

A submission to the California Air Resources Board
Comment on REDD+ readiness implementation in Cross River, Nigeria
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Summary

Contrary to its aims, and in spite of good intentions, preparation for and implementation of REDD+ readiness in Cross River has worsened illegal logging, undermined local livelihoods and governance, and weakened state institutions.

Recommendations

- ARB should carry out thorough on-the-ground investigations of the actual state of REDD+ projects and the impacts of these projects in the various jurisdictions
- ARB should engage a broader spectrum of actors beyond the core REDD+ proponents in various jurisdictions. It should engage both supporters and vocal opponents of REDD+ in local communities and state institutions. It should also engage individual researchers from think tanks, academia and NGOs who have done field research on REDD+ in the specific jurisdiction and in other states/provinces of the same country.
- While ARB's efforts in developing effective safeguards are steps in the right direction, it should go further to ensure that these safeguards are not reduced to lists to be ticked off, but are sincerely enforced, and are pursued to make the desired difference on the ground

Implementing REDD+ in Cross River, Nigeria

This comment is based on 5 years of researching Nigeria's REDD+, and 13 years of studying forestry and climate change broadly. Trends emerging from the unfolding of REDD+ in Nigeria's Cross River – one of the jurisdictional REDD+ being supported by California – portend serious risks that the project might not achieve its emission reduction aims. Rather, recent experience raises concern about community rights, increased state violence, institutional tensions and increased deforestation. This account will hopefully contribute to the reflections and decisions of the ARB at an important moment when California is developing linkages with jurisdictional REDD+ in partner countries.

The two most important questions one must ask in carbon offsetting projects seem clear enough: are there effective carbon emission savings? How and at what cost (social, political, environmental and economic) are these savings achieved? If market-like carbon emission reduction schemes generally struggle to answer these fundamental questions satisfactorily, their linkage to REDD+ makes answering them even more complicated. Translating winsome theoretical REDD+ proposals into reality on the ground has been messy, to say the least. The problems with REDD+ are partly technical, including issues of permanence, additionality, leakage, carbon measurement, and monitoring. Perhaps more concerning are the socio-economic, political, and even environmental challenges which local project proponents often, and for apparent reasons, underplay and paper over. Debates over these latter challenges must certainly be brought to the fore in Cross River's REDD+ and elsewhere.

Global REDD+ policy aspirations are, of course, critically important: conserve tropical forests and biodiversity, curb upward climate change trajectories, foster green development pathways, and bring prosperity to the rural poor. The goal of Nigeria's REDD+ is also clearly desirable: "to contribute to climate change mitigation through improved forest conservation and enhancing sustainable community livelihoods". Besides, proponents of the project claimed that REDD+ would help to save Nigeria's "last rainforest" in Cross River – together with the rich biodiversity of this areas, an important global biodiversity hotspot, a regional model of community-based forest management, and an area of regionally important socio-cultural diversity.

But contrary to its aims, and in spite of some good intentions, eight years of preparation for and implementation of REDD+ readiness in Nigeria has worsened illegal logging in the state, weakened institutions, destabilised long-established forest based economies, and undermined local livelihoods and local forest governance. Signs of these were apparent right from the beginning. Project proposals were designed by foreign consultants who worked with few local NGO actors, without consulting with the hundreds of communities whose forests were being mapped out for REDD+. Rather, these visited only four communities where they sought to enlist community participation with unrealistic promises of huge carbon fund tied to specific timelines. Not only have these promises failed to materialise, they have also left many forest communities disillusioned and agitated, especially given the violent regime of forest protection that soon followed. This trend of failing promises to communities has been reported by researchers across many REDD+ countries. Not only was the need for communities' Free Informed Prior Consent ignored at the critical early stages, proponents went ahead to cluster up community forests without any significant consultation, noting that only then is "the (REDD+) project viable and attractive to carbon finance". This meant that in programme documents and implementation plans, communities with contiguous forests were grouped together in clusters of

12 communities in the Ekuri-Iko Esai cluster, 18 communities in the Mbe-Afi cluster, and over 50 communities in the Mangrove cluster. Individual community representation was thus replaced with cluster level representation in REDD+. Clustering generally ignored existing intra- and inter-community forest governance structures which do not necessarily align with patterns of forest contiguity. In fact, clustering is stirring boundary-related tensions among communities who are now anxious to exercise ownership claims and define forest boundaries.

What is, however, most worrying is the widespread criminalization of the forest-based economy under REDD+, and the fully militarized state violence against the populace. In view of the tenure complexities across many REDD+ countries, international REDD+ partners are increasingly urging governments to pursue alternative policies, especially intensified law enforcement, moratorium, and pro-REDD+ incentives. A moratorium declared by the Cross River State government in 2008 to secure the forest for REDD+ has banned all forms of logging across the entire state including in private and community-owned forests. What started as a two-year moratorium was extended indefinitely. Though the government did not issue any definitive instruction as to the precise nature, duration, and terms of the moratorium, REDD+ proponents and conservation NGOs who implemented the ban pursued this in an expansive fashion, covering the entire state, and including timber and non-timber forest products such as wild game, chewing stick, cattle staff among others.

At the same time, no alternative provision was made for public wood needs for building houses, constructing public buildings, making furniture, making tools and numerous household items. Proponents claimed a total logging ban across the state was necessary to forestall state-level leakage and to ensure the conservation of the whole ecosystem of the state. But, as many stakeholders have observed, the total logging ban and the suppression of public wood supply led to a lucrative underground illegal timber economy that was ironically abetted by the Anti-deforestation Task force set up to enforce the ban. Timber prices in Cross River more than trebled within three years from 2008, and many long-established, formally registered wood-based industries and several small-scale artisanal businesses have since shut down. Even if implemented simply as a ban on timber logging along, the moratorium would still be untenable and unrealistic, since it ignored the importance of timber as a legitimate, everyday resource consumed by the public, and the fact that Cross River had even been the major supplier of wood to neighbouring states. As many foresters had insisted, a workable approach which was dismissed by REDD+ proponents, was to zone the forests to cater for all the vital forest uses, and then simultaneously pursue vigorous management of areas for timber production and the protection of areas for REDD+.

While international partners continued to hail Nigeria's moratorium as a prime indication of government's political will for REDD+, the local population continued to groan under the violence and deprivation this was causing. The moratorium was enforced by a state-appointed Anti-deforestation Task force (ATF), chaired by an arms-carrying American NGO captain, Peter Jenkins, and composed of a full complement of the state military and security apparatus, including the Army, the Navy, the Police and the Civil Defence Corps. Often focusing its violent strategies at petty loggers, poor rural youths, and small-scale forest product collectors, the ATF has violently apprehended loggers, non-timber forest product collectors, farmers and rural forest labourer. There were several cases of shootings, illegal detention, abuse, extortion and illegal confiscation of timber and non-timber products for which the State Forestry Commission had legally granted official permits. Numerous petitions to the then state governor, Liyel Imoke, the State House of Assembly, and the Chair of State Forestry Commission – an NGO captain who doubles as the REDD+ coordinator, Odigha Odigha – made no difference. NGOs such as the Green Concern for Development (GREENCODE) and Friends of the Earth Nigeria continued to mobilize and protest against these trends.

The ATF, a supposed appendage of the State Forestry Commission had secured state authority to operate independent of the state Forestry Commission civil servants which it claimed had become too corrupt. Yet, the ATF itself had continued to control a lucrative illegal timber economy involving military chiefs, powerful large-scale timber dealers, and the rank and file of the Task force. The legal secretary of the ATF who doubled as its Chief Prosecutor – a state judiciary officer seconded to the Task Force – decried the level of illegality in the Task force, putting the proportion of corrupt deals and illegality in the ATF at 40% of the total ATF activities¹. Even the Task force's actual forest protection strategy fails to prevent actual logging, since the loggers are apprehended only during and after the logging process – by which time timber had already been cut. Without clear strategies to address public wood demands and public grievances related to REDD+, not only will the incentive for illegal logging be high, the sympathies of local communities and the general public will remain with the illegal loggers who risk much to make wood available, rather than support REDD+ proponents and the Task Force whose activities continue to create hardship for the public.

Ironically, deforestation reached a new peak under the logging ban. This is not surprising to most stakeholders on the ground, if it is to international observers. Local actors refer to constant sighting of timber on the road and in rivers, corrupt dealings among ATF staff, cheaper prices of wood in neighbouring states to which much of the illegal timber now go, but also increased forest clearing for farming

¹ Corruption and illegal abetting of logging in the Taskforce have been widely reported in national and local dailies e.g.: <http://www.vanguardngr.com/2012/05/c-river-assembly-indicts-task-force-on-anti-deforestation/>
<http://www.calitown.com/mafia-rips-cr-forest-reserves/>
<http://www.vanguardngr.com/2015/06/gov-ayade-disbands-c-river-anti-deforestation-task-force/>

by displaced small-scale wood-based artisans. Data from the Global Forest Watch showed that deforestation has more than doubled each year since 2012, reaching 15-year peak in 2014. In fact, 80% of total forest loss in Cross River in the last 14 years occurred between 2012 and 2014 – the periods when the ATF was at its heights². Since other REDD+ proponents, including the state governor, had continued to wield the moratorium as a demonstration to international partners of the government's commitment to REDD+, these inconveniently ignored, and in some cases tried to dissociate REDD+ from the violent practices and illegalities carried on by the ATF.

Efforts to restructure the state institutions, which are often alleged as corrupt and lacking capacity for REDD+ has seen the emergence of NGO actors and few international consultants as key representatives and leaders in the ATF, the Forestry Commission, and the specially created REDD+ Implementation Unit. These NGO actors who claim to have unusual expertise in REDD+ were appointed by the then state governor to lead the state's carbon forestry programme. But the state forestry bureaucrats often saw things differently: they decried the alleged "hijack" of their profession by NGO actors in attempts to impose a totalizing REDD+ regime which is bent on attracting international carbon finance at all cost, and has failed to recognise legitimate public wood needs. This has precipitated a deep tension and mutual distrust between the state forestry bureaucrats and the NGO-dominated REDD+ proponents. This overriding tension, combined with irregular release of statutory funds from government, the halt of the forestry revenue target, and the takeover of forest protection by the Task Force, has frozen all activities except REDD+ across all forestry outposts and at the Commission headquarters. Meanwhile, the NGO-dominated REDD+ caucus continued to enjoy the governor's support, and these also benefitted significantly from REDD+ funds and activities. As such, rather than strengthen the forestry institutions, REDD+ proponents' lack of confidence in the state bureaucrats, and their own pursuit of narrow personal interests have weakened government capacity.

So is REDD+ not achieving anything positive on the ground? Certainly, REDD+ has provided opportunities for trainings and workshops mainly for NGO actors, select state forestry bureaucrats and REDD+ community cluster representatives. In so doing, it has created awareness and expanded local expertise on REDD+ to some extent. It has also provided funds for engaging local and foreign consultants and experts. Largely repetitive trainings especially on forest and carbon measurement, and a range of consultancies account for much of REDD+ spending. In addition, a REDD+ secretariat had been staffed (again by NGO actors) and furnished by early 2014. An MRV lab was under construction in 2015. What is most remarkable here is the rather small circle of individuals, mainly NGO actors, around whom much of

² <http://www.globalforestwatch.org/country/NGA/9>

REDD+ activities in Cross River revolved. And these benefits from REDD+ do not come any close to counter-balancing the huge cost to local populations, the general public, forest-based businesses, and the forest itself.

Unsurprisingly, when the new governor, Ben Ayande, replaced Liyel Imoke on 29 May, 2015, he immediately halted the moratorium, disbanded the ATF and the board of the Forestry Commission; and had all members of these two entities arrested, detained, and interrogated. While the State Forestry Commission is being revived and saddled with the leadership of REDD+ in the state, the general public has fiercely resisted efforts to reinstate the moratorium and reconstitute a new Task force. Meanwhile, former governor Imoke had lamented the failure of REDD+ to “yield return on investments”. Apparently, a desperate search for carbon finance had fuelled the zeal of the heavily indebted state for carbon finance in the first place. Seeing how the state’s forests had declined rapidly under REDD+ without any significant returns to the state from timber revenue and carbon funds, the new governor began plans to construct a staggering 10 kilometres wide and 260 kilometres long “super highway” deliberately planned to cut through much of the state’s forest from the South to the North of the state³. This project has been the subject of local, national and international protests and contestations. It is clear to all that the purpose of the highway is to allow access to the forests for liquidation. In what looks more like “revenge logging”, the state is desperate to recover REDD+ costs (both state expenditure in preparing for REDD+ and revenue forgone under the moratorium). But this move is also driven by the state’s desire to settle its huge debts (Cross River is the 3rd most indebted of Nigeria’s 37 states) and recover the cost of securing victory in the 2015 elections that brought the new governor into power.

So what do all these mean for the ARB and the ways it pursues its linkage with jurisdictional REDD+? At the very least, the ARB should:

- carry out thorough on-the-ground investigations of the actual state of REDD+ projects and the impacts of these projects in the various jurisdictions
- engage a broader spectrum of actors beyond the core REDD+ proponents in various jurisdictions. It should engage both supporters and vocal opponents of REDD+ in local communities and state institutions. It should also engage individual researchers from think tanks, academia and NGOs who have done field research on REDD+ in the specific jurisdiction and in other states/provinces of the same country.
- go further to ensure that social and environmental safeguards are not reduced to lists to be ticked off, but are sincerely enforced, and are pursued to make the desired difference on the ground.

³ By implementing the moratorium, the state had lost revenues from timber permits and royalties on the expectation of significant REDD+ funds which never came. See a similar pattern in [other REDD+ projects](#).