



**GOVERNMENT WHITE PAPER
ON THE
REPORTS OF THE JUDICIAL PANEL OF ENQUIRY
INTO THE
OKPE-URHOB (UKPE-SOBO) FOREST RESERVE
AND OTHER ANCILLARY MATTERS RELATING TO
DE-RESERVED PORTION(S) AND ENCROACHMENT**

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RESERVED PORTION(S) AND ENCROACHMENT**

1.0 BACKGROUND

- 1.1 On the 18th day of June, 2020, His Excellency, Senator Dr. Ifeanyi Okowa, the Governor of Delta State, inaugurated the Judicial Panel of Enquiry into the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve and Other Ancillary Matters relating to the De-Reserved Portions(s) and Encroachment.

2.0 MEMBERSHIP

- 2.1 The Panel was constituted as follows:

i.	Hon. Justice T.O. Diali	-	Chairman
ii.	Prof. Abednego E. Ekoko	-	Member
iii.	Sir Okey Ofili, mni	-	Member
iv.	Surv. Okeoghene F. Osiawa	-	Member
v.	ACP Dashuwar Abuja (Rep. the Commissioner of Police)	-	Member
vi.	Mr. Weng Chollom (Rep. the Director of State Security Services)	-	Member
vii.	Mr. Jerome Morka, mni	-	Member/Secretary

- 2.2 The Panel applied for and secured the services of a counsel from the Ministry of Justice in the person of I.G. Eze-Owenz, Esq.

3.0 TERMS OF REFERENCE

- 3.1 The Panel's Terms of Reference (TOR) were as follows:

- (i) to establish the ownership by Delta State Government or otherwise of the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve;
- (ii) to identify and locate boundaries of the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve and determine whether or not the size of the reserve was at any time altered by any existing or defunct instrument of government;

- (iii) establish the existence or otherwise of any instrument of Delta State Government that de-reserved portion(s) of the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve in favour of any beneficiary(s) and the size and extent of such de-reserved portion(s);
- (iv) to identify the immediate and remote cause(s) leading to the encroachment(s) on any portion of the Okpe-Urhobo (Ukpe-Sobo) Forest Reserve and the extent of such encroachments; and
- (v) make appropriate recommendations to the State Government.

4.0 METHODOLOGY

- 4.1 The Judicial panel caused a publication to be made in two Newspapers (Pointer and Vanguard Newspapers) calling for memoranda from interested parties. Announcements were also made in Delta State Broadcasting Service (Asaba and Warri) sensitizing members of the public on the inauguration of the Panel. Public Hearings were held at the Unity hall, Government House, Asaba from the 7th to 15th July, 2020. Apart from the representatives of the interested parties, witnesses who appeared on subpoena also testified at the Public Hearing. Upon conclusion of the hearing, counsel for the respective parties submitted written addresses.
- 4.2 The Panel also visited the Forest Reserve with representatives of the interested parties and their respective counsel. Thereafter, the Technical Team of the Panel visited the communities in the course of its survey of the Forest Reserve.

5.0 SUBMISSION OF REPORT

- 5.1 The Panel submitted its Report on Friday, 9th of October, 2020 to His Excellency, Senator Dr. Ifeanyi Okowa, at the EXCO Chambers, Government House, Asaba. The Report was in four volumes as follows:
 - Volume 1 – Main Report
 - Volumes 2 and 2A – Memoranda submitted by Interest Groups and Communities
 - Volume 3 – Proceedings of Public Hearing including Written Addresses by Counsel for the respective parties.

6.0 HIGHLIGHTS OF OBSERVATIONS AND FINDINGS OF THE PANEL

6.1 OBSERVATIONS

- 6.2 The Panel observed that the issues confronting the parties that appeared before it were traceable to claims of ownership of the parcels of land constituted into the Forest Reserve. The panel deposed that the significance of the claims laid in the fact that the owners of the land enjoyed several benefits from companies operating on the land. Two groups were involved in the claims of ownership of the land, namely; Sapele-Okpe community and Itsekiri community. The Sapele-Okpe community based their claim on the fact that the entire Forest Reserve lies within Sapele Local Government Area and that it was the "Ekakuro" from Sapele-Okpe community that signed the instrument constituting the reserve. Also, it was their claim that the name of the Reserve – Okpe Urhobo (Ukpe-Sobo) – was indicative of their ownership. The Panel held that these claims were not enough to substantiate the claim of ownership of the Forest Reserve as several communities were living in the area prior to its constitution. Some of these were not of Sapele-Okpe extraction and exercised acts of ownership over the land they occupied.
- 6.2.1 Similarly, the Abigborodo community was not able to substantiate the claim of owning the entire Reserve. It was however established that there were Itsekiri communities in the Forest Reserve which included Gbekoko, Obotie community and Aja-Ojigwo which were at one time or another part of the Forest Reserve before they were de-reserved.
- 6.2.2 The Panel was unable to determine the ownership of Otonyasere community which was classified as an Itsekiri community in the colonial records but now in contention between the Otonyasere community, Abigborodo community and Fregene Family.
- ### **6.3 FINDINGS**
- 6.4 The Panel found that the Forestry Law had vested ownership of the lands constituting the Reserve in indigenous communities with the Government being in control and management thereof. However, the true position based on the Land Use Act which is a superior legislation as well as decided cases flowing there from, was that the title, management/control of the Forest Reserve is vested in the Governor of Delta State, who holds same in trust for the benefit of all Nigerians.

- 6.4.1 The Panel also found that, contrary to the size of the Forest Reserve given as 35 square miles and later as 43 square miles in the colonial records which did not take into account the dereserved portions of the Forest Reserve as at that time, the actual size of the Forest Reserve from the Survey Plan No. MISC/015/2020 produced by its Technical Team and the Ministry of Lands and Surveys is 37.531 square miles.
- 6.4.2 The Panel established that several colonial instruments altered the size of the Reserve resulting in the excision of 2.245sq miles to Obotie community; 172 acres to Otonyasere, 87 acres to Gbekoko community, 1.60 acres for Igoyo Rubber Plantation and 0.20 acres for Mukoro Rubber Plantation.
- 6.4.3 The Panel found that the Delta State Government in 1996 de-reserved 200 acres of land from the Forest Reserve to Otonyasere community and in 1999 de-reserved 1,200 hectares of land from the Forest Reserve to Sapele-Okpe community.
- 6.4.4 It was the Panel's submission that the Government instrument which de-reserved 200 acres to Otonyasere was vague hence the de-reservation was not plotable.
- 6.4.5 In the guise of laying claim to the said 200 acres of land de-reserved to Otonyasere community, Mr. Augustine Ariaja and his group had gone ahead to sell parcels of land on the area covering 551.786 acres (223,000 hectares) which constitute an area larger than what was de-reserved and an encroachment on the Forest Reserve.
- 6.4.6 The Panel found that the 1,200 hectares of the Forest Reserve de-reserved to Sapele-Okpe community was ceded by the community to CEDDI Corporation Ltd. The company, through a gazette – Delta State Legal Notice No.18 of 2005 purporting to amend the survey description in DSLN of 1999 which de-reserved 1,200 hectares to Sapele-Okpe community, was laying claim to an area far in excess of the 1,200 hectares by another 760.063 hectares which was an encroachment on the Forest Reserve.
- 6.4.7 The Panel found that the purported Delta State Legal Notice No.18 of 2005 was not signed by any authority as was the case for similar instruments, and that records of its origin could not be traced either from the Directorate of Cabinet and Administration or the Ministry of Environment. Consequently, the Panel considered the notice to be a bogus document, the origin of which was shrouded in secrecy.

- 6.4.8 The Panel confirmed that Sapele-Okpe community encroached into the Forest Reserve when approached from Sapele end by 28.723 hectares or 70.968 acres.
- 6.4.9 The two bungalows built inside the reserve which was part of the complaint by the Sapele-Okpe community was found to be actually inside the reserve and constituted an encroachment.
- 6.4.10 Other matters which the Panel drew attention to which constituted security threats included the complaint by Obotie and Gbekoko communities of incessant incursions into their communities by Sapele-Okpe community; the complaint of Gbekoko community that oil companies operating in the land refused to pay royalties to them even though large portions of their land had been devastated by oil exploration activities; and that Otonyasere community encroached into their land. Also highlighted was the complaint by Sapele-Okpe community of armed youths stationed around the Reserve by some members of Abigborodo community. The Panel noted the presence of such armed youths during its visit to the Reserve but could not say on whose authority they were there or confirm the acts attributed to them.

7.0 RECOMMENDATIONS OF THE PANEL AND GOVERNMENT VIEWS AND COMMENTS

7.1 The Panel recommends as follows:

7.1.1 Recommendation (a) – page 20

Structures within the Forest Reserve constructed without Government approval should be removed. The structures referred to are:

- (i) the two bungalows within the reserve;
- (ii) all structures on land in excess of 200 acres de-reserved to Otonyasere community; and
- (iii) the areas verged green in the survey plan (Exhibit 11) which is fully built up, encroached upon by Sapele-Okpe community.

GOVERNMENT DECISION: *Government accepts this recommendation, and thereafter directed that due diligence shall be followed in the process of the removal of the structures in the interest of fairness and justice as well as sustenance of peace in the areas. The Ministry of Lands and Surveys, as a first step, shall cause a public notice to be issued on the subject and 30 days notice given to all concerned to remove all illegal structures within the Forest Reserve..*

Furthermore, based on the finding of the panel that the title, management/control of the Forest Reserve is vested in the Governor of Delta State, who holds the same in trust for the benefit of all Nigerians, this finding as it relates to all Forest Reserves in the State should be conveyed in a public statement for the guidance of all by the Ministry of Justice as the provision of the Law.

The security of the Forest Reserve and its environs shall be under state security personnel and no private outfit shall be allowed to operate there except after due clearance.

In addition, the identified areas of conflict, namely that of Obotie and Gbekoko communities concerning incursions into their communities by Sapele Okpe community; the refusal of oil companies operating on Gbekoko land to pay royalties to them and that Otonyasere community encroached into their land as well as the contested ownership of Otonyasere community shall be referred to the Peace Building and Advisory Council to resolve and report progress made to the State Security Council from time to time.

7.1.2 Recommendation (b) – page 21

The amendment of DSLN No. 11 of 1996 de-reserving 200 acres to Otonyasere community by inserting survey descriptions to enable a surveyor determine the portions of the Forest Reserve which fall within the 200 acres de-reserved to the community. Upon amendment, a survey should be carried out delineating the area.

GOVERNMENT DECISION: *Government accepts this recommendation and thereafter directed the Ministry of Lands and Surveys in conjunction with the Ministry of Environment to study the said DSLN No. 11 of 1996 with a view to filling in the gaps to enable the necessary survey to be carried out to determine the 200 acres de-reserved to Otonyasere. This is quite urgent in view of recommendation a(ii) above.*

7.1.3 Recommendation (c) – page 21

CEDDI Corporation Limited should return to the portion of land covered by the original Instrument, which de-reserved 1,200 hectares to Sapele-Okpe community.

GOVERNMENT DECISION: *Government accepts this recommendation. This position will be formally communicated to the company and the Sapele-Okpe Community. For the avoidance of doubt, the purported Delta State Legal Notice No. 18 of 2005 purporting to amend the survey description in DSLN No.2 of 1999 de-reserving the 1,200 hectares to Sapele-Okpe community, found to be suspect, is hereby declared null and void. The Secretary to the State Government is mandated to issue this declaration through the appropriate channels.*

7.1.4 Recommendation (d) – page 21

Any further de-reservation should be specific as to the exact areas de-reserved and this can be achieved by having the input of the Office of the Surveyor-General of the State.

GOVERNMENT DECISION: *Government accept this recommendation. However, the concern of Government is to see how best to develop the Forest Reserve to serve its purpose.*

7.1.5 Recommendation (e) – page 21

The employment or deployment of Forest Officers to monitor the Forest Reserve constantly.

GOVERNMENT DECISION: *Government accepts this recommendation and thereafter directed the Ministry of Environment to come up with a comprehensive proposal on how best to protect the Forest Reserve from the activities of land speculators, which incidentally involved some of its staff through connivance and the disposal of land purportedly de-reserved to Otonyasere and even encroachment into the Forest Reserve, that the particular staff in question who was mentioned in para. 6.4.5 herein should be deployed to another schedule of duty in no way connected to the Forest Reserve and the Head of Service to set up a committee to investigate the level of involvement of all officers that were involved in the unauthorized adjustment of the designated portion(s) of the Forest Reserve and report back to council in four weeks' time.*

7.1.6 Recommendation (f) – page 21

In respect of all matters in which EXCO approval is required, such approval be attached to the request for publication by the sponsoring Ministry before it can be accepted for publication by the Ministry of Information.

GOVERNMENT DECISION: *Government accepts this recommendation and thereafter directed that no gazette should be published by the Government Printer, Ministry of Information if the request for same is not accompanied with the evidence of the approval of the appropriate authority. It is unacceptable that a gazette could be published without any signatory to it. The letter from the Ministry of Environment directing the Ministry of Information to publish the now disputed Delta State Legal Notice No. 18 of 2005 was masterminded by unscrupulous officials of the Ministry of Environment as no file on the subject was located in the Ministry and no EXCO Conclusion on it was available. The Secretary to the State Government is mandated to issue an appropriate circular for the guidance of all.*

Governor's Office,
(Directorate of Cabinet and Administration)
Asaba

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