

FRM 505 LECTURE NOTES

FOREST POLICY, LAW & ADMINISTRATION

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FOREST POLICY, LAW & ADMINISTRATION

Forest Policy could be defined as a plan of actions designed to indicate what proportions nation's land area should be allocated or allotted.

How the areas so dedicated are to be developed and how the products are utilized to the maximum benefit of the public simply put, forest policy could be considered as consisting of those principles which govern the actions of the people with respect to forest reserves.

The forest policy is important for the following reasons:

1. The long period of growth of timber requires continuity of management even beyond life span of a man.
2. Timber and most forest resources are renewable. Appropriate management policy is adopted in ensuring that they are kept at high level yield and productivity.
3. The influence of the forest is far beyond the piece of land on which it is located. Hence a policy must be adopted in which could prevent the wanton destruction of the forest if the public is to enjoy to the fullest the benefits of the goods and services derived from the forest.
4. There are many competing land users. A policy is therefore needed to reduce the conflict amongst these users. A forest policy is adopted to avoid scarcity of forest resources and to prevent abuse of forest land.
5. The forest policy provides avenue for the chief conservator of forests C:C:F. to constructively argue his case out without political prejudice or misappropriation.

In making forest policy, the following factors must be considered:

- (1) Type of soil
- (2) Climatic factors
- (3) The desirable spp.
- (4) Growth rate of spp.
- (5) Silvicultural characteristics
- (6) Human population and growth rate
- (7) Pattern of wood consumption
- (8) Import & Export Possibilities
- (9) Technical Advancement
- (10) Economic development programme.

Hence the formulation of forest policy should be an interdisciplinary effort. This is because it could require the contribution of an economist, the forest managers, the town planners, silviculturists, forest pathologists to mention just a few.

The forest policy therefore contains either the national or state forestry objectives and goals.

Amongst those which are for example the Nigerian policy covers include:

- (a) Consolidation of forest estate.
- (b) Protection of soil through forest vegetation.
- (c) Protection from forest fire.
- (d) Conservation and improvement of water supply through the presence of forest and the management of such forests.
- (e) Keep the survey and inventory of forest resources up to date.
- (f) Planting and improvement of poorly stocked land e.g. Marginal Land.
- (g) Multiple use of forest land.
- (h) Establishment of integrated wood based industries rather than stopping at forest product processing enterprises.
- (i) Exploitation of high quality manufacture – forest products.

The adoption of the forest policy is the constitutional duty of the legislature which means that the formulation and preparation of forest policy is done by executive house of the government based on the advice made by the forestry services. Once passed and adopted and accepted by the government it becomes a law. You have to note that

the forestry services is the originator of a forest policy, advises the government on the content of forest policy and executes the forest policy.

MACHINERIES/TOOLS USED IN IMPLEMENTING OR FORMULATION OF FOREST POLICY

Among them are:

- (1) Public ownership of land.
- (2) Public regulation of private land
- (3) Financial assistance to approved desirable projects
- (4) Provision of technical assistance
- (5) Research
- (6) Education
- (7) Tariffs and trade assistance
- (8) Forest Protection against fungal, bacterial, fire pests attacks.
- (9) Land Use Planning

NIGERIAN FOREST POLICY AND OTHER FORMS OF LAND USE

- (1) Urban Development – settlements, facilities like roads and other land consuming projects.
- (2) Agricultural Sector – food crop production, cash crop production.
- (3) Industrial – Civil, Military

Before we develop into the industrial we consider social cost and social benefit factors – capital, labour, land and technology.

In Nigeria, Agriculture, forestry, industry and urban development forms the major land use sector. In many developing countries relationship are being established between forestry and agriculture in one hand and between forestry and urban development on the other hand. In Nigeria this relationship has never been established.

The attempt to develop this has been failed by lack of communication and the change from subsistence economy to an industrial economy.

Forest have disappeared due to the conversion of forest land to Agricultural land which is usually accompanied by prolonged cultivation, frequent burning and uncontrolled exploitation of forest products, expansion of settlements and increased industrial activities both in the manufacture and mining sectors.

It appears there is a general lack of appreciation and general understanding of the benefits derivable from forest resources. Among these are the wood products vegetative products, animal products, water, recreational facilities, soil stabilization flood reduction, modifications of the climatic conditions and other environmental facilities/amenities. Some of the benefits may be obtained from a single forest. It must be appreciated that although a single forest may simultaneously produce various benefits, an attempt to increase the yield of these goods and benefits may lead to serious conflicts.

The intensive use of the forest for one product might not be compatible with its intensive use for another product e.g. Yankari.

There is no difficulty in land use when the piece of land has to be put into only one use like protective forestry. But it so often happens that uses to which land can be put are many and there arises a question of which purpose or use to which the land should be put.

Generally, there are two ways of resolving this conflict. These are economic and non-economic considerations. In pure financial considerations have many antagonists particularly among foresters who contend/argue forestry cannot compete with agriculture economically.

Ranganatan (1950) argued that these are many incentives rather than financial benefits for keeping the land under forest use imperpetuality.

Similarly Eggeling (1949) suggested that each of the uses to which land could be put could be considered against its own background and must be judged by its merits. While this idea could be accepted Gane (1969) suggested that the social benefits of forestry are more crucial in the developing countries.

For example at Uyo, there are more suggestions that the forestry department should play a great role in arresting gulley erosion which does not only washes away rich agricultural lands dangerously but are a menace to villagers and farms. In the same vein, the social cost and social benefit should be seriously considered whether to put a piece of land to grazing or afforestation of the northern zone of the country.

In recent years, a lot of work has been done on analyzing the chief determinants of land use. Several factors have been frequently discussed and these are as follows:

- (1) The cost/benefit ratio of the different Land Uses.
- (2) Supply and demand for competing products.
- (3) The labour requirements.
- (4) Their different pattern of scale.
- (5) The possibility of using their products for Industrialization.
- (6) The comparative advantage in international trade of produce the various products.
- (7) The possible contribution to the balance of payments.

Other aspects include economic location of the crops and the technical status of the industry that will use the product. A change of allocation of resource often occurs in a free and unplanned economy unless a state of equilibrium in the resource allocation is reached.

The various land use censuses since 1960 revealed a pattern of frequent change of land between the main subsistence and plantation crops.

Equilibrium is thus an ideal and it is rarely achieved in a free for all situations. So a prerequisite of proper land use is a land capability classification which aims at orderly and systematic arrangement for the stability of various soils for different crops because of diverse need, taste and prejudices. It often happens that in spite of the knowledge of the land, the wrong crop is grown, the best species are not used and the most efficient labour is not employed.

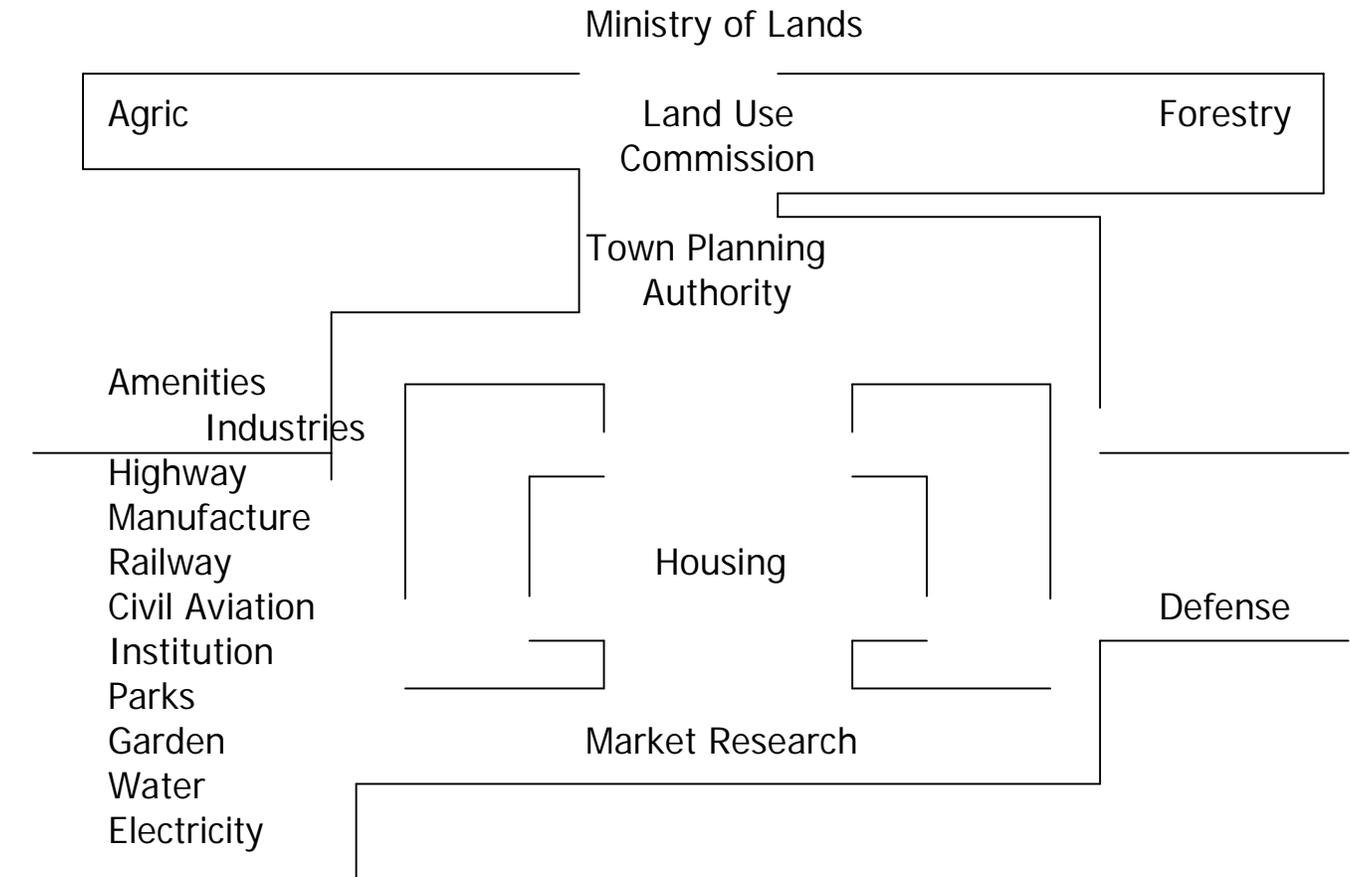
It is not sufficient merely to know what land is capable of yielding. Their ultimate profitable utilization is essential. The need for a land use plan in the country cannot be over emphasized. In view of the present unco-ordinated, fragmented and departmental approach which is incompatible to forest economic development method.

Competition between agriculture and forestry is generally between timber crops and agricultural crops of tree such as cocoa, coffee, rubber, tea etc. Although the gestation period for agricultural crops is shorter, a true comparison can be made only by adopting this kind of criteria for 2 types of crops. The fact that forestry is a long term project is not withstanding. In Nigeria, the absence of private forestry is a major draw-back. In a competitive economy the price/cost ration fortunately decides the use to which land is put but this is not so in this country. In reducing the present drift it is suggested that a land use plan should be based on land capability classification that demand of the economic development process of the country should always be born in mind.

The state ministry of land should be reorganized with the creation of division which will cater for the allocation of rural lands for different uses. The concept which could reduce the competition among land users in the multiple uses of land for purpose which is compatible should be adopted.

It must be appreciated however that multiple use of land may not be a national objective for a forest policy unless it is accompanied by the same recognition of the possibilities of obtaining a maximum yield of every aspect of the potential forest benefits. In other words, multiple use must be seen and accepted as the production of some amount of different potential benefit.

Finally, the state ministry of land should be made to become more functional, cooperate bodies so that all important land uses are brought together and an avenue created for more free and accurate flow of information among them. This will reduce conflicts and will also allow a more purposeful land use planning.



NATIONAL FOREST POLICY

When we consider the staffing conditions of the states forestry services, we discover that most forestry services are underemployed or understaffed. Productivity is therefore generally low and the cost of administration is enormous. In certain states, the forestry services are charged with administering the forestry policy and low. In addition, since forestry administration is business oriented, its primary function are the conservation, management and sale of forest products.

This affords a unique position for forestry service demands good organization, structure and management, competence of the personnel based on the limited overall size of the forest estate and considered along a number of states. It will be obvious that present administration of forest policy is not economically satisfactory.

Despite this shortcomings, we have 19 C.C.F. and two directors to administer the various forest policy in the country. The position becomes clearer where we compare Nigerian forestry with what obtains in Australia, Canada and U.S.A. where forestry is highly developed and the character of the industry being quite different from what obtain here.

In these countries, forest occupies a higher proportion of land than in Nigeria, where 4/5 of the 10% are savanna. Apart from the duplication of posts and enormous overhead cost, a comparison of forestry gross revenue and expenditure even during peak production shows a large annual deficit. It is therefore considered necessary to streamline the machinery for implementing and controlling the forest policy in supporting a unitary forest administration.

The following reasons can be advanced:

- (1) The state forest authorities are in the final analysis, agents of Federal Government and their annual budget or expenditure is met mostly by the Federal Government so that the present divisions into various classes are at both artificial and wasteful in terms of money provision or monetary considerations.
- (2) For a more scientific and progressive management of wood land in the country the administration should be central.
- (3) Unification affords a good chance to produce better results due to better management, economic utilization and development.
- (4) Centralization will reduce the total annual deficit incurred on forest administration in the country.
- (5) The FRIN under the present administration is supplied to spread activities throughout the country to maintain a federal coverage. This inhibits an efficient use of personnel and other scarce resources because management is not handled by the same authority and problems which require simple investigations are often overlooked or referred to FRIN for a painfully slow and delay solutions. Also, states do not concern themselves with seemingly wider problem which could have been helpful to other states e.g. Bendel now Edo& Delta states

State derives large revenue from forestry but does nothing about research.

- (6) Finally the responsibility for forestry contributes greatly to the uneven development of the different parts of the country.

A central administration should encourage a more beneficial use of resource and will reduce the present unfinished assignments and projects which is characteristics of contract officers. Moreover, the localization of forestry administration has soiled the image of forestry and has resulted in a hetero-genous standard of policy interpretation and execution.

But serious shortcomings about unification are as follows:

- (a) Reduction of different parts of the country into vestiges of the federal or central body and this may create problem for forestry administrators particularly in the enforcement of forestry laws and acquisition of land for forestry.
- (b) The bigger the forestry department, the more number of decisions to be taken and the harder it becomes to coordinate such decisions.
- (c) Decision making process becomes slow, this is a result of more specialists men would have to be consulted.

RESERVATION OF A FOREST LAND

Reservation is a piece of a forest land from which uncontrolled activities is prohibited. These activities include extraction farming, mining and any other human activity which may endanger the life and growth of such a forest.

Reservation includes these major procedures:

- (1) Preliminary Procedure
- (2) Enquiry
- (3) Judgment
- (4) Appeal
- (5) Final Procedure
- (6) Provision affecting grants

PRELIMINARY PROCEDURE

- (a) This will include specification of the situation, location and the limit of the land.
- (b) The nature of the reserve i.e. will it be a state, local government or communal forest reserve.
- (c) Appointment of Reserve Settlement Officer (R.S.O.) whose functions will be the information of local communities of the intention of the government to reserve the land. It is also the function of the R.S.O. to propose the purpose for which the land is reserved. It is also the duty of the R.S.O. to show that the proposed reserve is published in the government gazette the finally his duty is to translate the contents of the gazette into the local language.

ENQUIRY

It is at this stage that the R.S.O. would ascertain the ownership and claims to any other items on the land. It is also at this stage the R.S.O. will give an ultimatum as to the claims of ownership of land or any other ownership. This ultimatum is usually published along with the gazette.

JUDGEMENT

Because of the various claims and interests, the R.S.O. has some posts vested on him so that in this case he can deliver judgement with guidance by experts from land dept. and somebody from the area who is knowledgeable about the historical background of the area. When a judgement has been delivered as to the claims or interests of the land. A dissatisfied party has a right to appeal to Chief Magistrate. And if the Chief Magistrate has declared and yet dissatisfied he can still appeal to the high court. The decision or proclamation by the high court or Chief Judge is the final. After proclamation by the high court, the governor then assents.

It is after the assent that the final stage will be taken. The final procedure will include settlement of compensation problems. After paying compensation, we now have the statement of provision which effects rights and privileges of a community. The right in this case will include possibility of fetching fuel wood, provision of entry etc.

In the reservation of a forest land the government does so by the power conferred on it by the Forest Ordinance of 1916 which empowers the governor through the C.C.F. or its agents to reserve compulsorily forest lands the destruction of which will have serious repercussion on the society.

It is worthy of note that in the old days, land was acquired by government and compensation was paid but after the Land Use Edict, 1978 compensation is only paid for landed properties, tree crops but not for land acquired.

FOREST ADMINISTRATION

The staff of any government civil service usually falls to three main categories.

- (1) Professionals
- (2) Technical
- (3) Non Technical

Professionals is composed of university graduates who are designated Forest officers or Assistant Conservator of forests. The forestry service is controlled by the C.C.F. and is responsible to the Commissioner of the Ministry. A deputy C.C.F. assists him. The assistance creates room for any of the two to leave the headquarter for a period long enough for visits to outstations. The 2 officers deal with matters of personnel or administration .

A.C.C.F. or the P.F.O. is in charge of conservancies (commission control) working cycles or divisions into which their territory is divided. He also carries out administration and personnel management job. The S.A.C.F. and A.C.F. are district officers who are ultimately connected with forests

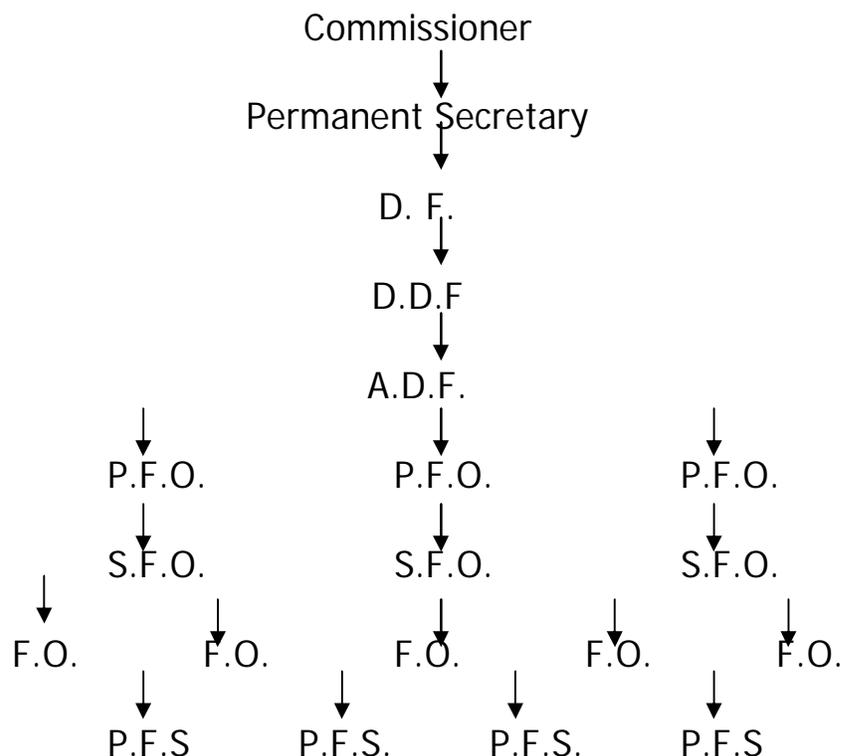
practice in a variety of ways or fields. Their work will largely be in the forest.

The technical division consists of the forest superintendents, forest assistants, silvicultural assistants.

The F.Ss should be able to supervise demarcate on work, survey and carry out enumeration surveys and rotate silvicultural operation. He should be able to handle other forestry work given him.

The non technical consists of the forest guards and rangers who are normally in charge of beats which can be 2 or more forest reserves. His duties consist of policing his bits and ensuring proper maintenance of boundaries. He may do the work himself or by labourers. He will be read to undertake visits to right given by owner to do and to take measurements of felled trees and logs.

He is also expected to have a good knowledge of the vernacular names of the local trees.





FOREST ADMINISTRATION

Forestry as a business venture entails the employment of a number of people. The need to foster an orderly relationship, determining their responsibilities and obligation of each category of workers and their rights for a smooth running has given rise to forestry administration.

Forest administration is desirable for:

- (1) The recruitment of staff and their obligation including their benefits and rights.
- (2) Easy and efficient interflow of information from one section to the other.
- (3) Legal responsibilities for the various interest represented and being pursued by the organization.

Forest administration is run in a civil serve manner throughout the country and the lineage starts with ministers or commissioners followed by the permanent secretary, the C.C.F. down to technician and uniformed staff.

The vertical relationship is necessary for effective planning co-ordination, motivation, control and discipline. In addition to vertical relationship, there is the lateral or horizontal relationship as existing between two P.A.C.Fs or more officers of the same rank.

We must note that the above relationship and conditions obtain in the Civil Service Organogram, where junior officers pass their communication through their immediate senior officers.

In addition we have a directorate organogram and collegiate organogram. The directorate Organogram in F.R.I.N. and other private businesses. The flow of information is faster that Civil Service Organogram. The collegiate organogram is found in universities,

polytechnics and schools. It is similar to directorate but a bit loose in that an under graduate or student may discuss with the principal. It is characterized by an absolute free interaction of personnel. This means that personal interaction and a free flow of information does not depend on redtapism. Each of the 3 aforementioned organograms has its own demerits.

CIVIL SERVICE ORGANOGRAM

Divisions in civil service organogram are in most cases mostly reached and decisions making becomes so ambiguous that nobody is solely responsible for any wrong decision because such decision has to be passed through many hands. Hence, it is highly difficult to appointing blame for mistakes made during decisions make process. Implementation of decision and projections are inducely prolonged or delayed all in the name of public interest.

DIRECTORATE ORGANOGRAM

This is owned to the delegation of power in few hands for economic or business ventures, directors can exploit a situation to the economic disadvantages of the public.

COLLEGIATE ORGANOGRAM

This permits free flow of information. It is capable of bringing chaos. Since the checks or balances are too few, there are therefore possibilities for blackmail and the existence of booth – lickers.

It does not necessarily permit maximization of intellectual material and human resources. Too much freedom can lead to a measure of instability and struggle when becomes too much hold progress.

DECENTRALIZATION OR DELEGATION OF AUTHORITY

Forestry as all other organization employs a large number of people. The forest personnel, must work together in harmony and in a cooperative manner to achieve a high degree of success.

This must be done within the shortest time possible and with the minimum cost conducive towards this goal. Since the head cannot single handedly oversee the efficient running of the work, there is the need for him to pass some of his responsibilities to his subordinate officers. This passage of authority of responsibility or power to called delegate of authority. Delegation can be in the following aspects:

- (1) Delegation could come in terms of commanding people's activities.
- (2) It could be in terms of discipline within the organizational and
- (3) It could also be co-ordinating people's activities and the organizations activities.

Delegation of authority becomes more necessary in forestry because of the following reasons:

- (a) Because of the tasks involved
- (b) The time reqd. For a number of tasks is not at the disposal of any man.
- (c) Units or sections of operations are established in location which are geographically separated from the headquarters.

For the delegation of authority to be successful, there must be adequate personnel and training facilities. The senior man or officer should refrain from any inclination to over ride, interforce or undermine the delegated power. He should guide and review the subordinate to whom power has been delegated must know that he has appropriate authority and he should also know that it would be accountable for his decisions and actions. The success of delegation could further be enhanced by make the delegate know the extent of his power. Suffice to say that the success of his delegation of decentralization would depend on the competent the realibility, comprehension or understanding and the outlook of the delegate.

In this regard, efforts must be made to prepare staff over a period for a task ahead. They should be clearly informed of the history – set objectives and the potentialities of the assignment. It should be mentioned too that, delegation does not mean total or absolute non-interference but rather it demands that the officers must maintain a

cooperative attitude in the interest of the cooperatives or establishment. When skillfully designed, delegation must make provision for efficient coordination and adequate channels of communications.

When combined with good administrative technique, delegation should ensure a better utilization of the mental and human resources so that senior officers could concentrate on major matters. This would also prevent unnecessary wasteful spending (dissipation) of energy or trivialities but it must be ensured that delegates are competent, trained for this purpose and should be men of high integrity. It must also be seen that a state of black-mailisation does not arise, hence, this could cripple or totally destroy the establishment due to excessive fragmentation unnecessary over division which consequently lead to over division of labour and under-employment of labour should be avoided.

FOREST LAW

The law of Contract and Forestry

This plays a prominent role in forest industries in Nigeria. This is because majority of the activities involved in forestry are either by contract or license. Though it may appear that contract and license are the same, license is usually a written statement which permits someone to carry out an activity whereas a contract is a binding agreement between two parties involved or between a party and an individual state.

It must be noted that there is difference between license and lease. For example a forest concession will be a license while a lease could be an agreement where the owner of a piece of land or building agrees to let another person, that is, the lessee has the use of it for a period of time and for a fixed amount. The owner of the land is called the lessor. It must be appreciated that once a lease has been completed the lessee has full control of the property over the period of the lease and any attempt to get rid of that control will be contravening the terms of the lease and the law of property.

Contract therefore involves the branch of the law which deals with bargaining between people. In forestry laws of contract are made. Some of these contracts are very easy because they are printed forms which merely compelled the parties. Terms of these contracts are drafted by the lawyers.

The types of contract you can come across in forestry are the followings:

- (1) Purchase of articles – like pass-hammer, stationery's office equipment, engagement of property hammer, uniform etc.
- (2) License to exploit a forest for logs.
- (3) Labour – casual and permanent labour/skilled labour.
- (4) You might have contract relating to the use of forest land to non-tree grow activities e.g. Taungyafarm.
- (5) Contract of regeneration purposes.

Basically therefore, contract in forestry may involve sales and for tender. This will entail some offer and acceptance or rejectin. An offer is deemed to have been made when it is brought to the notice of the person for which it is intended.

An acceptance is considered made when the offering party is informed either in writing or by any other available means. When a contract has been made it is desirable to keep to the terms of the contract. If an argument should arise, settle it outside the court because the court can only interprets the terms of the contract and their implied meanings.

For example the failure to complete a contract by a such contractor will not be taken as an offence as the court may take it to mean that the period of sickness be observed it is and only when the contractor is healthy that he can do the work. You must know that the contractor has the right to inspect before making the contract agreement. This is because once the contract has been made; the contractor will have no opportunity to complain. As far as logging in concerned, a license or permit is granted because the permit allows the buyer not to do other things than the removal of the logs. These are parts of the rights of the

buyer. It is a quite different thing under a lease agreement. This is because a leased forest would have come under the law of property.

COMPOUNDING AND FORESTRY

Compounding means the settlement of the forest offence out of law court by any forest officer to whom power has been delegate.

All offences and particularly petty forest offences cannot be handled by the court. It is for this reason that forest officers above certain rank have judicial power delegated to them as in the case of custom department. Such settling of case out of court by forest officers is called compounding.

Where it involves payment of fine, it is usually made four times the presumed value of the stolen forest product. Critically looked at, it is open to serious treason and abuses as follows:

There is danger of injustice in punishing a man for the offence he has not actually committed. This becomes very glaring when it is remembered that the large percentage of our population is uneducated and this are unnecessarily scared by mere mentioning of law court. It is this aspect of forest law that some of our forest officers employ to harass local population and illegally amass wealth.

It is desirable not to compound forest offences unless the guilt is sufficiently cleared and evidence strong enough if taken to court. The offender must be made aware that he is not obliged to pay the compounding fee. If literate, he must be made to understand a statement that he understands what he is doing and if not, it must be explained to him.

Secondly, where forest offences are frequently committed there is tendency for irregularities in the amount of compounding fee applied to the same forest offences or of the same gravity.

Thirdly, there may be competition of forest officers for outstations noted for frequent forest offences. The gross abuse of this responsibility led former western state to abrogate the law and refer all forest offence to law court.

A forest offence which is commonly settled in law court is malicious damage especially settling fire in forest plantations. Other serious offences are the forgoing of government hammer – mark, misuse of hammer and the removal of boundary mark of pillars.

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