Evaluation of a Decade of Forest Offences and Fines in South-West States of Nigeria

1°Oso A. O. and 2Babalola, F. D.
1Department of Forestry, Wildlife and Fisheries, Olabisi Onabanjo University, Ago Iwoye, Ogun State, Nigeria.
2Department of Forest Resources Management, University of Ilorin, Nigeria
*Corresponding Author: ososesi@yahoo.com

Abstract: South-west region of Nigeria comprises of states that are among the major timber producing states in the country. However, this region of the country is dominated with different forms of forest offences. Despite this, there is lack of information on the different forms of forest offenses as well as the economic implication of such offences in the region of the country. This study therefore investigated the different forms of forest offences in six states of south-west of Nigeria. The study site is including Lagos, Ogun, Oyo, Osun, Ondo and Ekiti States. The survey was carried out through evaluation of records on forest offences and corresponding fines charged for each of the offences for a period ten year (2004 to 2013). An interview of forest stakeholders was also carried out as a follow-up on factors responsible for the offences. The group of respondents interviewed during the survey include forest officers, saw-millers, timber contractors, and rural people living around selected forest reserves in each of the States. Ogun State has the highest number of forest offenders. This was followed by Osun, Ondo and Oyo states respective. Illegal felling of trees ranked topmost of all the forest offences, and attracts the highest cumulative fines of N3,395,350 (23.6%) for the 10 years under study. This was followed by trafficking of unhammered logs which attracted cumulative fines of N1,768,115 (12.3%) for the same period. Other forest offences recorded include illegal farming, fitching in the reserve, among others. The present practice of accepting forestry as public venture is not ideal. A newly reconstructed and restructured forest sector, built on the pillars of accountability and transparency, would play a major role in economic growth and sustainable development.

Keywords: Forest Fines, Illegal logging, Illegal Farming, Forest Stakeholders, Forest Reserves

INTRODUCTION
A forest offence is any act of commission or omission carried out in or outside a forest in contravention of the forest laws and regulations (Udo, 1997). The legal definition of crime states that crime is “a violation of the criminal law”. According to Udo (1997), over exploitation of forests is caused by inadequate number of protective staff, absence of working plans and stocks maps and insufficient use of the law to reserve forestland and protect it from destruction. These factors are directly or indirectly responsible for forest offences.

International concern about illegal forestry activities has grown markedly over the last few years (CIFOR, 2003). Illegal logging is the harvesting of timber in contravention of a country’s laws. Together with the associated international trade in illegally-harvested wood products, it causes environmental damage, costs governments billions of dollars in lost revenue, and is closely associated with corruption and organised crime. It also undermines the competitiveness of legitimate forest operations in both exporting and importing countries. Illegal logging in public lands worldwide is estimated to cause losses in assets and revenue in excess of US$10 billion annually (Baird, 2001).

The cases of corruption within the forestry sector in various countries of Africa, the Pacific, and the Caribbean have been reported (Sizer and Plouver, 2000). Over half of all the active logging licences in 1999 have been reported illegal (with offenders operating with expired licences or logging in parks and reserves) and the legality of allocations of 23 other timber concessions was in doubt. Furthermore, many of the offending companies and individuals that operated outside the law were never prosecuted because of the influence of a "higher authority". Several institutions such as the Environmental Investigation Agency, Global Witness and Friends of the Earth have researched forest crime in a number of other countries and shown that it is a critical problem facing the sustainable management of forest resources (Environmental Investigation Agency, 1996; Glastra, 1999, Global Witness, 1999).

Varieties of forest offences as stated in Ogun State Forestry Laws, CAP 39 include the following:
a) Failure to Produce Relevant Papers: This occurs when the driver of a logging truck fails to produce necessary papers that allow him to convey his logs from the forest reserve.
b) Illegal farming: This is an unauthorized farming in constituted forest reserves or forest plantation. Unauthorized farming activities on forestland are more rampant where there is land hunger. When illegal farms are established in reserved forests, many economic timber species are destroyed while regeneration of indigenous species is hindered.
c) Unhammered Logs: These are logs that are felled either in the forest reserve or outside the forest reserve (Free Area) but without due process. In this case, the Timber Contractor fells a tree but did not imprint his property hammer
number on the surface of the logs and also did not allow the forest guard on duty to properly release the logs before evacuation.

d) **Trafficking Unhammered Logs:** This occurs when unhammered logs are being conveyed outside the forest area in an attempt to evade some official payment.

e) **Harbouring and Conversion of Unhammered Logs in the Sawmills:** This happens when a Saw-miller decides to contravene forestry law by hiding and processing unhammered logs in the saw mill.

f) **Flitching in the Reserve:** This occurs when an individual/person enters into the reserve and converts logs into flitches on the forest floor. Flitching is strictly forbidden in the forest reserve except in some states where their forest policy allows such an operation to take place.

g) **Trespassing in the Reserve:** This happens when an individual enters into the forest reserve without permission consequent upon which such a person is capable of tampering with the forest produce and ecosystem e.g. incendiary attack.

h) **Poaching (Illegal hunting):** This is an uncoordinated, unregulated and in some cases, unauthorized killing of wild animals. Poachers hunt animals indiscriminately without consideration for animal population, age and/or sex. Poaching is recurring in forest reserves and free areas but is more grievous in Game reserves and National parks.

i) **Unlawful fabrication of Property and Pass-hammer:** Both the Property Hammer and Pass-hammers are issued by the states forestry service. The Timber Contractors use the former after the payment of a stipulated fee while hammering staff or Uniformed Field Staff use the Pass-hammer to release the logs to the Contractors for onward logging. It is an offence to produce these apparatus by anyone else.

j) **Unlawful Installation of Sawmills and other wood processing machines:** It is an offence to install sawmills or any wood processing machine without the authority of the state’s forestry service.

k) **Erection of structures:** It is an offence to erect permanent structure in the reserve. This is very rampant and usually done mostly by illegal cocoa rural dwellers (farmers) in the Forest Reserves.

l) **Unlawful Pass-hammering:** A pass hammer is issued to a Forest Guard on hammering duties. It could be misused when hammer impression was not properly made on surfaces of logs or when a Forest Guard embarks on pass-hammering without instruction from his superior officers.

m) **Transferring of Property Hammer:** A Property hammer is normally issued to a registered timber contractor by the states forestry service after the payment of a stipulated fee. It is an offence to transfer the property hammer to anyone else.

n) **Illegal felling of tree:** This is an unauthorized felling and removal of logs. It is a practice whereby protected trees are felled without due payment to the government treasury. Illegal felling could be identified at the felling site, when the log is in transit and before conversion in the saw mill.

o) **Illegal Collection of other non-timber forest products:** It is an offence to enter into the reserve to collect non-timber products like Bamboo, Sand among others without prior notice and approval by the states forestry service.

Southwest Nigeria comprises of States that are major timber producing in the country. However, it is not a gainsaying that a number of the states are dominated by different forms of forest offences. Despite this, there is lack of information on the different forms of forest offenses as well as the economic implication of such offences in the region of the country. This study therefore investigated the different forms of forest offences in six states of south-west of Nigeria from 2004 to 2013.

**METHODOLOGY**

**Study site**

The study site is Southwest States of Nigeria, including Lagos, Ogun, Oyo, Osun, Ondo and Ekiti (Figure 1). The region lies between longitude 2°31’ and 6°00’ East and Latitude 6°21’ and 8°37’N with a total land area of 77,818 km² and a projected population of 34,406,231 in 2009 (NPC, 1991). The area is bounded in the East by Edo and Delta States, in the North by Kwarra and Kogi States, in the West by the Republic of Benin and in the south by the Gulf of Guinea. The study area has 85 constituted Forest reserves with a forest area cover of 842,499 hectare.

**Data collection**

The survey was carried out through evaluation of records in the State Department of Forestry, specifically records on forest offences committed from 2004 to 2013. The record also evaluated was corresponding fines charged for each of the offences within the same period. A follow-up interview on the factors responsible for commission of forest offences was carried out. Structured questionnaire and focus group discussions were used for the for the interview. The respondents that constituted the sampling frame were forest officers, saw-millers, timber contractors, and people living around selected forest reserves in each of the six states.
RESULTS

Figure 1 shows the cumulative frequency of forest offences committed in each of the states within the 10 years under study. Ogun State has the highest number of forest offences. Plate 1 shows some trucks impounded for sundry offences at the Ministry of Forestry, Abeokuta, Ogun State. This was followed by Osun, Ondo and Oyo states respective.

Figure 2 is a follow up to the result on frequency of forest offences in the States. It shows the different forest offences committed in the six states under study. Illegal felling of trees, closely followed by illegal farming, ranked topmost of all the forest offences committed in the states. Illegal felling of trees also attracts the highest cumulative fine of N3,395,350 (23.6%) for the 10 years period under study, while illegal farming attracted cumulative fine of N1,768.115 (12.3%) of the total fines documented for the same period (Table 1). Illegal felling of trees was carried out by people who have not received appropriate permit from the State Forestry Department to carry out felling operations. This mainly includes the timber contractors and other timber fellers. On the illegal farming, this was mainly carried out by the local people who invade forest
reserves and other protected areas to carry out unauthorised land clearing for farming. Farming is only allowed in free areas outside forest reserves and within buffer zones set around forest reserves. Any clearing activities advancing into the forest reserve and other protected areas is an encroachment which is a punishable offense.

 Trafficking of unhammered logs is another offence which is against majority of the enacted forest legislation in the different states. Anyone who is found in possession of unhammered logs or trafficking of unhammered logs is liable to pay appropriate fines as well as subjected to punishment. Within the period under study, forest offences relating to unhammered Logs and harbouring and conversion of unhammered logs in sawmills attracted cumulative fines of 1,170,768 (8.1%) and N1,000,233 (7.0%) respectively. Another forest offence closely related to this committed by people in the states was failure to produce relevant papers by the timber contactors. Contractors must have approved documents issued by forestry Department before operating. However, those without such documents or with expired documents are offenders who were requested to pay fine.

Establishment of settlements lead to erection of permanent structures within areas not permitted by the gazette of forest reserves. It is unfortunate that erection of these illegal structures were observed around forest reserves in the visited States. Quite a number of the people who engaged in this illegal activity also constituted those that were requested to pay fine which eventually cumulated to N617,500 (4.3%).

![Figure 1: Frequency of forest offences in Southern States of Nigeria](image1)

![Plate 2: Flitches prepared by illegal fellers in Ondo State Forest Reserve](image2)
Another serious offence carried out in the reserve was flitching (Plate 2). This involved conversion of logs into planks within the reserve. This leads to generation of lots of waste, hence inefficient way of log conversion and not permitted under law.

Table 1: Cumulative amount of fines realised from Forest Offences in Southwest States of Nigeria (2004 to 2013).

<table>
<thead>
<tr>
<th>Forest Offences</th>
<th>Cumulative Amount of Fines</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illegal felling of tree</td>
<td>3,395,350</td>
<td>23.6</td>
</tr>
<tr>
<td>Trafficking Unhammered Logs</td>
<td>1,768,115</td>
<td>12.3</td>
</tr>
<tr>
<td>Illegal Farming</td>
<td>1,491,333</td>
<td>10.4</td>
</tr>
<tr>
<td>Unhammered Logs</td>
<td>1,170,768</td>
<td>8.1</td>
</tr>
<tr>
<td>Flitching in the Reserve</td>
<td>1,084,283</td>
<td>7.5</td>
</tr>
<tr>
<td>Harbouring and Conversion of Unhammered Logs in the Sawmills</td>
<td>1,000,233</td>
<td>7.0</td>
</tr>
<tr>
<td>Transferring of Property Hammer</td>
<td>845,417</td>
<td>5.9</td>
</tr>
<tr>
<td>Unlawful Installation of Sawmills and Other Wood Processing Machines</td>
<td>799,917</td>
<td>5.6</td>
</tr>
<tr>
<td>Illegal collection of other non-timber forest products</td>
<td>752,300</td>
<td>5.2</td>
</tr>
<tr>
<td>Erection of Structures</td>
<td>617,500</td>
<td>4.3</td>
</tr>
<tr>
<td>Failure to Produce Relevant Papers</td>
<td>449,125</td>
<td>3.1</td>
</tr>
<tr>
<td>Unlawful Fabrication of Property and Pass Hammer</td>
<td>357,833</td>
<td>2.5</td>
</tr>
<tr>
<td>Trespassing in the Reserve</td>
<td>342,500</td>
<td>2.4</td>
</tr>
<tr>
<td>Poaching (Illegal Hunting)</td>
<td>310,283</td>
<td>2.2</td>
</tr>
<tr>
<td>Unlawful Pass-hammering</td>
<td>-</td>
<td>0.0</td>
</tr>
<tr>
<td>Total</td>
<td>14,384,958</td>
<td>100.0</td>
</tr>
</tbody>
</table>

DISCUSSIONS
Forest offences have huge economic implication on the nation. It was observed from the result that the number of offences increased by the years, which implies that either the forestry policies that guide forest offences were not being implemented or more people in the illegal activities. From observations, illegal felling of trees increased from 2004 to 2013 at a steady rate and there was no intention of reducing this menace in the states under study. Hence, by 2012, this could have increased so drastically and it will keep costing the nation millions of naira that could have been invested in other sectors of the economy.

From the responses of the more than half of the forestry officials, it was observed that most of the offences were committed by people who directly handled timber and logs. However, in actual sense, some of these offenses were aided by some corrupt forest officers. More than 70 percent of the timber contractors and saw-millers indicated that they had committed one forest offence or the other in the last five years. Also, more than 70 percent of the rural dwellers (farmers) around the forest reserve also agreed to commission of forest offences.

On further investigation of factors leading to forest offences, it was discovered that weak penalties and none enforcement of forest laws were the main causes. This is in line with the findings of Udo (1997) and Ageraet al. (2009) reported dearth of forest legislation and corrupt practices by forestry staff as some of the major causes of forest offenses. In the study areas, there was no adequate (if any) enforcement of forest law against offenders. Those apprehended eventually got away since it costs them very little to be released.

Increasing demand for wood in the market against short supply of timber, as well as high government tariff, were indicated by the saw-millers and timber contractors as other factors promoting forest offences. The high tariff levied on the timber contractors could be a major reason their cost of production was too high, hence commission of forest offences to offset the costs.

Other reasons for committing forest offences included lack of capital to finance the business, avoiding payment of official fees, and inefficient exploitation practices by contractors and saw-millers; low level of job satisfaction by forestry officials; inadequate or lack of funds for forestry field activities; and untimely release of funds for effective forestry administration.

CONCLUSION AND RECOMMENDATION
The study has been able to show that forest offences occur at different levels of forestry stakeholders in Southwestern, Nigeria. Among the identified forest offences, illegal felling of trees was the most prominent that the stakeholders had committed in the last five years. Forest offences are also on the increase due to increase in demand for timber resources, with resultant loss of revenue to the government and hindrance to attaining sustainable forest management.

It is sad to note that most of the observed offences were not committed by only one group of...
stakeholders. It was discovered that the offences cut across all the stakeholders. This includes the timber contractors, sawmillers, local people as well as the forest officers. There were incidences of collusion by two or more of these stakeholders for an offense to be carried out.

The present practice of accepting forestry as public venture is not ideal. The private firms and industries that derived their raw materials from the forest should be made to pay back through investing in tree planting and forest regeneration. It is recommended that 25 percent of the gross profit should backwardly integrate towards forest regeneration or re-afforestation.

Finally, a newly reconstructed and restructured forest sector, built on the pillars of accountability and transparency, would play a major role in economic growth and sustainable development.

REFERENCES