

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 40 OF 2005

**The Zambia Wildlife Act
(Act No. 12 of 1998)**

**The Zambia Wildlife (Elephant) (Sport Hunting)
Regulations, 2005**

IN EXERCISE of the powers contained in sections *thirty-four* and *one hundred and forty-four* of the Zambia Wildlife Act, the following Regulations are hereby made:

1. These Regulations may be cited as the Zambia Wildlife (Elephant) (Sport Hunting) Regulations, 2005. Title
2. In these Regulations unless the context otherwise requires— Interpretation
 - “Authority” means the Zambia Wildlife Authority established under the Act;
 - “Concessionaire” means a holder of an exclusive hunting concession granted by the Authority and the Local community; and
 - “Convention” means the Convention on International Trade in Endangered Species on Wild Fauna and Flora concluded in Washington, D.C on 3rd March, 1973 and as amended in Bonn on 22nd June, 1979 and “CITES” shall be construed accordingly.
3. (1) Notwithstanding the provisions of the National Parks and Wildlife (Elephant and Rhinoceros) Regulations, 1993, and subject to regulation 4, a holder of a licence issued by the Authority for the purpose may hunt elephant for sport. Authority to hunt elephant for sport S.I. No. 81 of 1993
 - (2) The hunting of elephants for sport—
 - (a) shall not include the hunting of elephant for purposes of controlling problem elephants; and

(b) shall be undertaken during the hunting period commencing on 1st May and ending on the 31st of December in each calendar year or during such other period as the Authority may determine.

(3) An elephant shall not be hunted for sport unless it is of a desired trophy size.

(4) In this regulation an elephant is of a desired trophy size if it has tusks and a minimum weight of fifteen kilograms per tusk and a minimum length of one hundred and fifty centimeters per tusk.

(5) Any person who contravenes subregulation (3) commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand penalty units.

(6) In addition to the penalty in subregulation (5) the court may order the forfeiture of anything which was the subject of the contravention or with which the offence was committed or which was used in, or for the purpose of, in relation to, or in connection with the commission of the contravention.

Elephant
sport hunting

4. The hunting of elephant for sport shall be conducted in the game management areas specified in the Schedule.

Number of
elephants to
be hunted

5. The quota of elephants allocated for sport under these Regulations shall not exceed twenty elephants in any one year as notified by the Authority to the CITES Secretariat.

Authority to
sign
subsidiary
agreements
with
cessionaires
for elephant
sport hunting

6. (1) The Authority shall enter into subsidiary agreements with the concessionaires operating in the Game Management Areas specified in the Schedule with respect to the hunting of elephants for sport.

(2) The subsidiary agreements referred to in subregulation (1) shall be concluded on the basis of the following guidelines:

(a) fifty percent of the quota of elephants referred to in regulation 5 shall be allocated equitably to the fully paid up concessionaires operating in the game management areas specified in the Schedule upon payment of the fees for elephants specified in the Zambia Wildlife (Licence and Fees) Regulations, 2003;

(b) fifty percent of the quota of elephants referred to in regulation 5 shall be sold by auction to fully paid up

S.I. No. 46 of
2003

cessionaires operating outside the game management areas specified in the Schedule;

(c) the reserve price for the auctioning of the elephant referred in paragraph (b) shall be an amount equal to the fees specified for elephant in the Zambia Wildlife (Licence and Fees) Regulations, 2003;

(d) where the resident concessionaire has not paid the licence fees in full by 31st March of any year, the quota shall be auctioned in accordance with paragraph (b); and

(e) the concessionaire shall ensure that a hunter is accompanied by a fully qualified and licensed professional hunter during the hunting of the elephant.

(3) The Authority shall—

(a) issue a non resident elephant hunting permit to the successful concessionaire in respect of elephant hunting in a given game management area; and

(b) ensure that a hunter is accompanied by at least one wildlife police officer.

(4) At least fifty percent of the meat of an elephant which is killed during sport hunting shall be given to the local community in the game management area in which the hunting has taken place.

7. (1) A holder of a licence issued in accordance with these Regulations shall, subsequent to hunt, complete form ES1 issued by the Authority, indicating thereon details of the weight, length and special distinctive marks of the ivory and shall within 48 hours of the killing of the elephant submit the form and the ivory to the nearest area management unit for purposes of registration.

Ownership,
export and
disposal of
remains of
elephant

(2) The head of the area management unit referred to in subregulation (1) shall, within seven days of receiving the ivory and the form, submit them to the headquarters of the Authority where the ivory shall be marked according to the requirements of the Convention.

8. (1) Notwithstanding the provisions of the National Parks and Wildlife (Elephant and Rhinoceros) Regulations, 1993, ivory which is obtained from an elephant which is hunted under these Regulations may be exported.

Export of
ivory and
trophy

(2) Where the ivory which is referred to in subregulation (1) is to be exported, the Authority shall, upon receipt of the ivory and the

appropriate fees, issue a certificate of ownership to the holder of the licence and the holder of the certificate shall at the time of the export surrender the certificate to the Authority.

(3) The Authority shall, where, appropriate, assist the hunter with veterinary procedures and issue an export permit in accordance with the provisions of the Convention.

(4) The ivory or trophy shall be re-examined at the time of export to ensure that the details submitted to the Authority in respect of the ivory or trophy match the trophy presented for export.

(5) For purposes of these Regulations, the designated airports for the export of ivory and any other elephant trophy shall be the Livingstone, Mfuwe, Ndola and Lusaka Airports.

(6) Where a taxidermist is required for the trophy preservation prior to export, the concessionaire concerned shall be required to provide details of the taxidermist to the Authority:

Provided that no worked ivory or elephant trophies shall be permitted to be exported out of Zambia.

(7) The Concessionaire shall deposit with the Authority any parts of the elephant carcass or ivory that remain after the hunter has taken what the hunter requires.

(8) The Authority shall not permit a hunter to export any other by-products, other than ivory, of an elephant hunted in accordance with these Regulations.

Register 9. The Authority shall maintain a register containing the details of—

(a) the sport hunting of the elephant;

(b) the area in which such hunting is conducted; and

(c) the full name, and address and such other particulars of the hunter as the Authority may determine.

Proceeds of licence fees 10. (1) The Authority shall maintain an account at a commercial bank into which all proceeds from the sale of licences issued for the hunting of elephants for sport shall be deposited.

(2) The Authority shall prepare quarterly statements of account in respect of the account referred to in subregulation (1).

(3) The Authority shall, at the end of the hunting season, disburse the proceeds of the licence fees obtained from elephant sport hunting licences under these Regulations as follows:

- (a) fifty percent of the proceeds shall accrue to the Authority for conservation purposes;
- (b) forty-five percent of the proceeds shall accrue to the local community in the game management area concerned and the Authority's guidelines to the communities on the use of community funds shall apply;
- (c) five percent of the proceeds shall accrue to the patron in the game management area concerned.

11. The National Parks and Wildlife (Elephant and Rhinoceros) Regulations, 1993 shall not apply to the hunting of elephants or the export of ivory under these Regulations.

Exemption
from
provisions of
S.I. No. 81 of
1993

SCHEDULE

(Regulation 4)

GAME MANAGEMENT AREAS IN WHICH ELEPHANT SPORT HUNTING MAY BE CONDUCTED

1. Lupande Game Management Area
2. Rufunsa Game Management Area
3. Chiawa Game Management Area

LUSAKA
6th May, 2005

P. K. KALIFUNGWA,
*Minister of Tourism, Environment and
Natural Resources*