

The Flegt

Forest Law Enforcement Governance and Trade

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Newsletter

GHANA TAKES GIANT STEP ...In FLEGT Certification

Ghana has taken, what timber industry players consider as a giant step towards getting certification under the Forest Law Enforcement, Governance and Trade (FLEGT), following Cabinet's approval for the conversion of extant leases into Timber Utilization Contracts (TUCs).

According to a statement issued by the Public Relations Unit of the Ministry of Lands and Natural Resources, "Cabinet has, at its twenty-sixth (26th) meeting held on Thursday, March 31, 2022, granted approval for the conversion of one hundred and fifty-six (156) timber concessions and permits into Timber Utilization Contracts (TUCs) to be ratified by Parliament, in accordance with Article 268 (1) of the Constitution and Section 9 of the Timber Resources Management Act, 1997 (Act 547)."



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With this decision, Ghana is left with the final step of Parliamentary ratification, to get FLEGT Certification under the

Voluntary Partnership Agreement (VPA), a process that was begun in 2009.

>>> *Continue on Page 3*

We Prefer Selling Trees To Illegal Chainsaw Operators -Cocoa Farmers



© NDF Onsite training on safety and health for employers of a timber firm

Cocoa farmers in the Sefwi Wiawso, Goaso and Dormaa enclaves say they prefer giving away the trees on their farms to illegal chainsaw operators because they ensure speedy removal of trees and cause less destruction, thus facilitating their farming activities.

"Illegal Chainsaw operators do not delay our farming practices, pay us good monies for the trees on our farms and do not cause much destruction to our crops" the Cocoa farmers claim.

Explaining their point to officials of the Nature and Development Foundation (NDF), the farmers said, within days after they reach an agreement with the operator, the trees are removed, and one has space and time to carry out his/her farming activities. Additionally, the operators do not haul the trees but rather, process them into beams at

>>> *Continue on Page 6*



© NDF Onsite training on FLEGT legality compliance in a sawmill

Forestry Commission Accused of Political Bias

Saw millers in the Sefwi-Wiaaso environs are pointing accusing fingers at the Forestry Commission (FC) over what they term improper management of the forest resources and political bias, urging the Commission to revisit its mission as its operations and actions are yielding contrary results.

The saw millers alleged that the Forestry

Commission no longer awards concessions to deserving or capable timber operators but rather award the concession along political party lines.

These issues came up when the Nature and Development Foundation (NDF) visited the area to provide hands-on training to saw millers.

They recalled that, “During the reign of President Kuffour, concessions were awarded to companies that had the equipment to operate. Currently, however, concessions are awarded to people who have no business in the timber sector but rather have strong political affiliations”.

The sawmillers, who chose anonymity in their interaction with NDF officials, alleged that such people later sublet the concession to timber operators at exorbitant fees.

This act, they claim, is not only increasing their operational costs but also crippling them as the prices being quoted for the concessions are outrageous for most of them to afford. The few who can afford the amount quoted are also left with no option but to harvest the maximum they can outside of their allocated yield.

According to them, the phenomenon is greatly contributing to the depletion of the forest and leaving the future bleak for their businesses and the sector. Adding to the accusations, the sawmillers alleged that Globally Significant Biodiversity Areas (GSBAs) are now given out to political party executives for timber extraction with the flimsy excuse from the Forestry Commission that, if they don't, Illegal chainsaw operators may enter in to remove the economic timber species.

They also asserted that “The afforestation programme being implemented by the FC is further depleting the forests since good forests are being cut down to plant Cedrella”.

The millers also claimed that “Certain people in the area don't have the requisite

>>> *Continue on Page 3*

DON'T SELL OUR FARM LANDS TO INDIAN INVESTOR -WASSA Dikoto Cocoa Farmers Appeal To Chief

Cocoa farmers in about 15 communities on the Wassa Dikoto Stool Land, with the support of EcoCare Ghana, have petitioned key stakeholders in the Wassa Amenfi East Municipal Assembly to stop the Chief of Dikoto from selling their farmlands to an Indian investor for the establishment of an oil palm plantation.

Clad in red clothes, the farmers embarked on a demonstration in the area, as they presented their petition to key stakeholders including the Wassa Amenfi East Municipal Chief Executive, COCOBOD Municipal Office, the Member of Parliament and the Paramount Chief of Wassa Amenfi

Traditional Area, Nana Tetrete.

“We are petitioning you for your support in our effort to stop Nana Dikotohene from evicting and selling our farmlands to an Indian Investor for oil palm plantation establishment,” they stated in their petition.

They narrated that, “A few months ago, we were informed by Nana Dikotohene on whose land we reside and farm that he is taking back his land from us because he has found an Indian Investor who is going to clear all our cocoa farms and use the land



© ECG Some of the protesting farmers

for oil palm plantation.”

>>> *Continue on Page 3*

DON'T SELL OUR FARM LANDS TO INDIAN INVESTOR



© ECG Some of the protesting farmers

>>> Continued from Page 2

According to the petitioners, the livelihoods of over 10,000 people depend on the cocoa farms that will be destroyed and therefore if not resolved amicably and quickly has the potential of causing severe hardship and conflict in the locality. They believe that the livelihood and welfare of the community members are paramount to profits that would be accrued to a single private individual or corporation from the proposed oil palm plantation.

The petitioners say, their inability to prevent the Chief and his investors from implementing this initiative may lead to conflict, increase poverty, rural-urban migration, loss of biodiversity, environmental degradation and affect the achievement of the Sustainable Development Goals 1, 8, 13 and 15.

It decision also has severe environmental degradation potential since oil palm plantations are mostly monocultural and does not support co-habitation of biodiversity unlike cocoa that can be inter-planted with trees they explained.

Again, the socio-economic implications of Nana Dikotohene's action, according to them can be disastrous if not stopped immediately because aside Galamsey, cocoa farming is the only occupation the youth in the area are involved in; by evicting them and selling the land to an Indian investor the affected youth could become armed robbers and Galamseymen who will continue to destroy the environment.

By this petition, the communities are optimistic that, with support and influence from all stakeholders, they can collectively persuade Nana Dikoto to rescind his decision and together develop a sustainable plan for him to earn royalties from the cocoa farmers working on his land.

Source: EcoCare Ghana

GHANA TAKES GIANT STEP ...In FLEGT Certification



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>>> Continued from Front Page

FLEGT Certification is expected to open the doors for Ghana to export its timber and timber products to the European Union (EU) and United Kingdom (UK) under a partnership, Voluntary Partnership Agreement (VPA), that seeks to ensure countries deal in only legal wood, as a means of sustainable management of their forests.

The statement from the Ministry of Lands and Forestry, indicated that the approval would ensure Ghana fulfils its obligations under the VPA and derives the appropriate revenue from holders of the contracts.

Parliament's ratification of the TUCs would "support the fight against deforestation and forest degradation arising out of illegal harvesting of timber," the statement clarified, adding that it would enhance environmental and natural resources governance and contribute to the attainment of the Sustainable Development Goals (SDGs) 1, 2, 13 and 15.

Government is hoping that Parliament would speed up the process of ratifying the long overdue TUCs.

Meanwhile, Civil Society Organizations (CSOs) in the Forestry sector and industry players have welcomed the good news they have collectively worked to actualize.

According to Obed Owusu Addai, Managing Convener of Ecocare Ghana, a CSO in the forestry sector, "It is a good first," explaining that there are two more steps to take. "The Ministry of Lands and Natural Resources has to send these

permits to Parliament and then Parliament ratifies them."

He expressed joy at the fact that the decision would bring to an end the practice where the sector Minister unilaterally approves permits without resort to Parliament, a practice that allegedly gives room to politicians getting permits for their unqualified relatives and cronies.

He also recounted that he had to go to court to call for an end to the Minister's alleged arbitrary practice-a case still pending at the Supreme Court of Ghana.

"It will also ensure rule of law, which requires contractors to go into Social Responsibility Agreements (SRAs) with the fringe communities," he added.

Story by Communication Team

Forestry Commission Accused of Political Bias



© NDF Onsite training on FLEGT legality compliance

>>> Continued from Page 2

license to operate yet are able to transport their products safely to the market on the premise of a forged court order and bribery whiles the Forestry Commission looks on. They said rather, the FC tends to scrutinize activities and consignment of the legally registered operators who pay taxes to the government."

>>> Continue on Page 6

FORESTRY COMMISSION BEGS FREE ZONES BOARD

...Over VAT On Locally Sold Wood



© NDF **Peter Zormelo, Chief Manager, Forestry Commission**

The Forestry Commission (FC) is pleading with the Free Zones Board, to consider removing Value Added Tax (VAT) on timber and timber products sold locally by companies operating under the Zone.

Speaking at a Stakeholder Consultative Workshop to review documents indicative of use of legal timber for public works in Accra, Mr. Peter Zormelo, Chief Manager at the Forestry Commission averred that the request had become necessary to prevent illegal logging and sustain the local wood industry.

He disclosed that, the Commission had formally written to the Free Zones Board (FZB) to consider amending the Act to reflect the current trends and that the FC is still waiting for a favorable response.

Mr. Zormelo maintained that, if the request is granted, the Commission's aim of saving the depleting forests of the country could be achieved to a large extent.

He explained that, "the framers of the Free Zones Act, didn't anticipate a situation where wood and wood products by Free Zones companies could be sold locally".

Under the Free Zones Act, registered companies are exempted from VAT on products they export, as part of measures to reduce the cost of exported products to encourage local production. As a result, the companies export all their wood and wood products in spite of the clause in the FC's policy encouraging local sale of some 20% - 30% of such products.

Companies under the FZB would be compelled to do 100% export or sell to the local market with an additional cost of VAT, thus raising the prices, if they want to

consider abiding by the Commission's policy.

"This discourages the local Small scale industries from buying the wood, which becomes very expensive, leading to their dependence on illegal wood," Mr. Zormelo disclosed.

The dearth of wood to adequately supply the domestic market has made the request critical.

The Workshop, organized by the

Nature and Development Foundation (NDF) under the sponsorship of the Food and Agriculture Organization (FAO), was to seek stakeholders input into a proposed policy seeking to compel government to allow the use of only legal wood in the execution of its contracts.

Documents of proof of legal wood, under the policy, would be required before and after a bid for government contracts. Documents such as evidence of registered supplier and availability of wood would be required as qualification for bidding; whilst a waybill or Domestic Timber Inspection Certificate (DoTIC) would serve as evidence of use of legal wood before payment is made to a contractor.

>>> *Continue on Page 6*

DIKOTO PROTEST

Cocoa farmers in the about 15 communities of the Wassa Dikoto Stool Land demonstrating against the Chief of Dikoto on his decision to sell their farmlands to an Indian investor for

the establishment of an oil palm plantation.

Clad in red, the farmers presented their petition to key stakeholders including the Wassa Amenfi East Municipal Chief



Ghana's CSOs Contribute Comment To UK's Environment Act

When the United Kingdom (UK) finally seceded from the European Union (EU), on 31st January 2020, it was not just members of the EU who were concerned about the impacts of the move in the region. Environment and climate change activities were equally disturbed about the gap in environmental protection that the UK would experience, once the environmental regulations of Brussels no longer applied.

Yet another group that was bothered, was the timber producing countries like Ghana. Stakeholders in the forestry sector including the Ministry of Lands and Natural Resources, Forestry Commission, the timber industry and civil society groups like Forest Watch Ghana and the Legal Working Group. Among other things, they were concerned about how UK will handle the Voluntary



Partnership Agreement (VPA) in legal timber between the EU and Ghana.

Their concern bothered on the EU's unfavourable stance to continue the initial process of the VPA, an outshoot of the Forest Law Enforcement

Governance Trade (FLEGT). The issue was how the timber trade relationship was going to turn out between the two countries, now that UK is on its own.

But in less than 24 months after its departure from the EU, the UK passed the Environment Act in November 2021. The Act seeks to, among other things, set a legality standard for the trade in some selected forest risk commodities in a bid to reduce the UK's footprints in global deforestation and to promote the sustainable production of these commodities.

Forest risk commodities are: globally traded goods and raw materials that originate from tropical forest ecosystems, either directly from within forests areas or from areas previously under forest cover, whose extraction or production contributes significantly to global tropical deforestation and degradation.

The list of such commodities include beef, cocoa, palm oil, paper, soya and timber products, according to the Global Canopy Programme, an alliance of scientific institutions around the world, that focuses on protecting forests and the vital ecosystems services they provide to humanity.

The UK Department for Environment, Food and Rural Affairs (DEFRA), has launched a public consultative process towards the passage of subsidiary legislation to implement the UK Environment Act. Specifically, DEFRA wants contribution on the new, long-term environmental targets, including for air quality, water, biodiversity and resource efficiency/waste reduction under the Environment Act.

In Ghana, ClientEarth and the TaylorCrabbe Initiative® have facilitated a Legal Working Group Meeting in Accra, to collate views of Civil Society Organisations working in the Forest and Agriculture sector on relevant issues to be considered in implementing subsidiary legislation to the UK Environment Act.

The First conclusion was on the issue of the scope of the legality definition, which participants at the meeting agreed was narrow and limited to Land Use and Land Rights. They called for the expansion of the due diligence framework to cover areas including sustainability requirements.

In their view, the narrow legality definition has the potential of creating a lower standard under the UK Environment Act as compared to others such as the Draft EU Regulation. The meeting deemed the narrowness of the legality definition as having the potential of creating different standards and requirements for the same commodity depending on the export destination.

They suggested that another way of strengthening the narrow legality criteria, is for the UK and producer countries to form partnerships that will determine the scope of the legality definition, taking into account the existing legal framework.

The second conclusion was on the issue of the list of commodities covered under the UK Environment Act, which the meeting proposed should include cocoa. This is because cocoa is the subject of the

>>> *Continue on Page 6*

IN PICTURES

Executive, COCOBOD Municipal Office, the Member of Parliament and the Paramount Chief of Wassa Amenfi Traditional Area, Nana Tetrete to discourage the Chief of Dikoto from his decision.

Here are some pictures of the protesting farmers.

Source: EcoCare Ghana



Forestry Commission Accused of Political Bias



© NDF Capacity building workshop on FLEGT LEGALITY COMPLIANCE for sawmill operators

>>> Continued from Page 3

The millers are therefore calling on the Forestry Commission to desist from the practice of awarding concessions along party lines and put their staff in check as a way of ensuring proper management.

The training by the Nature and Development Foundation (NDF) centered on building the capacity of timber operators in the areas to comply with FLEGT LEGALITY requirements. The training is part of implementing the UK aid-funded project, "Building the capacity of Small-Medium Forest Enterprises (SMFEs) in Ghana and Liberia to supply and trade in legal timber – Phase II.

Source: Nature and Development Foundation

FORESTRY COMMISSION BEGS FREE ZONES BOARD



© NDF Timber market

>>> Continued from Page 4

Stakeholders from the Public Procurement Agency (PPA), the local wood markets, Ghana Real Estate Developers Association (GREDA), among others, gave views on the documentation.

Source: Communication Team

Ghana's CSOs Contribute Comment To UK's Environment Act

>>> Continued from Page 5

Draft EU Regulations aimed at halting and reversing EU-driven deforestation.

The proposal further called for adding to the list, commodities such as rubber, gold, oil palm and cashew, since there is evidence that these commodities contribute to deforestation.

The third conclusion had to do with the issue of applying the due diligence requirements to only large UK companies, or all UK companies. This, the meeting saw as having a potential of creating leakages in the legal framework. The reason being that large companies may end up forming smaller companies to trade on their behalf. Besides, where small companies are not covered, they can easily buy cocoa that does not meet the certification standards.

Therefore, the meeting insisted that all companies should be covered. And that a due diligence framework for both small and large companies should be developed, even if the requirements vary in degree.

The fourth conclusion focused on the due diligence requirements and the information that would be helpful for farmers and producer country stakeholders, in case UK companies were required to obtain it?

The meeting noted that information on pricing, transparency, labour and other human rights, tax and customs can be included as part of the due diligence requirements to solve the problem of a narrow legality definition. Also, information on the source of the commodity: whether from a farm off-reserve or on-reserve, will be useful.

The fifth conclusion dwelt on public reporting and which information would be helpful if UK companies are required to report on it publicly.

Here, the meeting stated that information should include that on human rights such as child rights, child labour and women's rights, and the source of the companies' products and their respective quantities.

For the meeting it was also important that apart from confidential information, all relevant information surrounding production and trade should be made available.



The sixth and last conclusion was on the issue of a grievance mechanism in the UK with access to stakeholders in producer countries. The meeting indicated that the establishment of an enforcement mechanism will be helpful, as it will provide producer country actors a procedure through which they can lodge their complaints and have them addressed.

Civic Response, one of the groups that participate in the Legal Working Group meetings, has packaged the six conclusions into a Communique. On behalf of Forest Watch Ghana a coalition of NGOs and CSOs working in forestry and other natural resources related areas, Civic Response on the 11th of March, 2022, submitted the Communique to UK DEFRA for consideration.

Story by: Ama Kudom-Agyemang

We Prefer Selling Trees To Illegal Chainsaw Operators -Cocoa Farmers

>>> Continued from Front Page

the very place it is felled.

This, they clarified, prevents the destruction that hauling does to farms and crops; plus, the rate they offer for the trees are relatively higher than what the legal timber operators offer. Hence they think it is more profitable for them to give out their trees to the illegal chainsaw operators.

According to the farmers, the legal timber operators who usually come to salvage the trees on their farms before the planting of their food crop

commences, delay their farming operations. They claim it can take months before the legal operators finally come to remove the trees after getting their consent to remove them. By that time, the farmers may have long finished consuming the monies paid to them for the trees.

They explained that sometimes, they even prepare the land and commence planting before the legal operators come to remove the trees, adding that hauling of the trees felled causes much destruction to their farm and crops. As a result, they rather prefer to give the trees out to the illegal chainsaw

>>> Continue on Page 8

Field tests in support of EU-Côte d'Ivoire VPA/FLEGT negotiations

Negotiations of a FLEGT (Forest Law Enforcement Governance and Trade) Voluntary Partnership Agreement (VPA) between 'Côte d'Ivoire' and the European Union (EU) are advancing at a good pace and scheduled to conclude in April 2022.

This Agreement aims to improve Ivorian forest governance and ensure that timber and timber products exported to the EU are legal. In this context, field tests have been carried out to assess certain key VPA elements and to suggest improvements.

To ensure the legality of timber and timber products exported to the EU, the VPA defines this legality. The legality definition

identifies the economic, environmental and social regulatory requirements to be respected by operators and authorities involved in the timber sector.



Ivorian forestry officers controlling timber harvested in a forest concession.

© Marc Vandenhoute, EFI/VPA ALA Facility

Before negotiations conclude, stakeholders are assessing the suitability of the legality definition on the ground. In February, a team consisting of representatives of the various stakeholders involved in the negotiations and an international consultant conducted a series of field tests.

The team visited several wood processing units to check that the legal conditions related to workers' rights were applicable at all stages of the supply chain.

The team also discussed with forestry administrations and local communities to what extent the legal requirements recently adopted to implement the Ivorian Forest Code are being applied on the ground, and whether any difficulties were encountered.

The test report, expected by the end of February, will identify areas for improvement. It will also include recommendations, enabling stakeholders to negotiate an Agreement that is more

realistic, applicable and adapted to the Ivorian reality.

Guyana and EU agree on roadmap to improve forest governance and reduce illegal timber trade

On 10 March 2022, representatives of Guyana and the European Union agreed on a detailed roadmap implementing the Guyana-EU FLEGT Voluntary Partnership Agreement (VPA), which aims to improve forest governance and verify the trade in legal timber.

"Through the implementation of the VPA, Guyana is further reducing illegal timber trade, modernising timber operations and ensuring forestry brings employment in the formal economy," said Honorable Vickram Bharrat, MP Minister of Natural Resources. "During our earlier negotiations, Guyana has already addressed key objectives such as the revision of the National Forest Policy and the alignment of the VPA to Guyana's Constitution as well as international legal texts, such as the UN Declaration on the Rights of Indigenous Peoples."

EU Ambassador to Guyana, H.E. Fernando Ponz Canto, further stated that "timber and timber products covered by valid FLEGT licences automatically meet the requirements of the EU Timber Regulation. Once Guyana's Timber Legality Assurance System is fully operational, the EU will allow imports of FLEGT-licensed timber from Guyana to enter the EU market without due diligence checks under the EU Timber Regulation". The Roadmap agreed will

provide significant benefits for Guyana, the Ambassador added: "this is a major step towards more inclusive and sustainable use of Guyana's formidable forest resources, and a further increase in EU-Guyana trade".

These achievements show that Guyana is strengthening forest governance through the VPA and other related initiatives and is advancing toward FLEGT licensing. Good governance of Guyana's forests is crucial to sustainable development. Moreover, it helps both Guyana and the EU contribute to achieving the world's Sustainable Development Goals, mitigating climate change and protecting biodiversity.

During the meeting, the Parties also discussed the establishment of the Guyana-EU VPA Joint Monitoring and Review Committee (JMRC), which will oversee the implementation of the Agreement and includes representatives of all stakeholder groups.

The Parties considered the next steps in the VPA signature and ratification process, which is anticipated to be completed before the end of the year.



Minister of Natural Resources, Vickram Bharrat, and Ambassador of the European Union to Guyana, Fernando Ponz Canto sign the agreement.

Representatives of private sector and civil society, including Indigenous Peoples' Organisations, presented the issues they would like further discussion on. The Parties re-iterated that all forest stakeholders will be involved in the VPA implementation process. Guyana committed to make funds available to support the implementation of the VPA. The EU has already been providing highly significant financial support and is planning to continue to do so in line with the Joint implementation framework both Parties have agreed upon at the pre-JMRC. Additional support is provided by the Norway and the UK.

We Prefer Selling Trees To Illegal Chainsaw Operators -Cocoa Farmers



months to obtain one salvage permit and by which time the farmer may have planted his crops or even given out the trees to illegal operators. The legal operators narrated that, the act is crippling their businesses, and are therefore calling upon the Forestry Commission to remedy the situation.

This situation was unearthed when Nature and Development Foundation (NDF) visited the area to engage with sawmillers on **F L E G T L E G A L I T Y COMPLIANCE**. As part of the engagement, sawmillers were taken through the legality verification principles of the Timber Validation Department and enlightened on various documentation they must keep and file to show as proof of compliance.

Operators of sawmills were mock audited and action plans to correct identified gaps were developed for each of the

companies. Prevalent among the gaps identified were the non-payment of SSINT for permanent workers. Issues of safety and health were also noted to be of great cause of concern as most of the facilities paid little or no attention to safety matters of the job. NDF, therefore, offered onsite education on safety and health for management and staff.

Ending the training, management and workers of each company visited were grateful for the support and asked that such engagements should be repeated at least once quarterly. This action by NDF is part of implementing the project, "Building the capacity of the small and medium forest enterprises in Ghana and Liberia to supply and trade in legal timber".

The project is funded by UK aid under the Forest Governance Market and Climate (FGMC) Programme.

>>> *Continued from Page 6*

operators than to the legal operators.

Further enquiries from some sawmill operators within the enclave, attested to the claims of the farmers with the Forestry Commission standing accused of unnecessary delays and cumbersome processes.

According to them, it takes as long as 3 to 6

Source: Nature and Development Foundation

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ABOUT NDF

The Nature & Development Foundation (NDF) was legally established in November 2013 in Ghana. It was born out of the long presence of WWF in Ghana and across the West African region as a non-profit organization, limited by

guarantee.

The foundation has a mission to help build a society in which human development and nature conservation complement each other. It also believes that, ways exist to balance the needs of development with sustainable land uses that do not threaten forest biodiversity and forest dependent livelihoods of the region.

NDF understands that it must not limit itself to working only with those in the forest industries itself, but must engage more widely in multiple sectors and processes if it is to achieve its mission.

Though currently active in Ghana, it aims to increase its activities in Cote d'Ivoire and Liberia in the future. For more information visit www.ndfwestafrica.org Or call TEL: +233-302-518-710



ABOUT FCDO

The Foreign, Commonwealth and Development Office (FCDO) is a ministerial department supported by twelve agencies and public bodies.

The office pursues national interests and project the UK as a force for good in the world. FCDO promotes the interest of British citizens, safeguard the UK's security, defend their values, reduce poverty and tackle global challenges with international partners.

They unite development and diplomacy in one new department. FCDO brings together the best of Britain's international effort and demonstrates the UK acting as a force for good in the world.

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