

Community forest rights in Nigeria

Recommendations for CSOs



Summary

This briefing paper summarises the results of a 2019 study of the formalisation of community rights to forest land in Nigeria. It focusses on conditions and constraints for success, and presents recommendations for civil society organisations (CSOs). The study was based on a literature review as well as semi-structured interviews with representatives of 15 CSOs across six states of the country, supported by information from representatives of communities, research organisations and government agencies. The study concludes that, although community forestry is recognised in legal and policy frameworks in Nigeria, in practice, the formalisation of associated rights is extremely limited. Tenure insecurity remains for most forest-dependent communities. A reform of the Land Use Act of 1978 is needed, to give communities a greater voice in managing and conserving the forests that are fundamental to sustaining their livelihoods. The study also found that communities struggling to formalise their land and forest rights are increasingly expecting CSOs to come to their aid. The Ekuri Initiative in Cross Rivers State inspires optimism as a potential model for improved forest management and sustainable rural development.

Introduction

There are two broad categories of community forest land rights; *de jure rights*, which are rights granted by the government, such as statutory legal permissions to individuals through land titles, land registration and agreements; and *de facto rights*, which are derived from outside government and law, including inheritance and customary rights. In Nigeria, *de facto rights* are more common in rural areas than in urban and semi-urban areas. In rural areas, people tend to have access to land and resources bequeathed

to them by their ancestors. Nigeria's tenure models are currently shaped by the country's Land Use Act of 1978, which considers all land to be government owned, while recognising customary rights of communities. The Land Use Act provides opportunities for formal land registration and title holdings to individuals. Although the legal options exist, poor people in rural areas are discouraged from registering their land, because of the high financial costs involved. Moreover, the legal instrument for establishing *de jure*

rights in Nigeria is not constitutional, but derived from government regulations at state level of the Federal Ministry of Land, Housing and Urban Development, which makes it easier for the federal government to revoke these same rights.

Approach

We conducted a review of community forest rights in Nigeria. A literature review provided background information and a baseline that suggested significant knowledge gaps. This helped to guide the formulation of a template for semi-structured interviews that were conducted with representatives of 15 Nigerian CSOs working on rural development, conservation, community advocacy and women's rights, in the south (Enugu, Edo, Cross Rivers, Rivers) and north (Abuja and Kano) of the country. Additional respondents included representatives of local communities, research organisations and government. Interviews were used to explore the relationships between community forestry, tenure security, effective and inclusive self-governance, external support, forest conservation, and livelihood improvement. Interviewees were also asked to reflect on actual and potential roles of CSOs in contributing to successful outcomes of community forestry. Data were analysed using statistics and qualitative analysis, and validated at a workshop in December 2019.

Results

De jure rights have limitations

Many rural communities in Nigeria depend on forest resources for their livelihoods. In pre-colonial times there were collective rights' provisions, but following colonisation, community forest rights were suppressed or denied through forest laws, and this continued after independence. The Land Use Act of 1978 recognises

community forest rights in principle. The Nigerian government does not give communities the option to apply for permits or formal community forest rights, because it is understood from the Land Use Act that communities automatically own the forest lands in their area. However, results from interviews and the literature review indicated that this is not enough to provide communities with tenure security. This is because the government, when interested in exploiting the forest resources, can deploy an overriding state principle and appropriate the forest. This is widely considered a serious problem.

De facto rights are under pressure

Regarding the use of land for farming, collective access rights are manifested through allotting to individuals, parcels or shares of land that used to belong to everyone. The traditional inheritance model allows individuals to sell or trade bequeathed land, for example when the government targets those lands for development purposes. In this system, the benefits of such sales are usually used for family welfare, such as establishing alternative economic activities and paying for children's education. In many communities where forested land was bequeathed to younger family members, solid customs and community leadership ensure the maintenance of practices that support justice for subsequent generations against internal usurpers. This traditional system, however, is under increasing pressure. With a growing demand for land and forest resources, the customary rights of forest dependent communities are increasingly violated. Under customary tenure, traditional rulers hold land and forest resources in trust on behalf of communities. This means that upright leadership is an essential condition for maintaining access to forest resources, for activities such as hunting, fishing, firewood collection





and farming. But this is not always the case. There are several cases known where chiefs sold off community lands with little or no oversight from other community members.

Lack of tenure security

Many rural communities in Nigeria do not have adequate tenure security. There have been many cases of land grabbing by government and corporations. For example, the study documented instances where state governors sold forest areas to third parties, without consulting communities. This leaves communities deprived of access to resources in their immediate environment. Sometimes compensation was paid for the land and resources that were forcefully taken from communities, based on obsolete laws that prescribe what should be paid in such cases. However, these amounts are entirely insufficient to make up for what was lost. Within the national constitution, there are mechanisms that can act in favour of communities against possible revocation, but this often requires assistance of CSOs. This occurred with the Ekuri in Cross River State. There, a community, with the help of CSOs, successfully repelled attempts by the Cross River State Government to log the pristine forest under the pretext of building an interconnecting super highway (see Ogar, 2013 and Una, 2019).

Gender equity and forest governance

An understanding of gender implications is crucial to improving collective rights and access to forests. Women make up the bulk of the peasant economy in communities where forested land is the main source of food and income. Female participants in our study pointed to the disproportionate consequences of exclusionary forest management. This point is a call to duty, and CSOs have to incorporate gender issues

in the planning and implementation of all activities to support communities in strengthening control of their forest resources.

A key role for civil society

The study highlights three important roles for CSOs. First, lobby and advocacy are needed in support of a review of the Land Use Act and how to apply Voluntary Guidelines on Responsible Governance of Tenure. Second, CSOs need to help communities to better protect themselves against land grabbing by individuals, corporations and government. For CSOs to fulfil this role, they must have a better understanding of community-based management systems, forest rights, and requirements for secure land tenure. Third, CSOs need to help communities with developing sustainable forest management by developing skills to prepare management plans, access financial credit, and organise in cooperatives, among others. In these ways, CSOs can make a significant contribution to improving livelihoods and conservation in the forested areas of Nigeria.

Recommendations for CSOs

Lobby and advocacy

CSOs need to step up lobby and advocacy efforts in support of:

- A review and revision of the Land Use Act of 1978, to include land tenure systems that safeguard community forests, ensuring more stringent legal support for customary roles of Indigenous and local communities.
- Policy options that formally include community forestry as an alternative approach to centrally controlled forest management and protection,

to guarantee sustainable rural livelihoods and biodiversity conservation, especially where deforestation and land grabs are commonplace.

- Regular evaluations of extant forest policies and laws, and the monitoring of their implementation, and ensure that the process and results are made publicly available.

Direct engagement with communities

- Increase the engagement with communities, and conduct campaigns to increase awareness on issues including land grabbing, cutting trees without replanting, local chiefs selling off community land and forest resources for negligible amounts, and local governments selling land without adequate compensation.
- Provide tailored training workshops to build the capacity of communities on community-based forest management, as a part of efforts toward formalising community forest management, including support to developing management plans and to strengthen participatory forest governance systems.

- Incorporate gender issues in the planning and implementation of all activities to support communities in strengthening control of their forest resources.

Sources

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