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GHANA INSTITUTE OF FORESTERS POSITION PAPER ON L. I. 2462

Disapproval and Condemnation of the Legislative Instrument Permitting Mining in Ghana's Forest Reserves, L.I. 2462

The Ghana Institute of Foresters (GIF) writes with a sense of dismay and disbelief upon learning of the passage of the Environmental Protection (Mining in Forest Reserves) Regulations, L.I. 2462 and its aftermath. As experts and advocates for sustainable natural resource management, it is with deep urgency and concern that the GIF expresses the strong objection of Ghana's foresters to this outrageous Legislative Instrument that permits unlimited mining in our forest reserves.

As specified in Section 2(d) of the Forest Act, 1927 (Cap 157), our forest reserves were deliberately established for purposes that include safeguarding water supplies, sustaining ecological integrity and the forest microclimate needed for cocoa production, and sustaining supply of timber. The reserves have been legally dedicated as protected areas, which confers on them legal protection from destructive use. Allowing mining in our forest reserves defeats the purposes of the forest reservation. It makes it unjustified to continue having them as areas entrusted to Government to manage with its powers and expertise for the benefit of all Ghanaians.

Our forest reserves serve as irreplaceable ecosystems, providing invaluable services to both humans and nature. They provide irreplaceable protection to our water bodies, a reason most of them are named after rivers. The existence of our forests is condition-precedent for the sustainability of our cocoa industry. They are the lungs of the earth, playing a significant role in mitigating the impacts of climate change. By allowing mining in these fragile habitats, the Government is directly contributing to the acceleration of environmental degradation and biodiversity loss. While the Government's flagship Greening Ghana initiative is commendable, allowing mining in forest reserves risks eroding the gains from the initiative. Our forest reserves are our only guarantee of forest sustainability.

Moreover, the forest reserves are essential sources of freshwater to communities living in and around these areas. Allowing mining within these reserves compromises the integrity of the water sources, potentially leading to pollution and loss of access to clean drinking water for countless individuals. This far reaching decision disregards the fundamental rights of these communities to

a safe and healthy environment. Indeed the Government, acknowledging how indispensable our forests and water bodies are for our very survival, has always maintained that our forests and water bodies are no-go areas for mining.

Before the passage of L.I. 2462, the legal framework for mining permitted limited mining of not more than 2% of timber production reserves. The blatant abuse of this limited provision led to calls to totally ban mining in forest reserves. Some companies mined in forest reserves under the guise of gold prospecting with prospecting licenses they have acquired. Some entities mined in forest reserves with no permit whatsoever. The Government responded favourably to the concerns in 2021 with an Executive ban on all forms of mining activities in forest reserves, including ban on issuance of forest entry permits and prospecting licenses. Some pieces of mining equipment not removed from forest reserves by a given date were destroyed. It was therefore a shock when gold prospecting licenses were granted to 25 companies in 2022, paving the way for them to mine in forest reserves under the guise of gold prospecting. Just when the GIF and other entities were calling for investigation into the issuance of the gold prospecting licenses when the Executive ban was still in place, we received a bigger shock that L.I. 2462 has been passed in November 2022 that legally permits unlimited mining in forest reserves. Not even the ecologically-sensitive Globally Significant Biodiversity Areas have been spared. The GIF was completely left in the dark throughout the processes leading the passage of L.I. 2462.

Though presented as seeking to regulate mining in forest reserves, L.I. 2462 has opened the floodgates for institutionalized mining in our forest reserves. Barely a year after its passage, eight forest reserve mining leases have been issued; and 14 mining leases are at various stages of approval. For some of the reserves like Totua Shelterbelt Forest Reserve, over 90% of the reserve area has been approved for mining. This is very worrying. The public outcry that followed the knowledge that attempts were being made to mine the Kakum National Park led to the Minerals Commission announcing that Kakum will not be mined. What about the three equally ecologically-sensitive Globally-Significant Biodiversity Areas that have been approved for mining: Neung South Forest Reserve, BoinTano Forest Reserve and Draw River Forest Reserve.

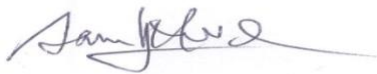
Furthermore, the decision to allow mining in forest reserves contradicts Ghana's own commitments to international agreements and sustainable development goals. It disregards principles outlined in the United Nations Sustainable Development Goal 15 on protecting, restoring, and promoting the sustainable use of terrestrial ecosystems and further undermines the Convention on Biological Diversity and our climate change mitigation and adaption commitments. L.I. 2462 also undermines the objectives set forth in the Ghana Forest and Wildlife Policy and the Forest Plantation Development Fund Act, which prioritize conservation and sustainable forest management. By flouting these commitments, Ghana risks losing international credibility and damaging relationships with important global partners. At a time when Ghana seeks to demonstrate under the Voluntary Partnership Agreement with the EU and other international forest sustainability schemes that forest products being exported from Ghana are legally sourced from sustainably-managed forests, how can we allow mining in our forest

reserves? Which certification body will certify a forest reserve as being sustainably managed when mining has been permitted in that reserve?

Based on the points made, the Ghana Institute of Foresters (GIF) strongly condemns the passage of L.I. 2462 permitting unlimited mining within Ghana's forest reserves. Such a decision is an affront to sound environmental management, sustainable development, and the well-being of current and future generations. The GIF hereby demands the following:

1. We call on the Government to immediately suspend grant of permits for mining in forest reserves and initiate steps to repeal L.I. 2462 without delay.
2. We implore the Government to, as a matter of urgency, resume the military support to the Forestry Commission that was withdrawn a year ago; to help fight illegal mining in forest reserves.
3. We implore the Government to provide the Forestry Commission with the requisite logistics like vehicles, forest monitoring drones, etc. to combat illegal mining in forest reserves.
4. GIF is ever ready and adequately prepared to meet Government to help find pragmatic solutions to illegal mining in Ghana.
5. GIF is monitoring the immediate response of Government to the request to suspend granting of permits to mine in forest reserves; and our next action will be determined by that.

The GIF affirms its commitment to ensuring that the ecological integrity of Ghana's forests is maintained; and calls on all citizens to join the fight against mining in our forest reserves. Posterity will judge us all if we allow the selfish interests of few actors to override the common public interests in our forests.



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