



**global witness**

# Making the Forest Sector Transparent

## Annual Transparency Report

**Country: Ghana**

**Partner: Centre for Indigenous Knowledge and Organisational Development (CIKOD)**

**Year: 2011**

**Language: English**

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## Making the Forest Sector Transparent

*Making the Forest Sector Transparent* is a four-year programme supporting civil society groups in forest-rich countries to advocate for greater transparency and good governance. An important part of the programme is the production of annual report cards by independent NGO partners to monitor the forest sector in their countries. The number of NGO partners has increased year-on-year, starting in Cameroon, Ghana, Liberia and Peru in 2009, to including Ecuador in 2010 and Guatemala and the Democratic Republic of Congo (DRC) in 2011.

The 2011 Report Card consists of 20 key indicators on important provisions of the legal and regulatory framework that applies to the forest sector governance. The partners collected data between July 2011 and August 2011. Each indicator includes an 'objective' assessment of whether clear provisions exist and information on them is publicly available, resulting in a 'yes', 'partial', or 'no' overall. This is combined with a more 'subjective' assessment of whether there is evidence of change in the last year (where a report card was produced in 2010) and analysis of whether the provision enables transparent access to information and/or decision-making. Data collection was largely carried out through office-based research, for example by searching the websites of government institutions and other official sources of information, supplemented where appropriate by contacting key informants and requesting specific information. The data presented on each indicator is organised as shown in the Table below.

### Indicator assessment

Does it exist?	Is it available?	Indicator	
<b>Yes</b> – specific provision in current laws and norms that have been passed by state and applies to the forest sector	<b>Yes</b> – available to public from official sources (websites, publications, media)	Yes	
	<b>Partial</b> – some information provided but not complete (e.g. only parts of manuals)	Partial	
	<b>No</b> – although evidence that exists, it is not available (includes when only unofficial sources)	No	
<b>Partial</b> – process underway to develop it, but not yet established in law; or limited provision or relevance to forest sector	<b>Partial</b> – some information provided but not complete (e.g. only parts of manuals)	Yes	
	<b>Partial</b> – some information provided but not complete (e.g. only parts of manuals)	Partial	
	<b>No</b> – although evidence that exists, it is not available (includes when only unofficial sources)	No	
<b>No</b> – no current provision or plans to establish (even though needed)		No	
<b>Not applicable</b> - not relevant to the country-specific context		N/A	

Specific questions guided the determination of the existence and availability of the provisions for each indicator. In order to receive a 'yes', the provision needed to both exist in the legal and regulatory framework and information needs to be publicly available on it, whereas a 'partial' or 'no' indicator reflected that either one or the other criteria (or both) was partially or not met.

The change in the last year was assessed against the following scale:

-  Significantly Improved - major development such as new law or information system
-  Improved - steps forward such as initiatives with potential to improve transparency
-  No Change - no evidence of major change in the conditions for transparency
-  Worsened - steps backward such as activities taking place without transparent processes
-  Significantly Worsened - major deterioration such as termination of laws or systems

Specific information was provided on the full titles of the applicable laws or other norms, the names of the authorities or institutions responsible for them, the dates when they were passed, and the website or other official sources where they can be accessed.

For further information please go to [www.foresttransparency.info](http://www.foresttransparency.info).

## Freedom of Information Law

 Is there a Freedom of Information Act, which has been passed by the government and established in law? Is the Act publically available in full from official sources (websites and/or offices)?

Since the Freedom of Information Bill was tabled before parliament in February 2010, not much progress has been made. The Coalition on the Right to Information, Ghana, spearheaded by the Commonwealth Human Rights Initiative (Africa Office) and various influential civil society organisations and interest groups have kept on pressing for the passage of the Bill into law.

The parliamentary process for establishing laws in Ghana is being followed to pass the Bill. The draft Bill has been in circulation for review by various stakeholders. Since the middle of 2011, a series of review meetings have taken place across the country but there is still no certainty as to when the Bill will be passed. There is apprehension on the part of government about the possible misuse of the law, which has led to the introduction of several restrictive clauses in the Bill. Other stakeholders such as the media commission have urged Parliament to look critically at the exemption clauses to ensure that all exemptions are reasonably necessary and are narrowly formulated to protect a legitimate public interest. The critics are also concerned about the possibility of high fees to requesters and the lack of coverage of private bodies. These changes have fuelled protests from civil society and other stakeholders. The Coalition is of the view that the restrictive clauses will not facilitate the disclosure of information and have made known their reservations. Following the reviews, it is hoped that the Bill will finally be passed into law.

**Title:** Right To Information Bill

**Organisation:** Attorney-General and Ministry of Justice

**Date:** 2009

**Source:** Freedominfo.org report  
Office of the Clerk of Parliament

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## National Forest Policy

 Is there an explicit current document described as the national forest policy? Is the policy document available in full to the public from official sources (websites and/or offices)?

The policy framework, as contained in the 1994 Forest and Wildlife Policy, is publicly available and recognises citizens' rights of participation in forest resources management, but it has not been translated into law. The policy has not been translated into community languages but can be obtained at the request of the community and is also available at the District Forest offices. Though the policy has shaped the current operational laws in the forest sector, the key focus of these laws have been mostly in relation to timber production. Important principles such as community access to non timber forest products, participatory management and accountability for the resources contained in the policy are not translated into law. The policy is currently under review to capture the current trends such as REDD+, and an updated new policy was expected to be ready by the end of 2011. The final draft is available, which was validated at a meeting where a couple of issues (e.g. the provision on climate change that is focused on carbon markets) were raised and the Ministry of Lands and Forestry was asked to fine-tune it and re-submit to a smaller team for vetting. This will then be submitted to the Attorney-General's Office, then to Cabinet and finally to Parliament.

**Title:** The Forest and Wildlife Policy

Organisation: Ministry of Lands and Forestry, Forestry Commission

Date: 1994

Source: [http://www.fcghana.com/publications/laws/forestry\\_wildlife\\_policy/index.html](http://www.fcghana.com/publications/laws/forestry_wildlife_policy/index.html)

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### **Codified Forest Laws and Norms**

 Is there a codified forest law and lower level norms (regulations, procedures, decrees, technical directives etc) that make the forest laws operative? Are the law and supporting norms available in full to the public from official sources (websites and/or offices)?

There is no single forest law but a range of legislation governs forestry. There are no laws on community resource management of forests, however. The Forestry Commission website contains several of the parent and subsidiary legislation that regulates forestry in Ghana. There is a general knowledge of the forestry related laws among most stakeholders, even though hard copies of the laws are not readily available in the districts. The law and norms have not been translated into local languages, but have been summarised into a 20 page document which are used in workshops, community meetings and stakeholder engagements. They have also been translated into posters in some local languages.

A review process is on-going as part of the implementation of the Voluntary Partnership Agreement with the European Union with the aim of consolidating the laws. With the emergence of REDD as an important climate change mitigation measure, as well as the development of carbon trading, the ownership of carbon has also 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. This should also be an area of focus for legislative reform.

Title: Act 547, Timber Resource Management Act, 1997 (amended by Act 617 2002)  
Legislative Instrument 1649, 1998 (amended by LI 1721 (2002)  
Timber Resource Management Act, 1998 (amended by Act 617 2002)  
Legislative Instrument 1649, 1998 (amended by LI 1721 (2003).  
Forest Protection Decree 1974 NRCD 243 As Amended by The Protection Amendment Act 2002, Act 624  
  
Wildlife Preservation Act 1961, Act 43

Organisation: Forestry Commission

Date: Main laws and instruments were passed in 1997-98 and amended in 2002-03

Source: [www.fcghana.com/library.php?id=15](http://www.fcghana.com/library.php?id=15)

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### **Signed International Trade Agreements on Forests**

 Has the country signed an international trade agreement that relates to forest products (logging and other products)? Are the agreements, including official discussions on their content, available in full to the public from official sources (websites and/or offices)?

The Forest Law Enforcement Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA) with the European Union was signed in November 2009 and ratified in March 2010. The processes leading to the signing of the VPA enhanced the level of government and civil society engagement. Civil society served (and still is represented) on the steering committee of the VPA, and it participated in all of the processes from the definition of legal timber through to negotiations and even to the eventual signing of the agreement. Trading under the VPA is yet to start, but civil society has been very much involved in the development of the agreement. Though the process has slowed down considerably, the policy reform process is still going on.

Civil society has raised concerns with the way that the REDD process is being handled in relation to the VPA process. They are of the view that the drive to develop the REDD is undermining FLEGT VPA. This could be attributed to the way REDD was started and fast tracked. The promise of funds with no accountability framework was potentially going to undermine FLEGT VPA. However with the funds not forthcoming, the process has slowed down and this will enable adequate time for stakeholder consultations. In July 2010 Ghana was approved as a pilot country for the Forest Investment Program (FIP) as part of the Strategic Climate Investment Funds.

Ghana has also signed most 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 (World Bank, 2007).

**Title:** Forest Law Enforcement Governance and Trade Voluntary Partnership Agreement with the European Union

**Organisation:** Forestry Commission

**Date:** 2010

**Source:** Need to check FC Ghana website when it is functioning properly again

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### Provisions for Transparency in Forest Laws

 Are there any forest-specific written laws and regulations that develop the right to access public information on the sector? Are the provisions in laws and regulations available to the public through official websites and other sources?

The Forestry Commission (FC) New Service Charter in 2008 provides for customers' right to information. The previous service charter was translated into various local languages but the current charter is not. The FC contends that the reason it has not been translated into local languages is that most Ghanaians cannot read in their local languages. Request for information have been made and the information was provided.

However in general practice the FC is not adhering to the charter and they are not being pursued to meet their commitments. The Freedom of Information Bill when passed into law will compel them to respond to the provisions that are enshrined in their own charter.

**Title:** a. FC New Service Charter  
b. Forest Reserve Management Plan

**Organisation:** Forestry Commission

**Date:** 2008

Source: [http://www.fcghana.com/publications/service\\_charter/2008\\_charter/index.asp](http://www.fcghana.com/publications/service_charter/2008_charter/index.asp)

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### Legal Recognition of Customary and Traditional Rights

 Are customary and traditional rights recognised in codified forest law and norms? Are the provisions in the law and norms available in full to the public from official sources (websites and/or offices)?

Customary law is recognised in the Constitution of Ghana as subordinate to codified laws. Customary law is respected and even where they are not documented (as it is in most instances), orally transmitted rules and traditions are respected by citizens, forest authorities and timber operators. In addition, the Law gives the landowners the right to give consent to operations within the boundaries of their land.

The Forestry Commission and its partners are expected to respect the taboos and sacred forest norms in their operations and there are terms governing that in the regulations. When timber is felled in those sacred areas, usually the responsible chiefs are involved. Their consent is sought before any activity is carried out. However, in some cases, there are clashes between companies and community members over the authenticity of their permits and rights to exploit resources from the forest.

**Title:** The Constitution of the Republic of Ghana  
Timber Resource Management (Amendment) Regulation (LI 1721)  
Act 547

**Organisation:** Forestry Commission

**Date:** 1992  
2003

**Source:** [www.ghanareview.com/Gconst.html](http://www.ghanareview.com/Gconst.html)  
Copies of the constitution, published by Assembly Press, can be obtained in all accredited bookshops in the country as well as the bookshops of the country's universities  
[www.fcghana.com/publications/manuals/index.htm](http://www.fcghana.com/publications/manuals/index.htm)

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### Legally Recognised Procedure for Consultation on New Forest-Related Norms

 Are there any documented procedures (in the form of regulations, official guidance etc) that lay out the methodology for consultations that should take place regarding new forest-related policies, laws, regulations etc (for example on REDD)? Are the reports from consultation processes available?

There is no legally enshrined procedure for consultation on new norms. However, for some specific issues such as management planning of forest reserves, the manual of procedures contains directives for community consultation.

Explicit requirements for consultation in the development of new norms need to be enshrined in legislation. In addition minimum standards for consultation need to be defined. As such, what constitutes consultation is often disputed. Whereas the Forestry Commission would indicate that passing on information is effectively consultation,

civil society and communities would often complain about the lack of opportunities to present their views and participate in decisions.

The communities need to be empowered to participate in forest issues and take responsibility for their actions. Currently, there is no law that mandates communities to take up the challenge. However, there have been series of workshops on stakeholder involvement in forest management where communities have been advised on the role that they can play in negotiating Social Responsibility Agreements with companies.

**Title:** Manual of Procedures B

**Organisation:** Resource Management Support Centre (RMSC) of the Forestry Commission

**Date:** 1994

**Source:** Printed copies at RMSC

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### **Law Recognising Right to Free Prior Informed Consent**

 Is there any law that recognises the right to consent of indigenous peoples and communities on forest uses? Is the law available in full to the public from official sources (websites and/or offices)?

The Timber Resource Management Regulations indicate that written consent of the owners is required before an area is given out for timber rights. Procedures for obtaining consent and processes for resolving conflicting interests over the land are established in the regulations.

The consent of communities is generally sought in off-reserve areas, but not in on-reserves. In off-reserve areas, consultation is carried out with the communities, and their approval is required before the contractor is issued with a licence to operate. However, in on-reserve areas there is no requirement to seek consent of the communities; consultation is only carried out with them to sign a social responsibility agreement with the company, which is a pre-requisite for the issuing of timber utilization contracts.

Although specific timber regulations recognise the right to free prior informed consent, there is no law in Ghana that recognises this right. Ghana has not ratified Convention 169 or passed specific laws to implement it, but Convention 107 with its provision on the recognition of the rights of Indigenous and Tribal People is still in force. 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.

**Title:** Timber Resource Management Regulations

**Organisation:** Forestry Commission

**Date:** 1998

**Source:** [www.fcghana.com/publications/laws/li\\_1649/index.html](http://www.fcghana.com/publications/laws/li_1649/index.html)

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## National Land Tenure Policy

-  Is there an explicit current document that sets out the national policy on land tenure, including forest tenure? Is the policy document available in full to the public from official sources (websites and/or offices)?

There is no single published policy on land tenure. A complicated hierarchy of land ownership arrangements exist, within which traditional and customary tenure arrangements are respected. FC officials consider restrictions on access to forest reserves, which are generally stool lands under the custodianship of stool chiefs, as adequate for clarifying tenure in these areas, but other stakeholders are clear that they do not constitute a consistent policy. There are no laws on community forest management for instance. Outside forest reserves, trees on private or community lands are also nominally owned by the state.

In general, the lack of a clear policy is a source of frequent land disputes across the country. Despite this, there has not been much debate at a national level about tenure issues. There are on-going projects to document and streamline land ownership, but there is little impetus to deal with the fundamental issues of ownership, custodianship and usufruct rights. The Ministry of Lands and Natural Resources has engaged Forest Watch Ghana to carry out a national consultation process on the issue of tree tenure in off-reserves.

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## Land Ownership and Forest Use Maps

-  Are there official maps showing current forest ownership by title and/or forest areas where concessions, permits and other authorisations have been granted? Are the maps available in full to the public from official sources (websites and/or offices)?

There are no ownership and forest land use maps but there are maps on most of the reserves and stock survey of the off-reserves. These maps can be found at the district Forest Services Division offices in hard copy. Some digital maps of the reserves can also be obtained from the Resource Management Support Centre in Kumasi.

Several localized disputes exist in various communities between different claimants to a piece of land, most of who usually have site plans and maps of various kinds which are not necessarily codified. There are frequent newspaper reports on disputes arising from unclear tenure arrangements. The Forestry Commission has received grants from Japan to conduct detailed land use maps and also develop a map for all the forest areas in Ghana. They are waiting for the National Security to support them with Aircrafts. The project which has one and a half years duration, started two months ago.

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## Regulated Permit System for Commercial Logging Operations

-  Is there a formally regulated system of permits for commercial logging operations? Are the contracts/ permits granted under the system publically available from official sources (websites and/or offices)?

All contracts for the use of natural resources including timber are supposed to be subject to parliamentary ratification according to law (Art. 268(1) of 1992 Constitution). Such ratification will place the contract in public domain. However, no timber contracts have been ratified in several years. Permits are theoretically public documents, and there are no publicised instances of community or civil society groups being refused access to them, but it is difficult to judge their accessibility.

Permits for timber resources and some non-timber forest products (NTFPs) are clearly indicated but for other NTFPs and environmental services there is no clarity on the permit regime. There are specified limits of what permits for timber resources Forestry Commission (FC) officials can grant. However, with other products, FC officials have a

lot of discretionary power. In some instances the institutional responsibility for allocation of non-timber products is blurred.

The lack of clarity on permit regimes played out recently in the approval by Parliament for a company to harvest trees under the Volta Lake, which were left standing after the river gorge was flooded in 1966 to create the man-made reservoir. There was a long delay from 2006 when Parliament ratified the agreement until November 2010 when the activities were finally approved, because the institutional oversight for the project was not clear, with the Ministries of Transport, Volta River Authority, Ministry of Energy, the EPA and Ministry of Lands and Natural Resources all involved at one time or the other.

In 2011, the FC again issued administrative “salvage permits” for timber resources without going through a transparent auction and verification process, despite condemnation by civil society organizations (CSOs) of this practice when they were issued in 2010. A memo was sent to the Ministry of Lands and Forestry, condemning the practice and demanding an explanation. The correspondence was copied to the Select Committee on Lands and Natural Resources. The Select Committee rejected the response of the ministry and requested them to re-draft it. The Ministry and the FC are now very careful, knowing very well that they are being watched by other stakeholders especially CSOs.

As stated in the 2010 report, Timber Utilisation Permits (TUPs) are being granted inappropriately for commercial operations instead of community activities. In a memo sent to the Ministry of Lands and Natural Resources, Forest Watch Ghana (FWG) observed that there are some difficulties about whether under Section 3 of the Timber Resources Management Act 1997 (Act 547) as amended, it is possible for the state to issue a Timber Utilisation Contract (TUC) in respect of any land in Ghana. It continued however that there is no doubt that Act 547 itself does not create any permit other than a TUC. The Forest Watch Ghana coalition therefore stated that given the clear language of Act 547 and the Legislative Instrument 1649, it cannot create new rights or permits or amplify the rights provided for in the parent Act. The coalition therefore requested the Honourable Minister to seek advice from the Attorney General’s department on this issue to prevent further unlawful conduct by the FC.

Title: Database on Timber Rights

Source: [www.fcghana.com/publications/manuals/index.htm](http://www.fcghana.com/publications/manuals/index.htm)

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### Legal Requirement for Stakeholder Consultation before Allocation of Commercial Logging Permits



Is there a requirement in the forest law and norms for stakeholder consultation prior to the allocation of commercial logging permits? Are the reports from consultation processes available?

The areas that are indicated for resource allocation are shown to the landowners (chiefs mostly) with the understanding that they have already consulted the people. This is then discussed with the District Assemblies after which it is advertised for the community to comment if there are any concerns. 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. There are legal requirements and procedures but we have not seen evidence that they are being adhered to.

Title: Timber Resources Management Regulations, 1998 (LI 1649)  
Timber Resources Management Act, 1997

Organisation: Forestry Commission

Date: 1998

Source: [www.fcghana.com/publications/laws/li\\_1649/index.html](http://www.fcghana.com/publications/laws/li_1649/index.html)

### **Verification Process (Due Diligence) of the Eligibility of Permit Applicants**

-  Prior to the allocation of permits for logging or other extractive use (e.g. mining) of forest land, is there a formal process in the regulations for independent “due diligence” checks to verify the eligibility, suitability and capability (technical and financial) of applicants? Are the findings and conclusions of the verification process made available to the public?

The Timber Rights Evaluation Committee (TREC) has responsibility in the Timber Management Regulations to validate the bids and the companies involved. It meets when there are applications to be considered and the result of the process is usually published in the national dailies.

However, the TREC is not independent. The Ministry of Lands and Natural Resources and the Forestry Commission largely control it. Even though the role of the TREC is stated in law, it is not followed in practice, for instance Timber Utilisation Contracts are granted by parliament without the due processes being followed. Therefore the shortcuts introduced in the process contribute to fuelling corruption.

**Title:** Timber Resources Management Act (Act 547)  
Timber Resources Management Act 617 (Amendment)

**Date:** 1997  
2002

**Source:** [www.fcghana.com/publications/laws/act\\_547/index.html](http://www.fcghana.com/publications/laws/act_547/index.html)  
[www.fcghana.com/publications/laws/act\\_617/index.html](http://www.fcghana.com/publications/laws/act_617/index.html)

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### **Forest Management Plans**

-  Once a permit or concession has been issued, is there a formal requirement for the completion of forest management plans on the operations? Are the forest management plans available to the public from official sources (websites and/or offices)?

Forest reserve management plans are prepared in consultation with local communities. However it is important to differentiate between the reserve management plans which are strategic in nature and the operational plans which inform logging. The logging plans which include the felling cycle and yields are rarely informed by the management plans in practice. The logging plans are not produced in consultation with civil society or communities and they are also not in the public domain.

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### **Regulation of Environmental Services**



Is there a formally agreed system for the regulation of environmental services, such as water, carbon and biodiversity, as it affects forests? Are the regulations for the system available to the public from official sources (websites and/or offices)?

The Environmental Protection Agency (EPA) is working on plans for regulating environmental services, but no formal system has been proposed yet. With the emergence of REDD as an important climate change mitigation measure, as well as the development of carbon trading, the ownership of carbon has also come up for discussion within the Ghanaian civil society, but there is currently no clear basis for who actually owns the carbon in forest areas. This should also be an area of focus for legislative reform.

Different institutions other than the forest authorities are responsible for different services provided, but there is no coordination of efforts. For instance, the Water Resources Commission has responsibility for water resource allocation and charges fees for water abstraction but there is no collaboration with the Forestry Commission on the management and protection of the water sources. However, the EPA has developed the Environmental Assessment Guidelines for the Wood and Forest Sector and the Environmental Impact Assessment for Mere Plantation and this provide a framework for assessing the environmental impacts of logging and other forest development operations.



### Strategic Environmental Assessment of Development Priorities



Is there a formal strategic process set out in policy to determine the priorities for land use between forests, mining, large-scale agriculture, infrastructure development and other demands? Is the policy available in full to the public from official sources (websites and/or offices)?

The Strategic Environmental Assessment (SEA) process in Ghana is led by the Environmental Protection Agency (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.

The process for decision making on extra-sectoral 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 judgment of the Forestry Commission. Given that no SEA is conducted for the forestry sector, there is no laid down process for decision making on development options in forest areas.

The Environmental Protection Agency in collaboration with other stakeholders including development partners, government institutions, and civil society organizations has developed the Ghana Country Environment Analysis Framework (CEA). The purpose is to assess the country's environmental priorities, the environmental implications of key economic and sector policies, and the country's institutional capacity to address them. In addition, it seeks to find practical management, institutional and policy solutions to handle issues of natural resource management, environmental degradation, and sustainability of growth.

Among other objectives, it guides the institutions in the natural resources and environment sector such as Forestry Commission and Minerals Commission to avoid short-lived consumption of natural resources that will leave the country poorer than before. The guide also ensures better regulation and management, less wasteful utilization of natural resources, more effective capture of the economic value of the resource, better collection of revenues and higher levels of reinvestment and savings. The latest CEA report dates as far back as 2007. However in April 2008, a concept note was prepared for Ghana by the World Bank.



### Independent Monitoring of Forest Governance and Operations



Is there an independent monitor, auditor, ombudsman or any other body with an officially recognised role to scrutinise forest governance and operations? Are reports by the independent body available to the public?

Under the Voluntary Partnership Agreement (VPA) with the European Union, there are plans to set up an Independent Monitor to perform this role. In fulfilment of this requirement, the Forestry Commission in June 2011 advertised for the position of an Independent Monitor even though the wood tracking system and other key systems in the VPA process that must be in place before the Independent Monitor is engaged are not operational. However, this is a welcome step, and a concrete demonstration of the FC's efforts to implement the VPA. The results of the tendering process have not yet been released.



### Forestry Tax Collection and Funding Systems



Is there a regulated fiscal system to collect taxes and redistribute royalties from forest operations, or provide subsidies and funding to support forest operations? Are figures on the amounts collected and distributed available to the public from official sources?

The Forestry Commission (FC) has been consistent in the publication of the disbursement of rents and revenues since 2002. The publication is expected to cover the last six months of disbursement. However this is usually in arrears, but the FC has made commendable efforts to catch up on the timing over 2010 and 2011. It is worth noting that the latest version has been released as a pdf document that makes it easy for re-printing to facilitate wider distribution and coverage. Information is published on the website and also printed in limited copies. Key stakeholders such as many stool chiefs and District Assemblies have indicated that they have never seen these publications. Nonetheless, neither communities nor civil society groups are using these publications to influence decision making at the community level. The District Assemblies are not able to show how they use the royalties that they receive from government. They are unable to account for the use of the royalties since there are no guidelines that regulate this expenditure. As part of the project activities, CIKOD has initiated the Traditional Authority Transparent Charter, a mechanism/guidelines that regulates the use of royalties by traditional authorities. It is hoped that similar initiatives will be employed to enhance transparency and accountability of forest resources.

Title: Art 267 (6) of the Constitution of the Republic of Ghana

Organisation: Forestry Commission and The Office of Administrator of Stool Lands

Date: 1992

Source: [www.fcghana.com/publications/76.12.220.51](http://www.fcghana.com/publications/76.12.220.51)



### Forest Infractions



Is the Forest Authority obliged under the norms to collect information on any infractors of the forest law? Are lists of infractors available to the public from official sources?

There are constitutional bodies such as the Commission on Human Rights and Administrative Justice (CHRAG) and the Economic and Organised Crime Unit (EOCU) (previously the Serious Fraud Office) that are set up as anti-corruption units.

There have not been any publicised reports on these bodies dealing directly with forestry related corruption. However, there have been unofficial reports of some forestry officials being investigated particularly by the EOCU.

There is no official publication of forest offenders apart from those that are arrested and/or prosecuted which appear in the newspapers. Nonetheless, in the publication of the revenue disbursements the Office of the Administrator of Stool Lands and Forestry Commission (FC) do indicate how much is owed by contractors but fall short of naming these contractors. Attempts made in 2003 by the FC to publish the names of contractors in arrears on payment of royalties were met with court injunctions from the timber trade association (GTA), which could be one reason why the Commission is reluctant to publish details on infractions.

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### Annual Forest Authority Report

 Is there a requirement set out in the norms for the Forest Authority to produce an annual summary of its activities? Is the report available in full to the public from official sources (websites and/or offices)?

The Forestry Commission is required in its Charter to publish an annual report and present it to parliament through the Minister, but these reports are hardly published regularly or on time. The last annual report was in 2006. Apart from the Annual Report of the Forestry Commission which is presented to Parliament for adoption, there are current sub-reports (2008) on various projects and programmes of the FC. These include the National Forest Plantation Development Programme and the Timber Industry Development Division. In districts where there is a Customer Services Officer, copies of some publications are kept in the offices but these are not publicly displayed and not many people know about the publication. The delay in the documentation and distribution of the annual report of the Forestry Commission is typical of many sub-vented state agencies in the country.

Title: Annual Report of the Forestry Commission

Organisation: Forestry Commission

Date: 2006

Source: [www.ghana.gov.gh/index.php?option=com\\_](http://www.ghana.gov.gh/index.php?option=com_)

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