

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



Seventy-fourth meeting of the Standing Committee
Lyon (France), 7 - 11 March 2022

Interpretation and implementation matters

General compliance and enforcement

Compliance matters

Application of Article XIII: Reports of the Secretariat

APPLICATION OF ARTICLE XIII IN NIGERIA

1. This document has been prepared by the Secretariat.

Background

2. Pursuant to Article XIII of the Convention and Resolution Conf. 14.3 (Rev. CoP18) on *CITES compliance procedures*, the Standing Committee, at its 70th meeting (SC70, Sochi, October 2018), adopted a set of recommendations with respect to Nigeria (see [SC70 SR](#)). This included *inter alia* a recommendation to Parties to suspend commercial trade in specimens of *Pterocarpus erinaceus* and recommendations to Nigeria to take strong enforcement actions against organised criminal networks involved in the illegal transnational trade in pangolin scales and African elephant ivory.
3. At SC70, the Standing Committee also recommended that Nigeria report to the Secretariat on progress made on the implementation of these recommendations by 31 December 2019 in order for the Secretariat to convey this report and its comments to the 73rd meeting of the Standing Committee (SC73), expected to be held in 2020. Due to the challenges posed by the COVID-19 pandemic, SC73 was organized online in May 2021 and its limited agenda did not address the application of Article XIII in Nigeria at SC73. The matter is scheduled to be discussed at the present meeting.
4. In November 2020, in support of the intersessional work of the Standing Committee (2020-2021), the Secretariat provided updated information on the application of Article XIII in Nigeria through information document [SC2020 Inf. 6](#).
5. Since November 2020, the Nigerian authorities and the Secretariat met online in February and April 2021 via videoconference to discuss progress and assist Nigeria with the implementation of recommendations adopted by the Standing Committee at SC70.
6. The Nigerian authorities and the Secretariat also met via videoconference in September 2021, following a letter dated 2 August 2021 by the Honourable Minister of Environment of Nigeria, Dr. Mohammad Mahmood Abubakar, expressing Nigeria's interest in participating in the Compliance Assistance Programme (CAP) [see document SC74 Doc. 29], established in accordance with [Decisions 18.68 - 18.70](#). During the online meeting, Nigeria presented to the Secretariat an initial list of assistance needs as a basis for further discussion. The list presented in the meeting was very comprehensive and, though in part beyond the scope of the CAP, a number of proposed activities were important for the implementation of the recommendations adopted at SC70 in the context of the Article XIII process. The Secretariat subsequently reviewed the list of assistance needs and on 6 October 2021 sent a proposal to Nigeria, containing a reduced list of activities

which could be funded under the CAP, if agreeable to Nigeria. At the time of writing, the Secretariat has not received a response from Nigeria on its proposal.

Regarding management of trade in specimens of *Pterocarpus erinaceus*

7. Since 2018, Nigeria has been sharing several draft Non-Detriment Findings (NDF) for trade in *Pterocarpus erinaceus* with the Secretariat with a view to comply with the Standing Committee's recommendations. Initially, Nigeria's NDF explored the possibility to establish export quotas for *P. erinaceus*. Following feedback from the Secretariat, the latest draft of Nigeria's NDF (submitted in December 2019) proposed to publish a zero-export quota for the species for three years, i.e. 2020, 2021 and 2022, until the necessary scientific research has been conducted and adaptive management measures have been put in place. This zero-quota is consistent with the Standing Committee's recommendation and follows a precautionary approach. It also aligns with the Secretariat's analysis of previous drafts of the NDF and the recommendations it made. Zero export quotas for the species have been published on the CITES website for 2020 and 2021
8. On 9 February 2021, in the videoconference with the Secretariat, Nigeria reiterated that since the adoption of the recommendation to suspend commercial trade in specimens of *Pterocarpus erinaceus*, no export permits for trade in this species have been issued. The Party acknowledged that leakage and illegal exports continue to be a problem. Nigeria reiterated that it is keen to comply with the Committee's recommendations so that the trade suspension can be lifted.

Inclusion of *P. erinaceus* in the Review of Significant Trade

9. The Secretariat recalls that, at its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decision 18.92 on *Wildlife crime enforcement support in West and Central Africa*, paragraph b) of which directs the Standing Committee to "*consider any report from the Plants Committee, in response to the recommendation agreed at its 70th meeting, concerning the inclusion of Pterocarpus erinaceus from all range States in the Review of Significant Trade and make recommendations as required*".
10. In support of Decision 18.92 paragraph b), the Secretariat submitted document PC25 Doc. 15.5 and its addendum to the Plants Committee at its 25th meeting (PC25, online, June 2021). The document outlined the inclusion of *Pterocarpus erinaceus* from all range States in the Review of Significant Trade (RST) process as an exceptional case pursuant to paragraph 1 c) (Stage 1) of Resolution Conf. 12.8 (Rev. CoP18) on *Review of Significant Trade in specimens of Appendix-II species*. The Annex to document PC25 Doc. 15.5 presented the report commissioned by the Secretariat and produced by the United Nations Environment Programme-World Conservation Monitoring Centre (UNEP-WCMC) on the international trade in the species for each of the known range States of *P. erinaceus* and included, *inter alia*, provisional categorizations of range States as 'action is needed', 'unknown status' and 'less concern', in accordance with paragraph 1 e) of Resolution Conf. 12.8 (Rev. CoP18). The addendum presented additional information brought to the attention of the Secretariat by the following range States of *P. erinaceus* since the publication of document PC25 Doc. 15.5 in 2020: Benin, Guinea-Bissau, Nigeria and Senegal.
11. Following consideration of the above and the recommendations of an in-session working group¹ at PC25, the Plants Committee agreed *inter alia*, to categorise eight *Pterocarpus erinaceus* range States as 'action is needed' and therefore included in Stage 2 of the Review of Significant Trade (RST) process, including Nigeria. In document SC74 Doc. 35.1.1, the Secretariat provides further details on the Plants Committee's agreements on this exceptional RST case, including referral to the Standing Committee of all *Pterocarpus erinaceus* range States based on documented, widespread and pervasive illegal trade.
12. Additionally, following PC25, the Secretariat identified external resources to support Nigeria in resuming coordination of the development of an NDF for *Pterocarpus erinaceus*. The Secretariat informed Nigeria about the availability of these funds on 9 August 2021 proposing a call to discuss the terms of reference for undertaking this work. At the time of writing, the Secretariat has not received a response from Nigeria on the proposed call.

Regarding legislation, law enforcement, issuance of permits and information systems

13. To date, the Secretariat has not received the progress report requested by the Standing Committee to be submitted by Nigeria by 31 December 2019. In February and April 2021, Nigeria verbally informed the

¹ See document [PC25 Com. 8 \(Rev. by Sec.\)](#)

Secretariat that progress in addressing the Committee's recommendations has been limited due to the COVID-19 pandemic.

14. Since November 2020, Nigeria has developed an advanced draft of a national strategy on wildlife and forest crime, with support from the United Nations Office on Drugs and Crime (UNODC). This involved a series of consultations with a broad range of representatives of the key stakeholders and a high-level validation workshop was held in November 2021. The national strategy is anticipated to be launched in March 2022.
15. On 4 October 2019, Nigeria requested the Secretariat to assist in the implementation of the *ICCWC Wildlife and Forestry Crime Analytic Toolkit* and the *ICCWC Indicator Framework for Combating Wildlife and Forest Crime*. The official launch of the *Toolkit* and *Indicator Framework* process was scheduled for the week of 12 October 2020 in Abuja. Due to the COVID-19 pandemic, the official launch was delayed, and the Consortium has been in discussions with Nigeria to explore alternative options, including the launch of the process online. In the end, it was agreed that the official launch should be conducted in person and is tentatively rescheduled for March 2022, to coincide with the launch of the strategy as reported in paragraph 14 above.
16. As reported upon in document SC74 Doc. 35.2 on *Wildlife crime enforcement support in West and central Africa: Report of the Secretariat*, UNODC is also supporting a request from Nigeria to undertake corruption risk assessments. In 2021, UNODC commenced corruption risk assessments for the National Environmental Standards and Regulations Enforcement Agency (NESREA) and Nigeria Customs Service (NCS), as lead agencies in the fight against wildlife crime. Two additional corruption risk assessments for lead agencies in the forestry sector, focusing on the Nigeria Park Service and the Department of Forestry at the Ministry of Environment are underway. Additionally, UNODC and the World Customs Organization (WCO) are planning to deliver "train-the-trainer" training for customs officers in Nigeria.
17. As reported in document SC74 Doc. 33.3 on the International Consortium on Combating Wildlife Crime: Report of the Secretariat, INTERPOL and WCO convened Operation Thunder 2021, Operation Thunder 2020 and Operation Thunderball 2019, the third, fourth and fifth in the series of joint customs and police operations supported by ICCWC under the 'Thunder' series. The Nigeria Customs Service also participated in [Operation PRAESIDIO](#) supported by WCO.

Report on seizures

18. The Secretariat, in its update to the Standing Committee in November 2020 (see paragraph 4 above), highlighted a number of repeated seizures of wildlife shipments from Nigeria and the high volumes of specimens in each of these seizures. Since November 2020, further significant seizures have come to the Secretariat's attention.
19. In January 2021, Nigeria seized a 20-foot container due to be exported from the largest port of Nigeria in Apapa, Lagos. The customs authorities found 772 pieces of whole and cut ivory weighing 4,752kg; 162 sacks of pangolin scales weighing 5,329kg; one rhinoceros horn weighing approximately 5kg; 103kg of dried animal bones and skulls, suspected in part to be specimens from lion and other species of *Felidae* spp; and 63 pieces of semi-processed and 13 pieces of processed timber.
20. In August 2021, the Secretariat received information from Nigeria about seizures of 196 sacks of pangolin scales with total weight of 7,137kg; elephant ivory with a total weight of 870kg; and pangolin claws with a total weight of 4.6kg. Three suspects were arrested and have been charged in court.²
21. In August 2021, according to media reports, Ghana seized thirteen containers of rosewood, allegedly originating from Nigeria and bound for re-export.³
22. The report on the *Implementation of CITES Decision 18.240 paragraph c) on Pangolins (Manis spp.)*, available as an information document, identifies Nigeria as a major origin of pangolin scales seized between 2016 and 2020.

² See also <https://wildlifejustice.org/joint-operation-with-nigeria-customs-service-leads-to-three-arrests-and-seizure-of-7-1-tonnes-of-pangolin-scales-2/>

³ See <https://www.businessghana.com/site/news/general/245350/13-containers-of-rosewood-seized-at-Tema-Port>

Conclusions

23. The Secretariat acknowledges Nigeria's efforts to progress the implementation of some of the Standing Committee's recommendations, in particular those related to the management of trade in *P. erinaceus* and certain law enforcement-related activities. Nigeria did not provide information on activities that it may have undertaken concerning the issuance of permits, the development of associate information systems, or the handling of seized specimens and stockpiles.
24. The Secretariat is concerned about the continuing seizures of shipments from Nigeria with high volumes of illegal specimens in each of the seizures. These suggest that Nigerian organized crime groups remain heavily involved in illicit wildlife trafficking and use Nigeria as a transit or source country, and that the recommendations by the Standing Committee have not been implemented forcefully enough to generate effects on the ground.
25. The Secretariat is also concerned that, the global pandemic notwithstanding, the reporting of Nigeria does not conform to the timeframe and provisions set in recommendation p) adopted at SC70. The Secretariat is further concerned about the persistent lack of responsiveness from Nigeria regarding the repeated offers of assistance by the Secretariat, referred to in paragraphs 6 and 12 above. The Secretariat notes that Nigeria is a Party subject to the National Ivory Action Plans process and appears to have a record of non-compliance with reporting obligations under that process as well.
26. Nigeria's progress with the implementation of the recommendations adopted by the Standing Committee at SC70 is not satisfactory. Given the lack of progress, the Committee may wish to consider adopting a recommendation to suspend commercial trade in all CITES-listed species from Nigeria until the Party is able to demonstrate significant progress in the implementation of the Standing Committee's recommendations.

Recommendations

27. In light of the above, the Secretariat proposes that the Standing Committee update and replace its recommendations adopted at SC70 as follows:
 1. *Regarding trade in specimens of CITES-listed species*
 - a) Parties shall suspend commercial trade in specimens of all CITES-listed species from Nigeria until the recommendations of the Standing Committee have been implemented to the satisfaction of the Secretariat.
 2. *Regarding trade in specimens of Pterocarpus erinaceus*
 - b) The Standing Committee encourages all potential transit and destination countries of shipments of illegal specimens of *Pterocarpus erinaceus* from Nigeria to take appropriate measures to ensure that such timber is not illegally transported or traded, including prohibiting entry, seizing such specimens upon arrival and applying appropriate sanctions against traffickers in accordance with the provisions of the Convention.
 - c) The Standing Committee invites the importing Parties to share with the Secretariat the administrative, legislative and enforcement arrangements put in place to sanction illegal trade in specimens of this species, including any relevant due diligence 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.
 3. *Regarding legislation and law enforcement*
 - d) Nigeria shall strengthen the regulatory framework in relation to forestry management, including forestry legislation at the State level, to avoid any loopholes that may be generated by the distribution of competences between Federal and State levels.
 - e) Nigeria shall continue 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 protect officials responsible for the implementation and enforcement of CITES from undue pressure, obstruction and threats.

- f) Nigeria shall establish a national platform for enforcement cooperation and coordination between relevant authorities to strengthen the control of trade in CITES-listed species and to combat transnational organized wildlife crime, in line with relevant paragraphs of Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*.
- g) Nigeria shall scale up efforts to map out organized crime groups involved in illegal wildlife trade and operating in the country. Nigeria shall convene multi-disciplinary investigative teams involving all relevant authorities. These teams will 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.

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

- h) Nigeria shall establish an efficient and secure information system, preferably an electronic system (resources permitting), to facilitate the issuance of permits and certificates, and the verification of all CITES provisions applicable to the specimens to be exported.
- i) 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.

5. *Handling and disposal of seized stockpiles CITES-listed species*

- j) Nigeria shall clearly define the competences of, and the division of labour between, relevant institutions to ensure that adequate control measures are put in place to secure storage facilities for seized stocks of CITES-listed species, including for pangolins and ivory, and reduce the risk of leakage. Nigeria shall develop a uniform protocol for the marking, recording, handling, storage and disposal of seized and confiscated specimens.
- k) 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*.

6. *Collaboration with Nigeria*

- l) The Standing Committee thanks Parties, ICCWC partners and other donors that are providing financial, technical and logistical support to Nigeria and invites them to coordinate further with the CITES Secretariat to avoid duplication and align activities to the extent possible with the implementation of the recommendations of the Standing Committee.

7. *Monitoring progress*

- m) The Secretariat shall remain in close contact with Nigeria, monitor the Party's progress in the implementation of recommendations of the Standing Committee, and bring any matters of concern to the attention of the Committee.