

ABBREVIATIONS



CIKOD	Centre for Indigenous Knowledge and Organisational Development
CBAG	Community biodiversity groups
CBO	Community-based organisation
CFC	Community forest committees
CHRAJ	Commission on Human Rights and Administrative Justice
CSOs	Civil Society Organisations
DA	District Assemblies
DCD	District Coordinating Director
DCE	District Chief Executive
DFO	District Finance Officer
DPO	District Planning Officer
EOCO	Economic and Organised Crime Office (previously the Serious Fraud Office)
EPA	Environmental Protection Agency
FC	Forestry Commission
FIP	Forest Investment Programme
FOI	Freedom of Information
FWG	Forest Watch Ghana
GDP	Gross Domestic Product
GSBA	Globally Significant Biodiversity Area
GoG	Government of Ghana
INGO	International NGO
ILO	International Labour Organisation

ABBREVIATIONS

LI	Legislative Instrument
MLNR	Ministry of Lands and Natural Resources
MOP	Manual of Procedure
NGO	Non-governmental Organisation
NREG	Natural Resource and Environmental Governance (Sector Budget Support)
NTFPs	Non Timber Forest Products
OASL	Office of Administrator of Stool Lands
REDD	Reduction of Emissions from Deforestation and Degradation
SEA	Strategic Environmental Assessment
SRA	Social Responsibility Agreement
TA	Traditional Authorities
TUC	Timber Utilisation Contract
TUP	Timber Utilisation Permit
VALCO	Volta Aluminium Company
VPA	Voluntary Partnership Agreement

Global Witness investigates and campaigns to prevent natural resource-related conflict and corruption and associated environmental and human rights abuses. Through the Making the Forest Sector Transparent programme, Global Witness supports local campaigners in key forest countries to promote good governance and expose illegal and corrupt practices in the forest sector. They work closely with civil society groups in seven countries in Africa and Latin America, providing them with the tools and data to hold their governments and business accountable for how their forests are used.

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The 2010 Annual Transparency Report Card is the second report emanating from the implementation of a four-year project called Making the Forest Sector Transparent started in 2009. The project is aimed at supporting civil society in some resource-rich countries (five in 2010, namely Cameroon, Ghana, Liberia, Peru and Ecuador with Guatemala and Democratic Republic of Congo added in 2011) to engage with policy makers and advocate for accountable forest sector governance. The Centre for Indigenous Knowledge and Organisational Development (CIKOD) leads on the project in Ghana.

The report card seeks to determine what information is available or not, and assess the usefulness of available evidence - from the perspective of different stakeholder groups - for transparency and governance purposes. This is the second annual summary of report card findings;

As with the report in 2009, the information for the report is based on both desk study and field survey. The principal method of data collection has been a questionnaire administered from July to September 2010, with different stakeholder groups in six districts - three in the Brong Ahafo region (Sunyani Municipal, Goaso and Dormaa) and three in the Western region (Tarkwa Nsuaem, Wassa Amenfi East and Juabeso). The questionnaire was simplified into a common format for all groups, and the number of participants was increased from 231 in 2009 to 323 in 2010.

FINDINGS

Enabling Framework for Transparency

The general conditions for improving transparency remain positive in Ghana, but little progress has been made on the passage of the Freedom of Information Bill and there is consequently no framework to legally require

institutions to divulge official information. In this context, there continues to be lack of transparency in many decision-making processes.

Forest Legal and Policy Framework

The legal and policy framework did not change in the last year. A number of parent and subsidiary pieces of legislation and operating manuals govern the sector with particular reference to timber management. This framework has been the subject of on-going review to address emerging issues such as climate change and legality assurance certification under the EU VPA FLEGT initiative.

The Forestry Commission has provided information through its website on important initiatives such as the VPA and REDD, but there has been a lag in updating it on recent developments, sometimes for up to several months. Public awareness is generally low - the field survey found that the 80% of all respondents were not aware of either REDD or VPA.

Access to Decision Making Processes

No legally recognised mechanism exists for public participation in decision making, but in 2010 several platforms evolved to provide some limited opportunities for citizens' input into policy discussions. The National Forest Forum continued with members drawn from the 35 District Forest Forums; however they represented only a subset of the 170 Administrative Districts in Ghana and there was no increase in the number of forums during the year.

The Government and development partners also held a third Annual Environment and Natural Resources Sector Summit in 2010 to review performance as part of the Natural Resource and Environmental Governance (NREG) sector support programme. Civil society participation improved in

2010 to ten representatives (from five in 2009 and two in 2008). In addition, civil society organised its own parallel review in 2010 through the support facility called KASA.

Land and Forest Tenure

Forest tenure and ownership is recognised by the Government and all stakeholders as an important subject to deal with, and there remains scope for greater clarity in the definition of communities with rights in relation to land and forests. There are no ownership and forest land use maps, and several localised disputes exist in various communities between different claimants to a piece of land.

The Forestry Commission has developed a programme of 'modified taungya' which is meant to design lease arrangements that assures benefit flow from forest plantations to farmers involved, but only 36% of all respondents in our survey were aware of this arrangement.

Fiscal Regime: Tax Collection and Redistribution

The collection and distribution of land revenue including forest revenue is enshrined in the 1992 Constitution, and the general level of awareness of this system across the stakeholders was relatively high (75% overall).

The Forestry Commission has consistently published the disbursements of royalties from timber resources on the website and also in hard copy, but this information is usually way behind schedule (it was only available for the first half of 2009 as at April 2011).

Resource Allocation

Ghana has a permit system established in law for timber and some NTFPs. Timber resource allocation for commercial purposes is expected to go through a bidding process after which the winner is issued with a timber utilisation contract (TUC) that is ratified by parliament. Communities can apply for a smaller scale timber utilisation permit (TUP). For other NTFPs and environmental services there is no clarity in the permit regime. The levels of awareness of the TUC increased somewhat across stakeholders in our field survey from 8.4% in 2009 to 23% in 2010. In general, the majority of stakeholders indicated that there is very little consultation on the allocation of TUPs or other NTFP permits, and there was uncertainty about their administration.

Only the majority of forest officials felt that they were transparent. There are worrying signals that authorities are reverting to less transparent administrative practices that contravene transparency norms and go against the spirit of the various laws on resource allocation. In December 2010, Forest Watch Ghana released evidence that showed that 111 salvage permits were issued to companies under non-transparent circumstances to harvest trees. It is notable that the number of permits allocated through administrative process has increased from a handful in and before 2009 to over 100 in 2010. In particular, given that Ghana has signed on to the VPA, such practices represent backward steps.

Summary of Indicators using Traffic Light Scoring 2009 and 2010 compared
See next page.

Summary of Indicators using Traffic Light Scoring 2009 and 2010 compared

No.	Indicator	2010	2009
1	Transparency norms	Yellow	Yellow
2	Legal standing	Green	Green
3	Forest legal framework	Green	Yellow
4	Transparent access to decision	Red	Yellow
5	Tenure and land use	Yellow	Yellow
6	Allocation of permits / user rights	Yellow	Yellow
7	Logging operations	Red	Yellow
8	Extraction of other forest products	Red	Red
9	Environmental services	Red	Red
10	Cultural services	Red	Red
11	Extra - sectoral activities affecting forests	Red	Red
12	Fiscal regime: tax collection and redistribution	Green	Yellow
13	Forest law enforcement	Red	Yellow
14	'Anti - transparency' norms	Red	Red
15	Publications	Yellow	Green

Key Yes  Partial  No  Not Applicable 

CONCLUSIONS

In general there have not been dramatic changes in the issues of transparency in the forest sector. However, some improvements over the 2009 findings are significant to note. At the national level the forestry sector is opening up space for participation of civil society in different dialogues such as the sector working group. The initiative of civil society to carry out its own parallel assessment of the sector also created space for engagement. The forest forums also provide another opportunity for stakeholders to engage in the sector, but they need to be strengthened.

Consultation on decisions on issues that directly affect local people remains very low even though efforts seem to have tripled in some cases (from 6.5% to

17% for being consulted on NTFP or TUP allocations). Better effort at consultation is therefore required.

On timber resource allocation, the signals that authorities are reverting more to non-transparent administrative practices are worrying as they defeat transparency norms and goes against the spirit of the various laws on resource allocation.

Recommendations

Based on the findings, recommendations are made for different stakeholders to improve transparency and governance in the sector.

Related to Transparency	
Civil society organisations	Press for the passage of the Freedom of Information Bill. As it stands now, there is very little indication that the bill will be passed before the end of 2011.
	Identify and prioritise realistic areas where transparency and communication can be improved and embark on them, and then pursue these in order to boost momentum for more fundamental changes.
District Assemblies	Disclose the amount of royalties they receive and what they use the royalties for. Any physical projects such as <i>publications</i> , community buildings or bridges, should be labelled as funded from royalties, to enhance transparency.
Forestry Commission	Should provide a 'pdf' version of the disbursements of royalties from timber resources to enable others to assist in its reproduction and dissemination. It should announce publication in the print and broadcast media.
	Should ensure that in the course of VPA implementation a publically accessible web interface is constructed to show key sector information relating to permits, production and revenue. The Commission should consult civil society on the detailed content of The Commission should consult civil society on the detailed content of this site.

Related to Transparency	
Traditional Authorities	Paramount chiefs should disclose the revenue received from the Office of Administrator of Stool Lands / Forestry Commission to Divisional Chiefs and Queen Mothers, to enhance transparency.
	Traditional authorities at all levels should develop, sign, and promote a transparency charter that indicates public commitment to good governance and transparency in their dealings.
Related to Governance	
Civil society organizations	Continue to provide support to enable communities to be involved in the design of forest reserve management plans.
	Lobby for increased support to forest forums, or other means for communities to interact regularly with the Forestry Commission, particularly on new initiatives or legislative changes in the forestry sector.
	Support forest communities to engage with their traditional authorities and other community leaders to demand the transparent management of forest resources.
	Support women to become more involved in decision-making processes on forest resource management issues, in particular through finding ways for more actively engaging role models (such
	Support communities to make stronger demands on elected District Assembly Members to take a proactive interest in resource management and exploitation. Their representatives (the elected assembly members) should demand accountability in the use of royalties that come to their district assemblies.
Forestry Commission	Should ensure that the provisions within the Service Charter are adhered to, by publishing an annual performance assessment against the Charter

Related to Governance	
Forestry Commission	Should demonstrably involve the Office of Administrator of Stool Lands, traditional authorities, and District Assemblies in the calculation of logging revenues in order that these calculations are transparent. The obligation to do this should be enshrined in any legislative revisions which come about in the process of implementing the VPA.
Traditional Authorities	Relevant indigenous institutions like "Asafo" and the youth groups should be strengthened to play their roles and moderate the activities of chiefs at the traditional council level.
	Communications between traditional authorities and communities regarding forest sector issues should be improved using traditional platforms like festivals and other community durbars.
District Assemblies	Enforce the law requiring timber companies to ensure that adequate compensation is given to farmers whose crops are destroyed during logging. District Assemblies should keep public records (such as on a website) of all such claims and whether or not they were honoured.
	Support communities in the signing of Social Responsibility Agreements. They should streamline the process and ensure the involvement of the assembly members for the specific localities

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1.1 Ghana Forests

Forests are immensely important, both to society and the environment: they play a vital role in enriching the natural resources that support life on earth; millions of people are wholly or largely dependent on forest resources for their livelihoods; and, increasingly, we are coming to learn of their role in combating climate change. In short, we are all highly dependent on their existence and survival.

However, citizens of forest-rich-but-poor countries often have minimal information about forest management in their country, preventing them from holding government and business accountable. Indeed, in most developing countries with poor governance structures and weak enforcement regimes, vested interest of business and government officials have contrived to deny citizens the full benefit of economic returns from their forest resources.

The forest sector in Ghana has for several decades been a major foreign exchange earner for the country - contributing between 4% and 6 % of GDP and accounting for 11% of export earnings between 2000 and 2006 . This contribution however, comes mainly from the formal sector consisting of regulated industries in timber and timber products. The informal sector, characterized by small and medium forest enterprises (SMFEs) broadly covering forest products, non-wood-forest products and forest services, is largely neglected even though their contribution to livelihoods and resource sustainability arguably outweighs that of the formal sub-sector.

1.2 The Project

Making the Forest Sector Transparent is a four year project that supports civil society groups in forest-rich countries to engage with policy makers and,

advocate for accountable forest sector governance. From the start in 2009 it operated in four countries - Cameroon, Ghana, Liberia and Peru. In 2010 improve transparency in the forest sector are working; identifies cases of good practice by some governments; and explores possibilities for extension and replication of good practices.

The Centre for Indigenous Knowledge and Organisational Development (CIKOD) leads the project in Ghana. In 2009 CIKOD developed a Ghana transparency report card to assess and compare disclosure of information on forest use and management in selected communities in the Western and Brong Ahafo Regions of the country. The report card seeks to determine what information is available or not, and assess the usefulness of available evidence - from the perspective of different stakeholder groups - for transparency and governance purposes. This is the second annual summary of report card findings; the first report, which assessed the level of transparency in the sector for 2009, was published in the first quarter of 2010.

1.3 The 2009 report card and its impacts

The publication of the first report card on transparency in the forest sector in Ghana was received with considerable interest by many stakeholders. The launch of report in June 2010 received extensive press coverage in Ghana . In addition, the report was presented to Environment and Natural Resources (ENR) sector working group (the platform for policy dialogue between the Government of Ghana (GoG) and development partners in the ENR sector), following which the Forestry Commission (FC) then organised a special sub-sector meeting on the report to hold further discussions on the implications of the findings. The FC made interesting observations, including the need to expand the transparency indicators to better cover the issues of wildlife and

other non-timber forest products, their desire to see the exercise cover a greater number of regions and districts and their willingness to collaborate in the compilation of future reports and using the outcome of the reports to improve transparency in the FC's operations.

In addition, following the 2009 report, CIKOD and other civil society organisations (CSOs) which are involved in similar governance related work in the forestry sector have agreed to join hands together to expand the coverage of the report. Currently, Civic Response under a project called GIRAF is collecting data in 19 other districts. The results from the additional districts will be subsequently analysed for inclusion in the annual reports, starting from the 2011 report.

1.4 The current report card

The 2010 report card generally follows the same pattern as the previous report. It is based on both secondary information review and primary field data analysed from a survey conducted in selected districts in two regions. However, partly in response to the feedback from the FC, some modifications were made in terms of the design of the data collection instruments and the coverage of respondents.

1.4.1 Methodology

Instruments for data collection

A major modification made in this year's approach was to use a single questionnaire for all the different stakeholder groups in contrast to 2009 where a separate questionnaire was designed for each stakeholder and which made analysis very cumbersome. Field surveys were undertaken by the same local Non-governmental Organisation (NGOs) to draw on the

See for example: http://ghana.gov.gh/index.php?option=com_content&view=article&id=2543; <http://www.ghananewsagency.org/details/Social/Need-for-transparency-and-accountability-in-the-forestry-sector-Report/?ci=4&ai=17299>; www.modernghana.com/.../need-for-transparency-and-accountability GIRAF is an acronym for Governance Initiative for Rights & Accountability in Forest Management funded by the EU and implemented CARE in partnership with other local NGOs.

experience acquired from the previous engagement. Field surveys were conducted between July and September 2010.

Coverage

The number of respondents was increased from 231 in 2009 to 323 but the number of districts were maintained - three in the Brong Ahafo region and three in the Western region. The districts are indicated in Box 1.

Box 1: Administrative Districts for field exercise

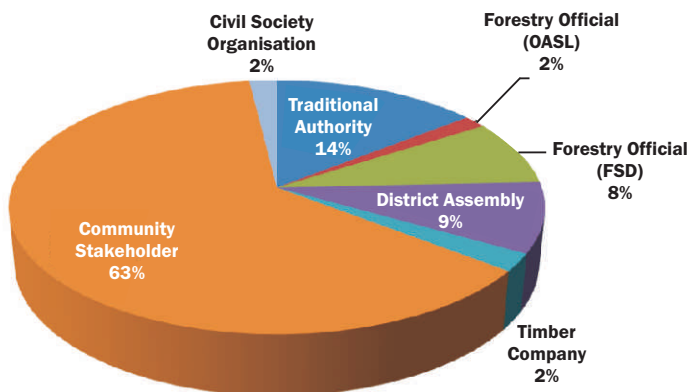
Tarkwa Nsuaem	Western Region
Wassa Amenfi East	Western Region
Juabeso	Western Region
Sunyani Municipal	Brong Ahafo Region
Goaso	Brong Ahafo Region
Dormaa	Brong Ahafo Region

As with the 2009 field work community questionnaires were administered in selected settlements within five kilometres of forest reserves.

Stakeholders

In addition to the stakeholder categories interviewed in 2009, a number of CSOs involved in the forest sector were interviewed this year to assess their level of knowledge and access to information. This was considered important, since these groups are mostly involved in advocacy in the sector, which must be well informed and evidence based. They also act as important conduits of information between central, internet-connected institutions and rural communities.

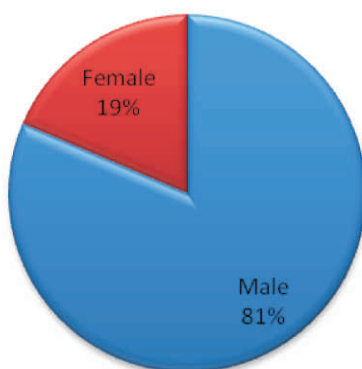
Figure 1: Stakeholder categories interviewed



Gender of Respondents

Special effort was made to elicit information from female respondents in the communities. As depicted in Figure 2, a fifth of the respondents were female, and as much as possible the analysis took into account the gender differentiations.

Figure 2: Gender of Respondents



Breakdown of persons interviewed

At the level of the traditional authority different categories of leaders were interviewed. Given the hierarchical nature of the traditional institutions, this differentiation was considered necessary to ascertain what differential access to information within the hierarchy exists.

Traditional Authority type

Table 1: Traditional Authority Type

Status of Traditional Leader	Frequency	Percent
Odikro (local chief)	18	39.5
Stool Chief	12	26.3
Paramount Chief	1	2.6
Queen mother	9	21.1
Others (for example)	5	10.5
Total	45	100.0

Forestry officials

Twenty-six Forestry Commission officials - comprising 22 district and sub-district officials, two regional and two national level officers and five Office of Administrator of Stool Lands (one regional and four districts) officers were interviewed.

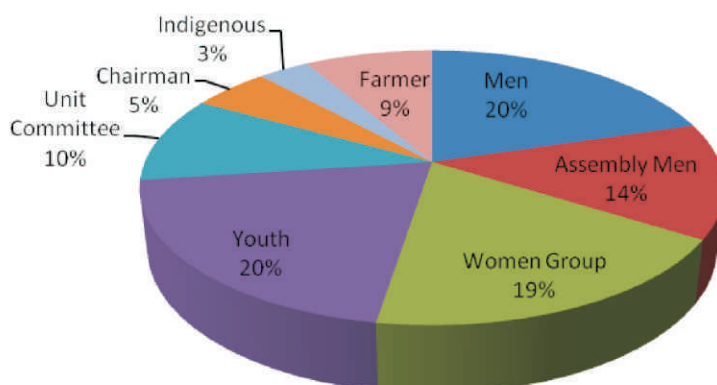
District Assembly

Within District Assemblies District Coordinating Directors (DCDs) and District Chief Executives (DCEs) District Planning officers (DPOs) and District Finance Officers (DFOs) were interviewed for their perspectives.

Table 2: District assembly personnel interviewed

District Assembly Personnel	Frequency	Percent
District Coordinating Director	6	21.4
District Chief Executive	4	14.3
District Planning Officer	8	28.6
District Finance Officer	6	21.4
Environmental Protection Agency staff	2	7.1
Other District Assembly staff	2	7.1
Total	28	100.0

The different categories of community members interviewed are indicated in figure 3. These included men and women groups, youth groups, farmer groups, unit committees and indigenous community groups (such as Asafo Companies).

Figure 3: Community Respondents

Civil Society Respondents

Six CSOs engaged in the forest sector in the target areas were also interviewed. These were two local NGOs, two international NGOs, one NGO Network/Coalition and one community-based organisation (CBO).

1.4.2 Organisation of the report

As with the 2009 report the field information was analysed using SPSS software. To the extent possible, the findings (which form the main body of the report - contained in Section 2) are structured along the lines of the themes agreed for the different countries involved in the study -

- ✧ Transparency norms - the status of the right to information
- ✧ Legal standing for CSOs and communities.
- ✧ Public availability of the forest legal framework.
- ✧ Transparent access to decision making through participatory policy processes.
- ✧ Public availability of the tenure and land use legal framework.
- ✧ Public availability of information about allocation of permits and user rights for any/all forest uses.
- ✧ Public availability of information about extraction of forest products.
- ✧ Public availability of information about extraction of other (non-timber) forest products.
- ✧ Public availability of information about environmental services.
- ✧ Public availability of information about cultural services.
- ✧ Public availability of information about extra sectoral activities affecting forest.
- ✧ Public availability of information about fiscal regime - tax collection and redistribution.
- ✧ Public availability of information about forest law enforcement

- ✦ Anti-transparency norms; which undermine or limit access to information.
- ✦ Regularity of performance publications by the forest authority.

Wherever this is feasible a comparison is made between the status of each of these main themes in 2009 and 2010. Conclusions and Recommendations from the report are drawn out in the third section.

2.1 Enabling framework for transparency

The general democratic environment in Ghana allows for freedom of speech and this augurs well for demand for transparency and public accountability. With the proliferation of media organisations in the country since the mid-1990s there has been incremental improvement on the citizens' free expression. Nonetheless, with respect to freedom of access to information which would enhance transparency in governance in all facets of the Ghanaian society, there is still more room for improvement.

2.1.1 Freedom of information

As reported in the 2009 report, the Freedom of Information Bill (FOI Bill) was approved by Cabinet in November 2009. However it only got laid in Parliament in February 2010 and went through the first reading on the floor of Parliament. However, since then not much progress has been made. Whereas government continues to assure that the Bill will be passed, qualified opinions expressed by several civil society groups indicate that Bill will not be passed until about 2013 and several CSOs have called on government to expedite action to get the Bill passed.

In the face of production of oil in Ghana, civil society groups have variously called on government to expedite the passage of the Bill to assure public disclosure of transactions in the oil sector but there is very little to indicate that Bill will be considered even in 2011 as the time table of this session of Parliament does not include a consideration of the FOI Bill in the first quarter.

2.1.2 Other rules providing for transparency

The Constitution of Ghana guarantees the right to information to all citizens.

Article 21 (1) f of the constitution states that "all persons shall have the right to information, subject to such qualifications and laws as are necessary in a democratic society". The Whistleblower Act, 2006 (Act 720) is an important supportive legislation for transparency. This law was passed by Parliament and given assent on 20th October 2006. However as noted in the 2009 report, implementation of this Act is hindered by a general lack of whistleblowing culture and not much has changed since its passage to encourage the citizenry to take advantage of the law.

2.1.3 Sector specific transparency laws and statements

The most important document that defines the transparency requirements for the Forestry Commission is the Service Charter, which provides for customers' right to information. Nonetheless, there is very little knowledge of the existence of a Service Charter for the FC. The preliminary results from field survey indicates that less than 10% of respondents know (or have seen) the revised 2008 FC Service Charter.

In cases where there would be disclosure disputes, FC Service Charter does not give any dispute settlement arrangement except to say that "wherever possible we shall place complaint forms and boxes at vantage locations in our offices to facilitate customer feedback". Since the preparation of the Service Charter in 2008, no new initiatives have been developed to deal with transparency and confidentiality norms except as provided for in the service charter. Much was made by the government of the time to introduce Service Charters across the public services, but since then, there is little evidence of performance monitoring against these commitments, in the FC or elsewhere.

2.2 Forest legal and policy framework

The 1994 Forest and Wildlife Policy has been a foundational document of the forest sector for the last two decades. Even though its tenets have not been translated into a single consolidated law, it is recognised as containing essential principles and some strategies necessary to manage the forest and wildlife resources optimally. However, several emerging issues such as climate change, FLEGT, certification, etc. have necessitated the review of the policy to meet new emerging challenges. In 2010 the Ministry of Lands and Natural Resources (MLNR) and the FC continued consultation in an effort to review the policy and develop a new master plan.

The process of review has generally been consultative and from one such consultations, the Civil Society Contact Group made written comments to the MLNR on 19th August 2010. The group proposed that the new policy should have a clear focus and measurable strategies in (a) biodiversity (as against timber) sustainability (b) fair access to forest resource (c) fair benefit sharing (d) participation and participatory approaches.

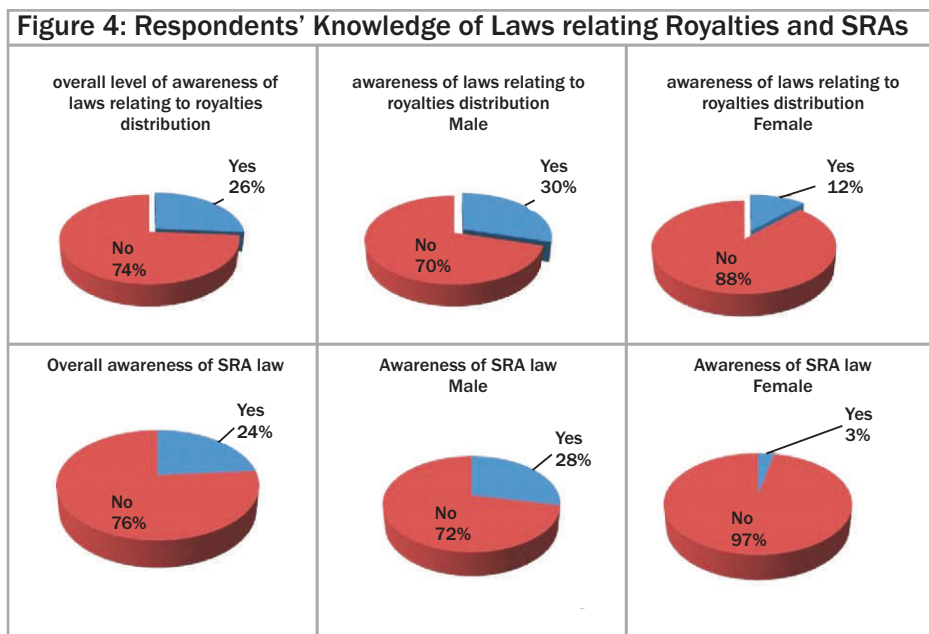
It has to be pointed out though that consultations on the reform of the policy and legal instruments in the forest sector have been on-going since 2008 following the ratification of the VPA, and the development of Reduction of Emissions from Deforestation and Degradation (REDD) and other related instruments in Ghana. However, the process has been very slow and to date drafts of consolidated forest and wildlife laws are in circulation but unlikely to be in any form that can be presented to Parliament this year or the first half of 2011. Thus currently forestry is not governed by a single but a number of Acts, legislative instruments and regulations. The Forestry Commission website contains much of the parent and subsidiary legislation that regulates forestry

See for example 'New Charters For Eight Public Service Agencies', March 13, 2008; www.mofep.gov.gh/documents/charter_chief.pdf The contact group is a broad coalition of civil society networks and organisations interested in the forest sector. It came into being in 2007 in response to the opportunities for engagement that the VPA offered. It has since extended its work to encompass other sector initiatives such as REDD and overall governance. It is composed of Organised Labour, traditional and other community leaders, Research and Academic organisations, the Forest Watch Ghana NGO network, the domestic lumber traders association, members of District Forest Forums and members of the National Forest Forum.

in Ghana. However, the general level of awareness of these laws is quite low.

To assess the level of awareness of the public to some of the forest related laws, respondents were asked in the field whether they knew about the laws governing the allocation of resources, social responsibility agreements (SRAs), compensations and revenue distribution. As illustrated in figure 4, on the average, only a quarter of the respondents are aware of the existence of laws relating to royalties and their distribution and SRAs, both of which are of tremendous importance to general public. The level of awareness among females is even lower, with only 12% and 3% having knowledge of the laws governing royalties and SRAs respectively.

It is instructive though that among the traditional authorities, there is no significant difference the level of awareness between queen mothers and their male stool chief counterparts. Among traditional authorities, 16% indicated their knowledge of the laws covering royalties and SRA but only 8% of community members responded positively - an indication of the general lack of accountability between the traditional authorities and ordinary citizens.



2.2.1 Availability of forest-related policies, laws, agreements etc.

The FC has prepared several manuals of procedures to guide its operations and engagement with various stakeholders. These are available at FC offices and also on the website. Ghana has signed several international agreements related to forestry and biodiversity conservation. A list of the various international agreements and conventions to which Ghana is signatory can be found in various publications including the National Biodiversity Strategy for Ghana (2002), Ghana, Country Environmental Analysis (2007). The VPA was signed in November 2009 and the signed agreement is on the FC website. In July 2010 Ghana was approved as a pilot country for the Forest Investment Program (FIP) as part of the Strategic Climate Investment Funds.

The FC has created sections on its website for important initiatives it is

Eighty percent of all respondents are neither aware of REDD nor of the VPA. Most community stakeholders (90%) and district assemblies (70%) expressed their lack of knowledge of the various agreements signed by government (Figure 5&6.) Significantly, almost all the timber company respondents were unaware of REDD and VPA which have direct bearings on their operations. The most knowledgeable of these agreements were the FC staff but even among them 20% is uninformed about the agreements.

Figure 5: Awareness of VPA among stakeholders

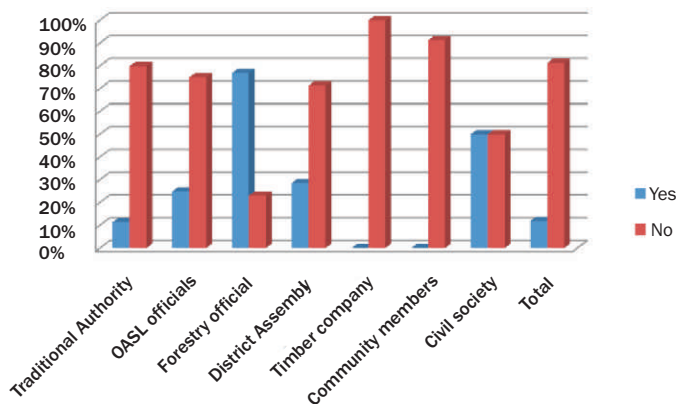
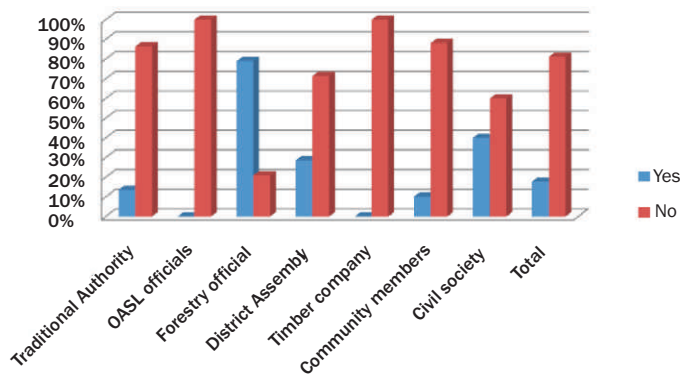


Figure 6: Awareness of REDD among stakeholders



2.2.2 Recognition of customary law and traditional norms in forest governance

Customary law by the Constitution of Ghana is recognised as subordinate to codified laws.

In forest operations the need to recognise traditional norms and values are included in regulations and manuals. Section 14 of LI 1721; Logging Manual Sections 3 - code of conduct (on-reserve) recognises the rights of other users and show respect for cultural norms such as taboo days etc; and code of conduct - (off-reserve that recognises the rights of other users and show respect for farming operation etc. However these manuals are only available in hard copies and not published on the website.

2.3 Access to Decision Making Process

No legally recognised mechanism for public participation in decision making exists. Nonetheless, various platforms are evolving for public participation. Forest Forums in some forest districts provide limited opportunity for citizens input into policy discussions.

As part of the Government and Development Partners' policy dialogue, civil society is invited to participate in the quarterly discussions at Environment and Natural Resource Sector group and monthly to the Forestry sub sector group. Three civil society groups (representing coalitions in forestry, mining and environment) are represented in these quarterly meetings.

2.3.1 Available National and local forums for consultation

There is a national forest forum comprising representation of members from various forums at the district level. It is not yet very national in character especially because only 35 districts have forest forums out of 170 districts in Ghana and also because the processes for representation requires streamlining.

The government together with development partners have established an annual Environment and Natural Resources Sector Summit (Review) where the performance of the forest, mining and environment sector is reviewed. This has evolved as part of the NREG sector budget support. The third meeting held in August 2010 saw improved civil society participation (from 2 in 2008, 5 in 2009 and 10 in 2010) in the summit.

More significantly, civil society in March 2010 organised its own parallel review of the environment and natural resource sector as part of an on-going civil society support facility called KASA. The results of the review were presented to government at the summit as civil society input .

As noted above district forest forums are established in 35 forest districts with support from both government and CSOs but these have no legal status. In 2010 no additional forest forums were established. A review carried out by Civic Response on the status of the Forest Forums in Ghana at the beginning of 2010, concluded among others that the forums have inadequate linkage with key policy making institutions and platforms at the district (district assembly environmental and forestry sub-committee) and this affects policy uptake of issues generated at the forums. There is enthusiasm among those who participate but it is not very representative and women's participation is very low.

Box 2 -A view on the Forest Forums in Ghana

HARMO criteria assessment of Forest Forums in Ghana

Criteria	Comment
Harmonisation	Various DPs, agencies, CSOs involved in funding and facilitating the FFs are not coordinating their efforts and use different approaches. Sporadic support provided under various projects.
Alignment	No agreed systems for support to the Ffs agencies only apply their own internal systems.
Results Orientation	There is a clear need for the FFs to be results focused. There are no indicators currently for judging their effectiveness or otherwise.
Mutual Accountability	There is little vertical accountability in the hierarchy of the FFs (DFF-RFF-DFF). Horizontally facilitators only account to funding agencies and not to the forums.
Ownership	There is very little sense of ownership of the forums at the local level, though they find it useful.

Excerpts from the Draft Report on the Assessment of Forest Forums in Ghana by Civic Response 2010.

2.3.2 Procedure for consultation on new norms and clarity on who to consult

There are no established procedures for consultation on new norms. Forest Watch Ghana led the consultation process on the VPA and developed a list of consultative groups that broadly involved larger civil

society beyond CSOs, including trade unions, peasant farmers, and forest forum members. This group has formed the so-called contact group. These form the main thrust of the stakeholder consultative group which has been used to engage government on issues such as REDD and the proposed new forest legislation. Nonetheless the group is not yet formalised and is not embedded in government and so remains completely informal.

2.3.3 Right to Consultation

Ghana has not ratified International Labour Organisation (ILO) Convention 169 on the right to free prior consultation but has ratified the older Convention 107 with its provision on the recognition of the rights of Indigenous and Tribal People and this is still in force. There are therefore no specific laws related to the implementation of Convention 169. However, the Directive Principles of State Policy as contained in the Constitution (Chapter 6, Art 37 clause 2 (a) directs the State to enact appropriate laws to assure "the enjoyment of rights of effective participation in development processes..." On the basis of this citizens have made demands for consultation in various development activities including timber harvesting.

The Procedure for grant of timber rights as contained in the Timber Resource Management Regulations LI 1649 on identification of lands suitable for the grant of timber rights, upholds the right of land owners and those with interest in land slated for timber allocation to be consulted.

With respect to citizens' right to free prior informed consent, LI 1649 indicates that before an area is given out for timber rights a written consent of the owners is required. Sub-Part II Section 3 of the LI state inter alia;

“... Publication to obtain consent-

3. (1) Where the land identified and proposed by the Chief Conservator of Forests as suitable for the grant of timber rights is not public land or forest reserve, the District Forest Officer in whose district the land is situated shall, with the assistance of the District Chief Executive seek the written consent and agreement of the owners of the land for the exercise."

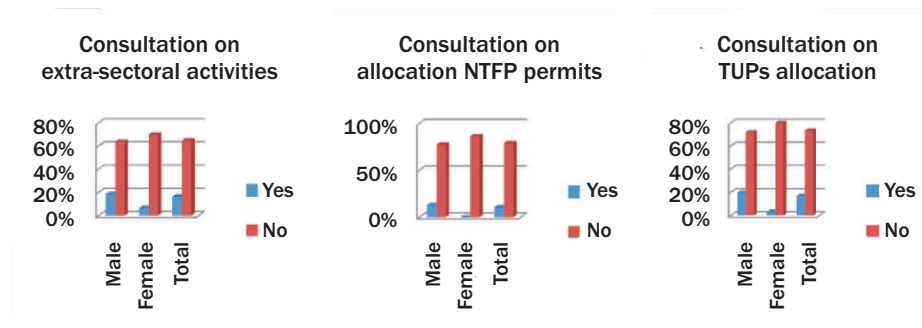
Procedures for the obtaining consent and the processes for resolving conflicting interest in the land are established in the regulations.

2.3.4 Level of consultation on issues

To have an understanding of the level of consultation on various issues related to resource allocation and forest governance in general, stakeholders were asked to indicate whether or not they were consulted on specific issues, like the allocation of Timber Utilisation Permits (TUPs), and Non Timber Forest Products (NTFPs) and the decisions on allocation of forest areas for extra-sectoral activities such as mining. The charts in figure 7 depict a comparison of the levels of consultation on decisions on the identified issues.

The most important issue on which people are consulted on seem to be those relating to non-sectoral activities in which 26% of respondents indicated that they are consulted. For allocation of NTFPs and TUPs (which incidentally are the resources community members are particularly interested in), there is 17% consultation. While these levels of consultation are very low, it is a great improvement on the results obtained for 2009, when only 6.5% of respondents gave a positive response to being consulted. It is not clear what exactly has contributed to the improved levels of consultation and further probing would need to be done to understand what has caused this.

Nonetheless, in spite of the apparent improvement the level of consultation with females remain critically low. For instance on the allocation of NTFP (a sector largely dominated by women) no consultation is reported.



2.4 Land and Forest tenure

Land ownership in Ghana is a complex subject. However, the 1992 Constitution recognises custodianship of land by traditional authorities who hold the land in trust for the people. Those with use rights to the land are also to a large extent identifiable by a combination of constitutional provisions, common law principles, and customary law.

2.4.1 Land ownership

As reported in 2009, for all forest reserves, the ownership of the land is clarified in the reservation gazette. However, the ownership status is usually not covered with title (and documentation) but under customary and traditional norms. The hierarchy of land ownership in Ghana complicates forest tenure and ownership and even though the question of forest tenure and ownership is not under intense debate currently, it is a subject recognised by government and all stakeholders as important to deal with as quickly as possible.

In general there is recognition in law (the 1992 Constitution) of the custodianship of land by traditional authorities (stool chiefs) who hold the land in trust for the people. Those who have usufruct rights to the land are also to a large extent identifiable by a combination of constitutional provisions, common law principles and customary law. However, there is plethora of land laws in Ghana which tend to confuse the issues on land ownership and use. It should be noted though that the concept of ownership of land (and forest land) for that matter in Ghana is quite complicated. Custodianship of land (which is vested in stool chiefs) is gradually being interpreted to mean private ownership by chiefs and this is causing a lot of confusion in several communities.

There is an on-going project, among others to document and streamline land ownership and improve documentation, but this does not deal with a fundamental issue of ownership, custodianship, and usufruct rights. There is therefore no clear title ownership to forest land even though there is enough acceptance of customary ownership to have agreement on, which chiefs should receive royalties for forest operations for most forest areas.

2.4.2 Ownership and tenural conflicts.

There are no ownership and forest land use maps. Several localised disputes exist in various communities between different claimants to pieces of land most of whom usually have site plans and maps of various kinds which are not necessarily codified. Newspaper publications on disputes arising from unclear tenural arrangements abound.

Lands outside the reserved forest estates are not controlled by government but timber resources on these lands are allocated by the Forestry Commission. This situation has led on several occasions to conflicts between

farmers/communities and FC and/or timber contractors.

The FC programme of modified taungya has been in existence for many years and is meant to design tenural arrangements that assure benefit flow from forest plantations to farmers involved. The programme signs agreements with participating farmers assuring not only access to farm lands during the period of the plantation development but also a percentage share of the tree crop at maturity. However, only 36% of all respondents were aware of this arrangement and only a quarter (25.6%) of community dwellers had any knowledge of the programme. Only a single farmer had actually signed an agreement on the modified taungya with the FC.

2.5 Clarity of ownership of forest products

There is a clear vestiture by law of timber, wildlife and mineral resources in the President. However, for other products there is less clarity on ownership. During the period of forest reservation, elaborate processes were developed to identify what the rights of communities and land owners were in relation to the forest reserves and various access rights were noted. However, these rights were poorly defined and with time what the right holders can or cannot do have become even fussier. Nonetheless, discretionary power is exercised by the forest authorities at the local level in allocation of forest (especially non-timber) resources.

With the emergence of REDD as an important climate change mitigation measure as well as carbon trading, the ownership of carbon has come up for discussion within the Ghanaian civil society, but there is clearly no basis in law currently for who actually owns the carbon in forest areas.

2.6 Resource Allocation

The need to acquire permits for the harvesting of timber resources and some NTFPs are clearly indicated in law (e.g. in Act 547, LI 1649, LI 1721) but for other NTFPs and environmental services there is no clarity on the permit regime. For timber resources, specified FC officials are identified with limits on what permits they can or cannot give, but with other products, there is a lot of discretionary power for the officials.

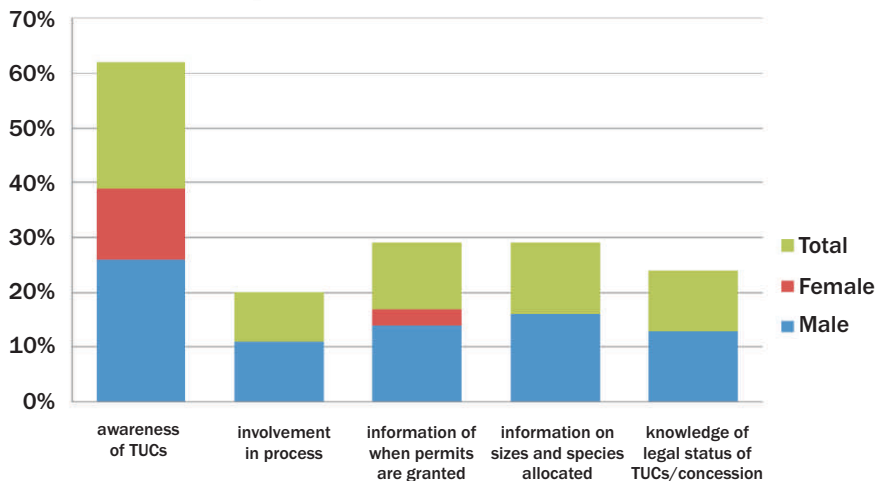
In some instances the institutional responsibility for allocation of non-timber products is blurred. The lack of clarity on permit regimes for other timber resources played out recently in the approval by Parliament for a company to harvest trees under the Volta Lake. There was a long delay from the third quarter of 2006 when Parliament ratified the agreement until November 2010 for the approval, because among others the institutional oversight for the project was still not clear, with the Ministries of Transport, Volta River Authority, Ministry of Energy, the Environmental Protection Agency (EPA) and Ministry of Lands and Natural Resources all getting into the fray at one time or the other.

2.6.1 Allocation of timber resources

By law timber resource allocation for commercial purposes is expected to be through a process of bidding after which the winner is issued with Timber Utilization Contract (TUC) which is ratified by parliament. Respondent's level of awareness of this requirement and the processes were assessed in the survey.

Compared to 2009, when only 8.4% of respondents indicated that they were aware of competitive bidding as the process for timber resource allocation, the level of awareness increased to 23% in 2010 (Figure 8). The awareness level among females though was only half of their male counterparts (13% compared to 26%).

Figure 8: Awareness levels on issues of timber allocation between males and females



It is significant to note that no female is involved in the process nor does any have information on the size and species allocated or even the legal status of concessions in their own localities.

The list of stakeholders who must be consulted (to be included in a field inspection team) in the allocation of timber rights are indicated in law but is limited mainly to owners (traditional authorities), District Assembly members,

and farmers on whose land the timber is located (LI 1649). There is no public discussion or consultation of whether an area should be allocated or not - it is left as a purely technical discussion. It worth noting that the 11% of males who indicated their involvement were mainly forestry officials. For the community level respondents only a handful indicated involvement which is limited practically only to field inspections. Significantly, no farmer indicated that he/she was involved even in field inspection of trees to allocate for harvesting even though the law is clear on their involvement.

There was no improvement in the permit allocation system in 2010. The timber resource allocation system was reformed under Act 547, Timber Resource Management Act, 1997 (amended by Act 617 2002). Under this Act, the timber resource is allocated competitively and the contract holder enters into a contract with the Government to utilize and manage the timber resource on stated Terms and Conditions. The regulations to guide the implementation of Act 547 are contained in Legislative Instrument, 1649, (amended by LI 1721 (2002)). These provisions notwithstanding, there has been little compliance in the implementation of the law, such that the allocation of timber resources has continued to be through administrative and ministerial directives. Indeed there seems to be an escalation of the situation. Areas slated for competitive bidding are normally advertised in the newspapers and on the FC website. The latest advertisement was placed on the FC website on 1 November 2010. However, for areas that are administratively allocated they are not publically known and shrouded in a lot of secrecy.

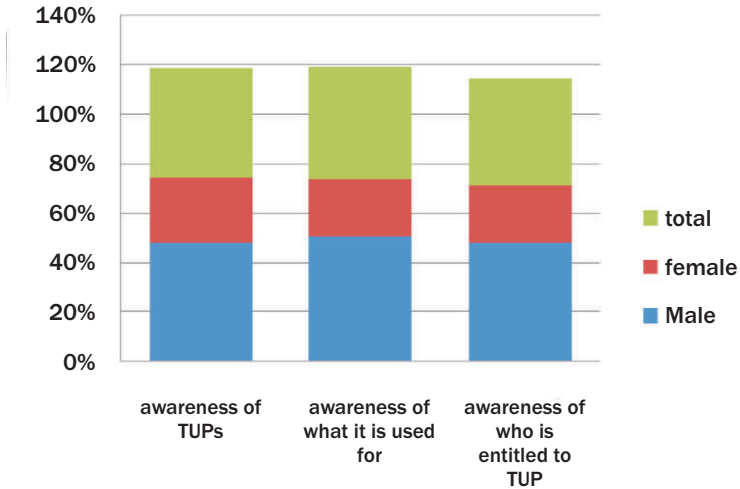
Civil society has through Forest Watch Ghana (and the Contact Group) obtained a list of 120 areas, including 23 Forest Reserves (with one Globally

Significant Biodiversity Area (GSBA)), given out as salvage permits to companies in 2010, under non-transparent circumstances to harvest trees of various species in contravention of the spirit of the law LI 1721 (2002) in which competitive bidding is the recommended mode of timber rights allocation. Forest Watch Ghana, subsequently wrote to the Minister of Lands and Natural Resources on 17th December, demanding a cancellation of these anomalous permits and compliance with the law . To date, those demands have not been met.

2.6.2 Allocation of TUPs and NTFPs

The permit regime for NTFPs and timber resources to meet community needs is laden with much discretion. As noted in section 2.4.4, there is very little consultation on the allocation of permits for these products, even though there is a relatively high level of awareness (over 40% on the average) on what TUPs - permits for timber for non-commercial purposes - can be used for and who is entitled to them.

However, only 20% of community respondents indicated that their communities have ever applied for a TUP but interestingly over 90% of those who had applied for TUPs indicated that they received the permit. Nevertheless, perceived difficulties in accessing permits was cited as the main reason for not obtaining TUPs - 66% of respondents noted that permits are difficult to obtain from the FC.

Figure 9: Awareness on TUP issues

On NTFPs, there were mixed responses as to whether permits are required for harvest or not. Half of the respondents (50.6%) think permits are required for NTFP (including wildlife products) harvesting, 33% said no and 17% are not sure. This underlines the lack of clarity in the administration of the permit regime for NTFPs and wildlife resources.

2.6.3 Transparency of decisions on resource allocation

The level of transparency in resource allocation decision was assessed by asking respondents how transparent they thought the processes were. In response (see figure 10), 72% think that the decision-making processes are not transparent (62% of which consider the process completely non-transparent). Only 17% consider that the process is transparent. Predictably, it is only among forestry officials that the processes are considered

FWG in addition to the letter demanding for the MLNR to reverse the allocation also wrote a memorandum to the minister on a proposed legislative instrument which is considered by FWG that it would provide the Forestry Commission unfettered discretion to off-reserve timber resources

transparent.

It is instructive that even with timber contractors - who are the main beneficiaries of the permit regime, 50% consider the process completely non-transparent (figure 11).

Figure 10: Level of Transparency in decision making on resource allocation

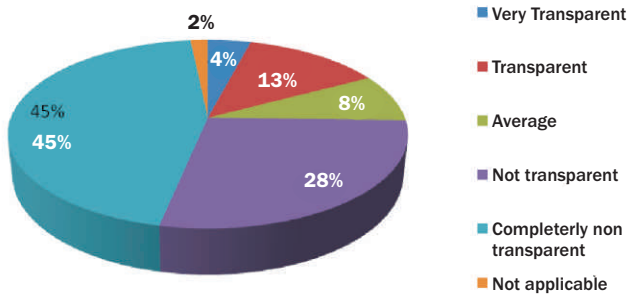
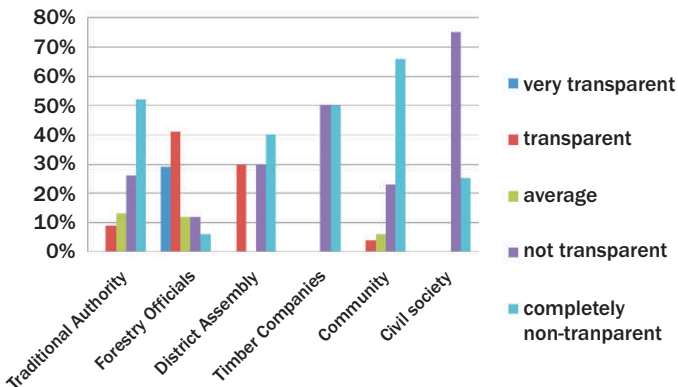


Figure 11: Stakeholders' perception of transparency in decision making



2.6.4 Permits for cultural and environmental services

Despite the fact that the original intention to create Forest Reserves, over 60 years ago, was to conserve watersheds, in general there is very little consideration for environmental services provided by the forests in Ghana. Several arguments have been made for the environmental services function of the forest resources in Ghana to be valued but these have hardly moved beyond the level of discussions to action.

Different institutions other than the forest authorities are responsible for different services provided by the forest but there is no coordination of efforts among the institutions. For instance, the Water Resources Commission has responsibility for water resource allocation and charge fees for water abstraction but there is no collaboration with the Forestry Commission on the management and protection of the water source which function the FC performs. For carbon assessment, though none is done currently, the EPA would be the institution to do that, but on the evidence of current levels of collaboration between the two institutions, there is little to hope for in collaboration on carbon assessment.

Information on the permits for environmental services and the performance of operators on the environment front does not exist. The closest we have come to in environmental services assessment is the EPA's assessment of the environmental performance of companies. It has recently started a publication scoring them on different colour codes under their "Akoben" Programme. The first of such scores were published in the national dailies as well as EPA website. The companies involved did not include those operating in the forest sector but included mining companies. It is hoped that the

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There is very little information on the cultural services in the forest areas. Some maps available provide information on some well-known cultural sites in forest areas and together with the Ghana Tourist Board, the Wildlife Division of the Forestry Commission has developed maps and information brochures on the location of various cultural sites. However, there is a complete dearth of information on what the processes are in assessing and developing these potentials.

2.7 Extra activities affecting forest

The process for decision making on extra forestry activities is completely non-transparent to the extent that even though the same parent ministry is responsible for both forestry and mining, permits are sometimes given for mining prospecting in forest reserves against the better judgement of the Forestry Commission.

There is no Strategic Environmental Assessment (SEA) for the forestry sector. The SEA process in Ghana is led by the EPA. Some SEAs are conducted but not for forestry and even the SEAs produced for the other sectors are not available on the EPA website.

2.8 Fiscal Regime: Tax collection and redistribution

The collection and distribution of land revenue including forest revenue is enshrined in the 1992 constitution.

2.8.1 Tax/Royalty collection and redistribution

The forest agencies are particular in adhering to the legal obligation in relation to the distribution of revenue. However, there are issues in determining what constitutes revenue and whether or not it is gross or net amounts that are involved. Whereas the constitution indicates that all land revenue should be shared to stakeholders according to a prescribed proportion, the Forestry Commission insists that revenue should be considered as the net amount after deduction of management cost. In the circumstance, the Commission deducts 50% of the stumpage as

management cost before the "revenue" is shared. This position of the Commission is challenged often by civil society and traditional authorities (who are direct beneficiaries of the revenue) even though no one has challenged this in court. Notwithstanding, even when the shares of different stakeholders are in arrears, the FC is consistent in acknowledging the share of each party and paying it.

As part of a Constitutional review process on-going in Ghana, a coalition of Civil Society groups made representation to the Constitutional Review Committee (CRC) on 7th October 2010 requesting for review of several provisions in the constitution including a clear definition of forest revenue and the sharing arrangement.

Awareness levels on royalties

The level of awareness of revenue from timber royalties remains very high among all stakeholders. 75% of all respondents responded positively to having knowledge of what timber royalties are (see Table 3).

Table 3: Knowledge of Royalties among males and females

	Yes (%)	No (%)	No Response (%)	Total
Male	189 (76)	51 (20)	9 (4)	250
Female	47 (74)	12 (19)	5 (8)	63
Total	236 (75)	63 (20)	14 (5)	313

With respect to the proportion of males with knowledge of royalties as compared to females there is no significant difference (76% male as compared to 74% female). However a higher proportion of females (7%) did not provide any answer to the question against 4% of their male counterparts. Among traditional authorities, as with the level of knowledge in 2009, three quarters (76%) of them know what royalties are. The queen mothers had the same level of knowledge as stool chiefs (90% of respondents). However, the Adikro (the plural of Odikro) (who are the caretaker chiefs in most of the smaller communities) have a lower awareness of royalties -40% gave a 'No' response to the question. Out of nine traditional authority stakeholders responding 'no' seven of them were Adikro. Being at the forefront of community leadership, this has implications for community awareness of revenue from timber royalties.

Table 4: Knowledge of revenue from timber royalties among different stakeholders

Stakeholder group	Yes	No	No Response	Total
Traditional Authority	34	9	1	44
Office of Administrator of Stool Lands (OASL) officials	5	0	0	5
Forestry official	26	0	0	26
District Assembly	26	2	0	28
Timber company	7	0	0	7
Community members	114	64	20	198
Civil society	2	3	0	5
Total	214	78	21	313

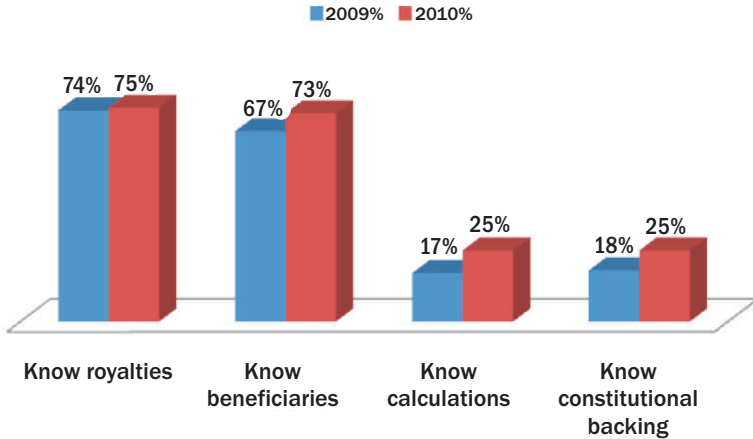
It is not surprising therefore that with community respondents, the level of knowledge still remains comparatively low, at 58%. However, it is an improvement on the level of last year, which was only 43.6%. It is not clear what has led to this improvement, but it is suspected that the conduct of the survey last year in these communities might have led to community members asking about what royalties are, from whatever source. This will be interesting to follow-up on to ascertain what has led to the situation.

A source of concern from the survey is the observation that of the five CSOs interviewed three indicated that they do not know what timber royalties are. Considering that the CSOs are at the forefront of advocacy on forestry issues, it is strange that their level of knowledge on a basic issue of revenue from the forest resource such as royalties should be that limited.

Of all who have knowledge of royalties only 17% (but only 11% females) indicated that they are aware of how the royalties are calculated. Nonetheless, 73% indicated that they are aware of who the beneficiaries of royalties should be. There is however a slight improvement on the proportion of the respondents who are aware of the fact that the distribution of royalties is backed by the law.

On the whole there is a marginal increase on the level of awareness on issues relating royalties between 2009 and 2010 (Figure 12).

Figure 12: Comparison between levels of awareness on royalties 2009 and 2010

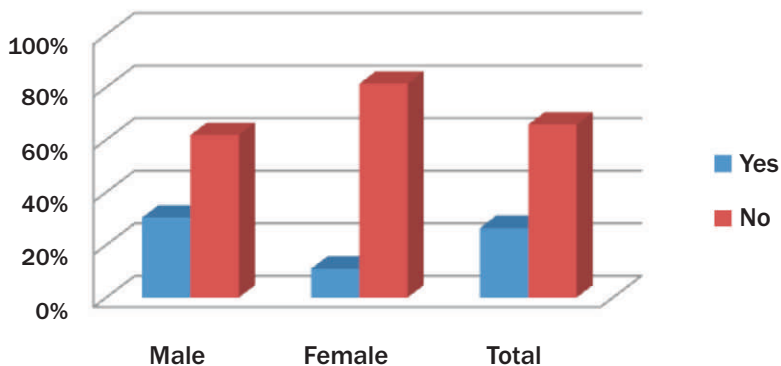


2.8.2 Publication of revenue disbursements

The Forestry Commission has been very consistent in publishing disbursements on royalties from timber resources and making them public both on the website and also in hard copy. These figures are published in quite some detail and contain clear information. The only difficulty is that it is usually way behind scheduled. For instance the latest publication actually covers the first half year of 2009.

In spite of this consistent publication in the last six or seven years, the level of awareness and use of the information is very limited. Sixty-six percent of respondents still do not know about this publication. However, the level of awareness (at 23%) has improved greatly from that of 3% in 2009. It is apparent that the level of sensitisation by the FC and civil society in the forest sector has been stepped up.

Figure 13: Awareness of publication of revenue disbursement



Twenty-two percent of respondents actually have ever seen or received a copy of these reports and only 18% indicated that they have ever made use of the information contained in these publications.

Figure 14: Receipt of publication on disbursements

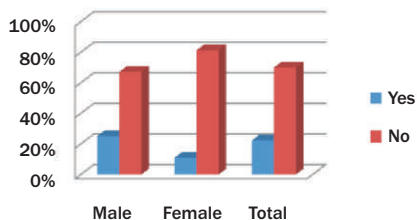
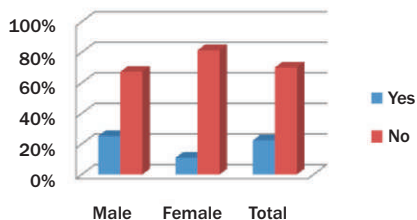


Figure 14: Receipt of publication on disbursements



Drilling into the details of who has actually seen and used the publication, it is clear that besides the Forestry officials and to a lesser extent the District Assembly, hardly any other stakeholder receives the publication (see table 5).

It is significant that only 5% of traditional authority respondents receive the publication given that they are a major recipient of the disbursements.

Table 5: Stakeholders' Receipt and Use of Revenue Disbursement Publication

Stakeholder	Receipt of Publication			Use of Information in Publication		
	Yes	No	NA	Yes	No	NA
TA	5%	92%	3%	3%	86%	11%
DA	43%	57%	0%	36%	57%	7%
Forestry	79%	21%	0%	63%	32%	5%
Timber Coy	0%	100%	0%	0%	100%	0%
Community	3%	80%	17%	0%	75%	25%
CSO	0%	100%	0%	20%	60%	20%
Total	22%	74%	4%	16%	70%	14%

Furthermore, a lesser proportion of stakeholders makes use of the information in the publication. The expected exception is with the civil society groups among whom there is better use of the information even though they are not direct recipients of the publication or beneficiaries of the revenue. 20% level of use is not a reflection of an active civil society front and civil society could do well to make even better use of this information.

2.8.3 Social Responsibility

SRAs are included by law in the allocation of timber resources to timber companies. Section 13 (1) (b) of LI1649 and Section 13 (12) (b) of LI 1720

indicate that the value of the SRA shall be 5% of the value of stumpage of timber that is harvested. An undertaking to enter into an SRA with local communities is part of the condition precedent for the award of a TUC.

During the field survey, respondents indicated their level of knowledge on the issues related to SRAs. Whereas 28% indicated their awareness of SRAs as a practice by timber companies (figure 16), 24% are actually aware that it is governed by law (figure 4, section 2.4.4). The low level of awareness among females is even more striking - only 7%. The levels are however, similar to what was obtained in 2009.

Figure 16: Knowledge of SRA - Total

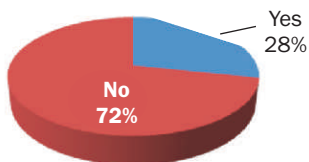


Figure 17: Knowledge of SRA - Total Male

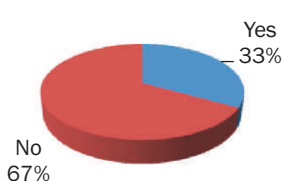
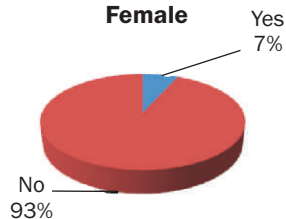
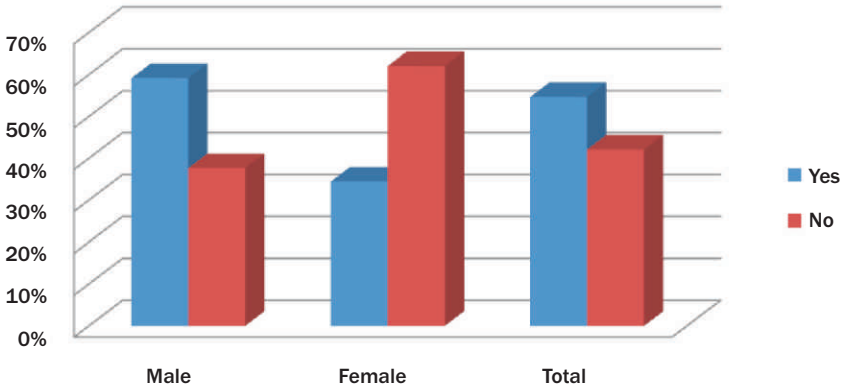


Figure 18: Knowledge of SRA - Total Female



About 55% of respondents actually do know about who should be involved in SRA negotiations (figure 19).

Figure 19: Knowledge of who is involved in SRA negotiation



Whereas 36% of community members interviewed indicate their community has benefited from SRA in the past, only 21% of the communities have actually been involved in the negotiations directly (figures 20 and 21). In many instances this has been done on their behalf by the stool chiefs or even paramount chiefs. For the SRA there is typically a consultation with at least the local chief (and often with the paramount chief as well) in deciding what the SRA should be used for. These consultations are held before the timber companies start operations and are usually one-off events. However, in the many instances the companies are involved in some annual events such as festivals at which new pledges on social responsibility obligations are made.

Figure 20: Community benefiting from SRA

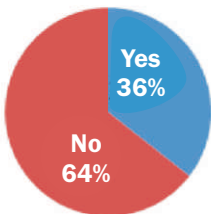
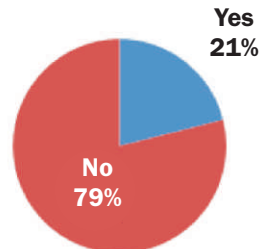


Figure 21: Community involved in SRA negotiations



2.9 Forest Law Enforcement

Illegal forest operations are a major concern of both forestry officials and local people. The destruction of timber resources resulting from chainsaw felling and milling operations is a regular news headline across the country. In many of the forest forums, Fire Service and Police personnel are members and issues about improving law enforcement do come up for discussion. In some communities, community forest committees (CFCs) or community biodiversity groups (CBAGs) have been formed to help in the protection of the forests.

There is a general perception of community condoning of 'illegality' especially chain saw felling and milling. This phenomenon is underpinned by a general believe of inequity in forest resource allocation and benefit sharing among forest fringe community members. It is therefore not surprising that even though 66% of community members are aware of illegal activities in their communities (figure 22); only 14% bother to report these activities to FSD or any other agency (figure 23).

Figure 22: Awareness of illegal activities in communities

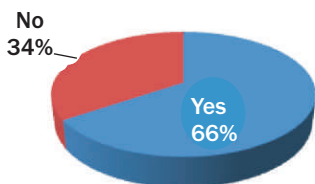
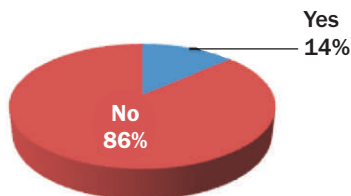


Figure 23: Communication of illegal activities to authorities



There is no official publication of forest offenders although those that are arrested and/or prosecuted may appear in the newspapers.

In the publication of the revenue disbursements the OASL/FC do indicate how much is owed by contractors but fall short of naming who these contractors are.

There is also a general perception on connivance of, for officials in the perpetration of illegal forest activities. Constitutional bodies such as the Commission on Human Rights and Administrative Justice (CHRAJ) and the Economic and Organised Crime Office (EOCO) that are set up as anti-corruption units are avenues for seeking redress in case of suspicion of any public official. There have not been any publicised reports indicated that these bodies have dealt directly with forestry related corruption, but there have been unofficial reports of some forestry officials being investigated particularly by the EOCO.

2.10 Anti-Transparency Norms

Forest laws are not protected from being overruled. Mining in forest reserves - which has been an on-going debate between government and civil society - demonstrates the vulnerability of forest laws to other commercial interests when they arise. Currently, there is a pending issue regarding Atewa Forest Reserve (which is a GSBA) being threatened with mining for bauxite to feed the Volta Aluminium Company (VALCO).

2.11 Publications

FC is required by law to publish an annual report and present it to parliament through the Minister. But these reports are not published regularly or on time. The last available annual report of the Forestry Commission was in 2006 and this is not exceptional but typical of the many subvented state agencies.

In districts where there is a Customer Services Officer, copies of publications are kept in the offices but these are not publicly displayed and not many people know about the publications.

The only transparency requirement that the FC has been consistent with has been the publication of the semi-annual disbursement and distribution of revenues to stakeholders and as has been noted earlier, it is normally one year behind schedule.

The 2010 report card built on the findings from the 2009 with improvements in the field surveys and analysis. The structure of both reports remains the same and therefore allows for comparison where feasible.

The general conditions for improving transparency remain positive in Ghana, but little progress has been made on the passage of the Freedom of Information Bill and there is consequently no framework to legally require institutions to divulge official information. In this context, there continues to be lack of transparency in many decision-making processes. Forest laws are not protected from being overruled. Mining in forest reserves has been an on-going debate between government and civil society, which has demonstrated the vulnerability of forest laws to other commercial interests when they arise. For example, the Atewa Forest Reserve is under threat from bauxite mining.

In general there have not been dramatic changes in the issues of transparency in the forest sector. However, some improvements over the 2009 findings are significant to note. At the national level the forestry sector is opening up space for participation of civil society in different dialogues such as the sector working group. The initiative of civil society to carry out its own parallel assessment of the sector also created space for engagement. The forest forums also provide another opportunity for stakeholders to engage in the sector, but they need to be strengthened.

As reported in 2009, there is a general lack of leadership and commitment among public officials in Ghana to provide information or consult and actively engage with forest fringe communities during decision-making processes. This attitude is prevalent across all levels of state institutions - through politicians, top public sector executives, senior and junior managers, and other officials. There is currently no law binding these actors to proper consultative processes, let alone a law on free prior informed consent.

Consultation on decisions on issues that directly affect local people remains very low even though efforts seem to have increased somewhat.

Comparison of the results from 2009 and 2010 indicates that the level of awareness on many issues including SRA and royalties has improved across the main stakeholders. Even though this requires more investigation, it is plausible that the conduct of the survey last year has triggered some curiosity on issues among stakeholders and activated some CSOs to increase awareness-raising work.

Communication among forest stakeholders still remains a challenge. The communication channels between the Forestry Commission at the centre, and the Forest Services Division, the OASL, District Assemblies, traditional authorities, timber companies, and communities are not effective. Communication between traditional authorities and community level stakeholders also still remains weak. The fieldwork with many of the project partners revealed widespread disagreements and confusion between communities and their leaders over the allocation of resources and sharing of benefits.

As noted in the 2009 report, there is very little consideration for environmental services provided by the forests in Ghana. Several arguments have been made for the environmental services function of the forest resources in Ghana to be valued but these have hardly moved beyond the level of discussions into action. Different institutions other than the forest authorities are responsible for different services provided by the forest but there is no coordination of efforts among the institutions. In order to ensure a holistic development and improvement in forest governance, it is important to strengthen collaboration among the key state institutions in the sector.

Summary of Indicators using Traffic Light Scoring 2009 and 2010 compared

1	Tranparency norms	2010	2009
1.1	Is there a Freedom of Information Act?	Yellow	Red
1.2	What other rules provide for transparency	Green	Green
1.3	Are there any forest -sector specific laws / rules / statements that provide for	Green	Green
1.4	Is there any settlement process for disputes regarding access to information?	Red	Yellow
2	Legal standing		
2.1	Do communities have legal standing?	Green	Green
2.2	Do NGOs have legal standing?	Green	Green
3	Forest legal framework		
3.1	Is there a national forest policy document? Is it available?	Green	Green
3.2	Is the codified forest law available?	Yellow	Green
3.3	Are all forest regulations, procedures, decrees, etc available?	Green	Yellow
3.4	Are forest - related policies, laws, agreements etc public?	Yellow	Yellow
3.5	Has the country signed up to international agreements?	Green	Green
3.6	Does customary / traditional forest law exist in this country?	Green	
4	Transparent access to decision		
4.1	Is there a national forest forum?	Yellow	Green
4.2	Are there local forest forums?	Green	Green
4.3	Is there a procedure for consultation on new norms?	Red	Red

Summary of Indicators using Traffic Light Scoring 2009 and 2010 compared

1	Tranparency norms	2010	2009
4.4	Is there an established, government - recognised list of stakeholders?		
4.5	Are reports on consultation processes public?		
4.6	Is there any law recognising the right to free prior informed consultation?		
4.7	Is there any law recognising the right to free prior informed consent?		
5	Tenure and land use		
5.1	Is there a published policy on forest tenure?		
5.2	Is there a register of private forestland owners? Is it accessible to the public?		
5.3	Is there a difference in law between ownership and use?		
5.4	Is the ownership of different forest products clear?		
5.6	Is there a dispute - settlement process for tenure conflicts?		
5.7	Are ownership and forest land use maps available?		
6	Allocation of permits / user rights		
6.1	Do permits exist for all uses / services?		
6.2	Is information on any forest land unallocated or not under any type of concession published?		
6.3	Is it clear how the decision to start a round of permit allocation is made?		
6.4	Is there a stakeholder consultation process prior to permit allocation?		

Summary of Indicators using Traffic Light Scoring 2009 and 2010 compared

1	Tranparency norms	2010	2009
6.5	Are the areas assigned for each round of permit allocation advertised?	Green	Yellow
6.6	Is information on any forest land unallocated or not under any type of concession published?	Green	Green
6.7	Is the final permit allocation decision - making process transparent?	Yellow	Green
6.8	Has the permit allocation system improved?	Red	Green
6.9	Are the final permit / contract documents made public?	Red	Red
6.10	Are any environmental / social impact assessments for forest operations available to the public?	Blue	Green
6.11	Are all forest operations required to carrying out EIA?	Red	
7	Logging operations		
7.1	Is information on logging locations given to the public?	Yellow	Green
7.2	Is there a stakeholder consultation process on individual logging locations?	Red	Green
7.3	Is information on permitted logging volumes (quotas) public?	Red	Red
7.4	Are the forest management plans (for logging) public?	Red	
8	Extraction of other forest products		
8.1	Is information on locations for other forest products given to the public?	Red	Blue
8.2	Is there a stakeholder consultation process on non - timber permit locations?	Red	Red

Summary of Indicators using Traffic Light Scoring 2009 and 2010 compared

1	Tranparency norms	2010	2009
8.3	Is information on permitted quotas of non - timber products made public?		
8.4	Are the forest management plans (for other forest products) public?		
9	Environmental services		
9.1	Is information on locations of environmental services permits given to the public?		
9.2	Is there a stakeholder consultation process on environmental services locations?		
9.3	Is information on the quality / quantity of environmental services made public?		
9.4	Are the forest management plans for environmental services public?		
10	Cultural services		
10.1	Is information on locations of (eco)tourism or other cultural services permits given to the public?		
10.2	Is there a stakeholder consultation process on (eco) tourism locations?		
10.3	Is information on the quality / quantity of (eco)tourism services made public?		
10.4	Are the forest management plans for (eco)tourism services public?		

Summary of Indicators using Traffic Light Scoring 2009 and 2010 compared

1	Tranparency norms	2010	2009
11	Extra-sectoral activities affecting forests		
11.1	Is there a strategic process to assess priorities between development options?		
11.2	Is it clear who decides if / when to make decisions between development options?		
11.3	Is there a stakeholder consultation process on decisions between different development options?		
11.4	Is the final decision - making process on different development options transparent?		
11.5	Is information on implementation of non - forest use / conversion given to the public?		
12	Fiscal regime: tax collection and redistribution		
12.1	Is there a system of tax / royalties redistribution?		
12.2	Is the system of tax / royalties redistribution effective in meeting any legal obligations?		
12.3	Is there a stakeholder consultation process regarding the use of community funds?		
12.4	Are figures for collection and distribution published?		
12.5	Is there a system of social obligations, where concession holders have to provide benefits directly to affected communities?		
12.7	Is there a stakeholder consultation process?		
12.8	Is information on social obligations published?		

Summary of Indicators using Traffic Light Scoring 2009 and 2010 compared

1	Tranparency norms	2010	2009
13	Forest law enforcement		
13.1	Are there opportunities for citizens to discuss law enforcement issues as they arise?		
13.2	Are citizens actively participating in control operations?		
13.3	Do (some) forest communities condone (some) 'illegal' activities?		
13.4	Is there an Independent Forest Monitor?		
13.5	Does the government publish lists of infractors?		
13.6	Does the government publish lists of debarred / suspended operators?		
13.7	Is there a national or local Anti - Corruption Committee, Bureau or Commission?		
14	Anti - transparency' norms		
14.1	Do parts of any law affecting forests limit transparency?		
14.2	Do any extra - sectoral operations overrule forest laws?		
14.3	Is it commonplace for authorities to ignore obligations?		
14.4	Are there any reforms to improve transparency?		
15	Publications		
15.1	Does the forest authority publish an Annual Report?		
15.2	Does the forest authority have a central point of information?		
15.3	Does the forest authority publish annual audited accounts?		

Key Yes Partial No Not Applicable

As stated in the findings, the general democratic environment in Ghana allows for freedom of speech and this augurs well for demand for transparency and public accountability. Even though there have been slight improvements on the level of awareness by some proportion of the respondents, there is still much to be done with regards to transparency and accountability in the sector. These recommendations are made with the view to strengthening the efforts of various stakeholders in the sector. Specific recommendations are listed below for the FC, traditional authorities, District Assemblies and CSOs.

To Forestry Commission

FC should see these recommendations as feedback from the other stakeholders in the forest sector. The intention is not to judge the FC but to mirror back perceptions from other forest stakeholders especially community level stakeholders. The level of awareness of most of the district level stakeholders is still low, but despite this there are some slight changes in the level of awareness on issues like SRAs, royalties and REDD among community stakeholders.

Specifically, the Forestry Commission:

- ✦ Should intensify their education and awareness campaigns in the communities in response to the 1994 Forest and Wildlife policy of collaborative forest management. The FC should work towards ensuring transparent and accountable forest governance and ensure that the provisions within their Service Charter are adhered to. This will enable them to win the interest of the other stakeholders and make them build more confidence in Forestry Commission.

- ✦ Should as stated in the recommendation for 2009, be transparent

and involve the OASL, traditional authorities, and District Assemblies in the pricing and calculation of logging revenues.

- ✪ Improve communication between the Forest Services Division and other stakeholders.
- ✪ Should provide a '.pdf' version of the disbursements of royalties from timber resources to enable others to assist in its reproduction and dissemination. It should announce publication in the print and broadcast media.
- ✪ Should ensure that in the course of VPA implementation a publically accessible web interface is constructed to show key sector information relating to permits, production and revenue. The Commission should consult civil society on the detailed content of this site.

To Civil Society

Civil Society Organisations are important stakeholders in ensuring transparent and accountable forest governance. The political and democratic environment in the country allow them to freely express their opinion and views and thus keep government and other forest stakeholders (Traditional Authorities, Timber Companies, District Assemblies etc) in check. To do this effectively, civil society organisations should use available information including the Annual Transparency Reports and the numerous information and documents on the FC website to press for transparency and accountability in the sector.

Specifically, Civil Society Organisations should:

- ✧ Identify priority and realistic areas where transparency and communication can be improved and embark on them.
- ✧ Continue to provide support to enable communities to be involved in the design of forest reserve management plans.
- ✧ Lobby for increased support to forest forums, or other means for communities to interact regularly with the Forestry Commission, particularly on new initiatives or legislative changes in the forestry sector.
- ✧ Support forest communities to engage with their traditional authorities and other community leaders including the district assembly persons and make demand on the transparent use of forest resources.
- ✧ Support women to become more involved in decision-making processes on forest resource management issues, in particular through finding ways for more active engagement by role models (such as Queen Mothers).
- ✧ Support communities to make stronger demands on elected District Assembly members to take a proactive interest in resource management and exploitation. Their representatives (the elected assembly members) should demand accountability in the use of royalties that come to their district assemblies.
- ✧ Press for the passage of the freedom of information bill. As it stands now, there is very little indication that the bill will be passed before the end of 2011.

Traditional Authorities

Traditional Authorities over the years have been accused of not being transparent in the management of forest resources. Royalties that come to some traditional councils are not used for the benefit of all. This contributes to the condoning of illegalities by some community members. The traditional authorities should therefore devise strategies of ensuring that revenues accruing from forest resources are distributed equitably. This will help them to redeem their image and regain the confidence of the community members. They will then be able with the support of the community members to engage their respective district assemblies on how they use the royalties that come to the assembly.

Specifically,

- ★ Traditional authorities at all levels should develop, sign, and promote a transparency charter that indicates public commitment to good governance and transparency in their dealings.
- ★ Paramount chiefs should disclose the revenue received from the OASL/Forestry Commission to Divisional Chiefs and Queen Mothers, to enhance transparency.
- ★ Relevant indigenous institutions like "Asafo" and the youth groups should be strengthened to play their roles and moderate the activities of chiefs at the traditional council level.
- ★ Communications between traditional authorities and communities regarding forest sector issues should be improved using traditional platforms like festivals and other community durbars.

To District Assemblies

The district assemblies should develop more interest in forest issues and encourage their relevant sub-committees to be actively involved in forest governance issues.

Specifically, the District Assemblies should:

- ✦ Disclose the amount of royalties they receive and what they use the royalties for. Such projects should be labelled to enhance transparency.
- ✦ Enforce the law requiring timber companies to ensure that adequate compensation is given to farmers whose crops are destroyed during logging.
- ✦ Support communities in the signing of SRA. They should streamline the process and ensure the involvement of the assembly members in the specific localities.