

ENDANGERED SPECIES (CONTROL OF INTERNATIONAL TRADE AND TRAFFIC) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Prohibition of hunting of or trading in wild animals.
2. Regulation of export and import of species specified in the Second Schedule.
3. Permits and certificates.
4. Alteration of Schedules and exemptions.
5. Penalties, forfeitures, etc.
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SCHEDULES

FIRST SCHEDULE

*Animals in relation to which international trade is absolutely prohibited*

SECOND SCHEDULE

*Animals in relation to which international trade may only be conducted under licence*

**ENDANGERED SPECIES (CONTROL OF INTERNATIONAL TRADE AND TRAFFIC) ACT**

**An Act to provide for the conservation and management of Nigeria's wild life 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.**

[1985 No. 11.]

[20th April, 1985]

[Commencement.]

**1. Prohibition of hunting of or trading in wild animals**

(1) As from the commencement of this Act, the hunting or capture of or trade in, the animal species specified in the First Schedule to this Act (being animal species threatened with extinction) is absolutely prohibited.

[First Schedule.]

(2) As from the commencement of this Act, no person shall hunt, capture, trade in or otherwise deal with an animal species specified in the Second Schedule to this Act (being animals which, though not necessarily now threatened with extinction, may become so threatened unless trade in respect of such species is controlled) except where he is in possession of a licence issued under this Act.

[Second Schedule.]

## **2. Regulation of export and import of species specified in the Second Schedule**

(1) No person shall trade in any animal specified in the Second Schedule to this Act except where he complies with the following provisions, that is to say-

- (a) he has obtained an export permit granted by the Minister;
- (b) the Minister is satisfied that such export will not be detrimental to the survival of that specimen;
- (c) the Minister is satisfied that the specie is to be exported alive, it will be so prepared and transported as to minimise the risk of injury, damage to health, cruel treatment or death of the animal; and
- (d) the Minister is satisfied that an import permit has been or will be granted for the specimen by the country of importation.

(2) No person shall import any specie specified in the said Second Schedule except where he has first obtained an import permit or a re-export certificate for that purpose.

(3) No import permit shall be issued under this section unless the Minister is satisfied that-

- (a) the import shall be for a purpose which is not detrimental to the survival of the specimen;
- (b) the specimen is not to be used for a primarily commercial purpose; and
- (c) the proposed recipient of a living specimen is suitably equipped to house and care for it.

(4) No re-export certificate shall be granted in respect of any specimen specified in the Second Schedule to this Act unless the minister is satisfied that-

- (a) the specimen was imported in accordance with the provisions of this Act;
- (b) any living specimen shall be so prepared and shipped as to minimise the risk of injury, damage to health, cruel treatment or death thereto; and
- (c) an import permit has been obtained for any such living specimen.

(5) No certificate for the removal from any waters of any specimen in the Second Schedule to this Act shall be issued unless the Minister is satisfied that-

[Second Schedule.]

- (a) the removal shall not be detrimental to the survival of the specimen concerned;
- (b) the recipient of a living specimen is fully and suitably equipped to receive and care for it; and
- (c) the specimen shall not be used for a primarily commercial purpose.

### **3. Permits and certificates**

(1) A permit or certificate issued under the provisions of this Act shall be in such form as the Minister may prescribe and shall remain in force for a period of six months or such other period from the date of issue as the Minister may prescribe.

(2) The Minister shall cancel and retain the export or re-export certificate and any corresponding import permit presented in respect of the importation of any specimen affected by this Act.

(3) A separate permit shall be required for each consignment of any specimen imported, exported or re-exported under this Act.

### **4. Alteration of Schedules and exemptions**

(1) The Minister may by an order publish in the Federal Gazette-

(a) alter the list of animals specified in the First or Second Schedule to this Act by way of addition, substitution or deletion or otherwise howsoever;

[First Schedule or Second Schedule.]

(b) make different provisions in relation to different species or as respects importation, exportation or re-exportation of animals and plants from Nigeria and impose such conditions as he may deem necessary.

(2) Where the Minister is satisfied that a specimen was bred entirely under captivity, the provisions of sections 1 to 3 of this Act shall not apply to such specimen and the Minister shall issue a certificate to that effect.

(3) In this section "**captivity**" includes confinement in any of the following places, that is, a laboratory, zoo or wild life rescue centre established under section 5 (3) of this Act.

### **5. Penalties, forfeitures, etc.**

(1) Any person who, in contravention of the provisions of this Act, trades in, or is in possession of or otherwise deals with a specimen specified in the First and Second Schedules to this Act, shall be guilty of an offence and liable on conviction-

(a) in respect of any specimen under the First Schedule to this Act, a fine of ~~₦~~1,000 for a first offence and for a second and subsequent offence to imprisonment for one year without the option of a fine; and

[First Schedule.]

(b) in respect of any specimen under the Second Schedule to this Act, to a fine of ~~₦~~500 for a first offence and for a second or subsequent offence, to imprisonment for six months without the option of a fine.

(2) Where a person is convicted of an offence under subsection (1) of this section, the court may-

(a) order the forfeiture of any specimen which is the subject of such prosecution;

(b) make such orders (including the upkeep of live specimens at the expense of the person so convicted) as the court may deem fit.

(3) Without prejudice to subsection (1) of this section, where a living specimen is forfeited pursuant to this section, the specimen shall be entrusted to the Minister who may, after consultation with the country of export, return the specimen either to that country at the expense of that country or to a wild life rescue centre or to such other place as the Minister may deem appropriate.

(4) Under this section "**wild life rescue centre**" means any institution or place appointed for the care and welfare of living specimens, particularly those forfeited under this section.

(5) It shall be a defence to a charge under this Act that the killing, capture or fishing of any specimen specified under the First and Second Schedules to this Act was for any of the following reasons-

(a) the paramount public interest;

(b) the defence of human life;

(c) the protection of public health;

(d) the defence of property; or

(e) the defence of the lives of other animals.

(6) Notwithstanding the provisions of subsection (4) of this section, in an attempt to capture, fish, take or hunt wild animals specified in this Act, the following methods are prohibited, that is-

(a) any method liable to cause mass destruction of wild animals;

(b) the use of drugs, poisons, poisoned weapons or poisoned baits;

(c) the use of mechanically propelled vehicles for hunting;

(d) the use of fire;

(e) the use of firearms capable of firing more than one round at each pull of the trigger;

(f) hunting or capture at night; or

(g) the use of missiles containing detonators.

## **6. Records**

The Minister shall cause to be maintained records of trade in any specimen in the First and Second Schedules to this Act and such records shall include-

[First Schedule and Second Schedule.]

- (a) the names and addresses of exporters and importers thereof;
- (b) the number and types of permits and certificates granted;
- (c) the countries with which such trade occurred and the number, quantities and types of specimens concerned; and
- (d) where applicable, the size and sex of the specimens in question.

#### **7. Power to make regulations**

The Minister may make regulations for all or any of the following purposes-

- (a) prohibiting or regulating the importation or exportation of any live specimen specified in the Second Schedule to this Act or any trophy thereof;
- (b) regulating the application for the issue, form, conditions or period of validity of permits and certificates required by this Act;
- (c) providing for the issue of duplicate certificates in the case of loss, destruction or defacing of an original permit or certificate;
- (d) prohibiting or regulating the species and number of live animals and trophies which may be exported in any specified period of time;
- (e) providing for payment and collection of any fees prescribed under this Act;
- (f) providing for the termination, revocation, and forfeiture of licences and permits issued under this Act;
- (g) authorising the payment of grants, bonuses or rewards out of public revenue for the encouragement of wildlife conservation;
- (h) providing for the declaration and control of internationally recognised pests; and
- (i) generally for giving effect to the provisions of this Act.

#### **8. Interpretation**

In this Act, unless the context otherwise requires-

"**animal**" means any member of the animal kingdom other than human beings or the young or egg thereof or any animal which is commonly considered to be a domestic animal or the young or egg thereof;

"**court**" means the Federal High Court;

"**fauna**" means animal and "**flora**" means plant and "**faunal**" and "**floral**" shall be construed accordingly;

**"Minister"** means Minister of the Government of the Federation charged with responsibility of matters relating to wild life;

**"specimen"** means an individual example of a specie of a wild animal or plant;

**"trophy"** means any animal specimen or a part thereof whether included in a manufactured or processed object or otherwise dealt with unless it has lost its original identity and includes-

- (a) the egg or part of the egg;
- (b) skin, feather, horns, tooth, shell or any other part of an animal;

**"wild animal"** means any animal not habitually found in a domesticated state;

**"wild life"** includes-

- (a) wild animals and plants, whether or not they are indigenous to Nigeria;
- (b) wild animals and plants that are indigenous to the continental shelf of Nigeria or the super-adjacent waters;
- (c) migratory wild animals and birds that temporarily make their habitation in, pass through or overfly, Nigeria;
- (d) any animal or plant other than domesticated animals or usually cultivated plants.

**9. Short title**

This Act may be cited as the Endangered Species (Control of International Trade and Traffic) Act.

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SCHEDULES

FIRST SCHEDULE

*Form (CCB. 1)*

*Animals in relation to which international trade is absolutely prohibited*

*Insectivore*

Otter Shrew	Potamogale velox
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*Phoeidota*

<i>Giant pangolin</i>	<i>Manis gigantea</i>
<i>Tree pangolin</i>	<i>Manis tricuspis</i>
<i>Long-tailed pangolin</i>	<i>Manis ongicaudata</i>

*Primates*

<i>Angwantibo or golden potto</i>	<i>Arctocebus calabarensis</i>
<i>All colobus monkeys</i>	<i>Colobus spp. Procolobus</i>
<i>All mengabeys</i>	<i>Cercocebus spp</i>
<i>Chimpanzee</i>	<i>Pan troglodytes</i>
<i>Drill and mandrill</i>	<i>Mandrillus spp</i>
<i>Gorilla</i>	<i>Gorilla gorilla</i>
<i>Pigmy chimpanzee</i>	<i>Pan paniscus</i>

*Rodents*

<i>African palm squirrel</i>	<i>Epixerus epii</i>
<i>Brush-tailed porcupine</i>	<i>Atherurus africanus</i>

*Canivora*

<i>Lion</i>	<i>Panthera leo</i>
<i>Leopard</i>	<i>Panthera pardus</i>
<i>Cheetah</i>	<i>Acinonyx jubatus</i>
<i>Serval</i>	<i>Felix serval</i>
<i>Caracal</i>	<i>Felix caracal</i>
<i>Golden cat</i>	<i>Felix aurata</i>
<i>Wild cat</i>	<i>Felix Libya</i>
<i>Spotted hyaena</i>	<i>Crocota crocuta</i>
<i>Striped hyaena</i>	<i>Hyaena hyaena</i>
<i>Aardwolf</i>	<i>Protels cristus</i>
<i>Wild dog</i>	<i>Lycaon pictus</i>

<i>Cape clawless otter</i>	<i>Aonyx capensis</i>
<i>Speckle-throated otter</i>	<i>Lutra maculiollis</i>
<i>Cameroon otter</i>	
<i>Seals</i>	<i>Suborder Pinnipedia</i>

*Tubulidentata*

<i>Aardvark</i>	<i>Orycteropus afer</i>
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*Proboscidea*

<i>Immature elephant</i>	<i>Loxodonta africana</i>
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*Sirenia*

<i>Manatee</i>	<i>Trichechus senegalensis</i>
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*Perissodactyla*

<i>Black rhinoceros</i>	<i>Diceros bicornis</i>
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*Artiodactyla*

<i>Pygmy hippopotamus</i>	<i>Choeropsis liberiensis</i>
<i>Giant eland</i>	<i>Taurotragus derbianus</i>
<i>Dorcas gazelle</i>	<i>Gazella dorcas</i>
<i>Dama gazelle</i>	<i>Gazella dama</i>
<i>Addax</i>	<i>Addax nasomaculatus</i>
<i>Scimitar oryx</i>	<i>Oryx algazel</i>
<i>Water chevrotain</i>	<i>Hyemoschus aquaticus</i>
<i>Giraffe</i>	<i>Giraffa camelopardalis</i>
<i>Giant forest hog</i>	<i>Hylochoerus meinertzhageni</i>
<i>Yellow-backed duiker</i>	<i>Cephalophus sylvicultor</i>
<i>Sitantunga</i>	<i>Tragelapfus</i>



<i>Klipspringer</i>	<i>Oreotragus oreotragus</i>
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*Catacea*

<i>Whales</i>	<i>(Family Balaenopteridae)</i>
	<i>(Family Physeteridae)</i>
	<i>(Family Ziphiidae)</i>
	<i>(Family Delphinidae)</i>
	<i>(Family Orcinus)</i>
<i>Dolphins</i>	<i>(Family Delphinidae)</i>
<i>porpoises</i>	<i>(Family Platanistidae)</i>

*Reptiles*

<i>Nile crocodile</i>	<i>Crocodylus niloticus</i>
<i>Short-nosed crocodile</i>	<i>Osteolaemus tetraspis</i>
<i>Nile monitor lizard</i>	<i>Varanus niloticus</i>

*Reptiles*

<i>Short-tailed monitor lizard</i>	<i>Varamus examthematicus</i>
<i>Royal python</i>	<i>Python regius</i>
<i>Rock python</i>	<i>Python sebae</i>

*Aves*

<i>All parrots</i>	<i>Family Psittacidae</i>
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*Eagles*

<i>Falcons, kites, eagles, buzzards, sparrow-hawks and harriers</i>	<i>Family Falconidae</i>
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SECOND SCHEDULE

Animals in relation to which international trade may only be conducted under licence

*Primates*

<i>Bosman's potto</i>	<i>Perodicticus potto</i>
<i>Galagos</i>	<i>Calago spp.</i>
<i>All monkeys(except those specified in First Schedule above)</i>	

*Carnivora*

<i>Side-striped jackal</i>	<i>Canis adustus</i>
<i>Jackal</i>	<i>Canis aureus</i>
<i>Civet</i>	<i>Civeticus civetta</i>
<i>Fennec</i>	<i>Fennecus zerda</i>

*All other foxes*

<i>Genets</i>	<i>Genetta spp</i>
<i>Two-spotted palm civet or striped polecat</i>	<i>Nandinia binotata</i> <i>Ictonyx striatus</i>
<i>All mongooses</i>	Family Herpestinae

*Exotic animals*

<i>All exotic wild animals</i>	
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*Proboscidea*

<i>Mature elephant</i>	<i>Loxodonta africana</i>
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*Actiodactyla*

<i>Hippopotamus</i>	<i>Hippopotamus amphibus</i>
<i>Common bush-cow</i>	<i>Syncerus manus</i>
<i>Warthog</i>	<i>Phacochoerus aethiopicus</i>
<i>Red-fronted gazelle</i>	<i>Gazella rufifrons</i>
<i>Western hartebeest</i>	<i>Alcelaphus buselaphus</i>
<i>Topi(Senegal hartebeest)</i>	<i>Damaliscus korrigum</i>
<i>Kob</i>	<i>Kob(Adetona)Kob</i>
<i>Oribi</i>	<i>Ourebia ourebi</i>

<i>Reed-buck</i>	<i>Redunca redunca</i>
<i>Mountain reed-buck</i>	<i>Redunca fulvorufula</i>
<i>Roan</i>	<i>Hippotranus equinus</i>
<i>Water-buck</i>	<i>Kobus defassa</i>

*Aves*

<i>Ostrich</i>	<i>Struthio camelus</i>
<i>Secretary bird</i>	<i>Sagittarius serpentarius</i>
<i>Hammerkop</i>	<i>Scopus umbretta</i>
<i>African spoonbill</i>	<i>Platalea alba</i>
<i>Abyssinian ground hornbill</i>	<i>Bucorvus abyssinicus</i>
<i>Heros and egrets(including bitterns)</i>	<i>Family Ardeidae</i>
<i>Pelicans</i>	<i>Family Pelecanidae</i>
<i>All storks</i>	<i>Family Ciconniidae</i>
<i>Vultures</i>	<i>Family Aegyptidae</i>
<i>Cranes</i>	<i>Family Balearicidea</i>
<i>Bustards</i>	<i>Family otidae</i>

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**CHAPTER 9**

ENDANGERED SPECIES (CONTROL OF INTERNATIONAL TRADE AND TRAFFIC) ACT

**SUBSIDIARY LEGISLATION**

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No Subsidiary Legislation

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