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Member Of Parliament For Tamale North Constituency



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MEMO

TO: CLERK TO PARLIAMENT
FROM: THE HONOURABLE MEMBER FOR TAMALE NORTH
(HON. ALHASSAN SAYIBU SUHUYINI)

THE HONOURABLE MEMBER FOR NORTH TONGU
(HON. SAMUEL OKUDZETO ABLAKWA)

THE HONOURABLE MEMBER FOR MADINA
(HON. FRANCIS-XAVIER KOJO SOSU)

SUBJECT: INTRODUCTION OF PRIVATE MEMBER'S BILL TO
REPEAL SECTION 3(2) OF THE ENVIRONMENTAL
PROTECTION (MINING IN FOREST RESERVES)
REGULATIONS, 2022 (L.I. 2462), WHICH GRANTS THE
PRESIDENT THE AUTHORITY TO ISSUE MINING
LEASES FOR EXPLORATION IN FOREST RESERVES

DATE: 22ND OCTOBER 2024

Sir, we wish to request the Legislative Drafting Office to draft for subsequent submission to the Speaker a bill to repeal Section 3(2) of the Environmental Protection (Mining in Forest Reserves) Regulations, 2022 (L.I. 2462), which grants the President the authority to issue mining leases for exploration in forest reserves in Ghana.

Please find attached our proposal for the said Bill.

Submitted please,

Alhaji Alhassan Sayibu Suhuyini (Hon)
MP, Tamale North Constituency

For and on behalf of:

**Hon. Samuel Okudzeto Ablakwa
MP, North Tongu Constituency**

**Hon. Francis-Xavier Sosu (Esq)
MP, Madina Constituency**

PROPOSAL TO REPEAL SECTION 3(2) OF THE ENVIRONMENTAL PROTECTION (MINING IN FOREST RESERVES) REGULATIONS, 2022 (L.I. 2462), WHICH GRANTS THE PRESIDENT THE AUTHORITY TO ISSUE MINING LEASES FOR EXPLORATION IN FOREST RESERVES

The purpose of this Bill is to repeal Section 3(2) of the Environmental Protection (Mining in Forest Reserves) Regulations, 2022 (L.I. 2462), which grants the President the authority to issue mining leases for exploration in forest reserves in Ghana.

As Legislators, the obligation to ensure a clean, healthy and sustainable environment is greater on us. Indeed, Article 41(k) of the 1992 Constitution provides that “The existence and enjoyment of Rights and Freedoms is inseparable from the performance of duties and obligations and accordingly it shall be the duty of every citizen to protect and safeguard the environment.” As such, the obligation and the duty to ensure the right to a clean, healthy and sustainable environment is even greater on us as lawmakers since we have the privilege of partaking in the governance of the state by way of being a check on the Executive, and responsible for approving budgets, formulating laws and policies that affects the environment, climate, public health and ecosystems.

According to (Asuamah, 2023) in his study of “The Impact of Illegal Mining on Economic Growth and Development in Ghana”, illegal mining leads to the loss of government revenue, distortion of the formal mining sector, environmental degradation and loss of productivity, increased economic vulnerability, decline in productive investments, inefficiencies and economic inefficacy, disruption of supply chains and market distortion, impact on trade balance, erosion of social capital, weakening of institutions and governance, loss of employment opportunities, impact on tourism and social inequality and poverty, negative perception and reputation,

infrastructure strain, loss of investor confidence, reduction in long-term resource potential, increased social costs, hindered technological advancement, environmental degradation, impaired resource governance, loss of tax revenue, health and safety risks, increased security risks, loss of international trade opportunities, and impaired sustainable development, among others.

According to the Ghana Mining Repository, Ghana has issued 1,696 mining licenses in the past 8 years (2016-2024), a 2,800 percent increase compared to 57 licenses since 1995, statistics which have been significantly impacted boosted by the current law. As a result, the Ghana Academy of Arts and Sciences (GAAS) notes that “the continuous mining in the restricted areas undermine the critical functions of forest reserves and have dire consequences for humanity and the planet. Furthermore, Ghana as a signatory to the United Nations Framework Convention on Climate Change (UNFCCC), is obligated to follow international commitments and global environmental agreements to combat climate change, prevent land and water degradation, and conserve biodiversity, which agreement, the phenomenon of mining in forest reserves contradicts.

Recently, the Pharmaceutical Society of Ghana (PSG) has warned that Ghana risks importing water to support local pharmaceutical production if the illegal mining canker is not addressed urgently. This is similar to the call by the Ghana Water Company Limited (GWCL), as well as Africa Center of Excellence in Coastal Resilience (ACECoR) of the University of Cape Coast (UCC) for the “conservation of our water bodies to foster peace and tranquility”, during this year’s celebration of the World Water Day.

Additionally, the National Security Strategic Report published by the Ministry of National Security in highlighting threats to Ghana’s Domestic Security Landscape reports that “The illegal exploitation of natural resources, including illegal mining,

fishing and poaching have also virtually become a way of life in parts of Ghana in spite of efforts to prevent and combat them.”

Currently, the Ghana Armed Forces (GAF), Ghana Chamber of Mines, Ghana Journalists Association (GJA), Ghana Institute of Architects (GIA), the Mines Workers Union of the Trades Union Congress (TUC), Research Staff Association (RSA) of the Council for Scientific and Industrial Research (CSIR), the Ghana Atomic Energy Commission (GAEC), Ghana Academy of Arts and Sciences (GAAS), Pharmaceutical Society of Ghana (PSG), Ghana Water Company Limited (GWCL), the Denkyira Development Association (DDA), Center for Democratic Development (CDD), OccupyGhana, Media Coalition Against Galamsey, OXFAM, and various Faith Based Organizations (FBOs) including the Catholic Bishops Conference, among others, have all expressed their displeasure and repulsion at the continued operationalization and phenomenon of illegal mining in Ghana.

It is worth mentioning that on 28th November 2023, the Ghana Institute of Foresters (GIF) expressed a sense of dismay and disbelief following the passage of L.I. 2462. In their position paper, they noted “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.”

Hence, it is in view of the above, and considering that Parliament passed this all-important and consequential L.I. 2462, which among others, grants His Excellency the President, the authority to issue mining leases for exploration in forest reserves, the impact of which has brought so much environmental degradation, as well as health, economic, and social devastation to our country, that we by this proposed Bill, seek to repeal Section 3(2) of the Environmental Protection (Mining in Forest Reserves) Regulations, 2022 (L.I. 2462), which grants the President the authority to issue mining leases for exploration in forest reserves in Ghana.

**HON. ALHASSAN SAYIBU SUHUYINI,
HON. SAMUEL OKUDZETO ABLAKWA &
HON. FRANCIS-XAVIER SOSU (ESQ)**

ENVIRONMENTAL PROTECTION REGULATIONS, 2022 (L.I. 2462)

ARRANGEMENT OF SECTIONS

Section

1. Section 3(2) repealed

A

BILL

ENTITLED

ENVIRONMENTAL PROTECTION REGULATIONS, 2022 (L.I. 2462)

AN ACT to repeal Section 3(2) of the Environmental Protection (Mining in Forest Reserves) Regulations, 2022 (L.I. 2462), which grants the President the authority to issue mining leases for exploration in forest reserves.

Passed by Parliament and assented to by the President:

Section 3(2) repealed

(2) The President may in writing grant approval to a mining company to undertake mining activity in a globally biodiversity area in the national interest.