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TRAINING ON LEGALITY AND SUSTAINABILITY REQUIREMENTS ALONG THE TIMBER SUPPLY
CHAIN FOR CIVIL SOCIETY ORGANIZATIONS IN GHANA
WWF-WAFPO PROJECT FUNDED BY ITTO; PROJECT# TFL-SPD-028/12

SUBMITTED: TO

INTERNATIONAL TROPICAL TIMBER ORGANIZATION

YOKOHAMA, JAPAN

BY

WWF - WEST AFRICA FOREST PROGRAMME OFFICE

CENTER FOR AFRICAN WETLANDS BUILDING

UNIVERSITY OF GHANA

REPORT PREPARED BY CONSULTING TEAM

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November 2013



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1.0 OBJECTIVE OF TRAINING AND TARGET GROUP

There is a growing concern about non-enforcement of and non-compliance to forest legislations and requirements of sustainable forest management practices in Ghana. The Civil society is acknowledged as a very critical stakeholder to provide checks- and-balances in the enforcement of and compliance with forest laws and sustainable forest management practices.

To enable civil society play this critical role effectively, there is a need to enhance /build the capacity of civil society groups on legality and sustainability requirements along the timber supply chain of Ghana. This training is conducted under the project entitled “Empowering civil society organizations to contribute effectively to forest law enforcement in Ghana” and funded by the International Tropical Timber Organization (ITTO). The project is to build capacity of non-state actors and other stakeholders in the forest industry on established best practices of legality and sustainability requirements, and to widen compliance with and adoption of such best practices by a range of players in the civil society sector of Ghana.

2.0 SCOPE OF TRAINING

The scope of training for civil society as indicated by the Terms of Reference (ToR) for this consultancy covered the following broad areas:

- Understanding Legality in the context of Ghana’s forestry business process and how it relates to the EU-FLEGT Voluntary Partnership Agreement and other international market instruments such as EUTR.
- Understanding sustainability in the context of Ghana’s Forest Management System in practice
- Law enforcement in Ghana’s forestry supply chain

3.0 TRAINING APPROACH FOR PARTICIPANTS

At the inception workshop to announce the project commencement, participants at that workshop recommended that beneficiaries for this instant training should include significant number of people from organizations based at the community level; what is popularly referred to as community based organizations. Taking into consideration the value of such a



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suggestion, WWF purposefully reduced the number of participant from Accra and Kumasi cities and brought many from the small towns who are closer to the forest and therefore are, technically speaking, more able to contribute better to forest law enforcement.

Thirty-one individuals from civil society organizations (see participant list attached) attended each day of the training for a period of 4 days.

A combination of classroom and field setting was employed in administering the training to participants allowing interactive training sessions. On 29th October 2013 (Day 1), the participants were taken through a lecture and interactive classroom. On 30th October 2013 (Day 2) and 31th October 2013 (Day 3), the participants were exposed to active logging practices in a forest reserve and mill operations in a timber processing facility, respectively. A wrap-up session was held on 1st November, 2013 (Day 4) to review issues observed during the training and collectively find best approaches for civil society contribution towards forest law compliance in Ghana.

See Annex I for training programme and list of participants.

4.0 DURATION AND PLACE OF TRAINING

Training was a four day back to back interactive sessions. Specifically, it was conducted from 29th October 2013 to 1st November, 2013 at the Royal Lamerta Hotel, Kumasi. Field exercise and demonstration was undertaken in the Asenanyo forest reserve in the Nkawie Forest District, Ashanti Region while a visit to a timber processing facility was done in Logs & Lumber Ltd premises in the city of Kumasi.

5.0 PROCEEDINGS FROM THE TRAINING

DAY 1

5.1 Participants expectation

Participants' expectations before the training were assessed by administering simple questionnaires. The responses from the participants are summarized in BOX 1.

BOX1: Participants expectation from the training workshop.

| | |
|---|---|
| 1. Practical aspects of wood tracking system explained | 11. Options for Civil Society involvement in VPA implementation |
| 2. Update myself on VPA matters including compliance monitoring | 12. Know more about Legality issues related to forestry |

- | | |
|---|---|
| 3. Developments on legal lumber on the domestic market | 13. Know about forestry to help with work in communities |
| 4. Understand how timber operations are conducted | 14. Learning more about forest sustainability |
| 5. Equipped with information on forest resources management in practice | 15. Update myself on forestry laws and policies and know more about VPA |
| 6. Practical processing of timber, concession system – is it still in action, how can it be managed alongside VPA | 16. Increase my knowledge on forest management vis-à-vis forest laws |
| 7. Know what is the new direction in forestry | 17. Find out opportunities for Civil Society to support Government efforts to ensure forest law enforcement |
| 8. Knowing more about the forest sector – how illegal activities will be stopped | 18. Deepen knowledge of forest laws |
| 9. Gain knowledge in timber operations in order to contribute to forest forums | 19. Know more about why community permits are not easily permitted |
| 10. Establish contact/network with the Forestry Commission | 20. Share experiences and pick from others |

5.2 Address by WWF – West Africa Forest Programme Office (WAFPO)

Mr. Mustapha Seidu, Programme Coordinator of WAFPO welcomed participants to the training workshop and gave the rationale for the training. He emphasized the need for training on legality along the timber supply chain in Ghana; understanding the legal and sustainability issues right from allocation to export is essential to make civil society groups play their role as better watchdogs.

He mentioned that WWF was financed by ITTO as a partner to execute this project. The project came up in recognition of some fundamental gaps in forest governance and forest law enforcement issues. He further lamented that there are many of beautiful laws in Ghana but some level of inadequate enforcement and compliance results in the breakdown in the rule of law; reinforces corrupt practices; loss of biodiversity; denial of forest livelihoods; transparency and accountability issues. Mr. Seidu concluded by stating that since Civil Society groups in Ghana are known to play active role in forest governance, it is imperative



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that they are equipped with the necessary tools and knowledge in order to help them play their role effectively.

5.3 Presentation by Consulting Team: *Introduction to legality and sustainable forest management in the context of forestry business process*

A member of the consulting team introduced the participants to drivers of illegal logging in Ghana and associated problems such as loss of revenue to the state and beneficiaries, destruction of the environment, conflicts in communities, deforestation in some communities and deprivation of livelihoods among others. Illegal logging according to the presenter is a world-wide phenomenon and cited examples in Estonia, Russia, Indonesia and other African countries.

Recognizing the global nature of illegal logging, efforts are being made both internationally and nationally to reduce the menace of illegal logging and associated trade. The VPA with the European Union is one such effort that aims to eliminate export of illegally logged timber from Ghana being exported to the EU. The VPA is a framework that recognizes the applicable laws of the country of origin and the progressive improvement in forest governance. Therefore, the VPA is not only good for the global goods of the forest but is a system that will contribute to the enforcement of the existing forest laws of Ghana and the transformation of other important but difficult areas including the domestic market and industry regulation. Before VPA, there were forest laws that criminalized illegal logging in Ghana. Examples included Forest Protection Ordinance 1906, Forest Ordinance (1927) Cap 157 and Forest Protection Act (1974) NRC 243 that prevented felling of undersized trees and trees on river banks; forest provided for creation of forest reserve; and activities that constitute forest offences, respectively.

In addition, various initiatives that use of market incentives, trade instruments/restrictions, legal arrangements, and financial reward systems are being tried globally to halt illegal logging and promote sustainable forest management. These initiatives include CITES, US Lacey Act, AFLEG, Forest Certification schemes, EUTR, ITTO sustainable forest management initiatives among other. All these initiative have collectively made some modest impact in reducing forest illegalities in the forest sector.

The VPA according to the presenter should rather be seen as collaboration between Ghana and the EU to remove the menace/canker of illegal logging and its associated trade. In other words, Ghana and EU are collaborating through the VPA to solve illegal logging menace. The Constitution of Ghana provides that any international agreement that the government enters into on behalf of the people with another state should be brought to the Parliament of Ghana for ratification. This explains why the VPA was brought to the Parliament of Ghana in 2009 for ratification after it had been signed in September 2008. . The agreement became binding on Ghana in 2009 when it was ratified in both Ghana and the EU Parliament. There is a day that a law is passed and a day that the law becomes



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effective. The VPA even though signed, it is yet to take effect. It is Ghana’s own commitment. It is a commitment on the part of Ghana to fight illegal logging and associated trade in such materials and not an imposition from anywhere on Ghana.

The presenter explained what is termed legal timber in Ghana in the context of the Ghana-EU VPA. The seven (7) principles upon which Ghana defined legal timber is listed as following:

1. **Source of timber;** outlines areas where timber can be legally sourced and other pre-conditions such as preparation of management plans and consent of land owners
2. **Timber rights allocation;** provides the types of timber rights allocation to include TUC (on and off-reserve areas), Salvage permits and confiscated timber
3. **Harvesting;** harvesting/logging requirements that needs to be complied with including Social Responsibility Agreements (SRAs)
4. **Transport;** legal requirements for timber products transportation (e.g. LMCC, PLMCC)
5. **Processing;** adherence to legal requirements of processing including the practice of chain of custody controls and maintain health and safety at processing plants
6. **Trade;** registration of exporters and local vendors to trade in timber products
7. **Fiscal obligation;** payment of statutory fees such as stumpage, plantation timber fees, ground rent, export levies, etc.

Questions/concerns raised by participants and corresponding responses from the resource persons are briefly described in Table 1.

| Question/Concern | Response |
|---|---|
| Who and where do one report when he/she discover forest illegalities? | At any FC office or police station. A verbal or written complaint can be made to the nearest district office or police station. When written complaints are made a copy of such letter may be given to regional forestry office under whose jurisdiction the complaint is being made. |
| How does a timber operator operating in TUC areas in forest reserves get access to timber to harvest? | Timber harvest in Ghana is regulated through the application of selective logging. In forest reserves, the detail procedure are outlined in a Manual of Procedure (MoP) D prepared by the FC. This manual is available at all FC offices and on FC website for free downloading. For now suffice to mention that, there should be a management plan and harvesting schedule in place. A mandatory stock enumeration of all economic trees above 50 cm dbh is conducted and a yield is allocated based on the stocking statistics of the area and other environmental/conservation considerations. |
| Does the same rule for timber rights allocation in TUCs apply to salvage or | TUCs go through competitive bidding before Parliament/Minister awards a TUC. For salvage permits and |

| Question/Concern | Response |
|---|--|
| confiscated timber or special permits? | confiscated timber, the law gives powers to the Chief Executive of Forestry Commission to grant/execute them. |
| Can tree permits be issued to contractors to fell trees in the farm without the knowledge of farmers? | By law all naturally occurring or growing trees in Ghana are vested in the President in trust for the appropriate stool, skin, family and etc. The president of Ghana can thus grant a timber right over all such trees in any area. Note that no such grants can be made over areas where the trees growing there were specifically planted by the farmer. The position of the law is that, whoever plants a tree owns it. The contractor can however not harvest without the prior informed consent of the farmer. All trees will have to be marked during the pre-felling inspection. Not all timber contractors however carry out this process. Some Contractors engage in tree theft at night and escape unnoticed. In some instances, farmers connive with logging firms to fell trees on their farms for financial rewards. |
| If a tree is planted by someone, can he/she harvest it? | Tress planted by a person is owned by that person. You only ask FC to inspect and issue permit for you to harvest. Afterwards the person requires LMCC to transport the logs to its final destination. |
| How often must Social Responsibility Agreements (SRAs) be paid? | It is not a one-time payment. SRAs are by law not more than 5% of the stumpage value of timber harvested at any one particular time. There are instances where logging firms pay more than the statutory amount. Normally, it is paid in cash or kind on annual basis. In practice however, some communities demand them in advance, sometimes more than the actual SRAs |
| How are SRAs negotiated? | SRAs are typically negotiated between the Timber Contractor and the Forest Fringe Communities. The FC represented by the District Manager plays a referee role to make sure both sides meet their obligations under the agreement. Representatives of the District Assembly (i.e. Unit Committee members) and Traditional Authority may all witness the agreement. |
| Will confiscated lumber be accepted by the EU as legal? | The Ghana-EU VPA included confiscated timber as a type of timber rights allocation to be governed by a certificate of purchase. However, timber exports involving confiscated timber are expected to be very minimal in volume traded. |
| What is government immediate and short-term plan for the domestic | Companies are supposed to put 20% of wood harvested from TUC areas onto the local market. There is a policy proposal for some companies to produce lumber solely for the domestic market; Some chainsaw operators will be |

| Question/Concern | Response |
|---|--|
| market? | licensed to set up portable mills to supply lumber to the domestic market. These policy options will be piloted before they are rolled out nationwide |
| How is the wood tracking system related to Chain of custody (CoC) | CoC system provides the mechanism for tracing forest products from its source usually the forest through the production to the point of sale or export of the final product. The wood tracking system is the platform which drives the CoC |

In the afternoon of Day 1, participants were briefly introduced to chain of custody requirements under the VPA. Roles and responsibilities of actors (FC and Timber Operators) in the supply were outlined. The importance of critical control points such as source of timber, stock survey/enumeration, harvest controls, transportation, and processing and export requirements were described.

Data reconciliation and product labelling along the supply were described. Precautionary measures to prevent illegal mixing of timber were highlighted for the information of participants.

DAY 2- Field Visit to Asenanyo Forest Reserve

A resource person led the participants to a logging area in the Asenanyo Forest Reserve to observe various field operations in the forestry business process chain. The field operations included felling, hauling, loading and transportation of loads. To support the training process, the Range Supervisor of the Asenanyo Forest Reserve and other Forest workers were present. Typically, following the grant of TUC, the ensuing processes occur:

1. Stock survey- where all trees above a set minimum diameter (typically 50 cm dbh) in a harvestable compartment is enumerated followed by the generation of stock lists and map. Using a determined formulae, the yield (i.e. the number of trees allocated for harvesting) is calculated. Under normal circumstance, this calculation will lead to about 3 trees per hectare. This is translated into a yield maps and a yield summary that becomes the reference document for the Timber contractor and the District Forestry office for harvest compliance
2. Once the yield is approved and sanctioned, the contractor moves to the compartment to fell the allocated trees. Currently, based on the information collected during stock survey, the RMSC is able to estimate the amount of stumpage fee that the contractor is likely to pay even before logging commences



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3. Measurement of volumes through the use of the Tree Information Form (TIF) and the Log Information Form (LIF). Based on the TIF, the stumpage estimation is confirmed or corrected
4. Some of the commonly occurring forest level illegality involving companies include:
 - i) Manipulating the yield formulae to ensure that more trees qualify for harvesting at the expense of those trees to be retained
 - ii) Harvesting outside yield allocated
 - iii) Transporting without LMCC or transporting to a destination other than that indicated in the LMCC with the authorization of Forestry
 - iv) Transporting multiple loads of logs with a single and same LMCC
 - v) Complexities with SRA payments especially where claims of indigenes and alienation are brought into the discussion
 - vi) Other illegalities not necessary committed by contractors include farming and illegal mining

During the field training, copies of stock and yield maps, stock and yield summaries as well as Log Measurement and Conveyance Certificates (LMCC) were shown to participants. It was the first time many participants to the training observed such documents that are critical to forest management in Ghana.

DAY 3- Field Visit to a Processing Mill in Kumasi

A resource person and two Officers of the Company led the participants to the Logs and Lumber Ltd.'s processing facility in Kumasi. Participants tour the factory premises and observed operations at the security gate where logs typically enter the mill; log yard where the logs are scaled and separated for various processing; the veneer mill where veneer sheets are produced and moulding mill where engineered wood products are manufactured. The participants were informed that currently the company recovers about 60% of raw material input.

Legality requirements involve in processing of timber includes:

- Registration of Company as a timber processor and/ or exporter
- Evidence of income tax clearance
- Evidence of source of raw material for processing
- Maintenance of internal wood control system that allows input and output analysis
- Health and safety requirements at the mill.

Questions posed by participants to the Company were varied. Examples include:

- a) Whether they buy materials from other contractors and how they avoid buying illegal materials



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- b) Had concerns with the level of Health and Safety of workers
- c) Questions regarding compliance with insurance, pension and PAYE and general working conditions
- d) Whether LLL is supplying 20% of output to the domestic market
- e) Social responsibility of the company both in the communities and around Kumasi and how SRA is handled
- f) The company's preparedness to meet the EU requirement
- g) And whether they are prepared to sell on the domestic market

DAY 4 – Brainstorming session on what civil society should do to contribute to forest law compliance in Ghana

Having understood and got acquainted with some of the illegalities as well as the checks and balances in the forestry sector, the participants discussed “what next” to do to contribute to forest law compliance in Ghana. The following issues came up for consideration:

- Individuals in a community cannot practically follow every timber operator in the forest and so the adoption of community-based forest monitoring strategies to support the efforts of Forestry Commission could help check forest illegalities.
- There is the need to embark on massive education and introduce interventions that will change people's mindset on forest law compliance.
- Agricultural practice such as shifting cultivation is driving encroachment on forest lands which is contributing to deforestation. Better farming methods that make use of agroforestry needs to be adopted to avoid indiscriminate felling of trees.
- Continuous capacity enhancements of communities should be encouraged for them to know what to monitor and how to monitor.
- It was also acknowledged by all that forestry is complex with different stakeholder interests making management very challenging.
- There is the need to develop simple tools at the community levels to measure forestry compliance successes and document evidence for public consumption.
- The issue of small-scale illegal mining which communities engage in for livelihoods should be looked at critically from the view point of sustainable development.
- Awareness creation on stakeholder benefits from the forest should be intensified to enable buy-in for forest protection.
- How do we ensure that trust provided to community NGOs such as Community Forest Committees (CFCs) are not abused in their effort to assist forest regulators in protecting the resource.
- There is the need to targeting actual owners and decision makers as well as settler farmers who interact directly with forests.



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- Regulating the supply of legal timber on the domestic market is an issues that needs to be tackled comprehensively because it is contributing towards forest illegalities in the sector.

6.0 RECOMMENDATIONS

- Communities must be made aware of the labeling/markings on the logs and what they mean.
- Civil society groups must first consult/dialogue with Timber Companies and Forestry authorities when they observe forest irregularities along the business process chain.
- Sensitizing communities and landowners to undertake tree planting schemes/plantation as a business could be helpful for forest restoration efforts.
- There is the need for collaboration between Agriculture and forestry to both take up the challenge of deforestation and forest degradation.
- There is the need to incorporate improved agroforestry systems in our traditional farming practices to halt deforestation.
- Communities at grassroots should be involved in the tackling of forest illegality issues.
- Identify relevant stakeholders in the forestry sector and intensity educational campaign on sustainable forest management issues.
- Sensitize duty bearers and opinion leaders on environmental issues
- Governmental and non-governmental organizations should work together to explore appropriate alternative livelihoods to forest fringe communities. In the Brong-Ahafo region of Ghana, livelihood options for selected communities such as snail farming, bee keeping, and soap manufacture are known to have worked through the efforts of MOFA.
- Forest fringe communities should be empowered economically to avoid over-reliance on forest resources.
- Some of the forestry laws are bad or have outlived their usefulness. Civil Society needs to make concrete proposals to government for review which in the long term will avoid all the issues such as administrative permits.



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ANNEXES

Annex I: Training programme and list of participants

Empowering Civil Society Organization and other Non-State Actors to Effectively Contribute to Forest Law Compliance in Ghana

29th October -1st November 2013

PROGRAMME

DAY 1, October 29th

| | |
|-------------|--|
| 8:00-9:00 | Registration |
| 9:30-10:00 | Answer questionnaire |
| 10:00-10:10 | Welcome session Welcome Address: WWF |
| 10:10-10:30 | Introductions of participants |
| 10:30-11:00 | Introduction to legality and sustainable forest management in the context of forestry business process |
| 11:00-11:30 | Questions and discussions |
| 11:30-11:45 | Cocoa/Tea Break |
| 11:45-12:30 | Legality as defined by Ghana's VPA |

Presentations:

| | |
|---------------|--|
| 12:30 – 13:30 | Lunch |
| 14:00-15:00 | The timber supply chain in Ghana |
| 15:00-15:45 | Questions, contributions and discussions |
| | Close for the day |

Day 2, October 30th

7:00- 9:00 Travel to the Asenanyo Forest Reserve in the Nkwawie District

Harvesting and transportation of timber



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You will see practical felling operations, cross-cutting, hauling, forest roads, loading bay and transport of logs to the factory.

We will discuss the legality and sustainability requirements involve in each of the critical control points along the chain.

Lunch and travel back to the Hotel

Day 3, October 31st

9:00 **Join the Bus from the Hotel to LLL premises**

9:30-10:00 Address by the Managing Director of LLL

10:00-12:00 **Group 1**
Timber Processing at LLL processing facilities

Topics:

- The legal requirement involve in the processing of logs
- Sustainability issues
- You will visit the lumber, veneer, plymill and moldings sections if time permits

12:00-14:00 **Group 2**

Timber Processing at LLL processing facilities

Topics:

- The legal requirement involve in the processing of logs
- Sustainability issues
- You will visit the lumber, veneer, plymill and moldings sections if time permits

14:00-14:30 **Travel Back to the Hotel**

14:30 **Lunch and close for the day**

Day 4 November 1st

8:00-9:30 **Registration**

9:30-12:00 **Wrap up and synthesizing of all days experiences**

12:00 **Lunch and departure**



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List of Participants



| No | Participant Name | Institution/Address | Telephone | e-mail |
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