



**BIODIVERSITY  
CHALLENGE FUNDS**



## **Biodiversity Challenge Funds Projects Darwin Initiative, Illegal Wildlife Trade Challenge Fund, and Darwin Plus**

### **Half Year Report**

It is expected that this report will be a **maximum of 2-3 pages** in length.

**If there is any confidential information within the report that you do not wish to be shared on our website, please ensure you clearly highlight this.**

**Submission Deadline: 31<sup>st</sup> October 2024**

**Please note all projects that were active before 1 October 2024 are required to complete a Half Year Report.**

**Submit to: [BCF-Reports@niras.com](mailto:BCF-Reports@niras.com) including your project ref in the subject line.**

<b>Project reference</b>	IWTEV022
<b>Project title</b>	Project Minerva: Establishing Malaysia's Baseline of Wildlife Crime Court Cases
<b>Country(ies)/territory(ies)</b>	Malaysia
<b>Lead Organisation</b>	Justice for Wildlife Malaysia
<b>Partner(s)</b>	Malaysian Judiciary, Department of Wildlife and National Parks Peninsular Malaysia (Perhilitan), Sarawak Forestry Corporation (SFC), Sabah Wildlife Department (SWD)
<b>Project leader</b>	Lavinia Augustine
<b>Report date and number (e.g. HYR1)</b>	HYR1
<b>Project website/blog/social media</b>	Website: <a href="http://www.justicewildlifemy.com">www.justicewildlifemy.com</a> Twitter: @jwmys Instagram: @jwildlifemy

**1. Outline progress over the last 6 months (April – September) against the agreed project implementation timetable (if your project started less than 6 months ago, please report on the period since start up to end of September).**

Although we are not looking for specific reporting against your indicators, please use this opportunity to consider the appropriateness of your M&E systems (are your indicators still relevant, can you report against any Standard Indicators, do your assumptions still hold true?). The guidance can be found on the resources page of the relevant fund website.

This reporting corresponds to the first three months of the project period (01/08/2024 – 08/10/2024).

Justice for Wildlife Malaysia ('JWM') has made progress on **outputs 1** and **2**.

While anticipating for the project to start, JWM has done one engagement with law students at the University of Malaya on 30/05/2024. This engagement was held at the university's Faculty of Law, in cooperation with Ecolawgy (student club focusing on environmental law). As a result, JWM has taken three interns who have demonstrated interest in the work.

On 31/07/2024 – 02/08/2024, JWM has also attended the Asean Environmental Law Conference in Bangkok, Thailand. At this conference, there were a few discussions on the wildlife-related issues, particularly on the institutionalisation of assistance and collation of existing guidelines and documentations for wildlife law enforcement agencies.

Since 01/08/2024, JWM has started the recruitment of the three key positions under this grant – two regional Case Trackers based in Sabah and Sarawak and one Data Analyst based in Peninsular Malaysia. Both Case Trackers based in Peninsular Malaysia and Sarawak are law graduates. However, the Case Tracker (Sabah) is a science graduate with experience in conservation and policy. This is due to the lack of law graduates applying from Sabah for the position.

The Case Tracker based in Peninsular Malaysia is also the Project Officer and is in charge of consolidating the cases tracked in Sabah and Sarawak.

All the positions have started except for one. The Case Tracker (Sarawak) will start his contract in January 2025 due to having to serve his three-month notice to his current employment. Our analyst started her work with us mid-October. We are now in the midst of consolidating and completing our current datasets before attempting any analysis.

From 23/09/2024 - 24/09/2024, the onboarding for the Case Tracker (Sabah) and Data Analyst was held at the Chow Kit – An Ormond Hotel, Kuala Lumpur. This was followed up with a court visit to the Seremban Courthouse on the 25/09/2024 as a hands-on component of the onboarding session. The case involved several species such as the monitor lizard, clouded leopard, and bulbul (songbird).

Due to the ongoing case tracking work that is currently being run under Project Minerva with the Department of Wildlife and National Parks Peninsular Malaysia ('Perhilitan'), the work in Peninsular Malaysia continued smoothly. The Case Tracker based in Peninsular Malaysia also has prior experience with the work.

Starting 01/08/2024, JWM has tracked a number of **26** cases and attended **35** court proceedings in Peninsular Malaysia. Case tracking work in Sabah and Sarawak is still pending discussions with the respective wildlife agencies as there is a requirement to formalize the process and integrate it within the government procedures.

The scenario in East Malaysia, specifically in Sabah and Sarawak, is quite distinct. Case tracking efforts in these states have not been previously implemented, which means there is a need for preliminary discussions and socialization with project partners. This engagement is crucial to ensure they comprehend the objectives and significance of the project before moving forward.

On 02/10/2024, JWM met with a representative from Sabah Wildlife Department ('SWD') to discuss the details of the project.

On 08/10/2024, JWM met with representatives from Sarawak Forestry Corporation ('SFC') to discuss the details of the project. A Terms of Reference ('TOR') is currently being drafted by JWM between JWM and SFC for formality purposes and to address bureaucratic red tapes. This TOR outlines the access level and limitations of the case tracker, what type of data and what to do with the data and safeguarding procedures to protect the data that is acquired from SFC.

The current method of retrieving information of wildlife cases is through continuous communication with the partner wildlife agencies such as Perhilitan, SWD and SFC. With Perhilitan, information is retrieved by communicating with the Prosecution Officers ('PO') individually in each of the twelve states. This method is planned to be replicated with SWD and SFC.

**2. Give details of any notable problems or unexpected developments/lessons learnt that the project has encountered over the last 6 months. Explain what impact these could have on the project and whether the changes will affect the budget and timetable of project activities.**

Currently, it is unknown as to whether JWM has full access to the court case records/information for the whole Malaysia. For Peninsular Malaysia, the current method of accessing court case records is through the Judiciary's publicly accessible E-Filing System website ('EFS'). From the EFS website, Case Trackers are able to get information such as the date, location, name of defendant, defendant's representation, name of judge, courtroom number, case number and development of the case. However, Sabah and Sarawak use a different system, one that is not accessible by the public. Due to this, Case Trackers in Sabah and Sarawak will have to rely more on the relationship with the wildlife agencies to get important information about the cases.

The case tracking work in Sabah and Sarawak is facing some delay as JWM is in the phase of understanding the administration and bureaucracy.

These changes will not deviate our logframe activities greatly, but we are closely monitoring the situation.

**3. Have any of these issues been discussed with NIRAS and if so, have changes been made to the original agreement?**

Discussed with NIRAS:	No
Formal Change Request submitted:	No
Received confirmation of change acceptance:	No
Change Request reference if known: -	

**4a. Please confirm your actual spend in this financial year to date (i.e. from 1 April 2024 – 30 September 2024)**

**Actual spend:**

**4b. Do you currently expect to have any significant (e.g. more than £5,000) underspend in your budget for this financial year (ending 31 March 2025)?**

Yes ☐ No ☒ Estimated underspend:

**4c. If you expect and underspend, then you should consider your project budget needs carefully.** Please remember that any funds agreed for this financial year are only available to the project in this financial year.

**If you anticipate a significant underspend because of justifiable changes within the project, please submit a re-budget Change Request as soon as possible. There is no**

guarantee that Defra will agree a re-budget so please ensure you have enough time to make appropriate changes to your project if necessary. **Please DO NOT send these in the same email as your report.**

NB: if you expect an underspend, do not claim anything more than you expect to spend this financial year.

**5. Are there any other issues you wish to raise relating to the project or to BCF management, monitoring, or financial procedures?**

-

**6. Please use this section to respond to any feedback provided when your project was confirmed, or from your most recent annual report.** If your project was subject to an Overseas Security and Justice Assistance assessment please use this space to comment on any changes to international human rights risks, and to address any additional mitigations outlined in your offer letters. Please provide the comment and then your response. If you have already provided a response, please confirm when.

The following feedback answered according to the questions posed:

- **It is unclear what the potential impact or urgency of this work is, please provide clarification.**

**Urgency:** The current observations from the case tracking work indicate failures in the appeal stages in the High Court. This warrants further investigation of the issues at the High Court level.

**Impact:** This work will provide a better context of the criminal justice response in Malaysia towards wildlife crime and set a baseline for wildlife crime cases in Malaysia. We currently do not have a baseline for wildlife court cases that can be used to inform interventions. We also intend to provide an updated information following the UNODC's Criminal Justice Response to Wildlife Crime report ([https://www.unodc.org/res/wildlife-and-forest-crime/new/global-programme/asia\\_html/Malaysia\\_Assessment.pdf](https://www.unodc.org/res/wildlife-and-forest-crime/new/global-programme/asia_html/Malaysia_Assessment.pdf)) which is severely outdated.

There is also a lack of motivation to understand the demographics of the offenders and the specific provisions in the legislation used to prosecute wildlife offenders, particularly post the 2022 Wildlife Conservation Act amendment. This lack of understanding hinders a more holistic approach to deterring wildlife crime, which is urgent as we have observed new trends i.e. indigenous people being charged in court.

- **It seems to be hoped that authorities will take on the role of tracking IWT cases after the end of the project though this does not seem to be specifically stated.**

Project Minerva intends to provide a standard for the storage of wildlife court case data. Law enforcement agencies ('LEA') have the option to adopt a similar format. While these agencies are currently documenting cases, the existing system lacks robustness and fails to capture records from specific states and districts. We do envision the authorities would take on tracking IWT cases, but this will require some proof of concept from our side and familiarisation of the data.

**Peninsular Malaysia:** Perhilitan is currently tracking cases in Peninsular Malaysia through their internal database i.e. Excel sheet. This sheet is maintained by the headquarters based in

Kuala Lumpur. However, cases from other states outside of Kuala Lumpur are not strictly and routinely reported back to the headquarters, leaving a significant gap within their internal database.

**Sarawak:** SFC currently does not have the capacity to track their court cases. They have expressed the need for a case management system to track the outcome of cases for easier analysis and a case tracker based in Sarawak. The case tracker will aid in setting up a case tracking system unique to SFC that can be sustained internally. At the moment, a Terms of Reference is being drafted between JWM and SFC to formalise the partnership.

**Sabah:** Similar to Sarawak, JWM and SWD are currently building capacity to track court cases. The Case Tracker (Sabah) is currently developing a relationship with SWD and will be looking into the current issues faced by the agency in its capacity to track court cases and maintain a case management system.

- **Further clarity is required regarding the ownership of the data and database at the end of the project. Please also elaborate on the planned exit strategy for the project.**

JWM has ownership over the data collected and the database developed. However, as part of the partnership, a mechanism will be devised to integrate the data into the LEAs data structure.

- **How is it envisaged that graduates will be hired and tracking cases in and by the end of Q1?**

For this project, three graduates are expected to be hired as case trackers. One round of interviews for the case trackers have been held and JWM has officially hired the case trackers for Sabah and Sarawak.

Case tracking work has already started in Peninsular Malaysia and Sabah. As for Sarawak, the Case Tracker (Peninsular Malaysia) will cover the case tracking work while waiting for the Case Tracker (Sarawak) to serve the notice period with his current employer by December 2024. He is set to start the case tracking work in January 2025.

- **While the application outlines a Gender Equality and Social Inclusion (GESI) approach, further details and targets should be set.**

We have consulted an external NGO who specializes in GESI issues to outline better policies and recommend targets to supplement our GESI approach. We intend to finalize this by March 2025.

- **The indicators of success should be strengthened:**

- **The connection between the indicators and the Outputs needs further attention.**

*Please refer to the log frame annexed.*

- **It is unclear what the purpose of the proposed published news article of wildlife crime is.**

Malaysian news publications report on wildlife crime arrests but rarely follow up on the development of the case. The publication of news articles on wildlife crime is intended to disseminate the project's outputs to the public and increase the deterrent effect of the sentences meted out by Malaysian judges.

**(Outcome indicator)**

- **As noted in the Stage 1 feedback, Output 2.3 might be difficult to verify due to the slow-moving nature of cases, you should consider an increase in numbers charged, which is also linked to an increase in numbers investigated, as a more realistic target.**

2.3 By the end of the project, the number of individuals successfully charged for wildlife crime increased by 10% (from the total number of arrests reported publicly that year as a result of the case tracking work).

## Checklist for submission

<b>For New Projects (i.e. starting after 1<sup>st</sup> April 2024)</b>	
Have you <b>responded to any additional feedback</b> (other than caveats) received in the letter you received to say your application was successful which requested response at HYR (including safeguarding points)? You should respond in section 6, annexes other requested materials as appropriate.	/
If not already submitted, have you attached your <b>risk register</b> ?	/
<b>For Existing Projects (i.e. started before 1<sup>st</sup> April 2024)</b>	
Have you responded to <b>feedback from your latest Annual Report Review</b> ? You should respond in section 6, annexes other requested materials as appropriate.	
<b>For All Projects</b>	
Include your <b>project reference</b> in the subject line of submission email.	/
Submit to <a href="mailto:BCFs-Report@niras.com">BCFs-Report@niras.com</a> .	/
Have you <b>clearly highlighted any confidential information</b> within the report that you do not wish to be shared on our website?	/
Have you reported against the most <b>up to date information for your project</b> ?	/
Please ensure claim forms and other communications for your project are not included with this report.	/