
Equity in forest benefit sharing: Stakeholders' views

ISBN: 90-5113-079-1

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Citation: Tropenbos International (2005). Workshop proceedings 3 'Equity in Forest Benefit Sharing: Stakeholders' Views', 29th October 2004 (K.S. Nketiah, J.A.S. Ameyaw and B. Owusu Jnr.), Tropenbos International, Wageningen, the Netherlands

Cover photos: Skidder hauling logs in Goaso Forest District (A. Wieman)
Traditional authorities at the launching of the TBI-Ghana research site (photographer unknown)
Forest Fringe Community (A. Wieman)
Forest manager in action (R. Adisenu-Doe)

EQUITY IN FOREST BENEFIT SHARING: STAKEHOLDERS' VIEWS

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Tropenbos International
Wageningen, the Netherlands
2005

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ACRONYMS

CBA	Community Based Association
CFC	Community Forest Committee
DA	District Assembly
DFM	District Forest Manager
DFID	Department for International Development
FC	Forestry Commission
FFC	Forest Fringe Community
FIF	Forest Improvement Fund
FRMP	Forest Resource Management Programme
FSD	Forest Services Division
FSDP	Forest Sector Development Programme
GNP	Gross National Product
IRNR	Institute of Renewable Natural Resources
KNUST	Kwame Nkrumah University of Science and Technology
LI	Legislative Instrument
NGO	Non-Governmental Organisation
OASL	Office of the Administrator of Stool Lands
RMSC	Resource Management Support Centre
SFM	Sustainable Forest Management
TA	Traditional Authority
TBI	Tropenbos International
TRMA	Timber Resource Management Act
TUC	Timber Utilisation Contract
TUP	Timber Utilisation Permit

PREFACE

These proceedings contain the results of a focus group discussion on ‘*Equity in benefit sharing: Stakeholders’ views*’ organised by Tropenbos International – Ghana (TBI-Ghana) with the support of the Department for International Development (DFID) through the Forest Sector Development Project (FSDP II).

The discussion was held on the 29th of October 2004 in Kumasi. The discussion pulled together forty-six participants consisting of local farmers, Community Forest Committee (CFC) members, chiefs, timber operators, district assembly members and forestry and community related professionals from Forestry Commission, NGOs, research and academia. Three presentations were made after which the participants were put into groups to give their views and perceptions on the current arrangements for sharing forest benefits both on and off-reserve.

This focus group discussion is the third in a series under the broad theme of ‘Collaborative forest management: making the policy work’. Earlier topics discussed under the theme were: *Natural resource management: challenges to professionalism*, and *Chainsaw lumber production: A necessary evil?* The series is aimed at providing a forum for discussing topical forestry issues with the view to enhancing forest policy and management in Ghana.

This document is the third in the TBI-Ghana series ‘Workshop proceedings’. It is in three main sections. The first part consists of presentations made during the discussion. These were only edited for style and consistency, but not with respect to the content. The editors have tried to objectively represent the views of the participants that were given during the discussions. The opinions expressed in this publication are those of the authors and do not necessarily reflect the views of TBI or TBI-Ghana.

K.S. Nketiah
January 2005

ACKNOWLEDGEMENTS

This focus group discussion to gather stakeholders' views and perceptions on forest benefit sharing has been successful through the support of a number of individuals and institutions. We are especially grateful to the Team Leader of the Forestry Sector Development Project (FSDP II) funded by Department for International Development (DFID) of the United Kingdom for providing some financial support towards the organisation of the discussion.

Keeping such a diversified group of stakeholders focused on the purpose of the discussion was definitely a daunting task. We are especially grateful to Mr. J.G.K. Owusu who chaired the discussion, for carrying out his duty admirably.

We are particularly indebted to all the resource persons who made presentations during the discussion. Our sincere thanks also go to the honourable Minister for Lands and Forestry, Professor Dominic Fobih for preparing the keynote address, which was delivered on his behalf.

Without the presence of the various stakeholders, the purpose of the meeting could not have been achieved. We are therefore thankful to all the participants for their time and the contributions they made during the discussion.

To all the staff of TBI-Ghana who contributed in diverse ways to the success of this focus group discussion, particularly Mr. Bossman Owusu Jnr. and Ms. Rose Adisenu-Doe for being the rapporteurs for the discussion. To all of you, we say '*mo ne edwuma pa*'!

We also wish to acknowledge the tireless input of Ms. Joana A. S. Ameyaw who was in charge of organising every aspect of this focus group discussion.

Finally, we thank all those who contributed in diverse ways towards the successful organisation of the focus group discussion and the publication of this document, who have not been mentioned. We also appreciate you dear reader, for your interest in the subject of forest benefit sharing

K.S.N

SUMMARY

Without the input of all the different stakeholders, the vision of sustainable forest management would be difficult to achieve. It is in the light of this that in recent times there have been several efforts to promote collaborative forest management. However collaboration is only possible when all partners are convinced of the 'returns' from their input. Equitable benefit sharing has been considered as one kind of incentive scheme that has the potential to engender collaboration. The perception of various stakeholders on how equitable the current arrangement on benefit sharing is, has been considered crucial to collaboration and as such there have been some initiatives from both the Forestry Commission and the Office of the Administrator of Stool Lands to engage stakeholders on these issues. To carry these discussions further TBI-Ghana organised a focus group discussion to gather stakeholders' views and perceptions on the existing scheme for sharing forest benefits. The objective of the workshop was to gather different stakeholders' views on existing arrangements for forest benefit sharing that could inform a possible policy review.

A keynote address read on behalf of the Minister for Lands and Forestry by the Chief Executive of the Forestry Commission emphasised the importance of the issue of benefit sharing to sustainable forest management and appreciated the effort of Tropenbos International-Ghana for contributing to the topic. He indicated that the government has supported the development of a system for sharing benefits from both taungya and commercial plantations and currently an indenture has been drafted by the Attorney General for the Forestry Commission to publicise. Apart from discussions by stakeholders, he also challenged researchers and all forest managers to pursue other options of assessing the contributions of stakeholders and finding their commensurate benefits.

Three presentations were made on the topics: '*Equity in forest benefit sharing and poverty alleviation*', '*The current arrangement for sharing timber revenue: a critique*', and '*Forest benefit sharing: the perception of forest fringe communities*'.

Prof. Kojo Sebastian Amanor gave a presentation on equity in benefit sharing and poverty alleviation. He emphasised that the focus of a poverty reduction approach should be on the livelihoods and actual living of people and their perspectives of their lifestyle, indicating that in forestry policy frameworks the capacity to address poverty issues will be determined by looking at both existing benefit flows, rights and access to forest resources and by the extent of participation in policy debates or the exclusion of particular sections of society from policy.

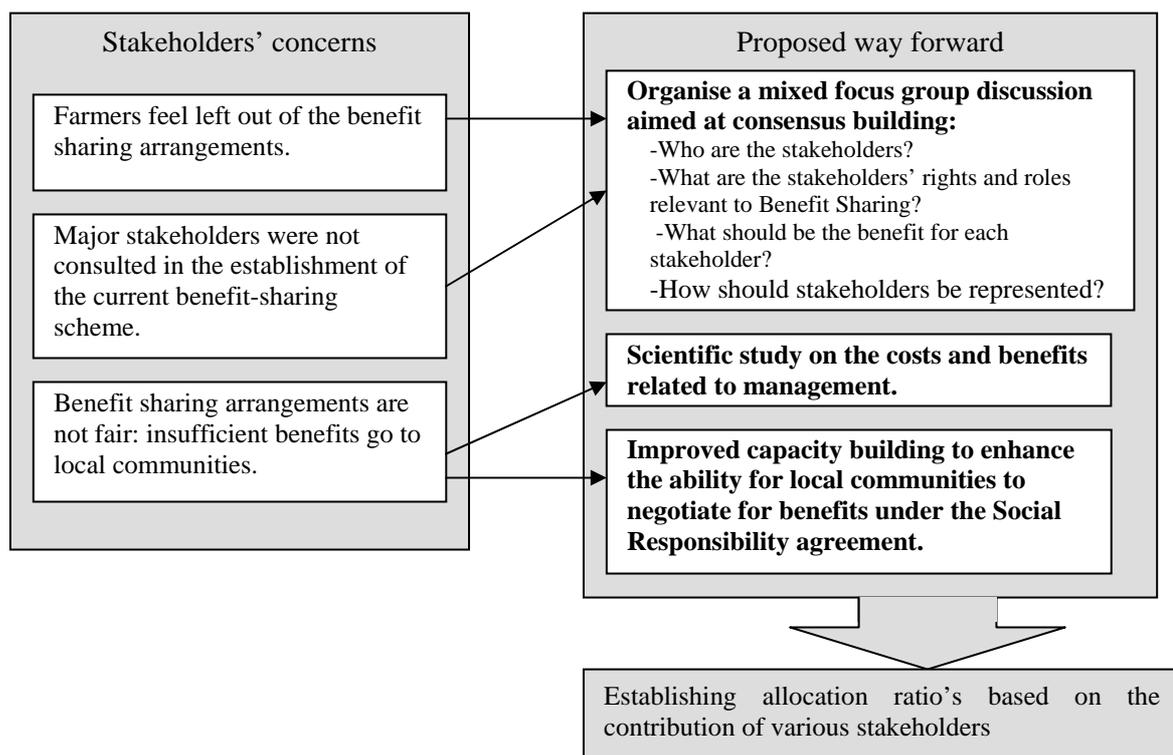
He gave a thorough historical analysis of how local people, particularly chiefs were associated with forest resources and the events that led to the current state of forest benefit allocation. He explained that colonial forestry policy disempowered rural farmers but empowered chiefs to expropriate forest resources, by creating customary systems that vested land in Paramount Chiefs. He debunked the notion that allocation of resources to traditional authorities is synonymous to allocation to local people, emphasising that such benefits do not get to the rural poor. He indicated that even though Ghana's 1994 Forest and Wildlife Policy makes reference to community participation, this is only in words. In practice, the situation is different, worsening the plight of farmers and the small-scale artisan sector. He further argued that the technologies disseminated to local people are unlikely to address the livelihood predicament of the rural poor. He emphasised that a viable alternative policy will need to address the rights of rural farming communities to timber that they nurture on their land, their rights to forest resources for their livelihood and a domestic market for forest products, while allowing them the opportunity to make an input into policy development.

Mr. Katako, who offered a critique to the current arrangements for sharing forest benefits off-reserve started with a historical perspective to the purpose for creating forest reserves and how

this purpose changed over time as a result of increased demand for timber after the Second World War. Making reference to the Forest Ordinance of 1927, he indicated that the legal backing for the Forestry Commission to have a share in forest benefits, was limited to forest reserves and not off-reserve areas. He again explained that currently, the share of forest benefits taken by the Forestry Commission and the Government, as a whole is unconstitutional. He mentioned that Traditional Authorities have been given a double share of forest royalties, whereas local farmers who nurture trees particularly in off-reserve areas are left out. There are also no clear prescriptions on what district assemblies should use their share of the forest benefits for. He also lamented that even though the Timber Resource Management Act, 1997 (Act 547) makes some provisions for Social Responsibility Agreements to the community, it does not put money in the pockets of individual farmers nor give them the ability to benefit from the infrastructure the Social Responsibility Agreements provide. He recommended that the Forestry Commission should be transparent on what constitute management costs for both forest reserves and off-reserve areas and seek a legal backing for the amounts taken.

Touching on the perception of forest fringe communities on forest benefit sharing, Ms. Patience Agyare-Kwabi echoed the importance of perception in collaboration, indicating that whereas positive perceptions could engender collaboration, negative ones have the ability to stir up suspicion, inciting mistrust and misjudgement. She emphasised that these perceptions are influenced by the interaction of the forest fringe communities with landowners and other stakeholders as well as their ability to negotiate with concessionaires for benefits from Social Responsibility Agreements. She considered the Social Responsibility Agreement as the major system through which forest fringe communities gain a share of forest benefits. Ms. Agyare-Kwabi explained the expectations of forest fringe communities from both direct and indirect benefits, highlighting the payment of realistic amounts of monies to them for tree maintenance off-reserve and the provision of social infrastructure. She recommended that there is a need to improve the knowledge and skill of the forest fringe communities to be able to negotiate effectively for what is due them.

The group discussions gave the perceptions of the various stakeholders present in the different groups about the topics discussed. The figure below summarises the main concerns and way forward as proposed in the discussion.



1. INTRODUCTION

1.1 BACKGROUND

Forestry in Ghana has gone through various transitions in terms of management approach. It has moved from the use of total indigenous management practices based on the use of taboos in the pre-colonial era to a mainly state-controlled system where forestry was considered as the preserve of technical professionals, which does not need the interference of local people and non-foresters. With the failure in totally state-controlled systems and also along with international trends, there has been an increasing realisation in recent times that in order to realise the vision of sustainable management, there is a need for all people who have a stake in forests to collaborate. To this end, the Forestry Commission has made some effort to ensure the involvement of various stakeholders in forest management. One of such efforts is the establishment of the Collaborative Forest Management Unit. However for effective collaboration, there is the need for all stakeholders to know and be satisfied with what would come out of the inputs they make to forest management. Benefit sharing, referred to as 'fair and equitable sharing of forest benefits', is thus important in serving as one of the incentives for collaboration, which is needed to ensure sustainability.

The Forest Ordinance of 1927 makes provisions for the then Forestry Department to take one third of the share of on-reserve timber revenues and the Constitution of 1992 gives room for the share of benefits between Traditional Authorities, Stool landowners and District Assemblies after administrative costs to the Office of the Administrator of Stool Lands have been catered for. Currently however, the Forestry Commission takes a 60 and 40% share of timber revenue from forest reserves and off-reserve areas, respectively. The rest of the revenue is shared between the Office of the Administrator of Stool Lands, the District Assembly, Traditional Authorities and Stool Landowners.

It has been observed that particularly in off-reserve areas, local farmers who nurture trees till maturity are left out in the sharing of benefits or they are being represented by bodies that do not ensure that they eventually receive and appreciate their share of the benefits. This has grievous consequences on forest management as aggrieved parties in the benefit-sharing scheme find their own means of benefiting from the resource, whether legal or otherwise. Others also resort to practices like the 'killing' of economic tree species to ensure the protection of their food crops from the effect of logging.

Are these the only stakeholders who feel left out? Considering the broad spectrum of stakeholders required to participate in forest management, does the current benefit-sharing scheme cater for all of these? Are some stakeholders ignored? What are the rights, responsibilities and contributions of these stakeholders to forest management? Do they think they are receiving commensurate benefits for their contributions?

As all these issues have a strong bearing on collaboration and participation, Tropenbos International – Ghana organised a focus group discussion to give forest stakeholders the opportunity to present their views on the current system of sharing forest benefit. This is one step in a series of efforts that would be required to start off a possible policy review, which would enhance collaboration, based on the equitable sharing of benefits.

This report presents the proceedings of the focus group discussion held on the 29th of October 2004 at the Conference Hall of the Wood Industries Training Centre at Akyawkrom near Ejisu.

1.2 WORKSHOP OBJECTIVE

The objective of the workshop was to gather different stakeholders' views on existing arrangements for forest benefit sharing that could inform a possible policy review.

1.3 WORKSHOP METHODS

The focus group discussion was in two sessions. The first session involved the presentation of papers based on the focus for the discussion. After the presentations, an opportunity was given for questions and answers. Three technical papers were presented; they were:

- Equity in forest benefit sharing and poverty alleviation
- Current arrangements for sharing timber revenue from off-reserve forest areas – A critique
- Benefits sharing: The perception of forest fringe communities

The programme for the focus group discussion is given in Appendix 1.

The second session involved the group discussion. The participants were put into six groups based on the categories of stakeholders available. Each of the groups discussed the same set of issues. The issues discussed were:

- A definition of 'equity'
- What should be the basis for determining what is equitable
- The contribution of various stakeholders based on the basis for equity identified and the perceived commensurate share of benefit
- Stakeholders' impressions about the current benefit sharing arrangements and steps needed to improve it.

2. OPENING SESSION

2.1 WELCOME ADDRESS

By Mr. K. S. Nketiah, Programme Team Leader, Tropenbos International - Ghana

The Programme Team Leader of Tropenbos International – Ghana (TBI-Ghana), Mr. K. S. Nketiah, who gave the welcome address briefed participants on the activities of TBI-Ghana. He mentioned among other things, that TBI-Ghana has successfully organised focus group discussions and workshops on topics such as “*Natural resources management: challenges to professionalism in forestry practice*” and “*Chainsaw lumber production, a necessary evil?*” He emphasized that the latter, for instance, provided a unique situation of a minister sitting around the table with a chainsaw operator to talk about the chainsaw problem in Ghana. He disclosed that the outcome of that discussion had resulted in an invitation to brief the Parliamentary Select Committee on the outcome of the focus group discussion on chainsaw lumber production, which has been arranged to take place on Saturday October 30, 2004. He then underscored the importance of equity in forest benefits sharing as an incentive to sustainable management of the forest resources. He therefore appealed to all to contribute their quota in addressing the agenda for the day.

He also acknowledged the financial support given by DFID-sponsored Forest Sector Development Project (FSDP II) to organise the focus group discussion on benefit sharing.

2.2 KEYNOTE ADDRESS

By Prof. Dominic Fobih, Minister of Lands and Forestry, delivered by the Chief Executive of the Forestry Commission

Mr. Chairman, the longest serving Forestry Commissioner – Mr. Wereko-Brobbe, Nananom, distinguished ladies and gentlemen, it is indeed a great pleasure for me to be part of this important meeting, which focuses primarily on forest benefit sharing. I consider the subject for discussion at this gathering to be very important for sustainable forest and wildlife management in particular and natural resources in general.

This discussion is relevant at this particular point in time because all over the world today, the issue of forest benefit sharing has been recognised as one of the critical issues that impinge on the sustainable management of the resource. The issue of benefit sharing is central to getting the necessary and effective collaboration of resource owners and fringe communities in sustainable management of the resource.

It is in the light of the foregoing that I commend the organisers of this meeting (TBI-Ghana), for selecting such a vital subject for discussion, especially at a period when the government (Ministry of Lands and Forestry) seeks to promote collaborative resource management in Ghana using equitable benefit sharing as one of the key interventions.

Mr. Chairman, the Ministry has recognised that to realise the vision of sustainable forest management, all stakeholders need to be actively involved in the decision-making process and the management of the resource.

Mr. Chairman, having identified this, the Ministry has already initiated steps to implement an appropriate benefit-sharing scheme for taungya and commercial forest plantation development in the country.

To this end, the Attorney General's Department has recently completed the drafting of an indenture (legal framework) on a benefit sharing scheme for both taungya and commercial plantation development and the Forestry Commission has been requested to take the necessary steps to

publicise and educate all stakeholders on these legal documents as part of the process to implement a successful plantation development programme in the country.

Mr. Chairman, with regards to benefit sharing from the natural forest, the Ministry in collaboration with the Forestry Commission has revised the sharing of timber royalties outside forest reserves in such a way that land owning stools and Traditional Authorities now have a greater proportion.

The revised ratio is now 40:60 (40% to FC and 60% to landowners) instead of 60:40. As most of you may be aware, the distribution of timber royalties is a constitutional provision and any attempts to change it may require very cumbersome constitutional procedures. I therefore appreciate the effort of TBI-Ghana for initiating this discussion for naturally generated or occurring trees and forests.

Issues pertaining to equity in benefit sharing are quite intricate. Definitely one important step to obtaining an equitable system of sharing benefit is to create a forum for stakeholders to share their opinion on, and to make recommendations and proposals for improving the existing system of sharing forest benefits.

Mr. Chairman, another applicable option would entail quantifying the contributions of various stakeholder groups, both in terms of direct management inputs and in terms of land, labour, etc and then device a benefit sharing scheme that will commensurate stakeholder contributions. I think this should be a real challenge to our experienced researchers and resource managers who are gathered here this morning.

Mr. Chairman, Ladies and Gentlemen, the contribution of Tropenbos International – Ghana to supporting forest management policies and information dissemination is very much appreciated and it is my fervent hope that additionally, TBI-Ghana would in accordance with national goals, pay more attention to the issue of poverty reduction, particularly at the community level.

Considering the delicate nature of the issue for discussion, Mr. Chairman, I am happy that we have such a broad spectrum of stakeholders assembled here to address it and I am eager to see the outcome of the discussion.

Mr. Chairman, I believe strongly that the results of this workshop will assist the Ministry in addressing outstanding issues pertaining to equitable benefit sharing in gazetted natural forests, wildlife protected areas and ecotourism sites, to complement what has already been done for plantation development.

This could significantly contribute to the achievement of sustainable management of our forest and wildlife resources, which is one of the prime objectives of the Ministry.

Finally, I wish you all a very fruitful deliberation and may God bless you.

Thank You.

3. PRESENTATIONS

3.1 EQUITY IN FOREST BENEFIT SHARING AND POVERTY ALLEVIATION

By: Prof. Kojo Sebastian Amanor, Institute of African Studies, University of Ghana

Poverty reduction is frequently addressed in terms of promoting income-generating activities. However, poverty is frequently related to the ability to follow a livelihood of one's choice, access to resources, and by implication to the policy process that determines the distribution of resources and benefit sharing in society. One of the most interesting approaches to poverty in recent years is the capability approach as expounded by Amartya Sen in *Development as Freedom*. Sen (1999) argues that our concept of poverty should not be limited to the distribution of income but the capacity of people to use their income at their disposal within their environment to achieve a meaningful life. Poverty is, thus, concerned with the relationship between income and well-being and the social factors that mediate these, including variations in social climate, physical environments, social relations, and distribution within the family. Thus personal health and capability to live a healthy lifestyle is dependent upon more than personal income. It includes provisions of clinics, diet, expense of medical facilities, social welfare, health insurance, etc. Poverty reduction or development is about the substantive freedoms or capabilities of people to exercise choice in adopting a lifestyle they have reasons to value. Thus, the focus of a poverty reduction approach should be on the livelihoods and actual living of people and their perspectives of their lifestyle.

Sen argues that while economic reform can open up economic opportunities, this will not benefit the vast majority of people unless there is a social preparation of different sections of people to support their participation in expanding economic opportunities. This includes such things as literacy, numeracy, basic education, training and employment, health care, land reform and access to resources.

The capabilities of people are based upon value systems and a diversity of needs, which are difficult to measure in the ways that Gross National Product (GNP) or income distribution is measured. This ultimately requires a different way of making policy in which public discussion and social participation are central. In a capabilities approach, the participatory freedom of people to make inputs into policy is central. Political freedom and participation ensure that people play an *instrumental* role in seeing that their basic capabilities are met by holding politicians accountable to meet their needs, through elections. Political freedom also ensures that people play a *constructive* role in the definition of their needs and capabilities. Political and civil rights create platforms in which people can engage in open debate, criticism and dissent and these are central to the process of generating information and reflected choices. These processes are crucial to the formation of values and priorities and the identification of major policy issues.

By examining the ability of people to participate in policy forums, we can also see which categories of people are excluded from policy frameworks, those who constitute the marginalised and the poor, and whose capabilities are not being addressed. In forestry policy frameworks the capacity to address poverty issues will be determined by looking at both existing benefit flows, rights and access to forest resources, and the extent of participation in policy debates or the exclusion of particular sections of society from policy.

'A poverty reduction approach should focus on the livelihoods and actual living of people and their perspectives of their lifestyle.'

Participation in forestry

A useful framework for examining participation in forestry policy and benefit flows is provided by Nancy Peluso in her study of forestry in Indonesia, *'Rich Forests, Poor People'*. Peluso depicts a situation in which there is much peasant resistance to forestry policy, reflected in evasion of forest laws and violent confrontations between forestry agents and rural people. However, Peluso roots this problem in the “progressive criminalization of customary rights of forest access” that has emerged with the exportation of timber to Europe and with the emergence of a “legitimate ideology of scientific forestry” under the colonial state in Java. The policies, regulations, methods and creeds of scientific forestry – in terms of both the international setting whence they derive and the national interpretation of these methods and creeds – constitute the essence of a culture of forest control” (Peluso, 1992: 237). Peluso (1992: 237) argues that:

All the historic evidence suggests that most of the kinds of changes in forest cover that foresters pejoratively call degradation derive from a special interpretation and interest in what forest should be, who it should serve, and how it should be used. Forestry has not evolved as a science, therefore, but as a political-economic system of resource control.

Rural people respond to the perceived injustice of this by “a culture of conspiracy”. They do not acknowledge crime as defined by outside individuals or institutions and violate state laws as either an act of defiance or a desperate attempt at achieving subsistence. Thus, they defy the law as an act of resistance.

‘Community participatory forestry programmes of the forestry agencies only deal with villagers who accept their precepts and are willing to accept the economic and political importance of using forests as the government wants them to, and continue to reinforce the alienation of the majority of rural forest dwellers’

Forestry officers attempt to build relationships with villagers as a way of containing the exploitation of the forests and building up surveillance, in addition to policing forest communities and adopting repressive measures. However, they usually build relations with local elites and power figures who become their patrons. With the advent of social forestry in the 1970s the forestry sector attempts to win over villages by disseminating new technologies that are intended to replace existing livelihoods based on forest resources, in an attempt to wean the villagers away from forest resource exploitation. These include incentives to engage in tree planting programmes but also new technologies, including distribution of subsidised agricultural inputs. Since there is little social preparation within the communities, these are often resources that only the elites can exploit or ones they are able to capture. Thus, the community participatory forestry programmes of the forestry agencies only deal with villagers who accept their precepts and are willing to accept the economic and political importance of using forests as the government wants them to, and continue to reinforce the alienation of the majority of rural forest dwellers.

In looking at forest resource policy in Ghana, we need to focus on the following factors:

- 1) The historical experience and perceptions and of the rural poor within local communities of forest policy;
- 2) The importance of forest resources in peoples lives;
- 3) The changing capabilities or freedom of people to exploit forest resources;
- 4) The nature of participation in forest policy - who benefits from the trends in forest policy and forest policy reform and who loses;
- 5) The extent to which poverty reduction programmes or social forestry reflect the interests and concerns of the rural poor, or the extent to which they are imposed upon the rural poor in an attempt to get them to accept the economic and political interests of government in forests.

Scientific forestry in Ghana and its impact on the peasantry

Scientific forestry began in Ghana in the first decade of the twentieth century as part of the colonial imperial mission. The major concern of scientific forestry was to appropriate land for forest reserve development under the British Crown. This was objected to by the Aborigines Rights Protection Society (ARPS), and an alliance of Gold Coast merchants and southern chiefs. The ARPS objected to the Forest Bill on the grounds that it enabled the colonial government to appropriate land and then give it out to expatriate merchants for exploitation. Since, this was what was intended in the future, the Forest Bill became a source of embarrassment to the Colonial Government and was rescinded. However, the major reason for rescinding the Bill was a new policy direction. Colonial government was to be based on a policy of Indirect Rule, in which chiefs were responsible for Native Administration and given powers to control land, natural resources and labour services (as in forced labour and public works programmes). Under Indirect Rule chiefs were empowered to gazette forest reserves, which came under their control, and they had rights to revenue, (concession fees and royalties) from timber exploitation on these reserves. If the chiefs failed to create forest reserves, the colonial government could step in to ensure reservation. However, chiefs had incentives to create reserves. It enabled them to establish claims to land, which citizens could have otherwise established by clearing the land for agriculture, and to negotiate concessions for the extraction of valuable timber resources on these lands (Amanor, 1999).

Colonial forestry policy disempowered rural farmers but empowered chiefs to expropriate forest resources, by creating customary systems that vested land in paramount chiefs.

During the 1920s and 1930s 20 percent of the high forest zone in Ghana was appropriated for forest reserves. Many farmers found their land expropriated. Frequently, this did not apply to lands under crop or plantation, but to fallow lands, which were an intrinsic part of their farm management system. Expropriation of a fifth of the forest zone would have increased pressures on farm land, intensifying the rate at which land became scarce in the future in relation to population development. Many forest edge settlements became particularly vulnerable to land shortage. The justification for this appropriation of land was to protect the land for posterity from the harmful and destructive practices of shifting cultivators, and to protect the cocoa industry, which was dependent upon preservation of moisture within the forests. The main reason for reservation was protection. However, management of forest reserves was determined by productive concerns and the systems of management introduced, such as the Tropical Shelterwood System, were based on poisoning non-timber species to increase the numbers of timber trees (Taylor, 1962). During the 1960s with the expansion of timber exports to Europe, this was replaced by a policy of plantation development.

Colonial forestry painted an alarming picture of deforestation. However, the scientific foundations of these theories were flimsy. For instance, the Accra Plains were depicted as the recent product of the action of farmers. Today, the Dahomey Gap is known to have been created between 2500 to 4000 years ago, a product of complex patterns of climate change rather than anthropogenic influence (Maley, 2002). Similarly, the semi-deciduous forests are now considered to be largely scar tissue, the product of changes that have occurred over several centuries rather than the recent actions of farmers (Hawthorne, 1995). Many of the prized timber trees within semi-deciduous forest have achieved their densities as a result of the actions of farmers and have thrived in environments transformed by farming communities. Recent work of paleoecologists, climatologists and ecologists suggest that forests in West Africa have been expanding rather than retreating (Fairhead and Leach, 1998, Maley, 2002).

State forestry intended to expropriate forest resources from farming communities. They deliberately developed “scientific forestry” narratives of impending crisis and deforestation, to justify appropriation of land, developing forestry as a *political-economic system of resource*

control. Colonial forestry policy disempowered rural farmers but empowered chiefs to expropriate forest resources, by creating customary systems that vested land in paramount chiefs. For instance, in Akyem Abuakwa, before the creation of the Native Authority System, land lay under the control of the town chiefs rather than the Okyenhene (paramount chief). With the establishment of Indirect Rule the Okyenhene was able to stake claims to land and enter into concession agreements. These claims were disputed by the various town chiefs (Rathbone, 1993 Addo-Fenning, 1997)

Although forest reserves were created in the 1920s and 1930s, there was limited exploitation of timber in the interior as a result of transport constraints. It was only after the Second World War, that the timber truck came into existence and logs could be transported by motorable transport from the interior. Prior to this, export timber exploitation was largely limited to the Western Region coastal forests and large rivers down which logs could be floated.

In the post war period there was a rapid development of the export timber industry, particularly with the large demand for timber in Europe for post war construction. Forest reserves were given out to expatriate timber firms for exploitation and rapidly exploited. However, a lot of timber was also gotten from farmlands. During the 1950s, cocoa farmers were expanding into the forested regions of Ahafo and the Western Region. The forestry department sought to introduce a policy of salvage felling that would prevent farmers from entering into forests lands they had purchased until timber companies had logged the timber resources of the area. In 1959 a Timber Lands Protected Act was introduced. This enabled government to declare off-reserve areas as protected timber lands until salvage felling had been completed. In 1951 the framework for salvage felling was addressed by the *Fact Finding Committee on the Timber Industry in the Western Region of the Gold Coast*. This report sought to redefine customary timber tenure:

Section 12(6) of the Concessions Ordinance (19 of 1939) states that a concession will not be validated unless the Court is satisfied that the customary rights of the native are reasonably protected in respect of cultivation, etc, and concession instruments, invariably include a clause to this effect. The clause may seem harmless in appearance, but its result in many cases is disastrous for the concessionaire. (Ministry of Commerce, Industry and Mines, 1951 p:)

The report goes on to cast doubt on the customary rights of farmers to timber:

The rights of farmers over land is in fact an agricultural right, but in view of the system of shifting cultivation implies the rights to cut down and burn, if required, all standing trees on that area. Whether a farmer has the right to dispose of standing trees by sale is not quite clear but such a sale might conceivably occur with the permission of the caretaker. The disposal of the rights of ownership of land together with the usufruct is a practice that has spread over from the Eastern province. In the Western Province as previously constituted, such alienation of rights came to light in the early nineteen thirties. In some cases the right ownership of land is not given in such alienations, although some alienation holders dispute this and claim, in addition, complete rights over usufruct. In some cases alienation implies the disposal of farming rights only, and possibly a share in the revenue from timber trees (Minister of Commerce, Industry and Mines, 1951:31).

The transformation of timber tenure was completed by the 1962 Concessions Act. This vested all trees in Ghana in the office of the President to manage on behalf of the chiefs. While this enabled the state to gain control over the allocation of timber and allocate concessions to political allies and supporters it also created the illusion that timber trees lay under the rightful ownership of chiefs. This was clearly not the case, for byelaws established during the colonial periods by chiefs, frequently attempted to give chiefs a share in the revenues that farmers gained from timber exploitation rather than claim rights of ownership of farm trees.

In the Eastern and Ashanti regions, a large proportion of the land had been converted into cocoa plantations before the development of the export timber industry. The timber resources on farms were largely recognised as belonging to the farmer, who had the right to transact it with pitsawyers. The farmer usually took a third of the beams and the sawyers two thirds. These arrangements were described by Foggie and Piasecki (1962:242):

The small pitsawyer gang which buy a single tree, saw it and sell the produce. For the latter, no capital except axes and saws and the picks and shovels to dig the pit may be required, as the tree may occasionally be obtained on a share basis, one third of the planks produced going to the owner and two thirds to the sawing gang.

In the Western Region, the opening up of the cocoa frontier coincided with the expansion of export timber. The chiefs took advantage of this situation to draw up land purchase agreements with migrants with clauses that stated that the timber and mineral rights of the land were not transferred. Since a significant portion of the land was being sold to migrants for cocoa, this meant that chiefs gained effective control over most of the timber resources. Thus two distinct timber tenures came into being in the 1950s. In the Eastern Region and Ashanti most of the land had been converted to cocoa plantation, the farmers claimed ownership of the trees of the land and transacted them with pitsawyers. In the timber rich new frontier areas of the Western region, chiefs claimed ownership of timber resources and transacted them with large concessionaires.

The transformation of timber tenure was completed by the 1962 Concessions Act. This vested all trees in Ghana in the office of the President to manage on behalf of the chiefs. While this enabled the state to gain control over the allocation of timber and allocate concessions to political allies and supporters it also created the illusion that timber trees lay under the rightful ownership of chiefs. This was clearly not the case, for byelaws established during the colonial periods by chiefs, frequently attempted to give chiefs a share in the revenues that farmers gained from timber exploitation rather than claim rights of ownership of farm trees. For instance the Akyem Abuakwa Stool Lands Declaration of 1931 states: '*A native who fells a tree on a farm of mfufua [fallow] is liable to pay the stool one log from each tree*¹'.

In Akyem Kotoku, Field (1948) states: '*If [a townsman] wants to sell a tree on his own cleared land he must ask permission of the chief and part of the proceeds will be claimed by the town.*

Even in the gold industry chiefs did not claim a monopoly right over gold and small-scale miners were free to mine gold:

Most traditions concur that any individual or group could mine for gold almost anywhere within the limits of their lineage or stool lands... In the case of the stool lands of a neighbouring state or stool, under a strong king or chief a stranger would first have to obtain permission to mine, then pay a token fee and perform a ritual in order to commence working (Dumett, 1998: 68-69).

The chiefs were liable to taxation and often took a third share of the produce of gold miners as tax.

The 1962 Concessions Act reinvented timber tenure. This was essentially for purposes of establishing control over timber in newly allocated concessions areas outside of the forest reserves. Rights of the state to control timber on behalf of chiefs were established in areas in which concessions were established which largely lay in the new frontier areas of the west rather than the densely farmed territory of the Eastern Region. Small-scale producers continued to be dominant on farmlands in the Eastern and Ashanti Regions, producing for the domestic market. These small-scale operators were regulated by local councils who allocated them permits for exploiting single trees rather than by the Forestry Department.

¹ Ghana National Archives, Akyem Abuakwa Land Law ADM11/1017.

During the 1970s the role of small-scale timber saw operators increased. Pitsawyers were replaced by chainsaw operators. In the economic recession of the 1970s many of the large timber companies collapsed. The domestic timber sector was largely dependent upon chainsaw operators and exports declined.

With the introduction of structural adjustment the timber sector was one of the major sectors supported to encourage export-oriented growth and large loans provided for building up the capacity of timber companies. As a result of this timber exports have rapidly increased, as has the development of sawmills processing logs into boards for export. Currently the capacity of the timber industry exceeds the available timber resources. With increasing pressure on timber resources, the Forestry Commission has sought to reduce pressure on the reserves by encouraging exploitation of farm lands for exports and the expansion of concessions into farmlands. During the late 1980s and 1990s about 80 percent of exports originated from farmlands.

The expansion of the concession system into farmlands has resulted in increasing pressures on the farm sector and small scale timber processing. During the late 1980s and early 1990s there were increasing conflicts between timber companies, chainsaw operators, farmers and the then Forestry Department, as the export timber companies encroached into farmland felling timber trees and creating much damage to farms and plantations with impunity. Chainsaw operators who had been encouraged during the recession years now found their livelihoods threatened and their activities criminalised. Farmers began to deliberately destroy timber trees on their land and prevent them from regenerating to prevent concessionaires entering their farms. Concessionaires began to widen the species of trees they felled, including species such as *Ceiba pentandra* (silk cotton), which many farmers deliberately preserved to enhance the fertility of the soil.

With increasing conflicts and hostility towards the Forestry Department, the Collaborative Forest Management Unit was established in an attempt to improve relations with rural communities and the Interim Measures were developed as a way of attempting to regulate relations between farmers and the formal forestry sector. However, the process of reform failed to address the central issues of access and rights to timber on farmland. It was argued that these rights could not be changed since they were enshrined within the constitution and based on the traditional rights of chiefs.

The new legislation that was introduced has worsened the situation for farmers and the small-scale artisan sector. While the 1994 Policy acknowledged the importance of community participation in words, in practice it strengthened the appropriation of the concession system of farm forest resources by placing off-reserve forest resources directly under the Forestry Department, removing them from decentralised district authorities. In the timber poor northern regions, however, the Forestry Department sought to transform the burden of forest management to districts by promoting decentralisation. In the high forest zone it was argued that timber was a resource of strategic national importance, therefore it could not be decentralised. Formerly rights to farm forest resources could be gained by small-scale artisans from the district assemblies through a permit system for individual trees. With the placement of farm forest resources under the Forestry Department and the expansion of concessions into farming areas, it became increasingly difficult for the artisan sector to legally gain access to raw materials for their craft. In some instances, they now had to approach concessionaires and negotiate for trees from them. This has created increasing difficulty for sectors such as the sea canoe carving industry, which supplies canoes to fishermen throughout West Africa, and which finds it increasingly difficult to gain access to the mature Wawa trees that it requires. The timber resources used by farmers have largely been expropriated by concessionaires and farm timber processing criminalized.

The appropriation of farm timber was completed with the ban on chainsaw lumber, which made it illegal for chainsaw operators to process timber on farms and for farmers to transact timber with chainsaw operators.

Although the spirit of reform informing the 1994 Forest Policy claimed to promote participatory forests the end product has been to expropriate farm timber resources for timber concessionaires and to criminalise the transaction of farm resources by the very people who preserve and conserve them.

At present there is much confusion in forest circles in determining who represents the community. Frequently, the chiefs are seen as representing the community. They have played a dominant role in negotiations between the Forestry Service and the community, as in the Social Responsibility clauses. Some forestry sector analysts are calling for a greater allocation of royalties to chiefs as a form of benefit sharing with the community. Thus some commentators are calling for the re-allocation of the share of timber royalties from district assemblies to chiefs, on the basis that the allocation of resources to chiefs represent a redistribution to the community.

However, the interests of the chiefs and farmers within the community are very different. The history of forestry tenure in Ghana shows that chiefs have been given a favourable role by the state in the timber sector in return for centralising timber resources in the hands of the state. Both the colonial and postcolonial state has privileged chiefs in return for appropriating timber resources from farming communities. In return the chiefs have gained access to a large share of the royalties, without any specification on their use beyond "the upkeep of the stool". The invention of customary timber tenure has served to centralise control over timber and its appropriation by a narrow business elite for exports. The present timber laws create an alliance between rural and urban privilege. Chiefs insist that it is their customary privilege to own timber resources and receive royalties and the state claims the right to manage these resources on behalf of chiefs and allocate them to their close political allies. This alliance enables timber to be appropriated from the farmers who preserve them. It enables timber to be expropriated for super-profits from the export trade without ensuring that domestic and rural demands for timber are met. Presently, a significant proportion of timber on the domestic market is procured through channels that have been criminalised by the state.

While there is much wrong with the existing system of district administration, it is based on some notion of democratic accountability, in which resources are used for the district according to the needs of its electorate and according to planning based on some form of citizen participation. Those who do not meet the needs of the citizenry can be elected out of office and be replaced by others. To undermine this system by building up the role of chiefs and their access to resources, based on notions of customary rights to privilege is to undermine any attempt to make more accountable systems of local democracy work. Unlike district authorities, chiefs do not have any responsibility to use the resources at their disposal for the benefit of citizens. In many instances powerful chiefs are often businesspeople within their own rights with large investments in the urban sector and in several cases within the timber industry. They frequently do not reside in the rural areas, nor do they have the experiences that would enable them to sympathise with the plight of the rural poor.

'The interests of the chiefs and farmers within the community are very different' - **Amanor.**

"We are poor but our chiefs are rich because they receive and appropriate what is due us. Let someone dare complain about this!" - **An aggrieved community member**

The Forestry Commission has resisted attempts at decentralisation and promoted its own form of collaborative forest management as a form of decentralisation. However, this only allows rural people to participate in the agenda of the Forest Service, and to set their own agendas. The two main agendas that are being set by the Forestry Service are the Community Forestry Committees (CFCs) and the Customer Service Centres. The Community Forestry Committees are groups within

the community that are contracted by the Forestry Service to maintain the integrity of forest reserves by maintaining the boundaries and to police the reserves from illegal use.

The Customer Service Centres are responsible for explaining forestry laws and regulations to forest edge communities. They are also involved in social forestry, distributing new technologies to farmers. However, these technologies do not promote the use of existing forest resources but attempt to encourage farmers to develop new skills that are not based on forest resources. These include grasscutter rearing, honey, mushroom and snail production and exotic tree production. In most instances these are technologies with no known proven track record, and without established markets. They are experimental technologies. Attempts have been made to disseminate these technologies for years with very limited success in other sectors. Why should they now work in the forestry sector? These are technologies that are unlikely to be adopted by the rural poor, who have little margins for experimentation and investment in risk. They are likely to be taken up by the upper strata of farmers, looking for investment opportunities which will enable them to accumulate capital. They are unlikely to address the livelihood predicaments of the rural poor. This approach to community forestry is essentially a diversion from the real task of introducing reform that will achieve social justice.

Within many communities the rural poor view forestry laws as an injustice and they respond by evading the law. In areas where there is land hunger, farmers enter the reserves to farm, and the youth enter forest reserves to fell timber, just as timber concessionaires fell timber on their land. The appropriation of timber resources from farmers has resulted in a highly unregulated industry. Among the elite in society, timber is a resource for patronage and is allocated by ruling parties to their allies, frequently evading established rules. Forestry officers who attempt to enforce the rules on the elite of society may find themselves demoted. Thus, existing forestry laws and policies do not provide a framework for equitable sharing of forest resources and the benefits that they provide, nor do they provide a framework for rational or sustainable management of the resource. They rather enable and justify the appropriation of the benefits of forestry by a narrow sector of society, who are rich, powerful and politically well connected.

A viable alternative policy needs to address the rights of rural farming communities to timber that they nurture on their land, the rights of rural people to forest resources for their livelihoods, and the needs of rural people and the domestic market for forest products, including timber. The state forestry sector needs to create opportunities for rural people to engage in the production of commodities from forest products, while providing a framework for sustainable management. Platforms need to be developed which enable rural people to make inputs into policy development. These should take into consideration the process of democratic decentralisation and the potential of people to make demands in this process, rather than building community groups based on rural elites, and empowering them to police the rest of the community.

‘Existing forestry laws and policies do not provide a framework for equitable sharing of forest resources and the benefits that they provide, nor do they provide a framework for rational or sustainable management of the resource. They rather enable and justify the appropriation of the benefits of forestry by a narrow sector of society, who are rich, powerful and politically well connected.’

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3.2 CURRENT ARRANGEMENTS FOR SHARING TIMBER REVENUE FROM OFF-RESERVE FOREST AREAS – A CRITIQUE

By Albert Katako, Care International Ghana

Background

Concern for sustainable forest management practices were expressed as far back as the late 1800s by the colonial government in the Gold Coast regime as a result of the rapid rate of expansion of cocoa farms to feed factories in Europe. This concern began the genesis of the idea to create forest reserves to protect water bodies, agricultural crops from the wind, prevent soil erosion, maintain rainfall and relative humidity necessary for cocoa production and timber supply.

The discussion between the colonial government and the chiefs for the release of land for forest reserves was an uphill task as the chiefs saw it as a plot by a landless colonial government to appropriate land. The fear by the chiefs of losing their land dragged the negotiations till the enactment of the Forest Ordinance of 1927 section 18 of which provided 2 options for managing forest reserves:

- a. “By resource owners themselves under the direction of the Forestry Department (FD)”
- b. “By government on behalf of resource owners”

Section 18 stated further that if option (b) was implemented, the forest reserves were to be managed by the FD for the *benefit of the owners* for which the FD was allowed to retain *not more than one-third* of the gross revenue towards the improvement of the forest in the interest of the owners. It further required the FD to render account of its expenditure to the owners of the resource.

In effect, benefit sharing was limited to logging from forest reserves and excluded the off-reserve areas. This arrangement was satisfactory for the chiefs as they still had ownership of their land and forest resources.

The timber boom and shift in emphasis

Until the Second World War, the volume of timber exported from the Gold Coast was hovering around 250,000 cu. ft. However, from 1945, the volume of exported sawn lumber increased by 30 fold from 250,000 cu. feet in 1946 to 7,400,000 cu. ft in 1956 as a result of the huge increase in demand for tropical timber to rebuild Europe after the 2nd world war and consequently created market for tropical timber from the Gold Coast. Foreign Investors consequently moved into the Gold Coast to establish sawmills, which subsequently increased the demand for timber to feed the mills. This increased the rate of logging as both timber concession holders and chiefs began to make huge profits from timber. Thus the original idea of establishing forest reserves for protective purposes shifted to managing forest reserves for productive timber production. Productive timber production required putting in place scientific forest management practices including developing manuals of procedures and undertaking stock surveys for the various forest reserves to regulate logging from the concessions. Scientific forest management practices increased the cost of forest management and raised the need for avenues for equitable cost sharing. The obvious targets were government, the landowners and timber contractors.

State control of the timber sector

When Ghana gained independence in 1957, post independent governments saw timber as one of the major sources of income to finance national development programmes. Thus successive governments set regulations empowering the state to take over control of revenue from timber resources for national development. This included the Forest Improvement Fund (FIF) Act, which abolished the individual accounts of the various forest reserves and established one central account. Others were the Administration of Lands Act, the State Lands Act, the Concessions Act and the Forest Protection Decree. The FD’s budget for forest improvement, which became part of

the FD's total budget had to be funded from FIF. The ability of the FD to improve forest reserves was therefore firmly linked to its ability to minimize its overheads and maximize the revenue that could be generated from timber. The decline in national economy in the mid 70's compelled the FD to take administrative decision to increase its share of the revenue retained for forest improvement from 30% to 70%. This decision was not backed by law².

Current legal basis for benefit sharing

The current legal basis for benefit sharing is enshrined in Article 267 (6) of the Constitution, which states that:

- 10% of the revenue accruing from stool lands shall be paid to the office of the Administrator of Stool Lands to cover administrative expenses; and the remaining revenue shall be disbursed in the following proportions:
 - (a) twenty-five percent to the stool through the traditional authority for the maintenance of the stool in keeping with its status;
 - (b) twenty percent to the traditional authority; and
 - (c) fifty-five percent to the District Assembly, within the area of authority of which the stool lands are situated.

Current benefit sharing scheme

Timber resources	Reserve	Off-reserve
Forestry Commission	60.0%	40.0%
OASL	4.0%	6.0%
District Assembly	19.8%	29.7%
Traditional Council	7.2%	10.8%
Stool landowner	9.0 %	13.5%
Total Government take	83.8%	75.7%

Implications of current benefit sharing scheme

Clearly the constitution did not specify whether benefit sharing should be based on timber logged from on-reserve or off-reserve areas, however, section 18 (2b) of the Forest Ordinance, which limits benefit sharing to timber logged from forest reserves has not been repealed. Hence, it can be concluded that the law limits benefit sharing from timber resources to logging from forest reserves. This stands to reason especially when it is also acknowledged that farmers and communities manage the off-reserves for their socio-economic activities and that any timber found off-reserve would have been left by the discretion of the land user and not the FD.

There is clearly no constitutional backing for the management fees charged by the Forestry Commission on both on-reserve and off-reserve, however, section 18 (2b) once more has not been repealed, it stands to reason that benefit sharing can apply to timber logged from forest reserves. However, section 13 (1) of the Timber Resource Management Act (Act 547) states that “ There shall be paid in respect of timber operations approved under this Act such royalties, annual rent, *fees and charges* as the Minister on the advice of the Forestry Commission may by legislative instrument prescribe”. Currently there is no legislative instrument prescribed which allows the FC to charge management fees on off-reserves. Therefore the 40% royalties taken as management fees off- reserve is illegal. Combining section 18 (2b) of the Forest Ordinance and section 13 (1) of Timber Resource Management Act, the Forestry Commission cannot charge more than one-third of the gross revenue from timber resources. Currently the Forestry Commission is taking 60% of the royalties as management fee from forest reserves. That is in violation of the Forest Ordinance.

² Note that this decision was receded upon agitation from some stakeholders.

1. The Forestry Commission is taking more revenue than the resource owners. The Forestry Commission needs to bring some transparency into what constitutes management fee so as to bring clarity to how the 60% currently being taken (illegally though) was arrived at.
2. Since it is acknowledged that communities use off-reserve areas for their farming and other economic activities, there is the need for the Forestry Commission to clarify their forest management activities off reserve and seek legal backing for such monies taken. Presently, there seems to be no legal backing for management fees taken by the Forestry Commission for off reserve management.
3. There is no indication of what the District Assembly should use the 55% for. Is it for the development of communities under the District Assembly? Is it to meet the administrative expenses of the District Assembly? There is still a lot of debate between Chiefs and the District Assembly on this issue.
4. The Traditional Authorities are getting a double portion of the royalties. Are both portions for keeping the status of the stool?
5. Clearly, communities and farmers who have maintained timber trees on their farms off-reserve are excluded from the financial benefits from timber. This has tragic implications for local management of forest resources:
 - a. Impacts negatively on sustainability of resources;
 - b. Absence of incentives for local management of resources;
 - c. Lack of appreciation of resource value by farmers as they substitute high value resources for low value agricultural crops they can legally call their own;
 - d. Loss of control on resources by resource owners;
 - e. Anarchy;
 - f. Loss of resource base, revenues and environmental quality;
 - g. Entrenched rural poverty with implications for conflicts.

While it can be argued that Timber Resource Management Act has made provisions for community benefits in the form of Social Responsibility Agreements, it should be noted that Social Responsibility Agreements do not put money in the pockets of individual farmers to look after their families, pay school fees or pay hospital bills. So while the Social Responsibility Agreements may provide community and social infrastructure, it does not provide individual farmers with the ability to benefit from those infrastructures.

‘There is clearly no constitutional backing for the management fees charged by the Forestry Commission both on- and off-reserve’.

Conclusions

1. Evidence available from revenue to be generated from Timber Rights Fee should the Forestry Commission implement the Timber Resource Management Act as required indicates that the Forestry Commission can still work within the framework of Section 18 (2b) of the Forest Ordinance and 13 (1) of the Timber Resource Management Act and still have more than enough revenue as management fee. Currently, most of the revenue ends up as profit to the timber industry. The purpose of competitive bidding is to generate enough revenue from Timber Rights Fee so as to:
 - provide the Forestry Commission with enough revenue to strengthen their capacity to regulate the sector
 - provide resource owners with enough revenue
 - and provide communities with enough revenue to lift them out of poverty.
2. The Timber Resource Management Act makes provision for community benefits in the form of Social Responsibility Agreements. It however, does not make any provisions for

individual farmers to benefit financially from timber resources. This is a major disincentive. Today, Ghana is the world's second leading producer of cocoa. This achievement did not come about because government established cocoa plantations. It is as a result of the collective effort of individual local farmers. By analogy, the forest resource base can only grow when there is incentive for individual farmers to engage in sustainable forest resource management practices.

There is the need for improved coordination between the Ministries of Lands and Forestry and Agriculture on farming practices, which promote forest growth. Farming should be seen beyond cocoa and food crop farms to engaging in farm-forest practices that include farming timber and non-timber forest products. This is only possible when farmers are aware of the crop suitability of their lands to enable them develop land use and viable farm management plans which do not destroy the ecology of their farm lands.

3.3 BENEFIT SHARING: THE PERCEPTION OF FOREST FRINGE COMMUNITIES

By Patience Agyare-Kwabi (Ms), Capacity Building and Gender Consultant

Introduction

Forest management involves a large number of stakeholders with disparate interests, hopes, expectations and rights. Many years of efforts to halt deforestation and forest degradation have not been successful, jeopardising the livelihoods for large populations that depend on it. The issue of inequitable benefit sharing and its impact on sustainable management of the forest resource has been widely discussed with varying levels of agreement and disagreement.

Below are some views that directly relate to this topic:

“... To a large extent this [deforestation] is caused by disagreement between stakeholders on how to manage the forest and for what, and how to share the benefits and costs of forest management. As a rule, national level governments have neglected the needs and concerns of local communities and forest dependent people in favour of interests that are powerful or that benefit the national interests directly. (FAO, 2003)”

“One of the principal reasons for the rapid depletion of the forest environment has been the exclusion of the farmers from any sort of benefit from timber felling. Farmers have had their farms damaged by the felling of timber as harvesting operations often devastated their farms. Consequently trees on farms were often systematically destroyed” (BONI, 2003)

The above statements indicate two of the openly held views on the impact of inequitable distribution of forest resources and the current degradation of forest resources, which obviously is a major concern to all stakeholders.

Perceptions invariably shape behaviour by influencing attitudes and activities impacting on relationships and roles. Positive perceptions could have the potential of strengthening partnerships and fostering collaboration. Negative perceptions on the other hand often stir suspicion inciting mistrust and misjudgements.

Perception therefore becomes one of the critical issues to be considered in any discussion, which ultimately have direct influence on stakeholder collaboration and participation especially in natural resource management.

Some of the key terms to be considered in any such discussions on the perceptions are level of *knowledge, interests, roles and responsibilities, hopes and expectations and legal rights* of stakeholders.

<p>‘Positive perceptions could have the potential of strengthening partnerships and fostering collaboration. Negative perceptions on the other hand often stir suspicion inciting mistrust and misjudgements.’</p>
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Current legal provisions on benefit sharing

Current benefit sharing arrangements for forest fringe communities (FFCs) is based on the Timber Utilization Contract (TUC), which has enshrined within it the Social Responsibility Arrangements (SRA). In previous years before the introduction of TUC, concessionaires and logging contractors had informal arrangements with FFCs and traditional authorities under which the former funded social services and amenities. With the 1994 Forest and Wildlife Policy laying particular emphasis on sustainable resource management and increased stakeholder participation, legal reforms were required to translate the directive principles of the policy into action.

As part of the general reforms in timber allocation rights, TUC has been introduced to replace the concession system. Under the TUC concept, the contractors enter into written agreement with

FFCs in the TUC area indicating their commitment to be socially responsible in their operations and to provide social infrastructure for the communities. The SRA is a formalization of an existing practice.

A Social Responsibility Agreement (SRA) is an undertaking by the winner of the timber bid to assist the communities and inhabitants of the traditional paramountcy whose land area encompasses the forest from which the timber is to be harvested with amenities, services and benefits which shall not be less than 5% of the value of stumpage fee from the timber that is harvested. The amount thus varies according to timber species and number of trees involved. (RMSC / FC, 2004)

Perceptions of fringe communities

Factors influencing the perception of FFCs on the current system of benefit sharing include their level of knowledge, support received from major stakeholders in the sector, the level of collaboration between landowners and communities, and the ability of FFCs to negotiate for benefits due them.

The level of knowledge that FFCs have on TUCs, the support that they are given by major stakeholders in the sector, the level of collaboration that exists between landowners and communities especially settler communities, and the ability of FFCs to negotiate with concessionaires on benefits due them are all important factors which seem to influence the current perceptions that FFCs have of current benefit sharing arrangements.

This section of the discussion is based on perceptions sampled from Participatory Rural Appraisal and Participatory Learning Action among fringe communities in two Forest Areas - Sefwi Wiawso and Goaso under two projects: *Forest Resources Creation Project* implemented by Ricerca e Cooperazione in the Sefwi Wiawso District (2001-2004) and the Community Awareness Creation Component of the *Bridging Science and Society to Conserve Ghana's Rainforest Project* by Tropenbos International - Ghana (2003-2004)

Although breach of SRA is considered as serious grounds for suspension of TUC by the Forest Services Division (FSD) there are indications that FFCs are mostly suspicious of FSD management and staff and their involvement in colluding with timber loggers to cheat them of their due benefits.

Using Participatory Learning Appraisal tools like resource availability, access and wealth ranking, FFCs grouped benefits from the forest resources into three:

1. Benefits from timber felling on Reserves
2. Benefits from timber felling outside / off reserves
3. Benefits from NTFPs harvested on and off reserves

'FFCs are mostly suspicious of FSD management and staff and their involvement in collaborating with timber loggers to cheat them of their due benefits.'

Perceptions

Generally FFCs hold the perception that they are consistently being cheated of their due benefits from forest resources by concessionaires, timber firms, landowners, District Assemblies and especially FSD.

BOX 1

Views of forest fringe communities and some traditional rulers in the Goaso Forest District on the current benefit sharing arrangements.

a. Forest Fringe Communities

“We cannot understand why we are not allowed to make use of resources that we own under the guise that we shall benefit later only to realize that these resources from which we shall derive our due benefits are taken away by other people. From where then would those benefits eventually come?”

“I just don’t understand why I cannot have access to trees that I have nurtured to grow to maturity on my own farm. Why, then, should I allow it to grow to maturity?”

b. Traditional rulers

“A look at the proportions given us indicates that we are cheated. We own the lands and on several occasions use a large chunk of such revenues for development programmes and palace protocols. Our quota should be increased so that we can do more for our people. Our people are now demanding more from us because we are the leaders of the community. As their agitation puts much pressure on us, we are also forced to claim more revenue from the share of our own resources. If the Government refuses to pay heed to this, a time may come when complicated scenarios may lead to conflicts.”

“We want to see that things are very transparent so that we don’t have any complaints to make. We all want to help conserve the forests but not when the sharing of forest benefits is not open.”

This general view they hold has been justified by the following reasons given at a meeting with some FFCs leaders:

- Paramount Chiefs and land owners do not involve FFCs when entering SRA negotiations with timber firms;
- When some negotiations are entered into, FFCs do not know how much they should get from SRA and the calculations used (stumpage fees) are complex and also ambiguous;
- FSD has not educated FFCs enough on what to be done and how much they should get from SRA negotiations leading to some timber firms and contractors cheating them of what is rightfully due them;
- Landowners do not involve them when negotiating with timber firms since they are always anxious to receive whatever they ask for;
- There is generally lack of knowledge on procedural arrangements leading on SRA negotiations. FFCs do not know whom and where to contact (District Assembly, FSD, Timber Contractor) to initiate negotiations.

Expected direct benefits

- Realistic amount of monies to be paid to farmers for the destruction of products on farms during off-reserve felling activities;
- Realistic amount of monies to be paid directly to farmers for “keeping and maintaining trees on farms”;
- Monies and facilities to be provided for communities living around the forest reserves within which Timber Firms are operating; and
- Easy and cheap access to processed timber products for use in local building and construction.

Expected indirect benefits

- Construction of and rehabilitation of access roads should be the responsibility of Timber Firms working around fringe communities;
- Timber firms should be able to provide jobs, scholarship schemes, football clubs in communities;
- That access to NTFPs (building materials such as raffia and bamboo, medicinal plants, wood for pestles in Forest Reserves) should become more open and regularized and also properly monitored by community members themselves not by FSD; and
- Informants who report illegal felling activities including chainsaw operations should be paid realistic amounts of monies to encourage the rooting out of such activities and behaviours.

BOX 2

Concerns of Forest Fringe Communities about inadequate Compensations paid to them for damaged crops

“A timber contractor felled 34 standing trees from my farm and constructed five roads through the farm. Species felled included *Terminalia superba* and *Ceiba pentandra*. Felling and haulage totally destroyed 46 matured and fruiting cocoa trees in my farm. This issue was reported to the Assembly member who negotiated ₺ 3.4 million on my behalf. The contractor, since then, has paid only ₺1 million. Because he failed to honour his part of the agreement, the issue was further reported to the Goaso Forest Services Division for redress. They then invited the contractor for a meeting to finish off the payment. But nothing better has come out of it even after several follow-ups”.

“Ten trees were felled from my farm. They were all *Terminalia superba*. This activity together with haulage and skid trails totally destroyed 26 fruiting cocoa trees, some matured plantain, cassava and pineapple. Altogether, about two acres of farm produce were damaged. When they wanted to start logging in my farm, they contacted me and said they will pay my due compensation immediately after the activity. They paid only ₺5000 as permission fee but have not returned to pay any compensation since then. Recently, a complaint was lodged with the Goaso FSD but nothing has been done about it”.

“They felled one *Ceiba*, two *Terminalia ivorensis* and 1 *Terminalia superba* from my farm and hauled them through the farm totally damaging about half an acre of farmland containing matured and fruiting cocoa trees, plantain and cocoyam. Even though I prevented them from hauling the trees, they did it surreptitiously at night when I was at home. Later, I managed to trace them and all they could offer was ₺80,000 as compensation. In fact, what we want the Government to do is to pass a law restraining loggers from felling trees from farms where the farmers have not consented to the activity. Moreover, there should be a written and signed agreement between the farmer and the contractor on adequate compensations that shall be paid in the event of any damages to the farm”.

“About three months ago, someone hauled one *Ceiba* and one *Daniella* spp. (*Shedua*) through my farm causing total damage to 15 palm trees (about two years old), 50 plantain trees as well as uncountable cocoyam in the farm. When, I contacted him, he paid only ₺20,000 as compensation”.

Conclusions

Stakeholder participation is now universally recognised as an essential ingredient of successful and credible forest policies and programmes. There often remains a gap, however, between stated intentions and actual actions with regard to improving participation and also on benefit sharing and hence the need to be sure that FFCs are provided with the needed knowledge and skill to be able to negotiate effectively for what is due them – what is rightfully and realistically due them. Perceptions of FFCs that they are marginalized in terms of benefit sharing have serious implications on current collaborative forest management efforts. The following considerations are to be made:

- Mere passage of policies and instruments without continuous awareness creation and education for FFCs shall minimize impact even with good intentions;
- Mistrust of FC / FSD by FFCs need to be addressed to strengthen collaboration and partnership;
- There is still a lot to be done in terms of awareness creation, educational and capacity building programs for FFCs on SRA;
- Without the active involvement of fringe communities the current level of degradation cannot be halted;
- The recently Drafted Guidelines on SRA (RMSC, July 2004) should not be kept on the shelves of the RMSC but be provided as a reference tool for SRA negotiations by distributing to opinion leaders of FFCs.

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4. QUESTIONS AND COMMENTS ON THE PRESENTATIONS

Questions on equitable benefit sharing and poverty alleviation

Question:

In the pre colonial and colonial era, who was the owner of land until someone cleared a parcel of land and assumed the title 'landowner'?

Answer:

Two arrangements existed in the colonial era. A farmer owned the trees and everything on a cleared land but uncleared lands were for chiefs. But it's quite difficult to tell exactly whom it belonged to before a farmer took over land for farming.

It was also added that before the colonial era, the families and clans owned land. Chiefs only exercised oversight responsibility."

Question:

The presented historical perspective of timber tenure is similar to urbanization of land and the development of cocoa industry where commercialisation influences tenure. Are you therefore recommending that timber access and benefit sharing should be left to market forces without the intervention of the state (deregulation)? If so, how can it be done?

Answer:

In the colonial era or pre-colonial era lands were not territorially defined. Thus, rights of families and clans were a matter of which chiefs you owe your allegiance to. A case in point is the Akyem area.

To be able to say someone owns something, he should have the right to use it. But the current legislations do not address the issue of rights.

It is difficult to tell what will work, either deregulation or regulation. But what is known is that most of the timber on the market today comes from illegal operations and the issue to consider is how to implement the law."

Questions on the critique of the current benefit sharing arrangements

Question:

It looks like all studies are geared toward stumpage distribution but Birikorang has done some research on rent distribution as well and the results indicate that the latter is skewed in favour of saw millers. Are you aware of it?

The presentation was limited only to Cap 157 but if some research was done into other Acts and Amendments it would have provided much more information, which would make the presentation an objective one.

Answer:

The Timber Companies were not mentioned in the presentation because already their main aim is to make profits. And they undoubtedly benefit from their contracts. The sole concern here is with the supposed 'regulator', the Forestry Commission, and the justification for the benefit that it is currently enjoying.

We cannot talk about benefit sharing without talking about Cap 157. Yes, I acknowledge Act 547 but what is missing in this legislation is transparency in what constitutes management cost. Another limitation is how the communities should calculate their 5% worth of Social Responsibility Agreement based on the stumpage paid.

The Cap 157 section 18(2) is the most categorical legislation in terms of revenue sharing and to date it has not been amended, so we need to look at that legislation when discussing benefit sharing. The subsequent legislations do not have explicit declarations on how to involve the owners in determining how much goes to the Forestry Commission.

Comments on the critique of the current benefit sharing arrangements:

Today, it is the 1992 Constitution that is grand and has the greatest authority. Therefore, its provision for benefit sharing supplants that of Cap 157. The constitution says “after providing for the Forestry Commission’s management fees, revenues shall be distributed as follows” Thus, the reference to Cap 157 as allowing the Forestry Department, now Forestry Commission, to take only 30% to offset management cost is unclear.

The constitution does not define exactly what the Forestry Commission’s share should be. But Act 547 defines stumpage as management cost and royalties. Thus, there is a law, in fact, an Act of Parliament that guides the sharing. The Act also allows that stumpage should be set administratively by the Forestry Commission and the Office of the Administrator of Stool Lands on behalf of landowners. Now, management cost is about 60% of the revenue. That is why the Forestry Commission has quoted that value.

It is so unfortunate that when Chiefs were invited to look at the current disbursement levels so that they could opt for adjustment or otherwise, they haven’t returned to make any inputs yet.

The need for the upward adjustment of the Forestry Commission was necessitated by the high management cost and nothing else.”

No one does business without taking management cost from gross revenue and shares benefits based on the resulting net revenue. Thus sharing benefit based on the net revenue is consistent.

It is difficult to understand why if an Odum tree is burnt to make a farm, it is not illegal but when that same Odum tree is cut and used for roofing it becomes illegal. There is certainly something wrong with our existing laws.

If a way forward to equitable forest benefit sharing requires that existing laws be revised, then so be it.

Questions on the perception of Forest Fringe Communities on benefit sharing

Question:

Does the presentation on Forest Fringe Communities involve the Chiefs?

Answer:

Depending on the nature of the communities, separate or joint meetings were held for the chiefs and other community members. Where joint meetings were held the definition of FFCs automatically includes chiefs.

Question:

It was mentioned that timber men and chiefs negotiate on SRA but have the timber men been approached to find out whether the communities usually agree on SRA negotiations?

Answer:

Yes, some timber contractors endeavour to be responsible to the precepts of the TUC. But the problem has been who to consult in a community for negotiations. The solution rests in effective education. The FFCs’ perceptions presented were gathered during community meetings, which did not include contractors but a follow-up dissemination workshop did. At this workshop representatives of timber firms were given the opportunity to air their views on communities’ perceptions.

Question:

Currently, not many TUCs have been given. Thus, what is the basis of the SRA negotiations? The chiefs who sign SRAs on behalf of the communities usually live outside the communities; such chiefs can therefore not adequately negotiate on behalf of the communities. What is the FC doing to make sure that communities become the signatories of the SRA negotiations?

Answer:

TUCs and SRAs have a history. At first, under the concession system, when timber contractors felled trees in their concessions, they failed to be socially responsible. Thus, the FC initiated the SRA that is worth 5% of the stumpage in the TUC system. We know this was an improvement over the former arrangement. But the implementation of the SRA, its signing and its effectiveness is the challenge now. Many complexities have arisen due to the changing stool land ownership status. For instance, the Sabronumhene is now an Omanhene. And one question that remains unanswered is, where does his boundary begin or end? The Forestry Commission has written to the Asantehene to clarify this issue so that we will know who is receiving the due royalties. So these are some challenges but we hope that Nananom shall contribute their quota to help make the work of the Forestry Commission easier.

If chiefs want to sign SRAs we expect them to consult with their community members but they don't. In fact, the Forestry Commission only acts as witness to the agreement. It is obvious that the community members are not satisfied with what is happening. There is a case in point where they have confiscated the trucks of some timber contractors, demanding that they sign SRA with them. Whether on or off-reserves, SRAs should be signed with the local people.

We hope this discussion shall bring to the fore details of issues that we haven't addressed in ensuring equitable benefit sharing. We are aware that there is much illiteracy on the part of many rural dwellers. The Forestry Commission shall continue to educate all the stakeholders and gradually by discussion, Forestry Commission shall endeavour to address the crucial issues in forest management in Ghana."

Comments on the perception of forest fringe communities on benefit sharing

It is the timber contractors who have been constructing roads to forest areas since time immemorial. Thus, for the FFCs to claim that they want roads to be constructed by timber contractors amounts to ingratitude.

The CFC members live around the forest and greatly influence the forest. But the sharing does not include us, why? Again, we have asked the Forestry Commission for some incentives like Wellington boots, cutlass, torchlight, etc. but nothing has been done about these requests.

Response

The Forestry Commission has endeavoured to assist communities in several ways. One of these is the development of the SRA negotiation. We endeavour to make direct cash flow to FFCs and thus we engage them in boundary cleaning as well. But alas, some CFC members have connived with illegal operators and even in some cases they are illegal operators themselves but this is a menace. Again, our budget for the year 2005 makes provision for incentives for the various CFCs. But we want to plead with them not to connive with illegal operators.

Act 547 requires that the chiefs and communities consent to TUC area even though it is the FC that does the actual allocation. We wish that before chiefs sign SRAs, they shall consult with the community members. It is not possible for the Forestry Commission to go round to check whether this is done or not. Again, the Forestry Commission would only like to be witness of the negotiation. So please, all Nananom should endeavour to cooperate with the Commission in this way.

5. OUTCOME OF GROUP DISCUSSIONS

The group discussions consisted of six groups as follows:

- Group One: Farmers and Community Forest Committee members³
- Group Two: A 'mixed stakeholder group' made up of media practitioners, timber men, researchers and resource managers.
- Group Three: Traditional authorities and district assemblies
- Group Four: Forestry professionals working especially at the community level
- Group Five: Forest resource managers
- Group Six: Resource managers related to policy decision making

The members making up the various groups are given in Appendix II.

Each of these groups discussed common issues relating to equitable forest benefit sharing. These include a definition of what they consider as equity and what should be the basis for determining what is equitable. The group members were also to identify the contribution of various stakeholders based on their specified basis for equity and suggest a commensurate share of benefits that should go to each stakeholder group. The impression of the group about the current arrangements for benefit sharing and the steps needed to improve it were also considered.

The views from all these groups have been put together and crystallised to bring out the relevant issues raised under each topic. Meanwhile, the detailed report from each group has been provided in Appendix III.

5.1 STAKEHOLDERS' DEFINITION OF EQUITY

All the stakeholders present made use of the idea of 'fairness' or 'fair share' in their definition of equity. This fairness was usually related to the distribution or sharing of resources. In addition, it was clearly emphasised that equal access or opportunity is a prerequisite for equity.

Other dimensions of equity that were highlighted include the need to meet the needs of different categories of people and ensuring that people do not 'feel left out'.

5.2 BASIS FOR DETERMINING WHAT IS EQUITABLE IN FOREST BENEFIT SHARING

There was the basic understanding that benefit sharing should be according to some kind of contribution made or the roles and responsibilities the various stakeholders have in the management of the resource. Some of the contributions mentioned include forest protection, forest creation or plantation development and the promotion of resource trade. It is worth noting that local farmers and community members accept the fact that a share of benefits should be allocated for administrative purposes.

Rights were generally considered as an important basis for determining what is equitable. The types of rights that were specifically identified by some groups were ownership rights and use rights.

Another approach that was identified, particularly by policy related stakeholders and forest managers working at the community level were the use of inputs and outputs. It was emphasised that inputs, which relate to contributions made, roles played and responsibilities should be related to the returns from the resource, after taking care of the associated cost. Some of the costs that were identified include labour/tending cost and management cost.

³ Two professionals working closely with local communities were put into this group to facilitate the discussion and assist in reporting.

5.3 CONTRIBUTION OF STAKEHOLDERS AND THEIR PROPOSED COMMENSURATE SHARE OF FOREST BENEFIT

Three out of the six groups actually allocated percentage benefits to the stakeholders they identified. The other three groups that were typically made up of forest resource managers, researchers and policy-related stakeholders did not attempt to offer such percentages. Some suggested the need for a comprehensive scientific study to establish the cost of management and ratios for sharing net outcome from the resources. Though no percentages were given, these groups separated farmers from the rest of the local communities and highlighted their role, particularly in the management of off-reserve resources. The group of professionals working mainly at the community level (group 4) even emphasised the need to give farmers the ownership rights over both planted and nurtured trees.

The three groups made up typically of forest managers, researchers and policy makers also identified a larger range of stakeholders, which included Non Governmental Organisations, Academia and civil society. As no percentages were given, it was not clear whether each of these stakeholder groups identified was to have a share of the monetary returns from the forest.

The group made up of a variety of stakeholders (group 2) had a similar idea of what would be an equitable share for land owners and chiefs as the local farmers and Community Forest Committee (CFC) members. They all considered a 20% share as adequate. Quite contrary to this opinion however, the traditional authorities represented were of the view that it would be more equitable to be provided with a 50% share of the benefits, justifying this with the fact that they are 'the rightful owners'.

Local farmers and CFC members allocated the largest percentage from both on and off reserve benefits to FC and the district assembly. Sixty and Seventy percent respectively of on and off-reserve resources were allocated to these groups.

The group discussions also seemed to highlight a general problem with categorization or bulking groups together. Community stakeholders were referred to by some groups as 'rural dwellers' or 'communities around the forest' and in some instances, the CFC and Communities seemed to be referred to interchangeably. However, the group of local community members for instance considered that farmers, CFC and the general communities need to be treated separately in sharing benefits and they also separated stool landowners from traditional authorities.

There was however no conflicts with regards to the roles and responsibilities or contributions that the various groups assigned to the stakeholders they identified.

'Local farmers and Community Forest Committee members allocated a greater percentage of both on and off-reserve resources to Forestry Commission and the District Assembly.'

5.4 VIEWS ABOUT THE CURRENT SYSTEM OF BENEFIT SHARING BOTH ON AND OFF-RESERVE AREAS

Three major categories of concerns were raised by the various groups about the current system of benefit sharing both on and off reserve.

The first is related to stakeholder identification. It was highlighted that all stakeholders were not adequately captured in the current benefit scheme. It was indicated that farmers for instance were left out of the arrangements.

The next concern was with equity or fairness. Some groups were of the view that the arrangements were not fair. Even the benefits accruing to local communities through Social Responsibility Agreements were seen as being inadequate.

The process involved in the establishment of the current benefit-sharing scheme was also criticized. The approach was seen as non-consultative. Major stakeholders were not consulted in developing the various formulae for sharing the benefits and the entire benefit sharing system was seen as not being transparent.

5.5 SUGGESTIONS FOR IMPROVING THE CURRENT SYSTEM OF BENEFIT SHARING ON AND OFF-RESERVE

The suggestions made by all the groups have been categorised and presented below:

Law and legislative review

It was suggested that the current legislation and laws regarding forest benefit sharing should be reviewed.

SRA negotiation

The idea of SRA was commended, particularly by the local farmers and CFC members. It was however suggested that there is a need to refine the process. For instance, there is the need to properly define what constitutes community, the signatories and the negotiation process. The negotiation process should include people at the grassroots and not only the elite group.

Benefit distribution

Who to involve

It was indicated that there is a need to carefully identify who to involve in the distribution of forest benefits. It was suggested that before a concession is allocated, traditional authorities directly involved in the protection of the area must be identified.

Again, it was emphasised that a proportion of forest benefits should go specifically to communities and not to people considered to be their representatives.

Apart from production reserves, it was also suggested that benefit sharing arrangement should be broadened to include protected area like globally significant biodiversity areas and hill sanctuaries.

Process for benefit sharing

It was suggested that a scientific evaluation study on costs and benefits associated with forest management should be carried out and allocation ratios established on the basis of the relative contributions of stakeholders. In assessing the cost of management, it was suggested that the cost incurred by communities or farmers towards the management of the resource should not be ignored.

The need for transparency and accountability in the allocation of forest benefits was also highlighted. For instance, it was also suggested that before a concession is approved, identified traditional authorities and other stakeholders in the areas must be party to the agreement.

Improving benefits from the forest

It was suggested that there is a need to find a more efficient system for collecting revenue from the forest.

BOX 3

Views from some officials of the Forest Services Division and the District Assembly in the Goaso Forest District on the current benefit sharing arrangements

Forestry officials

“There is the need to reconsider the benefit sharing scheme. There should be some provision for the farmers on whose farms trees are taken. About 2% of the shareable 40% should be paid them. The Traditional Councils and the Stool Chiefs only hold lands in trust for their people and royalties paid to them should not be seen as personal incomes but should be used for the benefit of all. Many a time, however, these have been used to handle palace protocols and for personal care. Again, representatives of farmers should be involved in discussions of benefit sharing issues”

“The proportion of forest revenue that goes to the District Assembly should be reduced and the reduction added onto that of the Traditional Council. This is because the jurisdiction of the Assembly transcends beyond the boundaries of the forest areas and they may be tempted to distribute resources widely enough to cover people who don't contribute anything to forest conservation, at the expense of the forest fringe communities. The Traditional Authorities however are directly responsible to the forest fringe communities and these should carry out development programmes for the benefit of their people”

Asunafo District Assembly

“The people in the forest fringe communities see that they do not benefit and wouldn't want to have anything to do with forest protection. There have been occasions when some have refused to help put out forest fires. Others have blocked roads and prevented the concessionaires from carrying out any logging activities.”

“Traditional rulers should be made accountable and also justify adequately why they should continue to receive a share of the forest benefits but not their community members. Their accounts should be properly audited so that they can be more responsible.

6. CONCLUSIONS

The group discussions indicated that all stakeholders had a basic understanding of what should be seen as equitable when dealing with forest benefit sharing. Rights, responsibilities and roles were also generally considered as being a good basis for determining what is equitable. However, the concept of 'rights' for instance is a broad one and it is important to further agree on which kinds of rights need to be recognised in the allocation of forest benefits.

Stakeholder representation in decisions on benefit sharing was a clear area of concern. Local communities are currently represented by chiefs in the benefit-sharing scheme but their interests are different from that of the local people they are to represent. It was therefore considered important to make separate provision for local communities and farmers.

There was no consensus on which stakeholders need to be considered in sharing forest benefits and what should be their commensurate benefits. This was however not to be expected from a single focus group discussion as such a consensus may need to go through a series of discussions. The views of the various stakeholders were however provided. Various stakeholders consider themselves as deserving greater share of the benefits. The general outcry was however that there are gaps in the current benefit sharing arrangements and particularly farmers, local community members and traditional authorities are not satisfied with it.

With regards to benefit sharing being a means to poverty alleviation, it was clearly emphasised that the benefit sharing arrangements and the procedure used in sharing these benefits do not help the rural poor but rather improve the lot of the few local elites.

The focus group discussion also brought to the fore the fact that there is no clear constitutional and legislative backing for the current percentage share taken by the Forestry Commission. There was some debate about the provisions made by various legal documents on benefit sharing. CAP 157 for instance, gives explicit percentages which should accrue to the current Forestry Commission, however the 1992 constitution is said to supersede this provision but it does not give explicit percentage share for the Forestry Commission. It only makes room for management costs. Even though it was clear to all the stakeholders present that the Forestry Commission deserves a share of the forest benefits in order to cater for management cost, it was unclear what these costs were made up of. Particularly for off-reserve areas, the kind of management costs incurred to justify the share of the Forestry Commission was unclear.

The way forward

In order to get a basic understanding of exactly which kind of rights need to be recognised in sharing forest benefits, it is necessary to clarify the stakeholder roles and responsibilities that should be considered relevant for benefit sharing. This will enable a clearer understanding of which specific stakeholder group to be considered in a benefit-sharing scheme. This resolved the next step would have to determine how the stakeholders should be represented. Farmers for instance need to be considered as separate stakeholders in the sharing of benefits because of the unique role they play specifically in off-reserve tree management. All these concerns could be addressed through a mixed stakeholder focus group discussion, aimed at consensus building.

In order to enhance benefits to local communities, there would be the need to enhance the ability of local communities to negotiate for benefits under the Social Responsibility Agreement. This could be done through improved education at the community level. Again all stakeholders including advocacy groups may need to take interest in ensuring that benefits accruing to locals are at least 5% of the stumpage fee and that the agreements are duly honoured.

As there are unclear portions with regards to the legal basis for the current arrangements for sharing forest benefits, it may suffice to suggest it review to clarify these. This should concentrate on defining what should constitute management cost. A clear justification may also be required for the share of the Forestry Commission in off-reserve areas. A scientific study on the costs and

benefits associated with forest management would serve as a good input to this. Combined with the outcome of stakeholder consensus building discussing, it would also help in establishing allocation ratios based on the contribution of the various stakeholders.

7. CLOSING REMARKS

By focus group discussion Chairman, Mr. J. G. K. Owusu

The chairman thanked all the participants for the time spent and the contributions made. He was hopeful that when all the results of the discussions are synthesised, the views and perception of the various stakeholders would be clear and could trigger a process which could lead to a possible review of the current arrangement for sharing forest benefits both on and off reserve.

APPENDICES

APPENDIX I

PROGRAMME FOR THE FOCUS GROUP DISCUSSION ON FOREST BENEFIT SHARING

DATE: Friday, 29th October 2004

TIME: 9:30 a.m.

VENUE: Akyawkrom, Ejisu near Kumasi

Objective: To gather different stakeholder views on existing arrangements for forest benefit sharing that could inform policy review.

PROGRAMME OUTLINE

9:30am	Arrival and registration of participants
9:45am	Tea/Coffee
10:00am	Welcome address
10:10am	Introduction of Chairman and Chairman's remarks
10:20am	Hon. Minister's keynote address
10:35am	1 st Presentation: <i>Equity in forest benefit sharing as a means to poverty reduction</i>
11:00am	2 nd Presentation: <i>The current arrangements for sharing timber revenue: A critique</i>
11:25am	Snack
11:35am	3 rd Presentation: <i>Forest benefits sharing- A grassroots perception</i>
12:00noon	Group discussions
1:20pm	Lunch
1:40pm	Plenary session to discuss group reports
3:00pm	Closing remarks

APPENDIX II**LIST OF PARTICIPANTS WITH THEIR DISCUSSION GROUPS****Group one: Farmers and CFC members**

Name	Institution
Mr. Elijah Danso	FSDP II
Ms. Patience Agyare-Kwabi	RC
Nana Opia Mensah	Farmer – Donkrokrom
Mr. Paul Adansi	CFC – Diaso
Mr. Alfred Yaakey	CFC – Diaso
Ms. Martha Owusuaa	CFC – Goaso
Mr. Joseph Amankwa	CFC – Offinso
Ms. Agatha Agyeman	CFC – Offinso
Mr. Opoku Kwabia	CFC – Nkawie
Mr. Bosman Boateng	CFC

Group Two: Mixed stakeholder group

Name	Institution
Mr. Bosman Owusu Jnr	TBI -Ghana
Ms. R. Awuah	IRNR
Dr. E. A. Abeney	IRNR
Mr. Rayborn Bulley	GBC
Mr. S. Darko	GTA

Group Three: Traditional Authorities and District Assemblies

Name	Institution
Nana Adomako	Traditional authority
Nana Adjei	Traditional authority
Nana Achiaa	Traditional authority
Alhaji I. A. Bonsu	District assembly

Group Four: Forestry professionals working especially at the community level

Name	Institution
Ms. Emmanuella Agyapong	RMSC
Mrs. Mercy Owusu-Ansah	RMSC
Ms. Joana A. S. Ameyaw	IRNR
Mr. Yakubu Mohamed	FSD - Tarkwa
Prof. Kojo Amanor	University of Ghana
Mr. Albert Katako	Care International
Ms. Eunice Agyabeng	IRNR
Ms. Rose Adisenu-Doe	TBI – Ghana
Ms. Anneke Wieman	TBI - Ghana

Group Five: Forest resource managers

Name	Institution
Dr. Kyereh Boateng	IRNR
Mr. Charles Dei-Amoah	RMSC
Mr. Attah Owusu	FSD Ashanti region
Dr. Charles Adu-Anning	IRNR
Mr. Russel Dadzie	Friends of the Nation
Dr. S. Adu Bredu	FORIG
Dr. K. A. Adam	FORIG

Dr. Kofi Marfo	Crop Research Institute
Mr. Owusu Abebrese	FC- Operations Director
Mr. Cudjoe Awudi	FC

Group Six: Resource managers related to policy decision making

Name	Institution
Mr. J. G. K. Owusu	IRNR
Dr. Victor Agyeman	FORIG
Mr. A. S. K. Boachie-Dapaa	FC – Chief Executive Officer
Mr. Kojo Wereko – Brobbey	FC board member
Mr. U. K. Armoo	FC – legal advisor
Mr. Joe Taabazuing	GIMPA
Mr. E. O. Marfo	FORIG/TB I- Ghana
Mr. K. S. Nketiah	TBI - Ghana

APPENDIX III

OUTPUT FROM THE INDIVIDUAL GROUPS

GROUP ONE: FARMERS AND CFC MEMBERS

How would you define equity?

The group defined equity as “fair share” or “what each group deserved according to worth”

What should be the basis for determining what is equitable when it comes to forest benefit sharing? Give reasons for your choice.

According to the group, the basis for equitable benefit sharing should be:

- According to the contribution to the work
- Ownership
- Right holding
- Administrative role

Using the basis you have identified, indicate the contribution of various stakeholders and what you think should be the corresponding share of forest benefits.

The table below summarizes the group's view on the above issue.

Stakeholder	Contribution	Corresponding Share	
		On-reserve	Off-reserve
Stool land owners	Owners / custodianship	10%	10%
Traditional authorities	Owners	10%	10%
FC	Management / supervision	40%	30%
Communities	Right holdings, Protection	10%	7%
CFC	Protection	5%	3%
D/A	Development	20%	20%
Farmers	Tree tending	5%	20%

What are your impressions about current system of forest benefit sharing for:

On-reserve resource

Off-reserve resources

The group thinks that farmers and other stakeholders are left out in the current benefit sharing arrangement.

What steps should be taken to improve the present benefit sharing arrangements for:

On-reserve resource

Off-reserve resources

The group came out with these three suggestions:

- i) Current legislation on benefit sharing should be reviewed
- ii) SRA should remain
- iii) Negotiation on SRA should involve grassroots.

GROUP TWO: MIXED STAKEHOLDER GROUP

How would you define equity?

The group defined equity as “Fairness in distribution of forest resources”.

What should be the basis for determining what is equitable when it comes to forest benefit sharing? Give reasons for your choice.

The group think the basis for forest benefit sharing should be:

- Contribution to the creation of the forest wealth by rural dwellers (maintain existing ones / create new ones (plantations))
- Protection and management
- Promotion in trade

Reasons for the basis were stated as:

To capture efforts in terms of cost – to justify fairness;

To capture operations and inputs involved in management / assign cost and value;

To revenue generation – policy for fair distribution.

Using the basis you have identified, indicate the contribution of various stakeholders and what you think should be the corresponding share of forest benefits.

The table below summarizes the group’s suggestion.

Stakeholder	Contribution	Share	Rights and responsibilities
Rural Dwellers / families	40%	40%	- Fire fighting - Boundary cleaning - Reporting eg illegal activities - Deterrent
Land Owners (families, clans, chiefs, stools and skins)	20%	20%	- Ownership - Allocation rights - Ensure governance - Oversight function
Government (Ministry of Lands and Forestry, Forestry Commission, District Assembly)	40%	40%	- Policy formulation - Management - Regulation - Oversight function - Protection

What are your impressions about current system of forest benefit sharing for:

On-reserve resource

Off-reserve resources

The group thinks the current benefit sharing arrangements for both on- and off-reserve are not fair, since communities benefit very little even from SRAs.

What steps should be taken to improve the present benefit sharing arrangements for:

On-reserve resource

Off-reserve resources

The group put forth these three suggestions:

- A proportion benefits should specifically go to the community (redistribution)
- Allocation of benefits based on relative contributions of stakeholders
- transparency (accountability)

GROUP THREE: TRADITIONAL AUTHORITIES AND DISTRICT ASSEMBLIES

How would you define equity?

A situation where any recipient receives a fair share of what is due him/her.

What should be the basis for determining what is equitable when it comes to forest benefit sharing? Give reasons for your choice.

The group identified 'role played' to be the main basis for equitable benefit sharing.

Using the basis you have identified, indicate the contribution of various stakeholders and what you think should be the corresponding share of forest benefits.

The table below presents the group's view on the above issue.

Stakeholder	Responsibility	Share
Traditional authority	Rightful owners	50%
Communities living around the area	Directly involved in the protection of the forest area	30%
FSD / Government	Management / policy implementation	20%

What are your impressions about current system of forest benefit sharing for:

On-reserve resource

Off-reserve resources

The group observed that the current system failed to identify the true stakeholders who should actually benefit from the resource

What steps should be taken to improve the present benefit sharing arrangements for:

On-reserve resource

Off-reserve resources

The group put forward these suggestions:

- Before a concession is allocated its location must first be identified
- Identify traditional authority of the area
- Identification of the various communities directly involved in the protection of the area
- Before a concession is approved, the above identifiable groups must be a party to the agreement.

Other concerns

Quota of each contractor must be made known to the identified stakeholders so that they do not over exploit.

GROUP FOUR: FORESTRY PROFESSIONALS WORKING AT COMMUNITY LEVEL**How would you define equity?**

The group identified the following as key elements of equity:

- Fairness;
- Equal access;
- Just distribution;
- People don't feel left out;
- Meeting different needs.

What should be the basis for determining what is equitable when it comes to forest benefit sharing? Give reasons for your choice.

The basis put forward by this group were:

- Rights;
- Input and output; and
- Responsibilities and roles of the various stakeholders.

Using the basis you have identified, indicate the contribution of various stakeholders and what you think should be the corresponding share of forest benefits.

The table below summarises this group's view on the above issue.

Stakeholders	Responsibility	Benefit
Farmers	- Plant trees. - Nurture naturally regenerating trees. - Stop other people from cutting the tree. - Protect trees from fire and encroachments.	- Outright payment of some fee. - Right of ownership of both planted and tended trees.
FC	- Ensure realistic pricing of forest resources. - Tree planting on reserve. - Silvicultural management. - Protection from fire, encroachers etc. - Conducts inventories and stock survey. - Regulate utilization of forest resources. - Collect revenues. - Forest extension and education services.	- Management fee from the stumpage fee.
Chiefs	- Land for forest reserve. - Enact local by-laws and regulations. - Conflict resolution.	- Royalties.
Timber contractors	- Create market for forest resources. - Efficient utilisation of resources. - Ensure sustainable management. - Ensure transparency. - Support afforestation. - Prompt payment of stumpage. - Respect rights of communities including SRA negotiation.	- Access to harvestable timber.
Communities (CFCs)	- Forest protection. - Provide labour for boundary cleaning, forest plantation etc. - Land for forest reserves. - Monitor forest reserve exploitation. - Forest patrolling.	- Access to forest resources. - Payment for labour. - Fair share of stumpage.
District Assembly & area councils	- Environmental planning in off-reserves. - Conflict resolution. - Enact bye-laws. - Initiate development projects	- Percentage of stumpage. - Collect task from forest users.

Forest users e.g. cavers	- Create market for forest product. - Add value to process forest product. - Ensure sustainable management. - Ensure efficient utilization.	- Access to forest resources. - Added value.
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Environmental
NGOs
Educational &
Research Inst.

What are your impressions about current system of forest benefit sharing for:

On-reserve resource

Off-reserve resources

The group thinks it is not transparent and also major stakeholders were not consulted in the development of the formulae for the benefit sharing.

What steps should be taken to improve the present benefit sharing arrangements for:

On-reserve resource

Off-reserve resources

The group suggested that it must be reviewed because major stakeholders are not happy with it.

GROUP FIVE: FOREST RESOURCE MANAGERS**Definition of equity**

Equity: Identification and rewarding system in accordance to rights and responsibilities in relation to the management and utilization of the resources

The group produced the table below as a summary of their opinion on the rights, responsibilities and corresponding benefits of the various forestry stakeholders. However, the group felt that a scientific study is required to establish the cost of management and ratios for sharing the net outcome. They also could not complete the table because of time constraints.

On reserve:

Stakeholders	Rights	Responsibilities	Share	Remarks
The Land owning communities	Owners & User	Surveillance		
FC		Mandate to manage		
Fringe communities	User	Protection		
Administrator of Stool Land		Fund Managers		
District Assemblies		Arbiters & Community Development		
Civil Society		Watch Dog		
Policy Makers		Policy		
Timber Contractor	Acquired User	Management		
Researchers				
Politicians				
Academia				

Off- reserve:

Stakeholders	Rights	Responsibilities	Share	Remarks
The Land owning communities	Owners & User	Surveillance		
FC		Mandate to manage		
Fringe communities	User			
Administrator of Stool Land		Fund Managers		
District Assemblies		Arbiters & Community Development		
Civil Society		Watch Dog		
Policy Makers		Policy		
Timber Contractor	Acquired User	Management		
Farmer	Allow for felling	Nurturing the tree		
Researchers				
Politicians				
Academia				

The group proposed the following steps for improving the present benefit sharing arrangements:

- A study to establish cost of management and ratios for sharing the net outcome.
- Determination of who constitute the fringe communities
- Revision of laws
- Efficiency of revenue collection

Other concerns

Rights holders: The Land owning communities

Responsibility: FC Manager, Fringe communities, Administrator of Stool Land, DAs

GROUP SIX: RESOURCE MANAGERS RELATED TO POLICY DECISION MAKING**How would you define equity?**

Group six defined equity as fairness or equal opportunity.

What should be the basis for determining what is equitable when it comes to forest benefit sharing? Give reasons for your choice.

The group proposed that for benefit sharing to be equitable, benefits should be calculated based on returns versus input of stakeholders. Also determination of inputs should take into consideration the following:

- Ownership rights
- Labour / Tending cost
- Security/protection
- Management cost
- User rights
- Public rights/cost
- Market (Industry)

Using the basis you have identified, indicate the contribution of various stakeholders and what you think should be the corresponding share of forest benefits.

The group identified the input of the various stakeholders as follows, but due to time constraint they were not able to come out with the corresponding benefits.

Input	On-reserve	Off-reserve
Ownership	Stool land / Traditional authority/ Families/ Alienation holders	Stool land / Alienation holders/ Traditional authority/ Families
User right	1 Forest Fringe Communities 2. Domestic user right holders 3. Concessionaires / TUC holders 4. Recreational / tourist	1 Forest Fringe Communities 2. Domestic user right holders 3. Concessionaires / TUC holders 4. Recreational / tourist 5. Farming right
Management / Protection / Labour cost	FC Community (CFC) Industry	FC CFC Industry Farmer / tenant
Public right / market	General public Partners Consumers	General public Partners Consumers

What steps should be taken to improve the present benefit sharing arrangements for:**On-reserve resource****Off-reserve resources**

The group could not provide a direct answer to question four, but it could be inferred from their answer to question five that they were not happy with the current benefit sharing arrangements and hence proposed the following recommendations for improvement:

- Scientific evaluation study on cost/benefit analysis
- Benefits sharing arrangement to be broaden to include protected area, e.g globally significant biodiversity areas and hill sanctuaries.
- Refinement of SRAs (definitions of community, signatories, negotiation process etc)
- Increase management cost to include community/farmer mgt cost payable directly to the communities/farmers.