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 the law in the country, 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.
3. Policy and law development

Space for Giants also undertakes policy and 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. 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 three years, we have seen an increase in wildlife crime convictions from 24 percent to 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.

1,689
Wildlife & Forestry Crime Cases Monitored

115
Courts
(2019: 114 Courts)

154
Prosecutors, Investigators & Judicial Officers
Trained in 4 Countries

7
Court Monitors
(2019: 15 Monitors)

4
Countries
(2019: 5 Countries)

Rapid Reference Guide Developed for Namibia, Kenya and Uganda

17
Officers trained on Crime Scene Management
at Mweya, Queen Elizabeth Conservation Area
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.”
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:
   - Gabon
   - Uganda
   - Kenya
   - 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:** Kenya Wildlife Services; Office of the Director of Public Prosecutions Kenya (ODPP); Uganda Wildlife Authority; Office of the Director of Public Prosecutions (ODPP)DPP Uganda; KAZA Governments; Administração Nacional das Áreas de Conservação (ANAC), Mozambique; Rwanda Development Board (RDB); Rwanda National Public Prosecution Authority (RNPPA); South Sudan Office of the Prosecutor General (SSPG)

**Funding partners:** 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; TRAFFIC

**Technical partners:** Optima; Speak Out For Animals (SOFA), Zimbabwe; WWF; International Fund for Animal Welfare; East African Association of Prosecutors (EAAP)

**Campaign partnerships:** Wildlife Conservation 20; Stop the Illegal Wildlife Trade; United for Wildlife
The investment to undertake our work as well as to achieve our strategic goals is as follows:

### Eastern Africa

<table>
<thead>
<tr>
<th>Project Areas</th>
<th>Description</th>
<th>Annual Budget (USD)</th>
<th>3 Year Budget (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Train and mentor wildlife prosecutors, investigators and judicial officers in East Africa (Kenya, Uganda, Rwanda, South Sudan, Burundi and Tanzania) and identify key gaps in judicial system capacity and ways of working</td>
<td>Embed Wildlife Justice Advisors within national systems to expand capacity and technical expertise, working shoulder to shoulder. 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. Provide training and mentoring support for prosecutors, investigators and judicial officers.</td>
<td>$350,000</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>Monitor wildlife court cases</td>
<td>Establish baselines and provide court monitors in key wildlife crime hotspots. Analyze and share data with key stakeholders.</td>
<td>$126,000</td>
<td>$440,000</td>
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<td>Develop new policies and draft legislation</td>
<td>Delivery of Strengthening Anti-Money Laundering Framework: Development of a PPP for casework/information sharing/law reform. Human Rights Policy in the conservation sector. Mutual Legal Assistance frameworks to enable successful cross border prosecutions.</td>
<td>$205,000</td>
<td>$467,000</td>
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<td>Know Your Customer (KYC), Kenya</td>
<td>Development and Introduction of KYC Regulation Framework to Import/Export actors in Kenya, in close collaboration with UN, United for Wildlife, DP World and national governments.</td>
<td>$94,000</td>
<td>$326,000</td>
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</tbody>
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### Required Funding Support

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

**Southern Africa**

<table>
<thead>
<tr>
<th>Project Areas</th>
<th>Description</th>
<th>Annual Budget (USD)</th>
<th>3 Year Budget (USD)</th>
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<tbody>
<tr>
<td>Train and mentor wildlife prosecutors, investigators and judicial officers (Kavango-Zambezi (KAZA) transfrontier conservation area which consists of Angola, Botswana, Namibia, Zambia and Zimbabwe) and identify key gaps in judicial system capacity and ways of working</td>
<td>Embed Wildlife Justice Advisors within national systems to expand capacity and technical expertise, working shoulder to shoulder. 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. Provide training and mentoring support for prosecutors, investigators and judicial officers.</td>
<td>$552,000</td>
<td>$1,800,000</td>
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<tr>
<td>Monitor wildlife court cases</td>
<td>Employment of a high-level court monitor and data analyst. Establish baselines and provide court monitors in key wildlife crime hotspots. Analyze and share data with key stakeholders.</td>
<td>$120,000</td>
<td>$416,000</td>
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**Total** | **$1,447,000** | **$4,693,000**