



REPORT OF THE COMMITTEE OF INQUIRY INTO ALLEGATIONS OF CORRUPTION IN ROSEWOOD TRADE IN GHANA

Submitted to The Minister for Lands and Natural Resources,
Hon. Kwaku Asomah Cheremeh.

2019

EXECUTIVE SUMMARY

The Environmental Investigation Agency (EIA) in July, 2019, published an investigative piece titled; ““Ban-Boozled” How Corruption and Collusion fuel Illegal Rosewood Trade in Ghana”. The publication alleged that there is an institutionalized scheme of corruption in Ghana to mask the illegal harvest, transport, and issuance of CITIES permits for Rosewood exports. This scheme of corruption, it stated, involved the fraudulent use of Salvage permits, the misdeclaration of timber species, the use of escorts to deal with control points, the forging of official documents and the retrospective issuance of CITIES permits.

It is the position of the Government that these multifaceted allegations by the EIA on institutionalized corruption, collusion, trafficking, and the lack of law enforcement in the Rosewood trade in Ghana, stand to damage the country’s international reputation and its compliance with legality requirements under the VPA-FLEGT mechanism. In response, the Minister for Lands and Natural Resources on August 26, 2019 inaugurated this Committee to investigate the allegations of corruption as reported in the Publication by the EIA; examine all anomalies in respect of Rosewood salvage permits, transportation and export trade; investigate if Rosewood is still being traded in spite of the ban imposed by the Minister in March, 2019; and make the necessary recommendations to the Hon. Minister for appropriate actions to be taken.

African Rosewood (Local names: Krayie (Twi), Jankieyele (Gonja), Kosso (Chinese Trade Name) and Scientific Name: *Pterocarpus erinaceus*), is an endangered tree species found throughout the Savannah and Forest-Savannah Transition Ecological Zones of Ghana. It was traditionally used for charcoal production in Ghana rather than timber until 2004, when it was first exported to China. African Rosewood is marketed to a largely Chinese market as a replacement for the true Rosewoods from *Dalbergia spp.* The species is listed on Appendix II of CITIES. It has been the subject of five (5) bans since 2012, as a policy response to its indiscriminate and unsustainable exploitation. The most recent ban was announced on March 10th, 2019, on the harvesting, transporting, processing and exportation of the species.

Due to the serious nature of the allegations raised by the EIA, the Committee’s investigation encompassed the entire value chain of the species. Through field visits to the hotspots of Rosewood exploitation, the Committee sampled grassroot opinions of communities coupled, with interviews of the respective District Assemblies. The field investigations focused on exploring the interfaces between the operations of the Forestry Commission of Ghana, the Ghana Revenue Authority (GRA) – Customs Division, other Government agencies; such as the Metropolitan, Municipal and District Assemblies (MMDA’s), and the Police and other Intelligence Agencies. The Committee then took

testimony from individuals involved in the Rosewood trade in Ghana and those mentioned in the EIA report. As a final step in the preparation of the Final Report, the Committee used data sources from the TIDD Rosewood Export Statistics, GRA-Customs Export data on Timber export entries, Data from EIA and a host of other sources to enable it place its field investigations within the Terms of Reference of its mandate. The Committee's findings and recommendations from its field investigations address the Terms of Reference of its establishment and are broadly addressed under the following headings:

General Allegations of Corruption: The Committee did not have adequate evidence to establish corruption cases against any officials of government. However, the field investigations revealed that there were several institutional weaknesses and lapses in the Rosewood trade; from the community level to the ports of exit, due largely to the highly informal nature of its trade. This has given rise to widespread irregularities along the value chain of the species. The nature of trade is composed of communities which informally harvest the timber for sale to agents, who then aggregate for sale to Rosewood traders and later resell to the Chinese buyers. Several impounded truckloads of Rosewood which had no documentation for the salvage or transportation of Rosewood had managed to evade several checkpoints including the Police, National Security and District BNI Officials, and had only been arrested at points very close to the Harbour. Data capture of Rosewood exports at the Port was questionable as TIDD statistics of exports largely did not conform with GRA Customs Export data capture.

Specific Recommendations:

- The Committee recommends extensive interagency collaboration between the Forestry Commission, the Police, the GRA-Customs, and the Intelligence Agencies in ensuring that movement of banned and endangered tree species such as Rosewood is brought to a complete halt.
- Effective collaboration between GRA-Customs and TIDD at the Port of exit is extremely essential especially in the identification of timber species before exports.
- The Committee recommends that the FC strengthens its institutional safeguards in forest monitoring and forest law enforcement at the forest gate, FSD & TIDD checkpoints.
- The Forestry Commission must further strengthen its internal mechanism to prevent the incidences of any corruption cases involving its staff.

Allegations made by the EIA on Rosewood export volumes: The allegation by the EIA that Ghana has exported over Six million Rosewood trees between the period 2012 - 2019 is a gross over-estimation of Ghana's Rosewood export trade volumes. This allegation demonstrates a mis -understanding of the evolution of Rosewood trade over the years. The Committee is of the opinion that based on the inventory data available, Ghana does not have that quantity of merchantable Rosewood trees to be harvested and exported during the period in question. The Committee assesses that the actual Rosewood timber harvest for the period 2012 -2019, is **489,766 (Four Hundred and Eighty-Nine thousand, Seven Hundred and Sixty-Six) trees** and not Six Million as inaccurately stated by the EIA. The EIA methodology used in the calculation of number of trees harvested in Ghana is not based on scientific principles and cannot be accepted. The Committee on the other hand, admits that there are significant differences between the volumes of Rosewood timber imported by Chi na and exported by Ghana, due principally to the deliberate misclassification and misdeclaration by Freight Forwarders, as a result of a lack of institutional capacity in GRA-Customs in relation to timber species identification.

Allegations made by the EIA on CITIES permits for sale: The Committee was unable to prove the allegations made by the EIA that CITIES permits were for sale based on our investigations of witnesses; both material and persons. The video footages and other materials from the EIA did not provide enough evidence of collusion.

Specific Recommendations:

- The Committee recommends that a forensic audit of the CITIES Secretariat at the Forestry Commission of Ghana be conducted by the BNI or any other State Intelligence Agencies to establish the veracity of the allegations made.
- A similar audit should be conducted on some selected companies who have exported Rosewood to Vietnam with documentation different from what was approved by the CITES Secretariat at the Forestry Commission.

Legalization of Illegal Timber: The Committee disagrees with the EIA assertion that illegally harvested Rosewood timber should not be seized and auctioned under the laws of Ghana. We are of the strong opinion that **any illegally harvested timber seized by the Government of Ghana or by its relevant Security Organs or Institutions, which is subsequently auctioned following due process under the relevant Laws of Ghana is Legal Timber**. This process as enshrined in law, guarantees that the State can through its legal statutes ensure that the integrity of its natural resources can be safeguarded and value can be generated from it.

Impact of the Ban on the Trade of Rosewood: The Committee's field assessments show that the ban has had mixed impact on the trade of Rosewood in Ghana, with the effect varying from one aspect of trade to the other. The ban's greatest impact can be seen in the reduced harvesting of the species. It has been an effective deterrent to communities who harvest Rosewood for sale to traders and the Rosewood mills located across the distribution range. This is evidenced by the low number of stockpiles of fresh logs in the sawmills and local communities. However, there are reports of isolated incidences of harvesting which appear to be limited to the Upper West Region (Fungsi and Tumu areas).

The impact of the ban on the transportation of Rosewood has also significantly reduced compared to the pre-ban period. This is evident in the absence of truckloads of Rosewood logs along the major routes, which hitherto were a daily occurrence. Several stockpiles of Rosewood logs were also observed scattered all over the Rosewood hotspots (the Savannah Ecological Zone and the Forest Savannah Transitional Zone) indicating the impact of the ban on the transportation of the species. Several truckloads of Rosewood timber had further been impounded by the local communities, Police, District FSD & TIDD and MMDA offices signifying the vigilance of local communities and the effectiveness of law enforcement agencies in enforcing the ban. The ban did not have an immediate impact on the processing of Rosewood, as major processing mills had continued to process all the Rosewood they had in stock, for several months after the ban was announced. This was in direct contravention of the order on processing of the species by the Minister. The Committee however observed that most of the sawmills had ceased operations at the time of its visit.

The ban had the least impact on the exportation of the species. There are indications that existing stockpiles of Rosewood timber are still being exported from Ghana through the practice of misclassification, misdeclaration and the general lack of capacity of the GRA- Customs Division to identify what is Rosewood timber and what is not. These happenings have led to significant concerns about the security of stockpiles of Rosewood in the local communities and integrity of operations at the Tema Port and at Ghana's borders.

Specific Recommendations:

- The Committee firstly recommends periodic training for staff of GRA-Customs Export Division by the CSIR-Forestry Research Institute of Ghana (CSIR-FORIG) on Rosewood and other timber species identification.
- The Committee additionally recommends extensive and deepened collaboration between the GRA-Customs Division, the Ghana Shippers Council and the shipping lines in the light of the high levels of misclassifications and misdeclarations from the GRA-Customs Export platform relating to Rosewood exports.
- The Committee recommends the standardization of protocols across all TIDD and FSD checkpoints across the country and the deployment of one FC Rapid Response Team in each political region across the distribution range of Rosewood to enable a timely response to incidents.

The successful implementation and enforcement of the ban within the value chain of the species across Ghana, will require significant levels of community participation. The trade in Rosewood has also given rise to several conflicts over Rosewood resources in the distribution range of Rosewood, which have the potential escalating out of control. These national security concerns will have to be addressed by the Ministry for Lands and Natural Resources, the Ministry of Interior, the National Security apparatus and other relevant intelligence agencies, in order that we preserve the integrity and stability the country currently enjoys.

In the light of the above, the Committee recommends that the ban on Rosewood harvesting, transport, processing and export announced by the Minister for Lands and Natural Resources in March, 2019 be **held in place indefinitely or until the completion of the Early Impact Assessment and the Non-Detriment Findings**. Any attempt to lift the current ban to allow a return to normalcy or salvaging as has been the practice over the past years, may further worsen the unsustainable nature of exploitation of the species. The Committee is of the opinion that the issuance of Salvage permits for Rosewood extraction or evacuation in any form should be abrogated completely and with immediate effect.

In the interim, the Committee recommends that all lying logs of Rosewood should be evacuated to a central point and auctioned for local processing and for restricted sale in the domestic market only. The respective District Assemblies should process these logs for the production of furniture for school desks, hospital furniture and any local needs as the District Assembly may deem fit

Specific Recommendations:

- The Committee also recommends the need for an Early Impact Assessment to highlight salient issues, which may need to be addressed for effective enforcement by CITIES of the species (for instance, placing Rosewood in Appendix 1 may be a necessary policy option).
- We also underscore the need for scientific Non-Detriment Findings (NDF) to be conducted as a pre-condition to re-allowing the export of the species.

The Committee's observations and recommendations are particularly relevant to the Ghanaian forestry sector today. This is in the light of the number of "new timber" species being harvested from the fragile savannah ecological zones using the Salvage permit mechanism. The resultant rampant logging practices stand to reduce agricultural productivity and impact negatively on livelihoods of communities in the Forest-Savannah Transition and Savannah ecological zones. It is also clearly at variance with Ghana's commitment to reducing emissions from deforestation and forest degradation, enhancement of forest carbon stocks, and sustainable management of forest resources.

General Recommendations of the Committee

Based on the observations and findings of the Committee, the following general recommendations are proposed for the consideration of the Hon. Minister:

- The current ban on Rosewood harvesting, transporting, processing and export should **remain in force indefinitely or until the completion of the Early Impact Assessment and the establishment of the Non-Detriment Findings**. These baseline studies will afford the Forestry Commission the opportunity to develop an acceptable management plan for the sustainability of the species.
- There is the need for stronger collaboration among all the state agencies; Forestry Commission, Municipal, Metropolitan and District Assemblies and the Ghana Revenue Authority in the monitoring and enforcement of the ban on Rosewood at all levels. The Traditional Authorities and Non-Governmental Organizations should also be actively involved in the fight against illegal harvesting of Rosewood in the fragile Savannah ecosystem.
- The deployment of one FC Rapid Response Teams in each political region across the distribution range of Rosewood. In addition to this, the FC must strengthen their collaboration between the Police and GRA-Customs by creating common checkpoints especially in the Rosewood hotspots regions.

- Heavy presence of the military in the short to medium term in the Mole National Park. The capacity of the Management of the Mole, Kalakpa and other Resource Reserves should be built to enable them adequately handle the emerging challenges of illegal logging and poaching in the parks.
- We recommend conducting a full inventory of all lying Rosewood logs and the establishment of Regional Centers where all confiscated Rosewood can be deposited for auctioning. The bulk wood should be auctioned for local processing only into furniture for schools, hospitals and other institutions specifically in the districts in which they occur.
- The Ghana Revenue Authority (GRA-Customs) should collaborate effectively with the Timber Industry Development Division (TIDD) of the Forestry Commission in halting any future exports of Rosewood especially at the Port of exit.
- The State Security Agencies including BNI should conduct immediate investigation of some selected companies that have been identified to have exported Rosewood to Vietnam with fictitious CITES permits.
- There is indeed the need to install a tracking system that will monitor all wood products leaving the country to ensure that other countries do not use Ghana as Port of exit of their wood consignments and vice versa.
- In the long-term, there is the need for large scale plantation development of Rosewood to ensure sustainable supply of this wood species in the future.
- The Ministry of Lands and Natural Resources, the Ministry of Interior, the National Security Council and other Intelligence apparatuses should monitor this ongoing situation. This is critical given the sophisticated nature of the trade today and the increasing resource conflicts at the community level and especially given that exports of Rosewood continue despite the March 2019 ban.

The Committee is particularly grateful to the Hon. Minister for Lands and Natural Resources for the confidence reposed in the Committee to undertake this assignment. The Committee also wishes to express its gratitude to all the institutions that provided information and data to the Committee for this work.

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LIST OF ABBREVIATIONS

BNI	Bureau of National Investigation
CITIES	Convention on International Trade in Endangered Species (Wild Fauna and Flora).
CSIR-FORIG	CSIR-Forestry Research Institute of Ghana
EIA	Environmental Investigation Agency, UK & USA
EMDA	A portal of the Single window on Ghana TradeNet application for online submission, processing, approval and distribution of a wide range of trade related documents by Ministries, departments and Agencies such as TIDD
FC	Forestry Commission of Ghana
FSD	Forest Services Division of the Forestry Commission of Ghana
GCNET	Ghana TradeNet application
GRA	Ghana Revenue Authority
MA	Management Authority
MLNR	Ministry of Lands and Natural Resources
MMDA	Municipal and District Assemblies
NDF	Non-Detriment Findings
NSC	National Security Council
LIC	Lumber Inspection Certificate
LMCC	Log Measurement Certificate
TIDD	Timber Industry Development Division of the Forestry Commission
TOR	Terms of Reference of Committee
WD	Wildlife Division of the Forestry Commission
VPA-FLEGT	Voluntary Partnership Agreement – Forest Law, Enforcement, Governance and Trade

1. INTRODUCTION

The Committee was inaugurated by the Minister for Lands and Natural Resources, Hon. Kwaku Asomah-Cheremeh on the 26th of August, 2019. It was set up in response to the fallout from the Environmental Investigation Agency's (EIA) publication entitled; "Ban - Boozled: How Corruption and Collusion fuel Illegal Rosewood Trade in Ghana". Attached in the Appendix is the inaugural address of the Hon. Minister.

1.1. Committee Members:

The Seven-Member Committee was Chaired by the Deputy Minister for Lands and Natural Resources, Hon. Benito Owusu-Bio who is also a Member of Parliament for the Atwima-Nwabiagya North Constituency in the Ashanti Region. Other members of the Committee are as follows:

- Hon Francis Manu-Adabor: Member, Chairman of the Parliamentary Select Committee on Lands and Forestry. He is also a Member of Parliament for Ahafo – Ano South Constituency;
- Mr. Ena Blege: Member, Representative of the Ghana Revenue Authority, Customs Division.
- Mr. William Nuako Bando: Member, Representative of the CSIR -Forestry Research Institute of Ghana (CSIR-FORIG).
- Mr. Jeremiah Seidu: Member, Representative of Civil Society Organizations
- Hon. Adjei Yeboah: Member, Representative of the Private Sector
- Mr. Joseph Osiakwan: Member and Secretary to the Committee, Representative of the Ministry of Lands and Natural Resources (MLNR).

1.2. Mandate of Committee:

The specific Terms of Reference (TOR) of the Committee were as follows:

- 1.2.1. To investigate the allegations of corruption as reported in the Publication by the Environmental Investigation Agency (EIA).
- 1.2.2. To examine all anomalies in respect of Rosewood salvage permits, transportation and export trade.
- 1.2.3. Investigate if Rosewood is still being traded in spite of the ban imposed by the Minister in March, 2019.
- 1.2.4. Make the necessary recommendations to the Hon. Minister for appropriate actions to be taken within five working weeks.
- 1.2.5. This report is therefore, the comprehensive work conducted by the Committee within a period of eight working weeks instead of the five weeks as prescribed by the TOR. The Committee had to extend the period by three weeks due to the extensive field travels and the time required for data retrieval and analysis.

2. FACTS LEADING TO THE SETTING UP AND INAUGURATION OF THE COMMITTEE.

- 2.1.** Ghana has instituted a total of five (5) bans on the salvaging and export of African Rosewood since 2012, with the latest ban having been announced on the 11th of March, 2019 on the harvesting, transportation, processing and export of Rosewood.
- 2.2.** Within the initial period of these bans, African Rosewood was listed onto Appendix III and in January, 2017 up listed onto Appendix II of CITIES. These actions were taken to contribute to the sustainable exploitation and trade of the species.
- 2.3.** Significant questions have been raised on the impact of these bans on the harvest and export of the species. Subsequently, the publication by the EIA raised serious allegations of corruption and administrative anomalies in the local trade of Rosewood.
- 2.4.** The publication alleged the following:
 - 2.4.1. That a total of Six (6) million Rosewood trees have been harvested and imported into China from Ghana, while the above-mentioned bans have been in place.
 - 2.4.2. That there is an institutionalized scheme of corruption to mask the illegal harvest, transport, export and issuance of CITIES permits for Rosewood timber. That this institutionalized scheme involves political authorities, the Forestry Commission and Ghana Revenue Authority – Customs Division.
 - 2.4.3. That the institutionalized scheme of corruption involves the fraudulent use or abuse of salvage permits, the misdeclaration of timber species, the use of escorts to deal with control points, the forging of official documents and the retrospective issuance of CITIES permits.
 - 2.4.4. That these multifaceted allegations of institutionalized corruption, collusion, traffic king, and the lack of law enforcement in the Rosewood trade in Ghana, stand to damage the country's international reputation and its compliance with legality requirements under the upcoming VPA-FLEGT mechanism.
 - 2.4.5. In the light of the above listed issues, the Government of Ghana through the Ministry of Lands and Natural Resources set up a Committee to investigate these allegations and make the necessary recommendations to the Minister.

3. METHODOLOGY

3.1. The Committee immediately after the inauguration on the 26th August 2019 began its deliberations by drawing up a road-map for carrying out the assignment. The investigations were conducted through a desk study of exiting reports including the EIA Report, salvage permits, contracts; field trips and assessments of the hotspot regions for Rosewood exploitation and formal interviews.

3.2. To achieve its mandate as spelt out above, the Committee developed a framework for its operations that spanned over Eight (8) working weeks. It included the following:

3.2.1. A thorough review of the EIA publication, including a review of the original data sources used in the publication of the report.

3.2.2. A desk review of data sources from the GRA-Customs Export platform exports on timber, Timber Industry Development Division (TIDD) Rosewood export data, Ghana Shippers Council shipping manifests, selected District Assemblies, the Forestry Commission and its Regional and District offices.

3.2.3. A review of the relevant laws regulating the timber industry in Ghana, with special emphasis on the issuance of salvage permits and the timber extraction process in the Transition-Forest and Savannah ecological zones of Ghana.

3.2.4. Field and Observational visits to the distribution range of African rosewood in Ghana (Upper East, Savannah, North East, Bono & Bono East, Northern, Volta Regions) and visits to the points of Exit from Ghana such as the Tema Harbour, Kulungungu border point, and exit points in the Volta Region. The Committee additionally interacted with District FSD Managers from Tumu and Lawra in the Upper West Regions.

3.2.5. Taking closed door testimony, interviews and meetings with persons directly and indirectly involved with the management of Rosewood and its trade in Ghana. All the Committee's actions were captured in either camera and/or on tape providing documentary records for transcription.

3.2.6. The categories of persons who gave testimony to the Committee

3.2.6.1. The Chief Executive and other officials of the Forestry Commission

3.2.6.1.1. Timber Industry Development Division -TIDD

3.2.6.1.2. Forest Services Division- FSD

3.2.6.1.3. Wildlife Division- WD

3.2.7. Selected Officials of District Assemblies within the distribution range of African Rosewood.

3.2.8. Officers of the Ghana Revenue Authority and its Customs Division.

3.2.9. Officials of the Ministry of Lands and Natural Resources.

3.2.10. Civil Society actors/Concerned groups.

3.2.11. Actors within the Rosewood value chain:

3.2.11.1. Rosewood Timber traders/Agents

3.2.11.2. Operators of Rosewood sawmills

3.2.11.3. Freight forwarders.

3.2.12. Selected persons and individuals mentioned in the EIA report.

3.2.12.1. The former Executive Director of Wildlife Division, Nana Kofi Adu - Nsiah

3.3. The methodology adopted by the Committee permitted it to cover the scope of the investigation, as well as the depth of issues that may come up as incidentals to the trade of African Rosewood in Ghana. In doing so, the Committee took testimony and held its meetings and interviews at the site of each visit. This enabled the Committee to rapidly request for and receive copies of supporting documents when necessary. All other meetings, interviews and or testimonies took place in the Conference Room of the Ministry of Lands and Natural Resources.

3.4. The Methodology consisted of the combination of oral testimony, written statements by persons appearing before it; where possible audio and/or video evidence was collected. Written publications of relevant material submitted by civil society groups and other third parties not specifically invited, was also accepted by the Committee. The Committee's sittings were not open to the public or the media except in select cases; such as the visit to the Tema Harbour and Rosewood processing mills in the Savannah ecological zones.

3.5. The Committee observed minimal rules of admissibility for testimony and evidence, however whatever evidence was presented to the Committee was generally admitted. Persons presenting testimony were cross examined to allow verification of the evidence they presented.

3.6. The Committee presents the narrative of this report and the recommendations that emanate from it for the perusal of the Minister for Lands and Natural Resources, Hon. Kwaku Asomah-Cheremeh.

4. SUMMARY OF FINDINGS AND RECOMMENDATIONS

4.1. Field Investigations

4.1.1. The Committee began its field investigations from the Tema Harbor, from where over 95% of Ghana's wood products are exported. It began with a courtesy call on the Commissioner General of the Ghana Revenue Authority. The purpose of the call was to inform the GRA Commissioner General of the Committee's intent to visit the Tema Port. The Commissioner General in turn assured the Committee of his support. Below in Image 1, is the picture of the Committee with the Commissioner General.



Image 1: Members of the Committee in an Official Photograph with the Commissioner General and a staff of the Ghana Revenue Authority. (From Left to Right; Mr. William Nuako Bandoh (Member, Rep. CSIR-FORIG), Mr. Ena Blege (Member, Rep. GRA), Mr. Joseph Osiakwan (Member, Rep. MLNR), Mr. Jeremiah Seidu (Member, Rep. CSO), Mr. Amishaddai Owusu Amoah (Commissioner Domestic Tax Revenue Div. GRA), Mr. Kofi Nti (Commissioner General GRA), Hon. Benito Owusu-Bio (Chairman, Deputy Minister MLNR), Hon. Agyei Yeboah (Member, Rep. Private Sector), Hon. Francis Manu Adabor (Member, Chairman Parliamentary Select Committee on Forestry)).

The next point of call was the Office of the Tema Sector Commander of the Customs Division of the GRA. The Committee finally headed to the Export Section of the Customs Division of the GRA, as is shown in Images 2 & 3. The Officer in Charge of Exports (Export in-charge), took the Committee through their operations at the port regarding wood exports and explained the various processes involved. Some containers were randomly selected and opened to check the contents when the team visited Global Terminal, a terminal operator shown in Image 4 & 5.



Image 2 & 3: Members of the Committee interacting with Staff of Container terminals and selected officials of the GRA-Customs Export Division at the Tema Harbour.

- 4.1.1. Northern/Savanna Sector: The Committee visited various locations in the Northern part of Ghana where the majority of Rosewood in Ghana, is currently produced and salvaged. The areas included: Tamale, Buipe, Yipala, Mole National Park, Bolgatanga, Kulungugu (Burkina Faso/Ghana Border), Sandema (Builsa South), Fumbisi (Builsa North), Navrongo and Walewale. The Committee also interacted with some District Chief Executives and Forestry Officers in the field, who provided valuable information regarding the salvage of Rosewood in their respective regions and districts.
- 4.1.2. Brong Ahafo and Forest - Savannah Transitional Zone: The Committee also visited Techiman, which is the most popular transit point for the transport of Rosewood. Extensive discussions were held with the TIDD officers at their respective Checkpoints to enable the Committee understand the complexities involved in Rosewood transport along the value chain. The Committee then proceeded to Sunyani, another hub for illegal Rosewood transport. Quite a number of trucks had been impounded and parked at the Regional Office and the TIDD office which were apparently intercepted during transit to Accra from various locations. Pictures of impounded trucks conveying Rosewood timber are attached in the Appendix.
- 4.1.3. Volta Region/ Kalakpa Resource Reserve: The Committee also visited the Volta Region, specifically the Kalakpa Resource Reserve where alleged harvesting of Rosewood had taken place. The Communities in Abutia, near Ho had made serious allegations about illegal activities in this reserve and in view of that, the committee had to visit this area to interact with the Volta Regional Minister, the District Chief Executives and the Communities. The major problem in the reserve was more related to settler farmers, who are engaged in illegalities in the area. The Committee finds the need to conduct a thorough socio-economic study in the area to provide a good basis for any government intervention for the settler farmers.

4.2. Field Investigations: Ports or Points of Exit

4.2.1. Tema Harbour:

4.2.1.1. : The Committee observed that the nature of the operations at the port left much to be desired as a container of Rosewood could slip through the various checks unnoticed. The major observations were as follows:



Image 4 & 5: A random container at the Tema Harbour being opened for inspection during the Committee's visit.

The Committee observed that Freight forwarders and Exporters are not required to, or do not properly declare the contents of Rosewood timber containers during the entry making process. An extensive analysis of GRA-Customs Export data showed HS and Goods Descriptions of exported wood were inaccurate and misleading. Goods description on GRA-Customs Export were seen to be vague and varied significantly for the same type of wood products. As such the Goods description on GRA-Customs Export data did not give an idea of the species of timber in the container. A wide range of HS codes were also used to describe the same type of wood products. This resulted in Rosewood timber sometimes being allocated the HS Code: 4421909900 - Other articles of wood: Other: Other or 4401100000 - Fuel wood, in logs, in billets... or in similar forms and several other HS Codes. It also resulted in the classification of containers carrying timber as scrap, cashew or even as saw dust. An example in point is the export of 1,250,000kg of sawdust to China by Xin Hui Qu Hui by Mike and Mum Shipping Agency as the Consignee on the 27th of August, 2012, the HS Code used was 4401300000 - Sawdust, wood waste and scrap (incl. agglomerated).

4.2.1.2. The Committee was particularly concerned about the integrity of the GRA-Customs Export platform in accurately capturing exported volumes of Rosewood for the 2015 to 2019 period. Our examination of GRA-Customs Export data showed

that since 2017, there has been only one record of Rosewood timber export captured under the GRA-Customs Export. This is worrisome given that even known exports of Rosewood timber in this period, are not been captured in GRA-Customs Export records. It is a verifiable fact from TIDD records, that Ghana has exported over 163,000m³ in RWE of Rosewood since 2017. A case in point: after the announcement of the ban in March, 2019, an estimated 40m³ of Rosewood timber was auctioned to Alicemey Enterprises Ltd. This quantity is known from TIDD export data to have been exported on the 21st of June, 2019 to Shanghai Dreamholder Import and Export via Maersk Iyo, yet there is no corresponding record of this in the GRA-Customs Export declaration.

4.2.1.3. The Committee also notes with grave concern the practice where the names of Exporters of Rosewood captured in GRA - Customs export data declaration, differ from what is seen in the TIDD records. This seeming confusion where the same consignment presents with different owners at the different regulatory agencies, may have the potential to conceal the true ownership and create avenues for the perpetuation of illegalities.

4.2.1.4. The Committee also finds it suspicious that since late 2015, exports of “Treated Wood” to China have increased significantly without an accompanying description of the type of wood or species name on the GRA- Customs Export declaration. This practice could create the avenue for illegal export of timber and possibly Rosewood.

4.2.1.5. There is a significant lack of collaboration between the Officers of the GRA and FC-TIDD. It is compounded by the absence of a standing communication channel required for clarification of questions on legality of consignments of timber. This lack of interagency collaboration is particularly worrisome and is seen in the mismatch between Forestry Commission data and data on the GRA-Customs Export on timber described above. Data on timber exports from TIDD cannot be traced on the GRA-Customs Export platform, even though the TIDD has a portal (the EMDA portal) on the GRA- Customs Export platform onto which it inputs timber export information for assessment by the GRA-Customs.

Person 3: I quite remember the TIDD team, when the ban came into being, we asked them, they didn't seem to tell us straightforward that it is an actual ban. They said that if there is a permit on it then they are clear.



Image 7: Members of the Committee inspecting a seized container of Rosewood timber at the Achimota Depot of the Forestry Commission.

4.2.1.7. The Committee noted that inspection of wood at loading sites/source prior to their arrival at the Port of exit, was most often done without the presence of the FC or GRA staff. Upon arrival at the port of exit, no final inspections of the container were done after CITES permits were issued by the FC. In the circumstances where these inspections were done, they were done by the GRA-Customs Officials without the involvement of the FC. This development creates a situation where concealment of goods, product substitution or ad-mixtures during transit are likely to occur. Final inspections by the GRA-Customs are also hampered by the absence of Fumigation Certificates or receipts for teak timber or other treated wood. The absence of these certificates or receipts does not aid in the identification of containers carrying treated teak wood which have been treated with the carcinogen Methyl Bromide. In the event Officials of the GRA-Customs were to attempt an inspection of a container of questionable documentation, the of lack protective clothing does not enable them open such a container. In several cases, Officers of the GRA- Customs have to rely on the word of exporters on whether a container of timber must be opened or not. Exporters have been known to make claims that a particular consignment of timber is fumigated, without offering any proof of that fact. This is not a good practice for pre-shipping inspection of timber.



Image 6: An opened container of Rosewood been transported to the Tema Harbour.

4.2.1.6. The Committee observed that the Custom Division of the GRA appears to lack the institutional capacity to effectively regulate the export of timber without the assistance of the TIDD. This impacts the role of the GRA- Customs as the last “line of defence” in the process of timber export. There were several factors that point to this: The Export Department of the GRA- Customs depends extensively on the TIDD for all aspects of timber export. It has no direct contact with documentation required for Rosewood timber and has no means to verify the integrity of the information or certification presented by the TIDD. Officers of GRA -Customs cannot determine the authenticity of a salvage permit presented on the GRA- Customs Export platform. If there are regulatory lapses by the TIDD in timber exports, these would be carried over to the GRA with no means of correction.

This is further compounded by the inability of Custom Officers at the Point of Export to differentiate between or identify timber species, implying that they are not in a position to be able to tell if a container of timber is Rosewood or not. Also, none of the Officers were aware that a ban in the export of the species had been in place since March, 2019, neither did they know that CITIES permits have been required for the export of Rosewood since January, 2017.

When Members of the Committee questioned the Export Department of the GRA- Customs on the ban, the answer was illuminating:

Person 1: Last year we did but we were told that it was banned somewhere this year

Person 2: That was March, did you export some?

4.2.1.8. The Committee noted with worry, the total breakdown of the Two-dimensional scanner at the MPS Export Terminal at the time of the visit. This meant that all Exports from the Tema port during that period were not scanned, prior to loading on the shipping vessel.

4.2.2. Zebilla GRA-Customs Border: The Committee was taken through the operations of the Zebilla Customs border post by an officer with the rank of Principal Collector. He informed the Committee that the border post was not a corridor for the transport of wood products or Rosewood and further indicated that Rosewood, specifically was transported in the Northern Region through illegal routes using either the Walewale, Mamprugu Yoyo and then the Zabzugu-Tatale routes for onward transport to Togo. He also underscored the need for training for Officers of the GRA-Customs in identification of endangered timber species such as Rosewood.

4.2.3. Kulungungu GRA Customs Border: The Committee was taken through the operations of the Kulungungu post by an officer with the rank of Assistant Commissioner. He informed the Committee that the border post was not a corridor for the commercial transport of wood products or Rosewood and that it only recorded the transport of wood for domestic use such as for roofing of homes and furniture. He also reiterated that Rosewood specifically was transported in the Northern Region through illegal routes using the Walewale, Mamprugu-Yoyo and then the Zabzugu-Tatale for onward transport to Togo.

4.2.3.1. Recommendations for addressing the gaps at the Port or Points of Exit

4.2.3.1.1. That the GRA-Customs must impound all wood exports captured on the GRA-Customs Export which are not properly declared and penalize the exporters in question.

4.2.3.1.2. The Committee recommends that all wood exports must be properly classified using the appropriate terminology in the HS Code and Goods Description of the GRA-Customs Export, stating clearly the species name or common name of the timber being exported. This will prevent the export of Rosewood timber as sawdust or scrap metal.

4.2.3.1.3. All entries on the GRA-Customs Export, particularly those by the Freight Forwarders in the areas on HS Classification and Goods Description of wood exports must have the approval of the TIDD at all levels before Rosewood or timber can be exported.

- 4.2.3.1.4. There should be physical inspection of all or a representative sample of timber exports or containers by FC-TIDD after the GCNET data is captured. Containers carrying wood or wood product must be opened for full inspection before being exported.
- 4.2.3.1.5. The GRA-Customs must adopt the practice of instituting an annual training programme for their staff in the identification of endangered timber species especially Rosewood at their training centres.
- 4.2.3.1.6. The GRA-Customs must consider the use of a high-resolution scanner in the scanning of containers at the port. The current 2- Dimensional scanner does not seem to be effective in differentiating between wood product type admixtures in the containers. We further recommend that the current practice of sampling only 10% all wood carrying containers for scan be reviewed to scan either all containers or a minimum of 50%.
- 4.2.3.1.7. The Committee recommends that, there should be high levels of collaboration between the MLNR, FC and the GRA-Customs at the Tema port. Communication on policy decisions such as bans in the export of endangered species must be communicated clearly and in a timely manner. The policy making body, in this case the Ministry of Lands and Natural Resources must communicate any policy decision affecting wood exports directly to the GRA-Customs. Additionally, the FC must focus on collaborating with the GRA-Customs at the exit point.
- 4.2.3.1.8. The FC must ensure that all treated wood/fumigated wood should be accompanied by a Fumigation Certificate. The GRA- Customs must reserve the right to reject for shipment or open for inspection any consignment of timber that does not have a certificate of fumigation. The Committee wishes to further state that the FC must communicate to the GRA-Customs, details of all timber exports that require fumigation stating clearly the species name or common name and destination of export.
- 4.2.3.1.9. The Committee further recommends that the GRA-Customs consider the establishment of a Central Point at the port where all wood products can be assembled and sealed in the presence of Officers of the GRA-Customs and FC-TIDD.

4321. The FSD teams at the checkpoint lacked a standard checklist of documentation against which they could check a particular consignment of timber. Officers oftentimes used their discretion in deciding what to inspect and this compromised the quality of work done. It also raised significant concerns on the ability of the checkpoint to be able to accurately verify the legality or otherwise of a particular consignment of timber.
4322. The Checkpoint lacked the ability to compel a vehicle carrying timber to stop for inspection. Vehicles stopped at the FSD checkpoint out of their own volition. The Committee noted that this did not auger well for effective law enforcement.
4323. The Committee also noted the absence of a dedicated communication channel or device to enable the FSD checkpoint convey or alert the TIDD checkpoint of any concerns. (The TIDD checkpoint is located about 2km away and has the presence of the Forestry Taskforce and Military).

4.3.3. Visit to the Nsawam TIDD Checkpoint: The Committee through its discussions with the Head of the Team, the Committee made the following observations:

4331. The TIDD teams at the checkpoint also lacked a standard checklist of documentation against which they could check a particular consignment of timber. Officers used their discretion in deciding what to inspect and this compromised the quality of work done. This constrained the ability of the checkpoint to be able to accurately verify the legality or otherwise of a particular consignment of timber.
4332. The Committee further observed that key challenge of the TIDD team at the checkpoint was the need for extensive and deepened collaboration with the Police and other security services such as the BNI and National Security apparatus. Information from the checkpoints indicated that sometimes Rosewood is even carried in the cargo compartment of commercial passenger buses such as the VIP Buses. Rosewood is also sometimes loaded at the bottom of trucks with charcoal or plantain packed on top of it. They further pointed out the need for good intelligence following tip offs by informants and members of the public. The TIDD team also stated that they have been 'harassed' several times by the police, in the execution of their duties. This indicated that the police mistrusted the TIDD team.
4333. The Committee also noted the absence of a dedicated communication channel or device to enable the TIDD checkpoint communicate with the FSD checkpoint or indeed any other checkpoints.

4.2.3.1.10. The Committee recommends extensive and deepened collaboration between the GRA-Customs Division, the Ghana Shippers Council and the shipping lines to avoid mis-declarations from the GRA- Customs Export platform relating to Rosewood exports. This should focus on increased transparency and inter agency data sharing.

4.3. Field Investigations: TIDD and FSD Checkpoints

The Committee visited a number of TIDD and FSD checkpoint to familiarize itself with the operations at these points and also to assess the degree of enforcement of the ban, since it was announced by the Minister in March, 2019.

4.3.1. Visit to the National Timber Monitoring Team Office in Achimota: The Coordinator of the National Timber Monitoring Team enumerated their efforts in enforcing the ban.

4311. The Committee observed that several trucks of Rosewood timber coming from the Savannah Ecological zone (believed to be from Sissala East) had been impounded at Atimpoku and brought to the Achimota Office, as shown in image 7. There was no documentation to show that these truckloads of Rosewood had been harvested legally, neither were there any permits to cover the transportation of the said truckloads. This particular seizure confirms the intelligence relayed to the Committee by the Minister of Lands and Natural Resources that; in a bid to outwit both the security services, the TIDD and FSD check points, the Modus Operandi of Rosewood transportation across the country had changed from road transport to transportation over the Volta Lake through the Eastern corridor.

4312. The Committee took note of logistical challenges of the National Timber Monitoring Team, such as the lack of vehicles, men and the high cost of collaboration with the military, resulting in their inability to deploy a number of mobile monitoring teams/Taskforces in the Savannah ecosystem.

4313. The Committee observed the need for greater levels of collaboration between the Taskforce and the National Police Force, as a result of the challenges the Taskforce enumerated they had encountered with the Police.

4314. The Committee also underscored the need to properly motivate the frontline FC staff involved in the fight against illegal Rosewood trade.

4.3.2. Visit to the Nsawam FSD Checkpoint: The Committee through its discussions with the Head of the Team made the following observation:

4.3.4. Visit to Techiman TIDD Checkpoint and Office: The Committee also visited Techiman, which is a key hub and transit point for the trade in rosewood. It is also the site of several processing plants and mills. Extensive discussions were held with the TIDD officers at their Checkpoint to enable the Committee to understand the complexities involved Rosewood transport along the value chain.

- 4341. The TIDD team updated the Committee on its efforts in stemming the flow of illegal Rosewood along the value chain, including their efforts in staying abreast with the changing methods used by illegal Rosewood traders to evade detection along the value chain
- 4342. The Committee also underscored the need to properly motivate the frontline TIDD checkpoint staff involved in the fight against illegal Rosewood trade.
- 4343. The Committee also inspected an impounded truck of Rosewood which was being transported as shea nuts, with transit documentation from Burkina Faso for shea nuts (See Appendix for pictures). The said truck with Ghanaian registration UE XXXX had managed to maneuver its way across all the security checkpoints till it reached Techiman. Upon reaching the checkpoint, the contents were discovered to be over 150 large billets of Rosewood. There was no documentation to show that these billets of Rosewood were salvaged and were being transported with the required documentation.
- 4344. The checkpoint had a Police barrier at the same location so there was effective collaboration between the Police and TIDD officials. The Committee noted that the Techiman TIDD checkpoint was exemplary.
- 4345. The Committee then visited two Rosewood processing sawmills in the Techiman municipality. Both mills had been shut down due to the ban and were not in operation at the time of the Committee's visit. These appeared to be highly specialized mills that were set up to produce differentiated furniture parts from Rosewood as evidenced by the stockpile of secondary and tertiary wood products the Committee observed (see Appendix for the pictures). The TIDD was instructed to take stock of the wood products observed at both mills.

4.3.5. Visit to Balungu TIDD and Pwalugu FSD Checkpoints:

- 4351. These checkpoints lacked basic infrastructure for effective work. Hence officers vacated their posts and allowed illegal trucks to move without being noticed.
- 4352. There was also no communication equipment to readily communicate with counterparts at other checkpoints.

4.3.6. Visit to the Afienya TIDD Checkpoint:

- 4361. This checkpoint even though had the basic infrastructure, there was no computer, or communication equipment. This does not promote effective work and may allow officers to vacate their posts, whilst allowing illegal trucks to move without being noticed.
- 4362. The Committee noted the absence of a standardized checklist of documentation against which they could check a particular consignment of timber.
- 4363. This Checkpoint had failed to create an additional ledger book that is used to provide further information on the movement of logs such as Vehicle Registration Numbers that could be used in identifying a particular consignment.
- 4364. The Committee noted with concern that this particular Checkpoint had continued to receive consignments of confiscated Rosewood enroute to the Tema port until the 6th of August, 2019. These consignments of Rosewood were covered by Court Orders and receipts issued by the Head Office of the FC.
- 4365. A full list of all companies that had transported Rosewood through that checkpoint, after the ban were provided to the Committee. (See Appendix for list of auctioned Rosewood moved through that check point).

4.3.7. Visit to Sunyani FSD and TIDD Offices: The Committee then proceeded to Sunyani, another hub for the transport of illegal Rosewood. Sunyani is also a transit point for the transportation of Rosewood. A number of trucks had been impounded and parked at the Regional Office and the TIDD office. These were intercepted during transit to Accra from various locations within the Bono Region. (see Appendix for pictures of impounded trucks).

- 4371. The Committee inspected large stockpiles of seized Rosewood, observing that over six (6) articulated trucks “buckets” had been confiscated within the past 30-60 days of the Committee’s visit within the Bono Region. These truckloads were harvested and transported without any permits or documentation.
- 4372. Whilst all TIDD checkpoints previously visited used the Official Checkpoint Register (Logs), others provided further information on the movement of Rosewood. Thus there was also the absence of a standardized ledger for the documentation of log movement.
- 4373. The Committee observed that FC Rapid Response Teams were hardly seen in the Rosewood hotspots across the distribution range of the species. They appeared to be based in the regional capitals with long and delayed response times to incidents, ranging between two (2) to four (4) hours.

4.3.8. Wood in Transit to and from neighbouring countries.

4381. From Neighbouring Countries: The Committee observed that despite several reports of transboundary overland transport of Rosewood timber to Ghana for export, there are no official TIDD records of wood from neighbouring countries (Burkina Faso, Niger, Togo, Cote D' Ivoire) in transit being reexported from Ghana

4381.1. The Committee was also at the Ghana-Burkina Faso border at Kulungungu. Interactions with Ghana Customs Officials showed that there were no cross-border movements of Rosewood through the official GRA-Customs borders or approved routes. There were no official records at all of any cross-border exports of Rosewood even before, during and after the ban. The Committee also made a stop-over at the Bolgatanga Timber Market, no traces of Rosewood were spotted in this market. Given the highly informal nature of Rosewood trade as observed by the Committee, there is still the possibility of illegal overland exports of Rosewood through unapproved routes from Ghana's neighbours. This may be as a result of bans placed on the export of the Rosewood in these West African countries.

4382. To Neighbouring Countries: The Committee had received several confirmed reports from Togolese sources that Rosewood from Ghana, had been illegally transported to Togo for re-export through unapproved routes during the period 2012-2016. These reports were corroborated in discussions with the Officials of the GRA during the Committee's visit to the North. In pursuance of this, the Committee received an official report of the status of timber exports in Togo (attached in the Appendix) from the University of Lomé. The report indicated that Ghana is the largest re-exporter of timber to Togo supplying over 53,150 metric tonnes of timber for re-export alone between the period 2010-2014 (Togolese Revenue Agency, 2015).

4382.1. Even though the Committee did not observe the transport of Rosewood across the border to Togo, the Report received, allowed the Committee to note the high levels of illegal timber movement including the regularization of such timber through the use of Togolese administrative documentations to facilitate re-export from Togo for the period 2010-2014. It is the position of the report, that the attractiveness of the free Port status of Lomé and the resulting lenient legislation may be responsible for the high levels of illegality recorded.

43822. Based on the Committee's interactions with persons in the Border towns, we observed that movement of rosewood timber to Togo through these unapproved routes had ceased due in part to an export ban in Togo and since the political unrest in Togo begun in 2017.

4.3.9. Recommendations to boost effective work at the checkpoints

- 4391. Develop a standard checklist for checking transported timber across all checkpoints.
- 4392. Provide communication equipment for all checkpoints.
- 4393. Construct equipped permanent structures for TIDD staff to man the checkpoints.
- 4394. Strengthen the collaboration between the Police, GRA-Customs and TIDD officials by creating common checkpoints especially in the Rosewood hotspot regions.
- 4395. Strengthen inter-country collaboration between Ghanaian and Togolese authorities in enforcement at the approved and unapproved border points.
- 4396. The Committee recommends the deployment of one FC Rapid Response Teams in each political region across the distribution range of Rosewood and this will decrease the response times to incidents.

4.3.10. Field Investigations: Visits to National Parks (Mole and Kalakpa Resource Reserve).

- 43101. Kalakpa Resource Reserve: The Committee also visited the Volta Region, specifically the Kalakpa Resource Reserve where alleged harvesting of Rosewood had taken place. The Communities in Abutia, near Ho had made serious allegations about illegal activities in this reserve and in view of that the committee had to visit this area to interact with the Volta Regional Minister, the District Chief Executives and the Communities as shown in Images 8, 9, 10 and 11.



Image 8 & 9: Meeting with Representatives of the Abutia Development Union and the Deputy Volta Regional Minister.

43.10.1.1 Facts of the Matter

- The Executive Director of the Wildlife Division of the FC, had issued a “special permit” to McDon to lift lying logs out of the Kalakpa Resource Reserve.
- The Kalakpa Resource Reserve has a significant number of admitted and illegal settlements within the boundaries of the park
- The contractor McDon lifted the said logs and is alleged to have engaged in harvesting of standing Rosewood trees within the Resource Reserve. This was done in the period after the ban had been announced.
- This act and several others have been the subject of intense media scrutiny and the subject of petitions to Parliament and the Seat of Government.
- The Committee observed that the operational site of McDon’s mobile factory, contrary to the reports by the media and the Abutia Development Union, was not located within the reserve but was situated about 5km on the outskirts of the reserve.
- Upon the visit to the site of the mobile processing factory, the Committee observed that it had been abandoned some months prior.

43.10.2 The Committee was not able to visit the site of the alleged acts, but this is the subject of several investigative actions by the Volta Regional Security Council, minutes of which are available. The Committee relied on the testimony of the petitioners Abutia Development Union, the Management of the Kalakpa Resource Reserve, the Regional Management of the FSD and the Volta Regional Minister. These testimonies established the fact that even though there are still isolated incidents of Rosewood harvesting in the Resource Reserve, these were done by the Settler Communities for the production of charcoal and not by the said contractor, McDon. The Committee established that harvesting of Rosewood by settlers was done without the use of salvage permits or proper documentation

43.10.3 The Committee established that McDon was no longer harvesting Rosewood in the Resource Reserve at the time of the visit. Using TIDD records from Afienya, the Committee also established that the last transport of Rosewood from the area by McDon was on the 9th of July, 2019, three clear months after the announcement of the ban.



Image 10 & 11: Meeting of the Committee with Volta Regional Minister and Officials of the Regional Forestry Commission.

43.104. Mole Resource Reserve: At the Mole National park it was reported that fresh cutting had taken place after the ban in March 2019. However due to the heavy rains and flooding, the Committee could not go to Holimuni, the area in question. The harvesting of Rosewood in question, was established to have been done without any permits or documentation.

43.104.1. The committee was given a comprehensive presentation on operations in the Mole National Park by the Park Manager. He indicated that with the support of the military, the situation has been brought under control.

43.104.2. At the Mole National Park, the Park Manager lamented that there was no collaboration between the Park Management and the District Law Courts and Police. He reported that on many occasions, cases of illegal activities were reported, but no prosecutions were made. In the scenarios, where these cases were arraigned before the Law Courts; perpetrators were given low fines and acquitted. This situation is demoralizing to the staff of the FC-WD and needs to be reviewed. The Committee noted that due to the discretionary powers of the Judiciary, fines for illegal harvesting of Rosewood and endangered species tend to be lenient and are not punitive enough. Evidence available to the Committee indicates that offenders who illegally harvested Rosewood timber in the Mole Park, Tumu Gbelle Park, and Kalakpa Park were fined an average of GH800 in most instances. These fines can hardly be said to have a deterrent effect when juxtaposed against the estimated \$65,000 cost of a container of sawn Rosewood at the Tema port.



Image 12 – 13: The Park Manager of the Mole National Park briefing Members of the Committee and in a photograph with Committee Members.



Image 14&15: Members of the Committee interacting with the Officials of Mole National

43.105. Recommendations:

- 43.105.1. The Committee wishes to recommend the deployment of a heavy military presence to the Mole National Park in the short to medium term. This will serve as a deterrent and also bolster the Operational capacity of the park staff to halt further illegal activities in the Park.
- 43.105.2. The capacity of the Management of the Mole and Kalakpa Resource Reserves should be built to enable them adequately handle the emerging challenges of illegal logging and poaching in the parks.
- 43.105.3. The Committee recommends that the issue of illegal settlers in the Kalakpa Resource Reserve be referred to the Parliamentary Select Committee on Forestry, the MLNR and the appropriate political authority.
- 43.105.4. The Committee is particularly worried about the impact of felling Rosewood trees on the elephant populations in the Mole National Park and its impact on the eco-tourism potential of the park. This is relevant given fodder from Rosewood trees forms an essential part of the diet of herds of elephants at the Mole Park during the dry season.

4.3.11. Field Investigations - Harvesting and Processing of Rosewood after the Ban: The field assessment revealed that even though some fresh harvesting of Rosewood was still ongoing these incidences appeared to be much lower than previously reported rates of harvesting. These incidents appeared to be limited to the Upper West region, where several reports have reached the Committee about harvesting in the Lawra and Tumu forest districts. However, due to the ban there is no market for fresh Rosewood either for transportation or processing, as a result the Committee observed several stockpiles of Rosewood billets in the Communities. There were also several stockpiles of seized Rosewood at the various FSD and TIDD offices and depots.

4311.1 The Committee visited some processing mills in the Bono East, Savanna, and Ahafo Regions. In Benkrom in the Bono East Region, TURNSOLE FURNITURE COMPANY appeared to be deserted at the time of the Committee's visit, but had a stockpile of fresh billets in the log yard and large quantities of processed wood. About 529 billets were found in the yard. The owners of the factory were not available except a caretaker who indicated that since the ban in March 2019, no wood had been processed in the mill. The Committee Chair ordered that all the stock of Rosewood timber at the factory be moved and transported to the Achimota Forestry Office in Accra.

4311.2 The Committee also visited another mill in Busunu in the Savanna Region called FAVOUR 2000 COMPANY which processes Papao and Rosewood. It was observed that the company had a small stockpile of Rosewood billets in the yard which had not been processed due to the ban in March. However, the company was processing Papao without proper documentation from TIDD. The Committee Chairman ordered immediate closure of the mill till proper documentation was obtained.

4311.3 The next mill the Committee visited was in Yipalla in the Savanna Region called BRIVYWELLS COMPANY LTD. The Company was set up in 2018 to solely process Rosewood. The company buys 90% of their wood from permit holders and 10% from the local farmers. The log yard of the company had about 706 fresh Rosewood billets even though the company was supposed to have ceased operations since March. The company also had large volumes of processed wood which was yet to be exported but due to the ban it was not possible to do so.

43.114. Information gathered from the TUMU Forest District Manager indicated that there was a newly installed mill in Tumu but it is not operating due to the ban. The Committee was unable to visit Tumu and was unable to ascertain for itself if the factory was operating.

43.115. In Techiman, the Committee visited two mills which had been abandoned but had large quantities of processed Rosewood timber ready for exports but due to the ban the products are packed. The companies were MOSQUAD CO. LTD and PREKNOW COMPANY LTD. There was clear indication that the ban was effective in these areas.

4.3.12. Field Investigations: Stockpile of Rosewood billets in the field

43.121. The committee observed that there were some quantities of abandoned Rosewood billets along the routes during the field visits and these were stockpiles that had been gathered by local communities for sale to Rosewood traders.

43.122. Other stockpiles of Rosewood billets had either been seized by Forestry Commission officials or were unable to be shipped due to the ban.

43.122.1. At Sumpini, along the Damango–Mole Road, there were stockpile of abandoned Rosewood billets. Similarly, at the Sunyani Regional Office, large quantities of Rosewood billets had been seized.

43.122.2. In Walewale, two loaded containers of abandoned Rosewood billets were packed in a yard due to the ban.

4.3.12.2.3. Similarly, in Tamale, four containers of Rosewood billets belonging to Aisha Huang, a Chinese Contractor had been seized. This was seized after the ban had been announced. (Pictures of seized containers are attached in the Appendix)

4.3.13. General Recommendations Based on the Investigations:

43.131. The Committee recommends that the ban should remain in force and that law enforcement be strengthened in the hotspots of Rosewood exploitation.

43.132. The Rapid Response Team should be deployed in all hotspots to halt further harvesting of Rosewood.

43.133. There should be a quick inventory of billets/logs currently in the field for a policy decision to be taken and also to avoid illegal exports of these logs.

43.134. No new permits should be granted for the set-up of any new mills in the Savanna ecological zones to save the remaining standing trees.

43.135. The chiefs in all the Rosewood hotspots should be engaged in the fight against illegal harvesting of Rosewood.

43.136. The Committee proposes that communities through their respective District Assemblies should legislate bye-laws to regulate the exploitation of the Rosewood and other trees species if possible. This is of particular significance, due to the high levels of Internally Generated Funds Rosewood provides the District Assemblies.

4.3.14. Collaboration of MMDAS in the Implementation of the Rosewood Ban: The implementation of the Rosewood ban has been a challenge in most areas. While there was full collaboration among some government agencies in some areas, others were quite abysmal.

43.141. In the Sandema (Builsa North District Assembly), in the Upper East Region, the District Chief Executive was very enthusiastic about the fight against Rosewood exploitation in the district. He indicated that, even long before the ban on Rosewood in March 2019, the Assembly had begun the fight against the trade in Rosewood. He debunked the assertion by Dr. Clement Apaak that Rosewood exploitation was alarming in the district even after the ban. He indicated that there were no records of fresh Rosewood harvesting in the Region. He concluded that the ban was highly being respected and effective in the district. There was also full cooperation with the Forestry Officials in the region.

43.142. In Funbisi (Builsa South District Assembly), the District Coordinating Director welcomed the Committee during which there was a meeting of over ten Assemblymen of the area. The District Coordinating Director indicated that the district highly condemns illegal exploitation of Rosewood in the area and blamed the illegal harvesting activities on the issuance of Salvage permits by the Forestry Commission and the Ministry of Lands and Natural Resources. He indicated that no fresh cutting of Rosewood had been recorded in the district after the ban, contrary to the claims being made the Member of Parliament for the area. He indicated that the peak of Rosewood exploitation in the area dates back to 2012-2016.

43.143. The Committee later met with the District Chief Executive of Builsa South in Navrongo who affirmed the strong collaboration between the Builsa South and Builsa North District Assemblies in the fight against the harvesting of Rosewood.

43.144. Collaboration between Tumu and Builsa South District Assemblies was however reported to be weak and hence there was attempt by some illegal contractors to transport wood through the district.

4.3.15. Recommendations

43.15.1. There is the need to deepen collaboration among the MMDAs in the fight against Rosewood harvesting

43.15.2. The Forestry Commission should consider deploying some of their trained Prosecutors to these areas to handle these cases.

43.15.3. There should be some sensitization of the legislature on Forest and Wildlife Laws and deterrent punishment should be meted to offenders.

43.15.4. In the long term, the planting of Rosewood in the Savanna ecological zone should be promoted to ensure the sustainability of the resources

43.15.5. The Ministry should facilitate the passage of the Wildlife Bill into law to support the effective management of resources in all ecological zone

4.3.16. **Auctioning of Rosewood After the Ban:** The Committee observed that over

70 containers and buckets of Rosewood were actioned by the Forestry Commission between July and August when the ban was still in force. Permit holders were made to pay either GH10,000- GH17,000 as penalties after Court orders were issued. After payment, conveyance certificates were issued and CITES permits were also obtained to cover these products post the March 2019 ban. Unfortunately, there were no records from GRA-Customs Export division at the Tema Harbour indicating that any shipment of Rosewood had taken place after the ban in March 2019.

43.16.1. Recommendations

43.16.1.1. The GRA should produce the GCNET data on all Rosewood exported after the ban through the auctioned process

43.16.1.2. Companies involved in the export of Rosewood during this period should provide export information (destination) on their products

4.4. **National Security Concerns arising from the Committee's Field Investigations**

4.4.1. The Chinese Factor: The Committee is particularly concerned with the number of trade activities by Chinese nationals in the local communities and villages. The Committee's investigations revealed that several Chinese Nationals have set up Companies in the villages in the Savannah and Transition Forest Ecological Zone to trade in and process Rosewood in direct contravention of Ghanaian law. This has also led to abuses of the Salvage Permit Mechanism and other forest laws. Many of these companies are been fronted for by Ghanaian citizens, creating an illegal situation akin to what pertains in the Mining (Galamsey) sector.

4.4.2. Increased Levels of Conflicts over Rosewood Resources: Over the 2012 -2019 period under consideration, there have been several reported and unreported incidences of Resource Conflicts in the distribution range of Rosewood. Of note are the following:

4.4.2.1. Since May, 2019, there have been agitations by residents of the Abutia and Adaklu Enclave over the Kalakpa Resource Reserve and the activities of Rosewood contractors in that area. This particular conflict has been the subject of petitions to Volta Regional Minister, the Parliament of Ghana and the Seat of the Presidency. This conflict has been the subject of several media publications and reports.

4.4.2.2. Since the beginning of 2019, there have been several youth agitations in Tumu over the harvesting of Rosewood and the setting up of a Rosewood processing factory, culminating in a demonstration on the 26th of August, 2019. This story has been carried by several media outlets.

4.4.2.3. There have also been several unreported incidences of community agitations and unrest within the period 2012 -2019. For example; on the 12th of September, 2013, there was community unrest in Gurunkpe near Buipe, over the harvesting and evacuation of harvested Rosewood timber. This matter required the presence of the military in bringing the situation under control, before the timber contractors could transport the timber (Please refer to Appendix for pictures).

4.4.2.4. Agitations by the Gonja Youth on the Rosewood timber harvesting within their traditional lands (Please refer to appendix for Letter from Gonja Youth Association to the Minister of Lands and Natural Resources).

4.4.2.5. On the 15th of May, 2018, 24th of February, 2019, 16th of November, 2019 and on several other unrecorded occasions, there have been armed attacks on Forestry Commission staff of the Mole, Kalakpa and other Resource Reserves during the course of their duties over illegal harvesting of Rosewood timber in these reserves. (Please refer to the Appendix for an exhaustive list of such incidences).

4.4.2.6. The Committee is of the position that these and several other documented incidences are of national security concern, as they stand to undermine the peace and integrity of the nation.

4.4.2.7. Recommendations

4.4.2.7.1. The Committee wishes to refer the matter of the engagement of Chinese Nationals in the harvesting, evacuation, milling and export of Rosewood timber to the National Security apparatus for further investigation

4.4.2.7.2. The Committee wishes to bring to the attention of the Interior Ministry and National Security Council (NSC), the increasing levels of Conflicts over Rosewood timber. We wish to recommend that the Interior Ministry and NSC take note of these conflicts and develop appropriate strategies to address them.

4.5. Meetings, Interviews and Testimonies:

4.5.1. Preliminary meeting with the CEO of the Forestry Commission and Executive Directors of the FSD, Wildlife, TIDD and Public Affairs:

4.5.1.1. Issuance of Salvage Permits: The FC officially stated that it does not issue salvage permits. This function had been taken over by the MLNR, even though the FC still played an advisory role in the issuance of these permits. In seeking to explain the use of Salvage permits, the FC stated that salvage permits were issued purposely for evacuation of already felled logs/billets and not for harvesting.

4.5.1.2. Trade Ongoing in spite of ban: The FC was unable to ascertain if the trade in Rosewood was still ongoing after the ban. They however did admit, that they had issued penalties and fines to exporters of Rosewood which had been in transit before the ban, to allow it to be exported after the ban had been imposed in March 2019.

4.5.1.3. General allegations of corruption amongst FC staff: The FC could not adequately address the concerns of the Committee prompting the need for the Committee to visit some hotspots to verify some of the widespread allegations of corruption against the FC and its staff.

4.5.1.4. Regulatory and Administrative Lapses: The Committee noted several lapses by the FC in the execution of its mandate and responsibilities:

Forest Monitoring and Forest law Enforcement: The FC appears to be unable to effectively regulate the harvesting of Rosewood timber by local communities for eventual sale to Rosewood traders. This is quite worrying as salvage permits continue to be issued for evacuation of illegally harvested Rosewood timber.

Relationship with Local Communities: The FC appears to lack a coherent strategy of plan of action to engage local communities on Forest Law and their responsibilities in safeguarding the Savannah ecosystem.

There are also serious challenges in application of Forest Laws both at the Community level and even in the Law Courts.

- The Committee also observed a disconnect between the divisions of the Forestry Commission, specifically the FSD and the TIDD who are responsible for timber from the forest gate to the sawmill, market or point of export.
- There appeared to be significant lapses in the administrative procedures and permit regime in the issuance of salvage permits. FSD does not appear to follow due process in the issuance of LMC to cover salvaged timber. A case in point is that the FC does not measure timber of salvaged Rosewood logs. This point was reiterated by the Executive Director of the FSD and TIDD, who stated specifically that no TIF data is collected on salvaged Rosewood logs. This practice as observed may lead to losses in revenue to the state via stumpage and related fees which are based on accurate measurements of tree volumes.

4.5.2. Recommendations:

- The Committee further proposes the strengthening of existing provisions for salvage permits under LI 2254 and the development of a transparent salvage permit and legal regime monitoring mechanism, which should factor community level involvement at all levels as a safeguard towards abuse by permit holders.
- That the FC strengthens its institutional safeguards in forest monitoring and forest law enforcement at the following forest gate, FSD & TIDD checkpoints and its internal mechanism for dealing with allegations of corruption amongst its staff.
- The FC should suspend the current management regime of harvesting timber in the savannah ecosystem and return to the old practice due to its fragile nature.
- The FC needs to strengthen the level of local community engagement in species management of Rosewood and general forest management in the Savannah ecosystem.
- The Committee wishes to recommend greater intra-institutional collaboration between the GRA – Customs Export Division and the divisions of the Forestry Commission in the area of information sharing. Information on Rosewood exports submitted to the Single Window platform (GC-Net) via the EMDA portal must be used by the GRA – Customs Export Division in the export verification and approval process.
- The Forestry Commission must train personnel from the GRA – Customs Export Division must be trained to interpret information presented via the EMDA portal in establishing compliance with forest law and timber legality.
- The Committee recommends that the Ministry and FC should conduct an extensive stakeholder analysis, consultations and involvement during the process of permit issuance under Act 547 to foster transparency.

The Committee further assessed the operations of the Secretariat and its internal mechanisms for the prevention of abuse in the permit issuance process.

4.5.5. The Local CITIES Secretariat currently issues CITIES permits to cover a range of fauna and flora. However, CITIES permits are issued for only three (3) timber species: *Cedrella spp.*, *Pericopsis elata* and *Pterocarpus erinaceus* whose permit regime in Appendix II begun in January 2017. In practice, CITIES permits were issued by the local CITIES Secretariat for Rosewood timber in the period 2017- 2019 under review; only after the applicant had satisfied prior timber legality requirements by obtaining a valid permit to harvest timber (in this case a Salvage permit) and a Log Measurement Certificate (LMC) from the FSD, a Lumber Inspection Certificate (LIC) and an approved timber export permit from the TIDD.

4.5.6. CITIES Permits Issuance & Traceability of Rosewood Timber: The Committee's investigation revealed, that the Local CITIES Secretariat does not have in place a monitoring mechanism or a system of traceability to track permits issued. Neither is the Secretariat able to ascertain the position or location of the container under permits issued. The investigations show that at no point in time does the MA or staff of the CITIES Secretariat verify the location of any container of Rosewood prior to or after the issuance of a permit or certificate. The process appears to be solely dependent upon the word of mouth of the importer or freight forwarder. The Committee finds this to be unacceptable and considers this a significant lapse in the fight against the illegal trade of Rosewood via the CITIES Convention.

4.5.7. CITIES Permits Issuance & GRA-Customs Export Department interfacing: Even though an officer of GRA-Customs manually validates an issued CITIES permit by physically signing the form, our investigations indicated that most customs officers of the GRA-Export department are unaware that a CITIES permit is a mandatory requirement for the export of Rosewood and without which, the species must not be exported. The committee believes, this singular failure can lead to the forging of CITIES permits by Freight Forwarders and other persons of interest and the possible shipment of Rosewood timber without the presence of a CITIES permit.

4.5.3. Meeting with Nana Kofi Adu Nsiah and Staff of the CITIES Secretariat: The allegations made against Nana Kofi Adu Nsiah, the Executive Director of Wildlife Division at the time and Management Authority of Cities permits were as follows:

- Collusion with rosewood traffickers: The EIA alleges that Nana Kofi Adu Nsiah colluded with traffickers of Rosewood to circumvent the ban on the export of Rosewood timber. They stated that by issuing CITIES permits which are required by CITIES convention for the export of Rosewood timber after the March, 2019 ban, he ensured that Rosewood timber could be exported.
- Corruption and abuse of office through the following practices: The EIA alleges that the former CITIES MA took payments of GH5,000 for each CITIES certificate issued and in addition received a percentage of the sale of proceeds of trafficking a container of Rosewood.
- Violation of the CITIES convention as Management Authority (MA): The EIA alleges that the former CITIES MA has during his term in Office, violated the CITIES Convention under Resolution Conf. 18.7 (Rev. CoP 18) and Resolution Conf. 18.6 (Rev. CoP 18).

4.5.4. Responses to Specific Allegations levelled against the MA:

- Collusion with Rosewood traffickers: Nana Adu Nsiah denied acting unilaterally in the issuance of CITIES permits. He claimed to have been following due process and instructions in issuing these permits; once the prerequisite documentation and permit regime had been established by the other Units of the Forestry Commission prior to the application for a CITIES certificate. He furthered denied collusion with Rosewood traffickers, as he claimed he did not interact with Rosewood exporters. The assessment of an applicant for a CITIES permit he said, was the duty of the CITIES Licensing Officer and other frontline office staff.
- Corruption and abuse of office through the following practices: The immediate past MA of the CITIES Secretariat denied ever selling CITIES permits and taking a percentage of proceeds of Rosewood sales. He maintained that due process was followed in the issuance of CITIES permits.
- In addressing the specific allegation of the EIA that he had violated the CITES convention, Nana Kofi Adu Nsiah, stated that in his then capacity as MA, his office had issued CITIES permits using the current date of application. He was therefore unaware that the said containers (MSKU3583226, MRKU6776778, MRKU7535733 & MRKU7475423) had left the shores of Ghana and were in China at the time of issuing the CITIES permits. These were clear indications of administrative lapses, as there is no verification or inspection of the consignment before issuing the CITES permits.

4.5.8. Recommendations

- 4.5.8.1. The Committee's mandate as clearly spelt out in its Terms of Reference were to investigate the specific and general allegations of corruption as stated by the EIA. Given the nature of evidence before it, the Committee is unable to ascertain the veracity of the allegations on Collusion, Corruption and Abuse of Office made against Nana Kofi Adu Nsiah. The evidence provided to and obtained by the Committee; through the interviews, the evidence provided by the EIA and that obtained from other sources as attached in the Appendices are purely incidental in nature, even though they appear to point to instances of wrong doing. It is the Committee's position that its findings on these allegations must be referred to the Criminal Investigations Department (CID) of the Ghana Police Service or its related state Intelligence agencies for further investigations to be conducted. This must be done if the burden of proof required for criminal culpability can be established in the allegation levelled against the CITIES Secretariat and its immediate past Management Authority, Nana Kofi Adu Nsiah.
- 4.5.8.2. The Committee subsequently recommends a forensic audit of the CITIES Secretariat and its operations by the Intelligence agencies for the period 2016 - 2019. Given the importance of the CITIES certificates in the export of Rosewood, this audit will enable the Ministry strengthen its oversight responsibility over the FC and CITIES Secretariat.
- 4.5.8.3. The Committee recommends a complete restructuring of the CITIES Secretariat and an evaluation of the internal controls and checks between the Licensing officer, the Accountant of the Wildlife Division who handles the actual permits and the MA of CITIES.
- 4.5.8.4. In order to allow for the traceability of all CITIES permits (issued or un- issued), the Committee recommends the establishment of a manual or electronic permit tracking system: The physical movement of permits received from the CITIES Secretariat in Geneva and their associated containers or consignments of Rosewood timber must be logged onto this system to engender transparency and eliminate the tendency for fraudulent acts such as the retrospective issuance of these permits. The Committee further requests that the MA or his representative must be required to physically sight and log the position of any consignment of Rosewood for which permits are being issued.

4.5.8.5. We further strongly recommend the immediate conduct of Early Impact Assessment to highlight salient issues in the management of Rosewood. These will need to be addressed for effective enforcement by CITIES of the species (for instance, placing Rosewood in Appendix 1 may be a necessary policy option). We also underscore the need for scientific Non-Detriment Findings (NDF) to be conducted as a pre-condition to re-allowing the export of the species.

4.5.8.6. The Committee wishes to bring to the attention of the Newly appointed MA, the urgency and need to immediately develop and implement a Demand Reduction Strategy or Intervention as defined under Resolution Conf. 17.4 (CoP 18)

4.6. Addressing the issues raised in the EIA Report

The Committee attaches the utmost importance to the grave allegations of corruption and administrative anomalies in the trade of Rosewood in Ghana raised by the EIA. We further consider as significant, the questions raised on the impact of these bans on the harvest and export of the species. We are of the opinion that, the publication by the EIA is central to the establishment and existence of the Committee. As a result, we are therefore committed to ensuring that our investigation of these allegations and questions will necessarily lead to recommendations and actions, which will prevent such future occurrence in any other emerging timber species in Ghana. The Committee identifies and addresses the issues raised by the publication under the underlisted headings.

4.6.1. The Impact of the various Rosewood bans: As a policy response to the unbridled and unsustainable exploitation of Rosewood from both National Forest reserves and Off-reserve lands, the Government of Ghana through the MLNR instituted a series of bans on the felling and export of rosewood from 2012 to 2017. The period of these bans was subject to intermittent “partial liftings’ to allow the salvaging or evacuation of lying Rosewood logs by selected companies. This led to exports of Rosewood timber during these periods. These bans were however not imposed on the transportation or processing of Rosewood during this period. In March 2019, the MLNR as opposed to the previous bans, imposed a complete ban on the harvesting/salvaging, transport, processing and export of Rosewood. This was in effect, supposed to be a blanket ban on every exploitative activity within the value chain of the species for timber.

- 4.6.1.1. Through the Committee's field investigations, interviews and study of data sources especially the GRA-Customs Export data from January 2012 – December 2018, the Committee concludes that, there has been the export of Rosewood during the period of the bans in January- April 2012, January 2014: July 2014 – May 2015 and February 2017 – December 2018. These exports during the ban are different from the exports that were allowed during the partial liftings. We believe that as a result of these exports during the ban periods, the desired policy effect was not achieved in reducing trade in Rosewood or contributing to sustainable management of the species.
- 4.6.1.2. The Committee assesses the March 2019 ban, to have had a mixed impact on the trade of Rosewood in Ghana. The effect of the ban varied from one aspect of trade to the other. The ban's greatest impact can be seen in the reduced harvesting of the species by the local communities. This is a result of the increased community awareness and civic responses. The ban has been an effective deterrent to communities who harvest Rosewood for sale to traders and the Rosewood mills located across the distribution range. However, there are reports of isolated incidences of harvesting which appear to be limited to the Upper West Region (Funsu and Tumu areas).
- 4.6.1.3. The impact of the ban on the transportation of Rosewood has also significantly reduced compared to the pre-ban period. This is evident in the absence of truckloads of Rosewood logs along the major routes, which hitherto were a daily occurrence. Several stockpiles of rosewood logs were also observed scattered all over the Rosewood hotspots (the Savannah ecological zone and the Forest Savannah Transitional zone) indicating the impact of the ban on the transportation of the species at the time of the Committee's visit. Several truckloads of Rosewood timber have further been impounded by the local communities, Police, District FSD & TIDD and MMDA offices signifying the vigilance of local communities and the effectiveness of law enforcement agencies in enforcing the ban.
- 4.6.1.4. The ban did not have an immediate impact on the processing of Rosewood. Mills had continued to process all the Rosewood they had in stock, for several months after the ban was announced. This was in direct contravention of the order on processing of the species by the Minister. The Committee however observed that most of the sawmills had ceased operations at the time of its visit.

4.6.1.5. The ban appears to have had the least impact on the exportation of the species. There are indications that existing stockpiles of Rosewood timber from several communities across Ghana are still being exported from Ghana through the practice of admixturing, misclassification, mis- declaration and the general lack of capacity of the GRA-Customs Division to identify what is Rosewood timber and what is not. These happenings have led to significant concerns about the security of stockpiles of Rosewood in the local communities and integrity of operations at the Tema Port.

4.6.2. **Estimation of Rosewood Harvest Volumes:** The Committee is unable to ascertain the exact quantities of Rosewood which may have been harvested and exported in the period specified under its Terms of Reference. This is due largely in part to the unreliable nature of data from the GRA-Customs Export Division as discussed in Section 4.2, the instances of under-reporting from the FC and the likelihood that some Rosewood timber may have been exported on the blind side of the FC. This is also compounded by the Committee's inability to estimate the true harvest of rosewood from the Tree Information Forms (TIF) data which the FSD and Timber Validation Division of the FC have failed in their responsibility to record, since 2012 to date, as discussed in Section 4.4.1.5. The Committee is therefore compelled to accept the Chinese Customs Import data records as a true reflection Rosewood exported within the period 2012-2019.

4.6.2.1. *The Harvest and Export of Six Million Rosewood Trees*

4.6.2.1.1. Methodology used by the EIA: The EIA arrived at the Six Million trees calculation through the following methodology and basic assumptions.



Figure 1: Ghana Timber Products to Trees Conversion Methodology

4.6.2.1.2. Whereas the Committee does not dispute the number of containers imported; as this is a definite and verifiable quantity needed for import duty and tax computation purposes in China. We are of the position that these methodology and assumptions used by the EIA, do not appear to be underpinned by a scientific basis or forestry practice. These assumptions demonstrate a fundamental mis-understanding of the evolution of the trade of the species over the years. As a result, these grossly overestimate the harvest of Rosewood from Ghana's forests.

4.6.2.1.3. The Committee's findings indicated that standard industry practice in 2012 till late 2015 was to load up 80-100 billets/logs of Rosewood or 70-90 trees per 20HC. This industry practice was as a result of Chinese buyers' preference for logs with large diameter sizes. The practical implications of this were that; Rosewood trees with larger diameter sizes were felled first. As the larger diameter sizes were exhausted, Rosewood loggers logically moved to smaller diameter sizes, leading naturally to an increase in the number of billets/logs in a container. It is therefore misleading for the EIA to base their estimation of past exports and harvest on 2019 billet/log diameter sizes. In Figure 2, the even decline of stem numbers is indicative of the preferential selection and traditional consumption patterns for Rosewood as demonstrated by several academic publications. It illustrates the shift to smaller diameter sized Rosewood timber as the larger diameter classes decreased in availability.

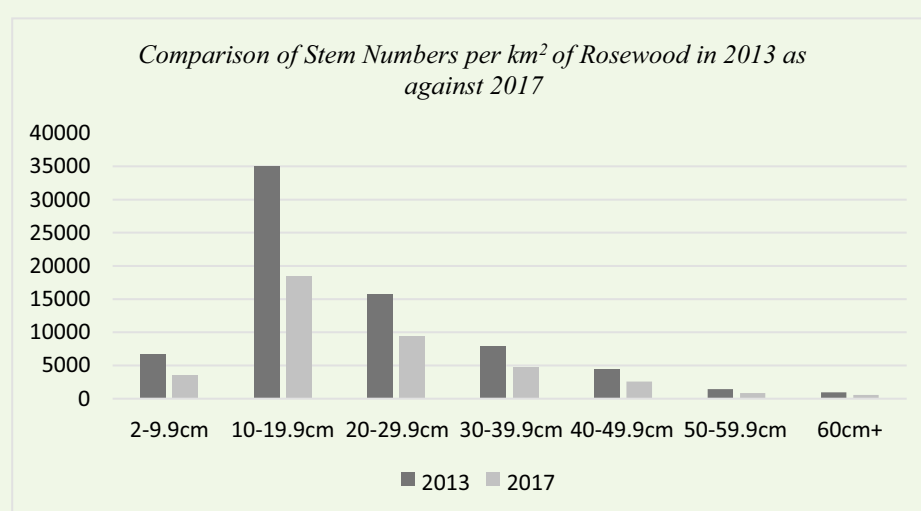


Figure 2: Mean stem density per square kilometer obtained in Ashanti, Brong Ahafo, Northern, Upper East and West and Volta Regions of Ghana. Data are based on stems ≥ 2 cm diameter at breast height (DBH).

- 4.6.2.1.4. Based on the Committee's analysis of the inventory data available, it is our technical opinion that it is not possible under the most generous assumptions for Ghana to have harvested and exported the Six Million quantity of merchantable Rosewood trees during the period in question. This is because that quantity of merchantable Rosewood timber is simply not available within the distribution range of rosewood in Ghana.
- 4.6.2.1.5. The Committee on the other hand, admits that there are significant differences between the volumes of Rosewood timber imported by China and that exported by Ghana. This as we have already stated, is due principally to the use of Rosewood admixtures during export, deliberate misclassification, misdeclaration by freight forwarders and as a result of a lack of institutional capacity in GRA- Customs to identify Rosewood timber.

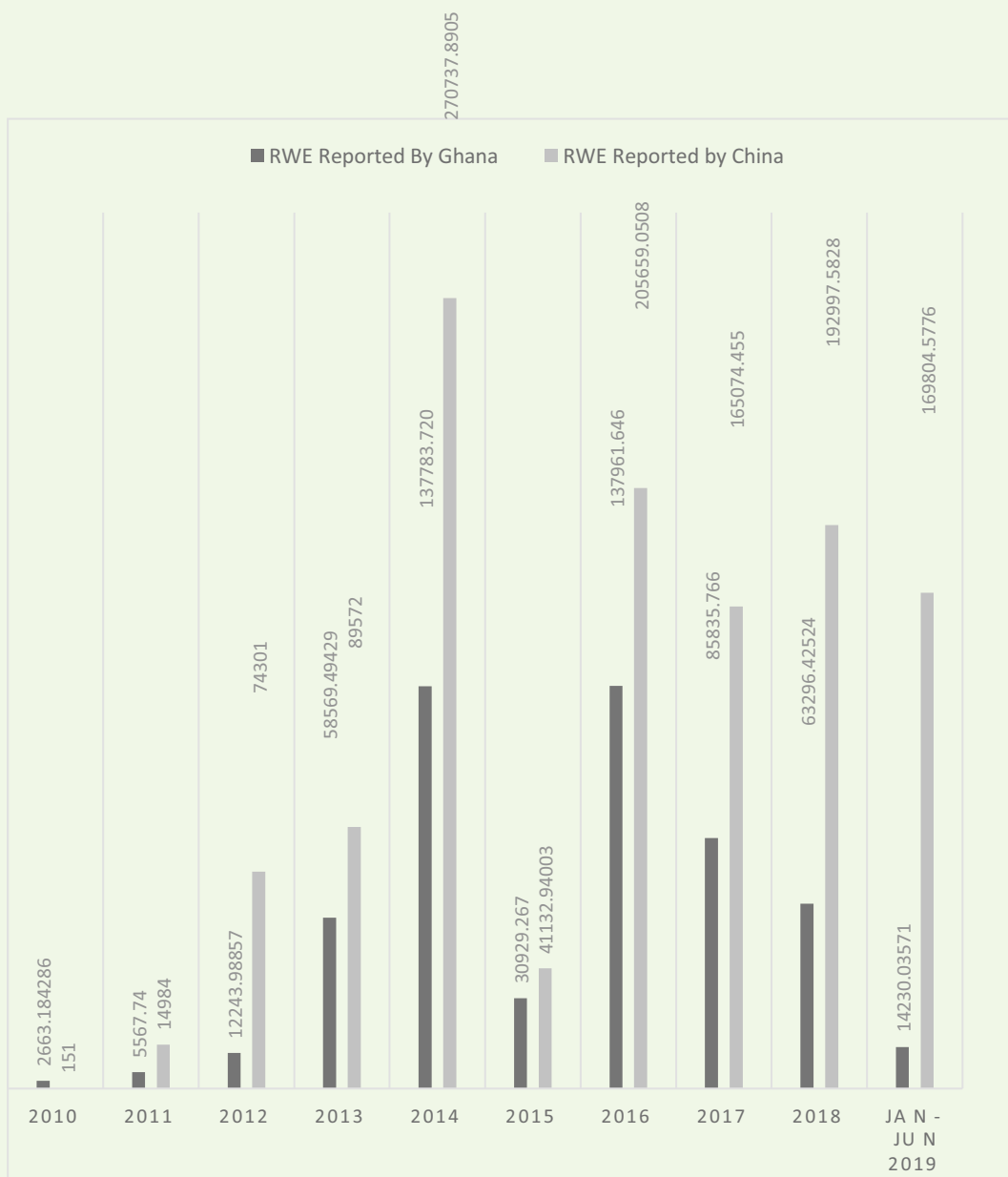


Figure 3: Comparison of Ghanaian Rosewood timber exports and Chinese Rosewood timber Imports (2010-June 2019). (Source: TIDD Timber and Wood products export converted into RWE and Chinese Customs Import Data converted to RWE, courtesy EIA)

The Committee's analysis of data from the EIA and TIDD, shows that there are large discrepancies between the reported exports of Rosewood by the TIDD and the reported imports by the Chinese authorities as shown in Figure 3 for reasons as discussed above.

To estimate the total harvest, both Ghanaian Rosewood export and the Chinese Rosewood import data were converted into Round Wood Equivalents. The Chinese Rosewood Import data was also converted from

kilograms into cubic metres using the standard conversion factor provided by the EIA.

Equation 1

RWE = TEV

CER

Where,

RWE = Round Wood

Equivalent (m³) TEV = Total

Exported Volume (m³)

CER = Conversion Efficiency Ratio of Wood-Mizer

Lumber was converted using the Conversion Efficiency Ratio (CER) of 70%, whilst Furniture parts and Veneer (sliced & rotary) were converted using a CER of 30%. Subsequently, the Number of Trees was estimated using a Conversion factor of 2.5m³ per each Rosewood tree.

Year	RWE Reported by Ghana	RWE Reported by China	RWE-China Conversion Factor of 2.5m ³	RWE-Ghana Conversion Factor of 2.5m ³
2010	2,663.18	151.00	60.40	1,065.27
2011	5,567.74	14,984.00	5993.60	2,227.10
2012	12,243.99	74,301.00	29720.40	4,897.60
2013	58,569.49	89,572.00	35828.80	23,427.80
2014	137,783.72	270,737.89	108295.16	55,113.49
2015	30,929.27	41,132.94	16453.18	12,371.71
2016	137,961.65	205,659.05	82263.62	55,184.66
2017	85,835.77	165,074.46	66029.78	34,334.31
2018	63,296.43	192,997.58	77199.03	25,318.57
Jan -Jun 2019	14,230.04	169,804.58	67921.83	5,692.01
Total:	549,081.27	1,224,414.50	489,765.80	219,632.51

Table 1: Round Wood Equivalent (RWE) of Rosewood from Ghanaian Exports and Chinese Imports (Conversion factor of 2.5m³ per Rosewood tree).

Given the inherent challenges with data obtained from the GRA-Customs Export platform, TIDD and the proven under declaration of Rosewood export volumes. Analysis of the Ghanaian datasets will not allow an accurate estimation of the Total Rosewood Export Harvest. As a consequence, the Committee analyzed both the Chinese Rosewood Import Data and the TIDD Rosewood Export data. Table 1 shows the two (2) possible scenarios using both the Ghanaian TIDD Export data and the Chinese Import data provided by the EIA. Using the data from Ghanaian Rosewood Timber Exports, the total number of trees is seen to be approximately **219,633 (Two Hundred and Nineteen thousand, Six Hundred and Thirty-Two) trees** over the period 2012 – June 2019. Alternatively, if the Committee chooses to utilize the Chinese Rosewood Import data provided by the EIA, we arrive at approximately **489,766 (Four Hundred and Eighty-Nine thousand, Seven Hundred and Sixty-Six) trees** over the same period. In each scenario, the total number of trees falls below the Six Million figure provided by the EIA, however as a result of the large reporting discrepancies seen in Figure 3, the Committee believes that the actual Rosewood timber harvest is **489,766 (Four Hundred and Eighty-Nine thousand, Seven Hundred and Sixty-Six) trees** and not Six Million trees.

- 4.63. **Savage Permits Laundering Mechanism:** The Committee agrees the use of Salvage permits for the evacuation of Rosewood is a well-documented legal mechanism for the granting of timber rights. The Committee however noted that the issuance of salvage permits was unregulated.

Salvage Permits are allotted by law only under the conditions stipulated under the Timber Resources Management Regulations L.I. 1649, 1998; Regulations 37 and 38:

- a) salvage of trees from an area of land undergoing development such as road construction, expansion of human settlement or cultivation of farms;
- b) salvage of abandoned trees (marked or unmarked)

However, the Committee observed that it had become the usual practice (past and present) to issue Salvage permits without regard for the specific use conditions described above.

4.6.3.1. Recommendations:

4.6.3.1.1. The Committee recommends that the Hon. Minister should consider halting the use of the Salvage permit regime for granting harvesting and evacuating rights to Rosewood.

- 4.64. **Legalization of illegal timber:** The Committee disagrees with the EIA assertion that illegally harvested Rosewood timber should not be seized and subsequently auctioned under the laws of Ghana. We are of the strong opinion that **any illegally harvested timber seized by the Government of Ghana or by its relevant Security Organs or Institutions, which is subsequently auctioned following due process under the relevant Laws of Ghana is Legal Timber.** This is a process enshrined in law, which guarantees that the State can through its legal statutes ensure that the integrity of its natural resources can be safeguarded and value can be generated from it.
- 4.65. **CITIES Permits for Sale:** The Committee was unable to ascertain from the video footage provided by the EIA, whether the CITIES permits were being sold as alleged. As recommended above, we state that even though the evidence provided by the EIA and that obtained via other sources as attached in the Appendices appear to point to instances of wrongdoing evidence, they are not directly evidential in nature for a pronouncement to be made on them. It must be referred to the Criminal Investigations Department (CID) of the Ghana Police Service or its related state Intelligence agencies for further investigations to be conducted.

5. GENERAL CONCLUSIONS AND RECOMMENDATIONS

In keeping with the Terms of Reference as given to the Committee, we have investigated the allegations of corruption, examined all anomalies in respect of Rosewood salvage permits, transportation and export trade and investigated whether Rosewood is still being traded in spite of the ban imposed by the Minister in March, 2019.

Our findings highlight the need for the ban on Rosewood harvest, transport, processing and export to be held in place **indefinitely or until the completion of the Early Impact Assessment and the establishment of the Non-Detriment Findings**. This is because there are several institutional weaknesses and lapses in the Rosewood trade; from the community level to the ports of exit, given the largely informal nature of Rosewood trade in Ghana. On the other hand, the Committee was unable to establish the specific allegations of corruption made against Nana Kofi Adu Nsiah, former MA of the CITIES Secretariat in Ghana. The Committee's investigations indicated that there are significant anomalies in respect of Restricted Species permits and Salvage permits for Rosewood, due to the abuse of the Salvage permits by permit holders. The Committee's findings demonstrate that the export of Rosewood timber is still ongoing in spite of the ban imposed by the Minister in March 2019, through the practice of misclassification, misdeclaration and the general lack of capacity of the GRA- Customs Division to identify what is Rosewood timber and what is not. These findings stress the need to provide sufficient training on Rosewood timber identification for staff of the GRA- Export Division to ensure effective enforcement of the CITIES protocols.

The findings further demonstrate the need for strengthened collaboration between the Forestry Commission and the other Security organs. Firstly, in ensuring effective forest monitoring and forest law enforcement at the forest gate and FC checkpoints across the country. Secondly, they underscore the need for the Ministry of Lands and Natural Resources, Ministry of Interior and the National Security Council to develop strategies to mitigate and manage the increasing Rosewood Resource Conflicts in the distribution range of the species.

The Committee reiterates the following key recommendations below which could be implemented to reform the sector.

5.1. Key Recommendations for addressing lapses at the Port of Exit:

- 5.1.1. We recommend greater intra-institutional collaboration between the GRA – Customs Export Division, the divisions of the Forestry Commission and MLNR in the area of Rosewood exports information sharing as submitted to the Single Window platform (GC-Net) via the EMDA portal. This should focus on increased transparency and inter agency data sharing. Personnel from the GRA – Customs Export Division must be trained to interpret information presented via the EMDA portal in establishing compliance with forest law and timber legality
- 5.1.2. The GRA-Customs must adopt the practice of instituting an annual training programme for their staff in the identification of endangered species especially Rosewood at their training centres.

5.2. Key Recommendations for addressing lapses in the Forestry Commission:

- 5.2.1. That the FC strengthens its institutional safeguards in forest monitoring and forest law enforcement at the following forest gate, FSD & TIDD checkpoints and its internal mechanism for dealing with allegations of corruption amongst its staff.
- 5.2.2. The Committee recommends the deployment of one FC Rapid Response Teams in each political region across the distribution range of Rosewood. In addition to this, the FC must strengthen their collaboration between the Police and GRA- Customs by creating common checkpoints especially in the Rosewood hotspot regions.
- 5.2.3. The Committee wishes to recommend the heavy presence of the military in the short to medium term in the Mole National Park. The capacity of the Management of the Mole and Kalakpa Resource Reserves should be built to enable them adequately handle the emerging challenges of illegal logging and poaching in the parks.

5.3. Key Policy Recommendations

- 5.3.1. That a Ministerial or Executive Recommendation be made to the ECOWAS Council of Ministers requesting that a separate sub-division in the HS Code be created for Rosewood timber due to the increased rate of export and ecological importance. This will enable easier identification and monitoring at the national and sub-regional level.
- 5.3.2. Proposes the strengthening of existing provisions for salvage permits under LI 2254 and the development of a transparent salvage permit and legal regime monitoring mechanism, which should factor community level involvement at all levels as a safeguard towards abuse by permit holders.
- 5.3.3. Recommends that the issue of illegal settlers in the Kalakpa Resource Reserve be referred to the Parliamentary Select Committee on Forestry, the MLNR and the appropriate political authority for a permanent solution.

5.4. Key recommendations for Management of Forests in the and Transition Forest Zone and Savannah Ecological Zones

- 5.4.1. The FC should suspend the current management regime of harvesting timber in the savannah ecosystem and return to the old practice of maintaining the zone as a conservation area due to its fragile nature.
- 5.4.2. The FC needs to strengthen the level of local community engagement in species management of Rosewood and general forest management in the Savannah ecosystem.
- 5.4.3. In the long-term, the planting of Rosewood in the Savanna ecological zone should be promoted to ensure the sustainability of the resources.
- 5.4.4. There should be some sensitization of the legislature on Forest and Wildlife Laws and deterrent punishment should be meted to offenders.
- 5.4.5. There is the need to deepen collaboration among the MMDAs in the fight against Rosewood harvesting.
- 5.4.6. No permits should be granted for the set-up of any new mills in the Savanna ecological zones to save the remaining standing trees

5.5. Key Recommendations for the CITIES Secretariat.

- 5.5.1. The Committee recommends the establishment of a manual or electronic permit tracking system traceability of all CITIES permits in Ghana (issued or un-issued).
- 5.5.2. The Committee recommends that its findings on the allegations by the EIA against Nana Adu Nsiah and the CITIES Secretariat should be referred to the Criminal Investigations Department (CID) of the Ghana Police Service or its related state Intelligence agencies for further investigations to be conducted as the committee was unable to establish any act of corruption based on the evidence provided.
- 5.5.3. The Committee further recommends possible transfer and replacement of all existing staff of the CITIES Secretariat, with the exception of the newly appointed MA – Executive Director to improve transparency and efficiency at the secretariat.
- 5.5.4. We further strongly recommend the immediate conduct of Early Impact Assessment to highlight salient issues in the management of Rosewood. We also underscore the need for scientific Non-Detriment Findings (NDF) to be conducted as a pre-condition to re-allowing the export of the species.
- 5.5.5. The Committee recommends the formalization of the institutional relationship between the GRA-Customs Export Division, TIDD and the CITIES Secretariat.

**SIGNED BY THE BELOW-MENTIONED COMMITTEE MEMBERS, THIS EIGHTH DAY OF
DECEMBER, TWO THOUSAND AND NINETEEN**

Hon. Benito Owusu-Bio
Chairman

Hon Francis Manu Adabor
Member

Mr. Ena Blege
Member

Mr. William Nuako Bando
Member

Mr. Jeremiah Seidu
Member

Hon. Adjei Yeboah
Member

Mr. Joseph Osiakwan
Member/Secretary

APPENDIX 1: INAUGURAL SPEECH AND TERMS OF REFERENCE

STATEMENT BY THE MINISTER FOR LANDS AND NATURAL RESOURCES DURING THE INAUGURATION OF THE COMMITTEE TO INVESTIGATE ALLEGATION OF CORRUPION IN ROSEWOOD TRADE IN GHANA

HELD AT THE MINISTRY CONFERENCE ROOM AUGUST 26TH,

2019

Good morning ladies and Gentlemen,

It is my pleasure to welcome all of you to this brief inaugural ceremony.

Following the recent publication by the BBC on a report published by the ENVIRONMENTAL INVESTIGATION AGENCY (EIA) entitled “BAN-BOOZLED: HOW CORRUPTION AND COLLUSION FUEL ILLEGAL ROSEWOOD TRADE IN GHANA”, it has become necessary to constitute a Committee to investigate these allegations and take appropriate actions to forestall any such occurrence. This publication has gone viral on the media landscape at both national and global level with some international organizations and partners such as CITES beginning to question the integrity of Ghana’s timber export trade.

In view of this, a Seven-member Committee has been constituted to carry out thorough investigation of the issues raised in the publication to enable us to take remedial actions.

Membership of the Committee

Ladies and Gentlemen,

The membership of the Committee is as follows:

- | | |
|----------------------------|---|
| 1. Hon. Benito Owusu-Bio | - Deputy Minister, Chairman of the Committee |
| 2. Mr. Francis Manu Adabor | - Chairman, Parliamentary Select Committee on Lands and Forestry |
| 3. Mr. Ena. K. Blege | - Representative Ghana Customs Division, Member |
| 4. Mr. William Bador | - Representative, Forest Research Institute of Ghana (FORIG) - Member |
| 5. Mr. Jeremiah Seidu | - Representative of Civil Society Member |
| 6. Hon. Adjei Yeboah | - Representative of the Private Sector – Member |
| 7. Mr. Joseph Osiakwan, | - Representative of MLNR, Member Secretary |

Specific Task for the Committee

Ladies and Gentlemen,

The specific tasks of the Committee are as follows:

- Investigate the allegations of corruption as reported in the Publication by EIA;
- Examine all anomalies in respect of Rosewood salvage permits, transportation and export trade;
- Investigate if Rosewood is still being traded in spite of the ban imposed by myself in March 2019;
- Make the necessary recommendations to the Hon. Minister for appropriate actions to be taken.

The Committee is expected to carry out these tasks and report back within five (5) weeks.

In carrying out these tasks, you will be expected to speak to all relevant stakeholders along the Rosewood value-chain to identify the various issues and challenges that exist. You will also have to invite all officers mentioned in the report for interrogation to determine the truth or otherwise of the allegations.

I wish to assure the Committee that the necessary logistical support will be provided by the Ministry and the Forestry Commission to facilitate your work.

In conclusion, Ladies and Gentlemen, I wish to take this opportunity to once again reiterate that the Ban on Rosewood is still in force and anyone who violates this will face the rigors of the laws of this country without any compromises. It is our collective responsibility as citizens to ensure that we protect the resources of this country for the benefit of current and future generations.

I thank all the Committee Members for readily accepting to serve on this committee within a short notice. We will be looking forward to receiving a comprehensive report from you as scheduled.

On this note I have the pleasure and honour to declare the Seven-member Committee to investigate the allegation of corruption in Rosewood Trade in Ghana duly inaugurated.

Thank you and May God Bless us all.

APPENDIX TWO: List of documentation reviewed.

1. Environmental Investigation Agency's (EIA) publication: Ban-Boozled: How Corruption and Collusion fuel Illegal Rosewood Trade in Ghana
2. TIDD Rosewood Export Statistics
3. GRA-Customs Export data on Timber export entries
4. Data from EIA
5. Data from the local CITIES Secretariat
6. Ghana Shippers Council shipping manifests
7. Correspondence from selected District Assemblies
8. TIDD Annual Reports, Correspondence, Memos, LMC, LIC, Salvage Permits and other data entries from the Forestry Commission
9. Testimony from Witnesses
10. Field Visits
11. Operational Reports for the Mole and Kalapka Resource Reserves
12. Official report of the status of timber exports in Togo, Togolese Revenue Agency, 2015
13. Relevant Acts: Timber Resources Management Act -1997 (Act 547), Forestry Commission Act, 1999
14. Legislative Instruments: Timber Resource Management and Legality Licensing Regulations, L. I. 2254. (2017), Timber Resources Management Regulations L.I. 1649, 1998, Timber resources (Legality Licensing 2012
15. CITIES, Eighteenth meeting of the Conference of the Parties Geneva (Switzerland), 17–28 August 2019 Rev. CoP 18

Committee Checklist

Please find below a quick checklist needed for the harvest, trade, transport and export of all timber species (including Rosewood) in Ghana.

Forest level



Certificate of Business Registration

- Tax Identification Number (TIN) and Tax Clearance Certificate
- Timber Utilization Contract
- Salvage permit or 'other permits'
- Property Mark
- Lease agreement (for on- and off-reserve plantation operations)
- Approved map of the concession/permit area
- Approved Harvesting schedule/blocking or coupes delineation
- Signed Social Responsibility Agreement (SRA) with forest fringe communities (for TUCs, Salvage and other permits)
- Pre-harvest inspection reports
- Approved yield or yield markings
- Approved harvesting plan
- Entry permit or released letter issued by the FC

Trade and transport



Log Measurement and Conveyance Certificate (LMCC) Plantation Production Certificate (PPC)

- Certificate of Registration with TIDD
- Approved Export Contract
- Approved Export Permit
- Approved Parking List/ Product Inspection Report
- Lumber Inspection Certificate (LIC)

Export and custom



TIDD Export minimum pricing categories Approved TIDD Export contract

- Approved TIDD Export permit
- Phytosanitary Certificate
- Approved Export Contract
- Approved Export Permit
- TIDD Certificate of Registration
- Inspection Certificate (Lumber, Veneer, etc.) For

CITES species:

- CITES Export permit
- TIDD Export Permit

APPENDIX THREE: PICTURE GALLERY

Committee Meeting with Staff of TIDD at Tema above



Committee visit to Balangu TIDD Checkpoint below



Committee inspecting an impounded truckload of timber suspected to contain admixtures of Rosewood at Wiase



Committee Members observing the uncovering of the abovementioned impounded truckload of timber



Committee Members in discussion with Favour 2000 Mill Operators at Busunu



Committee interaction with Bolgatanga Timber market Stakeholders





Committee Meeting with Builsa South District Assembly at Funbisi



Committee inspecting Milling Machinery at Turnsole Furniture Company in Yipala.



Committee at the site of BrevyWells Ltd near Damongo



Committee inspecting Machinery at the site of BrevyWells Ltd near Damongo.



Committee inspecting billets of Rosewood suspected to be freshly cut at Turnsole Furniture Company



Committee inspecting Processed Rosewood product types in the various sawmills visited.





Further selection of Processed Rosewood product types and furniture parts in the various sawmills visited.





Offcuts from Rosewood Processing been used in the production of charcoal in Savannah region



Incidences of Rosewood Resource Conflict in Gurunkpe near Buipe in 2013, with military men arrowed in.



Committee inspecting the Seized Aisha Huang Trucks of Rosewood in Tamale



