

PARTY TO CITES (1982) | UNTOC (2005) | UNCAC (2007) MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | WILDLIFE ENFORCEMENT NETWORK-SOUTHERN AFRICA (NOT YET OPERATIONAL)

SOURCE • TRANSIT

AT LEAST 3 TONNES
IVORY SEIZED
SINCE 2000

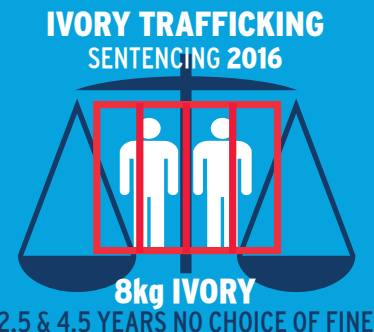
IVORY



SOURCE • TRANSIT

11 RHINO HORNS
SEIZED IN MALAWI
SINCE 2010

RHINO



MALAWI | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

MAIN OBSERVATIONS

- The Government has reduced the budget for the Department of National Parks and Wildlife (DNPW) for the year 2016–17, a key agency responsible for wildlife management and enforcement. Much of the progress achieved in Malawi to combat wildlife crime since 2014 has been funded by external partners; for example, dogs from the Malawi

Police Service Dog Detection Unit are being trained in detection of wildlife items, funded by the German development agency GIZ.

- Lack of a national centralised database of criminal information has resulted in most criminal records being available on paper only, which impedes information-sharing between agencies. A national database on wildlife crime is in development as of July 2016.

The Inter-Agency Committee Combatting Wildlife Crime (IACCWC) is a multi-agency unit established in June 2014 and includes agencies such as police, judiciary, prosecutors, Anti-Corruption Bureau, Financial Intelligence Unit and NGOs to better enable sharing of information. However, the IACCWC is not a full-time agency and lacks adequate resources, which has meant that it has not yet had a significant impact on arrests and convictions.

- DNPW does not currently have access to Malawi's Financial Intelligence Unit (FIU) which can only be deployed by those agencies that have an MoU with the FIU, namely the police and Anti-Corruption Bureau. Further, the FIU does not have an investigative mandate and so hands over information gathered to other agencies, which lack capacity and training in this area to enable successful convictions for financial crimes relating to wildlife crime. In addition, proficiency with the Money Laundering Act among prosecutors is limited.
- The WCIU is working with counterparts regionally, and particularly with the Zambian Wildlife Authority, but cooperation with other agencies in the region has been very limited: no MoUs have been signed with agencies in



ABOVE: MALAWI IS A SOURCE AND TRANSIT COUNTRY FOR IVORY AND THERE HAVE BEEN RECENT ARRESTS FOR IVORY TRAFFICKING © DARYL & SHARNA BALFOUR

Tanzania or Mozambique, and Malawi has not yet ratified the Lusaka Agreement Task Force.

- Malawi is a member of the Wildlife Enforcement Network of Southern Africa (WEN-SA), but the network is not yet operational.
- Malawi has not submitted any requests for mutual legal assistance under international agreements such as UNTOC and UNCAC.

BEST PRACTICE

In April 2016, a Wildlife Crimes Investigation Unit (WCIU) was established under the DNPW, funded by the UK Government and containing officers seconded from Malawi Customs and police, together with DNPW officers. The WCIU had made more than 35 arrests by August 2016, mostly relating to ivory trafficking.

MALAWI | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

31/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- The current National Parks and Wildlife Act (NPWA), Malawi's principal wildlife legislation, provides **weak sentences for wildlife crime which do not meet the UNTOC 'serious crime' standard**. However, proposed amendments to the NPWA include harsher sentences for wildlife crimes, up to 30 years imprisonment, and protection of non-native CITES-listed species. A February

2014 review stated that the average fine for ivory trafficking was MWK20,000, equivalent to US\$20. To address the issue of weak sentencing, a prosecution guidelines handbook is in development.

- A **review of illegal wildlife trade in Malawi**, commissioned by the DWNP, was published in May 2015. In response to its recommendations, a task force was created in November 2015 to lead a review of the NPWA and, as of August 2016, the task force had completed an amendment bill, which has been passed to the Ministry of Justice and is expected to be submitted to Parliament in December 2016, a very rapid progression and a true sign of political commitment.
- In August 2016, the Lilongwe Wildlife Trust began a **prosecution and court programme** in partnership with the prosecution services, which includes joint litigation with public prosecutors and independent court monitoring, along with development of charge sheet templates and templates for submissions and impact statements. This will enable court-by-court analysis of sentencing for wildlife crime and corruption offences.
- A recent **increase in custodial sentences has been noted due to increased awareness** among the judiciary, improved investigations and

the aforementioned court programme. Six cases were concluded in September 2016, all of which were given custodial sentences. Approximately 20 custodial sentences handed out between June and September 2016 ranged from 1.5 to 14 years, with an average sentence of 3.5 years.

- Wildlife crime is **not currently part of the standard national training curriculum** for police, customs, prosecutors or the judiciary.

CHALLENGE

Perception of corruption in Malawi indicates that corruption in public institutions is common. A study included in the aforementioned 2015 illegal wildlife trade review found that corruption and geographical placement, along with other factors, make Malawi an 'ideal place' for wildlife criminals and that there have reportedly been instances of corruption 'indicating direct collusion between some government officials and the core organised criminal groups and/or community members.'

Malawi's Anti-Corruption Bureau (ACB) is said to have become more active in gathering wildlife crime information but it has restricted capacity. Potential avenues to address corruption include addressing agencies' internal compliance with the National Anti-Corruption Strategy and improving transparency and collaboration among relevant agencies: an MoU between DNPW and the ACB has been drafted but not yet finalised.

MALAWI | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- DWNP in collaboration with NGOs has run the **'Stop Wildlife Crime'** campaign since March 2014 to increase awareness of wildlife crime. The Campaign has involved a film released in April 2016, featuring President Mutharika and 14 international envoys which

calls on viewers to reject ivory and report suspicious activity, and displaying posters at Lilongwe Airport advertising the number of a confidential wildlife crime hotline.

- **2.6 tonnes of seized ivory was destroyed** in March 2016 and other small-scale ivory destructions have also taken place. However, there is no timeline in place for the destruction of its remaining 4.2-tonne ivory stockpile, and no seized items derived from other species have been destroyed.
- **Domestic trade in elephant ivory is prohibited** since a moratorium was implemented in September 2013. There is, however, a significant legal domestic trade in hippo ivory, which presents enforcement challenges due to its similarity to elephant ivory, particularly in worked form.
- As a signatory to the **Elephant Protection Initiative**, committed to close domestic ivory markets and observe a minimum ten year moratorium on all international ivory trade.



ABOVE: SIGNIFICANT LEGAL HIPPO IVORY TRADE IN MALAWI IS AN ENFORCEMENT CHALLENGE DUE TO SIMILARITIES IN WORKED HIPPO AND ELEPHANT IVORY PRODUCTS
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