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To cite this article: Emmanuel Onyeabor, Helen Agu and Edwin Arum ‘Economic Implications of Trade in Wildlife: From Legality to Illegality’ (2020-2021) 16 The Nigerian Juridical Review, pp 255 – 274.

To link to this article: https://doi.org/10.56284/tnjr.v16i1.23
ECONOMIC IMPLICATIONS OF TRADE IN WILDLIFE: FROM LEGALITY TO ILLEGALITY

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Abstract
Illegal trade in wildlife has caused the decline of many species in Nigeria, Africa and the world. Illegal killing, smuggling and other forms of illicit trade in wildlife do not only hurt the economy and the ecosystem, but they also fuel organised crime as well as feed corruption and insecurity, undermining the sustainable development of the country. Wildlife in Nigeria is under pressure as most endangered species, are traded both domestically and internationally. Nigeria is not only a source of wildlife products but has also emerged as a major transit country for wildlife trafficking according to the current World wildlife Crime Report. Using a literature-based review, this paper critically examines the legality and illegality of wildlife trade in Nigeria in line with the provisions of extant laws and how this scenario has grossly hampered global efforts toward combating wildlife trafficking. It proffers amendment of the text of extant laws to reflect the intents and global aspirations to curb this scourge and preserve biodiversity for posterity. It further advocates global partnerships efforts to strengthen enforcement capacity to investigate and prosecute offenders.

Keywords: Endangered species, illicit financial flows, poaching, organized crime, conservation.

1. Introduction
Illegal wildlife trade (IWT), (and other wildlife crimes), has become a major threat to the iconic wildlife species of Africa, driven by high market values on the black market. IWT is now considered to be the world’s fourth largest internationally organized crime, generating between USD $7 and $23 billion every year.1 Wildlife crime undermines the economic prosperity of countries and communities in Africa, deteriorating their natural capital, social stability, and cohesion, and threatening sustainable economic development, including the erosion of benefits derived from legal nature-based enterprises like tourism.2

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2 Ibid.
Generally, illegal trade and trafficking in wildlife include the illegal stealing, sale, smuggling, transportation and distribution of wild animals and plants, their products, and derivatives for commercial purposes or human use. This has attracted attention of major NGOs, United Nations and the Interpol and has been ranked as 4th largest world’s largest illicit activity. Well-organized criminal groups have turned this environmental exploitation into a professional business, with high revenues encouraging the continued poaching and harvesting of endangered and protected species in national parks and forests. Notwithstanding, several laws abound providing for permissible trade in wildlife while prohibiting trade in some critical species. Therefore, it is not all wildlife trades that are illegal. However, some prevailing factors like poverty, corruption, legal and institutional irregularities have made it difficult to differentiate between the legal and illegal trades, thus occasioning a smooth movement between the divergent trades.

In a bid to tackle this challenge, the law often becomes stringent on both trades. However, this stringency of the law has often led to the destruction of both legal and illegal wildlife trades, thereby crippling local economies, and advancing secret wildlife trading. It is therefore the thesis of this paper that stifling every sale and exploitation of wildlife species and derivatives just because of illegal trade would result to wildlife laundry. It also makes the law a conduit through which illegal wildlife sales will move from illegality to legality. Rather ways should be adopted to sustainably manage the whole chain which encompasses the supply-side, transactional, and demand-side of the trade to ensure that people benefit maximally from their environments without threatening the survival of the wildlife species.

This paper is divided into four parts following this introduction. Part two appraises the regulatory framework for wildlife trade globally and in Nigeria; part three discusses the crises of wildlife trade, from legal to illegal and its

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implications for global and national economy; part four concludes the paper with workable recommendations.

2. Appraisal of the Regulatory Framework for Wildlife Trade Globally and In Nigeria

2.1 Regulatory Framework at International Level

Various legal instruments had been developed for the regulation of wildlife species. Notable among these are:

2.1.1 The Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention on Wetlands) 1971

This is a framework intergovernmental treaty signed in 1971 in Ramsar, Iran, with the primary purpose of engendering cooperation among states for the conservation and “wise use” of the World’s several Wetlands.\(^7\) The Convention advocates that while people enjoy the resources in the wetlands, they should maintain the ecological wellbeing of those wetlands.\(^8\) Each party under this Convention is enjoined to nominate at least one wetland in its territory based on already established criteria to the International List of Important Wetlands.\(^9\) Many parties have already complied with this arrangement.

Further, parties are mandated to make national laws for the protection of their wetlands, keep adequate records and conduct research when necessary. They are also obligated to create awareness among the local people on the need to conserve the wetlands and develop relevant management and developmental plans. Notwithstanding, the Convention faces some challenges primarily the fact that the obligations under the Convention are general in nature and as such do not address specific issues such as trade within national boundaries nor has it any control over the domestic markets, as many illegal trades in wild fauna and flora go on within territorial boundaries before going into the international terrain.\(^10\) The CITES did not also make for specific enforcement procedures beyond the port of entry, indirectly making the combat of illegal trade the sole responsibility of National governments. In most African states, national governments are weaker than state governments, leaving the combat of poaching in the hands of the National Government makes the job of poachers easier and once they slip through the national law enforcement agents, they are now free. This ought not to be so. The CITES did not list many endangered

\(^7\) Ramsar Convention 1971, art 1
\(^9\) These criteria include hydrology, ecology and support for wildlife and human populations.
species of wild fauna and flora, the Convention captured just eight per cent of the world's known reptile species like all ten crocodile skink species.  

More so, many provisions of the Convention are vaguely drafted in so much that interpretation becomes a big challenge.  

2.1.2 UNESCO World Cultural and Natural Heritage Convention 1972

This Convention is one of the greatest international instruments on the conservation of natural heritage of outstanding collective value for the present and future generations. The Convention is governed by the World Heritage Committee with the assistance of the World Heritage Centre, the Convention’s Secretariat, and three technical advisory bodies to the Committee: IUCN, ICOMOS, ICCROM. The implementation of this Convention is expedited through operational guidelines which set out processes for new inscriptions, danger listings, and the provision of global support through the World Heritage Fund.

Parties to the Convention are also enjoined to make national and regional laws for the protection of world heritage within their domain, integrate those heritages in the lives of the community, and integrate the protection into their comprehensive planning programs. They are also to undertake appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection conservation, presentation, and rehabilitation of those heritages and to refrain from any measures that might be detrimental to the preservation of those heritages.

2.1.3 Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) 1973

Trade in wildlife species is regulated under the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES). The purpose of the Convention could be seen from the Convention’s statement of purpose

16 Ibid.
contained in its preamble, which is the ‘protection of certain species of wild fauna and flora against over-exploitation through international trade.’ Under CITES trade in species listed in three appendices is subjected to mandatory licensing, through permits and certificates, to ensure that such trade does not threaten their survival. Around 35,000 species are listed in these appendices, of which about 30,000 are plants. The Convention regulates trade in species based on their conservation status and the risk posed by trade.

Appendix I contain species threatened with extinction that are or may be affected by trade. Commercial trade is therefore prohibited. Species such as great apes, leopards, tigers, most rhinoceros populations, several parrots and many orchids are in Appendix I. In exceptional cases (such as for scientific research), trade may take place if authorized by an import permit and an export permit.

Appendix II contains species that are not now threatened with extinction, but that could become so unless trade is strictly regulated. Trade is permitted only with an export permit issued under specific conditions including a ‘non-detriment’ finding (NDF) by the scientific authority. The NDF must demonstrate that trade is not detrimental to the species’ survival. Appendix II contains most of CITES-listed species.

Appendix III contains species that are protected in at least one country. CITES parties have enlisted the cooperation of other parties in controlling trade in a species under their jurisdiction. Trade requires an export permit or a certificate of origin if it has been sourced from a country that has not listed the species.

The Convention has also created a platform for synergy among nations to collaborate in controlling cross border trade in wildlife. More so, the Convention has by implication given States a leeway to set up structures to punish poachers. Further, the implementation of CITES has brought about the artificial propagation of many plants thus reducing the pressure on plants in the wild.

Notwithstanding, the CITES gave room for divergent national policies to influence its implementation and this has resulted in lack of harmonization of wildlife protection, thus creating a gap through which criminal exploitation of

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wildlife could thrive.\textsuperscript{19} Another fundamental hindrance to the enforcement of the Convention is the fact that the Convention is not self-executing but relies on supplementary legislations to bring about its implementation.\textsuperscript{20} Other major hindrances to the implementation of the Convention are the several exceptions allowed by the Convention which include giving parties the right to enter reservations in respect of species already protected by the Convention thus creating loopholes through which illegal wildlife trade thrives.\textsuperscript{21} Article XXIII gave countries the right to “opt out” of the Convention with respect to any specific listing. The Convention is also bereft of a precise standard of listing species in its Appendixes. Another challenge is the irregularity in the taxonomy of plant species, some names might be so confusing that the officials of state parties might find it so challenging to harmonize and recognize them. Another challenge is the leniency with which offenders are handled\textsuperscript{22} and the inconsistent record keeping of state parties.\textsuperscript{23}

To improve the implementation of the Convention, the Convention must be amended to bear stronger enforcement mechanisms. Enforcement might be through economic sanctions or any other mechanism that could compel parties to accede and comply with the provisions of the Convention.\textsuperscript{24}

\textbf{2.14 The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention (CMS) 1979)}

The need to give adequate protection to species which move across national boundaries gave birth to this Convention. This is a framework Convention which came into force in 1983 under the auspices of the United Nations Environment Program (UNEP). Its primary purpose is the conservation and sustainable use of migratory species of wild animals together with their habitats and migratory routes. It is the only international Convention with this primary


\textsuperscript{20} Krieps (n18).


\textsuperscript{22} ibid.


The Convention is also divided into Appendixes and species are grouped depending on the level of protection afforded them by the Convention. It places responsibilities on States especially range States and States through which these species migrate. The Convention advocates the collaboration of all states in the achievement of its purpose and encourages parties to create more agreements geared towards the actualization of its purpose. The Convention stipulates that when such agreements are made the public should be notified of such.

2.1.5 The Convention on Biological Diversity (CBD) 1992

This is another veritable instrument in wildlife protection. The purpose of this Convention could be seen from its Article 1 which include, conservation of biological diversity, sustainable use of its components, fair and equitable sharing of benefits arising out of the utilization of genetic resources, appropriate transfer of relevant technologies, taking into account all rights over those resources etc. The Convention intends to achieve this through promoting biodiversity conservation and sustainable use through national laws, policies, international institutional structure to support implementation and principles for the international exchange of genetic resources and biotechnologies derived from them. One practical aspect of the Convention could be seen in its Article 6 which enjoins countries to create a national strategy for conserving biodiversity and to integrate the Convention into economic planning. The Convention also provided for in-situ and ex-situ conservation in its Articles 8 and 9 it also advocates sustainable use in its article 10, while providing for impact assessment and minimizing adverse impacts.

A major challenge to the implementation of this Convention is the challenge of bio-piracy. Bio-piracy simply means the unlawful arrogation and transfer of biological diversity and genetic resources and basic information from local communities in developing countries by industrialized nations without obtaining the approval of those local communities or putting arrangements in place for sharing accruing profits. Other challenges include, lack of human and financial capacity, inadequate environmental data needed for tracking the impact of development activities on biodiversity, ineffective institutional

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26 Ibid.
27 Bonn Convention 1979, arts v (5) and IX(4).
structures and nonchalance of government at different levels to take proactive measures in conserving biodiversity, etc.  

2.2. National Laws and Regulations on Wildlife crime in Nigeria

A number of regulatory frameworks had been put in place by the Government of Nigeria to regulate wildlife species. They are:

2.2.1 Endangered Species (International Trade and Traffic) Act No 11 1985

The primary purpose of the Convention is to ensure the conservation and management of Nigeria's wildlife and the protection of some species in danger of extinction as a result of overexploitation. According to section 1 of the Act, the hunting or capture of or trade in, the animal species listed in the First Schedule to the Act (being animal species threatened with extinction) is categorically banned. In section 1(2), the Act prohibits the hunting, capture or trade on the species listed under the second schedule except with a duly issued licence. The Species listed under the second schedule are species though not necessarily now threatened with extinction, may become so threatened unless trade in respect of such species is controlled.

The Act also prohibits trade in any animal listed in the second schedule of the Act except an export permit has been duly issued. The Minister in granting the permit must have convinced himself that such export will not be detrimental to the survival of that specimen and that the health and wellbeing of the species will be assured during the export. He must also be convinced that an import permit has been or will be issued by the import country. Before the issue of an import permit, the minister shall also be convinced that the specimen will not be used for commercial purposes, the import is not for a purpose that will be inimical to the survival of the specimen and the proposed recipient must have the requisite facility to care for it.

2.2.2 National Park Service (Amendment) Act, 2006.

The purpose of this Act is to establish the National Park Service to be responsible for the preservation, enhancement and protection of wild animals and plants and other vegetation in National Parks; and for matters connected therewith. The Act establishes the National Park service with distinctive objectives set out in section 6 of the Act which include; the conservation of selected and representative examples of wildlife communities in Nigeria; the establishment of an ecologically and geographically balanced network of protected areas under the jurisdiction and control of the Federal Government;

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32 Ibid, s 1(2).
33 Ibid, s 2(1)(b).
the protection of endangered species of wild plants and animals and their
habitats; the conservation of wildlife throughout Nigeria so that the abundance
and diversity of their species are maintained at the optimum levels
commensurate with other forms of land use, in order to ensure the continued
existence of wildlife for the purpose of their sustainable utilisation for the
benefit of the people of Nigeria; the preservation of outstanding scenic, natural,
scientific, recreational and other values in the National Parks; the protection and
maintenance of crucial wetlands and water catchment areas; the control of
dangerous vertebrate species; the implementation of relevant international
treaties, agreements or other arrangements regarding, relating to or connected
with protected areas and wildlife management to which Nigeria is a party, in so
far as the power to implement those international treaties, agreements or
arrangements is conferred on the Service by the Federal Government; the
promotion and provision of education about wildlife and nature conservation;
and the conservation of biological diversity in Nigeria.

According to section 20 of the Act:

the ownership of every wild animal and wild plant existing in its natural habitat
in, National park and anything whatsoever, whether of biological
g geomorphologic or historical origin or otherwise, existing or found in a
National park is hereby vested in the Federal

2.2.3 National Environmental Standards and Regulations Enforcement Agency
(Establishment) Act, (NESREA) 2007

This Act establishes the National Environmental Standards and
Regulations Enforcement Agency as an enforcement Agency for
environmental standards, regulations, rules, laws, policies, and guidelines.

The Agency is charged with the responsibility for the protection and
development of the environment, biodiversity conservation, and
sustainable development of Nigeria’s natural resources in general and
environmental technology, including coordination and liaison with
relevant stakeholders within and outside Nigeria on matters of
enforcement of environmental standards, regulations, rules, laws,
policies, and guidelines. The Act also mandated the Agency in its section
7(c) to enforce compliance with the provisions of international
agreements, protocols, conventions, and treaties on the environment and
such other agreements as may from time to time come into force. This,
the Agency is charged with the implementation of CITES in Nigeria but
just like other state institutions, like the Economic and Financial Crimes
Commission and the National Agency for Food and Drug Administration
and Control, the effectiveness of NESREA is yet to be felt.

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

These Regulations are applicable to specimens of wildlife species listed in articles I, II, III of CITES which have been domesticated by the Endangered Species (Control of International Trade and Traffic) Act 1985. The Regulations shall also be applicable to wildlife species which shall subsequently be listed by the Convention after the commencement of the Regulation. The Regulations ban the import of specimens listed in the Appendixes of CITES into Nigeria. The Regulations also ban introduction into Nigeria, listed specimens taken in the marine environment, not under the jurisdiction of any country. It further bans the exportation and re-exportation of listed specimens from Nigeria. The Act also provided the requirements for importation which include permits and other certifying certificates.

3. Legal Trade in Wildlife: Economic Benefits

There are several economic benefits of the wildlife trade, especially when done in accordance with the law, which if properly managed will form a formidable economic base for any nation. Wild flora is so essential in the manufacture of drugs. Two alkaloids, vincristine and vinblastine, extracted from the leaves of the Madagascar periwinkle plant, have proven effective in treating childhood leukaemia and Hodgkin's disease.

Moreover, not less than 3,000 plant species have been discovered to possess vital ingredients needed for the treatment of cancer. Further, antibiotics and antiminthics have also been manufactured from numerous species of plants and fungi. It is projected that in the twenty-four major industrialized nations, plant-based drugs accounted for $43 billion in revenue annually. According to Worldwide Fund for Nature, not less than 40% of all

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35 National Environmental (Protection of Endangered Species in International Trade) Regulations 2011, regulation 3 (2) (a)-(e).
38 Antibiotics are best described as metabolic constrainers which destroy bacteria without meddling with the host metabolism.
prescription drugs used in industrialized nations are derived naturally from plant species or have been developed with the aid of "chemical blueprints."  

Wild flora is also beneficial to the industrial sector, for instance, the United States Department of Agriculture is currently working on about 460 plant varieties with a view to discovering a substitute to imported gasoline lubricants. Moreover, the jojoba plant has also been instrumental in the manufacture of linoleum, ink, chewing gum, adhesives, disinfectants, detergents, corrosion inhibitors, shampoos, lipstick, sunscreen compounds, and polishes. Many wild plants are used for the generation of hydrocarbons which may be improved to be a more functional substitute for fossil fuel. The aesthetic benefits of flora varieties are enormous as lovers of nature pay heavily just to import some special and beautiful flora from anywhere, they could be found across the globe. Some of these floras possess some protective features as they drive away dangerous reptiles and rodents from the environment where they are planted.

A sustainably managed wildlife trade and resources lessen the pressure on existing biodiversity. It will also protect their habitat through land conversion. Regulated trade would also improve the lives of local people through incentives and other economic support. Moreover, it is also a renewable economic resource, and regulated trade could be fundamental to the attainment of internationally endorsed United Nations (UN) Sustainable Development Goals.

4. Illegal Wildlife Trade and its Resultant Economic Implications

Wildlife is a national resource with divergent sectors ranging from tourism and health to industries. IWT claptraps the wildlife sector the same way bunkering drives the oil sector. When the illegal wildlife trade happens, the effect is both on the government and the community. While the government is deprived of revenue, the local community is also deprived of its communal purse. Poachers who are ignorant of the value of the wildlife undersell at a cheaper rate to foreigners; while foreigners who understand the value buy at a cheaper rate and probably resell at a higher rate and make more money that could have been

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42 Ibid.
44 The Treaty defined ‘species’ to mean ‘any species, subspecies, or geographically separate population thereof.’ See also cites 1973, art 1 (a).
earned by the government or the local community. Impliedly the wealth of the nation is ignorantly transferred at no cost.

A poacher who has never seen one million Naira in his life will deem it a great benefit selling a tiger illegally for five million Naira, not knowing that he has wasted a resource of over twenty million Naira. The resultant effect of this is that wildlife that should have a positive implication has now constituted a leakage through which poverty can set into the region.\footnote{Rosaleen Duffy and others, ‘Toward a new understanding of the links between poverty and illegal wildlife hunting’ (2016) (30)(1) ConservBiol14.}

Moreover, the monies realized from these illegal activities are not even utilized for the benefit of the community; rather, they seep into the private pockets of poachers. For instance, in rural Zambia, hunters are the richest in the community making 96 per cent of the local per capita annual income from a single expedition.\footnote{P Lindsey and others, ‘Illegal Hunting and The Bush-Meat Trade in Savanna Africa: Drivers, Impacts and Solutions to Address the Problem’ [2015] Panthera/Zoological Society of London/Wildlife Conservation Society Report: New York 79 <http://www.fao.org/3/a-bc609e.pdf> accessed 20 July 2021.} This is also obtainable in local Namibia, where a single rhino horn can fetch the hunter three times his annual income. Illegal wildlife trade is a highway to poverty in that it momentarily cushions the economic troubles of the poacher, only to leave the entire community, and indeed the nation in a worse economic and environmental state in the long term.\footnote{Africanews, ‘Namibia struggling to protect rhinos amid pandemic’ [2021] <https://www.africanews.com/2021/04/03/namibia-struggling-to-protect-rhinos-amid-pandemic/> accessed 27 July 2021.}

Illegal wildlife trade is dynamic in nature with severe economic implications, when it is stifled in one country; it fluidly slides into another country where regulations and enforcement are not stringent. Poachers tend to be more conversant with the law than the law enforcement agents as they can sniff through legislative and enforcement lacunas to advance their enterprise. For instance, due to the conducive environment in Democratic Republic of the Congo occasioned by weak legal institutions, pangolin scale traders have adopted the country as a depot for their wares.\footnote{UNODC, World wildlife crime Report: Trafficking in Protected Species (2020 United Nations Publication) 12} At other times, when it appears that enforcement of the law is intense on particular specie, wildlife sale can suave to other species with equivalent economic value. This is prevalent in timber. It is also obtainable in animal derivatives, for instance since the laws are tight on tiger bones, many wildlife merchants have resorted to Leopard, jaguar and lion bones.\footnote{Ibid.}
This situation raises a need for cross-border enforcement of wildlife regulations. The Southeast Asian countries Cambodia and Lao PDR have always provided a transit route for the export of wildlife to China. China with its wealth and thirst for elephant ivory, pangolin scales have fuelled this trade economically and poachers from these countries cash in on the loopholes in laws and enforcement to service China with wildlife products from endangered species. This is not different from what we see in several African countries like Nigeria. China’s technological advancement and digital economy have increased the ease of connectivity between poachers in Korea and Japan, the improved road initiatives, infrastructure, and several developmental activities have enhanced in the influx of illegally traded wildlife products into China. Many transit routes have benefitted economically from this trade making it an impossibility to secure their compliance in the combat of this menace.

It is a fact that by the virtue of the territorial integrity of states, laws can only be enforced within a given state; states should therefore agree to allow wildlife laws to be enforced across national boundaries to ensure that poachers do not get away with their enterprise. This should also be employed in Africa, in the conservation of wildlife. Africa being the home of many wildlife resources should be a single territorial jurisdiction for the enforcement of wildlife laws.

With the advent of the technological revolution across the globe, the sale of wildlife species using the internet is fast growing into a formidable industry. Facebook, Instagram, eBay, Twitter Alibaba, etc. have afforded a smart platform for sales which also makes monitoring and detection difficult as traders can trade across national boundaries virtually and can switch accounts at any suspicion of detection. This also has economic implications as money moves

53 K Krishnasamy and M Zavagli, ‘Southeast Asia: At the Heart of Wildlife Trade’ (2020) Malaysia: Southeast Asia Regional Office
55 Jiao (n51).
across national boundaries without the countries and communities accounting for them.\(^5^6\)

The laundry propensities in illegal wildlife commerce could be seen from the sale of timber, where timber especially the rosewood is harvested illegally in one country and sold in the legal market of another country, thus sanctifying the illegal origin of the product. This is possible since countries are under no legal obligation to enforce the forestry laws of other countries\(^5^7\).

Tourism is one of the biggest industries associated with wildlife; the reduction of these species negatively affects tourism especially in countries whose national economies are hinged on tourism.\(^5^8\) Illegal wildlife trade is pivotal to the crashing of many other sectors of the economy dependent on wildlife. These sectors include textile, medicine aesthetics etc. The challenge of illegal wildlife trade is quite extensive; it has the propensity of breeding security tensions especially at transnational levels.\(^5^9\) This is because poachers bear arms and will not hesitate to bring down any obstacle on their way. From using the arms to protect their activities they venture into other crimes aided by arms. No economy thrives in conflict,\(^6^0\) once this happens, there will be massive loss of national revenues and unquantifiable environmental destruction\(^6^1\) not just that the country loses its internally generated revenues which are done through tax and it also loses a natural resource base.

Demand is one factor that must be dealt with if illegal wildlife trade and its resultant economic implications must be handled. Just like other commodities, scarcity especially when orchestrated by legal restrictions has a subtle way of fuelling demand, using the law to totally ban sale of wildlife species cannot in

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any way stop the demand for it, rather it will hike the demand and at the same time the prices and once prices are high more people will get interested so as to make more profit.  

62 Others also believe that the scarcer a commodity is, the more valuable, in effect; legal restriction creates higher financial value for IWT.  

63 Most times regulatory laws in the areas of wildlife do not affect demand and supply, thereby creating loopholes for criminal actors to change lanes and schemes of operation.

Economic implication is directly or indirectly tied to health implication, for instance in 2020, the world economy almost crashed due to the scourging effect of Covid-19, it is trite that many diseases spread through animal movement from one locale to the other. The movement of animals has procedures which include quarantine, when necessary. When there is an illegal movement occasioned by trade, these procedures are flouted and when a disease spreads it still bites sore on the economy.

5. Challenges of Wildlife Trade: Legality vs Illegality

Notwithstanding the stifling of wildlife trade through the laws, the populations of wildlife have continued to deplete. This is because restrictive laws drive people to continue their activities in the secret and making their private money at the expense of collective economic advancement.

A total ban on wildlife exploitation is not the solution to illegal trade; rather it is an injustice to legal wildlife trade. For instance, some wildlife species are privately cultivated by landowners, when there is a complete ban, it entails that their investments are lost as they cannot sell to make their profits. Others spend so heavily to conserve and restock those animals and there is no way they can recover their money except through the sale of derivatives from those animals.  

65 For example, landowners in South Africa who invest in the conservation and restocking of rhinos cannot even sell those horns due to the international ban on the sale of rhino horns.

Exploitation and trade in wildlife have come to stay. This leaves Africa with the only right option of sustainable exploitation, which entails finding


64 UNODC, World wildlife crime Report: Trafficking in Protected Species (2020 United Nations Publication) 12


means through the exploitation to advance Africa economically while conserving the natural resources.67

As stated earlier, interpose between legal and illegal wildlife trade is the major clog in the wheel of proper wildlife administration. Illegal wildlife trade encompasses all strata of activities surrounding the exploitation and sale of wild fauna and flora through a means contrary to the laid down national and international laws.68 Many illegal trades pass off as legal trades due to some wildlife trade drivers or conflicting factors. The economic implications of these factors on wildlife are felt across the whole chain of wildlife exploitation.69

The determination of legality and illegality is relative, and subject to local circumstances; this is because what is legal in a country can become illegal in the shores of another country. Sometimes, it might be illegal to hunt some animals in their countries of domicile, but such laws would not be binding on countries where those animals are sold or consumed.70

One of the major factors driving wildlife trade is poverty. According to the Economics of Ecosystems and Biodiversity (TEEB) Report, nature is the GDP of the poor; it forms the bedrock of the socioeconomic survival of rural dwellers. Their food, money, shelter, and happiness are dependent on their natural environment. Therefore, the denial of their right to exploit their environment is the denial of their right to survive. In most instances, due to poverty in Sub Saharan Africa and other countries, the residents are left with no option than to resort to illegal wildlife exploitation as a cheap way of survival.71

Although poverty offers a conducive atmosphere for poaching, the main motivating factor is the demand by people who are willing to pay the price for what they want notwithstanding the cost. Therefore, in obedience to the law of demand and supply, the local communities are always willing to make the supplies, once the cash keeps pouring in. People sell because people buy; if there were no demands from the rich countries, there will be no market for

68Sas-Rolfes (n 65).
70Ibid.
poachers domiciled in poor countries. A cursory look at the demand in wildlife products reveals that the demands are luxurious in nature, for instance the most sought-after product of poaching is ivory, which an average poor man has no business with.

Therefore, the impact of wealth and ostentation supersedes the impact of poverty in illegal wildlife trade. Illegal Wildlife Trade in sub-Saharan Africa is fuelled by the ever-growing demand for wildlife and its derivatives in global North

The next intervening factor is food insecurity. Both wild plants and animals provide a veritable food base for the local communities. Many communities get their protein annually from wildlife resources. Some communities do not hunt wildlife for luxury but for the irresistible taste of bush meat. This is the case with most communities in Nigeria, where people and fun-seekers who believe that alcoholic beverages are best enjoyed with bush meat continue to mount pressure on wildlife. Population explosion is another adverse factor because as the human population increases, the pressure on wildlife also increases through the destruction of their habitat.

Many governments do not see wildlife crimes as serious crimes worth the government’s attention and as such there is little or no investment to curtail it. Rangers are not well equipped, and even when poachers are apprehended, they are either allowed to go free or handed weak sentences by the court which is incapable of deterring future offenders.

Weak legal and enforcement mechanism is a major driver of the illegal wildlife trade. Africa and indeed many developing countries have a track record of weak laws, governance, and corruption.

Institutional lapses coupled with other economic drivers mentioned above have made it a herculean task to regulate the wildlife trade in Africa. The wildlife trade should have been a great resource in Africa, but because most African communities are bereft of the value of these resources, they keep wasting these resources under the guise of benefitting from them.

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74 Sas-Rolfes (n 65) 16.
75 Williamson (n 43) 11.
Corruption remains the bedrock of the negative effects of wildlife trade in sub-Saharan Africa, the inability of laws to work effectively lies in the corrupt practices in the system occasioned by officials who sneak through the laws to condone illegality. When corruption is mentioned, bribery comes to mind. According to the Environmental Investigation Agency in the case of Shuidong connection, 4 – 10% of the ultimate cost of ivory in Asia is expended on bribing law enforcement officials. The case in issue recorded US$90,000-210,000 expended on bribes alone. It was recorded in 2012 that the amount of money given to border officials in a single day along Viet Nam-China border was between US$18,000 to US$30,000.

Here in Africa, the Financial Intelligence Unit (FIU) of Namibia also recorded a case where a traveller from Namibia en route China was accosted in South Africa with baggage containing 18 rhino horns weighing a total of 43 kilograms. Obviously, he was cleared by some officials who closed their eyes to the baggage. In several other places, fake permits are obtained with the aid of corrupt officials. Corruption cuts across all chains of wildlife trade. In effect, corruption especially among judicial officers perverts criminal justice, through loss or concealment of evidence, threat to or compromise of witnesses, and delays. All these advance illegalities.

The cultures, colonial and historical inclinations of the local people also have a great role to play in driving the illegal wildlife trade. Many local communities are hunters from the cradle and have built their subsistence economy on the harvest and sale of wildlife products; it would be problematic to

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expect them to embrace any legislation or regulation that might adversely affect their socio-cultural architecture.83

Due to the secrecy of IWT, it has become so challenging to come up with a study that accurately unravels its accurate implication on wildlife. When the laws are stringent, people swing into secrecy, thus making monitoring and control problematic. But when modulated access is granted, regulation comes naturally. Another challenge is that in many circumstances, the law still paves way through lacunas and exceptions for illegality. More so, due to the complexity in wildlife trade, there is also a challenge of data generation and analysis coupled with the fact that when laws are not properly implemented, it provides interpose between legal and illegal wildlife trade.84

6. Conclusion

For there to be an effective wildlife administration and trade control, the jumble between legal and illegal trade must be critically addressed. Just like tackling guerrilla warfare where absolute carefulness is employed to sieve out the rebels from the citizens; absolute carefulness is also required to unmask wildlife laundry. Wildlife crimes thrive in secrecy, all efforts should be geared towards the exposure of the trade. All legal and institutional smokescreens must be cleared. Secrecy in wildlife trading inhibits monitoring and control, therefore wildlife laws must not be so stringent to drive people into secret wildlife trading.

Moreover, for laws to be effective, it must address the entire chain of the trade from the harvester/supplier to the consumer. At the Supply stage, efforts should be made to reduce the activities of poachers and other persons that have direct access to the wild and ensure that exploitation is done within the ambits of the law. More so, other legal substitutes can also be adopted in place of illegal exploitation. These substitutes include ranching, farming, artificial propagation, aquaculture, captive-breeding, biosynthetic substitutes, etc.

At the transactional stage, efforts should also be made to ensure that all activities and processes that take place between the time the wildlife is harvested and when they get to the final consumers comply with the law. Efforts should also be made at all levels to change the options and the desires of the consumers to shift their attention on some of these scarce species to other alternatives that still satisfies their desires without endangering endangered species.

The primary place of local communities in the control of trade in wildlife species cannot be overemphasised. For them to passionately get involved in

83 Higuero (n 45)12.
ending illegal trade, they should be saddled with the control and management of the proceeds of wildlife resources from their communities. Moreover, the poachers and other harvesters of wildlife live among them, this gives them an advantage of quick detection of poaching and poachers, much more than government officials or law enforcement agents could do. When the communities are excluded from benefitting from their environment, they will frustrate the efforts of government, and the local people who are familiar with the nooks and crannies of the wild would continue to secretly exploit and put in their pockets.

In addition to this, since the local communities are economically dependent on wildlife, alternative sources of economic sustenance must be provided, if not, the government will be gathering with one hand and scattering with the other hand. Offenders of wildlife trade are crafty and can evade justice based on technicalities. In response to this, countries should not just charge them with wildlife trafficking, but when necessary, they should go in for other offences such as money-laundering, corruption, fraud and other crimes incidental to wildlife crimes.\(^8\) The same way advertisements play a vital role in all economic activities, the use of key influencers is also vital. Celebrities, entertainers, sports, and religious leaders should be used to influence the choice of people to turn their attention from the endangered species of wildlife. \(^6\)

The place of cross border protection of wildlife species cannot be over-emphasised. Nations must reach a compromise on their territorial integrity to allow wildlife laws made in other countries to be implemented within their boundaries. States should also demonstrate willingness to deploy all state resources to enforce such laws, when this is done; it becomes easier to foil illegal wildlife contracts even if they were contracted online.

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\(^8\)UNODC, World wildlife crime Report: Trafficking in Protected Species (2020 United Nations Publication) 20