

**“Forestry officials don’t have any land or rights here”:  
Authority of politico-legal institutions along Ghana’s charcoal  
commodity chain**



# Outline

- Property-Authority contract
- Other sources of Authority
- Ghana Charcoal Case
- The authority of Chiefs
- The authority of Forestry Commission
- The authority of District Assemblies



# Property-Authority “Contract”

- The title quotes a chief in the Kintampo area of Ghana commenting on the role and authority of the Forestry Commission.
- It is a reflection on struggles over natural resources that are also struggles over the legitimacy and authority of institutions.
- Through these struggles some politico-legal institutions may consolidate or even expand their authority while others may vanish (Lund, 2002; Sikor and Lund, 2009).
- In this regard, Sikor and Lund (2009) suggest a ‘contractual’ relationship between **property** and **authority**.



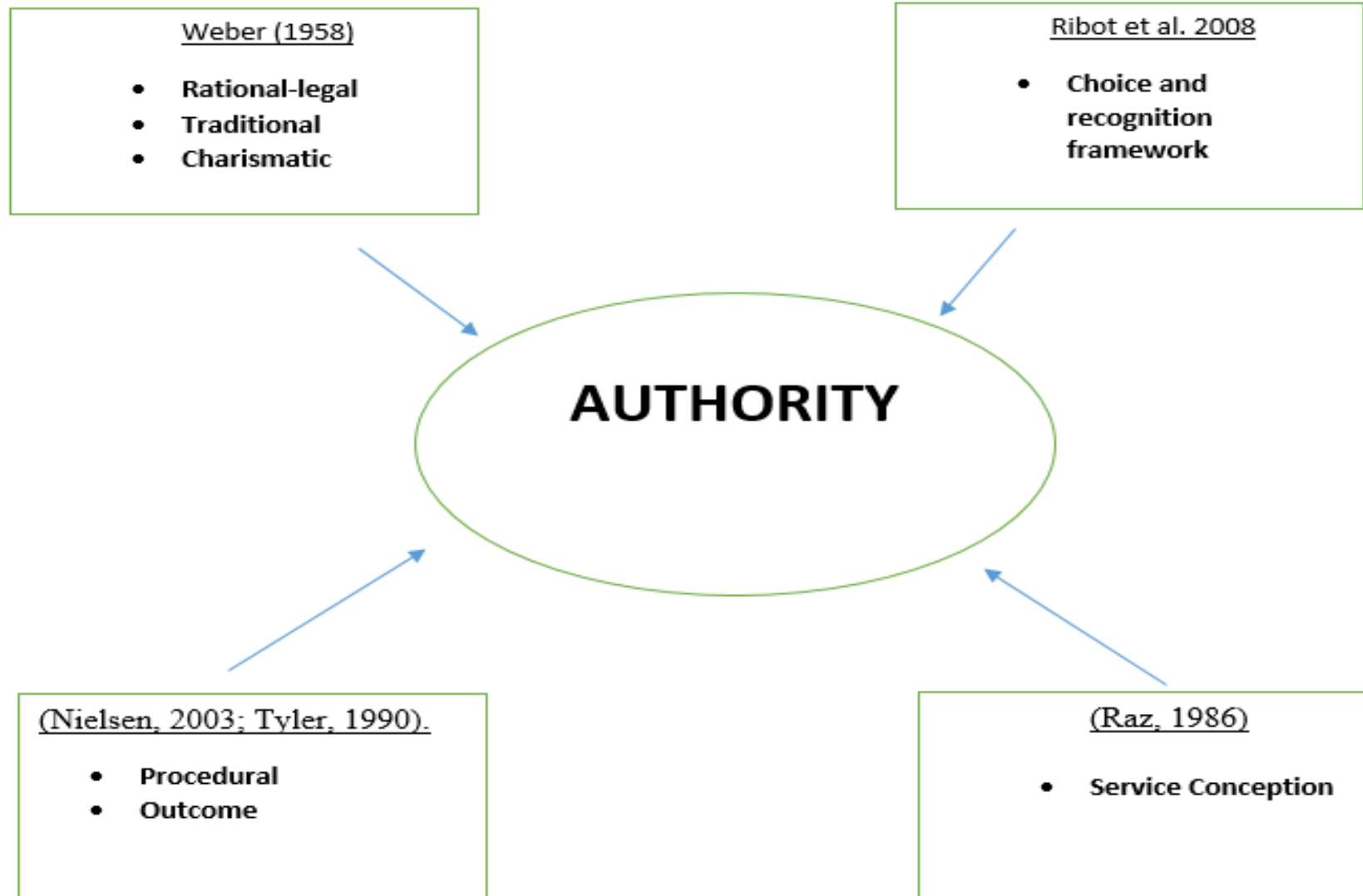
# Property-Authority “Contract”

- **Property** is ‘...a right in the sense of an enforceable claim to some use or benefit of something’ (MacPherson, 1978:3).
- **Authority** refers to a minimum voluntary compliance to power such that a command with a specific content is likely to be obeyed by a given group of people (Weber, 1976).
- Sikor and Lund (2009) argue that people secure their claims as legitimate property by sourcing out institutions & institutions build legitimacy and authority in relation to competitors.
- This is embedded in von Benda-Beckmann’s (1981) notion of ‘**forum shopping**’ and ‘**shopping forums**’,

## THE POLITICS OF POSSESSION

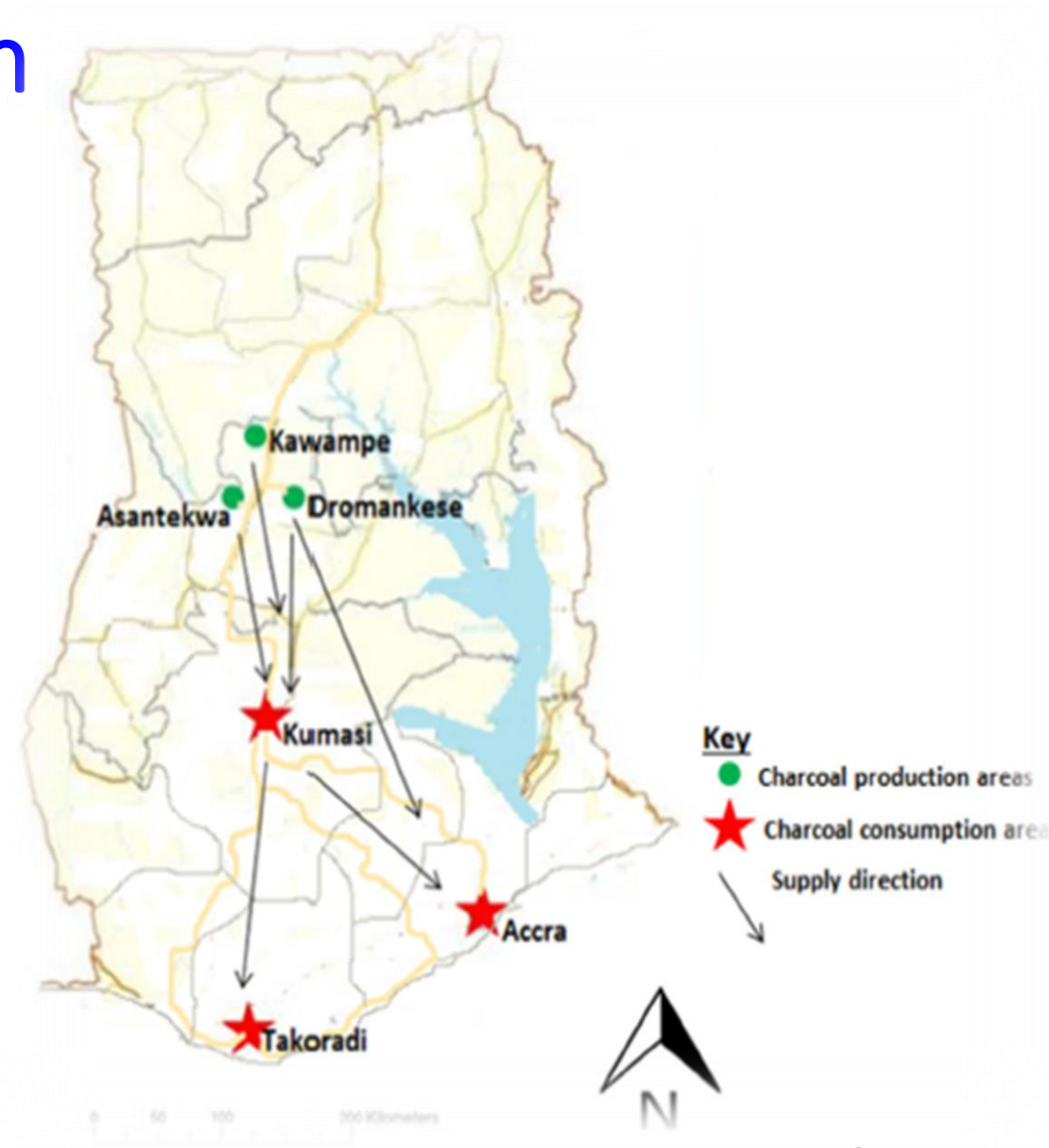
PROPERTY, AUTHORITY,  
AND ACCESS TO NATURAL RESOURCES

# (Other) Sources of Authority



# The charcoal commodity chain in Ghana: A Case to Think With

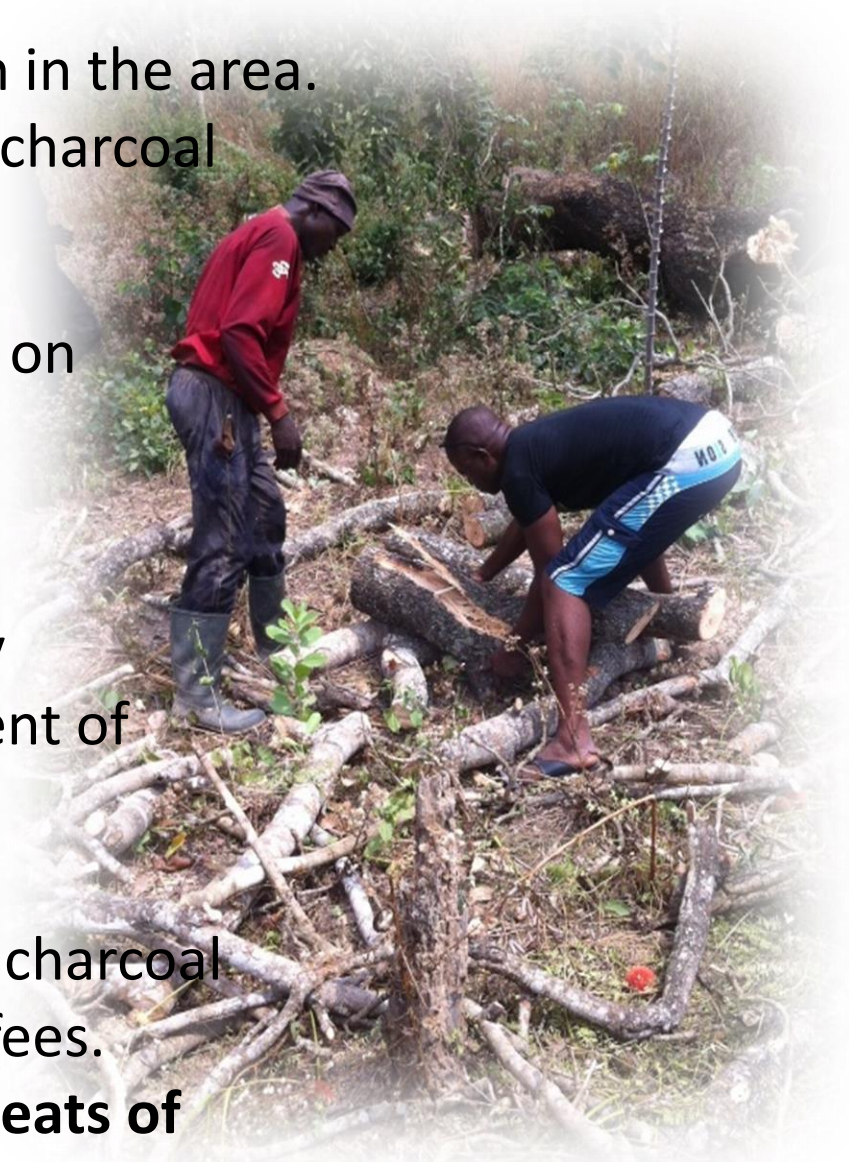
- **How politico-legal institutions consolidate (loss) authority?**
- **Field Work: 2017, 2018, 2019**
- **Three villages in Kintampo Forest District & three urban places**





## Chiefs, property, access → & rents

- From the **1970s**, **migrant Sissala** initiated charcoal production in the area. Recently, cattle destroy farms so most farmers have included charcoal production as part of their livelihood strategies.
- Chiefs grant rights to Indigenous farmers to produce charcoal on **communal land for free**, while “non-indigenous farmers” or “migrants” must obtain such rights from the chief for a fee.
- In the **late 1980s**, chiefs decreed that all producers should pay charcoal fees. The indigenes and the settlers contested payment of charcoal fees via **social movement, moral economy, force**.
- Chiefs use **force** to collect fees from producers who fail to pay charcoal fees via **local policing groups** to enforce payment of charcoal fees. These taskforces **forcefully confiscating charcoal bags and threats of violence**.



# Chiefs, force, social relations → & access

- Another area that chiefs employ force and the threat of it is through regulating tree access in the villages. like the Shea tree “kranku dua” [*Vitellaria paradoxa*], “dawa dawa” [*Parkia biglobosa*] and mahogany [*Khaya senegalensis*].
- Chiefs also grant access to trees based on identity of people, and **social relations**. In Kawampe village, religious leaders, the aged, women and those considered to be physically challenged are permitted access to trees...
- Constant contestations ensue among chiefs and between chiefs and state bodies





# Ghana Forestry Commission and the charcoal production

- Section 16 (4) of the Concessions Act 1962 (Act 124) states that: *“all rights with respect to timber or trees on any land other than specified in the preceding subsections of this section are vested in the president in trust for the stools concerned”*.
- However, the Forestry Commission is not in the villages to enforce regulations on trees on village lands.
- Their focus is on the more profitable timber resources in the High Forest Zone to the south of the study area (Karsenty, 2016; Oduro et al., 2014).
- They also grant timber concessions in the study area, but charcoal has apparently not been sufficiently profitable (or too complicated) for Forestry Commission to try to regulate.



## Ghana Forestry Commission and the charcoal trade

- In the early part of 2015, the Forestry Commission introduced the **Charcoal Conveyance Certificate** to allow passage of charcoal from production village to the cities.
- A staff from Forestry Services Division explained that: 'The purpose of the Charcoal Conveyance Certificate [issue to charcoal merchants] is **to bring the various actors together to work in harmony. Charcoal producers are plenty and they are difficult to organize**, but through the Charcoal Conveyance Certificate, we can organize them into some form of associations in order to regulate their activities' (Forestry Services Division staff, 01/06/2017 June 2017).



## Ghana Forestry Commission and charcoal trade

- Prior to the year 2015 when the Charcoal Conveyance Certificate was introduced, charcoal producers and **traders operated under fear**. Forestry, police and other government staffs demanded informal payments (“bribes”) from them citing that the charcoal production and trade were illegal.
- Forestry staffs argued that some producers source trees from forest reserves, and others use timber species for producing charcoal thus making the charcoal production and trade illegal. The rampant collection of bribes made the production and trade of charcoal to be costly and so **charcoal traders demanded the Forestry Commission to grant them a form of licence to legitimize the charcoal trade**.





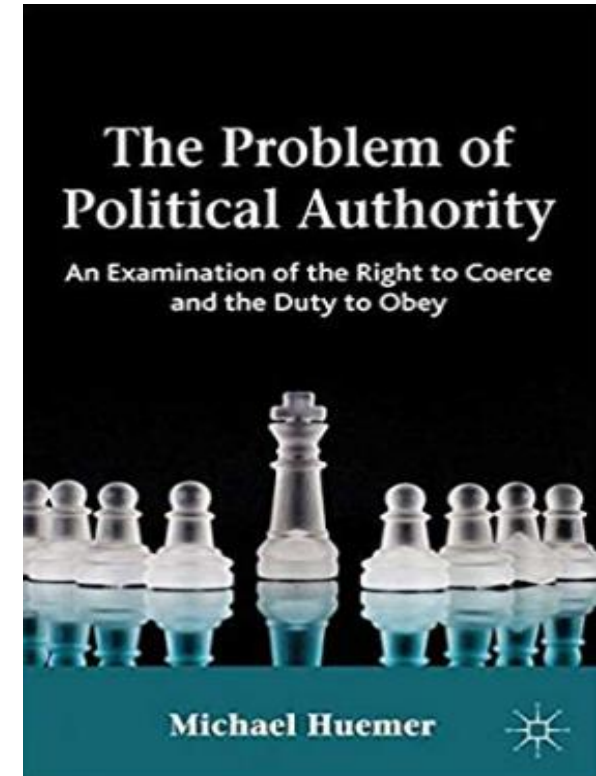
## District Assemblies and the charcoal trade

- Along the charcoal commodity chain, District Assemblies mainly engage in revenue collection. Act 462 section 34 of the Local Government Act grants District Assemblies the mandate to charge fees for any service provided or license issued. **They engage in tax and revenue collections on local, district and regional markets.**
- District assemblies issue council tickets to merchants to allow the transport of charcoal to cities and also issue tickets to traders at designated market places. **Most traders comply with council fees than payments to the Forestry Commission.** A local government officer explained that: 'Firstly, they [Charcoal Conveyance Certificates] **came not long ago**, and secondly their [Forestry Commission] **prices are so high**'. (District Assembly staff, 04/05/2017).



# Reflections on authority and implications

- The authority of institutions stem from several sources, and also depends on how they are empowered and recognized by higher level authorities: via laws, via being named, via being given contracts by donors or central government, via being given resources by donors and government, etc
- But as this case illustrates, the authority of institutions is also dependent on what they are able to deliver – property, services or adjudication.



## Reflection and implications

- Being named or legally mandated does not confer automatic legitimacy, politico-legal institutions must constantly engage in activities that would promote their acceptance towards constituents. So while recognition from higher level authorities are necessary, provision of service such as vetting of property is particularly important for the overall authority of institutions.
- The failure of the Forestry Commission to implement forest policies related to charcoal production threatens forest resources in Ghana, and weakens its core functions of providing forest and environmental services to citizens





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