

3.0 TECHNICAL PRESENTATIONS

3.1 'ILLEGAL OR INCOMPATIBLE? MANAGING THE CONSEQUENCES OF TIMBER LEGALITY STANDARDS ON LOCAL LIVELIHOODS'

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Summary

The EU FLEGT (Forest Law Enforcement, Governance and Trade) Action Plan aims to combat illegal logging and its associated trade. It stimulates legal timber production and improved forest governance in partner tropical countries providing timber to the European market and to eliminate the export of illegal timber from these countries to Europe. In order to accomplish this, the programme aims at the development of Voluntary Partnership Agreements (VPA) between the EU and individual tropical timber exporting countries. It is hoped that the legality reforms will provide co-benefits in the form of good governance and equity in access to forest resources; this is expected to have a positive impact on reducing poverty.

Ghana was the first country to formally prepare and ratify a VPA and submit to the European Union. The country provides an excellent opportunity to assess how livelihood issues are incorporated in the process of formulating national VPA agreements. Consequently, in 2008 a Dutch-initiated research programme was started to assess how the consequences of international trade agreements on local livelihoods can be managed and to search for governance mechanisms to mitigate the negative impacts. This paper introduces the research objectives of the programme. First it elaborates the question of whether timber legality and poverty alleviation are competing goals. It also describes the main issues regarding timber legality and livelihood interactions in Ghana. Subsequently, the paper identifies the major governance issues requiring attention in Ghana's VPA process in respect to better control of the legal standards for timber extraction as well as further adaptation of forestry laws. In making further adaptations to the present forest laws, attention should be given to social safeguards to assure that the legal provisions do not have undesirable impacts on local livelihoods. This requires amendments of the arrangements for accessing rights to timber and benefit sharing mechanisms for timber production. Consequently, the FLEGT/VPA process in Ghana involves a process of policy learning in respect to various fundamental issues regarding the multiple dimensions of timber legality.

The 'Illegal or Incompatible' research programme was initiated to stimulate this policy learning process by making detailed assessments of the interfaces between legality and livelihood issues in Ghana and organizing a science-policy communication process. The aim of this workshop was to contribute towards these goals by (1) facilitating exchange

of information and networking amongst scientists on the possible impacts of VPA on livelihoods, and (2) stimulating science-policy interaction by establishing a dialogue between policy makers and the research community on VPA impacts on livelihoods.

Introduction

The conservation and wise use of tropical forests is of global concern. Illegal and irresponsible timber exploitation is considered as one of the important reasons for continued deforestation and degradation. The EU FLEGT (Forest Law Enforcement, Governance and Trade) Action Programme recognizes that the EU, as a significant consumer of tropical timber, shares responsibility with tropical countries to combat illegal logging and its associated trade. In order to stimulate legal timber production and improved forest governance, the programme aims at the development of Voluntary Partnership Agreements (VPA) between the EU and partner tropical timber exporting countries as a means to eliminate the export of illegal timber to Europe. The programme is primarily focused on the identification and implementation of measures ensuring legal timber production and trade. It assumes that by addressing illegal timber production it will be possible to contribute towards improved forest governance and sustainable timber production.

The voluntary timber trade agreements are considered as a vehicle for wider forest policy reforms, and it is hoped that the legality reforms will provide co-benefits in the form of good governance and equity in access to forest resources. This is expected to have a positive impact on reducing poverty. It is recognized that such co-benefits will only be possible in case the Voluntary Partnership Agreements include social safeguards and potential adverse effects on local communities are minimized. Hence, the Agreements should not only identify measures to control illegal timber production and trade, but also measures to deal with wider legality-related social issues, notably concerning the impact of the legality assurance system on the lives of rural communities who depend on the forests.

Ghana was the first country to formally prepare and ratify a VPA. Therefore, this country provides an excellent opportunity to assess how livelihood issues are incorporated in the process of formulating national VPA agreements. Consequently, when in 2008 a Dutch-initiated research programme was started to assess how the consequences of international trade agreements on local livelihoods can be managed and to search for governance mechanisms to mitigate the negative impacts, Ghana was invited as a partner in the programme. This 'Illegal or incompatible' (IoI) research and communication programme is carried out by a consortium of organizations including Tropenbos International Ghana and the Forestry Commission (in Ghana), and Wageningen University and Research Centre and Tropenbos International (in the

Netherlands)¹. The project focuses on analyzing the FLEGT/VPA governance process and on developing scenarios about the potential impact of different VPA arrangements on local livelihoods. It also aims to stimulate science-policy interaction and stakeholder capacity building for effective VPA arrangements.

Within the framework of the project two seminars/ workshops were organized in 2009 in order to facilitate exchange of information and interaction between policy makers and scientists studying the impact of the FLEGT/VPA policy on livelihoods. On June 8, the first international seminar was organized at Wageningen University in the Netherlands². On October 8 and 9, 2009, a follow-up national workshop took place in Ghana. This paper will elaborate the question of whether timber legality and poverty alleviation are competing goals. Next, it will discuss the main issues regarding timber legality and livelihood interactions in Ghana. Finally, it will describe the research programme of the 'Illegal or Incompatible' programme.

Timber legality and poverty alleviation in forestry: Competing goals?

As indicated in the introduction, the FLEGT/VPA process is based on the assumption that voluntary timber trade agreements can form a vehicle for forest policy reforms: including both legal reforms and improved forest governance, and that it will have co-benefits by contributing to poverty reduction. Such co-benefits should not be taken for granted. A particular problem in the FLEGT process is that in many tropical countries the legal framework governing the forest sector is not necessarily 'pro-poor' in its conception and operation. The regulations on timber production tend to focus on the proper operation of large-scale concession systems for export timber production, with little attention to the often small-scale and more informal systems for domestic timber supply. Moreover, the needs for forest products by local community are often assumed to be primarily subsistence-based. This bias affects the local economic development opportunities. Hence, upholding the national laws under the FLEGT banner may enhance the existing power imbalances in legal use of forests. Consequently, there is no guarantee that enforcing laws will improve the welfare of the poor. The challenge is therefore how to link law enforcement on timber production with pro-poor reform; this often requires new institutional tools and mechanisms (Kaimowitz, 2003; Adrian Wells, 2006). For VPAs to be effective, the improvement of governance is a core issue.

Consequently, the European Council would like a VPA to be a policy instrument that, not only regards timber legality, but also "*strengthen land tenure and access rights especially for marginalised communities, strengthen effective participation of all stakeholders, notably on non-state actors and indigenous peoples in policy making, increase transparency and reduce corruption*". Such a combination of objectives is not to be taken

¹ The programme is funded by the WUR/DGIS Partnership Programme and coordinated by the Forest and Nature Conservation Policy group, Wageningen International and Tropenbos International. Several research organizations in Indonesia are involved in additional studies in Indonesia.

² The report of the seminar can be found in Appendix 1.

for granted. As evident from the discussions at the Wageningen 'IoI' project seminar in June 2009, the impact of timber legality enforcement on local livelihoods potentially can have both positive and negative effects (Table 1).

Table 1 Potential impacts of timber legality enforcement on local livelihoods

Positive effects	Negative effects
<ul style="list-style-type: none"> • Less dependency on illegal loggers • Improvement of forest conditions increasing natural livelihood assets • Legalization of small-scale forest activities • Better enforcement of forest-related rights of local people 	<ul style="list-style-type: none"> • Less employment in and income from illegal logging • Enforcement of 'anti-poor' aspects of forest laws <ul style="list-style-type: none"> ◦ Legal denial of customary rights of forest use ◦ Enforced ban on small-scale technologies such as chainsaw logging ◦ Focus on technical issues of legal timber production and tracking systems without consideration of benefit-sharing mechanisms • Empowerment of government bureaucracy resulting in lack of administrative justice

In view of these potentially diverse impacts of timber legality enforcement on local livelihoods, an important question is how the concept of timber legality is interpreted.

It is possible to distinguish three different approaches:

- A law enforcement approach focusing on the identification and enforcement of a timber licensing scheme for controlled origin of timber, timber exploitation by legally recognized logging companies according to prescribed operational procedures and timber tracking.
- A benefit-sharing approach focusing on the identification and enforcement of a legally-defined benefit-sharing mechanism with due attention to just sharing of benefits between logging companies, forest land owners and local communities, as well as proper payment of timber permit rights and export fees to the government.

- A rights-based approach focusing on the identification and enforcement of socially-just access and ownership rights of local communities to forest lands.

Within the framework of contributing to poverty alleviation, timber legality schemes should not just be focused on a law enforcement approach, but also on benefit-sharing and rights issues.

Timber legality and livelihood issues in Ghana

Livelihood consideration in the Ghana forest policy

The 1994 Forest and Wildlife Policy of Ghana explicitly recognizes the rights of local communities to benefit from the forest resources in their daily livelihoods. This policy explicitly states (Marfo, 2009a):

- The Government of Ghana recognizes and confirms the right of people to have access to natural resources for maintaining a basic standard of living and their concomitant responsibility to ensure the sustainable use of such resources.
- A share of financial benefits from resource utilization should be retained to fund the maintenance of resource production capacity and for the benefit of local communities.

These stipulations are reflected in a complex legal structure regarding the rights to forest lands and products in Ghana. This legal structure combines elements from statutory and customary legal systems and includes a distinction between land tenure and tree tenure rights (Amanor, 1999; Owuba et al., 2001; Otsuka et al., 2003; Akyeampung Boakye and Affum Baffoe, 2008; Dabrowska, 2009; Marfo, 2009a). In considering the scope and potential impact of timber legality on local livelihoods, it is necessary to give attention to the repercussions of this complex legal structure on the rights and benefit-sharing mechanisms for timber and other forest products.

Access and ownership rights to forest lands and products

With regard to access and ownership rights to forest lands and products in Ghana, there exists a distinction between the tenure arrangements for land and for trees (Amanor, 1999; Marfo, 2009a). The land tenure rights are governed by a combination of both statutory and customary laws. The formal ownership of lands in Ghana is based on a division between public lands and stool lands under allodial title by traditional chiefdoms and clans. The public lands concern either lands that were officially acquired by the state from the allodial owners or vested lands for which the legal title is transferred to the State, whilst the beneficial interests rest with the community. The formal permanent forest estates established by the state concern such vested lands in which the land continues to be the property of the community, while the government manages it for the collective good of the public.

The use of the lands with allodial titles is governed by a system of customary tenure. This system includes two types of freehold. Customary freehold refers to the rights of a member of traditional communities to lands that he cultivated as the first person or that were allotted to him by the community leaders. And common freehold refers to the rights for 'strangers' after having received land as a gift from the chiefs or his elders.

In addition to the land tenure rights, there exists a separate system of tree tenure rights. The rights of ownership and access to trees vary depending on whether the tree is naturally growing or planted. According to the (Timber) Concession Act of 1962 all naturally growing trees are vested in the President in trust for the traditional chiefdoms. Consequently, the State has the formal right to control and manage these tree resources, including allocation of logging rights. However, the statutory law recognizes customary access and use rights on forest products for domestic purposes. These rights do not only concern trees in the forest reserves, but also trees on farmer fields. Notably in the widespread cocoa plantations trees are commonly maintained for micro-climate regulation (Asare, 2005; Slesazeck, 2008). Although farmers are allowed to select which trees should be removed or maintained on their farms during clearing for cultivation, they have formally no rights to fell commercial trees on their farms. However, in respect of planted trees on freehold lands, ownership rights of the planter are recognized.

In 1997 a new Timber Resource Management Act redefined what lands are subject to state-issued timber utilization rights. According to this Act, no timber rights can be granted on farmlands without written authorization of the farmer(s) involved, or on lands with private plantations or privately grown timber. These new legal provisions in principle increased the rights of local people over timber resources on their lands.

Forest benefit-sharing mechanisms

The legal pluriformity regarding forest use with a differentiation in land and tree tenure conditions and a combination of both statutory and customary rights has resulted in a complex system of benefit-sharing from timber exploitation. Formally, the government has the sole right to decide over commercial exploitation of natural forests. For timber logging, they issue logging permits to timber companies holding a formal Timber Utilization Contract (TUC). The net benefits from the revenues received by the state from these timber sales are distributed to the traditional stool authority (45%) and the District Assembly (55%) responsible for the administrative region where the stool lands are situated (Marfo, 2009a).

Officially, the government, in consultation with the land owner, has also the right to control timber exploitation on farm lands. In practice, however, on the off-reserve lands often a more informal system of timber exploitation through so-called chainsaw logging operators take place. These small-scale operators do not hold an official Timber Utilization contract. They normally negotiate timber sales with individual farmers; but

also cases of timber cutting without permit of the farmers are not uncommon. Since the publication of the 1998 Timber Resources Management Regulations chainsaw logging is formally illegal, but it is still widespread and supplies most of the domestic timber market (Hansen and Treue, 2008; Marfo 2009b).

Thus, within the Ghanaian forestry policy system explicit attention is given towards the sharing of benefits of timber production. In practice, most attention is often given to the benefit-sharing mechanisms for the customary authorities formally holding land ownership rights. In the Ghanaian Constitution, it is stipulated that these customary authorities should act on the basis of being a trustee or custodian of the land with the obligation to discharge their functions for the benefit of the people and be accountable as fiduciaries in this regard (Marfo, 2009a). However, there is no explicit legal stipulation that (part of) the timber revenues received by the stool authorities should be invested in the local communities. Hence, when it comes to benefit-sharing of the royalty payments, there is an ongoing discussion in Ghana on whether the timber revenues should be partly (re)allotted by the traditional authorities and/or district authorities to local communities (Opoku, 2006; Marfo, 2009a).

In order to ensure further community benefits from timber production, on the basis of the 1994 Forest and Wildlife Policy, several initiatives have been undertaken to further stimulate community involvement in forest management and benefit-sharing. The two most important initiatives concern the introduction of the Social Responsibility Agreements and the introduction of collaborative forest management in the form of the Modified Taungya System. The first initiative concerns a new regulation that stipulates that before being granted a logging permit, timber contractors need to negotiate an agreement on the provision of specific social facilities and amenities to the local inhabitants of a proposed logging area (Ayine, 2008). The second initiative concerns new approaches towards benefit-sharing in tree plantation schemes on reserved forest lands (Blay et al., 2008).

The Taungya system involves a reforestation system in which farmers are temporarily given a plot of forest land to plant forest trees and to produce food crops. The farmers had the rights to the food crops, but the trees remain the property of the management organisation. Originally, the revenues from the timber produced under this scheme was distributed between the Forestry Commission having the management responsibility over the forest reserves (60%), the District Assembly and Administrator of stool lands representing the land owners (24%), and local community groups and customary freehold landowners (16%). However, in order to allow more local livelihood benefits, the new Modified Taungya System officially allocates only 40% to the Forestry Commission, 20% to local communities groups, and 40% to the farmers participating in the scheme (Marfo, 2009a).

Although these schemes indicate that efforts have been undertaken to increase the benefits of timber management and exploitation for local communities, the experiences with these schemes are still mixed. Major difficulties concern the different status of access to natural resources of original inhabitants and migrants, as well as the *de-facto* benefit distribution between local communities and traditional authorities (Marfo, 2009a). In order to better understand how the various provisions on forest benefit-sharing impact on the actual livelihoods of different categories of local people, recently several studies have been started (e.g. Wiggins et al., 2004; Ardayfio-Schandorf et al., 2007; Antwi, 2009). These studies will provide important base-line information on the actual processes of forest benefit sharing in Ghana.

Table 3 Different types of legally-recognized timber production systems in the forested landscape of Ghana

Legal status of land	Forest reserve	Off-reserve lands
Legal status of timber trees		
Naturally grown trees	Official forest reserves with natural forests	Off-reserved lands with agroforestry systems involving naturally-grown timber trees, e.g. cocoa forest systems
Planted trees	Collaborative managed reforestation areas in official forest reserves	Off-reserve forest with tree plantations, e.g. private or community teak (<i>Tectona grandis</i>) plantations

Table 4 Legal characteristics of different timber production systems

Production system	Land and tree ownership	Management responsibility	Revenue sharing mechanism
Official forest reserves with natural forests	Formally designated reserves under customary ownership	Forest service Timber extraction contracted to TUC holding firms	Formal benefit sharing between government and traditional

	Trees vested in President		authorities Social responsibility agreement benefits of logging companies
Collaborative managed reforestation areas in official forest reserves	Formally designated reserves under customary land ownership Planted trees with benefit-sharing rights for tree planters	Forest service in collaboration with local community Timber extraction contracted to TUC holding firms	As above with added benefits to farmers participating in the reforestation scheme
Off-reserved lands with agroforestry systems	Customary land ownership with use rights for farmers Trees vested in President	Farmers Timber extraction formally to be contracted to TUC holders	Benefits for farmers subject to customary benefit-sharing arrangements
Off-reserve forest with tree plantations	Customary land ownership with use rights for farmers Planted trees owned by planter	Farmers Timber extraction formally to be contracted to TUC holders	Benefits for tree planters/woodlot managers

Variation in timber production systems

From the foregoing, it can be concluded that there are two main legal principles governing the management and benefit sharing arrangements, i.e. the legal status of the lands in the form of reserved forest lands versus off-reserve lands, and the status of the timber trees being either naturally-grown or planted. Consequently, within the forested landscapes four main timber production systems can be distinguished (Table 3). They differ in respect to land and tree ownership, management responsibility and revenue sharing mechanisms (Table 4). Officially, timber exploitation in all four production systems is only allowed by timber companies with a formal Timber Utilization Contract (TUC) stipulating the obligations for ecologically sound and socially responsible harvesting systems. Under the TUC system only large-scale mechanized harvesting techniques are allowed, and the small-scale so-called chainsaw logging and manufacturing systems are officially outlawed as being inefficient and difficult to control.

This means that in practice TUCs are mainly awarded to commercial timber enterprises operating mostly in the official forest reserves. Notwithstanding the illegality of small-scale chainsaw logging, this practice is still common on the off-reserved lands (Hansen and Treue, 2008; Marfo, 2009b). Whereas the timber produced under the TUC system mostly concerns timber for export, the timber produced by chainsaw logging is predominantly for domestic use. At present, most timber exploitation is still focused on naturally grown timber. But the natural resource timber base is highly overexploited, as a result of the unduly high capacity of the timber manufacturing industries, including sawmills (Hansen and Treue, 2008). As a result, within the framework of sustainable forest management, not only legal timber extraction following principles of annual allowable cutting quota are essential, but also measures to stimulate new resource creation.

Consequences for the VPA Ghana process

In view of the present legal status of timber production in Ghana, there are two major governance issues requiring attention for making the forestry sector ecologically more sustainable and socially responsible to local community needs (see also Mayers et al., 2008):

1. Better control of the legal standards for timber extraction: Such controls should not focus only on technical issues such as the control on area of origin and adherence to allowable cutting quota as well as effective timber tracking, but also on social issues such as proper adherence to social responsibility agreements and equitable distribution of benefits between traditional authorities and local communities. The implementation of such controls does not only require a professional organization with proper technical and legal skills, but also a system of access of all relevant stakeholders to legal administration, in the case that the technical controls and benefit-sharing arrangements are wrongly implemented.
2. Further adaptation of forestry laws in order to address the existing legal ambiguities:
 - a. Streamlining of the very complex legal regulations with a mixture of statutory and customary laws and regulations regarding access to and benefit sharing in respect of exploitation of timber as well as non-timber forest resources. In addition, also the legal conditions regarding creation of new forest resources need further attention.
 - b. Reconsideration of the dual-economical nature of the timber sector with export timber being produced in official forest reserves under a concession system subject to legal norms, and domestic timber being produced on village and private lands under (illegal) chainsaw logging arrangements.
 - c. Further adaptation of legal frameworks on timber exploitation to a legal framework on sustainable forest management. Whereas the legal framework on timber exploitation only concerns arrangements on rights and responsibilities regarding proper timber extraction, the legal framework for

sustainable forest management should also include arrangements on rights and responsibilities concerning forest management practices. Such practices do not only involve timber extraction practices, but also silvicultural practices for creating new timber resources and enhancing timber production capacity.

These issues have been acknowledged in the Ghana VPA process (Bird et al., 2006 & 2008; Attah et al., 2009; Beeko, 2009). The agreement does not only identify a FLEGT licensing system for legally-produced export timber, but also several provisions on supporting measures and stakeholder involvement. These provisions indicate that there is a need for further adaptation of the export-oriented legality system to include also domestic timber production, and the need for further stimulation of stakeholder involvement and development of social safeguards. As indicated by these provisions, it is suggested that the Ghana VPA implementation process will consist of two kinds of activities:

- The technical implementation of the proposed FLEGT licensing system
- A new round of policy reform identification and formulation to further adjust the existing legal regimes to newly arising concerns on good forest governance and sustainable forest management.

The identification of these dual activities, indicate that the Ghana VPA is in essence focussed on stimulating a process of policy learning (Owusu, 2009) rather than on simple implementation of a legal timber licensing scheme. In this context it is possible to distinguish two types of policy learning processes:

- Single-loop learning: a process of technical learning about the efficient and effective implementation of policy (legal) instruments without questioning the nature of the fundamental legal regime in respect to its unforeseen impacts or unsolved problems
- Double-loop learning: a process involving conceptual learning about goals and strategies by questioning the fundamental design, goals and activities of the existing legal regimes and social learning about e.g. responsibilities of different categories of stakeholders and appropriate ways of interacting between public and private organizations.

When considering the need to improve legality issues, single-loop learning is normally the common approach to policy implementation. However, as demonstrated by the fact that the FLEGT process includes references to legality and governance issues, the FLEGT process is in essence focused on stimulating double-loop learning. The inclusion of provisions regarding the need to ensure that not only export timber but also domestic timber is produced legally, as well as the need for further policy adjustment illustrates that the Ghana VPA also emphasizes the need for double-loop learning. An important challenge will be to further develop such a double-loop policy learning process and not to get trapped in a technical single-loop policy implementation process focused on the FLEGT licensing only. In this context, specific attention needs to be given to effective

follow-up of stakeholder involvement in the policy implementation phase. Whereas during the phase of the identification and formulation of the Ghana VPA an intensive process of stakeholder participation took place, still further thought need to be given to stakeholder involvement in the VPA implementation phase in the form of both participatory monitoring and evaluation of the implementation of legality standards and their impacts, as well as in the form of new discussion platforms on policy reforms..

It is interesting to observe that several of the issues discussed in the Ghana VPA process are also under discussion in other stakeholder discussion platforms. In response to the call for better forest governance in Ghana, various programmes have been started to stimulate communication and negotiation between government organizations, civil society groups, market organizations and local communities. The different initiatives in setting up natural resource management and development programmes and organizing stakeholder platforms provide a good basis for further policy interaction and stimulation of the double-loop policy learning process.

Research programme of the 'Illegal or Incompatible' programme

Considering the objectives of the FLEGT/VPA process, the legal and actual field conditions of timber production in Ghana, and the experiences already gained with the FLEGT/VPA process in Ghana, the 'Illegal or Incompatible' programme has identified two main fields of research (Table 5). In the first place, it is considered that it is important to get a better overview of the legal status and livelihood impacts of the different timber producing systems within the forested landscapes. Specific attention is given to the impact of access rights and benefit-sharing mechanisms on local livelihoods, and on the issue of social safeguards. In the second place, attention is given to the nature of the Ghana VPA governance process. Special attention is given to the question of how different stakeholders, including local communities, are involved in the policy communication and negotiation process during the various phases in the VPA policy cycle from problem identification and policy formulation to subsequent policy implementation and further policy evaluation and reformulation.

Table 5 Main types of studies carried out by the 'Illegal or Incompatible' programme.

Main topic	Main type of study	Specific focus
Assessment of interactions between timber legality and local livelihoods and identification of	Landscape level analysis on community needs and perceptions	Main differentiation between <ul style="list-style-type: none">• forest reserves and off-reserve timber producing lands• naturally regenerated trees versus planted trees

social safeguards		
	Landscape level assessment on local practices for accessing forest resources	<p>Three types of access arrangements:</p> <ul style="list-style-type: none"> • Formal legal regulations • Informally developed local working regulations • Illegal activities
	Development of scenarios for legality and sustainable forest management in Ghana	<ul style="list-style-type: none"> • Identification of different options for organization of rights and responsibilities for timber production • Assessment of impact of different options on forest resource and livelihood conditions
Assessing the nature of the Ghana VPA governance process	Assessing the nature of the Ghana VPA process	Evaluation of the Ghana VPA process as example of interaction between global standards and local policy practices
	Assessing community/civil society access to the VPA communication and decision-making process	<p>Depending on phase in policy cycle:</p> <ul style="list-style-type: none"> • Problem identification and policy formulation phase • Implementation phase • Monitoring and evaluation phase
	Action research to identify options for improved governance mechanisms	In collaboration with FC/FORIG/TBI Illegal chainsaw logging project main focus of chainsaw logging policies

In addition to the studies of the 'Illegal or Incompatible' programme, there are several related studies ongoing in Ghana. These thematically-linked studies have mainly been initiated by Tropenbos International Ghana, and focus on assessing the impact of different arrangements for timber exploitation and forest management on local livelihoods (Box 1). This network of research and development programmes provides a

rich database on the livelihood conditions in different parts of forested landscapes as well as the access rights to and benefit-sharing mechanisms for timber and other forest resources in these landscape zones. The 'IOI' programme aims at a further integration of this information and compilation of these research findings for science-policy dialogue.

Box 1 Research programmes thematically related and organizationally linked to the 'Illegal or Incompatible programme

- FC/FORIG/TBI Developing alternatives for illegal chainsaw logging through stakeholder dialogue
- UvA/KNUST/TBI-Ghana Governance for sustainable forest-related livelihoods in Ghana's High Forest Zone programme
- TBI-Ghana/Univ. Freiburg/ITC/FORIG cooperative programme on Management of timber resources in on-farm/off-reserve areas
- TBI Ghana/FLD Denmark programme on Governance of timber trees in Ghana with emphasis on off-reserve situation
- TBI Ghana/RMSC (FC) – Forest rights administration implications on local livelihoods.

Finally, the experiences gained with the Ghana VPA process will also be compared with the experiences of the VPA process in Indonesia. It is expected that in this way, the research programme will not only be of benefit to the forest governance development process in Ghana, but will also provide lessons regarding the scope of using international policy standards for stimulating national forest governance processes.

Conclusion

As a result of the FLEGT/VPA process in Ghana policy interests in assuring legal timber production has been increased. It is also acknowledged that such timber legality should not only concern export timber, but also timber for the domestic market. As most of the domestic timber is at present produced through illegal chainsaw operations, the need for further change in the legal regulations on timber production are recognized. It is also recognized that social safeguards are needed to ensure that the legal provisions do not have undesirable effects on local livelihoods. Also in this context further adaptations in the legal systems regarding access rights to and benefit sharing mechanisms from timber are needed. Consequently, the FLEGT/VPA process in Ghana is conceived off as a double-loop policy learning process involving a combination of implementation of a timber licensing system, and further evolution of a multi-actor forest governance system ensuring equitable access rights to forest resources and safeguards for socially-responsible benefit-sharing.

References

Adrian Wells, C. L. (2006). Public Goods and Private Rights: the illegal logging debate and the rights of the poor . ODI Forestry Briefing , p. 5.

Akyeampong Boakye K. and Affum Baffoe, K. (2008) Trends in forest ownership, forest resources tenure and institutional arrangements. Case study from Ghana. In: Understanding forest tenure in Africa: opportunities and challenges for forest tenure diversification. FAO, Rome, Forestry Policy and Institutions Working Paper No. 19, p. 151-174.

Amanor, K.S. (1999) Global restructuring and land rights in Ghana. Forest food chains, timber and rural livelihoods. Nordiska Afrikainstitutet Research Report No. 108.

Antwi, P.K. (2009) Assessing the livelihood dependence of local communities on ecosystem services in the Bobiri forest area of Ghana. MSc thesis, Wageningen University, the Netherlands.

Ardayfio-Schandorf, E., Yankson, P.W.K., Asiedu, A.B., Agyei-Mensah, S. and Morgan Attua, E. (2007) Socio-economic perspectives of off-reserve forest management in the Goaso Forest District of Ghana. Woeli Publishing Service, Accra, Ghana.

Asare, R. (2005) Cocoa agroforests in West Africa. A look at activities on preferred trees in farming systems. Forest & Landscape Working Papes No. 6, Forest & Landscape, Horsholm, Denmark.

Attah, A., Ioras, F. Abrudan, I.V. and Ratnasingam, J. (2009) The Voluntary Partnership Agreement: the Ghanaian and Malaysian experience. International Forestry review 11(3): 311-318.

Ayine, D.M. (2008) Developing legal tools for citizen empowerment: social responsibility agreements in Ghana's forestry sector. Report International Institute for Environment and Development, London, UK.

Beeko, C. (2009) the EU's policy with respect to imports of illegally harvested timber and the Commission's regulation on the matter – an African perspective. Paper International Conference on external aspects of EU Sustainable Development Strategy, Brussels, January 28, 2009.

Bird, N., Fomete, T. and Birikorang, G. (2006) Ghana's experience in timber verification system design. VERIFOR Case Study. Overseas Development Institute, London, UK, 12 p.

Bird, N., Fomete, T. and Birikorang, G. (2008) Ghana: tackling governance reform through system design. In: D. Brown et al (eds) Legal timber. Verification and governance in the forest sector. Chapter 12. Overseas Development Institute, London, UK, p. 147-154.

Blay, D., Appiah, M., Damnyag, L., Dowomoh, F.K., Luukkanen, O. and Pappinen, A. (2008) Involving local farmers in rehabilitation of degraded tropical forests: some lessons from Ghana. Environment, Development, Sustainability 10: 503-518.

Dabrowska, M.,(2009) Access to timber trees for commercial purposes in off-reserve areas in Ghana. MSc thesis, Wageningen University, the Netherlands.

Hansen, C.P. and Treue, T. (2008) Assessing illegal logging in Ghana. *International Forestry review* 10(4): 573-590.

Kaimowitz, D. (2003) Forest law enforcement and rural livelihoods. *International Forestry review* 5(3): 199-210.

Marfo, E. (2009a) Security of tenure and community benefits under collaborative forest management arrangements in Ghana. A country report. Accra, Ghana, 81 p.

Marfo, E. (2009b) Chainsaw milling in Ghana. An overview of the issues. Tropenbos International, Wageningen, the Netherlands & Kumasi, Ghana, 12 p.,

Mayers, J.; Birikorang, G., Danso, Y.E., Nketiah, K.S. and Richards, M. (2008) Assessment of potential impacts in Ghana of a Voluntary Partnership Agreement with the EC on forest governance. Report International Institute for Environment and Development, London, UK.

Opoku, K. (2006) Forest governance in Ghana: an NGO perspective. Forest Watch Ghana, Accra, Ghana.

Otsuka, K., Quisumbing, A.R., Payongayong, E. and Aidoo, J.B. (2003) Land tenure and the management of land and trees: the case of customary land tenure areas of Ghana. *Environment and Development Economics* 8: 77-104.

Owuba, C.E., Le Master, D.C., Bowker, J.M. and Lee, J.G. (2001) Forest tenure systems and sustainable forest management: the case of Ghana. *Forest Ecology and Management* 149: 253-264.

Owusu, B., (2009) The dynamics of multi-stakeholder processes in the negotiation of Voluntary Partnership Agreement in Ghana. MSc thesis, Wageningen University, the Netherlands.

Slesazeck B., (2008) The role of timber trees in the livelihood strategies of farmers in Ghana's high forest zone. MSc thesis, Wageningen University, the Netherlands

Wiggins, S., Marfo, K., and Anchirinah, V. (2004) Protecting the forest or the people? Environmental policies and livelihoods in the forest margins of Southern Ghana. *World development* 32(11): 1939-1955.