



**global witness**

# Making the Forest Sector Transparent

## Annual Transparency Report

**Country: Ghana**

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

**Year: 2010**

**Language: English**

© Making the Forest Sector Transparent

This country specific information is independently managed by the relevant organisation from that country. [See disclaimer on the website.](#)

Date file created: 01-Sep-21











## 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).

## Is there a Freedom of Information Act?

The Freedom of Information Bill was tabled 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 the government continues to assure the public that the Bill will be passed (see Public Agenda issue 15th October 2010), 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 (Public Agenda 1st October 2010).

---

## What other rules provide for transparency?

In addition to any specific freedom of information laws, are there references to transparency in the Constitution, general laws, regulations, decrees etc. that all public institutions must adhere to (the next indicator is specifically about the forest sector)

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 agreed on 20th October 2006. Though the law exists, people are reluctant in volunteering information. This is because in a couple of instances, people who blew the whistle were victimized.

|               |   |
|---------------|---|
| Title:        | 1992 Constitution of the Republic of Ghana<br>The Whistleblower Act, 2006 (Act 720)   |
| Date:         | 1992;<br>20th October 2006  |
| Source:       | <a href="http://www.ghanareview.com/Gconst.html">www.ghanareview.com/Gconst.html</a><br>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. |
| Language:     | English   |
| Completeness: | A pocket size whistle blower booklet was launched in June 2010.   |

---

## Are there any forest sector specific laws / rules / statements that provide for transparency?

Are there any forest-specific written laws and regulations, key announcements or speeches that develop the right to access public information on the sector, for example a Service Charter.

The Forestry Commission (FC) New Service Charter in 2008 provides for customers' right to information from the Forestry Commission. Nonetheless, there is very little knowledge of its existence. The field survey indicates that less than 10% of respondents knew (or have seen) about the new FC Service Charter.

**Title:** FC New Service Charter 2008

**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)

**Language:** The earlier service charter was also translated into local languages but current version is only in English.

**Completeness:** This new service charter is a simplified version of the 2002 charter. However, in this process, a great deal of the service standards has been lost.

---

### **Is there any settlement process for disputes regarding access to information?**

Are there clear, documented, and understood steps for resolving conflicts between transparency and confidentiality norms, or where / when authorities fail or refuse to provide information?  
If so, is this dispute-settlement process well-advertised, not prohibitively costly and therefore realistically accessible to most people?

Given that there is no freedom of information law yet, no dispute settlement process is available now. The Coalition on Right to Information in a critique of the draft FOI Bill ([www.humanrightsinitiative.org/programs/ai/rti/international/laws\\_papers/ghana/consolidated\\_critique\\_to\\_rti\\_draft\\_bill\\_ghana.pdf](http://www.humanrightsinitiative.org/programs/ai/rti/international/laws_papers/ghana/consolidated_critique_to_rti_draft_bill_ghana.pdf)) indicated that the dispute resolution process as contained in the draft bill currently is inadequate and requires a more independent arbiter. The new FC Service Charter does not provide for any dispute settlement 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 2008 Service Charter no new initiatives have been developed to deal with transparency and confidentiality norms.

**Source:** FC 2008 Service Charter – complaints and feedback section; [http://www.fcghana.com/publications/service\\_charter/2008\\_charter/customer\\_right\\_feedback.html#2](http://www.fcghana.com/publications/service_charter/2008_charter/customer_right_feedback.html#2)

---

### **Do communities have legal standing?**

Does any part of the codified law recognise 'a community' as 'a legal person', for example able to hold property titles or sue and be sued?

The definition of a community is not very clear. However, the Constitution of Ghana guarantees the basic freedoms of association which allows for different groupings. The chieftaincy institution, which divides people into traditional councils and areas, is guaranteed and allows for the definition of communities along traditional/customary lines (Art. 270 (1) of the constitution). It is on this basis that revenue from forest resources are distributed also along traditional chieftaincy boundaries. Similarly, the districts are also recognised in law as legitimate entities (Art. 240 and 241 of the constitution).

It is hoped that the on-going review of the constitution and the chieftaincy bill will bring some clarity on the definition.

**Title:** 1992 Constitution of the Republic of Ghana

Date: 1992

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.

Language: English

---

### Do NGOs have legal standing?

Does any part of the codified law recognise NGOs as 'a legal person', for example able to hold property titles or sue and be sued?

NGOs continue to be recognised as legitimate organisations as part of freedom of association guaranteed under the Constitution. NGOs/CBOs are registered with the Registrar General's Department as organisations limited by Guarantee and also required to register with the Ministry of Employment and Social Welfare.

Title: Act 179 Companies Code

Date: 1963

Source: Registrar General's Department, Ministry of Justice and Attorney General, Government of Ghana, [www.rgd.gov.gh/](http://www.rgd.gov.gh/)

---

### Is there a national forest policy document? Is it available?

Is there an explicit current document described as the national forest policy? If so, has it been used to inform the forest law and other norms (or has it been produced after the forest law)? Is it up-to-date or does it require revisions in the light of REDD, mining, or other threats and opportunities?

The policy framework, as contained in the 1994 Forest and Wildlife Policy, is available and recognizes the right of citizens' participation in forest resources management, but this is not translated into law. The policy is currently under review and a number of concerns have been made by CSOs and other stakeholders. It is hoped that the final document will address new initiatives in the sector.

Title: The Forest and Wildlife Policy

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)

Language: English

---

### Is the forest law available?

There is no single forest law but a range of legislation governs forestry. There is an on-going review process as part of the VPA implementation aimed at consolidating the laws. The Forestry Commission website contains several of the parent and subsidiary legislation that regulate forestry in Ghana. It is hoped that the review process will be completed in 2011. Apart from Legislative Instrument 1649 from 1998, the current Acts have not been amended since 2002.

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.

**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

**Date:** Last amended 2002

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

---

### Are all forest regulations, procedures, decrees, etc. available?

Are all lower level norms (regulations, procedures, decrees, technical directives etc) that make the forest laws operative available? (This indicator refers to rules directly related to forest operations. See next indicator for rules related to other operations affecting forests).

Manuals of procedures for forest operation have been prepared and are available in hard copy at FC offices and also on the website.

**Title:** Manuals of Procedures, Sections A-G

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

---

### Are forest-related policies, laws, agreements etc public?

Are all other significant regulations, procedures, decrees, technical directives etc. that affect forests available (for example norms related to carbon and REDD; agriculture and biofuels; conservation and national parks; roads, energy and other infrastructure)?

Not all forest-related documents are available; however, several manuals of procedures have been prepared and are available at FC offices and also on the website.

The FC has created sections on its website for important initiatives it is engaged in such as the Voluntary Partnership Agreement (VPA), Reducing Emission from Deforestation and Forest Degradation (REDD), Natural Resources and Environmental Governance. However, the update of the website in some instances lags behind several months. For instance, with VPA, the Aide Memoire of the Joint Monitoring and Review Mechanism for January is uploaded, but the aide memoire of recent mission (in November 2010) is still not on the FC website. In 2010 Forest Watch Ghana (FWG) organized two workshops on the REDD process for the contact group (comprising FWG and non-FWG CSOs, national forest forums, national coalition on mining etc). Rain Forest Alliance also organized similar meetings for state and non-state stakeholders in the forest sector.

**Title:** Voluntary Partnership Agreement as ratified by Ghana and the EU Parliament 2009  
The GNPC Law of 1983 (PNDC Law 64)  
The Petroleum (Exploration and Production) Law of 1984 (PNDC Law 84)  
Petroleum Income Tax Law of 1987 (PNDC Law 188)  
Minerals and Mining Law, 1986  
PNDCL 153 (Law 153) as amended by the Minerals and Mining Amendment Act 1993 (Act 475).

**Date:** 2010

**Source:** [http://www.fcghana.com/VPA\\_2/](http://www.fcghana.com/VPA_2/)  
<http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwegha.htm>

### Has the country signed up to international agreements?

Which forest-related international agreements or processes has the country signed up to? (See [www.foresttransparency.info/report-card/downloads/](http://www.foresttransparency.info/report-card/downloads/) for the list of agreements monitored.)

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 (World Bank, 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.

**Title:** Wetlands Management (Ramsar Sites) Regulation, 1999  
National Biodiversity Strategy for Ghana  
Ghana, Country Environmental Analysis (World Bank)  
UN Declaration on the Rights of Indigenous People (UNDRIP)  
Kyoto Protocol  
World Bank Forest Carbon Partnership Facility  
UNREDD Programme  
UN Convention Against Corruption (UNCAC)  
Convention on Biological Diversity  
Forest Stewardship Council (working group)  
International Labour Organisation (Standards)  
CITES  
Convention to Combat Desertification  
Voluntary Partnership Agreement with EU  
Millenium Development Goals

**Date:** 1999, 2002; 2007; 2010

Source: [www.fcghana.com/library\\_info.php?doc=73&publication](http://www.fcghana.com/library_info.php?doc=73&publication)  
[http://siteresources.worldbank.org/INTRANETENVIRONMENT/3635842-1175696087492/21919456/Ghana\\_CEA.pdf](http://siteresources.worldbank.org/INTRANETENVIRONMENT/3635842-1175696087492/21919456/Ghana_CEA.pdf)  
[www.fcghana.com/VPA\\_2/](http://www.fcghana.com/VPA_2/)  
[www.climateinvestmentfunds.org/cif/node/5](http://www.climateinvestmentfunds.org/cif/node/5)  
[www.cbd.int/doc/world/gh/gh-nbsap-01-en.pdf](http://www.cbd.int/doc/world/gh/gh-nbsap-01-en.pdf)  
[www.wds.worldbank.org;](http://www.wds.worldbank.org/)  
[www.un.org/esa/socdev/unpfii/en/declaration.html](http://www.un.org/esa/socdev/unpfii/en/declaration.html)  
<http://maindb.unfccc.int/public/country.pl?group=kyoto> [www.forestcarbonpartnership.org/fcp/node/203](http://www.forestcarbonpartnership.org/fcp/node/203)  
[www.un-redd.org/](http://www.un-redd.org/)  
[www.unodc.org/unodc/en/treaties/CAC/index.html](http://www.unodc.org/unodc/en/treaties/CAC/index.html)  
[www.fsc.org/facts-figures.html](http://www.fsc.org/facts-figures.html)  
[www.ilo.org/dyn/natlex/country\\_profiles.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/country_profiles.home?p_lang=en)  
[www.cites.org/eng/disc/parties/alphabet.shtml](http://www.cites.org/eng/disc/parties/alphabet.shtml)  
[www.unccd.int/php/countryinfo.php?country=CMR](http://www.unccd.int/php/countryinfo.php?country=CMR)  
[www.illegal-logging.info/uploads/Falconer0609.pdf](http://www.illegal-logging.info/uploads/Falconer0609.pdf)  
[www.mdgmonitor.org/factsheets.cfm](http://www.mdgmonitor.org/factsheets.cfm)

Language: English

---

### Does customary / traditional forest law exist in this country?

Are there any customary and traditional forest rules in the country? If both customary and codified forest law exist, which one has predominated in the country and have there been efforts from the forestry administration to match both?

Customary law is recognised in the Constitution of Ghana as subordinate to codified laws. The need to recognise traditional norms and values are included in forest regulations and operation manuals. Section 14 of LI 1721; Logging Manual Sections 3, for the code of conduct (on-reserve) recognizes the rights of other users and shows respect for cultural norms such as taboo days etc; the code of conduct (off-reserve) also recognizes the rights of other users and shows respect for farming operations etc.

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

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)

Language: English

---

### Is there a national forest forum?



Is there any form of government-recognised national level roundtable dialogue which meets regularly (annually or more often) to allow citizens to raise issues of concern with the national forest authorities? If so, what is the status of any discussions or decisions made (are they documented; are they legally binding in any way)?

There is an emerging 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 out of 170 Administrative Districts have forest forums and also because the processes for representation require streamlining. As it stands now, it is more of a top down approach.

The government together with development partners have established an annual Environment and Natural Resources Sector Summit where the performance of the forest, mining and environment sector is reviewed. This has evolved as part of the Natural Resource and Environmental Governance (NREG) sector budget support. The third meeting was held in August 2010 and 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. Even though the KASA project has officially ended, other initiatives like STAR-GHANA (Strengthening Transparency, Accountability And Responsiveness In Ghana) will provide support to CSOs and this may provide avenues for reviewing the environment and natural resources sector regularly. It is noted though that all these have no legally binding mechanisms.

**Title:** National Forest Forum

**Date:** August 2008, 2009 and 2010 – National Forest Forum

**Source:** [www.kasaghana.org](http://www.kasaghana.org)  
National Forest Forum can also be contacted through the Forestry Commission

**Completeness:** There are Regional Forest Forums in all the regions.

---

### Are there local forest forums?

Are there any government-recognised local roundtable dialogue forums which meets regularly (annually or more often) to allow citizens to raise issues of concern with the forest authorities? If so, what is the status of any discussions or decisions made (are they documented; are they legally binding in any way)?

District forest forums are established in 35 forest districts with support from both government and civil society organisations but these have no legal status.

A review carried out by Civic Response of the status of the Forest Forums in Ghana at the beginning of 2010, concluded that the forums have inadequate linkage with key policy making institutions and platforms at the district level such as district assembly environmental and forestry sub- committees, and this affects policy uptake of issues generated at the forums.

There is enthusiasm among those who participate but they are not very representative and women's participation is very low. The project supported two queen mothers associations to build the capacities of their members on forest laws and policies. The objective was to strengthen and empower them to actively participate in forest governance issues and moderate the activities of the male counterparts.

**Title:** Stakeholder Workshop on the GIRAF Project - District and Regional Forest Forum Assessment

Date: March 2010 referring to the forest forum review, but forums have been running since 2003

Source: Civic Response

Language: English and local languages

---

**Is there an established, government-recognised list of stakeholders?**

Is there an official list of individual stakeholders or stakeholder types whom the government is obliged to consult or to share information with?

Forest Watch Ghana led the consultation process on the VPA and developed a list of consultative groups that broadly involved larger civil society beyond FWG CSOs. The process was also facilitated by the International Union for Conservation of Nature (IUCN). These form the main thrust of the stakeholder consultative group. But the process is not yet formalized and is not embedded in government and so remains completely informal. The consultative process was also used for the discussions leading up to the development of the REDD plan.

---

**Are reports on consultation processes public?**

Does government publish the results of any forest-related consultation processes?

The government has not published the results of forest-related consultations.

---

**Is there any law recognising the right to free prior informed consultation?**

Is there any law to implement the country's commitment to ILO Convention 169 on the right to consultation?

Ghana has not ratified Convention 169 but Convention 107 with its provision on the recognition of the rights of Indigenous and Tribal People is still in force. There are 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 2a) directs the State to enact appropriate laws to assure "the enjoyment of rights of effective participation in development processes..." On this basis, citizens have made demands for consultation in various development activities including timber harvesting.

The Procedure for granting timber rights as contained in 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.

Title: ILO Convention on the Indigenous and Tribal Peoples, 1989 [169] – A Manual. ILO 2003  
1992 Constitution of the Republic of Ghana  
Timber Resource Management Regulation – LI 1649 1998

Date: 2003, 1992, 1998

Source: ILO publication [www.ilo.org/global/publications/ilo-bookstore/.../index.htm](http://www.ilo.org/global/publications/ilo-bookstore/.../index.htm)  
[www.fcghana.com/publications/laws/li\\_1649/index.html](http://www.fcghana.com/publications/laws/li_1649/index.html)

---

### Is there any law recognising the right to free prior informed consent?

Is there any law on the right to consultation which gives veto powers to communities and/or indigenous peoples?

The Timber Resource Management Regulations 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 states 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.

Title: Timber Resource Management Regulations

Date: 1998

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

Language: English

---

### Is there a procedure for consultation on new norms?

Are there any documented procedures (in the form of regulations, official guidance notes etc) that lay out the methodology for consultations that should take place regarding new forest-related policies, laws, regulations etc? If so, is it implemented?

There is no established procedure for consultation.

---

### Is there a published policy on forest tenure?

Is there an explicit current document which defines or describes land and forest tenure policy? If so, has it been used to inform the forest law and other norms (or has it been produced after the forest law)? Is it up-to-date or does it require revisions in the light of REDD, mining, tenure conflicts, or other threats and opportunities?

In field research, the sections in the laws and policies about restriction on access to forest and wildlife reserves were indicated by officials as constituting published information on forest tenure. However, other stakeholders were clear that no published policy exists.

---

### **Is there a register of private forestland owners? Is it accessible to the public?**

Where private forestland ownership is possible within the Constitution and legal framework, can the ownership of each area of forest be publically accessed?

There is no register of private forestland owners.

---

### **Is there a difference in law between ownership and use?**

Does the law make a clear difference between owners and users of forests / forest products? If so, please explain it.

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 a plethora of land laws in Ghana which tend to confuse the issues on land ownership and use. The Ghana Country Environmental Analysis (World Bank 2007), estimates that there are approximately 166 land laws in Ghana dealing with land issues.

It should be noted though that the concept of ownership of land (and forest land) in Ghana is quite complicated. Custodianship of land (which is vested in stool chiefs) is gradually being interpreted to mean private ownership and this is causing a lot of confusion in several communities.

Title: The Ghana Country Environmental Analysis

Date: 2007

Source: [http://siteresources.worldbank.org/INTRANETENVIRONMENT/3635842-1175696087492/21919456/Ghana\\_CEA.pdf](http://siteresources.worldbank.org/INTRANETENVIRONMENT/3635842-1175696087492/21919456/Ghana_CEA.pdf)

---

### **Is the ownership of different forest products clear?**

Is it codified and understood who has rights to timber, minerals, non-timber forest products, wildlife, water, carbon etc? Are all these types of product available to all, or is there some form of differentiation (for example, private forest owners can issue the right to log, but only the state can issue the right to mine; or only the state can issue the right to log, but local communities who own the land can issue the right to collect non-timber 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 the various access rights noted. However, these rights were poorly defined and with time what the right holders can or cannot 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.

Title: Chapter 21 of the Constitution of the Republic of Ghana

Date: 1992

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.

---

### Is there a dispute-settlement process for tenure conflicts?

Are there clear, documented, understood and accessible steps for resolving tenure conflicts?

Sub Part II of LI 1649 provides a clear process of how conflicting interests in areas slated for timber rights allocation should be handled. But there are no documented processes for the resolution of conflicts for other products. The service charter of the FC indicates a dispute settlement procedure but at the community level many people prefer to use traditional chieftaincy system for dispute settlement even on tenure issues.

Title: Sub Part II of the Timber Management Resource Management Regulations  
Forestry Commission New Service Charter

Date: 1998  
2008

Source: [www.fcghana.com/publications/laws/act\\_547/index.html](http://www.fcghana.com/publications/laws/act_547/index.html)  
[www.fcghana.com/forestry\\_commission/charter](http://www.fcghana.com/forestry_commission/charter)

---

### Are ownership and forest land use maps available?

It is possible, at national or sub-national level, to view or obtain maps indicating forest ownership and current permit-holders for different forest use? So, for example, it is possible to calculate what proportion of forest land has documented title, or what proportion is under logging concessions? Are such maps digitised?

There are no ownership and forest land use maps. 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. Newspaper publications on disputes arising from unclear tenure arrangements abound.

---

### Do permits exist for all uses / services?

In addition to logging permits, are there any permits for conservation activities, environmental services (e.g. water conservation, or carbon storage), or eco-tourism services provided by forests?

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. For timber resources, specified Forestry Commission officials have identified within limits what permits they can or cannot give. However, 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 on the bottom of 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 EPA and Ministry of Lands and Natural Resources all getting into the fray at one time or the other ([www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=198611](http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=198611)).

A draft Legal Instrument seeks to create a framework for the administrative allocation of a new type of timber permit to be granted in respect of "off-reserve" forests by the Chief Executive of the Forestry Commission.

**Title:** Timber (Off Reserve) Permits Regulations, LI 1649; LI 1721

**Date:** 1998; 2003

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

---

### **Is information on any forest land unallocated or not under any type of concession published?**

Is there a 'pool' of forest, owned by the state or others, for which permits or user-rights are potentially available?

Information on unallocated forest land is not published.

---

### **Is it clear how the decision to start a round of permit allocation is made?**

The first step in the allocation of permits is to decide where: Are there clear, documented, and understood steps for deciding to allocate permits, for example when to allocate which parts of the state forest to logging, mining, carbon, ecotourism or other concessions?

For timber resources specified FC officials are identified within limits what permits they can and cannot give on behalf of the Chief Executive of the FC. But for the NTFPs a lot of discretionary power is given the District Forest Manager. This information is not available for the public and communities were adamant in the field survey that permits are given only to those who can pay officials so they are not aware what happens with the process.

---

### **Is there a stakeholder consultation process prior to permit allocation?**

At the time an area of forest is identified for allocation to any sort of concessionaire, are stakeholders (other than the forest owner) consulted, for example on any conditions to be attached to the permit?

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.

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

**Date:** 1998

**Source:** [www.fcghana.com/publications/laws/li\\_1649/index.html](http://www.fcghana.com/publications/laws/li_1649/index.html)  
[www.fcghana.com/publications/laws/act\\_547/index.html](http://www.fcghana.com/publications/laws/act_547/index.html)

---

### **Are the areas assigned for each round of permit allocation advertised?**

When an area of forest is identified for allocation to any sort of concessionaire, is this publicly advertised so that the opportunity for new permits / user rights is open to anyone?

For areas that are slated for competitive bidding, the areas are 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 publicly known and shrouded in a lot of secrecy.

**Title:** Timber Resource Management (Amendment) Regulation (LI 1721)

**Date:** 2003

**Source:** [www.fcghana.com/publications/laws/li\\_1721/index.htm](http://www.fcghana.com/publications/laws/li_1721/index.htm)

---

### **Is there transparent independent verification (due diligence) of the eligibility of any applicants for forest permits?**

Prior to the final allocation of any area of state forest to logging, mining, carbon, ecotourism or other concessions are there "due diligence" checks on the eligibility, suitability, or (technical and/or financial) capability of applicants, and is this analysis made public?

The Timber Rights Evaluation Committee (TREC) has responsibility in the Timber Management Regulations to validate the bids and the companies involved but the TREC is not independent - the Ministry of Lands Forests and Mines and Forestry Commission largely control the TREC. The result of the process is usually published in the national dailies. The TREC meets as and when there are applications to be considered.

**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)

---

### Is the final permit allocation decision-making process transparent?

Is the final decision to allocate any permit made in way which allows citizens to assure themselves that the correct process has been followed? – is the process documented and published?

Where there is a public competitive bidding process it is open to the public. But the responses from the field survey were emphatic that the allocation process is not transparent. This is apparently because there are only a few TUCs allocated through the competitive bidding process. Overall, it was felt that the bidding and allocation process is not being adhered to; that it is becoming more administrative and less transparent.

Title: Timber Resource Management Act, 1997 (amended by Act 617 2002)  
Legislative Instrument 1649, 1998 (amended by LI 1721 (2003).

Date: 1997, 2002  
1998, 2003

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)  
[www.fcghana.com/publications/laws/li\\_1649/index.html](http://www.fcghana.com/publications/laws/li_1649/index.html)  
[www.fcghana.com/publications/laws/li\\_1721/index.htm](http://www.fcghana.com/publications/laws/li_1721/index.htm)

---

### Has the permit allocation system improved?

Have there been recent attempts to make improvements to the permit allocation system? Have there been recent changes to the system to accommodate 'newer' forms of permits such as conservation, carbon storage, or ecotourism? If so please give details. Were these successful?

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. However, 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. In December 2010 civil society obtained a list of 120 areas, including 23 Forest Reserves (with one Globally Significant Biodiversity Area), given out as salvage permits to companies under spurious and 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 (<http://loggingoff.info/document/over-100-illegal-salvaging-permits-issued-2010>).

---



### **Are the final permit / contract documents made public?**

Are all contracts / concession agreements / permits in the public domain? If so, which law or regulation specifies that they should be? Are they entirely in the public domain or are certain 'commercially confidential' clauses hidden?

All contracts for 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 the public domain. However, there has not been ratification of any timber contracts in several years.

**Title:** Parliamentary Ratification of Agreements relating to Natural Resources

**Date:** 1992

**Source:** Art 268 (1) of the Constitution of the Republic of Ghana, [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.

---

### **Are all forest operations required to carry out an EIA?**

Some types of permit, for example small-scale or Community Forest logging activities might be exempted from submitting an EIA.

For logging operations environmental and social assessments are incorporated in the logging manuals and the Environmental Protection Agency (EPA) has waived its mandate to the Ghana Forestry Commission (FC).

---

### **Are any environmental / social impact assessments for forest operations available to the public?**

Where an EIA or similar is a requirement for any concession, is it published? Is there any public consultation during the EIA, or any public presentation of the conclusions and recommendations?

For mining operations, EIAs are placed in the public domain and public hearings are conducted on these. However, these are usually publicised with short notice and in a format that is unfriendly for the local communities to access.

---

### **Is information on logging locations given to the public?**

Are local people informed of where permits holders will be / are operating, so that they are aware operations should be happening in their area, and to give them the opportunity to know if loggers are legally in that location?

The information though available in the offices of the Forestry Services Division is not readily available to the public.

---

### **Is there a stakeholder consultation process on individual logging locations?**

In addition to any consultation on the general location, timing and allocations of logging concessions (these were covered in the previous 'permits' Theme), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of logging at the local level, for example as part of developing a forest management plan?

Farmers are not consulted before or after the TUC is given. It is only when farmers raise issues that they are roped in.

---

### **Is information on permitted logging volumes (quotas) public?**

Once all preparations and forest management plans are completed and logging operations start, can local people find out how much timber is permitted to be extracted (for example on an annual basis from a specific area)?

No such information is available to the general public even though district officers have that information. In view of the fact that they hold onto to such information, they become "powerful" since they decide when to release and when not to release information.

---

### **Are the forest management plans (for logging) public?**

The district officials are not obliged to publish them.

---

### **Is information on locations for other forest products given to the public?**

Are local people informed of where permits holders for non-timber forest products, or wildlife hunting, will be / are operating, so that they are aware operations should be happening in their area, and to give them the opportunity to know if permit holders are legally in that location?

One of the reasons why fringe forest communities are unconcerned while forest resources are depleted is that they do not have information on the locations of NTFPs. When citizens are duly informed about extraction of forest products, they will be obliged to support the process and will not condone illegalities in the sector.

---

### **Is there a stakeholder consultation process on non-timber permit locations?**

In addition to any consultation on the general location, timing and allocations of permits (these were covered in the previous 'permits' Theme), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of the extraction of non-timber forest products at the local level, for example as part of developing a forest management plan?

Since no quotas are set, even for those NTFPs where permits are issued, no consultation process is deemed necessary.

---

### **Is information on permitted quotas of non-timber products made public?**

Once all preparations and permits are completed and extraction non-timber forest products starts, can local people find out how much of a product (for example wildlife hunting) is permitted to be extracted (for example on an annual basis from a specific area)?

No quotas are given for NTFP and other forest extractives allocation and so no information is made public.

---

### **Are the forest management plans (for other forest products) public?**

There are no forest management plans for other forest products.

---

### **Is information on locations of environmental services permits given to the public?**

Are local people informed of where permits holders for environmental services, will be / are operating, so that they are aware operations should be happening in their area, and to give them the opportunity to know if permit holders are legally in that location?

No information is available in the public domain on availability and allocation of environmental services.

---

### **Is there a stakeholder consultation process on environmental services locations?**

In addition to any consultation on the general location, timing and allocations of permits (these were covered in the previous 'permits' Theme), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of the environmental services permits at the local level, for example as part of developing a forest management plan?

There is no stakeholder consultation process.

---

### **Is information on the quality / quantity of environmental services made public?**

Once all preparations and permits are completed and a provision of environmental services contract starts, can local people find out about the size / value / or limits on these services?

No such information is provided. The closest that Ghana has come to in environmental services assessment is the EPA's assessment of environmental performance of companies. The EPA has recently started a publication of the environmental performance of various companies, scoring them on different colour codes under their "Akoben" Programme. The first of such scores were published in the national dailies as well as the EPA website. The companies involved did not include those operating in the forest sector but included mining companies. It is hoped that the programme will be extended in the future to cover the environmental quality of timber and other forest related operators as well.

Title: EPA Akoben Programme

Date: November – December 2010

Source: [www.epaghanaakoben.org/](http://www.epaghanaakoben.org/)

---

### **Are the management plans for environmental services public?**

There are no forest management plans for environmental services.

In view of the fact that different institutions other than the forest authorities are responsible for different services provided by the forest, there is the need for such management plans for the coordination of efforts among the institutions.

---

### **Is information on locations of (eco)tourism or other cultural services permits given to the public?**

Are local people informed of where permits holders for tourism, ecotourism, or other cultural services, will be / are operating, so that they are aware operations should be happening in their area, and to give them the opportunity to know if permit holders are legally in that location?

In general 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, have developed maps and information brochure on the location of various cultural sites. However, there is a complete dearth of information on what are the processes for assessing and developing these potentials.

In some forest communities e.g in Grupe and other communities along the Mole National Park, the spiritual resources of the communities are located within the park, thus inhibiting the people from fulfilling their spiritual

obligations. This occasionally generates some tension between the communities and the park authorities. In off-reserve forests e.g Nwoase in the Wenchi District in the Brong Ahafo Region, the Traditional Authorities have resisted any form of logging in their sacred forest and are implementing traditional practices in wildfire management.

---

### **Is there a stakeholder consultation process on (eco)tourism locations?**

In addition to any consultation on the general location, timing and allocations of permits (these were covered in the previous 'permits' Theme), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of the tourism or ecotourism concessions at the local level, for example as part of developing a forest management plan?

No, there is no consultation process with the stakeholders. Different institutions other than the forest authorities are responsible for different services provided by the forest and so there is the need to consult and consider the interest of various stakeholders in order to sustain their efforts.

---

### **Is information on the quality / quantity of (eco)tourism services made public?**

Once all preparations and permits are completed and a provision of tourism or ecotourism services contract starts, can local people find out about the size / value / or limits on these services?

To a very limited extent some information exists. A few maps are available to the public on the locations of various sites of ecotourism value. These are usually published by the Ghana Tourist Board. But such information is mainly targeted at the tourists and not the local communities.

---

### **Are the management plans for (eco)toursim services public?**

Not really, there may be forest management plans for (eco) tourism services but these are not readily available. There do not appear to be any forest management plans for tourism services in the public domain.

---

### **Is there a strategic process to assess priorities between development options?**

Is there a Strategic Environmental Assessment to identify and resolve conflicting land uses between forests, mining, large-scale agriculture and infrastructure development? Does the National Forest Policy document seek to address this? Do any policy documents from the other sectors?

There is no Strategic Environmental Assessment (SEA) for the forestry sector. The 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.

---

**Is it clear who decides if / when to make decisions between development options?**

Are there clear, documented, and understood steps for making decisions over the use or conversion of forest lands for other purposes such as mining, large-scale agriculture or infrastructure development?

It is not clear how decisions on these are made. There is very little collaboration among the various departments in the Ministry for Lands and Natural Resources, resulting in conflicting initiatives.

---

**Is there a stakeholder consultation process on decisions between different development options?**

At the time an area of forest is identified for allocation to any sort of non-forest purpose, are stakeholders consulted, for example on any conditions or mitigation commitments?

No stakeholder consultation exists on allocation. However, clear procedures on the Environmental Impact Assessments (EIA) are elaborated by the EPA and approval of areas for implementation to start is preceded by public hearings. In most instances though, the public notification on these processes (mostly in the national dailies and also on the notice boards of the District Assemblies) is quite short, and inadequate to get full participation of the local communities that are affected by the operations of the companies.

---

**Is the final decision-making process on different development options transparent?**

Is the final decision to allocate any forest to non-forest use made in way which allows citizens to assure themselves that the correct process has been followed? – is the process documented and published?

There is no transparency on the decisions on permits, locations and the nature of operations for which permits are given.

---

**Is information on implementation of non-forest use / conversion given to the public?**

Once the final decision has been made, are local people informed of where mining, large-scale agriculture or infrastructure development in forests will be / is occurring, so that they are aware operations should be happening in their area, and to give them the opportunity to know if operations are legally in that location?

Information on implementation is not made public. Civil society groups such as the National Coalition on Mining and WACAM find out about these issues and usually obtain such information unofficially. The passage of a Freedom of Information Bill would assist with transparency on this.

---

### Is there a system of tax / royalties redistribution?

Does the law provide for a portion of the taxes or royalties collected from permit holders to be redistributed to affected communities? If so, please give details.

The collection and distribution of royalties and land revenue including forestry is defined in law.

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

**Date:** 1992

**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.

---

### Is the system of tax / royalties redistribution effective in meeting any legal obligations?

Does any tax / royalties redistribution system work in practice?

The forest agencies are particular in adhering to their legal obligation in relation to the distribution of revenue. However, there are issues in determining what constitutes revenue and whether or not gross or net amounts 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 their management costs. 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.

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

**Date:** 1992

**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.

**Accuracy:** On 7 October 2010 a civil society group challenged the Forestry Commission's interpretation of this constitutional clause, in a Memorandum on Rights, Resources and the Constitution. The coalition submitting the Memorandum included the Civil Society Coalition On Land, Forest Watch Ghana, the National Coalition On Mining, the Network For Women's Rights In Ghana, and the Peasant Farmers Association Of Ghana.

---

### Is there a stakeholder consultation process regarding the use of community funds?

Are stakeholders aware of the tax redistribution system and are they given a chance to influence the use of any funds dedicated for their use?

There is no consultation on this process. The formula for calculating the royalties is set in law and the percentage for distribution is also fixed in law. The only snag though is that apart from the technical officials none of the stakeholders knows how to calculate the appropriate revenue due. At the community level, this is invariably left to the chief and in some cases the council of elders.

---

### Are figures for collection and distribution published?

Does the relevant authority regularly publish the taxes collected from each forest area and the amount redistributed to those communities entitled to receive a share? If so, how often do they publish this information?

These figures are published in quite a lot of detail and contain correct and accurate information. The only difficulty is that it is usually published way behind scheduled. For instance the latest publication is for the first half of 2009 (January - June 2009).

In August 2010 CIKOD and Global Witness requested the FC to make the whole booklet available on the website, to facilitate easy download and reproduction by mid-level NGOs and the media, but this has not happened yet. The FC did report that a limited number of hard copies of each edition are provided.

In December 2010, CIKOD made photocopies of the hard-copy version of the most recent disbursement report and distributed to traditional authorities and other stakeholders in the Volta Region. The recipients were pleased to be given this information as they had never seen it before.

**Title:** Publications – Forestry Issues – Stumpage / Rent Disbursement Report (html version only)

**Date:** January 2002 to June 2009

**Source:** [www.fcghana.com/library\\_info.php?doc=53&publication:Stumpage%20/%20Rent%20Disbursement%20Report&id=18](http://www.fcghana.com/library_info.php?doc=53&publication:Stumpage%20/%20Rent%20Disbursement%20Report&id=18)

**Timeliness:** As of April 2011, there is no information more recent than June 2009 available.

---

### Is there a system of social obligations, where concession holders have to provide benefits directly to affected communities?

In addition to taxes, are there any obligations for permit holders to provide benefits to affected communities, in cash or in kind? Does the social obligations system work in practice?

Social responsibility agreements are included by law in the allocation of timber resources to timber companies. Timber right holders are expected to pay an equivalent of 5% of stumpage fees as social responsibility agreements (SRA) in the communities they operate.

**Title:** Legislative Instrument 1649, 1998 (amended by LI 1721 (2002))



Date: 1998, 2003

Source: [www.fcghana.com/publications/laws/li\\_1649/index.html](http://www.fcghana.com/publications/laws/li_1649/index.html)  
[www.fcghana.com/publications/laws/li\\_1721/index.htm](http://www.fcghana.com/publications/laws/li_1721/index.htm)

---

### Is there a stakeholder consultation process?

Are stakeholders aware of the social obligation system and are they given a chance to influence the projects or use of any funds provided directly to them by the concessionaire?

For Social Responsibility Agreements (SRAs) often there is consultation with at least the local chief (and often with the paramount chief as well) in deciding what the SRA funds 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.

In 2010 Making the Forest Sector Transparent supported selected CSOs in the Brong Ahafo and Western Regions to persuade their district assemblies to support communities in SRA negotiations.

Source: The SRA consultation processes are rarely documented (even if the final SRA is) and even if they are, they are not in the public domain.

---

### Is information on social obligations published?

Is the social obligation agreement publicly available? Are there regular reports on its implementation? If so, who is responsible for producing these?

The information is usually shrouded in secrecy and kept to the chief and one or two persons. In some communities, it is only the chief who is involved in the negotiations. Even other community leaders including the queen mothers are left out of this process.

In 2010 Making the Forest Sector Transparent supported selected Queen mothers and the youth groups in Western Region to demand copies of the SRAs from their chiefs.

---

### Are there opportunities for citizens to discuss law enforcement issues as they arise?

Do any forest forums include representatives from the police or judiciary for example? Or are there other formal mechanisms to discuss law enforcement issues with officials from other (non-forest) agencies?

In many of the forest forums, Fire Service and Police personnel are members and issues about improving law enforcement do come up for discussion.

Source: Forest forum discussions are poorly minuted and generally not widely available.

---

### **Are citizens actively participating in control operations?**

Is there any form of joint operations including citizens and forest law enforcement (e.g "vigilancia verde" or forest monitoring)?

In some communities community forest committees (CFCs) or community biodiversity groups (CBAGs) have been formed to help in the protection of the forests.

---

### **Do (some) forest communities condone some 'illegal' activities?**

Do any communities regard some laws as inequitable and so argue that they are justified in supporting or participate in illegal activities?

There is a general perception of community condoning of 'illegality' especially informal logging and planking using chainsaws ('chainsaw milling'). This phenomenon is underpinned by a general belief of inequity in forest resource allocation and benefit sharing among forest fringe community members.

In 2010 Making the Forest Sector Transparent supported a case study into this phenomenon, in Northern Region, where it was reported that community leaders collect money from charcoal merchants and chainsaw millers and allocate parcels of land for commercial charcoal production and illegal chainsaw activities.

---

### **Is there an Independent Forest Monitor?**

Is there any organisation contracted to conduct Independent Forest Monitoring (IFM) to monitor forest governance and operations? For how long has this existed? What, if any, benefits does this bring?

No, however many field work respondents considered Forest Watch Ghana as an independent monitor of the operations of the forest agencies even though FWG has no formal mandate, nor regards itself as doing this. The need for an Independent Forest Monitor is recognised in the VPA, but so far there is no clear process to meet this need.

---

### **Does the government publish lists of infractors?**

Does any authority regularly publish a list of infractors of the forest law? Is it obliged to do so under any law or other norm? Does such a list show the progress of each case through the legal system, and the amount of any fines paid?

There is no systematic official publication of forest offenders. Some who are arrested and/or prosecuted appear in the newspapers.

---

### Does the government publish lists of debarred / suspended operators?

Does any authority regularly publish a list of individuals or companies barred or temporarily suspended from holding forest-related permits (perhaps as a penalty for a previous infraction)? Is it obliged to do so under any law or other norm?

With no systematic official publication of forest offenders it is difficult to believe there is a list of debarred or suspended operators. The revenue disbursements publications do indicate how much is owed by contractors but fall short of naming who these contractors are.

---

### Is there a national or local Anti-Corruption Committee, Bureau or Commission?

Has any sort of special initiative been set up to tackle corruption? If yes, have cases of corruption in the forest sector been reported and were these dealt with according to the law?

There are constitutional bodies such as the Commission on Human Rights and Administrative Justice (CHRAJ) and the Serious Fraud Office recently re-christened Economic and Organised Crime Unit (EOCU) 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.

Source: Neither CIRAJ nor EOCU appear to have any functioning website.

---

### Do parts of any law affecting forests limit transparency?

Are there any norms that prohibit or limit transparency in the forest sector? Or are there caveats or exclusions to transparency laws, for example 'commercial confidentiality' or 'national security'? What exactly do they exclude?

The oath of secrecy required to be sworn and subscribed to by public and civil servants as contained in art 286 (6 j) and 286 (7) of the 1992 Constitution, has quite often been used by public officials as a refuge to limit the level of transparency on issues including forestry information.

Title: Chapter twenty-four: Code of Conduct for Public Officers

Date: 1992

Source: Art 286 (6 j) and 286 (7) of the Constitution of the Republic of Ghana, [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.

---

### **Do any extra-sectoral operations overrule forest laws?**

Do mining, road building, large-scale agriculture, hydropower or other infrastructure development have automatic veto over forest laws, thereby eliminating transparent access to decision-making?

Yes, extra-sectoral operations can and do overrule forest laws. Mining in forest reserves that 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, for example, there is a pending issue of Atewa Forest Reserve, which is a Globally Significant Biodiversity Area (GSBA), being threatened with mining for bauxite to feed the Volta Aluminium Company (VALCO).

---

### **Is it commonplace for authorities to ignore obligations?**

Has it become normal operating procedure for any public institution to avoid obligations to transparency? If so, please give examples.

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 continuous allocation of timber resources administratively in spite of the legal requirement for competitive allocation (Act 547), is a clear demonstration of the disregard for the statutes on forestry. Similarly, the FC constantly grant of Timber Utilization Permits for commercial purposes whereas these are only meant for local community projects (LI 1649).

---

### **Are there any reforms to improve transparency or reduce confidentiality?**

In particular, are there any 'quick wins' - issues where transparency could be improved, or where caveats and exclusions could be reduced, and no significant vested interests are against this? If so, please list any ongoing reforms.

No significant ones during 2010. However, the implementation of the VPA is expected to assist disclosure of information since that is required for the chain of custody and licensing process. The FC is of the view that there is enough information out there in the public domain which is available to the public.

---

### **Does the forest authority publish an Annual Report?**

Is there an annual summary of activity by the forest authority and others they regulate? If so, how long after the year-end is it published? How comprehensive is it? Is it debated, for example by a 'forestry commission board' or by the legislature?

The FC is required in the Forest 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.

Title: FC New Service Charter 2008

Date: 2008

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

Timeliness: The Service Charter states “Information on Forest and Wildlife development statistics: Annual reports containing all vital statistics prepared and circulated within 6 months of year’s end”, but the most recent report is 2006.

---

**Does the forest authority have a central point of information?**

Is there a person or office advertised and functioning as the source of public information? Is there any written statement (for example a regulation) about its roles and responsibilities? Is it committed to respond to enquiries with a certain amount of time?

The Forestry Commission has a website, switchboard and public relations officer. The new service charter lays out the responsibilities of the FC in some detail, for example “the pick time for calls at the switchboard will be 30 seconds but in any case not exceeding three (3) rings”, and technical and complex enquiries will “acknowledge receipt within two working days and responding within seven working days”. There are no reports on the performance of the FC against these or other Service Charter obligations.

Title: FC New Service Charter 2008

Date: 2008

Source: [www.fcghana.com/publications/service\\_charter/2008\\_charter/service\\_standards.html#1](http://www.fcghana.com/publications/service_charter/2008_charter/service_standards.html#1)

---

**Does the forest authority publish annual audited accounts?**

Are there any published annual audited accounts from any of the last five years? If not, when were the most recent accounts published? Is the forest authority exceptional in this regard or do most government departments show a similar pattern of (not) publishing accounts?

The last available annual audited accounts of the Forestry Commission was in 2005 and this is not exceptional but typical of many of the subvented state agencies in the country. The 2005 report from the Auditor General notes timber companies were in payment arrears by ₵29.70 billion (US.3 million). The equivalent report for 2007 did not provide details of the Forestry Commission. No more recent report appears to be available.

Title: Report of the Auditor-General on the Public Accounts of Ghana – Public Boards, Corporations and Other Statutory Institutions for the Period Ended 31 December 2005

Source: Ghana Audit Service, [www.ghaudit.org/reports/Microsoft+Word++MAIN+REPORTCAD.pdf](http://www.ghaudit.org/reports/Microsoft+Word++MAIN+REPORTCAD.pdf)

---

