



OUR RAINFOREST TODAY

RRDC News Bulletin

Thursday March 16, 2017

Vol. ...

RRDC, Block 12, Plot 7, Federal Housing Estate, G.P.O. box 2483, Calabar, Cross River State, Nigeria;
Email: odeyoyama@hotmail.com; Mobile: +234(0)8035033824

THE POSITION OF RAINFOREST RESOURCE AND DEVELOPMENT CENTRE (RRDC) ON THE SUPERHIGHWAY ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REPORT

Preamble:

Having thoroughly studied the 651 pages of the Environmental Impact Assessment (EIA) Report and the 334 pages of the Biodiversity Action Plan (BAP) pertaining to the Superhighway Project, prepared by PGM NIGERIA LIMITED for the Cross River State Government of Nigeria, we, Rainforest Resource and Development Centre (RRDC), hereby present our demand to the Federal Ministry of Environment for the rejection of the EIA report in its entirety. Our position is based on the inconsistencies, false claims and falsifications that are contained in the EIA report summarized herein below:

1) FAULTY CONTEXT

The EIA does not actually refer to Cross River State of Nigeria. Otherwise, the following biological species which are totally alien to Cross River State environment could not have been cited in the EIA report:

- i) The Blue Monkey (which is actually found in Uganda);
- ii) Small Indian Mongoose
- iii) Nile Rat
- iv) White Colobus monkey
- v) Roloway monkey (*The species occurs in a small area of eastern Ivory Coast and the forests of Ghana, between the Sassandra and Pra Rivers. It may possibly occur in Burkina Faso and Togo. It inhabits the canopy of old-growth forests, including gallery forests, in moist-low-lying regions, and avoids but can make use of forests that have been lightly logged - https://en.wikipedia.org/wiki/Roloway_monkey)*
- vi) Chinese alligator (*The Chinese alligator (Alligator sinensis) also known as the Yangtze alligator, is one of two known living species of Alligator, a genus in the family Alligatoridae. This critically endangered species is endemic to eastern China. - https://en.wikipedia.org/wiki/Chinese_alligator)*

The above observation conveys the impression that materials were simply uplifted from EIA reports and publications referring to other parts of the world and planted in this document in order to fill the pages. This is unacceptable. Therefore the EIA report and Biodiversity Action Plan (BAP) must be rejected in its entirety as it is filled with false data unsuitable to be placed in any library in the World.

2) CITATION OF NON-EXISTENT ENVIRONMENTAL ELEMENTS

The EIA Report refers to non-existent or fictitious elements which do not in any manner relate to the environment of Cross River State of Nigeria.

- i) Page 78 line 3, 4 & 5 refers to electricity power lines. Specifically, it states inter alia: ***“Most birds fly above 60 m in the areas and the Project is unlikely to affect migratory birds. However, when the power transmission line is progressed, mitigation will be required to reduce the risk of migratory birds colliding or being electrocuted by the power line.”***
- ii) Activities in the Action Plan indicated in pages 72 and 76 refers to the impact of DAM, fish farming and the rearing of bats as described in the extracts of the EIA report below:
 - Pg 72; C1.3: ***Install fish passes on the rivers affected by dams and weirs***
 - Pg. 72; C1.4: ***Inform fish farmers about opening of dam gates***
 - Pg 72; C2.3: ***Provide support to fisheries and fishing in the Study Area***
 - Pg 76; D2.1: ***Undertake pre-construction surveys for bats***
 - Pg 76; D2.2: ***Install up to 100 bat boxes in each Mine block/community***

The above gives the impression that this part of the EIA were lifted out of another document and pasted in the report. Nevertheless, cognizance was not taken of the fact that they do not relate to the study area in any manner whatsoever. The conclusion here is that, the EIA report is based on extraneous and fictitious elements which makes it incompetent and unacceptable as a scientific report.

3) FALSE CLAIMS

The EIA Report have cited a number of International, National and Local Organizations that are purported to have participated in the study. Specifically the following organizations were cited in Page 8, Table 2.1 of the Biodiversity Action Plan (BAP) for the superhighway, entitled: List of

Stakeholders consulted for the ESIA and BAP: *International Union for Conservation of Nature (IUCN); Fauna and Flora International (FFI); Australian alien and invasive species Support Group; Birdlife International; Nigeria Conservation Foundation- CRS Chapter; Nigeria Environmental Society, CRS Chapter; CRS Biodiversity Action Group and Green Initiatives.* It is pertinent to mention that many of these organizations have openly sent disclaimers. Attached is the disclaimer published by BirdLife International. The report claimed to have consulted the Nigeria Conservation Foundation- CRS Chapter, for the Environmental and Social Impact Assessment (ESIA) as well as for the *Review of the draft BAP report.* RRDC position on this specific matter is that, an EIA report that contains false and fraudulent claims cannot be entertained. It must be rejected out rightly without any conditions whatsoever.

4) ENCROACHMENT ON THE GAZETTED AREA OF THE OBAN HILLS DIVISION OF THE CROSS RIVER NATIONAL PARK.

The EIA report contains a map which, when superimposed on the gazette area of the Oban Hills Division of the Cross River National Park discloses the fact that the proposed superhighway has encroached upon the gazette territory of the Park. It is a doctored map which is intended to create the impression that there is no encroachment on this area of conservation importance. This is a fraudulent strategy of misrepresenting the reality of the encroachment of the project on the National Park which is clearly in violation of CAP N65, Laws of the Federal Republic of Nigeria (LFRN). Until this situation is rectified, the EIA report cannot be accepted because it amounts to a violation of Federal Territory by the Cross River State Government contrary to Section 49 of the Land Use Act 1978 and Section 5(3) of the Constitution of the Federal Republic of Nigeria.

It is the contention of RRDC that the Cross River State Government, under any guise whatsoever, cannot alter the boundaries of the Park without the authorization and approval of the National Assembly and the President of the Federal Republic of Nigeria. By the provisions of the Section 49 of the Land Use Act No. 6 of 1978, the Cross River State government is precluded from altering the territories of the Park as described in the National Park Service Act, which had been passed by the National Assembly and assented to by the President.

It is worthy of note that the Oban Hills Division of the Cross River National Park, by virtue of **Section 50 (2)(b) of the National Park Service Act, Cap N.65, LFN, 2004** is the property of the Federal Government, approved and gazetted in 1989 and the proposed superhighway rout has encroached upon the gazette territory as evidenced in the attached

map. The specific boundaries of the Park are defined in the Decree setting up the Act. No activity can be carried out in the Cross River National Park except as statutorily authorized. We rely on section 20 (1) of the National Park Service Act (NPS) which provides that:

20 (1) “The ownership of every wild animal and wild plant existing in its natural habitat in a National Park and anything whatsoever, whether of biological, geomorphological or historical origin or otherwise, existing or found in a National Park is hereby vested in the Federal Government and subject to the control and management by the Federal Government for the benefit of Nigeria and mankind generally.”

Therefore, any intended alteration of the boundaries of the Park must be in accordance with the NPS Act. Should the State government venture to proceed with the project as it is currently contemplated, such action will be in contravention of Section 5(3 a-c) of the Nigerian Constitution which stipulates as follows:

(3) The executive powers vested in a State under subsection (2) shall be so exercised as not to:-

(a) Impede or prejudice exercise of the executive powers of Federation;

***(b) Endanger any asset or investment of the Government of the Federal in that State:
or***

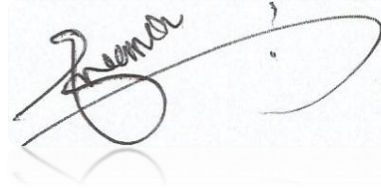
(c) Endanger the continuance of a Federal Government in Nigeria.

5) CONCLUSION

In conclusion, the Rainforest Resource and Development Centre (RRDC) demand that a genuine Environmental Impact Assessment (EIA) Report which is not filled up with fictitious claims and fraudulent list of participants, partners as well as biological species should be presented for consideration. In as much as the EIA report is based on fraudulent claims as presently constituted, the Federal Ministry of Environment ought not to give approval on an EIA report which is based on very questionable data and citations. The fraudulent data and citations that are contained are so serious that we recommend to the Federal Ministry of Environment to bar this (the PGM NIGERIA LIMITED) from participating and presenting any future EIA reports to the Ministry for consideration in any project whatsoever. This is because it is entirely evident that this is a fabricated report which bears little or no relevance to the study area and the proposed superhighway project.

Finally, our plea to the Honourable Minister of the Federal Ministry of Environment is that this false document provided the Federal government of Nigeria the opportunity to demonstrate that this government will not condone falsehood and any act of corruption in any manner whatsoever.

Date: 16 March, 2017

A handwritten signature in black ink, appearing to read 'Odey Oyama', written over a light blue horizontal line.

Sign:.....

Odey Oyama
Executive Director, RRDC – Nigeria

Rainforest Resource & Development Centre (RRDC) works to protect, preserve and conserve Nigeria's rainforests and their resources through the promotion of action-oriented programs while employing a participatory people-oriented approach. It accords high priority to equal opportunities for all members of the society whilst implementing its work, and does not discriminate against Sex, Creed, Religion, Nationality, Colour, Age or Disability.

Senator Ben AYADE
Governor, Cross River State
Hope Waddell Avenue
P.M.B 1056 Calabar
Nigeria
Email ayadeleon@gmail.com

6th February 2017

WITHOUT PREJUDICE

Dear Sirs,

Re: Misrepresentation of BirdLife International in PGM consultancy Report titled "Biodiversity Action Plan (BAP) for Calabar Highway"

I write regarding the report titled: "Biodiversity Action Plan (BAP) for Calabar Highway", dated January 2017.

We are very surprised to observe that the name of BirdLife International, represented by the Regional Director for Africa Dr Julius Arinaitwe, is included on page 8 of the BAP report as being among the experts who were consulted during the Environmental and Social Impact Assessment for the Calabar Superhighway. Reference is also made to BirdLife International as a Partner and Stakeholder under the action plan for protected and threatened bird species. These references could be construed to mean endorsement of the project by BirdLife International.

We clarify that BirdLife International has not been involved as an adviser nor has it been involved in any other role at any stage of the project. We have not been consulted and did not attend any workshops. Indeed, our Chief Executive Officer wrote a letter in March 2016 (see attachment), objecting to the construction of the superhighway through Cross River National Park (and Ekuri Forest), a unique biodiversity area, and outlined our concerns. We also objected to the inadequate consideration of alternatives, including those that would avoid dissecting and damaging Cross River National Park. In our letter we called for a halt to the construction until an acceptable ESIA and study of alternative route are completed.

The use of BirdLife's name in the BAP report is therefore a serious misrepresentation which could be interpreted to imply endorsement of the project. It contradicts our global commitment to the conservation of key sites and biodiversity for the benefit of communities.

Senator Ben AYADE
Governor, Cross River State
Hope Waddell Avenue
P.M.B 1056 Calabar
Nigeria
Email ayadeleon@gmail.com

6th February 2017

WITHOUT PREJUDICE

Dear Sirs,

Re: Misrepresentation of BirdLife International in PGM consultancy Report titled
"Biodiversity Action Plan (BAP) for Calabar Highway"

I write regarding the report titled: "Biodiversity Action Plan (BAP) for Calabar Highway",
dated January 2017.

We are very surprised to observe that the name of BirdLife International, represented by the Regional Director for Africa Dr Julius Arinaitwe, is included on page 8 of the BAP report as being among the experts who were consulted during the Environmental and Social Impact Assessment for the Calabar Superhighway. Reference is also made to BirdLife International as a Partner and Stakeholder under the action plan for protected and threatened bird species. These references could be construed to mean endorsement of the project by BirdLife International.

We clarify that BirdLife International has not been involved as an adviser nor has it been involved in any other role at any stage of the project. We have not been consulted and did not attend any workshops. Indeed, our Chief Executive Officer wrote a letter in March 2016 (see attachment), objecting to the construction of the superhighway through Cross River National Park (and Ekuri Forest), a unique biodiversity area, and outlined our concerns. We also objected to the inadequate consideration of alternatives, including those that would avoid dissecting and damaging Cross River National Park. In our letter we called for a halt to the construction until an acceptable ESIA and study of alternative route are completed.

The use of BirdLife's name in the BAP report is therefore a serious misrepresentation which could be interpreted to imply endorsement of the project. It contradicts our global commitment to the conservation of key sites and biodiversity for the benefit of communities.

In view of the above BirdLife requests that:

1. PGM publishes a corrected version of the report that excludes any reference to BirdLife International and/or Dr Julius Arinaitwe.
2. PGM recirculates the revised report to the recipients of the current version, with a note explaining that BirdLife was not consulted and does not endorse the report.
3. Keep us in copy in all the above communications.

We await your reply and hope for swift and amicable resolution of this matter.

Thank you



Patricia Zurita
Chief Executive Officer

Cc: Hon. Amb Amina Mohammed, Honourable Minister of the Environment & Deputy Secretary General of the United Nations

Ministry of Works, Cross River State (Represented by Dr. Bassey Chukwuma PGM Nigeria Ltd)

Dr Bassey Chukwuma, PGM Nigeria Ltd

Dr Bukar Hassan, The Permanent Secretary, Federal Ministry of the Environment

Mr. Abbas O. Suleiman, Director, Environmental Assessment Department, Federal Ministry of Environment, Nigeria

Arc. Eric Williams Akpo, Special Advisor – Infrastructure, Cross River State Government

Adentyi Karunwi – Director General, Nigerian Conservation Foundation

Mark Rose, Chief Executive Officer – Flora and Fauna International

MAP SHOWING POINTS OF INTERSECTION OF THE SUPER HIGHWAY ON THE CROSS RIVER NATIONAL PARK (OBAN DIVISION)

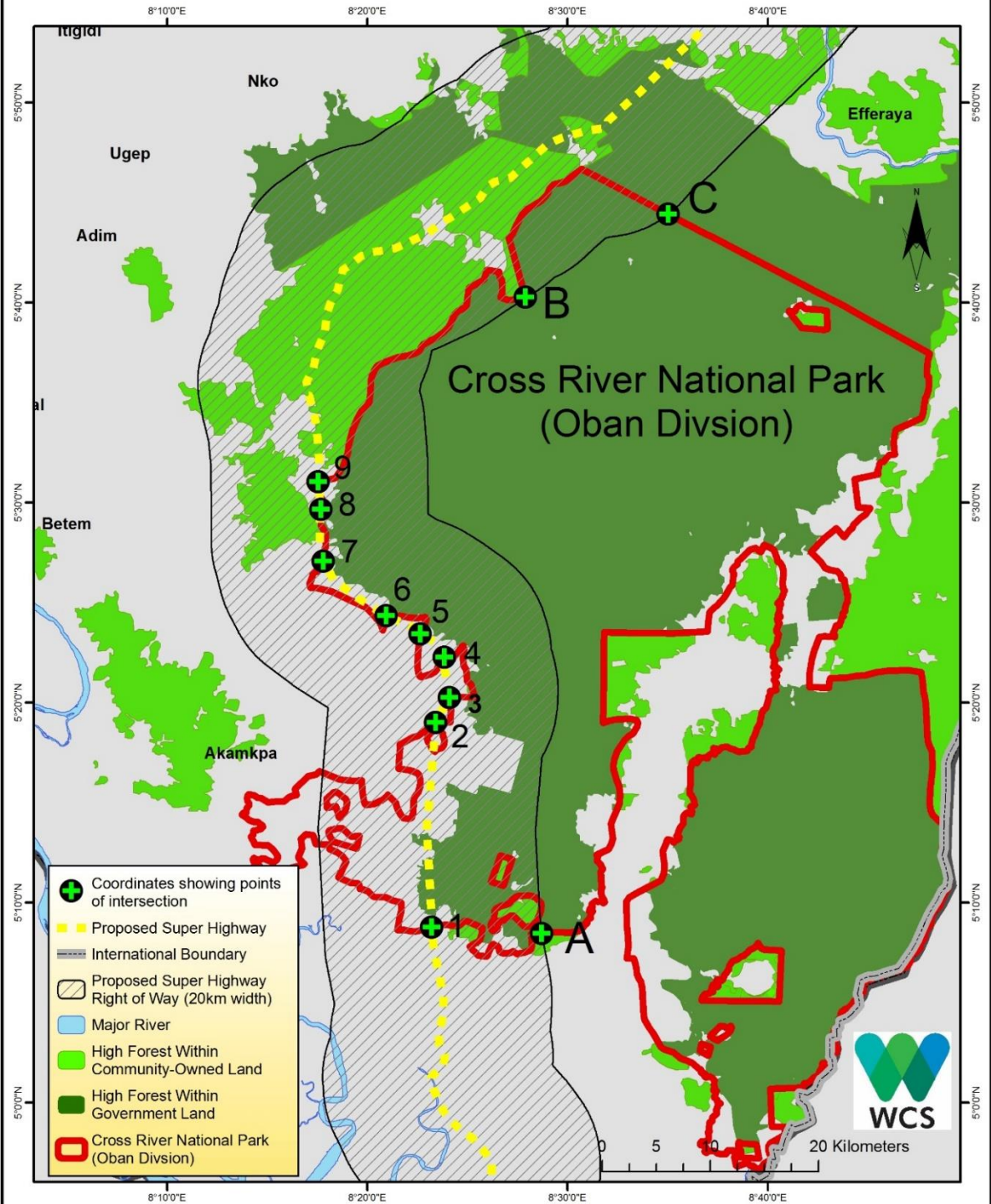


Table 1: Geographical coordinates showing points of intersection of the Centre - Line of the Superhighway project

ID	Longitude (x)	Latitude (y)
1	8.39	5.15
2	8.39	5.32
3	8.4	5.34
4	8.4	5.37
5	8.38	5.39
6	8.35	5.41
7	8.3	5.45
8	8.29	5.49
9	8.29	5.52

ID	Longitude (x)	Latitude (y)
A	8.48	5.14
B	8.46	5.67
D	8.58	5.74

Table 2: Geographical coordinates showing points of intersection of buffer zone from the Centre - Line on the right side of the super highway on the Cross River National Park (Oban Division).