Fighting over forest: interactive governance of conflicts over forest and tree resources in Ghana’s high forest zone
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Summary

Forest governance is high on Ghana’s development agenda. The government, together with international donors, civil society and the private sector, is undertaking several initiatives to strengthen the governance process. Examples are the Ghana Natural Resources and Environment Governance (NREG) Review, the Forest Law Enforcement, Governance and Trade (FLEGT), the Voluntary Partnership Agreement (VPA) with the European Union to combat illegal logging and strengthen forest governance and Reducing Emissions from Deforestation and Degradation plus (REDD+). Thanks to these initiatives the management and distribution of forest resources have become a major societal concern.

However, widespread conflicts over forest and tree resources and the absence of constructive conflict management mechanisms have undermined these attempts to ensure good forest governance and sustainable forest management, as well as people’s livelihood sources. These hamper forest governance processes and present challenges to both the state and non-state actors. Forest governors therefore face difficult choices when it comes to creating an enabling governance environment for sustainable forest management and to ensuring an equitable distribution of resources for diverse actors.

According to the World Bank, conflict management is a key building block of forest governance, but it has received little or no consideration in most of the on-going governance initiatives in Ghana, except for the REDD+ process. Understanding and finding means to deal with forest and tree livelihood conflicts became an important field of research under the ‘Governance for sustainable forest-related livelihoods’ programme carried out as a joint effort by Tropenbos International (TBI) Ghana, the Amsterdam Institute for Social Science Research (AISSR) at the University of Amsterdam and Kwame Nkrumah University of Science and Technology (KNUST) from 2008-2012. The overall objective of this programme is to generate insight into and formulate recommendations on governance arrangements that enhance forest-related livelihoods so as to contribute to sustainable forest management and poverty alleviation. The present PhD study, the focus of which is outlined below, is part of this programme.

This study aims to provide an insight into constructive conflict management pathways capable of minimising conflicts and contributing to the strengthening of the ongoing forest governance process in Ghana. The overall research question addressed in this study is ‘How can forest and tree livelihood conflicts Ghana be understood and constructively managed?’ The study was undertaken in the high forest zone of Ghana, an area of about 7.5 million hectares. It is a zone where most of Ghana’s forests are located and most conflict and illegalities occur with regard to the use and management of forest and tree resources. The zone is endowed with 204 forest reserves of which the Tano-Offin forest reserve and its environs in the Nkawie Forest District were selected as the study area. The Tano-Offin forest reserve has different management regimes, namely protection (a Globally Significant Biodiversity Area), a plantation regime (the

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1 In accordance with Kooiman & Bavinck (2005: 17) governance is defined in this thesis as ‘the whole of public and private interactions taken to solve societal problems and create societal opportunities.’
so-called ‘modified taungya system’) and a production regime, each of which was taken as a case for analysing governance arrangements, conflicts and conflict management. The intention was also to analyse conflicts in the off-reserve area, but there a scenario of cooperation prevailed rather than conflict. This case has also been studied.

The central argument in this thesis is that forest resource use and management are complex, dynamic and involve multiple actors at different levels of scale and, consequently, are characterised by conflicts. Diversity, complexity, dynamics and scale are characteristics of natural resource systems which are addressed in interactive governance theory coined by Kooiman and colleagues. This theory is outlined in Chapter 2 and was used in this study with a view to facilitating the understanding of the governability of the systems studied. Analysing the nature of conflicts and means of dealing with them in terms of governance interactions between the system-to-be-governed and the governing system helps to assess how and why governance sometimes falls short of the desirable outcomes. For a more profound understanding of forest-related livelihood conflicts, interactive governance theory was complemented with a political ecology perspective, theories on conflicts and conflict management and theories on forest-based livelihoods.

Chapter 3 outlines the research design and methodology employed in this study. It explains that a mixed method approach was employed to triangulate quantitative data obtained from structured and semi-structured survey questionnaires with actor’s perceptions of conflict issues and dynamics. Qualitative data was obtained by using research methods like focus group discussions, community meetings and stakeholder workshops, structured and semi-structured interviews, field observations and document analysis.

In order to find answers to the main research question, the study was divided into eight empirical studies with each study constituting a chapter with a specific research question and several sub-questions. Chapters 4-6 are the first empirical chapters. They analyse the context of the study and present the high forest zone, its sub-systems and forest users (i.e. local communities, timber operators etc.) as the ‘system-to-be-governed’ and the institutions, instruments and mechanisms as the governing system. The governance interactions between the two are a key component of interactive governance theory.

Chapter 4 reveals that the high forest zone is diverse in nature and that it is complex because of the interdependency and interaction within and among the different parts of the system. In terms of dynamics, the nation’s natural resources are declining rapidly because of various livelihood claims and the demand for timber for export and as a source of raw material for the domestic timber industry. The resulting deforestation has a negative effect on the national economy and people’s livelihoods. The variety of actors, their conflicting interests in forest use and access to resources as well as their differential power and needs pose challenges to the governance system. These revolve around the questions of whether the high forest zone has the resilience to withstand the excessive pressure of over-exploitation of its resources and whether it can provide the various actors with a sustainable basis to meet their livelihood needs, and how the actors in the system constructively manage conflicts over forest use and access rights.

Chapter 5 explores and assesses the various governing systems that prevail in Ghana’s forest sector. The forest sector is guided by comprehensive policies and legislative instruments designed to promote sustainable forest management. However, a combination of colonial legacies of unresolved tenure and access rights issues, unfavourable resource access rights for some actors in current legislation, implementation challenges
and dynamics in population growth has resulted in a lot of illegalities and conflicts. The chapter unravels diversity, complexity and scale of the governing system by distinguishing between (i) the statutory governing structure, (ii) the civil society governing structure, (iii) the customary governing structure, (iv) the market governing structure, (v) a hybrid governing structure, and (vi) an international governing structure. The hybrid category was added to accommodate actors that do not fit neatly into one category, either because of the transitional nature of Ghana’s society or because they operate at different levels of scale and in different actor constellations. The chapter also analyses the governing system in terms of governance style, showing that hierarchical governance tends to prevail over co-governance in the statutory governing system despite intentions to broaden actors’ participation in decision-making, management and benefit sharing. Self-governance prevails in the customary governing structure at local level where traditional authorities still play an important role in managing conflicts over forest resources. Reconciliation of statutory and customary arrangements systems to manage conflicts constructively is, however, hindered by the fact that resource ownership and management are allocated to different actors (traditional authorities and statutory governments respectively). Among other challenges identified in Chapter 5 are the pervasiveness of conflicts over forest and tree resources and the interference of politicians and powerful loggers in efforts to improve forest governance. These challenges call for an integrated conflict management system in which negotiation is a priority and legal proceedings the last resort, and which involves close links between statutory and customary institutions.

Based on a survey among and a workshop with forest governors and experts, Chapter 6 identifies various forest and tree-based livelihood options in Ghana’s high forest zone (on and off-reserve) that provide both direct and indirect services and products to numerous actors in Ghana. These livelihood components are associated with conflicts involving actors that are spread across the five governing structures at national level. These conflicts are triggered by policy and legislative lapses and institutional failures, perceived goal incompatibility and opportunities for deliberate interference with the other’s goals, and environmental scarcity. This study reveals that dealing with forest conflicts occurs on a case-by-case basis. In order to address the underlying challenges, the participants in the study proposed two action plans for policy consideration. The first refers to scale-specific but inter-linked recommendations for a stepwise conflict management model, which integrates statutory and customary institutions. The second action plan encompasses a proposal to assess the feasibility of re-introduction of a prosecution system within the forestry sector.

Chapters 7-10 present the case studies conducted in the Tano-Offin forest reserve management regimes (i.e. the protection, plantation and production regimes) and the off-reserve area in Nkawie forest district. The final empirical chapter, Chapter 11, examines how the judiciary deals with forest offence cases in Nkawie forest district.

Chapter 7 shows that inhabitants of the ‘admitted village’ of Kyekyewere, who live under the protection regime, find themselves excluded from forest resources with the exception of non-timber forest products for domestic use. The location of the village in the middle of the forest makes its inhabitants highly dependent on locally available natural resources, which results in a growing pressure on forest resources and farming land. This was further aggravated by the growth of the village’s population since the demarcation of the forest reserve and the strictly protected Globally Significant Biodiversity Area (GSBA). The analysis of this situation revealed a tension between rules and laws that restrict inhabitants’ access to forest resources and their dependence on the
same resources. This eventually results in what Peluso (1994: 236) has termed ‘the progressive criminalisation of customary rights of forest access’. The two conflict types observed in this study were those related to forest resources (timber and non-timber forest products, including game) and those related to forest land use (illegal farming and the illegal extension of admitted farms). These conflicts were found to occur among resource users and between resource users and Forestry Commission officials. Strengthening law enforcement under the VPA or more stringent control of protected areas due to REDD+ commitments will probably restrict and criminalise the villagers’ access to forest resources even more. This implies the need to rethink the governance conditions of protected areas, especially the status of admitted villages and farms. From the inhabitants’ perspective a crucial question is whether it is actually a crime to access forest resources to meet one’s livelihood needs.

Chapter 8 discusses the modified taungya system (MTS) as a co-management scheme between the Forestry Commission and forest fringe communities for the reforestation of degraded forest reserves in Ghana. The ultimate objectives are to realise sustainable forest management and poverty reduction. Under this system participating farmers are co-owners of trees who are entitled to a 40% share in the timber benefits. In addition they have the right to plant food crops between the trees until canopy closure in return for their share in tree planting and maintenance. It is the first collaborative arrangement between farming communities and the Forestry Commission with legal backing, clearly defined institutions and a benefit-sharing scheme. However, the modified taungya system is not free of conflicts and they can be grouped into three categories. These are (i) conflicts related to institutional and operational arrangements, (ii) conflicts resulting from competing claims, and (iii) anticipated conflicts resulting from uncertainty about the future of the partnership. The study revealed that the outcomes of most of these conflicts helped to continue shaping the system.

Chapter 9 addresses conflicts in the production forest regime in Ghana’s high forest zone and the implications of the findings for law enforcement under the VPA. Ghana derives most of its timber revenues from the production regime in forest reserves, but the interactions between the governing system and the system-to-be governed pose challenges to the governability of the natural system. Due to the variety of resource users and their diverging interests, the regime is characterised by conflicts that can be classified into three categories, namely (i) conflicts related to forest resources (related to chainsaw milling, non-timber forest products for domestic use and for trade, and hunting), (ii) operational conflicts with timber utilisation contract (TUC) holders (related to log theft and negotiations about Social Responsibility Agreement payments and crop damage compensation), and (iii) land-use conflicts (boundary disputes and illegal farming). Conflicts are driven by both manifest behaviour (e.g. confiscation of forest resources, arrest of offenders, crop destruction, road barricades, disobedience of rules, etc.) and underlying factors (e.g. greed, corruption, economic hardship and poverty, reluctance to fulfil Social Responsibility Agreement obligations, bureaucracy and poor law enforcement). The findings in Chapter 9 call for stricter law enforcement to save Ghana’s forest resources. However, ‘soft’ enforcement mechanisms (e.g. capacity building in conflict management, forestry extension and paid involvement of local people in forest management) are also needed in order to prevent a temporary ‘pseudo-reduction’ of illegal forest activities. Such measures could be financed from REDD+ and other climate-related financial mechanisms.
Chapter 10 focuses on Ghana’s off-reserve areas, where timber resources are found in patches of forest, fallow and farmlands and inhabitants collect non-timber forest products for domestic and commercial use from fallow land in the off-reserve area. However, the major source of income comes from cash crops (especially cocoa) and food crops. The off-reserve landscape presents a complex governing system because of the multiple (i.e. the statutory, customary and hybrid) governing structures involved and the different governing rules for land (under custody of stool or family, through a chain of hierarchy) and timber trees (under custody of the Forestry Commission). In contrast to the commonly assumed conflict status of off-reserve areas, the case study of Awisasu community reveals a scenario of cooperation. This cooperation was achieved on the basis of the construction of social capital such as networking, shared responsibility and the creation of social ties and trust by the timber contractor, which was reciprocated by the local people. This chapter makes it clear that there can be synergy between interactive governance theory and the social capital framework.

Chapter 11 aims to provide insights into challenges related to forest law enforcement. The chapter analyses twelve forest-related judgements and concludes that only two referred to the legislation that governed the forest offences and their sanctions and that sanctions were not applied strictly in any of the 12 cases. This, together with the low fines attached to the offences, suggests that the forest laws in Ghana mainly seem to exist in the statutes. The chapter notes that law enforcement requires effective cooperation between the Forestry Commission, the Police Service and the Judicial Service. However, it also describes the lack of cooperation regarding the procedures for reporting forest offences, the coordination of court processes, the eventual determination of the offences by the court as well as a sometimes arbitrary disposition of offence reports by the Forestry Commission. The ways of improving forest law enforcement suggested in the chapter are to focus on capacity development (both human and logistic) of forest officers, the police and the judges, in addition to decriminalising some forest offences and placing them under civil law or providing legal administrative power to the Forestry Commission so that it can deal with some of the offences outside the purview of the judiciary.

Chapter 12 presents the synthesis, conclusions and recommendations based on the findings of the previous chapters. Essentially it argues that interactive governance theory, complemented with elements from other theoretical strands (i.e. political ecology, theories on forest-based livelihoods, conflict and conflict management, co-management and social capital) provides a useful framework for the analysis of conflicts over forests and trees in the high forest zone and how they can be reduced and/or constructively managed. It further distinguishes three governability scenarios. The first scenario, in which cooperation prevails and conflicts are absent, was observed in the off-reserve area. The second one, a situation of social unrest or complete degradation and lawlessness, was not observed in this study. The third scenario, a potentially governable system, albeit with limitations, was applicable to most of the analysed cases. The main limitations identified in the study are (i) the absence of a recognition of the importance of conflict management as an integral component of forest governance in Ghana forest sector, and (ii) restrictions imposed on local people enclosed in a forest reserve and a governing system that does not function in their favour and prejudices their livelihood options. In order to deal with these limitations, the chapter formulates suggestions for further research and policy recommendations targeting different stakeholders. Suggestions for follow-up research address the need to (i) deepen our understanding of the
complexity and dynamics of forest conflicts; (ii) to take interactive governance theory beyond forest management by determining what the governability criteria are for each of the three governance components (i.e. the system-to-be-governed, the governing system and governance interactions) and how they function in practice, (iii) to compare farm land availability in admitted settlements in forest reserves and off-reserve settlements, (iv) to assess conflict management capability among forest managers, and (v) to explore opportunities to improve income security from the modified taungya system.

Recommendations for the Ministry of Lands and Natural Resources and the Forestry Commission call for the integration of non-violent conflict management into forest management, policy and governance by setting up appropriate institutions, structures and mechanisms, promoting capacity building, and embracing the principles of interactive forest governance as a new governance culture. The recommendations for academia call for the recognition of the importance of conflict management in natural resource management studies and the promotion of interdisciplinary teaching in natural resource management. An appeal is made to civil society and international donors to help build the capacity of forest managers and other forest actors in natural resource conflict management. The private sector is urged to strengthen their role in forest governance and pay attention to capacity building in social capital creation and conflict management. Lastly, there is a call for reform of the judiciary system in a way that recognises the importance of forest offence cases and strengthens institutional collaboration with other forest law enforcement agencies (the police and the Forestry Commission).

Until now, conflict management has still received minimal attention in ongoing forest governance initiatives in Ghana. The PhD candidate hopes that this study will contribute to widespread recognition of the importance of this key building block of forest governance.