



LUSAKA AGREEMENT TASK FORCE

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Cross-Border Cooperation and Coordination to Combat Illegal Wildlife Trade – A case Study of LATF

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

“FOSTERING COOPERATION TO CONSERVE WILD FAUNA AND FLORA”



1. INTRODUCTION

Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (herein referred to as the Lusaka Agreement) is a co-operative enforcement instrument that facilitates and promotes cooperation in the fight against illegal trade in wild fauna and flora at regional level in Africa. The objective of the Agreement is to reduce and ultimately eliminate illegal trade in wild fauna and flora in Africa.

This brief highlights LATF's successes, challenges, lessons learned and experiences in combating wildlife crime in Lusaka Agreement member states and beyond.

2. THE LUSAKA AGREEMENT

Designed by African conservationists, law enforcement experts and international conservation advisors, the Lusaka Agreement was adopted by African Governments in 1994 and came into force in 1996. It is Africa's first regional intergovernmental wildlife law enforcement operational framework. It was designed to respond to increased wildlife trafficking between Africa and Asia as well as other continents, to curtail the decimation of many species of plants and animals due to illegal trade. Criminal syndicates continued to feed an increased demand in Asia and other continents for ivory, rhino horn, big cat bones, parts and derivatives of rare and endangered species such as pangolins, plants, reptiles, timber by sourcing their supply mainly from Africa.

What it is: A Multilateral Environmental Agreement (MEA) registered as UN Treaty that is currently a family of 10 states (Republics of Congo (Brazzaville), Kenya, Liberia, Uganda, Zambia, Kingdom of Lesotho, and the United Republic of Tanzania. Ethiopia, South Africa and Swaziland are signatories to the Agreement). The Agreement is open for accession to all African states. The accession/ratification process is similar to those applicable to other MEAs and in accordance with state policy. The treaty created a permanent inter-governmental task force for cooperative cross-border wildlife law enforcement, **the Lusaka Agreement Task Force (LATF)**. Under the Agreement, each party allows this multi-national body (LATF) to investigate violations of wildlife laws, physically undertake intelligence and conduct joint wildlife-related, investigations and enforcement actions within and across its borders in collaboration with national agencies through its focal point, the National Bureau to the Agreement.

LATF, which is the operational arm and Secretariat of the Agreement, is hosted by the Republic of Kenya in Nairobi, while national focal points are dotted throughout Eastern, Central, Western and Southern Africa. National Bureaus are mainly wildlife and/or forest authorities are the Agreement's national implementing agencies that cooperate with each other and work closely with LATF, Police, Customs, Anti-Corruption and Anti-Money Laundering Units, Interpol NCBs, WCO RILOs, military and state intelligence services, prosecutors, other specialized law enforcement agencies and arms of the judiciary, as well as conservation organizations. LATF and



National Bureaus report on regular basis to the Governing Council, an intergovernmental ministerial policy and decision-making body of the treaty.

3. FUNDING THE OPERATIONS OF LATF

- 3.1 LATF's operations are mainly funded by annual statutory contributions from the Member States. Article 4(10) of the Lusaka (Agreement) Final Act (1994) obligates member states to pay contributions to the budget of the Task Force as determined by the Governing Council.
- 3.2 The Task Force also gets support from partners and donors to facilitate specific law enforcement activities.

4. EXPERIENCES AND LESSONS LEARNED FROM WORKING WITH OTHER NETWORKS

The operations of LATF are guided by provisions of the Lusaka Final Act 1994 and the LATF Rules as well as the LATF Strategic Plan. The Strategic Plan enunciates a number of operational priority areas that include the undertaking of joint law enforcement operations with the Parties' designated law enforcement agencies also known as National Bureaus.

Since the inception of the Lusaka Agreement Task Force on 1st June 1999, a considerable number of successful programs and cross-border field operations have been undertaken in the Member States and beyond. These activities, including achievements include:

4.1 Law Enforcement Activities

- 4.1.1 Gathering intelligence information on illegal trade in wild fauna and flora. These are shared with Parties through the National Bureaus or acted on by planning joint operations with the National Bureaus. The Task Force also shares its intelligence information with regional and International Law Enforcement Agencies such as INTERPOL and WCO/Regional Intelligence Liaison Offices;
- 4.1.2 Sending out alerts to other law enforcement agencies to prevent wildlife crime or illegal wildlife trade as well as carry out seizures of wildlife contraband and arrest and assist in successful prosecution of suspects;
- 4.1.3 Contributed significantly to the establishment of multiagency units and fostering collaboration among them;
- 4.1.4 Supports initiation of cross border wildlife enforcement mechanisms which have contributed to curtailing of cross border wildlife crime;
- 4.1.5 LATF efforts have resulted in arrests of over 100 wildlife crime suspects including kingpins of wildlife crime syndicates, as well as seizure of live wildlife specimens and hundreds of tonnes of wildlife contraband;



- 4.1.6 Cooperative law enforcement operations that have disrupted, disorganized and suppressed criminal syndicates regionally and globally. (e.g. Singapore 6.5 tonnes ivory seizure, Operations BABA, COSTA, GAPIN, COBRA, HOPE, WENDI and WORTHY);
- 4.1.7 LATF was awarded the CITES Secretary General's Certificates of Commendation in recognition of its significant contribution in coordinating and supporting international investigations as well as its regional collaborative efforts to take down an international criminal syndicate smuggling ivory from Africa and especially Kenya to China during the operation carried out early in 2013 and 2014;
- 4.1.8 In collaboration with the University of Washington (Seattle USA) , pioneered elephant ivory DNA profiling for law enforcement purposes in collaboration with research institutions;
- 4.1.9 Contributes to elevating the profile of wildlife crime as an important agenda among governments, its partners and stakeholders leading to increased political goodwill and strategic interventions through various initiatives aimed at addressing wildlife crime e.g. Project ADAN and OASIS under INTERPOL; the Green Customs initiative by WCO; Central African Law Enforcement Action Plan on combating illegal trade in wild fauna and flora, International Consortium on Combating wildlife Crime (ICWC) which is constituted of CITES, WCO, INTERPOL, UNODC and the World Bank.

4.2 International Investigations

- 4.2.1 International investigations are planned and undertaken, which result in identifying and arresting of suspects. Among major international assignments carried out by LATF in collaboration with National Bureaus include investigations into seizures of assorted wildlife specimens originating in Africa.
- 4.2.2 Among key achievements in undertaking international investigations while working with partner agencies included seizures of assorted specimens and arrests of kingpins in the Singapore 6.5 tone ivory seizure in 2002. Arrest and extradition of Chinese ivory trafficking kingpin from Kenya in 2014 among others.

4.3 Cross border law enforcement/wildlife security meetings

- 4.3.1 Cross border law enforcement meetings are forums designed by LATF to bring together wildlife officers from neighbouring countries to share intelligence information and formulate strategies to combat cross border wildlife crime. LATF plays an advisory role and monitors implementation of the resolutions and recommendations arising from the meetings.
- 4.3.2 LATF has so far initiated cross border meetings between Kenya/Tanzania, Uganda/Kenya, Kenya/Ethiopia, Congo (Brazzaville)/CAR/DRC and Tanzania/Zambia.

4.4 Capacity Building Programmes (for enhanced capacity and competences)

- 4.4.1 LATF supports and coordinates regular training of enforcement officers from National Bureaus in criminal intelligence and investigations. So far over 1000 officers from Lusaka Agreement Parties and non-parties



have been trained which has led to improved skills and capacities of officers in undertaking law enforcement activities.

- 4.4.2 Multi-agency Awareness Workshops – these are sensitization programmes conducted by LATF for national Law enforcement officers drawn from national institutions/agencies such as Wildlife Authorities, Customs, Ports and Airport Authorities, Immigration, Plant Health & Phytosanitary Inspectors, Police, Anti-corruption and Judiciary (Magistrates and Prosecutors) among others in Parties to enhance collaboration and promote synergies towards effective wildlife protection.
- 4.4.3 Since 1999, over 60 multi-agency awareness programs for national law enforcement officers have been convened with the support of LATF in Lusaka Agreement Member States. Most of the seizures made at exit points (in-country) are attributed to the enhanced collaboration among law enforcement agencies which is an outcome of such initiatives;
- 4.4.4 Contribution to the development of African elephant ivory DNA database that facilitates profiling to establish probable geographic origins of the specimens for law enforcement purposes in collaboration with the Center for Conservation Biology of the University of Washington-Seattle USA;
- 4.4.5 Contributed to the establishment of National Wildlife Crime Task Forces (Multiagency Teams) in countries such as Tanzania and Uganda.
- 4.4.6 Recently in collaboration with the Institute for Security Studies (ISS) through its ENACT project, and the African Union Commission, LATF implemented capacity Building Programs funded by the European Union. This involved a series of capacity building activities undertaken in Southern Africa States - Livingstone, Zambia in Feb 2019; in Eastern Africa & Horn of Africa States - Addis Ababa, Ethiopia in May 2019 and in Central African States - Brazzaville, Congo in July 2019. The events were aimed at enhancing cooperation and networking among Africa's wildlife authorities to combat wildlife and forest crime in the continent and also attract other African countries to accede to the Agreement. Similar events for North & West African States to be held in Accra, Ghana have been planned for mid-2022 following the postponement in March 2020 owing to Covid-19 related logistical challenges.

The events/activities above have contributed to Knowledge transfers; Up-scaling of skills on law enforcement; Increased cooperation/collaboration among agencies and Elevation of the profile of the Lusaka Agreement.

4.5 Partnerships

LATF has fostered partnerships to enhance synergy and resource mobilization. LATF currently:

- 4.5.1 Implements Memoranda of Understanding with United Nations Office on Drugs and Crime (UNODC), World Customs Organisation (WCO), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and INTERPOL among others.
- 4.5.2 Works with NGOs such as the Grace Farms Foundation (GFF) in undertaking capacity building programmes and activities mainly focusing on supporting cooperative law enforcement activities at both regional and national levels particularly to benefit Lusaka Agreement member states.



5. CHALLENGES AND OBSTACLES TO CROSS-BORDER COOPERATION

- 5.1 Growing membership.
- 5.2 Financial sustainability of its operations. This is mainly due to delayed, partial or non-payment of the contributions by some member states.
- 5.3 Enforcement Operations are country driven, and therefore LATF's annual budget and programs are developed in collaboration with National Bureaus and approved by the Governing Council. LATF's administrative and operational costs are mainly met by member states' contributions. This annual financial obligation of parties while permitting full ownership of the process by member states may be the cause of the slow membership expansion of the Agreement, and its limited continental network.
- 5.4 Other challenges in enhancing cooperation and collaboration among member states include the following:
 - i. Suppressing lucrative illegal markets and demand for wild fauna and flora products;
 - ii. Increasing sophistication of wildlife crime;
 - iii. Working in an environment of weak/outdated wildlife and forestry laws in many African states;
 - iv. Effective networking and collaboration with international bodies and other stakeholders;
 - v. Corruption and fraud associated with wildlife crime;
 - vi. Information Gap; Information is most valuable when used in an appropriate way - information need to fuel knowledge to generate researches, analyses to policymakers, decision makers etc (this is not the case in law enforcement);
 - vii. Support to capacity development: the value of Information databases depends on capacity development:
 - Need to equip data collectors with skills and resources to maintain consistent data quality;
 - Countries effectively sharing information/data on wildlife crime most of which have trans-boundary significance;
 - viii. Support for development of Data Infrastructure: Lack of infrastructure generally impedes successful information sharing.

6. SOLUTIONS AND OPPORTUNITIES FOR COLLABORATION WITH WILDLIFE ENFORCEMENT NETWORKS (WEN)

The enormous wildlife conservation challenges in the African continent need wildlife law enforcement approaches at national, sub- regional and regional level. LATF, the WENs and National Task Forces bring different and complementary counter wildlife trafficking (CWT) benefits to African states. Opportunities exist to ensure that the information gaps and ineffective collaboration are enhanced. Such opportunities include the following:

- With legal mandate enshrined in the Lusaka Final Act, LATF could serve as a coordination centre for the WENs. Facilitating continental links among sub-regional WENs. For example, if Horn of Africa-WEN wishes to cooperate with a Southern Africa-WEN, LATF as a Regional Agency could play a facilitative



role. Similarly, LATF can facilitate and coordinate the networking among the newly created national task forces in both member states and non-member states to the Agreement;

- The need for a continental focal point for other regional WENs. Asia's WENs are already working with LATF. If they need support in developing new lines of communication or joint activities with Africa's emerging sub-regional WENs, they reach out to LATF for support and guidance.
- Training and advisory support. Africa's new WENs and Task Forces need specialized training and guidance based on decades of experience and lessons learned from national, regional and cross-continental operations. LATF and its international partners develop and conduct tailored training programs, which are good avenues for sharing its experience and expertise on cross-border enforcement operations and fostering inter-agency collaboration.
- Technical support on capacity needs in terms of specialized equipment to facilitate enforcement units.
- Availability of a developed criminal and intelligence database. LATF continues to build its wildlife criminal and intelligence database to support enforcement actions and information sharing with countries and WENs.
- WENs and National Task Forces can provide quick accessibility to countries in the network and leverage networking benefits.
- The sub-regional WENs and National Task Forces can choose if and when to include LATF in their events (and information sharing), based on practical need. LATF can do the same with WENs and National Task Forces. LATF can sign MOUs with WENs to guide them on the modalities for sharing information and undertaking joint programs of mutual interest, as well as reciprocal participation in each others' events.
- Intercontinental cooperation: ASEAN countries have utilized ASEAN-WEN to build bridges with African countries primarily through communication with LATF. For example, ASEAN-WEN, South Asia-WEN (SAWEN) and China have organized joint trainings and operations with LATF since 2009, including up to 17 African and 12 Asian countries in Operation Cobra 1, Cobra 2, and Cobra 3 (2013- 2015), which led to successful cross-continental law enforcement actions that netted elephant ivory and rhino horn trafficking rings, among others. More recently, Southeast Asian and African law enforcement agencies have cooperated through ASEAN-WEN and LATF in an effort to jointly dismantle a cross-continental elephant ivory trafficking syndicate. These recent efforts have revealed the usual challenges in efficient use of Mutual Legal Assistance Treaties (MLATs), but ongoing hand-to-hand experience is serving as useful networking, training, and learning experience that will make each party more effective in tracking and dismantling cross-border syndicates.
- Information sharing within countries and sub-regions - LATF has spearheaded implementation of the Wildlife Enforcement Monitoring System (WEMS) since 2011.
- There is need to promote the use of information sharing platforms by more countries as a user friendly secure communication system and database.



7. CONCLUSION

Networking among Lusaka Agreement member states and partners has enabled LATF continue to build capacity and undertake joint intelligence led investigations with successful arrests and prosecutions in both member states and beyond. However, there is still need to create strong links with other partners and newly established WENs and National Task Forces in order to enhance practical cooperation and share best practices to combating wildlife crime
