

Land Use Decree, Forest Administration and Governance Crises in Nigeria

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Key words: Land, Forest Administration, Governance Crises

SUMMARY

The common thread to forest administration and land-use decree is the conferment of ownership and power of distribution of forest and land on one person, the King or the state governor during colonial and post-colonial eras respectively. This invariably led to the misuse of power that skewed resources allocation and distribution in favour of the privileged few at the expense of the generality of Nigerian people. This despotic action has, since then, generated a lot of controversies and conflicts between original landowners, governments and tenants in forests. Because of the nature of the problems so created and the apathy on the part of Nigerian governments, forest administration in Nigeria has not been able to address these conflictual relations. Lack of clear-cut institutional arrangements during colonial and post-independence eras had caused, and is still causing governance crises as the common man suffers several damages.

This paper found that migrant farmers suffered untold damages in the hands of Ondo State Government as they were forcefully ejected out of their village, *Orisunbare*. The displacement of migrant farmers in *Oluwa* forest reserve in Ondo State of Nigeria confirms governance crises in Nigeria, especially the way conflict of interests between the state government, the indigenous landowners and the migrant farmers was handled. The incidence of conflict mainly impinges on the welfare of the migrant farmers and their families. They lost properties that included houses, farm products and other personal belongings. Children's education was greatly affected. The farmers, no doubt, have been subjected to poverty.

This paper suggests a review of the Land Use Decree and recommends community management approach, which presupposes the symbiotic relationship between government and the community people within a defined institutional and technical framework.

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1. INTRODUCTION

Forest governance crises that weave around land ownership in Nigeria are endemic and could be traced to Land Use Decree of 1978. The Land Use Decree promulgated by the military government in March 1978 remains one of the most controversial and ambiguous legislation ever made in Nigeria (CRP, 1999:1). Similarly, the Land Use Act provides that occupancy can be revoked if the land is required for mining or oil-sector activities (CRP 1999:2). In this manner, the people are not only excluded from the ownership of their land and the control of forest resources, they are also disempowered. The obnoxious land reform has done much harm to the Nigerian people as most land conflicts have their roots in this anti-people land reform of 1978.

The administration of forest reserves in Nigeria leaves much to be desired especially when one considers governments' decisions and policies on utilization of forest resources in meeting the needs and aspirations of citizens. For the past forty years, the administration of forestry had been monopolized by the state government within the federal structure in Nigeria. The exclusion of the stakeholders such as (local community dwellers, hunters, farmers, timber contractors and other non-timber resources users) in the administration of forests directly or indirectly has led to poor forest governance and the consequent crises in forest reserves in Nigeria.

Of particular interest among these stakeholders are migrant farmers in search of virgin land. One of the reasons people migrate is to seek for job opportunities to improve the conditions of living. The rights of migrant farmers, whose means of livelihood hinge on availability of land for cultivation should of necessity, be protected by governments. At the same time, governments should embark on forest protection/management so as to preserve genetic resources and biological diversity so that its overall capacity to provide goods and services is not diminished. There is a universal ring to conflict of interests in forests. Environmentalists, job seekers (farmers, lumbermen and hunters) and government claim justification for their actions.

This paper focuses on the case of migrant farmers in forest reserves in Ondo State, southwestern Nigeria. The concerned farmers in *Oluwa* forest reserve migrated from various states of Nigeria to cultivate ground for the production of cash crops, mainly cocoa, kola-nut, fruits and food crops. The interests to farm however conflicted with that of forest protection pursued by the Ondo State Government. In pursuit of environmental protection program, the state government, backed up by the Land-use Decree of 1978 had earmarked about 16.0% of the land in the state for forest reserves. However, the indigenous landowners under a different arrangement still claimed ownership of their land. They sold land to interested farmers, who paid annual rent (*Isakole*), and with agreement signed, they (farmers) had

confidence in cultivating land, moreover, when such a practice is a common experience. The farmers were not aware of the fact that the land they were cultivating was within forest reserve. The actions of these farmers, however, were considered as encroachment by the state government.

Encroachment into forest reserve actually started around late 1970s and since then the government had been trying to stem its trend. In early 1990s, government opened part of *Oluwa* forest reserve for interested persons for cultivation. As a result, many farmers from various communities in southern Nigeria migrated to the new area (*Oluwa* forest. After some years of cultivation, there was a hitch. The farmers began to receive warning from forest guards who gave them quit notice to vacate the farmlands, and settlements on the ground that the farmers had violated forest laws.

Instead of enforcing forest laws, these forest officials yielded to the ‘temptation’ of rent-seeking; they collected money (bribe) from the migrant farmers. In this wise, forest officials became engrossed in rent-seeking behaviour and thus subjected the farmers to a lot of harassment due to constant ‘raids’. Consequently, the farmers being at their wits’ end put their heads together to resist “oppression”. This invariably attracted government attention, which led to the enforcement of forest rules. The farmers in March 1999 were forced out of the forest through a crude and barbaric method. Before this time, ejection of farmers had taken place in several villages in forest reserves; it occurred in 1995 and 1997 in some villages. The 1999 case took place in *Orisunbare* in *Oluwa* forest reserve. All the houses in the village, *Orisunbare*, were demolished and properties set ablaze when the farmers were away to their farms. They came back only to discover that their houses and properties had been razed down by fire. Here, the state government that should be custodian of people’s welfare acted as the agent of inflicting violence on the weaker and defenseless citizens. However, the case was resolved later and the farmers were allowed to relocate to the nearest village called, *Alayamesan*, about 2 kilometers away from initial settlement, *Orisunbare*.

This paper attempts an analytic discussion on the tripodal relationships between indigenous landowners, government and its agents, and the dimensions of poverty the affected farmers and their households were subjected to.

1.1 Methodology

Data were collected from three groups of people and they were: (a) the indigenous land owners (b) the forest officials and (c) the displaced farmers. Both the landowners and forest officials were interviewed, using different interview guides. The affected migrant farmers were traced to their new locations at *Alayamesan*, others were contacted at *Odigbo* and *Ore* where they settled. It took a period of almost eighteen months to complete data collection because the victims were scattered; some in the new settlement, *Alayamesan*, while others were traced through friends, relatives and acquaintances. At the end of the exercise, 21 affected farmers out of about 65 were interviewed using both structured and open-ended questionnaires.

2. FOREST ADMINISTRATION AND LAND USE DECREE

2.1 Forest Administration in Pre-colonial Era

The history of forest administration in the southwestern Nigeria can be traced back to the pre-colonial era. Johnson (1957) recorded that the people of southwestern Nigeria, comprising the Yoruba as the major ethnic group, administered their forests through indigenous traditional institutions. In each Yoruba town, for example, an *Oba* (King) with the assistance of his subordinate chiefs directed the affairs of the town. These rulers also served as caretakers of ancestral land and the key operative concept for decision making was consensus. It is interesting that these traditional rulers offered their subjects a kind of leadership rooted in the principle of public accountability. In addition, the rulers also operated within this political framework to design rules and regulations for managing forests and other resources. In the case of forest administration, forest laws, which defined how and when to use the forest were enforced by the town's guild of hunters. It was the guild's members who served as forest guards during the time.

These forests served a number of purposes such as places of worship and sources of raw materials for building and construction. However, Johnson's (1957) account did not mention the existence of any place specially designated as forest reserves in the pre-colonial era. But the imposition of British rule on Nigeria brought in a structural twist in forest administration in southwestern Nigeria.

2.2 Forest Administration in Colonial Era

The responsibility which used to be carried out by traditional institutions was gradually usurped by the British colonial administration. It was as a result of these circumstances that organized administration of forests came into being first in 1862 in south-western Nigeria including the Protectorate of Lagos and later, in other parts of the country. Two types of reserves sprang up in south-western Nigeria between 1889 and 1900. These were Government Reserves and Local Authority Forest Reserves. While exclusive control was exercised over the former by the colonial government, the latter were under the native administration. But the ultimate intention of the forest policy was to hand over most of the forest reserves to the local authority councils.

Although forest reserves in the domain of native administrative councils were viable sources of their finance, the administration of forest reserves by native administration councils raised many questions. First, the period was one of connivance between the Obas (Kings), the heads of the native administrations, and the colonial government. These Obas collaborated with the colonial master to extract resources to meet the needs of the colonial home country instead of those of the indigenes (Olowu, 1996). Many of these rulers conducted themselves as absolute monarchs.

Consequently, customs and traditions of the people and respect for the principles of public accountability, responsiveness and transparency which, before colonialization served as

sources of checks and balances on the rulers, gradually became moribund. Thus, there followed abuse of power by many heads of the native administrative councils. This eventually led to opportunistic exploitation of forest reserves by traditional rulers with little or no benefit to the people within each council's domain (Akinbode, 1996; Oriboiye, 1997).

With the introduction of the system of representative local government in Western Region in 1954, the native authority councils lost forest administration to the representative local government councils. Although some members of the old native authority councils did not give up forest matters immediately, their placement made councilors the custodians of forest reserves. Also, the choice of exploiters began to be the decision of local government councils. Characteristic of the periods of representative local government system and native administration was the problem of dual administration of forest reserves. This involved the forest policy emanating from the regional government and the local governments that were expected to carry them out (Adeleye, 1989).

2.3 Forest Administration in Post-colonial Era

The problem of dual control greatly encouraged unauthorized timber felling. The situation continued to grow worse as ill-trained, dishonest local government forest guards connived with councilors to flout the laws imposed by the regional government. Due to the degrading nature of the forest reserves in Western Region, the government was forced to raise some probe panels in the late 1960s (Olayemi, 1985). Among the panels set up were the Mabogunje Committee on Forest Policy and Management (1966-1967); Somolu Commission of Inquiry into the Assets of Public Officers in the Western State (1965-69); and the inquiry into the Assets of Certain Local Government Officials in the Western State (1969-1970). These panels separately raised accusation of conflict of interest against certain politicians and forestry officials who were accused of unduly enriching themselves either by plundering forest reserves or diverting vast sums of public revenues accruing from exploitation into private pockets and saving accounts.

An important problem identified in the afore-mentioned forestry laws was that the making of the laws were unilateral. This is because they were enacted at the central level of government without the involvement of the concerned local governments and forest users. Apart from this, a number of other problems militated against the administration during the colonial period. First, there was lack of regeneration exercise which might have led to shrinking of forest reserves in the region. Second, because of the overwhelming interest of foreign firms, a lot of indigenous timber contractors could not have access to the reserves. Third, forest officials were not adequately remunerated and equipped with the required facilities such as patrol vehicles. Fourth, bribery and connivance with illegal forest users were very rampant among forest officials. The findings of the probe panels mentioned earlier also corroborated the existence of these problems.

To avoid the above problems, the old Western State took over all forest reserves within its geographical territory and began to have full responsibilities for their administration from the late 1960s. Thus, a Forest Commission directly responsible to the state government was

established to administer all local forest reserves. This marked the beginning of the administration of forest reserves by the state government in south-western Nigeria. Even when the old Western state was divided into smaller units (state) in 1976, each state continued to exercise ownership and administration over all its forest reserves. Nothing has changed this arrangement in Nigeria up to date.

2.4 Land Use Decree, 1978

The Land Use Decree of 1978 expropriates land from original owners (compounds/families) and confers the ownership on the executive governor of each state of the federation.

All land comprised in the territory of each state (except land vested in the Federal Government or its agencies) are hereby vested in the Governor of that State, who would hold such land in trust for the people and administered for the use and common benefit of all Nigerians in accordance with the provision of the Act (Land Use Act, 1978, section 1).

As a result, the state governor now had the responsibility “for allocation of land in all urban areas to individuals resident in the state and to organizations for residential, agricultural, commercial and other purposes while similar powers with respect to non-urban areas are conferred on Local Governments.” Generally, the Land-use Decree of 1978 has many problems. The decree underestimates the rights of indigenous landowners who still lay claim to their land. In Nigeria today, after buying a piece of land from government, the indigenous owners still have to be consulted and buyers must sign agreement with them (owners) but they normally back-date the agreement to period before 1978. This arrangement has undoubtedly given rise to double payment on the part of buyers.

According to Oretuyi (1991), the background to the Land Use Act of 1978 was wrapped in two factors. First, there were difficulties experienced by ministries and agencies in acquiring land for Federal projects. Second, land speculation in urban areas led to prohibitive price of land in such a way that it became virtually impossible for individuals, particularly the low and the middle income groups and business concerns to acquire land. However, reality shows that the Act favours government alone and as well as those in governments but creates serious difficulty for the common man to acquire land.

The philosophy underlining Land Use Decree seems to emanate from Hobbesian theory that believes that few individuals should be empowered to make and enforce rules on the society. Thus, they expect that external force plays the major role in organizing human life and keeping self-interested individuals from free-riding. Or, in Hobbes' ([1651] 1994) words, “covenants without the sword are but words, and of no strength to secure a man at all.” This Hobbesian tradition implies that human beings are unable to cooperate for their common interests without the threat of force.

But the weakness of Hobbesian theory was quickly pointed out by the public choice scholars on the argument that such few individuals would mis-use the power for their self-interests and not for the common good of the citizens. The public choice theories of collective action,

in contrast, suggest that individuals under certain institutional arrangements and shared norms are capable of organizing and sustaining cooperation that advances the common interest of the group in which they belong (see, for example, Ostrom 1990). This line of thought recognizes that human beings can organize and govern themselves based on appropriate institutional arrangements and mutual agreements in a community of understanding. This is the fundamental of Institutional Analysis and Development (IAD) framework. IAD believes in institutional arrangement designed by people who cooperate based on rules and constitution of their choice; and thereby able to resolve socio-economic and political problems which other people (external to their conditions) are not capable of doing for them. These theories consider the role of evolution, culture, learning and social norms in the discourse on collective action (Ostrom and Walker 2003). Institutional structures that people have developed over the years avail individuals in the community to make inputs to development in their locality by contributing towards projects (labour, finance, and materials) and decision-making in political arenas in rural settings. Unfortunately, the Land Use Act fails to recognize community initiatives and local inspirations in its design and operations.

Omotola (Quoted in *Shelter Watch*, 1996:39) also submits that the Act is no doubt infested with many ambiguities, contradictions and confusion which must have made those concerned with its administration (civil servants) uncomfortable with its provisions. These contradictions proved difficult to be resolved by the judiciary as “judicial interpretation of different sections, words and phrases used in the Land Use Act have resulted in long drawn and bitter legal battles” often going as far as to the Supreme Court (Constitutional Rights Project, CRP, 1999:2).

Similarly, odious are the arbitrary powers in the decree regarding issues such as “grant and revocation of rights of occupancy, the quantum of damages payable by government for compulsory acquiring lands, designation of lands as urban or non-urban, the duration of a certificate of occupancy and so on... determined capriciously and without any objective criteria. The result is that the powers to determine these issues are often abused to the detriment of citizens and communities” (Constitutional Rights Project, CRP, 1999:2).

It is important to add at this juncture that it may be difficult to recall other countries in the world where similar legislation on land operated. However, one thing that is clear is that the origin of the law in Nigeria is traced to a similar law enacted by the British in northern Nigeria, inspired by the English tradition which vested all land on the English Crown. Therefore, it can be said that the law is of colonial inspiration and feudal inclination for the purpose of exploiting, expropriating and oppressing the citizens.

Again, the method adopted in arriving at compensation paid to the people whose land were acquired was oppressive in the sense that the old rate of compensation designed in the 1980s was applied in the 1990s without due consideration for inflationary rate. This was confirmed by Akinola and Awotona (1997:195) when they discovered that affected landowners, due to the construction of roads in Osun State, Nigeria, were worse off in terms of compensation.

The rates of compensation on the actual value of property affected were 33.0% for rural areas and 57.6% for urban areas.

3. FOREST GOVERNANCE

3.1 The Concept of Governance

Olowu and Akinola (1995:23) view governance as an approach, or perspective which focuses on state and institutions crafted by the people, the relationship between them and how rules are made in a society which is accepted as legitimate by individuals and groups within the society. According to Adedeji (1997:13), good governance is expected to build an effective relationship between the people and their governments. In the view of Hamdok (2001), good governance encompasses an effective state, civil societies, communities and private sector that are allowed to play independent and complimentary roles to facilitate political, social and economic interactions so as to foster societal cohesion and stability. All these elements, in combination with sound economic management, are essential for sustained development (ADB 1999; Jerome 2004:207).

Poor governance has been mostly reported in Nigeria since the country attained political independence in 1960. Despite the economic growth that Nigeria experienced about two decades ago, majority of the people continue to live below poverty line. They are also deprived of the basic needs of life (Olatunbosun, 1975). Nigerian leaders have often been accused, and justifiably too, of economic mismanagement, wanton squander-mania, embezzlement or misappropriation of public funds (*New Age*, Wednesday June 30, 2004, p. 1; *Nigerian Tribune*, Tuesday, 26 October, 2004, p. 3).

As a matter of fact, corruption and unethical behaviors appear to have been institutionalized in Nigeria. The successive policy makers have been less interested in high productivity and high quality work and service. This view is buttressed by the results of three governance and corruption diagnostic surveys in Nigeria which show that majorities (90.3%) and (84.6%) of the respondents considered unemployment and corruption in the public sector respectively as major constraints to development (World Bank, 2002 cited in Ajibola, 2005). Governance in Nigeria is generally disordered and disarrayed. The politicians, military leaders and civil servants at the corridor of power are not prioritizing rural welfare. Rather, the public funds at their disposal are used to propagate selfish ends and the masses especially the rural dwellers suffer (Akinola 2000, 2003a, 2004).

3.2 Forest Governance

Forest governance can be defined as the management of forest resources within a particular institutional and technical environment bearing in mind the welfare of citizens whose livelihood hinge closely on forest resources and the need to maintain ecological balance. The technical environment provides the tools and knowledge, which define how a resource is used as a factor of production. The institutional environment defines who controls the resources and how the technique is applied. In another words, forest governance can be

referred to as the process of planning, utilizing and managing forest resources through joint efforts of the governor(s) and the governed (the people). In such instance, forests are regarded as common property resources or common pool resources.

Forests as natural resources exist as stocks. The physical quantity available for use is more or less fixed: what is used now will not be available later. Hence, they are not renewable. Extraction of forest resources below certain minimum size will render afforestation projects impotent. If forests are to be properly managed, neither the position of altruist nor that of free rider will produce meaningful result. All forest resources users constitute interdependent groups and they must subscribe to the rules of conduct governing forestry. Altruism cannot be depended upon to sustain forest resources, and free riding is the basis for the so-called 'tragedy of the commons'. A system of common property regime between government and people is inevitable. Common property regime provides assurance that the resources on which all persons collectively depend will be available sustainably. The adoption of private or state-property rights could not provide such assurances since the consequences for productivity, sustainability and equity would be different.

Unfortunately, we do not have forest governance in Nigeria but purely forest administration devoid of people or users' considerations (Olajide 2005). Government's efforts of protecting forest are undermined by the fact that government has failed in its responsibility in other areas of life that are critical to the citizens. For instance, the absence of job opportunities for Nigerian citizens along-side forest protection program makes forest policy nonsensical and tangential when people who are ready to work at any rate (even by farming), for survival are jobless. It is on the basis of this problem that the conditions of the displaced migrant farmers are examined vis-à-vis the policy of Ondo State government on forestry.

4. ECONOMIC DEPRIVATION AND FOREST GOVERNANCE CRISES IN NIGERIA

This section contains the discussion of findings on three groups of people and they are: the indigenous land owners, the forest officials and the displaced farmers.

4.1 The Indigenous Land Owners

The original owners of the land were the people of *Odigbo* community, whose land was acquired through the Land Use Act of 1978. Reports have it that the indigenous owners normally claim ownership of their land despite the Land Use Act. They sell land to immigrant farmers who were interested in farming. All efforts to get information from the indigenes on the procedure of sale of land proved abortive. However, the fact remains clear that there were some deals between the landowners and the immigrant farmers.

Forests are centers of conflicting interests, which are all legitimate. The forces of conservation of forests, and the need to farm in new fertile land due to increasing population oppose one another in forest management. The series of conflicts between the government and the original forest dwellers on the one hand and between the forest guards and farmers on

the other hand are deeply rooted in the confusion between the land tenure system and the Land Use Act of 1978. The land tenure system that was operated before the advent of colonialism vested land ownership in the hands of community and family. However, section 1 of Land Use Act of 1978 takes away absolute ownership of land from the people and vests it in the Governor. Under section 34 and 36 the former absolute ownership are converted into rights of occupancy.

4.2 The Forest Officials

Information from forest officials confirmed the reliability of Ondo State Government on forest resources, especially timber as an important source of internally generated revenue. Other subsidiary companies like furniture making factory, drug manufacturing companies all depend on forest resources as inputs for their production. In addition, hunters, lumberers, herb-seekers and other commercial resource-seekers patronize *Oluwa* forest reserve. It was gathered that the state government gives “permit”, which is renewable every six month to forest users at a fee of ₦500.00. The forest users include hunters, farmers, herb-seekers etc. The food crops farmers were given ‘teak seeds’ to be planted on their farms. This was one of the methods being used for afforestation. For the cash crops farmers, who were regarded as “illegal farmers”, government issued them “encroacher’s form” as a form of ‘permit’. The intention of “encroachers form”, according to officials, was to enable government to regulate and control the farmers’ activities.

4.3 The Displaced Migrant Farmers

Analysis shows that 90.0% of the respondents were male, while female accounts for 10.0%. The age structure indicates that the majority (38.1%) of the displaced farmers were 50 years of age. This was followed by one-third of the people (33.3%) in the age bracket of 31-40 years. The age-grades of 21-30 and 41-50 years have equal percentages of 14.3% each. Tracing the origin of the affected farmers, it was discovered that all the victims of ejection were from southwestern states of Nigeria, excluding Ondo State where the forest reserve is located. This confirmed that the government action was carried out against the farmers because they were regarded as non-indigenes of the state.

Though the issue under consideration relates to forest protection, within the context of Nigeria, the case probably has political undertone in the sense that every state in Nigeria is rigorously pursuing indigenization policy by restricting opportunities of all kinds to non-indigenes. Non-indigenes, though Nigerians, do not possess equal rights with the indigenes of a particular state. Whereas, the concept of citizenship suggests that a citizen of a country should be able to move freely and reside anywhere within that country to fulfill his/her socio-economic aspirations. Going down the memory lane, up till 1983, this freedom was enjoyed by Nigerian citizens. Nigerians, regardless of their state of origin lived and worked in states of their choices. The same applied to migrant farmers in the cocoa-producing region of the South-Western Nigeria at that time.

The military incursion into politics in 1984, however, introduced the idea of indigenization. All the state civil servants were asked to go back to their states of origin, and since then ethnic, tribal and state consciousness had gained ascendancy. For example, there are sundry cases of senior civil servants, who are non-indigenes being subordinate to junior workers who are indigenes in some states in Nigeria. This type of ‘differential’ treatment represents denial of rights and full citizenship to the group of people concerned within their nation.

It is strongly felt that if the affected farmers in *Ore* forest reserve were indigenes of Ondo State, a different approach would have probably been employed in resolving the conflict. If the rights of farmers are to be recognized, a more honourable step would probably be taken to address the conflict. The approach being used in *Oluwa* forest reserve deserves serious attention considering the implications on the democratic setting in the country. It threatens national unity. Further analysis shows that the people migrated over a considerable distance to the forest reserve. For instance, 86.0% of the group migrated over a distance of 200 kilometers, while 14.0% covered a distance of 350 kilometers. However, analysis shows that the majority of the respondents (81.0%) had lived in the village for about 10 years, 14.0% for about 15 years, while 5.0% had stayed there for about 5 years.

Investigation into major projects that the people had embarked upon before they were displaced shows that one-third had built houses in the village. Unfortunately, the houses were demolished. 24.0% had landed property developed outside the village (in their home town), while 43.0% had only cocoa plantations as their major projects.

The income structures (monthly) of the respondents before the incident and after the displacement were compared to serve as basis for gauging the impact of government action on the economic life of displaced farmers. Analysis shows that the displacement of the migrant farmers had negative effect on their income. The number of those within the low-income bracket (less than ₦2,500.00) had increased from 4 to 10, while the number of those found at the high-income level (above ₦2,500.00) had decreased from 17 to 11. Meaning that the displacement affected the economic life of the people, thus they were rendered poor.

It was discovered that all the persons interviewed lost their houses, farm produce and personal property kept within the houses. Thus, they were rendered homeless and poor. The effect on children’s welfare and their education depicted that 76.0% of the families interviewed swallowed bitter pills in terms of finance and clothing materials, while 14.0% relocated their children to relatives outside the village. The remaining 10.0% were not with their children in the village in the first instance. Among those with children, two-thirds of them had only one child in nursery and primary schools, while one-third had two children in the same educational category. 14 children in nursery and primary schools were affected. Also, it was confirmed that 10 children in secondary schools were affected and 2 children in tertiary institutions were hit by the incident. Numerically, the total number of children whose education was affected was 26.

The victims’ comments on the government’s action varied. 76.0% viewed the action as a total loss to them. The way they were rendered homeless over-night suggests lack of concern

for citizens welfare on the part of government. However, about 24.0% still believed that government should have served them a quit notice.

The majority (43.0% of the victims have attained to the level of secondary/technical education and their reasons for going into farming ranged from insufficient income (42.8%), unemployment (28.6%) and business failure (28.6%). This explains the critical prevailing situation in Nigeria. Workers are poorly remunerated and most people preferred going into farming (with manual labor), which is energy sapping. Unemployment and poor wages suggest low purchasing power, which invariably leads to poor business performance.

The only person among the respondents who had attained a University degree went into farming because of unemployment. The implication of the displacement of this group of people is far reaching. The failure of the government to fulfill its responsibility – job opportunity, reasonable salary and wage structure above poverty line – compelled the people into farming. Further, it was found that one-third of the people had no formal education and their explanation for going into forest was based on the fact that their original farmland had become infertile and having discovered new land in *Oluwa* forest, they moved. Agricultural policy should, from time to time, reflect the needs of this category of people.

The poverty alleviation programme of the Federal Government of Nigeria can only be a success at the grassroots when the needs of the farmers are addressed. The migrant farmers in *Oluwa* forest fall into the primary poverty group (for causal) and transitional poor (for behavioral) for some reasons. First, the farmers migrated in search of agricultural land, an action justified in the light of struggling for survival. The government, ideally, is supposed to design a special program for this set of occupational group by opening forest for cultivation and at the same time, design and execute afforestation program. Secondly, one unemployed university graduate that was affected by the incident should give serious thought for policy consideration. After spending four or five years to acquire university education, he could not get job hence he resorted to farming.

It should be, however, categorically stated that the actions of cash crops farmers are “justified” in the light of forest policy. For instance, the Ondo State laws of 1978 (Cap 40 vol. II) emphasized the provision of employment in rural areas in the different forestry activities and encouragement of local farmers in food production through agro-forestry project. If this is so, what happens to the cultivation of cash crops? It should be remembered that economic trees – cocoa, kola-nut, coffee and palm trees - once planted remain for years and they are evergreen. Meaning that they serve dual purposes – economic and environmental (green cover).

Migration is a means to an end for farmers and a way of occupational continuity due to decrease in soil fertility. If farmers’ needs are to be met, there is need for them to move from area of low fertility to area of high fertility. Hence, good governance places high premium on the needs of the farmers so as to satisfy their aspirations.

Analysis of major contributors to forest depletion in Ondo State shows that farm settlement¹ occupies fifth position with 13.04% after timber (saw-milling) 26.25%; extraction/road construction, 19.56%; federal highway road construction, 16.93%; electric power-line, 17.70%; and oil pipe and gas line installations, 6.52% (Ondo State of Nigeria). The argument is that these activities that are also contributing to forest depletion in one way or the other are tolerated by the government. The question then is: Why concentrating on those farmers who are part of the society that government should care for?

5. PROGNOSIS

Forest protection is universally recognized as an indispensable task for achievement of environmental health and sustainable development. However, recent experiences across the globe are pointing to the fact that forest protection programme devoid of people's participation amounts to waste of resources on the part of government, forest depletion and deprivation of the grassroots of the resources within their environment.

In the light of economic deprivation suffered by Nigerian farmers in the hands of government, this paper recommends the adoption of community management approach for effective forest governance. There cannot be forest governance without people participation. First and foremost, the Land Use Act of 1978 should be reviewed in the light of the confusion the Act has generated since its inception. Considering the problems the Act has created vis-à-vis its objectives, it is imperative to design alternative means of acquiring land by governments without necessarily eroding the traditional ownership in land.

This paper recommends community management approach which presupposes the symbiotic relationship between government and the community people within a defined institutional and technical framework. The technical environment should provide the tools and knowledge, which define how forest resources would be used as factors of production. The institutional environment should define who controls the resources and how the technique would be applied. In this wise, the process of forest governance would involve both the government and the people in planning, utilization and management of forest resources.

It should be pointed out that forest management is best coordinated at local level. Hence, forest management program should be decentralized to local governments. The state should commit both financial and technical resources to such local governments for effective operations. Forest Management Committee (FMC) should be constituted and this should comprise forest officials, local politicians, community leaders and representatives of all occupational groups (forest resources-users).

Recognition of all occupational groups that exist within each local government area is one of the important steps to be taken. Such groups include: hunters, lumberers, farmers, fishermen etc. Leaders of these groups should be part of Forest Management Committee (FMC). The first task before the committee is to share views and values of the three major groups –

¹ Farm settlement is the area of land occupied by dwelling houses for farmers who produce cocoa, kola-nut, coffee etc.

government representatives, landowners and resources-users. Among the issues to be discussed are: the importance of forest to all the interest groups; the implications of forest depletion; the contributions of each group towards resources regeneration and afforestation; and tasks and responsibilities that each group should carry out for effective forest governance. Then group representatives would then pass decisions to their members and each group would have to use different methods (agreed among its members) in accomplishing tasks assigned it.

The goal of the committee would be to decide on three main issues and they are:

Area of forest forbidden to enter (reserved area) for a certain period of years, say, 25 – 30 years. Area of forest earmarked for cultivation for a certain period of years, say, 25 – 30 years. Areas of forest designated for hunting, lumbering, fishing etc. for a certain period of years, say, 25 – 30 years. The reason for suggesting this period of years (25 – 30 years) is because most of the cash crops like cocoa, kola-nut, coffee etc. have their gestation period within this range. After this period, most, if not all, would stop yielding fruits if not die-off. At the same time, this period is also considered long enough for natural regeneration of forest.

After the expiration of the first period, say, 25 – 30 years, cultivated land should be left for fallow and other part of the reserved forest should be opened for cultivation and lumbering. The rotation will continue and by so doing, it is hoped that the interest of all the groups would be taken care of. More importantly, measures to reduce the rate of deforestation in Nigeria should include acceleration of economic growth and incomes, particularly in the rural areas, the integration of forestry with agriculture through agro-forestry, improvement of farming system with more capital input, and education of the general public on the importance of preserving forest values.

It is believed that if these suggestions are taken into consideration, a responsive policy on forest governance would emerge and a shared community of understanding among the stakeholders necessary for good governance would lay the foundation for sustainable forest management in Nigeria.

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