



PRESS STATEMENT

FOR IMMEDIATE RELEASE
TO ALL MEDIA AGENCIES
9TH June, 2023

MINING IN FOREST RESERVES: IT IS TIME TO BREAK THROUGH THE SILENCE

Certain developments in the forest and mining sector have recently come to light that all Ghanaians – especially communities around the Forest Reserves – need to be aware of and the potential impacts on their lands and forests.

In November 2022, a new Legal Instrument L.I. 2462 ‘**Environmental Protection (Mining in Forest Reserves) Regulations**’ was quietly passed. Civil society only became aware of this clandestine action by the EPA and government in March 2023.

Under the Right to Information Act, concerned civil society organisations have sent requests to relevant public institutions for information on the process that led to L.I.2462, but responses have been either limited or absent. Ghanaians, especially the rural communities, need to know what this L.I. entails and how it may affect them.

What does L.I.2462 allow?

Permitted size: While the 2018 ‘Environmental Guidelines for Mining in Production Forest Reserves in Ghana’ that preceded the L.I. allowed a maximum of 2% of the production areas of **forest reserves to be mined**, the new regulations have no such restriction. Consequently, after the L.I. was passed, mining permits covering large portions of forest reserves have been granted, including Nkrabia, Boin Tano, Anhwiaso East, and Tano Anwia.

Prohibited areas: The 2018 Environmental Guidelines excluded Globally Significant Biodiversity Areas (GSBAs) such as Tano Offin and Atewa Range Forest Reserves from any mining or exploration. Under the new L.I., however, the President can approve mining in these uniquely critical areas if it is “in the national interest”. It appears this relates directly to government’s bauxite mining plans for these two GSBAs. **That said, the Boin Tano Forest Reserve – also a GSBA**

– is already under a gold mining lease that was applied for and granted as soon as the L.I. was passed. It is not known if this lease has the mandatory Presidential approval, or even how it can be in the ‘national interest’.

Permits and Approvals: Whereas companies were legally obliged under the Environmental Guidelines to obtain the Forest Entry Permit as the FIRST permit before any other permit or approval, it is now the very last requirement, while the Mineral Right is the first. Further, the L.I.

does not specify the need for a Cabinet Memo, while this was the 3rd requirement in the Environmental Guidelines.

Prospecting and Mining: While the L.I.'s procedures for minerals prospecting – currently banned in all forest reserves – are very strict, those for mining are not. Available evidence suggests that mining companies are going directly for full mining leases to access the reserves without initial prospecting. Is this legal, and does this mean they will be prospecting under a mining lease?

Biodiversity and Restoration: Under the L.I., a mineral right holder is required to establish and manage an area at least 3x the size of the mining concession as a biodiversity offset. Communities need to be very wary because this would affect their lands. There is also no firm requirement for forest restoration. A mineral right holder can instead offset reclamation by establishing a plantation at least 3x the impacted area. Again, communities be wary.

There is a significant weakening of the 2018 Environmental Regulations that civil society considers completely unacceptable and a very grave threat to the future of Ghana's forest reserves that all Ghanaians depend on for ecosystem services. Rather than regulating for environmental protection, it appears the new L.I. aims to support permission for mining across 100% of Ghana's forest reserves.

Damage to Ghana's Forest Reserves from Licensed Mining

Even before L.I.2462 was passed and the 2018 Environmental Guidelines were current, large swathes of the forest reserves far beyond the 2% restriction were licensed for mining. Despite this, government remains silent on forest damage by mineral rights holders and instead places all the blame on galamsey.

The Apamprama Forest Reserve is a significant case in point. Government's 2nd May address on the State of the Nation's Forest Reserves showed that 49.4% of this reserve has been destroyed, identifying galamsey as the ONLY culprit. It failed to mention that this forest reserve has been under three mining licences since 2018, these being a prospecting licence (2018-2021, across the whole reserve) and two mining leases, one along the River Offin inside the reserve (licence code ML6/3, expires 2032) and the other across the whole reserve area (licence code PL6/393, expires 2030). But government remained completely silent on this.

Of the 47 Forest Entry Permits recently exposed for prospecting in 31 forest reserves, 11 reserves had multiple licences (such as Oda River with 5, Desiri with 4, Apamprama with 3). The 3 reserves identified with a RED status, meaning they are active galamsey sites and difficult to control without military support, had 10 licences between them. Those reserves are Oda River, Subin Shelterbelt and Apamprama. Whether or not all these licences were acted on is difficult to know, but as shown for in Apamprama, there could well be a link between licensed mining and the difficult-to-control galamsey.

There is real concern that L.I.2462 will accelerate destruction of our already highly depleted forest estates. The Forestry Commission must stop granting any Forest Entry Permits for mining

in forest reserves, while the Minerals Commission should immediately revoke ALL mining licences in the reserves, beginning with those granted to irresponsible companies. The L.I.2462 must also be revoked and replaced with an Act that bans all mining in forest reserves.

Ghana's forests provide critical ecosystem services and resources such as clean water to support the health and welfare of all Ghanaians, especially rural communities whose environmental rights are being completely ignored.

The forests must be **fully protected** from all mining, both government-licensed and gamamsey, otherwise their integrity and capacity to support life will soon be gone. Government's Green Ghana Day can plant 500 billion trees every year, but it can never bring back Ghana's old growth forests.

Finally, until government takes active steps to secure all forest reserves indeed, we reiterate that, Green Ghana Day will continue to be a green washing agenda by government to distract all of us from their terrible record of securing forests and biodiversity in Ghana.

Thank you.

Signed By:

**A Rocha Ghana
Nature Development Foundation
Ecoconscious Citizens
Youth Alliance for Green Ghana
Ghana Youth Environment Movement**

For All follow-ups

Daryl Bosu

A Rocha Ghana

Tel: 02022555727

Mustapha Seidu

Nature Development Foundation

Tel: 0248930693