



FOREST GOVERNANCE MONITORING SYSTEM

Tackling deforestation through linking REDD+ and FLEGT

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1.0 Introduction

Civic Response, as part of the Tackling deforestation through linking REDD+ and FLEGT Project, has developed this monitoring system to track forest governance in Ghana. This monitoring system is important because it is expected to generate the needed evidence or information for advocacy greater accountability, transparency and participation of local communities in forest decision making. The Reducing Emissions from Deforestation and Forest Degradations (REDD+) and the Forest Law Enforcement Governance and Trade processes would be the main vehicles for this advocacy, while drawing lessons from the latter for the former. The monitoring system focuses mainly on participation and benefit sharing however it is flexible to track other emerging issues in the forest sector that impacts communities. The system also tracks issues of land tenure as it relates to forests and large scale agriculture.

2.0 Context for the Monitoring system

The forest governance monitoring system builds on existing opportunities in the forest sector for reform. These opportunities include the existence of a new Forest and Wildlife policy, the systems development for full VPA implementation, the REDD+ and related processes, the forest legal reform and opportunities for greater CSO coordination. These opportunities are critical in informing the monitoring indicators and the advocacy pathways.

2.1 A New Forest and Wildlife Policy

Ghana has revised its Forest and Wildlife policy. This new policy has been seen by several forest stakeholders including CSOs as progressive and community friendly as it recognizes the roles of communities and other stakeholders in forest management, recognizes the inequity in power and benefit distribution and seeks to institutionalize participatory structures; decentralize control of forests; enact legislation that enables communities and individuals to benefit from trees on their farms and on their fallow lands; and rationalize the forest fiscal regime to ensure greater equity in redistribution of forest wealth among others.

The policy is a result of many years of CSO advocacy particularly by Forest Watch Ghana and strong lobbying in the policy review process. The next step to realize this progressive policy is the development of a forest sector masterplan to translate these policy statements into specific actions and programs that would be implemented. Our monitoring system provides evidence of current practices which are inimical to communities and help develop alternative proposals for the masterplan development process.

2.2 Ghana VPA Systems Development

Ghana was the first country to negotiate and sign a FLEGT-VPA with the European Union in 2008. Under this agreement, Ghana committed to undertake broad forest sector reforms both policy and legal and develop a legality assurance system for timber trade. So far much progress has been made in the development of the legality assurance system. The verification entity is in place and the protocols for verifying legality of timber are almost completed. The wood tracking system is soon to be completed and

the independent monitor has commenced work. Additionally, the Timber Validation Committee which is to safeguard the independence of the Verification entity has been inaugurated and it is setting up its procedures and systems. An enabling legislation for legality licensing has been passed¹. A FLEGT license could be issued as early as 2016. There are however issues that still need to be addressed. Regardless of the progress, the joint assessment of the Ghana LAS in 2014 raised issues with the non-conversion of expired and extant concessions to Timber Utilisation Contracts (TUCs), the VPA's non-recognition of special permits, the absence of forest management plans for some active production forest reserves, and discrepancies with SRA implementation and verification – just to mention a few – that need to be resolved before a FLEGT license could be issued. Our monitoring system provides the needed information to track some of these drawbacks and help direct CSO intervention and engagement in final steps of this LAS development. Additionally the system will be used to test the functionality of transparency commitments by government. It is important for civil society to satisfy itself that these issues have been resolved if the Ghana LAS is to be credible. For this reason, existing formal platforms for the VPA process such as the Multi-stakeholder Implementation Committee, Joint Monitoring and Review Mechanism, the Timber Validation Committee and less formal processes such as the CSO coordination meetings on FLEGT need to be used to address the issues that have emerged. Letters, memos, complaints and briefs based on the findings of the monitoring will be presented to these platforms at opportune times for such issues to receive the needed attention and follow-up action that is required. The monitoring system thus provides information that will contribute to CSO input into shaping and the implementation of the systems being developed.

2.3 Ghana REDD+ Process & FIP

Ghana is implementing the World Bank's Forest Carbon Partnership Facility and the Forest Investment Program. While the FCPF REDD+ seeks to address the drivers of deforestation and forest degradation, the FIP seeks to provide upfront financing to jumpstart REDD+ implementation in Ghana. There is in place a REDD+ Strategy and the REDD+ process has gone on to develop a series of documents as part of the social safeguard requirements of the World Bank. These includes the Strategic Environmental and Social Assessment (SESA). The general concern with civil society continues to be the less participatory nature of the process compares to the FLEGT initiative. Besides the FCPF process, Ghana is to receive a total of USD 50million dollars in the Forest Investment Program. This program essentially provides upfront investment for government to undertake actions to reduce emission reductions. Only two regions would be piloted under this program, namely the Western and the Brong Ahafo Regions. The focus of the pilot is on reducing cocoa expansion on forested lands through improved agroforestry practices, enrichment planning, forest plantations in degraded forest reserves and alternative fuel wood for charcoal production. In order to support community partnership in the program a Dedicated Grant Mechanism is expected to support local communities to be able to undertake activities to improve avoided forest degradation. Though no full REDD+ project has taken off, there are many such projects across the country where large tracts of land are being acquired by companies for plantation of different forest timber species. The terms and processes for the land acquisition often generates local level conflict due to the

¹ Timber Resources (Legality Licensing) Regulations, LI 2184, 2012

appropriation of land from farmers and other people with less secure tenure. This growing trend needs to be monitored and reported in the safeguards information system when it is fully developed.

2.4 Legal Reform

The forest legal regime is a mess. There are two major legal reforms namely the Constitution Review and the forest sector law review which would resolve this challenge. The Constitution Review commenced in 2012 and until an interlocutory injunction from the Supreme Court in 2014, it had advanced to the stage of drafting amendment bills for parliamentary consideration and a motion for a referendum. The process for the review is the matter of debate at the Supreme Court. The process however made significant recommendation for more accountable governance of natural resources, and for public transparency. There is no certainty on when this issue will be resolved. The second major legal review is in the forest sector. This legal reform is one of the commitments Ghana has made in the VPA. This forest sector legal review is expected to clean up the existing piece-meal legislation into a single piece of consolidated forest legislation. The first part of the review resulted in a legislative instrument which established institutions to issue FLEGT license such as the Timber Validation Committee and a licensing scheme². The second part of the review is expected to produce a consolidated forest code. Critical issues of concern in the review are tenure reform, carbon rights, benefit sharing, the institutionalization of participatory processes or collaborative forest management and the devolution of greater authority over forest management to sub-national authorities. The process of consolidation has stalled, and contrary to the FWG push for greater synergy between wildlife and forest resource management, a Wildlife Management Bill has been laid before Parliament. The legal review provides the opportunity to fix the scattered and sometimes conflicting and incoherent legal framework in the forestry sector and also fix issues of rights, opportunities, transparency and accountability. Hence information from the monitoring system feeds into this legislative reviews to enhance the respect for the rights of local communities and enhance the role of civil society organisations generally. This monitoring system provides useful information for CSO advocacy in the legal review which stands as the best opportunity to redressing the problems of the forest sector.

2.5 Opportunities for CSO Coordination

In 2013 and 2014 up to 8 organisations received funding from the FLEGT call for proposals launched by the Ghana EU Delegation and the FAO. This adds to the existing FLEGT grants to CSOs supporting the implementation of the VPA. At a meeting in April 2014, implementing organisations³ committed collaborate more strongly to ensure the institutional readiness for the LAS operation. Working groups on communications, capacity building, FLEGT-REDD+ synergies, Forest monitoring and impact monitoring have been set up and they hold periodic update meetings to share progress on the various projects. It is generally expected that the working groups would continue to push those issues after the life of the projects they are running. Our monitoring system adds value to existing monitoring initiatives rather than repeat or compete with such existing frameworks. Besides the FLEGT project coordination efforts,

² Timber Resources (Legality Licensing) Management Regulation (LI 2184) 2012

³ Tropenbos Ghana, Working Group on Forest Certification, the Nature and Development Foundation, ProForest, Client Earth, Friends of the Earth Ghana, the Resources Management Support Centre (RMSC), Domestic Lumber Traders Association (DOLTA) and Civic Response

the Natural Resources Coalition⁴ is providing a strong incentive for collaboration on underlying issues such as community rights, human rights and natural resource governance. This is coordinated by the KASA initiative which is transitioning from a donor led and donor-driven platform, tracking the Natural Resources and Environment Governance Sector budget support program to a nationally owned CSO campaign platform for improved community rights in natural resources. The platform is expected to target advocacy at the Natural Resources and Environment Advisory Council (national inter-ministerial coordination body on Environment and Natural Resources) and the presidency on campaigns for community tenure, improved benefit sharing and participation. This is also strengthening the inter-sectoral coordination within and between sector coalitions including Forest Watch Ghana

3.0 Monitoring themes

This monitoring system focuses on two main themes; namely participation and benefit sharing. This is because Civic Response and other segments of Civil Society are already pushing for improved participation and improved equity in benefits redistribution from the utilisation of forest resources, hence this monitoring system provides the evidence and strategic pathways to advance the campaigns. More broadly this monitoring system would seek to contribute to the following advocacy objectives:

- Stronger participation of communities and clearer consent in forest management decisions
- Improved equity and fairness in benefits from Forest Resources

3.1 Theme 1: Participation and Consent

3.1.1 The problem of participation

Participation of local communities, and those fringe to forest in decision making is problem. Forest Managers at the local level, more often than not, marginalize local people in decision making. Consultation only happens during the process of forest reserve management for forest reserves and these processes have not been previously document to understand the depth of such consultations. There are instances where communities that fringe the forest reserve have no idea about the forest management plans some decades after developing the management plan. This raises question about inter-generational needs of communities in long term planning. Consent for logging in both reserves and off-reserves is usually granted by the traditional ruler, who usually acts in his individual capacity rather than provide an avenue for community persons affected such action to have alternatives.

The problem of participation is closely linked to the problem of access to information. Information and capacity, which is the basic requirement for making informed choices is usually not available to local communities, hence they signoff to documents with a clear comprehension of its implications. If participation can be meaningful to local communities, then they need to have information in advance and

⁴ Forest Watch Ghana, National Coalition on Mining, Oil and Gas Platform, Coalition on Fisheries, the Coalition on Land and the working group on Climate Change

in an intelligible language to make their inputs. Essentially Ghana has signed on to the UN Declaration on Rights of Indigenous Peoples, however there is neither a clear system nor practice in place to realize FPIC.

3.1.2 Legal basis for community participation and consent

Participation of local communities' in decision making process has its source in the 1992 Constitution of the Republic of Ghana. Participation in all political processes is a fundamental right of every citizen⁵. Additionally the constitution enjoins the state to guarantee the rights of access of citizens to officials and agencies of the state to realize effective participation in development processes⁶. The constitution furthermore seeks to use decentralization as a means to maximize people's participation in governance processes.

Besides the Constitution, forest laws, manual of procedures and administrative practices of forest management requires community participation at different levels. At the level of policy or law-making communities and non-state actors are required to be given the opportunity to make input through consultations. In the development of forest management plans, communities play a similar important role in ensuring that their development aspirations and socio-culture values reflect in the management arrangement for the reserve. In identifying areas suitable for logging in unreserved forest affected farmers and land owners are required to be part of the process of identification and to give their consent before logging can happen.⁷ Participation by the local community in forest management processes is therefore not a privilege but a fundamental right.

The arrangements for land acquisition is not very different from granting logging rights in terms of the principle of participation and consent. The constitution recognizes that ownership and possession of land carries an important social obligation on fiduciaries, namely a duty of fairness and due process and further restrains them from being arbitrary, capricious or biased⁸. The New Forest and Wildlife Policy under its 4th policy objective seeks to strengthen stakeholder participation in collaborative forest management. It furthermore seeks to enact legislation to guarantee participation.

3.1.3 Advocacy Objectives

The following advocacy objectives are being pursued

- a. Greater commitment by the Forestry Commission to disclose information as detailed in the transparency list.
- b. FC systems revised to improved access to information by local communities.
- c. Stronger participation and clear consent by in forest decision making and in large scale land allocations.

⁵ Article 21 Section(3)

⁶ Article 31 section (2)

⁷ Timber Resource Management Act, 1998 (Act 547) as amended by the Timber Resource Management (Amendment) Act, 2002 (Act 617); Timber Resources Management Regulations 1998 (LI1649) and others

⁸ Articles 36(8) and Article 296

3.1.4 Choice of Indicators

To realize greater commitment to information sharing and promote improved access to information by local communities there is the need to monitor some carefully selected indicators to inform the advocacy of Civic Response and the wider CSO community. Indicators like the VPA transparency list which is focused on logging; general access to information from the Forestry Commission; and from other sources would show how much progress or farther Civic Response is from the advocacy goal. Also monitoring how large land acquisitions are done and the roles of decision making platforms would help inform how community consent and participation is being enforced in the forest sector. Monitoring the indicated listed below is therefore the best means of tracking how closer government and other mandatory entities are close or far away from mainstreaming transparency and enhancing local participation in decision making..

- Indicator 1.1 Compliance with Ghana's VPA Transparency list
- Indicator 1.2 Access by communities to information on logging
- Indicator 1.3 Access by communities to information on REDD+ projects
- Indicator 1.4 Access by communities to information on large land investments
- Indicator 1.5 Availability and functionality of decision making platforms at the community level
- Indicator 1.6 Quality of community consent in the decisions on salvage logging operations
- Indicator 1.7 Quality of community consent in the decisions on REDD+ projects.
- Indicator 1.8 Quality of community consent in the decisions on large land investments.

3.1.5 Justification for Choice of indicators

Participation of local communities in forest allocation and harvesting processes are legality requirements in logging operations. It is only when communities have the required information that they would be able to know the valid loggers are. For this reason availability and accessibility of relevant logging information through compliance with the transparency list is a clear indicator of the fulfilment of government commitment. Similarly it is only by tracking and assessing the availability relevance of information to REDD+ project communities that communities could give their informed consent on such projects. This rationale also applies to the indicator which assess information access and availability on large land investments and the associated consent. Additionally, it is only by understanding the usefulness and relevance of local level forest decision making platforms that could further inform advocacy for improved community participation for other sector related processes and for legal review.

3.1.6 Advocacy Plan

Indicator 1.1 Compliance with the VPA Transparency list

Indicator 1.2 Access by communities to information on logging

a. Monitoring products:

- A report on community access to information on logging by mid-November, 2015
- A synthesis report on compliance with the transparency matrix by March 2016
- A brief paper on the relevance of the right to information law for the forest sector by April 2016
- A position paper on access to information and transparency for the forest sector by March 2016.

b. Actions:

- Publish reports and briefs on CR, FWG and Logging off websites, as and when each output is produced.
- Share report on community access to logging information with community stakeholders, to appreciate what is within their right and what the information gap is.
- Distribute and engage with relevant community stakeholders particularly assemblymen to take steps to improve their access to information.
- Engage with FC to discuss the reports on information caps and compliance with transparency annex and jointly develop proposals for proactive information sharing.
- Present and engage with reports as and when produced with the IM.
- Put the report on the agenda of the MISC & JMRM at the half-year meetings of MSIC to show government's performance and compliance with the transparency commitments.
- Share position paper with the Legal working group and consultant to secure greater buy-in for the forest legal reform by mid-2016.

c. Reactions

- FC publishes information in line with the transparency list commitments by December 2016
- FC improves systems for access to information on logging and other forest processes including REDD+ in the district level by December 2017
- Communities make more demands of the FC for information from Mid 2016

Indicator 1.3 Access by communities to information on REDD+ projects

Indicator 1.7 Quality of community consent in the decisions on REDD+ projects.

a. Monitoring Outputs

- A case study and a brief assessing information access by local communities to REDD+ Projects by August, 2016.
- A flyer on what communities must know regarding REDD+ project by August, 2016

b. Actions

- Share the report and brief of the report on CR, FWG and Loggingoff.info websites.
- Share report with the Forest and community rights media group and other environmental media platforms for much wider in-depth discussion of the emerging issues.
- Share and engage brief with REDD+ project implementers and District Assemblies to redress the specific issues identified.
- Share and engage the report with the FC, National REDD+ Sub Working Group and the working group on Safeguards to highlight the threats and concerns identified
- Share report with Commissioner for Human Rights and Administrative Justice (CHRAJ) and Parliament in cases of human rights and administrative violations.
- Use findings to design a flyer on what communities must know about REDD+ projects for capacity building programs by June, 2016

- Share report with Northern NGOs to support with international pressure where necessary.

c. Reactions

- The FC (Climate Change Unit) takes steps to address challenges of information access to local communities on REDD+ and demands proper information systems from project implementers December, 2016
- Project implementer takes steps to address any ignored safeguard issues.

Indicators 1.4 Access by communities to information on large land investments

Indicators 1.8 Quality of community consent in the decisions on large land investments.

a. Monitoring Outputs

- Report indicating the scale and purpose of large land investments and its implications for community rights in Ghana November, 2016
- A case study of community awareness and consent with selected large land acquisition projects by April 2016.
- A Video Documentary highlighting the stories of land users affected large scale land acquisitions by July, 2016
- Briefs tracking forest plantation development in Ghana.

b. Actions

- Publish and share reports and video on the CR, FWG and Loggingoff.info and actively share with other CSO networks including the civil society coalition on Land to develop joint advocacy strategies on streamlining processes for large land acquisitions.
- Share report with Parliament Ministry of lands and Natural Resources and lobby champions in Parliament to take a more critical look at these land investments.
- Present findings in a press statement to the media
- Share report with other CSOs and develop joint advocacy strategy towards streamlining processes and intents of large lands acquisition
- Share video with FWG members to use in their engagement with local communities.

c. Reactions

- Parliament is seen to play their oversight role over MLNR in land acquisitions by end of 2017
- Put a pro-community land rights back on the advocacy agenda on the Coalition on Land by end of 2016
- mobilize a negative public opinion against such large scale land acquisitions by end of 2016

Indicator 1.5 Availability and functionality of decision making platforms at the community level

a. Monitoring Outputs

- A report on community participation in development of forest management plans by February 2016.
- A database of District forest forums by February, 2015
- Legal brief to institutionalize forest forums.
- A video documentary highlighting the successes and challenges of forest forums

b. Actions

- Publish and share report and video on CR, FWG and Loggingoff.info websites.
- Share report with the FC NGOs and District Assemblies to support to institutionalize district forest forums
- Share Forest forums Database with NGOs, FC and District Assemblies for support and for continued engagement with these platforms.
- Engage legal position paper with the Legal Working Group and with the process for the review and consolidation of forest laws.

c. Reactions

- Communities feel empowered and demand that views be heard in forest decision making
- Legal arrangements secure and institutionalize Forest forums by end of 2017
- Ministry and FC are further pressured by CSOs to abide by the minimum standards for engagement with non-state actors which is currently being developed from mid-2016

Indicator 1.6. *Quality of community consent in the decisions on salvage logging*

a. Monitoring Outputs

- Report analysing the failure or success of community consent for salvage logging in selecting areas by June 2016.
- A database of existing salvage permits and the communities likely to be impacted by March 2016.

b. Actions

- Publish and share report on salvage logging on the CR, FWG and loggingoff.info websites by July 2016.
- Publish and share database with relevant communities for them to enhance their awareness on such logging by July 2016.
- Share and engage the report with FC to identify strategies for dealing with the shortcomings identified by July 2016
- Share information with the Independent Monitor to highlight legality failures by July 2016.
- Share information with the Timber Validation Committee and where necessary, link-up with Client Earth to build a case to test the Complaint mechanism July 2016.
- Share information with Northern partners to engage with the EU Timber Federation by July 2016.

Reactions

- FC improves on the processes for allocation of Salvage permits by December 2016.

- The TVD and the IM focus on the quality and reports of absence of consent in their reports from August 2016
- Communities demand for better compliance with enforcement of their consent

3.2 Benefit Sharing

3.2.1 The problem with Benefit sharing

Inequity in benefit sharing from the forest sector contributes to poverty and illegal logging. Direct benefits go to communities only in the form of Social Responsibility Agreements (SRA) and even this is limited to communities within a 5km radius of the logging area and only a mere 5% of the stumpage value. It has been argued this could never be called a benefit because it is neither adequate nor has the potential for a development impact. Sometimes SRAs are negotiated and paid to traditional authorities rather to the community directly.

The Forestry Commission through practice charges 50% of stumpage fees as management fees⁹ for both forest reserves and off reserves instead of a rate not more than 33%. The remaining amount is then redistributed using the constitutional formula¹⁰. In essence only 20.25%¹¹ of revenue from stumpage fees goes to community level agencies, however the practice has limited these royalties to the chiefs and not directly to the people. Poor accountability in the district assembly system makes the revenue going to district assemblies less efficient and untraceable.

Forestry Commission	Administrator of Stool lands	District Assemblies	The stool	Traditional authority
50%	5%	24.75%	11.25%	9

Furthermore, farmers or land owners are not entitled to directly benefit from the natural timber species which are harvested on their land. The regime for compensation for crop destruction through logging is unclear and entirely at the wit of the affected farmer. Furthermore the forestry Commission has failed to collect the needed revenue from loggers hence it has reduced the quantum of resources intended for communities. In short systemic and political failures have stifled any possibility of equitable benefit sharing, and for forest degradation and destruction to halt, there is the need for an entirely new arrangement to assure and deliver equity.

3.2.2 Legal Basis for Benefit sharing

Revenue streams from the forest sector as required by law include stumpage fees and concession area or ground rent, Timber Rights Fees, 1% & 2% export levies, air-dried export lumber levy and corporate taxes. Out of this, only a portion of stumpage fees and ground rent go to land owners. 5% of the value of stumpage fees is allocated as social responsibility agreements (SRA)¹².and all ground rents from logging

⁹ Forest Act, 1927, section 18 (2) (as amended by 21 of 1949 s15)

¹⁰ Constitution of the Republic of Ghana Article 267(6)

¹¹ Including the portion going to traditional authorities and stools/skins.

¹² Timber Resources Management (Amendment) Regulations 2003 (LI 1721)

areas and private forest plantations go to the administrator of stool lands to be disbursed using the constitutional formula¹³. Fees from Timber Rights Fees are not shared with communities or their representatives. All naturally occurring trees, are vested in the president on behalf of the people of Ghana while anyone who plants a tree in practice holds the rights on the tree subject to the land or farm sharing arrangement. The 2012 forest policy seeks to deepen individual control of naturally occurring and planted trees to create incentive for nurturing and planting more trees. The policy commits government to “enact legislation the will enable communities and individuals be benefit from trees on their farms and fallow lands, provide off-reserve tree tenure security, authority to legally dispose of resources and allocate greater proportion of benefits accruing from resource management to community members Individually or collectively”. The policy also seeks to “rationalize forest fees and taxation systems and improve the framework for apportioning, recover and distributing equitably and effectively forest rent (royalties) among the resource owners, state and users of the resources through consultative processes. How these statements would be implemented is of keen interest of many civil society groups.

3.2.3 Advocacy Objectives

Our broad objective is to improve the equity and fairness in the distribution of benefits from forests, particularly for local communities. To realize this, the following sub-objectives are being pursued;

- a. Greater effort by the Forestry Commission to comply with its legal mandate to collect stated fees and charges.
- b. District Assemblies enhance their communication on and use of forest and other royalties
- c. SRAs as community benefits are better negotiated, executed and further improved for local communities.

3.2.4 The Choice of Indicators

The Forestry Commission has the mandate to collect fees and charges in the forest sector and their efficiency largely lies on the extent to which they are able to enforce their mandate. The opposition they face in this task is onerous, hence their failure does not only impact their revenues, but also that of the communities who have very little or no benefit from forest management. What could qualify as a benefit is SRA, however how they are negotiated and implemented contributes largely to its impact. There are opportunities to open up the discussion on community benefits in the policy, hence this is an achievable objective. Again effective channelling of royalties from logging to district assemblies could enhance their accountability to their constituents. For this reason, the following indicators will be used.

Indicator 2.1	Stumpage fee collection by the Forestry Commission
Indicator 2.2	District assembly use of royalties
Indicator 2.3	Compliance with Social Responsibility Agreements and compensation

¹³ Constitution of Ghana Article 267(6)

3.2.5 Justification for Choice of indicators

Over the last few years, the contribution of the forest sector to GDP has steadily declined. Government's explanation is that fewer logging permits were issued in 2012 and 2013¹⁴. Stumpage fees is one of the major sources of revenue for the state and if the state needs to make gains from the extraction of its forests, then there is urgent need to fully recover the rent from the industry to increase to increase the resources at the disposal of the state to tackle illegal logging among other challenges. The effective collection of stumpage fees, which is much easier collect and within the legal limits is a good indicator of the course of the FC. At the local level, monitoring SRAs and the District Assembly use of royalties would provide the needed evidence to open the debate on equitable benefit sharing and what is really needed for the development of local communities. Moreover communities are easily mobilized around SRAs and compensation for crop destruction; issues that affect them directly, hence this is an opportunistic entry point for engaging community interest for other demands in the sector.

3.2.6 Advocacy plan

Indicator 2.1 - Revenue Mobilisation by the Forestry Commission

- a. Monitoring Outputs
 - A report on the revenue losses to state and communities from failure to properly collect revenue by December 2015
 - A press statement on the report by February, 2015
- b. Actions:
 - Hold meetings with the FC to identify the support they need to assert their revenue collection rights in the sector in February, 2016.
 - Publish report on CR, FWG and Loggingoff.info and also share with industry actors.
 - Put a press statement in the Media and engage with selected journalists to take enhance public awareness on this in advance of the JMRRM.
 - Share a copy of the report with the President's economic Advisor and the leadership of the parliamentary select committee on lands and forestry in February, 2016
 - Develop joint advocacy with CSO groups and develop further strategies for issues that emerge subsequently.
 - Share and engage report with notable traditional authorities to put pressure on FC and industry to collect the required rent.
- c. Reactions
 - FC is pressured and reviews efforts to collect stumpage fees and its debt.
 - The report fuels a national discussion on realistic on the reality of taxes in the forest sector and the sustainability of the current logging industry from February, 2016
 - MoF, PSC & Donor increases pressure to on the FC to implement the regulations properly on the collection of revenues.

Indicator 2.2 District assembly use of royalties

¹⁴ The -14% growth in 2011 and -1.4% growth in 2012 was attributed to decline in forestation program, reduction in permits awarded and effective enforcement of ban on illegal logging. The growth of 0.8 is attributed to reforestation investments.

- a. Monitoring Outputs
 - A report on the challenges and constrains of use of Royalties by the District Assemblies by December 2015.
 - A discussion paper on the use of royalties by District Assemblies by December 2015.
 - A video documentary based on the findings of the report by March 2016..

- b. Actions
 - Publish and share report and upload video on CR, FWG and Loggingoff.info
 - Work with FWG members to engage various district assemblies with the report and the emerging results from March 2016
 - Begin a national consultative process on the use of forest royalties by district assemblies through engagements with the Ministry of Local Government and Rural Development, MLNR and other relevant state agencies from March 2016.
 - Engage local communities to demand for greater accountability in the use of such revenues by District Assemblies.

- c. Reactions
 - MLNR and MLGRD feel the need to commence a discussion on benefits to communities from natural resources June 2017
 - The larger CSO supports the need for reform on the use of royalties in Ghana
 - Local communities make demands on District Assemblies for greater accountability in the use of royalties from June 2017

Indicator 2.3 *Compliance with Social Responsibility Agreements and compensation*

- a. Monitoring Outputs
 - a. A data base of SRA's in Ghana by December 2015
 - b. A picture report of SRA's in Ghana by December 2016
 - c. A report analysing the challenges, opportunities and lessons of selected SRA's in Ghana. April, 2016

- b. Actions
 - Share database with other NGOs, FC and the RMSC and host on the CR website
 - Publish reports and share report on FWG, CR and logging off
 - Share and engage report with local communities, CSOs, FC and Industry to start collective thinking on the problem of SRA.
 - Hold discussions with the CRMU and the RMSC to push for new guidelines for SRA negotiation and enforcement in Ghana.

- c. Reactions
 - A database of SRA's is live and providing relevant information to local communities by March 2016
 - The discussion on benefit sharing from logging becomes a key campaign issues for communities and CSOs.

Annex 1 – Monitoring Methodology & Advocacy plan

This section describes the methodology for obtaining information on the indicators identified in the monitoring system, and summarises the expected advocacy actions from each.

Greater Forestry Commission VPA commitment to transparency			
Indicators	Methodology	Actions	Reactions
<p>1.1 Compliance with VPA Transparency list.</p>	<p>i. Meeting: with FC (Raphael Yeboah) to explain our planned study.</p> <p>ii. Deskwork: Send official requests for information to the FC and track how/when it responds.</p> <p>iii. Ask selected District-level FWG partners to make and track similar requests to district offices.</p> <p>iii. Complement this with information on web sources.</p> <p>iv. Analyse the information against the Transparency List.</p> <p>Outputs</p> <ul style="list-style-type: none"> • :A report on the information gap in the forest sector • Synthesis report on compliance with the transparency matrix • A brief on the relevance of the right to information law for the forest sector • A legal position paper on access to information and transparency for the forest sector 	<p>The report is expected to be published alongside Output 2 (on access to information by communities) and the advocacy actions will be with both together.</p> <p>i. Publish the findings and recommendations, <i>making clear links to FLEGT obligations to demonstrate that a few simple acts of greater openness by the FC would go a long way in improving community relations and meeting the spirit and the letter of VPA obligations.</i></p> <p>ii. Stakeholder meeting with the FC & FSD on transparency, looking at FC charter commitments.</p> <p>ii. Share widely with the Ministry, FC, and community stakeholders, and upload to relevant sites.</p> <p>iii. Engage the Ministry and the Forestry Commission with the findings and proposals for proactive information sharing based on the report.</p> <p>iv. Include on MSIC agenda for adoption and report to JMIRM to get its political buy-in.</p> <p>v. share position paper with legal working group and the consultant when hired to secure greater buy-in for the forest legal reform.</p> <p>v. Monitor the progress with any subsequent commitment based on the proposals made.</p>	<p>FC publishes information in line with the transparency list commitments</p> <p>FC improves systems for access to information on logging in the districts.</p> <p>Communities make more demands on the FC for information</p>

Informed communities access information that affects the natural resource base on which they depend			
Indicators	Methodology	Actions	Reactions
<p>1.2 Access by communities to information on logging</p> <p><i>For future years:</i></p> <p>2.2 Access by communities to information on REDD+ projects</p> <p>2.3 Access by communities to information on large land investments</p>	<p>i. Write a ToR and contract a consultant to conduct fieldwork. The consultant can have a cover letter to ask for information from the FC locally.</p> <p>ii. Deskwork (possibly in conjunction with 1.1. above):</p> <ul style="list-style-type: none"> Identify specific places and provisions in existing law and subsidiary legislation. Obtain information on all current permits (and short term salvage permits issued between 2009 and 2015 that may have now expired). Select a reasonable sample of different types of permits, based on desk work and information from communities. <p>iii Fieldwork: engage with communities and district assemblies and relevant community stakeholders and district level FSD in at least 5 districts to assess their knowledge on:</p> <ul style="list-style-type: none"> type and validity of logging rights holders duration of such right opportunity to be employed in logging operations pre-felling inventory/stock survey required consent for off reserve logging availability of yield (allowable cut) <p>iv. District-level report-back: provide an initial feedback to the FSD at district level.</p> <p>v. Desk Study: Analyse the data and produce a report on access to information by communities in logging areas.</p> <p>Output : A report on challenges with access to information on logging</p>	<p>The report is expected to be published alongside Output 1 (on the Transparency List) and the advocacy actions will be with both together.</p> <p>i. District-level feedback to FSD prior to leaving each fieldwork location.</p> <p>ii. Publish the findings and recommendations, <i>emphasising the extent to which are communities are able to access, are demanding and are using information.</i></p> <p>iii. Stakeholder meeting with the FC & FSD on transparency, looking at FC charter commitments.</p> <p>iv. Share widely with the Ministry, FC, and community stakeholders, and upload to relevant sites.</p> <p>v. Engage the Forestry Commission FSD with the findings and proposals for proactive information sharing based on the report.</p> <p>vi. Include on MSIC agenda for adoption and report to JMIRM to get its political buy-in.</p> <p>vii. Monitor the progress with any subsequent commitment based on the proposals made.</p>	<p>FC takes steps to proactively share information with communities on logging.</p> <p>Local level targets – communities, district assemblies, relevant community stakeholders, and district level FSD in the 5 districts – demand and supply more information, and make better use of it.</p> <p>Information is used to support advocacy on the Right to information bill.</p> <p>In future it should not be necessary to engage a consultant, but our expectation is that community members will offer this kind of information and we can collate it over time.</p>

Stronger participation and clearer consent in forest management decisions			
Indicators	Methodology	Actions	Reactions
<p>3.1 Availability and functionality of decision making platforms at the community level</p>	<p><i>i. Deskwork:</i> identify the locations where forest management plans are currently being written, including the administrative districts involved and local FWG partners.</p> <p><i>ii Delegated fieldwork:</i> Use simple questionnaires and guides on who to talk to enable the local FWG partners to document the process.</p> <p>Output 3: A report on community participation in the development of the forest management plans.</p> <p><u>Longer-term work:</u></p> <p><i>iii Deskwork:</i> Setup a database to receive monthly updates of how forest forums are functioning and the issues and contributions they are making.</p> <p><i>iv Deskwork:</i> Compile a database of forest forums nationally, detailing locations to be made available to forestry commission and district offices for them to be engaged in forest management.</p> <p>Output: A database of district forest forums in Ghana, regularly updated.</p> <p>Output: Video documentary on successes and challenges of forest forums.</p> <p>Output: a legal brief to institutionalize forest forums</p>	<p>i. publish and share report and video on relevant websites</p> <p>ii. Engage District Assemblies and the FC with the findings of the data collected to ensure greater support and interest in forest forums, taking them beyond a ‘donor project’..</p> <p>iii. Use the database to improve coordination with other NGOs (NDF, FOE Ghana etc) on support to forest forums.</p>	<p>Communities felt empowered and make demands for inclusion of their voices in forest decision making.</p> <p>Legal arrangements institutionalize forest forums</p> <p>Local level targets – communities, district assemblies, relevant community stakeholders, district level FSD – are clearer and more active on their roles in FPIC for any land-use change.</p> <p>Districts and local level community governance platforms regard forest forums etc as an integral part of natural resource management and provide the resources to sustain forums.</p>
<p>3.2 Quality of community consent in the decisions on</p>	<p><i>i. Desk Study:</i> Reorganise available logging permits and prioritise districts that CR/FWG has link to and where the specific permit types require community</p>	<p>i. Share information with the independent monitor, the FC and the ministry on the failures and gaps the off reserve-type permits.</p>	<p>National oversight bodies (Independent Monitor, PSC, FC, and Ministry, MSIC) improve the control and practice of explicit FPIC for</p>

Stronger participation and clearer consent in forest management decisions			
Indicators	Methodology	Actions	Reactions
salvage logging operations.	<p>consent. Seek to understand any rationale and procedure in the allocation of these permits.</p> <p><i>ii. Desk Study:</i> disaggregate available expired salvage permits and check to see the presence or absence of the reason for the issuing of such permits:</p> <ul style="list-style-type: none"> • Where available, check the inspection reports required as part of the decision to allocate a salvage permit. • Seek to determine whether the reasons for logging where valid and fulfilled. <p><i>iii. Fieldwork:</i> engage with selected communities to check if consent by communities was granted prior to such logging operations.</p> <p><i>iv. Desk Study:</i> Analyse the relevant district development plans of those areas to justify or otherwise the issuing of such logging rights¹⁵</p> <p>Output : A report in August 2016 analysing the failure or success of community consent in logging.</p> <p>Output : A table of off reserve-type permits that have been issued but not yet completed / expired, where communities are likely to be affected or expected to benefit.</p>	<p>Off-reserve (OFR) permits, including salvage permits, require the consent of the landowner on a case by case basis (unlike permits in forest reserves, where consent is part of the management plan process).</p> <p>ii. Share information with the TVC and where necessary bring a case to test the complaint mechanism.</p> <p>iii. Share the database/table of permits with relevant communities so they can assert their rights to information and to consent.</p> <p>iv. share information with Northern partners to engage with EU Timber Federation.</p>	<p>(OFR and salvage) permit allocation and recognise this is critical to the legality of FLEGT licences.</p> <p>TVD and IM focuses its audits on the quality of consent for off reserve logging.</p> <p>Local communities affected salvage permits understand their role in granting consent to such off-reserve logging.</p>
3.3 Quality of community consent in the	<p><i>i. Desk Study:</i> Scan relevant documents to identify areas and communities in the catchment areas of REDD+ type projects in Ghana (including projects involving large scale land acquisition) and the project</p>	<p>i. Engage with the FC, REDD+ steering committee and the World Bank on the weakness of the REDD+ community safeguards</p>	<p>National policy processes (in particular REDD and large land deals) improve the legal obligations (policies, laws,</p>

¹⁵ This is in particular respect of Salvage Permits and other permits in the off reserve areas, and where infrastructure development (as opposed to farming) is the given justification for the permit.

Stronger participation and clearer consent in forest management decisions			
Indicators	Methodology	Actions	Reactions
<p>decisions on REDD+ projects.</p> <p>3.4 Quality of community consent in the decisions on large land investments.</p>	<p>documents of REDD+ type projects. Study the current status of work on REDD+ safeguards.</p> <p>ii. Fieldwork: Purposefully sample communities and REDD+ or land project implementers to ascertain the information and communication made to them with regard to the specific project, and how they (community) understand the projects implications, through focus group discussions and interviews.</p> <p>iii Desk Study: collect information from news files (both print & electronic) access to information and participation in decisions regarding REDD+ projects and cases of large scale land acquisition projects in Ghana.</p> <p>Iv. Output : A video documentary report highlighting stories from communities on their understand of REDD+ type projects and how they expect to benefit.</p>	<p>ii. Target advocacy at REDD+ project implementers to improve their systems for information sharing with communities.</p> <p>iii. Feed findings into national and international discussions on community rights and land governance.</p>	<p>regulations and procedures) to ensure FPIC is respected.</p> <p>The FC and others involved in REDD+ policy recognise the gaps in information sharing with communities and commits to engage better with communities on specific REDD+ projects.</p>

Theme 4:	Improved equity and fairness in benefit sharing from Forest Resources		
Indicators	Methodology & Output	Actions	Reactions
<p>Revenue collection by the Forestry Commission</p>	<p><i>i. Desk Study:</i> analyse Auditor General reports, Annual Audited Accounts of the FC (and trade data if available and useful), and speak to researchers to seek to determine revenue due to the state. Check Disbursement Reports (and possibly, leaked FC information) on the indebtedness of industry to the state. Find out why the revenues are not being collected (perhaps via interviews with government officials).</p> <p><i>ii. Fieldwork:</i> Check in Districts what stumpage rate is being charged (50, 75 or 100% as per the phased increases), and interview officials on why the revenues are not being collected.</p> <p>Output 6: A report, press statement and brief on the revenue losses to state and communities from failure to properly collect revenue. Aim for an LAS evaluation, either the pre-launch one or a 2016 independent monitor's audit.</p>	<p>Press statement and use of varied media engagements to draw public attention to the revenue losses.</p> <p>Raising the report with MSIC and at the JMRRM (and privately with the FC, before the JMRRM) noting the problem has existed for decades but needs to be resolved if timber is going to qualify for a FLEGT licence.</p> <p>Engage with the Ministry of Finance and the President's economic adviser to ensure they take steps to block the revenue leakages.</p>	<p>FC is pressured and reviews efforts to collect stumpage fees and its debt.</p> <p>The report fuels a national discussion on realistic on the reality of taxes in the forest sector and the sustainability of the current logging industry from February, 2016</p> <p>MoF, PSC & Donor increases pressure to on the FC to implement the regulations properly on the collection of revenues.</p>
<p>District assembly use of royalties</p>	<p>Desk Study: check on forest royalty disbursement to 12 districts in at least 4 regions from FC and OASL.</p> <p>Field work: Identify the use of Royalties in selected districts and the benefits communities have seen (the successes and challenges)</p> <p>Field Work: Collect the Medium Term plans and annual budgets of the 12 districts to analyse for their focus on forests and communities and</p> <p>Desk Study: Analyse the use quantum and use of royalties in listed districts</p>	<p>Develop a discussion brief and guidelines to engage with the MLNR and MLGRD for adoption.</p> <p>Share brief, video & guidelines with MSIC to highlight the issue of district assembly misuse of royalties, & ensure this is seen as central to legality of timber. On the basis of this, ensure these guidelines are adopted into LAS.</p>	<p>MLNR and MLGRD feel the need to commence a discussion on benefits to communities from natural resources June 2017</p> <p>The larger CSO supports the need for reform on the use of royalties in Ghana</p> <p>Local communities make demands on District Assemblies for greater</p>

Theme 4:	Improved equity and fairness in benefit sharing from Forest Resources		
Indicators	Methodology & Output	Actions	Reactions
	<p>Output: Develop an analysis and a brief of the role of district assemblies in forest governance focusing on use of forest rents.</p> <p>Output: produce a video on challenges and benefits of use of forest royalties in Ghana by October.</p> <p>Output: Draft guidelines on use of forest royalties at the district level.</p>		accountability in the use of royalties from June 2017
Compliance with Social Responsibility Agreements and compensation	<p>Meeting: with FC to explain our intention to work on SRAs. Focus the discussion on (a) what are the minimum requirements to meet legality licence, and (b) what you can agree is 'best practice', most likely to provide real, long-lasting benefits to affected communities through transparent and participatory democratic decision-making processes at each step.</p> <p>Desk Study & Field Work: collect information for a database of existing SRA's in 46 districts indicating the area, nature of SRA and how it was negotiated.</p> <p>Fieldwork: Examine more closely SRA's in 6 Forest Districts to directly observe the SRA projects and identify challenges and weaknesses in processes</p> <p>Desk Study: <i>Develop an analysis of SRA's in Ghana and their challenges and opportunities</i></p> <p>Output: a database of SRA based on the 43 operational districts, by march 2016.</p> <p>Output: An analysis of SRA's in Ghana.</p> <p>Output: Picture report of SRA's in Ghana by December 2017</p>	<p>Engage with the CSO working group on SRA's to develop to review the guidelines for negotiation of SRA's.</p> <p>Engage selected operators to ensure they better understand the best practices for SRA negotiation and execution.</p> <p>Share analysis & engage with MSIC/JMRM to ensure SRA implementation is seen as central to legality; ensure SRA database and compliance is integrated into LAS.</p>	<p>SRA's are complied with at the local level.</p> <p>A database of SRA's is live and providing relevant information to local communities by March 2016</p> <p>The discussion on benefit sharing from logging becomes a key campaign issues for communities and CSOs.</p>



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