



## CROSS RIVER STATE OF NIGERIA

LAW NO. 3, 2010

*A Law to make provisions for the establishment of the State Forestry Commission; and for the purposes of providing sustainable management of the forest and wild life resources, preservation and protection of the ecosystem in Cross River State and other matters connected therewith.*

Long Title.

( )

Commencement:

**THE CROSS RIVER STATE HOUSE OF ASSEMBLY ENACTS -**

Enactment.

### PART I

#### **Establishment, Functions, Powers, Structure, Staff and Funds of Forestry Commission**

1. (1) There is hereby established a body to be known as the Forestry Commission.

Establishment of Forestry Commission.

(2) The Commission shall be a body corporate with perpetual succession and a Common Seal and may sue and be sued in its name and to own, hold and dispose of property whether movable or immovable.

2. The Commission shall have its Head Office in Calabar, Cross River State and shall maintain such Zonal Offices and other Charge Offices as may be necessary for the discharge of its functions.

Offices of the Commission.

3.(1) The Commission shall consist of -

Membership of the Commission.

(a) a Chairman;

(b) two persons appointed from Non-Governmental Organizations, (NGOs) whose activities are relevant to the functions of the Commission:

Provided that such NGOs have been active and in consistent existence for at least the last five years.

(c) two persons from the private sector;

(d) the Attorney-General and Commissioner for Justice as ex-officio member;

(e) the Commissioners or officers charged with the responsibility for Forestry; Bio-diversity and Conservation; Environment; Finance; and International Donor Support as ex-officio member;

- (f) Conservator General who shall be a Director of Forestry;
- (g) the Permanent Secretary of the Commission who shall be the Secretary of the Commission;
- (h) a representative of the Civil Society Organizations; and
- (i) a representative of the Cross River State National Park.

(2) The Chairman and other full-time members of the Commission shall be appointed by the Governor, and confirmed by the State House of Assembly.

Provided that they shall be persons with work experience or proven ability and interest in forestry or conservation management.

(3) Members of the Commission other than ex officio members shall be full-time members.

(4) The supplementary provisions set out in Schedule I of this Law shall have effect with respect to the proceedings of the Commission, and the other matters contained therein.

Tenure of Office and Remuneration.

4.(1) Subject to the provisions of Section 3 of this Law, a member of the Commission, other than an ex officio member, shall hold office for a period of 4 years and may be re-appointed for a further period of 4 years.

(2) There shall be paid to members of the Commission other than an ex officio member, such remuneration and expenses as are applicable in the Public Service.

Vacation of Office.

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 becomes bankrupt;
- (b) he is convicted of a felony or any offence involving dishonesty or fraud;
- (c) he becomes of unsound mind or incapable of carrying out his duties;
- (d) he is guilty of a serious misconduct in relation to his duties;
- (e) in the case of a professional, if he is disqualified or suspended, other than at his own request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member; or

- (f) he resigns his appointment by a letter addressed to the Governor.

(2) If a member of the Commission ceases to hold office for any reason whatsoever, before the expiration of the term for which he is 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.

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

Functions of the Commission.

- (a) regulate the activities of Ministries, Parastatals, Local Government, Departments, 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) perform such other functions which are incidental to conservation and sustainable management of the State's forest resources and revenue generation.

7. (1) The Commission shall, subject to the provisions of this Law, have power to do such things as are considered necessary and expedient in the carrying into effect of its functions.

General Powers of the Commission.

(2) The Commission shall, notwithstanding anything to the contrary in any other Law of the State have power to -

- (a) formulate policies and evolve strategies for the promotion and effective implementation of sustainable forestry development and conservation;
- (b) subject to the provisions of this Law, make, alter, and revoke rules and regulations of the Commission;
- (c) by regulation, review forestry tariffs from time to time; and
- (d) mediate on any dispute that may arise between the Commission and any person, community or organization.

Status of the  
Chairman.

8. The Chairman shall -

- (a) be the Chief Executive of the Commission;
- (b) be responsible for the implementation of the policies of the Commission;
- (c) be the Accounting Officer of the Commission; and
- (d) generally exercise control over the activities of the Commission, including assigning full time Commissioners to supervise the various departments.

Establishments  
of  
Departments.

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

- (a) Conservation, Protection and Compliance;
- (b) Wildlife and Eco-tourism;
- (c) 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.

(2) Each Department shall be headed by an officer not lower than the rank of a Director.

(3) In addition to the departments stated in Subsection (1) of this Section, the Commission may also create a Carbon Credit Unit and any other unit necessary for the purpose of giving effect to the provisions of this Law.

(4) The Commission may merge or increase the number of Departments or change their nomenclatures subject to the approval of the Governor.

10. (1) There shall be appointed for the Commission, by the Governor, a Permanent Secretary. Permanent Secretary.

(2) The Permanent Secretary shall -

(a) be the Secretary of the Commission;

(b) be responsible for the day to day administration of the Commission as may be directed by the Commission or Chairman; and

(c) ensure accountability and proper administration of the Commission.

11.(1) The Commission may recruit its staff directly or from the Civil Service as may be necessary for the performance of its the functions in line with the extant Public Service Rule in the State. Recruitment and discipline of staff.

(2) The terms and conditions of service, including remuneration, allowances; benefits and pensions, of the staff of the Commission shall be as is obtained in the State Public Service.

(3) The Commission shall exercise disciplinary control over all the staff of the Commission in accordance with the Public Service Rules.

12. (1) Service in the Commission shall be Scheduled Service for the purposes of Pensions. Pensions and Gratuity.

(2) The officers employed by the Commission shall be entitled to pensions, gratuities and other retirement benefits as applicable in the State Public Service.

(3) Nothing in Subsections (1) and (2) of this Section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

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

(a) budgetary allocation and any other monies to the Commission from the State Government;

(b) such revenue as the Commission may generate from -

(i) concessions;

(ii) forestry tariffs and ;

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(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 and conservation by way of grants or gifts from -

(i) foreign governments or international agencies;

(ii) non-governmental organizations; and

(iii) global environmental facilities.

(e) 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.

Award of Contract.

14.(1) The Commission shall have power to award contracts in accordance with the Due Process and Price Intelligence Rules and Regulations applicable in the State.

(2) Award of contracts as stated in Subsection 1 shall not include revenue collection.

Power to borrow.

15. The Commission may, by its resolution and subject to such terms and conditions as may be approved by the State Executive Council, borrow such monies, as it may from time to time require, and such monies shall not be in excess of the budget approved by the House of Assembly for the Commission.

Annual estimates and expenditure.

16. (1) The Commission shall keep proper accounts and records of the Commission in respect of each year.

(2) The Commission shall cause the accounts to be audited by auditors to be approved by the State Auditor-General in accordance with guidelines issued by him.

Annual Report and Audited Account.

17. (1) The Commission shall -

(a) prepare and submit to the Governor, not later than 1<sup>st</sup> April in each year, an annual report of the Commission during the immediate preceding year; and

(b) include in such report a copy of audited accounts of the Commission for that year.

(2) The Auditor-General shall forward a copy of the audited account to the House of Assembly.

18. (1) The Commission shall keep and operate bank accounts with reputable banks and all monies received on behalf of the Commission shall be paid into such bank accounts.

Bank Account.

(2) No withdrawal shall be made from the accounts of the Commission unless the cheque or other instrument in respect of such withdrawals are signed by the Permanent Secretary and the Head of the Finance and Accounts Department and confirmed by the Chairman.

19. (1) There is established a Fund, known as the Forestry Reserve Fund into which shall be deposited -

Establishment of Reserve Fund.

- (a) all monies received by the Commission in excess of its budgetary allocation or other sources, in accordance with Subsection (1) of Section 13 of this Law, and which monies remain unexpended at the end of the financial year except for subventions and grants from foreign governments or donor agencies;
- (b) a certain percentage of the fees from Forestry licenses, permits, fines and concessions as the Governor may approve; and
- (c) green regeneration fees.

(2) The Commission shall not disburse any money from the Reserve Fund without the approval of the Governor.

20. (1) There is established a Forest Trust Fund to fund, forest regeneration in depleted areas and general sustenance of the forest.

Forest Trust Fund.

(2) The sources of funds for this Fund shall be -

- (a) subventions and grants from the Federal, State and Local Governments;
- (b) support from individuals, foreign governments, institutions and donor agencies; and
- (c) any other legal sources

(3) The Commission shall not disburse money from the fund without the approval of the Governor.

21. Subject to the provisions of this Law, the Governor may give to the Commission directives of a general nature relating to matters of policy with regard to the performance of its functions.

Directives by Governor.

22. (1) A member of the Commission shall not put himself in a position where his personal interest conflicts with his duties and responsibilities.

Conflict of interest with duties and responsibilities.

(2) A member of the Commission shall not ask for or accept property or benefits of any kind, for himself or any other person, on account of anything done or omitted to be done by him in the discharge of his duties.

(3) For the purpose of Subsection 2 of this Section, the receipt by a member of the Commission of any gift or benefits from commercial firms, business enterprises or persons who have any contract or business transactions with the Commission shall be presumed to have been received in contravention of this Law, unless the contrary is proved.

(4) A member of the Commission who receives or is paid any emolument of Public Office shall not at the same time receive or be paid the emolument of another office unless he is an ex officio member.

(5) A member of the Commission shall not do or direct to be done, in abuse of his office, any arbitrary act prejudicial to the rights of any other person, knowing that such act is unlawful or contrary to the policy of the government.

(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 or a fine of N200,000.00

## **PART II**

### **Classification, Administration and Licensing of forests**

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|----------------------------|---|
| Scope of Application.      | 23. The provisions of this Law shall apply to all forests stated in Section 24 of this Law.   |
| Classification of forests. | 24. In this Law, forests in the State shall be classified as follows - <ul style="list-style-type: none"> <li>(a) State Forest Reserve;</li> <li>(b) Local Government Forest;</li> <li>(c) Community Forest;</li> <li>(d) Private Forest;</li> <li>(e) Wildlife Sanctuary;</li> <li>(f) Forest Plantation;</li> <li>(g) Strict Nature Reserve; and</li> <li>(h) Garden, Park and Urban Forest</li> </ul>  |
| State forests.             | 25.(1) State Forest Reserve is any forest classified as such by this Law or any other laws or orders having effect in the State before or after the commencement of this Law. <p>(2) In the event of any dispute as to boundary of existing State Forest Reserve before the commencement of this Law, the Commission, in collaboration with the communities recognized in the applicable Forest Reserve Settlement Order and living in a State Forest Reserve Area and any other claimants, shall identify and re-establish the boundaries within the State Forest Reserve Area using the approved Forest Reserve Maps.</p> |



26.(1) The Commission 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.

27.(1) Before constituting any land into a forest reserve, the Commission shall publish in the Gazette a notice –

- (a) specifying, as nearly as may be, the location and the limits of the lands;
- (b) of its intention to create a protected forest;
- (c) declaring whether or not the land is at the disposal of the Government;
- (d) declaring that it intends to constitute the land into a forest reserve, either for the general purposes of the Government or for the particular use and benefit wholly or in part of any class or persons or for the benefit of any community; and
- (e) appointing an officer, hereinafter referred to as a "Reserve Settlement Officer".

(2) The Reserve Settlement Officer shall inquire into and determine the existence, nature and extent of any rights, claimed by or alleged to exist in favour of any person or communities or brought to the knowledge of the said officer, affecting the lands or any other rights in or over the lands which it is proposed to constitute a forest reserve.

(3) If for any reason the Reserve Settlement Officer appointed under this Section is unable to perform his duties, the Commission may, by notice in the Gazette, appoint any person to act on his behalf or as his successor.

(4) The Commission may, by notice in the Gazette, revoke any notice under Section 26 or 27.

28. Upon publication of the notice under Section 26, the Reserve Settlement Officer shall -

Constitution of Forest Reserves and declaration of protected Forests and Community Forest Reserves.

Notification of intention to create a reserve and appointment of Reserve Settlement Officer.

Notice of Inquiry.

- (a) immediately cause the particulars contained in the notice to be made known in the areas under the jurisdiction of the Local Government in which the land is situate, by causing the same and other information he considers essential, to be read and interpreted in the local language to the Chiefs and people of the communities dwelling on the land and the Local Government having jurisdiction over the lands; and
- (b) fix and make known a period within which, and a place at which, any person or community claiming any rights in or over or affecting the land which is proposed to constitute a forest reserve shall either send in a written statement of claims or objections to him or appear before him and state orally the nature and extent of his rights or interests.

Duty of Reserve Settlement Officer at inquiry.

29.(1) After expiration of the period fixed by the Reserve Settlement Officer, he shall -

- (a) inquire into and determine the limits of the land specified in the notice aforesaid; and
- (b) determine the nature and extent of any claims or alleged rights or interest affecting the land which have been brought to his notice.

(2) The Reserve Settlement Officer shall keep a record in writing of -

- (a) all such claims and alleged rights or interests;
- (b) all objections which may be made to such claims or alleged rights or interest; and
- (c) any evidence in support of or in opposition to any claim or alleged right or interest.

Reserve Settlement Officer may join or sever claims.

30. The Reserve Settlement Officer may, at any time during the inquiry, join any number of claims or sever any claims joined and, in his findings, may join any number of claims or sever any claims which were formally joined.

Submission of Reserve Settlement Officer's findings on completion of inquiry.

31. (1) Upon the completion of the inquiry, the Reserve Settlement Officer shall submit his findings to the Commission for consideration..

(2) For avoidance of any doubt, his findings shall include -

- (a) description of the limits of the land specified in the notice; and
- (b) setting forth all such particulars as may be necessary to define their nature, duration, incidence and extent of all claims and alleged rights or interest brought to his knowledge in respect of the lands and admitting or rejecting the same wholly or in part.

Modification of rights by Commission.

32. Where the Reserve Settlement Officer has admitted wholly or in part any right or claim which in the opinion of the Commission, the exercise of such right or claim or any part thereof would stultify the objects of the proposed forest reserve or would seriously hinder the efficient working of the proposed forest reserve or would do serious damage to the proposed forest reserve; the Commission may -

- (a) extinguish any such rights or claims and shall either give monetary compensation or grant in exchange or alternative land either within or without the final boundaries of the forest reserve;
- (b) confine or restrict any such rights or claims to certain areas either within or without the final boundaries of the forest reserve or the exercise of such rights to certain times of the year;
- (c) make an enclave or so amend the boundaries of the proposed forest reserve so as to exclude, from the forest reserve, any area over which such rights or claims have been admitted;
- (d) add such additional rights as shall be considered just and equitable, notwithstanding that the reserve settlement officer has not admitted such rights; and
- (e) adopt wholly, or in part, any one or any combination of the above methods of dealing with the matter:

Provided that, in altering the external boundaries of the proposed forest reserve, the Commission shall not include any area which lies outside the original limits set out in the notice published in accordance with the provisions of Section 26(2).

33.(1) The Commission shall, thereupon, publish a notice in the Gazette specifying -

Notification of lands to be reserved etc.

- (a) the lands which it has finally decided to constitute a forest reserve;
- (b) the rights which may be exercised within the proposed forest reserve; and
- (c) any other special conditions affecting the proposed forest reserve.

(2) The Commission shall subsequently give notice to every person who presented any claim or community in respect of which any claim was brought to the reserve settlement officer, of its final decision made under Subsection (1) of this Section.

Appeals from notice specifying lands to be reserved and rights admitted.

34. Any person or community or representative of that person or community who has made a claim may within three months of the date of publication of the notice under Section 33 commence an action in the High Court against any portion of the notice which affects his claim or the claim made on behalf of the community which he represents.

Order of Commission constituting a forest reserve.

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, after taking into consideration the final decision on the matter, make an order constituting as a forest reserve the lands in respect of which an inquiry has been held.

(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.

Revision or modification of orders constituting a forest reserve.

36. (1) Any order made under Section 35 may be revised or modified by the Commission.

(2) In any revision or modification made under this Section the Commission may, after further inquiry, if such is deemed necessary -

- (a) Exercise the powers conferred on the Commission by Section 32;
- (b) add such rights as the Commission shall consider just and equitable, notwithstanding that such rights had not been admitted in the notice published under Section 33; and
- (c) provide for any two or more contiguous forest reserves being joined to form one forest reserve.

Extinguishment and revival of rights.

37. Every right in or over land in respect of which no claim have been made to the reserve settlement officer or of which no knowledge have been acquired by that officer shall be extinguished:

Provided that if any person shall, within six months of the date of the publication in the Gazette of the notice under Section 27, claim, and satisfy the Commission that he was possessed of, a right in respect of which he might have made a claim and that, through ignorance of the fact that an inquiry was being held or for other sufficient reason, he failed to make such claim, the Commission may direct such right to be

revived, modified or extinguished in accordance with the provisions of Section 32.

38. During the period between the dates of the publication under Section 27 of notice of the intention to create a forest reserve and of the order under Section 35 constituting the forest reserve, no -

No new rights to be acquired without approval.

- (a) right shall be acquired in or over the lands comprised within such notice otherwise than by succession; and
- (b) act or thing shall be done in contravention of Sections 94 except that any right admitted in the notice published under Section 33 may be exercised, to the extent and in the manner described therein, by the communities or persons to whom it was admitted, without prejudice to any subsequent revision or modification as provided for in this Law.

39. It shall be unlawful for any person or community to alienate, sell, mortgage, lease, let or transfer, any right admitted in an order made under Section 33 without the consent of the Governor first obtained.

Rights in forest reserves in forest reserve not to be alienated without approval.

40.(1) Subject to any law on environmental protection and the approval of the State Executive Council, the Commission may, by notice published in a gazette, close any right of way or water course in a forest reserve.

Rights of way and watercourses may be closed.

(2) In the case of closure of a water course, an Environmental Impact Assessment shall be carried out by the person responsible for the closure.

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 and, thereupon, from that date such lands shall cease to be forest reserve or part of such reserve:

Power to de-reserve.

Provided that the rights, if any, which may have been extinguished therein, shall not revive in consequence of the cessation if the land is required for another overriding public interest.

42. The protection, control and management of forest reserves and protected forest shall be exercised and directed by the Commission in collaboration with key stakeholders from communities, civil society, private sector and any Community Based Forest Management Association or other relevant Government Agencies.

Control of Forest Reserves and Protected Forests.

43. The Commission may cause to be taken, from any forest reserve or protected forest, any forest produce, which may be required for public purposes upon payment of a prescribed fee.

Forest produce required for public purposes may be taken.

Permits for Use  
of Forest  
Produce.

44.(1) The Commission may on the satisfaction of prescribed conditions issue permits to interested persons to harvest or trade in timber and non-timber forest produce from the forest.

(2) Subject to compliance with the minimum girth requirements, only tree species declared exploitable in a forestry tariffs under this Law or regulations made pursuant to this Law shall be harvested from the forest.

(3) Permits for harvesting of and trading in non-timber forest produce shall be required in the form provided for in this Law or any other Law.

Protected  
Species.

45.(1) The Commission may, for purposes of sustainable forest management development or the conservation of biodiversity and cultural importance, declare any other plant or animal species and their habitats protected, and prohibit the harvesting of such plant or animal species.

(2) Any plant and animal species declared protected in the Schedules to or regulations under this Law or any other Law or Act shall remain protected.

(3) The Commission shall from time to time update the list of species of animal and plants considered protected or endangered.

(4) The Commission shall not grant any permits, licenses and concessions where the purpose shall impact negatively on the habitats of protected plant or animal species.

Water,  
watershed and  
fisheries  
protection.

46. No permits, licenses and concessions shall be granted by the Commission where the purpose shall impact negatively on water quality, water supply, watershed and fisheries.

Protected Forest  
Areas.

47.(1) The Commission may for ecological reasons or the preservation of animal and plant species and their habitats, by regulation, declare any forest area a protected forest.

(2) No harvesting of forest produce shall be permitted in forest areas declared protected.

(3) For purposes of Subsection (1) of this Section, the Commission shall, in collaboration with forest stakeholders develop a proposal for declaring protected forest areas.

Prohibition of  
clear-cutting.

48. Except permitted by the Commission in writing, no person or community shall engage in clear-cutting or burning of high forest land in a protected forest area for purposes of agriculture or any other use.

Regeneration  
and  
Reforestation.

49. (1) The Commission may 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.

(2) Any person who intends to reforest or reafforest a degraded forest reserve in order to acquire a concession shall submit a 5 to 10 years reforestation plan and deposit sufficient funds to cover the full cost of implementation into the Forest Trust Fund, before the Commission may approve the concessions.

(3) The Commission in collaboration with a particular stakeholder, may restore areas of degraded forest by natural or artificial planting to the extent practicable using endemic or native species:

Provided that a non-native specie may be introduced if the Commission so approves in writing and there is strict compliance with the necessary specific risk assessment.

(4) Any organization or individual whose activities create gullies, pits and other man-made environmental hazards in any forest area shall restore the forest area so affected under the strict supervision of the Commission failing which the Commission shall prescribe a penalty.

(5) Notwithstanding any thing contained in this Section, regeneration or afforestation programme must ensure a zero net loss and a net gain of biodiversity on ground with respect to species composition, habitat structure, ecosystem function and people use and cultural values.

50. (1) Harvesting of forest produce in a State Forest Reserve is prohibited, except approved by the Commission in writing and carried out in compliance with the Land and Resource Use management plan for the respective reserve.

Harvesting of Forest Produce in State Forest Reserve.

(2) Where the plan in Subsection (1) of this Section has not been established, the proposed harvesting must meet the requirements of sustainable forestry, livelihood for the communities and conservation.

(3) Any harvesting of forest produce shall be subject to valid permission granted by the Commission, in accordance with this Law or regulation made under this Law.

51. (1) Conservation and sustainable management of forest resources and livelihood for the communities in the State shall be based on the forest sector strategy.

Forest Sector Strategy.

(2) The Commission shall review and, where necessary, revise the Forest Sector Strategy every five years, in collaboration with other key stakeholders.

(3) The Forest Sector Strategy shall lay down the overall objectives of Forestry in the State.

(4) The Forest Sector Strategy shall provide the guidance for forest management in all forest areas; be it State Forest Reserve, Community Forests or Private Forest established and managed in accordance with this Law.

52. (1) The Commission shall, in collaboration with forest stakeholders develop a Land and Resource Use Plan; and Management Plan to be applied in the management of forest in the State.

(2) Upon the development of the land use and resource plan, the Commission shall publish a notice in the Gazette setting out -

- (a) the name and nature of the working plan;
- (b) a general description of the area covered by the working plan; and
- (c) the place or places at which a copy of the plan may be inspected by any interested person.

Grant of licences and concessions by Commission.

53. (1) The Commission may grant licenses, in such form and in such terms as it may decide, for the harvesting of forest produce in forest reserves.

(2) A concession agreement for an area in a State Forest Reserve shall not be concluded by the Commission, with any person or community or communities over a forest living area without the approval of the Governor.

(3) The Commission shall not conclude any concession agreement with any entity unless that entity is a body corporate.

Environmental Impact Assessment for Concession Agreement.

54. The Commission shall not conclude any concession agreement unless Environmental Impact Assessment has been carried out by the concessionaire in accordance with the applicable Law.

Power of Commission to make regulations and prescribe penalties.

55.(1) The Commission may with the approval of the Governor make regulations for all or any of the purposes following and may specify the area or areas to which all or any of the regulations shall apply providing for the-

- (a) management, protection and utilization of forest reserves;
- (b) protection of forest produce in forest reserves by -
  - (i) prescribing the time at which and the manner in which the rights set forth in the Order constituting the reserve may be exercised;
  - (ii) prohibiting the taking or destruction of any specified kind of timber or minor forest produce in the exercise of such rights as aforesaid; and
  - (iii) prohibiting the exercise of all or any of such rights as aforesaid in any specified part of a forest reserve.



- (c) regulating or prohibiting of the destruction of, or any act which may tend to the destruction of or cause injury to, any forest produce or forest growth or forest property in any forest reserve on lands at the disposal of the Government;
- (d) the control of protected forests and the protection of forest produce in a protected forest mutatis mutandis as if such protected forest were a forest reserve;
- (e) regulation of the kindling of fires for any purpose within a protected forest or a forest reserve, and prescribing the persons who may declare the period during which fires may or may not be allowed for any purpose;
- (f) prohibition or regulation of the taking of forest produce or of any specified kind of forest produce on lands at the disposal of the Government;
- (g) prohibition of possession, sale or purchase of forest produce, or of any specified kind of forest produce, by any person other than the holders of licenses and permits granted under this Law or by any other persons or by any classes of persons to be specified in the regulations.
- (h) regulation of grant, issue of and prescribing the form that any licence or permits may take in any particular case to –
  - (i) take forest produce in forest reserves or on lands at the disposal of the Government;
  - (ii) sell or purchase forest produce; or
  - (iii) erect or operate sawmills or other manufacturing plant, using wood as a raw material.
- (i) prescription of procedure for fixing, and making known to the public, the fees to be paid on the application for, and the grant of, any licence or permit and the royalties and fees to be paid by the holders thereof;
- (j) prescription of persons who may declare any specified kind of tree to be a protected tree and any specified kind of minor forest produce to be protected minor forest produce under this Law, and the procedure thereof;
- (k) imposing conditions in respect of the collection, payment and disposal of fees, royalties, tolls and cost of survey and demarcation;
- (l) cancellation, forfeiture, termination or revocation of licences and permits;

- (m) remission or reduction by a forest officer of any royalty, fee or toll charged or payable under the provisions of this Law;
- (n) the holders of licences and permits to render returns and accounts and to submit their books for inspections;
- (o) authorization of the payment of grants and bonuses out of the public revenue for the encouragement of forestry;
- (p) regulation of the collection, preparation and taking of forest produce;
- (q) regulation of the marking of timber, the registration of marks and the manufacture, possession or use of marking instruments;
- (r) regulation of transit of forest produce by land, water or by different means and classes of transport;
- (s) examination, marking, reporting or stoppage of timber or other forest produce in transit;
- (t) establishment, management or control of checking stations to which timber or other forest produce shall be taken for examination by those in charge of it; and the conditions under which such timber or other forest produce shall be brought to, stored at or removed from the checking stations;
- (u) regulation of salvaging and disposal of drift timber;
- (v) prohibition of any act which may cause the obstruction of any waterway or cause danger to navigation;
- (w) the survey, and demarcation, of any lands for giving effect to the purposes of this Law;
- (x) the establishment and maintenance of nurseries and for the afforestation of lands, the preservation and production of forest produce and the introduction of new species of trees or other forest produce ;
- (y) prohibition or regulation of the use of power chain saw or other tools as well as prohibited methods or procedures for harvesting in the State forests;
- (z) making guidelines for the establishment and registration of Community Based Forest Management Association; and
- (aa) generally for giving effect to the purposes of this Law

- (2) The Commission may also make regulations to -
  - (a) regulate acts and omissions within a wildlife protected area;
  - (b) set conditions under which a person, vehicle, boat, aircraft or vessel may enter or travel through or be allowed in a protected area;
  - (c) regulate the use of weapons, traps, firearms, explosives or any other like device
  - (d) control the disposal of liter or waste in a protected area;
  - (e) control the introduction of alien species of animals or plants;
  - (f) control the use of wildlife resources;
  - (g) prohibit or control commercial activities within a wildlife protected area;
  - (h) protect animals and any matters or issues not dealt with in the Law, such as Community By-Law on Wildlife conservation; and
  - (i) generally for giving effect to the purposes of this Law.

(3) Any contravention of the provisions of any regulation made under this Law shall be punishable by a fine or imprisonment as provided under this Law.

56. In the event of any violation of the provisions of this Law or any regulations made pursuant to this Law, the Commission may, by notice in the Gazette, either for the period mentioned in the notice, or without any period specified, withdraw any permit, licence, or concession from any person or organization.

Power to withdraw permits, licences, and concessions.

57. A Local Government Council in liaison with the Commission may create a forest plantation or forest reserve under this Law, and within its area of authority to be managed under the supervision of the Commission.

Establishment of local government forest plantation and forest.

58. (1) The Local Government shall support the Forestry Commission in accordance with this Law and other applicable Laws and Regulations.

The Role of Local Government in Forest Management.

(2) Local Governments shall support the communities situate in their respective jurisdictions with regard to community forest management which may include the provision of basic infrastructures.

(3) Local Governments shall support the Commission to resolve any boundary and other disputes between Associations and other forest stakeholders, failing which resort shall be had to the Boundary Dispute Settlement Committee to be set up under this Law or any regulation made hereunder.

(4) Local Governments shall take necessary measures to assist Communities in afforestation and reforestation in order to increase the forest areas in their respective jurisdictions.

(5) Local Governments shall appoint Forestry Liaison Officers to provide the necessary links with the Commission and the communities engaged in forest management.

Establishment of  
Community  
Based Forest  
Management  
Association.

59.(1) Every community or village or group of communities or villages shall have the right to establish Community Based Forest Management Associations, in this Law referred to as Association in accordance with the provisions of this Law.

(2) An Association established in accordance with the provisions of Subsection (1) of this Section shall develop and manage the forest resources for sustainable use, socio-economic development of the community, protection and sharing of benefits.

(3) The Association shall organize their members to involve every family in the community.

(4) All Associations established and registration of an Association shall be given to the Ministry of Environment in writing.

Management of  
Community  
Forest.

60. (1) A Community Forest shall be managed in collaboration with the Commission and any other forest stakeholders.

(2) Community Forest management shall be carried out through a Community Based Forest Management Association or any designated and legally recognized community-based forest management authority and operating according to the provisions of this Law.

(3) The Association shall ensure that this Law is complied with in their respective Community forest areas and may use their enforcement officers to enforce compliance.

(4) Community Forest Management shall be supported by the Commission and Ministry of Environment which shall assist with planning, management and enforcement.

(5) Any disputes on Community Forest Management shall be settled by a Dispute Settlement Committee to be established by the Commission pursuant to this Law or any regulation made under this Law.

(6) Any Forest Management Committee or Association shall operate under the supervision of the Village or Town Council, with adequate recognition of the role of the Traditional/Chief's Council in peace and sustainable forest practices.

61.(1) Private sector organizations operating in forest areas shall, in accordance with the provisions of this Law and other applicable Laws and Regulations-

The Role of Private Sector in Forest Management.

- (a) cooperate with Commission and communities in the management of their forests;
- (b) support the communities with infrastructures such as roads and bridges, as may be in concessional or contractual or other legal arrangement;
- (c) comply with the provisions of this Law or any other law or regulations made hereunder connected with concessions, contracts or any other legal arrangement as the case may be; and
- (d) take measures of afforestation and reforestation in order to increase the forest cover in their areas of operation.

(2) The Commission may revoke the licence, concession or contract of any private sector organization for non compliance with the provisions of this Section.

62.(1) A person, family, group or organization responsible for the management of a private forest shall managed such forest in a sustainable manner and develop it through enrichment planting and reforestation measures, and in accordance with the principles and general obligations provided for in this Law.

Management of private forest.

(2) Harvesting of forest produce shall be in accordance with the provisions of this Law.

63. To ensure sustainable management of the forest, the Commission, through its authorized officer or agent shall -

Monitoring Private Forests.

- (a) inspect, monitor and control private forest management to ensure its compliance with this Law; or
- (b) enter a private forest area for the purposes of supervision, inspection and monitoring the state of the forest area and its management activities.

64. The Commission shall assist in the management of private forest -

Assistance to private forest by Commission.

- (a) through the provision of information necessary to ensure sustainable management ; and

- (b) through the provision of technical advice and free seedlings where feasible and appropriate.

Establishment and registration of Timber markets and business.

65. (1) There shall be established in various locations in the State, by the Local Governments in collaboration with the Commission, special markets for the sale of timber.

(2) Every timber market shall be registered with and licensed by the Commission on satisfaction of conditions to be prescribed in a regulation made pursuant to this Law.

(3) No timber dealer shall operate in the State unless he is registered with and licensed by the Commission and operates within the designated market established in Subsection (1) of this Section or one approved by the relevant Local Government Council and the Commission.

(4) A major wood-based company or large-scale sawmill operating in the State and duly registered with the Commission, may be permitted to market sawn timber or any product thereof in its premises.

Evacuation of timber from extraction site.

66.(1) A forest officer having jurisdiction over an area where timber is exploited may grant permit to any timber dealer or person interested to evacuate sawn timber from extraction site upon payment of any fee that may be prescribed in a regulation made pursuant to this Law:

Provided that such permit shall not exceed four days.

(2) No vehicle shall evacuate sawn timber from any extraction site, unless cleared by the forest officer having jurisdiction over the area where the timber is exploited.

(3) Evacuation of timber shall be carried out between the hours of 7.30am and 6.00pm only and within the period of four days granted by the forest officer in charge of the area:

Provided that the forest officer may in special circumstances, grant one additional day for the evacuation.

(4) All timbers shall be properly pass-hammered and labeled as legally harvested wood produce at the extraction site.

(5) To give effect to the foregoing provisions, the forest officer in charge of the area shall issue to a permit holder, an evacuation pass which shall serve as a clearing document for timber evacuation and transportation.

(6) The pass, together with the permit fee receipt and the pass hammer marks shall be presented to the forest officer at every Forestry Check Point:

Provided that the pass shall be surrendered at the last check point before the destination of the timber.

(7) Notwithstanding the foregoing provisions of this Section, in the case of timber to be transported outside the State, the timber dealer shall be issued with another pass by the Commission's officer in charge of the area from where the timber is being evacuated, subject to the payment of any fee applicable under any regulation pursuant to this Law.

67.(1) The Commission, forest communities and stakeholders associations registered with the Commission shall appoint enforcement officers to be charged with the responsibility of enforcing this Law and any regulation made pursuant to this Law or any by-Law or other regulations recognized hereon.

General enforcement responsibilities.

(2) Forest laws and regulations including the Association Constitution and Regulations adopted in accordance with this Law, shall be enforced with regard to -

- (a) State Forest Reserves by the Commission;
- (b) Community Forests, by Associations enforcement officers or where Associations do not exist, Village Council enforcement officers; and
- (c) Private forest, by the Commission enforcement officer or private owner if any.

(3) The Commission may collaborate with non-governmental organizations, donor agencies and other stakeholders to provide the Forest Management Committees Associations and village enforcement agents any necessary assistance to fulfill their enforcement responsibilities.

(4) Without prejudice to any arrangements made by the Commission or Association for the security of its enforcement officers, the Nigeria Police shall provide the necessary additional security needed by forestry enforcement officers.

68.(1) The basic duties of enforcement officers shall be to monitor compliance with Law, regulations and applicable Associations' Constitution in the State Forest Reserve, Community Forest and Private Forest through -

Duties of enforcement officer.

- (a) regular patrols, inspection and investigations;
- (b) arrest of offenders, impounding of vehicles and seizure of forest produce obtained illegally, and other tools involved in illegal forestry activities;
- (c) reporting offences to the Commission;

- (d) prevention of illegal forest activities and ensuring the conservation of forests, wildlife and habitats, as provided for in this Law and other applicable laws and regulations;
- (e) mounting forest check points at appropriate places for the purpose of inspection to verify compliance; and
- (f) request from any person whom he reasonably suspects of engaging in illegal forest activities to show any permit, licence, concession, or registration document relevant to the forest activity.

(2) Any impounded and detained vehicle, seized vessels and other tools may be disposed of on the order of a Court by the Commission, and the proceeds therefrom shall be paid into the Commission's account.

(3) Where the goods seized are perishable, an application shall be made by the enforcement officer to the Magistrate's Court for leave to dispose of the goods as and when necessary.

(4) Notwithstanding the provisions of Subsection (2) and (3) of this Section the Commission may dispose of any items and forest produce, which the owner might have abandoned to escape arrest and is not found, and remains unclaimed for sixty days:

Provided that in the case of non-timber forest produce it shall be disposed of after twenty-one days.

(5) Any offence committed under this Law or any regulation made pursuant to this Law may be reported to the Police or charged to Court.

### **PART III**

#### **Preservation, Conservation and Protection of Wild Animals, Birds and Fish**

Appointment of  
Director of Wildlife  
and Ecotourism  
and other officers.

69. (1) The Commission shall appoint a Director of Wildlife and such other officers and employees as may be necessary.

(2) There shall be paid to any person appointed under Subsection 1 of this Section such remuneration and allowances as shall be determined by the Civil Service Commission.

Wildlife  
Conservation  
Advisory  
Committee for  
Cross River State.

70. (1) There shall be established a technical advisory committee for the Forestry Commission to be known as the Wildlife Conservation Advisory Committee.

(2) The Committee shall consist of a Chairperson who shall be the Conservator-General and no more than four other persons appointed from the following organizations-

- (a) Tourism Bureau;
- (b) National Park; and



## (c) Two Wildlife Conservation NGOs.

(3) The Head of Department for Wildlife and Ecotourism shall be the Secretary of the Committee.

(4) The Committee shall have the responsibility to advise and make recommendations to the Commission on matters and questions relating to the wildlife in the State.

(5) The Chairperson and members of the Advisory Committee shall be paid such remuneration or allowance (if any) as the Commission shall determine, but not above what is applicable in the Public Service.

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 animals is-

Animals not to be hunted, etc.

- (a) immature, pregnant or nursing a young animal
- (b) a female accompanied by her young unless he is authorized by special license or other permits under this Law.

(2) Any person who contravenes the provision of this Section commits an offence and shall upon conviction be liable to a fine of not less than N50,000 in the case of a first offender, and N150,000 in respect of any subsequent offence, or one year or two years imprisonment respectively or both.

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

72. No person shall take the egg of a protected animal unless the animal is kept in a domesticated state.

73. Unless authorized, no person shall hunt, kill or trade in any animal whatsoever whether for game or sport in any area of the state designated and delineated as a Wildlife Sanctuary.

Eggs of protected animals not to be taken.

74. The Commission may, either in respect of the whole of the State or any Local Government Area or other areas covered by the provisions of this Law, make Regulations to-

Prohibition of hunting or killing in the Wildlife Sanctuary.

- (a) remove and add any animal to or from any of the Schedules;

(b) prescribe, add to or alter the areas in which any of the animals mentioned in the Schedules may not be hunted, killed, captured or traded unless authorized under this Law

Prohibition and Restriction on existing Wildlife Artifacts.

75. Save with the permission in writing of the Commission, no person shall possess, purchase, sell or transfer any existing wildlife artifact or manufacture anything from any wildlife in the Schedules, and such permission shall not be given unless the Commission is satisfied that such wildlife artifact has been or is to be lawfully obtained for commercial purposes.

Animal killed in self defense and discovered carcass.

76.(1) Notwithstanding anything contained in this Law, no person shall be deemed to have committed an offence against this Law by reason of his having killed or injured any animal in defense of himself or any other person:

Provided that he shall report such occurrence without delay to the Commission or its representatives within forty-eight hours.

(2) When the carcass or remains of any protected animal shall be found, such carcass or remains of the animal shall be the property of the Government and shall be reported to the nearest Charge Office of the Commission which will decide on the disposal of the animal.

Prohibition on killing any animal by dangerous methods.

77. No person shall use any poison, agricultural pesticide, fire, steel jaw traps, snares, dynamite or other explosive or any other device or method designed to injure an animal regulated by the Commission and harmful, for the killing of animals listed in the Schedule.

Prohibition on use of motor vehicle or aircraft for hunting.

78. No person shall use any boat, motor vehicle or aircraft (which term shall include aircraft lighter than air) either for the purpose of hunting, killing or capturing any animal for the purpose of driving or stampeding any such animal.

Provided that nothing in this Section shall affect the right of occupier in respect of land occupied by them, or of the Government or the Government of the Federation in respect of land utilized for public purposes, to use motor boats, vehicles or aircraft for the purpose of driving away, capturing or destroying any animal found on such land where such ejection, capture or destruction is not otherwise contrary to Law.

Power to prohibit destructive methods of capture.

79. Where it appears to the Conservator-General that any method used for killing or capturing animals is unduly destructive, the Commission may by regulations prohibit such methods; or prescribe the conditions under which any method may be used -

(1) any person who uses any method so prohibited or uses any method otherwise than according to the conditions so prescribed, commits an offence;

- (2) no person shall enter the Wildlife Sanctuary except with permission from the relevant authorities;
- (3) no person entering the Sanctuary shall have in his possession firearms, traps, or any device capable of harming the animals; and
- (4) no person entering the protected areas shall be accompanied by domestic animals.

80. (1) The Commission may make regulations declaring any area to be a protected area.

Power to declare and prohibit hunting within the protected area.

(2) Any person who hunts, kills or captures any animal in contravention of any law or regulations, or is found within a protected area in circumstances showing that he was unlawfully in pursuit of any animal commits an offence under this Law.

81. If it is shown to the satisfaction of the Conservator-General, that it is necessary, in order to protect the lives of any persons or to prevent the destruction of crops or of domestic stock or in time of famine or for any requirement relating to public health or public order, that a protected animal shall be destroyed, the Conservator-General and the Advisory Committee may authorize any person to kill such animals for such period and by such methods (even though prohibited by provisions of this Law or the regulations made there under) and subject to such condition as he may direct with due regard to the prevention of any unnecessary destruction of protected animals.

Power to authorize destruction of animals injuring food supplies, crops or endangering life.

Provided that such authority shall not be granted in the case of animals in the protected areas.

82. (1) Where the Conservator-General or any Police Officer or Forest Officer suspects that any person has been guilty of a breach of any of the provisions of this Law, he may inspect and search, or authorize a subordinate officer to inspect and search, any baggage, package, public or private vehicle, tent, public or private premises or building or caravan without a warrant belonging to or under the control of such person, or his agent, and if the officer finds any meat, head, horn, tusk, skin, feather or other remains of animal appearing to have been killed, or any live animal appearing to have been captured, in contravention of this Law, he shall arrest the carrier(s) and seize the contravening article, or may, if need be, order the Police to effect the arrests.

Power to search, seize and arrest.

(2) Such person(s) arrested shall be detained at the nearest convenient police station and the seized articles preserved as exhibit (s) pending a formal charge to be brought before a Court within 48 (forty-eight) hours.

(3) Where a live animal is confiscated in accordance with the provisions of Subsection (1) of this Section, it shall be placed without delay in a competent, recognized animal care centre for its own welfare.

**PART IV**  
**Offences, Legal Procedure, Fees and Royalties**

Offences in forest reserve or wild life protected area.

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;
- (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 N100,000 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.

Offences in Community Forest.

84. The following acts shall constitute offences in a community forest –

- (a) violation of the Land and Resource Use Management Plan;
- (b) violation of Community Association Constitution;

- (c) non-permitted use of timber and non-timber forest produce;
- (d) clearing in community forest reserves;
- (e) clearing of any high forest for any purpose, unless otherwise permitted in the Land Use and Resource Plans; and
- (f) any other acts as may be prescribed in any law, or regulation made under this Law.

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 N100,000 or both.

Offences in wildlife protected area.

(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 N200,000.

(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 N20,000 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 N100,000 or both.

86. Any person who -

Offences in respect of property and boundary marks.

- (a) forges or fraudulently uses, or aids or abets any person to forge or fraudulently use, any registered hammer or hammer mark or any mark used for denoting the ownership of any forest produce, or any other mark used by the Commission in connection with the administration of the provisions of this Law or any mark similarly used by a Local Government; or
- (b) alters, removes, destroys or defaces any such mark placed on forest produce or any boundary mark of a forest or any lands proposed to be included in a forest.

Commits an offence and shall on conviction be liable to a fine of N100,000 or one year imprisonment or both.

87. (1) It shall be an offence punishable with a fine not more than N100,000 for any enforcement officer, including Commission Officer or Association's Enforcement Officer to charge a fee for a permit or pass for which no fees is provided by law or engage in any act which amounts to or may contravene any of the provisions of the Law.

Offence by enforcement officer.

(2) In addition to the sanction in Subsection (1) of this Section, such Commission officers shall be dismissed from his employment while the Association Officer shall be relieved of his duties and be replaced.

(3) Any Commission or Association enforcement officer who receives gratification from any person in order to breach any of the provisions of this Law commits an offence and shall on conviction be liable to a fine of not less than N50,000 or two years imprisonment or both.

Additional offences.

88. (1) In addition to the offences prescribed in this Law, the following acts shall also constitute offences and is subject to the fines and sanctions prescribed under this Law-

- (a) harvesting of forest produce without a required permit or with insufficient or invalid permit or permits;
- (b) non-compliance with conditions of a permit;
- (c) harvesting of forest produce with machinery and tools not registered;
- (d) harvesting of forest produce without being duly registered as sawyer or permittee;
- (e) refusing or resisting inspection or control measures when requested by enforcement officers;
- (f) physically assaulting, harming, abusing, or in any way threatening an enforcement officer;
- (g) violating applicable provisions on protection of species;
- (h) transporting or otherwise evacuating timber or other forest produce without the required pass or with insufficient or invalid pass;
- (i) transporting or otherwise evacuating timber not marked or incorrectly marked;
- (j) transporting or otherwise evacuating forest produce outside fixed periods of time;
- (k) evacuating forest produce using vehicles without clearance;
- (l) transport timber or other forest produce without an interstate permit when required;
- (m) operating a timber market without registration;
- (n) dealing in timber or retailing in sawn timber or non-timber forest produce without the required registration;
- (o) extracting timber in a charge for which a person inspected and controlled has not been specifically registered and without specific approval of the Forestry Commission;
- (p) using power chain-saws for wood conversion in a State Forest Reserve;
- (q) non-registration of tool or machinery used for timber extraction;
- (r) unlawfully extracting an under girth tree;
- (s) farming in any forest mentioned under Section 3 of this Law without a permit from the authority having jurisdiction over the forest;
- (t) owning a farm located in any forest mentioned in Section 3 of this Law without a permit issued by the authority having jurisdiction over the forest;

- (u) operating a timber market outside approved locations;
- (v) unlawful mining in any forest without a permit issued by the appropriate authority;
- (w) contravention of any existing regulations for marketing and transportation of forest products still in force or made pursuant to this law;
- (x) resisting lawful arrest, or attacking Commission's Office;
- (y) unauthorized escort of illegally obtained timber by army personnel, police, etc; and
- (z) any act done in violation of principles of forest management or wildlife Law.

(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 N100,000 or one year imprisonment or both.

89.(1) Notwithstanding any thing in the provisions of this Law, the Commission may compound certain forest offences under the following terms -

Power to compound offences.

- (a) the offender to pay a sum of money not less than three times the value of the forest produce as compensation to Commission;
- (b) forfeits the forest produce in issue; and
- (c) forfeit any items or tools used or involved in committing the offence.

(2) A portion, not less than half of the full amount of such compensation in Subsection (1) (a) of this Section, shall be paid as reward to the informer if any, and the balance paid into the Commission's account.

Fines and  
Sanctions

90.(1) In addition to any penalty prescribed for an offence under of this Law or regulations made hereunder, the court may order the -

- (a) offender to pay an amount equal to the value of the produce or animal at not less than five times the prevailing market value;
- (b) sale of the illegally obtained forest produce or animal seized or any instrument or thing with which the offence was committed, and payment of the proceeds therefrom into the Commission's account for the benefit of the Commission and the Association in the area where the forest is situate; or
- (c) forfeiture of the forest produce or animal to the Commission;
- (d) destruction or cessation of the offending activity or any instrument or thing with which the offence was committed;
- (e) cancellation of any licence or permit held under this Law;
- (f) offender pays three times the applicable fees where a permit, concession or any other registration document is lacking, and
- (g) payment to the informant on whose information the offence was detected and proved, a portion, not exceeding one half, of any fine imposed on an offender.

(2) Any vehicle, vessel, items or other tools used in the Commission of the offence shall be confiscated until the fines imposed has been fully paid and the sanction complied with and if after six months a confiscated vehicle, vessel or other tool is not redeemed, it may be auctioned and the proceeds paid into the account of the Commission.

(3) Before a confiscated vehicle, vessel or other tool is released, the offender shall pay all the costs incurred in respect of the confiscation.

(4) Notwithstanding anything contained in this Section, where a conviction has been entered against any person in respect of the offence alleged, before a confiscated vehicle or tool is released, the offender, driver or owner of the vehicle shall pay the mandatory release fee prescribed hereinafter:



Trailer/Luxury Bus	-	N500,000.00
Other vehicles		
(a) Over 20 tonnes	-	N400,000.00
(b) over 15 – 20 tonnes	-	N350,000.00
(c) over 10 – 15 tonnes	-	N300,000.00
(d) over 5 – 10 tonnes	-	N250,000.00
(e) under 5 tonnes	-	N150,000.00
(f) Power Chain Saw	-	N100,000.00
(g) Other Unspecified Tools	-	N50,000.00

Provided that the Commission may where a vehicle or tool has remained unclaimed for six months have the same auctioned.

(5) The Commission may at its discretion exclude holder of existing permit, licence, or concession who committed any offence from forestry activities for a period of six months.

(6) In the case of persistent commission of offences, the duration of exclusion may be extended to one year or more and until the Commission receives in writing an undertaking to be of good conduct from the offender.

(7) If after the undertaking in Subsection (6) has been accepted and the offender reinstated, the offender commits another offence, he may be suspended for life from engaging in forestry activities.

**Legal Proceedings**

91. In any proceedings for an offence against any provision of this Law, the Commission may be represented by a Law Officer authorized by the Attorney General. Prosecution of offender.

92. The onus of proof that any forest produce has not been taken in contravention of this Law shall lie upon the person in whose possession the forest produce is found. Onus of proof

93. Notwithstanding anything contained in the Survey Law, all maps, plans or diagrams shall be admissible in evidence in any proceedings under this Law in a Court or before a Reserve Settlement Officer, in accordance with the Evidence Act. Admission in evidence of maps of forest officer.

94. When in any proceedings taken under this Law, or in consequence of anything done under this Law, a question arises as to the ownership of a forest produce, such forest produce shall be presumed to be the property of the Government unless the contrary is proved. Presumptions as to ownership of forest produce.

95. In all cases of conviction for any offence under this Law, any protected animal or other remains thereon found in possession of the offender or his agent, unless proven to the satisfaction of the Court that they were lawfully obtained, shall be forfeited to the Commission. Forfeiture on conviction.

**General Powers and Duties**

Inspection of forest produce.

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.

Arrest of suspected persons.

97. Any forest officer, administrative officer or Police Officer may arrest, without a warrant, any person reasonably suspected of having committed an offence under this Law, if such 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 may abscond;

Provided that any person so arrested shall be taken before a Court or to the nearest Police Station within 24 hours.

Seizure of forest produce.

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.

(2) No suit shall lie against the Officer, or person acting under his direction, in respect of any deterioration in quality or value of any forest produce, instrument or thing seized in accordance with the provisions of Subsection (1) of this Section.

(3) Where the person suspected of having committed the offence in respect of which the forest produce has been seized has not been charged and the offence has not been compounded, the Officer, after obtaining an order of a Magistrate, may -

- (a) sell such forest produce and pay to the Forest Trust Fund the proceeds thereof, after deducting the expenses of the sale;
- (b) allocate such forest produce to the use of the Government; or
- (c) destroy such forest produce.

Liability of the Commission

99. The Commission, registered Association, their employees or duly authorized agents shall not be liable for any act done or purported to be done pursuant to this Law unless the act complained was done in bad faith.

100.(1) Any person who provides information to the Commission leading to the arrest and prosecution and conviction of an offender, seizure, forfeiture and payment of any fine under this Law shall be entitled to a percentage, of the fine as may be prescribed under this Law or any regulations made under this Law.

Right of Informant.

(2) An aggrieved informant in respect of the payment in respect of any fee or Commission due to him may appeal in person or writing to the Chairman of the Commission for redress.

101. (1) All fees payable under this Law shall be paid into the special account for this purpose.

Disposal of fees and royalties.

(2) Royalties received under this Law in respect of forest produce shall, when ownership of the lands from which the forest produce is taken has been proved, be paid to the owner(s).

(3) In the case of villages, communities or group of persons, such royalties shall be paid directly to those villages, communities or group of persons concerned.

(4) The Commission shall pay such royalties accruing to the villages, communities or group of persons within the same financial year.

(5) Where a fine imposed is in respect of Community Forest, it shall be shared between the Commission and the Community, in the ratio of 40:60 to the Commission and Community respectively.

102. The Forest Law Cap F5 2004; Forestry Commission Law F6 of 2004; Wildlife Preservation Law 1958; and Wild Animals Preservation Law 1979 are hereby repealed.

Repeal.

103. Any appointment, notice or notification, made or published or any inquiry or the decision or judgment of any person holding such inquiry, held or given, whether at the inquiry or on appeal under the provisions of the Forest Law Cap F5, Laws of Cross River State 2004, shall be deemed to have been made or published, given or held under the provision of this Law.

Effect of certain things done under Forest Law.

104. All existing statutory and contractual functions, instruments, interests, acts, rights obligations and liabilities of the former Commission shall continue as that of the new Commission.

Savings as to existing Forest Reserves.

**PART V  
Interpretation, etc.**

105. In this Law-

Interpretation.

“Animal” or “species” means all vertebrates and invertebrates (including non-edible fish), their nests, eggs, egg-shells, skins and plumage.

“Association” means Community Based Forest Management Association.

“Board” means the Board of the Forestry Commission established and acting in accordance with this Law.

“Chairman” means Chairman of the Forestry Commission Board.

“Chief Judge” means the Chief Judge of Cross River State.

“Conservation” refers to measures of protection and preservation of nature and natural resources as required in order to maintain the state of species, areas and habitats while allowing for its sustainable ecological use.

“Commission” means the Forestry Commission established by Section 1 of this Law.

“Community” means any group of persons occupying any lands in accordance with and subject to local laws and custom.

“Community-Based Forest Management Association” means the Community Forest Management Committee (FMC) made up of the Forest Landlord Association formed by the Community itself, whether or not registered under part “C” of the Companies and Allied Matters Act.

“Community Forest” means forest areas on Community land in which the communities have traditionally and on the basis of customary law exercised Exclusive User Rights.

“Concession” means lawful right to harvest forest produce within a ascertainable forest area for a definite period of time by mutual written agreement.

“Conservation” means the protection and maintenance of nature while allowing for the sustainable ecological use.

“Court” means the Federal High Court in case of National Park and in case of State Forest Reserves, the High Court of Cross River State and Chief Magistrate Court in case of Community Forest in the respective geographical jurisdictions.

“Donor Agencies” or “Donors” includes National, Corporate and individual donors for forestry activities.

“Enforcement Officer” includes any forest, Administrative Officer and Police Officer.

“Forest” means all forests mentioned in Section 24 of this Law.

“Forest Concession” means a delineated forest area given out to a company for timber harvesting for a specified period of time under agreed terms in accordance with the provisions of this Law.

“Forest Produce” includes timber and non-timber forest products.

“Forest Management Committee” means committee of forest stakeholders formed by a community or group of communities and recognized by the Forestry Commission in accordance with this Law but when, Forest Landlord Association is formed it becomes Community-Based Forest Management Association registrable under part “C” of the Companies and Allied Matters Act.

“Forest Produce” includes –

- (a) whether found in or brought from a forest or not, timber, Firewood, charcoal, rubber, gutta percha, latex, wood oil, gun, resin, natural varnish, tanning extracts, tanning barks, fruits, fibres, bark and lac;
- (c) when found in or brought from a forest;
  - (i) trees and all other parts or produce of trees not otherwise herein mentioned;
  - (ii) plants, including climbers and grasses, creepers and all parts or produce of plants;
  - (iii) wood ashes;
  - (iv) peat, surface soil and minerals other than minerals within the meaning of any Act or Law, regulating the working of minerals;
  - (v) gravel, limestone, rock and laterite;
  - (vi) honey, beeswax, guano, silk-cocoons, humus, and all produce from animals.

“Forest Property” includes any stock, store or materials owned by the Government of a council and used or intended to be used in any forest operations or any forestry work, and also boundary marks and pillars, boundary or survey beacons or signs, name plates, machinery, scientific instruments, implements, tools, buildings, tents, fences, vehicles, roads, bridges and cattle;

“Forest Reserves” means those forest areas specified in the State Forest Reserve Orders;

“Forest Resource” includes the forest area and its cover, the trees and other plant and animal species as well as any forest produce therein;

“Forest Sector Strategy” means the strategy for the sustainable development, conservation and management of the forests of Cross River State prepared by the Forestry Commission in conjunction with other stakeholders;

“Forest Stakeholder” means any individual, group or institution

having an interest or a right in forest conservation or sustainable forest management and livelihood for the communities;

“Forest tariffs” means approved government rates or charges for forest products;

“Forestry” means the art and science of managing the natural resources that occur on and in association with forestlands for human benefit or use;

“Garden” means botanical garden ie where plants of different specie are grown or maintained;

“Gazette” means the official Gazette of the Government of Cross River State;

“Governor” means the Governor of Cross River State’

“Government” means the Government of Cross River State;

“High Court” means High Court of Cross River State;

“High Forest” means forest areas dominated by trees;

“House of Assembly” means the Cross River State House of Assembly;

“Hunt” includes an attempt to kill or capture, and also an intentional causing of injury, or an attempt to cause injury, to an animal or bird.

“Illegal Forest Activity” means forest activity carried out without the necessary permit, concession, registration document or any other requirement under this Law or any other Law on forest matters;

“Ministry of Environment” means the Ministry of Environment in the Government of Cross River State;

“Non-Governmental Organization” means a voluntary non-profit organization, independent of Government, interested in the sustainable development, community livelihood, conservation and management of forest in Cross River State;

“park” means recreational park;

“Permanent Secretary” means the Permanent Secretary of the Forestry Commission;

“Permit” means a document granting the holder the authority to extract or use a forest resource or carry out a specified activity in the forest;

“Plantation” means cultivated or man-made forest with few plant species in large numbers;

“Private Forest” means a forest area or plantation outside State Forest Reserve and Community Forest, used by individuals, families, groups, and organizations in accordance with the statutory law or customary law to the exclusion of others;

“Protected animal” means any of the animals mentioned in the Second Schedule;

“Protected Area” means any area set aside by law for purposes of restricted access.

“Protected Bird” means any of the birds mentioned in the Second Schedule;

“Reserve Settlement Officer” means a person appointed by the Government of Cross River State for the purpose of constituting a forest reserve;

“State” means the Cross River State of Nigeria;

“State Forest Reserve” means a forest area designated as such by existing State Forest Reserve Orders;

“Strict Nature Reserve” means forest areas where due to the fragile feature of the ecosystem human activity/access is strictly prohibited;

“Sustainable Management of Forest Resources” means the management of the forest resources in such a way that the forest cover is not degraded and reduced by human use and that it is increased where ecological reason so require;

“Timber” includes all trees, whether standing, fallen, or felled, stumps of trees and all wood, whether or not cut up or fashioned or hollowed out for any purpose;

“timber Dealer” includes timber exploiters, sawn wood sellers, non-timber produce exploiter, dealers and retain outlets;

“Urban Forest” means a piece of land where trees are planted and maintained within an urban area either for erosion control or for beautification purposes, etc.

“Vehicle” means aircraft, lorry, car, truck, engine boat, canoe or vessel whether mechanically or manually propelled;

“Wildlife Artifact” means any protected animal dead or alive or anything part of or produced from such animal when dead or any protected bird, or the eggs, egg-shells, nests or plumage of any such bird, but does not include any trophy or part of a trophy which by a process or bona fide manufacture has lost its original identity;

“Wildlife Sanctuary” means any defined forest area not falling within the category of either a State, Community or private forest reserve but which is specifically set aside by any subsidiary legislation or Executive Order as a protected area or for the conservation of wildlife;

“Working Plan” means, in relation to any forest, any plan of operations or work so decided upon and described as such and approved by the Commission.

104. This Law may be cited as the Cross River State Forestry Commission Law 2010 and shall come into force on the ..... day of.....2010.

Short Title/  
Commencement

**THE SCHEDULE**  
**SCHEDULE 1**  
**SUPPLEMENTARY PROVISIONS TO THE COMMISSION**

**PROCEEDINGS OF THE COMMISSION.**

1.(1) Subject to this Law and Section 25 of the Interpretation Act, the Commission may make standing orders regulating its proceedings or those of any of its Committees.

(2) The quorum of the Commission shall be 5 (five) members which shall include the Chairman of the Commission, and the quorum of any Committee of the Commission shall be as determined by the Commission.

**MEETINGS OF THE COMMISSION.**

2. The Commission shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so, by notice given to him, by not less than two other members, he shall summon a meeting of the Commission to be held within 3 days from the date on which the notice is given.

**PRESIDING AT MEETINGS.**

3.(1) At any meeting of the Commission, the Chairman shall preside, and in his absence, the members present at such meeting shall elect one of their members to preside.

(2) The Commission shall hold as many meetings as may be required.

**CO-OPTION OF MEMBER.**

4. Where the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt such person to the Commission for such period as it deems fit. However, such a person who is in attendance by virtue of this Section shall not be entitled to vote and shall not count towards a quorum.

**COMMITTEES**

5. (1) The Commission may appoint one or more committees to carry out, on its behalf, such functions as it may determine.

(2) A Committee appointed under this Section shall consist of such number of members as may be determined by the Commission.

(3) The Committee may co-opt any person it deems fit, provided the person shall serve on the Committee in accordance with the terms of his appointment.

(4) A report of a Committee of the Commission shall be of no effect until it is ratified by the Commission.



(5) The fixing of the Seal of the Commission shall be authenticated by the signature of the Chairman and the Secretary.

(6) The validity of any proceedings of the Commission or of a Committee shall not be adversely affected by -

- (a) vacancy in the membership of the Commission or Committee;
- (b) a defect in the appointment of a member of the Commission or Committee;  
or
- (c) the fact that a person not entitled to do so, took part in the proceedings of the Commission or Committee.

## SCHEDULE II

## FULLY PROTECTED SPECIES IN CROSS RIVER STATE OF NIGERIA

<b>Mammals</b>	<b>Common Name</b>	<b>Family Genus</b>	<b>Species</b>
<b>Insectivora</b>	Gian Otter-Shrew	Potamogale	Velox
<b>Primates</b>	Gorilla	Gorilla	Deihli
<b>(All primates)</b>	Chimpanzee	Pan	Troglodytes
	Drill	Mandrillus	Leucophaeus
	Red-capped Mangabey	Cercocebus	Torquatus
	Grey-cheeked Mangabey	Lophocebus	Albigena
	Mona Monkey	Cercopithecus	Mona
	Putty-nosed Monkey	Cercopethecus	Nictitans
	Red-earned Monkey	Cercopethecus	Erythrotis
	Preuss Monkey	Cercopethecus	Preussi
	Crowned Monkey	Cercopethecus	Pogonias
	Red Colobus	Procolobus	Badius
<b>Pholidota</b>			
<b>(All Pangolins)</b>	Tree Pangolin	Manis	Tetradactyla
	White-bellied Pangolin	Manis	Tricuspis
	Gian Pangolin	Manis	Gigantean
<b>Rodents</b>	Beecroft's Flying Squirrel	Anomalurus	Beecrofti
	Derby's Flying Squirrel	Anomalurus	Derbianus
	Zenker's Flying Squirrel	Idiurus	Zenkeri
	Pygmy Squirrel	Myosciurus	Pumilio
<b>Carnivores</b>	Cape Clawless Otter	Aonyx	Capensis
	Spotted-necked Otter	Lutra	Maculicollis
	Serval	Felis	Serval
	African Golden Cat	Felis	Aurata
	Leopard	Panthera	Pardus
<b>Elephant</b>	Forest Elephant	Loxodonta	Africana
<b>Ungulates</b>	Hippopotamus	Hippopotamus	Amphibious
	Water Chevrotain	Hymoschus	Aquaticus
	Forest Buffalo	Syncerus	Caffer
	Sitatunga	Tragelaphus	Spekei
	Bushbuck	Tragelaphus	Scriptus
	Bay Duiker	Cephalophus	Dorsalis
	Ogilby's Duiker	Cephalophus	Ogilbyi
	Yellow-backed Duiker	Cephalophus	Sylvicultor
<b>Marine Mammals</b>	Manatee	Trichechus	Senegalensis
	All Porposises & Dolphins		
	All Whales		
<b>Birds</b>	All Pelicans	Pelecanidae	

	White-crested Tiger Heron	Tigriomis	Leucolopha
	Olive Ibis	Bostrychia	Olivacea
	Hartlaub's Duck	Pteronetta	Hartlaubii
	Congo Serpent Eagle	Dryotriorchis	Spectabilis
	Chestnut-flanked Sparrowhawk	Accipiter	Castanilius
	Black-Sparrowhawk	Accipiter	Melano
	Long-tailed Hawk	Urotiorchus	Macrouris
	Ayres' Hawk-Eagle	Hieraaetus	Ayresii
	Cassin's Hawk-Eagle	Spizaetus	Africanus
<b>Mammals</b>	<b>Common Name</b>	<b>Family Genus</b>	<b>Species</b>
	Crowned Eagle	Stephanoaetus	Coronatus
	Marital Eagle	Polemaetus	Bellicosus
	Black Guinea fowl	Agelastes	Niger
	Cameroon Olive Pigeon	Guttera	Pucherani
	Grey Parrot	Columba	Sjostedti
	Red-fronted Parrot	Psittacus	Erithacus
	Great Blue Turaco	Corythaeola	Cristata
	Green Turaco	Tauraco	Persa
	Yellow-billed Turaco	Tauraco	Macrorhynchus
	All Owls	Srigidae	
	All hornbills	Bucerotidea	
	Angolan Pitta	Pitta	Angolensis
	White-throated Babbler	Kupeornis	Gilberti
	Red-headed Rockfowl	Picatheres	Oreus
	Green-breasted Bush-Shrike	Malaconotus	Gladiator
	Mount Kupe Bush-Shrike	Malaconotus	Kupensis
	Bannerman's Weaver	Ploceus	Bannermami
<b>Reptiles</b>			
<b>Crocodiles</b>	Nile Crocodile	Crocodylus	Niloticus
	Slender-snouted Crocodile	Crocodylus	Cataphractus
	Dwarf Crocodile	Osteolaemus	Tetraspis
<b>Snakes</b>	All Pythons	Boidae	
<b>Turtles</b>	All Sea Turtles	Cheloniidae	
	All Freshwater Turtles	Pelomedusidae	
		Trionychidae	
<b>Tortoises</b>	All Tortoises	Testudinidae	
<b>Chameleons</b>	All Chameleons	Chamaeleonidae	
<b>Amphibians</b>	Goliath Frog	Conraua	Goliath
<b>Primates</b>	Vervet	Cercopithecus	Aethiops
<b>(All Primates)</b>	Baboon	Papio	Anubis
	Patas Monkey	Erythrocebus	Patas
	Potto	Perodicticus	Potto
	Angwantibo	Arcotocebus	Calabariensis
	Allen's Galago	Galago	Alleni
	Needle-clawed Galago	Euoticus	Elegantulus
	Dwarf Galago	Galagoides	Demidovii

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<b>Rodents</b>	All Squirrels not listed on Schedule 1		
<b>Carnivores</b>	All Genets	Genetta	Spp
	All Mongosse		
	Two-spotted Palm Civet	Nandinia	Binotata
<b>Hyrax</b>	Tree Hyrax	Dendrohyrax	Dorsalis
	Rock Hyrax	Procavia	Ruficeps
<b>Ungulates</b>	Blue Duiker	Cephalophus	Monticola
	Red-flanked Duiker	Cephalophus	Ruficeps
	Crowned Duiker	Cephalophus	Grimmi

This printed impression has been carefully compared by me with the Law which has been passed by the Cross River State House of Assembly and found by me to be a true and correctly printed copy of the said Law.

ELDER (NTUFAM) JOHN A. OKON  
CLERK OF THE HOUSE

I assent

  
SENATOR LIYEL IMOKE  
GOVERNOR  
CROSS RIVER STATE

MADE AT Calabar this  day of  2010