



The Nigerian Wildlife Management Policy, Institutional and Legal Framework

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Abstract Previous review shows that today's human activities is an empirical evidence of human ruining what nature has bestowed by nature to its care for sustainability. In 2001, the Nigerian National Parks generated about three million dollar through ecotourism and entertainment while birds positively affect human lives in many ways than are known to many people, for example, twenty one of the bird species found in Nigeria are facing serious threat of extinction or loss of habitat. The present day Nigeria conservation laws broadly cut across many aspects of wildlife and game management conservation; such as forestry, national parks, wild animal and endangered species preservation, fisheries laws, agricultural seeds, crop varieties and livestock breads, agricultural laws, water Resources laws etc. The Regulatory agencies such as Federal Environmental Protection Commission, the Environmental Impact Assessment Commission, the Urban and Regional Planning Agency and many State Environmental Protection Agencies have been established to strengthen wildlife management policy.

Keywords Ecosystem, Conservation, Legislation, Biodiversity, and Endangered Species

Introduction

Wildlife plays an important role in maintaining the balance of various ecosystems, as it allows the study living organism in their habitats. The universe is replete with indices of immeasurable contributions that wildlife species have made to human development in virtually all countries of the world. Human beings have profitably utilized several kinds of animal species for traction, power generation, clothing, research, medicine, sports, tourism and entertainment. The natural parks and game resources in Nigeria attract tourists from all parts of the world.

In spite of these innumerable pleasure mankind derive from wildlife resources, man's inhumanity to animal species remain unceasing and unabated. Various human activities such as bush burning, damming rivers, draining swamps, environmental pollution, hunting and poaching are threatening their existence. Invariably, many more are faced with extinction and classified as threatened species [1].

Legal regime of environmental conservation and management will yield to stabilizing hydrological systems, protecting soil, ensuring climate stability, protecting renewable and genetic resources, preserving breeding stocks, population reservoirs and biological diversity, maintaining the natural balance of the environment, promoting tourism, and recreation, creating employment opportunities and providing facilities for research, technology and education

Over the past few decades, legislators and policy-makers around the world have begun to understand that the law has a vital role to play in the implementation of any environmental protection initiative. Much of this law relates to pollution control, environmental impact assessment and the planning and development of cities and urban infrastructure. Only recently has emphasis been placed on the development of legal frameworks for nature conservation.

These have been primarily expressed through national parks and wildlife legislation. In many countries, the planning process for nature conservation has been haphazard. Important areas have been protected not so much



by conscious planning as by default (they were not able or required to be exploited for their natural resources [2]). It is clear that biodiversity management regimes can be successful only if they are based on careful and systematic planning. Good planning is in turn dependent on a comprehensive framework of laws that define procedures, responsibilities and obligations.

Many endangered species are seriously threatened thereby requiring human protection for survival. Realizing the harmful effects of these developments to its environment, Nigeria has put in place various policies, legal and institutional frameworks to protect both fauna and flora species from genetic extinction through enactment of municipal laws on the environment, wild animals, sea fisheries, forestry, pollution, national parks and environmental impact assessment agencies [3].

Policy Framework of the Nigeria Wildlife Management

At the international level relevant treaties and conventions on environmental conservation, protection of endangered species have been adopted and implemented by the Nigerian government [4]. The framework policy of the Nigerian wildlife management includes:

- To conserve and manage wildlife resources and management issues.
- Provide wildlife research services and co-ordinate ecological, socio-economic and market research by external researchers in the sector, to avoid duplication of efforts and the loss of useful information
- Ensure that environmental impact assessment procedures are taken into account whenever proposals, plans or projects are formulated that are likely to have adverse impacts on wildlife resources.
- Undertake or commission all physical developments in national parks, wildlife reserves and other areas under its authority in accordance with the respective protected areas master plans.
- To set standards for tour operators, persons capture and keeping wild animals, and those offering services on concession and issue authorizations accordingly.
- To ensure that a fair percentage of the revenues generated within any national park or wildlife reserve is shared amongst treasury, the management of, that park or reserve and communities living adjacent to it; to the extent possible,
- Provide economic opportunities to communities neighboring to the national parks or wildlife reserves.
- To ensure equitable and efficient allocation of opportunities for Malawians, especially the local communities being most directly affected by the wildlife resources.
- To encourage the formation of representative civil associations for developing and promoting the sector, without permitting the emergence of undesirable practices like monopolies.
- Promote the conservation of wildlife and the development of an ethical wildlife industry based on sustainable utilization; co-ordinate marketing of wildlife and wildlife products including tourism and hunting to enable wildlife to realize its economic potential applying, as far as possible, market mechanisms.
- To regulate and monitor the trade in wildlife and wildlife products to curb illegal trafficking.
- To implement the provisions of relevant international treaties, agreements or any other arrangements to which the Government is a party; be the Government's point of contact with foreign parks, wildlife and environmental agency.
- To collaborate with other public agencies, communities and private sector in managing wildlife resources on their land.
- To assist in the conservation and management of wetlands,
- To prepare subsidiary regulations for the Ministers consideration to co-ordinate or regulate the wildlife sector and to issue authorizations as required by law
- To create and maintain an environment in which its employees are able to reach their maximum potential in a climate favorable to innovation and excellence.
- To ensure proper management of human, financial and material resources for proper collection of revenues and as far as possible broadens the revenue base.



- To determine the type of consumptive and non-consumptive utilization activities to be permitted in each of the national parks and wildlife reserves.
- To prevent illegal settlement and cultivation and regulate introduction of exotic plants and animals in order to maintain the ecological integrity and for the aesthetic qualities of the respective national parks.

Institutional Framework for Wildlife Management

The institutional framework for wildlife management includes the following:

Federal Environmental Protection Agency Act (FEPA)

Following the Koko incident in 1988, the Federal Environmental Protection Agency Act (FEPA Act) was promulgated in 1988. The Act was a framework legislation which coordinated the various existing sectorial legislations and regulations and served as a comprehensive system for environmental management. The Act sets out the policies, principles and objectives of the Federal Government in relation to environmental issues. It laid down minimum standards for water quality, air quality and atmospheric protection, noise control and hazardous substances. It reaffirmed the international law principles of 'polluter pays' and 'precautionary principle', and in the area of enforcement and compliance, the Act adopted a mix of penal provisions. The Act established FEPA as the agency primarily responsible for the protection and development of the environment in general [5].

FEPA's main objectives were to administer environmental laws and coordinate governmental actions that affect the environment. The duties of FEPA included advising the government on national environmental policies and priorities and on scientific and technological activities affecting the environment, and to co-operate with Federal and State Ministries, Local Government Councils, statutory bodies and research agencies on matters and facilities relating to environmental protection. As a result of its overseeing role, it was expected that FEPA would coordinate, supervise and monitor, and to handle environmental issues in an holistic manner.

National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007 (NESREA)

Following the series of criticisms leveled against FEPA as a regulatory Agency, the FEPA Act was repealed and it was replaced by the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007 NESREA. The Act provided for the establishment of an Agency similar to FEPA. The objectives of NESREA were similar to that of FEPA and included a broad set of responsibilities. Significantly, beyond guiding Federal Agencies in assessing the impacts of their actions and coordinating anti-pollution research activities, NESREA has also been responsible for the development and enforcement of National standards, and for the development of national programmes in conjunction with the Federal Ministry of Environment. The creation of NESREA as the regulatory agency for the environment came eight years after the scrapping of FEPA.

Environmental Impact Assessment (EIA)

Nigeria enacted an Environmental Impact Assessment Act in 1992. The need to manage and control environmental degradation led to the emergence of the EIA regime. An EIA is a national procedure for evaluating beforehand, the likely impacts of a proposed development project on the environment. The 'Impact' that is assessed in an EIA is any effect caused by a proposed project on the environment, including human health and safety, flora, fauna, soil, air, water, climate, or the interaction among these factors. It also includes effects on cultural heritage or socio-economic conditions resulting from alterations to those factors.

More importantly, an EIA is regarded as one of the tools for achieving sustainable development both nationally and internationally, it involves the infusion of environmental consideration into decision-making and the involvement of the public in the assessment of environmental impacts. It is doubtful that the EIA regime in Nigeria is lending itself to being a tool for achieving sustainable development [6].



Wildlife Conservation Society Nigeria Program Conservation Strategy

Wildlife Conservation Society has been supporting conservation and conservation-related research in Nigeria since 1996, working closely with various partners including government agencies, universities, NGOs and local communities to help conserve Nigeria's wildlife and wild places by understanding critical issues, crafting science-based solutions, and taking conservation actions that benefit nature and humanity. The origins of WCS in Nigeria date back to 2001 when John Oates established the WCS Biodiversity Research Program in Cross River State in collaboration with the Nigerian Conservation Foundation. Based in Calabar in Cross River State the program focused on saving the critically endangered Cross River gorilla as well as on biodiversity surveys of key taxa. Since 2001 WCS has helped produce regional action plans for the conservation of two critically endangered apes; supported the creation of Afi Mountain Wildlife Sanctuary in 2000 and the Mbe Mountains Community Wildlife Sanctuary in 2007. WCS completed the first landscape-level survey of Cross River gorillas from 2006-2008 and the first nationwide lion survey of Nigeria in 2009.

The Federal Department of Forestry (FDF)

The Federal Department of Forestry (FDF) was created in 1970 and co-ordinates forestry activities throughout the country. Its functions are to initiate and to formulate national forest policy and land use planning, foster forestry and environmental development, promote and fund projects of national interest, co-ordinate and monitor State Forestry activities of Federal – foreign-funded projects and institutional development. Specifically, the main functions of FDF include:

- Advising the Federal Government on forestry development as well as liaising with the States' forestry services of the country.
- Ensuring the application of sound and efficient management of the forest for sustainable production of goods and services throughout the country.
- Co-ordination of all matters pertaining to conservation, protection, utilization and renewal of the forest resources of Nigeria.
- Co-ordinating Nigerian collaboration with International Organizations.
- Disseminating technical and professional information and organizing national and international technical assistance.
- Directing the formulation of National Forestry Policy.
- Promoting and enhancing the development of forestry management capability.
- Providing extension and advisory services to the States for the improvement and promotion of forestry ideals.
- Assisting to monitor, evaluate and appraise forestry projects throughout the country.

According to the Nigeria Forestry Act, 1937: Most land use, forestry and natural resources conservation laws were established early in this century. The act gave each Governor or Local Government Authority, the authority to constitute its own forest reserves. Some states have enacted specific regulations to monitor and control the reserves, but overall control is not effective.

The Department has 3 tiers of administration, at the Headquarters, Zonal Office and State-based Field Office level. In order to facilitate the execution of the programmes of the Department as enunciated in the National Forestry Policy, the Department is structured along the line stipulated by the new Civil Service Reform Guidelines of 1988. Three professional Divisions were approved for the Department namely: Forestry Management, Forest Resource Survey and Utilisation, and Agro-forestry, Support Services and Extension [5].

Legal Framework of Wildlife Management

In the Conservation of wildlife, their habitats, parks, reserves and sanctuaries are protected by Laws. Thus, most human activities such as grazing of minimizing are restricted or prohibited. The enabling Laws only allow recreational activities such as nature walks and bird watching. Towards compliance with these regulations, institutional bodies were set up to manage parks and reserves. In Nigeria, we have the Borgu and Yankari game Reserves, which serve as the habitats for many threatened and endangered animals to live, breed and build up



their numbers. In many instances, some highly endangered species are brought up in Zoological garden and to these protected areas where they are left undisturbed by adventurists [7].

Section 20 of the National Park Service Act states “The ownership of every wild animal and wild plant existing in its natural habitat in, National park and anything whatsoever, whether of biological geomorphologic or historical origin or otherwise, existing or found in a National park is hereby vested in the Federal Government and subject to the control and management by the Federal Government for the benefit of Nigeria and mankind generally”. Similarly other relevant legislation is the Endangered Species (International Trade and Traffic) Act and the Animal Diseases (Control) Act enacted in respect of matters which are within the exclusive legislative list [4].

The Nigerian conservation foundation and the Nigerian Game Reserve Authorities are saddled with the responsibilities of wildlife conservation projects. At the world level is the worldwide organization that raises money for conservation projects in all parts of the world. Its main responsibility is to concentrate on conserving endangered species in their habitats. Closely related is the international legal framework as contained in the convention on International Trade in endangered species or CITES, which protects many endangered or threatened animals and plants [6]. This convention recommends to various Governments to Ban or Restrict Trade in such Species and their products like Crocodile skins and Rhinoceros horns.

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The general framework consists primarily of the following:

- Provisions relating to the management of the environment under the Constitution of the Federal Republic of Nigeria (1999 Constitution).
- Policy on Environment 1988; National Environmental Standards and Regulations Enforcement Agency (NESREA Act) 2007.
- Federal Environmental Protection Agency Act (FEPA Act) 1988;
- National Oil Spill Detection and Response Agency (Establishment) (NOSDRA Act) 2006
- Environmental Impact Assessment (EIA Act), L12, LFN, 2004. The sector specific framework refers to legislations and regulations that are specific to a sector of the economy, such as the manufacturing, forestry, waste management, etc.



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The sector specific legislations are classified further into two,

- pre-1988 laws and
- Post-1988 laws.

According to Fagbohun [8], He reviewed that, the distinction is useful when analyzing the scope and focus of these laws. He argued that the pre-1988 laws were aimed at facilitating development and resource exploitation, or directed at localized problems of health and welfare and rectification of immediate problems of pollution and degradation of economically important resources while the post-1988 laws were primarily designed to focus on environmental planning, protection and impact assessment as major ingredients in resource development [8].

Biological Diversity Conservation

At national level; protective measures for species and ecosystems alike are a cornerstone of conservation; but also protection alone is not sufficient; biodiversity conservation also necessitates the sustainable use of biological resources, and the control of processes which lead to the deterioration of the natural environment. In short, conservation can only be achieved through a cocktail of complementary measures [9]. Law and legal mechanisms play an important role in achieving these goals: international obligations prescribe common commitments and measures to attain them. National legislation provides a framework to regulate certain behavior, to provide incentives to achieve certain results, and to set appropriate institutions in place. The full spectrum of legal mechanisms available for conserving biodiversity of wildlife management framework which are based on two dimension act [3].

- On species: This discusses the scope of state powers to conserve wild species and habitats, the legal mechanisms for controlling wildlife conservation, the procedures for listing species in need of conservation measures, the mechanisms for controlling trade, and the challenges of enforcement.
- This covers area-based conservation at local and national level, as well as in trans-frontier protected areas and areas beyond national jurisdiction, basic instruments for protecting areas, including public ownership, voluntary agreements, and regulatory measures. It goes beyond traditional tools for protecting areas by looking at a number of innovative instruments, planning controls, incentives, disincentives and environment programme, with the financial support of USAID. It is hoped that it will assist in improving the law on biodiversity conservation, and contribute to the much needed progress in the field.

The Local Governments in Nigeria are responsible for the administration of Communal Forest Areas (CFA), the State Governments control and manage Forest Reserves, Game Reserves and Game Sanctuaries. The Federal Government under the exclusive legislation list is responsible for the control, protection and management of National Parks. There are about 1,129 forest reserves, 29 game reserves and 4 game sanctuaries and 8 National Parks [1].

Table 1: Eight National parks created by the Federal Government distributed across the major ecological zones [6]

National Park	Area (ha)	Year
Chad Basin	45,696 9	1991
Cross River	422,688	1991
Gashaka/Gumti	636,300	1991
Kainji Lake	534,082	1975
Old Oyo	251,230	1991
Yankari	224,400	1991
Kamuku	112,700	1999
Okomu	11,200	1999
Total	2,238,296	



Table 2a: Game reserves of Nigeria in 1969 [6]

Game reserves	States
Borgu	Kwara
Opara	Oyo
Upper Ogun/Old Oyo	Oyo
Okomu Gilligilli	Bendel
Orile	Bendel
Kwiambana	Sokoto
Kamuku	Kaduna
Kongin-Kano	Kano
Yankari	Bauchi
Lake chad	Borno
Ibi	Plateau
Mambilla-Gashakka	Gongola

Table 2b: Game reserves of Nigeria in 1969 [6]

National parks	Ecological zones	Year
Kanji Lake	Guinea Savanna	1979
Old Oyo	Forest/Guinea Savanna	1991
Yankari	Guinea Savanna	1991-2008
Gashaka-Gumli	Guinea Savanna/Montena	1991
Kamuku	Guinea Savanna	1999
Okomu	Rain Forest	1999
Chad Basin	Sahel Savanna	1991
Cross River	Rain forest	1991

Conclusion

Nigeria is blessed with wild variety of plants and animal species, which ought to serve as a veritable source of wealth but they are not well regulated for tourism purposes. A number of studies and surveys have been carried out on the Nigerian environment and natural resources conservation. Considerable more workshops and seminars have to be organized by stakeholders on the implementation of the policy on Wildlife biodiversity conservation in Nigeria. Within the legal framework; some provisions like Legal institutional bodies for wildlife management are needed in manage the environment (wildlife) in Nigeria, which should be put in place for the conservation of wildlife and game management. Nevertheless the existing variety legislation on biodiversity needs coordination for effective application mechanism on the conservation of wildlife for sustainable uses for tourism, parks and efficient management of the forest for production of goods and services throughout the country.

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