



IMPROVING OFF-RESERVE LOGGING (ORL) IN SUPPORT OF A FUNCTIONAL VPA IN GHANA

ORL Do's and Don'ts Leaflet

FINAL VERSION

Sustainable Forest Management Partnership, Ghana

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Abbreviations

CSO	-	Civil Society Organisation
DM	-	Forest District Manager
EU	-	European Union
FAO	-	Food and Agriculture Organization of the United Nations
FC	-	Forestry Commission
FD	-	Forest District
FLEGT	-	Forest Law Enforcement Governance and Trade
FORIG	-	Forest Research Institute Ghana
FSD	-	Forest Services Division
GhLAS	-	Ghana Legality Assurance System
GoG	-	Government of Ghana
KNUST	-	Kwame Nkrumah University of Science and Technology

- LC - Logging Company
- NTFP - Non Timber Forest Product(s)
- ORL - Off-Reserve Logging
- RMSC - Resource Management Support Centre
- SFMP-G - Sustainable Forest Management Partnership,
Ghana
- SRA - Social Responsibility Agreement
- SP - Salvage Permit
- TUC - Timber Utilization Contract
- VPA - Voluntary Partnership Agreement

1. Background

1.1 Preface

This leaflet outlines the dos and don'ts with respect to off-reserve logging (ORL) in Ghana. It has been developed based on Principle 1 (P1) and Principle 3 (P3; Criteria 6 & 7) as defined by Ghana's legality standards, which form part of the Voluntary Partnership Agreement (VPA) signed between the Government of Ghana and the European Union. The list gives the dos and don'ts for:

1. Forest Services Division (FSD) staff,
2. Loggers,
3. Farmers and other community members.

It is envisaged to create awareness among all relevant stakeholders on what to do and what not to do in order to

ensure a smooth implementation of the VPA, resulting in timber complying with legality standards and in fair sharing of benefits by stakeholders, in line with the relevant Ghanaian legal framework.

1.2 Introduction

There are two legal permit regimes that operate in ORL. The Timber Resource Management Act, its amendment and regulations identify that 1. Timber Utilization Contracts (TUC) and 2. Salvage Permits (SP) shall have legal permits for ORL in Ghana. Currently the Forestry Commission (FC) issues only SP for ORL. The FC has developed operational guidelines in line with the TUC procedure for the issuance of SP for ORL.

Salvage permits may be granted to the holders to salvage trees from areas of land undergoing approved development

such as road construction, expansion of human settlement or cultivation of farms. Salvage permits aim to prevent the destruction and wastage of trees in areas under development and raise revenue to support forest management operations. The Operational Guidelines on SP identify various processes including:

- Delineation and permit: the logger identifies the salvage area, undertakes consultation of all relevant stakeholders and applies for a SP;
- Field inspection: the FSD verifies the application documents submitted by the logger, including verifying the need for salvage operations in the area identified, the consultation of stakeholders undertaken by the logger, etc. The field inspection report is verified by the Regional FSD Manager and the Executive Director; approval is granted by the Chief Executive Officer of the FC.

ORL occurs mainly on farmland; as such it may affect crops and farming activities. Various legal and operational procedures must be complied with, under the Ghana VPA for legal wood production. The FC is the mandated regulatory authority that ensures permits and enforces compliance with the laws. The loggers are required to prove compliance with all laws on ORL in accordance with the Ghana Legality Standard before their wood and wood products can be regarded as legal.

Under the VPA, a logger cannot trade his/her wood in the domestic and/or international market without proof of legality. Key requirements are to 1) - obtain written consent from landowners before start of logging operations (P1); 2) conduct Social Responsibility Agreement (SRA) negotiations with the communities, resulting in a written and signed SRA, of which fulfilment can be proven (P3C6) and; 3)

- assure compensation negotiation and fulfilment with regards to damage caused to farms and/or crops (P3C7). Also in this case it is important that compliance can be proven, so written records need to be kept on negotiation results and payment. While communities are involved in the SRA negotiations, individual farmers are involved in providing written consent and in the negotiation of compensation for damage caused.

2. ORL and Legality

2.1 What is Off-Reserve Logging (ORL)?

The Ghana forest landscape has been designated as forest reserves and off-reserve areas. The Government statutory demarcated that forest areas are forest and game reserves, national parks, and sanctuaries. These areas are under the management of the FC with strict regulations that control access to these areas by citizens. Any area outside these statutory reserves is referred to as off- reserve area. ORL is therefore a term that refers to logging activities and operations outside the statutory forest reserves. Off-reserve areas are mainly community land consisting of fallow lands, farmlands, dedicated community forests, sacred groves, community settlements where trees are growing etc. ORL directly affects community livelihood systems, their social



life and settlement. ORL is regulated by the FC and the laws provide for the protection of community rights. ORL can simply be referred to as logging outside forest reserves.

2.2 What is Legal ORL?

ORL can be legal or illegal. ORL that is carried out in compliance with the laws and the principles of the Ghana Legality Standard is referred to as a legal ORL. These laws and principles with respect to Principle 1, Principle 3 Criteria 6 and Principle 3 Criteria 7 include: sourcing timber from prescribed areas and using a legal permit issued by the FC; having written consent obtained from the landowners/farmers in the area before operations start; negotiate, sign and prepare a SRA implementation plan with the affected community before operations start; and negotiating and paying compensation for damage caused to

affected farmers. Under the VPA, wood and wood products from illegal ORL cannot be traded. A logger is required under the VPA to show proof of legality for wood and wood products placed on the market. In other words, the logger must show:

- proof that s/he has logged from a legal source and has the required legal permit to log,
- proof of the written consent from the rightful landowner(s),
- proof of a signed SRA, that represents at least a value of 5% of the stumpage fee payable,
- proof of an agreed SRA implementation plan, and
- proof of compensation payment to affected farmers in the event of crop damage.

2.3 Who are Stakeholders to ORL?

Stakeholders to ORL are the key actors whose actions, inactions and decisions affect ORL. It also include those who are directly affected and who benefit from ORL operations. These stakeholders can be categorized as follows:

- Community level stakeholders: farmers, women, men, youth, traditional authorities and opinion leaders;
- Government: policy makers, policy implementers, regulators and local government. The FC and its divisions, District Assemblies, Ministry of Lands and Natural Resources, Ministry of Food and Agriculture, etc;
- Private Sector: the wood and non-timber forest product (NTFP) industry along the wood chain who mainly consist of loggers, primary, secondary and tertiary wood processors and retailers;

- Research and Academia: Universities and research institutions in the forestry sector such as FORIG (Forest Research Institute Ghana) and KNUST (Kwame Nkrumah University of Science and Technology).

Primary stakeholders who interact daily on ORL are mainly loggers, communities/farmers and FSD.

3. Do's and Don'ts in ORL in Ghana



The next paragraphs present the dos and don'ts per main stakeholder group.

3.1 The Do's and Don'ts of FC officials in ORL

DO's

- ✓ Do secure relevant information from the applicant to justify salvage of timber trees in an area of land that is earmarked for or undergoing farming activities or development.
- ✓ Do document relevant and enough justification for the salvage of timber in the area.
- ✓ Do verify to be certain the identified area is not an existing TUC.
- ✓ Do ensure the trees earmarked for salvage do not include planted timber trees.
- ✓ Do conduct pre-felling inspection and yield marking of timber species to be salvaged from a defined area using

the approved team composition which includes land owners and farmers.

- ✓ Do identify, delineate and exclude cultural and/or environmental sensitive areas from ORL areas.
- ✓ Do verify loggers' consultation with communities and written consent.
- ✓ Do facilitate and witness the negotiation and signing of SRAs in line with the regulations.
- ✓ Do ensure the SRA signed is not below 5% of stumpage.
- ✓ Do ensure loggers fulfil the SRA commitment by monitoring SRA compliance.
- ✓ Do demand for a copy of the proof of compensation negotiation with affected farmers. Do ensure additional damage caused by loggers during logging operations is fairly compensated for.

- ✓ Do check if trees requiring special permits are found in the area and seek RMSC (Resources Management Support Centre) approval.
- ✓ Do receive, document, verify and make follow-ups on complaints received when logging operations are underway.
- ✓ Do verify full payment of stumpage to the FC.
- ✓ Do keep records (manual and/or electronic) of all documentation on negotiations, agreements, payments and other records related to ORL.
- ✓ Do maintain relevant printed and/or electronic records in respect of written consents, signed SRAs and signed compensation payments.
- ✓ Do keep all records for a minimum of five (5) years.

DON'Ts

- ✘ Don't condone or connive with loggers to fell trees without the farmer/landowners consent.
- ✘ Don't issue SP for areas that are not approved for developmental projects, farming activities, settlements, mining.
- ✘ Don't issue SP where salvage operations is not required or needed.
- ✘ Don't issue SP or TUC to loggers who have not fully complied with their financial obligations related to former permits.
- ✘ Don't allow loggers to start operations without the written consent of landowners (traditional authorities, farmers, other owners like companies).
- ✘ Don't issue SP or TUC to loggers who do not negotiate and sign SRA with the community.

- ✘ Don't allow loggers to start operations without a written, correctly documented and signed SRA, including an agreed timeframe for payment.
- ✘ Don't allow loggers to start operating when they refuse to sign SRA commitments with affected communities.
- ✘ Don't allow loggers to start operations without compensation negotiation and signed agreement
- ✘ Don't allow logging operations to continue when a logger has failed to pay compensation and SRA to affected farmer (s) or community (ies) as negotiated and agreed upon.
- ✘ Don't approve trees requiring special permits for harvesting, unless RMSC issues the special permit.
- ✘ Don't indulge in, condone, or aid actions that will cheat the farmer, land owner or deprive the state of needed revenue.
- ✘ Don't place unnecessary obstacles in the way of the legal logger.

3.2 The Do's and Don'ts of Loggers in ORL

DO's

- ✓ Do conduct initial selection of potentially harvestable trees from a defined area for salvage.
- ✓ Do consult community stakeholders (including traditional authorities, local committees, farmers and land owners) and obtain their written consent before operations start.
- ✓ Do secure approved operational plans and maps from the FSD before operations start.
- ✓ Do pay for the pre-felling inspection fee before operations start.
- ✓ Do ensure all outstanding payment obligations to the FC (including stumpage) for former permits have been fully complied with.

- ✓ Do negotiate SRA with community representatives as intended by the law and ensure a written and signed SRA is in place before operations start.
- ✓ Do negotiate and agree on a compensation package for crop damage and document (signed by both parties) before operations start. The compensation estimation framework tool developed in the context of this ORL project is recommended by the FC.
- ✓ Do ensure agreed and documented packages for crop damage is paid before loading from harvested sites.
- ✓ Do honour SRAs negotiated and signed before logging operations ends..
- ✓ Do ensure SRA paid is not less than 5% of stumpage.
- ✓ Do honour all payments to the FC on time.

- ✓ Do honour all tax obligations due on time.
- ✓ Do ensure timely renewal of licence and all registrations.
- ✓ Do honour all other terms and conditions stated in the salvage permit
- ✓ Do maintain relevant printed and/or electronic records in respect of written consents, signed SRAs and signed compensation payments.
- ✓ Do keep all records for a minimum of five (5) years

DON'Ts

- ✘ Don't harvest trees in contravention of the approved Operational Plan.
- ✘ Don't harvest restricted species unless RMSC has issued a written approval.
- ✘ Don't harvest any trees unless farmers/landowners have given their written consent.
- ✘ Don't obtain a written consent from anyone who is not the landowner of the area.
- ✘ Don't limit your consultations to only the chief.
- ✘ Don't negotiate and sign SRAs with individual community members.
- ✘ Don't impose a SRA package on communities.

- × Don't pay SRA less than 5% of stumpage.
- × Don't start logging without the written consent of landowners (traditional authorities, farmers, other owners like companies).
- × Don't start logging without a written, correctly documented and signed SRA document, including an agreed timeframe for payment.;
- × Don't start logging until compensations for crops that may be damaged during logging have been negotiated, agreed and documented with would be affected farmers.
- × Don't refuse to pay compensation for additional damage (not specified in compensation agreement) that has occurred during logging and haulage.
- × Don't breach taboo days as well as other traditional values and norms

- ✘ Don't destroy community sacred groves, shrines, water sources or other areas of socio-cultural and/or environmental significance..
- ✘ Don't destroy drinking water sources of communities.
- ✘ Don't connive with farmers to fell trees without the knowledge of FSD.

3.3 Do's and Don'ts of Communities/Farmers in ORL

DO's

- ✓ Do ask for and verify the validity of the permit of the logger.
- ✓ Do give the logger your written consent if you endorse the logging operation before harvesting starts.
- ✓ Do keep records of your written consent for future reference.
- ✓ Do request information from the FSD on the value of 5% stumpage before SRA negotiation.
- ✓ Do negotiate and sign SRAs in the presence of the Forest District Manager (DM).
- ✓ Do ensure the negotiated SRA package is agreed on by the community.
- ✓ Do ensure a written and signed SRA copy is kept by the community for future reference.

- ✓ Do assure that, if a SRA has been negotiated to be paid in funds, the full amount is received into a community bank account.
- ✓ Do use proceeds from SRAs for the benefit of the whole community.
- ✓ Do send complaints to FSD if a logger fails to meet the terms of the signed SRA.
- ✓ Do send complaints to FSD if the chief imposes a SRA package that is not to the benefit of the community.
- ✓ Do seek for information on the prevailing prices and cost of cultivation in your area as guide to estimate compensation payment for the crops damaged during logging.
- ✓ Do use the compensation estimation framework tool (developed within the context of this ORL project and recommended by the FC) to estimate damage to crops

and farmland.

- ✓ Do conclude negotiation for compensation for crops that may be damaged during logging and obtain written consent of compensation rates agreed before logging operations start.
- ✓ Do renegotiate crop damage, if this turned out to be more than expected.
- ✓ Do complain to the FSD if compensations are not negotiated or paid in full and/or in time.
- ✓ Do keep written and/or electronic records of negotiation results and payments for a minimum of five years for future reference.
- ✓ Do report any illegal logging activity in your area to FSD.
- ✓ Do ensure local SRA committees are formed in communities to oversee SRA issues.
- ✓ Do protect off-reserve areas from illegal operations.

DON'Ts

- ✘ Don't sell trees on your farms to chainsaw operators or loggers without a valid permit.
- ✘ Don't claim ownership of naturally occurring trees on your farm.
- ✘ Don't condone with loggers to fell off-reserve trees without the consent of farmers and landowners.
- ✘ Don't condone and connive with loggers (legal or illegal) to harvest trees without the knowledge of the District Forest Officer.
- ✘ Don't allow illegal loggers to harvest trees allocated to legally registered companies.
- ✘ Don't accept SRAs that are below 5% of stumpage.
- ✘ Don't accept SRA packages imposed on you.
- ✘ Don't accept SRA decisions imposed by chiefs if you don't agree.

- ✘ Don't accept the hijack of SRA payments by chiefs or any other community member.
- ✘ Don't accept logging operations to start without your/ the landowners written consent.
- ✘ Don't accept logging operations to start without a written, correctly documented and signed SRA negotiated with the community, including an agreed time frame for payment.
- ✘ Don't accept logging operations to start without negotiating and agreeing in writing on signed compensation packages for affected farmers (ensure you have a copy of the agreement).
- ✘ Don't accept compensation payment that was not negotiated and agreed with you.
- ✘ Don't unduly disrupt loggers' operations after they have fulfilled their obligations.

4. Contact Information

For information to guide on ORL activities, contact the following:

1 **Forestry Commission (FC)**

Chief Executive
P.O.Box MB 434 Accra
Tel: +233302221315
Email: Info.hq@fcghana.org

2 **FC Executive**

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4. Contact Information

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5 CSOs

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Sustainable Forest Management
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