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Our Ref: MLK/ARG/0001/19 Your Ref: 13th January, 2020.

THE ATTORNEY GENERAL & MINISTER FOR JUSTICE
ATTORNEY GENERAL'S DEPARTMENT
MINISTRIES, ACCRA

ATTN: HON. GLORIA A. AKUFFO

*Received by: Effy A. on 13/01/2020
0302665051*

Dear Madam,

**NOTICE OF CIVIL ACTION AGAINST THE GOVERNMENT
OF GHANA PURSUANT TO SECTION 10 OF THE STATE
PROCEEDING ACT 1998, ACT 555.**

1. I act as lawyer for;

1. **A ROCHA GHANA**
10 WAWA STREET
KOKOMELEMELE
ACCRA

2. **FLOWER GHANA**
OLD ELECTORAL COMMISSION OFFICE,
NKUNIM FM JUNCTION
ASAMANKESE
EASTERN REGION

3. **AWULA SERWAH**
HOUSE No. 33
KWAKRANYA STREET,
LA – ACCRA.

4. **OTENG ADJEI**
HOUSE No. D16/ET-0007-1575
KWABENG
ATEWA WEST DISTRICT
EASTERN REGION

(hereinafter “my clients”), on whose instructions I serve the ATTORNEY GENERAL of the Republic of Ghana notice of intension to bring a legal action against the Government of Ghana.

2. My clients being good citizens, support the Government’s quest to develop Ghana and as part of the efforts to develop Ghana to raise funds through various endeavours including exploiting Ghana natural resources.

3. However, it is the case that Ghana does not need to exploit the Atewa Range Forest bauxite reserves because indeed there are far richer bauxite reserves according to information available to Government, which Government has made publicly available. In the circumstances, considering the critical importance of Atewa Range Forest to the water supply system, biodiversity etc, it will be best not to exploit the Atewa Range Forest.

4. For emphasis, according to Ghana Integrated Aluminium Development Cooperation (GIADEC), there are 900 million tones of bauxite minerals across Ghana. It is estimated that Nyinahin alone has 700 million tonnes whilst Awaso and Kyebi contain 60 million, and 160 million tonnes respectively. It implies that only 17.78% of Ghana’s bauxite can be found in Kyebi, the area within which the Atewa Range Forest can be found. Over 82% of Ghana’s bauxite can be mined without compromising the existence of Atewa Range Forest. Attached is a copy of GIADEC’s report.

5. Consequently, my clients intend to bring this action to protect and safeguard the environment pursuant to the constitutional duty imposed on them under article 41(k) of the Constitution of Ghana, 1992.

CAUSE OF ACTION

6. In 2017 the Republic of Ghana signed a Memorandum of Understanding with the People's Republic of China to develop a bauxite industry in Ghana with Atewa Range Forest as one of the sources of raw materials.
7. Following this disclosure, my clients and other institutions such as; Save the Frogs Ghana, Herp Ghana, Ghana Institute of Foresters, Ghana Wildlife Society, The Development Institute, Friends of the Earth Ghana, Tropenbos Ghana, Coalition of NGOs Against Mining Atewa, Christian Council of Ghana, Ghana Institute of Foresters, KASA Ghana, EcoCare Ghana, Amphibian Survival Alliance, Birdlife International, Global Wildlife Conservation, Rainforest Trust, RSPB and WWF embarked on series of campaign against the decision to mine bauxite at the said location.
8. My clients and other groups also urged the President to protect the Atewa Range Forest in a letter dated 6th July 2018 but the President evinced no interest for this cause.
9. Several walks have been organised to create awareness among Ghanaians and over 150,000 individuals across the globe have now added their names to petitions calling for Atewa Range Forest to be protected.
10. Various articles have been published on local and international media to inform, educate, and win support to protect Atewa Range

Forest but the Government of Ghana consistently demonstrates no interest at all.

11. As the principal legal adviser to the Government, the concerns of my clients are restated herein so that government may be properly advised.
12. My clients have demonstrated that Atewa Range Forest is a site of high biodiversity value and protects the watershed for three major rivers and several other streams serving clean water to 5 million Ghanaians.
13. My clients further states that Atewa Forest has been traditionally managed for water production, catchment protection, biodiversity conservation, and recreation, all of which are incompatible with bauxite mining. The forest is also administratively globally classified as Globally Significant Biodiversity Area (GSBA). It is also classified administratively as a protected forest reserve, for which all mining activities are to be excluded.
14. Strip mining is the only way to mine Ghana's bauxite due to its closeness to the surface. This method removes all vegetation, habitats and topsoil, while the rock beneath is then broken up with explosives. As such the obvious results from these activities include; loss of biodiversity, loss of access to clean water, build-up of Green House Gases, loss of climate amelioration services, loss of emission reduction services, loss of medicinal/economic valuable plants and change in tourism potential of the area among others.
15. A clear example of the destruction that is caused to forests by bauxite mining is Ghana's existing bauxite mine at Awaso in the Western Region, now a desert of red mud that replaced a once thick forest.

- 16 Environmentalists have on many occasions cautioned that “extracting bauxite from Atewa Range Forest is incompatible with biodiversity conservation and the ecosystem services that the forest provides. It will spell the end of the unique and irreplaceable species that the forest contains”.
17. It is against this background that my clients serve notice of their intention to bring a legal suit against the Government of Ghana, should the latter fail to exclude Atewa Range Forest from the bauxite mining project.
18. The intended reliefs include;
 - i. A declaration that the right to life and dignity as enshrined in the Constitution of Ghana, 1992 include (a) the right to a clean and healthy environment and (b) the right to have the environment protected for the benefit of present and future generations.
 - ii. A declaration that mining of bauxite in the Atewa Range Forest violates the right to life and dignity as enshrined under articles 13 and 15 of the Constitution of Ghana (1992).
 - iii. An order, compelling the Government of Ghana and its agents to take the necessary steps to protect Atewa Range Forest in accordance with its constitutional obligations as contained under article 36(9) of the Constitution (1992).
 - iv. An order, restraining the Government of Ghana, its assigns and agents, servants, workmen, allottees and guarantees whatsoever and howsoever described from undertaking mining and its related activities in the Atewa Range Forest.

19. My clients repeat that as good citizens, they support the Government's quest to develop Ghana through various endeavours including, exploiting Ghana's natural resources in a sustainable manner but not the Atewa Forest Range since government has richer reserves in Awaso and Nyinahin.

Yours truly,

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M. L. Kpebu.

Cc:

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