

# CONSERVATION JUSTICE IN MALAWI



Illegal wildlife trade (IWT) has driven **devastating declines** for Malawi’s wildlife over many years. Given its strategic location between neighbouring countries with large wildlife populations (i.e. Tanzania, Zambia and Mozambique), Malawi is a focal point for international trafficking syndicates and has been implicated in some of the world’s largest IWT seizures in the past decade.<sup>1</sup> In 2016, it was identified as Southern Africa’s “principal transit hub” for illegal wildlife products and a country of “primary concern” in the global ivory trade due to its porous borders, weak legislation and poor law enforcement.<sup>2</sup>

In addition to the trade in endangered species such as elephants, rhinos and pangolins, evidence shows that **organised trafficking syndicates** are increasingly controlling illegal logging and charcoal production, and, in doing so, are further accelerating the loss of Malawi’s already depleted forests. This continued cycle of **environmental degradation** is stripping the nation of its economic, social and ecological potential and putting sustainable development at risk.<sup>3</sup>

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<sup>1</sup> For example: Singapore, 2001 – 6,500 kg of elephant ivory; Tianjin, 2012 – 932 kg elephant ivory; Malawi, 2013 – 2,600 kg elephant ivory; Mbeya, 2015 – 11 rhino horns.

<sup>2</sup> The Elephant Trade Information System and the Illicit Trade in Ivory: A report to the 17th meeting of the Conference of the Parties to CITES, 2016.

<sup>3</sup> Malawi: Country Environmental Analysis. World Bank. 2019.





## Lilongwe Wildlife Trust

### A force for nature ▶

Since 2016, Lilongwe Wildlife Trust (LWT) has worked closely with government agencies on a range of pioneering initiatives that have made it tougher for wildlife criminals to operate within and beyond Malawi's borders. Operating at a discreet, 'behind-the-scenes' level, our Conservation Justice Programme has played an **instrumental role** in driving forward Malawi's improved efforts to tackle wildlife crime and, more recently, forestry offences.

Our Conservation Justice Programme grew out of our wildlife rescue and welfare work, which was established in 2009 when we opened the doors to what is still Malawi's only wildlife rescue and welfare facility, the Lilongwe Wildlife Centre. The Centre offers a place of **sanctuary and support** for victims of IWT and seeks to release as many animals as possible back into the wild. To this day the majority of our intakes are rescued from poaching, the illicit pet trade and other forms of wildlife crime and abuse.

Over time, as we developed a deeper understanding of the complex factors surrounding the global trade in wildlife products, we realised that, in addition to rehabilitating rescued animals we could also leverage **our networks and expertise** to tackle the underlying drivers of IWT. Today, fighting for conservation justice is one of our core priorities, alongside wildlife rescue, rehabilitation and research, environmental education and civic engagement.



An important tool in our fight against wildlife crime is the Conservation Justice Programme, on which we collaborate with LWT to deliver deterrent court outcomes for wildlife crime. This programme has helped deliver hundreds of custodial sentences for wildlife traffickers and traders.

**Brighton Kumchedwa**  
*Director, Department for National Parks & Wildlife*

# KEY ACHIEVEMENTS

## STRENGTHENING POLICY AND LAW

LWT co-led the taskforce that updated the National Parks & Wildlife Act to provide greater protections for Malawi's wildlife and stronger penalties for wildlife criminals, including custodial sentences of up to 30 years. The Act passed in 2017, with new regulations added in 2019 that placed a further **216 species** under protection. It also introduced a new animal welfare offence – the first of its kind in the country – which allows for the prosecution of animal cruelty cases (domestic and wildlife).<sup>4</sup> More recently, we supported the passing of the Forestry Act Amendment Bill in February 2020 through advocacy with the Malawi Parliamentary Conservation Caucus (MPCC), for which we are Secretariat. The Bill offers a critical range of protections for Malawi's forests, including enhanced regulation for charcoal production, stiffer penalties for offenders and stronger provisions for law enforcement.

## EFFECTIVE ENFORCEMENT

LWT is the only NGO in Southern Africa to have secured government sanction to privately prosecute wildlife and forest crimes on behalf of the State. Private prosecution by LWT lawyers also allows for on-the-case mentoring of junior prosecutors. LWT helped set up the **Wildlife Crime Investigation Unit** within the Department of National Parks and Wildlife and is the only NGO in the country to hold MoUs for technical assistance with the Financial Investigation Agency and the Central Intelligence Unit in the Malawi Police Service. These units undertake wildlife crime investigations across the country.

<sup>4</sup> In 2019, Malawi's wildlife legislation was assessed by the Convention on the International Trade in Endangered Species (CITES) as being among the strongest in the world.



# KEY ACHIEVEMENTS

## WILDLIFE DETECTION DOG UNIT

The Wildlife Detection Dog Unit is a partnership between the Malawi Police Service and the Department of National Parks and Wildlife, established and supported by LWT. The unit **deters and disrupts** illegal wildlife trade activity, specifically around the transportation of contraband, by conducting searches at airports and other key transit hubs. It also carries out intelligence-led operations to unearth hidden illegal wildlife products.

## COURTROOM MONITORING AND DATA ANALYSIS

LWT's legal team monitors wildlife cases across the country, a critical intervention that helps identify gaps in knowledge and potential incitement of malpractice.

We also host Malawi's **national wildlife crime database**, the Wildlife Crime Information System (WiCIS). Accessible by government partners, WiCIS contains all IWT arrest and prosecution data, alongside copies of relevant legislation and domestic case law. It allows for ongoing analysis of the judicial process through regional Case Review Meetings which identify solutions for an accurate, consistent application of the law as well as any training needs. WiCIS data is also available for transnational analysis, reporting and dissemination with regional partners.



# KEY ACHIEVEMENTS

## CAPACITY BUILDING AND LEGAL TOOLS



Working in partnership with Malawian and international experts, we develop tools to **empower partners** to more effectively enforce conservation law. These include, among many others, guidelines on sentencing for wildlife and forest crimes, a tool for prosecutors on producing ‘model charges’ and a guide to applying for Mutual Legal Assistance.<sup>5</sup> In 2020 our veterinary experts also co-produced Captive Care Standards on behalf of the Government to set out the national standards for the keeping of wild animals in captive settings across Malawi.

## POLITICAL ADVOCACY

Our advocacy influences policy and legislation and secures political will for **transformative change**. As Secretariat for the Malawi Parliamentary Conservation Caucus (MPCC) we work with a coalition of cross-party MPs to champion policies that protect nature. Advocacy by the MPCC has helped expedite critical wildlife and forestry legislation, secure presidential support for LWT’s wildlife crime initiatives and drive commitment from authorities to address corruption in the wildlife and forestry sectors.

## CIVIC ENGAGEMENT AND PUBLIC AWARENESS

We mobilise actors across society – including universities, schools, local communities and thought leaders – to support our behaviour change campaigns on urgent environmental issues. Our long-running **Stop Wildlife Crime campaign** has deployed a range of tools to shift attitudes and behaviours in target audiences, from street theatre and PSAs to radio plays and petitions. In 2019, Ambassadors and High Commissioners representing 26 countries pledged their support for the initiative in a high-profile media and billboard campaign.

<sup>5</sup> Mutual Legal Assistance is a form of cooperation between countries for the purpose of collecting and exchanging information to assist in criminal investigations or court proceedings. It is a particularly useful tool in the fight against wildlife crimes, which are often transnational in nature.



# IMPACT

## The introduction of LWT's Conservation Justice Programme has been game-changing.

# 91%



CONVICTION RATE FOR  
WILDLIFE CASES IN 2020

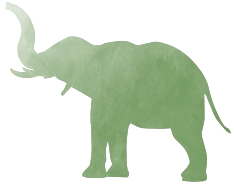
In the 10 years preceding the establishment of the programme in 2016 not a single custodial sentence was passed for wildlife trafficking in Malawi. Since 2016, average sentences for wildlife offences have risen from a fine of just \$40 to 4.5 years imprisonment, with **conviction rates exceeding 90%**.

In 2020, 251 new wildlife cases and 52 new forestry cases were registered, with conviction rates reaching 91% for the former and 100% for the latter. The average custodial sentence for wildlife offences was 5.3 years, with a maximum sentence of 15 years. The majority of sentences for forestry offences were fines averaging around MWK 173,000 (USD \$220), with an average custodial sentence of three years.

In 2020, we helped to prosecute a high-profile case involving one of Southern Africa's most prolific trafficking syndicates – the 'Lin Zhang gang' – which resulted in jail terms of 56+ years for nine individuals. Another individual linked to the syndicate was arrested in early 2021 on suspicion of financial crimes related to wildlife products. Her prosecution would represent the first time that multiple financial crime charges have been brought against an individual in relation to wildlife crime in Malawi. It would also represent **a landmark case** for Southern Africa.



# IMPACT



In 2019, Malawi was removed from the list of countries of “primary concern” in the Elephant Trade Information System report presented to the Conference of the Parties to CITES. This reflects the strong campaign of **legislative reform and enforcement** enacted by the Government – with LWT’s support – since Malawi was flagged in the highest category of concern in 2016, though it is worth noting that the fight is far from ‘won’.



Since the establishment of the Wildlife Detection Dog Unit in 2018, no international airport has reported a wildlife seizure from any inbound flights from Malawi – a significant development given that Malawi’s airports were formerly known as notorious transit hubs for wildlife traffickers.

## PARTNERS

We are proud to work with a wide range of donors and partners in the fight for conservation justice.



Elephant  
Crisis  
Fund



THE PAUL G. ALLEN  
FAMILY FOUNDATION



We are seeking partners to support our Conservation Justice Programme. If you would like to find out more, please email [trust@lilongwewildlife.org](mailto:trust@lilongwewildlife.org).