

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA



Seventieth meeting of the Standing Committee  
Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018

Interpretation and implementation matters

General compliance and enforcement

Compliance matters

Application of Article XIII

APPLICATION OF ARTICLE XIII IN NIGERIA

1. This document has been prepared by the Secretariat.

Background and mandate

2. At its 69th meeting (SC69, Geneva, November 2017), the Standing Committee discussed trade in specimens of *Pterocarpus erinaceus* from Nigeria to China pursuant to Article XIII of the Convention based on document SC69 Doc. 29.1 (Rev. 2) and further information provided by China and Nigeria.
3. During deliberations at SC69, China provided detailed responses on this issue and drew the attention of the Committee to a communication exchange mechanism that it had put in place to check permits immediately with their trading partners. China, supported by Nigeria, declared that this mechanism was working and had fully demonstrated that it was the best practice to prevent any fraudulent trade. Some Parties expressed doubts about the legality of these transactions and serious concerns about the significant volumes traded. The Secretariat announced that it had received an official letter of invitation from the Government of Nigeria to conduct a technical mission to the country.
4. As a result of the deliberations, the Standing Committee adopted the following recommendations with regard to trade in specimens of *Pterocarpus erinaceus*:
  - a) *Parties should not accept any CITES permit or certificate for Pterocarpus erinaceus issued by Nigeria unless its authenticity has been confirmed by the Secretariat, noting that China and Nigeria have existing CITES document exchanging mechanism to verify the authenticity of all CITES permits and certificates for Pterocarpus erinaceus issued by Nigeria.*
  - b) *Range States and importing countries should pay particular attention to trade in Pterocarpus erinaceus to ensure that trade in this species only takes place when Parties are satisfied that it is in line with the requirements of the Convention.*
  - c) *The Standing Committee welcomed the invitation by the Government of Nigeria to conduct a technical mission to Nigeria and invited the Secretariat to provide any relevant information on compliance with the Convention related to trade in Pterocarpus erinaceus to the Standing Committee.*

5. Article XIII of the Convention stipulates that:

*1. When the Secretariat, in the light of information received, is satisfied that any species included in Appendix I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.*

*2. When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.*

*3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.*

Progress made in the implementation of SC69 recommendations

6. Regarding the SC69 recommendations a) and b) mentioned above, the Secretariat published Notification to the Parties No. 2018/005 of 15 January 2018 and has been in regular contact with the Management Authorities of Nigeria and Viet Nam that, like China, imports *Pterocarpus erinaceus* from Nigeria, regarding the confirmation of the authenticity of the permits issued by Nigeria, which are all signed by the Hon. Minister of Environment. The Secretariat also visited Viet Nam early in the year to discuss this matter and is very grateful for the cooperation provided by the Vietnamese authorities during the visit and the proactive approach in requesting confirmation of the authenticity of the permits issued by Nigeria. As explained in the recommendation, China and Nigeria have a document exchanging mechanism to verify the authenticity of all CITES permits bilaterally.
7. Given the constant evolution of the trade statistics, the Secretariat will submit an information document to the present meeting with updated information regarding the real volumes of exports authorized by Nigeria. The Management Authority of Nigeria has kindly offered to provide this information to the Secretariat during the month of September. As the Secretariat was only able to confirm the authenticity of the export permits issued by Nigeria that have Viet Nam as an import country, the numbers available are partial. The Secretariat understands that the imports from Viet Nam represents only a small portion of total volumes of trade. To complete the statistical analysis, it would be necessary to know the volumes of timber of *P. erinaceus* imported by China from Nigeria.
8. The task of confirming the authenticity of permits and analyzing the information in quasi real time, gives to the Secretariat the opportunity to access fresh data and appears to be a very valuable approach for the early detection of implementation problems and assisting Parties in preventing potential compliance issues. However, it is a very time-consuming task that requires almost immediate responses and electronic tools and applications that the Secretariat does not have at present. To give an example, the Secretariat may receive in a single day over 30 emails containing more than 200 permits for the export of specimens of a particular species from one country. The lack of human and technical resources may cause delays in the confirmation of permits which may generate frustration among the authorities concerned and traders and result in extra-costs for the applicants. In the future, it may be desirable to consider the resource implications of these recommendations.

Identification of potential compliance matters

9. Regarding SC69 recommendation c), the Secretariat conducted a technical visit to Nigeria at the invitation of the Federal Government, from 29 May to 2 June 2018.
10. The Secretariat was hosted and accompanied by the Hon. Minister of Environment and the CITES Management Authority of Nigeria for the entire duration of the mission. On the first two days, the Secretariat held meetings in Abuja with officers of the Federal Ministry of Environment/Federal Department of Forestry (CITES Management Authority) and the National Environmental Standards and Regulations Enforcement Agency (NESREA), which functions as the primary agency responsible for CITES enforcement.
- 11.. On the third and fourth day of the mission, the Nigerian delegation headed by the Minister and the Secretariat staff travelled from Abuja to Lagos to meet with high ranking officials of the Nigeria Customs Service (NCS). The NCS is headed by the Comptroller-General and assisted by six Deputy Comptrollers-Generals heading

the following departments as follows: Finance Administration and Technical Service; Tariff & Trade; Enforcement, Investigation, and Inspection; Strategic Research & Policy; Human Resource Development; and Excise, Free-Trade Zones and Industrial Incentives.

12. The technical mission was received by the Comptrollers and Managing Directors of the ports of Apapa and Tin Can and other officials of the Nigeria Ports Authority. The offices of the Ministry of Environment and NESREA were also visited. The last day, the mission travelled to Ibadan to visit the Forestry Research Institute of Nigeria (FRIN) which is part of the committee that composes the CITES Scientific Authority of Nigeria.
13. During these visits, the Secretariat met with various other interlocutors, including representatives of the private sector (timber traders) and members of local and international non-governmental organizations
14. The Secretariat expresses its appreciation to the Federal Government of Nigeria, and in particular to the Hon. Minister of Environment and the CITES Management Authority, for the excellent political and technical support provided in planning and coordinating the visit, and for their generous hospitality. The Secretariat would also like to express its gratitude to the Nigeria Customs Service, NESREA, FRIN, representatives of the private sector and non-governmental organizations. The mission provided an excellent opportunity for the Secretariat to also address other potential compliance matters related to the effective implementation of the provisions of the Convention under the Article XIII process.

#### *Regarding exports of specimens of Pterocarpus erinaceus from Nigeria to China and Viet Nam*

15. The African rosewood (*Pterocarpus erinaceus*), in Nigeria locally known as 'Kosso' or 'Madrid', was first listed in CITES Appendix III by Senegal and regulated by Article V of the Convention from 9 May 2016 to 2 January 2017. During this period, the issuance of a certificate of origin by Nigeria and other range States was required.
16. Following a proposal submitted by Nigeria and other range States, the Conference of the Parties, at its 17th meeting, agreed to list the species in CITES Appendix II, without annotation, with the date of entry into force of 2 January 2017.
17. As a result, from 2 January 2017, international trade in specimens of African rosewood is regulated by Article IV of the Convention and requires the prior granting and presentation of an export permit. As mentioned in paragraph 7 above, all the export permits authorizing trade in specimens of this species that were sent by Nigeria to the Secretariat have as countries of destination China and Viet Nam.

#### *Implementation of the new listing in Nigeria*

18. Nigerian authorities explained that given the changes to the status of the species in CITES Appendices, two suspensions were placed on the export of *P. erinaceus*. The first from 30 April to 16 June 2016, and the second from 30 December 2016 to June 2017. It was explained that this was done to allow for time to put in place new guidelines and procedures for the export of processed and semi-processed wood of this species.
19. In accordance with new guidelines adopted in 2017, companies must show evidence that the wood products for export were sustainably harvested, by producing a logging permit or concessionaire certificate issued by the Ministry responsible for forestry matters at the **State level**, where the exploitation or processing took place.
20. Once the applicant has produced the logging permit or concessionaire certificate, the wood utilization/grading officers from the Federal Forestry Department inspect the factories and determine whether the applicants are complying with forestry regulations and can be granted a **'letter of support'** which is the prerequisite for the issuance of the CITES permit.

#### *Issuance of CITES permits*

21. CITES permits for *P. erinaceus* are issued by the CITES Management Authority and signed exclusively by the Hon. Minister of Environment. They are issued per shipment, are not transferable and remain valid for a period of six months from the date of issuance. CITES permits can only be issued for processed or semi-processed wood not exceeding the following allowable dimensions: Length 280 mm – 3600 mm / Width 35 mm – 350 mm / Thickness 6 mm – 350 mm. All scanned copies of the permits received by the Secretariat were filled by hand and were accompanied by a bill of lading. Box 24 of the permits, which corresponds to

box 14 of the standard CITES form in Annex 2 of Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates* was filed by the department of forestry responsible for the issuance of the permits and not by the customs service. Some of the quantities indicated in the permit appeared to be corrected or altered and at times it was hard to read the names of the importers or the exporters.

22. Timber traders complained about the validity period of six months, and the Secretariat explained the special procedures regarding permits and certificates for timber species included in Appendices II and III foreseen in Resolution Conf. 12.3 (Rev. CoP17), which recommends that the validity of the export permit or re-export certificate may be extended beyond the normal maximum of six months after the date of issue, under certain conditions.
23. The Secretariat also explained to the traders that an export permit can only be issued if the Scientific Authority has made a “non-detriment finding” and the Management Authority has verified that the specimens were legally acquired. In the absence of these two key requirements, trade cannot be authorized and permits should not be issued.

#### *Verification of the legal acquisition*

24. Concerning the legal acquisition of timber, the Secretariat reminded the Nigerian Authorities that the issuance of an export permit provides a certification that the specimens it refers to have been legally acquired. The decisions of governmental authorities of other countries to authorize imports and issue re-export certificates are based upon these documents. It is imperative that such determinations be made in compliance with CITES and be accurate and reliable. Otherwise, the authentication of CITES permits is a mere paper exercise that does not prove legality nor sustainability which are the two key objectives of the Convention.
25. Forestry governance in Nigeria is highly decentralized. The Nigerian Federal regime delegates the responsibility for authorizing harvesting and domestic trade in timber of CITES-listed species to the State level. State authorities are competent to issue licenses or permits for forestry exploitation. The way in which competences, autonomy, power and governance responsibilities are distributed in Nigeria appears to inadvertently create loopholes and make difficult to harmonize controls between Federal and State level authorities, to ensure sustainability and verify the legality of the origin of the timber specimens.
26. The Secretariat believes that a more effective ‘chain-of-custody’ scheme to track timber should be established to ensure its legal origin and that the legality of the trade should be closely connected to the making of the non-detriment findings (NDFs). Currently, lax provincial regulations, loopholes in existing laws and the lack of sustainable forestry policies at the State level are exploited by national and foreign actors involved in the timber trade to export timber that is obtained in accordance with national laws but not in accordance with the Convention. In compliance jargon, this phenomenon is known as ‘legal optimization’ or in other words ‘lawful but awful’ trade conducted under the cover of genuine CITES permits.
27. During the mission, the Secretariat learnt that African rosewood or Kosso was usually found in States like Ogun, Oyo, Kwara, Kogi, Nasarawa, Plateau, Gombe, Taraba, Adamawa and Borno States. However, given the high demand from Asian markets during the last five years, the populations of Kosso have been depleted in almost all those States, and only some healthy populations remain in Taraba, Adamawa and Borno, with the best quality apparently being sourced from Taraba.
28. The Secretariat was also informed by several interlocutors that timber traders are currently moving from one State to the other to satisfy the high international demand, depleting African rosewood populations in Nigeria without proper consideration of the sustainability impacts of that trade. According to those interlocutors, the current significant levels of trade are explained by two main drivers: first, the economic recession which has turned a number of Nigerians, particularly in regions that do not have oil resources, into loggers of *P. erinaceus*; and second, the high demand for wood products made from this species in Asian markets, particularly in China and Viet Nam<sup>1</sup>. These two economic drivers are interconnected.

---

<sup>1</sup> Products such as parquet flooring, antique-looking furniture with intricate carvings and wood frame sunglasses are announced in popular websites such as: <https://www.alibaba.com/showroom/kosso-wood-price.html>

### *Non-detriment finding (NDF)*

29. Regarding the NDF requirement, the Secretariat's mission revealed the absence of recent scientific studies that estimate the level of sustainable harvest that can be authorized. There seems to be an absence of clear criteria for the determination of the sustainability of the harvest. There is also an urgent need to strengthen and support the Scientific Authorities responsible for the making of the non-detriment findings. In this connection, at their joint session (AC30/PC24, Geneva, July 2018), the Animals and Plants Committees agreed to present for consideration of the 18th meeting of the Conference of the Parties a set of Decisions related to NDFs [see [AC30/PC24 Com. 2 \(Rev. by Sec.\)](#)]. These decisions include a mandate for the Secretariat to develop a gap analysis and identify priorities for additional improved NDF guidance materials. In this context, and given the information provided throughout this document, *Pterocarpus erinaceus* might be identified as a priority taxon in this analysis.
30. Despite the commitment and political will at the highest levels witnessed during the mission, and all the efforts made by the CITES Management Authority, the Federal Government seems to face technical and jurisdictional challenges in managing exports without consulting and involving the authorities at the State level which are responsible for governing and regulating the access to the resource. For instance, there is no annual export quota for this species established at the Federal level. In the absence of NDFs and export quotas to limit the exports to cautious levels, it appears that at least one of the key mandatory requirements under Article IV of the Convention is not properly implemented before the issuance of the permits.

### *Regarding illegal trade in CITES-listed species*

31. As stated above, the technical mission provided also an opportunity to address other potential compliance matters related to the effective implementation of the provisions of the Convention under the Article XIII process, notably those concerning illegal trade in elephant ivory and pangolin scales. In recent years, Nigeria has become a Party significantly targeted by criminal networks involved in the illegal trade in specimens of those and other CITES-listed species. These networks seem to be actively operating in several Central and West African countries.

### *Illegal trade in pangolin scales linked to Nigeria*

32. A rapid estimation of the volumes of illegal trade in pangolin scales associated with Nigeria, done by the Secretariat, shows that the amount of pangolin scales seized in Nigeria or in other countries after it left Nigeria, escalated significantly in recent years, from 2,000 kg in 2015, to 7,721 kg in 2016 and 7,658 kg in 2017, to 23,987 kg in the seven-month period between 1 January and 31 July 2018 (see Table 1). The estimation is based on information derived from the 2016 CITES annual illegal trade reports submitted by Parties, alerts posted by Parties on Environet and EU-TWIX, and press releases from Hong Kong customs.

Table 1: seizures of pangolin scales linked to Nigeria between 2015 and July 2018

Year	Amount pangolin scales (kg) seized in Nigeria (in total four seizures) reported by Nigeria	Amount pangolin scales (kg) seized in transit or destination countries (in total seven seizures in Hong Kong SAR, 11 seizures in the Netherlands and one seizure in France). Sources: Illegal trade reports for 2016, alert posted by Parties on EU-TWIX or Environet, press releases from Hong Kong customs.	Total amount pangolin scales (kg) seized in Nigeria or in transit or destination countries
2018 (Jan – July)	12,263	11,724	23,987
2017		7,658	7,658
2016	92	7,629	7,721
2015		2,000	2,000
Total	12,355	29,011	41,366

33. Most of the seizures (29 tons) during this period were made by transit or destination countries in Asia (seven seizures in Hong Kong SAR) and Europe (11 seizures in the Netherlands and one seizure in France). It is worth noting that several of the seizures involved very large quantities (six seizures made in Hong Kong

SAR included in total 28,2 tons and three seizures in Nigeria included 12,3 tons of pangolin scales). It should further be noted that six of the large scale seizures (three in Nigeria and three in Hong Kong SAR) were made during the first half of 2018, which included in total almost 24 tons of pangolin scales. The equivalent of 40,000 to 60,000 animals, according to certain estimations.

34. Furthermore, information from the media and a non-governmental organization (NGO) indicates that an additional 18 tons of pangolin scales alleged to be linked to Nigeria were seized between 2015 and mid-2018 in China, Congo, Cameroon, Kenya, Malaysia, Thailand, Singapore and Viet Nam. News articles which were the basis for many of the cases in the NGO seizure dataset tend to originate from announcements by authorities, but may not be accurate in terms of numbers of specimens seized. The figures presented in Table 1, which do not include information obtain from the media or NGOs, indicates that the illegal trade in pangolin seizures linked to Nigeria seems to be escalating significantly.
35. Large scale illegal shipments through Nigeria indicate involvement of organized criminal networks and corruption. It is likely that Nigeria is used as a transit country for this wildlife trafficking, but more information is needed to identify the source country/ies of the pangolin scales that are illegally traded from Nigeria. The main destination country of illegal pangolin shipments from Nigeria seem to be China (Hong Kong SAR), and in some cases the Lao People's Democratic Republic. The Secretariat has shared available information regarding illegal wildlife trade associated with Nigeria with relevant authorities in Nigeria for further follow-up investigation.

#### *Illegal trade in elephant ivory linked to Nigeria*

36. Available information indicates that Nigeria continues to be affected by illegal trade in elephant ivory, which sometime seems to be linked to the illegal pangolin trade. During the period 2015 to 2017, preliminary ETIS data indicates that approximately 229 seizures of elephant ivory with a total weight of approximately 15,341 kg were made by Nigeria or by other countries in which Nigeria was part of the trade chain. Information from Nigeria and Singapore further indicates that 343 kg of ivory was seized in Nigeria in February 2018, and 3,480 kg of elephant ivory from Nigeria was seized in Singapore in March 2018. Nigeria's National Ivory Action Plan (NIAP) is further discussed in document SC70 Doc 27.4.
37. The main points of exit of illegal shipments of pangolin scales and ivory in Nigeria seem to be Lagos port areas and the Murtala Mohammed International Airport of Lagos.
38. In 2018, the Nigeria Customs Service appears to have stepped up its efforts to combat wildlife crime. Significant seizures of 12,264 kg of pangolin scales and of 343 kg of elephant tusks were made by the Nigeria Customs Service, Warehouse Operation Team of the Federal Operations Unit, at residential apartments in Lagos in February-March 2018. The cases have been handed over by customs to NESREA for further investigation, which are ongoing. The seizures made by customs authorities in Nigeria before illegal consignments leave the country is encouraging and could suggest improved law enforcement effort in Nigeria to address illegal trade in wildlife. However, it could also be associated with the significant increase in volumes of illegal specimens being traded from or transiting through the country.
39. The seizures made in Nigeria to date resulted in a limited number of prosecutions, the results of which is unknown. Public prosecutors in Nigeria responsible for presenting wildlife trafficking cases in court may benefit from further capacity building and targeted guidance in this regard.
40. There appears to be a lack of capacity for sharing criminal intelligence and conducting investigations related to wildlife crime in Nigeria. CITES based-risk controls need also to be strengthened in Nigeria, in particular container controls at seaports, as well as control of mailed parcels and of air cargo. Support at the highest possible Federal and State levels is also required to dismantle the criminal networks operating in the country.

#### *Disposal of seized CITES-listed specimens*

41. During the mission, the Nigerian authorities organized a visit in Lagos to two storage rooms of government-held stockpiles of seized specimens, including elephant ivory, pangolin scales, royal python skins and other specimens of CITES-listed species. Control deficiencies were observed in the storage facilities which appeared to be below physical security standards and presented an elevated risk of leakage of the seized specimens.
42. CITES specimens seized by customs are handed over to NESREA for storage. An inventory of the seized ivory was shown to the Secretariat, which seemed to be accurate. Seized ivory is marked, but the markings

do not follow the guidelines in paragraph 2 of Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens*. NESREA is currently working on possible solutions to increase storage capacity of seized and confiscated specimens. Meanwhile some seized specimens are still stored by customs in containers under very poor security conditions with a high risk of leakage onto the black markets. There seems to exist a lack of knowledge among authorities about the protocols for the disposal of seized wildlife specimens and there is a need for uniform national procedures for the marking, recording, handling, storage and disposal of seized and confiscated wildlife specimens.

#### *Efforts to counter alleged corruption*

43. As stated in the preamble to Resolution Conf. 17.6 on *Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention*, bribery can play a significant role in facilitating activities conducted in violation of the Convention at all points of the trade chain, in source, transit and market countries. During its technical mission, the Secretariat was informed about the ongoing efforts of the government of Nigeria to fight corruption, including the enactment of anti-corruption laws, the setting up of dedicated anti-corruption authorities and the good initial results of the new policy reported by the customs services, notably in the significant increases seen in the collection of taxes and excise.
44. However, during the mission, the Secretariat was informed of allegations of systemic public sector corruption in Nigeria at the State level and at the ports of exit where the trade controls occur. The high degree of involvement of organized criminal groups and networks in violation of the Convention and their frequent use of corrupt practices facilitate wildlife crime and frustrate efforts to enforce laws against wildlife crime.
45. In light of the high level of illegal wildlife trade associated to Nigeria, which is possibly facilitated by corruption, the government of Nigeria is invited to identify policy gaps in the field of anti-corruption and develop strategies and methods to intensify Nigerian efforts against corruption related to wildlife trade, including timber trade. Those strategies should consider ways to foster greater coordination among the Nigerian enforcement authorities and enhancing collaboration and partnerships with relevant international organizations and initiatives addressing anti-corruption and integrity issues.

#### Secretariat's compliance assessment

46. Nigeria appears to have taken initial steps towards a more effective implementation of the listing of *P. erinaceus* in Appendix II, including the development of new guidelines and procedures. The Secretariat commends the Federal Government of Nigeria for the level of commitment exhibited by the Hon. Minister of Environment and the CITES Management Authority.
47. Many challenges remain regarding the management of trade and the development of the scientific basis and capacity for the making of non-detriment findings. There is an urgent need to modernize the management of the CITES permit system and support and build the capacity of the Scientific Authorities to make non-detriment findings. Important pending issues, notably, tailor-made capacity concerning the conduct of population surveys, the identification of specimens and species in trade, the establishment of quotas, monitoring practices, adaptive management, etc., should be addressed.
48. Nigeria is also facing significant challenges with respect to the effective enforcement of CITES and to fight against transnational organized wildlife crime. There is a need for capacity building in terms of criminal intelligence including exchange of intelligence, container controls at sea and airports, risk based management, wildlife crime investigations, and financial investigations linked to wildlife crime cases. Nigeria is encouraged to reach out to the Secretariat and its partners in the International Consortium on Combatting Wildlife Crime (ICCWC) for support. It would seem that the implementation of the *ICCWC Wildlife and Forest Crime Analytic Toolkit* and the *ICCWC Indicator Framework for wildlife and forest crime*, in particular, could assist Nigeria.
49. In light of the information received, the Secretariat is concerned that the Nigerian population of *P. erinaceus* may be adversely affected by unsustainable or untraceable trade and that the provisions of the Convention are not being effectively implemented in Nigeria.
50. Nigeria together with the Gambia, Ghana, Guinea-Bissau, Mali, Senegal, Sierra Leone and Togo are among the historic range States of African rosewood. Given that these Parties may face some common challenges, the Standing Committee may consider envisaging a regional approach to address the sustainability and legality aspects of the international trade in this species.

51. The Secretariat has identified the following key factors undermining compliance in Nigeria:

- a) Lack of robust scientific institutions: The most critical and urgent need appears to be the strengthening of the Scientific Authority and the allocation of resources to support its work. There is an urgent need to conduct population surveys for the preparation of non-detriment findings, the identification of specimens in trade, etc. The current Scientific Authority does not seem to have the training to carry out its most elementary tasks.
- b) Legal optimization (grey areas or obsolete forestry policies and laws): Recognizing that Nigerian legislation is placed in category 1 under the National Legislation Project with respect to the regulation of international trade, there are still some important gaps in the regulatory framework in relation to forestry management and the steps prior to the authorization of international trade. Existing laws contain significant loopholes at the State level. These loopholes are being exploited by companies and individuals operating in the country to maximize the levels of exports without complying with the key requirements of the Convention. Legal optimisation undermines enforcement efforts which will remain unsatisfactory since insufficient legislation prevents effective enforcement and the prosecution of violations. Legal clarity is a prerequisite for effective enforcement.
- c) High levels of transnational organized wildlife crime: The large scale of the transnational shipments seized from Nigeria indicates involvement of organized crime and corruption. It is likely that Nigeria is being used by criminal networks as a hub in West and Central Africa for the trafficking of elephant ivory, pangolin scales, and other species illegally harvested in neighboring countries. More information is needed to identify the source country/ies of the CITES specimens that are illegally traded from Nigeria. A closer law enforcement cooperation with countries in West and Central Africa and with relevant source, transit and destination countries linked to the illegal trade in wildlife from Nigeria need to be strengthened to detect and prevent such illegal activities.
- d) Weak national enforcement cooperation and coordination: The national enforcement cooperation and coordination between the CITES Management Authority, the Customs Service, NESREA, the police, prosecutors and any other relevant authorities such as the Economic and Financial Crimes Commission and the Financial Intelligence Unit seem to be weak. Furthermore, the respective mandates of the different authorities related to CITES seem to be unclear. At the national level, Nigeria could benefit of establishing a specialized wildlife law enforcement unit or a national environmental security taskforce (NEST) in line with Annex 3 of Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement* following the structure and formation as set out in the INTERPOL operational manual on *National Environmental Security Taskforce*.
- e) Deficient CITES controls at ports of exit, in particular container controls at seaports, as well as control of mailed parcels and of air cargo. Increased border control activities, based on a risk-based management approach, is needed.
- f) Lack of capacity to fight transnational organized wildlife crime, in particular regarding criminal intelligence including exchange of intelligence, wildlife crime investigation and prosecution, financial investigations linked to wildlife crime including anti-money laundering and asset recovery.
- g) Poor handling and disposal of seized specimens: There is currently a lack of capacity for enforcement authorities to store seized goods of CITES specimens in a safe manner. There is a need for a uniform national protocol for the marking, recording, handling, storage and disposal of seized and confiscated wildlife specimens
- h) Absence of interconnected information systems: The CITES permit and certificate system is designed to ensure the legality, sustainability and traceability of trade in specimens of CITES species. It was noted that the absence of information systems makes it difficult, if not impossible, to properly regulate and monitor trade in CITES-listed species.

## Recommendations

52. In light of the above, the Standing Committee may consider to recommend the following:

1. *Regarding management of trade in specimens of Pterocarpus erinaceus*

- a) Parties shall suspend commercial trade in specimens of the species *Pterocarpus erinaceus* from Nigeria until the Party makes scientifically based non-detriment findings for trade in the species in the country to the satisfaction of the Secretariat and the Chair of the Plants Committee.
- b) The Standing Committee encourages all importing Parties to inform the Secretariat about the volumes of timber of *Pterocarpus erinaceus* imported from Nigeria since the entry into force of the Appendix II listing.
- c) The Standing Committee invites the importing Parties to share with the Secretariat the administrative, legislative and enforcement arrangements put in place to ensure that trade in specimens of this species only takes place when Parties are satisfied that it is in line with the requirements of the Convention, including any relevant stricter domestic measure to verify legality and ensure sustainability; and encourages those Parties to consider inviting the Secretariat to conduct technical missions in order to strengthen cooperation between range States and importing countries and identify further recommendations to ensure that timber trade is conducted in accordance with the Convention.
- d) The Standing Committee requests the Plants Committee to consider the inclusion of *Pterocarpus erinaceus* from all range States in the Review of Significant Trade and report its findings and recommendations to the 73rd meeting of the Standing Committee (SC73).
- e) Nigeria shall strengthen the CITES Scientific Authorities by building capacity on forestry issues, and allocating sufficient modern resources to undertake population surveys of *Pterocarpus erinaceus* that can be used in the making of the non-detriment findings, on the setting of annual export quotas prior to authorizing trade in specimens of CITES-listed species, and on the enhancement of scientific capacities of the country.

2. *Regarding legislation and law enforcement*

- f) Nigeria shall strengthen the regulatory framework in relation to forestry management, including forestry legislation at the State level, notably to bridge the gaps and close the loopholes that may be generated by the distribution of competences between Federal and State levels.
- g) Nigeria shall consider developing and implementing a strategy to counter corruption linked to illegal wildlife trade at all levels, including anti-bribery policies, and intensify efforts to ensure full implementation of Resolution Conf. 17.6 on *Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention*. The strategy should include recommendations to protect officials responsible for the implementation and enforcement of CITES from undue pressure, obstruction and threats.
- h) Nigeria shall assess relevant authorities' law enforcement capacity, their mandates and needs to strengthen the control of trade in CITES-listed species and the fight against transnational organized wildlife crime. Based on the assessment, Nigeria shall build capacity among law enforcement agencies to strengthen CITES controls, using risk-based management approaches, in particular container controls at seaports, as well as control of mailed parcels and of air cargo; combat transnational organized wildlife crime by strengthening criminal intelligence, exchange of intelligence, controlled delivery, wildlife crime investigation and prosecution, and financial investigations linked to wildlife crime.
- i) Nigeria shall establish a national platform for enforcement cooperation and coordination between relevant authorities with the aim to strengthen the control of trade in CITES-listed species and to combat transnational organized wildlife crime, in line with paragraphs 9 a) and b) and Annex 3 of Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement*.
- j) Nigeria shall scale up efforts to conduct analyses of available information to map out organized crime groups active in the country and convene multi-disciplinary investigative teams involving all

relevant authorities, to work in close collaboration with local authorities in key identified areas, and initiate intelligence-driven operations and investigations, with a particular focus on pangolins and ivory.

3. *Regarding issuance of export permits and information systems*

- k) Nigeria shall establish an efficient information system, preferably an electronic system resources permitting, to facilitate the issuance of permits and certificates and the verification of the legal acquisition of specimens in trade (verification of legal acquisition), while making the manipulation of CITES permits and certificates after issuance more difficult.
- l) Nigeria shall facilitate liaison and integration with other permitting/certification systems relating to the harvest of and trade in CITES-listed resources, e.g. timber concession authorizations, phytosanitary/veterinary documentation, or customs declarations.
- m) Nigeria shall ensure that export permits and re-export certificates be endorsed, with quantity, signature and stamp, by an inspecting official, such as customs, instead of the CITES Management Authority, in the export endorsement block of the document.

4. *Handling and disposal of seized stockpiles*

- n) Nigeria shall ensure that adequate control measures are put in place to secure storage facilities for seized stocks of CITES-listed species, notably pangolins and ivory, and reduce the risk of leakage. In order to ensure strict application of these measures, Nigeria shall develop a uniform protocol for the marking, recording, handling, storage and disposal of seized and confiscated specimens.
- o) Nigeria shall maintain an inventory of all seized stocks of CITES listed species and ensure strict implementation of Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*.
- p) The Standing Committee recommends that Nigeria report to the Secretariat on progress made on the implementation of recommendations e) through o) by 31 December 2019, in order for the Secretariat to convey this report and its comments to the 73rd meeting of the Standing Committee.
- q) The Standing Committee invites Parties, ICCWC partners and donors to provide financial, technical and logistical support to Nigeria to support the implementations of the above recommendations of the Standing Committee.