

# FGLG-Ghana

## Progress report 2012



This research was part-funded by UK aid from the UK Government, however the views expressed do not necessarily reflect the views of the UK Government.

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## **Forest Governance Learning Group - GHANA Report on first half of 2012**

### **1.0 INTRODUCTION**

Civic Response convenes the Forest Governance Learning Group in Ghana. The core team convened to deliberate on the progress of sector processes and to analyze options available for supporting community rights. Informal contacts has also been kept with the learning team. This report summaries the progress that has been made against the work plan for 2012.

### **2.0 PROGRESS WITH GHANA WORK PLAN**

#### **2.1 Core Group Meeting**

The core group convened on the 3<sup>rd</sup> and 4<sup>th</sup> of July, 2012 on the side meeting of Forest Watch Ghana in Tamale<sup>1</sup>. The meeting discussed at the sector reform processes focusing on the slow pace in the VPA implementation process, the plateaued state of civil society advocacy strategies to drive reforms, the national forest forum and the emerging trends in the domestic market reforms. In all these issues discussed, land and tree tenure security was seen as very fundamental and critical to sustainability and for driving the needed reforms in the sector hence the need to double-up efforts in the tree tenure.

Also copies of 'Justice in the forests' video have been distributed to the Minister of Lands and Natural Resources and the Parliamentary Select Committee on Forestry as part of sharing critical perspectives highlighted in the video and introducing work of the learning group.

#### **2.2 The Reference Group**

The reference group meeting has not been convened over the period. However one emerging issue from informal contacts with the National Coalition on Mining (NCOM) a member of the reference group is the Governments white paper on the Constitution Review Commission recommendations on Natural Resources. The coalition holds the position that the current trusteeship arrangement is unenforceable and therefore an amendment is required on this provision particularly, to ensure that government complies with citizens voices on how it manages and utilizes mineral resources. The government white paper on the other hand extends this unenforceable trusteeship arrangement to cover all natural resources not just minerals. This position in the forest sector could derail the efforts to securing community tenure to forests as well as the ownership of trees by farmers. It will be critical for the learning group to respond the government white paper to provide an analysis which drives and galvanizes CSO mobilization.

#### **2.3 What has worked well/ what has not worked well**

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<sup>1</sup> Minutes is attached to the report

The flexibility of meetings and moving away from face meetings brought a lot of fluidity to the core-group members and their ability to engage on issues. Clear assigning of roles and tasks is expected to help focus results. The analysis provided by the core team is also expected to fuel the advocacy strategy for CSOs particularly Forest Watch for the review of stumpage fees, and land/tree tenure discussions.

## **2.4 Recommended changes and strategies**

Effort will be made to convene the reference group in the next half year work. Informal contacts with key persons in the group will still be reached to keep track of tasks and to help drive advocacy. Similarly follow-up discussions will be reached with the recipients of the 'Justice in Forests'

## **2.5 Outlook for second half 2012**

The remaining analytical and policy brief will be developed in this period. Also issues outcomes of the REDD+ pilots, the VPA process and the petition to the EC will be followed to get responses and to re-strategize for next lines of action. The discussion on tree tenure will have to kick start to ensure a coherence and alignment with the constitution review. Also it will be critical for CSOs to mobilize resource to support the campaign in the constitution review process.

The learning group will also extend support to the national forest forum where core members will assist in providing alternatives and options for policy issues that emerge from the zonal and district level meetings.

## **3.0 FOREST GOVERNANCE DEVELOPMENTS**

### **Updates on the REDD+ Pilots**

The National REDD+ Secretariat has selected seven Proposals to undertake the REDD+ Pilot projects out of the initial 17 applicants. The pilot implementation has however delayed because of the unavailability of funds for the pilots. This has given rise to concerns by some members of the National REDD+ Working Group who believe that the basis for their selection was their ability to self-finance their own REDD+ pilots. It has however been explained that applicants didn't have that clarity initially that the Pilots will not be funded by the FCPF. The Swiss Government on the other hand intends to extent a 4million Swiss Franc facility to support aspects of the implementation of the R-PP including the pilots to be sure of what can be funded. Initial funds from the Swiss will be used for scoping activities.

### **FIP Process**

The Ministry of Lands and Natural Resources CSOs from the various Natural Resources Sector on the Draft FIP on 20<sup>th</sup> February, 2012 at Conference room of the Forestry Commission<sup>2</sup>. CSOs were to make inputs to ensure the plan sufficiently addressed issues of cost effectiveness, poverty reduction and the guarantee of carbon savings. CSOs emphasized the need to provide innovative forest enterprise based alternative livelihood for fringe communities, address the issues of safeguards and avoiding mining in ecologically significant forest reserves particularly the Atiwa Range which sever as the head waters for three important river systems, among others. Comments were to be integrated into a final document before compression into a smaller document for submission to the IFC.

### **VPA**

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<sup>2</sup> Copy of the draft FIP plan is available at <http://www.fcghana.org/>

A legislative instrument (LI) to give legal backing for the establishment of the Timber Validation Council has been laid before Parliament by the Ministry of Lands and Natural Resources. The TVC is expected to oversee the Legality Assurance System and deal with complaints in the licensing system. Concerns have been raised about the lack of depth in the consultation processes leading to the drafting of this LI. An analysis has been done on this draft policy by Client Earth and it will help shape the advocacy that will ensure. The processes for the appointment of the independent monitor are also far advanced and would be selected in due course.

Also the Joint Monitoring Review Meeting on FLEGT was convened between 14 and 16 March, 2012<sup>3</sup>. There was however CSO meeting facilitated by FWG prior to the JMRM. Key outcomes of the preliminary meeting include the need for FWG to collate and disclose information on key sector programmes to stakeholders especially communities to strengthen their advocacy, participation and demand for accountability. The issue of the failure to review the stumpage and the conversion of concessions into Timber Utilization Contacts (TUCs) were raised and responses from government, at best, evasive. A strategy recommended by the core group of Ghana FGLG is for an analysis is the opportunity cost of as a result of the failure to review stumpage fees and what is being lost to state generally to provide a more graphic statement on this.

#### **4.0 IMPACTS OF WORK**

The learning group continues to be the nerve centre for developing analysis and strategies that drive civil society advocacy and engagement in the sector. It is further expected the tasks assigned to members in previous times would provide the needed push for reforms that deliver on better rights to communities.

#### **5.0 FGLG EXTERNAL LINKAGES**

##### **5.1 FGLG and state authorities**

The learning group continues to benefit from the participation of state authorities who are good sources of information in the sector among other benefits. Also analysis from the learning group drives advocacy of CSOs in engaging with policy makers and in ongoing processes in the sector.

##### **5.2 FGLG and target groups**

FGLG has grounded its contacts with Civil society organization in the Sector. Additionally regular contacts with industry are reached to .

##### **5.3 FGLG and other EU-supported initiatives**

Members of FGLG Ghana assisted a recent study by Global Witness on the state of transparency in Ghana's VPA implementation which was recently presented at the illegal logging updates meeting at Chatham House. This study is a spin-off from the Making the Forest Sector Transparent project of Global Witness and the GIRAF transparency and accountability work. Forest Watch members will add on to the information available by gathering information on the timber rights allocations in their communities and localities.

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<sup>3</sup> Detail of JMRM is available in the aide memoir available at <http://www.fcghana.org/>



## **Forest Governance Learning Group - GHANA Report on second half of 2012**

### **1.0 INTRODUCTION**

Civic Response convenes the Forest Governance Learning Group in Ghana. The Ghana work continues to keenly follow the VPA implementation and seeks to review cso participation in the process. FGLG over the period supported other forest governance platforms such as the national forest forum. This report summaries the progress that has been made against the work plan for the second half of 2012.

### **2.0 PROGRESS WITH GHANA WORK PLAN**

#### **Meeting with the RMSC**

The core group convened a meeting with the Resource Management Support Center of the Forestry Commission<sup>4</sup>. The discussion was centered on streamlining forest forums to enhance voices in forest management. Forest forums seem to have taken in a new trend in which government supported forums and civil society facilitated forums operated and acted differently. The core group's recommendation to move this discussion forward to was to hold a discussion with the various forums to begin a process of building synergy and coherence.

Discussions with the RMSC concluded that there is the need to review the various forest forums against the background of the vision and thinking for forest forums when they were initially proposed in the Akosombo series of meetings. Missing gaps should be identified and a similar multi-stakeholder process as seen in the Akosombo dialogues should be used to make forest forums more devoid of internal bureaucracy, independent of government and to be an effective outlet for speaking community concerns in forest management - a process which would be best facilitated by FGLG. A process has begun to take up the outputs of this discussion.

#### **Zonal meetings**

FGLG supported three stakeholder consultations on FLEGT implementation and challenges in improving forest governance. These meetings were convened for the Northern Regions, the Middle belt and the southern belts of Ghana as part of the Forest Forum processes. In attendance were the various stakeholders of forest user groups including local farmers, teachers, and domestic traders in lumber, chainsaw loggers, NGO activists, and government officials from respective forestry services division, Fire Service, District Assembly and the police service. Key issues that emerged from the three forums were as follows;

1. Massive illegal harvesting of rosewood from the northern savannah.
2. The disruptive activities of trans-boundary pastoralist the lack of will to enforce existing laws and the absence of bi-cultural protocols.
3. Fiscal obligations from Natural resources are non-transparent or inadequate. This includes the lack of community capacity to negotiate better terms for Social Responsibility Agreement (SRA); insufficient compensations paid to farmers for destroyed crops during logging.

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<sup>4</sup> Minutes of meeting attached.

4. The invasion of many forest areas by illegal miners and their destruction of forest reserves. The opening up of forest reserves for mining activities.
5. Obtaining funding to sustain community and district forest forum processes
6. Concerns about possible displacement of chain saw loggers and their value chain in the light of new domestic market timber policy

### **National Forest Forum**

FGLG supported the 2012 National Forest forum event held in Accra between 11<sup>th</sup> and 16<sup>th</sup> November, 2012. Core group members including Chris Beeko and Abu Musah Juam were present to share with stakeholders updates of VPA implementation and the Forest Investment Program. Two critical issues were raised on the VPA Implementation. A Timber Resource's (Legality Licensing) Regulations (Legislative Instrument 2184) has been passed by Parliament into law. This LI give legal basis for the issuing of FLEGT license and it also established the Timber Validation Council to supervise the work of the Timber Validation Department of the FC.

This law however omitted of Forest Watch Ghana and other organized civil society - who were integral part of the VPA negotiation - from the final law though they were mentioned in the drafts. It was recommended by the forum that this issue should be raised with the FC and the Ministry of Lands and Natural Resources. The second critical issue raised on VPA implementation was the reduced interaction between government and civil society since the ratification of the VPA. A reason offered was the fact the implementation had reached a 'technical' stage which required the expertise of forestry commission.

Participant's engagement the FIP was minimal. This could be that REDD+ and FIP discussions did not sink to the community level where the real action is. It also requires the building of capacity of intermediaries to relay the knowledge their constituent communities.

### **Reference group meeting**

A reference group meeting was convened on the 13<sup>th</sup> and 14<sup>th</sup> December, 2012 to deliberate on a progress with the VPA implementation, legislative and policy review and the constitution review. In attendance was the Civil Society Coalition on Land, the National Coalition Mining, Kumasi Wood Cluster Association (An association of medium and small scale enterprises based in Kumasi), Domestic Lumber Traders Association (DOLTA), Forest Watch Ghana members, selected District Forest Forums and other forest sector NGOs. The agenda for the two day meeting included the following;

- The opportunities and challenges of the FLEGT LI 2184,
- The threats posed by the proposed LI for the Off reserve
- The new Forest and Wildlife Policy
- The Constitution Review and the Natural Resources
- The core challenges of CSOs in forest governance.

Key emerging issues include the following

- The loss of leadership of Natural Resource CSOs over the last five years and the inability of mentoring programs to produce the next generation of leaders;
- It was also seen as necessary to strengthen engagement and coordination with the Parliamentary Select Committee on Lands and Forest, the Attorney Generals Department to ensure that future Legislative Instruments sent to Parliament have better CSO inputs and are not shortchanged as in FLEGT LI;
- The need to petition the presidential committee implementing the government white paper to include all the 10 principles generated through the nation consultation process for national governance of resources to.

- The need to strengthen networking and internal coordination, and enhance the capacity of participants of the contact group meetings over a longer period of time to for consistency and to enhance their contribution to national and local level policy making.

### **3.0 WHAT HAS WORKED WELL/ WHAT HAS NOT WORKED WELL**

The constitution of the reference group remains the same, however the personnel has significantly changed due to organizational turnover. The new persons on this platform apparently did not benefit fully from the institutional memory of those organizations. For this reason taking strategic decisions at the meeting was a bit of a challenge. There's therefore the need to develop innovative ways to enhance, retain and utilize capacity provided to this group.

A team has been tasked to develop this strategy to report at the next meeting. This platform has opened up to a new private sector group (KWC) who has expressed their interest to continually engage on this platform. This is expected to deepen working relations with formal industry; an area of the work which has been lacking for a while now. Large industry will be invited to participation in discussions in the next meeting. Learning products were not produced over the period. One is still work in progress but in its final draft which critically reflects how the VPA implementation has not learnt from its lessons.

### **4.0 OUTLOOK FOR NEXT YEAR**

The following processes will happen in the sector next year and FGLG will follow these processes:

1. Development of the Forest Master plan and the forest sector legislative review. After developing the new policy it is expected that the necessary activities to realize the policy intents will commence. It is also expected that the legislative review process will pick up steam. FGLG will inject itself into this process and offer alternatives to realize the policy intents.
2. Project Development for Ghana's Forest Investment Plan. Ghana's Investment Plan (IP) has been approved and three projects as expected to be developed in total for the plan<sup>5</sup>. FGLG could engage in this process.

FGLG will work on these specific issues.

3. Specific studies. FGLG will have to provide some analysis on specific hot issues the come up for discussion. It could begin with the cost of the non-review of stumpage, studying the response of the domestic market to the new artisanal milling concept.
4. Follow the process for clarifying tree tenure and benefit sharing share option options which are expected to be piloted under the FIP from 2013 onwards.
5. Reflect in totality on the state of forest governance produce a product on the current state of the forest sector.

### **5.0 FOREST GOVERNANCE DEVELOPMENTS**

#### **REDD and FIP**

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<sup>5</sup> The three project areas are reducing pressure on natural forests through an integrated landscape approach; Engaging local communities in REDD+ / Enhancing Carbon Stocks and; Engaging the private sector in REDD+

The IP has been approved by the IFC and World Bank, a joint mission is currently taking place between the 11<sup>th</sup> and 15<sup>th</sup> February, 2013, processes to develop the details of the three projects commence this week until November when they are expected to be concluded and presented to the boards of the Donors. There seems to be a renewed commitment to deepen and expand consultation with civil society in sector processes, particularly around FIP which is quite commendable.

## **VPA**

Joint Monitoring Review Mission under the VPA couldn't happen in the last quarter of 2012 mainly due to scheduling difficulties and the political climate then. CSOs who have been actively engaged in the VPA process continue to express worry about their apparent exclusion from the Timber Validation Council (TVC). The TVC is expected to receive the report of the Independent Monitor and also resolve complaints that emanate from the licensing scheme. Changes to this new law are not expected though it provides some lessons going forward. The Forestry Commission in their readiness for the EUTR seem to be pushing for the recognition of TUPs as valid harvesting timber. This position was advanced in an old Legislative Instrument for the Off-reserve areas which was re-sent to Parliament by the Ministry and the FC. The Parliament Committee rejected the position taken by the FC/Ministry and sided with the position of FWG. The LI has been referred back to the Ministry/FC for proper consultations; however this is something that will be good for FGLG to follow.

## **6.0 IMPACTS OF WORK**

- FGLG contributes to create space for dialogue between the sector stakeholders and intermediaries of communities and providing them with space to raise concerns for policy discussion. These concerns are locally generated from the communities, thus supporting bottom-up policy discussions
- FGLG through the reference group and other such platforms has enhanced internal relations among and between individual CSOs and networks. Relations between CR and Kumasi Wood Cluster Association have been enhanced over the period. Furthermore a few FWG members have linked up with the Domestic Lumber Traders Association (DOLTA) to feed them with critical analysis to assist them in their discussions on the domestic market reform.
- FGLG has picked the process of drawing synergies between the various forest forum platforms. Responses are encouraging so far and the prospect of drawing learning across board is quite high.

## **7.0 FGLG External Linkages**

### **7.1 FGLG and state authorities**

Government persons on the core learning team continue to provide knowledge and support for discussions and meetings of the reference group as well as the national forest forum.

### **7.2 FGLG and target groups**

FGLG continues to reach out to several groups including CSOs, officers of the various district assemblies, the forestry commission and other group through their participation and contribution to discussions.