The EU-Ghana VPA: a comprehensive policy analysis of its design

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SUMMARY

The European Union’s FLEGT initiative aims at eliminating illegal timber from its market. An important instrument to achieve this is the Voluntary Partnership Agreement (VPA) to install, amongst others, wood tracking systems in timber exporting countries. Ghana was the first to conclude VPA negotiations with the EU. Using the Policy Arrangement Approach (PAA), this paper presents a critical policy analysis of the consensus building and negotiation process and outcome (so far). It shows that the national forest discourse of Ghana has been reshaped by the VPA process, that the traditional forest sector has been opened up, that new forest rules have been designed and that power relations have changed in favour of so-called fringe actors. Theses developments seem in line with the wider shift from government to governance in politics. Yet the question is whether these observable changes will be sustained in the implementation phase of the VPA.

Keywords: Illegal-Logging, Ghana, FLEGT, Voluntary Partnership Agreement, Policy Arrangement Approach (PAA)

La VPA EU-Ghana: une analyse approfondie de son concept

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L’initiative FLEGT de l’Union Européenne vise à éliminer le bois illégal de son marché. Un instrument important pour aider à parvenir à cela est l’Accord de partenariat volontaire (VPA) pour mettre en place, entre autres, des systèmes de traçage du bois dans les pays exportateurs. Le Ghana a été le premier pays à conclure les négociations du VPA avec l’Union Européenne. En utilisant l’outil d’arrangement de politique (PAA), cet article présente une analyse critique de la politique pour parvenir à un consensus, et des processus de négociation et de leurs résultats jusqu’à présent. Il montre que le discours du secteur national forestier ghanéen a été remodelé par le processus du VPA, que le secteur forestier traditionnel est devenu plus ouvert, que les nouvelles régulations forestières ont été tracées, et que les relations de pouvoir ont été changé en faveur des acteurs de , soit disant, second rôle. Ces développements semblent s’aligner avec le mouvement plus général du gouvernement vers la gestion dans la politique. Il reste à voir si ces changements invisibles seront soutenus pendant la phase de mise en pratique du VPA.

El Acuerdo Voluntario de Asociación entre Ghana y la UE: un análisis detallado de su diseño político

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La iniciativa FLEGT de la Unión Europea tiene como objetivo eliminar la madera ilegal del mercado interno. Entre los instrumentos más importantes para lograr este fin está el Acuerdo Voluntario de Asociación (VPA), que tiene proyectado establecer sistemas de control de cadena de custodia en los países exportadores de madera. Ghana fue el primer país que finalizó sus negociaciones de VPA con la UE. Basándose en el modelo de Arreglo Político (PAA), este estudio presenta un análisis político crítico del proceso de negociación necesario para poder llegar a un consenso, y de los resultados hasta ahora. Muestra que el discurso forestal nacional de Ghana ha sido cambiado por el proceso de VPA, que el sector forestal tradicional se ha abierto al exterior, que se ha diseñado nuevos reglamentos forestales, y que las relaciones de poder se han modificado a favor de los llamados actores marginales. Estos cambios parecen concordar con un alejamiento más generalizado de políticas establecidas por el gobierno hacia una gestión más cooperativa. Sigue planteado el interrogante: ¿estos cambios observables serán sostenidos en la fase de implementación del VPA?

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THE VPA PROCESS AND AGREEMENT

On September 3 of 2008, Ghana became the first country to conclude negotiations on a Voluntary Partnership Agreement (VPA) with the European Union (EU). The VPA is part of the EU’s action plan to combat illegal logging. This date marked a milestone in a long running international attempt, at the inter-governmental level, to construct a bilateral (also multi-lateral) arrangement in forestry that went beyond the provisions of soft law. The debate on halting deforestation on one hand and promoting sustainable forest management on the other hand has been around for the better part of three decades. Although emphasis on the subject has been changing, the underlying principles have remained the same – the conservation and sustainable use of forest endowments. There has thus been, the International Tropical Timber Agreement (ITTA), the Tropical Forestry Action Plan (TFAPs), the Convention on Biological Diversity (CBD) and National Forest Programmes (NFPs), to name a few (Humphreys 2006). In more recent times climate change has taken centre stage. All these initiatives have been less than successful in delivering results in the places where it counts most – the forests. Deforestation and degradation have continued (FAO 2007). At the turn of the current century, it was however realised that illegal logging contributed largely to deforestation and forest degradation and that this problem was nested in weak governance systems – a phenomenon that was associated with forests in the developing countries.

A generic definition of illegal logging is “logging practices that violate national laws”. The definition of various authorities (The Royal Institute of International Affairs (UK), World Bank, Transparency International) has revolved round this generic one.

The cost of illegal logging to industry and government has been quantified as running into several billions of dollars in various literature (World Bank’s 2002, Contreras-Hermosilla et al. 2007). Illegal logging has also been noted to reduce the incentive for managing forests sustainably (Li et al. 2008), undermine the rule of law (Bulkan and Palmer 2008), create social conflicts and weaken the governance regimes in the forest sectors of many countries. In recognition that European demand was a major driver of illegal logging, the Forest Law Enforcement Governance and Trade (FLEGT) action plan was designed to restrict access of illegal timber to the EU market (European Commission 2003). The FLEGT action plan includes the VPA, the adoption of procurement policies by member states that further promote trade in legal timber, promotion of private sector initiatives and the exercise of due diligence by export credit agencies among others. The VPA in particular is constructed to provide development assistance to volunteering countries to improve on their systems and the overall governance regime as well as curtail trade in illegal timber using both supply and demand side measures. Ghana’s interest was elicited mainly because at the time (year 2004) the EU’s share of Ghana’s export market was above 60% by volume and value (Beeko and Adelle 2009). The EU, has over the years, also remained a major player in the country development assistance programme. It is reported that total funding for natural resources agencies has increased fourfold over the period 2005 through 2009 (Policy Note on the Budget of the Natural Resource and Environmental Governance (NREG) agencies).

The initiative to combat illegal logging has emerged as yet another direction of international forest discourse. The FLEGT/VPA protocol has evolved and Ghana has entered into the developmental phase of the initiative. Following after Ghana are Cameroon and Congo who have initialised and signed the VPA respectively. Liberia, Central Africa Republic, Malaysia, and Indonesia are still negotiating with others to follow. The VPA presents an interesting scenario – a bilateral forestry agreement that has been conceived at the international (EU) level, developed at the national level through a multi-actor dialogue mechanism and negotiated between a sovereign state and a regional bloc. The aim of this paper is to present a comprehensive policy analysis of the VPA process in order to address the ‘how’ and ‘why’ questions of its process and outcome (so far). To help us to do so, the Policy Arrangement Approach (PAA) was selected as analytical tool. The primary focus of the analysis will be on the negotiation phase as this phase has run its full course. Some references will be made to the on-going post-negotiation (development) phase.

THEORETICAL FRAMEWORK – POLICY ARRANGEMENTS APPROACH

The Policy Arrangement Approach (PAA) was developed as a critique on ‘rational’ policy cycle and ‘voluntarist’ policy network models in the late 1990s (Arts et al. 2006, Arts and Leroy 2006, Van Tatenhove et al. 2000). As an alternative, it builds on discursive and neo-institutional approaches, or better on discursive institutionalism (Schmidt 2005, 2008 Arts and Buizer 2009). Since its origin, it has been applied in many case studies, particularly in the environmental policy domain (e.g. Buizer 2008., Van der Zouwen 2006; Wiering and Arts 2006). A policy arrangement can be defined as the way in which a certain policy domain is (temporarily) shaped in terms of discourses, actors, rules and resources. Since these four dimensions are considered to be the most relevant for analysing politics and policy (Arts and van Tatenhove 2004), they will shortly be dealt with one-by-one below, although it should be kept in mind that these are strongly interwoven.

The PAA defines policy discourses as interpretative schemes, ranging from formal policy concepts and texts to popular narratives and story lines, which give meaning to a policy issue and domain (adapted from: Dryzek 1997, Fischer 2003a, Giddens 1984). Overall, it is assumed that policy arrangements ‘contain’ more than one discourse that differ and may compete. This difference and competition causes actors to group together in coalitions to enhance certain discourses and constrain others. The second dimension of the PAA – actors – can therefore be labelled ‘discourse coalitions’ (Hajer 1995). The third dimension refers to
rules of the game that delineate a domain (Van Tatenhove et al., 2000). Rules define the way the game should be played and within which boundaries. How should issues be framed, agendas communicated, policies formulated and decisions made? And through which procedures, allocation of resources and division of authority and competencies? The final dimension, resources, is intrinsically linked to the concept of power (Giddens 1984). In general, power has to be regarded as the ability of actors – here: discourse coalitions – to mobilise resources in order to achieve certain outcomes in social systems. It is assumed that discourse coalitions strive for hegemony in policy arrangements in order to realize their preferred policies. At this point, though, we wish to re-emphasize that the four analytical elements should be analyzed, while continuously monitoring their mutual relationships. It is only in this way that they facilitate the understanding of the discursive-institutional dynamics in policy processes.

It should be noted that a policy arrangement analysis can start with any of the four dimensions (Arts and Leroy 2006). From a discursive-institutional perspective, we advocate the sequence of dimension analysis as proposed in the previous paragraph (compare: Arts and Buizer 2009, Wiering and Arts 2006). First, a discourse analysis of the policy arrangement should be undertaken, with an obvious interest in discursive change and continuity. In a next step, the relationship between such discursive dynamics and: (1) coalition formation; (2) rules of the game; and (3) power relations; should be assessed. In line with Phillips et al. (2004), it can be hypothesized that it is more likely that there will be institutional consequences, when these discourses raise existential topics, can be anchored in ‘given’ frames as well as exhibit legitimacy, authority and consistency.

So far, four concepts were introduced in this paper to facilitate the analysis of discursive-institutional dynamics in a policy domain. They can be used in empirical studies of everyday policy practices, for instance in relation to forest policy. By using these concepts, change or continuity can be grasped (1) as a result of the interrelatedness of agency and structural factors, and (2) as a result of the interrelatedness of discursive and institutional practices, such as the emergence of a certain concept and the setting of a rule, the allocation of resources or the formation of a coalition. What it does not do is relate these dynamics at the level of policy sectors to macro socio-political developments in societies, such as globalization, decentralization and state reform, which definitely affect processes and outcomes within policy domains too. These are referred to as political modernization and are part of the original policy arrangement approach too (Van Tatenhove et al. 2000). Below, political modernization will be conceptualized as the shift from government to governance (compare Van der Zouwen 2006, see also Pierre 2000).

**Discourse**

Humphrey (2006) traces the genesis of the illegal logging phraseology to the International Tropical Timber Agreement (ITTA) in 1994 when it was then referred to as “undocumented trade”. The second real mention of illegal logging, according to Humphrey, was at an international panel of forest (IPF) session in 1996. Subsequently, partly out of sustained campaigns by environmental NGOs, the term illegal logging began to feature at the G8 meetings. The phrase is not only widely used now but the phenomenon has also been assessed and its impacts quantified.

The illegal logging discourse now has been inextricably linked to what has been framed as ‘forest law enforcement and governance’. An early initiative was the ministerial level conference on illegal logging held in East Asia in 2001, Bali, Indonesia. Referred to as the East Asian Forest Law Enforcement and Governance (FLEG) initiative, it among others, made a declaration to “Take immediate action to intensify national efforts … to address violations of forest law and forest crime, in particular illegal logging …” Another regional initiative took place in Africa in 2003. It also ended with a declaration, the AFLLEG or African FLEG declaration which also among others determined to “involve stakeholders, including local communities in decision-making in the forestry sector, thereby promoting transparency, reducing the potential for corruption, …”. At about the same time the element of trade (“T”) was added to the initiative and introduced in the EU as FLEGT. This signalled the use of trade to bring home the aspirations of the FLEG process. Notwithstanding the declaration of AFLLEG in Yaoundé, the domestic forest discourse in Ghana seemed not impacted at that time. No clear directives, initiatives or multi-stakeholder processes suggesting implementation of the declaration was noticed. The state of play of forest sector governance remained unchallenged. Discussions on issues bordering on governance continued, though not as a direct consequence of AFLLEG. Issues of access rights, the non-commercial use of resources and chainsaw illegalities continued to feature in sector dialogue processes after AFLLEG, but was mostly uninspiring and did not yield much result. The advent of FLEGT/VPA, its time bound requirement for deliverables as well as the requirement to include the non-traditional power brokers (civil society) in policy making, was however to re-shape the forest sector discourse in Ghana.

The VPA design is intended to address three somewhat related issues in the partner country, namely improvements in law enforcement (LE) and good governance (G) on one hand and promotion of responsible trade (T) on the other hand. The elements of the agreement, the means to deliver these elements at the negotiating table and the manner in which the elements will be implemented were therefore crafted to help achieve this three-fold objective. Consequently, the FLEGT acronym suggests a three pronged objective namely, law enforcement (LE), governance (G) and trade (T). These three elements, LE, G and T informed the direction of discourse. The VPA process could be describes as a national stakeholder discourse with (internationally) given variables. To align the VPA with the country’s overall policy objective as stated in the 1994 forest and wildlife policy, Ghana added two issues of concern to the presentation of the EU FLEGT-
VPA process. These were (i) the development and regulation of the domestic market and (ii) the adjustments required to ensure that industry was not unduly stressed under the timber legality assurance system (TLAS). Draft studies provided the basis for initial discussion on what would emerge as country position on the VPA elements. In deliberating the LE, G and T of the initiative, some noticeable direction of discourse emerged. The first direction of discourse that can be distinguished was a challenge to the ‘kingship’ of timber. This was against the backdrop of a sector whose budgetary allocation from central government was primarily determined, from year to year, by projections in timber revenue. This trend prevailed notwithstanding the fact that the existing policy document on forest (1994 Forest and Wildlife Policy) recognised the need for the management of the resources for its multiple benefits that should accrue to all segments of society. In 1996, a committee submitted a proposal to consolidate forestry and wildlife laws into an act (Committee for the Review of Laws in the Forestry Sector, 1996). This included proposals for devolution of authority for forest management to local communities through dedicated forest. Draft legislation was prepared to this effect. What eventually emerged was again an act focusing on timber as such, the Timber Resources Management Act1 of 1997.

The shift in emphasis from timber to broader governance issues and the multiple functions of the forest under the VPA dialogue was first signalled by the initial reaction of Civil Society to the first draft of the legal standard. In their official reaction, they stated that the document portrayed, among others, “timber as king”, an apparent reference to the attention the timber industry enjoyed in forest policy making. This argument of the challenge to the kingship of timber was related to another line of discourse, a sector governance vision/framework. The legal standard was to be drawn from the set of existing laws which made reference to the different aspects of timber legality. On the surface, the development of the standard, as a derivative from the set of laws, seemed a rather easy task. However, an inventory of the laws that made reference to these requirements suggested otherwise. In all, over forty-two laws had to be contended with. Which law(s) was to be included and which was to be excluded? This raised a second issue i.e. coherence of the laws. In dealing with the coherence of the laws, a third issue surfaced, namely, the governance vision or framework within which the laws ought to be developed.

Perhaps, the icing on the sector dialogue cake was the development of a governance vision to bring home the essence of the debate and a new direction for the sector. This led to a statement for legislative reform which was captured and made an actionable area in Ghana’s legal timber standard document (Ghana/EC VPA 2009).

To conclude this section, a reshaping and broadening of the forest discourse in Ghana due to the VPA process is observable: from ‘King Timber’ to the multi-functionality of forests, from the enforcement of existing laws to legal reform and good forest governance and from international trade to the domestic market.

**Policy Actors**

In her thesis, Verbij (2008) argues that forest sectors should not be conceptualised as fixed observable triangles. Instead, these are to be framed as dynamic ‘social constructs’. The role of actors in a sector presents a useful starting point to analyze its dynamics. In their presentation of a cast of characters in the forest sector, Mayers and Bass (2004) even distinguish 15 actor groups. The benefits expected of the forest as a resource is a rallying factor for the actors and therefore present one approach from which actor groups may be derived. This paper, however, divides the forest policy actors in the Ghanaian sector into five categories: (i) the institutional actors who interface with the resource by reason of legislation and ownership; (ii) resource user groups, both consumptive and non-consumptive; (iii) research and academic institutions; (iv) non-governmental organisations; and (v) development partners. Traditionally, the institutional actors have been the Ministry of Lands and Natural Resources, MLNR, the Forestry Commission (FC), the Administrator of Stool Lands (ASL) and the stool land owners. The Attorney General’s Department (AG’s Dept.) is not, traditionally, a recognised actor in the sector. However, the AG Dept.’s actions have far reaching consequences on the shape and rules in the sector. It was the ruling of the AG that resulted in the reorganisation of all sector agencies under the Forestry Commission in 1999. The Ministry of Finance and Economic Planning is also another indirect actor in the sector with influence on the financial capacity of the Forestry Commission to discharge its mandate of management and regulation. Under the user groups (consumptive) are the timber trade associations, the forest communities, farmers and consumers of industrial wood. The non-consumptive users embody the public at large – national and international, as these uses range from local spiritual and recreational needs to climate stabilisation. The media is another actor that performs a background role in the sector. With respect to policy trends such as the VPA, the media is mostly silent.

The development partners (DPs), can be considered as influential actors in the policy domain. Even though not directly, the DPs have contributed to the policy process through policy research and analysis that guide their development assistance programmes and their resultant dialogue with the government of Ghana. Next to the DPs are NGOs. Traditionally, representatives of NGOs have served on the Board of the Forestry Commission. The strong advocacy role of NGOs in the policy process is however, a recent phenomenon with the VPA period seeing the height of this.

The pattern of interaction of actors during the VPA is perhaps one of the most notable occurrences in the policy domain. The democratisation of agenda setting enabled improved interaction among the actors in the policy domain. This was exemplified by the social networks that were created among the stakeholders as well as the exchange of institutional views using formal documents. This flow of information among stakeholders reduced (for the period of the VPA preparation) the adversarial style of communicating grievances through the press. Another dimension to the

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1This Act has since been amended, 2002.
interaction pattern was the level at which dialogue was conducted. Before the VPA, stakeholder dialogue mostly occurred at the lower levels of policy. Three levels of policy dialogue can be distinguished, namely, the tactical level, the strategic level and the policy or normative level. The tactical level is at the lowest level of dialogue where forest fringe communities and community based organisations are engaged. The strategic level refers to dialogue processes taking place at the level of implementing agencies as well as NGOs who are able to penetrate and influence decision making within these institutions. The normative or policy level is at the higher levels of policy dialogue where development partners engage government and where parliamentary debates takes place as well as inter-sectoral dialogues. The VPA process escalated stakeholder dialogue from the lower to the higher levels of policy debate in-country. Perhaps a test of the level of institutionalisation of this pattern would be if position papers will continue to be exchanged among stakeholders and whether disagreement on policy issues will be played out in the press or on the policy dialogue platform. Additionally, it remains to be seen whether there will be a demand for lower level policy dialogue inputs in decision making.

The governance agenda (the “G” in the FLEGT) of VPA was strongly picked up by civil society, while industry, for obvious reasons, focused on the “T”. The attention of government was probably more focused on the LE, without – by the way – neglecting the G and T of the initiative. The debate around the “G” of the initiative, which was also linked with the “LE”, focused on: (1) enforcement of rules selectively enabling and restricting corporate access to resources, (2) stronger policy and legislative support for community access for livelihood purposes, and (3) fair benefits sharing (i.e. greater capture of economic rent from industry by the state; distribution of that rent in accordance with the constitution). These governance discussions can, as was seen above, be summarised as shifts from timber to multiple functions of the forest, from law enforcement to law effectiveness and from trade to good forest governance. The discussion around the G of the initiative definitely reduced the focus on timber as the dominant good of the forest – “the kingship of timber”. Also, the allocation of timber rights was thoroughly discussed, with industry, the FC and MLNR, on one side, emphasising the need for access of the commercial sector to timber resources and with civil society, on the other, emphasizing the right of forest-fringe communities to have access to forest resources for livelihood purposes.

To conclude this section on the actor dimension of the VPA process, an increasing role of NGOs in the policy process is observable as well as a multi-stakeholder dialogue at a higher level of policy making and the emergence of discourse coalitions around the ‘FLE’ (state), ‘G’ (NGOs) and ‘T’ (industry) of the FLEGT acronym.

Rules

The elements of the VPA for which Ghana had to prepare and negotiate were: (i) a legal standard against which the legality of a consignment was to be ascertained, (ii) the system or means by which the compliance of legality will be verified, (iii) a chain of custody system that traces the change in ownership and custody of the material, (iv) a system of licensing the material for export, and (v) an independent monitor, external to the system, who performs periodic audit of the system (FLEGT Briefing Notes 3-7 2007). This was the technical construction that would make use of market levers to ensure effective law enforcement in the producer country or country of origin of the raw material. Material that had not been able to qualify as legal – complied with the agreed legal standard – would not be allowed to enter the EU market. In ensuring effective law compliance, it was anticipated that improvements would be required in the governance regime of the sector (Attah et al. 2009). The need to meet this requirement subsequently created the space and flexibility in the development of the legal standard.

The essence of the initiative, it was argued, was about effective law enforcement which thrives in an environment of good governance. Laws that were difficult to implement and/or did not contribute to the overall achievement of good governance needed to be reviewed. In other words, the principle approach to the VPA was to ensure that the standard was an implementable standard and that it was answering to the aspirations of good governance, a shift in focus from law enforcement to law effectiveness. Also, at the end of the consultative process, there was a strong recognition of the need to properly cater for small and medium sized forest enterprises (SMFE) in the law of allocation. It was expected that this intervention would contribute to addressing the timber supply gap on the domestic market, a problem that was as equally important as ensuring legal timber export. In addressing the SMFE resource access issue, it was to be linked to the need for a new off-reserve harvesting permit approach to allocating the low density forest areas outside reserves (reserves are gazetted areas set aside and managed for production of forest resources). Figure 1 shows a map of forest gazetted areas in Ghana. These low density areas do not qualify for allocation under the existing competitive bidding system.

Another issue that came under the searchlight was the state’s apparent deviation from the resource allocation procedures. Accordingly, thorny issues surrounding access to the resource which remained unresolved became topics of discussion. A case in point was the allocation of timber utilization permits (TUPs). The law of allocation defined TUPs as allocations for non-commercial purposes. However, a number of TUPs given out by the Forestry Commission (FC) to timber companies were being used for commercial purposes, including for export. Civil society saw this as a clandestine way of by-passing the competitive allocation procedure for timber rights. Eventually, the interpretation suggesting that TUPs cannot be used for commercial purposes and therefore ought not to be given out by the FC for same was upheld. The debate also impacted allocations under what is termed as salvage permit (SPs). The strict interpretation of what constituted trees that required salvaging was advocated. This was also upheld.
Another line of debate related to rule monitoring was the multiplicity of roles of the FC as manager, regulator, revenue collector and policy advisor. In the design of a forest verification system, initial propositions pointed to an independent verification entity that would be externally placed to the FC. This would, in the mind of the proponents, reduce the conflict in roles of the FC and make for better accountability in the forest verification process. The final decision, at the Ministerial level, however placed the verification entity under the FC. This decision heightened fears that a business as usual situation may continue in the regulatory regime.

A final ‘rule topic’ under the VPA process was the identification of areas of legislation requiring a review. Whereas the time span of the pre-negotiation phase could really not have precipitated any change in legislation, significant progress can be cited here. The identified areas for reform became a part of the document that defines legality. The legal standard therefore does not only contain existing provisions for which legality of timber will be determined under the agreement, it also contains identified areas of laws for which a review will be conducted.

To conclude this section on the rule dimension of the VPA process, the following observations seem valid: the design of a Legality Assurance System (LAS), the contestation of the current Ghanaian forest permit system, a critique on the Forestry Commission’s multiple roles and the adoption of a legislative review process within the VPA Agreement.

**Power**

Traditionally, the agenda setting power as well as that of decision and rule making rest with the MLNR. The FC also made advisory inputs to the process. The lobbying power of the industry is also a fulcrum of traditional influence in forest policy making. At another angle, also with some recognisable leverage, is the input of the development partners (donors). Civil society had, so far, not a dominant factor in public policy making. The consensus building process of the pre-negotiation phase of the VPA became a good opportunity for less influential stakeholders to gain (some) influence in the policy process.

Notwithstanding the marked improvement in stakeholder participation in the agenda setting and negotiation process, decision making power did not really shift from the sector minister. The difference here is that topics and resolutions that would otherwise have been difficult to surface managed to gain visibility. This is attributable to the ‘new democratic culture’ that emerged with the VPA. It is not clear yet whether this kind of culture can be sustained in the near future given that the factors that created the peculiar environment for the VPA process are no longer in place.

Hence, the VPA preparatory process experienced a fair amount of state and non-state activity in the sectoral policy making process. This could as well be described as a (modest) redistribution of power and influence among the sector actors. Overall, the ‘power game’ was affected first of all by the entry of the less influential actors – the fringe actors – from the periphery of the policy arena to the very centre of it. Secondly, this actor’s ‘migration’ came not only with increased recognition, but with higher availability of resources that enabled them to better participate in the process. All in all, fringe actors underwent a process of empowerment. The enabling environment for these changes was created largely by the FLEGT/VPA process itself – (1) the premium placed on stakeholder participation by the EU, (2) the international searchlight on the national process, and (3) the time limitations within which the multi-actor deliberations were to be concluded.

The process and factors leading to the empowerment of the fringe actors met with a growing competency in the area of advocacy on sector issues. Notwithstanding the moderate amount of money that was dedicated for consultation activities, it nevertheless occasioned shifts in the power game. The funding of the consultative processes of these entities increased their legitimacy in the policy formulating process, i.e. a tacit recognition had been handed to them as actors within the policy domain of the sector, at least for that phase of the VPA. With specific reference to civil society, the networking with their (international) European counterparts in the course of the process probably added to their knowledge and information resources for advocacy and effective participation.

Another aspect of the redistribution of power between
the traditional actors and the new entrants was the way in which the outputs of the process were to be delivered at the bilateral negotiating table. This was especially effective as the outcome of the country consensus position negotiated was not to be solely appraised by the traditional power centre—the state actors. The country negotiating authority needed some reasonable show of support from the individual stakeholder constituencies. A dissenting view of a stakeholder/actor on the country position would not have necessarily blocked negotiations, but could definitely stall it. The implication of this was that no actor’s place on the dialogue table had more prominence than the other. Consensus meant views from all stakeholder groups were to be taken on board, implying a kind of power-free deliberations in which the best argument determined the outcome. A sort of ‘deliberative democracy’, as described by Habermas, Dryzek, and others (Fischer 2003). This certainly was a departure from the period preceding the VPA, when no such external influence or stimulus was applied on the Ghanaian forest policy domain. This development of a sort of ‘deliberative democracy’ was, in essence, a sharing of agenda setting powers (not necessarily decision-making power—see above) with the traditional power brokers within the sector. The newly empowered actors in the agenda setting game were now civil society, forest-fringe communities and the ‘weaker parts’ of the timber industry and trade association (SMSEs). These fringe actors, as it were, moved from the periphery of the policy arena to the very centre, as illustrated in the “map of actors” (Figure 2 after by Liefferink 2006). Public sector institutions that previously did not play any pivotal role in the forest policy process also shared in the power game.

The EU as an actor did not feature on the dialogue platform. However, its influence was channelled through its sector development partnership with Ghana. Also, the VPA held promise for the development partners who anticipated governance reforms in the sector. Not surprisingly, the concluding of the VPA became a trigger under the governance reforms in the sector. Not surprisingly, this was that no actor’s place on the dialogue table had more prominence than the other. Consensus meant views from all stakeholder groups were to be taken on board, implying a kind of power-free deliberations in which the best argument determined the outcome. A sort of ‘deliberative democracy’, as described by Habermas, Dryzek, and others (Fischer 2003). This certainly was a departure from the period preceding the VPA, when no such external influence or stimulus was applied on the Ghanaian forest policy domain. This development of a sort of ‘deliberative democracy’ was, in essence, a sharing of agenda setting powers (not necessarily decision-making power—see above) with the traditional power brokers within the sector. The newly empowered actors in the agenda setting game were now civil society, forest-fringe communities and the ‘weaker parts’ of the timber industry and trade association (SMSEs). These fringe actors, as it were, moved from the periphery of the policy arena to the very centre, as illustrated in the “map of actors” (Figure 2 after by Liefferink 2006). Public sector institutions that previously did not play any pivotal role in the forest policy process also shared in the power game.

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In sum, three factors had notable impact on the power relations in the VPA process: (1) the externally applied pressure by the EU to deliver a country consensus position, (2) the subsequent recognition of and flow of resources to the non-traditional power brokers, particularly NGOs and forest-dependent communities, implying their empowerment as well as a sort of ‘deliberative democracy’ in the agenda-setting process (not to be conflated with ‘real’ decision making power), and (3) the politics of development assistance, that had put a premium on a quick agreement.

**Political modernization: the shift from government to governance**

The increasing trans-jurisdictional character of the forest policy process (Bernstein and Cashore 2000, Howlett and Rayner 2006a), the emergence of non-state market driven governance mechanisms such as Forest Stewardship Council (FSC) (Cashore et. al. 2002), the growing recognition of the forest environment as a multi-actor policy environment (Citi and Rhodes 2007) and the discovery of new roles for non-traditional forest sector actors (Arts and Buizer 2008) provides the basis for arguing, or at least examining, a shift from government to governance. The argument draws its source from the partial but noticeable sharing of rule-making authority from the traditional power centres to the non-traditional. Luttrel (2008) distinguishes multi-stakeholder processes more as forums for dialogue than decision making mechanisms. Yet, on the continuum of dialogue and decision-making, forest multi-stakeholder processes seem to be moving more and more to the decision-making end in public policy making. This is perhaps a reflection of the broader changes in the socio-political environment in which forest policy processes are taking place. A number of authors (Humphrey, 2006; Arts and Buizer, 2008;) trace the change in direction of global forest policy to failure of governmental and inter-governmental initiatives in the 1980s which opened the door to private partnerships, community initiatives as well as private and voluntary regulations. There is however the counter-argument to exercise caution in pronouncing a shift in modes of governance within specific policy domains, since the strategic-political and law making roles of states have not ceased to exist (Howlett et al. 2009).

Although forests are sovereign resources, increasingly, it is being framed in terms of a common concern of mankind (Werland 2008). As forest policy is increasingly globalised and an international regime on forests based on hard, soft and private international law (Humphrey, 2006) grows in influence, there is a concomitant influence on the policy domains within individual jurisdictions. First, decisions bordering on forest management, utilisation, conservation, trade etc. that were the preserve of national authorities have become the subject of international debate leading to what has been termed internationalisation of forest policy process. According to Werland (2008), this is the relocation of norm setting procedures from the domestic to the trans- and international level. Second, the scaling up of the debate on these issues to the international level opens the doors for influence by participants outside inter-governmental circles— the migration of fringe or periphery actors to the

**FIGURE 2 Map of VPA actors and their relative positions in a policy arrangement**
centre of the policy making process. Third, the international networking of non-governmental actors means there is the opportunity for transfer of knowledge which has promise for improvements in the cognitive and capacity building processes of local non-governmental actors. The corollary of this is the strengthening of their voices in the dialogue process and the provision of an alternative and balance to the traditional voices. Fourth, the increasing recognition of the need to include affected actors (stakeholders) in the negotiation of these international regimes (FLEGT process, Access to Benefit Sharing (ABS) under the Convention on Biological Diversity, Climate Change etc.) creates a demand for the intervention of fringe actors. Fringe actors are not only moving to the centre of the policy making processes but are being sustained by the demand for their inputs in the emerging international forest regime. The recognition by government procurement policies of certification systems that employ privately developed principles such as FSC further accentuates the emerging role of non-traditional actors (Cashore et al. 2003). Howlett et al (2009) present the role of government as providing a set of rules and operating a set of institutions setting out who gets what, where, when and how in society. However, this classical role of government is undergoing a change under the new governance paradigm – the supplanting of highly structured and state-controlled hierarchical arrangements by plurilateral society driven ones. On the cautionary approach, Howlett et al (2009) maintain that the shift from the hierarchical to the plurilateral forms of government (government to governance) takes place along three vertical dimensions, namely institutional structures, political practices and regulatory techniques. Examined along these dimensions, the government to governance shift is less clear than it might first appear.

CONCLUSION

So far, the VPA process introduced notable movements in the forest sector policy making process in Ghana. The four dimensional analysis of the policy domain – the policy arrangements approach – underscores these movements. While extended observation of the policy domain is required under the next phases of the VPA to be able to assert ‘real’ changes in the policy domain, it can be contended that the introduction of external levers – internationalisation of the process – to the local policy making process has the capacity to redistribute power, challenge stakeholder coalitions, affect the direction of discourse and impact on rules. The quality of discourse was not only impacted during the VPA preparatory phase but also experienced a change in direction. The long standing prominence that timber enjoyed was challenged, thus occasioning a transition from trade to good governance. Additionally, the VPA discourse changed the focus from law enforcement to law effectiveness. The process was able to sharpen stakeholder coalitions and make them more distinguishable as positions were stated and restated during the process. Proponents of “timberisation” of the policy process stood apart from those that rooted for equity and access rights in the extended use of the resource. The demand of the process for in-country consensus enabled the ambience of deliberative democracy. The demand for inputs from all identifiable voices also enabled the migration of fringe actors to the centre of the policy process. The policy arena was thus opened for traditionally less influential actors. The combined effect of the creation of an environment of deliberative democracy and the empowerment of fringe actors also impacted on the agenda setting culture of the sector. Issues that did not feature on the traditional forest agenda became topical issues for which consensus had to be reached. Perhaps these observable dynamics provides pointers as to how to re-shape or redirect the process of agenda setting in a policy domain.

While changes in the policy domain during the preparatory phase of the VPA are easily distinguishable, one must be cautious in drawing conclusions on these changes, given that the factors that induced these were mostly a result of the impact of temporary external levers (notably EU, FLEGT and the donor community). These levers have been identified as: (i) the requirements for inclusion of all identifiable stakeholders in the design process, (ii) the need to build an in-country consensus among the stakeholders so identified, (iii) the need to address international interest in the national process, and (iv) the need to secure continued access of Ghana’s timber to the EU market. At the national level, there was also the interest of the sector in securing continued development of partnerships with the EU and the donor community. The importance of these factors was heightened by the need to come to an agreement within a tight time frame.

While a definitive conclusion on a change in the policy domain of the sector may be pre-mature at this stage, it is arguably clear that the application of external stimuli such as was experienced under the VPA in Ghana is able to occasion a shift, howbeit temporarily, in the structural attributes of the policy arrangement, namely the discourse, the power relations, the rules and the coalitions of actors. Institutionalisation of the change may become more apparent as the domain goes through repeated experiences that employ the stimuli described in this paper. The continuing internationalisation of the forest policy process therefore has the potential to introduce national policy reforms. Illegal logging, identified as having its root in weak governance structures, appears to create potential change factors that could, through international trade, impact at the national policy level. Yet another level of VPA induced change is at the livelihood and the resource level on the ground. This topic was not addressed – or better: could not be addressed – in this paper, but is another subject of interest for future research.

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