

STATEMENT UPR Pre-session on GHANA Geneva, 28th November, 2022 Delivered by: A Rocha Ghana and Kasa Initiative Ghana

This statement is delivered on behalf of A Rocha Ghana and Kasa Initiative Ghana. Established in 1999, A Rocha Ghana is a committed and recognized environmental conservation non-governmental organization in Ghana. The Kasa Ghana Initiative is a national Natural Resources and Environment (NRE) coalition of over 100 NRE organizations working to ensure the effective participation of citizens, including deprived local communities in the responsible and sustainable environment and natural resource governance. Kasa Initiative Ghana has participated in the UPR processes at the national level since 2017.

The compilation of the submission was made possible through a series of engagement with over 40 Civil Society Organizations (CSOs), individuals and Practitioners in the natural resource and environment sector. An initial one-day capacity building workshop was organized for the stakeholders, followed by a one-day consultative workshop and a field visit which was organized to gather evidence to support the issues. A validation meeting was organized and the report was widely circulated.

The statement:

Ghana received two recommendations on Business and Human Right during the 3rd Cycle of the UPR process in 2017. These include; 146.51: Integrate and apply the Guiding Principles on Business and Human Rights to all its relevant policies including licensing extractive business (Republic of South Korea); and 147.18: Expedite action on the review of the Minerals and Mining Act to ensure sound management of the extractive sector to include control of illegal mining activities and integrate community rights (Kenya).

The UN Guiding Principles on Business and Human Rights are yet to be integrated and applied domestically although efforts are being made by Ghana to develop a national action plan for it. Ghana unfortunately has lost control of illegal mining activities and community rights are being severely breached

A. Emerging Issues in Mining

The emerging issues in mining covers three cases of human right issues perpetuated by private investors and businesses within the mining sector. The three human right cases include: human rights abuses as a result of large- scale salt production in the Ada Songor lagoon area by Electrochem Ghana Ltd; the destruction of the Appiatse community and Prestea Huni-Valley Municipal through improper explosives handling; and the security threat posed on communities' members due to the operations of Adamus Gold Resources Ltd, a Mining company in the Ellembele District, Western region of Ghana.

Recommendations:

We urge that the conduction of mining activities and large- scale land acquisition issues are giving the needed attention in the upcoming UPR, with a priority on banning illegal mining and effective regulation of the mining sector. We therefore recommend that the Government of Ghana:

- i. Commit to the eradication of illegal mining;
- ii. Enforce the status and profiling of the Ada Songor Lagoon as a Ramsar Site and UNESCO Biosphere Reserve and prevent it from mining;
- iii. Initiate actions to investigate, prosecute and compensate the affected persons of accidents caused by companies as a result of negligence of health and safety standards;
- iv. Expediate efforts to domesticate the UN Guiding Principle on Business and Human Rights.

B. Emerging Issues in Forestry

- i. Human Rights Abuse in Managing Kalakpa Game Production Reserve: Right to Standard of Living Adequate for Health and Wellbeing.

The Kalakpa Game Production Reserve which was created around 1975 currently has about 2,500 people who live within the reserve including the original settlers. Their settlements vary in size from a few huts to more than 500 inhabitants. A few of the residents were legal landowners to whom the government claimed they paid partial compensation to move out (although some now claim they did not receive payment). Even though Article 20(3) of the 1992 Constitution of Ghana requires that where a compulsory acquisition or possession of land effected by the State involves displacement of any inhabitants, the State shall resettle the displaced inhabitants on suitable alternative land with due regard for their economic well-being and social and cultural values, this provision of the constitution was not fulfilled when the state acquired the land from the inhabitants.

- ii. African Plantation for Sustainable Development (APSD) in Atebubu: Large Scale Land Acquisition and Violation of Property Rights.

African Plantation for Sustainable Development (APSD) is a Norwegian company that has acquired 42,000 hectares of land with 50 years lease at Atebubu in the Bono East Region in Ghana to develop biomass for power production. A field visit to the communities indicated that the affected farmers were not consulted by their paramount chief and the company before the land was acquired (FPIC, indigenous people rights). They were only informed after their paramount chief and the company has finished the land transactions. The majority of farmers who were already farming in the lands acquired by APSD were evicted from their lands and consequently lost their source of livelihood without any compensation. The community also complained about the presence of military personnel who have been hired from the state by the company and they have been abusing them.

Recommendations:

In order to address the emerging issues in forestry, we make the following recommendations to the Government of Ghana:

- i. Collaborate with relevant agencies to appropriately resettle and/ or admit the communities within the Kalakpa reserves.
- ii. Develop a Legislative Instrument to regulate large-scale land acquisition in Ghana as recommended by the Land Act, 2020 (Act 1036).

C. Emerging Issues in Climate Change

The coastal areas in Ghana are currently facing increased natural and anthropogenic-induced disturbances including sea level rise resulting in coastal erosion. With the entire coastal region of Ghana at risk, the eastern portions which covering a stretch of 149km from Ada to Aflao have seen significant impacts of such phenomenon. There have been several reports of sea level rise in Ghana as reported by Evadzi et al. (2017), and others by an average of about 5.3 cm over the last 21 years resulting in approx. 31% of the observed annual coastal erosion rate (about 2 m/yr) in Ghana. Several coastal communities have been lost to sea level rise and coastal erosion in the past including Fuveme, a once flourishing fishing community of about 2,500 people which has been reduced to a few hundreds. The communities have lost and keeps losing their properties their shelters, farmlands, roads and health facilities to sea level rise and coastal erosion.

Recommendations:

Bearing in mind the disastrous impact of climate change on the economic wellbeing of coastal communities, we make the following recommendations to Ghana:

- i. Develop a Coastal Development Management Policy with allocated funds to implement it;

- ii. Adopt an eco-friendly, non-partisan, and participatory approach to development options of the coastal region of Ghana;
- iii. Develop a Climate Change Framework and Response Policy in line with global standards and practices to respond to changes in the climate.

Thank you for your attention.