



Application of Article XIII

EIA recommendations for the 77th meeting of the CITES Standing Committee

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Contents

Introduction.....	2
33.5 Application of Article XIII in China.....	2
33.6 Application of Article XIII in the Democratic Republic of the Congo	4
33.10 Application of Article XIII in the Lao People’s Democratic Republic.....	7
33.11 Application of Article XIII in Nigeria.....	8

Introduction

Article XIII of the CITES Convention is an important provision to encourage remedial actions by Parties found to be inadequately implementing the Convention.

The instigation of Article XIII compliance proceedings is “considered to be a serious indication of apparent systemic or structural problems with the implementation and enforcement of the Convention”.¹ The Article XIII process will usually include an inquiry being conducted by the Secretariat in the country concerned, upon invitation from the Party in question, resulting in detailed recommendations from the Secretariat on actions and measures required to achieve compliance. In certain cases, the Standing Committee may decide to recommend the suspension of commercial or all trade in specimens of one or more CITES-listed species if a Party is considered to be non-compliant, pursuant to provisions under the Convention.

Currently, the Democratic Republic of Congo (DRC), Guinea, Lao PDR, Madagascar and Nigeria are subject to the Article XIII process on various issues. In addition, an expedited application of Article XIII for West African rosewood (*Pterocarpus erinaceus*) is ongoing in relation to Cameroon, the Central African Republic, Chad, Gambia, Guinea Bissau, Mali and Togo.

In its report to SC77, the Secretariat draws the attention of the Standing Committee to potential compliance matters under the Convention in Bangladesh, Cameroon, China, Ecuador and the EU.

EIA has prepared an analysis of key compliance matters in key countries China, DRC, Lao PDR and Nigeria given their persistent non-compliance and/or significant roles in wildlife trafficking globally.

33.5 Application of Article XIII in China

EIA recommends that the Standing Committee:

- **Adopt the recommendations proposed by the Secretariat in SC77 Doc. 33.5 regarding potential compliance proceedings regarding China;**
- **Adopt the recommendations proposed by the Secretariat in SC77 Doc. 33.10 regarding Article XIII compliance proceedings regarding Lao PDR;**
- **Direct China to suspend with immediate effect the authorisation of imports of wild Asian elephants from the Lao PDR that are to be used for primarily commercial purposes using the source code C; and**
- **Direct China to report on steps taken and progress made to address the shortcomings identified by the Secretariat by SC78.**

This document should be read in conjunction with SC77 Doc. 35.10 on application of Article XIII in the Lao People's Democratic Republic (Lao PDR). The matter of trade of live Asian elephants (*Elephas maximus*) from Lao PDR to China was previously discussed by the Standing Committee at its 69th and 74th meetings in relation to the application of Article XIII in Lao PDR.

¹ CITES. Compliance Proceedings. Available at: <https://cites.org/eng/prog/compliance> [Accessed 31/10/2023]

² CITES, 2017. SC69 Doc.29.2.1 *Application of Article XIII in Lao People's Democratic Republic*. Available online at: <https://cites.org/sites/default/files/eng/com/sc/69/E-SC69-29-02-01.pdf> (accessed 24 October 2023)

³ CITES, 2019. SC74 Doc.28.2.1 *Application of Article XII in Lao People's Democratic Republic*. Available online at: <https://cites.org/sites/default/files/eng/com/sc/74/E-SC74-28-02-01.pdf> (accessed 24 October 2023).

EIA concurs with the Secretariat: there are sufficient grounds for the Standing Committee to conclude that China has not effectively implemented Article III and Article VII regarding the import of live Asian elephants from Lao PDR. EIA encourages the Standing Committee to consider this matter as an issue of non-compliance regarding trade in CITES Appendix I listed species.

EIA also urges the Standing Committee to adopt the Secretariat's recommendations regarding compliance proceedings under Resolution Conf. 14.3 (Rev. CoP19). In particular, a recommendation should be issued that China suspend, with immediate effect, the authorisation of imports of wild Asian elephants from Lao PDR. China should also be directed to report on steps taken and progress made to address the shortcomings identified by the Secretariat by SC78.

As set out in document SC74 Doc. 28.1, the Secretariat has sought clarification and confirmation of three potential compliance matters regarding the trade of live Asian elephants between the two Parties: 1) the discrepancy in the number of traded live Asian elephants from Lao PDR to China (which was subsequently resolved, and jointly confirmed at 87; 2) clarification as to whether the specimens in question fulfil the definition of specimens of animal species bred in captivity as set out in Resolution Conf. 10.16 (Rev. CoP19) in order to justify the use of export source code "C" by Lao PDR; and 3) confirmation of compliance by China and Lao PDR with Article III of the CITES Convention, if the specimens are not deemed to be captive-bred. To determine the above in relation to China, the Secretariat conducted a technical assessment and verification mission in 2023.

The Secretariat concludes in its report that the importing Management Authority (MA) should have conducted more stringent due diligence prior to issuing any import permits regarding 1) the provenance of the specimens in question, and 2) their intended use upon import into China. Asian elephants are CITES Appendix I listed and have been globally assessed, as of 2019, as "Endangered".⁴ Sustained effort and vigilance should have been made to ensure compliance with CITES trade and permitting systems.

Resolution Conf. 10.16 (Rev. CoP19)⁵ sets out three conditions that must be met in order for a specimen to be traded with source code "C". As confirmed by the Secretariat in SC77 Doc. 35.10, Lao PDR does not have any CITES-registered commercial breeding facilities for Asian elephants. The manner in which Asian elephants are bred in Lao PDR is not controlled and does not always occur between two captive-bred parents. As a result, the elephant specimens in question do not meet the definition of animal species bred in captivity and thus cannot be exported with source code "C". Instead, source code "W" (wild-bred) should have been applied.

The CITES MA of China indicated that the principle of sovereignty precludes it from investigating without having solid evidence; however, this does not release the MA from its obligation to conduct an appropriate due diligence exercise prior to issuing any import permits. EIA urges the Standing Committee to consider that in such instances where there is insufficient evidence or information, the Precautionary principle should be applied, particularly where the species in question is Appendix I listed, as in this instance. More stringent efforts should have been made to confirm the use of the correct source code and thereafter the associated trade regime under Article III or Article VII.

⁴ Williams, C., Tiwari, S.K., Goswami, V.R., de Silva, S., Kumar, A., Baskaran, N., Yoganand, K. & Menon, V. 2020. *Elephas maximus*. *The IUCN Red List of Threatened Species* 2020: e.T7140A45818198. <https://dx.doi.org/10.2305/IUCN.UK.2020-3.RLTS.T7140A45818198.en>. Accessed on 26 October 2023.

⁵ CITES, 2023. Resolution Conf. 10.16 (Rev. CoP19) Specimens of animal species bred in captivity. Available online at: <https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-10-16-R19.pdf> (accessed 26 October 2023).

EIA therefore supports the Secretariat's finding that the exemption provided to trade in captive-bred specimens provided by Article VII of the Convention cannot be utilised, and thus the trade regime set out in Article III, which is the default trade regime for Appendix I listed species such as the Asian elephant,⁶ should be applied.

Trade in specimens of Appendix I listed species is subject to particularly strict regulation to avoid further endangering their survival and must only be authorised in exceptional circumstances.⁷ As such, permits for export, import, re-export and introduction from the sea of such specimens can only be issued once certain conditions are met.⁸

It is clear that inadequate due diligence resulted in China issuing permits without properly interrogating the intended use of the specimens in question. EIA reminds the Standing Committee that China was obligated by paragraph 3) c) of Article III to ensure it is satisfied that the specimen(s) is not to be used for primarily commercial purposes prior to the issuance of permits.

As identified in SC77 Doc. 33.5, the elephant specimens in question imported from Lao PDR to China have been placed in parks and qualified breeding facilities, many of which charge entrance fees. Resolution Conf. 5.10 (Rev. CoP19) provides guidance as to how to determine and interpret "primary commercial purposes".⁹ The Resolution further provides that "commercial purposes" should be defined as widely as possible, and that an activity can generally be described as "commercial" if its purpose is to obtain economic benefit. As such, EIA supports the view of the Secretariat that *"live elephants found in the facilities visited during the technical mission are imported into China for an intended use of a commercial nature, which suggests that, in CITES terms, they have been imported for primarily commercial purposes"*.

33.6 Application of Article XIII in the Democratic Republic of the Congo

EIA recommends that the Standing Committee:

- **Reject the deletion of recommendation c) agreed at SC75 in Doc. 7.2.3 regarding pangolin stockpiles and consider reinsertion of amended language as above;**
- **Reject the deletion of recommendation d) agreed at SC75 in Doc 7.2.3 regarding compliance assistance and consider insertion of language supporting the DRC's request for inclusion in the Compliance Assistance Programme.**
- **Strengthen the Secretariat's recommendations in paragraph 29 b) and d) using the proposed language above.**
- **Regarding illegal trade:**
 - **Encourage DRC to continue demonstrating progress in implementation of recommendations issued since SC65, in particular mapping organised criminal syndicates operating across the country.**
 - **Encourage DRC to prioritise using existing channels for mutual legal assistance as well as diplomatic and political bilateral dialogues to strengthen international law enforcement co-operation with relevant transit and consumer countries such as Viet Nam, China and Malaysia.**

⁶ CITES, 2023. Appendices I, II and III. Available online at: <https://cites.org/eng/app/appendices.php>

⁷ Article II of the CITES Convention.

⁸ Article III of the CITES Convention.

⁹ CITES, 2023. Resolution Conf. 5.10 (Rev. CoP19) Definition of 'primarily commercial purposes. Available online at: <https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-05-10-R19.pdf> (accessed 25 October 2023).

- Encourage DRC to conduct financial investigations to prosecute and secure deterrent penalties which include the seizure of assets of corrupt State actors
- Undertake intelligence-led investigations to target wildlife criminals operating at intermediary and higher levels.
- Regarding domestic markets:
 - Call for DRC to close all remaining domestic ivory markets on its territory, in line with Res. Conf.10.10 (Rev.CoP19).
 - Urge DRC to close all domestic pangolin markets that contribute to the illegal wildlife trade, in accordance with Res. Conf. 17.10 (Rev. CoP19).
- Regarding stockpile reporting
 - Encourage DRC to secure and monitor domestic stockpiles and provide annual reports of stockpile levels to the Secretariat, in line with Res. Conf. 17.10 (Rev. CoP19) and Res. Conf 10.10 (Rev CoP19).
- Regarding corruption:
 - Urge DRC to demonstrate implementation of effective anti-corruption policies particularly within government agencies operating at key ports of entry/exit in the country, including through the revision of its NIAP to include anti-corruption measures.
- Regarding compliance assistance:
 - Support the DRC's request for inclusion in the Compliance Assistance Programme (CAP).

Since 2001, the Standing Committee has issued DRC with at least 11 Notifications to suspend trade or notifications maintaining trade suspensions in place due to slow or insufficient progress to address compliance with the Convention. Ongoing illegal trade in elephant ivory, pangolin scales, great apes, grey parrots and teak¹ originating from and/or transiting through DRC not only poses a serious conservation risk to the endangered species but is also indicative of weak governance, corruption and inadequate implementation of the CITES Convention and its related decisions and recommendations.

EIA welcomes the progress made by DRC, as highlighted in SC77 Doc. 33.6, in particular regarding efforts made to implement the Standing Committee's recommendations since SC74. However, EIA notes and supports the Secretariat's recommendations under SC77 Doc. 34 calling for the instigation of compliance proceedings under Resolution Conf. 14.3 regarding DRC's persistent non-compliance with the NIAP process (see EIA's SC77 NIAP briefing for details).

According to EIA seizure database, since 2010, DRC has been implicated in the confiscation of approximately 40 tonnes of ivory, representing estimated 5,970 dead elephants. Of this, 4.6 tonnes of ivory were seized *in* DRC while more than 35 tonnes of ivory were seized *outside of DRC but linked to the country*, highlighting that large amounts of ivory have left DRC undetected and have been seized abroad. These include the world's largest known (9,120 kg) and second largest (8,795 kg) ivory seizures made in Viet Nam and Singapore respectively in 2019.

Regarding pangolins, since 2016, more than 14 tonnes of pangolin scales have been seized in DRC, representing an estimated 14,000 dead pangolins.¹⁰ Over the same period of time, 34 tonnes of pangolin scales were seized in other countries implicating DRC, representing an additional estimated 34,000 dead pangolins. Key countries and regions linked to the illegal trade in pangolin

¹⁰ EIA Global Environmental Crime Tracker. Available at: <https://eia-international.org/global-environmental-crime-tracker/>

scales in DRC include Hong Kong SAR, Malaysia, Singapore, Thailand, and Viet Nam, highlighting the ongoing demand for the contraband in the region.

Given the role of DRC in pangolin trafficking and its large stockpiles, EIA does not concur with the Secretariat's recommendation to delete the recommendation agreed at SC75 in paragraph c) of Doc. 7.2.3 regarding trade in pangolin stockpiles¹¹. Whilst the DRC burned 1,197 kg of pangolin scales in 2018, its stockpile remains high as it was reported to SC69 in 2017 that the country had approximately 13-14 tonnes of pre-Convention pangolin scales in its stockpile. In addition, DRC reported that 1,798 kg of pangolin scales repatriated from the Republic of Congo in 2021 would be destroyed though no updates have been provided on this. As such, EIA calls on the Standing Committee to reinsert a recommendation regarding pangolin stockpiles paragraph c) into paragraph 29 of SC77 Doc. 33.6 as follows.

Regarding illegal trade in pangolin stockpiles

c) Parties shall not authorize trade of specimens from stockpiles of *Manis* spp. held in the Democratic Republic of the Congo, in accordance with the guidance provided by the Conference of the Parties at its 18th meeting (CoP18, Geneva, 2019)

Furthermore, EIA does not concur with the Secretariat's recommendation to delete the recommendation agreed at SC75 in paragraph d) of Doc. 7.2.3 regarding compliance assistance. The DRC has requested to be included in the Compliance Assistance Programme and EIA calls on the Standing Committee to reinsert language supporting the Party's request as this is overdue and will aid in addressing DRC's recurring non-compliance, as per Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures*.

EIA further suggests amendments to the Secretariat's recommendations b) and d) in paragraph 29 of SC77 Doc. 33.6 as follows:

Regarding illegal trade

b) The Democratic Republic of the Congo shall ~~continue~~ step up its efforts to conduct analyses of available information to map organized crime groups active in the country and convene multi-disciplinary teams involving all relevant national and international authorities, to work in close collaboration with local authorities in key identified areas, and initiate intelligence-driven operations and investigations, with a particular focus on illegal trade in *Psittacus erithacus* (African grey parrots), *Manis* spp. (pangolins) and elephant ivory.

Regarding legislation and law enforcement

d) The Democratic Republic of the Congo shall implement a strategy and policies to fight corruption associated with illegal wildlife trade at all levels and strengthen its efforts to ensure the full implementation of Resolution Conf. 17.6 (Rev. CoP19) on *Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention*. The strategy should protect officials responsible for the implementation and enforcement of CITES from undue pressure, obstruction and threats. The DRC is further directed to update its National Ivory Action Plan, in consultation with the CITES Secretariat, to include relevant anti-corruption activities.

¹¹ SC75 SR. Available at: <https://cites.org/sites/default/files/eng/com/sc/75/E-SC75-SR.pdf>

33.10 Application of Article XIII in the Lao People's Democratic Republic

EIA recommends that the Standing Committee:

Adopt the recommendation to suspend commercial trade in CITES-listed species with Lao PDR and the other recommendations in paragraph 38 of the document, with the following amendments:

- Paragraph 38.h) is amended as follows: “identify any pure specimens of the sub-species *Panthera tigris corbetti* and encourage facilities to engage in coordinated conservation breeding of such animals cooperate with the WAZA studbook keeper for the sub-species to arrange for the transfer of these specimens to appropriate ex-situ conservation breeding sites, if identified”
- Paragraph 38.i) i) is amended as follows: “restricting the breeding of tigers in captivity (sterilising, separating male and female specimens), except for specimens of *Panthera tigris corbetti* if identified and transferred to appropriate ex-situ conservation breeding sites in accordance with paragraph 38.h).

The Secretariat highlights significant gaps and inconsistencies in Lao PDR national legislation in paragraph 17 of the document including the absence of a requirement for legal acquisition findings and incorrect implementation of the conditions for trade of CITES-listed species. EIA's review of Lao PDR legislation noted other basic issues, including the lack of provisions relating to introduction from the sea, no requirement to register facilities with the CITES Secretariat to commercially trade in Appendix I species and a failure to regulate or define “specimens” as required by CITES.

Regarding tiger farms, SC77 Doc. 41.2 reveals that the Secretariat's mission to Lao PDR was denied access to one of the captive tiger facilities it was scheduled to visit as well as a significant area in another facility. The Secretariat remarks that this raises serious concerns about the Lao PDR authorities' power to conduct inspections of tiger facilities.

Despite an announcement at CoP17 in 2016 by Lao PDR that it would be closing the tiger farms and converting them into zoos, seven years later only two of the facilities have been opened to the public. EIA has documented the owner of one of these publicly accessible tiger facilities offering to supply dead tigers sourced from Thailand for trade as recently in November 2022. Criminal enterprises have been linked to the operation of the tiger farms in Lao PDR.¹² For this

¹² The Asia Pacific Group on Money Laundering states that particularly significant risks of wildlife crime are noted in Lao PDR from the farming of tigers and other exotic animals, the trafficking of exotic animal parts and animal products, and the acknowledgement that Lao PDR citizens receive high amounts of proceeds – APG 2023, Anti-money laundering and counter-terrorist financing measures – Lao PDR, Third Round Mutual Evaluation Report, p. 34, APG, Sydney, available at <https://apgml.org/members-and-observers/members/member-documents.aspx?m=a6c4a803-0e15-4a43-b03a-700b2a211d2e>; EIA, 2015, Sin City: Illegal wildlife trade in Laos' Golden Triangle Special Economic Zone, available at <https://eia-international.org/wp-content/uploads/EIA-Sin-City-FINAL-med-res.pdf>; Amanda Gore, Tracking Blood Money: Financial investigations into wildlife crime in East Africa, 2021, Global Initiative Against Transnational Organized Crime, available at <https://globalinitiative.net/wp-content/uploads/2021/08/GITOC-ESA-Obs-Tracking-blood-money-Financialinvestigations-into-wildlife-crime-in-East-Africa.pdf>; <https://www.theguardian.com/environment/2016/sep/27/revealed-how-senior-laos-officials-cut-deals-with-animal-traffickers>; <http://www.monitor.co.ug/News/National/Foreigners-sent-for-trial-over-ivory/688334-4011216-ijtwsnz/index.html>; <https://web.archive.org/web/20170412022354/http://vtc.vn/phong-su-kham-pha/tham-nhap-duong-daybuon-ban-ho-tu-lao-ve-viet-nam-d314759.html>; <https://nongnghiep.vn/khoan-xuongho-bom-nuoc-va-manh-loi-tuon-chua-son-lam-vao-viet-nam-d259139.html>; <https://www.washingtonpost.com/graphics/2019/investigations/tiger->

reason, we do not think it is appropriate for these facilities to be tasked with any conservation breeding of tigers.

There has been a history of non-compliance with the Standing Committee's recommendations by Lao PDR and the Secretariat has highlighted that very limited efforts are being taken to combat illegal wildlife trade, despite significant support being provided to the country. EIA recently documented a tiger bone wine brewery and shop in the capital Vientiane mainly exporting its products, including pangolin scales, to China and shared this information with Lao PDR, the Chinese authorities, the CITES Secretariat, INTERPOL and UNDOC.

This is the fifth time EIA has provided actionable information on tiger and other illegal wildlife trade in Lao PDR directly and via inter-governmental organisations to Lao PDR since 2015. There is little evidence of effective enforcement action or co-operation with neighbouring countries to address transnational wildlife crime.¹³

33.11 Application of Article XIII in Nigeria

EIA recommends that the Standing Committee:

- **Support the Secretariat's recommendation to maintain suspension of commercial trade in *P. erinaceus* from Nigeria until conditions are met in accordance with Resolution Conf. 16.7 (Rev. CoP17) and Resolution Conf. 18.7 (Rev. CoP19).**
- **Encourage Nigeria to expedite the enactment of the Endangered Species Conservation and Protection Bill and develop prescriptive sentencing guidelines and improve implementation of its proceeds of crime legislation to ensure penalties for wildlife crime are fair and commensurate. Nigeria should be encouraged to report on progress by SC78.**
- **Urge Nigeria to step up its efforts in regional and international law enforcement cooperation, in particular with West and Central African Parties and Viet Nam to combat wildlife crime pursuant to Resolution Conf. 11.3 (Rev. CoP19) and to report on progress by SC78.**
- **Urge Nigeria to expedite implementation of anti-corruption measures to counter corruption facilitating wildlife crime pursuant to Resolution Conf. 17.6 (Rev. CoP19) and to report on progress by SC78.**
- **Request that Nigeria expedite the implementation of the SOP to monitor its stockpiles of ivory, pangolin scales and other CITES-listed specimens and report to the Secretariat by SC78.**

Nigeria has been subject to Article XIII compliance proceedings since SC70 for non-compliance in relation to various issues including management of trade in specimens of *Pterocarpus erinaceus* (*P. erinaceus*), legislation and law enforcement in combating wildlife crime; issuance

https://farms-poachinglaos/?utm_term=ce9702fdda69; <https://vir.com.vn/man-receives-six-year-jail-term-for-transnational-wildlife-trading-73268.html>; <https://e.vnexpress.net/news/news/three-jailed-for-trafficking-tiger-carcasses-from-laos-4042953.html>; <https://home.treasury.gov/news/press-releases/sm0272>

¹³ The Asia Pacific Group on Money Laundering notes that Lao PDR has not demonstrated through case studies and statistics that its cooperation with foreign counterparts to combat illegal wildlife trafficking, including combatting illegal tiger farms is consistent with Lao PDR's risk profile for these transnational offences – Lao PDR, Third Round Mutual Evaluation Report, p. 126, APG, Sydney, available at <https://apgml.org/notifications/404.aspx?aspxerrorpath=/members-and%20observers/members/member-documents.aspx>;

of permits and information systems; and handling and disposals of the confiscated stockpiles of CITES-listed species.

EIA welcomes the progress made by Nigeria in implementing the Standing Committee's recommendations, exemplified by the development of the Endangered Species Conservation and Protection Bill, the development of the National Strategy on Wildlife and Forest Crime 2022-2026, as well as the commencement of activities under the Compliance Assistance Programme (CAP). In addition, EIA welcomes efforts made by Nigeria in the making of non-detrimental findings for the trade in *P. erinaceus*. However, EIA shares the Secretariat's concerns that Nigeria should step up its efforts to implement progress, owing to the country's ongoing significant role in the illegal trade in CITES-listed species and limited law enforcement response to wildlife crime.

EIA supports the Secretariat's recommendation to maintain the suspension of commercial trade in *P. erinaceus* from Nigeria until the Secretariat and the Chairs of the Plants and Standing Committees are satisfied that sufficient progress has been made in implementing provisions of Resolution Conf. 16.7 (Rev. CoP17) on *Non-detriment findings* and Resolution Conf. 18.7 (Rev. CoP19) on *Legal acquisition findings*. EIA also calls for Parties that import timber from Nigeria to report seizures to the Nigerian National Authorities directly and to increase international cooperation with the country to enable effective implementation of the provisions.

Regarding legislation, the Standing Committee should urge Nigeria to swiftly enact the Endangered Species Conservation and Protection Bill to bring Nigeria's legislation in line with requirements under CITES, and other conventions on organised crime and corruption. Enactment of the Bill is also necessary to increase investigative powers to include financial inquiries and intelligence-led operations.

Nigeria should also be encouraged to step up its efforts to map and disrupt organised wildlife crime networks operating in the country. This includes strengthening inter-agency coordination and regional and international cooperation with relevant countries in Africa and Asia to combat transnational wildlife crime in line with Resolution Conf. 11.3 (Rev. CoP19) on *Compliance and enforcement* and implementing recommendations made by the intersessional working group on wildlife crime enforcement support in West and Central Africa (SC77 Doc. 39.4). In particular, sustained efforts are needed to conduct post-incident and financial investigations to tackle the illegal wildlife trade corridor between Nigeria and Viet Nam given the ongoing serious illegal trade in ivory, pangolin scales and other CITES listed specimens between the two countries.¹⁴

Furthermore, Nigeria's Corruption Perceptions Index has been in decline since 2016, indicating a worsening situation with regard to corruption in the public sector.¹⁵ EIA's intelligence has also revealed that corruption plays a key role in facilitating the trafficking wildlife products out of Nigeria.¹⁶ As such, EIA calls for transparency and government accountability to better respond to the corruption that facilitates wildlife trafficking, in particular at key ports such as Apapa port in Lagos pursuant to Resolution Conf. 17.6 (Rev. CoP19) on *Prohibiting, preventing, detecting and countering corruption* and Nigeria's activities under Pillar B of its National Ivory Action Plan .

¹⁴ EIA UK. 2022. Joint responsibilities: The Nigeria-Vietnam wildlife trafficking corridor and compliance with CITES. Available at: <https://eia-international.org/wp-content/uploads/2022-Joint-Responsibilities-SPREADS.pdf>

¹⁵ Corruption Perceptions Index in Nigeria. Available at: <https://www.transparency.org/en/cpi/2022/index/nga>

¹⁶ EIA UK. 2020. Out of Africa: How West and Central Africa have become the epicentre of ivory and pangolin scale trafficking to Asia. Available at: <https://eia-international.org/wp-content/uploads/2020-Out-of-Africa-SPREADS.pdf>

Memorandums of Understanding (MoUs) between Nigeria and Republic of Cameroon, and Nigeria and the Republic of Vietnam remain unsigned. Furthermore, international mechanisms under WCO and INTERPOL have remained underutilised as have special investigative techniques including controlled deliveries. EIA investigations highlight that illegal wildlife products, including ivory, are sourced in, and/or transported through, Cameroon to Nigeria primarily via waterways and roads, for onward export from Nigeria to consumer markets in Asia. Our investigations in the region have shown that many Nigeria-based traffickers work in close collaboration with their counterparts in Cameroon, highlighting the need for increased collaborative efforts to address wildlife trafficking in the border areas between Nigeria and its regional neighbours.

Regarding prosecutions, until August 2021, Nigeria had not seen the prosecution of a wildlife crime at either federal or state level.¹⁷ However, the recent prosecution outcomes of wildlife crime cases conducted reveal inconsistencies due to a lack of sentencing guidelines and weak implementation of proceeds of crime legislation. For example, in May 2023, two suspects were convicted to four years in prison each for involvement in the trafficking of 839.40 kg of pangolin scales and 145 kg of ivory¹⁸ while in September 2022, a Vietnamese national was convicted to a total of three months imprisonment (which was served while on remand) for trafficking over 200 kg of pangolin scales.¹⁹ Meanwhile in June 2023, a clearing agent involved in the trafficking of more than 10 tonnes of ivory, pangolin scales and other endangered wildlife was, according to the media, only convicted to six months imprisonment.²⁰

Regarding stockpile management, EIA welcomes the progress made by Nigeria including the development of the Standard Operating Procedure (SOP) for seized and confiscated CITES-listed specimens; the inventory of stockpiles held by the National Environmental Standards and Regulations Enforcement Agency (NESREA) in Abuja and Lagos²¹; and the disposal of four tonnes of pangolin scales in October 2023.²² However, in addition to NESREA, it is understood that stockpiles are also held by other agencies including the Nigeria Customs Service (NCS) and Nigeria Postal Service (NIPOST). Furthermore, information of the inventoried stockpile held by NESREA is not publicly available and EIA encourages Nigeria to report this information to the Secretariat by SC78 for transparency and analysis.

The ETIS report to CoP17 highlighted that Nigeria had failed to submit any ivory stockpile reports as per Resolution Conf. 10.10, and in the absence of disaggregated data on the CITES website, it is

¹⁷ EIA. 2021. Combating Wildlife Crime in Nigeria – An analysis of the Criminal Justice Legislative Framework. Available at: <https://eia-international.org/wp-content/uploads/Combating-Wildlife-Crime-in-Nigeria-2021-FINAL.pdf>

¹⁸ Daily Trust. 2023. Court Jails Two Men For Unlawful Possession Of Elephant Tusks, Pangolin Scales. Available at: <https://dailytrust.com/court-jails-two-men-for-unlawful-possession-of-elephant-tusks-pangolin-scales/> (Accessed on 30 October 2023)

¹⁹ Ezeamalu, B. (2022) Nigerian court convicts Vietnamese for trafficking in Pangolin Scales, Premium Times Nigeria. Available at: <https://www.premiumtimesng.com/news/more-news/554532-nigerian-court-convicts-vietnamese-for-trafficking-in-pangolin-scales.html> (Accessed on 30 October 2023)

²⁰ The Nation. June 16, 2023. Clearing agent jailed for unlawful dealing in pangolin scales, elephant tusks. Available at: <https://thenationonlineng.net/clearing-agent-jailed-for-unlawful-dealing-in-pangolin-scales-elephant-tusks/> [Accessed 31/10/2023]

Egbe, R. (2023) *Clearing agent jailed for unlawful dealing in pangolin scales, elephant tusks*. Available at: <https://thenationonlineng.net/clearing-agent-jailed-for-unlawful-dealing-in-pangolin-scales-elephant-tusks/> (Accessed on 31 October 2023)

²¹ SC77 Doc. 34 Annex 6. Available at: <https://cites.org/sites/default/files/documents/E-SC77-34-A6.pdf>

²² Reuters. 2023. Nigeria destroys seized pangolin parts to deter wildlife trafficking. Available at: <https://www.reuters.com/world/africa/nigeria-destroys-seized-pangolin-parts-deter-wildlife-trafficking-2023-10-17/> (Accessed on 30 October 2023)

unclear whether Nigeria has submitted ivory stockpile reports since.²³ Meanwhile, Nigeria's most recent report to the CITES Secretariat in 2021 on the implementation of Decision 18.240 on Pangolins declared 3,117 kg of *M. tricuspis* scales were held by NESREA and NCS originating from seizures. However, the dates constituted were unknown, and no intended use was recorded.²⁴ The lack of information suggests improvements are necessary regarding monitoring, management and reporting of the stockpile in Nigeria. EIA's seizure database shows that Nigeria's pangolin scale stockpile remains high – at least 54 tonnes to date excluding four tonnes destroyed in October 2023.²⁵ The Standing Committee should therefore urge Nigeria to secure, monitor and report to the Secretariat regarding any held stockpiles of pangolin specimens by SC78, in accordance with Resolution Conf. 17.10 (Rev. CoP19) on *Conservation and trade in pangolins*.

²³ CoP17 Doc.57.6 (Rev.1) available at: <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-57-06-R1.pdf> [Accessed 31/10/2023]; CITES. Elephants. Available at: https://cites.org/eng/prog/terrestrial_fauna/elephants [Accessed 31/10/2023]

²⁴ SC74 Doc. 73 A2. Available at: <https://cites.org/sites/default/files/eng/com/sc/74/E-SC74-73-A2.pdf> [Accessed 31/10/2023]

²⁵ EIA Global Environmental Crime Tracker. Available at: <https://eia-international.org/global-environmental-crime-tracker/>