



# Why some forest rules are obeyed and others violated by farmers in Ghana: Instrumental and normative perspective of forest law compliance

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## ABSTRACT

This paper explores farmers' compliance with forest rules in the High Forest Zone of Ghana and the factors influencing compliance through interviews with 226 farmers. Specifically, it assesses compliance with rules that regulate and/or prohibit: (i) felling of timber trees on farmlands, (ii) farming in forest reserves, and (iii) use and management of fire on farmlands. The results are based on self-reported responses about compliance with rules and indicate a high level of compliance with farming and bushfire rules, while the tree-felling rule is violated by many farmers. Compliance behaviour is influenced by numerous normative and instrumental factors, such as perceived fairness of rules, need for resources for livelihood and domestic use, and fear of sanction; but also, by some contextual factors, such as regulatory and socio-economic contexts. In the case of Ghana, efforts to strengthen forest law compliance, in particular the felling of trees on farmlands, need further consideration of the normative perspectives to compliance, and may point towards legal reforms that bring the legislation more in accordance with the norms held by farmers.

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## 1. Introduction

Compliance with laws plays a critical role in ensuring good governance and sustainable development (Zaelke et al., 2005a; UN, 2002). In general, lack of compliance is associated with illegal activities, corruption, inequality, and unsustainable use of resources. In the case of forestry, implications of illegal forest activities include: degradation of forest and forest related goods and services (e.g. biodiversity, water cycle and climate regulation), loss of revenues, and loss of forest related livelihoods (Contreras-Hermosilla, 2002; Contreras-Hermosilla and Peter, 2005; Ramcilovic-Suominen et al., 2010; World Bank, 2004). Illegal forest activities, while not limited to developing countries, tend to be more widespread and severe in these countries (Brown et al., 2008; Contreras-Hermosilla, 2002; Tacconi, 2007).

Research on illegal forest activities has largely focused on the problem of illegal logging, and in particular its extent and impacts (e.g. Kaimowitz, 2003; SCA and WRI, 2004; Tacconi et al., 2003; Turner et al., 2007); whereas studies focusing on compliance behaviour and factors determining such behaviour are fewer (Hansen, 2011; Ramcilovic-Suominen et al., 2012). This paper aims to explore compliance with specific forest rules and to identify the factors that influence compliance with the rules. This is done through a case study on farmers' self-reported and perceived compliance with specific forest rules in the High Forest Zone of Ghana. The study is

informed by different theoretical perspectives on rule compliance behaviour.

The case of Ghana is relevant for at least two reasons: (i) recent studies indicate a low level of forest law compliance in Ghana (Birikorang et al., 2001; Hansen and True, 2008; Hansen, 2011; Marfo, et al., 2006); and (ii) Ghana has committed herself to strengthening forest law compliance, by signing the Voluntary Partnership Agreement (VPA) with the EU, under the EU Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan (GoG/EU, 2009).

The paper is structured as follows: first, a theoretical framework of law compliance is outlined. This is succeeded by a brief description of the forestry context in Ghana as a basis for better understanding the studied forest rules. Next, the research methods and results are presented, followed by a presentation of the results. In the discussion, main results are discussed vis-à-vis the theoretical perspectives and policy implications. Finally, the last section briefly presents the conclusions of the study.

## 2. Compliance theory: what determines compliance behaviour

Compliance can be defined as all behaviour by subjects or actors that conform to the requirements of behavioural prescriptions (Young, 1979). Two major theoretical perspectives of compliance can be distinguished – the instrumental and the normative perspective; however, the two are not mutually exclusive (Zaelke et al., 2005b).

The instrumental perspective of law compliance is rooted in neo-classical economics, and emphasizes rational choice and deterrence, see e.g. Nostbakken (2008) for a review of economic literature

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on law compliance. In this perspective, actors are seen as rational individuals, choosing among alternatives, based on their self-interest and calculations of expected costs and benefits of compliance vs. non-compliance (Becker, 1968). Compliance is therefore determined by the likelihood and magnitude of material/financial gain, and the likelihood and severity of sanction (Becker, 1968; Ehrlich, 1972). Accordingly, this perspective emphasises coercive measures, such as enforcement (detection) and sanction (punishment) as the main measures for eliciting compliance (Hønneland, 1999; Sutinen and Andersen, 1985; Sutinen and Kuperan, 1999). Compliance within this perspective can also be elicited through inducement, i.e. through rewards for compliance (Young, 1979).

The normative perspective is rooted in sociological and psychological literature, encompassing behavioural (Carroll, 1987; Jolls et al., 1998) and normative dimensions of human behaviour and action (Cialdini and Trost, 1998; Ellickson, 1989; Elster, 2009). The normative perspective emphasises the role of obligation, i.e. "...incentives to comply with behavioural prescriptions which stem from a general sense of duty and which do not rest on explicit calculations of costs and benefits" (Young, 1979:23).

The normative perspective emphasises the role of (i) norms (social and personal norms, or morality) and (ii) legitimacy in determining compliance (Posner, 1997; Tyler, 1990). Norms can be defined as commonly accepted rules that prescribe desirable behaviour, and forbid behaviour that is considered undesirable (Cialdini and Trost, 1998). Behaviour is guided by external factors, such as peer pressure and disapproval; or internal factors, such as feeling of guilt or shame (Posner, 1997). Examples of norms include reciprocity, fairness, and cooperation. Norms are obeyed without the force of formal law. Norms are not static; as noted by Elster (1989), norms such as fairness and cooperation critically depend on the behaviour of others. As suggested by Hønneland (1999) and Sutinen et al. (1990), compliance based on norms may quickly erode, if it is realised that other members of the peer group are not complying.

Legitimacy refers to a general acceptance of political or administrative authority, which ultimately leads to an obligation to comply with rules enacted by the authority (Fragan and Tyler, 2004; Tyler, 1990; Tyler and Jost, 2007). This obligation is suggested to depend on the process (procedures that the authority applies in law-making and decision-making) (Nielsen, 2003; Tyler, 1990) and the outcome (effects of enacted decisions and laws) (Nielsen, 2003). Process legitimacy concerns satisfaction with the law-making process, and includes variables such as participation, openness and accountability. Outcome legitimacy, on the other hand, concerns satisfaction with the content and outcomes of the decisions made by the authority. It includes variables such as distributional effects and general consistency of regulation (Nielsen, 2003). Measures to elicit compliance under the normative approach include: discursive measures, co-management, right-based management, and other forms of cooperation between governing authorities and those being governed (Hønneland, 1999; May, 2005).

Various compliance models have been suggested where instrumental and normative perspectives of compliance are integrated, e.g. the enriched model of compliance (Sutinen and Kuperan, 1999), and the bio-economic model of compliance (Sutinen and Andersen, 1985; Sutinen et al., 1990). Such models also include various contextual factors that have an indirect influence on compliance. None of these models have been applied in forestry contexts. Yet, there are a number of studies on forest law compliance suggesting contextual factors, including: flawed policy and legal framework, poor law and policy implementation capacities, insufficient data and information, corruption, lack of transparency, livelihood needs and poverty (Contreras-Hermosilla and Peter, 2005; World Bank, 2006). These factors influence compliance decisions by altering the above-given instrumental and normative factors (Ramcilovic-Suominen and Epstein, 2012). For

instance, corruption may influence the likelihood and fear of sanction, if it is realised that sanction can be avoided by informal payments to law-enforcement agencies. On the other hand, the perception that the law-enforcement agencies are corrupt affects judgements about the perceived legitimacy and fairness of that agency.

Fig. 1 presents a summary of compliance theory illustrating the instrumental and normative factors.

### 3. Background

#### 3.1. Forest governance and rights to trees and forest in Ghana

Ghana's natural timber resources are located in the High Forest Zone (HFZ), which constitutes the southern part of the country, with an extent of approximately 8.5 million hectares (Forestry Department, 1999). Prior to colonial rule, forests in Ghana were owned in common by the local communities with appointed chiefs (traditional authorities) acting as custodians on behalf of the local communities (Amanor, 1999). Colonial rule established new institutions that transferred additional powers and rights over forest resources and benefits to chiefs in their personal capacity, in return for support for the colonial ruler (Amanor, 1996; Kotey et al., 1998).

Forest reserves were established under colonial rule, from the end of the 1920s until the end of 1940s primarily to secure a favourable macro-environment for cocoa plantations which were rapidly expanding (Kotey et al., 1998). Farmers who had farms inside the designated forest reserves were typically allowed to stay (the so-called admitted farms), but no further farm expansion was allowed within the forest reserves. However, by today most of these communities have been relocated from the forest reserves.

Approximately 20% (1.6 million hectares) have been designated as forest reserves (Kotey et al., 1998). Thus, considerable forest and timber resources are found outside the reserves (off-reserves). The off-reserves comprise a mixture of agricultural lands (farmlands) with naturally occurring timber trees and patches of natural forest (Amanor, 1996; Boateng et al., 2009). This area is important for commercial timber production, as well as for livelihoods of forest communities (Boateng et al., 2009); although agricultural expansion and intensification, timber harvest and infrastructure developments have reduced the number of trees and remaining forest patches in the off-reserves (Hansen, 2011).

The ownership and use rights of forest and trees in Ghana are complex, as different arrangements apply depending whether trees are planted or naturally occurring, whether they are timber or non-timber species, with commercial or subsistence value, and whether in forest reserves or outside the reserves (Acheampong, 2003; Acheampong and Marfo, 2009; Agyeman, 1993). Here, the discussion is restricted to trees outside reserves which are the concern of this paper.

Ownership rights of planted timber and non-timber trees (e.g. community or private teak plantations) are in principle vested in the planter of trees; however, this rule does not apply for tenants on the land. Since landownership in Ghana is frequently contested, tree planting by tenants is perceived as an attempt to acquire permanent ownership of the land and is therefore strongly discouraged by the landowners (Acheampong and Marfo, 2009). The rights to naturally occurring timber trees (the focus of this paper) are described in further details in the next sub-section. The rights to naturally occurring non-timber trees depend on whether the tree has commercial value or not. The rights to naturally occurring non-timber trees with commercial value (e.g. kola, oil palm, raphia palm, bamboo) are restricted and vested in the landowner; while the rights to non-timber trees of subsistence value (e.g. fruit trees) belong to the whole community and everyone can harvest their products (Agyeman, 1993).

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