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COMMUNIQUÉ

**ISSUED AT THE END OF
A LEGAL WORKING GROUP MEETING IN ACCRA,
GHANA WITH STAKEHOLDERS FROM FORESTRY
COMMISSION, MINISTRY OF LANDS AND NATURAL
RESOURCES, THE EUROPEAN UNION DELEGATION-
ACCRA, TIMBER INDUSTRY AND CIVIL SOCIETY**

29th June 2022

**By
FOREST WATCH GHANA**

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June 2022.

Communiqué

Whereas the Joint Assessment of the Ghana Legality Assurance System (GhLAS), completed in December 2020 as part of the final stages in the implementation of the GH-EU Voluntary Partnership Agreement (VPA) signed in 2009 recommended actions to be undertaken by Ghana to address non-compliances and place Ghana in readiness to issue FLEGT licences. The VPA seeks to, among other things, set a legality standard for the trade in timber in a bid to reduce illegality and improve forest governance.

Whereas since December 2020, Ghana has worked to address the issues identified in the Joint Assessment Report, there appear to be a certain lull in the progress towards the issuance of FLEGT Licenses.

Whereas worried about the delay in moving towards issuance of FLEGT licenses, a Legal Working Group Meeting was convened on 29th June 2022 with stakeholders from the Forestry Commission, the European Union Delegation in Ghana, the Technical Directorate of the Ministry of Lands and Natural Resources, Timber Industry operators and Civil Society to deliberate on the status of implementation of the GH-EU VPA.

Whereas at the meeting, the Director of the Timber Validation Department of Forestry Commission provided an update on Ghana's progress and preparedness towards the issuance of FLEGT Licenses and indicated that all the technical issues raised in the 2nd Joint Assessment of the GhLAS have been fully addressed save for the issue of conversion of extant leases and permits which will be presented to Parliament for ratification before the House rises for recess in July 2022.

Whereas the European Union Delegation in Ghana reassured the meeting of the commitment of the Delegation at ensuring that Ghana becomes the first African Country and second in the world to issue FLEGT licenses.

Whereas on policy processes, the Ministry asserted that 156 Timber Utilisation Contracts (TUCs) have been approved by cabinet for submission to Parliament and these contracts are currently being signed by the minister.

Whereas in the emerging discussions, it came up that confiscated timber has been re-tabled as a new issue from the EU although not covered or raised in the 2nd Joint Assessment Report and presented as an issue that needs to be resolved before Ghana can issue FLEGT licences.

And whereas the members of Legal Working Group realising that the issue of confiscated timber was raised somewhere in 2019 by the EU and relevant answers including the legal basis and data

on confiscated timber was provided to the EU have reached the following conclusions after the meeting:

On the issue of Confiscated Timber

1. That as far as Civil Society is aware, the issue of confiscated timber has been comprehensively addressed with the provision of legal basis as contained in regulation 28 of the Timber Resources Management (Legality Licensing) Regulation, 2017 (L.2254) and data showing the negligible volumes in the Ghana Wood Tracking System (GWTS).
2. That confiscated timber is recognised as a legal source of timber and was accepted and included in the legality definition in the GH-EU VPA Agreement.
3. That the re-tabling of the issue of confiscated timber at this stage of the VPA implementation process in Ghana and presenting it as precondition to be addressed before moving towards licensing may unduly further delay or derail the VPA implementation process.
4. That the introduction of matters not covered in the 2nd Joint Assessment Report cannot be tabled as preconditions before licensing or else we risk delaying or derailing the processes with such tangential issues.
5. That the existing practices and recommendations of the Joint Assessment are clear on how to deal with the issue of confiscated timber under the VPA.
6. That Civil Society shares in the concerns of the EU that in the past, some proportion of Rosewood timber were traded under Certificate of Purchase due to auctioning of confiscated Rosewood.
7. That the current practice on how Ghana deals with confiscated Rosewood timber where such timber is donated for social purposes and not released into the supply chain for export or use on the domestic market is progressive and aligns with the commitment of stemming the trade in illegal Rosewood lumber.
8. That whatever the reason or basis for the EU re-tabling of the issue of confiscated timber cannot outweigh the years of efforts put into legal reform, system change and addressing the technical issues raised in Joint Assessment Report all in a bid to get Ghana towards the issuance of FLEGT licenses.
9. That Ghana should take a firm position on welcoming discussions on all issues but the focus at this stage of the implementation process should be toward agreeing on the action plan developed on the basis of the 2nd Joint Assessment. Anything short of this will snap out the goodwill and bring inertia to the process.

On the ratification of extant leases and permits:

10. That the Ministry of Lands and Natural Resources be commended for the progress made towards finalising the contract documents.
11. That the Ministry should explore with the select committee of Parliament avenues to speed up ratification before the house goes for recess at the end of July to continue to show that Ghana is fully committed to improve forest governance.

Now, therefore, on the twenty-ninth day of June 2022, we the member of the Legal Working Group do hereby resolve as follows:

1. That the issue of confiscated timber should not be re-tabled as a precondition for Ghana's VPA readiness. It is not an issue that should cause any further delay for the process. The issue may be discussed, and the current practice evaluated and if need be, improved as a post FLEGT licence matter.
2. That the EU may introduce the issue of confiscated timber for discussion but will urge the EU not to present this issue as a precondition for issuing FLEGT licenses.
3. That if the issue of confiscated timber is not resolved by mutual discussions in advance of the next joint session of the Joint Monitoring Review Mechanism (JMRRM) and becomes a stalemate which will further delay the issuance of FLEGT licenses, we the CSOs in the forest sector will actively campaign and urge Ghana to invoke its rights under paragraph 4 of Article 24 of the GH-EU VPA Agreement for Arbitration on the issue.
4. That an expedited approach at submitting the extant leases and permits to Parliament for ratification should be adopted by the Ministry.

Respectfully submitted through Forest Watch Ghana on behalf of members of the Legal Working Group for the special attention of:

1. The Ministry of Lands and Natural Resources
2. The Forestry Commission
3. The European Union Delegation, Accra
4. The European Commission
and for General Circulation.

For further information, please contact:

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