

Policy Brief



Recommended **Review** of the Cross River State Forestry Law, 2010

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We the People - Centre for Social Studies and Development

60 MCC Road, Calabar, Cross River State, Nigeria

9 Oromineke Street, D-Line, Port Harcourt, Rivers State, Nigeria

www.wtp.ngo

info@wtp.ngo

+234 8063655997



BACKGROUND AND CONTEXT

Cross River State is home to Nigeria's most significant and biodiverse tropical rainforests, forming a critical part of the remaining lower Guinean forest ecosystem in West Africa. These forests support endangered wildlife, sustain the livelihoods of several forest-dependent communities, regulate climate systems, protect watersheds, and contribute to national and global carbon sequestration efforts. However, in recent years, the State's forests have faced increasing pressure from logging, agricultural expansion, infrastructure development, and wildlife hunting and trade. These pressures threaten not only biodiversity, climate change mitigation efforts and overall ecosystem stability, but also long-term economic opportunities tied to forestry. The current realities of the Cross River State forests are extremely dire; the State has lost over 60 percent of its original forest cover, with most previously forested areas becoming grasslands. Each day, thousands of logs are extracted from the forest legally and illegally, underscoring the urgent need to strengthen forest protection mechanisms through a more robust and responsive legal framework.

The Cross River State Forestry Law, 2010, was enacted to provide a legal basis for forest conservation, management, and regulation within the State. While the Law represented an important step at the time of its passage, evolving ecological and economic challenges, as well as global climate imperatives now necessitate a comprehensive review. Since 2010, climate change has intensified, and Nigeria has made new national and international commitments relating to climate change mitigation, afforestation, and reforestation. A reviewed Forestry Law must therefore reflect contemporary climate change obligations, explicitly incorporate climate mitigation strategies, and promote large-scale tree planting and forest restoration as central pillars of forest governance. It must also highlight the economic opportunities in conserving the forest in line with global climate change targets.

In addition, the persistence of forest crimes—including illegal logging and illegal wildlife hunting—demands more stringent deterrent provisions within the legal framework. Weak penalties and enforcement gaps have undermined conservation efforts and enabled continued exploitation of forest resources.

A revised law must introduce clearer offences, stronger sanctions, improved monitoring mechanisms, and enhanced enforcement powers to effectively deter criminal activities and protect the State's Forest assets.

The review of the Forestry Law has also been necessitated by the need to strengthen forest governance structures in Cross River State. Effective forest management requires clarity of institutional mandates, accountability mechanisms, coordination among relevant agencies, and adequate oversight. Reforming the governance framework will enhance transparency, improve regulatory compliance, and align forest administration with best practices in responsive resource management.

The recommendations in this review include legal frameworks to promote ecotourism as a viable economic pathway for the state. Cross River's forests hold immense potential for responsible tourism that generates revenue, creates jobs, and incentivizes conservation. By embedding ecotourism principles within the Forestry Law, the State can better balance environmental protection with economic development. Currently, the vast ecotourism potential of the state is lost on account of the declining forest cover and the insecurities engendered by the activities of illegal loggers and poachers.

A key component of this review is the placement of indigenous communities at the center of forest governance. To do this, there must be well articulated provisions for meaningful participation of community stakeholders, not just as passive targets of government policies on forest management, but as active drivers of policy, enforcement and management. In Cross River State, most forests areas are inhabited or traditionally used by local communities whose livelihoods, culture, and wellbeing are closely tied to forest resources. The State Forestry Law should provide clear mechanisms for community engagement, benefit-sharing, co-management arrangements, and participatory decision-making. Strengthening community inclusion will not only enhance compliance and conservation outcomes but also ensure that forest governance advances social equity and sustainable development.

This briefing paper sets out recommendations for the reviews to the Cross River State Forestry Law, 2010, aimed at strengthening forest protection mechanisms, aligning the State's forestry regime with contemporary climate change commitments, enhancing deterrence against forest crimes, reinforcing governance structures, promoting ecotourism, and ensuring greater participation of forest-dependent communities in the management of Cross River State's forests.

Section 3

MEMBERSHIP OF THE COMMISSION

Laying the framework for the constitution of the Forestry Commission, the Law in Section 3(1) provides for the inclusion of '*2 persons appointed from non- governmental organizations whose activities are relevant to the functions of the Commission*'. The provision does not however provide clarity on the qualifications of the appointees, or modalities for making the appointments. The Law does not,

1. say who has the responsibility of appointing the two representatives of non-governmental organizations.
2. provide details of the qualification of the persons to be so appointed beyond requiring that the non-governmental organization they are affiliated with should have been in existence and active for at least 5 years.
3. provide criteria for appointing them.

It is also a matter of concern that the Law does not incorporate a gender-sensitive framework in relation to appointments made under the provision. The absence of explicit language promoting gender inclusion and balanced representation

reflects an outdated institutional approach that does not align with contemporary governance standards. Across sectors, there is increasing recognition that natural resource management benefits from inclusive leadership structures that reflect the diversity of the communities affected by such policies. Failing to embed gender sensitivity within the appointment framework risks perpetuating structural imbalances and excluding valuable perspectives from decision-making processes.

Section 3(1) (h) goes further to provide for the inclusion of 1 representative of Civil Society Organizations into the Forestry Commission. As with the appointment of representatives of non-governmental organizations into the Commission, the Law does not provide adequate framework or criteria for determining the person to be so appointed.

It is also argued that given the critical role of non-governmental organizations in forest management, including in restoring depleted forests, supporting communities with forest protection skills, and wildlife protection, the participation of NGO representatives should be increased in order to adequately leverage this critical know-how.

Equally crucial is the fact that the Law does not provide for the inclusion of communities in the Commission. The risk is that essential indigenous forestry expertise may be overlooked in high-level decision-making, alienating communities from policies that affect them.

Another area of concern is the absence of experts from the academia in the composition of the Commission. Without a doubt, the forestry sector is rapidly evolving, with new knowledge and expertise continually being added. The presence of academics, particularly those with forestry and wildlife knowledge, is critical. It enables the Commission to make policies and decisions based on the most recent scientific knowledge.

Based on the observations and concerns above, we make the following recommendations:

- i. The law should expand the participation of non-governmental organizations to 4 representatives as against the 2 which the 2010 Forestry Law provides for.
- ii. The provision for the inclusion of 1 representative from Civil Society Organizations should be jettisoned in favour of the 4 non-governmental organization representatives.
- iii. The 4 representatives of non-governmental organization in the Commission should include 2 males and 2 females, to reflect a balance of gender.
- iv. The Law should provide for the inclusion of 4 representatives from forest bearing communities in the Commission.
- v. The 4 representatives of communities should include 2 males and 2 females to reflect a balance of gender.
- vi. The law should provide for the inclusion of a representative from the academia for purpose of research and connection with the academic sphere.
- vii. The Law should clearly stipulate the qualification for NGO membership into the Commission. It is recommended that this should be through a call for expression of interest by individual applicants backed by their respective organizations who meet the stipulated criteria. Their eventual selection should be handled by an appropriate agency of the state government with the mandate and expertise to do so.

*Recommended redrafting of Section 3(1)**Section 3(1) - Constitution of the Forestry Commission**(1) The Commission shall consist of:**(a) A Chairman;**(b) Four representatives from Non-Governmental Organizations (NGOs) whose activities are relevant to the functions of the Commission, comprising two men and two women, selected through a public call for applications by the State Government or its parastatals, and having been active and in consistent existence for at least the last five years.**(c) Four Representatives, comprising two women and two men, appointed from forest dependent communities in Cross River State.**(d) A representative from the academia, with expertise in forestry, environmental science, or related fields**(e) The Attorney-General and Commissioner for Justice as ex-officio member;**(f) The Commissioners or officers charged with the responsibility for Forestry, Biodiversity and Conservation, Environment, Finance, and International Donor Support as ex-officio members;**(g) Conservator General who shall be a Director of Forestry;**(h) The Permanent Secretary of the Commission who shall be the Secretary of the Commission; and**(i) A representative of the Cross River State National Park**Provided that in selecting members, the State Government shall ensure a balanced representation of diverse interests, expertise, and perspectives; and members shall be appointed based on their qualifications, experience, and commitment to the objectives of the Commission.***Section 5****VACATION OF OFFICE**

Section 5 of the Cross River State Forestry Law, 2010 sets out the circumstances under which a member of the Forestry Commission may vacate office. However, in doing so, the Section consistently employs the male-specific pronoun “he” when referring to office holders. While this usage may historically have been intended as a generic reference applicable to all persons regardless of gender, contemporary legislative drafting standards increasingly recognize that such language is non-inclusive and potentially gender insensitive.

The exclusive use of the pronoun “he” may be construed as reinforcing male-dominated institutional norms or implying that the offices referenced are primarily or exclusively intended for men. Even where no such intention exists, the language does not reflect modern principles of equality, diversity, and inclusion. Globally, legislative bodies are transitioning toward gender-neutral drafting practices that employ terms such as “the member,” “the person,” “he or she,” or the singular “they” to avoid exclusionary implications and to enhance clarity.

It is therefore recommended that Section 5 be revised to adopt gender-neutral language throughout. Replacing the pronoun “*he*” with inclusive alternatives such as “*he or she*” would align the Law with contemporary drafting standards, eliminate ambiguity, and reinforce the State's commitment to inclusive governance. Such an amendment would not alter the substantive effect of the provision but would modernize its language to reflect evolving norms in legislative practice.

Based on the forgoing, it is recommended that section 5(1) be redrafted to read 'A person shall cease to hold office if “*he/she*...” as against the use of '*he*'.

In outlining the grounds upon which a person may cease to hold office as a member of the Forestry Commission, Section 5 of the Cross River State Forestry Law, 2010 does not expressly address conflicts of interest arising from involvement in timber dealing or forest resource extraction. This omission creates a significant governance risk. In the absence of clear prohibitions, members of the Commission could directly or indirectly hold beneficial interests in logging or timber-related enterprises, or influence policy, licensing, and enforcement decisions in ways that advance private commercial interests over the public interest.

Conflict-of-interest safeguards are a standard feature of modern regulatory frameworks, particularly in sectors such as forestry where regulatory authorities exercise wide discretionary powers over concessions, permits, and enforcement. Without explicit restrictions, public confidence in the integrity and impartiality of the Commission may be undermined, and the effectiveness of forest protection efforts compromised.

It is therefore recommended that Section 5(1) be amended to include a clear and enforceable conflict-of-interest provision prohibiting members of the Commission from engaging in, or having financial or beneficial interest in, logging, timber dealing, or any form of forest resource extraction. This prohibition should extend to immediate family members and to any company, partnership, or business entity in which the member has a direct or indirect legal or beneficial interest. Incorporating such a clause would strengthen transparency, safeguard institutional integrity, and align the Law with accepted standards for eliminating conflicts of interest in natural resource governance. It is recommended that section 5 should now reads as;

Section 5(1) Notwithstanding the provisions of Subsection (1) of Section 4 of this Law, a person shall cease to hold office as a member of the Commission if:

- (a) he/she becomes bankrupt;
- (b) he/she is convicted of a felony or any offence involving dishonesty or fraud;
- (c) he/she becomes of unsound mind or incapable of carrying out their duties;
- (d) he/she is guilty of a serious misconduct in relation to their duties;
- (e) in the case of a professional, if they are disqualified or suspended, other than at their own request, from practicing their profession in any part of the world by an order of a competent authority made in respect of that member;
- (f) he/she resigns his/her appointment by a letter addressed to the Governor.
- (g) he/she operates, owns or has beneficial interests in any business that involves logging, timber dealing, the extraction of any forest resource including wildlife, or any business activity which negates the objectives of the Commission;

(h) any member of his/her immediate family operates, owns or has beneficial interests in any business that involves logging, timber dealing, the extraction of any forest resource including wildlife, or any business activity which negates the objectives of the Commission

(2) If a member of the Commission ceases to hold office for any reason whatsoever, before the expiration of the term for which they were appointed, any person representing the same interest as that member shall be appointed to the Commission for the unexpired term.

(3) A member of the Commission may be removed by the Governor in the interest of the Commission or the interest of the public by two-thirds majority vote of the members of the State House of Assembly present and voting.

Section 6

FUNCTIONS OF THE COMMISSION

Section 6 of the Cross River State Forestry Law, 2010 sets out the functions and responsibilities of the Forestry Commission. However, the provision does not expressly priorities reforestation, forest regeneration, and afforestation as core statutory duties of the Commission. This omission is particularly concerning given the current condition of the State's Forest estate. Significant portions of Cross River's forests have been degraded through logging, agricultural expansion, encroachment, and other anthropogenic pressures, with some previously forested areas transitioning into grassland or severely depleted landscapes.

In the context of these realities, rebuilding and expanding forest cover should not be treated as a discretionary or incidental function, but as a central pillar of forest governance in the State. Restoration of degraded forests is essential not only for biodiversity conservation and ecosystem recovery but also for climate change mitigation, watershed protection, soil conservation, and the protection of forest-dependent livelihoods. Without an explicit statutory mandate, reforestation and afforestation efforts risk being under-prioritized or inadequately funded.

It is therefore recommended that Section 6 be amended to expressly include, among the core responsibilities of the Commission, the promotion and implementation of afforestation, reforestation, and forest regeneration programmes across the State. The provision should mandate the restoration of degraded forest lands, the expansion of tree cover, and the encouragement of community-led restoration initiatives. Incorporating this responsibility would align the Law with contemporary conservation priorities and ensure that forest restoration becomes a sustained and measurable objective of the Forestry Commission. In accordance with this, it is recommended that Section 6 be adjusted to include this responsibility and to read thus;

Section 6. Notwithstanding anything to the contrary in any other Law of the State, the functions of the Commission shall be, to –

- (a) regulate the activities of Ministries, Departments, Agencies, Local Government Councils, Organisations, statutory bodies as they relate to forest and forest resources and wildlife conservation issues in the State;
- (b) undertake biotechnology and other forms of research that will enhance the development of scientifically sound forestry policies and programmes in line with current conservation, socio-economic and technology options;
- (c) establish links with relevant national and international regulatory policy-making and funding bodies for the benefit of bio-diversity conservation and sustainable forestry in the State;

- (d) ensure sound wild life and forest management within Cross River State;
- (e) ensure strict compliance with international conventions and treaties on natural resources management;
- (f) develop eco-tourism and generate revenue therefrom;
- (g) promote research and development; and
- (h) promote afforestation, forest regeneration, and ecosystem restoration efforts across the State, including planting and maintaining trees, medicinal plants, restoring degraded forests to their natural state, encouraging community-led afforestation, reforestation and ecosystem initiatives;
- (i) and perform such other functions which are incidental to conservation, sustainable management, regeneration and revenue generation from the State's forest resources.

Section 9

ESTABLISHMENT OF DEPARTMENTS

Section 9 of the Law provided for the Establishment of Departments within the Forestry Commission. Among the 8 Departments established by the Law, none is assigned the responsibility of addressing matters related to climate change. Section 9 fails to adequately capture the contemporary importance of forests, especially their centrality to global climate change mitigation efforts.

Section 9 of the Cross River State Forestry Law, 2010 should be amended to establish a dedicated Department for Climate Change within the Forestry Commission. The current institutional structure does not explicitly recognize the central role of forests in climate change mitigation and adaptation, despite their importance as carbon sinks and as pillars of viable land use. Given Cross River State's vast tropical forest resources and Nigeria's evolving climate commitments, the Law must be updated to reflect contemporary environmental realities and position forest governance as a key driver of climate action.

A Climate Change Department would strengthen the State's capacity to integrate carbon sequestration, afforestation, reforestation, and sustainable forest management into a coherent climate strategy. It would also provide the institutional framework necessary for monitoring, and engagement with climate finance mechanisms, thereby enabling the State to access emerging funding opportunities tied to forest-based climate solutions. In addition, such Department would enhance climate-resilient forest management and ensure alignment with national and international climate obligations. Establishing this Department would also modernize the Forestry Commission's mandate, improve inter-agency coordination on climate-related matters, and reinforce Cross River State's leadership in forest governance. It would ensure that forest conservation is not treated solely as a resource management issue, but as a critical component of the State's long-term climate, economic, and environmental sustainability strategy.

In Section 9(3), the Law provides for the optional creation of a Carbon Credit Unit within the Commission. Carbon Credit is a rather narrow and controversial reference to a much broader climate change finance and response spectrum. It is suggested that Sub Section (3) be removed altogether in light of the inclusion of a dedicated Sub Section on the creation of a Climate Change Department.

Sub Sections (4) empowers the Commission to merge departments, increase the number of Departments or even rename Departments beyond what is provided for in the Law. It is however reckoned that expressly permitting the Commission to merge, create or rename Departments amounts to amending the Law and thereby usurping the powers of the State House of Assembly. The following adjustments to Section 9 are recommended;

Section 9(1) The Commission shall have the following Departments-

- (a) Protection, Compliance, Monitoring and Enforcement
 - (b) Wildlife
 - (c) Conservation, Regeneration, Reforestation/ Agro-Forestry, Non-Timber Forest Product, and Medicinal Plants;
 - (d) Administration and Human Resources;
 - (e) Finance and Accounts;
 - (f) Research, Planning and Statistics;
 - (g) Community and Private Forestry;
 - (h) Business Development.
 - (i) Climate Change
 - (j) Eco-tourism
- (2) Each Department shall be headed by an officer not lower than the rank of a Director.



Section 13

SOURCES OF FUNDS FOR THE COMMISSION

Section 13 which deals with sources of funding for the Commission, lists revenue sources to include budgetary allocations, revenues from tariffs, concessions and fines, revenues from ecological fund, donations from foreign governments, NGOs, and global environmental facilities. While these sources are plausible, it does not reflect the significant expansion of global climate finance directed toward mitigation and adaptation efforts in developing countries.

Section 13 of the Cross River State Forestry Law, 2010 should be amended to expressly recognize climate finance as a strategic and dedicated source of funding for the Forestry Commission. Given the scale of international climate funding—estimated at approximately \$1.46 trillion in 2022 alone—and the prioritization of forest-based solutions within that framework, the Law should position Cross River State to systematically access and manage such resources.

As the State with the largest remaining carbon sink in Nigeria, Cross River is uniquely placed to attract climate-related funding for afforestation, reforestation, forest management, biodiversity conservation, and ecosystem-based adaptation initiatives. However, without clear statutory recognition of climate finance within the funding framework of the Commission, efforts to mobilize and coordinate these resources may remain fragmented or underutilized. Incorporating climate finance into Section 13 would provide a clear legal mandate for the Commission to engage with multilateral climate funds, bilateral climate partnerships, and international environmental financing mechanisms.

Amending Section 13 to include climate finance as an explicit funding source would modernize the Law, enhance institutional clarity, and strengthen the financial sustainability of forest governance in the State. It would also ensure that Cross River State is better positioned to leverage its ecological assets in advancing conservation, community resilience, and climate mitigation objectives, while aligning forest policy with contemporary global funding realities. The following amendment of Section 13 is recommended;

1. (1) The sources of funds for the Commission shall be-

- (a) budgetary allocation and any other monies Commission from the State Government;
- (b) such revenue as the Commission may generate from –
 - (i) concessions;
 - (ii) forestry tariffs and;
 - (iii) fines for violation of existing Forestry Law and regulations .
- (c) all such funds that may from time to time accrue from the Ecological Fund or any other designated fund as may be established by the Federal Government;
- (d) all monies raised for the purposes of forestry, conservation and climate change by way of grants or gifts from-
 - (i) foreign governments or international agencies;
 - (ii) non-governmental organizations; and
 - (iii) global climate and environment facilities.

€ all other funds which may accrue from investments or any other source whatever, from time to time.

(2) The fund shall be managed in accordance with existing financial rules and regulations in the State.

Section 22

CONFLICT OF INTEREST WITH DUTIES AND RESPONSIBILITIES

Section 22 outlines the conditions under which Commission members' activities may give rise to conflicts of interest or be deemed breaches of the Law. These include taking any form of benefit from entities that have business dealings with the Commission, getting paid for a public office other than the Commission's, etc. It is however evident that the penalties outlined in Section 22(6) as a deterrent and penalty for violating this section are mild, particularly in light of Nigeria's current economic situation. The amounts may have been practical when the law was drafted in 2010, but they are now far less valuable due to current inflation rates. The Section fines violators N200,000, which in 2010 was equivalent to \$1,315 at the official currency rate of N152 to \$1. Based on the current value of the US dollar, the fine ought to be at least N1,972,500. It is advised that the section be changed to read as follows in light of the aforementioned:

Section 22(6) A member of the Commission who violates the provisions of this section commits an offence and shall, on conviction, be liable to imprisonment for one (1) year and or a fine not less than two million naira.

Section 26

CONSTITUTION OF FOREST RESERVES AND DECLARATION OF PROTECTED FORESTS AND COMMUNITY FOREST RESERVES

Section 26 of the Cross River State Forestry Law, 2010 establishes the legal framework and procedures for the creation of Forest Reserves within the State. However, the Section does not provide for the participation of communities living within or around the forests proposed to be designated as reserves. This exclusion overlooks the social realities of forest governance and fails to recognize the rights, knowledge, and livelihoods of forest-dependent communities. Rather than fostering cooperation and shared ownership of conservation objectives, the absence of community participation risks generating resistance, conflict, and long-term sabotage that could undermine the effectiveness of forest protection efforts.

Meaningful community engagement is now widely recognized as a cornerstone of sustainable forest management. Communities are often the first custodians of forest resources and play a critical role in monitoring, protection, and sustainable use. Excluding them from decision-making processes not only weakens compliance but also diminishes opportunities for collaboration, trust-building, and benefit-sharing. To ensure synergy, legitimacy, and durability of Forest Reserves, the Law must move beyond a purely administrative approach and adopt a participatory framework that secures community support from the outset.

It is therefore recommended that Section 26 be amended to establish a clear, mandatory framework for community consultation, participation, and consent in the process of creating Forest Reserves. Such a framework should require prior notice, inclusive consultations with affected communities, consideration of customary rights and livelihoods, and mechanisms for community involvement in reserve management.

26.(1) The Commission in consultation and collaboration with community or communities lying in or in close proximity to a target forest reserve, may, for overriding public interests, constitute, as forest reserve or community forest reserve, any of the following lands –

- (a) lands at the disposal of the Government;
- (b) any land in respect of which it appears to the Commission that the forest growth on such lands should be protected or reserved or the forest growth be established; and
- (c) land reserved under a community land use plan as Community Forest Reserve subject to the provisions of the Land Use Act. (2) The Commission may, by notice published in the Gazette, declare any such land to be a protected forest.
- (d) In establishing a Forest Reserve under this Section, the Commission shall ensure prior consultation with, and the effective participation of, communities residing within or adjacent to the proposed reserve area. Such consultation shall include public notice, community meetings, consideration of customary land-use rights and livelihoods, and the incorporation of community inputs into the decision-making process, with a view to securing community support and promoting co-management of the Forest Reserve.

Section 35

ORDER OF COMMISSION CONSTITUTING A FOREST RESERVE

Sections 29–34 of the Cross River State Forestry Law, 2010 sets out procedures through which individuals or groups with existing claims or interests in land proposed for conversion into a Forest Reserve may formally present and have such claims determined, including recourse to legal interpretation by the High Court of the State. These provisions recognize the importance of due process and judicial oversight in resolving competing land and forest interests.

However, Section 35 appears to undermine this safeguard by permitting the Forestry Commission to proceed with the constitution of a Forest Reserve without explicitly requiring deference to, or compliance with, the decision of the High Court as provided for under Section 34. This ambiguity creates the risk of administrative action overriding judicial determination, thereby weakening the rule of law, creating legal uncertainty for claimants, and potentially triggering conflict, litigation, and resistance to forest conservation initiatives.

It is therefore recommended that Section 35 be recrafted to clearly recognize and give binding effect to the final decision of the High Court in respect of claims made under Sections 29–34. This would reinforce legal certainty, protect legitimate land rights, and enhance public confidence in the forest reserve establishment process.

The following adjustment is recommended:

35.(1) After the time limited under Section 34 for commencing an action has elapsed or, if there has been an action, after the determination of the action, the Commission may, subject to the final decision of the Court on the matter, make an order constituting as a forest reserve the lands in respect of which an inquiry has been held.

35 (2) The order shall set forth –

- (a) the limits of the lands which constitute the forest reserve; and
- (b) all rights affecting the same, as set forth in the notice published under Section 33, or established by the Court upon appeal against such notice.
- (3) The order shall be published in the Gazette and made known in the same manner as the notice published under Section 27.
- (4) With effect from the date of the publication of the order in the Gazette such lands shall become a forest reserve.

35(3) Notwithstanding the provisions of this Section, the Commission shall not proceed with the constitution or declaration of a Forest Reserve in respect of any land to which a claim has been made under Sections 29–34 of this Law until such claim has been finally determined by the High Court of the State, and the Commission shall act strictly in accordance with the decision of the Court in constituting the Forest Reserve.

Section 41

POWER TO DE-RESERVE

Section 41 of the Cross River State Forestry Law, 2010 empowers the Forestry Commission, with the consent of the State Governor, to de-reserve any area previously constituted as a Forest Reserve pursuant to Sections 26 and 35. While this provision recognizes the State's authority to reverse a reservation decision where necessary, it fails to address the legal and equity implications of such reversal for communities whose ownership or use rights were extinguished for the purpose of establishing the Forest Reserve.

Sections 26 and 35 clearly provide that the establishment of a Forest Reserve extinguishes pre-existing rights over the affected land in furtherance of an overriding public interest. Logically and equitably, where that public interest no longer subsists and the forest is de-reserved, the legal basis for extinguishing those rights also falls away. Section 41, however, expressly provides that de-reservation does not revive any rights previously extinguished, creating a permanent dispossession of communities without a continuing public purpose. This approach undermines principles of fairness, proportionality, and social justice, and risks eroding community trust in forest governance processes.

It is therefore recommended that Section 41 be adjusted to provide for the restoration of rights to original right holders upon de-reservation, subject to any lawful conditions necessary to protect public interest. Such an amendment would align forest governance with equitable land administration and reinforce community confidence in conservation frameworks. The following adjustment to Section 41 is proposed:

Section 41. The Commission, with the consent of the Governor, may, by notice in the Gazette, direct that, from a date named therein, any lands or any part thereof, constituted a forest reserve under Section 35, shall cease to be a forest reserve or part of that reserve.

Provided that upon cessation, any rights that were extinguished prior to the establishment of the Forest Reserve shall revive; and if the land is required for another overriding public interest, the procedure for acquiring land for reservation purposes under this Law shall apply mutatis mutandis to the reacquisition of such land for the new public interest.

Section 49

REGENERATION AND REFORESTATION

Section 49(1) of the Cross River State Forestry Law, 2010 assigns the responsibility for forest regeneration and reforestation to the Forestry Commission using the permissive term “*may*”, thereby making this critical function optional. This approach is no longer adequate given the revised and expanded functions of the Commission under Section 6(h), which expressly prioritize afforestation, forest regeneration, restoration of degraded forests, and community-led tree planting initiatives. It is also inconsistent with the current condition of the State's forests, a significant proportion of which have experienced degradation and require deliberate and sustained restoration efforts.

Forest regeneration and reforestation are no longer discretionary activities but core obligations of modern forest governance, particularly in a forest-rich State facing biodiversity loss and climate pressures. Retaining permissive language weakens accountability and undermines the State's capacity to meet conservation, climate, and sustainable development objectives. The Law should therefore impose a clear, mandatory duty on the Commission to actively restore depleted forest areas and expand forest cover across the State.

It is recommended that Section 49(1) be amended to replace the word “*may*” with “*shall*”, thereby making regeneration and reforestation a compulsory statutory function of the Commission.

49. (1) The Commission shall either alone or in collaboration with any person or organization embark on regeneration or reforestation of the Forest in the event of deforestation in any forest reserve



Section 49(2)

Section 49(2) of the Cross River State Forestry Law, 2010 currently provides a framework for persons or institutions seeking to undertake reforestation or afforestation, requiring them to submit a 5–10-year reforestation plan and deposit into the Forest Trust Fund the full amount necessary for implementation. However, this framework is structured primarily around entities seeking reforestation rights for the purpose of acquiring a concession. It does not adequately recognize or accommodate individuals, communities, civil society organizations, academic institutions, or private entities that may wish to undertake reforestation purely for conservation, ecological restoration, research, or corporate social responsibility purposes.

This narrow framing risks discouraging voluntary conservation efforts and limits opportunities for broader participation in forest restoration. In the context of widespread forest degradation and the State's expanded mandate to promote afforestation and restoration under Section 6(h), the Law should actively encourage and facilitate conservation-driven reforestation initiatives, while maintaining stricter financial and performance safeguards for concession-based arrangements.

It is therefore recommended that Section 49(2) be restructured into two distinct subsections: one addressing voluntary or conservation-based reforestation initiatives, and another governing reforestation undertaken for the purpose of securing a concession. Following this amendment, the current Section 49(2) should become Section 49(3), revised as follows:

49(3)

(a) Any person who intends to reforest or reafforest a degraded forest reserve shall notify the Commission of such intention and shall submit a detailed reforestation plan to the Commission, and the Commission may upon receipt of the reforestation plan and proper consideration of the application, approve or reject such application.

(b) Where the intention to reforest or reafforest a degraded forest reserve is in order to acquire a concession, such person shall submit a 5-to-10-year reforestation plan and deposit sufficient funds to cover the full cost of implementation into the Forest Trust Fund, before the Commission may approve the concession.

Section 69

APPOINTMENT OF DIRECTOR OF WILDLIFE AND ECOTOURISM AND OTHER OFFICERS

Section 69 of the Cross River State Forestry Law, 2010 provides for the appointment of a Director of Wildlife and Ecotourism and other officers for the effective administration of wildlife and ecotourism functions. However, the current wording of the Section is ambiguous and could be interpreted to allow for the appointment of persons from outside the ranks of the Forestry Commission. This ambiguity may give rise to interpretational inconsistencies and undermine the principle of institutional continuity, career progression, and internal capacity development within the Commission.

Given that the Forestry Commission is a specialized institution with technical, operational, and contextual knowledge of forest, wildlife, and ecotourism management, it is important that senior leadership positions such as the Director of Wildlife and Ecotourism are filled by qualified officers drawn from within the Commission. Clarifying this in the Law would promote professionalism, morale, institutional stability, and accountability, while reducing the risk of arbitrary external appointments.

It is therefore recommended that Section 69 be recrafted to expressly state that the Director of Wildlife and Ecotourism and other designated officers shall be appointed from among serving officers of the Forestry Commission.

69. (1) The Commission shall designate a Director of Wildlife and Ecotourism from within its ranks or staff, and such other officers in this regard as may be necessary.

Section 71

ANIMALS NOT TO BE HUNTED ETC.

Section 71(2) of the Cross River State Forestry Law, 2010 prescribes fines of ₦50,000 for wildlife hunting or trading offences and ₦150,000 for repeat offenders. Given inflationary trends and the significant decline in the value of the Naira since 2010, these penalties are no longer commensurate with the gravity of the offence or sufficient to serve as an effective deterrent. Illegal wildlife hunting and trading pose serious threats to biodiversity, endangered species, ecosystem stability, and the State's ecotourism potential. Retaining outdated fines risks trivializing the offence and inadvertently incentivizing non-compliance.

To strengthen deterrence, enhance enforcement credibility, and reflect current economic realities, it is recommended that the fines be substantially reviewed upward. In addition, the Law may retain the option of imprisonment or other sanctions as appropriate to reinforce the seriousness of wildlife offences. The following adjustment to Section 71(2) is recommended:

Section 71

71. (1) No person shall hunt, kill, capture, trade, or be in possession of any of the following animals, either alive or dead, or parts thereof; or any of the animals listed in the Second Schedule if the animal is:

(a) immature, pregnant, or nursing a young animal;

(b) a female accompanied by her young,

unless authorized by special license or other permits under this Law.

(2) Any person who contravenes the provisions of this Section commits an offence and shall upon conviction be liable to:

(a) a fine of N2,000,000;

(b) imprisonment for a term of 2 years;

The Court may impose any one or more of the penalties specified in paragraphs (a) and (b)

(3) In the case of multiple offences, each offence will be treated separately, and any fine or sentence shall apply consecutively.

Section 83

OFFENCES IN FOREST RESERVE OR WILDLIFE PROTECTED AREA

Section 83 of the Cross River State Forestry Law, 2010 establishes the framework for managing offences committed within Forest Reserves and Wildlife Protected Areas. However, the fine prescribed under Section 83(1)(i) does not reflect current economic realities and is no longer sufficient to serve as an effective deterrent against forest crimes. Since the enactment of the Law, inflation and the increased commercialization of illegal forest activities have significantly diminished the punitive and deterrent value of the existing fine.

Offences committed within Forest Reserves and Wildlife Protected Areas pose heightened risks to biodiversity conservation, ecosystem integrity, and the State's ecotourism objectives. Weak penalties undermine enforcement efforts, embolden offenders, and erode the protective purpose for which such areas are designated. In this context, sanctions must be proportionate to the seriousness of the offence and capable of discouraging both first-time and repeat violations.

It is therefore recommended that Section 83(1)(i) be reviewed and amended to substantially increase the prescribed fines and, where appropriate, strengthen custodial or ancillary penalties. Updating this provision would enhance deterrence, align the Law with present-day economic conditions, and reinforce the State's commitment to protecting Forest Reserves and Wildlife Protected Areas from illegal exploitation. An amendment is therefore proposed as follows:

83. (1) Any person who, in a forest reserve, except with a licence or authority in writing of the Commission-

- (a) Takes any prohibited and endangered forest produce as may be listed in any regulation made pursuant to this Law;
- (b) Sets fire to any grass or herbage, or kindles a fire without taking due precaution to prevent its spreading;
- (c) Makes smoke or lights a fire in any part of a forest reserve within which, or at a time when, smoking or the lighting of fires is prohibited;
- (d) Pastures cattle or permits cattle to trespass; (e) cultivates the soil or makes plantation;
- (f) Trespasses in any part of the forest reserve or excavates therein;
- (g) Constructs any dam or weir across any river or stream or otherwise obstructs the channel of any river or stream;
- (h) Resides or erects any building; or
- (i) Willfully damages or destroys any forest property.

Commits an offence and shall be liable on conviction to a fine of not less than N1, 000, 000 or to six months imprisonment or both and, in addition thereto, may be required by the Court to pay a sum equivalent to the fees and royalties payable on any forest produce removed or damaged and also such amount, if any, as the court may consider as just compensation for any damage done.

(2) Nothing in the preceding Section shall prohibit the exercise by any person or community of any right in a forest reserve if such right has been recognized in the order constituting such forest reserve except such right be restricted in accordance with other provisions of this Law.

Section 85

OFFENCES IN WILDLIFE PROTECTED AREA

Section 85 of the Cross River State Forestry Law, 2010 prescribes penalties for offences committed within Wildlife Protected Areas. However, the fines stipulated under this Section are no longer proportionate to the seriousness of the offences and are insufficient to deter illegal activities that threaten wildlife conservation and ecosystem integrity.

Specifically, Section 85(1) provides a fine of ₦100,000 for any person who hunts, kills, trades, captures, or is found in possession of any animal or part thereof listed in the First Schedule. Given the high conservation value of protected wildlife species and the lucrative nature of illegal wildlife trade, this fine has lost its deterrent effect over time. Similarly, Section 85(2), which imposes a fine of ₦200,000 to redeem any vehicle used in the commission of such offences, does not adequately discourage the use of vehicles and equipment in organized wildlife crimes.

It is therefore recommended that the fines under Section 85 be substantially reviewed upward to reflect current economic realities, the gravity of the offences, and the need for effective deterrence. Strengthening these penalties would enhance enforcement capacity, signal zero tolerance for wildlife crimes, and reinforce the protective objectives of Wildlife Protected Areas under the Law.

The following rewording is recommended;

85.(1) Any person who hunts, kills, trades, captures or be in possession of any animal or any part thereof as mentioned in the First Schedule commits an offence, and shall upon conviction be liable to two years imprisonment or a fine of not less than N1, 000,000 or both.

(2) Any vehicle used in the Commission of any offence under this Law shall be impounded and upon the conviction of the offender, shall be redeemed upon the payment of a fine of N2, 000,000.

(3) Any person who takes the egg of any protected animal in contravention of this Law commits an offence and shall on conviction be liable to three months imprisonment or a fine of N100, 000 or both.

(4) Any person contravening the provisions of Sections 77, 78, 79 and 80 shall, upon conviction, be liable to six months imprisonment or a fine of N 1, 000, 000 or both.



Section 88**ADDITIONAL OFFENCES**

Section 88 of the Cross River State Forestry Law, 2010 prescribes penalties for miscellaneous offences not otherwise specifically provided for under the Law. These include infractions such as harvesting forest produce without a permit, non-compliance with permit conditions, dealing in timber without proper registration, unlawfully starting or maintaining a fire within a Wildlife Protected Area, and assaulting a forestry officer in the discharge of lawful duties. Despite the gravity of these offences, the Section imposes a maximum penalty of ₦100,000- or one-year imprisonment, or both — a sanction that is no longer proportionate or sufficiently deterrent.

Several of the offences captured under Section 88 have significant environmental, economic, and security implications. Illegal harvesting and timber dealings undermine sustainable forest management and deprive the State of revenue. Unauthorized fires within protected areas can cause irreversible ecological damage. Assaulting forestry officers directly threatens enforcement capacity and weakens institutional authority. Given inflationary pressures and the increased commercialization of forest-related offences since 2010, the current penalty framework does not adequately reflect the seriousness of these violations.

It is therefore recommended that Section 88 be amended to substantially increase the prescribed fines and strengthen custodial sanctions, particularly for offences involving violence against enforcement officers or activities that cause ecological harm. Revising this provision will enhance deterrence, reinforce respect for regulatory authority, and strengthen the overall effectiveness of forest and wildlife protection under the Law.

The following adjustment is therefore recommended;

88. (2) Unless provided by this Law, any person who in a wildlife protected area unlawfully –

(a) hunts, takes, kills, injures, or disturbs any protected plant or animal;

(b) takes, destroys, damages or defaces any object of geomorphological, archaeological, historical, cultural or scientific interest, or any structure lawfully placed or construed;

(c) prepares land for cultivation, prospects for mineral or mine or attempts any such operations;

(d) starts or maintain a fire without lawful authority; within a wildlife protected area; or

(e) drives, conveys or introduces any animal into a wildlife conservation area or negligently permits any domestic animal under his charge to stray into a wildlife conservation area; commits an offence.

(3) Any person who violates any of the provisions of this Section shall upon conviction be liable to a fine of not less than One Million Naira (N1,000,000.00) or one year imprisonment or both.

Section 96

INSPECTION OF FOREST PRODUCE

Section 96 of the State Forestry Law contains a drafting inconsistency in the use of the term “*Commission*.” Throughout the Law, the capitalized term “*Commission*” consistently refers to the Forestry Commission as a statutory body. However, in Section 96, the same capitalized term is used in the context of *the commission of an offence*—that is, the act of committing a crime. This creates ambiguity and may lead to interpretational confusion, as the capitalization could be construed to imply reference to the Forestry Commission rather than the act of committing an offence.

Legislative drafting requires precision and consistency, particularly where a defined term such as “*Commission*” has been assigned a specific institutional meaning under the Law. The continued capitalization of the word in Section 96 risks misinterpretation, especially in judicial or enforcement contexts where textual clarity is critical.

It is therefore recommended that Section 96 be corrected to replace the capitalized “*Commission*” with the lowercase “*commission*” wherever the term is used in reference to the act of committing an offence. This minor but important editorial amendment will enhance clarity, preserve internal consistency within the Law, and avoid unnecessary interpretational disputes.

The following adjustment is recommended;

96. A Forest Officer, Administrative Officer, Police Officer or Association enforcement officers within its territory may stop any vehicle, vessel or raft engaged in transporting or moving any forest produce or protected animal on any road or inland waterway for the purpose of preventing the commission of any offence against this Law for inspection.

Section 98

SEIZURE OF FOREST PRODUCE

The same change in the use of capitalization in Section 96 is recommended for Section 98 thus;

98.(1) Any administrative Officer, Forest Officer, or Police Officer, may himself, or by any person acting under his directions, seize any animal or forest produce reasonably suspected of having been unlawfully removed and any instrument or thing reasonably suspected of having been used in the commission of any offence under this Law.

FURTHER RECOMMENDATIONS

- The Cross River State Forestry Law, 2010 makes several references to the office of the Conservator-General, recognizing it as a key institutional actor within the State's forest and wildlife governance framework. Specifically, the Conservator-General is identified as a statutory member of the Forestry Commission under Section 3(1), designated as Chairperson of the Wildlife Conservation Advisory Committee under Section 70(2), and assigned roles relating to the protection of wildlife under Sections 79 and 81. Despite these references, the Law does not establish the office in substantive terms, nor does it prescribe the process for appointment, the qualifications required of the office holder, or a comprehensive statement of functions and responsibilities.

This omission creates institutional ambiguity and weakens accountability, as an office that plays a central role in forest and wildlife protection lacks a clear legal foundation. In the absence of explicit provisions, questions may arise regarding the legitimacy of appointments, the scope of authority of the Conservator-General, and the relationship of the office to the Forestry Commission and other governance structures. Such uncertainty is inconsistent with principles of good governance, professional forest administration, and international best practice in forest management.

It is therefore recommended that a new substantive section be introduced into the Law to formally establish the office of the Conservator-General of Forests. The proposed section should clearly set out the process for constituting the office, define the mode of appointment—preferably by the Governor—specify minimum professional qualifications and experience required of the office holder, and clearly enumerate the functions and powers of the Conservator-General. Introducing such a provision would provide legal clarity, strengthen institutional coherence, enhance professional leadership in forest and wildlife governance, and ensure the effective discharge of responsibilities already assigned to the office under the Law.

- Section 19 of the Cross River State Forestry Law, 2010 establishes the Forest Reserve Fund and outlines various sources from which the Fund may be financed, including excesses from budgetary allocations, revenues from forestry licences and permits, fines, concessions, and other charges. While the provision identifies multiple funding streams, it contains notable ambiguities that limit its effectiveness as a financial governance tool.

In particular, the Section does not specify the percentage of revenues derived from fees, licences, permits, fines, and concessions that are to be paid into the Forest Reserve Fund. This lack of precision creates uncertainty in implementation, weakens financial accountability, and may lead to inconsistent application by the Forestry Commission. In addition, the Section does not clearly define the purpose, scope, or permissible uses of the Forest Reserve Fund, leaving room for discretionary or ad hoc utilization that may not directly support forest conservation and restoration objectives.

It is therefore recommended that Section 19 be amended to provide clear and unambiguous guidance on both the funding structure and the intended use of the Forest Reserve Fund. The Law should expressly state the specific percentage or minimum proportion of relevant revenues to be paid into the Fund and clearly outline the purposes for which the Fund may be applied, such as forest protection, regeneration, community participation, capacity building, and enforcement. Clarifying these elements would strengthen transparency, improve financial management, and ensure that the Fund effectively supports the sustainable management and protection of forest resources in Cross River State.

NOTE

This review is the product of a series of meetings and deliberations convened over a six-month period, bringing together organizations, communities, academics, lawyers, legislative experts, and conservationists. Through structured consultations and technical engagements, participants examined gaps in the Cross River State Forestry Law, 2010 and developed consensus-based recommendations for its reform. The following organizations participated in this painstaking process and endorse the recommendations contained in this report

 We the People is a human and ecological rights organization supporting communities around natural resource extraction and climate change impacted sites. We strengthen people with skills, tools and partnerships to project their voices and protect their interests.	 Panacea for Developmental and Infrastructural Challenges for Africa Initiative (PADIC- Africa) works to achieve a resilient and empowered rural Africa where communities live in harmony with nature. steward their resources sustainably, and thrive economically and socially for generations to come.
 Biodiversity Rescue Club is a youth-led organization based in Calabar, Nigeria. It was founded in 2022 with the vision of an earth where all life forms have a natural opportunity to live. Nature and Biodiversity loss-one of the three planetary crises- is our focal point. We address this challenge through restoration activities, advocacy, and education.	 An Association of Lawyers developing and encouraging a new environmental order anchored on a clean, healthy, safe, and resilient environment.
 Umo Isua-Ikoh, Peace Point Development Foundation-PPDF, an NGO working on Environment/Climate Justice in Nigeria.	 Cross River State Civil Society Network is a network of non profit, non governmental, civil society organisations and sustainable workers working diverse thematic areas to ensure good governance and sustainable development in Cross River State while also working to build and strengthen the capacity of civil society organisations for programme effectiveness.
 The Rights Academy is an education and advocacy organization committed to fostering a just and equitable society through the lens of feminism, human rights, and environmental justice.	 Onyx Community and Development Foundation focuses on sexual reproductive health and rights, education, and environmental conservation while prioritizing the mitigation of gender-based violence. Our aim is to empower children, youths, and women to lead healthy, equitable, and violence- free lives, enabling them to become catalysts for positive change in their community.

 The Nigerian Conservation Foundation seeks to protect, promote, and restore natural resources, and tackle emerging environmental threats in partnership with communities and other stakeholders, while promoting consideration and deploying resources to drive both short term gains for the present and long-term benefits for future generations with the aim of improving the quality of life through the creation of sustainable societies where people and nature thrive.	 Green Planet Initiative International (GPII) is a non-profit, non-government, grassroots organization focused on climate action, reforestation, and sustainable development, particularly in Africa. Specialized in regenerating landscapes, improving food security through agroforestry, and promoting renewable energy.
 Centre For Rights, Advocacy and Popular Participation (CRAPP) seeks to promote good governance, Transparency, Accountability, Human rights protection through advocacy, Pro poor budgeting, support to Anti Corruption, enhancing community access to renewable energy, food security and Humanitarian Services.	 P4SEDI works at the intersection of climate change, gender equality, environmental sustainability, peacebuilding, and livelihood development. Through research, advocacy, and evidence-based interventions, the organization designs and implements programs that strengthen community resilience, empower women and vulnerable groups, promote environmental stewardship, and enhance local economic opportunities.
 Uyo Iban Amplifier Initiative (UIAI) is a women-led organization, advancing environmental and climate justice, gender equity, and community voices by amplifying lived experiences and promoting rights-based advocacy in marginalized and resource-affected communities in Nigeria.	 Boki biodiversity Conservation Foundation (BBC Foundation) is a community-based organization committed to the conservation of flora and fauna as well as the well-being of the people of Boki and Cross River State, Nigeria.
 Policy Alert is an economic and ecological justice organization driving policy advocacy and grassroots empowerment in the Niger-Delta	 The Conservation Association of the Mbe Mountains is a community-based organization formed in 2005 with its administrative headquarters in Bamba, Boki local government area to manage and protect the Mbe Mountains Community Wildlife Sanctuary, a biodiversity hotspot with international relevance, for the purpose of improving the lives of the forest dependent people and encouraging sustainable use of natural resources for future generations.



Biakwan Light Green Initiative (BLGI) drives transformative change in Nigeria by strengthening community self-reliance in WASH and natural resource governance for healthy and sustainable living. We champion the rights and voices of women, youth, and vulnerable groups, promoting respect for nature.



NGO Coalition for Environment (NGOCE) was formed in 1995 for the purpose of working together for a safe environment for all, in the process ensuring that natural resources which provide needed economic and environmental security are protected and equitably harvested for the benefit of the indigenous people.



Reclaim Your Right Initiative

RYRI is a non-governmental organization working to help people to know and enjoy their rights.