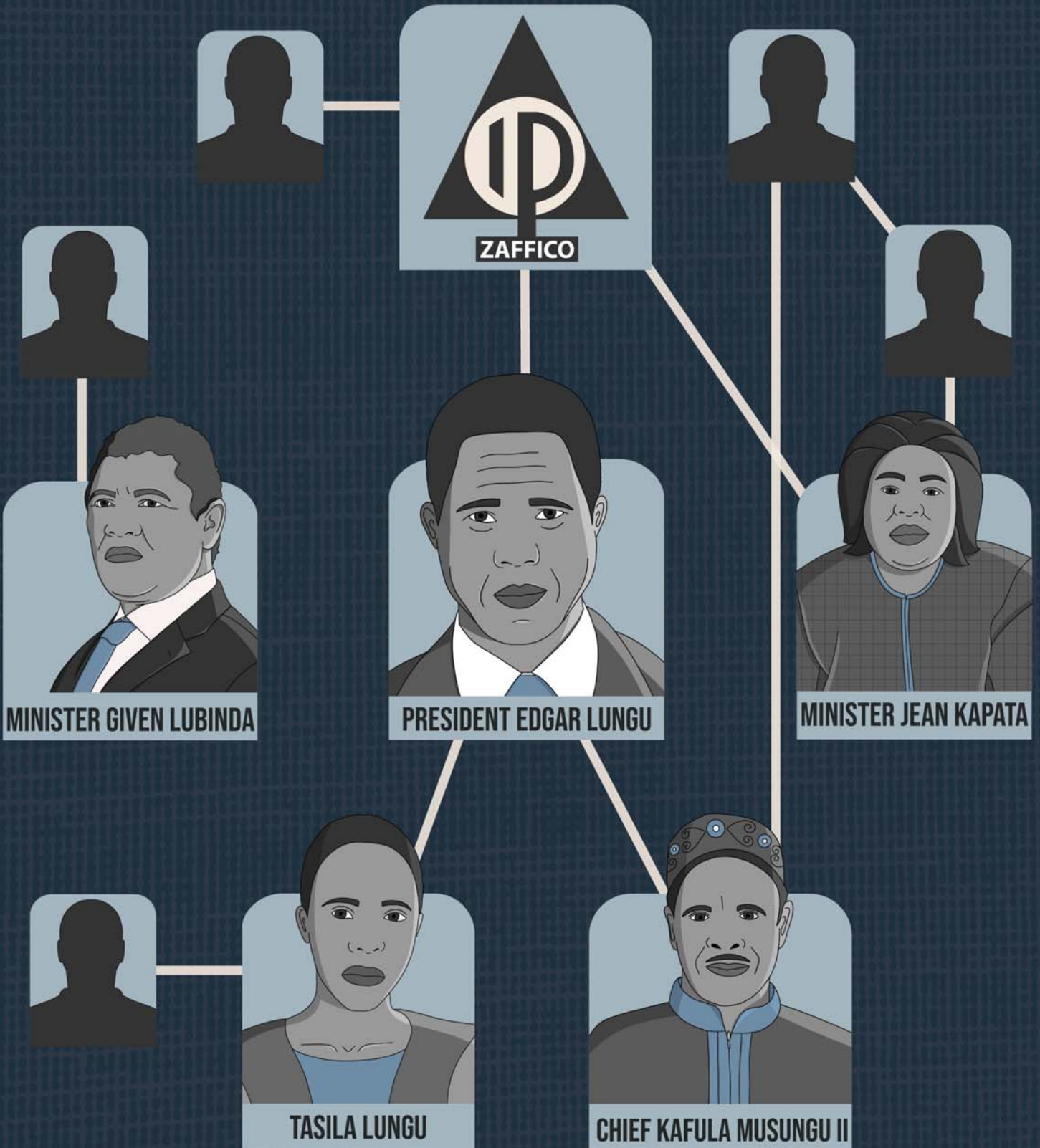


# MUKULA CARTEL

HOW TIMBER TRAFFICKING NETWORKS

PLUNDER ZAMBIAN FORESTS





# CONTENTS

<b>Executive summary</b>	<b>1</b>
<b>1. From National Outcry to International Rescue</b>	<b>2</b>
A Condemned Species	2
Public Pressure on a Business That Is Not Benefiting Zambian Communities	2
An Internationally Protected Species	5
<b>2. Trafficking Routes To The East, West, and South</b>	<b>6</b>
Rosewood Bans	6
Trafficking Routes	6
<b>3. ZAFFICO Scheme: Connections, Confidentiality and Corruption</b>	<b>8</b>
ZAFFICO's Official Role	8
ZAFFICO's "Special Permits"	8
Political Connections: An Imperative for Lucrative Trafficking	10
The Mukulu Secret	10
"Big Money" for the "Big Boys" and the "Big Girls"	11
<b>4. New Deals For The Mukula Cartels</b>	<b>12</b>
Tasila Lungu Connection	12
Traditional Chief's Quid Pro Quo: Votes in exchange for Mukula Logs	13
Given Lubinda's Group	14
<b>Conclusion and recommendations</b>	<b>15</b>
<b>Acronyms</b>	<b>16</b>
<b>Table of Figures and Boxes</b>	<b>16</b>
<b>References</b>	<b>17</b>

EIA-US made attempts to contact the public officials mentioned in this report through the Zambian Embassy in Washington DC, but no response was provided as of the time of publication.

## ABOUT EIA

We investigate and campaign against environmental crime and abuse. Our undercover investigations expose transnational wildlife crime, with a focus on elephants and tigers, and forest crimes such as illegal logging and deforestation for cash crops like palm oil. We work to safeguard global marine ecosystems by addressing the threats posed by plastic pollution, bycatch and commercial exploitation of whales, dolphins and porpoises. Finally, we reduce the impact of climate change by campaigning to eliminate powerful refrigerant greenhouse gases, exposing related illicit trade and improving energy efficiency in the cooling sector.

**Front cover:** EIA, 2019

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Unless otherwise noted, the source for the report are EIA's internal investigative reports, photos, audio and video evidence collected during the investigation. All documents mentioned related to this investigation are in possession of EIA. Pseudonyms were given to informants that are not public officials in order to comply with standard ethical guidelines in protecting confidentiality of sources.



# EXECUTIVE SUMMARY

**In, Zambia the Environmental Investigation Agency (EIA) found that a handful of very high profile figures have apparently orchestrated and facilitated massive trafficking operations for years that are driving mukula rosewood trees to the edge of commercial extinction, devastating vulnerable forests and threatening communities' livelihoods.**

Conservative estimates show that on average over 50 40-foot containers of mukula have been exported monthly from June 2017 to May 2019 (equivalent to over 2,000 cubic meters each month) in breach of export bans, according to EIA's analysis. This illegal trade generates a total of approximately US\$7.5 million paid annually in bribes and informal "fees," as traffickers described to investigators. According to the traffickers met by EIA undercover investigators, prominent figures of the Zambian government and political sphere, including President Edgar Lungu, his daughter Tasila Lungu, Given Lubinda (Minister of Justice), and Jean Kapata (Minister of Lands and Natural Resources), are central figures in this illicit network. If not dismantled, this mukula cartel\* has the power to derail the international protection recently granted to the rare African trees under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). At the current rate of exploitation, the rosewood species may soon be extinct.

According to the United Nations Office on Drugs and Crime (UNODC), rosewood is the single-most smuggled wildlife product in the world.<sup>1</sup> Over the past five years, Asian timber trafficking networks have plundered the forests of Central and Southern Africa, on a quest for trees known as "mukula" or "nkula" (*Pterocarpus tinctorius*, a synonym of *Pterocarpus chrysothrix* and *Pterocarpus stolzii*).<sup>2,3</sup>

The rapid degradation and destruction of vulnerable forests and the unrelenting disappearance of mukula across the region led CITES Parties to list the species on Appendix II of the international Convention in August 2019. The binding international measure, which took effect on November 26, 2019, should guarantee the legality and sustainability of the mukula trade.

Yet if past behavior can predict the future, the fate of the Zambian forests will remain precarious. Under continuous domestic pressure, the Zambian government instituted on-and-off restrictions to stop the pillage of mukula between 2016 and 2018.<sup>4</sup> However, EIA investigators uncovered how the state-owned company Zambia Forestry and Forest Industries Corporation Limited (ZAFFICO) is secretly used as a cover for well-connected Zambian and Chinese business operators to export thousands of freshly cut mukula logs, despite the ban in place. According to EIA's findings, senior officials including the Minister of Lands and Natural Resources, Jean Kapata, have been helping traffickers benefit from the ZAFFICO scheme.<sup>5</sup>

EIA investigators were told by multiple sources that trafficking networks, described by one trafficker as a "cartel," were closely connected to the president's office, the president himself, his daughter Tasila, the Minister of Justice Given Lubinda, and Chief Kafula Musungu II.<sup>6</sup>

According to EIA's research, corruption is a key enabler of these trafficking operations. Corrupt practices and timber trafficking described to EIA investigators take many forms, including paying US\$40,000-for outfits allegedly "donated" by a powerful Chinese trader to the Zambian president for his current re-election campaign.

EIA investigators were told that the special permits to export mukula are frequently traded in exchange for votes in major elections. An influential trafficker claims that his clandestine operations are protected by "the party" (the Patriotic Front); that it is a "joint venture with the central committee." The mukula cartel poses a major threat to the Zambian rule of law.

## EIA RECOMMENDS:

### To Zambia

- Investigate the current clandestine operations in the mukula trade, carried out apparently with the participation of senior officials, including ministers and the president;
- Suspend the trade of mukula – using a zero export quota – until illicit mukula networks are dismantled and the requirements for trading under CITES, including Non-Detriment Finding (NDF) and Legal Acquisition Finding (LAF), are met and shared publicly;
- Significantly increase public transparency, independent monitoring, and government accountability in the forest sector.

### To the African Union and the Southern African Development Community

- Support the fight against illegal logging and trafficking by encouraging the implementation of CITES and enforcement cooperation with Zambia.
- Support regional and intercontinental dialogue and efforts against wildlife trafficking.

### To China and Vietnam

- Support the fight against illegal logging and trafficking by the implementation of CITES and enforcement cooperation with Zambia.

\*A cartel refers to "an association of similar companies or businesses that have grouped together in order to prevent competition and to control prices" (per Collins Dictionary definition). One of the individuals who spoke to EIA undercover investigators stated that they usually refer to the individuals and activities described in this report as cartel.

# FROM NATIONAL OUTCRY TO INTERNATIONAL RESCUE

## A Condemned Species

Despite the lack of precise and comprehensive data regarding the status of mukula populations, there are clear signs of the depletion of resources over the past five years, with commercial extinction likely in the near future. The Center for International Forestry Research (CIFOR) found that 84 percent of community loggers in Zambia had entered the business since 2012 and that 68 percent of them observed depletion of population stocks in the field, estimating that they would not be able to continue harvesting this tree at the same rate in five years' time.<sup>7</sup> A full 95 percent of key informants in the same study agreed with this assessment and anticipated the species "going extinct."

EIA's investigation confirms the scheduled extinction of the mukula trees.<sup>8</sup> A Zambian trader reported to EIA that five years ago it was possible to harvest trees of 20-30 centimeters in diameter "very close to Lusaka" – about 50 kilometers from the capital. Over time, the loggers have progressively moved up from Chama to Matumbu, Matumbu to Chinsali, and Chinsali to Mporokoso, where they are working now, almost 1,000 kilometers from Lusaka.

A Chinese trafficker, Mr. D, explained to EIA undercover investigators that the species was abundant in Eastern Province five years ago. According to him "Now there's nothing." He continued:

**"EIA: All the mukula were logged?"**

**Mr. D: All gone. Mukula used to be this big [arm's length]. Back then, with that large amount of logs, we**

**shipped them to to China, and could sell at 40,000-50,000 [Chinese Yuan, equivalent to US\$5,000-6,000] per ton, even when the market price was low.**

**EIA: Can't find that kind of tree now?**

**Mr. D: No.**

**EIA: I guess they're still there, just harder to find?**

**Mr. D: No, absolutely none left in East Province. They are already extinct there.**

**EIA: They all went to China?**

**Mr. D: Yes. Back then 300 containers shipped to China from Eastern Province alone."**

Other provinces in Zambia have also signaled an upcoming extinction of mukula in the country. Maloza Sichone, Muchinga Province minister, declared in 2017 that emergency measures to protect the mukula trees were needed since the "tree is now threatened with extinction." She continues: "We have found it necessary for President Lungu to call in the army before the mukula tree is completely wiped out by illegal traders."<sup>9</sup>

## Public Pressure on a Business That Is Not Benefiting Zambian Communities

The soaring illegal and unsustainable harvest of mukula and the illicit export of logs to Asia, principally China, has been the subject of growing criticism from the public and leaders in Zambia. A recent report by the Zambian Auditor General on Sustainable Forest Management confirms the concerns of citizens and

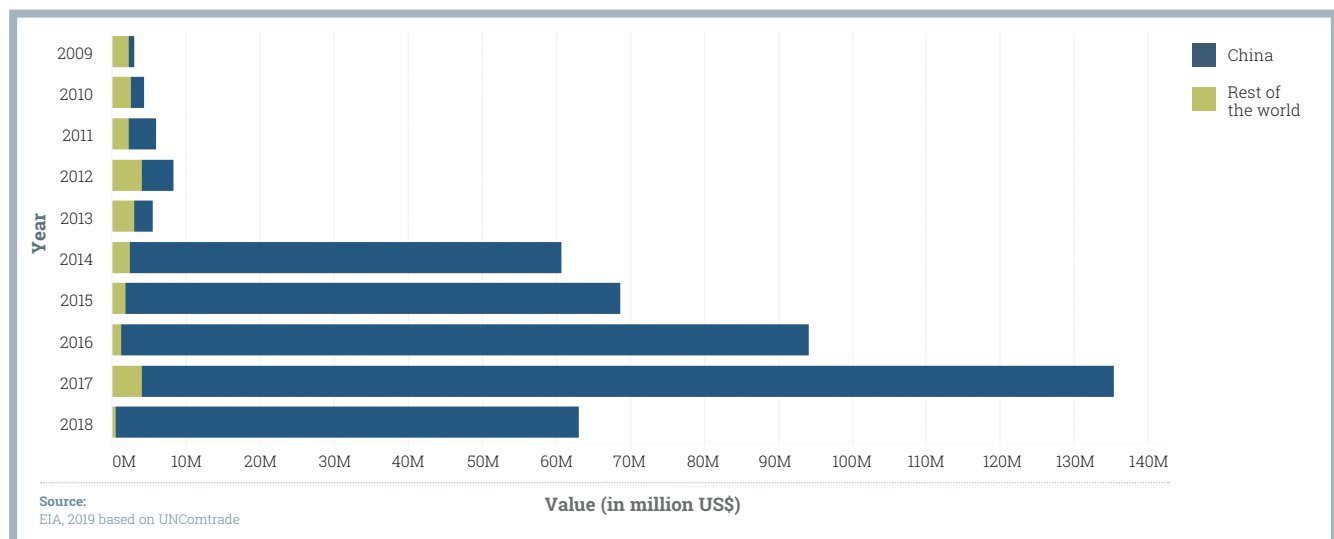


Figure 1  
Destination of the timber exported by Zambia (by value)

lawmakers, concluding that "Failure by the FD [Forestry Department] to carry out monitoring and control has led to illegal activities by concessionaires resulting in loss of revenue for the Government and the destruction of the forests due to the use of unsustainable harvesting practices."<sup>10</sup> Zambian Members of Parliament have repeatedly questioned the sustainability and legality of mukula harvest driven by Chinese demand (Figure 1).

In 2017, the mukula crisis was debated at the national State House in Zambia. Representatives from several districts took the floor and expressed concerns (Box 1). In a policy statement, Harry Kalaba, former Minister of Lands and Natural Resources, pointed to the connection between foreigners and rich Zambians working with certain chiefs to take advantage of loopholes in customary land tenure laws to exploit natural resources at the expense of local communities.<sup>11</sup>

Similarly, the public, led to believe that mukula trade would end, has been increasingly critical of the ongoing trade that is not benefitting the people of Zambia. In one case, in December 2017, the youth faction of the ruling Patriotic Front (PF) intercepted

11 trucks of mukula for export in Chilanga and accused State House Special Assistant for Politics and Presidential Advisor, Kaiser Zulu, of "illegal export of Mukula trees."<sup>19</sup> A Facebook post of a video showing the youth action received hundreds of comments by citizens expressing confusion about how this could happen when mukula harvest and transit was supposedly banned in the country.<sup>20</sup>

In addition, there has been a growing trend in recent years to reduce or eliminate national and local forests in Zambia, which have been protected since the 1950's, in order to use them for "development purposes."<sup>21</sup> These changes have triggered anxious discussions among affected communities (Figure 2). In 2017 alone, at least four national and local forests had their forest area reduced in size or entirely removed from protection through statutory instruments signed into law by President Lungu. Although it is unclear what development purposes most of these forests will be used for, at least one affected forest community legally contested the decision to reduce their protected status and have been vocal on how so-called "development" harms their community (Box 2).<sup>22</sup>

## BOX 1.

### ZAMBIAN PARLIAMENTARIANS SOUND THE ALARM ON THE MUKULA CRISIS<sup>12</sup>

Ms. Given Katuta, who was elected as the first female representative for Chieng District, noted: "Madam Speaker, I am very concerned about the mukula tree, as too many so-called businessmen are rushing to the rural areas for the tree, which has become quick money for them. [...] **Will the mukula tree not become extinct like the mukwa tree?**"<sup>13</sup>

Concerns were also raised by Mr. Mung'andu, from Chama South District, who explained: "the issue of the mukula tree is difficult for my constituency and the entire Chama District, which is a game management area (GMA). We live with animals, but the logging of the tree is negatively affecting the wildlife in the area. The Government has put stringent restrictions in place, but to our surprise, the logging continues. **Who does the Government think is the main culprit in this activity?**"<sup>14</sup>

Mr. Kambita (Zambezi East District): "Whenever I use that route [between Kaoma and Lukulu, known as "black forest"], I almost shed tears because of the indiscriminate cutting down of trees, not only the mukula, which we are discussing here, but also the rosewood, which is also endangered."<sup>15</sup> Mr. Kambita continues: "Madam, **when there was rampant poaching of elephants, the Government put in place measures to counter the scourge, including long sentences for the**

**culprits, but those measures did not work. The elephants were only saved by a global ban on trade in ivory and ivory products. Is there anything that we could lose if we completely banned the trade in this important tree, which takes more than fifty years to mature?**"<sup>16</sup>

Parliament Member Mr. Mutelo stated "a number of foreign nationals in Zambia have joined hands with some people to indiscriminately cut down the trees for both legal and illegal export [...] **What is disheartening is that these people will go to any length to make sure that they get the trees they want and do not care whether the trees will be there tomorrow or not** [...] The foreigners cut down our trees and damage our roads, leaving us impoverished."<sup>17</sup>

Mr. Chipungu acknowledged that "the country is losing a lot of money due to uncontrolled harvesting" and Dr. Kasila expressed his frustration at the lack of mukula harvesting benefitting the Zambian people: "**the timber business should benefit our people unlike what is happening currently in my constituency, which is one of the biggest suppliers of the African hardwoods, and where the poverty levels, as my colleague has stated, are increasing and our people are not benefitting in any way.**"<sup>18</sup>



BOX 2.

## PEOPLE STAND FOR THEIR FORESTS AND OPPOSE LAND GRABBING

In recent years, the Zambian government eliminated and/or reduced the size of at least six local or national forests. Local forests, created under Zambia's first Forest Act in 1952, were created to allow local communities the opportunity to sustainably manage forest resources valuable to the ecosystem.

Lusaka East Forest Reserve, the only natural forest reserve outside of the capital's vicinities, has been a protected area since 1957 as it provides critical ecosystem services to Lusaka and is a key water recharge zone for the city's aquifers.<sup>23</sup> In 2017, residents of Lusaka East reported seeing flyers across their community saying that a luxury housing development would be built in the forest. The luxury development, a joint partnership between Sunshare, a Chinese owned corporation and Zambian Air Force Project Limited, sold plots of the protected forest reserve to high-ranking members of the Zambian government such as Minister of Lands and Natural Resources Jean Kapata and Chief Justice Irene Mambilima.<sup>24</sup> Community members reported that they were not consulted in the decision-making process

and warned that the massive development with its septic tanks would lead to human sewage flowing into the Chalimbana River, the main source of water for the region and the source of groundwater aquifers, gravely endangering the regional ecosystem as well as the local forest.<sup>25</sup> Despite the local community's outcries, President Edgar Lungu decreased the size of the local forest to make way for the luxury development project, ignoring the direction of the Zambia Environmental Management Agency (ZEMA), asking developers to halt construction on the protected forest.<sup>26,27</sup>

Chalimbana River Headwaters Conservation Trust, a local conservation organization, along with local Chieftainess Nkomeshya, launched a petition and sued one of the developers, Zambian Air Force Projects Limited, for the environmental destruction of their forest and water resources.<sup>28</sup> In April 2019, the Lusaka High Court granted their injunction and directed all further development to cease.<sup>29</sup> However, community members report that development is still occurring within the forest reserve.<sup>30</sup>



Source: EIA

Figure 2  
**A community in Zambia meets to discuss the negative effects of deforestation on their livelihoods**

## An Internationally Protected Species

Since 2015, Africa has become the world's top rosewood-producing region (Figure 3).<sup>31</sup> The continent has become the leading commercial rosewood partner for China and Vietnam, the two countries that account for the vast majority of imports in rosewood products since 2015.<sup>32,33</sup> The trade in rosewood between Africa and Asia has concentrated on a few species. One of them is *Pterocapus tinctorius* (a synonym of *Pterocarpus chrysothrix* and *Pterocarpus stolzii*), locally known as "mukula", which is found in Central and Southern Africa.<sup>34</sup>

Driven by data showing diminishing wild populations of mukula as well as reports of a high level of illegal and unsustainable trade, the CITES Parties gathered in August 2019 in Geneva for the 18th meeting of the Conference of the Parties (CoP18) and decided to provide international protection to mukula. The decision, which was taken by consensus and was the result of strong leadership by Malawi, was supported by the range States of Angola, the Democratic Republic of Congo, and Mozambique. The listing on Appendix II of the Convention also gained support from West African

countries and China who expressed their solidarity in fighting international timber trafficking networks.

The listing of mukula on Appendix II of CITES has been received as a "victory" for the conservation of the species.<sup>37,38,39</sup>

This positive development aimed at protecting a vanishing species and putting an end to the current international trafficking will most likely face resistance from powerful, organized trafficking networks in Zambia. These highly affluent groups, as presented in the following sections, have apparently been able to circumvent the bans in place in Zambia and continuously transport and export mukula despite its illegality.

**Since November 26, 2019 the international trade in mukula must abide by CITES rules, in particular regarding legality and sustainability.**

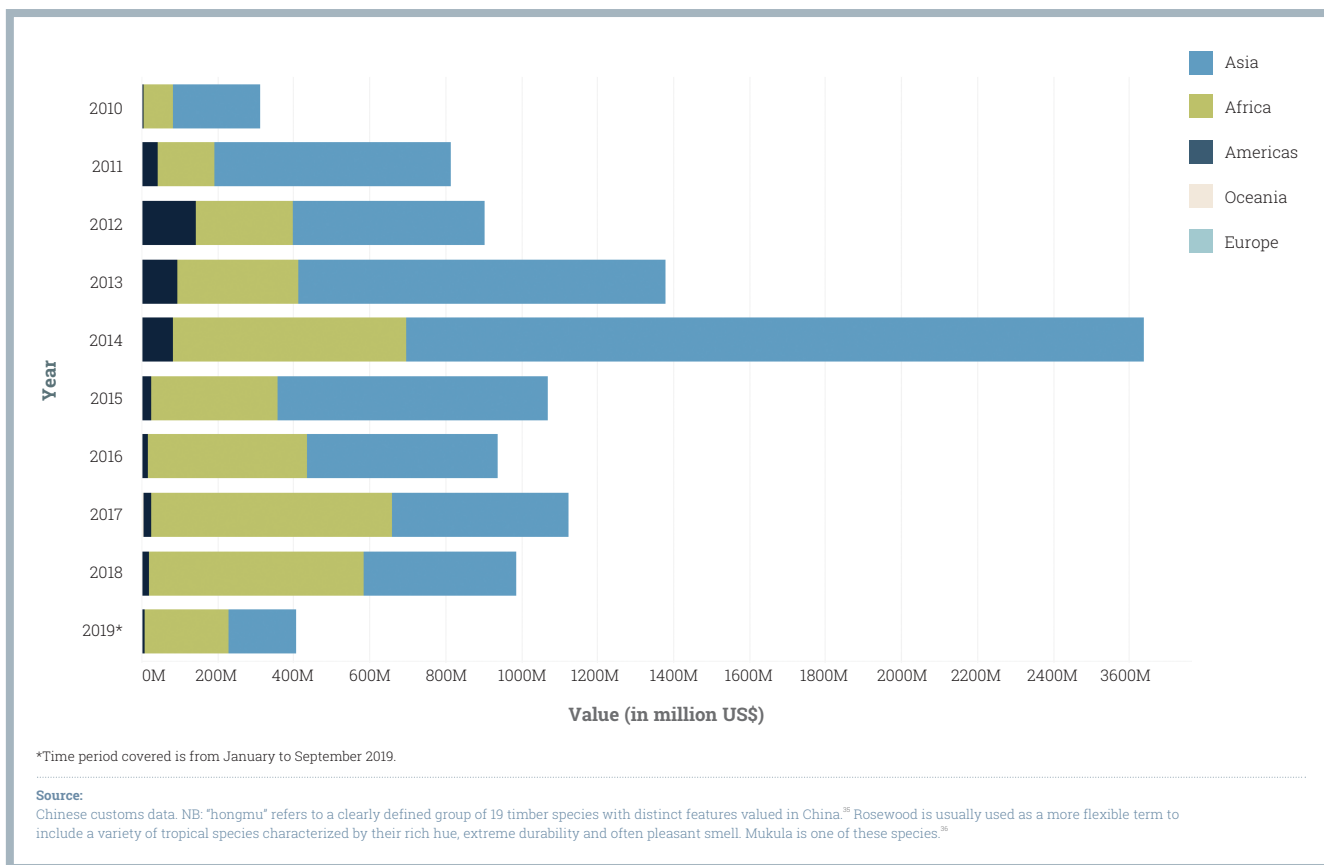


Figure 3  
Evolution of hongmu imports by China, logs and sawn timber, by producing region (by value)

# TRAFFICKING ROUTES TO THE EAST, WEST, AND SOUTH

## Rosewood Bans

In Zambia, a series of harvest moratoria and export bans announced publicly, without written legislation to make the bans enforceable, have repeatedly been imposed and lifted in attempts to control the illegal and unsustainable trade.

In July 2014, mukula logging was banned in Zambia and a taskforce was created to address the illegal felling of trees.<sup>40</sup> The ban was lifted a few months later in 2015 and the Ministry of Lands, Natural Resources and Environmental Protection along with the national company ZAFFICO auctioned off thousands of seized logs.<sup>41</sup> A ministerial delegation was reportedly sent to China to promote the auction, which allegedly generated US\$4.3 million, which was spent on reviving ZAFFICO's tea plantation business.<sup>42</sup>

A new ban on harvesting and transit was imposed in January 2016, lifted and then reinstated.<sup>43</sup> In February 2017, the Ministry of Lands Natural Resources and Environmental Protection announced a ban on the export of logs of all tree species, although the Minister herself, in consultation with the Director of Forestry, may "issue export permits for any timber if that is deemed necessary in the interest of the Republic".<sup>44,45</sup>

An additional ban was later placed on the movement of logs beyond 100 kilometers from the harvest zone, in order to promote value added processing and job creation in rural areas.<sup>46</sup> The Road Transport and Safety Agency (RTSA) and the Zambia Revenue Authority (ZRA) were mandated to stop and seize any truck transporting logs beyond the 100 kilometer zone.<sup>47</sup> As a consequence of this ban, several hundred trucks transporting mukula logs from DRC to Walvis Bay in Namibia were stopped for months.<sup>48</sup> The issue caused a diplomatic row between Namibia and Zambia, which was reportedly resolved through a phone call between the two presidents.<sup>49</sup>

In April 2017, the Zambian Minister of Lands and Natural Resources, Jean Kapata, announced a new ban on all logs "in transit" on Zambian soil transported by foreigners. The new ban, one of the few bans backed by a legally binding statutory instrument, reportedly took effect immediately.<sup>50</sup> Ms. Kapata stated: "Once the SI [Statutory Instrument] is signed, it will mean that Zambia is not going to allow any transit of mukula logs on its soil. We will have sealed where the mukula is coming from, especially from the Congo DR."<sup>51</sup> The decision by Zambian authorities resulted in hundreds of log trucks being blocked at the DRC and Tanzanian border.<sup>52</sup>

## Trafficking Routes

Despite bans and public declarations by senior officials, well-informed sources – including African and Asian traffickers – unanimously confirmed that the harvest and trade in mukula logs has never stopped in Zambia.

The primary mukula extraction areas in Southern DRC (Katanga Plateau) and Zambia (Mamba region and Northwest region) are located in landlocked forests, forcing traffickers to pass through several countries in order to reach a port from where the timber can be shipped to China, and, to a lesser extent, Vietnam (Figure 4). As with other rosewood species, mukula trade appears to be linked to illegal trade in endangered animal parts, and there are indications that routes used by wildlife traffickers to supply Asian markets are the same for animal and timber products.<sup>53</sup> In late 2016, Chinese customs officials seized a 2.9-tonne shipment of pangolin scales hidden in a container of African timber.<sup>54</sup> In Namibia, a Chinese national identified as the owner of a key export logistics company for Angolan and

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**According to traffickers, the Southern Route that connects DRC and Zambia to Durban is currently the "safe way to do business" as long as you can obtain a "very confidential permit."**

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Figure 4  
**A pile of mukula logs await along the Zambia-DRC Southern Route**

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Zambian timber clients has also repeatedly been linked to traffic in rhino horn and animal skins.<sup>55</sup>

According to interviews with traffickers, mukula logs have been shipped out of Africa via three different routes from 2016 to 2019: the Eastern Route to the port of Dar-es-Salaam in Tanzania, the Western Route to Walvis Bay port in Namibia, and the increasingly used Southern Route to Durban in South Africa (Figure 5). As traffickers told investigators, the decision about which road to take depends on multiple factors including distance to the port, current level of controls, and connections or personal contacts in the exporting country.

Well-informed sources at customs, logistics companies, and traffickers themselves told EIA that the Eastern Route to Dar-es-Salaam is currently considered very risky for traffickers due to increased control and enforcement in Tanzania. All informants stated that the seizures of containerized mukula by Tanzanian authorities had a significant impact in 2017 and 2018 and made timber exports very difficult. A trafficker with “friends at governing organizations” explained to investigators that the only way to export from Tanzania nowadays is to mis-declare the smuggled mukula logs as something else. Corrupt officials in Tanzania could then issue permits, declaring the mukula as Zambian teak (*Baikiaea plurijuga*) for example.

Namibia reportedly used to be a major port for export of mukula logs, with an estimated 250 to 300 containers leaving monthly from Walvis Bay (worth about US\$8.75 to US\$16 million monthly).<sup>56</sup> The log transit ban established by the Zambian government in 2017 and diplomatic issues caused by 400 Namibian trucks held in Zambia for several months seems to have complicated the transport through Namibia. Namibian president, Hage Geingob, reportedly had to personally telephone his Zambian counterpart, president Edgar Lungu, to secure the release of the trucks in February 2017.<sup>57</sup> However, traffickers told EIA investigators that their method to work around the transit ban is to mis-declare the mukula logs, using the name of the lookalike rosewood species *Guibourtia coleosperma*, also known as “African timber” in Zambia.<sup>58</sup> Zambia still remains the biggest exporter out of Walvis Bay with items being mostly timber and precious metals, according to 2018 data.<sup>59</sup>

According to traffickers, the preferred route to export mukula logs over the past two years has been the Southern Route, connecting DRC and Zambia to Durban in South Africa. This would be the “safe way to do business” as long as you can obtain a “very confidential permit” from the Zambian state-owned company ZAFFICO, or directly from the Zambian president himself.



Figure 5  
**The three principal routes taken by traffickers to export mukula out of Africa**

# ZAFFICO SCHEME: CONNECTIONS, CONFIDENTIALITY AND CORRUPTION

## ZAFFICO's Official Role

In June 2017, the government appointed the state-owned company ZAFFICO to export the seized illegal timber stockpiles on its behalf.<sup>60</sup> The Minister of Lands and Natural Resources informed the Zambian Parliament that the sale of illegal mukula had generated US\$4.3 million from August 2017 to November 2018, an amount that was used to “revamp” the ZAFFICO Tea Company, previously known as Kawambwa Tea Company – the beleaguered state-owned tea producer taken over by ZAFFICO in December 2016.<sup>61,62</sup> ZAFFICO reportedly manages 50,000 hectares of forest plantations and employs over 5,000 people.<sup>63,64</sup>

ZAFFICO became the subject of a national controversy in Zambia when rumors concerning privatization plans emerged in late 2018.<sup>65,66</sup> Critics feared that control over the profitable and powerful state-owned company would be handed to foreign investors, in particular Chinese, through the maneuver.<sup>67</sup> Workers from ZAFFICO also protested in response to the government’s decision to list the company on the Stock Exchange and to delay payment of salaries.<sup>68</sup>

Ministers and other senior officials lauded the positive outcomes of ZAFFICO’s auction of the mukula contraband, but the public in Zambia remains skeptical amid reports that the company could be involved in laundering illegal logs.<sup>69,70,71</sup> Under popular pressure, ZAFFICO Board Chair Jacob Mwitwa publicly declared that only logs confiscated by the government and officially cleared by relevant institutions were allowed to be exported by ZAFFICO, seeking to reassure the public that ZAFFICO was by no means involved in the harvesting of mukula trees.<sup>72,73,74</sup> In December 2018, Minister Kapata, while attending the international climate CoP24 in Poland, issued a statement that the mukula export ban would not be lifted and that the government will own the process on behalf of the Zambian people, as “the Mukula tree is too valuable to be left to a small part of the population to reap the benefits.”<sup>75</sup>

## ZAFFICO's “Special Permits”

Traffickers told EIA undercover investigators on multiple occasions that the official export of seized mukula logs by ZAFFICO has served as a cover for a large clandestine operation for the past two years, allegedly allowing anyone with enough money and high-level connections to secretly export freshly cut mukula logs out of Zambia. The volumes involved are difficult to evaluate, but

triangulating information from multiple sources, it can be estimated – conservatively – that on average a minimum of 50 40-foot containers of mukula have been exported each month under the guise of seized stockpile wood from June 2017 to May 2019.

ZAFFICO issues so-called “special permits” allegedly for the disposal of confiscated timber to preferred companies yet these permits enable them to transport and export freshly harvested mukula. The permits specify means of transport and the port of loading for export (usually Durban in South Africa). Based on the ZAFFICO special permit, “joint forces” of army, security and police issue the export permit and required

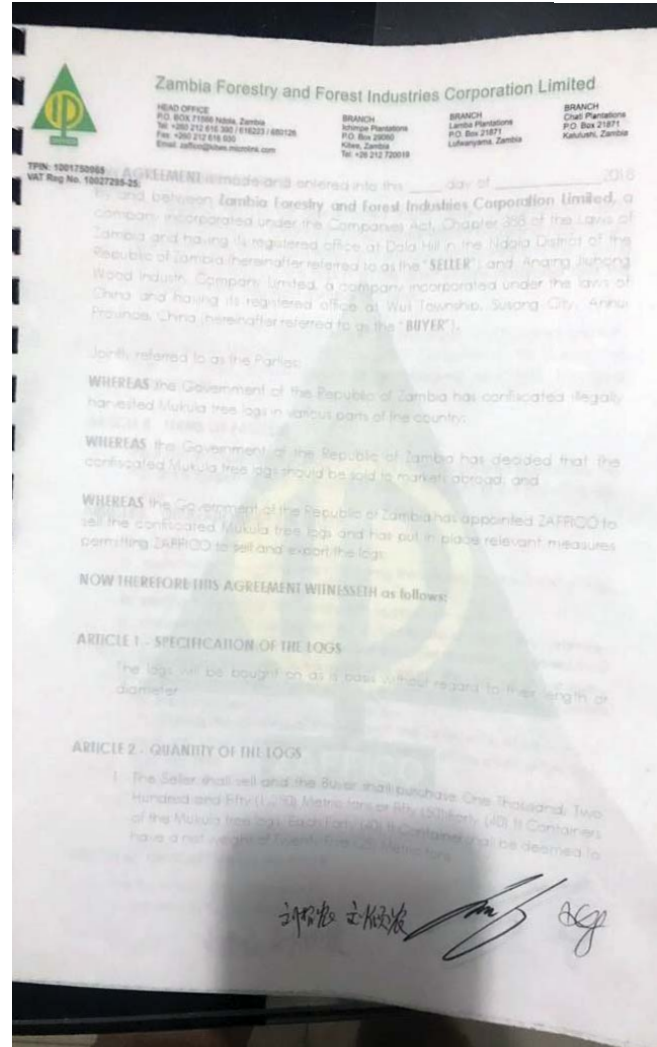


Figure 6  
A special ZAFFICO permit used by a trafficker and presented to investigators

transportation documents for the shipment to Durban through Zambia. These documents would also facilitate the customs clearance for shipping the timber in South Africa.

Influential Chinese trafficker, Mr. D, presented to EIA the ZAFFICO permit he was using (Figure 6) and further explained to investigators:

“If you want to go with ZAFFICO, it’s always their own logged wood they have their own concession. They’ll handle the logging. After you pay them, you go to their concession and load your trucks. They [ZAFFICO] will handle the exporting permit, and you’re good to go.” The trafficker confirmed that he has only bought “freshly harvested mukula logs” from ZAFFICO. He explains: “I used to smuggle through Tanzania which was the cheapest route. Now I ship out of Durban. I have to go to Durban because the permit issued by ZAFFICO had designated a specific port for clearance.”

Mr. D describes a variation of the confidential scheme:

**“Mr. D: ZAFFICO sends over our truck and container info to the concession for them to get ready. We have our trucks go there. Once they [the concession] received**

**that info and send confirmation text, we then have our trucks go there for loading on schedule so everything is done according to plan. We go non-stop to reach the concession, wasting no time for loading either. It takes three to four hours after loading to return here.”**

He confirms that the “special agreement” with the government through ZAFFICO is much safer and more profitable than smuggling through Tanzania. He details for investigators the break-down of his production cost for a container worth on average US\$28,000 (Free On Board Durban):

**“Mr. D: That’s my business. Of course you have to pay for it. If you’re not willing to pay, I won’t be able to get you this permit. Mukula itself doesn’t cost a lot of money, only US\$5,000 per container. Transport costs another US\$8,000. The rest is government ‘fees’.”**

According to the testimony, the total cost of production would be US\$13,000 and the money paid in bribes, commonly referred to as informal “fees” to officials for the confidential scheme is an additional US\$15,000. The money lost to the illegal mukula trade could have been spent on public services that benefit the lives of many Zambians. (Figure 7).

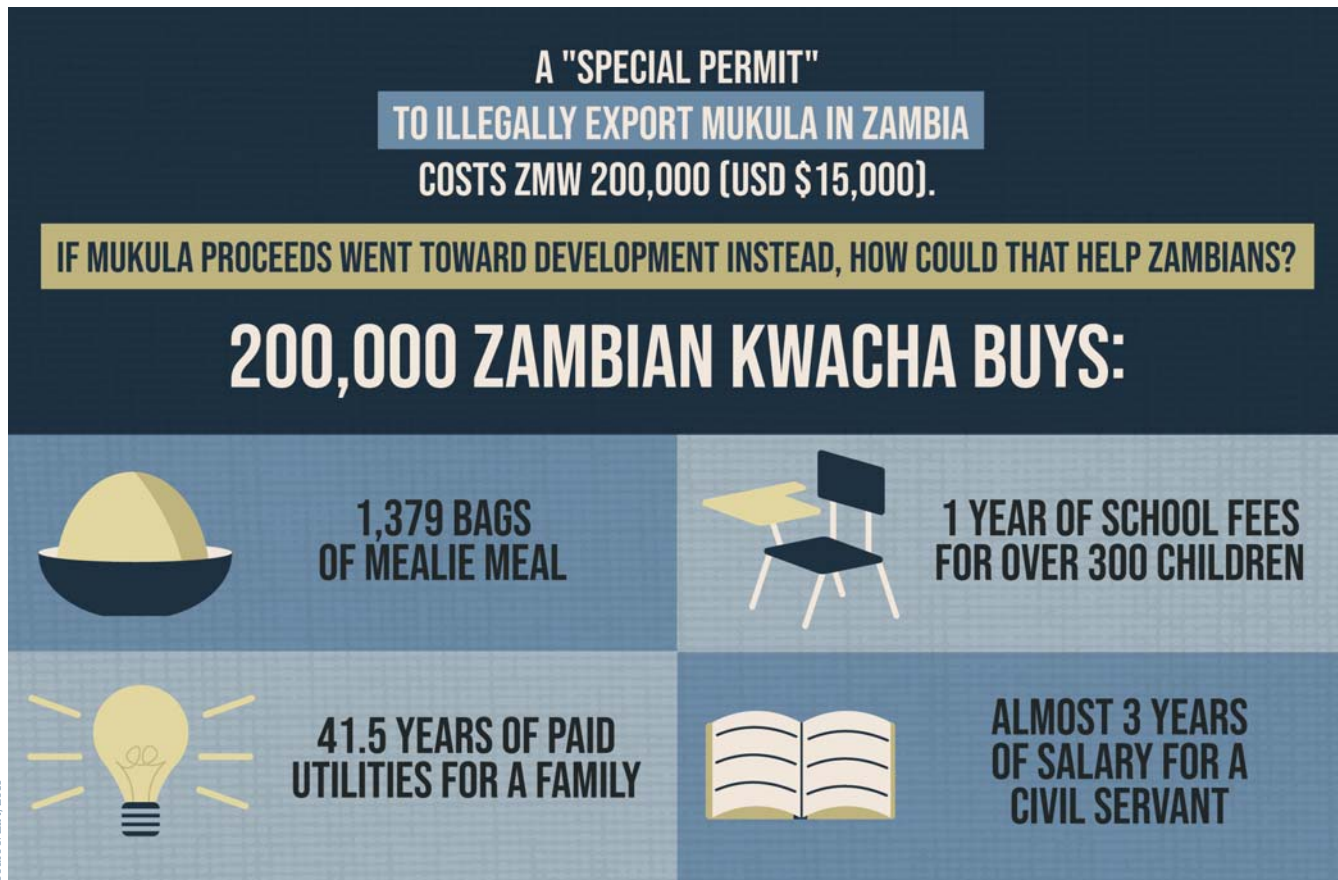


Figure 7  
What the value of bribes or informal “fees” for one single special permit represents in Zambia



## Political Connections: An Imperative for Lucrative Trafficking

Chinese traders explained to EIA investigators that it is not difficult to circumvent the export ban. "If you have connections with high level [governmental] relations, you can get an export permit with ZAFFICO and you're good to go. But you have to have a reliable local partner to help with that. Sometimes that partner takes your money but didn't actually submit the exporting permit." A reliable connection on the ground and in the ruling party appears to be an important channel to obtain the ZAFFICO special permits.

An influential Zambian trafficker, Mr. J, stated: "I am a government officer. What happens is that we are protected by the party [Patriotic Front], by the government." He described the trafficking activities as a sort of "joint venture with the central committee", whereby the ruling party ensures special permits for traders/loggers in order to secure votes in rural areas. "Because they lost a seat in Shesheke so they want to win that province", he explains. One way to do that is give special permits to close allies who are using them to buy freshly cut mukula logs from communities in the province in exchange for their votes. The same trafficker explains that he shares the ownership of a forest concession in the northwest of the country with a well-connected "friend." He explained to EIA investigators that he and his associate would "just need a partner" to buy the mukula they are harvesting in their concession. He explained: "I am in the system. I work in the system. I work in the government, but I do private work also. And this is actually the business."

For his business partners, this trafficker usually arranges all necessary documentation: production document, transport ("conveyance") document from the point of harvest, export permit, and the "certificate" for the company, which he described as the "very crucial document" needed to start and complete the process. The mukula logs he offered EIA investigators are harvested in the Northwest Province, then moved to Mansa where they are containerized, before being trucked to Lusaka. In Lusaka, the containers are moved to Namibian trucks for transport to Walvis Bay. The trafficker said he works in collaboration with an "agent" located at Walvis Bay port who facilitates the export. Given the diplomatic incidents related to the mukula trade between Zambia and Namibia, he recommended to mis-declare mukula logs as "African timber" or "*Guibourtia coleosperma*."

Foreign traffickers also need to establish strong connections. One of them, reportedly the owner of the company Qingwan, apparently partners with Jean Kapata, the Minister of Land and Natural Resources to get the

timber out, according to one of his business associates and a close relative who talked to EIA:

**"EIA: How could you get the logs out? They all said no way get out...have you successfully got logs out for a couple of years?"**

**Ms. R: I used to do business in DRC but my [relative] has been in Zambia for years. [...] We shipped out a lot of mukula. Two years ago we lost a lot of money due to the export ban. Last year we got access to the documents in Zambia. We are one of the three exporters who got the permits there. We were able to get containers out of Zambia since then.**

**EIA: You've been shipping out for a year?**

**Ms. R: Yes! We've been in this business for over ten years in Zambia.**

**EIA: Did you mention last time that you're partnering with the Minister of Land and Natural Resources there?**

**Ms. R: Yes.**

**EIA: A female minister?**

**Ms. R: Yes.**

**EIA: Her name is Kapata?**

**Ms. R: Yes."**

## The Mukula Secret

The legitimacy of ZAFFICO's role in the disposal of mukula stockpiles has been questioned and denounced publicly on several occasions. A member of the timber association, who chose to remain anonymous, reported in January 2018: "They are lying when they say only ZAFFICO can export mukula."<sup>76</sup> The picture of a permit is presented as evidence and as the source further explains: "Those special export permits were signed by Makumba who is the Director of the Forestry Department at Ministry of Lands."<sup>77</sup> The chairman of the National Democratic Congress (NDC), Charles Kabwita, also denounced mukula smuggling out of Zambia through ZAFFICO.<sup>78</sup> Mr. Kabwita declared: "The people need to benefit from their trees. They just can't experience deforestation for nothing. Let mukula revenues build hospitals with maternity wings. Let mukula revenues be accounted for."<sup>79</sup> In a social media post where President Lungu expressed his disappointment with the illegal mukula trade (Figure 8), many commenters expressed their disapproval at the lost revenue from illegal trade and called on the president to legalize mukula so Zambians can benefit from their resources.<sup>80</sup>

Many sources involved in the mukula trade explained to EIA undercover investigators that the trade of freshly cut mukula logs has never stopped in Zambia. As one explained: "It has been going from the time they said we have closed it. It has been moving." As traffickers told EIA investigators, given the national attention given to the matter, the only way to work in the mukula business is to keep it secret and hidden from the everyday Zambian citizen's eyes.



Figure 8  
**President Lungu observes illegal mukula logs at the Nakonde border**

Zambian trader, Mr. J, told EIA undercover investigators:

**EIA:** So when you say the ban is temporary, now you say it's lifted?

**Mr. J:** The ban hasn't been lifted and it hasn't been closed because you see mukula is coming to China everyday and who is bringing mukula? It's the government! The same way that I am speaking to you, this is how we are moving. This is closed to the public [...] So now this is confidential. It is a secret operation that is done.

**EIA:** So only just a few people can do it?

**Mr. J:** Just a few people. And me, I am very cardinal, northwestern is mine.[...]

**EIA:** How long has this secret been going? One month, two months?

**Mr. J:** It has been there for some time. It's almost two years now. They've been pushing. It's coming out and if you go to Dar-es-Salaam, Nakonde, Tanzania you find in the evening, twenty, thirty trucks going..."

A Chinese trafficker noted they were still getting access to mukula in 2018 and 2019 despite the bans in place, although trading now requires extra work, stronger connections with senior officials, and higher bribes.

## **"Big Money" for the "Big Boys" and the "Big Girls"**

Political connections to corrupt senior officials appear to be the key to gain access to the special permits. The Chinese trader who has been involved in mukula trafficking for more than five years explains:

**Mr. D:** I don't give money to the president directly. I bribe those who are above ministers' level.

**EIA:** Above ministers? You don't have to pay the ministers?

**Mr. D:** I don't have to establish a relationship with the ministers. Instead, I got well with those who are close to the president, the ones that collect money for the president. I have good connections with people around the president, who collects money for him. Those guys

are the regular guests I have to social frequently with drinks. Even the ministers go visit their homes for drinks.

**EIA:** So, even ministers are no match for those guys?

**Mr. D:** No need to get acquainted with the ministers whose powers are limited to certain narrow fields, which doesn't serve our needs.

**EIA:** Who exactly do you refer to by "people close to the president", someone like the bodyguards?

**Mr. D:** No, these are who doing business, running companies, etc., under the president's name and collect money [for the president]... They are acting like the president's "house-keeper."

In order to guarantee access to fresh mukula logs, he also reports to have "donated" US\$40,000 for the president to buy outfits for his re-election campaign.

Using his political connections, a Zambian trafficker told EIA investigators that he is paying US\$5,000 for a "special permit" and then will pay approximately US\$1,000 in bribes to local officials in order to ensure smooth loading of the container. When asked about the road-blocks and the police, he answered: "Police on the way, they are my babies. They are not a problem, because there is a caveat: when the goods are going we put a police officer there for exporting those things."

Another trafficker, Mr. O, complains that the bribes he has to pay have become too high, and the mukula business would now only be reserved for well-connected individuals or wealthy exporters. He explains:

**Mr. O:** Yes, you can buy [mukula]. Depending on how much you can afford to pay. What is now expensive to make us local guys difficult to export is the export permit. It is very expensive. Actually, to some extent, it's more expensive than buying the product and bringing it here [Lusaka], because that's how ZAFFICO has done it. If they are telling you to produce 15,000 dollars, where do I get that money? It means they are telling me don't do the business, that it is for the big boys.

**EIA:** So 15,000 dollars is the price that you have to pay for the document?

**Mr. O:** Yes.

**EIA:** Okay. Does the government actually have that money? That goes into the country or it just gets pocketed?

**Mr. O:** That is for the big boys. We don't know because looking at what is going on, government as an institution is broke but there are a few government officials who have got money. Where are they finding the money? Through this, same as copper, mukula, and other things that they are selling.[...]

**EIA:** So the 15,000 dollars, you're saying it does not... You don't know...

**Mr. O:** It will be received by a government official. Where he takes it...I don't know if it will go in a government account or an individual account. Where the money goes, no one knows. Whether it goes into the government or individual pocket. But now you find these guys buying big cars."

# NEW DEALS FOR THE MUKULA CARTELS

In addition to private deals through the ZAFFICO scheme, several highly-connected people told EIA undercover investigators that important figures were directly negotiating the right to export mukula logs with the Zambian president himself, Mr. Edgar Lungu. According to a well-placed source, only “people who are very close to the president,” will be able to export mukula logs in large quantities. “It’s the Zambian way of doing business, only those who are part of political circles.” explained the source.

Mr. O emphasizes the clandestine nature of the mukula operations and explains:

**“Mr. O: So in the business it is too much talking, they don’t want anything to be seen. When they are doing things, it’s secret.”**

**EIA: Why is that a secret?**

**Mr. O: They want to make money themselves.**

**It’s not for everyone, its for them, the big boys and the big girls.**

**EIA: Just a few big people or many?**

**Mr. O: A few. I think just five.”**

EIA investigators have mapped the mukula trafficking network in Zambia based off multiple sources met undercover. (Figure 9).

## Tasila Lungu Connection

Confronted with her involvement in the mukula trade, Tasila Lungu publicly refuted the allegations and declared: “I have not at any juncture been involved in either of the alleged criminal transactions. This kind of reporting is highly regrettable.”<sup>81,82</sup> EIA undercover investigators had the opportunity to talk to two individuals involved in the traffic of mukula who clearly explain Tasila Lungu’s role:

**“Mr. O and Mr. L: They have [mukula] taken, diverted by the daughter of the Man [...] The daughter of the president, whatever comes she gets first of first.”**

**EIA: So some money pays to the president?**

**Mr. O: No, it’s the daughter... The daughter is directing... whatever comes in Lusaka, she has an ear to the ground... she will easily know that containers [...] and she will be fast to take care of them.**

**EIA: So who is she?**

**Mr. O: The daughter...**

**EIA: The daughter of the president?**

**Mr. O: Yes.**

**EIA: Of course [...]**

**Mr. O: The moment she gets wind of it, she has engaged a lot of guys, when it comes they call her first thing.**

**EIA: What’s her name?**

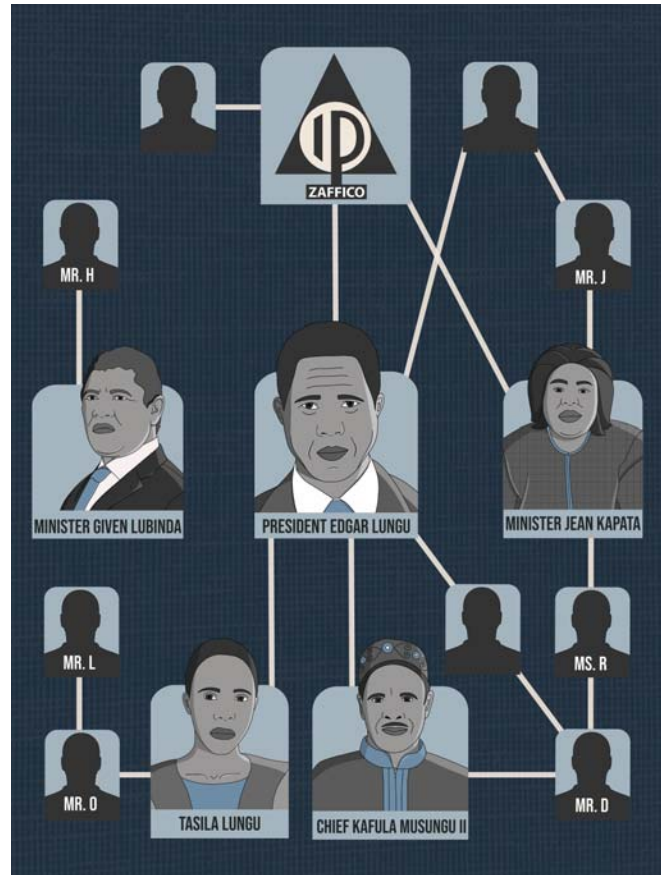


Figure 9  
The mukula cartel

**Mr. O: Tasila... It’s a common name.**

**EIA: That’s a pretty name.**

**Mr. O: She is a councilor in the next shanty compound here casino down town yeah that’s the councillor.**

**EIA: So timber business is her side business?**

**Mr. O: Yes, but you know the father knows everything. You know the father can’t do these other businesses so these other businesses are done by daughter and others.”**

The traffickers that explain Tasila Lungu’s role are themselves very organized. One trafficker appears to be the brains of the operation, connecting the other members of the illicit network with the high authorities. Another trafficker is a timber expert who claims to have worked in the business for 20 years, and the last person involved leads field operations. He deals in particular with loggers, local communities, and the owners of mukula stockpiles in the bush. At the time of the investigation, this trafficking network was exporting mukula logs via the ZAFFICO scheme and preparing their next move, according to the members met by EIA investigators.



## Traditional Chief's Quid Pro Quo: Votes in exchange for Mukula Logs

EIA investigators were told by the business partner of Kafula Musungu II, Senior Chief Nkula in Muchinga Province, that the chief allegedly convinced a large majority of "his people" to vote for President Lungu in the latest presidential election. As a thank-you gift, the president reportedly issued him a permit for the export of 100 containers of mukula in 2016. But the permit was suspended in 2017, after only 38 containers had been exported. The chief told EIA investigators that the president assured him in person that he is about to issue a "special permit" to export mukula "just for [him]." The permit would allow the export of 100 containers and could be renewed easily. The chief traveled to Lusaka in mid-March 2019 to meet the president, hoping to finally close the confidential deal, but the permit was allegedly pushed back for a couple of more weeks. The chief explained to EIA undercover investigators:

**"Chief Kafula: I try to get in contact with some people so that when we start producing mukula trees so that we can be exporting. I don't want to work with ZAFFICO.[...] I think I will make an appointment with the president so that he can follow up with my application because I left my license to the State House to the president, and he gave it to somebody so that they can process the papers, it is just to renew. My [2016] license, I didn't finish my containers that I was supposed to finish. So I claimed to finish them, no one will say no. [...] Me, I go straight to the president. I don't go to this office and other things. It's him."**

Chief Kafula produced his canceled export permit to EIA investigators and further explained that his objective is to reach out to several chiefs in other areas in order to fill the containers, as he did three years ago. In 2016, his license was used to cut trees in several other regions. He bought the timber from other traditional chiefs and would himself sell the containers to a business partner.

He also told investigators that he had built a joint-venture with an influential Chinese businessman, also met by EIA investigators, who is the hidden financier and owner of a company registered in Zambia, despite the national law prohibiting foreigners to own a company in the country. This company has been designed as the sole agent to use the chief's export permit for mukula logs. The respective Chinese businessman explained to EIA investigators how he built his joint-venture with the chief: "You have to pay US\$10,000 to meet with the president. Might as well ask the chief to see the president. I gave the chief a couple of cars, brought him 10,000-20,000 Zambian Kwacha every

time I saw him." According to the Chinese trafficker, the deal is extremely lucrative for the chief:

**"Mr. D: President is offering the chiefs business opportunities. The president won't give 10,000 dollars in cash to the chiefs. Instead, he's granting the chiefs opportunities to make money by themselves. The chiefs have to find clients himself. They could then easily make over one million USD by issuing one permit."**

The Chinese trafficker also explains the involvement of the army:

**"EIA: How does the permit work? Does he give you ten copies for your ten containers?"**

**Mr. D: No. I usually arrange containers and trucks first on the loading day. Before I get to Northern Province, I would notify the army and the army officers would get to see the original permit from chief. The army would then sign an export license for every single container, with specific port of export on it. For example mine says South Africa.**

**EIA: So you get the export license from the army?"**

**Mr. D: Yes. Because it was the president who authorized the army [to issue export license].**

**EIA: And these export licenses will work at the checkpoints on the road?"**

**Mr. D: Yes. Once you have that, you'll have no problem.**

**EIA: Do they actually check?"**

**Trafficker: They check this export license at every**

**checking point. If they see this, they'll let the truck go.**

**EIA: Can they tell if it's a fake one?"**

**Mr. D: There's no fake ones! It's signed by the army, who dares to fake that? Loading trucks in Northern Province are overseen by the army. They have people there [at every loading place].**

**EIA: Why is the army a part of this? They want money?"**

**Mr. D: Not really. Forest in Northern Province are controlled by forestry ministry, ZAFFICO, and the army. So the army is under direct authorization from the president, therefore the army has the power [to oversee the transport]. Police is also entitled to participate in traffic control at checking points, but their authority is lower than the army."**

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**"The president won't give 10,000 dollars in cash to the chiefs. Instead, he's granting the chiefs opportunities to make money by themselves. The chiefs have to find clients themselves." Mr. D**

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Figure 10  
A cutting and debarking site in Zambia

The activities of these members of the mukula trafficking network seem to confirm the concern raised by Kalaba in the Zambian Parliament in 2014 that customary land tenure was being used by foreigners, rich Zambians, and participating chiefs to illegally harvest natural resources.<sup>83</sup> Arrangements in which chiefs are the sole beneficiaries of lucrative natural resource extraction in their communities can upset social dynamics and increase tension as community members are not benefiting while seeing their natural resources decimated (Box 1).<sup>84</sup>

## Given Lubinda's Group

EIA investigators were told by a relative and business partner of the Minister of Justice, Given Lubinda, that the minister is also involved in the mukula trafficking network. In addition to timber deals with the minister, the informant stated that they were also involved in trading gold and diamonds from Angola. He explained to EIA investigators:

**"EIA: So what we are here for is to try to buy some mukula. Can you still do it?"**

**Mr. H: That's my business.**

**EIA: We are concerned, is that possible? Is it illegal or legal?"**

**Mr. H: It is illegal but now it's open. People are trading. But not to everybody, only for special people and even**

**myself I alone I cannot do it.**

**EIA: Okay you are going to hire people?"**

**Mr. H: Yeah government people. Number three minister, Justice Minister.**

**EIA: And you have been working with them before in the past?"**

**Mr. H: He is my travel mate! And I am his bishop, I do with him business. I do go to Angola. I was supposed to go to Angola. You know stones? Precious stones.**

**EIA: Okay so you are involved with that?"**

**Mr. H: Yes. Diamonds and gold."**

Mr. H confirmed to his knowledge the existence of "special confidential" permits to a "very small group of people." At the first meeting with EIA investigators he was not sure about the details, but he said that he was to talk to the Minister to get details. A week later, he introduced EIA investigators to a company called "TiJem" directly recommended by the minister, according to him.

Mukula trafficking appears to have deep roots at the heart of the current government in Zambia. The issuance of clandestine rights to export in exchange for votes, and the cover apparently provided by the ruling party's central committee are highly problematic for national governance. The mukula cartel poses a major threat to Zambian rule of law.



## CONCLUSIONS AND RECOMMENDATIONS

**In Zambia, the trade of freshly cut mukula logs has not stopped despite a myriad of public announcements and commitments by senior officials, several of them personally involved in the trade according to the multiple traffickers who talked to EIA undercover investigators.**

Well-connected traffickers have used ZAFFICO as a smoke screen to perpetuate their business with foreign buyers. Their insatiable appetite has led them to export even more freshly cut mukula logs, hidden from view of Zambian citizens. EIA sources report that this illicit trade has been facilitated by key political figures, who count in their rank government officials, influential traditional chiefs, and the president's relatives. Members of this trafficking network told EIA investigators that they have had a series of confidential negotiations with the president to get access to new mukula deals. EIA sources said that these organized criminal networks that have developed in Zambia, with their roots at the highest level of government, represent a direct threat to the survival of the mukula tree. They represent a considerable obstacle for effective implementation of the international protection recently granted to this rare African rosewood species.

### **EIA RECOMMENDS:**

#### **To Zambia**

- Investigate the current clandestine operations in the mukula trade, carried out apparently with the participation of senior officials, including ministers;
- Suspend the trade of mukula – using a zero export quota – until mukula trafficking networks are dismantled and the requisite for trading under CITES, including Non-Detriment Finding (NDF) and Legal Acquisition Finding (LAF), are met and shared publicly;
- Significantly increase public transparency, independent monitoring, and government accountability in the forest sector.

#### **To the African Union and the Southern African Development Community**

- Support the fight against illegal logging and trafficking by the implementation of CITES and enforcement cooperation with Zambia.
- Support regional dialogue and efforts against wildlife trafficking.

#### **To China and Vietnam**

- Support the fight against illegal logging and trafficking by the implementation of CITES and enforcement cooperation with Zambia.





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## ACRONYMS

<b>CIFOR</b>	Center for International Forestry Research
<b>CITES</b>	Convention on International Trade in Endangered Species of Wild Fauna and Flora
<b>DRC</b>	Democratic Republic of Congo
<b>EIA</b>	Environmental Investigation Agency
<b>FARDC</b>	Force Armées de la République Démocratique du Congo
<b>NDC</b>	National Democratic Congress
<b>PCPCB</b>	Programme de contrôle de la production et de la commercialisation des bois
<b>RTSA</b>	Road Transport and Safety Agency
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>ZAFFICO</b>	Zambia Forestry and Forest Industries Corporation Limited
<b>ZRA</b>	Zambia Revenue Authority

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## TABLE OF FIGURES AND BOXES

<b>Figure 1.</b> Destination of the timber exported by Zambia (by value) .....	<b>2</b>
<b>Figure 2.</b> A community in Zambia meets to discuss the negative effects of deforestation on their livelihoods .....	<b>4</b>
<b>Figure 3.</b> Evolution of hongmu imports by China, logs and sawn timber, by producing region (by volume) .....	<b>5</b>
<b>Figure 4.</b> A pile of mukula logs await along the Zambia-DRC Southern Route .....	<b>6</b>
<b>Figure 5.</b> The three principal routes taken by traffickers to export mukula out of Africa .....	<b>7</b>
<b>Figure 6.</b> A special ZAFFICO permit used by trafficker and presented to investigators .....	<b>8</b>
<b>Figure 7.</b> What the value of bribes or informal “fees” for one single special permit represents in Zambia .....	<b>9</b>
<b>Figure 8.</b> President Lungu observes illegal mukula logs at the Nakonde border .....	<b>11</b>
<b>Figure 9.</b> The mukula cartel .....	<b>12</b>
<b>Figure 10.</b> A cutting and debarking site in Zambia .....	<b>14</b>
<b>Box 1.</b> Zambian Parliamentarians Sound the Alarm on the Mukula Crisis .....	<b>3</b>
<b>Box 2.</b> People Stand for their Forests and Oppose Land Grabbing .....	<b>4</b>

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