

Negotiating Access to Forests: The interrelation of Property and Authority at the Development Frontier of the West Gonja District in Northern Ghana



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August 2015

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August 2015

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DECLARATION

I declare that this thesis entitled **Negotiating Access to Forests: The interrelation of Property and Authority at the Development Frontier of the West Gonja District in Northern Ghana** is presented to Wageningen University, The Netherlands in partial fulfillment of the requirements for the award of a Master of Science (MSc) International Development Studies programme (MID). With the exception of quotations and references from other authors, which I have duly acknowledged and the help of my supervisor, this thesis is entirely my product. I am therefore responsible for any errors or omissions which may arise from it.

Benhardt Edem Kofi Norglo

Signature.....

(Student)

Date.....

Dr. Michiel Kohne (Supervisor)

Signature.....

Wageningen University

Date.....

DEDICATION

I dedicate this thesis to my mum Virginia Mbo Dumolga who has been my pillar all these years and the indigenes of the West Gonja District who opened up to share with me events that transpired at the frontier.

ACKNOWLEDGEMENT

First I am grateful to Yeshua HaMashiach for making this study and thesis possible. My health and my strength has not waned over the period. A failure of these two I would not have been able to fully finish up my thesis.

Secondly, I express my gratitude to the Nuffic Fellowship Programme for supporting this study from scratch to the end. I must say, I have gained a lot of insight in my two year study here in the Netherlands. The experience is invaluable.

My sincerest gratitude goes to my supervisor Dr. Michiel Kohne who has devoted time to ensure that supervision of my work is possible within the limited time I found myself in. His guidance, suggestions and critique of my work has been very valuable. I am confident that by his approach of looking into my work, my new interest as a burgeoning writer is about blossom. I am grateful to Dr. Sudha Loman, my Study Advisor who put me on my toes the very moment I arrived in this University. I remember her telling me “Edem, if you are used to people doing things back at home for you, then am sorry. You have to do everything by yourself here”.

Lastly I thank my mum, Virginia Mbo Dumolga and the entire Dumolga family who have never ceased to pray for me ever since I left the shores of Ghana. May the Almighty God richly bless you all.

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LIST OF ABBREVIATIONS

BIN	-	Bureau of National Investigations
CID	-	Criminal Investigation Department
DCD	-	District Coordinating Director
DCE	-	District Chief Executive
FC	-	Forestry Commission of Ghana
FSD	-	Forest Service Division
GH¢	-	Ghana Cedis
GoG	-	Government of Ghana
Hon.	-	Honourable
Km	-	Kilometers
No.	-	Number
SADA	-	Savannah Accelerated Development Programme
Sq km	-	Square Kilometers
TIDD	-	Timber Industry Development Division

SUMMARY

This thesis is structured in four chapters. In chapter one, I provide a background of the research in which I explain that the illegal logging leads to environmental degradation and deforestation. It also affects the rural populations, especially subsistence farmers who depends on forests for their livelihoods. I briefly explain how access to forests is beginning to change with the emergence of a frontier in the West Gonja District. I also briefly discuss how access to forests is governed as new actors emerge at the frontier, and local practices collide with contemporary market opportunities. In this chapter, I introduce the concepts and theories upon which the entire thesis is written around.

The second chapter is the theoretical framework. In this chapter, I review literature from different authors on the theories of governance, access, property and legal pluralism. The chapter discusses governance as a “messy” process that requires detail observation of practices as they occur in local communities. It presents access, in line with other cited authors’ views as the ability to benefit from a resource. This chapter also argues the interrelation between property and authority, as well as access. The framework establishes that, in order to understand deforestation at the development frontier, these concepts of access, property, and legal pluralism need to be examined together to provide a clearer understanding of how forests are governed.

Chapter three contains the presentation of data gathered from the field and the analysis. The chapter shows how access to property (forests) is determined in the West Gonja District prior to the emergence of the frontier and onset of the frontier. The chapter argues that access to forests was more liberally allowed prior to the road construction project of 2011-2014. With the commoditization of the rosewood species of wood after the road project begun, access to forests begun to change. In this chapter, I show the interrelation between property and authority and how traditional authorities (chiefs) magnified their power by levying other actors who seek access to property. I show that a patron-client relationship, violence, deceit and shedding of responsibilities by authorities characterizes the frontier.

Chapter four is the discussion and conclusion. Here I state that the emergence of the frontier is characterised by a number of factors; the road project, the discovery of the rosewood species, the intrusion of new actors, ready market and the redefining of property and access. I suggest that although no single law gains prominence in legally pluralistic localities, in the case of the frontier, it was one law that gain prominence. However, this prominent customary law was concealed by the deliberate referral by authorities to other authorities, thus shifting attention away from a dissection of the prominent laws. Authorities’ refusal to also accept responsibility for the governance of forests sustains an effort to deny the prominence of a single law. This situation leads to the superficial observation of the absence of a dominant law in a legally pluralistic frontier.

CHAPTER ONE - INTRODUCTION

1.1 Background

All over the world, illegal logging has been observed to cause degradation of forests leading to deforestation and revenue loss to many governments (Contreras-Hermosilla, 2002; Hansen, Damnyag, Obiri, & Carlsen, 2012; Hardus, 2010; Richards, Wells, Del Gatto, Contreras-Hermosilla, & Pommier, 2003). The Philippines is observed to have lost an estimated \$1.8 billion as a result of illegal logging activities (Contreras-Hermosilla, 2002). Illegal logging tends to be the result of many factors, including government policies which get circumvented by loggers, ready market for illegal logs, corruption, clearing of land for agricultural purposes and settlement purposes, local traditional practices like harvesting logs for fuelwood, swidden farming, among other reasons (Amanor, 2004; Azuela, 2006; Goncalves, Panjer, Greenberg, & Magrath, 2012). The effects of illegal logging, leading to deforestation has resulted in the call from multilateral and donor organizations, as well as NGOs to resource rich countries urging them to pursue policy revisions that will address issues of illegal logging (Hardus, 2010).

In Africa, the causes of illegal logging are not peculiar, as they tend to be similar to what pertains in other parts of the world. In his study of participatory forest management in West Africa Amanor (2004) observes how timber corporations organize local community groups under the guise of protecting forests whereas these groups are actually being used by these corporations to carry out the illegal exploitation of forests. In Cameroon and Liberia, inadequate administrative management of the forest sector, corruption on the part of some public officials, poorly resourced law enforcement staff, among other factors account for illegal logging (Puustjärvi, 2006).

In Ghana, illegal logging often tends to be attributed to chainsaw operators who carry out their activities with some collaboration from urban merchants or financiers (Sarfo-Mensah, 2005). However, fact still remains that illegal logging thrives everywhere because loggers have ready market for their harvests. Hardus (2010 p.45) observes that illegal logs harvested from Ghana are often consumed by countries in the European Union (EU), the United States of America (USA), Asia, Middle East and parts of West Africa.

In the West Gonja District in the Northern Region of Ghana, illegal logging is not only leading to deforestation. It is also affecting the livelihoods of local populations and redefining access to property for subsistence farmers and other actors. A new wave of illegal logging begun with the emergence of a frontier where local practices collide with modern infrastructure and new market opportunities. With the emergence of the frontier, some farmers are unable to have total access to their farmlands because loggers fell trees on their farms and leave them for these farmers to clear. These loggers who often secure access to forests and forested farmlands through the approval of some authorities fail to clear remnants of trees that have been felled on farms. Farmers therefore face the challenge of accessing farmlands as the sizes of some farms have reduced due to abandonment of felled trees by loggers. Some farmers are adapting by weeding around the remnants of felled trees in their farms whilst others intend to relocate to entirely newer farm plots¹. Meanwhile, illegal loggers and merchants, comprising mostly of people from outside the district are intensifying logging activities in the district and redefining access to forests for local populations in the process.

¹ Observations and interviews with farmers on 5th April, 2015 in Poposu

Illegal loggers and merchants establish relations with traditional authorities and other public security officials at district level, thus making it possible for them to secure access to forests (Arocha, 2014; Daily Guide, 2013, April 8), some of which happen to be farmlands of subsistence farmers. Merchants and illegal loggers would usually visit the traditional authorities (chiefs and sub-chiefs) and seek their approval to fell specific species of timber. These Loggers often carry with them cola-nuts and an amount of GH¢10 (US\$5) to GH¢20 (US\$11) upon their first visits to chiefs as a form of introduction. An approval from these traditional authorities comes with the condition that loggers would pay an amount of GH¢500 (US\$263) and other times GH¢1000 (US\$526)² per track-load of wood. The amount of money made from logging attracted the youth, making them to abandon subsistence farming and turn to logging for an alternative livelihood.

The activities of illegal loggers and other anthropogenic events, leading to changes in the environment and subsequent effects on subsistence farming led to two separate bans on logging activities in the West Gonja District. The first ban was in January 2012, which was lifted in May the same year and then again in January 2014 (A rocha Ghana, 2014). Although there is currently a ban as A rocha Ghana (2014) puts it, some companies have been given permits by the Forestry Commission to continue collecting billets until September 2014. The activities of these companies and subsequent engagement of some indigenes as loggers led to the redefining of access and reinforced the relationship between property and authority.

Governance of forests and illegal logging activities at the frontier are directly attributed by local communities to local authorities, mostly chiefs who are at the center of receiving “approval sums” and giving the nod for logging to take place. However, within the West Gonja District, several authorities exist, and each of them is capable of determining access to forests depending on how it places itself in negotiating with other actors. Apart from the chiefs (traditional authorities), other authorities that are able to negotiate access at the frontier are the Forestry Services Division (FSD), the West Gonja District Assembly, management of the Mole National Park, and other authorities as would be discussed later in chapter 3.

1.2 Research Approach

I approach this study from the anthropology of law perspective. In order to understand how illegal logging is carried out at the frontier, it is imperative for me to understand and explain what the frontier really entails by examining it holistically. By examining the frontier holistically, I seek to understand the factors that drive access to forest, how property and authority are perceived by locals, especially subsistence farmers, and the multiplicity of laws that coexist at the frontier. For instance, what factors accounts for a thriving illegal logging regime at the frontier given the presence of authorities like chiefs and the District Assembly. In discussing illegal logging, I further examine how property and authority are interrelated at the frontier. The practices and codes of conduct emanating from the interrelation between property and authority define the manner in which forests are governed. I will therefore discuss what governance of forests at the frontier entails by first expounding briefly on how I use the term illegal logging in this research. I then proceed to discuss the key concepts upon which I build this research, namely the frontier, governance, property, access, and legal pluralism.

Illegal logging is quite a broad concept. However, many scholars explain it to incorporate felling trees without permits, felling trees in protected areas, securing permits to fell in some areas whilst felling in

² Using exchange rate date of January 31, 2013 from freecurrency.com

other areas for which permits were not obtained, understating number of trees felled, transporting of any such unapproved timber, inter alia (Amanor, 2004; Suich & Tacconi, 2012). Brack, Gray, and Hayman (2002 p.12) state that “illegal logging takes place when timber is harvested, transported, bought or sold in violation of national laws.” In discussing illegal logging at the frontier, I consider all these irregularities as they emerge. However, as would be seen later in chapter 3, the illegal logging at the frontier tended to mostly take the form of falsification of permits and felling of unapproved species of timber.

1.2.1 The Frontier

The frontier is discussed by Brando, Coe, DeFries, and Azevedo (2013) in terms of an agricultural space where several stakeholders can be found. They also describe it as a space where a contradiction of events are taking place, for instance, high deforestation as a result of the activities of farmers and low deforestation due to policies that seek to improve agricultural practices from the part of government. It is generally a space riddled with several dynamics such as market dynamics, policy dynamics, and a clash of several practices within a locality. For Otsuki (2011) the frontier is characterised by spontaneous movements that make it virtually impossible for state control. Otsuki adds that both state and non-state actors are embroiled in negotiations to gain and claim authority at the frontier. This study discusses the frontier from similar perspectives expressed by these authors (Brando et al., 2013; Otsuki, 2011). In this research, I discuss illegal logging at the frontier by examining the multiplicity of actors that exist at the development frontier and the inability of state law to take the center stage because of the pluralism of laws at the West Gonja District. I also discuss the frontier in terms of how these multiplicity of actors renegotiate access to property with authority thereby determining the governance of forests in the West Gonja District.

1.2.2 Governance

Governance in this research is not used within the context of centrality of state power and control of institutional processes by a centralized government. It is used within the context of practices by authority and other actors within and outside the frontier. These practices result in the determination of access to forest by subsistence farmers, loggers and other actors, and how access to forests is determined by authority. Larson and Soto (2008 p.214) define “governance as the formal and informal institutions through which authority is conceived and exercised”. Walters (2004) states that governance is about the processes of rule, self-governing networks, social change and a decline in central government authority in terms of providing for the welfare, prosperity and security of its citizens. Walters stresses that such decline of government authority is as a result of interaction, agreement, networking and deliberate shaping of the process by central government and its agencies along with private sector, parastatal and other non-governmental organisations. Walters’ definition is similar to Franz von Benda-Beckmann, von Benda-Beckmann, and Eckert (2009) who posit that governance entails a move beyond the perceived form of state governance to incorporate the processes and practices through which non-state actors galvanize their practices into a form of law, making their practices binding on other participants or actors. These definitions of governance espoused by these authors is vital to my conceptualization of governance because it encapsulates processes of rule, networks, and social change which all work together to make illegal logging possible at the frontier.

My arguments subsequently in this research hinge on the definitions provided in the preceding paragraphs as I seek to identify and explain the practices, self-governing networks and non-state actors that coalesce around extraction of forests (timber species) in the West Gonja District. Governance is also

essential to my study because it allows me to understand how the diverse actors at the frontier relate to property and authority.

1.2.3 Property

Sikor and Lund (2009) describe property in the contexts of claims that are made to a resource and the appeal by claimants to social, political and legal authority that is built around the resource as a way of legitimizing their claims. Property is therefore a legitimate social relationship (Sikor & Lund, 2009 p.5). This social relationship is however centered around a material object, and to discuss one without the other would provide an incomplete understanding of what is transpiring (Lund, 2002b) at the frontier. In this sense, a resource may not be a property when it has no individuals, society or institutions making claims or appealing to certain authorities to derive benefits from it. It is when different factions of society begin to establish a relationship centered around how to benefit from a resource that it assumes the status of a property. I would argue along with Sikor and Lund (2009) that forests in the West Gonja District are properties. First because subsistence farmers and their families depend on them for their livelihoods. Second, because loggers, traditional authorities and other actors have built social relationships around forests, making it possible for loggers to have access to forests thereby (re)emphasizing the interrelation between property and authority at the frontier. I would also argue that in order to access property at the frontier, illegal loggers tend to identify with authorities that are powerful enough to sanction such access.

1.2.4 Access

Ribot and Peluso (2003 p.153) define access as "... the ability to benefit from things—including material objects, persons, institutions, and symbols". This ability to benefit pervades social relations to include financial/monetary ability, infrastructure, political connections, among other means. Access is examined in this study to encapsulate these different means through which different actors are able to benefit from property (forests).

Access is different from property in that access subsumes property (Ribot & Peluso, 2003; Sikor & Lund, 2009). Individuals, institutions or agencies may establish legitimate social relationships but this does not automatically translate into access. For instance, farmers may have property rights over forest farmlands due to inheritance, purchase, leasehold, or other social relationship. But this right does not automatically translate into access because of the mechanisms through which access can be derived. Ribot and Peluso (2003 p.159-160), as well as Sikor and Lund (2009 p.4), state that access is facilitated by some mechanisms which include "technology, capital, markets, labour, knowledge, identities and social relations". I concur with the writers that access usually requires a conduit, but this conduit could either be separate or linked to the claimants to a property and the claimants of the property in a sometimes complex manner. For instance, illegal loggers in the West Gonja District are either locals or from outside the community. Most of these loggers consult the traditional authorities and other authorities for approval to fell trees. Access is possible for these loggers because they are able to establish social relations with authorities. Access is also made possible because of a ready market for logs partly facilitated by a newly constructed road which makes transportation easier at the frontier. But illegal loggers can also use technology like mobile phones to avoid seeking the approval of traditional authority before logging. For instance, loggers who have connections with merchants who are familiar with the district, fell the trees and contact the merchants to come and buy directly from them without seeing the traditional authorities. So although the road can be a conduit, linking external loggers to traditional authorities, it can also be a channel for escaping payments to these authorities and loggers will still be able to benefit from the resource at the frontier. However, in

general I show through this research that access and property are related and have an interconnection with power and authority just as Sikor and Lund (2009) observe.

It is argued that access and property have a connection with power and authority; such that the ability to benefit (access) from a property by individuals or society is closely related to how power and authority that is built around that resource or property interplay among them (Lund, 2002a; Sikor & Lund, 2009). Lund (2002a) asserts that in defining property and authority, two categorisations can be identified, the claimants on the one part and the political and legal institutions on the other. Claimants would therefore refer to authority when they are making claims to a property. Authority would also refer to other authority, laws or practices to legitimize their authority. For instance, subsistence farmers in seeking to have their property rights legitimized at the frontier would go to a traditional authority or appeal to another authority to prevent a logger from felling trees on their farms. The authority would then decide whether the farmer has the right to use the land devoid of logging activities or whether the logger has the right to fell trees on the land. What happens here is that the farmer by appealing to this authority gives legitimacy to the authority. The authority by sanctioning the use of that parcel of land by the farmer or logger also legitimizes his authority by this act. Hence in the making of property, authority is also being made. In this research, I would look at how claimants being loggers, farmers, and other actors refer to authorities to assert their claims to property. The political and legal institutions (authorities) refer to traditional authorities and other local authorities in the district, and how these authorities make reference to other authorities, state laws, customary laws or properties to legitimize their control over claimants and property. This ability to refer to other authorities in order to legitimize control is attributed to the legal pluralism that prevails at the frontier.

1.3 Legal Pluralism

Legal pluralism is when different laws exist simultaneously interact with each other making it possible for claimants of property rights to refer to any or all of them in the exercise of their claims to a property (Rights, 2002; Franz von Benda-Beckmann et al., 2009). Reference to these different laws by claimants however gains credence when such laws are recognized and accepted by society as the practice or status quo. Fran von Benda-Beckmann, von Benda-Beckmann, and Spiertz (1996) observe that there is no monopoly of power at the local level, because there is always a multiplicity of power in the form of customary law, customary practices, religious law, state law, project law, among a host of others. I would discuss how this multiplicity of authorities, laws, and practices at the frontier determined access to forests and reemphasized the interrelation between property and authority in the West Gonja District. I would also discuss in subsequent chapters how these plurality of laws at the frontier and how different actors negotiated access to property with authorities.

Hence in my approach to this research, I seek to establish that illegal logging at the frontier should be looked at together with the other concepts of governance, property, access and legal pluralism. I suggest that illegal logging is a form of governance of forests in the frontier. It also is the result of governance by different actors in relation to forests which are properties. In order for illegal loggers and other actors to be able to access forests, they tend to identify with authorities that have the most power to sanction their claims. I also suggest that given multiplicity of authorities that exist and the practices that govern forests at the frontier, a pluralism of laws tend to come into existence thereby convoluting the situation of illegal logging at the frontier.

1.8 Objective of the Research

The objective of this research is to discuss how the practices of illegal loggers at the frontier intensifies negotiations over property and authority among actors seeking access to forests/natural resources.

To discuss how illegal loggers negotiate access to forests at the frontier and how these negotiations produce property and authority for different actors the main research question is posed as below;

1.8.1 Main research question is:

How do illegal loggers seeking access to forests negotiate property and authority at times of frontier development?

In order to answer this main research question, the under-listed sub-questions are answered.

1.8.2 Sub-questions;

- How is access negotiated at the frontier?
- How is property used and produced in the negotiation of access?
- How are authorities used and produced in the negotiation of access?
- How do property and authority interrelate in the negotiation of access?

By answering the four sub-questions above, the main research question is answered. In discussing how frontier development intensifies negotiations over property among actors seeking access to forests, I first identify the actors at the frontier and how these actors negotiate access with authorities. The different rules, practices, laws that these authorities establish and use in the negotiation of access to forests with different actors will be discussed later in chapter 3.

Secondly, by answering how property is used and produced in the negotiation of access, this study examines how property is produced by indigenes prior to the emergence of the frontier and how it is produced during the frontier. For instance, what rights existed in relation to forests to farmers and loggers, how they made claims to property (forest), and how they built their livelihoods in relation to forests are discussed in this study. The study subsequently examines how property and authority are produced with the emergence of the frontier. By discussing how farmers, loggers, and other actors made claims to property (forest), which authorities sanction those claims and rights, I answer the questions about how property and authority are used and produced at the frontier. In answering how property and authority are produced at the frontier, I also answer in the process the interrelation between property and authority.

1.9 Methodology

Ethnographic methods of data collection is used to gather data over a period of two months. In order to understand how frontier development intensified negotiations over property and authority at the frontier, firsthand information is gathered from subsistence farmers about what comprises their perspectives on governance of forests. Subsistence farmers are also used to gain insight into how diverse actors negotiated access at the frontier with authorities and how the authorities themselves struggled or negotiated among themselves to govern forests in the process.

Representatives of different authorities in the district were interviewed to find from them how actors negotiated access to forests with them or other authorities. Through these interviews, these authorities shared their perspectives on which other authorities had more influence, how those authorities exerted

that influence, collaborated or prevented other authorities from participating in governing forests. I interviewed 3 forestry officers of the Forestry Services Division (FSD) of Forestry Commission of Ghana (FC). The FC is responsible for the formulation of forestry laws and implementation of them. Hence, to gain an insight into how forests were governed at the district in the plurality of authorities, the FSD proved a key informant. Two officers of the NGO A Rocha Ghana were interviewed. This NGO has as its core mandate the general protection of the environment and nature. It is also involved in lobbying for revision of forestry policies with state institutions like the FC concerning the fragile eco-zone of the Savannah. Six Assembly persons from Damongo, Laribanga, and Busunu were interviewed. These persons were interviewed because of their political mandate as representatives of their respective electoral areas. Assembly persons also play the role of communicating the developmental needs and problems of their electoral areas to the District Assembly and vice versa. Also, these persons were interviewed because their areas were the most affected by logging activities. Their inputs were essential in helping me understand the authorities that governed deforestation of forests at the frontier. In addition, three media persons, and an officer at the Mole National park were interviewed to triangulate information received from farmers and assembly members. In all 27 people were interviewed, namely farmers, assembly men, loggers and local middlemen, the FSD, chiefs, NGO and a youth association member. A snowball sampling method was used to identify interviewees. By using snowball sampling method, I was able to ask how illegal logging affected farming practices of subsistence farmers and what they did to address logging on their farms. Snowball sampling method was also used to identify authorities that governed forests in the district.

Aside the 27 interviews, 6 group interviews were held, comprising mostly of subsistence farmers, loggers and assemblymen. Two group interviews were held in Canteen, one each in Poposo, Busunu, Laribanga and Damongo township. The diversity of interviewees was essential to triangulate findings from diverse sources and to probe more into how access to forests were negotiated at the frontier and how property and authority were produced in these negotiations.

Subsistence farmers were particularly interviewed to find out how they negotiated access to forests and forest farmlands. This included using ethnographic methods like participant observation and field visits (3 were carried out), engaging in brief farm activities and interviewing farmers through the process to enable me gain insight into how farmers legitimize their access to forests in the midst of different authorities. This process allowed me to find out how farmers' livelihoods were related to forests and what deforestation actually meant to them.

Location of the Study Area

The West Gonja is located in the Northern part of Ghana, and its vegetation is mainly the Savannah woodland type. With one rainfall season in a year, rainfall in peak months, usually between July-September, account for about 150-250mm (McSweeney, New, & Lizcano, 2010; Stanturf et al., 2011) as compared to 240mm for the deciduous forest and 750mm for the rainforest (Stanturf et al., 2011) in the middle belt and south-western parts of Ghana respectively. The forests in the district are therefore less dense compared to the deciduous forest and the rainforest in the South of Ghana. The district accommodates the Mole National Park (the country's largest national park) so deforestation does not only affect subsistence farmers and local populations. It also has the tendency of affecting the national park. Figure 1 shows the map of Ghana, whilst Figure 2 shows the location of the West Gonja District in the Northern region of Ghana. Figure 3 shows the location of Mole National Park in the West Gonja District.



Figure 1 - Map of Ghana

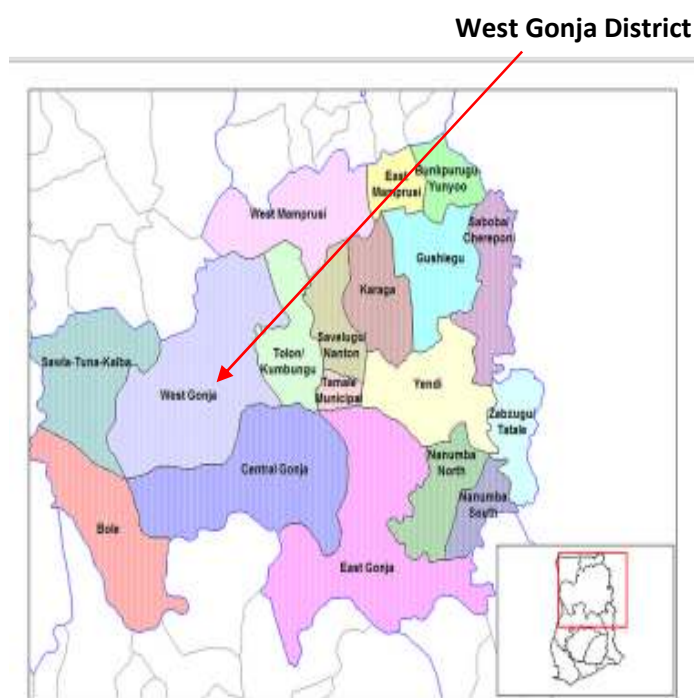


Figure 2 - Map of Ghana showing West Gonja District in the Northern Region

Source: All maps from Google

Map C

Mole National Park



Figure 3 - Mole National Park in the West Gonja District

Layout

The general research question will be answered through the chapters provided below.

- Chapter one

This chapter comprises of an introduction and a description of the problem, the research questions, the approach to the research and methodology used in the research. The chapter explores writings of other authors concerning the problem, and builds on their ideas. The theories and concepts discussed briefly in this chapter would be delved into further in the theoretical framework.

- Chapter two

This chapter is the theoretical framework chapter. Here the theories that are used, namely theory of access, property, authority, and legal pluralism would be examined from the perspectives of other authors. What these authors say about access in relation to the problem or how legal pluralism is related to the problem. Building on the ideas of these authors, I build my framework. My framework entail an interrelational analysis of the theories of property, access, legal pluralism and how these together determine how forests are governed in the frontier.

- Chapter three

Chapter three comprises of the cases collected from the field. Here, all the material such as newspaper items, pictures, stories that have been gathered from the field are presented. The chapter also entails an analysis of the cases, using the theories of property, access and legal pluralism already reviewed in chapter two.

- Chapter four

This chapter comprises of discussion and conclusion based on data presented and analysed in chapter three.

CHAPTER TWO - THEORETICAL FRAMEWORK

2.0 Introduction

In order to understand how the practices of illegal loggers at the frontier intensifies negotiations over property and authority among actors seeking access to forests, I couch my theoretical framework by building on the works of other authors. I review literature from different writers on the theoretical concepts of governance, property, access and legal pluralism. These concepts are essential for understanding how access to property is negotiated at the frontier, and how authority is used at the frontier by actors, especially illegal loggers to gain access to property. I briefly explain how my research will approach the concept of frontier in relation to the views expressed by other authors, as I build on their varying views to show how legal pluralism, access, property and authority interrelate to produce governance at the frontier.

The concepts above stated are relevant for understanding in subsequent chapters how illegal loggers, merchants, and other actors (including authorities) through common interests negotiate access to property at the frontier. I will be looking at what is happening at the frontier by examining how access to forests is changing for different actors through the development of property and authority. I will expound on access here in this chapter as the ability to benefit from property, and how this ability is produced through negotiation with authority by different actors. I would show in this chapter and subsequent chapters that access is determined by the actors who have the most power at the frontier. Hence other “weaker” actors who are able to negotiate with these powerful actors are the ones who are able to have access to property. This is however, not always the fact, as some actors are able to circumvent authority to benefit from property, for instance by stealing, deceiving other actors, among other strategies. I also show that power at the development frontier is often a manifestation of ownership claims exerted by authority on other actors (access seekers), thus explaining how authority is being used to produce property and how claims to property by diverse actors also produces authority. I show the interrelation between property and authority by showing how different actors are able to benefit from forests by using authorities to leverage such benefits.

To understand how access is negotiated, as would be expounded on further in chapter three, the concepts of property, authority and how these interplay at the frontier are examined in tandem here in this chapter to give an idea of the complex social relationships involved at the frontier. The complex social relationships because of the constellation of actors both local and outsiders (intruders) provide the basis for governance of forests at the frontier. I will therefore proceed in the next few paragraphs, with the concept of frontier, which is the space within which governance, access, property and legal pluralism are negotiated.

2.1 The Frontier

The frontier as I discuss here is a development frontier where access to forests within a locality is changing overtime. It is a space where a multiplicity of actors interact among themselves within a modern infrastructural development environment. This interaction takes place within an

interface of local and modern capitalist socio-cultural convergences. The interface of local and modern produce a new environment for actors to negotiate access to forests with authorities by using different approaches.

The frontier as mentioned already accommodates a host of actors. It also provides that ambience where property, access, and plurality of laws interact and interrelate with authority to fashion out governance of forests. An understanding of how access is negotiated, and how property and authority are interrelated in the West Gonja District do not come up sharply until they are observed under the frontier where they are exposed to mechanisms of access such as markets, roads infrastructure, technology, among other mechanisms; details of which will be discussed further in chapter 3. This then leads us to what the frontier really entails in my research. But permit me to begin by expressing the views of other authors from whose divergent views I build my framework.

The frontier has been variously defined by different authors depending on the topic, or issue of interest that the author seeks to address. For some authors, the frontier is a physical boundary, border or space (De Koninck, 2000; Eilenberg, 2014; Lankina, 2007; Lopez-Casero, Cadman, & Maraseni, 2014). For other authors, it is a zone that is undisturbed or a zone that has not yet interacted or has limited interaction with western capitalist market (Eilenberg, 2014; Flower, 2009; Worby, 1998) and yet for others, it is figurative (Blomley, 2003; Coplan, 2003; Elmhirst, 2011). Eilenberg (2014) describes a frontier in terms of a boundary, the regions surrounding the boundary and the unoccupied territories where opportunities abound for tapping into the unexploited resources by nation states that share such boundaries. Barney (2009) presents a frontier in a similar manner as Eilenberg, unoccupied forested landscapes, spaces or territories. However, Barney gives a broader definition of what constitutes frontiers. He states that “Frontiers are conceived as relational zones of economy, nature and society; spaces of capitalist transition, where new forms of social property relations and systems of legality are rapidly established in response to market imperatives”(Barney, 2009 p.146). It is worth noting that, in spite of the seemingly ambiguous manner in which frontier can be used by different authors one thing tends to take the center stage, that a frontier is the merger or interaction between uncharted regions and the national economy or global markets, propelled by the “sudden awareness” of an exploitable or marketable resource (Barney, 2009; Cleary, 1993; Flower, 2009; Worby, 1998). It is Geiger who in my opinion, describes the frontier in a broader manner, and for me addresses what a frontier really entails by espousing on the physical, geopolitical, socio-economic, spatiality and general social dynamics that constitute it. Geiger (2008 p.28) states that a frontier is a spatiality “that capture[s] social dynamics through elucidating the properties of geographical and geopolitical space”. Geiger does not ignore the fact that a frontier could be physical, his exposition of the concept alerts us to a more complex socio-political and economic interactions in relation to a resource in a given locality in time and space. In discussing illegal logging at the frontier, I suggest an examination the slowly changing practices which constitute the forms of governance of forests. For instance, prior to the emergence of the frontier, the practices that governed local access to forests constitute the starting point from which changes that come with the frontier can be observed. As an interface of the contemporary and old begin to take place, I suggest an observation of the practices that define access to forests as new actors,

rules of conduct, self-mobilizing networks begin to emerge. These I describe as the forms of governance at the frontier.

2.1.1 Forms of Governance at the frontier

Often, practices, norms and conducts that tend to be glossed over in localities by local authorities and central governments become entrenched and heightened in the emergence of new frontiers. Doane (2007) gives an account of how farmers in Chimalapas, Mexico settled in areas that had been considered wastelands and only suitable to inhabitation by indigenous peoples. As these indigenous peoples faced uninterrupted access to forests for several decades, subsequent attempts by the state to grant concessions in such areas to timber companies met with resistance by these indigenous tribes. On the flipside, a remapping of the same area by the government in later years for resettlement of some peasants and for operations of logging firms combined with agrarian ambiguities of indigenous peoples to produce a new wave of unregulated logging in the Chimalapas communities (Doane, 2007). The same observation is made by Nygren (2000) for the community of Alto Tuis in Costa Rica where state policies to modernize agriculture promoted felling of trees by rich landowners who often engaged local peasants to do the logging to augment their earnings from subsistence farming. In both scenarios, state policies ignored the socio-cultural dynamics of these remote communities. These different scenarios are evidence that local socio-cultural dynamics are essential in the passing and implementation of policies relating to land and governance of forests. Social relationships which I find pre-eminent in relation to state policies and decentralized natural resource governance, is the cultural map through which forest reliant communities access forests as I would show further in this research. Social relationships is one of a number of mechanisms through which actors are able to derive access from a resource. It also provides the basis for denying other factions access, especially the marginalized and vulnerable. Social relationships also provide the missing link which is essential for the discovery of a forest resource of economic value, and hence result in irregular or unregulated logging practices. Nygren (2000) mentions the relevance of social relationships in deforestation practices in the tropics. These relationships which tend to build around poverty and inequality as Nygren notes can be the very basis for deforestation because in my opinion, they become the very means through which information spreads about which authorities control forests, which species of wood fetch the most price and which markets offer the highest possible prices. I will expound on this later in chapter 3. However, this may not always be the situation that social relationships provide the impetus for deforestation, as a study of the Kissidougou prefecture of the Republic of Guinea (Fairhead & Leach, 1996) reveals century-long customary practices that leave communities building forest islands to serve as wind breaks from harsh harmattan winds, wild fires and places of secret social activities between men and women. Social relationships and cultural practices are therefore important in the governance of forests.

Governance of forests at the frontier more like governance in any transformative regime change has a tendency of introducing conflicts, sometimes violent (overt) and other times latent because authorities are sometimes capable of suppressing violent outbursts by using force, threats or

negotiations with aggrieved actors. As Sikor, Stahl, and Dorondel (2009) observe, violence and bribery characterized the practices adopted by local actors to govern forests in the Bagëtia community of Albania. In Calakmul for instance, decades old practices of patron-client relationships between campesinos and timber companies, bribery and corruption between local loggers and public officials characterized the governance of forests by locals who extracted rubber to feed booming chewing gum industries in the United States of America (Haenn, 2002). Doane (2007) cites incidents of kidnapping as campesinos teamed up with striking employees of a local company to kidnap company officials and destroy their equipment in Chimalapas, Mexico. Haenn (2002) further observes how violence was rampant in the camps of rubber tappers in the Calakmul frontiers of Mexico in the mid and latter parts of the 20th century. The observations by these authors of conflicts in different frontiers go to confirm Geiger's position that conflict is an essential element of the frontier (Geiger, 2008). Aside from conflicts, the frontier is also known to be riddled with cheating behavior and deceit, where outsiders or contractors would extort indigenous labour for capitalist gains (Geiger, 2008; Haenn, 2002). The chronicling of governance in this research explores the practices and approaches adopted by actors in forest governance in the study area in defining forests as property and determining access to such property.

2.2 Governance

Governance is the context within which I discuss how things are changing at the frontier. I discuss governance to entail how different actors negotiate access to forests with authority, how this negotiation produces property and authority and how it re-emphasizes the interrelationship between property and authority. I also discuss governance in terms of how these interrelationships between property and authority together make it possible for diverse actors to access forests, thereby facilitating a regime of logging in the development frontier, hence forest governance.

To understand the interrelation between property and authority, as would be explained later in chapters 3 and 4, it is pertinent to mention here that these two concepts together with access do not exist in isolation. Access, which is the ability of actors to benefit from forests tends to be dependent on negotiations with authority at the frontier. A constellation of actors at the frontier through their interactions and transactions; legitimate or illegitimate, in their groups or in their individualities produce and reproduce practices that make it possible for certain actors to access forests. These processes and practices between different actors to leverage access at the frontier are what I describe as governance. Governance of forests is in itself a process and an outcome as I seek to portray. I describe it as a process and an outcome in the frontier because governance hinges on the intricate activities, socio-cultural norms and practices which are sanctioned either by local authorities, external authorities and other actors that together influence governance of forests at the frontier. The complexity of governance, expressed in this seemingly obtuse manner leads Li (2005 p.383) to describe governance as a "messy" process both within schemes, but also around the periphery of such schemes. Governance therefore envisaged here as (Franz von Benda-Beckmann et al., 2009 p.2) state, is the multiplicity of actors enforcing new ways of power in relation to a resource, by adopting different legalities.

According to Larson and Soto (2008 p.214) “governance is the formal and informal institutions through which authority” is envisaged among diverse actors and made enforceable towards desirable ends by the authorities who tend to have the most power. In this regard, NGOs, communal groups, vigilante groups, have the possibility of wielding authority and power and are capable of enforcing some laws, codes of conduct, or “lawlessness” within their sphere of influence and operation. These different approaches that different actors with power and authority are able to exhibit at the frontier provide the ambiance for negotiating access to property and authority by different claimants seeking to derive benefits from forests.

Governance literature in recent times has sought to dissociate constructed functioning of central governments from local governments and locally based non-governmental organisations. In other times, central government and local government policies, practices and implementation of such policies and general administrative protocols have been conflated in the governance conceptualisation. This is why Franz von Benda-Beckmann et al. (2009) identify two categorisations in the governance discourse. They categorise governance literature into those addressing international law and political science where scholarship tends to research more about governance at the state level. This category of scholarship is outside the scope of my study, as I lean more towards the second category which addresses descriptive and analytical issues pertaining to the state and non-governmental bodies at the sub-national. This second category I find as much complex or probably more complex than the former because of the often obscure, other times unnoticeable disposition that authorities take and the often unclearly defined actors that characterize it, coupled with the multiplicity of laws that coalesce around property. I agree with Li (2005) that governance is not just about a central state deploying some authority in a hierarchical order. This position is not alien to that expressed by Franz von Benda-Beckmann et al. (2009) that governance entails a shift beyond the state. Governance embodies the self-mobilised activities that guide the conduct of societies, also by non-governmental bodies. I present interestingly, but not different from the conception of this research, as espoused by Li (2005) and other authors like Larson and Soto (2008), Franz von Benda-Beckmann et al. (2009), that smaller groups, unions or associations outside the formal government structure participate in governance, especially of the forests.

In the decentralized governance regime of forests, these small groups, associations or unions tend to galvanize themselves into authorities, contesting national forest policies, re-configuring local authorities (not in all situations though) or utterly ignoring formal state laws. In the process, access to forests is redefined; marginalization, inequality and gendered differences in relation to forest access become exposed, especially at the frontier. This reality compels Larson and Soto (2008) to suggest that governance of natural resources within the decentralized framework often tend not to benefit local communities because formulated central government policies ignore or overlook the social dynamics at such levels. Li (2005) puts it differently for anthropologists, that the local or sub-national is capable of producing its own laws and practices. These laws and practices are negotiated and accepted by different actors with vested interests at such localized levels. Therefore in order to understand the seemingly “lawlessness” or chaos that characterizes

forest governance at the sub-national (De Koninck, 2000; Doane, 2007; Eilenberg, 2012; Nygren, 2000), it is important not to overlook the roles of diverse actors, their influences, power, and authority that they exercise in relation to forests. I express in this research thus, that the struggle to assert control and authority both by the central government and local authorities; public and private, organized and unorganized groups, instigated and self-organised all constitute governance. However, I do not in any manner seek to advocate the withdrawal, through this research, of state influence in forest governance at the sub-national since the social dynamics tend to be different with each given locality.

Governance of deforestation is an essential part of governance of forests. This has been analysed by Weigelt (2008 p.4) in the Amazonian region where he shows that a diversity of actors are engaged in deforestation through the extraction of minerals and adopting strategies of speculating future increases in land prices, making it possible for the ones with money, mostly the drug lords to gain access to forests and to as well dictate how forests are governed within the spaces of the Amazon. As we would see in this research, governance of deforestation is equally important in the governance of forests, but here I show how merchants from outside the West Gonja District use their wealth to negotiate access to forests with local authorities thereby dictating governance of forests. I also show how these external actors through their interactions with indigenes, especially the youths, produce property and authority at the frontier in their efforts to access forests.

Governance is about practices, the making of practices and the execution of those practices by authority, power and social actors. Governance is an essential element of the frontier, as it became important in determining access to property by the different actors, how the actors use and make property and authority, as well as how authority together with these actors make and use the plurality of laws that avail to govern forests at the frontier.

2.3 Property

As I mentioned the importance of social relationships in governance of forests at the frontier earlier, I still find it important here to mention again its importance in determining access to property. Social relationships are critical for actors to reach to authorities and negotiate access to property. It is through these relationships that actors at the frontier are embolden to make claims to property and to tie such claims with certain authorities that can sanction their access.

Property is defined as the social relationship that is established around a claim to a certain material or object (Blomley, 2003; Fitzpatrick, 2006; Lund, 2002b; Sikor & Lund, 2009). At the development frontier, the claim is made by actors around forests which is the material object. To be able to gain access to forests, actors tend to intensify their negotiations with authorities, enabling them to legitimize their claims. Although authors like Blomley (2003) and Fitzpatrick (2006) tend to examine property in terms of individual rights, they both acknowledge the ability of individuals to claim such rights under established social relationships. It is this claim around “the material or object”, and the appeal to authority to sanction this claim that gives the material the quality of a property and at the same time legitimizing the authority that sanctions such

claims (Sikor & Lund, 2009). By this I posit through this research, that forests are properties in the frontier. This is because, diverse actors in their quest to gain access to forests, make claims of having the right to access these forests. This right of access is argued based on the claim that certain authority sanctions such claims. The authority in turn evidences this claim of sanction through many means, for instance providing protection (sometimes armed protection) to these actors, giving these claimants documented proofs of right of access, or informally negotiating terms of access with these actors, *inter alia*. It is in line with this reference to authority, and the sanctioning of access by authority for some actors, that allows (Sikor & Lund, 2009) to argue that in the making of property, authority is also being made. And this co-making of authority and property would be espoused further in chapter 3. For Blomley (2003), it is the right to property that defines the social relationship through which power spreads to authority, thereby making it possible for such authority to exercise control of resources. Blomley gives me the impression that rights to a property first need to exist, then social relationships emerge around these rights and eventually draw in authority to sanction access. This is quite to say that the right to property makes or begets the social relationship which in turn redefines the property. This in my humble opinion ought not to be, as I agree with (Ribot & Peluso, 2003; Sikor & Lund, 2009) that it is the social relationships which rather define property and the rights encapsulated in it. These rights tend to be redefined with the emergence of a frontier as (Barney, 2009) notes that property regimes get wiped out, or mixed up by the arrival of novel actors (notably outsiders) who transform the rules either through legal means or non-legal means.

In this research, I do not only limit myself with defining the social relationships that establish claims to forests. I also briefly examine how through deforestation, practices within the frontier following the sudden appreciation of the value of certain wood species, have the tendency to redefine forests as property among some key actors. This redefinition of forests as property is facilitated by how access is negotiated by different actors, how these actors through their negotiations produce authority and how authority conversely produces property by sanctioning claims of forest-access-seekers.

Materials which were prior to the frontier not property or tended to have low value, begin to draw new actors as these materials assume property status or gain value at the frontier. The more interests build around an object, the more likely would be the tendency of actors and authorities to devise non-normative means of deriving benefits from the object. Violence, deceit, theft, threats, overexploitation of the resource and other socially frowned upon conducts become the codes of conduct as property assumes a new and higher value. Often when local property (forests) get exposed to outsider use by issuance of concessions or permits, over-exploitation of the forests becomes the order of the day. In the Bagëtia community of Albania, the sudden adoption of capitalism to the abandoning of socialism led to companies with concessions to extract forests extracting more logs than they were officially permitted to extract (Sikor et al., 2009). District forest officials in Bagëtia either overlook the situation partly because of their own private gains and also because they were obliged to comply with state fiat. I discuss in the next chapter how state permits to convey logs metamorphosed into full blown permits for

felling logs. I also discuss in the next chapter how district authorities fueled the process by their actions and inactions.

2.3.1 Property and Authority

At the frontier, several actors coalesce around diverse authorities (Eilenberg, 2012; Geiger, 2008; Sikor et al., 2009). Each of these actors seeking to legitimize their claims to the property, give legitimacy to certain authorities by aligning with those authorities that they find powerful enough to sanction such claims. This is the relationship between property and authority as espoused by (Lund, 2002b; Ribot & Peluso, 2003; Sikor & Lund, 2009). Powerful authorities on the other hand legitimize their authorities by sanctioning access to the resource by their preferred “actor-clients”. By actor-clients, I refer to actors who submit to authority and honour the requirements of authority prior to and during extracting the forests. I refer to them as such because there also exists in the frontier, other actors who would circumvent the process and avoid submission to authority. In the struggles to gain access and control of property (forests), property is being made and unmade in the process. Sikor et al. (2009) observe this process of making and unmaking of property in their study of four communities in post socialist Albania and Romania. This making and unmaking of property manifests in diverse practices which govern access to property. These practices take the form of violence, bribery, theft, threats, and other practices that actors may find expedient in the exigency of time. I discuss property and authority at the frontier in the same light by examining how different actors legitimize their access to forests by identifying with authorities that wield such powers to sanction access to forests and allowing all manner of practices to go unquestioned.

This special relation between property and authority make it possible for authority to sanction access to property for the general benefit of entire communities, or to sanction access to property by some actors for the individualistic gratification of these authorities themselves. There are few examples of how authorities have sanctioned access to forests, which have culminated in the benefit of their entire communities. For instance, among the ethnic groups in the Cubucaré forests of Guinea Bissau, patches of forests have over several decades been categorized to belong to the spirits who have direct link with the locals through their clan heads (Temudo, 2012). These clan heads however, regarding all lands to belong to the spirits designated the lands into three uses, those for housing and farming, those considered as sacred forests and those purposefully planted to serve as buffer against winds and fires (Temudo, 2012). Felling of these trees, it was believed, incurred the wrath of the gods and so people eschewed logging. The benefit of this approach was a gradual reforestation of an arid landscape. However, it is not always the situation that authority sanctions access to resource use for their own benefits or for societal benefits. Sometimes, authority is able to strike a balance. A patron-client relationship, typifying the sanctioning of access to property by local authorities for their personal interest, as well as for societal benefit is observed by Eilenberg (2012) in the West Kalimantan forest frontier of Indonesia and Malaysia. In Kalimantan, as Eilenberg observes, local authorities directly benefitted from the largesse of a Malaysian Timber merchant who also provided social amenities

and facilities like roads, schools and potable water for the local communities, exposing the state failure to provide such facilities to these localities. This study gives an account of how authorities through patron-client relationship with merchants from outside the community amass wealth for their individual gratification, whilst other actors in turn devise their own strategies of benefiting from the forests.

2.4 Access

Access which is the ability to benefit from a resource or property (Charnley & Poe, 2007; Lund, 2002b; Ribot & Peluso, 2003; Sikor & Lund, 2009) also depends on social relationships (Elmhirst, 2011; Lund, 2002b; Ribot & Peluso, 2003; Sikor & Lund, 2009). Social relationships make it possible for different actors to negotiate access to forests at the frontier, whilst at the same time producing property and authority simultaneously through these negotiations. Social relationships is one of six mechanisms of deriving benefits from a resource, with room for additional mechanism (Ribot & Peluso, 2003; Sikor & Lund, 2009). These mechanisms, Ribot and Peluso (2003 p.159-160), as well as Sikor and Lund (2009 p.4), state are “technology, capital, markets, labour, knowledge, identities and social relations”. I concur with the writers on the mechanisms of access identified. For instance, I show in the next chapter how some actors (loggers) consult the traditional authorities for approval to fell trees. I also show how access is made possible because of a ready market for logs, among other factors. In the case of my research I find how these mechanisms of access are essential for governance of forests at the frontier. I find more prominent the mechanism of capital, knowledge, labour, markets, identities and social relations. Social relationships are important in determining access to forests. In some places access is determined by first person to settle or use the land principle, negotiations, gender, race or citizenship relationships (Eilenberg, 2012; Elmhirst, 2011; McCarthy, 2004). The principle of first person to settle or use will be discussed in chapter 3 especially in practices that determined forest use prior to the development frontier. However, the ability to benefit from a resource closely ties with power which often tends to be manifested by the most authority with the most power (Lund, 2002b; Ribot & Peluso, 2003; Sikor & Lund, 2009). In the frontier, I argue that access to forests is determined by a multiplicity of factors ranging from conquest, first user, gender, inter alia, all emanating from socially defined relationships.

2.5 Legal pluralism

The existence of a constellation of actors at the frontier provides a conducive atmosphere for the emergence, practice, enforcement or “unenforcement” of laws by these multiplicity of actors. Each actor in trying to benefit from a resource, aside using authorities, is likely to refer to a law or set of laws to counter the claims of other actors (to benefit from the resource) or justify their own claims to access forests. In brief, different actors will use and refer to different laws in negotiating access to forests with different authorities. Local elites will draw on customary or traditional, and sometimes state laws to justify their claim to the forests. Decentralized state institutions will seek to exercise their authority or stay aloof by referring to state laws as the basis for their involvement or otherwise. NGOs and locally organized groups like youth groups or associations will seek to draw on the same state laws, customary laws or other laws and

international agreements to justify their call for a stop to the wasteful destruction of their resources. The outcome of this is a plurality of laws operating and guiding the negotiation of access to forests at the frontier. In her study of the cunning state of India, Randeria (2007 p.2) is of the observation that law moves beyond boundaries of the state because of the multiplicity of actors, spheres and processes that are involved in law making. In accordance with this observation, I argue not in terms of the position of the state in international politics as Randeria's study focuses, but on how different actors are able to draw on the plurality of these laws at the decentralized level to justify their claims to property. I present, as would be seen in subsequent chapters, that law transcends the state not only at the international level, but also at the local level where the state is unable to exercise its authority and control, especially at the frontier.

Franz von Benda-Beckmann et al. (2009) observe the existence of a plurality of laws under the governance discourse. They add that no single law gains prominence over the other in a given governance regime. The point of departure for me here is that it is possible for a single law to gain prominence. The prominence of which is however concealed in the different actors and interests involved as different interests and struggles make the laws seem convoluted and multiple. It is relatively easier to observe a plurality of laws in governance discourse, than the overriding interest shaping the pluralistic nature of these laws. However, one reality that plurality of laws does is that it exposes the inequalities which already exist in society (Franz von Benda-Beckmann et al., 2009), also making it possible for different actors that should assume responsibility for governance of resources to shift their responsibilities or blame them on other actors (Comaroff & Comaroff, 2006; Franz von Benda-Beckmann et al., 2009).

2.6 Conclusion

In this chapter, I have sought to produce a framework that guides in the understanding of governance of forests at the development frontier by looking at the concepts of property, authority, access and legal pluralism. I have argued that to understand governance of forests at the frontier, it is essential to understand how property and authority are negotiated within a legally pluralistic environment by different actors. What I seek to add to the views expressed by other authors of frontier studies is that, to understand what is actually happening at the frontier, these concepts of authority, property, access and legal pluralism need to be examined together and the interrelations between them should not overlooked.

I have also sought to direct thoughts to the fact that governance of forests in the frontier are riddled with complex social relationships guided by actor networks with varying interests. The interests of these actors determine the practices that govern access to forests at the frontier.

I have additionally shown from diverse sources that access is the ability to benefit from property, here being the resource (forests). As borrowed from other authors (Lund, 2002b; Ribot & Peluso, 2003; Sikor & Lund, 2009), I have conveyed the idea that property and authority share an interrelation. When contesting actors want to access a resource, they shop for an authority or authorities who is (are) willing to support their claims. I have shown that through this process of attempting to benefit from a resource, property is made as well as authority in a reinforcing

manner. I have also argued that it is the actors who have the backing of powerful authorities who will have access to the resource, although others are able to steal, or use other means, thereby circumventing authority in the process.

CHAPTER THREE - FINDINGS AND DATA ANALYSIS

3.0 Introduction

I present in this chapter a case of frontier development and the social dynamics that come with it. I state that local forest governance interfacing with modern infrastructural development became pivotal for redefining access to forests in the period 2012-2015. I present that access to forests as property has always been addressed in a legally pluralistic manner. This pre-existing structure of legal pluralism was to become a lubricant to the reconfiguration of access in the frontier. I present here that the frontier is not only as a physical space (i.e. the road that is constructed), but a sum totality of the social dynamics together with this physical space. It is in this physical and social space, that property and authority are being produced through the interactions of different actors to determine access to property. Additionally, I portray in this chapter that, at the frontier, a constellation of actors coalesce and use different mechanisms and manoeuvres to benefit from forests. I further present how this frontier becomes a space for intrusion by outsiders and how outsiders fuel access to property by introducing pecuniary rewards into the West Gonja district.

3.1 Profile of the west Gonja District

The West Gonja is one of 20 districts in the Northern region. It is also one of four districts in the Northern region that make up the Gonjaland namely West Gonja, East Gonja, Central Gonja and Bole districts respectively. It is largely inhabited by the Gonja ethnic group who claim ownership of the land and the resources in it. The Gonjas ownership of land is alluded to exploits of conquest led by the warrior king Sumaila Ndewura Jakpa in the 16th century (www.gonjalandyouth.com, 2015). This ownership of land has further been consolidated by the 1992 constitution which gives authority and power over lands in the north to chiefs and other persons who owned lands or controlled them prior to the adoption of the constitution.

The population of the West Gonja district as of 2013 was estimated at 45,128 with a population density of 8.3 persons per km² (West Gonja District Assembly, 2014). The West Gonja district covers an area of 17,317 sq km. The district accommodates two protected areas, the largest game reserve in Ghana (the Mole National Park) and the Kenikeni forest. It also boasts of other reserves such as the Damongo scarp, Nyangbong, Bombi, and the Damongo Town Plantation. The reserves and protected areas cover an area totaling 4,638.62 sq km. The game reserve alone covers an area of 4,577 sq km and the other four reserves together cover an area of 61.62 sq km. These reserves and protected areas together make up about 27% of the total land area of the district that have been reserved for non-farming activities by the government. The livelihoods of the people in the district is mainly tied with agriculture. They grow a variety of crops ranging from yams, cassava, maize, millet, groundnuts, beans, guinea corn, false sesame (nerri) and a host of other crops. Some farmers also practice beekeeping and Damongo is known for its pure natural honey.

3.1.1 Ethnicity Profile and Access to Forest

The dominant or main ethnic group in the West Gonja district is the Gonjas who are also the land owners and determine access to lands and forests. There are other ethnic minorities in the district who require the approval of the landowners to be able to access land and the forests thereon. Some of these minorities have always been there prior to the conquest, such as the Voglas and Hangas. Ethnic minorities like the Kasenas and the Grunis (frafra people) from the Upper East region settled in the district, precisely Damongo as part of a resettlement policy of Ghana's first President, the Osagyefo Dr. Kwame Nkrumah in the 1950s. These ethnic groups in particular were resettled because of the infertile nature of their lands in the Upper East and partly in line with the agricultural policies of the first president.

Ethnic groups from the Upper West region of Ghana who currently reside in the district include the Dagarbas, the Sisilas and some Lobis. The ability of these ethnic groups to access forests depends on their relation with and approval by the chiefs in the district. These ethnic minority groups co-exist peacefully with the Gonjas making the district a very heterogeneous one.

From within the Northern region, where the West Gonja district itself is located are other minorities namely the Hanga, Tampulma, Voglas, Dagombas, Mamprusis and the Kamaras. The Kamaras in particular came with the Gonjas as spiritual consultants during the conquest. In view of this, they were allocated some parcels of land by the Gonjas i.e. Laribanga where the Kamaras currently live. They are able to farm and even give out farmlands to strangers for farming and for settlement purposes.

With the exception of the Kamaras who have this special arrangement, the other ethnic minorities who find themselves in the district would usually have to seek the approval of a chief or a sub-chief to settle in and practice subsistence. When it is just an individual who requires a piece of land, discussing with a landlord, his host, is enough to secure him arable land. However when is an entire ethnic group, as in the Dagarbas of Poposo, then they would need the approval of a chief or sub-chief to settle in. However, it must be emphasized again that in spite of these dynamics in settlement and access to land, these ethnic groups co-exist peacefully, practice some inter-marriages and live together within the same communities, be it Damongo, Laribanga, or Busunu. It is not uncommon to find these ethnic groups speak the languages of each other due to the peaceful co-existence and social relationship. In figure 4 below is a map showing some of the communities already mentioned, such as Damongo, Laribanga, Mole National Park and Busunu. Poposu, which is a community of less than 10 houses is not shown on the map.



Figure 4 - Map of West Gonja District

3.1.2 Traditional authority

The West Gonja district houses some prominent chiefs in the Gonjaland. The Yagbonwura (Tuntumba Boresa I) who happens to be the overlord of all the Gonjas and who also happens to be hosted in the district capital of Damongo. Then there is the Damongowura, who is the chief of Damongo, and yet another prominent chief, the Busunuwura, who is the chief of Busunu. None of the chiefs in Gonjaland is autonomous except the Yagbonwura and each of them has his traditional area over which he governs. All the chiefs refer to the Yagbonwura as their father and are required to seek directives from his counsel in pressing matters. Yet again, these chiefs are perceived to each be autonomous to a certain extent, especially when it comes to their traditional areas³. Each chief can from this background of semi-autonomy maintain law and order in their respective traditional areas. This is the situation, although there exist state mandated institutions like the police and the courts to perform these functions. Chiefs tend to be relatively powerful and command the respect and recognition of their subjects. This becomes a basis for their ability to separately make decisions regarding access to forest resources and at the same time allude to another chief as the reason behind such decisions. The chiefs define their

³ Interview with Kapor, the registrar/secretary of the Yagbonwura on 21st April, 2015.

boundaries by using rivers, hills, rocks, and other natural topographic features which are characteristic or unique to each traditional area.

There are royal families from which chiefs can be chosen. These royal families are often called *gates*. This gate system makes it possible for an immediate replacement of a chief to be possible when one chief passes on from another gate, or is no more able to perform his royal functions. For instance, there used to be 7 gates to the paramountcy. These were Wasepe, Kpenbe, Tuluwe, Bole, Kusawgu, Kong and Kadia. The last two have been said to be erased from the line of succession in the course of history (www.gonjalandyouth.com, 2015). The reason for which I do not know and was unable to find out.

The Yagbonwura because of his fatherly role in relation to the other chiefs, takes care of some lands for those chiefs whose lands are far away from their seat of governance, but are closer to the Yagbonwura. For instance, the Yagbonwura takes care of lands around the Damongo area for the Tuluwewura. Tuluwe is 156 km away from Damongo, and the chief cannot administer some of his lands and subjects from that distance. Tradition therefore makes it possible for the Yagbonwura to administer them on his behalf since he is the overlord. Also, an area called Settlement on the outskirts of the Damongo township is held in trust for the Tuluwewura by the Yagbonwura. The Yagbonwura's decision on such lands within the Gonjaland is final.

The Busunuwura owns lands in Laribanga, Murugu, and parts of the Mole game reserve in addition to the Busunu Areas. The Damongowura for instance administers lands in areas like Sor no.2 to Damongo township and to the Damongo scarp and other smaller communities like Nabori, Yipala, among others. These three chiefs are among the most prominent chiefs in the district.

Chiefs in Gonjaland perform judiciary, legislative and executive functions. Their functions in the communities are summarized in the words of the Damongowura as follows; *"You know, we see to the normal running of life. But we make sure that everybody has his or her own freedom. As a chief, we try cases, you can think of man and his wife, man and his neighbor, people in a community, where ever there is trouble, we have the sole responsibility for settlement of those cases. And quite apart from that, you know, we are responsible for this land. We are holding it in trust for our people, this land i.e. the Damongo traditional area. I hold the land in trust for the people. All land usages pass through me. And as a chief, you have petty laws to guide against the freedom of every human being, movement of people. We make sure there is law and order within the area we live; law and order"*⁴.

Chiefs earn a livelihood mostly by either selling land or settling disputes between disputants. Often the amount deposited by a plaintiff is returned to him if the case is decided in his favour. The defender then has to pay the equivalent and any amounts that would be determined in the palace. This position of arbitrator and custodian of land in the district makes chiefs very powerful.

⁴ Interview with the Damongowura on 18th April, 2015

There are stories about instances where chiefs have requested for cases to be withdrawn from courts and brought to the palace for trial. There have also been instances where chiefs have phoned police officers to plead or request the release of persons who have been arrested by the police for infringement of state laws.

3.1.3 Other Authorities

Other authorities in the district are the district assembly, the Management of the Mole National Park, the Forest Service Division (FSD), A rocha Ghana, Radio PAD and the Gonjaland Youth Association. These authorities are briefly discussed below;

The district assembly is decentralized institutional organ of state with the authority to discharge political and administrative duties in the district (Local Government Act, 1993, Sec (10)). It also has a responsibility to ensure development of the district through planning, revenue generation, ensuring security and improving the environment. It is also tasked with ensuring sustainable use of resources, forests inclusive. It is headed by a public officer, a District Coordinating Director (DCD) and a political head, the District Chief Executive (DCE) who is the chief representative of central government in the district. The DCD is the administrative head of the district, but is subordinate to the DCE who is a political appointee. Because political interference within the sub-national is still very strong, the DCD tends to be wary of his position particularly in discussing political issues that are not in line with the views expressed by the DCE.

The Mole National Park is under the Wildlife Division of the Forestry Commission of Ghana. It is empowered to arrest and process persons who pose danger to the environment and wildlife within the park and its immediate environs. The Park can also process such persons for the courts. For the Park Management, an undisturbed forested landscape is essential for the survival of wildlife in the park. The park has no buffer zone, and is surrounded by 33 communities. The tendency for wildlife to roam into neighbouring communities therefore tends to be high and forests at the fringes of the park remain essential to wildlife and park managers.

The Forest Service Division (FSD) is one of 3 branches of the Forestry Commission of Ghana, namely the FSD, Wildlife Division and the Timber Industry Development Division (TIDD). The FSD is charged with protecting the trees in the reserve areas mentioned earlier, as well as trees in the off-reserves. Their mandate however does not extend into the Mole National Park, as the park is under the Wildlife Division. The FSD can cause the arrest of loggers in reserve areas. In off-reserve areas, they tend to play more of an advisory role, urging loggers not to fell fresh trees, but to use dry trees if they have need of logs for any purpose. They also give seedlings to some farmers who practice bush burning to replant trees after they have burned the trees to cultivate crops. This is especially the case in reserve areas. In off-reserve areas, the FSD tends not to have control over the activities of farmers who burn bush for crop cultivation.

A rocha Ghana is an NGO that has the environment as its core mission. It believes that every human being has a responsibility to take care of God's creation and not to cause harm to creation. A rocha holds that human existence and nature are inextricably linked. So any harm to nature is

harm to man. This NGO has been in the district since 2005 and has been carrying out workshops and seminars on environmental issues with local stakeholders. The NGO is currently lobbying the government through relevant sector Ministries to revise forestry laws concerning the Savannah area. It receives support and works with major international institutions like the IUCN. It also often uses the media, the local radio station (radio PAD) to educate the public and run advocacy programmes on how to sustain the environment and conserve wildlife. A rocha was attracted to the district by the presence of the Mole National Park and the fact that the park is surrounded by 33 rural communities. This provides for the NGO an obvious entry point as these communities would tend to have conflicts with wildlife and park management.

Then there is the local radio station, radio PAD, established and run by the Catholic Church since 2012. The station has held educative programmes on environmental sustainability, sustainable water use and general entertainment programmes. In the wake of the logging of 2012-2015, radio PAD teamed up with A rocha Ghana as authorities in the frontier speaking against rampant logging. This station invited other stakeholders and is said to have advised the district assembly to start taking levies from loggers in order not to completely lose out from the unregulated logging activities that took place in the district. As is common with many radio stations in Ghana, radio PAD has a mother station in Accra where it often draws its major news feeds from. It is also able to reach out to the mother radio station to communicate developing issues at the district level, thus having the tendency to have nationwide coverage sometimes. A typical example is the Murugu case which will be discussed later in this chapter.

Another vocal group that rose up strongly in the frontier was the Gonjaland Youth Association. I am not sure whether to classify this association as an authority or as a pressure group. But whatever it is, this group did have some influence. It took a virtual space on the social media with members both in Ghana and the diaspora mounting pressure on the government to ban the logging activities in the district. One member posted on facebook *“Mr. President, I heard you angrily summoned the local government Minister for allegedly giving orders for trees to be cut down in the Aburi Botanical Gardens (that is in the South of Ghana)? If this is true, then I need you to take action on this alarming situation in the north Gonja district because not too long to come, we will start suffering in Daboya if this act is not halted with immediate effect”*⁵. As would be noted, this angry facebooker was speaking for the North Gonja District. But this gives confirmation to the broad network and coverage the Gonjaland Association had, cutting across all the 4 districts that constitute Gonjaland. The association also used facebook as a platform to urged the youth to give up logging as it provided an unsustainable means of livelihood with only short term benefits. It has also been mentioned by radio PAD and A rocha as a vocal group in the wake of logging in the district. Other members of this group rose to the defense of the chiefs, arguing that the youth had a responsibility to personally stop the practice. This category of

⁵ Facebook post of 24th May, 2014 accessed
<https://www.facebook.com/groups/168949729790819/search/?query=Aburi%20Botanical%20gardens>

members clearly stated that they each had friends, relatives or partners involved in the business and should personally exhort them to stop the practice.

3.2 Forested farmlands as property and access to forests prior to the Road Project

Prior to the development frontier (i.e. road construction period), governance of forests was characterized by culturally and traditionally defined modes of forest governance. These modes of forest governance also determined access to forests as property for local populations. There was some socially defined and accepted code adhered to by all, with limited outside influence. Governance of forests was characterized by legal pluralism and access was determined by pluralistic modes determined by the social connections that indigenes established among themselves and immigrants.

With the temporary interruption of this system, the social connections and the pluralistic ownership modes of forests and forested farmlands became the conduit through which deforestation was to commence on a major scale. I proceed by expounding on the pluralism of access to land and the socially established networks that governed access to forests prior to the road construction project. But first I show how the social connections predetermined by tradition and customary practices made it possible for indigenes and immigrants to access forests and forested farmlands in the West Gonja district prior to the road construction (development frontier period). Figure 5 below shows the actors and the practices that governed access to forests as property prior to the road project.

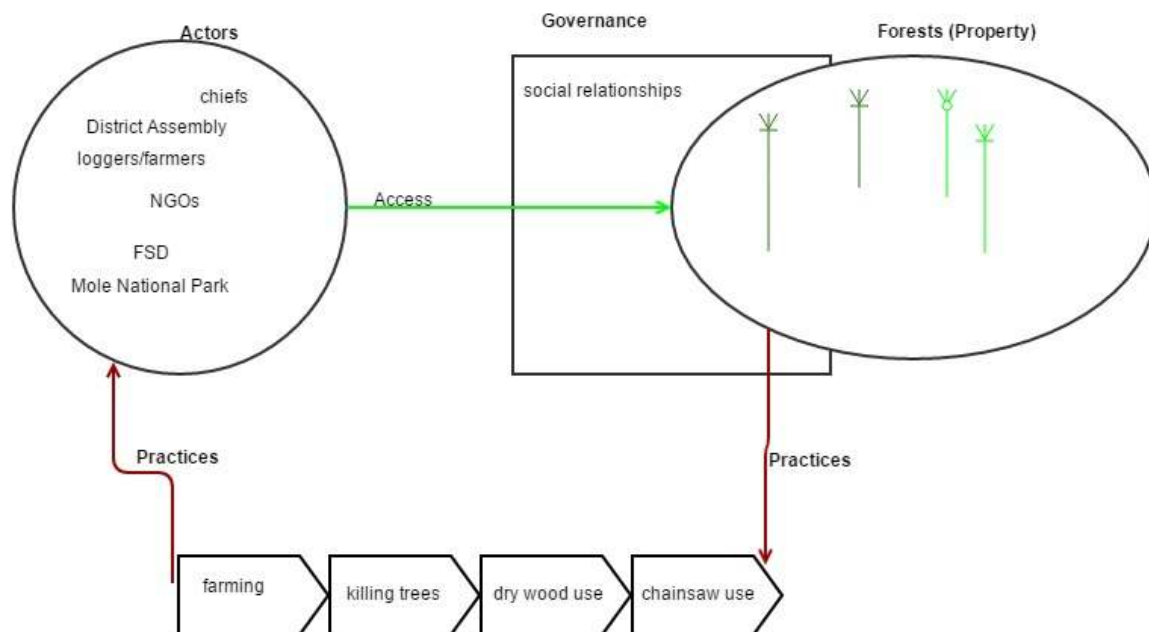


Figure 5 - Governance prior to Development Frontier

From the figure 5 above, I show that the ability of locals to gain access to forests depended on the social relationships that they established among themselves and other local actors. These social relationships in turn determined the practices that governed forests and dictated whose property a given piece of land or forested farmland was. This social relationship was partly a driving force in determining how access was negotiated under the development frontier as loggers and timber merchants built on pre-existing conditions in their negotiations with authority in order to access forests. In other instances, these merchants, loggers and truckers circumvented some of these pre-existing processes to access forests. This would be expounded on subsequently when I discuss the development frontier in this chapter. But for now, I proceed with discussing access to forests or forested farmlands prior to the development frontier in the West Gonja District.

Among the indigenes themselves, access to farmlands prior to the road construction was quite straight forward, albeit hinged on good social relationships as already stated. An indigene could start farming on any piece of land provided that land was vacant. To determine the vacancy of the land, the indigene had to inquire from other indigenes or indigenous farmers about the availability of any lands within their domain. Alternatively, indigenes gained access to forested farmlands through inheritance. For those forest areas that fell outside the boundaries of forest reserves, and also happened not to be anybody's farmland, unrestrictive benefit from the forest products without destruction was allowed⁶. For instance, women or wives of farmers could pick

⁶ Interview with Damongowura on 18th April, 2015
Group Interviews in Canteen 4th and 10th April, 2015

seeds of shea-nut trees from such areas without consulting anyone. Women could equally harvest fruits of the dawadawa tree which could be further processed for domestic consumption or commercial purposes without consulting anyone. However, it was not allowed to fell trees or set them on fire in these areas, except for cultivation of farmlands. An indigene required the permission of the chief under whose jurisdiction such lands fell to be able to fell trees or set them ablaze. However, it was customarily established, that farmers often burned trees on their farms prior to cultivation of crops, especially of tuber crops. They did not need explicit approval of the chief to burn the trees. Burning of trees and logging were both prohibited by the FSD and the Wildlife Division. Other authorities like the District Assembly and the NGO A rocha did not approve of these practices too. But farmers burned the trees without permission of the chiefs and the FSD anyways. This practice eventually became the norm accepted by all in the district. Hence in order for farmers to log trees, they needed the approval of the chief (traditional authority) in off-reserve areas or the FSD in forest reserve areas. But because farmers often burned the trees to cultivate crops, negotiation with authorities to log trees was not a common practice.

Access to farmlands was a bit different for migrants and settlers. For a migrant, if he wanted a piece of land to farm, he had to discuss it with his landlord or the person who hosted him upon his arrival to the community. The landlord was then obliged to help the guest obtain a piece of land for farming. Based on this obligation, the landlord in turn discussed with other farmers, and if any of them was willing, he gave part of his farm to the immigrant or directed him to an abandoned farmland. Alternatively, the landlord led the immigrant to the chief of the area. The immigrant would present some *cola nuts* as formality. The chief would then allocate a piece of land within the community to the immigrant. This was (is) typical of an individual first timer migrant. If it was a group of immigrants, as in the hamlet of Poposo, the immigrants were required to discuss their need with the chief or sub-chief of the area. The sub-chief then designated a piece of land for them to live and earn their livelihood of subsistence farming. When these immigrants were allocated land for farming, they were subject to the same conditions that governed forests, just as indigenes. The immigrants were also not allowed to fell trees or burn them. However, they were allowed as was the practice, to burn the trees on their fields to cultivate crops. Meanwhile, it is noteworthy to state here that chiefs made it flexible enough for a landlord to be able to allocate a piece of land to a stranger for farming purposes without necessarily having to bring such a person to the chief. It was also possible for a farmer to give out for free, farming land to another farmer because land, as is the practice in Gonjaland must not be sold to another person. It is only the chief who is sanctioned by tradition to do so. Prior to the development frontier therefore, it would be realized that access to forests was not directly negotiated with the authorities i.e. chiefs, FSD and the District Assembly. Authority was not so much exercised on claimants to property because they did not have to see the chief, the FSD or the District Assembly in most cases. They were often sorted out by their landlord or a farmer with

Group Interview in Busunu 15th April, 2015

Interview with Assemblyman (Laribanga) on 14th April, 2015

the help of their landlords. Property was therefore produced through negotiations with landlords and subsistence farmers.

Once an immigrant or immigrants had been allocated a piece of land to farm it was considered their property and the forests thereon considered theirs. They were protected, as custom would have it, from such lands being encroached on, or taken by another migrant or indigene⁷. Their children and future generations were allowed to continue farming on the land. This social arrangement made it possible for indigenes and migrants alike to acquire land for subsistence mostly through inheritance. This is because a son could continue farming on a piece of land that his father had farmed on. The trees on the farms also remained accessible to the descendants. But the same old customary practices that governed access and use of forests were upheld. Property was therefore determined through inheritance, a process laid down by the social relationships established by customary practices upheld over time in the district. However, when people disagreed on property issues, they went to the chief for a resolution.

In Poposo a typical hamlet of less than 10 houses, farmers who are mostly Dagarti (Dagarba) migrants from the Upper West region of Ghana sought the permission of the chief of Sor no. 2 (a sub-chief to the Damongowura) to settle and cultivate crops in the densely forested Poposu area. These farmers required the permission of the chief to fell trees. They could access the wild fruits, cut branches of trees to make farm implements and build their houses without the permission of the chief. They were also allowed, as is the customary practice, to *kill* the trees on their farms before cultivation of crops, especially tuber crops. At the end of each year they showed their appreciation by bringing together some foodstuff from their farms and presenting them to the chief. By this process, they acknowledged the chief's authority, legitimizing it and conferring on him the right to sanction their claims to the property. At the same time, the chief by accepting these gifts and allowing them to continue farming and accessing the forests exercised or reinforced his authority in relation to the property and his authority over the people of Poposo.

Again, as stated earlier, the livelihood of chiefs is sustained by royalties, levies, and fines paid by subjects. The in-kind payment made by the people of Poposo was not a fine, it served as a necessary customary obligation (a form of royalty) to maintain the relationship the community had with the chief. By making these payments, they annually leveraged their access to the forests. In 2013, the community together presented 3 bags of maize and other foodstuff to the chief.

The Kamara people of Laribanga, because of their unique relationship with the Gonjas, are designated caretakers of the land on which they currently settle (Laribanga). The land actually falls under the Jurisdiction of the Busunuwura. However, the people of Laribanga are free to farm, harvest produce from the forests and even allocate lands over there to immigrants for farming and residential purposes. This freedom to allocate lands gives Laribanga people some semblance of ownership of forests and lands, but this ownership will be questioned under the development frontier as logging turns out to be a major source of revenue for chiefs of Gonjaland, thus putting

⁷ Interview with Assemblyman, Laribanga on 14th April, 2015

them in a position to remind Laribanga people that they are caretakers of the land. This is why major decisions concerning the use of forests and lands during the development frontier are attributed by the Laribanga people to the Busunuwura who is some 37.4 km away or the Yagbonwura who is about 15 km away from Laribanga. Whatever the situation, the Yagbonwura would not take decisions that affect forest governance in Laribanga without the knowledge of the Busunuwura.

Prior to the commencement of the road project, the FSD allowed some farmers to farm in some of the forest reserves, especially in the Damongo scarp and provided them with seedlings of trees, mostly teak (*Tectona grandis*) to plant as they farmed along. The FSD did this because of the practice by farmers, mostly yam and cassava farmers to *kill* trees before farming. The FSD also allowed it in a quest to maintain the livelihoods of indigenes and to forestall any violence that might emerge from these indigenous farmers. The reason was because most of these farmers had been farming on the scarp before it was made a reserve and farming remains their main source of livelihood. Secondly, the FSD officers tended to be public officials, and often migrants, so they did not want to meddle in land issues. Here we see again the conscious effort of the FSD not to evict farmers from properties that they had inherited, but to rather accommodate them within the reserves and allow them undertake subsistence sustainably by advising them on sustainable farming practices.

3.3 Contested ownership of forests (legal pluralism) prior to the Road Construction

Prior to the road construction of 2011, the socially established process of accessing forested farmlands and forests made it possible for diverse claims to ownership of land and forests. Locals in the district put it that when a farmer acquired land for farming, every tree on the farm belonged to the farmer as long as he farmed there⁸. The farmer could clear the trees for farming. However, exemptions were made (and are still made) to the shea tree (*Vitellaria paradoical*) and the dawadawa tree (*Parkia biglobosa* or African locust bean). These trees are of economic value. The shea tree for instance produces fruits, the seeds of which are used to produce oil for cooking and other domestic purposes. The dawadawa is nutritious and also adds flavor to food. For these and other economic uses, it is not allowed for farmers to fell these trees. Everybody in the district had a responsibility to protect these two species of trees because of their economic value, destruction of which warranted a fine from the chief of the area.

Farmers in Canteen, a community of about 800 people in Damongo, put it this way. The trees on the farm can be burnt or cleared for farming. Especially for yam, they argue, when the trees are not “killed” the yam will not grow. A forestry officer agreed with this position, stating that, *“especially the yam farmer, you have to kill them (the trees). If you don’t kill the trees, you won’t*

⁸ Group Interviews in Canteen 4th April, 2015 & 10th April, 2015

Group interview in Busunu 15th April, 2015

Group interview in Laribanga, 4th May, 2015

Group interview in Poposo, 30th April, 2015

Interview with Assemblyman, Laribanga 14th April, 2015

*get it (meaning harvest will be poor)*⁹. The farmers however stated again that all trees in Damongo belonged to the Damongowura. Therefore you needed the permission of the Damongowura before you could fell a tree. Yet it was customarily accepted to terminate all the trees on your farm prior to farming. They insisted that setting trees on fire and felling the trees were not the same. By their observation, when they felled a tree, new shoots did not sprout out anymore and the tree died permanently. But when they burnt the trees, after some 3 years, the area became forested again, especially after they had relocated and allowed the land to fallow. This position was corroborated by farmers in Busunu, Laribanga and farmers from Murugu¹⁰. Even the Damongowura agreed with this position, stating that *"You cut one tree, as soon as you burn it, ooh, it will multiply. After 5 to 6 years, you will see the whole place wooded again. That's the nature of Damongo's lands"*¹¹. Here the farmers in Canteen introduced the notion of ownership of trees by two actors. They stated how the trees belonged to them, and yet they required the approval of the chief to fell these trees. By giving the same piece of land two ownership rights now, the farmer and the chief, the farmer assumed the subaltern status in the ownership rank. However, their ability to burn the trees and cultivate without anyone hindering them proved their unfettered access to forests on their farms. This would subsequently become one of the reasons for unregulated logging under the development frontier.

Meanwhile farmers in Canteen again stated that the trees on their farms belonged to the forestry commission, represented by the FSD in the West Gonja District. This position derives from their observation that when forestry officers found a farmer felling a tree, they arrested the farmer or fined him. So here we have trees that belong to the Damongowura whose permission must be sought prior to felling, but which is not sought anyway. Then we have the same trees believed to belong to the forestry commission who can arrest and have the farmer prosecuted by the state for unlawfully felling in the forest. The introduction of this third party, the FSD, draws into the governance of forests, a pluralism of laws operating within the district. Bosu (2013 p.12) observed that the forestry sector alone was replete with 23 Acts and 26 Legislative Instruments (LIs). In addition to the Acts and LIs, chiefs had the 1992 constitution which grants them ownership or custodianship of all lands in their traditional areas. Also, chiefs had the claims of ownership by conquest to make, as well as the customary practices, both of which would position chiefs at the helm of governance of access to forests at the frontier.

Because of the presence of the FSD, as protectors of the forest in the district, it is required that their permission is sought before trees can be harvested. At least that's what the forestry officers told me *"you have to come for our permission"* (a kind of confirmation of what the farmers in Canteen said)¹². The officer maintained that *"You know, forestry is general, is the general*

⁹ Interview with Forestry Officer, Canteen, 3rd May, 2015

¹⁰ Group interview in Busunu 15th April, 2015

Group interview in Laribanga, 4th May, 2015

¹¹ Interview with Damongowura on 18th April, 2015

¹² Interview with Forestry Officer, Canteen, 3rd May, 2015

protection of trees. But we only indicate some particular places for protection". Even if a farmer secured seeds from the FSD to grow trees, he still needed their permission to harvest the trees. The only condition under which a farmer could have unrestricted ownership to trees was when the farmer cultivated commercial trees. Trees like mangoes and cashews were (and still are) regarded as commercial trees and strictly belong to the planter, hence his property. He may choose to transfer ownership to another farmer. This is the case when a farmer is leaving the community and can no longer manage the trees and does not want to lose revenue from the trees. He can ask another farmer to play a caretaker role for him. There are some pockets of mango and cashew farms. However, at present, there is no farming on commercial basis in the district, as farming tends to be for subsistence (West Gonja District Assembly, 2014).

In Busunu, farmers maintained that the trees on the farm belonged to the farmer. They stated for instance that if a logger wanted to fell the trees on a piece of land, the logger needed the permission of the farmer. This was actually not so different from what farmers in Canteen, Laribanga, Poposu and Murugu said. The distinction lies in the fact that Busunu farmers tended to associate logging directly with the logging of rosewood in the community by some youth between 2012 and 2015 (the development frontier period). The farmers said that because these loggers targeted a particular species of wood (the rosewood, *jankiliya* in Gonja), they would ideally, require the approval of farm owners to fell them¹³. This is rightly in accordance with the practice, as one cannot just go into the farmland (property) of another farmer and start picking fruits or felling trees without the farmer's permission. Also, their claim is attributed to the pluralistic nature through which land is accessed; either by just finding a vacant piece of land and farming on it (typical of indigenes), seeing a landlord for a piece of land to farm on, consulting another farmer to allocate a parcel of land to you for farming or seeing a chief for land to farm.

Access to forests was therefore negotiated in many forms, thus through the landlord with another landlord or farmer, through one farmer with another farmer, through inheritance accepted as the tradition, through a chief or sub-chief, and sometimes through the FSD. These pluralistic forms of negotiating access to forests determined governance of forests in the district. Authority was not often used to produce property as chiefs allowed some leverage in the allocation of farmlands to farmers by landlords and other farmers. However, when there was a conflict, the disputants went to the chief for arbitration.

3.4 Dynamics at the Development Frontier

The Development Frontier is epitomized by a clash of the afore-mentioned local practices with state policies regarding forest governance during the execution of a development project. This clash not only exposed the crevasses in the local practices adopted in forest governance prior to the development frontier, it also exposed lapses in terms of enforcement of forest governance policies by central government. In the development frontier as depicted in the diagram below, I

¹³ Group Interview with farmers & loggers. Assemblyman present. Busunu, 15th April

show how the emergence of new actors affected the old practices and introduced new practices that determined the governance of forests for the constellation of actors gathered at the frontier.

The Development Frontier

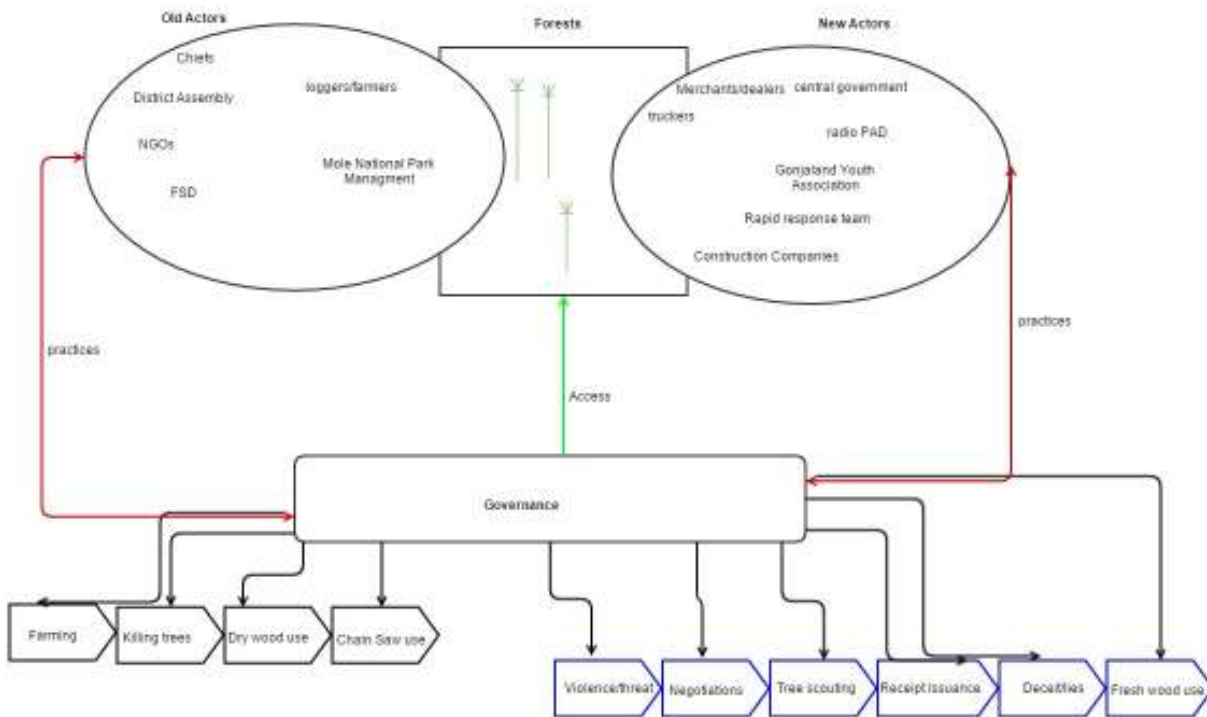


Figure 6 - Governance at the Development Frontier

From figure 6 above, I suggest that new actors introduced new practices which destabilized the already existing norms that governed forests. I also depict that some of the old practices were not completely abandoned but were given emphasis or de-emphasized on other occasions. For instance, the use of chainsaws, which was clandestinely done prior to the development frontier by illegal loggers gained prominence and normalcy at the inception of this frontier. Conversely, the insistence by authorities on the use of dry wood for fuelwood by charcoal burners was given less emphasis as the attention of authorities tended to gravitate towards making money from loggers. In diagram 6, the new practices that governed access to forests are shown in the blue arrows which diverge to the right of the “governance” box above. Both old and new practices again fed into the general governance of forests in the development frontier, thereby re-emphasizing property and authority and redefining access to forests by the myriad of actors who had trouped in to cash-in on the new market at the frontier.

The development frontier begun with the commencement of construction works on a 147.5km stretch of road from Fufulso to Sawla in 2011. The Government of Ghana (GoG) had secured in

November 2010, a grant of USA\$166 million from the African Development Bank for the construction of this Fufulso-Sawla road (African Development Fund, 2010). The Government sought through this road project to open up economic opportunities for this area which happens to be in “one of the most impoverished and isolated regions of the country” (African Development Fund, 2010 p. 2). The project apart from linking up two regional capitals of Wa (in the Upper West Region) and Tamale (in the Northern region), was also to serve as a link to neighbouring countries of Cote d’Ivoire, Burkina Faso, Niger and Mali. The contract was to be executed in two separate lots by two companies, China International Water & Electric Company Limited and China Harbour Engineering Company Limited. The project included other components such as the supply of water to communities, construction of markets, and renovation of schools and health centers along the stretch of the road (African Development Fund, 2010). The contractors were allowed to clear vegetation within 5 meters off the shoulders of the road for the additional construction works of schools, markets, inter alia. The road which was scheduled to be completed by June 2014 was routed through three districts namely the Central Gonja district, the West Gonja district and the Sawla-Tuna-Kalba district.

It was the construction of this road project that created or introduced the development frontier. This frontier brought with it a constellation of authorities, merchants (outsiders or intruders), and other actors who were hitherto not interested or active in logging within the district. These actors begun to compete among themselves to gain access to the forests, to control and own the forests, and to maximize their chances of making money from the rosewood species of timber. The frontier promised an improvement in the livelihoods of these actors, namely the chiefs, loggers/subsistence farmers and public officials. These actors under the frontier, especially the local actors, earned monies that they had never envisaged before. This flow of money at the frontier spurred them on and these actors devised all forms of schemes, such as violence/threats, bribery, theft, negotiations, deceit, inter alia to govern forests and define new modes of access to forests in the West Gonja District. Chiefs magnified their power by enforcing their claims as property owners. A patron-client relationship gained prominence as merchants paid monies to chiefs who in turn allowed them to gain access to forests.

Given their position as custodians of land, chiefs exerted their authority by organizing “palace boys”, mostly their own sons who set out to stop loaded trucks and collect moneys from them as royalties. Property was being made by the exchange of money. As chiefs were willing to take money to allow merchants, loggers and truckers haul logs out of the district, these same actors were willing to legitimize the authorities of chiefs and to “legitimize” their own access claims to forests by making such payments. Chiefs, prior to the development frontier would ideally allocate land for free to an immigrant or sell land for commercial farming, i.e. if several acres of land was required. Under the development frontier, because the lands were not being demanded for farming, but rather for logging, there was no need for chiefs to sell out parcels of land to intruding merchants. This was a temporary enterprise, and chiefs found an alternative solution. They decided flat rates for immigrant merchants prior to accessing the forests and prior to haulage of logs out of the district. Access to property was therefore negotiated on this basis with authority

on the ability of actors to make these flat payments. Truckers and loggers likewise paid flat rates before being able to access forests or before felled logs were allowed to be transported out of the district. Indigenes, as well as “migrant indigenes” did not have to make the initial flat rate payments. They were allowed to log, upon the approval of the chief of the designated traditional area, after which they paid the rate of GH¢500 required per truckload of wood to this chieftaincy authority¹⁴. So although chiefs maintained part of the culture of not selling land as proscribed for ordinary citizens or subjects of their traditional areas, they invariably sold the trees to all actors who wanted to access the forests. Each prominent chief like the overlord, Yagbonwura, Damongowura, and Busunuwura had revenue collection task forces. These task forces were mostly the palace boys (princes or sons of the chiefs). Their responsibilities included stopping loaded trucks and taking levies on behalf of chiefs. Other times they acted on their own volition, as the Secretary/Registrar of the Yagbonwura would have me believe¹⁵. They pursued loggers and truckers into the forests, usually about 15km or more, to take revenues for chiefs. In the making of property, these task forces generated receipts which they issued to loggers and truckers after having received payments for logs harvested. These receipts evinced the approval of the traditional authorities for loggers to haul logs out of the district. Other authorities, like the district assembly which had been dormant all the while that the logging started in the frontier eventually became involved, also charging levies per truck and issuing receipts. Some public officials from institutions like the FSD and its para-military unit, the rapid response team, together with the police service also became compromised by taking bribes and allowing logging to continue in the frontier. It was money that determined access to forests, but especially for trees that were marketable at the period, the rosewood (*Jankiliya in Gonja*) and the Afzelia Africana (*Kawuba in Gonja*), the latter coming into prominence after the former (rosewood) begun to deplete.

During the development frontier period, the West Gonja district witnessed a new wave of logging unseen before. As Bosu of A rocha Ghana puts it, *“there has never been logging on a commercial basis to the extent that we saw within the last three years within this particular landscape, within the savannah eco zone. Right after they had actually signed the contract and launched the road construction, the logging started”*¹⁶. It should be emphasized here that the logging started on a large scale because some local practices which were probably glossed-over by authorities found a new verve under the construction project. For instance, there was already the use of chainsaws on a small scale by some loggers, especially charcoal burners. Meanwhile, the Timber Resources Management Regulation of 1998, L.I. 1647 prohibits the use of chainsaws for lumbering or shaping of timber in Ghana (The Forestry Commission of Ghana, 1998), and yet lumbering was taking place on a small scale. A person, per the regulations, would require the permission of the District Forest Office prior to using a chainsaw. Additionally, the chainsaw would have to be registered. Given that the guinea savannah area where the West Gonja District is located is a

¹⁴ Interview with university graduate who practices subsistence farming & logging for livelihood, 17th April, 2015

¹⁵ Interview with the registrar/secretary of the Yagbonwura, 21st April, 2015

¹⁶ Interview with Daryl Bosu of A rocha Ghana, Damongo, 13th April, 2015

fragile ecological zone, logging was not allowed at all and using chainsaws was strictly prohibited. But prior to the development frontier, the few chainsaw operators never registered their chainsaws, and were equally not stopped by the authorities from using them. Loggers who used to burn dry wood for charcoal production took advantage of happenings during the outset of the frontier to fell fresh trees for charcoal instead of using dry wood. Farmers in canteen described the charcoal burners as the most devastating of all loggers¹⁷. This category of loggers did not spare even the economic trees (shea tree and dawadawa). They used every species of trees to produce charcoal, after which the charcoal was transported out of the district for sale in bigger cities and royalties paid to chiefs per loaded truck of charcoal. These loggers through payment of royalties and receiving written notes from chiefs to allow them passage at police barriers legitimized the authority of chiefs (copy of note of passage attached as Annex 1). The chiefs simultaneously legitimized the claims and access to forests for these loggers by taking royalties from them and issuing notice of passage to them. Property thus, being the forests was being made by this contract or social relationship between chiefs and these charcoal burners, just as the authority of these chiefs is also being produced or legitimized by this same social relationship.

With the onset of the development frontier therefore, it became relatively easier for merchants, wealthy intruders or outsiders to engage locals of the West Gonja District in logging activities. These merchants only needed to understand the hierarchy of forest governance, and to identify a few loggers and business could commence.

3.4.1 Intruders

At the development frontier, it was not uncommon to find timber merchants from outside the district. What Geiger (2008) describes in his characteristics of the frontier as a pronounced presence of non-native private actors. These non-native actors did not only comprise of Ghanaians from outside the West Gonja District, but some foreigners who also dominated the trade. Most of these foreigners were the Chinese, the Indians, Lebanese and mostly people of Asiatic descent. Bosu (2013) is of the observation that the logs were transported to China where the market value was high. The *Jankiliya* was particularly a valuable product, fetching a local market value of GH₵12,000 (US\$6,316)¹⁸, although at the frontier merchants paid nothing more than GH₵6,500 (US\$3,421). Prices were however within the range of GH₵4,000 and GH₵6,500 as determined by merchants based on log sizes. This is what Geiger (2008) describes as exploitative economic relations between intruders and indigenous inhabitants as indigenes tended to settle for lower payments because of their poverty situation. The merchants who came into the district brought with them varying permits enabling them to negotiate or transact directly with authorities. The emergence of these intruders introduced a patron-client relationship between themselves and the chiefs enabling them to determine access to forest for themselves and for their boys who did the logging for them. The patron-client relationship was three-fold; 1) between merchants and chiefs, 2) between loggers and chiefs and 3) between loggers and

¹⁷ First group interview with canteen farmers, 4th April, 2015

¹⁸ Interview with Damongowura on 18th April, 2015

merchants. For merchants who negotiated access directly with chiefs, they also invariably negotiated access for their boys who provided the labour. Hence these boys had copies of permits from these merchants as proof that they were accessing the forests with the approval of the concerned authorities. The second category often tended to be with loggers who by virtue of information received through social networks felled trees without being engaged by merchants. Although this category eventually shopped for merchants to buy their products, they also made payments to chiefs through palace boys and owed their access to forests by their respect, allegiance and acknowledgement of the chieftaincy institution. The third category was the direct relationship between merchants and their loggers. These loggers, as most interviewees described them were exploited by the merchants¹⁹, yet the monies they earned was too much in their eyes and they were willing to fell as many logs as they could to court the favour of these merchants.

A company, believed to originate from the Bole district, Messrs Savannah Investment Ghana Limited, was the first company to come into the district with a salvage permit. The entrance of this company marked the beginning of a new wave of logging. This company secured a permit from the FSD headquarters in Accra to salvage logs that were of economic value along the road. It identified the *jankiliya* as an important timber species that needed to be salvage. The permit that allowed this company to salvage logs stated that 2,023 trees were to be salvaged along the stretch of the road project. Nine hundred and fifty-three (953) trees were to be salvaged in the Mole National Park, and 1070 trees were to be salvaged in the Kenikeni forest (Bosu, 2013) both areas lying along the road project off Laribanga-Sawla stretch of the road. Locals in Damongo say that after this company executed its contract, which started in November 2012, and expired on 30th June 2013, it left. But copies of its permit found way into the hands of other individuals and truckers who most probably were engaged by the company to convey logs. These individuals and truckers used these permits to engage some youth to fell more trees because the business was lucrative. For each truckload of *jankiliya*, truckers or loggers could earn up to GH¢5000 to GH¢6000 per container. These amounts give us a conservative figure of about US\$2,630 to US\$3,158 per truckload of wood using an exchange rate of US\$1 to GH¢1.90²⁰.

A second permit was generated, this time from the Northern regional capital of Tamale dated 13th August 2012. This permit authorized Messrs Alex Danso Company Limited to salvage 914 logs or billets which had been felled illegally and lying at stump site. It must be emphasized here that there were two bans, one in January 2012 and lifted in May 2012 and then again on 1st January 2014. In order for a company to be able to convey the logs, the ban had to be lifted. However, when the ban was lifted temporarily for logs that had already been cut to be conveyed, merchants and loggers proceeded to cut fresh logs. This second letter specifically instructed the company to only carry those 914 billets and not to cut fresh wood. The price per log, valued

¹⁹ Interview with environmentalist and media person, Damongo 5th May, 2015

Interview with A rocha, Damongo 13th April, 2015 & 20th April, 2015

Interview with media person, 11th May, 2015

Interview with Assemblymen Laribanga, 14th April, 2015 & Canteen, 28th May, 2015

²⁰ Using exchange rate date of January 31, 2013 from freecurrency.com

between a GH¢100 (US\$52.6) and GH¢150 (US\$79) was also specifically indicated in the letter and the communities where these billets were to be hauled from namely Damongo, Laribanga, Mole, Nabori, in the West Gonja, Jonfrono and Bowena in the North Gonja district were indicated. This second contract was to be executed within a period of one month. It is noteworthy to mention here that the pluralism of ownership of forests is given emphasis by the letter emanating from the FSD headquartered in Accra, the subsequent ban on logging imposed by central government, and the continuous logging carried out by indigenes under the approval of chiefs. This pluralism of ownership is also proof of the pluralism of laws that operated within the district. For instance, the FSD determined its legal mandate by referring to its duty to preserve all forests in the country whilst the chiefs determined their mandates as traditional leaders ordained by conquest, customary practices, and the 1992 constitution of Ghana, to serve as custodians of land to their subjects.

It is rumoured that anytime a ban was imposed by central government, the chiefs and youths who had by this time started seeing money in thousands, would petition the President who is from Gonjaland (Bole District, but partly raised in the West Gonja District) for the ban to be lifted. It was also rumoured that during this period, a lot of loggers had taken loans to engage in the business and therefore needed to settle their bankers. Sustaining a ban for long implied more interest payments on loans taken. So these loggers pressured their chiefs who in turn pressured the government. But because the chiefs themselves also stood to benefit from these activities, they had no difficulty with openly requesting government representatives for the bans on logging to be lifted. Here we see how locals used a combination of the mechanisms of access by (Ribot & Peluso, 2003; Sikor & Lund, 2009), namely capital, knowledge, identity and social relations with authority to determine their ability to benefit from forests. First loggers used the chiefs, who in turn petitioned the president and state ministers. Loggers also had knowledge of the market. They knew how much *jankiliya* could fetch them in the market and also understood how to use the banking system to secure loans (capital) to commence or bolster their trade. Additionally, they acquired the technology, with most of them buying chainsaws and renting them out to other loggers who could not afford these machines to facilitate access to forests. Olu, a logger in Poposo bought a chainsaw costing GH¢2,200 (US\$1,158)²¹. Within two years, he was about to buy a motorbike, which is estimated at about GH¢1,900 (US\$1,000) and another chainsaw which he rented out to another logger. This rented chainsaw rakes in for him GH¢600 (US\$316) every month. For a remote hamlet of less than 10 houses, with most of them engaged in subsistence farming or charcoal burning, the logging business turns out to be a good business after all. Loggers in the West Gonja District also identified with the seat of government i.e. the presidency, and used their social relations to lobby chiefs at the local level and some even had connections with the seat of government which they used to negotiate access to forests.

The FSD could not interfere at this stage because they had already received copies of the aforementioned letters from the national capital and the regional offices of the Forestry Commission.

²¹ Group interview at Poposo with loggers and farmers, 30th April, 2015

As one officer told me, attempting to stop the process would have made them liable to a charge of causing financial loss to the state²². He perceived that these letters were also considered contracts, and stopping the companies implied preventing the execution of a contract.

Then there emerged a third letter again from the Forestry Commission in Accra dated 28th February 2014 to the Regional Manager of the FSD in Tamale and the District Managers of Damongo and Bole. This letter stated that the Hon. Minister through the Forestry Commission had given approval for the evacuation of logs and billets from 12 communities. This letter was to permit two companies carry logs from the district. One company, Messrs Meyiri Company Limited was to carry in total 1,914 logs and 786 billets which could not be transported prior to the imposition of the ban on logging of 1st January 2014 (copy of letter attached as annex 1). The second company, Messrs Commodity Procurement Limited was to convey 4,010 logs from 8 communities, three of these communities were specifically stated and the remaining five only identified as sites 1 to 5. This letter had a deadline of 23rd May and stated categorically that the companies were to ensure that no fresh trees were felled in the process. With this letter too, copies got circulated among loggers and truckers, thus serving as tickets to log fresh wood and sell to whoever was willing and able to buy.

Eventually, another company, Messrs Time concept limited was also given a permit to convey confiscated logs²³. In the wake of all this, salvage permits, confiscated logs permit and conveyance permit, it became unclear to community members which permits were really authentic. In the course of time, other permits rumoured to be emanating from the presidency were also being circulated in the district by Merchants. As Mr. Adam, an environmentalist put it *“these permits come, is like writing a note to somebody. And they know where to target. They go to the illiterate chiefs and say government says we should come and do. This is the proof. What does a blind man care about a mirrow? Once you say government, they are shivering. Government says, kumoare bi ya yɔ²⁴”* (in that case, go ahead). This was the strategy employed by merchants when dealing with illiterate chiefs in the district. An attestation of deceitful and cheating behavior used by outsiders at the frontier as observed in other frontier studies (Geiger, 2008; Haenn, 2002).

The permits became so many that an assembly man expressed his frustration at attempting to stop loggers. *“when the people come to cut here, you ask them, they have a what and what from the Gonja traditional leaders, they have permit from the forest, they have permit from who and who. Is a lot, and I say me as assembly man, what can you also do, if they have permit from above²⁵”*

Not only were the permits numerous, but also the merchants who came with these permits. This situation can be expected at the frontier, where a constellation of actors converge with diverse

²² Interview with FSD officer, Damongo, 8th May, 2015

²³ Interview with an environmentalist, Damongo, 13th April, 2015

²⁴ Interview with An environmentalist and media person, 5th May, 2015

²⁵ Interview with Assemblyman, Laribanaga, 13th April, 2015

interests and strategies to access resources. The wanton photocopy and distribution of permits amongst loggers and truckers is evident of networking and information exchanges within the frontier. Information is fluid, and where there are shared interests, the impact of information cannot be underestimated. This was the scenario at the development frontier. The common interest of companies, loggers and truckers in the development frontier was money. As long as each of these actors was sure of making money from some logs, they were willing to share information with each other. Information or knowledge therefore became one of the major mechanisms of access to property.

The chiefs maximized their gains in the face of these developments, arguing that it was the government that gave permits to the merchants and they could not stop the merchants from logging. They argued that all they could do was to take royalties for the exploitation of resources in their traditional areas. However, they might have been able to stop these illegal loggers because of the power that they have and their constitutional mandate as custodians of land for the people. But they used the issuing of permits by state institutions as an excuse to continue benefiting financially from illegal logging in the district. This excuse gives away the frontier as a space where authority can simultaneously claim ownership of property and deny ownership at the same time because of the plurality of authorities. Yet authorities acting behind this simultaneity of claim are able to negotiate with other actors to allow these actors access to forests. For instance, chiefs by stating their inability to stop logging because merchants came with permits from government is to claim that forests are the property of government, hence government is solely responsible for how forests are governed. However, the acceptance by these same authorities that they take monies as royalty payments is an indication that they make claims and accept ownership of property. This is supported by the fact that they legitimize access to forests by negotiating with loggers and truckers. This legitimized access makes it possible for these loggers and truckers to log and haul logs out of the district for a fee which these authorities receive.

Also, the issuance of letters from the national and regional offices of the FSD is a further confirmation of how authorities can coalesce at the frontier. These authorities can be in two-folds, those from within the physical environs of the frontier, and those from outside the physical boundaries of the frontier. Conversely, the presence of some authorities can be weakened by other powerful authorities. The FSD and the District Assembly were weakened by the presence of chiefs. The inability of these two institutions to stamp their authority in the frontier creates the situation that Geiger (2008) describes as the absence of a full blown civil administration at the frontier. Here we have two civil administrations that are governing forests by their actions or inactions. Either ways, the actions and inactions constitute governance as well since governance is “messy” or convoluted as (Li, 2005) puts it. But the reclining of these two institutions to the backstage meant that the chieftaincy institutions asserted their authority and benefited the most. For instance, the prominence of chiefs at the development frontier enabled them to assert their authority and power. Their presence was felt by the fact that merchants visited them first to seek their approval prior to logging, thus negotiating access to forests with them. Secondly,

their presence was also felt by the fact that they deployed task forces, usually their sons or palace boys as they were called, to collect levies on their behalf. The chiefs, namely the Damongowura, the Busunuwura and the Yagbonwura were said to be charging a trucker per load of wood an amount of GH¢500. Initially, the Damongowura for instance received about GH¢1,500 (US\$789) from each merchant. The amount however reduced to GH¢500 as more merchants came into the district. The Busunuwura for instance was rumoured to have received the gift of a car from one of the merchants. The District Assembly only joined the fray of beneficiaries after some youth mobilized themselves and offered to take revenues to help the assembly's development plans. The eventual emergence of the District Assembly to take revenue can be interpreted as a sudden awareness of its authority and the need to deploy it. In the process, loggers, merchants and truckers were not only legitimizing their claims of access, they were also legitimizing authority. The emergence of the district assembly to begin collecting revenue signifies an attempt and struggle to legitimize its authority as well.

This plurality of authorities further exposed the plurality of laws that governed forests in the district, and also made it possible not only for loggers, but also for authorities to choose which laws suited them most. The District Assembly sought to derive its authority to regulate governance of forests from the Local Government Act, 1993 (Act 462) derived from the 1992 constitution, whilst the chiefs also drew their authority from the same constitution as custodians of the land. At latter stages in the frontier, access was no more negotiated with authorities by way of dialogues, it was negotiated by flat payments levied by these authorities, and hence the ability to pay determined the ability to access the forests.

3.5 Governance of forests at the development frontier from 2012 to 2014 and beyond

Governance of forests at the development frontier took diverse forms. There was the deployment of violence/threats, deceit, negotiations, bribery, among other forms.

3.5.1 Deployment of threats and violence

After loggers had secured the approval of chiefs and had proof permit from a merchant partner, they became embolden. They also became emboldened because they had the backing of the two most powerful authorities at the frontier; the chiefs who are the most powerful in the district, and the District Assembly who were both taking monies from them. To top it up was the ability of some of these loggers to possess permits issued by state departments to merchants. And yet the patron-client relationship established among these actors as stated earlier provided the protection they needed. Loggers sought to protect their turf from any interferences. They unleashed threats and violence on anyone who tried stopping them, especially in the forests, firstly because there was so much money involved and competition was keen for the resource, *jankiliya* and secondly because the *jankiliya* species was becoming scarce and loggers had to travel several kilometers, sometimes up to 30 kilometers to access them. There was therefore the need to claim ownership of the few ones that were not far from township and to maximize profits in the emerging scarcity. It was common knowledge that in the emerging scarcity, loggers had begun switching to a new species of wood, the *Azelaia Africana* (*Kawuba*, in Gonja) which

offered less value on the market. The danger here is that as this species also begins to dwindle, loggers are most probably going to figure out that there is another species that can fetch a comparatively lower price on the market, and the logging of forests will persist.

A youth who took monies for one of the institutions said concerning the fear or threat of violence, *“you can even get to a point where you cannot even approach them”*²⁶. Sometimes they worked in large numbers of up to 50 people or more, had about 10 chainsaws at one spot and 5 or more mizers to shape the wood into sizes. The numbers alone were intimidating, and anyone who tried stopping them without some diplomacy or tact was threatened with the chainsaws. On a few occasions, forestry officers had been chased by loggers with chainsaws in off-reserve areas. An officer cited an incidence that transpired in Murugu where some loggers came at them with chain saws. The officers reported to the police and an arrest was made. However, one of the chiefs called the district commander to plead for the release of the loggers. That was how the case ended without any legal action. Here we see again how the patron-client relationship between chiefs and loggers is employed in the governance of forests at the frontier.

Eavesdropping on a conversation gave me a clue of violence at the development frontier. On the 12th of May 2015, I went to inflate a tyre of my mum’s vehicle which has been nagging her with flat tires every now and then. I parked the car for the mechanics to examine and decided to enjoy some shade under a supermarket close to the Aboagye filling station in Damongo township, because temperatures were soaring at about 40°C. A group of young men, 3 of them started discussing an event that transpired earlier. They were in their mid-20s I presume. They discussed how they caned a forest officer in Canteen when he tried stopping them. The forest officer had come on inspection and heard the noise of a chainsaw in the forest. So he came by to see what was happening. When he found the loggers he told them to stop and declared the logs ceased. The young men would not allow it. A confrontation ensued and in their own words, they cut up fresh canes from the forest and beat him up, till their leader came in to stop them. When I inquired from their leader who I happened to know, he denied the beating. But instead said the officer came demanding money from them and they were unwilling to pay. His boys wanted to beat the officer up, but he did not allow it.

As the district assembly begun to assert its authority in relation to property, by also taking revenues from truckers, violence crept in among some assembly members. In a community, revenues collected by the assemblyman were supposed to be handed over to the revenue collector, who was then to issue a receipt as proof of monies received and to transfer the money to the accounts of the district assembly. When the revenue collector realized the monies were not being paid, he confronted the assemblyman. A disagreement ensued leading to the collector being beaten up by the assemblyman. The collector made a complaint to the district assembly and the case was subsequently resolved without any sanctions on the Hon. Assemblyman.

²⁶ Interview with a revenue collector, 24rd April, 2015

As loggers began to go up to about 15 miles or more into the bush to access logs, they began to define new modes of access. Some of them claimed the forests as their property and restricted access to other loggers. These loggers who made claims of these forests symbolized their claims by identifying species of trees and labeling them. Other loggers respected this claim, most probably to avoid conflicts. Forests that had prior to the development frontier been accessible to all, began to assume ownership and new access mechanisms, “symbolization or labelling”. By symbolization, I imply that loggers determined that targeted species of trees was theirs by either making marks on the trees with chainsaws, or by tying red and white strands of ropes or cloths to trees. This eventually became the practice for most loggers in the off-reserve and off-farm areas. This approach, enabled them to define new turfs and declare those trees as their property. And when they harvested logs, revenue collectors from the District Assembly and the chiefs came around to collect levies, thereby legitimizing the property rights of these loggers and allowing them sustained access to the forests.

3.5.2 Use of Negotiation and Lobby Power

The chiefs and some youths of the area lobbied other authorities to lift the ban on logging as stated earlier. The youth directly lobbied the chiefs, but also made threats on radio PAD, that if they were not allowed to log, they were going to opt for armed robbery. During a radio phone-in programme on radio PAD, some youths phoned in asking the radio station to ask the president, His Excellency John Dramani Mahama to choose between the two “evils” logging and armed robbery²⁷. They asked, if the president instructed for a ban to be placed on logging what did he want them to do? They threatened that if the ban was not lifted, they would go into armed robbery to earn a livelihood. However, locals say these threats were made not because there were no job opportunities, but because the logging business was lucrative and the youth had begun to enjoy what it felt like to have money at the frontier. Their threat amounted to a form of negotiation and appeal to authority to allow them unrestricted access to forests. This appeal to authority at the frontier also evidences the interrelation between property and authority, which these loggers seem to recognize. The persistent appeal to authority by loggers, merchants, chiefs, and other actors attests to this recognition.

On one occasion for instance, the Deputy Minister of Lands and Natural Resources, Hon. Barbara Serwaa Asamoah visited the district to inspect the logging situation. A chief publicly requested her to facilitate the lifting of the ban on logging. He posited that since the logging of *jankiliya* begun in the district, the incidence of armed robbery among the youth had reduced.

As stated earlier in this chapter, some youths who were separately tasked by the District Assembly and chiefs to take monies on their behalves devised negotiation strategies. Events at the frontier made every actor alert and smarter. These revenue collectors dealt directly with the merchants or middlemen. Because the trade was characterized by deceit, these boys met the merchants in the forests where the logging took place. The boys would then demand the amount

²⁷ Interview with An environmentalist and media person, 5th May, 2015

due. If the merchant did not have cash readily available, they agreed on a venue and met later in town to settle the difference. If the merchant was not present in the bush, he was given a phone call by one of his employees. The collectors would then speak with the merchant and agree on the amount before leaving the forest. If the collectors and the merchant were unable to reach an agreement, the collectors stopped the trucks from loading. Here we observe that the ability to benefit from forests was not only determined through the mechanisms of access such as technology, markets, labour, inter alia but through the use and negotiation with authority by access seekers. It was associated with a newly acquired skill of negotiation predicated by the dynamics at the frontier. This newly acquired skill was sometimes buttressed with the use of force by authorities or their representatives. Authorities exerted their power and authority by impounding or detaining loaded vehicles that were unable to raise the requisite levies prior to haulage away from the district.

Other persons who directly negotiated with merchants and truck drivers were some police and forestry officers. These officers would fake an arrest, or most probably arrange with the truck drivers to meet at a place. The officers would then take the lead to the agreed destination. The drivers would follow up in their trucks. Upon reaching the venue, negotiations would be held and payments made, then the drivers would depart. An interviewee was very specific of a point that the police, the Rapid Response Team, FSD officers and truckers/loggers often met *“you see canteen, when you are going to number 2 (referring to Sor no.2), the coal tar end there, there are some mango trees just there. This is where they stand to negotiate. And the police will take the lead with their motor bikes, then the articulators follow”*²⁸.

3.5.3 Revenue collection

Authorities found that the easiest way to govern forests was to allow the loggers fell the trees and then impound the loaded vehicles to demand revenue. The district assembly, just like the chiefs begun collecting revenue by levying truckers GH¢500 per truck. It is estimated that the District Assembly made in excess of GH¢120,000 (US\$63,158)²⁹ whilst the chiefs who started taking revenue earlier would have made several times this amount. The Damongowura is rumoured to have built for himself twin houses out of levies from logging. Meanwhile, there is no official residence or palace for the Damongowura’s office. Implying that future chiefs will have to continue accommodating themselves in their private homes.

The police and the rapid response team also took their share, but theirs was mostly through direct negotiations with loggers and truck drivers. The FSD represented by the rapid response team and the police begun to struggle among themselves to each assert their authority independently. When they failed to do it separately, they teamed up with each other. This

²⁸ Interview with An environmentalist and media person, 5th May, 2015

²⁹ Interview with Assemblyman 28th May, 2015

Informal interview (conversation) with assembly, 4th April, 2015

collaboration to maximize gains accounted for the hobnobbing at popular joints in town by these officers.

3.5.4 Competing authorities; the blame game, the responsibility shift and the appeal to authority

As already stated, forests are managed in a legally pluralistic manner. The chiefs are said to own all the land and the trees. The farmer who begins to cultivate crops becomes the owner of the trees on the farm, he can terminate the trees to cultivate crops, but still requires the permission of the chiefs to do so. The chiefs themselves, according to the Secretary of the Yagbonwura are semi-autonomous and autonomous at the same time³⁰. For instance, each chief was responsible for governing forests within his traditional area. Meanwhile, these same chiefs were responsive to the overlord of Gonjaland, the Yagbonwura. The forestry commission which is represented by the FSD is responsible for all trees both in the reserves and off-reserve areas. As stated earlier the forestry sector alone had 23 Acts and 26 LIs concerning the governance of forests. And the district assembly has a legislative and administrative function to facilitate development of the district. But when questions about logging were asked, each authority referred to another authority as being the reason for their inability to stop the logging. Mr. Adams, an environmentalist succinctly put it this way, *“the trees are believed to be under the possession of chiefs, in quote. That is what is believed. So the trees that they cut here, the chiefs are fully aware. But this is the pretext, the chiefs will say that it is the government which has given permits for the trees to be cut and the government will also turn round and say it is the chiefs who have allowed people to come and cut the trees. So which is which? who has the law?”*³¹. (Amanor, 2004 p.13) in his piece on participatory forest management in West Africa states succinctly that in Ghana timber is the property of the chief because he exercises authority over land. This pluralistic notion behind ownership of forests and access to them made it possible for authorities to engage in responsibility shift. For instance, the Damongowura admitted that he knew logging was destructive to the environment, but added that some *notable* people from his area were involved. These must have been people more powerful than the chief himself because he was visible afraid to mention any names. He gave an excuse that the involvement of these people made it difficult for him to stop the practice. He thus decided to take monies as royalty since the logs were harvested from his traditional area. Another chief said this to me *“let me tell you something. Is interesting. You know the paramount chief too has been taking money from those who harvest wood from this area”*. What the pluralism of laws and the responsibility shift did in the frontier was to create a relatively easy access to forests by loggers. Authorities however waited for this access to materialize into property in the possession of the loggers. Authorities then exerted their influence by exacting levies from the loggers. How the authorities went about this process was to wait for loggers to fell the trees, shape them into logs and load them unto trucks. Once this was done, it became easier for authorities to identify the logger or driver of the

³⁰ Interview with Kapor, Secretary/Registrar of the Yagbonwura. 21st April, 2015

³¹ Interview with An environmentalist and media person, 5th May, 2015

truck. What these authorities then did was to accost these truckers and claim ownership rights to the logs that have been loaded to the trucks, then they subsequently exacted levies or royalties from these truckers.

In order to allow access to forests, and make property claims to them, loggers and authorities in the district found it convenient to refer to other superior authorities. For instance, there were rumours that the President's brother was neck deep in the rosewood business and some loggers used his name to access wood. Others used the names of chiefs, for instance the Yagbonwura, the Damongowura, and the Busunuwura to enable them gain access to forests. These loggers and merchants at a point referred to the president in order to gain access and make property claims to forests. As a media person noted, *"today you hear the president is involved, tomorrow you hear his brother is involved. It is even alleged that the vehicles that come are for the president"*³². Even the security forces also referred to these authorities to dissuade their colleagues from investigating the syndicates in the trade. A media person again told me of how a BIN officer investigated the syndicates by following truckers to Kintampo in the South. The officer was eventually dissuaded at Kintampo by a police commander to give up his investigation and return to Damongo. For the police commander to tell the BNI officer that the issue under investigation was above the two of them³³ implies foreknowledge or interaction with other authorities involved in the *jankiliya* business.

Some loggers also had connections with other authorities at central government, and used these authorities to intervene when they run into trouble. An officer at the Mole National Park told me that the reserve once arrested a logger who was logging right outside its boundaries. The officer later had a call from the Castle (the seat of government) asking him to release the person. The reserve ignored the request and proceeded to process the logger for court. Although the reserve prosecuted this logger, what we see here is how loggers use authority, not only in the district, but outside it to make and claim property rights. We also see how authority, even outside the frontier space, pushes its influence to legitimize the claims of loggers in the frontier.

Also visible in the blame game and responsibility shift was the uneasiness and unwilling of some authorities to discuss logging at the frontier. Because of the pluralism of laws that characterize the frontier, some authorities were afraid to indict themselves because they were obliged to comply with the ban on logging that was imposed by central government. However, these authorities were making revenue by allowing loggers fell trees. This therefore accounted for their unwillingness to talk to me as each authority was wary of exposing themselves in an interview. The secretary/registrar of the Yagbonwura, who was visibly unhappy when I asked about the logging told me that the Yagbonwura does not give approval for anyone to log. It is people who go about using his name to intimidate locals so that when they log no one can stop them. He said loggers lobbied individual chiefs in their respective traditional areas and the Yagbonwura could not be aware of such negotiations. Meanwhile, it is widely known in the district, that one of the

³² Interview with media person, 11th May, 2015

³³ Interview with media person, 11th May, 2015

elders of the Yagbonwura, one chief Inusah led palace boys to collect revenue on behalf of the Chief. How could the chief not be aware of such a person? The District Assembly on the other hand avoided discussing the logging issue with me and authorities kept making appointments with me and canceling them till I departed from the West Gonja District.

Then forestry officers would say they tried stopping the activity. But when they had letters coming in from Accra (the national capital) and Tamale (the regional capital), they caved in. They would argue that the political powers behind logging in the district could not be stopped by mere forestry officers. An officer told me, *“Politically, if I tell you those who are behind rosewood, you will be shocked”*³⁴. Once there were political figures involved, it was enough not to take action, but to leave the matter to the politicians to resolve. Loggers and merchants, especially the merchants have therefore succeeded at the frontier, to use superior authorities to negotiate their access to property with the less superior authorities. By superior authorities, I mean the state institutions and government. Although the traditional authorities (chiefs) are considered less superior in the national body politic, they are just as powerful at the frontier. Their authority cannot be overlooked as some of them tend to make us believe.

3.5.5 Deceit and outsmarting of the system

Some merchants came to the district with forged permits. They presented these to some of the “illiterate” chiefs and community leaders. These chiefs and locals had no way of authenticating the permits, and once the merchants said they brought them from government, or government instructed them to come and fell trees, it was enough to have the consent of chiefs. It also became the practice that anytime merchants came with permits to salvage already felled wood, they told the communities that they had been asked to come and collect trees by the government. People would immediately head into the forests to harvest the specified species, *jankiliya* and later *Kawuba*. It became a cycle, merchants identified loggers or middlemen and gave them money to bring logs. Then when they were unable to convey all the felled logs, they appealed to authorities that the logs they were supposed to convey were not finished and needed more time to convey them. Some of the logs are still lying in heaps in the district, as neither these merchants nor their truckers were able to convey them with the enforcement of the current ban. Below in figures 8 and 9 are some pictures of logs that merchants and loggers were unable to convey.

³⁴ Interview with Forestry Officer, Damongo, 9th May, 2015



Figure 8 - logs in Poposo after the ban



Figure 7 - log in Busunu area

The above figures 7 and 8 are evidence of illegally felled logs that remain unconveyed in the West Gonja District. Locals did not have any value for these species until merchants attached monetary value to them. so with the onset of the ban, they probably do not know what to do with them, or are hoping that a future lift on the ban will soon take place so that they can sell them.

Some dealers or merchants as they are called in the communities, also adopted a strategy. They convinced loggers to fell trees. These dealers then conveyed the logs without payments or sometimes with minimum cash deposits. They then told the loggers that they were unsure if the quality of the logs and sizes felled met the required standards. They convinced loggers to allow them take the logs to Accra and show to the authorities for approval before they can make full payments. These dealers eventually did not come back or most probably returned to different areas of trade. Some loggers were said to have incurred debts as a result of this stratagem because most of them had secured loans from the banks to engage in the trade. The financial loss on the part of these indigenes is yet characteristic of events at the frontier. Loggers required an initial capital of GH¢2000 (US\$1,053) to start the business and if they lost out, they had to repay this amount to the banks.

In Canteen, loggers devised a scheme. Because Canteen is a small community of 819 people, everyone seems to know the other, and to know the days that people rest from farm work. It is the norm that Christians do not go to farm on Sundays, and Muslims do not go to farm on Fridays. What these loggers did was to devise new rules of logging, in which they logged in the forests, away from people's farms on non-religious days. On reserved days of worship, the loggers observed the farmers. They eventually figured out those that went to farms on Fridays and those that went on Sundays. If a farmer was a Christian, they waited till it was Sunday, when they knew he would be in church, then they invaded his farm, fell the species they wanted and left quickly. If the farmer was a Muslim, they went into his farm on a Friday. Although farmers often suspected some persons, every suspect denied knowledge of the activity. Farmers in Canteen, who I prefer

to call “migrant indigenes” said they could not report such acts because they said a farmer risked being told by the chiefs that he was even lucky that he had a piece of farm to farm on³⁵. I should emphasize here that most of the people in Canteen are settlers from different parts of the country. Others are even foreigners from Burkina Faso, Mali, and other neighbouring countries. They have however settled in canteen for generations explaining the reason I prefer to call them “migrant indigenes”. Their retort to my question about what they did when their farms were encroached gives an idea that a distinction still exists in terms of right of access to forests for migrants and indigenes. Authorities were more likely to give less importance to complaints by migrant farmers about logging activities in their farms than they would do for natives. Their response also evidences Geiger’s observation of denial of indigenous inhabitants’ ownership claims to land and natural resources. In the situation of Canteen, farmers did not lose their lands completely, they lost the timber species on their farms, and also lost the opportunity to negotiate a price with loggers for the trees harvested. The sizes of their farms also reduced as a result of unconveyed or unwanted remnants of logs left by loggers.

The district forest officers did not have well laid down methods of telling which truck drivers operated with legal permits. Officers had in their possession copies of permits which indicated the names of the companies and the designated areas of operation. When the officers stopped a trucker, all they did was to ask which company the trucker was conveying the logs for, and which area the logs were conveyed from. When the drivers mentioned companies and areas that corresponded with the permits held by officers, they were allowed to go. Truckers therefore knew offhand which companies were allowed to convey logs in which areas, and often used it as a getaway even without permits. Occasionally when forest officers had doubts, they phoned their head office in Accra. They were then required to mention the registration number of the vehicle to the officer in Accra. Often, the officer in Accra would confirm that the vehicle was operating with their knowledge and should be allowed to proceed.

Bribery became institutionalized and public officials made gains. Loggers for instance were required to pay GH¢1600 conveyance fee per truck to the FSD district office in Bupe. Out of this amount, GH¢1000 was paid directly into the bank account of the Division. The remaining GH¢600 was directly paid to officers who shared it among themselves.

3.6 The objecting actors in the frontier

Within the development frontier, there were actors who were against the logging. Through their objections, they also appealed to authority, thereby making authority in the process. So in the making of property for some actors, property of other actors was also being unmade. For instance, when A roacha Ghana, radio PAD and the Gonjaland Youth Association spoke against logging and begun to negotiate with authorities on how to stop the activity, they unmade the property of loggers, truckers and merchants in the process, whilst at the same time making property for non-loggers who wanted these species of timber preserved for alternative reasons.

³⁵ Second group interview with canteen farmers, 10th April, 2015

Sometimes actors used the same authorities like chiefs who sanctioned the claims of loggers and merchants. Other times they used state institutions of sector ministries responsible for the forest sector. These actors teamed up and used different mediums to express their displeasure. A rocha Ghana for instance was very vocal on the district Radio station, radio PAD. It organized together with the Mole game reserve workshops that brought on board chiefs and diverse actors, including banks, to discuss how the logging situation could be resolved. The radio station itself organized phone-in programmes urging people to discuss why they thought logging activities were rampant in the communities. They also urged participants to propose solutions to the problem.

Another actor that was very powerful in this anti-logging campaign was the Gonjaland Youth Association. Their mode of campaign was through the social media. Using this platform, they appealed directly to the youth and also to authorities, especially those from Gonjaland who held political offices. They urged the youth to seek alternative livelihoods and abandon logging because of its environmentally destructive nature. Some members also used this platform, facebook to directly appeal to the president, asking him to do something about the logging situation in the district. This group had a wide membership in excess of 2000 people from all the four districts that made up Gonjaland. Their appeals therefore tended to have a wider reach and impact.

There was a unique success case in Murugu, where the community stood up against loggers and truckers. Murugu is a community that is isolated and is only connected to other communities by a bridge that is constructed over the Mole River. Prior to the construction of the bridge, the people of Murugu found it difficult to access neighbouring communities. With the construction of the bridge, they were able to now access other communities and transact their businesses. The bridge was therefore an essential part of their socio-economic lives and could only hold a maximum of 25 tonnes per vehicle. As loggers begun to fell trees around Murugu and transport them to other areas through the bridge, the people of Murugu became worried that the bridge would collapse. They then formed a committee, wrote a letter to the DCE, copied the police and other relevant authorities expressing their fear that the bridge might collapse and hamper their livelihoods. They had no response from these authorities, so they decided to stop some trucks, and immediately involved radio PAD, the radio station of the district, because they did not trust the authorities. The issue was given media coverage and authorities who would have gone to intervene to have the trucks released were unable to do so. The villagers then fined the trucks and warned them not to return to that community to fell and convey logs anymore. This event signified an end to the activities of loggers and truckers in the Murugu area.

3.7 Conclusion

In discussing how the practices of illegal loggers at the frontier intensified negotiations over property and authority among actors seeking access to forests, I expounded on the practices that governed forests and the codes and conducts that emerged in the process.

For instance, I show that at the frontier, the emergence of new rules and new codes of conduct determined how access was negotiated. Access to forests was negotiated through direct negotiations with chiefs. Merchants and illegal loggers had to negotiate with chiefs and make payments to them in order to be able to access forests. This is because shortly after merchants started coming into the district and conveying priced logs, chiefs realized how much money they stood to make from such transactions and therefore exerted their authority. Merchants and loggers in a quest to harvest these forests willingly made payments to chiefs in order to leverage access. I show that the property and authority are produced through these negotiations between chiefs, merchants, loggers and other actors at the frontier who sought to harvest forests. I also show the interrelation between property and authority by showing how merchants' willingness to make payments to chiefs legitimizes the authorities of these chiefs. Also, the acceptance of payments made by merchants and loggers, and the issuing of receipts by chiefs in turn legitimized the claims of loggers and provided a basis for them to continue logging trees in the district.

The emergence of new practices together with old ones determined how forests were governed at the frontier. The ability of merchants and illegal loggers to adopt diverse practices at the frontier does not only show how negotiations to access forests was carried out. It also showed how forests at the frontier were governed. For instance, the governing of forests at the frontier included practices such as stealing targeted timber species from farmlands, issuing threats to forestry officers, deceiving locals by forging and/or using false permits to have them involved in illegal logging, inter alia. Some new practices and rules that governed access to forests at the frontier, included the felling of targeted species of trees on farmlands on religious days observed by those farmers, the tying or marking of trees as a form of ownership and the practice of paying bribes to different authorities to leverage access. I showed earlier in this chapter how illegal loggers who were supposed to pay an amount of GH¢1600 to the district office of the FSD explained that these state officials only recorded GH¢1000 cedis as revenues collected and shared the remaining GH¢600 among themselves.

I also show in this chapter that at the frontier, some of old practices which had hitherto not been given attention spiraled out of control and threw the frontier into chaos, as local practices begun to interface with an infrastructural development project. Some local practices such as the ability of a landlord (host) or farmer to allocate a piece of land to another farmer, first user of land principle and other practices created a pre-existing contested ownership of forests. These contested ownership of forests came to play at the frontier when authorities tended to refer to other authorities, thereby exposing the frontier as a legally pluralistic one. The use of chainsaws which has been banned in Ghana since 1997 (Sarfo-Mensah, 2005) was already being used in smaller scales in the district. Since authorities did not make a conscious effort to stop these

itinerant loggers, their activities became a foundation upon which illegal logging escalated at the frontier.

The interaction of old practices and the frontier, has the tendency to reinforce social differences and inequalities. For instance, at the frontier, it was those who had startup capital who could begin the trade in illegal logging. An initial amount of GH¢2000 stated earlier in this chapter happens to be the estimated earning of a subsistence farmer over a period of two years or more. Hence subsistence farmers who mostly could not raise this capital were unable to actively participate and gain from illegal logging. Also, because the activity was physically demanding, it was the youth, especially the young men who were involved in logging. However, the people who benefited the most in the development frontier, were the chiefs because they wielded power and authority, and controlled the resources (forests) prior to, and during the emergence of the frontier. Also worth noting in the collusion of old practices and new ones at the frontier is that, the frontier exposed the patriarchal system of land ownership in the district. First because it is often men who tend to own farmlands or forested farmlands, and secondly because the activity of logging was physically draining and was therefore practiced by men.

Also, events at the frontier exposed the real property owners, being the chiefs. The chiefs however capitalized on the pluralism of laws at the frontier to deny ownership of forests, and at the same time justify their negotiation of access with loggers and merchants.

To sum it all up, I have sought to discuss how access to forests are negotiated at the frontier by showing how property was made and used by actors in the West Gonja District. Merchants and illegal loggers have sought to make property by using authorities and making payments to these authorities in order to be able to access forests. I have also shown the interrelation between property and authority by discussing how illegal loggers and merchants found it convenient to keep referring to different authorities in order to be able to access forest.

CHAPTER FOUR - DISCUSSIONS AND CONCLUSION

In this chapter I explain how my research is related to other frontier studies and how it accords with the concepts of governance, access, legal pluralism, property and authority. I also show how my research differs slightly with some of the positions expressed by other authors and how my research could have been different if I had other options and approaches of going about it.

4.1 The Frontier

Prior to the emergence of the frontier, there existed quite some practices that were to provide the impetus for the activities of illegal loggers at the frontier. There already existed a multiplicity of authorities like the District Assembly, chiefs, the FSD and the management of the Mole National Park. The District Assembly played the administrative and legislative functions of national government at the district level. However, they were less dominant in land issues. Chiefs always tended to be the powerful parties in deciding access to land. The FSD was more preoccupied with protecting reserves whilst management of the Mole National Park concerned itself with wildlife and the vegetation around and within the park. With the emergence of the frontier, a pronounced presence of immigrants in the district became the norm. Many of these immigrants came from other regions of Ghana, whilst others even came from foreign countries. These immigrants did not adhere to local practices because they were only keen on harvesting targeting species of wood. The practices of these immigrants explains the frontier as one that is characterised by patron-client relationships, as they sought to pay their way through in order to access forests. As these merchants begun to circulate money at the frontier, people found illegal ways of harvesting forests. Authorities got involved in the money making business, and in such a spontaneous outburst of opportunity to make money, no proper checks and balances were put in place by authorities. Most probably because illegal logging gained momentum all of a sudden or probably because authorities preferred to have things messy at the frontier so that they could make some personal gains. Whatever the situation, the obtuse manner in which authorities handled finances received at the frontier made it a space that was characterised by unaccountability and misappropriation. Chiefs took money and did not have to account to anyone. The District Assembly took monies, although it should have been the institution enforcing the ban, it took monies under the guise of using them for developmental projects of the district. These monies taken by the District Assembly have been said to be inadequately accounted for by some assembly members.

An increased involvement of the FSD in forest related matters, concerns expressed by the management of the Mole National Park and multiplicity and duplicity of permits that were circulated at the communities all show how different actors are connected around common interests but with different motives at the frontier. For instance, the Park management wanted for trees not to be cut as this affected wildlife eventually. The FSD had as a mandate the protection of forests, yet rumours have it that some of them saw the frontier as a money making opportunity, just as did the police and other public security officials. So rumours of security and

public officials taking monies from illegal loggers is characteristic of how officials got corrupted at the frontier.

The frontier would not emerge if not for the emergence of actors in the physical, economic, and social space of the West Gonja District. I suggest that frontier studies and analysis should consider in sum totality the physical and especially the social dynamics that exist in it. By examining the frontier in its sum totality, we are able to observe the dynamics involved in the making of property and authority. We are also able to examine how access is negotiated among different actors with authorities, and how different actors identify gaps in the pluralism of laws that thrive at the frontier. How these actors capitalize on the gaps in a legally pluralistic frontier, how they use the different authorities that exist at the frontier and how they produce property by using these authorities is essential for understanding the frontier. This in my opinion gives a different or bigger picture, especially from a legal anthropologist's perspective, than other studies of the frontier which focus on frontiers and their relation to specific fields of study like agriculture (De Koninck, 2000; Eilenberg, 2014). My study uses deforestation or illegal logging as an entry point to examine the inter-connectedness of different actors around property, and how these actors negotiate access to property with authorities at the frontier. This approach differs from other studies which have examined frontiers in terms of "undisturbed" or "remote" areas which are completely isolated from markets or capitalist incursions. In my study, interaction with the market prior to the frontier was not completely absent, as the study area already had economic transactions with bigger cities like Tamale and Wa where they bought stationeries, domestic appliances, spare parts for vehicles, inter alia. The frontier however emerged because of construction of the road project and the discovery of the valuable species of rosewood (*jankiliya*).

The construction of the road alone was not enough to bring about the emergence of a frontier, although it served as a facilitator in many ways. Firstly, the construction of the road created awareness of the availability of valuable species of timber. Secondly, the construction of the road opened up markets for the species which prior to the project had no value to inhabitants of the district. Thirdly, the road construction brought about a circulation of permits, engendered by an influx of wealthy outsiders who created a local market for the *jankiliya*, and provided an alternative livelihood for the youth. Fourthly, the interaction between these outsiders and locals together turned *jankiliya* into property and reinforce authority within the frontier.

The emergence of *jankiliya* as property due to the social relationship that actors at the frontier established around it and the production of authority around it are characteristic of the frontier. The pronounced presence of actors from outside the district, and some instances in which illegal loggers have referred to authorities outside the district gives the inclination that in order to understand the frontier, it is important to observe other actors who are not within the physical boundaries of the frontier.

4.2 Negotiation of access

In chapter 3 we find that negotiation of access to forests between actors with authorities depended on the mechanisms of access as identified by (Ribot & Peluso, 2003; Sikor & Lund,

2009). We find that in the development frontier, these mechanisms of access were being used by different actors to negotiate access with authorities, thereby determining how forests were governed. Authorities became versatile by learning to use different negotiation strategies in determining how access to property could be obtained at the frontier. Authorities used a softer negotiation approach when merchants, loggers or truckers approached them to dialogue access terms with them. When actors overlooked the soft process of negotiation and tried not to use authorities to leverage their access, a hard negotiation strategy was used by these authorities, involving the impounding of loaded vehicles and the use of palace boys to intimidate actors. Authorities also improved administratively in how they governed deforestation. For instance, chiefs developed a receipt issuing system which they issued to loggers as proof of their approval, thus evidencing the interrelation between property and authority. The issuing of receipts was used by these authorities as an expression of their power. Hence when truckers were stopped by District Assembly members or police, they produced these receipts as evidence that another authority had approved the transportation of logs.

The interrelation between property and authority is undisputable. I agree with (Ribot & Peluso, 2003) that in the making of property, authority is also being made. I argue that in the making and unmaking of property, authority is always made. I argue that in the making of property for some actors, property of other actors is simultaneously being unmade. Hence property tends to have its umbilical cord connected to authority. Typifying this observation is the fact that actors who were opposed to deforestation, like the NGO A rocha Ghana, used the same authorities in negotiating an end to illegal logging. It may be argued that using the same authorities is an obvious option since they are the very ones sanctioning the claim. However, it also goes without saying that authorities other than the ones sanctioning the claims of actors at the frontier can be used as well. In the deforestation practices at the frontier of the West Gonja District for instance, the eventual decision of the state to place bans on logging in 2012 and 2014 is evidence of authority being produced at a higher level of the power hierarchy other than the ones produce locally at the frontier.

We also see how an increase in value of property can suddenly give life to authorities that have been dormant prior to the development frontier. For instance, we observe that chiefs allowed some leverage to lands by local landlords and farmers. They however asserted their authorities by claiming ownership of lands and forests when the value of *jankiliya* was discovered. The events at the frontier provides an opportunity to re-examine how the chieftaincy institution can mobilize revenue, aside from royalties to sustain itself.

Additionally, by allowing indigenes to access forests and to pay levies to chiefs only after they have sold harvested logs is evidence that in the negotiation of access to property, authority tends to be lenient towards actors who directly owe allegiance or subservience to it. This provides the conducive environment for the emergence of the patron-client relationships observed at the frontier.

We also find that in negotiating access at the frontier, actors devised many strategies such as violence, theft, deceit, inter alia, as found in other studies (Blomley, 2003; Geiger, 2008; Haenn, 2002; Sikor et al., 2009). These strategies, are typically characteristic of the development frontier. What is shown in the case of this research is the fact that when a resource begins to deplete, competition for it increases and the powerful actors with the most authority tend to be the most beneficiaries by adopting or supervising these different strategies of governance to determine access.

However, what remains a challenge is whether chiefs should be categorized as authorities or not. And if they are not to be considered authorities, how should they be considered? Although in the entire thesis I have referred to chiefs as authorities, Sikor and Lund (2009 p.8) from whom I build my ideas on authority and property describe authority in terms of a minimum temporary exertion of power which results in compliance from some actors in society. How much is minimum, I am unable to state. But I hold the view that deploying palace boys to forests to take monies from loggers and impounding their vehicles if they did not pay may not be minimum power exhibited. Also, the fact that loggers have to pay flat rates to chiefs, an amount which may be high and not negotiable causes me to think more about whether people really have a choice or not. Additionally, how would we consider authority when its relation with a resource is only for monetary gain to the detriment of environmental considerations and general societal welfare. The fact that Sikor and Lund (2009) also discuss authority and property in terms of legitimacy leaves open questions as to how chiefs at the frontier should be regarded. For instance, everyone, including chiefs were supposed to comply with the ban on logging. However, the chiefs did not comply, but sanctioned access to forests for illegal loggers. So the question to ask is to whom are chiefs by this act regarded as legitimate? Is it the national government or the illegal loggers? My guess is that the pluralism of laws that exist at the frontier make this possible.

4.3 Legal Pluralism

No single law gains prominence at the frontier, as espoused by (Franz von Benda-Beckmann et al., 2009). I agree with this observation, but suggest that in some instances, as in the development frontier of the West Gonja District, one law is capable of gaining prominence in a legally pluralist locality. The prominence of this law however tends to be concealed by the multiplicity of actors and the deliberate efforts by authorities to redirect attention away from its prominence by adopting the responsibility shift so as to escape blame. The fact that merchants, loggers and truckers sought the approval of chiefs prior to accessing the woods, even at the time that a ban by central government was in force attests to the willingness of actors to adhere to laws that suited them the most. We see how a disregard for the state imposition of ban on logging confirmed the pluralism of laws that existed at the frontier. This is evidenced by the fact that illegal loggers paid monies to chiefs, forestry and police officers took bribes, and each of these authorities tended to blame another authority for illegal logging. Chiefs often said it was the central government that sanctioned logging, or even accused other chiefs. The forestry officers and police on the other hand say it is the chiefs who approve of the logging practices and the officers are unable to interfere.

The claim to property on the part of some illegal loggers by symbolically tying shredded cloths to trees and making marks on them evidences the frontier as a space where actors due to the plurality of laws and the competition among themselves are able to create rules and norms to govern their own conduct. The photocopying, falsification or forgery permits is a manifestation of the plurality of authorities that govern forests at the frontier. As each authority realizes that they can access forests by producing permits, they begin to produce their own permits or photocopy permits from other authorities.

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ANNEX I – PERMITS OBTAINED FROM FRIELD

THE DAMONGO - WURA'S PALACE
C/O POST OFFICE BOX 27
DAMONGO

DATE

Dear Sir,

AN AUTHORITY NOTE FOR
TRANSPORTING CHARCOAL.

LORRY NUMBER

CHARCOAL OWNER

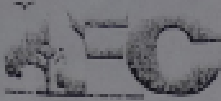
This is to certify that the above named charcoal
owner has paid royalty to my office .

I would therefore be grateful if you could
give him free passage .

Yours Sincerely

Damongowura Tuntumba II





FORESTRY COMMISSION (FOREST SERVICES DIVISION)

P.O. BOX 527 ACCRA, GHANA
TEL: (233-0302) 401210 / 401227 / 401216 / 401231 / 401249
FAX: (233-0302) 401215
E-MAIL: info_fsd@hq.fgghana.com

C477-SI.V.31/128
28 February 2014

The Regional Manager
Northern Region
Forest Services Division
Tema

The District Manager
Forest Services Division
Bole

The District Manager
Forest Services Division
Damongo

Dear Sir

RE: BAN ON EXPORT OF ROSEWOOD – REQUEST FOR EXEMPTION TO SALVAGE ROSEWOOD SPECIES

CE's Ref. No. PC/A.21/5F.3/V.46/95 of 17/12/2013
RM's Ref. No. 139/3 of 29/11/2013
DM's Ref. No. G.38.V.2/23 of 26/11/2013
DM's Ref. No. DBF.61.V.2/126 of 27/11/2013
CE's Ref. No. PC/A.21/5F.18/46 of 26/02/2014

With reference to the above quoted letters, the Hon. Minister through the Chief Executive of the Forestry Commission has given approval to **Messrs. Meyiri Company Limited and Commodities Procurement Limited** to evacuate the undelisted lying Rosewood logs and billets which the company could not complete before the ban on the export of Rosewood on the 1st January 2014.

Details to be evacuated by Meyiri Company Limited:

Forest District	District Assembly	Location/Community	Quantity of Logs	Quantity of Billets
Damongo	West Gonja	Damongo (Janfari)	186	-
Damongo	West Gonja	Damongo Site II	182	-
Damongo	West Gonja	Damongo III	108	-
Damongo	West Gonja	Borosu Site A	207	-
Damongo	West Gonja	Borosu Site B	162	-
Damongo	West Gonja	Sore No. 2	523	-
Damongo	Central Gonja	Buachipe Site I	117	-
Damongo	Central Gonja	Buachipe Site II	195	-
Damongo	Central Gonja	Buachipe Site III	96	-
Damongo	Central Gonja	Buachipe Site IV	88	-
Total for Damongo District			1,864	-

Forest District	District Assembly	Location/Community	Quantity of Logs	Quantity of Billets
Bole	Bole	Bole	500	320
Bole	Sawla/Tuna/Kalba	Sawla	-	466
Total for Bole District			500	786

See
APR 11/14
14/02/14

Details to be evacuated by Commodities Procurement Limited:

No.	Community	Quantity
1.	Busunu/Bedima	245
2.	Langentre	-
3.	Site 1	850
4.	Site 2	560
5.	Site 3	800
6.	Site 4	585
7.	Site 5	270
8.	Sunlepe	700
Total		4,010

All statutory payments should be fulfilled by the company in accordance with current rules governing the evacuation of Rosewood.

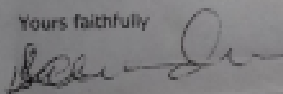
You are to ensure that all payments are made before evacuation of the logs/billets, and the company should comply with all forestry rules and regulations.

You are to ensure that the evacuation of the logs is strictly monitored and no new trees should be felled during the evacuation exercise.

This authorization expires on **23rd May, 2014** and it is **not subject to any extension**.

You are to provide a comprehensive report on the evacuation of the logs/billets for the information of the Hon. Minister.

Yours faithfully



A.A. BODU
DIRECTOR OF OPERATIONS (HF2)
FOR: EXECUTIVE DIRECTOR

CC: The Chief Executive
Forestry Commission
Accra

The Executive Director
TIDD
Takoradi

The Director
RMSC
Kumasi

The Managing Director
Meyiri Company Limited
P. O. Box CT 1771066
Cantonments, Accra

The Managing Director
Commodities Procurement
Accra



FORESTRY COMMISSION (FOREST SERVICES DIVISION)

P.O. BOX 527 ACCRA, GHANA
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FAX: (233- 21) 401215
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22

G477.S1.V28/73

16th November 2012

The Regional Manager
Northern Region
Forest Services Division
Tamale

The District Manager
Forest Services Division
Bole

Dear Sir



RE: APPLICATION TO SALVAGE TREES FROM CONSTRUCTION AREA ALONG SAWLA-DAMONGO ROAD IN THE BOLE FOREST DISTRICT

CE's Ref. No. FC/A.30/SF.6/Vol.34/07 of 14/11/2012
ED's Ref. No. G477.S1.V.28/40 of 22/10/2012
WD's Ref. No. WD/A.15/Vol.8/18 of 12/11/2012
CE's Ref. No. FC/A.30/SF.6/V.33/64 of 25/10/2012

Messrs. Savanna Investment Ghana Limited requested for a permit to remove Two Thousand and Twenty-Three (2,023) trees along **Kenikeni Forest Reserve** and **Mole National Park** to pave way for the construction of the **Sawla-Damongo Road**.

The Chief Executive of the Forestry Commission has given approval for the **Nine Hundred and Fifty-Three (953)** to be felled from **Mole National Park** and **One Thousand and Seventy (1,070)** trees from **Kenikeni Forest Reserve** totaling Two Thousand and Twenty-Three (2,023) trees.

The details of trees to be felled are tabulated below:-

Sp. Code	Local Name	Trade Name	Diameter Classes						Total
			10-20	21-30	31-40	41-50	51-60	70	
She	Kakulugu	Sheanut tree	80	140	10	5	5	-	240
Pa	Kawe	Papao	105	95	80	8	6	2	297
Se	Sonya	Sena	98	109	60	20	2	3	292
Da	Dawawa	Dawadawa	12	69	20	-	2	1	239
Pe	Forla	-	60	30	22	6	-	8	126
Ke	Kene	Kene	110	15	8	-	-	1	134
Kg	Mahogany	Mahogany	45	10	6	-	-	-	61
Cp	Onyina	Ceiba	-	-	-	-	3	2	5
Bbr	Akonkudie	-	-	-	-	-	6	4	10
Ros	Gynklie	Rosewood	80	100	98	26	30	-	434
Gri	Grimah	-	20	16	30	-	1	1	68
Kan	Kanya	-	30	18	25	-	2	3	76
Su	Supape	-	20	10	5	1	1	-	37
Go	Tusilla	-	-	-	-	2	-	-	2
Total									2,023

VISION: To leave future generations and their communities with natural, better, more valuable forests
and wildlife in a sustainable manner.

Source: Bosu (2013)

A

You are to ensure that you liaise with the Park Manager for Mole National Park to identify the affected portion of the Mole National Park prior to the evacuation of the trees in that portion.

Kindly ensure that all required payments are effected prior to the evacuation of the trees.

In addition to this the company should comply with all forestry rules and regulations.

The permit expires on 30th June, 2013.

Yours faithfully


EDITH ABRUQUAH (MRS)
OPERATIONS MANAGER, FSD
FOR: EXECUTIVE DIRECTOR

CC: The Chief Executive
Forestry Commission
Accra

The Executive Director
TIDD
Takoradi

The Director
RMSC
Kumasi

The Managing Director
Messrs. Savanna Investment
Ghana Limited
P. O. Box 11
Accra

The Park Manager
Mole National Park
Damongo ✓

Source: Bosu (2013)

Ref: G405/53
 Ref. No:



FOREST SERVICES DIVISION
 FORESTRY COMMISSION

P.O. Box 54
 Tamale Ghana

13th August, 2012

THE DISTRICT MANAGER
 FOREST SERVICES DIVISION
 BUIPE/DAMONGO

**RE: SITUATION REPORT ON THE ILLEGALLY PROCESSED LOGS/BILLETS OF
 PTEROCARPUS ERINACEOUS (Krayie) - NORTHERN REGION**

ED's Ref. No. G477.S.1.V26/79 of June 13, 2012
 YC's Ref. No. G.38.V2/144 of July 04, 2012
 MY Ref. No. G.405/47 of August 02, 2012
 ED's Ref. No. G477.S.1.V27/37 of August 07, 2012

Reference is made to the above quoted letters.

Permission is hereby granted to your company Messrs Alex Danso Company Limited
 to salvage nine hundred and fourteen (914 logs/billets) with estimated volume of
 268.26m³ of Rosewood from the under listed communities in the Damongo/Buipe
 Forest District

Name Of Company	Community	No. Of Log/Billets	Estimated Volume (M ³)	Remarks
Messrs Alex Danso Company Limited	Damongo	253	26.39	Felled and lying at stump site
	Laribanga	169	25.29	
	Mole	113	22.16	
	Bawena	138	22.85	
	Nabori	176	32.57	
	Jonfrono	65	41.98	
Total		914	268.26	

For the purpose of transparency and to gain confidence in the entire process, kindly
 involve all Key Stakeholders (ie Chiefs and Opinion Leaders, Institutions of State,
 Forest Fringe Communities, DISEC Damongo/Buipe etc) in the effective monitoring of
 the exercise.

Additionally you are to ensure that:

- The issuance of the Log Measurement and Conveyance Certificate (LMCC) is a non-delegated function.
- The abandoned/seized logs/billets in the field/or on farms should go at the price range of **GH¢100.00 to GH¢150.00** per cubic meter.
- Ensure upfront payment of the amount prior to the evacuation exercise.
- **Only already felled** and abandoned Rosewood billets which had already been captured are to be auctioned.
- No fresh fellings should be entertained/allowed.
- The evacuation exercise should be supervised by the Range Supervisor in-charge of the area.
- The District Manager should mark on top of the LMCC "**Confiscated**".
- Please note that the authorization is not a **permit** to fell standing/fresh trees.

The evacuation exercise should lapse within a period of **one month**.

The District Manager and the contractor will be held jointly and severally liable for any use(s) that may lead to the abuse of this authorization.

You can get back to me in case of any difficulty.


ANIEL APPIAH-BAFFOH
ASSISTANT REGIONAL MANAGER
or: REGIONAL MANAGER

Source: Bosu (2013)