Evaluation of Forest Resources Conservation Laws In Nigeria

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Introduction

This paper sets out to explore the effectiveness of forest conservation laws in Nigeria. The forest has served as a source of livelihood to people in Nigeria for many generations (Ezenwaka & Abere 2009). It is a source of income, employment, food, medicine, recreation and vital raw materials for many purposes including construction. However, many factors are threatening the sustainability of this source of people's survival (Ezenwaka 2008). Scientific approaches of conservation and or preservation has been proposed (e.g. government setting aside reservation areas through laws) but these are not yielding the anticipated results (of conserving the bio-diversity) as illegal and unsustainable hunting and harvesting of the forest resources are still observed (LENF 1998).

Methodology

This paper is based on a review of various government laws aimed at conserving the Nigerian forest and wildlife resources. Apart from review of literatures, visits were made to the Department of Forestry in Bayelsa State and six Local government Areas in the State to conduct semi-structured interview aimed at appraising the effectiveness of the various laws in the State. Interviews were also conducted with community members in ten randomly selected communities that are located around forest reservation areas as well as traders on forest products. Bayelsa State was chosen because of its abundance in forest and wildlife resources and its location in the central Niger Delta (the Niger Delta still boasts of some pristine forest areas due to the difficult swampy terrain which is hindering loggers from freely accessing the forest resources). Bayelsa State is also known to have some endemic wildlife resources (Powell 1995).

Results and Discussion

1. Efforts aimed at conserving natural resources in Bayelsa State

In order to conserve bio-resources, the government has made efforts at designating certain areas as protected forests. There are six (6) gazetted forest reserves in Bayelsa State. These include:

i. Taylor Creek Forest reserve (218.91km²)
ii. Edumanon Forest reserve (86.76km²)
iii. Nun River Forest reserve (97.15km²)
iv. Apol Creek Forest reserve (64.77km²)
v. Igbedi Creek Forest reserve (66.32km²)
vi. Ikibiri Creek Forest reserve (191.71km²)
According to Amoru (2000), these various government efforts are threatened by illegal human activities in the reservation areas. In many cases, the decision to create these reservation areas has been influenced by the need to preserve / conserve certain habitats or resources. Field observations and interviews reveal that not much success is achieved especially because illegal harvesting of the resources is still rampant. This happens because the local people are not involved in the decision making process that brought about the establishment of such reservation areas (LENF 1998).

An outcome of a participatory natural resources appraisal conducted in many communities of the Niger Delta by LENF (1998) revealed that natives are aware of the declining rate of their natural resource base but (at the same time) ‘will not want government to take away’ their forest (their source of livelihood) from them. The result of the field visit and interviews confirms the position of LENF. The people confirmed the continued scarcity of hitherto abundant forest and wildlife resources.

2. Existing Laws and Legislations on Natural Resources Conservation

(a) Federal Laws
Some of the federal laws that are relevant to natural resources conservation include;

i. The Natural Resources Conservation Act 1989: The Natural Resources Conservation Act is the most direct existing piece of legislation on natural resources conservation. The Act establishes the Natural Resources Conservation Council, which is empowered to address soil, water, forestry, fisheries and wildlife conservation by formulating and implementing policies, programmes and projects on conservation of the country’s natural resources.

ii. Federal Environmental Protection Agency Act (Chapter 131, Laws of the Federation, 1990): The Federal Environmental Protection Act was promulgated to protect the country’s environment from degradation. It establishes the Federal Environmental Protection Agency (FEPA) which promotes natural resources conservation in the country through stringent environmental policy guidelines on effluent limitation, water quality and uses, management of soil and hazardous waters, as well as prevention of pollution of the air, land and the waters of Nigeria. It should, however be noted that the functions of FEPA have been subsumed by the newly established Federal Ministry of Environment.

iii. The Environmental Impact Assessment Act (no 86 of 1992): This Act requires that environmental impact assessment must first be carried out before any project likely to impact the natural environment could be undertaken. Its purpose is to protect all lands in the country from environmental effects of industrial and developmental activities.

iv. Endangered Species (Control of International Trade and Traffic) Act 11 of 1985: This Act makes provision for conservation and management of the country’s wildlife and protection of some of the country’s rare and endangered species. The Act expressly prohibits the hunting, capture of, or trading in any of the 91 animal species classified as endangered wildlife and listed in schedules 1 and 2 of the Act.

v. The National Parks Decree (Decree No 36 of 1991): The Act was promulgated to provide a protective sanctuary for wildlife species as well as to promote and preserve the beauty and conservation of the country’s natural vegetation. Six national parks were accordingly established under the Act. It restricts hunting, fishing and destruction of trees, setting of fires in and around established parks. This has been subsumed in the National Parks Act of 1999 which created two additional national parks.

(b) Laws and Legislations in the States
The States also have some laws, which complement the federal laws on the conservation of natural resources in the respective States.
(c) Traditional / Customary Conservation Practices

The local people have very strong ties with their lands (Ezenwaka & Abere 2010). They have extensive knowledge of their lands and natural resources and have developed ancient habits, practices, and rules, which were used to directly or indirectly regulate exploitation, and thus, ensure conservation of natural resources by both indigenes and strangers. The dedication of certain resources to deities insulated them from human exploitation. Other ancient conservation practices included the restriction of exploitation of forest resources to specific days of the week or seasons of the year; the adoption of agricultural practices like shifting cultivation; the adoption and strict enforcement of customary rules concerning land rights and exploitation of natural resources; and the adoption of licensing regime (payment of a stipulated amount) for stranger elements who wished to engage in the exploitation of natural resources in communities other than theirs (ND-HERO 2006).

Effectiveness of the Government Policies

The study reveals that government policies on natural resources conservation has failed to produce the desired result. Amoru (2000) suggested that this could be because most of these policies had vestiges of colonial interests and did not address the conservation requirements of the local people. Further, these policies were designed and imposed from the top without any regard to the importance in sustaining the livelihoods of people and the danger of coercively preventing them from having access to their own resources located within their neighbourhood (Ezenwaka & Abere 2010). Poaching and illegal timber harvesting is still rampant within and around forest reserves. Traders still have their supplies of timber and wildlife resources from the communities. The community people believe that the much that they are able to harvest will translate to more money for them. The danger which this belief is posing is that the sustainability of the resource base is being threatened on a daily basis because the harvesting rate is greater than the rate of natural reproduction of the resource base.

Effectiveness of Traditional Conservation Methods

While the idea of conservation areas has been kicked against in the rural communities, these same communities have been able to sustain the conservation of forest resources in traditionally preserved areas i.e. sanctuaries. These sanctuaries are referred to as ‘evil forest’ or ‘sacred forests’ in many Nigerian communities (Amoru 2000, LENF 1998). The native laws have been successful in preserving these ‘evil forests’ (LENF 1998). The study reveals that people respect the traditional laws and obeys any traditional rule which governs the harvesting of any forest and wildlife resources.

Conservationists all over the world have recognized the effectiveness and efficacy of such ancient conservation rules and practices (ND-HERO 2006). The Convention on Biodiversity to which Nigeria is a party underscores the need for nations to respect, preserve, maintain and promote the wider use of the knowledge, innovations and practices of local communities and as far as possible encourage traditional and cultural practices that are compatible with conservation and sustainable use of resources.

People Participation in Managing the Natural Resources

It is evident that conservation of natural resources will be achieved when all stakeholders participate in joint management of site. The participation of stakeholders can be achieved by the following steps:

i. Identification of who the stakeholders are in the management of the natural resources

ii. Identification of roles for stakeholders

iii. Development of a framework which shows how stakeholders should participate in ensuring sustainable management of natural resources.

The three steps above can be achieved simply by conducting a stakeholder analysis / mapping.
Role of Local Government Councils on Natural Resources Management

The relevance of Local Government Councils lies mostly in their closeness to the local people. Local Government Councils are conveniently positioned to play significant role in the management of natural resources. Constitutionally, Local Government Councils are required to participate with the State Governments in the development of agriculture and natural resources, with the exception of minerals (Axel Strempplat, Ezenwaka Jasper, et al 2004). Though the aforesaid constitutional provision gives the Local Government Councils some authority to make appropriate policy decisions and byelaws regarding the exploitation and sustainable use of natural resources located within their domain, it is obvious that they cannot make any meaningful contributions because of the several limitations placed on their finances, status, powers and scope.

Land Tenure and Natural Resources Ownership

i. **Indigenous land tenure system:** Before the promulgation of the Land Use Decree in 1978, the land tenure system in Nigeria was communal (ND-HERO 2006). Under the communal system, land and its resources were communally owned and therefore, held in exclusive community or family holdings. Where a community owns the land, title to such land belongs to the entire members of the community. Individual members of the community do not have separate or exclusive personal rights in community land. Every member of the community has equal right of access to the community’s land for his purpose. The administration of community land is vested in the traditional rulers of the community as trustees and they are required to manage such community land beneficially on behalf of the entire community. As trustees, they cannot make or enter into any transactions with any portion of community land and resources without the consent of other paramount chiefs and or elders representing the constituent families of the community (ND-HERO 2006). The requirement of consent (approval to exploit) is to protect and safeguard the interest of the community against any dealings in community land that may be against the economic, social and spiritual well being of the entire community and her resources.

Under the indigenous tenure system, land, could also be owned by the family (Ezenwaka & Abere 2010). Where a family owns land, the absolute title to the land is vested in the family as a corporate entity and not in any single individual member of the family no matter his position or status in the family. However every member of the family has a right to be allotted a portion of family land for building and other lawful purposes. The control and management of family land is vested in the family head. The family head is required to manage such family land in consultation with other principal members of family.

Basically, under the indigenous land tenure system, the local people had well defined ownership rights to land and natural resources and the administration of such lands and resources was institutionally well streamlined and structured. Legal and administrative duties and obligations relating to the protection and sustainable use of resources were integrated into the cultural and traditional lifestyles of the people (Axel Strempplat, Ezenwaka Jasper, et al 2004). The administrative process was collective and consultative. Every member of a land owning community or family believed in the fundamental relevance of the land and its resources to their individual and collective livelihood and accordingly took appropriate measures at all times to prevent or protect family land and resources from unlawful interference, encroachment, exploitation and degradation.

ii. **The Land Use Decree, 1978 (reviewed in 1998):** The Land Use Decree, promulgated in 1978, radically changed and undermined the indigenous land tenure system (ND-HERO 2006). It not only vested authority over all lands within the territory of each state on the Governor of the State, but also gave the State Governor and Local Government Councils ultimate power of control and
management of all lands located in urban and non-urban areas respectively. It further tied the peoples’ land ownership rights to a mere right of occupancy, which they can alienate or transfer, only with the consent of the Governor. Though at the federal government level, the Land Use Decree is seen as capable of enhancing land resources conservation by controlling and preventing the wasteful and destructive use of land and land-based resources, it has failed to receive willing acceptance from the indigenous people who regard it as an obnoxious piece of legislation that has unjustly deprived them of their traditional and legitimate ownership, control and unhindered access rights to their natural heritage (lands) and its associated renewable natural resources (ND-HERO 2006). A review of the Land Use Decree to address the issue of ownership, control and access to natural resources is necessary if conservation efforts are to yield desired fruits.

Conclusion

Importance of conservation and sustainable use of resources need not be overemphasized, particularly, given the fact that the oil and gas era would certainly come to an end and people would have no choice but to fall back on these natural resources for sustenance. This paper has shown that existing policies and legal regime relating to management of renewable natural resources are certainly inadequate and ineffective; a more proactive approach will yield better result.

It is the opinion of this paper that a participatory approach whereby local people are involved in the decision making process (as relates to the sustainable management of natural resources in their environment) will achieve conservation of natural resources.

This paper also buttresses the point that forest conservation laws can be effective if the people are involved from the conceptual stages and are carried along through the stages of implementation and management. Sustainability in natural resources conservation cannot be achieved except the primary custodians are involved in the process (Ezenwaka & Abere 2010).

There are more proposed forest reserves in Bayelsa State which are yet to be gazetted (Amoru 2000); it will be beneficial to adopt a bottom-up approach (Ezenwaka & Abere 2010) in order to achieve the desired results. It is against this background that a departure from the “top-down” approach to a more holistic “bottom-up” or participatory approach (Ezenwaka 2008) that integrates all the traditional conservation practices with modern policies would be necessary for conservation efforts in Nigeria to achieve the desired result.

References

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