

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
GENERAL JURISDICTION  
ACCRA-A.D.2024

filed on... 10/10/24  
at... 9.15  
HIGH COURT  
ACCRA

**SUIT NO. GJ/0014/2025**

- |  |  |
|--|--|
| <b>1. A ROCHA GHANA</b><br>4 SABBLAH LK.<br>NORTH LEGON<br>ACCRA   | <b>1<sup>ST</sup> PLAINTIFF/APPLICANT</b>  |
| <b>2. TROPENBOS GHANA</b><br>P.O BOX UP 982<br>KWAME NKRUMAH UNIVERISTY OF SCIENCE AND TECHNOLOGY,<br>KUMASI     | <b>2<sup>ND</sup> PLAINTIFF/APPLICANT</b>  |
| <b>3. NATURE AND DEVELOPMENT FOUNDATION</b><br>CENTER FOR AFRICA WETLANDS, UNIVERSITY OF GHANA<br>LEGON<br>ACCRA | <b>3<sup>RD</sup> PLAINTIFF/APPLICANT</b>  |
| <b>4. CIVIC RESPONSE</b><br>NO. 9 HIBISCUS STREET<br>EAST LEGON<br>ACCRA   | <b>4<sup>TH</sup> PLAINTIFF/APPLICANT</b>  |
| <b>5. ECO CARE GHANA</b><br>61 ECOWAS RD<br>MADINA – ACCRA<br>VRS.   | <b>5<sup>TH</sup> PLAINTIFF/APPLICANT</b>  |
| <b>1. ATTORNEY GENERAL</b><br>OFFICE OF THE ATTORNEY GENERAL<br>MINISTRY OF JUSTICE<br>ACCRA                     | <b>1<sup>ST</sup> DEFENDANT/RESPONDENT</b> |
| <b>2. MINISTRY OF LANDS AND NATURAL RESOURCES</b><br>ACCRA   | <b>2<sup>ND</sup> DEFENANT/RESPONDENT</b>  |
| <b>3. FORESTRY COMMISSION OF GHANA</b><br>ACCRA  | <b>3<sup>RD</sup> DEFENDANT/RESPONDENT</b> |
- (Plaintiffs to Direct Service)

**MOTION ON NOTICE**

**APPLICATION FOR AN ORDER FOR INTERLOCUTORY INJUNCTION UNDER  
ORDER 25 RULE 1 OF THE HIGH COURT (CIVIL PROCEDURE) RULE, CI 47.**

**TAKE NOTICE** that this honourable court will be moved by **GYEBI NTEM-MENSAH ESQ.** Counsel for and on behalf of the Plaintiffs/Applicants herein praying for an Interlocutory Injunction restraining the Defendants/Respondents herein, their agents, employees, workmen, servants or proxies from the declassification of the Globally Significant Biodiversity Areas (GSBAs) and

awarding of Timber Utilisation Contracts for logging in the above-mentioned GSBA's until the final determination of this suit.

Upon the grounds set forth in the accompanying affidavit and for such further order(s) as this court may deem fit.

**COURT TO BE MOVED** on 22<sup>nd</sup> Day of October, 2024 at 9:00am in the forenoon or so soon thereafter as Counsel for the Applicant may be heard.

**DATED AT AGNOS LEGAL COMPANY, HOUSE NO. 15A NII OSAE NTIFUL AVENUE, OPPOSITE KAY BILLIE KLAER SCHOOL, AMERICAN HOUSE-EAST LEGON, ACCRA, THIS 7<sup>TH</sup> DAY OF OCTOBER, 2024.**



**LAWYER FOR PLAINTIFFS**  
**GYEBI NTEM-MENSAH**  
**LIC NO. eGAR 00109/24**  
**BP NO. 3000002517**  
**ePP009102/24**

**THE REGISTRAR  
HIGH COURT  
GENERAL JURISDICTION  
ACCRA**

**AND FOR SERVICE ON :**

- 1. THE ATTORNEY GENERAL, ATTORNEY GENERAL AND MINISTRY OF JUSTICE, MINISTRIES, ACCRA**
- 2. MINISTRY OF LANDS AND NATURAL RESOURCES, ACCRA**
- 3. FORESTRY COMMISSION, ACHIMOTA ACCRA**

**IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
GENERAL JURISDICTION  
ACCRA-A.D.2024**

**SUIT NO. GJ/0014/2025**

Filed at  
9/10/24  
13  
[Handwritten signature]

**1. A ROCHA GHANA**  
4 SABBLAH LK.  
NORTH LEGON  
ACCRA

**1<sup>ST</sup> PLAINTIFF/APPLICANT**

**2. TROPENBOS GHANA**  
P.O BOX UP 982  
KWAME NKRUMAH UNIVERISTY OF SCIENCE AND TECHNOLOGY,  
KUMASI

**2<sup>ND</sup> PLAINTIFF/APPLICANT**

**3. NATURE AND DEVELOPMENT FOUNDATION**  
CENTER FOR AFRICA WETLANDS, UNIVERSITY OF GHANA  
LEGON  
ACCRA

**3<sup>RD</sup> PLAINTIFF/APPLICANT**

**4. CIVIC RESPONSE**  
NO. 9 HIBISCUS STREET  
EAST LEGON  
ACCRA

**4<sup>TH</sup> PLAINTIFF/APPLICANT**

**5. ECOCARE GHANA**  
61 ECOWAS RD  
MADINA – ACCRA  
VRS.

**5<sup>TH</sup> PLAINTIFF/APPLICANT**

**1. ATTORNEY GENERAL**  
OFFICE OF THE ATTORNEY GENERAL  
MINISTRY OF JUSTICE  
ACCRA

**1<sup>ST</sup> DEFENDANT/RESPONDENT**

**2. MINISTRY OF LANDS AND NATURAL RESOURCES**  
ACCRA

**2<sup>ND</sup> DEFENDANT/RESPONDENT**

**3. FORESTRY COMMISSION OF GHANA**  
ACCRA

**3<sup>RD</sup> DEFENDANT/RESPONDENT**

(Plaintiffs to Direct Service)

---

**AFFIDVIT IN SUPPORT OF MOTION EX-PARTE FOR AN ORDER FOR  
INTERLOCUTORY INJUNCTION UNDER ORDER 25 RULE 1 OF THE HIGH COURT  
(CIVIL PROCEDURE) RULES, CI 47**

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I, **SETH APPIAH-KUBI**, National Director of A Rocha Ghana (1<sup>st</sup> Plaintiff/Applicant), a Ghanaian Citizen of 4 Sabbah Link, North Legon Accra do make oath and say as follows:

1. That I represent Plaintiffs/Applicants in this suit and I am the Deponent herein and have consent of the other Plaintiffs to depose to the facts

herein on our joint behalf with same having come to my notice and personal knowledge.

2. That at the hearing of this application Counsel shall seek leave of this Honourable Court to refer to all processes filed as if same have been reproduced and sworn hereto.
3. That on April 17, 2024 we caused our lawyers to write to the Attorney General and Minister of Justice of our intention to take civil action against the Government of Ghana Pursuant to section 10 of the State Proceedings Act. **ATTACHED AND MARKED AS EXHIBIT A-NOTICE OF CIVIL ACTION AGAINST THE GOVERNMENT OF GHANA.**
4. That on May 10, 2024, the Office of the Attorney-General and Ministry of Justice replied to the letter and indicated of forwarding same to the Ministry of Lands and Natural Resources without giving any specific timelines. **ATTACHED AND MARKED AS EXHIBIT B-THE REPLY FROM THE OFFICE OF THE ATTORNEY-GENERAL AND MINISTRY OF JUSTICE.**
5. That on October 3, 2024 Plaintiffs/Applicants caused a Writ of Summons with accompanying Statement of Claim to be issued out of the Registry of this Honourable Court against the Defendants/Respondents claiming reliefs endorsed on the Writ of Summons. **ATTACHED AND MARKED AS EXHIBIT C – THE WRIT OF SUMMONS AND STATEMENT OF CLAIM.**
6. That Plaintiffs/Applicants filed the Writ and Statement of Claim for the following reliefs:
  - a. A Declaration that the declassification of the Globally Significant Biodiversity Areas (GSBAs) listed in paragraph 14 of the Statement of Claim are unlawful.
  - b. A Declaration that award of Timber Utilisation Contracts for logging in the above-mentioned GSBAs as listed in paragraph 14 of the Statement of Claim without following statutory procedure for the grant of timber rights is unlawful.

- c. A Declaration that issuance of the Timber Utilisation Contracts in respect of the above-mentioned GSBAs without Parliamentary ratification is unlawful.
  - d. An Order for perpetual Injunction restraining the Minister of Lands and Natural Resources and the Forestry Commission from entering any transaction, contract, or undertaking involving granting a right or concession to exploit commercial timber rights in the above-mentioned GSBAs.
  - e. An Order directed at restraining the Minister of Lands and Natural Resources and the Forestry Commission from further declassifying Globally Significant Biodiversity Areas (GSBAs) as logging areas.
  - f. And any other relief(s) this Honourable Court may deem fit.
7. That the Government of Ghana, in adherence to the directive principles of state policy on environmental protection, signed the Convention on Biological Diversity (CBD) in June, 1992 during the landmark United Nations Conference on Environment and Development known as the Earth Summit held in Rio de Janeiro, Brazil.
8. That as part of the Ghana government's obligations under the CBD, some biologically significant areas were designated as Globally Significant Biodiversity Areas (GSBAs), which are meant to be preserved at all costs, including prohibiting any form of exploitation of resources found therein.
9. That the government in further commitment to upholding its constitutional duty ratified the Convention on Biological Diversity (CBD) in August, 1994. The Plaintiffs say that by ratifying the within mentioned Convention, Government of Ghana not only demonstrated its dedication to global environmental stewardship but also assumed legally binding responsibilities to implement biodiversity conservation measures at the national level.

10. That since ratifying the CBD, the Government of Ghana has entered into a number of international obligations to safeguard the natural environment, prevent deforestation and engage in the trade of legally harvested timber.

11. That by a letter dated 7<sup>th</sup> December, 2023, the Ministry of Land and Natural Resources applied to the Forestry Commission for the grant of a Timber Utilization Contracts over Globally Significant Biodiversity Areas (GSBAs) for low-impact logging on a joint management basis.

12. That the letter requested the Forestry Commission to reclassify GSBAs in Ghana to permit logging. Specifically, the letter sought permission to grant Timber Utilization Contracts in the Subri River Forest Reserve and Krokosua Hills Forest Reserves, which are designated as GSBAs.

13. That in a further letter dated 22<sup>nd</sup> August 2024, responding to a request for information, the Forestry Commission confirmed that it had redesignated thirty GSBAs as timber protection areas for low-impact logging namely:

- Fure Headwaters Reserve
- Fure River Reserve
- Tano Nimiri Reserve
- Yoyo Reserve
- Bandai Hill Reserve
- Tano Ofin Reserve
- Abasumba Reserve
- Obotomfo Reserve
- Ahirasu BLKS I & II Reserve
- Aboben Hills Reserve
- Akrobong Reserve
- Atewa Range Reserve
- Apedwa Reserve
- Ndumfri Reserve
- Jema Asemkrom Reserve
- Ebi River Shelter Belt Reserve
- Southern Scarp (Akim) Reserve
- Nueng North Reserve
- Dadieso Reserve
- Boin River Reserve
- Subri River Reserve
- Cape Three Points Reserve
- Draw River Reserve
- Yongwa Reserve
- Krokosua Hills Reserve
- Nueng South Reserve
- Sapawsu Reserve
- Yogaga Reserve

**ATTACHED AND MARKED AS EXHIBIT D – The Reply From The Forestry Commission (Re-Request For Information Under Article 21(1) Of The 1992**

Constitution Of Ghana And Section 48 Of The Right To Information Act (Act 989):  
Conversion Of GBA's Into Production Forest For Logging.

14. That the letter confirmed that after the re-designation of the GSBAs the Forestry Commission has awarded Timber Utilization Contracts to timber companies for logging in twelve of the re-designated areas.
15. That the award of Timber Utilization Contracts for logging within the GSBAs is wrong in law because it did not follow the procedure for granting timber rights in Ghana.
16. That timber rights can only be granted after there has been competitive bidding, public advertisement of the bidding process, and parliamentary ratification of the award.
17. That the procedure adopted for granting the impugned Timber Utilization Contracts was inconsistent with the statutory procedure for granting timber rights in Ghana. The procedure did not involve competitive bidding, public advertisement for timber rights, the rigorous multi-stage vetting of applicants before an award for a timber utilization contract is given, or Parliamentary ratification.
18. That the concept of low impact logging is not a recognized timber right in Ghana and is therefore illegal.
19. That the Ministry of Land and Natural Resources' application to the Forestry Commission for the award of a Timber Utilisation Contract for low impact logging flagrantly violated established legal procedures governing such awards. This action by the Ministry not only circumvented the prescribed processes but also undermined the statutory framework designed to ensure transparent and equitable allocation of timber resources.

20. That the Ministry of Land and Natural Resources' breach not only violates the Constitution and other domestic laws but also jeopardizes Ghana's commitment to international treaties on environmental governance, such as the CBD.
21. That in our unwavering commitment to environmental protection, we issued a formal letter dated 20<sup>th</sup> February, 2024 calling for the immediate reversal of the directive to reclassify the Globally Significant Biodiversity Areas (GSBA) in Ghana.
22. That the communication to the Ministry of Lands and Natural Resources raised concerns on the disregard for due process in issuing the directive contravening established procedures in the relevant forestry and environmental regulations. The letter also outlined the grave risks posed to biodiversity sites where the reclassification and timber logging may result in irreversible damage to Ghana's unique ecosystems and endangered species habitats for which there has been no response.
23. That, as citizens of Ghana exercising our constitutional rights and duty, we bring this application to safeguard the country's environmental interests and to restrain the Ministry of Land and Natural Resources and Forestry Commission from undertaking actions that pose a significant threat to Globally Significant Biodiversity Areas in Ghana and also, awarding timber utilization contracts through procedures that contravene established legal frameworks on environmental protection.
24. That this Application for Interlocutory Injunction should be granted against the Defendants for their inaction which has the potential to lead to the pollution of water bodies, environmental degradation, loss of forest cover, loss of soil cover and soil erosion which may take a lot of investment to recover or at all leading to high cost of living for the Citizenry.
25. **WHEREFORE** I swear to this Affidavit in Support of Motion on Notice for Interlocutory Injunction in good faith and in accordance with the Oath Law.



SWORN AT ACCRA THIS...*10/24*.....  
DAY OF OCTOBER, 2024.)

*[Signature]*  
DEPONENT

BEFORE ME

*[Signature]*  
JUSTINA CLOTTY  
COMMISSIONER FOR OATH  
COMMISSIONER FOR OATH  
100 ACCRA ARTS CENTRE, ACCRA



EXHIBIT A Ex A

Alpha

19/4/24

0302665051

17<sup>th</sup> April, 2024

THE ATTORNEY GENERAL & MINISTER FOR JUSTICE  
OFFICE OF THE ATTORNEY-GENERAL  
MINISTRY OF JUSTICE  
ACCRA

ATTN: HON. GODFRED YEBOAH DAME

Dear Sir,

**NOTICE OF CIVIL ACTION AGAINST THE GOVERNMENT OF GHANA  
PURSUANT TO SECTION 10 OF THE STATE PROCEEDINGS ACT, 1998  
(ACT 555)**

1. We act as Lawyers for and on behalf of:

a. A ROCHA GHANA  
4 SABBLAH LK.  
NORTH LEGON  
ACCRA

b. TROPENBOS GHANA  
PO BOX UP982  
KWAME NKRUMAH UNIVERSITY OF SCIENCE AND  
TECHNOLOGY  
KUMASI

c. CIVIC RESPONSE  
NO. 9 HIBISCUS STREET  
EAST LEGON  
ACCRA

d. NATURE AND DEVELOPMENT FOUNDATION  
CENTER FOR AFRICA WETLANDS, UNIVERSITY OF GHANA  
LEGON  
ACCRA



+233 20 818 6301

+233 50 379 2226

This is the instrument filed for  
exhibit to the affidavit  
sworn before me this  
day of  
COMMISSIONER FOR

Plot No. 7b Aseda House

American House, East

e. ECO CARE GHANA  
61 ECOWAS RD  
MADINA - ACCRA

(hereinafter referred to as "Our Clients") and on whose instructions we serve the **ATTORNEY-GENERAL** of the Republic of Ghana **NOTICE** of intention to bring a civil action against the Government of Ghana in compliance with Section 19(1) of the State Proceedings Act, 1998 (Act 555).

2. Our clients are Civil Society Organisations (CSOs) working in the natural resources sector, involved in protecting forests and the environment. Our Clients are taking this action to fulfil their constitutional duty to safeguard the natural environment as in Article 41(k) of the 1992 Constitution.
3. Respectfully, Sir, Our Clients support the Government's quest to develop Ghana by utilising natural resources to raise capital for development. It is Our Clients' contention, however that this utilisation must be done in accordance with law and procedure as provided for in the 1992 Constitution, Timber Resources Management Act, 1998 (Act 547) as amended by Timber Resources Management Act, 2002 (Act 617) and the Timber Resources Management and Licensing Regulation, 2017 (LI 2254).
4. The provisions of Act 547, as amended by Act 617 and LI 2554, demand that the Ministry of Lands and Natural Resources reclassify Globally Significant Biodiversity Areas (GSBAs) following a multi-stakeholder process and that timber rights be awarded through a competitive bidding process.
5. These prescriptions of the law on the reclassification of GSBAs and awarding timber rights are meant to protect Ghana's dwindling forest reserves, ensure sustainable utilisation of the country's forest reserves, and ensure that timber rights are granted on a fair basis. Ultimately, these provisions ensure that while the State and mining companies derive revenue from exploiting timber resources, the environment is also protected.
6. Sir, Our Clients contend that the declassification of the Subri River Forest Reserve and Krokosua Hills Forest Reserve was done contrary to due process. Our Clients further contend that the Ministry of Lands

and Natural Resources granted a Timber Utilization Contract to Messrs. John Bitar & Company Limited in contravention of Act 547 as amended and LI 2554.

### CAUSE OF ACTION

7. This action has become necessary because of the declassification of partial GBSAs in the Subri River Forest Reserve and Krokosua Hills Forest Reserve, as well as the grant of a Timber Utilisation Contract to Messrs. John Bitar & Company Limited for mining timber in the newly declassified GBSAs.
8. The Timber Resources Management Act, 1998 (Act 547) as amended by Act 617 provides that "***the expression timber utilisation contract (TUC) shall apply with the modifications that are necessary to a certificate of purchase, a permit or any other authorisation for timber rights approved by the Minister on the recommendation of the Commission***".
9. Pursuant to Section 6(1)(b) of Act 547 as amended, Regulation 12(1) of LI 2254 provides that the allocation of large-scale timber rights shall be "***(a) based on a competitive procedure; and (b) conducted serially through two stages, namely, a pre-qualification process and a bidding process for timber rights.***". Regulation 18 of LI 2254 provides that small-scale timber rights shall be allocated based on a competitive procedure that includes "(i) qualification; and (ii) selection of offers for ***small-scale timber rights process in a single process.***"
10. A letter to the Chief Executive Officer of the Forestry Commission dated 7<sup>th</sup> December, 2023 purporting to grant Messrs. John Bitar Company Limited Timber Utilisation Contracts does not disclose a competitive bidding process required for the grant of such applications under Regulations 12 and 18 of LI 2254, neither is there any evidence to show that the contract was ratified by Parliament pursuant to Sections 7 and 9 of Act 547 as amended, rendering the contracts null, void, and of no legal effect.
11. The cases ***Ndebugri v. Attorney General and 2 Ors Writ No. II/5/2016*** and ***Exton Cubic Group Ltd v. Attorney-General and 2 Ors Suit No. HRC 17/2018*** underscore the importance of parliamentary ratification and states expressly that "***the grant of***

***timber rights under section 7 of Act 547 is vested in the Minister in charge of Lands and Natural Resources, acting for and on behalf of the President, the Minister should lay the TUCs before Parliament for ratification after execution".***

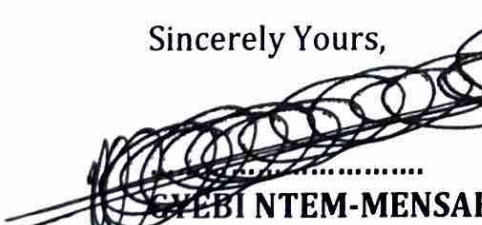
13. Sir, the continuous disregard of the provisions in Act 547 by the Ministers of Lands and Natural Resources and Chief Executives of the Forestry Commission does not bode well for good governance and the sustainable management of our timber resources.

14. It is against this backdrop that Our Client serves notice of his intention to commence a legal suit against the Government of Ghana should the latter fail to cancel the contract granted to Messrs. John Bitar & Company Limited based on the Ministry of Lands and Natural Resources' noncompliance with Act 547 as amended and LI 2254.

15. The intended reliefs include:

- a. A Declaration that issuing the Timber Utilisation Contract to Messrs. John Bitar Company Limited without a competitive bidding procedure pursuant to Regulation 12 of LI 2254 is unlawful.
- b. A Declaration that the issuance of the Timber Utilisation Contract to Messrs. John Bitar Company Limited without Parliamentary ratification pursuant to Sections 5 and 9 of Act 547 as amended is unlawful.
- c. An Order restraining the Minister of Lands and Natural Resources and the Forestry Commission from entering any transaction, contract or undertaking involving granting a right or concession to exploit commercial timber rights without Parliamentary ratification.

Sincerely Yours,

  
.....  
**GYEBI NTEM-MENSAH**  
**MANAGING PARTNER**





**EXHIBIT "B"**

**OFFICE  
OF  
THE ATTORNEY-GENERAL  
AND MINISTRY OF JUSTICE**

P. O. Box MB 60, Ministries, Accra  
Digital Address: GA-110-0587

Kindly quote this number and date on all correspondence

My Ref. No. D.32/5F.53/24

Your Ref. No. \_\_\_\_\_

Date. 10<sup>th</sup> MAY 2024

**GYEBI NTEM-MENSAH ESQ.  
AGNOS LEGAL COMPANY  
PLOT NO. 7B ASEDA HOUSE  
AMERICAN HOUSE, EAST LEGON**

**NOTICE OF CIVIL ACTION AGAINST THE GOVERNMENT OF GHANA PURSUANT  
TO SECTION 10 OF THE STATE PROCEEDINGS ACT, 1998 (ACT 555)**

We acknowledge receipt of your letter dated 17<sup>th</sup> April 2024 on the above subject matter.

According to the letter under reference, the Minister of Lands and Natural Resources has awarded a Timber Utilisation Contract to Messrs John Bitar Company Limited in contravention of the Timber Resources Management Act, 1998 (Act 547) as amended by the Timber resources Management Act, 2002 (Act 617) and the Timber Resources Management and Licensing Regulation, 2017 (LI 2254).

Following the receipt of your letter, this Office has forwarded same to the Ministry of Lands and Natural Resources and the Forestry Commission for their comments.

We shall revert as soon as we receive their response.

Thank you.

**LEONA S. JOHNSON-ABASSAH (MRS)  
PRINCIPAL STATE ATTORNEY  
FOR: THE ATTORNEY-GENERAL &  
MINISTER FOR JUSTICE**

This is the instrument  
exhibit...  
to the affidavit...  
sworn before me this...  
day of...  
COMMISSIONER FOR...

EXHIBIT "C" Ex C

REGISTRAR  
HIGH COURT  
ACCRA



REPUBLIC OF GHANA

**WRIT OF SUMMONS**

(Order 2 rule 3(1))

WRIT ISSUED FROM: Accra, 08/10/2024 SUIT NO. E1/0014/2025

**IN THE HIGH COURT OF JUSTICE  
GENERAL JURISDICTION DIVISION, ACCRA**

- 1. A ROCHA GHANA** **1<sup>ST</sup> PLAINTIFF**  
4 SABBLAH LK.  
NORTH LEGON  
ACCRA
- 2. TROPENBOS GHANA** **2<sup>ND</sup> PLAINTIFF**  
P.O BOX UP 982  
KWAME NKRUMAH UNIVERISTY OF SCIENCE AND TECHNOLOGY,  
KUMASI
- 3. NATURE AND DEVELOPMENT FOUNDATION** **3<sup>RD</sup> PLAINTIFF**  
CENTER FOR AFRICA WETLANDS, UNIVERSITY OF GHANA  
LEGON  
ACCRA
- 4. CIVIC RESPONSE** **4<sup>TH</sup> PLAINTIFF**  
NO. 9 HIBISCUS STREET  
EAST LEGON  
ACCRA
- 5. ECOCARE GHANA** **5<sup>TH</sup> PLAINTIFF**  
61 ECOWAS RD  
MADINA - ACCRA

VRS.

- 1. THE ATTORNEY GENERAL** **1<sup>ST</sup> DEFENDANT**  
OFFICE OF THE ATTORNEY GENERAL  
MINISTRY OF JUSTICE  
ACCRA
- 2. MINISTRY OF LANDS AND NATURAL RESOURCES** **2<sup>ND</sup> DEFENDANT**  
ACCRA
- 3. FORESTRY COMMISSION OF GHANA** **3<sup>RD</sup> DEFENDANT**  
ACCRA

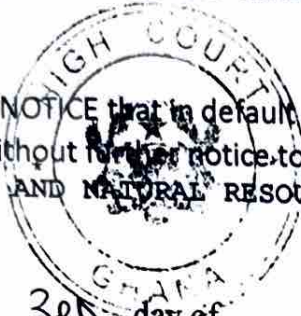
AN ACTION having been commenced against you by the issue of this writ by the above -named Plaintiffs. 1. A ROCHA GHANA, 2. TROPENBOS GHANA, 3.

to the instrument No. 121  
 exhibit. ... re  
 to the affidavit  
 sworn before me this  
 day of  
 COMMISSIONER FOR

AN ACTION having been commenced against you by the issue of this writ by the above-named Plaintiffs. 1. A ROCHA GHANA, 2. TROPENBOS GHANA, 3. NATURE AND DEVELOPMENT FOUNDATION, 4. CIVIC RESPONSE, 5. ECO CARE GHANA

YOU ARE HEREBY COMMANDED that within EIGHT DAYS after service of this Writ on you inclusive of the day of service you do cause appearance to be entered for you. 1. ATTORNEY GENERAL 2. MINISTRY OF LANDS AND NATURAL RESOURCES 3. FORESTRY COMMISSION OF GHANA

AND TAKE NOTICE that in default of your so doing, judgment may be given in your absence without further notice to you. 1. ATTORNEY GENERAL 2. MINISTRY OF LANDS AND NATURAL RESOURCES 3. FORESTRY COMMISSION OF GHANA



Dated this 3<sup>RD</sup> day of October 2024

Chief Justice of Ghana

G. SACKY TORKORNOO (MRS).

NB: This writ is to be served with the writ within calendar months from the date of issue unless, it is renewed within six calendar months from the date of that renewal.

The defendant may appear hereto by filing a notice of appearance either personally or by lawyer at Form 3 at the Registry of the Court of issue of the writ at ..... A defendant appearing personally may, if he desires give notice of appearance by post.

\*State name, place of residence or business of plaintiff if known (not P.O.Box numbers)  
\*State name place of residence or business address of defendant (not P.O.Box numbers)

FORM

### STATEMENT OF CLAIM

#### THE PLAINTIFFS' CLAIM IS FOR:

- a) A Declaration that the declassification of the Globally Significant Biodiversity Areas (GSBAs) listed in paragraph 14 of the Statement of Claim are unlawful.
- b) A Declaration that award of Timber Utilisation Contracts for logging in the above-mentioned GSBAs as listed in paragraph 14 of the Statement of Claim without following statutory procedure for the grant of timber rights is unlawful.



- c) A Declaration that issuance of the Timber Utilisation Contracts in respect of the above-mentioned GSBAs without Parliamentary ratification is unlawful.
- d) An Order for perpetual Injunction restraining the Minister of Lands and Natural Resources and the Forestry Commission from entering any transaction, contract, or undertaking involving granting a right or concession to exploit commercial timber rights in the above-mentioned GSBAs.
- e) An Order directed at restraining the Minister of Lands and Natural Resources and the Forestry Commission from further declassifying Globally Significant Biodiversity Areas (GSBAs) as logging areas.
- f) And any other relief(s) this Honourable Court may deem fit.

~~.....~~  
 LAWYER FOR PLAINTIFFS

This Writ was issued by

GYEBI NTEM-MENSAH

ePP009102/24

Whose address for service is

AGNOS LEGAL COMPANY  
 HOUSE NO. 15A NII OSAE NTIFUL AVENUE  
 OPP. KAY BILLIE KLAER SCHOOL  
 AMERICAN HOUSE-EAST LEGON



Agent for

Address Number and date of Lawyer's current licence. eGAR00109/24

Lawyer for the Plaintiffs GYEBI NTEM-MENSAH who resides AT EAST LEGON

**Indorsement to be made within 3 days after service**

This writ was served by me at

on the defendant

on the            day of  
 endorsed the    day of

Signed.....

Address.....

**NOTE:** If the plaintiff's claim is for a liquidated demand only further proceedings will be stayed if within the time limited for appearance the defendant pays the amount claimed to the plaintiff his lawyer or his agent or into court as provided for in order 2 rule 3(2)

Filed on 08-10-2024  
at 1:40 am pm

**IN THE SUPERIOR COURT OF JUDICATURE**  
**IN THE HIGH COURT OF JUSTICE**  
**GENERAL JURISDICTION**  
**ACCRA-A.D.2024**

Registrar  
**HIGH COURT**  
**ACCRA**

**1. A ROCHA GHANA**  
4 SABBLAH LK.  
NORTH LEGON  
ACCRA

**1<sup>ST</sup> PLAINTIFF**

**2. TROPENBOS GHANA**  
P.O BOX UP 982  
KWAME NKRUMAH UNIVERISTY OF SCIENCE AND TECHNOLOGY,  
KUMASI

**2<sup>ND</sup> PLAINTIFF**

**3. NATURE AND DEVELOPMENT FOUNDATION**  
CENTER FOR AFRICA WETLANDS, UNIVERSITY OF GHANA  
LEGON  
ACCRA

**3<sup>RD</sup> PLAINTIFF**

**4. CIVIC RESPONSE**  
NO. 9 HIBISCUS STREET  
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**4<sup>TH</sup> PLAINTIFF**

**5. ECOCARE GHANA**  
61 ECOWAS RD  
MADINA – ACCRA  
VRS.

**5<sup>TH</sup> PLAINTIFF**

**1. ATTORNEY GENERAL**  
OFFICE OF THE ATTORNEY GENERAL  
MINISTRY OF JUSTICE  
ACCRA

**1<sup>ST</sup> DEFENDANT**

**2. MINISTRY OF LANDS AND NATURAL RESOURCES**  
ACCRA

**2<sup>ND</sup> DEFENDANT**

**3. FORESTRY COMMISSION OF GHANA**  
ACCRA  
(Plaintiffs to Direct Service)

**3<sup>RD</sup> DEFENDANT**

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**STATEMENT OF CLAIM**

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1. The Plaintiffs are environmental and natural resource Civil Society Organisations duly incorporated under the Laws of the Republic of Ghana and engaged in advocacy for the conservation of natural resources and preservation of the natural environment.
2. 1<sup>st</sup> Defendant is the Principal Legal Advisor to the Government of Ghana and constitutionally designated office to represent the Government of Ghana and its agencies in all Civil and Criminal Proceedings.
3. 2<sup>nd</sup> Defendant is the Ministry responsible for ensuring the sustainable Management and Utilization of the Nation's Lands, Forests and Wildlife resources as well as the efficient Management of the Mineral Resources.
4. 3<sup>rd</sup> Defendant is mandated to regulate the utilization of forest and wildlife resources as well as conserving and managing these resources while coordinating policies related to them.
5. The Plaintiffs are bringing this action as citizens of Ghana and in furtherance of their constitutional duty to Protect and Safeguard the Natural Environment, Preserve Public Property, and actively expose and combat any misuse or waste of Public Funds and Property.
6. The Plaintiffs say that their constitutional obligation is coupled with a social responsibility to ensure that their actions align with the protection and conservation of habitats of flora and fauna from being endangered by human activity.
7. The Plaintiffs state that the 1992 Constitution of Ghana imposes a duty on the Government of Ghana to protect and safeguard the national environment for posterity.
8. The Plaintiffs further say that the Government of Ghana, in adherence to the directive principles of state policy on environmental protection, signed the Convention on Biological Diversity (CBD) in June, 1992 during the landmark United Nations Conference on Environment and Development known as the Earth Summit held in Rio de Janeiro, Brazil.
9. The Plaintiffs say that as part of the Ghana government's obligations under the CBD, some biologically significant areas were designated as Globally Significant Biodiversity Areas (GSBAs), which are meant to be preserved at

all costs, including prohibiting any form of exploitation of resources found therein.

10. The Plaintiffs further say that the government in further commitment to upholding its constitutional duty ratified the Convention on Biological Diversity (CBD) in August, 1994. The Plaintiffs say that by ratifying within mentioned Convention, Government of Ghana not only demonstrated its dedication to global environmental stewardship but also assumed legally binding responsibilities to implement biodiversity conservation measures at the national level.
11. The Plaintiffs further say that since ratifying the CBD, the Government of Ghana has entered into a number of international obligations to safeguard the natural environment, prevent deforestation and engage in the trade of legally harvested timber.
12. The Plaintiffs say that, by a letter dated 7<sup>th</sup> December, 2023, the Ministry of Land and Natural Resources applied to the Forestry Commission for the grant of a Timber Utilization Contract over Globally Significant Biodiversity Areas (GSBAs) for low-impact logging on a joint management basis.
13. The Plaintiff avers that the letter requested the Forestry Commission to reclassify GSBAs in Ghana to permit logging. Specifically, the letter sought permission to grant Timber Utilization Contracts in the Subri River Forest Reserve and Krokosua Hills Forest Reserves, which are designated as GSBAs.
14. The Plaintiffs say that in a letter dated 22<sup>nd</sup> August 2024, responding to a request for information, the Forestry Commission confirmed that it had redesignated thirty GSBAs as timber protection areas for low-impact logging. Namely:
  - FureHeadwaters Reserve
  - Fure River Reserve,
  - Tano Nimiri Reserve,
  - Yoyo Reserve,
  - Bandai Hill Reserve,
  - Tano Ofin Reserve,
  - Abasumba Reserve,
  - Obotomfo Reserve,
  - Ahirasu BLKS I & II Reserve,
  - Aboben Hills Reserve,
  - Akrobong Reserve,
  - Atewa Range Reserve,
  - Apedwa Reserve,
  - Ndumfri Reserve,
  - Jema Asemkrom Reserve,

- Ebi River Shelter Belt Reserve,
- Southern Scarp (Akim) Reserve,
- Nueng North Reserve,
- Dadieso Reserve,
- Boin River Reserve,
- Subri River Reserve,
- Cape Three Points Reserve,
- Draw River Reserve,
- Yongwa Reserve,
- Krokosua Hills Reserve,
- Nueng South Reserve,
- Sapawsu Reserve,
- Yogaga Reserve

15. The Plaintiffs further say that the letter confirmed that after the redesignation of the GSBAs the Forestry Commission has awarded timber utilization contracts to timber companies for logging in twelve of the redesignated areas.
16. The Plaintiffs say that the award of timber utilization contracts for logging within the GSBAs is wrong in law because it did not follow the procedure for granting timber rights in Ghana.
17. The Plaintiffs say that timber rights can only be granted after there has been competitive bidding, public advertisement of the bidding process, and parliamentary ratification of the award.
18. The Plaintiffs aver that the procedure adopted for granting the impugned Timber Utilization Contracts was inconsistent with the statutory procedure for granting timber rights in Ghana. The procedure did not involve competitive bidding, public advertisement for timber rights, the rigorous multi-stage vetting of applicants before an award for a timber utilization contract is given, or Parliamentary ratification.
19. The Plaintiffs further aver that the concept of low impact logging is not a recognized timber right in Ghana and is therefore illegal.
20. The Plaintiffs say that the Ministry of Land and Natural Resources' application to the Forestry Commission for the award of a Timber Utilisation Contract for low impact logging flagrantly violated established legal procedures governing such awards. This action by the Ministry not only circumvented the prescribed processes but also undermined the statutory framework designed to ensure transparent and equitable allocation of timber resources.

21. The Plaintiffs say that the Ministry of Land and Natural Resources' breach not only violates the Constitution and other domestic laws but also jeopardizes Ghana's commitment to international treaties on environmental governance, such as the CBD.
22. The Plaintiffs say that in their unwavering commitment to environmental protection, it issued a formal letter dated 20<sup>th</sup> February, 2024 calling for the immediate reversal of the directive to reclassify the Globally Significant Biodiversity Areas (GSBA) in Ghana.
23. The Plaintiffs further say that the communication to the Ministry of Lands and Natural Resources raised concerns on the disregard for due process in issuing the directive contravening established procedures in the relevant forestry and environmental regulations. The letter also outlined the grave risks posed to biodiversity sites where the reclassification and timber logging may result in irreversible damage to Ghana's unique ecosystems and endangered species habitats for which there has been no response.
24. The Plaintiffs say that on 17<sup>th</sup> April 2024, their lawyers formally notified the Defendant of their intentions to resort to litigation if the directive was not reversed and also to desist from granting a Timber Utilization Contract in the Subri River and Krokosua Hills Forest Reserves.
25. The Plaintiffs say that, as citizens of Ghana exercising their constitutional rights and duty, they bring this application to safeguard the country's environmental interests and to restrain the Ministry of Land and Natural Resources and Forestry Commission from undertaking actions that pose a significant threat to Globally Significant Biodiversity Areas in Ghana and also, awarding timber utilization contracts through procedures that contravene established legal frameworks on environmental protection.
26. **WHEREFORE**, the Plaintiffs claim against the Defendants as follows:
  - a. A Declaration that the declassification of the Globally Significant Biodiversity Areas (GSBAs) listed in paragraph 14 of the Statement of Claim are unlawful.
  - b. A Declaration that award of Timber Utilisation Contracts for logging in the above-mentioned GSBAs as listed in paragraph 14 of the

Statement of Claim without following statutory procedure for the grant of timber rights is unlawful.

- c. A Declaration that issuance of the Timber Utilisation Contracts in respect of the above-mentioned GSBAs without Parliamentary ratification is unlawful.
- d. An Order for perpetual Injunction restraining the Minister of Lands and Natural Resources and the Forestry Commission from entering any transaction, contract, or undertaking involving granting a right or concession to exploit commercial timber rights in the above-mentioned GSBAs.
- e. An Order directed at restraining the Minister of Lands and Natural Resources and the Forestry Commission from further declassifying Globally Significant Biodiversity Areas (GSBAs) as logging areas.
- f. And any other relief(s) this Honourable Court may deem fit.

DATED AT AGNOS LEGAL COMPANY, HOUSE NO. 15A NII OSAE NTIFUL AVENUE, OPPOSITE KAY BILLIE KLAER SCHOOL, AMERICAN HOUSE-EAST LEGON, ACCRA, THIS 27<sup>TH</sup> DAY OF SEPTEMBER, 2024.



.....  
LAWYER FOR PLAINTIFFS  
GYEBI NTEM-MENSAH  
LIC NO. eGAR 00109/24  
BP NO. 300002517  
ePP009102/24

THE REGISTRAR  
HIGH COURT  
GENERAL JURISDICTION  
ACCRA

AND FOR SERVICE ON :

1. THE ATTORNEY GENERAL, ATTORNEY GENERAL AND MINISTRY OF JUSTICE, MINISTRIES, ACCRA
2. MINISTRY OF LANDS AND NATURAL RESOURCES, ACCRA
3. FORESTRY COMMISSION, ACHIMOTA ACCRA



EXHIBIT "D"

# FORESTRY COMMISSION (FOREST SERVICES DIVISION)

P. O. BOX 884, ACCRA - GHANA  
TEL: (233-302) 481210 / 481236 / 481227  
Fax: (233-302) 481597  
E-mail: info.fy@fghana.org  
Website: www.fghana.org



Forestry Commission

Our Ref: ESD/HQ/G-113.1/8/173

Dear Sir,

22<sup>nd</sup> August, 2024

NATIONAL DIRECTOR  
A ROCHA GHANA

Dear Sir,

**RE: REQUEST FOR INFORMATION UNDER ARTICLE 23 (1)(F) OF THE 1992 CONSTITUTION OF GHANA AND SECTION 48 OF THE RIGHT TO INFORMATION ACT (ACT 989); CONVERSION OF GSBAs INTO PRODUCTION FORESTS FOR LOGGING.**

The Minister of Lands and Natural Resources (MLNR) re-designated some Globally Significant Biodiversity Areas (GSBAs) as timber production areas.

This follows recommendations of the Forestry Commission Board to pilot low impact logging in GSBAs given agitations by landowners, the need to protect these areas from encroachment and to preserve their ecological integrity as well as generate income for landowners.

Kindly find attached details of GSBAs including those recently converted to timber production areas.

This is for your information.

Yours faithfully,

**HUGH C.A. BROWN**  
Executive Director

This is the instrument to be  
exhibit to the affidavit  
sworn before me this  
day of  
COMMISSIONER FOR

**LIST OF GSBAS WITH SOME RE-DESIGNATED FOREST RESERVES**

NO.	Reserve	District	Coverage / Status	TUC Holder / Company
1	Fura Headwaters	Asankragua	Partial-Redesignated as production	Akwadiso Co. Ltd
2	Fura River	Asankragua	Partial-Redesignated as production	Remutade Co. Ltd, Karboast Co. Ltd
3	Tano Nimiri	Enchi	Partial	Samarbat Timber & Plywood Co. Ltd
4	Yoyo	Enchi	Partial-Redesignated as production	
5	Bendal Hill	Joaso	Partial	Ghana Integrated Aluminum Development Corporation
6	Tano Ofin	Nkawie	Whole (Mineral Exploration-Bauxite)	
7	Abesumba	Winneba	Partial-Redesignated as production	
8	<del>Abesumba</del>	Winneba	Whole	
9	<del>Abesumba (Kof &amp; II)</del>	Winneba	Whole	
10	<del>Abesumba Hills</del>	Winneba	Whole	
11	<del>Abesumba</del>	Winneba	Whole	
12	Atewa Range	Begoro	Whole	
13	Apedwa	Begoro	Whole	
14	Ndumfri	Enchi	Partial-Redesignated as production	Akwadiso Co. Ltd
15	Jema Asemkyom	Enchi	Partial-Redesignated as production	Logs & Lumber Ltd
16	Ebi River Shelter Belt	Tarkwa	Whole	
17	Southern Scarp (Akim)	Begoro	Whole	
18	Nueng North	Tarkwa	Partial-Redesignated as production	Xylogi Co. Ltd
19	Dadieso	Enchi	Whole	
20	Boin River	Enchi	Partial-Redesignated as production	Samarbat Timber & Plywood Co. Ltd
21	Digue River	Enchi	Whole	
22	Boin Tano	Enchi	Partial	
23	Subri River	Takoradi	Partial-Redesignated as production	John Bilar Co, Ltd
24	Cape Three Points	Takoradi	Whole	
25	Draw River	Enchi	Partial-Redesignated as production	Logs & Lumber Ltd-Co. Ltd
26	Yongwa	Winneba	Whole	
27	Krokose Hills	Juabeso	Partial-Redesignated as production	John Bilar Co., Sun Royal Co. Ltd
28	Nueng South	Tarkwa	Partial-Redesignated as production	West Coast Wooden Products Gh. Co. Ltd
29	Sapawasu	Somanya	Whole	
30	Yogaga	Somanya	Whole	
<b>TOTAL</b>				

**IN THE SUPERIOR COURT OF JUDICATURE**  
**IN THE HIGH COURT OF JUSTICE**  
**GENERAL JURISDICTION**  
**ACCRA-A.D.2024**

**SUIT NO. GJ/0014/2025**

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| <b>1. A ROCHA GHANA</b><br>4 SABBLAH LK.<br>NORTH LEGON<br>ACCRA   | <b>1<sup>ST</sup> PLAINTIFF/APPLICANT</b>  |
| <b>2. TROPENBOS GHANA</b><br>P.O BOX UP 982<br>KWAME NKRUMAH UNIVERISTY OF SCIENCE AND TECHNOLOGY,<br>KUMASI     | <b>2<sup>ND</sup> PLAINTIFF/APPLICANT</b>  |
| <b>3. NATURE AND DEVELOPMENT FOUNDATION</b><br>CENTER FOR AFRICA WETLANDS, UNIVERSITY OF GHANA<br>LEGON<br>ACCRA | <b>3<sup>RD</sup> PLAINTIFF/APPLICANT</b>  |
| <b>4. CIVIC RESPONSE</b><br>NO. 9 HIBISCUS STREET<br>EAST LEGON<br>ACCRA   | <b>4<sup>TH</sup> PLAINTIFF/APPLICANT</b>  |
| <b>5. ECOCARE GHANA</b><br>61 ECOWAS RD<br>MADINA – ACCRA<br>VRS.  | <b>5<sup>TH</sup> PLAINTIFF/APPLICANT</b>  |
| <b>1. ATTORNEY GENERAL</b><br>OFFICE OF THE ATTORNEY GENERAL<br>MINISTRY OF JUSTICE<br>ACCRA                     | <b>1<sup>ST</sup> DEFENDANT/RESPONDENT</b> |
| <b>2. MINISTRY OF LANDS AND NATURAL RESOURCES</b><br>ACCRA   | <b>2<sup>ND</sup> DEFENDANT/RESPONDENT</b> |
| <b>3. FORESTRY COMMISSION OF GHANA</b><br>ACCRA  | <b>3<sup>RD</sup> DEFENDANT/RESPONDENT</b> |

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**CERTIFICATE OF AUTHENICATION PURSUANT TO ORDER 20 RULE 14 OF THE  
HIGH COURT (CIVIL PROCEDURE) RULES 2004, C.I.47**

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I JUSTINA CLOTTEY..... Commissioner of Oath/Registrar of the High Court, Accra do hereby certify that I identified the Exhibit Annexed as **EXHIBITS A B, C and D** which was duly sworn before me on 10<sup>th</sup> day of October, 2024 in the above matter.



DATED AT AGNOS LEGAL COMPANY, HOUSE NO. 15A NII OSAE NTIFUL  
AVENUE, OPPOSITE KAY BILLIE KLAER SCHOOL, AMERICAN HOUSE-EAST  
LEGON, ACCRA, THIS 7<sup>TH</sup> DAY OF OCTOBER, 2024.

THE REGISTRAR  
HIGH COURT  
ACCRA.