

# Collecting evidence of FLEGT-VPA impacts

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**Ghana country report** 



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## **Abbreviations**

ADE : Analysis for Economic Decisions

CAPI-G : Computer-Assisted Personal Interviewing in a Group

CIFOR : Center for International Forestry Research

CS : Civil Society

CSO : Civil Society Organization EFI : European Forest Institute

EU : European Union

EUTR : European Union Timber Regulation

FAO : Food and Agriculture Organization of the United Nations

FC : Forestry Commission

FLEGT : Forest Law Enforcement, Governance and Trade

FSC : Forest Stewardship Council
GWTS : Ghana Wood Tracking System

LC : Local Communities

LMCC : Log Measurement and Conveyance Certificate

NDF : Nature and Development Foundation NGO : Non-Governmental Organization

PA : Public Administration

PS : Private Sector

REDD+ : Reducing Emissions from Deforestation and Forest Degradation

RTM : Real-Time Monitoring
SFP : Salvage Felling Permit

SME : Small and Medium-sized Enterprises
SRA : Social Responsibility Agreement

TIDD : Timber Industry Development Division
TLAS : Timber Legality Assurance System

TRMR : Timber Resource Management and Legality Licensing Regulations

TUC : Timber Utilization Contract
TUP : Timber Utilization Permit
TVD : Timber Validation Department
VPA : Voluntary Partnership Agreement

WTS : Wood Tracking System

# 1 Introduction

This initiative, financed by the FAO EU-FLEGT Programme, aimed to gather qualitative and quantitative evidence of the impacts of the Forest Law Enforcement Governance and Trade – Voluntary Partnership Agreement (FLEGT-VPA) process to date, across a sample of three countries – Cameroon, Indonesia and Ghana. Results are intended to serve the communication needs of the European Commission (including Member States and the European Parliament), the EFI-FLEGT Facility, FAO-FLEGT and Voluntary Partnership Agreement (VPA) countries, as well as international organizations and academia working on FLEGT.

By covering three countries in different stages of VPA implementation, this study will present findings and lessons at both a country and global level, outlining where possible the bigger picture of impacts of the VPA process. This is important as a VPA, while being a legally binding trade agreement, is contingent on thorough and lengthy reform processes in the country's forestry sector. Including three countries at different stages of implementation¹ while using the same tool (see Methodology) supports comparative analysis and insights into what stage of implementation a VPA shows the most impact. It could also be used as a baseline scenario should future assessment be repeated on the same countries.

Although impacts have already partly been analysed and documented through research studies and preliminary national impact monitoring systems, they are often scattered among various specific thematic and geographic areas. This study seeks to gather, assess and demonstrate, where possible, the impacts of FLEGT-VPAs in a comprehensive way, through engaging key experts and stakeholders involved in the VPA process, using a similar approach in all countries.

The Center for International Forestry Research (CIFOR) and Analysis for Economic Decisions (ADE) research teams were in Ghana in the period 21 April – 2 May 2019 to collect data.

This report will first briefly outline the methodology used<sup>2</sup>, before outlining the sample of respondents and presenting results under three broad headings: Environment, Economy and Governance. Results are further categorized and presented according to grouped indicators.

This country report is an intermediary deliverable designed to feed the final synthesis report of the three countries. The report is not designed to be presented by the CIFOR/ADE team in-country, or to be distributed to a wider audience outside of the technical committee.

<sup>1</sup> At the time of research, Indonesia had received its FLEGT license, Ghana was close to receiving its license, while Cameroon was yet to implement the Timber Legality Assurance System (TLAS) system.

<sup>2</sup> A thorough methodology note was submitted to FAO (and may be available upon demand).

# 2 Methodology

#### Key takeaways

- Multi-faceted stakeholder engagement to arrive at themes and sub-themes covered
- Desk review undertaken for each country to identify prevailing hypotheses
- Questions arise on capturing VPA contribution to any perceived change
- Use of data-collection tool with mixed methods, quantitative/qualitative components
- Positive respondent feedback received on the tool and format of interview

In order to measure the impacts of a VPA, a mixed qualitative and quantitative methodology was developed. This was rolled out across each of the three countries, with slight contextual modifications made for each. The methodology was also designed to be replicable over time and applicable to other VPA countries, should it be required.

The final data-collection tool was developed and deployed in Cameroon in **three main stages**:

#### 2.1 Prioritizing themes

The **first** stage identified the four most relevant themes to cover during the study, also forming the main sections of the questionnaire. This number of themes was chosen as it would allow a greater depth of research, which is preferable to covering more themes at a shallower level. To identify these, two rounds of consultation took place:

#### I. Funder priorities

FAO/EFI identified three of the study's four thematic areas from a list of internal interest areas.

#### II. Stakeholder priorities

The final thematic area and sub-themes within the four main themes were selected by predetermined domestic experts from each of the study's three countries and by international experts (EU-FLEGT FAO/EFI) through an online survey. The themes to be included in the study were selected based on answers that were most frequently given. The desk review and the development of indicators were guided by selected themes and sub-themes. The final four thematic areas are:

- sustainable forest management and forest conditions (environment)
- relationship and development of the formal and informal forest sectors (economy)
- employment (economy),
- · law enforcement and compliance (governance).

Thanks to the many sub-themes, the study covers most expected and unexpected impact dimensions of FLEGT-VPA. This was confirmed by many respondents who mentioned that the survey tackled the most important issues and themes.

#### 2.2 Desk review

The second stage was a thorough desk review per country. Stakeholders were consulted in order to ensure that the most relevant literature was identified and processed, particularly literature focusing on impacts of VPA implementation within the context of the four themes. The desk review was structured around the four themes and related sub-themes. This allowed us to identify prevailing hypotheses that guided (i) the formulation of questions to build indicators, and (ii) the data analysis as results could be substantiated against desk findings. The desk review also ensured that the questionnaire could be tailored to different country contexts and that questions were in line with the sorts of impacts expected from the VPA. This ultimately helped us compare VPA expectations identified in the desk review, with actual VPA progress and possible unintended effects.

The review included the following categories of documents:

- VPA annexes and documentation
- EFI FLEGT Facility and FAO FLEGT reports (publicly accessible)
- LoggingOff VPA updates (FERN)
- Selected academic papers based on literature recommendations from academic experts and CIFOR/EU country offices for each VPA country
- Impact monitoring documentation (indicator value and narratives), when available
- Evaluation of the EU FLEGT Action Plan and annexes (TEREA 2016)

A full list can be found in Annex I.

#### 2.3 Interviewing key stakeholders

The **third** stage involved rolling out the questionnaire, which had received multi-faceted stakeholder input. The aim was to structure the questions around VPA impacts and tailor them to the context of the three respective countries without losing the ability to perform cross-cutting analysis. A pre-selected sample of participants from the public, private, formal and informal sectors; civil society; and local forest communities (see Section 3) were invited to complete the questionnaire.

All respondents were asked to sign a 'Consent Form' before the interview. In line with CIFOR's Ethical Review – which is applied to all projects – the agreement reminded respondents about the anonymous and confidential treatment of the information provided in the survey. Respondents were also reminded that they could stop answering at any time during the survey if any signs of discomfort arose from answering the questions. Lastly, by signing the Consent Form, respondents agreed to their responses being used in this assessment.

Total questionnaire time took two to three hours – depending on the level of discussion and the number of participants – and was split into various approaches:

#### I. Common introductory presentation

A 15-minute introductory PowerPoint© presentation was shown to all participants. This touched on the aim and scope of the assessment; the types of questions and answers that participants would find displayed on the tablets; and a couple of slides with practical examples to illustrate the concept of 'impact' and

to agree on the meaning to be given to the possible answers (e.g. from 'very positive' to 'very negative').

This is a very important step because participants from the same group of respondents – or from other groups – may have a different understanding of 'very positive' or 'very negative' impacts. Agreeing on the scale and on the meaning of various steps along the scale (e.g. 'weak,' 'very weak,' 'strong,' 'very strong,' etc.) provides the interviewing team and the respondents' group with a common language to be adopted while filling in the questionnaire.

Such common language also allows for more meaningful cross-country comparisons, as a 'very weak' impact in the case of Ghana is likely to resemble a 'very weak' impact in the context of other countries.

#### II. Individual survey

The answers, which were entered directly into the tablet, were designed to be individually completed using a Computer-Assisted Personal Interviewing in a Group (CAPI- $G^{\mathbb{R}^3}$ ) approach. These individual sections were constructed using closed-ended, multiple-choice or Likert scale questions (0–5, 0–3, 0–100%) to capture respondents' personal opinions, thereby allowing quantitative analysis.

Questions were mostly designed to understand change trajectories, capturing the respondents' opinions on the current situation within the different themes and sub-themes; their perceptions of the situation prior to VPA ratification (recall); and their opinions on the VPA's feasible contribution to any perceived change. Other questions were statement assessments, asking a respondent to select their agreement level on a statement using a scale of 1–5, or to select which statement they agreed with most.

#### III. Focus group discussion

The individual questionnaire was broken up by pauses at the end of each theme, during which participants could share their opinions on the previous section in more detail, providing qualitative measures of change and specific examples. This anecdotal evidence allowed us to better explain findings contained in this report, and questions were tailored to the group's subject-matter expertise. Since participants belonged

<sup>3</sup> This data-collection approach was designed by ADE and has been proven in previous studies to be efficient and reliable.

to similar (professional) categories, they felt free to talk and share their experiences/insights.

This approach was tested in Cameroon and proved effective. Data collection was bolstered by having two types of input: (i) numerical (entered directly into the tablet), the results of which could be accessed daily, and (ii) qualitative, with examples from detailed and anonymous notes taken during these sessions. Analysis could therefore draw on two information sources, as well as being able to compare results with existing literature to better understand continuity/ divergence.

Feedback on the interview experience was also regularly sought from participants. Verbal feedback reported from respondents indicated that they enjoyed the two-pronged approach, which allowed them to think about VPA evolution from numerous angles before engaging in often lively discussion with peers. They also commented that questions were easier to complete due to icons associated with the different answers. Quantitative answers also had a high response rate (as opposed to many "don't know" answers), validating the expert pool of respondents (see Section 3) and the relevance of the questions.

#### Sample size and selection

Through the knowledge and contacts of the CIFOR/ ADE research teams as well as EU FLEGT FAO/ EFI, key experts and long-standing stakeholders in the forestry sector4 were identified and invited to participate in the survey. The objective was to reach 100 relevant respondents weighted into four categories: public administration, private sector (formal & informal SMEs), civil society organizations with local communities, and an "other" of consultants, researchers, industrials, and donor representatives. In each category, we made every effort to include representatives of different associations, NGOs and departments within ministries in order to capture as much diversity as possible. This expert sample is large enough to compute statistics and reflect a range of different points of view regarding the preselected themes and sub-themes.

#### Key takeaways

- 146 individual respondents from different categories; 137 completed the entire questionnaire.<sup>5</sup>
- 14 group sessions were organized in Accra (FAO regional office, Forestry Commission and Ministry of Land and Natural Resources); Kumasi; New Edubiase: and Sefwi Wiawso. A detailed agenda of the mission can be found in Annex II.
- Some respondents had to travel to Accra or to Kumasi to participate in the study, ensuring that all forested parts of Ghana were well represented.

As outlined above, respondents for the study in Ghana were selected based on their relevance to and experience with the forest sector in general, and the FLEGT VPA process, in particular. Nature and Development Foundation (NDF), our local partner in Ghana, collaborated with the EU FLEGT FAO/ EFI teams to identify potential respondents from different sectors, asking them through an official invitation sent from the EU delegation to Ghana to participate in the study. The NDF team then followed up by inviting respondents (by e-mails and phone calls) to pre-selected slots (based on sector) at a specific time on a particular date. Three ADE-CIFOR-NDF team members also travelled to Kumasi, New Edubiase and Sefwi Wiawso to meet with members of the private sector, local communities and Forestry Commission technical staff (see Section 3).

The field team consisted of two experts from CIFOR, two from ADE (from the office in Yaoundé, Cameroon) and two from NDF. In Ghana, they spent the first two days together in order to finalize the organization and logistics of the survey days. One afternoon was then dedicated to further contextualizing questions or easing understanding with Ghana-related prompts, where required. Part of the team also met with the EU delegation on 30 April to outline the study's purpose and the anticipated milestone dates.

<sup>2.4</sup> Field mission specifications

<sup>4</sup> One respondent was sent in place of an invitee and was found to have little knowledge on the topic. Her entry was deleted and wasn't included in the analysis.

<sup>5</sup> In rare cases, some respondents' questionnaires were not included in our sample, either because they did not complete the entire questionnaire or because they lacked the knowledge to answer the questions.

While the target number of study respondents was reached and exceeded in due time, there were some key lessons learned that should apply to the countries that will be studied next:

- More advance warning is required, particularly for those traveling from far. While two weeks' notice was provided, three would have been ideal.
- While invitations were sent to the most relevant respondents, it was not always clear whether they would attend personally or send a representative from their office. Close follow-up is required to ensure their personal attendance.<sup>6</sup>
- In relation to the above, given that respondents would not always arrive at the same time, asking them to provide a detailed introduction was not always possible. However, one member of the team was dedicated to making the introductory presentation to all members who came later before they entered the room where the survey was being conducted.
- Participants from the public sector are often busy. While a few meetings are attainable, individual completion of a questionnaire could be more challenging. At the Ministry of Land and Natural Resources in Accra Ghana's capital city the field team adapted their method by asking the questions themselves, noting individual responses if more than one respondent was present. A short version of the questionnaire focusing on Section 4 was completed only by the deputy minister (who had less time to devote to this exercise). At the Forestry Commission in Accra, we had to group the several focus groups planned after each section into one global focus group at the end of the session.
- After interviewing private sector respondents, we realized that all participants in this category described themselves as belonging to the industry group, and none of them to the artisanal group. However, only seven out of the 40 participants in this category actually belonged to large-scale timber companies, the rest being considered SMEs. This is because 'artisanal operators' in the timber industry in Ghana were historically seen as illegal chainsaw millers. Therefore, millers in Ghana today consider themselves as part of industry. In future survey sessions, it should be made very clear that industry refers to large-scale timber companies (e.g. use a threshold in terms of production, employees etc.), while artisanal refers to SMEs.

#### Ghana VPA and forest context in brief

VPA negotiations with Ghana started in March 2007, and Ghana's VPA was signed in November 2009. At the time of writing this report, the decision on Ghana's readiness for licensing start was pending the outcome of the final joint assessment of the Ghanaian legality assurance system, or more specifically the nationwide wood tracking system (WTS) for the timber legality assurance system.

Ghana's territory is spread over 238,500 square kilometres (Marfo 2010), with timber stemming from the High Forest Zone (HFZ), which covers an estimated area of 8.5 million ha. The State is responsible for issuing permits via the Forestry Commission. These permits are granted both for timber produced in forest reserves (in total 1.6 million ha) and timber that is grown on farmland (off-reserve area: 6.6 million ha) (Planning Branch 1999, in Carlsen 2014).

There are three types of logging permits for natural forests (private plantations are privately managed and do not require specific permits):

- Timber Utilization Contract (TUC): a written contract signed by the sector's minister and ratified by the Parliament of Ghana, which grants a timber harvesting right (NEPCon 2017)<sup>7</sup>
- Timber Utilization Permit (TUP): a small-scale permit that can be issued to rural communities or NGOs for social or community purposes and where the timber is not for sale or exchange (Carlsen 2014);
- Salvage Felling Permit (SFP): signed by the chief executive of the Forestry Commission (NEPCon 2017) and allows logging companies to harvest singular trees in areas undergoing development, such as road construction, the expansion of human settlements or the cultivation of farms (Carlsen 2014).

"Once a tree is felled, its details (number, species, volume, source) are first registered on a Tree Information Form and then, when ready for transport, re-entered on a Log Measurement and Conveyance Certificate (LMCC) with details of destination included. This LMCC accompanies the log all the way from the forest to the mill" (FLEGT IMM 2019).

<sup>6</sup> One respondent was not the intended invitee and had little knowledge on the topic, so we deleted her questionnaire.

<sup>7</sup> Since 1998, old leases have been converted to TUCs. This led to an ongoing conversion issue – which started prior to VPA implementation – with new companies paying for new TUCs, whereas those with old leases have it already and didn't pay.

For exports, the company must then apply for a FLEGT license (Europe) or Export Permit (other export markets) with the Forestry Commission's Timber Industry Development Division (TIDD), Ghana's licensing administration. The application must be accompanied by the sales contract and relevant documentation, including a related log input/product output data sheet. This documentation will then be checked online by the Timber Validation Department (TVD/Forestry Commission) and subsequently the FLEGT license can be issued. For domestic sales, companies need to apply for the Domestic Timber Inspection Certificate (*ibid.*; EFI 2016).

According to tree tenure legislation in Ghana, communities are owners of the land, but management of trees is delegated by law to the State, more specifically to the Forestry Commission. If a farmer

wants to harvest a tree, they would have to apply and pay for a permit, whether the tree is on their land or not. There is therefore little incentive for farmers to leave or protect trees, leading to (illegal) logging and deforestation. Chainsaw millers were banned by the government in 1992 but farmers' control and access to benefits from trees on their farms are notably greater in the 'illegal' chainsaw-dominated informal sector than in the 'legal' state-based system. While the farmers have little incentive to protect the trees on their farm, it is argued that the Forestry Commission is not fully able to control illegal logging (TEREA 2016). However, legislation was passed that now requires farmers' consent to fell a tree, which they could oppose if they estimate that cutting down the tree would damage farm products. A tree tenure reform is also under way but had not been finalized at the time of writing this report.

## 3 Results

#### 3.1 Respondent breakdown

#### Key takeaways

- 85% of respondents were male and 15% were female.
- The largest sectors that respondents associated themselves with were public administration (29%), private sector (27%) and civil society (26%).
- Local communities, public administration, private sector (industrial) and civil society are the sectors that respondents knew best.
- Respondents had been/were most involved in the VPA monitoring (47%) and TLAS (39%) areas of the VPA process. Of note, while 5% may have answered that they were not involved, this does not mean they were an irrelevant respondent.

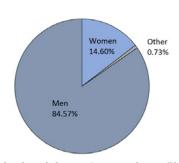


Figure 1. Gender breakdown of respondents (N=137)

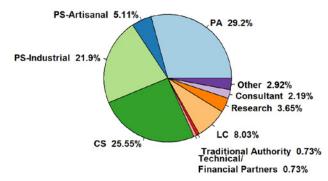


Figure 2. Responses by sector (N=137)

The study purposefully identified experts and longstanding stakeholders in the Ghanaian forestry sector, demonstrated by the average number of years they had been involved in the sector (see Figure 4). We ensured that the main actors from each respondent group were included, making provisions to travel to them or them to us, bringing confidence that the data below are both accurate and credible.

To allow a mean comparison across groups, respondents' associated sectors have been reduced to four categories:

- Public administration: 28.99% In this category, the participants were involved in VPA negotiations, and most were implementing the WTS at the time of participation this also applies to all government representatives interviewed, including the different departments of the Forestry Commission (TVD, TIDD, FSD and RMSC).
- Private sector artisanal and private sector industrial: 26.81% In this category, stakeholders are required to implement the requirements of the Ghana wood tracking system (GWTS). This applies to large companies but also to the small and medium-sized enterprises (SMEs), the Domestic Lumber Traders Association (DOLTA), Ghana's sawn timber seller associations who are traders and the Furniture and Wood Products Association of Ghana (FAWAG), representing wood converters.8
- Civil society, local communities and traditional administration: 34.78% civil society organizations were mostly involved in VPA negotiations, and most respondents were implementing FLEGT-VPA-related projects, either locally or internationally, at the time of being interviewed. All local community representatives lived by the forest and sometimes benefited from Social Responsibility Agreements (SRAs). Those who participated in the survey were community forest monitors engaged by a number of projects.

<sup>8</sup> Members of the Ghana Timber Millers Organization (GTMO) own large mills, while members of the Ghana Timber Association are loggers.

 Other: 9.41% - With significantly fewer participants, this group consisted of academics and researchers, technical and financial partners, as well as consultants working on VPA-related topics.

The average number of years' experience in the forestry sector was 13, with a range of one year to 45

years. This highlights the relevance of the expert pool identified and interviewed for the study.

The top three principal motivating factors that respondents said were leading Ghana to engage in the VPA process were: (1) to reduce illegal logging and trade (63%), (2) to improve forest management (47%), and (3) to reduce deforestation (34%).

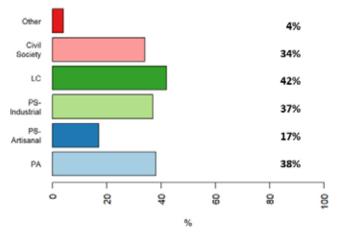


Figure 3. Knowledge of the sectors (N=137)

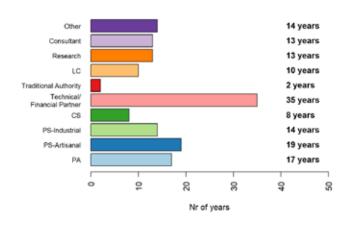


Figure 4. Average number of years of experience by sector (N=137)

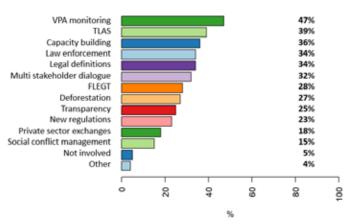


Figure 5. VPA involvement (N=137)

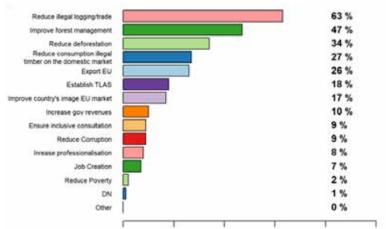


Figure 6. Country goals (N=137)

No	TEREA evaluation (2016)	VPA impact study
1	To improve access to the European market	To reduce illegal logging and trade (63%)
2	To improve forest governance	To improve forest management (47%)
3	To combat illegal logging and trade for sustainable management	To reduce deforestation (34%)

<sup>9</sup> Multiple-choice question with a maximum of three responses per respondent.

#### 3.2 The Environment

#### Key takeaways

- The VPA has moderately and slightly contributed to a **decrease in illegal logging in reserves and in off-reserves**.
- Illegal logging (in volume) decreased since VPA ratification partly due to better law enforcement and the wts both on domestic and export markets.
- The VPA is considered to have moderately contributed to an increase in the amount of timber being exploited with a permit obtained legally.
- The VPA is considered to have moderately contributed to providing civil **society with a greater role in controlling legality and in identifying irregularities**. Civil society has an important role today and has become more independent and powerful in the country thanks to VPA. It has also developed an ability to hold the government accountable.
- Ghana's government decided to include the domestic market in the TLAS and has made legal wood more attractive on the domestic market since the VPA because of law enforcement and the development of a public procurement policy for the domestic market.
- The VPA is considered to have slightly contributed to a reduction in deforestation in Ghana and to a better integration of forest functions; and moderately contributed to the better implementation of forest management plans.
- The VPA has slightly contributed to an **increase in the number of hectares in exploitation with a private certification system**, although the introduction of VPA licenses has recently reduced private certification because people are waiting for the VPA licenses to be issued.
- The VPA has moderately contributed to more consultation and consideration of local communities' opinions in decision making in the timber sector and to more recognition of their property rights.
- The VPA has moderately contributed to better enforcement of Social Responsibility Agreements for local
  communities. Tax revenues improved local communities' wellbeing more significantly than before VPA
  ratification.
- The VPA is considered to have **slightly contributed to the increased consideration of the status held by women, youth and marginalized groups**

#### 3.2.1 Illegal logging

On average, respondents consider that the VPA has moderately and slightly contributed to a decrease in illegal logging in reserves and off-reserves, respectively. While respondents in the Public Administration and Private Sector categories consider that the VPA moderately contributed to a decrease in illegal logging in reserves, those in the Other category said it has only slightly contributed to a decrease in illegal logging in reserves. Moreover, while Public Administration and civil society respondents consider that the VPA moderately contributed to a decrease in illegal logging in off-reserves, those in the Other category said it has made no contribution.

Most of the respondents estimated that illegal logging (in volume) has decreased since VPA ratification both in reserves (53%) and off-reserves (65%), though a higher share said illegal logging

strongly decreased in reserves (24%) compared with off-reserves (12%). There are significant differences between groups, with more Private Sector respondents saying illegal logging in reserves has strongly decreased than the civil society and Other categories, while fewer Other respondents said illegal logging in off-reserves has decreased than Private Sector and Public Administration respondents.



Figure 7. VPA contribution to the decrease in illegal logging on reserves (N = 130)



Figure 8. VPA contribution to the decrease in illegal logging off reserves (N = 132)

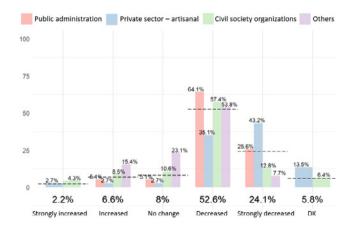


Figure 9. Illegal logging on reserves (N=136)

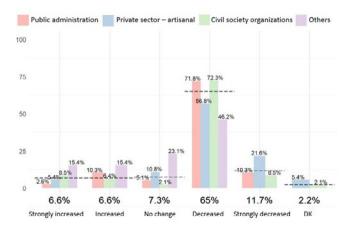


Figure 10. Illegal logging off reserves (N=136)

According to FGDs, this perceived reduction in illegal logging is attributable to better law enforcement since VPA implementation, making it more difficult for illegalities to continue. Thanks to the wts — which respondents deemed efficient and relevant — it is now harder to transport and sell illegal timber without all the required documents and without raising red flags in the system. This system also serves as a reminder of certification requirements for operators and helps to separate illegal timber from legal timber.

Even though the situation is said to have improved with regard to illegal logging, the conversion of

chainsaw operators to artisanal milling in the formal sector remains an issue – despite several projects being conducted to encourage chainsaw millers to make this transformation (Overdevest and Zeitlin 2018). Several respondents explained that there was less illegal logging among formal operators (i.e. "registered recognized timber firms") but there was some debate about whether chainsaw milling had been reduced or not. Some survey participants mentioned that about 80% of the domestic timber market is provided by chainsaw milling, which is not captured by official figures. This situation was documented in detail by Marfo (2010), while Hansen, Rutt and Archeampong (2018) estimated that 85% of the domestic harvest was still covered by chainsaw operators in 2018. The inclusion of the informal sector in the TLAS remains a challenge, as outlined in the literature, which notes that the TLAS only encompasses formal operators, so it monitors and impacts only a minor share of the annual harvest (Carlsen 2014).

The issue of tree tenure off-reserves was also mentioned several times during discussions as a potential cause of illegal logging, which is consistent with findings in the literature. The need for legal reform in tenure is indeed mentioned as a key issue and has not been addressed with the VPA process (TEREA 2016; Carlsen 2014; Hajjar 2014; Hirons et al. 2018; FERN Nov. 2017). As naturally occurring trees belong to the State rather than the landowners/ farmers, the latter are not incentivized to protect the trees (Hajjar 2014). As one cocoa farmer explained in one session, he would rather destroy the trees than let someone else benefit from them. Timber companies continue to cut down trees in off-reserves without paying any compensation to farmers. Unlike the SRAs, there is no specific/clear amount paid to farmers.

Several causes of illegal logging were mentioned during focus group sessions, such as the lack of legal wood supply or the lack of alternative livelihood opportunities for SMEs and for those who lost their jobs (TEREA 2016). People remain involved in illegal activity due to poverty: "Some cannot afford the processes of becoming legal so they go for free." One example referred to traders in markets, mainly women. When lumber is found on the road, it can be considered illegal but once it is in the market, it's not illegal anymore. The traders sell logs, regardless of the source, and would lose their livelihoods if illegal timber were to be reduced, which might generate other social problems. This type of issue is not being tackled by the VPA, and there was no mention

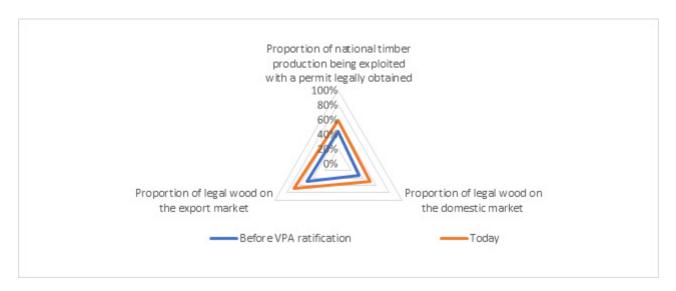


Figure 11. Legal wood in Ghana (N=123)

of anything having mitigated this situation. One respondent also pointed to the difficulty of removing illegal timber from the market because chainsaw millers represent an important electoral mass that politicians would not want to lose.

Although illegal logging is perceived to be decreasing, it was also said – both in discussions and in the literature – to continue due to the high demand for wood and the lack of timber supply in the domestic market, making illegal wood cheaper (Hirons *et al.* 2018; TEREA 2016).

Respondents considered that the legal wood situation has generally improved in Ghana since VPA ratification. Respondents consider that 59% of today's timber production is being exploited with a legally obtained permit, while only 44% of timber production was considered to be exploited with a legally obtained permit before VPA ratification. Among the categories, Public Administration considers today's proportion of wood exploited with a legal permit larger than each of the three other groups, while Public Administration respondents thought the evolution of legal wood since VPA ratification is more evident than Private Sector respondents claimed. On Ghana's domestic market, respondents consider that 50% of today's commercialized timber (in volume) is legal, while about 33% was considered to be legal before VPA ratification. On Ghana's export market, respondents say 69% of today's commercialized timber (in volume) is legal, while less than 49% was considered legal before VPA ratification.

On average, the VPA has moderately contributed to an increase in the amount of timber being exploited with a legally obtained permit.



Figure 12. VPA contribution to the increase in the amount of timber being exploited with a legally obtained permit (N=126)



Figure 13. VPA contribution to a reduction in illegal timber on the domestic market (N=129)

Likewise, the VPA has moderately contributed to a reduction in illegal timber on the country's domestic market.

In 2010, it was estimated that 84% of domestic timber was illegal in Ghana, and most of it was produced by some 97,000 chainsaw operators (Marfo 2010, in Hirons et al. 2018). Yet, according to TEREA (2016), the enforcement of the 1998 Timber Resource Management Regulations (TRMR) became stricter with the VPA process, and the Forestry Commission estimated that 50% of the timber on the domestic market was legal in 2015, which is consistent with our survey results. Nevertheless, the proportion of illegal timber on the domestic market and the share

of operators producing informally remain uncertain. According to Hansen, Rutt and Archeampong (2018), 85% of the domestic harvest was covered by chainsaw operators in 2018, while there remained a strong possibility that they were operating without a permit, and that the timber they produced was illegal.

Almost a third of the respondents consider there to be high demand for legal wood on the domestic market, while 23% consider it very high and 22% consider it average. Moreover, most respondents strongly agree that the government has made legal wood more attractive on the domestic market since the VPA. However, a quarter still disagree with this statement. There are also differences between groups, with Public Administration agreeing more than the Other category. The VPA includes an article encouraging the government of Ghana to apply the licensing scheme to timber sold on the domestic market (Hajjar 2014). But according to Overdevest and Zeitlin (2018) and to several respondents, the will to include the domestic market within the VPA and the **TLAS really came from the Ghanaian side**, which is an important first step in the promotion of legal wood on the domestic market. A domestic market policy was approved in 2012 with the aim to reduce the demand for illegal timber through a public procurement policy, and to increase the supply of legal timber by raising awareness among domestic lumber traders and by encouraging chainsaw millers to become artisanal millers (Hajjar 2014). According to a staff member at the Forestry Commission, legal wood is more attractive, but this has less to do with positive initiatives (such as promotion and raising awareness) than with effective law enforcement. Note that

public procurement policy was not yet operational at the time of writing this report. According to one respondent, the government is the biggest buyer but even it thinks there might not be enough legal wood on the domestic market, so it is difficult to implement that procurement policy.

The lack of public demand for legal wood was outlined in TEREA (2016): "It is remarkable that hardly any attention seems to be paid to raising awareness of the Ghanaian consumers about purchasing illegal timber." One respondent agrees: "Citizens don't care if timber comes from legal or illegal sources. When you know you have to buy legal, you buy it" but VPA doesn't help increase the citizen's/public demand for legal timber. According to most people, supply is a problem: There simply isn't enough legal wood on the domestic market. One respondent explains that "the problem with the government saying there's not enough legal timber in the market is that this allows people to operate illegally, and then you can never have legal timber in the market." Local communities also reported that legal timber was not readily available to them, and this lack of access to legal wood might promote illegality on the domestic market.

On the other hand, one respondent argues that there is now more legal wood on the domestic market than before because when wood is not legal, it is confiscated, auctioned and then legalized.

Finally, the VPA has moderately contributed to a reduction in illegal timber on the country's export market.

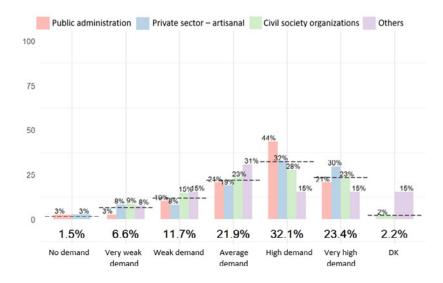


Figure 14. Demand for legal wood on the domestic market (N=136)

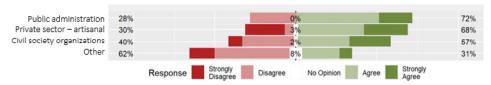


Figure 15. Statement on whether the government has made legal wood more attractive to the domestic market (N=137)



Figure 16. VPA contribution to a reduction in illegal timber on the export market (N= 126)



Figure 17. VPA contribution to providing CS with a greater role in controlling illegality and in identifying irregularities (N=132)

The VPA is said to have had more impact on large companies than on SMEs or chainsaw millers. Indeed, while large-scale enterprises focusing on exports dominate the formal (regulated) forest sector, SMEs characterize the informal sector that supplies the domestic market (Hajjar 2014). As argued by Hirons et al. (2018), the VPA seems to increase the market power of large companies that can easily comply with the VPA and European Union Timber Regulation (EUTR), while marginalizing small resource users. Government officials stated that the percentage of illegal timber has declined significantly since the introduction of the VPA, primarily due to timber harvested by large and medium-sized companies, while the production of illegal chainsaw timber has been affected marginally (Hajjar 2014).

Finally, the VPA has moderately contributed to providing civil society with a greater role in controlling illegality and in identifying irregularities. While it was considered to have a weak role before VPA ratification, respondents say civil society has an important role today. The magnitude of this change is 1.67 on a scale of 0 to 5. Respondents in the civil

society category consider that civil society has a more important role today than respondents in the Public Administration and Private Sector categories claimed.

The positive impact of the VPA on civil society was mentioned many times in focus group sessions: "By putting civil society in the law, the VPA has been very good in opening up the space for CS participation in forest governance."

According to civil society's feedback in discussions, civil society has become more independent and powerful in the country thanks to the VPA. It has become an independent monitor on its own, even though it is not officially considered the main assessor and claims that it is therefore less powerful than the official monitor appointed by the government of Ghana for annual assessment. One example of civil society's role in controlling illegality and identifying irregularities can be seen in five NGOs that have been implementing an independent monitoring project since 2017. It is called Strengthening the capacity of non-state actors to improve FLEGT and REDD+ processes in Western Africa, whereby local communities can send a text message to a platform to inform the NGOs when there is illegal logging.

Another example of civil society holding government officials accountable was its contribution to raising and solving the issue of arbitrarily issued "special permits" (EFI 2014; FERN Nov. 2013; FERN Nov. 2016). According to FERN (Dec. 2018), independent forestmonitoring groups have enhanced the credibility of the WTS and complement the Forestry Commission's law enforcement. Civil society respondents reported in discussions that thanks to civil society's lobbying, the issuance of these special permits - also called "ministerial" permits because they were issued by the minister without following due legal procedure – is no longer allowed in the new law (LI 2254). However, civil society identified another legal loophole in salvage permits, leading to unfair competition and deforestation. Salvage permits are supposed to be issued when there is development activity on and off reserves, but some people managed to persuade the government to issue these permits even when no project is planned.

#### 3.2.2 Deforestation and forest conversion

On average, the VPA has slightly contributed to a reduction in deforestation in Ghana. While the Public Administration, Private sector and civil society categories consider it has moderately contributed to a reduction in deforestation, respondents in the Other group say it has made no contribution.

Before the VPA signing, when the FLEGT Action Plan was adopted in 2003, the Ghanaian forestry sector faced severe illegal logging, causing deforestation, forest degradation and considerable environmental damage. Significant forest resources were lost due to harvesting over recent decades and with domestic demand increasing, so does the pressure on remaining forests, which continue to rapidly disappear (TEREA 2016). The lack of land and tree tenure security is considered one of the main drivers of deforestation (Hajjar 2014) (see Section 3.1.1).

Strategies have been adopted to tackle this supply issue, such as plantations and timber imports from other countries, but these have been unsuccessful due to a lack of money for the establishment and maintenance of plantations, and due to the high cost of extraction and transport (*ibid.*)

A government respondent also mentioned during discussions that the VPA focuses on the tracking of natural forest timber and not on plantations. A lot more attention should be devoted to plantation timber, which would go hand in hand with wood tracking of natural forests. Also, the VPA was said not to capture illegal farming, which is one of the main causes of deforestation.

The VPA has also **slightly or moderately contributed to the better integration of multiple forest functions**. Moreover, it seems that climate regulation, biodiversity conservation and tourism attractiveness are more recognized by Ghana today than before VPA ratification.

In 2016, it was argued that the government did not fully realize the potential contribution that the forestry sector can make to the national economy by generating income, increasing revenue through more collection of tax payments, and avoiding costs from climate-change effects, such as floods and droughts (TEREA 2016).

The VPA is also considered to have moderately contributed to a better implementation of forest management plans in the country. Respondents consider that management plans are today implemented to a moderate extent, while they were weakly implemented before VPA ratification. The magnitude of this change is 1.15 on a scale from 0 to 5.



Figure 18. VPA contribution to a reduction in deforestation in Ghana (N=132)



Figure 19. VPA contribution to a better integration of multiple forest functions (N=128)

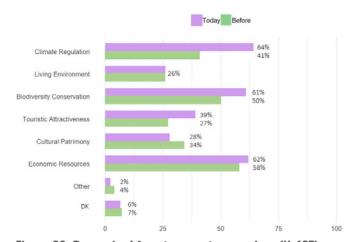


Figure 20. Recognized forest-ecosystem services (N=127)



Figure 21. VPA contribution to a better implementation of forest management plans in Ghana (N=131)

<sup>10</sup> Although there might be an increase in land forest areas, there may degraded quality of the forests (cf. FPP report 2014).

Even though one respondent from the Public Administration category reported that the VPA brought a lot of new management plans but have not been implemented so far, other Public Administration and Private Sector representatives claimed there was better implementation of management plans. However, they explained that the VPA did not change the rules and that what can be exploited has not changed: "The VPA has provided more control. [...] Before, if a company was given six trees to log, it was possible for them to log more than that. But now, if you don't do the right thing, they'll come after you. [...] What you can exploit hasn't changed". Therefore, even though forest management plans are said to be better enforced, this does not mean that the TLAS leads to sustainable forest management. The aforementioned statements are indeed consistent with Hansen, Rutt and Acheampong's paper (2018) arguing that even if the TLAS was fully rolled out, "the management rules upheld through the TLAS have been outdated ever since they were invoked in the early 1990s," and therefore do not ensure sustainable forest management.

#### 3.2.3 Local communities

On average, the VPA has moderately contributed to more consultation of local communities in decision making in the timber sector. Consultation of local communities was considered to be weak before VPA ratification, while it is considered to be high today. The magnitude of this change in the consultation of local communities is 1.57 on a scale from 0 to 5. Respondents in the civil society category consider this evolution to be greater than Private Sector and of Public Administration respondents claim.

Moreover, the VPA is considered to have moderately contributed to more consideration of local communities' opinions in decision making within the timber sector. Respondents in the Other category



Figure 22. VPA contribution to more consultation of LC in decision making in the timber sector (N=131)

consider the VPA to have had slightly contributed to more consideration of their opinions, compared with the Public Administration and civil society respondents, who said the VPA has made a moderate contribution. Consideration of local communities in decision making is considered to be weak before VPA ratification, and to be average today. The magnitude of this change in the consideration of local communities' opinions is 1.32 on a scale from 0 to 5. There are significant differences between groups: Respondents in the Other category say today's consideration of local communities in decision making is weaker than Public Administration respondents claim, while civil society respondents consider this evolution to be greater than Private Sector and Public Administration respondents.

Complaint mechanisms were developed and fully implemented in 2016, but civil society organizations expressed concern during discussion that these mechanisms "only provided for complaints from the private sector in relation to the issuance of FLEGT licenses and did not include procedures for dealing with concerns from affected communities, farmers or other stakeholders" (EFI 2016).

The VPA has slightly contributed to an increased consideration of the status held by women, youth and marginalized groups in questions related to



Figure 23. VPA contribution to more consideration of LC opinions in decision making within the timber sector (N=131)



Figure 24. VPA contribution to more consideration of the status of women, youth and marginalized groups in questions related to forest management and logging (N=125)

forest management and logging. Respondents in the Other category consider that the VPA has had almost no effect, while civil society said it had a moderate effect.

On average, the VPA is also considered to have moderately contributed to increased consideration of local communities' rights and to more recognition of their property rights. However, Private Sector respondents consider the VPA has had a more minor effect on these two dimensions than civil society respondents.

Furthermore, the VPA has moderately contributed to better enforcement of Social Responsibility Agreements (SRAs) for local communities.

The redistribution of stumpage fees to local communities is considered to be a small part of

communities is considered to be a small part of the agreed amount before VPA ratification. Today, it is considered that almost all of the planned budget is redistributed to local communities, with



Figure 25. VPA contribution to more consideration of LC rights (N = 132)



Figure 26. VPA contribution to more recognition of LC property rights (N = 130)



Figure 27. VPA contribution to better enforcement of SRAs for LC (N=129)

Public Administration respondents considering it to be larger than the Private Sector respondents say. The magnitude of this change in the enforcement of SRAs is 1.61 on a scale from 0 to 5. The evolution in redistribution is considered to be greater by civil society recipients than those in the Private Sector category.

According to proposed VPA regulation, compliance with SRAs - which are concluded between the logging company and the community, with a government representative as the referee – is required for issuance of FLEGT licenses (Overdevest and Zeitlin 2018; EFI 2016). SRAs already existed before the VPA, but there is now increased awareness and enforcement (Hansen et al. 2018). There is, however, debate on the significance of the logging company's 5% contribution of the stumpage fee to local communities. The enhanced enforcement of SRAs and the more transparent allocation of timber rights are considered improvements, but they do not fundamentally change the tenure and benefitsharing arrangement, which is considered inequitable (Hansen, Rutt and Acheampong 2018). The percentage of these fees is generally considered low and represents a tiny contribution to livelihoods (Hirons et al. 2018; Hansen, Rutt, Acheampong 2018). An issue that was also raised in FGDs relates to the 25% going to the District Assembly, which then decides what to do with it. It is not necessarily well redistributed and local communities should improve their knowledge on this issue.

Although SRAs already existed before, they were concluded arbitrarily without specific guidelines for a long time. Ghana's VPA empowered local communities through the support of SRA committees, consisting of community members, traditional chiefs and political heads. Civil society and local NGOs helped communities to claim their rights, to ensure accountability and to receive support with forest monitoring. As a result, logging companies now comply systematically as it is a necessary condition to validate their TUC permits. This compliance applies more now with the advent of VPA ratification, as there are regular checks (every three months) of SRA-related stumpage fee payments, as well as sanctions for logging companies in cases of non-compliance.

Moreover, almost half of respondents considered that the tax revenue coming from the timber sector contributed to an improvement in the well-being of local communities in a more important way than before VPA ratification.

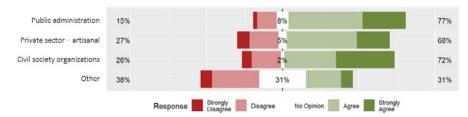


Figure 28. Statement on increased well-being of LC thanks to tax revenue from timber sector (by category of respondents) (N=122)

Despite this perceived improvement, the SRA negotiation process remains a challenge for communities, and their SRA committees still need support from civil society on negotiation, payment and implementation. Also, some respondents reported that forged signatures on SRA contracts might occur, or that money received by the SRA committee should be monitored to ensure that the amount is really used for the benefit of the whole community (some respondents reported redistribution problems with local chiefs).

In 2015, there were no indications of significant VPA contributions toward poverty reduction, according to the literature (Carlsen 2014). There were even concerns that an emphasis on legality might negatively impact local livelihoods highly dependent on the informal sector (Hajjar 2014). In focus group discussions, some SME respondents said the VPA might even increase poverty because of a lack of assistance for those people who went out of business due to VPA requirements.

#### 3.2.4 Certifications and permits

The VPA has slightly contributed to an increase in the number of hectares exploited with private certification. However, a Public Administration respondent reported that the imminent introduction of VPA licenses has recently reduced private

certification because people are waiting for the VPA licenses to be issued. According to an industry representative, participants in the sector want to be sure that consumers trust FLEGT licensing and that FLEGT-licensed timber has a good reputation. If this is not certain, they might stick to private certification. This respondent also highlighted differences between the Forest Stewardship Council (FSC) and the Timber Validation Division (TVD). The FSC is seen as an impartial and credible auditor without a vested interest in the timber sector, while the TVD is auditing for companies and the Forestry Commission itself. He suggested that TVD should be an independent body, but it is funded by the Forestry Commission.

Most respondents consider the process to obtain export and domestic permits (since FLEGT) has introduced new formal and informal taxes.



Figure 29. VPA contribution to an increase in the number of hectares exploited with private certification (N=109)

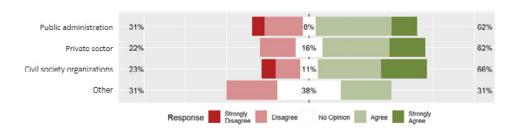


Figure 30. Statement on increased formal and informal taxes due to certification process (by category of respondents) (N=113)

#### 3.3 The economy

#### **Key takeaways**

- The number of SMEs has increased since VPA ratification, but the VPA is considered to have slightly contributed to squeezing some SMEs out of business by enforcing legality.
- A scarcity of resources, together with VPA implementation, has forced SMEs' production to become more efficient in terms of output per cubic meter.
- The VPA has slightly contributed to **less disruption in the timber sector**, with a private forest sector that is better organized than before VPA ratification.
- The VPA has moderately contributed to **better consideration of SMEs' opinions** when decisions are taken concerning the forestry sector, and to a **better recognition of SME associations** in Ghana's forestry sector.
- The VPA has moderately contributed to making information more readily available to SMEs and to
  improving their technical capacity to conduct their activities legally. While information on legal
  requirements and verification meets the needs of SMEs today, the legal harvesting of timber is hampered
  by restrictive technical and financial requirements.
- SMEs provide **better quality wood** than before VPA ratification and **have reduced their impact on the environment**.
- The VPA has **slightly helped improve SMEs' access to the export market**, with about 15% of timber volumes exported from Ghana originating from SMEs today. However, domestic and regional customers are the primary and the secondary markets for SMEs, respectively.
- The process of obtaining export and domestic permits (since FLEGT) has introduced **new formal and informal taxes**. However, **VPA is considered to have slightly contributed to reducing SMEs' informal taxes**, which are estimated to represent 43% of SMEs' costs.
- The VPA has moderately contributed to **more efficient tax collection by the State** in the forestry sector, accounting for a large part of the planned budget.
- The VPA has had, **on average, no effect on the labour market**. Although job opportunities increased because of more business and new types of jobs in the forestry sector, losses were not related to VPA but rather due to scarce resources, the cost of operations (materials and machinery) and a stagnating world market.
- Since VPA ratification, **job opportunities for local communities, women, youth and marginalized groups have increased**.
- The VPA has slightly **improved working conditions in the forestry sector**. Since VPA ratification, workers in the forestry sector are **better organized**, have **more secure jobs** and have **improved expertise**. However, while this is accurate for SMEs, it is not necessarily the case in the informal sector.

As outlined in Section 2, all participants in the private sector category described themselves as belonging to the industry group, and none of them to the artisanal group. However, only seven out of the 40 participants in this category actually belonged to large-scale timber companies, with the rest being considered SMEs.

#### 3.3.1 Forest sector dynamics

A large share of respondents consider that the number of SMEs has increased (39%) or strongly increased (22%) since VPA ratification, with Public Administration respondents being more positive

than those in the Private Sector category. However, on average, the VPA is considered to have slightly contributed to squeezing some SMEs out of business.



Figure 31. VPA contribution to squeezing some SMEs out of business (N=127)

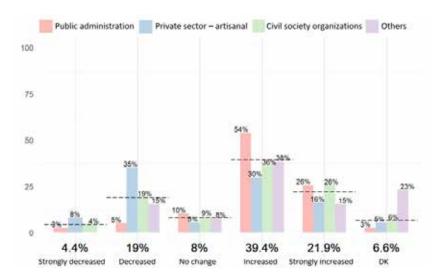


Figure 32. Evolution of the number of SMEs (N=123)



Figure 33. VPA contribution to less disruption in the timber sector (N=130)

SMEs face many challenges in the forest sector, such as difficulties operating in the informal sector, lack of tenure security, excessive bureaucracy, poor market access and information, lack of access to credit, weak bargaining power and insufficient business training. Artisanal millers, in particular, are struggling with problems related to the existence of illegal sawmills, access to raw materials and equipment, as well as profitability of operations (TEREA 2016).

According to several respondents, it could be seen as a desirable effect of the VPA that some SMEs were driven out of business as it shows greater enforcement of legality. On the other hand, the scarcity of resources – a major reason for SMEs

being driven out of business – together with VPA implementation, pushed SME production to become more efficient in terms of output per cubic meter.

The VPA is considered to have slightly contributed to less disruption in the timber sector.

Moreover, more than 70% of respondents agree or strongly agree that the private forest sector (SMEs and large industries) is better organized than before VPA ratification. These findings are consistent with TEREA's (2016), argument that the VPA process positively impacts the organization and political power of small producers.

On average, the VPA has moderately contributed to better consideration of SMEs' opinions when decisions are taken concerning the forestry sector. Respondents consider SMEs' opinions to have been slightly taken into account before VPA ratification, and moderately taken into account today. The magnitude of this change is 1.21 on a scale from 0 to 5. Civil society respondents consider the evolution of SMEs' role in decision making since VPA ratification to be more significant than Private Sector respondents did.

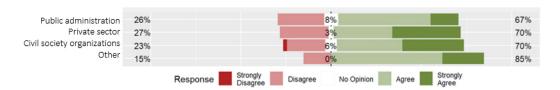


Figure 34. Statement on whether timber sector is better organized since VPA ratification (by category of actors) (N=125)

Indeed, the VPA process seems to positively impact the organization and political power of small producers. The private sector has reportedly participated in the VPA process and VPA awareness gatherings, even though a large number of private actors are yet to be involved, and their capacities are to be strengthened with respect to the WTS and VPA process (TEREA 2016). Yet there is debate on the extent to which SMEs' opinions are taken into account. For example, according to an executive at a small-scale timber company who was interviewed by Hansen, Rutt and Archeampong (2018), "small-scale timber firms did not have much influence in the formulation of the VPA."



Figure 35. VPA contribution to better consideration of SMEs' opinions when decisions are taken concerning the forestry sector (N=131)



Figure 36. VPA contribution to making information more readily available for SMEs to conduct their activities legally (N=128)



Figure 37. VPA contribution to improving the technical capacity of SMEs to conduct their activities legally (N=128)

However, while some SMEs claimed that their opinions were not taken into account, a representative of the Ghana Timber Association (GTA) said during one FGD that the government consulted and listened to the GTA. The association's achievements were said to include a reduction in stumpage fee, reduced felling limits and an extended number of years allowing activity within forest concession areas. One reason for these differing views could be that - as the survey results show below – there is now better recognition of SME associations in the forestry sector. It is therefore possible that the opinions of SMEs not belonging to an association are taken into account less than the views of SMEs that are members of an association.

#### 3.3.2 SMEs' organization and market

On average, the VPA has moderately contributed to making information more readily available for SMEs to conduct their activities legally.

About 80% of respondents agree or strongly agree that the public information on VPA legal requirements and verification meets the needs of SMEs. There are differences among groups: civil society and Public Administration respondents agree more strongly with the statement than those in the Private Sector and Other categories. Moreover, the VPA has moderately contributed to improving the technical capacity of SMEs to conduct their activities legally. However, more than half of respondents strongly agree that the legal harvesting of timber remains hampered by restrictive technical and financial requirements.

According to TEREA (2016), a total of 10 artisanal miller associations have been established in Ghana since 2010. They have been trained in practical aspects, supported with a business plan and provided with mobile saws, even though some technical problems have been reported, such as machinery breakdown or late delivery. Their capacities are to be strengthened with respect to the WTS and the VPA process.

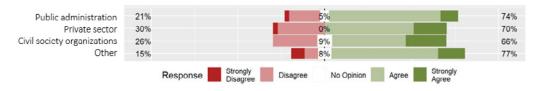


Figure 38. Statement on whether legal harvesting of timber is hampered by restrictive technical and financial terms (N=125)



Figure 39. VPA contribution to better recognition of SME associations in the forestry sector in Ghana (N=130)

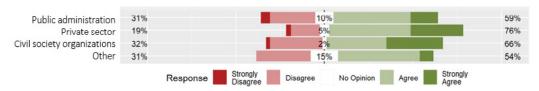


Figure 40. Statement on whether SMEs provide better-quality wood than before VPA ratification (N=123)

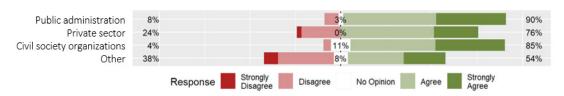


Figure 41. Statement on the relevance of the information received by SMEs and smallholders to comply with legal requirements (N=125)

On average, the VPA has moderately contributed to the better recognition of SME associations in the forestry sector in Ghana.

Moreover, almost half of respondents strongly agree that SMEs provide better-quality wood than before VPA ratification, and more than half of respondents strongly agree that SMEs in the forestry sector have reduced their impact on the environment, with Other respondents less convinced of this statement.

On average, the VPA has slightly helped improve access to the export market for SMEs. However, respondents in the Other category reported no VPA contribution, unlike those in the Public Administration and civil society groups. Today and before VPA ratification, respondents consider that around 15% of timber volumes exported from Ghana originated from SMEs, with Public Administration respondents seeing a minor positive evolution while those in the Private Sector group didn't. Domestic and regional customers are the primary and the secondary markets for SMEs, respectively.



Figure 42. VPA contribution to improving access to the export market for SMEs (N=115)

In the literature, the VPA is not seen as providing greater export opportunities to small producers, as they are probably still operating illegally (i.e. chainsaw millers) (Hajjar 2014). Such opportunities are also limited because Ghana views artisanal millers as a way to address illegal chainsaw milling and to supply legal lumber to the domestic market (Overdevest and Zeitlin 2018). Exports to Europe declined with the VPA process, while there has been an increase in domestic and regional business as well as more trade with Asian countries, especially China and India. The decline in export volumes to the EU is not considered to be EUTR-related but rather due to the lack of primary species requested by the EU market (TEREA 2016).

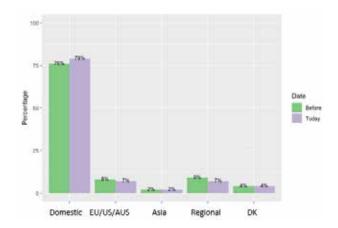


Figure 43. Primary market for SMEs (N=131)

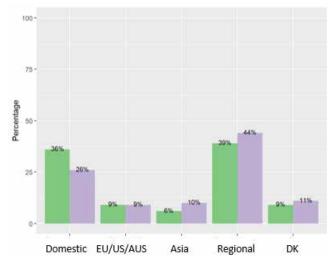


Figure 44. Secondary market for SMEs (N=122)



Figure 45. VPA contribution to more efficient tax collection in the forestry sector (N=126)



Figure 46. VPA contribution to reducing the costs of SMEs, paid as informal taxes (N=105)

#### 3.3.3 Taxes and redistribution

On average, the VPA has moderately contributed to more efficient tax collection by the State in the forestry sector. Respondents consider that the State collected a moderate portion of the planned budget before VPA ratification, while they consider that it collects a large portion of the planned budget today. The magnitude of this change is 1.39 on a scale of 0 to 5.

Even though chainsaw milling represents a major loss of revenue for the central government — estimated in 2014 at 25 million cedis per year (Hajjar 2014) — it is argued in other literature that the VPA contributes to increased tax income for the government (TEREA 2016). The TIDD, for example, strengthened its capacity to regulate tax collection by frequently changing checkpoint locations, introducing more frequent controls and moving the collection of export taxes from the port to further upstream, which has had a positive impact (EFI 2016).

Moreover, the VPA is considered to have slightly contributed to reducing the costs of SMEs in terms of informal taxes, with civil society respondents considering the contribution to be larger than those in the Private Sector category claim. Respondents say there was no evolution, and that today and before VPA ratification, 43% of the costs faced by SMEs are paid as informal taxes.

#### 3.3.4 The labour market in the forestry sector

On average, the VPA is considered to have had no effect on the labour market. While 34% of respondents consider that job opportunities have declined in the forest sector since VPA ratification, 32% say they have increased and 12% say they have strongly increased. There are also significant differences among groups: More respondents in the civil society group see an increase than those in the

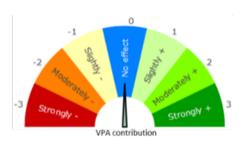


Figure 47. VPA contribution to changing the labour market

Private Sector and Other categories. A majority of respondents consider that job opportunities increased because of more business and new types of jobs. However, there were concerns in the literature that VPA implementation might lead to job losses (TEREA 2016). Several participants in different categories reported during the focus group discussions that job losses in the forestry sector were not related to the VPA, but rather due to scarce resources, the cost of operations (materials and machinery) and a stagnating world market.

A majority of respondents consider job opportunities for local communities to have increased (44%) or strongly increased (11%) since VPA ratification. Moreover, more than half of respondents say job opportunities have increased for women, youth and marginalized groups.

Community resource management areas (CREMAs) have been created for local communities to help around national parks and to manage buffer zone, thereby supporting forest management and protecting forest reserves.

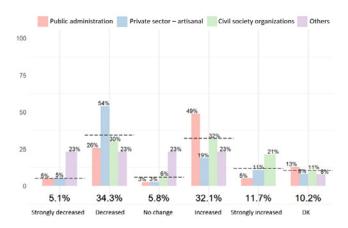


Figure 48. Job opportunities in the forest sector (N=118)

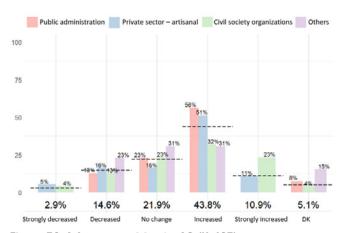


Figure 50. Job opportunities for LC (N=125)

A member of the Ministry of Land and Natural Resources mentioned during focus group discussion that the government had initiated (unrelated to the VPA) a **plantation and reforestation** project targeting women and youth, with 60,000 young people employed and 25,000 ha already planted.

"Focusing on land titling often disregards women's existing resource use and ownership rights under customary law," according to Hajjar (2014). No real impact from the VPA has been found on gender, but women's involvement is an indirect benefit of FLEGT VPA. In communities, the opinions of women are considered more.

On average, the VPA is considered to have slightly improved working conditions in the forestry sector, with civil society respondents considering this improvement larger than those in the Public Administration and Other categories do. More than 70% of respondents agree or strongly agree that workers in the forestry sector are better organized since VPA ratification. However, while a majority of respondents agree that workers in the forestry sector

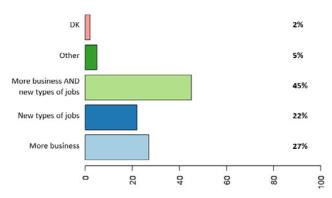


Figure 49. Reasons for job increase (N=137)

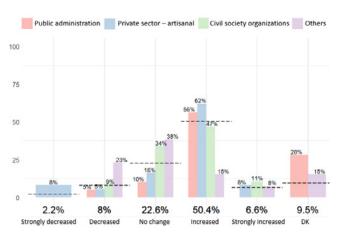


Figure 51. Job opportunities for women, youth and marginalized groups (N=119)



Figure 52. VPA contribution to improving working conditions in the forestry sector (N=130)

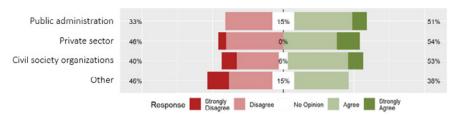


Figure 53. Statement on whether workers in the forestry sector have access to more secure jobs (N=121)

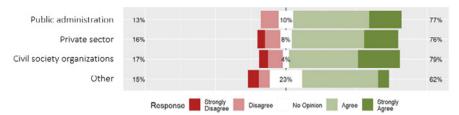


Figure 54. Statement on whether workers in the forestry sector are better organized since VPA ratification (N=120)

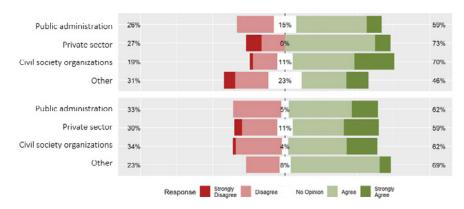


Figure 55. Statement on curricula integrating subjects related to legality and SFM (N= 118), and on evolution of expertise levels in the forestry sector (N=123)

have access to **more secure jobs**, a large minority disagrees. Respondents report that, although this was already the case for most big industries before the VPA, health and safety requirements for SME workers are now respected, and permanent workers in SMEs are registered in social insurance programs, thanks to the VPA. Note that this situation applies to SMEs but does not reflect the situation in the informal sector.

Almost 60% of respondents agree or strongly agree that the curricula of training institutions now better integrate subjects related to legality and sustainable forest management than before VPA ratification. Sustainable forest management has been included in curricula since 1992, but the legality aspect still needs to be added. Moreover, a majority of respondents agree that workers in the forestry sector have more expertise than before VPA ratification.

#### 3.4 Governance

#### Key takeaways

- The VPA has moderately contributed to better coherence of the legal and regulatory framework of the forestry sector. However, crucial tree-tenure reform and national public procurement policy are still in progress.
- The VPA has moderately helped to make the government more accountable for its actions and to improve transparency in the forestry sector.
- The VPA has moderately contributed to greater consideration of civil society's views in decision making related to the forestry sector. These views are strongly taken into account today. Also, civil society is better organized than before VPA ratification.
- The VPA has moderately contributed to a greater degree of autonomy for civil society in its role as an
  independent observer in the forestry sector, and to more effective independent observation. Moreover,
  the work of independent observation contributes more to reduced corruption than before VPA
  ratification.
- The VPA has moderately contributed to **greater enforcement of sanctions as outlined in the law, and to helping make sanctions more credible in the forestry sector**. Although there was a positive evolution in sanctions application, it is considered that they are applied only sometimes today.
- The main causes of noncompliance with laws and regulations are a **lack of coordination between government agencies**; **corruption**; **conflict of interests and insufficient sanctions**.
- The VPA has moderately contributed **to improving the political will to fight corruption in the forestry sector**, even though it is considered to be at an average level today.
- The level of corruption in the forestry sector has decreased more than in other sectors since VPA ratification.

#### 3.4.1 Forest management and governance

On average, the VPA is considered to have moderately contributed to better coherence of the legal and regulatory framework of the forestry sector. However, government respondents from the Resource Management Support Centre reported that some things are carried out in the field as standard practice, even though they are not outlined by the law. In their opinion, these practices should become subsidiary laws. Also, as mentioned above, a crucial tree-tenure reform is also under way but has not been finalized, nor was the national public procurement policy operational at the time of writing this report.



Figure 56. VPA contribution to better coherence of the legal and regulatory framework of the forestry sector (N=134)

There have been many reforms under the VPA (EFI 2015; EFI 2018). Nevertheless, the literature raised some concerns that the implemented reforms target improved forest governance downstream in the supply chain, but neglect root causes that are at the beginning of the supply chain and are linked to legislation on land and tree tenure (Hajjar 2014).

However, the VPA has moderately helped to make the government more accountable for its actions in the forestry sector and to improve transparency in the forestry sector in Ghana. Respondents consider that transparency was weak before VPA ratification and is strong today. The magnitude of this change in transparency is 1.36 on a scale of 0 to 5.

Indeed, as mentioned earlier, the VPA has contributed to strengthening civil society's watchdog role (see Section 3.2.1.) and the information found in the literature was positive about increases in transparency (e.g. information shared in a timely manner [FERN June 2015]; updated copies of memorandums and their annexes from all meetings of the Joint Monitoring and Review Mechanism are available on the website of the Forestry Commission [EFI 2016]; the creation of a Timber Transparency Portal [FERN December 2018], etc.). However,

despite NGOs' efforts to raise local communities' awareness of legal standards for timber production and of SRAs (FERN November 2013; FERN June 2017), communication and access to information remain a challenge. For example, according to the executive of a medium-sized timber firm interviewed by Hansen, Rutt and Archeampong (2018), "most people do not know about the VPA."

However, civil society respondents raised the issue of access to information and how to make it community-friendly. For example, the information is on a website, but some people cannot read or don't have access to the Internet. In these contexts,



Figure 57. VPA contribution to making the government more accountable for its actions (N=134)



Figure 58. VPA contribution to improving transparency in the forestry sector (N=134)



Figure 59. VPA contribution to greater consideration of civil society's views in decision making related to the forestry sector (N=134)

communication through billboards and explanatory visits to populations would be useful. The respondents also touched on the use of collected raw data, which are interesting but not necessarily accessible or comprehensible to all, nor are they exploited or analyzed sufficiently to serve informed decision making.

On average, the VPA has moderately contributed to greater consideration of civil society's views in decision making related to the forestry sector. Respondents consider civil society's views to have been only slightly considered before VPA ratification and strongly taken into account today, with civil society respondents being more positive about their current decision-making level and its evolution than respondents in the Public Administration and Private Sector categories. The magnitude of this evolution is 1.55 on a scale of 0 to 5. Moreover, 80% of repondents agree or strongly agree that civil society is better organized than before VPA ratification. According to TEREA (2016), all stakeholders involved consider forest governance to be improving.

It is important to note that the VPA process, particularly during its negotiation phase, has had a major influence on participation and on the empowerment of civil society. In Ghana, the VPA contribution to civil society empowerment is not captured in the survey results because we use VPA ratification as a reference point. However, civil society respondents reported during discussions that there was a positive and important impact from the preratification/negotiation process, which they saw as a game-changing moment that happened before ratification.

Today, civil society is viewed by all respondent categories as a powerful stakeholder, having created community-based organizations, such as Forest Watch (a group of NGOs whose members sit in communities). Civil society is also represented on the Timber Validation Committee (TVC) by one person elected by NGOs, and it efficiently raised red flags about ministerial, or salvage permits issued.

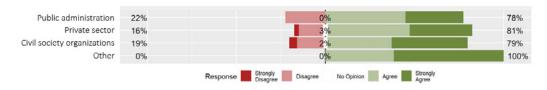


Figure 60. Statement on whether civil society is better organized than before VPA ratification (N=132)

#### 3.4.2 Effective law enforcement

The VPA has moderately contributed to a greater degree of autonomy for civil society in its role as an independent observer in the forestry sector. Respondents consider that civil society's level of autonomy was low in its role as an independent observer before VPA ratification and is high today. The magnitude of this change in civil society's autonomy is 1.46 on a scale of 0 to 5.

The VPA has moderately contributed to more effective independent observation (carried out by civil society) of the forestry sector. Respondents consider that independent observation was only slightly effective before VPA ratification and is strongly effective today. The magnitude of this change in the effectiveness of independent observation is 1.50 on a scale of 0 to 5 (see Section above 3.4.1. about civil society and independent monitoring projects). However, some local community respondents discussed their ability to report offenses around forest reserves to a district manager. The situation is different depending on the communities. Some need



Figure 61. VPA contribution to a greater degree of autonomy for civil society in its role as an independent observer in the forestry sector (N=133)

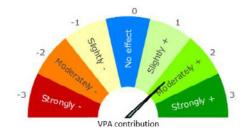


Figure 62. VPA contribution to more effective independent observation (carried out by CS) of the forestry sector (N=133)

more phones, while others say they have several channels of reporting with RTM phones (realtime monitoring was started by the organization Friends of the Earth before other NGOs came on board). They are also able to report infractions by fringe communities to forest managers and civil society organizations, though it is argued that few communities use this reporting system, which is a problem. They need a global platform so that anybody in Ghana can report infractions.

A large majority of respondents agree or strongly agree that the work of independent observation contributes more to reduced corruption than before VPA ratification.

Overall, the VPA is considered to have resulted in better implementation and law enforcement capacity. Forest governance and law enforcement have been enhanced to a considerable extent (TEREA 2016). The TLAs are seen as a mechanism capable of reducing illegal logging by enforcing the law more strictly, which is considered a step toward sustainable forest management (Hansen, Rutt and Archeampong 2018). This view of improved law enforcement was confirmed by many respondents from different categories during the focus group discussions.

#### 3.4.3 Sanctions

On average, the VPA has moderately contributed to greater enforcement of sanctions as outlined in the law. Respondents consider that sanctions were poorly applied in the forestry sector before VPA ratification, while they consider them to be sometimes applied today. Respondents of civil society are more positive on the evolution in the application of sanctions since VPA ratification than respondents in the Private Sector category. The magnitude of this change in the application of sanctions is 1.13 on a scale of 0 to 5. The VPA has moderately helped make sanctions more credible in the forestry sector, with civil society feeling stronger about this VPA contribution than the group Other.

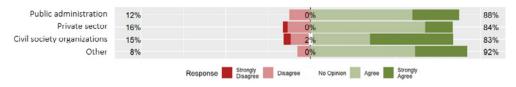


Figure 63. Statement on whether the work of independent observation contributes more to reduced corruption than before VPA ratification (N=133)



Figure 64. VPA contribution to greater enforcement of sanctions, as outlined in the law (N=132)



Figure 65. VPA contribution to making sanctions more credible in the forestry sector (N=132)

Local communities are said to increasingly report forest offenses to law enforcement because they know now that when someone goes to the forest to cut down trees, all the benefit goes to that person and none to them. Before VPA, they would allow such people to carry out this activity without consequences. The WTS helps investigate infractions, but local communities don't always know whether the sanctions are really enforced after they have reported offenses. This is because NGOs play an intermediary role between communities and the government, so communication could be improved, and sanctions publicized.

## 3.4.4 Potential causes for ineffectiveness of law enforcement

According to respondents, the main causes of noncompliance with laws and regulations are a lack of coordination between government agencies; corruption; conflict of interests; and insufficient sanctions. Bribery, political agendas and corruption were indeed considered a real challenge in some literature (Carlsen 2014; Hajjar 2014) as well as in focus group sessions.

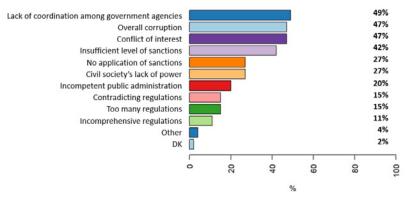


Figure 66. Causes of non-compliance with laws and regulations (N=137)



Figure 67. VPA contribution to improving political will to fight corruption in the forestry sector (N=129)

On average, the VPA is considered to have moderately contributed to improving the political will to fight corruption in the forestry sector. Respondents say there was a weak level of political will to fight corruption in the forestry sector before ratification, while they consider it to be at an average level today. The magnitude of this change in political will is 1.12 on a scale of 0 to 5.

Respondent opinions are divergent when asked if bureaucracy related to the VPA process created new opportunities for corruption. Indeed, 38% of respondents disagree with this statement, while 33% agree. There are significant differences among groups, with Public Administration respondents disagreeing more than those in the civil society category. An underlying assumption for the TLAS to work is that government actors responsible for launching this system will voluntarily forgo current opportunities for personal benefit in favour of a system aimed at eradicating these opportunities. However, it is argued in the literature that law enforcement practices provide opportunities for bribes and kickbacks for some government officials

(Carlsen 2014). This was subject to debate in focus groups, with some civil society participants outlining that every bureaucracy creates opportunity for corruption, but can we really say whether it's attributable to the VPA?

However, more than half of respondents strongly agree that the **level of corruption in the forestry sector decreased more than in other sectors since VPA ratification**. To be more specific, the forestry sector is reported to be doing better than the mining sector in terms of corruption.

Moreover, more than half of respondents agree or strongly agree that there is the political will to prioritize the development of the forestry sector as much as the development of other sectors. However, about 25% disagree with the statement. A member of the Public Administration group even claimed that the political will is close to zero. This was illustrated in the case of permits delivered to explore/prospect for gold in forest reserves. In this participant's opinion, if the government really cared about the forestry sector, it would not deliver such permits.

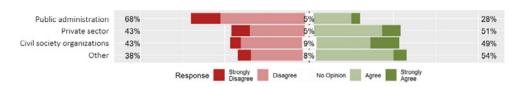


Figure 68. Statement on whether bureaucracy related to the VPA process created new opportunities for corruption (N=125)

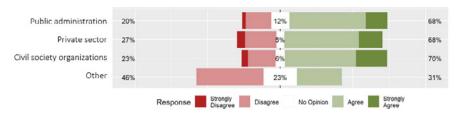


Figure 69: Statement on whether the level of corruption in the forestry sector decreased more than in other sectors since VPA ratification (N=121)

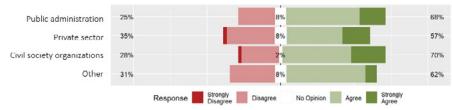


Figure 70. Statement on whether there is the political will to prioritize the development of the forestry sector as much as the development of other sectors (N=126)

During the study, questions were incorporated that duplicated those asked by the FERN study of 2016, which adapted a methodology from the guidelines established in the FAO-PROFOR Framework for Assessing and Monitoring Forest Governance (2011). In doing so, FERN sought to validate and/or understand differences in answers three years after the study took place. The questions addressed accountability, government coordination, participation, capacity, transparency and legal framework/justice using a scale of 0 (extremely poor, non-existent) to 5 (very good) based on a corresponding statement that respondents thought best matched the situation in Ghana. FERN compared results from a baseline score assigned by combining respondents' input and comparing this against available corroborating data to another created for the situation in 2016.

As outlined in Figure 71, 2019 results are generally slightly more positive than 2016 results, except for accountability. We observe an improvement in **Participation**, with respondents considering that civil society and local communities take part in the discussions in the forestry sector. We also observe an improvement in **Capacity**, with respondents considering that the government, civil society and local communities "have reasonable time, skill, knowledge, experience and resources to act, but could improve in most areas." There is also an improvement in **Transparency**, with respondents estimating that "most information is available on request within a reasonable time frame, and some information is habitually published". There is also an improvement in Legal justice, with respondents estimating that "laws are being reformed, but the process is far from complete and generally not implemented." We

Accountability

Accountability

Sovernment coordination

Capacity
(Government, CSO and LC)

Figure 71. FERN indicators comparison (N=137)

observe a decline in **Accountability** with the following answer now seen as the most relevant: "Channels for reporting infractions and corruption exist, and are being used, but results are not timely and follow-up action is rare/non-existent." There seems to be no difference between our results and the ones of FERN (2016) for the indicator on **Government coordination**. Respondents consider that "laws are being reformed, but the process is far from complete and generally not implemented," and that "information sharing does happen and there is some coordination between national and forest policies, but in practice different agencies regularly work in silos."

Note that our 2019 results are not fully comparable to those of FERN in 2016 because of methodology. The main differences are related to sample size and composition. While FERN respondents were members and representatives of the civil society network working on forest governance and community rights in that country, our sample included four categories of respondents: Private Sector, Public Administration, Civil Society and Local Communities, and Other. Also, FERN'S country sample sizes were not specified and varied across countries, while the size of our samples involved a minimum of 100 respondents in each country.

Finally, more details on participation are summarized by this last spider diagram. We can observe that consideration of the opinions of local communities, SMEs and civil society organizations in decision making in the timber sector in Ghana has improved significantly since VPA ratification. Note that this improved level of participation is already likely to have sharply increased during the VPA negotiation process.

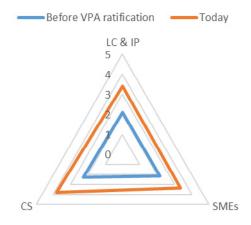


Figure 72. Consideration of the opinions of LC & IP, SMEs and CS in decision making in the timber sector (N=136)

#### 3.5 Final answers

73% of respondents say the VPA process in Ghana has inspired other processes. The processes most frequently mentioned are: REDD+, the Cocoa and Forests Initiative, and Ghana's Forest Investment Program.

Almost all respondents (96%) **agreed or strongly agreed** that being involved in a VPA process gave a positive image of Ghana and helped it to be considered a reliable business partner.

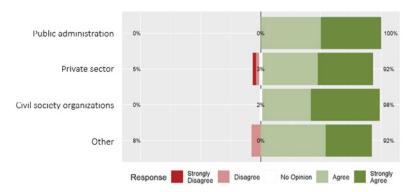


Figure 73. Statement on whether being involved in a VPA process gives a positive image of your country and helps it to be considered as a reliable business partner (N=132)

## **Annexes**

#### **Annex I. Bibliography**

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### Annex II. Agenda

#### Day 1: Sunday, 21 April

Arrival of CIFOR and ADE facilitator teams in Accra

#### Day 2: Monday, 22 April

Arrival of last members of the teams in Accra Finalization of logistics and planning (ensuring open communication with traveling participants, sufficient refreshments, stationery, tablets, etc.)

	Day 3: Tuesday, 23 April
AM	All team members meet at FAO offices to finalize questionnaire. Trial of the data collection tools (individual and FGD), testing skip patterns, prompts and logic of content. This will involve NDF facilitator, wherever possible, to ensure correct terminology.
PM	Data collection with CSOs in Accra at FAO Office End of day debrief, data quality checks, data downloaded from server.

	Day 4 : Wednesday, 24	4 April
	Accra	Kumasi
AM	Part of the team stays in Accra and visits TVD office to conduct survey.	Travel by air to Kumasi. Meeting with NGOs at Tropenbos Ghana conference room.
PM	Interviews with Accra respondents Ministry, FC (TIDD, FSD) or civil society (facilitated by Abena) EU, FAO, NGOs and any other respondents who will be available within the week.	Meeting with Resource Management Support Centre (RMSC) of the Forestry Commission and researchers

Day 5: Thursday, 25 April		
	Accra	Kumasi
AM	Ministry, FC (TIDD, FSD) or civil society (facilitated by Abena). EU, FAO, NGOs and any other respondents who will be available within	Travel to Sefwi Wiawso. Meet community members.
PM		Meet industry group and government in Sefwi Wiawso. Travel back to Kumasi.

Day 6: Friday, 26 April		
	Accra	Kumasi
AM	Interviews with Accra respondents. Ministry, FC (TIDD, FSD) or civil society (facilitated by Abena).	Meeting with large and medium-sized forest enterprises in and around Kumasi.
PM	EU, FAO, NGOs and any other respondents who will be available within the week.	Meeting with small forest enterprises, including members of the Domestic Lumber Traders Association (DOLTA).

Day 7: Saturday, 27 April		
	Accra	Kumasi
AM	Free	Travel by air back to Accra.
PM	Free	Free

Day 8: Monday, 29 April		
	Accra	New Edubiase
AM	Meeting with staff of Ministry for Lands and Natural Resources.	Travel to New Edubiase. Meeting with community members and forest monitors.
PM		Meeting of government field staff and small and medium-sized forest enterprises around New Edubiase. Return to Accra.

	Day 9: Tuesday, 30 April
AM	Meeting with FAO.
PM	Meeting with EU delegation. Meeting with Forestry Services Division (FSD) and Timber Industry Development Division (TIDD).

	Day 10: Wednesday, 1 May
AM	Notes editing and clarification of outstanding statements on focus group sessions.
PM	

	Day 11: Thursday, 2 May
AM	Sort out accounting in NDF office and notes editing.
PM	Clarification of outstanding statements on focus group sessions.

This Ghana report is part of a series of seven country level studies (Cameroon, Côte d'Ivoire, Ghana, Guyana, Honduras, Indonesia and Republic of Congo) which intend to gather qualitative and quantitative evidence of the impacts of the Forest Law Enforcement Governance and Trade – Voluntary Partnership Agreement (FLEGT-VPA) process to date. This initiative was financed by the European Union and results are placed within the global European Union-FLEGT (EU-FLEGT) Monitoring and Evaluation (M&E) indicator database. The analysis is structured along five key thematic areas (with indicators clustered into governance and institutional effectiveness, illegal logging, forest conditions, economic development, and livelihoods and poverty). The methodology used is designed to be replicable over time as well as applicable to other countries. Each country assessment provides a baseline for future studies in the same country, that would help to measure progress (or regress) between two points in time. More countries can also be added over time to increase the overall sample and help to derive lessons based on more evidence. By covering seven countries that are in different stages of the VPA process – from negotiation to implementation to issuance of FLEGT licences – findings allow for global lessons to be learned across different geographies and time. These lessons and global findings are presented in a separate synthesis report, which combines results to outline a bigger picture of VPA process impacts where possible.

In total, 137 respondents were interviewed in Ghana, which started its negotiation phase in March 2007 and started implementation of the VPA in December 2009. The work leading to this report has been funded by the FAO-EU FLEGT Programme.

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Financed by the European Union and led by the Center for International Forestry Research (CIFOR), GML is a five-year project implemented across Sub-Saharan Africa that aims to address key knowledge, technical and policy gaps related to the global impacts of the FLEGT Action Plan, as well as forest and land governance, trade in informal and legal timber products, deforestation-related commodity-based agribusiness, woodfuel and ultimately sustainable forest and land-use management and improvement of livelihoods.

#### Center for International Forestry Research (CIFOR)



CIFOR advances human well-being, equity and environmental integrity by conducting innovative research, developing partners' capacity, and actively engaging in dialogue with all stakeholders to inform policies and practices that affect forests and people. CIFOR is a CGIAR Research Center, and leads the CGIAR Research Program on Forests, Trees and Agroforestry (FTA). Our headquarters are in Bogor, Indonesia, with offices in Nairobi, Kenya; Yaounde, Cameroon; Lima, Peru and Bonn, Germany.

