

Regulating the Protection of Wildlife: Case for the Local Enforcement of CITES With Regard to Conservation, Poaching and Medicinal Use of Pangolins in Nigeria*

Abstract

The Convention that seeks to address illegal trade in wild animals and plants, the International Convention on International Trade in Endangered Species of Wild Fauna and Flora, henceforth CITES, was made in the United States of America in 1973. As at March 2022, 184 States have become contracting parties including Nigeria and the European Union. The CITES aims to control the trafficking in wildlife and to conserve endangered species of animals and plants from extinction. Pangolins are reclusive mammals with protective keratin scales covering their skins, and long sticky tongues that enable them to eat ants and termites. Throughout history, Pangolin scales have been used in traditional African and Chinese medicines, their scaly skins are believed to be rich in substances that promote blood circulation, dispel clotting or swelling, and stimulate lactation in women who fail to produce milk after giving birth. It is also used as treatment on people who suffer from cancer, although these claims have not been fully supported by scientific evidence. However, the eating of Pangolin meat as a delicacy, and the belief in the efficacy of its body parts, have increased demands for Pangolins and their products. This illegal trade in Pangolins may result in overexploitation. A phenomenon that may lead to extinction in species, ecological imbalance, and loss of biodiversity. CITES's aim is to ban or control this illegal international trade in wildlife, both fauna and flora, and restore ecological imbalance where necessary. Nigeria has adopted the CITES Convention. The paper will discuss the provisions of Nigerian laws which the Nigerian Parliament enacted to give effect to the obligations which the Nigerian State freely subscribed to by adopting the CITES Convention with a view to protecting Pangolins in Nigeria and curtail illegal trade in this endangered species.

Key words: Pangolins, CITES, Conservation, Criminal trafficking, Poaching

1. Introduction

A Pangolin is a toothless ant-eating mammal. The word *pangolin* is from the Malay root word *penggulung* meaning 'one who rolls up'. The body of a pangolin is covered with scales which is about three quarters of its size. When threatened, it curls up like a ball, tucking its head into its muscular tail. Pangolins have about eight species, four of which are found in Africa and the remaining four in Asia. The eight species are endemic to Africa and Asia.¹

Poaching is the act of taking wild animals for game or food.² A wild animal means any animal not habitually found in a domesticated state.³ Wildlife includes wild animals and plants, whether or not they are indigenous to Nigeria. Wild animals and plants that are indigenous to the continental shelf of Nigeria or the super-adjacent waters are also included in the definition

* **K.B OYENDE, PhD** (Kwazulu-Natal), LL.M (Ife), LL.B (Ife), Lecturer, Department of Public Law, Lagos State University, Ojo, Lagos, Email: kayode.oyende@lasu.edu.ng

¹ D Pietersen 'Behavioural ecology and conservation biology of ground pangolins *Smutsia temminckii* in the Kalahari Desert (2013) Department of Zoology and Entomology, University of Pretoria. Also, N Irving 'Conservation Crime and Pangolin Poaching: Tensions between Customary Use and Conservation Law' available at <https://doi.org/10.29053/pstr.v15i11.3679> accessed 20 December, 2021. D Pietersen, A McKechnie & R Jansen, 'A Review of the Anthropogenic Threats Faced by Temminck's Ground Pangolin, *Smutsia temminckii*, in Southern Africa' (2014) 44 *South African Journal of Wildlife Research* at 167.

² FC Mish *Merriam-Webster's Collegiate Dictionary* 11th edition (USA, Merriam Webster Incorporated, 2004) 956.

³ Endangered Species (Control of International Trade and Traffic) Act, (n 15), section 8.

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of wildlife.⁴ These also include migratory wild animals and birds that temporarily make their habitation in or pass through or overfly the skies of Nigeria.⁵ These animals are protected from illegal poaching or trafficking under the Endangered Species Act.⁶

The species which is the main concern of this paper is the Giant Pangolin (*Smutsia gigantea*) which is about 55 inches long for the male and the female species is about 50 inches long. The Giant pangolin also suffers from illegal poaching and trafficking which is threatening its existence. This indicates that the species is threatened with extinction and is prohibited from any form of international commercial trade.

The primary purpose of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)⁷ is to “ensure that international trade in specimens of wild animals and plants does not threaten their survival”⁸ Nigeria is a transit point in the illegal traffic and poaching of Pangolins for its scales and meat. It is reported that there are several seizures of consignment of Pangolins, whether living or dead at several border points of Nigeria. In a study conducted by a team of researchers, using online news reports on Pangolins seizures from July 2012 to December 2019, it was found that a total of 57 Pangolins seizures were made. The highest records of these seizures occurred in the years 2018 and 2019. Pangolin scales were the major products seized, accounting for 97% of the incidents. The Nigerian Customs reported that the destination countries of 65% of the incidents involving scales seized were to China/Hong Kong and Vietnam. The report also concluded that Nigeria serves as a transit route to Cameroon and that Lagos plays a crucial role in Pangolin shipments to Asia.⁹

Pangolin scales are also commercially trafficked, because of its purported traditional medicinal properties, from Africa to Southeast Asia and China. When large consignments of these Pangolin scales are exported or re-exported at the current exchange rate, they will amount to large sums of money which is profitable to the traffickers. This continuous trade in Pangolins or its product has led to the decrease in Pangolin population to the extent that it became classified under CITES Convention as an animal threatened with extinction, trade in which is absolutely prohibited.¹⁰ All the four African Pangolins species are currently endangered due to relentless demand for their meats and scales and have been so listed in Appendix 1 of CITES. The International Union for the Conservation of Nature, (IUCN), followed by placing Pangolins on the Red List.¹¹

⁴ Ibid, section 8 of the Act.

⁵ Ibid.

⁶ n 20.

⁷ Made in the United States of America in 1973, as at March 2022, there are 184 State Parties to the Convention.

⁸ See Torpy Renee, “If Criminal Offenses Were Added to CITES, Would Nations Be Better Able to Restrict International Trade in Endangered Species and Protect Biodiversity? (2012) *Braz J Int'l L* 57 available at <https://heinonline.org/HOL/License> accessed 20 February, 2022.

⁹ J Kehinde, Omifolaji, AB Xi et al, ‘The emergence of Nigeria as a Staging Ground in the Illegal Pangolin exportation to South East Asia,’ (2020) *Wildlife Forensics*, Vol. 2, available at <https://doi.org/10.1016/j.fsir.2020.100138> accessed on 20 September, 2021.

¹⁰ Appendix 1 of the Convention on International Trade in Endangered Species of Fauna and Flora, 1973, available at <https://cites.org/eng/disc/text.php> accessed on 21 October, 21.

¹¹ The IUCN Red List of Threatened Species 2016. The IUCN Red List of Threatened Species is the best-known worldwide conservation status listing and ranking system. Species are classified by the IUCN Red List into nine groups set through criteria such as rate of decline, population size, area of geographic distribution, and degree of population and distribution fragmentation.

This paper will therefore be structured as follows: Paragraph 1 contains the introduction to the paper which discusses the need to protect Pangolins as endangered species and situates this protection within the context that Pangolins are an important animal within the ecosystem and their survival is important for the purpose of conservation of species and biodiversity. Paragraph 2, will discuss the general overview of the CITES Convention and its provisions designed to protect animals and plant species from extinction due to overexploitation. Paragraph 3, will examine the various laws and regulations enacted by the Nigerian authorities to deal with the threats posed by poachers and traffickers. Paragraph 4, will discuss the strategies contained in the National Policy on the Environment towards conservation of Pangolins and other endangered animals in the Nigerian environment. Paragraph 5, will discuss the enforcement of the provisions of CITES in Nigeria through the creation of Management and Scientific Authorities in accordance with the Regulations. Paragraph 6, will deal with the so-called traditional medicinal benefit of Pangolins, with a view to conservation of the species. Finally, the paper will conclude with appropriate policy suggestions for protecting the Pangolins and its species from extinction through overexploitation.

2. An Overview of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, CITES, not only prohibits international trade in species listed in Appendix 1 and 11 of the Convention, but also their specimen which is defined to include ‘in case of an animal listed in Appendix 1 or 11, their recognisable part or derivative thereof’¹² CITES not only protects Pangolins, it protects all animals listed in its Appendices that are threatened with extinction for whatever reasons.

As a follow up to the above assertion, poaching Pangolins for food and for its scales have brought many of the wild species closer to extinction and necessitated its listing in the IUCN Red List of Threatened Species.¹³ It is thus evident that the soaring demand for Pangolin body parts found useful in traditional medicinal practices is one common dilemma facing all fauna species. For instance, in a study carried out in the South Western part of Nigeria and specifically amongst the Awori-speaking tribe of the Yorubas, it was found out that Pangolins have been used for treating all types of diseases ranging from rheumatism, venereal disease, and some types of diseases that are out of range to orthodox medicines like kleptomania and good luck charms.¹⁴ The study concludes that this practice has decreased the population of Pangolins in the wild. To prevent extinction of species and ensure sustainability, the study recommends the use of enlightenment as a tool to educate the people and that deliberate policies should be made to practice *in-situ* breeding of species. The *in-situ* breeding of species ensures that the threatened species is conserved in its natural habitat as opposed to captive breeding of species.¹⁵

The *in-situ* conservation of species will ensure that Pangolins are conserved in their natural wild environment close to the source of their food which is ants and termites. The depletion of the Pangolin species may cause an overgrowth of termites and ants, and this may inevitably

¹² See generally Art 1 of the CITES which contains the definition section.

¹³ See n 6.

¹⁴ D Soewu & T Adekanola, ‘Traditional- Medical Knowledge and Perception of Pangolins (Manis sps) among the Awori people of South-western Nigeria’ (2011) *Journal of Ethnobiology and Ethnomedicine* available at <https://ethnobiomed.biomedcentral.com/articles/10.1186/1746-4269-7-25> accessed 10 October, 2021.

¹⁵ The Convention on Biological Diversity (CBD), 1992, which enjoins each contracting parties to promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings. This is known as *in-situ* conservation of species. See Article 8 (d) of the CBD.

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lead to ecological imbalance.¹⁶ The result of decreasing population of Pangolins is overpopulation of ants and termite's species due to the disruptions of their food chain by their main predator- Pangolins. This ecological imbalance will affect human beings who are the beneficiaries of a balanced ecosystem¹⁷.

The CITES, which controls trade in wildlife (life animals), also called fauna and plants, (flora) and their products, such as hides, fur skins, ivory, timber and other derivatives has become a necessity because until the coming into being of the CITES, these wild animals and their products were being threatened with extinction as a result of overexploitation and commercialisation. Not only were the wild animals threatened, the threats also extended to the variability of plants, their genetic differences between species and their diversification and spread within the ecosystems.¹⁸

Another rationale for the necessity for CITES is the mass extinction in species that came as a result of loss of habitat. Ayo Tella declared that the current wave of extinction of species is clearly the result of anthropogenic alteration of habitat.¹⁹ These are not limited to animal species alone. For instance, mountain forests provide watershed for sources of clean water for drinking. Wetlands are nurseries that protect young molluscs, fish, and amphibians and also serve as natural habitats for pythons and great snakes. There are numerous other functions that are performed among the varieties of plants and animals where they exist in their natural state undisturbed through the work of humans as a result of overexploitation of resources. This exploitation may also occur as a result of trade in these species for the purpose of commercialisation and profit making.

The basic approach adopted by CITES to stem this exploitation and loss of habitat is to regulate international trade in wild animals and plants by listing them in three appendices to the treaty and providing for different degrees of protection and trade controls in each category.²⁰ The Appendix to the CITES contain three Categories. Appendix 1 contains the species of animals threatened with extinction and prohibits commercial trade in them, unless under exceptional circumstances. Appendix 2 on the other hand allows trade, subject to controls, in listed species which are not yet threatened but may become so. Appendix 3 contains species that are already regulated in some states but where the cooperation of other countries is required to prevent unsustainable or illegal exploitation, these states may require the Contracting States to move such species to be protected under CITES. Pangolins are animals classified as critically endangered and protected under Appendix 1 of CITES.

¹⁶ It is estimated that millions of US dollars will be saved from the amount of money being spent on pesticides to control termites and ants breeding. See further Xu Ling 'China moves to give full protection to Pangolins' available at <https://www.traffic.org/news/china-moves-to-give-full-protection-to-native-pangolins/> accessed 20 October, 21.

¹⁷ See population change in trophic levels and effects on Ecosystems available at <https://study.com> > Courses > Science Courses accessed 20 October, 21.

¹⁸ This general term for this is 'biodiversity' which is a combination of the words "biological" and "diversity". It is the vast diversity of plants, animals and micro-organisms on the earth. Biodiversity also refers to the interactions between living organisms which together result in the performance of many important functions that keep the planet earth together and make it livable. For further reading on biodiversity, see A Tella, *Critical Issues in Environmental Sustainability* (2015) 33.

¹⁹ A Tella (n 11) at 34.

²⁰ J Glazewski, *Environmental Law in South Africa* (South Africa, Lexis Nexis, 2010) 50.

The primary purpose of the CITES is to “ensure that international trade in specimens of wild animals and plants does not threaten their survival”²¹ In other words, CITES allows trade, but regulates it, in order to prevent extinction of animal and species. Although it may seem that CITES is trying to promote species conservation, it only has jurisdiction over international trade.²² CITES regulates international trade in close to 35,000 species of plants and animals, including their products and derivatives, ensuring their survival in the wild with benefits for the livelihoods of local people and the global environments.²³

3. Nigerian Wildlife Legislation Protecting Pangolins from the threats posed by poachers and traffickers

Nigeria became a signatory to the CITES Convention in 1973 and domesticated the Treaty through a federal enactment in 1985. The appropriate legislation is Endangered Species (Control of International Trade and Traffic) Act.²⁴ The headnote to the Act captured its purpose which is stated thus: ‘An Act 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 certain international treaties to which Nigeria is a signatory.’ The Act contains about 9 sections and two schedules- The First and Second Schedules. The Act also contains a definition section which defines a ‘wild animal’ as any animal not habitually found in a domesticated state. A specimen is also defined as an individual example of a species of wild animal or plant.²⁵ The First schedule of the Act lists Pangolins and the varieties of its species which are protected as Giant Pangolins (*Manis gigantea*), Tree Pangolins (*Manis tricuspis*), and Long-tailed tree Pangolin (*Manis longicaudata*).

The Act prohibits international trade in these animals. Other animals that are listed in this First Schedule include Primates like Monkeys, Chimpanzee, Gorilla and the Pigmy Chimpanzee. Carnivores like Lions, Leopard, Cheetah, Otters and Seals are also listed for protection. The list also includes herbivores such as Elephants, the Pygmy Hippopotamus, and the Black Rhinoceros. Also mentioned are Giraffes, Giant Forest Hog, the Whales, Dolphins and Porpoises. Reptiles like the Nile crocodile, the Monitor Lizard and Rock Pythons are also listed as critically endangered. In the categories of birds, there are wild birds which includes all Parrots, Falcons, Kites, Eagles, Sparrows, Hawks and Harriers. Some of these animals, like the Seals are not found within the waters of Nigeria because they are endemic to cold climates. The classification merely followed the listing under Appendix 1 of CITES.

The greatest threat to the existence of the Giant Pangolins in Nigeria is the act of hunting the animals for the purpose of illegal transaction in its scales. This transaction is not with live Pangolins but their scales which are obtained after the animal is caught in the wild and killed. This illegal trade is conducted from South East Asia and China, through illegal smuggling routes that passes through Lagos in West Africa. It has been estimated that in the 1960s, about 170,000-180,000 pangolins were captured annually in China. By the late 1990s, the annual catch was only a few hundred kilograms. Official statistics indicate the average annual consumption of pangolin scales was around 26.6 tonnes between 2008 through 2015.²⁶

²¹ T Renee (n 2) above.

²² Ibid.

²³ Ibid.

²⁴ Cap E9 Laws of the Federation of Nigeria (LFN), 2004.

²⁵ Ibid, section 8.

²⁶W Yang ‘The Plight of Pangolin in China’ The Third Pole, Nature, available at <https://www.thethirdpole.net/en/nature/pangolin-in-china/> accessed 26 June, 21. Pangolin scales form an integral part of Traditional Chinese Medicine (TCM). The perceived medicinal value and the high price of

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According to the International Union for the Conservation of Nature,²⁷ (IUCN), in the decade up to 2014, more than one million Pangolins across the globe were poached and illegally traded to satisfy demand from consumers in Asia, particularly in China. It therefore follows that because of the dwindling population of Pangolins in China, the demand for Pangolins for food and for its scale is fuelling the illegal trade across West Africa to South East Asia.²⁸

4. Poaching of Pangolins for Food and Game

The Endangered Species Act (henceforth ESA) prohibits the hunting of and trading in these wild animals. Section 1 (2) of the Act declares that as from the Commencement of the Act, no person shall hunt, capture, trade in or otherwise deal with an animal species specified in the First Schedule being an animal threatened with extinction. Section 1 (2) of the Act provides that animals listed in Schedule 2, though not necessarily threatened with extinction may become extinct and therefore prohibits hunting and trading in them. However, the Act permits trade in the animals listed which includes the export or import of species specified in the second schedule provided the permit of the Minister is sought.²⁹ Such a permit may be given provided the Minister is satisfied that such export will not be detrimental to the survival of such species or specimen. An import permit or a re-export certificate must be obtained.³⁰ The Minister may cancel or revoke the permit or certificate.³¹ A separate permit is required for each consignment of any specimen imported, exported, or re-exported under the Act.³²

The ESA Act³³ prescribes penalties or forfeitures for violations of the Act. A fine of N1, 000 (about \$2 USD) is to be imposed for violation under the First Schedule of the Act.³⁴ While violations under the Second schedule will attract a fine of N500 (about \$1) for any offence committed under the Act. In addition to the payment of fine, the Act provides for forfeiture of the trafficked animal in the case of conviction.³⁵

5. Strategies Contained in the National Policy on the Environment for the Protection of pangolins

The need to protect wildlife and maintain genetic diversity of Nigeria's animal and plant population is the focus of government's policy. The National Policy on the Environment seeks to protect Nigeria's flora and fauna which are in danger of extinction as well as create forest reserves for scientific, recreational and other cultural purposes.³⁶ Although, there is no specific item under the National Policy on the Environment on the protection and conservation of pangolins and their derivatives, the National Policy on Biological Diversity stipulates the use of conservation as a means of protecting Nigeria's biodiversity. This includes promoting *in* -

pangolin scales have bolstered the cultural value of pangolins across East and South East Asia, leading to it becoming a luxury wildlife product of affluent consumers.

²⁷ n 11.

²⁸ T Ullman, D Verissimo and D Challender 'Evaluating the Application of Scale Frequency to Estimate the Size of Pangolin Scale Seizures' (2019) 20, *Global Ecology and Conservation* found in N Irving (n 1) above.

²⁹ ESA, S 2(1).

³⁰ ESA, S 2(3) (a).

³¹ ESA, S 3.

³² Ibid, S 3(3).

³³ n 22 above.

³⁴ESA, S 5(1) (a).

³⁵Ibid, S 5 (2).

³⁶Nigeria's National Policy on the Environment, published in 1999 by the Federal Ministry of Environment and revised in 2016. Towards this end, the federal and state governments have enacted federal and state Laws that are designed to create forest reserves and ensure that the animals that live therein are protected from illegal hunting and poaching.

situ and *ex-situ* conservation methods.³⁷ Forest reserves as a deliberate government policy promotes *in-situ* conservation methods. The animals (including Pangolins) that live in these forest reserves exist in their natural state, and they are protected from hunting, poaching and illegal activities including cutting down the trees for construction purposes. Forest Guards are employed by the Federal and Regional Governments to guard the forests from the activities of hunters and poachers who may encroach upon the forests without adequate hunting permit.

The measure of using conservation through the creation of forest reserves as a tool is however not far-reaching enough as this animals could still be trafficked in their natural habitat/ or through their captive breeding. To stem this illegal trend in the trafficking or poaching of pangolins, the federal government in 2011 enacted a government special instrument directed at transposing the provisions of the CITES into national legislation for the purpose of direct enforcement. The enactment is National Environmental (Protection of Endangered Species in International Trade Regulations).³⁸ It was made pursuant to section 4 of the Endangered Species (Control of International Trade and Traffick) Act.³⁹ The major objective of this Regulation is to protect species of endangered wildlife from extinction through the prohibition of trade, importation, etc, unless under special permits.

It would appear that the absence of this Regulation resulted in the widespread trafficking in wildlife trade in Pangolins which led to the suspension of Nigeria from the community of countries that adopted CITES in 2005.⁴⁰ The suspension of Nigeria, which has however been lifted on the recommendation of the Conference of the Parties, led to the resolution reached to lift the suspension during the 61st meeting of the CITES Standing Committee (SC 61) held in Geneva. At that meeting, it was reported that Nigeria had enacted laws and improved on its laws to curtail illegal trade in wildlife in violation of CITES and its provisions. It was also reported to the Standing Committee that Nigeria has designated the National Environmental Standards and Regulations Enforcement Agency (NESREA) as the country's new CITES Enforcement Authority and has enacted new wildlife regulations that fully complied with CITES requirements which entitles it to be ranked in Category 1 under the CITES legislation project.⁴¹ The other commendable steps taken by the Nigeria Enforcement Authorities is the increase in the fine payable for violating the provisions of the ESA Act. This was done by increasing the fine through a subsidiary instrument made under the hand of the Minister pursuant to section 7 of the Act, hereinafter the Regulations.⁴² The Minister saddled with this responsibility is the Minister of Environment and the enforcing authority is the Federal Ministry of the Environment.⁴³ The fines now payable is N5 million (about \$ 14, 285) for an individual and in case of a corporation N20 million (about \$ 57, 140) respectively for violations under the First and Second Schedules. The punishment includes the seizure of the trafficked animal.⁴⁴

³⁷ See n 8 above for the discussion on *in-situ* and *ex-situ* conservation methods.

³⁸ S.I. No. 16 of 2011.

³⁹ Cap E9 Laws of the Federation of Nigeria, 2004, n 18 above.

⁴⁰ The report of Nigeria's suspension and recommendation for re-admittance available at https://cites.org/eng/news/pr/2011/20110826_nigeria.php accessed on 21 October, 21.

⁴¹ This refers to the enactment of the NESREA Act in 2007 and the National Environmental (Protection of Endangered Species in International Trade) Regulations, 2011. Further, https://cites.org/eng/news/pr/2011/20110826_nigeria.php accessed 14 September, 21.

⁴² The National Environmental (Protection of Endangered Species in International Trade) Regulations, 2011.

⁴³ NESREA Act, s 34.

⁴⁴ n42, Reg 7 (4).

6. The Implementation of CITES in Nigeria through the Management Authority and Scientific Authorities

The Scientific Authorities designated for the operation of CITES in Nigeria are listed under Regulations 2 of the National Environmental (Protection of Endangered Species in International Trade) Regulations,⁴⁵ while the Minister of Environment and the Director-General of the National Environmental Standards and Regulation Enforcement Agency (NESREA), are the Management Authorities.⁴⁶ However, there is no mention of the linkages amongst these Agencies in the process of enforcement of the provisions of the CITES in accordance with the Regulations.

Furthermore, the omnibus protection to the environment stated under section 20 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, offers no guarantee as the section is merely hortatory. It declares:

“{that} the State shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria.”

This provision has been held to be no better than a mere wish, a provision that does not confer any environmental right to protect the environment from pollution or degradation, or guarantee any right to a clean and healthy environment.⁴⁷ If the provisions does not confer any right to a citizen of Nigeria, can wildlife, including pangolins, be included within the protection of such rights?⁴⁸ This paper submits that there is a need for an urgent amendment.

7. Medicinal Use and Significance of Pangolin and its Scales

African Traditional Religion (ATR) has utilised Pangolins and its body parts for the treatment of physical infirmities like epilepsy and as magic wands for protection against spiritual attacks. Pangolin heads are reputed to have been effective for the treatment of epilepsy and their body scales acclaimed to be useful for protection against witches and wizards. As earlier discussed in a report carried out amongst the Yoruba speaking peoples of Western Nigeria,⁴⁹ Pangolins use in traditional African medicine has been acclaimed as bringing ‘good luck’ and protecting against spiritual attacks. In other African communities, especially in Southern Africa, Pangolin blood and scales have been used in the preparation of traditional medicine called “Muthi”.⁵⁰ This belief in the efficacy of Pangolins and its scales has the tendency to increase the economic value attached to the animal and this awareness may contribute to its indiscriminate hunting and poaching.

⁴⁵ S. I 16 of 2011.

⁴⁶ See further Reg 2(1) and (2)- they are the following (a) the Forest Research Institute of Nigeria (b) The Nigerian Institute of Oceanography and Marine Research (NIOMR) (c) National Institute of Freshwater Fishery Research (NIFFR) (d) National Park Service (e) National Horticulture Research institute (NIHORT) and (f) Nigerian Conservation Foundation.

⁴⁷ See in contrast to this the provisions of the section 24 of the Constitution of the Republic of South Africa, 1996, which governs the right of everyone to a clean and healthy environment. The section is included in the RSA Chapter on the Bill of Rights.

⁴⁸ Further the dictum of Nwokorie J of the case of Jonah Gbemre v Shell Petroleum Development Company Limited in Suit No. FHC/PH/B/C/153/05 delivered on 14 November, 2005, which granted the Applicants’ right to a clean and healthy environment devoid of pollution and granted an injunction to enforce the aforesaid right but however no award of damages was made to compensate the Applicants for the violation of their rights. See also K B Oyende, ‘The Right to a Clean and Healthy Environment in Nigeria: A Myth or Reality?’ *NOUN International Journal of Private and Property Law* (2019) Vol. 2, No.1, 133.

⁴⁹ n 9.

⁵⁰ N Irving (n 1). In a survey conducted in Lobedu community of the Limpopo Province of South Africa, it was found out that the Temminick Pangolin is still highly sought after in traditional medicine and divination which reveals that the animal is in much demand for the purpose of traditional medicinal use.

In China, the Chinese Traditional Medicine Practitioners (TCM), use dry Pangolin scales for a variety of treatment including “excessive nervousness and crying in children, the cure of women possessed by devils and ogres, malaria fever and deafness.”⁵¹ The issue here is not whether these claims have been scientifically proven, but that the practices and belief exists and this is exerting pressure on the illegal trade that causes the poaching of pangolins for its products. As a protectionist measure, the Chinese government has removed the use of pangolin scales in the list of prescriptions that are allowed by Chinese Traditional Medicine practitioners and has moved pangolins to Appendix 1 in the list of protected animals in China.⁵²

8. Conclusion and Recommendation

Illegal wildlife trade is one of the key threats to global biodiversity loss and it belongs to the category of transnational crimes posing a security challenge to law enforcement authorities globally.⁵³ The paper has shown how unbridled exploitation of Pangolins and its products can lead to biodiversity loss and extinction of species. This has implication for the conservation of species and the balance of the ecosystem. The ban on the international trade in this threatened species, especially with the scientific evidence of the disappearance of some species of pangolins, is therefore a step in the right direction.

This article also examines the threat to the existence of pangolins through use of Pangolins for traditional medicinal purpose. Although the Nigerian authorities have taken steps to ensure that the provisions of the CITES is transposed into Nigerian legislation, there are areas that are yet to be covered.⁵⁴ It is suggested that in view of the customary practices associated with the use of pangolins in traditional medicine and coupled with the need for conservation and preservation of the species, the Nigeria law and Regulation should be amended to regulate the use of Pangolins and its products for the purpose of traditional medicine. This may be a difficult measure to achieve in view of traditional medicine practitioners and religious groups who may mount opposition against such regulations. However, it is therefore suggested that the Traditional Medicine Board and various Religious organisations and their leaders be consulted before such a measure is brought into existence. The National Orientation Agency and the Organised Press may also be consulted for the necessary awareness about the protection of pangolins and their species which are in danger of extinction.

This paper has also observed observation that the penalties for violation of the CITES prescribed under the ESA is too meagre and therefore the Regulations increasing the fines payable for trafficking in pangolins is a step in the right direction. However, as it is the case with all cases of trafficking, the barons of the criminal business are usually at the background and only their human foot soldiers are caught at the trafficking points. It is suggested that a lot of Intelligence Officers be trained and that there would also be collaboration with all the law enforcement agencies in information gathering and intelligence sharing in order to bring the perpetrators of this illicit trade to book.

⁵¹ J M Ramis, ‘Chinese Medicine and Pangolins’ available at <https://www.nature.com/articles/141072b0#cites> accessed on 3 April, 2022.

⁵² X Ling ‘China moves to give full protection to Pangolins’ available at <https://www.traffic.org/news/china-moves-to-give-full-protection-to-native-pangolins/> accessed 20 October, 21.

⁵³ J Kehinde, Omifolaju and Xi (n 4) above.

⁵⁴ This omission in my view has to do with the use of pangolins for traditional medicine and cultural practices.