



March 2006

## FOREST GOVERNANCE LEARNING GROUP - GHANA

### PHASE II WORK PLAN

#### Summary

FGLG is an alliance of independent agencies working in Ghana, Cameroon, Malawi, Mozambique, Niger, South Africa, Uganda, India, Vietnam and Indonesia. Sub-groups in each country exchange learning and develop ideas on practical, just and sustainable forest governance – and then help to make them work. FGLG is steered by the International Institute for Environment and Development (IIED) and supported financially by the European Commission and the Dutch government. Activities include participatory analysis, learning and training events, network building, supported uptake of governance tools, and taking direct opportunities for governance reform. Inter-country capacity-building work and engagement with international policy processes is also emphasised. Country groups involve opinion-formers and decision makers, plus individuals who articulate the issues faced by those marginalized from governance, and other facilitators who work with them.

**Social justice in forestry** is the focus of FGLG's work in Ghana. To date the Ghana sub-group has established itself and has: conducted studies on the legality and impacts of forest utilisation permits and on impacts of local forest institutions; hosted a learning event for all FGLG country groups in July 2004 and participated in a second in South Africa in October 2004; developed a tool for advancing community rights in forestry called "*People's Law*"; presented findings to the World Conservation Congress in November 2004, the Commonwealth Forestry Conference in February 2005, and the European Commission in April 2005.

FGLG-Ghana work has helped shape the governance reform agenda in Ghana since 2004. It strengthened the evidence basis of calls for reform – drawing Forestry Commission, ministerial and parliamentary attention to important policy and legislative problems in the sector. For example, FGLG studies established wholesale violation of Ghana's permits regime and huge financial losses to the state and society. This inspired a civil society campaign and a programme led by the Ministry of Lands, Forestry and Mines for achieving compliance by June 2006.

During 2005–2007 FGLG-Ghana aims to engage with, shape and support two important initiatives: the **Voluntary Partnership Agreement** process and the **Forest Voices Project**. Activities include: group interactions – meetings, one-on-one exchanges, phone calls and e-mail; policy work on issues that progress these initiatives; tracking-documenting the processes; communication with stakeholders and disseminating information; capacity building, local level engagement and influence; and learning events and study exchanges.

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## 1.0 Introduction

The Forest Governance Learning Group (FGLG) is a forum of policy discussants operating across eight African countries and three Asian countries<sup>1</sup>. The International Institute for Environment and Development coordinates the Group. The European Commission funds it. Its rationale is to study and propagate tactical approaches to forest policy reform in the countries where sub-groups operate. The initiative commenced as a pilot in 2004 with DfID funding. Each country group undertook one or two studies into critical national forestry policy issues. Group participants shared initial studies in two regional “Learning Events” held respectively in Ghana in July and in South Africa in October 2004. These studies and Learning Event reports as well as other useful information about the initiative are available on the FGLG website: [www.iied.org/NR/forestry/projects/forest.html](http://www.iied.org/NR/forestry/projects/forest.html)

The Forest Governance Learning Group, Ghana Sub-Group, commenced work in April 2004. The Forest Sector Development Programme originally hosted the initiative. It involved the technical director of the ministry, the FSDP team leader, two members of the Parliamentary Select Committee on Lands and Forestry, a forestry industry consultant who serves on the Board of one of Ghana’s leading Forestry Companies and the Coordinator of an NGO active in forestry policy. It held only one full formal meeting in April but members remained in close contact with the host and the Coordinator especially around the studies undertaken (see below) and the Learning Event held at Akosombo in July. In Phase I (2004), the sub-group:

- conducted a study on “Legality and Impacts of Forest Utilisation Permits”;
- conducted a study on “Local Forest Institutions in Ghana”
- hosted a West Africa Learning Event with FGLG regional and international colleagues in July 2004;
- participated in a Southern African Learning event in the Republic of South Africa in October 2004;
- participated in the IIED “Power Tools” project developing a legal tool for advancing community rights in forestry called “People’s Law” (see [www.policy-powertools.org](http://www.policy-powertools.org));
- contributed to a CD-Rom of all work produced in Phase I by the FGLG in the various countries – this included the written products from all the above actions (available from IIED, contact [forestry@iied.org](mailto:forestry@iied.org));
- presented the “Local institutions” study at the World Conservation Congress in Bangkok, Thailand in November 2004;
- presented the work of FGLG-Ghana at the Commonwealth Forestry Conference in Sri Lanka in February 2005 and contributed to a paper on the FGLG as a whole “Forest Governance and Social Justice, practical tactics from a Learning Group approach in Africa” James Mayers, Adolfo Bila, Stephen Khaukha, Kyeretwie Opoku, Wellings Simwela, March 2005.
- designed a website

FGLG research and analysis contributed directly to the governance reform agenda in Ghana in 2004 - 2005. It strengthened the evidence basis for demands for reform particularly in relation to the permits regime and revenue collection. It stimulated articulate demand for change within the forestry establishment. It has especially influenced the thinking and demands of civil society groups like Forest Watch Ghana. It has drawn Forestry Commission, ministerial and parliamentary attention to important policy and legislative problems in the sector. For example, FGLG studies

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<sup>1</sup> Cameroon, Ghana, Malawi, Mali, Mozambique, Niger, South Africa and Uganda in Africa and India, Indonesia and Vietnam in Asia.

established wholesale violation of Ghana's permits regime<sup>2</sup> and huge financial losses to the state and society. This inspired a civil society campaign to bring companies into compliance. The Ministry of Lands, Forestry and Mines has now approved a programme for achieving compliance by June 2006. Parliament has also budgeted for Timber Rights Fees commencing in 2005. This could, with full compliance, amount to hundreds of millions of dollars in revenue. Donor efforts to have compliance included as a funding "trigger" for budgetary support to Government failed. However, compliance is now an indicator of programme achievement under the Multi Donor Budget Support system.

FGLG is now embarking on a second Phase 2005 - 2007. In a summation report, "Practical Tactics to improve Forest Governance in Ghana" the sub-group looked at various options for taking the FGLG contribution to forest governance reform forward. This document presents a specific plan of work that takes advantage of specific significant changes in the international governance environment.

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<sup>2</sup> i.e. with the Timber Resources Management Act, 1997, (Act 547)

## 2.0 Theme: Social Justice in Forestry

The group determined in 2004 that as far as possible it would focus its studies and interventions on issues of social justice in forestry governance.<sup>3</sup> The group considers that these issues (fair access to resources, fair distribution of rents and participatory resource management) lie at the heart of the governance crisis affecting the sector. At one level, this is simply a matter of applying the values and principles of the 1992 Republican Constitution to the forestry sector.

Economically, for the vast majority of Ghanaians (between 60% - 70%) forest resources are the principle assets available for the pursuit of development. A reconstitution of the forest rights regime towards greater equity and support for sustainable community use is necessary if we are to address the poverty status of forest fringe communities and their constituent socio-economic groups (farmers, food collectors, herbalists, hunters, researchers, animist religious practitioners etc.) as well as the artisan industries that depend on them. Clearly, the achievement of the Millennium Declaration requires greater emphasis within the Ghana Poverty Reduction Strategy (for example) on harnessing the potential of our forests.

Social justice in forestry is also crucial for resource sustenance. Best-practice thinking today is that forest fringe communities (who under Ghana law “own” the forests) can control illegal logging, illegal farming and bush burning where state forestry institutions have failed<sup>4</sup>. Most of these communities had well-established values, rules and practices that nurtured “their” forests prior to the establishment of the export economy and state annexation. Their exclusion and marginalisation over the last 70 years in favour of the timber industry and state bureaucrats has bred apathy and indeed antipathy towards commercial trees. Restoring access to rent and decision-making is the best way to both restore the value of forests to these communities and empower them to act accordingly.

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<sup>3</sup> See “Practical Tactics for Governance”

<sup>4</sup> The Collaborative Resource management Unit has sponsored Community Forestry Committees, Community Biodiversity Advisory Groups and Protected Area Management Advisory Boards, which it uses for implementing work. However, no true collaboration exists because the preponderant culture within the Commission is hostile to sharing power with communities.

### 3.0 Focus: Voluntary Partnership Agreement and Forest Voices Project

FGLG's phase II engages with two important initiatives in forestry governance both in their early stages in Ghana. These are:

- a. the **Voluntary Partnership Agreement (VPA)**; and
- b. the **Forest Voices Project (FVP)**.

The proposed VPA between the EU and the Government of Ghana under the EU Forest Law Enforcement Governance and Trade (FLEGT) Action Plan will authorise EU customs officials to embargo timber from participating ("Partner") producer countries, which does not carry agreed legality certification. The EU is committed to providing financial and development assistance to Partner countries to upgrade their legal and governance systems. This at once represents a lower standard (legality) than is currently being pursued under various certification schemes (sustainability) but also a higher level of sanction in that the EU member states take the discretion away from EU lumber markets. The EU expects to formalise the relevant regulation and negotiations mandate before the end of 2005. This will spell out finally the features of the scheme and allow the Government of Ghana to respond formally. At present, following agreement between EU member states, the UK government and specifically its Department for International Development is supporting preparatory work towards Ghana's participation in the scheme. This has involved presentations to the local industry by EU timber buyers, presentations on a new Validation of Legal Timber Programme (log tracking) and a multi-stakeholder consultation. It has also involved a number of technical studies and consultations. Stakeholders are awaiting Government action on a key recommendation: a multi-stakeholder working group to oversee the preparations towards VPA negotiations and to optimise local benefits from participation in the FLEGT initiative.

Forest Watch Ghana's "**Forest Voices Project**" aims to encourage greater community level activism around forestry issues and to create permanent structures through which this activism can influence sector policy and management. Specifically FVP will support the development of "Rural Forestry Stakeholders Networks". These are groupings of marginalised forest users – farmers, NTFP developers, whose survival and development depends on improved access to forest resources or at least better management of forest resources by more powerful stakeholders. By getting together, sharing experiences, realising a common cause and agreeing on common approaches to and targets of advocacy at district, regional and national levels these networks can add an autonomous and increasingly articulate non-timber voice to forest discourse in Ghana and hopefully forest governance.

FVP will also support the development of existing District Forest Forums. These are district wide meetings of all organised or institutional forest stakeholders. Some of these were originally facilitated by the FC and some by NGOs like CARE International. Support from both the FC and NGOs will wind down by April 2006. The project aims to assist these to grow into self sustaining deliberative structures operating at District, Regional and national levels. These will provide a democratic vehicle for all stakeholders and a focus for marginalised rural forest stakeholders' advocacy campaigns. Through Forest Forums the networks can begin to engage as equals with officials and other interest groups and make a coherent and constructive input into national forest policymaking and management.

Both the VPA and FVP initiatives seek to address resource sustainability and social justice in forestry constructively and sustainably. Both engage the broad spectrum of interest groups in forestry at some level. Both could involve the full range of tactics identified in Phase I as available in the Ghanaian context<sup>5</sup>. Both could eventually influence legislative and strategic change in the forestry sector and are in essence tactical and thus of great interest to the FGLG in its search for tactical approaches to improving governance. However, there are significant contrasts between the two initiatives. The table below presents a simplified analysis of this.

**Table 1: Comparison of VPA & FVP Features**

<b>Feature initiative</b> /	<b>VPA</b>	<b>FVP</b>
<b>Source of initiation</b>	External (EU)	Domestic (Civil Society)
<b>Problem addressed</b>	international demand for illegal timber	Marginalisation of community interests
<b>Primary Target for behaviour modification</b>	Elite Timber Exporting Industry	Marginalised Rural Forestry Stakeholders
<b>Primary Actor</b>	State (GoG / EU member states)	Marginalised Rural Forestry Stakeholders
<b>Primary Method</b>	Legal / trade sanctions <sup>6</sup>	Mass political engagement, education and incentives

The EU initiative, naturally responds to concerns of EU citizens (main consumers of tropical wood products) about the impact of their purchasing decisions on the global ecology, marginalised indigenous forest communities and international crime (funding of private wars, money laundering etc.). The NGO initiative responds to the immediate self-perceived needs of the marginalised.

In short, they represent two almost opposite tactical paradigms for addressing the forest governance crisis. FGLG-Ghana participants are already engaged with these initiatives. FGLG-Ghana now seeks to engage further – to track, document and interrogate the implementation of these two initiatives. By doing so we hope to:

- a. further understanding of the strengths and weaknesses of each approach amongst stakeholders;
- b. promote identified strengths and minimise weaknesses;
- c. identify possibilities and modalities for integrating the two approaches for optimising social justice outputs; and
- d. provide a basis for replicating and up-scaling useful elements of the Ghana forestry experience for other natural resource sectors in Ghana (e.g. minerals and water) and in other developing countries.

<sup>5</sup> See Practical Tactics to improve Forest Governance in Ghana

<sup>6</sup> The EU has not committed to offering incentives to participating producer country industries under the VPA. However, the flow of illegal trade suppresses market prices.

## 4.0 Activities

### 1. Sub-group interactions

#### a. Participation - Reconstitution

Participation never quite settled during Phase 1 and the sub-group held only one successful full meeting (in addition to attendance at the West Africa Learning Event). The Convener and the Host organisation maintained active contact with participants through one-on-one meetings, phone calls and e-mail. In Phase II, we will concentrate more on development of our website. It is probably not necessary for all participants to meet regularly “in-the-flesh” to get our work done.

The following have indicated their willingness to participate in the group:

Participant	Criteria addressed
Andrew Adjei-Yeboah MP	Dep. Minister, Ministry of Lands Forest & Mines
Ofosu Asamoah MP	Chairman, Parliamentary Select Committee, Lands & Forestry
Collins Dauda, MP	Ranking Member, Parliamentary Select Committee, Lands & Forestry
Fredua Agyemang -Technical Director, Ministry of Lands Forestry and Mines.	Senior department or ministry level forestry decision maker
Chris Beeko – Project Coordinator, Forestry Commission	Leads for the Forestry Commission on the Voluntary Partnership Agreement
Yaw Danso - Social Forestry Consultant FSDP	Experienced forestry opinion-former with decision makers “ear”
Gene Birikorang – Forester & Economist	Non-tax revenue consultant, Ministry of Finance & Economic Planning
Eddie Prah, - Forestry Consultant, Former Director Forestry Commission and Director, SAMARTEX Ltd	Effective Private sector organisations (large scale)
Emelia Arthur – Executive Director, Integrated Action for Development Initiatives	Effective Private Sector organisations (small scale) and also effective civil society organisations
Angela Dansong - Asst. Director Policy Planning Monitoring & Evaluation Division Ministry of Agriculture	Opinion former from Land / agric
Kyeretwie Opoku (Coordinator, Civic Response)	Convener and effective Civil society organisation

Consultations are underway locally to achieve the useful mix of sectoral and extra-sectoral players, and the gender balance anticipated in Phase I. We hope to conclude the participants list as well as a list of “associates” who can contribute to our work in consultation with IIED by mid October 2005.

#### b. Quarterly Meetings

Once constituted, and an initial meeting is held, quarterly physical meetings will commence.

#### c. e-communications

With the completion of the website by the end of the year and with e-mail access regular communication in between meetings will commence.



## **2. Support for governance initiatives and processes**

Supporting both VPA and FVP initiatives will form an important aspect of our work over the next three years. This requires that FGLG establish formal relations with the two initiatives. We do not see any major difficulties with this. FGLG participants have been involved in or close to the development of these initiatives in different ways. The sub-group is well placed to study both.

- a. FGLG is one of several initiatives supported by the EU under its tropical forests budget line, which support the EU FLEGT and VPA project in Ghana. IIED will request formal access to VPA processes through the GoG and EU for the purposes mentioned and indeed to ensure that the FGLG programme resources in Ghana complement the plans of the VPA Multi-stakeholder Group and other supportive projects similarly funded by the EU<sup>7</sup>. This will enable FGLG to engage better with this process.
- b. External documentation, analysis and dissemination of outputs and project experiences are FVP project objectives. Project management proposes to invite policy researchers to engage with the process for these purposes. Therefore, there should be no formal problems there.

## **3. Policy Studies**

Subject to availability of funding, the group would hope to commission, conduct or participate in policy studies on specific issues thrown up by both VPA and FVP agendas. This may include, for example, assessment of social, environmental and economic impacts of options proposed under the VPA. Other possibilities currently include:

- a. Community forest management and the “NTFP resource management regime” – what are practical approaches to linking concerns about democratic rights, resource sustenance and community enterprise development?
- b. Rent sharing arrangements – what are workable ways of ensuring that forest owning communities receive their full statutory entitlements from extractive industry (rather than the 5% they currently receive) and that this income supports development rather than elite consumption;
- c. Forest forums and national forest policy formulation – what links can be developed between deliberative forest forums and the actual decision making processes e.g. in relation to VPAs and independent monitoring; and
- d. Planters' and managers' rights (especially small scale).

In these studies and generally the sub-group will not seek so much to generate new knowledge as to synthesise existing knowledge, develop new perspectives on it and seek new ways of taking this forward to practical solutions.

## **4. Communication and dissemination**

The sub-group will meet with different stakeholders such as the parliamentary select committee, National House of Chiefs, NGOs and other CBOs in the forest sector to gain their perspectives and to disseminate findings from studies. In addition to reflecting on study reports and process monitoring reports, the sub-group will seek to share data, information and insights with other forestry governance players. We will in association with IIED publish (print and electronic) our findings. We will also hold regional learning events with other country sub-groups as a means of disseminating

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<sup>7</sup> Other VPA-related initiatives that will operate in Ghana include those supported by WWF, IUCN and ODI.

our learning. FGLG-Ghana aims to proceed with full transparency about its objectives and actions.

**5. Capacity building, local level engagement and influence**

FGLG will remain a learning group. However the sub group will engage with those involved in actually pioneering governance solutions. We will continue to look for opportunities to intervene in the discussion and push the social justice and creativity agenda forward. This could include supporting the design and implementation of training workshops or other capacity building events for participants or simply carrying our agenda to other forums.

**6. Study tours & exchanges**

Subject to budget, the sub group would like to pay visits to, and receive visits from, study groups dealing with a similar resource base and political economy and share lessons in a more sustained way than is possible at structured Learning Events.