

**APPLICATIONS OF THE FORESTRY LAW IN
FORESTRY MANAGEMENT**

A PAPER PRESENTED

BY

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1. INTRODUCTION

Presenting a paper on the “Applications of the Forestry Law on Forestry Management” is obviously a formidable task. It is hardly necessary to point out that the subject is quite a vast and an intricate one, and it will be well nigh impossible to carry out an exhaustive consideration of the subject due to the constraint of time.

I must commend the initiative of the organizers of this workshop to sensitize the stakeholders in the forest industry. From a careful overview of the topics slated for discussions, I am convinced that a workshop of this nature is highly expedient to position the key players in the industry, in order to achieve real growth in that sector of the economy.

Essentially, this paper will attempt to identify the local legislations regulating the forest industry in Edo State. Furthermore, we shall consider the application of such legislations in the context of the dynamics of the Nigeria legal system. Finally, we shall attempt a critical appraisal of the applicable forestry laws and advocate some views on the way forward.

2. SALIENT DEFINITIONS

Before going into the body of the paper, we may consider briefly, what is meant by “**Forestry law**” and “**Forestry management**”, which is more or less the conjunctive theme of this paper.

The Longman Dictionary of Contemporary English defines a forest as “a large area of land that is thickly covered with trees¹”.

Our own local legislation, the Forestry Law² of Edo State, in Section 2, thereof, defines a forest, to include forest reserves, protected forests and communal forest areas.

In the same Section, a forest reserve is defined as any area constituted a forest reserve under the forestry law or under any other enactment.

Also the term protected forest includes:-

- (a) Any area declared to be, or constituted as protected forest under the Forestry Law; and
- (b) Any area proposed to be reserved, the preliminary notice in regard to which has already been published.

In the same Section 2 of the Law, the term “**management of forest**” is defined as “all restrictions and operations directed to maximum production as well as the preservation or replacement of a forest and includes protection of the forest”.

As a follow-up, the Law defines protection of forest to mean “all restrictions and operations directed primarily to the preservation or replacement of a forest”.

Based on a hybrid of all these salient definitions, we can safely kick-start the discussion on the subject with a consideration of some relevant provisions of the Forestry Laws.

3.1 FORESTRY LAWS

Under the Nigerian legal system, Forestry Laws are essentially statute laws. These are laws passed by a legislative body³, be it under a military government or under a civilian democracy.

2. Cap. 59, Vol. III, Laws of Bendel State of Nigeria 1976, now applicable to Edo State.
3. Black's Law Dictionary 7th Edition, p.1420.

The subject of agriculture falls under the concurrent legislative list in the Nigerian constitution⁴. Consequently, both the Federal and the State Government are empowered to make laws on agriculture. In actual practice, the bulk of the laws on forestry are made by each State of the federation, taking into cognizance their peculiar geographical features. Hence in this paper, we will focus our discussion on forestry statutes made by the governments of the defunct Bendel State and the present Edo State.

The omnibus statute regulating the field of forestry in Edo State is the **Forestry Law Cap. 59, Vol. III, Laws of Bendel State of Nigeria 1976 now applicable to Edo State of Nigeria.**

Although the Forestry Law is contained in Cap. 59 of the 1976 revised edition of the Laws of Bendel State, the Law was actually enacted in 1968, and became operational on the 1st of April, 1968.

Since its enactment, the Forestry Law (Cap. 59) has undergone some legislative amendments, to update the provisions with current developments in the sector.

The principle amendments are the Forestry (Amendment) Edict No. 13 of 1984 and the Forestry (Amendment) Law, 2002. In the course of this presentation we shall examine some of the key provisions of these statutes.

By virtue of the provisions of Section 28 of the Forestry Law, the Executive Governor of the State is empowered to make regulations on

4. See Item 18 of Part II in the Second Schedule to the 1999 Constitution of the Federal Republic of Nigeria.

some specific areas in the operation of the forestry industry. Pursuant to the aforesaid Section, the Forestry Regulations also contained in Cap. 59, Vol. III, Laws of Bendel State of Nigeria 1976, now applicable to Edo State, were made.

A slight amendment to the Forestry Regulations was made in January 1992 vide the Forestry (Amendment) Regulations of 1992. We shall also examine the salient features of these Regulations.

Sometime in 1994, the Military Administration in Edo State promulgated the Forest Utilization and Development Edict of 1994. The Edict was an attempt by the government, to introduce some stern measures, to sanitize the forestry industry in the State.

3.2 FORESTRY LAW (CAP 59) AS AMENDED

The preamble to the Law effectively summarizes the purport of the Forestry Law, to wit: a Law for the preservation and control of forests. We have already defined the terms “forest”, “forest reserve,” “protected forest”, “protection of forest” and “management of forest”⁵.

The Law empowers the Executive Governor of the State to constitute as forest reserves, any land at the disposal of the government or any lands in respect of which it appears to the Governor that the forest growth on such lands should be established⁶. Before constituting any land as forest reserve, a notice shall be published by the government in the State Gazette.

The Gazette shall state inter-alia, the location and dimension of the land⁷. Furthermore, the government shall conduct an official inquiry before the area is constituted a forest reserve⁸.

5. See Section 2 of Cap. 59
6. Section 4
7. Section 5
8. See Section 6, 7, 8, 9, 10, 11, and 12 of Cap. 59 for the Procedure.

The State Executive Council on the advice of the appropriate authority may by order published in the State Gazette, direct that from a date named therein any lands or any part thereof constituted a forest reserve shall cease to be a forest reserve, or a part of such reserve⁹.

In a bid to generate a steady source of revenue to fund the operations of the government in the protection and control of the forest, a special fund called the “Forest Protection Fund” was established, to be operated by the Permanent Secretary in charge of the Ministry of Agriculture and Natural Resources.

The fund shall be derived from the sale of forest produce instrument or things, compoundments and log control fees¹⁰.

The intendment of the government in the establishment of the special fund is essentially to guarantee the availability of funds to meet the logistic demands of the Ministry, in order to ensure effective management of the sector. The authorities of the Ministry are in the best position to assess the implementation of the Law as it relates to the operation of the Forest Protection Fund.

3.3 FORESTRY OFFENCES

The Forestry Law has introduced some measures to curtail the commission of forestry offences. As a preventive measure, it shall be lawful for any forestry officer, administrative officer or police officer to stop, open, enter and search any forest-produce-laden vehicle, boat or craft, for the purpose of inspection of the produce¹¹.

9. Section 21, Cap. 59
10. Section 23A Forestry (Amendment) Edict No. 13 of 1984.
11. Section 24

Where the driver of the vehicle, boat or craft refuses to stop for the purpose of inspection, he shall be guilty of an offence punishable upon conviction by a fine of Five hundred Naira or six months imprisonment or both¹². Furthermore, where the owner or manager of the forest produce yard, store, beach, sawmill, container or any other thing refuses to allow any of the aforesaid officials to open, enter and carry out an inspection, it shall be an offence which shall be punishable with a fine of Five hundred Naira or six months imprisonment or both¹³.

It shall be lawful for a Forestry Officer to demand from any person or company dealing in Forest Produce and to be given genuine records of his or their business in Forest Produce. Also a Forestry Officer is empowered to investigate, take statements from suspects and witnesses connected with alleged Forestry offences and to prosecute such forestry cases in the courts of law¹⁴.

The Law expressly prohibits and penalizes any person, who in any forest reserve, without the written authority of the Director of Forestry:-

- (a) Takes any forest produce;
- (b) uproots, clears any forest growth, burns strips off the bark or leaves from, or otherwise damages any tree;
- (c) sets fire to any grass or herbage without precaution;
- (d) smokes or lights fire in any part of a forest reserve, or at a time when smoking or lighting of fires is prohibited;
- (e) pastures cattle or permits cattle to trespass;
- (f) makes a farm or plantation or roads;
- (g) trespasses in any part of the reserve contrary to an order of the Governor;

12. See Section 24(2) (i) as Amended by Section 4 of Edict No. 13 of 1984.

13. See Section 4 *ibid*.

14. See generally Section 24(3) & (4) Cap. 59.

- (h) constructs any dam across any stream or river;
- (i) resides or erects any building;
- (j) hunts or fishes;
- (k) damages in any way or destroys any forestry property.

Any person guilty of any of the above offences shall be liable on conviction in the case of (a) above, to a fine of Two hundred thousand Naira and in the case of (b) to (k) to a fine of Fifty thousand Naira and two years respectively¹⁵.

It shall be a criminal offence for any person who within a protected forest and without the authority of the Director of Forestry or any Forestry Officer duly authorized by him:-

- (a) uproots, fells or otherwise damages any protected tree of over two feet in girth;
- (b) otherwise than during the period of year allowed for this purpose either sets fire to or allows fire to spread to any forest growth unless such forest growth is being or has been felled for farming purposes. Such an offence attracts a punishment of Two hundred thousand Naira or three years imprisonment or both¹⁶;

It shall be a criminal offence for any person who:-

- (a) forges or fraudulently uses or aids or abets any person to forge or fraudulently use, any registered hammer or mark or any mark used for denoting the ownership of any forest produce; or any other mark used by forestry officers in connection with the administration of the provisions of the law; or

15. See Section 30 of Cap. 59, as amended by Section 2 of the Forestry (Amendment) Law, 2002.

16. See Section 32 of Cap. 59, as amended by Section 3 of the Forestry (Amendment) Law, 2002.

- (b) alters, removes, destroys or defaces any such mark placed on forest produce or any boundary mark of a forest or of any land proposed to be included in a forest;
- (c) transports timber material in Edo State between the hours of 7:00p.m and 6:00a.m on any day including Sundays.

Upon conviction, an offender shall be liable to punishment of Fifty thousand Naira or imprisonment for three years as well as compoundment of the illegal produce¹⁷.

Furthermore, any person who:-

- (a) forges or fraudulently uses, or aids or abets any person to forge or fraudulently use, any hammering sheet, identity card, or any other document used in connection with the administration of the provisions of this Law; or
- (b) alters, removes, destroys, defaces any such documents, shall be liable upon conviction, to imprisonment for five years without the option of a fine¹⁸.

It is to be observed that the sanction imposed under Section 34(2), to wit: five years imprisonment without the option of a fine appears more severe than the punishment imposed under Section 24(1) which gives an option of fine. It is a cardinal principle of penology that the punishment should fit either the crime or the criminal¹⁹. Essentially, the offences under Section 34(1) and Section 34(2) are basically the same. They border on forgery and fraud. The disparity between the two sanctions cannot be justified. It appears to be a distinction without a difference. I advocate an amendment to that Section to make the sanctions uniform.

17. See Section 34 of Cap. 59, as amended by Section 4 of the Forestry (Amendment) Law, 2002.

18. Section 34(2) Cap. 59

19. See generally Niger Walker: Crime and Punishment in Britain p.232 – 323; T. O. Elias: The Nigerian Magistrate and the Offender: Fakayode C. J. Nigerian Criminal Code Companion, p.248-249.

Again, there is a general penalty provision in the Principal Law (Cap. 59). Section 38 of Cap. 59 provides that “Any person who contravenes any regulations made under this Law or the conditions of any license or permit issued under this Law for which no penalty is expressly prescribed shall be liable to a fine of Twenty-five thousand Naira or to imprisonment for two years or to both²⁰”.

The problem with the general penalty clause is that it is rather too vague and ambiguous. What for instance does the Section mean by “any regulations made under this law?” Does it mean the entire body of regulations made pursuant to the law? Or is it restricted to only the penal or criminal aspects of the regulations? It will be absurd to attach a blanket penalty for any breach of any regulation. As I earlier posited, the penalty must suit the offence. Moreover, what is meant by the phrase “... the conditions of any license or permit”.

It is doubtful whether the mere breach of the conditions or terms of a license or a permit can constitute a criminal offence. It is evident that where the licensee breaches the terms of the license, the licensor is entitled to revoke the license forthwith. It is not a matter for criminal prosecution.

The sanction for breach of a license or a permit is civil and not criminal. The provisions of Section 38 may not be constitutional. Section 36(12) of the Constitution of the Federal Republic of Nigeria 1999 provides that:

“Subject as otherwise provided by this Constitution, a person
Shall not be convicted of a criminal offence unless that offence is
defined and the penalty therefore is prescribed in a written law”.

I do not think the wordings of Section 38 are an adequate definition of a criminal offence as envisaged by Section 36(12) of the Constitution.

It is my candid view that the authorities cannot prosecute forestry offenders under the vague provisions of the said Section. The Section appears to be a booby trap to ensnare all comers be they criminally motivated or otherwise. That is not the aim of a penal statute. A penal statute should deter offenders and not to entrap them, unawares.

I think Section 38 should be repealed from the Law.

3.4 **ANCILLARY POWERS**

To guarantee the effective implementation of the law, the law enforcement agents are vested with certain ancillary, powers. These are supplementary or additional powers, which are expedient for the law to have maximum effect. We shall examine some of such powers.

Already, we have referred to the powers of forest officers, administrative officers and police officers to stop, enter, open and search any forest produce-laden-vehicle, boat or craft in order to carryout an inspection of the forest produce²¹. Furthermore, it shall be lawful for any forestry officer to arrest without any warrant, any person who may be reasonably suspected of having committed any offence under the Forestry Law, if such a person refuses to give his name and address, or gives a name or address which is believed to be false or if there is reason to believe that he will abscond: provided that any person so arrested shall be taken before a Chief Magistrate or Area Customary Court or to the nearest police station without unnecessary delay²².

21. See Section 24, Cap. 59

22. See Section 35, Cap. 59, as amended by Section 5 of the Forestry (Amendment) Law, 2002.

The law authorizes the compounding of certain categories of Forestry offences. To compound an offence is simply put to settle a criminal matter without prosecution²³. Where a person is reasonably suspected of having committed an offence under the Forestry Law, other than an offence under Section 34 (dealing with forgery and fraud), any forestry officer not below the rank of Director of Forestry may, instead of taking proceedings against such a person in court, surcharge such person and receive from him for and on behalf of the Government of the State, a sum of money by way of compensation for the offence which he is suspected of having committed, together with the value of the forest produce or forestry property in respect of which he was suspected of having committed an offence.

Provided that the sum of money received by way of compensation shall amount to not less than twenty times and not more than thirty times the tariff value (of the forest produce or forestry property in question), which shall be paid into the Forest Protection Fund. A valid Government receipt shall be issued forth with to the person from whom such sum of money is received. On such payment being made, the suspect shall be released if in custody, and shall not be prosecuted for the said offence. Also, any property seized as being liable for forfeiture shall be restored to him and any proceedings pending in court in respect of the matter shall be withdrawn²⁴.

Ordinarily, it is unlawful to compound a criminal offence, more so where the offence is a felony. Our Criminal Code makes it an offence for any person to compound a felony²⁵. However, in relation to **economic crimes**, the objective of the law is to generate revenue through criminal

23. See Black's Law Dictionary, 7th Edition, p.280.

24. See Section 37, Cap. 59, as amended by Section 6 of the Forestry (Amendment) Law, 2002.

25. See Section 127 of the Criminal Code, Cap. 48, Vol. II, Laws of Bendel State, 1976, now applicable to Edo State.

prosecution. Hence it is usual to permit negotiations on economic terms between the prosecution and the accused person. In legal parlance the procedure is referred to as, **plea bargain** or **plea agreement**, or **negotiated plea**.

It has been defined as a negotiated agreement between a prosecutor and a criminal defendant, whereby the defendant pleads guilty in exchange for some concession by the prosecutor, usually a more lenient or convenient sentence²⁶.

The practice of plea bargaining has become a common feature in our criminal justice system since the advent of the Economic and Financial Crimes Commission (EFCC). Many suspects being interrogated or prosecuted by the EFCC have opted for negotiated pleas by forfeiting large sums of looted funds to the government. In a recent interview with the Tell Magazine, Mallam Nuhu Ribadu, the Chairman of the EFCC reported that the Commission generates the sum of ₦2 billion as revenue to the government every week, from money recovered from suspects²⁷.

Forestry offences are basically financial crimes. The option of compounding of offences should be explored as a means of boosting the revenue profile from that sector. But the machinery must be put in place to ensure proper accountability.

In addition to any penalty imposed for an offence under the provisions of the Forestry Law, or any regulations made thereunder the court may order any forest produce or any instrument or thing with which the offence was committed to be forfeited and disposed of as the court may direct. Any

26. Black's Law Dictionary, 7th Edition, p.1173.
27. See Tell Magazine of January 16, 2006, p.22

farm or plantation or building erected in contravention of the law can be destroyed upon the order of the court.

Also, the court can order any license or permit held under the law to be cancelled²⁸.

Any vehicle or thing used for forest exploitation must be duly registered with the Department of Forestry. Failure to register such vehicle may result in the confiscation of the vehicle by the government and the same disposed of by public action²⁹.

Any Area Forest Officer as well as Technical and Uniformed Field staff found to be aiding and abetting in illegal forestry activities shall face summary dismissal and be liable on conviction to imprisonment for three years without option of fine³⁰.

Any saw miller who allows his sawmill for illegal log handling or processing shall forfeit his forest allocation if he was allocated any and have his sawmill license revoked³¹.

The operations of sawmills between the hours of 7:00p.m and 6:00a.m on all days are prohibited. Any person who breaches this provision shall have his sawmill sealed up and shall not be opened until he pays a re-opening fee of Fifty thousand Naira³².

4. FORESTRY REGULATIONS

The Forestry Regulations in Cap. 59 is specie of what is commonly referred to as delegated legislation. The English Joint Committee on

28. See Generally Section 39, Cap. 59

29. See Section 39, Cap. 59, as amended by Section 8 of the Forestry (Amendment) Law, 2002.

30. See Section 39 as amended by Section 8

31. Section 8 of Forestry (Amendment) Law 2002.

32. Section 8 supra.

Delegated Legislation defined it as “basically” every exercise of a power to legislate conferred by or under an Act of Parliament³³”.

The Regulations were made by the Executive Governor, pursuant to the powers vested in him under Section 28 of Cap. 59, to make regulations in some areas specified therein. The practice of delegating legislative power has become widespread so that measured merely volume, more legislation is produced by the executive arm of government than by the legislative. Administrative legislation is traditionally looked upon as a necessary evil³⁴.

The essence of the regulations is that in the modern State, the bulk of legislation is so great that the legislature has not sufficient resources of time or personnel to concern itself with matters of detail and matters of a technical or specialized nature. So the details of how the Forestry Law can be implemented have been stipulated in the regulations.

Part 1 of the Regulations deals with preliminary issues, from Regulation 1-4. Part 2, deals with General Prohibitions and Exemptions, from Regulation 5-17.

Part 3 deals with Permits relating to lands at the disposal of Government and permits in respect of forest reserves and protected forests. The provisions of this part are of strategic significance to warrant some comments on them. Regulation 18 provides that the Forest Officer may grant a permit to any person authorizing such person to take protected trees within a defined area of land at the disposal of the Government or of communal land.

33. Report from the Joint Committee on Delegated Legislation 1972, H. L. 184, H. C. 475, Par. 6
34. Prof. Wade: Administrative Law, 5th Edition, p. 733.

The permit shall be in Form I in the Schedule to the Regulations. Fees payable for the permit shall be at the rates in force at the time of the issue. The permit shall have a specified duration. No timber shall be moved from the place where it is felled until it is marked with the pass hammer of the Forestry Department.

All vehicles or things used to convey forest produce shall be registered with the Forest Officer.

Regulation 2 defines a Forest Officer.

Special permits may be issued authorizing a person to do any act prohibited by Sections 30 and 32 of the Principal Law.

No permit shall be transferred from the permit holder to another person without the approval of the Executive Governor.

Part 4 deals with the grant of licenses and agreements. The Executive Governor may grant licenses conferring on the holder's exclusive rights to take forest produce within the area defined in the license.

The holder of the license cannot assign the license to another person without the approval of the Executive Governor.

Some wood processing and manufacturing plants must obtain a license issued by the Director of Forestry in order to carry on business. They include sawmills, veneer mills, plywood mills, fiber board mills, particle board mills, pulp and paper mill, re-saw bench mill, furniture factory and other plants using timber as raw material.

The State Executive Council on the advice of the appropriate authority shall be responsible for the fixing of fees payable in respect of forest produce and other matters within the scope of the regulations.

Copies of the existing tariff shall be kept at all divisional offices of Forestry and shall be available for perusal by members of the public. The sum total of the regulations shows clearly that in the Forestry Industry, the relationship between the government and the merchants is that of a licensor and a licensee. The contract between them is that of a license and not a lease.

A license is a revocable permission to commit some acts that would otherwise be unlawful. It is an agreement (not amounting to a lease) that it will be lawful for the licensee to enter the licensor's land to do some act that would otherwise be unlawful³⁵.

Consequently, any person granted a license to exploit forest resources is under an obligation to abide strictly with the conditions of the license.

For the avoidance of doubt, the Principal Law stipulates that the holder of a license shall exploit timber resources of such a nature in such a manner and subject to such terms and conditions as may be therein specified³⁶. It is evident that the breach of any of the terms and conditions of the license can attract the sanction of the revocation of the license.

5. INSTITUTION AND CONDUCT OF LEGAL PROCEEDINGS

The jurisdiction to try persons who contravene the provisions of the Forestry Law and the Regulations made thereunder is vested in the Magistrate Court and the Area Customary Court³⁷.

35. Cheshire and Burn: Modern Law of Real Property, 13 Edition, pp. 554-559.

36. Section 41 of Cap. 59.

37. See Section 18 of the Forestry (Amendment) Law 2002.

It is submitted that notwithstanding the particular mention of the above named courts by the statute, the State High Court have the jurisdiction to entertain such matters. The criminal jurisdiction of the State High Court as enshrined in the Constitution is to hear and determine any criminal proceedings involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by any person³⁸ (underlining mine).

Proceedings for an offence against the provisions of the Law or the regulations shall be brought in the name of the Director of Forestry and may be instituted and conducted by him or any Forestry Officer authorized generally or specially to prosecute the matter³⁹. The wordings of the statutes vest the power to prosecute forestry offences in the hands of forestry officials.

From the specific provisions of Section 40 of the Law, it appears as if the police are excluded from prosecuting forestry offences under our Law.

However, the provisions of the Police Act on the power of police officers to conduct criminal prosecutions appear wide enough to authorize them to prosecute forestry offences. Section 23 of the Police Act⁴⁰ provides that “subject to the provisions of Section 160 and 191 of the Constitution of the Federal Republic of Nigeria (which relate to the power of the Attorney-General of the Federation and of a State to institute and undertake, take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria, any police officer may conduct in person all prosecutions before any court whether or not the information or complaint is laid in his name”(under linings mine).

38. Section 272(1) 1999 Constitution of Federal Republic of Nigeria.

39. Section 40 of Cap. 59.

40. Cap. 359, Vol. XX, Laws of the Federation of Nigeria, 1990.

It is contended that the Police Act, being a Federal Statute, takes precedent over the Forestry Law which is a State Law. To that extent the power of the police to prosecute under the Act shall prevail⁴¹.

There is however no dispute about the power of the Attorney-General of the State to prosecute forestry offences. The omnibus power to institute, take over, continue and discontinue any prosecution in respect of any State Law is vested in the Attorney-General of the State⁴².

Finally, in the matter of criminal prosecution, there is a curious provision in our law in relation to the burden of proof of forestry offences.

Section 36 of Cap. 59 provide that “the onus of proof that any forest produce has not been taken in contravention of this law shall be upon the person in whose possession the forest produce is found”.

Furthermore, Regulation 59 provides that “the onus of proof in respect of cases brought under these regulations shall be on the accused person”.

It is settled law that under our criminal justice system, the burden of proof is on the prosecution⁴³. It is not for the accused to establish his innocence. The prosecution has the duty to establish every ingredient of the offence charged⁴⁴. Under the Constitution every accused person is presumed innocent until he is proved guilty⁴⁵. This presumption automatically places the burden on the prosecution to establish the guilt of the accused. It is seriously contended that the provisions of the Forestry Law placing the burden of proof of innocence on the accused person is unconstitutional, null and void. Accordingly, those provisions should be repealed from the Law.

41. See Section 4(5) of the 1999 Constitution on the Effect of Inconsistency Between a Federal Statute and a State Law.

42. Section 211, 1999 Constitution

43. See Section 138 of the Evident Act.

44. See OGBEWE V. I.G.P. 1958 WRNLR 17; AREH V. C.O.P. (1959) WRNLR 230.

45. Section 36(5) 1999 Constitution.

6. CONCLUSION

I have tried to set down the legal principles involved in the applications of our Forestry Laws in forest management. We started by identifying the regulatory statutes. The principal Law is the Forestry Law, Cap. 59 with its numerous amendments. The Forestry Regulations are the subsidiary legislations to give flesh and blood to the skeleton of the principal statute so that it may live⁴⁶. We have embarked on a critical analysis of some salient provisions of the Law. The forestry sector is a sector with great economic potentials. The Law must play the role of a catalyst to stimulate positive reforms in that sector. The provisions of the regulatory statutes are quite strict. Stiff penalties have been introduced to enforce compliance.

The operators in the field are in the best position to judge the effectiveness of the Law to regulate the sector. From experience, we have discovered that the problem is not usually with the Law, but the law enforcement agents. The legal framework appears comprehensive enough to maintain a high level of compliance by the operators. However, the law enforcement agents must have the will power and the moral fiber to enforce the provisions of the Law to the letter. Our forest should not be plundered by hoodlums while the law enforcement agents turn their faces away, to give the criminals a lee way to perpetrate their crimes.

We have observed that Forestry offences are basically economic offences. The modern trend is to use the machinery of prosecution to maximum effect, to boost the economy. Modern practices of plea bargain through the compounding of offences should be explored. This will expedite the trial of cases, and boost the revenue profile of the State.

Government on its part should empower the law enforcement agents with manpower and logistic support. Moreover, the financial records should be carefully and closely monitored to prevent misappropriation of funds recovered from the forestry sector.

Unfortunately, we have not considered any judicial pronouncement on the provisions of the statute for the obvious reason that the matters are being tried by the lower courts. The judgement of the Magistrate Courts and the Area Customary Courts are not reported in our Law Reports.

Finally, we have identified some aspects of the laws which are in dire need of reform. A stitch in time they say saves nine.

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