



THE REPUBLIC OF UGANDA

MINISTRY OF TOURISM, WILDLIFE AND
ANTIQUITIES
2ND FLOOR RWENZORI TOWERS
PLOT 6 NAKASERO ROAD
P.O. BOX 4241, KAMPALA, UGANDA.

IN ANY CORRESPONDENCE ON
THIS SUBJECT PLEASE QUOTE NO **WC 71/219/01**

26th February 2019

The Secretary General,
Convention on International Trade in Endangered Species of wild Fauna and Flora
(CITES) Secretariat,
11 Chemin des Anémones
CH-1219 Châtelaine,
Geneva, SWITZERLAND

Attn: Johannes Stahl.

**Re: CONSULTATION ON PARTIES TO BE CONSIDERED FOR INCLUSION IN THE
NATIONAL IVORY ACTION PLANS (NIAPs) PROCESS**

Uganda's CITES Management Authority acknowledges receipt of your letter Ref: BvR/JSt dated 28 January 2019 regarding the above subject matter.

Your letter indicated that the ETIS report prepared for the 18th meeting of the Conference of the Parties (CoP18, Colombo, May 2019) identifies Uganda as a Category B Party, (i.e. a Party markedly affected by the illegal trade in ivory), and pursuant to Step 1 of the *Guidelines to the National Ivory Action Plans (NIAPs) Process*, the Secretariat invited Uganda to submit any additional information that may be relevant for determining whether Uganda should participate in the NIAP process.

Uganda has reviewed the ETIS report to CoP18 and notes that the basis of identifying Parties to belong to Categories A, B and C especially in relation to Uganda is speculative since it ignores the facts provided in the analysis and progress made by Uganda over the years. For instance, the ETIS report to CoP18 clearly illustrates key areas where Uganda has scored highly in combating illegal ivory trade. These are:

- a) A strong Law Enforcement (LE) Ratio of 90% (one of the highest for all the Parties involved in the ETIS analysis). This is explained by the fact nine out of ten ivory seizures in which Uganda is involved are being made by ourselves. This is further reflected in the acknowledgement of a major decline in volume of seized ivory through East Africa compared to the ETIS analysis for CoP17.
- b) Non-existence of domestic ivory markets in Uganda.

establishment of a special wildlife and utilities Court within High Court to expeditiously handle all wildlife related cases which development has improved prosecution and the conviction rate of wildlife offenders to over 90% from less than 40% before the NIAP process.

Furthermore, in line with Paragraph 6 of Resolution Conf. 10.10 (Rev. CoP17), whereas Uganda does not have an ivory carving industry, she has continued to engage in public awareness campaigns aimed at addressing illegal wildlife trade in general, and continues to maintain an inventory of government-held stockpiles reports of which are regularly submitted to the Secretariat, and has put in place adequate legislation. Uganda also continues to provide data and information to the Monitoring Illegal Killing of Elephants (MIKE) programme and the Elephant Trade Information System (ETIS) for their analyses in accordance with the provisions of Resolution Conf. 10.10.

Since SC70, despite exiting the NIAP process, Uganda has continued to implement measures aimed at combating ivory and wildlife trafficking. In addition to measures reported on in the report to SC70 on NIAP implementation, Uganda has since introduced and installed Non-Intrusive Cargo Inspection (NII) Scanning technology at five border areas and introduced sniffer dogs at points of entry and exit to prevent use of Uganda as a transit route for illegal wildlife specimen.

In order to strengthen law enforcement against illegal wildlife trade and trafficking, Parliament of Uganda recently enacted the Uganda Wildlife Bill 2017, which among others provides stringent penalties including a maximum sentence of life imprisonment and/or a fine of USD 5.45 million for wildlife crime involving trafficking in endangered species. The Act further domesticates provisions of the Convention on International Trade in Endangered Species of wild flora and fauna (CITES) in Uganda.

In addition, Uganda has recruited, trained, equipped and strategically deployed a critical mass of specialized law enforcement personnel including investigators, prosecutors, intelligence, customs and general operations.

In compliance with Paragraph 24 of Res. Conf. 10.10 (Rev. CoP17), Uganda continues to collect and submit samples from seized ivory stockpiles, for forensic analysis, findings of which indicate that, the ivory is not sourced from Uganda. This is an indication that Uganda is not a source of illegal ivory. Therefore, given that Uganda has no control or jurisdiction over what happens beyond its borders, it would be unfair to victimize her for impounding illegal stocks transiting through her territory. Uganda should instead be applauded and commended for the impressive performance in curtailing local poaching and impounding various illegal ivory consignments that attempt to transit through the country. By categorizing Uganda as a country markedly affected by illegal trade in ivory

and consequently recommending Uganda to re-enter the NIAP process, the ETIS report does not only punish Uganda wrongfully but also ignores her concerted efforts in stopping use of Uganda as a transit country for illegal ivory.

The recommendations for Uganda to re-enter the NIAP process also ignore the ETIS report's own illustration to CoP18 on the key areas where Uganda has scored highly in combating illegal ivory trade, and the evaluation by the Secretariat and SC70.

The ETIS report instead appears to rely on an external factor of low Corruption Perception Index (CPI) published by Transparency International, a non-governmental organization whose methods and motives cannot be authenticated by government. Transparency International's CPI is a very subjective score that may not be addressed through the NIAP process. Uganda is already working with UNODC through ICCWC to develop a Corruption Prevention Strategy for Wildlife Officers and this will significantly address any issues of corruption in wildlife crime management. This therefore does not require Uganda to re-enter the NIAP process.

Uganda has been involved in the NIAP process since CoP16 in 2013. At SC70, Uganda submitted a comprehensive report on the implementation of her NIAP that was evaluated by the Secretariat and the Standing Committee and I wish to quote verbatim the Decision of SC70 in the Summary Record Item 27.4 paragraph s (p.34);

The Standing Committee:

- i) *Commended China, Kenya, Philippines, Thailand and Uganda for 'achieving' their NIAPs and for the further measures taken to address illegal trade in ivory;*
- ii) *Agreed that China, Kenya, Philippines, Thailand and Uganda exit the NIAP process in accordance with Step 5 paragraph d) of the Guidelines; and*
- iii) *Requested the Secretariat to continue to monitor progress in accordance with paragraph 9 of Resolution Conf. 10.10 (Rev. CoP17), and to bring any matters of concern that may arise to the attention of the Committee.*

Uganda therefore fulfilled all the conditions for exiting the NIAP process in accordance with Step 5 of the NIAP Guidelines and there is no basis for re-entering the NIAP process as there are no new measures beyond what we have been implementing and reported on that will need to be put in place in the new NIAP.

The ETIS analysis to CoP18 therefore disregards very important recommendations and decisions of SC70 taken after evaluating the progress made by Uganda in the implementation of the NIAP. The report should acknowledge the recommendations of SC70 even when the authors may disagree with

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them. In line with the recommendations of SC70, Uganda is therefore ready to keep reporting to the Standing Committee on any additional measures put in place to combat ivory trade than re-entering the NIAP process.

In conclusion, Uganda strongly rejects any recommendation from the Secretariat that will require her to re-enter the NIAP process having exited the same only a few months ago through a Decision of SC70 because there is no basis whatsoever. Uganda has exhaustively implemented all requirements of NIAP and re-entering the NIAP process will be an effort in futility. Uganda remains committed to fulfilling her legitimate obligations under CITES.



James Lutalo

**DIRECTOR TOURISM, WILDLIFE AND ANTIQUITIES/FOCAL POINT-CITES
MANAGEMENT AUTHORITY FOR UGANDA**

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- b) Non-existence of domestic ivory markets in Uganda.
- c) Improved legislation that has resulted in prosecutions and higher penalties for ivory trafficking. Uganda's NIAP Progress report to SC70 provided information on the establishment of a special wildlife and utilities Court within High Court to expeditiously handle all wildlife related cases which development has improved prosecution and the conviction rate of wildlife offenders to over 90% from less than 40% before the NIAP process.

Furthermore, in line with Paragraph 6 of Resolution Conf. 10.10 (Rev. CoP17), whereas Uganda does not have an ivory carving industry, she has continued to engage in public awareness campaigns aimed at addressing illegal wildlife trade in general, and continues to maintain an inventory of government-held stockpiles reports of which are regularly submitted to the Secretariat and has put in place adequate legislation. Uganda also continues to provide data and information to the Monitoring Illegal Killing of Elephants (MIKE) programme and the Elephant Trade

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