MASTER OF CLIMATE CHANGE

EMDV 8066 – RESEARCH PROJECT

THE IMPLICATIONS OF LAND TENURE AND BENEFIT SHARING APPROACHES ON THE REDD+ SCHEME FOR FOREST FRINGE COMMUNITIES IN GHANA

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ABSTRACT

One essential component of global efforts on climate change mitigation is the incentive-based mechanism that seeks to Reduce Emissions from Deforestation and Forest Degradation and also enhances forest carbon stocks through sustainable forest management in developing countries (the REDD+ scheme). There are other potential co-benefits associated with the REDD+ scheme which include biodiversity conservation, poverty alleviation and enhancement of rural livelihoods. A clear challenge for the REDD+ scheme is that if its implementation should be deemed as successful, the various drivers of deforestation should be addressed whereas the rights of local or forest fringe communities to forest resources should concurrently not be compromised. This research uses Ghana as a case to explore the implications of the introduction of the REDD+ scheme for forest fringe communities.

The study employs land tenure and benefit sharing issues as the conceptual framework to answer the research question: ‘How should a national REDD+ scheme for Ghana be designed to maximise benefits to forest fringe communities?’ The study is based on a review of relevant literature including government documents and academic literature as well as interviews with ten key informants from the REDD+ Steering Committee of Ghana, NGOs, land administrators, academia and the forest fringe communities.

The findings of the research indicate that Ghana’s land tenure arrangement is pluralistic and unclear involving both customary and statutory arrangements. Additionally, statutory provisions for sharing of benefits from forest resources in Ghana generally exclude forest fringe communities. Consequently, the rights of forest fringe communities in Ghana have not been fully recognised in the management of forest resources. However, under the REDD+ scheme preparatory process, Ghana has engaged forest fringe communities as key stakeholders for the scheme in general and for specific components such as the development of a benefit sharing framework for the scheme.

This paper suggests that the participatory approach adopted in the REDD+ readiness phase of Ghana could build genuine support from forest fringe communities if there is strong political will to initiate reforms in the forestry sector that will legally recognise the rights of forest fringe communities and thereby make these communities shareholders of the scheme.
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<th>Full Form</th>
</tr>
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<tbody>
<tr>
<td>COP</td>
<td>Conference of the Parties</td>
</tr>
<tr>
<td>FAO</td>
<td>Food and Agriculture Organisation</td>
</tr>
<tr>
<td>FCPF</td>
<td>Forest Carbon Partnership Facility</td>
</tr>
<tr>
<td>IPCC</td>
<td>Intergovernmental Panel on Climate Change</td>
</tr>
<tr>
<td>IUCN</td>
<td>International Union of Conservation of Nature</td>
</tr>
<tr>
<td>LAP</td>
<td>Land Administration Project</td>
</tr>
<tr>
<td>MLF</td>
<td>Ministry of Lands and Forestry (Ghana)</td>
</tr>
<tr>
<td>MRV</td>
<td>Measurement/ Monitoring, Reporting and Verification</td>
</tr>
<tr>
<td>MTS</td>
<td>Modified Taungya System</td>
</tr>
<tr>
<td>NGOs</td>
<td>Non-Governmental Organisations</td>
</tr>
<tr>
<td>PES</td>
<td>Payment for Environmental Services</td>
</tr>
<tr>
<td>R-PIN</td>
<td>REDD+ Project Idea Note</td>
</tr>
<tr>
<td>REDD+</td>
<td>Reducing Emissions from Deforestation and Forest Degradation (and conservation and enhancement of forest carbon stock and sustainable forest management)</td>
</tr>
<tr>
<td>RPP</td>
<td>Readiness Preparation Proposal</td>
</tr>
<tr>
<td>SRA</td>
<td>Social Responsibility Agreement</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNFCCC</td>
<td>United Nations Framework Convention on Climate Change</td>
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CHAPTER 1 INTRODUCTION

1.1 Problem Statement and Rationale for Research

The REDD+ scheme covers climate change mitigation activities in the forestry sector through Reduction of greenhouse gas Emissions from reduced Deforestation and forest Degradation as well as (+) conservation and enhancement of forest carbon stocks and sustainable forest management (UNFCCC 2011 (Paragraph 70, decision 1/ CP. 16)). The net loss of forests globally occurs predominantly from deforestation in developing countries (FAO 2010a). Consequently, the REDD+ scheme has been conceptualised and operationalized as a scheme that results in the North-South flow of funds to incentivise the requisite sustainable forest management strategies in developing countries (UN 2012; Streck 2008).

The scope of this research is to explore the implications of land tenure and benefit sharing approaches on the REDD+ scheme in Ghana. Land tenure will be used in this paper to depict the property rights tied to land and its resources (including forests) (Bruce et al 2010, p. 3). Strengthening and clarifying property rights are crucial to ensure that the REDD+ scheme is equitable and not conceived as an attempt to marginalise or dispossess lands and forests from less powerful stakeholders. An effective benefit sharing approach is also a requirement to ensure that commensurate incentives are provided to essential actors to build legitimacy for the scheme. The two themes of the research will be addressed in relation to their implications for forest fringe communities in Ghana.

Forest fringe communities will be utilised in this paper to depict rural settlements in Ghana that are located close to forested areas and whose livelihoods primarily relies on their access to forests and forest resources (Lartey 2009; Marfo et al 2012). The terms forest fringe communities and local communities may be used interchangeably in this thesis.

Eliasch (2008, p. 9) points out that communities that live close to forests are more likely to be poor and are often politically and economically marginalised. The Government of Ghana recognises the fact that extreme poverty and marginalisation can drive fringe communities to utilise forest resources unsustainably. Additionally, forest fringe communities have historically been responsible for sustainable management of forest resources prior to colonisation that brought in the concept of the State in Ghana (IUCN 1996). It is per these reasons that when Ghana introduced the Forest and Wildlife Policy in 1994, there was an
integration of the need for participation of forest fringe communities in the management of forest resources (Lartey 2009, p. 168).

The REDD+ scheme in Ghana is in its early stage of evolution and there have not been much research on the impact of the scheme on forest fringe communities. The available research on benefit sharing, tenure issues and the REDD+ scheme in Ghana tend to have a broader scope. For example, Marfo et al (2012) focussed on problems with land tenure in Ghana under all climate change mitigation schemes. Also, Hansen et al (2009) only generally mentioned tenure and benefit sharing issues as significant challenges in rolling out the REDD scheme. Other studies have also focussed on the implications of the REDD+ scheme in other countries in Africa but not in Ghana. For instance, Larson et al (2012) and Luttrell et al (2012) presented findings on tenure and benefit sharing issues respectively under the REDD+ scheme in Tanzania whereas Tacconi et al (2010) partly focussed on examination of challenges with forest carbon payments in Mozambique and Uganda.

Land Tenure and Benefit Sharing issues will have enormous ramifications for the REDD+ scheme in Ghana. Additionally, the engagement of forest fringe communities will enhance the legitimacy of the REDD+ scheme. It is therefore essential that a study is undertaken to explore these issues to identify constraints and opportunities for the REDD+ scheme in Ghana. This study will therefore contribute to policy dialogue on the REDD+ scheme by bringing to the fore pertinent issues on land tenure and benefit sharing approaches that has implications for forest fringe communities under the REDD+ scheme.

1.2 Research Question and Objectives

1.2.1 Research Question

The research question for the thesis is given as follows:

*How should a national REDD+ scheme for Ghana be designed to maximise benefits to forest fringe communities?*

1.2.2 Research Objectives

The overarching aim of this study is to explore the consequences of the prevailing land tenure and existing and proposed benefit sharing frameworks in Ghana on the REDD+ scheme for
forest fringe communities. Specific objectives addressed in attaining the overarching aim of the research include:

1. Determination of the significance of land tenure and benefit sharing to the REDD+ scheme.
2. Exploration of the underlying tenure/benefit sharing issues that have implications for equity under the REDD+ scheme.
3. Assessment of proposed and existing benefit sharing frameworks in the forest sector in terms of how they address equity from the perspectives of forest fringe communities.
4. Analysis of land tenure issues in Ghana and their implications for equitable share of benefits under the REDD+ scheme.

1.3 Outline of the Thesis

The thesis consists of six chapters. Chapter 2 presents a review of relevant literature on the main themes of the research as well as the conceptual framework for the research. Chapter 3 presents the methodology for the research which consists of three phases: the exploratory phase; primary data collection and analysis, and secondary data collection and analysis.

Chapter 4 is the results section of the study where comparisons are made based on the conceptual framework provided in Chapter 2. Chapter 5 then discusses the implications of these findings and their significance for policy formulation for the REDD+ scheme in Ghana.

Chapter 6 presents the conclusion of the study and provides some recommendations for REDD+ implementation in Ghana. The final chapter also presents the scope for future research direction on the subject.
CHAPTER 2 LITERATURE REVIEW

The scope of this research, as discussed in the previous chapter, is to explore the impacts of the REDD+ scheme for forest fringe communities in Ghana by utilising two themes: land tenure and benefit sharing. This chapter sets out an overview and discussions of the major themes that will form a basis for comparisons, discussions and recommendations in the ensuing chapters.

This chapter is divided into two main sections. The first section presents a general overview and description of the analytical themes for the research whereas the second section is the conceptual framework for the research.

2.1 Overview of the REDD+ scheme and significance of land tenure and benefit sharing to the scheme

2.1.1 Evolution of the REDD+ scheme

During the 2005 Conference of the Parties (COP 11) in Montreal, Papua New Guinea and Costa Rica supported by eight other parties submitted a proposal for the reduction of emissions from deforestation in developing countries. The proposal has since been widely supported and discussed in subsequent COPs. At COP 13 in Bali in 2007, the parties expressed their interest to address deforestation and encouraged setting up of pilot REDD projects (Streck 2008, pp. 234 – 244). At COP 16 in Cancun, the REDD+ scheme was defined to incorporate emissions reductions from avoided deforestation and forest degradation (REDD) plus (+) conservation and enhancement of carbon stocks and sustainable forest management. The REDD+ scheme is usually thought of as a Payment for Environmental Service (PES) approach where land owners will be given incentives that will make forest conservation more profitable than forest clearing (Tacconi et al 2010). However, as a result of the lack of global carbon market based mechanisms, initial pilot REDD+ activities have relied on voluntary funds such as Norway’s $2.6 billion commitment to the scheme (Parker et al 2009).

As noted by Streck (2008, p. 243), the REDD+ scheme represents the first time that developing countries made a proposal for emissions reductions in the post – Kyoto Climate Change Agreement. The scheme itself is targeting emissions reductions from the forestry sector which according to the Intergovernmental Panel on Climate Change (IPCC) accounts
for almost a fifth of all greenhouse gas emissions (the third largest source of anthropogenic emissions of greenhouse gases) (IPCC 2007; see also figure 6 of Appendix 3). This situation makes it imperative to include the forestry sector in any climate change mitigation strategy (Stern 2008, p. 25). Sustainable forest management can also provide other co-benefits such as biodiversity protection, soil formation, improved livelihoods of communities and enhanced access to food, fuel, wood and medicine. A resilient forest ecosystem can therefore help people to adapt to the impacts of climate change (Eliasch 2008).

Implementation of the REDD+ scheme has however come with some challenges. Issues such as determination of a sustainable financing mechanism for the scheme; establishment of an acceptable framework for measurement/monitoring, reporting, and verification (MRV) for the scheme as well as distribution mechanisms for benefits under the scheme are all well researched and documented challenges of the scheme (Parker et al 2009). Additionally, issues that drive deforestation in developing countries such as an unclear land tenure regime; agricultural expansion and unsustainable logging are critical and costly challenges that ought to be addressed by the REDD+ scheme.

In a study of REDD+ implementation in Africa, Mbow et al (2012) outlines the three categories of REDD+ challenges in Africa as institutional, technical and socio-economic challenges. Institutional challenges depict the low capacity of African countries to enforce forestry laws as a result of inefficiencies, corruption and the enactment of laws that are inconsistent with forest conservation, for example, mining in forest reserves. Key technical challenges include ensuring the permanence, and additionality of carbon stocks, and setting up an acceptable MRV framework for assessing emissions reductions. Socio-economic challenges involve safeguarding the rights and ensuring full participation of local and indigenous communities in the REDD+ scheme.

Notwithstanding these challenges, the evolution of the REDD+ scheme have been marked with the simultaneous submission of a plethora of proposals which depicts an attraction of the scheme to several actors worldwide. These proposals have emanated from governments, non-governmental organisations (NGOs) and academic researchers. Presently, the UN REDD programme supports the pilot and national REDD+ programmes of 44 partner countries including 16 African countries.
2.1.2 The significance of land tenure to the REDD+ scheme

Land tenure can be defined as the mechanism of land ownership or holding, or the relationships that directs the use of land and its products amongst people (Mends 2006). Land tenure therefore signifies a bundle of rights which are held by different holders on the land and its resources (Bruce et al 2010, p.3). Land tenure is therefore utilised in this thesis to depict ownership, use and rights associated with forest lands and the forest resources on the land. Based on the scope of the definition of land tenure utilised for this paper, the terms ‘land tenure’ and ‘tenure’ are used interchangeably in this paper.

One of the major factors driving deforestation in many forest nations is the lack of clear and a secure land tenure and use rights (Eliasch 2008, p. 44). Consequently, securing clear land tenure is a fundamental requirement to ensure the long term permanence of the environmental benefits of REDD+ (Crittenden & Wilder 2008, p. 276; Bruce et al 2010, p. 7).

On a broader scale, land tenure and ownership rights will also partially determine the zoning of forests under a REDD scheme (Griffiths 2007, p. 12). Forests areas could therefore be clustered into areas (or countries) with very secure tenure arrangements where REDD+ initiatives could commence and therefore exclude areas (or countries) with contentious land tenure arrangements. Thus, the issue of leakage or displacement of deforestation becomes a very real possibility.

Larson et al (2012) indicates that clarifying and strengthening land tenure can contribute directly to decreasing deforestation and forest degradation and also increases the viability of REDD+ schemes by addressing equity, effectiveness and efficiency concerns (Figure 1).
According to Larson et al (2012), clear and accountable rights to forests will be required to ensure that compensation or any payments under the REDD+ scheme will go to those who have attained the stated objectives of the scheme which will enhance the effectiveness of the scheme. Also, if tenure is clarified, the REDD+ scheme can become efficient as a result of reduced transaction costs from avoided conflicts and litigation. Additionally, equity concerns will be partly addressed if rights of forest fringe communities to forests are strengthened and due compensation are paid them for specific rights that will be prohibited under the REDD+ scheme. The UN REDD programme recognises the importance of tenure issues in the REDD+ scheme and consequently recognises tenure as a key area for support of development of REDD+ readiness by its partner countries (UN-REDD 2011).

2.1.3 The concept of benefit sharing under the REDD+ scheme

Luttrell et al (2012, p. 130) defines benefit sharing under a REDD+ scheme as the distribution of net gains from the implementation of REDD+. An effective benefit sharing approach is required to create incentives and legitimacy for a REDD+ scheme (Lindhjem 2010).
Peskett (2010) conceptualises benefit sharing under the REDD+ scheme as based on three main elements, which are:

- The type of benefits to be shared;
- The stakeholders who will receive the benefits; and
- Rules that govern the sharing of the benefits.

Types of Benefits

The benefits of REDD+ can occur as both monetary and non-monetary benefits (Luttrell et al 2012; Peskett 2010). From a monetary point of view, the revenue from REDD+ can be grouped into funds that will pay for the cost of implementing the REDD+ scheme including opportunity cost of land and REDD+ transaction costs; funding for productive activities such as afforestation; and the REDD+ rent (Peskett 2010; Luttrell et al 2012). Consequently, the net benefits available for sharing in a REDD+ scheme is the REDD+ rent since the rent represents the surplus once the actual costs of implementing the REDD+ scheme has been recovered (Lindhjem 2010).

Non-monetary benefits under the REDD+ scheme are those which are difficult to be quantified in financial terms (Luttrell et al 2012). Non-monetary benefits include co-benefits of sustainable forest management such as enhanced cultural values; capacity building and increased knowledge. As a result of the difficulties in estimating the total benefits and costs of a REDD+ scheme, it is expedient for exploratory research to focus on revenue sharing under a REDD+ scheme instead of filtering net benefits from a complicated framework of costs and benefits under the scheme (Peskett 2010).

Potential Beneficiaries

Depending on how REDD+ is implemented, various actors will have a role to play and thus will be potential beneficiaries of revenue transferred for the scheme. Table 1 below provides a list of actors that are likely to be incorporated in benefit sharing under the REDD+ scheme.
Table 1: Potential beneficiaries of the REDD+ scheme at the National and Local levels

<table>
<thead>
<tr>
<th>Actor type/level</th>
<th>Description/function</th>
</tr>
</thead>
<tbody>
<tr>
<td>National</td>
<td></td>
</tr>
<tr>
<td>National financial institutions (e.g. treasury)</td>
<td>Managing income associated with REDD+ and allocation sub-nationally</td>
</tr>
<tr>
<td>Legal frameworks</td>
<td>Establishing legal frameworks governing benefit sharing</td>
</tr>
<tr>
<td>National audit offices/REDD+ registries</td>
<td>Auditing financial flows from REDD+ and verifying financial performance</td>
</tr>
<tr>
<td>Government departments (e.g. Environment/forestry/agriculture/finance) departments; REDD+ trust fund working groups</td>
<td>Establishing allocation criteria and making decisions on allocation</td>
</tr>
<tr>
<td>Intermediaries</td>
<td>May act as aggregators for local level participants or brokers. They receive some part of the benefits from REDD+ (i.e., are part of the value chain).</td>
</tr>
<tr>
<td>Local</td>
<td></td>
</tr>
<tr>
<td>Local government</td>
<td>May be involved in REDD+ implementation and receive financial benefits, and/or may be involved in defining activities and actors that are eligible.</td>
</tr>
<tr>
<td>Community groups</td>
<td>Community groups may be key structure through which REDD+ activities are managed, including the sharing of financial benefits. Poor and vulnerable groups may/may not be part of community groups.</td>
</tr>
<tr>
<td>Individuals</td>
<td>Individuals (usually owning or with access to land/forest) may directly manage REDD+ activities and receive benefits in some schemes.</td>
</tr>
<tr>
<td>Wider community</td>
<td>REDD+ projects and programmes will likely affect a wide constituency beyond those formally involved in activities or benefit sharing. They may benefit through multipliers or may face increased costs.</td>
</tr>
<tr>
<td>Project developers and implementers</td>
<td>Design, establish and often fund projects (they could be local NGOs, companies or government, or could include community groups/individuals themselves).</td>
</tr>
</tbody>
</table>

Source: Peskett (2010).

**Rules**

The rules for sharing of benefits under the REDD+ scheme are likely to emanate or be refined from existing benefit sharing approaches in the countries implementing the scheme. The rules may be formal and based on the laws of the country or informal and based on traditions and customary principles. Since these rules may overlap, various actors may have different interpretations which may pose challenges in their application (Cotula & Mayer 2009 cited in Peskett 2010).
2.2 Conceptual Framework

The purpose of this study is to qualitatively explore implications of land tenure and benefit sharing approaches for forest fringe communities under the REDD+ scheme in Ghana. As recommended by Rocco & Plakhotnik (2009), the conceptual framework utilised for this study consists of theoretical and empirical work related to the exploratory basis of the study. The conceptual framework and its significance for the research is presented in Figure 2 and discussed below.
Figure 2: The conceptual framework and its relationship to other sections of the thesis

**Land Tenure Issues**
1. Clear Ownership and claims to land and its resources
2. Legal recognition of rights of forest fringe communities.
3. Mechanisms for conflict resolution
4. Collective land representation and stakeholder engagement

**Benefit Sharing Issues**
1. Review of existing framework for sharing of benefits.
2. Equity considerations in sharing of benefits.
3. Involvement of local communities in developing frameworks.
4. Nature of benefits and mechanisms by which benefits will reach local communities.

**Assessment of the issues in Ghana’s context through:**
1. comparisons with how issues are dealt with in the R-PIN and RPP of Ghana and other literature;
2. Information from primary data collection.

**Implications of the assessments and comparisons of the issues in relation to the successful implementation of a national REDD+ scheme in Ghana**

**Conclusions and Recommendations for an equitable distribution of benefits under Ghana’s national REDD+ scheme**

**Conceptual Framework**

**Results**

**Discussions**

**Conclusions**
2.2.1 Land tenure Issues

The REDD+ literature (see Hatcher (2009); Larson et al (2012); Sunderlin et al (2009); and Sunderlin et al (2008)) presents some key tenure issues that have implications for the REDD+ scheme in general and addressing equity from the perspective of forest fringe communities in particular. Four of these issues will be explored in this thesis:

1. **Clarification of ownership and claims to land and forest resources**

As previously noted, forest fringe communities tend to be less powerful stakeholders. Consequently, in situations where claims to land and forest resources are unclear, more powerful stakeholders such as governments and elites are likely to control the land and its resources and thereby siphon benefits that are due to local communities from the forest resources (Cotula & Mayers (2009); Veit et al (2012); Sunderlin et al (2009)). A factor that contributes to the lack of clarity of ownership of land and its resources is the divergence that tends to exist between customary and statutory tenure arrangements. In many cases customary arrangements predates statutory arrangements with the latter arrangement emanating from public declaration of state ownership and formulation of laws that gave ultimate decisions making on the land and its resources to State agencies (Sunderlin et al 2008). Thus, situations exist where customary ownership prescribes clear and acceptable claims to lands for forest fringe communities but these claims are contradicted or nullified by State regulation (Sunderlin et al 2008, p. 3). In terms of this criterion, the thesis will seek to determine the prevailing land tenure arrangements in Ghana in terms of its clarity on rights to land and forest resources.

2. **Legal Recognition of the Rights of forest fringe communities**

Recognising right refers to the legal acknowledgement of the historical and customary rights that communities have in the management of forest resources (Hatcher 2009). The recognition of such rights is very important for the REDD+ scheme since REDD+ transactions are likely to be international in nature. Thus, each transaction will be framed within the legal provisions of a country. Consequently, if the rights of communities are not recognised by any legal framework, it becomes difficult for them to play a role in the implementation of the REDD+ scheme.
Aside the moral argument of including people who depend directly on the forests for their livelihood under the REDD+ scheme, there is also a likelihood that if the rights of forest fringe communities to forests are not legally recognised they may find ways of thwarting the success of the carbon sequestration scheme (Sunderlin et al 2008, p. 29). This research will therefore determine the level of legal recognition of the rights of forest fringe communities as captured in the legal framework for land and forest management in Ghana.

3. Establishment of a mechanism for conflict resolution

Legally recognising rights should however go in tandem with improved enforcement and monitoring of the legal reforms of a country (Hatcher 2009). The enforcement of such legal provisions may also generate conflicts. For example, if the rights of one stakeholder are recognised, it may infringe on the rights of other stakeholders (Sunderlin et al 2009). Thus, one critical factor that has to be considered in clarifying land tenure issues is the development of a trusted framework for resolution of disputes. Such a mechanism for addressing these conflicts should be deemed as clear and fair by forest fringe communities and other stakeholders (Sunderlin et al 2009). The thesis will look at the capacity of judicial and non-judicial systems to resolve tenure conflicts under the REDD+ scheme as suggested by Williams and Davis (2012). Additionally, the thesis will also assess the mechanisms put in place to support the specific rights of forest fringe communities who are likely to be marginalised under a REDD+ scheme.

4. Collective land representation

Administering an effectual land tenure regime means that all stakeholders with rights to the forest should be represented in decisions that are made concerning the land and its resources. If the process utilised to arrive at decisions is deemed by various right holders as undemocratic, there are likely to be problems in the compliance of decisions that are made for the sustainable management of forests (Larson et al 2012).

Under this criterion, the thesis will explore the governance and administration of lands and forests issues under the REDD+ scheme in Ghana and the mechanisms by which these arrangements incorporate the views of all stakeholders particularly forest fringe communities.
2.2.2 Benefit Sharing Issues

Well-functioning benefit sharing schemes are essential for the provision of effective incentives for actions and building of legitimacy and support for a REDD+ intervention (IUCN 2009, p. 2; Lindhjem 2010). The implementation of the REDD+ scheme may result in the alteration of the lives of forest fringe communities and consequently proportionate benefits must be advanced to these communities to compensate for such alterations. According to the IUCN (2009, p. 4), benefits of a REDD+ scheme can be made available to local communities through the vertical and/or horizontal dimensions. The vertical dimensions relate to the sharing of benefits between national levels and non-governmental stakeholders including local communities whereas the horizontal sharing of benefits occurs within and between communities and other local stakeholders (Figure 3).

Figure 3: Dimensions of Benefit Sharing under a REDD+ scheme.

Source: IUCN (2009).
The suggestions and recommendations provided by Williams and Davis (2012); Luttrell et al (2012) and the IUCN (2009) are utilised in this research to assess the existence of an equitable framework for distribution of benefits under the REDD+ scheme in Ghana.

1. Review of Existing Framework for Sharing of Benefits

The REDD+ scheme does not represent a novelty in sharing of benefits from forest resources. Consequently, an assessment of the successes and challenges of previous benefit sharing frameworks in the forestry sector will be helpful in designing an equitable framework under the REDD+ scheme (Williams & Davis 2012). A REDD+ benefit sharing framework should therefore learn from and build on the experience of existing benefit sharing frameworks (Cotula & Mayers 2009).

This research will therefore assess existing frameworks for sharing of benefits in Ghana, their limitations and strengths in terms of guaranteeing equitable flow of benefits to forest fringe communities and the manner in which these frameworks have been incorporated in the design of the REDD+ scheme in Ghana.

2. Equity Consideration

The equity criterion for distribution of benefits pays attention to the rights of actors to benefit from the REDD+ scheme and ensuring fairness in the distribution of benefits. Luttrell et al (2012) distinguish between equity related discourses on benefit sharing from effectiveness related discourses by indicating that whereas the former focus on rights of beneficiaries, the latter focusses on compensating actors for the role they have played in reducing emissions. However, this distinction is hazy since actors with rights over forest resources could possibly be the same people who play a role to bring about emissions reductions under a REDD+ scheme.

Luttrell et al (2012, pp. 143 - 148) provide a list of four equity related discourses which are presented in relation to their significance to forest fringe communities in Appendix 2 of this paper. The thesis will assess Ghana’s proposed framework for the design of benefit sharing under the REDD+ scheme and whether these proposals are equitable.
3. **Involvement of Local Communities**

Involvement of stakeholders in the design of benefit sharing schemes will form a basis for determining incentives that are appropriate for the stakeholders, as well as building ownership, trust and legitimacy for the benefit sharing scheme (IUCN 2009). Peskett (2010) mentions that one importance of ensuring full participation in the design of benefit sharing frameworks is to safeguard the rights of local communities.

Involvement of local communities in the design of REDD+ benefit sharing schemes could be enhanced through tenure reform, building a consultative approach into the design of the scheme, strengthening local governance with REDD+ funding and aligning REDD+ with other pro-poor development strategies (Peskett 2010, p. 26). The thesis will examine the involvement of local communities in the development of benefit sharing scheme under the REDD+ scheme in Ghana.

4. **Nature and Delivery of benefits**

The benefits of REDD+ could be direct or indirect. As has been discussed previously, these benefits could also be disaggregated into monetary and non-monetary benefits. In a study of African farmers involved in carbon project, Shames et al (2012, p. 18) notes that the most significant benefits to farmers were improved farm productivity rather than money from the sale of carbon credits.

The IUCN (2009, p. 7; see also Table 5 of Appendix 3) provides some critical requirements for well-functioning benefit sharing schemes which includes involvement of all stakeholders, trusted and transparent framework for delivery of benefits and inherent clear dispute settlement mechanisms. These requirements should be considered in both a vertical and horizontal framework of sharing benefits (Lindhjem 2010; IUCN 2009). This thesis will examine the definition of REDD+ benefits in the context of Ghana and the implications for equity of the mechanisms associated with the delivery of these benefits.
CHAPTER 3 METHODOLOGY

3.1 Study area

Ghana lies between longitudes $0^0$ and $3^0$ west and latitudes $5^0$ and $11^0$ north. Ghana is bordered on the east by Togo with a boundary of 877km long; on the west by Cote d’Ivoire with a boundary length of 668km; on the north by Burkina Faso with a boundary of 548km long; and on the south by the Atlantic Ocean with a coastline of 537km. The total area of Ghana is 22.7 million hectares. Ghana has a population of 24.7 million (2010 est.) with an annual average population growth rate of 2.5 per cent (Ghana Statistical Service 2012). The proportion of Ghana’s population living in rural areas is 49.1 per cent with the remainder living in urban areas. The skilled agricultural, forestry and fishery workers account for 41.3 per cent of the economically active population of Ghana (Ghana Statistical Service 2012, p. 9).

The forest cover of Ghana is estimated at about five million hectares which represents 21 per cent of Ghana’s total land area (FAO 2010b). About 1.6 million hectares of the forest cover of Ghana is found within permanently designated forest reserves whereas the remainder is located in off–forest reserves. Ghana’s forest cover is categorised into three main zones (Figure 7 of Appendix 3): the high forest zone, transition zone and the savannah (Grassland and short gnarled trees) zone. The high forest zone exists in the southern one-third of Ghana and has the richest forest cover in Ghana. There are 266 forest reserves in Ghana and 216 of them are located in the high forest zone (Donkor 2003, p. 12).

The average export earnings from the forestry sector in Ghana from 2000 to 2006 were 8 per cent per annum (Ghana 2011). The formal forestry sector employs about 100,000 people whereas about 2 million people mainly from forest fringe communities depend on forests for subsistence uses and to enhance their traditional and customary lifestyles (Domson & Vlosky 2007). Forests provide direct benefits to forest fringe communities in Ghana such as provision of food items, for example, fruits, vegetables, spices; raw materials for building and making household items such as mortar and pestle; and medicinal products (Osei-Tutu et al 2010). The fringe communities are also dependent on the ecosystem services provided by forests such as enrichment of soil and protection of watersheds for domestic and agricultural uses.
Deforestation and forest degradation are major environmental concerns in Ghana. Ghana’s deforestation rates stood at about two per cent per annum between 2005 and 2010 (FAO 2010b). In 1990, land use and forestry contributed to seven per cent of net removals of greenhouse gas emissions whereas the sector (which is predominantly forestry) accounted for the source of 25 per cent of Ghana’s emissions of 23.9 MtCO$_2$e in 2006 (Ghana 2011, p. 68). Ghana formally commenced the process of REDD+ readiness in 2007 and it is anticipated that a national REDD+ programme will be operational by early 2013.

3.2 Research Phases and Methods

The objective of an exploratory research is to achieve new insights into phenomena to aid possibly in the development of testable hypothesis (Kothari 2006; Kumar 2005). Consequently the focus of this exploratory study was to aid in understanding the implications of land tenure and benefit sharing on a national REDD+ scheme that should be operational in Ghana by early 2013.

The research employed a qualitative approach which sought and analysed primary and secondary data. The research was conducted in three phases: exploratory; secondary data collection and analysis; and primary information collection and analysis. The research was undertaken between June and November, 2012.

3.2.1 Exploratory phase

During this phase, there was thorough discussion of the topic with researchers of the Australian National University whose research interests border on the content of this research topic. A literature review was also undertaken to finalise the conceptual framework for the research. Finally, a sampling strategy and questions for the collection of primary information were undertaken and finalised.

3.2.2 Secondary data collection

A review of the relevant literature on the REDD+ scheme was undertaken during this phase. The literature reviewed included national and academic proposals submitted on the REDD+ scheme.
3.2.3 Sampling procedures for Primary data collection

The sampling technique utilised for this research was targeted sampling. This sampling technique ensured a deeper understanding of issues from specific stakeholders. One of the earliest users of the targeted sampling technique, Watters and Biernacki (1989, p. 420) define targeted sampling as purposeful and systematic methods by which controlled list of specified populations are developed and afterwards plans are designed to recruit adequate number of cases within each targeted group. Targeted sampling is more suited for a research design where specific insights are sought from particular groups of a population and it’s appropriate for qualitative research. The Environmental Protection Agency of the USA argues that targeted sampling is the best approach to use for a question with a well-defined scope (EPA 2010).

The targeted groups contacted for this research include representatives from the REDD+ Steering Committee of Ghana; the Office of the Administrator of Stool lands, the government agency responsible for the management of customary lands in Ghana; NGOs with a focus on equity issues of the REDD+ scheme; and academic researchers with research interests on the subject. Finally, two (2) representatives from forest fringe communities were also contacted for their input.

3.2.4 Primary data collection

Collection of primary data for the research was done by semi-structured interviews through telephone (and video) conversations; and submission of structured survey questions via e-mail to the targeted stakeholders. The interview process in each case commenced with a neutral explanation of the purpose of the interview and the interviewees were explicitly made aware that there is no right or wrong answers for the interview. Additionally, the interviewees were assured of confidentiality of their responses. All the e-mailed survey questions were worded in English whereas the telephone interviews were conducted in English or Twi (the major local Ghanaian language) depending on the preference of the interviewee.

A list of the survey questions designed for collection of primary data and the names of the ten key informants contacted are attached in Appendix 1 of this paper. The main findings of the primary data collection phase have also been incorporated in subsequent sections of this thesis.
3.2.5 Data analyses

The process of analysing the data followed the six steps procedure for analysing qualitative data recommended by Creswell (2003, p. 191 – 195). First, the data was organised and prepared through the transcription of telephone conversations, electronic saving of e-mail responses and organisation of secondary data. Second, the data was read and reviewed to get a general understanding of the concepts. Third, the data was categorised to reflect the various strata of the conceptual framework. Fourth, the various themes that arose from the categorisation of the data were described whereas any connections amongst the themes were determined. Fifth, descriptive information about each emerging theme was presented in Chapter 4 (Results Section) of this research paper. Finally, the data was then further interpreted and discussed as presented in Chapter 5 (Discussion Section) of this research paper. The data presentation from the research therefore involved a thorough description of the major themes from the primary and secondary data and detailed analysis of the perspectives that emanated from the academic literature and interviewees.

3.3 Methodological Limitations

The use of telephone and e-mail conversations as the means of collecting primary data presented some challenges. First, not all potential respondents had access to reliable telephone and e-mail services. Also, the use of this approach meant that information that some respondents felt were sensitive were unlikely to have been shared. Finally, the design of the questionnaires had to be reasonably simple to address only key questions.

The approach adopted by the researcher to address these limitations included assurance of the confidentiality of responses, provision of the contact address of supervisors and the Human Ethics Office of the ANU as well as secure storage of data. Additionally, limited follow ups were made in situations where further clarification was needed for the answers provided. Admittedly, the use of face to face interview and field observations for this research would have further enhanced the quality of primary data collected. However, as a result of the short time frame for the research, the strategy employed by the researcher to address some of the pitfalls associated with the e-mail and telephone surveys ensured the acquisition of better primary data.
CHAPTER 4 RESULTS

This chapter compares the benefit sharing and land tenure issues in Ghana to the concepts underpinning this research as presented in the Conceptual Framework Section of Chapter 2. A historical overview and some key issues of the REDD+ scheme in Ghana are presented in the first section of the chapter. The subsequent sections then present findings of the assessment of the tenure and benefit sharing issues within the context of Ghana. The assessment of the issues were based on information assessed from secondary data sources such as the RPP and R-PIN documents of Ghana and other relevant REDD+ literature; as well as from primary data sources.

4.1 Implementation of the REDD+ scheme in Ghana

Ghana is considered a UN REDD+ partner country and is presently receiving support for preparatory and pilot REDD+ activities to enable the country to be ready for implementation of a national REDD+ scheme by early 2013. Financial support for the preparatory REDD+ activities is provided by the Forest Carbon Partnership Facility (FCPF) and the World Bank through its Forest Investment Programme (Ghana 2011).

The advancement towards REDD+ implementation in Ghana has been divided into two core phases: the REDD+ Readiness Preparation Phase and the REDD+ Implementation and Management Phase (Figure 4). Ghana has a set a deadline of early 2013 for completion of the readiness phase and consequent commencement of the implementation phase (Forestry Commission 2010). The implementation phase will involve results-based actions with a full MRV framework (FCPF 2012).

The REDD+ Project Idea Note (R-PIN) for Ghana was submitted in 2007 and approved by the FCPF in 2008. Additionally, Ghana submitted its REDD+ Readiness Preparation Proposal (RPP) to the FCPF in 2010. Implementation of the RPP has involved activities such as extensive engagement between stakeholders of the scheme as well as pilot testing of the REDD+ scheme in Ghana (FCPF 2012).
Effective implementation of the REDD+ scheme requires robust foundations of good governance. Such a foundation can be attained through strong institutional capacity and linkages as well as a transparent decision making process that involve all stakeholders (Davis 2010). The Climate Change Unit of the Forestry Commission of Ghana serves as the national REDD+ secretariat. The unit receives advice, guidance, and technical and financial support from government agencies at the ministerial and cabinet levels. The Climate Change unit also liaises with the technical REDD+ sub working groups in other institutions as well as a plethora of very relevant stakeholders such as communities and local and international NGOs. Figure 5 depicts the institutional linkages and frameworks for the implementation of REDD+ in Ghana.
In a survey of international and local opinions of the REDD+ scheme in Ghana, Mayers et al (2010) concluded that there are five challenges (or major issues) that should be addressed during Ghana’s REDD+ readiness activities. These issues include:

1. Provision and access to information to enhance understanding of the REDD+ scheme by all stakeholders particularly local communities;
2. Inclusion of multiple stakeholders in REDD+ decision making processes;
3. Tenure and other legal and policy reforms;
4. Revenue and benefit distribution; and
5. Integration of REDD+ with developmental and land-use plans.

The results of this survey confirms that the main issues being explored in this research, land tenure and benefit sharing approaches, are critical issues that should engage the attention of policy makers in Ghana before rolling out a national REDD+ scheme.
4.2 Land tenure issues under The REDD+ scheme in Ghana

4.2.1 Land and Forest Ownership

Ghana’s lands may be classified into customary and public lands. Customary ownership accounts for about 80 per cent of land holding in Ghana (MLF 2003). Customary land ownership in Ghana is characterised by communal ownership where land is held in trust of the entire community by the head of the community usually designated as the traditional authority or stool (or skin) land owner. The customary land ownership in Ghana includes vested lands, a unique arrangement whereby the landowner retains customary ownership of the land whereas the management of the land and its resources is undertaken by the State in trust of the owners. The remaining 20 per cent of lands in Ghana are fully owned by the State through constitutional or statutory intervention (MLF 2003).

The forests of Ghana are broadly classified as forest reserves, off-reserve forests, and plantations (which include state, communal, private and institutional plantations). Tenure rights over all naturally occurring trees or forest whether in forest reserves or outside forest reserves are vested in the President in trust of the people. Consequently, naturally occurring forests in Ghana are normally managed as resources on vested lands where the State has management rights whereas customary owners retain ownership of the lands and its resources albeit as discussed below the legal framework underpinning this management framework is unclear. However, for non-State plantations and communal forests outside forest reserves, management is undertaken by the respective owners of the resources.

There are 86 statutory legal instruments on the administration of land in Ghana. These statutory instruments operate alongside a number of customary laws creating a conflicting and an overlapping legal pluralistic regime (MLF 2003, p. 14). Additionally and as noted by the representative from the Office of the Administrator of Stool Lands interviewed as part of this research, some land owning communities in Ghana see land and the resources on it as sacred assets that were handed over from generations to generations through battles and conquests and should therefore not be subject to modernised law, statutory or customary, but should be a cherished asset that are to be defended fiercely by fringe communities and passed on to future generations.

The constitutional provision of Ghana also reinforces the unclear pluralistic land tenure regime. Article 267 section 1 of the Constitution of Ghana explicitly indicates that all
customary lands in Ghana should be managed under customary laws (Ghana 1992). However, the remaining sections (Sections 2 to 9) of Article 267 mandates the State to have the greatest influence in the administration and management of customary lands and even provide a formula (Section 6) for the collection of revenues that accrues from customary lands by State institutions. Ghana has commenced a process of reviewing the 1992 constitution. However, the white paper issued by the Government on the report submitted by the constitutional review committee only reaffirms this pluralistic legal environment governing land and forest tenure in Ghana (Ghana 2012). The Government of Ghana however has embarked on a Lands Administration Project (LAP) since 2003. LAP will be undertaken over a period of twenty years and seeks to improve security of land tenure in Ghana and thereby contribute to reduction in poverty and enhancement of the socio-economic growth of the country (Water Aid Ghana 2009).

4.2.2 Legal Recognition of Rights of Communities

The main occupation of fringe populations is subsistence farming which relies on ecosystem services provided by forests such as conservation of water bodies, preservation of soil fertility and erosion control. Forest fringe populations in Ghana also depend on non-Timber Forest Products (NTFPs) for food and shelter. This level of dependence on forests may have motivated fringe communities to ensure sustainable management of forest resources in Ghana prior to colonisation in order to safeguard the permanent flow of benefits (IUCN 1996). The colonisation and post-colonisation years however ushered in a period of marginalisation and gradual depletion of legal rights to forest resources of fringe communities (Appiah 2009). For example, in 1908, the State (then under colonial administration) commenced reservation of lands for conservation of forests which led to rights of forest fringe communities in timber and NTFPs being curtailed (Kotey et al 1998).

The framers of Ghana’s Forest and Wildlife Policy in 1994 attempted to correct this anomaly of the neglected rights of forest fringe communities by advocating for the enhancement of the land tenure rights of farmers as well as ‘access to traditional use of natural products’ from forests (MLF 1994). This provision has made some literature on forestry in Ghana to conclude that forest fringe communities have rights of access to NTFPs (Osei-Tutu et al 2010; Boakye & Baffoe 2008; and Sambian 2012). However, the legal provisions on forest protection in Ghana, The Forest Protection Act (624), 2002, specifically directs that no person should collect any produce from a forest reserve without the written permission of the
state-owned Forest Services Division of the Forestry Commission (Forestry Commission 2002a). NTFPs are valued by the FSD and all applicants, including fringe populations, are required to pay the requisite amount for a permit to extract the products (Pers. Comm\(^1\)). As previously discussed rights to naturally occurring trees are also vested in the President. Consequently, forest fringe communities do not have any legally defined rights to naturally occurring forests in Ghana.

The scenario is different for forest plantations. Two legislative instruments have the potential of strengthening the rights of fringe populations. The Forest Plantations Development Funds (Amendment) Act (Act 623) strengthens the ownership rights of private plantation owners and provides monetary incentives for plantation establishment (Marfo et al 2012). Also, the Timber Resources Management (Amendment) Act (Act 617) prohibits the granting of timber rights by the State on land with private forest plantations and land with timber owned by private persons (Forestry Commission 2002b). Consequently, private plantation developers from forest fringe communities have the legal right of access, use and harvesting of their plantation timber outside forest reserves. In 2001, the Government of Ghana also launched an agroforestry based system, known as the Modified Taungya System (MTS), as a management intervention for the degraded parts of forest reserves. Under the MTS, participating farmers are essentially co-owners with the government of the tree plantations established whereas land owners and the entire forest fringe communities are also shareholders (Agyeman et al 2003). This management intervention is loosely based on the legal provision provided by Acts 617 and 623 which mandates the State to provide recognition and incentives for investment in forest related activities (Kalame et al 2011).

4.2.3 Mechanism for Conflict Resolution

Conflicts arise in the forestry sector as a result of the enormous rights and interests associated with land and forest resources and more specifically by the divergence that exists between customary laws and statutory laws for management of forest and land resources (Ros-Tonen et al 2009; USAID 2012). The legal instrument that prescribes the mechanism for resolution of conflicts emanating from claims to land from a forest management perspective in Ghana is the Timber Resources Management Regulations, 1998 (LI 1649). This legal instrument recommends that if conflicting claims and rights to land and forest

\(^1\) Personal communication with a management staff member of FSD, Ghana
resources are made, the matter should be referred to the Forest Services Division who will constitute a four-member committee for examination of the issues (Forestry Commission 1998). The committee members include two representatives from the relevant State’s District Assembly and a representative each from the Office of the Administrator of Stool land and the Traditional Council, which is a council made up of traditional chiefs. There is therefore no representation from forest fringe communities on such matters.

Under the REDD+ scheme, Ghana has indicated that the principle of subsidiarity will be utilised for conflict resolution where conflicts will be addressed at the lowest or the most localised level (Forestry Commission 2010). The lowest level suggested by Ghana’s RPP is the use of customary laws as well as the lower courts as the first point of contact for adjudication of land and forests conflicts.

Historically, the government of Ghana backed by the requisite legislation have utilised the formal law courts to resolve resource and land conflicts. However, these cases are not resolved in time resulting in them being piled up in the law courts (Arko-Adjei 2009).

4.2.4 Collective land representation

Ghana’s current Forest and Wildlife policy was formulated in 1994 to replace the 1948 Forest and Wildlife Policy. One clear departure from the current Policy compared to the previous one is its focus on the recognition and involvement of all stakeholders particularly forest fringe communities in the management of forest resources in Ghana (MLF 1994). The factors that account for this shift are as follows: the recognition that the Central Government lacked the capacity to unilaterally manage the forest effectively; genuine concern about the erosion of the rights of forest fringe communities who are the de facto owners of forest resources; the recognition that local communities have good knowledge, interest and concern for forest management; and the growing international and national support for stakeholder engagement in forest management (Kotey et al 1998).

The 1994 Policy formed a basis for forestry initiatives such as the European Union (EU) sponsored Voluntary Partnership Agreement (VPA) (Attah et al 2009) and the agroforestry based Modified Taungya System (MTS) (Agyeman et al 2003) to involve forest fringe communities as partners. Also, under the REDD+ scheme, Ghana has adopted a ‘participatory approach to decision making’ which involves the integration of the inputs from
a wide range of stakeholders including forest fringe communities, the private sector, other government institutions and development partners (Forestry Commission 2010).

4.3 Benefit sharing issues under The REDD+ scheme in Ghana

4.3.1 Existing Frameworks for Sharing of ‘Forest’ Benefits in Ghana

There are two main benefit sharing schemes which are operational in the forest sector of Ghana. They include the constitutional provision for share of benefits from fees collected from timber companies and the benefit sharing arrangements for the MTS (Foli & Dumenu 2011; Sambian 2012; Tropenbos International Ghana 2010; and Lindhjem et al 2010).

The 1992 Constitution of Ghana provides guidance for the share of revenue accruing from forests in Ghana. Article 267 of the Constitution provides a fixed formula for disbursement of revenue accruing from stool lands as follows:

- Ten per cent of the revenue should be paid to the Office of the Administrator of Stool lands to cover administrative costs. Afterwards, the remaining revenue is disbursed as follows:
  - 25 per cent is paid to the stool land owner as emoluments to enable them keep the status of their position.
  - 20 per cent goes to the traditional authority which is an association of traditional heads.
  - 55 per cent is paid to the District Assembly where the stool land is located.

Interviewees contacted for this research indicated that this payment should be utilised for community development although it is not specifically mentioned by Ghana’s Constitution.

The Forestry Commission of Ghana operationalises this formula in the share of proceeds from stumpage fees paid by timber companies for the harvest of trees. The Commission deducts 60 per cent and 40 per cent of revenue received from timber operations in forest reserves and off forest reserves respectively as management levy (Sambian 2012). The remaining revenue is then shared amongst the stakeholders based on the constitutional provision (Table 2).
The basis of Ghana’s constitutionally based revenue sharing matrix, which excludes important stakeholders such as forest fringe communities and farmers, is unclear. Foli and Dumenu (2011) point out that, farmers who nurture and maintain timber trees on their farms are not included in the share of benefits. Marfo et al (2012) also postulate that the constitutional benefit sharing framework is primarily based on stakeholder power, prestige and influence and does not necessarily depend on the rights and responsibilities of the actors. The constitution of Ghana did not prescribe any framework for the distribution of revenue received by the stakeholders as well as how issues of accountability from receipt of forest revenues should be handled. Consequently, the stakeholders utilise their discretion in the use of the revenues received. For example, whereas the chiefs (stools and traditional authority) use the revenue for personal and household use, the district assemblies consider forest revenues as internally generated funds that is utilised mainly for financing of general operations (Marfo et al 2012).

The only ‘legitimate’ source of benefits for forest fringe communities are through Social Responsibility Agreements (SRAs) entered between them and timber companies. As part of their Timber Utilisation Contracts (TUCs), timber companies are required to enter into a SRA where they are to outline a specific investment for the community such as a clinic or a community centre (Lindhjem et al 2010). However, in recent times the SRA concept has been monetised and has ‘demonstrated elite capture’ where SRA payments are made only to traditional leaders and not invested in any communal projects (Marfo et al 2012; Tropenbos International Ghana 2010).

The benefit sharing framework under the MTS represent an attempt at ensuring a more equitable distribution of revenue from forest resources. This benefit sharing framework is

Table 2: Benefit Sharing Scheme for Timber Revenue in Ghana

<table>
<thead>
<tr>
<th>Stakeholders</th>
<th>Forest Reserve (%)</th>
<th>Off-Reserve Areas (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forestry Commission</td>
<td>60.0</td>
<td>40.0</td>
</tr>
<tr>
<td>District Assemblies</td>
<td>19.8</td>
<td>29.7</td>
</tr>
<tr>
<td>Traditional Council</td>
<td>7.2</td>
<td>10.8</td>
</tr>
<tr>
<td>Stools</td>
<td>9.0</td>
<td>13.5</td>
</tr>
<tr>
<td>Office Administrator of Stool Lands</td>
<td>4.0</td>
<td>6.0</td>
</tr>
</tbody>
</table>

Source: Foli & Dumenu (2011).
applicable to plantations established in forest reserves in the country under the MTS. MTS commences as an agroforestry system and after three years evolve into a tree plantation system as a result of the formation of a closed canopy by the trees (Kalame et al 2011). Under the MTS, farmers are required to tend the trees until they are matured. The new benefit sharing framework for MTS was introduced in 2002 to replace the existing framework which was primarily based on the statutory provision in the constitution of Ghana.

The current benefit sharing framework provides a share of benefits for both the participating farmers (40%) and the entire forest fringe communities (5%) to properly take into account their efforts in establishment and protection of the established plantations respectively (Agyeman et al 2003). The remainder of revenue is shared amongst the other stakeholders as presented in Table 3 below:

**Table 3: Comparison between the Benefit Sharing framework for the old taungya system and the modified taungya system depicting share of benefits in percentages**

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Old taungya system</th>
<th>Modified taungya system</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public agencies</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forestry Commission</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>District Assembly</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>Administrator of tribal lands</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>84</td>
<td>40</td>
</tr>
<tr>
<td><strong>Local community groups</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tribal landowners</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>Traditional authority</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Forest-adjacent community</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Farmers</td>
<td>0</td>
<td>40</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>16</td>
<td>60</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>


The new framework was introduced in 2002 and according to the Forestry Commission, agreements have already been entered with some participating farmers and forest fringe communities and thus any revenue that accrues from the plantations will be shared based on
the new benefit sharing framework. It must however be emphasized that the new framework is yet to be given specific legal form in the statutes books of Ghana.

During the survey of opinions for this research, the contacted members of the REDD+ steering committee indicated that the lessons learnt from existing benefit sharing frameworks will provide guidance for the development of a national benefit sharing framework for the REDD+ scheme.

4.3.2 Equity Considerations

The benefit sharing arrangements for the REDD+ scheme in Ghana is yet to be finalised. However, three benefit sharing approaches have so far been proposed by the stakeholders of the scheme (Foli & Dumenu 2011). These approaches are:

- Community Managed Revolving Credit Scheme.
- Individual Payments Scheme.
- Hybrid of the two schemes.

For the Community Managed Revolving Credit Scheme, revenues that accrue from the REDD+ scheme will be put into a fund that is managed by appointees from forest fringe communities as a credit scheme. The Individual Payments Scheme involves the payments of individuals who partake in REDD+ activities for work done. Under the Hybrid Approach, a larger proportion of benefits from REDD+ activities is paid to individuals for work done whereas the remainder is paid into a revolving fund. A comparison of the three approaches in terms of their advantages and disadvantages as well as advocates for the approach are presented in Table 4.
Table 4: Comparisons of three proposed REDD+ benefit sharing approaches for Ghana

<table>
<thead>
<tr>
<th>BENEFIT SHARING APPROACH</th>
<th>STAKEHOLDERS SUPPORTING APPROACH</th>
<th>ADVANTAGES OF APPROACH</th>
<th>DISADVANTAGES OF APPROACH</th>
</tr>
</thead>
</table>
| Community Managed Credit Scheme | Traditional Authorities and Community representatives | • Long term benefit of REDD-activities.  
• Better investments since it is a credit based scheme.  
• Less dependence on forests and engagement in alternative economic activities | • Free riding.  
• High risk of non-payment of loans.  
• Likely issues of corruption, nepotism and mismanagement of funds |
| Individual Payments Scheme | Government Agencies | • Reduced tendencies of favouritism and corruption.  
• Reduced risk of non-payments of credits.  
• Effective (those who work are paid). | • Potential for sabotage by wider community.  
• Long term sustainability of the scheme may be threatened.  
• Creation of income class in community and potential for social disorder. |
| Hybrid Scheme | Resource users (farmers; land owners) and civil society groups. | • Recognises the heterogeneity that exists in communities which may make a credit scheme inapplicable in all cases.  
• Reduced tendency for sabotage by communities since there is likely to be a win-win situation especially if participating individuals are also from the community. | Considering that a smaller percentage will be provided for communities, there is still some risk of unsustainability of the scheme and social disorder. |

Source: Adapted from Foli & Dumenu (2011).

It must be emphasised however that the stakeholders are yet to determine the exact percentages of revenue that should be assigned for beneficiaries under each approach since the implementation costs per tonne of carbon dioxide saved as a result of the REDD+ scheme is yet to be assessed (Foli & Dumenu 2011).

The community members contacted for this survey asserted that the Credit Scheme approach is preferred since it is more likely to result in inter and intra-generational equity and make
members of fringe communities accountable for the required forest management activities under the REDD+ scheme.

4.3.3 Involvement of local communities

Ghana recognises the fact that in order to build legitimacy for the REDD+ scheme, there is the need for a participatory approach to be utilised in developing the scheme (Forestry Commission 2010; Forestry Commission 2008). Consequently, in designing all aspects of the scheme, including the benefit sharing approaches, all the pertinent stakeholders have actively participated (Forestry Commission 2010). Foli and Dumenu (2011) lists the beneficiary stakeholders of the REDD+ scheme as the government, farmers, local communities and traditional authorities. The ‘participatory approach to decision making’ framework being utilised for the REDD+ scheme in general and development of benefits sharing frameworks for the scheme in particular incorporates the views of all the major stakeholders (Forestry Commission 2010). Additionally, the REDD+ scheme is also seen by the government as a complimentary avenue for addressing poverty in local communities in Ghana. All the interviewees contacted for the research suggested that the legitimacy of any benefit sharing framework under the REDD+ scheme will be enhanced if it is undertaken with full participation from forest fringe communities.

4.3.4 Nature and Delivery of Benefits

Ghana recognises that there is non-carbon benefits associated with the REDD+ scheme that will invariably lead to the alleviation of poverty in forest fringe communities (Forestry Commission 2008). The proposed benefit sharing approaches for the scheme are however based solely on the financial payments that would be made under the REDD+ scheme (Foli & Dumenu 2011). Consequently, any non-monetary benefits are likely to be an additional benefit to forest fringe communities to be consistent with ongoing attempts by the government to alleviate poverty in forest fringe communities.

Ghana’s RPIN made references to the commitment of the government to decrease bureaucracy and ensure transparency in the delivery of benefits under the REDD+ scheme. However, for such critical issues to be dealt with there should be specific legal reforms in the forestry sector to ensure that State and non-State actors are emboldened and mandated to scrutinise and verify all future REDD+ payments and transactions. This process is yet to commence. NGOs contacted for the survey were of the view that delivering benefits under
the REDD+ scheme should be undertaken on case by case basis to properly take into account the heterogeneity and the different acceptable delivery processes that exists amongst various ethnic groups in Ghana.
CHAPTER 5 DISCUSSION

This chapter follows on from the previous chapter to present discussions of the main themes of the research. The first section of the chapter discusses the implications of land tenure issues for the REDD+ scheme whereas the second section presents the discussion of the impact of benefit sharing approaches of the REDD+ scheme to forest fringe communities.

5.1 Implications of land tenure issues for the REDD+ scheme in Ghana

The pluralistic legal environment for land and forest management in Ghana has manifold implications for the REDD+ scheme. According to Ghana’s Ministry of Lands and Forestry, the pluralistic legal environment and additional challenges such as chieftaincy disputes in Ghana are contributory factors to the mismanagement of common pool resources such as forests in Ghana (MLF 2003). The lack of clear tenure arrangements will also introduce challenges in identifying stakeholders whose rights should be recognised under the REDD+ scheme since multiple stakeholders can claim ownership of carbon credits because of the diverging rights to land and forests (Norton Rose Group 2010). Under such a framework, determination of rights for reward under a lucrative REDD+ scheme may be premised on power play amongst stakeholders. Consequently, stakeholders with fewer powers such as forest fringe communities may end up being sidelined in the rolling out of the scheme irrespective of their rights and specific roles they may have to play.

Within the legal pluralistic regime of land tenure in Ghana, forest fringe communities draw their rights from customary provisions. However, statutory legal provisions do not generally recognise the rights of forest fringe communities to forest resources. Since REDD+ involves international transactions which will be based on statutory provisions, there is a strong likelihood that without legal reforms on land ownership and rights in Ghana, forest fringe communities will not have any meaningful role to play in the actual implementation of the scheme. The legal pluralistic environment and lack of statutory recognition of rights of forest fringe communities could therefore enhance the danger of community level social unrest leading to policy derailment under the REDD+ scheme (Sambian 2012; Marfo et al 2012). The REDD+ secretariat of Ghana recognises the impacts of such challenges. Ghana’s RPP outlines that one source of challenge for the scheme is that the unclear and pluralistic land tenure regime can create an incentive for land owners and forest fringe communities not to conserve trees on their land ‘except for those of agricultural interest’ (Forestry Commission 2010, p. 118 of Annex 1).
The legal pluralistic environment and lack of legal recognition of rights of essential stakeholders in the management of lands and forest are sources of conflicts and destruction of livelihoods in Ghana (USAID 2012). Without appropriate and effective dispute prevention and resolution mechanisms, there would be exacerbation of such conflicts under the REDD+ scheme where monetary incentives may ensure that actors and stakeholders adopt entrenched positions in land disputes. The Judiciary in Ghana has responsibility for deliberation on land disputes in Ghana. However, the prospect of early resolution of the numerous land cases before the law courts in Ghana is very low (MLF 2007). The impact of such a situation on the REDD+ scheme could be severe. First, it could serve as a disincentive for investment in a national REDD+ scheme in Ghana. Second, there is also a potential that REDD+ activities could be stalled unnecessarily if disputes are not resolved in time or injunctions are placed on the various activities.

Ghana’s ongoing donor funded Land Administration Project (LAP), which commenced in 2003 and will be completed in 2023, seeks to partly develop effective and transparent mechanism for land dispute resolution. The LAP intends to attain these objectives through the preventative measure of clarifying and strengthening land tenure and also utilising the subsidiarity approach (as described in Ghana’s RPP) as a basis for adjudicating land cases (MLF 2007). There is the need for strong institutional linkages and coordination between the REDD+ Steering Committee and relevant agencies as well as the LAP unit of MLF to ensure the prioritisation and consequent development of effective dispute resolution mechanisms to facilitate implementation of national REDD+ activities in Ghana. It will also be helpful if representation to decentralised or customarily based dispute resolution structures involves all stakeholders including forest fringe communities and that mediation processes are adopted as the basic conflict management strategy. As noted by Fred-Mensah (1999, p. 957), mediation and negotiation is preferable to adjudication in land conflict resolution since they avoid ‘overt display of power, winner-loser mentality, social scars and bitterness’.

Ghana’s adoption of the ‘participatory approach to decision-making’ for the REDD+ scheme is commendable. Such an arrangement will ensure that the views of important stakeholders such as forest fringe communities are firmly incorporated in the design of national REDD+ strategies. Extensive deliberation amongst stakeholders is required to bring to the fore and address any issues that may result in conflicts in environmental decision making (Chess et al

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2 In 2007, the Ministry of Lands and Forestry in Ghana reported that there are 35,000 land cases before the law courts in Ghana (MLF 2007).
It is also essential that the State gives legal backing to agreements reached during the REDD+ stakeholder interactions since these interactions may not translate to any meaningful impacts to forest fringe communities if there are no legal basis for any agreement reached.

**BOX 1: LAND TENURE AND REDD+ IN GHANA:**

**Case study of Aowin Suaman District in the Western Region of Ghana (Excerpted from Sambian (2012))**

Sambian (2012) utilised people’s livelihood and access and use of land to explain whether REDD+ will be successful in six villages in the Aowin Suaman District of Ghana. The study found out that the pluralistic legal regime associated with land administration in the study area introduces unclear property rights to forests on customary lands which make deforesting activities, such as expansion of private farms into forest reserves without extraction of trees for economic benefit, appear legal. The pluralistic land tenure regime therefore creates difficulties for the effective management of forests by both State and traditional authorities.

The respondents from the community indicated that enhancing community involvement in REDD+ activities as well as strengthening the property rights structure to land and forest resources will aid in preventing conflicts under the REDD+ scheme.

Sambian (2012) argued that livelihood activities of the forest fringe communities in the district such as agriculture, collection of NTFPs and charcoal production will be affected with the introduction of the REDD+ scheme which will lead to poverty. Consequently, Sambian (2012) recommended that the State should restore the lost rights of the communities to them so that they will be beneficiaries of incentives paid under the scheme.

**5.2 Implications of benefit sharing approaches to the REDD+ scheme in Ghana**

Ghana’s existing constitution-based framework for sharing of benefits from naturally occurring forest resources does not directly provide any compensation or revenue to forest fringe communities. This existing framework and other mechanisms of monetary distribution such as the SRAs between timber companies and communities are prone to be captured by elites who are not legally accountable to forest fringe communities. As noted by Marfo et al (2012), under Ghana’s REDD+ programme, there is likely to be heightened efforts to conserve the existing naturally occurring forests. Consequently, if none of the proposed benefit sharing framework is finalised before a national REDD+ scheme is rolled out, any revenue received from REDD+ are likely to be distributed based on the constitutionally mandated framework where revenue accrue to elite and powerful institutions and personalities whereas forest fringe communities are excluded. The two community
representatives, interviewed as part of this research, asserted that historically they have not been made aware by the government of even the names of timber companies who are permitted to operate in the adjacent forest reserves and consequently are unable to determine whether timber operations are legal or illegal. Consequently, they mentioned that if such actions should be continued under the REDD+ scheme, they are likely to be completely sidelined from the benefit sharing arrangements associated with the scheme. Although the benefit sharing framework under the plantation based MTS will aid in the advancement of revenue to forest fringe communities and individual farmers; however, all plantations in Ghana including MTS cover 1.2 per cent of the area of natural forest cover (Forestry Commission 2010).

There is a high risk that the objectives of the REDD+ scheme in Ghana will not be attained if the share of benefits is not deemed as equitable by forest fringe communities (Damnyag et al 2012). The proposed Community Managed Credit Benefit Sharing Scheme and to some extent the Hybrid Scheme may be helpful in addressing equity from the perspective of forest fringe communities through allocation of funds to a body established and accountable to the communities. However, the government proposed Individual Payment Benefit Sharing Scheme may reinforce existing inequities in the forestry sector if implemented. Defining successful activities completed under the REDD+ scheme could be susceptible to several interpretations. For example, timber companies or traditional chiefs may indicate that they have lost profits or revenue respectively and therefore need to be equivalently compensated under the REDD+ scheme. There is therefore the possibility of rent seeking behaviour especially if there is centralised distribution of REDD+ funds. Forest fringe communities who are considered as less powerful stakeholders may therefore not receive any benefits under Individual Payment Benefit Sharing Approach.

It is commendable that there is engagement of forest fringe communities in the process of developing a benefit sharing approach for the REDD+ scheme. This level of engagement should result in the democratisation of the processes that will ensure that there is buy-in and that the benefit sharing framework developed is acceptable to the forest fringe communities. The REDD+ scheme is likely to succeed if it builds on rather than conflicts the interest of forest fringe communities (Wollenberg & Springate-Baginski 2009 cited in Mbow et al 2012). There is also a need during such engagements for the government to be transparent and build local capacity to enhance effective participation by the communities (Norton Rose Group 2010).
Ghana’s recognition that non-monetary benefits will not be included as benefits to be shared under the REDD+ scheme is commendable. Inclusion of non-monetary benefits as additional benefits to be shared could be problematic as a result of difficulties in quantifying the exact benefits and the beneficiaries. Additionally, the 1994 Forest and Wildlife Policy of Ghana could form a basis for legal reforms in Ghana to ensure that forest fringe communities are well incorporated in the REDD+ scheme.

**BOX 2: BENEFIT SHARING AND FOREST MANAGEMENT IN GHANA:**

*Case study of Asunafo North District of Ghana (Excerpted from Dumenu (2010))*

Dumenu (2010) explored the roles, rights and responsibilities of stakeholders in the management of off-reserve timber resources. The study found out that the existing framework for sharing of benefits from forest resources in the district is not deemed as equitable by farmers and local communities. Farmers and local communities are responsible for several management interventions of off-reserve forest resources including weeding, fire protection, thinning and preservation of specific tree species. However, these stakeholders are not included in the share of benefits from these forest resources.

The study revealed that the lack of recognition of the rights of some stakeholders and inequitable share of benefits from forest resources are the main factors accounting for the dwindling volume of timber harvest from off-forest reserves in Ghana. Consequently, it is recommended that for the sustainability of forest resources in Ghana to be guaranteed, there is the need for crucial stakeholders such as local communities and farmers to receive an equitable share of benefits from forest resources so that they could continually offer effective management of the forest and its resources.
CHAPTER 6 CONCLUSION AND RECOMMENDATIONS

6.1 Conclusion
This research has established that although during the preparatory activities for the REDD+ scheme, Ghana is utilising a participatory approach to forest management which incorporates forest fringe communities; inherent inequities exist in Ghana’s existing land tenure regime and benefit sharing arrangements that may lead to the marginalisation of forest fringe communities during the actual implementation of the REDD+ scheme. Presently, the prevailingly tenure arrangements and benefit sharing framework in the forestry sector in Ghana generally do not serve as a strong basis to encourage forest fringe communities to actively partake in sustainable management of forests. The determinants of who has rights and who benefits from forests in Ghana relies more on the power and prestige of stakeholders and not necessarily on the specific roles that the stakeholder can play in management of forests. This situation does not augur well for forest fringe communities who are often marginalised although they have a crucial role to play in ensuring that forests are well managed.

Although, the forest and wildlife policy of Ghana encourages the utilisation of collaborative mechanisms to enhance sustainable forest managements in Ghana, there have been impediments in attaining this objective. The pluralistic land tenure regime in Ghana makes identification of stakeholders whose rights should be recognised in the management of forest resources extremely complicated and leads to marginalisation of less powerful stakeholders such as forest fringe communities. Although in the preparatory process of the REDD+ scheme, Ghana has made an attempt to incorporate all stakeholders; such attempts may become futile if the fundamental problem of unclear land tenure regime in the country is not addressed.

Additionally, existing legal framework for distribution of benefits in the forest sector do not generally result in the equitable distribution of benefits to forest fringe communities. The benefit sharing framework for the REDD+ scheme in Ghana is yet to be finalised but it is crucial that such a framework recognises the need to distribute commensurate incentives to forest fringe communities not only to meet the equity criterion of the REDD+ scheme but also to ensure that the scheme builds legitimacy from the core actors whose efforts are required for long term sustenance of the scheme.
6.2 Recommendations

LAND TENURE

In order to engender local and international support for the REDD+ scheme, there is a need for the scheme to be operationalised in an arena of secure land tenure arrangements. The unclear land tenure regime has formed the basis for continual marginalisation of forest fringe communities in Ghana and has also been contributory factor to deforestation and forest degradation in Ghana. The REDD+ scheme therefore represents an opportunity where the rights of forest fringe communities will be legally recognised so that these communities will be motivated to partly take ownership and contribute meaningfully for the success of the scheme. There should therefore be political will by the central Government of Ghana to initiate the requisite reforms that are needed to clarify and reconcile responsibilities and rights to forest resources. The central Government could also enhance equity by specifically outlining the various roles, rights and responsibilities of forest fringe communities to forest resources in Ghana. It is also recommended that a portion of the financial incentives earmarked for REDD+ activities is directed specifically at strengthening the land tenure arrangements in Ghana since insecure land tenure is also a driver of deforestation in Ghana.

BENEFIT SHARING

The benefit sharing framework for the REDD+ scheme in Ghana should avoid some of the challenges associated with existing frameworks that do not provide any discernible means by which benefits reach forest fringe communities.

There is an urgent need for statutory provisions to be enacted to ensure that forest fringe communities are direct beneficiaries from any revenue received from the REDD+ scheme. The benefit sharing framework for the REDD+ scheme should also be delivered through a trusted mechanism by which issues of transparency and accountability are well addressed.

6.3 Future research directions

The study employed two themes, land tenure and benefit sharing approaches, to explore the implications of the REDD+ scheme for forest fringe communities. The study has offered useful insights on the relevance of the two themes and the need for some of the lessons to be incorporated in the design of the REDD+ scheme in Ghana to ensure that the scheme build national and international legitimacy and support.
A couple of future research directions have emerged from this research that could enhance the implementation of the REDD+ scheme in Ghana. One major issue that was frequently discussed in the research has been on the fact that benefit sharing arrangements in Ghana has been historically premised on the power play that exist amongst stakeholders and not necessarily on the de facto rights and responsibilities of stakeholders. There is therefore a considerable scope of research that could be directed towards explaining power play amongst stakeholders in the forest sector of Ghana and the extent by which it has influenced forest management in Ghana.

Also, Ghana commenced implementation of pilot projects for the REDD+ scheme in 2012. Any future research could therefore analyse the implications of the REDD+ scheme for forest fringe communities through actual community based surveys and field observations from the REDD+ pilot sites in Ghana.
REFERENCES


Davis, C 2010, *Governance in REDD+*, World Research Institute, Washington, DC.


Dumenu, WK 2010, Management of Timber Resources in Areas outside Forest Reserves in Ghana: The role of Stakeholders, Published Thesis, University of Freiburg, Freiburg.


Forest Carbon Partnership Facility (FCPF) 2012, REDD+ Readiness Progress Fact Sheet Country: Ghana, FCPF, the World Bank, Washington, DC.


Forestry Commission 2008, REDD+ Project Idea Note: Ghana, Climate Change Unit of Forestry Commission, Accra.


International Union for Conservation of Nature (IUCN) 1996, Communities and Forest Management, IUCN, Washington, DC.

International Union for Conservation of Nature (IUCN) 2009, REDD-plus and benefit Sharing: Experiences in forest conservation and other resource management sectors, IUCN, Washington DC.


United Nations Framework Convention on Climate Change (UNFCCC) 2011, Report on the Conference of the Parties on its Sixteenth Session, held in Cancun from 29 November to 10 December 2010, UNFCCC, Bonn.


APPENDIX 1 - INTERVIEW QUESTIONS AND KEY INFORMANTS CONTACTED

A. INTERVIEW QUESTIONS FOR REDD+ STEERING COMMITTEE

1. Kindly outline the major activities that will be considered as eligible to meet the objectives of the REDD+ scheme in Ghana?

2. What is the working definition of ‘benefits’ under the REDD+ scheme for the REDD+ steering committee of Ghana?

3. The REDD+ literature suggests that Ghana will embark on a national REDD+ scheme by early 2013. What is/are the proposed framework(s) for sharing of revenues (or benefits) from the REDD+ scheme to the various stakeholders?

4. To what extent will the benefit sharing framework(s) listed above incorporate the prevailing land and tree tenure regimes in Ghana?

5. How will forest fringe communities be incorporated in the national REDD+ scheme in general and any benefit sharing scheme in particular?

6. Thanks for your comments. If you have further comments on any of the issues presented in this survey, you may leave them here.

KEY INFORMANTS CONTACTED FROM THE REDD+ STEERING COMMITTEE, CLIMATE CHANGE UNIT, FC, GHANA

1. Mr. Robert Bamfo
2. Dr. Ernest Foli
3. Ms. Roselyn Zuta

B. INTERVIEW QUESTIONS FOR NGOs

1. What is the working definition of ‘benefits’ under the REDD+ scheme by your organization (Name of NGO provided)?
2. Do you think that forest fringe communities should receive benefits under the REDD+ scheme? Kindly explain your answer.

3. What attributes will you suggest for a REDD+ benefit sharing framework for Ghana that will minimize conflicts and reduce implementation costs?

4. Ghana has a pluralistic land tenure regime involving customary and statutory arrangements. What will be the implications of this land tenure regime on the REDD+ scheme for forest fringe communities in Ghana?

5. Thanks for your comments. If you have further comments on any of the issues presented in this survey, you may leave them here.

KEY INFORMANTS CONTACTED FROM NGOs

1. Mr. Abdul Razak Saaeed – Civic Response Ghana
2. Mr. John Mason – Nature Conservation Research Centre, Ghana

C. INTERVIEW QUESTIONS FOR LAND ADMINISTRATORS

1. The Constitution of Ghana prescribes a formula that is utilized for sharing of benefits accruing from customary lands in Ghana. How are issues of accountability addressed in the sharing and utilization of the revenue that accrues to the various stakeholders as prescribed by the Constitution?

2. Some stakeholders such as farmers and forest fringe communities are excluded from the share of revenue from forest resources on customary lands as a result of Ghana’s constitutional provisions. In what ways (if any) does this exclusion impact on sustainable forest management in Ghana?

3. Ghana has a pluralistic land tenure regime with overlapping customary/statutory ownership claims. To what extent does this tenure regime impact on sustainable forest management in Ghana?
4. What will be your recommendations for a benefit sharing framework under the REDD+ scheme that addresses equity and concurrently enhances the effectiveness of the scheme?

5. Thanks for your comments. If you have further comments on any of the issues presented in this survey, you may leave them here.

**KEY INFORMANT CONTACTED FROM LAND ADMINISTRATORS IN GHANA**

Mr Franklin Oppong-Obiri – Office of the Administrator of Stool Lands, Ghana

**D. INTERVIEW QUESTIONS FOR ACADEMIC RESEARCHERS**

1. Historically, forest fringe communities in Ghana have been excluded from the share of net monetary benefits received from forest resources. Do you think that forest fringe communities should receive monetary benefits under the REDD+ scheme? Kindly explain your answer.

2. What attributes will you suggest for a REDD+ benefit sharing framework for Ghana that will minimize conflicts and reduce implementation costs?

3. Ghana has a pluralistic land tenure regime involving customary and statutory arrangements. What will be the implications of this land tenure regime on the REDD+ scheme for forest fringe communities in Ghana?

4. Thanks for your comments. If you have further comments on any of the issues presented in this survey, you may leave them here.

**KEY INFORMANTS CONTACTED FROM NGOs**

1. Dr Ernest Abeney – Senior Lecturer, Kwame Nkrumah University of Science and Technology, Ghana.
2. Emmanuel Amoah Boakye – Analyst at Working Group on Forest Certification, Ghana.
E. INTERVIEW QUESTIONS FOR REPRESENTATIVES OF FOREST FRINGE COMMUNITIES

1. What rights do you have to forest resources in Ghana?

2. Why do you think that the Forestry Commission of Ghana engages you for the management of forests in Ghana?

3. Will you support the REDD+ scheme (explain the scheme to interviewee)? Have you taken part in activities related to the scheme?

4. Kindly give specific examples, if any, when your views and opinions on forest management was accepted and applied by the Forestry Commission? (A follow up reverse question was also asked)

5. Do you benefit from share of proceeds from forest resources?

6. How will you suggest that any benefit sharing scheme under the REDD+ scheme in Ghana should be designed for equity, effectiveness and efficiency to be attained under the scheme?

7. Thanks for your comments. If you have further comments on any of the issues presented in this survey, you may leave them here.

KEY INFORMANTS CONTACTED FROM COMMUNITIES

1. Mr. John Adusei – Community Member/ Farmer, Abofu, Ashanti Region of Ghana.
2. Mr. Alhassan Iddrisu – Community Member/ Farmer, Adjeikrom, Eastern Region of Ghana.
APPENDIX 2 - EQUITY RELATED DISCOURSES UNDER THE REDD+ SCHEME

Adapted from Luttrell et al (2012, p. 143 – 148)

The first equity related discourse is that benefits from the REDD+ scheme should go to actors with legal rights. These rights will be dependent on the prevailing land tenure as well as the closely related carbon rights associated with forest resources and are normally not straightforward. If the rights of forest fringe communities are not legally recognised, they will not be incorporated in any benefit sharing scheme that utilises this discourse as a basis for its design.

The second discourse is that benefits should go to stewards who have been credited with historical low emissions from forests. For example, communities that have historically been credited with sustainable management of adjacent forest resources are the ones to benefit from the REDD+ scheme as per this discourse. On one hand, such an approach could serve as an incentive for other communities to sustainably manage forests in order to be considered for benefits. However, a limitation of this discourse is that the REDD+ scheme is designed to reduce deforestation and consequently it becomes difficult to prove the additionality of previously well managed forests.

The third discourse is that benefits should go to actors that have incurred high costs as a result of the introduction of REDD+. However, costs in REDD+ include opportunity, transaction and implementation costs. Consequently, even if forest fringe communities should incur high opportunity costs as a result of massive alteration to their way of life with the implementation of the REDD+ scheme, the State may present and justify high transaction and implementation costs which will mean higher receipt of benefits based on the rationale of this discourse. Additionally, there is a risk of reward of actors who will incur high costs under the REDD+ scheme as a result of their engagement in illegal forestry activities in the first place.

The fourth discourse is that benefits should be shared with the actors that are important for the effective implementation of the REDD+ scheme. This approach is closely related to the effectiveness discourse and the danger here is that if incentives from the REDD+ scheme is deemed to be very lucrative, less powerful stakeholders such as forest fringe communities will be sidelined and lands may be forcefully appropriated from these communities. A benefit
sharing framework employing such a discourse as a basis for its formulation will therefore favour large commercial concessionaires (Costenbader 2011, p. 39).
APPENDIX 3 – ADDITIONAL EXPLANATORY FIGURES AND TABLE

Figure 6: Global anthropogenic greenhouse gas emissions

b) Share of different anthropogenic greenhouse gases in total emissions in 2004 in terms of CO2e.
c) Share of different sectors in total anthropogenic greenhouse gas emissions in 2004 in terms of CO2e.


Table 5: Features of well-functioning benefit sharing schemes

<table>
<thead>
<tr>
<th>Key area</th>
<th>Feature of benefit sharing mechanism</th>
<th>Results in…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Stakeholder engagement</td>
<td>Identifies stakeholders, consults with them, and builds local capacity for them to engage</td>
<td>→ Basis for determining incentives, builds ownership, trust and legitimacy</td>
</tr>
<tr>
<td>2. Incentive design</td>
<td>Estimates costs of people’s sacrifices, determines level, form and timing of benefit distribution</td>
<td>→ Clear and direct incentives for stakeholders to engage in REDD-plus activities</td>
</tr>
<tr>
<td>3. Delivery mechanism</td>
<td>Ensures proper procedures for reporting, auditing, and monitoring of benefit streams</td>
<td>→ General trust and legitimacy, and effective safeguards against corruption</td>
</tr>
<tr>
<td>4. Transparency provisions</td>
<td>Harnesses internal and external forces for increased transparency</td>
<td>→ Cost-effective, meaningful levels of accountability</td>
</tr>
<tr>
<td>5. Dispute settlement</td>
<td>Prepares for changes in agreements, adopts dispute settlement mechanisms</td>
<td>→ Avoids costly conflict, disciplines actors and reduces uncertainty</td>
</tr>
</tbody>
</table>

Source: IUCN (2009).
Figure 7: Forest zones of Ghana

Source: Donkor (2003, p. 13).