

APPENDIX 2

Table 1. Benefit-sharing arrangements for off-reserve timber trees in Ghana

Provision	Legal basis	Rights
Harvesting rights	Timber Resources Management Act, 1997, Act 547, section 1 and 2; Timber Resources Management (Amendment) Act, 2002 (Act 617), s.1(a).	No person shall harvest timber from any land [...] unless he holds timber rights in the form of a timber utilization contract. Such rights can only be granted to timber operators officially registered as such and upon submission of a timber harvesting plan which includes an assessment of ecological damage and a plan for the SRA.
Right of consent	Manual of Procedure for Forest Resource Management Planning in the High Forest Zone of Ghana, 1998, section 3	Sets out the consultation procedure required before timber rights can be assigned, involving District Assemblies, landowners and caretakers. Written consent is needed from the latter.
Right to protection and damage compensation	Manual of Procedure for Forest Resource Management Planning in the High Forest Zone of Ghana, 1998, section 4	Stipulates that agreement is needed on timing of timber operations to minimize disruption of agricultural activities; that sacred sites should be respected; and agreement on payment for crop damage and tending trees be reached prior to felling the trees.
Acknowledgement of ownership of planted trees	Timber Resources Management (Amendment) Act, 2002 (Act 617), Section 4 of Act 547 amended; L.I. 1649 - Timber Resources Management Regulations, 1998.	No timber rights can be granted for land with private timber plantations or timber owned by an individual or group. Owners do not need a TUC or permit to harvest these planted trees, but they do need a conveyance certificate to transport the logs.
Contract area rent	Constitution 267 (2) (b) and (6) Timber Resources Management act, 1997, Act 547, section 8 (f) and section 15 (1) (a); Timber Resources Management Act 1997 LI 1649 (as amended by LI 1696 and LI 1721); regulation 27 and schedule 4.	The Forestry Commission (FC) and landowners are entitled to stumpage fees (royalties). The amount accruing to the FC to compensate it for forest management and timber regulations is not enshrined in law, but in practice 50% (Client Earth 2013). The Constitution determines that 10% of the remainder goes to the Office of Administration of Stool Lands to cover administrative expenses and 90% to the Stool (25%), traditional authorities (chief) (20%) and District Assembly (55%). In case of private land ownership 100% of the contract area rent goes to the landowner.
Stumpage fee	Article 267 (6) of Constitution - Timber Resources Management Act, 1997, Act 547, section 8 (e) and section 15 (1) (a) Timber Resources Management Regulations 1998 LI 1649 (as amended by LI 1696 and LI 1721); regulation 21 and 25 and schedule 3.	Administrative expenses and 90% to the Stool (25%), traditional authorities (chief) (20%) and District Assembly (55%). In case of private land ownership 100% of the contract area rent goes to the landowner.
Social responsibility arrangement (SRA)	Timber Resources Management Act, 1997, Act 547, section 3(3)(e) Timber Resources Management Act 1997 LI 1649 (as amended	Holders of Timber Utilization Contracts (TUCs) have to pay at least 5% of stumpage fee in the form of amenities, services or benefits to communities or inhabitants of timber utilization areas.

	by LI 1696 2002 and LI 1721 2003); Regulation 13(12)(b); Regulation 14(1)(v)	Includes provisions to negotiate ‘Codes of conduct’ between the timber contractor and local communities, with the District Forest Officer and District Chief Executive or their representative as arbiters.
Timber utilization permits (TUP)	L.I. 1649 - Timber Resources Management Regulations, 1998, section 35	Possibility for a District Assembly, town committee, rural community group or non-governmental organization to apply for harvesting a limited number of trees for social or community purposes. These trees cannot be sold or exported.

Sources: Forestry Commission (<http://www.fcghana.org/library.php>), Forest Watch Ghana 2006; Derkyi 2012; Client Earth 2013.