

Ghana's First Summary of Information(SOI)

How safeguards for REDD+ are being
addressed and respected in Ghana

May 2019

Table of Contents

List of Acronymns	3
Objective and scope.....	4
Part I: Introduction	6
Overview of Ghana's REDD+ Strategy	6
Ghana Cocoa-Forest REDD+ Program (GCFRP)	8
Part II: National circumstances and REDD+ Safeguards Approach.....	12
Activities carried out by Ghana to meet UNFCCC and Forest Carbon Partnership Facility (FCPF) REDD+ safeguard requirements.	12
Interpretation of the Cancun safeguards in accordance with the country context, including the components/elements identified for each of the Cancun safeguards	15
Part III: Measures put in place to address the Cancun safeguards.....	28
a) Introduction	28
b) Description of the relevant PLRs for each safeguard component/element	29
Part IV: How information about safeguard's implementation will be gathered and reported: Ghana's SIS	35
Part V: How the safeguards have been respected.....	37
Safeguard (a): That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements	38
Safeguard (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;	39
Safeguard (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;	44
Safeguard (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision.....	46
Safeguard (e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;	48
Safeguards (f) Actions to address the risks of reversals and (g) Actions to reduce displacement of emissions	50
Part VI: Complementary information	52

List of Acronymns

CAS	Country Approach to Safeguards
CCD	Climate Change Directorate
CITES	Convention on International Trade of Endangered Species of wild Flora and Fauna
CLP	Climate Law and Policy
CSC	Climate Smart Cocoa
CSOs	Civil Society Organizations
EIA	Environmental Impact Assessment
EPA	Environmental Protection Agency
ERP	Emissions Reduction Programme
ERPA	Emission Reduction Payment Agreement
ESMF	Environmental and Social Management Framework
FC	Forestry Commission
FCPF	Forest Carbon Partnership Framework
FDMP	Forestry Development Master Plan
FGRM	Feedback Grievance Redress Mechanism
FIP	Forest Investment Programme
FWP	Forest and Wildlife Policy
GCFRP	Ghana Cocoa Forest REDD+ Programme
HFZ	High Forest Zone
HIAs	Hotspot Intervention Areas
MC	Minerals Commission
MESTI	Ministry of Environment Science Technology and Innovation
MOFA	Ministry of Food and Agriculture
MoU	Memorandum of Understanding
MLNR	Ministry of Lands and Natural Resources
MRV	Monitoring Reporting and Verification
NBSAP	National Biodiversity Strategy and Action Plan
NCRC	Nature Conservation and Research Centre
NFMS	National Forest Monitoring System
NGOs	Non Governmental Organizations
NRS	National REDD+ Secretariat
Ops	Operational Policies
PF	Process Framework
PLRs	Policies Laws and Regulations
REDD+	Reducing Emissions from Deforestation and Forest Degradation
RPF	Resettlement Policy Framework
R-PP	Readiness Preparation Proposal
SESA	Strategic Environmental and Social Assessment
SFP	Safeguards Focal Person
SIS	Safeguards Information System
SOIs	Summary of Information

Objective and scope

Responding to the requirements set out by the United Nations Framework Convention on Climate Change (UNFCCC) Decision 12/CP. 19 paragraphs 3-4, Ghana is expected to submit the most recent Summary of Information (Sol) that describes the country's overall approach to safeguards implementation, and in particular, how the seven Cancun safeguards¹ have been addressed and respected.

The **objective** of this document is to provide an initial Sol that describes Ghana's overall approach to safeguards implementation and reporting, reflecting the objective of Ghana's approach to safeguards, **which is to comply with UNFCCC, FCPF and other donor safeguard requirements as deemed appropriate.**

The scope of the Sol is to provide information on how Ghana's interpretation of the Cancun safeguards have been addressed and respected throughout the implementation of REDD+ interventions. This initial Sol, is prepared prior to REDD+ implementation and therefore only provides information on the measures in place in Ghana, rather than of the outcomes of implementation, and brief descriptions of initial pilots. It is anticipated that subsequent SOLs will provide information on how these measures have been implemented, and will provide comprehensive information on how REDD+ safeguards are being addressed and respected in Ghana as a basis for accessing UNFCCC results-based payments. Thus this was done within a format which will enable easier insertion of updates as Ghana progresses on the path to full REDD+ implementation and throughout the life cycle of relevant interventions.

The submission and public dissemination of the Sol at this stage also provides an opportunity for Ghana to receive feedback and recommendations from the UNFCCC and key related stakeholders both within and outside of the country.

The report is structured as follows:

- **Part I: Introduction**

Provides an overview of Ghana's REDD+ Strategy; and activities carried out so far by Ghana to meet UNFCCC and Forest Carbon Partnership Facility (FCPF) safeguard requirements.

- **Part II: National circumstances and REDD+ Safeguards Approach**

Provides an overview of the country's approach to REDD+ safeguards, and the interpretation of the UNFCCC REDD+ safeguards in accordance with the country context.

- **Part III: Measures in place to address the safeguards**

Provides a description of the relevant Policies, laws and regulations (PLRs) and institutional arrangements.

- **Part IV: How the safeguards have been respected**

This section outlines the SIS information needs, which determine the types of information that will be gathered to demonstrate how safeguards are being respected. As noted above, this initial Sol, is prepared prior to REDD+ implementation and therefore only provides information on the information needs to be utilized, rather than of the actual information gathered and outcomes of implementation. It is anticipated that subsequent SOLs will provide

¹ Decision 1/CP.16, Appendix I, par. 2. Details the 7 safeguards.

information structured in relation to these information needs as a basis for accessing UNFCCC results-based payments.

- **Part V: How information about safeguard's implementation is being gathered and reported: Ghana's SIS**

Provides information about the design of the safeguard information system (SIS).

- **Part VI: Complimentary information**

This section includes information about the process followed for preparing the summary of information and consultations carried out.

Part I: Introduction

Overview of Ghana's REDD+ Strategy

Due to Ghana's high economic dependence on natural resources, the country now has one of the highest deforestation rates in Africa, at 3.6% per annum. Ghana's deforestation pathway is one of incremental degradation leading to deforestation.

The principal drivers of deforestation and degradation, in order of relevance, have been identified as including²:

- 1) Uncontrolled agricultural expansion at the expense of forests;
- 2) Over-harvesting and illegal harvesting of wood;
- 3) Population and development pressure; and
- 4) Mining and mineral exploitation
- 5) Wildfires

The **underlying causes** of these drivers were identified as:

- forest industry over-capacity,
- policy and market failures,
- population growth,
- increasing demand for agriculture³ and wood products,
- low-tech farming systems that continue to rely on 'slash and burn' farming methods, and;
- a burgeoning mining and illegal mining sector⁴.

Following this identification, and as part of the process, Ghana developed a National REDD+ Strategy, the latest (second) version of which was launched in 2016⁵ and is aimed to cover 2016-2035.

The Strategy was prepared over a two-year period, in consultation with a wide range of stakeholders across the country. They included technical experts, government officials from institutions whose activities are REDD+ related, civil society organizations, traditional leaders and landowners, community and farmer representatives, academia, private sector companies and international organizations. In the process, emphasis was placed on creating a gender sensitive, participatory, and inclusive process.

An initial draft of strategy options was generated, followed by an early draft of the strategy that was subjected to two consultative events hosted by the Forestry Commission (FC), with a wide range of stakeholders. A third consultation took place with a focus group of REDD+ experts, resulting in a more complete draft, but many gaps still remained. A small team of national REDD+ experts were then brought together to provide critical inputs to strengthen the content and scope of the strategy. In producing this draft of the strategy, the team was guided by the World Wide Fund (WWF) Guide for Building REDD+ Strategies (2013).

² GoG, 2010. Readiness Preparation Proposal Ghana: Revised Ghana R-PP. Accra, Ghana. https://forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/PDF/Jan2011/Revised_Ghana_RPP_2_Dec-2010.pdf

³ Agricultural expansion (50%) was also identified as being predominantly attributed to cocoa cultivation systems, and thus distinguishes cocoa farming as one of the most significant drivers of deforestation across the high forest zone of the country. See next footnote.

⁴ Forest Carbon Partnership Fund, Emission Reduction Programme Document, Ghana Cocoa REDD+ Programme, April 2017.

⁵ <https://www.fcghana.org/userfiles/files/REDD+/Ghana%20REDD+%20Strategy.pdf>

The resulting draft was then presented to a high-level working group for further evaluation, input and revision. The output of the working group was then presented in two consultation meetings, one held in Sunyani and the other in Accra, involving representatives of all the main REDD+ stakeholders, including district forest forums and community members. The “final” draft of the strategy was completed by the National REDD+ Secretariat (NRS) and consultants to the World Bank (WB) and Forest Carbon Partnership Facility (FCPF).

The aim of the consultations and participatory sessions was to share ideas and experiences, and to receive critical feedback on the strategy as it evolved over time, so as to establish a pathway that can truly address the main drivers of deforestation and forest degradation across Ghana, reduce carbon emissions, and enhance important co-benefits for human wellbeing and the maintenance of ecosystem services. Ghana’s National REDD+ Strategy also benefitted from and was built out of the myriad consultations and stakeholder engagements that occurred during the development of Ghana’s R-PP, FIP and the drafting of the Emission Reductions Programme Idea Note (ER-PIN).

The goals set by Ghana for REDD+ implementation are:

- i) reduce emissions from deforestation and forest degradation while enabling carbon stock enhancement through sustainable forest management and forest restoration strategies such as forest plantation establishment,
- ii) preserve Ghana’s forests in order to sustain their ecosystem services, conserve biological diversity, and maintain a cultural heritage for generations to come;
- iii) transform Ghana’s major agricultural commodities and Non Timber Forest Products (NTFPs) into climate-smart production systems and landscapes;
- iv) expand platforms for cross-sector and public-private collaboration and sustainable economic development; and
- v) generate innovative, substantial and sustainable economic and non-economic incentives and benefits to improve livelihoods across all regions of Ghana⁶.

This strategy is a twenty-year working document but is subject to periodic review as new ideas and enhanced understanding of REDD+ emerge from research and on-the-ground implementation of REDD+ activities in Ghana. It is a living document and retains sufficient flexibility and openness such that it can be reviewed, modified, adapted and even re-written over time as conditions, experiences and circumstances change and new opportunities emerge⁷.

The strategy includes a set of strategic options for addressing the direct and indirect drivers of deforestation and forest degradation (which were identified above). Each option was assessed based on ten criteria that were grouped according to importance.

This analysis resulted in the identification of three broad interventions representing a strategic grouping of the various strategy options; the idea being that by implementing the strategy options in concert and in accordance with the relevant eco-zones or national context, they will have the highest potential to significantly impact the direct and indirect drivers. **The three recommended interventions** to reduce deforestation and forest degradation are:

- 1) improving land-use and socio-economic development in the high forest zone and the cocoa growing areas;
- 2) Addressing wood processing and agricultural practices in the savannah woodland zones; and

⁶ <https://unredd.net/documents/un-redd-partner-countries-181/africa-335/ghana-1330/studies-and-publications-1350/16577-info-brief-ghana-redd-strategy.html>

⁷ Ghana National REDD+ Strategy. <https://www.fcghana.org/userfiles/files/REDD+/Ghana%20REDD+%20Strategy.pdf>

3) Policy and legislative reforms.

Ghana, through an extensive consultative process and focus group discussions, has included the full scope of REDD+ interventions as part of its strategy, but the implementation of these interventions depends upon the availability of resources to implement the associated activities and the capacity to monitor and measure emission reductions or removals. **One national and two sub-national programmes** have emerged as the priority REDD+ programmes for Ghana:

- The Emission Reductions Programme (ERP) for the Cocoa Forest Mosaic Landscape (The Cocoa-Forest REDD+ Programme).
- The Emission Reductions Programme (ERP) for the Shea Landscape of the Northern Savanna Woodland (The Shea Savanna Woodland Programme)
- Ghana's Programme for Policy and Legislative Reforms on Tree Tenure and Carbon Rights (Policy and Legislative Reform Programme).

The strategy also identifies three other programmes that require further analysis and consideration for REDD+ implementation in Ghana:

- Emission Reductions Programme for the Transitional Forest Landscape;
- Emission Reductions Programme for the Coastal Mangroves;
- Emission Reductions for the Togo Plateau

In keeping with these suggested interventions, Ghana has adopted a sub-national approach for implementation of REDD+ in a phased programmatic approach with initial focus on the High Forest Zone and scaling up to cover the other distinct major ecological zones of the country such as the Savanna Zone. The proposed measures and interventions targeted at addressing the drivers of deforestation and forest degradation are linked with the production and supply chains of major commodities and defined by clear ecological boundaries. The National REDD+ Strategy is meant to serve as a guide and framework for achieving REDD+ in a well-coordinated manner by pursuing a broad set of actions to tackle deforestation and forest degradation at all the landscape levels.

Ghana's strategy is to implement REDD+ at a national scale, but to roll out concerted actions and activities at subnational landscape scales, focusing on the implementation of large scale, sub-national programmes that follow ecological boundaries (jurisdictions) and are defined by major commodities such as cocoa and drivers of deforestation and degradation, within a set of over-arching, national activities and the encompassing national REDD+ framework.

This dual national jurisdictional approach to implementation enables landscape scale actions and cross-sector collaboration, coupled with private sector participation and communitybased mobilization. Together they will produce collective impacts, while promoting the operational and accounting efficiencies that come from using a single set of systems and processes. The eco-zone jurisdictional boundaries were designated based on Ghana's nine forest ecosystem types⁸.

Ghana Cocoa-Forest REDD+ Program (GCFRP)

As mentioned, the vision of Ghana's National REDD+ Strategy is to significantly reduce emissions from deforestation and forest degradation, while at the same time addressing threats that undermine ecosystem services and environmental integrity so as to maximize the co-benefits of the forests, and

⁸ See GNRS and Info-brief, *ibid*.

serve as a pillar of action for the national climate change agenda and a leading pathway towards sustainable, low emissions development⁹.

The Ghana Cocoa-Forests REDD+ Program (GCFRP) is a key pillar of the National REDD+ Strategy. It is the first programme to be developed and implemented under the Strategy, and it will serve to test many of Ghana's REDD+ systems, processes, and policies, including Ghana's MRV system, the FGRM, the ESMF, and reforms to tree tenure and benefit sharing. As such, the lessons and experiences from implementing and monitoring the GCFRP will directly inform the development and roll-out of the subsequent programmes, including the Emission Reductions Programme for the Shea Landscape of the Northern Savanna Woodland¹⁰.

Ghana's cocoa forest and landscape has one of the highest deforestation rates in Africa, at 3.2% per annum according to the Draft Sub-national Forest Reference Level submitted to the UNFCCC. Forest degradation and deforestation across this agro-forest mosaic, which covers 5.9 million ha of Ghana's High Forest Zone (HFZ), is being driven by continued cocoa farm expansion and other types of agriculture, coupled with illegal logging and a recent up-surge in illegal mining and illegal logging. Ghana is now preparing to tackle these issues and significantly reduce deforestation and degradation in this landscape through the Ghana Cocoa Forest REDD+ Programme (GCFRP), which leverages a strong private sector commitment and investment into a climate-smart cocoa production system and standard, and supported by a suite of policy interventions and reforms.

Historically, over the past hundred years, degradation and deforestation in Ghana's HFZ has been driven by low-yielding, expansive agriculture—predominantly cocoa farming—coupled with the progressive growth of other extractive industries. Between 2010-2017, the scale of these drivers has increased due to: 1) recent declines in cocoa productivity, causing greater expansion; 2) an increase in illegal logging from a growing domestic demand; and 3) an up-surge in illegal, small-scale mining due to market trends, high unemployment rates & unrestrained involvement of foreign nationals and landowners giving up unproductive farms for mining. As a result, the programme's Forest Reference Level (FRL) measured under the programme for the period 2005-2014 shows that the area has been losing an average of 138,624 ha of forests each year, and has produced over 45.1 million tCO₂e emissions on an annual basis from the combined effects of deforestation and degradation. Of this, conversion to food crops, from which cocoa establishment typically follows, accounted for two-thirds (66%) of forest loss. Over a quarter (27%) of agriculture conversion resulted from cocoa expansion, making it the single most important commodity driver of deforestation in the programme area¹¹.

The GCFRP is an initiative that is jointly coordinated by the National REDD+ Secretariat (NRS) of the Forestry Commission (FC) and the Ghana Cocoa Board, in partnership with a broad set of private sector, public sector, civil society, traditional authority, and local communities. The GCFRP is constructed according to five (5) key pillars:

- A) Institutional Coordination and MRV;
- B) Landscape Planning within Hotspot Intervention Areas (HIA);
- C) Implementing Climate-Smart Cocoa to Increase Yields;
- D) Risk Management and Finance; and
- E) Legislative and Policy Reforms.

The programme receives oversight coordination from a Joint Coordination Committee (JCC) and day-to-day operations will be the responsibility of a Programme Management Unit (PMU) within the NRS.

⁹ www.forestcarbonpartnership.org/sites/fcp/files/2015/April/Ghana%20National%20REDD%2B%20Strategy%20Final.pdf

¹⁰ See ERPD above.

¹¹ See ERPD Pp 7-10 and 36-41.

The programme will be implemented in six Hotspot Intervention Areas (HIAs), covering up to 2.5 million ha, to serve as priority areas for immediate and concentrated interventions at the farm to landscape level. Each HIA will be governed by a local governance board of land owners, land users, local authority entities and community leaders (including minority groups). The HIA will engage with a formal consortium of private sector cocoa companies, NGOs, and government partners who will work together to bring resources to implement activities on the ground.

The GCFRP is a US\$236,727,250 million dollar programme that cover the first seven (7) years (2019-2024) aims to leverage over \$121 million dollars of private sector cocoa investment and over \$53 million dollars in GoG support, as well modest funding from existing and yet-to-be-sought grants. A conservative 50% yield increase on cocoa farms to 600 kg/ha (even greater increases are possible and have been demonstrated) will realize significant benefits to farmers and to the government.

As a 20 year programme, the GCFRP estimates that it could produce a total of 294,395,567 million tCO₂e emission reductions (following the removal of 102,535 million tCO₂e placed into risk and uncertainty buffers), representing a 44% overall reduction against the reference level. Under a prospective contract with the Carbon Fund to cover the first 7 years of implementation (2019-2024), Ghana estimates that it could generate significant reductions in deforestation and degradation against its reference level and produce just over 10 million tCO₂e emission reductions to be transacted under the ERPA. This is an ambitious but realistic goal given that Ghana will need to reduce its emissions by 14% to reach the reference level. A historical analysis (2005-2014) of deforestation, degradation and carbon stock enhancement across the accounting area was used to develop the programme's FRL based on average annual emissions and removals.

In addition to having a plan for financing and implementing the programme, Ghana also has very strong private sector commitment and investment, as well as unprecedented government crosssector, civil society and community-based support to the GCFRP. While the NRS and Cocoa Board are co-proponents of the programme, participating ministries and agencies include the Ministry of Lands and Natural Resources (MLNR), Ministry of Environment, Science, Technology and Innovation (MESTI), Environmental Protection Agency (EPA), Ministry of Food and Agriculture (MoFA), and Minerals Commission (MC). There is also tremendous private sector commitment from some of the most important cocoa buying and chocolate producing companies. In addition, the World Cocoa Foundation and its leading member companies recently committed to reduce deforestation in the cocoa supply chain in Ghana and Cote d'Ivoire. Leading international and national NGOs partners include Solidaridad, SNV, Rainforest Alliance, IITA, NCRC, IUCN-Ghana, and Arocha-Ghana. Perhaps most importantly, there is strong support and willingness to engage from traditional leaders, communities, and cocoa farmers across the programme area. From a practical standpoint, developing a results-based programme that engages multiple sectors, institutions and organizations is a significant feat in and of itself for Ghana, and is further evidence that the programme truly does have the high level political commitment and buy-in that is needed.

Tremendous capacity and understanding have been built, and operational systems developed through the country's REDD+ readiness process. This is reflected by the fact that Ghana's R-Package was accepted by the FCPF in September 2016, and the country received a positive independent selfassessment of its REDD+ Readiness to accompany the submission.

Ahead of the possible signing of an ERPA, implementation of the GCFRP and its focus on transitioning to a climate-smart cocoa production landscape will begin in three Hotspot Intervention Areas with support from the FIP, Touton and SNV, and NCRC and partners taking the lead in different HIAs. Three Memorandum of Understandings (MoUs) have been signed between Government and three Private sector cocoa entities (Touton, Mondelez and Nyonkopa; a subsidiary of Barry Callebaut). These MoUs

outline the intentions of the private sector entities to adopt CSC practices outlined in the GCFRP document to achieve improved farm yields and emission reductions among others. The other HIAs within the GCFRP will subsequently be adopted by key partners. The logic and strength of the GCFRP is based on the core concept that cocoa cannot be sustainably produced, and deforestation and degradation drivers cannot be reduced significantly at a project or singular institutional level, which has been the practice to date. Rather, these issues and challenges necessitate a large-scale, integrated approach in order to foster the massive transformational changes in farming practices and land use decision making required to reduce deforestation and degradation, and to drive the growth of forests and trees in the landscape. Therefore, the move to implement the GCFRP is an effort to use a coordinated landscape approach that targets all stakeholders as a strategy to change the BAU and reduce emissions from the landscape, while producing the world's first ever climate-smart cocoa bean.

Part II: National circumstances and REDD+ Safeguards Approach

Activities carried out by Ghana to meet UNFCCC and Forest Carbon Partnership Facility (FCPF) REDD+ safeguard requirements.

The Government of Ghana has committed to meeting the **UNFCCC and FCPF REDD+ as well as other donor safeguards requirements**. Ghana has conducted a Strategic Environmental and Social Assessment (SESA), and developed Environmental and Social Management Framework (ESMF) and Resettlement and Policy Framework (RPF) to ensure that safeguards-related issues are integrated into the entire REDD+ process. The ESMF establishes clear procedures and methodologies for the environmental and social assessment review, approval and implementation of interventions. It specifies appropriate roles and responsibilities and outlines the necessary reporting procedures for managing and monitoring environmental and social concerns. It is envisaged that the ESMF will be executed by the Forestry Commission in collaboration with other partners such as MLNR, COCOBOD, MOFA, EPA, Water Resources Commission, Lands Commission, etc. Detailed roles and capacities of these institutions have been captured in Ghana's ESMF document¹².

At the subnational, implementation level, the National REDD+ Secretariat (NRS) and partners fully understand the existing drivers and barriers to REDD+, particularly in the GCFRP area, and crucial processes are in motion to address critical policy issues, including: perverse tenure and input-supply policies, clarification of carbon rights, adaptation of customary land tenure norms, and revision of legislation to allow Ghana's alternative dispute resolution mechanism to function for REDD+. For example, in Ghana, the government does not own the land and cannot direct how land is used, so assigning a zero carbon stock to such a conversion would not have an impact. The majority of farmers are smallholders and their decision process is not driven by carbon-project based calculations. Rather, a smallholder cocoa farmer decides to convert a patch of forest to a cocoa farm based on traditional land use regimes. Realistically, the programme can only hope to change these practices based on a suite of positive and tangible incentives, rather than abstract carbon allocations. With respect to prospective plantation tree crop system, the GCFRP has been clear that nesting of carbon projects will not be permitted within the accounting area, unless already validated by a recognized carbon standard; so again, there is not perverse incentive towards conversion to tree crop plantations for possible gains.

Furthermore, under the readiness process and through the development of the GCFRP, the NRS has put in place a forest monitoring and MRV system, a safeguard system, an FGRM, and a data management / registry system to be tested in the early stages of programme implementation, and a benefit sharing plan that aims to appreciate, incentivise, and support the main stakeholders responsible for producing emission reductions, through carbon and non-carbon benefits¹³.

Indeed, at the national level, under the first phase of readiness, described in the R-PP, spanning from 2010-2014¹⁴, Ghana carried out a Strategic Environmental and Social Assessment (SESA)¹⁵ using a consultative process, (which was completed in 2014, and updated in 2016¹⁶). The SESA took into account national and institutional sustainability policies, plans and strategies and also addressed World Bank Safeguards Operational Policies. By conducting the SESA, the relationship between

¹² Ghana REDD+ Strategy 2016, <https://www.fcghana.org/userfiles/files/REDD%2B/Ghana%20REDD%2B%20Strategy.pdf>

¹³ Ghana ERPD, *ibid*.

¹⁴ Readiness Preparation Proposal- Ghana, December 2010, see also

https://www.forestcarbonpartnership.org/sites/fcp/files/2014/May/Independent_Evaluation_of_REDD_Readiness_Ghana.pdf

¹⁵ http://fcghana.org/nrs/phocadownload/ESMF_Ghana_FIP_Final_13_October%20_2014.pdf

¹⁶ Forestry Commission of Ghana 'REDD+ Mechanisms in Ghana, Strategic Environmental and Social Assessment (SESA) Updated SESA report' August 2016, Accra, Ghana.

national policies, laws, and regulations, and their effects on the proposed REDD+ interventions were identified. The SESA process also determined which World Bank Safeguards Operational Policies (OPs) would be triggered by planned REDD+ interventions, and this subsequently resulted in an Environmental and Social Management Framework (ESMF) with the necessary mitigation options for identified risks. The national SESA process for readiness produced three reports; the SESA report, the ESMF and the Resettlement Policy Framework (RPF). Two additional documents were produced under Ghana's Forest Investment program (FIP), based on the SESA conducted for readiness, these are the Pest Management Plan (PMP) and the Process Framework (PF) for stakeholder engagement¹⁷.

The SESA process was carried out in a highly participatory and inclusive manner with relevant stakeholder representatives consulted at community, district, regional, and national levels¹⁸. As a demonstration of best practice, the SESA was also implemented in alignment with the development of Ghana's National REDD+ Strategy. The process itself consisted of five steps that are based on Ghana's Strategic Environmental Assessment (SEA) practice and made up the structure of the SESA report. The steps included:

- 1) Preparation;
- 2) Scoping & Situation Assessment/Baseline Study;
- 3) Assessment of Strategy Options;
- 4) Monitoring and Evaluation Proposal; and
- 5) Reporting, Communication and Learning.

It is worth noting that in relation to the fifth step (above), a REDD+ Communication Strategy had been developed previously in October 2013 and formed an integral part of the SESA communication process, and finally updated in 2016. The goal of the communication strategy was to enhance communication with different stakeholders and raise awareness and knowledge on climate change and REDD+ issues in the country. As part of the SESA process, it was seen to be important in increasing the visibility of REDD+, improving people's understanding about the role forests play in sustaining livelihoods, and improving people's knowledge of REDD+ within local communities. The existence of the communication strategy was therefore acknowledged to secure greater participation in and collective ownership of the process to develop strategies on REDD+ and safeguard measures.

The communication strategy articulated different messages tailored to specific stakeholders' groups including the media, local communities, NGOs, and private sector actors. While there were some common points for everyone, messages specific to each group were tailored and various communication tools were also identified and employed such as the use of newsletters, radio, television, mobile megaphone announcements, public events (conferences, forums, roadshows, durbars and round table discussions). In particular, the NRS adopted an annual REDD+ Roadshow that started in 2014, which covered the entire country, raising awareness about REDD+ and the Ghana Cocoa-Forest REDD+ Program (GCFRP). A National REDD+ Forum was also instituted to be held biennially, with the maiden forum organized in November 2015. The second REDD+ Forum was held in November, 2017.

Ghana also produced an updated SESA report specific to the GCFRP, which aims to address the seven strategy options that are relevant to the GCFRP through its implementation plan. These are:

- i. Improving the quality of multi-stakeholder dialogue and decision-making
- ii. Clarifying rights regime
- iii. Addressing unsustainable timber harvesting

¹⁷ Forest Carbon Partnership Fund, Emission Reduction Programme Document, Ghana Cocoa REDD+ Programme, April 2017. PP.179-181.

¹⁸ Report also attached to ERPD above.

- iv. Mitigating effects of agricultural expansion (particularly cocoa in the HFZ)
- v. Strengthening local decentralised management of natural resources
- vi. Expansion of high biomass agroforestry /tree crops systems
- vii. Improving regulation of mining activities to reduce forest degradation

The updated SESA report was developed in 2016 to better understand the environmental and social concerns of the programme, and to better define the necessary mitigation mechanisms and safeguards compliance regime associated with the seven strategy options that are to be applied through implementation of the GCFRP. Specifically, it details the risks and opportunities, and signals the World Bank Ops that would be triggered by the seven REDD+ strategy options. These have been captured in detail in Section 6 of the updated SESA report. The report also contains a review of relevant policies, laws and regulations (PLRs) in relation to the World Bank OPs and makes suggestions for regulatory reforms where appropriate. Appropriate mitigation measures and recommendations are provided in the ESMF to guide the implementation of all REDD+ interventions in the country including the proposed ER programme. The National REDD+ Secretariat (NRS) of the Forestry Commission is responsible for ensuring that mitigation measures and recommendations provided in the ESMF applicable to the ER Programme area are implemented.

To effectively address the triggered safeguards operational policies the following documents were prepared to outline and address the needed mitigation approaches:

- **Environmental and Social Management Framework (ESMF):** Ghana's ESMF establishes clear procedures and responsibilities for the environmental and social screening of all likely interventions under the ER Programme, and identifies the environmental/social issues/concerns and likely impacts from the proposed ER Programme intervention and recommends appropriate mitigation measures to address the likely adverse impacts or risks. The document has identified relevant institutions to be involved with the implementation of the environmental/social mitigation measures and provides an environment/social due diligence capacity and training programme to ensure that appropriate training is provided to the institutions with limited capacity in environmental/social safeguards. It specifies appropriate roles and responsibilities and outlines the necessary reporting procedures for managing and monitoring environmental and social concerns¹⁹.
- **Resettlement Policy Framework (RPF)**²⁰: The 2014 SESA also triggered a Resettlement and Policy Framework in response to the World Bank OP 4.12 on involuntary resettlement. The RPF was updated to contribute to the smooth implementation of the GCFRP with regards to social impacts such as:
 - a. Involuntary Resettlement,
 - b. Acquisition of land,
 - c. Impacts on socio-cultural resources
 - d. Impacts on livelihoods or
 - e. Restricted access to Natural Resources.
- **Process Framework (PF):** The Process Framework (PF) prepared for the Forest Investment Program FIP has been prepared because the project may cause restrictions in access to natural resources in legally designated parks and protected areas. The Process Framework establishes a process by which members of potentially affected communities are engaged and participate in the design of project components, determination of measures necessary to achieve resettlement policy objectives and implementation and monitoring of relevant project

¹⁹ [http://fcghana.org/userfiles/files/REDD%2B/Updated%20ESMF%20%20%20%20REDD%2B_SALAug16-1\(1\).pdf](http://fcghana.org/userfiles/files/REDD%2B/Updated%20ESMF%20%20%20%20REDD%2B_SALAug16-1(1).pdf)

²⁰ [http://fcghana.org/userfiles/files/REDD%2B/final%20RPFREDD%2B-oct%202014\(1\).pdf](http://fcghana.org/userfiles/files/REDD%2B/final%20RPFREDD%2B-oct%202014(1).pdf)

activities (link to PF). Currently, an institutional training to ensure the smooth implementation and monitoring of the environmental and social issues and impacts identified in the FIP ESMF/PF is being implemented by the Forestry Commission.

- Pest Management Plan (PMP)²¹: The specific objective of the Pest Management Plan produced for the FIP is to promote the use of biological and environmental control methods for pest management and reduce the use of synthetic chemical pesticides to ensure that health and environmental hazards associated with pesticides are minimized.

Finally, Ghana's process for ensuring compliance with the Cancun Safeguards is being conducted in partnership with SNV Netherlands Development Organization, KASA Ghana (a civil society organization), and with technical support from the British Organization Climate Law and Policy (CLP). This work was supported by the International Climate Initiative of BMUB²² as part of a bigger project of Operationalizing National Safeguards Requirements for Results Based Payments where Ghana is defining its Country Approach to Safeguards (CAS). The end result of the CAS would be a functional SIS to report on how safeguards are being addressed and respected for REDD+ Implementation. Overall, the assessment of the PLRs indicates that Ghana's legal framework is largely supportive of REDD+ actions, however, the results of the legal analysis and of the SESA clearly identify legislative and policy gaps which will require reforms. The full legal analysis outlines how the legal framework addresses each safeguard component on paper and in practice, the gaps with respect to PLRs on paper and in practice, and recommendations on how to address the gaps on paper and through implementation. Creating the specific link between the safeguards and the country context is the safeguards interpretation process, described below.

Interpretation of the Cancun safeguards in accordance with the country context, including the components/elements identified for each of the Cancun safeguards

This section provides a preliminary and indicative clarification of the UNFCCC REDD+ safeguards in accordance with Ghana's national context:

Parties to the UNFCCC agreed to a set of seven broad principles that are expected to be applied in accordance with national context and circumstances. The final series of decisions on REDD+, which were agreed upon in Paris at COP 21, "strongly encourages" developing country Parties, when providing the summary of information (Sol) on how the Cancun Safeguards are being addressed and respected, to include, inter alia: "A description of each safeguard in accordance with national circumstances."²³

The purpose of the clarification is to specify how the principles/objectives encompassed in the Cancun safeguards translate into concrete rights and obligations in the context of Ghana. In other words, the clarification is expected to contextualize the general principles outlined in the Cancun safeguards into specific principles and objectives that are to be followed and promoted in the context of the implementation of REDD+ activities in Ghana, and which are anchored in the country's policies, laws and regulations (PLRs).

²¹ http://fcghana.org/nrs/phocadownload/PMP_Ghana_FIP_%20Draft_Final_%2027_Nov_2014.pdf

²² This project, named Operationalising National Safeguard Requirements for Results-based Payments from REDD+, aimed to assist the government of Ghana (as well as Vietnam and Peru) to meet multiple safeguard requirements and be eligible for results-based payments.

²³ Ibid, paragraph 5(b) see also UN-REDD [brief on summaries of information for further analysis](#)

The clarification of the Cancun Safeguards in accordance with national circumstances is considered an essential step in the design of an effective safeguard governance framework for REDD+ for two reasons:

- **It is one of the foundations of the Safeguard Information System (SIS)** as it is key to determining the types of information that are to be *gathered* by the SIS; and
- **It is central to the preparation of the summary of information**, as it helps to determine the information that should be provided to the UNFCCC to demonstrate how the safeguards are being addressed and respected.

The first draft of the interpretation of the Cancun Safeguards within the Ghanaian context, which followed the legal analysis, was completed in March 2017 and has undergone stakeholder review. This clarification is viewed as a more precise and substantive ‘standard’ against which Ghana will report on the extent to which it is ensuring consistency with the Cancun Safeguards during implementation of REDD+ and the GCFRP in Ghana and what the specific terms of the Cancun safeguards mean in the Ghanaian context.

The Interpretation is presented in tabular format, in relation to each of the seven UNFCCC REDD+ safeguards. Each column presents a set of information, as follows:

1. The first column **identifies the 'core clarifying elements'** for each of the UNFCCC REDD+ safeguards;
2. The second column ('legal basis') identifies and justifies **how each of the core elements are recognized, protected or promoted by the relevant PLRs in the country**. It is important to note that the information in this column **does not determine 'how' such PLRs will be used/applied** to ensure that the REDD+ actions are carried out consistently with the safeguard/s; and
3. The third and final column presents a **narrative clarification for each UNFCCC REDD+ safeguard, considering the combined 'core clarifying elements'**

UNFCCC REDD+ Safeguard A: 'That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements'		
Core elements	Legal basis	Narrative Clarification
A.1. REDD+ is consistent with the objectives of national forest programmes	The Forest and Wildlife Policy (FWP) (2012) is considered to serve as an overarching national forest programme, with the Forestry Development Master Plan (FDMP) 2016-2036 serving as a guiding policy for the sector.	REDD+ interventions are designed in compliance with the objectives of the national forest programmes and consistent to the provisions of the relevant treaties and international conventions Ghana is Party to
A.2 REDD+ is consistent with the objectives of relevant and applicable international conventions and agreements	<p>The legal framework in Ghana allows for conventions and agreements through incorporation of international law ²⁴</p> <p>Relevant conventions include:</p> <ul style="list-style-type: none"> • Convention on Biological Diversity (CBD) (1992)²⁵ • Cartagena Protocol on Biosafety to the Convention on Biological Diversity²⁶ • Convention on the Elimination of all forms of Racial Discrimination²⁷ • Convention on the Elimination of All Forms of Discrimination against Women²⁸ 	

²⁴ Constitution of the Republic of Ghana, 1992, Article 75

²⁵ Article 2 of the Constitution

²⁶ Article 1 of the Constitution

²⁷ Article 2

²⁸ Article 2

	<ul style="list-style-type: none"> • Convention on the Rights of the Child ²⁹ • Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1973)³⁰ • Convention on Wetlands of International Importance, especially as Waterfowl Habitat (RAMSAR) (1971).³¹ • International Covenant on Civil and Political Rights (ICCPR) (1966)³² • International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966).³³ • UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (1972).³⁴ • United Nations Convention to Combat Desertification (UNCCD) (1994)³⁵ 	
--	---	--

UNFCCC REDD+ Safeguard B: 'Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;'		
Core elements	Legal basis	Narrative Clarification
B.1. Right of access information is recognised and regulated in the context of the implementation of REDD+	The right to information in Ghana, is recognised in the Constitution ³⁶ . Ghana's Legal Framework contains provisions that require the active dissemination of information, including activities of environmental assessments and forestry ³⁷ .	Transparency and effectiveness of forest governance structures - which includes access to information, accountability and rights in land,

²⁹ Article 2

³⁰ Article 2

³¹ http://www.ramsar.org/sites/default/files/documents/library/handbook1_5ed_introductiontoconvention_e.pdf

³² Article 2

³³ Article 2

³⁴ Article 5

³⁵ Article 2

³⁶ Constitution, Article 21(1)(f)

³⁷ Administration of Lands Act, 1962 (Act 123), Section 10 (2); Regulation 28 Environmental Assessment Regulation (1999); Ghana Forest and Wildlife Policy, (2012) Strategic Direction 5.1.1(c and f) and Strategic Direction 5.2.1(d) of Policy Objective 4 (pp 29-30) Strategic Direction 5.2.1(b).

	The Administration of Lands Act and the Environmental Assessment Regulations contains provisions that define the information that should be shared or disseminated, within the forest/natural resource/land sector. ³⁸	distribution of the benefits, support and promotion of gender equality, access to justice, social economic and environmental considerations, and cross sectoral considerations are promoted and regulated throughout the implementation of the REDD+ interventions
B.2 Accountability of civil servants and public budgets is guaranteed throughout the implementation of REDD+	A number of Acts of Parliament provide clear measures for addressing corruption generally, with a few of them aimed specifically at the forest sector. ³⁹ The Constitution also clearly outlines a code of conduct to be followed by persons in public offices. ⁴⁰ Ghana's legal framework establishes an independent agency mandated to fight corruption and investigate allegations of corruption ⁴¹ and clearly outline the penalties prescribed for acts of corruption. ⁴²	
B.3 Rights over forest land are recognised throughout the implementation of REDD+	Land Tenure and Occupying Rights are recognised by Land Registry Act ⁴³ . The procedures and processes to acquiring land ownership are found in the Conveyancing Act ⁴⁴ . Constitution also recognises rights over land including statutory and land ownership rights ⁴⁵ . All public lands in Ghana are vested in the President for and on behalf of the people, while stool lands are vested, not in the president, but in the Stool, for and on behalf of his subjects. ⁴⁶ The laws also recognise private forest land ownership. The procedures and processes to be followed in order to acquire title to land, including forestlands in Ghana are clear,	

³⁸ The Administration of Lands Act, 1962, Section 10. The Environmental Assessment Regulations, Regulation 28

³⁹ Economic and Organised Crime Office Act, 2010 (Act 804) and Commission on Human Rights and Administrative Justice Act, 1993

⁴⁰ Constitution, Articles 284 and 41(f)

⁴¹ The Commission on Human Rights and Administrative Justice (CHRAJ) is provided for by Constitution, Articles 218(a), (b) and (e) and 287; and Act 456, 1993. The Economic and organized Crime office is provided for in Act 804 of 2010.

⁴² Criminal Offences Act, 1960 (Act 29), Section 239(1), Section 179C and Section 296(5)

⁴³ Land Registry Act, 1962 (Act 122): Sections 24 and 25

⁴⁴ Conveyancing Act, Section 1

⁴⁵ Constitution, Article 267(1)

⁴⁶ Ollennu, N. A. (1962). Principles of Customary Land Law in Ghana, London, Staples Printers

	accessible and enforceable. ⁴⁷ Control and management of the resources that are to be found on forest land is vested in the President.	
B.4 The equitable distribution of benefits is ensured throughout the implementation of REDD+	<p>The Constitution of Ghana⁴⁸ caters to a regime of fair distribution of benefits arising from the use of forest resources. In some instances, the amount to be paid and who the beneficiaries of such payments are, have been clearly stipulated.⁴⁹</p> <p>Benefit sharing of forest resources is provided for in the Convention on Biological Diversity⁵⁰.</p>	
B.5 Gender equality is promoted and protected throughout the implementation of REDD+	<p>The Constitution includes a prohibition of discrimination, including on grounds of gender⁵¹.</p> <p>The 2012 National Gender Policy⁵² also aims to maintain gender equality concerns.</p>	
B.6 Access justice is enabled throughout the implementation of REDD+	The right to access to justice is an entrenched provision of the Constitution ⁵³ Through a Court system that comprises both the inferior and superior courts, with clear cut directions regarding the rights of, and procedures for appeal, as well as a traditional system of adjudication through the National and Regional Houses of Chiefs, and an Alternative Dispute Resolution (ADR) system, Ghana's legal framework provides effective dispute resolution mechanisms capable of addressing all forms of disputes at all levels. ⁵⁴	

⁴⁷ Conveyancing Act, Section 1

⁴⁸ Constitution, Article 267 (1) and (2); Timber Resource Management Act, 1998 (Act 547): Sections 4 (1) (2) (3) and 8

⁴⁹ Constitution, Article 267 (1) and (2); Timber Resource Management Act, 1998 (Act 547): Sections 4 (1) (2) (3) and 8

⁵⁰ Article 2, 1. Convention on Biological Diversity (CBD) (1992).

⁵¹ Constitution, Article 17. Labour Act 2003 (Act 651), Section 87.

⁵² National Gender Policy 2016 5.2.5 Policy Commitment 5;

⁵³ Constitution, Article 19(1) and Article 294 (1) and (4)

⁵⁴ **Constitution 1992 Article 126 (1)** The Judiciary shall consist of
(a) the Superior Court of Judicature comprising,
(i) the Supreme Court,

	PLRs in Ghana have, through the Legal Aids Scheme ⁵⁵ , made provisions for the poor to have access to legal services and other forms of legal support.	
B.7 Social, economic and environmental considerations are integrated into REDD+ interventions	The Constitution ⁵⁶ has provisions which mandate the government and citizens to take necessary steps towards the protection and safeguarding of the environment.	
B.8 Cross sectoral coordination is ensured during the design and implementation of REDD+	The Ghana Forest and Wildlife Policy ⁵⁷ , 2012 shows an intent by the Government to promote inter-sectoral collaboration among relevant Ministries, Departments and Agencies concerned with the sustainable management of forests, to generate and share information to improve forest policy and management by involving all stakeholders in forest management planning, policy formulation and decision making. ⁵⁸	

UNFCCC REDD+ Safeguard C: 'Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;

Core elements	Legal basis	Narrative Clarification
---------------	-------------	-------------------------

- (ii) the Court of Appeal, and
- (iii) the High Court and Regional Tribunals;
- (b) such lower courts or tribunals as Parliament may by law establish.

Article 143 (1) A Regional Tribunal shall have jurisdiction to try such offences against the State and the public interest as Parliament may, by law, prescribe. (2) A Regional Tribunal shall have such appellate jurisdiction relating to the matters described in clause (1) of this article, as may be prescribed by law. (3) For the purpose of hearing and determining an appeal within its jurisdiction and the amendment, execution or enforcement of a judgment or order on any appeal, and for the purposes of any other authority expressly or by necessary implication given to it by this Constitution or any other law, a Regional Tribunal shall have all the powers, authority and jurisdiction vested in the tribunal from which the appeal is brought.

⁵⁵ Legal Aid Scheme Act, 1997 (Act 542), Section 5

⁵⁶ Constitution, Article 36(9) and Article 41(k)

⁵⁷ Ghana Forest and Wildlife Policy, 2012, Policy Strategy 1.1.2 of Strategic Direction 1.1(p.15) Policy Strategy 5.1.1 (f) of Strategic Direction 5.1 (p 30)

⁵⁸ Ghana Forest and Wildlife Policy, 2012, Policy Strategy 1.1.2 of Strategic Direction 1.1(p.15) Policy Strategy 5.1.1 (f) of Strategic Direction 5.1 (p 30)

<p>C.1 The rights of members of local communities are respected throughout the implementation of REDD+</p>	<p>The existence of local communities is recognized in the Constitution of Ghana⁵⁹. It acknowledges that they are governed by customary law⁶⁰ particular to them alone, and are subjects of a Chief that rules over them on the basis of a set of customary laws.⁶¹</p> <p>The Timber Resource Management Regulations uses the term “forest fringe communities and inhabitants” for local communities, and requires that they are consulted and Social Responsibility Agreement negotiated as part of the requirement for the grant of a timber utilization contract.⁶²</p> <p>Traditional authorities, such as the national and regional House of Chiefs and traditional councils are officially recognised and have a degree of autonomy,⁶³ including in terms of arbitration.⁶⁴ Certain collective rights, such as timber rights, are also recognised.⁶⁵</p>	<p>The rights of members of local and forest fringe communities, including - protection against discrimination, recognition of traditional authorities and customary rights, recognition of community dispute settlement and traditional knowledge - are promoted and regulated throughout the implementation of REDD+ interventions.</p>
<p>C.2 Traditional knowledge is recognised and protected throughout the implementation of REDD+</p>	<p>The Constitution refers to the traditional knowledge of local communities.⁶⁶ Moreover, it provides in general that every person is entitled to enjoy, practice, profess, maintain and promote any culture, language, tradition or religion.⁶⁷</p> <p>Traditional authorities in Ghana are deemed to be the custodians, interpreters and enforcers of customs and usages of local communities.</p>	

⁵⁹ Constitution, Article 11

⁶⁰ Constitution, Article 11. For the purposes of this article, “customary law” means the rules of law, which by custom are applicable to particular communities in Ghana.

⁶¹ Constitution, Article 11

⁶² Timber Resources Management Regulation 2002 (L.I 1649): Section 13 (b) and the Timber Resources Management (Amendment) Regulation 2003, (L.I 1721) Section 14 (1) (v)

⁶³ Constitution, Chapter 22 and Chieftaincy Act, 2008 (Act 759).

⁶⁴ ADR Act, 2010 (Act 798), Part 3

⁶⁵ Constitution, Article 267 (1):

⁶⁶ Constitution, Article 11

⁶⁷ Constitution, Article 26(1)

UNFCCC REDD+ Safeguard D: 'The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision'		
Core elements	Legal basis	Narrative Clarification
D.1 The right to participate in the implementation of REDD+ is recognised and promoted.	<p>The Constitution recognises and guarantees generally the public's right to participate in policy making.⁶⁸ There is a defined system of public participation in Environmental Impact Assessments through the instrumentality of Public Hearings, which gives all stakeholders on a forest land the right to determine the use to which their land is being put.⁶⁹</p> <p>The Forest and Wildlife Policy of Ghana⁷⁰ makes provision for the building of the capacities of institutions, including community enterprises as part of ensuring good governance in the management of timber resources.</p>	<p>The right to full and effective participation of relevant stakeholders is recognised and promoted throughout the design and implementation of REDD+ interventions– including the use of appropriate participatory mechanisms and due consideration of the inputs received.</p>
D.2. Relevant stakeholders are identified prior to the design and implementation of REDD+ is ensured	<p>The legal framework defines who counts as stakeholders via the Timber Resources Management Regulations and the Environmental Assessments Regulations.⁷¹</p> <p>PLRs in Ghana provide for the engagement or representation of local communities in the relevant forest decision making processes⁷².</p>	

⁶⁸Constitution, Article 37. (2), Article 35 (6)(d), Article 240 (2), Article 125 (2)

⁶⁹ Timber Resources Management Act, 1998 (Act 547), Section 4 (2) and Section 5(1); Environmental Assessment Regulation 1999, Section 17(1)

⁷⁰ Forest and Wildlife Policy, 2012, Paragraph 3.2.8 and 5.7.8

⁷¹ Timber Resources Management (Legality Licensing) Regulations 2 and 3

⁷² Timber Resources Management (Legality Licensing) Regulations 2 and 3; Timber Resources Management Regulation 2002 (L.I 1649) Section 13 (b); Timber Resources Management (Amendment) Regulation 2003, (L.I 1721) Section 14 (1) (v)

<p>D.3 Appropriate Participatory mechanisms are in place to ensure full and effective participation throughout the implementation of the REDD+ Strategy</p>	<p>PLRs outline the responsibilities and processes for public participation.⁷³</p> <p>The type of information to be provided in environmental decision making processes are clearly defined by PLRs. ⁷⁴ PLRs highlight that in the context of Environmental Impact Assessments, Public Hearings must be held. ⁷⁵</p> <p>PLRs define clear timeframes for decision making. ⁷⁶</p>	
---	--	--

<p>UNFCCC REDD+ Safeguard E: ‘That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits</p>		
Core elements	Legal basis	Narrative Clarification
<p>E.1 The conservation of natural forests and biological diversity is recognized and protected throughout the implementation of the REDD+ strategy</p>	<p>Ghana’s legal framework includes a broad duty to safeguard and protect the environment,⁷⁷ and mandates the Environmental Protection Agency Act to promote studies, research, surveys, analyses for the improvement of the protection of the environment and the maintenance of sound ecological ecosystems, as well as the promotion of effective planning in the management of the environment.⁷⁸</p> <p>The legal framework requires that all undertakings that could potentially negatively affect the environment be subject to EIA⁷⁹.</p>	<p>REDD+ interventions will promote the conservation of natural forests and biodiversity, the enhancement of social and environmental benefits, and will not result in the conversion of natural forests, in accordance with the relevant PLRs in the country.</p>

⁷³ Timber Resources Management Regulations, 1998 (L.I 1649), Regulation 2; VPA between Ghana and European Union 2009, Article 16 sub (2)

⁷⁴ Environmental Assessment Regulations, 1999 (L.I 1652) Regulation 9 and 12

⁷⁵ Environmental Assessment Regulations (L.I 1652), Regulation 17

⁷⁶ Environmental Assessment Regulations 1999 (L.I 1652) Regulation 12

⁷⁷ Constitution, Article 36(9)

⁷⁸ Environmental Protection Agency Act, 1994 (Act 490): Section 12

⁷⁹ Environmental Protection Agency Act, 1994 (Act 490): Section 12

	<p>Relevant PLRs include:</p> <ul style="list-style-type: none"> • Forest Ordinance Act⁸⁰ • Forest Plantation Development Funds Act, the Trees and Timber Act and the Traditional Medicine Act⁸¹ • Constitution provides for protection of the environment and citizens⁸² • Wetland Management (RAMSAR SITE) Regulations⁸³ • Environmental Assessment Regulations⁸⁴ • Environmental Protection Agency Act⁸⁵ 	
E.2 The REDD+ strategy will not incentivise, or lead to the conversion of natural forests	<p>A combination of legal provisions would prohibit the conversion of natural forests as a result of REDD+ implementation including:</p> <ul style="list-style-type: none"> • Constitutional Provisions requiring that appropriate steps are taken to protect and safeguard the environment by both the government and the citizens,⁸⁶ • The requirements for an Environmental Impact Assessment⁸⁷ by applicants interested in undertakings that could adversely affect the environments, • The regulations aimed at preventing the waste of trees or timber in an area outside a forest reserve, as well as • Those mandating the Minister to keep each protected area under review and laws regulating farming in protected areas 	

⁸⁰ Forests Ordinance Act, Section 2, Section 10, Section 17

⁸¹ Forests Act, Section 2, Section 10, Section 17; Forest Plantation Development Fund Act, Section 22; Traditional Medicine Practice Act, Section 42

⁸² Constitution, Article 36(9)

⁸³ Wetland Management (RAMSAR SITE) Regulations, Regulation 10

⁸⁴ Environmental Assessment Regulations, 1999 (L.I 1652), Regulation 1

⁸⁵ Environmental Protection Agency Act, 1994 (Act 490): Section 12

⁸⁶ Constitution, Article 36(9)

⁸⁷ Environmental Assessment Regulations, 1999 (L.I 1652), Regulation 1

E.3 The ecological, biological, climatic, and socio-economic, benefits provided by forests are recognised and enhanced throughout the implementation of the REDD+ interventions	Ghana's legal framework has provisions that seek to maintain and increase ecological, biological, climatic, socio-cultural and economic contributions of forest resources. ⁸⁸ The Ghana Forest and Wildlife Policy and NBSAP for example, promote the development of viable forest and wildlife based industries and livelihoods. ⁸⁹	
---	--	--

UNFCCC REDD+ Safeguard F & G, respectively: Actions to address the risks of reversals and Actions to reduce displacement of emissions		
Core elements	Legal basis	Narrative Clarification
The risks of reversals are addressed throughout the implementation of REDD+ strategy	The Ghanaian legal framework generally requires the sustainable utilisation of forests and other relevant resources, ⁹⁰ regulates against unsanctioned bushfires, ⁹¹ and outlines legal and illegal behaviours within the forest sector, as well as the sanctions for breaches of the laws ⁹² . Ghana's PLRs have also mandated the adoption of a wood tracking system to tackle illegal logging, ⁹³ and the EPA Act, anticipating the need for a scientific approach and technical expertise for the effective management of the forest and its resources, provides for it by mandating the Agency to, develop and administer training programmes, the aim of which is to adequately equip its personnel with the requisite technical expertise for the management of the forest and its resources.	Actions to address risks of reversals and displacement of emissions are taken throughout the implementation of the REDD+ interventions
	As part of the development of the GRS and ERPD, the key drivers of deforestation and degradation, and potentially opportunities for forest	

⁸⁸ Environmental Protection Agency Act, Section 2

⁸⁹ Ghana Forest and Wildlife Policy, 2012: Policy Strategy 1.1.3, Ghana NBSAP action plan 2, 14, 15 and 16

⁹⁰ Constitution, Article 35 (6) (d) and Article 41 (k).

⁹¹ Control and Prevention of Bushfires Act, 1990 (PNDCL 229) Sections 1 and 9

⁹² Timber Operations (Government Participation) Act, 1972 (NRCD 139): Section 8(2), (3) and (4) (2); Forests Protection Act, 1974 (NRCD 243), Section 2; Trees and Timber Act, 1974 (NRCD 273): Section

⁹³ Timber Resource Management (Legality Licensing) Regulations Regulation 13(6) (b of L.I 2184 OF 2012)

<p>The risks of -displacement are addressed throughout the implementation of REDD+ strategy</p>	<p>enhancement will be identified, and the GRS and ERPD will clarify how these drivers are to be addressed by the REDD+ interventions. Potential social and environmental impacts of the proposed interventions will be identified and mitigated, including conflicts linked to tenure/land rights in REDD+ intervention areas. The NFMS is also expected of identifying instances of displacement so that steps can be taken to address them.</p>	
---	--	--

Part III: Measures put in place to address the Cancun safeguards

a) Introduction

Responding to the requirement in UNFCCC Decision 12/CP. 19 paragraph 4, Ghana is expected to submit the most recent Sol that describes the country's overall approach to safeguards implementation, and in particular, how the seven Cancun safeguards have been **addressed** and **respected**.

This Sol is intended to provide information on how Ghana has committed to addressing and respecting the Cancun Safeguards throughout the implementation of REDD+. To that end, we note that this initial Sol, is prepared prior to REDD+ implementation and therefore only provides information on the measures in place in Ghana, rather than of the outcomes of implementation.

This section is dedicated, therefore, to the approaches by which Ghana is “addressing” the Cancun safeguards. **Addressing** the safeguards relates to:

- Description of the legal framework: laws, policies, regulations, plans, and programs relevant to the country's safeguards framework
- Description of the institutional framework: institutions and institutional arrangements relevant to the country's safeguards framework
- Description of the information systems⁹⁴ (provided in SIS separate section, below).
- Description of how REDD+ related conflicts will be dealt with

Information on “addressing” the Cancun safeguards entails a description of relevant governance arrangements, as outlined above. Herein, such arrangements are mapped to each of the seven Cancun safeguards.

An assessment conducted as part of the ERPD found that the legal framework in Ghana already protects and regulates many of the rights and objectives enshrined in the Cancun Safeguards. Overall, the assessment of the PLRs indicates that Ghana's legal framework is largely supportive of REDD+ actions, however, the results of the legal analysis and of the SESA clearly identify legislative and policy gaps which will require reforms⁹⁵.

A full legal analysis, summarised below, outlines how the legal framework addresses each safeguard component.

Information on how the safeguards are being addressed is expected to be relatively constant from one summary to the next, that is, a country's governance arrangements are likely to change at a rate slower than the frequency of summary submissions. Passing of new safeguard-relevant policies, laws, and regulations, together with any significant modifications of institutional arrangements, information systems, or any other relevant governance components of a country, will be updated and reflected in subsequent summaries.

⁹⁴ Braña Varela, J., Lee, D., Rey Christen, D., and Swan, S. 2014. “REDD+ Safeguards: Practical Considerations for Developing a Summary of Information.” Prepared with support from the Government of Norway's International Climate and Forest Initiative. Available at www.merid.org/reddsafeguards.

⁹⁵ Forest Carbon Partnership Fund, Emission Reduction Programme Document, Ghana Cocoa REDD+ Programme, April 2017

b) Description of the relevant PLRs for each safeguard component/element

This section is divided in accordance with the seven Cancun safeguards. Each section contains a short description in accordance with relevant PLRs, followed by a list of the relevant PLRs.

UNFCCC REDD+ safeguard (A):

“That action complements or is consistent with the objectives of national forest programmes and relevant international conventions and agreements;”

The first safeguard is dual facing with one intention: coherence. All actions must be consistent with, or cohere to, national forest programs, in order to maintain administrative coherence as well as general rule of law, while on the other hand importing and streamlining global governance by insisting on the same with international treaties.

While there is no single document that can be defined as a “national forest programme” in Ghana, however, the Forest and Wildlife Policy (FWP) (2012) is considered to serve as an overarching national forest programme, with the Forestry Development Master Plan (FDMP) 2016-2036 serving as a guiding policy for the sector. Another highly relevant policy document is the Ghana forest plantation strategy 2016-2040. These are kept coherent through a clear chain of legal authority and obligation from the constitution, which created the Forestry Commission, to the duties of that body and the policies it creates in direct accordance with these duties. This is further shored up through a general duty to conserve, both privately, and as organs of the state, forests and natural environments in accordance with policies and laws in place.

On the international aspect, Ghana is Party to at least 14 international legal treaties or conventions, which are relevant and applicable to the REDD+ safeguards. International Law is incorporated into the domestic legal system by Parliamentary ratification through an Act of Parliament or by a resolution of Parliament⁹⁶ The ratification by Parliament through an Act of Parliament or a resolution of Parliament supported by more than half of votes of all members of Parliament is required before the treaty can become part of the national legal framework. All ratified/domesticated international treaties are placed on the same level as Acts of Parliament⁹⁷.

List of relevant Policies, Laws and Regulation

- The Constitution 1992
- Forest and Wildlife Policy (FWP) (2012),
- Forestry Development Master Plan (FDMP) 2016-2036
- Ghana forest plantation strategy 2016-2040
- Forestry Commission Act of 1999 (Act 571)
- Ghana National Climate Change Policy (2013)

UNFCCC REDD+ safeguard (B):

⁹⁶ Constitution of the Republic of Ghana, 1992, Article 75

⁹⁷ Article 11 (1) (b) (1) The Laws of Ghana shall comprise enactments made by or under the authority of the Parliament established by this Constitution; and Article 75 (2) (a). Republic v. High Court Commercial Division Accra, Ex parte Attorney General (Interested Parties NML Capital Ltd and the Republic of Argentina) (Civil motion, No. J5/10/20113, 20th June 2013) Unreported.

“Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;”

Ghana’s Constitution makes certain provisions for access to information, with the Administration of Lands Act and Environmental Assessment Regulations, providing for the dissemination of information on forestry events, issues and trends. Forest and Wildlife policy also places specific duty regarding update and availability of information on all relevant agencies. Constitutional bodies like the National Commission for Civic Education exist and are charged with educating the citizenry in all matters, whereas institutions or agencies for promoting public transparency are adequately provided for within the legal framework of Ghana, with a number of Acts of Parliaments providing clear measures for addressing corruption generally, with a few of them aimed specifically at the forest sector.

Regarding effective governance, the legal framework in Ghana recognises the different types of rights over forestlands, including statutory and customary ownership and user rights. The legal framework also caters for a regime of a right to fair distribution of benefits arising from the use of forest resources. In some instances, the amount to be paid and who the beneficiaries of such payments are, have been clearly stipulated⁹⁸.

Ghana also maintains a general prohibition in the Constitution and the Ghanaian legal framework on discrimination, including discrimination on grounds of gender. Access to information is secured in Ghana through several means, from the courts to a traditional system of adjudication through the National and Regional Houses of Chiefs, and an Alternative Dispute Resolution (ADR) system, Ghana’s legal framework provides effective dispute resolution mechanisms capable of addressing all forms of disputes at all levels. This includes special provisions through a Legal Aid Scheme, of provision of access to impoverished and vulnerable sections of society.

Finally, in terms of pure governance- the consideration of environmental and social aspects when making or implementing policy, and the need for cross sectoral coordination: Constitutional provisions mandate the government and citizens to take necessary steps towards the protection and safeguarding of the environment, with review of environmental considerations of any undertaking being captured in the Environmental Protection Agency Act, wherein it provides for the appointment of Environmental Protection Inspectors.

The Ghana Forest and Wildlife Policy, 2012 promotes inter-sectoral collaboration among relevant Ministries, Departments and Agencies concerned with the sustainable management of the forest ecosystem, to generate and share information to improve forest policy and management by involving all stakeholders in forest management planning, policy formulation and decision making.

List of relevant Policies, Laws and Regulations
<ul style="list-style-type: none">• Constitution of the Republic of Ghana, (1992)• The Administration of Lands (1962)• The Environmental Assessment Regulations• The Forest and Wildlife Policy (2012)• Ghana Forest and Wildlife Policy, (2012)• Environmental Protection Agency Act (1994)• National Commission on Civic Education Act (1993)• Commission on Human Rights and Administrative Justice Act (1993)• Audit Service Act (2000)

⁹⁸ Forest Carbon Partnership Fund, Emission Reduction Programme Document, Ghana Cocoa REDD+ Programme, April 2017

- Internal Audit Agency Act (2003)
- Commission on Human Rights and Administrative Justice (CHRAJ) Act (1993).
- Economic and Organised Crime Office Act, (2010)
- Criminal Offences Act, (1960)
- National anti-corruption action plan (2012-2021)
- Forest Ordinance (1927)
- National Land Policy (1999)
- Administration of Lands Act (1962)
- Conveyancing Act (1973)
- Timber Resource Management Act (1998)
- Head of Family (accountability) Act (1985)
- National Gender Policy (2016)
- Labour Act (2003)
- Alternative Dispute Resolution Act (2010)
- Chieftaincy Act (2008)

UNFCCC REDD+ safeguard (C):

“Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;”

It is important to highlight that Ghanaian laws do not recognize the concept of ‘indigenous people’ as understood in International Law, as there are no ‘indigenous peoples’ in Ghana. However, the Constitution of Ghana recognises the existence of local communities and acknowledge that these communities are governed by customary laws that are peculiar to them alone. In addition, the concept of traditional knowledge of local communities is recognised in Ghana’s legal framework (though it is not defined). Traditional authorities in Ghana are deemed to be the custodians, interpreters and enforcers of customs and usages of local communities, with Constitutional and statutory provisions combining to define the mechanisms for the sharing of the benefits arising out of the utilization of forest resources in a fair manner.

The Constitution provides other general rights to enjoy, practice, profess, maintain and promote any culture, language, tradition or religion and the right to be protected from discrimination on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status.

Therefore, PLRs respect and uphold the identity, customs traditions and institutions of communities, without granting any specific rights to local communities as distinct from the rights enjoyed by any other citizen simply by virtue of them belonging to a particular local community. As for self-determination, traditional authorities, such as the national and regional House of Chiefs and traditional councils are officially recognised and have a degree of autonomy, including in terms of arbitration. Certain collective rights, such as timber rights, are also recognised.

List of relevant Policies, Laws and Regulations

- The Constitution of the Republic of Ghana (1992)
- Timber Resource Management Regulation (2002)
- Timber Resource Management (amendment) Regulation (2003)
- The Chieftaincy Act (2008)
- Alternative Dispute Resolution Act (2008)
- Administration of the Lands Act (1963)
- Office of the Administrator of Stool Lands Act (1994)

UNFCCC REDD+ safeguard (D):

“The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities;”

The Constitution recognises and guarantees generally, the public’s right to participate in policy making. The Ministry of Lands and Natural Resources (MLNR) and Civil Society Organisations (CSOs) have over the years, used the rights as a basis to demand to participate in decision-making in the forestry sector. There is also an intention on the part of the Government, to improve participation through the future enactment of legislation and regulations to facilitate and enhance local participation and control through decentralisation of forestry operations at the district level.⁹⁹

PLRs provide dispute resolution mechanisms that are equitable, transparent, accountable, independent, confidential and affordable (or free) and that respect customary justice systems. Traditionally, Ghana has the National and Regional Houses of Chiefs that take care of disputes in the local communities, in addition to a system of customary arbitration.¹⁰⁰

Ghana’s legal framework also recognises and defines clear mechanisms and procedures for public participation in limited circumstances, namely in the context of Environmental Impact Assessments and the granting of timber extraction contracts through the instrumentality of Public Hearings.¹⁰¹ In these circumstances, relevant stakeholders are defined,¹⁰² the Timber Resources Management (Legality Licensing) Regulations and the Environmental Assessments Regulations. PLRs in Ghana also provide for the engagement or representation of local communities in forest decision making processes.¹⁰³

List of Relevant Policies, Laws and Regulation.

- The Constitution of the Republic of Ghana (1992)
- Timber Resource Management Act (1998)
- Forest and Wildlife Policy (2012)
- Timber Resource Management (Legality Licensing) Regulations (2012)
- Environmental Assessment Regulation (1999)
- Timber Resource Management Regulations (2002)
- Chieftaincy Act (2008)
- Alternative Dispute Resolution Act (2010)

⁹⁹ Ghana Forest and Wildlife Policy (2012) Policy Strategy 4.1.1(a) of Strategic Direction 4.1 (p. 26)

¹⁰⁰ Constitution, Chapter 22; ADR Act, 2010(Act 798), Part Three

¹⁰¹ Timber Resources Management Act, 1998 (Act 547), Section 4 (2) and Section 5(1); Environmental Assessment Regulation 1999, Section 17(1)

¹⁰² Timber Resources Management (Legality Licensing) Regulations 2 and 3

¹⁰³ Timber Resources Management (Legality Licensing) Regulations 2 and 3; Timber Resources Management Regulation 2002 (L.I 1649) Section 13 (b); Timber Resources Management (Amendment) Regulation 2003, (L.I 1721) Section 14 (1) (v)

UNFCCC REDD+ safeguard (E):

“That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the [REDD+] actions are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefit;”

Ghana’s legal framework includes a broad duty to safeguard and protect the environment,¹⁰⁴ and mandates the Environmental Protection Agency Act to promote studies, research, surveys, analyses for the improvement of the protection of the environment and the maintenance of sound ecological ecosystems, as well as the promotion of effective planning in the management of the environment.¹⁰⁵

The legal framework requires that all undertakings that could potentially negatively affect the environment be subject to EIA¹⁰⁶. Whenever a management plan is submitted to the Forestry Commission (FC) by a company to obtain a permit, the provision of information on the environmental impacts of the operation is required by the FC.

Ghana also has a National Biodiversity Strategy and action plan (NBSAP) which provides guidance on priority issues and a strategic framework for biodiversity conservation and management and defines the term biological diversity in line with the Convention on Biodiversity, with ‘ecosystem’ clearly defined as well (though ‘ecosystem services’ are not).

Additionally, Ghana’s legal framework has limited provisions that seek to maintain and increase ecological, biological, climatic, socio-cultural and economic contributions of forest resources.¹⁰⁷ The Ghana Forest and Wildlife Policy and NBSAP for example, promote the development of viable forest and wildlife based industries and livelihoods.¹⁰⁸

Ghana has a definition of natural forests. The FC and stakeholders consider forests that have come about without any man-made efforts as natural forest and recognise them as such. And, while Ghanaian law does not provide direct prohibition on conversion of forests, a combination of legal provisions, ranging from the constitution down to regulations and ministerial mandate would prohibit the conversion of natural forests as a result of REDD+ implementation.

List of relevant Policies, Laws and Regulation

- Traditional Medicine Practices Act (2000)
- National Biodiversity Strategy and Action Plan for Ghana (2014)
- Wetland Management (RAMSAR SITE) Regulations (1999)
- Constitution of the Republic of Ghana (1992)
- Environmental Assessment Regulation (1999)
- Forest Ordinance (1927)
- Wetland Management (RAMSAR SITE) Regulations (1999)
- Trees and Timber Act (1974)
- Forest Protection Act (1974)
- Timber Resource Management Act (1998)

¹⁰⁴ Constitution, Article 36(9)

¹⁰⁵ Environmental Protection Agency Act, 1994 (Act 490): Section 12

¹⁰⁶ Environmental Protection Agency Act, 1994 (Act 490): Section 12

¹⁰⁷ Environmental Protection Agency Act, Section 2

¹⁰⁸ Ghana Forest and Wildlife Policy, 2012: Policy Strategy 1.1.3, Ghana NBSAP action plan 2, 14, 15 and 16

- Environment Protection Agency Act (1994)
- Forest and Wildlife Policy (2012)
- Land Use and Spatial Act (2016)
- Office of the Administrator of Stool Lands Act (1994)

UNFCCC REDD+ safeguards (F) and (G):

“Actions to address the risks of reversals; Actions to reduce displacement of emissions.”

While Ghana’s legal framework does not have any provisions explicitly designed to tackle the risk of reversals, several relevant provisions exist: The Ghanaian legal framework provides for the sustainable utilization of forests and other relevant resources¹⁰⁹, regulates against unsanctioned bushfires,¹¹⁰ and outlines legal and illegal behaviours within the forest sector, as well as the sanctions for breaches of the laws¹¹¹. Ghana’s PLRs have also mandated the adoption of a wood tracking system to tackle illegal logging,¹¹² and the EPA Act, anticipating the need for a scientific approach and technical expertise for the effective management of the forest and its resources, provides for it by mandating the Agency to develop and administer training programmes, the aim of which is to adequately equip its personnel with the requisite technical expertise for the management of the forest and its resources.

The Land Use and Spatial Planning Act 2016 contemplates a framework for the development of a land-use plan which touches upon the issue of reversals¹¹³. Liabilities and compensation for actions that affect the conservation and management of forests being addressed within several PLRs¹¹⁴.

List of Relevant Policies, Laws and Regulation

- Land use and Spatial Planning Act (2016)
- Timber Resource Management (Legality Licensing) Regulations Regulation (2017)
- Environmental Assessment Regulations (1999)
- The Environmental Protection Agency Act (1994)
- Constitution of the Republic of Ghana (1992)
- Timber Operations (Government Participation) (1972)
- Forest Protection Act (1974)
- Trees and Timber Act (1974)
- Control and Prevention of Bushfires Act (1990)
- The Environment Protection Agency Act (1994)

¹⁰⁹ Constitution, Article 35 (6) (d) and Article 41 (k).

¹¹⁰ Control and Prevention of Bushfires Act, 1990 (PNDC 229) Sections 1 and 9

¹¹¹ Timber Operations (Government Participation) Act, 1972 (NRCD 139): Section 8(2), (3) and (4) (2); Forests Protection Act, 1974 (NRCD 243), Section 2; Trees and Timber Act, 1974 (NRCD 273): Section

¹¹² Timber Resource Management (Legality Licensing) Regulations Regulation 13(6) (b of L.I 2184 OF 2012)

¹¹³ Ghana Cocoa-Forest REDD+ Program Emission Reduction Programme Document, 2017.

¹¹⁴ Timber Operations (Government Participation) Act, 1972 (NRCD 139): Section 8(2), (3) and (4) (2); Forests Protection Act, 1974 (NRCD 243), Section 2; Trees and Timber Act, 1974 (NRCD 273): Section

Part IV: How information about safeguard's implementation will be gathered and reported: Ghana's SIS

Ghana's Safeguards Information System (SIS) is a transparent and accountable domestic repository of safeguards information that provides information on how safeguards are addressed (on paper) and respected (on the ground). The SIS is a web-based platform.

The functions of the SIS are closely linked to the institutional arrangements, as the functions may be carried out by a single, or multiple agencies/institutions. Core functions considered by Ghana are:

a) **Function 1: Collection of information**

This function alludes to the process of collecting information on the ground by the relevant existing (or possibly new) information systems and sources.

In accordance with this analysis and the views of relevant stakeholders, collection of data is to be carried out by **HIA/District Safeguard Focal Person (FP)**, who will be designated by the HIA and Consortium partners, and the National PMU Safeguards Specialist. The HIA Safeguard FP will work jointly with the FC District Safeguard FP.

They will collect data in collaboration with the various consortium partners in each HIA, including private sector companies (licensed cocoa buying companies, chocolate companies and sector organizations, etc), government bodies (Cocoa Board district offices, FC-FSD district offices, community and farmers, traditional leaders, etc). Once data is collected, they will ensure that the information is checked and verified by the HIA partners before the HIA/District Safeguards FP sends it to the Regional Safeguard FP.

b) **Function 2: Compilation and aggregation of information**

This function alludes to the process of acquiring and aggregating the requested information from the multiple relevant systems and sources.

The **Regional Safeguards FP** will be responsible for collating and analyzing data at a primary level, and communicating with the PMU.

This person will sit in the FC Regional office and receive safeguards data and information from the HIAs/District Safeguard FPs within the jurisdiction of the FC Region. This person will verify the data through interactions with the HIA Safeguard FP and the FC District Safeguard FPs, and then approve it and send it to the Safeguards Specialist at the PMU.

c) **Function 3: Analysis of information**

The analysis process aims to offer a qualitative and quantitative assessment of the information in order to determine to what extent the safeguards are being addressed and respected.

The **PMU Safeguard Specialist** will receive all of the safeguards information and data from the Regional Safeguards FP. The PMU Safeguard Specialist will review and further analyze the data as required, provide final verification, and where questions or gaps arise, will work with the Regional FPs to make corrections and improvements. The PMU Safeguard Specialist will then send the

programme's safeguard information and data on to the National Safeguards Specialist for final validation and approval, with the knowledge of the Director, Climate Change.

d) Function 4: Dissemination of Information

As noted above, this function alludes to the process of disseminating the information produced by the SIS. Although UNFCCC guidance is not detailed in relation to this function, it requested that the SIS should: "Provide transparent and consistent information that is accessible by all relevant stakeholders."¹¹⁵ This means that there is an expectation that SIS information be disseminated both internally (national level) and externally (international reporting) through appropriate means (e.g. website, reports, meetings with relevant stakeholders, etc.).

At the national level, the National Safeguards Specialist will trigger reporting to the Environmental protection Agency (EPA) for the UNFCCC, the World Bank, and enable web-based publication and updates into the safeguards information system (SIS) for the public and for stakeholders. Information and updates on the SIS web will be done frequently, and national report will be published every year.

¹¹⁵ UNFCCC Decision 12/CP.17 paragraph 2(b)

Part V: How the safeguards have been respected

This section outlines the SIS information needs, which determine the types of information that will be gathered to demonstrate how safeguards are being respected.

As noted above, this initial Sol, is prepared prior to REDD+ implementation and therefore only provides information on the information needs to be utilized, rather than of the actual information gathered and outcomes of implementation. It is anticipated that subsequent SOIs will provide information on the actual outcomes, structured in relation to these information needs as a basis for accessing UNFCCC results-based payments.

The information contained below is split into tables, one for each of the Cancun safeguards.

- 1) First column outlines the 'safeguard element' as defined in the draft clarification/interpretation of the UNFCCC REDD+ safeguard in accordance with the country context: the information has been included as it provides the framework for structuring the information needs.
- 2) Second column identifies the 'sub-element' of the safeguard (if applicable): Some of the Cancun safeguards are more conceptually complex/wide ranging than others, and therefore have been broken down into sub-elements in the clarification/interpretation.
- 3) The third column lists types of information that could be provided to demonstrate how the safeguard is being addressed: this should ideally include a narrative description of the measures in place to ensure that the implementation of REDD+ (as outlined in the GRS and ERPD) is consistent with the Cancun safeguards. This means the laws, regulations and procedures in Ghana that anchor the broad language of the Cancun safeguards to Ghana's context (based on the legal analysis and interpretation) as well as any REDD+ specific measures (Operational Procedures for REDD+ implementation) developed to ensure safeguard compliance. Where possible, this should also include institutional arrangements (who is tasked with ensuring compliance with the safeguard element).
- 4) The fourth column lists types of information to be provided to demonstrate how the safeguard is being respected: this means information to demonstrate the outcomes of their implementation. This information can be both qualitative (narrative description) and quantitative (raw data and statistics).

Safeguard (a): That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements

Safeguard element	Types of information that could be provided to demonstrate how the safeguard is being addressed (measures)	Types of information to be provided to demonstrate how the safeguard has been respected (outcomes)
(REDD+) interventions/PaMs complement or are consistent with the objectives of Ghana's national forest programmes	<ul style="list-style-type: none"> Description of how the GRS is consistent and aligned with the objectives of Ghana's national forest programmes. 	Qualitative <ul style="list-style-type: none"> Description of how the implementation of the REDD+ strategy is consistent with the objectives of national forest programmes (macro) Description of how the implementation of the specific REDD+ intervention/PaM is consistent with the objectives of national forest programmes (micro)
(REDD+) interventions/PaMs complement or are consistent with <u>relevant</u> international conventions and agreements	<ul style="list-style-type: none"> List of international agreements to which Ghana is a party. Description of how the GRS is consistent with the objectives of these various agreements. 	Qualitative <ul style="list-style-type: none"> Description of how the implementation of the REDD+ strategy is consistent with the objectives of the various international agreements to which Ghana is a Party (macro) Description of how the implementation of the specific REDD+ intervention/PaM is consistent with the objectives of the various agreements to which Ghana is a Party (micro).

Safeguard (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;

Safeguard element	Safeguard sub-element (if applicable)	Types of information that could be provided to demonstrate how the safeguard is being addressed (measures)	Types of information to be provided to demonstrate how the safeguard has been respected (outcomes)
Transparent forest governance structures	Access to information	<ul style="list-style-type: none"> • Description of how access to information (dissemination, dealing with requests) is regulated in Ghana (laws, procedures for requesting information, institutional arrangements) • Description of REDD+ specific measures in place to deal access to information regarding a specific REDD+ intervention/PaM if additional to ones above • Description of how information was disseminated during the design of REDD+ policies, interventions and projects (GRS, ERPD) 	<p>Qualitative</p> <ul style="list-style-type: none"> • Narrative description of the most frequent types of request for information received (information requested) and how these were dealt with. <p>Quantitative</p> <ul style="list-style-type: none"> • Number of requests for information • Number of requests received/approved • Percentage dealt with vs received, average delay
	Corruption control	<ul style="list-style-type: none"> • Description of how corruption is regulated (illegal acts, codes of conduct, transparency in budget allocation, public procurement etc.) in Ghana (laws, procedures and institutional arrangements.) • Description of REDD+ specific measures in place to deal with corruption if additional to ones above 	<p>Qualitative</p> <ul style="list-style-type: none"> • Description on measures taken to implement the anti-corruption action plan. • Description of how REDD+ finance (readiness, implementation and results) has been spent • Description of REDD+ related procurement processes followed (outcomes) • Description of any REDD+ related denunciation of public officials for corruption, any corruption related disputes, or investigations by the mandated agencies as well as their outcomes <p>Quantitative</p>

Safeguard element	Safeguard sub-element (if applicable)	Types of information that could be provided to demonstrate how the safeguard is being addressed (measures)	Types of information to be provided to demonstrate how the safeguard has been respected (outcomes)
			<ul style="list-style-type: none"> Description/statistics of how REDD+ finance (readiness, implementation and results) has been spent (internal and external annual audits, projected budgets, audited spending reports)

Safeguard element	Safeguard sub-element (if applicable)	Types of information that could be provided to demonstrate how the safeguard is being addressed (measures)	Types of information to be provided to demonstrate how the safeguard has been respected (outcomes)
Effective forest governance structures	Forest land tenure	<ul style="list-style-type: none"> • Description of how tenure (ownership and access rights, resettlement) over forest land are regulated in Ghana (laws, institutions) • Description of REDD+ specific measures in place to deal with forest land tenure if additional • Description/mapping of existing tenure arrangements within the REDD+ intervention areas 	<p>Qualitative</p> <ul style="list-style-type: none"> • Description/evidence of how existing land use rights have been recognised and protected during the implementation of REDD+ (macro) • If applicable, description of any resettlement processes that took place (macro) • Description/evidence of how existing land use rights have been recognised and protected during the implementation of the specific REDD+ intervention/PaM (micro) • If applicable, description of any resettlement process (including procedures followed and compensation provided) for the specific REDD+ intervention/PaM (micro). <p>Quantitative</p> <ul style="list-style-type: none"> • Number of statutory/customary rights holders in the area before and after REDD+ interventions • Number of resettlements (if and as applicable) • Amount of compensation awarded (if and as applicable)

Safeguard element	Safeguard sub-element (if applicable)	Types of information that could be provided to demonstrate how the safeguard is being addressed (measures)	Types of information to be provided to demonstrate how the safeguard has been respected (outcomes)
	Benefit-sharing	<ul style="list-style-type: none"> • Description of how benefit-sharing is dealt with in Ghana (laws, institutions) • Description any additional REDD+ specific benefit-sharing regime/arrangements (protocols, guidelines, institutional arrangements) • Mapping of beneficiaries in REDD+ intervention area 	<p>Qualitative</p> <ul style="list-style-type: none"> • Description of benefits (monetary and non-monetary) provided to identified beneficiaries (macro) • Description of benefits (monetary and non-monetary) provided to identified beneficiaries in the specific REDD+ intervention/PaM (micro) <p>Quantitative</p> <ul style="list-style-type: none"> • Outcome statistics (number of beneficiaries, amounts disbursed) macro and micro
	Gender equity	<ul style="list-style-type: none"> • Description of measures in place in Ghana to ensure/improve gender equity (laws, institutions) • Description of additional measures in place in the context of REDD+ 	<p>Qualitative</p> <ul style="list-style-type: none"> • Description of how women were involved in the design/implementation of REDD+ interventions (participation, distribution of benefits) (macro) • Description of how women were involved in the design/implementation of REDD+ interventions (participation, distribution of benefits) in the specific intervention (PaM) (micro) <p>Quantitative</p> <ul style="list-style-type: none"> • Number of meaningful involvement of women in design/implementation of REDD+ interventions (micro and macro) • Number of women accessing benefits (monetary, non-monetary), amounts received
	Access to justice	<ul style="list-style-type: none"> • Description of how access to justice is regulated in Ghana (laws, institutions) 	<p>Qualitative</p>

Safeguard element	Safeguard sub-element (if applicable)	Types of information that could be provided to demonstrate how the safeguard is being addressed (measures)	Types of information to be provided to demonstrate how the safeguard has been respected (outcomes)
		<ul style="list-style-type: none"> Description any additional REDD+ specific measures to deal with conflicts (dispute resolution procedures, institutional arrangements) if additional 	<ul style="list-style-type: none"> Description of major sources of conflicts during REDD+ design and implementation and how these were dealt with (process followed, outcomes) (macro and micro). <p>Quantitative</p> <ul style="list-style-type: none"> Number of grievances received (against implementing authorities, among stakeholders) Numbers dealt with directly, number re-directed to courts Average delay in dealing with them Number of appeals

Safeguard (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;

Safeguard element	Types of information that could be provided to demonstrate how the safeguard is being addressed	Types of information to be provided to demonstrate how the safeguard has been respected
Respect for the <u>knowledge</u> of local and forest fringe communities when developing and implementing REDD+ interventions/PaMs	<ul style="list-style-type: none"> • Description of how traditional knowledge of local communities is dealt with in Ghana (laws, institutions) • Description any additional REDD+ specific regime/arrangements (protocols, guidelines, institutional arrangements) in place to recognise/respect traditional knowledge during design and implementation of REDD+ in Ghana (macro) • Description any additional REDD+ specific regime/arrangements (protocols, guidelines, institutional arrangements) in place to recognise/respect traditional knowledge during design and implementation of specific REDD+ interventions/PaMs (micro) 	<p>Qualitative</p> <ul style="list-style-type: none"> • Description of how (if at all) traditional knowledge has been respected/has contributed to REDD+ PaM implementation (macro) • Description of how (if at all) traditional knowledge has been respected/has contributed to specific REDD+ intervention/PaM implementation (micro)

<p>Respect for the <u>rights</u> of local, and forest fringe communities when developing and implementing REDD+ interventions/PaMs</p>	<ul style="list-style-type: none"> • Description of how the customs traditions and institutions of local communities are respected in Ghana (laws, institutions) • Description of any additional REDD+ specific regime/arrangements (protocols, guidelines, institutional arrangements) in place to ensure that vulnerable communities are not excluded from the benefits of REDD+ or are not left worse off (macro). • Description any additional REDD+ specific regime/arrangements (protocols, guidelines, institutional arrangements) in place to ensure that vulnerable communities are not excluded from the benefits of a specific REDD+ intervention/PaM or are not left worse off (micro). • Description of how (if at all) traditional decision-making authorities are integrated into the institutional arrangements for REDD+ (macro) • Description of how (if at all) traditional decision-making authorities are integrated into the design and/or implementation of a specific REDD+ intervention/PaM (micro) 	<p>Qualitative</p> <ul style="list-style-type: none"> • Description of how traditional authorities and/or vulnerable communities were involved in REDD+ implementation (macro) • Description of how traditional authorities and/or vulnerable communities were involved in the implementation of the specific REDD+ intervention/PaM (micro) • Evidence that vulnerable local communities were not excluded from the benefits of REDD+ or are not left worse off (macro). • Evidence that vulnerable local communities were not excluded from the benefits of REDD+ or are not left worse off (macro). • Evidence that vulnerable local communities were not excluded from the benefits of a specific REDD+ intervention/PaM or were not left worse off (micro) <p>Quantitative</p> <ul style="list-style-type: none"> • Outcome statistics (number of vulnerable beneficiaries, amounts disbursed) macro and micro • If applicable, number of sacred sites in REDD+ intervention areas (before and after implementation)
--	---	--

Safeguard (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision

Safeguard element	Safeguard element applicable)	sub-(if	Types of information that could be provided to demonstrate how the safeguard is being addressed	Types of information to be provided to demonstrate how the safeguard has been respected
Recognition of the right to full and effective participation both during the preparation of the GRS and throughout the implementation of the proposed REDD+ interventions	N/a		<ul style="list-style-type: none"> Description of how the right to full and effective participation is dealt with in Ghana (laws) 	N/A
Regulation of the right to full and effective participation both during the preparation of the GRS and throughout the implementation of the proposed REDD+ interventions	Identification of relevant stakeholders		<ul style="list-style-type: none"> Description of the general categories of stakeholders expected to be involved in the development of the GRS Description of stakeholders involved in the development (macro) of the specific intervention/PaM (types, mapping)(micro) 	N/A
	Mechanisms/process for ensuring participation		<ul style="list-style-type: none"> Description of how public participation in policy-making or project development is regulated in Ghana (Laws, responsible institution) Description of any additional REDD+ specific participatory mechanisms/procedures for the development of REDD+ (GRS, R-PP, SESA, ESMF, ERPD) (macro) Description of any additional REDD+ specific participatory mechanisms/procedures for the 	Qualitative <ul style="list-style-type: none"> Description of the general categories of stakeholders involved in the development and implementation of the GRS, R-PP, SESA, ESMF, ERPD (documentation and mapping of stakeholders) and how they were involved (information shared, feedback gathered, in what format was it gathered) (macro) Description of the general categories of stakeholders involved in the development and implementation of specific REDD+ intervention/PaM (documentation and

		<p>development of specific REDD+ interventions/PaMs (micro)</p>	<p>mapping of stakeholders) and how they were involved (information shared, feedback gathered, in what format was it gathered) (micro)</p> <ul style="list-style-type: none"> • Description of the outcomes of the participation processes (for example how the implementation changed/was influenced by considering the views of the relevant stakeholders, e.g. including cancellation of intervention where significant opposition) (macro and micro) • Strategy for designing, implementing and monitoring of participation activities (culturally appropriate information produced, capacity building, specific meetings organised for vulnerable groups) • If applicable, description of outcomes of these processes (FPIC granted/withheld) and whether they affected the implementation of REDD+ (interventions cancelled where FPIC withheld) <p>Quantitative</p> <ul style="list-style-type: none"> • For specific REDD+ intervention/PaM (micro) <ul style="list-style-type: none"> ○ : number of meetings held, number of participants (organised according to categories of participant) ○ Number of views gathered (feedback forms, interviews, votes, minutes recorded and disseminated) ○ Number of representatives/members from community forests/associations, local communities and other vulnerable groups ○ Number of times consent withheld
--	--	---	---

Safeguard (e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;¹¹⁶

Safeguard element	Types of information that could be provided to demonstrate how the safeguard is being addressed	Types of information to be provided to demonstrate how the safeguard has been respected
REDD+ interventions/PAMs will not result in the conversion of natural forests	<ul style="list-style-type: none"> • Description of how conversion of natural forests is dealt with in Ghana (definition of natural forests, laws, oversight institutions) • Description of additional REDD+ specific measures/procedures to ensure that the GRS implementation will not result in the conversion of natural forests (macro) • Description of additional measures/procedures to ensure that the implementation of the specific REDD+ intervention/PaM will not result in the conversion of natural forests (micro) • Mapping of natural forests in intervention areas prior to GRS implementation (micro) 	<p>Qualitative</p> <ul style="list-style-type: none"> • Evidence/description showing that REDD+ implementation in Ghana did not result in the conversion of natural forests (macro) • Evidence/description showing that specific REDD+ intervention did not result in the conversion of natural forests (micro) <p>Quantitative</p> <ul style="list-style-type: none"> • Information on the country's natural forest cover (e.g. land cover change map of REDD+ interventions sites, confirming no conversion of natural forests to plantations and other land uses has taken place)

¹¹⁶ Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as International Mother Earth Day.

<p>REDD+ interventions/PAMs will be consistent with the conservation of natural forests and biodiversity</p>	<ul style="list-style-type: none"> • Description of the relevant PLRs (and institutions) that regulate the conservation of natural forests and biodiversity in Ghana, including EIA (macro) • Description of any REDD+ specific measures to ensure the consistency of REDD+ with the conservation of natural forests and biodiversity (ESMF, project screening process, EPA validation, EIA requirements) (macro) • Description of important natural forests and biodiversity within targeted REDD+ intervention areas (if feasible) • Content of EIAs where considered necessary, as well as mitigation measures proposed for each relevant intervention (micro) 	<p>Qualitative</p> <ul style="list-style-type: none"> • Description of how REDD+ implementation has impacted (positively and negatively) biodiversity/natural forests in Ghana (macro) • EIA M&E reports for each relevant intervention area (micro) • Any additional oversight/monitoring of the implementation of EIA mitigation plans (from other source than the implementer) (micro) <p>Quantitative</p> <ul style="list-style-type: none"> • Number of interventions requiring EIAs (and percentage) • Statistics on biodiversity change in intervention areas (if feasible)
<p>REDD+ interventions/PAMs will promote the enhancement of, ecological, biological, climatic, socio- cultural and economic benefits of forest resources</p>	<ul style="list-style-type: none"> • Description of how Ghana's PLRs promote the development of viable forest and wildlife based industries and alternative livelihoods. (macro) • Description of addition measures to promote the development of viable forest based industries and alternative livelihoods (ecotourism, agroforestry etc.) (macro) • Description of measures to promote the development of alternative livelihoods in specific REDD+ intervention area (micro) • Description of non-monetary benefits included in the design of REDD+ (macro) • Description of non-monetary benefits included in the design of the specific REDD+ intervention (micro) 	<p>Qualitative</p> <ul style="list-style-type: none"> • Information on how the implementation of REDD+ in Ghana have led to enhancement of economic social and environmental benefits and ecological, biological, climatic contributions of forest resources (macro) • Information on how the implementation of the specific REDD+ intervention led to enhancement of economic social and environmental benefits and ecological, biological, climatic contributions of forest resources (micro) <p>Quantitative</p> <ul style="list-style-type: none"> • Statistics (macro and micro) on: <ul style="list-style-type: none"> ○ jobs created ○ change in incomes ○ improved access to social services (education, healthcare) ○ Training provided

--	--	--

Safeguards (f) Actions to address the risks of reversals and (g) Actions to reduce displacement of emissions

Safeguard element	Safeguard element sub- element (if applicable)	Types of information that could be provided to demonstrate how the safeguard is being addressed	Types of information to be provided to demonstrate how the safeguard has been respected
Actions to address the risks of reversals	Identification of risks of reversals	Description of the identified risks of reversals for the REDD+ intervention areas	<u>N/a</u>

	Measures to address the risks of reversals	Description of the proposed measures to address the risks of reversals	Qualitative <ul style="list-style-type: none"> Description of how measures to reduce the risk of reversals were implemented Quantitative <ul style="list-style-type: none"> Evidence that REDD+ implementation has resulted in long-term/permanent emission reductions: emission reductions reduced/captured from REDD+ intervention implementation
Actions to reduce the displacement of emissions	Identification of risks of displacement	Description of the identified risks of displacement for the REDD+ intervention areas	N/A
	Measures to address the risks of displacement	Description of the proposed measures to address the risks of displacement	Qualitative <ul style="list-style-type: none"> Description of how measures to reduce the risk of displacement were implemented Quantitative <ul style="list-style-type: none"> Evidence that REDD+ implementation has not resulted in increased emissions/deforestation in neighboring areas (thus displacing them): rates of deforestation in neighbouring areas before and after the REDD+ intervention implementation

Part VI: Complementary information

Ghana's first SOI was prepared through a stakeholder consultative process with technical support from Climate Law and Policy (CLP). The SOI underwent several technical reviews by members of the Safeguards Sub-working group (SSWG) and other key stakeholders. Subsequently, a national validation workshop was organised to seek further inputs and feedback from stakeholders in order to strengthen the document.