

Biodiversity Challenge Funds Projects Darwin Initiative, Illegal Wildlife Trade Challenge Fund, and Darwin Plus Half Year Report

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

Submission Deadline: 31st October 2023

Project reference	IWT094
Project title	Ensuring the deterrent enforcement of counter IWT legislation in Malawi
Country(ies)/territory(ies)	Malawi and Zimbabwe
Lead partner	Lilongwe Wildlife Trust
Partner(s)	Multiple Malawi law enforcement agencies and judiciary, Tikki Hywood Foundation, C4ADS
Project leader	Jonathan Vaughan
Report date and number (e.g. HYR1)	HYR3
Project website/blog/social media	https://www.lilongwewildlife.org/programmes/wildlife-law-enforcement/ (not specific to IWT094 project but this project is part of our Conservation Justice programme).

Activities under the following objectives were completed in this period (IWT094 and cost-share):

2.1 Wildlife crimes - on endangered/listed species – and forestry crimes – on Mukula trees and rosewood - court cases are monitored. Qualitative legal expertise is provided.

2.2 High profile wildlife crimes - on endangered/listed species – and forestry crimes – on Mukula trees and rosewood - cases are prosecuted in collaboration with public prosecution

LWT continued to support investigators, prosecutors and magistrates through training or mentoring on legal tools and on-going operations. We continued to monitor wildlife and forestry cases at a national level including pre-trial meetings, follow-ups on the prosecution strategy (through court monitors' reporting) and continuous remote guidance on trial status.

Pre-trial meetings held: 17

Judgments delivered: 38

Convictions for listed species offences: 35

Conviction rate for listed species offences: 91%

2.3 Outstanding case review meetings are organized quarterly and regionally with prosecution to review progress of ongoing cases and ensure effective development of the proceedings

A national judiciary case review workshop to discuss wildlife and forestry crime was held 17-18 July 2023 and was attended by forty-one magistrates from across the country. The keynote speaker was Justice Annabelle Mtalimanja, High Court Judge, and Chairperson of the Judiciary

Training Committee. The workshop addressed challenges related to the jurisdiction of certain courts in hearing wildlife crime cases, particularly those involving listed species, which had caused delays in trials due to transfers between courts. The discussions highlighted the need for feedback from the High Court to guide magistrates and proposed engaging High Court judges for capacity building, especially for non-career judicial officers. LWT's Head of Law and Policy presented a sentencing trends analysis, emphasizing the importance of consistency among magistrates. The workshop also addressed the lack of adherence to Sentencing Guidelines in Wildlife Crimes and emphasized the importance of timely trials to prevent accused persons from jumping bail. Participants acknowledged these challenges and pledged to improve within their constraints.

Two regional prosecutor case review meetings were also delivered, attended by close to 100% of prosecutors taking wildlife crime cases. The first sessions took place on August 24th-25th in the Central and Northern Region, followed by sessions on August 28th-29th in the Southern and Eastern Region. These workshops brought together 18 investigators and 67 prosecutors. The goal was to enhance collaboration between investigation and prosecution teams, strengthening their synergy. The meetings included training to improve excellence in prosecuting wildlife cases. Prosecutors shared case progress and challenges, addressing issues like entrapment defense, re-arresting accused persons after bail, and the quality of investigations by new investigators. Participants discussed these issues thoroughly and identified action points for improvement. Additionally, the workshops provided a capacity building opportunity, focusing on trial advocacy and encouraging deeper investigations into the financial aspects of wildlife crimes to disrupt criminal operations.

2.4 High Profile Wildlife and Forestry court cases outcome are published into the media (Newspaper, Radio, TV) to increase deterrence of the sentencing

We continued to support the media in attendance of high-level IWT cases by providing information and logistics for the journalists to attend the court case proceedings. 35 journalists were supported to cover IWT cases and received training in law enforcement and development of IWT articles. Media coverage included Kerby Malambo's appeal against his 15 year sentence. This coverage generated newspaper, radio, TV and online features; 25 journalists from 18 media houses attended the court hearing and at least 16 media articles/broadcasts we published.

3.2 Court case data, regional and domestic Case Law, international and domestic legislation are regularly uploaded and updated into WiCIS and accessible to relevant government partners

All court case data and associated documents for the period have been uploaded into a new cloud-based form of WiCIS, called the Wildlife Defense Platform (developed through cost-share) which provides significantly improved functionality and analysis.

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

N/A

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

Discussed with NIRAS: No

Formal Change Request submitted: No

Received confirmation of change acceptance Yes/No N/A

Change request reference if known: N/A

4a. Please confirm your actual spend in this financial year to date (i.e. from 1 April 2023 – 30 September 2023)

Actual spend: £ [REDACTED]

4b. Do you currently expect to have any significant (e.g. more than £5,000) underspend in your budget for this financial year (ending 31 March 2024)?

Yes No Estimated underspend: £

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

If you anticipate a significant underspend because of justifiable changes within the project, please submit a re-budget Change Request as soon as possible. There is no guarantee that Defra will agree a re-budget so please ensure you have enough time to make appropriate changes if necessary. Please DO NOT send these in the same email as your report.

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

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

N/A

If you are a new project and you received feedback comments that requested a response, or if your Annual Report Review asked you to provide a response with your next half year report, please attach your response to this document.

All new projects (excluding Darwin Plus Fellowships and IWT Challenge Fund Evidence projects) should submit their Risk Register with this report if they have not already done so.

Please note: Any planned modifications to your project schedule/workplan can be discussed in this report but **should also be raised with NIRAS through a Change Request. **Please DO NOT send these in the same email.****

Please send your **completed report by email** to BCF-Reports@niras.com. The report should be between 2-3 pages maximum. **Please state your project reference number, followed by the specific fund in the header of your email message e.g. Subject: 29-001 Darwin Initiative Half Year Report**