

“Regional Knowledge Sharing & Project Validation
Workshop of the GEF/FAO funded Transboundary
Project in Ghana and Côte d'Ivoire”

**“Eliminating the Perverse Incentives to Remove Tree
Cover: Lessons from Tree Registration in Ghana”**

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Outline

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- Ghana Forest Sector Actors
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Introduction

- A perverse incentive is an incentive that has an unintended and undesirable result
- Perverse incentives are a type of negative unintended consequence
- The forest sector perverse incentives are found in forest policy, forest law, forest sector institutional character, administrative practices and enforcement behavior, local forest community issues.

Brief on Ghana Forest Sector Actors

- Parliament – Select Committee on Land and Natural Resources
- The Ministry of Land and Natural Resources
- The Forestry Commission and its Divisions
- The Private Sector – timber companies – loggers/traders/retailers, etc
- Forest Communities
- Civil Society Organizations and NGOs

Perverse Incentives – Policy/Law

Forest Policy

- Ghana has some of the best forest sector policies.
- The 1994 Forest and Wildlife Policy was seen as a great policy
- The laws enacted to implement the 1994 policy were inadequate leaving the policy largely unimplemented
- In 2012, a new Forest and Wildlife Policy came into effect replacing the 1994 version.
- Five to six years down the line, the 2012 Forest and Wildlife Policy remains in print.
- The perverse incentives to tree removal that the 2012 Forest and Wildlife Policy seek to address are still in place causing the same problems.
- The great forest policy does not result in the desired outcomes – moving from print to practice

Permit Regime

- Grant of timber rights using multiple permits other than the TUC – TUC not possible in off reserves anymore
- The recognized form of permit to grant an entity a right to exploit timber resources is a TUC - TRMA
- Special Permit – Timber Resource Mgt Act
- Small Scale TUC - Timber Resource Mgt & Legality Licensing Regulation (TRMLLR), 2017 (LI 2254) – competitive but no parliamentary ratification
- Concession and/or leases – (TRMA vrs TRMLLR timelines for conversion)
- Salvage Permit – loggers scouting for timber to be salvaged & can create salvage situations.....rosewood in mind.....make SP competitive
- Ensuring the permit regime assures responsible tree removal - When lop-holes are created, some people will not abuse them but other people will always abuse them.

Forest Revenue Disbursement

- The disbursement of forest revenue to forest communities according to the Constitution does not go along with legal guidelines for revenue application & accountability
- 25% to the stool through the traditional authority for the maintenance of the stool in keeping with its status – what is it used for? – How do the people feel the impact?
- 20% to the traditional authority – what is it used for?
- Is it the intend of the constitution for the chiefs to pocket 45% of such revenue? – leaving such revenue application to the discretion of the chiefs is problematic
- 55% to the District Assembly, within the area of authority of which the stool lands are situated – what is it used for?
- Thus local people do not feel the impact of forest revenue

Tenure of Nurtured Trees

- The current tree tenure regime that deny ownership and benefit to nurtured economic timber trees on private lands
- The Concessions Act 1962 (Act 124) Section 16 (4) states “*all rights with respect to timber or trees on any land other than specified in the preceding subsections of this section are vested in the president in trust for the stools concerned*”.
- **This law eh hmmm?????Concessions Act vrs Constitution/TRMA**
- Farmers can kill, remove, cut down and burn timber trees on their land and this is legal but any attempt to make profit from such timber is illegal.....why this logic? The right to property (land & everything on the land) without compulsory acquisition
- Compensation for lost of property during logging on farms is inadequate & thus farmers destroy the trees to also protect their crops
- The law requires compensation for loss of crops but there are no legal guidelines on fair compensation determination

Tenure of Nurtured Trees

- The effect of the application of the Concessions Act and subsequent practices under it is the removal of trees by farmers and illegal chainsaw logging driving deforestation especially in the cocoa growing areas
- 2012 Forest and Wildlife Policy has a vision on this in Strategic Direction 4.1.1b which states:

“ Enact the legislations that will enable communities and individuals to 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”.

Tenure of Planted Trees

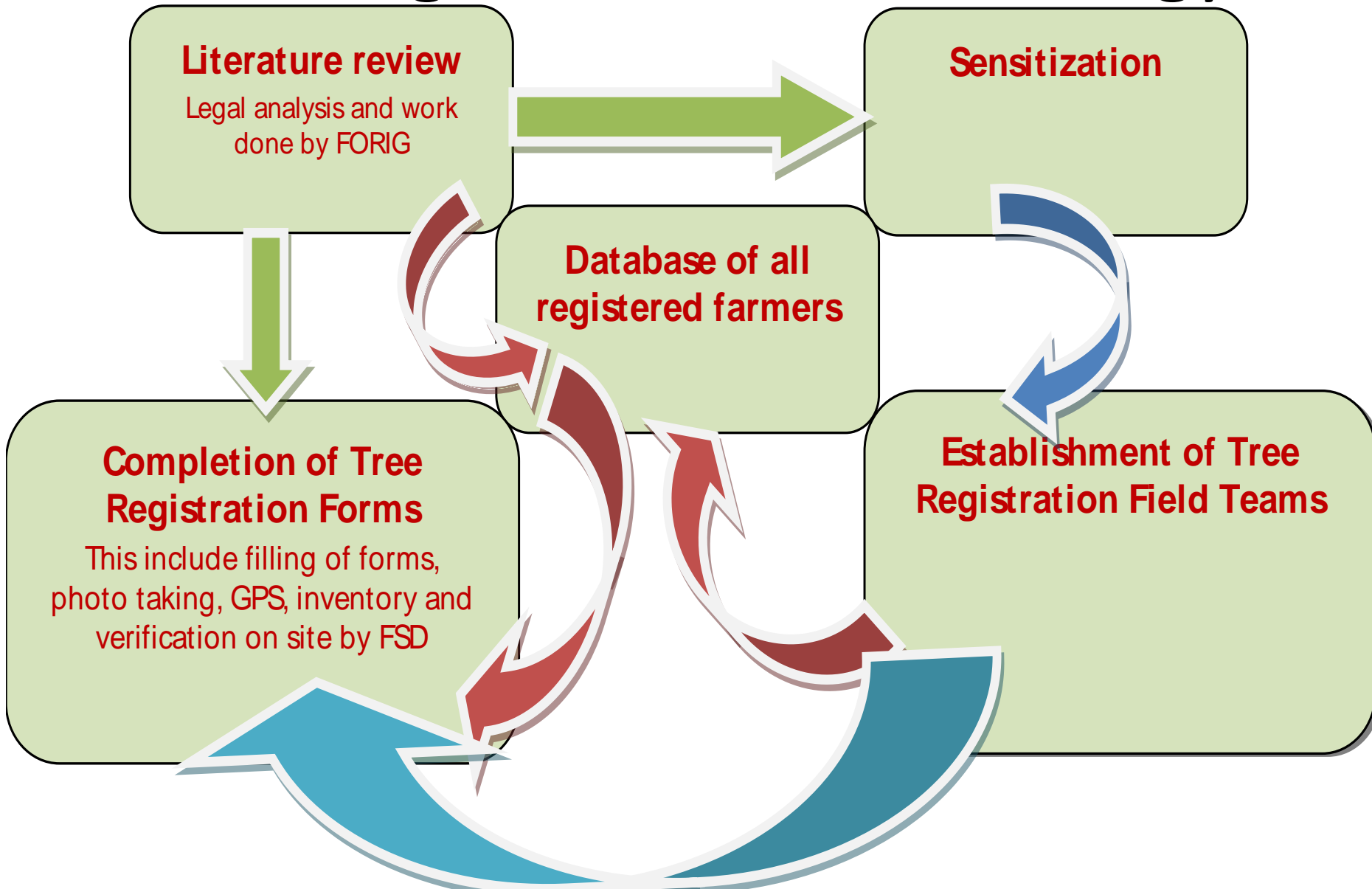
- Timber trees planted by individuals or groups on their lands, farms and fallow lands outside forest reserves must be registered with the Forestry Commission – administrative procedure
- Section 22 (2) of the Timber Resources Management Act 1998 (Act 547) states that no timber right shall be granted in respect of land with private forest plantations or land with any **timber grown or owned by any individual or group of individuals**. Has this not repealed the Concessions Act on nurtured trees? Test the law!!
- The Timber Resource Management Act 1998 (Act 547) as amended by Act 619, Section 4 states that A person who invests in any forestry or wildlife enterprise is **entitled to such benefits and incentives** as are applicable to its enterprise under the Internal Revenue Act, 2000 (Act 592)
- Good law with good intend but the administrative procedure of implementing the law could cause massive removal of planted trees – the risk is already heavily building up

Administrative – Tree Registration

Summary of Tree Registration

- Total registered = 334 farmers
Made of 63 women and 271 men
Total of 5,899 timber trees.
- Process/Procedure
 1. Printed forms completed on filled & fotos taken
 2. Fotos printed & attached to forms
 3. Forms submitted to FSD for verification & clean up
 4. Registration Codes Generated for each form by FSD
 5. Forms endorsed by FSD District Manager
 6. Copies send back to farmers
 7. Copies also kept with FSD & FAO/CA

Tree Registration Methodology



Challenges - Tree Registration

- The efficient method of determining the size of the farmland and mapping is the use of a GPS device. This is not easily accessible at the community level, and will require extra training of personnel to properly operate the device.
- Taking inventory of planted trees on farms is laborious and time consuming especially as the tree registration form require the taking of GPS coordinates for each planted tree on the farm.
- Stakeholders like FSD should be sensitized on the Tree registration forms as most of them are unaware of new tree registration form.
- Generally the space provided on the registration form is too small to comfortably capture the required information.
- Which year becomes the cut off point for registration of planted trees.
- What happens to trees planted by farmers as far back as the late 1990s and early 2000s? – R&C, CARE, STCP, Rainforest Alliance, UNDP/COCOBOD, etc.....CARE alone as at 2009 supplied over 500,000 seedlings in the Western Region alone

Challenges – Field Tree Registration

- Some of the farmers still don't trust the FSD acceptance of tree registration documentation in future. The feeling among some farmers is that, when the trees mature, the FSD will ignore the registration certificates and deny them their right to the planted trees just like the case of nurtured trees.
- Fear of losing their right to the planted trees as some of their farmlands are still under concession of some timber companies.
- The registration takes a lot of time, logistics and personnel.....is the FC prepared for this?
- The procedure carries cost.....who bears the cost and how?.

Observations – Tree Registration

- The FSD district offices will be overwhelmed if this administrative procedure of tree registration is rolled out in full - vehicles, GPS gadgets, financial resources, personnel, etc.
- Does a farmer who register 30 planted trees have to register every additional trees planted at every time? Tree-based vrs farmland based registration
- Level of awareness among farmers on the tree registration procedure is very low.....
- FC needs an outreach programme to safe the huge donor funded trees planted by farmers in the HFZ
- Farmers want a guarantee on how they benefit from planted trees

Improving Tree Registration - Recommendations 1

Even though the FC has put in place administrative procedures for tenure security to planted trees, local communities and farmers have not been able to secure tenure to planted trees through the tree registration procedures

- i. Farmers Awareness, Knowledge and Capacity to meet the requirements for tree registration – FC needs an outreach programme*
- ii. Local Tree Registration using community trained structures*
- iii. Tree Verification and Registration remains a challenge – adopt random verifications*
- iv. Actualizing the benefits to planted trees – farmers need to know how they can benefit from the trees planted*

Improving Tree Registration - Recommendations 2

A traditional or divisional council level tree tenure and benefit sharing arrangement to cover for the entire traditional area for land and tree tenure security will address the challenge for tenant farmers to secure tenure to planted trees

- i. Benefit sharing of farm produce under the abunu/abusa systems can be used as basis for planted timber.
- ii. This can be done in the form of a template to be filled and signed by the various parties.
- iii. The signed land tenure and benefit sharing agreement in the case of tenant farmers then becomes an attachment to the filled tree registration form.
- iv. The ownership rights to planted trees where the planter is not the landowner remains a risk for security of tenure to planted trees by tenant farmers

Conclusion

Addressing Tree Removal Trend

- Ensure forest revenue meant for local people have an impact especially the share for the district assemblies and traditional areas – need for revenue disbursement & application guidelines
- Refine the permit regime to avoid abuse – loggers can create the salvage situation in order to secure the salvage permit
- **Review the tree tenure regime for nurtured trees in the off reserves – the right to property seem abused by this practice**
- Review the current mode of application of the tree registration process, review the resource implications to the FSD and adopt a more cost-effective approach to securing tenure of planted trees by farmers.
- Is tree registration necessary if people own nurtured trees on their lands? What is the best regulatory framework to ensure security
- Implement the 2012 forest and wildlife policy - consolidate, review, enact and eliminate the laws that encourage tree removal

Food for thought

- Ghana has been a leading producer of Cocoa for a long time now
- Ghana Government does not have cocoa plantations to achieve this global milestone
- Who are the producers that have made Ghana this proud?.....the very smallholder farmers in Ghana forest communities
- How has this been possible? The cocoa sector policy and regulatory framework guarantees farmers security of tenure, ownership and benefit to the cocoa on their lands
- Why don't Ghana reverse it depleted forest cover in the off reserves by adopting similar policy and regulatory framework that guarantee security of tenure, ownership and benefit to timber trees on their lands whether planted or nurtured?
- Lets think deeply about this and be minded that the 2012 Forest & Wildlife policy have many more answers to the problem

Comments & Questions??