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How illegal wildlife, trade traffickers escape justice in Nigeria

By **Guardian Nigeria**

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Intercepted smuggled pangolin scales and ivory

Nigeria has become notorious for being one of the most significant global hubs for wildlife crime and its inability to adopt judiciary reform, new legislation and prosecute illegal wildlife traffickers are undermining enforcement agencies, Chinedum Uwaegbulam writes.

The wooden pews in Courtroom No 10 at Lagos Federal Court were packed on Wednesday, June 15, 2022, as lawyers assembled for the day's listings, which included the trial of defendants Mohammed Berete, Traore Djankoba and Isiaka Musa.

The three were arrested in Lagos in July 2021 following the interception by Nigerian Customs agents of 196 sacks of pangolin scales weighing 7,137.40kg, one sack of pangolin claws weighing 4.60kg and 29 sacks of elephant tusks weighing 870.4kg.

Justice Tijjani Ringim presided as Berete and Djankoba took their place in the dock. Musa was absent and his lawyer explained the reason for his non-attendance – a motorcycle accident in May last year had left him seriously injured and unable to attend court as he recovered in his home village.

The prosecutor argued that since there was no medical evidence of Musa's injuries from the accident (which had occurred some two months previously), a warrant should be issued for his arrest so that he could be brought before the court. However, the defence lawyer pleaded with Judge Ringim, explaining that he had spoken with Musa's family only the day before and had been assured that the suspect would attend any future hearing.

After a few minutes of deliberation, Ringim sided with the defence, adjourning the case until November 15, 2022 and releasing the defendants on bail once again. A conspicuous omission in this case is the circumstances surrounding two other suspects, Sediki Berete and Moyribinet Berete, who were mentioned in previous hearings and are believed to still be on the run.

In a statement made at the time of the incident, the then Comptroller General of Nigeria Customs Service, Col. Hameed Ali (Rtd.) described Berete as the "kingpin", explaining that "security agencies at all entry and exit points are on red alert to track and arrest him to face justice. He, therefore, advised in his interest to surrender himself to the NCS."

But to date the status and whereabouts of these outstanding suspects is unknown. "Given the seriousness of the case, common practice would be to issue arrest warrants and, in the case of suspects operating across borders, to issue a Red Notice through INTERPOL, according to Environmental Investigation Agency (EIA) Senior Project Coordinator, West and Central Africa, Justin Gosling, following up the 2021 ivory and pangolin trafficking case in court.

He said: "Yet, despite extraordinary levels of investment and international recognition of wildlife trafficking as a form of serious, organised crime, prosecutions against wildlife traffickers are woefully rare and in Nigeria, one of the most significant global hubs for wildlife crime, no prosecutions against wildlife traffickers have yet reached a conclusion.

"Court delays such as this are costly, both in financial terms and human resources. While suspects remain at large, there is a significant risk of them mobilising to commit further offences and when cases fail, the good work of enforcement officers is undermined.

While lamenting challenges of securing justice in Nigeria, he said: "Successful prosecutions send a message that wildlife crime will be treated seriously across the

criminal justice system and spur the efforts of enforcement officers, driving the momentum needed to dismantle transnational trafficking networks, preventing further crimes against the environment and those whose survival depends upon it.”

Data further suggest an increasing role of Nigeria in endangered species trade, such as illicit ivory and Pangolin scale. Despite a global decline in trafficking in ivory since 2011, Nigeria is home to only 0.02 per cent of Africa’s elephant population, 23 per cent of all ivory seized globally between 2015 and 2019 had been trafficked through Nigeria.

The World Bank estimates the illicit wildlife trade has grown rapidly at \$7.8 billion to \$10 billion a year, making wildlife crime the fourth most lucrative illegal business after narcotics, human trafficking, and weapons.

The Guardian learnt that traffickers who were caught with tens of thousands of tonnes of elephant tusks, rhino ivory and pangolin scales worth several millions of dollars vanish into thin air. Of 63 total interceptions collated between 2010 and 2021, only 11 cases went to court, suspects in 52 of the cases were either not arrested or charged to court.

According to the United Nations Office on Drug and Crime (UNODC), Nigeria was linked to 29.6 tonnes of seized ivory globally between 2009 and 2017 and in 2019 at least 51 tonnes of pangolin scales seized anywhere originated from the country.

Besides, the four reserves in Cross River reportedly arrested 401 poachers, but they recorded only 19 prosecutions, seven convictions, and 70 out-of-court fine settlements. Also, between 2013 and 2021, Yankari recorded 418 arrests of poachers but only 272 were prosecuted.

The Guardian gathered that the problem had been weak prosecution and inadequate penalties, which could deter offenders. Those caught for killing an endangered animal such as chimpanzee or pangolins were fined N20, 000 instead of a three-year jail term.

The government later amended the Endangered Species (Control of International Trade and Traffic) (Amendment) Act in December 2016 to increase fines under the First Schedule from N1, 000 to N500,000 or five years imprisonment or both for offenders, but experts say the fines are inadequate.

Conservationists believe the fines were meager and when the Federal Ministry of Environment prepared legislation that would make Nigeria compliant with international conventions on endangered species, organised crime and corruption, while increasing investigative powers to include financial enquiries and intelligence-led operations, it was hailed by them. Unfortunately, the bill could only pass first reading at the National Assembly.

Mr. Festus Iyora of Wild Africa Fund said the organisation is finalising arrangements to represent the bill to the National Assembly. If passed, this Bill would give authorities the

legal tools to close down trafficking – border agencies have made huge seizures but have struggled to prosecute and pursue criminals internationally due to weak laws.

Currently, Wildlife Conservation Society (WCS), under the United States Agency for International Development (USAID) Watershed Protection for Safe and Sustainable Water Supply programme has taken the bull by the horn to ensure reform of criminal judicial processes and partnering relevant law enforcement agencies to tackle cases of Illegal Wildlife Trade (IWT).

The group's Counter Wildlife Trafficking (CWT) Advisor, Mr. Elisha Bello, said weak and obsolete laws are causes of increasing incidents of wildlife trafficking in Nigeria. He wants the laws regulating wildlife trafficking in the country to be strengthened to punish violators.

He said: "When we look at wildlife trafficking, the risk is low because of the weaker laws we have in place. We want the government and other relevant stakeholders to step in and strengthen the policies and the laws we have in the land so that the risk will increase."

He said that WCS is building the capacity of officials of the Ministry of Justice, magistrates and registrars in Cross River and Benue States, Cross River National Park and Cross River State Forestry Commission to ensure enforcement of existing laws.

Also, to address these challenges, the Federal Government with the support of the United Nations Office on Drugs and Crime (UNODC) and the Government of Germany, recently developed its first ever-comprehensive strategic document – the National Strategy to Combat Wildlife and Forest Crime in Nigeria 2022-2026.

Among its objectives are enhancing institutional capabilities in all relevant institutions to drive evidence-based action to understand, detect and deter wildlife crime; strengthening the legal framework to enable legal and sustainable trade, protect Nigeria's fauna and flora and deter wildlife crime through a harmonised and strengthened legal framework.