



3.1 Creating synergies between REDD+ and FLEGT VPA in Ghana

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Introduction

The reform of forest governance is now an established part of the global debate on forests. It is widely accepted that better forest governance can be achieved only by improving the relationship between forest-owning communities,¹ governments, civil society and the private sector in the management of forest resources, especially tropical forests.

The principal objective of the FLEGT VPA and REDD+ initiatives is to provide a political and financial framework to bring about improved forest governance. But in reality the initiatives risk reinforcing the status quo and worsening the position of forest-owning and forest-dependent communities.

These initiatives are managed by different political entities at the international level. Is their institutional arrangement at the national level with regard to negotiation and implementation also different? Do the two initiatives strengthen or undermine each other? And can they both be managed and implemented to bring about improved forest governance? This article provides answers to these questions, focusing on Ghana and based on many years of experience of the campaign carried out by NGO coalition Forest Watch Ghana (FWG) and its partners² to improve forest governance.



REDD+ AND FLEGT
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Methods

This article is based on a study from reports on the Ghana FLEGT/VPA and REDD+ processes from government, and on studies and reports by FWG, FERN and other NGOs working on the FLEGT VPA and REDD+ processes in Ghana. It also relies on the personal experience of the authors, who have both been involved in these processes.

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Governance in Ghana's forest sector

Ghana has lost about 80% of its original forests in the last century alone (Ochieng, Visseren-Hamakers and Nketiah 2013), and deforestation is not slowing. In fact, the forests have declined even more rapidly over the past three decades (FAO 2010). In 2010 the official deforestation rate was estimated to be 2.1% per year, which amounts to about 135,000 hectares per year (FAO 2010).

Civil society organizations (CSOs) and government differ in their analysis of the drivers of deforestation and the key challenge facing the forest sector. The government identifies the causes of deforestation as logging and the conversion of forest into crops, especially cocoa and through shifting cultivation (Forestry Commission Ghana 2010a; MLNR 2012). CSOs, on the other hand, believe that this does not take account of the underlying causes of deforestation, especially the lack of good governance. They think that if local communities are contributing to forest loss (e.g., through shifting cultivation), this is just a symptom of the underlying problem of poor governance (Ansah 2010).

The Ghana subgroup of the Forest Governance Learning Group (FGLG)³ defines forest governance as “all the processes that allocate power to determine who makes decisions about forest utilization and that determine in whose interest these decisions are made and at whose expense” (IIED 2005). In 2004 the work of the Ghana subgroup of FGLG drew attention to the underlying causes of deforestation, including abuse by government of the timber rights allocation regime in Ghana, non-collection/non-payment of government forest revenues (stumpage fees, rent, etc.), and unfair benefit-sharing arrangements in the sector.



The abuse of the timber rights allocation regime relates to administrative issuance of salvage permits, non-conversion of leases to timber utilization contracts and non-competitive

bidding for timber rights permits according to forest legislation. This leads to loss of revenue by government, a reduced share of financial benefits for forest communities and elite capture⁴ of the financial benefits of forest exploitation by both government and industry. Communities therefore resort to illegal exploitation, such as connivance with illegal chainsaw operators.

This means that any instrument to halt and reverse forest degradation and deforestation, increase the volume of legal trade in forest products from sustainable forests, and enhance the livelihood of forest communities must tackle the underlying problem of bad forest governance (FAO, World Bank quoted in FERN 2010). For the FLEGT VPA and REDD+ processes to be effective, they must be able to improve governance in the forestry sector and beyond.

REDD+ and FLEGT VPA process in Ghana

The findings of the FGLG and subsequent studies by FWG⁵ enabled civil society actors to highlight the issue of forest governance, and to make legal, policy and institutional reform central to the FLEGT VPA discussions that were held between March 2007 and September 2008. Annex II of the VPA states: “Ghana wishes to indicate its intention to carry out legal and policy reforms in the spirit of good governance. It is expected that such legal reforms could be completed in the next five years” (EU and Republic of Ghana 2008). Annex II lists all areas that require policy and legal reform, including domestic market development, local forest tenure, and import of raw material. It remains to be seen if and how the reforms will be implemented. However, the text itself and the inclusive process in which the agreement was developed provide a good starting point for tackling governance issues.

The REDD+ process in Ghana is modelled along the lines of the World Bank’s Forest Carbon Partnership Facility (FCPF)⁶ and the multi-donor Forest Investment Program (FIP), though the FIP is broader than the FCPF in its support to the whole forest sector. The FIP also provides funding to implement REDD+ pilots identified in Ghana’s Readiness Preparation Proposal (R-PP). Ghana’s FCPF REDD+ process started in 2009, and in 2010 the Ghana R-PP⁷ was signed, followed by the FIP in 2012 (MLNR 2012; Ochieng, Visseren-Hamakers and Nketiah 2013). Unfortunately, a principal action point of Ghana’s R-PP is to develop mechanisms for allocating carbon rights to government, land-owners and local communities (Ochieng, Visseren-Hamakers and Nketiah 2013). This ignores the fact that there is no global forest carbon market, and that it is improbable that such a market would ever be effective for forests or people (Dooley et al. 2011; FERN 2013). From the beginning, the Ghana REDD+ process has been based on strategies to monitor and measure carbon fluxes (Dooley et al. 2008), ignoring the need for concrete improvements in governance. These include the clarification of tenure rights, which do not have a direct carbon impact but are essential for the effectiveness of forest governance in the long term.

Differences and synergies between the two processes

Difference in consultation processes

The VPA Contact Group⁸ (CG) was influential and was actively involved in the VPA negotiations, but was conspicuously absent from the FCPF/FIP negotiations. Although the consultation process used in the FLEGT VPA negotiations was generally thorough, that of the FCPF/FIP process was rushed and confusing (FERN 2010; Riesco and Opoku 2009; Saeed 2011). CSOs strongly influenced the content of the VPA agreement, including a statement detailing the VPA governance objectives⁹ (Ansah 2010). In spite of this, the stakeholder process used in the FCPF and FIP ignored the VPA CG and created a completely different structure that lacked a coherent outlook and did not link to the various constituents represented by the CG.

Rather than building on the structures created and the experience gained during the FLEGT VPA process, the Ghana REDD+ process undermined them (Riesco and Opoku

2009). There are several reasons for this. First, two departments within the same Forestry Commission facilitated the different processes and did not speak to each other or share experiences. Second, the promise of funds tied to the REDD+ process and the short timeline of the World Bank to prepare the Readiness Preparatory Investment Note (R-PIN) and Readiness Plan (R-PLAN)¹⁰ led to government rushing the process.

During the negotiations, however, a wide group of NGOs, research centres and representatives of the timber trade and the government agreed that the process was inclusive in an unprecedented way (Ansah 2010; Ochieng, Visseren-Hamakers and Nketiah 2013). The four working groups preparing the VPA text all had active participation from civil society (Ansah 2010), and at a Chatham House conference the government emphasized the importance and inclusiveness of the multi-stakeholder process (Beeko and Attah 2009). The final VPA agreement was signed by the government with the consent of NGOs and the private sector. Recently, there has been some criticism of the lack of inclusiveness during the VPA implementation process in Ghana (Ansah 2013).

The negotiation process for the R-PP was very different. In 2009, following pressure from CSOs about the lack of consultation during the development of the R-PP, the World Bank's mission to Ghana was rescheduled to allow CSOs to participate in the process (Saeed 2011). The consultation process continued to be unsatisfactory, however (Saeed 2011). Although the government organized three consultation meetings to validate the draft R-PP (Forestry Commission Ghana 2010b), CSOs expressed concerns that the process was intended to rubber-stamp the government's ideas and did not consider the CSO's concerns. The government blamed the situation on a lack of funds to conduct thorough consultations (Saeed 2011).

The R-PP consultations were severely constrained by time (Dooley et al. 2011; Riesco and Opoku 2009), making it "impossible for stakeholders to review documents and limiting the number of days available for reflection and discussion" (Saeed 2011). This was in contrast to the VPA negotiation process, where time was not a limiting factor.

Differences in content

Forest Watch Ghana (FWG)¹¹ campaigned strongly on the core issues of forest governance even before the FLEGT VPA negotiations began, and strongly influenced the FLEGT VPA's governance focus. As a result, from the outset, governance reform was on the agenda of the FLEGT VPA negotiations in Ghana.

In contrast, the REDD+/FIP process started by looking at how funds could be channelled to increase carbon stocks. And while the text of the VPA refers to broader governance objectives for the forest sector, with reforms to include the domestic timber market and tree tenure¹² (EU and Republic of Ghana 2008), the R-PP focuses narrowly on reforms for sharing the benefits of potential carbon trading revenues¹³ (Forestry Commission Ghana 2010b). Clearly, the two initiatives are following different paths. The financial clout of the REDD+ process provides a perverse incentive for government to ignore the broader reform agenda of the VPA (Riesco and Opoku 2009).

The result is that although the government may have fully understood that governance reform is the fundamental challenge facing the sector, the financial leverage provided by REDD+ gave government an incentive to focus on carbon accounting and maintain the status quo. The REDD+ process has the potential to undermine the VPA's governance reform agenda.

So far, the reformed forest and wildlife policy (2011) has not fully addressed the issue of governance reform in relation to REDD+, but instead has endorsed the initiative's focus on carbon accounting and trading.

Similarities

Both FLEGT VPA and REDD+ have some common objectives and deal with similar issues (Ochieng, Visseren-Hamakers and Nketiah 2013; Riesco and Opoku 2009). Key aspects of the FLEGT VPA help to increase transparency and accountability and improve forest governance; this should be reinforced by the REDD+ process. For instance, national monitoring, reporting and verification (MRV) systems being developed for REDD+ should align with the VPA's Legality Assurance System (LAS) and Independent Monitoring (IM) system. They should draw on the strengths of the IM, LAS and MRV to support a robust and effective national MRV system for the whole sector, and not focus solely on carbon. This means that there would be one system for monitoring and verifying key aspects of the forest sector that meets the requirements of the REDD+ and VPA and includes governance reform targets (including access rights, benefit rights, participation in forest policy-making and implementation).

To date, attempts to develop a working relationship between the national secretariats that manage the two processes have not been effective. This is in spite of the fact that the head of each secretariat attends the meetings organized by the other (Ochieng, Visseren-Hamakers and Nketiah 2013). There is a need for a more coherent and formalized working relationship between the two multi-stakeholder platforms at the national level.

Recommendations

REDD+ and FLEGT should use the funding capacity of the REDD+ process for policy, legislative and institutional reforms that improve forest governance and strengthen community rights. The resources provided by the FIP should be invested in the reform processes set out in the FLEGT VPA. This will require considerable political will on the government's part. Civil society needs to apply the necessary pressure on government and on the international donors who fund these initiatives.

The multi-stakeholder platform for REDD+ implementation at the national level should be coherent and consistent with the consultation and participation standards developed during the VPA negotiation process. The participants would differ since REDD+ addresses a much broader socio-economic context. However, the legitimacy of this platform would be derived from the constituents of the members.

There must be continued capacity building, not only of CSOs but also of communities and grassroots movements, to enable them to participate fully in a truly multi-stakeholder platform. Communities need to be trained to monitor, evaluate and report on forest governance improvements in both REDD+ and FLEGT VPA.

Conclusions

In theory the REDD+ and FLEGT VPA processes in Ghana could work in synergy and contribute to improving governance in the forestry sector, notably through extensive and inclusive participation in the negotiation and implementation phase. Both initiatives emphasize the need for tree tenure reform, and the reform focus of the VPA should be reinforced by REDD+. The focus of REDD+ in Ghana should be broadened to include governance targets and tree tenure reform. In this way, it will reinforce the focus of the FLEGT VPA. Furthermore, since REDD+ has the leverage of more funding to the sector than the VPA, the release of funding for REDD+ by donors could be made contingent on newly defined governance targets. In this way, real progress would be possible. However, the focus of REDD+ on carbon accounting makes this difficult. For REDD+ to become effective, a shift in focus from monitoring carbon to monitoring governance is essential (Dooley et al. 2011).

Endnotes

1. The term “forest-owning community” is unique to Ghana. The statutory laws of Ghana recognize forests as owned by stools/skins in trust for the people. Chiefs are stools/skins in customary law and in practice are custodians of the forest resources in trust for the communities.
2. The partners of Forest Watch Ghana in the Global North include Global Witness, a UK-based resource transparency and accountability NGO, FERN, based in the UK and Belgium, and the Rights and Resources Group based in Washington, D.C.
3. The FGLG is a platform of country-level groups, consisting of forest stakeholders who engage in forest policy discourse in their countries to bring about reforms and change in the sector. It currently has more than ten country working groups in Africa and Asia and is coordinated internationally by the IIED. For more information see www.iied.org/tag/forest-governance-learning-group-fglg.
4. This refers to the co-opting of revenue from forest exploitation by prominent and influential persons before it reaches the communities. In Ghana the term generally refers to the higher levels of the Traditional Authorities (for example, paramount and divisional chiefs, as opposed to local chiefs and communities) and government (central government, as opposed to decentralized government structures such as District Assemblies).
5. This includes “Legality and impacts of forest utilization permits,” “Assessment of the impacts of local forest institutions on livelihoods and forest in Ghana” and “Support to community forest meetings and forest forums.”
6. The FCPF is the World Bank’s flagship programme for getting countries ready for REDD+. It provides financial support to develop REDD+ proposals, which include assessments of the underlying factors of deforestation and forest degradation, and interventions to reverse the trend and improve carbon stocks. The support requires countries to develop an R-PIN.

7. The Ghana R-PP was submitted to the FCPF for funding to pilot REDD projects and make the country “REDD-ready.” The final Ghana R-PP plan was developed in December 2010.
8. The Contact Group (CG) is a multi-stakeholder body that engaged in VPA negotiations in Ghana. It was convened by the FWG coalition and included stakeholders such as traditional authorities, National Forest Forum, Domestic Lumber Traders Association (informal timber trade industry actors) and student associations.
9. These relate to support of biodiversity and industrialization, rural livelihoods and cultural development.
10. Under the World Bank’s FCPF facility guidelines, a government expresses its interest to pilot REDD+ activities by first developing an R-PIN and R-PLAN. Once these have been approved by the World Bank, funds are released by the Bank for the development of an R-PP (which is the plan for the actual implementation of pilot activities). In Ghana the negotiation and development phase for both the R-PIN/R-PLAN and the R-PP faced the challenge of time constraints.
11. Forest Watch Ghana was established in 2004 as a response to the challenges of deforestation and forest degradation in the country and the impacts these had on rural forest livelihoods. Consisting of over 35 NGOs and individuals, the coalition campaigns on three pillars of forest governance: fair access to forest resources; fair benefit sharing from forest resources; and participatory governance. It has been a key stakeholder in the FLEGT VPA and REDD+ processes in Ghana and works with NGO collaborators from the North. Its secretariat is hosted by Civic Response in Accra, Ghana.
12. See the Ghana VPA text (Annex II, p.58).
13. Ghana’s R-PP proposes establishing a National Expert Consultation on Allocation of Terrestrial Carbon Rights, which “will focus on the implications of current land and tree tenure arrangements for the allocation of carbon rights, and will advise on any changes to legislation that are likely to be required to operationalize carbon rights.” See Forestry Commission Ghana 2010b, p. 50.

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