

# Strengthening Forest Governance through defining 'legality' Ghana case study

Expert Workshop on Illegal Forest Conversion in the Mekong  
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# Background

- Stated Government commitment to using legality as a stepping stone towards sustainability
- Strong civil society capacity (including legal expertise)
- Weak governance around allocation of harvesting rights
- Most of the illegal logging was to supply domestic market
- No rights of access for communities to harvest timber for commercial purposes

# Weak governance around allocation of timber rights

- ‘Unlawful’ use of permits for allocation of resources
  - Salvage permits being allocated in circumstances that were not covered by the legislation
- Legislation allowing for Ministerial discretion in allocation of timber rights
  - Administrative process that was “not in the spirit of good governance” and undermined the normal allocation procedure for Timber Utilisation Contracts (TUCs), which involved competitive bidding and ratification by Parliament

# How were concerns addressed?

- During negotiations, definition of ‘legality’ developed by multi-stakeholder technical working group
- Strong consensus between Civil society and private sector shaped legality definition
- Final legality definition (Annex II) did not include the permit type that could be allocated at Minister’s discretion
- Annex II sets out “legal reform aspirations” . A ‘two-tier’ reform process; tier one to be completed within year one (laws to support licensing etc) and tier two, in 3-5 years.

# Reform aspirations in the VPA

“Ghana recognises that the provisions in the existing law which provides grounds for the forgoing legality definition framework needs to undergo significant reforms to be able to address existing inadequacies as well respond to emerging issues in the sector that bothers on the principles of good governance. Ghana wishes therefore to indicate its intension to carry out legal and policy reforms in the spirit of good forest governance. It is expected that such legal reforms could be completed in the next five years.”

*Annex II, section 5 of the Ghana-EU VPA*

# Outcome

- Ministerial discretion used to allocate permits in 2011. Concerns raised by civil society at the third meeting of the Joint Monitoring and Review Mechanism (JMRRM) in July 2011.
- Clarification that no timber from this permit type would qualify for a FLEGT license as it was not reflected as a legal source in Annex II
- Subsequent commitment from Minister to amend legislation to remove this provision

# Outcome contd.

- New domestic market policy approved
- Public procurement policy for verified legal timber developed and has undergone extensive inter-ministerial consultation. About to be submitted to Cabinet for approval
- Civil society are drafting a position paper on tree tenure reform to feed into a review process

# Further information

- [www.fcghana.org](http://www.fcghana.org) Ghana Forestry Commission
- [www.ec.europa.eu/environment/forests/flegt](http://www.ec.europa.eu/environment/forests/flegt) EC

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