Lessons Learned from Working with the Judiciary to Combat Wildlife Trafficking

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Training Uganda National Parks Wildlife law enforcement and monitoring rangers and scouts. Photo by Kaddu Sebunya of African Wildlife Foundation USAID

Introduction

Since its launch in 2016, the United States Agency for International Development (USAID) Combating Wildlife Trafficking (CWT) Learning Group has examined how best to build stakeholders' capacity across the wildlife crime justice chain, from customs enforcement officers to forensic investigators to judges. This brief collects and summarizes lessons learned from three programs that build the capacity of governments' investigative and judicial chains: the U.S. Department of the Interior International Technical Assistance Program's (DOI-ITAP) Central American and the Dominican Republic Wildlife Enforcement Network (CAWEN), USAID's Supporting the Policy Enabling Environment for Development (SPEED+), and Wildlife Direct's Eyes in the Courtroom.

Key Takeaways

- Understand that the **wildlife crime justice chain is complex** and encompasses a broad range of actors, systems, and processes.
- Recognize the **need to build capacity** for effective detection, investigation, prosecution, and adjudication of wildlife crimes.
- **Establish the right partnerships** to improve the justice chain. Engaging partners early on leads to more effective collaboration and trust-building.
- Appreciate the ways **government partnerships** foster **uptake, buy-in, and sustainability.** Government plays an essential role in institutionalizing capacity-building efforts by integrating them into existing training, increasing the likelihood of continued efforts.
- **Strengthen partnerships by understanding how partners support or hinder one another**. This can encourage sensitization by allowing each institution to understand the challenges their partners experience, leading to a more supportive and collaborative partnership.
- **Engage local experts in the creation and implementation of training content.** Tailor the content to ensure its relevance to the national and local context.
- **Utilize data to support evidence-based decision-making,** particularly for programmatic design and adaptation.

The Role of Effective Enforcement and Prosecution

The CWT Learning Group is examining several learning questions related to capacity building for stakeholders working in enforcement and prosecution (Figure 1). In December 2021, the learning group featured speakers from DOI–ITAP for a webinar, Working With the Judiciary: Lessons from Central America.
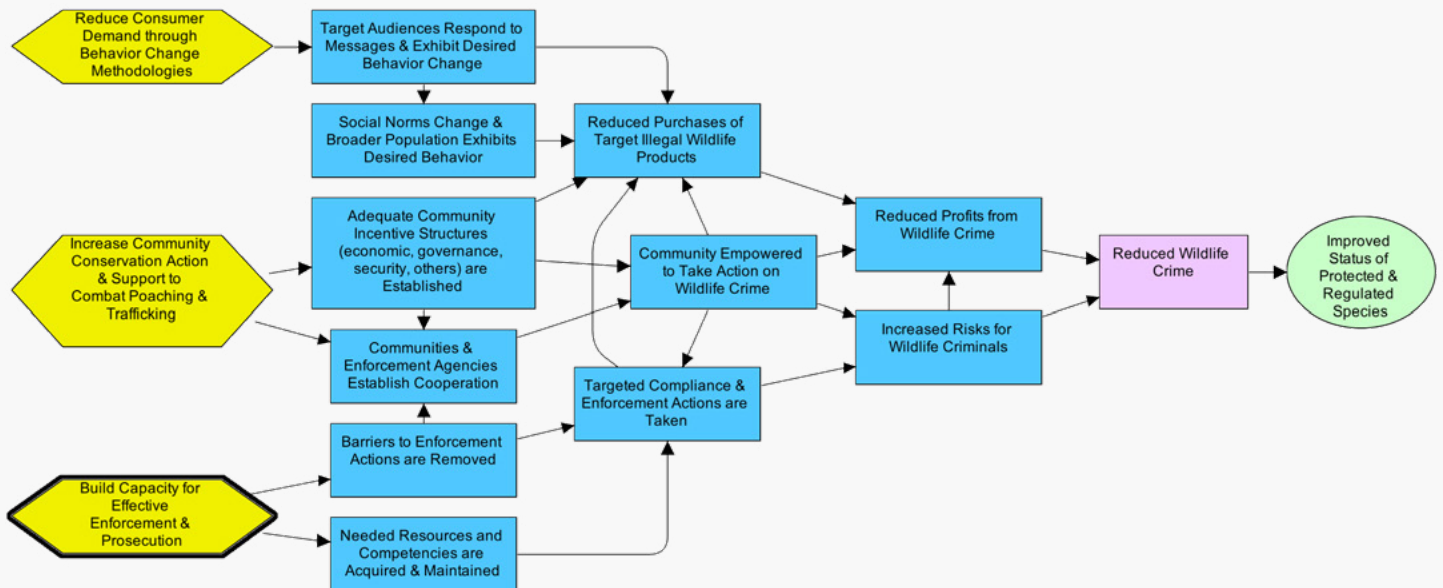

Figure 1. The Combating Wildlife Trafficking Learning Group's summarized theory of change, with the effective law enforcement and prosecution strategic approach highlighted.

The December event addressed Learning Question 2: **What are the characteristics of effective law enforcement capacity building?** The sub-questions that guide this learning question are:

- How do institutional arrangements, especially dedicated units and embed programs, impact the uptake of skills and knowledge?

- What are good examples of systems, particularly judicial systems, that have made improvements in CWT enforcement?

- What factors are necessary for effective cooperation and processes among national, sub-national, and local authorities, especially for Wildlife Enforcement Networks?

- What are some successful examples of partnerships used to deliver competency-building activities, and what made them work?

- For specific audiences: Which competency-building methods and content work best, especially for maintaining skills and retaining staff?

According to the CWT theory of change, efforts to build the capacity of the target audiences, combined with adequate resources and the fulfillment of the enabling conditions, are expected to lead those audiences to carry out the desired compliance and enforcement actions. This additional capacity should improve the enforcement and prosecution of existing laws and agreements. These advancements will increase the risks to criminals and reduce their profits and participation in wildlife crime, ultimately leading to the improved status of protected and regulated species.

Case Study Review

The following is a compilation of the lessons learned across CAWEN, SPEED+, and Eyes in the Courtroom, all of which work with governments' investigative and judicial chains. These programs engage with diverse actors to build capacity for wildlife crime justice in different geographic regions.

DOI-ITAP: Central American and the Dominican Republic Wildlife Enforcement Network (CAWEN or ROAVIS in Spanish)

Context

CAWEN, or ROAVIS in Spanish, is a regional forum fighting against national and international trafficking of flora and fauna (CAWEN 2018). DOI-ITAP works with the Department of State, and other funding partners to support this work.

CAWEN combats wildlife trafficking using several strategies, including;
- Strengthening cooperation between lawyers, attorneys general, and environmental attorneys.
- Promoting and maintaining relationships of collaboration and resource management with international and intergovernmental institutions and organizations and non-governmental organizations.
- Designing training for individuals within the wildlife crime justice chain ("CAWEN" 2018).

The Working with the Judiciary–Lessons from Central America webinar highlights lessons learned from working with judicial actors to address wildlife trafficking across Central America, specifically the CAWEN network. How CAWEN institutionalized judicial training through several essential partnerships is outlined in the following lessons learned.

Lessons Learned

- **Coordinate government-to-government:** Engage government actors to build political support. The CAWEN network was instrumental in building significant political support, specifically promoting the participation of attorneys general from the region. Through this network–housed in-country justice ministries–members determined priority actions and addressed these priorities through collaborative solutions (OAS 2014).

- **Institutionalize the judiciary training:** Design within existing national structures such as judicial colleges, Supreme Court schools, public ministries, training units, and professional development. In Honduras, Guatemala, Panama, and other countries, DOI-ITAP and partners integrated the judiciary training into university certificate courses and other professional development structures. This helped ensure the continuation and sustainability of the courses.

- **Tailor the training content to the national realities:** Work with local experts to design and implement the curriculum to ensure the content is suitable for the country's context and create materials in the local language. For example, this program created several Spanish language materials, including the first-ever Spanish language jurisprudence manual and the first-ever Spanish frontline wildlife crime scene manual.

> **Resources**
>
> ROAVIS.net
>
> Combating Wildlife Trafficking Worldwide Fact Sheet (DOI–ITAP)
>
> Webinar Presentation: Working with the Judiciary - Lessons from Central America (Kish and Vanegas 2021)

Photo by K.Gituma.

USAID Mozambique: Supporting the Policy Enabling Environment for Development (SPEED+)

Context

In Mozambique, SPEED+ works with stakeholders to support biodiversity conservation. The country established a new conservation law, Conservation Lab No. 5/2017, which created a demand for building the capacity of prosecutors, investigators, judges, and wildlife rangers to more effectively identify, charge, and prosecute wildlife crimes ("SPEED+" 2019). SPEED+ aimed to fill this need through a milestone-based government-to-government agreement.

Most notably this program developed the Rapid Reference Manual in Portuguese to investigate and prosecute wildlife crimes, including step-by-step guidance for the prosecution of 90 wildlife-related crimes. The manual was developed in partnership with the Mozambique Office of the Attorney General and the National Administration of Conservation Areas, SPEED+, and the United Nations Office on Drugs and Crime. In combination with customized training and legal tools for judges and wildlife rangers, the manual has helped increase the number of wildlife crimes being prosecuted (Tedesco and Chirindja 2019). The Building Capacity for Law Enforcement and Prosecution of Wildlife Crime Experience From Mozambique webinar presents lessons learned from co-designing the program approach with partners. The following is a summary of this learning.

Lessons Learned

- **Create collaborative partnerships from the start:** Co-design with partners from the beginning to create trust and buy-in. The integrated and collaborative partnership helped foster engagement and ownership among partners. Additionally, trust and commitment were bolstered through formal and informal networking and training opportunities.

- **Identify and engage core champions:** Convene a diverse group of champions to leverage technical expertise and resources to help to co-create training materials and support implementation. Each of the respective institutions identified core champions to form a technical working group and training teams. The technical working group consisted of 18 members from seven different institutions.

- **Explore the interconnectedness of actors:** Engage actors across the system to understand the interconnectedness of actors. For SPEED+ co-creating the standard operating procedures helped to clarify each institution's role and map out how decisions affect each other. This process encouraged sensitization by allowing each institution to understand the challenges their partners experienced. This sensitization has led to a more supportive and collaborative partnership.

- **Engage in milestone-based capacity building**: Employ a milestone-based government-to-government agreement. This critical element of the SPEED+ approach created a structure for the Attorney General's office to build its capacity in incremental and achievable steps. As each milestone was completed, the Attorney General's office felt more empowered.

> **Resources**
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> Conservation & Law Enforcement in Gorongosa & Niassa: A Study of the Criminal Justice Process for Wildlife Crime, From Apprehension to Incarceration
>
> Webinar: Building Capacity for Law Enforcement and Prosecution of Wildlife Crime Experience From Mozambique

Photo by Yassine Khalfalli on Unsplash.

WildlifeDirect: Eyes in the Courtroom

Context

Eyes in the Courtroom is a partnership between Wildlife Direct and Kenya's Judiciary Training Institute with the support of the Office of the Chief Justice and the Chief Registrar of the Judiciary. This project monitors, tracks, and analyzes outcomes of wildlife crime trials in 117 courts across Kenya by deploying lawyers to follow ongoing court cases to ensure transparency and accountability to drive diligent prosecution (WildlifeDirect 2019).

Analyzing these court cases revealed weak points in Kenya's wildlife crime prosecution, including chain of custody, preservation of evidence, admissibility of evidence, and knowledge of the law. Identifying these weaknesses helped Kenya's policy-makers guide policy and institutional reform through evidence-based decision-making ("CWT Case Study Compilation" 2018). Additionally, WildlifeDirect expanded its reach by beginning capacity development initiatives to fill the identified gaps. The following is a summary of the lessons learned about partnerships, collaboration, and evidence-based policy reform.

Lessons Learned

- **Use technology to support evidence-based decision-making**: Utilize data to advocate for policy reform and highlight needs. The Eyes in the Courtroom project is developing an innovative application system known as the iCourtroom Wildlife Crime System. The iCourtroom App tracks all wildlife crimes cases in Kenya and makes all data accessible to relevant partners (WildlifeDirect 2019). Analyzing this data revealed weak points throughout the enforcement chain for wildlife crime, such as policy needs and capacity development gaps. As a result, WildlifeDirect worked with the Kenyan judiciary to provide additional training and professional development to address the weaknesses identified through iCourtroom. Training on new tools increased the proficiency of staff and improved morale.
- **Convene diverse partners:** Partner with the government to support information utilization and enable buy-in and ownership of the program.
- **Adapt the approach based on new findings:** Iterate and adapt the programmatic approach as new needs and findings emerge. As stated above, findings from the first court monitoring report highlighted deficiencies in the capacity of the wildlife crime judicial chain. The transparency of data resulted in programmatic decisions. Observing the need for data transparency, Eyes in the Courtroom adapted their approach and designed the iCourtrooom App to increase data transparency further. This availability of data could result in more evidence-based decision-making, resulting in greater impact.

> **Resources**
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> Eyes in the Courtroom: Wildlife Direct- Case Study
>
> Crimes Against Wildlife and the Environment: Court monitoring report 2018-2019

Head Ranger at the Bwindi Impenetrable National Park Buhoma Head Quarters, loads into the Land Cruiser with guards and guides. Photo by Jason Houston for USAID.

Conclusion

There is a need to build capacity for the effective detection, investigation, prosecution, and adjudication of wildlife crimes. However, this is a complicated task due to the complexity of the wildlife crime justice chain and the multitude of stakeholders involved. USAID is well placed to convene and support partnerships with its extensive field presence and understanding of local and community actors. USAID can utilize diplomacy to influence policy change at a systems level and play a critical role in supporting the institutional development of wildlife authorities and the judiciary by providing long-term support through capacity building for law enforcement. The lessons shared by these three programs emphasize the importance of partnering with a diverse set of actors, most notably with the government, which played a vital role in the success and institutionalization of the training activities.

Visit the CWT Collaborative Learning Group site for more information on approaches to combating wildlife trafficking.

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