



ILLEGAL WILDLIFE TRADE PROGRESS REPORT 2015-18

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January 2019



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List of Abbreviations

ACB – Anti-Corruption Bureau

AEO – Authorised Economic Operator

ANAC – National Administration of Conservation Areas of Mozambique

BMZ – German Federal Ministry for Economic Cooperation and Development

CA – Community Association

CADECOM – Catholic Development Commission in Malawi

CAFAM – Clearing Association of Freight Forwarders of Malawi

CIA – Chileka International Airport

CITES – Convention on International Trade in Endangered Species of Wild Fauna and Flora

COMACO – Community Markets for Conservation

CoP – Conference of the Parties to CITES

CSO – Civil Society Organisation

DAS – Development Assistance Strategy

DFID – Department for International Development

DNPW – Department of National Parks and Wildlife

DoF – Department of Forestry

DoI – Department of Immigration

DoT – Department of Tourism

DPP – Department of Public Prosecutions

EE – Environmental Education

ESAAMLG – Eastern and Southern Africa Anti-Money Laundering Group

ETIS – CITES Elephant Trade Information System

EUD – European Union Delegation

FIA – Financial Intelligence Authority, former Financial Intelligence Unit (FIU)

GEF – Global Environment Facility

GIZ – Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

HWC – Human Wildlife Conflict

IACCWC – Inter-Agency Committee on Combating Wildlife Crime

ICAR – International Centre for Asset Recovery

ICCF – International Conservation Caucus Foundation

ICCWC – International Consortium on Combating Wildlife Crime

ILEA – International Law Enforcement Academy

INL – US Bureau of International Narcotics and Law Enforcement Affairs

IUCN – International Union for the Conservation of Nature

IWT – Illegal Wildlife Trade

KIA – Kamuzu International Airport

KfW – German Development Bank

LATF – Lusaka Agreement Task Force

LSPCA – Lilongwe Society for Protection and Care of Animals

MA – CITES Management Authority

MACRA – Malawi Communications Regulatory Authority

MIKE – CITES Monitoring the Illegal Killing of Elephants

MIT – Malawi Institute of Tourism

MLA – Mutual Legal Assistance

MoU – Memorandum of Understanding

MTC – Malawi Tourism Council

MPC – Malawi Posts Corporation

MPCC – Malawi Parliamentary Conservation Caucus

MPS – Malawi Police Service

MRA – Malawi Revenue Authority

NCB – Interpol National Central Bureau

NEAP – National Elephant Action Plan

NGO – Non-Governmental Organisation

NIAP – National Ivory Action Plan

NIS – National Intelligence Service

NPWA – National Parks and Wildlife Act

PA – Protected Area

RBM – Ranger Based Monitoring Systems

RoP – Rules of Procedure

RRU – Rapid Response Unit

RSPCA – Royal Society for the Prevention of Cruelty to Animals

SADC – Southern African Development Community

SMART – Spatial Monitoring and Recording Tool

SOP – Standard Operating Procedures

TAWA – Tanzania Wildlife Management Authority

TFCA – Trans-Frontier Conservation Area

TLC – Total Land Care

ToR – Terms of Reference

UNODC – United Nations Office on Drugs and Crime

USAID – United States International Agency for Development

USFWS – U.S. Fish and Wildlife Service

WAG – Wildlife Action Group

WCIU – Wildlife Crime Investigations Unit

WCO – World Customs Organisation

WCP – Wildlife Crime Prevention

WERU – Wildlife Emergency Response Unit

WESM – Wildlife and Environmental Society of Malawi

Foreword

This report covers the progress made in combatting illegal wildlife trade (IWT) in Malawi since the first IWT review was published in 2015. It includes

- An overview of the recommendations developed in 2015
- A review of those measures successfully implemented that have helped to address its role as a country of primary concern – a category applied to Malawi at the CITES CoP17 in 2016.
- A road map for the Malawi Government and other stakeholders on how to build on these successes and continue to combat IWT.

The Report also shows how challenges still need to be tackled in a systematic manner and through close cooperation of state agencies and other stakeholders. There is room for improvement in capacity development of the customs, engaging with the private and financial sectors, as well as more effectively integrating IWT measures with community development initiatives.

This progress report has been produced by Department of National Parks and Wildlife (DNPW) and German Development Cooperation (GIZ), namely the Project Partnership against Poaching and Illegal Wildlife Trade (in Africa and Asia). The wildlife and conservation experts from Lilongwe Wildlife Trust also offered their expertise and knowledge to the authors and thus made a valuable contribution to the report.

Some additional recommendations have been developed in consultations with the state agencies, donors, Civil Society Organisations, private sector and other stakeholders. The road map for the successful tackling of IWT both in Malawi and the region should provide clear guidance for all the stakeholders on how they can best contribute in the years to come. We look forward to working with them as we continue to address this serious crime.

Patrick C.R. Matanda

Principal Secretary for Natural Resources, Energy and Mining

January 2019

EXECUTIVE SUMMARY

BACKGROUND

In 2014 Department of National Parks and Wildlife (DNPW) identified Illegal Wildlife Trade (IWT) as a matter of serious concern for the Malawi Government. DNPW decided to conduct a comprehensive Review on IWT that would enable the Malawi Government to develop and implement a strategy to successfully combat it. On behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) and in consultation with DNPW, GIZ commissioned the Lilongwe Wildlife Trust (LWT), Born Free Foundation (BFF), and International Environmental Law Project (IELP) to produce the Review on IWT, which was launched in May 2015.

The main objectives of the IWT Review were: to better understand the scale and nature of IWT in Malawi; to help improve wildlife legislation; to develop comprehensive recommendations in addition to suggesting legislative changes for addressing IWT in Malawi; and to help secure resources for implementing the IWT Review recommendations.

Malawi was found to be a major trafficking hub for ivory and other illegal wildlife commodities from both the country itself and neighbouring countries. It was evident that criminals were using the country's weak legal framework and enforcement of that framework to transport the items to demand countries outside the continent. As a result of the findings, over 130 recommendations were made in the IWT Review that aimed to strengthen laws, improve wildlife crime data management and communication, enhance interagency collaboration, tackle corruption, sensitize and train authorities and establish specialist wildlife crime investigations and prosecution capability. The full report can be found here: <https://www.lilongzewildlife.org/wp-content/uploads/IWT-Review-Malawi.pdf>

Malawi was since categorised as a country of primary concern in a report presented at the CITES CoP17 held in Johannesburg, South Africa in 2016. The category of the country of primary concern was predominately based on historic ETIS data related to the quantity of illegal ivory in trade and the nature of the trade movements through Malawi. The ETIS report concluded that Malawi was the principal transit hub in the illegal ivory trade in Southern Africa. Subsequently, CITES required Malawi to develop a National Ivory Action Plan (NIAP) which was submitted by DNPW to CITES in February 2018. However, in spite of this listing Malawi has been very progressive and has made significant steps forward since 2015, as this Progress Report will show.

PROGRESS MADE

Since the IWT Review 2015 there has been strong political will from President and ministers to support anti-IWT programmes in Malawi and urgently address the problem. The Inter-Agency Committee on Combating Wildlife Crime (IACCWC) that brings together the law enforcement agencies has become fully operational and regularly meets to make decisions on tackling IWT. The IACCWC representatives presented their modus operandi in Rwanda in July 2018 and the Malawi model has now been adopted in Rwanda too.

An Amendment to the National Parks and Wildlife Act (NPWA) was adopted in February 2017 which significantly stiffened wildlife crime penalty provisions and ensured Malawi treated IWT as a serious crime. Since the IWT Review the Malawian Government has also established a specialised Wildlife Crime Investigations Unit (WCIU) and several other initiatives that have led to wildlife criminals being apprehended and adequately sentenced in the courts. For example, for the 18 months after the amended National Parks and Wildlife Act came into action in 2017, there were 191 arrests and 112 custodial sentences passed. This equated to more arrests in those 18 months than in the previous 18 years and more custodial sentences passed than in the preceding 10 years.

There have been several other excellent initiatives that have commenced since April 2015 which are making significant contributions in helping Malawi tackle this critical issue. A new national database of wildlife offenders provides overview of crucial information for all the agencies and Malawi's first

Wildlife Detection Dog Unit has been successfully established and is helping border police and customs to detect and seize wildlife contraband at exit points and border posts.

The judiciary has also been provided with tools to successfully prosecute wildlife crimes, such as sentencing guidelines, Mutual Legal Assistance (MLA) guidelines and a handbook/quick reference guide on the use of legislation in wildlife crime prosecutions. The use of innovative public-private-prosecutions between the Government and NGOs for wildlife prosecutions has also been successfully implemented alongside a nationwide court monitoring project and is helping to ensure that IWT crimes are sentenced appropriately.

Malawi has also taken initiative with regard to regional cooperation; DNPW and other law enforcement agencies have established closer cooperation with their counterparts from Mozambique, Tanzania and Zambia. Furthermore, the visit of the Chinese CITES Management Authority Delegation indicates Malawi's presence on the global map. The pledge on combating IWT made by the Chinese Business Community in Malawi shows that the Chinese community is aware of IWT in Malawi and wants to take part in tackling the problem.

The Public-Private Partnership between DNPW and African Parks Network not only contributes to the more efficient park management but also to improving enforcement and investigation in the protected areas. It now extends to three parks, protecting ca. 90% of the country's elephants and 100% of its rhinoceros. In addition, the translocation of 500 elephants from Liwonde National Park and Majete Wildlife Reserve to Nkhotakota Wildlife Reserve attracted international attention and put Malawi on the world map, as Prince Harry actively participated in the translocation.

The general public has been well sensitised through public awareness campaigns, such as the community roadshows, local community bicycle cinemas, radio broadcasts, airport campaigns and films – the latter including the President and foreign ambassadors, high commissioners and consulates to Malawi. And Malawi's efforts in combating IWT were also acknowledged by the international community. Mr Brighton Kumchedwa, Director of DNPW, is the Winner of the Tusk Award for Conservation in Africa 2017¹.

The Malawi Government has developed two frameworks for systematic combating of Illegal Wildlife Trade: the National Ivory Action Plan (NIAP) focusing on ivory management and National Elephant Action Plan (NEAP) focusing on elephant conservation.

PROGRESS NEEDED

The key areas where less progress has been made are: Malawi's customs authority (which are still relatively unengaged in this area), the private sector (which remains rather unsensitised and unengaged in this area) and community development (where integration of conservation and tackling IWT within broader development plans and programmes has not commenced).

Malawi's customs officers within Malawi Revenue Authority (MRA) are often the very first front-line officers to encounter illegally traded wildlife products, and therefore are a critical link in the wildlife law enforcement chain. Capacity development and pro-active involvement by Customs in combating IWT is crucial for long-term and tangible success.

The private sector, such as the airline companies, courier and postal services, shipping line and freight forwarding companies etc., have so far not been engaged with IWT law enforcement agencies. They are important stakeholders in combating wildlife crime and need to be involved in the implementation of IWT mitigation measures.

¹ <http://tuskawards.com/brighton-kumchedwa-2017/>

It would be important for the customs authorities as well as the private sector to get more effectively and proactively engaged in combating IWT. It is evident from the Progress Report that few 2015 recommendations regarding the Customs have been implemented.

With regard to the communities and community development, there is little dialogue and cooperation between the conservation and development sectors. A profound change is needed if the communities are to be proactively involved in wildlife conservation and preventing wildlife crime. Significant improvement in integrating community development and wildlife conservation is necessary for ensuring that threats to the communities are mitigated. There should be more dialogue and closer cooperation between the development and wildlife conservation sectors.

WAY FORWARD

Both Government commitment and the securing of funding are necessary to continue making significant progress, e.g. further implementation of recommendations listed in this Report. All the existing law enforcement programmes that proved having impact should continue to be funded. It is thus an imperative to finance implementation of recommendations, in addition to the existing successful programmes and not as an alternative.

What would deserve a more immediate concern is finalising all the Memoranda of Understanding and developing the Standard Operating Procedures between the Government agencies that form the IACCWC at the operational level.

New programmes should be established to secure whistle blowing mechanisms and financial investigations of wildlife crime.

Department of National Parks and Wildlife should continue to lead by example and demonstrate further leadership by finalising their conduct policies and procedures, and make sure their officers' conduct is impeccable.

Removing the CITES Reservation that Malawi has in place for listing *Loxodonta Africana* is needed, as this reservation is in contrast to current policies and the spirit of all the success that Malawi has achieved so far with regards to Elephant conservation.

As the country is stepping forward, it should be considered as a country of primary interest and not of primary concern anymore – it is on its way not to be the transit country anymore.

PROGRESS REPORT ON IWT REVIEW 2015 RECOMMENDATIONS

The IWT Review 2015 contains a detailed list of recommendations pertaining to the following stakeholders and areas: Inter-Agency Committee on Combating Wildlife Crime (IACCWC); Wildlife Crime Data and Analysis; Wildlife Legislation; Law Enforcement; Airports; Courier and Postal Services; Private Sector; NGOs and Wildlife Tourism Concessionaries; Judiciary and Prosecution Services; and the Drivers and Prevention.

In light of different measures and projects being implemented to tackle IWT since 2015, there was a need to undertake a new situational analysis and give a fresh perspective on what progress has been made and what Malawi has achieved since the original Review. Therefore, the purpose of this report is to review which relevant recommendations have been implemented, which are outstanding (and why), and which new recommendations are needed. This report therefore provides a road map for both the Malawi Government and other stakeholders in effectively prioritising and implementing measures aimed to combat IWT in the coming years. This includes providing donors with a summary of secured project activities and areas still needing required support, as well as national, regional and intercontinental cooperation.

This Progress Report follows the structure of recommendations from the IWT Review 2015, in order to make a clear overview of both old and new recommendations.

1. INTER-AGENCY COMMITTEE ON COMBATING ILLEGAL WILDLIFE CRIME (IACCWC)

2015 Recommendation 1(a): Expand and finalise the IACCWC Terms of Reference (ToR) and develop an IACCWC Rules of Procedure (RoP)

Progress Report: The Terms of Reference and the Work Plan for IACCWC have been finalised and adopted. The ToRs currently state the following objectives for the IACCWC:

- a) Facilitate investigations of wildlife crime cases;
- b) Facilitate and collaborate timely prosecutions of wildlife crime cases;
- c) Advocate for use of multiple laws in prosecution of wildlife crime cases;
- d) Advocate or lobby for enactment or review of legislation related to wildlife crime. Strengthen collaboration and co-ordination amongst participating agencies and, where appropriate, other relevant agencies or stakeholders outside the IACCWC;
- e) Facilitate gathering, collating, analysis of information and dissemination to appropriate agencies within and outside the IACCWC;
- f) Facilitate awareness campaigns to the public and other stakeholders and enlist their support and help in combating wildlife crimes;
- g) Facilitate development and delivery of training for enforcement agencies within the IACCWC and other relevant agencies and stakeholders outside the committee;
- h) Act as a point of liaison for similar regional and international committees and law enforcement networks;
- i) Lobby for resources to support activities of the committee as outlined in the work plan as well as to support efforts to combat wildlife crime in general.

2019 (1) Recommendation:

The Performance Indicators from the UNODC ICCWC Wildlife and Forest Crime Analytic Toolkit² should be related to the IACCWC Terms of Reference, as they pertain to the performance of respective agencies.

2015 Recommendation 1(b): Establish a secure and quick method for distributing "Wildlife Crime Alert" messages between IACCWC members

Progress Report: The "Wildlife Crime Alert" messages are sent by DNPW, however not to all the IACCWC members, due to the sensitivity of information.

New 2019 Recommendations

2019 (2): Develop Standard Operating Procedures for safe distribution of "Wildlife Crime Alert" messages

Standard Operating Procedures (SOPs) need to be developed by the IACCWC to safely distribute the "Wildlife Crime Alert" messages. This communication should improve when all the MOUs have been finalised and in place between all the respective IACCWC members and DNPW. The SOPs should also define how to disseminate information in WhatsApp groups.

2019 (3): Share information regularly among IACCWC members and among officers on the ground

Regular sharing of information among the IACCWC members is essential for progress. Most officers on the ground are not aware of the IACCWC and their role in combating IWT. It is important that they get informed about the IACCWC activities. The representatives of member agencies need to provide the information to their fellow officers on the ground.

2019 (4): Utilise the TWIX system to send the information, i.e. alert messages

The TWIX system should be used to send the information, i.e. alert messages among the IACCWC members, in order to improve communication and flow of information.

2015 Recommendation 1(c): Develop an Agreement regarding engagement with non-Committee members

Progress Report: One of the ToRs objectives is cooperation with the non-IACCWC members. DNPW has been tasked to engage with private sector such as air, shipping line and freight forwarding companies. Sensitizing and engaging with the private sector has so far not been initiated.

2019 (5) Recommendation:

An action plan on how best to engage with non-IACCWC members needs to be developed. The Wildlife Sector working group could be of assistance for creating a platform for cooperation

² UNODC ICCWC Wildlife and Forest Crime Analytic Toolkit, pp.179-182, at https://www.unodc.org/documents/Wildlife/Toolkit_e.pdf

with non-IACCWC members, namely the private sector and financial sector. Cooperation with non-IACCWC members should be discussed in the IACCWC quarterly meetings and make part of ToRs. For example, FIA should take a lead on cooperation with Financial Sector. DNPW and MRA should engage with Authorised Economic Operators (AEOs). Such engagement should be defined in the Action Plan.

2015 Recommendation 1(d): Secure resources and organise regular meetings for IACCWC

Progress Report: The resources for the meetings over the next four years have been secured for the quarterly national meetings through USAID. There is also funding available for ad hoc project specific meetings, e.g. GIZ Partnership against Poaching and IWT Project.

2015 Recommendation 1(e): Finalise the Memoranda of Understanding between IACCWC members

Progress Report: The following MoUs are in place:

- Anti-Corruption Bureau & Malawi Revenue Authority
- Anti-Corruption Bureau & Financial Intelligence Authority
- Malawi Defence Force & Department of Forestry
- Financial Intelligence Authority & Malawi Revenue Authority
- Department of National Parks and Wildlife & Financial Intelligence Authority
- Department of National Parks and Wildlife & Ministry of Defence

The following MoUs are pending to be signed, most probably by July 2019:

- Department of National Parks and Wildlife & Malawi Police Service
- Department of National Parks and Wildlife & Anti-Corruption Bureau
- Department of National Parks and Wildlife & Malawi Revenue Authority

The following MoUs still need to be signed:

- Department of National Parks and Wildlife & Department of Forestry
- Department of National Parks and Wildlife & National Intelligence Service
- Department of National Parks and Wildlife & Department of Immigration

2019 (6) Priority Recommendation: Complete all IACCWC MoUs

In order for the IACCWC members to share the information, build trust and improve their cooperation, it is essential that the MoUs are signed and in place. It is problematic to share sensitive information if there is no MoU framework set up between the law enforcement agencies. Securing the funding for the MoUs drafting process and coordination with the IACCWC member agencies needs to be considered and implemented. The updates on the process should be provided in the IACCWC meetings.

2015 Recommendation 1(f): Develop a Parliamentary Outreach Strategy

Progress Report: There is an ongoing engagement with The Parliamentary Committee for Industry and Trade and The Parliamentary Committee for Natural Resources. The meetings are held on an annual basis. The SADC Ministers Meetings have not been approached due to lack of funding.

In addition, the Malawi Parliamentary Conservation Caucus (MPCC) was launched in 2015 by H.E Arthur Peter Mutharika and joined a growing international network of conservation caucuses, The MPCC aims to build partnerships amongst Parliamentarians and across political party lines, develop capacity by educating and informing Honourable Members on pertinent conservation issues, and advocate for the conservation agenda. There are currently 45 MP members.

The MPCC were instrumental in the passing of the Wildlife Amendment Act in 2017 and have also engaged the IACCWC on a number of issues; e.g. quarterly case review meetings are being held with the DPP and judiciary to provide oversight of wildlife crime cases and ensure consistency in the application of the new Wildlife Act. There is also a programme working on tackling corruption within the wildlife and forestry sectors in partnership with ACB.

2019 (7) Recommendation: Continue Parliamentary engagement and facilitate relations between Parliament, agencies, NGO's and private sector

It is recommended that MPCC is upheld as a key body for advocacy on IWT and other conservation issues to ensure that high-level political will is sustained. Further that the MPCC is used as a platform to facilitate relations between Parliament, NGO's, development agencies and the corporate sector.

2. WILDLIFE CRIME DATA AND ANALYSIS

2015 Recommendation 2(a): Develop and manage a centralised wildlife crime database

Progress Report: Both Malawi Police Services (MPS) and Department of National Parks and Wildlife (DNPW) wildlife crime units now have their own wildlife crime databases and share some information with one other. MPS has an intelligence database whilst DNPW have a more standard offenders' and case management databases that contain data such as pictures, the offenders' fingerprints, conviction returns, repeat offenders and outstanding cases. For DNPW the database helps them track the court cases.

2019 (8) Recommendation:

It is recommended that the MoU between MPS and DNPW be finalised as soon as possible and that a set of joint SOPs be developed between the two wildlife crime units as to how they shall share resources and information. Closer cooperation and transparency in exchanging of information are still necessary for Malawi to obtain better court outcomes and implement more effective multi-agency investigations.

2015 Recommendation 2(b): Ensure proper and accurate identification of wildlife criminals

Progress report: Proper and accurate identification of wildlife criminals is still not being done on a regular basis or as standard (e.g. taking fingerprints or a photograph). It is necessary to store and properly file the documents and information, copies of national identity cards, etc.

2019 (9) Recommendation:

Measures that would help ensure adequate identification of wildlife criminals are still needed and once identified, such information must be shared with the other IACCWC members. This is another reason why MoUs between the agencies should be prioritised, especially between DNPW, MPS and other agencies directly investigating or prosecuting wildlife crime, e.g. MRA.

2015 Recommendation 2(c): Collect and share wildlife crime data and submit such data in timely manner to the IACCWC and other relevant bodies and databases e.g. ETIS and MIKE

Progress Report: Since 2016, when Malawi was identified in the ETIS analysis as a category A country (i.e. countries implicated in large ivory trade flows in the period 2012 – 2014), the number of seizure cases reported to ETIS and MIKE has significantly increased.

New 2019 (10) Priority Recommendation: Develop a Standard Operating Procedure at operational and agency levels

Developing an SOP at both agency and operational levels is essential for sharing wildlife crime data, as well as wildlife alert messages among the IACCWC members and other relevant bodies and databases, such as ETIS and MIKE. Without the SOP in place it is difficult to have centralised database records and have them regularly shared between the IACCWC members and other international bodies. The sharing of information should also be regulated by the MoUs.

2015 Recommendation 2(g): Use of Ranger Based Monitoring Systems

Progress Report: RBM Systems e.g. cyber trackers, are generally not used in parks that are solely managed by DNPW due to limited resources. In Kasungu National Park (KNP) two cyber trackers have been supplied by CITES and are in use alongside a SMART system. However, KNP is likely to use the Domain Awareness System (DAS) alongside the cyber trackers from late 2019 onwards. In parks that are part of Public Private Partnership (PPP) with African Parks, there is already the use of cyber trackers as well as DAS and there are plans to integrate the former into DAS in future. In all remaining parks (Lengwe NP, Mbwavi GR, Vwaza Marsh GR, Nyika NP, Lake Malawi NP) no RBM systems are used, whilst an excel database linked to GPS mapping is used in Thuma Forest Reserve, which also has an offender and court outcomes database.

2019 (11) Recommendation: Wider Use of Domain Awareness Systems (DAS)

It is recommended that DNPW seek assistance to procure adequate numbers of DAS or similar systems, plus support for the appropriate training and mentoring. The use of more basic RBM systems e.g. cyber trackers, should be a shorter term goal.

3. INTERNATIONAL LEGISLATION AND EXTRADITION

2015 Recommendation 3.1(a): Secure training for relevant stakeholders on application and use of International Treaties and Conventions

Progress Report: No training on application and use of International Treaties and Conventions has so far been organised for Department of Public Prosecutions (DPP) or police officers directly involved in the prosecution of these cases. Nevertheless, some training and on the job mentoring on Mutual Legal Assistance (MLA) has commenced with senior MPS and DPP prosecutors. MLA workshops and training will continue throughout 2019. The outward MLA will be produced by trained DPP offers in early 2019. An inward MLA guidance note was finalized by the DPP in November 2018 and is now available on the DDP website. In August 2018 a training and awareness workshop on this new MLA guidance note was undertaken between Zambian and Malawian prosecutors from MPS, DNPW, DPP and Department of Immigration.

2019 (12) Recommendation:

It would greatly enhance the ability of Malawi to combat wildlife crime if a series of workshops were conducted for the relevant stakeholders to ensure that they are knowledgeable about extradition, UN and SADC level treaties and conventions and how to implement their provisions when dealing with serious wildlife crime. These workshops could be organised by the Ministry of Justice and the Ministry of Foreign Affairs, with the assistance of expert NGOs and various law firms specializing in international environmental law and law enforcement, e.g. UNODC. It would be useful to construct an algorithm/flow diagram which captures all the optional routes and junctions from offence to sanction.

2015 Recommendation 3.1(b): Revise Extradition Act 1972 (as amended) to include “relevant” serious wildlife crimes

Progress Report: The Extradition Act has so far not been updated in accordance with this recommendation and it may prove difficult to do so. It does guide on whether an offence is recognisable as an offence in other jurisdictions and so it is advisable to adjust this recommendation.

2019 (13) Recommendation:

It is recommended that rather than amending the Extradition Act, the Mutual Legal Assistance (MLA) Act should be modified in such a way as to go beyond the Commonwealth jurisdictions it only currently covers. The MLA Act should refer to other jurisdictions in general.

3.1. DOMESTIC WILDLIFE LEGISLATION – NATIONAL PARKS AND WILDLIFE ACT (NPWA)

2015 Recommendations:

- 3.2(a): *Clearly Designate CITES Management and Scientific Authorities*
- 3.2(b): *Clarify the role of the Wildlife Advisory Board*
- 3.2(c): *Incorporate Powers for Management and Scientific Authorities*
- 3.2(d): *Establish a mechanism to facilitate coordination between the Management and Scientific Authorities and other Enforcement Officials*
- 3.2(e): *Minimize Fraudulent Permits*
- 3.2(f): *Amend the definition of “Wildlife” (Priority Revision)*

- 3.2(g): *Clarify the definition of “listed species” (Priority Revision)*
- 3.2(h): *Amend the definitional scope of “protected species”*
- 3.2(i): *Remove the category “game species”*
- 3.2(j): *Ensure the same protections for “protected species” and “listed species” (Priority Revision)*
- 3.2(k): *Ensure clarification of “endangered species”, (Priority Revision)*
- 3.2(l): *Ensure procurement of Ownership Certificates for all CITES listed species*
- 3.2(m): *Include clear rules for transit and trans-shipment of specimens*
- 3.2(n): *Ensure clarification of CITES permit pre-conditions (Priority Revision)*
- 3.2(o): *Include of new clause to make the possession of fraudulent or fraudulently obtained certificates of ownership an offence*
- 3.2(p): *Include a restriction on hunting “endangered species”*
- 3.2(q): *Include of a new clause to make it an offence to buy, sell, trade or possess “listed species” that have been illegally imported*
- 3.2(r): *Ensure clarification of strict liability offences*
- 3.2(s): *Improve the penalties provisions (Priority Revision)*
- 3.2(t): *Revisit penalty section when NPWA fully amended*
- 3.2(u): *Harmonize legislative changes in NPWA with changes to be made to the Wildlife Policy of Malawi*

Progress Report: All the priority revisions as indicated in the IWT Review 2015 were made. The penalty provisions were amended as pertaining to the offences committed in general, relating to: Game species, Protected species, Endangered species, Listed species; and the offences relating to: Imports, exports or re-exports of specimen. The penalties under the Amendment NPWA range in the following order:

- General offences: a fine of MWK 2 million and imprisonment of up to 4 years
- Offences relating to Game species: a fine of MWK 2 million and imprisonment of up to 4 years
- Offences relating to Protected species: a fine of MWK 5 million and imprisonment of up to 10 years
- Offences relating to Endangered species: a fine of MWK 15 million and imprisonment of up to 30 years
- Offences relating to Listed species: imprisonment of up to 30 years
- Offences relating to Imports, exports or re-exports of specimen: imprisonment of up to 30 years

With regard to the following recommendations pertaining to CITES:

- i. The role of the Wildlife Advisory Board has been provided for in the Act but it is not operationalised. There should be ToRs drafted for the Board, however due to lack of resources, it is difficult to assess when the ToRs will be finalised.
- ii. A mechanism to facilitate coordination between the MA and SA and other Enforcement Officials has been established through IACCWC. Other sectors such as Forestry have been engaged with through IACCWC.
- iii. The cases of fraudulent permits have been minimised. The MA examines the permits and makes sure there are only authentic permits issued. A new CITES Regulation has also been passed which provides for new forms which are more difficult to counterfeit.

In addition, a new set of CITES Regulations were finalised and were adopted into law in September 2018. These strengthened the laws with regards to import and export of Protected, Endangered and Listed Species and also clearly defined the CITES Management and Scientific Authorities in Malawi. In addition, a review was commissioned by DNPW to undertake a critical gap assessment of loop holes in non-wildlife law, e.g. forestry, fisheries and environmental management with regards to CITES enforcement. The final report will be published in early 2019 and will provide a synopsis of the degree of complementarity and conflict between these laws and a series of recommendations as to how best they can be harmonized.

With regard to harmonising legislative changes in NPWA with changes to be made to the Wildlife Policy of Malawi, Wildlife Policy was reviewed and adopted in August 2018. The penalties from Amendment NPWA are part of the Wildlife Policy. The regulations necessary for operationalising the changes will make an integral part of the Policy, once they have been adopted.

2019 Recommendations

2019 (14) Raising awareness on the Amendment NPWA and the Regulations

It is recommended that a series of annual trainings and awareness on the Amendment NPWA and Regulations be carried out, and further copies be made and distributed.

2019 (15) Government commitment on implementing recommendations

It is recommended that the Government commit to implement the recommendations made as to how best harmonise the Forestry, Fisheries and Wildlife Act, etc. to uphold CITES in a substantial manner. The district councils and chiefs should also be involved in implementation of recommendations.

3.2. OTHER DOMESTIC LEGISLATION

2015 Recommendation 3.3(a): Producing a Legislation Summary Handbook and Training Programme for wildlife crime investigators, prosecutors and judiciary regarding all the domestic legislation in Malawi that can be used to combat wildlife crime

Progress Report: Handbook on the Use of Legislation in Wildlife Crime Prosecutions has been produced. A section of the Handbook is the Rapid Reference Guide for Law Enforcement Agencies on Model Charges for Wildlife Crime Prosecutions. The reference guide serves the investigators, prosecutors and the judiciary to provide background on IWT and detailed information on the offences across multiple Acts (e.g. Customs and Excise Act, Money Laundering, Proceeds of Serious Crime and Terrorist Financing Act, Financial Crimes Act 2017), which may be applied to wildlife crime. Training on using the Rapid Reference Guide has been organised for the investigators, prosecutors and wildlife officers.

2019 (16) Recommendation:

Regularly update the Handbook on the Use of Legislation in Wildlife Crime Prosecutions, i.e. every couple of years. The amendments made in other pieces of legislation in future need to be incorporated into the Handbook. It is also recommended that the Handbook be distributed to the relevant stakeholders and an annual training be held for them

4. INTERNATIONAL LAW ENFORCEMENT – CITES

2015 Recommendation 4.1(a): Re-assign the CITES Scientific Authority into a different institution outside DNPW

Progress Report: The CITES regulations have been finalised and were adopted into law in September 2018. DNPW will now explore options as to how best to separate the SA from DNPW.

This will require another Regulation in due course. The aim is to have the separate SA by the end of 2019. A comprehensive, detailed CITES training for all staff of the designated MA and SA has been provided by the UK Border Force.

2015 Recommendation 4.1(c): Ensure that DNPW participate in more CITES Meetings

Progress Report: DNPW participated at the CITES CoP17 conference in Johannesburg, South Africa in 2016. They took part in the Standing Committee meeting, in SADC regional meeting prior to the CITES CoP17, as well as in the CITES National Ivory Action Plan meeting in Maputo in May 2018. DNPW also attended Standing Committee meeting for the CoP18 that takes place in Sri Lanka in 2019.

2019 (17) Recommendation: Raise funds for a bigger Malawi delegation in the CITES meetings

Raising funds would be important in order to increase the size of the Malawi delegation and provide the necessary coaching, so that Malawi develops its own positions in the meetings, also outside of SADC, and subsequently has a little more influence. There is CITES coaching planned for the DNPW personnel in May 2019, just ahead of the CITES CoP18. Raising funds for the next CITES COP18 meeting should also be done through the Wildlife Sector group meetings.

2015 4.1(g) Recommendation → 2019 (18) Priority Recommendation: Remove the CITES Reservation that Malawi has in place for listing Loxodonta Africana

Malawi elephant populations are still under the Appendix I. This CITES Reservation should be removed as a matter of urgency. Malawi Government needs to contact the CITES secretariat and seek removal of Malawi's reservation on elephants. Malawi is the only country in the whole region that still has this reservation.

4.1. REGIONAL LAW ENFORCEMENT

2015 Recommendation 4.2(a): Consider ratification of Lusaka Agreement Task Force (LATF)

Progress Report: The Lusaka Agreement on Co-operative Enforcement Operations Directed in Illegal Trade in Wild Fauna and Flora has not been ratified yet, due to the lack of resources that would cover the subscription fees for Malawi as a LATF member state.

2019 (19) Recommendation:

It is recommended that Malawi remain a LATF supporter and monitor the performance of LATF. Ratifying the Agreement should be considered in case the funds are secured.

2015 Recommendation 4.2(c): Improved enforcement cooperation between neighbouring countries

Progress Report: The first sub-regional meeting between DNPW Malawi, DNPW Zambia, ANAC from Mozambique and TAWA from Tanzania took place in Malawi in August 2018. This initiative comes from DNPW Malawi and focuses on strengthening collaboration with their neighbours, which has the following objectives: sharing information on trafficking hotspots, joint operations and prosecutions; facilitating the processing of MLA instruments; feeding into the SADC TWIX (Trade in Wildlife Information eXchange) System. A series of sub-regional meetings with a clear action plan is planned to take place until 2020.

Joint law enforcement operations of DNPW Malawi and DNPW Zambia were conducted, as well as the joint training and operations among the officers from Zambia, Malawi and Mozambique (Operation Disrupt) in April 2018. The bilateral meetings with the Joint Permanent Commission on Defence and Security from Mozambique and from Zambia have taken place on an annual basis since 2016.

There are also efforts on the side of NGOs in Malawi, Zambia, Tanzania, Zimbabwe and Kenya to support the operational units in improving their cross-border cooperation through cross-border exchanges, joint training programmes and the sharing of information between wildlife crime enforcement units.

5. NATIONAL LAW ENFORCEMENT

5.1. DEPARTMENT OF NATIONAL PARKS AND WILDLIFE (DNPW)

2015 Recommendation 4.3(a): Review and increase DNPW's annual budget

Progress Report: The DNPW Annual Budget increases every year, nevertheless it is still very modest – ca. MWK 200 million p.a.

2019 (20) Recommendation:

Unless the Budget has been increased, DNPW will not be able to adequately tackle IWT. A budget of not less than MWK 1 billion would be necessary for successful operation of DNPW. Hence it is important to lobby the Malawi Government to make additional expenditures for the DNPW budget. Also support coming from other governments would be necessary for getting this budget.

2015 Recommendation 4.3(b): Review DNPW Recruitment and Disciplinary Procedures to combat corruption and misconduct and finalise DNPW's Codes of Conduct and Administrative Orders

Progress Report: The DNPW Recruitment and Disciplinary Procedures have been reviewed. The Acts of Misconduct have not been finalised yet due to the lack of funding. The recruits currently undergo a training for three weeks which also serves as a selection phase. Only the successful recruits can start with the next training phase. The DNPW Code of Conduct and Administrative Orders are yet to be finalised (funding is a challenge).

2019 (21) Priority Recommendation: Finalise and implement the DNPW Code of Conduct and submit it to the Ministry of Natural Resources, Energy and Mining

In order to finalise and implement the Code of Conduct, DNPW team would need financial support to work on it. It is recommended that a whole day meeting of all senior staff and park managers from around the country take place, e.g. in Lilongwe, so that the Code of Conduct can be finalised and submitted to the Ministry.

2015 Recommendation 4(3)c: Identify opportunities for provision of equipment and training to DNPW

Progress Report: In cooperation with the donors and NGOs, their equipment and training have been provided for DNPW officers, e.g. vehicles, motorcycles, law enforcement equipment, etc. However there is still critical need for providing equipment for DNPW officers and rangers.

2019 (22) Priority Recommendation:

It is strongly recommended that measures relating to tackling corruption and recruitment or disciplinary policies should be implemented in advance of future training and provision of equipment. Once done, further equipment should be sought for those parks managed by the Government.

5.2. MALAWI POLICE SERVICE (MPS)

2015 Recommendation 4.3(e): Develop a standard charge sheet for wildlife crimes and share with IACCWC

Progress report: A standardised charge sheet was drafted in 2016; however it does not correspond to the provisions from the Amendment NPWA. The charges also need to make reference to the new Regulations and not all of the regulations have been gazetted yet (all are expected to have been gazetted by early 2019). The draft charges need to add in the new offences to the regulations before finally being adopted.

2019 (23) Recommendation:

The standardised charge sheet should be modified in order to correspond to the provisions from the Amendment NPWA. Also, when questioning and charging wildlife criminals, MPS and DNPW should take into consideration the Legislation Handbook for Wildlife Crime Prosecutors that was produced for Malawi, as well as the INTERPOL Publication "Questioning Wildlife Smugglers: A Technique for Investigating Wildlife Crime". It can be downloaded by approved Government law enforcement agencies and can be found at: <http://www.interpol.int/Crime-areas/Environmental-crime/Resources>

There should also be closer cooperation between investigators and prosecutors, e.g. in a form of a pre-trial briefing. Investigators should liaise with prosecutors with regards to the long-term investigations.

2015 Recommendation 4.3(f): MPS Prosecutors to use powers to extend investigations and development of prosecution guidelines

Progress report: Section 161D of Criminal Procedures and Penal Code provides for a 30 day maximum pre-trial custody time limit. However section 161I provides that the Court can extend the

same; therefore this 30 day pre-trial custody time limit can be extended for the purposes of further investigation, when warranted. At present prosecutors still do not use these powers to assist more complex investigations. Prosecution guidelines in terms of draft charges under the Amendment NPWA have been developed but not yet adopted.

2019 (24) Recommendation:

It is important to raise awareness about provisions under the Penal Code. The prosecutors need to apply them and the courts should consider them in order to assist the investigation. The charge sheet should facilitate raising awareness among the prosecutors.

2015 Recommendation 4.3(g): Review forensic requirements and develop proposal for provision of forensic techniques

Progress report: Malawi currently lacks forensic science capacity for investigating any form of crime, including wildlife crime. However, the country does have some scientific laboratory capacity for conducting research and the necessary government institutions are in place to enable coordinated support for wildlife law enforcement through IACCWC. There is currently a 2-year project (2018-20) focusing on the development of wildlife forensic capacity in Southern Africa (Malawi, Zambia and Zimbabwe). The priority project activities include training, education, capacity building and novel technology applications to address wildlife forensic needs. The project goal for Malawi is to implement a system for crime scene management and evidence processing by 2020.

2015 Recommendation 4.3(h): Development and support of informant networks, including a set of guidelines for management of informants

Progress report: Informant networks have been established and are in place.

2019 (25) Recommendation:

The officers handling informants should be provided source handling training, vetting and assessment on a regular basis.

2015 Recommendation 4.3(i): Expanding remit of sniffer dogs to include wildlife products

Progress report: The first Malawi Wildlife Detection Dog Unit (WDDU) was launched in August 2018. The Unit consists of four dogs that are based at the canine unit premises at KIA airport. It is planned to initially deploy the WDDU at KIA and CIA airports. The Unit should subsequently become mobile and be deployed at road blocks, border posts and suspected trafficking hotspots. It is also planned to deploy a mobile unit in the Northern region.

2015 Recommendation: Undertake review on need and legal basis of controlled deliveries

Progress report: No official review has been undertaken. However the MPS delivered capacity development training for the officers working at the borders and road blocks on controlled delivery of illegal wildlife products in late 2018.

2019 (26) Recommendation:

Controlled deliveries (an investigation method used to track the illegal product through to the end user in order to identify the actors at all stages of the crime chain) can be extremely effective in wildlife law enforcement. It is recommended that a review of their legality be conducted and if they are indeed found to be legal, then it is further recommended that a strategy for their implementation be developed among the enforcement agencies. The ideal forum for this would be through IACCWC.

2015 Recommendation 4.3(l): Ensure that the MPS firearms database cross-cuts and is shared with DNPW

Progress Report: The firearms database is not fully shared with DNPW. The electronic database is used only by MPS officers. The data on firearms used for committing environmental crime, and in particular wildlife crime, can be obtained upon request made by DNPW.

2019 (27) Recommendation:

It is recommended that the MPS firearms database cross-cuts with DNPW. Their officers should also have access to all the relevant data. This provision should be included in the MoU between DNPW and MPS and therefore should be achievable once the MOU has been finalised.

New 2019 (28) Recommendation: Parallel financial investigations to be conducted by MPS

Apart from financial investigations being conducted by FIA, the MPS also has the authority and capacity to conduct financial investigations. The two agencies should cooperate and exchange information in order to conduct more successful investigations.

5.3. ANTI-CORRUPTION BUREAU (ACB)

2015 Recommendation 4.3(m): Develop an Anti-Corruption Work Plan / Integrity Committee within DNPW

Progress Report: The ACB established a committee at the ministerial level (Ministry of Natural Resources, Energy and Mining). The Committee has been trained and should start with its activities in early 2019. Establishing the subsidiary committees in each department of the Ministry including DNPW is one of the first activities to be implemented.

2015 Recommendation 4.3(o): Establish a whistle-blowing mechanism and provide resources for follow-up enforcement efforts

Progress Report: There is a toll free line that has not been in function for years, due to the lack of resources. The line is not considered as a community service line either.

2019 (29) Priority Recommendation: Raise funds for establishing a whistle-blowing mechanism and provide resources for follow-up enforcement efforts

It is recommended to raise funds and put the toll free line back into function. Raising funds for providing the follow up enforcement efforts is also important. ACB should then dedicate an officer to follow up on leads and to work with the WCIU at an operational level following a creditable serious wildlife crime tip off.

2015 Recommendation 4.3(p): Mandatory anti-corruption course for IACCWC and all public officials directly responsible for enforcement and prosecution of wildlife crimes

Progress report: DNPW has organised training for the prosecutors and investigators. Training and raising awareness for DNPW staff in Protected Areas is planned to take place in early 2019. The Malawi Parliamentary Conservation Caucus and the UN Office for Drugs and Crime (UNODC) are working to support an anti-corruption agenda through engagement with the Anti-Corruption Bureau and other agencies.

2019 (30) Recommendation:

Funding should be secured for organising the anti-corruption course for the IACCWC members.

New 2019 recommendations

2019 (31): Nominate a point of contact for the investigations

It would be important for ACB to nominate a point of contact, specifically an ACB investigator, so that WCIU can benefit from their expertise and thus have more successful investigations.

2019 (32): Develop an SOP on raising awareness among frontline staff

An SOP on raising awareness should be developed by ACB in order to sensitise the frontline staff at the airports, border posts, etc.

5.4. INTERPOL

2015 Recommendation 4.3(q): Secure additional expert training and supporting the Malawi INTERPOL NCB

Progress Report: Interpol officers have attended expert trainings (e.g. wildlife crime investigations workshop, regional investigative and analytical case meeting) in Kenya, Botswana and other countries across Africa. In the officers' opinion, attending these trainings has increased their capacity in analytical skills with regard to working on the wildlife crime cases.

2015 Recommendation 4.3(r): Ensure the proactive use of existing tools e.g. Eco-Messages in collaboration with other relevant institutions

Progress Report: The Eco-Messages are being used when sending information to the wildlife law enforcement entities to other countries. However they are not being sent to the IACCWC members.

2019 (33) Recommendation:

It is recommended that Eco-Messages be sent also to the IACCWC members and not only to the law enforcement entities in other countries.

5.5. FINANCIAL INTELLIGENCE AUTHORITY (FIA)

2015 Recommendation 4.3(t): Develop a specific sensitisation programme for prosecutors on the Money Laundering Act

2015 Recommendation 4.3(u): Develop and implement compliance officer training and information sharing with banks

Progress Report: These recommendations have not been implemented yet. However FIA is currently working on the plan for implementing these activities and will approach the donors for possible funding.

2015 Recommendation 4.3(v): Pro-actively engage with ICAR and explore what support can be obtained from the Financial Intelligence Units of the large international banks

Progress Report: FIA is currently developing a strategy together with IACCWC on expanding the asset recovery process. They are planning to organise a specialised training for prosecutors in early 2019.

New 2019 Recommendations

2019 (34): Conduct the Trends and Typology Study on wildlife poaching and money laundering

As Malawi has taken part in the ESAAMLG Special typologies project on poaching and IWT and associated money laundering in the region, conducting a Malawi specific typology study on poaching and money laundering should follow. The study would endeavour to create a better understanding for Law Enforcement Agencies (LEAs) on how the proceeds from wildlife crimes are laundered. The focus would be on the poaching and trafficking and the illicit flow of funds. The WCIU and MPS should also be actively involved in conducting the study.

Apart from sensitization on money laundering in Malawi, it would be important to conduct specific sensitization connecting wildlife crime and money laundering in Malawi, such as distributing materials (brochures, leaflets, banners), radio and TV programmes.

2019 (35): Pro-active engagement of FIA in IWT – a mentor on IWT to be allocated to FIA

To date there is just one wildlife crime case where financial crimes were brought forward. FIA would need to be much more engaged in IWT and now with their new powers be proactive about undertaking investigations into wildlife crime and supporting the WCIU. FIA's efficiency would be increased if a mentor on IWT were allocated to the Authority. It is also recommended that FIA work closely together with WCIU, DNPW and MPS.

5.6. CUSTOMS (MALAWI REVENUE AUTHORITY – MRA)

2015 Recommendation 4.3(y): Sensitize MRA Staff to IWT issues and risk

Progress Report: Sensitization (focus on CITES and CITES permits) is ongoing and is organised in cooperation with DNPW for both the new recruits and advanced customs course participants.

2019 (36) Recommendation:

An external consultant would have to undertake an examination of MRA procedures and set up the guidelines for tackling IWT within the MRA mandate and powers. UNODC could be consulted on identifying an expert to conduct these activities.

2015 Recommendation 4.3(z): Initiate a wildlife crime training programme with resources (manuals, etc.) across MRA

Progress Report: Training manuals are available but not completed. The training was conducted with DNPW and Royal Society for the Prevention of Cruelty to Animals (RSPCA), as well as through the World Customs Organisation (WCO). Under the WCO-Inama project MRA officers took part in the Basic and Advanced Intelligence, and Operational Planning trainings. The officers also attended in-house training during Customs advanced courses. The MRA legal team has so far not attended any training on wildlife trafficking.

2019 (37) Priority Recommendation:

Intensive training programme on wildlife crime and sensitisation of MRA staff to IWT issues and risks needs to be implemented in a systematic manner. The MRA officers need to actively engage with combating IWT and also cooperate with the officers from other IACCWC member agencies.

2015 4.3(a.a) Recommendation → 2019 (38) Priority Recommendation: Incorporate wildlife products onto Form 47

This recommendation would have to be implemented as soon as possible. Adding the category of illicit wildlife products onto the Form 47 checklist would assist customs officers in their ability to detect wildlife trafficking. Such forms could be used as evidence against suspects, should illegal products be detected subsequent to the form being filled in.

New 2019 (39) Recommendation: IACCWC Secretariat to lobby the MRA management on mandatory declaring of all wildlife products

The IACCWC Secretariat should actively engage with the MRA Management and clarify that it would be of utmost importance to make declaring all the wildlife products mandatory.

2015 Recommendation 4.3(a.c): Designate Commercial and Non-Commercial Border Posts and restrict use at non-Commercial Border Posts

Progress Report: All the carriers of commercial goods are encouraged to pass through the

automated borders. However, the porous border posts remain a challenge and smuggling still occurs. Introduction of Inland Examination Centre (IEC) in Lilongwe where all the containerised goods selected as high risk goods presents an additional control mechanism. Nevertheless further controls are clearly needed.

2015 Recommendation 4.3(a.d): Ensure effective utilization of MRA mobile scanners and joint MRA/DNPW/DoF road blocks to help detected wildlife crime

Progress Report: Mobile scanners are used at Mwanza border, and at IEC in Lilongwe.

2019 (40) Recommendation: Introduce better and more efficient controls

In order for the MRA controls to be more efficient and yield results, the following activities are recommended:

1. Use the Wildlife Dog Detection Unit (WDDU) at IEC;
2. The UNODC Container Control programme³ should be implemented at IEC and at other locations where the containers are cleared;
3. Increase the number of scanners to be used at border posts and use them on a regular basis.

2015 4.3(a.e) Recommendation → 2019 (41) Recommendation: Incorporate wildlife crime into MRA Risk Profiles and upgrade of current MRA Customs Risk Management system

5.7. DEPARTMENT OF IMMIGRATION (DoI)

2015 Recommendations → 2019 Recommendations:

4.3(a.f) → 2019 (42): Incorporate wildlife trafficking into the Immigration Act

4.3(a.g) → 2019 (43): Provide false document identification training to all IACCWC members

4.3(a.h) → 2019 (44): Enhancement of deportation documents to assist with proper identification of wildlife criminals

None of the 2015 Recommendations have been implemented. It is still important that these recommendations are implemented, so that they make part of the 2019 recommendations.

³ The UNODC/WCO Container Control Programme is planned to be implemented in 2019, with the objective of supporting MRA in implementing proactive profiling of cargo for illicit wildlife trafficking. The programme will also support the establishment of a multi-agency cargo control unit (Port Control Unit) as well as the training of MRA and DNPW officers to build capacity for profiling using risk indicators. The capacity development activities will target also MRA officials deployed at border posts.

Additional 2019 Recommendations

2019 (45): Review the regulation on the deportation documents

The subsidiary regulations of the Immigration Act should be checked as regards the provision on the actual deportation documents. It is crucial that a photograph and fingerprints be added to the documentation. If the provision is part of the regulations, the update of the regulations could be made at ministerial level.

2019 (46): Share the deportation documents with IACCWC members

The deportation documents are not shared with other IACCWC members. It is recommended that this provision be part of the MoU between Dol and DNPW.

5.8. NATIONAL INTELLIGENCE SERVICE (NIS)

New 2019 Recommendations:

2019 (47): Provide intelligence services to DNPW on matters relating to wildlife crime

An MoU between DNPW and NIS is underway to be signed; thus NIS will be given mandate to share intelligence with DNPW, which so far has not been the case. It is recommended that NIS also share information with other IACCWC members, based on the MoU.

2019 (48): Raise wildlife crime awareness among NIS officers, especially the ones in protected areas

NIS officers need to be sensitised to wildlife crime, in order to report such cases in the future. Sensitisation needs to be conducted among all the NIS officers, and in particular among those deployed in protected areas.

6. INTERNATIONAL AIRPORTS

2015 4.3(a.i) → 2019 (49) Recommendation: Provision of computer equipment for Police at KIA and CIA

It is recommended that DNPW officers at KIA and CIA have a database of all the wildlife crime offenders from the past. This data needs to be shared with MPS.

2015 Recommendation 4.3(a.j): Ensure permanent DNPW representation at the airports

Progress Report: Wildlife officers have been deployed at both airports; together with the police and security officers they are present at all the screening points at both the terminal building and cargo complex.

2019 (50) Recommendation:

In order to ensure their effectiveness, DNPW officers need to retain their presentation. They should be provided with necessary budget and equipment. They also need to take active part in monitoring of luggage checks (agreement to be made with MPS).

2015 Recommendation 4.3(a.k): Train freight companies and agents on IWT issues, risks and IWT product identification

Progress Report: Training at KIA for all airport workers to improve their abilities to look out for signs of wildlife trafficking was completed in July 2018. Each of the staff members received a booklet to be used as a quick guide for identifying IWT risks and IWT products.

2019 (51) Recommendation:

Delivering training on an annual basis for the freight companies and agents would be necessary in order to ensure the sensitisation on IWT, as well as on the IWT product identification.

2015 Recommendation 4.3(a.l): Implement a KIA and CIA Security Committee Workshop, and develop security protocols to combat IWT at airports

Progress Report: The Security Committee meets on a bi-monthly basis. The members are representatives of MPS, Department of Immigration, MRA, Customs, NIB, Air Cargo, LIHACO, Ministry of Foreign Affairs, DNPW, and Postal Service. The security protocols have so far not been developed.

2019 (52) Recommendation: Develop and implement security protocols to combat IWT at airports

It is recommended that the Security Committee develop the security protocols in order to tackle IWT at airports. Technical support would be needed in the process and it should be provided through IACCWC.

2015 Recommendation 4.3(a.n): Provision of the new and appropriate scanning equipment at the airports

Progress Report: The new scanning equipment (x-ray machines for the screening) needs to be installed by early 2019, as part of the European Investment Bank project. Additional four x-ray machines will be provided for the Chileka airport.

2015 Recommendation 4.3(a.o): Conduct random checks of transit bags

Progress Report: Random checks make part of the new Wildlife Detection Dog Unit activities.

2019 (53) Recommendation:

Random checks also need to be conducted at the VIP lounge, in the presence of WDDU.

2015 Recommendation 4.3(a.p): Conduct spot checks on the smaller airports/air strips

Progress Report: Spot checks are conducted on Likoma Island (as many passengers travel to and from Mozambique). Training on screening for the police and wildlife officers on Likoma Island is planned to take place in 2019.

2019 (54) Recommendation:

It is recommended that spot checks be regularly conducted on all the smaller airports and airstrips across Malawi. For example, Likoma Island airport is rather busy, so it would be necessary to conduct sensitising and training for the officers who are deployed there.

2015 Recommendation 4.3(a.q): Develop and distribute IWT awareness brochures for passengers on check in

Progress Report: IWT awareness brochures have been developed and raising awareness campaigns at the airports are ongoing. However, more brochures and booklets are needed and further training on the content is required.

2015 4.3(a.r) Recommendation → 2019 (55) Recommendation: Engage the airline companies within IWT law enforcement

It is recommended that the funding be secured for a workshop that should be attended by the airline companies, Postal Services, Air Cargo, LIHACO, MPS and DNPW officers. The Airport Commandant could take a lead in organising the workshop. It is also important that the airline companies are made aware of the reputational and financial risks associated with civil law suit options if they were to be found failing to adequately control criminality on their airlines.

New 2019 (56) Recommendation: Regular communication with Chileka Airport and Likoma Airport officers

The officers from Chileka airport were not aware that the IACCWC was established and meets at a regular basis. It is recommended that the IACCWC focal point inform the Chileka Airport and Likoma Airport officers on both the IACCWC activities and of the other agencies as relevant for the two airports. The communication needs to take place on a regular basis.

7. COURIER AND POSTAL SERVICES

2015 Recommendations → 2019 Recommendations

4.3(a.s) / 2019 (57): Approach MACRA to establish sector-wide policy and intervention

4.3(a.t) / 2019 (58): Request private courier firms to commit to combating wildlife trafficking

4.3(a.u) / 2019 (59): Appointment of IWT focal points in Courier and Postal Companies and training of their key staff

4.3(a.w) / 2019 (60): Improved identification and due diligence for international post, including copies of photo identification, business corporation certificates and more thorough checks of sender address details

Progress Report: None of the recommendations above has been implemented, however their relevance has not decreased and they are part of the 2019 Recommendations.

2015 Recommendation 4.3(a.v): Provision of scanners and specialist wildlife crime training for Malawi Postal Corporation (and other courier companies)

Progress Report: A modern scanner has been installed at KIA Postal Service premises. The staff manning the scanning machine would require additional training. No specialist wildlife crime training has so far been provided.

2019 (61) Recommendation:

It is recommended that specialist wildlife crime training be conducted for MPC and other courier companies and an SoP developed as how best to report wildlife crime to the WCIU.

New 2019 (62) Priority Recommendation: Engage the Courier and Postal Services within IWT law enforcement

Malawi Communications Regulatory Authority (MACRA), which regulates all public and private services within Malawi, should be a lead stakeholder regarding engaging the Courier and Postal Services within IWT law enforcement. A sub-group or a task force within the Wildlife Sector Group should be established in order to engage with the Postal Services, private sector and airline companies. The task force could consist of law enforcement agencies (representatives who sit on the IACCWC), donors and civil society organisations. Workshops, training or meetings on raising awareness and engaging the Courier and Postal Services and other stakeholders in tackling IWT should be organised on a quarterly basis. The Terms of Reference would need to be drafted for efficient cooperation.

8. SHIPPING LINE AND FREIGHT FORWARDING COMPANIES

2015 Recommendation 4.3(a.x): Engage the shipping line companies within IWT law enforcement

Progress Report: According to the Clearing Association of Freight Forwarders of Malawi (CAFAM) the freight forwarding agencies learn about IWT from the newspapers. They are not aware how it affects their business dealing or that they facilitate IWT without their knowledge. CAFAM showed interest and willingness to engage with the state agencies and other stakeholders in tackling IWT. They also request possible training for their employees so that they get informed about IWT in an adequate manner and how to respond when IWT activities are identified.

2019 (63) Priority Recommendation:

A sub-group or a task force within the Wildlife Sector Group should be established and engage with the private sector, airline companies and Postal Services. The task force could consist of law enforcement agencies (representatives who sit on the IACCWC), donors and civil society organisations. The CAFAM could take a lead on behalf of the freight forwarding and shipping line agencies. Workshops, training or meetings on raising awareness and engaging the private sector in tackling IWT could be organised on a quarterly basis. And an SoP should be developed as how best to report wildlife crime to the WCIU.

9. NGOS AND WILDLIFE TOURISM CONCESSIONAIRES

2015 Recommendation 4.3(a.y): Entering into further long-term private, public partnerships with NGOs for the management of Malawi's protected areas

Progress Report: In 2015 DNPW made additional agreements with the non-profit conservation organisation African Parks on managing Liwonde NP, Nkhotakota Wildlife Reserve and Mangochi Forest Reserve. DNPW also has a long-term agreement with the NGO Lilongwe Wildlife Trust on managing Lilongwe Natural Sanctuary.

2015 Recommendation 4.3(a.z): DNPW to enter into management agreements with NGOs for specialist training and development programmes aimed to enhance management of protected areas

Progress Report: DNPW has entered the management agreements with several local and international NGOs for this purpose. The specialist training and development programmes are ongoing, with a focus on law enforcement. Lack of resources poses limitation to more effective training.

2019 (64) Recommendation:

It is recommended that capacity development further continue and the resources be secured for the necessary specialist training and development programmes.

2015 4.3(b.b) Recommendation → 2019 (65) Recommendation: Establish an “Association of Wildlife NGOs of Malawi”

It is recommended that the Association be established within the Wildlife Sector Working Group, and make part of the WS group.

New 2019 (66) Recommendation: Secure funds to reinstate the Wildlife Advisory Board

It is recommended that funds be sought and secured for reinstating the Wildlife Advisory Board and its bi-annual meetings (the members being: Director of DNPW, Head of Wildlife Research Unit, Commissioner for Local Government, Director of Forestry, Director of Fisheries, Director of Environmental Affairs, as well as the members of private sector, general public and CSOs).

10. SPECIALIST WILDLIFE CRIME INVESTIGATION UNIT

2015 Recommendation 4.3(b.d): Implement phased establishment of a Specialist Wildlife Crime Investigation Unit (WCIU) within DNPW

Progress Report: DNPW WCIU was established in March 2016. It works closely together with MPS CIU, and conducts joint operations. If specific issues come up, they also communicate directly with the IACCWC members, e.g. ACB, DPP. The Unit currently consists of six DNPW officers and one seconded MPS officer/investigator. An investigator from MRA has so far not been seconded. Interpol is always involved when the suspects are foreign nationals. FIA is involved and tasked with checking the bank accounts. Customs and Excise are engaged if a business is part of the investigation.

With regard to the Phase 2, WCIU is planning to get extended in 2019 to the Northern and Southern Regions.

2019 (67) Recommendation: Appointing an investigator from MRA as a focal point for WCIU

An investigator from MRA should be appointed as a focal point for WCIU, so that collaboration between MRA and WCIU is improved.

2015 Recommendation 4.3(b.f): Establish DNPW Rapid Response Units in protected areas

Progress Report: The “Commando Unit” was established in April 2016 in Kasungu National Park, in accordance with the recommendations from the IWT Review 2015. There will be another RRU established in the Northern Range, KNP in 2019. Each Park managed by African Parks (Liwonde, Nkhotakota and Majete NPs) has dedicated investigators who are currently developing this capacity further.

2019 (68) Recommendation:

It is recommended that a Rapid Response Unit be established and functional in every park in Malawi.

2015 Recommendation 4.3(b.g): Promote and strengthen the DNPW Wildlife Emergency Response Unit (WERU)

Progress Report: WERU has been fully operational for four years and continues to save the lives of endangered and threatened species in Malawi. Many elephant, rhino and other species have been rescued from life threatening snares and traps. In addition, the project provides veterinary services to DNPW with regards to game management and wildlife disease assessments and controls. There are plans to expand the project from 2019 onwards.

2019 (69) Recommendation:

The availability of WERU should be publicised to all park managers across all protected areas in Malawi. Also, a veterinary graduate from the Malawian veterinary school should be seconded into the project in 2019, and mentored and trained in game capture and immobilisation.

11. JUDICIARY AND PROSECUTION SERVICES

2015 Recommendation 5(b): Develop and run a series of regional sensitisation workshops for magistrates and members of the prosecution services on wildlife crime and Malawi's existing legal tools that are available to combat it

Progress Report

1) Legal Tools

Since May 2015 the following legal tools have been developed and distributed to wildlife crime prosecutors within DNPW, MPS and DPP, in addition to all senior magistrates in the country:

- Legislation Handbook for Prosecutors for Wildlife Crime Offences in Malawi, including rapid reference guides on relevant laws, points to prove and model charge sheets
- Inward MLA guidance for Wildlife Crime
- Sentencing guidelines for Wildlife Crime in Malawi
- Manual on Prosecution of Environmental Crimes (including Wildlife Crimes), facilitated by Department of Environmental Affairs.

2019 (70) Recommendation:

The production of a guidance booklet on how best to submit outward Mutual Legal Assistance (MLA) requests to countries with which Malawi is likely to have to instigate transnational investigations or prosecutions of wildlife crime, e.g. Tanzania, Zambia, Mozambique, South Africa, Kenya, Thailand, Hong Kong, Singapore, China, etc.

2) Training

In May 2018 there were four trainings/workshops delivered to prosecutors and magistrates on the newly adopted legal tools, i.e. Amendment NPWA; Regulations on Protected, Endangered and Listed Species (gazetted in February 2018); and the Sentencing guidelines⁴. In total 50 prosecutors and 150 magistrates (all grades from third grade magistrate to first grade magistrate) were trained.

Some basic MLA training was also undertaken for Zambian and Malawian prosecutors in August 2018. It involved DNPW prosecutors and investigators, members of DPP, members of MPS, Prosecution and Department of Immigration. Some recommendations for resolving transnational cases more effectively were produced. Further specialist MLA training dedicated to senior prosecutors and legal officers from across MRA, MPS and DPP, as well as other IACCWC agencies, e.g. ACB and FIA is planned for early 2019. Training will focus on MLA requests and other legal instruments for regional and international prosecutions, in addition to any other essential ICCWC legislative framework recommendations.

Several case review meetings have been held with the Judiciary and also separately with the wildlife crime prosecutors and investigators. Both the outstanding and concluded cases are discussed based on the new legislation (Act, Regulations and Guidelines) and recent jurisprudence and decisions to appeal judgement or sentences made.

⁴ The "Sentencing Guidelines for Wildlife Crimes in Malawi Courts" is a legal tool designed for prosecution and judiciary. These guidelines recap which penalty provisions are applicable according to the species type (according to the Protected, Endangered, Listed Species Regulations gazetted, the IUCN red list and CITES appendices); the maximum penalties; the starting point penalty for each category and the mitigating/aggravating factors to consider when sentencing.

2019 (71) Recommendation: Continue training on the NPWA and other legislation relevant to wildlife crime

Training on the NPWA and other legislation relevant to wildlife crime should continue to be organised for the DPP, MPS and DNPW officers who work on wildlife crime cases. The training should also be extended to ACB and MRA prosecutors. More copies of all the relevant Acts, Regulations and Guidelines need to be published and redistributed.

2015 Recommendation 5(d): Develop materials and guidelines for judiciary and prosecution services on wildlife crime

Progress Report: Sentencing Guidelines for Wildlife Crimes in Malawi Courts⁵ were produced in May 2018 and a guidance note on inward MLA requests in November 2018.

2019 (72) Recommendation: Adhere to the Sentencing guidelines for wildlife crime

The Sentencing guidelines for wildlife crime should be considered, and ideally adhered to, when wildlife crimes are being heard in the courts. The monitoring of wildlife crime court cases should continue and regular case review meetings and workshops are encouraged.

2015 Recommendation 5(f): Establish a specialist wildlife prosecution committee & Review of outstanding wildlife crime court cases and remove backlog

Progress Report: The backlog of wildlife crime court cases has commendably been resolved, although there are still far too many unnecessary adjournments and delays to some wildlife crime cases in the courts. A specialist wildlife prosecution committee was not established but the DDP has nominated specific lawyers in her office and from within the private sector as specialist wildlife crime lawyers. These lawyers work alongside prosecutors in MPS and DNPW and handle all wildlife crime cases in Malawi. The introduction of private prosecution for wildlife crime, coupled with a court monitoring programme, has produced impressive results: 97% conviction rate; 95% custodial rate; modal average sentences of 4 years, ranging from 1 to 18 years and 213 wildlife crime convictions since May 2016.

2019 (73) Recommendation:

Private prosecution and court monitoring activities should be continued and possibly expanded, while developing capacity in the DPP and MPS. It is recommended that further training be conducted, as only 50% Magistrates adhere to the Practices and Guidelines disseminated in the training sessions. There is also a need to introduce training on IWT in Police Training Schools.

12. BEHAVIOUR CHANGE COMMUNICATIONS

2015 Recommendation 2(d): Dissemination of data to the general public

Progress Report: The Stop Wildlife Crime campaign, a joint initiative between DNPW and LWT launched in 2015, has continued as the main vehicle for sensitisation on illegal wildlife trade. Sub campaigns around ivory, bush meat and the new legislation have been developed to target specific audiences (e.g. law enforcers, communities around protected areas or trading routes). Activity has been funded by USAID, the DFID Challenge Fund, and Vulcan, amongst others.

⁵ Ibid

2019 (74) Priority Recommendation: Implement a behaviour change communications strategy that includes IWT within the wider biodiversity protection agenda

The Stop Wildlife Crime campaign to date has been connected to specific short-term goals, with significant success. Given the proven efficacy of behaviour change communications in both the private and public sectors, it is recommended that a holistic, inter-connected and long-term approach is taken to develop a communications strategy that prioritises behaviour change. Further, that it is aligned with the Convention on Biological Diversity post 2020 framework ambitions and that IWT is framed in the wider context of the need to protect wildlife beyond the customary understanding of larger mammalian species to include flora and fauna products. Campaign messaging should be well crafted based on scientific research (funding for which has been secured by LWT through UNDP), with clear behavioural change goals that result in the reduction of IWT activity and improvement in the protection of Malawi's natural heritage.

13. DRIVERS AND PREVENTION

New 2019 (75) Priority Recommendation: Close cooperation and dialogue between Development Sector and Conservation Sector

Feedback on most 2015 recommendations listed below shows how little has been done in the field of IWT Drivers and Prevention. It also shows that there is little dialogue and exchange of information between Development and Conservation Sectors. There is a need to create a sub-group of Wildlife Sector Working Group that would get on board the leaders of projects being implemented in rural areas and PAs (e.g. CSOs, DFID, KfW, possibly EUD) and conservationists who would identify the gaps in the field that need to be addressed, as well as create synergies between their activities.

2015 6(a) Recommendation → 2019 (76) Priority Recommendation: Integration of wildlife conservation into rural development plans and coordination with humanitarian organisations and rural development partners

The enormous and important task of improving the welfare of rural local communities in Malawi is not only the responsibility of those responsible for wildlife conservation. A coordinated approach alongside organisations and government agencies responsible for humanitarian and rural development concerns is essential if the standards of living and employment opportunities for those communities located around environmentally sensitive areas in Malawi are to be improved.

It is highly recommended that a donor takes lead on hosting a workshop to kick start the process of Integration of Wildlife Conservation into Rural Development Plans and bring together relevant government departments (Tourism, Culture, Agriculture, Public Works, Environmental Affairs, Forestry, etc.), CAs, local leaders, private sector representatives and both humanitarian and wildlife conservation NGOs. A series of innovative integrated recommendations should be developed in order to link wildlife conservation with wider rural development plans. The potential donors should try and find synergies between their funded projects, as well as opportunities to leverage impact.

2015 6(g) Recommendation → 2019 (77) Priority Recommendation: Review of the Natural Resource Committee Community Association system, structure and sustainability

It is highly recommended that the NRCCAs Systems, Structure and Sustainability be reviewed. There is a risk of corruption in the NRCCAs and it should be taken into account when conducting the review.

2015 6(i) Recommendation → 2019 (78) Priority Recommendation: Undertake audit of all Natural Resource Committee Community Associations' and DNPW benefit sharing accounts

If the communities are to be promoted in conservation, it is essential that audit be undertaken of all NRCCAs and DNPW benefit sharing accounts. Also, each NRCCA should present their audited account before receiving any more funds.

2015 Recommendation: 6(e): Review of community benefit schemes and expand a scheme to all protected areas in Malawi

Progress Report: DNPW reviewed their agreement with the communities around Nyika NP. The benefit sharing remains to be done on the same principles. The community benefit schemes around Lengwe NP started in July 2018; they should start in early 2019 around Kasungu NP. There is also a plan of expanding the review on other PAs.

2019 (79) Priority Recommendation:

An expert consultant should be hired to assess the possibilities of providing more funds from the parks into the communities and produce an Action Plan on efficient governance and accounting in the NRCCAs.

2015 Recommendation 6(j): Implement more Environmental Education (EE) programmes, including Adult Literacy, and activities related to human wildlife conflict, wildlife crime, and alternative livelihoods

Progress Report: Several NGOs and DNPW continue to undertake these activities to a varying degree of success. Some successful programmes include those aimed to raise awareness on Amendment NPWA and delivering Environmental Education in schools. There have also been some initiatives aimed at enterprise development based on natural resources (raising livestock and not getting bush meat). However, all these programmes need to be better aligned and ideally scaled up. There is currently a five-year campaign and EE programme in the communities around Kasungu National Park and a long standing EE programme in the schools and communities surrounding Nyika National Park and Vwaza Marsh Wildlife Reserve. Extensive EE programmes reaching out to 10,000's of school children are also run within Lilongwe by NGOs.

2019 (80) Recommendation:

All NGOS and DNPW need to make a concerted effort to consolidate and combine their activities and also work to integrate the EE and community work into national and local behaviour change campaigns (Knowledge, Attitudes and Practices, etc.) with robust design and assessment of target audience that links with the wider behaviour change strategy detailed in recommendation 2019 (74).

2015 Recommendation 6(k): Undertake more wildlife conservation research to inform management plans and polices and produce a DNPW wildlife research strategy

Progress Report: DNPW has their Research Units in the PAs that conduct wildlife research. Unfortunately very little has been done so far. This is anticipated to change with the approval of a new wildlife research institute within Vwaza Marsh Wildlife Reserve which is linked to both international

and local universities and aims to house scientists who will conduct applied research, education and capacity building in wildlife conservation, research and monitoring.

Some local NGOs do currently implement applied research, including research on carnivores (such as hyenas, wild dogs, side striped jackals, etc.) in Kasungu NP; research on bats, elephants, hippo and wider biodiversity assessments in Vwaza Marsh and in Liwonde NP. There is regular management monitoring of the introduced species, e.g. cheetahs; monitoring of vegetation, vultures and lovebirds, as well as aerial surveys for wildlife numbers, and annual fish surveys in Liwonde NP.

2019 (81) Recommendation:

A training institute for wildlife research in Malawi needs to be established, in order for more wildlife conservation research to be undertaken. The necessary research would subsequently feed into the management plans and policies, and produce a DNPW wildlife research strategy.

2015 Recommendation 6(l): Complete Management plans for all protected areas in Malawi and develop Conservation Action Plans for all endangered species

Progress Report: Management plans for Kasungu NP, Lake Malawi NP, Lengwe NP have been either completed or are in their final phase. National Elephant Action Plan and Lion Strategy are being implemented.

2019 (82) Recommendation:

It should be ensured that every single PA has a recent and up to date management plan. Conservation Action Plans for all endangered species should be developed, as endangered species in Malawi are not limited to elephants and lions only.

2015 Recommendation 6(o): Review problem animal control (PAC) policies and improve knowledge and mitigation of Human Elephant Conflict

Progress Report: The policies provide for management of problem animals. Draft PAC Strategy has been developed, but the document itself has not been finalised.

2019 (83) Priority Recommendation:

The problem animal control policies need to be reviewed, as there is space for corruption. It is necessary for the PAC Strategy to be finalised and implemented.

14. WILDLIFE SECTOR COOPERATION

2015 Recommendation 7(a): Create useful links and collaboration between all relevant national and international projects and programmes

Progress Report: Wildlife Sector Working Group was established in 2017 in order to create an exchange and communication platform for stakeholders in Wildlife Sector in Malawi.

It brings together the following stakeholders: Malawi Government agencies, IACCWC representatives, British High Commission, German Embassy, US Embassy, European Union Delegation, international development organisations such as USAID, DFID, KfW, GIZ; African Development Bank, African Parks, and Civil Society Organisations (LWT, WAG, WESM, TLC).

The aim of the WS group is that its stakeholders get informed about the ongoing or planned projects, to avoid duplicating work and to try and create synergies between the projects, particularly if they are implemented in the same geographical areas. The WS group meets on a quarterly basis.

The following relevant national and international projects and programmes are currently or soon to be implemented in Malawi:

- *Disrupting Ivory Conduits with Co-ordinated Law Enforcement in Malawi*, financed by DEFRA/DFID and implemented by IFAW, LWT and DNPW. Main activities: establishment of WCIU and Community Enforcement Networks.
- *Promoting Investment and Competitiveness in the Tourism Sector (component ‘Natural resources management and ecotourism development’)*, financed by African Development Bank and implemented by DNPW, DoT, MIT, MTC and Department of Culture
- *Rehabilitation and long-term management of protected areas in partnership with the Malawi Government and local communities*, financed and implemented by African Parks
- *The project on promoting livelihood activities of communities surrounding protected areas through enterprise development to alleviate poverty and mitigate the impacts of climate change on the lives of community members (making communities more resilient)* – in the pipeline – financed by the European Union Delegation and implemented by local partners
- “*Nyika-North Luangwa TFCA Biodiversity-Livelihoods Project*”, financed by EUD and KfW, and implemented by PPF and TLC
- “*Partnership against Poaching and Illegal Wildlife Trade (in Africa and Asia)*”, financed by GIZ with LWT as implementing partner in cooperation with DNPW, FIA and MPS. Main activities: WCIU, Prosecutions and Court Monitoring, and WDDU.
- *Regional Project “Joint Management of the Kasungu-Lukusuzi Trans-frontier Conservation Area”*, financed by GIZ SADC and implemented by DNPW, IFAW, COMACO and CADECOM
- “*Malawi-Zambia Trans-frontier Conservation Area project*”, financed by KfW and implemented by PPF
- *Regional projects “Securing Africa’s ivory”*: Developing gold-standard stockpile management systems in Malawi, Ethiopia and Uganda; and “*Enhancing equity and effectiveness of Protected Area Conservation*” operating in Malawi, Kenya, Uganda and Liberia; financed by the UK Government
- “*Combating Wildlife Crime: Malawi Zambia Transboundary Landscape*”, financed by USAID with DNPW, LWT, WCP and IFAW as implementing partners. Main activities: WCIU, Prosecutions; Environmental Education; Legislative Amendments and Training.

- “United States Forest Services Technical Cooperation with African Parks Malawi in Nkhotakota Wildlife Reserve”, financed by US Forestry and implemented by African Parks
- “Closing the Conduit” and “Plugging the Gaps” both financed by INL with LWT, African Parks, LSPCA and IFAW as implementing partners. Main activities: WCIU, WDDU, and legal tools and CITES training.
- “Wildlife Crime Justice Programme”, financed by USFWS with LWT as implementing partners. Main activities: Legislation Amendment, Legal Tools (MLA Guidance and Sentencing Guidelines) and Training.
- “Malawi Parliamentary Conservation Caucus” financed by USFWS and GEF with ICCF and LWT as implementing partners. Main activities: MPPC governance and engagement.
- Various Wildlife Rescue and Welfare; Environmental Education and Advocacy; Conservation Justice and Biodiversity Research Projects; implemented by Lilongwe Wildlife Trust
- Management of Forest Reserves in Central Malawi, implemented by Wildlife Action Group
- Environmental education (supporting school-based “Wildlife Clubs”); Mobilising the community forest scouts, implemented by The Wildlife and Environmental Society of Malawi (WESM)

SUMMARY OF RECOMMENDATIONS

It is important to bear in mind that apart from the listed recommendations there should be continuous support for the projects and measures that have been successfully implemented since 2015. Implementation of recommendations should not be an alternative to successful projects – both the projects and recommendations need to be implemented in order to guarantee successful combating of IWT in Malawi.

IACCWC

1. Performance Indicators from UNODC ICCWC Wildlife and Forest Crime Analytic Toolkit to be related to IACCWC ToRs
2. Develop Standard Operating Procedures for safe distribution of the "Wildlife Crime Alert" messages
3. Share information regularly among IACCWC members and among officers on the ground
4. Utilise the TWIX system to send the information, i.e. alert messages
5. Develop an Action Plan on how best to engage with non-IACCWC members
6. Priority Recommendation: Finalise the Memoranda of Understanding between IACCWC members
7. Continue Parliamentary engagement and facilitate relations between Parliament, agencies, NGO's and private sector

Wildlife Crime Data and Analysis

8. Finalise the MoU between MPS and DNPW and develop a set of joint Standard Operating Procedures (SoPs)
9. Ensure proper and accurate identification of wildlife criminals
10. Priority Recommendation: Develop a Standard Operating Procedure at operational and agency levels
11. Wider Use of Domain Awareness Systems (DAS)

International Legislation and Extradition

12. Secure training for relevant stakeholders on application and use of International Treaties and Conventions
13. Modify the Mutual Legal Assistance (MLA) Act so it goes beyond the Commonwealth jurisdictions

Domestic Wildlife Legislation

14. Raising awareness on the Amendment NPWA and the Regulations
15. Government commitment on implementing recommendations so it harmonises different pieces of legislation

Other Domestic Legislation

16. Regularly update the Handbook on the Use of Legislation in Wildlife Crime Prosecutions, distribute it to the relevant stakeholders and organise an annual training

International Law Enforcement

17. Raise funds for a bigger Malawi delegation in the CITES meetings
18. Priority Recommendation: Remove the CITES Reservation that Malawi has in place for listing *Loxodonta Africana*

Regional Law Enforcement

19. Monitor the LATF Agreement performance and consider ratifying it if funds are secured

DNPW

20. Review and increase DNPW's Annual Budget
21. Priority Recommendation: Finalise and implement the DNPW Code of Conduct
22. Priority Recommendation: Identify opportunities for provision of equipment and training to DNPW

MPS

23. Modify the standardised charge sheet for wildlife crimes to correspond to the Amendment NPWA provisions
24. Raise awareness about provisions under the Penal Code among prosecutors
25. Provide regular source handling training, vetting and assessment for the officers who handle informants
26. Undertake review on need and legal basis of controlled deliveries
27. Ensure that the MPS firearms database cross-cuts and is shared with DNPW
28. Parallel financial investigations to be conduct by MPS

ACB

29. Priority Recommendation: Raise funds for establishing a whistle-blowing mechanism and provide resources for follow-up enforcement efforts
30. Secure funding for organising the anti-corruption course for IACCWC members
31. Nominate an investigator to be point of contact for WCIU
32. Develop an SOP on raising awareness among frontline staff

INTERPOL

33. Send Eco-Messages to both the IACCWC members and law enforcement entities in other countries

FIA

34. Conduct the Trends and Typology Study on wildlife poaching and money laundering
35. Pro-active engagement of FIA in IWT; a mentor on IWT to be allocated to FIA

MRA

36. Set up the guidelines for tackling IWT within the MRA mandate and powers
37. Priority Recommendation: Initiate a wildlife crime training programme across MRA
38. Priority Recommendation: Incorporate wildlife products onto Form 47
39. IACCWC Secretariat to lobby the MRA management on mandatory declaring of all wildlife products
40. Introduce better and more efficient controls to help detect wildlife crime
41. Incorporate wildlife crime into MRA Risk Profiles and upgrade the current MRA Customs Risk Management system

Dol

42. Incorporate wildlife trafficking into the Immigration Act
43. Provide false document identification training to all IACCWC members
44. Enhancement of deportation documents to assist with proper identification of wildlife criminals
45. Review the regulation on the deportation documents (adding photographs and fingerprints crucial)
46. Share the deportation documents with IACCWC members

NIS

47. Provide intelligence services to DNPW on matters relating to wildlife crime
48. Raise wildlife crime awareness among NIS officers, especially the ones in protected areas

International Airports

49. Provision of computer equipment for Police at KIA and CIA
50. Ensure permanent DNPW representation at airports with necessary budget and equipment
51. Deliver training on an annual basis for the freight companies and agents on IWT issues, risks and IWT product identification
52. Develop and implement security protocols to combat IWT at airports
53. Conduct random checks at the VIP lounges together with WDDU
54. Conduct spot checks on all the smaller airports and airstrips across Malawi
55. Engage the airline companies within IWT law enforcement
56. Regular communication with Chileka Airport and Likoma Airport officers

Courier and Postal Services

57. Approach MACRA to establish sector-wide policy and intervention
58. Request private courier firms to commit to combating wildlife trafficking
59. Appointment of IWT focal points in Courier and Postal Companies and training of their key staff
60. Improved identification and due diligence for international post, including copies of photo identification, business corporation certificates and more thorough checks of sender address details
61. Conduct specialist wildlife crime training for MPC and other courier companies and develop an SoP as how best to report wildlife crime to WCIU
62. Priority Recommendation: Engage the Courier and Postal Services within IWT law enforcement

Shipping Line and Freight Forwarding Companies

63. Priority Recommendation: Engage the shipping line companies within IWT law enforcement

NGOs and Wildlife Tourism Concessionaires

64. Continue capacity development and secure resources for necessary specialist training and development programmes implemented by DNPW and NGOs
65. Establish an “Association of Wildlife NGOs of Malawi” within the Wildlife Sector Working Group
66. Secure funds for reinstating the Wildlife Advisory Board and its bi-annual meetings

Specialist Wildlife Crime Investigation Unit

67. Appoint an investigator from MRA as a focal point for WCIU
68. A Rapid Response Unit to be established and functional in every park in Malawi

69. Publicise the availability of WERU to all park managers across all protected areas in Malawi – a veterinary graduate to be seconded into the project in 2019

Judiciary and Prosecution Services

70. Produce a guidance booklet on how best to submit outward Mutual Legal Assistance (MLA) requests to other countries
71. Continue training on the NPWA and other legislation relevant to wildlife crime
72. Adhere to the Sentencing guidelines for wildlife crimes
73. Continue and possibly expand the private prosecution and court monitoring activities while developing capacity in the DPP and MPS

Behaviour Change Communications

74. Priority Recommendation: Implement a behaviour change communications strategy that includes IWT within the wider biodiversity protection agenda

Drivers and Prevention

75. Priority recommendation: Close cooperation and dialogue between Development Sector and Conservation Sector
76. Priority recommendation: Integration of wildlife conservation into rural development plans and coordination with humanitarian organisations and rural development partners
77. Priority recommendation: Review of the NRCCAs system, structure and sustainability
78. Priority recommendation: Undertake audit of all NRCCAs and DNPW benefit sharing accounts
79. Priority recommendation: Provide more funds from the parks into the communities and produce an Action Plan on NRCCAs efficient governance and accounting
80. Combine NGOs and DNPW activities and integrate the Environmental Education and community work into national and local behaviour change campaigns
81. Establish a training institute for wildlife research and undertake more wildlife conservation research to inform management plans and policies, and to produce a DNPW wildlife research strategy
82. Ensure that every PA has a recent and up to date management plan, and develop Conservation Action Plans for all endangered species
83. Priority recommendation: Review the problem animal control policies and finalise and implement the PAC Strategy

ACKNOWLEDGMENTS

The authors would like to first of all thank Mr Jonathan Vaughan of Lilongwe Wildlife Trust, for his valuable contribution to producing this progress report.

The acknowledgments go to all those who participated in interviews and meetings and contributed data to this report including Mr Namanja and Mr Jere of the Department of Public Prosecutions; Mr Chafikana, Mr Chaima, Ms Mkute and Mr Mwinama of the Malawi Police Service, Mr Minofu of the Financial Intelligence Authority; Mr Manda and Mr Chunga of the Department of National Parks and Wildlife and their extended team; Mr Zidana and Mr Suwedi of the Wildlife Crime Investigation Unit; Ms Sichali of the Malawi Revenue Authority; Mr Musopole of the Anti-Corruption Bureau; Ms Msowoya of INTERPOL; Mr Chidothi of the Department of Immigration; Mr Kayo of the National Intelligence Service; Mr Chimtengo of KIA Civil Aviation; Mr Kwatani of Chileka Airport and his team; Ms Kayira of Kenya Airways; Ms Karim of Mediterranean Shipping Company; Mr Bandawe of Clearing Association of Freight Forwarders of Malawi; Mr Kachali of Malawi Posts Corporation; Mr Metzner and Ms Robinson of USAID; Ms Neri and Ms Kavaloo of EUD, Ms Connolly of DFID; Mr Montaño of UNODC; Ms Moore and Ms Barthau of Lilongwe Wildlife Trust; Mr Ndadzela, Mr Reed and Mr Hay of African Parks; Ms Clifford of Wildlife Action Group; Ms O'Connell of Royal Society for the Prevention of Cruelty to Animals International; Mr Labuschagne of International Fund for Animal Welfare, Mr Dalileni of the Wildlife and Environmental Society of Malawi; Mr Bunderson of Total Land Care.