

# Implementing Timber Legality Assurance Systems

A guide to comply with timber legality requirements in Nigeria and to support due diligence



NIGERIA



Timber Legality Assurance Systems are being developed in a number of countries. They ensure that wood products conform to national laws and help to prevent the illegal importation of timber. The systems are dependent on governments developing effective control and verification systems and operators complying with legal requirements and conducting due diligence – in this context identifying and minimizing the risks associated with imported timber. By being aware of legal requirements in Nigeria and the risks of legal non-compliance, highlighted below, law enforcement agencies and importers can implement control and mitigation measures to prevent timber being illegally harvested, transported and traded.

## HARVESTING TIMBER

Assure that harvesting rights have been granted with a management plan, clear demarcation and monitoring, and respect for all tenancy rights.

### CHECK THE FOLLOWING DOCUMENTS:

- Harvest Permit
- Management Plan (for forest reserves)
- Harvest Permit Payment Invoice (for forest reserves and free areas)
- Certificate of Occupancy (for free areas)
- Right of Occupancy (for free areas)
- Log Evacuation Schedule
- List of species and logging inventory summary
- Minutes of preliminary investigation before a decision is reached on land use
- Report detailing meetings with local communities and efforts to increase awareness about decision regarding the allocation of forests
- Report on any benefits that accrue to local communities
- Family inheritance documents related to land ownership

Assure that companies are properly registered and pay taxes and VAT on the correct class of products.

### CHECK THE FOLLOWING DOCUMENTS:

- Business Registration Certificate
- Technical Expertise Certificate
- Harvest Permit
- Tax Clearance Certificate

Assure that harvesting has been monitored by forestry officials and followed regulations, especially with regard to protected species and environmental impacts.

### CHECK THE FOLLOWING DOCUMENTS:

- Harvest Permit
- Vehicle Registration Certificate
- Work site records
- List of protected species contained in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- Permit to take Protected Species
- Regulatory documents of Nigeria's National Environmental Standards and Regulations Enforcement Agency
- Environmental Impact Assessment Certificate

Assure that workers are contracted and have been provided with protective equipment and access to health services.

### CHECK THE FOLLOWING DOCUMENTS:

- Employer's Register
- Company Identification Card
- Employment Contract
- Employment Terms and Conditions
- Appropriate job descriptions
- Insurance Plans
- Evidence of pension schemes
- Medical certification
- Evidence documenting the presence of safety kits and First Aid kits

## TIMBER TRANSPORT & TRADE

Assure that quality and tree species have been identified and no protected species are illegally exported.

### CHECK THE FOLLOWING DOCUMENTS:

- List of protected species in Nigeria
- Harvest Permit
- CITES Permit
- Evidence of engagement in wood exports over the past three years
- Evidence of membership in a wood exporting organization
- Evidence of the ownership of a processing factory and confirmation of the purchasers and exporters of wood
- Certificate issued by the Nigeria Export Promotion Council
- Evidence of Foreign Exchange
- Previous approval of CITES Permit
- Export Registration Certificate
- Tax Clearance Certificate
- Bill of lading
- Pre-shipment Certificate

Assure that no vehicles are operating without registration or engaged in the movement of illegally harvested logs.

### CHECK THE FOLLOWING DOCUMENTS:

- Vehicle Registration Certificate
- List of protected species in Nigeria
- Tariff Table
- Permit to transport logs across states
- CITES list of species

## PROCESSING TIMBER

Assure that processing companies are registered and licensed, and have conducted environmental impact assessments.

### CHECK THE FOLLOWING DOCUMENTS:

- Business Registration Certificate
- Company profile
- Statement of shares
- Declaration of compliance
- Stamp duty receipt
- Article of association
- Certificate of Incorporation
- License to operate a sawmill
- Environmental Impact Assessment Certificate

Assure that workers are contracted and have been provided with protective equipment and access to health services.

### CHECK THE FOLLOWING DOCUMENTS:

- Medical certification
- Evidence documenting the presence of safety kits and First Aid kits
- Employer's register
- Company Identification Card
- Employment Contract
- Employment Terms and Conditions
- Appropriate Job Descriptions
- Insurance Plans
- Pension schemes

## ACTIONS FOR IMPORTERS

- Verify that the allocation of harvesting rights has followed due process and a Management Plan is in place and has been approved. Evaluate documents and contact relevant authorities to confirm the allocation of harvesting rights and approval of the Management Plan.
- Evaluate documents confirming tax payments and those covering trade and transport to assess consistency in the reporting of species and quantities. Contact relevant authorities to confirm the validity of documents and request documents confirming legal transactions.
- Conduct on-site evaluations of harvesting activities and conduct interviews with the company, workers and authorities to assess the employment status of employees and health and safety protections.
- Conduct on-site stakeholder engagement to assess the extent to which the right of local communities has been respected in connection with harvesting operations.
- Evaluate supply chains to assess whether illegal timber has been transported and exported. Ensure legally required documents and permits are in place and that traded species are approved for export.
- For the export of CITES species ensure that CITES certificates are in place and contact relevant authorities to confirm their authenticity.
- Conduct on-site evaluations of processing operations to assess whether activities and procedures meet legal requirements related to environmental and employment regulations.

Check that each document is up to date, has been signed/stamped by the authorized agencies, and is consistent with other documents and with actual products and volumes being sold/exported.

For more information on the Nigeria Timber Legality Risk Assessment: <https://preferredbynature.org/projects/developing-background-analyses-voluntary-partnership-agreement-vpa-support-project>

