

Report of the Panel of Experts on the African Elephant on the review of  
the proposal submitted by Zambia  
to transfer its national population of *Loxodonta africana* from Appendix I to Appendix II

TERMS OF REFERENCE OF THE PANEL

1. The task of the Panel of Experts was to review, in accordance with Resolution Conf. 10.9, the proposal of Zambia to transfer its population of African elephant (*Loxodonta africana*) from Appendix I to II subject to certain conditions. The Conference of the Parties requires the Panel to take into account, in particular:
  - a) in evaluating the status and management of an elephant population:
    - i) the viability and sustainability of the population, and potential risks;
    - ii) the affected range State's demonstrated ability to monitor the subject population; and
    - iii) the effectiveness of current anti-poaching measures;
  - b) in evaluating the affected range State's ability to control trade in ivory from African elephants:
    - i) whether total levels of offtake from both legal and illegal killing are sustainable;
    - ii) whether control of ivory stocks is adequate to prevent the mixing of legal and illegal ivory;
    - iii) whether law enforcement is effective; and
    - iv) whether enforcement and controls are sufficient to ensure that no significant amounts of ivory taken or traded illegally from other countries are traded within or through the territory of the affected range State; and
  - c) when appropriate:
    - i) the trade in parts and derivatives from the African elephant other than ivory and the controls on such trade in the proponent State; and
    - ii) the controls on ivory trade in specified importing countries.
2. Resolution Conf. 10.9 also requires the Panel of Experts to evaluate whether acceptance of the proposal under review is likely to have a positive or negative impact on the conservation status of the elephant population and its environment in the affected range State.
3. Regarding the need to review controls on ivory trade in specified importing countries [paragraph 1.c)ii) above], this could not be done by the Panel because Zambia has not specified to which country it intends to permit exports.

## COMPOSITION OF THE PANEL

4. The Standing Committee agreed on the names of the potential members of the Panel of Experts by postal procedures in July 2002. The Secretariat convened the Panel, comprising the following members:
  - Christian Ashwell, CITES Team, H.M. Customs and Excise, Heathrow Airport, United Kingdom of Great Britain and Northern Ireland;
  - Jonathan Barzdo, Chief, Convention Support Unit, CITES Secretariat, Geneva, Switzerland (Chairman of the Panel);
  - Vernon Booth, consultant, Harare, Zimbabwe;
  - Hugo Jachmann, consultant, The Netherlands.
5. The representative of Zambia, appointed to facilitate the work of the Panel and to act as an adviser was:
  - George Kampamba, Director – Research, Planning and Information, Zambia Wildlife Authority.

## SUMMARY REPORT OF THE PANEL'S ACTIVITIES

6. On their appointment to the Panel, all members reviewed the proposal to transfer the Zambian population of *Loxodonta africana* from Appendix I to II (subject to certain conditions) (CoP12 Prop. 9) and the report of the previous Panel of Experts that reviewed a proposal to transfer the elephant population of Zambia from Appendix I to Appendix II, document Doc. 8.46 Annex 7, presented at the eighth meeting of the Conference of the Parties (Kyoto, 1992).
7. The Panel carried out a fact-finding mission to Lusaka, Zambia, from 9 to 13 September 2002. Although this was not within the deadline established in Resolution Conf. 10.9, it was the earliest time at which Zambia was able to receive the Panel. During its mission, the Panel met a range of officials from national and provincial authorities. It also visited the strongroom holding ivory in Chilanga (near Lusaka) to review security measures as well as the procedures relating to the movement of ivory into and out of the strongroom and the associated record keeping. Two members of the Panel visited the Chiawa Game Management Area located adjacent to the Lower Zambezi National Park. The members attended a meeting of the Community Resource Board (CRB) chaired by Chieftainess Chiyasa, who outlined the functions and activities of the CRB. Wide-ranging discussions were held with various community representatives concerning issues relating to elephant management in the GMA. In addition, the Panel met in Zambia with representatives of some non-governmental organizations (including tour operators) and consultant biologists. A list of the persons interviewed appears in the Annex to this report.
8. The Panel invited TRAFFIC and the Species Survival Network (SSN) to provide any relevant information that they might have that the Panel should take into account.
9. TRAFFIC provided a summary of its information available regarding seizures of ivory in Zambia, noting that Zambia had never officially communicated any information about seizures of elephant ivory or other specimens to the Secretariat or to TRAFFIC although TRAFFIC had sought information from Zambia. Consequently Zambia was not implementing the recommendation in Resolution Conf. 10.10 (Rev.) that Parties should provide information on seizures of ivory within 90 days of their occurrence.
10. In response to the request to SSN, the Secretariat received written information from the International Fund for Animal Welfare and received a brief oral presentation of information from the Environmental Investigation Agency. In addition, the Panel entered a brief correspondence with the David Shepherd Wildlife Foundation. All the information received was taken into account in preparing this report.

## REQUEST FOR ADDITIONAL INFORMATION

11. During the visit of the Panel to Zambia, it requested a great deal of information to supplement the information in the proposal in order to enable it to fulfil the terms of reference of the Panel.
12. All the requested information was provided except for a copy of a report of an audit conducted by Price Waterhouse in 1998, which the Panel expected to contain information about the stock of ivory held at that time.

## IMPLICATIONS OF THE ADOPTION OF THE PROPOSAL

13. If the proposal of Zambia were adopted, all ivory of Zambian origin, wherever it is currently held, would effectively be considered as from a species in Appendix II of the Convention. However, the adoption of the proposed annotation would mean that no trade in ivory would be possible except in the specified stock of raw ivory owned by the Zambia Wildlife Authority (ZAWA) and derived from management operations. The clarification in the supporting statement indicates that this means that the registered stock (at the time of the proposal) includes ivory collected from natural mortalities.
14. The annotation would also mean that the international trade would be permitted in live elephants of Zambian origin under "special circumstances" which have not been specified by Zambia. However, the Panel has not reviewed this aspect of the proposal, which is outside its terms of reference (which deal with control of trade in ivory and other parts and derivatives but not live animals).

## STATUS AND MANAGEMENT OF ZAMBIA'S ELEPHANT POPULATION

### Viability and sustainability of the population, and potential risks

#### Viability

15. Information presented in the proposal on the status of Zambia's elephant population relates to a series of three national elephant surveys, conducted by the National Parks and Wildlife Services (NPWS) in 1992, 1994 and 1996. Due to resource limitations, no national surveys were conducted after 1996. However, for the two largest (and therefore most important) subpopulations in the country, i.e. those in the Luangwa Valley and the Kafue Region, the results of a number of aerial surveys and one line-transect ground count conducted by the staff of donor-assisted projects in close collaboration with the managing authorities, were made available for inspection by the Panel.
16. For the central Luangwa Valley this concerns two aerial sample counts conducted by the Wildlife Resource Monitoring Unit (WRMU) in 1998 and in 1999 (Jachmann & Phiri, 1999). These surveys covered most of South Luangwa and Luambe National Parks, and the adjacent Lupande, Lumimba, Munyamadzi, Sandwe and Chisomo Game Management Areas (GMAs), with a total area of 26,829 km<sup>2</sup>. These surveys were flown at sampling intensities of between 8 per cent and 12 per cent, using the double-count method to correct for visibility bias (Jachmann, 2001). This particular survey design had been used since 1992. In August 2002, an aerial sample count was conducted in South Luangwa National Park (SLNP) and Lupande GMA, financed by the Norwegian Agency for Development Cooperation (NORAD). The survey design used a stratified approach, without the use of a double count. This was different from the approach used in previous years and, although the results are comparable to those obtained in 1999, they should be interpreted with caution since two different methodologies were used. Additional information was obtained from a series of aerial sample counts conducted by the North Luangwa Conservation Project (NLCP) in North Luangwa National Park and adjacent GMAs (i.e. Munyamadzi, Lumimba and Musalangu) between 1998 and 2002 (Annual Reports, NLCP). Mainly as a result of the highly effective law-enforcement programme of NLCP since the late 1990s, large numbers of elephants have gradually moved northward. The result is that within the Luangwa ecosystem, the highest elephant densities are found in the North Luangwa National Park. Generally, the evidence

provided demonstrates that, since the mid-1990s, the population in the Luangwa Valley has remained more or less stable, between 10,000 and 14,000 elephants.

17. Recent surveys conducted in the Kafue Region include a line-transect foot survey of the central part of Kafue National Park, the western parts of Mumbwa and Namwala GMAs (i.e. most of the current elephant range in the region), conducted by the WRMU in September 2000 (Jachmann, 2000). In September 2001, the University of Pretoria, in close collaboration with ZAWA, conducted an aerial sample count in Kafue National Park (Fairall & Kampamba, 2001). Evidence provided for the Kafue Region demonstrates that this population rapidly declined from about 10,200 elephants in 1991 (NPWS), to about 5,200 elephants in 1997 (Zyamba, 1997), with a further but slower decline to fewer than 4,000 elephants in 2001. Although the rapid decline between 1991 and 1997 is statistically significant, that between 1997 and 2001 is not.
18. Other viable subpopulations remaining in Zambia are those of the Lower Zambezi (Lower Zambezi National Park and adjacent Chiawa and Rufunsa GMAs), with more than 600 elephants (this population is shared with Zimbabwe), and Sioma Ngwezi National Park in south-western Zambia, with a seasonally variable number of elephants, because they are part of a migratory cross-border population using a large area that covers part of Angola, Botswana, Namibia and Zimbabwe. No recent information was available on the subpopulation in West Lunga National Park.
19. In summary, predominantly as a result of declining numbers in the Kafue Region, the national elephant population may have slowly declined from 20,000 - 33,000 animals in the early 1990s to 16,000 - 29,000 in the late 1990s, to 12,000 - 25,000 in 2002. This apparent decline, however, is not statistically significant.

#### Sustainability

20. In Zambia, legal offtake of elephants only concerns problem animals. Under their crop control programme ZAWA kills between 15 and 50 elephants a year throughout the country. In addition, there is no indication that Zambia is interested in any form of consumptive utilization of elephants, either in the short or in the long term. Therefore, illegal hunting is the only form of offtake with a substantial impact on the population.
21. The transition of NPWS into ZAWA in 2000 was a slow and difficult process, with much political interference. Furthermore, since its inception, ZAWA has experienced a consistent lack of resources for law enforcement, monitoring and other management operations. This situation was exacerbated in 2001 when safari hunting was banned indefinitely, thus denying ZAWA much needed income. In addition, during the transition, nearly half of the scout force was retrenched, while the other half was called back from the field to terminate old contracts with NPWS, and receive new ones under ZAWA. Effectively, for a period of almost 10 months in 2000, there was virtually no law enforcement in the majority of Zambia's conservation areas. The result was that illegal hunters killed relatively large numbers of elephants. To illustrate this, during the above 10-month transition period, it was estimated that 156 elephants were killed in an area of about 2,560 km<sup>2</sup> in the central Kafue alone (Jachmann, 2000).
22. Under normal circumstances, concession holders significantly contribute to security by safeguarding their respective areas against illegal offtake, but in the absence of hunting concessions this security backup was also absent. In addition, donor-assisted projects that incorporated a law enforcement component have played a major role in protecting Zambia's wildlife resources. This support is no longer available. The exceptions are Kasanka National Park, which is funded and operated by the Kasanka Trust, the North Luangwa National Park, which is funded by the Frankfurt Zoological Society and operated by NLCP, and the South Luangwa National Park and Lupande and Sandwe GMAs (SLAMU area), which are financially supported by NORAD. The Dave Shepherd Wildlife Foundation and Conservation Lower Zambezi provide limited support for anti-poaching operations in the Lower Zambezi. Thus, donor-assisted projects operate in the two core areas of the Luangwa ecosystem.

23. The effect of the lowered security situation was therefore most noticeable in the Kafue Region, which, with its proximity to Lusaka and the lack of donor-assisted projects incorporating a law-enforcement component, was hit hardest by this wave of illegal activity. It came to the attention of the donors only recently that most conservation areas in the Kafue Region were losing wildlife at an unsustainable rate. As a result, an Emergency Resource Protection Programme is being financed by NORAD, and predominantly focusing on the Kafue areas, with a pilot project starting in Mumbwa GMA in September 2002.
24. Furthermore, in the Kafue Region, four more donor-assisted projects have either started recently or will be implemented within the next 12 months. These are: the 'Four Corners Project' (African Wildlife Foundation), the 'Securing Environment for Economical Development Project (SEED)' (World Bank), the CONASA Project (United States Agency for International Development) and a project funded by the Danish Government. Most of these will focus on community development and involvement of communities in natural resource management, and hopefully will lead to improvements in the poor security situation in the region.

#### Potential risks

25. As a result of concerted efforts by donor-assisted projects such as SLAMU and NLCP in the South and North Luangwa National Parks, illegal offtake in the Luangwa Valley is relatively low compared to that in the 1970s and 1980s. However, the fact that the population has remained more or less stable over the past 10 years, instead of growing at a modest rate, shows that poaching is still a problem, with the highest pressure on some of the peripheral GMAs.
26. Although there are hopeful signs that the poor security in the Kafue Region may soon be improved by the activities of various donor-assisted projects, the absence of a law-enforcement component in most of these may cause this to be a slow process. Therefore, in this region, it may be several years before illegal hunting declines to sustainable levels.
27. A local NGO (Conservation Lower Zambezi) is actively involved in law enforcement in the Lower Zambezi conservation areas. The result has been a steady influx of elephants from Zimbabwe, and a population that increased from about 300 to more than 600 elephants in the past five years.
28. Furthermore, there are several areas in the country where the survival of elephant populations may be threatened. The elephants of West Lunga National Park in the north-west, those in Nsumbu National Park in the north, and those in Sioma Ngwezi National Park in the south-west all continue to be targets of cross-border incursions from neighbouring countries, while, owing to their remote location, there is little to no ZAWA presence in these areas.
29. ZAWA does not have the financial means to manage its wildlife resource, which includes effective law enforcement and monitoring. In principle, however, the Government has committed itself to paying salaries and a small operational budget, until such time as ZAWA becomes self-sufficient. Until the institution has solved several urgent problems, donors will not be willing to commit themselves to funding operational costs. At present, the most important issue is that the Government has refused to grant hunting concessions although these provided a proportion of the income of ZAWA. (It should be noted that this does not include hunting of elephant, which is a protected species.) This problem needs to be solved rapidly, and in a transparent manner, so that hunting is resumed in the next season. This will help to improve ZAWA's relationship with the donor community, while it will also bring in some badly needed revenue to support basic management operations.

#### Sustainability of total levels of offtake

30. In 1991, the National Parks and Wildlife Services of Zambia had a stock of over nine tonnes of ivory. It destroyed its stockpile in 1992. Since then, it has accumulated approximately 17 tonnes of ivory from natural mortalities, problem animal control and other sources. This equates to approximately 1.4 tonnes

a year (N = 10 years). The average weight of ivory (N = 1,700) is 4.23 kg per tusk. It can therefore be assumed that ivory from about 200 elephants is being harvested each year. This equates to about 0.90 per cent of the overall population (22,000), which is within the expected rate of increase of elephant populations in the region (assumed to be 3 - 5 per cent per annum).

31. Elephants are destroyed by the wildlife authorities under control programmes for the protection of crops and human lives. There are no reliable data indicating the number of elephant killed each year in Zambia, either through control or illegal activities. It is estimated that the total number killed in problem animal control is anywhere between 15 and 50 a year (see para. 20).
32. From the census data presented during the visit of the Panel, it appears that the overall elephant population of Zambia has not increased significantly since 1989. In fact the national population seems to have declined, although the suggested decline is not statistically significant; see above.
33. Although the current level of ivory offtake from natural mortalities and control work is low, and therefore sustainable, the fact that the overall population is not increasing (and could be decreasing) suggests that there is an important illegal offtake that accounts for a substantial amount of the ivory that could in theory be produced from an elephant population of this size. The Panel estimates that this accounts for up some 800 animals a year.
34. In view of these factors, it must be concluded that the overall level of offtake is not sustainable.

#### Zambia's ability to monitor its elephant population

35. Since the termination of the European Development Fund project in 1998, Zambia's own capability to monitor its elephant population has been virtually non-existent. The slow and difficult transition from the National Parks and Wildlife Services to the Zambia Wildlife Authority, and the political interference during the process, discouraged most of the donors who were previously willing to commit themselves to funding operational costs for the newly established institution. At present, basic resources for monitoring elephants are not available. Although ZAWA does have ample human resources with adequate experience and capability, it is lacking in both ground and air transport, while funds are not available for rental of aircraft.
36. Moreover, over the past 10 years, the majority of surveys conducted in Zambia's conservation areas were designed for purposes related to area-specific activities, mostly carried out and always financed by donor-assisted projects. However in order to establish a reliable, long-term monitoring programme ZAWA will need to obtain long-term funding.

#### Effectiveness of current anti-poaching measures

37. The current policy and legislation regarding elephant management in Zambia prohibits the hunting of elephants (S.I. No 80 of 1993). Statutory Instrument No. 81 of 1993 banned the hunting of elephant throughout the country, including the internal trade in and export of ivory. Zambia Wildlife Act No 12 of 1998 (which entered into force in 1999) prohibits all dealings in ivory without a permit.
38. The Panel was informed that ZAWA employs 859 staff in the nine National Parks that cover the main elephant range. The SLAMU area employs the highest number (189). This is considerably fewer than in the mid-1990s when the patrol force was over 250. Additional Village Game Scouts are employed by Community Resource Boards in some of the Game Management Areas where SLAMU or ADMADDE projects were active. Village and ZAWA Game Scouts jointly patrol the Game Management Areas.
39. Patrol days recorded at South Luangwa National Park exceeded 22,000 in 2001. A substantially lower number of patrol days were recorded in other areas.

40. During the period leading up to the transformation of the former National Parks and Wildlife Services to the Zambia Wildlife Authority in 1999, law enforcement was at a low ebb. Very few arrests and prosecutions were effected, primarily because of reduced operational funds and equipment. This situation has continued, especially after staff were retrenched (see above).
41. The current situation suggests that there has been a drastic decline in the effectiveness of the anti-poaching activities. This appears to be mainly the result of a severe depletion of operational funding. In addition staff in the field were not paid their monthly salaries for several months of 2002, leading to low staff morale. The insufficient and erratic supply of operational funds and logistical support has greatly affected the performance of staff.
42. The consequence of these actions has been a substantial increase in the level of poaching of all species, as confirmed by monthly and quarterly reports of field staff received at ZAWA headquarters from the four regions in the country as well as safari operators based in the National Parks and Game Management Areas. There are also reports of poachers' camps within all the major National Parks that were recorded during recent aerial surveys.
43. A visit of the Panel to a nearby Game Management Area (Chiawa) confirmed the above situation where the local community reported that 28 elephants had been killed illegally thus far in 2002. A further four animals had been killed by ZAWA officials in protection of crops and human lives.
44. Recently donors have provided support to ZAWA to facilitate its anti-poaching operations in Kafue and South Luangwa. The North Park continues to receive substantial funding from the Frankfurt Zoological Society. Other NGOs are providing support and training to the anti-poaching effort.
45. The Government has recently realised the position in which it has placed ZAWA and is in the process of approving hunting concessions. It is also providing funds to pay the field staff and to start to provide some of the back pay that was owed to staff.
46. However, given the current situation of low morale, lack of operational budgets, unreliable transport, no continuity of patrols and low coverage of the National Parks and Game Management Areas, the Panel concluded that the current anti-poaching measures were not effective.

#### ZAMBIA'S ABILITY TO CONTROL TRADE IN IVORY FROM AFRICAN ELEPHANTS

##### Control of ivory stock

47. The Panel inspected the strongroom at Chilanga (ZAWA Headquarters) where the ivory stock is held. An explanation of the procedure governing the movement of ivory from the source to the strongroom was provided.
48. The ZAWA field stations in each of the 12 Area Management Units are reported to maintain registers of the ivory brought in from field operations. There is no copy of these registers at ZAWA headquarters and they were not seen by the Panel.
49. Tusks are supposed to be marked and weighed at the field stations. In practice however this only happens with the ivory from some regions and not others.
50. From time to time, depending on availability of staff and transportation, the ivory held at field stations is transferred to ZAWA Headquarters. The ivory is transported with a delivery note that is used for all manner of goods. There is no standard form of delivery note and there is no standard way of completing these notes. Each Area Management Unit appears to use its own form. They contain varying levels of detail; some of them indicate how the ivory was obtained. At the time of delivery, the original of the note is signed by the deliverer and by a member of ZAWA headquarters staff. A copy of the signed note is returned to the field station.

51. The ivory should then be entered in the register, marked with the headquarters mark [in accordance with Resolution Conf. 10.10 (Rev.)] and placed in the ivory strongroom. This is done in the presence of police and at least two authorized members of ZAWA staff. The lack of standardization in the use of delivery notes means that there is no consistency in the way in which the ivory register is completed and information that should be recorded (such as the source of ivory) is often missing. The marking and registration has not been well organized. At the time of the Panel's visit in September 2002, 106 tusks that had been delivered to the headquarters in March and 104 tusks that had been delivered in August had still not been marked, entered in the register and placed in the ivory strongroom, although they were held under lock and key. Moreover, there is no duplicate copy of the register, so that, if it were destroyed there would be no back-up record of the stock in the strongroom.
52. The Panel inspected the register of ivory, the ivory strongroom and the documentation that accompanied each piece of ivory that arrived there. The Panel also randomly cross-checked several individual pieces of ivory against the register and found that all pieces could be accounted for.
53. The Panel made the following observations regarding the control of the ivory stock:
- a) The ivory that had been held in 1992 (about 9.5 tonnes) had been burnt in return for a compensation payments amounting to USD 200,000 from two European-based non-governmental organizations (the David Shepherd Wildlife Foundation and Elefriends) to the Department of National Parks and Wildlife Services (i.e. about USD 21 per kilogram burnt).
  - b) Ivory was accumulated from the 12 different Area Management Units (regions) of Zambia between 1992 and 1997 but it appears that none of this ivory was weighed or registered until 1997.
  - c) In 1997, the entire ivory stock of tusks and cut pieces was marked using unique serial numbers from ZM0001 to ZM2078. Small pieces were marked consecutively beginning with ZM001 – ZM444.
  - d) In 1998 Price Waterhouse audited the ivory stockpile and prepared a report for the Ministry of Tourism, Environment and Natural Resources. No copy of this report could be found for the Panel to inspect.
  - e) The ivory stockpile itself was not arranged in any organized way. The strongroom was piled high with tusks that were haphazardly placed. The staff were unable, without a considerable effort, to trace the last batch of tusks that had been registered.
  - f) As deliveries of ivory to the strongroom are sporadic and uncoordinated, an examination of the register gives the impression that large numbers of elephant are being killed intermittently, whereas in fact the rate of registration is a reflection of the inefficient management systems in place. It is incidentally this sporadic delivery that accounts for the apparently disproportionate growth of the ivory stockpile since 1999. The documentation examined by the Panel indicates that a lot of ivory had been held in field stations before that time instead of being delivered to the ivory strongroom in Chilanga.
  - g) The central ivory register has not been computerized to assist with the management of the stockpile. Ivory entered in the register is given a serial number and weight. No additional data are available in the ivory register to indicate details of a particular piece of ivory, e.g. date of entry, Issue/Receipt voucher number, source, cause of death etc. The pages of the ivory register are not numbered, thus pages could be removed. There is no signature in the register of the person entering the information. There is no signature at any place in the register to show that it has ever been checked. This register system is thus susceptible to fraud.

- h) Until 1999, 10 different people had been responsible for the keys to the ivory strongroom. No hand-over audits were recorded in the register (although there was written evidence that the officer in charge had requested this from the senior management in 1998).
- i) The senior management had not conducted any periodic spot checks or audits of the ivory stock since it was registered in 1997 (apart from the Price Waterhouse audit in 1998).

#### Legal provisions regulating international and domestic trade in ivory

##### Reservation

- 54. Zambia entered a reservation on the transfer of *Loxodonta africana* from Appendix II to Appendix I when this transfer took place in January 1990. It withdrew the reservation in March 1997.

##### Moratorium

- 55. The Panel was informed that no commercial import or export of ivory has been authorized by the Management Authority of Zambia since 1989.

##### Nature conservation legislation

- 56. Under the Zambia Wildlife Act No. 12 of 1998, ivory is a "prescribed trophy", and so subject to specially strict legal controls. Possession of raw or worked ivory without a certificate of ownership is prohibited. Both raw and worked ivory are controlled under the Act. The Panel was informed by ZAWA that certificates of ownership would be issued only for ivory obtained before 1989, and that no certificates had been issued. Permits are required for import, export and re-export of ivory, including worked ivory. The Panel was informed that none had been issued.
- 57. The conservation of fauna is now incorporated within the framework of the Zambia Wildlife Act. ZAWA is now solely responsible for dealing with all wildlife-related offences, although all other law-enforcement agencies are empowered to take action under the Act.
- 58. The Zambian Government has clarified the roles and responsibilities of enforcement agencies. They have adopted a multi-agency approach with each law enforcement body taking the lead role in their discipline. This allows for a more professional service.

##### Transit

- 59. The transit of raw or worked ivory through Zambia is regulated under the Zambia Wildlife Act No. 12. All shipments must be properly declared at a border inspection post and be accompanied by the relevant documents. All irregularities would be referred to ZAWA for further action.

##### Effectiveness of law enforcement

- 60. Customs and Excise, which come under the control of the Zambia Revenue Authority, is responsible for the import and export control at all land and air borders. They currently have a complement of 674 staff, which includes all Headquarters staff. All officers receive basic wildlife awareness training and in the event of any irregularities would refer all matters to ZAWA. There are currently 20 border posts and four international airports to control within Zambia as well as internal road and rail freight depots. Around 20 per cent of airfreight is examined on import, 50 per cent receive document checks with the possibility of examination and 30 per cent receive automatic Customs clearance. Owing to the high density of road freight entering and transiting through Zambia Customs uses a risk-assessment system for examinations, any road freight terminating in Zambia selected for examination would be checked at the point of unloading. Customs officers place seals on a percentage of trucks exporting freight that originates in Zambia. This is in order to reduce the risk of smuggling, although it is recognized by the panel that

these can be circumnavigated. Transit road freight is also controlled under seal and the Panel was informed that each load is given a set number of days to reach its point of exit. In the event of this not occurring, the policy of Customs and Excise is to try to find the freight, enlisting the assistance of the Police. In addition to these controls, Customs and Excise also run bush border patrols but, because of the difficult terrain, feels that it would be hard to smuggle any substantial volume of goods. However, the Panel believes, on the basis of its own experience, that substantial amounts of ivory might be smuggled across to Malawi, on tracks that have been used for many years. This is relatively easy and could be highly rewarding.

61. Export checks are carried out on a risk-assessment basis at all of the international airports. This work is currently the responsibility of the Drug Enforcement Commission. In addition to this work in freight, all passengers leaving Zambia have their luggage x-rayed and are security screened before check-in by an independent government agency. These checks have resulted in seventeen arrests of wildlife related incidents at Lusaka International Airport since January 2001.
62. ZAWA investigations unit was founded during the year 2000 and at present has 25 staff with plans to expand to around 40 when funding is available. The main activities of the unit are the investigation and collection of intelligence on both internal and external trade and on poaching. A number of the officers have attended the institute of advanced legal education for intelligence training and five officers have attended investigations training in Botswana run by the United States Fish & Wildlife Service.
63. At present the unit is concentrating on collating intelligence and working in the field with ZAWA's wildlife police. Multi-agency operations are mounted when resources allow. ZAWA can instigate these if intelligence suggests illegal activities involving wildlife. Enforcement agencies including the Drug Enforcement Commission, Customs and Excise and the Police all cooperate in these operations and have the same opinion that illegal activities tend to incorporate a number of commodities. The unit would particularly like to expand its role at Lusaka International Airport as operations there have led to a significant number of detections over the last eighteen months.
64. ZAWA are fully aware that a small amount of internal trade and that ivory carving still exists in Zambia. The unit is currently carrying out investigations in order to bring about prosecutions. It is envisaged that a joint operation with the Drug Enforcement Commission and the Police will be initiated in order to address internal crime. This will follow on from past joint operations, which have been successful.
65. The unit works independently within ZAWA and reports directly to the Director General.

#### Evidence of illegal trade through Zambia

66. The number of tusks that are brought to the ivory strongroom from the field each year is within the range of what might be expected on the basis of natural mortality, crop control operations and some confiscations.
67. There is no verifiable information to indicate the total amount of ivory that moves through Zambia. Moreover, owing to the high amount of transit road and rail freight it would be impossible to estimate Zambia's status as an ivory trade route.
68. The Zambia Wildlife Authority is currently investigating the role of Zambian nationals and ivory sourced within Zambia relating to the recent seizure of 6.5 tonnes in Singapore. There have been seven arrests to date including an unspecified number of ZAWA staff members.

69. The records of ETIS include no information direct from Zambia but only unconfirmed reports from Zambian press reports and non-governmental organizations. For example, TRAFFIC reported the following:

- In the period May 1998 to May 1999 Zambia National Parks and Wildlife Services seized 335 ivory tusks according to the David Shepherd Wildlife Foundation;
- In 2000: 63 tusks were seized in an anti-poaching campaign between January and July 2000, and 700 poachers were arrested and 239 firearms were seized; 53 tusks were seized at Lusaka International Airport in the first week of April; and 14 tusk pieces were seized by police from a vehicle on the Mumbwa-Lusaka road toward Lusaka and five people were arrested.
- In 2001: 19 tusks were seized in anti-poaching operations between January and March 2001; 93 tusks were seized in anti poaching operations between October and December 2000.

#### IMPACT OF THE ACCEPTANCE OF THE PROPOSAL ON THE ZAMBIAN POPULATION

70. The Panel is required to evaluate whether acceptance of the proposal from Zambia is likely to have a positive or negative impact on the conservation of the elephant population and its environment in Zambia.

71. The proposal is to allow the export of most of the existing Government-owned stock of ivory by the most direct route from Zambia to the country of import. ZAWA provided the Panel with a supplementary paper indicating that, if approved, the export would be in a single consignment to a country that was certified by the Secretariat as having adequate national legislation and domestic trade controls to ensure that ivory imported would not be re-exported. ZAWA also undertook to ensure that ivory of unknown origin would not be included in the consignment.

72. The Panel believes that there would be no risk of the mixing of other ivory in the shipment provided that adequate checks were made before the ivory was shipped. The Panel suggests that, if the proposal is accepted, as in the case of the ivory shipped from other stockpiles in southern Africa, the Secretariat should verify the legal origin of the stock in Zambia before it is offered for sale.

73. The Panel knows of concerns expressed by a number of States and non-governmental organizations that the transfer of African elephant populations from Appendix I to Appendix II and the authorization of trade in ivory do, or are likely to, stimulate poaching and illegal trade in ivory. The Panel understands that there have been illegal shipments of ivory in various parts of the world following the transfers of elephant populations to Appendix II, or at about the time of legal shipments. However, illegal shipments also take place at other times and the Panel does not know of any evidence to show that the level of illegal trade is significantly different at these times than at other times.

74. This does not deny the *possibility* that a negative impact of the acceptance of the proposal might be an increase in poaching of elephant in Zambia. There seems however to be no solid basis for presuming that this would be the case. Moreover, if the Government of Zambia uses the funds from the sale of the ivory to improve its anti-poaching measures, this would help to minimize any possible negative effect.

75. The Panel is aware that, in the periods preceding meetings of the Conference of the Parties at which proposals have been made to transfer elephant populations to Appendix II, to allow export of government stocks, there has often been misleading press coverage (stimulated by certain non-governmental organizations) indicating that it is proposed to “re-open the ivory trade”. It is quite possible that this sort of irresponsible action has also stimulated poaching of elephants and illegal ivory trade.

76. In the supplementary paper provided to the Panel by ZAWA, it is said that the rationale for the proposal is "to dispose of the ivory stock pile in order to accrue revenue for the purposes of elephant conservation and local community development".
77. The financial resources of ZAWA are extremely limited and consequently it is not able to carry out its mandate. It has to rely heavily on donor support and support from local communities in the Game Management Areas. Any major income for ZAWA will improve its ability to fulfil its role and will make it possible to pay the staff properly, make sure that they are properly equipped, and thus improve their morale and their effectiveness.
78. Currently local communities often regard elephants as pests that should be destroyed, at least in the territories of the communities, especially when their crops and lives are put at risk. ZAWA has indicated to the Panel that some of the money from the sale of the ivory stockpile would be paid to the local communities. This would help to improve the tolerance of elephants by demonstrating that they have a financial value.
79. Although ZAWA has made general statements of intention regarding the way in which it would use money from the sale of the ivory stockpile, it has not indicated in the proposal or to the Panel exactly how the money would be spent. This makes it difficult to provide a solid evaluation of the potential benefit to elephant conservation. However, the overall impression of the Panel is that the impact of the adoption of the proposal would be positive for the Zambian elephant population.

## CONCLUSIONS

### Is the population viable and sustainable and are there particular risks?

80. Zambia's elephant population should be considered viable. Levels of legal offtake are sustainable, but illegal offtake is not.
81. There is a risk to the population from continued poaching. This risk exists primarily because the anti-poaching activities of ZAWA are limited by its lack of resources.

### Has the range State demonstrated its ability to monitor its African elephant population?

82. ZAWA does not have adequate resources to monitor its elephant population. For the two main subpopulations, those of Luangwa and Kafue, survey work has been carried out at regular intervals by donor-assisted projects operating in the areas.

### Are the current anti-poaching measures effective?

83. It is clear that the current anti-poaching measures are not effective, in particular because of the inadequate funding in ZAWA. The Panel was informed that the Government has agreed to meet ZAWA's salary costs, which will help, but there will be little improvement until operational costs are covered. Income from hunting concessions and donors would help.

### Is the total level of offtake from both legal and illegal killing sustainable?

84. Currently legal killing of elephants amount to some 15 to 50 animals a year that shot in the protection of crops and human lives.
85. There are no reliable data to indicate the level of illegal hunting of elephants in Zambia. Since the population is either stable or declining, an estimate of the likely number of animals being recruited to the population suggests that the total number killed is probably over 800 elephants a year. In view of this, it must be concluded that illegal killing of elephant is not sustainable.

Is the control of ivory stocks adequate to prevent the mixing of legal and illegal ivory?

86. If the proposal is accepted, the only raw ivory that would be authorized to be traded is the stock held at the ivory strongroom at Chilanga.
87. The strongroom already contains seized ivory as well as found ivory and tusks from problem animal control. The tusks from the various sources are not separately maintained and the process of determining the legal origin of the tusks in the strongroom would require a great deal of work.
88. However, the Panel believes that the security is adequate to ensure that no tusks illegally held in Zambia would be mixed in with those in the strongroom. In any case, there would be nothing for any private individual to gain from such action.

Is law enforcement effective?

89. The enforcement of wildlife protection law is now the sole responsibility of ZAWA, although all other enforcement agencies are empowered and will act upon all incidences of wildlife crime. The work that is done is effective and achieves important results. However, the work is hampered by inadequate funding. The creation of the Investigations Unit and the use of intelligence collation and other investigation disciplines has strengthened their enforcement work.

Are enforcement and controls sufficient to ensure that no significant amounts of ivory taken or traded illegally from other countries are traded within or through the territory of the affected range State?

90. The Panel is aware of a shipment of nearly 6.5 tonnes of ivory that was seized in Singapore in July 2002 coming from Southern Africa and that is said to contain a large volume of ivory from Zambia. The Panel was informed by ZAWA of their investigations that led to this seizure.
91. There are unconfirmed reports of a low level of ivory movements through Zambia from neighbouring countries but unless the traders are apprehended this is difficult to substantiate.
92. There is a large volume of unchecked container-truck traffic passing through Zambia. Consequently it is impossible to know for sure what contraband passes through from other countries. However, the Panel believes that the control of goods in transit is not less strict than in many other countries and it would be reckless to try to give a definitive answer to the question. However Zambia has shown a commitment to control the ivory trade.

Are there adequate controls on trade in parts and derivatives from the African elephant other than ivory in the proponent State?

93. Zambia is not proposing to allow the export of parts and derivatives other than ivory. This question is therefore not relevant to the proposal under consideration.

Are there adequate controls on ivory trade in specified importing countries?

94. Zambia has not specified to the Panel or in its proposal the proposed importing country. In fact it informed the Panel that it had no particular country of destination in mind, provided that it meets the criteria specified in the supporting statement of the proposal. The only country known to the Panel to have adequate controls, as agreed by the Standing Committee, is Japan. If Zambia intends to authorize exports of ivory to any other country, the Panel recommends that the controls in the country concerned be subject to review by the Secretariat and approval by the Standing Committee.

Would the acceptance of the proposal be likely to have a positive or negative impact on the conservation status of the elephant population and its environment in the affected range State?

95. The responses to most of the questions posed by the Conference of the Parties are negative. Nonetheless, if the proposal were accepted, and if the stock of raw ivory in Zambia were sold, the funds could be used to ensure a positive impact on the status of the species in Zambia. The Conference of the Parties will be able to judge this when it is clear exactly how the funds would be spent.

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PEOPLE INTERVIEWED BY THE PANEL IN ZAMBIA

Government agencies

W. Chansa, Head of Research, Zambia Wildlife Authority

G. Chilukusha, Director – Game Management Areas, Zambia Wildlife Authority

John Chiluwe, Acting Chief Tourism Planning Officer, Ministry of Tourism, Environment and Natural Resources

M Chipungu, Deputy Director, Anti-Corruption Commission of Zambia

Ryan Chitoba, Deputy Commissioner, Drug Enforcement Commission of Zambia

Eileen M. Imbwae, Permanent Secretary, Ministry of Tourism, Environment and Natural Resources

Hapenga M. Kabeta, Director General, Zambia Wildlife Authority

Lloyd Kabwela, Senior Investigations Officer, Zambia Wildlife Authority

V.A. Kabwiku, Commissioner of Police, Zambian Police

George Kampamba, Director - Research, Planning and Information, Zambia Wildlife Authority

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Isaac Longwe, Manager – Technical Services, Zambia Wildlife Authority

Austin Mungo, Chief Internal Auditor, Zambia Wildlife Authority

F. Mupemo, Manager-Extension Services, Zambia Wildlife Authority

Mukela Mutukwa, Senior collector – International and Policy, Customs and Excise, Zambia Revenue Authority

Chriticles P. Mwansa, Commissioner, Customs and Excise, Zambia Revenue Authority

Lackson Mwenya, Manager – Development Cooperation, Zambia Wildlife Authority

Z. Nyirongo, Manager – Information Services, Zambia Wildlife Authority

Lewis Saiwana, Director – Conservation and Management, Zambia Wildlife Authority

Albert M. Sementi, Senior Collector – Controls, Customs and Excise, Zambia Revenue Authority

H. Simwanza, Senior Wildlife Ecologist, Zambia Wildlife Authority

Hobson Swanza, Director of Research, Zambia Wildlife Authority

Warden, Lower Zambezi National Park

Senior Ranger, Lower Zambezi National Park

#### Local community of Chiawa

Chieftainess Chiyaba

Boniface Chiawa – Councillor

Village Headman Manduza

Mr Katiyo – Advisor to the Chiefteness

Clement Kapisa – Community Resource Board Chairman (Chiawa)

Chiawa Village Chairman

Approximately 15 other community representatives

#### Non-governmental organizations

Brian Child, Development Services and Initiatives – Southern Africa

Riccardo Garbaccio, Lower Zambezi Operators Committee

Gilson Kaweche, Wildlife Conservation Society

Dale Lewis, Wildlife Conservation Society