

Rights and Resources Initiative  
Ghana ER-PIN Assessment  
Date of Submission: 7 March, 2014

**Grading for ER-PIN Assessments:**

Color	Qualification	Analysis
Green	The indicator is clearly addressed and supported by country stakeholders and other sources of evidence;	Reasons for attributed grade should be clearly stated and supported by evidence.
Yellow	The indicator is partially addressed, ER-PIN claims are contested, and/or supporting evidence is weak;	
Red	The indicator is not addressed or is mentioned but not defined/explained, nor supported by evidence and local stakeholder input.	

**Section 1: ADVANCING INDIGENOUS AND COMMUNITY RIGHTS TO LAND AND FORESTS:** To what extent does the proposed emission reduction program protect and advance the rights of Indigenous Peoples (IP) and local communities (LC) to land and forests within REDD+ systems and processes?

**1) Stakeholder participation in ER-PIN planning and ERP design**

Grade	Indicator	ER-PIN Assessment
	1a) The ER-PIN design process shows evidence of full and effective engagement of locally affected populations and vulnerable groups, including women, indigenous peoples and local communities	The ER-PIN presents a brief description of the stakeholder engagement around the ER-PIN, which included several meetings over a one-year period. From these, at least two multi-stakeholder workshops were held that included civil society and traditional authorities (ER-PIN, pp. 37-38)
	1b) The ER-PIN presents a clear and realistic approach for ensuring IP/LC involvement in the design and implementation of the full ER Program	A specific plan for ER Program design is not included in the ER-PIN, however it states that ER Program design will be integrated into remaining overall readiness activities. Communities have a proposed role in the implementation of the ER Program, especially in the CREMA communities where there are already local-level institutional structures established for wildlife (and forest) management. The role of communities in the monitoring and reporting systems is less clear (ER-PIN, p. 39).

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**2) Land and forest tenure**

Grade	Indicator	ER-PIN Assessment
	2a) Robust tenure assessments in the geographical area of the proposed ER Program were conducted as part of the SESA	The SESA is not yet concluded, however, the SESA ToR included work on tenure. Also, there is no systematic assessment and description of tenure regimes at the community level, particularly the numbers of communities implementing CREMAs, MTS, or other resource tenure agreements with the Forestry Commission and how that correlates with local drivers (ER-PIN, pp. 59-60).
	2b) Land and resource tenure assessments were publically vetted and endorsed by all concerned stakeholders;	The ER-PIN describes briefly land and resource tenure on the country (ER-PIN, pp. 59-60), but does not present stakeholder input nor how these matters were dealt within consultations.
	2c) The land use / land tenure context of the proposed ER Program, including implementation risks (conflicting claims) and available arbitration processes is well defined.	The ER-PIN includes a description of land use and tenure regimes in the proposed ER Program area (ER-PIN, p.17). The ER-PIN also states that “there are no known conflicts of significant scale” ongoing in the proposed ER Program area (ER-PIN, p. 59). The USAID tenure study for Ghana however concludes otherwise. <sup>i</sup> Furthermore, according to a consultancy report on the development of dispute resolution mechanism in Ghana <sup>ii</sup> , conflicts are mostly solved through a trial before a judge (Consultancy Report, p. 4). And an alternative dispute mechanism with legal backing was recently established, but it excludes environmental issues and could not be used to solve REDD+ processes (Consultancy Report, p. 5).
	2d) The process for addressing emerging land and forest tenure issues (e.g., conflicting claims, tenure insecurity for IP/LC and women) is clearly defined in the ER-PIN	Ghana is reportedly moving forward with reforms to the tree tenure system, but the scope and pace of those reforms are not described in the ER-PIN, and the possibility that that process moves more slowly than hoped is identified as a risk (ER-PIN, p. 36).

### 3) Assignment of rights to forest carbon

Grade	Indicator	ER-PIN Assessment
	3a) The legal framework for carbon rights is defined in the ER-PIN	The ER-PIN states, "At present there is no legislation in Ghana which pertains directly to carbon, meaning that ownership rights or exploitation/transaction rights cannot be stated with any level of certainty and this presents a risk for REDD+" (ER-PIN, p. 60).
	3b) The process for dealing with contested and/or overlapping land, forest and carbon claims is defined.	The ER-PIN states "land tenure in the program is quite clear" (ER-PIN, p. 59) and does not describe any particular process for dealing with land related issues. Nevertheless, a consultancy report on dispute resolution mechanisms mentioned in question 2c affirms that "land and forest resource tenure has been a major issue in Ghana and in the last decade" (Consultancy Report, p. 12). The report does not specify the process for dealing with these issues and highlights the need of developing a specific dispute resolution mechanism (DRM) (Consultancy Report, p. 33).
	3c) The legal basis for the transfer of ER titles is defined.	The process of transferring title to ERs is not discussed in the ER-PIN (not required at this stage), nor in the benefit sharing study. Mid-Term Report states a National Expert Consultation on Allocation of Terrestrial Carbon Rights with a focus on tenure and carbon rights is planned. <sup>iii</sup>

### 4) Equitable benefit sharing and non-carbon benefits

Grade	Indicator	ER-PIN Assessment
	4a) The ER-PIN presents a transparent and verifiable process to equitably share carbon-related benefits (e.g., REDD+ revenue streams).	The ER-PIN does not present a transparent and verifiable process. It does, however, clearly describes the planned steps to develop the benefit sharing system (ER-PIN, pp. 61-63), many of which have been completed over the year since the ER-PIN was submitted to the FCPF.
	4b) The ER-PIN presents a transparent and verifiable process to prioritize and equitably share non-carbon benefits (e.g., alternative business models and revenue streams).	The ER-PIN identifies considerable non-carbon benefits such as land reform, biodiversity management and increase of cocoa production. It states that by doubling the yield by hectare, benefits related to cocoa farming could even surpass carbon benefits (ER-PIN, p. 64). The ER-PIN does not describe, however, how these benefits would be individualized or shared.
	4c) The benefit sharing mechanisms outlined in the ER-PIN are broadly supported by indigenous and forest dependent communities, including women.	The ER-PIN states benefit-sharing was discussed within consultations (ER-PIN, p. 8) and that many stakeholders deemed existing benefit-sharing mechanism in Ghana as "inadequate and inequitable" (ER-PIN, p. 61). A consultancy report was on benefit-sharing specifically for REDD+ was made and is available on the FCPF website. Still, despite being built on consultations, it does not clarify the participation of local groups and indigenous peoples, nor address gender issues.

**5) Alignment of ERP strategies with main drivers of deforestation**

Grade	Indicator	ER-PIN Assessment
	5a) The drivers of deforestation and forest degradation identified in the ER-PIN are consistent with expert analyses and local stakeholder input.	<p>The ER-PIN presents a description of deforestation drivers in the proposed program (ER-PIN, p. 24). It cites the Hansen et al study from 2012 concluding that the allowable cut based on legal concessions is being exceeded by more than six times to supply timber to the domestic market (ER-PIN, p.20).</p> <p>A multi-stakeholder working group, including government, private sector and civil society, was also conducted to analyze the impact of the cocoa sector as a deforestation driver (ER-PIN, p. 24) in the high forest zone. The ER-PIN states that, despite the amount of resources invested in cocoa projects, recognition of cocoa as a source of GHG emissions is growing among stakeholders (ER-PIN, p. 27).</p>
	5b) Challenges to overcoming identified drivers (i.e., technical, institutional, political or economic) are clearly defined.	The ER-PIN identifies challenges and acknowledges in multiple places that overlapping and unclear land and resource tenure and a lack of land use planning are major contributing factors to deforestation and degradation. It also notes that government has limited capacity to monitor and enforce boundaries and communities and traditional authorities have little incentive to protect trees, given they cannot legally benefit from timber sales (ER-PIN, p.24).
	5c) Proposed ER Program interventions specifically target the main drivers and their related challenges.	Ghana has selected seven strategies from their strategic options (ER-PIN, p.28). Who, how and exactly where in the program landscape these will be implemented remain to be decided. Furthermore, the proposed ER Program strategies are strongly linked to addressing governance challenges; it is less clear how the proposed strategies will foster inter-sectoral coordination with public and private actors in the mining sector or non-cocoa agriculture actors and how illegal logging and mining will be addressed through enhanced law enforcement.

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**6) Safeguards framework**

Grade	Indicator	ER-PIN Assessment
	6a) The country has completed its SESA and elaborated an ESMF (yes/no; if yes then consider b through e; if no, got to 6f)	<b>No, no.</b>
	6b) The assessment of social and environmental considerations was conducted in a transparent and participatory manner.	
	6c) FPIC is presented as a requirement of the ESMF.	
	6d) The EMSF identifies key steps, including budget and timeline, to strengthen forest governance issues within the national legal framework	
	6e) The ER-PIN presence a credible grievance/dispute resolution mechanism, based on the FGRM assessment.	The ER-PIN does not describe an operational grievance mechanism, but describes the process being undertaken to design one. The dispute resolution study has a comprehensive review of conflicts in the forest sector, likely conflicts that could arise with REDD program implementation, a review of the legal framework and existing institutional structures and mechanisms. The study proposes a structure for a new dispute resolution mechanism under REDD+, which would be given legal backing by modifications to the Alternative Dispute Resolution Act of 2010, and implemented with structures at the community, district and national levels. The study proposes utilizing existing institutions, like community resource management committee at the community level and forest forums at the district level, as well as involving the FC and customary authorities. The FCPF Readiness Fund additional financing specifies funding for modification of the ADR Act to allow for coverage of environmental issues and create a legal framework for the REDD+ FGRM <sup>iv</sup> .
	6f) The ER-PIN describes the design of the Safeguard Information System and its application in the context of the ER-P.	The ER-PIN does not describe efforts to create a national safeguard information system for reporting to the UNFCCC and says only that monitoring impacts of the ER Program on livelihoods and governance will be considered during program design (ER-PIN, p. 52).
	6g) Proposed safeguards adequately address the land and resource rights of indigenous peoples, forest communities and women	The proposed safeguards measures for the ER Program are not described clearly enough to make a judgment on their adequacy.

**Section 2: BROADER GOVERNANCE CHALLENGES FOR ADDRESSING DEFORESTATION DRIVERS:** To what extent does the proposed emission reduction program consider other key forest governance challenges for achieving REDD+?

**7) Government capacity and coordination in ERP planning and implementation**

Grade	Indicator	ER-PIN Assessment
	7a) The ER-PIN shows evidence of coordination across sectors, line ministries, and levels of government (local, sub-national, national).	The ER-PIN gives a preliminary description of roles for different agencies in program implementation but does not describe their capacity in terms of staffing and resources at all. It notes that civil society and the private sector both have extensive capacity in terms of cocoa production (ER-PIN, p. 42).
	7b) The ER-PIN identifies opportunities for community-based interventions, including natural resource management, tenure recognition, and other dedicated REDD+ investments.	The ER-PIN foresees potential roles for community-based interventions, most of them still depending on capacity building on the ERP design and implementation phase (ER-PIN, p. 51). It also states the CREMA mechanism will be strengthened for community based monitoring (ER-PIN, p. 30) and land planning (ER-PIN, p. 34). However, its use, within REDD+ process, still require further implementation.
	7c) The ER-PIN discusses efforts to combat corruption and the measures that will be used in the ER Program.	Although the ER-PIN acknowledges that there is corruption (ER-PIN, p.37) it does not describe how they will be dealt with. The benefit sharing study also includes corruption as a risk to the program <sup>v</sup> and goes on to propose a number of oversight mechanisms.

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**8) Transparent monitoring and oversight of REDD+**

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	8a) The ER-PIN shows evidence of an open-access information management systems for REDD+	Information management appears to be carried out through the consultation and participation plan in the R-PP, with information flows to the public through websites and radio spots, and to stakeholders through the existing participation platforms (p.39). The draft communication strategy was still under review at the time of the ER-PIN, a final strategy was expected by March of 2014 (p.9). There is no plan presented for how social and environmental impacts will be monitored, this will presumably be an output included in the ESMF.
	The ER-PIN proposes mechanisms to independently and transparently:	
	8b) Monitor the social and environmental impacts of REDD+ investments;	There is no plan presented for how social and environmental impacts will be monitored, this will presumably be an output included in the ESMF.
-	- 8c) Monitor the application of safeguards via the Safeguard information system	There is no discussion of the SIS, nor monitoring mechanisms for social, environmental or governance issues in the ER-PIN.
-	- 8d) Monitor the effectiveness of governance-related interventions;	REDD+ oversight is vested in the Technical Coordinating Committee, a body between the ministerial and cabinet levels of government. The FC has also established a Project Oversight Committee to provide oversight to specific initiatives, but there is no independent (of government) body with oversight of the REDD+ process.
-	- 8e) Track and coordinate international finance flows;	Transparency of finance flows, as well as fiscal transparency and accountability are not addressed in the ER-PIN. The government has been collaborating with Forest Trends REDDX project to track international finance for REDD in Ghana, with results available online.
-	- 8f) Monitor the distribution of carbon and non-carbon benefits	The ER-PIN does not describe an existing or proposed system to monitor and report on priority non-carbon benefits, but states that existing systems such as the national forest inventory, the multiple resource survey and biodiversity indicators developed under the GEF High Forest Biodiversity Conservation Project can possibly be used (ER-PIN, p. 51- 52).

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**Section 3: OVERALL ASSESSMENT**

Grade	Indicators	ER-PIN Assessment
	9a) The proposed emission reduction program protects and advances the rights of indigenous peoples and local communities to land and forests within REDD+ systems and processes.	Partial. Communities have a proposed role in the implementation of the ER Program and it is also seen as an opportunity to advance tenure reforms. Nevertheless reforms are happening at a slow pace and issues such as conflict in the program area, carbon rights, benefit sharing systems and safeguards still need to be further developed and lack clarity before an accurate judgment can be made on how they will affect the rights of Indigenous Peoples and local communities.
	9b) The proposed emission reduction program presents a credible plan for addressing governance issues at national and sub-national levels, and establishes clear processes for monitoring progress on critical risk factors.	Partial. The ER-PIN presents a preliminary description of the plans to address governance issues and there are considerable gaps in establishing process for monitoring progress on critical factors.

<sup>i</sup> USAID. 2013. Ghana – USAID Country Profile, Property Rights and Resource Governance. Available at [http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID\\_Land\\_Tenure\\_Ghana\\_Profile\\_0.pdf](http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Ghana_Profile_0.pdf) pp 4

<sup>ii</sup> FCPF. 2014. Final Report on the Development of Dispute Resolution Mechanism for REDD+ in Ghana. Available at: <https://www.forestcarbonpartnership.org/sites/fcp/files/2015/April/Final%20final%20DRM%20Report.pdf>

<sup>iii</sup> NATIONAL REDD+ SECRETARIAT NATIONAL REDD+ R-PP IMPLEMENTATION MID-TERM PROGRESS REPORT AND REQUEST FOR ADDITIONAL FUNDING, GHANA FORESTRY COMMISSION MAY, 2014. Pp 23

<sup>iv</sup> FCPF. 2015. Project Paper on Additional REDD+ Readiness Preparation Support to the Republic of Ghana. Available at <https://forestcarbonpartnership.org/sites/fcp/files/2015/April/Ghana%20FCPF%20AF%20Project%20Paper%20FINAL.pdf>, pp 13

<sup>v</sup> Dumenu, W.K., Derkyi, M., Samar, S., Oduro, K.A., Mensah, J.K., Pentsil, S., Nutakor, E., Foli, E.G and Obeng, E.A. 2014. Benefit sharing mechanism for REDD+ implementation in Ghana. Consultancy Report. Forestry Commission, Accra, Ghana. pp 37