

I. INTRODUCTION AND METHODOLOGY

1. The compilation of this submission has been made possible through a series of engagement with over 40 Civil Society Organizations (CSOs), Coalitions and Networks, individual Experts and Practitioners in the natural resource and environment sector. An initial one-day capacity building workshop was organised for the stakeholders on 29th September, 2021. This was followed by a one-day consultative workshop held on March 31st, 2022 as a joint initiative between A Rocha Ghana and KASA Initiative Ghana. After the second engagement, a field visit was organised to gather evidence to support the issues raised during the consultative workshop.
2. The report is based on field work, media publications and articles, and reports from CSOs. This report has been widely circulated and validated among all relevant stakeholders for their review and inputs. A validation meeting was organized on 8th July, 2022. All parties engaged in the process have finalised this joint UPR submission and confirmed their commitment and approval of the report.
3. The submission is prepared in line with Information and Guidelines for the Universal Periodic Review Mechanism (as of June 30th, 2022). It covers the methodology for the preparation of the report, background and framework, emerging issues in mining, forestry and climate change. The submission subsequently highlights specific developments and follow-up measures by Ghana in relation to recommendations from the third cycle Ghana's UPR 2017 Report and makes other recommendations to the issue raised.

II. BACKGROUND AND FRAMEWORK

4. *Scope of international obligations*

4.1. The principles of Free, Prior, and Informed and Consent (FPIC) in the context of development projects that affect indigenous people's lives, livelihoods, and customary land rights are binding on Ghana due to their obligatory status under customary international laws. These principles are also enshrined in the following instruments, which apply to Ghana even though it has not effectively domesticated them in the Ghanaian policies, Laws and Regulations:

- Universal Declaration of Human Rights
- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- United Nations treaty bodies, such as the Committee on the Elimination of Racial Discrimination and Committee on Economic, Social, and Cultural Rights,
- African Union's African Convention on the Conservation of Nature and Natural Resources
- The Africa Mining Vision (AMV, 2009)
- ECOWAS Mining Code
- African Commission on Human and Peoples Rights (ACHPR).
- United Nations Guiding Principles on Business, Security and Human Rights
- Minerals and Mining Act 2006 (703)
- 1992 Constitution of Ghana

III. EMERGING ISSUES IN MINING

Ghana in the third cycle accepted the recommendation with reference (Ref. 146.51) to apply the guiding principles on business and human rights. However, the state has failed to protect the rights of community members from the activities of private investors and businesses. The state

has allowed the operation of private investors such as Electrochem Ghana Ltd, since October 2020. The operation of the business has led to the deprivation of the indigenous Community in the Ada Songor lagoon area in Ada East District access to livelihood (fishing and salt production). This case infringes on the Minerals and Mining Act 2006 (Act 703), ECOWAS Mining Directives and African Mining Vision and UN Guiding Principles on Business, Security and Human Rights.

Ghana has not implemented the provisions of the UN Guiding Principles on Business, Security and Human Rights. These principles recognize the role of states in respecting and protecting the fundamental human rights and freedoms, the role of businesses to comply to the existing laws and respect to human rights and the need for rights and obligations to be matched to appropriate and effective remedies when breached.

The mining platform of the Kasa Initiative Ghana in this report gives accounts on three cases of human right issues within the mining sector perpetuated by private investors and businesses. 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 in the Greater Accra Region; 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 Ellembelle District, Western region of Ghana.

A. Human rights abuses as a result of large- scale salt production in Ada Songor lagoon area in Ada East and West Districts, by private investors, Electrochem Ghana Ltd(1)

A.i. Threat to Life and Security of Persons

1 Ada: Indigenes demonstrate against Electrochem Ltd over salt mining in Songor lagoon, February 10, 2022- Source: classfmonline.com/Elikem Adiku - <https://www.classfmonline.com/news/general/Ada-Indigenes-demonstrate-against-Electrochem-Ltd-over-salt-mining-in-Songor-lagoon-30605>

1. There is a severe threat to the security of persons within the communities. Joint company and public security officials often clash with community youth. This has led to unlawful arrest and detention of 14 Youth, without appropriate legal representation and adjudication has become the new normal within mini
2. Radio Ada (Media House) was vandalized just because they were openly discussing community concerns and impacts from the company operations. The perpetrators are believed to be operatives of the company(2).
3. The large- scale land acquisition which affects up to 30 communities that are dependent on Songor Lagoon are threatened with force eviction. It has also led to increased flooding, destruction of farms, housing and other infrastructure due to poorly controlled fresh water management and blockage of some Lagoon drainage by the Company operations without any consultation with the adjoining communities.
4. The Ada Songor lagoon is a Ramsar site and UNESCO Biosphere Reserve (Ada Wildlife Division, Forestry Commission of Ghana) therefore the activities of the company within the landscape is destroying its eco-system(3).

B. Threat to Children, Women and Youth socio-economic survival due to the destruction of the Appiate community, Prestea Huni-Valley Municipal through improper Explosives handling, 20 January 2022(4)

B.i. Threat to Children and Women's Rights:

5. A total of 3,300 people displaced, 59 people severely injured, 13 people confirmed dead, 500 buildings destroyed, over 1,500 citizens homeless. There is always slow disaster

2 Vandalism at Radio Ada: The inside story- Sourced: Adwoa Gyasiwaa Agyeman January 14, 2022 2:12 pm
<https://www.adomonline.com/vandalism-at-radio-ada-the-inside-story-audio/>

3 <https://rsis.ramsar.org/ris/566>

4 The Chief Executive (2022). The Emergency Plan of Action (EPoA) Ghana: Explosion in Apeate Retrieved from;
<https://adore.ifrc.org/Download.aspx?FileId=491107>

response in terms of poor search and rescue efforts, poor psychosocial counselling support for the affected population especially Children, Persons living with Disabilities (PwD), Women and Youth (Youth and Media Representative). This has led to high socio-economic and livelihood impact on citizens. Sadly, no economic interventions for Persons with Disability, Women and Youth, including Petty trading and Farming at the Camp site are implemented.

6. The challenges with the relocation plan and the delayed rebuilding of the housing for the community as promised by the government exposes these vulnerable groups to several risks and leads to the abuse of their rights. The right to education and health of children are violated as parents currently don't have the economic power to afford such rights for their wards.

B.ii. Violation of Rights to Participation and Access to Information:

7. The citizens particularly, women and the youth who depend on the Songor Lagoon and its catchment area for livelihood were not properly informed and involved in the acquisition process thereby undermining the concept of *Free Prior Informed Consent (FPIC)*
8. Community members are not fully engaged in decision making and they are also not provided with enough information during such calamities. According to the Queen Mother of Bogoso, Nana Adwoa Tanaa II (2022), due to the poor community engagement, lack of proper accountability and the weak participation of the locals especially women and the youth, the decisions taken by the authorities and the strategic plan designed do not address adequately the needs of the most affected that is, children, women, youth and persons with disabilities.
9. Again, the affected locals lack access to information on the agreed on, government strategy for addressing their needs and demands. There are media publications which suggest that the company has been fined and the fine has been paid strangely, this was

done prior to the Investigation and Redevelopment Committee's report and recommendations.

C. A Community member burnt to death by Adamus Resources Ltd, a Mining company in the Asasetre Community, for intruding and trespassing their project site in the Ellembelle District, Western region(5)

C.i. Right to Life and Security of Persons

10. On 26th December 2021, a 27- year -old Michael Derry(6), alias Budo, died at the Korle Bu Teaching Hospital, Accra. He was among a group of Youth who trespassed the concession of Adamus Gold Resources at Anwia and Teleku-Bokazo Nkroful area in the Ellembelle District of the Western Region. He was arrested, abused, molested and torched by the Mining Company's Security Personnel until he sustained life-threatening burns and dumped near the community fence, with the allegation of undertaking illegal mining activities on their concession. Prior to Derry's death his family helped him receive medical treatment at St. Martin de Porres Hospital at Eikwe and was later transferred due to the intensity of his injuries. The management of Adamus Gold Resources Ltd has admitted to the perpetuation of this human rights infringements and taking mitigation steps with the communities and affected families.

11. The Member of Parliament (MP) of the area and Parliamentary(7) Select Committee on Mines and Energy have paid a working visit to the Aniwa-Bokazo community to commiserate with the bereaved family.

12. The Ghana Police Service is investigating this case, but, at an unacceptable snail pace. Persistent Social Conflicts and poor Community and Company relationship has resulted in another recent death (Andrew Donkor) who was shoot by a military personal on April 2022, the case is also under investigation; and the Inspector General of Police have paid a working visit to the community(8). The continuous harassment of the youth by joint

5 Residents demand justice for illegal miner burnt by Adamus security personnel by Akwasi Agyei Annim December 28, 2021 <https://citinewsroom.com/2021/12/residents-demand-justice-for-illegal-miner-burnt-by-adamus-security-personnel/>

6 <https://youtu.be/OefP0onCHqs>

7 <https://youtu.be/tEEXsMZbmBA>

8 <https://citinewsroom.com/2022/04/family-of-man-shot-dead-by-security-officer-at-nkroful-demand-justice/>

security personnel (Company, Police and Military) have led to several Youth migrating out of the Communities for fear of their safety, attack, arrest, injury and possible death. Community members are also denied access to information on the cases under investigations.

IV. EMERGING ISSUES IN FORESTRY

A. Human Rights Abuse in Managing Kalakpa Game Production Reserve

A. i. 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 (9)(10).

Since the area is a Game reserve by law and policy prohibits the government from providing any services to these residents, there are no facilities inside the reserve – no schools, electricity, health facilities, or piped water or boreholes. The lack of such basic amenities further exacerbates residents' poverty. Because the area they live by law is a forest reserve, they are prohibited by government agencies to put up decent housing structures therefore residents make “temporary” huts of clay and thatch.

During the dry season, they walk for hours to find water from disease-ridden rivers, pools, and dams. Cholera, Bilharzia (Schistosomiasis), Guinea Worm, and River Blindness (Onchocerciasis) are often prevalent meanwhile they have limited access to medical care. The children within the community need to walk for about 8km to access basic school, as a result, most children from these communities do not go to school especially children below the ages of

9 80% of residents of Kalakpa Forest Reserve willing to relocate- July 8, 2020- <https://www.ghanabusinessnews.com/2020/07/08/80-of-residents-of-kalakpa-forest-reserve-willing-to-relocate/>
10 Thursday, 20 June 2019- Source: GNA Settlers on Kalakpa Nature Reserve must be relocated – DCE- <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Settlers-on-Kalakpa-Nature-Reserve-must-be-relocated-DCE-756708>).

8 years this deprived these children of their rights to basic education.

B: African Plantation for Sustainable Development (APSD) Plantation in Atebubu

B. i. 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(11).

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 has been hired from the state by the company and they have been abusing them(12). This issue was also raised by The Member of Parliament (MP) for Atebubu-Amantin, Sanja Nanja in Parliament as captured in the media(13).

11 A documentary by Civic Response: 'The Impact of APSD Plantation on Communities in Atebubu.
https://www.youtube.com/watch?v=9_-MscnBTHE

12 (Security presence in Atebubu/Amantin necessary - Defence Minister- Date: Jan - 28 - 2022, 09:36BY: Samuel Duodu- <https://www.graphic.com.gh/news/politics/security-presence-in-atebubu-amantin-necessary-defence-minister.html>)

13 <https://dailyguidenetwork.com/atebubu-amantin-is-security-risk-area-minister/>

V. EMERGING ISSUES IN CLIMATE CHANGE

A. *Sea Level rise and Coastal flooding in the Keta-Anlo Area in the Volta Region of Ghana*

A. i. *Threat to Social Security and Livelihood*

The coastal areas in Ghana are currently facing increased natural and anthropogenic-induced disturbances including sea level rise resulting in coastal erosion. This phenomenon has reduced the full enjoyment of human rights by people living along the coast of Ghana. 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. The entitlement of all these people to be treated equally, to live their life in safety and freedom, and to be protected by their government has not been the case in several decades now. There have been several reports of sea level rise in Ghana as reported by Evadzi et al. (2017)(14), 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 (15)(16).

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 hundred, now struggling to keep their heads above water. The communities have lost and keeps losing their properties their shelters, farmlands, roads and health facilities to sea level rise and coastal erosion(17).

14 Evadzi PIK, Zorita E, Hünicke B (2017) Quantifying and predicting the contribution of sea-level rise to shoreline change in Ghana: information for coastal adaptation strategies. J Coast Res. <https://doi.org/10.2112/JCOASTRES-D-16-00119.1>

15 <https://www.youtube.com/watch?v=XNfY9X90yNk> - Residents along Keta-Aflao stretch displaced following mass destruction by tidal waves- Nov 9, 2021- City TV News.

16 Keta coastal flooding: Is it a warning for Ghana about climate change? Source: Ing. Prince Osisiadan 10 November 2021 4:56pm

17 <https://www.voanews.com/a/ghana-s-coastal-communities-threatened-by-erosion-sand-harvesting-/6374516.html>

The local authorities continue to struggle to find temporal solutions to the problem including banning wining of sand along the shores but in an interview with one of the fishermen and an opinion leader in Anloga, he asserts that the local authorities depend on sand wining through the collection of tolls from truck drivers. He added that these tolls are the only source of internally generated funds (IGF) for the local authorities(18).

VI. RECOMMENDATIONS

A. Recommendations to the Emerging Issues in Mining

1. The government of Ghana should implement the accepted recommendation from the third cycle with reference (Ref. 147.18)(19) by ensuring that the Ministry of Lands and Natural Resources (MLNR) and the Minerals Commission prioritize the review of the Minerals and Mining Act and the domestication of the African Mining Vision, ECOWAS Mining Code and the UN Guiding Principles on Business, Security and Human Rights;
2. The MLNR, the Forestry Commission (FC) and the Minerals Commission should enforce the status and profiling of the Ada Songor Lagoon as a Ramsar Site and UNESCO Biosphere Reserve and prevent it from mining;
3. The MLNR and the Minerals Commission should review the Occupation Safety, Health and Environment of the Minerals and Mining (Explosives) Regulations, 2012 (LI 2177)(20);
4. The Commission for Human Rights and Administrative Justice (CHRAJ) should immediately 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;
5. The government of Ghana should implement the accepted recommendation from the third cycle with reference (Ref. 146.51)(21) by developing the business and human rights action plan which would ensure that shareholders and management of mining companies demonstrate their commitment to the UN Guiding Principle on Business and Human Rights by taking full responsibilities of the incident.

19 Appendix 2

20[https://bcp.gov.gh/acc/registry/docs/MINERALS%20AND%20MINING%20\(EXPLOSIVES\)%20REGULATIONS,%202012%20\(LI%202177\).pdf](https://bcp.gov.gh/acc/registry/docs/MINERALS%20AND%20MINING%20(EXPLOSIVES)%20REGULATIONS,%202012%20(LI%202177).pdf)

21 Appendix 2

B. Recommendations to the Emerging Issues in Forestry

6. The MLNR and the FC should as a matter of urgency collaborates with relevant agencies to appropriately resettle and/ or admit the communities within the Kalakpa reserves;
7. The MLNR and the Parliament should develop a Legislative Instrument to regulate large-scale land acquisition in Ghana as recommended by the Land Act, 2020 (Act 1036).

C. Recommendations to the Emerging Issues in Climate Change

The government of Ghana should:

8. Develop a Coastal Development Management Policy with allocated funds to implement it;
9. Adopt an eco-friendly, nonpartisan, and participatory approach to development options of the coastal region of Ghana. This would ensure that people thrive with the environment and their heritage preserved;

The ministry of Environment, Science, Technology and Innovation (MESTI) should:

10. Build the capacity of local authorities to offer first-hand help to affected communities and support these communities to mitigate the effects of climate change;
11. Develop and implement Coastal disaster risk preparedness and early warning systems for local people to make informed decisions;
12. Institute appropriate compensation scheme for loss and damage to alleviate the plight of climate disaster victims for alternate livelihoods;
13. Build the capacity of communities to be able to respond to climate crises.

