

PRESS STATEMENT

**For Immediate Release
To All Media Organizations**

20th September, 2024

Civil Society Organizations File Legal Action to Halt Mining in Ghana's Forest Reserves

We, the undersigned environmental and civic organizations, are pleased to announce that we today have filed a Writ of Summons and an Application for an Interlocutory Injunction in the High Court, against:

1. The Minister for Environment, Science, Technology and Innovation
2. The Environmental Protection Agency
3. The Minister for Lands and Natural Resources
4. The Minerals Commission
5. The Speaker of Parliament, and
6. The Attorney-General

This legal action, which represents a collective effort by A Rocha Ghana, Nature and Development Foundation, Civic Response, EcoConscious Citizens, Kasa Initiative Ghana, Tropenbos Ghana, and Ken Ashigbey (Convenor of Media Coalition Against Galamsey), is aimed at protecting Ghana's forest reserves from the devastating effects of mining. To summarise its impacts to date, a total of 24 Forest Reserves, including seven Globally Significant Biodiversity Areas, either have a mining lease granted within their boundaries, or a mining lease or prospecting licence application awaiting Validation. Some of the reserves such as the Draw River have multiple applications. Furthermore, the MinCom is still accepting applications to mine in Forest Reserves as recently as August 2024.

Our case challenges the legality of the Environmental Protection (Mining in Forest Reserves) Regulations, 2022 (L.I. 2462), which we believe were laid in Parliament without the mandatory fiscal impact analysis, in violation of the Public Financial Management Act, 2016 (Act 921). This failure to follow due process renders the regulations null and void.

Furthermore, we contend that the said L.I. 2462 is inconsistent with the Minerals and Mining Act, 2006 (Act 703), and the Forests Act, 1927 (CAP 157), which expressly prohibit the granting of mineral rights in forest reserves. Additionally, the L.I 2462, is a bad law, contradicts Ghana's progressive framework for natural resource management for the last 25 years, and it erodes protection for Forest Reserves in Ghana.

We are also asking the High Court to grant an interlocutory injunction to:

1. Halt the issuance of any further permits or licenses under the disputed L.I.2462 regulations allowing mining activities in forest reserves.
2. Restrain any person or entity holding such licenses from carrying out mining activities in forest reserves.
3. Prevent the exercise of any presidential powers to approve mining in globally significant biodiversity areas, pending the Court's determination of the case.

This legal action aligns with our shared commitment to environmental conservation and the protection of Ghana's natural resources for current and future generations. We believe that the country's development must not come at the expense of its environment, and we will continue to advocate for sustainable natural resource management. Ghana's critical societal needs are met through the invaluable environmental services and public goods provided by forest ecosystems, such as clean water, fresh air, biodiversity, and essential raw materials. These natural resources sustain livelihoods, enhance health and well-being, and are crucial for the country's sustainable development. Protecting these ecosystems ensures the continued availability of these vital services for current and future generations.

We would like to take this opportunity to express our deepest gratitude to our legal team at Merton & Everett LLP. Their unwavering commitment to upholding the rule of law, and their expertise in environmental and public interest litigation, have been instrumental in advancing this cause.

We urge all Ghanaians to join us in supporting this cause and strengthening the collective resolve to ensure accountability in the protection of our natural and environmental heritage. Together, we can safeguard the vital ecosystems that sustain our communities and secure a sustainable future for generations to come.

Signed By:

A Rocha Ghana
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Civic Response
EcoConscious Citizens
Kasa Initiative Ghana
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Ken Ashigbey, Media Coalition Against Galamsey

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