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 contribute to the country’s development. The original concept as the name reflects is broadly about helping Ghanaian communities. The focus was on individual rights (not necessarily on resource rights) and promoting power of civic institutions.

‘Student Parliament Project’ was one of the first projects Civic Response embarked on in 2003. The aim was to improve the politics of student movement. However, following a workshop convened by CARE Ghana in Kumasi in the same year, seeking to create a forest sector advocacy group,
the need arose to provide a secretariat for this forest sector advocacy group (now called FWG) and 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 forest governance. It became logical to remain in the natural resources sector as it employs lot of Ghanaians in both the informal and formal sector.

Our Work
Currently, our work is divided into three 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. We seek forest management systems that provide just, democratic and sustainable development at local and national levels.

**Minerals Governance:** The focus of Civic Response in the minerals sector is the salt sub-sector. This sub-sector has many community rights challenges but little advocacy attention. Nevertheless, from the year 2016, we started paying attention to mining in forest reserves and have become a major part of the campaign against mining in forest reserves.
Climate Governance: In 2006, Civic Response got involved in the climate change/REDD+ discourse 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-rights based responses are adopted and implemented. It is worth mentioning though that, our climate governance programme focuses on mitigation.

Apart from the three main areas, other areas Civic Response has worked at over the years are:

- Water rights campaign (access, distribution, privatization)
- Campaign by the people of Ada to regain control of their Songhor Lagoon which has been their main source of livelihood
- Frequency spectrum: this is directly linked to the struggle by the people of Ada over broadcasting right to operate a community radio; an awareness that communities’ access to frequency spectrum as a natural resource is an issue
- Health delivery, national health insurance
- Education

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 into 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. However, 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 and 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 earn 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.
MEET THE TEAM

BOARD OF DIRECTORS

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<tr>
<td>Kyeretwie Opoku</td>
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<td>Dzodzi Tsikata</td>
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<td>Eiblin Ni Chlerigh</td>
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<td>Coleman Agyeyomah</td>
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OUR STAFF

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<tr>
<td>Kafui Denkabe</td>
<td>Administrator</td>
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<td>John Azumah Kebir</td>
<td>Accountant</td>
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<td>Albert Katako</td>
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<td>Samuel M. Mawutor</td>
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<td>Elvis Oppong-Mensah</td>
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<td>Jemima Opare-Henaku</td>
<td>Communications Officer</td>
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FOREST GOVERNANCE

Forest governance is a key advocacy area for Civic Response and received a lot of attention during the reporting period. Below is a summary of activities implemented in 2018 as part of Civic Response’s forest governance campaign:

*Developing national SRA database to continuously monitor timber companies’ compliance with their social and fiscal obligations*

Timber companies’ compliance with Social Responsibility Agreements (SRAs) has become an important component of forest law enforcement. Unlike in the past when timber companies could take advantage of the ignorance of communities and evade SRA fulfilment, now the onus lies on timber companies to ensure they fulfil SRA before they can be issued FLEGT licences or export permit.

In this regard, Civic Response and Forestry Commission jointly embarked on developing an SRA database to provide information on SRA for all Timber Rights issued effective 2017 as the baseline. Civic Response, in July 2018, trained over 90 FSD officials including regional managers, district managers and district assembly staff on information requirements for populating the SRA database. Hence, Civic Response staff will go around FSD offices in 15 forest districts to collect SRA information to populate the database.
Guidelines to ensure transparent and accountable use of forest royalties by District Assemblies

Section 6.1.1 of the 2012 Forest and Wildlife Policy reads, “Decentralize forestry governance systems to local levels to ensure transparency, accountability and equity and to define the roles of Traditional Authorities, local government (District Assemblies), NGOs, Community Based Organizations (CBOs) in forest and wildlife management.” District Assemblies are one of the constitutional beneficiaries of forest royalties; receiving 55%. However, the Constitution did not prescribe what the District Assemblies should use the forest royalties for. It is on record that most District Assemblies have used it to fill in the gaps in their administrative overheads and have hardly been transparent or accountable in its use.

There have been on-going discussions among forest stakeholders (including Civic Response) on the need to develop guidelines for District Assemblies' use of forest royalties which should address issues of transparency, accountability, as well as ensure part of the forest royalties is ploughed back into forest resource governance and management.

Supporting communities to realise their tree tenure benefits and improve forest management

In 2018, Civic Response validated the draft guidelines for District Assemblies’ use of royalties developed in 2017 with a cross section of stakeholders. The validated guideline is now available through nationwide stakeholder consultation to receive inputs from all District Assemblies for its finalization. The nationwide stakeholder consultation would be done in conjunction with the Ministry of Lands and Natural Resources, and the Ministry of Local Government and Rural Development in 2019.
CSO-led Independent Forest Monitoring

Ghana signed and ratified the Voluntary Partnership Agreement (VPA) with the European Union (EU) in 2009 with the objective of trading in legal timber in both the domestic and international market. The FLEGT-VPA process provided the vehicle for Ghana to improve forest governance, identified as one of the major underlying causes of illegal logging in the country. The multi-stakeholder approach used in the VPA process ensured that the concerns of all stakeholders were incorporated in the design and implementation of the agreement. Article 16 of the Ghana-EU VPA document makes provisions for stakeholder involvement in the VPA implementation process. CSOs decided to enhance civil society led independent monitoring to promote law enforcement, transparency and access to information.

In 2018, Civic Response supported representatives from CSOs to participate in the Timber Validation Department's (TVD) audits of operations of timber companies to see the extent to which companies were complying with law enforcement and the trend of illegalities.

Civic Response also trained, equipped and supported 30 community monitors to send alerts on infractions using the Forestlink Real Time Monitoring systems.

Civic Response then produced a 15 minutes video on CSIFM and is available on YouTube.
Monitoring VPA implementation

The multi stakeholder deliberative process established in the forestry sector through the VPA has changed the decision-making dynamics in the forest sector from government-led decision-making processes to multi stakeholder-led decision-making process which creates ownership of decisions taken, enhances enforcement and is more sustainable. A key structure in VPA implementation is the Multi Stakeholder Implementation Committee (MSIC), which oversees the VPA implementation ensuring transparency, accountability and respect for timelines. CSOs have two seats on MSIC. MSIC held three meetings in 2018 with one of the meetings being convened at the instance of CSOs.

In support of the transparency requirements of the Forestry Commission as enshrined in Regulation 76 of LI 2254 of 2017, Civic Response in conjunction with the FC developed a web portal (Ghana Timber Transparency Portal; GTTP) on the Ghana Wood Tracking System (GWTS) which makes information from the GWTS directly available to the public (local and international) in real time through the web portal. The portal can be accessed via the url: www.ghanatimbertransparency.info

The GTTP was launched in March 2018 at an international timber fair organized by BV Rio.

The GTTP was further demonstrated to the international forest and timber stakeholders in Chatham House, London, UK in November 2018.
MINERALS GOVERNANCE

The major advocacy issues in mineral governance in 2018 was the fight against bauxite mining in Atiwa Range Forest Reserve and Tano Ofin Forest Reserve in Nyinahin. Both reserves are Globally Significant Biodiversity Area (GSBA) and serve as source of water for several communities in Eastern, Greater Accra, Western, Ashanti and Brong Ahafo regions. The campaign against mining in Atewa Range has been led by A Rocha Ghana in conjunction with Forest Watch Ghana (FWG) members, of which Civic Response is part.

In 2016 and 2017, CSOs did a lot of push back on efforts to mine illegally in major forest reserves in Ghana but surprisingly, by the close of 2018, a major forest reserve in Bekwai lost about 24000 acres of forest due to surface mining. These are very worrisome concerns in the face of efforts to address impacts of climate change.
LAND GOVERNANCE

Civic Response analysed and shared comments and inputs into the Land bill before parliament. Below are the key inputs submitted by Civic Response to Parliament:

**Civic Response inputs into the on-going discussions on the Ghana Land Bill**

Civic Response wishes to submit five (issues) below on the draft land bill for consideration. The relevant sections are quoted, the issues mentioned and suggestions for rewording provided.

1. **Section 14(4) reads, “A Customary Land Secretariat shall at the end of every six months submit to the Lands Commission and the Office of the Administrator of Stool Lands records of each transaction recorded by the Customary Land Secretariat.”**

   **Suggestion:** This is good but does not make provisions for the CLS to be accountable to the stool, skin or family as well as the subject of the stool, skin or family. This can be addressed by inserting these two new subsections to read:
   
   a. “The Customary Land Secretariat shall make available information on records of land transactions to the public on request.”
   
   b. “A Customary Land Secretariat shall at the end of every six months submit to the Traditional Council records of every transaction recorded by the Customary Land Secretariat.”

   **Reason:** Section 13(2) has stated that the stool, skin, clan or family should be accountable and transparent to their subjects, but did not state how they have to account to their subject. The creation of the Customary Land Secretariat is a good window to ensure that the stools, skins, clans or family heads accounts to their subject by making information on transaction available to the public.

2. **Section 47(12) reads, “A lease of bare public land granted by the Republic to a citizen of Ghana is subject to automatic renewal for a further term of not less than fifty years when the lease expires and on terms agreed upon by the parties.”**

   **Issue:** Public lands are acquired from stools, skins or families for use by the state for the public good. Where the state no longer has use for the land for public good, the land ought to be returned to the stool, skin or family that provided the land and not to a citizen. If 47(12) remains as it is, we are encouraging citizens encroachment on public lands and we are creating room to legitimize citizens who have encroached on public lands. We think 47(12) should be removed from the bill.

3. **Section 47(22):** reads, “The holder of an allodial title shall not take over land under subsection (21) without
(a) prompt payment of fair and adequate compensation which in any case shall not be less than forty percent of the plots of land or the market value of the plots of land being taken over, or

(b) where possible, providing suitable alternative land to the holder of the usufructuary interest in respect of the land.

Issues

a. The compensation should also take into accounts the food crops and other investment made on the land by the person who the land is being taken from. The current provision as it stands has only taken into account the value of the land but not the investments like food crops among others.

b. Section 47(22) as it stands does not include provisions for Free Prior Informed Consent (FPIC) of the people who will be losing their lands. We recommend a provision for FPIC be included in 47(22)a

Suggestion

47(22)a should therefore be amended to read “Free Prior Informed consent; prompt payment of fair and adequate compensation which in any case shall not be less than forty percent of the plots of land or the market value of the plots of land being taken. Compensation should include compensations for crops and other investments made on the land.”

Reason: Ghana has signed on to international protocols like, UNFCCC safe guards, United National Declaration on Rights of Indigenous People (UNDRIP)(article 10) which all require countries to apply the principle of “free, prior and informed consent”(FPIC) of communities when it comes to the acquisition of lands.

FPIC will safeguard the rights of the communities where the fiduciaries act on their own and without the recourse to the good of the community. Land acquisition in Ghana is a challenge, therefore provision needs to respect the challenge and allow for a more participatory and transparent process.

4. Section 99(4) reads: For the purposes of subsection (3), large scale land disposition means disposition of land or interest in land which exceeds ten acres for residential purpose and fifty acres for agricultural, civic, cultural, commercial or industrial purpose.

Issue

Section 99(4) sets the lower limit for large scale land acquisition / disposition but does not set an upper limit for large scale land acquisition. This makes room for anyone with the capacity to acquire as much land as the person can afford and therefore depriving future generations of access to land.
The bill does not also restrict people from the number of large scale land acquisition an individual or organization can have.

**Recommendation**

We recommend an upper limit for size of large scale acquisition be set in the bill and also recommend that bill includes the number of large scale large scale acquisition an individual or an organization can have.

5. **Section 99(5):** reads “Where the Regional Lands Commission fails to grant or give notice to the applicant of refusal to grant on stated grounds within three months from the date of presentation of a valid document, the consent shall be deemed to have been granted and the Land Registrar shall proceed with the registration process.”

**Suggestion:**
Section 99(5) should be amended to read “The Regional Land Commission shall within three months from the date of application shall give notice of grant or refusal with reasons”

**Reason:** Section 99(5) in its current state can led to abuse of power and corruption and at the end will make the safeguard in section 99(3) redundant. A Regional Land Commissioner can deliberately decide not to act knowing very well that after 3 months, consent would have been deemed to be granted.
RESOURCE MOBILIZATION

In 2018, some projects came to an end while others began:

- The FAO funded Civil Society-led Independent Forest Monitoring implemented under the auspices of the FAO-EU FLEGT Programme came to an end in December 2018. At the same time, FAO has accepted another project proposal from Civic Response on monitoring and documenting impact of VPA implementation in Ghana. The VPA impact monitoring framework has seven impact monitoring indicators: Market Performance, Revenue Generation, Livelihoods, National VPA Deliberative Processes, Forest Governance and Forest Conditions. Civic Response will be reporting on Livelihoods, National VPA deliberative processes and an aspect of Forest Conditions.

- Civic Response in conjunction with Rainforest Foundation UK (RFUK) is working together to enhance and consolidate the work on Civil Society-led independence forest monitoring began under the FAO-EU FLEGT Programme. Under this project, Civic Response will support about 50 communities to monitor and report forest infractions with the use of a mobile app. This project is being implemented in conjunction with the Forestry Commission as part of its efforts to ensure law enforcement and reduce illegalities.
- 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 is also working with CARE Ghana under the Yensore programme which seeks to strengthen core partners’ capacity to influence government and private companies in the mining, oil & gas and forest sectors. The programme will deepen the focus on rights and access to productive resources and economic opportunities as well as community resilience and adaptation to climate change. The capacity of core partners will be strengthened to systematically collect and document evidence, rights abuses by extractive companies and other power holders.