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Transboundary Wildlife Law Enforcement: Challenges and Pathways in the Malawi-Zambia Transfrontier Conservation Area

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ABSTRACT

Wildlife crime poses a severe threat to biodiversity and rural livelihoods across southern Africa. The Malawi–Zambia Transfrontier Conservation Area (MAZA TFCA) serves both as a refuge for endangered species and a corridor exploited by organized crime syndicates. A qualitative comparative legal analysis was conducted, examining Malawi's and Zambia's wildlife protection legislation alongside related immigration, customs, police, firearms, extradition, and mutual legal assistance laws. Regional frameworks such as the Southern African Development Community (SADC) Protocol on Wildlife Conservation and Law Enforcement (1999) and the SADC Law Enforcement and Anti Poaching (LEAP) Strategy (2022–2032) provided the broader policy context. The analysis revealed significant disparities: Malawi emphasizes custodial sentences of up to 30 years with relatively modest fines, while Zambia enforces higher monetary penalties, streamlined extradition, and digital compliance mechanisms. These divergences weaken deterrence, complicate evidence transfer, and undermine cross border cooperation. Harmonization of penalties, evidence protocols, extradition procedures, and Mutual Legal Assistant (MLA) frameworks is essential to strengthen deterrence and close enforcement loopholes. Anchoring reforms in the SADC LEAP Strategy would position the MAZA TFCA as a flagship pilot for regional harmonization of wildlife law enforcement.

INTRODUCTION

The illegal wildlife trade (IWT) is a multibillion dollar global industry threatening Africa's megafauna, including elephants, rhinoceroses, pangolins, and other species targeted by organized crime (Gu *et al.*, 2025; Wyatt *et al.*, 2021; 't Sas Rolfes *et al.*, 2019). In southern Africa, enforcement remains constrained by fragmented legislation across member states of the Southern African Development Community (SADC) (Mogomotsi *et al.*, 2021; Selier *et al.*, 2016). Although regional protocols advocate harmonization, no Transfrontier Conservation Area (TFCA) has achieved alignment, leaving enforcement agencies vulnerable to syndicates that exploit legal and institutional gaps.

This study examines the Malawi–Zambia Transfrontier Conservation Area (MAZA TFCA), identifying legislative and institutional impediments to cross border enforcement. It focuses on the two countries' wildlife protection and conservation laws, as well as related frameworks on immigration, customs, police, firearms, extradition, and mutual legal assistance. Key constraints include restrictions on pursuit of offenders, movement of law enforcement personnel and equipment, repatriation of confiscated exhibits, detention of fugitives, and disparities in penalties for trafficking trophies of endangered species.

By mapping divergences and overlaps, the study proposes a roadmap of targeted amendments to strengthen transboundary wildlife law enforcement and advance

regional conservation objectives. Anchored in the SADC Law Enforcement and Anti Poaching (LEAP) Strategy (2022–2032), the MAZA TFCA can serve as a flagship pilot for harmonized legislative frameworks and operational procedures at a TFCA level.

METRIALS AND METHODS

A qualitative, comparative legal analysis was employed to examine both regional frameworks and national legislation. The methodology followed established comparative legal approaches as articulated by Mousourakis (2025), Sacco (1991), Michaels (2019), Samuel (2014), and McDougal (1980). This framework emphasizes the systematic evaluation of convergences and divergences across legal systems in order to identify structural bottlenecks and potential pathways for reform. Such an approach is particularly appropriate in the context of the MAZA TFCA (Fig. 1), where enforcement challenges stem from overlapping jurisdictions and fragmented statutory regimes.

The study focused on the MAZA TFCA and was guided by three pivotal research questions:

- i) What legal and institutional bottlenecks constrain transboundary wildlife law enforcement?
- ii) How do differences in domestic legislation impede collaboration?
- iii) What pathways exist for harmonization to strengthen enforcement capacity?

By framing the inquiry around these questions, the

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Figure 1: Map of Malawi-Zambia Transfrontier Conservation Area (adapted from Peace Parks Foundation map for MAZA TFCA)

methodology ensured that statutory instruments (wildlife, immigration, customs, police, extradition, and mutual legal assistance laws) were analyzed in relation to regional frameworks such as the SADC Protocol on Wildlife Conservation and Law Enforcement (1999) and the SADC Law Enforcement and Action Plan (LEAP) Strategy (2022–2032). The comparative lens allowed for the identification of both convergence points and areas of incoherence, situating national legislation within broader regional and international enforcement contexts.

Data Collection

Primary sources: consisted of legislation and statutory instruments from Malawi and Zambia covering wildlife, immigration, customs, police, fire arms, extradition, and mutual assistance in criminal matters (MLA). These provided the legal foundation for assessing enforcement capacity and cross-border cooperation. Regional frameworks, notably the SADC Protocol on Wildlife Conservation and Law Enforcement (1999) and the LEAP Strategy (2022–2032), offered the broader regional policy context for harmonization.

Secondary sources: included peer-reviewed literature and NGO reports. Rosen and Smith (2010) provide a global overview of the international wildlife trade, highlighting how ivory and pangolin trafficking networks exploit enforcement gaps in Africa. Booth *et al.* (2021) document pangolin trafficking trends and enforcement bottlenecks in southern Africa, while the Environmental Investigation Agency (EIA's) pangolin trade study (2024) identifies trafficking routes and legislative gaps specific to Malawi and Zambia. NGO perspectives, such as IFAW's Malawi–Zambia landscape report (2020), offer

operational insights into porous borders and limited patrol authority.

Regional analyses: further contextualized enforcement challenges. TRAFFIC (2019) underscores persistent weaknesses in border control, while Mpofu *et al.* (2025) highlights that Transfrontier Conservation Areas operate under “unsolved theoretical puzzles related to policy coherence and practical coordination.” Van Uhm (2019) expands the lens globally, noting that “structural discrepancies, inequalities and mismatches within the realms of economy, law, politics and power, provide new opportunities for crimes.” Nelson (2022) and Conservation Synergies (2024) emphasize the need for harmonization under the SADC LEAP Strategy, particularly in addressing fragmented enforcement.

Global perspectives: situate the MAZA TFCA within broader trafficking networks. The Wildlife Justice Commission's global trafficking review (2025) demonstrates how organized crime adapts to fragmented enforcement, embedding ivory and pangolin supply chains within transnational syndicate operations. Together, these sources provide a multi-layered evidence base, linking statutory frameworks to regional policy instruments, operational realities and global trafficking dynamics.

RESULTS AND DISCUSSION

Comparative Legal Analysis

The comparative review of Malawi's and Zambia's legal frameworks demonstrates how divergences in penalties, enforcement procedures, and institutional mandates shape transboundary wildlife law enforcement capacity in the MAZA TFCA. By systematically examining wildlife, customs, immigration, police, firearms, mutual

legal assistance, and extradition laws, the study identifies inconsistencies that undermine deterrence, complicate evidence collection and preservation, weaken criminal procedures, and hinder judicial cooperation across borders.

Results are presented thematically, with narratives and tables highlighting both areas of convergence and divergence. This structure makes clear how variations in sentencing (fines and custodial penalties), seizure protocols, immigration procedures, and extradition mechanisms create enforcement bottlenecks. At the same time, the analysis underscores the advantages of harmonised legal frameworks: aligning offences, standardising evidence protocols, strengthening witness management, and modernising enforcement tools. Such harmonisation would enhance deterrence, facilitates cross-border case management, and close gaps exploited by organised crime syndicates.

Wildlife Acts: Penalties for Endangered Species

Both Malawi and Zambia impose severe penalties for offences involving endangered species, but the magnitude and structure of sanctions differ significantly. Malawi's National Parks and Wildlife Act (1992, amended in 2017) (Republic of Malawi 2017) prescribes high custodial sentences, with fines that remain relatively modest when converted to US dollars. For example, elephant and rhino offences carry fines of up to MWK 5,000,000 ($\approx$ US\$2,900) and imprisonment of up to 30 years. Pangolin offences are punishable by fines of up to MWK 1,000,000 ($\approx$ US\$581) and 10 years' imprisonment.

By contrast, Zambia's Wildlife Act (2015) (Republic of Zambia 2015) quantifies penalties in penalty units, which translate into substantially higher fines in US dollar terms. Elephant and rhino offences attract fines of 500,000 penalty units ($\approx$ ZMW 150,000; $\approx$ US\$8,000) and imprisonment of up to 25 years. Pangolin offences carry fines of 200,000 penalty

Table 1: Penalties for Endangered Species Offences

Species/Category	Malawi (NPW Act, 1992, amended)	Zambia (Wildlife Act, 2015)
Elephant & Rhino	Fine of up to MWK 5,000,000 (US\$2,900); 30 yrs imprisonment	500,000 penalty units ($\approx$ ZMW 150,000 US\$8,000); 25 yrs imprisonment
Pangolin & Protected wildlife species	Fine of up to MWK 1,000,000 (US\$581); 10 yrs imprisonment	200,000 penalty units ($\approx$ ZMW 60,000 (US\$3,158)); 20 yrs imprisonment
Listed Species (CITES)	Fine of up to MWK 2,000,000 (US\$1,116); 20 yrs imprisonment	Covered under Section 108; penalties align with protected species
General Offences	MWK 100,000 (US\$58) fine; 5 yrs imprisonment	Fine or imprisonment of up to 5 yrs
Forfeiture	Mandatory forfeiture of weapons, vehicles, trophies	Forfeiture of property and disposal of seized goods

units ($\approx$ ZMW 60,000; $\approx$ US\$3,158) and imprisonment of up to 20 years. Listed species under CITES are covered by Section 108, with penalties align to those for protected species.

General offences in Malawi are sanctioned with fines of MWK100,000 ($\approx$ US\$58) and imprisonment of up to 5 years, while Zambia prescribes fines or imprisonment of up to 5 years. Both jurisdictions mandate forfeiture of weapons, vehicles, and trophies, though Zambia's provisions extend to

property and disposal of seized goods. When penalties are expressed in US dollars, Zambia's framework demonstrates a comparatively stronger deterrent effect, shifting the narrative toward its more modernized enforcement regime (Table 1). Both Zambia's and Malawi's Acts mandate forfeiture of property used in offences, but neither explicitly addresses cross-border repatriation of exhibits, leaving enforcement dependent on mutual legal assistance in criminal matters and extradition frameworks.

Table 2: Comparison of Customs Enforcement

Aspect	Malawi (Cap. 42:01) 2017	Zambia (Cap. 322, amended 2023)
Import/Export	Wildlife specimens prohibited unless permitted	Wildlife specimens prohibited; electronic manifests & seals
Seized Evidence	Embargo, forfeiture, abandonment	Seal integrity, disclosure obligations
Penalties	Broad, court-driven fines & imprisonment	Quantified fines (100,000 units (US\$3,333); 1 yr imprisonment

Customs Acts: Wildlife Specimens and Smuggling

Both Malawi and Zambia classify wildlife specimens as prohibited goods under their respective customs legislation. However, their enforcement approaches diverge in important ways. Malawi Customs and Excise Act (Republic of Malawi 2017) emphasise embargo

and forfeiture, restricting the cross-border transfer of seized evidence without prior authorization. This creates procedural bottlenecks when evidence must be shared across jurisdictions. By contrast, Zambia's Customs and Excise Act (Republic of Zambia 2023) modernizes enforcement through electronic cargo

manifests and customs seals, explicitly criminalizing tampering. Penalties are quantified: fines of up to 100,000 penalty units (approximately US\$3,333) or one year of imprisonment. When converted to US dollars, Zambia's penalty penalties are significantly higher than Malawi's broad, court-driven fines, shifting the narrative towards Zambia's comparatively stronger deterrent framework.

Immigration Acts: Movement of Traffickers and Evidence

Malawi's Immigration Act (Cap. 15:03), Republic of Malawi (Republic 2015) addresses wildlife traffickers through broad classifications of prohibited or illegal immigrants. This framework empowers authorities to detain and deport offenders, but penalties remain discretionary and evidence management is less formalized. The approach prioritizes removal over structured prosecution, leaving gaps in deterrence and consistency. As such removal is predominantly for violation of immigration laws and not within the context of wild life law enforcement. The reason is simple – immigration officers are trained

predominantly to enforce immigration law.

Zambia's Immigration Control Act No. 3 of 2026 (Republic of Zambia 2026), by contrast, enables the Immigration Department in section 4(1)(f) to co-operate and coordinate with appropriate regional or international bodies in the prevention of transnational organised crimes. A person who is involved in wildlife trafficking falls under Class C of the Schedule as a prohibited Immigrant who is: a foreigner— (a) who is engaged, or is reasonably suspected of engaging, in activities prejudicial to the integrity or sovereignty of the Republic or of a foreign country; (b) against whom there are reasonable grounds for believing is likely to engage in a subversive activity of a kind directed against the Republic or detrimental to the security of the Republic or foreign country; (c) who is declared a suspected international terrorist under the Anti-Terrorism and Non-Proliferation Act, or (d) whose presence in the Republic is likely to be prejudicial to the interests of defence, public safety, public order, public morality or public health.

The Act introduces quantified fines for illegal or

Table 3: Immigration Enforcement Comparison

Aspect	Malawi Immigration Act (Cap. 15:03), 2015	Zambia (Immigration Control Act, 2025)
Wildlife Traffickers	Classified as prohibited immigrants	Explicitly prohibited/illegal immigrants
Seized Evidence	Search powers; detention/deportation	Search, seizure, holding facilities; trafficking offences
Penalties	Broad, discretionary	Quantified fines (10,000–200,000 units (US\$18-350); summary penalties

prohibited immigrants ranging from 10,000 to 200,000 units ($\approx$ US\$18–350) and summary penalties designed for swift enforcement. The Act also establishes holding facilities and seizure powers, strengthening evidence custody and ensuring that trafficking cases are processed with procedural clarity including at immigration ports of entry into Zambia.

Together, these differences highlight Malawi's reliance on flexible but unpredictable enforcement, versus

Zambia's shift toward codified, evidence-based mechanisms. Zambia's model signals a replicable pathway for harmonized enforcement across transfrontier conservation areas, enhancing and streamlining deterrence and accountability in cross-border wildlife crime.

Police Acts: Powers and Penalties

Malawi's Police Act (Cap. 13:01) (Republic of Malawi 2018) grants law enforcement broad mandates, including

Table 4: Police Enforcement Comparison

Aspect	Malawi Police Service Act	Zambia Police Act (Cap. 107)
Wildlife Context	Broad mandate; seized property powers	Specific search/seizure powers; cross-border cooperation
Seized Evidence	Custody & disposal	Search, seizure, documentation; international cooperation
Penalties	Broad, discretionary	Quantified fines (400–1,000 units (US\$0.70-1.75); 3–12 months imprisonment

the seizure and disposal of property. While this provides flexibility, penalties remain discretionary and enforcement outcomes can vary.

Zambia's Police Act (Cap. 107) Republic of Zambia (1994) codifies specific search and seizure powers, embeds provisions for international cooperation, and introduces quantified penalties. These include fines, very low, ranging from 400 to 1,000 units ($\approx$ US\$0.70–1.75) and custodial sentences of 3–12 months. This structured framework

strengthens deterrence and ensures consistency in enforcement, particularly in cross-border contexts.

Harmonization across the two jurisdictions could align Malawi's discretionary penalties with Zambia's quantified deterrents, creating a more predictable and effective enforcement regime for wildlife crime.

Extradition Acts: Fugitive Surrender

Malawi Extradition Act (Cap. 8:03) (Republic of Malawi

Table 5: Extradition Enforcement Comparison

Aspect	Malawi (Cap. 8:03)	Zambia (Cap. 94, amended 2020)
Suspects	Extraditable if offence ≥ 12 months	Simplified, consent-based extradition
Evidence & Persons	Judicial safeguards; delays possible	Attorney-General oversight; faster transfer
Penalties	Escape criminalized; discretionary	Streamlined enforcement; quantified penalties

2018) follows traditional extradition arrangements with judicial safeguards and escape penalties. Amendments in 2020 to Zambia's Extradition Act (Republic of Zambia 2020) introduced simplified, consent-based extradition overseen by the Attorney-General, expediting surrender of wildlife crime suspects. Harmonization could modernize Malawi's framework to match Zambia's efficiency.

Mutual Assistance in Criminal Matters (MLA) Acts

MLA frameworks provide the legal foundation for cross-border collaboration in evidence sharing, prisoner transfer, and judicial proceedings. In Malawi, the Mutual Assistance in Criminal Matters (Cap. 8:04) (Republic of Malawi (1994) emphasizes judicial oversight and safeguard procedures, ensuring due process but often introducing delays in the transfer of exhibits and testimony.

Table 6: MLA Enforcement Comparison

Aspect	Malawi MLA Act	Zambia MLA Act
Evidence Sharing	Judicial oversight; transfer subject to court approval	Evidence-gathering orders; streamlined transfer mechanisms
Prisoner Transfer	Case-by-case judicial discretion	Codified provisions for prisoner transfer
Penalties	Contempt of court; discretionary sanctions	Up to 100,000 penalty units ($\sim$ ZMW 30,000 $\approx$ US\$1,578) or 12 months imprisonment
Wildlife Crime	No explicit provisions; general applicability	No explicit provisions; general applicability

Zambia's MLA Act (Republic of Zambia 1993), amended in 2020 by contrast, codifies specific evidence-gathering orders, contempt penalties, and streamlined cooperation mechanisms. These provisions enable faster exchange of exhibits and witness testimony, reducing procedural bottlenecks and strengthening prosecutorial efficiency. Neither Act contains explicit provisions tailored to wildlife crime, but both frameworks are applicable to wildlife trophy trafficking cases. Harmonization of MLA procedures would ensure predictable timelines, standardized evidence protocols, and reduced opportunities for syndicates to exploit procedural gaps across borders.

Implications for Harmonization

- Malawi: Current reliance on discretionary contempt penalties undermines predictability. Transitioning to quantified fines would establish clearer benchmarks, reduce judicial inconsistency, and align enforcement with regional best practice.
- Zambia: While penalties are already codified, harmonization with Malawi's kwacha-based system would strengthen cross-border consistency. A unified fine structure across the TFCA would enhance deterrence, simplify enforcement, and reduce opportunities for forum shopping by offenders. Supporting harmonization of MLA penalties would strengthen evidence transfer and judicial cooperation, closing loopholes exploited by wildlife crime syndicates.

Discussion

Penalty Disparities and Deterrence

The comparative analysis demonstrates that Malawi's legislation relies heavily on broad prohibitions and discretionary penalties, prescribing custodial sentences of up to 30 years for endangered species offences alongside fines capped at MWK 5,000,000 ($\approx$ US\$2,900). Zambia, by contrast, imposes significantly higher monetary penalties of up to 500,000 penalty units ($\approx$ ZMW 150,000, $\approx$ US\$8,000), but slightly lower custodial sentences of up to 25 years. Both frameworks reflect strong deterrent intent, though in different dimensions: Malawi emphasizes severe imprisonment terms, while Zambia emphasizes higher monetary fines. These disparities weaken predictability and complicate transboundary enforcement in the MAZA TFCA. Without harmonization, offenders may exploit jurisdictions with lighter or less consistent penalties, undermining deterrence and eroding judicial credibility.

As Rosen and Smith (2010) observe, inconsistencies in national legislation are routinely exploited by organized crime syndicates, who gravitate toward jurisdictions with weaker investigative capacity or slower prosecutorial processes. Booth *et al.* (2021) further highlight how pangolin trafficking networks thrive in regions where enforcement is fragmented, underscoring the importance of harmonized prosecutorial procedures, judicial processes, and predictable sanctioning frameworks. NGO reports echo these findings: IFAW (2020) documents how

porous borders between Kasungu, Lukusuzi, and South Luangwa National Parks, coupled with legal impediments to cross border enforcement, facilitate ivory and pangolin trafficking; TRAFFIC (2019) emphasizes systemic enforcement weaknesses across southern Africa.

Evidence Protocols and Chain of Custody

Evidence management remains a critical bottleneck. Malawi's Customs and Excise Act (Cap. 42:01), amended in 2018, 2021, and 2023, restricts cross border transfer of seized specimens without ministerial authorization. Zambia's 2023 amendments introduced electronic cargo manifests and seal integrity requirements to modernize compliance. Yet, as the Environmental Investigation Agency (2024) demonstrates in its pangolin trade study, without harmonized protocols for evidence transfer, syndicates exploit loopholes to move contraband across borders, undetected. Standardized evidence codes, electronic manifests, and bilateral guidelines for specimen transfer would reduce risks of inadmissibility in court and strengthen prosecutorial outcomes.

Immigration and Police Cooperation

Malawi's immigration framework relies on broad classifications of prohibited immigrants, while Zambia codifies explicit trafficking offences with quantified fines. Similarly, Malawi's police powers are broad but discretionary, whereas Zambia's are codified and structured. This unevenness undermines joint patrols, coordinated investigations, and evidence transfer (Nelson, 2022). Harmonizing classifications, penalties, and operational procedures would strengthen deterrence and cooperation at TFCA entry points, ensuring that syndicates cannot exploit procedural asymmetries.

Extradition and Judicial Cooperation

Extradition frameworks illustrate further divergence. Malawi's traditional safeguards introduce delays, while Zambia's simplified, consent based model accelerates surrender of suspects. Syndicates exploit these differences to evade prosecution. Nelson (2022) stresses that cross border cooperation in SADC remains constrained by procedural delays, reinforcing the need for bilateral fast track extradition protocols for wildlife crime suspects. Such protocols would align with regional best practice and ensure predictable judicial timelines.

Mutual Legal Assistance (MLA)

Mutual legal assistance frameworks also diverge. Malawi emphasizes judicial oversight, often delaying evidence transfer, while Zambia codifies streamlined evidence gathering orders. The Wildlife Justice Commission (2025) demonstrates how delays in evidence exchange undermine prosecutions, allowing trafficking networks to adapt and persist. Harmonization of MLA provisions would ensure predictable timelines, reduce vulnerabilities, and prioritize wildlife crime cases.

Regional Alignment under the SADC LEAP Strategy

Taken together, these findings highlight the urgent need for harmonization across wildlife, customs, immigration, police, firearms, prosecutorial and judicial processes (MLA), and extradition laws. Anchoring reforms in the SADC Law Enforcement and Anti Poaching (LEAP) Strategy (2022–2032) provides a regional mandate for harmonization. Conservation Synergies (2024) emphasize that aligning quantified fines, custodial sentences, and evidence protocols within the LEAP framework would position the MAZA TFCA as a flagship pilot for regional enforcement. By closing enforcement loopholes, strengthening deterrence, and modernizing compliance systems, the TFCA can advance conservation governance and serve as a model for transboundary law enforcement across southern Africa.

Recommendations

The SADC Law Enforcement and Anti Poaching (LEAP) Strategy (2022–2032) provides the regional mandate for harmonizing wildlife law enforcement across member states. Its four strategic pillars emphasize deterrence through strong penalties, cross border cooperation, technology enabled enforcement, and governance reforms to address vulnerabilities exploited by organized crime syndicates.

The comparative analysis of Malawi and Zambia's wildlife Acts demonstrates how disparities in penalties, evidence protocols, and extradition procedures weaken deterrence and complicate cooperation in the MAZA TFCA. These inconsistencies create enforcement gaps that organized networks readily exploit, shifting operations to jurisdictions with lighter penalties or slower judicial processes (Rosen & Smith, 2010; Booth *et al.*, 2021; IFAW, 2020). Anchoring reforms in the LEAP Strategy ensures that harmonization becomes not only a national priority but also a regional obligation.

The following recommendations are aligned with the pillars of the LEAP Strategy, offering actionable pathways for legal harmonization and positioning the MAZA TFCA as a flagship pilot for regional implementation.

Pillar 1: Deterrence

- **Penalty Harmonization:** Align custodial sentences (20–30 years) and establish equivalent monetary thresholds across Malawi and Zambia. This will ensure consistent deterrence and reduce opportunities for offenders to exploit disparities.
- **Unified Fine Structure:** Introduce standardized fines expressed in both kwacha and penalty units to strengthen predictability and cross border enforcement.

Pillar 2: Cooperation

- **Evidence Protocols:** Develop joint guidelines for specimen transfer and harmonized chain of custody rules to ensure admissibility in court.
- **Immigration Enforcement:** Harmonize classifications

of wildlife traffickers and penalties to ensure consistent treatment at TFCA entry points.

- **Police Cooperation:** Formalize cross border police arrangements, align penalties, and strengthen joint patrols to close operational gaps.

- **Extradition Efficiency:** Establish a bilateral fast track extradition protocol for wildlife crime suspects to reduce delays and strengthen judicial cooperation.

Pillar 3: Technology

- **Digital Compliance Integration:** Harmonize customs enforcement by adopting electronic cargo manifests and seals across both countries.

- **Shared Monitoring Platform:** Develop a regional digital system for tracking wildlife specimens, seizures, and enforcement actions to enhance transparency and coordination.

Table 7: Roadmap for targeted amendments

Act / Area	Targeted Amendment	Expected Outcome	SADC LEAP Pillar Alignment
Wildlife Acts	Harmonize custodial sentences (20–30 yrs) and monetary penalty thresholds	Predictable deterrence; close penalty loopholes	Deterrence
Customs Acts	Extend Zambia’s electronic cargo manifest/seal system to Malawi	Modernized compliance; reduced smuggling; facilitation of seizure of contraband, weapons and other equipment used for poaching.	Technology
Immigration Acts	Explicitly classify traffickers as prohibited immigrants; harmonize fines and exempt wildlife law enforcement officers from strict immigration requirements while in hot pursuit of traffickers.	Timely apprehension and consistent treatment of offenders across the TFCA	Cooperation
Police Acts	Formalize cross-border patrol agreements; align discretionary vs quantified penalties	Strengthened operational capacity; joint enforcement	Cooperation
MLA Acts	Codify wildlife crime as priority offence; harmonize evidence-sharing timelines; quantified penalties (e.g., Zambia: up to 100,000 units ≈ ZMW 30,000 (US\$1,578), or 12 months imprisonment)	Predictable evidence transfers; reduced delays	Governance
Extradition Acts	Modernize Malawi’s framework to match Zambia’s simplified model	Faster surrender of fugitives; reduced evasion	Cooperation
Regional Alignment	Position MAZA TFCA as flagship pilot under SADC LEAP	Demonstration of scalable, replicable enforcement	Governance
Fire Arms Acts	Harmonize the type and use of firearms and maintenance of a common/shared fire arms register for the MAZA TFCA	Consistency in the type and use of firearms in cross-border law enforcement	Governance
Criminal procedure and evidence codes	Formalize cross-border prosecution and trial of offenders and sharing intelligence and evidence	Speedy arrests and trials of offenders	Governance
Aviation legislation	Permit the use of drones and light aircraft in cross-border law enforcement in the MAZA TFCA	Speedy detection of illegal activity, movements of poachers and sharing of information	Technology
Communication laws	Harmonize radio frequencies used in law enforcement	Speedy detection of illegal activity, movements of poachers and sharing of information	Technology

Pillar 4: Governance

- **Mutual Legal Assistance (MLA):** Harmonize MLA provisions to ensure predictable timelines for evidence transfer and witness testimony.

- **Regional Alignment:** Position the MAZA TFCA as a flagship pilot for LEAP implementation, demonstrating how harmonized frameworks can strengthen deterrence and advance conservation governance across southern Africa.

Harmonizing Malawi and Zambia's wildlife Acts across wildlife, customs, immigration, police, firearms, prosecution, judicial processes, mutual legal assistance, and extradition will modernize compliance, strengthen deterrence, and close enforcement gaps currently exploited by organized crime. Anchored in the SADC LEAP Strategy, the MAZA TFCA can serve as a regional benchmark for transboundary law enforcement, offering citizens and development partners a catalytic opportunity to support scalable and replicable conservation governance.

Building on this regional alignment, the next section translates these strategic imperatives into a concrete legislative and procedural roadmap, ensuring that harmonization moves beyond aspiration to practical implementation.

Roadmap of Targeted Amendments

To operationalize these recommendations, the following roadmap outlines targeted legislative and procedural amendments, linked to expected outcomes and aligned with SADC LEAP pillars. While the roadmap outlines the long term trajectory for legislative harmonization, it is equally important to sustain enforcement momentum during the transition. Full alignment of statutes and procedures across Malawi and Zambia will inevitably take time, yet organized crime continues to exploit existing gaps. To prevent enforcement fatigue and maintain credibility, both governments can adopt interim administrative measures that provide immediate operational relief. These expedited actions, introduced below, serve as a pragmatic bridge toward full harmonization, demonstrating how executive authority can be leveraged to close loopholes while parliamentary processes are underway.

Expedited Measures Pending Harmonization

To sustain enforcement momentum while awaiting full legislative alignment, Malawi and Zambia can adopt interim administrative measures. These expedited actions provide immediate operational relief, bridging current gaps and demonstrating practical commitment to harmonization. These measures are outlined below:

Jurisdictional Limits on Pursuit and Arrest

Restriction: Wildlife officers cannot legally pursue offenders across the border except in rare joint operations. **Expedited Measure:** Bilateral administrative immigration and customs exemptions authorizing hot pursuit within designated TFCA zones, subject to immediate handover

to local authorities.

Justification: Closes enforcement gaps in porous border areas of the MAZA TFCA, where poachers exploit the absence of clear boundary markers.

Evidence Transfer and Chain of Custody

Restriction: Malawi's Customs Act requires prior authorization for cross border transfer of seized specimens, delaying prosecutions.

Expedited Measure: Administrative protocols enabling direct specimen transfer between the Departments of National Parks and Wildlife in Malawi and Zambia, with simplified chain of custody documentation recognized by courts in both countries.

Justification: Streamlined evidence transfer prevents delays, reduces risks of contamination or loss, and strengthens prosecutorial outcomes.

Extradition Safeguards

Restriction: Malawi's extradition framework requires lengthy judicial review before surrendering suspects. **Expedited Measure:** Bilateral fast track extradition agreements for wildlife crime suspects, modeled on Zambia's simplified consent based extradition.

Justification: Accelerates surrender of fugitives, reduces opportunities for offenders to evade prosecution, and aligns with regional best practice.

Mutual Legal Assistance (MLA) Delays

Restriction: Malawi emphasizes judicial oversight, slowing evidence exchange.

Expedited Measure: Ministerial directives prioritizing wildlife crime under MLA frameworks, enabling expedited transfer of exhibits and testimony.

Justification: Ensures predictable timelines for evidence sharing, strengthening prosecutorial efficiency and reducing opportunities for syndicates to exploit procedural delays.

Immigration Controls

Restriction: Malawi classifies traffickers broadly as "prohibited immigrants," while Zambia codifies trafficking offences with quantified fines.

Expedited Measure: Joint designation of wildlife traffickers as priority offenders at TFCA border posts, enabling immediate detention and transfer under administrative authority.

Justification: Provides consistent treatment of traffickers across borders, closing loopholes at entry points and reducing forum shopping by offenders.

Police Powers and Patrol Authority

Restriction: Malawi's police powers are broad but discretionary, while Zambia codifies specific search/seizure powers.

Expedited Measure: Memoranda of Understanding (MoUs) authorizing joint patrols and reciprocal recognition of police powers within TFCA boundaries.

Justification: Strengthens operational capacity and ensures joint patrols act decisively without legal ambiguity, enhancing deterrence in shared ecosystems.

These expedited measures would demonstrate that governments are not waiting for protracted parliamentary processes but are acting immediately, within the scope of their executive powers, to close enforcement gaps and safeguard wildlife for current and future generations. They provide a pragmatic bridge toward full harmonization, showing how Malawi and Zambia can operationalize the SADC LEAP Strategy while building public and donor confidence in reforms that are both scalable and replicable.

By anchoring these targeted amendments within the broader recommendations, the study offers a clear roadmap for harmonization that directly advances LEAP's pillars — deterrence, cooperation, technology, and governance, and positions the MAZA TFCA as a regional benchmark for transboundary wildlife crime enforcement. For donors, this roadmap represents a catalytic opportunity to invest in reforms that deliver measurable conservation and governance outcomes across southern Africa. It also illustrates how to strengthen governmental cooperation in wildlife law enforcement and reinforce their contribution to national development and prosperity.

CONCLUSION

The comparative analysis of Malawi and Zambia's enforcement frameworks shows that disparities in penalties, evidence protocols, and extradition procedures weaken deterrence and complicate transboundary cooperation. Organized crime exploits these inconsistencies, shifting operations to jurisdictions with lighter penalties or slower judicial processes. Without harmonization, enforcement remains fragmented, prosecutions are delayed, and deterrence is undermined.

By integrating targeted amendments within the key recommendations and roadmap, this study provides a clear pathway for strengthening transboundary wildlife law enforcement in the MAZA TFCA. Harmonizing custodial sentences, standardising evidence protocols, integrating digital compliance systems, and modernising mutual legal assistance and extradition frameworks will close enforcement gaps and ensure consistent deterrence. Anchored in the SADC LEAP Strategy (2022–2032), these reforms position the Malawi–Zambia TFCA as a flagship pilot for regional implementation. The Transfrontier Conservation Area Treaty reconfirms both governments' commitment and offers a

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