



CHALLENGES OF ENFORCEMENT OF FORESTRY LEGISLATION IN TARABA STATE, NIGERIA

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ABSTRACT

Forests are essential resources for human survival and well-being. Within developing countries, millions of extremely poor people depend on forest resources for their livelihoods and security. The forest resources of Taraba State has witnessed high timber and fuelwood exploitation, bush burning, expansion of farmlands and grazing activities. Despite the existence of forest legislation in the state, illegal logging and indiscriminate forest resource exploitation has continued to increase at alarming rate. This makes it imperative to reappraise the forestry legislation in the state and the challenges of effective enforcement of these legislations. Data were generated from secondary materials, personal observation and interviews with officials of the Department of Forestry. The study findings shows that with increase in population, people need to expand their settlements and require more lands to cultivate in order to meet increasing food requirement. This leads to encroachment into forestry reserve. Poor logistics and weak institutional framework hampers the capacity of the forestry officials to enforce forestry legislation. This has resulted in the depletion of Forest resources particularly timber and woody plant resources. Some of the problems includes lack of political will on the part of government, underfunding, lack of or dilapidated office/accommodation, inadequate manpower, lack of equipment, lack of capacity building, Government preference and emphasis on revenue generation as against biodiversity conservation, Conspiracy of forestry officers, village heads and chiefs with merchant timber loggers, lack of effective supervision, coordination and enforcement of forest legislations. The study recommends the need for the government to be more proactive on the issues of enforcement of forestry legislation.

Keywords: Enforcement, Forestry, Forest reserve, Legislation and Taraba state.

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Contribution/ Originality

This study has contributed to the ongoing discussion on the challenges of effective enforcement of forestry legislation in Nigeria as a means of protecting forest and wildlife resources.

1. INTRODUCTION

Forests are a global public good and have since ancient times played an important role in the lives of people and the environment in general (Mohammed and Danjuma, 2014). Forests have provided and continue to provide numerous benefits to humanity (Sackey, 2007) including a wide range of important resources required for sustainable development. Forests are essential for human survival and well-being. Within developing countries, 1 billion extremely poor people depend upon forests for part of their livelihoods, and as many as 350 million people living in and around forests are heavily dependent on forests for their livelihoods and security (World Bank, 2006). These groups are usually the most vulnerable groups in society. They are at risk from illegal logging and removal

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of timber and non-timber products from the forests. Forest crime, including illicit activities such as illegal logging, illegal occupation of forest land, woodlands arson, wildlife poaching, encroachment on both public and private forests, and corruption is rampant throughout the world, particularly in developing countries of Africa, Latin America and Asia (World Bank, 2006). More worrisome is the increasing spate of illegal logging in public lands in developing countries, which result in estimated losses in assets and revenue in excess of US\$10 billion annually, more than eight times the total official development assistance dedicated to the sustainable management of forests (World Bank, 2006). Infringement of forest reserves and violations of protected areas boundaries have more impact on the local economy as they threaten conservation of forest resources and biodiversity found in such areas. Over exploitation and degradation of forest resources imposes global and local costs such as climate change and loss of biodiversity.

The prevalence of forest crime has been on the increase as a result of poor governance, corruption and illegality in the forest sector particularly in sub Saharan countries of Africa. This has put at risk forest-dependent populations who rely on timber and non-timber forest products for their livelihoods and survival, and undermine responsible forest enterprises by distorting timber markets (World Bank, 2006). These failures result in loss of revenue that could be invested in sustainable forest management or economic development. Often they are part of wider networks of corruption and environmental crime. Illegal and unsustainable logging also undermines ongoing efforts to curb deforestation and enhance carbon stocks to mitigate climate change.

Thus to ensure equitable utilization of forest resources, combating forest related criminal activities requires both targeted action in directly improving forest law enforcement so that criminals are apprehended and punished (World Bank, 2006).

However over the last decade, the World Bank, the European Union and other International partners have made significant strides in opening the space for dialogue and reform by backing Forest Law Enforcement and Governance (FLEG) processes in different parts of the world. The Program on Forests (PROFOR), hosted by the World Bank, has also made forest governance one of its priority issues, providing technical assistance to improve the monitoring of forest activities and helping create consensus and political will around priority reforms (World Bank, 2006).

The forest resources of Taraba State has witnessed high timber and fuelwood exploitation, bush burning, expansion of farmlands and grazing activities. This is exacerbated by the recent high demand and exploitation of *Pterocarpus erinaceus* in the state (Ahmed *et al.*, 2016a, 2016b). The situation is further worsened by the weak forest legislation and institutional capacity. Thus, it is essential that appropriate mechanisms, process and tools are put in place now to ensure the sustainable and fair use of forest resources in the State. Thus, forest resources must be protected from illegal activities that are not compatible with forest sustainability (Halley, 1998).

Taraba state adopted the Forestry Law 1963 and amended it as 'Taraba State Forestry Law (Amendment) Edict 1997' which was later amended to 'Taraba State Forestry Law (Amendment) 2010'. The purpose of the Edict was to amend the Forest Law (Cap 44 Laws of Northern Nigeria 1963) to make provisions vesting the control, preservation and management of forests resources solely in the State Government. Forest legislations are statute laws passed by a legislative body, be it under Military or democratic elected government. Forest legislation is an effective instrument for forestry protection, planning, prevention of degradation and control. It is used for stimulating responsible behavior by citizens towards the protection of the forest and its resources. This makes it imperative to reappraise the forestry legislation in the state and the challenges of effective enforcement of these legislations. This paper therefore examines the forestry legislation provisions, forestry governance structure and challenges of enforcement of forestry legislation in the state.

2. MATERIALS AND METHODS

The required data for this study were generated through both primary and secondary sources. The primary data were generated through personal observation and interviews with officials of the Department of Forestry and Divisional Forestry Officers and key informants. The interviews with the Forestry officials focus on the activities of the department in respect to enforcement of forestry legislation and the challenges encountered. Effort were made to ascertain the capacity of the department to face the challenges, the number of forestry arrest/apprehensions made, the number of prosecution and conviction made in the past one decade, the adequacy or otherwise of forestry enforcement facilities and logistics among others. Key informants such as individual Divisional Forest Officers, Forest Rangers and Guides were interviewed on their experience in the enforcement of forestry legislation. The data from field observation involved a visual assessment of some of the infrastructures of the Forestry department. Secondary materials that were relevant to the study were reviewed. The data collected were analyzed using descriptive statistics.

2.1. Forest Governance Structure in Taraba State

Forest governance structure has been observed to be the same all over Nigeria by [Mohammed and Danjuma \(2014\)](#). Forest administrations in the state are carried out by the department of Forestry in the Ministry of Environment. In the State, forests are governed centrally from the office of the governor to the Ministries of Environment and the department of forestry. The Department is organized into four divisions for effective implementation of its mandates. The divisions are as follows:

- i. Forest Management
- ii. Wildlife Management
- iii. Plantation Officer and
- iv. Reservation officer

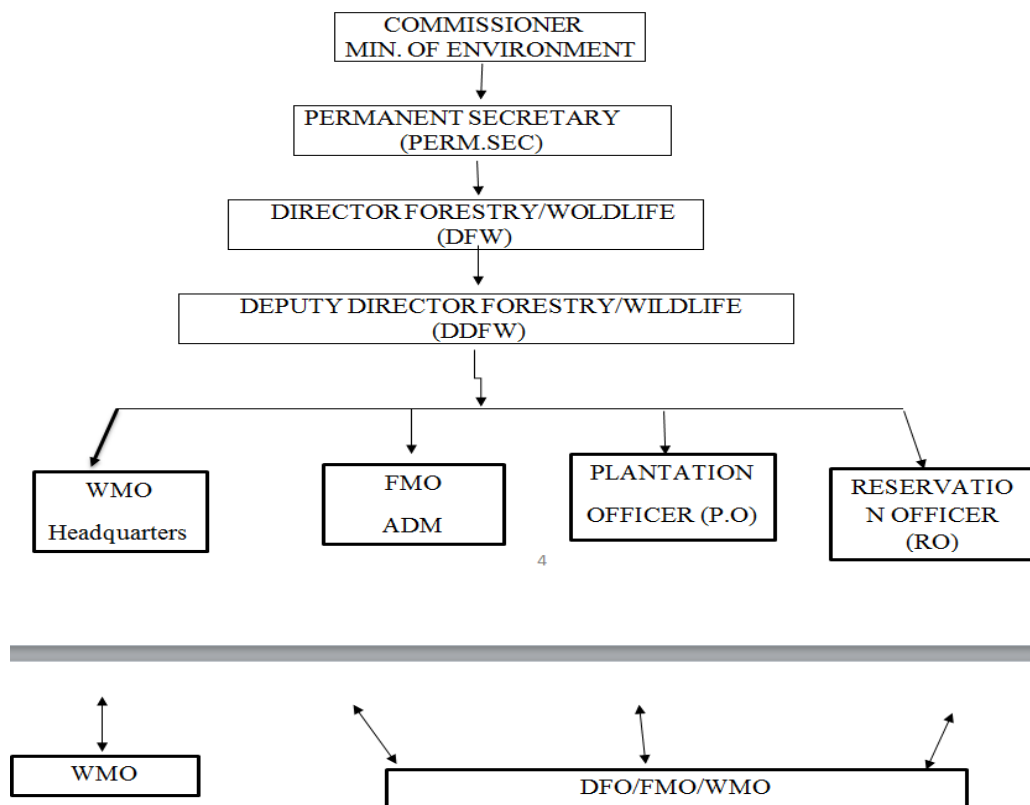


Fig-1. Organogram of Taraba State Ministry of Environment

Source: Taraba State Forestry Department

The Taraba State Forestry Department was under the Ministry of Agriculture in the defunct Gongola state. Following the creation of Taraba State in 1991, it came under the Taraba State Ministry of Agriculture and Rural Development. Thereafter the Ministry of Environment and Solid Mineral Resources was created and it came under the Ministry. Following some restructuring, the department came under the Ministry of Environment and Urban Development and finally it is now under the Ministry of Environment. The department coordinates forestry and conservation activities in the state. It also initiates and formulates state forestry policy and foster forestry environmental development. The department is the main vehicle for the enforcement of all forestry legislation in the state.

2.2. Key Provisions of Taraba State Forestry Law

Appraising the provisions of Taraba State Forestry legislation is very wide and cannot be exhausted within the scope of this paper. However, it is important to highlight few key provisions of this law.

Part II – Special provision relating to Government protected forests, article 4 state that;

1. It shall be lawful for the Governor to constitute as Government protected forest (forest reserve) of the following lands;
 - a. Lands at the disposal of the State Government or
 - b. Any lands in respect of which it appears to the Governor in Council on the advice of the Director of Forest and Wildlife that the forest growth on such lands should be protected.
2. The Governor may by notice in Taraba State of Nigeria Gazette declare any such lands to be a Government protected forest (forest reserve).

Regulation 51 stated that “whoever within a protected forest, except with notifying the authority in writing of the prescribed officer;

- a. Uproots, fells or otherwise damages any protected tree of over 30cm in girth.
- b. Other than during the period of year allowed for this purpose, either sets fire to or allows fire to spread to any forest growth unless such forest growth is being or has felled for farming purpose.
- c. Contravenes any of the provisions of paragraph (b) of section 19.

shall be liable on summary conviction to a fine of thirty thousand naira (₦30,000) or to imprisonment of 3 years and in addition thereto may be required by the court to pay a sum equivalent to the fee and royalties payable on any forest produce removed or damaged and also such amount, if any, as the court may consider just as compensation for any damage done.

PART 1- General Prohibitions and Exemptions paragraph 4 state that “No person shall on any natural forest do any of the following acts;

- a. Take any timber of protected trees or any protected minor forest produce.
- b. Uproot, destroy or injure any protected tree or protected minor forest produce or any tree or plant from any protected minor forest produce is obtainable.
- c. Clear land for farming purposes nearer than 10cm to any road or watercourse to any footpath which shall be declared by the State Government be a main path, except such act is authorized by a permit or license issued under these rules or the person doing the same is otherwise authorized so under these rules.

The above laws provide the legal instrument that gives backing to the State Forestry Department in its management and control of forest resources in the State. The law provides a guide for the prevention of forest offences, seizure of illegally obtained forest produce, and arrest of offenders and prosecution.

A new National Forest Policy was approved by the Federal Executive Council in June 2006 and ratified/endorsed by the National Economic Council (NEC) in October 2008 to be domesticated by all the States in Nigeria. The major thrust of the policy is geared towards poverty reduction, promotion of food security, environmental and biodiversity conservation in addition to sustainable production of wood and non-wood products

(non-timber forest products) (Federal Ministry of Environment (FMENV), ND). The Taraba state government recently reviewed the provisions of this forestry legislation in the state.

The policy is also to be backed up by the enactment of the first ever National Forest Legislation. The draft National Forestry Act has been forwarded to the Federal Ministry of Justice for fine-tuning. The States are encouraged to use these two forest management tools as models in reviewing their respective state forest policy and legislation ((FMENV), ND).

2.3. Forestry Resource Situation in Taraba State

Forest reserves have been established in various parts of the state, either for timber development or fuelwood exploitation. There are 49 forest reserves and 98 plantations in Taraba state (Taraba state tourist guide). There are 27 gazetted and 12 non-gazetted (proposed) forest reserves in Taraba State (Table 1).

Table-1. Forest Reserve Status in Taraba State

| S/No | Gazetted Forest Reserve | Non-Gazetted/Proposed Forest Reserve | Game Reserve/Park |
|------|-------------------------|--------------------------------------|-----------------------------|
| 1 | Agbon Forest | Abong Forest | Gashaka-Gumti National Park |
| 2 | River Amboi Forest | Janyi Forest | Ibi Game Reserve |
| 3 | Baissa Forest | Kunatata Forest | Kambari Game Reserve |
| 4 | BakinDutse Forest | Kamatan Forest | Kashimbila Game Reserve |
| 5 | Bissaula Forest | KochehoDawadi Forest | NgelNyaki Game Sanctuary |
| 6 | Bantaji Forest | Monkin Forest | |
| 7 | Chanchanji Forest | Maihula Forest | |
| 8 | Dakka Forest | Tau Forest | |
| 9 | Dorofi Forest | Pangri Forest | |
| 10 | Gangaro Forest | Pamanga Forest | |
| 11 | Gangume Forest | Puje Forest | |
| 12 | GarbaChede Forest | Wasaji Forest | |
| 13 | Gembu Forest | | |
| 14 | Jebwanje Forest | | |
| 15 | Kakiwargi Forest | | |
| 16 | Kakara Forest | | |
| 17 | Kasa-Kogi Forest | | |
| 18 | KurmiDanko Forest | | |
| 19 | Maisamari Forest | | |
| 20 | Mayo Ndaga Forest | | |
| 21 | Nguroje Forest | | |
| 22 | River Nwum Forest | | |
| 23 | Sayindo Forest | | |
| 24 | Sonkpa Forest | | |
| 25 | Suntai River Forest | | |
| 26 | Takum Forest | | |
| 27 | Wurkam Forest | | |

Source:Oruonye and Abbas (2011).

These forest reserves cover an estimated land area of about 1,442sq km. The woods in the forest are exploited as timber poles, scaffolding, planks and stakes, and also as firewood or for burning charcoal. So far, the Baissa Timber Company is the largest timber industry in the State but now dormant. There have been claims that Taraba State has enough timber resources to sustain Nigeria for the next 100 years (Investment guide in Taraba State). A total of 11,129 sq.km. of land in the state is forest reserve. Nearly 30 per cent of this is used for timber and pulp. Wood obtained from Taraba State has been adjudged to be among the best in the country. Some of the species include iroko, apa, okwen, canarium and okoko. Apart from general logging, Taraba State timber is good for

particle board, paper mill and furniture industries (<http://www.onlinenigeria.com/links/tarabastateadv.asp?blurb=378>).

The forest reserves harbour many wild animals and birds which are valuable both as human food and as potential tourist attraction to travelers - the Gashaka National Park is a very good example here. Useful fruits, nuts and seeds are also obtained in the forest. The trees used to grow wild, but some are now being cultivated, while others are tended in the semi-wild conditions. Most notable of these trees are palm oil (*Eleaisguineensis*), the locust bean tree, (*Parkiaclappertonii*), the Shea butter tree, *Butryospermum sp.*, the Silk cotton tree (*Patandra sp.*) etc. The leaves of some plants are used primarily for wrapping certain food items, while some are used together with roots and barks in medicinal preparations. Many of these are also used in the modern pharmacopoeia. The leaves of *Pandanus spp.* are used for making mats and baskets, while those of the palm tree are used in making brooms. The raffia leaves are used for roof-thatching, rafters and brooms. Hunting of wild animals is also an important occupation in some parts of the state. Bush meat, the flesh of wild animals, accounts for a large proportion of the protein supply in the diet of the vast majority of the rural population. Unfortunately, the game population of the state has dwindled greatly in recent times as a result of indiscriminate killing.

The forests of the Mambilla Plateau and Donga Basin are part of the Guinea Forest biodiversity hotspot, which extends from Sierra Leone to Cameroon. This is one of the most fragmented hotspots on earth with only 10% of the 1,265,000 km² of forest it originally contained remaining (Darwin's Initiative Report). Within the hotspot, there are 270 endemic terrestrial vertebrate species – of which 70 are threatened and seven are critically endangered (including the Western Chimpanzee which occurs in the Mambilla area) – and more than 2,250 endemic plants. Within the project area, there are two globally threatened birds, *Zootheracrossleyi* and *Ploceusbannermani*, and seven restricted-range birds. More also, the Mambilla Plateau montane forests are home to 24 Red Data List plants (Darwin's Initiative Report). Previously, communities were not involved in forest resource management and therefore cared less about what happened to the forests. There is a high level of poverty in the state, which drives the conversion of forests to agricultural land. This has caused tremendous loss of forest resources and biodiversity, which in turn leads to vicious cycle of poverty in the communities. The Darwins Initiative project aims at establishing community forests in unreserved areas and participatory management regimes in forest reserves. They project undertake income generation and livelihood schemes. At the local, state and federal government levels, the broader programme seek to influence decision and policy-making on the role that communities can play in forest management and the contribution that sustainable forest management can make to poverty alleviation and livelihood enhancement (Darwin Initiative Report).

Sustainable forest management encompasses forest law enforcement and governance, involving tackling illegal forest activities, strengthening and reforming forest management institutions, updating and reviewing policy, building legal and institutional frameworks, and increasing capacity to enforce existing laws and policies (Ewane *et al.*, 2015).

The department adopted the agroforestry model of forestry conservation in the state. The department undertake tree planting campaign exercise from time to time and have collaborated with some International non-governmental organization on issues of forestry resource management. Available records shows that from the time of the state creation to date, the department has only been able to make about 287 prosecutions of forestry related offences. So many seizures of timber sawing machines were made but statistics of number of such seizures are not available.

Majority of the forest reserves in the Northern Savanna zone was constituted between 1950 and 1970. In recent times, most forest reserves have been abandoned without annual maintenance and are being threatened by encroachment.

The recent times have however, witnessed an absolute disregard for forest management. Forest reserve is thus not maintained while management plans are either non-existent or abandoned. The country has made several

attempts at putting in place programmes that would ensure the efficient management of her Forest resources. Poor governance in the forest sector is an impediment to achieving optimum development outcomes in the sector.

2.4. Causes of Forest Legislation Violation

Illegal logging can be poverty driven or associated with commercial exploitation of timber. The causes of illegal logging and other forest crimes are complex, and often lie outside the forestry sector. Therefore solutions will also differ. Weak governance, including unclear or nonexistent policies or legislation and their enforcement on the use of forest resources is a key issue. Weak institutional structures, inadequate manpower and lack of capacity result in inability of the department to monitor and enforce forestry legislations in the state. These weaknesses are difficult to address politically, since well-connected interest groups tend to benefit from the status quo and resist change. Colchester (2006) argue that many existing forest laws actually harm the poor, and that current forest law enforcement and governance efforts often focus too heavily on enforcement of legislation and not enough on getting the laws correct.

2.5. Challenges of Forestry Legislation Enforcement in Taraba State

The forestry department is faced with a lot of challenges which include persistent encroachment into the forest and game reserves, illegal logging, high rate of agricultural activities in the reserved area and unsustainable exploitation of forest resources. Despite the setting up of task force (special committee) by the Ministry to curb deforestation in the state, illegal logging of trees has continued to thrive in different parts of the state. The forest resources of the state are fast disappearing as a result of high exploitation. Beside the challenges, the department has continued to grapple with problems such as lack of political will on the part of government, underfunding, lack of or dilapidated office/accommodation (Fig. 1, 2, 3a&b), inadequate manpower, lack of equipment and lack of capacity building, Government preference and emphasis on revenue generation as against biodiversity conservation, Conspiracy of forestry officers, village heads and chiefs with merchant timber loggers, lack of effective supervision, coordination and enforcement of forest legislations. Other challenges are lack of cooperation by stakeholders such as the traditional rulers, low public awareness of the existence of forest reserve and related legislations and lack of technical skills in managing forestry resources in the area.

There is no database on forest reserves and their associated resources in the state. This makes it difficult to ascertain the areal extent of forest reserves and extent of encroachment by both the farmers and cattle grazers in the state. According to the State Director of Forestry, virtually all the forest reserves in the state have been encroached upon through settlement occupation, grazing and farming activities.

According to Udo *et al.* (2009) many people indulge in illegal forest acts due to ignorance, lack of alternative sources of livelihood, the seemingly lucrative nature of illegal acts as a result of the profits made on illegally obtained forest produce without adverse consequences, low ethical standards in the society, and inadequate penalties on offenders (Adeyoju, 1975;1986; Udo, 1997; Ozo-Eson, 2001). Forest offences contribute to forest degradation and destruction, as well as revenue losses by government (Ajayi, 1991; Udo, 1997) and so are at variance with the aims of sustainable forest management.

The study findings revealed that forest monitoring activities in the field by forestry officials were plagued with complicity by some corrupt forestry officials. In the past forest guards and rangers were employed and given uniform, rain boot or footwear and guns to patrol the forest reserve areas, monitor and protect the forest and wildlife resources. But today, there have been no employment in the forest sector in the state for decade and funding of forestry activities have long stopped. The forest patrol uniform (Fig.4&5) that was once the pride of the forestry officials is no more in existence in the state. The forestry unit/department and officials relied on the state government for the provision of this uniform and other logistics. Government on the other hand has diverted its attention away from forestry matters.

Unlike in the Republic of Cameroon where the forests are effectively patrolled to keep people away from encroaching into the forest reserve (Oruonye, 2010) Nigerian forest and the forest of Taraba state in particular have been without patrol for decade. Cattle rearers have taken advantage of this development to graze their animals unrestricted to any available forest land. Farmers have continued to expand their farmlands while settlement also expands unrestricted. Officials of the state forestry department in an interview admit that most of the forest reserve only exist on papers as it is difficult to come across any forest reserve that have not been encroached upon.



Fig-1. Nursery of Forestry department in Jalingo townTown
Source: Fieldwork 2016



Fig-2. Divisional Office of Forestry Department in Jalingo
Source: Fieldwork 2016



Fig-3a&b. Dilapidated Office Block of Forestry Department of Bali LGA
Source: Fieldwork 2016



Fig-4. Forest Rangers and Guards

Source: Fieldwork 2016



Fig-5. Forest Guard uniform

Source: Fieldwork 2016

Thus, if nothing is done urgently, the state is at the verge of losing its precious forest and wildlife resources. It is difficult to enforce any law that can effectively prevent community members from cutting down trees and encroaching into the forest reserve. Their lives and existence depends on it and no cheaper and affordable alternatives to domestic energy exist at the moment.

3. CONCLUSION

This study has examined the challenges of enforcement of forestry legislation in Taraba state. The study findings shows that with increase in population, people need to expand their settlements and require more lands to cultivate in order to meet increasing food requirement. This leads to encroachment into forestry reserve. Poor logistics and weak institutional framework hampers the capacity of the forestry officials to enforce forestry legislation. This has resulted in the depletion of Forest resources particularly timber and woody plant resources. Great importance is now being attached to the few remaining areas of natural climax vegetation (as can be seen in the increasing number of forest reserves in the state), not only because they provide tangible resource materials but also in order to create suitable sites for environmental research and education in resource management and conservation. The study recommends the need for the government to be more proactive on the issues of enforcement of forestry legislation.

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