

The Cross River Super Highway: Fact Sheet

FOREST ASSETS

- Cross River State is host to the largest remaining rainforests of Nigeria.
- The Cross River National Park has two distinct, non-contiguous divisions: Oban and Okwangwo, with a total area of about 4,000 square km. Protected forests also exist outside the boundaries of the National Park. In total, Cross River State hosts at least 5,524 sq km of protected rainforests.
- One of the highest bio-diversity forests in the world, Cross River State is home to highly threatened species including Cross River gorilla, Nigeria-Cameroon chimpanzee, drill monkeys and many others, and hosts about 1,568 plant species, of which 77 are endangered including medicinal plants and orchids. Two new species of orchids were found to be unique to Cross River forests: *Tridactyle* sp nov. and *Hebenaria* sp nov.
- Rainforests provide livelihood for over 600,000 indigenous people living in and around Akpabuyo, Bakassi, Akampka, Yakurr, Obubra, Etung, Ikom, Boki and Bekwara LGAs.

CONSTRUCTION

- 260 km of road, 6 lanes, from Calabar to Benue State. The road is planned to lead from the yet to be built Bakassi deep-sea port via Calabar, Akamkpa and Ikom towns towards Benue State.
- The published state map shows the route abutting the Western boundary of the Cross River National Park, Oban Division. The map also shows the route cutting across the Afi River Forest Reserve and Afi Mountain Wildlife Sanctuary, home to the critically endangered Cross River gorilla.

- All along the 260km route, government has revoked the rights of occupancy within a 20-kilometre-belt, which cuts through protected forest areas within and outside the National Park, including Cross River South, Oban Group, Ukon River and Afi River Forest Reserves; Afi Mountain Wildlife Sanctuary; plus the Mangrove Reserve. Where government has revoked land titles, it has the right to fell trees, clear farms or displace communities.
- There are already 2 federal highways connecting Calabar to Benue State. Constructed nearly 40 years ago, they are in need of repair in many places, yet they serve the majority of towns and villages in the state.

TIMELINE

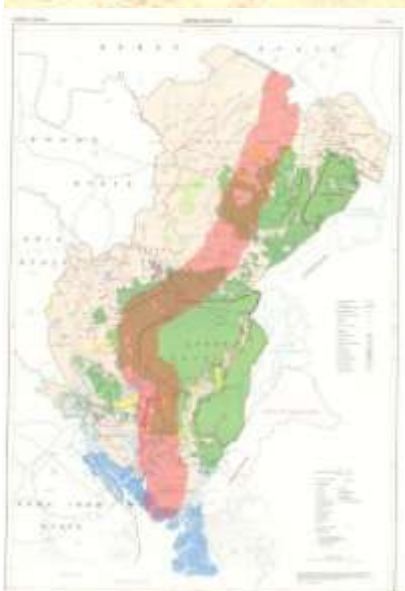
- After May 2015: Super highway construction announced severally by Governor Ayade, together with the installation of a deep sea port in the mangroves.
- September 2015: Groundbreaking ceremony and visit by President Buhari postponed because of non-existing Environmental Impact Assessment. Re-routing of highway to move it outside the National Park.
- 20 October 2015: Buhari performs the groundbreaking ceremony at Obong Akamkpa LGA, Cross Rivers State.
- 22 January 2016: Cross River Government Gazette announces revocation of all occupancy titles within a 20 kilometre wide corridor of land along the highway route.
- February, 2016: Bulldozers enter the Ekuri-Etara, Eyeyeng and Okoni areas and start clearing and felling of trees. Communities in Old and New Ekuri prevent bulldozers from logging in their forest. More bulldozers appear in Katchuan Irruan, Borum, Boje, Iso Bendeghe and Nsadop in Boki.
- Until mid March 2016: No publication of the Environmental Impact Assessment, and no Environmental & Social Impact Assessment, ESIA.

THE CONTROVERSY

According to [Governor Ayade](#), Cross River has “over one million hectares of pristine forest and that forest which is an asset that has remained unexploited and this forest has been conserved over time without exploitation and that is not the way we are going to go forward, we are going to move from forest conservation to forest management which means we are going to be needing two to three thousand young men who will be responsible for regeneration of forest. As we are deforesting for development by processing it into ply wood and vinyl for export we are also correspondingly investing hugely for regeneration.”

In fact, the state has much less than 1,000,000 hectares of forest - perhaps only 600,000 are standing. According to environmentalists and scientists, the existing highways, if refurbished, could fulfil development needs without loss of any forests, and at a much lower cost. The existing highways have an established system of feeder roads, linking communities to the trade route. The proposed super highway would likely cause the construction of its own network of feeder roads, and thus cut a grid of smaller roads into what is left of the rainforest. This slicing up of intact ecosystems would severely affect animal migration, and the gross loss of habitat would further threaten their survival. Sustainable human use of non-timber forest products in many areas would be eliminated. Nigeria would lose its REDD+ status.

Other Nigerian states such as Lagos and Rivers State have refurbished and expanded federal roads and have made claims to the Federal Government which were honoured.





THE VALUE OF FORESTS

Example: Ekuri Forest, which lies entirely within the 20km corridor of land where all rights of occupancy have been revoked by Cross River government: 33,600 hectares of primary, intact rainforest.

- With over 500 trees per each 50 hectares, Ekuri forest traps more than 7,000 metric tonnes of carbon per annum.
- The UN's REDD+ programme for Cross River State forests is worth 4 million US dollars and till date, more than 2 million dollars have been provided to protect forests as important carbon sinks in more

than 80 communities in Akamkpa, Boki, Akpabuyo, Obubra and Etung LGA.

- Watersheds inside Ekuri forest supply water to over 200,000 people.
- As custodian of original bio-diversity and forest life, the Ekuri forest community earned the United Nations 2004 Equator Award for Earth Conservation.
- The forest provides tourism value and resulting revenues to Cross River State.
- Cross River forests are home to more than 1,500 plant species, of which more than 120 are endangered including medicinal plants and orchids.
- > 100 wildlife animal species (conservative figure)

THE LAND

- All rights of occupancy within a 20 km wide land corridor along the 260km super highway route were revoked through a Notice of Revocation of Rights of Occupancy for Public Purpose Land Use Act 1987, published on 22nd January 2016 in the Cross River government newspaper, the Weekend Chronicle. This makes all 185+ communities within the affected land corridor subject to displacement and loss of access to their land. The total area seized by the state amounts to 5,200 sq km, or about 25% of the state's total area.
- In comparison, other express roads of similar size in Nigeria have revoked such rights of occupancy within a 100 meter (= 0.1 kilometre) strip. Federal highways are built to standards of the Federal Highways Act of 1971, with a total road right-of-way extending to 50 meters on each side of the centreline.
- By law, a Governor has the right to revoke land use rights from citizens (compulsory acquisition) but the state has to compensate for everything on the land, such as crops, economic trees, wells, houses, fences etc.

These assets are called *unexhausted improvements* in legal terms as long as they have economic value to the owner and efforts have been made to ensure the sustenance of such assets.

- Example: Ekuri farmers may harvest 100 bunches of banana and plantain a day, sold at N500 a bunch. This equals an annual value of more than N 15 million.
- Communities are entitled to royalties on felled timber if they own or owned it. This is also true for timber in state forest reserves.

DUE PROCESS

- The Nigerian Environmental Impact Assessment Act of 1992 mandates Federal, State and Local Governments and private companies to carry out a detailed environmental impact assessment on environmentally threatening projects. Despite assurances from the Federal Ministry of Environment, there is no public record of an EIA being initiated for the super highway, and it remains a secret at what stage the EIA with its mandatory public consultations and opportunity for comment (in line with Section 7 of EIA Act 1992) actually is. There has been no public notice to access the document as required by section 24, EIA Act 1992. In other countries, a professional ESIA (looking at environmental and social impacts) for road construction projects of this magnitude would require four to five years to complete.
- Nigerian law – the same EIA Act – requires that anyone clearing more than 50 hectares of forest obtain a federal permit and is mandated to carry out an EIA study assessment (Section 12, 6a,b,c, 9c and 10a,b).
- State Procurement Law No 15 (2011) requires a bidding process for this kind of project, but none was carried out. Neither did the State Bureau of Public Procurements in accordance to Section 9(h) embark on a review and evaluation.
- Due process at state level would have required the submission and publication of an engineering plan or blue print for the super highway before forest clearing commences.
- According to the *Notice of Revocation of Rights of Occupancy for Public Purpose Land Use Act 1987*, published by the Government of Cross River and signed the Commissioner for Land and Urban Development, bullet point 4 reads: “*And notice is hereby given that government intends to enter and use the said land at the expiration of 6 (six) weeks from the date of this notice*”. Having published the Notice on 22nd January 2016, no works should have commenced before 4th March, but clearing of the forest started in February.