



UNEP

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





Lusaka agreement on co-operative enforcement  
operations directed at illegal trade in Wild Fauna  
and Flora

## **Lusaka Final Act**



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## **LUSAKA FINAL ACT**

### **OF 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**

1. The Ministerial Meeting for the Adoption of the Agreed Text of the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora was convened in Lusaka by the Executive Director of the United Nations Environment Programme (UNEP) pursuant to the decision of the Second Expert Group Meeting, taken in Nairobi on 3 June 1994 (UNEP/ELI/PAC/LAEG.2/7/Rev. 1).
2. This Ministerial Meeting for the Adoption of the Agreed Text of the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora was held at the Pamodzi Hotel, Lusaka, 8-9 September 1994, at the kind invitation of the Government of the Republic of Zambia.
3. The following States participated in the Meeting and in the adoption of the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora and three resolutions:  
  
Kenya, Lesotho, Mozambique, South Africa, Swaziland, Uganda, United Republic of Tanzania, and Zambia.
4. Observers from the following States attended the Meeting:  
  
Canada, Federal Republic of Germany, United Kingdom of Great Britain and Northern Ireland and United States of America.
5. An observer from the Commission of the European Communities also attended.
6. Expert observers from the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) attended the Meeting.
7. An observer from the United Nations Development Programme also attended.
8. Interpol sent apologies for being unable to attend the Meeting and wished the delegates well in their deliberations.
9. The Meeting had been preceded by three meetings of technical experts held from 7-11 March and 30 May - 3 June 1994 at UNEP Headquarters, Nairobi, and from 5-6 September 1994 at Lusaka.

10. The Bureau for the three meetings of technical experts comprised:

Chairman: Mr. Moses Okua (Uganda)  
Vice Chairman: Mr. Pieter Vermeulen (South Africa)  
Rapporteur: Mr. Caroli Omondi (Kenya)

11. In the course of the inaugural ceremony, the Meeting heard a welcoming address by His Excellency the President of the Republic of Zambia, Mr. Frederick J.T. Chiluba (attached as Annex I to the Final Act) and by the Minister of Tourism and Acting Minister of Foreign Affairs of the Republic of Zambia, Hon. Lieutenant General Christon S. Tembo, MP, DFS (attached as Annex II to the Final Act).

12. Ms. Elizabeth Dowdeswell served as Secretary-General of the Meeting and Mr. Donald Kaniaru (UNEP) served as Executive Secretary.

13. The Meeting unanimously elected the Minister of Tourism and Acting Minister of Foreign Affairs of the Republic of Zambia, Hon. Lieutenant General Christon S. Tembo, MP, DFS, as its President. The Meeting also elected the following officers:

Vice President: Hon. Vincent Joseph Gaobakwe Matthews, MP,  
Deputy Minister of Safety and Security,  
Republic of South Africa

Rapporteur General: Hon. Noah Katana Ngala, EGH, MP, Minister for Tourism and  
Wildlife, Republic of Kenya

14. The Meeting adopted the following agenda:

1. Opening of the Meeting.
2. Organisational matters:
  - (a) Adoption of the rules of procedure;
  - (b) Election of the Officers of the Bureau: President, Vice President and Rapporteur General;
  - (c) Establishment of the Credentials Committee comprising the Bureau members;
  - (d) Organisation of the work of the Meeting.
3. Adoption of the Agenda.
4. Consideration of the draft text of the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.
5. Consideration of the report of the Credentials Committee.
6. Adoption of the Agreement and resolutions.
7. Declarations or statements by the Heads of Delegations.

8. Adoption of the Final Act of the Meeting.
9. Signature of the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.
10. Closure of the Meeting.

15. The Meeting decided to use as its rules of procedure the Rules of Procedure of the Governing Council of UNEP as appropriate.

16. In conformity with the rules of procedure, the Meeting established the Bureau comprising the President, Vice President and Rapporteur General as the Credentials Committee.

17. 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.

18. The above documents were presented to the Meeting, on behalf of the Expert Group Meeting which had unanimously agreed on them, by the Chairman of the Expert Group, Mr. Moses Okua.

19. The Meeting approved the recommendations of its Credentials Committee that the credentials of the representatives of the participating States, as listed below, should be recognised as being in order:

Kenya, South Africa, Swaziland, United Republic of Tanzania, Uganda and Zambia.

20. The meeting adopted, on 8 September 1994, the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora and the three resolutions by acclamation on 8 September 1994. The Agreement will be open for signature in Lusaka on 9 September 1994 and will remain open for signature from 12 September to 12 December 1994 at the Headquarters of UNEP, Nairobi, and from 13 December 1994 to 13 March 1995 at the United Nations Headquarters, New York.



21. On behalf of UNEP, the Executive Director, Ms. Elizabeth Dowdeswell addressed the Meeting. She congratulated the Governments that had negotiated tenaciously and with a spirit of co-operation and now adopted the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora with one voice. She was happy UNEP had been a genuine partner in the process and would certainly continue to play such role as the Governments had assigned to UNEP.

22. The Meeting was addressed by the following Heads of Delegation:

Hon. Noah Katana Ngala, EGH, MP, Minister for Tourism and Wildlife, Republic of Kenya; Hon. Vincent Joseph Gaobakwe Matthews, MP, Deputy Minister of Safety and Security, Republic of South Africa; Senator The Hon. Arthur R.V. Khoza, Minister of Natural Resources and Energy, Kingdom of Swaziland; Hon. Dr. Speciosa Wandira-Kazibwe, Minister of Tourism, Wildlife and Antiquities, Republic of Uganda; Dr. Ben E. Moshi, Principal Secretary, Ministry of Tourism, Natural Resources and Environment, United Republic of Tanzania; and Hon. Lieutenant General Christon S. Tembo, MP, DFS, Minister of Tourism and Acting Minister of Foreign Affairs, Republic of Zambia.

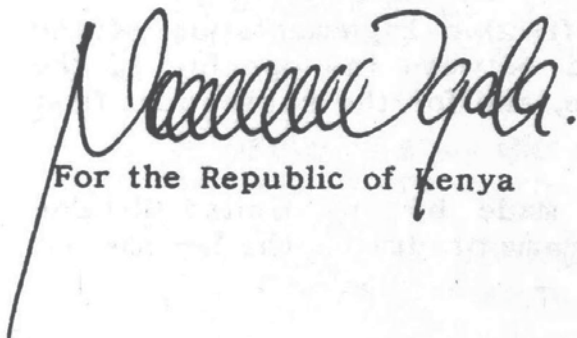
23. The text of the Agreement and the resolutions, as adopted by the Meeting, are attached to this Final Act.

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE AT LUSAKA this eighth day of September one thousand nine hundred and ninety-four. The original text will be deposited with the Secretary-General of the United Nations.

Hon. Noah Katana Ngala

Hon. Dr. Speciosa Wandira-Kazibwe

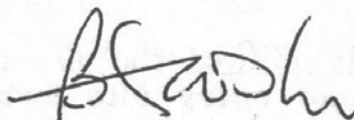
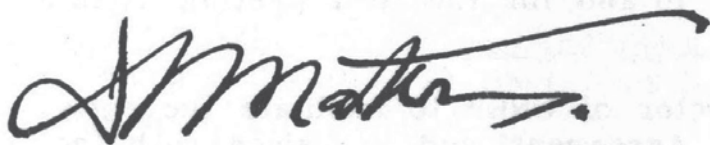


For the Republic of Kenya

For the Republic of Uganda

Hon. Vincent Joseph Gaobakwe Matthews

Dr. Ben E. Moshi

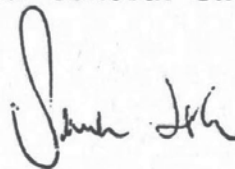


For the Republic of South Africa

For the United Republic of Tanzania

Senator The Hon. Arthur R.V. Khoza

Hon. Lt. General Christon S. Tembo



For the Kingdom of Swaziland

For the Republic of Zambia

# 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 Organisation 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.

*Adopted on 8 September 1994*

## **Resolution 2**

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

#### **The Ministerial Meeting,**

Recognising 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 recognising 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 instruments,

Recognising 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,

Recognising 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, and will remain open for signature from 12 September to 12 December 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 Organisation 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,

Recognising 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*

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

**Adopted 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,

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

Recognising 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 organisation, 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
  - (e) 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;
  - (e) 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.

## Annex I

### **SPEECH BY THE PRESIDENT OF THE REPUBLIC OF ZAMBIA, MR. FREDERICK J.T. CHILUBA, ON THE OCCASION OF THE MEETING OF MINISTERS FOR THE ADOPTION AND SIGNATURE OF THE LUSAKA AGREEMENT ON CO-OPERATIVE ENFORCEMENT OPERATIONS DIRECTED AT ILLEGAL TRADE IN WILD FAUNA AND FLORA**

Madam Executive Director of the United Nations Environment Programme, Honourable Ministers and Ambassadors, Distinguished Delegates and Observers, Ladies and Gentlemen.

It is my profound pleasure to welcome you all to Zambia for the United Nations Environment Programme meeting to conclude, and open for signature, the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.

This Meeting is the culmination of much work accomplished since December 1992 when, through the initiative of our Honourable Minister of Tourism, General Christon Tembo, the first African Wildlife Law Enforcement Co-operation Conference was held in Lusaka.

The Agreement first was conceived by African officers doing the practical job of wildlife law enforcement for our countries, who worked with their colleagues at the United Nations Environment Programme, the Secretariat of the Convention on International Trade in Endangered Species (CITES), Interpol, and United States Fish and Wildlife Service to produce this Agreement. It provides a legal basis for co-operative law enforcement so far achieved no where else in the world. Many now will be eager to see how successful we shall be in implementing this Agreement in practice.

Mr. President, in common with our fellow African States, for many years Zambia had endured large scale commercial poaching of its wildlife. The roots of this problem are not in Africa alone but intricately connected to the illegal international markets which provide the incentives to commercial poachers. Without internal and international smuggling networks and criminal syndicates to supply these markets, African poachers would lack means to sell these products from their wildlife plunder. Thus, the Agreement is directed to co-operative action on illegal poaching and trade.

The home and foreign criminals promoting this trade impoverish our natural resources, and can eventually rob us of our livelihood if not controlled and finally eradicated. The near extinction of the rhino in most of our countries with similar risks to our elephant populations, are symptomatic of a larger threat posed by the illegal international trade in wild plant and wild animal products the Lusaka Agreement is designed to control, if not eliminate altogether. Unfortunately, our poor become accomplices of criminals because of the dependence created by externally manipulated illegal trade.

That the Agreement indeed is a simple necessity to realise the aims of the Convention on International Trade in Endangered Species (CITES), as well as the Biodiversity Convention, is emphasised by an Interpol estimate that the value of illegal international trade in wildlife and wildlife products may amount to five billion US dollars annually, a sum exceeding the budgets of many countries that have been and are now being plundered. We cannot fold our arms while watching our resources being misused. It is time we managed our resources in the interest of our nations and on a sustainable basis.

Mr. President, Distinguished Delegates, the plain truth is that however many conventions our countries may sign and thereafter legislate nationally to confirm with them, we all know that we cannot legislate human goodness. Yet we can agree to legislate for our common good, and we who as soon as possible shall ratify the Agreement will act on that principle. Law must be upheld. Harsh experience of over twenty years shows our countries cannot combat the international criminals whose illegal trade sustains poaching other than by international means such as the Task Force the Lusaka Agreement now makes possible.

We cannot estimate the ecological damage, nor the consequent economic losses, our countries have endured through this illegal trade impoverishing our forests, plants, animals, birds, reptiles, amphibia and insects. Let there be no illusions; the whole rich web of Africa's fauna and flora with which our Creator has endowed us is at risk. We cannot doubt our continent today is poorer in natural resources than at any recorded time of its history. Yet ultimately, our economic well being and progress depends on these depleted but highly renewable resources.

A United Nations Environment Programme report stated in 1974, I quote: "The public service functions of the global natural environment cannot be replaced by technology now or in the foreseeable future. The planet may be 'space-ship earth\*', but the day lies far distant when food for billions is produced by technological means because no technological equivalent of natural processes has yet been or can be devised. The services provided by the orderly operation of natural biological processes dwarfs all our financial, scientific and technological capacity to replace so that natural processes continue to be irreplaceable as well as indispensable".

Ladies and Gentlemen, it is with wonder and awe that we of these natural creative processes may read in Genesis: "And God saw everything that he had made and behold, it was very good". Certain it is that this is so, and that it is no more than good sense that we should, indeed, "bless it, and keep it". This, too is an object of this Agreement.

All our experience indicates that we cannot with impunity violate what science reveals to us as natural law. To attempt to do so is to curse, not bless, our common future. One aspect of this future is threatened by the curse of criminal illegal trading in flora and fauna that we here are agreed to endeavour to prevent. It is said that all that is needed for evil to flourish is that good men do nothing. Well, we are here acting for our common good.

May I express our particular heartfelt appreciation for the material assistance and expertise the United Nations Environment Programme has provided to us all to realise this Agreement. Likewise, I believe all our countries are grateful to the Convention on International Trade in Endangered Species, Interpol, and United States Fish and Wildlife Service for sharing with us their expertise in law enforcement now incorporated into the Agreement. We trust the Task Force to be set up may continue to benefit from your co-operation to defeat those conspiring to steal our natural wealth, corrupt our officials and, not seldom, kill our wildlife scouts.

To our friends among the donor States, may I request your assistance and co-operation for the Task Force to be instituted under this Agreement. With the international sophisticated nature of illegal wildlife trading, the African Task Force of our wildlife producer States will be working to enforce CITES in partnership with enforcement agents of wildlife consumer countries. Perhaps CITES Secretariat would agree that until we achieve effective co-operation between the enforcement agencies of both wildlife producer and consumer States, the value of the CITES Convention cannot be realised. If so, perhaps practical enforcement issues need to be a priority consideration for the Conference of the Parties of CITES in Florida later this year.

Honourable Ministers, Madam Executive Director, and Distinguished Delegates, may I again express our deep appreciation to the United Nations Environment Programme, without whose help this Agreement could not have been negotiated. Its achievement is due largely to your Environmental Law and Institutions Division for whose work we all are grateful. It is now for us, as equal partners, to implement and make effective in practice. And it is right and proper that after today we all here are judged by what we do rather than what we say here.

For Zambia, be assured of my personal interest as well as that of our Honourable Minister, General Tembo, in achieving the aims of the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.

Thank you.

## Annex II

### **SPEECH BY THE HON. MINISTER, LT. GENERAL C.S. TEMBO, MP, DFS, AS PRESIDENT OF THE MEETING OF MINISTERS FOR THE ADOPTION AND SIGNATURE OF THE LUSAKA AGREEMENT ON CO-OPERATIVE ENFORCEMENT OPERATIONS DIRECTED AT ILLEGAL TRADE IN WILD FAUNA AND FLORA**

Honourable Fellow Ministers, Madam Executive Director of the United Nations Environment Programme, distinguished delegations and expert advisors and observers of CITES Secretariat,

On behalf of Zambia, the host country for this United Nations Environment Programme (UNEP) Meeting of Ministers for which I am privileged to be your President, I welcome you warmly to this important Meeting made possible for us by UNEP.

Our task, as you are aware, is to review the final text of the Lusaka Agreement negotiated and presented to us for approval by our expert delegations and advisory observers at the United Nations Environment Programme Third Expert Group Meeting just concluded. It is my hope that you all may have had sufficient opportunity to discuss the final Agreement text before us with your delegations so that we may conduct our work with clear understanding and mutual clarity.

Subject to our considerations, which I trust may proceed smoothly and without delay, it is my hope that we shall be able to proceed to open this urgently needed Agreement for signature tomorrow in accordance with the schedule with which UNEP has assisted us. The Lusaka Agreement before us is the sixth and final text, from which we may realise it is the product of many hours of patient negotiation by our diplomatic, legal and wildlife law enforcement experts, together with the expertise of their CITES, Interpol and United States Fish and Wildlife Service colleagues.

The object of the Agreement set out in Article 2 is plain: it is to reduce and ultimately eliminate illegal trade in our wild fauna and flora by establishing a permanent Task Force for this purpose. Articles 3 and 4 state our geographical scope and define our obligations which, essentially, are to co-operate to make the Agreement work in practice.

Article 5 provides the procedures we agree to follow to set up our Task Force. In this, our countries are all to be equal partners through the Governing Council of which we all shall be equal members under a chairman of our own choosing. The Task Force itself will be comprised of our own officers, subject to our joint control. They will be accountable to us in all matters and follow policies, rules and procedures to be determined by us through our Governing Council set up in accordance with Article 6.

It is relevant to emphasise that the Agreement conforms carefully with all our essential requirements governing national sovereignty. The text on this is clear.

To facilitate implementation of the Agreement, our countries agree to designate or establish National Bureaus. With such appropriate agencies already in existence, this makes little demand on us.

The Agreement incorporates financial provisions. Due to our constrained economics, informally I understand that once the Agreement is signed and in process of ratification we may expect assistance to establish our Task Force. An indicative budget to do this and cover the first year of operations amounts, I believe, to approximately a million US dollars.

The Seat of the Task Force headquarters, provided for in Article 9, is to be determined by the forthcoming first meeting of the Governing Council, and thus is not an issue for our present discussions.

The Articles of the remainder of the Agreement are standard, so offer no difficulty. The important question as to when the Agreement enters into force and becomes operative is plain and simple: it is sixty days after deposit of the fourth instrument of ratification, acceptance or accession by our governments.

Consulting my advisers, I am reassured the text of the Lusaka Agreement as it now stands, offers no difficulties to Zambia. My sincere hope, Honourable Ministers, is that the advice of your own delegations has been similar, so that we may accomplish our task speedily. For, as we all realise, the losses our countries have sustained, and the heavy enforcement burdens our economies bear in trying to protect these natural resources from being plundered by illegal trading, make this Agreement urgent to conclude and implement effectively as soon as we can.

Finally, I emphasise this Agreement is an initiative of a particular African character. It is also the first Agreement of its kind. Its potential value to CITES has been shown by the help of its Secretariat since it first was conceived in this room. For this reason it has also been endorsed by the CITES Standing Committee. For this reason as well, the United Nations Environment Programme has done much to assist us in negotiating the Agreement and making this present Meeting possible.

This Meeting is therefore declared open. May we now proceed with our task.



*Walter Ombaka*

**For the Republic of Kenya**

A handwritten signature in black ink, appearing to read 'A. M. M. S.', with a stylized flourish at the end.

**For the Republic of South Africa**

A handwritten signature in black ink, appearing to be 'M. M. M. M.', is centered on the page.

For the Kingdom of Swaziland

*Swandia.*

**For the Republic of Uganda**

*BC Godhi*

**For the United Republic of Tanzania**

*Sam Mwa*

**For the Republic of Zambia**

*Shih Lin*

**The President of the Meeting**

*C. Douderswill*

**The Secretary-General**

*D. Kamama*

**The Executive Secretary of the Meeting**





