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INTEGRATION OF GENDER AND YOUTH INTO NIGERIAN FORESTRY POLICY AND LAW INSTRUMENTS – ISSUES AND PROSPECTS FOR SUSTAINABLE FOREST MANAGEMENT

Azeez, Ismail O.

Department of Social and Environmental Forestry
Faculty of Renewable natural Resources, University of Ibadan, Nigeria

Abstract

Sustainable forest management, when backed with appropriate policy instruments and legal administration will promote improved livelihoods of forest dependants without sacrificing inherited forest biodiversity and its future potential. These are contradictory demands from different stakeholders. While meeting livelihood expectations of forest dependants may seem an affective issue, it may become substantive when their needs are not adequately planned for and they have to meet it within their whims. It may become a social problem. On the other hand maintaining forest biodiversity for posterity may be a substantive issue, the cost may be unbearable in the present. It is against this background that this review was done to analyse policy framework for achieving the socio-economic and ecological cleavage in sustainable forest management in Nigeria, with the view to arriving at international best practices at the nearest opportunity. The review documented the importance of all encompassing tenure arrangement, resource inventory, gender inclusion and youth engagement as pre-requisite to a broad based stakeholder involvement in policy formulation and by engagement sustainable legislation backup, if sustainable forest management is the ultimate goal.

Keywords: Conflict management, Forest policy, Gender involvement, Youth engagement.

Introduction

Sustainable forest management in Nigeria is faced with a lot of challenges especially in the key areas of policy and stipulated legal procedures. Though Forestry and forest industries support the country's foreign earnings, this is not formally documented, since majority of such support is lost to corruption and are thus unaccounted for in her balance of payment. However, record has it that since 1822, forest produce has been exported from Nigeria (FME, 2006). Also, the forestry sub-sector had accounted for about 2% of Nigeria's Gross Domestic Products (GDP) and 8% of the agricultural value added between 1986 and 2006. Also, worthy of note is that using 1984 factor cost, the contribution of forestry to Nigeria's GDP was 1.27% in 1996; 1.24% in 1997; 1.22% in 1998; 1.2% in 1999 and 1.189% in 2000 (CBN, 2002). The country's forest and woody vegetation resources include the high forests woodlands, bush lands, plantations and trees on farms. Each of these resources variously contributes to forests production, protection and conservation functions.

A concerned national effort is necessary to salvage the forestry sector from the onslaught of stakeholders who are interested only in the revenue potential of the sub-sector. Forest policy in Nigeria is intended to encourage and support an aggressive establishment of plantations of economic exotic and indigenous species. One of the identified but highly logical strategy is the formulation of an all-encompassing land use policy, which is favourably disposed to allocation of land resources to a use of superior interest to the nation among other competing uses. However, this is presently not the case in Nigeria. Forest areas are been cleared indiscriminately for agricultural uses with negative environmental and long-term economic consequences. Also, of interest is the public ownership status of most forest estates with little or near nil private participation in forest resources management and conservation.

These and many related issues necessitate sustainable policy framework, if the economic and ecological benefits mixes will not be lost to the present wanton use of Nigeria's forest resources. FAO (2010) submitted workable forest policy and its administration as a reflector of an ideal approach to fulfilling the objectives of furthering rural development, arresting forest degradation and ensuring sustainable forest development. In Nigeria, forest policy was very myopic and obsolete until the 2006 review was done. Even at that the reviewed 2006 forest policy was not given the necessary bite of enacting the requisite laws and regulation to back it up. Also, globally, forest policies and administration have broadly transformed to accommodate the growing variety of goods and services provided by the forests and trees (Lorsenz and Sandhovel, 2001), globalization, trade liberalization, decentralization and privatization as well as the changing demand for forest products and services from a growing and often more urbanized population (Gibson *et al.*, 2000; World Bank, 2004; FAO, 2010; Funder *et al.*, 2013; Elbakidze *et al.*, 2013). Apart from this, the increased awareness of the role of forests in climate change regulation and provision of other environmental services as well as the recognition of the multi-functionality of forests, which by extension require a shift from timber-centred to people-centred forest management was documented by Vihemaki (2005) and Elbakidze *et al.* (2013) as part of the bases for forest policy and law reform.

It is against this background and the dire need for sustainable management of forests in Nigeria that this paper discusses the issues and prospect for stakeholder involvement in sustainable forest management within the ambit of workable forest policy and law in Nigeria.

Sustainable Forest Management

Sustainable forest management (SFM) is not achievable if concerted efforts are not put in place to reconcile the arrays of stakeholders (government, private exploiters and indigenous group) interests. Government, for example is interested in exploiting the forests for public interests (economic and social benefits), the private exploiters interest lies in the probable economic benefits while indigenes and other local residents rely on

forest estates for meeting their livelihood needs. It is therefore imperative to consider SFM from multiple benefits angle, which balance economic gains from forests with social and ecological considerations.

Succinctly put, SFM is about:

- i. presently ensuring improved livelihoods without sacrificing inherited forest biodiversity and its future potential;
- ii. managing forests within the broader context of rural development, which recognizes the dynamics of forest with other land uses;
- iii. clearly defining management responsibilities as well as reconciling competing interests through democratic process of dialogue and partnership-building;
- iv. balancing present emphasis on the environmental protection function of forests with their productive function or the ability of forestry activities to compete for scarce investment resources.

These four cardinals of SFM is based on the United Nations Conference on Environment and Development (UNCED) principle and unofficial perception of the management, conservation and sustainable development of forests and forest lands (de Montalembert and Schmithüsen, 1994).

Gender, Youth and SFM Nexus

As observed by the Latin American and Caribbean Forestry Commission (2015), the potential of women and youths at halting deforestation and by extension their major role in operationalising SFM cannot be overemphasized. Several studies have demonstrated the pivotal role of women in forests (Azeez and Aiyedun, 1999; Eggerts and Garí, 2017; Mukasa, *et al.*, 2012), agroforestry landscape (Ellis, *et al.*, 2006) and tree genetic resources management. Evidence also abound that gender inclusion not only impact SFM, it aids equitable distribution of food apart from enhancing food security and nutrition. This was reposed by Anunobi (2013) who reported women as having access to only 1% of productive land despite their significant role in food production and natural resources management. Youths have equally been identified as the future of any development initiative. They constitute a large proportion of the world population and therefore must not be passive in decision-making on sustainable development. According to Index Mundi (2018), 62.15% of Nigeria population are within the <1 to 24 years age bracket from the country's 2017 population distribution estimate. Implicitly, SFM initiatives in Nigeria must strongly be youth inclusive to ensure meeting the needs of the future. As supported by FAO (2010), Cleaver (2012) and Funder *et al.* (2013), forest policies must anticipate future needs and trends in order to assist in shaping a broader future vision. Integrating the youths and other vulnerable stakeholders into SFM initiatives is however not enough to reduce gender inequalities. Such integration must be backstopped by workable policy, which must be supported with facilitation of the

technical expertise needed for their practice and implementation (FAO and RECOFT, 2015).

Conflicts

Apart from the different categories of users and needs, forests are also complex in structure and resources. As reposed by the World Bank (2001), forest resources can be categorized as renewable or non-renewable. Logical analyses of the framework for SFM clearly indicate that there are bound to be physical, social, economic and biological conflicts among the operational variables: government/private, timber/non-timber, wildlife/fisheries, government/indigene, indigene/other locals, government/indigene, government/other local residents among others. Even there are bound to be conflict of interests within each variable (groups). Hussein *et al.* (1999) also linked natural resource (one of which is forest) conflicts with conflict of interests.

Specifically, conflict on resources can be utilization based, which centres on the various interests of different resource user groups. This is what Gombya-Ssembajjwe (1996) submitted as leading to overexploitation of the resources, since each resource user tends to guard their interests. There are also the management/rights centred conflicts, which arise as a result of certain limitation on use right to resources (in this case, forest). Resources users' rights are limited to access (the right to enter forests for example) and withdrawal (the right to obtain products from forests) only at operational level. This means that users cannot participate in defining future operational rights unless such authority is participatory. It is at participatory authority level that management, exclusion and alienation rights are exercised (Schlager and Ostrom, 1992).

Worthy of note also is that identified conflicts are not general but are location specific. Apart from this, conflict can be affective or substantive. The former is personal, which depending on available information to a facilitator can be termed substantive. Affective conflict deals with interpersonal relationships or incompatibilities (Behfar *et al.*, 2008). It is generated from emotions and frustration (Bodtker and Jameson, 2001) and has a detrimental impact on group or organizational outcomes. It may be attributed to petty jealousy on life style and outcome of exploitation of forest resources on individual or groups of stakeholders. Substantive conflict deals with disagreements among group members about the content of tasks or actions being performed or the performance itself (DeChurch and Marks, 2001; Jehn, 1995; Rahim, 2002). In forestry it may be adduced to disagreement on how and or when a particular resource is being exploited. Substantive conflicts occur when group members argue over alternatives related to the group's task, whereas affective conflicts result over interpersonal clashes not directly related to achieving the group's function (Amason, 1996; Guetzhof and Gyr, 1954; Pinkley, 1990). It is the substantive conflict that is of interest to policy formulation because much as wide consultation is imperative to SFM success, the process cannot accommodate affective issues. This is why there must be policy in place, which is expected to guard the

management of forests if sustainability of the resources is desired. Such policy, if it must withstand the test of time must however, not be formulated based on mundane but substantive issues.

Illegal Activities in the Forestry Sector

Apart from natural conflicts associated with forest resources utilization, another policy issue is that of illegal activities in forest estates. Illegal activities refers to wood and other non-wood products being harvested, transported, processed, bought or sold in violation of national laws. Such activities and others are however, not confined to any economy but are usually worse in economy with limited resources, those with unclear and or discriminatory forest land tenure and in countries where the forest-dependent communities and civil society is weaker. All of these indices are characteristics of developing countries, one of which is Nigeria. Apart from endangering the livelihood of forest dependent communities, illegal forest activities are associated with money laundering, drug trafficking, corruption of government officials and tax evasion. All these further weaken any nation's economy.

FAO and ITTO (2005a) identified five general factors contributing to the occurrence of illegal activities in the forest sector viz:

- i. ill formed forest policy and legal framework;
- ii. inadequate law enforcement institution;
- iii. insufficient data and information on forest resource and illegal operations;
- iv. corrupt practices among government and private sector stakeholders;
- v. global high demand for cheap timber.

Therefore to improve law compliance in the forest sector, there is first the need for an assessment of the causes of illegal acts with the view to identifying measures to nipping it. It is also imperative to combat corruption and cooperate with other nations so as to garner the needed political apparatus to improve local forest law compliance and derive maximum benefits from forest resources exploitation.

The Need for a Sound Forest Policy Framework

The need for a sound and sustainable forest policy, which is expected to address the factors driving illegal activities in the forestry sub-sector, is imperative if SFM is desired. Also, important is the conflict emanating from use of forest resources by different actors, which may possibly lead to wanton and selfish exploitation that may imperil the resource.

The initial forest policy of Nigeria prior to the 1998 review was conceived based on the then simpler situations compared to what presently obtain. The population then was lower and so was the demand on forests. There was enough land mass that 25% was reserved for forests compared to the present when less than 10% is under forest cover.

Then, government merely needed to declare an area (controlled by local groups from time immemorial), which are often not well demarcated as forest estate. Forest policies were formulated principally for wood production and, in some instance based on the concept of sustained yield. This policy approach also restricted forest users and uses that were viewed as having negative impacts on commercial timber production. This led to conflicts among forestry agencies, the private sector and local groups among others. Apart from these, the fiscal, price and contractual policies were harvesting rather than management focused. All these negate the principle of SFM.

The principle of SFM requires an interdependent though complex partnership among all major actors and beneficiaries based on understanding and acceptance of win-win relations. This can be made possible if forest policies are formulated based on the diversity of forest conservation and utilization. Also, important is the need for consultations of major interest groups on forest management decisions. The last forestry policy in Nigeria was put together in 2006 and is already due for revision. Unfortunately, the legislation backing it up has not been passed up till this early. This may be a blessing in disguise as it is expected to allow for a fully reviewed forestry to be legislated upon. But the question is: how are we sure that when revised the policy will be backed by the requisite legislation to give it the desired bite?

The Starting Point on Sustainable Forest Policy Formulation

Forestry is a land use business and imperative to all such matters, the cross sector implications of regulating its use, management and conservation must be thoroughly considered. The following are suggested as possible consideration as observed by de Montalembert and Schmithüsen (1994):

- a. Effect of forest policy on other land use activities and viz-a-viz: since forest is central in land use ecology, their conservation is imperative to optimizing land use activities generally. Therefore, there is need for adequate planning to come up with an all inclusive policy that will guarantee a win-win policy for all land uses. Care must be taken to balance the long term proposition of forestry business with versatility of forest resources. It should also be noted that the short rotation and quicker benefits of some other land uses (e.g. arable crop production) has negative consequences on land productivity. Therefore care should be taken not to embark on policy that will favour short-term land use economic benefits using deforestation as a pawn. Care therefore must be taken to ensure monitoring impacts of all land uses at the forest interface to ensure that the long-term benefit of forestry business is not sacrificed for short-term economic benefits, which will likely wake negative consequences. Conservation and enlightened utilization of forests is therefore a must in any nation's forest policy and all needed to achieve this must be pursued to logical conclusion.

- b. Human angle to policy formulation: humans are central to SFM and thus factoring their behaviour into forest policy cannot be overemphasized. Thus, forest policy should recognize various interest groups that live in or around forest estates and or depends on forests for their livelihood with the view to taking their interest into consideration. This is expected to go a long way in making the policy flexible and hence, sustainable.
- c. Fiscal and price policies for forestry activities and products: it is imperative that this should be competitive with other land uses so as to encourage investment in forestry activities. Governments should not make revenue generation from forest estate a priority because this may finish the estate and negate conservation principles. Thus investors in forestry activities could be encouraged using some fiscal incentives such as financial grants and compensation for losses incurred from investment in forestry activities. Also, though the interplay of market forces and competition are expected to drive prices in reality, forest products prices must be tinkered with, if forestry activities must stay competitive with other land uses favourably. Therefore, the forest product markets must ensure a fair share of revenues to all actors responsible for managing the forest viz: government entities, private concessionaires, forest owners, and local communities or user groups.

Beyond the above-mentioned issues, failing to plan is planning to fail. Thus, adequate preparation and background analyses of forest management peripherals are imperative to coming up with policy framework and the law component that will make it work. Without sustainable and all inclusive policy on forest management and conservation, interests will clash and the forest may be endangered. But with planning, an all inclusive policy instrument that will be generally accepted with little technical input for enforcement is possible. Before, passing any policy, an envisioned impact analysis of such policy on the rural poor and big businesses is important. The former is with view to ensure that the livelihood of the poor are not negatively impacted by policy and the latter is to ensure that illegally operating businesses are not having a field day at the expense of legal ones.

Establishing a Sound and Coherent Forest Policy Prior to Law-Making

As submitted by FAO and ITTO (2005b), a sound and coherent policy framework is a prerequisite to the development of clear, transparent and consistent legislation. This can be achieved by:

- i. establishing a clear forest policy framework;
- ii. drafting legislation that is simple, unambiguous, based on tested approaches and containing minimal discretionary powers;
- iii. harmonizing legal/forest-related definitions;

- iv. ensuring clear demarcation between national, regional and local authorities over the allocation and control of forest resources;
- v. raising awareness about the regulatory framework.

Laws and Regulations to Support Sustainable Management Policies

Policy development must be followed by legally binding norms. Laws and regulations are thus the result of policy formulation processes as well as being the basis for their implementation. Changes in national policies, putting more emphasis on sustainable forest resource development must lead to a systematic review and, in many instances, to a considerable modification of legislation, whether it specifically addresses forests and forestry (nominal forest law) or has an indirect impact on forestry (functional forest law).

Nominal Forest Law

Existing forest legislation is largely of a regulatory nature. The policy-makers who shaped these laws mainly focused on the immediate benefits from timber production as the resource's major or exclusive output. A basic assumption was that it would be sufficient to regulate the maintenance of the forest cover and prevent destructive utilization practices. Regulatory measures of this kind will certainly remain an important part of the standard pattern of forest laws, but there is ample evidence that implementation of a comprehensive sustainable forest management policy cannot be ensured exclusively through such measures. However, the 2006 Nigeria forestry policy recognized the vulnerability of women (Pg. 62) as well as the alienation of youths (pg. 64) and documented policy statements to not only involve women in policy enunciation, implementation and SFM but to also develop programme that will integrate youths into the country's mainstream (FME, 2006). Achieving this might be a mirage if specific efforts are not made to integrate the principle of sustainability more consistently in forest laws and regulations through the imperatives submitted by Montalembert and Schmithüsen (1994), which will make the policy statements functional:

Ensuring Clarity, Transparency and Consistency in Forest and Forest-Related Legislation: The requisite to addressing equity is open mind and actions of actors. Thus, legislation backing the policy bordering the interrelations with complex resources such as that found in forests must be simple and unambiguous to both operators and those whose life it will affect. It is also expected to be based on tested approaches and must contain transparent obligations and minimal discretionary powers. To this end a participatory approach is advocated for forest law design so as to:

- i. promote transparency;
- ii. reduce the potential for corruption;
- iii. enable people to scrutinize the effectiveness of subsequent implementation;
- iv. help ensure greater equity; and
- v. minimize the influence of privileged groups.

Effort should also be put in place for monitoring of the legal framework to ensure that extant laws do not contradict the forestry sub-sector and other related sector's legal framework.

Minimizing Bureaucracy, Streamlining Legal Procedures and Simplifying Regulations: Another danger that may work against optimum achievement in forestry policy legislation is undue bureaucracy, which may slow down legal action. There may therefore be the need to consider seriously decentralization of legal administration though within standards. Although, the importance of standard regulation cannot be overemphasized, there is need to avoid proliferation in the regulatory mechanism. Also, the forest regulations on management planning must be simplified to guard against creating unnecessary bottlenecks, which may be capitalized on by lazy and corrupt officials.

Securing Forest Land Ownership Rights: Making pronouncement alone by government does not secure land as forest estate. Matter of fact, this is the starting point to ensuring control over gazette for estate and ensure that there is accountability of resources there-in among local residents and indigenous groups.

Ensuring that in-country industrial capacity does not exceed sustainable supplies: No law will work where the basis for it is flawed. Planning for what is available will inform sane achievements. Thus unless there is provision for importation of forest resources, planning the industrial capabilities of a country should be informed by available raw materials. This can be achieved by conducting feasibility studies covering the environmental impact assessment as well as raw material potentials before prospecting industries are allowed to take off. Where there are existing ones already operating outside this threshold, they should be closed down.

Improving cross-sectoral linkages and collaboration: A tree does not make a forest and so, there is need for collaboration between forestry and other land use sub-sectors both within and outside Nigeria. This is expected to forge cross fertilization of ideas and reduce wastage of resources unnecessarily. Such move will also improve economic benefits from forest resources apart from encouraging coherent and overarching approach to forest issues. The FME (2006) reported Nigeria had signed some international agreements, which are relevant to SFM and development, but honouring them requires domestic legislation and action.

Increasing the competitiveness of legal operations: This can be achieved through putting in place measures that will decrease the profitability of illegal forestry based operations. Also, effort should be made towards ensuring the workability of fiscal policies that will increase the profitability of legal operations, most especially through legislating against corruption of fiscal policy administrative officials.

Enhancing the capacity of the judiciary to act effectively on forestry law matters: The law will not work if modalities are not in place to promote the independence of and the judiciary and transparency of judicial processes.

Conclusion

Achieving sustainable forest management in Nigeria requires adequate planning, which is impossible without adequate inventory of the present status of forest estates in the country. Secondly, there is need to take full control of forest land within the ambit of extant land use regulation. It is after this had been done that analyses of forest stakeholders become imperative so as to involve the right group in forest management decision making groups. Then, and most importantly is the need for wide consultation on policy with the view to assessing policy before finally enacting them. Finally, policies are nothing, implementation is everything. For proper forest policy implementation, all stakeholders must also be involved in formulating legislations to back it up such that they have input in what will likely affect them and by so doing guard against their ignorance in this direction.

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