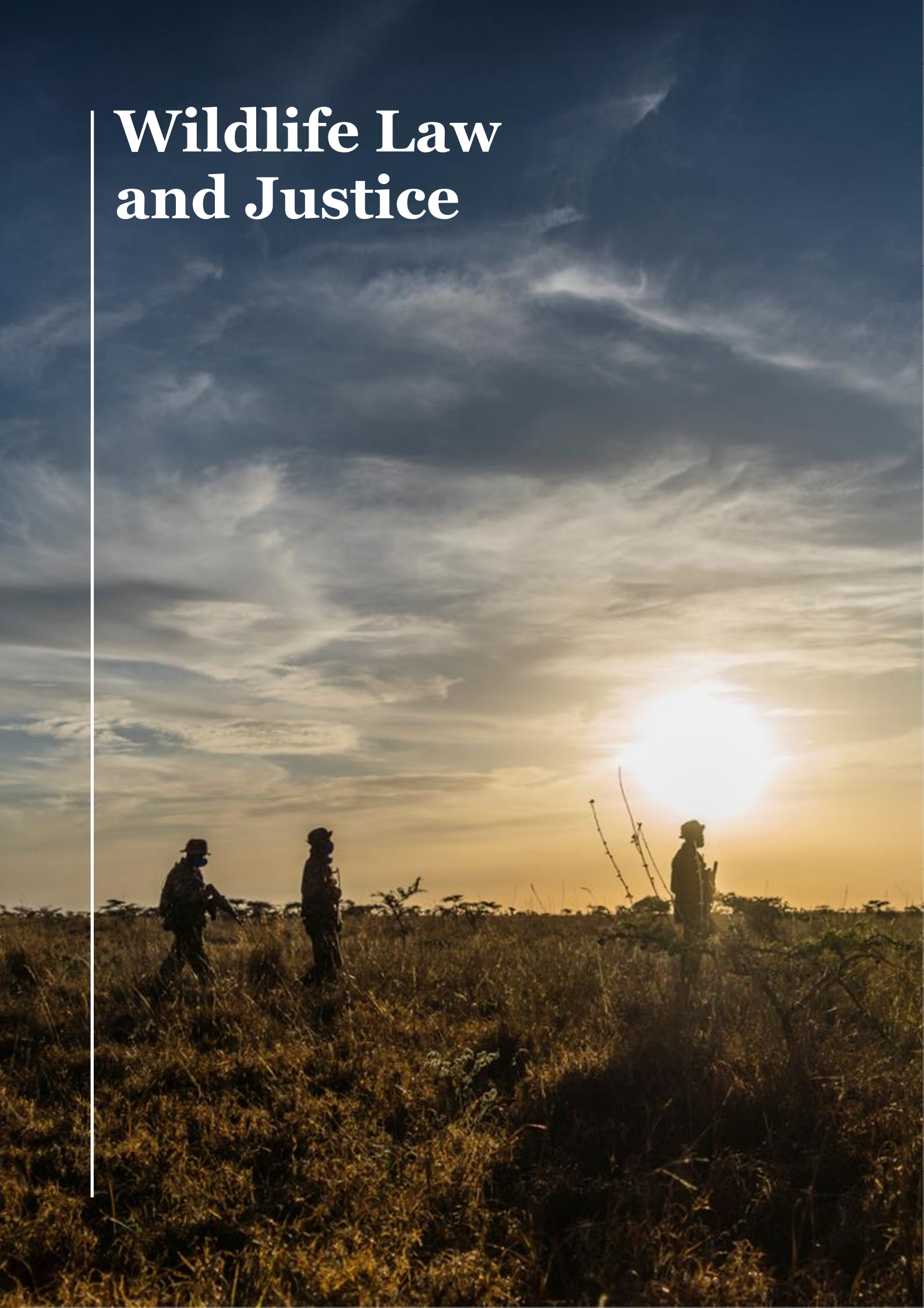


Wildlife Law and Justice



Background

The illegal wildlife trade is valued at a staggering US\$23 billion a year, just behind and often intertwined with illegal drugs and illegal weapons. Combined with weak law enforcement both within and across national borders, inconsistent legal frameworks and prosecution, and poor international cooperation have enabled the illegal wildlife trade (IWT) to flourish, even as species are pushed towards extinction.

Illegal wildlife trade has also increased due to the Covid-19 pandemic. With the eyes of the world focused largely on the pandemic, there is space to exploit the confusion. Areas previously reliant on wildlife tourism have suddenly found themselves without funding to maintain some of the core protection efforts. The impact is already visible. For example, Uganda wildlife crime cases increased by 125 percent compared to 2019 and prosecution agencies are facing major capacity challenges. We are committed to bolstering the capacity of judicial systems - inclusive of the legislative policy makers, public prosecutors, magistrates, forensic evidence providers - to consistently develop and enforce wildlife justice. The process of building accountability and transparency within the judicial system and along major transit routes doesn't only impact wildlife crime, but strengthens the rule of law across the whole country for all trans-national criminal activity, benefitting the whole of society.



Strategic Approach to Wildlife Law and Justice

Our pioneering Wildlife Law and Justice department supports governments, law enforcement, and judiciaries to create deterrents to wildlife crime by establishing robust legal frameworks and improving processes along the entire criminal justice pathway. A holistic approach is crucial to the success of our work. Our strategy involves three streams of work:

1. Courtroom monitoring

The first component to our Wildlife Law and Justice service offering is collecting empirical baseline data to understand how cases are going through the courts, what factors are affecting these and to inform the required interventions. In underfunded and over-stretched court systems, keeping track of the details can be difficult. But that information is critical to improving how wildlife crime cases are prosecuted. Our teams attend and monitor trials, and work with the authorities to supply data and guidance where required. Our approach to monitoring cases also presents a consequent 'eyes in the courtroom' pressure. This places the onus upon prosecutors and judicial officers to publicly apply their skills and learning delivered through our training and assistance as described below.

2. Capacity building along the judicial value chain

The second stream of work entails capacity building along the entire judicial value chain, from first responders at crime scenes through to magistrate level. We undertake legal capacity building training to all relevant state law enforcement and judicial staff to help them better apply the reformed/existing legal and policy frameworks and, by developing tools to ensure that cases are as watertight as they can be, and trials proceed appropriately. This includes the following components:

- A **Empowering investigators** Increasing numbers of alleged wildlife criminals are being arrested as a result of stronger law enforcement including intelligence-led anti-poaching patrols. We train police, rangers, and other officials how to investigate a crime scene in a way that ensures all available evidence can later be deployed in court.
- B **Legal justice advisors** Key to implementation of reforms is having Wildlife Justice Advisors who are highly knowledgeable/skilled at collaboratively working with national authorities on their identified needs. These individuals are qualified and experienced lawyers who are strategically placed within key target jurisdictions to work, strategically, with the judicial system of a country to improve legal capacity addressing wildlife crime, corruption and asset recovery.
- C **Crime and law guidance and reference guides** Suspected wildlife criminals routinely escape justice because of loopholes in old legislation, counter-productive sentencing options, or a lack of case law that might guide fresh convictions. Our advisory documents guide authorities and policymakers as they enact and enforce wildlife and forestry crime laws and sentencing more consistently.



Strategic Approach to Wildlife Law and Justice

3. Policy and law development

Space for Giants also undertakes policy, law review and reform. This involves a sound assessment of the current legal framework, identification of strategic gaps, opportunities and barriers, stakeholder engagement and then drafting recommendations for legislative reforms. An example to this is through our support, Kenya introduced an offence on the supply and demand side of bushmeat trade that now sees someone charged as a criminal offender for buying bushmeat.

Each country in Africa has its own challenges, and priorities must reflect the context while also seeing the opportunities to collaborate regionally. Regionally, illegal wildlife trade law enforcement is hampered by bottlenecks in regional legal cooperation. When countries can support each other with evidence for cases of trafficking that go cross-border there is increased success. For example, South Sudan has no Mutual Legal Assistance (MLA) law arrangement with neighboring East African countries, which has left a backlog of legal cases unable to progress due to admissibility issues. Similarly, the lack of a practical training on regional MLA law hampers judicial officers' efforts to collect crucial information to pursue cases for the highest ranking organized criminals who are freely moving across national borders and through ports. So currently a case that is stuck in Uganda that emanated from South Sudan is unable to request the evidence due to lack of MLA laws. A major component of our work in East Africa is the development of MLA Laws for Rwanda and South Sudan. This goes well beyond wildlife crime by addressing bottlenecks at corruption cases, money laundering etc. These laws are foundational.

In addition to the above, Space for Giants has adopted the Know Your Customer (KYC) approach as a mechanism to close the loopholes in ensuring prosecutions also focus on the bigger players higher up the criminal networks as opposed to the poachers and low-level middlemen. Many investigations stall because it is currently difficult to identify the source of seized illegal shipments of wildlife or forestry products, or to track precisely where they were heading or the chain of persons (individuals and companies) involved. This is partly because agents facilitating transactions and shipments hardly vet their customers or their consignments. They are not compelled to collect sufficient, accurate information, and what they do collect is rarely comprehensive enough for investigations, which may commence long after the transaction.

Our KYC framework aims to address this by compelling import-export agents, shippers and brokers to carry out due diligence checks on their customers. This information is a valuable addition to the arsenal of investigative and law enforcement powers. We work with governments and related agencies to develop and implement KYC law amendments, regulations, forms and compliance standard operating procedures.



Our Achievements

Over the last four years, we have seen an increase in wildlife crime convictions from 24 percent to over 90 percent in Kenya which has in turn led to a drop in poaching by 80 percent. While conviction rates are a key metric, we also need to ensure that our prosecutions are able to disrupt the trade by building significant cases to the power brokers and those closer to the heart of the operation - not just the local poachers at the tip of the whole value chain.

Space for Giants co-hosted a regional prosecutor's conference on wildlife crime in partnership with the East Africa Association of Prosecutors, UNODC and TRAFFIC. The Forum for Wildlife and Environmental Crimes Prosecutors was launched, with 12 member states attending, and is significantly speeding up justice against international poaching networks. This has more than doubled the number of prosecutors linked by the Association and its new forum, bringing the total to 6,000.

5,442

Wildlife & Forestry
Crime Cases Monitored

BY

7

Court Monitors
(2020: 7 Monitors)

119

Courts
(2020: 115 Courts)

IN

7

Countries
(2020: 4 Countries)

154

Prosecutors,
Investigators &
Judicial Officers
Trained in 4 Countries



Rapid Reference
Guide Developed for
Namibia, Kenya,
Uganda, Tanzania,
Zambia and
Zimbabwe

929

Wildlife rangers, investigators, prosecutors, judicial officers and legislators trained on wildlife, forestry, fisheries and environmental crimes and 3,000 copies of developed documents distributed.











Endorsements

In March 2020, the Director of Public Prosecutions (DPP) - Uganda, Justice Jane Frances Abodo signed an MOU with Space for Giants to strengthen the capacity of the Office of the DPP by establishing a special division to handle cases involving wildlife crimes. During the MOU signing ceremony, the DPP noted that “this event is the beginning of an esteemed and privileged partnership between the Office of the DPP - Uganda and Space for Giants.”



Roadmap to 2025

As a leading entity for improving prosecutions for wildlife crime globally, we will make a measurable impact in the Illegal Wildlife Trade (IWT) industry:

1. Will have active projects in at least five countries to develop judicial capacity and to improve the prosecutorial process related to wildlife justice and rule of law. Target countries include:
 -  Uganda
 -  Kenya
 -  Tanzania
 -  Rwanda
 -  South Sudan
 -  Kavango-Zambezi (KAZA) transfrontier conservation area (Angola, Botswana, Namibia, Zambia and Zimbabwe)
2. Have Wildlife Justice Advisors working in each of the major wildlife tracking hubs in Africa and Asia (at least ten jurisdictions) with linkages to counterparts in other source and destination countries.
3. Deepen partnerships with strategic global stakeholders to implement measurable interventions that will disrupt and reduce the impact of the IWT across the entire value chain.
4. Train and mentor a critical number of park rangers, intelligence officers, investigators, public prosecutors, magistrates and community scouts in improved methods of tackling wildlife crime.
5. Strengthen national and transfrontier networks of wildlife crime law enforcement and criminal justice officials to work together to disrupt IWT.
6. Increased security for people living in and adjacent to the areas we work by reducing the activities of international wildlife criminal networks transiting through their communities.

Key Partnerships

Government partners: East African Association of Prosecutors; Kenya's national Wildlife, Forestry and Fisheries; Office of the Director of Public Prosecutions (ODPP) Kenya; Financial Reporting Centre Kenya; Uganda Wildlife Authority; ODPP Uganda; Financial Intelligence Authority Uganda; National Environment Management Authority Uganda; National Forestry Authority Uganda; KAZA Government agencies including National Prosecution Authorities and ODPPs and the national authorities of wildlife; the KAZA Secretariat; Administração Nacional das Áreas de Conservação, Mozambique; Rwanda Investigations Bureau, Rwanda Development Board; Rwanda National Public Prosecution Authority; South Sudan Office of the Director of Public Prosecutions and Ministry of Justice, South Sudan's Wildlife and Forestry Authorities and their Ministries

Funding partners: DEFRA/UKAID; Duke and Duchess of Cambridge and the Royal Foundation; UN Office on Drugs and Crime (UNODC); European Union; US Government's Bureau of International Narcotics and Law Enforcement Affairs; US Department of Interior; USAID; TRAFFIC; African Wildlife Foundation

Technical partners: UNODC; TRAFFIC; African Wildlife Foundation; IFAW; Speak Out For Animals (SOFA), Zimbabwe; WWF; International Fund for Animal Welfare; East African Association of Prosecutors (EAAP), Help African Animals Uganda, Ecopeace Initiative for Development South Sudan

Campaign partnerships: Wildlife Conservation 20; Stop the Illegal Wildlife Trade; United for Wildlife



Required Funding Support

The investment to undertake our work as well as to achieve our strategic goals is as follows:

Project Areas	Description	Annual Budget (USD)
Enhancing East African judicial systems: increasing asset recovery & convictions	<p>Train and mentor wildlife prosecutors, investigators and judicial officers in East Africa (Kenya, Uganda, Rwanda, South Sudan and Tanzania) and identify key gaps in judicial system capacity and ways of working</p> <p>Embed Wildlife Justice Advisors within national systems to expand capacity and technical expertise, working shoulder to shoulder</p> <p>Develop and keep Rapid Reference Guides (which translate wildlife laws so they can be practically applied by those working within the law enforcement and justice systems) up to date. Continue roll out of third edition of RRG in Kenya, develop second edition of RRG for Uganda</p> <p>Deliver technical expertise to develop in country legislation and Mutual Legal Assistance (MLA) - building accountability and transparency within the judicial system and along major transit routes.</p>	\$791,000
Wildlife Law and Justice in Tanzania for wildlife crimes	<p>Establish baselines and provide court monitors in key wildlife crime hotspots</p> <p>Analyze and share data with key stakeholders</p> <p>Review of wildlife and fisheries offences</p> <p>Develop wildlife and fisheries RRGs, and roll out workshops in Dar es Salaam and Zanzibar</p>	\$290,000
Human Rights Policy for the Uganda Wildlife Authority	<p>Human Rights Policy in the conservation sector for Uganda</p> <p>Training and capacity building to public services sector within the Uganda Wildlife Authority</p>	\$33,000
Building judicial capacity within the National Environmental Management Authority (NEMA) in Uganda	<p>Train and mentor environmental prosecutors, investigators and judicial officers of the Environmental Police Enforcement Unit of NEMA and identify key gaps in judicial system capacity and ways of working</p> <p>Develop and roll out of RRGs for offences related to, for example, waste management, air and water pollution and environmental standards within Uganda</p>	\$50,000
	Total	\$1,164,000

