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COVID-19 CRISIS, WILDLIFE TRAFFICKING AND ENVIRONMENTAL GOVERNANCE IN NIGERIA

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Abstract

Illegal wildlife trade and wildlife trafficking are global environmental risks which is underscored not just by its convergence with other serious crimes but by the cross-border and trans-boundary nature of the crime, and its implications in many global health problems. The COVID-19 crisis, currently estimated to have been contracted from bats by humans through an intermediate host such as a pangolin, has propelled the global health implications of wildlife trade onto the global stage, thereby questioning global and national environmental governance structures to combat illegal wildlife trade and trafficking. Through a literature-based desk review, this paper appraises international environmental regulation such as the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES); wildlife regulatory governance in Nigeria such as The Endangered Species (Control of International Trade and Traffic) Act and their implications in the current global pandemic. It finds that weak legal systems, lack of enforcement capacity, high corruption levels and insufficient coordination, knowledge, and capacity are among the critical drivers of this crisis. It recommends legal and policy prioritization and effective environmental governance with regards to combating wildlife trafficking as a panacea for present and future pandemics.

Keywords: COVID-19 pandemic, wildlife crime, illegal trade in wildlife, poaching, wildlife conservation law.

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1. Introduction
Wildlife (traditionally referred to undomesticated animal species and all organisms that grow in the wild) brings significant ecological, cultural, and economic benefits to countries and regions around the world.\(^1\) Africa is home to a diverse populations of some of the most iconic wildlife species but these are under threat due to the illegal wildlife trade (IWT) and wildlife trafficking. Wildlife trafficking and illegal trade, smuggling, poaching, capture, or collection of endangered species, protected wildlife, derivatives, or products thereof\(^2\) is a current challenge to environmental governance, globally and in Nigeria. In fact, the Covid_19 pandemic has put in focus the credibility of environmental governance structures for the control of wildlife crime in global and national levels of government. International agreements, national policies and legislations, local decision-making structures, transnational institutions, and environmental NGOs are all examples of the forms through which environmental governance takes place.\(^3\)

Wildlife trafficking, being a transnational crime, affects all countries through its impacts on biodiversity, human health, security and socio-economic development.\(^4\) The UNODC emphasizing the threat that wildlife trafficking poses to nature and human health, notes that the trafficking of some wild species such as the pangolins, birds, turtles, tigers, bears and many more, increases the potential for transmission of zoonotic diseases.\(^5\) It further notes that pangolins, which were identified as a potential source of coronaviruses, are the most trafficked wild mammals in the world, with seizures of pangolin scales having increased

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\(^5\) UNODC, Ibid.
tenfold between 2014 and 2018.\textsuperscript{6} Illegal pangolin trade in Nigeria seems to have grown significantly in recent years with Nigeria's role in the trafficking being primarily a transit and logistical one through its international airports and Lagos port.\textsuperscript{7} Given the above problem statement, the goal of this paper is to appraise environmental regulatory framework for wildlife trafficking control and the implications of weak environmental governance for the current COVID\_19 pandemic. Specifically the paper seeks to: a) examine the international environmental regulation for illegal wildlife trade; b) appraise Nigerian environmental governance in relation to its commitment to international agreements; c) examine the crises of wildlife trafficking and its relationship to the current global pandemic.

The methodology is doctrinal as it reviewed academic literature, extant legislations and scientific journals on ecology, conservation, emerging zoonotic diseases\textsuperscript{8} and the COVID-19 outbreak. It accesses websites of authoritative bodies such as the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), Centres for Disease Control and Prevention (CDC) and the World Health Organization (WHO) and examines reports addressing the illicit wildlife trade from prominent intergovernmental organizations and non-governmental organizations such as the United Nations Office on Drugs and Crime (UNODC) as well as the news media.

2. International Legal Framework for Wildlife Protection

The past decades have witnessed a massive increase of environmental rules adopted in international fora, such as global or regional agreements\textsuperscript{9} and a consequent increased impact of these sources onto national legal

\textsuperscript{6} Ibid.


\textsuperscript{8} One Health, ‘Zoonotic Diseases’ Medicine net defines ‘Zoonotic’ as pertaining to zoonosis: a disease that can be transmitted from animals to people or, more specifically, a disease that normally exists in animals but that can infect humans. There are multitudes of zoonotic diseases. \texttt{<https://www.cdc.gov/onehealth/basics/zoonotic-diseases.html>} accessed 6 July 2021

systems. 10 International agreements adopted at the global and regional level concern wildlife or have some potential impact on it is numerous. This section briefly outlines the contents of the principal global agreements, as they have widely contributed to the development of national legislation.

2.1 The Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) 11

The Convention protects endangered species by restricting and regulating their international trade through export permit systems. For species threatened with extinction which are or may be affected by trade, 12 (such as western gorilla, chimpanzee, tigers, cheetah, elephant), export permits may be granted only in exceptional circumstances and subject to strict requirements; the importation of these species also requires a permit, while trade for primarily commercial purposes is not allowed. For species which may become endangered if their trade is not subject to strict regulation, 13 export permits (including for commercial trade) can only be granted if export is not detrimental to the survival of those species and if other requirements are met. For species subject to national regulation and needing international cooperation for trade control, 14 export permits may be granted for specimens not obtained illegally. Additions and deletions of species from Appendices I and II are

11 CITES is a multicultural treaty to protect endangered plants and animals which was adopted at Washington in 1973 and entered into force on 1 July 1975. There are 183 parties to the convention.
12 Ibid listed in Appendix I, such as the western gorilla (Gorilla gorilla), the chimpanzee species (Pan spp), tigers (Panthera tigris subspecies), leopards (Panthera pardus), cheetah (Acinonyx jubatus), some populations of African bush elephant (Loxodonta africana).
13 Ibid listed in Appendix II, the great white shark (Carcharodon carcharias), the American black bear (Ursus americanus), Hartmann's mountain zebra (Equus zebra hartmannae), green iguana (Iguana iguana), queen conch (Strombus gigas), Emperor scorpion (Pandinus imperator), Mertens' water monitor (Varanus mertensi), bigleaf mahogany (Swietenia macrophylla) and lignum vitae ‘ironwood’ (Guaiacum officinale).
14 Ibid listed in Appendix III. For instance in Nigeria, the 5 top endangered species are: West African lion, Cross River Gorilla, Cameroonian forest shrew, White-throated guenon, Red-eared guenon.
made by the Conference of Parties, according to established criteria.\(^{15}\) The Convention requires states to adopt legislation that penalizes trade in and possession of covered species, and to provide for the confiscation or return to the state of illegal exports.\(^{16}\) In the last decade, the Conference of Parties has adopted several resolutions on enforcement and compliance.\(^{17}\)

CITES does not define wildlife crime as such, but it strongly influences national legislation on wildlife crime, and provides a means for international cooperation against trafficking.\(^{18}\) Parties to CITES are required to “penalise” illegal trade, which may include the criminalization of serious offenses. It is an agreement of remarkable power and scope and it is so important because wildlife protection laws are usually situated in broader national environmental legislation.

### 2.2 The Convention on the Conservation of Migratory Species of Wild Animals (CMS)\(^{19}\)

This is another International Agreement which requires cooperation among ‘range’ States hosts to migratory species regularly crossing international boundaries. Regarding species considered as endangered,\(^{20}\) states must conserve and restore their habitats; prevent, remove or minimize impediments to their migration; prevent, reduce and control factors endangering them; and prohibit their taking.\(^{21}\) This Convention does not regulate wildlife trafficking but provides for conservation of migratory species.\(^{22}\) Nigeria is a party to this convention.\(^{23}\)

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\(^{15}\) This is done by notifying the CITES Secretariat (Article XVI). There is nonetheless an expectation that other States at the Conference of the Parties and the Animals and Plants Committees are consulted when species are added or removed (Resolution Conf 9.25 (Rev CoP17)).

\(^{16}\) Article VIII, para(s) 1- 3.


\(^{18}\) FAO (n 9).


\(^{20}\) Ibid, listed in Appendix I.

\(^{21}\) Ibid, listed in Appendix II.

\(^{22}\) Examples include tuna and tuna-like species (albacore, bluefin, big eye tuna, skipjack, yellow fin, black fin, little tunny, wahoo, pomfret, marlin, sailfish, swordfish, saury, West African Elephants and ocean going sharks, dolphins and other cetaceans.
2.3 The Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention)\textsuperscript{24}

While CITES and the Bonn Convention are species-based treaties, the protection of specific habitats important for wildlife is also achieved through area-based treaties such as the Ramsar Convention and World Heritage Convention.\textsuperscript{25} Parties to the Ramsar Convention must designate wetlands in their territory for inclusion in a List of Wetlands of International Importance, and promote their conservation and wise use. Nigeria is a contracting party.\textsuperscript{26}

2.4 The Convention Concerning the Protection of the World Cultural and Natural Heritage

The World Heritage Convention provides for the identification and conservation of sites of outstanding universal value from a natural or cultural point of view, to be included in the World Heritage List. While responsibility for conservation is primarily vested in the state where the site is located, the Convention also provides for international assistance funded by the World Heritage Fund. The World Heritage Convention is a powerful instrument for the protection of nature, with strong relations to the national protective instruments.\textsuperscript{27} Its sites are home to the world’s most exceptional wildlife on earth. The World Heritage Convention makes an important contribution to protect species by giving an international protection status to areas which harbour the most remarkable species. The transnational mangrove ecosystem of the Sundarbans in Bangladesh and the Sundarbans National Park in India are the world's largest remaining habitats for the Bengal Tiger and other threatened, flagship species such as Irrawaddy and Ganges River

\textsuperscript{23} Nigeria acceded to this treaty on 15/10/1986.

\textsuperscript{24} The Ramsar Convention was adopted in 2 February 1971 and became effective on 21 December 1975. There are 171 Member States to the Convention. <http://portal.unesco.org/en/ev.php> accessed July 06, 2021


\textsuperscript{26} Nigeria became a state party on 2 February 2001.

dolphins. Most importantly, the Convention can help to safeguard wildlife sanctuaries by enforcing its rigorous standards of integrity, management and protection.

2.4 Convention on Biological Diversity (CBD)

The CBD is an international legal instrument that has been ratified by 196 nations. It is a process-oriented sustainable development convention, which takes account of economic interests and considerations of equity. Its main objectives, as spelt out in article 1, are ‘the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.’

There is a growing recognition that biological diversity is a global asset of tremendous value to present and future generations. At the same time, the threat to species and ecosystems has never been as great as it is today. Species extinction caused by human activities continues at an alarming rate. This biological diversity is the sine qua non for the resilience of ecosystems and life forms and their ability to prevent and to recover from disasters and adverse conditions. The Convention defines biodiversity as ‘the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species, and of ecosystems.’

More recently, an increased consideration worldwide of the interaction of species and all other living organisms with each other and with human activities has led to the concern for the protection of biodiversity as a whole - a development reflected in Convention on Biological Diversity.
Biological Diversity, and which is being gradually incorporated into national legislation. Under the Convention, conservation and sustainable use of biodiversity are to be pursued by adopting specific strategies and also by incorporating relevant concerns into any plans, programmes and policies. To use biodiversity in a sustainable manner means to use natural resources at a rate that the Earth can renew them. It is a way to ensure that we meet the needs of both present and future generations. Sustainable use of biodiversity must be a consideration in national decision-making. Among the obligations for parties are the restoration of threatened species and, specifically, the adoption of legislation for the protection of endangered species. Parties are also required to identify and control potential sources of adverse impacts on biodiversity, and to regulate and manage them.

Under this Convention, emphasis has thus switched from management of species to management of processes which may potentially harm them. Illegal wildlife trade and wildlife trafficking are two major wildlife crimes which have become inimical to the survival of many species, hence international efforts and funding have been channelled toward combatting this threat.


Nigerian environment is governed by comparatively well-established laws, body of regulations and institutional frameworks. In spite of these

35 In most countries regulatory (command and control) instruments and economic instruments (e.g. taxes, fees and charges, tradable permits and environmentally motivated subsidies) are the preferred choices for the conservation and sustainable use of biodiversity. See Laurence (n 32).
38 Ibid, art 10.
40 Ibid, art 7.
41 COBD, arts 7 and 14; Shine and De Klemm., Wetlands, Water and the Law: Using Law to Advance Wetland Conservation and Wise Use (IUCN Environmental Policy & Law Centre, 1999) cited in FAO (n 11) 5.
42 Some of the relevant laws are the Endangered Species (Control of International Trade and Traffic) Act, the Nigerian National Park Service Act, 2006, National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, (NESREA) 2007, and National Environmental (Protection of Endangered Species in International Trade) Regulations, 2011
laws, body of regulations and institutions implementing and enforcing established, wildlife trafficking has continued to be a grave threat to wholesome environmental governance in Nigeria. The foremost conservation laws in Nigeria include:

3.1 The Endangered Species (Control of International Trade and Traffic) Act

This Act has its roots in the Convention on International Trade in Endangered Species of Wild Fauna and Flora. CITES is being implemented in Nigeria through the three Designated Authorities, scientific, management and enforcement authorities. The Scientific Authority includes the National Parks Service (NPS), Forestry Research Institute of Nigeria (FRIN) which conducts non-detrimental findings on the status of wildlife species and advises the Management Authority accordingly. The Management Authority is the Federal Ministry of Environment through the Federal Department of Forestry (FDF) which issues permits and certificates on trade or possession of any species covered under the appendices schedules in the case of local laws. The Enforcement Authority is the National Environmental Standards and Regulations Enforcement Agency (NESREA), which enforces the provisions of the Convention, the Endangered Species (Control of International Trade and Traffic) Act and the National Environmental Regulations on wildlife protection. The Endangered Species Act is to provide for the conservation and management of Nigeria's wildlife and the protection of some of her endangered species in danger of extinction as a result of over-exploitation, as required under CITES treaty.

Section 1(1) of the Act prohibits the capture, hunting and trading of endangered species which are listed in the first and Second Schedule.

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45 CITES (n 11). The Endangered Species (Control of International Trade and Traffic) (Amendment), Act, 2016; and The National Environmental (Protection of Endangered Species in International Trade) Regulations, 2011 SI No 16 are the encompassing legal instruments for CITES Enforcement in Nigeria.
46 For example: National Environmental (Protection of Endangered Species in International Trade) Regulations, 2011, SI No 15 Gazette No 42. Vol 98 of 6 May 2011. The Purpose: to protect endangered species of fauna and flora; and prevent their extinction by controlling international trade in their living specimens, parts and derivatives.
The animals listed in the first schedule are animals threatened with extinction such as Chimpanzees, Porcupine, African Palm Squirrel, Gorillas and Pangolins. As earlier noted, Pangolins are the most trafficked animal in the world and the Cross River Gorilla is the rarest Gorilla species on earth.\(^{47}\) The Animals listed in the second schedule are animals which though are not under threat of extinction but may become so threatened unless trade in respect of such species is controlled. Trade in animals mentioned in the second schedule is only permitted when the trader has obtained a permit to do so.\(^ {48}\) This permit (export or import permit) is granted by the Minister\(^ {49}\) who does so after due consideration of the prospects of the continued survival of the specie in question. Animals in the second schedule include Ostriches, Wild Cow, Wild Buck, Grown Elephant and all exotic animals. Efficient and Effective deterrent measures are necessary to ensure proper compliance to the tenets of the Act. Hence with the amendment of Act in 2016,\(^ {50}\) penalties which were egregiously out of tune with the economic reality were reviewed upwards in order to have a more deterrent effect and reflect current economic realities.

Any person who, in contravention of the provisions, hunts, captures, possesses, trades or otherwise deals in a specimen of wild fauna and or flora without the appropriate permits\(^ {51}\) shall be guilty of an offence and liable on conviction: in respect of a specimen under the First Schedule, to a fine of five hundred thousand naira (N500,000) or five (5) years imprisonment or both such fine and imprisonment; in respect of a specimen under the Second Schedule, to a fine of three hundred thousand naira (N300,000) or three (3) years imprisonment or both such fine and imprisonment; in respect of a specimen under the Third Schedule, to a fine of one hundred and fifty thousand naira (N150,000) or eighteen (18) months imprisonment or both such fine and imprisonment.\(^ {52}\) Any person


\(^{48}\)The Endangered Species (Control of International Trade and Traffic) Act, s 1(2).

\(^{49}\)Minister of the Government of the Federation charged with responsibility of matters relating to wild life which currently is the Minister of Environment.

\(^{50}\)Endangered Species (Control of International Trade and Traffic) (Amendment) Act, 2016.

\(^{51}\)Ibid, s 5(1).

\(^{52}\)Ibid, s 5(2)(a-c).
who engages in the use of fake, forged, inappropriate, expired or altered permit and or certificate for the conduct of trade shall be guilty of an offence and liable on conviction to: a fine of two hundred and fifty thousand naira (N250,000) in respect of a first offence; and two (2) years imprisonment without the option of a fine in respect of a second or subsequent offence.\textsuperscript{53} Any person who aids, abets, conspires or partakes in the carrying out of illegal trade or smuggling of specimens of species of wild fauna and flora shall be guilty of an offence and liable on conviction to a fine of one hundred and fifty thousand naira (N150,000) or one (1) year imprisonment or both such fine and imprisonment.\textsuperscript{54} Any Airline or Shipper, Cargo Handler or Courier service provider who engages in freighting illegally acquired species of wild fauna and flora shall be guilty of an offence and liable on conviction to a fine not exceeding two million naira (N2,000,000).\textsuperscript{55}

In all of these offences, the court may on conviction, order the forfeiture of the specimen; forfeiture of any vehicle, vessel, weapon or instrument used in committing the offence; and make such orders, including surcharging convicted person(s) and or organisation(s), the cost for the upkeep and or maintenance of live specimens of wild fauna and flora involved in the illegal shipment.\textsuperscript{56}

Prior to the 2016 amendment, trading, hunting or capturing animals listed under the first schedule attracted a penalty of One Thousand Naira (N1000) while doing same for animals in the second schedule attracted a paltry penalty of Five Hundred Naira (N500). A diligent poacher in 2014 or 2015 would gladly pay these fines which were negligible sacrifices in the face of the mammoth profits they make.\textsuperscript{57} This is a welcome development but its deterrence on wildlife trafficking still remains negligible.

\textsuperscript{53} Ibid, s 5(3).
\textsuperscript{54} Ibid, s 5(4)
\textsuperscript{55} Ibid, s 5(5).
\textsuperscript{56} Ibid, s 5(7).
3.2 The Nigerian National Park Service Act, 2006

The Nigeria National Service (NPS) established under the Act is responsible for preserving, enhancing, protecting and managing vegetation and wild animals in the National Parks of Nigeria. The objective of the Service as it relates to biodiversity protection is the Protection of Endangered Species of Wild Life and Animals and their habitats. The Functions of the Service include to: preserve, enhance, protect, and manage vegetation and wild animals in the National Parks; advise the Federal Government on the development and preservation policy of the National Parks, including the Financial requirements for the implementation of such policy; advise the Federal Government on the declaration of areas for the purpose of protecting Wildlife Species, Biotic Communities as Sites of Special Interest or of aesthetic value. Section 30 of the Act places ‘restrictions’ (not prohibitions) on hunting, capturing or destroying of animals in the park and as well damaging plants in the park. This is because the Conservator General may issue a permit authorizing a person to hunt wild animals in a National Park if he is satisfied that a wild animal ought to be hunted for the better preservation of other animal life in the National Park or a wounded animal ought to be destroyed or in order to ensure that the Population of a particular specie does not exceed the carrying capacity of the National Park. This power of granting permits is anti-conservation and may be subject to abuse if not exercised judiciously.

The penalties for the contravention of the above restrictions range from Jail Terms to Fines. Where the offence is that of hunting, wounding, killing or capturing of a mother of a young animal, large mammal or any endangered, protected or prohibited species, the penalty is imprisonment for a term not less than three months but not exceeding ten years without the option of fine. Contravention of the restrictions attracts a penalty of a fine not less than One Thousand Naira (N1000 naira) but not exceeding Five Thousand Naira (N5000) or imprisonment for a term not less than a

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58 Cap N65 LFN 2004.
59 National Park Service Act, s 1.
60 S. 6(C) NPS Act.
61 S 7(a) NPS Act.
62 Ibid, s 7(b)
63 Ibid, s 7(c)
64 Ibid, s 30(4) (a-b).
65 Ibid, s 37(2) (a)
year but not exceeding five years or to both fine and imprisonment.\textsuperscript{66} Where the offence is committed by a body corporate, the penalty is a fine of not less than One Hundred Thousand Naira (N10, 000) but not exceeding One Million Naira (N1, 000,000).\textsuperscript{67} These penalty provisions are apparently out of tune with current realities and needs urgent review.

3.3 National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, (NESREA) 2007\textsuperscript{68}

The federal government, in line with section 20 of the 1999 Constitution\textsuperscript{69} established the National Environmental Agency (NESREA) as an institution under the supervision of the Federal Ministry of Environment, Housing and Urban Development.

Section 2 of the establishing Act provides that the Agency shall have 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. NESREA is concerned with the enforcement of the guidelines and legislation on sustainable management of the eco system, biodiversity conservation and the development of Nigeria’s natural resources.\textsuperscript{70} This confers NESREA with a wide range of powers.\textsuperscript{71} Some of the key functions as they relate to biodiversity protection are to: enforce compliance with laws, guidelines, policies and standards on environmental matters;\textsuperscript{72} enforce compliance with the provisions of international agreements, protocols, conventions and treaties on the environment, including climate change, biodiversity, conservation, desertification, forestry, oil and gas, chemicals, hazardous wastes, ozone depletion, marine and wildlife, pollution, sanitation and such other environmental agreements as may from time to time come into force.\textsuperscript{73} enforce compliance with guidelines and legislations on

\textsuperscript{66} Ibid, s 37(2) (c)
\textsuperscript{67} Ibid, s 37(2) (d)
\textsuperscript{68} Cap F10 LFN 2004.
\textsuperscript{69} This Section states that the state shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria.
\textsuperscript{70} S 7(d) NESREA Act.
\textsuperscript{71} Ibid, s 8.
\textsuperscript{72} Ibid, s 7(a).
\textsuperscript{73} Ibid, s 7(c)
sustainable management of the ecosystem, biodiversity conservation and the development of Nigeria's natural resources;\textsuperscript{74} create public awareness and provide environmental education on sustainable environmental management, promote private sector compliance with environmental regulations other than in the oil and gas sector and publish general scientific or other data resulting from the performance of its functions;\textsuperscript{75}

In order to provide for effective enforcement of environmental standards, regulations, rules, laws, policies and guidelines, the Minister of Environment is empowered to make regulations for the general purposes of carrying out or giving full effect to the functions of the Agency.\textsuperscript{76} In exercise of this power, there are about thirty three Regulations under the Act, out of which about a few Regulations\textsuperscript{77} are more incidental to biodiversity protection:

3.4 National Environmental (Protection of Endangered Species in International Trade) Regulations, 2011\textsuperscript{78}

The purpose of the Regulations is to protect endangered species of fauna and flora; and prevent their extinction by controlling international trade in their living specimens, parts and derivatives.

4. COVID-19 and Illegal Wildlife Trade/Trafficking

As the world continues to grapple with the deadly pandemic that has taken lives and crippled many investments globally and nationally, two crucial questions come to mind - what is the origin of the pandemics and how can it be curtailed? Much as there is not as yet a definitive answer to the origin of the virus, scientific reports posit that Covid-19 occurred naturally\textsuperscript{79} and that the primary source of the infection is a live animal

\footnotesize{\textsuperscript{74} Ibid, s 7(e).  
\textsuperscript{75} Ibid, s 7(i).  
\textsuperscript{76} Ibid, s 34.  
\textsuperscript{78} SI No. 15 Gazette No 42. Vol 98 of 6 May 2011.  
\textsuperscript{79} N Choudhury, (2020). ‘COVID-19 Research: Scientists Prove That China Did Not Create Coronavirus’ Open Access Government.}
market (wet market) in Wuhan, China where the first suspects tested positive to the virus.\textsuperscript{80} Scientific report proffered evidence that the causative virus known as SARS-Cove-2 is a beta-coronavirus that originated in bats, much like SARS and MERS diseases.\textsuperscript{81}

Although it is currently unknown as to precisely how the virus was transmitted from animals to humans, current research suggests that COVID-19 potentially was transmitted from bats to another susceptible animal, such as a pangolin\textsuperscript{82} and then to a human.\textsuperscript{83} Bats are frequently stored and sold in wet markets and are often transported alongside large groups of uncommon and illicitly traded animals that are consumed by humans. This form of transportation and storage allows the spread of pathogens between bats and different, sometimes exotic, and rare creatures that can carry and advance diseases under severe, stressful situations.

Just like the current pandemic, global health crisis originating from zoonotic transmission is not novel; in fact, over the last 20 years, several deadly diseases are thought to have originated from live animal or wet markets,\textsuperscript{84} where foreign, rare, and sometimes endangered species are often sold, among other goods, by traveling suppliers. Wet markets facilitate and heavily contribute to the practice of illicit wildlife trade and in turn, this practice has led to the spread of zoonotic diseases among the animals and to customers at markets. As a fact, there is a well-documented history of regional and even global pandemics originating from the transmission of diseases from animals to humans due to the

\begin{itemize}
  \item [83] Choudhury (n 66).
  \item [84] Ibid, 5. Wet markets are where fresh meats, produce, and animals are often stored to be sold in open-air environments, in close proximity, with little to no health safety precautions or sanitation measures
\end{itemize}
practice of wet markets and illegal wildlife trafficking. It is certain that without cooperative, comprehensive, and enforced policies on wildlife trade and of endangered species, such as the pangolin, in place there will continue to be a spread of global sickness and international loss of life.

There is no guarantee that another more deadly outbreak could not emerge from another clime as long as international environmental governance remains hollow and enforcement regimes remain weak. Stopping the trafficking in wildlife species is a critical step not just to protect biodiversity and the rule of law, but to help prevent future public health emergencies.

5. Wildlife Trafficking and the Challenge of Environmental Governance

From the foregoing, it is obvious that there is robust regulatory framework for environmental governance at the national and international levels administration. It is therefore worrisome that these efforts have not been able to stem the tide of wildlife trafficking and hence the ever-evolving consequences such as the current global health crises. This paper posits that there are many factors which pose a challenge to environmental governance in relation to poaching and trafficking in wildlife especially in Nigeria and these include:

5.1 Lack of Ownership and Value of Wildlife by Local Communities

Current international funding and research have been geared towards involving local communities in wildlife conservation. In protected areas, community members are mostly engaged as eco-guards and rangers, yet the same local communities harbour poachers, aid and abet the wildlife trafficking operations by supplying and hoarding guns and arms used in perpetrating the crime.

5.2 Ineffective Land Use Planning

Intensive production and infrastructure development is a challenge to effective wildlife regulation. Government priority is often geared towards development investments through infrastructural development, industrial and agricultural production to the detriment of conservation. Poor land use planning is driving critical species to extinction. Most parts of

85 CDC (n 81).
86 AA Aguirre (n 67) 31.
protected areas have become grazing routes inadvertently turning pastoralists into poachers and illegal wildlife harvesters.

5.3 Weak Legal Systems

Inadequacies of legislation and inconsistency in the way legislation is enforced are echoed by NGOs in looking at various aspects of wildlife crime.\(^{88}\) The picture that emerges through available literature of different jurisdictions is that of a lack of internationally agreed standards for wildlife protection, CITES and other Wildlife Conventions notwithstanding.\(^{89}\) This allows state to implement their own standards as required, this national wildlife law is developed in a piecemeal fashion as and when required in a manner that creates inconsistency and hence weak legal systems. Juxtapose African systems where the offence of wildlife trafficking attracts death sentence and life imprisonment in Kenya and Uganda but mere paltry sums as fine in Nigeria.

5.4 Lack of Enforcement Capacity

Sequel to the weak legal system is a lack of enforcement capacity. While international law and domestic laws in Nigeria provide for wildlife protection and creates wildlife crimes, the extent to which such laws are actively enforced by criminal justice agencies is highly dependent on political and practical considerations. Nigerian enforcement regime still suffers from capability gaps, including insufficient personnel, expertise, training, funding and equipment (vehicles, communication and other equipment).

5.5 High Corruption Levels

Studies revealed that not only do individual corrupt acts enable wildlife trafficking to happen, but also that corrupted structures (the criminal justice system, and economic and political foundations) in some societies enable trafficking to thrive and also increase the resilience of trafficking to reduction measures.\(^{90}\) Nigerian wildlife trafficking regulatory system has been implicated as a weak link in regional law enforcement in West

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\(^{89}\) Ibid.

It has been alleged that some criminal networks bribe their way through the seaports and airports despite the robust regulations and huge resources and efforts invested in fighting illegal wildlife trade in Nigeria. The corrupt acts fall within the broad categories of bribery, patronage, diplomatic cover and permit abuse.

5.6 Insufficient Coordination, Knowledge and Capacity

In the fight against wildlife trafficking is inimical to optimum environmental governance. International collaboration as well as interagency synergy is necessary for exchange of information and for strengthening the capacity of enforcement structures.

5.7 Lack of Awareness of Impact of Wildlife and Wildlife Product Consumption

Wild meats and wildlife products are still in high demand despite the reoccurring zoonotic disease such as Ebola, SARS and even the current COVID-19 pandemic. Given that illegal wildlife trade are often profit driven, environmental policy fails to consider human behaviour, both collectively and individually, as a major source of environmental harm and illegal wildlife exploitation. Environmental education and awareness creation is therefore crucial in the fight against wildlife trafficking.

6. Conclusion and the Way Forward

It is heart-warming that Nigeria has extensive legislations, treaties, institutions and policies on environmental governance with the aim of protecting the environment. Despite these, environmental degradation such as deforestation, oil spillage, improper waste management, desertification, erosion and currently illegal wildlife still feature on the nation’s environmental landscape. The devastation resulting from the spread of COVID-19 globally and in Nigeria is a crucial pointer and should serve as a future warning for what is to come, if practices such as illicit wildlife trade and trafficking are allowed to continue on a global scale. A combination of factors ranging from loss of habitat to increased human-animal interactions through the illicit wildlife trade has increased the likelihood of novel zoonotic diseases emerging and spreading. This

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92 Ibid.
93 T Wyatt 2018.
94 World Bank, (n 10).
pandemic began in China, but there is no guarantee that a similar pandemic could not begin elsewhere. This paper finds that wildlife decimation and illegal trade and trafficking persist because the laws, regulations and commitment have failed to resonate to effective environmental protection. It concludes that poor enforcement of regulatory laws and inadequate infrastructure and manpower is militating against the attainment of environmental governance in Nigeria thereby making Nigeria a weak link in the transit hub of illegal wildlife trafficking in sub-Saharan Africa. It becomes apposite that the following be urgently addressed.

6.1 Prioritization of Wildlife Policy Implementation
The issue of wildlife trafficking is not on the front burner of legal and policy implementation in Nigeria. This may be excused given the security and other developmental issues bedevilling the nation. Wildlife trafficking being a cross-border crime, should as a matter of priority occupy the front burner of issues requiring the attention of government and policy makers. Nigeria cannot afford to be lax in its regulation and enforcement, not only for its internal security and sustainable development but also for its pride of place a leader in the committee of nations and its commitment to International Environmental Agreement.

6.2 Strengthen Law Enforcement and Environmental Governance
Much as it may seem that a total ban on trade in wildlife trade could destroy these people's livelihoods or even lead to a black market facilitated by corruption with even greater risks, but the risk of continued illicit trade could be greater considering the present pandemic. Enforcement of regulations through diligent inspections and prosecution of offenders are crucial to successful control of illicit wildlife trade and trafficking.

6.3 Education and Awareness of the Dangers of Illicit Trade in Wildlife
There is need for public health outreach campaigns that inform people of the dangers of exotic meats and markets that have live wild animals. This could be achieved through various media outlets especially the social media platforms. In Nigeria and most of Africa, the most driving factor for illegal wildlife trade is the quest for wealth but the current devastations (economic and socio-psychological), occasioned by Covid_19 could be used as the basis for this campaign and the major focus should be to change attitudes and beliefs, which are major drivers of wildlife trade in Africa.
6.4 Global and Inter-agency Cooperation and Exchange of Information

Wildlife trafficking is a transnational organized crime that has that trans-border nature hence, global cooperation to crack down illicit networks is required to tackle the menace. International law enforcement and cooperation should be a priority as many countries feature in varied degrees across the wildlife trafficking geography from source through transit to demand/consumption spaces. Collaboration with multiple stakeholders within and outside Nigeria - Customs, Police and National Environmental Standards and Regulations Enforcement Agency (NESRA), as well as the World Customs Organization, Interpol and the CITES secretariat – is imperative.