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برنامج الأمم المتحدة للبيئة · 联合国环境规划署
PROGRAMME DES NATIONS UNIES POUR L'ENVIRONNEMENT · PROGRAMA DE LAS NACIONES UNIDAS PARA EL MEDIO AMBIENTE
ПРОГРАММА ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ ПО ОКРУЖАЮЩЕЙ СРЕДЕ

UNEP REPORT TO THE NINTH GOVERNING COUNCIL MEETING OF THE LUSAKA AGREEMENT ON COOPERATIVE ENFORCEMENT OPERATIONS DIRECTED AT ILLEGAL TRADE IN WILD FAUNA AND FLORA Kampala, Uganda, 3rd October 2008

Distinguished President of the Governing Council,
Members of the Bureau of the Governing Council,
Ministers and Parties' representatives to this Governing Council,
Ladies and Gentlemen,

It gives me great pleasure to address this august body, on behalf of my Director, Mr. Bakary Kante, who would have wished to be here in person but exigencies of work did not make it possible. He, however, sends his greetings to you all and wishes this Governing Council a successful deliberation.

Distinguished Ministers, Ladies and Gentlemen,

The international community and the world at large has in the recent years undergone new and unprecedented challenges associated with our poor or inadequate environmental management mechanisms and frameworks causing more and more environmental degradation and pollution. Consequently, environmental crimes related to illegal trade of wild fauna and flora have continued to increase as market value for wildlife species continue to skyrocket and illegal traders become more and more sophisticated with better and expensive technologies and equipments making it difficult for the national enforcement agencies to cope. These developments clearly demonstrate to our law enforcement agencies and officials to strengthen their cross border cooperation to combat and curb the menace. We are, therefore, here to assess whether both the Task Force and the National Bureaus are able to meet these emerging challenges and if not what more should be done or effected.

Distinguished Ministers, Ladies and Gentlemen,

In view of the challenges facing the globe including donor fatigue, it is imperative that both the Parties and the Task Force are strategic in their endeavors, especially on funding and its sustainability, an issue to be discussed in this Governing Council. Resource avenues are becoming scarce and limited hence the need to capitalize on existing windows to leverage additional resources for the implementation of the Agreement. For instance, the entire international community and governments are concerned and wary about the already felt impacts and effects of climate change which touches upon all sectors of life without exception. Consequently, more and more resources are now globally geared towards mitigation and adaption measures for climate change. The Parties need to assess how this Agreement could strategically benefit from such various funding provided under the UN Framework Convention on Climate Change and others. For the Lusaka Agreement to continue to be relevant in a competitive environment surrounded by new global demands and challenges, Parties need to assess how their Agreement and its implementation is responding to meet these global challenges and global goals, such as the Millennium Development Goals (MDGs) as well as global targets, such as the 2010 Biodiversity targets to guarantee its relevance and subsequently, future opportunities for funding.



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I. Introduction

1. This progress report covers the various activities supported and/or facilitated by the United Nations Environment Programme (UNEP) since the Eighth Governing Council meeting of the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (hereinafter referred to as the “Lusaka Agreement” or the “Agreement”), held in Nairobi in October 2006. The Parties to the Lusaka Agreement have made significant progress with regard to compliance, enforcement and implementation of the Agreement both at national and regional levels. In support of this, UNEP has provided direct support to the Lusaka Agreement to a total of approximately USD 97,000 since the 8th Governing Council meeting. Additionally, UNEP provided approximately USD 95,000 prior to and as reported at the last Governing Council; this expenditure is still guiding the work and implementation of both the Agreement and its Task Force. In addition, indirect support through other relevant activities which benefit either the Lusaka Agreement or its Task Force or the Parties to the Agreement continue to be provided by UNEP. This includes, in particular, the promotion of the Agreement. The direct support aimed at the implementation of the Lusaka Agreement through its Task Force or through the Parties has been channeled through the different activities as summarized and highlighted below.

II. UNEP support to the Lusaka Agreement Task Force (LATF)

(a) Evaluation of the Lusaka Agreement and the adoption of the Long Term Strategic Plan

2. As reported at the Eight Governing Council meeting, UNEP provided USD 65,000 for the review and evaluation of the implementation of the Lusaka Agreement from its adoption in 1994 to 2004, as requested by the Parties in decision VI/6 of the Lusaka Agreement Governing Council. The Evaluation Report as well as a series of recommendations intended to further strengthen the implementation and enforcement of the Lusaka Agreement was submitted for consideration and adopted for appropriate action by the Seventh Governing Council meeting.

3. The immediate action instructed by the Seventh Governing Council meeting as a priority for the implementation of the recommendations made in the Evaluation Report was the development of the Long Term Strategic Plan for the Agreement. As requested by the Parties and in response to decisions VI/6.1, VII/1.B and VII/2, UNEP provided USD 30,000 for the development and preparation of the requested Strategic Plan. The Plan was submitted for consideration and adopted by the Parties in decision VIII/1 at the Eighth Governing Council meeting held in October 2006

4. The outcome of the Evaluation Report and the results which led to the development and adoption of the Strategic Plan continue to guide and facilitate all activities undertaken by the LATF and/or the Parties for the effective implementation and enforcement of the Lusaka Agreement in the next decade. The progress towards the effective implementation of the



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Strategic Plan and lessons learned thus far will be a subject of review and further guidance for enhanced implementation of the Agreement by the Parties at the Ninth Governing Council meeting. UNEP stands ready within its limited resources and mandate to continue to partner and collaborate with the Parties to the Lusaka Agreement and the LATF on further work on implementation of the Strategic Plan.

(b) Support to the Ninth Governing Council of the Lusaka Agreement (USD 22,000)

5. From the first Governing Council of the Lusaka Agreement in 1997 to the current ninth Governing Council meeting, UNEP has continuously provided necessary financial support as well as the technical and advisory services for the planning, organization and conduct of Governing Council meetings. It has also supported experts' meetings convened to prepare background documentation and recommendations for consideration and adoption by the Governing Council. In this regard UNEP has made available to the LATF a total of USD 22,000 to support the organization of and the participation of delegates at the current ninth Governing Council meeting. These limited financial resources aim to effectively contribute towards a positive environment for the Parties to meet and review progress on the implementation and enforcement of their Agreement and encourage more regions to emulate its success as well as encourage more countries in Africa to accede to the Agreement.

(c) Promoting the Lusaka Agreement and the LATF through a Documentary Case Study and Film (USD 50,000)

6. The Lusaka Agreement Strategic Plan specifically provides or calls for mechanisms to be developed to further promote the Lusaka Agreement as well as promote accession to the Agreement. In this regard and as approved by the eighth Governing Council meeting in decision VIII/III.4, UNEP entered into a partnership arrangement with the LATF and the International Network for Environmental Compliance and Enforcement (INECE) aimed at strengthening the capacity of the Agreement and further promoting both the Agreement and the LATF through the production of a case study and a documentary film. UNEP, through support provided by the Government of Norway, provided USD 50,000 for a case study and production of a documentary film entitled *Ivory Poaching Wars* to further the implementation of the Agreement as well as popularize and promote it. The role played by the LATF during the case study and production of the related documentary film was greatly appreciated by all involved partners. In particular, the role of the LATF in organizing the field trips and necessary in-country arrangements to enable the film crew to conduct interviews and record the documentary were commended.

7. Two versions of the documentary film were produced. The first one was broadcasted three times in one week in March 2008 to millions of viewers worldwide on the television channel BBC World. The second amended version was filmed to specifically promote the Lusaka Agreement and the work of the LATF and was launched and shown at the eighth conference of the International Network for Environmental Compliance and Enforcement (INECE) held in April 2008 in Cape Town, South Africa. UNEP and LATF also intend to air the documentary film during this ninth Governing Council meeting. UNEP



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is of the view that the documentary film will have a multiplier effect and be used for furthering the work of the Agreement, namely to promote the work of the Agreement and to replicate its work in other regions. The documentary film could also be used as a communication tool to encourage new parties to accede to the Agreement and to raise awareness on LATF activities and to build the capacity of new and current Parties to the Lusaka Agreement.

8. With regard to further promotion of the Lusaka Agreement and its links with wildlife management policies, UNEP has been requested to prepare an article on “Regional Wildlife Enforcement Agreement (the Lusaka Agreement) in Kenya’s Wildlife Management” for publication in a forthcoming book entitled “Environmental Law Process in Kenya”, to be edited and published in the last quarter of 2008. This article will further promote and raise awareness of the Lusaka Agreement not only in Kenya but also in other East African countries and beyond. The importance of developing and/or strengthening existing legislation and harmonizing the relevant laws related to wildlife management will be highlighted as a mechanism to better tackle the actual and potential threats related to destruction and degradation of wildlife resources as a result of illegal trafficking and other human interferences across national boundaries.

(d) Monitoring of Illegal Killings of Elephants (CITES/MIKE)

9. The MIKE programme has been deployed in 42 elephant range States in Asia and Africa to provide objective information for making appropriate management and enforcement decisions concerning elephants and trade in elephant products, and to build institutional capacity in range States for the long-term management of their elephant populations. MIKE and its sister programme ETIS (Elephant Trade Information System) are important monitoring tools for CITES in the complex business of assessing and agreeing on policies for trade in elephant products.

10. MIKE is managed by the CITES Secretariat, with its Coordination Unit housed by UNEP’s Division of Environmental Conventions (DELIC). The arrangement has enhanced exchanges regarding CITES and international wildlife trade issues, and stimulated collaboration in areas such as capacity building, outreach and promotion, enforcement and institutional support. This is relevant to the Lusaka Agreement’s role in helping to implement and enforce CITES regulations in the Party States and Africa at large.

11. In connection with MIKE, UNEP recently chaired an African elephant meeting held in Mombasa, Kenya in June 2008 which had been convened by the CITES Secretariat and its MIKE programme in compliance with CITES Decision 14.79. The meeting funded by the European Commission was attended by 34 of the 37 African elephant range States. It allowed for a broad exchange of views on all aspects of elephant conservation and management on the continent, including combating poaching and addressing illegal trade in elephant products at national and international level. The potential of the Lusaka Agreement and the LATF were noted in this regard. The outcomes of the meeting included agreements on a Strategic Framework for an African elephant Action plan. UNEP may remain involved in the next African elephant meeting, scheduled for the first half of 2009. It is important for the Lusaka Agreement Parties as well as the LATF to participate and be involved in this process which will finally develop a Strategic



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Action Plan as well as a Fund for African elephant as directed by CITES COP 14 decision since the process is directly related to the implementation of the Lusaka Agreement.

(e) Enhanced capacity of customs officers

12. Since 2005, UNEP's Division of Trade, Industry and Economics (DTIE) and its Division of Environmental Law and Conventions (DELIC) together with Interpol, the World Customs Organization (WCO), trade-related multilateral environmental agreement (MEA) Secretariats and the Organization for the Prohibition of Chemical Weapons has continued, under the Green Customs Initiative (GCI), to organize and conduct a series of regional and national capacity building training workshops especially targeting customs officers who are also key enforcement agents of the Lusaka Agreement. Their capacities continue to be enhanced to enable them play a better and more effective role in the implementation of trade-related MEAs, in particular, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Montreal Protocol on Substances that Deplete the Ozone Layer, the Stockholm Convention on Persistent Organic Pollutants (POPs), the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides, chemical weapons conventions and the Convention on Illegal Trade in Wild Species of Fauna and Flora (CITES), which the Lusaka Agreement implements at the sub-regional and regional levels.

13. In this regard, since 2006, four training workshops have been organized and conducted in Africa (in Senegal, Ethiopia, Mauritius and Kenya) for national customs officials. These workshops have been used to train customs officials who are also enforcers of the Lusaka Agreement in their respective countries as well as to promote the Agreement to a wider audience, in particular, to those countries not yet parties to the Agreement. Further awareness raising workshops are scheduled to be held in Mozambique and Malawi towards the end of 2008. Consequently, the specific role played by customs officials in the region and in the region's countries in the implementation of the Lusaka Agreement has been underscored in these training workshops and in related activities. To further facilitate and strengthen the role of customs officials, a specialized Manual for customs officials for the implementation of the trade-related multilateral environmental agreements (MEAs) has been prepared jointly with GCI partners. The Manual was published in August 2008 and is currently awaiting its formal launch and wide dissemination for use as appropriate.

(f) Adoption of the CMS-Gorilla Agreement, October 2007

14. In further strengthening the role of the Lusaka Agreement, UNEP facilitated and supported the negotiation and adoption of a new regional Agreement on the Conservation of Gorillas and their Habitats under the Convention on Migratory Species among ten African range states. The Agreement was adopted in October 2007 and entered into force in June 2008. Article IX of the Agreement which deals with relations with international bodies dealing with Gorillas and their habitats specifically recognizes, among others, the Lusaka Agreement and its Task Force, which shall be consulted by the Gorilla Agreement Secretariat on a regular basis on all matters of common interest and in particular, in the development and



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implementation of the Agreement's Action Plan. This is a new avenue open to the Lusaka Agreement Parties and their Task Force to further promote the Agreement to the ten Gorilla Agreement range states and possibly bring them on board in the common activities implementing the two Agreements.

III. Conclusion

15. UNEP remains committed, within its limited capacity and resources, to the implementation of the Lusaka Agreement. It looks forward to continue working with the Parties and the LATF to ensure the key aim and objective of the Agreement which is to reduce but ultimately eliminate illegal trade in wild fauna and flora is achieved and the experience emulated by other regions in the world facing similar changes.

On behalf of myself and my UNEP colleague, Mr. Marko Berglund, I wish you all the best and look forward to constructive outcomes of your deliberations which will take this Agreement into an even better future.

Thank you for your attention.