



UNODC
United Nations Office on Drugs and Crime



Crimes that
Affect the
Environment



Wildlife and Forest Crime
ANALYTIC TOOLKIT
Report for Nigeria





ABBREVIATIONS AND ACRONYMS

CITES	Convention on International Trade of Endangered Species of Wild Fauna and Flora
ICCWC	International Consortium on Combating Wildlife Crime
INTERPOL	International Criminal Police Organization
SWOT	strengths, weaknesses, opportunities and threats
UNODC	United Nations Office on Drugs and Crime
WCO	World Customs Organization

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DISCLAIMER

It is important to note that UNODC, acting on behalf of ICCW, serves as the lead agency in conducting ICCW Toolkit assessments. While this work is a collaborative effort involving external contributions, the views expressed in the present study may not be shared by all ICCW members or contributing organizations.

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OVERVIEW

Nigeria boasts a diverse range of ecosystems teeming with a wide variety of wildlife. This natural wealth is the result of climatic variations within the country that create a range of habitats that support more than 1,340 species of animals, including 274 mammalian species. This makes Nigeria the country in Africa with the eighth-highest number of different animal species.¹ Among the prominent wildlife species are the West African lion (although there are only 30–50 adult lions remaining in Kainji Lake National Park and Yankari Game Reserve²), pangolin,³ leopard, spotted hyena, African forest elephant, African savannah elephant, Nigeria–Cameroon chimpanzee, Cross River gorilla and, historically, black rhino. Unfortunately, many of these iconic species are under severe threat owing to poaching, human–wildlife conflict and habitat loss. Nigeria is also blessed with abundant flora, including extensive mangrove forests, vast tropical grasslands and savannah. The tree species *Pterocarpus erinaceus*, known as kosso or West African rosewood, holds great value and is the most traded species of tropical wood globally.

With a population exceeding 223 million, Nigeria is the most populous nation in Africa, with a high population density. The country operates as a federation, comprising 36 states and one Federal Capital Territory (Abuja), as shown in figure I. Each state functions as a semi-autonomous entity, sharing authority with the federal government, as stipulated by the Constitution.

To cater for the rapidly growing population, the Government of Nigeria has developed a robust transportation system that serves as a vital logistical hub for Central and West Africa. This infrastructure growth, however, has coincided with an increase in organized crime and corruption.

More than a decade ago, transnational organized wildlife and timber crime networks began connecting with trafficking networks that operate in the Nigerian city of Lagos. Since 2016, Nigeria has been a hotspot for the trafficking of ivory and pangolin to China and Viet Nam, although there have been a number of significant seizures. In 2019, eight of the 13 major ivory/pangolin seizures made globally originated from Nigeria. While the number of seizures has increased, arrests and prosecutions have remained minimal at both ends of the supply chain. In response, a group of international organizations, foreign Governments and representatives of civil society have joined forces, directing substantial funding to Nigeria to combat the crisis. Strategies have included capacitybuilding, support for operations and intelligence, the revision of legislation and the development of a national strategy to address illegal wildlife trade.

In 2022, the Nigerian Government, in collaboration with national and international partners such as UNODC, published the National Strategy to Combat Wildlife and Forest Crime in Nigeria (2022–2026).⁴ The strategy, developed through a consultative process that involved key stakeholders

1 National Park Service Nigeria, "Overview". Available at www.nigeriaparkservice.gov.ng/overview/ (accessed on 25 March 2024).

2 LionAid, "How many lions in Africa? An assessment of range states' capabilities to conserve wildlife", p. 7. Available at www.lionaid-scientific-estimate-of-lion-populations-in-Africa-2012.pdf (accessed on 25 March 2024).

3 Challenger, Dan, and Carly Waterman, Implementation of CITES Decisions 17.239 b) and 17.240 on Pangolins (*Manis* spp.), International Union for Conservation of Nature, September 2017. Available at www.cites.org/sites/default/files/eng/com/sc/69/E-SC69-57-A.pdf.

4 Nigeria, National Strategy to Combat Wildlife and Forest Crime in Nigeria 2022–2026. Available at www.unodc.org/documents/nigeria/National_Strategy_to_Combat_Wildlife_and_Forest_Crime_in_Nigeria_2022-2026.pdf.



provides a detailed road map to help Nigeria make sustainable progress in addressing wildlife and forestry crime.

At the same time, a series of law enforcement actions have disrupted transnational organized crime networks operating in or through Nigeria and have resulted in some high-profile arrests, prosecutions and convictions in Nigeria, China, the United States of America and Viet Nam. This has made wildlife trafficking in Nigeria a higher priority for law enforcement agencies, although the number of convictions in Nigeria has started to grow only recently.

This report presents 33 recommendations for combating wildlife crime in Nigeria, including four recommendations that offer the potential for swift change to enhance the country's resilience to organized crime. These are the passing of an amended wildlife crime bill; the establishment of a multi-agency operational task force; education for judges and prosecutors on appropriate sentencing for those involved in serious organized crime, including the use of their confiscation powers under the Proceeds of Crime (Recovery and Management) Act of 2022; and the creation of an Environmental Crime Unit within the Federal Ministry of Justice, responsible for prosecuting major wildlife and fisheries cases.

- » The first key recommendation is the passing of the Endangered Species Conservation and Protection Bill of 2022, which has been prepared by the Nigerian Federal Ministry of Environment. The bill seeks to align Nigerian law with the provisions of international conventions on endangered species, organized crime and corruption. It comprises a comprehensive legal framework that not only addresses the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on the Conservation of Migratory Species of Wild Animals and the Convention on Biological Diversity, but also provides a strong legal basis for the investigation of cases and prosecution with elevated penalties (see chapter 3). Although the bill has passed its first reading in the Nigerian National Assembly, progress has since been slow. All those consulted for this report and in UNODC research in general concur that the current penalties for wildlife, forestry and fisheries crimes in Nigeria are insufficient to act as a deterrent, that offences are not adequately defined and that investigations and prosecutions are not coordinated. The enactment of the draft law would be a strong signal and positive step in addressing some of those issues.
- » The second key recommendation aims to promote multi-agency cooperation through a joint transnational investigation team under the leadership of a criminal investigator experienced in organized crime investigations. This team – which would be a unit within the Wildlife Law Enforcement Task Force, established in 2023 – would target identified or emerging criminal networks operating on a transnational scale and lead related investigations, providing the resources needed to dismantle the networks. The team would be well equipped to address wildlife trafficking in Nigeria.
- » The third key recommendation emphasizes the need for the development of foundational guidelines for prosecution, plea bargaining, speedy trials and sentencing, alongside awareness-raising for judges and prosecutors on wildlife and forestry crimes.

- » The fourth key recommendation is either the establishment of an Environmental Crime Unit within the Federal Ministry of Justice to oversee major wildlife and forestry criminal cases or the extension of the mandate of the existing Transnational Organized Crime Unit to enable it to incorporate such crimes into its caseload. This move would cultivate greater expertise in these vital areas and ensure more transparent and effective implementation of the law.

The 33 recommendations, together, serve as a framework for the development of a strategy to address identified gaps in and enhance national responses to wildlife and forest crimes. UNODC, in collaboration with the Nigerian Government and ICCWC partners, will draft an action plan based on the recommendations. Future support provided to Nigeria by ICCWC will be aligned with the priorities and budgets in that action plan. The present report and the future action plan aim to guide the efforts of the global community in terms of capacitybuilding, coordination and the provision of support.



2

2

INTRODUCTION AND METHODOLOGY

In recognition of the serious challenges posed by wildlife crime and of its often transnational nature, an inter-agency partnership, ICCWC, was created in 2010. ICCWC comprises the CITES Secretariat, the International Criminal Police Organization (INTERPOL), UNODC, the World Bank and the World Customs Organization (WCO). These five organizations work to strengthen criminal justice systems and to provide coordinated support at the national, regional, and international levels in order to combat wildlife and forest crime.

In 2022, ICCWC amended the Wildlife and Forest Crime Analytic Toolkit,⁵ first developed in 2012, to provide support and assistance to Governments in strengthening their criminal justice response to such crimes. As part of the Toolkit assessment process, experts undertake comprehensive analysis of a country's preventive and criminal justice responses to wildlife crime. On the basis of that analysis, they identify the strengths and weaknesses of the current responses and identify the technical assistance required to address any challenges. A second tool, the ICCWC Wildlife and Forest Crime Indicator Framework⁶ was developed to be used alongside the ICCWC Toolkit in self-assessment at the national level.

During development of the ICCWC Indicator Framework, views and comments were solicited from government representatives on issues relating to the criminal justice response to wildlife crime in Nigeria. Participants acknowledged that wildlife crime was usually given high priority among law enforcement agencies in Nigeria, but shortcomings were identified in relation to the national legal framework. Overall, interviewees had a positive opinion about the capacity of law enforcement agencies to detect wildlife crime.

The recommendations contained in the present document are based on best practices around the world, with particular emphasis on the in-house expertise and assistance that ICCWC partner agencies can provide. The recommendations do not seek to offer solutions to every challenge faced by the agencies concerned in Nigeria.

The Government of Nigeria requested implementation of the ICCWC Toolkit on 4 October 2019. While implementation of the Toolkit is government-led, ICCWC provides support at all stages of the process, as described below.

The ICCWC Indicator Framework was introduced during a two-day workshop on 19–20 April 2023, when national key stakeholders were invited to undertake a selfassessment of the law enforcement response to wildlife crime. The aim of the workshop was to establish a baseline against which to measure progress and to provide some preliminary indications of areas that would require specific attention during the present assessment.

⁵ International Consortium on Combating Wildlife Crime, Wildlife and Forest Crime Analytic Toolkit, second edition, 2022. Available at www.unodc.org/documents/Wildlife/Toolkit_e.pdf.

⁶ International Consortium on Combating Wildlife Crime, Wildlife and Forest Crime Indicator Framework, second edition, 2022. Available at www.unodc.org/documents/Wildlife/Indicator_Framework_e.pdf.



Using the Toolkit methodology and the findings of the workshop on the ICCWC Indicator Framework, UNODC conducted research into wildlife crime in Nigeria. This began with a desk review of relevant legislation, literature and documentation. A report produced by the Environmental Investigation Agency and African Nature Investors in 2021⁷ provided a strong basis for the findings in the present report.

The desk review was followed by a fact-finding mission to Nigeria in August 2023, during which UNODC experts met with government officials and conducted site visits. The mission focused mainly on legislation, law enforcement, prosecution and the judiciary. During the mission, UNODC experts interviewed officials from the law enforcement, customs, antimoney-laundering and prosecution authorities. Unfortunately, the team was unable to interview representatives of the Nigerian Police Force owing to prior leave commitments of key staff. Subsequent attempts to elicit a response from the Force were unsuccessful.

The team considered and analysed the information gathered during the desk review and the fact-finding mission. A SWOT (strengths, weaknesses, opportunities, threats) analysis was also conducted with officials from each organization considered. The team then drafted a set of recommendations for strengthening the Government's response to wildlife crime.

The present report examines the responses of the Nigerian federal Government to forestry and wildlife crime. It does not look at the response of the 36 states within Nigeria, with which there may be some overlap in terms of enforcement and the legal framework.

⁷ Environmental Investigation Agency and Africa Nature Investors, *Combating Wildlife Crime in Nigeria: An Analysis of the Criminal Justice Legislative Framework*, 2021. Available at <https://eia-international.org/report/combating-wildlife-crime-in-nigeria-an-analysis-of-the-criminal-justice-legislative-framework>.



3

LEGISLATIVE FRAMEWORK

3.1. Introduction

- 3.1.1. In 2021, the Environmental Investigation Agency and African Nature Investors, supported by the Bureau of International Narcotics and Law Enforcement Affairs within the United States Department of State, undertook an analysis of the legal framework for combatting wildlife crime in Nigeria.⁸ That report was prepared with input from federal and state-level prosecution services and other criminal justice stakeholders and was presented, for feedback before finalization, to the national authorities of Nigeria, relevant non-governmental organizations, UNODC and development partners. The Toolkit assessment team, when conducting its analysis for the present report, found that not much had changed in the legal framework pertaining to wildlife and forest crime in Nigeria since preparation of that report. The team therefore relied heavily on the report of the Environmental Investigation Agency and African Nature Investors for the present report.
- 3.1.2. The few notable changes include the presentation of the Endangered Species Conservation and Protection Bill of 2022 in the National Assembly. The bill passed its first reading in February 2023, but progress has since been slow, owing to elections and a change in National Assembly in May 2023. The main points of the bill are discussed in subsequent sections.
- 3.1.3. Another notable change since 2021 is the passage into law of the Nigeria Customs Service Act of 2023, repealing the Customs and Excise Management Act of 1959, as amended in 2004. While the 2023 Act makes mention of CITES, the penalties for non-compliance with the prohibitions and restrictions thereunder remain relatively light. The maximum penalty is five years' imprisonment for the importation of goods for which there is an absolute prohibition and three years when the prohibition relates to trade in the goods. For the export of prohibited items, the penalty is just two years' imprisonment, without the option of a fine, although it increases to five years when any method of concealment is used.

3.2. The international legal framework and its domestic implementation

- 3.2.1. Nigeria is a party to several international agreements. As outlined in the report by the Environmental Investigation Agency and African Nature Investors, they can be summarized as follows.

i. Convention on International Trade in Endangered Species of Wild Fauna and Flora

- 3.2.2. CITES is the principal international instrument used to control and regulate international trade in protected species and to ensure that international trade in specimens of wild animals and plants does not threaten their survival.⁹

⁸ Environmental Investigation Agency and Africa Nature Investors, *Combating Wildlife Crime in Nigeria: An Analysis of the Criminal Justice Legislative Framework*, 2021. Available at <https://eia-international.org/report/combating-wildlife-crime-in-nigeria-an-analysis-of-the-criminal-justice-legislative-framework>.

⁹ International Consortium on Combating Wildlife Crime, *Wildlife and Forest Crime Analytic Toolkit*, second edition, 2022, p. 28. Available at www.unodc.org/documents/Wildlife/Toolkit_e.pdf.

- 3.2.3. Nigeria has been a party to CITES since 1974, with no reservations. The provisions of the treaty were incorporated into domestic legislation in the form of the Endangered Species (Control of Trade and Traffic) Act of 1985.¹⁰ The Act was amended in 2016 to increase certain fines.
- 3.2.4. After the development and gazetting of the National Environmental (Protection of Endangered Species in International Trade) Regulations of 2011, the CITES legislative project considered that Nigeria had achieved “category 1” status, meaning that its legislation was believed generally to meet all four requirements for the implementation of CITES. Despite that fact, Nigerian involvement in the large-scale export of protected species remains notorious, and the lack of convictions and adequate sentencing to act as a deterrent is a significant concern and caused in part by weaknesses in the domestic legal framework. Nigeria is participant in the National Ivory Action Plans process as a category A party (parties most affected by the illegal trade in ivory).¹¹
- 3.2.5. Nigeria is currently subject to a trade suspension under article XIII of CITES on international measures,¹² with respect to the management of trade in specimens of *Pterocarpus erinaceus*. At the seventy-seventh meeting of the CITES Standing Committee, held in Geneva from 6–10 November 2023, the recommendation to maintain the trade suspension was approved by the Committee and aligned with the recommendations addressed to other *Pterocarpus erinaceus* range States. Furthermore, the Committee stressed the importance¹³ of Nigeria making improvements in its forestry regulatory and legislative framework, continuing to implement an anti-corruption strategy linked to illegal wildlife trade and establishing a national platform for cooperation among law enforcement agencies with a view to tackling organized criminal groups. The Standing Committee further recommended the establishment of an efficient and secure information system for permits, possibly an electronic system, and improvement of the handling and disposal of seized stockpiles of CITES-listed species.
- 3.2.6. Nigeria is one of the countries currently benefiting from the CITES Compliance Assistance Programme. The objectives of the programme are, at the institutional level, the reinforcement of the capacities of the CITES management authority; at the legislative level, the strengthening of the country’s regulatory framework on the legal trade in CITES-listed species, including forestry legislation; at the scientific level, the development of a science-based non-detriment finding for *Pterocarpus erinaceus* and capacity-building for the conduct of such an assessment; in relation to law enforcement, capacity-building for enforcement agencies and the CITES management authority on intelligence-gathering, investigation procedures and the prosecution of offenders, using risk-based management approaches, in particular container controls; and, in relation to awareness-raising, the building of a basic understanding, among relevant stakeholders and local communities, of the conservation of national resources and the tackling of wildlife crime.

¹⁰ Nigeria, Endangered Species (Control of International Trade and Traffic) Act, 1985, No. 11, 20 April 1985. www.lawsfnigeria.placng.org/laws/E9.pdf.

¹¹ Convention on International Trade in Endangered Species of Wild Fauna and Flora, seventy-fifth meeting of the Standing Committee, 13 November 2022, SC75 Doc. 7.4. Available at www.cites.org/sites/default/files/documents/E-SC75-07-04_0.pdf.

¹² Convention on International Trade in Endangered Species of Wild Fauna and Flora, “Notification to the Parties No. 2018/084 Concerning Application of Article XIII to Nigeria,” 1 November 2018. Available at www.cites.org/sites/default/files/notif/E-Notif-2018-084.pdf.

¹³ Convention on International Trade in Endangered Species of Wild Fauna and Flora, seventy-seventh meeting of the Standing Committee, 6–10 November 2023, SC77 Doc. 33.11. Available at www.cites.org/sites/default/files/documents/E-SC77-33-11.pdf.



ii. United Nations Convention against Transnational Organized Crime

3.2.7. The purpose of the United Nations Convention against Transnational Organized Crime “is to promote cooperation to prevent and combat transnational organized crime more effectively” (article 1). The Convention applies to all serious crime with a transnational, organized dimension. Serious crime is defined as “conduct, constituting an offence punishable by a maximum deprivation of liberty of at least four years of imprisonment or a more serious penalty” (article 2).¹⁴

3.2.8. Nigeria signed the Convention in 2000, ratifying it in June 2001. The country, however, has no stand-alone law on organized crime. The Money Laundering (Prohibition) Act of 2011 (As Amended) makes participation in an organized criminal group, environmental crime or any other criminal act specified in any legislation in Nigeria the predicate offence for the purposes of money-laundering prosecutions. At the time of writing, offences under that law had not been used in the prosecution of seizures of wildlife specimens.

iii. United Nations Convention against Corruption

3.2.9. Nigeria signed the United Nations Convention against Corruption in December 2003 and ratified it in December 2004. Several related domestic laws have since been passed, as listed below, and the Constitution itself contains a code of conduct for public officials within its Fifth Schedule.

- » Corrupt Practices and Other Related Offences Act of 2000
- » Economic and Financial Crime Commission (Establishment) Act of 2002, amended 2004
- » Dishonoured Cheques (Offences) Act of 2004
- » Advanced Fee Fraud and Other Related Fraud Offences Act of 2006
- » Fiscal Responsibility Act of 2007
- » Nigerian Extractive Industries Transparency Initiative Act of 2007
- » Public Procurement Act of 2007
- » Nigerian Financial Intelligence Unit Act of 2018
- » Money Laundering (Prevention and Prohibition) Act of 2022

3.2.10. Nigeria is also a member of numerous regional, interregional and international bodies and initiatives, such as those listed below.

- » African Union Convention on Preventing and Combating Corruption
- » Economic Community of West African States Protocol on the Fight Against Corruption

¹⁴ United Nations Office on Drugs and Crime, United Nations Convention against Transnational Organized Crime and the Protocols Thereto. Available at www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf.

- » Inter-Governmental Action Group against Money Laundering in West Africa
- » Network of National Anti-Corruption Institutions for West Africa

3.2.11. There are also a number of authorities with a mandate to prevent or investigate corrupt practices. These include the Independent Corrupt Practices and Other Related Offences Commission, the Economic and Financial Crimes Commission, the Code of Conduct Bureau and the Nigerian Financial Intelligence Unit, which is also a member of the Egmont Group.

3.2.12. Between 2014 and 2016, of the 190 prosecutions that resulted from 1,817 investigations into corruption conducted, only 30 convictions were made.¹⁵ The country was ranked joint 149th of the 180 countries listed in the Transparency International 2020 Corruption Perceptions Index, with Somalia being the most corrupt and Denmark the least corrupt.¹⁶ This represented a worsening of the situation given that it was ranked joint 146th in the 2019 report.¹⁷

3.2.13. There are no specific provisions related to corruption embedded within the legislation on endangered species. Rather, prosecution for such practices falls under separate laws, which may pose challenges as a result of the prosecutorial mandate afforded to certain agencies .

iv. Convention on Biological Diversity

3.2.14. The Convention on Biological Diversity seeks to conserve biological diversity through the sustainable use of its components and the fair, equitable sharing of the benefits from use of genetic resources.¹⁸ The Convention covers a broad range of subject matters, including deforestation, access to biotechnology and the management of fragile ecosystems. It is primarily concerned with the management of national development choices that have a direct impact on natural resources. The Convention requires parties to take numerous measures related to in situ conservation that include the protection of endangered species subject to wildlife trafficking.

3.2.15. The Convention on Biological Diversity was ratified by Nigeria in 1994. Nevertheless, at the time of writing, Nigeria had not incorporated the provisions of the Convention into its domestic laws. Nigeria has, however, taken several steps to improve its compliance with the Convention on Biological Diversity, mainly through the development of the National Biodiversity Strategy and Action Plan, the establishment of the National Biodiversity Committee, the inclusion of biodiversity conservation considerations in national policies and the implementation of biodiversity conservation projects.

¹⁵ UNODC Country Review Report of Nigeria of the implementation of articles 5- 14 and 51- 59 of the UNCAC, country visit May 2017.

¹⁶ Transparency International, Corruption Perceptions Index 2020, 2021. Available at www.transparency.org/en/publications/corruption-perceptions-index-2020.

¹⁷ Transparency International, Corruption Perceptions Index 2019, 2020. Available at www.transparency.org/en/publications/corruption-perceptions-index-2019.

¹⁸ Convention on Biological Convention, "Text of the Convention", Article 1 of the Convention. Available at www.cbd.int/convention/text.

v. Convention for the Protection of World Cultural and Natural Heritage

3.2.16. Adopted in 1972, the Convention for the Protection of World Cultural and Natural Heritage aims to establish “an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods”.¹⁹ Nigeria ratified the Convention in 1974, along with many other relevant conventions concerning the protection of cultural property,²⁰ including underwater cultural heritage, intangible cultural heritage and the protection of cultural property during armed conflicts. Nigeria has two world heritage sites, namely Sukur Cultural Landscape and Osun-Osogbo Sacred Grove.

3.2.17. The National Commission on Museums and Monuments Act of 2004 is the primary law for the safeguarding of tangible and non-tangible cultural heritage.²¹ The Commission established by the law has oversight of museums and of protection of the country’s cultural heritage. Acts of destruction, defacement, alteration and removal, among others, are criminalized. The penalties are weak, however, with a maximum term of imprisonment of 12 months and a fine of the equivalent of \$1 or twice the value of the monument (often difficult to monetize).²² Of particular interest is that the Act excludes mining and other extractive operations from criminalization where consent for such operations has already been given before a site is declared. There is no mechanism for the Commission to step in after such a licence has been granted. Furthermore, resource limitations have negatively impacted the functioning of the Commission and the museums that it oversees.

vi. Convention on the Conservation of Migratory Species of Wild Animals

3.2.18. Nigeria has been a party to the Convention on the Conservation of Migratory Species of Wild Animals since 1987 and is a party to the Agreement on the Conservation of Gorillas and Their Habitats, a multilateral environmental agreement developed under the auspices of the Convention. Nigeria is also part of the African Carnivores Initiative,²³ a joint initiative of CITES and the Convention on the Conservation of Migratory Species of Wild Animals, and has been a contracting party to the Agreement on the Conservation of African–Eurasian Migratory Waterbirds since 2004. Domestic legislation concerning wildlife, however, makes no reference to migratory species or to the Convention on the Conservation of Migratory Species of Wild Animals. The proposed Endangered Species Conservation and Protection Bill does, however, contain such references.

19 United Nations Educational, Scientific and Cultural Organization, Convention Concerning the Protection of World Cultural and Natural Heritage, Preamble to the Convention. Available at www.whc.unesco.org/archive/convention-en.pdf.

20 The full list of conventions of the United Nations Educational, Scientific and Cultural Organization ratified by Nigeria is available at www.unesco.org/en/countries/ng/conventions.

21 The Cultural Policy for Nigeria of 1988, the Land Use Act of 1990 and specific site management plans support implementation of the Convention.

22 Itunu Kolade-Faseyi, “Cultural Heritage in Nigeria: An appraisal of international and domestic frameworks for their protection and preservation”, Nigerian Current Law Review 2019–2020, pp. 1–28. Available at <https://publications.achievers.edu.ng/publications/62/zFEPuolRRGMa.pdf>.

23 Convention on the Conservation of Migratory Species of Wild Animals, “African Carnivores Initiative”. Available at www.cms.int/en/meeting/second-meeting-range-states-joint-cites-cms-african-carnivores-initiative (accessed on 25 March 2024).

vii. Other international agreements of relevance

3.2.19. Other international agreements of relevance include:

- » Convention on Fishing and Conservation of the Living Resources of the High Seas of 1958
- » African Convention on the Conservation of Nature and Natural Resources of 1968
- » Convention on Wetlands of International Importance, especially as Waterfowl Habitat of 1971
- » Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972 and its Protocol of 1996
- » International Convention for the Prevention of Pollution from Ships of 1973, as modified by the 1978 Protocol
- » United Nations Convention on the Law of the Sea of 1982
- » United Nations Framework Convention on Climate Change of 1992
- » United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa of 1994

viii. Bilateral agreements

3.2.20. On 10 September 2019, the Governments of China and Nigeria made a commitment to strengthen bilateral relations with a view to tackling illegal wildlife trade. At the time of writing, it was not possible to ascertain the impact of this commitment.

3.3. National wildlife and forest laws

3.3.1. The federal framework in Nigeria can make it difficult for federal offences identified at the state level to be prosecuted under the correct legislation, with communication between state level and federal prosecutors occurring in a timely way. There are some differences between the offences and penalties at the two levels, which may cause confusion and inconsistency in the approach taken. Furthermore, at each level different actors hold prosecution powers, and there is no agreed protocol or inter-agency agreement on which agency should conduct a particular prosecution. Much depends therefore on which agency detects the offence and whether they keep it in house or pass it on to the Director of Public Prosecutions within the Office of the Attorney General of the Federation.

3.3.2. The following federal laws are of particular significance:

- » Constitution of the Federal Republic of Nigeria of 1999, particularly section 20, which requires the State to protect and improve the environment and safeguard water, forest and wildlife of Nigeria



- » Endangered Species (Control of International Trade and Traffic) Act of 1985, as amended in 2016
- » National Environmental (Protection of Endangered Species in International Trade) Regulations of 2011
- » National Environmental Standards and Regulations Enforcement Agency (Establishment) Act of 2007, as amended in 2018
- » Nigeria Customs Service Act of 2023 (which repealed the 1959 Customs and Excise Management Act as amended in 2004)
- » National Park Service Act of 1999 as amended in 2004
- » Money Laundering (Prevention and Prohibition) Act of 2022

3.3.3. In addition, northern and southern Nigeria have different penal codes and Lagos has its own general criminal code, as follows:

- » Criminal Code Law Cap. C17 (for Lagos State)
- » The Criminal Code Act, chapter 77 (applicable to southern states)
- » The Penal Code (Northern States) Federal Provisions Act, chapter P3 (applicable to the northern states)

3.3.4. Within these penal codes, there are no provisions specifically relating to wildlife or forestry offences. The Criminal Code Act applicable to southern states, however, does cite a number of customs-related offences that are deemed to be federal offences. These offences relate to concealing items that might be liable for forfeit under any customs-related law. Nevertheless, the penalty applicable in the South is different from the penalty for a similar offence committed in the North (seven years' imprisonment in the South with no option of a fine versus seven years' imprisonment and/or a fine in the North).²⁴ These penalties are inconsistent with the Nigeria Customs Service Act of 2023. Offences relating to forgery are also contained in the penal codes of the northern and southern states. Although phrased differently, the penalty is the same (three years' imprisonment with no option of a fine) and can be applied to the falsification of permits, licences and other written authorizations. The Nigeria Customs Service Act of 2023, however, gives the option of a fine as an alternative penalty. In addition, some states, such as Adamawa State, have enacted their own separate penal codes.

²⁴ Section 78 of the Criminal Code Act, chapter 77, and section 424 of the Penal Code (Northern States) Federal Provision Act, chapter P3.

3.4. Federal legal framework

i. National Environmental Standards and Regulations Enforcement Agency (Establishment) Act of 2007, as amended in 2018

- 3.4.1. While the mandate of the National Environmental Standards and Regulations Enforcement Agency includes the enforcement of compliance with international agreements, protocols, conventions and treaties on the environment, including climate change, biodiversity, conservation, forestry, marine and wildlife,²⁵ CITES is not mentioned. Neither does the Act contain provisions relating to major offences concerning wildlife and forestry, such as possession, dealing, import/export or destruction. Instead, the offences under the law primarily concern breaches of regulations on the protection and enhancement of land resources, such as the natural watershed, coastal zones, dams and reservoirs; on obstruction of an Agency officer; and on air and water pollution. The 2018 amendments to the Act elevated many of the penalties to minimum terms of imprisonment.
- 3.4.2. The National Environmental Standards and Regulations Enforcement Agency has a prosecutorial mandate, but only in relation to offences under the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act or its subsidiary regulations. Furthermore, while the Act allows for the establishment of a mobile court (not implemented, in part owing to a lack of resources), such a court would be able to hear cases relating only to violations of environmental regulations.

ii. National Environmental (Protection of Endangered Species in International Trade) Regulations of 2011

- 3.4.3. Violations of the National Environmental (Protection of Endangered Species in International Trade) Regulations of 2011 could be prosecuted by the National Environmental Standards and Regulations Enforcement Agency and heard in any future mobile court. Such violations encompass permit-related offences, such as the making of misleading statements in an application for a permit. The penalties are low, however (see table 1). The main concern is that the Regulations might be viewed as administrative in nature, as opposed to governing recordable criminal offences. Furthermore, the Regulations allow for incarceration for periods that are measured in years, not months, which side-steps the need for parliamentary scrutiny, which is highly questionable.

iii. Endangered Species (Control of International Trade and Traffic) Act of 1985, as amended in 2016

- 3.4.4. The Endangered Species (Control of International Trade and Traffic) Act of 1985 fails to criminalize expressly the import/export of endangered species. It makes no mention of CITES and the minister responsible for matters related to endangered species is referenced as the minister responsible for matters relating to wildlife. Plants are excluded from the Act. The amendments of 2016 merely increase the applicable fines.

²⁵ Section 7 of the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act of 2007.



iv. Nigeria Customs Service Act of 2023

- 3.4.5. Interestingly, the Nigeria Customs Service Act of 2023 has reduced the penalty for the export of items subject to a prohibition, such as those under CITES, and five years' imprisonment for the unlawful export of prohibited items has been reduced to two.²⁶ That said, provided that some degree of concealment can be shown (an additional layer of proof), the penalty can be increased to five years.
- 3.4.6. With the consent of the Attorney General of the Federation, prosecution powers may be exercised by a legal officer from the Customs Service. As with the National Environmental Standards and Regulations Enforcement Agency, however, the prosecutorial power is limited to offences under the specific customs and excise laws.
- 3.4.7. In addition, customs officers are given the power to "compound" offences under section 246 of the Act, which means that they have the discretionary power to decline any prosecution for an offence. In the absence of any directions or criteria for compounding, the potential for abuse of the power and the incentive for corruption are clear.

v. National Park Service Act of 1999 (amended in 2006)

- 3.4.8. The National Park Service Act is concerned only with offences that occur within national parks. Wild animals found outside of national parks are not deemed to be the property of the Federal Government of Nigeria and, even when they are found near a national park, there must be some evidence of the animal being in a normal migratory route to or from the national park. Accordingly, when it comes to the investigation and detection of offences, the purview of the National Park Service is very much limited to offences within those boundaries. Furthermore, officers of the National Park Service also have a power to compound offences. Similarly, the risk of abuse of this power and the incentive for corrupt practices cannot be overstated. Offences that occur outside a national park have to be considered in the context of the relevant state or federal law. A related bill has been produced and has passed its first and second readings in the Nigerian National Assembly. It is currently pending a public hearing.

vi. Money Laundering (Prevention and Prohibition) Act of 2022

- 3.4.9. Environmental crimes are included within the definition of money-laundering offences under section 18 of the Money Laundering (Prevention and Prohibition) Act. Anyone involved in the removal from the jurisdiction, conversion, transfer (for example through export or dealing) or possession of the proceeds of crime is liable to four to 14 years' imprisonment and/or a fine of not less than five times the value of the proceeds of that crime. This has lowered the minimum term, which was seven years in the previous Act. It is not known whether this was done on the basis of data on rates of guilty pleas, for

²⁶ Section 64 of the Customs and Excise Management Act of 1959 versus section 150(1) of the Nigeria Customs Service Act of 2023.

example, where the minimum term is four years as opposed to seven. The Act also contains corporate liability provisions and widens the range of procedures and powers at the disposal of law enforcement agencies. If these are used and if the necessary resources are provided, the Act enables law enforcement agencies to strengthen their financial investigations.

3.4.10. As table 1 shows, depending on the applicable law, acts that qualify as money-laundering offences under the 2022 Act will not necessarily be deemed serious offences under the United Nations Convention against Transnational Organized Crime.

3.4.11. Although Nigeria is not a member of the Financial Action Task Force, the Task Force prepared a second follow-up report²⁷ in November 2022, following a mutual evaluation that took place in 2021. The report found that Nigeria had made significant progress towards addressing its technical compliance deficiencies, but the report did not measure the country's effectiveness. Nigeria was placed on the Task Force's grey list (jurisdictions under increased monitoring) in February 2023 and given a five-item action plan to implement by May 2025.

vii. Comparison of penalties

3.4.12. Table 1, which is based on the table in the report by the Environmental Investigation Agency and African Nature Investors and amended to include, for example, the changes in the Nigeria Customs Service Act of 2023, shows the different penalties applicable to certain main offences.

Table 1. A comparison of key provisions under relevant federal laws

	Endangered Species (Control of International Trade and Traffic) Act of 1985 as amended in 2016	National Environmental (Protection of Endangered Species in International Trade) Regulations of 2011	Nigeria Customs Service Act of 2023	National Park Service Act of 1999, as amended in 2006
Import	<p>Not expressly criminalized.</p> <p>If interpreted as "in otherwise deals": A fine of 5,000,000 Nigerian naira for Schedule 1 species, 12 months' imprisonment for recidivist offenders; A fine of 1,000,000 naira for Schedule 2 species, six months' imprisonment for recidivist offenders.</p> <p>Section 5 (1) (a) and 5 (1) (b)</p>	<p>CITES Appendices I, II and III or Schedules of the Act/Regulations: A fine of 5,000,000 naira and/or three years' imprisonment.</p> <p>Corporate liability: Seven years' imprisonment and/or a fine of 20,000,000 naira.</p> <p>Sections 3 (1) and 7.</p>	<p>The import of a good subject to any prohibition: Five years' imprisonment (no option of a fine if the goods are subject to an absolute prohibition) or else three years' imprisonment and forfeiture if prohibition relates to trade.</p> <p>Sections 55 and 233.</p>	N/A

²⁷ Inter-Governmental Action Group against Money Laundering in West Africa, Anti-Money Laundering and Counter-Terrorist Financing Measures – Federal Republic of Nigeria, Second Round Mutual Evaluation Report, 2022. Available at www.fatf-gafi.org/content/dam/fatf-gafi/fsrb-fur/GIABA-Nigeria-Follow-Up-Report-2022.pdf.coredownload.inline.pdf.

	Endangered Species (Control of International Trade and Traffic) Act of 1985 as amended in 2016	National Environmental (Protection of Endangered Species in International Trade) Regulations of 2011	Nigeria Customs Service Act of 2023	National Park Service Act of 1999, as amended in 2006
Export or Re-export	<p>Not expressly criminalized.</p> <p>If interpreted as “in otherwise deals”: A fine of 5,000,000 naira for Schedule 1 species, 12 months’ imprisonment for recidivist offenders. A fine of 1,000,000 naira for Schedule 2, six months’ imprisonment for recidivist offenders.</p> <p>Sections 5 (1) (a) and 5 (1) (b).</p>	<p>CITES Appendices I, II and III or Schedules of the Act/ Regulations: A fine of 5,000,000 naira and/or three years’ imprisonment.</p> <p>Corporate liability: Seven years and/or a fine of 20,000,000 naira.</p> <p>Sections 3 (1) and 7.</p>	<p>Export of a good subject to any prohibition: Two years’ imprisonment, no fine.</p> <p>Sections 55 and 150 (1).</p> <p>If concealed, the penalty is elevated to five years, no fine.</p> <p>Section 150 (2).</p>	N/A
Sale/trade or dealing	<p>A fine of 5,000,000 naira for Schedule 1 species, 12 months’ imprisonment for recidivist offenders. A fine of 1,000,000 naira for Schedule 2, six months’ imprisonment for recidivist offenders.</p> <p>Sections 5 (1) (a) and 5 (1) (b).</p>	<p>Offer or expose for sale any CITES Appendices I, II or III/the Schedules of the Act or Regulations: A fine of 5,000,000 naira and/or three years’ imprisonment.</p> <p>Corporate liability: Seven years’ imprisonment and/or a fine of 20,000,000 naira.</p> <p>Section 7 (3).</p>	N/A	N/A
Possession	<p>A fine of 5,000,000 naira for Schedule 1 species, 12 months’ imprisonment for recidivist offenders. A fine of 1,000,000 naira for Schedule 2, six months’ imprisonment for recidivist offenders.</p> <p>Sections 5 (1) (a) and 5 (1) (b).</p>	<p>CITES Appendices I, II or III/the Schedules of the Act or Regulations: A fine of 5,000,000 naira and/or three years’ imprisonment. Corporate liability as above.</p> <p>Section 7 (3).</p>	<p>Possession of “smuggled goods”: One year’s imprisonment.</p> <p>Section 234.</p>	<p>If deemed “capture”: Imprisonment for a term of not less than one year but not exceeding five years, or the payment of fine not less than 10,000 naira, but not exceeding 50,000 naira, or both.</p> <p>Section 37 (2) (c).</p>
Hunting	<p>Hunting of Schedule 1 and 2 species is prohibited under section 1, but no penalty is prescribed.</p>	N/A	N/A	<p>Hunting an endangered, protected or prohibited species or hunting a mother of a young animal or large mammal species in a national park: Imprisonment of three months to five years, no option of a fine. Hunting a nonprotected species: A fine of 10,000–50,000 naira and/or one to five years’ imprisonment. Corporate liability is met with a fine.</p> <p>Sections 30 and 37 (2).</p>

viii. Laws governing inchoate crimes, cybercrime and cryptocurrency

3.4.13. Inchoate offences are covered by the penal code and by the domestic laws analysed above (forgery, fraud, aiding and abetting and attempts). The Cybercrimes (Prohibition, Prevention, Etc.) Act 2015 does not address the issue of online trade in endangered species, nor does it regulate the darknet. There are restrictions on the holding or trading of cryptocurrencies in Nigeria, but, in January 2024, the Central Bank of Nigeria released, for banks, guidelines on digital assets, following the decision by regulators to open accounts for virtual asset service providers. It remains to be seen how this will affect illicit trade in endangered species in and through Nigeria.

3.5. State-level legal framework

3.5.1. Nigeria is a federal republic with 36 states and a Federal Capital Territory. Each of the states is mandated by the Constitution to enact legislation on wildlife and forestry matters. In the event of a conflict between state and federal law, the federal law prevails. The present report does not cover all 36 states, but the report by the Environmental Investigation Agency and African Nature Investors provides helpful insights on account of its analysis of six of the states. It identifies the following laws as significant:

- » Lagos State Wildlife Preservation Law of 1959, as amended in 1972
- » Adamawa State Wildlife Law of 1963 Cap. 143
- » Kano State Wild Animals Law of 1963, as amended in 1975
- » River State Animals Preservation Law of 1963 Cap. 140
- » Taraba State Wild Animals Law of 1963 Cap. 143
- » Cross River State Forestry Commission Law No. 3 of 2010

3.5.2. The analysis of state laws is summarized in the report by the Environmental Investigation Agency and African Nature Investors as follows, "The penalties in all of the states, particularly in relation to species listed under the federal laws, are in no way comparable, with most of the state laws having been drafted in the 1950s and 1960s. None of the laws cover the issue of import, export or transit but many cover the issue of transfer, sale and purchase of trophies. Curiously, some of the states also have provisions relating specifically to the sale of powdered rhino horn, although the penalties are extremely light; other states make no mention at all."²⁸

²⁸ Environmental Investigation Agency and African Nature Investors, *Combating Wildlife Crime in Nigeria: An Analysis of the Criminal Justice Legislative Framework*, 2021. Available at <https://eia-international.org/report/combating-wildlife-crime-in-nigeria-an-analysis-of-the-criminal-justice-legislative-framework>.

3.6. Commentary

- 3.6.1. As federal-level laws addressing the same crime, such as the export of endangered species, carry different penalties, much depends on the awareness of the prosecuting authority in terms of which law is applied. The Endangered Species (Control of Trade and Traffic) Act of 1985, as amended in 2016, fails to criminalize expressly import/export offences (or the hunting/prohibited methods of hunting of such species), and there is debate as to whether regulatory offences under National Environmental (Protection of Endangered Species in International Trade) Regulations of 2011 are a criminal matter or an administrative matter only.
- 3.6.2. The fact that the Nigeria Customs Service Act of 2023 has reduced the penalty for the export of prohibited items might be seen as a backward step, and it might be more attractive to make use of the National Environmental (Protection of Endangered Species in International Trade) Regulations of 2011. Doing so, however, creates a problem in terms of prosecutorial mandate. If the Customs Service were to want to keep the matter in house, it may be tempted to opt for a provision that offers a lower penalty than if the matter were prosecuted under the 2011 Regulations. Given that offences concerning organized criminal groups may encompass a myriad of criminal behaviours, which may fall under, for example, the penal code, money-laundering legislation or immigration violations, the restriction on the prosecutorial mandate of these agencies will limit the choice of the Customs Service and the National Environmental Standards and Regulations Enforcement Agency regarding the charge to be brought. This may in turn mean that the full extent of the criminality involved is not reflected in proceedings. This risk must be addressed, especially where there is tension between agencies. The authority best positioned to do so is the Attorney General and the Director of Public Prosecutions. In addition, the incentive for nongovernmental organizations to support one agency over another and to claim success in a case may also result in criminal proceedings that do not reflect the true criminality involved, restricting sentencing powers and the application of ancillary powers upon conviction.
- 3.6.3. The only protection for endangered plant species comes under the National Environmental (Protection of Endangered Species in International Trade) Regulations of 2011. There is no national forestry legislation in place, although one has been drafted (but not considered for the purposes of this analysis).
- 3.6.4. The disparity between wildlife-specific laws from one state to another is significant, but it would take years if not decades to bring about the required changes in all 36 states. Focus should therefore be on the federal laws. Given that the issue of obtaining a fiat, or permission, from the federal-level Attorney General for a state prosecutor to manage a federal case is seen as relatively straightforward, it is quite possible for state-level prosecutors to navigate federal laws and manage cases involving key species. Awarenessraising is key.

- 3.6.5. As was mentioned previously, the Endangered Species Conservation and Protection Bill of 2022 has passed its first reading in the National Assembly, but progress has stalled since elections in 2023. The bill is for a comprehensive legal framework encompassing the protection required under CITES, the Convention on the Conservation of Migratory Species of Wild Animals and the Convention on Biological Diversity. It sets out the roles and functions of the management, scientific and enforcement authorities and contains provisions relating to a range of international and national offences concerning endangered species and their related penalties. The penalties are graded according to the level of protection afforded to a species and the type of criminality involved, affording a more nuanced approach to sentencing. For example, the penalty for the import/export of a CITES Appendix I species is imprisonment of up to 10 years and/or a fine of not less than 12,000,000 naira (approximately \$12,000). For an Appendix II species, imprisonment is reduced to seven years, and there is a lower fine.
- 3.6.6. While minimum sentences might be seen as an effective deterrent, the reality is that minimum terms only guarantee a trial. Nigeria has set a precedent for prescriptive sentencing guidelines in the context of certain offences.²⁹ These can be extended to offences concerning endangered species and other environmental crimes to ensure proportionality and consistency in sentencing. When coupled with a prosecution power of appeal where there is divergence, this can be a powerful and effective tool to ensure deterrent sentencing. Furthermore, the option of a fine should be retained. The fines proposed are the minimum amounts, and judicial discretion can be guided through prescriptive sentencing guidelines. To leave only the option of imprisonment, even maximum terms, would result in the same problems as seen in countries where there are minimum terms of imprisonment for wildlife crimes. Such terms tend to stay in the statute books and rarely become the final outcome.
- 3.6.7. Enforcement and investigation powers, including specialized investigative techniques, such as controlled delivery, are also provided for in the bill. If passed into law, it will provide Nigeria with a strong legislative framework for combatting crimes involving endangered species and protecting biodiversity. Any amendments to the draft must follow a forensic reading of the bill in order to ensure both alignment of the provisions within the bill (especially the definitions section) and the alignment of the bill with the other legislation referred to therein in order to avoid conflict in implementation.

²⁹ Nigeria, Federal Capital Territory Courts (Sentencing Guidelines) Practice Direction, 2016. Available at www.unodc.org/conig/uploads/documents/publications/Anti-Corruption-Project-Nigeria/Federal_Capital_Territory_Courts_Sentencing_Guidelines_2016_Final.pdf.



3.7. Recommendations related to the legislative framework

- » Accelerate the passage into law of the Endangered Species Conservation and Protection Bill of 2022.
- » Develop with the judiciary, once the bill has become law, an addendum to the Federal Capital Territory Courts Sentencing Guidelines of 2016 to provide guidance on sentencing related to the offences in the new law.
- » Take a nuanced approach to addressing the power to compound offences afforded to the Nigeria Customs Service and the National Park Service, rather than pushing for its complete removal. The lack of funding from the central government to the National Park Service and state-level park authorities, for example, means that the ability to compound does meet some of the operational requirements of those authorities. Discussions should be had with the relevant agencies with a view to agreeing a standardized approach to compounding. For example, it could be agreed that compounding is never allowed in any case involving a protected species, or the approach could be less stringent, with specific offences relating to protected species being identified as ineligible for compounding and set out in a memorandum of understanding between agencies or within a policy document for each agency.



4



4

LAW ENFORCEMENT

4.1. Introduction

4.1.1. The three main law enforcement agencies that play a role in the prevention, detection and suppression of wildlife and forest crimes in Nigeria are:

- » Nigeria Customs Service
- » National Environmental Standards and Regulations Enforcement Agency
- » National Park Service

4.1.2. In addition to the primary law enforcement agencies there are several additional agencies that support or can support wildlife and forest crime enforcement:

- » Nigeria Police Force
- » Economic and Financial Crime Commission
- » National Drug Law Enforcement Agency
- » INTERPOL
- » Nigerian Postal Service
- » Federal Ministry of Justice
- » Federal Ministry of Environment
- » Department of State Services
- » Nigeria Immigration Service
- » Chief Veterinary Officer of Nigeria

4.2. Investigative capacity

4.2.1. Several of the Nigerian law enforcement agencies responsible for investigating serious organized crime are supported by the necessary legislation and have the required skill sets. Apart from in the Nigeria Customs Service, however, the Toolkit assessment team found little evidence of proactive law enforcement activity to address wildlife and forestry crime in Nigeria.

4.2.2. There is no existing legislation that specifically provides for the use of advanced investigative methods, including undercover operations and the use of tracking devices. Despite this, it would appear that these methods are frequently used, as shown in table 2. Furthermore, testimony thereon (particularly in respect to undercover operations by the National Drugs

Law Enforcement Agency) is routinely accepted into evidence. Telephone interception is legislated for, but its use is restricted to only a few law enforcement agencies.

Table 2. Use of advanced investigative methods by law enforcement agency in Nigeria (yes or no)


Agency	Dedicated surveillance team	Electronic surveillance	Undercover work	Telecom interception	Controlled deliveries	Device extraction
Nigeria Police Force	Y	Y	Y	Y*	Y	Y
Nigeria Customs Service	Y	Y	Y	N	Y	Y
Economic and Financial Crime Commission	N	N	Y	Y*	Y	Y
National Park Service	Y	Y	N	N	N	N
National Environmental Standards and Regulations Enforcement Agency	N	N	Y**	N	N	Y (through the Department of State Services)
Federal Ministry of Environment	N	N	N	N	N	N
INTERPOL	N	N	N	N	N	N
Nigerian Postal Service	N	N	Y	N	N	N
National Drugs Law Enforcement Agency	Y	Y	Y	Y	Y	Y
Department of State Services	Y	Y	Y	Y	Y	Y

* Not confirmed.

** Basic level only.

4.3. Inter-agency cooperation

4.3.1. Inter-agency cooperation is key in addressing organized crime, and there is good cooperation between key stakeholders at the organizational level in Nigeria. The country's ability to bring together key national agencies, intergovernmental organizations and nongovernmental organizations to formulate and agree on a comprehensive national strategy is testament to that cooperation. The subsequent creation of a Wildlife Law Enforcement Task Force is a further such example. The Task Force is led by the National Environmental Standards and Regulations Enforcement Agency and coordinated by the CITES and Wildlife Management Authority of the Federal Ministry of Environment. It



currently involves 16 agencies, including representatives of the Nigeria Customs Service, the National Park Service, the INTERPOL National Central Bureau, the Nigeria Police Force, the Economic and Financial Crimes Commission, the Nigerian Financial Intelligence Unit and other enforcement agencies. From the interviews conducted for this assessment, it emerged that the Task Force has very limited operational capacity at the moment and that most investigations into wildlife crimes are conducted on the initiative of its individual members, with no real coordination mechanism in place. It is hoped that this will improve soon on the basis of a memorandum of understanding among members.

4.3.2. At the operational level, the situation is very different, with some agencies working well together and others not. The organizations working on wildlife crime at the local level seem to cooperate well, and there is a degree of trust. In the investigation and prosecution of transnational organized wildlife crime, a degree of mistrust has developed, with information and intelligence existing in silos and bureaucracy hindering the sharing of relevant information.

4.3.3. There may be several reasons for this, including personality clashes between key actors, disagreements with respect to mandates and how far they extend, fears of leaks and a general mistrust of other agencies targeting the same criminal networks for different violations. According to some respondents, the fact that the programmes of nongovernmental organizations are funded by different donors with different programme objectives may be causing a polarization of key units.

4.3.4. While a lack of cooperation at the operational level is cause for concern, it is not an insurmountable challenge. In these types of situations, a joint multi-agency team, such as the one recommended below, is often able to break down such barriers. By assigning the leadership of a new joint investigation team focused on high-profile transnational cases to an expert experienced in combating organized crime or drug trafficking, a new spirit of collaboration can be fostered and significant operational results can be achieved.

Recommendation on inter-agency cooperation

Create a joint transnational investigation team to be the operational arm of the Wildlife Law Enforcement Task Force and led by a senior officer from the police or another traditional law enforcement agency mandated to undertake organized crime investigations. The joint transnational investigation team would include officers from key enforcement agencies in Nigeria that have a mandate to investigate transnational wildlife crime. The number of agencies involved should be kept to a minimum so that the team maintains an operational focus. The team would have its own independent funding and report to the Wildlife Law Enforcement Task Force.

4.3.5. A joint transnational investigation team would require a dedicated intelligence cell, two investigation teams, a surveillance team, a prosecutor and administrative support. The objectives would be to enable the investigation of two major trafficking networks at any one time and to develop intelligence to share with other law enforcement agencies both inside and outside Nigeria. International mentors could also be used to support the team.

- 4.3.6. To maintain the independence of the joint transnational investigation team, it would ideally be housed in its own premises, with each agency providing the equipment needed for its functioning. Donor funding could also be sought to help cover the costs associated with running the team in order to ensure its viability for a period of five years. During that time, staff from the National Environmental Standards and Regulations Enforcement Agency would be exposed to the skills required to address transnational organized wildlife crime.
- 4.3.7. The joint transnational investigation team would report to the Wildlife Law Enforcement Task Force and brief departmental representatives on the progress of investigations, trafficking methods and emerging threats. This would assist the Task Force in its policy decisions, ensuring that Nigeria meets its commitments under CITES and that the Task Force becomes a vehicle for systemic change. The Task Force would also provide the targets of the team's investigations to ensure that the team focused on high-risk individuals or organized crime networks operating in or affecting Nigeria.
- 4.3.8. The joint transnational investigation team would complement the Special Wildlife Office of the Nigeria Customs Service, enabling the sharing of intelligence and targets who have been identified in investigations by the joint transnational investigation team but who do not meet the necessary threshold for a separate investigation by the team.

4.4. Forensics capacity

- 4.4.1. Forensic science or criminalistics can be defined as “the use of scientific methods and procedures to solve a crime”.³⁰ Forensic science to support wildlife crime investigations is still in its infancy in Nigeria, despite the country's role as a key transit hub for ivory and pangolin scales between 2016 and 2021. Back in 2012, Google, through the Global Impact Awards, provided \$3 million to the Consortium for the Barcode of Life, hosted in the Smithsonian Institution, to counter the illegal trafficking and poaching of CITES-listed species. Nigeria was one of six countries selected globally for the setting of standards and the demonstration and adoption the use of DNA barcode evidence in the investigation, prosecution and conviction of CITES offenders.³¹
- 4.4.2. During the project by the Consortium for the Barcode of Life, it was found that there was no forensic laboratory in Nigeria that could identify the carcasses or parts of dead animals and process samples. It was decided that the Reference Laboratories of the National Environmental Standards and Regulations Enforcement Agency in Lagos would be redesigned and remodelled to become a wildlife forensic laboratory. Unfortunately, however, the grant for the project ran out before the works were finished.³²

30. Onyia, Christie O., Obianuju P. Ilo and Scott E. Miller, “Legal Standards Setting in the Use of Forensics DNA Barcode, Evidence for Wildlife Crime Detections and Prosecution in Nigeria”, in *Medical Biotechnology, Biopharmaceutics, Forensic Science and Bioinformatics*, Hajjya Mairo Inuwa and others, eds. (Boca Raton, Florida, CRC Press, 2021).

31. Ibid.

32. Ibid.

4.4.3. During the same project, the Forestry Research Institute of Nigeria was identified as the lead facility with respect to timber forensics. Beyond that, the status of forensic timber examination in Nigeria is unknown.

4.4.4. There is still a lack of capacity in Nigeria with regard to the forensic analysis of wildlife and wildlife products for court purposes, which may be a limiting factor in wildlife crime investigations. Elephant ivory exhibits from a recent seizure by the Nigeria Customs Service were sent to the recently developed wildlife genetics laboratory (Laboratoire de génétique de la faune) in Gabon for DNA testing, with a view to obtaining evidence of the provenance of the ivory.

4.4.5. In terms of digital forensics, the Department of State Services, the National Drug Law Enforcement Agency and the Economic and Financial Crimes Commission have their own specialist units with the capacity to conduct digital forensics on computers and mobile devices.

4.4.6. As Nigeria is a key transit hub, and given the failure of the project by the Consortium for the Barcode of Life to deliver any tangible benefits or sustained capacity and the unknown status of timber forensics, it is recommended that a UNODC wildlife forensic needs assessment be undertaken in Nigeria to better define the needs in terms of capacity, as well as potential models for the provision of sustainable wildlife forensics to support wildlife crime investigations.

Recommendation on wildlife forensics

Conduct, with the support of international organizations like UNODC, an assessment of the current capacity of Nigeria to conduct wildlife and timber forensic analyses, and identify practical and sustainable solutions to make forensic services available for crime investigators and prosecutors.

4.5. Nigeria Customs Service

4.5.1. The Nigeria Customs Service is a paramilitary agency that was created more than a century ago under the former British colonial rule. It operates under the Ministry of Finance and is governed by the Nigeria Customs Service Act of 2023.

The statutory functions of the Nigeria Customs Service include:

- » Collection of revenue (import/excise duties and other taxes/levies)
- » Anti-smuggling activities
- » Security-related functions
- » Generation of statistics for planning and budgetary purposes
- » Monitoring foreign exchange use

- » Research, planning and enforcement of government fiscal policies
- » Processing of manifests
- » Licensing and registration of customs agents
- » Designation and registration of collecting banks
- » Collaboration with other government agencies in all approved ports and border stations

4.5.2. The Nigeria Customs Service is led by Comptroller General, Mr Bashir Adewale Adeniyi, with the assistance of seven Deputy Comptrollers General that head the following departments:

- » Finance Administration and Technical Services
- » Strategic Research and Policy
- » Tariff and Trade
- » Excise, FTZ (free-trade zones) and Industrial Incentives
- » Human Resource Development
- » Enforcement Investigation and Inspection
- » Training and Doctrine Command

4.5.3. The Nigeria Custom Service operates four zone commands: Zone A with its headquarters in Lagos; Zone B with its headquarters in Kaduna; Zone C with its headquarters in Port Harcourt; and Zone D with its headquarters in Bauchi. Each of these zone commands has within it several area commands, with a total of 26 spread across Nigeria. There are approximately 18,000 customs officers to manage five seaports, five international airports and 124 manned border crossings.

i. Lagos Port Complex (Apapa)

4.5.4. The Lagos Port Complex is the oldest and largest port in Nigeria. The port contains five private terminals, eight jetties and two logistics bases. The port has the capacity to process the equivalent of over 1 million 20-foot containers per year. The Nigeria Customs Service estimates that about 25–30 per cent of the total incoming containers are subject to non-intrusive inspections (including the use of X-ray scanners) and about 2 per cent of these then undergo a complete inspection, which involves emptying the containers and physically inspecting their entire contents. There is a K9 Unit available, the dogs of which can be used to detect narcotics and explosives.

4.5.5. The Service also has new container scanners at the Ports of Tin Can Island, Onne and Port Harcourt, which were brought online in July 2023.



ii. Air cargo facility at international airports

4.5.6. The busiest airport for air cargo in Nigeria is the Murtala Muhammed International Airport. With 204,649 tonnes of air cargo passing through the airport in 2021, it ranks among the top five airports for air cargo in Africa. At other airports, all passenger bags are scanned by the Federal Airports Authority of Nigeria. The National Drug Law Enforcement Agency also operates body scanners at each major airport in the country.

iii. Special Wildlife Office

4.5.7. The Special Wildlife Office of the Nigeria Customs Service, a hybrid intelligence/operations unit, was established in 2021 and has eight full-time staff members. The Office is headquartered in Zone A, Lagos, and has the following objectives:

1. To give priority to combating illegal wildlife trafficking, including of timber species, amid other customs functions and to provide a platform for national, regional and international cooperation on intelligence/information-sharing.
2. To collate, analyse and disseminate intelligence that will assist with profiling (risk management), targeting, surveillance, enforcement, arrests, investigations and prosecutions.
3. To design and deliver training (including joint law enforcement training) to build further the capacity of frontline officers and other law enforcement officers involved in wildlife enforcement, investigation and prosecution.
4. To collaborate with other law enforcement agencies, relevant government agencies and non-governmental organizations to combat illegal wildlife trafficking.
5. To coordinate wildlife-related law enforcement operations and activities in customs area commands, nationally and internationally, to support collaborative law enforcement against wildlife crime.
6. To detect and dismantle the criminal groups operating within and outside Nigeria.³³

4.5.8. In the short time since the Office was created, it has proven to be the most effective law enforcement unit for countering wildlife trafficking in Nigeria. In particular, it has had a high degree of success in relation to objective 6 above, detecting and dismantling several key organized crime networks involved in the trafficking of ivory and pangolin scales. A significant factor in the Office's success is the technical and financial support provided by non-governmental organizations. The challenge for the Office will be to maintain its operational tempo in a much more challenging environment.

4.5.9. The Special Wildlife Office uses several advanced investigative techniques and can call upon the dedicated surveillance unit of the Customs Intelligence Unit (see section (iv) below). The Office has several members who have performed undercover operations in pangolin,


³³ Convention on International Trade in Endangered Species of Wild Fauna and Flora, seventy-fifth meeting of the Standing Committee, 13 November 2022, SC75 Doc. 7.2.5. Available at www.cites.org/sites/default/files/documents/SC/75/agenda/E-SC75-07-02-05.pdf.

ivory and primate investigations. For arrests the Office relies on a section of armed customs officers who have police powers of search and arrest.

4.5.10. The Office has worked closely with several non-governmental organizations to turn intelligence into seizures, arrests and prosecutions since 2021, as shown in table 3 below. The Office has conducted several successful operations triggered by sensitive information provided by non-governmental organizations. It is unclear whether the Office has sufficient capacity to harvest relevant intelligence on organized crime networks without the support of non-governmental organizations. In addition, an attaché from the Fish and Wildlife Service of the United States of America has been deployed to Nigeria with plans to work closely with the Special Wildlife Office.

Table 3. Seizures, arrests and prosecutions by the Wildlife Crime Unit since 2021, as at December 2023

Date	Seizure	Arrests	Convictions
27 July 2021	7,167.99 kg of pangolin scales, 4.6 kg of pangolin claws and 888.49 kg of ivory.	Three people arrested and one person still wanted.	Bench warrants issued for all four suspects after they failed to appear in court.
13 September 2021	1,009.5 kg of pangolin scales.	Two people arrested and one still person wanted.	Trial still under way.
2 February 2022	830 kg of pangolin scales and 145 kg of ivory.	Four people arrested.	Two people convicted and sentenced to four years' imprisonment. Trial of two people still under way.
10 February 2022	1 monkey.	No arrests.	
12 May 2022	397.5 kg of pangolin scales.	Two people arrested and two people still wanted.	One person sentenced to four months' imprisonment and the other sentenced to six years' imprisonment or a fine of approximately \$7,000.
15 May 2022		Six people arrested in connection with seizures between January and July 2021.	Three suspects convicted and sentenced to six years' imprisonment or a fine of approximately \$7,000.
2 July 2022	1.4 kg of carved ivory and 520 g of rhino horn.	Two people arrested.	Trial still under way.
21 October 2022	376.4 kg of pangolin scales.	Two people arrested and two people still wanted.	Trial still under way.
15 December 2022		One person arrested in connection with seizures between January and July 2021.	One person convicted and on remand awaiting sentencing.
18 April 2023		Clearing agent arrested in connection with a seizure in January 2021.	One person convicted and fined an unspecified amount.
26 May 2023	113 mud turtles.	No arrests.	
27 May 2023	713 kg of shark fin and 40 kg of sea cucumbers.	Two people arrested.	Trial still under way.
1 June 2023	1 chimpanzee.	Three people arrested.	Trial still under way.
16 June 2023	1 chimpanzee.	One person arrested.	Trial still under way.
30 August 2023	1 gorilla.	Two people arrested.	Trial still under way.
18 September 2023	7 African grey parrots.	Two people arrested.	Trial still under way.



4.5.11. Recent arrests have highlighted a crime that has gone largely undetected in Nigeria, namely the trafficking of great apes from breeding facilities within the country. These enforcement actions highlight that private breeding facilities and farms remain largely unregulated and unpoliced. The Nigeria Customs Service is to be congratulated for focusing on this type of crime, but there is insufficient intelligence about the exact number and locations of these facilities.

iv. Customs Intelligence Unit

4.5.12. The Nigeria Customs Service has a dedicated intelligence unit consisting of about 700 staff members operating throughout Nigeria. The unit performs a multitude of tasks, including the preparation of tactical and strategic reports for the senior management of the Nigeria Customs Service; the risk-profiling of cargo entering and leaving Nigeria; and the provision of support for intelligence-led investigations.

4.5.13. The Unit uses iBase, which is the first dedicated intelligence database of the Nigeria Customs Service, and a new powerful analytical tool called i2 Analyst's Notebook. It is recommended that analysts attached to the Customs Intelligence Unit and the Special Wildlife Office are trained as trainers and that they train other staff within the Customs Intelligence Unit to ensure that the tool is used and leads to an increase in intelligence led investigations.

v. Confidential human intelligence sources

4.5.14. The Nigeria Customs Service uses confidential human intelligence sources (informants) who provide intelligence on traffickers. Furthermore, the Service has also arrested numerous wildlife trafficking suspects who have been imprisoned or are awaiting the outcome of court cases. These individuals represent a potential source of valuable intelligence on major wildlife trafficking networks that is not being fully exploited. The use of confidential human intelligence sources is currently more an ad hoc than formalized with the requisite checks and balances. Officers from the Nigeria Customs Service have not received any training in the recruitment and management of such human sources, and funding for reward or subsistence payments for sources is low. While informants are valuable, they can pose integrity and reputational risks to an organization. Consideration should thus be given to formalizing the system at the central level.

vi. Cell-phone data extraction and analysis

4.5.15. The Nigeria Customs Service does not have the capacity to undertake the physical extraction of cell-phone data from seized mobile telephones. The Special Wildlife Office has seized many mobile telephones during recent operations and has been forced to use non-governmental organizations or the United States Fish and Wildlife Service to undertake

the extraction on its behalf. While the extractions have been performed professionally, the Nigeria Customs Service should have the ability to undertake these examinations itself. The systems required can be quite expensive and the ongoing licence fees problematic, but the Service is a well-resourced agency that should be able to afford the costs.

Recommendations for the Nigeria Customs Service

- » Provide training on iBase and i2 Analyst's Notebook for analysts from the Customs Intelligence Unit and the Special Wildlife Office.
- » Train staff and managers of the Nigeria Customs Service in the handling of confidential human intelligence sources, and establish a centralized informants register.
- » Acquire cell-phone extraction hardware and software, and provide staff with the training needed to use the resources.

SWOT ANALYSIS – Nigeria Customs Service

STRENGTHS <ul style="list-style-type: none"> » Operational synergy with the National Drug Law Enforcement Agency. » Intelligence analysis capacity. » New intelligence database. » Comprehensive understanding of transnational organized wildlife crime and organized crime networks. » Dedicated wildlife crime team. » Dedicated surveillance team. 	WEAKNESSES <ul style="list-style-type: none"> » Lack of skills for the identification of wildlife and timber. » Lack of tools to extract data from mobile phones. » Reliance on key staff members who are nearing retirement age.
OPPORTUNITIES <ul style="list-style-type: none"> » Capacity-building to increase knowledge of wildlife crime. » Awareness-raising with respect to illegal trade in wildlife across the community. » Enhancement of intelligence capacity thanks to the acquisition of the new intelligence database. 	THREATS <ul style="list-style-type: none"> » Changes in wildlife traffickers operating methods. » Potential for corruption within the freight forwarding networks.

4.6. World Customs Organization

4.6.1. Nigeria is a member of the WCO, and the current Head of the Special Wildlife Office is the WCO focal point for wildlife matters with the Nigeria Customs Service. The WCO has supported the Nigeria Customs Service by providing training, seminars and capacity-building. Examples of WCO support include:

- » WCO INAMA Project undertaken in November and December 2019, which aimed to strengthen the enforcement capacities of targeted customs administrations in subSaharan Africa, South America and Asia in relation to illegal wildlife trade and the enforcement of CITES.³⁴
- » A risk management workshop held in March 2020 in Hanoi, Viet Nam, that focused on

³⁴ World Customs Organization, "INAMA Project". Available at www.wcoomd.org/en/topics/enforcement-and-compliance/activities-and-programmes/environment-programme/inama-project.aspx (accessed on 25 March, 2024).

illegal wildlife trade and was attended by the Nigeria Customs Service and the customs services of Malawi and Viet Nam.³⁵

- » An accreditation workshop held in August 2019 in Lusaka, Zambia, that brought together experts on matters of illegal wildlife trade from 12 different countries, including Nigeria, and was the culmination of various train-the-trainer workshops and regional customs/law enforcement training events.³⁶

4.6.2. As part of the ICCWC, WCO plays an important role in capacity-building and intelligence-sharing in Nigeria. It also offers customs officers access to its secure messaging platform, CENcomm.

4.7. Federal Ministry of Environment

4.7.1. The Federal Department of Forestry of the Federal Ministry of Environment includes a CITES Management Authority³⁷ and a Wildlife Division responsible for wildlife policy formulation and implementation, the protection and conservation of wildlife resources and the management of illegal wildlife trade and its illicit products in Nigeria. The Division coordinates the enforcement of laws on illegal wildlife trade across various law enforcement agencies, including through a forum to address wildlife and forest crimes and share information.

4.7.2. The CITES Management Authority is staffed by 19 officers, all of whom are based in the Ministry's Abuja headquarters. The team supports policy implementation across agencies, currently employing a paper-based system. The CITES Management Authority has acknowledged that its current system of issuing permits manually gives rise to numerous possibilities for document abuse, delay and corrupt practices, both when documents are issued and upon inspection at border crossings. Furthermore, there have been several cases involving such practices as permit fraud, bribery to obtain export permits, post-export issuance of permits, false captive-breeding information on export permits and the re-use of permits.³⁸ Under the current system, there is only one signatory for CITES permits to prevent corruption and security issues.

4.7.3. To address these issues, the CITES Management Authority plans to move to an electronic system, for improved coordination. The CITES Compliance Assistant Programme is aiming to digitize the operations of the CITES Division of the Federal Department of Forestry. While this is an exciting proposition, it was noted during the present assessment that

35 World Customs Organization, "The Malawi Revenue Authority, the Nigeria Customs Service and the General Department of Vietnam Customs come together to fight illegal wildlife trade", 17 March 2020. Available at www.wcoomd.org/en/media/newsroom/2020/march/the-malawi-revenue-authority-the-nigeria-customs-service.aspx (accessed on 25 March 2024).

36 World Customs Organization, "12 officers accredited as WCO Customs Technical and Operational Advisors in the field of Illegal Wildlife Trade", 4 September 2019. Available at www.wcoomd.org/en/media/newsroom/2019/september/12-officers-accredited-as-wco-customs-technical-operational.aspx?p=1 (accessed on 25 March, 2024).

37 Eighteenth Meeting of the Conference of the Parties to the Convention on International Trade of Endangered Species of Wild Fauna and Flora, "Conf. 18.6: Designation and role of CITES Management Authorities". Available at www.cites.org/sites/default/files/documents/COP/19/resolution/E-Res-18-06.pdf (accessed on 25 March 2024).

38 Convention on International Trade in Endangered Species of Wild Fauna and Flora, seventy-fifth meeting of the Standing Committee, 13 November 2022, SC75 Doc. 7.2.5. Available at www.cites.org/sites/default/files/documents/SC/75/agenda/E-SC75-07-02-05.pdf.

the headquarters building suffers from intermittent power outages, and that the internet can, at best, be described as poor. For the digitization process to be successful, a reliable electricity source needs to be acquired, and improved internet connectivity is essential. It was ascertained that additional equipment, up to 19 laptops, would also be needed, as some officers currently use their personal laptops and phones for work purposes.

SWOT ANALYSIS – Federal Ministry of Environment

<p>STRENGTHS</p> <ul style="list-style-type: none"> » Expertise in verification and concealment processes related to wildlife. » Involvement of scientists, such as zoologists, in its work. 	<p>WEAKNESSES</p> <ul style="list-style-type: none"> » Lack of data analysis capacity and training in proper data collection. » Absence of identification tools for different species specimens at seizure points. » Need for increased awareness within the organization and among staff members in order to enhance coordination as the CITES Management Authority. » No dedicated inspection team within the Federal Department of Forestry.
<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> » Capacity-building for the collection of baseline data on all wildlife facilities. » Acquisition of additional facilities to enhance operational coordination and data analysis capabilities. 	<p>THREATS</p> <ul style="list-style-type: none"> » Power stability issues may hinder digitization operations. » Low internet bandwidth necessitates the use of private data allowances. » Lack of work phones and reliance on personal funds for work expenses. » Inability to conduct scientific investigations to identify the causes of zoonotic diseases. » Presence of unauthorized and unregulated breeding facilities, such as the National Association of Zoos and Parks.

Recommendation for the Federal Ministry of Environment

Seek donor support for funding for solar power for the headquarters of the CITES Management Authority in Abuja, and ensure the provision of sufficient internet connectivity.

4.7.4. While the Wildlife Division has a shortage of investigators responsible for compliance with regulations and the legal framework, it is staffed with experts who have a scientific background and who can provide expertise in CITES specimen identification. The species that are subject to illegal trade are in constant evolution and further capacity-building is needed for their identification.³⁹ When the need arises, the Division collaborates with permit system partners to investigate irregularities. This may involve field inspections and health checks. The Division works closely with the National Environmental Standards and Regulations Enforcement Agency, the National Park Service and sometimes with the Nigeria Agricultural Quarantine Service, which often undertake inspections on its behalf.

³⁹ During the interviews conducted for the present report, explicit requests for assistance were made with reference to capacity-building for distinguishing between species that look alike; training in CITES nondetriment findings for the CITES Management Authority, the Forestry Research Institute of Nigeria and the National Park Service; training and refresher training on relevant conventions, protocols and agreements; capacitybuilding in legal acquisition findings, harmonization of state and national wildlife laws, risk assessments and reporting systems; capacity-building in terms of aquatic species and iconic species, such as migratory birds, elephants, pangolins, great apes and big cats; capacity-building in terms of zoonotic diseases and the One Health approach; and capacity-building for captive breeding and in situ and ex situ management.



Recommendation for the Federal Ministry of Environment

Provide technical officers with training and refresher courses in the identification of species, health and zoonotic-disease risk factors and key national and international legal frameworks.

- 4.7.5. The CITES Management Authority does not store seized CITES-listed species, instead it relies on other agencies to provide the facilities needed and information related to seizures. It lacks any capacity for DNA testing, although it has collaborated with the Nigeria Customs Service to have ivory tested in Gabon.

Recommendation for the Federal Ministry of Environment

Seek donor support to improve access to technical tools, and provide additional laptops and monitors to ensure a smooth digitization of the CITES permit system.

- 4.7.6. The CITES Management Authority sees its lack of capacity relating to the regulations on captive breeding facilities and private zoos operating in Nigeria as a significant threat. Recent seizures of chimpanzees by the Special Wildlife Office of the Nigeria Customs Service highlights the potential for criminality with respect to these private facilities. Intelligence suggests that several of the facilities may be leaking CITES specimens into illegal trade.

4.8. National Environmental Standards and Regulations Enforcement Agency

- 4.8.1. The National Environmental Standards and Regulations Enforcement Agency falls under the Federal Ministry of Environment and was established by the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act of 2007. The Agency is mandated to enforce all environmental laws, guidelines, policies, standards and regulations in Nigeria and to prohibit processes and uses of equipment or technology that undermine environmental quality. It also responsible for ensuring compliance with the provisions of all the multilateral environmental agreements to which Nigeria is party.⁴⁰

- 4.8.2. The National Environmental Standards and Regulations Enforcement Agency is responsible for enforcing 35 environmental regulations. With respect to the illegal wildlife trade, the most relevant are:

- » National Environmental (Protection of Endangered Species in International Trade) Regulations of 2011
- » National Environmental (Control of Bush, Forest Fire and Open Burning) Regulations of 2011
- » National Environmental (Control of Alien and Invasive Species) Regulations of 2013
- » National Environmental (Control of Charcoal Production and Export) Regulations of 2014

⁴⁰ National Environmental Standards and Regulations Enforcement Agency, "Frequently Asked Questions". Available at www.nesrea.gov.ng/faq/ (accessed on 25 March 2024).

4.8.3. The offices of the National Environmental Standards and Regulations Enforcement Agency are in the six geopolitical zones and housed in 34 states and the Federal Capital Territory. The Agency comprises seven departments:

- » Inspection and Enforcement
- » Planning and Policy Analysis
- » Environmental Quality Control
- » Partnership and Education
- » Special Duties
- » Administration and Finance
- » Legal⁴¹

4.8.4. With respect to wildlife investigations, the Agency's team totals approximately 60 investigators spread across Nigeria. The primary wildlife investigation team is located at the Abuja headquarters and comprises 12 dedicated investigators, several of whom have a dual intelligence function. There are no foundational training courses available to them, so these officers receive only basic training in both investigations and intelligence. During the interviews, they appeared eager to learn new skill sets.

4.8.5. The headquarters has one vehicle, which needs to be booked in advance, for responding to wildlife crime incidents or undertaking proactive operations. Additional vehicles can be obtained, but the procedure is not easy. There are a limited number of desktop computers for the members of the team to work with, but they all use their own mobile telephones for work activities, including for photographing exhibits or suspects. There are two older cameras, one each for the Abuja and Lagos offices, but they need to be upgraded as the quality of the images produced is inferior to those taken using mobile telephones.

4.8.6. There is no centralized case-management system, nor is there a dedicated intelligence database or analytical software. Information and intelligence are shared via email, through WhatsApp groups or from investigator to investigator.

4.8.7. Although there are dedicated analyst positions in the team, the staff in those positions have received minimal training in analytical techniques. This restricts the Agency in the collection, collation, analysis and dissemination of intelligence. This is a severe impediment in addressing the organized crime aspects of illegal wildlife trade, but is a less of issue when dealing with more localized wildlife crime. Discussions with the Abuja team for the present report suggested that the strategic importance of a well-resourced and trained intelligence unit was underappreciated by the management.

⁴¹ National Environmental Standards and Regulations Enforcement Agency, "Our structure". Available at www.nesrea.gov.ng/our-structure/ (accessed on 25 March 2024).



SWOT ANALYSIS – National Environmental Standards and Regulations Enforcement Agency

<p>STRENGTHS</p> <ul style="list-style-type: none"> » The requisite legislative mandate. » A substantial work force to fulfil the mandate. » The existence of the Wildlife Law Enforcement Task Force, which will target high-risk areas and organized crime syndicates, complements the Agency's mandate. » An internal collaborative system across all states. » A memorandum of understanding on border security and control between Nigeria and Cameroon to facilitate regional collaboration. 	<p>WEAKNESSES</p> <ul style="list-style-type: none"> » Limited financial support owing to low level of awareness of illegal wildlife trade among political leaders, which affects budget allocations. » Inadequate logistics, including an insufficient number of designated operational vehicles for wildlife surveillance and enforcement. » Inadequate funding for research on wildlife crime issues. » Inability to be present at ports and border posts owing to government policies. » Interference in prosecutions by the Nigeria Customs Service, limiting the Agency's authority. » Lack of facilities for species management. » Lack of forensic capacity. » No intelligence database.
<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> » Increased access to ports and border posts could enhance the Agency's exposure to the illegal wildlife trade and assist in species identification. » The capacity to identify CITES species, which could aid border post and port operations. 	<p>THREATS</p> <ul style="list-style-type: none"> » Lack of operational equipment and facilities. » Lack of authorization to carry arms and appointments. » Lack of safety equipment.

Recommendation for the National Environmental Standards and Regulations Enforcement Agency

Organize training for Agency analysts and managers in basic and advanced intelligence analysis, including financial, online and mobile-telephone data analysis.

4.8.8. Agency investigators can access financial and telephonic records by making requests to the Nigeria Police Force, the Economic and Financial Crimes Commission and the Nigerian Financial Intelligence Unit.

4.8.9. Several Agency investigators use confidential human intelligence sources, but there is little organizational control or management of those sources. There is no dedicated database for such sources and no online tasking or reward system, and Agency investigators have not been trained in the management of such sources. Given the reputational risks and risks of corruption associated with this investigative tool, it is an area that should be addressed as a matter of urgency.

Recommendation for the National Environmental Standards and Regulations Enforcement Agency

Organize training for Agency investigators and managers in the recruitment, tasking and management of confidential human intelligence sources, and develop policies on reward payments and anti-corruption strategies.

- 4.8.10. Agency investigators have the power to stop, search and detain suspects, but they do not have arms and appointments. This means that they generally require police assistance when arresting or detaining suspects. Agency investigators can search vehicles, vessels or business premises, but require a warrant to search residential premises. Agency investigators have not received training in the execution of search warrants or high-risk searches or arrests.
- 4.8.11. Agency staff have not received training in crime scene examination. In the event that they need to process a crime scene, they rely upon the Nigeria Police Force to provide expert support. During preparation of the present report, no information was collected about whether the Nigeria Police Force had ever refused to examine a crime scene for the Agency, but given that there is often high demand for such resources within the Agency, there is a need for it to develop a basic crime scene capability. Agency staff need training in the processing of crime scenes, including exhibit handling and storage. Any such training should also be supported by the provision of crime scene kits.

Recommendation for the National Environmental Standards and Regulations Enforcement Agency

Organize crime scene management training for Agency staff, with a focus on scene protection and examination and exhibit handling, storage and analysis.

- 4.8.12. Agency investigators do not have dedicated facilities or equipment for interviewing suspects. Most interviews are recorded in notebooks in the field or at local police stations, and video or audio recordings are rare. While this form of interview is admissible in evidence, a lack of training and equipment can prevent it from being usable. This situation is not unique to the National Environmental Standards and Regulations Enforcement Agency and is a problem identified globally in many wildlife crime cases.
- 4.8.13. The Agency does not have a dedicated facility for the storage of exhibits. Furthermore, like other agencies in Nigeria, it uses a paper-based system to track its exhibits and could benefit from a more corruption-resistant, online barcode system. When seized, live specimens are frequently given to rehabilitation centres or national parks for care. The interviews conducted did not shed light on whether there was a policy on this practice or on what procedures were implemented to ensure that facilities receiving the exhibits documented any related births or deaths and what happened to any progeny.
- 4.8.14. Agency investigators undertake basic surveillance, but they are severely limited by a lack of covert vehicles and surveillance equipment, which restricts their effectiveness. It calls into question the rationale of using such a tool to target the more organized criminal networks operating in Nigeria, as it may pose a risk to the investigation that is greater than the benefit it can bring. The Agency does not use vehicle tracking devices.
- 4.8.15. Similarly, Agency investigators undertake basic undercover operations, but lack the training, equipment, oversight and organizational policies to do so effectively. They should not use this investigation method until the deficiencies have been addressed.



- 4.8.16. The National Environmental Standards and Regulations Enforcement Agency does not have the statutory authority to intercept telecommunications devices. Any interception would be done by the Department of State Services, but the Agency has never sought assistance with respect to the interception of telephones used by wildlife traffickers.
- 4.8.17. Any mobile telephone or computer that is seized by Agency investigators is to be sent to the Department of State Services for extraction, but there is limited capacity within the Agency to analyse the reports that the Department sends back. Trained and well-resourced staff are required to turn the reports into a product that can be presented to and understood by prosecutors and judges. It is not surprising, therefore, that the Agency has not sent any phones for extraction and has not produced any related evidence in court.
- 4.8.18. While the Agency has made good progress in addressing domestic wildlife crime, the existence of legislation stating that an agency is responsible for addressing specific type of crime does not automatically make that agency effective in carrying out its mandate. The National Environmental Standards and Regulations Enforcement Agency has several fundamental deficiencies that make it almost impossible for it to carry out all aspects of its mandate in relation to transnational organized wildlife crime. These deficiencies are not of the Agency's own making, and it is trying very hard to rectify them, but it is not a traditional law enforcement agency with decades of experience in addressing organized crime. It is a brand-new regulatory agency that has been tasked with addressing serious offences under different legislative frameworks, spanning the full spectrum of environmental protection. None of the legislation provides it with the mandate to use advanced investigation methods or to carry arms and appointments.
- 4.8.19. Domestic wildlife crime, while a serious issue, is significantly easier to address from an investigation and prosecution point of view than transnational organized wildlife crime. The suspects tend to be less sophisticated than transnational wildlife crime actors, and cooperation is more easily achieved at the local level than at the national or international level. Organized crime investigations are resource-intensive, often requiring advanced skill sets, methodologies and intelligence analysis, especially complex financial and telephonic analysis. Such investigations often require the use of specific organized crime legislation and experienced prosecutors and judges who understand the impact of the organized crime.
- 4.8.20. The National Environmental Standards and Regulations Enforcement Agency is not currently in a position to address transnational organized wildlife crime in Nigeria. It has no capacity in advanced investigations; it has minimal intelligence capacity; it lacks an intelligence database and true organizational understanding of the power of intelligence; it does not carry arms and appointments; it is dependent upon other agencies to assist it in carrying out its core functions; it has no structured system for managing confidential human intelligence sources and no witness protection experience or capacity; it has no casemanagement system; and its investigators have minimal experience in compiling a comprehensive case file for prosecution. The Agency is therefore lacking the essential

elements needed to address organized crime, including transnational organized wildlife crime.

4.8.21. To overcome this, as was mentioned above in section 4.3 on inter-agency cooperation, it is suggested that Nigeria make the Wildlife Law Enforcement Task Force operational by creating a joint transnational investigation team under the leadership of an experienced organized crime investigator from the National Drug Law Enforcement Agency. The team would comprise representatives of other relevant law enforcement agencies who can work with, support and mentor investigators from the National Environmental Standards and Regulations Enforcement Agency until they have the necessary skill sets and legislative support to investigate transnational organized wildlife crime independently. The joint transnational investigation team would provide several immediate benefits:

- » It would create an opportunity to address the deficiencies of the National Environmental Standards and Regulations Enforcement Agency in the short term, while working to upgrade the skills of the organization and promoting legislative change in the long term.
- » It could be tasked with investigating transnational wildlife trafficking networks that are operating in or whose criminal activity is affecting Nigeria. A focus on the transnational element of wildlife crime would keep the mission clear and would enable the Task Force to investigate those networks that pose the greatest risk to wildlife in Nigeria. Sufficient intelligence exists within law enforcement agencies to know which networks could be targeted immediately.
- » It would help to promote greater cooperation between law enforcement agencies investigating transnational organized wildlife crime in Nigeria.
- » It would promote the sharing of intelligence on transnational organized wildlife crime both inside and outside Nigeria.
- » It would prevent the duplication of resources, as currently multiple agencies target the same networks.

4.8.22. What was evident during the present assessment was the passion and motivation of the management, investigators and analysts from the National Environmental Standards and Regulations Enforcement Agency. They want to improve themselves, they want the equipment and systems to be more effective and they want to learn from the experience of others. Investigators from National Environmental Standards and Regulations Enforcement Agency would benefit greatly from mentoring provided by experienced investigators and analysts as part of a joint transnational investigation team. This would enable them to have access to, and training in, the systems that are needed to manage organized crime investigations effectively and would enable them to develop an intelligence picture that is currently beyond the capacity of the organization.



4.9. Nigeria Police Force

4.9.1. The Nigeria Police Force⁴² is the principal law enforcement agency in Nigeria with approximately 370,000 members. The operational command and control of the Nigeria Police Force rests with the Inspector General of the Police, at the time of writing, Inspector General Mr. Kayode Egbetokun.

4.9.2. The Nigeria Police Force is divided into seven departments and 17 zonal commands. The departments are:

- » Finance and Administration
- » Operations
- » Logistics and Supply
- » Criminal Investigation
- » Training
- » Research and Planning
- » Information and Communication

4.9.3. The Police Force undertakes intelligence-led investigations into organized crime and uses advanced investigative techniques. It has a dedicated wildlife crime team, but it was unfortunately not available to be interviewed for the toolkit process. No SWOT analysis was undertaken in respect to the Nigeria Police Force.

4.10. INTERPOL

4.10.1. Each member country hosts an INTERPOL National Central Bureau, which connects its national law enforcement apparatus with that of other countries and with the INTERPOL General Secretariat via a secure, global police communications network called I-24/7. National Central Bureaux contribute national crime data to the global databases of INTERPOL in accordance with their respective national laws.⁴³

4.10.2. The Nigeria National Central Bureau has 95 staff members working across the nation, with 33 of them attached to the liaison office in Lagos (across various units). The Wildlife Unit within the National Central Bureau comprises seven staff members and is responsible for supporting law enforcement agencies that address wildlife crime in Nigeria and acting as a conduit for external law enforcement agencies investigating cases or networks with a link to Nigeria.

⁴² The assessment team could not meet with representatives of Nigeria Police Force during the interview phase of the assessment. The draft report was shared with the Force and comments were received only by the INTERPOL National Central Bureau. Given the lack of feedback directly from the Nigeria Police Force, the assessment team decided to make no specific recommendations for the Force.

⁴³ International Criminal Police Organization, "About Notices". Available at www.interpol.int/en/How-we-work/Notices/About-Notices (accessed on 25 March 2024).

- 4.10.3. The National Central Bureau has access to 19 databases covering various kinds of restricted law enforcement information. One of those databases is the INTERPOL Criminal Information System. This database contains international requests for cooperation and alerts, allowing police or member countries to share critical crime-related information. At the time of writing, it contained one Blue Notice of relevance to the National Central Bureau, requesting the collection of additional information about a person's identity, location or activities in relation to a criminal investigation. In the past, the National Central Bureau has also assisted the Chinese authorities with several Red Notices, which request a law enforcement agency to seek the location of and arrest persons wanted for prosecution or to serve a sentence.
- 4.10.4. The National Central Bureau has direct access to several other Nigerian government databases and can access the Nigerian immigration database with a written request. The National Central Bureau is a member of the Nigerian Wildlife Law Enforcement Task Force.
- 4.10.5. In 2023, the National Central Bureau organized a national environmental security seminar, an intelligence exchange session and a train-the-trainer course for police academies, with specific modules on the identification of wildlife species.
- 4.10.6. The same year, it also undertook investigations into entities allegedly involved in wildlife crime. At the time of the release of the present report, the investigations were still ongoing. The National Central Bureau also targeted wildlife networks during an operation focusing on organized criminal networks in Nigeria called Operation Aurum.

SWOT ANALYSIS – INTERPOL National Central Bureau

<p>STRENGTHS</p> <ul style="list-style-type: none"> » Ability to liaise with law enforcement counterparts in other jurisdictions. » Ability to coordinate on INTERPOL Notices and to connect investigators and analysts. » Involvement in ongoing investigations on wildlife crime and the capacity to explore convergence with other forms of organized crime. 	<p>WEAKNESSES</p> <ul style="list-style-type: none"> » Limited number of staff focused solely on wildlife crime.
<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> » Ability to liaise with law enforcement counterparts. » Use of resources such as the Cellebrite investigative platform and other advanced technologies to address wildlife crime. 	<p>THREATS</p> <ul style="list-style-type: none"> » Limited information of relevance to wildlife crime currently being shared in the region though the network of National Central Bureaux.

4.11. National Park Service

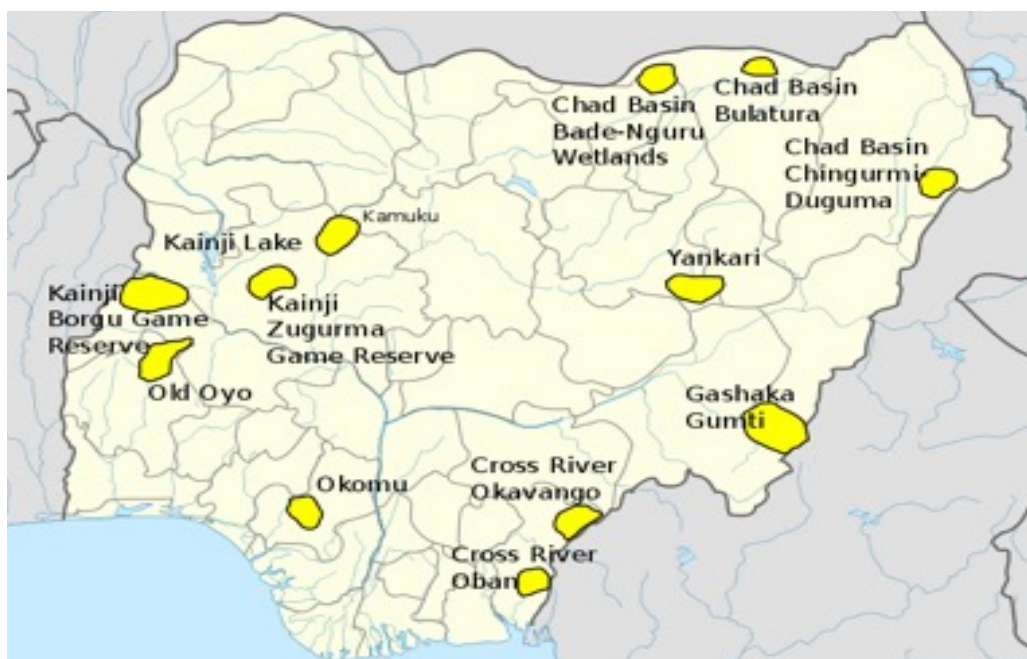
- 4.11.1. The National Park Service was established by Decree No. 36 of 1991 and has the mandate to protect the nation's parks and their environments. The National Park Service oversees seven national parks, as shown in figure II, namely Chad Basin, Cross River, Gashaka-Gumti, Kainji Lake, Kamuku, Okomu and Old Oyo, which make up 3 per cent of the total landmass of Nigeria.

4.11.2. At the time of writing, the National Park Service was led by Conservator General Ibrahim Musa Goni, serving as the Chief Executive Officer and overseeing its day-to-day running. The Conservator General is assisted by six Assistant Conservators General who head the six departments: Ecotourism, Ecology and Resource Management, Park Planning and Information and Communication Technology, Finance and Accounts, Human Resources Management and Audit. The management sets policy directions that are approved by the Governing Board. Oversight is provided by the Federal Ministry of Environment. Approximately 2,100 staff work for the National Park Service.

4.11.3. The statutory responsibilities of the National Park Service are, for example:

- » To preserve, enhance, protect and manage vegetation and wild animals in the national parks.
- » To advise the federal government on policy matters relating to the development and preservation of the national parks, including the financing required for the implementation of such policies.
- » To advise the federal government on the declaration of areas that the Service considers could be declared national parks for the purpose of protecting wildlife species, biotic communities or sites of special interest or aesthetic value.⁴⁴

Figure 2. Distribution of national parks in Nigeria



Source: Nigeria Park Service.⁴⁵

⁴⁴ "About us", National Park Service of Nigeria. Available at www.nigeriaparkservice.gov.ng/about-us/ (accessed on 25 March 2024).

⁴⁵ National Park Service of Nigeria, "Overview". Available at www.nigeriaparkservice.gov.ng/overview/ (accessed on 25 March 2024).

- 4.11.4. The rangers of the National Park Service have the authority to arrest and prosecute within the boundaries of a national park and its surroundings. They also carry arms and appointments, but if an arrest is made the suspect is handed over to the police. In areas that are outside of their jurisdiction, they collaborate with other agencies to enforce CITES regulations. While they are governed by the National Park Service Act, there are penalties in the National Environmental Regulations that impose greater penalties. Nevertheless, the penalties are still considered insufficient to act as a deterrent.
- 4.11.5. Like many park services, the National Park Service of Nigeria is confronted with poachers who hunt wildlife for meat or for the illegal wildlife trade. They also deal with encroachments within park boundaries and illegal logging. To combat crimes within or near the parks, the National Park Service carries out basic analysis of intelligence collected through ranger patrols or from crime incidents or local sources. Patrols are then directed to hot spots within the park to prevent crime.
- 4.11.6. Some rangers have received INTERPOL training in investigation techniques and basic intelligence analysis, but they lack the systems required to capitalize on that training. All national parks have intelligence units, but they lack the necessary databases, analytical software and capacity for robust intelligence collection, analysis and dissemination.
- 4.11.7. During the present assessment, it was found that each park had its own database of offenders, stored using a Microsoft Excel spreadsheet, in which incidents were logged and suspect details recorded. This ensures that recidivist suspects are identified and additional penalties are imposed in accordance with the legislation. This information, however, is not shared among parks, which could be a potential intelligence gap if suspects are organized.

SWOT ANALYSIS – National Park Service

<p>STRENGTHS</p> <ul style="list-style-type: none"> » Good legislation, but penalties need to be increased. » Very good understanding of the operational landscape. 	<p>WEAKNESSES</p> <ul style="list-style-type: none"> » Lack of intelligence databases. » Lack of equipment. » Lack of funding or equipment to manage informants.
<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> » Development of an intelligence database would allow the sharing of information with the National Environmental Standards and Regulations Enforcement Agency and the National Customs Service. » Introduction of speed limits within and around parks would enhance safety. » Use of improved surveillance apparatus such as cybertrackers, drones and helicopters would improve park protection and conservation. » Enhanced public-awareness campaigns and education could improve conservation efforts. 	<p>THREATS</p> <ul style="list-style-type: none"> » Breeding centres for species in captivity, such as chimpanzees, are unregulated, and the necessary legal framework of regulations are lacking. » Poor demarcation of park boundaries poses a challenge for the National Park Service in carrying out its duties in surrounding villages and towns.

Recommendation for the National Park Service

Organize basic intelligence training for staff on an ongoing basis, and seek donor funding or collaboration with a non-governmental organization for the establishment of an intelligence database.

4.11.8. The National Park Service uses confidential human intelligence sources who provide intelligence on poachers, illegal loggers and others who are committing crimes within national parks. This is more of an ad hoc system than a formalized one with checks and balances. Rangers and officers have not received any training in the recruitment and management of human intelligence sources, and funding for reward or subsistence payments for sources is low. While informants are valuable, they can pose integrity and reputational risks to an organization. Consideration should thus be given to formalizing the system at the central level.

Recommendations for the National Park Service

Organize training for staff and managers in the management of confidential human intelligence sources, and establish a centralized informants register.

4.11.9. The National Park Service undertakes basic surveillance work, but it lacks the skill sets, training and equipment needed for it to engage in more complex investigations. Investigations generally rely on video or photographic evidence coupled with witness statements and interviews of suspects. Video or audio recordings of interviews are not generally made.

4.12. Nigerian Postal Service

4.12.1. The Nigerian Postal Service is a government-owned and -operated corporation tasked with overseeing postal services in Nigeria. With a workforce exceeding 12,000 employees, it manages a network of over 3,000 post offices across the country. The Nigerian Postal Service also comprises various commercial business units: counters, EMS/parcels, mails, ecommerce and logistics, financial services, workshop and property and the Nigerian Postal Institute.

4.12.2. Nigeria is an active member of the Universal Postal Union and participates in the West African Postal Conference. The international mail processing centre of the Nigerian Postal Service is in Lagos, where there is one facility for both inbound and outbound international mail. The Service use scanning machines for checking mail, but at the time of writing only one machine was operational. The Service does not use detection dogs for investigative purposes.

4.12.3. The Nigerian Postal Service has a substantial investigation team spread across all states and the Federal Capital Territory. Its primary roles include surveillance, prevention and investigation of postal fraud, including related offences such as pilfering and mail abstraction. The Service has approximately 700 investigators.

- 4.12.4. Postal Service investigators have the authority to make arrests when necessary, but do not carry arms and appointments and mainly rely on the police to arrest and detain suspects. They usually work with the Ministry of Justice on prosecutions. The Service used to have a dedicated intelligence team, but many of its members have retired over the years. The Service is currently in the process of re-establishing such a team to handle wildlife crime issues. It is worth noting, however, that this area of crime is relatively new to the Postal Service, and it would need substantial training to bring it up to speed.
- 4.12.5. The Nigerian Postal Service maintains records of seizures, but the data are not computerized, as the primary system is paper-based. The records go back several years, but some cases are still going on.
- 4.12.6. Private freight companies like DHL and FedEx operate in Nigeria, but they have their own separate facilities and procedures. They do not use the Postal Service's mail centre, and the Postal Service does not receive information about movements through their centres.
- 4.12.7. There seemed to be some confusion within the Nigerian Postal Service with respect to its participation in several stakeholder meetings on the illegal wildlife trade and its role in the national strategy to combat wildlife crime. Despite being involved in the process to develop the strategy since the first meeting in Lagos in May 2021, the Postal Service appears to suffer from an internal communication issue that would be easily solved by a designated focal point ensuring continuity in attendance at related meetings, and by the implementation, internally, of a protocol to ensure that senior management are thoroughly briefed. The current situation might create an intelligence gap, as the export and import of wildlife in the mail has been identified as occurring in numerous jurisdictions. It makes sense that senior management within the Nigerian Postal Service is kept abreast of developments relating to the illegal wildlife trade.

SWOT ANALYSIS – Nigerian Postal Service

STRENGTHS » Large basic investigation capacity.	WEAKNESSES » Lack of intelligence database. » Limited knowledge of the illegal wildlife trade. » The police is required to facilitate arrests.
OPPORTUNITIES » Creation of an intelligence team to address wildlife and other serious crimes using the mail.	THREATS » Only one scanner operating at the mail centre. » Minimal monitoring of private entities involved in the international air mail/freight industry.

Recommendation for the Nigerian Postal Service

Become a member of the Wildlife Law Enforcement Task Force.

4.13. National Drug Law Enforcement Agency

- 4.13.1. The National Drug Law Enforcement Agency is a federal law enforcement agency established by Decree No. 48 of 1989 in response to the rising demand for and increased trafficking of narcotic drugs and psychotropic substances during the 1980s, which negatively affected the reputation of Nigeria at the international level. The illicit trafficking of such substances has since evolved into an organized criminal enterprise, posing a significant threat to national security and development. The National Drug Law Enforcement Agency plays a crucial role in drug policy and control in Nigeria, working to curtail the illicit production, importation, exportation, sale and trafficking of psychoactive substances. This role is vital for safeguarding society's well-being, in addition to ensuring the country's security and development.
- 4.13.2. The National Drug Law Enforcement Agency has over 10,000 staff members, and, at the time of writing, the Chairman/Chief Executive was Brigadier General Mohammed Buba Marwa (retired). The Agency is divided into 17 directorates and headquartered in Abuja. It operates from 14 zonal offices and 50 state offices throughout the country.
- 4.13.3. The National Drug Law Enforcement Agency undertakes intelligence-led investigations into the trafficking, by organized crime networks, of narcotics in Nigeria and internationally and utilizes advanced investigative techniques. While there are no specific provisions in the National Drug Law Enforcement Agency Act for control delivery or undercover operations, it relies upon section 3 of that Act, on functions of the Agency, to undertake those activities. Agency officers have full powers of arrest and can search individuals, vessels and vehicles, but they need a search warrant to search residential or business addresses. The Agency has its own interview and detention facilities, and its officers are armed.
- 4.13.4. The Agency has over three decades of experience in performing drug law enforcement operations, including in thick forests in the South-South and South-West geopolitical zones of Nigeria to identify and destroy Cannabis sativa plantations. In this context, the Agency has reported direct encounters with poaching gangs and organized crime groups.
- 4.13.5. The Agency works closely with international law enforcement agencies and operates two vetted units, one mentored by the United States Drug Enforcement Administration and the other by the National Crime Agency of the United Kingdom of Great Britain and Northern Ireland. The National Drug Law Enforcement Agency maintains a visible presence at international airports, seaports and border crossings and on major highways.
- 4.13.6. The Agency provides its staff with a dedicated three-month training course and numerous refresher courses throughout their service. There is a lack, however, of specific training in surveillance and undercover operations.
- 4.13.7. The Agency has a dedicated Directorate of Proceeds of Crime Management that manages investigations into financial crimes and money-laundering, including asset forfeiture in relation to drug trafficking. Although it rarely gets involved in cases of illegal wildlife trade,

the Agency is well regarded and respected by other law enforcement agencies within Nigeria and has much to offer in dealing with organized crime.

4.13.8. The National Drug Law Enforcement Agency deploys 500 staff members at seaports throughout Nigeria, with a particular focus on Tin Can Island, Apapa Port Complex and the Lekki Port Complex, all in Lagos State. They work closely with the National Agency for Food and Drug Administration and Control, the Department of State Services and the Nigeria Customs Service.

4.13.9. The National Drug Law Enforcement Agency uses risk-profiling and examines containers of imports and exports. In July 2023, at the Apapa Port Complex, it examined 3,466 containers for import and 750 containers for export (excluding diplomatic containers). In Tin Can Island Port, 7,166 import and 420 export containers were scanned, and in Lekki Port 104 import and 40 export containers were scanned. The Directorate of Seaport Operations of the Agency operates an intelligence data centre storing intelligence related to drug seizures.

4.13.10. Agency officers were the recipients of intelligence provided by the British High Commission in Nigeria that corroborated anomalies identified by Nigeria Customs Service and in part led to a major seizure in January 2021.

SWOT ANALYSIS – National Drug Law Enforcement Agency

<p>STRENGTHS</p> <ul style="list-style-type: none"> » Strong collaboration with Nigeria Customs Service, the Nigeria Immigration Service and the United Kingdom Border Force. » Access to scanners and the ability to seize containers. » Capacity for asset forfeiture and financial investigation, and the existence of a Directorate of Proceeds of Crime Management to ensure parallel financial investigations. » Experienced in investigating organized crime. » Large basic investigation capacity. 	<p>WEAKNESSES</p> <ul style="list-style-type: none"> » Dependence on the Nigeria Customs Service for container-scanning rather than having direct access. » Lack of knowledge of wildlife crime issues and species identification. » Absence of legislation or a legal framework empowering the Agency with respect to wildlife crime investigations.
<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> » Leveraging of the Agency's workforce and expertise to address white-collar crimes associated with wildlife trafficking. » Expansion of the Agency's focus, capitalizing on its general capacity, and collaboration with other agencies to combat illegal wildlife crime, even though it is not explicitly defined in the governing legislation. » The establishment of a joint task force for collaborative operations. » Collaboration with intelligence data centre to gather intelligence. 	<p>THREATS</p> <ul style="list-style-type: none"> » Emergence of traditional organized crime networks focusing on wildlife crime/fisheries, as is being observed in South America.



4.14. Department of Veterinary and Pest Control Services of the Federal Ministry of Agriculture and Food Security

4.14.1. The Department includes two divisions that are relevant for the prevention and prosecution of wildlife crime. They deal with wildlife disease surveillance and ecosystem health and with quality assurance. The latter division is responsible for issuing certificates for the movement of animals and animal by-products. The Department operates in line with the Animal Diseases (Control) Act of 2022, which stipulates the key provisions for quarantine and wild animal health.

4.14.2. The role of the Chief Veterinary Officer of Nigeria is to provide additional prosecutorial evidence, such as proof of the existence of an authentic veterinary certificate of health backed by import and export permits.



5



5

PROSECUTIONS

5.1. Introduction

- 5.1.1. Nigeria hosts a prosecution service at the federal level and at the state level. In addition, various agencies hold a prosecutorial mandate for offences committed under the relevant enabling legislation.
- 5.1.2. The members of the prosecution service most pertinent to wildlife and forestry crimes are the federal prosecutors, state-level prosecutors and prosecutors within the National Environmental Standards and Regulations Enforcement Agency, the Nigeria Customs Service and the National Park Service. It is pertinent to note that the Nigeria Police Force, the Nigerian Immigration Service and the Economic and Financial Crimes Commission also hold prosecutorial powers, but, to date, they have played no part in the prosecution of crimes concerning wildlife and forestry trafficking and so are not addressed in any detail.

5.2. Prosecutors from the Federal Ministry of Justice

- 5.2.1. The Office of the Attorney General of the Federation leads the prosecuting team. The group of 10 lawyers that deals with transnational organized crime in the Transnational Organized Crime Unit can, in theory, prosecute international wildlife trafficking, but thus far it has not been involved in any such cases. The assessment of this Unit revealed gaps in its capacity and the need for support in terms of infrastructure and training for it be able to prosecute wildlife cases effectively. At the time of writing, the Unit was managing 12 cases of organized crime, primarily involving criminal activities, particularly fraud, that spanned borders.
- 5.2.2. In addition, the Federal Ministry of Justice has seconded prosecutors to the Nigeria Customs Service, the National Environmental Standards and Regulations Enforcement Agency and the Department of Fisheries, among others.
- 5.2.3. During interviews, respondents from the Federal Ministry of Justice indicated that there was insufficient collaboration among agencies, particularly in cases of illegal wildlife trade. The Department of Public Prosecution seldom receives cases of illegal wildlife trade unless they are actively brought forward by agencies. The lack of effective coordination and collaboration among agencies poses a significant threat to efforts to address wildlife crime effectively. To remedy this, it was suggested that a specialized unit be created within the Ministry of Justice to address cases of transnational organized wildlife crime. Such a unit could help to facilitate compliance with legislation, enhance communication between the relevant agencies and promote collaboration and information-sharing.

5.3. Prosecutors from the Nigeria Customs Service

- 5.3.1. The legal team of the Nigeria Customs Service comprises lawyers from the Federal Ministry of Justice who are seconded to the Service. The Service's in-house lawyers deal with civil cases only.
- 5.3.2. The prosecution team from the Federal Ministry of Justice has recorded a few cases relating to wildlife, most of which concluded in a plea bargain and financial penalty. The penalties passed for the cases have involved terms of imprisonment, with low financial penalties as an alternative, and the use of plea-bargaining agreements under the Administration of Criminal Justice Act of 2015. This is somewhat curious given the absence of objective charging standards to underpin the decision to charge in the first place and of sentencing guidelines on which to base the acceptability of a plea and ensure that the sentence given is commensurate with the criminality involved. Plea-bargaining guidelines were not launched until December 2023. It has been noted that, in at least one case resolved by a plea bargain, the court procedure was opaque, and nothing was announced in open court as is required by law.⁴⁶ The prosecutorial mandate of the Nigeria Customs Service is limited to customs-related offences.

5.4. Prosecutors from the National Environmental Standards and Regulations Enforcement Agency

- 5.4.1. Capacity-building is a major issue for prosecution unit of the National Environmental Standards and Regulations Enforcement Agency as wildlife offences are still new to it.
- 5.4.2. There is also concern about the slow adjudication process, which compels the prosecution unit to go through the plea-bargaining process to mitigate the delay in proceedings. As with the Nigeria Customs Service, the prosecutorial mandate of the National Environmental Standards and Regulations Enforcement Agency is limited to offences governed by its own enabling legislation.

5.5. Prosecutors from the National Park Service

- 5.5.1. Table 4 shows the arrests and prosecutions that were carried out by the National Park Service in 2021.

⁴⁶ Court observers reported this from the sentencing hearing of four suspects charged with the illegal trafficking of over seven tonnes of ivory.



Table 4. National Park Service arrests and prosecutions 2021

National park	Arrests	Cases dealt with in court	Convictions	Pending/bailed cases	Compounded cases	Warnings and releases
Chad Basin	34	0	0	0	23	11
Cross River	54	13	4	11	22	4
Gashaka-Gumti	336	27	0	35	215	59
Kainji Lake	105	90 (fined by the court)	0	0	15	0
Kamuku	11	0	0	0	8	3
Okomu	25	0	0	10	10	5
Old Oyo	72	0	0	2	69	1
TOTAL	637	130	4	58	362	83

5.5.2. Again, the prosecutors within the National Park Service are limited to making prosecutions under the Service's own enabling legislation. Their involvement in the prosecution of international wildlife trafficking is therefore limited. In terms of prosecution for offences within their own parks, no data were available at the time of writing. The Nigeria Park Service has three lawyers at its headquarters, including one seconded from the Federal Ministry of Justice, and each of the seven national park units has a lawyer, bringing to 10 the total number of lawyers in the Service. Most successful court prosecutions end in the payment of fines, as shown in table 4.

5.6. State-level prosecutors

5.6.1. According to the report of the Environmental Investigation Agency and African Nature Investors, in "discussions with prosecutors across Taraba, Kano, Adamawa and Lagos states, not a single wildlife prosecution had been seen; until those prosecutors were contacted for [that] report, wildlife offences were not even something any of them had considered".

5.6.2. In relation to disparity between federal and state law and prosecution, the same report finds that the "separation between state and federal prosecutors presents a significant challenge in ensuring firstly that wildlife related cases that might merit both state-level and federal-level prosecutions are consistently handled, ideally with some level of consultation. Where an offence falls under both state and federal laws, the preference should be towards a prosecution under federal laws in relation to endangered species (however they are defined). Where there is conflict, the federal law should always be utilized. This in turn will depend on the awareness of state-level investigators and prosecutors and their willingness also to hand over such matters for consultation and agreement as to ownership of that prosecution. While the Constitution makes clear that federal law trumps state laws, it is not known how this is applied in practice in relation to wildlife matters. What can be said with


certainty is the number of prosecutions to date of such matters in the states considered in this study is virtually nil, according to discussions with prosecutors in Lagos, Taraba, Kano and Adamawa States”.

SWOT ANALYSIS – Prosecutions

<p>STRENGTHS</p> <ul style="list-style-type: none"> » Federal Ministry of Justice: Very good understanding of legal frameworks and processes governing evidence and procedure. » Federal Ministry of Justice: Specialist team on transnational organized crime well placed to address more complex wildlife crimes. » Federal Ministry of Justice: Not limited to one statute, but can select charges from across various laws to reflect to the full the criminal conduct involved. » National Environmental Standards and Regulations Enforcement Agency, Nigeria Customs Service and National Park Service: Good understanding of their own enabling laws. » State prosecutors: Little or no awareness of the legislation relevant to wildlife crimes. 	<p>WEAKNESSES</p> <ul style="list-style-type: none"> » Federal Ministry of Justice: Weak understanding of the relevant wildlife legislation. » Federal Ministry of Justice: Prosecutors are not used, or even consulted, in the investigative process. » Federal Ministry of Justice: Lack of comprehensive standards on charging, a plea-bargaining policy and other foundational policies with implementation plans. Once developed, these can be used by the agencies with prosecutorial mandates to ensure consistency in the approach. » Lack of reporting to the Federal Ministry of Justice by agencies with a prosecution mandate (given by the Ministry), so no oversight or quality assurance by the Ministry in relation to prosecutions conducted by other agencies. This can lead to a lack of consistency in the prosecutions and the creation of an enabling environment for corruption. There is no requirement for any of the authorities involved to report data on compounded offences. » Lack of collaboration and cooperation among all agencies. Tensions may lead to some agencies holding on to the prosecution of cases that would be better served by a federal prosecutor.
<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> » Nigeria has acknowledged that wildlife crime is a complex transnational organized crime that must be taken seriously. This presents an opportunity to engage the prosecutorial authorities in dialogue in an effort to seek consensus on the recommendations of the present report (see section 5.7). » The better sharing of data relating to arrests, charges, prosecution, outcomes and compounding. 	<p>THREATS</p> <ul style="list-style-type: none"> » Collaboration and coordination challenges. » Financial limitations. » The involvement of non-governmental organizations may hinder inter-agency collaboration and skew prosecutions.

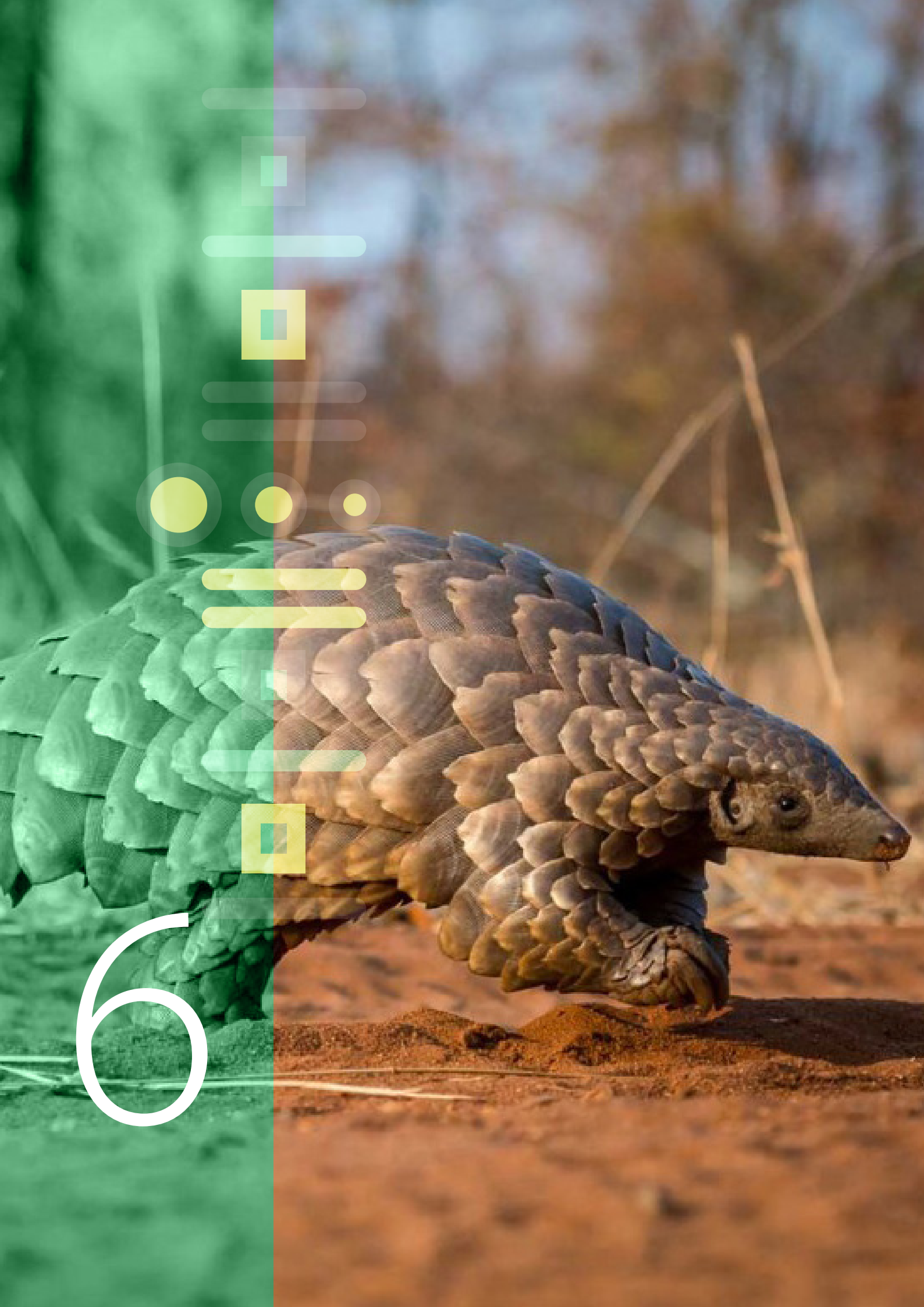
5.7. Recommendations related to prosecutions

- » Establish an Environmental Crime Unit within the Federal Ministry of Justice to oversee major wildlife and forestry criminal cases, or extend the reach of the existing Transnational Organized Crime Unit so that it proactively incorporates such crimes into its caseload. This move would cultivate expertise in these vital areas and ensure more transparent and effective implementation of the law. The new unit would work closely with the Wildlife Enforcement Task Force and primarily be responsible for prosecuting cases handled by that



Task Force. Such a unit would be particularly useful when the elements of the offence cut across the mandates of different agencies, as it would be able to prosecute the offence under any of the relevant agencies' legal frameworks.

- » Build awareness within the relevant agencies, and among prosecutors in particular, of the relevant laws at both the federal and state levels. Prioritization of the states in which such awareness-raising takes place could be based on the prevalence of wildlife crimes there and/or the proximity to key points of entry to and exit from the country.
- » Explore the issue of fiat (i.e. permission from the Federal Ministry of Justice to prosecute federal crimes) for certain levels of crime in state-level prosecutions, for example, through a memorandum of understanding that permits an automatic fiat in certain cases.
- » Build the prosecution capacity of authorities that hold a prosecution mandate in addition to the Federal Department of Public Prosecutions and the Office of the Attorney General of the Federation. Given that the Nigeria Customs Service is the main authority responsible for detection and seizures and that it holds a prosecutorial mandate alongside other key agencies, the short-term recommendation is to develop a coordinated multi-agency approach and prosecution capacity within the Nigeria Customs Service, the National Environmental Standards and Regulations Enforcement Agency and others. This will involve codifying the process of making the decision to charge and developing strong prosecution policies to ensure consistency and transparency in decision-making, particularly in relation to plea-bargaining, something recommended by every prosecutor interviewed during the assessment.
- » Encourage the collection and sharing between prosecution authorities of data on charges, prosecution outcomes and where compounding has occurred. The Federal Ministry of Justice should be in charge of consolidating these data given that it gives the prosecutorial mandate to the other agencies.
- » Organize training for prosecutors in drafting, advocacy and the existing legislative framework to enhance prosecutorial skills.





6

JUDICIARY

6.1. Federal High Court

- 6.1.1. The Federal High Court⁴⁷ has recorded impressive growth since its inception in 1973 and has become an important pillar of the courts in the Federal Judiciary of Nigeria. Having started with five pioneering judges, the Court now has over 80 judges. The structure of the Court has also grown, with new divisions opening in almost all the states of the Federation. Lagos State and Delta State have two divisions each on account of the volume of cases filed there. The court now has 39 judicial divisions, spread across the 36 states and the Federal Capital Territory.⁴⁸
- 6.1.2. The jurisdiction of the Federal High Court in relation to wildlife offences is concurrent with those of state judiciaries. It has jurisdiction in federal wildlife offences, and the cases are mostly adjudicated at the Lagos Division. It appears, however, that states do not have a mechanism for transferring cases to the Federal High Court. The parallel adjudication of wildlife cases in the Federal High Court and state courts has not assisted in the creation of body of jurisprudence in this area of the law.
- 6.1.3. It was established during discussions with the judge of the Abuja division that there are no judges specifically assigned to the handling of cases of wildlife crime in Nigeria. Instead, cases are assigned to judges on the basis of their area of expertise, which is often determined by the chief judge. Although the number of wildlife cases dealt with was not ascertained during the assessment, it was confirmed unofficially that such cases were not significant compared with other criminal matters.
- 6.1.4. The assessment revealed that only a limited number of judges in Nigeria have received formal training in wildlife legislation and policies. In particular, an Abuja judge mentioned that only four Nigerian judges had been trained under a programme organized by the United States Department of Justice in Ghana and Togo. Two of those judges have since retired, leaving only two judges, one of whom was the judge interviewed, with knowledge of wildlife crime legislation. This shortage of trained judges is a potential knowledge gap and highlights the need for further training in this field.
- 6.1.5. The judges interviewed expressed the desire for enhanced coordination among law enforcement agencies, particularly with the Nigeria Customs Service, to improve investigations through thorough preparation, the identification of suspects and the preservation of valuable evidence. Additionally, they placed emphasis on enforcing wildlife

⁴⁷ The Federal Revenue Court (as the Federal High Court was then called) was established by the Federal Revenue Act of 1973. The Court was renamed the Federal High Court by sections 228 (1) and 230 (2) of the Constitution of the Federal Republic of Nigeria of 1979. The jurisdiction of Federal High Court in criminal matters is as provided for in section 251 (2) and (3) of the Constitution of 1999 as amended, and in such criminal matters as the National Assembly may, by Act, confer jurisdiction on it. Federal High Court, "History of Federal High Court". Available at www.nextfhc.fhc.gov.ng/about/history (accessed on 25 March 2024).

⁴⁸ Ibid.

laws and conducting proper prosecutions, rather than merely seizing and destroying illegal items, as that hindered the legal process and destroyed valuable evidence.

- 6.1.6. The problem of delays in the court system was raised as a major concern by all stakeholders contacted in the preparation of the report by the Environmental Investigation Agency and African Nature Investors and by those interviewed for the present assessment. Witness fatigue brought on by multiple adjournments and the lack of government funding to meet witness expenses were cited as significant problems. In addition, the lack of basic resources such as photocopying and scanning facilities in prosecution and judicial offices meant that, in some states, the drafting of legal arguments and the copying of documents for disclosure were not completed in time or, if prosecutors so chose, were conducted at their personal expense in commercial business centres where security and confidentiality could not be guaranteed. While video technology seems to have been embraced in some of the federal-level courts, state courts were described as analogue, with little or no digitization of court files. This affects the timely provision of services and the sharing of information both between prosecutors at the state and federal levels and between prosecutors and investigators. Other causes of delays included long cause lists, the mixture of civil, family and criminal cases in lists, ill-intentioned prosecutors, defence solicitors who play pranks, indulgence of the court in dereliction of duties, corruption of court support staff and the lack of a case-management system.
- 6.1.7. The Administration of Criminal Justice Act of 2015 and the Administration of Criminal Justice laws in relevant states provide adequate provisions to ensure effective and efficient/speedy administration of the criminal justice system at both the federal and state levels. They set out strict time limits, including for arraignment and the completion of the trial. Nevertheless, there is little or no compliance with most of the case-management provisions and no related sanctions, even though there is a provision in the Administration of Criminal Justice Act relating to wasted costs.⁴⁹
- 6.1.8. The lack of mention of specific case-management tools in the federal and state laws on the administration of criminal justice, including the practice of holding case-management hearings, has been identified as a major deficiency. This was reflected in the draft Administration of Criminal Justice Amendment Bill of 2023: a comprehensive casemanagement tool, in addition to what has been provided for in the 2015 law, aims to fill the gap. It provides for the front-loading of prosecution evidence, enhanced disclosure by both sides, case progression, case-review hearings, case monitor officers, casemanagement hearings, virtual hearings and video links, among other innovative provisions. It is hoped that, with the necessary training and a change of attitude, there will be a remarkable improvement in case management.

⁴⁹ Rules and a Practice Direction, on case management, for the Administration of Criminal Justice Act are currently being drafted at the federal and state levels.



6.1.9. In addition, the Practice Direction issued on the 25 April 2017,⁵⁰ applicable to all criminal trials in the High Court and magistrates courts in the Federal Capital Territory, aims to implement the provisions of the Administration of Criminal Justice Act. It provides a strong template for active case management across the country.

6.2. Magistrates' courts

6.2.1. As with High Court judges, awareness of wildlife crimes among magistrates is extremely limited. Similar problems relating to delays and a lack of resources plague magistrates' courts across the country. Infrastructure is insufficient in many courts, as are other resources such as computers, a reliable internet connection, case-management systems, photocopiers and printers.

6.2.2. Also, as with the High Court, issues pertaining to the storage of exhibits, particularly in wildlife cases, can also pose a challenge; inadequate space and security were cited as particular concerns.

6.3. Sentencing

6.3.1. With the advent of the Administration of Criminal Justice Act of 2015, the approach to sentencing in Nigeria was further refined. The aims of sentencing – prevention, restraint, rehabilitation, deterrence, retribution and restitution – are clearly articulated therein, and, as the Act repealed state-level procedural laws, it should be followed at the state level. Suspended sentences and community service are all options when the term of imprisonment would be less than three years, which is the case in wildlife-specific legislation at both the federal and state levels. Furthermore, under section 439 of the Act, a court may recommend to the Ministry of Interior the deportation of foreign nationals in lieu of their imprisonment.

6.3.2. As was mentioned above, there is a lack of consistency in sentencing and, in one case, the transparency of the sentencing exercise caused concern. Sentencing guidelines exist for:

- » Offences against the person
- » Offences against property
- » Homicide-related offences
- » Offences against public order
- » Offences against morality
- » Offences against the State
- » Corruption and related offences

⁵⁰ "Practice Directions", High Court of the Federal Capital Territory. Available at www.fcthighcourt.gov.ng/practice-directions/ (accessed on 25 March 2024).

- 6.3.3. It is not possible to assess the impact of the guidelines upon the consistency and proportionality of sentencing for those crimes, but the Federal Capital Territory Courts (Sentencing Guidelines) Practice Direction of 2016 at least sets a precedent.⁵¹
- 6.3.4. The use of sentencing guidelines – prescriptive and binding – is a better option than high minimum penalties, which have demonstrably failed to deter these and other crimes, according to numerous studies.⁵²
- 6.3.5. The process of concluding plea bargains is equally faulty, as it appears that there is no compliance with the Plea Bargaining Guidelines for Federal Prosecutors of 2023 issued by the Attorney General. The guidelines state that a plea-bargain negotiation shall not be initiated or concluded unless the written consent of the Attorney General of the Federation has first been sought and obtained, and there is no evidence that that happens. The pleabargaining process is not only fluid, but also lacks transparency and an oversight framework. The decision to finalize a plea-bargain agreement is usually left to the heads of the agencies' legal teams

6.4. Recommendations related to the judiciary

- » Extend across the country the principles contained in the federal-level Practice Direction on active case management that was passed in the Federal Capital Territory with a view to decreasing trial times and adjournments. This could serve as a template while the drafting of the Administration of Criminal Justice Amendment Bill of 2023 is being finalized and reviewed. Case-management systems to complement the implementation would be needed.
- » Develop prescriptive sentencing guidelines to complement the passage into law of the Endangered Species Conservation and Protection Bill of 2022. The methodology should be explored with the judiciary.
- » Raise the awareness of the judiciary of the fact that plea-bargain agreements must follow the guidelines issued by the Office of the Attorney General of the Federation, which require all such agreements to be signed off by the Attorney General. The judiciary should know not to conclude any such agreement without a certificate of approval from the Attorney General. Judges should be educated on their powers to reject plea-bargain agreements that seemingly recommend financial penalties in cases with aggravating circumstances.

51 Federal Capital Territory Courts, Federal Capital Territory Courts (Sentencing Guidelines) Practice Direction, 2016. Available at www.unodc.org/conig/uploads/documents/publications/Federal_Capital_Territory_Courts_Sentencing_Guidelines_2016_Final.pdf.

52 National Institute of Justice, "Five things about deterrence", 5 June 2016, point 4. Available at www.nij.ojp.gov/topics/articles/five-things-about-deterrence (accessed on 25 March 2024); Australia, "Impact of Mandatory Sentencing" in Pathways To Justice –Inquiry into the Incarceration of Aboriginal and Torres Strait Islander Peoples (ALRC report 133), point 8.9. Available at www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/8-mandatory-sentencing/impact-of-mandatory-sentencing/; Fair Fight Initiative, "Mandatory Minimum Sentence Statistics". Available at www.fairfightinitiative.org/mandatory-minimum-sentence-statistics/ (accessed on 25 March 2024); Canadian Criminal Justice Association, "Mandatory Minimum Sentences". Available at www.ccja-acjp.ca/pub/en/positions/mandatory-minimum-sentences/ (accessed on 25 March 2024).



- » Develop a uniform training programme for judges and magistrates to raise their awareness of wildlife and forestry crimes.
- » Assign wildlife cases to special courts or to designated judges/magistrates. The number of wildlife cases perhaps does not justify the creation of a specialist wildlife court, but if such a court were also to try other transnational crimes this would enable greater specialization and more expeditious treatment of such cases. Even if a case cannot be assigned to a special court, it can be assigned to specialist judges/magistrates. This would depend on the nature of the training programme recommended above and whether the chief judge considered that to be sufficient. Mechanisms for the assignment of such cases to such judges and magistrates would also have to be developed.
- » Deploy technology in courts to expedite the treatment of wildlife cases by using virtual hearings for applications and other minor hearings. A recent constitutional amendment has given effect to this technological innovation and laid to rest arguments of bias and unfair hearings. It has become part of Nigerian law.
- » Improve the management of data and court judgements, as this would effectively enhance jurisprudence and the use of precedents in this area of the law.



7



7

ANTI-CORRUPTION AND ANTI-MONEY-LAUNDERING

7.1. Independent Corrupt Practices and Other Related Offences Commission

- 7.1.1. The Independent Corrupt Practices and Other Related Offences Commission was established under the Corrupt Practices and Other Related Offences Act of 2000 and was inaugurated on 29 September 2000 by the then President, Oluseun Obasanjo.
- 7.1.2. The Commission has just under 1,000 staff members and offices in 15 states. It is organized into 10 departments and six units. The departments, which are directorates, include operational and general service departments. The mandate of the Commission is to investigate, prosecute and prevent offences of corruption. It also has a role in educating the public against corruption and enlisting the public's support in the fight against corruption. Between 2019 and 2023, the Commission recovered 454 billion Nigerian naira (approximately \$70 million) and secured 90 convictions.⁵³
- 7.1.3. Among those arrested during that period were the former Comptroller General of the Nigeria Customs Service, Abdullahi Dikko, the former Assistant Comptroller General of the Service, Garba Makarfi, who was in charge of the Finance, Administration and Technical Services Division, and the lawyer Umar Hussaini. They were arrested in connection with a fraud and corruption case worth 1.1 billion naira. Dikko died before his case could go to trial.⁵⁴ He is not the only allegedly corrupt customs officer to have been removed from the Service. Since 2015, the Nigeria Customs Service has fired approximately 2,000 customs officers for corrupt practices or regulatory breaches.⁵⁵ While this is a considerably high of customs officials, it also shows a concerted effort by the Nigeria Customs Service and the Independent Corrupt Practices and Other Related Offences Commission to remove corrupt individuals from the Nigeria Customs Service and make it harder for organized crime networks to operate safely in Nigeria. The Commission has not arrested any suspects in connection with wildlife crime.

7.2. Economic and Financial Crimes Commission

- 7.2.1. The Economic and Financial Crimes Commission is a very powerful law enforcement agency with far-reaching legislative powers to address economic and financial crime. Established by the Economic and Financial Crimes Commission (Establishment) Act of 2002, as amended in 2004, the Commission's mission is to eradicate economic and financial crimes through prevention, enforcement and coordination with other agencies within Nigeria and abroad.

⁵³ Independent Corrupt Practices and Other Related Offences Commission, "ICPC discloses scorecard at Awareness Rally to mark AU Anti-Corruption Day", 12 July 2023. Available at www.icpc.gov.ng/2023/07/12/icpc-discloses-scorecard-at-awareness-rally-to-mark-au-anti-corruption-day/ (accessed on 25 March 2024).

⁵⁴ Independent Corrupt Practices and Other Related Offences Commission, "ICPC CASE: Court extends Order of Arrest for Ex-Customs Boss, Dikko Inde", 16 March 2020. Available at www.icpc.gov.ng/2020/03/16/icpc-case-court-extends-order-of-arrest-for-ex-customs-boss-dikko-inde/ (accessed on 25 March 2024).

⁵⁵ "More than 2,000 Officers Sacked Over Sharp Practices – Customs CG", Daily Trust, 22 October 2022. Available at <https://dailytrust.com/more-than-2000-officers-sacked-over-sharp-practices-customs-cg/> (accessed on 25 March 2024).

7.2.2. The Commission is responsible for combatting all economic and financial crimes in Nigeria.⁵⁶ It is therefore able to investigate, prosecute and penalize such crimes. Under the Economic and Financial Crimes Commission (Establishment) Act, the Commission is also responsible for administering other laws and regulations related to economic and financial crimes. These laws are embedded in paragraph 2 of section 7 of the Act and include the following:

- » Money Laundering Act of 1995, amended in 2003
- » Advance Fee Fraud and Other Fraud Related Offences Act of 1995
- » Failed Banks (Recovery of Debts) and Financial Malpractices Act of 1994, as amended
- » Banks and Other Financial Institutions Act of 1991, as amended
- » Miscellaneous Offences Act
- » Any other law or regulations relating to economic and financial crimes

7.2.3. Environmental crimes are a predicate offence with respect to the Economic and Financial Crimes Commission (Establishment) Act of 2002.

7.2.4. The Economic and Financial Crimes Commission began operating on 13 April 2003 and achieved spectacular results in its early days, targeting previously untouchable fraud “kingpins” and recovering the equivalent of more than \$700 million between May 2003 and June 2004.⁵⁷ The Commission has since gone from strength to strength, and in 2021 recorded a total of 2,200 convictions, which equates to a 98.49 per cent success rate. The cases involved highprofile suspects, including two former managing directors of banks and the former Chairman of the Pension Reform Task Team and his son. Perhaps just as importantly, the Commission has shown a capacity to recoup the ill-gotten proceeds of crime and in 2021 alone recovered 152 billion naira, \$386.2 million, £1.2 million and €156,246.⁵⁸

7.2.5. Commission investigators have the power to stop, search and detain suspects. They have their own arms and appointments, so generally do not require police assistance when arresting or detaining suspects. Investigators can search vehicles, vessels or business premises, but they require a warrant to search residential premises. Commission investigators have not been trained in search warrant execution, high-risk arrests or wildlife crime scene management.

7.2.6. The Commission operates its own detention facilities, which have been described by the Administration of Criminal Justice Act Monitoring Committee as 80 per cent better than all the other facilities in Nigeria and of an international standard.⁵⁹

⁵⁶ “The Establishment Act”, Economic and Financial Crimes Commission. Available at www.efcc.gov.ng/efcc/about-us-new/the-establishment-act (accessed on 25 March 2024).

⁵⁷ “Nigeria wages war against 419 scams”, Mail and Guardian, 18 July 2005. Available at www.mg.co.za/article/2005-07-18-nigeria-wages-war-against-419-scams/ (accessed on 25 March 2024).

⁵⁸ Economic and Financial Crimes Commission, EFCC Alert, vol. 17, No. 1 (January 2007). Available at www.efcc.gov.ng/efcc/images/efcc_alert/2022%20EFCC%20ALERTS/EFCC_Alert_Jan_2022.pdf (accessed on 25 March 2024).

⁵⁹ Economic and Financial Crimes Commission, “ACJA Monitoring Committee ranks EFCC’s medical facility best in Nigeria”, 14 September 2022. Available at www.efcc.gov.ng/efcc/news-and-information/news-release/8481-acja-monitoring-committee-ranks-efcc-s-medical-facility-best-in-nigeria (accessed on 25 March 2024).



- 7.2.7. The Commission has approximately 2,200 staff members who operate in 15 zonal commands, with headquarters in Abuja. Although the Commission does not have staff members who work as liaison officers overseas, but they occasionally cooperate with foreign law enforcement officers who are working on a case with the Commission.
- 7.2.8. The Commission's wildlife crime team consists of five members: a lawyer, an analyst and three investigators. At the time of writing, it had three wildlife crime investigations under way linked to ivory and pangolin trafficking. Two of the cases were linked, and there had been one arrest. At that time, there had been no successful convictions with respect to financial crimes associated with the illegal wildlife trade.
- 7.2.9. Interestingly, one of the networks that the Commission was investigating for moneylaundering offences related to wildlife had shown a propensity to use cryptocurrency to pay for its wildlife products. The investigation of these types of payments with respect to wildlife crime is new to the Commission, and the team would benefit from training in the cryptocurrency investigations and access to dedicated forensic software such as that developed by TRM.
- 7.2.10. The Economic and Financial Crimes Commission operates a centralized case management system and has a specialized intelligence unit. The Commission maintains an intelligence database using analytical software and its investigations are intelligence led.
- 7.2.11. Investigators from the Commission can access financial and telephone records, which, given the Commission's role and mandate, is a standard investigative procedure. The Commission can also serve orders on individuals and legal entities to provide documentation and appear before the Commission.
- 7.2.12. Commission investigators use confidential human intelligence sources and have received training in their recruitment and management. Respondents from the Commission were unaware, however, that there was a centralized informant database.
- 7.2.13. Respondents were also unaware of whether the Economic and Financial Crimes Commission had the capacity to intercept telecommunications services independently. They were aware, however, that the Department of State Services had that capacity and that it had been used during Commission investigations. The Commission has a dedicated surveillance team, but it has not been deployed on wildlife cases. The wildlife team undertakes its own surveillance. The wildlife team has adequate vehicles to do so, but it lacks equipment in the way of tracking devices and cameras to support its surveillance activities. It also needs training in surveillance and undercover operations.
- 7.2.14. The Commission has dedicated interview rooms at its offices and can interview suspects electronically. It has its own forensic unit for digital evidence extraction. Once the imaging process has been completed, the results are sent to an analyst for examination and analysis.
- 7.2.15. Commission staff working on cases of wildlife crime would also benefit from training in the execution of high-risk search warrants, crime scene management and major case investigation.

Recommendations for the Economic and Financial Crimes Commission

- » Organize, for Commission staff working on wildlife crime cases, training in search warrant execution, high-risk arrests, cryptocurrency investigations, crime scene management and major case investigations.
- » Organize, for Commission staff working on wildlife crime cases, training in advanced investigative methods, including surveillance and undercover operations.
- » Acquire licences for forensic software, such as TRM Forensic, for the investigation of cryptocurrency cases.

SWOT ANALYSIS – Economic and Financial Crimes Commission

STRENGTHS <ul style="list-style-type: none"> » Mandate and power to investigate financial crimes. » Existence of the resources needed in the wildlife unit to delve deeper into the topic of financial crime linked to illegal wildlife crimes. 	WEAKNESSES <ul style="list-style-type: none"> » Limited technical support for staff to enable them to gather intelligence and conduct analysis. » Little opportunity for collaboration with international organizations to boost capacity in transnational organized crime. » Limited training in the procedures, including species identification, required to tackle financial crimes linked to illegal wildlife trade and to combat illegal wildlife trade and trafficking.
OPPORTUNITIES <ul style="list-style-type: none"> » Greater focus on capacity-building to increase knowledge of wildlife crime. » Increased awareness-raising with respect to illegal wildlife trade across the community. 	THREATS <ul style="list-style-type: none"> » Lack of cooperation and collaboration with other frontline agencies. » Inadequate financial allocation and resources to enable the Commission to meet its full potential.

7.3. Nigerian Financial Intelligence Unit

7.3.1. The Nigerian Financial Intelligence Unit is part of the country's efforts to combat money-laundering and the financing of terrorism both domestically and internationally. The Unit was established by the Nigerian Financial Intelligence Unit Act of 2018 as an operationally and financially autonomous agency of the Federal Government. This was in line with recommendation 29 of the Financial Action Task Force 40 Recommendations, which requires countries to “establish a financial intelligence unit that serves as a national centre for the receipt and analysis of: (a) suspicious transaction reports; and (b) other information relevant to money laundering, associated predicate offences and terrorist financing, and for the dissemination of the results of that analysis.”⁶⁰

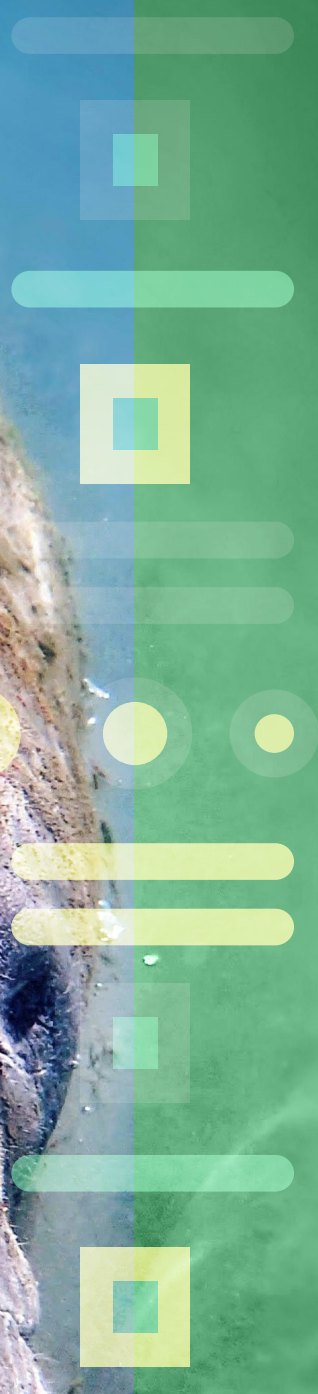
⁶⁰ Financial Action Task Force, FATF 40 Recommendations, 2003. Available at www.fatf-gafi.org/content/dam/fatf-gafi/recommendations/FATF%20Standards%20-%202040%20Recommendations%20rc.pdf (accessed on 25 March 2024).



- 7.3.2. The Nigerian Financial Intelligence Unit plays a critical role as the national agency responsible for receiving disclosures from reporting entities, conducting analysis and disseminating intelligence to the competent authorities. It is domiciled within the Central Bank of Nigeria, but operates autonomously and serves as the central coordinating entity for the country's framework on anti-money-laundering, on countering the financing of terrorism and on countering the financing of the proliferation of weapons of mass destruction. The Unit's mission also includes the education of financial institutions about their role in preventing financial crimes related to wildlife and environmental issues.
- 7.3.3. The Nigerian Financial Intelligence Unit has six directorates with 38 operational and support departments and units. The Wildlife Unit, headed by a chief intelligence analyst, consists of nine analysts who focus on financial intelligence related to suspected illegal wildlife trade transactions. In its resolve to play an active role in the campaign against illegal wildlife trade and environmental crime in the country, the Nigerian Financial Intelligence Unit has established a dedicated unit to analyse all reports related to environmental crime and to spearhead efforts to collaborate with other major law enforcement agencies at the forefront of the fight. This unit, which is the first of its kind in West Africa, provides both proactive and reactive intelligence reports to support the operations of various law enforcement agencies.
- 7.3.4. The Nigerian Financial Intelligence Unit is made up of a well-motivated workforce, which cuts across various academic disciplines. It is part of the Wildlife Law Enforcement Task Force and communicates regularly with relevant agencies. Agencies such as the National Environmental Standards and Regulations Enforcement Agency, the Economic and Financial Crimes Commission and INTERPOL have all benefited from the operational support provided by the Nigerian Financial Intelligence Unit.
- 7.3.5. The Nigerian Financial Intelligence Unit has trained intelligence analysts with access to a number of robust databases and a full suite of analytical tools, which promotes efficiency and effectiveness. The Unit has provided financial intelligence on networks suspected of trafficking pangolin, ivory and rhino horn, and in 2022 some of the intelligence provided to the National Customs Service led to the arrest of key individuals connected to the seizures of January and July 2021. Representatives of the Nigerian Financial Intelligence Unit recently undertook a fact-finding mission to South Africa to review the Fusion Centre created by the South African AntiCorruption Task Team, located at the Financial Intelligence Centre. This intelligence hub is an excellent example of a public–private partnership, and there seems to be interest in replicating the system in Nigeria. The Nigerian Financial Intelligence Unit has therefore initiated a public–private partnership arrangement that will bring together various government and private sector players with a view to having a greater impact in the fight against the illegal wildlife trade.

SWOT ANALYSIS – Nigerian Financial Intelligence Unit

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none">» First financial intelligence unit in West Africa with a dedicated unit for the production of proactive and reactive intelligence reports to support the operations of various law enforcement agencies.» Plays a leading role in the Financial Action Task Force.» Well positioned to provide leadership and oversight for the financial aspects of the illegal wildlife trade.» Has international partners.» Large analytical team working on the illegal wildlife trade.	<ul style="list-style-type: none">» Lack of clear-cut indicators for financial crimes related to illegal wildlife trade.» Reliance on other agencies, such as the Nigerian Customs Service, to profile suspects.» Limited suspicious transaction report data owing to the reactive nature of operations in response to new wildlife crime trends.

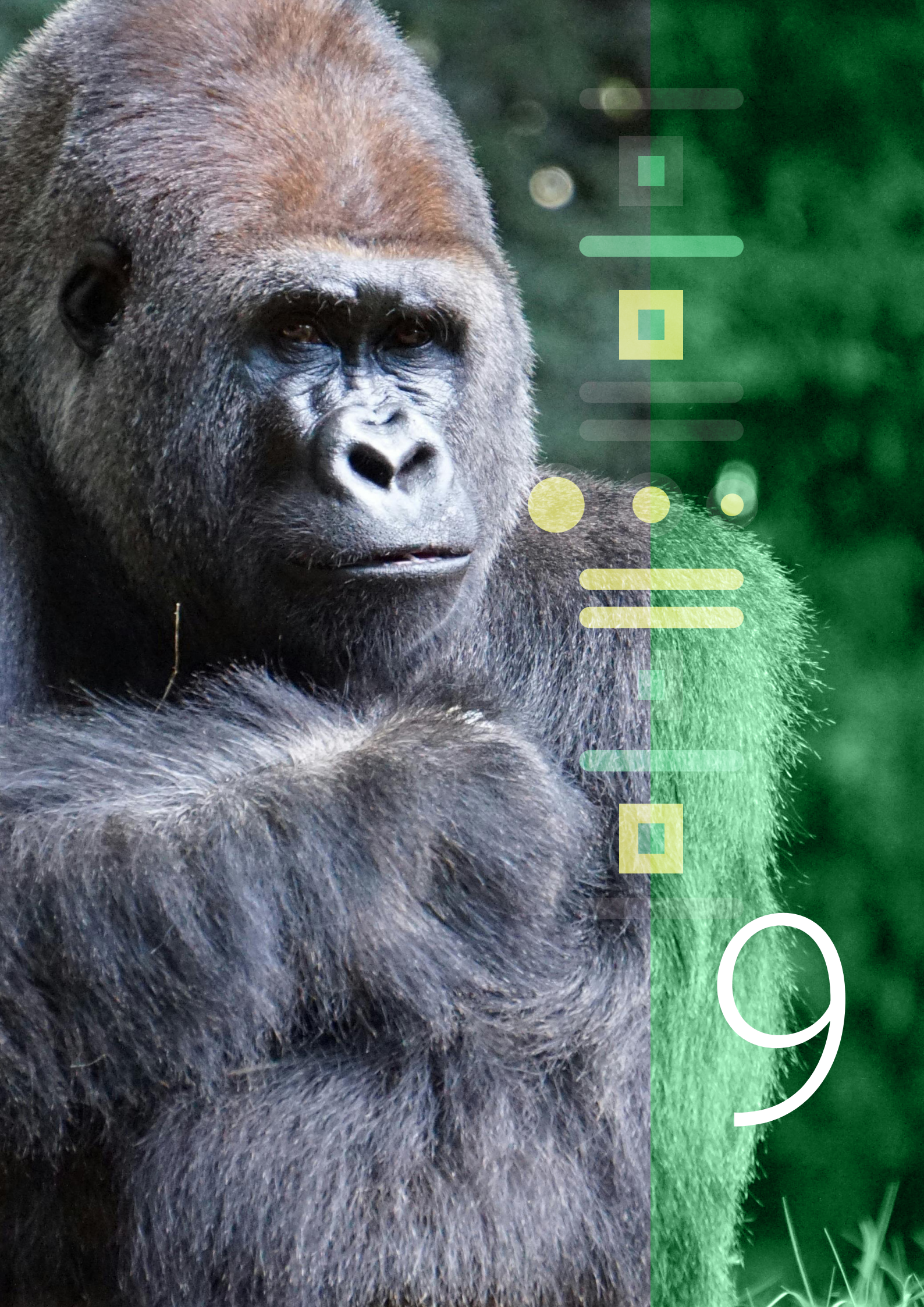


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CONCLUSION AND WAY FORWARD

- 8.1. The Government of Nigeria has demonstrated a desire and willingness to improve its response to wildlife and forestry crimes. It has supported the development of a national strategy, undertaken an assessment using the ICCWC Wildlife and Forest Crime Indicator Framework and has now undertaken an assessment using the Wildlife and Forest Crime Analytic Toolkit. The increased focus on and commitment to strengthening its response to wildlife crimes have shown tangible operational results; including significant inroads into the detection, arrest, prosecution and conviction of members of several organized crime networks who were heavily involved in wildlife trafficking within and through Nigeria. Nevertheless, there is still much to be done to create a resilient system that addresses current and emerging threats.
- 8.2. The present report has made a total of 33 recommendations, some of which may take several years to be implemented, but there are four key actions through which change can be brought about much more quickly. These are the passing of the amended wildlife crime bill, the creation of a multi-agency transnational investigation team, the development of guidelines for judges and prosecutors with respect to sentencing and plea bargaining for those engaged in serious organized crime, and the creation of an Environmental Crime Unit within the Federal Ministry of Justice.
- 8.3. UNODC, alongside the Nigerian Government and ICCWC partners, will draft an action plan on the basis of the recommendations in this report. Future support activities related to combating wildlife and forestry crime in Nigeria by UNODC and ICCWC partners will be based on the priorities identified and budgets made available, which will be laid out in the action plan. It is hoped that this report will also serve as a guide for future support activities by the global community to ensure that capacity-building, coordination efforts and other such activities are in line with recommendations and priorities identified.



9

9

TABLE OF RECOMMENDATIONS

9.1. Legislation

	RECOMMENDATIONS
1	Accelerate the passage into law of the Endangered Species Conservation and Protection Bill of 2022.
2	Develop with the judiciary, once the bill has become law, an addendum to the Federal Capital Territory Courts Sentencing Guidelines of 2016 to provide guidance on sentencing related to the offences in the new law.
3	Take a nuanced approach to addressing the power to compound offences afforded to the Nigeria Customs Service and the National Park Service, rather than pushing for its complete removal. The lack of funding from the central government to the National Park Service and State-level park authorities, for example, means that the ability to compound does not meet some of the operational requirements of those authorities. Discussions should be had with the relevant agencies with a view to agreeing upon a standardized approach to compounding. For example, it could be agreed that compounding is never allowed in any case involving a protected species, or the approach could be less stringent, with specific offences relating to protected species being identified as ineligible for compounding and set out in a memorandum of understanding between agencies or within a policy document for each agency.

9.2. Law Enforcement

	RECOMMENDATIONS
4	<p>Recommendation for inter-agency cooperation</p> <p>Create a joint transnational investigation team to be the operational arm of the Wildlife Law Enforcement Task Force and led by a senior officer from the police or another traditional law enforcement agency mandated to undertake organized crime investigations. The joint transnational investigation team would include officers from key enforcement agencies in Nigeria that have a mandate to investigate transnational wildlife crime. The number of agencies involved should be kept to a minimum so that the team maintains an operational focus. The team would have its own independent funding and report to the Wildlife Law Enforcement Task Force.</p>
5	<p>Recommendation on wildlife forensics</p> <p>Conduct, with the support of international organizations like UNODC, an assessment of the current capacity of Nigeria to conduct wildlife and timber forensic analyses, and identify practical and sustainable solutions to make forensic services available for crime investigators and prosecutors.</p>
6	<p>Recommendation for Nigeria Customs Service</p> <p>Provide training on iBase and i2 Analyst's Notebook for analysts from the Customs Intelligence Unit and the Special Wildlife Office.</p>
7	Train staff and managers of the Nigeria Customs Service in the handling of confidential human intelligence sources, and establish a centralized informants register.

8	Acquire cell-phone extraction hardware and software, and provide staff with the training needed to use the resources.
	Recommendation for the Federal Ministry of Environment
9	Seek donor support for funding for solar power for the headquarters of the CITES Management Authority in Abuja, and ensure the provision of sufficient internet connectivity.
10	Provide technical officers with training and refresher courses in the identification of species, health and zoonotic disease risk factors, key national and international legal frameworks.
11	Seek donor support to improve access to technical tools, and provide additional laptops and monitors to ensure a smooth digitization of the CITES permit system.
	Recommendation for the National Environmental Standards and Regulations Enforcement Agency
12	Organize training for Agency analysts and managers in basic and advanced intelligence analysis, including financial, online and mobile-telephone data analysis.
13	Organize training for Agency investigators and managers in the recruitment, tasking and management of confidential human intelligence sources, and develop policies on reward payments and anti-corruption strategies.
14	Organize crime scene management training for Agency staff, with a focus on scene protection and examination and exhibit handling, storage and analysis.
	Recommendation for National Park Service
15	Organize basic intelligence training for staff on an ongoing basis, and seek donor funding or collaboration with a non-governmental organization for the establishment of an intelligence database.
16	Organize training for staff and managers in the management of confidential human intelligence sources, and establish a centralized informants register.
	Recommendation for Nigerian Postal Service
17	Become a member of the Wildlife Law Enforcement Task Force.

9.3. Prosecution

RECOMMENDATIONS	
18	Establish an Environmental Crime Unit within the Federal Ministry of Justice to oversee major wildlife and forestry criminal cases, or extend the reach of the existing Transnational Organized Crime Unit so that it proactively incorporates such crimes into its caseload. This move would cultivate expertise in these vital areas and ensure more transparent and effective implementation of the law. The new unit would work closely with the Wildlife Enforcement Task Force and primarily be responsible for prosecuting cases handled by that Task Force. Such a unit would be particularly useful when the elements of the offence cut across the mandates of different agencies, as it would be able to prosecute the offence under any of the relevant agencies' legal frameworks.

19	Build awareness within the relevant agencies, and among prosecutors in particular, of the relevant laws at both the federal and state levels. Prioritization of the states in which such awareness-raising takes place could be based on the prevalence of wildlife crimes there and/or the proximity to key points of entry to and exit from the country.
20	Explore the issue of fiat (i.e. permission from the Federal Ministry of Justice to prosecute federal crimes) for certain levels of crime in state-level prosecutions, for example, through a memorandum of understanding that permits an automatic fiat in certain cases.
21	Build the prosecution capacity of authorities that hold a prosecution mandate in addition to the Federal Department of Public Prosecutions and the Office of the Attorney General of the Federation. Given that the Nigeria Customs Service is the main authority responsible for detection and seizures and that it holds a prosecutorial mandate alongside other key agencies, the short-term recommendation is to develop a coordinated multi-agency approach and prosecution capacity within the Nigeria Customs Service, the National Environmental Standards and Regulations Enforcement Agency and others. This will involve codifying the process of making the decision to charge and developing strong prosecution policies to ensure consistency and transparency in decision-making, particularly in relation to plea-bargaining, something recommended by every prosecutor.
22	Encourage the collection and sharing between prosecution authorities of data on charges, prosecution outcomes and where compounding has occurred. The Federal Ministry of Justice should be in charge of consolidating these data given that it gives the prosecutorial mandate to the other agencies.
23	Organize training for prosecutors in drafting, advocacy and the existing legislative framework to enhance prosecutorial skills.

9.4. Judiciary

	RECOMMENDATIONS
24	Extend across the country the principles contained in the federal-level Practice Direction on active case management that was passed in the Federal Capital Territory with a view to decreasing trial times and adjournments. This could serve as a template while the drafting of the Administration of Criminal Justice Amendment Bill of 2023 is being finalized and reviewed. Case-management systems to complement the implementation would be needed.
25	Develop prescriptive sentencing guidelines to complement the passage into law of the Endangered Species Conservation and Protection Bill of 2022. The methodology should be explored with the judiciary.
26	Raise the awareness of the judiciary of the fact that plea-bargain agreements must follow the guidelines issued by the Office of the Attorney General of the Federation, which require all such agreements to be signed off by the Attorney General. The judiciary should know not to conclude any such agreement without a certificate of approval from the Attorney General. Judges should be educated on their powers to reject plea-bargain agreements that seemingly recommend financial penalties in cases with aggravating circumstances.
27	Develop a uniform training programme for judges and magistrates to raise their awareness of wildlife and forestry crimes.



28	Assign wildlife cases to special courts or to designated judges/magistrates. The number of wildlife cases perhaps does not justify the creation of a specialist wildlife court, but if such a court were also to try other transnational crimes this would enable greater specialization and more expeditious treatment of such cases. Even if a case cannot be assigned to a special court, it can be assigned to specialist judges/magistrates. This would depend on the nature of the training programme recommended above and whether the chief judge considered that to be sufficient. Mechanisms for the assignment of such cases to such judges and magistrates would also have to be developed.
29	Deploy technology in courts to expedite the treatment of wildlife cases by using virtual hearings for applications and other minor hearings. A recent constitutional amendment has given effect to this technological innovation and laid to rest arguments of bias and unfair hearings. It has become part of Nigerian law.
30	Improve the management of data and court judgements, as this would effectively enhance jurisprudence and the use of precedents in this area of the law.

9.5. Anti-Corruption and Anti-Money Laundering

RECOMMENDATIONS	
	Recommendations for the Economic and Financial Crimes Commission
31	Organize, for Commission staff working on wildlife crime cases, training in search warrant execution, high-risk arrests, cryptocurrency investigations, crime scene management and major case investigations.
32	Organize, for Commission staff working on wildlife crime cases, training in advanced investigative methods, including surveillance and undercover operations.
33	Acquire licences for forensic software, such as TRM Forensic, for the investigation of cryptocurrency cases.



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Crimes that
Affect the
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