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**REVIEW OF COMPLIANCE TO CITES
IN NIGERIA
MASTERS RESEARCH THESIS**

Felix Olusola ABAYOMI (NIGERIA)

Thesis Tutor:

Dr Gabriel Dedeke Assoc. Prof

Jonathan Barzdo

UNIVERSIDAD INTERNACIONAL DE ANDALUCIA

Sede Antonio Machado, Baeza (Jaén), Spain

March 2017

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TABLE OF CONTENTS

Abstract	- 3
Dedication	- 5
Acknowledgement	- 6
List of Abbreviations	- 8
List of Tables and Figures	- 9
1. INTRODUCTION	- 14
1.1 Background	- 14
1.2. Nature of the Problem	- 15
1.3 Objective	- 17
1.4 Method and materials	- 18
1.5 Expected Outcome	- 21
2. CITES: An Introduction	- 22
2.1 What is CITES	- 22
2.2 How CITES Works	- 25
2.3 Nigeria and CITES	- 41
3. Literature Review - CITES Compliance in Nigeria	- 42
3.1 CITES Compliance Procedure	- 42
3.2 National Authorities and Laws	- 59
3.3 Historical Perspectives	- 64
4. Research Question	- 65
4.1 Questionnaire Administration	- 65
4.2 Result and Discussion	- 80
5. Conclusions and Recommendation	- 152
6. References	- 158
7. Annexes	- 161

ABSTRACT

Despite the International framework for trade in CITES and other National Laws on Endangered Species, reports of illegal trade, widespread confiscation and seizures of wildlife species originating from Nigeria are rife. A possible pointer that the implementation, compliance and enforcement of these laws are weak, and has provided little or no deterrent value to illegal wildlife trafficking. The general objective of the project therefore is to review the problems with compliance and experience on the day to day administration of the Convention in Nigeria and test the knowledge of certain governmental agencies on the provisions of the CITES Convention.

The above was investigated by administration of questionnaire to a range of agencies involved in CITES implementation and enforcement in Nigeria, some of which are CITES designated authorities as listed on the CITES website. 50 (Fifty) questions were chosen from a twenty-three page questionnaire based on the new implementation format of CITES as published in the NOTIFICATION TO THE PARTIES 2016/006⁴ (Annex 1) and administered to the following Government agencies; Wildlife and CITES Management Division (WCMD), National Park Service (NPS), Nigeria Conservation Foundation (NCF), National Institute for Horticultural Research and Development (NIHORT), Forestry Research Institute of Nigeria (FRIN), National Environmental Standards and Regulations Enforcement Agency (NESREA), Nigeria Customs Service (NCS) and Federal Ministry of Justice (FMJ); in other to access the knowledge gap for the implementation and compliance to CITES on a day-to-day administration of the Convention.

The results of the questionnaires were expressed as percentages and presented as Charts, Figures and Tables. WCMD had an overall knowledge (54%) of the CITES provision; The National Park Service (16%); NCF as a Scientific Authority did not fare better with a score of 18%; NIHORT scored 2%; FRIN as a Scientific Authority likewise did not perform better in their evaluations, their overall knowledge was 6%; NCS had a higher score in their overall knowledge of CITES provision (30%); NESREA scored 26% and Federal Ministry of Justice had 10%

In conclusion, the Management, Scientific and Enforcement Authorities are not fully aware of their role under the CITES Convention, hence total implementation of the provisions are impossible. On the overall the Management authority (WCMD) has the highest knowledge of the CITES provisions for proper implementation of the CITES Convention in Nigeria but this notwithstanding is quite inadequate to meet the expectation of CITES in enforcing compliance with the Convention in Nigeria.

DEDICATION

Firstly, I dedicate this thesis work to the Keystone Species that have extirpated in Nigeria, such as the Cheetahs and Giraffes; to those on the edge of Extinction, such as Pangolins, Lions and Elephants and many more Plants and Animals that may have been driven to extinction due to non-compliance with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Fauna in Nigeria.

Secondly, I dedicate this Work to my Late Kid Brother, Stephen Olakunle Abayomi (Kgunz) whom we lost about Six years ago to Cancer. Rest in Peace Brother.

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I thank the entire Staff and Management of the Universidad de Andalucia, (UNIA), Baeza, Spain, and most especially the Master's Director, Professor Margarita Clemente Muñoz. Appreciation also goes to all my Lecturers at UNIA, notably Dr. Mercedes Núñez, Rodrigo Medellin, Pamela Scrugs, Marta Alzás, Jean Lagarde Betti, Anna Mula, Antonio Gallileo and our interpreters.

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I appreciate my Colleagues from all around the world in the Masters programme. Special appreciations go to my brothers and sisters from West Africa. We share a common destiny moving forward now and together, West Africa will be great in Species Management, Conservation and CITES issues.

I wish to also appreciate some other people who have followed my progress, showed interest in my work and in my Master's thesis. These include: Mr. Timothy John, Rosemarie Gnam, Rosemary Alles, Birgit Braun, Anna Stamatiou, Maribel Rodriguez Valero, Asthon Lamb, Leuteritz, Thomas, Jodie Graham, Stephanie Mccollum,, Chuck Schaffer, Daniela Freggi, Esther Agbarakwe, Dancool Awe, Pastor Rotimi Ogunbande, Mrs Francisca Otunla, Mr Ganiyi Tiamiyu, Mr Mike Ukabam, Joy Jumbo, Perpetual Onyinyechi, Sandra Nuhu, Elsa Nuhu, Tope Aderibigbe, Bukola Farami, Akintayo Ololade, Oluwaseun Afolayon, Lydia Nyam Ajiji, members and team in the International Union for Conservation of Nature (IUCN) and Dr Dosso Kanvaly.

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LIST OF ABBREVIATIONS

1. CITES: Convention on International Trade in Endangered Species of Wild Fauna and Flora
2. IUCN: International Union for Conservation of Nature
3. WCMD: Wildlife and CITES Management Division, Federal Department of Forestry Federal Ministry of Environment
4. NIHORT: National Institute for Horticultural Research and Development
5. FRIN: Forestry Research Institute of Nigeria
6. NIOMR: National Institute for Oceanography and Marine Research
7. NPS: National Park Service
8. NCS: Nigeria Customs Service
9. NESREA: National Environmental Standards and Regulations Enforcement Agency
10. MEA: Multilateral Environmental Agreements
11. INTERPOL: The International Criminal Police Organisation
12. WCO: World Customs Organisation

LIST OF FIGURES AND TABLES

FIGURES

Fig 1. Legal Trade - 15 Million Transactions (1975 - 2013) ⁶	- 23
Fig. 2 The Value of Illegal Wildlife Estimated at 19 billion USD ⁸	- 24
Fig 3 - Sample CITES Permit or Certificate ¹²	- 27
Fig 4 - Sample CITES Permit or Certificate ¹²	- 28
Fig 5 - Sample CITES Permit or Certificate ¹²	- 29
Fig 6 - Sample CITES Permit or Certificate ¹²	- 30
Fig 7 - Sample CITES Permit or Certificate ¹²	- 31
Fig 8 - Sample CITES Permit or Certificate ¹²	- 32
Fig 9 - Procedure for CITES Appendix I (Wild) Permit in an Exporting Country ¹²	- 35
Fig 10 - Procedure for CITES Appendix I (Wild) Permit in an Importing Country ¹²	- 36
Fig 11 - Procedure for CITES Appendix II (Wild) Permit in an Exporting Country ¹²	- 37
Fig 12 - Procedure for CITES Appendix I and II (Breed in Captivity) Permit in an Exporting Country ¹²	- 38
Fig 13 - Procedure for CITES Appendix I (Wild) and Appendix I and II (Breed in Captivity) Permit in an Importing Country ¹²	- 39
Fig 14 - Procedure for CITES Appendix III Permit in an Exporting Country ¹²	- 40
Fig 15 - CITES implementation and Compliance system	- 59
Fig 16: Overall Knowledge of CITES provisions by the Management Authority (WCMD)-	72
Fig 17: WCMD's Knowledge of Management Role in CITES	- 75
Fig 18: WCMD's Knowledge of Scientific Role in CITES	- 77

Fig 19: WCMD’s Knowledge of Enforcement Role in CITES	- 79
Fig 20: Overall Knowledge of CITES by NPS	- 83
Fig 21: Knowledge of Management Role in CITES by NPS (No Spread Data)	- 85
Fig 22: Knowledge of Scientific Role in CITES by NPS	- 88
Fig 23: Knowledge of Enforcement Role in CITES by NPS	- 90
Fig 24: NCF’s Overall Knowledge of CITES	- 93
Fig 25: NCF’s Knowledge of Management Role in CITES	- 94
Fig 26: NCF’s Knowledge of Scientific Role in CITES	- 97
Fig 27: NCF’s Knowledge of Enforcement Role in CITES	- 99
Fig 28: NIHORT’s Overall Knowledge of CITES	- 102
Fig 29: NIHORT’s Knowledge of Management Role in CITES	- 104
Fig 30: NIHORT’s Knowledge of Scientific Role in CITES	- 107
Fig 31: NIHORT’s Knowledge of Enforcement Role in CITES	- 109
Fig 32: Overall Knowledge of CITES by FRIN as a Scientific Authority	- 112
Fig 33: FRIN as a Scientific Authority’s Knowledge of Management Role in CITES	- 113
Fig 34: FRIN’s Knowledge of Scientific Role in CITES	- 116
Fig 35: FRIN’s Knowledge of Enforcement Role in CITES	- 118
Fig 36: Overall Knowledge of CITES by NCS as an Enforcement Authority	- 124
Fig 37: NCS’s Knowledge of Management Role in CITES	- 125
Fig 38: NCS’s Knowledge of Scientific Role in CITES	- 128
Fig 39: NCS’s Knowledge of Enforcement Role in CITES	- 130
Fig 40: Overall Knowledge of CITES by NESREA as an Enforcement Authority	- 133
Fig 41: NESREA’s Knowledge of Management Role in CITES	- 134

Fig 42: NESREA’s Knowledge of Scientific Role in CITES	- 137
Fig 43: NESREA’s Knowledge of Enforcement Role in CITES	- 139
Fig 44: Overall Knowledge of CITES by FMJ as an Enforcement Authority	- 142
Fig 45: FMJ’s Knowledge of Management Role Only	- 143
Fig 46: FMJ’s Knowledge of Scientific Role Only	- 146
Fig 47: FMJ’s Knowledge of Enforcement Role Only	- 148
Fig 48: Knowledge of the CITES Convention by the CITES Authorities in Nigeria	- 151
Fig 49 Colour codes for Government Agencies involved in CITES implementation in Nigeria.	- 154
Fig 50: Overall Knowledge, Implementation and Compliance to the CITES Convention in Nigeria	- 155
Fig 51: Knowledge of the Role of the Management Authority in the Implementation and Compliance to the CITES Convention in Nigeria	- 156
Fig 52: Knowledge of the Role of the Scientific Authority in the Implementation and Compliance to the CITES Convention in Nigeria	- 157
Fig 53: Knowledge of the Role of the Enforcement Authority in the Implementation and Compliance to the CITES Convention in Nigeria	-159

TABLES

Table 1. Approximate Numbers of Species, Subspecies and Populations on CITES Appendices ^{13,20}	-47
Table 2: Parties with legislation in category 1	- 63
Table 3: Overall Knowledge of CITES by the Management Authority (WCMD)	- 70
Table 4 : WCMD’s Knowledge of Management Role Only	- 74
Table 5: WCMD, the Management Authority’s Knowledge of Scientific Role Only	- 76
Table 6: WCMD, the Management Authority’s Knowledge of Enforcement Role Only	- 78
Table 7: Overall Knowledge of CITES by NPS (a Scientific Authority)	- 81
Table 8: NPS’s Knowledge of Management Role Only	- 85
Table 9: NPS’s Knowledge of Scientific Role Only	- 87
Table 10: NPS’s Knowledge of Enforcement Role Only	- 89
Table 11: NCF, a Scientific Authority’s Overall Knowledge of CITES	- 91
Table 12: NCF’s Knowledge of Management Role Only	- 94
Table 13: NCF’s Knowledge of Scientific Role Only	- 96
Table 14: NCF’s Knowledge of Enforcement Role Only	- 98
Table 15: Overall Knowledge of CITES by NIHORT, a Scientific Authority	- 100
Table 16: NIHORT’s Knowledge of Management Role Only	- 104
Table 17: NIHORT’s Knowledge of Scientific Role Only	- 106
Table 18: NIHORT’s Knowledge of Enforcement Role Only	- 108
Table 19: Overall Knowledge of CITES by FRIN, a Scientific Authority	- 110
Table 20: FRIN’s Knowledge of Management Role Only	- 113
Table 21: FRIN’s Knowledge of Scientific Role Only	- 115

Table 22: FRIN’s Knowledge of Enforcement Role Only	- 117
Table 23: Overall Knowledge of CITES by NCS as an Enforcement Authority	- 121
Table 24: NCS’s Knowledge of Management Role Only	- 125
Table 25: NCS’s Knowledge of Scientific Role Only	- 127
Table 26: NCS’s Knowledge of Enforcement Role Only	- 129
Table 27: Overall Knowledge of CITES by NESREA as an Enforcement Authority	- 131
Table 28: NESREA’s Knowledge of Management Role Only	- 134
Table 29: NESREA’s Knowledge of Scientific Role Only	- 136
Table 30: NESREA’s Knowledge of Enforcement Role Only	- 138
Table 31: Overall Knowledge of CITES by FMJ as an Enforcement Authority	- 140
Table 32: FMJ’s Knowledge of Management Role Only	- 143
Table 33: FMJ’s Knowledge of Scientific Role Only	- 145
Table 34: FMJ’s Knowledge of Enforcement Role Only	- 147
Table 35: Knowledge of the CITES Convention by CITES Authorities in Nigeria	- 149
Table 36: Summary Chart of Percentage Knowledge of CITES Convention by Governmental Authorities	- 152

CHAPTER 1

INTRODUCTION

1.1 Background

From 1 to 4 March 2011, the staff of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, (CITES) Secretariat visited Nigeria to engage with government officials in targeted capacity-building activities. A two-day workshop was held in Kano in northern Nigeria which was attended by over 70 persons from a range of agencies involved in CITES implementation and enforcement. Participants learned about the provisions of the Convention and its day-to-day administration. Specialized presentations included the identification of CITES specimens, mainly ivory, and everyone engaged in a practical exercise to detect fraudulent CITES documents¹.

It is a significant opportunity, six years after, to investigate and use this study to assess knowledge of the provision of the Convention, Legislation, problems with compliance, enforcement, and experience on the daily administration of the Convention in Nigeria against this background.

International Trade in Wildlife should be legal, sustainable, and traceable². Legal trade can be beneficial for conservation of wild species and livelihoods. Illegal trade can pose a grave risk to the conservation of wild species. CITES was formed as an international convention that combines wildlife and trade themes with a legally binding instrument for achieving conservation and sustainable use objectives of ensuring that wild fauna and flora in International Trade are not exploited unsustainably³

1.2. Nature of the Problem

Despite the International framework for trade in CITES and other National Laws on Endangered Species, reports of illegal trade, widespread confiscation and seizures of wildlife species originating from Nigeria are rife (Ref - <http://www.traffic.org/home/2016/10/2/timely-significant-ivory-seizure-in-viet-nam.html> and http://www.chinadaily.com.cn/china/2017-02/19/content_28257977.htm . A possible pointer that the implementation, compliance and enforcement of these laws are weak, and has provided little or no deterrent value to illegal wildlife trafficking.

The question thus arose, what is the cause of this? Could it be situated on:

- I. knowledge of the provisions of the text of the Convention?;
- II. experience in the day-to-day administration of CITES?;
- III. enforcement issues
- IV. inadequate Legislation?; or
- V. problems with compliance

Effective CITES implementation is said to be impossible without an adequate legal basis at National level. The national legislations²:

- I. Domesticates CITES regulations;
- II. Represents national policy on why, how and which wildlife resources must be managed;
- III. Creates administrative framework and procedure for managing these resources;
- IV. Authorizes the collection and evaluation of relevant information and taking of decisions;

- V. Place obligations and restrictions on people who handle the resources and provide incentives;
- VI. Encourage proper use;
- VII. Monitors compliance and punishes illegal practices;
- VIII. Determines the ownership of these resources and how he will be commercialized as well as who will benefit;
- IX. Can help to change people's attitudes and behaviours; and
- X. Reflects the State's policy choice in the management of its biological resources.

1.3 Objective

The general objective of the project is thus to review the problems with compliance and experience on the day to day administration of the Convention in Nigeria. The above will be carried out by investigating the problem with play a major role in and experience by administration of the questionnaire to a range of agencies involved in CITES implementation and enforcement.

The Specific Objectives is to:

- I. explain the guidelines for the implementation of CITES to government officials dealing with CITES and expectations for compliance;
- II. provide information to anyone who wishes to broaden his or her knowledge on issues related to CITES implementation and compliance in Nigeria.

1.4 Materials and Methods

Literature review and questionnaire survey was conducted to meet the specific objectives of this thesis of explaining the guidelines for the implementation of CITES to government officials dealing with CITES and expectations for compliance and to provide information to anyone who wishes to broaden his or her knowledge on issues related to CITES implementation and compliance in Nigeria.

The literature review started with an introduction to CITES, its definitions, how it works, its origins and beginning in Nigeria and historical perspective of compliance to the convention in Nigeria. These included, explaining what the CITES compliance procedures are, highlighting the functions and roles of National authorities and some communications and decisions on Nigeria's compliance issues.

The questionnaire survey was based on the New Implementation Format of CITES as published in the NOTIFICATION TO THE PARTIES 2016/006⁴ (Annex 1) and was sent to some government agencies involved in CITES implementation in Nigeria⁵ to help complete with a view to determine the Knowledge gap in the CITES Convention on the roles for the proper implementation of CITES and compliance. It is hoped that this will show the problems with compliance and experience on the day to day administration of the Convention in Nigeria, thereby addressing the general Objective of this thesis.

The CITES National Authorities as listed on the CITES websites⁵ are:

A. Management Authority:

- 1) Wildlife and CITES Management Division (WCMD), Federal Department of Forestry Federal Ministry of Environment

B. Scientific Authority:

- a) National Institute for Horticultural Research and Development (NIHORT)
- b) Forestry Research Institute of Nigeria (FRIN)
- c) National Institute for Oceanography and Marine Research (NIOMR)
- d) Nigerian Ornithology Society
- e) National Park Service
- f) National Institute for Freshwater Fisheries Research
- g) Federal Department of Forestry
- h) Nigeria Conservation Foundation

C. Enforcement Authorities:

- a) National Environmental Standards and Regulations Enforcement Agency (NESREA)

For the purpose of this research thesis however, I have chosen the following Government CITES Authorities, some of which are not listed but also impacted, to administer the questionnaires on:

A. Management Authority:

- a) Wildlife and CITES Management Division (WCMD)

B. Scientific Authorities:

- a) National Park Service (NPS);
- b) Nigeria Conservation Foundation (NCF);
- c) National Institute for Horticultural Research and Development (NIHORT); and
- d) Forestry Research Institute of Nigeria (FRIN)

C. Enforcement Authorities:

- a) National Environmental Standards and Regulations Enforcement Agency (NESREA);
- b) Nigeria Customs Service (NCS); and
- c) Federal Ministry of Justice (FMJ).

The questionnaire is a Twenty-Three (23) page document that can be used also for other purposes other than for my research thesis from which 50 (Fifty) questions were chosen therein in order to access the knowledge gap for the implementation and compliance to CITES on a day-to-day administration of the Convention.

1.5 Outcome

The results of the questionnaires was expressed as Charts, Figures and Tables

The outcome of the project is expected to show the knowledge gap in the efficient implementation, and substantial compliance with the CITES Convention and capacity building needs and to understand how to better implement the provisions of CITES in Nigeria.

The project is also designed to:

- I. explain the guidelines for the implementation of CITES to government officials dealing with CITES and expectations for compliance;
- II. provide information to anyone who wishes to broaden his or her knowledge on issues related to CITES implementation and compliance in Nigeria; and

CHAPTER 2:

CITES: An Introduction

2.1 What is CITES?

CITES is an international agreement to which States (countries/parties) with now 183 parties adhere voluntarily. States that have agreed to be bound by the Convention ('joined' CITES) are known as Parties. Although CITES is legally binding on the Parties – in other words, they have to implement the Convention – it does not take the place of national laws. Rather it provides a framework to be respected by each Party, which has to adopt its domestic legislation to ensure that CITES is implemented at the national level⁶.

CITES was conceived in the spirit of such cooperation because the trade in wild animals and plants crosses borders between countries, the effort to regulate it requires international cooperation to safeguard certain species from over-exploitation. Today, it accords varying degrees of protection to more than 35,000 species of animals and plants, whether they are traded as live specimens, fur coats or dried herbs.

Legal Wildlife Trade is that in which international trade in specimens of Wild Fauna and Flora is regulated for conservation purposes to ensure the sustainability of the trade as well as to safeguard these resources for the future. Many wildlife species in trade are not endangered, but the existence of an agreement to ensure the sustainability of the trade is necessary to safeguard these resources for the future⁷.

International wildlife trade is estimated to be worth billions of dollars and to include hundreds of millions of plant and animal specimens⁸. The trade is diverse, ranging from live animals and plants to a vast array of wildlife products derived from them, including food products, exotic leather goods, wooden musical instruments, timber, tourist curios and medicines. Levels of exploitation of some animal and plant species are high and the trade in them, together with other factors, such as habitat loss, is capable of heavily depleting their populations and even bringing some species close to extinction⁸.

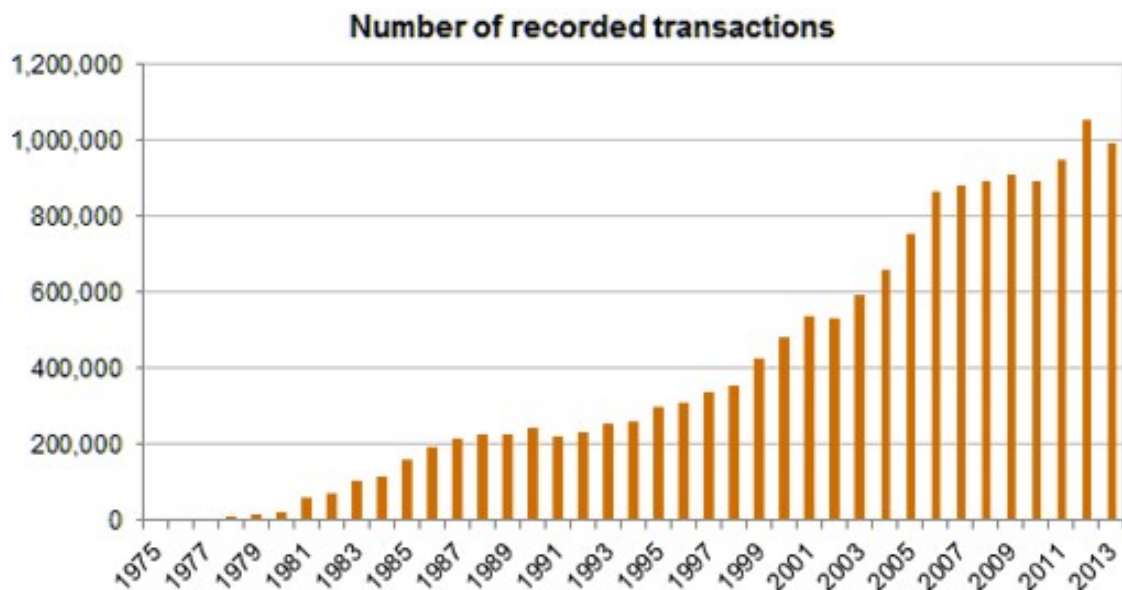


Fig 1. Legal Trade - 15 Million Transactions (1975 - 2013)⁶

Illegal wildlife trade, on the other hand, is that which involves the illegal harvest of and trade in live animals and plants or parts and products derived from them. Under CITES, it includes trading commercially in wild-taken specimens of Appendix I listed species and failing to obtain the necessary permits or certificates to trade in Appendix I, II or III listed species³.

Illegal wildlife trade is estimated to be worth billion of dollars⁸.



Fig. 2 The Value of Illegal Wildlife Estimated at 19 billion USD ⁸

2.2 How CITES Works

CITES is one of the largest and oldest conservation and sustainable use agreements in existence. Participation is voluntary, and countries that have agreed to be bound by the Convention are known as Parties. Although CITES is legally binding on the Parties, it does not take the place of national laws. Rather it provides a framework respected by each Party, which must adopt their own domestic legislation to implement CITES at the national level. Often, national legislation is either non-existent (especially in Parties that have not ratified it), or with penalties not commensurate with the gravity of the crime and insufficient deterrents to wildlife traders⁹.

CITES works by subjecting international trade in specimens of selected species to certain controls. It is a global instrument for regulating international trade in specimens of wild fauna and flora listed in its appendices on the basis of a system of permits and certificates, which are issued by a competent management authority of a country only when certain conditions are met and which must be presented when leaving or entering a country. All import, export, re-export and introduction from the sea of species covered by the Convention has to be authorized through this licensing system. According to Article IX of the Convention, Management and Scientific Authorities, each Party to the Convention must designate one or more Management Authorities in charge of administering that licensing system and one or more Scientific Authorities to advise them on the effects of trade on the status of CITES-listed species¹⁰.

As of 2002, 50% of Parties lacked one or more of the four major requirements for a Party: designation of Management and Scientific Authorities; laws prohibiting the trade in violation of CITES; penalties for such trade; laws providing for the confiscation of specimens¹¹.

Trade in specimens of the CITES appendices are regulated as follows:

- a) For Appendix I listed species, International trade is generally prohibited; and
- b) For Appendix II and III listed species, International trade is permitted but regulated.

The Permit and Certificate system includes:

- a) Export Permit,
- b) Import Permit,
- c) Re-Export Certificate,
- d) Introduction from the Sea Certificate,
- e) Certificate of Origin (For Appendix III species),
- f) Pre-Convention Certificate,
- g) Captive-Breeding Certificate (For Animals), and
- h) Artificial Propagation Certificate (For Plants)

Figure 3 - 8 below are a further pictographic explanation of what a sample CITES permit or certificate should look like and what basic information it should contain:

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

PERMIT/CERTIFICATE No. _____ Original

C EXPORT
 C RE-EXPORT
 C IMPORT
 I OTHER

1. Species involved

2. Country of origin

3. Date of issue

4. Authority of issue

5. Date of expiry

6. Name of the holder

7. Name of the importer

8. Name of the exporter

9. Name of the consignee

10. Name of the consignee

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98. Name of the consignee

99. Name of the consignee

100. Name of the consignee

CITES PERMIT/CERTIFICATE No. _____

WWxxYYYYYY/zz

- Kind of permit / certificate
- Number of document
- Each country uses different numbers.
- CITES Recommendation:
WWxxYYYYYY/zz
- WW: last two digits of the year of issuance
- Xx: two-letter ISO code of the country
- YYYYYY: six-digit serial number
- Zz: two digits or letters, or a combination of a digit and a letter that a Party may use for national informational purposes;

fppt.com

Fig 3 - Sample CITES Permit or Certificate¹²

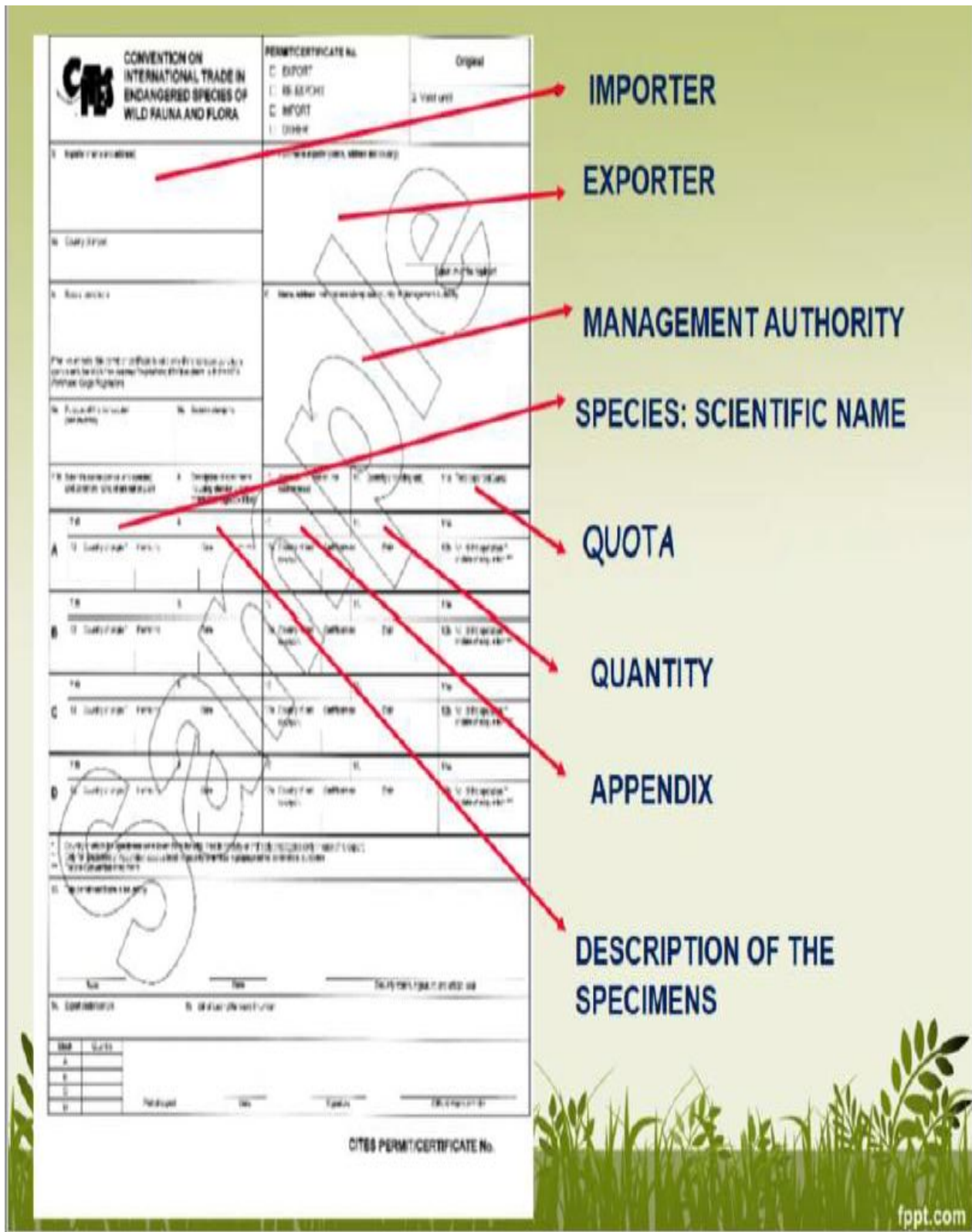


Fig 4 - Sample CITES Permit or Certificate¹²



Fig 5 - Sample CITES Permit or Certificate¹²

The image shows a sample CITES Permit or Certificate form. A red arrow points from the 'PURPOSE OF THE TRANSACTION' legend on the right to the corresponding section on the form. The form includes fields for 'PERMIT/CERTIFICATE No.', 'Original', 'Date of issue', and various sections for 'Exporting country', 'Importing country', and 'Species'. A large 'SAMPLE' watermark is overlaid on the form.

PURPOSE OF THE TRANSACTION

- T:** Trade
- Z:** Zoo
- G:** Botanic Garden
- Q:** Circus or travelling exhibition
- S:** Scientific
- H:** Hunting trophy
- P:** Personal
- M:** Medical
- E:** Educational
- N:** Reintroduction or introduction into the wild
- B:** Breeding in captivity or artificial propagation
- L:** Law enforcement / judicial / forensic

Fig 6 - Sample CITES Permit or Certificate¹²

The image shows a sample CITES Permit or Certificate form. The form is divided into several sections. At the top left is the CITES logo and the text 'CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA'. To the right of the logo is the 'PERMIT/CERTIFICATE No.' field, which contains 'C: EXPORT', 'I: SEIZURE', 'D: IMPORT', and 'I: OTHER'. Below this is a box for 'Original' with '2 Valid until'. The form has several numbered sections (1-10) for providing details about the specimen, including its scientific name, quantity, sex, and origin. A large, semi-transparent watermark 'SAMPLE' is overlaid on the form. A red arrow points from the 'SOURCE' legend on the right to the 'SOURCE' field in section 1 of the form.

SOURCE:

- W:** Specimens from the wild
- R:** Ranched specimens
- D:** Bred in captivity or artificially propagated specimens included in the CITES Secretariat Registers
- A:** Plants artificially propagated
- C:** Animals bred in captivity
- F:** Animals born in captivity
- U:** Unknown
- I:** Confiscated or seized specimens
- O:** Pre-convention specimens

Fig 7 - Sample CITES Permit or Certificate¹²

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

PERMIT/CERTIFICATE No.
 C. EXPORT
 I. RE-EXPORT
 C. IMPORT
 I. OTHER

Original
 2 Valid until

VALID UNTIL

- Export permits: max. 6 months
- Import permits: max. 12 months

DATE

SIGNATURE, OFFICIAL STAMP AND SECURITY STAMP

CUSTOMS CLEARANCE

CITES PERMIT/CERTIFICATE No.

fppt.com

Fig 8 - Sample CITES Permit or Certificate¹²

Included below in Figures 9 and 14 are the pictographic representation of the step by step procedure for CITES, from an exporting country and those in an importing country respectively. The general steps to apply for CITES Permit or Certificate by a prospective Exporter or Importer however, are as follows:

- a) The Exporter or Importer submits an application to the designated Management Authority; specifying:
 - i. .Exporter name and address;
 - ii. Importer name and address;
 - iii. Species Name (Scientific Name included);
 - iv. Quantity;
 - v. Description of the Species/Specimen
 - vi. Purpose of the transaction; and
 - vii. Source of the Species/Specimen
- b) The Management Authority will then communicate with the designated scientific authority regarding the species/specimen, to find out if it meets all conditions necessary for trade, notably of which is, that the export or import will not be detrimental to the survival of the species in the wild. Note: This must be carried out by the designated Scientific Authority and it is the only guarantee that trade in the species will be sustainable and that the government has a species conservation plan for that species. It is based on the scientific authority's advice that the Management Authority, can continue the process or discontinue the process.
- c) When the Management authority is informed by the scientific authority of its decision and that it is a favourable opinion, the exporter or importer will be notified, and the CITES Certificate or Permit is issued.

- d) The Exporter or Importer will then proceeds to the Port of Export and present same to the CITES Inspectors there to verify the shipment physically that, it is the Species/Specimen quantities and description that was approved in the Permit or certificate; that is what is being exported or imported into the Country.
- e) A designated Customs officer must sign the permit at the port because all Export or Import must be done with the presence of the Customs.
- f) The Exporter or Importer must return a copy of the signed CITES permit or certificate back to the Management Authority as the final step in the procedure to obtain the permit and final exportation.

Below are the Pictographs of the different procedures for Import and Export of different Appendices:

APPENDIX I: EXPORTING COUNTRY

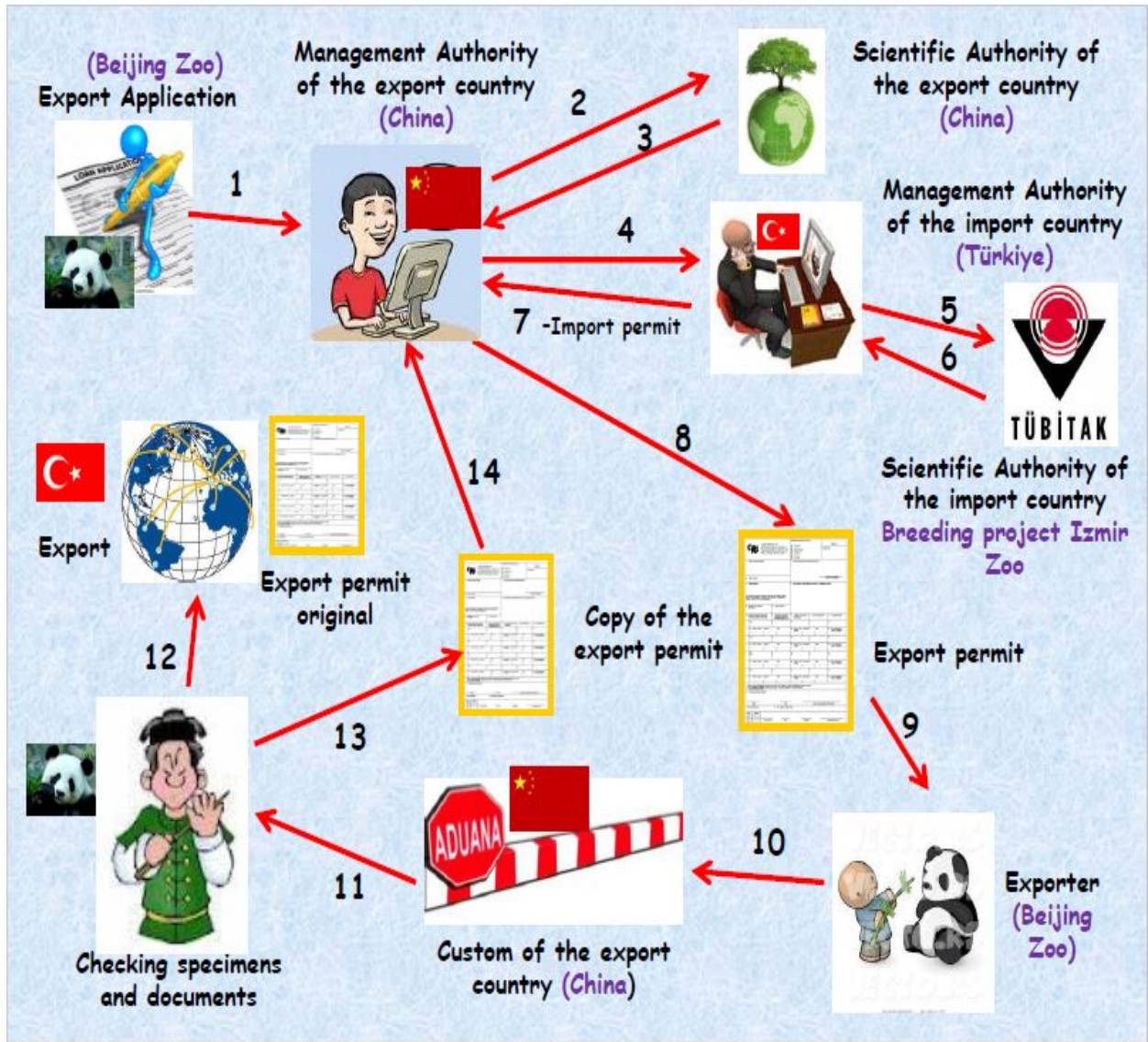


Fig 9 - Procedure for CITES Appendix I (Wild) Permit in an Exporting Country¹²

APPENDIX I: IMPORTING COUNTRY

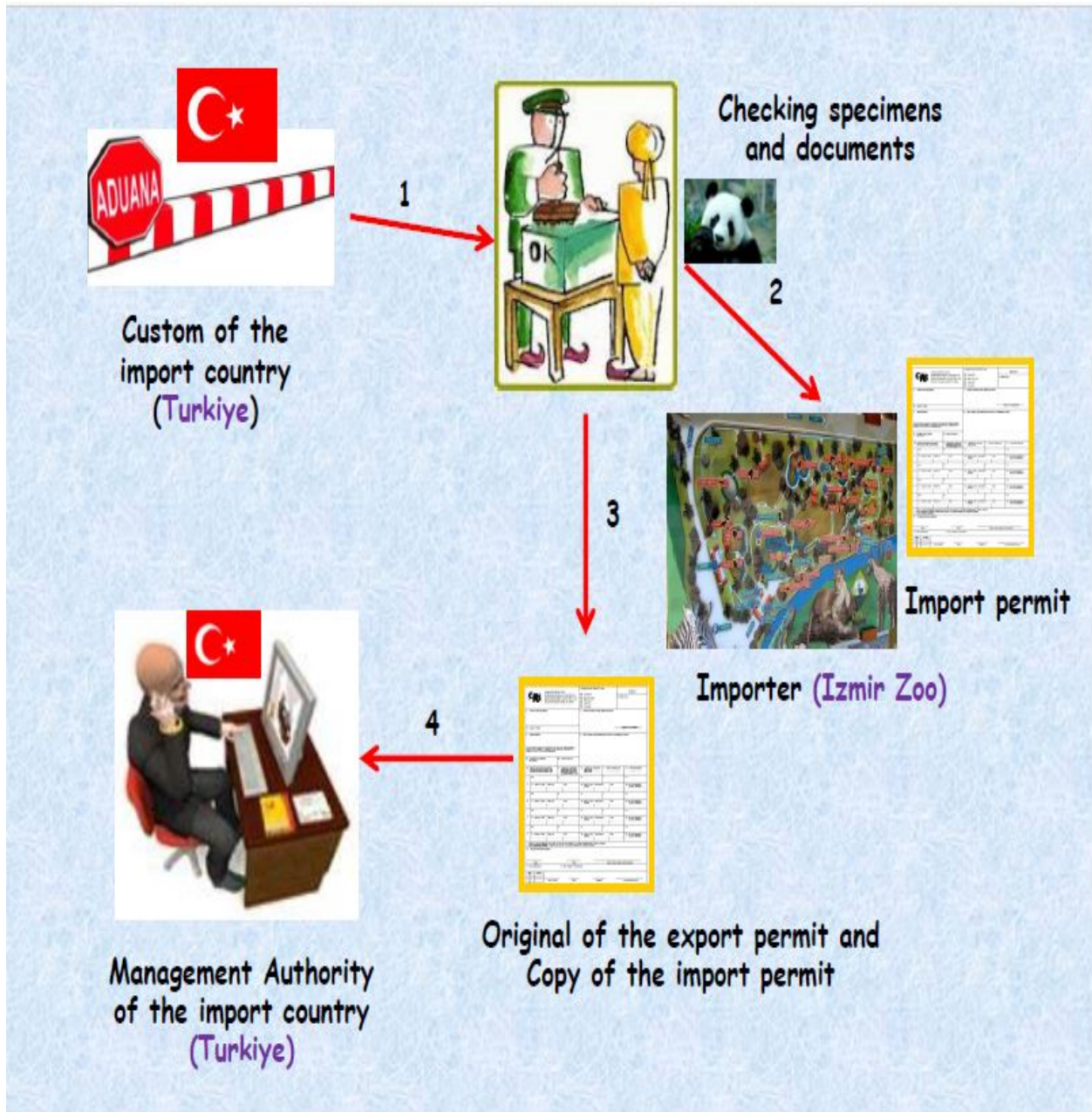


Fig 10 - Procedure for CITES Appendix I (Wild) Permit in an Importing Country¹²

APPENDIX II: EXPORTING COUNTRY

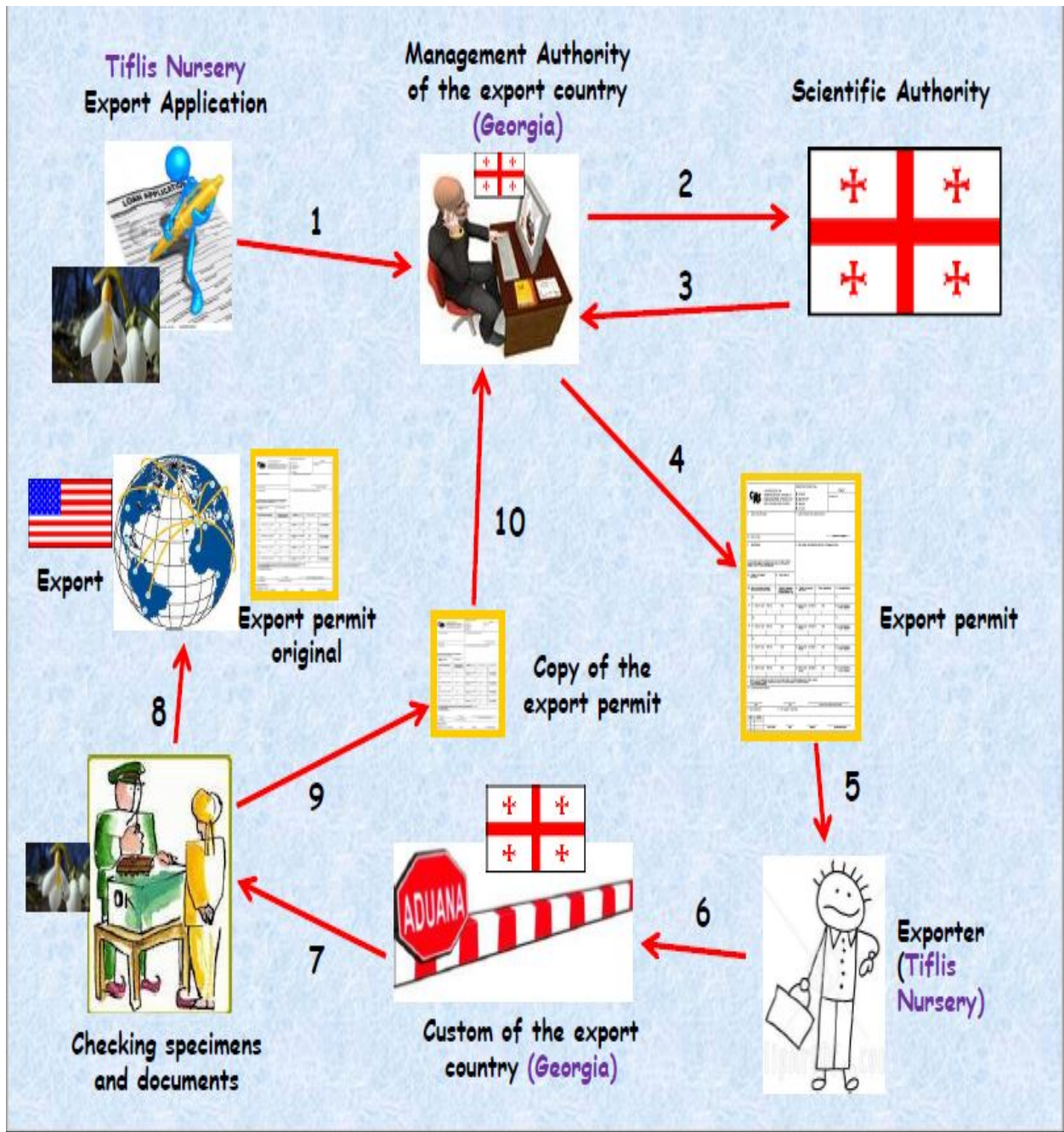


Fig 11 - Procedure for CITES Appendix II (Wild) Permit in an Exporting Country¹²

APPENDIX I AND II (BREED INCAPTIVITY) EXPORTING COUNTRY

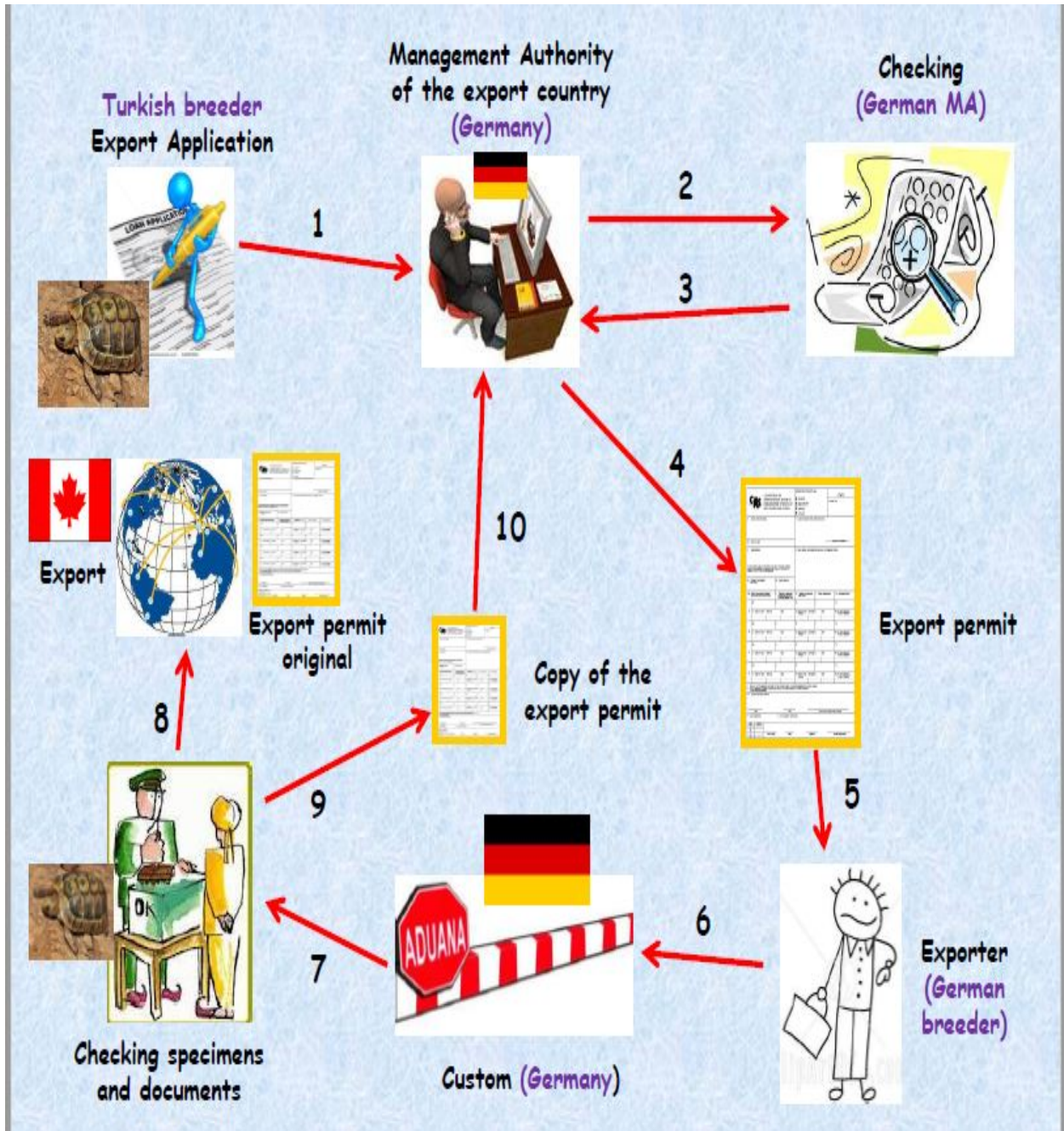


Fig 12 - Procedure for CITES Appendix I and II (Breed in Captivity) Permit in an Exporting Country¹²

APPENDIX I AND II (BREED INCAPTIVITY) IMPORTING COUNTRY

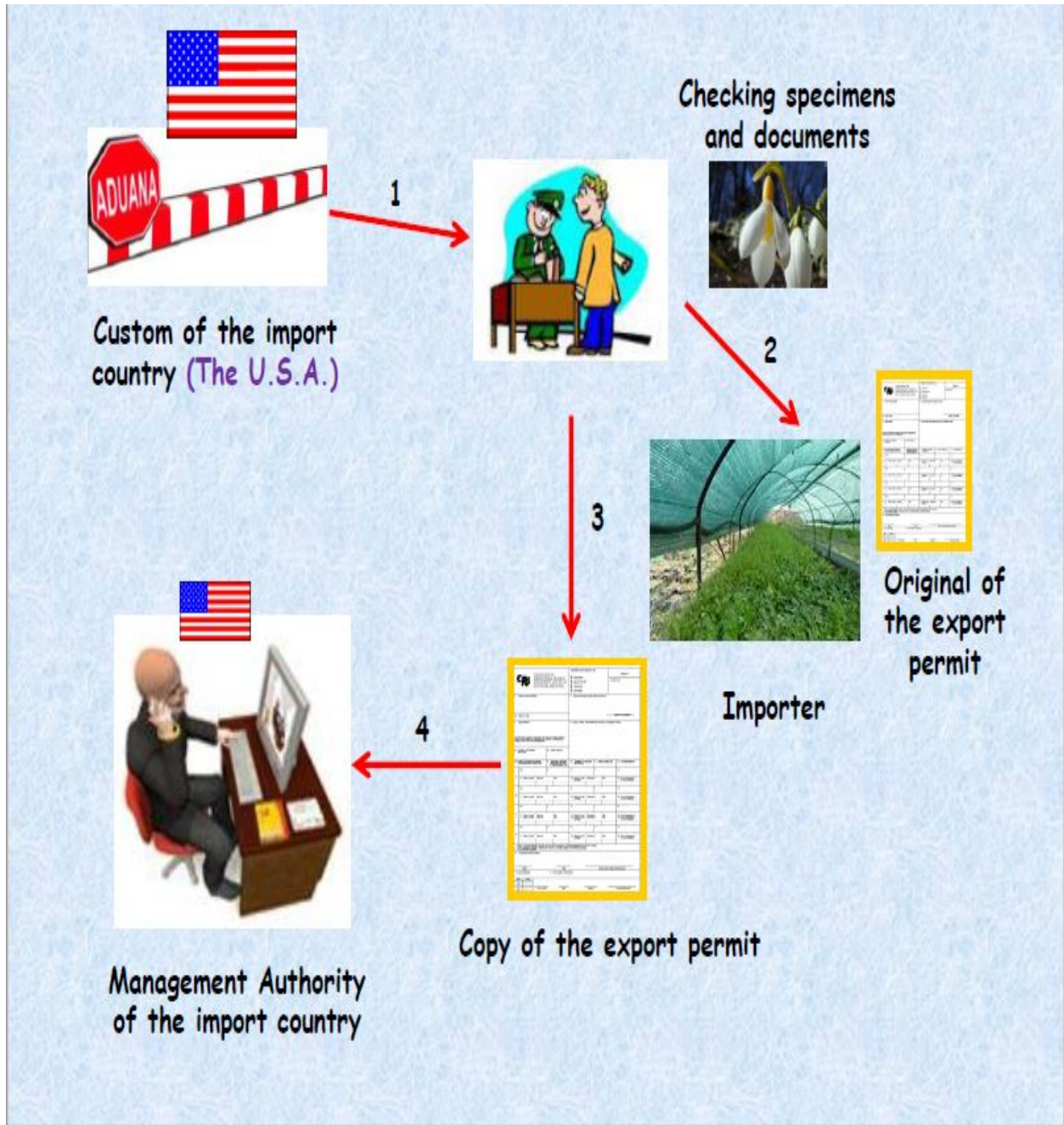


Fig 13 - Procedure for CITES Appendix I (Wild) and Appendix I and II (Breed in Captivity) Permit in an Importing Country¹²

Appendix III Export

- 1 From the country that has included the species in Appendix III:
 - » EXPORT PERMIT

- 2 From countries that did not include the species in Appendix III:
 - » CERTIFICATE OF ORIGIN



Fig 14 - Procedure for CITES Appendix III Permit in an Exporting Country¹²

2.3 Nigeria and CITES

Nigeria (ISO 3166-2 code: NG or ISO 3166-3 code: NGA) from the Region: Africa; became a party to CITES, Thursday, May 9, 1974, by Ratification and Entered into force: Tuesday, July 1, 1975¹³.

CITES and Nigeria started working together since then, from 1 to 4 March 2011, the staff of the CITES Secretariat visited Nigeria to engage with government officials in targeted capacity-building activities. A two-day workshop was held in Kano in northern Nigeria and was attended by over 70 persons from a range of agencies involved in CITES implementation and enforcement. Participants learned about the provisions of the Convention and its day-to-day administration. Specialized presentations included the identification of CITES specimens, mainly ivory, and everyone engaged in a practical exercise to detect fraudulent CITES documents¹.

CITES Secretariat staff and workshop participants subsequently visited markets in the city of Kano where they were able to put what they had learned into practice, whilst looking for illegal sales of wildlife. The Secretariat also travelled to Lagos in southern Nigeria, where further visits to handicraft markets were conducted with government officials¹. Nigeria like many other countries has been the subject of a recommendation by the CITES Standing Committee to suspend all trade in CITES-listed wildlife at different times. However, the Nigerian Government has been making substantial progress in drafting new legislation, training officials, monitoring outlets where wildlife may be traded, and raising public awareness of CITES. These activities led to the creation of the National Environmental Standards and Regulations Enforcement Agency (NESREA), which has been designated as Nigeria's CITES Enforcement Authority¹.

CHAPTER 3

Literature Review - CITES Compliance in Nigeria

3.1 CITES Compliance Procedure

The international community possesses a powerful tool to control wildlife trade—the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). For over 20 years it has used trade sanctions as the cornerstone of a unique compliance system that has evolved through practice and secondary rules. This section of this thesis highlighted the CITES Compliance Procedure. CITES is mainly dependent on a sanctions-based approach because of the lack of funds to support capacity building¹⁴.

The world's biological diversity is facing an unprecedented crisis, and one of the principal causes of its loss is the international wildlife trade. Since 1975, when the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) entered into force, we have possessed a powerful tool to control the trade¹⁵. The aim is to protect species for present and future generations.

The obstacles when trying to protect biodiversity by regulating trade are many, as Rosalind Reeve, (2006) describes it, “controlling wildlife trade in the face of strong market forces and organized crime is a monumental task.” Also, scientific uncertainty and the fact that different species have different needs, and thus in need of various measures to secure, for example, their habitat, induce other aspects of the problem¹⁴.

Compliance is of utter importance in order for international treaties not to become mere words. The CITES Convention, though one of the oldest multilateral environmental agreements (MEAs)¹⁶, has a non-compliance system evolved through secondary law, a development that has several interesting aspects¹⁷.

CITES' mandate is to control the effects of international trade on the conservation status of threatened species of animals and plants. Its primary aim is the prevention of unsustainable trade, not the promotion of sustainable alternatives or attention to the livelihoods of those who depend on the trade^{18,19,20}. The importance of an effective compliance system that encompasses procedures to deal with non-compliance is well recognized in international law. Consequently compliance regimes are evolving fast, driven by the necessity to ensure that treaty obligations are implemented and enforced by parties. Less well recognized is that, among environmental treaties, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) possesses an unusually efficient and established compliance system. It has been evolving continuously since 1975 when CITES entered into force, but has now reached a critical juncture²¹.

CITES is legally binding on its members (state parties), providing a framework of conduct which they must meet by enacting appropriate national legislation. Successful implementation relies on co-operation between governments and effective enforcement of domestic law at the national level. Bringing local laws up to international standards has been a major focus of CITES in recent years, and is one of its more positive aspects²⁰.

CITES regulates wildlife trade primarily through a system of permits and certificates that must be issued by national authorities before specimens can enter or leave countries involved in international trade. The permit system is applied to a three-tiered classification which accords varying degrees of protection to listed species. These listings lie at the heart of the CITES system of compliance²⁰.

A *compliance system* has been defined as the *subset* of the treaty's rules and procedures that influence the compliance level of a given rule'²². It can be broken down into three sub-systems: the primary rule system; the compliance information system; and the non-compliance response system¹⁶. The sub-systems all contain elements of verification. The latter is seen as a means to appraise the verity of a treaty's information base, to review progress regarding the implementation of state party commitments, and to permit states parties to respond to non-compliance with some action.

The chief actors in the compliance system are the Conference of Parties (COP), the Standing Committee, and the Secretariat. The COP is composed of state party representatives and is the supreme decision-making body, meeting every two - three years. The Standing Committee is an executive body made up primarily of 14 representatives of the parties—elected on a regional basis—which oversees the operation of the convention between COP meetings. Its functions include: managing financial activities; coordinating and advising other committees, as well as working groups set up by the COP; drafting possible COP resolutions; and performing 'any other functions as may be entrusted to it' by the COP²³.

The Geneva-based Secretariat, meanwhile, comprises over 30 professionals and support staff. In addition to information gathering and review, it is mandated: to undertake scientific and technical studies that will contribute to implementation; to prepare reports and make recommendations on implementation; and ‘to perform any other function as may be entrusted to it by the Parties’(CITES Article XII).

The Animals and Plants Committees, composed of individual experts (usually biologists) elected on a regional basis, also play a minor role in the compliance system. Reporting to the COP and the Standing Committee (if requested), these technical bodies review the status of selected CITES species and advise on action to be taken.

Regarding conservation of wildlife, CITES is considered to be perhaps the most successful international treaty on the subject²⁴. A critical non-compliance tool common to all these mechanisms is the suspension of trade in CITES-listed species. The suspension takes the form of a non-binding recommendation, usually by the Standing Committee (SC), which oversees implementation of the Convention between conferences²¹.

Although non-binding, these recommendations are taken seriously by parties and have had economic impacts. The suspensions may be particular to trade in certain species and imposed as a result of the significant trade review (a rolling programme dating back to 1983)¹⁸; or pertain to all CITES-listed species, in effect blanket suspensions of CITES trade.

At any one time, there are usually several species-specific suspensions in place. Blanket suspensions, until recently, were used more sparingly to address persistent generalized non-compliance by problem countries. But since 2002 more blanket suspensions than ever before have been recommended or threatened against non-compliant parties, most eliciting moves into compliance. Moreover, the circumstances under which suspensions can be recommended have expanded. They are now used regularly to address non-compliance with the CITES reporting requirements as well as requirements for national implementing laws²¹.

3.2 Verification Methodology in CITES

Clearly, the huge numbers of CITES species and subspecies occurring in both the legal and illegal trade are daunting by any standard, as are the wide variations in their value (Table 1). The number of species in the CITES Appendices is huge but many of them are not traded at all and many others are traded only in small numbers. The majority of trade is in a few hundred species.

	Appendix I	Appendix II	Appendix III
Mammals	228 species 21 subspecies 13 populations	369 species 34 subspecies 14 populations	57 species 11 subspecies
Birds	146 species 19 subspecies 2 populations	1401 species 8 subspecies 1 population	149 species
Reptiles	67 species 3 subspecies 4 populations	508 species 3 subspecies 4 populations	25 species
Amphibians	16 species	90 species	None
Fish	9 species	68 species	None
Invertebrates	63 species 5 subspecies	2030 species 1 subspecies	16 species
Plants	298 species 4 subspecies	28074 species 3 subspecies 6 populations	45 species 1 subspecies 2 populations
Totals	827 species 52 subspecies 19 populations	32540 species 49 subspecies 25 populations	291 species 12 subspecies 2 populations

Table 1. Approximate Numbers of Species, Subspecies and Populations on CITES Appendices^{13,20}

These features pose significant problems for compliance control, including verification. Customs officers cannot recognize more than a small fraction of the species of concern. This problem would apply in any context, but probably particularly so in the developing countries, where most species originate but the customs services of which are often under-funded,

under-trained and under-staffed. They should however have a working relationship with other government agencies. They should be able to call on the help of veterinary inspectors, agricultural inspectors and other specialists.

An additional complexity is that, at the level of the Parties, management of the legal trade is usually separated from the control of the illegal trade. The former is in the hands of the national Management Authority, while the latter lies with the Customs and Police.

Verification within CITES is highly dependent on willing tracking, by all parties, of all movements of listed species across national frontiers. Thus:

- Parties should verify the origins and species of the specimens for which they sign export certificates (Decision 9.7);
- Parties should verify the origins and authenticity of all CITES permits and certificates (Section XIV of Resolution Conf. 12/3; see also Resolution Conf. 3.7);
- Parties should verify the provenance of any specimens in traveling exhibitions;
- Parties should confirm the origins of specimens in transshipments (Resolution Conf. 9.7);
- Parties should verify authenticity of certificates relating to imports, by reference to the issuing Management Authority (Resolution Conf.4.25); and so on²⁵.

A basic dilemma in the CITES system is that the Convention has a strong orientation to compliance but no central enforcement capacity. Nor does it have any ability to impose penalties, except insofar as it may press for them to be applied ‘appropriately’ without specifying their content²⁶. The Secretariat’s status as central authority is not backed up by anything more substantive than recourse to persuasion²⁷.

3.2.1 Primary rule system

The convention regulates international trade in wildlife through a permit system that is applied to species listed in three Appendices. Appendix 1 listings prohibits commercial trade. It includes ‘all species threatened with extinction which are or may be affected by trade’ (CITES Article II.1).

Appendix 2 is listings as which, commercial trade is controlled. It encompasses ‘all species which although not necessarily now threatened with extinction may become so unless trade is subject to strict regulation’ (CITES Article II.2.).

Appendix 3 includes species listed unilaterally by parties needing international assistance to control trade (CITES Article II.3.).

All trade in listed species must have a permit or certificate, the requirements for which depend on which Appendix they are listed. One of the most important prerequisites for Appendix I and II trade is a ‘no-detriment’ finding—that is, that trade will not be detrimental to the species’ survival. CITES incorporates several exemptions, including reservations regarding the listing of a species, as well as several exceptions pertaining to captive bred or artificially propagated specimens and household or personal effects, for example (CITES Article VII.). These exemptions were designed to reduce the burden of implementation in cases where there is a reduced risk for wild populations. Non-Parties that have not acceded to the Convention are required to provide ‘comparable documentation’—issued by ‘competent authorities’—to that of a state party (CITES Article X.).

CITES is a non-self-executing treaty, meaning that national legislation is required to implement several provisions³³. Parties are obliged to prohibit trade that contravenes the convention and to penalize violations and confiscate specimens (CITES Articles II.4 and VIII.1.). The Convention also permits them to adopt 'stricter domestic measures' than those mandated by the treaty itself (CITES Article XIV.1.). Parties are required to designate 'one or more Management Authorities competent to grant permits or certificates' and 'one or more Scientific Authorities' (CITES Article IX.1.). The latter play an important role in verification through monitoring export permits, producing no-detriment findings and ensuring that exports are limited to maintain healthy populations—a form of self-certification (CITES Articles III and IV)¹⁶.

3.2.2. Compliance information system

CITES was one of the first MEAs to provide for an information system²⁸, which provides for annual and biennial reports on trade data. The collection, review, and dissemination of data are responsibilities of the Secretariat. This information system of trade data relies primarily on self-reporting by parties, but also on information supplied by NGOs and intergovernmental organizations, such as The International Criminal Police Organisation (Interpol) and the World Customs Organisation (WCO). Also, information may be gathered by the Secretariat during *ad hoc* visits to states parties, experiencing implementation problems, usually at the request of the Parties or the Standing Committee. The purpose is to gather information, assess problems and provide advice to national authorities. Technical expert missions, organized by the Secretariat and the Standing Committee, have also increasingly been used to investigate problems relating to illegal trade in high profile endangered species, particularly rhinos and tigers, in range and consumer states. These have been followed by high-level political missions that report their recommendations to the Standing Committee and the COP¹⁸.

Parties are required to provide annual and biennial reports (CITES Article VIII.7). Annual reports are to include information on trade in CITES specimens, while biennial reports are to contain data on legislative, regulatory and administrative steps taken to enforce the agreement (CITES Article VIII.). Emphasis has been placed on annual reporting; the two primary objectives are to monitor trade in listed species and to provide information on compliance, particularly detection of possible illegal trade. The detection is done through highlighting discrepancies between reported imports and exports and by assessing compliance with quotas²⁹.

The Secretariat is mandated to study parties' reports, to request further information, and to prepare annual reports on implementation (CITES Article XII). Some of these functions are contracted out. Trade information from parties' reports is maintained in a database by the UNEP-WCMC. The database since its inception has had some 500,000 records added to it every year, allowing import and export records to be compared and export records to be compared with export quotas. Consequently, it provides a limited form of verification. Situations where the records do not match or parties report a possible illegal trade are common.

Annual reports are essential for analysing trade in CITES -listed species—trade studies are heavily dependent on accurate and complete reporting by parties. Reporting has proved to be a persistent problem. (The many resolutions on reporting back this up. See CITES Resolutions Conf. 2.16 on 'Periodic Reports' (1979), Conf. 3.10 on 'Review and Harmonization of Annual Reports' (1981), Conf. 5.4 on 'Periodic Reports' (1985), and Conf. 8.7 on 'Submission of Annual Reports' (1992); also see Resolution Conf. 11.17, 'Annual Reports and Monitoring of Trade' (2000).

The 2000 assessment by the UNEP-WCMC showed a decline in the number of parties reporting since 1995, making an accurate and confident analysis of trade in CITES -listed species increasingly difficult (Jonathan Harwood, 'A Report on Annual Reports Submitted by the Parties to CITES,' (CITES Doc.11.19 Annex 2, prepared for COP 11, 10–20 April 2000.).

3.2.3. The CITES non-compliance response system

The CITES non-compliance response system has evolved over several years through CITES resolutions and practice. It uses ‘carrots,’ mostly technical assistance, strongly backed by ‘sticks’ in the form of trade sanctions²¹. The Standing Committee has frequently recommended—on Secretariat advice—the suspension of trade in CITES-listed species with offending countries, using the provision allowing parties to adopt stricter domestic measures as the legal basis.

Two types of carrot and stick response can be identified: ‘country-specific’ and ‘species-specific.’ Within the country-specific category, further distinctions can be made between the basic procedure elaborated in 1989 for parties experiencing major problems with implementation of the convention overall (Article XIII, Text of the Convention), and other procedures that have evolved to address non-compliance by parties in specific areas. Within the ‘species-specific’ category, a distinction can be made between the review and response mechanism for significantly traded Appendix 2 species, and ad hoc responses that have been instigated for high profile endangered species.

‘Country-specific’ non-compliance response for parties experiencing major implementation problems are:

- a) When the Secretariat requests information on an alleged infraction, parties should reply within one month or indicate a date when it can be supplied.
- b) If the requested information has not been filed within one year, parties should provide the Secretariat with justification for non-response.

- c) The Secretariat must work with parties to try to solve major implementation problems and to offer advice or technical assistance.
- d) If a solution cannot be achieved, the Secretariat brings the matter to the attention of the Standing Committee, which may pursue it in direct contact with the party concerned. If a party does not implement Standing Committee recommendations, other parties may be advised to impose sanctions on trade in CITES-listed species with the non-compliant party.
- e) The Secretariat keeps parties informed through notifications and its report of alleged infractions³⁰.

The task of deciding whether trade suspensions should be recommended against non-compliant Parties, have been delegated to the Standing Committee, with the Secretariat verifying progress in upgrading legislation. A legal capacity-building strategy has also been approved. For instance, national experts will be trained at regional workshops²¹.

Trade suspensions have also been recommended for parties that persistently fail to comply with reporting requirements. Failure to report, as well as the submission of inaccurate and incomplete reports, was highlighted by the Secretariat as a major area of concern at COP 11. Several notifications have referred to the implementation and monitoring procedure providing for the Secretariat to take a more active role in identifying enforcement problems concerning the implementation of the Convention. (Reference: Notification to the Parties No. 595, 'Secretariat Investigations Officer' (1990); Notification to the Parties No. 630, 'CITES Enforcement Co-ordination' (1991); and Notification to the Parties No. 636, 'Thailand: Ban on CITES Trade' (1991).

Parties failing to designate Scientific Authorities have also been subject to trade suspensions. Following a COP 10 resolution recommending that parties not accept export permits from countries that have not informed the Secretariat of the establishment of their Scientific Authorities, the Secretariat warned ten states that they should designate Scientific Authorities by particular deadlines to avoid sanctions (CITES Resolution Conf. 10.3, 'Designation and Role of the Scientific Authorities' (1997). CITES Doc. SC. 41.15, 'Designation of Management and Scientific Authorities', prepared for SC41.).

3.2.4 Species-specific non-compliance response

The primary form of species-specific non-compliance response is through the significant trade review mechanism for Appendix 2 species. Dating back to 1983, the mechanism, introduced initially for animals, has become increasingly complicated because of successive revisions and the introduction of plants. It involves selection by the Animals Committee or Plants Committee of a candidate list of significantly traded species using the WCMC database; a selection from the list by the Animals and Plants Committee of species to be reviewed through desk studies by consultants, usually from the IUCN and TRAFFIC.

If sufficient information is available for a particular species, the relevant Animals or Plants Committee consults with the Secretariat and makes primary recommendations (such as export quotas) and secondary recommendations (such as field studies). Parties are given 90 days to implement primary recommendations and 12 months to introduce the less urgent secondary recommendations. If too little is known about a species for which ‘action is needed’, it shall be retained in the review process. The Animals or Plants Committee shall, in consultation with the Secretariat, formulate time-bound, feasible, measurable, proportionate, and transparent recommendations directed to the range States retained in the review process, using the principles outlined in Annex 3 of this Resolution. The recommendations should aim to build the range State’s long term capacity to implement Article IV, paragraphs 2 (a), 3 and 6 (a) of the Convention. (Resolution Conf. 12.8 (Rev. CoP17) Review of Significant Trade in specimens of Appendix-II species.

The Secretariat is responsible for verifying implementation of recommendations, and reporting on species previously reviewed or eliminated from the process, to allow for their reintroduction into the mechanism, if necessary. The non-compliance response element, enabling the Standing Committee to recommend suspension of trade in affected species for non-compliant parties, was introduced in 1992 (initially for animals). The following year, the Standing Committee recommended that imports of specified species from 16 states should be suspended until the Secretariat had determined that primary and secondary recommendations had been implemented. (Notifications to the Parties No. 737, 'Significant Trade in Animal Species Included in Appendix II: Recommendations of the Animals Committee,' 20 April 1993, and No. 775, 'Significant Trade in Animal Species Included in Appendix II: Recommendations of the Animals Committee,' 23 November 1993). Since then, the list of parties subject to species-specific trade suspensions has been continually updated, as states comply, or fail to meet, with primary and secondary recommendations.

Compliance control in CITES is a complicated matter, demanding heavy inputs of time from Secretariat staff, often arguably disproportionate to the commercial value of the trade, though not necessarily its global sensitivity. The fact that the trade concerns relations between sovereign states impose limitations on the ability of the Convention to act in a policing role, though at the same time, its international trade focus does expand the information base available to it, and gives it some authority to act on behalf of the international community.

In addition to the sovereignty dimension of the treaty, there are some issues of perception and political will as well. Controlling exports of CITES listed animals and plants may not be very high

in the order of priorities of countries where the natural world does not appear as threatened as it does in the developed countries.²⁰.

The CITES compliance system has made increasing use of trade sanctions against non-compliant parties and non-parties. The sanctions have generally elicited the required response¹⁶.

3.3 National Authorities and Laws

Legislation (or "statutory law") is law which has been promulgated (or "enacted") by a legislature or other governing body or the process of making it that can have such purposes as: to regulate, to authorize, to outlaw, to provide (funds), to sanction, to grant, to declare or to restrict, known as the "Act of Parliament". It may be contrasted with a non-legislative act which is adopted by an executive or administrative body under the authority of a piece of legislation or for implementing a piece of legislation such as a Regulation³¹.

Legislation is at the heart of CITES implementation and Compliance system - Fig 15



Fig 15 - CITES implementation and Compliance system

CITES is an international treaty which is legally binding in the parties but it is not self-executing upon a country's ratification or accession to the convention. The implementation places obligations that require policy, power, rights, duties and procedures that must be specified in the National Legislations. It is the prerogative of each party to decide how it incorporates CITES Obligations into National Legislation considering its need and legal practice. However, to assist in the process, the CITES Secretariat prepared a model law to use as an example and though a national legislation project, designed to ensure that all parties have legislation that meets basic requirements of the Convention, have been assisting parties.

Only through adequate legislation which is permanently up to date and efficiently enforced, both at the borders and within countries, can CITES actually work. Adequate national laws are essential to effective wildlife trade controls by the State agencies charged with implementing the Convention. It is also a vital prerequisite for ensuring that a State Party complies with the provisions of the Convention. Creating and adopting effective and enforceable legislation is not an easy task and the Convention provides some guidance to Parties on what to include in their implementing legislation³²:

- a) Articles III to VII of the Convention set forth the conditions for trade in specimens of CITES-listed species;
- b) Article IX requires that Parties designate a Management Authority and a Scientific Authority;
and
- c) Article VIII requires that Parties prohibit trade in specimens in violation of the Convention, penalize such trade and allow for the confiscation of specimens illegally traded or possessed.

The national legislation project began in 1992. The Eighth meeting of the Conference of the Parties, Kyoto (Japan), 02-13 March 1992, adopted Resolution Conf. 8.4 (Rev. CoP15) on National laws for implementation of the. It provided the basis for the CITES National Legislation Project (NLP), the Convention's primary mechanism for encouraging and assisting Parties' legislative efforts.

The Resolution directs the Secretariat, within available resources, to identify those Parties whose domestic measures do not provide them with the authority to:

- i) designate at least one Management Authority and one Scientific Authority;
- ii) prohibit trade in specimens in violation of the Convention;
- iii) penalize such trade; or
- iv) confiscate specimens illegally traded or possessed;

Under the NLP, and in consultation with the concerned Party, national legislation is analysed by the Secretariat in relation to these four minimum requirements and placed in one of three categories, as follows³²:

Category 1: legislation that is generally believed to meet the requirements for implementation of CITES.

Category 2: legislation that is generally believed not to meet all of the requirements for the implementation of CITES.

Category 3: legislation that is generally believed not to meet the requirements for the implementation of CITES.

A legislative status table, prepared and periodically revised by the Secretariat, provides a summary of Parties' legislative progress including the category in which their legislation has been placed. Whether they have been identified by the Standing Committee as requiring attention as a priority and the length of time, they have been a Party to the Convention.

The latest version of the legislative status table was produced in September 2016 (CoP17 Doc. 22, Annex 3 (Rev. 1) and can be found here:

<https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-22-A3-R1.pdf>

The table contains the following sections:

- i. Parties with legislation in Category 1 - Legislation believed generally to meet the requirements for CITES implementation.
- ii. Parties with legislation in Category 2 or 3 - Legislation believed generally not to meet all the requirements for CITES implementation (i.e. To meet only some of the requirements - Category 2) and Legislation believed generally not to meet the requirements for CITES implementation (Category 3).
- iii. Recently acceded Parties and Dependent territories

The Standing Committee has identified certain Parties requiring attention as a priority; these are indicated in bold in the table.

Nigeria is Listed in Category 1 by the CITES secretariat as having legislations that generally meets the requirements for CITES implementation (Table 2).

STATUS OF LEGISLATIVE PROGRESS FOR IMPLEMENTING CITES
(UPDATED ON 1 SEPTEMBER 2016)

PARTIES WITH LEGISLATION IN CATEGORY 1
Parties in bold have been added since CoP16

Albania	Luxembourg
Argentina	Madagascar
Australia	Malaysia
Austria	Malta
Bahamas	Mauritius
Barbados	Mexico
Belgium	Monaco
Bolivia (Plurinational State of)	Namibia
Brazil	Netherlands
Brunei Darussalam	New Zealand
Bulgaria	Nicaragua
Cambodia	Nigeria
Cameroon	Norway
Canada	Panama
China	Papua New Guinea
Colombia	Paraguay
Costa Rica	Peru
Croatia	Poland
Cuba	Portugal
Cyprus	Qatar
Czech Republic	Republic of Korea
Democratic Republic of the Congo	Republic of Moldova
Denmark	Romania
Dominican Republic	Russian Federation
Egypt	San Marino
El Salvador	Saudi Arabia
Equatorial Guinea	Senegal
Estonia	Serbia
Ethiopia	Singapore
European Union	Slovakia
Fiji	Slovenia
Finland	South Africa
France	Spain
Germany	Sweden
Greece	Switzerland
Guatemala	Thailand
Honduras	Turkey
Hungary	Ukraine
Iceland	United Arab Emirates
Indonesia	United Kingdom of Great Britain and Northern Ireland
Iran (Islamic Republic of)	United States of America
Ireland	Uruguay
Italy	Vanuatu
Jamaica	Venezuela (Bolivarian Republic of)
Japan	Viet Nam
Latvia	Yemen
Liechtenstein	Zimbabwe
Lithuania	

Table 2: PARTIES WITH LEGISLATION IN CATEGORY 1

3.4 Historical Perspectives

Nigeria's Legislation has two components with which the CITES Secretariat used to list Nigeria in Category 1. Nigeria has:

1. Endangered Species Act 1985. (Control of International Trade and Traffic) (Annex 2) and
2. National Environmental (Protection of Endangered Species in International Trade) Regulations, 2011. (Annex 3)

The scope of this thesis does not include a review of the National Legislations in relation to the CITES Model Law but we shall highlight the historical perspective of Nigeria's efforts to be in compliance with the CITES convention, trade suspensions as sanctions that has been used in Nigeria whenever it has fall short of its obligations, the lifting of such trade sanctions, having addressed the issues raised, tracing it over a period of 28 years from 1988 - 2016, that has helped to bring Nigeria into Category 1. Annex 4 and 5 contains the CITES Compliance Procedure and CITES Model Law respectively.

Annexes 6 - 12 shows Notifications to the Parties on Nigeria from 1988, 1990, 2004, 2005, 2008, 2015, and 2016, which covers issues ranging from communications from the Nigeria designated authorities to the parties seeking support to help in compliance issues, to recommendations to suspend trade and the withdrawal of the trade suspensions.

Since legislation for compliance has been adjured to be adequate, this thesis therefore sought to understand what therefore is the problem with compliance in Nigeria.

CHAPTER 4

RESEARCH QUESTION

4.1 Questionnaire Administration

A questionnaire survey based on the New Implementation Format of CITES as published in the NOTIFICATION TO THE PARTIES (<http://www.cites.org>, No. 2016/006, Geneva, 5 February 2016) was administered to 8 government agencies involved in CITES implementation in Nigeria.

The Agencies includes:

A. Management Authority:

- a) Wildlife and CITES Management Division (WCMD)

B. Scientific Authorities (Committee Members):

- a) National Park Service (NPS);
- b) Nigeria Conservation Foundation (NCF) – NGO, Not Designated Authority but has National roles;
- c) National Institute for Horticultural Research and Development (NIHORT); and
- d) Forestry Research Institute of Nigeria (FRIN)

C. Enforcement Authorities:

- a) National Environmental Standards and Regulations Enforcement Agency (NESREA);
- b) Nigeria Customs Service (NCS); - Not Designated Authority but has National roles, and
- c) Federal Ministry of Justice (FMJ) - Not Designated Authority but has National roles.

Their Responses are shown in Tables and Histograms to show the knowledge gap in CITES implementation and Compliance in Nigeria.

In the result presentation, the roles and tasks of Management, Scientific and Enforcement Authorities were highlighted, showing their responses to the aspects of the questionnaire pertaining to their agencies; their responses revealed their knowledge of what their role should be and also their knowledge of what the roles of the other authorities or agencies of government should be in the CITES implementation and Compliance in Nigeria.

YES answer means they have:

- i. Knowledge of the provisions of the CITES convention;
- ii. Implement the provisions of the CITES convention and/or
- iii. Comply with the provisions of the convention.

Equally, **NO** answer means that do **NOT** have:

- i. Knowledge of the provisions of the CITES convention;
- ii. Implement the provisions of the CITES convention and/or
- iii. Comply with the provisions of the convention.

It is important to note it here that I personally made it clear to all respondents that this is a Knowledge gap research as it may affect their ability to implement and be in compliance with the CITES Convention in Nigeria. There might be some confusion in responding to the questions. Therefore, the results should be taken as indicative.

4.2: RESULTS

For the purpose of the presentation of the results and this discussion No (I.D: 1) means the CITES agency has no knowledge of that aspect of the CITES Provision that will aid in the proper implementation and compliance to the CITES convention. On the other hand, Yes (I.D:2) means the CITES agency has knowledge of the aspect of the CITES provisions that will aid the day-to-day implementation of the CITES convention in Nigeria.

First, the general knowledge of the individual CITES agencies responsible for the implementation of the CITES Convention in Nigeria were rated. The answers were reflected in histograms to show:

1. In which of the 50 questions chosen they are above average.
2. The percentage of their knowledge about their function or role within the CITES governing structure for the Country; whether it is Management, Scientific or Enforcement; and
3. The percentage of their knowledge about the authorities of the other agencies.

4.2.1 Responsibility and Tasks of the Management Authority

Article IX of the conventions stipulates each party to designate One or more Management Authority competent to grant permits or certificate on behalf of that party. The Management Authority has five of the most basic roles, which have been either imposed by the text of the convention, included in Resolutions and Decisions or Those that would be logical for a Management Authority:

IMPOSED BY THE TEXT OF THE CONVENTION

Art	TASK
III, IV,V	Permit issuance and acceptance provisions
VI	Retaining and cancelling permits and certificates. Marking
VII	Determining the applicability of exemptions
VIII	Responsibility for confiscated live specimens

TASK OF THE MANAGEMENT AUTHORITY

Representing the party	Preparation and circulation of official information on CITES.
Education and information	Training
Co-ordination with other government department.	Enforcement.
Communication with traders, NGOs and the public	Co-ordination with the CITES secretariat
Issuance of permits and certificates	Preparation of Annual and Biennial Reports
Preparation of proposals for the conference of the party.	Communication with the scientific Authority

The Management Authority also prepares and circulates official information on CITES to:

- Customs
- Other Border Authorities
- Police
- Authorities in charge of internal control
- Health Authorities
- Other Ministries

Management Authority is supposed to know everything, that every Agency involved in CITES Implementation and Compliance should be doing. From the various questions in the CITES implementation document, I have chosen Fifty (50) Questions that were answered basically in Yes or No to determine the knowledge of day-day application of CITES for its effective implementation and compliance to the CITES Convention and Regulations.

Table 1 shows the Management Authority's Knowledge on the role and procedures to implement CITES in Nigeria. There is only one designated Management Authority in Nigeria and that is the Wildlife and CITES Management Division, Department of Forestry, Federal Ministry of Environment.

In all cases below, the questions are specific to knowledge and/or practice in Nigeria. Also for presentation of the results in Histogram, I used Past 3 Software and I had to Convert the YES and NO answers to 2 and 1 respectively.

HISTOGRAM DESCRIPTION

X Axis - Frequency - Number of Times there was a YES or a NO

Y Axis - Yes is 2; No is 1 (Nb. This applies to all)

MANAGEMENT AUTHORITY - WCMD

Table 3: Overall Knowledge of CITES by the Management Authority (WCMD)

	Question	Yes/No
1	CITES relevant policies or legislation?	Yes
2	Easy amendment of your national law(s)?	Yes
3	Standard operating procedures for application for and issuance of permits?	Yes
4	Are the procedures publicly available?	Yes
5	Electronic data management and a paper-based permit issuance system?	No
6	Simplified procedures of Permits and Certificates?	Yes
7	No Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties?	Yes
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken?	Yes
10	Have such surveys, studies or other analyses used in making non-detriment findings (NDFs)?	Yes
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	No
12	Are there any published non-detriment findings that can be shared?	No
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	No
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	Yes
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	Yes
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	Yes
18	Collaboration with other CITES Parties?	Yes
19	Mechanism for reviewing your enforcement strategy(ies)?	Yes
20	Use of the International Consortium on Combating Wildlife Crime (ICCWC) Wildlife and Forest Crime Analytic Toolkit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	Yes

22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	Yes
23	Capacity to use forensic technology to support the investigation of CITES offences?	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	Yes
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	Yes
27	Institutional capacity to implement the legislative provisions against CITES offences?	Yes
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	Yes
29	Any criminal prosecutions of CITES-related offences?	Yes
30	Disposal confiscated specimens according to CITES recommendations?	Yes
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
34	Approved service standard for Management Authority(ies)?	No
35	Approved service standard for Scientific Authority(ies)?	No
36	Approved service standard for Enforcement Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	Yes
39	Are there sufficient Skills?	Yes
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and Non-detriment finding information?	No
42	Does the Management Authority charge fees?	Yes

43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No
45	Incentive measures such as those described in CoP14 Doc 14.32 to implement the Convention?	No
46	Capacity building needed?	Yes
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No
48	CITES authorities involved activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?	Yes
49	Consultation the CITES website?	Yes
50	Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC) ²⁰ to which Nigeria is party?	Yes

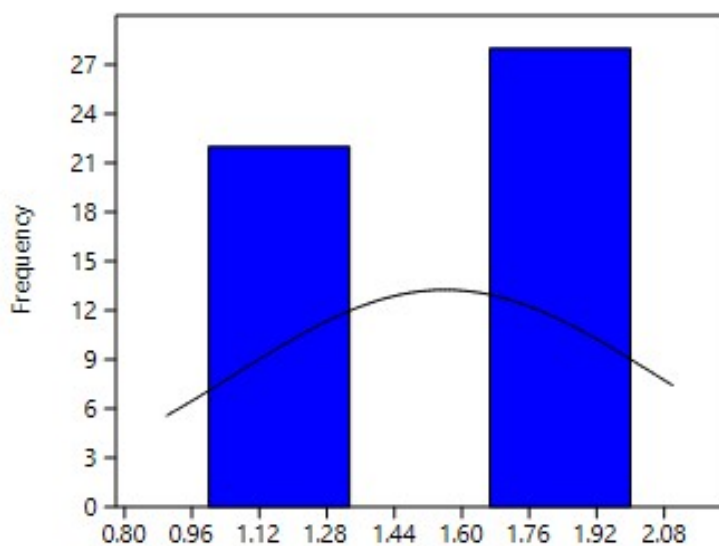


Fig 16: Overall Knowledge of CITES provisions by the Management Authority (WCMD)

X Axis - Frequency - Number of Times there was a YES or a NO

Y Axis - Yes is 2; No is 1 (Nb. This applies to all)

2 being 27 YES responses more than 23 NO responses being 1. This represents 54% knowledge, implementation and compliance to CITES Provisions by the Wildlife and CITES division of the Department of Forestry, Federal Ministry of Environment to the CITES Convention.

This means that The Management authority has slightly above average knowledge in the implementation and Compliance to CITES.

Table 4: WCMD's Knowledge of Management Role Only

	MANAGEMENT AUTHORITY Question	Yes/No
1	CITES relevant policies or legislation	Yes
2	Easy amendment of your national law(s)	Yes
3	Standard operating procedures for application for and issuance of permits	Yes
4	Are the procedures publicly available?	Yes
5	Electronic data management and a paper-based permit issuance system?	No
6	Simplified procedures of Permits and Certificates	Yes
7	No Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	Yes
34	Approved service standard for Management Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	Yes
39	Are there sufficient Skills?	Yes
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and Non-detriment finding information?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
42	Does the Management Authority charge fees?	Yes
43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No
45	Incentive measures such as those described in CoP14 Doc 14.32 to implement the Convention?	No
46	Capacity building needed?	Yes
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No

- 48 CITES authorities involved activities to bring about better awareness of the Convention’s requirements by the wider public and relevant user groups? Yes
- 49 Consultation the CITES website? Yes
- 50 Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC)20 to which Nigeria is party? Yes

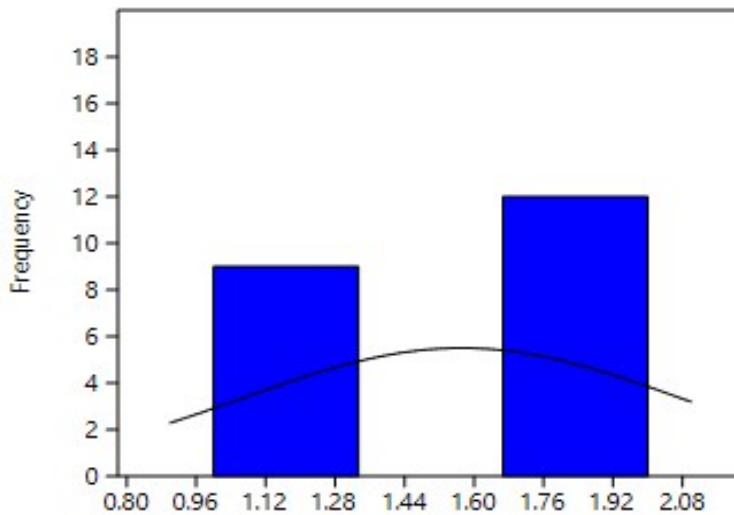


Fig 17: WCMD’s Knowledge of Management Role in CITES

Here there are 22 responses that I have chosen that is specific to the Management Authority. 2 being 13 YES responses more than 9 NO responses being 1. This represents 59% knowledge, implementation and compliance to CITES Provisions by the Wildlife and CITES division of the Department of Forestry, Federal Ministry of Environment to **their own role as a Management Authority** under the provisions of the CITES Convention in Nigeria.

Table 5: WCMD, the Management Authority’s Knowledge of Scientific Role Only

	SCIENTIFIC AUTHORITY Question	Yes/No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	Yes
10	Have such surveys, studies or other analyses used in making non-detriment findings (NDFs)?	Yes
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	No
12	Are there any published non-detriment findings that can be shared?	No
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	No
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	Yes
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	Yes
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	Yes
18	Collaboration with other CITES Parties?	Yes
35	Approved service standard for Scientific Authority(ies)?	No

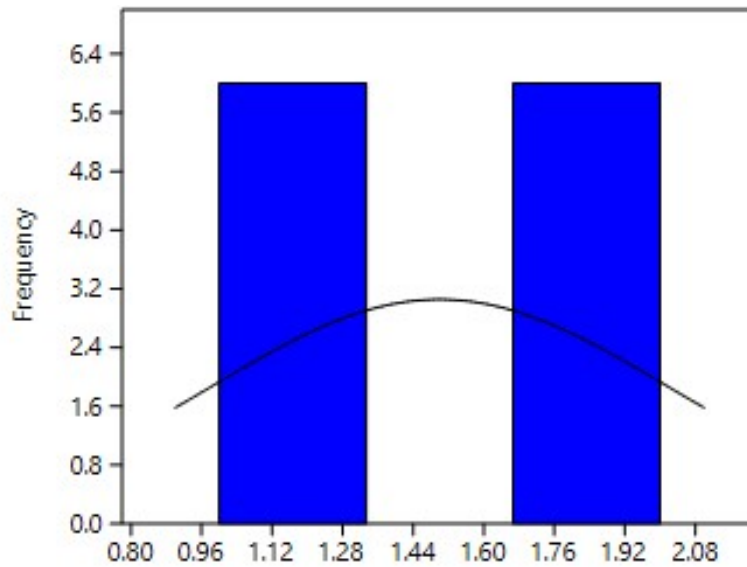


Fig 18: WCMD's Knowledge of Scientific Role in CITES

Here there are 12 responses that I have chosen that is specific to the Scientific Authorities. 2 being 6 YES responses equal to 6 NO responses being 1. This represents 50% knowledge, implementation and compliance to CITES Provisions by the Wildlife and CITES division of the Department of Forestry, Federal Ministry of Environment about the knowledge of **the Scientific Authorities** under the provisions of the CITES Convention in Nigeria.

Table 6: WCMD, the Management Authority’s Knowledge of Enforcement Role Only

	Enforcement Authority Specific Questions	Yes/No
19	Mechanism for reviewing your enforcement strategy(ies)?	Yes
20	Use of the International Consortium on Combating Wildlife Crime (ICCWC) Wildlife and Forest Crime Analytic Tool-kit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	Yes
22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	Yes
23	Capacity to use forensic technology to support the investigation of CITES offences?	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	Yes
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	Yes
27	Institutional capacity to implement the legislative provisions against CITES offences?	Yes
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	Yes
29	Any criminal prosecutions of CITES-related offences?	Yes
30	Disposal confiscated specimens according to CITES recommendations?	Yes
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
36	Approved service standard for Enforcement Authority(ies)?	No

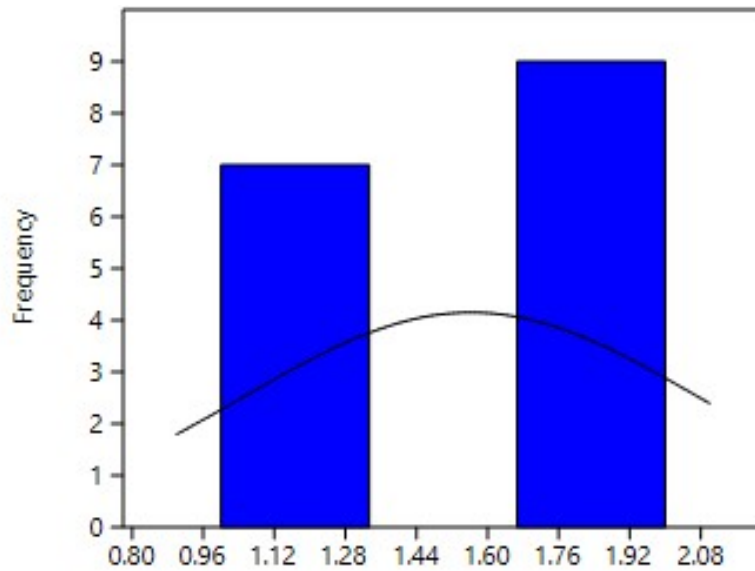


Fig 19: WCMD’s Knowledge of Enforcement Role in CITES

Here there are 16 responses that I have chosen that is specific to the Enforcement Authorities. 2 being 9 YES responses more than 7 NO responses being 1. This represents 56% knowledge, implementation and compliance to CITES Provisions by the Wildlife and CITES division of the Department of Forestry, Federal Ministry of Environment about the knowledge of **the Enforcement Authorities** under the provisions of the CITES Convention in Nigeria.

4.2.2 Responsibility and Task of the Scientific Authorities

Article IX of the conventions stipulates each party to designate One or more scientific Authority to advise the Management Authority. **THE MANAGEMENT AUTHORITY MUST** Make sure that it keep the SA informed about all relevant CITES issues following Resolution Conf. 10.3, which states that”NOTING that issuance of permits by a Management Authority without appropriate scientific Authority findings constitutes a lack of compliance with provisions of the convention and seriously undermines species conservation”

Scientific Authorities role in the implementation and compliance to the CITES Convention.

THE CONFERENCE OF THE PARTIES TO THE CONVENTION RECOMMENDS in its Resolution 10.3 - Designation and Role of the Scientific Authorities outlined the roles and functions of the Scientific Authorities and can be summarized as giving appropriate advice stating whether or not an export, import or introduction from the sea would or would not be detrimental to the survival of the species in question. This obligates the Management Authorities as contained in the text of the Convention, Articles III and IV, which are legally binding, NOT to issue any export or import permit, or certificate of introduction from the sea, for species listed in the Appendices without first obtaining the appropriate Scientific Authority findings or advice.

Table 2,3,4 and 5, thus attempts to find out if the various designated Scientific authorities have knowledge of their role and procedures to implement CITES and their understanding of the roles of both the Management and the Enforcement agencies.

SCIENTIFIC AUTHORITIES

Table 7: Overall Knowledge of CITES by NPS (a Scientific Authority).

	Question	NPS
1	CITES relevant policies or legislation	No
2	Easy amendment of your national law(s)	No
3	Standard operating procedures for application for and issuance of permits	No
4	Are the procedures publicly available?	No
5	Electronic data management and a paper-based permit issuance system?	No
6	Simplified procedures of Permits and Certificates	No
7	Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	Yes
10	Have such surveys, studies or other analyses used in making non-detriment findings (NDFs)?	No
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	Yes
12	Are there any published non-detriment findings that can be shared?	Yes
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	Yes
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	No
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	Yes
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	Yes
18	Collaboration with other CITES Parties?	Yes
19	Mechanism for reviewing your enforcement strategy(ies)?	No

20	Use of the International Consortium on Combating Wildlife Crime (ICCWC) Wildlife and Forest Crime Analytic Tool-kit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	No
22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	No
23	Capacity to use forensic technology to support the investigation of CITES offences?	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	No
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	No
27	Institutional capacity to implement the legislative provisions against CITES offences?	No
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	No
29	Any criminal prosecutions of CITES-related offences?	No
30	Disposal confiscated specimens according to CITES recommendations?	No
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
34	Approved service standard for Management Authority(ies)?	No
35	Approved service standard for Scientific Authority(ies)?	No
36	Approved service standard for Enforcement Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No

41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and In-detriment finding information?	No
42	Does the Management Authority charge fees?	No
43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No
45	Incentive measures such as those described in CoP24 Doc 24.31 to implement the Convention?	No
46	Capacity building needed?	Yes
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No
48	CITES authorities involved activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?	No
49	Consultation the CITES website?	No
50	Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC) ¹² to which Nigeria is party?	No

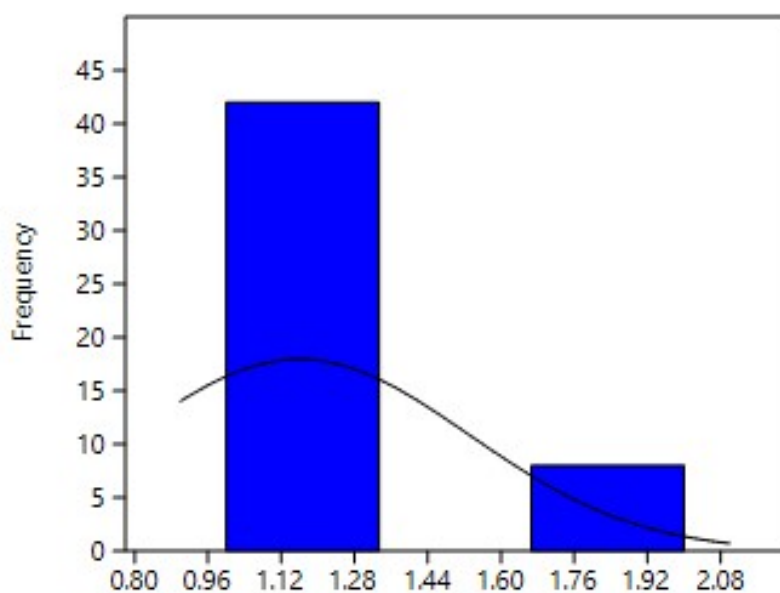


Fig 20: Overall Knowledge of CITES by NPS

2 being 8 YES responses less than 42 NO responses being 1. This represents 16% knowledge, implementation and compliance to CITES Provisions by the National Park Services to the CITES Convention.

This means that The National Park Service as a Scientific authority has very little knowledge in the implementation and Compliance to CITES.

Table 8: NPS’s Knowledge of Management Role Only

	MANAGEMENT AUTHORITY Specific Questions	Yes/No
1	CITES relevant policies or legislation	No
2	Easy amendment of your national law(s)	No
3	Standard operating procedures for application for and issuance of permits	No
4	Are the procedures publicly available?	No
5	Electronic data management and a paper-based permit issuance system?	No
6	Simplified procedures of Permits and Certificates	No
7	No Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	No
34	Approved service standard for Management Authority(ies)?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
42	Does the Management Authority charge fees?	No
43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No
45	Incentive measures such as those described in CoP14 Doc 14.32 to implement the Convention?	No

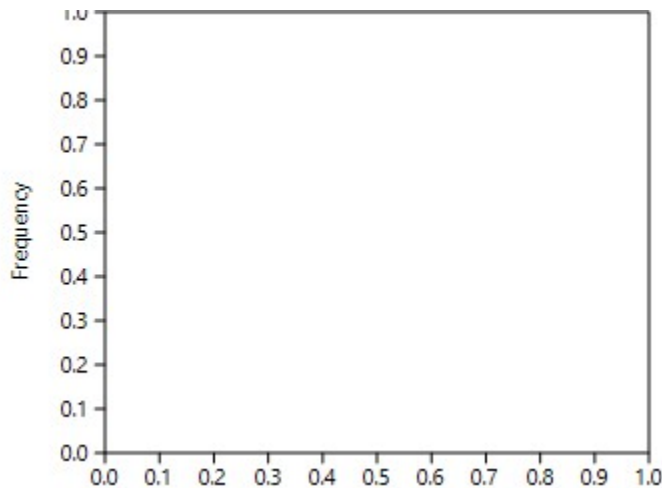


Fig 21: Knowledge of Management Role in CITES by NPS (No Spread Data)

Here there are 13 responses that I have chosen that is specific to the Management Authority. 2 being 0 YES response less than 13 NO responses being 1. This represents 0% knowledge, implementation and compliance to CITES Provisions by the National Parks Services (NPS) about the knowledge of **the Management Authority** under the provisions of the CITES Convention in Nigeria.

Table 9: NPS's Knowledge of Scientific Role Only

	SCIENTIFIC AUTHORITY Specific Question	Yes/No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	Yes
10	Have such surveys, studies or other analyses used in making non-detriment findings (NDFs)?	No
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	Yes
12	Are there any published non-detriment findings that can be shared?	Yes
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	Yes
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	No
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	Yes
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	Yes
18	Collaboration with other CITES Parties?	Yes
35	Approved service standard for Scientific Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and Non-detriment finding information?	No
46	Capacity building needed?	Yes
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No
48	CITES authorities involved activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?	No
49	Consultation the CITES website?	No

50 Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC)20 to which Nigeria is party? No

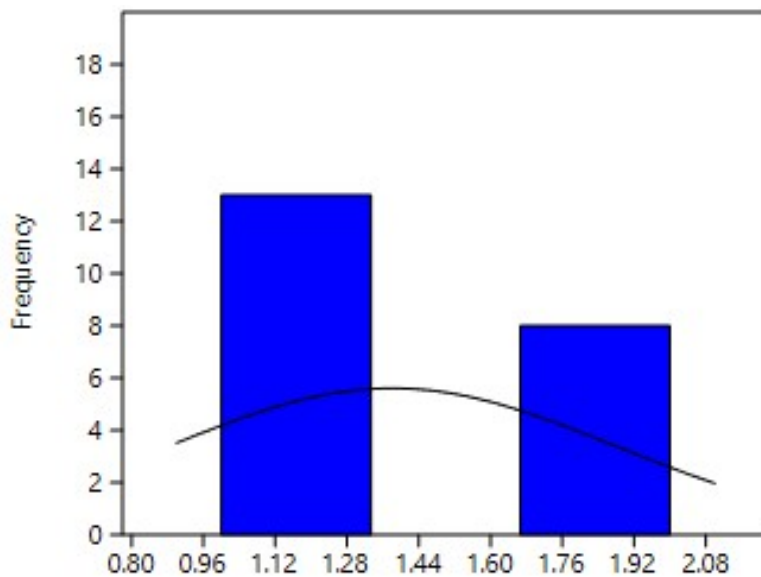


Fig 22: Knowledge of Scientific Role in CITES by NPS

Here there are 21 responses that I have chosen that is specific to the Enforcement Authorities. 2 being 8 YES responses less than 13 NO responses being 1. This represents 38% knowledge, implementation and compliance to CITES Provisions by the National Parks Services (NPS) to the CITES Convention to **their own role as a Scientific Authority** under the provisions of the CITES Convention in Nigeria.

Table 10: NPS's Knowledge of Enforcement Role Only

	ENFORCEMENT AUTHORITY Specific Question	Yes/No
18	Collaboration with other CITES Parties?	Yes
19	Mechanism for reviewing your enforcement strategy(ies)?	No
20	Use of the International Consortium on Combating Wildlife Crime (ICWC) Wildlife and Forest Crime Analytic Toolkit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	No
22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	No
23	Capacity to use forensic technology to support the investigation of CITES offences?	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	No
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	No
27	Institutional capacity to implement the legislative provisions against CITES offences?	No
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	No
29	Any criminal prosecutions of CITES-related offences?	No
30	Disposal confiscated specimens according to CITES recommendations?	No
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
36	Approved service standard for Enforcement Authority(ies)?	No

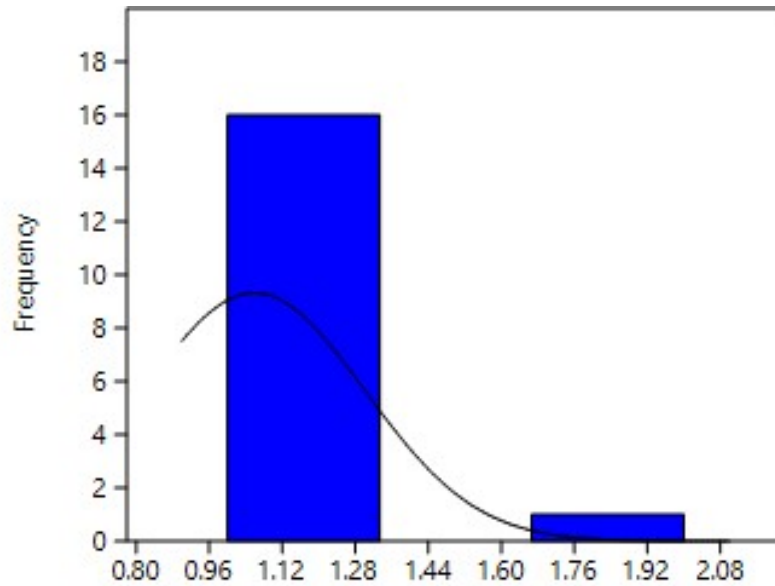


Fig 23: Knowledge of Enforcement Role in CITES by NPS

Here there are 17 responses that I have chosen that is specific to the Enforcement Authorities. 2 being 1 YES responses less than 16 NO responses being 1. This represents 6% knowledge, implementation and compliance to CITES Provisions by the National Park Services (NPS) about the knowledge of **the Enforcement Authorities** under the provisions of the CITES Convention in Nigeria.

Table 11: NCF, a Scientific Authority’s Overall Knowledge of CITES

	Question	NCF
1	CITES relevant policies or legislation	No
2	Easy amendment of your national law(s)	No
3	Standard operating procedures for application for and issuance of permits	No
4	Are the procedures publicly available?	No
5	Electronic data management and a paper-based permit issuance system?	No
6	Simplified procedures of Permits and Certificates	No
7	1 Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	Yes
10	Have such surveys, studies or other analyses used in making 1n-detriment findings (NDFs)?	Yes
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	No
12	Are there any published non-detriment findings that can be shared?	No
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	No
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	Yes
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	Yes
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	No
18	Collaboration with other CITES Parties?	Yes
19	Mechanism for reviewing your enforcement strategy(ies)?	No
20	Use of the International Consortium on Combating Wildlife Crime (ICWC) Wildlife and Forest Crime Analytic Toolkit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	No

22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	Yes
23	Capacity to use forensic technology to support the investigation of CITES offences?	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	No
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	Yes
27	Institutional capacity to implement the legislative provisions against CITES offences?	No
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	Yes
29	Any criminal prosecutions of CITES-related offences?	No
30	Disposal confiscated specimens according to CITES recommendations?	No
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
34	Approved service standard for Management Authority(ies)?	No
35	Approved service standard for Scientific Authority(ies)?	No
36	Approved service standard for Enforcement Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and In-detriment finding information?	No
42	Does the Management Authority charge fees?	No
43	Fee schedule publicly available?	No

44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No
45	Incentive measures such as those described in CoP24 Doc 24.31 to implement the Convention?	No
46	Capacity building needed?	Yes
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No
48	CITES authorities involved activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?	No
49	Consultation the CITES website?	No
50	Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC) ¹² to which Nigeria is party?	No

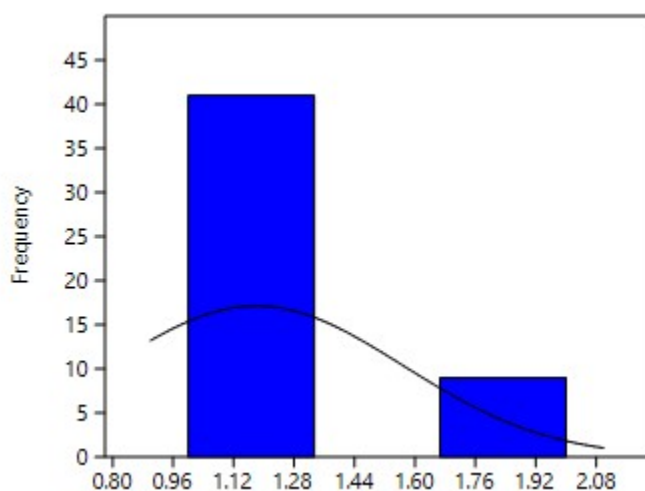


Fig 24: NCF's Overall Knowledge of CITES

2 being 9 YES responses less than 42 NO responses being 1. This represents 18% knowledge, implementation and compliance to CITES Provisions by the Nigeria Conservation Foundation to the CITES Convention.

Table 12: NCF’s Knowledge of Management Role Only

	MANAGEMENT AUTHORITY Question	Yes/No
1	CITES relevant policies or legislation	No
2	Easy amendment of your national law(s)	No
3	Standard operating procedures for application for and issuance of permits	No
4	Are the procedures publicly available?	No
5	Electronic data management and a paper-based permit issuance system?	No
6	Simplified procedures of Permits and Certificates	No
7	No Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	No
34	Approved service standard for Management Authority(ies)?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
42	Does the Management Authority charge fees?	No
43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No
45	Incentive measures such as those described in CoP14 Doc 14.32 to implement the Convention?	No

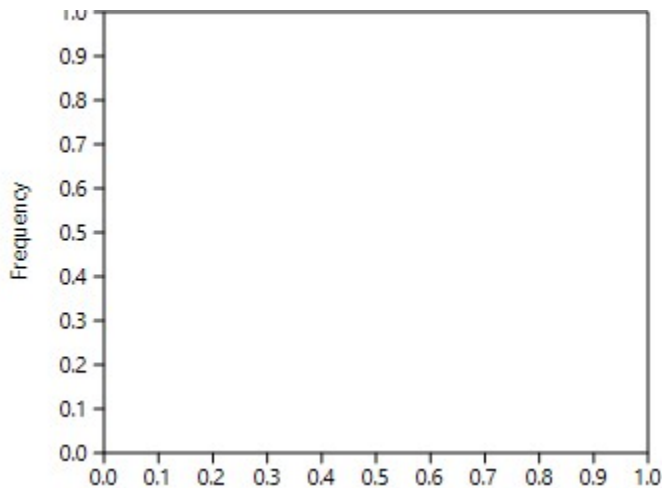


Fig 25: NCF’s Knowledge of Management Role in CITES

Here there are 13 responses that I have chosen that is specific to the Management Authority. 2 being 0 YES response less than 13 NO responses being 1. This represents 0% knowledge, implementation and compliance to CITES Provisions by the Nigerian Conservation Foundation (NCF) about the knowledge of **the Management Authority** under the provisions of the CITES Convention in Nigeria.

Table 13: NCF's Knowledge of Scientific Role Only

	SCIENTIFIC AUTHORITY Specific Questions	Yes/No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	Yes
10	Have such surveys, studies or other analyses used in making non-detriment findings (NDFs)?	Yes
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	No
12	Are there any published non-detriment findings that can be shared?	No
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	No
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	Yes
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	Yes
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	No
18	Collaboration with other CITES Parties?	Yes
35	Approved service standard for Scientific Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and Non-detriment finding information?	No
46	Capacity building needed?	Yes
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No
48	CITES authorities involved activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?	No
49	Consultation the CITES website?	No

50 Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC)20 to which Nigeria is party? No

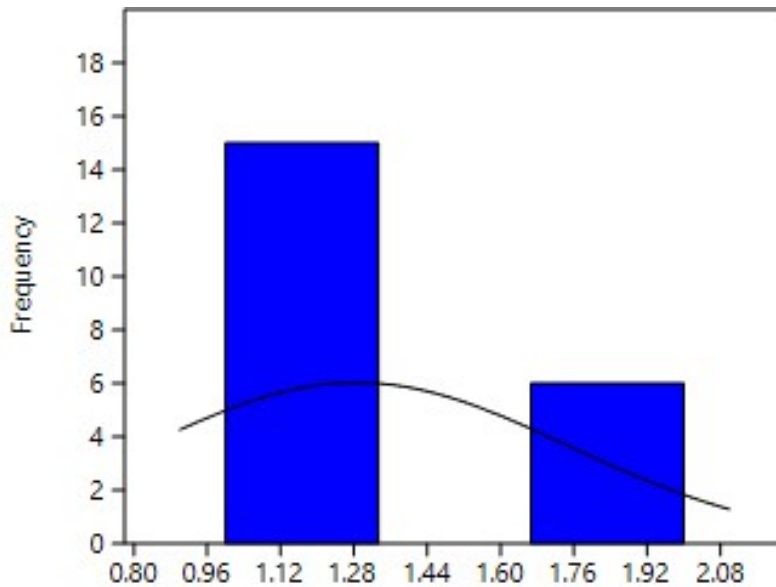


Fig 26: NCF’s Knowledge of Scientific Role in CITES

Here there are 21 responses that I have chosen that is specific to the Enforcement Authorities. 2 being 6 YES responses less than 15 NO responses being 1. This represents 29% knowledge, implementation and compliance to CITES Provisions by the Nigerian Conservation Foundation (NCF) to the CITES Convention to **their own role as a Scientific Authority** under the provisions of the CITES Convention in Nigeria.

Table 14: NCF's Knowledge of Enforcement Role Only

	ENFORCEMENT AUTHORITY Question	Yes/No
18	Collaboration with other CITES Parties?	Yes
19	Mechanism for reviewing your enforcement strategy(ies)?	No
20	Use of the International Consortium on Combating Wildlife Crime (ICCWC) Wildlife and Forest Crime Analytic Toolkit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	No
22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	Yes
23	Capacity to use forensic technology to support the investigation of CITES offences?	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	No
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	Yes
27	Institutional capacity to implement the legislative provisions against CITES offences?	No
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	Yes
29	Any criminal prosecutions of CITES-related offences?	No
30	Disposal confiscated specimens according to CITES recommendations?	No
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
36	Approved service standard for Enforcement Authority(ies)?	No

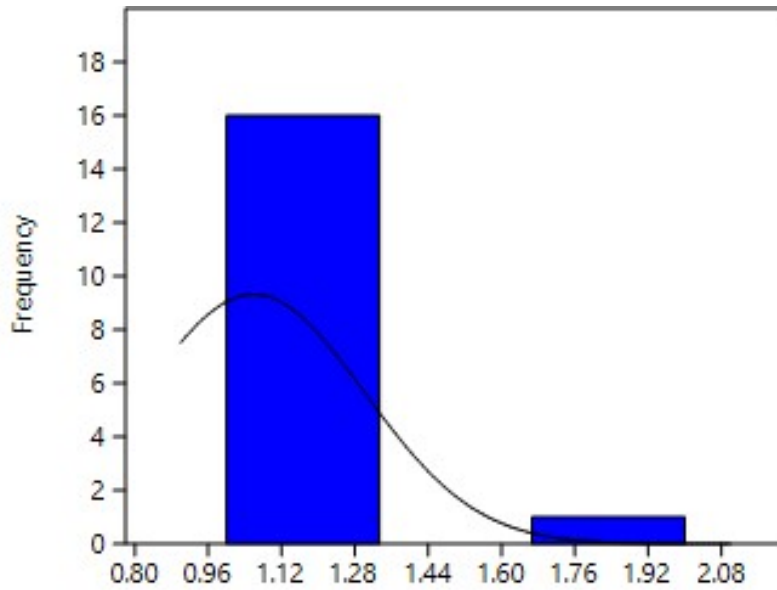


Fig 27: NCF's Knowledge of Enforcement Role in CITES

Here there are 17 responses that I have chosen that is specific to the Enforcement Authorities. 2 being 4 YES responses less than 13 NO responses being 1. This represents 24% knowledge, implementation and compliance to CITES Provisions by the Nigerian Conservation Foundation (NCF) about the knowledge of **the Enforcement Authorities** under the provisions of the CITES Convention in Nigeria.

Table 15: Overall Knowledge of CITES by NIHORT, a Scientific Authority

	Question	NIHORT
1	CITES relevant policies or legislation	No
2	Easy amendment of your national law(s)	No
3	Standard operating procedures for application for and issuance of permits	No
4	Are the procedures publicly available?	No
5	Electronic data management and a paper-based permit issuance system?	No
6	Simplified procedures of Permits and Certificates	No
7	1 Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	No
10	Have such surveys, studies or other analyses used in making In-detriment findings (NDFs)?	No
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	No
12	Are there any published non-detriment findings that can be shared?	No
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	No
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	No
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	No
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	No
18	Collaboration with other CITES Parties?	No
19	Mechanism for reviewing your enforcement strategy(ies)?	No
20	Use of the International Consortium on Combating Wildlife Crime (ICWC) Wildlife and Forest Crime Analytic Toolkit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	No

22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	No
23	Capacity to use forensic technology to support the investigation of CITES offences?	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	No
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	Yes
27	Institutional capacity to implement the legislative provisions against CITES offences?	No
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	No
29	Any criminal prosecutions of CITES-related offences?	No
30	Disposal confiscated specimens according to CITES recommendations?	No
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
34	Approved service standard for Management Authority(ies)?	No
35	Approved service standard for Scientific Authority(ies)?	No
36	Approved service standard for Enforcement Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and In-detriment finding information?	No
42	Does the Management Authority charge fees?	No

43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No
45	Incentive measures such as those described in CoP24 Doc 24.31 to implement the Convention?	No
46	Capacity building needed?	No
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No
48	CITES authorities involved activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?	No
49	Consultation the CITES website?	No
50	Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC) ¹² to which Nigeria is party?	No

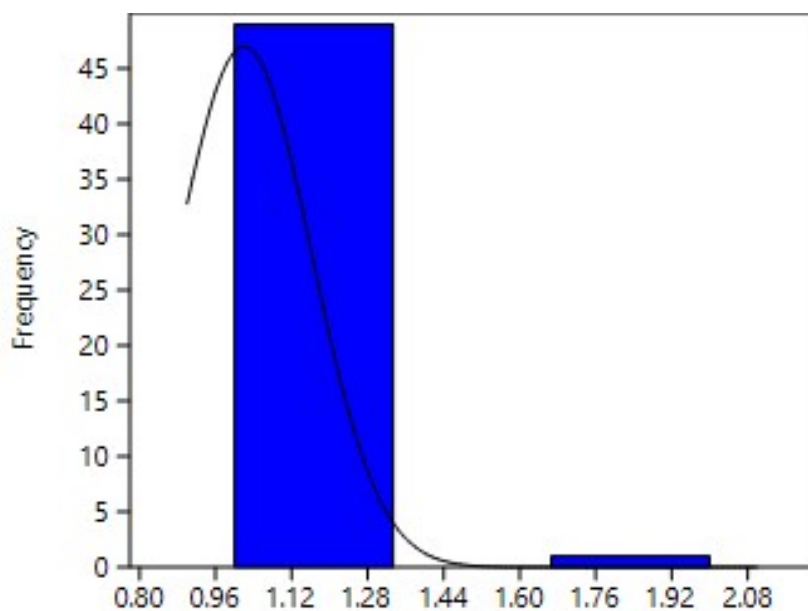


Fig 28: NIHORT's Overall Knowledge of CITES

2 being 1 YES responses less than 44 NO responses being 1. This represents 2% knowledge, implementation and compliance to CITES Provisions by the Nigeria Institute for Horticultural Research and Training (NIHORT) to the CITES Convention.

Table 16: NIHORT’s Knowledge of Management Role Only

MANAGEMENT AUTHORITY Specific Questions		Yes/No
1	CITES relevant policies or legislation	No
2	Easy amendment of your national law(s)	No
3	Standard operating procedures for application for and issuance of permits	No
4	Are the procedures publicly available?	No
5	Electronic data management and a paper-based permit issuance system?	No
6	Simplified procedures of Permits and Certificates	No
7	No Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	No
34	Approved service standard for Management Authority(ies)?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
42	Does the Management Authority charge fees?	No
43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No
45	Incentive measures such as those described in CoP14 Doc 14.32 to implement the Convention?	No

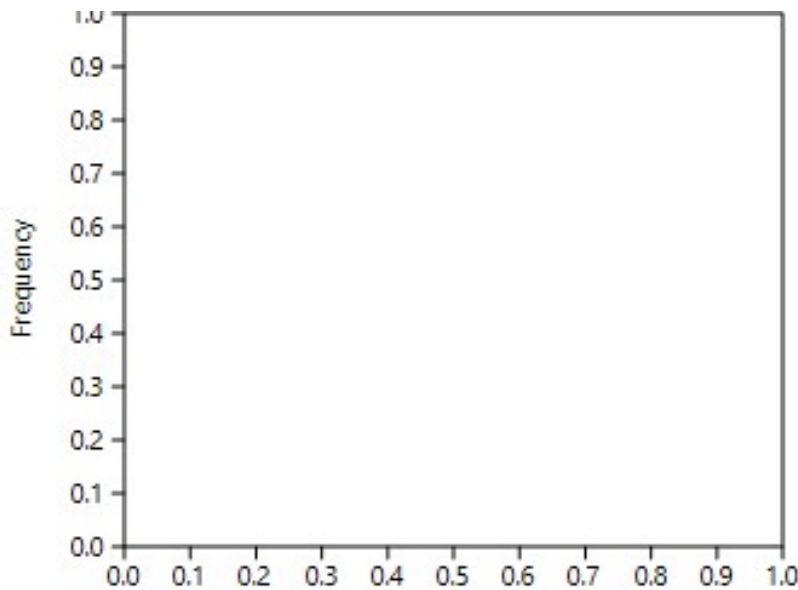


Fig 29: NIHORT’s Knowledge of Management Role in CITES

Here there are 13 responses that I have chosen that is specific to the Management Authority. 2 being 0 YES response less than 13 NO responses being 1. This represents 0% knowledge, implementation and compliance to CITES Provisions by the Nigeria Institute for Horticultural Research and Training (NIHORT) about the knowledge of **the Management Authority** under the provisions of the CITES Convention in Nigeria.

Table 17: NIHORT's Knowledge of Scientific Role Only

	SCIENTIFIC AUTHORITY Specific Questions	Yes/No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	No
10	Have such surveys, studies or other analyses used in making non-detriment findings (NDFs)?	No
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	No
12	Are there any published non-detriment findings that can be shared?	No
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	No
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	No
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	No
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	No
18	Collaboration with other CITES Parties?	No
35	Approved service standard for Scientific Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and Non-detriment finding information?	No
46	Capacity building needed?	No
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No
48	CITES authorities involved activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?	No
49	Consultation the CITES website?	No

50 Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC)20 to which Nigeria is party? No

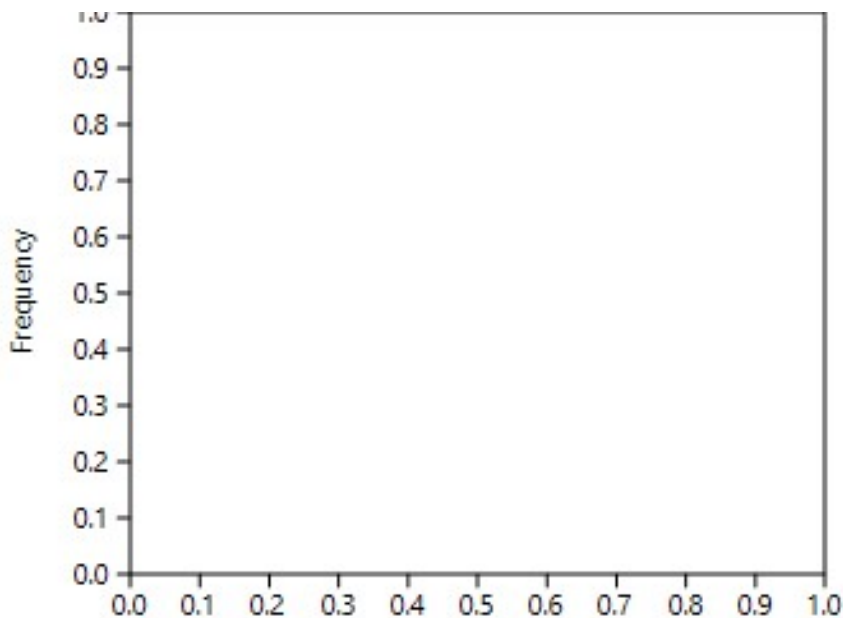


Fig 30: NIHORT’s Knowledge of Scientific Role in CITES

Here there are 21 responses that I have chosen that is specific to the Scientific Authorities. 2 being 0 YES responses less than 21 NO responses being 1. This represents 0% knowledge, implementation and compliance to CITES Provisions by the Nigeria Institute for Horticultural Research and Training (NIHORT) to the CITES Convention to **their own role as a Scientific Authority** under the provisions of the CITES Convention in Nigeria.

Table 18: NIHORT’s Knowledge of Enforcement Role Only

	ENFORCEMENT AUTHORITY Specific Questions	Yes/No
18	Collaboration with other CITES Parties?	Yes
19	Mechanism for reviewing your enforcement strategy(ies)?	No
20	Use of the International Consortium on Combating Wildlife Crime (ICCWC) Wildlife and Forest Crime Analytic Toolkit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	No
22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	No
23	Capacity to use forensic technology to support the investigation of CITES offences?	
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	No
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	Yes
27	Institutional capacity to implement the legislative provisions against CITES offences?	No
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	No
29	Any criminal prosecutions of CITES-related offences?	No
30	Disposal confiscated specimens according to CITES recommendations?	No
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
36	Approved service standard for Enforcement Authority(ies)?	No

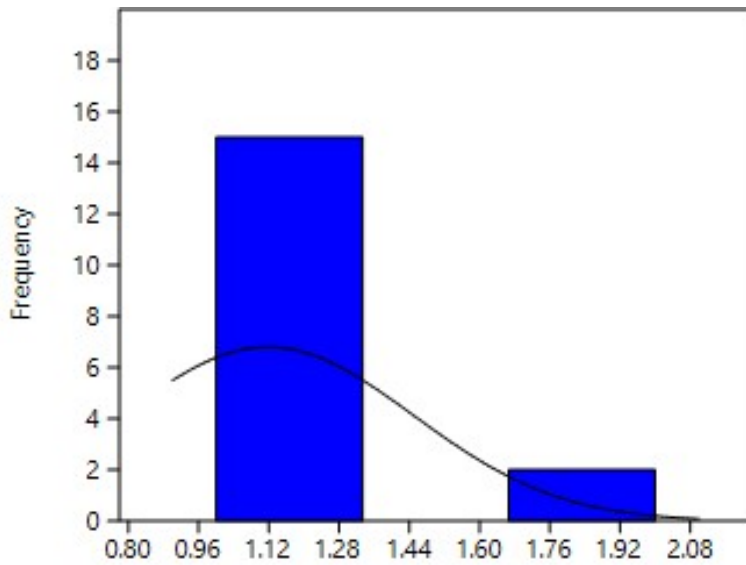


Fig 31: NIHORT's Knowledge of Enforcement Role in CITES

Here there are 17 responses that I have chosen that is specific to the Enforcement Authorities. 2 being 2 YES responses less than 15 NO responses being 1. This represents 12% knowledge, implementation and compliance to CITES Provisions by the Nigeria Institute for Horticultural Research and Training (NIHORT) about the knowledge of **the Enforcement Authorities** under the provisions of the CITES Convention in Nigeria.

Table 19: Overall Knowledge of CITES by FRIN, a Scientific Authority

	Question	FRIN
1	CITES relevant policies or legislation	No
2	Easy amendment of your national law(s)	No
3	Standard operating procedures for application for and issuance of permits	No
4	Are the procedures publicly available?	No
5	Electronic data management and a paper-based permit issuance system?	No
6	Simplified procedures of Permits and Certificates	No
7	1 Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	No
10	Have such surveys, studies or other analyses used in making In-detriment findings (NDFs)?	No
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	No
12	Are there any published non-detriment findings that can be shared?	No
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	No
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	No
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	No
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	No
18	Collaboration with other CITES Parties?	No
19	Mechanism for reviewing your enforcement strategy(ies)?	No
20	Use of the International Consortium on Combating Wildlife Crime (ICCWC) Wildlife and Forest Crime Analytic Toolkit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	No

22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	Yes
23	Capacity to use forensic technology to support the investigation of CITES offences?	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	No
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	Yes
27	Institutional capacity to implement the legislative provisions against CITES offences?	No
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	YES
29	Any criminal prosecutions of CITES-related offences?	No
30	Disposal confiscated specimens according to CITES recommendations?	No
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
34	Approved service standard for Management Authority(ies)?	No
35	Approved service standard for Scientific Authority(ies)?	No
36	Approved service standard for Enforcement Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and In-detriment finding information?	No
42	Does the Management Authority charge fees?	No
43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No

- 45 Incentive measures such as those described in CoP24 Doc 24.31 to implement the Convention? No
- 46 Capacity building needed? No
- 47 Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements? No
- 48 CITES authorities involved activities to bring about better awareness of the Convention’s requirements by the wider public and relevant user groups? No
- 49 Consultation the CITES website? No
- 50 Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC)12 to which Nigeria is party? No

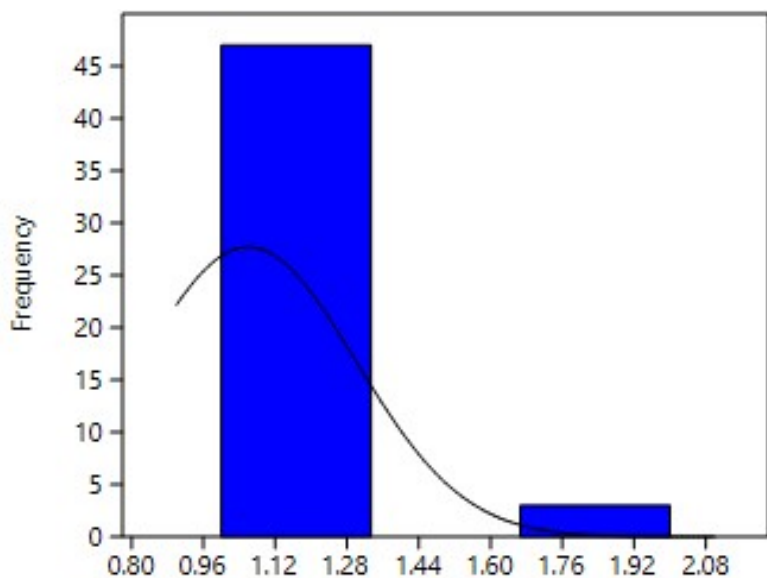


Fig 32: Overall Knowledge of CITES by FRIN as a Scientific Authority

2 being 3 YES responses less than 47 NO responses being 1. This represents 6% knowledge, implementation and compliance to CITES Provisions by the Forest Research Institute (FRIN) to the CITES Convention.

Table 20: FRIN’s Knowledge of Management Role Only

	MANAGEMENT AUTHORITY Specific Questions	Yes/No
1	CITES relevant policies or legislation	No
2	Easy amendment of your national law(s)	No
3	Standard operating procedures for application for and issuance of permits	No
4	Are the procedures publicly available?	No
5	Electronic data management and a paper-based permit issuance system?	No
6	Simplified procedures of Permits and Certificates	No
7	No Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	No
34	Approved service standard for Management Authority(ies)?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
42	Does the Management Authority charge fees?	No
43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No
45	Incentive measures such as those described in CoP14 Doc 14.32 to implement the Convention?	No

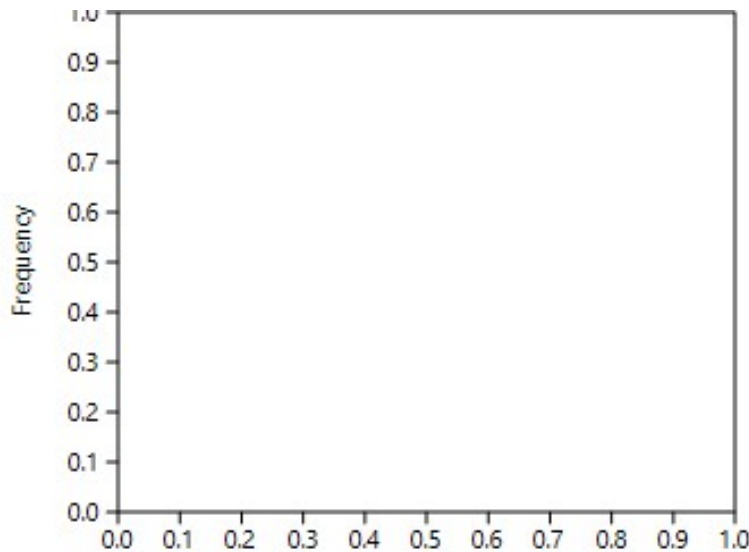


Fig 33: FRIN as a Scientific Authority’s Knowledge of Management Role in CITES

Here there are 13 responses that I have chosen that is specific to the Management Authority. 2 being 0 YES response less than 13 NO responses being 1. This represents 0% knowledge, implementation and compliance to CITES Provisions by the Forest Research Institute (FRIN) about the knowledge of **the Management Authority** under the provisions of the CITES Convention in Nigeria.

Table 21: FRIN’s Knowledge of Scientific Role Only

	SCIENTIFIC AUTHORITY Specific Questions	Yes/No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	No
10	Have such surveys, studies or other analyses used in making non-detriment findings (NDFs)?	No
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	No
12	Are there any published non-detriment findings that can be shared?	No
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	No
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	No
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	No
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	No
18	Collaboration with other CITES Parties?	No
35	Approved service standard for Scientific Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and Non-detriment finding information?	No
46	Capacity building needed?	No
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No
48	CITES authorities involved activities to bring about better awareness of the Convention’s requirements by the wider public and relevant user groups?	No
49	Consultation the CITES website?	No

50 Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC)20 to which Nigeria is party? No

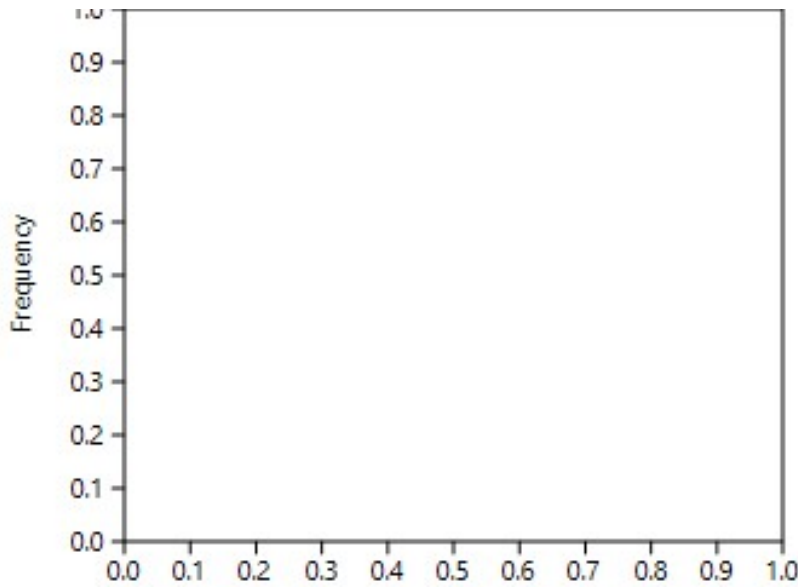


Fig 34: FRIN’s Knowledge of Scientific Role in CITES

Here there are 21 responses that I have chosen that is specific to the Scientific Authorities. 2 being 0 YES responses less than 21 NO responses being 1. This represents 0% knowledge, implementation and compliance to CITES Provisions by the Forest Research Institute (FRIN) to the CITES Convention to **their own role as a Scientific Authority** under the provisions of the CITES Convention in Nigeria.

Table 22: FRIN's Knowledge of Enforcement Role Only

	ENFORCEMENT AUTHORITY Specific Questions	Yes/No
18	Collaboration with other CITES Parties?	Yes
19	Mechanism for reviewing your enforcement strategy(ies)?	No
20	Use of the International Consortium on Combating Wildlife Crime (ICCWC) Wildlife and Forest Crime Analytic Tool-kit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	No
22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	Yes
23	Capacity to use forensic technology to support the investigation of CITES offences?	
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	No
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	Yes
27	Institutional capacity to implement the legislative provisions against CITES offences?	No
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	Yes
29	Any criminal prosecutions of CITES-related offences?	No
30	Disposal confiscated specimens according to CITES recommendations?	No
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
36	Approved service standard for Enforcement Authority(ies)?	No

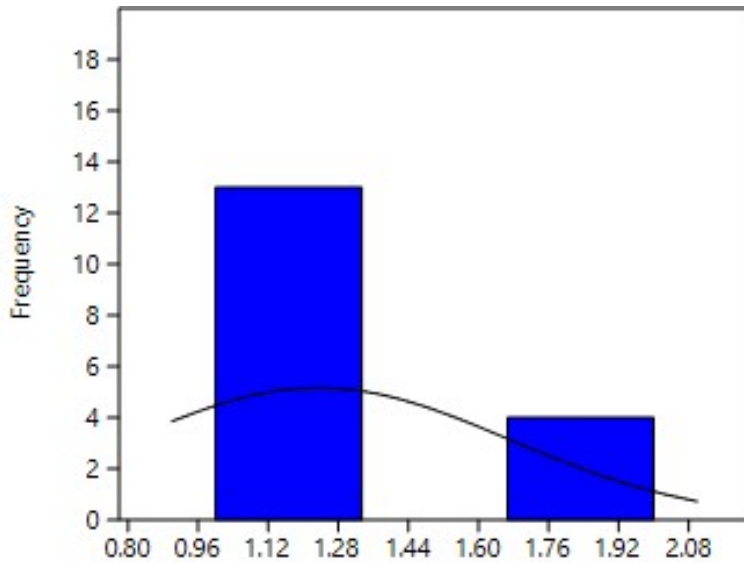


Fig 35: FRIN's Knowledge of Enforcement Role in CITES

Here there are 17 responses that I have chosen that is specific to the Enforcement Authorities. 2 being 4 YES responses less than 13 NO responses being 1. This represents 24% knowledge, implementation and compliance to CITES Provisions by the Forest Research Institute (FRIN) about the knowledge of **the Enforcement Authorities** under the provisions of the CITES Convention in Nigeria.

4.2.3 Responsibility and Tasks of Enforcement Authorities

The role of specialized units in addressing issues relating to wildlife crime and illegal trade in CITES listed species has been identified by the Conference of the Parties on a number of occasions. Resolution Conf. 11.3 (Rev. CoP16) encourages Parties to consider the establishment of such units, which have historically proven to be very successful in increasing the number and quality of wildlife crime investigations and prosecutions. In Nigeria, we have the NESREA and the Intelligence Unit of the Nigeria Custom Service.

The duties of the units should be clearly defined and understood by its staff and all agencies with which it will interact. These might include intelligence gathering and dissemination, investigation, coordination and prosecution, as appropriate.

In its resolution 11.3 (Rev Cop 16), Compliance and Enforcement, THE CONFERENCE OF THE PARTIES TO THE CONVENTION RECOMMENDS that:

a) all Parties:

- i) recognize the seriousness of illegal trade in wild fauna and flora and identify it as a matter of high priority for their national law enforcement agencies;
- ii) if appropriate, consider formulating national and regional action plans, incorporating timetables, targets and provisions for funding, designed to enhance enforcement of CITES, achieve compliance with its provisions, and support wildlife-law enforcement agencies;
- iii) provide officials who have wildlife-law enforcement responsibilities with equivalent training, status and authority to those of their counterparts in Customs and the police;
- iv) if appropriate, make use of the ICCWC Wildlife and forest crime analytic tool-kit;

- v) ensure strict compliance and control in respect of all mechanisms and provisions of the Convention relating to the regulation of trade in animal and plant species listed in Appendix II, and of all provisions ensuring protection against illegal traffic for the species included in the Appendices;
- vi) in case of violation of the above-mentioned provisions, immediately take appropriate measures pursuant to Article VIII, paragraph 1, of the Convention in order to penalize such violation and to take appropriate remedial action; and
- vii) inform each other of all circumstances and facts likely to be relevant to illegal traffic and also of control measures, with the aim of eradicating such traffic.

With reference therefore to the Responses from the Enforcement Agencies to determine Tables 6, 7 and 8 attempts to find out the various designated Enforcement authorities have knowledge of their role and procedures to implement CITES and what they understand about the roles of both the Management and the Scientific Authorities.

ENFORCEMENT AUTHORITIES

Table 23: Overall Knowledge of CITES by NCS as an Enforcement Authority

	Question	NCS
1	CITES relevant policies or legislation	No
2	Easy amendment of your national law(s)	No
3	Standard operating procedures for application for and issuance of permits	No
4	Are the procedures publicly available?	No
5	Electronic data management and a paper-based permit issuance system?	No
6	Simplified procedures of Permits and Certificates	No
7	1 Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	Yes
10	Have such surveys, studies or other analyses used in making In-detriment findings (NDFs)?	No
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	Yes
12	Are there any published non-detriment findings that can be shared?	Yes
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	Yes
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	Yes
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	No
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	Yes

18	Collaboration with other CITES Parties?	Yes
19	Mechanism for reviewing your enforcement strategy(ies)?	No
20	Use of the International Consortium on Combating Wildlife Crime (ICCWC) Wildlife and Forest Crime Analytic Toolkit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	Yes
22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	Yes
23	Capacity to use forensic technology to support the investigation of CITES offences?	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	Yes
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	No
27	Institutional capacity to implement the legislative provisions against CITES offences?	No
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	Yes
29	Any criminal prosecutions of CITES-related offences?	No
30	Disposal confiscated specimens according to CITES recommendations?	Yes
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
34	Approved service standard for Management Authority(ies)?	No
35	Approved service standard for Scientific Authority(ies)?	No

36	Approved service standard for Enforcement Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and In-detriment finding information?	No
42	Does the Management Authority charge fees?	No
43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No
45	Incentive measures such as those described in CoP24 Doc 24.31 to implement the Convention?	No
46	Capacity building needed?	Yes
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No
48	CITES authorities involved activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?	Yes
49	Consultation the CITES website?	No
50	Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC) ¹² to which Nigeria is party?	No

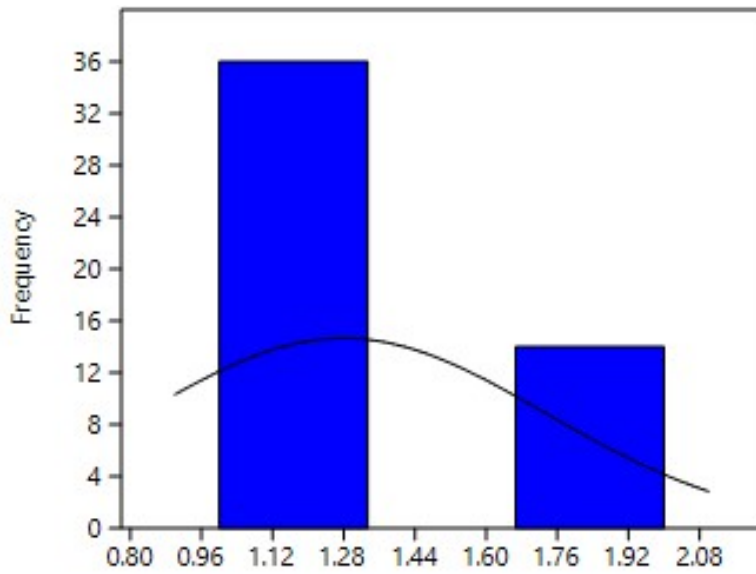


Fig 36: Overall Knowledge of CITES by NCS as an Enforcement Authority

2 being 15 YES responses less than 35 NO responses being 1. This represents 30% knowledge, implementation and compliance to CITES Provisions by the Nigeria Customs Service (NCS - Customs) to the CITES Convention

Table 24: NCS’s Knowledge of Management Role Only

	MANAGEMENT AUTHORITY Specific Questions	Yes/No
1	CITES relevant policies or legislation	No
2	Easy amendment of your national law(s)	No
3	Standard operating procedures for application for and issuance of permits	No
4	Are the procedures publicly available?	No
5	Electronic data management and a paper-based permit issuance system?	No
6	Simplified procedures of Permits and Certificates	No
7	No Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	No
34	Approved service standard for Management Authority(ies)?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
42	Does the Management Authority charge fees?	No
43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No
45	Incentive measures such as those described in CoP14 Doc 14.32 to implement the Convention?	No

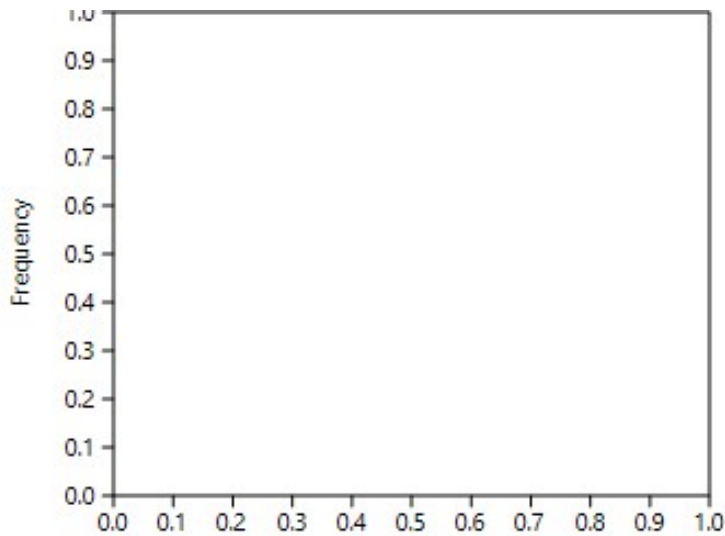


Fig 37: NCS’s Knowledge of Management Role in CITES

Here there are 13 responses that I have chosen that is specific to the Management Authority. 2 being 0 YES response less than 13 NO responses being 1. This represents 0% knowledge, implementation and compliance to CITES Provisions by the Nigeria Customs Service (NCS - Customs) about the knowledge of **the Management Authority** under the provisions of the CITES Convention in Nigeria.

Table 25: NCS's Knowledge of Scientific Role Only

	SCIENTIFIC AUTHORITY Specific Questions	Yes/No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	Yes
10	Have such surveys, studies or other analyses used in making non-detriment findings (NDFs)?	No
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	Yes
12	Are there any published non-detriment findings that can be shared?	Yes
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	Yes
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	No
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	Yes
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	Yes
18	Collaboration with other CITES Parties?	Yes
35	Approved service standard for Scientific Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and Non-detriment finding information?	No
46	Capacity building needed?	No
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No
48	CITES authorities involved activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?	No
49	Consultation the CITES website?	No

50 Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC)20 to which Nigeria is party? No

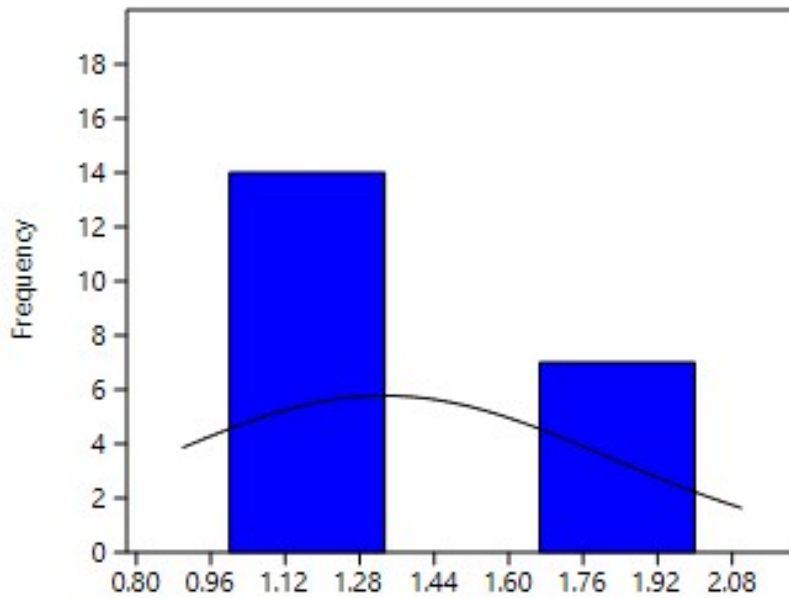


Fig 38: NCS's Knowledge of Scientific Role in CITES

Here there are 21 responses that I have chosen that is specific to the Scientific Authorities. 2 being 7 YES responses less than 14 NO responses being 1. This represents 33% knowledge, implementation and compliance to CITES Provisions by the Nigeria Customs Service (NCS - Customs) about the knowledge of **the Scientific Authorities** under the provisions of the CITES Convention in Nigeria.

Table 26: NCS's Knowledge of Enforcement Role Only

	ENFORCEMENT AUTHORITY Specific Question	Yes/No
18	Collaboration with other CITES Parties?	Yes
19	Mechanism for reviewing your enforcement strategy(ies)?	No
20	Use of the International Consortium on Combating Wildlife Crime (ICCWC) Wildlife and Forest Crime Analytic Tool-kit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	Yes
22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	Yes
23	Capacity to use forensic technology to support the investigation of CITES offences?	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	Yes
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	No
27	Institutional capacity to implement the legislative provisions against CITES offences?	No
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	Yes
29	Any criminal prosecutions of CITES-related offences?	No
30	Disposal confiscated specimens according to CITES recommendations?	Yes
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
36	Approved service standard for Enforcement Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	Yes
39	Are there sufficient Skills?	No

41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and Non-detriment finding information?	No
46	Capacity building needed?	Yes
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No
48	CITES authorities involved activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?	Yes
49	Consultation the CITES website?	No
50	Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC) ²⁰ to which Nigeria is party?	No

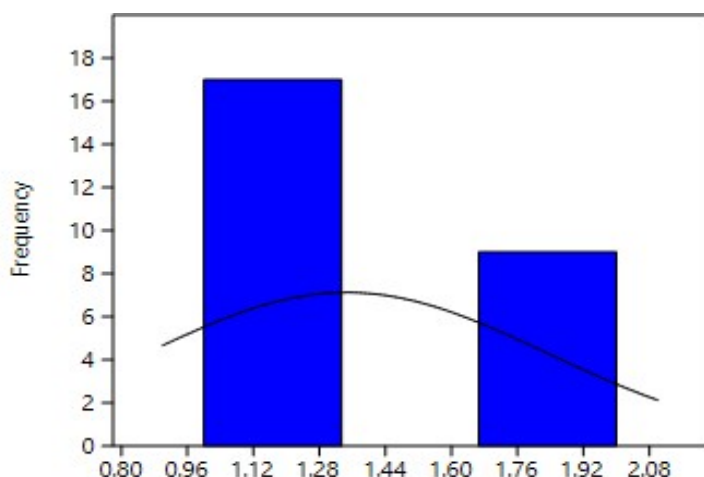


Fig 39: NCS's Knowledge of Enforcement Role in CITES

Here there are 26 responses that I have chosen that is specific to the Enforcement Authorities. 2 being 9 YES responses less than 17 NO responses being 1. This represents 35% knowledge, implementation and compliance to CITES Provisions by the Nigeria Customs Service (NCS - Customs) to the CITES Convention to **their own role as an Enforcement Authority** under the provisions of the CITES Convention in Nigeria.

Table 27: Overall Knowledge of CITES by NESREA as an Enforcement Authority

	Question	NESRAE
1	CITES relevant policies or legislation	No
2	Easy amendment of your national law(s)	No
3	Standard operating procedures for application for and issuance of permits	No
4	Are the procedures publicly available?	No
5	Electronic data management and a paper-based permit issuance system?	No
6	Simplified procedures of Permits and Certificates	No
7	1 Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	Yes
10	Have such surveys, studies or other analyses used in making In-detriment findings (NDFs)?	No
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	Yes
12	Are there any published non-detriment findings that can be shared?	Yes
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	Yes
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	No
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	No
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	Yes
18	Collaboration with other CITES Parties?	Yes
19	Mechanism for reviewing your enforcement strategy(ies)?	No
20	Use of the International Consortium on Combating Wildlife Crime (ICCWC) Wildlife and Forest Crime Analytic Toolkit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	Yes

22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	Yes
23	Capacity to use forensic technology to support the investigation of CITES offences?	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	Yes
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	No
27	Institutional capacity to implement the legislative provisions against CITES offences?	Yes
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	Yes
29	Any criminal prosecutions of CITES-related offences?	No
30	Disposal confiscated specimens according to CITES recommendations?	Yes
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
34	Approved service standard for Management Authority(ies)?	No
35	Approved service standard for Scientific Authority(ies)?	No
36	Approved service standard for Enforcement Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and In-detriment finding information?	No
42	Does the Management Authority charge fees?	No
43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No

- 45 Incentive measures such as those described in CoP24 Doc 24.31 to No
implement the Convention?
- 46 Capacity building needed? Yes
- 47 Funding from international financial mechanisms and other related No
institutions been used to develop activities that include CITES-related
conservation and sustainable development elements?
- 48 CITES authorities involved activities to bring about better awareness of the No
Convention's requirements by the wider public and relevant user groups?
- 49 Consultation the CITES website? No
- 50 Measures to achieve coordination and reduce duplication of activities No
between the national CITES authorities and national focal points for other
multilateral environmental agreements (e.g. the other biodiversity-related
conventions: CBD, CMS, ITPGR, Ramsar, WHC)¹² to which Nigeria is
party?

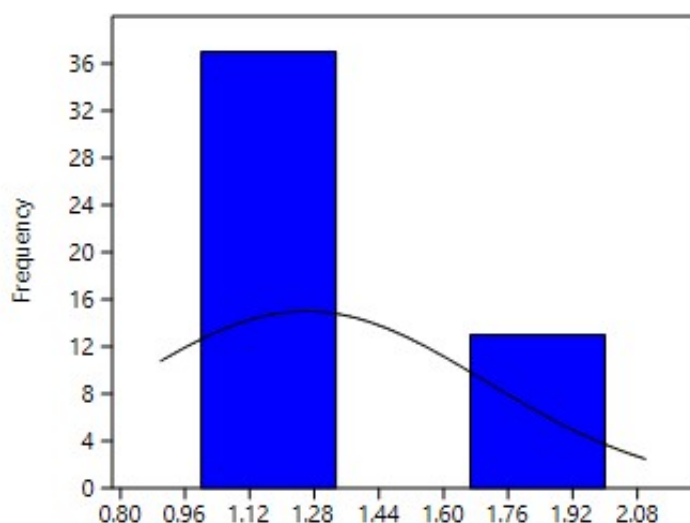


Fig 40: Overall Knowledge of CITES by NESREA as an Enforcement Authority

2 being 13 YES responses less than 37 NO responses being 1. This represents 26% knowledge, implementation and compliance to CITES Provisions by the National Environmental Standards and Regulations Enforcement Agency (NESREA) to the CITES Convention.

Table 28: NESREA’s Knowledge of Management Role Only

	MANAGEMENT AUTHORITY Specific Questions	Yes/No
1	CITES relevant policies or legislation	No
2	Easy amendment of your national law(s)	No
3	Standard operating procedures for application for and issuance of permits	No
4	Are the procedures publicly available?	No
5	Electronic data management and a paper-based permit issuance system?	No
6	Simplified procedures of Permits and Certificates	No
7	No Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	No
34	Approved service standard for Management Authority(ies)?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
42	Does the Management Authority charge fees?	No
43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No
45	Incentive measures such as those described in CoP14 Doc 14.32 to implement the Convention?	No

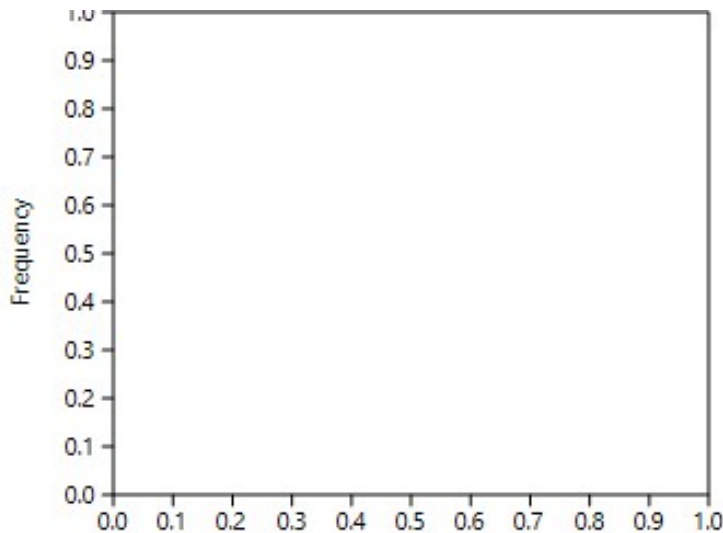


Fig 41: NESREA’s Knowledge of Management Role in CITES

Here there are 13 responses that I have chosen that is specific to the Management Authority. 2 being 0 YES response less than 13 NO responses being 1. This represents 0% knowledge, implementation and compliance to CITES Provisions by the National Environmental Standards and Regulations Enforcement Agency (NESREA) about the knowledge of **the Management Authority** under the provisions of the CITES Convention in Nigeria.

Table 29: NESREA’s Knowledge of Scientific Role Only

	SCIENTIFIC AUTHORITY Specific Questions	Yes/No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	Yes
10	Have such surveys, studies or other analyses used in making non-detriment findings (NDFs)?	No
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	Yes
12	Are there any published non-detriment findings that can be shared?	Yes
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	Yes
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	No
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	Yes
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	Yes
18	Collaboration with other CITES Parties?	Yes
35	Approved service standard for Scientific Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and Non-detriment finding information?	No
46	Capacity building needed?	No
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No
48	CITES authorities involved activities to bring about better awareness of the Convention’s requirements by the wider public and relevant user groups?	No
49	Consultation the CITES website?	No

50 Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC)20 to which Nigeria is party? No

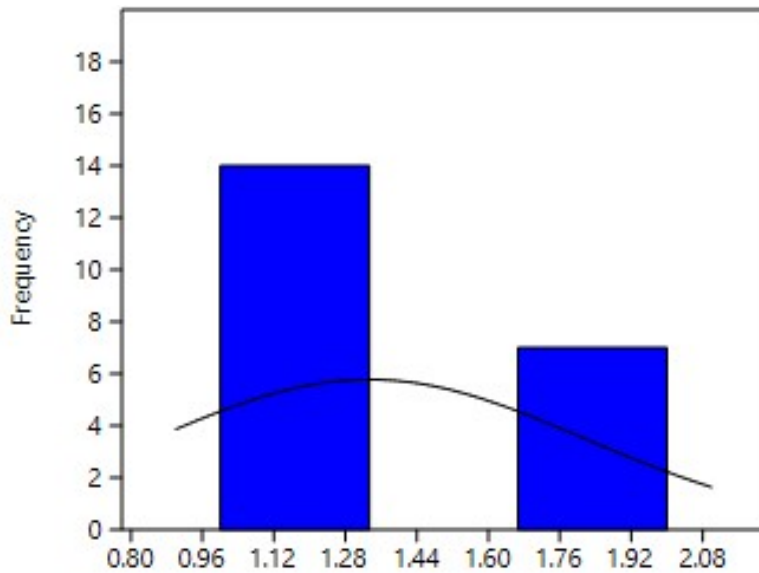


Fig 42: NESREA’s Knowledge of Scientific Role in CITES

Here there are 21 responses that I have chosen that is specific to the Scientific Authorities. 2 being 7 YES responses less than 14 NO responses being 1. This represents 33% knowledge, implementation and compliance to CITES Provisions by the National Environmental Standards and Regulations Enforcement Agency (NESREA) about the knowledge of **the Scientific Authorities** under the provisions of the CITES Convention in Nigeria.

Table 30: NESREA's Knowledge of Enforcement Role Only

	ENFORCEMENT AUTHORITY Specific Question	Yes/No
18	Collaboration with other CITES Parties?	Yes
19	Mechanism for reviewing your enforcement strategy(ies)?	No
20	Use of the International Consortium on Combating Wildlife Crime (ICCWC) Wildlife and Forest Crime Analytic Tool-kit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	Yes
22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	Yes
23	Capacity to use forensic technology to support the investigation of CITES offences?	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	Yes
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	No
27	Institutional capacity to implement the legislative provisions against CITES offences?	No
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	Yes
29	Any criminal prosecutions of CITES-related offences?	No
30	Disposal confiscated specimens according to CITES recommendations?	Yes
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
36	Approved service standard for Enforcement Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No

41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and Non-detriment finding information?	No
46	Capacity building needed?	Yes
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No
48	CITES authorities involved activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?	No
49	Consultation the CITES website?	No
50	Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC) ²⁰ to which Nigeria is party?	No

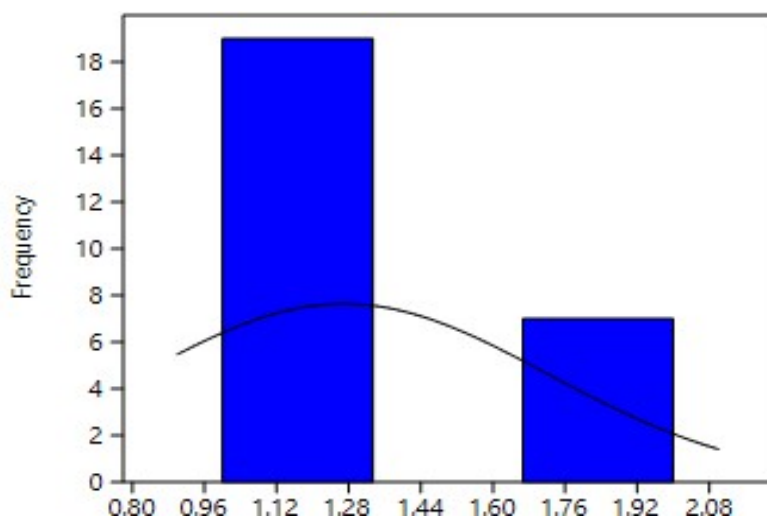


Fig 43: NESREA's Knowledge of Enforcement Role in CITES

Here there are 26 responses that I have chosen that is specific to the Enforcement Authorities. 2 being 7 YES responses less than 19 NO responses being 1. This represents 27% knowledge, implementation and compliance to CITES Provisions by the National Environmental Standards and Regulations Enforcement Agency (NESREA) to **their own role as an Enforcement Authority** under the provisions of the CITES Convention in Nigeria.

Table 31: Overall Knowledge of CITES by FMJ as an Enforcement Authority

	Question	FMJ
1	CITES relevant policies or legislation	No
2	Easy amendment of your national law(s)	No
3	Standard operating procedures for application for and issuance of permits	Yes
4	Are the procedures publicly available?	Yes
5	Electronic data management and a paper-based permit issuance system?	Yes
6	Simplified procedures of Permits and Certificates	No
7	1 Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	No
10	Have such surveys, studies or other analyses used in making 1n-detriment findings (NDFs)?	No
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	No
12	Are there any published non-detriment findings that can be shared?	No
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	No
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	No
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	No
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	No
18	Collaboration with other CITES Parties?	No
19	Mechanism for reviewing your enforcement strategy(ies)?	No
20	Use of the International Consortium on Combating Wildlife Crime (ICWC) Wildlife and Forest Crime Analytic Toolkit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	No

22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	No
23	Capacity to use forensic technology to support the investigation of CITES offences?	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	Yes
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	No
27	Institutional capacity to implement the legislative provisions against CITES offences?	Yes
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	No
29	Any criminal prosecutions of CITES-related offences?	No
30	Disposal confiscated specimens according to CITES recommendations?	No
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
34	Approved service standard for Management Authority(ies)?	No
35	Approved service standard for Scientific Authority(ies)?	No
36	Approved service standard for Enforcement Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and In-detriment finding information?	No
42	Does the Management Authority charge fees?	No
43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No

- 45 Incentive measures such as those described in CoP24 Doc 24.31 to implement the Convention? No
- 46 Capacity building needed? No
- 47 Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements? No
- 48 CITES authorities involved activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups? No
- 49 Consultation the CITES website? No
- 50 Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC)¹² to which Nigeria is party? No

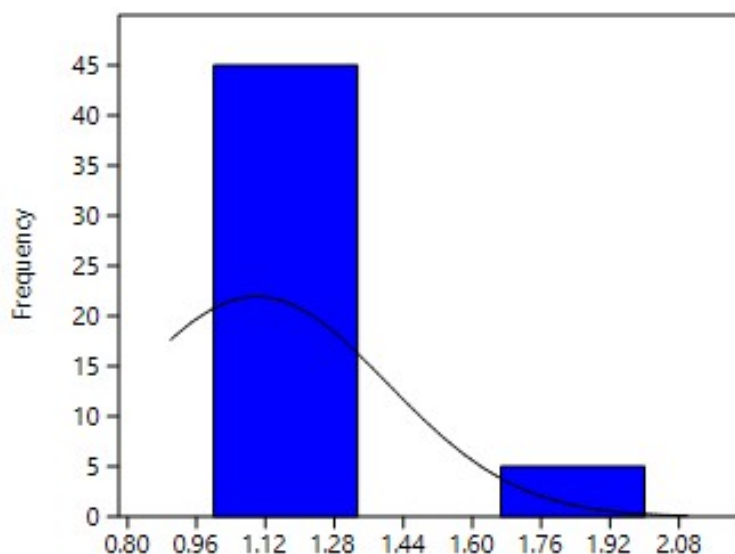


Fig 44: Overall Knowledge of CITES by FMJ as an Enforcement Authority

2 being 5 YES responses less than 45 NO responses being 1. This represents 10% knowledge, implementation and compliance to CITES Provisions by the Federal Ministry of Justice (FMJ) to the CITES Convention.

Table 32: FMJ’s Knowledge of Management Role Only

	MANAGEMENT AUTHORITY Question	Yes/No
1	CITES relevant policies or legislation	No
2	Easy amendment of your national law(s)	No
3	Standard operating procedures for application for and issuance of permits	Yes
4	Are the procedures publicly available?	Yes
5	Electronic data management and a paper-based permit issuance system?	Yes
6	Simplified procedures of Permits and Certificates	No
7	No Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	No
34	Approved service standard for Management Authority(ies)?	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No
42	Does the Management Authority charge fees?	No
43	Fee schedule publicly available?	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No
45	Incentive measures such as those described in CoP14 Doc 14.32 to implement the Convention?	No

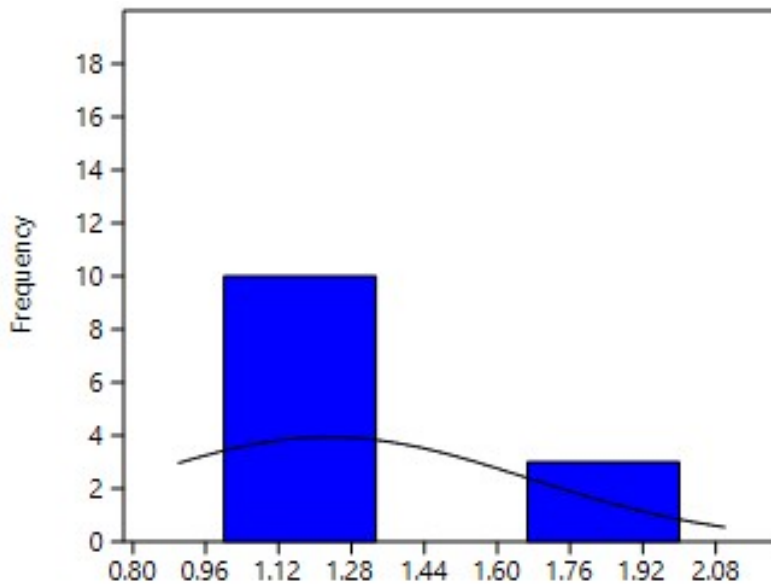


Fig 45: FMJ’s Knowledge of Management Role Only

Here there are 13 responses that I have chosen that is specific to the Management Authority. 2 being 3 YES response less than 10 NO responses being 1. This represents 23% knowledge, implementation and compliance to CITES Provisions by the Federal Ministry of Justice (FMJ) about the knowledge of **the Management Authority** under the provisions of the CITES Convention in Nigeria.

Table 33: FMJ's Knowledge of Scientific Role Only

	SCIENTIFIC AUTHORITY Question	Yes/No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No
9	Have any surveys, studies or other analyses been undertaken	No
10	Have such surveys, studies or other analyses used in making non-detriment findings (NDFs)?	No
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	No
12	Are there any published non-detriment findings that can be shared?	No
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?	No
14	Are there annual export quotas?	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	No
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	No
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	No
18	Collaboration with other CITES Parties?	No
35	Approved service standard for Scientific Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and Non-detriment finding information?	No
46	Capacity building needed?	No
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No
48	CITES authorities involved activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?	No
49	Consultation the CITES website?	No

50 Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC)20 to which Nigeria is party? No

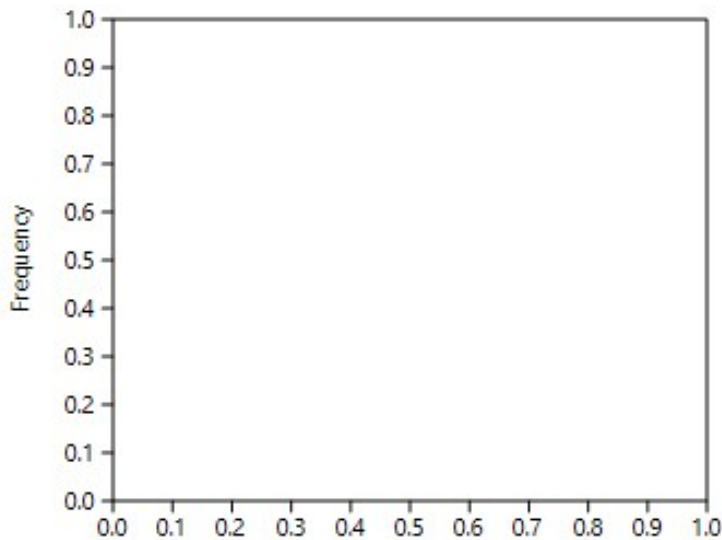


Fig 46: FMJ’s Knowledge of Scientific Role Only

Here there are 21 responses that I have chosen that is specific to the Scientific Authorities. 2 being 0 YES responses less than 21 NO responses being 1. This represents 0% knowledge, implementation and compliance to CITES Provisions by the Federal Ministry of Justice (FMJ) about the knowledge of **the Scientific Authorities** under the provisions of the CITES Convention in Nigeria.

Table 34: FMJ's Knowledge of Enforcement Role Only

	Enforcement Authority Specific Questions	Yes/No
19	Mechanism for reviewing your enforcement strategy(ies)?	No
20	Use of the International Consortium on Combating Wildlife Crime (ICCWC) Wildlife and Forest Crime Analytic Tool-kit, or equivalent tools?	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	No
22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	No
23	Capacity to use forensic technology to support the investigation of CITES offences?	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	Yes
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	No
27	Institutional capacity to implement the legislative provisions against CITES offences?	Yes
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	No
29	Any criminal prosecutions of CITES-related offences?	No
30	Disposal confiscated specimens according to CITES recommendations?	No
31	Information resources or training in place?	No
32	CITES Virtual College used as part of your capacity building work?	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No
36	Approved service standard for Enforcement Authority(ies)?	No
37	Are there sufficient Funding?	No
38	Are there sufficient Staff?	No
39	Are there sufficient Skills?	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and Non-detriment finding information?	No
46	Capacity building needed?	No
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No

- 48 CITES authorities involved activities to bring about better awareness of the Convention’s requirements by the wider public and relevant user groups? No
- 49 Consultation the CITES website? No
- 50 Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC)²⁰ to which Nigeria is party? No

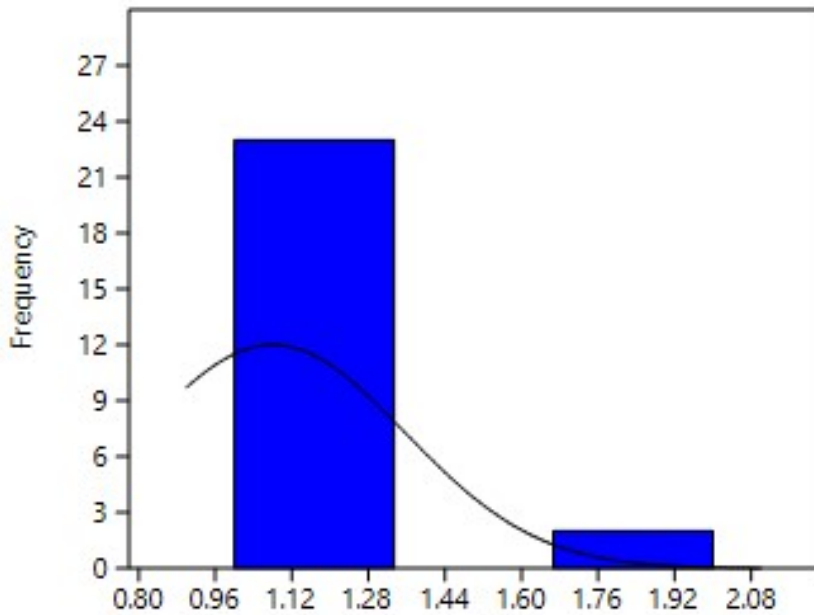


Fig 47: FMJ's Knowledge of Enforcement Role Only

Here there are 26 responses that I have chosen that is specific to the Enforcement Authorities. 2 being 2 YES responses less than 24 NO responses being 1. This represents 8% knowledge, implementation and compliance to CITES Provisions by the Federal Ministry of Justice (FMF) to **their own role as an Enforcement Authority** under the provisions of the CITES Convention in Nigeria.

Table 35: Knowledge of the CITES Convention by CITES Authorities in Nigeria

	Question	MGT	NPS	NCF	NIHORT	FRIN	NCS	NESRAE	FMI
1	CITES relevant policies or legislation	Yes	No	No	No	No	No	No	No
2	Easy amendment of your national law(s)	Yes	No	No	No	No	No	No	No
3	Standard operating procedures for application for and issuance of permits	Yes	No	No	No	No	No	No	Yes
4	Are the procedures publicly available?	Yes	No	No	No	No	No	No	Yes
5	Electronic data management and a paper-based permit issuance system?	No	No	No	No	No	No	No	Yes
6	Simplified procedures of Permits and Certificates	Yes	No	No	No	No	No	No	No
7	Difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties	Yes	No	No	No	No	No	No	No
8	Reviews of whether species would benefit from listing on the CITES Appendices?	No	No	No	No	No	No	No	No
9	Have any surveys, studies or other analyses been undertaken?	Yes	Yes	Yes	No	No	Yes	Yes	No
10	Have such surveys, studies or other analyses used in making non-detriment findings (NDFs)?	Yes	No	Yes	No	No	No	No	No
11	Are there specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?	No	Yes	No	No	No	Yes	Yes	No
12	Are there any published non-detriment findings that can be used?	No	Yes	No	No	No	Yes	Yes	No
13	Is there standard procedures for making non-detriment findings in line with Resolution Conf. 26.7?	No	Yes	No	No	No	Yes	Yes	No
14	Are there annual export quotas?	No	No	No	No	No	No	No	No
15	Signatory to any bilateral and/or multilateral agreements for co-management of shared species?	Yes	No	Yes	No	No	Yes	No	No
16	Any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species?	Yes	Yes	Yes	No	No	No	No	No
17	CITES authorities received or benefited from any capacity-building activities provided by external sources?	Yes	Yes	No	No	No	Yes	Yes	No
18	Collaboration with other CITES Parties?	Yes	Yes	Yes	No	No	Yes	Yes	No
19	Mechanism for reviewing your enforcement strategy(ies)?	Yes	No	No	No	No	No	No	No
20	Use of the International Consortium on Combating Wildlife Crime (ICWC) Wildlife and Forest Crime Analytic Toolkit, or equivalent tools?	No	No	No	No	No	No	No	No
21	Law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	Yes	No	No	No	No	Yes	Yes	No
22	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime?	Yes	No	Yes	No	Yes	Yes	Yes	No

23	Capacity to use forensic technology to support the investigation of CITES offences?	No	No	No	No	No	No	No	No
24	Participation in or initiation of any multi-disciplinary law enforcement operation(s) targeting CITES-listed species?	No	No	No	No	No	No	No	No
25	Standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?	Yes	No	No	No	No	Yes	Yes	Yes
26	Legislative provisions that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	Yes	No	Yes	Yes	Yes	No	No	No
27	Institutional capacity to implement the legislative provisions against CITES offences?	Yes	No	No	No	No	No	Yes	Yes
28	Administrative measures (e.g. fines, bans, suspensions) imposed for CITES-related offences?	Yes	No	Yes	No	YES	Yes	Yes	No
29	Any criminal prosecutions of CITES-related offences?	Yes	No	No	No	No	No	No	No
30	Disposal confiscated specimens according to CITES recommendations?	Yes	No	No	No	No	Yes	Yes	No
31	Information resources or training in place?	No	No	No	No	No	No	No	No
32	CITES Virtual College used as part of your capacity building work?	No	No	No	No	No	No	No	No
33	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	No	No	No	No	No	No	No	No
34	Approved service standard for Management Authority(ies)?	No	No	No	No	No	No	No	No
35	Approved service standard for Scientific Authority(ies)?	No	No	No	No	No	No	No	No
36	Approved service standard for Enforcement Authority(ies)?	No	No	No	No	No	No	No	No
37	Are there sufficient Funding?	No	No	No	No	No	No	No	No
38	Are there sufficient Staff?	Yes	No	No	No	No	No	No	No
39	Are there sufficient Skills?	Yes	No	No	No	No	No	No	No
40	International development funding assistance to increase the level of implementation of Management Authority(ies)?	No	No	No	No	No	No	No	No
41	Do you have a operational system (e.g. electronic database) for managing Species, Trade and 1n-detriment finding information?	No	No	No	No	No	No	No	No
42	Does the Management Authority charge fees?	Yes	No	No	No	No	No	No	No
43	Fee schedule publicly available?	No	No	No	No	No	No	No	No
44	Revenues from fees been used for the implementation of CITES or wildlife conservation?	No	No	No	No	No	No	No	No
45	Incentive measures such as those described in CoP24 Doc 24.31 to implement the Convention?	No	No	No	No	No	No	No	No
46	Capacity building needed?	Yes	Yes	Yes	No	No	Yes	Yes	No
47	Funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	No	No	No	No	No	No	No	No
48	CITES authorities involved activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?	Yes	No	No	No	No	Yes	No	No
49	Consultation the CITES website?	Yes	No	No	No	No	No	No	No
50	Measures to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC)12 to which Nigeria is party?	Yes	No	No	No	No	No	No	No

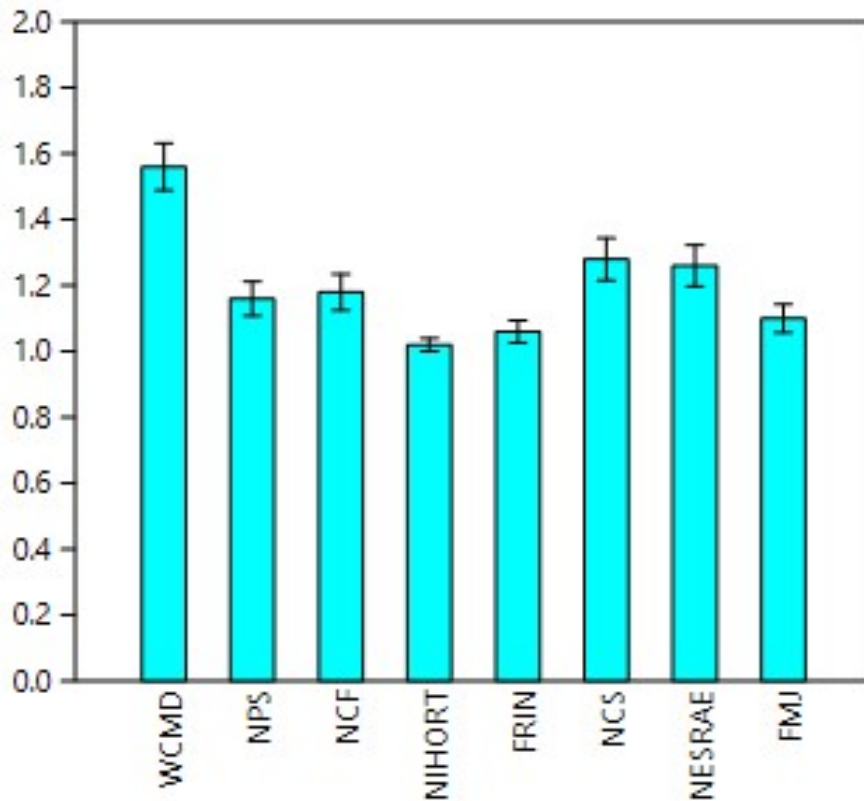


Fig 48: Knowledge of the CITES Convention by the CITES Authorities in Nigeria

This shows the Level of knowledge of the various agencies in CITES provisions. The Management authority (WCMD) have the highest knowledge of the CITES provisions for proper implementation of the CITES Convention in Nigeria, followed by NCS, NESRAE, NCF, NPS, FMJ, FRIN and NIHORT as the least aware of the CITES provisions in Nigeria.

4.3 SUMMARIES

Table 36 : Summary Chart of Percentage Knowledge of CITES Convention by Governmental Authorities

No	Agency	CITES Role	Overall Knowledge of CITES (%)	Knowledge or Role Management (%)	Scientific (%)	Enforcement (%)	Average Knowledge (%/Authority in CITES)
1	Wildlife and CITES Management	Management	54	59	50	56	54.75
2	National Park Services (NPS)	Scientific	16	0	38	6	15
3	Nigeria Conservation Foundation (NCF)	Scientific	18	0	29	24	17.75
4	National Institute for Horticultural Research and Development (NIHORT)	Scientific	2	0	0	12	3.5
5	Forest Research Institute of Nigeria (FRIN)	Scientific	6	0	0	24	7.5
6	National Environmental Standards and Regulations Enforcement Agency (NESREA)	Enforcement	26	0	33	27	21.5
7	Nigeria Customs Service (NCS)	Enforcement	30	0	33	35	24.5
8	Federal Ministry of Justice (FMJ)	Enforcement	10	23	0	8	10.25
		Average Knowledge (%/Role in CITES)	20.25	10.25	22.875	24	Overall Average Knowledge of CITES (%) in Nigeria 19.34375

4.3.1 COLOUR CODE REPRESENTATION

- Wildlife and CITES Management
- National Park Services (NPS)
- Nigeria Conservation Foundation (NCF)
- National Institute for Horticultural Research and Development (NIHORT)
- Forest Research Institute of Nigeria (FRIN)
- National Environmental Standards and Regulations Enforcement Agency (NESREA)
- Nigeria Customs Service (NCS)
- Federal Ministry of Justice (FMJ)

Fig 49 Colour codes for Government Agencies involved in CITES implementation in Nigeria.

4.3.2 OVERALL KNOWLEDGE OF CITES

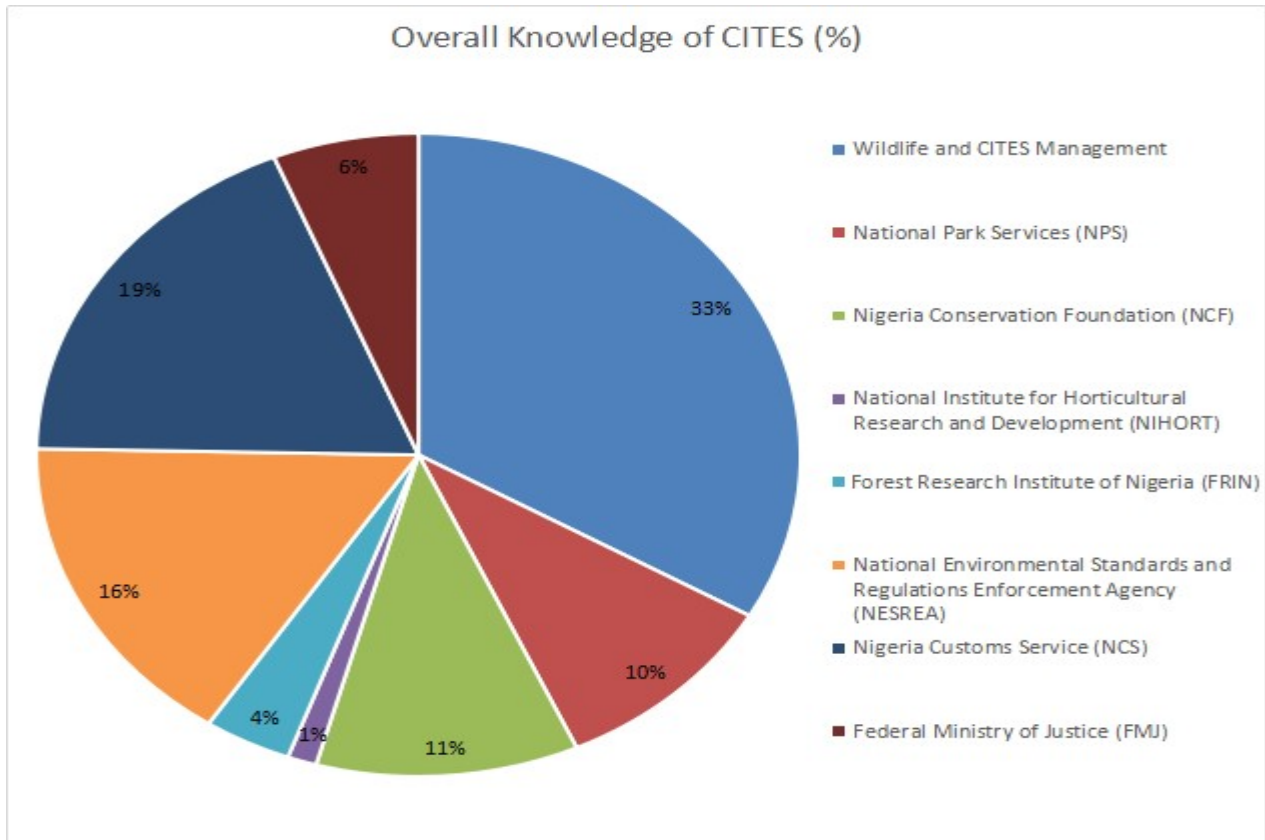


Fig 50: Overall Knowledge, Implementation and Compliance to the CITES Convention in Nigeria

This confirms the earlier assertion that in the Overall Knowledge of CITES that can lead to the day-to-day administration, implementation and Compliance to the CITES Convention, The Wildlife and CITES Management comes tops, followed by NCS, NESREA, NCF, NPS, FMJ, FRIN and NIHORT with the least.

This shows that there is Urgent need for Capacity building for all the various agencies of government involved in the governance structure of CITES in Nigeria.

4.3.3 Knowledge of Management Role in CITES

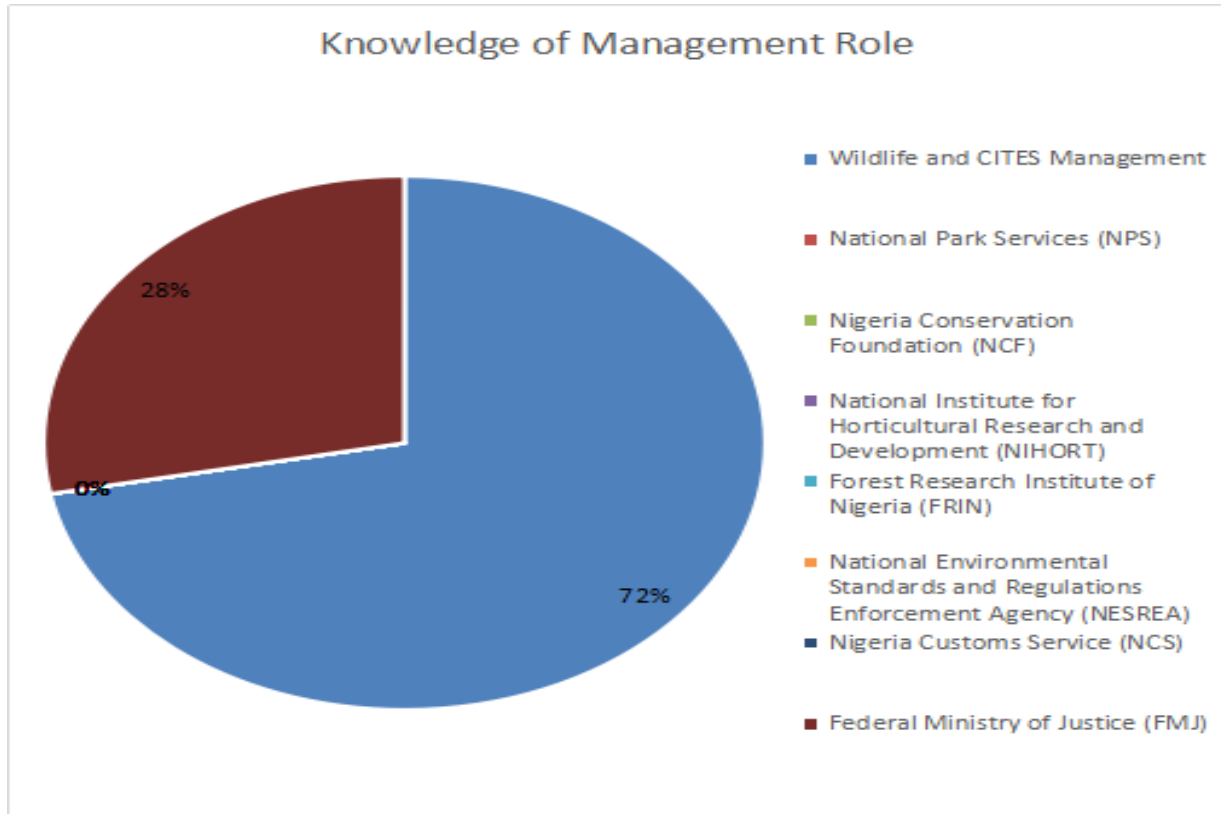


Fig 51: Knowledge of the Role of the Management Authority in the Implementation and Compliance to the CITES Convention in Nigeria

This shows here that only the Wildlife and CITES Management and the Federal Ministry of Justice have an understanding of what the Management authority's role in CITES that can lead to the day-to-day administration, implementation and Compliance to the CITES Convention, with the management authority itself knowing more but not even up to 100% of their role.

This is not good at all. The Management authority is the one that coordinates the activities of CITES and if other key governance structures of CITES, the Scientific and Enforcement do not know the role of the management, then surely implementation and Compliance will fail.

4.3.4 Knowledge of Scientific Authority's Role in CITES

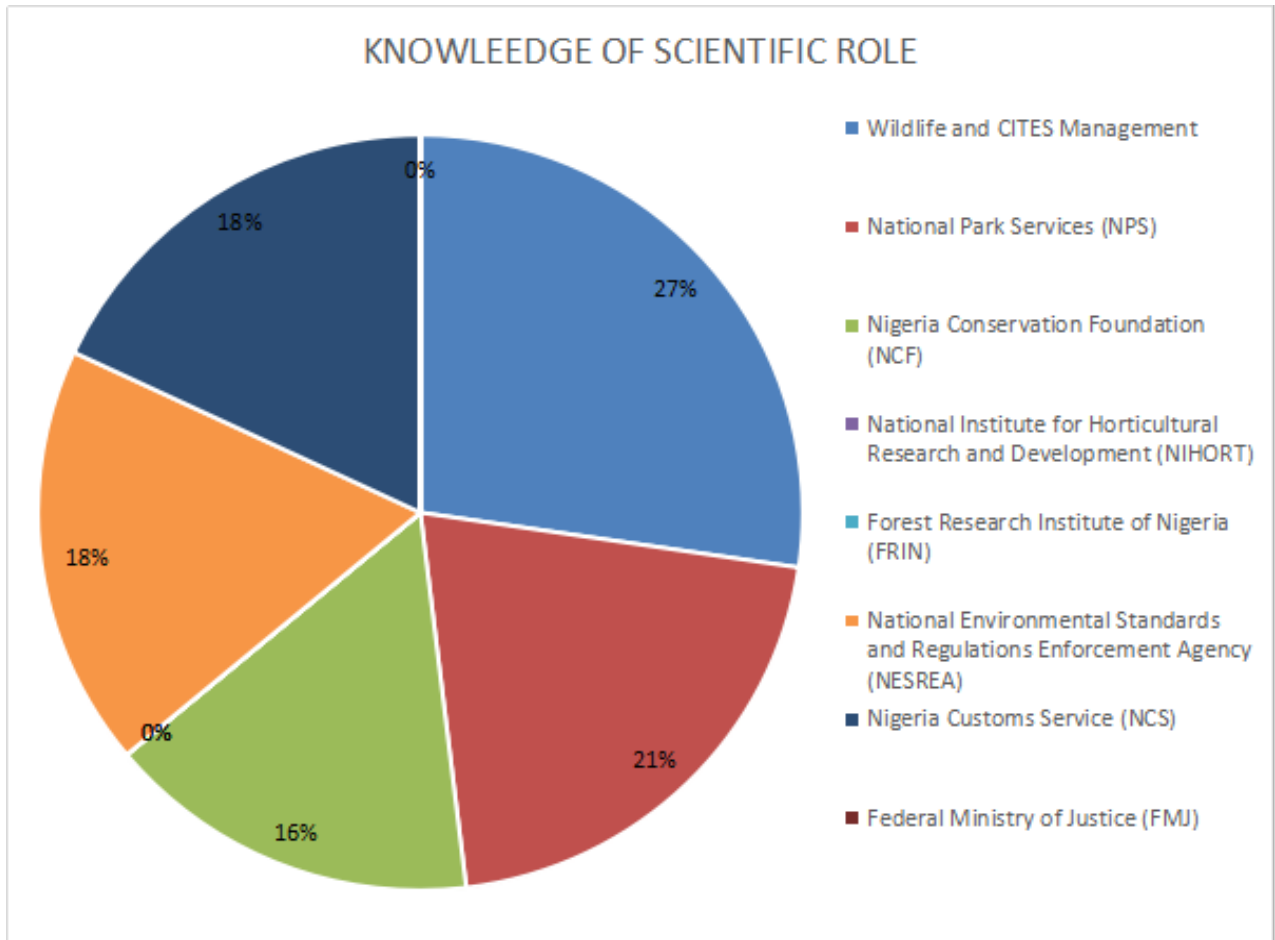


Fig 52: Knowledge of the Role of the Scientific Authority in the Implementation and Compliance to the CITES Convention in Nigeria

This shows here that except for NIHORT, FRIN and FMJ, the other agencies still have some knowledge of the Scientific Authority's role in CITES that can lead to the day-to-day administration, implementation and Compliance to the CITES Convention, but the level of knowledge among them is not enough.

4.3.5 Knowledge of Enforcement Authority's Role in CITES

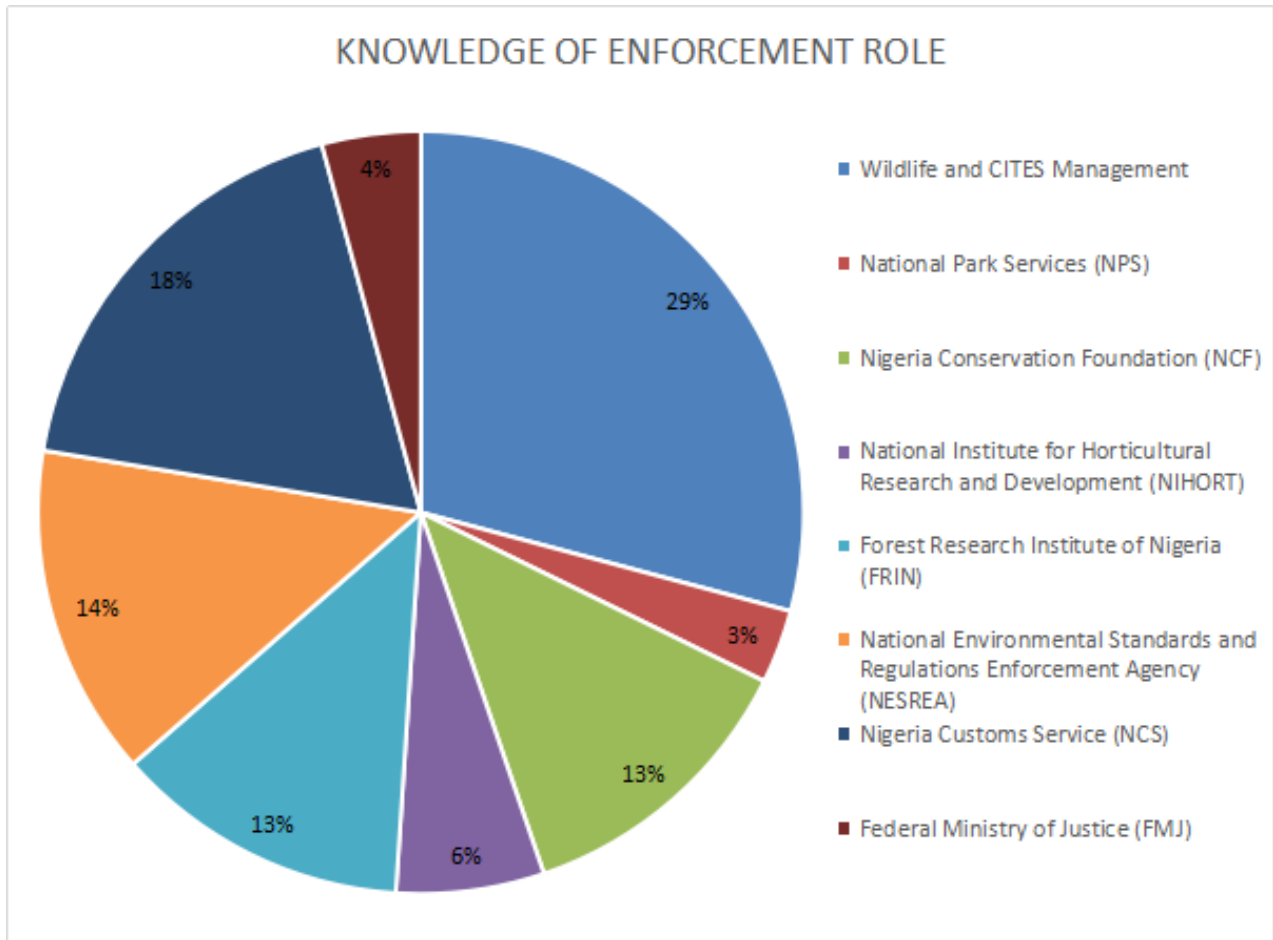


Fig 53: Knowledge of the Role of the Enforcement Authority in the Implementation and Compliance to the CITES Convention in Nigeria

This shows here that all agencies still have some knowledge of the Enforcement authority's role in CITES that can lead to the day-to-day administration

DISCUSSIONS

A functioning CITES structure includes: one or more Management Authorities and one or more Scientific Authorities – as indicated in Article IX of the Convention, and Enforcement Authorities and each plays a specific role in implementation and compliance of CITES. The responsibility of each clearly differentiated and stated above.

The overall knowledge (54%) of the CITES provision by the Wildlife and CITES division of the Department of Forestry, Federal Ministry of Environment to the CITES Convention signifies that the Management authority has slightly above average knowledge in the implementation and Compliance to CITES, that is they that they have a knowledge of more than half the essential requirements.

To the question as to what their role as a management authority should be in Nigeria, the WCMD scored 59%; WCMD's Knowledge of Scientific Role in CITES (50%) also showed a moderate knowledge level, which is not adequate. Meaning that they have only moderate knowledge of the responsibilities and expectations of Scientific Authorities under the provisions of the CITES Convention in Nigeria should be. WCMD's knowledge of what their relationship with the Enforcement Authorities under the provisions of the CITES Convention in Nigeria should be is 56% showing a moderate understanding of the responsibilities and expectations enforcement agencies.

The National Park Service as a Scientific Authority has very little knowledge (16%) of the requirements for implementation of CITES. Their knowledge of what their relationship with the Management Authority under the provisions of the CITES Convention in Nigeria was 0%; their knowledge of their own role as a Scientific Authority (38%) under the provisions of the CITES

Convention in Nigeria is quite low showing that they lack adequate knowledge of what their role should be; their knowledge of what their CITES-related responsibilities with the Enforcement Authorities should be (6%) under the CITES provisions is abysmally low.

NCF as a Scientific Authority did not fare better with a score of 18% in their overall knowledge of the CITES provisions; 0% knowledge of what their relationship should be with the management authority as provided by CITES guidelines; their knowledge of what their role should be as a Scientific authority under CITES provisions was 29%, this is even lower than what was obtained from the NPS; their knowledge of what their CITES-related responsibilities with the Enforcement Authorities was 24%, though this is higher than the knowledge level obtained from NPS, is moderate.

NIHORT scored 2% on their overall knowledge of CITES provisions; 0% of what their relationship should be with the Management Authority; 0% of what their own role should be as Scientific Authority; and 12% of what their relationship with the Enforcement Authority should be.

FRIN as a Scientific Authority likewise did not perform better in their evaluations; their overall knowledge was 6%; knowledge of relationship with the Management Authority is 0%; 0% understanding of what their own role as a Scientific Authority should be; and 24% knowledge of what their relationship should be with the Enforcement Authority under the CITES Convention.

NCS had a higher score in their overall knowledge of CITES provision (30%) than the Scientific Authorities; they had a better knowledge (33%) of what their relationship should be to the Scientific Authorities though still below average; their knowledge of what their relationship

should be to the Management Authority was 0%; they scored 35% in their knowledge of what their role should be as an Enforcement Agent in the CITES Convention

NESREA scored 26% in their overall knowledge of CITES provision lower than their counterpart, NCS; 0% knowledge of how they should relate with the Management Authority; 33% knowledge of how they should relate with the Scientific Authorities; and 27% of what their own role as an Enforcement Authority should be.

Federal Ministry of Justice had 10% Overall knowledge of the CITES provision; 23% as to how they should relate with the Management Authority; 0% as to how they should relate with the Scientific Authority; and 8% knowledge of what their own role as an Enforcement Authority should in the CITES Convention.

It is clear from the foregoing that the Management, Scientific and Enforcement Authorities are not fully aware of their roles, responsibilities and obligations under the CITES Convention, hence total implementation of the provisions are impossible. Wildlife and CITES Management (WCMD) in Nigeria which is the management body in Nigeria are more acquainted with their role than other bodies in Nigeria. But their knowledge however, is not enough for them to be able to team up with CITES to implement and enforce compliance with the CITES provisions.

It is noteworthy that bodies such as NCF whose core mandate is conservation of wildlife resources in Nigeria lacked adequate knowledge of the CITES provision. In addition, the knowledge of NCS, NESREA and FMJ as Enforcement Authorities is not adequate for them to be able to fulfil their role of enforcement of compliance with the CITES provision.

It is also important to point out here that, NIHORT and FRIN which are designated Scientific Authorities of CITES in Nigeria surprisingly have no knowledge of what their role should be in CITES.

On the overall the Management authority (WCMD) has the highest knowledge of the CITES provisions for proper implementation of the CITES Convention in Nigeria but this notwithstanding is quite inadequate to meet the expectation of CITES in enforcing compliance with the Convention in Nigeria.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

In conclusion, going by the result highlighting the level of awareness and knowledge of CITES implementation and compliance above, the CITES authorities in Nigeria has a slightly above average knowledge as to what the core values of CITES is, the role they are meant to play in the overall implementation and compliance to each other, their relationships with each other and their relationship to the Management Authority whose major role is supposed to coordinate all CITES operations in the country with the various enforcement authorities and scientific bodies.

The percentage of the Management Authority's knowledge of CITES and deductively, shows that they are not doing enough because they don't have enough knowledge. Other bodies which include, the scientific bodies and the enforcement agent has also been performing below average and this review showed that they have inadequate knowledge of CITES in Nigeria and what their role should be in CITES.

This study will bring to the awareness of each body, the need to form a network and work day to day to achieve a similar goal and the review has also painstakingly pointed to the specific role that they should play.

It's expected that, with the explicit information above, other bodies or individuals that need adequate knowledge of what CITES is and or need cognate information will be able to direct his question and observation to appropriate bodies with the appropriate channels in CITES.

The management authorities of CITES in Nigeria needs to organise annual workshop to equip itself with recent knowledge and events from CITES globally and a periodic report should be channelled from each body in Nigeria. The ECOWAS should be integrated into the activities of CITES, this will enable a networking channel with other West African Countries since they have similar fauna and flora and that could help them to share vital information which will benefit each other.

I would recommend that the following ideas be considered as well for the country:

1. The idea that there should be a high-level inter-agency committee in Nigeria to coordinate the implementation of CITES among all of the Ministries concerned, including the Ministry of Foreign Affairs;
2. The idea of a Wildlife Enforcement Network in Nigeria as exists in some other areas (such as in Southeast Asia); and
3. The idea that Nigerian CITES authorities could collaborate with CITES authorities in one or more other countries to provide mutual support and advice.

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ANNEX 1

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES **OF WILD FAUNA AND FLORA NOTIFICATION TO THE PARTIES**

International Environment House • Chemin des Anémones • CH-1219 Châtelaine, Geneva •
Switzerland

Tel: +41 (22) 917 81 39/40 • Fax: +41 (22) 797 34 17 • Email: info@cites.org • Web:
<http://www.cites.org>

No. 2016/006 Geneva, 5 February 2016

CONCERNING:

New implementation report format (formerly known as biennial report)

1. At its 66th meeting (Geneva, January 2016), the Standing Committee adopted a new implementation report format that is not subject to compliance procedures. The last biennial report for 2013-2014 was due on 31 October 2015. To reflect the three year cycle between meetings of the Conference of the Parties, the implementation report covering the period 2015-2017 is due on 31 October 2018.
2. Subject to the availability of external funds, the Secretariat will make a version of the implementation report available using the CITES Online Reporting System by 31 October 2017 (at least a year in advance of the deadline set for submission of reports to the 18th Conference of the Parties).
3. The new implementation report format can be found in the Annex to this Notification.

4. This Notification replaces Notification to the Parties No. 2005/035 of 6 July 2005.

Notification No. 2016/006 page 2

Annex

Implementation report format

The format below follows the structure of the CITES Strategic Vision: 2008-2020 and aims to collect information to enable the Strategic Vision indicators to be implemented. CITES vision statement Conserve biodiversity and contribute to its sustainable use by ensuring that no species of wild fauna or flora becomes or remains subject to unsustainable exploitation through international trade, thereby contributing to the significant reduction of the rate of biodiversity loss and making a significant contribution towards achieving the relevant Aichi Biodiversity Targets.

Article VIII, paragraph 7 (b), of the Convention requires each Party to submit to the CITES Secretariat a report on legislative, regulatory and administrative measures taken to enforce the provisions of the Convention.

The report format allows Parties to present information in a standard manner, so that it can be easily collated, with three main objectives:

- i) To enable monitoring of the implementation and effectiveness of the Convention;
- ii) To facilitate the identification of major achievements, significant developments, or trends, gaps or problems and possible solutions; and
- iii) Provide a basis for substantive and procedural decision-making by the Conference of the Parties and various subsidiary bodies.

Information on the nature and extent of CITES trade should be incorporated into the annual report [Article VIII paragraph 7 (a)], whereas the report provided under Article VIII paragraph 7 (b) should focus on measures taken to implement the Convention.

The report should cover the period indicated in Resolution Conf. 11.17 (Rev. CoP16) which urges that the report should be submitted to the Secretariat one year before each meeting of the Conference of the Parties (CoP). The reason for setting the report to be due a year in advance of the following CoP is to allow information to be collated so it can be considered by the Standing Committee in advance of CoP, and enable publication of the Strategic Vision indicators in advance of CoP.

Reports should be prepared in one of the three working languages of the Convention (English, French, Spanish).

Parties are strongly encouraged to prepare and submit their reports in electronic form. This will facilitate timely integration of information from Parties into publication of the Strategic Vision Indicators. If reports are only provided in hard copy, resources will be needed at the Secretariat to make an electronic copy, and this is not good use of Secretariat resources.

The completed report should be sent to:

CITES Secretariat

International Environment House

Chemin des Anémones 11-13

CH-1219 Châtelaine-Geneva

Switzerland

Email: info@cites.org

Tel: +41-(0)22-917-81-39/40

Fax: +41-(0)22-797-34-17

If a Party requires further guidance on completing their report, please contact the CITES Secretariat at the address above.

Notification No. 2016/006 page 3

Party

Period covered in this report

Department or agency preparing this report

Contributing departments, agencies and organizations

GOAL 1 ENSURE COMPLIANCE WITH AND IMPLEMENTATION AND ENFORCEMENT
OF THE CONVENTION

Objective 1.1 Parties comply with their obligations under the Convention through appropriate policies, legislation and procedures.

All Aichi Targets relevant to CITES, particularly Aichi Target 2, Target 6, Target 9, Target 12, Target 17 and Target 18.

Indicator 1.1.1: The number of Parties that are in category 1 under the national legislation project.

1.1.1a

Have any CITES relevant policies or legislation been developed during the period covered in this report? Yes No

If 'Yes', have you shared information with the Secretariat? Yes No Not Applicable

If 'No', please provide details to the Secretariat with this report:

1.1.1b

Does your legislation or legislative process allow easy amendment of your national law(s) to reflect changes in the CITES Appendices (e.g. to meet the 90 day implementation guidelines)? Yes

No

If 'No', please provide details of the constraints faced:

Objective 1.2 Parties have in place administrative procedures that are transparent, practical, coherent and user-friendly, and reduce unnecessary administrative burdens.

Aichi Target 3.

Indicator 1.2.1: The number of Parties that have adopted standard transparent procedures for the timely issuance of permits in accordance with Article VI of the Convention.

Yes

No

No information

1.2.1a

Do you have standard operating procedures for application for and issuance of permits?

Are the procedures publicly available?

1.2.1b

Do you have:

Electronic data management and a paper-based permit issuance system?

Electronic permit information exchange between Management Authorities of some countries

If 'Yes', please list countries

Electronic permit information exchange to Management Authorities of all countries?

Electronic permit data exchange between Management Authorities and customs?

Electronic permit used to cross border with electronic validation

Notification No. 2016/006 page 4

by customs?

If 'Yes' to any of the above, please provide information on challenges faced or issues overcome:

If 'No', do you have any plans to move towards e-permitting?

If you are planning to move towards e-permitting, please explain what might help you to do so:

Indicator 1.2.2: The number of Parties making use of the simplified procedures provided for in Resolution Conf. 12.3 (Rev. CoP16).

1.2.2a

Has your country developed simplified procedures for any of the following?

Tick all applicable

Yes

No

No information

Where biological samples of the type and size specified in Annex 4 of Resolution Conf. 12.3 (Rev. CoP16) are urgently required.

For the issuance of pre-Convention certificates or equivalent documents in accordance with Article VII, paragraph 2.

For the issuance of certificates of captive breeding or artificial propagation in accordance with Article VII, paragraph 5.

For the issuance of export permits or re-export certificates in accordance with Article IV for specimens referred to in Article VII, paragraph 4.

Are there other cases judged by a Management Authority to merit the use of simplified procedures?

If 'Yes', please provide details:

Objective 1.3 Implementation of the Convention at the national level is consistent with decisions adopted by the Conference of the Parties.

All Aichi targets relevant to CITES, particularly Target 9, Target 14 and Target 18.

Indicator 1.3.1: The number of Parties that have implemented relevant reporting under Resolutions and Decisions of the Conference of the Parties and/or Standing Committee recommendations.

1.3.1a

Has your country responded to all relevant special reporting requirements that are active during the period covered in this report, including those in the Resolutions and Decisions of the Conference of the Parties, Standing Committee recommendations, and Notifications issued by the Secretariat (see [link to location on the CITES website where the reporting requirements are listed])?

Responses provided to ALL relevant reporting requirements

Responses provided to SOME of the relevant reporting requirements

Responses provided to NONE of the relevant reporting requirements

No special reporting requirements applicable

1 e-permitting refers to the electronic (paperless) management of the permit business process, including permit application, Management Authority – Scientific Authority consultations, permit issuance, notification to customs and reporting.

Notification No. 2016/006 page 5

1.3.1b

Were any difficulties encountered during the period covered in this report in implementing specific Resolutions or Decisions adopted by the Conference of the Parties? Yes No

If 'Yes', please provide details of which Resolution(s) or Decision(s), and, for each, what difficulties were / are being encountered?

Objective 1.4 The Appendices correctly reflect the conservation needs of species.

Aichi Target 1, Target 12, Target 14 and Target 19.

1.4.1: The number and proportion of species that have been found to meet the criteria contained in Resolution Conf. 9.24 or its successors. This includes both the periodic review and amendment proposals.

1.4.1a

Have you undertaken any reviews of whether species would benefit from listing on the CITES Appendices? Yes No

If 'Yes', please provide a summary here, or a link to the report of the work (or a copy of that report to the Secretariat if the work is not available online):

Objective 1.5 Best available scientific information is the basis for non-detriment findings.

Aichi Target 2, Target 4, Target 5, Target 6, Target 7, Target 9, Target 12 and Target 14.

Indicator 1.5.1: The number of surveys, studies or other analyses undertaken by exporting countries based on the sources of information cited in Resolution Conf. 16.7 on Non-detriment findings related to:

- a) the population status of Appendix-II species;
- b) the trends and impact of trade upon Appendix-II species; and

c) the status of and trend in naturally-occurring Appendix I species and the impact of any recovery plans.

1.5.1a

Have any surveys, studies or other analyses been undertaken in your country in relation to:

Yes

No

Not Applicable

If Yes, How many?

- the population status of Appendix II species?
- the trends and impact of trade on Appendix II species?
- the status of and trend in naturally-occurring Appendix I species?
- the impact of any recovery plans on Appendix I species?

Have the surveys, studies or analyses integrated relevant knowledge and expertise of local and indigenous communities?

Notification No. 2016/006 page 6

If there are such studies that you are willing to share, please provide:

Species name (scientific)

A brief summary of the results of the survey, study or other analysis (e.g. population status, decline / stable / increase, off-take levels etc), or provide links to published reference material.

1.5.1b

How are the results of such surveys, studies or other analyses used in making non-detriment findings (NDFs)? Please tick all that apply

Revised harvest or export quotas

Banning export

Stricter domestic measures

Changed management of the species

Discussion with Management Authorities

Discussion with other stakeholders?

Other (please provide a short summary):

1.5.1c

Do you have specific conservation measures or recovery plans for naturally occurring Appendix-I listed species?

Yes

No

Not Applicable

No information

If 'Yes', please provide a brief summary, including, if possible, an evaluation of their impact:

1.5.1d

Have you published any non-detriment findings that can be shared? Yes No

If 'Yes', please provide links or examples to the Secretariat within this report:

1.5.1e

Which of the following (A to F of paragraph a x) of Resolution Conf. 16.7) do you use in making non-detriment findings?

Yes

No

A. relevant scientific literature concerning species biology, life history, distribution and population trends.

B. details of any ecological risk assessments conducted.

C. scientific surveys conducted at harvest locations and at sites protected from harvest and other impacts.

D. relevant knowledge and expertise of local and indigenous communities.

E. consultations with relevant local, regional and international experts.

F. national and international trade information such as that available via the CITES trade database maintained by UNEP World Conservation Monitoring Centre (UNEP-WCMC), publications on trade, local knowledge on trade and investigations of sales at markets or through the Internet for example.

Notification No. 2016/006 page 7

Indicator 1.5.2: The number of Parties that have adopted standard procedures for making non-detriment findings.

1.5.2a

Yes

No

No information

Do you have standard procedures for making non-detriment findings in line with Resolution Conf. 16.7?

If 'Yes', please briefly describe your procedures for making non-detriment findings, or attach as an annex to this report, or provide a link to where the information can be found on the internet:

1.5.2b

When establishing non-detriment findings, have any of the following guidance been used?

Please tick all that apply

Virtual College

IUCN Checklist

Resolution Conf. 16.7

2008 NDF workshop

Species specific guidance

Other

If 'Other' or 'Species specific guidance', please specify details:

1.5.2c

How often do you review and/or change your non-detriment findings?

Case by case

Annually

Every two years

Less frequently

A mix of the above

Please describe the circumstances under which non-detriment findings would be changed:

Indicator 1.5.3: The number and proportion of annual export quotas based on population surveys.

1.5.3a

Do you set annual export quotas?

Yes

No

If 'Yes', do you set quotas based on population survey, or by other means? Please specify, for each species, how quotas are set:

Species Name (scientific)

Population Survey?

Other, please specify

1.5.3b

Have annual export quotas been set at levels which will ensure sustainable production and consumption?

Yes

No

If 'Yes', please describe how this fits into your non-detriment finding process:

Notification No. 2016/006 page 8

Objective 1.6 Parties cooperate in managing shared wildlife resources.

Aichi Target 4, Target 5, Target 6, Target 7, Target 10, Target 12 and Target 19.

Indicator 1.6.1: The number of bilateral and multilateral agreements that specifically provide for co-management of shared CITES listed species by range States.

1.6.1a

Is your country a signatory to any bilateral and/or multilateral agreements for co-management of shared species? Yes No

If 'Yes', please provide brief details, including the names of the agreements, and which other countries are involved:

Indicator 1.6.2: The number of cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species.

1.6.2a

Do you have any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species? Yes No

If 'Yes', please list the species for which these plans are in place and provide a link or reference to a published plan for each species.

Species Name (scientific)

Link or reference to a published plan

Indicator 1.6.3: The number of workshops and other capacity-building activities that bring range States together to address the conservation and management needs of shared, CITES listed, species.

1.6.3a

Have the CITES authorities received or benefited from any of the following capacity-building activities provided by external sources?

Please tick boxes to indicate which target group and which activity.

Target group

Oral or written advice/guidance

Technical assistance

Financial assistance

Training

Other (specify)

What were the external sources²?

Staff of Management Authority

Staff of Scientific Authority

Staff of enforcement authorities

Traders

NGOs

Public

Other (please specify):

² Please provide the names of Parties, and any non-Parties, involved.

Notification No. 2016/006 page 9

1.6.3b

Have the CITES authorities been the providers of any of the following capacity-building activities to other range States?

Please tick boxes to indicate which target group and which activity.

Target group

Oral or written advice/guidance

Technical assistance

Financial assistance

Training

Other (specify)

Details

Staff of Management Authority

Staff of Scientific Authority

Staff of enforcement authorities

Traders

NGOs

Public

Other Parties/International meetings

Other (please specify)

1.6.3c

In what ways do you collaborate with other CITES Parties?

Never

Rarely

Sometimes

Very Often

Always

Further detail / examples

Information exchange

Monitoring / survey

Habitat management

Species management

Law enforcement

Capacity building

Other (please provide details)

Objective 1.7 Parties are enforcing the Convention to reduce illegal wildlife trade.

Aichi Target 4, Target 5, Target 6, Target 7, Target 9, Target 10, Target 12 and Target 19.

Indicator 1.7.1: The number of Parties that have, are covered by, or engaged with:

– an international enforcement strategy and/or action plan;

- formal international cooperation, such as an international enforcement network;
- a national enforcement strategy and/or action plan; and
- formal national interagency cooperation, such as a national interagency enforcement committee.

1.7.1a

Do you have, are you engaged in, or covered by:

Yes

No

No Information

- an international enforcement strategy and/or action plan?
- formal international cooperation, such as an international enforcement network?
- a national enforcement strategy and/or action plan?

Notification No. 2016/006 page 10

- formal national interagency cooperation, such as a national interagency enforcement committee?

If ‘Yes’ to any of the above, please specify the level of engagement and provide additional details:

Indicator 1.7.2: The number of Parties with a process or mechanism for reviewing their enforcement strategies, and the activities taken to implement their strategies.

1.7.2a

Do you have a process or mechanism for reviewing your enforcement strategy(ies) and the activities taken to implement your strategy(ies)?

Yes

No, but review is under consideration

No

No information

If 'Yes', what do you do?

If 'Yes' or 'No, but review is under consideration', which tools do you find of value?

1.7.2b

Have you used the International Consortium on Combating Wildlife Crime (ICWC) Wildlife and Forest Crime Analytic Toolkit, or equivalent tools?

Yes

No, but toolkit use is under consideration

No

No information

If 'Yes', please provide feedback on the parts of the toolkit used and how useful the toolkit or equivalent tools have been. Please specify improvements that could be made:

If 'No', please provide feedback on why not or what is needed to make the toolkit or equivalent tools useful to you:

Indicator 1.7.3: The number of Parties that have criminal (penal) law and procedures, capacity to use forensic technology, and capacity to use specialized investigation techniques, for investigating, prosecuting, and penalizing CITES offences..

1.7.3a

Do you have law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?

If 'Yes', please provide the title of the legislation and a summary of the penalties available

Yes

No

No information

1.7.3b

Are criminal offences such as poaching and wildlife trafficking recognized as serious crime³ in your country?

Yes

No

No information

If 'Yes', please explain what criteria must be met for poaching or wildlife trafficking offences to be treated as serious crimes:

³ The United Nations Convention against Transnational Organized Crime defines serious crime as conduct constituting an offence punishable by imprisonment for at least four years or a more serious penalty.

Notification No. 2016/006 page 11

1.7.3c

Do you have capacity to use forensic technology⁴ to support the investigation of CITES offences?

Yes

No

No information

If 'Yes', please provide a brief summary of any samples from CITES-listed species that were collected and submitted to an appropriate forensic analysis facility (located in your country and/or another country) during the period covered in this report:

If 'Yes', and your country has an appropriate forensic analysis facility for CITES-listed species, please indicate which species it applies to:

1.7.3d

Did your authorities participate in or initiate any multi-disciplinary⁵ law enforcement operation(s) targeting CITES-listed species during the period covered in this report?

Yes

No

No information

If 'Yes', please provide a brief summary, including any lessons learned which might be helpful for other Parties:

1.7.3e

Do you have a standard operating procedure among relevant agencies for submitting information related to CITES offences to INTERPOL and/or the World Customs Organization?

Yes

No

No information

1.7.3f

Do you have legislative provisions for any of the following that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?

Yes

No

No information

If yes, how many times was this used during the period covered by this report?

General crime⁶

Predicate offences⁷

Asset forfeiture⁸

Corruption⁹

International cooperation in criminal matters¹⁰

Organized crime¹¹

Specialized investigation techniques¹²

4 Capacity to use forensic technology means the ability to collect, handle and submit samples from crime scenes involving CITES-listed species to an appropriate forensic analysis facility, located either in your country or in another country(ies).

5 A multi-disciplinary law enforcement operation is one that involves officers from all relevant enforcement disciplines as appropriate, for example officers from Police, Customs and the wildlife regulatory authority. It could be either sub-national, national or international in scope.

6 General crime laws relate to offences such as fraud, conspiracy, possession of weapons, and other matters as set out in the national criminal code. 7 Article 2, paragraph (h) of the United Nations Convention against Transnational Organized Crime defines a predicate offence is an offence whose proceeds may become the subject of any of the money-laundering offences established under the Convention.

8 Asset forfeiture is the seizure and confiscation of assets obtained from criminal activities to ensure that criminals do not benefit from the proceeds of their crimes.

9 Provisions against corruption include national laws to implement the United Nations Convention against Corruption covering offences such as bribery of officials, embezzlement or misappropriation of public funds, trading in influence and abuse of functions by public officials.

10 International cooperation in criminal matters includes legislation through which a formal request for mutual legal assistance and/or extradition of a person for criminal prosecution can be forwarded to another country.

11 Article 2, paragraph (a) of the United Nations Convention against Transnational Organized Crime defines an organized criminal group as a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with the Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

Notification No. 2016/006 page 12

If 'Yes' to any of the above, please explain how each is used for CITES offences? Please provide a brief summary, including any lessons learned which might be helpful for other Parties:

1.7.3g

Do you have institutional capacity to implement the legislative provisions listed in question 1.7.3f against CITES offences?

Yes

No

No information

If 'No', please provide a brief summary of your major capacity-building needs:

Indicator 1.7.4: The number of Parties using risk assessment and intelligence to combat illegal trade in CITES-listed species.

1.7.4a

Do you use risk assessment to target CITES enforcement effort?

Always

Very often

Sometimes

Rarely

Never

No information

1.7.4b

Do you have capacity to analyse information gathered on illegal trade in CITES-listed species?

Yes

No

No information

1.7.4c

Do you use criminal intelligence¹³ to inform investigations into illegal trade in CITES-listed species?

Always

Very often

Sometimes

Rarely

Never

No information

1.74d

Have you implemented any supply-side activities to address illegal trade in CITES-listed species during the period covered in this report?

Yes

No, but activities are under development

No

No information

1.7.4e

Have you implemented any demand-side activities to address illegal trade in CITES-listed species during the period covered in this report?

Yes

No, but activities are under development

No

No information

12 Specialized investigation techniques are techniques that are deployed against serious and/or organized crime when conventional law enforcement techniques fail to adequately address the activities of crime groups. Examples include controlled deliveries and covert operations.

13 Criminal intelligence is information that is compiled, analyzed and disseminated in an effort to anticipate, prevent and/or monitor criminal activity. Examples include information on potential suspects held in a secure database and inferences about the methods, capabilities and intentions of specific criminal networks or individuals that are used to support effective law enforcement action.

Notification No. 2016/006 page 13

Indicator 1.7.5: The number of administrative measures, criminal prosecutions and other court actions for CITES-related offences.

During the period covered in this report:

Yes

No

No Information

1.7.5a

Have any administrative measures (e.g. fines, bans, suspensions) been imposed for CITES-related offences?

If 'Yes', please indicate how many and for what types of offences. If available, please attach details:

1.7.5b

Have there been any criminal prosecutions of CITES-related offences?

If 'Yes', how many and for what types of offences? If available, please attach details:

1.7.5c

Have there been any other court actions against CITES-related offences?

If 'Yes', what were the offences involved and what were the results? Please attach details:

1.7.5d

How were any confiscated specimens disposed of?

Tick all that apply

- Return to country of export
- Public zoos or botanical gardens
- Designated rescue centres
- Approved private facilities
- Euthanasia
- Other (please specify):

Have you encountered any challenges in disposing of confiscated specimens?

Do you have good practice that you would like to share with other Parties?

Objective 1.8 Parties and the Secretariat have adequate capacity-building programmes in place.

Aichi Target 1, Target 12 and Target 19.

Indicator 1.8.1: The number of Parties with national and regional training programmes and information resources in place to implement CITES including the making of non-detriment findings, issuance of permits and enforcement.

1.8.1a

Do you have information resources or training in place to support: Yes No

The making of non-detriment findings?

Permit officers?

Enforcement officers?

1.8.1b

Is the CITES Virtual College used as part of your capacity building work?

What improvements could be made in using the Virtual College for capacity building?

Yes

No

No information

1.8.1c

Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?

What improvements could be made in using the ICCWC Toolkit for capacity building?

Yes

No

No information

Notification No. 2016/006 page 14

GOAL 2 SECURE THE NECESSARY FINANCIAL RESOURCES AND MEANS FOR THE OPERATION AND IMPLEMENTATION OF THE CONVENTION

Objective 2.1 Financial resources are sufficient to ensure operation of the Convention.

Information to be provided through records held by the Secretariat on financial management of the Convention.

Objective 2.2 Sufficient resources are secured at the national and international levels to ensure compliance with and implementation and enforcement of the Convention.

Aichi Target 1, Target 2, Target 3, Target 12, Target 19 and Target 20.

Indicator 2.2.1: The number of Parties with dedicated staff and funding for Management Authorities, Scientific Authorities and wildlife trade enforcement agencies.

2.2.1a

Do you have an approved service standard(s)¹⁴ for your Management Authority(ies)?

If 'No', please go to Question 2.2.1d.

If 'Yes', for which services are there standards, and what are those standards?

Yes

No

If 'Yes', do you have performance targets for these standards¹⁵?

If 'Yes', what are your performance targets?

Yes

No

Do you publish your performance against service standard targets?

Yes

No

If possible, please provide your performance against service standards during the period covered in this report:

If you did not meet your performance targets then was this shortfall a result of:

Yes

No

– availability of funding?

– number of staff?

– a shortage of skills?

If ‘Yes’ to a shortage of skills, which skills do you need more of?

2.2.1b

Do you have an approved service standard(s)⁴⁷ for your Scientific Authority(ies)?

If ‘No’, please go to Question 2.2.1d.

If ‘Yes’, for which services are there standards, and what are those standards?

Yes

No

If ‘Yes’, do you have performance targets for these standards⁴⁸?

If ‘Yes’, what are your performance targets?

Yes

No

If possible, please provide your performance against service standards during the period covered in this report:

If you did not meet your performance targets then was this shortfall a result of:

Yes

No

– availability of funding?

14 For example, a time frame in which you are required to provide a response on a decision to issue or not issue a permit, certificate, or re-export certificate.

15 For example, 85% of all decisions will take place within the service standard.

Notification No. 2016/006 page 15

– number of staff?

– a shortage of skills?

If ‘Yes’ to a shortage of skills, which skills do you need more of?

2.2.1c

Do you have an approved service standard(s)⁴⁷ for your enforcement authority(ies)?

If ‘No’, please go to Question 2.2.1d.

If ‘Yes’, for which services are there standards, and what are those standards?

Yes

No

If ‘Yes’, do you have performance targets for these standards⁴⁸?

If ‘Yes’, what are your performance targets?

Yes

No

If possible, please provide your performance against service standards during the period covered in this report:

If you did not meet your performance targets then was this shortfall a result of:

Yes

No

– availability of funding?

– number of staff?

– a shortage of skills?

If ‘Yes’ to a shortage of skills, which skills do you need more of?

2.2.1d

Please only complete this question if your answered ‘No’ to the first part of question 2.2.1a, 2.2.1b, or 2.2.1c, relating to the existence of approved service standards for your authorities:

Do you have sufficient of the following for your authorities to function effectively?

Management Authority(ies)

Scientific Authority(ies)

Enforcement Authority(ies) Funding?

Yes No

Yes No

Yes No Staff?

Yes No

Yes No

Yes No Skills?

Yes No

Yes No

Yes No

Indicator 2.2.2: The number of Parties that have undertaken one or more of the following activities:

- changed the budget for activities;
- hired more staff;
- developed implementation tools;
- purchased technical equipment for implementation, monitoring or enforcement.

2.2.2a

Have any of the following activities been undertaken during the period covered in this report to enhance the effectiveness of CITES implementation at the national level?

Tick if applicable

Hiring of more staff

Development of implementation tools

Purchase of technical equipment for implementation, monitoring or enforcement

Other (please specify):

Notification No. 2016/006 page 16

2.2.2b

During the period covered in this report, was the budget for your:

Increased

Stable

Decreased

Management Authority(ies)

Scientific Authority(ies)

Enforcement authorities

2.2.2c

Have you been able to use international development funding assistance to increase the level of implementation of your

Yes

No

Not applicable

Management Authority(ies)?

Scientific Authority(ies)?

Enforcement authorities?

2.2.2d

What is the respective level of priority for enhancing the effectiveness of CITES implementation at the national level through the following activities?

Activity

High

Medium

Low

Not a Priority

Hiring of more staff

Development of implementation tools

Purchase of new technical equipment for implementation, monitoring or enforcement

e-permitting

Other (please specify):

2.2.2e

Do you have a operational system (e.g. electronic database) for managing

Yes

Under development

No

Species information

Trade information

Non-detriment findings

Indicator 2.2.3: The number of Parties raising funds for CITES implementation through user fees or other mechanisms.

2.2.3a

Does the Management Authority charge fees for:

Tick all that are applicable

- Administrative procedures
- Issuance of CITES documents (e.g. for import, exports, re-export, or introduction from the sea)
- Shipment clearance (e.g. for the import, export, re-export, or introduction from the sea of CITES-listed species)
- Licensing or registration of operations that produce CITES species
- Harvesting of CITES-listed species
- Use of CITES-listed species
- Assignment of quotas for CITES-listed species
- Other (please specify):

2.2.3b

Is a fee schedule publicly available? Yes No

If 'Yes', please provide an internet link, or a copy of the schedule to the Secretariat:

Notification No. 2016/006 page 17

2.2.3c

Have revenues from fees been used for the implementation of CITES or wildlife conservation?

Entirely

Partly

Not at all

Not relevant

2.2.3d

Yes

No

Do you raise funds for CITES management through charging user fees?

Do your fees recover the full economic cost of issuing permits?

Do you have case studies on charging or using fees?

If 'Yes' to any of the above, please provide brief details:

Do you use innovative financial mechanisms to raise funds for CITES implementation?

If 'Yes', please provide brief details:

Indicator 2.2.4: The number of Parties using incentive measures as part of their implementation of the Convention.

2.2.4a

Do you use incentive measures¹⁶ such as those described in CoP14 Doc 14.32 to implement the Convention? Yes No

Due diligence

Compensatory mechanisms

Certification

Communal property rights

Auctioning of quotas

Cost recovery or environmental charges

Enforcement incentives

If 'Yes' to any of the above, or if you use other measures, please provide a summary or link to further information:

2.2.4b

Have incentives harmful to biodiversity been eliminated? Not at all

Very little

Somewhat

Completely

16 Defined as 'Social and economic incentives that promote and regulate sustainable management of and responsible trade in, wild flora and fauna and promote effective enforcement of the Convention'. The intent of such measures is not to promote wildlife trade as such, but rather to ensure that any wildlife trade undertaken is conducted in a sustainable manner.

Notification No. 2016/006 page 18

Objective 2.3 Sufficient resources are secured at the national and international levels to implement capacity-building programmes.

Aichi Target 12, Target 19 and Target 20.

Indicator 2.3.1: The number of capacity building activities mandated by Resolutions and Decisions that are fully funded.

2.3.1a

How many training and capacity building activities¹⁷ have you run during the period covered in this report?

Without assistance from the Secretariat

Conducted or assisted by the Secretariat

None

1

2-5

6-10

11-20

More than 20

Please list the Resolutions or Decisions involved:

2.3.1b

What sorts of capacity building activities have taken place?

2.3.1c

What capacity building needs do you have?

Please tick all boxes which apply to indicate which target group and which activity.

Target group

Oral or written advice/guidance

Technical assistance

Financial assistance

Training

Other (specify)

Details

Staff of Management Authority

Staff of Scientific Authority

Staff of enforcement authorities

Traders / other user groups

NGOs

Public

Other (please specify)

17 An activity might be a single day training e.g. for a group of staff from the Management Authority, or a longer course / project undertaken by an individual.

Notification No. 2016/006 page 19

GOAL 3 CONTRIBUTE TO SIGNIFICANTLY REDUCING THE RATE OF BIODIVERSITY LOSS AND TO ACHIEVING RELEVANT GLOBALLY-AGREED GOALS AND TARGETS BY ENSURING THAT CITES AND OTHER MULTILATERAL INSTRUMENTS AND PROCESSES ARE COHERENT AND MUTUALLY SUPPORTIVE

Objective 3.1 Cooperation between CITES and international financial mechanisms and other related institutions is enhanced in order to support CITES-related conservation and sustainable development projects, without diminishing funding for currently prioritized activities.

Aichi Target 2 and Target 20.

Indicator 3.1.1: The number of Parties funded by international financial mechanisms and other related institutions to develop activities that include CITES-related conservation and sustainable development elements.

3.1.1a

Has funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?

Yes

No

Not applicable

No information

If 'Yes', please provide brief details:

3.1.1b

During the period covered in this report, has funding for your country from international funding mechanisms and other related institutions:

Increased

Remained stable

Decreased

Indicator 3.1.2: The number of countries and institutions that have provided additional funding from CITES Authorities to another country or activity for conservation and sustainable development projects in order to further the objectives of the Convention.

3.1.2a

Have you provided technical or financial assistance to another country or countries in relation to CITES?

Yes

No

No information

If 'Yes', please tick boxes to indicate type of assistance provided

Country(ies)

Species Management¹⁸

Habitat Management¹⁹

Sustainable use

Law Enforcement

Livelihoods

Other (specify)

Details

(provide more information in an Appendix if necessary)

18 Use species conservation column for work directly related to species – e.g. population surveys, education programmes, conflict resolution, etc.

19 Use habitat conservation column for work that will indirectly support species conservation – e.g. habitat management, development of policy frameworks for how land is managed, etc.

Notification No. 2016/006 page 20

Objective 3.2 Awareness of the role and purpose of CITES is increased globally.

Aichi Target 1, Target 4, Target 12 and Target 18.

Indicator 3.2.1: The number of Parties that have been involved in CITES awareness raising activities to bring about better awareness by the wider public and relevant user groups of the Convention requirements.

3.2.1a

Have CITES authorities been involved in any of the following activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?

Wider public

Relevant User Groups

- Press conferences
- Press releases
- Newspaper articles, brochures, leaflets
- Television appearances
- Radio appearances
- Presentations
- Public consultations / meetings
- Market surveys
- Displays
- Information at border crossing points
- Telephone hotline
- Website(s) – if so please provide link(s)
- Other (specify):

Please attach copies of any items or describe examples:

Indicator 3.2.2: The number of visits to the CITES website.

3.2.2a

How regularly do your Authorities consult the CITES website?

Please tick boxes to indicate the most frequent usage (decide on an average amongst staff if necessary).

Target group

Daily

Weekly

Monthly

Less frequently

Not known

Staff of Management Authority

Staff of Scientific Authority

Staff of enforcement authorities

3.2.2b

What has been your experience with using the CITES website?

Excellent

Good

Average

Poor

Very Poor

No information

Any further comments on the CITES Website? (e.g. useful aspects, any difficulties encountered, which authorities find which functions/tools most useful, what is missing, etc):

Notification No. 2016/006 page 21

Indicator 3.2.3: The number of Parties with web pages on CITES and its requirements.

A question relating to this indicator is within question 3.2.1a.

Objective 3.3 Cooperation with relevant international environmental, trade and development organizations is enhanced.

Indicator 3.3.1 The number of Parties which report that they have achieved synergies in their implementation of CITES, other biodiversity-related conventions and other relevant multilateral environmental, trade and development agreements.

3.3.1a

Have measures been taken to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC)²⁰ to which your country is party?

Yes

No

No information

If 'Yes', please give a brief description:

Indicator 3.3.2: The number of biodiversity conservation or sustainable use projects, trade and development goals, or scientific and technical programmes that integrate CITES requirements.

3.3.2a

How many international projects which integrate CITES issues has your country contributed towards?

3.3.2b

In addition to 3.2.2a, how many national level projects has your country implemented which integrate CITES issues?

3.3.2c

Have there been any efforts at a national scale for your CITES Management or Scientific Authorities to collaborate with:

Yes

No

Agencies for development?

Agencies for trade?

Provincial, state or territorial authorities?

Local authorities or communities?

Indigenous or local peoples?

Trade or other private sector associations?

NGOs?

Other (please specify)

3.3.2d

Are CITES requirements integrated into?

Yes

No

National and local development strategies?

National and local poverty reduction strategies?

Planning processes?

National accounting?

20 CBD = Convention on Biological Diversity; CMS = Convention on the Conservation of Migratory Species of Wild Animals, ITPGR = International Treaty on Plant Genetic Resources for

Food and Agriculture, Ramsar = The Convention on Wetlands of International Importance, WHC = World Heritage Convention.

Notification No. 2016/006 page 22

Indicator 3.3.3: The number of Parties cooperating / collaborating with intergovernmental and non-governmental organizations to participate in and/or fund CITES workshops and other training and capacity-building activities.

3.3.3a

Has funding been provided or received to facilitate CITES workshops, training or other capacity building activities to / from:

Tick if applicable

Which organizations?

Inter-governmental organizations?

Non-governmental organizations?

Objective 3.4 The contribution of CITES to the relevant Millennium Development Goals, the sustainable development goals set at WSSD, the Strategic Plan for Biodiversity 2011-2020 and the relevant Aichi Biodiversity Targets, and the relevant outcomes of the United Nations Conference on Sustainable Development is strengthened by ensuring that international trade in wild fauna and flora is conducted at sustainable levels.

This objective may also be assessed by a variety of means beyond the reporting format, including action taken to implement many of the CITES resolutions and decisions.

Aichi Target 1, Target 2, Target 3, Target 4, Target 5, Target 6, Target 7, Target 12, Target 14, Target 17, Target 18 and Target 19.

Indicator 3.4.1: The conservation status of species listed on the CITES Appendices has stabilized or improved.

3.4.1a

Do you have data which shows that the conservation status of naturally occurring species in your country listed on the CITES Appendices has stabilized or improved?

Yes

No

Not Applicable

Appendix I

Appendix II

Appendix III

If there are such studies that you are willing to share, please provide:

Species name (scientific)

Link to the data, or a brief summary

3.4.1b

Do you have examples of specific examples of success stories or emerging problems with any CITES listed species?

If 'Yes', please provide details:

Yes

No

No information

Indicator 3.4.2: The number of Parties incorporating CITES into their National Biodiversity Strategy and Action Plan (NBSAP).

3.4.2a

Has CITES been incorporated into your country's National Biodiversity Strategy and Action Plan (NBSAP)?

Yes

No

No information

3.4.2b

Have you been able to obtain funds from the Global Environment Facility (GEF) or other sources to support CITES aspects of NBSAP implementation?

Yes

No

No information

Notification No. 2016/006 page 23

Objective 3.5 Parties and the Secretariat cooperate with other relevant international organizations and agreements dealing with natural resources, as appropriate, in order to achieve a coherent and

collaborative approach to species which can be endangered by unsustainable trade, including those which are commercially exploited.

Aichi Target 2, Target 4, Target 5, Target 6, Target 7, Target 10, Target 12, Target 14 and Target 19.

Indicator 3.5.1: The number of cooperative actions taken under established bilateral or multilateral agreements to prevent species from being unsustainably exploited through international trade.

3.5.1a

Has your country taken action under established bilateral or multilateral agreements other than CITES to prevent species from being unsustainably exploited through international trade?

If 'Yes', please provide details:

Yes

No

No information

Indicator 3.5.2: The number of times other relevant international organizations and agreements dealing with natural resources are consulted on issues relevant to species subject to unsustainable trade.

3.5.2a

Average number of times per year that international organizations or agreements have been consulted by CITES Authorities

Once

2-5 times

6-20 times

More than 20 times

No consultation

Optional comment about which organizations and issues consulted on

Management Authority(ies)

Scientific Authority(ies)

Enforcement Authority(ies)

General feedback

Please provide any additional comments you would like to make, including comments on this format.

Item

Copy of full text of CITES-relevant legislation if changed

Web link(s)

Enclosed

Not available

Previously provided

Please list any materials annexed to the report, e.g. fee schedules, awareness raising materials, etc:

Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance?

Yes

No

No Information

If 'Yes', please describe the constraint and the type of attention or assistance that is required.

Are there examples of good practice you would like to share with other Parties?

Yes

No

No Information

If 'Yes' please provide details / links:

How could this report format be improved?

Thank you for completing the report. Please remember to include relevant attachments referred to in the report when it is submitted to the Secretariat.

ANNEX II

MODEL LAW on International Trade in Wild Fauna and Flora CITES SECRETARIAT

Convention on International Trade in Endangered Species of Wild Fauna and Flora – CITES –
MODEL LAW ON INTERNATIONAL TRADE IN WILD FAUNA AND FLORA CITES
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2

Introduction

In a country based on the rule of law, it is law that empowers government officials to act, places limits on human actions and articulates policy in relation to international wildlife trade.

International

agreements like CITES are generally not self-executing, so legislation is needed to give effect to them at the national level.

Creating and adopting effective and enforceable legislation is not an easy task. Effective legislation is not just a piece of paper but the practical solution to a problem. Enforceable legislation is that which is realistic in terms of what can be achieved within a country's particular context and its human or financial resources.

The Parties have some guidance on what to include in their legislation. Articles III to VII of the Convention set forth the conditions under which trade should take place. Article IX requires that Parties designate a Management Authority and a Scientific Authority. Article VIII requires that Parties prohibit trade in specimens in violation of the Convention, and penalize such trade and allow for confiscation of specimens illegally traded or possessed. Resolution Conf. 8.4 urges all

Parties that have not adopted the appropriate measures to fully implement the Convention to do so, and the Resolution directs the Secretariat to identify Parties that do not have the necessary measures in place, and to provide technical assistance where required. The National Legislation Project initiated through this Resolution has been the Convention's primary mechanism for maintaining attention on this important subject, and for encouraging Parties' legislative efforts. The legislative provisions for implementing CITES in each Party are similar, though Parties may have different legal structures, national policies, culture, species in trade, or types of trade. All Parties, however, should have a solid legal foundation for regulating international wildlife trade. It is only through legislation that is adequate, up to date and efficiently enforced that CITES can really work.

Nature of the Model Law

As its name suggests, the Model Law is only a template.

It is the prerogative of each Party to decide how it incorporates CITES obligations into national legislation, taking into account its needs and legal practice. In very broad terms, the National Legislation Project has identified three main options:

- a) amend existing provisions in various legislative texts related to wildlife, natural resources, Customs, import/export and environment;
- b) include a CITES chapter or CITES provisions in comprehensive wildlife, biodiversity or environment legislation; or
- c) enact CITES-specific legislation.

All of these options involve one or more legally-binding and enforceable instruments – Constitution, parliamentary laws and subsidiary legislation in the form of implementing regulations,

decrees, orders, norms or codes – through which governments comply with the requirements of the Convention.

The form of national legislation and the terminology used will vary according to legal traditions, administrative and governmental structures and other factors. Nevertheless, as far as possible, MODEL LAW ON INTERNATIONAL TRADE IN WILD FAUNA AND FLORA CITES SECRETARIAT ©

3

efforts have been made to propose model provisions that can be incorporated into national legislation with minimal adjustment.

The Model Law is one document in a set of legislative guidance materials prepared by the Secretariat to assist Parties in the development of effective and enforceable legislation (see also legislative checklist, annotated legislative checklist, drafters' questionnaire, legislative analysis format, etc.). Such materials constitute informal tools which have not been formally adopted or made mandatory by the Parties. A draft version of the Model Law was written in 1990s and experience gained in its application has now been used to update and refine various provisions. The resulting text is reproduced below.

Legislative analysis process

It is hoped that the following explanatory paragraphs will assist Parties in analysing their own legislation and working with the Secretariat to ensure that they have adequate and enforceable legal authority for implementing the Convention.

The four minimum requirements for adequate CITES-implementing legislation are stated in a general

way in Resolution Conf. 8.4, but the practical implementation of each requirement actually involves

considering and addressing several components. These components clarify what is meant by each requirement and serve as a set of criteria for determining whether the requirement is met by particular legislation.

a) Designation of national CITES authorities

In analysing the first requirement, the NLP looks at the legislative designation of both a Management Authority and a Scientific Authority responsible for the implementation of CITES in accordance with Article IX, paragraph 1 of the Convention. This is different from the simple administrative decision communicated by the Parties when they deposit their instruments of ratification, acceptance, approval or accession in pursuance of Article IX, paragraph 2. The analysis considers the legal instrument (law, regulation, decree) that authorizes designation of both CITES authorities or expressly designates those authorities. For example, the legislation of some Parties makes no provision for the designation of a Scientific Authority. The analysis further considers whether legislation clearly and precisely gives CITES authorities the necessary powers to carry out their responsibilities (power to grant permits and certificates, power to establish export quotas, etc.), separates the functions of each authority and provides mechanisms for coordination and communication between these bodies as well as with other government agencies with relevant competence (e.g. Customs, police, ministry responsible for foreign trade, etc.).

b) Prohibition of trade in violation of the Convention

The second requirement encompasses a set of components laid down in Articles II, III, IV, V, VI and VII of the Convention and constitutes the core of the CITES trade regime. The

analysis considers whether the legislation covers all specimens of all species (animals and plants, live and dead, and parts and derivatives) included in the three Appendices of the Convention and whether it provides for any annexes or schedules to be amended as necessary. It further considers whether all types of transactions are covered, including exports, imports, re-exports, introduction from the sea, and transit and transshipment between Parties and non Parties. The analysis determines whether there are conditions relating to: the granting of permits and certificates for all types of transactions in all CITES-listed species, or at least an express provision that subordinates the issuance of permits and certificates to the provisions of the Convention; the standardized form and validity of permits

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4

and certificates; and exemptions or special procedures allowed by the Convention. The analysis further determines whether there is a general clause prohibiting any transactions without a valid permit.

c) Penalization of illegal trade

The legal basis for the third requirement is stated in Article VIII, paragraph 1 (a), which includes also the possession of CITES specimens acquired in violation of the Convention. The analysis verifies that domestic legislation clearly lists the activities that are prohibited and specifies that the breach of any prohibition constitutes an offence. These include at a minimum the import or export of CITES specimens without a permit, the use of invalid or forged permits and the possession of and trade in specimens that were illegally imported or otherwise acquired. It also considers the nature and level of penalties which may be

imposed for violation of CITES provisions and the procedures that must be followed. The analysis verifies also that the departments and agents responsible for enforcing the Convention are clearly designated by the legislation and that enforcement agents are appointed and given the necessary powers to carry out their tasks. Such powers typically include powers to search persons, baggage and other property and vehicles; powers to search premises or, where the law requires the prior grant of a search warrant by a magistrate, to apply for such a warrant; powers to request information, to inspect documents and to take samples of specimens for identification purposes; powers of arrest; and powers to seize specimens when there are grounds to believe that they are being or have been illegally imported or otherwise obtained.

Finally, given that illegal trade in CITES specimens may be sanctioned by different laws, in particular the penal code, Customs legislation or foreign trade laws, it is important to specify which specific legal provisions apply to CITES-related offences and penalties.

d) Authorization to confiscate specimens illegally traded or possessed

The legal basis for the fourth requirement is given in Article VIII, paragraph 1(b). The analysis verifies that domestic legislation provides for the confiscation or return of specimens illegally traded or possessed. Other aspects taken into consideration are: which authorities may confiscate; the extent of their confiscation powers (e.g. specimens, containers, equipment and vehicles involved in an offence); the procedures that must be followed; and the final disposal of confiscated specimens. These matters are closely connected with constitutional or general criminal law requirements, which vary from one country to another. Again, it is important to specify which specific legal provisions apply to the confiscation of specimens of CITES-listed species.

Legal drafting

The drafting of CITES-implementing legislation calls for special skills to convert the basic obligations

under the Convention into practicable, effective and clear legal provisions that use appropriate CITES concepts and terminology, and follow the prevailing drafting standards as to legislative structure, form and style. This is properly the task of legal drafters.

Without early and regular input from legal drafters, efforts to develop adequate legislation may result

in drafts that: are incompatible with the provisions of the Convention or other legislation; use inappropriate language; and draw heavily upon legislative precedents from other countries, with little

consideration for their suitability under local conditions. It is only after the draft has been made law

that the shortcomings become evident. The Secretariat encourages Parties to involve legal drafters throughout the legislative development process and to consult with the Secretariat before the

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5

enactment of CITES-implementing legislation. Parties also are encouraged to adopt plain-language

legislative texts that are easily understandable to the regulated community and the public.

Linking wildlife trade policy development and legislation

CITES-implementing legislation should not be seen as a burdensome and stand-alone obligation but rather as the necessary framework for defining and implementing national wildlife trade policies for the conservation of and non-detrimental trade in all CITES-listed species. Legislation sets forth what citizens and enterprises are allowed to do in relation to the international trade in such species, that is, what behaviour is legal or illegal in the context of CITES.

Wildlife policy development is an essential precursor to drafting adequate legislation. A clear policy

basis facilitates the introduction of procedures and practices to ensure:

- a) coherence and predictability of the legislation;
- b) transparency of legal rights and obligations;
- c) consistency, fairness and due process in legislative application; and
- d) efficiency of management and ease of implementation.

The choice of a wildlife policy, of course, is the prerogative of each Party. What is important is for this policy choice to be made thoughtfully, in consultation with stakeholders, and to be reflected fully and accurately in legislation. Policies that discourage trade in all wild-taken specimens of animals and plants or that encourage trade in captive-bred animals or artificially propagated plants may not

necessarily benefit the conservation of biodiversity. The CITES Secretariat is gathering information

on different wildlife trade policies with a view to providing assistance in the development and implementation of policies that support conservation efforts effectively.

[Parties' experience in the development of strengthened CITES implementing legislation has shown the importance of: simultaneous preparation of enabling and implementing legislation; complementary legislation governing the legal acquisition of and domestic trade in CITES specimens; policy coherence in relation to national wildlife trade policy, other biodiversity-related conventions, natural resource management, and development policy; timely updating of legislation

to incorporate amendments to the CITES Appendices and provision for offences related to the violation of permit or certificate conditions as well as the absence of a valid permit or certificate. National legislation as a whole should regulate all aspects of international wildlife trade, including harvesting or production, keeping, modification, sale, transport, use and disposal.

The format for biennial reports provides Parties with a means to report more regularly, easily and consistently on legislative development as well as the results of any assessments undertaken on the effectiveness of legislation.

National legislation provides CITES authorities with the authority they need to ensure adequate implementation of the Convention within their jurisdiction. Accordingly, they should: be fully familiar

with its provisions; assess its effectiveness on a regular basis; and assist in identifying and correcting any gaps or weaknesses.]

Sources: CITES World #15; document CoP12 Doc. 28

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6

Act Number XX of 200X

International Trade in Wild Fauna and Flora Act

An Act to implement the detailed provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) with a view to ensure that no species of wild fauna and flora becomes or remains subject to unsustainable exploitation because of international trade.

PART 1

Preliminary

1. This Act may be cited as the International Trade in Wild Fauna and Flora Act.

2. (1) Definitions. In this Act:

“Appendices”: The species covered by CITES are listed in three Appendices, according to the degree of protection they need. Appendix I includes species threatened with extinction. Trade in specimens of these species is permitted only in exceptional circumstances. Appendix II includes species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival. Appendix III contains species that are protected in

at least one country, which has asked other CITES Parties for assistance in controlling the trade.

Changes to Appendix III follow a distinct procedure from changes to Appendices I and II, as each Party’s is entitled to make unilateral amendments to it.

"Artificially propagated": refers only to plants grown under controlled conditions from seeds,

cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that either are exempt or have been derived from cultivated parental stock;

"Bred in captivity": refers only to offspring, including eggs, born or otherwise produced in a controlled environment of parents that mated or otherwise transmitted their gametes in a controlled environment, as defined in Resolutions of the Conference of the Parties;

"Certificate of origin": These documents allow the export of specimens of species listed in Appendix III when the specimens originated in a non-listing country.

“CITES”: is the Convention on International Trade in Endangered Species of Wild Fauna and Flora,

concluded in Washington, D.C. on 3rd March 1973, as amended in Bonn on 22 June 1979.

"CITES Secretariat”: the Secretariat of CITES as referred to in Article XII of CITES;

"Conference of the Parties": the Conference of the Parties as referred to in Article XI of CITES;

“Controlled environment”: environment that is manipulated for the purpose of producing animals of a particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment, and the general characteristics of which may include but are not limited to: artificial housing; waste removal; health care; protection from predators; and artificially supplied food;

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7

"Country of origin”: the country in which a specimen has been taken in the wild or born or bred in captivity or artificially propagated, or introduced from the sea;

“Court”: means the Magistrate Court or Summary Jurisdiction;

“Cultivated parental stock”: means the ensemble of plants grown under controlled conditions that are used for reproduction, and which must have been, to the satisfaction of the designated CITES authorities of the exporting country established in accordance with the provisions of CITES

and relevant national laws and in a manner not detrimental to the survival of the species in the wild and maintained in sufficient quantities for propagation so as to minimize or eliminate the need for augmentation from the wild, with such augmentation occurring only as an exception and limited to the amount necessary to maintain the vigour and productivity of the cultivated parental stock;

“Derivative”; in relation to an animal, plant or other organism, means any part, tissue or extract, of

an animal, plant or other organism, whether fresh, preserved or processed, and includes any chemical compound derived from such part, tissue or extract;

"Domestic trade": any commercial activity, including, but not limited to, sale, purchase and manufacture, within territory under the jurisdiction of (name of the country)

“Enforcement Officer”: means a police officer, or customs officer or any person appointed by the Minister with authorization to enforce this Act;

"Export": means the act of taking any specimen out of any place under the jurisdiction of (name of the country);

“Hunting trophy”: means any horn, ivory, tooth, tusk, claw, hoof, hide, skin, hair, feather, egg or other durable portion whatsoever of any animal, whether processed or not, which is recognizable as

a durable portion of such animal;

"Import": means to land on or attempt to land on, bring into or introduce into, any place subject to

the jurisdiction of (name of the country) other than transit and transshipment any specimen of species

included in the Appendices of CITES;

"Introduction from the sea" means transportation into (name of the country) of specimens of any species which were taken from the marine environment not under the jurisdiction of any State, including the air space above the sea and the sea-bed and subsoil beneath the sea;

"International trade": any export, re-export, or import covered by the customs regulations and introduction from the sea;

"Invasive alien species": species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, outcompete natives and take over the new environments;

"Label": piece of paper, card, or other material bearing the acronym 'CITES' and issued or approved

by a Management Authority for the identification of contents as herbarium specimens, preserved, dried or embedded museum specimens or live plant material for scientific study. They shall include

the name and address of the sending institution and the codes of the exporting and importing institutions over the signature of a responsible officer of that registered scientific institution;

"Legal acquisition finding": A finding by the Management Authority of the State of export determining whether specimens were acquired consistent with national laws. The applicant is

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responsible for providing sufficient information to show that specimen was legally acquired.

"Management Authority": a national administrative body designated in accordance with Article IX,

paragraph 1(a), of CITES;

"Non-detriment finding": A finding by the Scientific Authority advising that a proposed export or introduction from the sea of Appendix I or II specimens will not be detrimental to the survival of the

species and that a proposed import of an Appendix I specimen is not for purposes that would be detrimental to the survival of the species;

"Offering for sale": offering for sale or any action that may reasonably be interpreted as such, including advertising or causing to be advertised for sale and invitation to negotiate;

"Permit or Certificate": the official document used to authorize import, export, re-export, or introduction from the sea of specimens of species listed in any of the Appendices of CITES. It shall conform to the requirements of CITES and Resolutions of the Conference of the Parties or otherwise

shall be considered invalid;

"Personal or household effects": dead specimens, parts and derivatives that are the belongings of a private individual and that form or are intended to form part of his normal possessions;

"Pre-convention Certificate": The pre-convention date for a specimen may vary depending on when a Party joined CITES or on a country's stricter national legislation.

"Primarily commercial purposes": means all purposes whose non-commercial aspects do not clearly predominate;

"Quota": Prescribed number or quantity of specimens that can be harvested, exported or otherwise

used over a specific period of time ;

“Readily recognizable part or derivative” include any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an animal or plant of a species included in the Appendices, unless such part or derivative is specifically exempted from the provisions of the Convention;

"Re-export": the export of any specimen that has previously been imported;

"Rescue Centre": a centre as defined in Article VIII, paragraph 5, of CITES;

"Sale": any form of sale. For the purposes of this Act, hire, barter or exchange shall be regarded as sale; related expressions shall be similarly interpreted;

"Scientific Authority": a national scientific body designated in accordance with Article IX of CITES;

"Species": includes any species, subspecies, or geographically separate population thereof;

"Specimen":

(i) any animal or plant, whether alive or dead of specimens of a species included in Appendices I, II and III of CITES.

(ii) Any part or derivative which appears from an accompanying document, the packaging or a mark or label or from any other circumstances to be a part or derivative of an animal or plant of species included in the in Appendices I, II and III, unless such part or derivative is specifically exempted from

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the provisions of CITES.

“Tags”: Piece of material for the identification of raw, tanned, and/or finished crocodilian skins entering international trade from the countries of origin;

"Transit": the transit procedures as defined by the customs regulations of (name of the country);

"Transshipment": the transshipment procedures as defined by the customs regulations of (name of the country);

“The Minister”: the Minister responsible for matters relating to wild fauna and flora;

“Under controlled conditions”: means in a non-natural environment that is intensively manipulated by human intervention for the purpose of plant production. General characteristics of controlled conditions may include but are not limited to tillage, fertilization, weed and pest control, irrigation, or nursery operations such as potting, bedding or protection from weather; and

3. The export, re-export, import, introduction from the sea, transit and transshipment of specimens of species listed in the Schedules of this Act, other than in accordance with the provisions of CITES and this Act is prohibited.

4. Recommendations included in Resolutions and Decisions of the Conference of the Parties to CITES shall serve as source of interpretation of the provisions of the Convention and this Act.

5. The burden of proof of the legal possession of any specimen of a species included in the CITES appendices attached to this Act lies with the possessor of that specimen.

PART 2

Field of Application

6. This Act applies to all animal and plant species listed in the Appendices of CITES.

7. (1) Option 1: The following Schedules are attached to this Act:

(a) Schedule 1, which lists all species included in Appendix I of CITES;

(b) Schedule 2, which lists all species included in Appendix II of CITES;

(c) Schedule 3, which lists all species included in Appendix III of CITES;

7. (1) Option 2: The following Schedule is attached to this Act:

(a) Schedule 1, which lists all species included in Appendices I, II and III of CITES;

Option 3: The Minister shall by order publish the Schedules to this Act.

(2) Schedule (s) to this Act are automatically amended when amendments to Appendices I,II or III of

CITES enter into force. These amendments shall be published in the Gazette as soon as possible after their adoption by the Conference of the Parties. The official website of the Convention is the official reference for the Appendices.

Note: In order to be legally binding, the lists of species covered by CITES must usually be published in the Government Gazette or equivalent official publication of the Party concerned.

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10

Because the CITES Appendices are regularly amended, however, Parties should develop a procedure to ensure that subsequent amendments are formally published. Countries might add other

schedules with native species at the condition they make the difference with the CITES documents.

(3) The Management Authority has the right to add or delete any species from Appendix III when the species occurs within the national jurisdiction of the country.

PART 3

Authorities

8. (1) Option A: The [name of the agency] is designated as the CITES Management Authority for [name of the country].

Option B: The Minister shall by order designate a CITES Management Authority.

Note: More than one Management Authority may be designated, in which case a lead Management Authority should be identified.

(2) The specific duties of the Management Authority shall include, but are not limited to the following:

- a) to grant permits and certificates in accordance with the provisions of CITES and to attach to any permit or certificate any condition that it may judge necessary;
- b) to communicate with the Secretariat and other countries on scientific, administrative, enforcement and other issues related to implementation of the Convention;
- c) to maintain records of international trade in specimens and prepare an annual report concerning such trade, and submit this report to the CITES Secretariat by 31 October of the year following the year to which the report refers;
- d) to prepare a biennial report on legislative, regulatory and administrative measures taken to enforce the Convention, and to submit this report to the CITES Secretariat by 31 October of the year following the two-year period to which the report refers;
- e) to coordinate national implementation and enforcement of the Convention and this Act and to

co-operate with other relevant authorities in this regard;

f) to consult with the Scientific Authority on the issuance and acceptance of CITES documents, the nature and level of trade in CITES-listed species, the setting and management of quotas, the registration of traders and production operations, the establishment of Rescue Centres and the preparation of proposals to amend the CITES Appendices;

g) to represent [name of the country] at national and international meetings related to CITES;

h) to provide awareness-raising, training, education and information related to the Convention;

i) to advise the Minister on action to be taken for the implementation and enforcement of CITES;

j) to designate one or more Rescue Centres for seized and confiscated living specimens

k) to intervene in litigation before a court in any matter under this Act.

MODEL LAW ON INTERNATIONAL TRADE IN WILD FAUNA AND FLORA CITES

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11

9. (1) Option A: The [name of the agency] is designated as the CITES Scientific Authority for [name of the country].

Option B: The Minister shall by order designate a CITES Scientific Authority.

Note: More than one Scientific Authority may be designated, in which case a lead Scientific Authority should be identified.

(2) The specific duties of the Scientific Authority shall include, but are not limited to the following:

a) advise the Management Authority on whether or not a proposed export of a specimen of

species listed in Appendix I or II will be detrimental to the survival of the species involved;

b) in the case of a proposed import of a specimen of a species in Appendix I, advise the Management Authority on whether or not the purposes of the import are detrimental to the survival of the species involved;

c) in the case of a proposed import of a live specimen of a species listed in Appendix I, advise the Management Authority whether or not it is satisfied that the proposed recipient of the specimen is suitably equipped to house and care for it;

d) monitor the export permits granted for specimens of species listed in Appendix II, as well as the actual exports of such specimens, and advise the Management Authority of suitable measures to be taken to limit the issue of export permits when the population status of a species so requires;

e) advise the Management Authority on the disposal of confiscated or forfeited specimens;

f) advise the Management Authority on any matter the Scientific Authority considers relevant in the sphere of species protection;

g) perform any tasks foreseen in the Resolutions of the Conference of the Parties to CITES.

10. (1) Option A: The [name of the agency] is designated as the agency with authorization to enforce

this Act.

Option B: The Minister shall by order designate the agency authorized to enforce this act.

Note: More than one Enforcement Agency may be designated, in which case a lead Enforcement Agency should be identified. The functions and powers of the Enforcement Agencies are stipulated in

the Part regarding Infractions and Penalties.

(2) It shall be the duty of all public authorities to co-operate fully with the Management Authority in enforcing the provisions of this Act.

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12

PART 4

Conditions for international trade

As far as possible, the Management Authority and enforcement authorities shall ensure that specimens of CITES-listed species pass through any formalities required for trade with a minimum of delay. To facilitate such passage, the Management Authority may designate ports of entry and ports of exit at which specimens must be presented for clearance.

The Management Authority shall ensure that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.

Export

11. The export of any specimen of species included in Appendices I and II requires the prior grant and presentation of an export permit.

The export of any specimen of species included in Appendix III requires the prior grant and presentation of an export permit, if [name of country or dependent territory] listed the species in

Appendix III, or a certificate of origin.

An export permit shall only be granted if the following conditions are met:

- (a) the Management Authority must be satisfied that the specimen concerned has been legally acquired;
- (b) the Management Authority is satisfied that any living specimen will be prepared and shipped in accordance with the most recent edition of the Live Animals Regulations of the International Air Transport Association, regardless of the mode of transport, so as to minimize the risk of injury, damage to health or cruel treatment;
- (c) in the case of a specimen of a species listed in Appendices I and II, the Scientific Authority has made a non-detriment finding and advised the Management Authority accordingly.

Note: Non-detriment findings should generally be made on a shipment-by-shipment basis, unless the

Scientific Authority has set an annual export quota for a particular species which is based on a broader non-detriment finding.

- (d) in the case of specimens of species listed in Appendix I, an import permit has been granted by the competent authority of the country of destination

Import

12. The import of any specimen of species included in Appendix I requires the prior grant and presentation of an import permit and either an export permit or a re-export certificate.

An import permit should only be granted if the following conditions are met:

- (a) the Scientific Authority has advised that the import will be for purposes which are not detrimental to the survival of the species and is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it;

(b) the Management Authority is satisfied that the specimen concerned is not to be used primarily
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13

for commercial purposes;

(c) the import of any specimen of species included in Appendix II requires the prior presentation of either an export permit or a re-export certificate.

(d) the import of any specimen of species included in Appendix III requires the prior presentation of a certificate of origin or an export permit, where the import is from a State which has included the species in Appendix III or a certificate granted by the State of re-export that the specimen was processed or is being re-exported to.

Re-export

13. The re-export of any specimen of species included in Appendices I and II requires the prior grant

and presentation of a re-export certificate.

A re-export certificate shall only be granted when the following conditions are met:

(a) the Management Authority is satisfied that any specimen to be re-exported was imported in accordance with the provisions of this Act and of CITES;

(b) the Management Authority is satisfied that any living specimen will be prepared and shipped in conformity with the most recent edition of the Live Animals Regulations of the International Air Transport Association, regardless of the mode of transport, so as to minimize the risk of injury, damage to health or cruel treatment;

(c) in the case of any living specimen of species listed in Appendix I, the Management Authority is

satisfied that an import permit has been granted

Introduction from the sea

14. The introduction from the sea of a specimen of a species included in Appendices I and II requires

the prior grant and presentation of a certificate of introduction from the sea.

A certificate of introduction from the sea shall only be granted when the following conditions have been met:

(a) the Scientific Authority advises that the introduction of any specimen will not be detrimental to the survival of the species;

(b) the Management Authority is satisfied that any specimen of a species listed in Appendix I is not to be used for primarily commercial purposes and that the proposed recipient of any living specimen is suitably equipped to house and care for it;

c) the Management Authority is satisfied that any living specimen of a species listed in Appendix II will be so handled as to minimize the risk of injury, damage to health or cruel treatment.

Permits and certificates

15. To be valid, all permits and certificates must be in a form prescribed by the Management Authority and which is in conformity with the provisions of CITES and Resolutions of the Conference

of the Parties to CITES. A sample permit/certificate format is attached as Schedule 4.

(a) Export permits and re-export certificates are valid for a period of six months from their date of

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issue.

(b) Import permits for specimens of species included in Appendix I are valid for a period of twelve months from their date of issue.

(c) A separate permit or certificate is required for each consignment of specimens.

(d) The Management Authority shall cancel and retain used export permits and re-export certificates

issued by authorities of foreign States and any corresponding import permits.

(e) Permits and certificates may not be transferred to a person other than the one named on the document.

(f) The Management Authority may require applicants for permits or certificates to provide any additional information that it may need to decide whether to issue a permit or certificate.

(g) The Management Authority may, at its discretion, grant or refuse to grant a permit or certificate,

or grant a permit or certificate subject to certain conditions.

(h) The Management Authority may at any time revoke or modify any permit or certificate it has issued if it deems it necessary to do so, and shall do so when the permit or certificate has been issued as the result of false or misleading statements by the applicant.

(i) Only valid export permits, re-export certificates and certificates of origin from exporting countries

shall be accepted to authorize the import of specimens of species included in Appendices I, II and III.

16. (1) A permit or a certificate issued in violation of the law of a foreign country or in violation of the

Convention or contrary to the Resolutions of the Conference of the Parties to CITES shall be considered invalid.

(2) If any condition attached to a permit or certificate has not been complied with, it shall be considered as invalid.

PART 5

Registration and Marking

17. (1) All persons wishing to trade in specimens of any species listed in Appendix I must be registered with the Management Authority. [Countries should register traders in specimens of species listed in Appendix II and III if it is recommended under a Resolution (e.g. sturgeon specimens). Otherwise, countries may choose whether to require such registration.]

Note: If deemed necessary, legislation may also require the registration of traders and production operations dealing in specimens of Appendix II and III listed species. The potential administrative burden of such registration, however, should be carefully considered.

(2) All persons wishing to produce captive bred animals and artificially propagated plants for commercial trade purposes of any species listed in Appendix I must be registered with the Management Authority. [Countries should require the registration of producers of species listed in Appendices II and III if it is recommended under a Resolution. Otherwise, countries may choose whether to require such registration.]

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(3) All persons registered with the Management Authority for captive breeding of animals or artificial

propagation of plants must keep records of their stocks and of any transactions. The Management Authority may inspect the premises and records of persons registered with the Management Authority at any time.

[addressed in enforcement section]

18. (1) The Minister shall determine by Order:

a. the Appendix II or III-listed species that are subject to special registration [e.g. sturgeon]

a. the format of the application for registration foreseen in section 17;

b. the conditions that shall be met in order to be registered;

c. the format and contents of the registers that contain the records foreseen in section 17.

(2) If the conditions for registration are not complied with, the registration must be withdrawn.

(3) Specimens of animal species listed in Appendix I that have been bred in captivity may not be traded unless they originate from a breeding operation registered by the Management Authority, and

have been individually and permanently marked in a manner so as to render alteration or modification by unauthorized persons as difficult as possible. The conditions for registration are determined by the Management Authority.

[Additional text on marking (e.g. crocodile tagging and universal sturgeon label) should be added here.]

Note: Registration may be required for the possession, trade, production and/or processing of species that are commercially valuable and subject to illegal trade (e.g. ivory, caviar and other sturgeon products, queen conch, etc.) Management plans may also be required. Some countries

require the possession of all specimens of Appendix I-listed species, or all pre-Convention specimens, to be registered.

PART 6

Exemptions and Special Procedures

19. (1) Transit and transshipment. Where a specimen is in transit or transshipment through (name of the country), no additional CITES permits and certificates shall be required. In all cases, the transit or transshipment must be in accordance with the conditions of transport lay down in this act and the custom laws of (name of the country). Enforcement authorities shall have the power to inspect a specimen in transit or transshipment to ensure that it is accompanied by the appropriate CITES documents and to seize such a specimen if that is not the case.

(2) Pre-Convention. Where the Management Authority is satisfied that a specimen of a CITES-listed species was acquired before the provisions of the Convention became applicable to that species, it shall issue a pre-Convention certificate upon request. No other CITES document is required to trade in the specimen.

(3) Personal and household effects. Provisions foreseen in Part 4 shall not apply to dead specimens, parts and derivatives of species listed in Schedules 1 to 2 which are personal or household effects being introduced into the (name of the country), or exported or re-exported therefrom, in compliance with rules specified by the Management Authority in accordance with the

text of the Convention and the Resolutions of the Conference of the Parties. [need to align this

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with Resolution Conf. 13.7 and to explain some more about tourist specimens, hunting trophies and personal pets.]

(4) Specimens born and bred in captivity or artificially propagated. Specimens of species listed in schedule 1 that have been born and bred in captivity or artificially propagated shall be treated in accordance with the provisions applicable to specimens of species listed in Schedule 2. [need to mention ranching and other production systems]

(5) Scientific exchange. The documents referred in Part 4 of this act, shall not be required in the case of non-commercial loans, donations and exchanges between scientific institutions, registered by the Management Authority, of herbarium specimens, other preserved or dried or embedded museum specimens, and live plant material which carry a label issued or approved by the Management Authority.

(6) Travelling exhibitions. The Management Authority may waive the requirement of an import or export permit or re-export certificate and allow the movement of specimens which form part of a traveling zoo, circus, menagerie, plant exhibition or other traveling exhibition, provided that the exporter or importer registers full details of such specimens with the Management Authority, the specimens are covered by a pre-Convention certificate or a certificate showing that they were bred in captivity or artificially propagated and the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment. [check this against Resolution Conf. 12.3 (Rev. CoP13)]

Note: Countries may provide for simplified procedures to issue permits and certificates pursuant to Part XII of Resolution Conf. 12.3 (Rev. CoP13) and Annex 4. There are also more flexible procedures for trading coral and timber and certain plants covered by a phytosanitary certificate.

PART 7

Offences and Penalties

The offences below do not contain any intent requirement, but this may need further consideration in

some jurisdictions if criminal penalties are involved. In general, such offences can result in administrative, civil or criminal liability and punishment. 'Person' could be defined somewhere in the

Act to include both natural and legal persons.]

20. (1) It is an offence under this Act to import, export, re-export, or introduce from the sea, or attempt to import, export, re-export or introduce from the sea, any specimen of a species listed in the

Schedules without a valid permit or certificate.

Note: This should cover circumstances involving a forged or invalid document or one that has been modified by anyone other than the Management Authority. Separate offences could be provided for misuse of a document or failure to comply with the conditions of a permit or certificate. There could

also be offences for shipments in violation of IATA live animal regulations.

(2) A person who is found guilty of the offence under subsection (1) above shall be liable on summary conviction to a fine not exceeding [a multiple of the value of the specimens or a monthly or

daily salary level] and to imprisonment for a term not exceeding five years?... months (years).

21. (1) It is an offence under this Act for any person to have in his or her possession or under his or

her control, or to offer or expose for sale or display to the public, any specimen of a species listed in

the Appendices which was not legally acquired.

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17

(2) A person who without reasonable excuse fails to comply with the requirements of subsection

(1)

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding....

and

to imprisonment for a term not exceeding.... months (years).

22. (1) It is an offence under this Act to make or attempt to make either oral or written false or misleading statements in, or in connection with, an application for a permit or certificate or registration. [Note: There may also be a general criminal offence for false statement. Additional general crimes that could be considered in prosecution include fraud, conspiracy, smuggling, money

laundering and racketeering or organized crime,]

(2) A person who is found guilty of an offence under subsection (1) above shall be liable on summary

conviction to a fine not exceeding.... and to imprisonment for a term not exceeding.... months (years).

23. (1) It is an offence under this Act to obstruct or otherwise hinder an Officer in the performance of

his or her duties.

(2) A person who is found guilty of the offence under subsection (1) above shall be liable on summary conviction to a fine not exceeding.... and to imprisonment for a term not exceeding.... months (years).

[It is an offence under this Act for an enforcement officer to accept any unauthorized personal payment or other form of personal compensation in order to see to the furtherance of any provisions under this Act.]

24. (1) It is an offence under this Act for any unauthorised person to alter, deface or erase a mark used by the Management Authority to individually and permanently identify specimens.

(2) A person who is found guilty of the offence under subsection (1) above shall be liable on summary conviction to a fine not exceeding.... and to imprisonment for a term not exceeding.... months (years).

25. The maximum fine and duration of imprisonment are doubled in the case of offence involving species included in Appendix I .

26. The maximum fine and duration of imprisonment are doubled for subsequent offences specified

in sections 24,25,26,27,28

27. (1) Where an offence under this Act which has been committed by a body corporate is proved to

have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of

that offence and shall be liable to be proceeded against and punished accordingly. [fine levels for corporate offenders should generally be higher]

(2) In this section “director”, in relation to a body corporate established by or under any enactment for

the purpose of carrying on under public ownership any industry or part of an industry or undertaking,

being a body corporate whose affairs are managed by its members, means a member of that body corporate.

28. A person convicted of an offence under this Act, or any regulations promulgated under this Act,

for which no penalty is expressly provided is liable to a fine not exceeding \$ ____ or to imprisonment

for a term not exceeding _____ months.

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18

29. Expenses incurred as a result of seizure, including custody costs, the costs of transporting and disposing of specimens or of maintaining live animals and plants during the time of seizure shall be

recoverable from the offender if known.

[In addition to any other penalty imposed, a court may require compensation from a convicted offender or bar a convicted offender from possessing certain species or trading in or producing such

species for a certain period of time.]

[A provision could be added on calculating the value of certain species or the amount of environmental harm done.]

Enforcement Powers

[This section should provide for entry, evidence collection, interview/interrogation, search, sampling,

seizure, arrest and confiscation – generally in that order.]

30. (1) If an Officer is satisfied that there is reasonable evidence of an offence, he or she may detain

the person suspected and seize any items related to the suspected offence.

(2) An Officer may:

(a) Seize anything which he or she reasonably suspects is the object of or evidence of an offence.

(b) Enter premises or a vehicle he or she reasonably suspects detain a specimen in violation of the provisions of this Act [includes seaports, airports and free ports – should be possible at any time and not just during daylight hours];

(c) Examine what he reasonably suspects to be a specimen transported, acquired or traded in violation of the provisions of this Act;

(d) Examine any records held apparently relating to specimens referred to in paragraphs (a) and (b) of this subsection.

(e) Take photos or samples

31. (1) In all cases, the specimens that are the subject of an offence shall be confiscated. [Note: Some countries provide for administrative as well as judicial confiscation. Not all countries allow mandatory confiscation. Some countries provide a process under which an individual may seek the

return of a specimen or item.]

(2) When a person is convicted of an offence against this Act, any cage, container, boat, aeroplane, vehicle, or other article and equipment in respect of or by means of which the offence was committed

is forfeited to the State. Such forfeiture may be in addition to any other penalty to which such contravention applies.

(3) If a person prosecuted for an offence is acquitted, the court may nonetheless order the specimens concerned to be confiscated.

32. The specimens confiscated according to the provisions of this Act, remain the property of the Management Authority, which in consultation with the Scientific Authority, will decide upon their final disposal.

[Note: The term ‘seizure’ generally refers to the temporary taking of a specimen by a law enforcement officer whereas the terms ‘confiscation’ and ‘forfeiture’ generally refer to the permanent taking of a specimen pursuant to a court order.]

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19

Disposal of confiscated specimens

[This section needs elaboration. Rescue centers could be mentioned here.]

PART 8

Incentives and Financial Provisions

33. (1) Any expenses incurred by any Government department in connection with this Act shall be defrayed out of money provided by Parliament.

(2) There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums so payable under any other Act.

34. The Management Authority may charge a fee, at a rate set by the Government, for the processing of applications for permits and certificates and for the issue of permits and certificates.

35. The Minister shall establish a special fund to be used only for the conservation of wildlife and the

implementation and enforcement of CITES and of this Act, including the establishment and management of Rescue Centres referred to in section 8 (e). Any fee charged under Part 4, as well as any voluntary contribution by individuals or organizations, shall be paid to the fund.

PART 9

General

36. Nothing in the present Act shall restrict the provisions of any other Act. [but its effect on other legislation (e.g. amendment or repeal) should be indicated.]

37. (1) This Act is applicable within the claimed jurisdiction of the courts of (name of the country)

(2) Anyone may take appropriate action in the courts to enforce the provisions of this Act. [is this a citizen suit provision?]

38. The Minister may by Statutory Instrument make additional orders or regulations to provide for improved application of the provisions of this Act.

SCHEDULE 1

Schedule 1 shall list all animal and plant species listed in Appendix I of CITES.

SCHEDULE 2

Schedule 2 shall list all animal and plant species listed in Appendix II of CITES.

SCHEDULE 3

Schedule 3 shall list all animal and plant species listed in Appendix III of CITES.

MODEL LAW ON INTERNATIONAL TRADE IN WILD FAUNA AND FLORA CITES

SECRETARIAT ©

20

SCHEDULE 4

Sample permit format and instructions

SCHEDULE 5

Fee schedule for permits/certificates, registration and other

ANNEX III

ENDANGERED SPECIES (CONTROL OF INTERNATIONAL TRADE AND TRAFFIC) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Prohibition of hunting of or trading in wild animals.
2. Regulation of export and import of species specified in the Second Schedule.
3. Permits and certificates.
4. Alteration of Schedules and exemptions.
5. Penalties, forfeitures, etc.
6. Records.
7. Power to make regulations.
8. Interpretation.
9. Short title.

SCHEDULES

FIRST SCHEDULE

Animals in relation to which international trade is absolutely prohibited

SECOND SCHEDULE

Animals in relation to which international trade may only be conducted under licence

ENDANGERED SPECIES (CONTROL OF INTERNATIONAL TRADE AND TRAFFIC) ACT

An Act to provide for the conservation and management of Nigeria's wild life and the protection of some of her endangered species in danger of extinction as a result of over-exploitation, as required under certain international treaties to which Nigeria is a signatory.

[1985 No. 11.]

[20th April, 1985]

[Commencement.]

1. Prohibition of hunting of or trading in wild animals

(1) As from the commencement of this Act, the hunting or capture of or trade in, the animal species specified in the First Schedule to this Act (being animal species threatened with extinction) is absolutely prohibited.

[First Schedule.]

(2) As from the commencement of this Act, no person shall hunt, capture, trade in or otherwise deal with an animal species specified in the Second Schedule to this Act (being animals which, though not necessarily now threatened with extinction, may become so threatened unless trade in respect of such species is controlled) except where he is in possession of a licence issued under this Act.

[Second Schedule.]

2. Regulation of export and import of species specified in the Second Schedule

(1) No person shall trade in any animal specified in the Second Schedule to this Act except where he complies with the following provisions, that is to say-

- (a) he has obtained an export permit granted by the Minister;
- (b) the Minister is satisfied that such export will not be detrimental to the survival of that specimen;
- (c) the Minister is satisfied that the specie is to be exported alive, it will be so prepared and transported as to minimise the risk of injury, damage to health, cruel treatment or death of the animal; and
- (d) the Minister is satisfied that an import permit has been or will be granted for the specimen by the country of importation.

(2) No person shall import any specie specified in the said Second Schedule except where he has first obtained an import permit or a re-export certificate for that purpose.

(3) No import permit shall be issued under this section unless the Minister is satisfied that-

- (a) the import shall be for a purpose which is not detrimental to the survival of the specimen;
- (b) the specimen is not to be used for a primarily commercial purpose; and
- (c) the proposed recipient of a living specimen is suitably equipped to house and care for it.

(4) No re-export certificate shall be granted in respect of any specimen specified in the Second Schedule to this Act unless the minister is satisfied that-

- (a) the specimen was imported in accordance with the provisions of this Act;
- (b) any living specimen shall be so prepared and shipped as to minimise the risk of injury, damage to health, cruel treatment or death thereto; and
- (c) an import permit has been obtained for any such living specimen.

(5) No certificate for the removal from any waters of any specimen in the Second Schedule to this Act shall be issued unless the Minister is satisfied that-

[Second Schedule.]

- (a) the removal shall not be detrimental to the survival of the specimen concerned;
- (b) the recipient of a living specimen is fully and suitably equipped to receive and care for it; and
- (c) the specimen shall not be used for a primarily commercial purpose.

3. Permits and certificates

- (1) A permit or certificate issued under the provisions of this Act shall be in such form as the Minister may prescribe and shall remain in force for a period of six months or such other period from the date of issue as the Minister may prescribe.
- (2) The Minister shall cancel and retain the export or re-export certificate and any corresponding import permit presented in respect of the importation of any specimen affected by this Act.
- (3) A separate permit shall be required for each consignment of any specimen imported, exported or re-exported under this Act.

4. Alteration of Schedules and exemptions

- (1) The Minister may by an order publish in the Federal Gazette-
 - (a) alter the list of animals specified in the First or Second Schedule to this Act by way of addition, substitution or deletion or otherwise howsoever;

[First Schedule or Second Schedule.]

- (b) make different provisions in relation to different species or as respects importation, exportation or re-exportation of animals and plants from Nigeria and impose such conditions as he may deem necessary.
- (2) Where the Minister is satisfied that a specimen was bred entirely under captivity, the provisions of sections 1 to 3 of this Act shall not apply to such specimen and the Minister shall issue a certificate to that effect.
- (3) In this section "**captivity**" includes confinement in any of the following places, that is, a laboratory, zoo or wild life rescue centre established under section 5 (3) of this Act.

5. Penalties, forfeitures, etc.

- (1) Any person who, in contravention of the provisions of this Act, trades in, or is in possession of or otherwise deals with a specimen specified in the First and Second Schedules to this Act, shall be guilty of an offence and liable on conviction-

(a) in respect of any specimen under the First Schedule to this Act, a fine of N1,000 for a first offence and for a second and subsequent offence to imprisonment for one year without the option of a fine; and

[First Schedule.]

(b) in respect of any specimen under the Second Schedule to this Act, to a fine of N500 for a first offence and for a second or subsequent offence, to imprisonment for six months without the option of a fine.

(2) Where a person is convicted of an offence under subsection (1) of this section, the court may-

(a) order the forfeiture of any specimen which is the subject of such prosecution;

(b) make such orders (including the upkeep of live specimens at the expense of the person so convicted) as the court may deem fit.

(3) Without prejudice to subsection (1) of this section, where a living specimen is forfeited pursuant to this section, the specimen shall be entrusted to the Minister who may, after consultation with the country of export, return the specimen either to that country at the expense of that country or to a wild life rescue centre or to such other place as the Minister may deem appropriate.

(4) Under this section "**wild life rescue centre**" means any institution or place appointed for the care and welfare of living specimens, particularly those forfeited under this section.

(5) It shall be a defence to a charge under this Act that the killing, capture or fishing of any specimen specified under the First and Second Schedules to this Act was for any of the following reasons-

(a) the paramount public interest;

(b) the defence of human life;

(c) the protection of public health;

(d) the defence of property; or

(e) the defence of the lives of other animals.

(6) Notwithstanding the provisions of subsection (4) of this section, in an attempt to capture, fish, take or hunt wild animals specified in this Act, the following methods are prohibited, that is-

(a) any method liable to cause mass destruction of wild animals;

(b) the use of drugs, poisons, poisoned weapons or poisoned baits;

(c) the use of mechanically propelled vehicles for hunting;

(d) the use of fire;

(e) the use of firearms capable of firing more than one round at each pull of the trigger;

(f) hunting or capture at night; or

(g) the use of missiles containing detonators.

6. Records

The Minister shall cause to be maintained records of trade in any specimen in the First and Second Schedules to this Act and such records shall include-

[First Schedule and Second Schedule.]

- (a) the names and addresses of exporters and importers thereof;
- (b) the number and types of permits and certificates granted;
- (c) the countries with which such trade occurred and the number, quantities and types of specimens concerned; and
- (d) where applicable, the size and sex of the specimens in question.

7. Power to make regulations

The Minister may make regulations for all or any of the following purposes-

- (a) prohibiting or regulating the importation or exportation of any live specimen specified in the Second Schedule to this Act or any trophy thereof;
- (b) regulating the application for the issue, form, conditions or period of validity of permits and certificates required by this Act;
- (c) providing for the issue of duplicate certificates in the case of loss, destruction or defacing of an original permit or certificate;
- (d) prohibiting or regulating the species and number of live animals and trophies which may be exported in any specified period of time;
- (e) providing for payment and collection of any fees prescribed under this Act;
- (f) providing for the termination, revocation, and forfeiture of licences and permits issued under this Act;
- (g) authorising the payment of grants, bonuses or rewards out of public revenue for the encouragement of wildlife conservation;
- (h) providing for the declaration and control of internationally recognised pests; and
- (i) generally for giving effect to the provisions of this Act.

8. Interpretation

In this Act, unless the context otherwise requires-

"animal" means any member of the animal kingdom other than human beings or the young or egg thereof or any animal which is commonly considered to be a domestic animal or the young or egg thereof;

"court" means the Federal High Court;

"fauna" means animal and **"flora"** means plant and **"faunal"** and **"floral"** shall be construed accordingly;

"Minister" means Minister of the Government of the Federation charged with responsibility of matters relating to wild life;

"specimen" means an individual example of a specie of a wild animal or plant;

"trophy" means any animal specimen or a part thereof whether included in a manufactured or processed object or otherwise dealt with unless it has lost its original identity and includes-

(a) the egg or part of the egg;

(b) skin, feather, horns, tooth, shell or any other part of an animal;

"wild animal" means any animal not habitually found in a domesticated state;

"wild life" includes-

(a) wild animals and plants, whether or not they are indigenous to Nigeria;

(b) wild animals and plants that are indigenous to the continental shelf of Nigeria or the super-adjacent waters;

(c) migratory wild animals and birds that temporarily make their habitation in, pass through or overfly, Nigeria;

(d) any animal or plant other than domesticated animals or usually cultivated plants.

9. Short title

This Act may be cited as the Endangered Species (Control of International Trade and Traffic) Act.

SCHEDULES

FIRST SCHEDULE

Form (CCB. 1)

Animals in relation to which international trade is absolutely prohibited

<i>Insectivore Otter Shrew</i>	<i>Potamogale velox</i>
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ANNEX IV

Extraordinary



**Federal Republic of Nigeria
Official Gazette**

Abuja - 9th May, 2011

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Government Notice No. 130

The following is published as Supplement in this Gazette :

S. I. No.	Short Title	Page
16	National Environmental (Protection of Endangered Species in International Trade) Regulations, 2011	B 501 - 514

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NATIONAL ENVIRONMENTAL (PROTECTION OF ENDANGERED
SPECIES IN INTERNATIONAL TRADE) REGULATIONS 2011



ARRANGEMENT OF REGULATIONS

Regulations :

- PART I—GENERAL PROVISIONS
1. Scope.
 2. Authorities.
- PART II—PROHIBITIONS
3. Prohibitions.
 4. Requirements for Import, Introduction from Sea, Export and Re-export.
 5. Exemption and Special Procedures.
 6. Registration of persons engaged in trading, captive, breeding and artificial propagation of wildlife.
- PART III—OFFENCES AND PENALTIES
7. Offences and Penalties .
- PART IV—ENFORCEMENT
8. Enforcement Powers.
 9. Custody and Disposal of Confiscated Specimen.
- PART V—MISCELLANEOUS
10. Interpretation.
 11. Citation.

S. I. No. 16 of 2011

NATIONAL ENVIRONMENTAL (PROTECTION OF ENDANGERED SPECIES IN INTERNATIONAL TRADE) REGULATIONS 2011

In exercise of the powers conferred on me by section 7 of the Endangered Species (Control of International Trade and Traffic) Act, CAP E9, Laws of the Federation of Nigeria 2004, and section 34 of the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007 and all other powers enabling me in that behalf, I Mr. JOHN ODEY, Honourable Minister, Federal Ministry of Environment, do hereby make the following regulations :

[28th Day of April, 2011]

Commence-
ment.

PART I—GENERAL PROVISIONS

1. These regulations shall apply to specimen of wildlife species listed in Appendix I, II or III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or the Convention) domesticated by the Endangered Species (Control of International Trade and Traffic) Act, CAPE19, Laws of the Federation of Nigeria, 2004 (the Act), (and shall include wildlife species included by the Convention after the coming into force of these Regulations) and also those listed in the Schedules I and II to the Act.

Scope.

2.—(1) The Federal Ministry of Environment is designated as the CITES Management Authority for Nigeria, whose duties are as specified under the Convention and the Act.

Authorities.

(2) The following Agencies are designated as the CITES Scientific Authorities for Nigeria and their functions are as specified under the relevant provisions of the Convention and the Act :

- (a) Forestry Research Institute of Nigeria (FRIN) ;
- (b) National Institute of Oceanography and Marine Research (NIOMR) ;
- (c) National Institute of Freshwater Fishery Research (NIFFR) ;
- (d) National Park Service (NPS) ;
- (e) National Horticulture Research Institute (NIHORT) ;
- (f) Nigerian Conservation Foundation (NCF).

(3) The National Environmental Standards and Regulations Enforcement Agency is designated as the Agency with authorization to enforce CITES, the provisions of the Act and these Regulations.

PART II—PROHIBITIONS

Prohibition of import, introduction from sea, export, re-export and possession.

3.—(1) Unless the requirements in this Part are met, or any of the exceptions in this Part is applicable, it shall be unlawful for any person to commit, attempt to commit, solicit another to commit, or cause to be committed any of the acts described under sub-regulation (2) (a)-(e) of this regulation.

(2) It is unlawful :

(a) to import into the Federal Republic of Nigeria any specimen of a wildlife species listed in Appendix I, II or III of the Convention or Schedule I and II to the Act from any foreign country ;

(b) to introduce directly into the Federal Republic of Nigeria any specimen of a wildlife species listed in Appendix I or II of the Convention or Schedules I and II of the Act taken in the marine environment not under the jurisdiction of any country ;

(c) to export from the Federal Republic of Nigeria any specimen of a wildlife species listed in Appendix I, II or III of the Convention or Schedules I and II of the Act ;

(d) to re-export from the Federal Republic of Nigeria any specimen of a wildlife species listed in Appendix I, II or III of the Convention or Schedules I and II to the Act ; and

(e) for any person to possess any specimen of a wildlife species listed in Appendix I, II or III of the Convention or Schedules I and II to the Act imported into the Federal Republic of Nigeria, or exported or re-exported from the Federal Republic of Nigeria contrary to the provisions of the Convention and the Act.

Requirements for import introduction from sea, export and re-export.

4.—(1) In order to import into the Federal Republic of Nigeria any specimen of a wildlife species listed in :

(a) Appendix I of the Convention from any foreign country, an import permit issued pursuant to Section 3 of the Act, and a valid foreign re-export permit issued by the country of origin or a valid foreign re-export certificate issued by the country of re-export must be obtained and presented prior to such importation.

(b) Appendix I of the Convention taken in the marine environment not under the jurisdiction of any country, certificate of introduction from the sea issued pursuant to section 3 of the Act must be obtained prior to such introduction.

(c) Appendix II of the Convention or Schedule II to the Act from any foreign country, a valid foreign export permit issued by the country of origin, or a valid foreign re-export certificate issued by the country of re-export, must be obtained and presented prior to such importation.

(d) *Appendix II* of the Convention or *Schedule II* to the Act taken in the marine environment not under the jurisdiction of any country, an introduction from the sea certificate issued pursuant to the provisions of the Act and these Regulations must be obtained prior to such introduction.

(e) *Appendix III* of the Convention from a foreign country that has listed such specimen of a wildlife in *Appendix III* of the Convention, a valid foreign export permit or re-export certificate issued by such country must be obtained prior to such importation.

(f) *Appendix III* of the Convention from a foreign country that has not listed such specimen of a wildlife species in *Appendix III* of the Convention, a valid foreign certificate of origin or foreign re-export certificate must be obtained prior to such importation.

(2) In order to export or re-export from the Federal Republic of Nigeria any specimen of a wildlife species listed in—

(a) *Appendix I* or *II* of the Convention, an export permit or re-export certificate, issued pursuant to Section 3 of the Act must be obtained prior to such exportation or re-exportation ;

(b) *Appendix III* of the Convention or *Schedule II* to the Act, an export permit issued pursuant to section 3 of the Act, must be obtained prior to such exportation or re-exportation ; and

(c) *Appendix III* of the Convention that has not been listed by the Federal Republic of Nigeria, a certificate of origin, issued pursuant to section 3 of the Act, must be obtained prior to such exportation ;

(3) In order to re-export from the Federal Republic of Nigeria any specimen of wildlife listed in *Appendix III* of the Convention, a certificate issued pursuant to the provisions of the Act and these Regulations that the specimen was processed in the Federal Republic of Nigeria or is being re-exported must be obtained prior to such re-exportation.

5.—(1) The prohibitions in regulation 3 of these Regulations concerning importation, exportation and re-exportation shall not apply to :

(a) specimens of a wildlife species listed in *Appendices I, II or III* of the Convention or *Schedules I and II* to the Act that are being transhipped through the Federal Republic of Nigeria provided such specimen or species remain in the Nigeria Custom's custody and is accompanied by valid CITES documentation or comparable documentation, issued by a foreign Country ;

(b) specimen of a wildlife species when a certificate has been issued by the Management Authority (referred to as the Authority) of the country of origin or the country of re-export to the effect that the specimen of a wildlife species was acquired prior to the date the Convention applied to it ;

Exemptions
and Special
Procedures.

(c), legally acquired specimen of a wildlife species that are accompanying personal baggage or part of a shipment of the household effects of persons moving their residences to or from the Federal Republic of Nigeria: Provided that this exception shall not apply to :

(i) importation by Nigerian residents of specimens of species listed in *Appendix I* of the Convention or Schedule I to the Act that were acquired outside the Federal Republic of Nigeria ; or

(ii) importation by Nigerian residents of specimens of species listed in *Appendix II* of the Convention or Schedule II to the Act that were taken from the wild in a foreign country, if that country requires the prior grant of export permits before any export of such specimens and no export permit is presented.

(2) Specimen of a wildlife species listed in *Appendix I* of the Convention or Schedule I to the Act that have been bred in captivity or artificially propagated, for commercial purposes, shall be treated as if listed in *Appendix II* of the Convention and Schedule II to the Act.

(3) The prohibitions in regulation (3) of these Regulations concerning importation, exportation and re-exportation shall not apply to :

(a) any specimen of a wildlife species that was bred in captivity or artificially propagated, or is a part of such wildlife or plant or was derived there from and which is accompanied by a certificate to that effect when a certificate has been issued by the Authority of the country of export to the effect that the wild animal or plant was bred in captivity or artificially propagated, or was part of or derived therefrom ;

(b) herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material when they are imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions that have been registered by the Authority of their country, and when a label issued or approved by the Authority is clearly affixed to the package or container or approval of labels ; and

(c) movement of specimens which form part of a traveling zoo, circus, menagerie, plant exhibition or other traveling exhibition, provided that :

(i) the exporter or importer registers full details of such specimens with the Authority ;

(ii) the specimens are covered by a pre-Convention certificate ; or

(iii) a certificate showing that they were bred in captivity or artificially propagated and the Authority is satisfied that any living specimen will be so transported and cared for in a manner that minimizes the risk of injury, damage to health or cruel treatment.

6.—(1) Any person desiring to trade in specimens of any species listed in Appendix I of the Convention and the Schedules to the Act shall be registered with the Authority.

Registration of persons engaged in trading, captive breeding and artificial propagation of wildlife.

(2) Any person desiring to produce captive bred animals and artificially propagated plants for commercial purposes of any species listed in Appendix I of the Convention and the Schedules to the Act shall be registered with the Authority.

(3) Any person registered with the Management Authority for captive breeding of animals or artificial propagation of plants shall keep records of their stocks and any transactions thereof which records shall be submitted bi-annually to the Authority and the Enforcement Agency.

(4) The Authority may inspect the premises and records of persons registered by the Authority at any time.

PART III—OFFENCES AND PENALTIES

7.—(1) It shall be an offence under these Regulations to import, export, re-export, or introduce from the sea, or attempt to import, export, re-export or introduce from the sea, any specimen listed in Appendices I, II and III to the Convention and the Schedules to the Act and these Regulations without a valid permit or certificate.

Offences and Penalties.

(2) Any person found guilty of contravening the provisions of sub-regulation (1) of this regulation shall, on conviction be liable to a fine not exceeding 5 million Naira (N5m) and to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(3) It shall be an offence under these Regulations for any person to have in his possession or under his control, or to offer or expose for sale or display to the public, any specimen of the species listed in Appendices I, II, and III of the Convention or the Schedules to the Act and these Regulations, which was acquired in contravention of the provisions of the Convention, the Act and/or these Regulations.

(4) Any person found guilty of contravening the provisions of sub-regulation 3 of this regulation shall be guilty of an offence and shall on conviction be liable to a fine not exceeding 5 million Naira (N5m) and to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

(5) It shall be an offence under these Regulations to make or attempt to make either oral or written false or misleading statements in connection with an application for a permit or certificate or registration.

(6) Any person found guilty of contravening the provisions of sub-regulation 5 of this regulation shall on conviction be liable to a fine not exceeding 3 million Naira (N3m) and to imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

(7) It shall be an offence under these Regulations to obstruct or otherwise hinder an officer in the performance of his duties.

(8) A person found guilty of contravening the provisions of sub-regulation 7 of this regulation shall on conviction be liable to a fine not exceeding 1 million Naira (N1m) and to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

(9) It is an offence under these Regulations for any unauthorised person to alter, deface or erase a mark used by the Authority to individually and permanently identify specimens.

(10) Any person found guilty of contravening the provisions of sub-regulation 9 of this regulation shall on conviction be liable to a fine not exceeding 2 million Naira (N2m) and to imprisonment for a term not exceeding 2 years and to both such fine and imprisonment.

(11) Where a body corporate is found guilty of contravening any of the provisions of these regulations, such body corporate, or any person who was purporting to act in any such capacity, shall on conviction be liable to a fine not exceeding 20 million Naira (N20m) and its principal officers liable to a term of imprisonment not exceeding 7 years, or to both such fine and imprisonment.

(12) Expenses incurred as a result of seizure, including custody costs, the costs of transporting and disposing of specimens or of maintaining live animals and plants during the time of seizure shall be recoverable from the offender.

PART 4—ENFORCEMENT

Enforce-
ment.

8.—(1) If an authorised officer is satisfied that there is reasonable evidence of an offence, he or she may order the arrest of the person suspected and seize any item related to the suspected offence.

(2) An authorized person may :

(a) seize anything which he reasonably suspects is the object of or evidence of an offence under these regulations ;

(b) enter premises [including seaports, airports and free ports] or vehicles he reasonably suspects, and seize a specimen in violation of the provisions of these Regulations ;

(c) examine what he reasonably suspects to be a specimen transported, acquired or traded in violation of the provisions of these Regulations ;

(d) examine any record held relating to specimens referred to under sub-regulation 2 (a) and (b) of this regulation ; and

(e) take photos or samples of the specimens.

(3) In all cases, the specimens that are the subject of an offence shall be confiscated pending the trial of the offender.

(4) When a person is convicted of an offence against these Regulations, any cage, container, boat, aeroplane, vehicle, or other article and equipment in respect of or by means of which the offence was committed shall be forfeited to the Federal Republic of Nigeria. Such forfeiture may be in addition to any other penalty to which such contravention applies.

(5) The specimens confiscated according to the provisions of these Regulations, (except living specimens which shall be entrusted to the Scientific Authority) remain the property of the Enforcement Authority, which in consultation with the Authority and Scientific Authority shall decide upon their final disposal.

9.—(1) Seized and confiscated living or dead specimens shall be properly documented and placed under the care of Rescue Centers pending rehabilitation or repatriation, etc.

Custody
and
disposal of
specimens.

(2) The preferred Rescue Centres are those established by the Authority, however, facilities provided by the National Park Service and the Forestry Research Institute of Nigeria will be considered in the absence of specially established Rescue Centers.

(3) Seized and confiscated trophies, products and derivatives shall be properly documented and kept in custody of the Enforcement Authority or the Authority.

PART V—MISCELLANEOUS

10. In these Regulations—

“Act” means the Endangered Species (Control of International Trade and Traffic) Act, Cap. E9, Laws of the Federation of Nigeria, 2004 ;

“Acquired” means, in relation to a specimen, taken from the wild or the point at which it was born in captivity or artificially propagated ;

“Acquired unlawfully” means acquired contrary to the provisions of the Convention, the Act and these Regulations ;

“Agency” means the National Environmental Standards and Regulations Enforcement Agency (NESREA) Establishment Act, 2007 ;

Interpreta-
tion.

“*Animal*” means any member of the Animal Kingdom, including the young or eggs thereof other than human being ;

“*Authorized person/officer*” means a person duly authorized in writing by the Director-General of the Agency for the purposes of these Regulations ;

“*Appendices*” means the species covered by the Convention and listed in three Appendices, according to the degree of protection they need. Appendix I include species threatened with extinction. Trade in specimens of these species is permitted only in exceptional circumstances. *Appendix II* includes species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival. *Appendix III* contains species that are protected in at least one country, which has asked other, CITES Parties for assistance in controlling the trade. Changes to *Appendix III* follow a distinct procedure from changes to *Appendices I* and *II*, as each Party is entitled to make unilateral amendments to it.

“*Artificially propagated*” means only plants grown under controlled conditions from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that either are exempt or have been derived from cultivated parental stock ;

“*Bred in captivity*” means offspring, including eggs, born or otherwise produced in a controlled environment of parents that mated or otherwise transmitted their gametes in a controlled environment, as defined in Resolutions of the Conference of the Parties ;

“*Certificate of origin*” means the documents that allow the export of specimens of species listed in *Appendix III* when the specimens originated in a non-listing country which did not list the species in *Appendix III* ;

“*CITES*” means the Convention on International Trade in Endangered Species of Wild Fauna (animal) and Flora (plant), concluded in Washington, D.C. on 3rd March 1973, as amended in Bonn on 22 June 1979 ;

“*CITES Secretariat*” means the Secretariat of CITES as referred to in Article XII of CITES ;

“*Conference of the Parties*” means the Conference of the Parties as referred to in Article XI of CITES ;

“*Controlled environment*” means environment that is manipulated for the purpose of producing plants or animals of a particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the environment, and the general characteristics of which may include but are not limited to artificial housing; waste removal; health care; protection from predators; and artificially supplied food ;

“*Country of origin*” means the country in which a specimen has been taken from the wild or born or bred in captivity or artificially propagated, or introduced from the sea ;

“*Court*” means the Federal or State High Court ;

“*Cultivated parental stock*” means the ensemble of plants grown under controlled conditions that are used for reproduction, and which must have been, to the satisfaction of the designated CITES authorities of the exporting country established in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild and maintained in sufficient quantities for propagation so as to minimize or eliminate the need for augmentation from the wild, with such augmentation occurring only as an exception and limited to the amount necessary to maintain the vigour and productivity of the cultivated parental stock ;

“*Derivative*” means any part, tissue or extract, of an animal, plant or other organism, whether fresh, preserved or processed, and includes any chemical compound derived from such part, tissue or extract ;

“*Domestic trade*” means commercial activity, including, sale, purchase and manufacture, within territory under the jurisdiction of Nigeria ;

“*Endangered species*” means species threatened by extinction whose numbers are so few or are declining so quickly that the animal, plant or other organism may soon become extinct) ;

“*Enforcement Authority*” means the National Environmental Standards and Regulations Enforcement Agency (NESREA) ;

“*Enforcement officer*” means officer of the Agency ;

“*Export*” means the act of taking any specimen out of any place under the jurisdiction of the Federal Republic of Nigeria ;

“*Extinction*” means when there are no surviving individuals of a particular plant or animal species that are able to reproduce and create a new generation ;

“*Fauna*” means animal and “*Flora*” means plant and “*fauna*” and “*flora*” shall be construed accordingly ;

“*Import*” means to land on or attempt to land on, bring into or introduce into, any place subject to the jurisdiction of the Federal Republic of Nigeria other than transit and transshipment any specimen of species included in the Appendices of CITES ;

“*Imported unlawfully*” means introduced into the Country contrary to the provisions of the Endangered Species Act ;

“*Introduction from the sea*” means transportation into the Federal Republic of Nigeria of specimens of any species which were taken from

the marine environment not under the jurisdiction of any State, including the air space above the sea and the sea-bed and subsoil beneath the sea ;

“*International trade*” means any export, re-export, or import covered by the Customs Regulations and introduction from the sea ;

“*Invasive alien species*” means species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, outcompete natives and take over the new environments ;

“*Label*” means piece of paper, card, or other material bearing the acronym ‘CITES’ and issued or approved by a Management Authority for the identification of contents as herbarium specimens, preserved, dried or embedded museum specimens or live plant material for scientific study. They shall include the name and address of the sending institution and the codes of the exporting and importing institutions over the signature of a responsible officer of that registered scientific institution ;

“*Legal acquisition finding*” means a finding by the Management Authority of the State of export determining whether specimens were acquired consistent with national laws. The applicant is responsible for providing sufficient information to show that specimen was legally acquired ;

“*Management Authority*” means a national administrative body designated in accordance with *Article IX*, paragraph 1(a), of the Convention, and in this case, the Federal Ministry in charge of Environment ;

“*Non-detriment finding*” means a finding by the Scientific Authority advising that a proposed export or introduction from the sea of *Appendix I* or *Appendix II* specimens will not be detrimental to the survival of the species and that a proposed import of an *Appendix I* specimen is not for purposes that would be detrimental to the survival of the species ;

“*Offering for sale*” means offering for sale or any action that may reasonably be interpreted as such, including advertising or causing to be advertised for sale and invitation to negotiate ;

“*Parts*” means distinct portion of a animal body or of a plant ;

“*Person*” means natural or juristic personality ;

“*Permit or Certificate*” means the official document used to authorize import, export, re-export, or introduction from the sea of specimens of species listed in any of the *Appendices* of CITES and shall conform to the requirements of CITES and Resolutions of the Conference of the Parties or otherwise shall be considered invalid ;

“*Personal or household effects*” means dead specimens, parts and derivatives that are the belongings of a private individual and that form or are intended to form part of his normal possessions ;

“*Pre-convention Certificate*” means the pre-convention date for a specimen may vary depending on when a Party joined CITES or on a country’s stricter national legislation ;

“*Premises*” means any place, and, in particular, includes any vehicle, vessel, aircraft, cargo, tent or movable structure ;

“*Primarily commercial purposes*” means all purposes whose non-commercial aspects do not clearly predominate ;

“*Quota*” means prescribed number or quantity of specimens that can be harvested, exported or otherwise used over a specific period of time ;

“*Readily recognizable part or derivative*” means any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an animal or plant of a species included in the *Appendices*, unless such part or derivative is specifically exempted from the provisions of the Convention ;

“*Re-export*” means the export of any specimen that has previously been imported ;

“*Registered veterinary surgeon*” means a person who is registered in the register of veterinary surgeons ;

“*Rescue Centre*” means institution designated to look after the welfare of living specimens, particularly those that have been confiscated ;

“*Sale*” means any form of sale. For the purposes of this Act, hire, barter or exchange shall be regarded as sale; related expressions shall be similarly interpreted ;

“*Scientific Authority*” means national scientific body(ies) designated in accordance with Article IX of CITES ;

“*Species*” means any species, subspecies, or geographically separate population thereof ;

“*Specimen*” means an individual example of a species of a wild animal or plant ;

(i) any animal or plant, whether alive or dead of specimens of a species included in *Appendices I, II and III* of CITES.

(ii) any part, product, trophy or derivative which appears from an accompanying document, the packaging or a mark or label or from any other circumstances to be a part, product, trophy or derivative of an animal or plant of species included in *Appendices I, II and III* of the Act, unless such part, product, trophy or derivative is specifically exempted from the provisions of CITES or the Act.

“*Seizure and Confiscation*” means take temporary possession of as a security by legal authority ;

“*Tags*” means piece of material for the identification of specimen entering international trade from the countries of origin ;

“*Transit*” means the transit procedures as defined by the customs regulations of (name of the country) ;

“*Transshipment*” means the transshipment procedures as defined by the customs regulations of (name of the country) ;

“*Trophy*” means any horn, ivory, tooth, tusk, claw, hoof, hide, skin, hair, feather, egg or other durable portion whatsoever of any animal, whether processed or not, which is recognizable as a durable portion of such animal ;

“*The Minister*” means the Minister responsible for matters relating to Environment ;

“*Under controlled conditions*” means in a non-natural environment that is intensively manipulated by human intervention for the purpose of plant production. General characteristics of controlled conditions may include but are not limited to tillage, fertilizer application, weed and pest control, irrigation, or nursery operations such as potting, bedding or protection from weather ;

“*Wildlife (wild animal and plant)*” means any undomesticated or cultivated plants or animals.

Citation.

11. These Regulations shall be cited as National Environmental (Protection of Endangered Species in International Trade) Regulations, 2011.

MADE at Abuja this 28th day of April, 2011.

MR JOHN ODEY
Honourable Minister,
Federal Ministry of Environment

ANNEX V

CITES AND NIGERIA 1988



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



SECRETARIAT

6, rue du Maupas
Case postale 78
CH-1000 Lausanne 9, Switzerland

Telex: 454584 ctes ch
Tel.: (021) 20 00 81
Telefax: 21/20 00 84

Telegrams:
CITES Lausanne

Our ref.:
Your ref.:

NOTIFICATION TO THE PARTIES

No. 513

Lausanne, 25 November 1988

CONCERNING:

NIGERIA

Use of Invalid Documents

1. After consultation with the Management Authority of Nigeria, the Secretariat informs all Parties that several forged CITES documents from Nigeria have been discovered. It is possible that other similar documents have been used and some might have been accepted. (See also Notification to the Parties No. 499 of 5 September 1988.)
2. Consequently, the Secretariat urges all Parties receiving Nigeria documents which do not correspond fully to the sample sent with Notification to the Parties No. 380 of 4 March 1986 and do not meet the requirements described under Item 5. below to take the matter up with the Nigerian Management Authority and/or the Secretariat.
3. The Secretariat recommends further that any Party receiving re-export certificates mentioning Nigeria as the country of origin contact the Nigerian Management Authority and/or the Secretariat before accepting such certificates.
4. Where the laws of the country allow, persons presenting invalid Nigerian documents should be detained and handed over to Nigerian authorities for further legal action. The INTERPOL network may be used for this purpose (see also Notification to the Parties No. 508 of 25 November 1988).
5. Parties are reminded (see Notification to the Parties No. 380 of 4 March 1986) that only the Hon. Minister of Agriculture, Water Resources and Rural Development is empowered to sign Nigerian CITES permits. The law does not allow the Minister to delegate this function, so all permits purported to be issued by the Director of the Federal Department of Forestry cannot be valid.

All export permits from Nigeria must bear a CITES Security Stamp.

Administered by the United Nations Environment Programme

6. The Secretariat takes this opportunity to inform the Parties that Schedule I of the Endangered Species (Control of International Trade and Traffic) Decree (No. 11/1985) lists the animals for which international trade is absolutely prohibited. A copy of this Schedule is attached herewith.
7. All Parties are urged to help Nigeria to implement its legislation and to stop invalid documents from being used in international trade for species protected by CITES and Decree 11/1985.



<i>Reptiles</i>	
Short-tailed monitor lizard	.. <i>Varanus axanthemathicus</i>
Royal python	.. <i>Python regalis</i>
Rock python	.. <i>Python sebae</i>
<i>Aves</i>	
All parrots	.. <i>Family Psittacidae</i>
<i>Eagles</i>	
Falcons, kites, eagles, buzzards, sparrow-hawks, and hawks	<i>Family Falconidae</i>

SCHEDULE 2
Section 1 (2)
ANIMALS IN RELATION TO WHICH INTERNATIONAL TRADE MAY ONLY BE CONDUCTED UNDER LICENCE

<i>Primates</i>	
Boonman's Potto	.. <i>Perodicticus potto</i>
Galago	.. <i>Calago spp.</i>
All monkeys (except those specified in Schedule 1 above)	
<i>Carnivora</i>	
Side-striped jackal	.. <i>Canis adustus</i>
Jackal	.. <i>Canis aureus</i>
Civet	.. <i>Civettus civetta</i>
Fennec	.. <i>Fennecus zerda</i>
<i>All other felines</i>	
Genets	.. <i>Genetta spp.</i>
Two-spotted palm civet	.. <i>Nandinia binotata</i>
or striped polecat	.. <i>Ictonyx striatus</i>
All mongooses	.. <i>Family Herpestidae</i>
<i>Exotic Animals</i>	
All exotic wild animals	
<i>Proboscidea</i>	
Mature elephant	.. <i>Loxodonta africana</i>
<i>Artiodactyla</i>	
Hippopotamus	.. <i>Hippopotamus amphibius</i>
Common bush-cow	.. <i>Syncaerus manus</i>
Warthog	.. <i>Phacochoerus aethiopicus</i>
Red-fronted gazelle	.. <i>Gazella rufifrons</i>
Western hartebeest	.. <i>Alcelaphus busilaphus</i>
Toupi (Senegal hartebeest)	.. <i>Damaeus harriganii</i>
Kob	.. <i>Kobus (Adamsia) Kob</i>
Oribi	.. <i>Ourebia ourebi</i>
Reed-buck	.. <i>Redunca redunca</i>
Mountain reed-buck	.. <i>Redunca fulvorufa</i>
Roan	.. <i>Hippotragus equinus</i>
Water-buck	.. <i>Kobus defassa</i>

<i>Aves</i>	
Ostrich	.. <i>Struthio camelus</i>
Secretary bird	.. <i>Sagittarius serpentarius</i>
Hammerkop	.. <i>Scolop umbretta</i>
African sponbill	.. <i>Platalea alba</i>
Abyssinian ground hornbill	.. <i>Bucorvus abyssinicus</i>
Heron and Egrets (including biterns)	.. <i>Family Ardeidae</i>
Pelicans	.. <i>Family Pelecanidae</i>
All storks	.. <i>Family Ciconiidae</i>
Vultures	.. <i>Family Aegypidae</i>
Cranes	.. <i>Family Balaenidae</i>
Bustards	.. <i>Family Otidae</i>

Made at Lagos this 20th day of April 1985.

MAJOR-GENERAL M. BUIABI,
 Head of the Federal Military Government,
 Commander-in-Chief of the Armed Forces,
 Federal Republic of Nigeria

EXPLANATORY NOTE
 (This note does not form part of the above Decree but is intended to explain its purpose)

The purpose of the Decree is to enact a law, as required under certain international treaties to which Nigeria is a signatory, to give municipal effect to each of those treaties and agreements. Accordingly, the Decree provides for the conservation and management of Nigeria's wild life and the protection of some of her endangered species in danger of extinction as a result of over-exploitation. Specifically, the Decree absolutely prohibits the killing or trading in animals specified in Schedule 1 and restricts the exportation and importation of animals specified in Schedule 2 to the Decree.

Penalties are imposed for contravention of the provisions of the Decree.

PUBLISHED BY AUTHORITY OF THE FEDERAL MILITARY GOVERNMENT OF NIGERIA
 AND PRINTED BY THE MINISTRY OF INFORMATION, SOCIAL DEVELOPMENT,
 YOUTH, SPORTS AND CULTURE, PRINTING DIVISION, LAGOS

ANNEX VI

CITES AND NIGERIA 1990



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



SECRETARIAT
6, rue du Maupas
Case postale 78
CH-1000 Lausanne 9, Switzerland

Telex - 454584 ctes ch
Tel.: 10211 20 00 81
Telefax - 21/20 00 84

Telegrams:
CITES Lausanne

Our ref.:
Your ref.:

NOTIFICATION TO THE PARTIES

No. 573

Lausanne, 30 April 1990

CONCERNING:

NIGERIA

Illegal Trade in CITES Specimens

1. At the request of the Management Authority of Nigeria and following new cases of illegal exports of CITES specimens from that country, the Secretariat is urging all Parties to be especially vigilant regarding any attempt to import such specimens and to note that Notification to the Parties No. 513 of 25 November 1988 is still valid and must be taken into consideration. Decree No. 11/1985, parts of which were attached to that Notification, has not been amended.
2. As unscrupulous dealers are using forged permits, sending forged letters, telexes and telefaxes, making telephone calls purportedly emanating from ministerial cabinets, and even transmitting fraudulent messages through Nigerian diplomatic missions, Parties are also urged not to accept any CITES document from Nigeria without prior confirmation of its validity from the CITES Secretariat.



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ANNEX VII

CITES AND NIGERIA 2004

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA NOTIFICATION TO THE PARTIES

International Environment House • Chemin des Anémones • CH-1219 Châtelaine, Geneva • Switzerland

Tel: +41 (22) 917 81 39/40 • Fax: +41 (22) 797 34 17 • Email: cites@unep.ch • Web: <http://www.cites.org>

No. 2004/026 Geneva, 30 April 2004

CONCERNING:

NIGERIA

Acceptance of permits and certificates

1. At its 50th meeting (Geneva, March 2004), the Standing Committee discussed the implementation of the Convention by Nigeria. As a precautionary measure, it instructed the Secretariat to remind Parties that Nigeria has been the source of illicit trade and that care should be taken when dealing with shipments of specimens of CITES-listed species made from this country.

2. In particular, Parties are reminded that Nigeria does not authorize commercial trade in wildlife.

3. The Standing Committee also recommended that, until further notice, no export permit or re-export certificate issued by Nigeria be accepted until its authenticity and validity have been confirmed by the Secretariat.

ANNEX VIII

CITES AND NIGERIA 2005

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA NOTIFICATION TO THE PARTIES

International Environment House • Chemin des Anémones • CH-1219 Châtelaine, Geneva • Switzerland

Tel: +41 (22) 917 81 39/40 • Fax: +41 (22) 797 34 17 • Email: cites@unep.ch • Web: <http://www.cites.org>

No. 2005/038 Geneva, 19 July 2005

CONCERNING:

NIGERIA

Recommendation to suspend trade

1. At its 53rd meeting (Geneva, June/July 2005), the Standing Committee considered a report from the Secretariat regarding the implementation of the Convention in, and illicit trade from, Nigeria and agreed that insufficient progress had been made by Nigeria in relation to its action plan to improve implementation of CITES.

2. Consequently, and with immediate effect, the Standing Committee recommends that all Parties should refuse any import from and export or re-export to Nigeria of specimens of CITES-listed species. This recommendation will remain in effect until Nigeria has enacted adequate legislation for implementation of the Convention and will only be withdrawn once the Secretariat has confirmed, by in situ verification, that CITES is being adequately implemented in Nigeria.

ANNEX IX

CITES AND NIGERIA 2008

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA
NOTIFICATION TO THE PARTIES

No. 2008/022 Geneva, 17 March 2008

CONCERNING:

NIGERIA

Withdrawal of recommendation to suspend trade

1. In Notification to the Parties No. 2008/020 of 6 March 2008, the Secretariat circulated information regarding elephant range States that were affected by paragraph 6 of the Action plan for the control of trade in elephant ivory adopted at the 14th meeting of the Conference of the Parties, i.e. a recommendation to suspend trade in the case of non-submission of the questionnaire referred to in the Action plan.

2. Nigeria has now submitted a completed questionnaire and, thus, the Secretariat hereby withdraws the recommendation for a suspension of trade with this Party, in relation to the Notification referred to above.

3. Parties should note, however, that the recommendation to suspend trade with Nigeria in relation to Notification to the Parties No. 2005/038 of 19 July 2005 is still valid.

4. Parties are reminded that the complete list of Parties subject to a recommendation to suspend trade is available on the CITES website under Resources/Reference lists.

International Environment House • Chemin des Anémones • CH-1219 Châtelaine, Geneva • Switzerland

Tel: +

ANNEX X

CITES AND NIGERIA 2015

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA
NOTIFICATION TO THE PARTIES

International Environment House • Chemin des Anémones • CH-1219 Châtelaine, Geneva • Switzerland

Tel: +41 (22) 917 81 39/40 • Fax: +41 (22) 797 34 17 • Email: info@cites.org • Web: <http://www.cites.org>

No. 2015/014 Geneva, 19 March 2015

CONCERNING:

NIGERIA

Recommendation to suspend trade

1. At its 65th meeting (SC65, Geneva, July 2014), the Standing Committee directed eight Parties of ‘secondary concern’ and three Parties of ‘importance to watch’ in the poaching of elephants and illegal trade in ivory to develop a national ivory action plan (NIAP) and submit it to the Secretariat by 31 October 2014.
2. The Secretariat informed the Standing Committee of Parties that did not submit an adequate NIAP by this date so that the Committee could consider taking appropriate intersessional decisions, including compliance measures as necessary. The Secretariat also informed the Committee of the efforts taken by the Secretariat, including the support made available through the Secretariat’s consultants located in Africa and Asia, to encourage the completion of NIAPs.
3. On 2 January 2015 the Standing Committee adopted intersessional recommendations related to Parties of ‘secondary concern’ and ‘importance to watch’ yet to submit an adequate NIAP.
4. In accordance with these intersessional recommendations the Secretariat, on behalf of the Standing Committee, issued a reminder letter to Nigeria on 13 January 2015 requesting that the Party submit a NIAP within 30 days. A subsequent warning letter was issued on 12 February 2015 warning Nigeria to submit an adequate NIAP to the Secretariat by 14 March 2015.
5. As the NIAP of Nigeria has not yet been submitted, the Secretariat hereby informs Parties that, in accordance with the intersessional recommendations adopted on 2 January 2015, the Standing Committee recommends that all Parties suspend commercial trade in specimens of CITES-listed species with Nigeria until further notice.
6. Parties are reminded that the complete list of Parties subject to a recommendation to suspend trade is available on the CITES website under Documents / Trade suspensions.

ANNEX XI

CITES AND NIGERIA 2016

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA NOTIFICATION TO THE PARTIES

International Environment House • Chemin des Anémones • CH-1219 Châtelaine, Geneva • Switzerland

Tel: +41 (22) 917 81 39/40 • Fax: +41 (22) 797 34 17 • Email: info@cites.org • Web: <http://www.cites.org>

No. 2016/009 Geneva, 11 February 2016

CONCERNING:

NIGERIA

Withdrawal of a recommendation to suspend trade

1. In Notification to the Parties No. 2015/014 of 19 March 2015, the Secretariat informed Parties that the Standing Committee had recommended that Parties suspend commercial trade in specimens of CITES-listed species with Nigeria as it had failed to submit an adequate national ivory action plan (NIAP) in accordance with the provisions of intersessional recommendations adopted by the Standing Committee on 2 January 2015.

2. On 23 December 2015, the Secretariat received a NIAP from Nigeria. The NIAP included milestones for April 2015 and October 2015, and since these two milestones have passed at the time of submission of the plan by Nigeria, the Secretariat was without confirmation that progress had been made towards these milestones, unable to conclude that it was an 'adequate' NIAP. The Secretariat advised Nigeria that it could not conclude that its NIAP is 'adequate' until it receives a NIAP progress report that provide confirmation that progress had been made towards these milestones. The Secretariat informed the Standing Committee accordingly at its 66th meeting (SC66, Geneva, January 2016), and the Committee as a result adopted a recommendation that required the suspension of commercial trade in specimens of CITES-listed species with Nigeria to be maintained until it submit a progress report on NIAP implementation confirming that some progress has been made towards NIAP actions.

3. On 18 January 2016, the Secretariat received a NIAP progress report from Nigeria. As the report confirms that progress has been made towards the April and October 2015 milestones, the Secretariat has concluded that the NIAP submitted by Nigeria is adequate.

4. The Secretariat therefore informs Parties that the recommendation to suspend commercial trade in specimens of CITES-listed species with Nigeria is withdrawn with immediate effect.

5. Nigeria's NIAP has been made available on the NIAP web portal at <http://cites.org/eng/niaps>.

6. This Notification replaces Notification to the Parties No. 2015/014 of 19 March 2015.

ANNEX XII

CITES COMPLIANCE PROCEDURES

Conf. 14.3 CITES compliance procedures

RECALLING Decision 12.84, whereby the Conference of the Parties instructed the Secretariat to draft a set of guidelines on compliance with implementation of the Convention for consideration by the Standing Committee;

RECALLING FURTHER that the Standing Committee at its 50th meeting (Geneva, March 2004) decided to establish an open-ended working group to draft such guidelines;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

TAKES NOTE of the Guide to CITES compliance procedures annexed to this Resolution; and RECOMMENDS that the Guide be referred to, when dealing with compliance matters.

Annex Guide to CITES compliance procedures

Objective and scope

1. The objective of this Guide is to inform Parties and others of CITES procedures concerning promoting, facilitating and achieving compliance with obligations under the Convention and, in particular, assisting Parties in meeting their obligations regarding such compliance. Specifically, the Guide describes existing procedures in order to facilitate consistent and effective handling of compliance matters relating to obligations under the Convention, taking into account relevant Resolutions and Decisions, in both specific and general compliance matters.

This Guide is non-legally binding.

2. This Guide addresses compliance matters relating to the obligations under the Convention, taking into account relevant Resolutions and Decisions. Particular attention should be paid to the following:

- a) designating Management Authority(ies) and Scientific Authority(ies) (Article IX);
- b) permitting trade in CITES-listed specimens only to the extent consistent with the procedures laid down in the Convention (Articles III, IV, V, VI, VII and XV);
- c) taking appropriate domestic measures to enforce the provisions of the Convention and prohibit trade in violation thereof (Article VIII, paragraph 1);
- d) maintaining records of trade and submitting periodic reports (Article VIII, paragraphs 7 and 8); and
- e) responding as soon as possible to communications of the Secretariat related to information that a species included in Appendix I or II is being adversely affected by trade in specimens of that species or that the provisions of the Convention are not being effectively implemented (Article XIII).

3. The procedures described in this Guide are without prejudice to any rights and obligations and to any dispute settlement procedure under the Convention.

General principles

4. A supportive and non-adversarial approach is taken towards compliance matters, with the aim of ensuring long-term compliance.

Resolution Conf. 14.3 – 2

5. Compliance matters are handled as quickly as possible. Such matters are considered and ensuing compliance measures are applied in a fair, consistent and transparent manner.

6. Generally, findings, reports and communications in compliance matters are not treated confidentially.

However, communications between the Secretariat and individual Parties on specific compliance matters are generally confidential.

7. Decisions on whether to close or keep open debates in compliance matters are taken according to the Rules of Procedure of the body considering the matter and generally reasons are given.

8. The Secretariat communicates compliance-related decisions to the relevant authorities. The various bodies and their compliance-related tasks

9. Compliance matters are handled by the following CITES bodies. Their main compliance-related tasks are listed below.

10. The Conference of the Parties:

- a) provides general policy guidance on compliance issues;
- b) directs and oversees the handling of compliance matters particularly through the identification of key obligations and procedures;
- c) reviews as needed decisions of the Standing Committee related to specific compliance matters; and
- d) may delegate certain authority to the Standing Committee or other CITES bodies in accordance with the Convention.

11. When the Conference of the Parties decides to carry out itself the tasks delegated to the Standing Committee, it follows the same procedures as those described below for the Standing Committee.

12. The Standing Committee, acting in accordance with instructions from and authority delegated by the Conference of the Parties, handles general and specific compliance matters, including:

- a) monitoring and assessing overall compliance with obligations under the Convention;
- b) advising and assisting Parties in complying with obligations under the Convention;
- c) verifying information; and
- d) taking compliance measures as described below.

13. The Animals and Plants Committees, acting in accordance with instructions from and authority delegated by the Conference of the Parties, advise and assist the Standing Committee and the Conference of the Parties with regard to compliance matters, inter alia, by undertaking necessary reviews, consultations, assessments and reporting. These Committees are entrusted with specific tasks in the handling of matters related to the Review of Significant Trade.

14. The Secretariat:

- a) assists and supports the Animals and Plants Committees, the Standing Committee and the Conference of the Parties in carrying out their functions concerning compliance matters as described in this Guide and, where applicable, according to the procedures set out in relevant Resolutions and Decisions;
- b) receives, assesses and communicates to the Parties information on compliance matters;
- c) advises and assists Parties in complying with obligations under the Convention; Resolution Conf. 14.3 – 3
- d) makes recommendations for achieving compliance; and
- e) monitors the implementation of compliance-related decisions.

Handling of specific compliance matters

A. Identification of potential compliance matters

15. Annual and biennial reports, legislative texts as well as other special reports and responses to information requests, for example within the Review of Significant Trade or the National Legislation Project, provide the primary, but not exclusive, means of monitoring compliance with obligations under the Convention.

16. The Secretariat provides a Party concerned with information it receives about that Party's compliance, and communicates with the Party regarding this matter.

17. In response, the Party informs the Secretariat as soon as possible of any relevant facts in so far as its laws permit and, where appropriate, proposes 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.

18. Any Party concerned over matters related to trade in specimens of CITES-listed species by another Party may bring the matter up directly with that Party and/or call upon the Secretariat for assistance.

19. Parties themselves are encouraged to give the Secretariat early warning of any compliance matter, including the inability to provide information by a certain deadline, and indicate the reasons and any need for assistance.

20. Where compliance matters are identified, the Parties concerned are given every opportunity to correct them within reasonable time limits, if necessary with the assistance of the Secretariat.

B. Consideration of compliance matters

21. If the Party fails to take sufficient remedial action within a reasonable time limit, the compliance matter is brought to the attention of the Standing Committee by the Secretariat, in direct contact with the Party concerned.

22. If a compliance matter is otherwise brought to the attention of the Standing Committee in accordance with the Rules of Procedure, the Standing Committee:

a) refers the matter to the Secretariat for action according to the procedure in paragraphs 16-20 above; or

b) rejects it as trivial or ill-founded; or

c) in exceptional circumstances, after consultation with the Party concerned, follows the procedures as described below.

23. When compliance matters are brought to the attention of the Standing Committee, it is generally done in writing and includes details as to which specific obligations are concerned and an assessment of the reasons why the Party concerned may be unable to meet those obligations.

24. When a compliance matter is brought to the attention of the Standing Committee, the Secretariat immediately informs the Party or Parties concerned.

25. The Standing Committee rejects compliance matters which it considers are trivial or illfounded.

Where the Standing Committee has decided that the submission is not trivial or ill-founded, the Party concerned is given the opportunity to provide comments within a reasonable time limit.

Resolution Conf. 14.3 – 4

26. The Standing Committee decides whether to gather or request further information on a compliance matter whenever such information may be found and whether to seek an

invitation from the Party concerned to undertake the gathering and verification of information in the territory of that Party or wherever such information may be found.

27. The Party concerned has the right to participate in discussions with respect to its own compliance, in accordance with the Rules of Procedure of the relevant body.

28. If a Party cannot access the financial resources needed to participate in CITES meetings where its own compliance is being considered, it is able to request assistance from the Secretariat or the Standing Committee in identifying such resources.

C. Measures to achieve compliance

29. If a compliance matter has not been resolved, the Standing Committee decides to take one or more of the following measures:

- a) provide advice, information and appropriate facilitation of assistance and other capacity-building support to the Party concerned;
- b) request special reporting from the Party concerned;
- c) issue a written caution, requesting a response and offering assistance;
- d) recommend specific capacity-building actions to be undertaken by the Party concerned;
- e) provide in-country assistance, technical assessment and a verification mission, upon the invitation of the Party concerned;
- f) send a public notification of a compliance matter through the Secretariat to all Parties advising that compliance matters have been brought to the attention of a Party and that, up to that time, there has been no satisfactory response or action;
- g) issue a warning to the Party concerned that it is in non-compliance, e.g. in relation to national reporting and/or the National Legislation Project; and
- h) request a compliance action plan to be submitted to the Standing Committee by the Party concerned identifying appropriate steps, a timetable for when those steps should be completed and means to assess satisfactory completion.

30. In certain cases, the Standing Committee decides to recommend the suspension of commercial or all trade in specimens of one or more CITES-listed species, consistent with the Convention. Such a recommendation may be made in cases where a Party's compliance matter is unresolved and persistent and the Party is showing no intention to achieve compliance or a State not a Party is not issuing the documentation referred to in Article X of the Convention. Such a recommendation is always specifically and explicitly based on the Convention and on any applicable Resolutions and Decisions of the Conference of the Parties¹.

31. The list of measures above is not necessarily an exhaustive list of measures applied to date.

32. When the Standing Committee decides upon one or more of the measures mentioned above, it takes into account:

- a) the capacity of the Party concerned, especially developing countries, and in particular the least developed and small island developing States and Parties with economies in transition;

¹ These currently include:

- Resolution Conf. 11.17 (Rev. CoP14) (National reports);
- Decision 14.29 (National laws for implementation of the Convention);
- Resolution Conf. 12.8 (Rev. CoP13) (Review of Significant trade in specimens of Appendix-II species);
- Convention Article XIII and Resolution Conf. 11.3 (Rev. CoP14) (Compliance and enforcement); and

– Resolution Conf 11.1 (Rev. CoP14) (Establishment of committees).

Resolution Conf. 14.3 – 5

- b) such factors as the cause, type, degree and frequency of the compliance matters;
- c) the appropriateness of the measures so that they are commensurate with the gravity of the compliance matter; and
- d) the possible impact on conservation and sustainable use with a view to avoiding negative results.

These considerations are clearly set out in the Standing Committee’s recommendations.

D. Monitoring and implementation of measures to achieve compliance

33. The Standing Committee, with the assistance of the Secretariat, monitors the actions taken by the Party concerned to implement measures taken. In this regard, the Standing Committee may, inter alia:

- a) request the Party concerned to submit progress reports in accordance with a schedule; and
- b) arrange, upon the invitation of the Party concerned, for an in-country technical assessment and for a verification mission.

In the light of progress, the Standing Committee decides whether to adjust the measures it has taken, or to take other measures.

34. Existing recommendations to suspend trade are generally reviewed at each Standing Committee meeting. They are also monitored intersessionally by the Secretariat. A recommendation to suspend trade is withdrawn as soon as the compliance matter has been resolved or sufficient progress has been made. The Secretariat notifies Parties of any such withdrawal as soon as possible.

35. The general guidelines in paragraphs 33 and 34 above are in some cases supplemented by more precise provisions regarding specific categories of compliance matters, e.g. in the case of significant trade in specimens of Appendix-II species, as laid out in the Resolutions and Decisions related thereto.

Reporting and reviews

36. The Standing Committee reports to the Conference of the Parties on compliance matters. The Secretariat reports to the Standing Committee and the Conference of the Parties on compliance matters.

37. The Conference of the Parties may review this document periodically and revise it where appropriate.