



CITES NATIONAL IVORY ACTION PLAN PROGRESS REPORT

Prepared for the 70th meeting of the CITES Standing Committee



Party: MALAWI

Reporting period: 19/12/ 2017 – 30/06/2018

30 JUNE 2018

PART A: Synopsis of NIAP implementation

Background

The Elephant Trade Information System (ETIS) Report submitted to the 17th meeting (CoP17, Johannesburg, 2016) of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), identified Malawi as a Party that serve as entrepôt and exporter for illegal ivory in southern Africa. It was stated in the report that Malawi's prioritization in the analysis prepared for CoP17 was primarily based on a single large-scale ivory seizure that linked with Tanzania, but that Malawi has a history of being an ivory entrepôt and exporter in southern Africa. Together with other New Parties identified in document CoP17 Doc. 57.6 (ETIS Report of TRAFFIC) and upon the conclusion of the Conference of Parties at its 17th meeting, Malawi was requested to collaborate with the Secretariat with regard to the NIAP process and NIAP was subsequently developed in line with the prescribed NIAP Guidelines. The draft NIAP was found to be adequate by the CITES Secretariat and became effective in December 2017.

The Department of National Parks and Wildlife (DNPW) is designated as both, the CITES Management Authority as well as the Scientific Authority for Malawi. The DNPW is the government agency responsible for the management and conservation of wildlife. Its core duties include enforcement of wildlife laws, Policy implementation and taking the lead in wildlife conservation efforts. In submitting this report, it is, therefore, fulfilling those obligations.

This progress report is compiled as required under the NIAP process and largely gives progress on the various actions aligned to the pillars contained in the NIAP. While that is the case, it must be mentioned that Malawi had, from 2013, taken measures aimed at combating trafficking wildlife products of ivory was the most illegally traded products. As the NIAP was coming into effect, a number actions had already started being undertaken, some of which are also contained in the NIAP. Therefore, the progress being reported emanates from various actions in combating trafficking of ivory and other elephant products and includes actions that have been undertaken both pre and post NIAP process commencement.

Progress to date

Overall, there has been significant progress in the implementation of the NIAP from the time it came into effect. As alluded to earlier on, some actions were already being implemented for the same purpose. The progress details are captured in Part B of this report. Some notable achievements are highlighted below;

- Ban of domestic ivory trade, in 2013, which was being facilitated by the DNPW. This means that there is no legal trade in ivory which was done through a system of licensed trophy dealers.

- Establishment of an Inter-Agency Committee on Combating Wildlife Crime (IACCWC) in 2014, which is a mirror image of the National Environmental Security Task Force (NEST). The Committee meets quarterly and has lived to its billing since its formation. This committee has been pivotal in the combat against wildlife crime of which ivory trafficking tops the list.
- Illegal wildlife Trade (IWT) Review from 2014 to 2015 which has brought to bare the extent of ivory trafficking in Malawi amongst other wildlife crimes. The report findings formed the basis for most of the broad based actions against trafficking being currently implemented by DNPW and other agencies engaged in the fight against IWT.
- Review of the National Parks and Wildlife Act to make wildlife crime a serious crime. The law which became effective in January 2017 has stiffer penalties of up to imprisonment of 30 years. The various species protection categories form part of the law and the applicable penalties are aligned to level of protection of a particular species. This has been supported by the enactment of the “Protected, Endangered and Listed species” Regulations in December 2017. More than 90% of Judicial officers from across the country have been sensitised on the amended Law alongside CITES provisions. The formulation of Sentencing Guidelines and Legislation Handbook has made the enforcement of the law much easier.
- Formation of a specialised Wildlife Crimes Investigations and Intelligence Unit (WCIIU) in 2016 jointly manned by Wildlife and Police Investigators but falling under the DNPW. This Unit has networked within the country and across the borders. The placement of officers at points of entry and exit has complemented the efforts of the Unit. To date, more than 1.4 metric tonnes of ivory have been seized and more that 220 arrests made.
- The training of selected wildlife officers as prosecutors and deploying them to various stations where, with consent granted by the Director of Public Prosecutions, they are now prosecuting wildlife offences. Their presence in courts has made a positive difference with respect to the court outcomes on wildlife crimes.
- Implementation of various awareness programmes for targeted groups and the general public on the seriousness of wildlife crime and the need to conserve to conserve elephants and other wildlife resources. Sensitisation campaigns have taken various forms such as meetings, road shows, distribution of information materials, and radio messages. Most notable is the Judicial symposium that took place in April 2017 which involved participants drawn from magistrates to the Justices of Appeal of the Malawi Supreme Court of Appeal.

Performance rating

From the foregoing and as showcased in Part B, C and D, it can be said that the overall progress rating is more than “substantially achieved” with respect to the number of actions that were supposed to have been done. Achieving 7 actions out of

12 actions in the NIAP is in our view significant progress in the implementation of NIAP.

Constraints

Notwithstanding that position, there is still a problem of the contraband finding its way into the Malawi from neighbouring countries because Malawi small elephant population cannot produce all that ivory on the market. Given that the source countries, which are basically the neighbouring countries.

There are also actions that are supposed to be done in collaboration with other agencies. An example of such an action is the setting up a risk profile for the country with respect to ivory trafficking. It is a fairly a new action and as such there has not been much progress apart from securing commitment for support from some donors. Also challenging is corruption which has led to large consignments of contraband leaving Malawi under the watch of some corrupt officials. This problem cuts across the board as it does not only affect the wildlife sector.

Future Outlook

The future outlook for Malawi looks promising. Going forward, the DNPW with the continuing technical and financial support from various cooperating partners will ensure that the partially achieved activities, which are not many, are implemented to full. These include development of risk profiles, engagement of countries of source and destination, cross border and regional cooperation. For Malawi, this fight must be sustained in all aspects and will therefore, not relent in its effort combat crime.

PART B: Summary evaluation of actions (assigned progress ratings)

PILLAR	PROGRESS RATING					
	Achieved	Substantially achieved	On track	Partial progress	Pending completion of another action	Not commenced
1. Legislation and regulations	<p>1.1 Revise the National Parks and Wildlife Act to deter ivory trafficking and illegal wildlife trade through strong penalties, including custodial sentences</p> <p>1.3 Conduct a review of wildlife crime cases before court to identify measures to improve successful prosecution rate.</p>	1.2 Formulate new regulations and review existing ones to operationalize the revised National Parks and Wildlife Act				
2. National level enforcement action and inter-agency collaboration	<p>2.1 Establish a formal collaboration mechanism to facilitate national inter-agency cooperation to combat wildlife crime, in particular ivory trafficking.</p> <p>2.2 Plan and initiate at least four joint national intelligence driven wildlife crime operations targeting places most affected by or used for wildlife crime, e.g. protected areas, border points or markets for wildlife specimens.</p>				2.3 Develop country specific national level risk profiles and indicators to combat wildlife trafficking, in particular ivory trafficking	

PILLAR	PROGRESS RATING					
	Achieved	Substantially achieved	On track	Partial progress	Pending completion of another action	Not commenced
3 International and regional enforcement collaboration			<p>3.1 Strengthen law enforcement collaboration and cooperation with Tanzania, Mozambique and Zambia to combat elephant poaching and illegal trafficking of ivory</p> <p>3.2 Review mechanisms in place to support collaboration with countries of source, transit or destination to combat wildlife crime and, in particular, ivory trafficking, to ensure timely exchange of information and intelligence and promote follow-up investigations across the entire illegal trade chain</p>			
4 Outreach, public awareness and education	4.1 Initiate research on demand for illegally traded ivory to identify the drivers and dynamics of the demand and to provide solid information for use in demand-reduction	4.2 Develop and implement a well-targeted and evidence-based national awareness raising campaign by engaging key				

PILLAR	PROGRESS RATING					
	Achieved	Substantially achieved	On track	Partial progress	Pending completion of another action	Not commenced
	campaigns	stakeholders, would be consumer groups and targeting the motivations for the demand for illegally traded ivory, using specific messaging approaches and methods for target audiences.				
5 Reporting	<p>5.3 Initiate a process to audit and complete an inventory of national ivory stockpiles using an appropriate inventory protocol, to facilitate reporting of ivory stockpile in accordance with the provisions of Resolution Conf. 10.10 (Rev. CoP17) (Para. 6e).</p> <p>5.4 Develop and put in place a mechanism to ensure prompt reporting of all ivory seizures to ETIS as required by Resolution Conf. 10.10 (Rev. CoP17 Annex 1, para. 4.</p>					

PILLAR	PROGRESS RATING					
	Achieved	Substantially achieved	On track	Partial progress	Pending completion of another action	Not commenced

PART C: Detailed evaluation of actions

ACTION	EVALUATION	SUMMARY OF PROGRESS (and <i>comments</i>)	
PILLAR 1: Legislation and regulations			
Action 1.1 Revise the National Parks and Wildlife Act to deter ivory trafficking and illegal wildlife trade through strong penalties, including custodial sentences.	[INDICATOR] Ivory Trafficking is recognized as a serious crime and penalties align with UN Convention against Organized Crime i.e at least 30 years imprisonment	[PROGRESS RATING] Achieved	<ul style="list-style-type: none">• The National Parks and Wildlife Act was assented by the State President and become law published on 27th January 2017. The law now has a provision of fines between 2,800 USD and 20,500 USD. In terms of custodial sentences it is up to 30 years.• A percentage of custodial sentences to fines is about 95%. The sentences are ranging from 1.5 years to 18 years imprisonment.• An example of the fines include a penalty of 22 million Malawi Kwacha (30,000USD)
1.2 [Action name] Formulate new regulations and review existing ones to operationalize the revised National Parks and Wildlife Act	[INDICATOR] Regulations in place and the amended National Parks and Wildlife Act being implemented	[PROGRESS RATING] Substantially achieved	<ul style="list-style-type: none">• The regulations on protected, endangered and listed species were gazetted on 29th December 2017. These are pertinent to the implementation of CITES resolutions. The remaining regulations are awaiting approval which will take place very soon. These do not impact on the implementation of the National Parks and Wildlife Act.
Action 1.3 Conduct a review of wildlife crime cases before court to identify measures to improve successful	75% of wildlife crime cases successfully prosecuted	Achieved	<ul style="list-style-type: none">• All wildlife cases for 2017 were reviewed, with assistance from the Justice Program (Court monitoring), and a report is available. For example, the number of jail sentences passed for elephant –related crimes rose from less than 1% to 84% if cases were subjected to courtroom monitoring. In view of this about 95% of the wildlife cases have been successfully prosecuted.• Sentencing guidelines (for judiciary) and legislation handbook for prosecutors and investigators have been produced and in use.• For sentencing guidelines for the Judiciary about 90% of the magistrates countrywide have been

ACTION		EVALUATION	SUMMARY OF PROGRESS (and <i>comments</i>)
prosecution rate.			trained
PILLAR 2: National level enforcement action and inter-agency collaboration			
2.1 [Action name] Establish a formal collaboration mechanism to facilitate national inter-agency cooperation to combat wildlife crime, in particular ivory trafficking	[INDICATOR] Cooperation among agencies routinely occurs and is supported by a formal collaboration mechanism.	[PROGRESS RATING] Achieved	<ul style="list-style-type: none"> Progress summary – if required, note significant achievements, any upcoming challenges or concerns and/or important next steps to complete. Interagency Committee on Combating Wildlife Crime (IACCWC) was instituted in 2014, and meets quarterly and is functional which has assisted in the use of multiple laws in wildlife cases The Department of National Parks and Wildlife has signed MOUs with some of the Agencies such as Malawi Defence Force (MDF) and Financial Intelligence Authority (FIU). MOUs with Police and Customs are in progress. Conducted joint training of prosecutors, investigators and border control staff in investigations and prosecution of wildlife cases for law enforcement agencies.
2.2 [Action name] Plan and initiate at least four joint national intelligence driven wildlife crime operations targeting places most affected by or used for wildlife crime, e.g. protected areas, border points or markets for wildlife specimens.	[INDICATOR] Law enforcement activities are strategically targeted towards the places at national level that are most affected by or used for wildlife crime.	[PROGRESS RATING] Achieved (Ongoing Activity)	<ul style="list-style-type: none"> A number of joint operations undertaken across Malawi. These operations include Operation Usalama in 2017, Operation Disrupt in 2018. Operation Disrupt netted 60 arrests and 40 illegal firearms in addition to seizures of ivory and other illegal wildlife products. With the establishment of Wildlife Crime Intelligence and Investigations Unit (WCIIU) and wildlife prosecutions unit there has been an exponential rise in number of arrests and successful prosecutions ever since In addition to these joint operations, the Wildlife Crimes Investigations Unit (WCIU) undertook successful operations that led to the arrests and recovery of ivory. Law enforcement teams placed in ports of entry and exit: 2 international airports and 4 land ports this has seen a reduction of contraband leaving Malawi

ACTION	EVALUATION		SUMMARY OF PROGRESS (and <i>comments</i>)
2.3 Develop country specific national level risk profiles and indicators to combat wildlife trafficking, in particular ivory trafficking.	A set of country specific risk profiles and indicators to combat wildlife crime and ivory trafficking are in place and regularly updated as needed.	Pending of completion of another action	<ul style="list-style-type: none"> The activity required the support as it involves agencies that possess necessary expertise in the field, such as customs, law enforcement among others. DNPW has engaged partners that are willing to support it and consultations are beginning in July, 2018.
PILLAR 3: International and regional enforcement collaboration			
3.1 Strengthen law enforcement collaboration and cooperation with Tanzania, Mozambique and Zambia to combat elephant poaching and illegal trafficking of ivory	At least 4 cross border operations undertaken with Zambia, Tanzania & Mozambique to reduce poaching of elephants and trafficking of ivory	[PROGRESS RATING] On track	<ul style="list-style-type: none"> Following the signing of a Transfrontier Conservation Areas (TFCA) Treaty with Zambia , a number of successful joint investigations and intelligence-led operations undertaken with Zambia, within the provisions of the TFCA Treaty A bilateral meeting for law enforcement operatives undertaken with Mozambique and a Draft Concept and Action Plan on collaboration has been done. It is awaiting approval by Authorities. A joint training exercise undertaken, involving law enforcement operatives from Malawi, Mozambique and Zambia. The training involved practical operation, Operation Usalama. A regional meeting for Senior Wildlife Officials from Malawi, Zambia, Mozambique and Tanzania in planned for August, 2018.
3.2 [Action name] Review mechanisms in place to support collaboration with countries of source, transit or	[INDICATOR] Engagement in support of follow-up investigations in countries of source, transit or	[PROGRESS RATING] On track	<ul style="list-style-type: none"> Prosecutors, Ministry of Justice, DNPW conduct meetings to review cases that require cooperation of destination countries where seizures took place. Discussions have centered on requests for Mutual Legal Assistance (MLAs) with Thailand and China. DNPW has engaged China as a key consumer country. A Chinese delegation, comprising the Chinese CITES Management Authority, The Forestry and Wildlife Management Ministry and the Chinese TRAFFIC Office visited Malawi where bilateral discussions took place. In addition to the bilateral talks, the delegation conducted a workshop for Chinese nationals living and doing business in Malawi, to

ACTION	EVALUATION		SUMMARY OF PROGRESS (and <i>comments</i>)
destination to combat wildlife crime and, in particular, ivory trafficking, to ensure timely exchange of information and intelligence and promote follow-up investigations across the entire illegal trade chain.	destination routinely occur in cases of wildlife crime that involves criminal activities beyond national borders.		<p>sensitize them on wildlife crime and illegal wildlife trade.</p> <ul style="list-style-type: none"> The two sides also agreed to formalize their cooperation through a Memorandum of understanding (MOU).
PILLAR 4: Outreach, public awareness and education			
4.1 [Action name] Initiate research on demand for illegally traded ivory to identify the drivers and dynamics of the demand and to provide solid information for use in demand-reduction campaigns.	[INDICATOR] Good quality information is available and used for the design of targeted demand-reduction campaigns.	[PROGRESS RATING] Achieved	<ul style="list-style-type: none"> Illegal Wildlife Trade Study undertaken in 2015 and report compiled and available. Most of the interventions being undertaken by various stakeholders are based on the findings of this study.
4.2 [Action name] Develop and implement a well-targeted and evidence-based national	[INDICATOR] National campaigns developed and implemented on the basis	[PROGRESS RATING] Substantially Achieved	<ul style="list-style-type: none"> Chinese community outreach undertaken through bilateral meeting and a workshop for Chinese nationals at the embassy. A countrywide awareness campaign was undertaken using a popular television media outlet, the Zodiak TV Odi Odi Campaign. A judicial symposium was conducted to sensitize them on the Amended Act

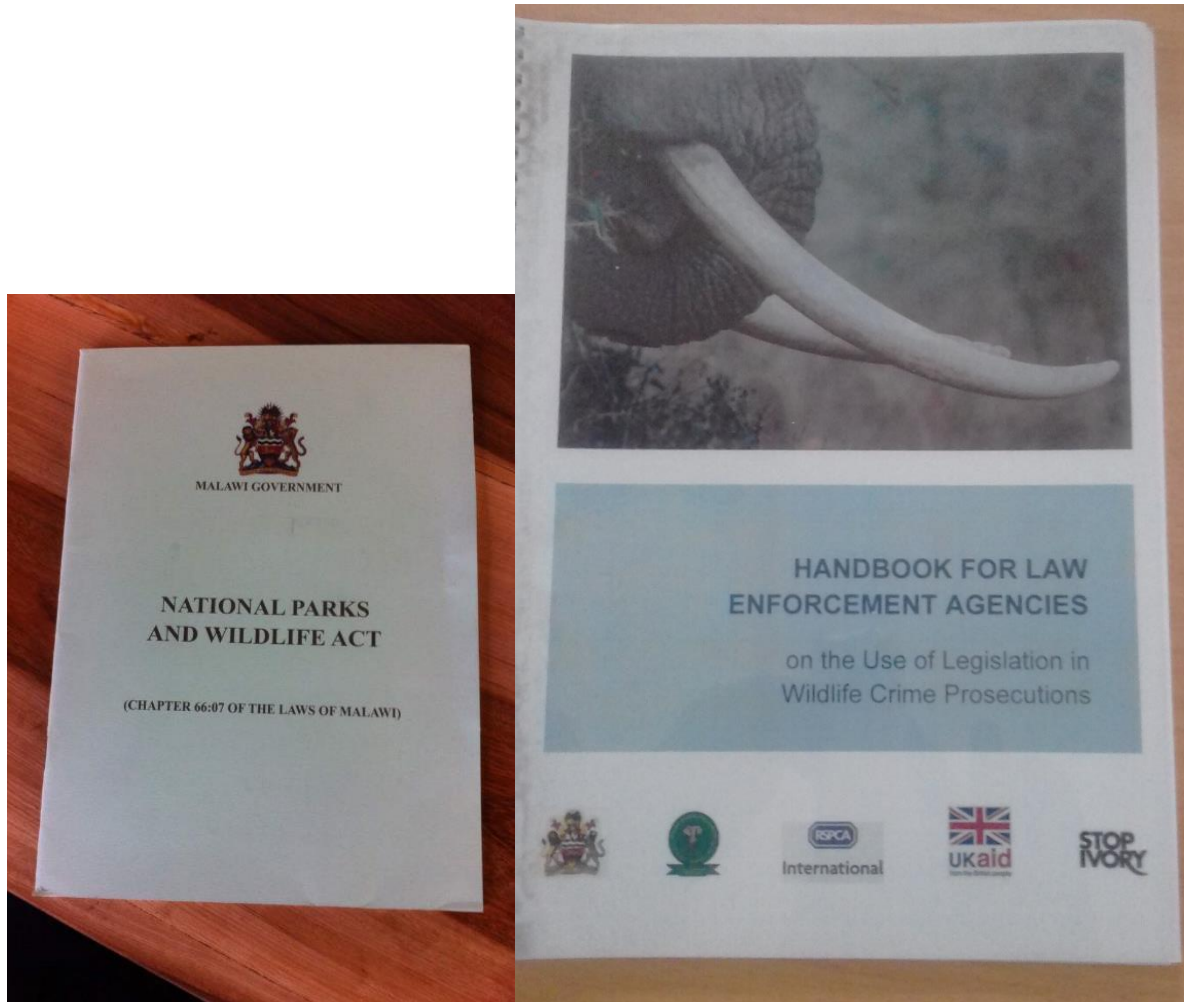
ACTION	EVALUATION		SUMMARY OF PROGRESS (and <i>comments</i>)
awareness raising campaign by engaging key stakeholders, would be consumer groups and targeting the motivations for the demand for illegally traded ivory, using specific messaging approaches and methods for target audiences.	of solid information allowing for the use of specific messaging approaches and methods for target audiences.		<ul style="list-style-type: none"> Awareness materials produced and distributed to key ports of entry and exit. Radio jingles produced and airing on key radio stations A report on the analysis of the Odi Odi campaign was produced and is available World Wildlife Day of 2018 commemorated which involved the Chinese Mission where they donated Drones for use in law enforcement. Communication strategy on combating illegal wildlife trade with support from UNEP
PILLAR 5: Reporting			
5.3 [Action name] Initiate a process to audit and complete an inventory of national ivory stockpiles using an appropriate inventory protocol, to facilitate reporting of ivory stockpile in accordance with the provisions of Resolution Conf. 10.10 (Rev. CoP17) (Para. 6e).	[INDICATOR] Ivory stockpile inventory and management practices in place and reporting in accordance with the provisions of Resolution Conf. 10.10 (Rev. CoP17) para. 6 e) promptly done on an annual basis.	[PROGRESS RATING] Achieved	<ul style="list-style-type: none"> Ivory stockpile audit conducted by independent auditors and a comprehensive inventory compiled in 2015 The ivory inventory is updated periodically and a summary updated and reported on every year. Annual reports submitted before 28th February, every year.
5.4 [Action name] Develop and	[INDICATOR] 100% reporting	[PROGRESS RATING] Achieved	<ul style="list-style-type: none"> ETIS data being compiled and submitted to TRAFFIC regularly. Sub-Regional Steering Committee meeting/Training workshop was hosted by Malawi on compilation and reporting of ETIS data.

ACTION	EVALUATION		SUMMARY OF PROGRESS (and <i>comments</i>)
put in place a mechanism to ensure prompt reporting of all ivory seizures to ETIS as required by Resolution Conf. 10.10 (Rev. CoP17 Annex 1, para. 4.	to ETIS on ivory seizures.		

Part D: Annex (supporting information) (OPTIONAL)

Legislation and regulations

The photographs below show copy of the National Parks and Wildlife Act and Handbook for Law Enforcement Agencies on the use of legislation in Wildlife Crime Prosecution



The Amended National Parks and Wildlife Act Handbook for Law Enforcement Agencies

National level enforcement action and inter-agency collaboration, International and regional enforcement collaboration



Officials and participants at the Workshop for Chinese Nationals living in Malawi.



The Malawian and Chinese delegations during the bilateral talks, Capital Hill, Lilongwe

Outreach, public awareness and education



Group Photo after the opening ceremony of the training workshop on the development of the communication strategy on illegal wildlife trade, Mponela, Dowa.



Illegal Wildlife Trade Review Study Report



One of the billboards to raise awareness on Illegal Wildlife Trade