement Task Force	Data base training on i2 software	UK	i 2 Limited, UK
Sp	2001	1 week, June	15	CB	Wildlife law enforcement unit, intelligence training,	Brazzaville	Environment Canada and LATF
Sp	2001	52 weeks, 01/02	1	KWS	Msc degree in security, university of Leicester	London	University of Leicester, UK
WAW	2001	2 weeks, Nov/Dec	24	UWA	Stakeholders awareness workshop, primarily aimed at bushmeat; Masindi	Masindi, Uganda	CID Uganda Police, LATF
Sp	2002	6 weeks, Aug	6	UWA, KWS, Tan, ZAWA, LATF	Training in use of polygraph, Naivasha	Naivasha, Kenya	Israel Polygraph Institute.
Sp	2002	2 weeks, Dec	10	UWA, KWS, Tan, CB, ZAWA	Training on HF radio/computer/fax data system	Nairobi	LATF
WAW	2002	1 week, July	38	CB	Awareness raising among NB, military, police, & customs	Brazzaville	LATF
WAW	2002	1 week, March	31	ZAWA	ZAWA, customs, police, drug enforcement, immigration	Lusaka	LATF
Sp	2002	1 week, Nov	23	Tan (TANAPA)	Law enforcement training course	Lake Manyara, Tanzania	LATF
Sp	2003	2 weeks, Feb	6	LATF	Protective security, surveillance and terrorism / counter terrorism training course, Wainscott military camp and technical ltd.	Kent, UK	Global Technical & Royal Engineers
Sp	2003	1 week, June	13	Tan	Establishing intelligence unit within TANAPA	Mweka	LATF
Sp	2003	2 weeks, Feb/mar	15	ZAWA	Wildlife investigations and intelligence	Lusaka	LATF
Sp	2003	2 weeks, Mar	30	UWA	Wildlife investigations and intelligence, Masindi	Masindi Uganda	Uganda CID, Uganda ISO, LATF,UWA
Trtr	2003	2 weeks, Nov	26	UWA, KWS, Tan, CB, ZAWA, Lesotho	Training of trainers, Naivasha	Naivasha, Kenya	Kenya CID, Kenya NIA, CITES Secretariat, Interpol Secretariat, Corpo Forestale Delo Stato(Italy), LATF
Sp	2003	2 weeks, Apr/May	16	Gambia, Kenya, Lesotho, Malawi, Namibia, Tanzania, Zimbabwe, LATF	Personnel management, an African perspective; Durban	Durban, South Africa	ESAMI
Sp	2002	2 weeks, June	15	KWS	Basic wildlife intelligence course	Naivasha, Kenya	Kenya NIA, KWS & LATF

85 Source: information from Task Force records. Also note that: 'sp' refers to specialized training courses; 'waw' awareness raising workshops; 'trtr': training of trainers courses

140. The awareness raising courses successfully brought together various stakeholders dealing with national wildlife law enforcement such as wildlife authorities, police, Interpol, customs, immigration, forestry, fisheries etc. The ‘training of trainers’ courses in wildlife law enforcement and intelligence methods succeeded in developing a trainer’s manual. This was used, and tested, in a series of targeted national courses, which were conducted by participants who had participated in the ‘training of trainers’ course, thereby expanding the knowledge base and impact. Specialized training courses covered basic law enforcement, investigation and intelligence (23); database software (1 for Task Force officers); security, surveillance and terrorism/ counter terrorism (1 for Task Force officers); polygraphs (1) and use of computers installed by the Task Force in each National Bureau.

141. The Parties through the National Bureaus, and those who have benefited from these training programmes, judge them as a great success. These training programmes have also been well received in the countries. However, National Bureaus are of the view that greater impact will be made and created if they are also involved and consulted in the determination of areas of training and priorities for training. Although National Bureaus have been trained and other stakeholders involved, it does not necessarily mean that the course offered was actually needed. Given an option, the National Bureaus could have prioritized other types of training, and made them more demand driven as opposed to supply driven, and hence created better results and impact. Furthermore, for the Task Force to measure impacts made by the course, there is need to follow up on the use of the additional knowledge and information gained by those who were trained. It is not clear if such follow-ups are carried out by the Task Force. The Task Force should be encouraged to follow up with trainees, and include in reports to the Governing Council an assessment of their impact.

142. The Governing Council, during its first and second meetings, reviewed progress on the report it has requested on the assessment and evaluation of law enforcement capacities and the needs of the Parties to the Agreement. Records clearly indicate that this assessment began and progress was made and reported in 1999, but with the departure of the first Director the task was neither completed nor reported back to the Governing Council. The outcome of this report should have determined the level and status of enforcement capacities available in the National

Bureaus and the gaps existing which need to be addressed. On the basis of such determination, the training needs of the National Bureaus would have been made, which in turn would guide the nature of training courses organized and conducted by the Task Force for the National Bureaus and their law enforcement officials as well as Field Officers.

Partnership and networking with international and regional bodies:

143. The obligations of the Parties stipulated in Article 4, and functions of the Task Force in Article 5, both entail strong bonds, networking and cooperation among the Parties, and between the Parties and the Task Force, to ensure the effective implementation of the Agreement as called for in Article 4(1). “Illegal trade” is defined under Article 1 as, “any cross-border transaction or any action in furtherance thereof, in violation of national laws of a Party to the Agreement for the protection of wild fauna and flora”. In other words, any cross-border transaction, whether in animals or plants, such as illegal cutting of forests, timber trade or trade in exotic species in violation of national laws, will be tantamount to illegal trade. Wild fauna and flora are, therefore, wild species of animals and plants subject to the respective national laws of the Parties. These will equally be subject to the Agreement with respect to illegal trade whether the species are regulated by wildlife laws or forestry laws or agricultural law etc.

144. In view of the types of national laws which will be involved in the implementation of the Agreement, a multiplicity of stakeholders will be involved for which their cooperation and consultation cannot be overlooked. Similarly, networking and stakeholder involvement at national level between the agencies responsible for dealing with wildlife crime (such as wildlife, fisheries or forestry agencies) or those which come across wildlife crime in the course of their national duties (such as the police and customs) are all key for the success of the implementation of the Agreement. It can be confidently asserted that the Agreement envisages their cooperation and networking. However, modalities for establishing such networking need to be developed in order not to create a barrier to the efficient fight against wildlife crime and illegal trade.

Co-operation with CITES:

145. The Task Force negotiated and signed a MOU with CITES in April 2002. The MOU covers general co-operation, the exchange of information, the exchange of training materials,

courses and trainers, and access for the Task Force to the database maintained by the Legislation and Compliance Unit of the CITES Secretariat. The CITES Secretariat has been invited and participated as resource persons in the training courses organized by the Task Force, such as, the ‘training of trainers’ course held in November 2003. Equally, the Task Force has been invited and participated in courses organized by CITES such as the “Tiger Range States Enforcement Training workshop” in 2002. There has been exchange of information taking place between CITES and the Task Force with regards to alerts, intelligence reports and Eco-messages. All Task Force reports of seizures have been sent to Interpol copied to the CITES Secretariat. Collaboration exists directly between the CITES Management Authorities and the Lusaka Agreement National Bureaus since they are invariably the same entities, while the same enforcement officers are often focal points of both CITES and the Agreement.

146. Regular exchange of information and experiences needs to be encouraged between the Task Force and other CITES related networks, such as the Tiger Task Force and CITES/MIKE programmes.

Co-operation with Interpol and WCO:

147. Interpol and WCO are two international agencies with strong regional representation, and with whom the Task Force has significant interactions. Although there is no formal MOU with the two agencies, the Task Force continues to work closely with them through, in particular, their regional offices, namely, Eastern and Southern Africa WCO Sub-Regional office in Nairobi and Eastern African Police Chiefs Cooperation Organization (EAPCCO), as well as Interpol National Central Bureaus respectively. It has worked jointly with them in the investigation of the Singapore and Shanghai incidences discussed earlier on. Currently, for instance, the WCO Regional Intelligence Liaison office has teamed up with the Task Force in exchange of information and consultations on technical matters relating to customs and trade issues as they relate to illegal trade. With Interpol, regular exchange of information related to wildlife crimes continues in various forms including ECO-messages. All seizures and criminal networks are reported to the Secretariat in Lyons and copied to Interpol National Central Bureaus and sub-Regional Bureaus.

148. National Bureaus are equally encouraged to report wildlife crime incidences to their Interpol National Central Bureaus. Training courses for law enforcement officers in National Bureaus have always included use of Interpol ECO-Messages presented by an official from the Secretariat or its regional offices. The Task Force, Interpol and WCO have been invited to and have attended each other's relevant meetings⁸⁶.

149. Both Interpol and WCO also hold data on wildlife crimes. The main databases and information exchange of Interpol is the Regional Organized Counter Crime Intelligence Sharing System (ROCCISS) and the newly introduced I-24/7 while the main database of the WCO is in Brussels, though it connects with the WCO Customs Enforcement Network (CEN) held at each of their Regional Information Liaison Offices (RILO). Access to the information of ROCCISS and RILO/CEN would be of significant advantage to the Task Force, not only to assist investigations of international wildlife crimes but also to help produce regular, regional reviews of wildlife crime and wildlife trade for the National Bureaus⁸⁷. Access to these databases may require formal arrangements, for example through a MOU. An expression of interest by the Task Force has been made for the development of an MOU with the two organizations. The Task Force needs to be encouraged to follow up this interest with concrete consultations to their logical conclusion. Similarly the Task Force could be open to the possibility of availing reciprocal access of information on wildlife crime from their database as and when appropriate and necessary. Such an arrangement would enable the Task Force to standardize, synchronize and link its database with that of Interpol and WCO and ensure a smooth flow of information on wildlife crime to and from the National Bureaus.

⁸⁶ Task Force attended EAPCCO Annual General Meetings, 3rd and 6th sessions held in Nairobi in 2001 and Mahé-Seychelles in August 2004 respectively. Interpol sub-regional office has attended all the 6 Governing Council meetings held to date. Task force continue to participate in the Interpol wildlife working Groups meetings since its 11th session to date.

⁸⁷ A common complaint from the National Bureaus and from the national Management authorities is that CITES is "too remote".

Co-operation with African Forests Law Enforcement & Governance (AFLEG) and Conference of Ministers in Charge of the Forests of Central Africa (COMIFAC):

150. Realizing the need for protection and conservation of flora, the Task Force has initiated a number of co-operations with key organizations such as the African Forests Law Enforcement & Governance (AFLEG). The AFLEG process aims to galvanize international and multi-stakeholder commitment at high political levels to strengthen capacity for forest law enforcement in Africa, in particular with regard to illegal exploitation of forest products and their associated trade. Accordingly, the Task Force participated in the AFLEG Meeting in Cameroon in October 2003 to endorse and develop the Action Plan for the Yaoundé Ministerial Declaration that is aimed at sustainable management of the Central African Forest Ecosystems. Subsequently, the Task Force was again represented at a conference to formulate strategy for further implementation of this declaration, which took place in London in December 2003.

151. The President of the Conference of Ministers in Charge of the Forests of Central Africa (COMIFAC, Secretariat of AFLEG) jointly with the Director of the Task Force undertook an awareness campaign to the Central African States in August 2003 for purposes of encouraging them to accede to the Lusaka Agreement. The countries visited included the Democratic Republic of Congo, Cameroon and Central African Republic. Negotiations for accession to the Agreement by these States are in progress and being followed up by the Task Force.

Co-operation with African Wild Fauna Conservation Organization (AWFCO):

152. The African Wild Fauna Conservation Organization (AWFCO or OCFA in French) is a sub-regional cooperative organization in wild fauna resources management whose goal is to encourage the member states to plan and coordinate activities on conservation and to achieve sustainable utilization of biodiversity resources. Considering that both organizations have related goals, a draft MOU has been developed between the Task Force and AWFCO to collaborate on issues of effective conservation of wild fauna, especially on law enforcement.

Development of Wildlife Crime Databases by the Task Force:

153. Among the functions of the Task Force, it is expected to establish and maintain database(s) regarding information on activities that pertain to illegal trade in wild fauna and flora. The main effort to date has been to impose some order on the way in which the National Bureaus report their wildlife crime statistics to the Task Force by standardizing the reporting forms developed to be used by the Task Force and the National Bureaus alike. Five reporting forms cover weapons recovered/confiscated; poaching statistics; wildlife products statistics report/seizure (animal trophies); live wildlife specimen statistics report/seizure; and live wild flora products statistics report/seizure. The database is built around Microsoft Access. The format of the five reporting forms was designed in-house by the Task Force, and assistance was provided by a KWS database specialist⁸⁸ to design input routines and some straightforward query and analysis screens. This initiative is indeed timely since the National Bureaus used to submit wildlife crime statistics in different formats, which made both the compilation and analysis of data quite problematic. Data are now starting to flow into the Task Force and are being validated and entered into the database.

154. The Task Force database should be synchronized with those of the National Bureaus so as to ensure that the most appropriate information was being collected in an appropriate manner, then processed, disseminated and shared. When fully developed it should ensure a direct link with the National Bureaus or existing regional wildlife crime databases.

155. For the time being, this is the only database developed by the Task Force. Two field officers who were trained in the UK in 2000 on intelligence analysis software, have since left the Task Force and the software has, as a result, not been installed. In the interim, the Director of the Task Force has developed an Excel-based system for logging and cross-referencing intelligence reports, emails, correspondence and web-based searches. It cannot, however, be considered a replacement for a well-developed intelligence database which is still important and required. Shortage of relevant staff and skills to develop and maintain the database is a challenge in fulfilling this function.

⁸⁸ The database specialist has since moved to the African Wildlife Foundation, but is still helping the Task Force as and when requested.

Development and enforcement of relevant laws and regulations:

156. The Lusaka Agreement calls upon the Task force in Article 5(9)(a) to investigate violations of national laws pertaining to illegal trade but at the request of the National Bureaus or with the consent of the Parties concerned. Among the list of activities to be accomplished by the Task Force under Rule 2.3 of the Operational Rules is making recommendations for new laws and regulations, which the Parties have to enact in order to protect wild fauna and flora. Also there is need to ensure that the National Bureaus take necessary action to harmonize their laws and regulations including operational procedures with those of the Task force for smooth collaboration. The need is also highlighted in the Rules to ensure that reciprocal laws are enacted and administrative arrangements are made in the legal system of the Parties to empower the Task Force field officers to operate in the Parties' respective territories. Furthermore, the Task Force is required to maintain intelligence and criminal records and disseminate information in accordance with relevant laws.

157. On the other hand, the Parties are obliged under Article 4(8) of the Agreement to adopt and enforce necessary legislative and administrative measures as may be necessary for the implementation of the Agreement. Adding to the importance of developing or strengthening relevant laws to give effect to the Agreement, the Governing Council has adopted two decisions IV/1 and VI/1 to that effect. Decision IV (1) call upon the Parties to undertake measures to review, develop and strengthen their national wildlife management laws and regulations to incorporate the provisions of the Lusaka Agreement. It further calls upon the Parties to undertake measures to harmonize their national wildlife management laws and regulations with those of the other Parties to ensure uniformity in punishment for similar violations, and listing of wildlife offences as extraditable offences. The content of decision IV/1 was, by and large, repeated in decision VI/1 of the last Governing Council.

158. For the Parties to co-operate with one another and with the Task Force for the effective implementation of the Agreement as provided for under Article 4, the Parties will inevitably be obliged to take appropriate measures, individually and/or jointly, to investigate and prosecute cases of illegal trade. Parties would only be able to fulfill that obligation if they adopt, harmonize

and enforce necessary legislative and administrative measures to give effect to the Agreement and other relevant multilateral environmental agreements. Such harmonization would permit uniform application of, for instance, penalties and punishments and the requirement to return confiscated specimens to the country of original export, and assist with making wildlife offences serious and extraditable. The Parties will have to ensure that special and deterrent punishments are provided to wildlife offenders. In such cases not only should the fines be heavy, but they should also include mandatory long-term imprisonment to induce compliance. The mandatory forfeiture to the State of any wildlife species or specimens illegally obtained, together with any weapon and vehicles that may have been used in the commission of the crime should also be considered and provided for in the relevant laws.

159. In addition, simpler mechanisms could be sought to avoid the long process and the inconvenience of carrying out frequent amendments to the national laws and subsequent modifications thereof that a Party may adopt from time to time in the future. States may opt instead to specify under their wildlife laws that the prescribed authority may, when necessary, promulgate rules and regulations in order to give effect to the international instruments to which they are Parties. Alternatively, the legislation may provide for the delegation of rule-making powers to the prescribed authorities. Under such vested powers, the authorities could fix license fees, term and conditions of operating the licenses, and restrictions and obligations of visitors to the national parks and protected areas. Furthermore, in view of the importance of wildlife resources to the Party States, there may be need for relevant laws to establish special chambers within the courts to try wildlife offences and to train prosecutors to be able to deal with wildlife cases. Alternatively, special tribunals dealing with environmental cases could be used to try offences related to wildlife law.

160. Kenya, Uganda and Tanzania have reviewed their national wildlife laws for, *inter alia*, purposes of harmonization⁸⁹. These were discussed and areas of harmonization agreed in a

⁸⁹ Development and harmonization of wildlife laws and regulations in Kenya, Uganda and Tanzania begun with the review of existing laws and identification of gaps, as well as agreement on areas of harmonization. The process took place between 1996 and 1998 through an East African Sub-regional project of the UNEP Partnership for the Development of Environmental Laws and Institutions in Africa (PADELIA). This review, plus a review of other laws in the three East African countries, led to the development of a MOU in 1998, for environmental management in the three countries. It is currently being upgraded into an ongoing process for the development of a Protocol on Environmental Management under the East African Community Treaty. The same Treaty calls for the development and harmonization of, *inter alia*, wildlife laws and regulations through the development of a Protocol on wildlife. Currently, the three countries are developing a framework Protocol on Environmental Management, as well as Guidelines for

workshop held in Kisumu, Kenya in February 1998. The result of this process is the development of a revised draft Tanzania Wildlife Act, 2004 (May 2004 draft version), draft Kenya Wildlife Act, 2004, as well as a draft Uganda Wildlife (Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora) Order, 2004 (April 2004 draft version). Uganda has drafted a specific regulation for the Lusaka Agreement and a separate one for CITES. Tanzania's draft law includes provisions to incorporate CITES and general provisions incorporating other multilateral environmental agreements, including the Lusaka Agreement. What is, however, important and crucial is for both National Bureaus and the Task Force to effectively implement Governing Council decisions IV/1 and VI/1 on development and harmonization of wildlife laws. Both decisions, when implemented, will fulfill the Parties obligations under Article 4 and the Task Force functions under Article 5(9) as well as aspects of Rule 2.3 of the Operational rules. This is a major task, which needs to be followed through to ensure effective implementation of the Agreement.

Cooperation with Regional Agreements:

161. Pending the development of a Protocol on wildlife under the East African Community Treaty, the East African Wildlife Committee, which was set up by the EAC and meets regularly to review and monitor wildlife management issues, has been used as a forum to discuss and ensure harmony between their work and that conducted under the Lusaka Agreement. This co-operation and synergy should be continued and regularly reported to the Governing Council by the East African Parties to the Lusaka Agreement.

162. In August 1999, a Protocol on Wildlife Conservation and Law Enforcement was adopted under SADC. This was in response to concerns in certain SADC member states regarding provisions in the Lusaka Agreement related to diplomatic privileges and immunity.

163. While the Protocol covers a broad spectrum of issues on conservation and sustainable use of primarily wildlife, the Lusaka Agreement focuses principally on enforcement measures necessary to reduce and ultimately eliminate what national laws determine to be illegal trade in

Environmental Impact Assessment for Transboundary Ecosystems. These developments will be useful tools towards the development of a wildlife Protocol for the sub-region, which should further complement the implementation of the Lusaka Agreement among the three East African countries which are Parties.

wild fauna and flora⁹⁰. There is, therefore, need for closer collaboration and cooperation in the implementation of both instruments. The Governing Council has urged the Task Force, in its decision III/1, to initiate collaboration and development of a MOU with relevant bodies, and this decision needs to be followed up to its logical conclusion to ensure that harmony and complementarity in the implementation and enforcement of the two regional agreements is maintained.

Considerations to replicate the Lusaka Agreement:

164. It has been stated elsewhere in this report that the nature and composition of the Task Force established under the Agreement is unique and has not been tested anywhere else in the world. The Task Force, composed of field officers seconded by their National Bureaus, and retaining their law enforcement powers, enabling them to undertake cross border undercover operations, is indeed unique. Despite the challenges, the Task Force has faced since it was established, it has succeeded in undertaking several field operations with varying degrees of success. National and regional law enforcement agencies in other regions have been observing how the Agreement and the Task Force perform, while assessing the viability of replicating the model with necessary adjustments to suit their needs and circumstances. Indications are already positive. There is acknowledgment of the need for development of cross-border enforcement networks, though they may not exactly emulate the Lusaka Agreement model. The Asian region has already requested UNEP to facilitate the development of a new enforcement network agreement to address specifically illegal cross-border timber trade derived from illegal logging. This is a clear demonstration that the Lusaka Agreement model is a practical co-operative enforcement modality to consider, as appropriate, in future mechanisms to combat and curb illegal trade in wild fauna and flora at regional or sub-regional level.

165. Furthermore, the opening address of the Prime Minister of Thailand to the 13th CITES Conference of Parties, held in Bangkok, from 2-14 October 2004, underscored how Thailand has been targeted by criminal elements involved in the illegal international trade in endangered species. He stated, “*Protected forests have been violated and indigenous species have suffered, all for the sake of profit.*” Although Task Force units have been established all over Thailand and

90 Some countries which are Parties to the SADC Protocol, such as Tanzania, Zambia and Lesotho, are also Parties to the Lusaka Agreement

respond quickly to information about illegal trade in wildlife specimens, the problem, the Prime Minister elaborated, extends beyond borders and jurisdictions. There is a need to act together in the region to tackle the problem. To this end, the Prime Minister stated that Thailand was ready to take the lead in the formation of a new “*South East Asian Regional Law Enforcement Network to Combat Nature Crimes*”. In ensuring that the momentum is maintained, he offered to host a meeting in 2005 to work out details of establishing such a network while seeking advice from those who have succeeded in similar efforts. This initiative, once again, demonstrates how other regions are keen on seeing how the Lusaka Agreement works and operates as they endeavour to develop their own law enforcement mechanisms.

Summary of achievements and challenges of the Task Force

Field Operations

a) Achievements of the Task Force

1. The Task Force assists the National Bureaus in the course of conducting field operations: with finance for field expenses, with intelligence and information, with extra manpower, with vehicles and with sophisticated equipment; and by being able to pose as purchasers of illegal goods in situations where the national law enforcement officers are known to the perpetrators.
2. A review of the National Bureaus’ reports to the six Governing Council meetings held to date shows that each of the National Bureaus conducts hundreds of field operations annually. This amounts to over one thousand field operations each year among the six Parties.

b) Challenges faced by the Task Force

- 1) The Task Force and National Bureaus need to work together to develop harmonized reporting systems on cases, or a comprehensive case management system.
- 2) Statistics of field operations by the Task Force primarily focus on endangered wild fauna or animals with little focus on flora, e.g. illegal timber and fisheries. The Agreement, however, calls for enforcement operations directed at illegal trade in wild fauna and flora.
- 3) There are lessons to learn from customs regional partnerships in their collaboration with national customs and revenue authorities. These need to be examined further as well as included in the capacity building and training programmes to enhance capacities to better deal with the Lusaka Agreement enforcement measures.
- 4) The Task Force needs to remain conscious that it is an enforcement body and not engage in the debate for or against wildlife trade. It must also ensure that the funds received from donors and partners are not subject to conditions, but are directed towards Task Force priorities.

Summary of Capacity Building Including Training and Awareness-Raising:

a) Achievements

1. The training courses held to date have succeeded in bringing together various stakeholders dealing with national wildlife law enforcement such as the wildlife authorities, police, Interpol, customs, immigration, forestry, fisheries etc. The National Bureaus and those who have benefited from these training programmes have judged them as a great success and they have been well received.

b) Challenges

1. National Bureaus are of the view that greater result and impact would be created if they are also involved and consulted in the determination of priorities for areas of training. Although, National Bureaus have been trained and other stakeholders involved, it does not necessarily mean that the course offered was actually needed. That is, given the option, National Bureaus may opt for other prioritized types of training, which are demand driven as opposed to supply driven.
2. For the Task Force to measure impacts made by the course, there is need to follow up on the use of the additional knowledge and information gained by those who were trained. The Task Force should be encouraged to undertake such follow-up after the training courses are done, and follow up with trainees. As courses are reported to the Governing Council, their impact determined by follow up should equally be reported and assessed.
3. There is need to complete and report back on the report requested by the Governing Council on the assessment and evaluation of law enforcement capacities and the needs of the Parties to the Agreement. Having determined the level and status of enforcement capacities available in the National Bureaus and the gaps existing, this would guide the nature of training courses organized and conducted by the Task Force for the National Bureaus and their law enforcement officials as well as field officers.

Summary of partnership and networking with international, regional and national bodies:

a) Achievements

1. Networking at national level between the agencies responsible for dealing with wildlife crime (such as wildlife, fisheries or forestry agencies) and those who come across wildlife crime in the course of their national duties (such as the police and customs) is key for the success of the implementation of the Agreement.
2. Realizing the need for protection and conservation of flora, the Task Force has initiated co-operation with key organizations such as the African Forests Law Enforcement &

Governance (AFLEG), and the Conference of Ministers in Charge of the Forests of Central Africa (COMIFAC). The Task Force has developed a draft MOU with AWFCO to collaborate on issues of effective conservation of wild fauna especially on law enforcement.

b) Challenges

1. Although the Agreement envisages cooperation and networking with regional and international bodies, modalities for establishing such networking may need to be encouraged and developed to ensure wildlife crime and illegal trade are stamped out.
2. National Bureaus could have access to Interpol/ ROCCISS or I-24/7, but only if National Bureaus work closely with Interpol National Central Bureaus (NCBs). However, Interpol NCBs do not receive information from some National Bureaus. Hence, there is need to develop a mechanism on how National Bureaus could sent their wildlife crime information to Interpol NCBs. This could be developed through a MOU. The Task Force should be encouraged to initiate the development of this.
3. There is need for both the Task Force and National Bureaus to ensure the data shared with Interpol / ROCCISS or I-24/7 is complete and accurate.
4. Coordination and cooperation, both at national level with all stakeholders, and regionally with relevant bodies is imperative. There is therefore need to ensure national relevant policies and laws are harmonized and enforced.
5. Close collaboration between and among the Parties to the Lusaka Agreement and with the Parties to the SADC Protocol on wildlife, as well as the East African Wildlife Committee, should be further encouraged and maintained, so as to avoid duplication and ensure harmony and complementarity in the implementation and enforcement of the regional agreements.

Summary of development of Wildlife Crime Databases by the Task Force:

a) Achievements

1. There has been some effort to impose order on the way in which the National Bureaus report their wildlife crime statistics to the Task Force, for example by standardizing the reporting forms used by the Task Force and National Bureaus alike.

b) Challenges

1. The Task Force should be encouraged to initiate the development of MOUs with Interpol and WCO. It should also extend and encourage cooperation with EAC to include on-going arrangements for the police and customs chiefs and security agencies.
2. There is need to develop harmonized reporting and sharing of data among National Bureaus, as well as regional and international bodies, which ensures that information collected is properly processed, disseminated and shared out with National Bureaus and other agencies. However, shortage of relevant staff and skills to develop and maintain the database is the challenge in fulfilling this function.
3. The Task Force needs to undertake a study on data systems of other relevant enforcement and intelligence agencies and prepare a report for the Governing Council's review and consideration.

Summary of development and enforcement of relevant laws:

a) Achievements

1. Kenya, Uganda and Tanzania have undertaken a review of their national wildlife laws for purposes of harmonization. The result of this process is the development of a revised draft Tanzania Wildlife Act, 2004 (May 2004 draft version), draft Kenya Wildlife Act, 2004, as well as a draft Uganda Wildlife (Lusaka Agreement on Cooperative

Enforcement Operation Directed at Illegal Trade in Wild Fauna and Flora) Order, 2004 (April 2004 draft version).

2. While Uganda has drafted a specific regulation for the Lusaka Agreement and a separate one for CITES, the Tanzania draft wildlife law has made specific provisions to incorporate CITES and included a general one on multilateral environmental agreements, including the Lusaka Agreement.

b) Challenges

1. Both National Bureaus and the Task Force must effectively implement decisions IV/1 and VI/1, which when done will fulfill the Parties obligations under Article 4 and the Task Force functions under Article 5 (9), as well as aspects of Rule 2.3 of the Operational rules. This is a major task that needs to be followed through to ensure effective implementation of the Agreement.

PART IV

RECOMMENDATIONS TO STRENGTHEN THE LUSAKA AGREEMENT AND ITS INSTITUTIONS

166. It is recalled that Decision VI/6.1 of the 6th Governing Council requested the Executive Director of UNEP, in cooperation with the Director of the Task Force, to initiate the process of carrying out an independent review of the Task Force and the impact of the implementation of the Agreement since its adoption in September 1994, and to make recommendations for the enhancement of the Task Force and the Agreement.

167. It is clear from the evaluation undertaken and outcome of the review of the task by Experts that the text and content of the Lusaka Agreement as adopted is still valid. Its implementation has, however, been inadequate, principally due to lack of financial and human resources to effectively implement the work plan as approved by the Governing Council. Furthermore, implementation of the Agreement has been adversely affected by the lack of a short, medium and long term strategic plan of action to guide its activities on the basis of identified priorities. A funding strategy, which is equally important, is also missing and could have been a useful tool to assist the Task Force in its funding activities.

168. It is against this background and on the basis of the findings as discussed and enumerated in the Review Report that the following recommendations are made.

RECOMMENDATIONS FOR STRENGTHENING THE ROLE OF THE NATIONAL BUREAUS

169. The success of the Lusaka Agreement greatly depends upon the effectiveness of the National Bureaus, and their success in carrying out their roles, functions and responsibilities. It is the National Bureaus which hold the key to the success of the Agreement including the institutions established for that purpose. Effective, adequate and competent officials are required to work within the National Bureaus to provide, through the Governing Council, appropriate direction and guidance to the Task Force. Effectiveness of the Agreement entirely depends on how the National Bureaus will play their role in relation to the Task Force and Governing Council.

170. The National Bureaus must ensure that competent, experienced and knowledgeable law enforcement officers are identified at national level for secondment to the Task Force. It is the National Bureaus, through the Governing Council, which guide, mandate as well as follow-up on the implementation of activities and functions undertaken by the Task Force. In this respect, any weaknesses and/or successes and strengths of the Task Force depend upon the effectiveness and commitment of the National Bureaus, through the Governing Council, fulfilling their role as anticipated in the Agreement.

1. Networking among National Bureaus

171. It is clear from the Agreement that its objective is to reduce with an ultimate aim of eliminating *illegal trade in wild fauna and flora* (emphasis added). However, activities undertaken by both the National Bureaus and Task Force tend to focus more on illegal trade in wild fauna, and less on illegal trade in wild flora. This could be due to the fact that from the initiation of the Agreement to date, principally it has been the wildlife authorities or departments and wildlife law enforcement officials who negotiated, adopted and are currently implementing the Agreement as well as comprising the institutions established by the Agreement. There is need to build partnerships and networks with other national stakeholders, such as fisheries and forestry authorities, as well as police and customs.

172. Each National Bureau is different, as it is guided by different national laws and institutional arrangements. Relevant policies, laws and regulations at national level should enable and encourage multi-stakeholder consultation within the national set-up. There will also be need for each National Bureau to appoint a focal point of contact for the Task Force and the relevant Interpol NCB, and the Task Force to be informed accordingly.

173. There is also a corresponding need to develop effective inter-agency coordination and cooperation arrangements to gather, exchange and disseminate intelligence and information, and undertake investigative and undercover field operations.

2. Secondment of suitable national enforcement officers

174. It has been underlined in the Report that effectiveness of the Task Force depends on the calibre, expertise and experience of national law enforcement officers whom the National Bureaus identify and second to the Task Force, through their appointment by the Governing Council. The Governing Council, in this regard, needs to follow up and ensure its earlier adopted criteria for an ideal National Bureau, and an ideal national law enforcement officer to second to the Task Force are executed.

175. In view of the sophisticated nature of wildlife crime, there is need for the National Bureaus and the Task Force to acquire more varied skills, such as knowledge of customs crime and money laundering. They may also need to acquire varied skills such as financial planning, design of training programmes, networking at both national and international levels, data base design and implementation, and analyses of the patterns of illegal trade.

3. Regular bilateral and/or multilateral meetings to co-ordinate activities

176. The country reports to the six Governing Council meetings and the annual reports of the various wildlife authorities mention several bilateral co-operative activities in fighting wildlife crime and illegal trade between and among the Parties through their National Bureaus as well as with non-parties. Kenya and Tanzania, for example, hold quarterly wildlife security meetings at which cross-border problems are addressed, and cross-border communication, sharing of information and joint action between local enforcement officers is encouraged. The Parties have

carried out joint intelligence operations and anti-poaching patrols along their borders. They hold regular meetings to discuss cross-border problems and identify common solutions. For example, Uganda and Kenya National Bureaus regularly hold wildlife security meetings on cross-border problems, and, together with Tanzania, are currently in the process of drawing up cooperation agreements and strategic plans to combat illegal cross-border trafficking.

177. These cooperative and collaborative activities should be encouraged and the Task Force would equally be expected to play a greater role especially in terms of sharing with the countries information and intelligence on regional patterns and trends of illegal trade in wild fauna and flora. National Bureaus should, therefore, continue to hold regular meetings and consultations between neighbouring National Bureaus as well as involve non-Parties, where necessary, as an incentive for them to consider joining the Agreement, to co-ordinate activities and agree on joint action to combat illegal cross border trade, while ensuring they are formalized within the context of the Lusaka Agreement.

4. Development and harmonization of relevant laws

178. In order to put into effect the aspirations and normative demands of the Lusaka Agreement, Parties must agree on areas and principles of harmonization with other Parties' relevant laws. Some of the proposed changes suggested in this Report could only be put into effect, if agreed upon, through amendment of relevant laws. Consequently, looking at such laws from a holistic and integrated perspective would be key for the effective implementation of the Agreement. In this regard, the review will be crucial not only for wildlife legislation, but also forestry and fisheries, to ensure their harmony and compatibility.

179. Kenya and Tanzania are currently reviewing their national wildlife laws, and consultative processes on the drafts have already begun. While Tanzania and Uganda both adopted their new forestry law in 2002⁹¹ and 2003⁹² respectively, in Kenya a draft law on forestry is being discussed and awaits its debate in Parliament⁹³. Likewise, Uganda is developing relevant regulations for the national implementation of CITES and the Lusaka Agreement. Although a

⁹¹ Act No. 7 of 2002

⁹² Act No. 8 of 2003

⁹³ A draft Kenya Wildlife Bill was presented to Parliament in May 2004 for debate but was sent back for further review. It is yet to be re-submitted.

draft already exists, major loopholes and lacunae need to be addressed or clarified before it can be finalized. This may be an opportune moment to further reflect on and review these laws and assess their effectiveness in facilitating implementation of the Lusaka Agreement.

180. The Governing Council has already noted the lacunae, and passed decisions IV/1 and VI/1 on harmonization of relevant laws, both of which when fully executed would fulfill the Parties' obligations under Article 4 and the Task Force functions under Article 5(9) as well as aspects of Rule 2.3 of the Operational Rules and Procedures. The two decisions called upon the National Bureaus to collaborate with the Task Force to develop and harmonize relevant laws for effective implementation of the Agreement. These decisions are yet to be executed effectively.

181. It is, therefore, strongly recommended that the National Bureaus should take a lead role in the process of developing, strengthening, and harmonizing relevant national wildlife-related legislation and in institutional enhancement to ensure the normative demands and aspirations of the Agreement are equally incorporated. Such laws would be necessary for the effective implementation of the Lusaka Agreement both at national and regional level.

5. Collaborate with the Task Force in the development of the work Plans

182. It has been underscored in the Report that the National Bureaus are key to the success of the activities undertaken by the Task Force. The activities undertaken by the Task Force need to be those determined as priorities by the National Bureaus through the Governing Council. Thus, the programme of work or work plans for the Task Force invariably need to be developed and prepared by the Task Force in close consultation and collaboration with the National Bureaus. Before the work plan is presented to the Governing Council for consideration and approval, the National Bureaus would need, as a prerequisite, to review and add in their national components or cross border issues, which the Council will review and approve. It is thus up to the National Bureaus to be more proactive and guide the Task Force, through the Governing Council, as to how they expect the work plans to be developed and priorities determined.

<p style="text-align: center;">TABLE 17</p> <p style="text-align: center;">Recommendations for Strengthening the Role of the National Bureaus</p>	
<p>1)</p> <p>2)</p> <p>3)</p> <p>4)</p> <p>5)</p> <p>6)</p>	<p>Participation in the development of strategic action plan and Programmes of work: Ensure that National Bureaus fully participate in the development of a strategic action plan and programmes of work for the Task Force, taking into consideration their activities and priorities. In this regard they should also ensure they fully participate in developing a funding strategy.</p> <p>Strengthening networking by National Bureaus: Strengthen the existing National Bureaus through encouraging them to facilitate more effective networking and collaboration at national level with relevant national stakeholders. There is also a need to strengthen networking with relevant regional and international organizations.</p> <p>Development and harmonization of wildlife policies, laws and regulations: Parties through their respective National Bureaus need to review their wildlife policies and related laws and institutional arrangements, as well as agree on common areas or principles of harmonization in liaison with the Task Force, for effective implementation of the Agreement as well as for the National Bureaus and the Task Force to fulfill their functions and obligations.</p> <p>Revision of the criteria for an ideal National Bureau: To ensure that the National Bureaus play a key role in monitoring and guiding the work of the Task Force through the Governing Council, the criteria for the establishment of an ideal National Bureau by the Parties be looked at afresh, revised and enriched to take into consideration findings of the Review Report, developments in the field and lessons learned so far in the role played by the existing Bureaus. The revamped criteria for the National Bureaus should include criteria for ideal national law enforcement officers responsible for implementation of the Agreement.</p> <p>Identification of field officer for secondment: Encourage each National Bureau to identify competent and experienced wildlife law enforcement officer, who possess suitable skills for the work of the Task Force.</p> <p>Playing a more proactive leadership role: Since the success and effectiveness of the Task Force depends on the commitment and lead role the National Bureaus will play, they need to be proactive in all their dealings with the Task Force, and give them, through the Governing Council, appropriate guidance, and a mandate for effective follow up and implementation of agreed work plans.</p>

RECOMMENDATIONS FOR STRENGTHENING THE ROLE OF THE GOVERNING COUNCIL

183. The Governing Council is, in essence, the extension of the National Bureaus, headed by their Ministers accompanied by the Bureau's technical experts. It is, therefore, expected to play a lead proactive role as guided by its experts, namely the National Bureaus, in the management of the Task Force affairs. It is the Governing Council's role to determine its policies; provide

administrative supervision and guidance to the Task Force and the National Bureaus; determine Parties' contributions, and, crucially, to monitor the implementation of the Agreement.

1. Follow up implementation of past decisions

184. It has been noted in the Report that the Governing Council needs to ensure that the Task Force facilitates the Council's fulfillment of its mandate and obligations. The Governing Council has passed several decisions in the six meetings it has held to date. However, the majority of those decisions have either not been implemented, or the process for their implementation was begun but not completed. Consequently, a number of important issues have disappeared from the agenda of Governing Council meetings, while hardly any questions or criticisms are raised in its deliberations on the methods or exhaustiveness of execution and/or implementation of some of the activities it has requested through various decisions. The Task Force proposed programmes of work have, in the past, been approved and implemented without adequate consultation with the National Bureaus or, by extension, the Parties. This methodology should change.

185. This has resulted in the reports of the National Bureaus and Task Force not being in harmony in terms of joint cross-border activities undertaken by each institution to fulfill its functions under Articles 4 and 5(9)-(10) of the Agreement. This has further resulted in the National Bureau reports focusing more on illegal trade at national level, and not as much on cross border or transboundary cooperative measures, with or without the Task Force. This scenario needs to change for both the National Bureaus and the Task Force. Consequently, the National Bureaus should play a role and be regularly consulted by the Task Force in the development of its programme of work, and other activities which the National Bureaus will further review and consider in the Governing Council, and approve for the Task Force to execute.

2. Expanded role of the Bureau of the Governing Council as an Implementation Committee

186. The Report has discussed the need to expand the role of the Bureau of the Governing Council to become an Implementation Committee for the Agreement. The Bureau is currently

composed of the President, the Vice-President and Rapporteur of the Governing Council. At each ordinary meeting of the Governing Council the President steps down, the Vice-President takes over as President, and the Rapporteur is appointed Vice-President. A new Rapporteur is thus appointed at every Governing Council meeting. Consequently, if the Governing Council meets yearly, each Bureau member will have a three-year term, and when it resolves to meet after every two years, as provided in the rules of procedure, then each member will effectively have a six year term. In terms of continuity, rotation and institutional memory, the Bureau members will therefore have either three-year or six-year terms.

187. In view of the limited number of Parties to the Agreement (currently six), the cost involved in establishing another independent institution, and the need to avoid a multiplicity of institutions, it is recommended that the existing Bureau of the Governing Council also serves as the Implementation Committee for the Agreement. It would review and monitor implementation of the Agreement, as well as its institutional mechanisms. However, to play this role effectively, it is proposed that the Bureau member, who is typically the Minister responsible for wildlife affairs, be accompanied by national technical experts, who would advise the Governing Council. They would possess a range of skills on the issues covered by the Agreement and serve for the term of the Bureau member, irrespective of the change of his or her status as a Minister. This modality further guarantees continuity and institutional memory in the work of the three institutions: Governing Council, National Bureaus and Task Force.

188. In this regard, the Bureau would be expected to assist and support the Governing Council with implementation of the Agreement, including with reviewing the proposed work plan and budgets of the Task Force and ensuring Parties' compliance with the Agreement, including financial commitments. If this proposal is accepted, the Governing Council may wish to further review and develop detailed terms of references for the expanded mandate of the Governing Council Bureau to serve not only as a Bureau to review the Council's documentation before its formal meetings or make interim decisions in between Council meetings but also as its Implementation Committee. The Bureau would also develop contingency plans for expanding the Task Force, and thereafter submit its reports and recommendations to the Governing Council for consideration.

3. Enhancement and strengthening of the role of the Task Force

189. It has been noted in the Review Report that some of the existing weaknesses with the Task Force have been caused by the inadequate guidance it receives from the decision-making organs established by the Agreement. The Governing Council has not been strict in its review and approval of the programmes of work or work plans prepared by the Task Force which in many cases do not have sufficient input of the National Bureaus.

4. Greater involvement in development and approval of Task Force work Plans

190. There is need to prepare Task Force work plans with full participation of the National Bureaus to ensure that there are linkages between National Bureau priorities and those the Governing Council Bureau expects the Task Force to undertake. This will ensure that the Task Force does not propose what it deems to be priority activities on its own, without close collaboration and consultation with the National Bureaus, and will focus on the most effective ways of tackling wildlife crime and illegal trade within the available resources. In this respect, the Governing Council needs to ensure that in reviewing and considering the proposed work plans by the Task Force as well as budgets, priorities and concerns of the National Bureaus are fully integrated and considered. Such emphasis on consultation would guarantee stronger roles by both the Bureaus and the Council in determining the mandate, direction and output of the Task Force.

5. Financial strategy

191. In view of the high levels of arrears among Parties, the Governing Council should, as a matter of priority, give due consideration to this issue, together with fund raising. In formulating a financial strategy, the Governing Council should consider ways and means to encourage Parties that are in arrears to pay their contributions.

192. The Governing Council also needs to search for ways to ensure it approves realistic budgets based on considered needs and priorities included in proposed work plans drawn up on the basis of realistic activities and availability of resources to execute them. Consequently, strict financial

management and control may be required at all levels. One mechanism could be for the Governing Council to consider approving a budget for only operational costs of the Task Force, while all or most of the Task Force activities are funded from extra-budgetary resources and other sources of funding. This would entail the Director of the Task Force having to rigorously fund raise for Task Force activities, his/her success being determined by the ability to do that.

193. Thus the Task Force needs to be instructed to develop a financial plan and strategy for the execution of the Agreement as well as a strategy for flexible funding raising for its activities from various donors and other sources to fulfill its envisaged mandate and functions in the interim until such time when the Parties are able to fully pay their dues. Medium to long-term programmes with objectives and goals identified taking into account demands of the work plan could also be developed, and donors and NGOs solicited to support specific activities of the Task Force as well as National Bureaus' programmes of work. It is also important to ensure that the Task Force remains conscious of its law enforcement mandate, and ensures that funds received are not conditioned so as to jeopardize the effort of the Task Force to combat illegal wildlife trade.

194. The Task Force needs to prepare and propose budgets for execution of the programmes of work for the Governing Council to consider and approve, taking into consideration determined priority needs and identification of activities which would be executed within available resources, and activities which would be implemented only if additional resources are secured. By doing so, the Task Force will be able to effectively report to the next Governing Council meeting priority activities implemented, and explain why other identified activities could not be undertaken. Consequently, there is need to identify which activities could, as a priority, be executed by Parties' contributions, and which ones would be executed only if additional funds are raised. This may reduce the burden of the Parties, and hence reduce the levels of assessed contributions. This methodology can, however, work only on an interim short-term basis. It is, therefore, crucial that the Parties, and the Task Force search for long-term solutions that will ensure sustainability in fund raising for their activities undertaken for the implementation of the Agreement. One proposal is to establish a trust fund for conducting law enforcement activities at national level.

6. Enhancing reporting formats for National Bureaus and Task Force

195. The Report has noted that the Governing Council considered and approved at its fifth meeting a template or format for preparation of Parties' reports by the National Bureaus for submission and discussion at its meetings. Based on a review of Parties' reports to the sixth Governing Council, the Report notes that Bureaus have tended to report more on national activities and less on activities concerning cross-border illegal trade in wild fauna and flora.

196. The reports by the Director of the Task Force do not follow any particular format or template and these too do not clearly show how or whether the various activities were decided in collaboration with the Bureaus and executed jointly with them. The result has been the submission by the Task Force of reports focusing on issues and activities which have been determined to be of priority by the Task Force and not necessarily the National Bureaus. Consequently, it is recommended that the Governing Council needs to completely review, revise and update the template or format for the submission of national reports as well as that of Task Force reports to ensure that they are more comprehensive, detailed and all encompassing.

197. The adoption of a comprehensive and all-encompassing template would enable the Governing Council to assess the pattern and trends of illegal trade in wild fauna and flora at national and cross border levels. In turn this will assist with setting Task Force priorities. Included in the template for the Task Force Director's report should be provisions to report on each of the activities undertaken pursuant to the functions of the Task Force as enumerated in Article 5(9) of the Agreement. Coupled with equally detailed reports from the respective National Bureaus, these would enable the Governing Council to discharge its functions of providing overall policy guidance and direction, as mandated under the Lusaka Agreement.

7. Develop contingency and strategic plans for increasing the number of Parties to the Agreement

198. The Report has noted that for each additional Party that accedes to the Agreement, the current institutional structure requires at least one additional field officer seconded to the Task Force, necessitating additional office space and equipment, all of which will call for additional

resources. Consequently, the Governing Council may need to undertake an assessment of the cost implications of additional Parties, and develop an appropriate strategy to manage expansion.

199. In such a strategy, the Governing Council may need to focus initially on countries which are neighbouring existing Parties, but which are presently not party to the Agreement. This would allow regions or sub-regions to focus on issues which are of common concern to them, but which still fall within the ambit of the Lusaka Agreement. This would also become more cost effective when incurring translation costs for meetings or official documentation. For instance, one of the priority aspects the Governing Council may wish to consider could be to solicit and collaborate more with countries bordering the Republic of Congo. For the Agreement to be effective for a Party like Congo-Brazzaville, it needs the other countries bordering it to accede to the Agreement so that together they can fight cross border illegal trade in wild fauna and flora and environmental crimes.

200. There is also need for the Governing Council to enhance the political profile of, and generate support for, the Lusaka Agreement through major regional political conferences, such as the East African Cooperation Summit, African Union Summit etc, which could also be used as avenues to deliberate on it, and promote accession by States.

201 **Table 18** below summarizes the necessary recommendations put forward to ensure the role of the Governing Council is further strengthened.

<p style="text-align: center;">TABLE 18</p> <p style="text-align: center;">Recommendations for strengthening the role of the Governing Council</p>	
<p>1) Promote a consultative process in the development of work plans:</p> <p>2) Encourage the development and approval of a financial strategy for the Task Force activities:</p> <p>3) Agree a strategy on payment of arrears.</p>	<p>There is need to ensure collaborative activities are determined and executed by the National Bureaus and the Task Force through the development of the Task Force strategic action plan, which has been called for under Decision IV/6.1 of the sixth Governing Council Meeting.</p> <p>The Governing Council needs to ensure that the Task Force develops a short, medium and long term financial strategy which will include a strategy for fund raising for its activities as a mechanism to guarantee sustainability in the medium and long term and establishment of a Trust Fund.</p> <p>In view of the present levels of arrears, the Governing Council should develop a strategy on payment of arrears by Parties that includes</p>

mechanisms to ensure future compliance.

- 4) **Strengthen, through regular reviews, its policy-making role:** Strengthen the role of the Governing Council in making strategic reviews of policies, objectives and progress as well as adopting more effective procedures for ensuring compliance by Parties and implementation of its decisions by the Task Force and National Bureaus.
- 5) **Extend the mandate of the Bureau of the Governing Council:** Expand the mandate of the Bureau of the Governing Council to include in its terms of reference a regular review and monitoring of the functions and performance of the Agreement, provision for input by nominated and elected national technical experts, and provisions enabling it to serve as the Agreement's Implementation Committee. This is in addition to the Bureau's current role to review and adopt recommendations from the National Bureaus.
- 6) **Monitor implementation of decisions adopted in previous Governing Council Meetings:** There is need to review and effectively follow up on the status of implementation and execution of past Governing Council decisions directed at the National Bureaus and the Task Force and ensure their fulfillment.
- 7) **Develop a new revised template for preparation and submission of activity reports:** The Governing Council needs to review, revise and adopt a new comprehensive and all-encompassing template or format for the preparation of Parties' reports by the National Bureaus and Task Force reports by the Director for review and consideration by the Governing Council.
- 8) **Encourage co-operation with other regional and international bodies:** To ensure complementarity, synergy and sharing of information, experiences, lessons learned as well as challenges, there is need to encourage the Task Force to continue to develop strong bonds and cooperation agreements with existing relevant regional and international bodies. These could include Interpol, WCO, ALFEG, COMIFAC, EAC, SADC, CITES and its relevant networks, to mention but a few.
- 9) **Develop a strategic plan to attract new Parties:** There is need to develop strategic and contingency plans for encouraging the accession of new Parties, taking into account cost implications and the need to focus on countries neighbouring existing Parties.
- 10) **Enhance political profile and generate support for the Lusaka Agreement:** To enhance the political profile of, and generate support for, the Lusaka Agreement, the President of the Governing Council should consider having the Agreement included in the agenda of major regional political conferences such as the East Africa Community Summit, the African Union Summit etc which could also be used as avenues to deliberate on it, promote accession and encourage countries to join.

202. The following are specific recommendations for enhancing and strengthening the role of the Governing Council Bureau. These recommendations are summarized in **Table 19** below.

<p style="text-align: center;">TABLE 19</p> <p style="text-align: center;">Recommendations for enhancing the role played by the Bureau of the Governing Council</p>
<p>The Bureau, would between meetings of the Council, take responsibility for reviewing and monitoring implementation of the Agreement on behalf of the Governing Council as follows:-</p> <ol style="list-style-type: none"> 1) In consultation with the National Bureaus, review the strategic work plan prepared by the Task Force, prioritize activities, and adopt medium to long-term strategies and objectives as well as financial implications. 2) Develop medium to long-term financial strategies; and on that basis assess and set annual contributions for the Parties. 3) Supervise development of strategic plan for medium to long term financing arrangements with donors. 4) Review budgets and financial management for the Task Force. 5) As an Implementation Committee, undertake regular review and monitoring of the implementation of the Agreement and the institutions established under it. 6) Develop contingency and strategic plans for eventual expansion of the Agreement.

RECOMMENDATIONS FOR STRENGTHENING THE ROLE OF THE TASK FORCE

203. The following are recommendations for strengthening the role of the Task Force.

1. Development of a practical programme of work

204. The Task Force has faced considerable difficulties due to inadequate finances to enable it to perform its functions. With most Parties not as yet paying fully towards the budget of the Task Force operations have been adversely affected. Limited funds have also resulted in few field officers being seconded to the Task Force to perform the functions and activities as mandated by the Agreement and the Governing Council. Coupled with these shortcomings, the Task Force has been operating without clear priorities set out in a strategic plan of action to guide its activities and functions. As a matter of priority, the Task Force needs to develop a strategic plan of action for the short, medium and long term as called for in decision VI/6.1 of the 6th Governing Council, as well as a funding strategy to boost its resources. The strategic plan and funding strategy would show how planned activities would be implemented within available financial resources, and which activities are expected to be undertaken in partnership with National Bureaus or other partners.

2. Development of capacity building programmes including training

205. Although the Task Force has successfully facilitated and, a number of capacity building programmes including training and awareness raising, the National Bureaus have been concerned that these courses have in many instances been planned and undertaken without consulting them. As a result the National Bureaus have participated in courses that, though much appreciated, did not necessarily reflect their priorities. Given a choice, they could have opted for a different type of the course. While the Task Force should be encouraged to continue to undertake and facilitate training and awareness programmes, they should be developed in collaboration with the National Bureaus in order to determine the priority needs of each institutions as well as the value of each course to the work of the Task Force and implementation of the Agreement.

206. The ‘training of trainers’ courses should be strongly encouraged, and persons trained should thereafter be assessed to determine how well they have conducted similar courses at national level. With over twenty five training courses and awareness raising workshops organized by the Task Force and held so far, it may be an opportune moment for the Task Force to assess the impact and results such programmes have made on the individuals trained and through them the institutions they are serving as far as the implementation of the Agreement is concerned as well as collaboration between the Task Force and National Bureaus.

207. Furthermore, training should embrace all interested national groups. The assessment of law enforcement capacities and needs of the Parties, which the Governing Council had directed at its second meeting, should be followed up and finalized. This assessment should determine the status of existing technical and institutional capacities and needs of the National Bureaus and identify gaps to be filled. Such an assessment will enable the Task Force to determine priority needs and focus its support in development of training programmes for National Bureaus and their law enforcement officials as well as field officers. It is, therefore, recommended that in future, the Task Force should ensure that the training courses it initiates and organizes are demand driven as opposed to supply driven.

3. Provision of regional assessments

208. There is need for regular regional assessments analysing wildlife crime and illegal trade. The objective here is to make the work of the National Bureaus more effective, and especially more pro-active rather than reactive, as the Task Force performs the functions listed under Article 5(9), which are further elaborated in the Operational Rules and Procedures by a list of about thirteen specific activities.

209. The provision of regional assessments depends on the Task Force successfully setting up wide ranging information links and networks and creating the necessary databases for intelligence information. This is a highly specialized set of tasks requiring field officers with very specific skills. The assessments which the Task Force would provide to the National Bureaus would include analyses of wildlife crime intelligence; and patterns of wildlife crime and illegal trade at sub-regional, regional and (as appropriate) international levels. It is, therefore, crucial that as the Task Force develops its database and skills, it works closely with other regional and international networks and links its database with theirs.

4. Conducting international investigations

210. The Task Force should, as appropriate and with their consent, carry out on behalf of the National Bureaus investigations of specific wildlife crimes, form joint investigation teams if necessary and report on the outcome and implications of such investigations to the National Bureaus. The objective analyses of specific crimes of this nature will be of real value to the National Bureaus, and to Police and Customs, in the fight against wildlife crime and illegal trade. As with routine intelligence assessments, it will enable the enforcement agencies to become more proactive in their activities. An important part of this work will be targeted investigations, based upon detailed assessments, of specific parts of illegal trade networks.

5. Networking with international and regional entities

211. The Task Force needs to establish effective coordination and co-operation with other relevant sub-regional, regional and international organizations and MEAs as well as with the

enforcement units of neighbouring countries (including those which are not parties to the Lusaka Agreement). In this regard it must follow up on the initiatives it has begun to enhance co-operation with key regional fora such as the East African Community (EAC) and SADC Wildlife Protocol, the African Forests Law Enforcement & Governance (AFLEG) initiative, and the Conference of Ministers in Charge of the Forests of Central Africa (COMIFAC). It should also seek to conclude MOUs with Interpol and the WCO and enhance cooperation with CITES. The anticipated signing of a Memorandum of Understanding (MOU) between the Task Force and AWFCO, or OCFSA, to collaborate on issues of effective conservation of wild fauna, especially law enforcement, during the next Governing Council meeting is a welcome move.

6. Community policing and awareness building

212. It is important that activities of the Task Force include awareness-raising directed at other law enforcement agencies and local communities. Better understanding of the Agreement by them will encourage compliance and support for the objective of the Agreement.

213. The following **Table 20** summarizes the necessary recommendations for strengthening the role of the Task Force.

TABLE 20 Recommendations for strengthening the role of the Task Force	
1)	Develop and monitor implementation of Strategic Plan: The development of a short, medium and long term strategic plan of action (Decision VI/6.1 of the 6 th Governing Council meeting) should be undertaken and completed by the Task Force as soon as possible.
2)	Promote support to National Bureaus: Working in full partnership with National Bureaus, the Task Force needs to focus its training and capacity building programmes towards the agreed requirements and needs of the National Bureaus in the short, medium and long term. Further, it needs to assess the impact and results such programmes have made on the individuals trained and through them the institutions they are serving as far as the enforcement of the Agreement is concerned as well as collaboration between the Task Force and National Bureaus. There are lessons to learn from regional customs partnerships and their collaboration with national customs and revenue authorities which could be included in the capacity building and training programmes.
3)	Assess of law enforcement needs and capacities: The Task Force needs to follow up and finalize the assessment of law enforcement capacities and needs of the Parties requested by the second Governing Council but which has not been completed to date. This assessment will enable the Task Force to determine the status of existing technical and institutional

- capacities and needs of the National Bureaus and identify gaps which need to be filled.
- 4) **Promote inter-agency coordination:** The Task Force needs to assist the National Bureaus to develop effective and operational inter-agency coordination and co-operation to gather, exchange and disseminate intelligence and information, and implement field operations. In this regard, the Task Force and National Bureaus need to work together to develop harmonized reporting systems on cases, or a case management system.
 - 5) **Assist in the development and harmonization of relevant laws and regulations:** The Task Force needs to participate in the process of developing and/or strengthening and harmonizing relevant wildlife and other related laws and regulations. It is important that National Bureaus and the Task Force effectively implement decisions IV/1 and VI/1 on the development and harmonization of Parties' wildlife laws. When both decisions are implemented, they will fulfill the Parties obligations under Article 4 and the Task Force functions under Article 5 (9), as well as aspects of Rule 2.3 of the Operational rules.
 - 6) **Support community policing and awareness building:** It is important that activities of the Task Force include awareness-raising programmes directed at other law enforcement agencies and local communities. Better understanding of the Agreement by them will encourage compliance and support for the objective of the Agreement.
 - 7) **Follow up and report on implementation of past Governing Council decisions:** The Task Force needs to follow up past Governing Council decisions concerning implementation which have not been executed nor status of execution reported back to the Council.
 - 8) **Develop its database and strengthen links and networks with relevant intelligence databases:** In consultation with the National Bureaus and regional enforcement organizations, the Task Force needs to explore on the existing databases, compile, maintain and update a regional intelligence database on wildlife crime and illegal trade in wildlife products; and forge links with INTERPOL/ROCCISS and RILO/CEN databases. This will make the Task Force a resource for National Bureaus and other enforcement agencies in the course of their work.
 - 9) **Undertake strategic assessments:** The Task Force needs to undertake annual analysis and assessment of the volumes, value and patterns of illegal trade in wild flora and fauna; methods of smuggling (container profiles, air freight profiles) etc. It may need to call on all data sources including National Bureaus, CITES, consultant reports, NGOs, and the databases of WCO/RILO/CEN and INTERPOL/ROCCISS or I-24/7.
 - 10) **Promote international cooperation:** The Task Force needs to actively promote cooperation through development of closer links with partners at sub-regional, regional and international levels (e.g. with Interpol, WCO, CITES etc.), and regular exchange of information and intelligence between the agencies, the Task Force and the National Bureaus. It should provide to the National Bureaus regular assessments and analyses of wildlife crime intelligence and data on patterns of wildlife crime and illegal trade, at sub-regional, regional and (as appropriate) international level.
 - 11) **Co-operate in international investigations:** As appropriate, the Task Force needs to carry out on behalf of the National Bureaus investigations of specific wildlife crimes, set up joint investigation teams to investigate specific cases of wildlife crime and to target, disrupt and wind up specific illegal networks, and report on the outcome and implications of such investigations to the National Bureaus.

PART V

CONCLUSION

214. The main objective of the Agreement is for the Parties to undertake activities intended to reduce and ultimately eliminate illegal trade in wild fauna and flora. In this regard, the Agreement establishes a three-tier collaborative framework consisting of a permanent body—the Task Force (Article 5); a national implementing and enforcement body called National Bureau (Article 6); and a ministerial body called the Governing Council (Article 7). As the Report has noted, although it is a decade since the Agreement was adopted, its main institutional structure, the Task Force, was only established five years ago and is still in the process of fully establishing itself and acquiring the necessary human and financial resources required for it to operate effectively. In so doing, it has experienced a number of difficulties and challenges. Nonetheless, as the Agreement marks its tenth year of existence, its Governing Council thought it desirable to review and evaluate its effectiveness and implementation so far, as well as its three-tier institutional framework, to determine the extent to which the Agreement has succeeded in fulfilling its aspirations and objective.

215. It is also intended to ensure that as its institutions become more established and undertake activities envisaged under the Agreement, those activities and operations will be carried out effectively and in the most cost effective manner. It is for this reason that the Governing Council of the Agreement requested the Executive Director of UNEP to initiate and assist the Parties to carry out a review of the work of the Task Force and its impact in the implementation of the Agreement since its adoption in 1994, and to *make recommendations for the enhancement of the Task Force and the Agreement* (emphasis added)⁹⁴.

216. The Review Report has, therefore, assessed the efficiency and effectiveness of the institutions established to facilitate the implementation of the Agreement, and has made recommendations intended to further enhance and strengthen activities of not only the Task

⁹⁴ See GC Decision VI/6 para 1 in the Report of the 6th Governing Council Meeting of the Parties to the Lusaka Agreement held in Nairobi, Kenya from 21-22 July 2003 in Doc LATF/LAGC.6

Force but also the other bodies established by the Agreement, namely, the National Bureaus and the Governing Council.

217. As the Review Report has shown, the primary challenge to the implementation of the Agreement has been lack of adequate financial resources to implement effectively the work plan approved by the Governing Council. A comprehensive funding strategy, which is equally important, is missing, despite the fact that it could have been a useful tool to assist the Task Force in its fund raising activities. Another challenge has been too few field officers to carry out the work of the Task Force. Furthermore, implementation of the Agreement has been adversely affected by the lack of a short, medium and long term strategic plan of action to guide activities on the basis of identified priorities. There has also been an inadequate understanding of the capacity and needs of National Bureaus.

218. It is hoped that in resolving these key challenges, and identifying solutions to the remaining problems identified, the Governing Council will take a proactive role in guiding the Task Force and give direction on measures that could be undertaken to ensure that the National Bureaus and the Task Force conduct their activities effectively and on a sound footing. For this to be effected, the Governing Council is requested to consider the recommendations made and provide guidance and direction on the best modalities to effect those which will be considered positively.

219. Illegal trade presents a major problem for African countries attempting to conserve their wild fauna and flora, and it is therefore crucial that the Agreement be strengthened and enhanced, to ensure that it is capable of meeting its objective of reducing and ultimately eliminating this illegal trade. It cannot do this alone and therefore more cooperation and collaboration with other national, regional and global partners and agencies in the field needs to be promoted.

220. The Review Report points out that countries and regions will continue to watch the Agreement to assess whether it could easily serve as a blueprint and model for similar regional law enforcement mechanisms in other parts of the world. The Asian region has been receiving

input from UNEP on the mechanism and methodology used by the Lusaka Agreement. The Prime Minister of Thailand, in his opening speech to the 13th meeting of the CITES Conference of Parties, held in Bangkok from 2-14 October 2004, proposed the establishment of a new regional law enforcement network against wildlife crime and stated that if there was interest in this initiative Thailand was ready to host a meeting in 2005 to pursue it. Only three years ago, UNEP received a request for information on replication of the Lusaka Agreement from the Latin America and Caribbean region. These examples demonstrate that other national and regional law enforcement agencies have been watching how the Agreement and the Task Force performs, while assessing the viability of establishing their own unique mechanisms. The Task Force has made a bold start but it is hoped that the aftermath shall usher in an era of effective implementation of and compliance with the Lusaka Agreement while taking measures to search for solutions on the challenges faced or to be faced in the future.

**TERMS OF REFERENCE FOR A
REVIEW OF IMPLEMENTATION OF THE LUSAKA AGREEMENT
INDEPENDENT EVALUATION**

BACKGROUND

1. The Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora will enter into its tenth year of existence in September 2004. The Lusaka Agreement is the only existing regional enforcement instrument implementing CITES in Africa. It is open for accession to all African States. However, significant change which need to be taken into account have occurred since its adoption, such as the revision of the 1968 Algiers Convention; the establishment of AU, to mention but a few.
2. The main objective of the Agreement is to assist the Party States to reduce and ultimately eliminate illegal trade in wild fauna and flora.
3. The governments that have ratified their membership to the Agreement include the Republics of Congo (Brazzaville), Kenya, Tanzania, Uganda, Zambia and the Kingdom of Lesotho while the Republic of South Africa, the Kingdom of Swaziland and Ethiopia are signatories.
4. The Lusaka Agreement is composed of three main structures namely:
 - (a) The Governing Council;
 - (b) The Task Force and;
 - (c) The National Bureaus.
5. The implementation of the Lusaka Agreement is mainly guided by the text of the Agreement (Lusaka Final Act) that was signed by the representatives of Party States on 8th September 1994 and subsequently deposited with the Secretary-General of the United Nations.

6. To implement effectively the Agreement, a permanent regional Task Force (The Lusaka Agreement Task Force- LATF) was established and commenced its operations on June 1st, 1999. The Task Force is composed of national law enforcement officers seconded from member states. To date, the Task Force has and continues to cooperate with designated National Bureaus in the Party States in implementing the Agreement. Despite some successful operations in combating illegal trade overtime the efficient and effective implementation of the Lusaka Agreement has faced difficulties some of which are related to funding from the Parties, institutional set up, inability to attract new members, to mention but few.
7. Since inception, the Task Force has played a major role on co-operative enforcement operations aimed at reducing and minimizing the illegal trade of wild fauna and flora. To fulfill this mandate, the Task Force continued to conduct investigations and gather intelligence information through field operations undertaken in Party States. In addition, capacity building programs have been conducted in Party States, which have imparted the necessary technical and professional skills. Nevertheless, successful operations in combating illegal trafficking syndicates in wild fauna and flora can only be achieved by having well equipped and trained enforcement personnel on the ground. These operations have led to successful arrests, prosecutions and recovery of wildlife specimens.

NEEDS/ JUSTIFICATION

8. The primary objective of the Lusaka Agreement is to reduce and ultimately eliminate illegal trade in wild fauna and flora. To do this, the Agreement establishes a permanent Task Force for the purpose (Article 2). The Agreement further obliges the Parties to undertake certain measures at national level to ensure its effective and efficient implementation (Article4). For effective implementation, the Agreement establishes a three tier institutional mechanism comprising of a permanent regional body called the

Task Force (Article 5); a national implementing body called national bureau (Article 6) and a ministerial body called the Governing Council (Article 7).

9. As the Agreement is about to celebrate its 10th anniversary, there is need to undertake a complete review and evaluation of the workings of the institutions established under it. There is need to assess their efficiency and effectiveness in facilitating the implementation of the Agreement. It is important to assess and determine the extent to which:
 - (a) the Agreement has or has not succeeded to fulfill its objective;
 - (b) whether the Parties to the Agreement have or have not been able to fulfill their obligations called for under the Agreement and if not reasons for the failure or delays;
 - (c) whether the institutional structures established under the Agreement are effective and efficiently functioning;
 - (d) financial situation and management of funds for the work of the LATF and the implementation of the Agreement by the Parties and the Task Force;
 - (e) whether the Agreement has succeeded or not to attract new Parties since it is open to any African State (Article 12(3)). In other words, there is need to review and evaluate the effectiveness of the implementation of the entire Agreement as well as bodies established under it and make appropriate recommendations to ensure it achieve its desired objective in the light of the experience gained in its operation (Article 9).
10. The 6th Governing Council at its meeting in July 2003, requested the Executive Director of UNEP in cooperation with the Director of the Task Force, to initiate the process of carrying out an independent review of the work of the Task Force and the impact of the implementation of the Agreement, since its adoption in September 1994, and to make recommendations for the enhancement of the Task Force and the Agreement (*Decision VI/6.1*).

11. Furthermore, the Council requested the Director of the Task Force to develop a strategic plan of action for the implementation and enforcement of the Agreement at regional and national level in the short, medium and long term (*Decision VI/6.2*). The development of this action plan will depend on the outcome and results of the evaluation report.
12. There is, therefore, need to assess the effectiveness of the Agreement and to improve the Task Force's and member states' implementation of the Agreement. This would lead to developing a strategic action plan to enhance the work of the Agreement in achieving its goals. In this regard, the Governing Council deemed it necessary to undertake an independent evaluation of the implementation of the Lusaka Agreement.
13. The evaluation is a strategic requirement for enhancing the institutional and functional capacities of the Lusaka Agreement with regard to the established mechanisms and procedures. The independent evaluation will entail a comprehensive review and assessment of the existing arrangements and provision of valuable guidance as regards to the best way forward.

OBJECTIVES

14. Based on the recommendation of the Governing Council of the Lusaka Agreement and the request to UNEP to facilitate the review process, UNEP, in collaboration with the LATF is commissioning an Independent Evaluation in order to:
 - (a) Determine options for the effective implementation or revision of the Lusaka Agreement including the financial implications of actions related to the implementation of the Agreement.
 - (b) Critically analyze and assess the achievements and problems or challenges facing the implementation of the Agreement, both at national level with National Bureaus, at regional level with the LATF, at international level in relation with relevant organizations such as CITES, WCO and Interpol to mention a few and address the main factors contributing to these problems.

- (c) Identify what the Agreement and the LATF has accomplished or achieved as well as contributed to meeting objectives of the Agreement.

OUTPUTS

15. Review/Evaluation report that will include *inter-alia*:

- (a) An analytical evaluation/assessment report clarifying the institutional capacity needs and constraints in the framework of the Lusaka Agreement, in particular those of the Task Force and a number of selected member countries, including relevant recommendations and suggestions.
- (b) Workshop: Findings will be presented by the independent evaluators at a workshop, organized by the LATF, validating the report. The workshop will consider the substantive issues raised in the report and discuss the way forward, including recommendations for strategic approaches.

ACTIVITIES

16. The independent evaluation encompasses the following activities:

- (a) Planning and organizing for the evaluation
- (b) Conducting the interviews with staff of LATF, Parties' National Bureaus, signatories' wildlife authorities and donor institutions. This includes travel to the following selected countries: Uganda, Tanzania, Zambia, Lesotho, South Africa and Republic of Congo.
- (c) Review of documents such as activity reports of the LATF, Decisions of Governing Council sessions,
- (d) Consultations with relevant international bodies on law enforcement, such as, Interpol, WCO and CITES Secretariat; and, but not least,
- (e) Coordination and presentation of Evaluation report,

TERMS OF REFERENCE

17. Pursuant to the broad objectives of an independent evaluation, the terms of reference for Evaluation Team will include the undertaking of the following activities, and/or functions:

- (a) Review relevant documentation available at the LATF, National Bureaus and UNEP, and make recommendations;
- (b) Analyze and appraise the implementation of the Lusaka Agreement since its adoption; in relation to or achievements of or failure of its objectives and make recommendations;
- (c) Review and evaluate the real operationally of the LATF as an international body with legal personality, and its relation to national laws and practice in the Parties to the Agreement; Programs of Work of the Task Force; including the usefulness of each activity and assess whether and in what way the objectives of the Agreement have been met so far, including measurability of outputs;
- (d) Examine the documents as well as reports and conduct interviews as appropriate, to ascertain the extent to which the relevant investigative procedures and the training of country experts in the framework of the LATF activities have impacted on policy-making and operations in member countries and promoted sustainability of the LATF activities in each member country;
- (e) Examine the records and consult with the donors and the members of the Governing Council to ascertain the frequency, effectiveness, extent and scope of activities and financial reporting;
- (f) Use reports of meetings, correspondence and interviews to ascertain the extent to which collaboration between UNEP, LATF, National Bureaus as well as other members of the Governing council of the implementation and supervision of activities has been achieved and to assess the collaborative mechanisms in relation to the LATF and National Bureaus structure and operation;
- (g) At national level, review the Task Force Budget and the funding contributions from the member states, identify and propose strategies and solutions for the current difficulties of parties for not contributing as approved. In this regard, examine the

- country budgets and deploy interviews to explore the cost-effectiveness in the mobilization and use of funds and other resources and make recommendations in relation thereto;
- (h) Assess the impact of the LATF activities on policy-making and implementation in the member countries involved;
 - (i) Examine other institutions with similar objectives in the region which are related to the purposes of the Agreement, in order to identify proposals for strengthening the synergies and avoiding duplication;
 - (j) Make a critical appraisal of the administrative, and institutional arrangements established under the Lusaka Agreement in the framework of LATF, including the roles of the Party States and to make recommendations in relation thereto.
 - (k) Present the findings of the review to UNEP and LATF for review and thereafter to an independent Peer Review and then to the Parties' consensus building workshop and later to the Governing Council of Lusaka Agreement.

PROJECT DURATION

18. The duration of the assignment shall be three months extended over four months period.

REVIEW TEAM

19. The independent review is proposed to be undertaken by expert(s) from the region/continent with appropriate experience and backgrounds in Wildlife law enforcement, implementation and enforcement of multilateral and regional environmental agreements, Environment and Natural Resources Legislation and Environmental Auditing.
20. It is required that one or two consultants or a consultancy firm be recruited to undertake the assignment. The selection of the consultants will be based on a number of criteria including *inter alia*;
- (a) Possess at least a Masters Degree in Environmental law or its equivalent;

- (b) Have familiarity and basic knowledge of cooperative law enforcement mechanisms;
- (c) Skilled in enforcement and implementation of environmental agreements;
- (d) Have broad knowledge of evaluation concepts and methods;
- (e) Must have undertaken similar evaluations;
- (f) Possess linguistic skills (French and English).

21. The review team is expected to work independently

LIST OF CONTACTS AND DOCUMENTATION

BOTSWANA

1. **BATSHABANG, Moemi R.**

Assistant Director, Management and Utilization: Department of Wildlife and National Parks Department of Wildlife and National Parks, P.O. Box 131 Gaborone Botswana. Phone: +267 3971405 Fax: +276 3914688 E-mail: mbatshabang@gov.bw

2. **ENOCK, Manuel**

Forestry and Wildlife Expert: Directorate of Food, Agriculture & Natural Resources SADC Secretariat Directorate of Food, Agriculture and Natural Resources P/Bag 0095 Gaborone Botswana. Phone: +267 3951863 SADC Mobile: 71451213 Fax: +267 3972848 E-mail: ManuelE@sadc.int

3. **HOLMES, H. E. Cecil A.**

High Commissioner: Zambia High Commission, P.O. Box 362 Gaborone Botswana. Phone: +267 3951951 Fax: +267 3953952 E-mail: holmes@mega.bw

4. **MATLHARE, Joe**

Director: Botswana Wildlife Service Gaborone Botswana. Phone: +267 3971349 Home: +267 328911 E-mail: jmatlhare@gov.bw

5. **MODISE, Sedia C.**

Co-ordinator: Limpopo/Shashe TFCA: Peace Parks Foundation Peace Parks Foundation House No: 112 Independence Avenue, P.O.Box 830 Gaborone Botswana. Phone: +267 3902407 Mobile: +267 71707745 Fax: +267 3902407 E-mail: peaceparks@botsnet.bw

6. **NYIRENDA, Margaret**

Director: SADC Wildlife Protocol Secretariat SADC Wildlife Protocol Secretariat Gaborone Botswana. Phone: +267 3951863 SADC Mobile: +267 (717) 56768 Fax: +267 3972848 E-mail: nyirenda@sadc.int

7. **THEOPHILUS, Isaac**

Deputy Director: Department of Wildlife and National Parks Department of Wildlife and National Parks, P.O.Box 131 Gaborone Botswana. Phone: +267 3971405 Home: +267 3911572 Mobile: 71850674 Fax: +276 3912354 E-mail: itheophilus@gov.bw

CONGO

8. BANDELIER, Jacques

Deputy Resident Representative: UNDP United Nations Development Programme Avenue Foch, P.O. Box 465 Brazzaville Republique du Congo. Phone: +242 815038 / 677599 / 608576 Mobile: +242 516774 Fax: +242 811679 E-mail: jacquesbandelier@undp.org

9. DJOMBO, Henri

Ministre: MEFE Ministere de L'Economie Forestiere et de l'Environnement B.P. 98Brazzaville Republique du Congo. Phone: +242 (81) 41.36 Fax: +242 (81) 41 36

10. ETEKA-YEMET, Valere Gabriel

Directeur de Cabinet: MEFE Ministere de L'Economie Forestiere et de l'Environnement B.P. 98Brazzaville Republique du Congo. Phone: +242 (81) 41.36 Fax: +242 (81) 41 36 E-mail: vyeme@yahoo.fr

11. KOMBO, Germain

Conseiller de l'Environnement: MEFE Ministere de L'Economie Forestiere et de l'Environnement, B.P. 98Brazzaville Republique du Congo. Phone: +242 6689331 / 5587485 Fax: +242 (81) 41 34 /36 E-mail: germain.kombo@caramail.com

12. NKABI, Mme Antoinette

Conseiller a la Faune et aux Aires protégées: MEFE Ministere de L'Economie Forestiere et de l'Environnement B.P. 98Brazzaville Republique du Congo. Phone: +242 (551) 6742 / 6887527 Mobile: 242-6668024 Fax: +242 (81) 41 34 /36 E-mail: antoinettenkabi@yahoo.fr

13. ONKAGUI, Julian

Conseiller aux Forêts: MEFE Ministere de L'Economie Forestiere et de l'Environnement B.P. 98Brazzaville Republique du Congo. Phone: +242 (551) 6742 / 6887527 Fax: +242 (81) 41 34 /36 E-mail: onkaguij@yahoo.fr

14. BOCKANDZA-PACO, Frederic

Chief: Bureau National de l'Accord de Lusaka, Ministere de L'Economie Forestiere et de l'Environnement B.P. 98Brazzaville Republique du Congo. Phone: +242 6782852 E-mail: bockpaco_can@yahoo.fr

15. Okombi ONGAGNA, Virginie

Fonctionnaire: Bureau National de l'Accord de Lusaka Bureau National de l'Accord de Lusaka Ministere de L'Economie Forestiere et de l'Environnement : B.P. 98Brazzaville Republique du Congo. Phone: +242 6611138 E-mail: ongagnaokombivirginie@yahoo.fr

16. MABIALA, Noe

Chef de Service Aires Protégées: Direction de la Faune Ministere de L'Economie Forestiere et de l'Environnement Direction de la Faune B.P. 98Brazzaville Republique du Congo. Phone: +242 5577435 E-mail: n_mabiala@yahoo.fr

17. KIBOKANI, Auguste

Chef de Service de la Valorization des Ressources Forestiers: Department de Brazzaville Direction Departementale de L'Economie Forestiere de Brazzaville P.B. 98Brazzaville Republique du Congo E-mail: kibaugust@yahoo.fr

KENYA

18. **ABDEL-MONEM, Mohamed A. S.**

Natural Resources Officer: UNEP Regional Office for Africa, P.O. Box 47074 Nairobi, Kenya. Phone: +254- (0) 20-624154 Fax: +254- (0) 20-623928 E-mail: mohamed.abdel-monem@unep.org

19. **ALUSA, Alexander L.**

Deputy Director: UNEP Regional Office for Africa, P.O. Box 47074 Nairobi Kenya. Phone: +254- (0) 20-623455 Fax: +254- (0) 20-623928 E-mail: alex.alusa@unep.org

20. **BARNETT, Robert**

Consultant: Consultant Kenya Mobile: 0720-892204

21. **BISONGA, John K.**

Head: WCO - Regional Intelligence Liaison Office, East and Southern Africa World Customs Organization R.I.L.O. East and Southern Africa, P.O. Box 72236 Nairobi Kenya. Phone: +254- (0) 20 340414 Mobile: 0722-510996 Fax: +254- (0) 20 317964 E-mail: riloke@africaonline.co.ke

22. **BLANC, Julian**

African Elephant Database Manager: IUCN/SSC African Elephant Specialist Group, P.O. Box 68200 00200 Nairobi Kenya. Phone: +254 (0) 20 576461 Fax: +254 (0) 20 570385 E-mail: julian.blanc@ssc.iucn.org

23. **BOUND, Constant-Serge**

Chief: Library and Documentation Centre United Nations Environment Programme, P.O. Box 30552 Nairobi Kenya. Phone: +254 (0) 20-623105 Fax: +254 (0) 20-623927 / 3692 E-mail: serge.bound@unep.org

24. **CRAWFORD, Jared**

Consultant: Consultant Langata Link Kenya. Phone: +254 (0) 20-891678

25. **DAHIA, Brigadier Awad E.**

Regional Specialized Officer: Interpol Sub-Regional Bureau for Eastern Africa Milimani Road, P.O. Box 42997 Nairobi Kenya. Phone: +254 (0) 20-2719750 / 2724618 Mobile: 0722-399307 Fax: +254 (0) 20-2719556 E-mail: awad_dahia@yahoo.com

26. **DUBLIN, Holly**

Chairman: African Elephant and Rhino Specialist Group Nairobi Kenya. Phone: +254 (20) 576461

27. **EBAYI, Bonaventure**

Field Officer: Lusaka Agreement Task Force, P.O. Box 3533 00506 Nairobi Kenya. Phone: +254 (0) 20-609770 / 1 Fax: +254- (0) 20-609768 E-mail: administrator@lusakaagreement.org

28. **GATHITU, Paul**

Senior Warden Nairobi National Park: Kenya Wildlife Service Nairobi National Park, P.O. Box 42706 Nairobi Kenya. Phone: +254 (0) 20- 500622 / 603769 Fax: +254 (0) 20-600324 E-mail: NNP@KWS.ORG

29. **HEPWORTH, Rob**
Deputy Director: UNEP / DEC United Nations Environment Programme, P.O. Box 39552 Nairobi Kenya. Phone: +254 (0) 20-623260 Mobile: +44 7976753074 Fax: +254 (0) 20-623926 E-mail: Robert.Hepworth@unep.org

30. **HUNTER, Nigel**
Director: CITES/MIKE, P.O. Box 68200 00200 Nairobi Kenya. Phone: +254 (20) 576838 Mobile: +254 (0) 722 714373 Fax: +254 (0) 20 570385 E-mail: nigelhunter@citesmike.org

31. **KAMWELA, Geoffrey Y.**
Regional Specialized Officer (Wildlife): Interpol Sub-Regional Bureau for Eastern Africa Milimani Road, P.O. Box 42997 Nairobi Kenya. Phone: +254 (0) 20-2719750 / 2724618 Mobile: 0722-615550 Fax: +254 (0) 20-2719556 E-mail: interpol@africaonline.co.ke

32. **KARUGABA, Karl**
Field Officer: Lusaka Agreement Task Force, P.O. Box 3533 00506 Nairobi Kenya. Phone: +254 (0) 20-609770 / 1 Fax: +254- (0) 20-609768 E-mail: karl@lusakaagreement.org, E-mail 2: kkarugaba@yahoo.co.uk

33. **KISAMO, E. Stephen**
Director: Lusaka Agreement Task Force, P.O. Box 3533 00506 Nairobi Kenya. Phone: +254 (0) 20-609770 / 1 Fax: +254- (0) 20-609768 E-mail: administrator@lusakaagreement.org

34. **MBATHA, Sammuel**
Computer Programmer: Lusaka Agreement Task Force, P.O.Box 3533 00506 Nairobi Kenya. Phone: +254 (0) 20-609770 / 1 Fax: +254- (0) 20-609768 E-mail: administrator@lusakaagreement.org

35. **MREMA, Elizabeth**
Senior Programme Officer: UNEP Division of Environmental Policy Implementation United Nations Environment Programme, P.O.Box 30552 Nairobi Kenya. Phone: +254 (0) 20-624252 / 3252 / 4256 Mobile: 0733-332376 Fax: +254 (0) 20-623859 / 3917 / 4249 E-mail: elizabeth.mrema@unep.org

36. **MUKOLWE, Evans**
Director: Kenya Wildlife Service Kenya Wildlife Service, P.O.Box 40241 Nairobi Kenya. Phone: +254 (0) 20 600800 Fax: +254 (020) 603792 fax1 E-mail: kws@kws.org

37. **MURUTHI, Philip**
Director of Science: African Wildlife Foundation British American Centre Mara Road, P.O.Box 48177 00100 Nairobi Kenya. Phone: +254 (0) 20 2710367 Fax: +254 (0) 20 2710372

38. **MUTUNGI, Stanley**
Head of Security: Kenya Wildlife Service Kenya Wildlife Service, P.O.Box 40241 Nairobi Kenya. Phone: +254 (0) 20 600097 Mobile: 0733-779574 Fax: +254 (020) 603792

39. **MWALE, Clement**
Intelligence Officer: Lusaka Agreement Task Force, P.O.Box 3533 00506 Nairobi Kenya. Phone: +254 (0) 20-609770 / 1 Fax: +254- (0) 20-609768 E-mail: administrator@lusakaagreement.org

40. **MWANDAI, Julius M.**
Head of Investigations: Kenya Wildlife Service Kenya Wildlife Service, P.O.Box 40241 Nairobi Kenya.
Phone: 600800 / 501081/4 602345 Fax: 505866 / 503218 E-mail: investigation@kws.org
41. **NKAKO, Francis M.**
Managing Director: Ewaso Nyiro South Development Authority Narok Kenya Mobile: 0722-852005 E-mail: md.ensda@clubinternetk.com
42. **NUWAMANYA, Edison**
Sub-Regional Support Officer, East Africa: CITES/MIKE, P.O. Box 68200 00200 Nairobi Kenya. Phone: +254 (0) 20 570522 Mobile: 0722-673387 Fax: +254 (0) 20 570385 E-mail: edisonnuwamanya@citesmike.org
43. **OMONDI, Patrick**
Elephant Programme Coordinator: Kenya Wildlife Service Kenya Wildlife Service, P.O. Box 40241 Nairobi Kenya. Phone: +254 (0) 20 600800 Fax: +254 (020) 603792 fax1 E-mail: pomondi@kws.org
44. **REEVE, Rosalind**
Consultant: Consultant Kenya. Phone: +254 (0) 20 3746866 Mobile 0733-616869 E-mail: ros@africaonline.co.ke
45. **RINGERA, J. M**
Head of Intelligence: Kenya Wildlife Service Kenya Wildlife Service, P.O. Box 40241 Nairobi Kenya.
Phone: 600800 / 501081/4 602345 Mobile: 0721-471122 Fax: 505866 / 503218
46. **RUTAGARAMA, Eugene**
Director: International Gorilla Protection Programme British American Centre Mara Road, P.O. Box 48177 Nairobi 00100 Kenya. Phone: +254- (0) 20-2710367 Fax: +254- (0) 20- 2710372 E-mail: Erutagarama@awfke.org
47. **SAMNOTRA, V.**
Senior Programme Officer, Division of Environmental Conventions: United Nations Environment Programme, P.O. Box 30552 Nairobi Kenya. Phone: +254 (0) 20-623395 Fax: +254 (0) 20-623410 / 624300 E-mail: vijay.samnotra@unep.org
48. **TIRIONGO, Tom**
Finance Officer: Lusaka Agreement Task Force, P.O. Box 3533 00506 Nairobi Kenya. Phone: +254 (0) 20-609770 / 1 Fax: +254- (0) 20-609768 E-mail: administrator@lusakaagreement.org
49. **TOURE, Sekou**
Director: UNEP Regional Office for Africa, P.O. Box 47074 Nairobi Kenya. Phone: +254- (0) 20-624284 Fax: +254- (0) 20-623928 E-mail: sekou.toure@unep.org
50. **WAMITHI, Michael**
Regional Advisor, Africa: IFAW International Fund for Animal Welfare Nairobi Kenya. Phone: +25420 570540 / 574874
51. **WAMUKOYA, Elizabeth**
Administrative Officer: Division of Environmental Policy Implementation United Nations Environment Programme, P.O.Box 30552 Nairobi Kenya. Phone: +254 (0) 20-623480 Mobile: 0733-761823 Fax: +254

(0) 20-230198 E-mail: elizabeth.wamukoya@unep.org

52. **WANDERA, Philip**

PA to Director: Kenya Wildlife Service Kenya Wildlife Service, P.O.Box 40241 Nairobi Kenya. Phone: +254 (0) 20 600800 Fax: +254 (020) 603792

53. **WATO, Habiba**

Telecommunications Assistant: Lusaka Agreement Task Force, P.O. Box 3533 00506 Nairobi Kenya. Phone: +254 (0) 20-609770 / 1 Fax: +254- (0) 20-609768 E-mail: administrator@lusakaagreement.org

54. **WEKESA, B. Isabella**

Administrative Assistant: Lusaka Agreement Task Force, P.O. Box 3533 00506 Nairobi Kenya. Phone: +254 (0) 20-609770 / 1 Fax: +254- (0) 20-609768 E-mail: administrator@lusakaagreement.org

LESOTHO

55. **DAMANE, Stanley Mosamai**

Director: National Environment Secretariat National Environment Secretariat Ministry of Tourism, Environment and Culture, P.O. Box 10993 100 Maseru Lesotho. Phone: +266 (22) 311767 / 320534 Mobile: +266 62000010 Fax: +266 (22) 311139 E-mail: stanleydamane@hotmail.com E-mail 2: nateny@ilesotho.com

56. **MOSENYE, John Mapolesa**

Director: Lesotho National Parks Ministry of Forestry and Land Reclamation Division of National Parks, P.O.Box 92 100 Maseru Lesotho. Phone: +266 (22) 323600 / 322876 Fax: +266 (22) 310515 E-mail: pc-forestry@ilesotho.com

57. **MOTHOKHO, Neo**

a/c Chief Conservation Officer: Lesotho National Parks Ministry of Forestry and Land Reclamation Division of National Parks, P.O.Box 92 100 Maseru Lesotho. Phone: +266 (22) 323600 / 322876 Fax: +266 (22) 310515 E-mail: neomothokho@yahoo.co.uk

58. **MOTR, Nkareng MAHLOMPHO**

Permanent Secretary: Ministry of Forestry and Lands Reclamation Ministry of Forestry and Lands Reclamation, P.O.Box 92 100 Maseru Lesotho. Phone: +266 (22) 313067 Mobile: 58859532 Fax: +266 (22) 310515 E-mail: ps-forestry@ilesotho.com

59. **MOTSAMI, Bore**

Protected Areas Management Specialist: LHDA Nature Reserves Lesotho Highlands Development Authority LHDA Nature Reserves Botha, P.O.Box 333 Botha Lesotho Mobile: +266 58850604 E-mail: bore@ilesotho.com

60. **NTSOHI, Refiloe**

Deputy Director: Lesotho National Parks Ministry of Forestry and Land Reclamation Division of National Parks, P.O.Box 92 100 Maseru Lesotho. Phone: +266 (22) 323600 / 322876 Fax: +266 (22) 310515 E-mail: nrefill@yahoo.com

61. **TJELA, Makhiba**

Principal Environment Officer (Legal): National Environment Secretariat National Environment Secretariat

Ministry of Tourism, Environment and Culture, P.O.Box 10993 100 Maseru Lesotho. Phone: +266 (22) 320406 / 311767 Fax: +266 (22) 311139 / 321505 E-mail: mtjela@ananzi.co.za

SOUTH AFRICA

62. BENSON, Superintendent Bernadine

The Head, Endangered Species Desk: South African Police Endangered Species Protection Unit South African Police, P.O. Box X302 Pretoria 0001 Republic of South Africa. Phone: +27 (0) 12-393-3774 Mobile: 082-779-8575 Fax: +27 (0) 12-393-4147 E-mail: espu@saps.gov.za

63. BOTHA, Pieter

Deputy Director: Department of Environmental Affairs and Tourism Department of Environmental Affairs and Tourism Pte Bag X 447 Pretoria 0001 Republic of South Africa. Phone: +27 (12) -310-3575 Mobile: 083-321-1643 Fax: +27 (12) -320-7026 E-mail: pbotha@deat.gov.za

64. LATEGAN, Peter

Superintendent: South African Police Criminal Intelligence Department South African Police Republic of South Africa. Phone: 082-8086559 Mobile: 082-808-6559 Fax: 021-660-2636 E-mail: dlatagan@telkomsa.net

65. MEINTJES, Sonja

CITES Management Authority: Department of Environmental Affairs and Tourism Department of Environmental Affairs and Tourism Subdirector: Trade and Regulation Pte Bag X 447 Pretoria 0001 Republic of South Africa. Phone: +27 (12) -310-3545 / 3911 / 3799 Mobile: 082-655-4711 Fax: +27 (12) -320-7026 E-mail: smeintjes@ozone.pwv.gov.za

66. STEWART, Anja

Superintendent: South African Police Criminal Intelligence Department South African Police Republic of South Africa. Phone: 082-8086559 Fax: 021-660-2636

67. TONDER, Capt. Barend J. van

Endangered Species Desk: South African Police Endangered Species Protection Unit South African Police, P.O.Box X302 Pretoria 0001 Republic of South Africa. Phone: +27 (0) 12-393-1912 Mobile: 082-779-8589 Fax: +27 (0) 12-393-4147 E-mail: espu@saps.gov.za

SWITZERLAND

68. ARMSTRONG, Jim

Deputy Secretary General CITES: CITES Geneva Switzerland. Phone: +41 (0) 229178149 E-mail: jim.armstrong@unep.ch

69. NASH, Stephen V.

Chief, Capacity Building Unit: CITES Secretariat Convention on International Trade in Endangered Species (CITES) International Environment House 11-13 Chemin des Anemones 1219 Chatelaine Geneva Switzerland. Phone: +41 (22) 9178139 / 40 Fax: +41 (22) 7973417 E-mail: stephen.nash@unep.ch

70. SELLAR, John M.

Senior Enforcement Officer, Legislation and Compliance Unit: CITES Secretariat Convention on International Trade in Endangered Species (CITES) International Environment House 11-13 Chemin des Anemones 1219 Chatelaine Geneva Switzerland. Phone: +41 (22) 9178293 Fax: +41 (22) 7973417 E-mail:

john.sellar@unep.ch

71. **VLIET, Ger van**

Senior Capacity Building Officer, Capacity Building Unit: CITES Secretariat Convention on International Trade in Endangered Species (CITES) International Environment House 11-13 Chemin des Anemones 1219 Chatelaine Geneva Switzerland. Phone: +41 (22) 9178120 Fax: +41 (22) 7973417 E-mail: ger.van-vliet@unep.ch

72. **YEATER, Marceil D.**

Chief, Legislation and Compliance Unit: CITES Secretariat Convention on International Trade in Endangered Species (CITES) International Environment House 11-13 Chemin des Anemones 1219 Chatelaine Geneva Switzerland. Phone: +41 (22) 9178464 Fax: +41 (22) 7973417 E-mail: marceil.yeater@unep.ch

TANZANIA

73. **HAULE, Winfred V.**

Assistant Director of Fisheries: Ministry of Natural Resources and Tourism, Fisheries Division Ardh House Magogoni Street, P.O. Box 2462 Dar es Salaam Tanzania. Phone: +255 (0) 22-2122930 Mobile: 0741-211368 Fax: +255 (0) 22-2110352 E-mail: fisheries@twiga.com

74. **KAYERA, Juma A.**

Assistant Director Resources Utilization: Ministry of Natural Resources and Tourism, Wildlife Division, P.O. Box 1994 Dar es Salaam Tanzania. Phone: +255 (0) 22-2866418 / 408 Mobile: 0744-501259 Fax: +255 (0) 22-2865836 / 2863496 E-mail: wildlife-division@twiga.com

75. **KIJIKA, Benjamin Y.**

Anti-Poaching Unit: Ministry of Natural Resources and Tourism, Wildlife Division, P.O. Box 1361 Arusha Tanzania. Phone: 022-2503196 Mobile: 0748-41908

76. **KILLENGA, Thadeus A. F.**

Director of Policy & Planning: Ministry of Natural Resources and Tourism Ministry of Natural Resources and Tourism Samora Avenue, P.O. Box 9372 Dar es Salaam Tanzania. Phone: +255 (0) 22-2111062 - 4 Mobile: 0744-308363 E-mail: tiger@africaonline.co.tz

77. **KUSIMA, Lucas**

Senior Superintendent, Interpol: Tanzanian Police Force C.I.D. Headquarters, P.O. Box 9093 Dar es Salaam Tanzania. Phone: +255 (0) 22-2118222 Mobile: 0744-264058 Fax: +255 (0) 22-2118223 / 3613 E-mail: lkusima@yahoo.com

78. **LISSU, Tundu A. M.**

Coordinator, Mining, Environment & Human Rights Project: Lawyers' Environmental Action Team (LEAT) Mazingira House Mazingira Street Mikocheni B, P.O.Box 12605 Dar es Salaam Tanzania. Phone: +255 (0) 22-278 0859 / 1098 Mobile: 0744-447323 Fax: +255 (0) 22-278 0859 E-mail: leat@mediapost.co.tz E-mail 2: lissubulali@yahoo.com

79. **LYIMO, Felix**

Assistant Director Antipoaching Activities: Ministry of Natural Resources and Tourism, Wildlife Division, P.O.Box 1994 Dar es Salaam Tanzania. Phone: +255 (0) 22-2866418 / 408 Mobile: +255- (0) 774-367836

Fax: +255 (0) 22-2865836 / 2863496 E-mail: wildlife-division@twiga.com

80. **LYIMO, Musa**

Mweka College of Wildlife Management Tanzania E-mail: mml@mwekawildlife.org

81. **MANUMBA, Robert S.**

Deputy Commissioner of Police: Tanzanian Police Force C.I.D. Headquarters, P.O.Box 9093 Dar es Salaam Tanzania. Phone: +255 (0) 22-211879 Home: +255 (0) 22-2668074 Mobile: 0744 & 0748-206326 Fax: +255 (0) 22-2113613 / 8223

82. **MBONDE, George P. L.**

Assistant Director Forestry Development: Ministry of Natural Resources and Tourism Samora Avenue, P.O.Box 9372 Dar es Salaam Tanzania. Phone: +255 (0) 22-2126844 Mobile: 0748-375285 E-mail: gplmbonde@yahoo.com E-mail 2: gplmbonde@msn.com

83. **MDUMA, Simon**

Conservation Information and Monitoring Unit: Tanzania Wildlife Research Institute, P.O.Box 661 Arusha Tanzania. Phone: +255 (27) 2507796 Mobile: +255 (744) 266554 Fax: +255 (27) 2507796 E-mail: mduma@habari.co.tz

84. **MLINGWA, Charles**

Director General: Tanzania Wildlife Research Institute, P.O.Box 661 Arusha Tanzania. Phone: +255 (27) 2509871 Mobile: +255 (744) 368414 Fax: +255 (27) 2548240 E-mail: tawiri@habari.co.tz

85. **NYANGE, Bertha V.**

Principle Economist, Policy and Planning Division: Ministry of Natural Resources and Wildlife Samora Avenue, P.O.Box 9372 Dar es Salaam Tanzania. Phone: +255 (0) 22-2111062-4 Mobile: 748-365984 Fax: +25590022 2110604 E-mail: bertha_nyange@hotmail.com

86. **OKUDO, Silvanua A.**

Game Officer: Ministry of Natural Resources and Tourism, Wildlife Division, P.O.Box 1994 Dar es Salaam Tanzania. Phone: +255 (0) 22-2866418 / 408 Mobile: 0748-385174 Fax: +255 (0) 22-2865836 / 2863496 E-mail: wildlife-division@twiga.com

87. **ONSEMO-ZACHARIA, Miriam**

Principal Game Officer (Policy & International Obligations): Ministry of Natural Resources and Tourism, Wildlife Division, P.O.Box 1994 Dar es Salaam Tanzania. Phone: +255 (0) 22-2866418 / 408 Mobile: 0744-261501 Fax: +255 (0) 22-2865836 / 2863496 E-mail: wildlife-division@twiga.org

88. **RWEGASIRA, Theotimos N.**

Game Officer (Wildlife Protection Unit): Wildlife Division, Ministry of Natural Resources and Tourism Ministry of Natural Resources and Tourism Wildlife Division, P.O.Box 1994 Dar es Salaam Tanzania. Phone: +255 (0) 22-2866375 Mobile: 0744-849258 / 0748-419092 Fax: +254 (0) 22-2865836 E-mail: theorwega@yahoo.co.uk

89. **SEVERRE, Emmanuel L. M.**

Director of Wildlife: Ministry of Natural Resources and Tourism, P.O.Box 1994 Dar es Salaam Tanzania. Phone: +255 (0) 22-2866375 Mobile: 0748-402981 Fax: +255 (0) 22-2865836 E-mail: director@wildlife.go.tz

90. **SUMMAY, W. B.**

Chief Park Warden, Law Enforcement: Tanzania National Parks TANAPA Building Dodoma Road, P.O.Box 3134 Arusha Tanzania. Phone: +255 (27) 250 3471 /4082 Mobile: +255 (744) 510003 Fax: +255 (27) 250-8216 /4075 E-mail: tanapa@habari.co.tz

91. **YUSUFU, S. S.**

Deputy Commissioner for Customs and Excise: Tanzania Revenue Authority Mapato House Customs Department, P.O.Box 9053 Dar es Salaam Tanzania. Phone: +255 (0) 22-2138878 Mobile: 0748-777812 Fax: +255 (0) 22-2138878 / 2117765 E-mail: syusufu70@hotmail.com

UGANDA

92. **ACKWORTH, James**

Forest Management Technical Advisor: Ministry of Water, Lands and Environment Plot 1, Spring Road Nakawa, P.O. Box 7124 Kampala Uganda. Phone: +256- (0) 41-230401 Mobile: 077-314649 Fax: +256- (0) 41-342607 E-mail: jamesa@ecforest.org.ug

93. **AMOOTI, Nsita Steve**

Programme Coordinator, Forest Resource Management & Conservation Programme: Ministry of Water, Lands and Environment Plot 1, Spring Road, Nakawa, P.O. Box 7124 Kampala Uganda. Phone: +256 (0) 22-41344297 Mobile: 077-616759 Fax: +256 (0) 22-41-342607 E-mail: steven@ecforest.org.ug

94. **AYUMU, J. Akaki**

Minister of State: Ministry of Tourism, Trade and Industry Farmers House Parliament Avenue, P.O. Box 4241 Kampala Uganda. Phone: 006-41-346289 dir Fax: 066-41-346291

95. **BUHANGA, Edgar**

Assistant to Executive Director: Uganda Wildlife Authority Kampala UGANDA. Phone: 006-41-346287 / 8 office Home: 006-41-346289 dir Fax: 006-41-346291

96. **ETOT, John P.**

Assistant Commissioner Fisheries i/c Production: Ministry of Agriculture, Animal Industry & Fisheries Plot 29 Lugard Avenue, P.O. Box 4 Entebbe Uganda. Phone: +256- (0) 41-322026 Mobile: 077-609768 Fax: +256- (0) 41-320496 E-mail: Johnetot@yahoo.com

97. **Justice PORTER, David**

Justice: Consultant Kampala Uganda Mobile: 077-773399

98. **KAGORO, M. Joe**

Officer In-Charge ICPO/Interpol: Uganda Police Force Directorate of Criminal Investigations ICPO/Interpol National Central Bureau Plot 16 Apollo Kagwa Road, P.O. Box 2973 Kampala Uganda. Phone: +256 (0) 41-232727 Mobile: 077-960506 Fax: +256 (0) 41-347429 E-mail: genpol@utlone.co.ug

99. **KAMAJUGO, Richard K.**

Senior Revenue Officer - International Affairs: Customs & Excise Department, P.O. Box 444 Kampala Uganda. Phone: +256- (0) 41-334514 Mobile: 077-422446 Fax: +254- (0) 41-334521 E-mail: rkamajugo@yahoo.com

100. KIZZA, Francis

Assistant Commissioner Fisheries i/c Regulation & Control: Ministry of Agriculture, Animal Industry & Fisheries Plot 29 Lugard Avenue, P.O. Box 4 Entebbe Uganda. Phone: +256- (0) 41-322026 Fax: +256- (0) 41-320496

101. LAMPREY, Richard

Technical Advisor Protected Areas: Uganda Wildlife Authority UGANDA. Phone: +254 0733598285 Mobile: +256 077704596 E-mail: lamprey@infocom.co.ug

102. MAPESA, Moses

Director, Field Operations: Uganda Wildlife Authority Plot 3 Kintu Road, P.O.Box 3530 Kampala Uganda. Phone: +256 (0) 41-346287 /8 Mobile: 077-741495 Fax: +256- (0) 41-346291 E-mail: moses.mapesa@uwa.or.ug

103. MAYENDE, Wilbert

Detective Superintendent: Uganda Police Force Directorate of Criminal Investigations Plot 16 Apollo Kagwa Road, P.O.Box 2973 Kampala Uganda. Phone: +256 (0) 41-232727 Mobile: 0771-550558 Fax: +256 (0) 41-347429

104. MOELLER, Peter & Elkie

EU Consultant for KIDEPO Kampala UGANDA Home: 077-684117 Elkie Mobile: 077-406958

105. MUGISHA, Arthur R.

Executive Director: Uganda Wildlife Authority Plot 3 Kintu Road, P.O.Box 3530 Kampala Uganda. Phone: 006-41-346289 direct Home: 006-41-346287 / 8 office Mobile: 077-781129 Fax: 066-41-346291 E-mail: arthur.mugisha@uwa.org.ug

106. NSHAKIRA, Blandina J.

Director Tourism, Trade & Industry: Ministry of Tourism, Trade and Industry Farmers House Parliament Avenue, P.O.Box 4241 Kampala Uganda. Phone: +265- (0) 41-348154 dir Fax: +254- (0) 41-348154

107. OKOTH-OCHOLA, John Martins

Commissioner of Police: Uganda Police Force Uganda Police Headquarters Plot 16 Appolo Kaggwa Road, P.O.Box 2973 Kampala Uganda. Phone: +256- (0) 41-232359 Mobile: 071-667704 / 071-467098 Fax: +256- (0) 41-256759 E-mail: genpol2@utlonline.co.ug

108. OKUA, Moses

Commissioner of Wildlife & Tourism: Uganda Wildlife Authority Kampala Uganda. Phone: 006-41-346289 dir Home: 006-41-346287 /8 office Fax: 066-41-346291

109. TINDIGARUKAYO-KASHAGIRE, Justus

Assistant Commissioner of Wildlife: Ministry of Tourism, Trade & Industry Kampala Uganda. Phone: +256- (0) 41-343947 / 348154 Mobile: 077-323475 Fax: +256- (0) 41-348154

110. TUGUME, Sam

Warden Law Enforcement: Uganda Wildlife Authority Plot 3 Kintu Road, P.O.Box 3530 Kampala Uganda. Phone: +256 (0) 41-346287 /8 Mobile: 077-987208 Fax: +256- (0) 41-346291

UNITED KINGDOM

111. WONG, Jenny

Director: Wild Resources Ltd. Robinson Building Deiniol Road LL57 2UW Bangor, Gwynedd Wales.
Phone: +44 (0) 1248-372211 Mobile: +44 (0) 7766-553508 Fax: +44 (0) 1248-354997 E-mail:
jenny.wong@wildresources.co.uk

ZAMBIA

112. BANDA, P.

Detective Inspector & i/c Wildlife Crimes - INTERPOL: Criminal Investigation Department CID
Headquarters Lusaka Zambia

113. CHILESHE, Fostina

Chief Investigations Officer: Drug Enforcement Commission Lusaka International Airport Lusaka Zambia.
Phone: +26 (0) 1-096743291

114. CHITAMBALA, Webby

Investigation Officer (Radio): Zambia Wildlife Authority Zambia Wildlife Authority Kafue Road Private
Bag 1 Chilanga Zambia. Phone: +260 (0) 01-278335 Fax: +269 (0) 01-278244

115. KABETA, Hapenga M.

Director General: Zambia Wildlife Authority Zambia Wildlife Authority Kafue Road Private Bag 1
Chilanga Zambia. Phone: +260 (0) 01-278524 Mobile: 097-770213 Fax: +269 (0) 01-278244 E-mail:
zawaorg@zamnet.zm E-mail 2: hapengamkabet@yahoo.co.uk

116. KABWELA, Lloyd

Senior Investigation Officer: Zambia Wildlife Authority Zambia Wildlife Authority Kafue Road Private
Bag 1 Chilanga Zambia. Phone: +260 (0) 01-278576 Mobile: 095-838447 / 096-847233 Fax: +269 (0) 01-
278244 E-mail: med@zamnet.zm

117. KAMANGA, Georgina

Senior Investigations Officer: Zambia Wildlife Authority Zambia Wildlife Authority Kafue Road Private
Bag 1 Chilanga Zambia. Phone: +260 (0) 01-278335 Fax: +269 (0) 01-278244

118. KAMPAMBA, George

Director - Research, Planning & Information: Zambia Wildlife Authority Zambia Wildlife Authority Kafue
Road Private Bag 1 Chilanga Zambia. Phone: +260 (0) 01-278335 Mobile: 097-889159 Fax: +269 (0) 01-
278244 E-mail: zawares@zamnet.zm

119. KAPASA, C. K.

Deputy Director: Department of Fisheries Ministry of Agriculture and Cooperatives Department of
Fisheries, Fisheries Research Branch, P.O. Box 350100 Chilanga Zambia. Phone: +26 (0) 1-278597
Mobile: 097-881501 E-mail: piscator@zamnet.zm

120. MALUTI, J. C. K.

Chief Development Officer: Department of Fisheries Ministry of Agriculture and Cooperatives Department of Fisheries, Fisheries Research Branch, P.O.Box 350100 Chilanga Zambia. Phone: +26 (0) 1-278597

121. MILINDI, G. M.

a/g Deputy Director Extension: Department of Fisheries Ministry of Agriculture and Cooperatives Department of Fisheries, Fisheries Research Branch, P.O.Box 350100 Chilanga Zambia. Phone: +26 (0) 1-278597

122. MUBIANA, C. A.

Chief Superintendent: Criminal Investigation Department CID Headquarters Lusaka Zambia

123. MVULA, Winter

Head of Intelligence & Investigations Unit: Zambia Wildlife Authority Zambia Wildlife Authority Kafue Road Private Bag 1 Chilanga Zambia. Phone: +260 (0) 01-278524 Mobile: 097-777726 Fax: +269 (0) 01-278244

124. NONDE, Everisto

Principal Extension Officer, Forest Management: Forestry Department Forestry Department, P.O.Box 50042 Lusaka Zambia. Phone: +260 (0) 1-226937 Mobile: 097-845534

125. WAKE, Justina C.

Director Tourism: Ministry of Tourism, Environment & Natural Resources Ministry of Tourism, Environment & Natural Resources Cairo Road, P.O.Box 30575 Lusaka Zambia. Phone: +260 (0) 1-229420 Home: +260 (0) 1- 224676 Fax: +260 (0) 1-229420 E-mail: tinawake@yahoo.com

126. ZULU, T.

Chief Fisheries Training Officer: Department of Fisheries Ministry of Agriculture and Cooperatives Department of Fisheries, Fisheries Research Branch, P.O.Box 350100 Chilanga Zambia. Phone: +26 (0) 1-278597

ZIMBABWE

127. MILLIKEN, Tom

Director: TRAFFIC East/Southern Africa c/o WWF Southern Africa Regional Programme Office, P.O. Box CY 1409 Causeway Harare Zimbabwe. Phone: +263 (4) 252533 /4 Fax: +263 (4) 7-3902 E-mail: milliken@wwfsarpo.org

BIBLIOGRAPHY

- African Convention on the Conservation of Nature and Natural Resources (The Algiers Convention), 2003
- Fiadjoe, Yvonne (2003) CITES in Africa: An Examination of Domestic Implementation and Compliance. American University: Washington College of Law.
- Gillson, L. and K. Lindsay (2003) Ivory and ecology – changing perspectives on elephant management and the international trade in ivory. *Environmental Science and Policy* (6), 411-419
- Government of Uganda (2004) The Uganda Wildlife (Lusaka Agreement on Co-Operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora) Order, 2004
- Papers made available by the CITES Secretariat
- (a) Memorandum of Understanding between CITES Secretariat and the Lusaka Agreement Task Force
 - (b) Statement of the CITES Enforcement Expert Group SC50 Inf. 7.
 - (c) The “Taiping Four” affair – a call for order in international wildlife trade (International Primate Protection League [IPPL] and Last Great Ape Organization [LAGA])
 - (d) Guidelines on Co-Operation between Customs Administrations and CITES Management Authorities Managing the Trade in Animals and Plants
 - (e) Practical Guide for the Use of the CITES Management Authorities in Collaboration with the International Criminal Police Organization – ICPO – Interpol.
 - (f) Report on the CITES Tiger Mission Technical Team [CoP12 Doc.33 Annex]
 - (g) CoP11 Resolutions, Conf. 11.3 Compliance and Enforcement
[www.cites.org/eng/resols/11/11_3.shtml]
 - (h) CITES COP13: Working Papers: Submitted by Kenya: “Illegal Ivory Trade And Control Of Internal Markets”, and “Revision Of Resolution Conf. 11.3 “On Compliance And Enforcement”
 - (i) SC50 Doc. 21.3 Conditions for Trade in Raw Ivory (submitted by Kenya)
 - (j) Notification to the Parties: International Repository for Ballistic Evidence [No. 2002/075]
 - (k) Notification to the Parties: CITES Tiger Enforcement Task Force [No. 2001/047]
 - (l) CITES WORLD – Official Newsletter of the Parties. Issue 12 – December 2003
- Papers made available by the Division of Environmental Policy Implementation (DEPI)
- (a) Complete documentation and report of the 1st, 2nd, 3rd, 4th, 5th and 6th Governing Councils of the Lusaka Agreement
 - (b) Text of the Lusaka Final Act & Lusaka Agreement
 - (c) UNEP in Africa: Role of the Regional Office for Africa (2003)
 - (d) A Regional approach to the Enforcement of CITES: The Case of the Lusaka Agreement (Elizabeth Mrema; UNEP/DEPI)
 - (e) Development and Harmonization of Environmental Laws, Volume 6, December 1999: Report on Legal and Institutional Issues in the Development and Harmonization of Laws Relating to Wildlife Management.
 - (f) Development and Harmonization of Environmental Laws, Volume 7, December 1999: Report on the Development and Harmonization of Laws Relating to Forestry [ISBN: 92-807-1911-4].
 - (g) Guidelines on Compliance with and Enforcement of MEAs.

Papers made Available by the Lusaka Agreement Task Force	<ul style="list-style-type: none"> (a) Back-to-Office reports on individual field operations (b) Reports on Individual Training Programmes (c) Back-to-Office reports on overseas travel (d) Audit report for the forty-nine month period ended 31 July 2003, KPMG (e) Summary Financial Reports Aug'03 to end April'04; budgets; salary scales etc. (f) Radio Logs (g) Email log, November '03 to date (h) Headquarters Agreement with Kenya [Agreement Between the Government of Kenya and the Task Force for Co-Operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora regarding the Establishment of the Headquarters of The Task Force in Nairobi] (i) LATF Newsletter. Issue 3, March 2004 (j) Financial Rules of the Task Force (March 1997) (k) Operational Rules and Procedures of the Task Force (March 1997) (l) Staff Rules of the Task Force (March 1997) (m) Field Officers' Quarterly Reports (n) Compliance with and Enforcement of African MEAs: the Experience of the Lusaka Agreement. April 2004. (o) Reports to the US Fish and Wildlife Service on Grant Agreement 982-10-1-G.829 for African Elephant Conservation Project.
Pr Ibrahim Ly and Yadjı Bello (2003)	Study On Wildlife Legislation And Policies In Central African Countries. Final Report by CITES BWG and IUCN
Reeve, R. (2002)	Policing international trade in endangered species. Earthscan:London, 350pp.
Reeve, R. (ed) 1993	Proceedings of the First African Wildlife Law Enforcement Co-Operation Conference; under the auspices of the Zambia Ministry of Tourism. Mss, 120pp.
SADC (1999)	Protocol on Wildlife Conservation and Law Enforcement. 20pp.
UN Economic and Social Council (2003)	Commission on Crime Prevention and Criminal Justice: International co-operation in combating transnational organized crime: Illicit Trafficking in Protected Species of Wildlife Flora and Fauna and Illicit Access to Genetic Resources. Report of the Secretary General (E/CN.15/2003/8). 17pp.
WEBSITES	www.defra.gov.uk/paw : PAW website www.maf.govt.nz : gateway to the New Zealand WEG www.usdoj.gov/usncb : US Interpol NCB www.fws.gov : NAWEG USA www.lusakaagreement.org : Lusaka Agreement www.met.police.uk/wildlife : Wildlife Crime Unit of the Metropolitan Police, New Scotland Yard, London UK

**CONTACT ADDRESSES FOR PARTICIPANTS OF THE EXPERTS WORKSHOP
HELD IN NAIROBI – 8TH – 10TH DECEMBER 2004 AT THE PANAFRIC HOTEL**

CONGO

1. Madame Antoinette Nkabi Malanda
Ministers Advisor on Fauna
Ministry of Forest Economy and
Environment,
B.P. 98, Brazzaville,
Tel: 242 81 41 41
Cel: 242 666 8024
Fax: 242 81 41 34 / 36
Email: antoinettenkabi@yahoo.fr
2. Mr. Noé Mabiala
Representative from the National Bureau
Ministry of Forest Economy and
Environment,
B.P. 98, Brazzaville,
Tel: 242 81 41 41
Cel: 242 557 7435
Fax: 242 81 41 34 / 36
Email: n_mabiala@yahoo.fr
3. Mr. Auguste Kibokani
Ministry of Forest Economy and
Environment,
B.P. 98, Brazzaville,
Tel: 242 81 41 41
Cel: 242 556 3922 / 675 5609
Fax: 242 81 41 34 / 36
Email: kibaugust@yahoo.fr

KENYA

4. Mr. Julius Mwandai
Head - Investigations
Kenya Wildlife Service
P.O. Box 40241
Nairobi
KENYA
Tel: 254 20 602 345 / 600 800 / 607 070
Fax: 254 20 603 792
Email: jmwandai@kws.org
investigations@kws.org

5. Mr. John Ringera
Head - Intelligence
Kenya Wildlife Service
P.O. Box 40241
Nairobi, KENYA
Tel: 254 20 602 345 / 600 800 / 607 070
Fax: 254 20 603 792
Email: int@kws.org

TANZANIA

6. Mr. Emmanuel Severre
Director, Wildlife Division
Ministry of Natural Resources and Tourism
P.O. Box 1994
Dar-es-Salaam, United Republic Of Tanzania
Tel: 007 22 2866 408
Fax: 007 22 2865 836 / 863 496
Email: director@wildlife.go.tz
7. Mr. Meinrad T. Rweyemamu
State Attorney
Ministry of Natural Resources & Tourism,
PO Box 9372
Dar-es-Salaam, United Republic of Tanzania
Tel: 007 22 8111 061 - 4
Cel: 007 741 535 500
Fax:
Email: tindatumire@yahoo.co.uk
8. Mr. Erasmus M. Tarimo,
Principal Wildlife Officer
Wildlife Division
P.O. Box 1994
PO Box 9372
Dar-es-Salaam, United Republic Of Tanzania
Tel: 007 22 2866 408
Fax: 007 22 2865 836 / 863 496
Email: director@wildlife.go.tz
9. Mr. Theotimos Rwegasira,
Senior Game Assistant
Wildlife Division
P.O. Box 1994
Dar-es-Salaam, United Republic Of Tanzania
Tel: 007 22 2866 408
Cel: 007 748 419 092
Fax: 007 22 2865 836 / 863 496
Email: theorwega@yahoo.co.uk

10. Mr. William B. Summay
Chief Park Warden - Tanzania National Parks
P.O. Box 3134
Arusha, Tanzania.
Tel: 007 27 250 3471 / 4082
Fax: 007 27 2508216
Email: tanapa@habari.co.tz

11. Mr. Bruno Kawasange
Ngorongoro Conservation Area Authority
P.O. Box 1, Ngorongoro Crater
Dar-es-Salaam, TANZANIA
Tel: 255 – 272 537 006 / 43
Fax: 255 – 272 537 007
Email: ncaa-hq@africaonline.co.tz

12. Mr. Robert Manumba
Deputy Commissioner of Police
Tanzania Police Force
P.O. Box 9093
Dar-es-Salaam, United Republic Of Tanzania
Tel: 007 22 2113 267
Email: robertmanumba3@hotmail.com

UGANDA

13. Dr. Arthur Mugisha
Executive Director - Uganda Wildlife Authority
Plot 3 Kintu Road Nakasero
P.O. Box 3530
Kampala, Uganda
Tel: 256 – 41 346 289, Fax: 256 – 41 346 291
Email: Arthur.mugisha@uwa.or.ug

14. Mr. Justus Tindigarukayo
Assistant Commissioner of Wildlife
Ministry of Tourism, Trade & Industry
P.O. Box 4241
Kampala, Uganda
Tel: 256 - 41 251 294, Fax: 256 – 41 348 154 / 251 294
Email: jtindigarukayo@yahoo.co.uk

15. Mr. Geoffrey Tindimwebwa
Assistant Commissioner - Investigations
Uganda Revenue Authority
P.O. Box 7279
Kampala, Uganda
Tel: 256 - 41 334 334, Cel:006 - 77 423 667
Fax: 256 – 41 334 419 / 449
Email: geoftindi@yahoo.com

ZAMBIA

16. Mr. Elvin Lungu
Assistant Commissioner
Zambia Revenue Authority
Customs & Excise
P.O. Box 35710,
Lusaka, Zambia
Tel: 260 – 1 222 693
Fax: 260 – 1 222 693
Email: lungue@zra.org.zm

17. Mr. Winter Mvula
Head of Intelligence and Investigations
Zambia Wildlife Authority
Private Bag 1,
Chilanga, Zambia
Tel: 260 – 1 278 524 / 576
Fax: 260 – 1 278 524
Email: mvulawinter@yahoo.co.uk

18. Mr. John Chiluwe
Ministry of Environment, Tourism and Natural Resources
P.O. Box 30575
Lusaka, Zambia
Tel: 260 – 1 229 410 – 13 (225463 – Secretary)
Fax: 260 – 1 222 189 / 229 420
Email: mintour@zamnet.zm

ETHIOPIA

19. Mr. Kumara Wakjira Gemedie
Senior Wildlife Expert
Ethiopia Wildlife Conservation Organization
P.O. Box 386
Addis Ababa, Ethiopia
Tel: 251 – 1 151 562 / 407 484, 251 – 1 407 484 (House)
Fax: 251 – 1 514 190
Email: matikume@yahoo.com

INTERPOL

20. Mr. Geoffrey Kamwela
Regional Specialized Officer
INTERPOL Eastern Africa Sub Regional Bureau
P.O. Box 42997
Nairobi, Kenya
Tel: 254 – 20 2711 894 / 826
Fax: 254 – 20 2711 703
Email: Interpol@africaonline.co.ke

CITES

21. John M. Sellar
Senior Enforcement Officer
Legislation and Compliance Unit
CITES Secretariat
International Environment House
11-13 Chemin des Anémones
1219 Châtelaine - Geneva
Switzerland
Tel. (+4122) 917 8139 / (+4122) 917 8293 (direct)
fax (+4122) 797 3417
email: john.sellar@unep.ch

WORLD CUSTOMS ORGANISATION

22. Mr. John K. Bisonga
Head - Regional Intelligence Liaison Office
World Customs Organization
Kenya Customs & Excise Department
Times Towers, 9th Floor
P.O Box 72236 - 00200
Nairobi, Kenya
Tel: +254 20 340 414
Fax : +254 20 317 964 / 214 317
Email: riloake@africaonline.co.ke

PEER REVIEW TEAM

GHANA

23. Mr. Larsey Mensah,
Director (Legal)
Ministry of Environment and Science,
Box MB232, Accra, Ghana.
Tel: +233 21 676255/666049
Cell: +233 277 42 42 54
Fax: +233 21 666 828/761 197
Email: larseym@yahoo.com

TANZANIA

24. Mr. John Kundaeli
Consultant
Ngira Lutheran Parish
P.O. Box 7423
Moshi, Tanzania
Email: johnkundaeli@yahoo.com
Cell phone: (255) 744 27 21 47

OBSERVERS

25. Rosalind Reeve
Expert
P.O Box 47074 - 00100
Nairobi, Kenya
Tel: +254 733 616 869
Fax : +254 20 375 0943
Email: ros@africaonline.co.ke

CONSULTANT

26. Dr. Mike Norton-Griffiths
Consultant to UNEP
P.O Box 15227 - 00509
Nairobi, Kenya
Tel: +254 20 890 918
Fax :
Email: mng5@compuserve.com

FACILITATOR

27. Mr. Donald Kaniaru
Special Senior Legal Advisor
UNEP
P.O Box 1038 - 00606
Nairobi, Kenya
Tel: +254 20 44 51 275
Fax : +254 20 44 51 276
Email: wkaniaru@africaonline.co.ke

SECRETARIAT

- **UNEP**

28. Mr. Svein Tveitdal
Director, Division of Environmental Policy Implementation
United Nations Environment Programme
P.O. Box 30552
Nairobi, Kenya
29. Mrs. Elizabeth Mrema
Legal Officer - UNEP
Division of Environmental Policy Implementation
P.O. Box 30552,
Nairobi, Kenya
30. Ms. Sylvia Bankobeza
Legal Officer
United Nations Environment Programme
P.O. Box 47074,
Nairobi, Kenya
Tel: 254 20 62 33 65
Fax:
Email: Sylvia.bankobeza@unep.org
31. Mr. Nicholas Kimani
United States International University
P.O. Box 14634,
Nairobi, Kenya
Tel: 254 20 360 6112
Fax: 254 20 360 6100
Email: nkimani@usiu.ac.ke

- **LATF**

32. Mr. Emily Stephen Kisamo
Director, Lusaka Agreement Task Force
P.O. Box 3533 – 00506
Nairobi, Kenya
Tel: 254 – 20 609 770 /1
Fax: 254 – 20 609 768
Email: Administrator@lusakaagreement.org
33. Mr. Clement Mwale
Intelligence Officer
34. Mr. Karl Karugaba
Field Officer
35. Mr. Bonaventure Ebayi
Field Officer
36. Mr. Adan Alio
Field Officer
37. Mr. Tom Tiriongo
Finance Officer
38. Sammuel Mbatha
Computer Programmer
39. Priscilla Njeri
Accounts Assistant
40. Habiba Wato
Telecommunications Assistant
41. Mrs. Isabella Wekesa
Administrative Assistant

**SECOND MEETING OF THE GOVERNING COUNCIL
OF THE PARTIES TO THE LUSAKA AGREEMENT**

Nairobi, 15-19 March 1999

REPORT OF THE SECOND MEETING OF THE GOVERNING COUNCIL

**RECOMMENDATIONS FOR ESTABLISHING AN IDEAL
NATIONAL BUREAU (CAPACITIES AND NEEDS)**

A team of experts from Uganda, Kenya, Tanzania, Zambia and Interpol was appointed to look into the existing wildlife law enforcement entities of Party States and to draw up a model for establishing a National Bureau under the Lusaka Agreement. This model would assist Party States to assess the current capacities of their law enforcement units and identify existing gaps.

After lengthy discussions, the experts noted that the basic requirements for establishing a National Bureau are “appropriate skilled manpower” and “relevant technical gear” as listed below:

1. MANPOWER

Wildlife law enforcement is a specialized field which calls for specialized knowledge and skills. It is therefore recommended that only selected and approved personnel should be engaged for this particular task. The following prerequisites are mandatory:

- Honesty
- Real interest in the job
- Good academic background
- Good working knowledge of the English language
- Basic wildlife knowledge
- Discipline training (preferably paramilitary and weapon training)
- Familiarity with investigation work
- Familiarity with prosecution work
- At least five (5) years experience in law enforcement
- Quality aptitude tests passed
- Preferable entry age limit between 25 and 45 years
- Physically fit and in good health
- Security clearance

STRUCTURE

The following is considered as a reasonable structure for an effective National Bureau:

Ten (10) people can form a basic unit, composed of:

- A commanding officer of the unit
- A deputy commandant of the unit
- Eight investigators

REPORTING PROCEDURE

It was noted that intelligence information is always sensitive because it touches the illegal livelihood of persons. Therefore careful handling is required.

- It is recommended that the command structure and line of communication is defined and limited to the appropriate authorities.
- It is also advisable that sensitive information is handled carefully and transmitted on a “need to know” basis up to the head of the Unit.
- It is further recommended that detailed information touching on future investigations and prosecution should not be disclosed.

2. APPROPRIATE EQUIPMENT

The following equipments were recommended for efficient mobility and communication of the National Bureau:

(a) MOBILITY:

- At least two to three vehicles, preferably one 4 x 4 pick-up, one 4 x 4 station wagon and one saloon car.
- It is important for camouflage purposes to acquire vehicles of the type ordinarily used by the general public.

(b) TELECOMMUNICATIONS

- Radios
2 H.F. transceivers with multiple frequencies to allow for the allocation of proper lines of communication
-6V.H.F. radio sets
- 2 Telephone lines (direct lines)
- Fax Line
- Computer with E-mail system.

(e) OTHER FIELD EQUIPMENT

- 4 miniature tape recorders
- 2 still cameras with telephoto lenses and motor drives
- Metal detectors
- 2 bolt cutters
- 10 handcuffs (adjustable)
- 2 measuring tapes
- 2 tapes/materials for securing scenes of crimes
- Disposable gloves
- 5 binoculars
- Specimen bags
- Torches/flash lights
- Shredders
- Deep freezers for preserving delicate specimens
- Safe for locking up sensitive equipment and documents.

(d) PROTECTION GEAR

- 10 handguns, preferably 9 mm calibre
- 5 semi-automatic rifles
 - All arms to have extra magazines

(e) EXTRAS

- 2 night vision goggles (infra-red binoculars)
- Motorcycles
- Air transport
- Water transport
- Security vests/jackets

It is further recommended that the units should be highly motivated in terms of remuneration and working environment.

In the opinion of the team of experts, the above requirements constitute a yardstick for establishing a National Bureau. However, whenever funds become available, more sophisticated equipment could be acquired to meet the demands of the ever-increasing dynamism of crime.

**FIFTH MEETING OF THE GOVERNING COUNCIL
OF THE PARTIES TO THE LUSAKA AGREEMENT**

Brazzaville, Congo, 22-24 July 2002

REPORT OF THE FIFTH MEETING OF THE GOVERNING COUNCIL

PROPOSED FORMAT FOR COUNTRY REPORTS

1. General overview
2. Review of Performance for period under review.
 - 2.1 Contributions to LATF
 - 2.2 Capacity of National Bureau
 - 2.3 Training programmes
 - 2.4 Law Enforcement and statistics – seizures, arrests and prosecutions.
 - 2.5 Interstate Co-operation in Wildlife protection.
 - 2.6 Challenges during the period under review
3. Planned Programmes of the coming year.
4. Conclusions and Recommendations.
5. Annexes – Detailed statistics
Any report for attachment

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

**SECOND MEETING OF THE GOVERNING COUNCIL
Nairobi, 15-19 March 1999**

**NOMINATIONS OF FIELD OFFICERS OF THE TASK FORCE SECONDED BY
THE PARTIES TO THE LUSAKA AGREEMENT**

The Expert Group Meeting recommends that the following criteria should be taken into account by the Governing Council during its consideration for the appointment of a Director, Field Officers and an Intelligence Officer:

(i) Director

The Director, as chief executive officer, requires experience and skills in the following areas:

1. Experience in commanding a wildlife law enforcement unit for at least five years, with a proven administrative background;
2. Experience in financial management in a law enforcement establishment and in particular producing budget, controlling expenditure, negotiations of financial proposals to donors;
3. Experience in co-coordinating law enforcement operations nationally as well as exposure in international operations;
4. Experience in all aspects of personnel management, e.g. recruitment, training, deployment and performance management;
5. Awareness of diplomatic protocol and conduct of international meetings and public relations;

6. Proven experience in creation and establishment of a functional enforcement unit is essential;
7. Experience in wildlife law enforcement, plus legal knowledge and at least five years experience in similar field;
8. Experience in training law enforcement officers in such aspects as investigations techniques, intelligence gathering and conduct of proactive operations (Anti-poaching);
9. Qualifications: First degree or equivalent; formal law enforcement and paramilitary training are essential.

(ii) Field officers

The functions of the Field Officers are described in the operational rules and procedures, and necessitate the field officers to have experience and skills in the following areas:

1. Paramilitary training;
2. Law enforcement training experience;
3. Proven investigative skills;
4. Working knowledge of national (local) criminal procedures;
5. Writing of reports and preparation of case files for presenting in court;
6. 1-2 years experience in wildlife law enforcement.

(iii) Intelligence Officer

The functions of the Intelligence officer are described in the operational rules and procedures, and necessitates the intelligence officer to have experience and skills in the following areas:

1. Collation, interpretation and analysis of information;
2. Preparation of intelligence reports;
3. Establishment and operations of information base (essential);
4. Overseeing of intelligence gathering activities, e.g. handling of informants and payments of rewards.

APPENDIX

LUSAKA AGREEMENT ON CO-OPERATIVE ENFORCEMENT OPERATIONS DIRECTED AT ILLEGAL TRADE IN WILD FAUNA AND FLORA

Adopted on 8 September 1994

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

Adopted at Lusaka on 8 September 1994

Preamble

THE PARTIES TO THIS AGREEMENT,

Conscious that the conservation of wild fauna and flora is essential to the overall maintenance of Africa's biological diversity and that wild fauna and flora are essential to the sustainable development of Africa,

Conscious also of the need to reduce and ultimately eliminate illegal trade in wild fauna and flora,

Recognizing that the intense poaching that has resulted in severe depletion of certain wildlife populations in African States has been caused by illegal trade, and that poaching will not be curtailed until such illegal trade is eliminated,

Noting that illegal trade in wild fauna and flora has been made more sophisticated through the use of superior technology in transboundary transactions and should be addressed through commensurate national, regional and international measures,

Recalling the provisions of the African Convention on the Conservation of Nature and Natural Resources (Algiers, 1968), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1973), and the Convention on Biological Diversity (Rio de Janeiro, 1992),

Affirming that States are responsible for the conservation of their wild fauna and flora,

Recognizing the need for co-operation among States in law enforcement to reduce and ultimately eliminate illegal trade in wild fauna and flora,

Recognizing also that sharing of information, training, experience and expertise among States is vital for effective law enforcement to reduce and ultimately eliminate illegal trade in wild fauna and flora,

Desirous of establishing close co-operation among themselves in order to reduce and ultimately eliminate illegal trade in wild fauna and flora,

HAVE AGREED AS FOLLOWS:

Article 1 Definitions

For the purposes of this Agreement:

"Agreement area" means the area comprised of the land, marine and coastal areas within the limits of national jurisdiction of the Parties to this Agreement and shall include their air space and internal waters.

"Biological diversity" means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

"Conservation" means the management of human use of organisms or ecosystems to ensure such use is sustainable; it also includes protection, maintenance, rehabilitation, restoration and enhancement.

"Country of original export" means the country where the specimens originated and from whose territory they depart or have departed.

"Country of re-export" means the country from whose territory specimens depart or have departed and that is not the country of origin of the specimens.

"Field Officer" means a member of a Government organization, department or institution who is employed as a law enforcement officer with national law enforcement jurisdiction, and who is seconded to the Task Force.

"Governing Council" means the Governing Council established under Article 7 of this Agreement. "Illegal trade" means any cross-border transaction, or any action in furtherance thereof, in violation of national laws of a Party to this Agreement for the protection of wild fauna and flora.

"National Bureau" means a governmental entity with the competence encompassing law enforcement, designated or established by a Party to this Agreement under Article 6.

"Party" means a State for which this Agreement has entered into force.

"Specimen" means any animal or plant, alive or dead, as well as any derivative thereof, of any species of wild fauna and flora.

"Task Force" means the Task Force established under Article 5 of this Agreement.

"Wild fauna and flora" means wild species of animals and plants subject to the respective national laws of the Parties governing conservation, protection and trade.

Article 2 Objective

The objective of this Agreement is to reduce and ultimately eliminate illegal trade in wild fauna and flora and to establish a permanent Task Force for this purpose.

Article 3 Geographical Scope

This Agreement shall apply to the Agreement area as defined in Article 1.

Article 4 Obligations of the Parties

1. The Parties shall, individually and/or jointly, take appropriate measures in accordance with this Agreement to investigate and prosecute cases of illegal trade.
2. Each Party shall co-operate with one another and with the Task Force to ensure the effective implementation of this Agreement.
3. Each Party shall provide the Task Force on a regular basis with relevant information and scientific data relating to illegal trade.
4. Each Party shall provide the Task Force with technical assistance relating to its operations, as needed by the Task Force.
5. Each Party shall accord to the Director, Field Officers and the Intelligence Officer of the Task Force while engaged in carrying out the functions of the Task Force in accordance with paragraph 9 of Article 5, the relevant privileges and immunities, including those specified under paragraph 11 of Article 5.
6. Each Party shall protect information designated as confidential that becomes available to any of the Parties in connection with the implementation of this Agreement. Such information shall be used exclusively for the purposes of implementing this Agreement.
7. Each Party shall encourage public awareness campaigns aimed at enlisting public support for the objective of this Agreement, and the said campaigns shall be so designed as to encourage public reporting of illegal trade.
8. Each Party shall adopt and enforce such legislative and administrative measures as may be necessary for the purposes of giving effect to this Agreement.
9. Each Party shall return to the country of original export or country of re-export any specimen of species of wild fauna and flora confiscated in the course of illegal trade, provided that: (a) the country of original export of the specimen(s) can be determined; or (b) the country of re-export is able to show evidence that the specimen(s) re-exported were imported by that country in accordance with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora governing import and re-export; and (c) the costs of returning such specimens of wild fauna and flora are borne by the country receiving the specimen(s), unless there is an alternative offer to bear costs to which both the Party returning the specimen(s) and the Party receiving the specimen(s) agree.
10. Each Party shall pay its contribution to the budget of the Task Force as determined by the Governing Council.
11. Each Party shall report to the Governing Council on implementation of its obligations under this Agreement at intervals as determined by the Governing Council.

Article 5 Task Force

1. A Task Force is hereby established to be known as the Task Force for Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.
2. The Task Force shall be composed of a Director, Field Officers and an Intelligence Officer and such other staff as may be decided by the Governing Council.
3. The Task Force shall include at least one Field Officer seconded by each Party and approved by the Governing Council. Each Field Officer shall be appointed to serve for a term of three years, or such other term as may be determined by the Governing Council. Upon the recommendation of the Director made in consultation with the Party concerned, the Governing Council may shorten or increase the term of other Field Officers.
4. The Director shall be appointed by the Governing Council from among the Field Officers.
5. The Director and other Field Officers shall retain their national law enforcement authority during their time of service with the Task Force.
6. The appointment of the Director, other Field Officers and the Intelligence Officer, as well as their terms of service, shall be decided in accordance with rules established by the Governing Council. The terms and conditions of service of other support staff as deemed necessary for the functioning of the Task Force shall also be decided by the Governing Council.
7. The Director shall be the Chief Executive Officer of the Task Force and shall be accountable to the Governing Council and responsible for: (a) appointing other support staff as deemed necessary for the functioning of the Task Force; (b) commanding and coordinating the work of the Task Force; (c) preparing budgets annually or as required by the Governing Council; (d) implementing policies and decisions agreed by the Governing Council; (e) providing reports annually and as required by the Governing Council; (f) arranging for and servicing meetings of the Governing Council; and (g) performing such other functions as may be determined by the Governing Council.
8. The Task Force shall possess international legal personality. It shall have in the territory of each Party the legal capacity required for the performance of its functions under this Agreement. The Task Force shall in the exercise of its legal personality be represented by the Director.
9. The functions of the Task Force shall be: (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 to perform such other functions as may be determined by the Governing Council.

10. In carrying out its functions, the Task Force, when necessary and appropriate, may use undercover operations, subject to the consent of the Parties concerned and under conditions agreed with the said Parties.

11. For the purposes of paragraph 9 of this Article, the Director, other Field Officers and the Intelligence Officer of the Task Force shall enjoy, in connection with their official duties and strictly within the limits of their official capacities, the following privileges and immunities: (a) immunity from arrest, detention, search and seizure, and legal process of any kind in respect of words spoken or written and all acts performed by them; they shall continue to be so immune after the completion of their functions as officials of the Task Force; (b) inviolability of all official papers, documents and equipment; (c) exemption from all visa requirements and entry restrictions; (d) protection of free communication to and from the headquarters of the Task Force; (a) exemption from currency or exchange restrictions as is accorded representatives of foreign governments on temporary official missions; and (f) such other privileges and immunities as may be determined by the Governing Council.

12. Privileges and immunities are granted to the Director, other Field Officers and the Intelligence Officer in the interests of the Task Force and not for the personal benefit of the individuals themselves. The Governing Council shall have the right and the duty to waive the immunity of any official in any case where, in the opinion of the Governing Council, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Task Force.

13. The Task Force shall not undertake or be involved in any intervention, or activities of a political, military, religious or racial character.

Article 6 National Bureau

1. To facilitate the implementation of this Agreement, each Party shall: (a) designate or establish a governmental entity as its National Bureau; (b) inform the Depositary, within two months of the date of the entry into force of the Agreement for this Party, the entity it has designated or established as its National Bureau; and (c) inform the Depositary within one month of any decision to change the designation or establishment of its National Bureau.

2. For the purposes of this Agreement, the functions of the National Bureaus shall be to: (a) provide to and receive from the Task Force information on illegal trade; and (b) coordinate with the Task Force on investigations that involve illegal trade.

Article 7 Governing Council

1. A Governing Council consisting of the Parties to this Agreement is hereby established to be known as the Governing Council for Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.

2. Each Party shall send a delegation to the meetings of the Governing Council and shall be represented on the Governing Council by a Minister or alternate who shall be the head of the delegation. Because of the technical nature of the Task Force, Parties should endeavour to include the following in their delegations: (a) high ranking officials dealing with wildlife law enforcement affairs; (b) officials whose normal duties are connected with the activities of the Task Force; and (c) specialists in the subjects on the agenda.

3. The first meeting of the Governing Council shall be convened by the Executive Director of the United Nations Environment Programme not later than three months after the entry into force of this Agreement. Thereafter, ordinary meetings of the Governing Council shall be held at regular intervals to be determined by the Council at its first meeting.

4. Meetings of the Governing Council will normally be held at the Seat of the Task Force unless the Council decides otherwise.

5. Extraordinary meetings of the Governing Council shall be held at such times as may be determined by the Council, or at the written request of any Party, provided that such request is supported by at least one third of the Parties within two months of the request being communicated to them by the Director of the Task Force.

6. At its first meeting, the Governing Council shall: (a) by consensus elect its Chairperson and adopt rules of procedure, including decision-making procedures, which may include specified majorities required for adoption of particular decisions; (b) decide the Seat of the Task Force; (c) consider and approve the appointment of the Director, other Field Officers and the Intelligence Officer and decide upon their terms and conditions of service as well as the terms and conditions of service of the supporting staff; (d) adopt terms of reference and financial and administrative rules of the Task Force; and (e) consider and approve an initial budget to establish and operate the Task Force and agree upon the contributions of each Party to the budget.

7. At ordinary meetings the Governing Council shall approve a budget for the Task Force and agree upon the contributions of each Party to the budget.

8. The Governing Council shall determine the general policies of the Task Force and, for this purpose, shall: (a) consider the reports submitted by the Director; and (b) upon expiry, termination or renewal of their terms of service, consider and approve the appointment of the Director, other Field Officers and the Intelligence Officer.

9. The Governing Council shall: (a) keep under review the implementation of this Agreement; (b) consider and undertake any additional action that may be deemed necessary for the achievement of the objective of this Agreement in the light of experience gained in its operation; and (c) consider and adopt, as required, in accordance with Article 11, amendments to this Agreement.

Article 8 Financial Provisions

1. There shall be a budget for the Task Force.

2. The financial management of the Task Force shall be governed by the financial rules adopted by the Governing Council.

3. The Governing Council shall determine the mode of payment and currencies of contributions by the Parties to the budget of the Task Force. Other resources of the Task Force may include extra budgetary resources such as grants, donations, funds for projects and programmes and technical assistance.

4. The Parties undertake to pay annually their agreed contributions to the budget of the Task Force by a specified date as determined by the Governing Council.

5. The Unit of Account in which the budget will be prepared shall be determined by the Governing Council.

Article 9 Seat

1. The Seat of the Task Force shall be determined by the Governing Council pursuant to an offer made by a Party.

2. The Government of the Party in whose territory the Seat of the Task Force shall be located and the Director acting on behalf of the Task Force shall conclude a headquarters agreement relating to the legal capacity of the Task Force and the privileges and immunities of the Task Force, Director, other Field Officers and the Intelligence Officer, which privileges and immunities shall not be less than those accorded to diplomatic missions and their personnel in the host country, and including those privileges and immunities stipulated in paragraph 11 of Article 5.

3. The Government aforementioned shall assist the Task Force in the acquisition of affordable accommodation for its use.

Article 10 Settlement of Disputes

1. Any dispute concerning the interpretation or application of this Agreement which cannot be settled by negotiation, conciliation or other peaceful means may be referred by any Party thereto to the Governing Council.

2. Where the Parties fail to settle the dispute the matter shall be submitted to an arbitral body.

3. The Parties to the dispute shall appoint one arbitrator each; the arbitrators so appointed shall designate, by mutual consent, a neutral arbitrator as Chairperson who shall not be a national of any of the Parties to the dispute.

4. If any of the Parties does not appoint an arbitrator within three months of the appointment of the first arbitrator, or if the Chairperson has not been designated within three months of the matter being referred to arbitration, the Chairperson of the Governing Council shall designate the arbitrator or the Chairperson or both, as the case may be, within a further period of three months.

5. The arbitral body shall have jurisdiction to hear and determine any matter arising from a dispute.

6. The arbitral body shall determine its own rules of procedure.

7. The Parties to the dispute shall be bound by the arbitral decision.

Article 11 Amendment

1. Amendments to the Agreement may be proposed by any Party and communicated in writing to the Director of the Task Force who shall transmit the proposals to all Parties. The Director shall also communicate proposed amendments to the signatories to this Agreement for information.
2. No proposal for amendment shall be considered by the Governing Council unless it is received by the Director at least one hundred and twenty days before the opening day of the meeting at which it is to be considered.
3. Amendments to the Agreement shall be adopted at a meeting of the Governing Council. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-third majority vote of the Parties present and voting at the meeting. Amendments shall take effect, with respect to the Parties, on the thirtieth day after their adoption by the Governing Council. Amendments adopted shall be notified to the Depositary forthwith.

Article 12 Signature, Ratification, Acceptance, Approval or Accession

1. This Agreement shall be open for signature on 9 September 1994 by all African States at the Ministerial Meeting to conclude this Agreement in Lusaka, and thereafter from 12 September to 12 December 1994 at the Headquarters of the United Nations Environment Programme in Nairobi, and from 13 December 1994 to 13 March 1995 at the United Nations Headquarters in New York.
2. This Agreement shall be subject to ratification, acceptance or approval.
3. This Agreement shall remain open for accession by any African State from the day after the date on which the Agreement is closed for signature.
4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations.

Article 13 Entry into Force

1. This Agreement shall enter into force on the sixtieth day after the date of the deposit of the fourth instrument of ratification, acceptance, approval or accession.
2. For each Party which ratifies, accepts, approves or accedes to this Agreement after the deposit of the fourth instrument of ratification, acceptance, approval or accession, this Agreement shall enter into force on the sixtieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.

Article 14 Withdrawal

1. At any time after five years from the date on which this Agreement has entered into force for a Party, that Party may withdraw from the Agreement by giving written notification to the Depositary.

2. Any such withdrawal shall take place upon the expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal provided, however, that any obligation incurred by the Party prior to its withdrawal shall remain valid for that Party.

Article 15 Depositary

1. The Secretary-General of the United Nations shall assume the functions of Depositary of this Agreement.

2. The Depositary shall notify all Parties to this Agreement of: (a) the deposit of instruments of ratification, acceptance, approval or accession in accordance with Article 12; (b) the designation or establishment of National Bureaus in accordance with Article 6; (c) the amendments adopted in accordance with Article 11; and (d) withdrawal in accordance with Article 14.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective governments, have signed this Agreement.

DONE AT LUSAKA on this ninth day of September, one thousand nine hundred and ninety-four.

RESOLUTIONS ADOPTED BY THE MEETING OF MINISTERS FOR THE ADOPTION AND SIGNATURE OF THE AGREED TEXT OF THE LUSAKA AGREEMENT ON CO-OPERATIVE ENFORCEMENT OPERATIONS DIRECTED AT ILLEGAL TRADE IN WILD FAUNA AND FLORA

Resolution 1

INTERIM ARRANGEMENTS

The Ministerial Meeting,

Having agreed upon and adopted the text of the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, hereinafter referred to as the Agreement, at Lusaka on 8 September 1994.

Considering that preparations for the effective implementation of the Agreement need to be made during the period between the opening of the Agreement for signature and its entry into force, and for the subsequent first meeting of the Governing Council.

Appreciating the financial contributions made by the United Nations Environment Programme (UNEP) and donor Governments during the negotiating phase of the Agreement,

Further appreciating the coordinating role undertaken by UNEP during this negotiating phase,

1. Invites the Executive director of UNEP to continue the coordinating role by providing interim arrangements prior to and for the first meeting of the Governing Council.
2. Further invites the Executive Director of UNEP to facilitate the early ratification and entry into force of the Agreement, and in liaison with the Organization of African Unity to encourage and assist African States to become Parties to the Agreement
3. Calls upon Governments, particularly donor Governments, to make financial contributions to the Executive Director of UNEP as are required during the interim period with a view to ensuring full and effective participation of all African States in the Agreement.

Resolution 2

RESPONSIBILITY OF AFRICAN STATES TO ELIMINATE ILLEGAL TRADE IN WILD FAUNA AND FLORA IN AFRICA

The Ministerial Meeting,

Further recognizing that the conservation of wild fauna and flora is essential to the overall maintenance of Africa's biological diversity and that wild fauna and flora are essential to the sustainable development of Africa,

Further recognizing that the intense poaching which has resulted in severe depletion of certain wildlife populations in African States has been caused by international illegal trade;

Deeply concerned that international illegal trade in Africa's wild fauna and flora is continuing despite existing national legislation and relevant international legal instrument;

Recognizing also, therefore, the urgent need to reduce and ultimately eliminate illegal trade in wild fauna and flora,

Convinced that this illegal trade cannot be eliminated without adequate co-operation in law enforcement among members of the international community,

Recognizing moreover that, to secure the urgent action needed to eliminate this illegal trade, the provisions of the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in wild Fauna and Flora, hereinafter referred to as the Agreement, should become effective without delay,

Having agreed upon and adopted the text of the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora,

Noting with appreciation that the Agreement was opened for signature in Lusaka on 9 September 1994 at the Headquarters of the United Nations Environment Programme, Nairobi, and from 13 December 1994 to 13 March 1995 at the United Nations Headquarters, New York,

1. Calls upon all African States to sign and become Parties to the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, and to implement its provisions,
2. Recommends that until the Agreement enters into force and the Task Force is established, all signatory States shall promote co-operation in law enforcement consistent with the spirit of the Agreement,
3. Requests the Executive Director of the United Nations Environment Programme to forward this resolution to the Secretary-General of the United Nations and to the Secretary-General of the Organization of African Unity, and to circulate it to all African States.

Adopted on 8 September 1994

Resolution 3

TRIBUTE TO THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA

The Ministerial meeting,

Having met in Lusaka from 8-9 September 1994 at the gracious invitation of the Government of the Republic of Zambia,

Recalling the origin of the Lusaka Agreement on co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora at the first African Wildlife Law Enforcement Co-operation Conference held under the auspices of the Zambian Ministry of Tourism from 9-11 December 1992 in Lusaka,

Recognizing that the efforts made by the Government of the Republic of Zambia in providing premises, facilities and other resources contributed significantly to the smooth conduct of its proceedings,

Deeply appreciative of the courtesy and hospitality extended by the Government of the Republic of Zambia to the delegations, observers, experts and the Secretariat attending the Meeting,

1. Expresses its sincere gratitude to the Government of the Republic of Zambia and, through it, to the people of Zambia for the cordial welcome which they accorded to the Ministerial Meeting and the preceding Experts Group Meeting, and for their contribution to the success of the meetings,
2. Decides, as a further sign of appreciation, to call the final Act of the Ministerial meeting the “Lusaka Final Act”.

Adopted on 8 September 1994