

LAND USE DECREE, FOREST ADMINISTRATION AND GOVERNANCE CRISES IN NIGERIA

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INTRODUCTION

- Forest governance crises that weave around land ownership in Nigeria are endemic and could be traced to Land Use Decree of 1978.
- 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.
- The people are not only excluded from the ownership of their land and the control of forest resources, they are also disempowered.
- This invariably led to the mis-use of power that skewed resources allocation and distribution in favour of the privileged few at the expense of the generality of Nigerian people.

INTRODUCTION (Contd.)

- This despotic action led to controversies and conflicts (original landowners, governments and tenants in forests)
- Lack of clear-cut institutional arrangements (colonial and post-independence eras) - governance crises
- 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.
- For the past forty years, the administration of forestry had been monopolized by the state government within the federal structure in Nigeria.

INTRODUCTION (Contd.)

- 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.
- This paper found that migrant farmers suffered untold damages in the hands of Ondo State Government – ejection out of their village, *Orisunbare*.
- The displacement of migrant farmers in *Oluwa* forest reserve in Ondo State of Nigeria confirms governance crises in Nigeria

Conflict of Interests

- 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.
- The rights of migrant farmers (in search of virgin land) should be protected by governments.
- Governments should embark on forest protection/management
 - Ondo State Government had earmarked about 16.0% of the land in the state for forest reserves
- The indigenous landowners still claimed ownership of their land and sold land with annual rent (*Isakole*).
- Encroachment into forest reserve actually started around late 1970s and since then the government had been trying to stem its trend.

Conflict of Interests (Contd.)

- Instead of enforcing forest laws, these forest officials became rent-seeking
- This 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.

Conflict of Interests (Contd.)

- The 1999 case took place in *Orisunbare* in *Oluwa* forest reserve. All the houses in the village, *Orisunbare*, were demolished and properties set ablaze.
- 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.

Methodology

- Data were collected from three groups of people
- (a) the indigenous land owners
- (b) the forest officials and
- (c) the displaced farmers.
- 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 18 months to complete data collection because the victims were scattered
- At the end of the exercise, 21 affected farmers out of about 65 were interviewed using both structured and open-ended questionnaires.

Forest Administration in Pre-colonial Era

- In the pre-colonial era, the Yoruba administered their forests through indigenous traditional institutions.
- The traditional rulers offered their subjects a kind of leadership rooted in the principle of public accountability.
- The rulers also operated within this political framework to design rules and regulations for managing forests and other resources.
- Forest laws (defined how and when to use the forest) were enforced by the town's guild of hunters.

Forest Administration in Colonial Era

- The responsibility of traditional institutions was usurped by the colonial administration.
- Two types of reserves between 1889 and 1900:
- Government Reserves - colonial government
- Local Authority Forest Reserves - native administration
- Forest reserves (native administrative councils – headed by the Obas) had some problems:

Forest Administration in Colonial Era (Contd.)

- The Obas collaborated with the colonial master to extract resources to meet the needs of the colonial home country instead of those of the indigenes
- Many of these rulers conducted themselves as absolute monarchs - abuse of power.
- Opportunistic exploitation of forest reserves by traditional rulers
- Little or no benefit to the people (Akinbode, 1996; Oriboye, 1997).

Forest Administration in Post-colonial Era

- The problem of dual control greatly encouraged unauthorized timber felling.
- Politicians and forest officials plundered forest reserves (because forest laws were enacted at the central level of government without the involvement of the concerned local governments and forest users).
- Lack of regeneration exercise - shrinking of forest reserves
- Foreign firms dominated access into the reserves.
- Forest officials were ill-equipped not well remunerated.
- Bribery and illegal forest users among forest officials.

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.
- Double payment on the part of buyers.
- The Act favours government but creates serious difficulty for the common man

Land Use Decree, 1978 (Contd.)

- 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. "covenants without the sword are but words, and of no strength to secure a man at all."
- 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.

Land Use Decree, 1978 (Contd.)

- The public choice theories - 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.

Land Use Decree, 1978 (Contd.)

- 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.

Land Use Decree, 1978 (Contd.)

- Unfortunately, the Land Use Act fails to recognize community initiatives and local inspirations in its design and operations.
- Again, old rate of compensation designed in the 1980s was applied in the 1990s without due consideration for inflationary rate (Akinola and Awotona (1997:195)

FOREST GOVERNANCE

- 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).
 - forests are regarded as common property resources or common pool resources.
- Unfortunately, we do not have forest governance in Nigeria but purely forest administration devoid of people or users' considerations (Olajide 2005).
- When governments could not provide jobs for the youths, they should allow them to cultivate the ground.
- 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.

FOREST GOVERNANCE (Contd.)

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ECONOMIC DEPRIVATION AND FOREST GOVERNANCE CRISES IN NIGERIA

The Displaced Migrant Farmers

- Analysis shows that the government action was carried out against the farmers because they were regarded as non-indigenes of the state.
- As majority (86.0%) of the group migrated over a distance of 200 kilometers.
- This threatens national unity.

Economic Effect of Displacement

- Analysis shows that one-third of the displaced farmers had built houses in the village (the houses were demolished).
- The number of those within the low-income bracket (less than N2,500.00) had increased from 4 to 10,
- The number of those found at the high-income level (above N2,500.00) had decreased from 17 to 11.
- Meaning that the displacement affected the economic life of the people, thus they were rendered poor.

Educational Level of the Victims

- 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.
- Only one university graduate went into farming because of unemployment.

The effect on children's welfare and their education

- 76.0% of the families interviewed were affected in terms of finance and clothing materials.
- 14.0% relocated their children to relatives outside the village.
- 14 children in nursery and primary schools were affected.
- 10 children in secondary schools were affected
- 2 children in tertiary institutions were hit by the incident (in sum, 26 children were affected educationally)

PROGNOSIS

- 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.
- The Land Use Act of 1978 should be reviewed in the light of the confusion the Act has generated since its inception.
- Community management approach which presupposes the symbiotic relationship between government and the community people within a defined institutional and technical framework.

PROGNOSIS (Contd.)

- 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.

PROGNOSIS (Contd.)

- In this wise, the process of forest governance would involve both the government and the people in planning, utilization and management of forest resources. There cannot be forest governance without people participation.
- 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 Ondo State and other states in Nigeria should commit both financial and technical resources to such local governments for effective operations.

PROGNOSIS (Contd.)

- 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).

PROGNOSIS (Contd.)

- The first task before the committee is to share views and values of the three major groups – 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.

PROGNOSIS (Contd.)

- 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.

THE END

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