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# Analyzing Ghana's Forestry Laws: Implications for Rosewood Protection

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**Abstract:** *The provided text delves into Ghana's forest policies, timber laws, and the concept of "smart regulation." It traces the development of forest policies, starting with the initial focus on preserving forests for water supply and climate conditions. The text outlines subsequent policies that addressed the emerging timber industry and its challenges. It also highlights the evolution of regulation, including attempts to control timber concessions and combat illegal logging. A significant focus is on the "smart regulation" concept, which proposes a middle ground between traditional top-down regulation and deregulation. The text examines Ghana's adoption of this approach through various policies, particularly the Voluntary Partnership Agreement (VPA) with the EU, aimed at ensuring the legality of timber trade. This VPA introduces legality requirements and a tracking system. The abstract underscores the shift from earlier policies towards more balanced regulation, incorporating both governmental and non-governmental elements. It discusses Ghana's strategies to promote sustainable timber industry growth while addressing environmental and social concerns.*

**Keywords:** *Forest Regulation in Ghana, Rosewood Protection.*

## 1. INTRODUCTION

Ghana's forestry regulations have a rich history spanning a century, showcasing a progressive shift in policies and management strategies. Ghana's forests are a vital asset, both nationally and globally. Notably, among the various timber species in Ghana, ten stand out as economically significant. These include Rosewood, Teak, Ceiba, Abachi, African mahogany, Afzelia, Gmelina, Aniegre, Limba, and Sapele (TIDD, Forestry Commission). Despite this diversity, only Teak exports are permitted due to regulations. The 20th century witnessed



Ghana's forest area encompassing 34% of its land, with forest reservation commencing in 1927 under colonial administration. Around 16% of the land was gazetted into 282 forest reserves and 15 wildlife protected areas. However, this approach bypassed traditional tenure systems, leading to opposition, particularly in fringe communities. The reservation effort focused on protection, leading to tensions due to unaddressed usufruct rights and centralized management (Ghana Gazette, 2004). Ghana's forests cover about 21.7% of the land, with 8% classified as primary forest (U.N. FAO). Nevertheless, forest loss averaged 1.68% annually from 1990 to 2010, resulting in a total reduction of 33.7% in cover (FAO, 2010). Exploring historical regulatory interventions and policy, a 'Meso' analysis reveals three phases: State regulation, de-regulation, and smart regulation (Arts et al., 2010). The hard law approach of the past aligned with command-and-control models but faced effectiveness challenges. Subsequent neoliberal trends prompted regulatory relaxation and voluntary policies. The concept of "smart regulation" emerged as a balanced approach between traditional and modern methodologies, aiming for win-win outcomes (Arts et al., 2010). This article investigates Ghana's forestry laws' legal dimension and their impact on safeguarding the economic value of rosewood.

### **Evolution of Ghana's Forest Policies: from Preservation to Productivity**

Ghana's forest management has been guided by two distinct public policies. The first policy emerged in 1946 and gained approval in 1948, while the second was established in 1994. However, the formulation of these policies was influenced by preceding stances and tools that shaped their development. Presently, Ghana is engaged in a consultation process to assess the effectiveness of the 1994 Policy.

#### **First Forest Policy (1948)**

In the years leading up to World War I, Ghana crafted its inaugural forest policy in 1948. This policy, encompassing a single clause, aimed to safeguard the nation's water supply, prevent erosion, and maintain favorable climatic conditions essential for diverse crop cultivation. The initial focus was on the forest's protective role and its ability to create conducive microclimates for agriculture. Given the nascent state of the timber trade, policy prioritized preservation over productive utilization. During the 1920s, voluntary efforts were initiated to encourage Chiefs to reserve specific areas as permanent forests. Despite assurances that these reserves would remain under traditional ownership, concerns persisted that the government was attempting an intricate land takeover. With reservations progressing slower than desired by 1927, a Forest Ordinance was established, granting the government authority to mandate forest reserve creation when necessary (Kotey et al., 1998).

#### **Second Forest Policy (1948 to 1994)**

In 1946, Ghana introduced a new forest policy that received government approval in 1948. This policy outlined strategies for managing permanent forest estates, advancing scientific forestry research, optimizing non-permanent forest areas, offering technical expertise, and collaborating on land use plans and erosion prevention efforts. As Ghana's timber industry began to take shape, the policy recognized the importance of wood utilization and timber processing, emphasizing sustainable resource management (GOG, 1948). Comprising eight clauses, the policy addressed forest reservation (Clauses 1 and 4). However, the interpretation



of 'reserve' by the Aborigines' Rights Protection Society posed initial challenges, resulting in concerns over indigenous territories. Despite opposition, the government proceeded with reservation, neglecting community engagement. Swift conversion of trees into farmlands by local populations ensued (Agyeman et al., 2007). Clause 5 allowed gradual non-replacement use of forest resources outside reserves, assuming effective reservation and increased community participation. However, this led to deforestation due to increasing timber demand and population growth. By the mid-1980s, the 1948 Policy's limitations necessitated reevaluation, culminating in the adoption of a new Forest and Wildlife Policy in 1994.

### **Third Forest Policy (After 1994)**

The 1994 Forest and Wildlife Policy comprises an action plan and a statement with twelve key components (GOG, 1994). This policy aims to ensure sustainable wood and non-wood product supply, promote responsible resource usage, and maintain ecosystem diversity. Among the policy's 16 guiding principles, five focus on sustainable timber industry growth: (1) creating incentives for responsible resource use, (2) promoting private enterprise adherence to regulations, and (3) encouraging efficient utilization, including value-added timber production. The 1996-2020 Forestry Development Master Plan (FDMP) was introduced to execute policy objectives, including forest certification, rationalizing the timber industry, and enhancing value-added processing and marketing (FDMP, 1996). Ghana's forest policies have evolved from preservation to sustainable utilization, emphasizing responsible resource management and industry growth.

### **Ghana's Timber Regulation Journey: Striving for Sustainable Trade**

#### **Alternative Rural Livelihood and Chainsaw Operations Regulation**

In 1991, Ghana introduced the Trees and Timber (Chainsaw Operations) Regulations (LI 1518) to legalize chainsaw lumber production, addressing rising demand. These regulations involved community engagement for monitoring, emphasizing social responsibility, and ecological considerations in off-reserve regions. However, mismanagement by communities, District Assemblies, and forestry authorities led to the system spiraling out of control.

#### **Act 617 and Regulatory Amendments**

In 2002, Act 617 and the Timber Resources Management (Amendment) Regulations, 2002 (LI 1721) modified Act 547 and LI 1649. These changes introduced competitive bidding for timber rights and prohibited timber rights on land with private forest plantations or owned timber. The obligation for replanting was removed. The 1994 Forest and Wildlife Policy now relies on forest reserves established under the Forest Ordinance of 1927, safeguarded by subsequent regulations.

#### **EU's Voluntary Partnership Agreement (VPA)**

Responding to illegal logging, the European Union initiated the Forest Law Enforcement, Governance and Trade (FLEGT) initiative. Ghana's illicit chainsaw timber dominated the domestic market. Despite efforts, the chainsaw operation prohibition failed. In 2009, a Voluntary Partnership Agreement (VPA) between Ghana and the EU ensured only legal timber could be traded, curbing illegal logging.



### **Regulatory Discourse and Forest Management**

Ghana's forest policy history reveals a shift from strict state regulation to more diverse approaches, albeit still marked by state control. Although the 1994 Forest and Wildlife Policy endorsed collaborative management and community rights, subsequent legislation fell short. Initiatives like Community Forest Committees, Social Responsibility Agreements (SRAs), and the Modified Taungya System aimed for responsible practices but faced challenges.

### **VPA and Balanced Control**

The VPA represents a significant trade policy impacting timber and forests. It combines elements of hard and soft law, granting Ghana flexibility to define "legal timber" while implementing rigorous control measures. Through institutional mechanisms, legality requirements, and wood tracking, Ghana's timber trade seeks sustainable growth.

Ghana's journey illustrates a quest for balanced regulation in timber management, blending various regulatory tools to ensure legal and sustainable trade.

### **Illegal Rosewood Trade in Ghana: A Complex Challenge**

#### **Rosewood Exploitation and State Governance**

Rosewood, an endangered species, is the target of a rampant global illegal trade, largely originating from Africa. Despite governmental efforts to control rosewood extraction, particularly in Africa, illegal trade persists. The case of Ghana exemplifies the complex factors driving this issue. The government banned rosewood exploitation in March 2019, yet illicit activities continue to thrive. This study investigates the drivers behind this persistence, drawing from political ecology theory and empirical research in northern Ghana.

#### **Complex Factors Behind Illicit Trade**

Illegal rosewood trade is fueled by various factors, including the rapid influx of transnational capital by rosewood dealers, selective enforcement of laws, hierarchical corruption, and vulnerabilities in the ecological and socioeconomic fabric. These multifaceted processes contribute to the continued unlawful exploitation of rosewood.

#### **State-led Approaches and Illegal Logging**

Many African countries, facing selective logging-induced species endangerment, have adopted militarized state-led forest governance strategies. Despite their widespread adoption, these approaches often fail to curb illegal logging effectively. African rosewood, particularly the *Pterocarpus Erinaceus* species, exemplifies how such approaches struggle to control overexploitation. The global demand for African rosewood, especially in Asia, has led to its status as a highly sought-after and trafficked tropical wood. West Africa, a major supplier, contributes significantly to the global rosewood trade, with over 80% of annual exports going to Asia.

#### **Challenges in Regulating the Rosewood Industry**

Efforts by international Civil Society Organizations (CSOs) to ban rosewood extraction and export in Ghana's savannah zones have been met with partial restrictions and comprehensive bans imposed by the Ghanaian government since 2012. While these measures aim to promote



sustainable harvesting, empirical data reveals a contradictory picture. Despite restrictions, rosewood extraction surged by 129%, and illegal trade prevalence increased by 120% between 2016 and 2018.

### **Global Implications and Local Impact**

The illegal rosewood trade's consequences are far-reaching, leading to corruption, disruptions in farming-herding relations, erosion, and flooding in forest communities. Chinese companies, driven by insatiable demand, engage in rapid harvesting, endangering the future availability of rosewood. Ghana's attempts to protect its rosewood resources have oscillated between bans and revocations, often facilitated by bribes and falsified documents.

### **Balancing Conservation Efforts**

Efforts to protect rosewood include creating the Timby smartphone app, allowing anonymous reporting of illegal logging. While Ghana is clamping down on the trade, Chinese networks behind illegal harvesting continue to find ways to evade regulations. The challenge of preserving rosewood involves addressing multifaceted factors, combining regulatory measures, community engagement, and international cooperation to mitigate the complex issue of illegal rosewood trade.

### **Continued Rosewood Exploitation Despite Restrictions**

International Civil Society Organizations (CSOs) have pushed for the prohibition of rosewood extraction and export in Ghana, particularly in the savannah natural zones. The Government of Ghana, through the Ministry of Lands and Natural Resources, imposed a comprehensive ban on rosewood collection and export in March 2019, following partial restrictions since 2012. This move aligns with international calls to curb the Chinese-driven depletion of rosewood resources. Despite these measures, empirical data reveals that rosewood extraction and trade continue to expand. Between 2016 and 2018, rosewood extraction increased by 129%, and illegal trade prevalence surged by 120%. Ghana's rosewood exports have significantly increased since 2007, with periods of partial restrictions paradoxically leading to rises in extraction and revenue.

### **Environmental and Socioeconomic Impact**

Runaway rosewood harvesting from Ghana's forests has resulted in corruption, strained farmer-herder relations, erosion, and flooding in forest communities. Small-scale timber harvesters express concerns that the pace of Chinese harvesting will lead to the depletion of rosewood within a few years. A similar trend was observed in The Gambia after Chinese logging companies arrived in 2011, causing the effective disappearance of rosewood.

### **Challenges in Regulation and Corruption**

Ghana's efforts to regulate the rosewood trade have been inconsistent, with bans and revocations that have enabled continued exports. Even when bans are in place, the trade persists through bribery and falsified documents. An investigation into corruption related to illegal rosewood harvesting in 2019 yielded no wrongdoing by high-ranking officials, despite allegations of interference in community visits by investigators.

### **Chinese Demand and Environmental Impact**

China's relentless demand for rosewood, valued at \$50,000 per cubic meter by Interpol, has made it the most highly trafficked natural material globally. Ghana's agricultural communities have suffered as herders are forced to find alternative forage due to the depletion of rosewood leaves. This has led to conflicts with farmers. Illegal rosewood harvesting has also harmed Ghana's shea butter industry, as loggers use shea trees to disguise rosewood shipments. The loss of rosewood has coincided with increased desertification and erosion in Ghana's northern communities.

### **Efforts to Combat Rosewood Exploitation**

To combat the vanishing rosewood resources, the Ghana Wildlife Society introduced the Timby smartphone app, enabling users to report illegal logging anonymously. Despite Ghana's clampdown on the trade, it's suggested that Chinese networks behind illegal harvesting will find alternative ways to achieve their goals.

### **Government Action and Regional Minister's Efforts**

As part of Ghana's fight against illegal rosewood trade, the Savanna regional minister, Salifu Adam Braimah, ordered the closure of a Chinese rosewood company in Damongo. The company was involved in cutting, processing, and smuggling rosewood. A nine-member committee was formed to address the rosewood logging menace, focusing on environmental sustainability, food security, and communal harmony. Overall, the challenge of illegal rosewood trade involves navigating complex global demand, local enforcement, corruption, and environmental degradation. Effective solutions require collaboration between international stakeholders, governments, and local communities to ensure the sustainable management of rosewood resources.



The company was mainly into cutting, processing and smuggling rosewoods from the area

## **2. CONCLUSION**

Ghana's forest regime has evolved over the past century, with a focus on protecting the country's forest as an economic crop. The country's forest is an important asset to the nation and the world, with the ten most important timber species being Rosewood, Teak, Ceiba,



Abachi, African mahogany, Afzelia, Gmelina, Aniegre, Limba, and Sapele. In 2015, the country produced 2.6 million m<sup>3</sup> of roundwood, with the majority used within the country. The forest preservation program began in 1927, aiming to protect significant areas of forest. However, the process ignored traditional tenure systems, leading to a negative attitude towards reserves among the population. The Central Government focused on forest management and protection, neglecting forest communities' usufruct rights. Between 1990 and 2010, Ghana lost 33.7% of its forest cover, or around 2,508,000 ha. Ghana's forestry has been governed by three regulatory phases: State regulation and hard law, De-regulation, self-regulation and soft law, and Smart regulation and instrument mixes. The first forest policy was created in 1948, aimed at preserving enough forest to safeguard the country's water supply, prevent erosion, and maintain favorable climatic conditions for crop cultivation. The second policy was adopted in 1994, focusing on the protection of rosewood as an economic crop. The first forest policy was based on the command-and-control model of state regulation, which was consistent with the command-and-control model of state regulation. However, by the late 1970s, many command-and-control regulations were found to be ineffective. The de-regulation discourse also affected global forest regulations, with two 'soft' laws emerging from UNCED, such as Chapter 11 of Agenda 21 and the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation, and Sustainable Development of All Types of Forests. Since then, the Intergovernmental Panel on Forests (IPF), Intergovernmental Forum on Forests (IFF), and the United Nations Forum on Forests (UNFF) processes have been voluntary, with new voluntary rules and bottom-up approaches like forest certification. Ghana's forestry regimes have evolved over time, with the first policy being based on hard law, the second policy on soft law, and the third policy on smart regulation and instrument mixes. These changes have contributed to the country's approach to forestry and the protection of rosewood as an economic crop.

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