



1.3 Interactive forest governance for conflict management in Ghana

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This paper analyzes forest governance and conflict management in the Ghanaian forest sector from the perspective of forest experts.¹ It does so by applying interactive governance theory (Kooiman et al. 2005, 2008) to characterize the governing system in terms of governance modes, actors and elements.

Interactive governance

Interactive governance theory was developed by Kooiman and colleagues, who define the concept as “the whole of public as well as private interactions taken to solve societal problems and create societal opportunities” (Kooiman and Bavinck 2005: 17). It is used in this study because it facilitates an analytical understanding of the system to be governed, the governing system and governance interactions, and thus provides a sound basis for proposing interventions in forest governance and conflict management.



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The need to integrate conflict management in forest governance

Forest governance is high on Ghana’s development agenda. The government — together with international organizations, civil society and the private sector — is undertaking several initiatives to strengthen the governance process. These include the Ghana Natural Resource and Environment Governance (NREG) Review, the Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA) with the European Union to combat illegal logging and strengthen forest governance, and Reducing Emissions from Deforestation and Degradation (REDD+).

Widespread conflicts over forest and tree resources and the lack of mechanisms for conflict management undermine people’s livelihood sources and pose challenges to forest governance and sustainable forest management (Ostrom 1999; Yasmi 2007). According to

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the World Bank (2009), conflict management is a key building block of forest governance, but it has received little or no consideration in most of the ongoing governance initiatives in Ghana, except for the REDD+ process (FC 2010: 9, 63).

Understanding and finding the means to deal with conflicts related to forest and tree livelihoods became an important research area under the Governance for Sustainable Forest-related Livelihoods programme. The research was carried out as a joint effort of Tropenbos International Ghana, the University of Amsterdam and Kwame Nkrumah University of Science and Technology (KNUST) from 2008–2012. This article presents part of the research results, based on a review of literature, survey, interviews and a workshop with forest experts in 2010 aimed at obtaining data on their knowledge, views and perceptions of forest governance and conflict management.²

Forest governance in Ghana

Interactive governance theory distinguishes between three types of governance:

- hierarchical governance (by which the state intervenes and interacts with its citizens in a top-down style);
- co-governance (a collaborative approach, in which responsibilities are shared between the state and societal parties, who share a common goal, responsibilities and benefits); and
- self-governance (where actors take care of themselves, largely outside the scope of government).

Each of these governance modes exist in both customary and statutory governing systems. The three modes of governance coexist in Ghana, but a blend of hierarchical governance and co-governance prevails in the formal forestry sector. Self-governance dominated prior to the introduction of scientific forestry, when traditional authorities were in charge of forest management. It still occurs at the local level, in cases where traditional councils manage civil conflicts (e.g., incidences related to land conflicts which are non-violent) and deal with offenders without government influence or mediation by government officials.

Co-governance arrangements are rooted in the 1994 Forest and Wildlife Policy and its legislative instruments and have been influenced by the international forest dialogue. Ghana has seen increased integration of co-governance arrangements in the forest sector, as reflected in a range of joint decision-making procedures and benefit sharing arrangements (see also article 6.2 in this issue). However, the various civil society and state-initiated co-management and participatory governance arrangements have led to an increasing number of actors in forest governance, all with competing claims and interests. This is a key challenge hindering the governance process (Derkyi in press).

The shift from government to governance increased the diversity of actors involved, which has had tremendous implications for the role of the state, the relation between state and society and the role of the state versus other actors involved in the governing process, especially in Africa (Büscher and Dietz 2005). Although this increases complexity, and becomes a potential source of conflict from an interactive governance perspective, it also creates an opportunity.

The hierarchical mode of governance tends to prevail over co-governance. Although it is essential to govern a complex common pool resource such as a forest, governability is weakened when hierarchical governance overshadows co-governance. According to Kooiman (2008: 173), governability is the overall capacity for governance of any societal entity or system. This capacity can be assessed from the quality of the governance interactions between the system to be governed and the governing system. The forest experts who took part in the survey and workshop identified this as one of the weaknesses in Ghana's forest governance process, because most systems (i.e., rules, laws and institutions) governing local people's access to forest resources restrict this access. This leads to illegal use of forest resources and land use, resulting in conflicts (Derkyi, in press).

Diversity in governing structures

Usually three categories of actors in forest governance are distinguished: the state, market and civil society. In the transitional Ghanaian governance process, a number of actors do not fit neatly in one specific category. The authors therefore distinguish five governing structures in the national context: statutory, customary, civil society and hybrid, embedded in an overarching international structure (Table 1).

In the hybrid governing structure, actor groupings are mostly formed through a blend of two or more governing structures. It is essential to distinguish this mode from the other categories because actors "are often constrained or enabled in their actions by structures" (Bavinck et al. 2005: 29). The hybrid mode facilitates their continual change from one governing mode to another and allows them to operate at different levels of scale even though they are located at one geopolitical level. This enables them to act and align with other actors in a strategic manner.

Problems and challenges in the governance process

Despite the overall intention to move towards co-governance and ensure sustainable forest management, the forest experts at the workshop identified some challenges in dealing with forest conflicts, and their driving forces. Interactive theory refers to these as "images" — i.e., the facts, knowledge, judgements, etc. that steer and shape governance:

- Pervasiveness of conflicts over forest and tree resources, which the existing conflict management mechanisms are unable to minimize successfully;
- Weak institutional structures in the FC, especially in the Forest Services Division, in terms of inadequate field staff and poor logistics to fulfil its statutory mandates;
- Weak collaboration between FC, the judiciary and the police, leading to weaknesses in law enforcement and sanctions;
- Supremacy of the hierarchical governance style in the formal sector, which overshadows the co-governance style inherent in the decentralized structures in the various districts and the participatory initiatives based on the 1994 Forest and Wildlife Policy;
- Forest resource ownership and management are vested in separate actors (traditional authorities and governments, respectively) with the former having no role in forest management. This makes it difficult to reconcile statutory and customary systems and to manage conflicts constructively;

- Political and administrative will to address societal problems emanating from natural resource management are lacking because of the influence of politicians and powerful loggers; and
- Although the sector promotes collaboration among key forest stakeholders, achieving consensus and implementing co-management are often difficult because of the multiplicity of actors and their diverging views, interests and power positions.

Table 1. Forest actors/organizations by governing structure, Ghana

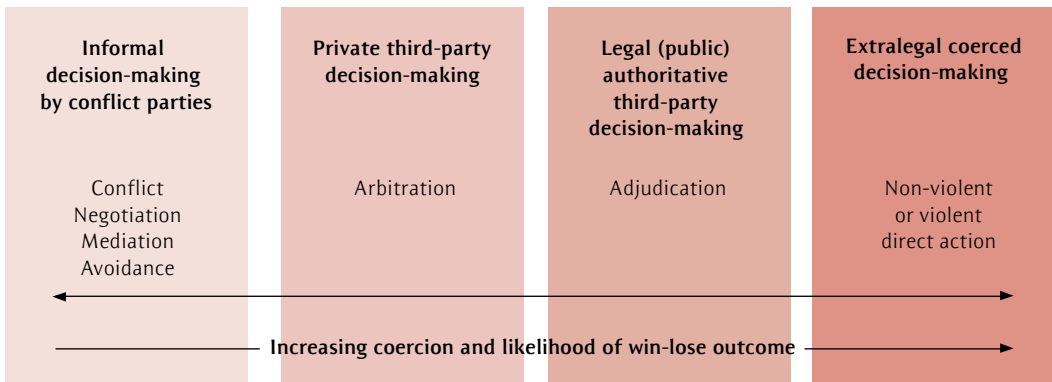
Governing structures	Actors/organizations
Statutory	The Ministry of Lands and Natural Resources
	The Forestry Commission (FC) and sub-divisions (e.g., the Forest Services Division)
	The Administrator of stool lands
	District Assemblies
	The Ghana Police Service
	The Ghana Judicial Service
	Academic institutions
	Research institutions (e.g., the Forestry Research Institute of Ghana)
Traditional or customary	A range of hierarchical levels in the customary governing structure, such as paramount chiefs (<i>omanhene</i>), divisional chiefs (<i>ohene</i>) and village chiefs (<i>odikro</i>)
	Various stakeholder groupings at the community level, such as collectors and users of non-timber forest products
Civil society	National and international non-governmental organizations, e.g., Care International, IUCN, Tropenbos International Ghana, Forest Watch Ghana (FWG) and the Rural Youth Development Association (RUDEYA)
Hybrid	Community-level actors, e.g., modified taungya system (MTS) farmers,* Community Forest Committees (CFCs) and Community Biodiversity Advisory Groups (CBAGs)
	The forestry forums representing a range of actors from the state, civil society, private sector, hybrid, customary and international governing structures
	The Forest Stewardship Council (FSC), consisting of representatives of both the market and the civil society governing structures
International	Tropenbos International, as well as international donors, such as the UK Department for International Development (DFID), FAO, the Royal Netherlands Embassy, the African Development Bank and the World Bank
	International academic and research organizations

* See article 6.2; Source: adapted from Ros-Tonen et al. 2010.

Conflict management strategies and challenges

Forest managers face several constraints in their day-to-day management of conflicts over forest resources. The instruments at their disposal include a range of strategies, which the authors categorized (Figure 1) based on the continuum of conflict management and resolution approaches by Moore (2003).

Figure 1. Continuum of conflict management strategies



Source: Adapted from Moore (2003: 7) by Korf and Engel 2005.

Among informal decision-making approaches, conflict avoidance appeared to prevail in chainsaw milling. When the offenders hear the FC/Military patrol team in the forest they try to escape, leaving behind the lumber and their working tools.

Negotiation and mediation are employed by timber contractors involved in conflicts related to social responsibility agreements (SRAs) and crop damage compensation to farmers. Timber operators and beneficiary communities use the SRA negotiation process, in the presence or absence of the District Forest Services Division (FSD) officer or local government representative. Officials of the District Forest Services Division (FSD) often mediate when SRA negotiations between timber operators and beneficiary communities are unsuccessful.

Arbitration occurs in the form of committees of inquiry, which assess conflicts such as illegal farming and logging in forest reserves and present recommendations for action.

Legal authoritative third-party decision-making, in the form of adjudication, takes place through the signing of affidavits by offenders. They pledge to desist from committing such offences again and are fined for the forest products they stole. This is a common practice in relation to illegal logging by legal timber contractors, although prosecution leading to a prison sentence of a number of years is also an option.

The last approach, coerced decision making, occurs when the FC/military/police team arrests illegal chainsaw operators through non-violent direct action or destroys illegal farms in the reserves. Violent clashes occur mostly in relation to illegal chainsaw

milling, either between chainsaw millers and an FC/Military team, or among chainsaw millers themselves, in the case of conflicts over money or log theft.

Challenges inherent in conflict management approaches

Forest managers face several challenges regarding these conflict management strategies.

Coercion: the use of coercion has resulted in hostility between FSD officials and actors engaging in forest offences. This has resulted in apathy among stakeholders (regarding providing support for forest management) and, even worse, in fighting and injuries.

Absence of the FC in the negotiation process: although the SRA guidelines mandate the District Forest Manager or his/her representative to be a witness during the negotiation process and to mediate when the need arises, officials are often absent during negotiation. This often results in a disagreement between community members and the timber contractor or within the community, leading to disputes that may escalate if not resolved in time.

Interference: In some instances, politicians and elites plead on behalf of the offenders, preventing them from receiving fines or imprisonment.

Unfair trade-offs: it is often difficult to arrive at a compromise that is acceptable to all parties.

Constructive conflict management

In order to ensure that constructive conflict management becomes an integral component of the forest governance process, workshop participants proposed strategies to be part of the governing system. These would accomplish several things:

- overcoming the governance challenges mentioned above;
- improving conflict management instruments; and
- institutionalizing conflict management in the forest sector based on challenges inherent in the prevailing conflict management approaches.

Overcoming governance challenges

Overcoming the governance challenges mentioned above requires a combination of strategies, including these initiatives:

- A decentralized and interactive approach to forest governance, with feedback loops during implementation;
- Sharing of responsibilities by the FC, with equitable benefits and power and cooperation with key actors in communities and the private sector; and
- Recognition of customary laws within statutory forest laws, with clear roles for traditional authorities.

These initiatives require fundamental changes, not only in forest governance reforms — such as those related to REDD+ or the Voluntary Partnership Agreement (VPA) between Ghana and the EU to combat illegal logging and enhance forest governance — but in the entire forest sector.

Improving conflict management instruments

The following recommendations are based on soft instruments that could complement existing forest legislation. This may create opportunities that are favourable to accommodating the multiplicity of actors and promoting effective interactions.

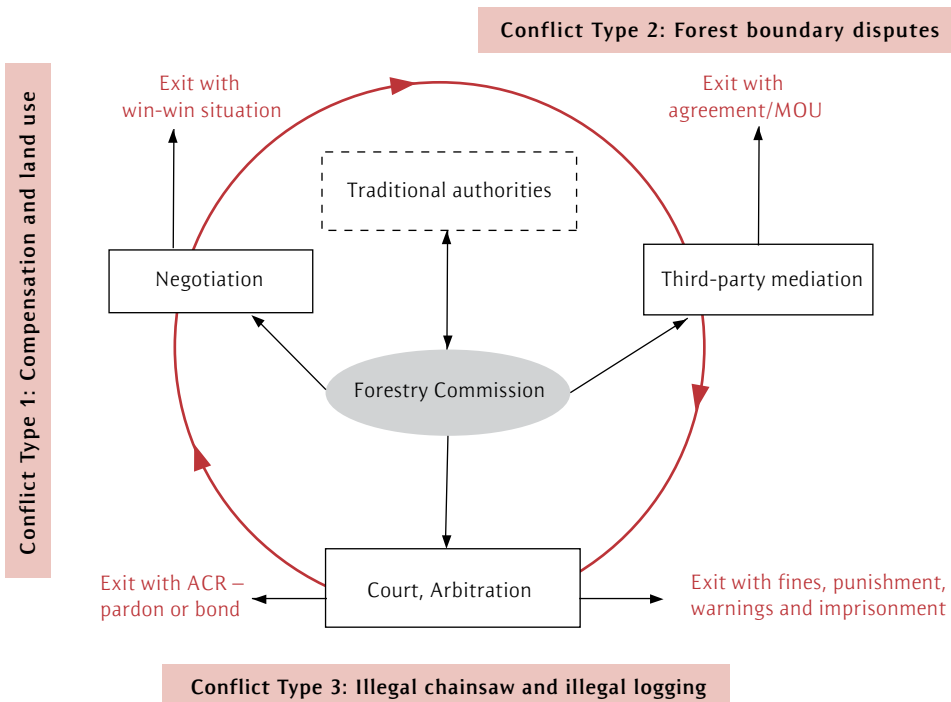
- Providing the FSD district offices with adequate human, financial, technical and logistic resources for the implementation of policy strategies and enforcement of laws and regulations;
- Strengthening the capacity of the FSD frontline staff, such as forest guards, range supervisors, customer service officers (where applicable) and district managers, particularly in conflict management. This will enable them to strengthen existing community-based organizations such as CBAGs and CFCs; and
- Creating a common platform that can redress grievances and address conflicts through dissemination and exchange of ideas, while ensuring people's empowerment through participation in decision-making.

Institutionalizing conflict management in the forest sector

Forest experts called for a unit within the sector specifically designed to manage conflicts and enforce laws, and to arbitrate, involve in adjudication, mediate, educate and have discussions with its stakeholders, clients and other sectors on an ongoing basis. They designed what they called an integrated conflict management (ICM) model to deal with forest-related conflicts (Figure 2).

Figure 2. Integrated conflict management (ICM) model

Designed by forest policy-makers and experts during a workshop held in Kumasi, Ghana (February 2010)



This model revolves around three key sources of forest and tree conflicts: those around (i) compensation and land use (e.g., illegal farming in forest reserves and crop damage compensation payments); (ii) forest boundary conflicts; and (iii) illegal chainsaw operations and logging. As seen in Figure 2, each of these conflict types is associated with specific conflict management strategies. In the proposed model, the FC is the mediating actor (provided it maintains close linkages with traditional authorities) who indicates the steps to achieve each solution.

Conflict type 1: Compensation and land use–related conflicts

- The priority is a negotiation process among conflict parties that leads to resolution.
- If the process does not work, an alternative is third-party mediation (e.g., FSD official, traditional leaders, a District Chief Executive).
- If the conflict remains unresolved, the Land Valuation Division under the Lands Commission must be called to assess the cost of the damage.
- If all these attempts fail, the parties could resort to legal proceedings.

Conflict type 2: Forest boundary conflicts

This includes admitted farms³ and the modified taungya system (MTS).

- The conflict management strategy must result in either an agreement or a memorandum of understanding (MOU) and should begin with negotiations between the conflict parties.
- If this does not work, third-party mediation (i.e., FSD, taungya heads and traditional leaders) must be explored.
- If mediation fails then conflict parties can form an arbitration team, with representatives from each conflict party, to facilitate a resolution.
- If these approaches fail, legal proceedings can be started.

Conflict type 3: Illegal logging or chainsaw milling

This approach starts with a legal battle with the offender in court, but the workshop participants acknowledged that either the FSD or the offender must have the option of settling the case out of court.

- This kind of conflict should be settled in court with an FC official as prosecutor.
- Arbitration could be used through administrative means by the FSD or through pardon with bond⁴ if the timber is intended for community development.

Implications for conflict management in ongoing forest governance reforms

Using interactive governance theory to analyze the governing system that steers Ghana's forest sector, this study identified various modes of governance and actors in Ghana's forest sector. The suggested governance reforms call for multi-stakeholder platforms for policy dialogue and the formulation and implementation of integrated conflict management models, the existence of which are themselves an indicator of good governance.

Nevertheless, if actors' interests are not transparently articulated and negotiated a weak governance process may result. Actors may seek individual and/or institutional benefits

instead of trying to achieve a common goal; this could lead to conflicts due to competing interests and claims.

The range of conflict management approaches indicated by Moore (2003) are present in the day-to-day management of forest resources in Ghana, but they face several constraints. Conflict management has not been accorded its rightful position in the governance process and in the sector's policy and programmes. The recognition of the need for conflict management in REDD+ is a positive sign; it needs to occur in other ongoing governance reforms, such as the VPA process. Such a process must consider complementing hard enforcement measures with soft enforcement mechanisms such as conflict management (Derkyi in press and Arts et al. 2010).



The forest experts involved in this study recognized that Ghana faces many forest governance challenges and that the prevalence of conflicts over forest and tree resources is just one of them. Constructive conflict management should be an integral component of the overall forest governance process, not just in REDD+ initiatives.

Acknowledgement

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Endnotes

1. In this paper forest experts include actors in the formal forest sector mandated to formulate policies (policy-makers) and implement policy guiding strategies (forest managers) as well as representatives of other governmental, non-governmental institutions and trans-national organizations who have a stake in decisions-making in forest and tree management in Ghana.
2. The perspectives of other stakeholders have and are going to be addressed in other publications.
3. Admitted farms are farms permitted to stay in forest reserves because they were there before or at the time of reservation.
4. Pardon with bond means that the community in question is to sign an affidavit not to fell trees for timber without a permit from the FSD.

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