



Illegal Wildlife Trade (IWT) Challenge Fund Final Report

To be completed with reference to the “Writing a Darwin Report” guidance: (<http://www.darwininitiative.org.uk/resources-for-projects/reporting-forms>). It is expected that this report will be a **maximum** of 20 pages in length, excluding annexes.

IWT Challenge Fund Project Information

Project reference	IWT 0028
Project title	Building judicial capacity to counter wildlife crime in Kenya
Country(ies)	Kenya
Contract holder institution	Space for Giants
Partner institution(s)	KWS, WildlifeDirect, Mount Kenya Trust, ODPP
Total IWT grant value	£ 140,729
Start/end dates of project	1 st April 2016 – 31 st March 2018
Project leader’s name	Shamini Jayanathan
Project website/blog/social media	N/A – general info www.spaceforgiants.org
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1. Project Summary

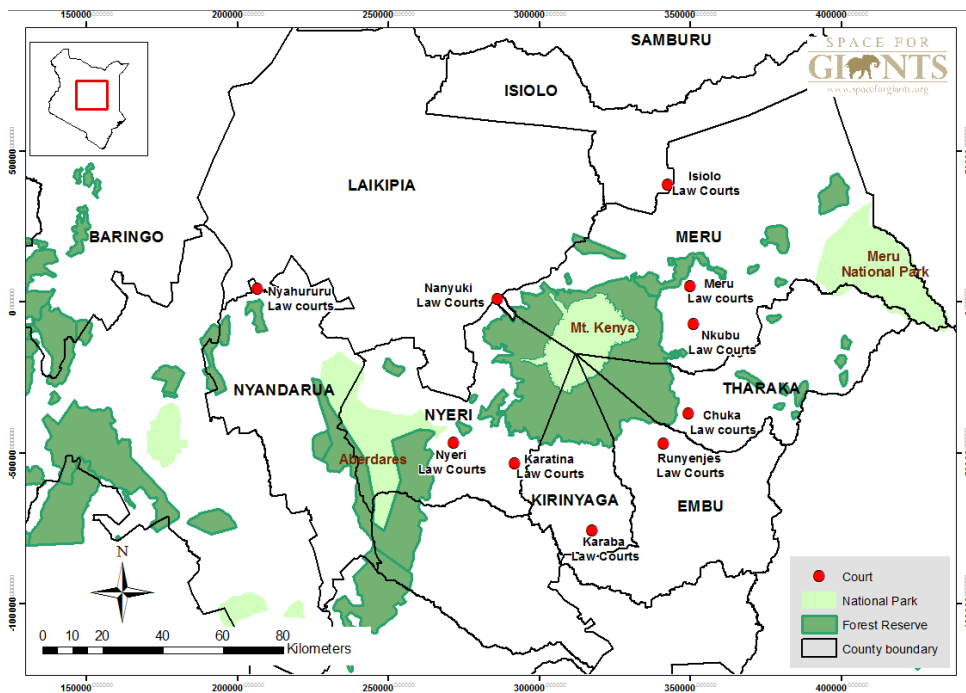
The illegal killing of wildlife, in particular rhinos and elephants, for the illegal wildlife trade is a widespread and escalating problem in many parts of Africa. One of the major factors contributing to the proliferation of this crime is the absence of meaningful deterrents in source, transit and market countries. Kenya is one of three African countries to be identified by CITES as of greatest concern with regards to the trafficking of ivory out of Africa. The north Kenya landscape continues to face poaching threats despite a huge improvement since 2011-2012.

This project intends to curb the supply side of the illegal trade from northern Kenya by building capacity amongst those involved in the criminal trial process to ensure that wildlife criminals are arrested for their crimes, appropriately charged in court and prosecuted for their crimes. In addition, when cases are brought to court, this project seeks to ‘watch’ them on behalf of the public to ensure that corrupt practices do not undermine them.

This project has been split into two main components: (1) a training component focusing on training rangers in basic *Scene of Crime* to ensure crime scenes are protected; training Kenya Wildlife Service investigating officers to ensure that thoroughly investigated cases are brought to court; training and sensitizing prosecutors about the relevant legislation pertaining to wildlife crime and sensitizing magistrates on the scale and implications of wildlife crime; (2) a physical court presence component whereby we work closely with the prosecutors to ensure that wildlife crime cases are appropriately charged, presented and managed in court.

This project focuses on north central Kenya (see Figure 1 below), which constitutes one of East Africa’s most important wildlife areas. The region is home to one of Kenya’s largest elephant population (7,166 in the Laikipia – Samburu Ecosystem, 2,579 on Mt. Kenya Forest, 3,939 in the Aberdares Conservation Area) as well as globally important populations of black and white rhinos.

By strengthening the criminal justice pathway within this critical region and ensuring proportional and adequate sentences are applied we expect to create a deterrent against involvement in the illegal wildlife trade which will help ensure healthy populations. This in turn will ensure that the tourism industry (the backbone of the regions economy) will flourish and continue to support the livelihoods of thousands of Kenyans within the region.



2. Project Partnerships

This project listed both governmental and non-governmental partners, namely the Office of the Director of Public Prosecutions (ODPP), the Kenya Wildlife Service (KWS), WildlifeDirect (WD) and Mount Kenya Trust (MKT). Other institutions which were not listed in the application but which Space for Giants (SFG) partnered with at some stage of project delivery were the United Nations Office on Drugs and Crime (UNODC), Strathmore University (SU), Kenya Police Service (KPS) and the Judicial Training Institute (JTI).

While all institutions were aware of the nature of the project and had specific involvement in elements of the project, SFG took the overall lead in coordinating the project, writing of reports and decision-making. Below is a summary of the involvement of the partners in each stage of the project:

(1) Training Workshops for prosecutors, investigating officers & magistrates

SFG was able to lean heavily on the input and expertise of both the ODPP and the JTI in the development of the workshop content to ensure it would have maximum benefit for its employees. In addition, WD and MKT were both critical partners providing input into the workshop program. All the project partners (KWS, ODPP, MKT, WD) availed key resource individuals during the delivery of the training to ensure that all the topics were adequately covered by an experienced individual.

In addition, Space for Giants was able to generate excellent support from the KPS, who despite the KWS having the full mandate to investigate wildlife crime under the WCMA 2013, remain a key stakeholder in this arena. In many areas across the country the KWS remains understaffed and undertrained and as such the police are responsible for the investigation of wildlife crimes. Their involvement in all the workshops was of critical importance, not only to sensitize them to the importance of wildlife crime but also to forge better working relationships between the KPS, ODPP and KWS.

Overall the (6) training workshops were an excellent example of collaborative involvement to address a single challenge: wildlife crime. Having the assistant director of the JTI attend and facilitate one of the workshops also showed the sheer importance attributed by this partner to this training which is extremely refreshing.

(2) First on Scene Training Courses

SFG partnered with the senior KWS Management and the private sector on this component of the project to deliver basic *First on Scene* training courses for wildlife rangers in strategic rhino reserves in north central Kenya. The KWS were instrumental in the creation of the training content to ensure that a standardized level of training was provided to wildlife rangers in the employ of both the KWS and the private sector.

The courses were delivered by Mr. Joseph Sarara (Senior KWS Investigative Trainer) and/or Mr. Jamie Gaymer (General Manager, Ol Jogi Ranch). Both trainers were able to deliver identical trainings given that both had been trained together by experts in crime scene management from South Africa in 2015. Given that private properties host a large contingent of Kenya's rhinos, the KWS, was very keen to ensure that these properties were adequately prepared to deal with a scenario in which a rhino was killed and where a scene was to be secured prior to the arrival of a KWS Crime Scene specialist.

(3) KWS Investigative Training Courses

The intensive back-to-back 10 day investigative training courses for KWS investigative officers were another excellent example of high level collaboration. The course content was developed with input from the KWS Investigative Department as well as the ODPP Wildlife Crime Unit. In addition, SFG forged a strong working relationship with UNODC to deliver the highest level of training. Through the KWS we were able to bring on board other partners, such as ARIN-EA, Kenya Police Cyber Crime Unit, KWS Dog Unit to come and participate in the training courses to expose the participants to the greatest breath of knowledge. These courses were customised with significant input from the KWS Investigative department.

(4) Court Monitoring and Case Management

Space for Giants partnered with WD to set up the long-term court monitoring project within the project region. Both organisations were intimately involved in the recruitment of a suitable court officer (Ms. Faith Maina), her training and oversight at the start. While the relationship was fruitful during the first year of the project it was agreed on mutual consent to cease further collaboration in the second year and as such the MoU was terminated. As such SFG took over sole management of the court monitor, her workplan and reporting in the second year and there was no negative impact on the project. With regards to case management, SFG worked closely with the ODPP and KWS to discuss particular cases of concern and to agree upon appropriate interventions to ensure cases continued or were withdrawn as appropriate. This element of the project once again formed a strong working relationship between the partners.

3. Project Achievements

3.1 Outputs

Output 1: Regional database of wildlife crime cases

SFG systematically created a comprehensive wildlife crime database in Excel detailing all ivory and rhino horn cases in the landscape (sandalwood cases were also added to the database given increasing reports of sandalwood poaching and acceptance that organised crime syndicates will deal in multiple types of species). This database encompassed 10 court stations across 5 counties and documented all active and completed cases dating back to 2014 with the enactment of the new WCMA 2013. As of 31st March 2018 the database had a total of 75 cases. Prior to this database, there was no regional oversight of the trends in ivory/rhino horn cases, case outcomes, sentencing patterns etc. and so should be considered a real success. In addition the database was able to show the presence of repeat offenders in the region, something not possible otherwise given the lack of an offenders database. As such SFG was able to inform the prosecution authority about this to lobby for stricter bail/bond terms for these individuals. This database has been shared confidentially with the relevant partners and been used to write up a wildlife crime status report for the region (Evidence 16 in Annex 4). Finally, SFG's dedicated Wildlife Crime Court Officer, Faith Maina, has recorded all case updates in monthly reports which have been reviewed for further action. There was no baseline in place to monitor the indicator at the start but this has been addressed in evidence 12 in Annex 4.

Output 2: Case Management of Ivory & Rhino Horn Cases

SFG invested a lot of time and resources into building and further developing its relationships with the KWS and the ODPP to ensure we were in a position to point out weaknesses in cases and to provide appropriate advise & support. The involvement of SFG in all ivory and rhino horn cases has differed per individual case. For example in Cr. 285/15 it was SFG who alerted the prosecutors to the fact that statements by the KWS and Police were contradictory and likely to lead to an acquittal. SFG called and chaired a meeting with the ODPP, Police & KWS to discuss on how best to address this to ensure the case would proceed. This case resulted in a conviction on 31st May 2018 despite the aforementioned weaknesses. In other cases SFG formally wrote to the Head Prosecutor within the KWS to advise on appropriate action required to be taken on their behalf (e.g. in Cr. 1444/15, SFG ensured that KWS witnesses appeared in court after our complaint that the case would be dismissed for non-attendance; in Cr. 983/15 SFG ensured that KWS witnesses, exhibits and police file were availed in court after a last adjournment was issued by the magistrate). In cases that proved to have little or no problems SFG maintained a background presence and simply monitored the progress of the case. Overall this relationship was very successful and despite the fact that not all cases resulted in convictions (for a number of reasons e.g. SFG only picking up the case after contradictory evidence had already been provided or failure by arresting officers to handle evidence in line with chain of custody protocols) the support SFG has provided has been a critical component in preventing quite a large number of cases from being dismissed. As per the output indicators.

1. 22 cases were concluded in the project period out of a total of 60 cases (that were active during the project period) which comes to 37%.
2. Custodial sentences for cases resulting in conviction increased from a national average of 7% to 23% but fell short of the 75% target due to a number of reasons including slow case completion rates and judicial discretion.
3. No cases were dismissed due to missing case files.

Output 3: Training provided to KWS investigators, members of judiciary, wildlife rangers

Building the capacity for those involved in the criminal justice pathway, from the frontline protection rangers on the ground, to the investigators investigating the crime, to the prosecutors trying the case and judiciary handing out judgement was a key component of the project. No projects, prior to this one, had systematically addressed capacity building for all the participants in the criminal trial process in the region. SFG successfully carried out the 6 training courses for prosecutors/investigators/judiciary over the 2 year period where previously there was a base line of 0 as per indicator 1. This resulted in 145 individuals being trained which should be considered a huge achievement. SFG was able, albeit not in line with the initially proposed timeline (due to extenuating factors beyond SFG’s control) to deliver 40 days worth of training for KWS investigators. This resulted in training of 59 individuals (later reduced to 58) significantly boosting the investigation capacity in the region and beyond as per indicator 2. Finally SFG conducted 8, 1-day training courses for wildlife rangers on basic scene of crime management resulting in 255 rangers receiving training from a baseline of 0 as per indicator 3. Once again this has had significant impact on the capacity within the region to protect crime scenes.

3.2 Outcome

The project overall outcome was to *“High-level training provided to law enforcement personnel in Northern Kenya will increase their capacity to investigate and prosecute wildlife crimes and empowerment of CUCs will allow them address problems within the criminal trial process to increase the number of successful prosecutions and reduce the illegal killing of elephants and rhinos.”* We have summarised the indicators below and changes that have taken place during the length of the project.

***Disclaimer – The statistics reported in Evidence 16 in Annex 4 will differ from what is reported here. While this report relates to data from 2016 – 2018, the report in Annex 4 covers the period 2014 – 2018.**

Indicator 1	Increase successful convictions for ivory and rhino horn cases from 60% (2013) to 90% by 2018 (this refers to cases that reached a verdict).
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	<p>The statistics for the cases that were concluded during the life of the project is below:</p> <p>Ivory: 22 cases were concluded. 8 case was acquitted, 1 was withdrawn and 13 resulted in convictions = 62%*.</p> <p>*Percentage was derived by dividing convictions by number of cases concluded (the withdrawn cases was subtracted as it may be reinstated in future). If we discount the cases that ended in acquittal but started before the life of the project this becomes a 93% conviction rate.</p> <p>Rhino: 1 case was concluded and resulted in conviction = 100%</p>
<p>Indicator 2</p>	<p>Increase in custodial and non-custodial sentences for offenders related to ivory and rhino horn cases to >50% respectively by 2018 (2013 – only 7% of convicted individuals received a custodial sentence and only 9% received the maximum fine allowed by the wildlife act).</p> <p>Ivory Cases: Out of the 13 ivory cases that resulted in a conviction the sentencing pattern was as below:</p> <ul style="list-style-type: none"> - 10 cases were concluded with non-custodial sentences (i.e. fines with jail time only in default of payment). - 1 case was strictly custodial, - 1 case was both custodial & fine, - 1 case, in which the accused turned out to be a minor after a doctor's report, resulted in him being committed to an Institution and not jail. <p>In all cases the magistrates applied the minimum sentence, as stipulated in the legislation, of USD 10,000 or a jail term of 5 years for possession of ivory.</p> <p>Rhino Case: The accused in this case was sentenced to a non-custodial sentence with jail time only in default of payment.</p> <p>From the case outcomes its clear that the magistrates have proceeded to hand out the minimum financial sentences despite SFG's best efforts to encourage custodial sentences. It is important to note that the majority of the accused will be unable to raise the necessary funds to pay the fines and are likely to end up in jail regardless. One of the comments made by magistrates during trainings has been that the overcrowded jail cells in Kenya make it difficult to hand out custodial sentences to wildlife crime offenders given the prevalence of other serious crimes such as rape, murder and aggravated assault.</p> <p>Where fines were applied for the offence of dealing in a wildlife trophy the accused was sentenced to the minimum fine of USD 200,000. Some information of convictions in the media is available at: http://www.independent.co.uk/voices/campaigns/GiantsClub/kenya-leads-the-way-in-bringing-poachers-to-justice-a7385856.html</p>
<p>Indicator 3</p>	<p>A decrease in case dismissals due to inconclusive investigations, missing police files, missing evidence and failure of prosecution to prove a tangible case from 10.8% (2013) to 0% by 2018. (64% of all court cases [not limited to wildlife crime] do not meet the minimum evidentiary threshold to sustain convictions).</p> <p>In total 8 cases resulted in an acquittal (38%) in the region. This should not be seen as an increase from the 10.3% statistic however (the 10.3% figure included all types of wildlife crimes, not just ivory and rhino horn). It is important to note that 7 of these cases had been registered before the start of the project. If we discount these then the dismissal percentage = 7%.</p>

	<p>Most acquittals were under section 215 of the Criminal Procedure Code indicating that after hearing both the evidence of the prosecution and that of the accused person, the magistrate finds the accused person not guilty of the charges against him. The most common reason for acquittals were poor investigative work.</p>
Indicator 4	<p>Increase bail amount to over the estimated street value of the ivory and rhino horn confiscated from offenders from 20% (2013) to 100% (2018).</p> <p>The number of cases that SFG has monitored since the start of the project for which the estimated street value & bail/bond details were provided on the charge sheet was 15:</p> <p>Bail amount lower than estimated trophy value: 8 cases Bail amount equal to estimated trophy value: 0 cases Bail amount higher than estimated trophy value: 7 cases</p> <p>Indicator percentage is thus 47%</p>
Indicator 5	<p>100% of ivory & rhino horn cases added to the regional database (from a baseline of 0%) in 2017.</p> <p>We currently have a total of 75 cases in our database (this covers ivory, rhino horn and sandalwood). Of these 29 are concluded cases (either prior to the project starting or during the length of the project or after). Thus we have a database of 46 active cases currently (Ivory = 37, Rhino = 3, Sandalwood = 6). SFG made the decision to include cases related to East African Sandalwood given increasing reports of sandalwood poaching in the region. We are confident this constitutes all the active cases in the entire region.</p>
Indicator 6	<p>Sensitize and train police & KWS investigators and prosecutors in dealing with wildlife crime, with emphasis on ivory and rhino horn cases, from 0 (2015) to 150 by 2018.</p> <p>During the length of the project SFG was able to train the following: 3 x training workshop in 2016 = 75 participants 3 x training workshop in 2017 = 70 participants</p> <p>In total SFG was thus able to train 145 actors involved in the criminal trial process in highly interactive workshops that brought together the police, ODPP prosecutors, KWS investigators and the judiciary. This was a highly successful element of the project.</p>
Indicator 7	<p>Train wildlife rangers in dealing with basic scene of crime management from 0 (2015) to 250 by 2018.</p> <p>SFG was able to deliver the following: 4 x training day in 2016 – 2017 = 106 participants 4 x training day in 2017 – 2018 = 149 participants</p> <p>As such SFG was able to train 255 rangers on key rhino reserves in the landscape out of a target of 250 rangers despite only being able to deliver 8 out 10 training days.</p>
Indicator 8	<p>A decrease in the Proportion of Illegally Killed Elephants (PIKE - derived from Monitoring of Illegally Killed Elephants [MIKE]) data. PIKE to reduce from 47.8% (2014) to 40% by 2018.</p> <p>The Harmonised PIKE data for 2016 was reported at 40%. The harmonised PIKE data for 2017 (from unpublished report – see Annex 4) came in at 38.8%.</p> <p>This is one of the most critical indicators to measure the success of the overall project.</p>

Overall, SFG concludes that the project delivered on its intended outcome although in some ways it is difficult to measure the impact accurately. What is not in doubt is that SFG delivered high quality training products to rangers, KWS investigators and prosecutors as set out in our original logframe indicators 1-3 of Output 3 and 5-6 of outcome level indicators. We trained 58 out of an intended 60 KWS investigators (97%), trained 145 out of an intended 150 prosecutors, investigators and police officers (97%) and trained up to 255 out of a target of 250 wildlife rangers (102%). The courses were well received, delivered to the highest standards and we are confident that they built the capacity of the actors within the criminal trial process as intended.

In line with indicator 8 (outcome level indicator) we observed the PIKE tally reduce from 47.8% in 2014 to 38.8% by end of 2017. This is a positive outcome of the project but of course cannot be viewed in isolation as a result of other strategic interventions in the landscape. In line with outcome level Indicator 5 we were able to create a comprehensive database that captured all ivory & rhino horn cases within northern Kenya (something not achieved beforehand). In line with indicator 4 we saw bail & bond amounts in excess of the trophy value increase from a baseline of 20% to 47% (but short of our target of 100% - which may have been too optimistic). In line with indicator 3 we sought to decrease case dismissals as a result of poor investigations, missing files etc. from a national average of 10.8% to 0%. In our study area 8 cases were dismissed (38%). Similarly we attempted to increase conviction rates from a national average of 60% (2014 level, before this it was as low as 24%) to 90%. We achieved 62% conviction rate (however see below).

In line with indicators 1 & 3 it would appear that the project has not achieved its mandate to a degree. Nevertheless, it is important to point out the reasons for this. Out of 8 cases dismissed, 7 had been registered before the project start date and as such fatal damage had already been done to a number of these cases that SFG simply could not rectify (e.g. conflicting testimony had already been given, key documentation that should have been taken at the time of arrest was missing and exhibits had already been lost). If we only measured the case that was registered in our project period the dismissal rate would record 7% (**conversely conviction rates would come to 93%**). Out of transparency we have included all cases since we made every effort to provide support to rectify these cases as well. Another reason why conviction rates are not higher as per indicator 1 is due to the slow case conclusion rates. Ivory cases take 20 months on average to conclude. The project period was only 24 months in duration and as such we expect to see more convictions recorded after the end of the project in the period 2018-2020. We had not accounted for these challenges in our assumptions which is an important lesson learnt.

In addition, 2017 was a closely contested election year which saw widespread ethnic violence erupt across the country and felt most acutely within our region. Poaching groups were able to operate in this security vacuum. This was a setback as we would have achieved an even better PIKE reduction rate. In response SFG invested a USD grant awarded by the Escape Foundation to train 231 rangers in the landscape to boost the security infrastructure. This yielded results towards the end of the year as seen in evidence 9 in Annex 4.

Despite these setbacks SFG and its partners feel this was a very successful project and will leave a positive legacy in the landscape that can be built upon to continue tackling the IWT. SFG for one will continue the work in this field to build on the foundations laid.

3.3 Impact: achievement of positive impact on illegal wildlife trade and poverty alleviation

The project's intended impact was stated as "*A reduction in the illegal trade in ivory and rhino horn products in Northern Kenya through an increase in the number of successful prosecutions*". This project formed part of a larger frontline protection initiative overseen by SFG in the landscape. Since 2012 SFG, supported by grants from the USFWS, Thin Green Line Foundation and private donors such as the Leopardess Foundation and the Escape Foundation, has systematically invested in creating a comprehensive security framework to keep elephants safe in the landscape. These projects, coupled with SFG's work at the national level to help transform Kenya's laws and implement standard operating procedures to improve and streamline convictions, have laid solid foundations. This project supported by DEFRA fit

perfectly into this overall strategy as a case study. As described in the sections above convictions rates have increased and the illegally killing of elephants has come down in the region suggesting that the project has succeeded in its mandate.

By focusing on this region as a case study we have learnt important lessons that are applicable at a national level (and which are covered in the report to be released in evidence 16 in Annex 4). As such we are contributing to the illegal wildlife trade at a higher level by highlighting how directives at a national level may or may not be filtering down to a local level; what existing challenges are that require strategic interventions and producing best practice guidelines in topics such as court monitoring and investigator training. As such this project should be viewed in a very positive light.

With regards to contributing to higher levels of impact on human development this project was limited. In line with the reviewers comments on AR1 the impact on poverty alleviation was indirect. Nevertheless the training provided to individuals, from a personal perspective, was extremely important for their own development and should not be discounted. It is extremely important for the morale for individuals to be invested in (while we do not consider this 'higher level') and we believe we contributed positively to how participants reflected on their jobs.

4. Monitoring of assumptions

Outcome Assumptions:

Space for Giants, to the best of our abilities, attempted to monitor both outcome and output assumptions. Summaries are below:

Assumption 1: Political 'Will' remains to protect elephants and rhinos from regional extinction.

Kenya remains at the forefront of conservation in Africa and has been one of the most vocal countries calling for a united stand against elephant poaching and the illegal wildlife trade. On a national level Kenya was one of the main proponents of calling for the uplisting of the African elephant to Appendix 1 of CITES <https://www.theguardian.com/environment/2016/oct/03/bid-for-stronger-protection-for-all-african-elephants-defeated-at-wildlife-summit>.

In April 2016, Kenya hosted the largest conservation forum, the inaugural Giants Club Summit, facilitated by SFG aimed at finding ways to secure a future for Africa's elephants <https://www.bbc.com/news/world-africa-36166970> attended by His Excellency President Uhuru Kenyatta. This event was followed by a historic ivory & rhino horn burn valued at USD 180 million <https://www.theguardian.com/environment/2016/apr/30/kenya-to-burn-largest-ever-ivory-stockpile-to-highlight-elephants-fate>.

In June 2017 Kenya launched its inaugural National Wildlife Conservation and Management Strategy which has tackling of the illegal wildlife trade and prevention of poaching as one of its main pillars <http://www.kws.go.ke/content/environment-cs-launches-kenya%E2%80%99s-first-ever-national-wildlife-strategy-formulation-process>. These events and public statements suggest that the political will remains in Kenya to see the illegal wildlife trade in elephants and rhinos eradicated completely.

Assumption 2: Funding remains available to adequately manage & patrol elephant and rhino habitat.

It is notoriously difficult to assess funding streams for patrolling and enforcing key elephant and rhino habitats in the region. Nevertheless based on the actions of our partners and ourselves we do not believe any significant decreases have taken place. In September 2016 SFG was awarded a USD 200K grant for a mobile response team to patrol areas of north central Kenya https://www.fws.gov/international/pdf/FY16_ProjectSummaries_AFE_final.pdf. And in July 2017 SFG Space for Giants received a USD 100K grant from the Escape Foundation which helped to provide high level training to 231 wildlife conservancy rangers in Laikipia <https://spaceforgiants.org/wp-content/uploads/2018/06/Space-for-Giants-2017-Annual-Report.pdf>. It is however difficult to comment on funding streams to the KWS, the organisation mandated to protect Kenya's wildlife but discussions with the Assistant Director for the region suggest there have been no material changes in this regard.

Assumption 3: Increased number of successful prosecutions and harsh sentences act as a deterrent to prevent poaching.

This assumption underpins SFG's theory of change for the project but again very difficult to monitor in isolation given other confounding variables. Magistrates within the region have been handing out fines of KES 1million (USD 10,000) upon conviction for the possession of ivory. The majority of the accused simply cannot afford this penalty and will end up serving 5 years in jail. This in itself is a very serious sentence. During the life of the project we have carefully monitored PIKE data as well as the number of poached elephants. This data has shown a drop since 2014 levels. 2017 was a difficult year due to national political instability due to a highly contested election year coupled with a severe drought in the <https://www.nytimes.com/2017/07/29/world/africa/africa-climate-change-kenya-land-disputes.html?mcubz=1>. This has made it very difficult to determine whether convictions in court have resulted in less poaching. Nevertheless, we feel that the sentences handed out will contribute positively to prevention of poaching.

Assumption 4: Trained individuals are not transferred beyond our project area and replaced by untrained individuals on a regular basis.

During the life of the project we have observed staff turnover take place e.g. 1 KWS investigating Officer we trained was transferred to another region in Kenya. In addition we saw additional prosecutors and magistrates being transferred to our courts from other regions. Staff turnover is a reality in any government institution. Nevertheless, we estimate that staff turnover within the north central Kenya landscape has remained between 5-10%, which for the purposes of the project is acceptable. This has ensured that key relationships have stayed in place.

Assumption 5: Corruption levels within the judicial system remain low/manageable.

There is a fine line between corruption, honest mistakes and incompetence, all of which have been present to varying degrees in the project area. One case was severely damaged by corruption whereby the accused paid off the police officers investigating the case to provide conflicting testimony to that of the KWS officers who made the arrest. In addition SFG has noted that in one case KWS officers appeared to have colluded with the Police to have a vehicle involved in a sandalwood seizure released. Corruption is difficult to prove and we need to be careful in making allegations but SFG has played its role in passing on information to the relevant authorities to investigate or clarify where necessary. Beyond these examples, SFG observed that in 3 out of 13 cases that resulted in a conviction the magistrate applied a sentence that failed to meet the minimum requirements as stipulated in the legislation. It is easy to accuse the magistrates of corruption in this case when the truth may in fact be that they are still unfamiliar with what to most is considered an obscure piece of legislation. SFG is confident that having eyes in the courtroom through our court monitor has really helped to discourage any blatant corruption attempts but it remains something to monitor closely. We are cautiously optimistic that corruption levels have not undermined the project. In addition, SFG has worked closely with the ODPP to implement a policy change which would require all prosecutors to produce written reviews on their decision to either charge or not which adds a layer of accountability.

Assumption 6: The current Wildlife Conservation and Management Act (WCMA) with associated penalties is not amended before 2018.

The WCMA 2013 has some of the most punitive punishments of any wildlife law on the continent (including life imprisonment) but unfortunately it also has severe drafting errors which have created confusion and loopholes. As such SFG has been working closely with the KWS senior management to redraft the bill that will be submitted to parliament. This process was expected to be completed by the end of 2017 but at the time of writing this has still not been achieved (as a result of election politics in Kenya in 2017). As such, the same piece of legislation was active during the whole project. The updated legislation, once passed by parliament, will be more robust and should help secure more convictions in time.

Output Assumptions:

1. Staff turnover remains manageable

See explanation Assumption 4 above

2. Corruption levels remain manageable

See explanation Assumption 5 above

3. Better trained individuals results in a greater number of successful prosecutions.

Our theory of change rests on the assumption that improved capacity building and skilled individuals will perform their jobs better and increase convictions. In the landscape the majority of ivory cases take 20 months to conclude (due to large case backlogs, unnecessary adjournments etc.). As such this assumption was difficult to measure within the project period, as the results from trainings are likely only be possible to be measured in 2018-2020. Nevertheless we have seen encouraging signs to support our theory of change e.g. witness statements from KWS officers are increasingly detailed compared to before the start of the project; drafting of charge sheets has improved dramatically and rarely require amendment; KWS officers have started including 'weighing certificates' detailing the nature of the trophies to avoid and confusion about their authenticity; inventories have now started being taken systematically at the point of arrest and included in case files. All of these improvements are critical steps that will support the delivery of justice. In Cr. 864/14 the Magistrate Hon. Lucy Mutai sentenced the accused to BOTH a fine and a jail term for possession of ivory. This is the only such ruling in the entire region by a magistrate. Hon. Mutai attended one of SFG's trainings in October 2016 and while this last example relates to sentencing rather than prosecution it's a noteworthy observation to make.

5. Project support to the IWT Challenge Fund Objectives and commitments under the London Declaration and Kasane Statement

The project set out to address thematic area 2 – **Strengthening Law Enforcement** as well as contributing the following articles under the London Conference Declaration on IWT:

X. Strengthen the legal framework and facilitate law enforcement to combat the illegal wildlife trade and assist prosecution and the imposition of penalties that are an effective deterrent...

One of the central pillars of the project has been capacity building amongst prosecutors to treat wildlife crime as another component of organized crime. Using that perspective a wide range of ancillary legislation becomes available (e.g. money laundering, seizure of assets, corruption etc.) as stipulated in the Rapid Reference Guide (RRG) on Wildlife Crime developed by SFG's Director of Legal Strategy (see <http://wildlifedirect.org/wp-content/uploads/2017/03/Rapid-Reference-Guide-2016.pdf>).

At the KWS Investigator training workshops we were able to lean on UNODC and other relationships to bring in additional trainers from the following organization (Asset Recovery Agency represented by Esther Muchiri, Asset Recovery Inter-Agency Network – East Africa represented by Viola Ocharo, Kenya Police Department of Criminal Investigations and CyberCrime represented by Muia Mkingoo and Fredrick Musili, UNODC – Anti-Corruption Department represented by Mr. Moundu). In doing so SFG actively made an effort to promote multidisciplinary enforcement and networking to improve investigations and prosecutions. SFG feels it was successful in contributing to this article.

XI. Strengthen the ability to achieve successful prosecutions and deterrent sanctions by raising awareness in the judicial sector about the seriousness, impact and potential profits of wildlife crime. Dedicated training and increased capacity building are essential tools to achieve this goal.

SFG was able to train 145 participants involved in the criminal justice pathway training them on best practice for investigation & prosecution, sensitizing them on the scale of the illegal wildlife trade & working with them to promote dialogue and inter-agency collaboration. One of the most successful outcomes of this project was to host all the magistrates and High court judges from the entire region to focus specifically on wildlife crime (workshop hosted from 30th September – 2nd October 2016). While SFG acknowledges the critical role that judicial discretion in sentencing of wildlife crime plays SFG was able to emphasize the role of transnational organized crime in the destruction of Kenya's wildlife heritage and the need for consistent sentencing of wildlife crimes. At the end of the workshop Justice John M. Mativo, Judge of the High Court of Kenya, who also attended the workshop, said: "*The time has come for Kenyan courts to boldly declare that protection of wildlife is a fundamental value of our society.*"

These trainings, coupled with ongoing prosecutorial support provided by SFG during the life of this project has helped to sensitize prosecutors and helped them move the court in pursuit of stringent sentences. For example SFG produced a briefing document for the ODPP in the region detailing the statistics related to poaching of elephants and rhinos that prosecution counsel could refer to and use during their final submissions (See evidence 13 in Annex 4). We are confident we have contributed successfully to this article as well.

XII. Adopt a zero tolerance policy on corruption associated with the illegal wildlife trade, recognizing with great concern that corruption is an important factor facilitating the criminal activities associated with the illegal wildlife trade.

As discussed previously corruption is one of the greatest threats to the delivery of justice, especially in a wildlife crime context in Africa. During the project SFG's court monitor has picked up on suspected cases of corruption (or incompetence that may be confused for corruption), and the KWS at a local level have also approached SFG in seeking assistance to deal with both internal and external suspected corruption. SFG has had to be very careful in dealing with these allegations and has passed these on as appropriate (e.g. senior management in KWS or institutions mandated to deal with this (e.g. Office of the Ombudsperson and the Ethics and Anti-Corruption Commission) but overall SFG has chosen to maintain a low profile and avoided active involvement in this given the potential risks to SFG personnel. Despite this corruption remains one of the biggest concerns that risks undermining justice at present and in future.

While not initially stated the project has also contributed to the following articles captured within the Kasane Statement on IWT:

B4. Review and amend national legislation as necessary and appropriate so that offences connected to the illegal wildlife trade are treated as "predicate offence"...

While not an objective within this project, through this project SFG has become intimately aware of both the successes and the loopholes within existing legislation (specifically the WCMA 2013). At a national level, through SFG's Director of Wildlife Justice, we have played an integral role in support of the KWS in redrafting the bill that is to be presented to parliament to ensure it becomes a more robust deterrent.

B5. Ensure that relevant prosecutors, judges, financial intelligence units and authorities engaged in law enforcement have the resources, knowledge and capacity

As elaborated on in article X above, we feel we have achieved in this objective by promoting inter-agency collaboration and providing KWS investigators with the knowledge, skills and contacts to pursue this. Only time will tell how these opportunities for improved investigation are being applied.

6. Impact on species in focus

The north central Kenyan landscape is one of the most wildlife rich areas in the country home to globally important elephant and rhino populations. One of the main indicators to measure our success on reducing the illegal killing of elephants is the PIKE value used by the CITES MIKE programme. At the start of the project the PIKE value for the region stood at 47.8% (2014 value). By the end of 2016 this had dropped to 40% before reducing to 38.8% by the end of 2017 (See evidence 9 in Annex 4). Overall, through collaborative effort (including this project, mobile response teams supported by SFG, training provided to wildlife conservancy rangers etc.) we have achieved a reduction from 2014 levels. As mentioned above, the PIKE in 2017 could have decreased further were it not for the political violence that stemmed from the a closely contested election year compounded by severe drought (<https://www.theguardian.com/environment/2017/feb/02/armed-herders-elephant-kenya-wildlife-laikipia>). Since the start of 2018 poaching events have been rare and we expect the PIKE to reduce further.

In addition the KWS released the results of the large mammal survey for northern Kenya in December 2017 in which SFG played a key role. While population numbers were not considered an indicator for the report (given the high costs involved in doing them) the results have come out at a timely moment indicating that elephant populations are increasing at a rate of 2.4% per annum in the region (<http://www.kws.go.ke/content/results-censuses-elephant-buffalo-giraffe-and-greyy%E2%80%99s-zebra-counted-five-key-ecosystems>).

SFG is confident that the training conducted in this project, coupled with training SFG has carried out outside of the scope of this project has helped to provide a robust security framework in place to increase the safety of wildlife. Nevertheless, despite our efforts and that of our partners a total of 4 rhinos were poached during the project period in the landscape. Given the high black market value of rhino horn this is not unexpected. Despite these losses the rhino populations have remained healthy and stable e.g. <https://www.olpejetaconservancy.org/uploads/assets/uploads/2018/06/Annual-Report-2017-FINAL.pdf>.

7. Project support to poverty alleviation

The ecotourism industry in northern Kenya is the backbone of Laikipia County's economy generating over USD 20.5 million annually, employing 14,000 individuals and investing over USD 3.5 million into social projects (See evidence 14 in Annex 4). Key species such as elephants and rhinos are a major draw for this sector and the illegal wildlife trade in these species threatens the local economy by robbing the country of valuable foreign currency.

As per the reviewers comments on AR1 the project delivers indirect benefits to poor communities rather than direct benefits. Some of the indirect benefits from the project include increased awareness of the value of wildlife amongst individuals who rarely come into contact with wildlife (e.g. magistrates and prosecutors) and yet play a critical role in their protection. Furthermore, indirectly, healthy populations of indicator species such as elephants and rhinos help improve the health of rangelands in the landscape. Finally, by ensuring healthy wildlife populations that continue to attract tourists, conservancies are able to continue investing resources into healthcare, education etc. All of which would not be possible without healthy populations of wildlife.

Beyond the scope of the project SFG partners with Loisaba Community Conservancy providing strategic technical advice and funding to a 56,000 acre wilderness that supports healthy wildlife populations, employs over 250 people from the neighbouring communities and invests in projects such as healthcare, education and security (<https://loisaba.com/loisaba/#partners>).

If tourism were to collapse within this region (as a result of there being no wildlife or being considered to dangerous to visit as a result of the activities of organised criminal syndicates), wildlife would cease to yield any value for these communities in question (and rather become a cost e.g. through human-elephant conflict) and the repercussions would be hugely detrimental for conservation on a national scale.

8. Consideration of gender equality issues

SFG is an equal opportunity employer and does not discriminate based on gender or otherwise. This is demonstrated in the employment of a female Wildlife Crime Court Monitoring Officer as well as a female Project leader. SFG has strived to ensure that no discrimination of any sort has taken place and is confident this was achieved.

Within the project itself, based on the attendance sheets SFG can confirm that roughly 43% of individuals trained in the multi-day workshops were female, with the majority of prosecutors in the region in fact being female. For the training of frontline protection rangers in basic scene of crime this percentage was less than 5% but this is not unexpected as rangers across the country are predominantly male. Within the training of KWS investigators 21% of the participants were female. Finally, several of the key facilitators at workshops were female E.g. CEO of Mt. Kenya Trust, Susie Weeks; Lauren Friedman from UNODC, Elizabeth Gitari Legal Affairs Manager from WildlifeDirect, Florence Magoma Head of Prosecution from KWS, and Kui Gichuhi and Eddy Maswa from the ODPP Wildlife Crime Unit Senior Management.

The gender balance within the KWS and ODPP is beyond the control of SFG, nevertheless we made it clear in planning of training exercises etc. that as much as possible their should equal representation based on gender. It is important to note however that some positions are male dominated. Based on this evidence SFG feels we did a satisfactory job in ensuring gender equality.

9. Lessons learnt

A summary of the lessons learnt from the previous report is presented in point 1-3. New points are 4 – 13.

1. Training Workshop Dates – Need to be locked in up to 6 months in advance to ensure that that all trainees are aware and available. Nevertheless, unscheduled changes may still occur due to government directives.
2. Working together with facilitators from partner institutions (E.g. UNODC, ODPP, JTI) worked extremely well during this project. It was hugely encouraging to see that the illegal wildlife trade is being taken seriously at a national level.
3. The court monitoring element of the project was extremely successful in providing us with a baseline of wildlife crime in the region, understanding the ongoing challenges and successes and ensuring the highest levels of accountability. By introducing the court monitor to the respective agencies at a local level we were able to create good relationships.
4. One of the biggest challenges within the project was lack of funds available for KWS Investigators/witnesses to attend court to provide testimony. In hindsight it may have been worthwhile sitting down with the KWS HQ and discussing that this project requires their officers to be facilitated to attend court in order for justice to be delivered. Their appeared to be poor communication between the officers on the ground and their superiors in Nairobi. However, KWS has gone through significant financial challenges within the last three years and it is unlikely that this issue could have been satisfactorily addressed within the project period.
5. Court monitoring is an extremely time-consuming activity and the lack of a digital court registry often makes it impossible to trace particular cases or details resulting in data gaps. Furthermore no direct comparisons can be made with other regions in the country because the ODPP have such a heavy case load that they cannot distinguish between cases relating to separate species and simply lump all cases under a particular piece of legislation. This makes it very difficult to draw meaningful comparisons.
6. This project was only possible as a result of our high level relationships with key government stakeholders who bought into the project. This was the most important lesson. In order for this project to be delivered in a timely fashion we often required the intervention of senior management from KWS and ODPP to assist in cutting through bureaucracy.
7. If we were to repeat the project we would employ a minimum of 1 extra court monitor. Given the large area to cover and the large number of cases often court hearings for cases (that were hundreds of km apart) fell on the same day forcing us to choose which case was more important to attend.
8. The project/system would benefit from a KWS Prosecution Unit. ODPP prosecutors are understaffed and overworked in the region. One prosecutor was observed to handle 24 different matters in a single day. It simply does not allow them the time to prepare appropriately for cases, and wildlife crime cases fall down the pecking order when you are dealing with defilement, aggravated robbery and murder cases as well. A dedicated KWS prosecution team would drastically improve conviction rates. SFG is providing support to

the KWS to make this happen (<https://spaceforgiants.org/2018/06/19/space-for-giants-drives-digitisation-of-specialist-kenyan-wildlife-crime-prosecutors/>)

9. SFG's model of running workshops in a wildlife conservancy has been admired and replicated by other organisations. The difference with our workshops was that they were run in an area without internet or mobile phone reception. This ensured that participants were fully focused on the training being provided, a small but not insignificant element.
10. At the request of the KWS we changed the proposed trainers for the investigation course to someone they have worked with before and trusted. This flexibility on our part (and Defra) was highly appreciated and helped us to deliver a better product.
11. When it comes to providing prosecutorial support for case management we have learned that it is best for the request for assistance to come from the prosecutors themselves. By trying to impose our objectives or interventions you are likely to alienate the individual (despite having buy-in from HQ) so it is best to serve as a sounding board and develop the relationships over time. In this landscape we became the 'go-to' people for assistance.
12. As pointed out by the reviewer of AR1 we could have selected more appropriate indicators in places, though it was very difficult to find accurate baselines for these. In many cases as can be seen from Annex 2 the baselines are more like proxies that are not directly comparable. As such we might have benefitted from conducting a rapid assessment beforehand to generate baselines ourselves.
13. One of the key challenges of this report is the long case duration period, on average about 20 months for ivory cases. As such many cases that were registered during the study period will not be completed till 2018-2020. This makes it difficult to assess impact in such a short time. Furthermore, the majority of the cases were registered before the start of the project and thus by the time we started our interventions many of those cases had already been lost somewhere at the start (i.e. testimony had already been provided, lack of inventories, poor investigations etc.) and thus our impact in these cases was limited. As such we feel a more accurate assessment of project impact should be based on cases registered during the period. Our recommendation to the IWT Challenge Fund would be to consider supporting projects like these over a 5 year period instead of 2, given that we have cases on record that are still ongoing after 38 and 52 months respectively. The criminal trial process is simply too slow for a 2 year project lifespan.

9.1 Monitoring and evaluation

The project was designed in such a way to allow adaptive management to take place. I.e. case summaries conducted for cases highlighting strengths and weaknesses were used as case studies during training of participants at the workshops. The challenges mentioned at these workshops e.g. poor statements writing, poor case file compilation etc. were then focused on as topics in the intensive 10 day investigator training for KWS Officers, the complaints made by KWS investigative officers e.g. (crime scenes are already compromised by the time they arrive) were used to focus training for wildlife rangers who detect the crime scene and so on. In so doing we created a very real and useful feedback chain that helped improve the next element of the project.

SFG worked with the workshop trainers and facilitators to produce a feedback opportunity to understand how we can improve the training product provided. Evidence for a feedback excerpt related to one of the KWS Investigative courses is provided in evidence 15 in Annex 4. This evaluation shows that while all participants enjoyed the course and felt it was useful they would have preferred it to be conducted over a longer duration to allow them to get more comfortable with the topics taught. All this feedback was shared with the KWS senior management to help them make appropriate decisions on future training needs. This was much appreciated.

With regards to training of wildlife rangers on basic scene of crime management, rather than implement a written test (given the high levels of illiteracy) we ran the refresher trainings (the ones conducted in the second year of the project) as assessments, splitting the rangers into pairs or groups of 4 and giving them a verbal assessment on their performance. This was very well received once again and any confusion was clarified.

Furthermore, SFG as one of the key stakeholders in the CITES MIKE Program in north central Kenya, actively collected data on elephant carcasses and participated in the quarterly harmonization activities to monitor the impact on the species in question. Similarly, we requested poaching data for rhinos from the relevant sites within the landscape to report back the statistics in this report.

In conclusion, SFG intends to release a comprehensive report on the status of ivory and rhino horn crime in the landscape (see evidence 16 in annex 4) which systematically reports on all the successes and challenges in the region and makes strategic recommendations for key stakeholders to address. This report will be delivered in person to the DPP himself as well as the Chief Justice and KWS Director General and will help to direct the interventions required.

As such SFG feels we performed adequate monitoring and evaluation work to monitor our impact of the project. There have been no changes to the overall M&E plan over this reporting period nor are there any future plans for future evaluation. Having said that SFG intends to continue running this project and in time we will be able to discern more accurately our impact (i.e. when the case registered during the project period that we have been intimately involved in come to conclusion).

9.2 Actions taken in response to annual report reviews

SFG received feedback on the initial Annual Report submitted in April 2017. Based on the feedback provided the following actions were taken:

1. SFG accepts the suggested rephrasing of the outputs as 'results' and not 'activities'. Given this will not materially impact any of the project activities on the ground we have not gone through efforts to change them but rather to focus on improved project delivery.
2. All numbers have been checked for accuracy and to the best of our knowledge we have done so in this report.
3. The necessary baseline for Output 1 is the number of cases coming through each court and how this has changed over time. Prior to the project commencing this baseline was simply not available as nobody was collecting this data. In SFG's comprehensive report to be published after the end of this project we calculated a baseline. A table is shown in Evidence 12 in Annex 4.
4. A failure to review output assumptions in the previous AR1 was an oversight. These have been reviewed in Section 4.
5. A request for Proportion of Illegally Killed Elephants (PIKE) has been attached (See evidence 9.0 in Annex 4).
6. Some examples of training materials are the Rapid Reference Guide (RRG) on Wildlife Crime. Available at <https://wildlifedirect.org/wp-content/uploads/2017/03/Rapid-Reference-Guide-2016.pdf> See Evidence 10 in Annex 4 and the Wildlife Crime Digest available at <https://wildlifedirect.org/wp-content/uploads/2017/05/WL-Digest-2016.pdf> see evidence 11 in Annex 4. All of these documents have been created with our legal expertise.
7. The project contributed to the objectives of the Kasane Statement. This is elaborated on in Section 5.
8. SFG acknowledges that the impact from this project has indirect benefits rather than direct benefits. For the purposes of this project it has not partnered with a poverty alleviation organisation. We have elaborated more in Section 7.
9. SFG has listed DEFRA as one of its funders in the previous and the latest Annual Report (2017). Unfortunately SFG does not have a list of funders and their logos on our website

as they are too numerous to show and we do not wish to upset any donors by omitting them.

10. Other comments on achievements not covered elsewhere

N/A – we feel we have adequately addressed everything in other sections.

11. Sustainability and legacy

SFG is committed to ongoing delivery of certain elements of the project. For example, SFG will meet the ongoing costs of court monitoring activities (salaries, travel, accommodations) for the entire region given the value provided by this element of the project. Our work in the last 2 years has given us the most accurate of base lines for the region in this field and SFG is committed to continue investing in it in order to measure our progress over time.

In addition, SFG is collaborating closely with the KWS at both a national and local level. SFG is providing prosecutorial support and mentorship for the newly established in house Prosecution Unit within the KWS and this will extend to the region of this project. SFG has been requested by the KWS to assist with further training (based on the success of previous trainings) to assist with training of rangers in scene of crime etc. in areas that were not covered in this projects area (See evidence 8.0 in Annex 4). SFG intends to honour these requests and continue working with key stakeholders like the KWS.

SFG has engaged in discussions with UNODC to conduct more Investigative training for new recruits and refresher training for already trained individuals. SFG and UNODC will work on a joint funding proposal to make this happen. Thus overall, SFG is committed to continuing the advances made in this field, a lot of it, as a result of this project.

In terms of Policy changes within the region, SFG has strongly advocated for the KWS to perform their full mandate (as specified under the WCMA 2013) to investigate crimes rather than handing over cases to the National Police Service. This led to a Circular being sent from KWS HQ to all KWS Investigative officers in the region to conduct their own investigations. Similarly, SFG has advocated strongly for the KWS to make duplicates of the case files. In Cr. 302/16 the exhibit memo was misplaced, KWS was allowed to produce a copy they had made beforehand. This is good practice and should be introduced as a formal directive to prevent cases being lost due to corruption. Finally, SFG is working hard to ensure that the KWS adopt the ODPP Code for Charging and practice of written reviews to ensure clear accountability in the decision to charge. All of these are examples whereby SFG is working to implement and support mechanisms and habits that will lead to improvement prosecution of wildlife crimes.

There have been no changes to the exit strategy and SFG is confident that we will be able to secure institutional funding or restricted donor funding to continue elements of this project into the future. All staff permanently employed by the project will stay on in their current role and scope.

With regards to the projects Open Access plan SFG has been working on producing a comprehensive report to be titled, "*An Analysis of Ivory, Rhino Horn and Sandalwood Crime in North Central Kenya – A Case Study*" which documents the progress and ongoing challenges in this landscape related to wildlife crimes. This document, whereby co-funding is credited to DEFRA-IWT, will be available on the SFG website and we will put it onto the R4D DfID repository once completed. The SFG database on ongoing cases is freely available to our partner institutions in Government working in this field but not open to the public given sensitive information.

12. IWT Challenge Fund Identity

Space for Giants is extremely grateful for the funding provided by DEFRA under its IWT Challenge Fund and has made every effort to publicise the UK government as the main funder. We are able to provide a couple of examples of how SFG has publicised this:

1. The IWT Challenge Fund has received several mentions in articles published on the independent highlighting the work being done by SFG:

<http://www.independent.co.uk/voices/campaigns/GiantsClub/kenya-leads-the-way-in-bringing-poachers-to-justice-a7385856.html>

<https://www.independent.co.uk/voices/campaigns/elephant-campaign/kenya-to-increase-the-number-of-wildlife-crime-prosecutors-to-win-the-battle-against-poaching-a7917636.html>

2. DEFRA has been appropriately credited and listed in SFG's Annual Report on the 'Partners' page and within the 'Donor' list:

<https://spaceforgiants.org/wp-content/uploads/2018/06/Space-for-Giants-2017-Annual-Report.pdf>

3. The IWT Challenge Fund was credited on a blog post on the SFG website <https://spaceforgiants.org/2017/03/11/space-for-giants-eyes-on-the-court-wins-quick-conviction/>

4. Upon completion of the project SFG embarked on producing a comprehensive analysis of wildlife crime in the region, possible only through the grant provided by DEFRA. This report to be published in the first week of July 2018 has appropriately credited DEFRA with the following text:

"FUNDER

This work was co-funded by the UK Department for Environment, Food and Rural Affairs (DEFRA) under their Illegal Wildlife Trade (IWT) Challenge Fund. The fund supports projects that promote sustainable livelihoods, strengthen law enforcement, reduce demand for IWT products, and create effective legal frameworks. Space for Giants was awarded a grant by DEFRA for the period 2016-2018."

Gauging how well the IWT Challenge Fund is known in Kenya, and especially the North Kenya region, is difficult but SFG took every effort at each training workshop and meeting to publicize that the work & training was funded by the UK Government - thus we are confident that in this region there is understanding and acknowledgement of the role the UK Government plays in tackling the illegal wildlife trade. Having funded other projects in Kenya before has also helped the IWT challenge gain more widespread coverage, especially in NGO circles in Nairobi as well as government institutions such as the KWS, ODPP, Judiciary and several others.

While SFG has a wider judicial reform programme (at a national level providing high level support for redrafting faulty legislation, developing a KWS prosecution unit etc.) the work conducted in this region was stand-alone and only made possible through the DEFRA-IWT Funding. As such SFG made every effort to ensure that this was appropriately made known.

13. OPTIONAL: Outstanding achievements of your project during the (300-400 words maximum). This section may be used for publicity purposes

I agree for the IWT Secretariat to publish the content of this section (please leave this line in to indicate your agreement to use any material you provide here)

Space for Giants is one of the leading organisations in Africa working to transform the Criminal Justice Pathway into a suitable deterrent to combat poaching and the illegal wildlife trade. We have used our expertise to develop best practice guidelines for topics related to court monitoring, production of prosecution toolkits and developed guidance documents on sentencing of wildlife crime. At the heart of our strategy are three pillars: 1) strong prosecutions, 2) trial without delay and 3) proportionate and consistent sentencing. By focusing upon these three areas and implementing the sort of surgical interventions that can address underlying frameworks and practices within the system, the deterrent effect of the criminal justice system can be enhanced.

These efforts ultimately require careful monitoring and evaluation and this is why this project focusing on north central Kenya has been so important. This project has created the most comprehensive baselines for elephant and rhino horn crime for one of Kenya's most important conservation areas and will help us monitor progress over time. The holistic nature of our approach by tackling all areas of the criminal justice pathway from the scene of arrest, through to the investigation stage and ultimately to court is more likely to succeed than interventions that target any one of these elements in isolation. We thank the IWT Challenge Fund for their support and dedication to protecting Africa's natural heritage.

14. Finance and administration

14.1 Project expenditure

Project spend (indicative) since last annual report	2017/18 Grant (£)	2017/18 Total actual IWT Costs (£)	Variance %	Comments (please explain significant variances)
Staff costs (see below)				
Consultancy costs				
Overhead Costs				
Travel and subsistence				
Operating Costs				
Capital items (see below)				
Others (see below)				
TOTAL				

Staff employed (Name and position)	Cost (£)
Shamini Jayanathan	
John Abwour	
Maurice Schutgens	
Faith Maina	
Salome Gakui/Marelin Muthoni	
James Too	
Elizabeth Gitari	
Koi Wangui	
TOTAL	

Capital items – description <i>Please detail what items were purchased with fund money, and where these will remain once the project finishes</i>	Capital items – cost (£)
Project Vehicle	
TOTAL	

The project vehicle will continue to be used for the purposes of this project and other elements related to tackling the illegal wildlife trade in north central Kenya. SFG is committed to continue the court monitoring project, monitor the illegal killing of elephants and provide support to prosecutors and KWS investigators alike after the end of this project to ensure we continue to monitor our impact in the landscape.

Other items – description <i>Please provide a detailed breakdown for any single item over £1000</i>	Other items – cost (£)
-	-
TOTAL	

14.2 Additional funds or in-kind contributions secured

Source of funding for project lifetime	Total (£)
United Nations Office on Drugs and Crime	
Unrestricted Funding	
TOTAL	

SFG was able to leverage its relationship and record of previous collaborations in the field of IWT with UNODC to secure support funding for the delivery of this project. The funds above were expensed directly by UNODC on behalf of SFG to help deliver an even higher quality training product than initially anticipated (with specific regards to accommodation and training facilities). In addition, through our engagement with UNODC we were able to secure additional trainers of value to the participants during the project. In addition, SFG was able to divert significant unrestricted funding towards this project as initially anticipated during the conceptualisation stage of the project. The project was not impeded in any way due to lack of funding.

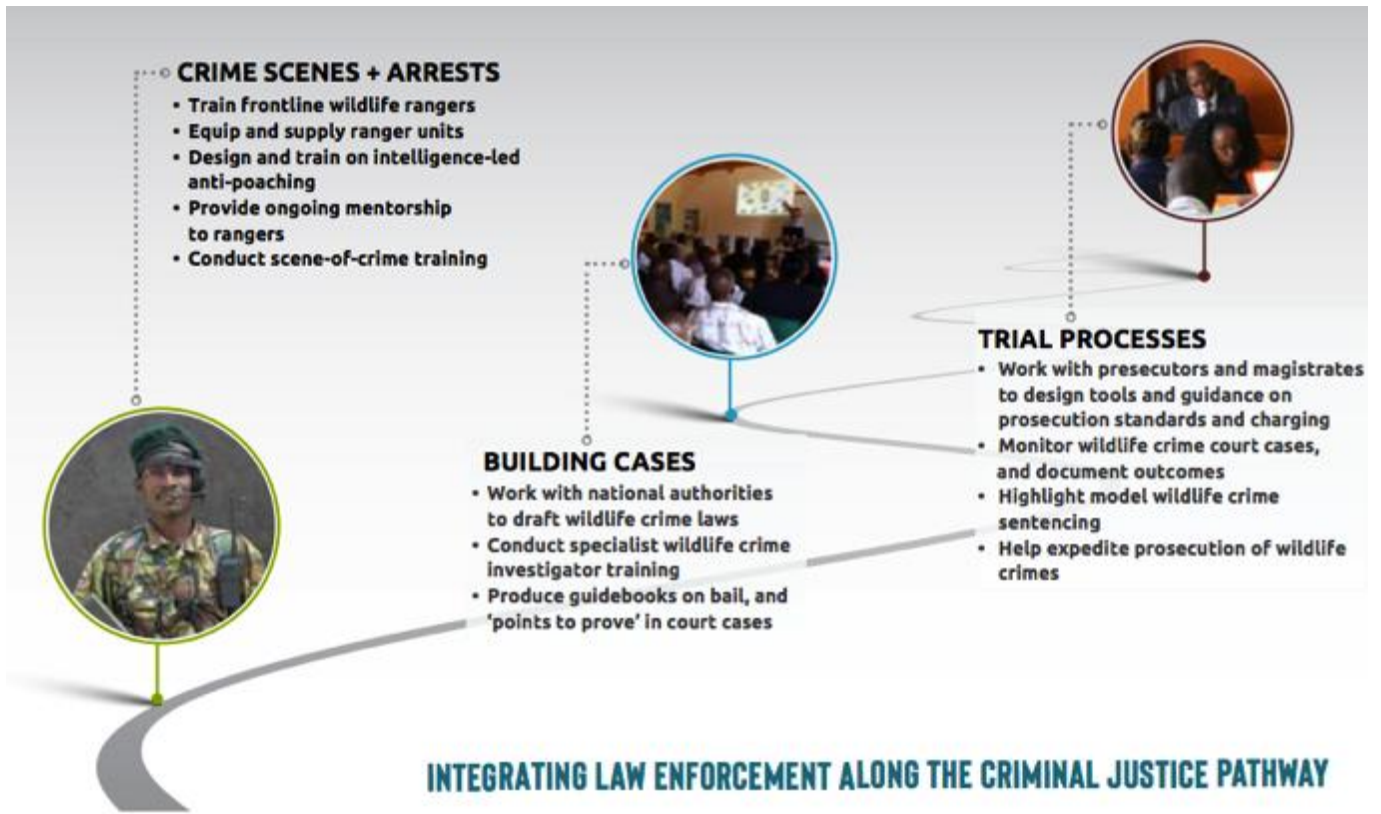
Source of funding for additional work after project lifetime	Total (£)
Unrestricted Funding	
TOTAL	

While SFG has not yet secured any confirmed institutional grants nor restricted donor funding to continue the life of this project SFG is in advanced discussions with the ESCAPE Foundation and several others to support the ongoing delivery of this project. Regardless of whether these discussions yield any fruit SFG has already budgeted a total of approximately £ in the 2018 financial year (from unrestricted sources) to continue the delivery of this project with specific reference to ongoing court monitoring as well as prosecutorial support and high level mentorship to the actors within the criminal trial process in this region and beyond.

14.3 Value for Money

Overall, SFG believes this project was excellent value for money given the integrated nature of the project. While many projects tackle a single aspect of the illegal wildlife trade SFG believes in a more holistic approach where key steps through the criminal justice pathway are targeted in unison. In this project we achieved this. This project has sought to tackle the illegal wildlife trade by targeting consecutive elements within the criminal justice pathway (SFGs strategy illustrated below). This project has helped empower the rangers on the ground who find carcasses, trained to an extremely high level the KWS investigators mandated to collect evidence and conduct high level investigations that lead to arrests, trained and provided support/mentorship to the individuals (ODPP, KWS, Judiciary) who collectively handle cases in court to a high level to improve their capacity and finally monitored case outcomes to understand the success and ongoing challenges in a systematic way for one of Kenya's most important conservation areas. As such SFG feels this project provides an effective model that can be replicated in other parts. Through strategic partnerships with the other agencies working in this field (e.g. UNODC) we have been able to amplify both the awareness and the impact.

In terms of finances SFG feels that the DEFRA-IWT £ + SFG funding of approximately £ is a relatively cheap investment to combat the illegal wildlife trade in a systematic manner across such a vast landscape while being able to contract world leading experts such Mr. Rod Potter to train KWS investigators and running multi-day workshops for 25-30 participants. While initially we had planned to contract EcoEnforce to deliver investigator trainings, at the requests of KWS this was changed to Mr. Potter to ensure continuity in training. So while his services were slightly more expensive the benefit of having a trainer trusted and respected by the national wildlife organisation is also of extreme value. On the training workshops, had SFG decided to conduct the training workshops at large corporate hotels in Nairobi for this number of participants the costs would have been hugely inflated, up to 3-4 times more expensive. Through our presence in the landscape and relationships with institutions such as the Mpala Research Centre we were still able to deliver a high product, in a comfortable setting (in a nature reserve which provides added benefit) at a significantly discounted rate. Overall SFG feels we were able to deliver a very cost effective project.



SFG Criminal Justice Pathway (Derived from 2017 Annual Report)

Annex 1 Project's original (or most recently approved) logframe, including indicators, means of verification and assumptions.

Note: Insert your full logframe. If your logframe was changed since your application and was approved by a Change Request the newest approved version should be inserted here, otherwise insert application logframe.

Project summary	Measurable Indicators	Means of verification	Important Assumptions
<p>Impact: A reduction in the illegal trade in ivory and rhino horn products in Northern Kenya through an increase in the number of successful prosecutions.</p>			
<p>Outcome: High-level training provided to law enforcement personnel in Northern Kenya will increase their capacity to investigate and prosecute wildlife crimes and empowerment of CUCs will allow them address problems within the criminal trial process to increase the number of successful prosecutions and reduce the illegal killing of elephants and rhinos.</p>	<ol style="list-style-type: none"> 1. Increase successful convictions for ivory and rhino horn cases from 60% (2013) to 90% by 2018 (this refers to cases that reached a verdict). 2. Increase in custodial and non-custodial sentences for offenders related to ivory and rhino horn cases to >50% respectively by 2018 (2013 – only 7% of convicted individuals received a custodial sentence and only 9% received the maximum fine allowed by the wildlife act). 3. A decrease in case dismissals due to inconclusive investigations, missing police files, missing evidence and failure of prosecution to prove a tangible case from 10.8% (2013) to 0% by 2018. (64% of all court cases [not limited to wildlife crime] do not meet the minimum evidentiary threshold to sustain convictions). 4. Increase bail amount to over the estimated street value of the ivory and rhino horn confiscated 	<ol style="list-style-type: none"> 1. NGO annual report on prosecution of ivory & rhino horn cases; Quarterly reports; CUC meeting minutes 2. NGO annual report on prosecution of ivory & rhino horn cases; Quarterly reports; CUC meeting minutes 3. NGO annual report on prosecution of ivory & rhino horn cases; Quarterly reports; CUC meeting minutes 4. NGO annual report on prosecution of ivory & rhino horn cases; Quarterly reports; CUC meeting minutes, Newspaper articles, Media reports 5. NGO annual report on prosecution of ivory & rhino horn cases; Quarterly reports; CUC meeting 	<ol style="list-style-type: none"> 1. Political 'Will' remains to protect elephants and rhinos from regional extinction. 2. Funding remains available to adequately manage & patrol elephant and rhino habitat. 3. Increased number of successful prosecutions and harsh sentences act as a deterrent to prevent poaching. 4. Trained individuals are not transferred beyond our project area and replaced by untrained individuals on a regular basis. 5. Corruption levels within the judicial system remain low/manageable. 6. The current Wildlife Conservation and Management Act with associated penalties is not amended before 2018.

	<p>from offenders from 20% (2013) to 100% (2018).</p> <ol style="list-style-type: none"> 5. 100% of ivory & rhino horn cases added to the regional database (from a baseline of 0%) in 2017. 6. Sensitize and train police, KWS investigators, and prosecutors in dealing with wildlife crime, with emphasis on ivory and rhino horn cases, from 0 (2015) to 150 by 2018. 7. Train wildlife rangers in dealing with basic scene of crime management from 0 (2015) to 250 by 2018. 8. A decrease in the Proportion of Illegally Killed Elephants (PIKE - derived from Monitoring of Illegally Killed Elephants [MIKE]) data. PIKE to reduce from 47.8% (2014) to 40% by 2018. 	<p>minutes</p> <ol style="list-style-type: none"> 6. Minutes & attendance lists from training workshops; Trainer Report on workshop & images; newspaper articles. 7. Minutes & attendance lists from training workshops; Trainer Report on workshop & images; newspaper articles; media reports. 8. MIKE data reports; meeting minutes; NGO annual reports 	
<p>Output 1</p> <p>A regional database of all ivory and rhino horn court cases compatible with a national database managed by WD.</p>	<p>1.1 Number court cases coming through each of our target law courts (Laikipia, Meru, Nyeri, Nyahururu & Isiolo counties).</p>	<p>1.1 NGO Quarterly report</p> <p>1.2 NGO Quarterly report, Case Management Report</p> <p>1.3. NGO Quarterly report, Meeting Minutes, Attendance Lists</p>	<p>1.1 Staff turnover remains manageable.</p> <p>1.2 Corruption levels remain manageable.</p> <p>1.3 Better trained individuals results in a greater number of successful prosecutions.</p>
<p>Output 2</p> <p>Case Management for all ivory and rhino horn cases in Northern Kenya.</p>	<p>2.1 90% of cases end in sentencing by 2018 (baseline = 60%)</p> <p>2.2 75% of cases end in custodial sentences by 2018 (baseline = 7%)</p> <p>2.3 0% of cases a dismissed due</p>	<p>1.1 NGO Quarterly report</p> <p>1.2 NGO Quarterly report, Case Management Report</p> <p>1.3. NGO Quarterly report, Meeting Minutes, Attendance Lists</p>	<p>1.1 Staff turnover remains manageable.</p> <p>1.2 Corruption levels remain manageable.</p> <p>1.3 Better trained individuals results in a greater number of successful prosecutions.</p>

	to missing case files by 2018 (baseline = 10.8%)		
Output 3 Training provided to investigators, members of the judiciary and wildlife rangers on investigative techniques, effective prosecution and scene of crime management.	1.1 6 training courses (12 days) provided to members of the judiciary by 2018 (baseline = zero. NB. SFG has conducted 3 pilot courses in 2014/2015) 1.2 4 training courses (40 days) provided to investigating officers by 2018 (baseline = zero) 1.3 10 training courses (10 days) provided to wildlife rangers by 2018 (baseline = zero)	1.1 NGO Quarterly report 1.2 NGO Quarterly report, Case Management Report 1.3. NGO Quarterly report, Meeting Minutes, Attendance Lists	1.1 Staff turnover remains manageable. 1.2 Corruption levels remain manageable. 1.3 Better trained individuals results in a greater number of successful prosecutions.
Activities (each activity is numbered according to the output that it will contribute towards, for example 1.1, 1.2 and 1.3 are contributing to Output 1)			
1.1 A court officer will conduct a Watching Brief to monitor all ivory and rhino horn cases in the landscape. 1.2 This data will be entered into a regional database. 1.3 Quarterly reports will be produced on all cases documenting the strengths and weaknesses of the cases. 2.1 Case management on all ivory and rhino horn cases (this will include meeting with Police/KWS investigators and prosecutors to provide legal advise). 2.2 Produce per case reports on the strengths and weaknesses to be discussed at training courses and during CUC meetings. 3.1 6 training courses on effective criminal trial procedure for members of the judiciary. 3.2 4 training courses provided to investigating officers on effective investigate procedure. 3.3 10 training courses provided to wildlife rangers on basic scene of crime management.			

Annex 2 Report of progress and achievements against final project logframe for the life of the project

Project summary	Measurable Indicators	Progress and Achievements
<p>Impact</p> <p>A reduction in the illegal trade in ivory and rhino horn products in Northern Kenya through an increase in the number of successful prosecutions.</p>		<p>Overall the project was very successful in delivering the activities as stipulated in the logframe. Notable achievements below:</p> <ol style="list-style-type: none"> 1. Reduction of PIKE from 47.8% (2014) to 38.8% (2017) 2. Training of 145 actors in criminal trial process (6 x 2 day trainings) 3. 58 KWS investigators trained (4 x 10 day training) 4. 255 wildlife rangers trained (8 x 1 day training) 5. Comprehensive regional database of all wildlife crime cases created 6. 13 ivory case convictions & 1 rhino case conviction
<p>Outcome</p> <p>High-level training provided to law enforcement personnel in Northern Kenya will increase their capacity to investigate and prosecute wildlife crimes and empowerment of CUCs will allow them address problems within the criminal trial process to increase the number of successful prosecutions and reduce the illegal killing of elephants and rhinos.</p>	<ol style="list-style-type: none"> 1. Increase successful convictions for ivory and rhino horn cases from 60% (2013) to 90% by 2018 (this refers to cases that reached a verdict). 2. Increase in custodial and non-custodial sentences for offenders related to ivory and rhino horn cases to >50% respectively by 2018 (2013 – only 7% of convicted individuals received a custodial sentence and only 9% received the maximum fine allowed by the wildlife act). 3. A decrease in case dismissals due to inconclusive investigations, missing police files, missing evidence and failure of prosecution to prove a tangible case from 10.8% (2013) to 0% by 2018. (64% of all court cases [not limited to wildlife crime] do not meet the minimum evidentiary threshold to sustain convictions). 4. Increase bail amount to over the estimated street value of the ivory 	<p>A summary is provided of the progress in</p> <ol style="list-style-type: none"> 1. 13 ivory cases resulted in convictions out of 22 cases = 62%. (If we discount cases registered outside of the project period this is 93%). 2. 3 case out 13 cases resulted in a strictly custodial sentence = 23%. 3. 8 cases resulted in acquittals under section 215 of the Criminal Procedures Code due to poor investigation work, conflicting statements and poorly marked exhibits = 38% (of these 7 were registered before the start of the project). If we only count cases registered within the project period this is 7%. 4. Of 15 cases with data available since start of the project the percentage is 47%. While this falls short of the 100% target this is positive progress with room for improvement. 5. 100% of active cases documented in a regional database which currently stands at 40 cases (3 rhino, 37 ivory). (With the

	<p>and rhino horn confiscated from offenders from 20% (2013) to 100% (2018).</p> <ol style="list-style-type: none"> 5. 100% of ivory & rhino horn cases added to the regional database (from a baseline of 0%) in 2017. 6. Sensitize and train police, KWS investigators, and prosecutors in dealing with wildlife crime, with emphasis on ivory and rhino horn cases, from 0 (2015) to 100 by 2018. 7. Train wildlife rangers in dealing with basic scene of crime management from 0 (2015) to 250 by 2018. 8. A decrease in the Proportion of Illegally Killed Elephants (PIKE - derived from Monitoring of Illegally Killed Elephants [MIKE]) data. PIKE to reduce from 47.8% (2014) to 40% by 2018. 	<p>addition of 6 sandalwood cases this comes to 46). Including inactive cases dating back to 2014 it stands at 75.</p> <ol style="list-style-type: none"> 6. A total of 145 investigators, police, prosecutors and judicial members were trained out of a target of 150. 7. A total of 255 wildlife rangers trained out of a target of 250. 8. PIKE reduced to 38.8% by end of December 2017.
<p>Output 1</p> <p>A regional database of all ivory and rhino horn court cases compatible with a national database managed by WildlifeDirect.</p>	<ol style="list-style-type: none"> 1. Number court cases coming through each of our target law courts (Laikipia, Meru, Nyeri, Nyahururu & Isiolo counties). 	<p>The regional database that SFG has put together is the only comprehensive database for details relating to wildlife crime and has made SFG the contact point for stakeholders in the landscape, even for KWS officers, to get data pertaining to specific cases (e.g. next court dates). This database has also allowed SFG to conduct a thorough analysis of adjournments, bail & bond patterns etc. Without this database there would no clear image of patterns in ivory & rhino horn crimes in the region. At ODPP HQ, all cases charged under the Wildlife Conservation Management Act 2013 are lumped together (e.g. trespass in national parks, bushmeat crimes etc.) and thus our database is critical to monitor trends and sentencing patterns of ivory & rhino horn. We feel the stipulated indicator is appropriate for this output. While no baseline was available at the start of the project this is now available upon completion in evidence 12 in Annex 4.</p>
<p>Activity 1.1</p> <p>A court officer will conduct a Watching Brief to monitor all ivory and rhino horn</p>		<p>Court monitoring has been conducted on a continual basis since the start of the project. Often the Court monitoring officer spent 3-4 days per week attending court hearings. Having a presence in the court</p>

cases in the landscape.		was a huge benefit in ensuring accountability. Details of court monitoring activities are documented in evidence 2.0 in Annex 4.
Activity 1.2. This data will be entered into a regional database.		A comprehensive database (maintained in Excel and the only one for the region) was created and periodically updated (after court hearings and when new cases arose). See evidence 1.0 in Annex 4.
Activity 1.3. Quarterly reports will be produced on all cases documenting the strengths and weaknesses of the cases.		As mentioned in the previous AR1 monthly reports on case progression as well as the challenges arising were produced by the court monitoring officer. This activity overlapped with Activity 2.2 and were combined. See evidence 2.0 and 4.0 in Annex 4.
Output 2. Case Management for all ivory and rhino horn cases in Northern Kenya.	<ol style="list-style-type: none"> 1. 90% of cases end in sentencing by 2018 (baseline = 60%) 2. 75% of cases end in custodial sentences by 2018 (baseline = 7%) 3. 0% of cases a dismissed due to missing case files by 2018 (baseline = 10.8%) 	<p>Through this element of the project SFG was able to develop a very close working relationship with local representatives of the key stakeholders in the landscape (KWS & ODPP). Conducting thorough reviews of each case was a very important activity and helped determine the necessary interventions (where possible) and it provided useful case studies for training workshops. It is important to note that involvement in each case differed, due to the nature of the case as well as the relationship with the relevant prosecutor. The indicators for this output may not have been the most appropriate given the slow rate of case conclusion (on average each case may take 20 month) nor were the targets set realistic given that cases were not all picked up at the beginning and thus may already have had fatal flaws that would result in acquittal or withdrawal, despite our best efforts. A better indicator for this output may have been case duration (i.e. a reduction in unnecessary adjournments due to our interventions to ensure witnesses come to court, exhibits are availed, pre-trial conferences occur etc). Nevertheless, as per the indicators:</p> <ol style="list-style-type: none"> 1. This target & indicator was unrealistic given the slow case conclusion rates. Our data suggest that 37% of cases ended in sentencing by the end of the project. 2. Custodial sentences for cases resulting in conviction increased from 7% to 23% but fell short of the 75% target due to a number of reasons including slow case completion rates and judicial discretion. 3. No cases were dismissed due to missing case files.
Activity 2.1. Case management on all ivory and rhino horn cases (this will include meeting with Police/KWS investigators and prosecutors to provide legal advise).		SFG provided support to ivory and rhino horn cases on a case per case basis in discussion with the relevant prosecution counsels and KWS. Some cases that had progressed too far to be rectified were not

		invested in while in others SFG played a central role, assisting prosecutors to ensure witnesses attended court etc. See evidence 3.0 in Annex 4.
Activity 2.2. Produce per case reports on the strengths and weaknesses to be discussed at training courses and during CUC meetings.		Each individual case was carefully analysed and a case summary report produced detailing the advantages and disadvantages. The thematic weaknesses were discussed at CUC meetings, as well as with the KWS HQ and ODPP Wildlife Crime Unit. See evidence 4.0 in Annex 4.
Output 3. Training provided to investigators, members of the judiciary and wildlife rangers on investigativetechniques, effective prosecution and scene of crime management.	<ol style="list-style-type: none"> 1. 6 training courses (12 days) provided to members of the judiciary by 2018 (baseline = zero. NB. SFG has conducted 3 pilot courses in 2014/2015) 2. 4 training courses (40 days) provided to investigating officers by 2018 (baseline = zero) 3. 10 training courses (10 days) provided to wildlife rangers by 2018 (baseline = zero) 	<p>Capacity building of actors involved in the criminal trial process in North Central Kenya was one of the main pillars of the project. Overall, we feel that we were able to deliver very a high quality training product, pulling in support from a range of stakeholders to widen the scope for the benefit of partiicpants. The trainings delivered to the KWS Investigators is a case in point where we were able to receive excellent support from UNODC, the Police at HQ level as well as other stakeholders not originally envisioned e.g. ARIN-EA, KWS Dog Unit and the DCI. We are confident that the training delivered will have a positive impact on tackling wildlife crime in future.</p> <p>We were able to deliver 8 x 1 day basic scene of crime training days to key rhino reserves (despite having planned to do 10). Challenges associated with security tensions in the landscape in 2017, KWS staff recruitment procedures and lack of availability of the trainers were responsible for this. Nevertheless, we were still able to train 255 persons and the courses were well received by management and rangers alike.</p> <p>We are very positive about the impact of this element of the project, especially beyond the life of the project and feel this was an appropriate indicator to measure progress in the short term.</p>
Activity 3.1. 6 training courses on effective criminal trial procedure for members of the judiciary.		A total of 6 training courses were held in the project period 2016-2018 training a total of 145 participants from a target of 150 actors involved in the criminal trial process. See evidence 5.0 in Annex 4.
Activity 3.2. 4 training courses provided to investigating officers on effective investigate procedure.		A total of 4 training courses stipulated were delivered in the project period 2016-2018 training a total of 58 KWS Investigators (Initially 59 but 1 participant had to drop out for personal reasons and could not be replaced). See evidence 7.0 in Annex 4.

Activity 3.3. 10 training courses provided to wildlife rangers on basic scene of crime management.

A total of 8 training courses were delivered to wildlife rangers on basic scene of crime management on key rhino reserves in the region training a total of 255 participants out of an initial target of 250. See evidence 6.0 in Annex 4.

Annex 3 IWT Contacts

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Annex 4 Onwards – supplementary material (optional but encouraged as evidence of project achievements)

Checklist for submission

	Check
Is the report less than 10MB? If so, please email to IWT-Fund@ltsi.co.uk putting the project number in the subject line.	Yes
Is your report more than 10MB? If so, please discuss with IWT-Fund@ltsi.co.uk about the best way to deliver the report, putting the project number in the subject line.	No
Have you included means of verification? You need not submit every project document, but the main outputs and a selection of the others would strengthen the report.	Yes
Do you have hard copies of material you want to submit with the report? If so, please make this clear in the covering email and ensure all material is marked with the project number.	No
Have you involved your partners in preparation of the report and named the main contributors	Yes
Have you completed the Project Expenditure table fully?	Yes
Do not include claim forms or other communications with this report.	