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FLEGT Voluntary Partnership Agreement implementation in Ghana: insights from a SWOT analysis

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HIGHLIGHTS

- This paper analyses the strengths, weaknesses, opportunities, and threats of the Ghana VPA process.
- The identified weaknesses undermine the strengths.
- The multi-stakeholder platform is seen as a top-down process.
- The VPA has influenced legal reforms and brought some legal clarity, yet implementing the reforms remains a challenge.
- Implementing agencies need to address the unequal power relations between domestic actors if forest governance issues are to be addressed.

SUMMARY

The European Union Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreements (VPA) is an important international forest governance initiative, yet various implementation challenges remain. The FLEGT VPA implementation challenges are well-documented in the scientific literature, where various methodologies and research approaches have been used. As the empirical case indicated various contradicting and overlapping claims, where different respondents framed the same situations as strengths as well as weaknesses, and/or as threats as well as opportunities, we used the strengths, weaknesses, opportunities and threats (SWOT) approach to assess the associated governance changes in FLEGT VPA implementation in Ghana. This paper offers new insights derived from participant observation of the second independent technical evaluation of the Ghana Timber Legality Assurance System (GhTLAS) conducted in July 2019, and from semi-structured interviews with key informants and a document review. What are considered the greatest perceived strengths – namely multi-stakeholder engagement, clarification of regulatory frameworks, and access to information – are brought into question once the identified weaknesses and threats are explored in more detail. The identified weaknesses include the top-down nature of the multi-stakeholder process, fatigue related to additional legality principles, and bureaucracy of the GhTLAS, which negatively affect VPA implementation activities and processes in Ghana.

Keywords: Ghana, FLEGT VPA, SWOT analysis, illegal logging, timber trade

Mise en œuvre de l'Accord de partenariat volontaire FLEGT au Ghana: éclairages d'une analyse SWOT

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La littérature sur les accords de partenariat volontaire (VPA) dans le commerce, la gestion et le respect de la loi forestière (FLEGT) de l'Union Européenne est une importante initiative de la gestion forestière internationale. Cependant, divers obstacles à leur mise en œuvre demeurent. Les défis de la mise en application des VPA du FLEGT sont bien documentés dans la littérature scientifique, où des approches de recherche et des méthodologies variées ont été utilisées. Alors que le cas empirique indiquait plusieurs réclamations contradictoires et se chevauchant, dans lesquelles différents interlocuteurs définissaient les mêmes situations comme des forces ou des faiblesses, ou/ainsi que des menaces ou des opportunités, nous avons utilisé l'approche forces, faiblesses, opportunités et menaces (SWOT) pour évaluer les changements de gestion associés à la mise en œuvre des VPA du FLEGT au Ghana. Ce papier offre de nouveaux éclairages dérivés de l'observation par des participants à la seconde examination indépendante de l'évaluation technique du Système d'assurance de la légalité du bois au Ghana (GhTLAS) conduite en Juillet 2019, dérivés également d'une analyse de document, ainsi qu'à l'occasion d'interviews semi-structurées d'informateurs-clé. Les facteurs perçus comme les plus grands atouts, l'engagement de multi parties-prenantes, la clarification des cadres de régulations, et l'accès à l'information, sont tous remis en question une fois que les faiblesses et les menaces identifiées sont explorées plus en détail. Les faiblesses identifiées incluent la nature trop hiérarchisée du processus de multi parties-prenantes, une fatigue liée aux principes de légalité additionnels, et la bureaucratie du GhTLAS, laquelle conduit à une carence de mise en application des deux facteurs précédents.

Implementación del Acuerdo Voluntario de Asociación de FLEGT en Ghana: revelaciones a partir de un análisis DAFO

M.A. ADAMS, Y.T. TEGEGNE, S. RAMCILOVIK-SUOMINEN, E. ACHEAMPONG y A. ATTAH

La literatura sobre los Acuerdos Voluntarios de Asociación (AVA) de la Unión Europea para la Aplicación de Leyes, Gobernanza y Comercio Forestales (FLEGT, por sus siglas en inglés) los trata como una importante iniciativa de gobernanza forestal internacional, pero sin embargo siguen existiendo varios problemas de implementación. Las dificultades de la implementación de los AVA FLEGT están bien documentadas en la literatura científica, donde se han utilizado diversas metodologías y enfoques de investigación. Debido a que el caso empírico señaló varias afirmaciones contradictorias y superpuestas, en las que diferentes encuestados enmarcaban las mismas situaciones como puntos fuertes y como puntos débiles, y/o como amenazas y oportunidades, se utilizó el enfoque de Debilidades, Amenazas, Fortalezas y Oportunidades (DAFO) para evaluar los cambios en la gobernanza asociados a la implementación del AVA FLEGT en Ghana. Este artículo ofrece nuevas revelaciones derivadas de la observación de los participantes de la segunda evaluación técnica independiente del Sistema de Garantía de la Legalidad de la Madera de Ghana (SGLMGH) realizada en julio de 2019, y de entrevistas semiestructuradas con informantes clave y una revisión de la literatura. Una vez que se exploran con más detalle las debilidades y amenazas identificadas, se ponen en tela de juicio los que se consideran las principales fortalezas, a saber, la participación de las múltiples partes interesadas, el esclarecimiento de los marcos normativos y el acceso a la información. Entre las debilidades identificadas están la naturaleza vertical descendente del proceso de múltiples partes interesadas, la fatiga relacionada con los principios de legalidad adicionales y la burocracia del SGLMGH, que conducen a la falta de aplicación de ambos.

INTRODUCTION

To tackle the rising international and domestic concerns about the social, economic and environmental impacts of illegal logging and the EU's contribution to it, the European Union (EU) launched the Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan in 2003 (EC 2020). The EU FLEGT aims to combat illegal logging and related trade in timber producing countries by supporting improvements in forest governance (EC 2020). To achieve this aim, the EU employs a package of measures, including Voluntary Partnership Agreements (VPAs). A VPA is a bilateral trade agreement between the EU and a timber-exporting country (VPA partner country) outside the EU. Each VPA aims to ensure that timber and timber products imported into the EU from a partner country comply with the laws of that country and improve national forest sector governance.

The European Commission (EC) developed the FLEGT VPA as a comprehensive forest governance package that includes an in-depth national forest policy reforms in the VPA partner countries, as well as development of policy tools and structures to improve legal timber supply, monitoring and exporting to the EU markets (EC 2018). A timber Legality Assurance System (TLAS) forms the core of a VPA. A TLAS tracks timber and timber products from their origin to their point of exports, to verify whether timber and timber products have been harvested, transported and traded legally. The entire system is a subject of independent auditing and in the end FLEGT licenses are issued for legally verified products to be exported to the EU. The VPA implementation therefore requires in-depth national forest policy reforms involving relevant stakeholder groups and the development of tools and structures to improve legal timber monitoring and increase demand for legal timber. The whole process imposes additional layers of bureaucracy and requires governance and policy reforms, as well as technologically and policy advanced systems to be in place, in order to be implemented as planned and designed (Hirons *et al.* 2018).

Since 2010, the EU has signed VPAs with 15 partner countries (EC 2021). Eight countries – Cameroon, Central African Republic, Ghana, Honduras, Indonesia (FLEGT licensing since November 15, 2016), Liberia, Republic of the Congo, and Vietnam – are currently (November 2021) implementing the VPA (EU FLEGT Facility 2021). The EU has concluded the VPA negotiations with Guyana and is negotiating with six other countries, namely Cote Ivoire, Democratic Republic of the Congo, Gabon, Laos, Malaysia, and Thailand (EC 2021, EU FLEGT Facility 2021).

Ghana was the first country to negotiate a VPA with the EU. Yet, to date, the country is still expected to fully implement its TLAS and other measures specified in the VPA. Ensuring the effective implementation of the five demanding TLAS elements (e.g. supply chain controls, mechanisms for verifying legal compliance and independent audits of the system) is therefore a challenge to be reached if the FLEGT licensed timber is to get a green lane access to the EU markets, in accordance with the EU Timber Regulation (EUTR) (EC 2021).

The implementation of FLEGT VPA is widely researched and covered in both academic and grey literature. An analysis of FLEGT VPA process in five sub-Saharan African countries, including Ghana, found critical deficit in TLAS implementation, constrained by political and technical issues, in all of the countries (Adams *et al.* 2020). Arts *et al.* (2021) also find that apart from the government officials, who are positive and satisfied with the design of the Ghana TLAS (GhTLAS) Wood Tracking System (WTS), other stakeholders still face difficulties in interpreting various aspects of the GhTLAS, which causes not only difficulties in implementation, but also imposition, resistance and unexpected impacts on the ground (Myers *et al.* 2019, Setyowati and McDermott 2017). Interventions such as national multi-stakeholder implementation process that were designed to facilitate the VPA process may cushion some of the negative effects of systemic corruption (Adams *et al.* 2021, Overdevest and

Zeitlin 2018, US Environmental Investigation Agency 2019, Teye 2013). Yet, vast power inequalities, lack of accountability of forest sector processes as well as widespread injustices remain in Ghana (Acheampong and Maryudi 2020, Ramcilovic-Suominen *et al.* 2010, Satyal 2018), as elsewhere (e.g. Ramcilovic-Suominen *et al.* 2019). It is for these and a number of other reasons that FLEGT VPA is perceived to be less innovative and closer to business as usual (Hansen *et al.* 2018, Hirons *et al.* 2018, Rutt *et al.* 2018).

The existing scholarship cover various aspects of the VPA in Ghana, from governance and justice issues, such as land tenure and livelihoods (Adams *et al.* 2021, Hansen *et al.* 2018, Hirons *et al.* 2018, McDermott *et al.* 2020, Maryudi *et al.* 2020, Ramcilovic-Suominen *et al.* 2010, 2019) to wider links to sustainability (Lesniewska and McDermott 2014), markets and trade implications (Attah *et al.* 2009, Acheampong and Maryudi 2020). This article contributes to the existing scientific debate on FLEGT VPA in Ghana by shedding light on the wider perceived strengths, weaknesses, opportunities and threats associated with the envisaged governance change. The contribution of this paper is partly methodological as it applies the SWOT analysis to map the perceived pros and cons in the VPA process in Ghana. The applied method enhanced our understanding of the complexities of the VPA implementation in Ghana, based on semi-structured interviews with key informants, and participant observation of the second independent technical evaluation of GhTLAS conducted in July 2019. It also offers insights on how to tackle the challenges limiting the implementation of the VPA process and outline policy recommendations.

The article is organized as follows. In section 2 we present the SWOT analysis framework, followed by section 3 that presents the findings. Section 4 highlights the policy implications of our findings, and Section 5 outlines key conclusions and suggestions for future research.

SWOT ANALYTICAL FRAMEWORK

A SWOT analysis is used to evaluate internal and external factors in order to support policy decision making process (Kazana *et al.* 2015, Kurttila *et al.* 2000) or influence policy settings (Falcone *et al.* 2020). Scholars suggest that unlike the internal factors (e.g. institutional capacity), which are easier to influence (Suh and Emtage 2005), external factors (i.e. the socio-political, economic and environmental conditions) are a rather fixed category. In a SWOT analysis, strengths and weaknesses are considered internal factors, while threats and opportunities are considered external. The theory proposes that strengths are to be actively pursued and weaknesses actively tackled by the interested parties. Threats and opportunities, as external factors, are considered to be beyond the control of interested parties (Suh and Emtage 2005). These threats can be visible and actualised during policy implementation, but they can also be hidden and potential, and therefore not yet impacting concrete outputs for on-the-ground VPA measures.

SWOT analyses have been used for evaluating potential challenges or opportunities and prioritising development strategies within a particular sector (D'Adamo and Rosa 2016). Specifically, in forest governance research, SWOT analyses have been used to assess potential weaknesses of and threats to the forest sector (Falcone *et al.* 2020) and examine the challenges and opportunities that characterise joint forest management (Etongo *et al.* 2018). Others – for example Kurttila *et al.* (2000), Mensah and Bedu-Addo (2016), and Suh and Emtage (2005) – have applied SWOT analyses to understand forest policy implementation challenges. This methodology is certainly less used in the scientific literature compared to applied, policy analysis research, but as respondents constantly framed the same situations and issues as both, strengths and weaknesses, threats and opportunities, we opted for the SWOT analysis.

In the FLEGT VPA, the strengths, weaknesses, opportunities and threats are supposedly addressed and negotiating in the national multi-stakeholder process, with an aim to build a consensus on and bridge different interests and concerns between stakeholders (Cerutti *et al.* 2020). Yet, this assumption is a simplification of reality, as there are internal power struggles and asymmetric power relations that the multi-stakeholder process alone cannot address (Hansen *et al.* 2018, Hirons *et al.* 2018, McDermott *et al.* 2020, Maryudi *et al.* 2020, Ramcilovic-Suominen *et al.* 2019). Similarly, threats and opportunities can also be seen as being more than external factors beyond actors' control, as some of those actors wield a significant control in the VPA process (Maryudi *et al.* 2020, Ramcilovic-Suominen *et al.* 2019). Recognising these analytical gaps, and being aware of the risk of oversimplification, a SWOT analysis is a good tool to map some of the central issues and implications of the VPA policy process, however, without the possibility for a deeper contextual and historical understanding of the reasons for their occurrence. Finally, it should be noted that one of the authors has been involved in a sustained and intensive experience with the VPA design, negotiation of the VPA and the multi-stakeholders in Ghana, while another has worked with the VPA instrument at the EU level. This certainly introduces a bias and personal views in the analysis. To meliorate such biases other authors without personal affiliations, roles, or interests in the VPA process have been responsible for presenting results and interpreting them.

METHODOLOGY

This paper is based on three sources of data. First, FLEGT-related policy literature, including policy documents, FLEGT Briefing Notes, VPA texts and their annexes, reports of the first and the second Independent Technical Joint Evaluation of the GhTLAS and other grey literature were reviewed (i.e. Cerutti *et al.* 2020, EC 2016, EFI/EC 2019, FAO 2019, Hoare 2015, 2020, Hoare *et al.* 2020, ITTO/EC 2018). Second source is a participant observation of the second Independent Technical Evaluation of GhTLAS in July 2019, where government officials, representatives of civil society organisations

(CSOs), the private timber industry and the EU representatives participated. Third, face-to-face semi-structured interviews were conducted with the stakeholders who were included in the FLEGT VPA process in Ghana. This causes a significant bias in the methodology as it does not capture the opinions of these affected, but less involved in the VPA process, such as small-scale operators and forest communities. Purposive sampling was used to identify actors who were fully acquainted with the process. In total 41 actors were identified for interview (Table 1). As recommended by Rossman and Rallis (2017), key informant interviews are suitable when complicated problems need to be unravelled, and to obtain in-depth information to shed light on contested issues in the academic debate. Nonetheless, this implies certain barriers. For example, due to time and resources constraints and English being the common medium of VPA communication, the positions of the less heard actors in the VPA in Ghana, such as informal sectors and communities (Adams *et al.* 2021, Hansen *et al.* 2018, Maryudi *et al.* 2020), were unheard in the present study.

The key respondents were interviewed about the existing socioeconomic and political context of Ghana's forest sector with respect to FLEGT VPA implementation. Some questions were more specific, particularly concerning the implementation challenges of existing FLEGT VPA measures, factors leading to the successful implementation of the VPA process and the factors limiting or challenging the implementation of the process (see Appendix A). Respondents were also asked why the identified challenges limit the implementation of the VPA process and the current functions of the national multi-stakeholder implementation and the EU in terms of FLEGT VPA implementation and compliance. The interviews were conducted in July–October 2019, each lasted approximately 45 minutes per participant and were carried out wherever was most convenient for the respondents. The interviews were tape-recorded in English with the consent of the interviewees.

The interviews were transcribed, analysed sentence by sentence and coded to identify themes related to strengths and opportunities, as well as weaknesses and threats and strategies to tackle those weaknesses and threats in the VPA process. Each interview transcript was compared to identify repetition of terms and ideas, commonalities, and distinctions, as basis for further analysis. We then used the SWOT

methodology to categorise and analyse the range of views (and their interrelationships) on each topic among the key informants obtained from coded content analysis. Finally, we discussed the SWOT findings with 5 participants from each of the stakeholder groups to help clarify and shed additional light on emerging contentious issues. This feedback was an important requirement to ensure the credibility of the findings and provide accountability to the stakeholders who were interviewed or participated in the second independent technical evaluation of GhTLAS in July 2019. To protect confidentiality, the names of interviewees were anonymised using pseudonyms upon completion of transcription.

RESULTS

Table 2 presents the results of the SWOT analysis of the VPA process in Ghana and the subsequent sections explain the SWOT elements identified.

Strengths and weaknesses analysis

The SWOT analysis reveals eight strengths and nine weaknesses of the VPA process (Table 2). The first strength concerns its multi-stakeholder process, which respondents argued enhanced stakeholder engagement and better participation in policy and legal reforms. This enhanced the engagement by and participation of CSOs and formally operating private sector, and it has strengthened their existing capacities in terms of understanding and enforcing state policies and laws. It has also clarified some of the overlaps and inconsistencies in laws and regulations. However, as the first weakness listed in Table 2 indicates, various respondents, especially from research and civil society organisations, argued that this multi-stakeholder process was expert, state and elite driven and that it excluded smaller actors, such as forest communities and small-scale operators who operate informally. As a result, reaching timber legality for smaller producers was made more difficult with TLAS in place. Second, a major strength of the VPA, as identified by the government officials and some CSOs respondents was the development of accessible complaint mechanism (TVD Protocol PROT-04-01.3). The mechanism describes structures and procedures for receiving, evaluating, and addressing complaints on the operation of GhTLAS. This protocol also specifies the roles and responsibilities of the VPA implementing agencies. However, as indicated in Table 2, the complaint mechanism was not functioning as planned.

Third, according to the national and local forestry officials, large and medium timber operators, and CSOs, the VPA process has resulted in the revision of stumpage/royalty rates for harvested timber [as of September 2018] and improved collection methods, thereby contributing to the fulfilment of important fiscal requirements in general and reduction of fiscal debts owed by the private timber operators. This relates to fiscal discipline in the forest sector, stumpage fees, payments of rent for contract area and timber management

TABLE 1 Actor groups and number of respondents interviewed

Category of respondent	Number of respondents
Private timber industry	9
Government forestry agency (national and local)	10
Civil society organisations (CSOs)	10
Research and educational institutions	6
International Organizations and Non-Governmental Organizations	3
Total	41

TABLE 2 SWOT analysis of the VPA process in Ghana

Strengths (S)	Weaknesses (W)
<ol style="list-style-type: none"> 1. Establishment of multi-stakeholder participation, which has been applied in the revision of policy and legal frameworks to clarify some of the overlaps and inconsistencies in laws and regulations 2. Establishment of complaints management system for FLEGT licensing. 3. Increased collection of revenue through enforcement and synchronisation of WTS and FC accounting software as well as revision of stumpage/royalty rates for harvested timber (as at September 2018) and improved collection methods. 4. Information management in place, including the nationwide deployment of a functional GhTLAS/ GWTS. 5. Establishment of National Timber Validation Committee and a Timber Validation Department (TVD). 6. Conversion of the existing leases to TUCs based on competitive bidding processes (91 out of over 800). 7. Capacity development of VPA-related agencies and actors. 8. High technical staff strength 	<ol style="list-style-type: none"> 1. Top-down multi-stakeholder process that relies on expert-driven approach and undermine the intensity and quality of the involvement of local community and the wider public. 2. Insufficient sanctions for non-compliance of both regulators and operators with GhTLAS requirements (e.g. harvesting of timber in forest reserves with invalid forest management plans). 3. Mismatch between the complex requirements of GhTLAS and the capacities of small and medium-sized timber companies to implement them. 4. High operational costs and administrative burden on TVD and large-scale timber companies 5. Expired independent audit contracts have been neglected in the implementation process, which could undermine the credibility of Ghana FLEGT Licensed timber. 6. Conflicting tree tenure issues in outside forest reserves. 7. Ineffective implementation and functioning of an information transparency portal and the Message House communication/ information tool. 8. Lack of political will in implementing and functioning of the FLEGT VPA. 9. Weak FLEGT and inter-sectorial coordination.
Opportunities (O)	Threats (T)
<ol style="list-style-type: none"> 1. Bilateral and multilateral investment and aid in support of the VPA process 2. Capacity transfers and regional capacity and lessons sharing between Ghana and other partner countries 3. Options for payment for ecosystem services (PES) investments and their contribution to the global climate change agenda 4. Public–private partnerships 5. Access to European and other legality/sustainability sensitive markets 6. Improved image and demand for Ghana EU FLEGT Licensed timber 7. Meeting EU due diligence requirements when Ghana is FLEGT licensed 8. FLEGT contribution to the global climate change agenda, in particular, the role of forests regulation in increased national and international regulations/ requirements 	<ol style="list-style-type: none"> 1. Diversification of timber markets/growing demand in Asian and non-EU markets, including the domestic market 2. Emerging less sensitive Asian markets 3. Poorly regulated domestic market resulting in high incidence of illegal logging (as reported by (Marfo et al. 2016, Hansen et al. 2012) about 85% of the domestic market timber flows) 4. Amendments¹ to VPA annexes since signature, which as we discuss below causes uncertainty and confusion. 5. Changing political actors in both EU and Ghana (Brexit and changes in political leadership during the VPA implementation phase) 6. Lack of financial incentives to curb the informal domestic timber market and promote capacity building, especially among the private timber industry, 7. Impact of Brexit, the United Kingdom being a major source of funding for the FLEGT VPA process in Ghana, including over-reliance on external support (e.g. funding) to drive the VPA process in Ghana 8. Growing demand for sustainable timber, climate change agreements and competition from third-party private-sector voluntary certification schemes (e.g. Forest Stewardship Council) 9. Systemic corruption and excessive bureaucracy.

¹ The forest product scope subject to FLEGT licensing, as defined in the Annex I of the Ghana-EU VPA (2009) was amended in 2018. The appropriate application of the 2018 VPA amendments include (1) changes in Harmonized System (HS) codes of certain products, (2) exclusion of bamboo and rattan products as well as other products that do not fall into the permitting system of the Timber Development Division of the Forestry Commission of Ghana from the product scope and (3) adding new products (furniture) to the product scope (EC/EFI 2019).

fees, all of which are part of the VPA legality definition and as set out in the L.I. 2254. Additional fees, however, obviously imply further difficulties for legality compliance of domestic and smaller timber companies, while the communities get small portions of various collected royalties, 20.25 percent of volume-based royalties are distributed to local governments and traditional authorities rather than the communities (Young and Ozinga 2017).

The fourth strength relates to the development of information management structure, including the nationwide deployment of a functional GhTLAS/GWTS, which was meant to provide forest sector related information (e.g., records of legally recognised harvesting rights and related permits) to the public. This perception on the strength emerged from all respondents interviewed. However, one of the identified weaknesses reveals lack of functioning of the information and transparency portal, the Message House communication tool, which challenge the operation of these transparency and accountability mechanisms.

Other strengths indicated by government officials, large timber companies, CSOs, INGOs and researchers include, but are not limited to, the establishment of National Timber Validation Committee and a Timber Validation Department (TVD), conversion of existing timber leases to TUCs, and the increased strengthening of the concession contracts between timber operators and local communities through the effective implementation of Social Responsibility Agreements. These perceived strengths (Table 2) are largely in accordance with the policy documents review findings and some research articles (e.g. Cerutti *et al.* 2020, FAO 2019, Hoare *et al.* 2020, Zeitlin and Overdeest 2020), which also identify multi-stakeholder deliberative process, capacity development, improved forest sector processes and stakeholder capacities, as positive impacts of the VPA. However, the identified strengths are not consistent with, for example, Young and Nkuintchua (2021) who found that the forest legal framework in Ghana continues to contribute to huge tax arrears, and social and legal obligations for communities and local and traditional authorities. As they find, the procedural rights of forest-dependent communities—limited participation and access to simplified information continue to be the main challenge, with direct implications for implementation of social obligations in the forest-dependent communities.

Zooming into the weaknesses of Ghana's VPA process provides important details, which challenge and undermine many of the identified strengths, as we have already pointed out for a few of them. For example, we already noted the top-down expert driven multi-stakeholder process that tended to include already well recognised and involved actors, but significantly less so actors that are likely to be most affected by the VPA (i.e. small-scale operators and local communities). As respondents from the research community and some CSOs argued, this multi-stakeholder process was operated by policy decisions from the national level that were passed onto the lower policy levels, and that it was highly technical, therefore frequently excluding local communities, their decision-making structures and their concerns and aspirations. This has undermined the intensity and quality of the engagement of

local community in the VPA process. We also noted the mismatch between the VPA design and technical requirements on the one hand, and the capacities of domestic and local actors on the other. In addition to that, the VPA faces various other weaknesses or challenges for proper operation in the country (Table 2). For example, respondents from National and local government officials, CSOs, and researchers identified high operational costs and administrative burden on TVD as key weakness. The national government officials specifically stated that applying the new VPA requirements is likely to impose a high administrative and financial burden on the Timber Validation Division (TVD) and timber companies:

“The development of the GhTLAS was technically complex and the TVD faced some challenges in rolling out the Ghana Wood Tracking System (GWTS) nationwide” (Government forestry official 1, 23 July 2019).

Further, the GhTLAS sets a high bar that makes it ever more difficult for the small and medium-sized timber companies to operate legally. Similarly, weaknesses remain concerning the accessibility of forest sector information in the transparency portal and the Message House communication tool (e.g. non-compliances, management plans, independent verification and reporting as well as corrective actions applied by timber operators and forest managers) and limited or concrete evidence of accountability. Key informant from academia and CSOs said that despite the development of these potentially seminal transparency infrastructures, some information is still lacking:

In any case applying for FLEGT licenses will not be any different for the application of existing permit. But, they [the Ghana Forestry Commission (GFC) and TVD] are yet to go live to make publicly available the procedures for applying and replacing of damaged, lost or stolen FLEGT licenses in the organizational website as well as the protocols and other relevant documents of the Legality Verification Framework. (International Consultant on FLEGT VPA, personal communication, 3 September 2019)

Some respondents from the government agencies, researchers, and CSOs identified insufficient deterrent sanctions for market operators' non-compliance with GhTLAS requirements, specifically related to ongoing timber harvesting in on-reserves production areas without valid management plans, as another weakness. Related to that, at the time of this research, there was evidence of expired independent audit contracts being in use. The independent monitoring aims to provide assurance to all interested parties (Ghana-EU VPA 2009). However, the contract of SCS Global Services expired in November 2018 and auditors for monitoring of the implementation of the GhTLAS have been neglected in the implementation process (EC/EFI 2019). This audit lapse could undermine the credibility of Ghana FLEGT Licensed timber, especially the coherent and appropriate application of the 2018 amended VPA related to indicators for imported timber that are not fully updated to capture all aspects of its legality verification (EC/EFI 2019).

Some of the further weaknesses of Ghana's VPA process relates to the lack of political will in the implementation of the VPA process as illustrated by the following quote:

(..) the main problem is the government has not been committed to the implementation of the FLEGT regulation. If you look at what is happening especially at the community level where we have most of our forests, you will see a lot of inconsistencies, especially people doing illegal things and then some politicians don't want it to be reported. (..) they don't want their party members to be arrested because they will lose votes in their constituencies, that kind of thing (Researcher 2, 14 August 2019).

Opportunities and threats analysis

Our analysis reveals eight opportunities and nine threats (Table 2). As indicated by government officials, INGOs, researchers and CSOs, opportunities include bilateral and multilateral aids and cooperation in support of the Ghana VPA process, increased innovation capacity and lessons learning between Ghana and other partner countries by providing new ideas, information, and knowledge transfer. Further, FLEGT provides leverage for strengthening investments for payment for ecosystem services (PES), which may further contribute to the global climate change agenda, and public-private partnerships. Other opportunities include a better access to European and other legality/sustainability sensitive markets, improved image and demand for Ghana EU FLEGT Licensed timber, meeting EU "Due Diligence" requirements when Ghana is FLEGT Licensed, FLEGT contribution to the fight against climate change and the role of forests in mitigating it – resulting in further national and international requirements.

Various threats, such as growing demand for timber in non-EU markets, including the domestic market (as indicated by government officials, EU delegation in Ghana, researchers, CSOs, and timber operators), which may have less demands on the legality of timber may threaten the viability of FLEGT process. According to some governmental respondents, further amendments to VPA annexes since signature have complicated the process, caused delays and need for further negotiations and clarifications. The viewpoint of some researchers, CSOs and INGOs was that the lack of financial incentives to curb the informal domestic timber market is a significant threat, especially in the context of Brexit, considering that the United Kingdom is a major source of funding for the FLEGT VPA process in Ghana. This, however, indicates a broader weakness is an over-reliance on external funding to drive the VPA process in Ghana.

Many VPA countries, including Ghana, rely on external funding sources for implementing the VPA, which are insufficient and unsustainable (Minang *et al.* 2017). For instance, significant resources in a form of bilateral support (e.g. the UK's Department for International Development) have been

invested in capacity building support in Indonesia and Ghana (Minang *et al.* 2017). Of the US\$ 209.103 million investment in FLEGT for eight VPA African countries (Cameroon, Central African Republic, Republic of Congo, Democratic Republic of Congo, Gabon, Ghana, Ivory Coast, and Liberia), Ghana received US\$ 69.264 million from multi-international donors² (EC 2016). With the Brexit, financial support for many VPA countries is mired with uncertainties. FLEGT international consultants and technical experts also suggested that Brexit threatens to trigger fragmentation of support for the VPA process in Ghana by both the UK and the EU.

Looking at the threats and opportunities together, it is evident that many issues were perceived as both, opportunities and threats. For instance, global climate change agenda was perceived as an opportunity, in terms of strengthening sustainable forest management, but also some respondents saw it as a threat, in terms of competing governance initiatives that may undermine funding and popularity of FLEGT. Similarly, initiatives that promote sustainable management of forests, such as the Forest Stewardship Council (FSC), rather than seen as an opportunity emerging from possible synergies, were considered by respondents (from international consultants and large timber companies) as threats only, referring to the competition between the policy initiatives and advantage in global timber market. Contrarily, the key informants from the INGOs, researchers, government forestry agency, and FLEGT technical experts further reported that forest management certification could potentially support the VPA in achieving better forest governance and forest legality, rather than jeopardise it. This is an important insight, considering the high percentage of illegally sourced wood on the domestic market, which has the potential to undermine the efforts against illegal logging, as the current domestic timber consumption far exceeds timber exports (Hoare 2020, Nketiah 2018).

As one of the key stakeholders from research and educational institutions told: "if the VPA fails to capture that illegal imports and exports then we are in for trouble because the illegality and the deforestation we want to stop will continue to occur" (Researcher 2, personal communication, August 14, 2019).

A regulated and legal domestic timber market was framed in the policy documents reviewed as a catalyst for the development and growth of the timber industry in Ghana (TIDD 2019). Yet, expecting to regulate and reform the domestic market and artisanal and small-scale logging operators within the VPA is not feasible, if the informal sector is kept outside the VPA process, as appears to be the case in Ghana (see also Maryudi *et al.* 2020). Additionally, the document review revealed that there have been various amendments to the VPA annexes since signature, and government forestry officials indicated that it is complicating the already burdensome legality requirements.

Other challenges that EU countries are facing, including the COVID-19 pandemic and the resulting economic crisis,

² For details on multi-international donors' direct and indirect total investments in FLEGT and its VPA activities, see Annex II to Minang *et al.* 2017.

are further points of concern. A growing demand for sustainable timber, and competition from third-party private-sector voluntary certification schemes (e.g. Forest Stewardship Council) – was seen as another important threat.

DISCUSSIONS

The present study identified the national multi-stakeholder implementation structure, the establishment of the wood tracking system (GWTS) system and the development of a complaint management system as some of the main strengths of the VPA in Ghana. These elements and features are instrumental for the FLEGT VPA processes, especially for policy and legal revisions. The issue though is that many respondents perceived the multi-stakeholder process as a top-down exercise, which raises concerns as of who was *not* involved in the VPA process – from negotiation to implementation. Implementing actors need to commensurate the inadequate top-down platforms and allow for bottom-up channels for communities and small-scale operators to influence the VPA processes and outcomes and to ensure an important forest sector level playing field for small-scale domestic timber producers. Scholars have acknowledged the fact that top-down multi-stakeholder process could avert further entrenchment of pre-existing inequalities and social injustices as well as centralization of information power by bureaucrats (Begemann et al. 2021, Bull et al. 2018, Hermans et al. 2017). Similarly, challenges faced by small-scale informal sector and communities in the VPA in Ghana as elsewhere are pointed out (Maryudi et al. 2020, McDermott et al. 2020).

The contradictive statements and findings concerning various aspects of FLEGT were highly revealing. For instance, on the one side, it is claimed that “the VPA implementation has resulted in the revision of stumpage/royalty fees for harvested timber [as of September 2018] and improved collection methods” (CSO representative 5), thereby contributing to the fulfilment of important fiscal requirements (Cerutti et al. 2020). On the other side, however, key informants suggested that: “the powerful timber industry in Ghana had lobbied to keep the stumpage rates at the old level” despite the Timber Resources Management Regulations, 1998 (L.I. 1649). Young and Nkuintchua (2021) also reported that the lobbying tactic by industry to reduce taxes in VPA countries and failure to keep tax rates aligned with land values or timber prices despite VPA reforms. Hence, while for the time being the VPA is the only tool that can be used to push for fiscal and governance reforms, this can only be possible by keeping it away from the powerful business actors’ influence.

As clear from the identified weaknesses, the various amendments to VPA annexes appear to have complicated the already burdensome legality and financial requirements. First, adding new requirements and changes to an already cumbersome process are likely to cause further bottlenecks and confusion in the implementation of the VPA. Second, and notwithstanding the different interpretation by various stakeholders (Arts et al. 2021), many respondents believed that expanding the scope of timber products covered by the

VPA could introduce disincentives, especially in the informal domestic timber market because it runs the risk of VPA regulatory capture. The VPA imposes stringent legality requirements that inflict disproportionate costs on the formal and informal small and medium operators, and increases barriers that make it more difficult for them to meet the legality requirements.

Our discussion so far has largely considered the evaluation of strengths, weaknesses, threats, and opportunities. This contributes to the growing literature on the VPA research in Ghana (e.g. Adams et al. 2021, Arts et al. 2021, Young and Nkuintchua 2021, Hansen et al. 2018, Hirons et al. 2018, McDermott et al. 2020, Maryudi et al. 2020, Myers et al. 2020) and highlights areas that need to be addressed to move forward. Our paper provides further insights and contributes to the body of literature trying to understand what has worked and what has not worked in the VPA process in Ghana. Such insights can inform further action in Ghana and other VPA countries, as well as the design and implementation of other international forest related policies including the Bonn Challenge on restoration, EU Taxonomy on sustainable finance, and EU’s new regulations to tackle global deforestation, by acting on deforestation risky commodities. To this end, we provide specific recommendations that are derived from the weaknesses and threats identified in this study, aiming to address them. These recommendations also provide broader implications for new policy initiatives that will have impact on forest and natural resources in Global South countries.

Policy recommendations

Whilst it is beyond the aims of this paper to propose full set of recommendations for VPA implementation, in what follow we propose four recommendations that are derived from the identified weaknesses and threats and that aim to address these.

First, we propose that Ghanaian government develops **a national capacity building strategy and strengthen local ownership of the FLEGT VPA process**, as a way to reduce its dependence on external donors, strengthen the instrument fading reputation and willingness for implementation. Even though significant finance has been invested in capacity building support (Minang et al. 2017), being largely externally funded implies high dependence on donors and lack of local ownership and interest. Ghanaian actors should work on building a national capacity building strategy that can reinvent the motivations for the VPA and the way the VPA operates, while still aiming to support sustainable and legal forest industry. Areas of focus would include for example campaigns for deliberating and reframing the VPA motivations and aims, that would include wider set of actors and citizens and ensure their concerns and aspirations are not left aside. Such approaches are more likely to result in developing more fitting practices for continuous support for existing and emerging small and medium-sized timber companies, as well as acting upon local concerns and aspirations that are currently left of the VPA formal process. Promoting initiatives for better involvement of small-scale operators and local

communities that do not aim to only keep them informed, but to empower them to be an active contributor that can influence decisions concerning issues such as forest use tenure, benefit sharing and other policies within and beyond the VPA. Concrete policy actions could include mapping local concerns and aspirations, as well as national research and development needs and establishment of a fund to carry those out. Such initiatives would provide a very much needed bottom up counterbalance approach for prioritising immediate and proximate needs in the VPA process, rather than externally defined ones.

Second, *develop public–private partnerships (PPP) for supporting the small-scale industry transition to legality*. The difficulty to bring the informal timber market on board with the VPA and the lack of funding for the VPA were some of the most prominent implementation challenges that the respondents identified. Both of those could be enhanced if the government of Ghana built partnerships with larger international and regional companies operating in the country that are able to invest or support financially the VPA implementation. In addition to funding, enhancing policy dialogue with informal and/or small-scale sector, as a way to support them in their transition to formal ways of operations is required. This in turn requires strong leverage and conditioning by the state, which is currently difficult to envision. Nonetheless, it is eventually the state and not the private sector that owns the forests in Ghana, and therefore this action is not as radical or as impossible to achieve as it may appear when compared to the business as usual. Besides, immediate threats such as climate change, require change and shifts in logics and priorities. This also implies that policy effort should be made to align FLEGT regulations with such broader threats and socioecological crises and other forest sector policies, and to improve inter-sectorial coordination between such policy actions.

Third, *strengthen bilateral collaboration with emerging Asian and non-EU timber markets (e.g. China)* as a means to promote legal timber trade in timber legality less sensitive markets. With the growing political fragmentation and many priorities on the EU agenda (global pandemics, climate crises, immigration), it is important for the Ghanaian government to continue to strengthen bilateral collaboration with other countries, so that changes in political priorities in the EU do not affect the VPA process and the forests in the country. Specifically, focusing on strengthening bilateral collaboration with China to ensure the legality and traceability of timber exported to China and other Asian markets. After all, even though the EUTR is not applicable to timber exports from Ghana to Asian markets, implication of such timber products re-exported subsequently to EU must be fully accounted for, yet this remains a challenge to work on.

Fourth, there is a need to *strengthen the multi-stakeholder processes as well as information disclosure and complaint mechanisms* to allow for all actors to be informed, and therefore better positioned to influence the VPA related decision-making processes. This requires, among others, ensuring the representativeness of all affected actors in the process and frequent dialogue between them in order to ensure that

FLEGT is more in tune with local interests and more attractive to local communities and other local level actors. Revitalizing community forest management committees and providing adequate access and resources, as well as capacity building opportunities where needed is central. State forestry agencies should consider adopting long-run strategies for ensuring representation and capabilities of local-scale actors and their empowering in taking managerial and leadership roles. By promoting local-scale actors, especially women in the multi-stakeholder processes, their ideas can be aligned with the policies for addressing illegal logging or rapidly transferred for supporting forest sector decisions. As for information disclosure and complaint mechanisms, concrete action could include fully restructuring the existing mechanisms so that the services are provided in local languages, tailored to the audience and are affordable for most if not all users.

CONCLUSIONS

Analysis of FLEGT VPA implementation challenges is a widely researched area in the scientific literature. In this study we attempted to systematically analyse the strengths, weaknesses, opportunities, and threats to the Ghana VPA process, using SWOT methodology. This paper contributes to the literature on the VPA in general and in particular, literature that focuses on the complexities and challenges in implementing the VPA in Ghana. We have also used these insights to propose specific policy recommendations towards addressing the existing challenges. What are considered the greatest strengths – namely multi-stakeholder engagement, the clarification and reform of regulatory framework, and transparency and accountability mechanisms – were brought into question by the identified weaknesses and threats. The weaknesses that bring these strengths into question include the top-down nature of the multi-stakeholder process, fatigue related to additional legality principles, lack of familiarity with and the high complexity and bureaucracy of the Ghana TLAS; all of which has delayed the implementation of the same. The range of strengths including efforts to build capacities, the revision of stumpage rates for harvested timber, the implementation of a complaint management system, and social responsibility agreements should be explored and upscaled, where feasible. Various remaining challenges, such as small-scale operators and local communities being sidelined in the process, and the need to build trust and empower such actors remains a gap to be crossed to ensure more just outcomes of the VPA in Ghana. The future of the VPA remains uncertain, not only in Ghana, in the light of broader global political shifts and ecological turmoil, some of which include an ecological and climate collapse, global pandemics and lack of funds to build back better. Each of these bring different but related uncertainties that question the very feasibility of continuing the ‘global forest governance as usual’ scenario. In the light of these findings and challenges, we propose actions that can reduce dependence on external and donor funding and improve national and local ownership of the FLEGT VPA process,

support and empower local actors' direct role in shaping the VPA priorities. Furthermore, we call for diversified collaboration with states and organisations beyond the EU, especially with influential Asian timber markets, as well as for restructuring the multi-stakeholder process to ensure wider set of actors have the possibility to be heard and to contribute to the issues at stake.

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COMPLIANCE WITH ETHICAL STANDARDS

The study received institutional review board (IRB) approval from Antioch University New England, USA.

CONFLICT OF INTEREST

The authors declare that they have no conflict of interest.

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APPENDIX A: INTERVIEW QUESTIONS

Please comment on the following aspects of VPA in Ghana based on your opinions and experiences.

1. Transparency and accountability
 - a. What VPA information/decisions are communicated to you? If no information is disclosed to you, can you explain why?
 - b. To what extent should VPA information be made public?
 - c. What are the systems and processes that are put in place to hold the Forestry Commission and VPA structures to account, how frequently are they used, and how effective are they and why?
 - d. What mechanisms require downward accountability as well as upward accountability? In which of these pathways is there evidence of accountability?
2. Participation, fairness and equity
 - a. What mechanisms are available to enable multi-stakeholders to participate in and influence VPA decisions and outcomes?
 - b. What is the basis of VPA representation at negotiation and implementation levels?
 - c. Why does VPA representation change between levels, and with what implications?
 - d. Have the interests of all stakeholders been sought and considered during the VPA negotiation process and during the implementation?
3. Effectiveness and efficiency
 - a. What are the challenges (weaknesses and threats) associated with implementing the governance requirements of Ghana's VPA? In other words, what hinders or enables the implementation of VPA requirements?
 - b. What opportunities or strengths exist for enabling more effective VPA process?
 - c. How is the Forestry Commission of Ghana adapting to VPA structures as a result of the FLEGT policy?