

2022

CIVIC RESPONSE ANNUAL REPORT



Prepared by Civic Response

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ABOUT CIVIC RESPONSE

Civic Response is a leading Natural Resource and Environmental (NRE) governance policy advocacy organisation working to entrench resource rights.

Founded in 2003 in Accra, Ghana by a group of activists with experience in resource rights campaigns both locally and globally, Civic Response undertakes activities which address the policy needs of communities who depend directly on natural resources, particularly forests.

Our Mission

Civic Response seeks to change social arrangements that entrench marginalisation, exclusion and division as well as provide advocacy and networking support to self-organised citizens' groups in the natural resource and environment sector.

Our vision

We envision a just, productive, pluralistic and tolerant society collectively in control of its resources and systematically improving development opportunities for all citizens and communities.

Our History

Civic Response is a product of the thoughts of the founding members on how to enhance civic and citizens right for improved governance and accountability throughout the country for development and for resource rights to improve livelihoods of individuals, communities and national development.

'Student Parliament Project' was one of the first projects Civic Response embarked on in 2003 to improve the understanding and capacity of student

movements in governance. Following a workshop convened by CARE Ghana in Kumasi in the same year, seeking to mobilise NGOs in the forest sector for advocacy for forest governance advocacy from community to national level, the need arose to provide a secretariat for this forest sector advocacy group (now known as Forest Watch Ghana; FWG). Civic Response was unanimously agreed on by the participants in that meeting to host the FWG secretariat. This caused Civic Response to shift into the natural resources sector and remained as such with focus on natural resource governance and using same to achieve citizens' right and responsibilities in the natural resource sector. It became logical to remain in the natural resources sector as it employs lots of Ghanaians in both the informal and formal sector as well as increasing international focus and demand for legal timber. Legal timber cannot be achieved through just enforcement of forest sector laws but also citizens' mobilisation to demand respect for their rights and holding stakeholders accountable at local and national levels accountable because forest management is not only a technical issue but social arrangements as well.

Our Work

Currently, our work is divided into four main programmes:

Forest Governance: Forests are at the core of Civic Response's work.



Under the Forest Governance programme, we advocate for forest sector policy and legislative reform based on community tenure, management and enterprise development. We seek forest management systems that provide just, democratic and sustainable development at local and national levels. We are also

concerned about Chinese involvement in illegal natural resource exploitation especially Rosewood and illegal surface mining. Sadly, surface mining has become a major driver of deforestation even as LI 2462 Environmental Protection (Mining in Forest Reserves) Regulations has

opened up forest reserves and possibly, Globally Significant Biodiversity Areas (GSBAs) for surface mining. Surface mining has also become a major source of concern because of the environmental degradation, water pollution, destruction of cocoa farms among others and the impact on human health. We are working with communities to monitor, document and publish findings for advocacy. The lack of tree tenure for farmers and landowners is promoting deforestation. Civic Response is advocating for farmers and landowners to receive significant financial benefits from nurtured trees as an incentive to maintain trees on farms. Stakeholders' discussions on the registration of planted trees have stalled as the Information technology (IT) system to be used for the planted tree registration is still under development.

Minerals Governance: The focus of Civic Response in the minerals sector since 2016 is illegal surface mining. Civic Response in collaboration with Wacom and Kasa has been involved in evidence-based advocacy including “naming and shaming.” We are



Photo credit: Edem Srem

concerned about the destruction of our forest reserves by illegal surface mining with the involvement of politicians who appear to have no regard for the impact of their actions on climate change and the health of our cocoa industry. We are again concerned about Chinese involvement in the promotion of illegal surface mining and consequent environmental degradation and educating communities on how all these will come back later to affect their health and livelihoods negatively. With the latest discovery in the uses of Lithium and the discovery of lithium in Ghana, there are increasing fears that lithium mining will follow the same path as gold, diamond and bauxite with minimal financial returns to Ghana and

Ghana being saddled with further environmental degradation. The government has started discussions with the international private sector without any internal stakeholder discussions on what to expect and what policy directives and mitigation measures are going to be put in place to ensure mining will be done differently.

Climate Governance: In 2006, Civic Response got involved in the climate change/REDD+ discourse not only because of the impact of government decisions on communities in the long run but also to understand the on-going global discussions on climate change and their consequences for forest-owning communities.



The overall objective for our climate governance work is that democratic and development-right based responses are adopted and implemented. It is worth mentioning though that, our climate governance programme focuses on mitigation. We are working with communities to understand the causes of climate change, its impact, how communities' activities contribute to climate change, and how communities can support mitigation efforts. Over the last couple of years, we are also involved in the discussions on National Determined Contributions (NDCs) with specific interests in restoration and the involvement of communities and the private sector. We are aware of the importance of forests to the achievement of the NDCs and mobilising CSOs in the sector for capacity building and monitoring the implementation of forest sector NDC priority areas.

Land Governance: Current major challenges in the land sector include large-scale land acquisition for plantation development against carbon offsetting, biofuel development, as well as other agricultural commodities. Large-scale land acquisition by companies and individuals deprives community members, whose livelihood depends on access to these lands, their source of livelihood and getting further entrenched in poverty. Large-scale land acquisition has been on the ascendency in recent times, especially across Sub-Saharan Africa.



To regulate the spate of large-scale land acquisition, the Lands Commission has developed a draft national guideline on large-scale land acquisition, which spells out the roles and responsibilities of investors in large-scale land acquisition, as well as the limits of the size of land that can be acquired. It, however, does not limit multiple acquisitions of large-scale land acquisition. The guideline has no legal backing. Studies conducted by Civic Response into some of the large-scale land acquisition in Ghana has revealed that Free Prior Informed Consent (FPIC) was not applied in the large-scale lands acquired by investors and farmers were left at the mercy of the investors who decided how much to compensate affected farmers. The study revealed that farmers were compensated for cash crops. However, food crops were considered by the companies as flowers and not compensated for. The farmers were also not compensated for loss of access to their lands in situations where their lease had not expired before the land was taken away from them. Some farmers who were employed on the lands the companies had taken away from them indicated they earned less than 50% of what they used to earn when the land was in their care.

Security of land tenure for most farmers is an issue because they have no documented title deeds/agreements with the landowners on their farmlands. This makes them very vulnerable, insecure and the reason why they can easily lose the lands they are farming on to investors. Farmers are not able to undertake any long-term investments like growing trees because they lack secure land tenure. The insecurity of land tenure for

farmers is one of the drivers of deforestation. Civic Response's land governance campaign focuses on advocacy for a national land governance framework that is climate conscious and socially just.

In December 2020, the President of Ghana signed a land bill approved by parliament into law (Land Act 1036). Civic Response has been studying the Land Act so as to create community awareness on the Land Act for improved land governance and administration. Civic Response has since developed a simplified version of the Land Act 1036 for easy understanding and use by our community-level stakeholders.

Our approach to work:

Research

We undertake research in our various programme areas (forest governance, land governance, minerals governance and climate governance) to generate evidence for our advocacy campaigns.

Capacity Building

We organise training activities for our partner organisations in the natural resource sector in order to ensure consistency in the work we do with them. Our training activities also ensure that the community-based organisations we work with are able to identify and take up critical natural resource rights issues emanating from their own engagement with stakeholders at the local level. Our training activities also extend to local communities and sometimes government stakeholders.

Networking and Coalition Building

Civic Response currently hosts Forest Watch Ghana, the foremost coalition of organisations and individuals in the forest sector working to promote community-based resource management. We also work with networks both locally and internationally on resource rights issues. In Ghana, Civic Response is a member of the National Coalition on Mining (NCOM), Civil Society Coalition on Land (CICOL) and Kasa Initiative Ghana. We also work with the Rights and Resources Initiative (RRI) on land tenure issues,



FERN on Forest Law Enforcement, Governance and Trade (FLEGT) issues and the International Land Coalition. Civic Response is also a founding member of the Africa Community Rights Network (ACRN), a vehicle for community tenure rights campaign in Africa.

Advocacy

Advocacy is at the core of all our programmes. Civic Response campaigns for rights-based policy formulation and implementation in the areas of forests, land, climate change, and minerals. We believe that communities must be effectively engaged in making decisions about their land and other natural resources, which serve as their livelihood. They must also have an equitable share of the benefits that accrue from the exploitation of these resources.

MEET THE TEAM

BOARD OF DIRECTORS

	
Kyeretwie Opoku	Dzodzi Tsikata
	
Eiblin Ni Chleirigh	Coleman Agyeyomah

OUR STAFF



Kafui Denkabe
Administrator



John Azumah Kebir
Accountant



Albert Katako
Head of Programme



Elvis Oppong-Mensah
Programme Officer



Belinda Boator
Communications Officer

OUR ACTIVITIES & SUCCESSES IN THE YEAR

FOREST GOVERNANCE

Forest governance is a key advocacy area for Civic Response. Below is a summary of activities implemented in 2022 as part of Civic Response's forest governance campaign:

1. Real Time Monitoring (RTM)

In 2022, the *Embedding Community Real Time Monitoring to Sustain Livelihoods and Forests in Central and West Africa* project Civic Response has been implementing in collaboration with Rainforest Foundation UK (RFUK) came to an end after 4 years. The project sought to improve forest governance through more effective participation of forest communities and civil society thereby improving rights and livelihoods for forest peoples and promoting stronger environmental sustainability. Within the period, the capacity of communities was built to be actively involved in forest monitoring to assert their rights and hold duty bearers accountable. The project deployed the use of a mobile application on the Forestlink platform for Real Time Monitoring (RTM), which enabled communities to report forest infractions via SMS, videos and photos. Under the project, communities became conscious of their rights and responsibilities and assert them while being conscious of the rights and responsibilities of the other forest stakeholders. Communities also became aware of what constitutes legal infractions and used RTM as a tool to report them.

The project also built stronger links to FLEGT processes and forest monitoring tools such as the Ghana Timber Transparency Portal (GTTP)), as well as strengthened collaboration with the Forestry Commission (FC) of Ghana to enforce forest sector laws.

In all, about 375 community monitors from 75 forest-fringe communities in 17 districts across the country were trained to report forest infractions using the Forestlink mobile

application. However, Covid-19 restrictions in 2020 and 2021 interrupted the implementation of RTM which also led to a drastic reduction of the number of alerts sent on the platform. Community visits in 2021 and 2022, revealed that alerts were fewer as a result of the reduction of illegalities happening in implementing communities. However, the monitors admitted that there were still illegal activities happening in adjoining communities. Some technical challenges with mobile network connectivity and mobile devices also accounted for the drastic reduction of alerts.

2. FLEGT-VPA

Ghana was the first African country to sign and ratify the Voluntary Partnership Agreement (VPA) with the European Union in 2009 to trade in legal timber both on the domestic and international market. The VPA is therefore part of Ghana's domestic laws. Ghana has since 2009, been developing and testing the systems required for traceability, law enforcement, governance and monitoring.

In 2022, cabinet approved for the Parliament of Ghana to ratify extant leases as required by Act 547 (1998) and Timber Resource Management and Legality Licensing Regulations, 2017 to enable Ghana start the issuance of FLEGT licence timber. This was the final hurdle the country needed to overcome in order to issue FLEGT licence.

In 2022, the EU unilaterally decided to re-table confiscated timber as a prerequisite for the issuance of FLEGT licence. The EU wanted Ghana to restrict confiscated timber to the domestic market. Civic Response and other CSOs in the forest sector however objected this decision. As far as Civil Society was aware, the issue of confiscated timber was comprehensively addressed with the provision of legal basis as contained in Regulation 28 of the Timber Resources Management (Legality Licensing) Regulation, 2017 (L.2254) and data showing the negligible volumes in the Ghana Wood Tracking System (GWTS).

Consequently, confiscated timber is recognised as a legal source of timber and was accepted and included in the legality definition in the GH-EU VPA Agreement. Re-tabling the issue of confiscated timber and presenting it as a precondition to be addressed before moving toward licensing may unduly further delay or derail the VPA implementation process. Civic Response, therefore, joined forces with other CSOs in the sector to make our grievance known by issuing a communique to this effect in June 2022.

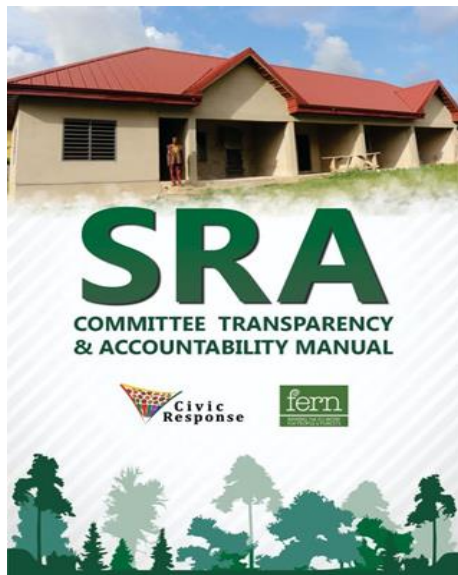
3. Social Responsibility Agreement (SRA)

Although progress has been made in tackling illegal logging in Ghana through the systems developed under the VPA, there is still the need for robust monitoring of forest governance activities. Effective forest monitoring requires the involvement of communities whose main source of financial benefit from forest management is timber companies' compliance with Social Responsibility Agreements (SRAs). While SRA compliance by timber companies has generally improved, some logging companies still fail to fulfil their social responsibility obligations to communities within the stipulated 5-kilometre radius of their logging operations or fail to negotiate and pay farmers compensation for crops destroyed during logging.

In 2016, Civic Response developed a SRA Training Manual to build the capacity of forest fringed communities on their rights and responsibilities as forest-fringed communities and to demand for and negotiate SRAs from timber companies operating in their forests. As part of the capacity building, communities were encouraged to form SRA communities which will negotiate and manage the funds received.

It is gratifying to note that most SRA beneficiary communities have used their SRA funds to develop community projects. However, SRA committees lack the capacity to

properly keep records to demonstrate transparency and accountability in the use of SRA funds to their communities.



Cover page of the manual

It is in this respect that in 2022, Civic Response published the SRA Committee Transparency and Accountability Manual which was developed a year earlier following a successful pilot in 2021 in some SRA implementing communities. The manual will support SRA committees with the skills to be transparent and accountable to their communities with the use of SRA funds. Civic Response has since commenced training SRA committees using the manual. Civic Response intends to train all SRA committees in its 17 district project areas.

4. Follow-up on District Assemblies Use of Timber Royalties

In 2020, the Ministry of Lands and Natural Resources (MLNR) in conjunction with Civic Response facilitated the development of the *Guidelines for District Assemblies Use of Timber Royalties* booklet. The guideline was developed collaboratively with 116 District Assemblies who are beneficiaries of timber royalties. It provides for the following allocations to be made to project areas:

60% for Communities Infrastructural Development

10% for Forestry Resource Development

30% for Recurrent Expenditure

The guidelines became necessary after studies conducted by Civic Response revealed that District Assemblies spend timber royalties on recurrent expenditures and other allowances but not on supporting forestry issues like the Community Resource Management Area (CREMA), forest forums, environmental challenges and social infrastructure development for communities. Even though the 1992 Constitution makes provision for District Assemblies to receive 55% of stumpage fees (after the Forestry Commission and Office of the Administrator of Stool Lands have deducted their shares) as timber royalties, it failed to mention how the funds should be used necessitating the development of the guidelines.

In 2022, Civic Response continued its follow-up visits to some district assemblies to find out how they are utilising their timber royalties. We observed that some district assemblies were unaware of the existence of such a guideline due to staff turnover. Others proposed a review of the percentages. Officials of Juaboso Municipal Assembly, in particular, proposed reducing the percentage for community development to 40% describing the current 60% as unrealistic. They argued that if majority of funds go to project development there will not be enough funds to run the office let alone fuel vehicles to monitor community projects. They admitted that funds from timber royalties are still being used for recurrent activities. Nonetheless, the assembly has constructed 4 boreholes in 4 communities with funds received from timber royalties. The communities are Eteso community, Sayerano, Agyemaninena and Kwabenkrakrom. The projects are yet to be labelled as SRA projects as recommended. The Timber Management Royalty Committee which is also recommended in the guidelines document, is also yet to be established.



5. EUDR and Cocoa

Civic Response along with other CSOs in the forest sector participated in several online and in-person meetings with officials of the European Union to raise concerns about the EU's unilateral approach to the development of the European Union Deforestation Regulation (EUDR) and hence ignorant about the consequences and impact of the EUDR (when it come into force) on small holder farmers. Unlike the VPA which was negotiated through a multi-stakeholder process to ensure common understanding and consensus building based on national laws, the EUDR was based on international laws and definition of deforestation and degradation, laws and definition which were quite alien to our local farmers.

This triggered the interest of Civic Response to engage in the cocoa sector to create awareness among cocoa farmers in our operational communities on what is coming to hit them and to prepare them towards the enforcement of the law. One significant aspect of the EUDR is about the use of child labour in cocoa farming and there is the need for farmers to understand what constitutes child labour.



A meeting with some cocoa farmers at Bofaaso (Western North Region)

6. Forest Watch Ghana

In 2022, Civic Response continued to serve as the secretariat of Forest Watch Ghana (FWG), the national campaign vehicle of civil society organisations and individuals committed to the rights of poor forest users.

In its capacity as the coalition's secretariat, Civic Response successfully organised the FWG annual general meeting (AGM) and a general meeting (GM), during which issues relevant to the forestry sector were discussed. Members also shared updates of their activities.



Aerial view of the Achimota Forest in Accra
(Photo Credit: Edem Srem)

In 2022, FWG in collaboration with the Legal Working Group in Forestry and other CSOs in forestry, embarked on a campaign to halt the de-classification of portions of the Achimota Forest as a forest reserve. The president of Ghana under Executive Instrument 144 lifted the 1927 classification of the Achimota Forest in the Greater Accra Region as a Forest Reserve, paving way for its redesignation, reclassification, sale and development by other interests.

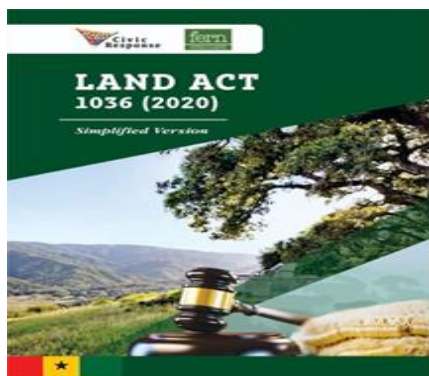
The Executive Instrument was gazetted on behalf of the president on 19th April 2022 and came into effect on 1st May 2022. Per this Executive Instrument, a fourth of the original size of the gazetted forest has been chipped away. This decision by the president did not sit well with FWG. Therefore, FWG issued a couple of press statements advocating for government to rescind its decision. Even though the president is yet to rescind his decision, FWG and for that matter Civic Response, remain committed to this campaign.

LAND GOVERNANCE

Civic Response's land governance campaign is focused on advocacy for a national land governance framework that is climate-conscious and socially just. Civic Response, therefore, campaigns to ensure that the acquisition of land for commercial purposes does not affect the rights of vulnerable community members.

1. New Land Act 1036 (2020)

Ghana passed the new Land Act 1036 (2020) into law in 2020. The Land Act 1036 revised, harmonized and consolidated all land laws to ensure coherence and sustainable land administration and management, effective and efficient land tenure. Civic Response has since compared the content of the new Land Act to the Land Bill to ensure consistency. Land Administration and Land Management make up 93% of the new Land Act 1036. This is an indication of where the focus of the Act is bearing in mind that at independence in 1957, Ghana's population which was less than 8m, increased to 30m people in 2020. An increase in population generates more pressure on land for urbanization, food security and farming among others.



Cover page of the simplified version of the Land Act developed by Civic Response

There are two (2) categories of land ownership in Ghana. Public or State lands constitute 20% of Ghana's lands and are vested in the President and held in trust by the State for the entire people of Ghana. Public or State lands are lands taken from stools, skins or families for the national good for which the state must pay compensation to the appropriate stool, skin or family from which the land was taken. Stool lands, skin lands, family lands and individual lands constitute 80% of lands in Ghana and are held in trust by chiefs, skins and family heads for their constituencies. In 2022, Civic Response developed and published a simplified version

of the land act which will be used to engage local communities to understand their rights in the new land Act.

2. The Impact of APSD Plantation Video Documentary

Civic Response, around 2016, during a community forest forum in the then Atebubu District now Atebubu-Amantin Municipal District had information that a company Known as African Plantation for Sustainable Development (APSD), a Norwegian company, had acquired 42,000 hectares of land with 50 years lease at Atebubu in the Bono East Region of Ghana. The company intended to plant eucalyptus on 22,000 hectares of the acquired land to power a 60 megawatts biomass power plant in the district by 2021.

The company intended to produce 600 megawatts of power in the long term which according to APSD, will require 180,000 hectares of land in the district for eucalyptus plantation development.

In November 2016, Civic Response issued a report which stated that APSD's plantation development approach was not socially, economically, and environmentally friendly.

In 2022, Civic Response went back to the community to assess the impact of the APSD plantation on the locals. Community members recount incidents of physical abuse, invasion of privacy, harassment, unpaid wages, loss of livelihood as well as failed promises as captured in a video documentary. Link below

https://youtu.be/9_-MscnBTHE

3. Strengthening Communities Capacities to Respond to Land Rights and Human Rights Abuses from Land Grabbing Using Real Time Monitoring Project

Following the APSD impact documentary, Civic Response secured funding from Rights and Resources Initiative (RRI) to implement the *Strengthening Communities Capacities to Respond to Land Rights and Human Rights Abuses from Land Grabbing Using Real Time Monitoring* project. The project seeks to assist Chiefs, especially in communities in Atebubu to undertake strategic analysis of the consequences of their actions, count the losses they are making due to wrong decisions and enable them make more strategic decisions to keep land in the hands of the communities and improve income through better and more transparent land administration and management.

The project also seeks to introduce the cocoa model into plantation development. In the cocoa model, land ownership remains in the hands of communities that produce the cocoa with chiefs receiving their share through prevailing benefit-sharing arrangements. This prevents investors from taking away lands from communities.

Discussions with the Lands Commission in July 2022 revealed that a consultant is being recruited to develop the road map in preparations to develop the Legislative Instruments (LI) for the enforcement of the new Land Act 1036 which was passed in 2020. The project also seeks to build concrete evidence from the work in Atebubu and Sene to inform the development of the LI to include ensuring that draft guidelines for large-scale land acquisition developed in conjunction with the Lands Commission in 2018 as well as Free Prior Informed Consent (FPIC) processes are incorporated into the LI.

The LI is the 3rd in the hierarchy of laws after the Constitution and Acts of Parliament.

SUSTAINABLE DEVELOPMENT GOALS (SDGS)

As the world continues to look for clean alternatives to fossil fuels, wood biomass energy emerged as a renewable energy source. The biomass energy industry turns trees into wood pellets, which are then burned as a source of power.

Although biomass energy creates long-lasting impacts on the environment and for that matter emissions, it was captured under the land and forestry sector and not the energy sector in the Kyoto Protocol. This implies that burning wood for biomass will not be counted in the Energy sector but rather in the Forest, Land and Agriculture sector. This creates an erroneous impression that developed countries are emitting less and developing countries where the wood is coming from are emitting more and also because wood is classified as renewable energy. We fear this will lead to an increase in the demand for wood and developing countries being blamed for polluting more. The demand for large-scale land in developing countries by external investors for plantation development is leading to the loss of biodiversity and abuse of communities' fundamental human rights which should be a cause for concern. Civic Response raised this concern at the biomass side event at COP27 in Egypt.

RESOURCE MOBILISATION



In 2022, Civic Response undertook the following projects:

- Civic Response in conjunction with Fern (based in Brussels and London) is working on Consolidating good governance, tackling illegalities in Ghana's forest sector. Under this project, Civic Response will be working with two sector ministries to develop guidelines for District Assemblies' use of timber royalties; document timber companies' compliance with forest sector laws, especially SRA fulfilment, and compensations for destroyed crops.
- Civic Response in conjunction with Rights & Resources Initiative is working to strengthen communities' capacity to respond to land rights and human rights abuses from land grabbing using Real Time Monitoring. Under this project, Civic Response will assist Chiefs undertake strategic analysis of the consequences of their actions, the losses they are making due to wrong decisions and more strategic decisions that can be made to keep land in the hands of the communities and improve income through better and more transparent land administration and management.

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