

No. 33409

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**MULTILATERAL**

**Agreement on Cooperative Enforcement Operations Directed  
at Illegal Trade in Wild Fauna and Flora. Adopted at the  
Ministerial Meeting at Lusaka on 8 September 1994**

*Authentic text: English.*

*Registered ex officio on 10 December 1996.*

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**MULTILATÉRAL**

**Accord de Lusaka sur les opérations concertées visant le  
commerce illicite de la faune et de la flore sauvages.  
Adopté par la réunion ministérielle à Lusaka le 8 sep-  
tembre 1994**

*Texte authentique : anglais.*

*Enregistré d'office le 10 décembre 1996.*

# LUSAKA AGREEMENT<sup>1</sup> 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),<sup>2</sup> the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1973),<sup>3</sup> and the Convention on Biological Diversity (Rio de Janeiro, 1992),<sup>4</sup>

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,

<sup>1</sup> Came into force on 10 December 1996, in accordance with article 13:

| <i>Participant</i>               | <i>Date of deposit<br/>of the instrument<br/>of ratification,<br/>or accession (a)</i> |
|----------------------------------|----------------------------------------------------------------------------------------|
| Lesotho.....                     | 20 June 1995 <i>a</i>                                                                  |
| Uganda.....                      | 12 April 1996                                                                          |
| United Republic of Tanzania..... | 11 October 1996                                                                        |
| Zambia.....                      | 9 November 1995                                                                        |

<sup>2</sup> United Nations, *Treaty Series*, vol. 1001, p. 3.

<sup>3</sup> *Ibid.*, vol. 993, p. 243.

<sup>4</sup> *Ibid.*, vol. 1760, No. I-30619.

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;