







# RWI Index Questionnaire: Ghana 2012

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Indicator	Score
4.1.1	Context
4.1.1	Context

## 4.1.1.050: Has the government created a special fund or natural resource fund that concentrates revenue directly from oil, gas or mineral extraction?

Score: A (B) C

### Comments:

Ghana created a Stabilization and Heritage Funds for oil revenues in 2011, established by the Petroleum Revenue Management Act Section 9-28. It is too early to assess its reporting practices.

There no similar fund in the mining sector. However, mining companies contribute to different funds used by local development committees for infrastructure projects in the mining communities. Companies are taxed by the Large Tax Unit of the Internal Revenue service who then distribute money into the consolidated funds:

- 80% of the mineral royalties paid by mining companies to internal revenue service is retained by government in the consolidated fund
- 10% is paid from the consolidated fund to the Minerals development fund
- 10% is paid to the Office of the Administrator of Stool Lands (OASL)

The country's Minerals Development Fund (MDF) which was established in 1991 was to make available a portion of mineral royalties to be used directly for the benefit of mining communities, for research and other projects related to mining. It is assessed in the section on subnational transfers.

### References:

Revenue Management Act 2011:

[http://www.google.it/url?](http://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDkQFjAA&url=http%3A%2F%2Fwww.acme-ug.org%2Fmedia-laws%2Fdoc_download%2F69-petroleum-revenue-management-act-2011&ei=UG9kT6OiLMHdtAaH8d3TBQ&usg=AFQjCNF5w093UdBUOOAHRNpulX1dktUVWQ&sig2=81iu38eLxOh_onL9L-_Egg)

[http://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDkQFjAA&url=http%3A%2F%2Fwww.acme-ug.org%2Fmedia-laws%2Fdoc\\_download%2F69-petroleum-revenue-management-act-2011&ei=UG9kT6OiLMHdtAaH8d3TBQ&usg=AFQjCNF5w093UdBUOOAHRNpulX1dktUVWQ&sig2=81iu38eLxOh\\_onL9L-\\_Egg](http://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDkQFjAA&url=http%3A%2F%2Fwww.acme-ug.org%2Fmedia-laws%2Fdoc_download%2F69-petroleum-revenue-management-act-2011&ei=UG9kT6OiLMHdtAaH8d3TBQ&usg=AFQjCNF5w093UdBUOOAHRNpulX1dktUVWQ&sig2=81iu38eLxOh_onL9L-_Egg)

MOFEP Web site: <http://www.mofep.gov.gh/?q=news/060511>

Chamber of Mines proposes 30 percent royalties for communities

Presentation to EITI by Dr. Gad Akwensivie Office of the Administrator of Stool Lands, (PPT)

Publication: World Bank Report 26197

Author: World Bank

Data Published: 2003

Title: PROJECT PERFORMANCE ASSESSMENT REPORT  
GHANA MINING SECTOR REHABILITATION PROJECT  
(CREDIT 1921-GH) MINING SECTOR DEVELOPMENT AND  
ENVIRONMENT PROJECT (CREDIT 2743-GH)

Website:

[http://lnweb90.worldbank.org/oed/oeddoclib.nsf/DocUNIDViewForJavaSearch/A89AEDB05623FD6085256E37005CD815/\\$file/PPAR\\_26197.pdf](http://lnweb90.worldbank.org/oed/oeddoclib.nsf/DocUNIDViewForJavaSearch/A89AEDB05623FD6085256E37005CD815/$file/PPAR_26197.pdf)

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**4.1.1.051: What authority is responsible for the natural resource fund?**

**Score:** A B C D  E

**References:**

See question 3.2.1.050

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Indicator		Score
4.2.1	Comprehensive reports	N/A
4.2.2.056	Audited reports	N/A

4.2.1 Comprehensive reports

## 4.2.1.052: Are the rules for the fund's deposits and withdrawals published, including the formula(s) for deposits and withdrawals?

Score: A B **C**

### Comments:

Note: The Petroleum Revenue Management Act provides information on Natural Resource Funds (Stabilisation and Heritage Funds financed with oil and gas revenues).

For the Petroleum Revenue Management Act 815, see:

<http://ghanaoilwatch.org/images/laws/petroluem-revenue-management-act815-2011-.pdf>

### References:

See question 3.2.2.050

### Peer Review Comments:

Ghana has a Revenue Management legislation that describes the rules of the allocation and disbursements of revenues from the oil and gas sector. The share of these revenues that go to the Budget is then disbursed according to the budgetary allocations.

Ghana Oil Watch: Petroleum Revenue Management Act Signed into Law by President Mills: Wednesday, 27 April 2011 08:26

[http://ghanaoilwatch.org/index.php?option=com\\_content&view=article&id=1425:petroleum-revenue-management-act-signed-into-law-by-president-mills&catid=6:ghana-oil-a-gas-news&Itemid=27](http://ghanaoilwatch.org/index.php?option=com_content&view=article&id=1425:petroleum-revenue-management-act-signed-into-law-by-president-mills&catid=6:ghana-oil-a-gas-news&Itemid=27)

## 4.2.1.053: Does the fund management or authority in charge of the fund publish comprehensive information on its assets, transactions and investments?

Score: A B C D **E**

### References:

See question 3.2.2.050

## 4.2.1.054: Are the reports containing information on the fund's assets and transactions understandable?

Score: A B C D **E**

### References:

See question 3.2.2.050

---

**4.2.1.055: How often are financial reports published by the fund management or authority in charge?**

**Score:** A B C D  E

**References:**

See question 3.2.2.050

4.2.2.056 Audited reports

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**4.2.2.056a: Are the fund s financial reports audited?**

**Score:** A B C D  E

**References:**

See question 3.2.2.050

**4.2.2.056b: Are the audited financial reports published?**

**Score:** A B  C

**References:**

See question 3.2.2.050

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Indicator	Score
4.3.1 Legal Framework and Practice	N/A

## 4.3.1 Legal Framework and Practice

### 4.3.1.057: Are the rules governing deposits into the fund defined by legislation?

Score: A B **C**

**References:**

See question 3.2.2.050

**Peer Review Comments:**

For the petroleum sector there is an Act that has been signed by the Executive. The Revenue Management legislation spells out the rules of the allocation and disbursements of revenues from the oil and gas sector. The share of these revenues that go to the Budget is then disbursed according to the budgetary allocations.

Ghana Oil Watch: Petroleum Revenue Management Act Signed into Law by President Mills: Wednesday, 27 April 2011 08:26

### 4.3.1.058: In practice, does the government follow the rules governing deposits to the natural resource fund?

Score: A B C D **E**

**References:**

See question 3.2.2.050

**Peer Review Comments:**

For the petroleum sector there is law enacted in March/April 2011. The government announces the payments into the various Funds through the media.

### 4.3.1.059: Are the rules governing withdrawal or disbursement from the fund defined by legislation?

Score: A B **C**

**References:**

See question 3.2.2.050

**Peer Review Comments:**

For the petroleum sector there is an Act signed by the executive. The Revenue Management legislation spells out the rules of allocation and disbursements of revenues from the oil and gas sector. The share of these revenues that go to the Budget is then disbursed according to the budgetary allocations.

Ghana Oil Watch: Petroleum Revenue Management Act Signed into Law by President Mills: Wednesday,

27 April 2011 08:26

[http://ghanaoilwatch.org/index.php?option=com\\_content&view=article&id=1425:petroleum-revenue-management-act-signed-into-law-by-president-mills&catid=6:ghana-oil-a-gas-news&Itemid=27](http://ghanaoilwatch.org/index.php?option=com_content&view=article&id=1425:petroleum-revenue-management-act-signed-into-law-by-president-mills&catid=6:ghana-oil-a-gas-news&Itemid=27)

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**4.3.1.060: In practice, does the government follow the rules governing withdrawal or spending from natural resource fund?**

**Score:** A B C D  E

**References:**

See question 3.2.2.050

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**4.3.1.061: Are withdrawals or spending from the fund reserves approved by the legislature as part of the budget process?**

**Score:** A B  C

**References:**

See question 3.2.2.050

**Peer Review Comments:**

The withdrawals and use of all public funds in the country must be approved by Parliament and this applies to revenues from the extractive sector.

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**4.3.1.062: Are officials of the natural resource fund required to disclose information about their financial interest in any oil, gas or mining projects?**

**Score:** A B  C

**References:**

See question 3.2.2.050

**Peer Review Comments:**

There is no specific law requiring officials in the extractive sector to disclose their financial interests in the sector. However, there is a general law on disclosure of assets and liabilities, the Public Officials (Disqualification and Assets Declaration) Act, 1998 (Act 550) which requires public officials of a prescribed category to disclose their assets and liabilities on assumption of duty and every four years and upon leaving their positions. However, the law is not effective as the disclosures are not published or even verified by the custodian.

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Indicator	Score
5.1.1	Context
5.1.1 Context	

## 5.1.1.063: Do central governments transfer resources to subnational authorities based on extraction of mineral resources?

Score: **A** B C D E

### Comments:

Mining communities get a direct percentage of royalties paid by mining companies. Companies' payments are divided as follows:

- 80% of the mineral royalties paid by mining companies to internal revenue service is retained by government in the consolidated fund.
- 10% is paid from the consolidated fund to the Minerals Development Fund
- 10% is paid to the Office of the Administrator of Stool Lands (OASL)

The country's Minerals Development Fund (MDF) which was established in 1991 was to make available a portion of mineral royalties to be used directly for the benefit of mining communities, for research and other projects related to mining.

World Bank report:

Sharing of Resource Rents

The Constitution of Ghana explicitly reserves all mineral rights for the state and does not recognize the rights of landowners to receive any share of benefits flowing from the extraction of mineral resources. Despite the lack of any constitutional provision, the considerable expansion in mining activity in Ghana gave rise to the sentiment that local communities in affected areas should receive a direct share in the royalties paid to the government by the mining companies. This was also consistent with the practice of payment to local chiefs of "concession" and various other fees by mining companies before the 1962 Minerals Act when landowners still had rights to the subsoil resources. As a result, the Mineral Development Fund (MDF) was set up by the government in 1992 at the initiative of the Minerals Commission (MC) by an administrative decision and not by an Act of Parliament.

### References:

Publication: Pluto Press

Author: Thomas Akabzaa

Data published: 2009

Title: Mining in Ghana: Implications for National Economic Development and Poverty Reduction. In: Mining in Africa Regulation and Development

Web: [http://web.idrc.ca/openebooks/450-5/#page\\_25](http://web.idrc.ca/openebooks/450-5/#page_25)

EITI Presentation

Author: Dr. Gad Akwensivie

Data Published: 23/07/09

Title: Mineral Royalties Disbursement-Presentation at OASL

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=21:national-reports&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=21:national-reports&Itemid=54)

option=com\_phocadownload&view=category&id=21:national-reports&Itemid=54



Publication: World Bank Report 26197

Author: World Bank

Data Published: 2003

Title: PROJECT PERFORMANCE ASSESSMENT REPORT  
GHANA MINING SECTOR REHABILITATION PROJECT  
(CREDIT 1921-GH) MINING SECTOR DEVELOPMENT AND  
ENVIRONMENT PROJECT (CREDIT 2743-GH)

Website:

[http://lnweb90.worldbank.org/oed/oeddoclib.nsf/DocUNIDViewForJavaSearch/A89AEDB05623FD6085256E37005CD815/\\$file/PPAR\\_26197.pdf](http://lnweb90.worldbank.org/oed/oeddoclib.nsf/DocUNIDViewForJavaSearch/A89AEDB05623FD6085256E37005CD815/$file/PPAR_26197.pdf)

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#### 5.1.1.064: Are conditions imposed on subnational government as part of revenue sharing regime?

Score:  A  B  C

##### Comments:

The OASL obtains a 10% share of mineral royalties and they have to be divided according to the rule prescribed by the Constitution Section 267 (6) 10% of revenue accruing from stool lands shall be paid to the OASL to cover administrative expenses. The remaining revenue shall be disbursed in the following proportions –

Twenty-five per cent to the stool through the traditional authority for the maintenance of the stool in keeping with its status;

Twenty per cent to the traditional authority; and

Fifty-five per cent to the District Assembly within the area of authority of the stool lands.

Other than that the money is spent with no conditions by the Central Government and several report underline the need of review the way local authorities use these revenues.

##### References:

Publication: Pluto Press

Author: Thomas Akabzaa

Data published: 2009

Title: Mining in Ghana: Implications for National Economic  
Development and Poverty Reduction. In: Mining in Africa Regulation and Development

Web: [http://web.idrc.ca/openebooks/450-5/#page\\_25](http://web.idrc.ca/openebooks/450-5/#page_25)

##### Peer Review Comments:

There are conditions with regards to how sub-national transfers are can be disbursed and used by the various beneficiaries. For example, formulas for the use of the District Assemblies Common Fund and the Ghana Education Trust Fund are approved by Parliament on an annual basis and the share of royalties that go to the traditional authorities are meant for the maintenance of stool lands.

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Indicator		Score
5.2.1	Disclosure	60 

5.2.1 Disclosure

## 5.2.1.065: Are the rules for revenue transfers from central to sub national governments published, including the formula(s) for revenue sharing?

Score:  A  B  C

### Comments:

In May 2012 a Law to establish the Mineral Development Fund was placed before the country's parliament for approval.

### Constitution:

Ten percent of the revenue accruing from stool lands shall be paid to the Office of the Administrator of Stool Lands (OASL) to cover administrative expenses; and the remaining revenue shall be disbursed in the following proportions-

- (a) twenty-five percent to the stool through the traditional authority for the maintenance of the stool in keeping with its status;
- (b) twenty percent to the traditional authority; and
- (c) fifty-five percent to the District Assembly, within the area of authority of which the stool lands are situated.

OASL then disburses the funds to District Authorities, Traditional Authorities and others by 55%, 25% and 20% respectively allocation

### References:

<http://theafricareport.com/index.php/20120523501812120/west-africa/ghana-to-set-up-fund-to-boost-infrastructure-development-501812120.html>

Constitution of Ghana: Section 267(6)

## 5.2.1.066: Does the central government publish comprehensive information on transfers of resource related revenues to sub-national governments?

Score:  A  B  C  D  E

### Comments:

Information on disbursement to the District Assemblies from 2004 to 2009 were made available inside the EITI reports.

However, information on disbursement to Traditional Authorities and stools has not been published.

### References:

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and

Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

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**5.2.1.067: Are the reports containing information on transfers of resource related revenues to sub-national governments understandable?**

**Score:** A  B C D E

**Comments:**

EITI reports lack methodology and other relevant information but are understandable.

**References:**

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

Publication: Ghana EITI Report

Author: EITI Ghana

Date Published: October 2010

Title: Summary of Ghana EITI Reports 2004\_2008

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=3:2008&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=3:2008&Itemid=54)

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**5.2.1.068: How often does the central government publish information on transfers of resource related revenues to sub-national governments?**

**Score:** A B  C D E

**Comments:**

Information is available in the EITI reports from 2004 to 2009.

2008 data have been published in 2010, 2009 data in 2011 and 2010 data should be published in the upcoming EITI report in 2012.

**References:**

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

Publication: Ghana EITI Report

Author: EITI Ghana

Date Published: October 2010

Title: Summary of Ghana EITI Reports 2004\_2008

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=3:2008&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=3:2008&Itemid=54)

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**5.2.1.069: Do sub-national governments publish information on transfers received from central**

**governments?****Score:** A (B) C**Comments:**

Traditional authorities and Stools do not provide information. The District Assemblies are accounted by the Ghana Audit Service but at the local level the revenue management is not audited, leaving margin for mismanagement.

**References:**

Traditional leaders serve at the district level as well. They have an important role to play as custodians of community land. These positions are not politically appointed, yet incentives to react against executive control on districts to secure welfare benefits from mining are weak. The Constitution stipulates that royalties be disbursed to traditional authorities as follows: 25 percent to the stool through the traditional authority for the —maintenance of the stool in keeping with its statusll and 20 percent to the traditional authority. This rule has been reinforced with the establishment of an independent Office of the Administrator of Stool Lands (OASL). This implies that the traditional authorities have been the direct recipient of various forms of support from mining companies. The better the terms for the mining companies, the higher their transfers to the traditional authorities. At the same time, the auditing system at this level is weak or nonexistent. Thus, the mining sector presents opportunities for decision makers to benefit. In return for the transfers from mining companies, traditional leaders have moderated community dissent, although sometimes discontent has escalated because of the negative environmental impact and alleged human rights abuses.

International organization: World Bank

Publication: Policy Research Working Paper WB

Authors: Joseph Ayee; Tina Søreide; G. P. Shukla; Tuan Minh Le

Date published: July 2011

Title: The Political Economy of the Mining Sector in Ghana

Website: [http://www-](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

[wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349\\_20110721153754/Rendered/PDF/WPS5730.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)


**Peer Review Comments:**

There are a few sub-national structures that make information on transfers received from the central government public although this public accessibility is very limited.

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Indicator	Score
5.3.1 Legal Framework and Practice	84 

## 5.3.1 Legal Framework and Practice

### 5.3.1.070: Are arrangements (including formulas and responsible institutions) for resource revenue sharing between central and sub-national governments defined by legislation?

Score: **A** B C

#### Comments:

Considering that mineral are owned by the state, the royalties from minerals are not considered as land revenue. As a consequence, the Mineral Development Fund was created to provide revenues to the local level and include the Office of the Administrator of Stool Land to obtain 10% of the Royalties from the Mining Sector.

#### References:

There are arrangements for revenue sharing more generally, not just resource revenue.

"252.

- (1) There shall be a fund to be known as the District Assemblies Common Fund.
- (2) Subject to the provisions of this Constitution, Parliament shall annually make provision for the allocation of not less than five percent of the total revenues of Ghana to the District Assemblies for development; and the amount shall be paid into the District Assemblies Common Fund in quarterly installments.
- (3) The moneys accruing to the District Assemblies in the Common Fund shall be distributed among all the District Assemblies on the basis of a formula approved by Parliament.
- (4) There shall be appointed by the President with the approval of Parliament, a District Assemblies Common Fund Administrator.
- (5) Parliament shall by law prescribe the functions and tenure of office of the Administrator in such a manner as will ensure the effective and equitable administration of the District Assemblies Common Fund.
- (6) Nothing in this Chapter or any other law shall be taken to prohibit the State or other bodies from making grants-in-aid to any District Assembly."

Stool and Skin Lands and Property  
267.

- (6) Ten percent of the revenue accruing from stool lands shall be paid to the office of the Administrator of Stool Lands to cover administrative expenses; and the remaining revenue shall be disbursed in the following proportions-
  - (a) twenty-five percent to the stool through the traditional authority for the maintenance of the stool in keeping with its status;
  - (b) twenty percent to the traditional authority; and
  - (c) fifty-five percent to the District Assembly, within the area of authority of which the stool lands are situated

### 5.3.1.071: In practice, does the government follow the rules established by resource revenue

**sharing legislation?****Score:** A (B) C D E**Comments:**

It looks like the major concern is not about the amount of money received by the OASL and MDF from the central government but more on the use at the local level.

**References:**

Publication: Pluto Press

Author: Thomas Akabzaa

Data published: 2009

Title: Mining in Ghana: Implications for National Economic Development and Poverty Reduction. In: Mining in Africa Regulation and Development

Web: [http://web.idrc.ca/openebooks/450-5/#page\\_25](http://web.idrc.ca/openebooks/450-5/#page_25)

There have been questions raised about transparency and accountability challenges, with respect to the disbursement of royalties to beneficiaries at the local level. According to the first aggregated Extractive Industries Transparency Initiative (EITI) Ghana report (Boas and Associates, 2007), there is a lack of documentation on payment made by the Office of the Administrator of Stool Lands to the districts assemblies, traditional rulers and stools. Royalties received by district assemblies are usually paid into the general revenue pool and no special attention is given to the development of local communities. From 1993–2002, the major mining districts in the country received nearly 21 billion cedis from the Mineral Development Fund, while more than 16 billion cedis were paid to the various stools and traditional authorities in areas where large-scale mining activities were taking place. These receipts are quite substantial, and if well harnessed, could significantly contribute to economic development in these areas. However, the EITI report showed that these receipts are used for recurrent expenditure, in the case of district assemblies, and on private projects, in the case of chiefs, without any consideration for the rest of the community. This has often generated resentment among community members (Botchie et al., 2006). There is also widespread disaffection among chiefs and traditional rulers over the level of the share of royalty payments and land rents allotted for them in principle, while mining companies have in turn expressed discontent over the distribution and use of these funds.

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

**10.2 Disbursements:****Finding:**

The disbursement relating to the period January –February 2009 was made in July 2009. Subsequently the release of November 2009 was in relation to the period May to July 2009.

The disbursement for the period March to April 2009 was omitted.(see below). Judging from the fact that the major mining companies made royalty payments in April 2009, the district Assemblies were denied substantial funds on a timely basis.

**10.2.1 Recommendations:**

The OASL and the District Assemblies should monitor and scrutinize disbursements and indicate as quickly as possible any lapses therein. In particular they should keep records on the periods that disbursements relate to.

**10.3 Finding:** Discordance between Head office and Regional OASL releases. Some regional OASL offices did not release funds to District Assemblies in tandem with releases from the Head Office.

For example , the Prestea Huni Valley District Assembly indicated receiving payments on four(4) different occasions whilst the OASL head office made only three (3) payments in 2009.

The Tarkwa Nsuaem District Assembly also received payments on four occasions.

10.3.1 Recommendations:

The Regional OASL offices should be encouraged to pay promptly all amounts due to District Assemblies.

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# Ghana - RWI Index Questionnaire

## Context

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Indicator	Score
1.1	Context
1.1	Context

### 1.1.001: Does the country have a clear legal definition of ownership of mineral resources?

Score:  A  B  C  D  E

#### Comments:

The constitution and the mining code clearly define the ownership of the minerals.

OIL: The constitution defines that all petroleum is owned by the state. Also, it is defined in the Section 1 of the Petroleum Exploration and Production Law, 1984:

(I) Without prejudice to any right granted, conferred, acquired, recognized or saved in this Law to explore for or produce petroleum, all petroleum existing in its natural state within the jurisdiction of Ghana is the property of the Republic of Ghana (hereafter referred to as "the Republic") and shall be vested in the Provisional National Defence Council (hereafter referred to as "the Council") on behalf of the people.

#### References:

A) Constitution Chapter 21 Section 257.6

CHAPTER TWENTY-ONE  
LANDS AND NATURAL RESOURCES  
Public Lands  
257.

(1) All public lands in Ghana shall be vested in the President on behalf of, and in trust for, the people of Ghana.

[...]

(6) Every mineral in its natural state in, under or upon any land in Ghana, rivers, streams, water courses throughout Ghana, the exclusive economic zone and any area covered by the territorial sea or continental shelf is the property of the Republic of Ghana and shall be vested in the President on behalf of, and in trust for the people of Ghana.

<http://www.politicsresources.net/docs/ghanaconst.pdf>

B) Minerals and Mining Act, 2006. Act 703  
Section 1

1. Every mineral in its natural state in, under or upon land in Ghana, rivers, streams, water-courses throughout the country, the exclusive economic zone and an area covered by the territorial sea or continental shelf is the property of the Republic and is vested in the President in trust for the people of Ghana.

<http://www.sds.org/wp-content/uploads/2011/06/Ghana-Minerals-Act-2006.pdf>



### 1.1.002: Who has authority to grant hydrocarbon and mineral rights or licenses?

Score:  A  B  C  D  E

#### Comments:

The mining sector is assessed in this questionnaire but comments are provided on both the mining and oil sectors. The Minister of the MLNR is responsible for granting the licences to the companies. According to the Mining code, the company has to submit a formal application to the Mineral Commission (MC). The MC will evaluate the application and will formulate a recommendation to the Minister. The minister has the power to grant the right. (The transaction has to be ratified by the Parliament- Section 5.4)

In the Oil Sector, the newly created Petroleum Commission (Act 821) now regulates the sector and is the body which oversees the licensing process. See article 3, h – “receive applications and issues permits for specific petroleum activities as required under petroleum laws and regulations...”  
[http://ghanaoilwatch.org/images/laws/petroleum\\_commission.pdf](http://ghanaoilwatch.org/images/laws/petroleum_commission.pdf)

The application to obtain a licence has to be submitted to the Ministry of Energy but the only company who has the authorization to start exploration and production is the Ghana National Petroleum Corporation. Therefore all the agreements are signed between the State, the GNPC and the private companies.

So far, Tullow Oil, US Kosmos Energy and Anadarko were awarded through direct negotiation instead of an open competitive bidding process.

A new Petroleum exploration Bill has been pending in Parliament for several months now. Though it has not been withdrawn yet, Mr. Inusah Fuseini, Deputy Minister of Energy, said it will soon be replaced with another Bill (Source: Ministry of Energy: <http://www.energymin.gov.gh/index22.php?id=0195&pgtid=3&cntid=newinfo&pgt=>)

#### References:

The Minister of Land and Natural Resources (MLNR), on behalf of the President of the Republic, has the power to grant mineral rights.

A) Mining and Minerals Act, Section 5

Power of Minister to grant mineral rights  
5.

- (1) Subject to subsections (4) and (5), the Minister on behalf of the President and on the recommendation of the Commission may negotiate, grant, revoke, suspend or renew mineral rights in accordance with this Act.
- (2) Where the Minister grants a mineral right, the Minister shall determine the land subject to the grant.
- (3) Where the Minister determines not to grant an application or determines to grant an application over a part of the land applied for, the Minister shall give the applicant written reasons.
- (4) A transaction contract or undertaking involving the grant of a right or concession by or on behalf of a person or body of persons, for the exploitation of a mineral in Ghana shall be subject to ratification by Parliament.
- (5) Parliament may, by resolution supported by the votes of not less than two-thirds of all the members of Parliament, exempt from the provisions of subsection (4) of this section a particular class of transaction, contract or undertakings.

### 1.1.003: What licensing practices does the government commonly follow?

Score:  A  B  C  D  E

#### Comments:

The only way to obtain a concession and acquire mineral right today in Ghana is to go through the application to the Mineral Commission. The system is still on the 1st come 1st served but might be changed before the end of the year.

As underlined by the Deputy Minister Henry Ford Kamel, the competitive bidding will replace the actual system as a reform will be voted before the end of the year. See :

<http://www.africareview.com/Business+++Finance/-/979184/1323216/-/10o9jghz/-/index.html>

Both publications quoted above define the system as 1st come 1st served - see p.18 of source 2 and p.24 of source 4.

As for royalties and taxes, they are set by the law, including:

Royalties are 5% (the amendment of section 25 of the Mining Act in 2010 replaced the 3-6% system)  
Corporate income tax is 25% (the 2012 budget statement announces a rise in the taxes to 35%)

In the OIL Sector the National Petroleum Policy calls for open bidding. So far, Tullow Oil, US Kosmos Energy and Anadarko were awarded through direct negotiation instead of an open competitive bidding process (Source: RWI website)

Operating companies (Kosmos, Tullow) can operate through GNPC.

### References:

SOURCE for 2)

Publication: Final Report for World Bank project Extractive Industries Sources Book Programme- University of Dundee

Author: Centre for Sustainability in Mining and Industry (CSMI), The School of Mining Engineering, University of the Witwatersrand: Project Leader: Nellie Mutemeri

Date published: December 2010

Title: Granting Mineral Rights- A good practice note

Web:[http://www.eisourcebook.org/cms/files/good\\_practice\\_note\\_for\\_granting\\_mining\\_rights.pdf](http://www.eisourcebook.org/cms/files/good_practice_note_for_granting_mining_rights.pdf)

SOURCE for 4)

International organization: World Bank

Publication: Policy Research Working Paper WB

Authors: Joseph Ayee; Tina Søreide; G. P. Shukla; Tuan Minh Le

Date published: July 2011

Title: The Political Economy of the Mining Sector in Ghana

Website: [http://www-](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

[wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349\\_20110721153754/Rendered/PDF/WPS5730.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

### 1.1.004: What is the fiscal system for mineral resources?

Score:  A  B  C  D  E

#### Comments:

The draft national mining policy presents the fiscal policy in Mining at page 21 while the WB reports at page 23, point n°58.

The Minerals and Mining Act does not provide the possibility of PSA or service contracts but the State has the right of 10 Free carried interest.

See Minerals ACT 703

### Section 43 Government participation in mining lease

43. (1) Where a mineral right is for mining or exploitation, the Government shall acquire a ten percent free carried interest in the rights and obligations of the mineral operations in respect of which financial contribution shall not be paid by Government.

(2) Subsection (1) does not preclude the Government from any other or further participation in mineral operations that may be agreed with the holder.

In the oil sector the revenue/taxation system is used. According to the Petroleum Exploration and Production Law, companies are subject to pay (MPA-Model Petroleum Agreement) royalties, income tax, surface rent, and additional oil entitlement.

Besides, the State has a free carried interest and has an option to have an additional interest, but in this case the GNCP should contribute to the development and production cost. Tullow and Kosmos do not pay this additional interest since this option has not been chosen.

Source: <http://danquahinstitute.org/docs/OilSectorUnderScrutiny.pdf>

### References:

Source n°3

Ghana Draft National Mining Policy available at the MLNR website:

<http://www.ghana-mining.org/GhanaIMS/LinkClick.aspx?fileticket=LmHT9VRIcII%3d&tabid=36&mid=930>

Data published: October 2010

International organization: World Bank

Publication: Policy Research Working Paper WB

Authors: Joseph Ayee; Tina Søreide; G. P. Shukla; Tuan Minh Le

Date published: July 2011

Title: The Political Economy of the Mining Sector in Ghana

Website: [http://www-](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

[wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349\\_20110721153754/Rendered/PDF/WPS5730.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

Academic Research, professional study

Publication: Danquah Institute Quarterly

Author: NANA ADJOA HACKMAN

Date: October 2009

Title: Was Ghana right in choosing royalty tax system for the oil system?

Website: <http://danquahinstitute.org/docs/OilSectorUnderScrutiny.pdf>

## 1.1.005: What agency has authority to regulate the hydrocarbon and mineral sector?

Score: A  B  C  D  E

### Comments:

The Mineral Commission is an agency within the Ministry of Land and Natural Resources. It regulates the sector but only the Minister has the power to grant concessions and mineral rights.

The Ministry of Lands, Forestry and Mines—through the Mineral Commission (MC), the Geological Survey Department (GSD), the Inspectorate Division of Minerals Commission (IDMC), and the Precious Minerals Marketing Co. Ltd. (PMMC)— regulates Ghana's mining industry. The MC regulates the use of mineral resources and coordinates mineral policy. The GSD is responsible for keeping geological information and a repository of geo-scientific data. The IDMC is in charge of monitoring and enforcing health, safety, and environmental standards in mines as established by the mining and mineral laws. PMMC markets the country's precious minerals and jewelry industry (from the Small Scale Mining only). At the local state level, there are District Assemblies (DAs) and Traditional Institutions

Oil Sector:

More than one commissions regulate the oil sector (upstream or downstream)

Upstream:

The regulative agency is the Petroleum Commission. The 7 member board commission was inaugurated on November 2011. It was established by the ACT 821 of 14 July 2011.

Downstream:

For the Downstream Industry the National Petroleum Authority was established in 2005 by the Act 691. Before discovery in the Jubilee Field, Saltpond was the only site of crude oil production in Ghana. By contrast, a refinery in Tema has been working importing crude oil from Nigeria.

### References:

The Minerals Commission (MC) is a government agency established under Section 269 of the 1992 Constitution and the Minerals Commission Act. Its functions are prescribed in Section 2 of the Minerals Commission Act

The Mining and Minerals Act Section 19 entitles the MC to review the company reports.

### CONSTITUTION

Protecting Natural Resources

269.

(1) Subject to the provisions of this Constitution, Parliament shall, by or under an Act of Parliament, provide for the establishment, within six months after Parliament first meets after the coming into force of this Constitution, of a Minerals Commission, a Forestry Commission, Fisheries Commission and such other Commissions as Parliament may determine, which shall be responsible for the regulation and management of the utilization of the natural resources concerned and the co-ordination of the policies in relation to them.

Mineral commission Act 1993, (Act 450):

Section 2. Functions of the Commission

(1) The Commission is responsible for the regulation and management of the utilisation of mineral resources and the co-ordination of the policies in relation to them.

(2) For purposes of subsection (1), the Commission shall

- (a) formulate recommendations of national policy for exploration and exploitation of mineral resources with special reference to establishing national priorities having due regard to the national economy;
- (b) advise the Minister on matters relating to minerals;
- (c) monitor the implementation of laid down policies of the Government on minerals and report on this to the Minister;
- (d) monitor the operations of the bodies or establishments with responsibility for minerals and report to the Minister;
- (e) receive and assess public agreements relating to minerals and report to Parliament;
- (f) secure a firm basis of comprehensive data collection on national mineral resources and the technologies of exploration and exploitation for national decision making; and
- (g) perform any other functions assigned to it by or under any other enactment or by the Minister.

Minerals and Mining Act 703

Records of and reports by mineral right holders

19. (1) A holder of a mineral right shall maintain, at an address in Ghana notified to the Commission for the purposes of this section, the documents and records that may be prescribed and shall permit an authorized officer of the Commission at a reasonable time to inspect the documents and records and take copies of them.

(2) A holder of a mineral right shall furnish the Commission, Geological Survey Department and other persons prescribed, with such reports on the mineral operations of and geological information attained by or on behalf of the holder.

### Peer Review Comments:

The regulator, the Minerals Commission, though technical, is not independent of the Ministry. The Commission is under the Minister who acts on behalf of the President and so it would be more appropriate to score A.

Section 2 states:

The Commission shall:

- (c) monitor the implementation of laid down policies of the Government on minerals and report on this to the Minister;
- (d) monitor the operations of the bodies or establishments with responsibility for minerals and report to the Minister;
- (g) perform any other functions assigned to it by or under any other enactment or by the Minister. .

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# Ghana - RWI Index Questionnaire

## Disclosure

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Indicator	Score
1.2.006 Information on licensing process	50 
1.2 Contract transparency	33 
1.2.008 Environmental and social impact assessments	25 
1.2 Access to information and legislation	50 

1.2.006 Information on licensing process

### 1.2.006.a: What information does the government publish on the licensing process before negotiations?

Score: A  B  C  D  E

#### Comments:

Section 103 of the Mineral Act (see below) is clear regarding the publication of information on mineral licensing. However, when available to the public, a fee has to be paid to access the register of Mineral Rights. The Mining commission evaluates the application and the Minister grants the concession. Time and roles are provided by the law. Nevertheless, there is no real explanation on what basis concessions are given.

Section 103 is clear about publishing information:

103. (1) The Commission shall, in accordance with Regulations, maintain a register of mineral rights in which shall be promptly recorded applications, concessions, variations and dealings in, assignments, transfers, suspensions and cancellations of the rights.

(2) The register shall be open to public inspection on payment of a prescribed fee and members of the public shall upon request to the Commission and on payment of the prescribed fee, be given a copy of the records.

Oil Sector: So far there have been only direct negotiations. The agreements are available but only after initiative of the oil companies and after negotiations were completed. the Petroleum Commission has to make an annual report available (section 3,k) which provides information on areas open for exploration and production, resource status (reserves information) and information on licenses issues. (see p12 of the pdf link: [http://ghanaoilwatch.org/images/laws/petroleum\\_commission.pdf](http://ghanaoilwatch.org/images/laws/petroleum_commission.pdf))

From RWI: [http://www.revenuewatch.org/training/resource\\_center/ghana-jubilee-field-contracts](http://www.revenuewatch.org/training/resource_center/ghana-jubilee-field-contracts) (Nov.2011)

Despite pledges from the Ghanaian government to publish all petroleum agreements (something President Mills promised explicitly in early 2009), Ghana's Ministry of Energy has no consistent access to these contracts on its own website.

However when Kosmos Energy made its Initial Public offering (IPO) at the U.S. Securities and Exchange Commission (SEC) in May of 2011, it published all of its Jubilee field contracts and the field's utilization agreement via SEC filings. Separately, Tullow Oil has made public its contracts and Deeds of Assignment in the Jubilee Field, some of which duplicate the Kosmos filings, but are signed versions in PDF.

**References:**

Points n°58-59 and note n° 29 on transparency in licensing

International organization: World Bank

Publication: Policy Research Working Paper WB

Authors: Joseph Ayee; Tina Søreide; G. P. Shukla; Tuan Minh Le

Date published: July 2011

Title: The Political Economy of the Mining Sector in Ghana

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File ATTACHED in a previous question

**1.2.006.b: What information does the government publish on the licensing process after negotiations?**

**Score:** A B  C D E

**Comments:**

Scant information is available: location, royalties, taxes paid are available in the MLNR website. But the deals are kept confidential.

As in previous question: Sections 20 & 103 of the Mineral Act which include confidentiality clauses.

Public access to information

20. (1) Records, documents and information furnished or attained under sections 19 and 63 shall, as long as the holder or the holder's successor-in-title retains the mineral right, or any mineral right granted in substitution over the area to which the records, documents and information relate, be treated as confidential and shall not be divulged without the prior written consent of the holder.

(2) Subject to subsection (1), the records, documents and reports furnished or attained under sections 19 and 63 shall be made available for inspection and copy by the public, on payment of the prescribed fee.

103.2 The register shall be open to public inspection on payment of a prescribed fee and members of the public shall upon request to the Commission and on payment of the prescribed fee, be given a copy of the records.

So far only closed negotiations have been made in Ghana. As already mentioned, according to the deputy minister of land and natural resources, Henry Ford Kemal, open bids will replace the actual system. There is no calendar for these changes so far.

For the oil sector, the operating companies have published their contracts, but the government lacks a consistent policy on disclosure and other agreements remain unpublished.

**References:**

Points n°58-59 and note n° 29 on transparency in licensing

International organization: World Bank

Publication: Policy Research Working Paper WB

Authors: Joseph Ayee; Tina Søreide; G. P. Shukla; Tuan Minh Le

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[wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349\\_20110721153754/Rendered/PDF/WPS5730.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

File ATTACHED in a previous question

## 1.2 Contract transparency

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### 1.2.007: Are all contracts, agreements or negotiated terms for exploration and production, regardless of the way they are granted, disclosed to the public?

Score: A B **C** D E

**Comments:**

In the mining sector, even if some negotiated terms are available, contracts are kept confidential. A recent article, published in 2011, highlights the fact that government has not yet disclosed the contract deals.

In the oil sector: In practice, the government does have many of the contracts up on its site: [http://www.energymin.gov.gh/?page\\_id=106](http://www.energymin.gov.gh/?page_id=106)

The EITI bill in preparation is set to include contract transparency and this recent speech from the Minister of Finance is strongly in support of that <http://www.mofep.gov.gh/?q=speeches/160712>

**References:**

Publication: Modern Ghana Website

Author: Stephen Yeboah

Date Published: 31st August 2011

Title: Beyond the Rhetoric pursuing transparency in the mining and oil sectors in Ghana

Website: [www.modernghana.com/news/348271/1/beyond-the-rhetoric-pursuing-transparency-in-the-m.html](http://www.modernghana.com/news/348271/1/beyond-the-rhetoric-pursuing-transparency-in-the-m.html)

International organization: World Bank

Publication: Policy Research Working Paper WB

Authors: Joseph Ayee; Tina Søreide; G. P. Shukla; Tuan Minh Le

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[wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349\\_20110721153754/Rendered/PDF/WPS5730.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

### 1.2.008 Environmental and social impact assessments

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#### 1.2.008.a: Does legislation require that mining, gas and oil development projects prepare an environmental impact assessment prior to the award of any mineral rights or project implementation?

Score: **A** B C

**Comments:**

Even if the Environmental Impact Assessment is not directly mentioned in the Act 703, section 18 recalls the Role of the Environment Protection Authority (EPA). A license can be granted only after evaluation of the EIA.

Section 3 of the Environmental assessment regulations, 1999, clearly asks for EIA before granting the environmental permit.

**References:**

Mining and Minerals Act 703 Section 18



## Forestry and environmental protection

18. (1) Before undertaking an activity or operation under a mineral right, the holder of the mineral right shall obtain the necessary approvals and permits required from the Forestry Commission and the Environmental Protection Agency for the protection of natural resources, public health and the environment.

(2) Without limiting subsection (1), a holder of a mineral right shall comply with the applicable Regulations made under this Act and any other enactment for the protection of the environment in so far as relates to exploitation of minerals.

Environmental assessment regulations, 1999, Section 1-3, (in particular Section 3).

## PART I - ENVIRONMENTAL PERMIT

Undertakings requiring registration and issue of environmental permit.

1. (1) No person shall commence any of the undertakings specified in Schedule 1 to these Regulations or any undertaking to which a matter in the Schedule relates, unless prior to the commencement, the undertaking has been registered by the Agency and an environmental permit has been issued by the Agency in respect of the undertaking.

2. No person shall commence activities in respect of any undertaking which in the opinion of the Agency has or is likely to have adverse effect on the environment or public health unless, prior to the commencement, the undertaking has been registered by the Agency in respect of the undertaking.

## Existing undertakings

2. Where: the Agency considers that any undertaking in existence on the date of the coming into force of the Regulations has or is likely to have adverse effect on the environment or public health, the Agency shall issue a written notice to the person responsible to seek registration and obtain an environmental permit in respect of the undertaking within such time as shall be specified in the notice.

## Environmental impact assessment

3. No environmental permit shall be issued by the Agency for any of the undertakings mentioned in Schedule 2 to these Regulations unless there is submitted by the responsible person to the Agency, an environmental impact assessment in accordance with these Regulations in respect of the undertaking.

### 1.2.008.b: Are environmental impact assessments for oil, gas and mining projects published by the authority in charge of regulating the sector and is there a consultation process?

Score: A B C **D** E

#### Comments:

A. Information is still confidential

The 2011 World Bank report at point 66 claims that EIAs are confidential, generally really technical and lack a realistic community involvement. The Minerals and Mining Act 703 also provides anti-disclosure clauses at section 18 (quoted previously) and 20:

## Forestry and environmental protection

## Public access to information

20. (1) Records, documents and information furnished or attained under sections 19 [referring to EIAs] and 63 shall, as long as the holder or the holder's successor-in-title retains the mineral right, or any mineral right granted in substitution over the area to which the records, documents and information relate, be treated as confidential and shall not be divulged without the prior written consent of the holder.

(2) Subject to subsection (1), the records, documents and reports furnished or attained under sections 19 and 63 shall be made available for inspection and copy by the public, on payment of the prescribed fee.

B. Some information is somehow available

B.1 The Environment Protection Agency claims that Environment reports are public (Even if I could not find them) :

Extract from: ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REQUIREMENTS IN GHANA - THE PATHFINDER TO SUSTAINABLE DEVELOPMENT

source: <http://epa.gov.gh/ghanalex/report/eia.pdf>

" Are EIA reports confidential? No! EIA reports (PERs and EISs) are documents in the public domain. They are required as much as possible to be non-technical, easy to understand and, their presentation must follow prescribed simple format".

B.2. EPA's Legislation claims that companies should make EIA available to the public: Environmental Assessment Regulation, 1999 Section 15.c

15. (1) Where an applicant has been asked to submit an environmental impact statement it shall be the responsibility of the applicant to -

- a. give notice of the proposed undertaking to the relevant Ministries, government departments and organizations and the relevant Metropolitan, Municipal or District Assembly;
- b. advertise in at least one national newspaper and a newspaper, of any circulating in the locality where the proposed undertaking is to be situated; and
- c. make available for inspection by the general public in the locality of the proposed undertaking copies of the scoping report.

No feedback found on this specific point.

B.3

Newmont published Environment Impact Assessment for the Ahafo and Akyem Projects. They were prepared for the International Finance Corporation. In fact, the disclosure of EIAs is mandatory for IFC partnership in these projects. These projects included a consultation with the public and the publication of EIAs. There is a first ESIA made by Newmont and 6 Independent External Compliance Reports. As said, they are prepared for the IFC and they are not related to the regular reports sent to EPA.

Also Anglo Gold Ashanti provides some information through a sustainability report, a global overview of AGA operations worldwide.

See websites:

<http://www.newmont.com/africa/ahafo-ghana/public-disclosure-documents>

<http://www.anglogoldashanti.co.za/subwebs/informationforinvestors/reports10/Sustainability/default.htm>

In both cases the publications are not the EIAs that the companies have to submit regularly to the EPA and the Mineral Commission. These EIAs are kept confidential.

Finally, the same debate about whether considering the Newmont ESIA relevant or not for this question was developed for the 2010 Index.

Given that at in 2010 they were not considered as relevant, therefore the answer of the Question should be D.

C. About Public consultation

A 2004 report made by E. Sampong ( A Review of the Application of Environmental Impact Assessment in Ghana, A Report prepared for the United Nations Economic Commission for Africa) declared how some of these meetings were made but were not understood as not in the local language. Not included since the report is too old.

In the case of the Newmont mine of Ahafo a consultation post agreement has been done for the resettlement of population. See document of ICEED (G02488). It describes that Newmont project follows IFC obligations.

It is also true that some initiatives have been taking place: Public consultation prior awarding EPA permission is compulsory by law and it is usually done. Secondly, a UN report says it is usually done (see below), though not specifying which cases.

A REPORT ON GHANA'S MINING SECTOR FOR THE 18TH SESSION OF THE UN COMMISSION ON SUSTAINABLE DEVELOPMENT

Web: [http://www.un.org/esa/dsd/dsd\\_aofw\\_ni/ni\\_pdfs/NationalReports/ghana/Mining.pdf](http://www.un.org/esa/dsd/dsd_aofw_ni/ni_pdfs/NationalReports/ghana/Mining.pdf)

Page 19-21 of the report

3.6 Public/Stakeholders Consultation and Participation in Decision-Making Related to Mining  
Mining is necessarily multi-faceted in terms of activities and impacts. Whilst in the past it operated as an enclave and therefore led to conflicts among a number of stakeholders, the trend is now collaboration among stakeholders. Some of the important consultative processes have been:

a. Consultations during Mineral Right Acquisition

There has always been some consultation in the processing of mineral rights and management of mining operations as required under section 13 of Act 703 and the Minerals Regulations, 1962 (LI 231). During the processing of initial mineral rights, the public is consulted through a provision which requires a 21-day publication at the relevant District where the project will be sited. Subsequently, before any work will begin, all stakeholders are engaged to negotiate for payments of compensations etc. Additionally, in the case of a mining lease, various public hearings are held in and with the project affected communities by the Environmental Protection Agency (EPA), as required under LI 1652, to address envisaged impacts of the mining operations on the environment among others.

b. Other Consultations Include:

As indicated in Section 3:2 earlier on, multi-stakeholder consultation is an evolving trend in activities of the sector. Some additional examples are:

- Multi-stakeholder workshops to discuss draft national mining policy
- Multi-stakeholder workshops to discuss draft regulations to give effect to Act 703
- Multi-stakeholder workshops to discuss mining sector matrix under the Natural Resources and Environmental Governance (NREG) Programme
- Multi-stakeholder workshop on Validation of Terms of References (TORs) of consultancy activities under the NREG Programme
- Multi-stakeholder workshop to sensitize stakeholders on solar salt technology and how Ghana stands to benefit if the salt sub-sector is handled well
- Multi-stakeholder workshop to discuss mine fiscal model aimed at increasing mining revenues to Government
- Consultations with mining communities/civil society and mining companies on content of social responsibility guidelines
- Survey to establish baseline data regarding social conflicts in mining communities
- Multi-stakeholder workshops to improve coordination among key institutions having responsibility for the mining sector
- Consultations with stakeholders on cost benefit analysis of mining in Ghana
- Participation of NGOs/CSOs, Academia on committees that drafted the various regulations.
- Various workshops on Small Scale Mining to improve the sub sector.

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D. Finally, the Environment Protection Agency publishes an annual report on Environment impact called Akoben programme and rates 11 mining companies (but the EIAs asked for granting the mineral rights are not published): See <http://www.epaghanaakoben.org/rating/listmines2>

**References:**

Source 2)

Academic paper

Publication: International Institute for Environment and Development

Author: Nii Ashie Kotey; Poku Adusei

Date: April 2009

Title: Project finance mechanisms, human rights and sustainable development in Ghana's mining sector: the Newmont and AngloGold mining projects

Website: <http://pubs.iied.org/pdfs/G02488.pdf>

Source 4)

International organization: World Bank

Publication: Policy Research Working Paper WB

Authors: Joseph Ayee; Tina Søreide; G. P. Shukla; Tuan Minh Le

Date published: July 2011

Title: The Political Economy of the Mining Sector in Ghana

Website: [http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349\\_20110721153754/Rendered/PDF/WPS5730.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

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P.

International Organization: United Nations

Authors:

Title: 1A REPORT ON GHANA'S MINING SECTOR FOR THE 18TH SESSION OF THE UN COMMISSION ON SUSTAINABLE DEVELOPMENT

Date published: 2010

Web: [http://www.un.org/esa/dsd/dsd\\_aofw\\_ni/ni\\_pdfs/NationalReports/ghana/Mining.pdf](http://www.un.org/esa/dsd/dsd_aofw_ni/ni_pdfs/NationalReports/ghana/Mining.pdf)

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Publication:

Author: Newmont Ghana

Title: Ahafo south project. ESIA prepared for IFC

Date Published: August 2005

Web: [http://www.newmont.com/sites/default/files/SUMMARY\\_final\\_8\\_29.pdf](http://www.newmont.com/sites/default/files/SUMMARY_final_8_29.pdf)

Page S-1.

Newmont is seeking financial assistance from the International Finance Corporation (IFC) to continue development of the Project. In addition, Newmont seeks to apply IFC social and environmental safeguards and control requirements to the design, construction, operation, and closure of the Ahafo South Project. This ESIA has been compiled in accordance with IFC policies and guidelines to support application for financial assistance.

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### 1.2.008.c: Does legislation require that mining, gas and oil development projects prepare a social impact assessment?

Score: A  B C

#### Comments:

The Mineral Act does not require a social impact assessment per se. Section 11.d of the Act 703 mentions that applications for a mineral right shall include a proposal for economic benefits to the local population and Ghanians but it does not require a SIA. However, the Environmental Impact Assessment required by the Environment Protection Authority includes some social impact assessment - Section 12.e and 12.h of the Environmental Assessment Regulation of 1999 quoted above.

#### References:

ACT 703

Application for mineral rights

11. An application for a mineral right shall be submitted to the Minerals Commission in the prescribed form and shall be accompanied with a statement providing,

(a) particulars of the financial and technical resources available to the applicant for the proposed mineral operations,

(b) an estimate of the amount of money proposed to be spent on the operations,

(c) particulars of the programme for proposed mineral operations, and

(d) particulars of the applicant's proposals with respect to the employment and training in the mining industry of Ghanians

Environmental Assessment Regulation, 1999 Section 12

Draft terms of reference

12. The draft terms of reference shall stipulate that the environmental impact statement on the proposed undertaking will deal with matters including the following

a. a description of the undertaking;

b. an analysis of the need for the undertaking;

c. alternatives to the undertaking including alternative situations where the undertaking is not proceeded with;

- d. matters on site selection including a statement of the reasons for the choice of the proposed site and whether any other alternative site was considered;
- e. an identification of existing environmental conditions including social, economic and other aspects of major environmental concern;
- f. information on potential, positive and negative impacts of the proposed undertaking from the environmental, social, economic and cultural aspect in relation to the different phases of development of the undertaking;
- g. the potential impact on the health of people;
- h. proposals to mitigate any potential negative socio-economic, cultural and public health impacts on the environment;
- i. proposals to be developed to monitor predictable environmental impact and proposed mitigating measures;
- j. contingency plans existing or to be evolved to address any unpredicted negative environmental impact and proposed mitigating measures;
- k. consultation with members of the public likely to be affected by the operations of the undertaking;
- l. maps, plans, tables, graphs, diagrams and other illustrative material that will assist with comprehension of the contents of the environmental impact statement;
- m . a provisional environmental management plan;
- n. proposals for payment of compensation for possible damage to land or property arising from the operation of the undertaking; and
- o. an indication whether any area outside Ghana is likely to be affected by the activities of the undertaking.

#### Peer Review Comments:

However, environmental impact assessments are mandatory. The Environmental Assessment Regulations 1999 (3) states that:

No environmental permit shall be issued by the Agency for any of the undertakings mentioned in Schedule 2 to these Regulations unless there is submitted by the responsible person to the Agency, an environmental impact assessment in accordance with these Regulations in respect of the undertaking.

Schedule 2 includes Mining and Petroleum as areas that EIA are mandatory.

#### 1.2.008.d: Are social impact assessments for oil, gas and mining projects published and is there a consultation process?

Score: A B C **D** E

#### Comments:

The EITI sourcebook annex on Ghana states that the only clear social impact assessment regards the occupation of Ghanaian in the Mining Lease Concessions (p. 42).

Newmont has published a Social and Environmental Impact Assessment (see: <http://www.newmont.com/africa/ahafo-ghana/public-disclosure-documents>). It is a project with the World Bank IFC (International Finance Corporation) so the company had to follow the Equator Principles.

The publication of SEIAs by Newmont is a condition made by the IFC and were prepared for the institution. They are independent external compliance reports, and are distinguished from the monthly environmental reports that are submitted to the EPA in accordance with EPA Act 490. The reports to EPA are kept confidential.

See comments on Question 8.b

#### References:

Points 65-67 of the publication

International organization: World Bank

Publication: Policy Research Working Paper WB

Authors: Joseph Ayee; Tina Søreide; G. P. Shukla; Tuan Minh Le

Date published: July 2011

Title: The Political Economy of the Mining Sector in Ghana

Website: [http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349\\_20110721153754/Rendered/PDF/WPS5730.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

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Publication: EITI source book

Author: Nellie Mutemeri Centre for Sustainability in Mining and Industry (CSMI), The School of Mining Engineering, University of the Witwatersrand.

Date published: December 2010

Title: APPENDIX, GRANTING MINERAL RIGHTS. COUNTRY SPECIFIC REGULATIONS

Website: [http://www.eisourcebook.org/cms/files/uow\\_appendix;\\_country-specific\\_regulations.pdf](http://www.eisourcebook.org/cms/files/uow_appendix;_country-specific_regulations.pdf)

## 1.2 Access to information and legislation

### 1.2.009: Does the government publish detailed mineral/hydrocarbon resource legislation?

Score: A **B** C D E

#### Comments:

The researcher was not able to find these three :  
 Additional Profit Tax Law 1985, (PNDC Law122)  
 Minerals (Royalties) Regulations, 1987 (LI 1349)  
 Transactions in Gold Regulations 1947

The other documents are easily available on the internet, but none of those was on the Minister of Land Natural Resources website ([ghana-mining.org](http://ghana-mining.org))

Additionally, several regulations are still pending since the New Mining and Minerals Act 703. Section 110 of the Act 703 lists the missing regulations (also listed in the Draft National Mining Policy). Besides, proposals in the Budget 2012 Statement include the following changes in the mineral fiscal policy:

increasing the corporate tax rate from 25 per cent to 35 per cent for mining companies; introducing a windfall profit tax of 10 per cent on mining companies; introducing a capital gains tax (CGT) to apply to appreciations in value resulting from business takeovers and acquisitions; ring fencing project costs relating to natural resources for mining (petroleum and mining); and abolishing the current capital allowance regime applicable on mining companies and replacing it with a 20 per cent rate on a straight line basis.

Moreover, the Minister of Land and Natural Resources, announced on February 7th 2012, that:

"In view of the enormous data that is available in these areas, Government has developed a policy to grant licenses for these areas through COMPETITIVE TENDERING process. Thus, the Public Procurement Act of Ghana as well as the Mineral and Mining Act, 2006 (Act 703) in addition to the comprehensive Guidelines, which have been developed, will be posted on the website of the Minerals Commission by the second quarter of 2012 to guide the tendering process.

Source: <http://www.ghana-mining.org/GhanaIMS/LinkClick.aspx?fileticket=rOxmCwJlo9c%3d&tabid=36&mid=930>

Section 110.

(1)The Minister may, by legislative instrument, make Regulations for the purpose of giving effect to this Act.

(2) Without limiting the generality of subsection (1), Regulations made under this section may provide for,

(a) in circumstances where the Minister is exercising a discretionary power under this Act, specific criteria which, if satisfied by the holder or other person bringing an application before the Minister, obliges the Minister to approve the application;

(b) a matter which, in accordance with this Act, is or may be provided for by Regulations or which is to be or may be prescribed;

- (c) the making of an application for a mineral right or extension of the term of an application or an application for another purpose under this Act;
- (d) the establishment and operation of a mining cadastre;
- (e) the rights and the priority between registered dealings in the register of mineral rights;
- (f) the functions of the Inspectorate Division of the Commission;
- (g) the examination of a mine or mineral by the Inspectorate Division of the Commission or a person authorized by the Minister;
- (h) the retention of an ore or specimen of a mineral by a person in charge of a mine or connected with a mine for the identification of that ore or a sample of the ore and for sampling of the ore by an authorized officer of the Minister, the Commission and the Inspectorate Division;
- (i) directions to be given to a person in charge of a mine or connected with a mine by an authorized officer of the Minister, the Commission and the Inspectorate Division for the conservation and development of mines and minerals;
- (j) the making of returns of minerals won and for the valuation of the minerals;
- (k) the returns to be rendered in relation to accounts, books and plans required to be kept by holders;
- (l) the submission by a person in charge of a mine or connected with a mine of returns and for the maintenance by the person of the records;
- (m) the nature and adequacy of a map or plan required for the purposes of this Act;
- (n) the restriction of mineral operations in or near a river, dam, lake, forest or stream;
- (o) the grazing of cattle or other animals on an area subject to a mineral right;
- (p) the gathering of firewood and the cutting down and use of timber for the purposes of carrying on prospecting and mining operations;
- (q) the renewal, transfer, assignment, mortgaging, suspension, cancellation and surrender of mineral rights;
- (r) the protection of pits, shafts and other dangerous places;
- (s) the reporting of accidents;
- (t) fees payable under this Act, and
- (u) forms of applications and licences to be made or issued under this Act.

In the Oil Sector (all available on line)

Petroleum (Exploration and Production) Law, 1984 (PNDC Law 84)

Petroleum Revenue Management Act 2011

National Petroleum Authority Act, 2005

A new Petroleum Exploration and Production Bill is still pending.

#### **References:**

Mining and Minerals Act, 2006 (Act 703)

Minerals and Mining (Amendment) Act, 2010 9 (Act 794) (Amendment of section 25)

Constitution of Ghana (Section 268-269) ,1992

Mineral Commission Act , 1993 (Act 450)

Environmental Assessment Regulation, 1999

Environmental Protection Authority Act, 1994 (Act 490)

Additional Profit Tax Law 1985, (PNDC Law122)

Minerals (Royalties) Regulations, 1987 (LI 1349)

Transactions in Gold Regulations 1947

Small Scale Mining

Precious Minerals Marketing Corporation Law, 1989 (PNDC Law 219)

Mercury Act 1989, P.N.D.C.L. 217

#### **Peer Review Comments:**

Information for total investment is relevant for this score.

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**1.2.010: This country has adopted a rule or legislation that provides for disclosure of information in the oil, gas and mineral sectors.**

**Score:** A B **C** D E

**Comments:**

A Right to Information Bill introduced in 2010 is still pending discussion in Parliament. After having analyzed the bill, several NGOs and CSO, including the Ghana Coalition on the right to information, criticized the bill and ask for amendments.

Stock Exchange regulations apply only for AngloGold Ashanti and Golden Star Resources , the only 2 companies listed in the Ghana Stock Exchange

**References:**

-Constitution Art 21. 1. (f)

21. (1) All persons shall have the right to -  
[...]

(f) information, subject to such qualifications and laws as are necessary in a democratic society;

Stock Exchange Listing Rules, Part VII Disclosure policy, 53-57  
Securities and Exchange Commission Regulations 2003 (Arts 50-63)  
Companies Code Act 1963.

Right to Information Bill has been pending in Parliament for more than 2 years now.


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# Ghana - RWI Index Questionnaire

## Legal Framework and Practices

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Indicator	Score
1.3 Legal Framework and Practices	72 

### 1.3 Legal Framework and Practices

#### **1.3.011: The authority in charge of awarding licenses or contracts for mineral or hydrocarbon production is independent of the state owned company (SOC) or other operating companies.**

Score:  A  B  C

##### **Comments:**

There is no State Owned Companies in the industrial Mining sector. The only one deals with Small Scale Mining (gold and diamonds).

The Mineral Commission can receive gifts and funds from "other sources" so it can be possible that its independence is questionable.

Member of Parliaments are appointed by the government in the company boards to represent mining community interests. However, it seems that this has strengthened MPs support to mining companies and given that MPS and MCs board are not selected on a competitive basis the risk of political corruption has been denounced by NGOs and CSOs.

Oil sector: the Petroleum commission is of recent creation and is independent from GNPC (SOC) and other companies.

##### **References:**

Minerals and Mining Act 2006, Arts 5, 11, 12

Minerals Commission Act 1993, Art 13(1)(d)-(e)

##### **Peer Review Comments:**

The Ghana National Petroleum Corporation (GNPC) s a state-owned company operating in the sector but it has no authority to awarding licenses or production contracts.

#### **1.3.012: Is the licensing process intended to be open and competitive to all qualified companies?**

Score:  A  B  C  D  E

##### **Comments:**

Act 703 is applied equitably to all investors, whether Ghanaian or a foreigner, except in the case of small scale mining, and restricted mineral operations, which are reserved for Ghanaians. In the case of the latter, foreigners can participate if their proposed investment is at least US\$10million.

Providing the 1st come 1st served policy I am not sure about the competitiveness of the system.

**References:**

Minerals and Mining Act 2006, Act 703 Section 10,78,79

"Qualification for grant of mineral right

10. Unless otherwise provided in this Act, a mineral right shall not be granted to a person unless the person is a body incorporated under the Companies Code 1963 (Act 179), under the Incorporated Private Partnerships Act 1962 (Act 152) or under an enactment in force.

Qualification for application for restricted licence or restricted mining lease

78. (1) A restricted reconnaissance licence, restricted prospecting licence or restricted mining lease shall not be granted to a person who is not a citizen.

(2) The Minister may on the recommendation of the Commission cancel a mineral right granted under section 76-80, where the Minister is satisfied that the holder has entered into an arrangement with a person who is not a citizen which arrangement has the effect of transferring to that person the benefit of the mineral right.

Non-citizen's right to apply for industrial mineral right

79. (1) A person who is not a citizen may apply for a mineral right in respect of industrial mineral provided the proposed investment in the mineral operations is US\$ ten million or above."

International Organization: United Nations

Authors:

Title: 1A REPORT ON GHANA'S MINING SECTOR FOR THE 18TH SESSION OF THE UN COMMISSION ON SUSTAINABLE DEVELOPMENT

Date published: 2010

Web: [http://www.un.org/esa/dsd/dsd\\_aofw\\_ni/ni\\_pdfs/NationalReports/ghana/Mining.pdf](http://www.un.org/esa/dsd/dsd_aofw_ni/ni_pdfs/NationalReports/ghana/Mining.pdf)

### **1.3.013: Does the licensing process or legislation impose limits to discretionary powers of the authority in charge of awarding licenses or contracts?**

Score: A  B  C  D  E

**Comments:**

The 1st come 1st served policy leaves the agreement procedure open to directionality on negotiated terms. Secondly, the legislation has been considered investment friendly providing low tax rates and royalties and many exemptions.

For a comparison between the new mining code and the previous codes see: Chapter 1 of Mining in Africa (Mining in Ghana: Implications for National Economic Development and Poverty Reduction Thomas Akabzaa 2009)

But the possibility of discretionary power is in the use of Stabilization and Development agreements (Section 48 and 49 of Act 703). The stabilization agreements replaced the former Deed of Warranty executed between the Government and mining companies. It seeks to protect the holder of a mineral right for a period of 15 years, from any adverse effects of future changes in law that are capable of imposing huge financial burden on the holder.

For instance, since the approval of the Act 703 royalties have been standardized to 5% (Amendment of Section 25 of the Act in 2010) and new tax hikes have been proposed with the presentation of the 2012 budget. So far companies with Stabilization Clauses were not included but a 7 member committee has been recently created to negotiate these changes with them.

Answer B and not C seems more appropriate though as stabilization clauses have been applied for contracts with several companies, like AngloGold Ashanti and Newmont, but not with all the companies.

According to the Economist Intelligence Unit more than 20 large scale operators do not benefit of stability agreements (one is Gold Field).

Finally, apart from the stabilization agreements, rather than preferential tax rates to some companies the debate is about the low level of general taxation.

**References:**

Government Site [ghana-mining.com](http://ghana-mining.com) provides information about Stabilization Agreements.

Publication: Pluto Press

Author: Thomas Akabzaa

Data published: 2009

Title: Mining in Ghana: Implications for National Economic Development and Poverty Reduction.

In: Mining in Africa Regulation and Development

Web: [http://web.idrc.ca/openebooks/450-5/#page\\_25](http://web.idrc.ca/openebooks/450-5/#page_25)

### 1.3.014: Does the legislative branch have any oversight role regarding contracts and licenses in the oil, gas and mining sector?

Score: A  B  C  D  E

**Comments:**

According to the Law, the Parliament has an oversight role as it has to ratify all the agreements. Nevertheless, it seems that the Parliament lacks capacity to actively oversee the legislation. There is also the issue of conflict of interests since some MPs are on the board of mining companies.

See point 49:

49. Patronage networks build political power in Ghana.

The boards of directors of state enterprises, such as the MC, are appointed by the president. 20 MPs and other functionaries from the ruling party are appointed board members through closed noncompetitive processes, which create opportunities for conflict of interests and rent-seeking. Some members of the Parliamentary committee on energy and mines also are members of the board of mining companies. This conflict of interest exemplifies how patronage alters the enforcement of government rules established to secure development.

Note 29 of the report states that:

The nondisclosure clauses of mining leases have attracted two contrasting views. Although the Parliamentary Committee on Lands and Mines indicated that leases were laid before Parliament, Kwame Gyan, a natural resource law lecturer at the University of Ghana, Legon, questioned the transparency of the leases and pointed out that Parliament did not evaluate the information about the concession because it lacks the competence to do so. This was corroborated by Dominic Ayine, a law lecturer at the University of Ghana. In any case, no lease was laid before Parliament between 1994 and 2007, which means that the companies operated without approval by Parliament and therefore confidentiality of the deals was upheld.

In 2011, the sale of government's share of AngloGold Ashanti did not get through Parliament approval. See: <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=202856>

**References:**

Legislation:

Constitution of Ghana 1992, Art 268; Minerals and Mining Act 2006, Art 5(4)-(5)

Constitution -

"268. (1) Any transaction, contract or undertaking involving the grant of a right or concession by or on behalf of any person including the Government of Ghana, to any other person or body of persons howsoever described, for the exploitation of any mineral, water or other natural resource of Ghana made or entered into after the coming into force of this Constitution shall be subject to ratification by Parliament.

(2) Parliament may, by resolution supported by the votes of not less than two-thirds of all the members of Parliament, exempt from the provisions of clause (1) of this article any particular class of transactions, contracts or undertakings."

Minerals and Mining Act - 703

"Power of Minister to grant mineral rights

5. (4) A transaction contract or undertaking involving the grant of a right or concession by or on behalf

of a person or body of persons, for the exploitation of a mineral in Ghana shall be subject to ratification by Parliament.

(5) Parliament may, by resolution supported by the votes of not less than two-thirds of all the members of Parliament, exempt from the provisions of subsection (4) of this section a particular class of transaction, contract or undertakings."

Note 29 and point

International organization: World Bank

Publication: Policy Research Working Paper WB

Authors: Joseph Ayee; Tina Søreide; G. P. Shukla; Tuan Minh Le

Date published: July 2011

Title: The Political Economy of the Mining Sector in Ghana

Website: [http://www-](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

[wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349\\_20110721153754/Rendered/PDF/WPS5730.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

Publication: Report No. 47321-GH

Author: World Bank

Title: Economy-Wide Impact of Oil Discovery in Ghana

Date Published: November 2009

Web: [http://siteresources.worldbank.org/INTGHANA/Resources/Economy-Wide\\_Impact\\_of\\_Oil\\_Discovery\\_in\\_Ghana.pdf](http://siteresources.worldbank.org/INTGHANA/Resources/Economy-Wide_Impact_of_Oil_Discovery_in_Ghana.pdf)

3.10 Formal checks and balances exist in Ghana but are generally thought to be quite weak. The 1992 Constitution of the Republic of Ghana separates the three arms of government from each other and Parliament is expected to provide a check on the Executive. The Standing Orders of Parliament provide for the minority party in Parliament to appoint a chair of the Public Accounts Committee and this has been adhered to throughout the fourth republic (1993 to date). However, the role of Parliament as an independent institution to hold the Executive to account is weakened and contradicted by Article 78(1) which requires that the President appoint a majority of cabinet ministers from Parliament, making more than 50 percent of ministers responsible for implementing policy as well as providing the check and balance on this implementation. According to the African Peer Review Mechanism (2005), this potentially diminishes the independence of the legislature and its effectiveness in enforcing horizontal accountability. The Office of the Auditor General also exists in Ghana and prepares annual audit reports which are then presented to Parliament within the constitutional requirements (6 months after the end of the financial year). Challenges however remain with the follow up of its recommendations on, for example, prosecution for abuse.

### 1.3.015: Is there a due process to appeal licensing decisions?

Score:  A  B  C

#### Comments:

A form of due process is provided by the law but only for the applicant of the mineral right and not to other entities.

According to the Act, companies must obtain a response from the Minister giving written reasons when an application is not granted. Secondly, section 27 provides how the dispute should be settled.

#### References:

Page 21-22

International Organization: United Nations

Authors:

Title: 1A REPORT ON GHANA'S MINING SECTOR FOR THE 18TH SESSION OF THE UN COMMISSION ON SUSTAINABLE DEVELOPMENT

Date published: 2010

Web: [http://www.un.org/esa/dsd/dsd\\_aofw\\_ni/ni\\_pdfs/NationalReports/ghana/Mining.pdf](http://www.un.org/esa/dsd/dsd_aofw_ni/ni_pdfs/NationalReports/ghana/Mining.pdf)

Minerals and Mining Act 703 Section 13.(1), 27, 42

13. (1) The Minister shall within sixty days on receipt of recommendation from the Commission make a decision and notify the applicant in writing of the decision on the application and where the application is approved, the notice shall include details of the area, the period and the mineral subject to the mineral right.

Dispute resolution

27. (1) Where a dispute arises between a holder of a mineral right and the Republic in respect of a matter expressly stated under this Act is a matter which shall be referred for resolution, all efforts shall be made through mutual discussion and if agreed between the parties, by reference to alternative dispute resolution procedures, to reach an amicable settlement.

(2) Where a dispute arises between a holder who is a citizen and the Republic in respect of a matter expressly stated under this Act as a matter which shall be referred for resolution, which is not amicably resolved as provided in subsection (1) within thirty days of the dispute arising or a longer period agreed between the parties to the dispute, the dispute may be submitted by a party to the dispute, to arbitration for settlement in accordance with the Arbitration Act, 1961 (Act 38) or any other enactment in force for resolution of disputes.

(3) Where a dispute arises between a holder who is not a citizen and the Republic in respect of a matter expressly stated under this Act as a matter which shall be referred for resolution under this section, which is not amicably resolved as provided under subsection (1) within thirty days of the dispute arising or a longer period agreed between the parties to the dispute, the dispute may, by a party to the dispute giving notice to all other parties, be submitted to arbitration,

(a) in accordance with a international machinery for the resolution of investment disputes, as agreed to by the parties, or

(b) if the parties do not reach an agreement under paragraph (a) within thirty days, or a longer period agreed between the parties, of the matter being submitted to arbitration, in accordance with

(i) firstly, the framework of a bilateral or multilateral agreement on investment protection to which the Republic and the country of which the holder is a national, are parties, or

(ii) secondly, if no agreement contemplated by subparagraph (i) exists, the rules of procedure for arbitration of the United Nations Commission on International Trade Law, (UNCTRAL Rules.

(4) Each agreement granting a mineral right shall contain provisions on the method of resolution of disputes that may arise under the agreement.

(5) Where a holder has notified the Minister in writing that the holder wishes to refer a dispute for resolution and, but for this subsection,

(a) the term of the mineral right would expire,

(b) the area the subject of the mineral right, would be reduced, or

(c) the rights under the mineral right held at that time would be diminished, the term the area, the right held, as the case may be, shall continue without diminution for the period ending thirty days after the determination of the dispute.

42. (1) The Minister shall not reject an application for a mining lease made under this Act,

(a) unless the concerns of the Minister have been conveyed in writing to the applicant and the applicant has been given an opportunity to make appropriate amendments to the application or to the proposed programme of mineral operations and has within reasonable time that the Minister may permit, failed to do so, or

(b) on the grounds that the applicant is in default, unless the Minister has given the applicant notice of the default and the applicant has failed within a reasonable time that may be specified in the notice to remedy the default.

(2) A dispute between the Minister and an applicant in respect of a matter that arises under subsection (1) shall be referred for resolution under section 27.

---

### 1.3.016: Is there a legal or regulatory requirement to disclose all beneficial ownership in oil, gas and mining companies or projects?

Score: A  B C

#### Comments:

According to the Mapping Financial Secrecy Report on Ghana (2011), Ghana does not require to disclose beneficial ownership. The result of the report is based on the Evaluation Report of Ghana published in

late 2011 for the GIABA Initiative.

GIABA stands for Inter Governmental Action Group Against Money Laundering in West Africa. GIABA is a specialized institution of ECOWAS created in 2000 that is responsible for strengthening the capacity of member states towards the prevention and control of money laundering and terrorist financing in the region.

The only debate found on beneficial ownership is about money laundering in this Ecowas initiative.

**References:**

From the "Mapping Financial Secrecy" report on Ghana (2011)  
(source: <http://www.secrecyjurisdictions.com/PDF/Ghana.pdf>)

3. Recorded Company Ownership: Does the relevant authority obtain and keep updated details of the beneficial ownership of companies?

Ghana does not maintain company ownership details in official record

From GIABA 2011 Mutual Evaluation Report for Ghana

web: [http://www.giaba.org/media/f/267\\_2nd%20FUR%20ME%20-%20Ghana%20-%20dev011812%20-%20English.pdf](http://www.giaba.org/media/f/267_2nd%20FUR%20ME%20-%20Ghana%20-%20dev011812%20-%20English.pdf)

Point 33:

- Adequate measures are not in place to ensure that there is adequate, accurate and timely information on the beneficial ownership;
- Information on the companies registrar pertains only to legal ownership/control and does not include information on beneficial ownership;
- There is no mechanism in place to verify the identity of owners for AML/CFT purposes;
- The RG's office lack resources and personnel to undertake investigation and conduct onsite visit to verify information provided by corporate bodies.

34. Legal arrangements beneficial owners

- There is no measure in place to ensure that there is adequate, accurate and timely information on the beneficial ownership and control of trusts
- The trust service providers and lawyers are not supervised for AML/CFT compliance.
- Competent authorities are not able to access information on beneficial ownership and control of trust.

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# Ghana - RWI Index Questionnaire

## Context

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Indicator	Score
2.1 Context	100 

### 2.1 Context

#### 2.1.017: Does the government receive in-kind payments instead of financial payments from resource companies?

Score: A  B  C

##### Comments:

The law does not provide in-kind payments for the gold industrial sector. The state usually has a 10 % free carried equity interest but no other system than Tax and royalties have been in place in the gold sector.

As for the small scale mining, the Precious Mineral Marketing Company is responsible of the acquisition of gold and diamonds from artisanal mining and is the sole capable of selling them. It is a State Owned Company, but it operates exclusively with the artisanal sector.

##### References:

Draft National Mining Policy point 7 (Fiscal Policy) page 21

Author: Government of Ghana

Data: 2010

Title: Draft National Mining Policy

Web: <http://www.ghana-mining.org/GhanaIMS/LinkClick.aspx?fileticket=LmHT9VRiClI%3d&tabid=36&mid=930>

Table 1.3 (updated up to 2009) List of Defined Rents and Taxes provided by Act 703\* from:

Publication: Pluto Press

Author: Thomas Akabzaa

Data published: 2009

Title: Mining in Ghana: Implications for National Economic

Development and Poverty Reduction. In: Mining in Africa Regulation and Development

Web: [http://web.idrc.ca/openebooks/450-5/#page\\_25](http://web.idrc.ca/openebooks/450-5/#page_25)

Table 1.3 List of Defined Rents and Taxes provided by Act 703\*

Fiscal element Description Amount/quantum

Exemption fees Paid to the MC to receive exemption for duty free imports :

Licensing fees Fees paid to obtain mineral rights:

1. Reconnaissance licence. For reconnaissance exploration rights US\$10,000

2. Prospecting licence For prospecting/detail – exploration rights US\$15,000

3. Mining lease For mining rights US\$30,000

Royalty Production base tax by mining leaseholders to the government through the Internal Revenue

Service 3% of value of minerals won (although law states a sliding scale of 3%to 6%)

Corporate income tax Tax on net profit of company 25% of net profits

Withholding tax Tax on dividends to shareholders and on management fees paid to contractors 10% on paid dividends and fees

Capital gain tax Tax on profits on shale of mine assets or mine 10% of capital gains

Dividends Government share of dividends 10% of declared dividends

Ground rent Annual payment by mineral right holders to land owners or to the Office of the Administrator of Stool Lands, in the case of stool land 10,000 cedis/ha for prospecting licence holders and 30,000 cedis/ha for mining lease holders

Property tax Rates levied on immovable property of mining companies including machinery and equipment to host district assemblies

Variable, annual rates set by by-laws

Stamp duties

1. Granting of prospecting licence 5,000 cedis
2. Granting mining lease 50,000 cedis
3. Transfer of licence or lease 1% of value of consideration
4. Principal security 0.5% of amount secured
5. Collateral security 0.25% of amount secured
6. Transfer of security 0.25% of amount secured

\* The defined fees are almost unchanged from those defined by PNDCL 153 except royalty and corporate income tax. Sources: Government of Ghana, Ministry of Lands, Forestry and Mines (1986; 2006).

**2.1.018: If the government or state owned companies sell physical commodities (oil, gas or minerals) from in-kind payments or own production, is there information about how these commodities are marketed?**

**Score:** A B C D **E**

**Comments:**

As for industrial gold sector Ghana does not have a SOC and does not receive in-kind payments. As for the small scale mining, the Precious Metal Marketing Company is a SOC whose role is to sell, or authorize private companies to sell, gold and diamonds from ASM only. The PMMC was created in 1989 to also regulate the Small Scale Mining as most of this gold was smuggled.

**References:**

PMMC web site: <http://www.pmmcghana.com/>

Gold Small Scale

**PRODUCTION AND MARKETING**

In 1989 when the Government of Ghana regularised small-scale gold mining operations in the country, it was estimated that about 60,000 to 80,000 ounces of gold hitherto produced by Small Scale miners were smuggled out of the country annually.

An initiative was taken in April 1989 when PMMC was charged with the responsibility of promoting small scale gold mining in the country as well as purchasing all the gold produced. PMMC has since purchased about 600,000 ounces of gold worth US\$200 million under the small-scale mining sector.

The Company has licensed about 750 local Gold Buyers who operate in mining communities in the country to purchase gold. The buyers in turn sell the gold to the Company at its Head Office in Accra or its branch office in Tarkwa. PMMC has agencies in Kumasi, Bolgatanga and Wa, which serve as buying



centres for those localities. PMMC has thus succeeded in sending the market to the doorstep of the producer to minimise smuggling.

**Peer Review Comments:**

In the oil sector, the Ghana National Petroleum Corporation (GNPC) lifts its own share of the production of oil and markets it. The amount involved is usually published by the company. The marketing agreements have not been published however.

**2.1.019: What authority actually collects payments from resource companies?**

**Score:** (A) B C D E

**Comments:**

The Large Taxpayer Unit (LTU) is responsible for the collection of taxes and royalties. The LTU was created in 2004 and is working under the umbrella of the IRS and VAT. The different agencies (IRS, VAT, CEPS) are now merged into the Ghana Revenue Authority, created with the Ghana Revenue Authority Act 2009, Act 791.

**References:**

Minerals and Mining Act - 703

Annual mineral right fees

24. "A holder of a mineral right shall pay an annual mineral right fee that may be prescribed and payment of the fee shall be made to the Commission."

Publication: Pluto Press

Author: Thomas Akabzaa

Data published: 2009

Title: Mining in Ghana: Implications for National Economic Development and Poverty Reduction. In: Mining in Africa Regulation and Development

Web: [http://web.idrc.ca/openbooks/450-5/#page\\_25](http://web.idrc.ca/openbooks/450-5/#page_25)

**Tax Revenue**

An analysis of the structure of revenue from mining indicates that royalties, payroll taxes of local employees (pay as you earn or PAYE) and more recently a national reconstruction levy constitute the major sources of government revenue from the sector. The contributions of corporate income and dividends from government equity participation, land and related rents and fees are relatively minor. In addition although capital gains and dividend-withholding taxes are mandatory by legislation, they are not paid. All these taxes are statutorily collected by the Internal Revenue Service (IRS), except for dividends, which are collected by the nontax unit of Ministry of Finance and Economic Planning.

International organization: World Bank

Publication: Policy Research Working Paper WB

Authors: Joseph Ayee; Tina Søreide; G. P. Shukla; Tuan Minh Le

Date published: July 2011

Title: The Political Economy of the Mining Sector in Ghana

Website: [http://www-](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

[wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349\\_20110721153754/Rendered/PDF/WPS5730.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

Page. 29

x. Revenue Administration

78. The three main revenue collection agencies are the Internal Revenue Service, Value Added Tax Service (VATS), and Customs, Excise and Preventive Service (CEPS). A large taxpayer unit (LTU) is specifically responsible for tax collection from the mining sector. The Revenue Agencies Governing Board (RAGB) supervises these collection agencies.

[...]

Ghana Revenue Authority website: <http://www.gra.gov.gh/index.php?>

option=com\_content&view=article&id=4&Itemid=22

## PROFILE OF THE GHANA REVENUE AUTHORITY

### INTRODUCTION














In December 2009, the three tax revenue agencies, the Customs, Excise and Preventive Service (CEPS), the Internal Revenue Service (IRS), the Value Added Tax Service (VATS) and the Revenue Agencies Governing Board (RAGB) Secretariat were merged in accordance with Ghana Revenue Authority Act 2009, Act 791. The Ghana Revenue Authority (GRA) thus replaces the revenue agencies in the administration of taxes and customs duties in the country.

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# Ghana - RWI Index Questionnaire

## Disclosure

[Back](#)

Indicator		Score	
2.2A.020	Does the Ministry of Finance publish periodical information on revenue generation?	30	
2.2A.020.j	Does the Ministry of Finance publish information on disaggregated revenue streams?	45	
2.2A	Quality of reports	84	
2.2B.020	Does the Ministry of the extractive sector publish information on revenue generation?	18	
2.2B.020.j	Does the Ministry of the extractive sector publish information on disaggregated revenue streams?	11	
2.2B	Quality of reports	50	
2.2C.020	Does a Regulatory Agency publish information on revenue generation?	N/A	
2.2C.020.j	Does a Regulatory Agency publish information on disaggregated revenue streams?	N/A	
2.2C	Quality of reports	N/A	
2.2D.020	Does the Central Bank publish information on revenue generation?	38	
2.2D.020.j	Does the Central Bank publish information on disaggregated revenue streams?	0	
2.2D	Quality of reports	84	
2.2E.020	Does any other government agency or entity publish information on revenue generation?	37	
2.2E.020.j	Does any other government agency or entity publish information on disaggregated revenue streams?	67	
2.2E	Quality of reports	50	
2.2	Public sector balance	100	

2.2A.020 Does the Ministry of Finance publish periodical information on revenue generation?

### 2.2A.020.a: Reserves

Score: A B C **(D)** E

Comments:

The researcher could not find any document in the MOFEP website revealing the gold reserves for Ghana. The only document disclosing information about the gold reserves is made available by the Mineral Commission See: <http://www.ghana-mining.org/GhanaIMS/LinkClick.aspx?fileticket=r0UBc2fmLhQ%3d&tabid=36&mid=930>

This document gives geological information about the sites but does not provide any information about the volume of reserves

As for oil, this information is available in different speeches of Mofep representatives or GNPC. For detailed information about Oil production see the document attached.

**References:**

Ministry of Finance does not provide this information

**2.2A.020.b: Production volumes**

**Score:** A B C **(D)** E

**Comments:**

In the news section the MoFEP reported data published by the Ghana Chamber of Mines for 2010 and 2009. It is not a MoFEP publication and it is not of easy access. This is why this question is scored D.

Information available also for the oil sector in the MOFEP website

**References:**

MoFEP web site, news section: <http://www.mofep.gov.gh/?q=news/300511>

Chamber Of Mines Envisage Increase In Output This Year

The Ghana Chamber of Mines has projected a stronger gold output in 2011 on the back of additional production from new mines such as Adamus Resources.

The forecast is also based on prospects of increased output from Owere Mines' expansion projects. [...]

Mr. Owiredu indicated that gold output rose by one per cent in 2010 to 2.97 million ounces from 2.93 million ounces in 2009. He said gold revenue for the period jumped 27 per cent to US\$3.62 billion from US\$2.83 billion in 2009, propped up mainly by the healthy world market price of gold and with other minerals also recorded increases in prices during the period.

**Peer Review Comments:**

In addition to the Budget Statement which normally provides revenues generated from the various sectors, the Ministry of Finance and Economic Planning (MOFEP) occasionally announces revenues received from oil extraction in news papers. E.g. "Oil and the 2012 Budget Statement – Reflections on the Ghanaian economy." The chronicle, Saturday 5th May, 2012: <http://ghanaian-chronicle.com/oil-and-the-2012-budget-statement>.

**2.2A.020.c: Information on prices**

**Score:** A **(B)** C D E

**Comments:**

The MoFEP reports the international price of Gold as of 20-26th July 2011. Comparing with the 2010 questionnaire, the MOFEP website provided the same kind of information (the days included were 16-22 December 2009) but this information is not available anymore - there are no online archive.

Info available for the oil sector. (To be noticed that the important oil production only began in 2011).

**References:**

<http://www.mofep.gov.gh/?q=financial-news>

---

**2.2A.020.d: Value of resource exports**

**Score:** (A) B C D E

**Comments:**

Balance of payments reports quantities of gold exports from 2008 to 2012 projections.

For oil exports information have not been published:

[http://www.mofep.gov.gh/sites/default/files/reports/petroleum\\_receipts\\_4th\\_quarter\\_2011.pdf](http://www.mofep.gov.gh/sites/default/files/reports/petroleum_receipts_4th_quarter_2011.pdf)

**References:**

Page 310 Budget Statement Appendix 12/ Balance of payments  
Gold Export 2008-2010 plus 2011 and 2012 Projections

[http://www.mofep.gov.gh/sites/default/files/budget/2012\\_budget.pdf](http://www.mofep.gov.gh/sites/default/files/budget/2012_budget.pdf)

Budget Statement and Economic Policy of the Government of Ghana for the 2012 Financial Year Presented to the Parliament on Wednesday 16th November 2011 by Dr Kwabena Kuffour, Minister for Finance and Economic Planning on the Authority of H.E Prof J.Evans Atta Mills President of the Republic of Ghana

**Peer Review Comments:**

In addition to the Budget Statement which normally provides revenues generated from the various sectors, the Ministry of Finance and Economic Planning (MOFEP) from time to time announces revenues received in respect of oil.

"Oil and the 2012 Budget Statement – Reflections on the Ghanaian economy." The chronicle, Saturday 5th May, 2012

---

**2.2A.020.e: Estimates of investment in exploration and development**

**Score:** (A) B C D E

**Comments:**

The only information found is about the general investment inflow data from 2010 and 2009, but it is not specific to exploration and development

"Investment inflow into the country's mining sector hit 770 million dollars last year, up from the 2009 figure of 726 million dollars. This brings the total money pumped into the sector within the last 10 years to approximately 6.4 billion dollars. The investments came from companies that are engaged in gold production, exploration and support services".

**References:**

The only information is about total investment:  
<http://www.mofep.gov.gh/?q=news/101211>

---

**2.2A.020.f: Production costs**

**Score:** A B C (D) E

**Comments:**

For the oil sector all the available information about production and revenue management are in the

document attached in the question  
2.2A.020.a

**References:**

No information on production cost in the Mofep documentation

---

**2.2A.020.g: Names of companies operating in country**

**Score:** A B C  D E

**Comments:**

Information not published by the MOF for the mining sector.

For the oil sector the info is published by the GNPC.

**References:**

<http://www.mofep.gov.gh/?q=publications>

---

**2.2A.020.h: Production data by company and/or block**

**Score:** A B C  D E

**References:**

Not published.

---

**2.2A.020.i: Cost of subsidies or social investments paid by mineral revenue**

**Score:** A B C  D E

**References:**

No information available

---

2.2A.020.j Does the Ministry of Finance publish information on disaggregated revenue streams?

---

**2.2A.020.j1: Production streams value**

**Score:** A B C  D E

**Comments:**

This information is published in the EITI report but not by the MOF.

**References:**

Not published.

---

**2.2A.020.j2: Government s share in PSC**

**Score:** A B C D  E

**Comments:**

There is not Production Sharing Contract with the Mining companies.

**References:**

Legislation does not provide possibility of PSC.

**Peer Review Comments:**

For the oil sector, information is available at the Ministry of Finance and Economic Planning. Data shows quarterly economic data, including revenues from several sources. Table 2: Economic Classification of Central Government Revenue, 2011: <http://www.mofep.gov.gh/fiscal-data>. However, the data does not include information on "Government's share in PSC"

**2.2A.020.j3: Royalties**

Score:  A  B  C  D  E

**Comments:**

In 2010, 2011 and 2012 budget proposals Mineral royalties are mentioned together with other elements as company taxes direct taxes, etc and the actual sum of royalties is not declared. In the 2012 speech, there is an indication of estimation of mineral royalties for 2011.

Royalties on Oil production are provided quarterly and published on newspapers and online, while on Mining there is a 2011 estimation in the 2012 budget speech. The space for data for the 2010 is left empty. Confronting this 2012 budget speech with the 2011, the Tab with the Sum of Government Revenue included in both years the section for Oil royalties, while the line on Mining royalties is present only in the 2012 version.

**References:**

Estimation of 2011 Mineral royalties:  
2012 Budget speech page 292  
APPENDIX 4A: ECONOMIC CLASSIFICATION OF CENTRAL GOV'T REVENUE - 2010 -2012

**Peer Review Comments:**

Information available at the Ministry of Finance and Economic Planning website shows quarterly, etc. economic data, including revenues from several sources. The information includes "Other indirect taxes - Royalties from oil & Minerals Royalties". Table 2: Economic Classification of Central Government Revenue, 2011 <http://www.mofep.gov.gh/fiscal-data>.

**2.2A.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)**

Score:  A  B  C  D  E

**Comments:**

Two taxes can be included in this question:

Withholding tax. Tax on dividends to shareholders and on management fees paid to contractors: 10% on paid dividends and fees

Capital gain tax Tax on profits on shale of mine assets or mine: 10% of capital gains

This information are published by the Mineral Commission but not found in any Mofep or EITI document.

**References:**

No information found.

**2.2A.020.j5: Dividends**

**Score:**  A  B  C  D  E

**References:**

<http://www.mofep.gov.gh/fiscal-data>

**Peer Review Comments:**

Information available at the Ministry of Finance and Economic Planning website shows quarterly, etc. economic data, including revenues from several sources. Table 2: Economic Classification of Central Government Revenue, 2011 <http://www.mofep.gov.gh/fiscal-data>. Information on dividends in this table is up to 2011, monthly.

---

**2.2A.020.j6: Bonuses**

**Score:**  A  B  C  D  E

**References:**

Bonuses are rare in Ghana, so 'not applicable' was chosen here.

---

**2.2A.020.j7: License fees**

**Score:**  A  B  C  D  E

**References:**

<http://www.mofep.gov.gh/fiscal-data>

**Peer Review Comments:**

Information available at the Ministry of Finance and Economic Planning website shows quarterly, etc. economic data, including revenues from several sources. Table 2: Economic Classification of Central Government Revenue, 2011 .

---

**2.2A.020.j8: Acreage fees**

**Score:**  A  B  C  D  E

**References:**

Not published.

---

**2.2A.020.j9: Other (Explain in 'comments' box.)**

**Score:**  A  B  C  D  E

**References:**

No other information found.

**Peer Review Comments:**

Information available at the Ministry of Finance and Economic Planning website shows quarterly, etc. economic data, including revenues from several sources. The information includes "Other indirect taxes - Royalties from oil & Minerals Royalties". Table 2: Economic Classification of Central Government Revenue, 2011 <http://www.mofep.gov.gh/fiscal-data>



## 2.2A Quality of reports

---

### 2.2A.021: Are periodical reports containing information on revenue generation published by the Ministry of Finance understandable?

**Score:** A  B C D E

**References:**

[http://www.mofep.gov.gh/sites/default/files/news/2011\\_Annual\\_Progress\\_Report.pdf](http://www.mofep.gov.gh/sites/default/files/news/2011_Annual_Progress_Report.pdf)

**Peer Review Comments:**

The Ministry of Finance and Economic Planning website that contain a lot of fiscal data, e.g. TABLE 2: ECONOMIC CLASSIFICATION OF CENTRAL GOV'T REVENUE - 2011 JAN-DEC:

<http://www.mofep.gov.gh/fiscal-data>

The MFEP publishes reports and tables with information about the budget, economic reports, financial news and fiscal data. Data available for years 2008-2011 and first quarter of 2012.

---

### 2.2A.022: How often are the periodical reports containing information on revenue generation published by the Ministry of Finance?

**Score:**  A B C D E

**References:**

Information published quarterly and annually.

[http://www.mofep.gov.gh/sites/default/files/news/2011\\_Annual\\_Progress\\_Report.pdf](http://www.mofep.gov.gh/sites/default/files/news/2011_Annual_Progress_Report.pdf)

**Peer Review Comments:**

The Ministry of Finance and Economic Planning website that contain a lot of fiscal data, e.g. TABLE 2: ECONOMIC CLASSIFICATION OF CENTRAL GOV'T REVENUE - 2011 JAN-DEC:

<http://www.mofep.gov.gh/fiscal-data>

The MFEP publishes reports and tables with information about the budget, economic reports, financial news and fiscal data. Data available for years 2008-2011 and first quarter of 2012.

## 2.2B.020 Does the Ministry of the extractive sector publish information on revenue generation?

---

### 2.2B.020.a: Reserves

**Score:** A B C  D E

**Comments:**

There is a Geodatabase which has been created in 2006. See document attached and slide 25 for more details on the database. The Database is available from the Ghana-Mining website but it is not free.

**References:**

No information available about the quantity of gold reserves. It is possible that this information is in the Geodatabase, but it is not free of access.

PRESENTATION BY HON. MIKE ALLEN HAMMAH, MP  
MINISTER FOR LANDS AND NATURAL RESOURCES, GHANA  
AT THE 17TH MINING INDABA 2012 CAPE TOWN, SOUTH AFRICA  
Date published: 7th February 2012

Web: Ghana-mining.org

---

### 2.2B.020.b: Production volumes

Score: A  B C D E

**Comments:**

This brochure is published on the Mining Commission (Minister of Land And Natural Resources) Website. It is a brochure from a Junior Gold Exploration and Development Company and not produced by the Ministry.

**References:**

Publication: Mining Journal

Title: Gold-led boom. Africa's second largest gold producer is set to benefit from the commodity's price rise

Data Published: November 5, 2010

Author: JOSEPH YAW ABOAGYE (director, Policy Planning Monitoring and Evaluation for the Ghana Minerals Commission) for Keegan Resources

Website: <http://www.ghana-mining.org/GhanaIMS/LinkClick.aspx?fileticket=eDItJMBS0ck%3d&tabid=36&mid=930>

---

### 2.2B.020.c: Information on prices

Score: A B  C D E

**Comments:**

Very little information is available on this brochure. There is only a chart with average annual price. Data is not easy to read. The publication is a Supplement to the Mining Journal. The same kind of supplement was published in March 2010.

**References:**

Publication: Mining Journal, Supplement ([www.mining-journal.com](http://www.mining-journal.com))

Author: Ministry of Land and Natural Resources

Date Published: March 2011

Title: Ghana, A supplement to the Mining Journal

Website: <http://www.ghana-mining.org/GhanaIMS/LinkClick.aspx?fileticket=PYpH0Sldsng%3d&tabid=36&mid=930>

---

### 2.2B.020.d: Value of resource exports

Score: A B  C D E

**Comments:**

This supplement also includes a chart with the overall value of Mineral Exports up to June 2010, without detailing for each mineral.

**References:**

Publication: Mining Journal, Supplement ([www.mining-journal.com](http://www.mining-journal.com))

Author: Ministry of Land and Natural Resources

Date Published: March 2011

Title: Ghana, A supplement to the Mining Journal

Website: <http://www.ghana-mining.org/GhanaIMS/LinkClick.aspx?fileticket=PYpH0Sldsng%3d&tabid=36&mid=930>

Page 9:

"Ghana's gold exports totaled US\$2.2 billion in 2008, up from US\$1.8 billion in the previous year".

---

### 2.2B.020.e: Estimates of investment in exploration and development

Score: A B  C D E

**Comments:**

This publication is available at [ghana-mining.org](http://ghana-mining.org) the MLNR-Mineral Commission website. It was published in the Mining Journal, a paid publication available on line at: <http://www.mining-journal.com/>

**References:**

Page 3:

EXPLORATION AND NEW PROJECTS

The global financial crisis affected activities across the mining industry, leading to some exploration companies reducing their activities in Ghana.

However, activity is continuing, particularly in the gold sector, with total exploration expenditure last year of about US\$9.8 million.

Publication: Mining Journal

Title: Gold-led boom. Africa's second largest gold producer is set to benefit from the commodity's price rise

Data Published: November 5, 2010

Author: JOSEPH YAW ABOAGYE (director, Policy Planning Monitoring and Evaluation for the Ghana Minerals Commission) for Keegan Resources

Website: <http://www.ghana-mining.org/GhanaIMS/LinkClick.aspx?fileticket=eDIItJMBS0ck%3d&tabid=36&mid=930>

---

### 2.2B.020.f: Production costs

Score: A B C  D E

**References:**

No information.

---

### 2.2B.020.g: Names of companies operating in country

Score: A B C  D E

**References:**

The only list available is provided by the MoFEP through the EITI publications.

---

### 2.2B.020.h: Production data by company and/or block

Score: A B C  D E

**References:**

The MLNR does not provide this kind of information for free.

---

### 2.2B.020.i: Cost of subsidies or social investments paid by mineral revenue

**Score:** A B C **(D)** E

**References:**

No information in any MLNR document available.

2.2B.020.j Does the Ministry of the extractive sector publish information on disaggregated revenue streams?

---

**2.2B.020.j1: Production streams value**

**Score:** A B **(C)** D E

**Comments:**

Historical data with selected comparisons for years from 1990 to 2009.

**References:**

Publication: Mining Journal, Supplement (www.mining-journal.com)  
Author: Ministry of Land and Natural Resources  
Date Published: March 2011  
Title: Ghana, A supplement to the Mining Journal  
Website: <http://www.ghana-mining.org/GhanaIMS/LinkClick.aspx?fileticket=PYpH0Sldsng%3d&tabid=36&mid=930>

---

**2.2B.020.j2: Government s share in PSC**

**Score:** A B C D **(E)**

**References:**

No PSC in the Gold Sector

---

**2.2B.020.j3: Royalties**

**Score:** A B **(C)** D E

**Comments:**

Royalties could be disaggregated by type of mineral. Historical data comparing for selected years from 1990 to 2009.

**References:**

Publication: Mining Journal, Supplement (www.mining-journal.com)  
Author: Ministry of Land and Natural Resources  
Date Published: March 2011  
Title: Ghana, A supplement to the Mining Journal  
Website: <http://www.ghana-mining.org/GhanaIMS/LinkClick.aspx?fileticket=PYpH0Sldsng%3d&tabid=36&mid=930>

---

**2.2B.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)**

**Score:** A B C **(D)** E

**References:**

No information in any report of the MLNR

---

**2.2B.020.j5: Dividends**

**Score:** A B C  D E

**References:**

This information is not available from the MLNR

---

**2.2B.020.j6: Bonuses**

**Score:** A B C D  E

**References:**

N/A

---

**2.2B.020.j7: License fees**

**Score:** A B C  D E

**References:**

Info not published by the MLNR

---

**2.2B.020.j8: Acreage fees**

**Score:** A B C  D E

**References:**

Information not published by the MLNR

---

**2.2B.020.j9: Other (Explain in 'comments' box.)**

**Score:** A B C D  E

**References:**

No other possible taxes.

**2.2B Quality of reports**

---

**2.2B.021: Are periodical reports containing information on revenue generation published by the Ministry of the extractive sector understandable?**

**Score:** A  B C D E

**Comments:**

This information is published on a supplement of the Mining Journal, the last version being published in

2010.

As mentioned before, some information is available under payment of a fee. There is a Geodatabase that has been developed since 2006 and it should be accessible from the "ghana-mining.org" website. The researcher tried to register on the website to access the publications but never succeeded. Also, other services at the Mineral Commission-MLNR can be obtained under payment of a fee. Finally, in several reports the researcher found the following report as a source, but I could not access it: Minerals Commission (2007) Statistical Overview of the Mineral Industry (2006 report), March.

**References:**

The information is published on the Mineral Commission MLNR website but there are no reports published by the MC or MLNR. There are information sheets published on a commercial publication.

---

**2.2B.022: How often are the periodical reports containing information on revenue generation published by the Ministry of the extractive sector?**

**Score:** A B  C D E

**Comments:**

A problem with the supplements to the Mining Journal published by the MLNR is that the brochure is intended to promote investment in the mining industry rather than to provide information to the public.

**References:**

See comments previous question.

2.2C.020 Does a Regulatory Agency publish information on revenue generation?

---

**2.2C.020.a: Reserves**

**Score:** A B C D  E

**References:**

The Mineral Commission is an agency of the Minister of Land and Natural Resources. Responses including information provided by the Mineral Commission were included in the previous section 2.2B and this section is scored as "not applicable" to avoid duplication. See: <http://www.ghana-mining.org/ghanaims/Institutions/MinistryofLandsandNaturalResourcesMLNR/tabid/154/Default.aspx> or Act 450 ( Mineral Commission Act).

---

**2.2C.020.b: Production volumes**

**Score:** A B C D  E

**References:**

See note to previous question.

---

**2.2C.020.c: Information on prices**

**Score:** A B C D  E

**References:**

See note to previous question.

---

**2.2C.020.d: Value of resource exports**

**Score:** A B C D  E

**References:**

See note to previous question.

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**2.2C.020.e: Estimates of investment in exploration and development**

**Score:** A B C D  E

**References:**

See note to previous question.

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**2.2C.020.f: Production costs**

**Score:** A B C D  E

**References:**

See note to previous question.

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**2.2C.020.g: Names of companies operating in country**

**Score:** A B C D  E

**References:**

See note to previous question.

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**2.2C.020.h: Production data by company and/or block**

**Score:** A B C D  E

**References:**

See note to previous question.

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**2.2C.020.i: Cost of subsidies or social investments paid by mineral revenue**

**Score:** A B C D  E

**References:**

See note to previous question.

2.2C.020.j Does a Regulatory Agency publish information on disaggregated revenue streams?

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**2.2C.020.j1: Production streams value**

Score: A B C D  E

**References:**

See note to previous question.

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**2.2C.020.j2: Government s share in PSC**

Score: A B C D  E

**References:**

See note to previous question.

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**2.2C.020.j3: Royalties**

Score: A B C D  E

**References:**

See note to previous question.

---

**2.2C.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)**

Score: A B C D  E

**References:**

See note to previous question.

---

**2.2C.020.j5: Dividends**

Score: A B C D  E

**References:**

See note to previous question.

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**2.2C.020.j6: Bonuses**

Score: A B C D  E

**References:**

See note to previous question.

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**2.2C.020.j7: License fees**

Score: A B C D  E

**References:**



See note to previous question.

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**2.2C.020.j8: Acreage fees**

Score: A B C D  E

**References:**

See note to previous question.

---

**2.2C.020.j9: Other (Explain in 'comments' box.)**

Score: A B C D  E

**References:**

See note to previous question.

---

## 2.2C Quality of reports

**2.2C.021: Are periodical reports containing information on revenue generation published by the Regulatory Agency understandable?**

Score: A B C D  E

**References:**

See note to previous question.

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**2.2C.022: How often are the periodical reports containing information on revenue generation published by the Regulatory Agency?**

Score: A B C D  E

**References:**

See note to previous question.

---

## 2.2D.020 Does the Central Bank publish information on revenue generation?

**2.2D.020.a: Reserves**

Score: A B C  D E

**References:**

This information is not published by the Bank of Ghana.

---

**2.2D.020.b: Production volumes**

Score:  A B C D E

**Comments:**

There is a quarterly publication, the Statistical bulletin, where the production volumes for gold are published; The information is also in the annual report of the Bank of Ghana.

**References:**

Table 22. Ghana:Value, Volume and Unit Price of Exports (2008-2011)  
(In millions of US dollars, unless otherwise specified)  
Page 27 Statistical Bulletin

Publication: IDPS Department-Bank of Ghana

Author: Bank of Ghana

Date Published : October 2011

Title: Statistical Bulletin

Website:

[http://www.bog.gov.gh/privatecontent/Publications/Statistical\\_Bulletin/2011/statistical%20bulletin%20oct%202011.pdf](http://www.bog.gov.gh/privatecontent/Publications/Statistical_Bulletin/2011/statistical%20bulletin%20oct%202011.pdf)

---

**2.2D.020.c: Information on prices**

**Score:** (A) B C D E

**Comments:**

There is a quarterly publication, the Statistical bulletin, where the variation of the gold price is published; the information report data(monthly) from Jan 2008 to September 2011

The information is also in the annual report of the Bank of Ghana, but the 2011 has not been published yet

**References:**

Table 23. Commodity Prices page 28

Publication: IDPS Department-Bank of Ghana

Author: Bank of Ghana

Date Published : October 2011

Title: Statistical Bulletin

Website:

[http://www.bog.gov.gh/privatecontent/Publications/Statistical\\_Bulletin/2011/statistical%20bulletin%20oct%202011.pdf](http://www.bog.gov.gh/privatecontent/Publications/Statistical_Bulletin/2011/statistical%20bulletin%20oct%202011.pdf)

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**2.2D.020.d: Value of resource exports**

**Score:** (A) B C D E

**Comments:**

The data reports from Jan 2008 to Q2 of 2011

**References:**

Table 22. Ghana:Value, Volume and Unit Price of Exports (2008-2011)  
(In millions of US dollars, unless otherwise specified)  
Page 27 Statistical Bulletin

Publication: IDPS Department-Bank of Ghana

Author: Bank of Ghana

Date Published : October 2011

Title: Statistical Bulletin

Website:

[http://www.bog.gov.gh/privatecontent/Publications/Statistical\\_Bulletin/2011/statistical%20bulletin%20oct%202011.pdf](http://www.bog.gov.gh/privatecontent/Publications/Statistical_Bulletin/2011/statistical%20bulletin%20oct%202011.pdf)

---

#### 2.2D.020.e: Estimates of investment in exploration and development

Score: A B C  D E

**References:**

Information not found in any Bank of Ghana Document

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#### 2.2D.020.f: Production costs

Score: A B C  D E

**References:**

No information in any document of the BoG

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#### 2.2D.020.g: Names of companies operating in country

Score: A B C D  E

**References:**

This information is published by the Ministry of Finance.

---

#### 2.2D.020.h: Production data by company and/or block

Score: A B C  D E

**References:**

I was not able to find this information in any BoG document

---

#### 2.2D.020.i: Cost of subsidies or social investments paid by mineral revenue

Score: A B C  D E

**References:**

No information from the Bank of Ghana

---

2.2D.020.j Does the Central Bank publish information on disaggregated revenue streams?

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#### 2.2D.020.j1: Production streams value

Score: A B C D  E

**References:**

Information on the value of exports is available. Information not published by the BoG but by the MoF.

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**2.2D.020.j2: Government s share in PSC****Score:** A B C D  E**References:**

There is no PSC in the Gold Sector

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**2.2D.020.j3: Royalties****Score:** A B C  D E**References:**

Information not published by the BoG but by the MoF.

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**2.2D.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)****Score:** A B C  D E**References:**

Information not published by the Bank of Ghana

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**2.2D.020.j5: Dividends****Score:** A B C D  E**References:**

Information not published by the BoG but by the MoF.

---

**2.2D.020.j6: Bonuses****Score:** A B C D  E**References:**

This information is not published by the Bank of Ghana

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**2.2D.020.j7: License fees****Score:** A B C D  E**References:**

Information not published by the BoG but by the MoF.

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**2.2D.020.j8: Acreage fees****Score:** A B C D  E

**References:**

Information not published by the BoG but by the MoF.

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**2.2D.020.j9: Other (Explain in 'comments' box.)**

Score: A B C D **E**

**References:**

The BoG does not publish other information

**2.2D Quality of reports**

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**2.2D.021: Are periodical reports containing information on revenue generation published by the Central Bank understandable?**

Score: A **B** C D E

**Comments:**

The Annual report and the Statistical bulletins are easy to understand but they include the data in Tables and there is not real definition or clarification of the data. The information is technical.

**References:**

Statistical Bulletins and Annual Reports published by the Bank of Ghana

SB: <http://www.bog.gov.gh/index.php/statistics/statistical-bulletin>

AR: <http://www.bog.gov.gh/index.php/publication/annual-report>

**Peer Review Comments:**

Bank of Ghana: Monetary Policy Report, Fiscal Developments; Volume 2: No.2/2012 April 2012  
[http://www.bog.gov.gh/privatecontent/MPC\\_Press\\_Releases/Fiscal\\_Developments\\_-\\_April\\_2012.pdf](http://www.bog.gov.gh/privatecontent/MPC_Press_Releases/Fiscal_Developments_-_April_2012.pdf)

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**2.2D.022: How often are the periodical reports containing information on revenue generation published by the Central Bank?**

Score: **A** B C D E

**References:**

Statistical Bulletin are published quarterly and published on the BoG website:  
<http://www.bog.gov.gh/index.php/statistics/statistical-bulletin>

**Peer Review Comments:**

Bank of Ghana: Monetary Policy Report, Fiscal Developments; Volume 2: No.2/2012 April 2012  
[http://www.bog.gov.gh/privatecontent/MPC\\_Press\\_Releases/Fiscal\\_Developments\\_-\\_April\\_2012.pdf](http://www.bog.gov.gh/privatecontent/MPC_Press_Releases/Fiscal_Developments_-_April_2012.pdf)

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**2.2E.020 Does any other government agency or entity publish information on revenue generation?**

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**2.2E.020.a: Reserves**

**Score:** A B C **(D)** E

**Comments:**

The EITI 2011 report that assesses revenues for the 2009 fiscal year is scored here. Comments are also provided on the Ghana Chamber of Mines. The Ghana Chamber of Mines is the main minerals industry association in Ghana. The Chamber represents the collective interests of companies involved in mineral exploration, production and processing in Ghana. Its activities are entirely funded by its member companies, which produce over 90 per cent of the Ghana's mineral output. The Chamber has represented the industry's interests since 1928.

<http://www.ghanachamberofmines.org/site/aboutus/>

The EITI report does not publish information on reserves.

The Chamber does not publish information on reserves.

**References:**

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

[option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

**2.2E.020.b: Production volumes**

**Score:** A **(B)** C D E

**Comments:**

The EITI publishes that information for 2009.

The document provides detailed information about the Production of each Gold Company in 2010 and compares with 2009 results.

**References:**

EITI Annex 2011 Report:

4A Production of selected mining companies for 2009

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

[option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

Publication: Ghana Chamber of Mines

Title: ANNUAL CHAMBER OF MINES PRESIDENTIAL REVIEW

Author: Dan Owiredu, President GCM

Data Published: 27th May 2011

Website: <http://www.ghanachamberofmines.org/site/mediaspeech/>

**Peer Review Comments:**

The Chamber of Mines is not a government agency or entity. It is the main minerals industry association in Ghana, representing the collective interests of companies involved in mineral exploration, production and processing in Ghana. Its activities are entirely funded by its member companies. Similarly, the Ghana Chamber of Commerce is an Association of individuals and firms that serves as the voice of the business community in Ghana.

**2.2E.020.c: Information on prices****Score:** A (B) C D E**Comments:**

The EITI report published quarterly production and revenue by company which doesn't spell out the average quarterly price by company but gives all the ingredients needed.

The Ghana Chamber of Mines, however, provides information about the average price in 2009 and 2010

**References:**

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

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**2.2E.020.d: Value of resource exports****Score:** A (B) C D E**Comments:**

The information is available in the last EITI report for the data of 2009. It also includes publication of monthly receipts.

This information is not published by the GCM.

**References:**

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

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**2.2E.020.e: Estimates of investment in exploration and development****Score:** A B C (D) E

**Comments:**

This information is not published in the EITI report or by the GCM.

**References:**

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

option=com\_phocadownload&view=category&id=4:2009&Itemid=54

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**2.2E.020.f: Production costs**

Score: A B C **(D)** E

**Comments:**

Not published in the EITI report or by GCM.

**References:**

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

option=com\_phocadownload&view=category&id=4:2009&Itemid=54

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**2.2E.020.g: Names of companies operating in country**

Score: A **(B)** C D E

**Comments:**

In the last EITI report, published in 2011, there is the list of operating mining companies in 2009.

Although there is not a clear list, the document published by GCM mentions the companies working in the gold sector.

**References:**

Page 16 of 1st aggregated EITI report

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

option=com\_phocadownload&view=category&id=4:2009&Itemid=54

Publication: Ghana Chamber of Mines

Title: ANNUAL CHAMBER OF MINES PRESIDENTIAL REVIEW

Author: Dan Owiredu, President GCM

Data Published: 27th May 2011

Website: <http://www.ghanachamberofmines.org/site/mediaspeech/>

**Peer Review Comments:**



The Chamber of Mines is not a government agency or entity. It is the main minerals industry association in Ghana, representing the collective interests of companies involved in mineral exploration, production and processing in Ghana. Its activities are entirely funded by its member companies. Similarly, the Ghana Chamber of Commerce is an Association of individuals and firms that serves as the voice of the business community in Ghana.

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### 2.2E.020.h: Production data by company and/or block

**Score:** A  B C D E

**Comments:**

The EITI report publishes this information for 2009.

The document published by GCM provides information for 2010 and 2009 by company's sites.

**References:**

Appendix 4A EITI Report, 2011 (Attached for question 2.2A.020.b)

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

Publication: Ghana Chamber of Mines

Title: ANNUAL CHAMBER OF MINES PRESIDENTIAL REVIEW

Author: Dan Owiredu, President GCM

Data Published: 27th May 2011

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### 2.2E.020.i: Cost of subsidies or social investments paid by mineral revenue

**Score:** A B C  D E

**References:**

This information is not disclosed by the EITI or GCM.

2.2E.020.j Does any other government agency or entity publish information on disaggregated revenue streams?

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### 2.2E.020.j1: Production streams value

**Score:** A  B C D E

**Comments:**

Appendix 4A EITI report.

The document published by GCM provides information per project by company.

**References:**

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

Publication: Ghana Chamber of Mines

Title: ANNUAL CHAMBER OF MINES PRESIDENTIAL REVIEW

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**2.2E.020.j2: Government s share in PSC**

Score: A B C D **E**

**References:**

There is no possibility of PSC in the Gold sector

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**2.2E.020.j3: Royalties**

Score: A **B** C D E

**Comments:**

Detailed information on royalties payments are published in the EITI reports but only up to 2009.

The document published by the GCM provides the overall sum of royalties paid by the Mining Sector but fails to provide disaggregated information.

**References:**

Page iii of the EITI report

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

Publication: Ghana Chamber of Mines  
Author: Ghana Chamber of Mines  
Date Published: 2010  
Title: Publish What You Pay 2009  
Website: <http://www.ghanachamberofmines.org/site/mediaspeech/>

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### 2.2E.020.j4: Special taxes (e.g. withholding taxes, excise taxes, excess earning taxes, charged on extractive companies)

Score: A  B C D E

#### Comments:

Taxes published in EITI report.

The document by GCM provides the overall sum of Special taxes paid in 2009 by the Mining Sector but fails to provide information disaggregated by mineral.

#### References:

Publication : Ghana EITI Report  
Author: Boas and Associates for MoFEP  
Date published: September 2011  
Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009  
Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

Publication: Ghana Chamber of Mines  
Title: ANNUAL CHAMBER OF MINES PRESIDENTIAL REVIEW  
Author: Dan Owiredu, President GCM  
Data Published: 27th May 2011  
Website: <http://www.ghanachamberofmines.org/site/mediaspeech/>

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### 2.2E.020.j5: Dividends

Score: A  B C D E

#### Comments:

Data up to 2009 only. Included is the last report only but information is also available for the 2004-2008 period.

The document by GCM provides information about the sum of dividends paid to the State by the Mining sector in 2009 but not disaggregated by mineral.

#### References:

Publication : Ghana EITI Report  
Author: Boas and Associates for MoFEP  
Date published: September 2011  
Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009  
Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

Publication: Ghana Chamber of Mines  
Title: ANNUAL CHAMBER OF MINES PRESIDENTIAL REVIEW  
Author: Dan Owiredu, President GCM  
Data Published: 27th May 2011  
Website: <http://www.ghanachamberofmines.org/site/mediaspeech/>

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**2.2E.020.j6: Bonuses****Score:** A B C D  E**References:**

N/A

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**2.2E.020.j7: License fees****Score:** A  B C D E**Comments:**

Information not published by GCM.

**References:**

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

Publication: Ghana Chamber of Mines

Title: ANNUAL CHAMBER OF MINES PRESIDENTIAL REVIEW

Author: Dan Owiredo, President GCM

Data Published: 27th May 2011

Website: <http://www.ghanachamberofmines.org/site/mediaspeech/>

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**2.2E.020.j8: Acreage fees****Score:** A  B C D E**Comments:**

Published in the EITI report but not by GCM.

**References:**

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

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**2.2E.020.j9: Other (Explain in 'comments' box.)****Score:** A B C D  E**References:**

There are no other kind of taxes

## 2.2E Quality of reports

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### 2.2E.021: Are periodical reports containing information on revenue generation published by any other government agency or entity understandable?

Score: A  B  C  D  E

**Comments:**

EITI are easily understandable but can be improved . For instance, information on production were only published in the annex and not explained.

**References:**

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

**Peer Review Comments:**

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### 2.2E.022: How often are the periodical reports containing information on revenue generation published by the any other governmental agency or entity?

Score: A  B  C  D  E

**Comments:**

Since the adoption of the EITI, Ghana tries to publish reports annually.

**References:**

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

**Peer Review Comments:**

The Chamber of Mines is not a government agency or entity. It is the main minerals industry association in Ghana, representing the collective interests of companies involved in mineral exploration, production and processing in Ghana. Its activities are entirely funded by its member companies. Similarly, the Ghana Chamber of Commerce is an Association of individuals and firms that serves as the voice of the business community in Ghana.

## 2.2 Public sector balance

**2.2.023: Does the government include the SOC financial balance (its assets and liabilities) within the public sector balance or overall balance of general government in reports to the legislature?**Score: A B C D **E****Comments:**

The Precious Mineral and Marketing Corporation can be considered as a SOC in the Gold sector but it is only for the Small Scale Mining and not for the industrial Output. The Government of Ghana does not produce gold, it sells only the one from the small scale mining through the PMMC.

**References:**

There is no SOC in the industrial Gold or Mineral Sector. The only one is the PMMC for the small scale mining.

**Peer Review Comments:**

The response is correct for the gold sector. In the oil and gas sector, the role of the Ghana Petroleum Corporation is quite different from the PMMC, although the information is not added to the government balance.

**2.2.024: Does the government include projections of transactions, accounts of actual spending by the natural resource funds, and their assets and liabilities, within the public sector balance or overall balance of general government in reports to the legislature?**Score: A B C D **E****References:**

No stabilisation fund for the mining sector.

**Peer Review Comments:**

The Ministry of Finance and Economic Planning website provides information quarterly and annual of economic data, including revenues from several sources and expenditures on different items. There are lines for capital expenditures on the Petroleum Related Fund, on Capital Expenditure share of ABFA from Oil (70% of ABFA) and Transfer to GNPC from Oil Revenue. See Table 2: Economic Classification of Central Government Revenue, 2011. However, the table is an excel file and lacks notes on its different components, making it hard to estimate whether these items constitute the SOC and Fund balance. See: <http://www.mofep.gov.gh/?q=fiscal-data>

**2.2.025: Does the government provide information on the non resource fiscal balance in its budget proposal?**Score: **A** B C**Comments:**

No information about the non-resource fiscal balance has been published in the budget statements.

**References:**

Budget statements 2009, 2010, 2011, 2012.  
Guidelines for the preparation of the 2012-2014 Budget  
web: <http://www.mofep.gov.gh/?q=budget-statements>

**Peer Review Comments:**

The Ministry of Finance and Economic Planning website provides information quarterly and annual of economic data, including revenues from several sources and expenditures on different items. These include information on mineral and petroleum royalties and taxes. See Table 2: Economic Classification


of Central Government Revenue, 2011. Although the the table is an excel file and lacks notes on its different components, it seems possible to assess the contribution of petroleum and minerals to total fiscal revenue. See: <http://www.mofep.gov.gh/?q=fiscal-data>

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# Ghana - RWI Index Questionnaire

## Legal Framework and Practices

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Indicator	Score
2.3 Legal Framework and Practices	86 

### 2.3 Legal Framework and Practices

#### 2.3.026: In the legal framework, what government agencies have authority to collect taxes and payments from resource companies?

Score:  A  B  C  D  E

##### Comments:

Publication: Pluto Press

Author: Thomas Akabzaa

Data published: 2009

Title: Mining in Ghana: Implications for National Economic

Development and Poverty Reduction. In: Mining in Africa Regulation and Development

Web: [http://web.idrc.ca/openebooks/450-5/#page\\_25](http://web.idrc.ca/openebooks/450-5/#page_25)

##### Tax Revenue

An analysis of the structure of revenue from mining indicates that royalties, payroll taxes of local employees (pay as you earn or PAYE) and more recently a national reconstruction levy constitute the major sources of government revenue from the sector. The contributions of corporate income and dividends from government equity participation, land and related rents and fees are relatively minor. In addition although capital gains and dividend-withholding taxes are mandatory by legislation, they are not paid.

All these taxes are statutorily collected by the Internal Revenue Service (IRS), except for dividends, which are collected by the nontax unit of Ministry of Finance and Economic Planning.

International organization: World Bank

Publication: Policy Research Working Paper WB

Authors: Joseph Ayee; Tina Søreide; G. P. Shukla; Tuan Minh Le

Date published: July 2011

Title: The Political Economy of the Mining Sector in Ghana

Website: [http://www-](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

[wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349\\_20110721153754/Rendered/PDF/WPS5730.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2011/07/21/000158349_20110721153754/Rendered/PDF/WPS5730.pdf)

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x. Revenue Administration

78. The three main revenue collection agencies are the Internal Revenue Service, Value Added Tax Service (VATS), and Customs, Excise and Preventive Service (CEPS). A large taxpayer unit (LTU) is specifically responsible for tax collection from the mining sector. The Revenue Agencies Governing Board (RAGB) supervises these collection agencies.

[...]

Ghana Revenue Authority website: [http://www.gra.gov.gh/index.php?option=com\\_content&view=article&id=4&Itemid=22](http://www.gra.gov.gh/index.php?option=com_content&view=article&id=4&Itemid=22)



## PROFILE OF THE GHANA REVENUE AUTHORITY INTRODUCTION

In December 2009, the three tax revenue agencies, the Customs, Excise and Preventive Service (CEPS), the Internal Revenue Service (IRS), the Value Added Tax Service (VATS) and the Revenue Agencies Governing Board (RAGB) Secretariat were merged in accordance with Ghana Revenue Authority Act 2009, Act 791. The Ghana Revenue Authority (GRA) thus replaces the revenue agencies in the administration of taxes and customs duties in the country.

### References:

1. Nontax unit of Ministry of Finance and Economic Planning. Collect the dividends only (10% Free carried equity interest)
2. Large Taxpayer Unit (Large Tax Payer Office-LTO). It is responsible for all the taxes of the Mining Companies, excluded customs duty payments and dividends. It was created in 2004 under the Internal Revenue Service. The IRS is now merged with other tax offices under the Ghana Revenue Authority (GRA).  
The LTU is under the Commissioner Domestic Tax Revenue of the GRA.

### Ghana Revenue Authority Act 791:

An Act to Establish the Ghana Revenue Authority to replace the Internal Revenue Service, the Customs, Excise and Preventive Service and the Value Added Tax Service for the administration of taxes and to provide for relate purposes.

Date of Assent 31st December 2009

[...]

### Functions of the Authority

3. To achieve these objectives, the Authority shall
  - (a) assess and collect taxes, interest and penalties on taxes due to the Republic with optimum efficiency,
 [...]

### 3. Mineral Right Fees

According to the Mining and Mineral Act the Mineral Commission should receive payments for annual Mineral Right Fees.

Annual mineral right fees

24. A holder of a mineral right shall pay an annual mineral right fee that may be prescribed and payment of the fee shall be made to the Commission.

See document attached for FEES

4. Office of the Stool Lands receive Ground Rent.

### Annual ground rent

23. (1) A holder of a mineral right, shall pay an annual ground rent as may be prescribed.  
(2) Payment of annual ground rent shall be made to the owner of the land or successors and assigns of the owner except in the case of annual ground rent in respect of mineral rights over stool lands, which shall be paid to the Office of the Administrator of Stool Lands, for application in accordance with the Office of the Administrator of Stool Lands Act 1994 (Act 481).

### 5. Property Rates

The District Assemblies collect property rates directly from the mining companies. Some mining companies divide the amount payable into four parts and pay in four installments. District Assemblies apply property rates from mining companies as internally generated funds. It is used for recurrent expenditure.

---

## **2.3.027: Are all resource related revenues, including those collected by state owned companies, regulatory agencies, ministries, special funds or by the tax authority placed in the national treasury?**

**Score:** A (B) C D E

**Comments:**

Property rent and ground rent are directly taken by the District Assemblies and the Office of Administrative Stools respectively and are used directly by the two agencies. The receipts are published with the EITI report

Almost all taxes are paid to the former Internal Revenue Service, now Ghana Revenue Authority. The Mineral Development fund is 10% of royalties, therefore it is not outside the treasure.

**References:**

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

[option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

**2.3.028: Are government officials with a role in the oversight of the oil, gas or mining sector required to disclose information about their financial interest in any extractive activity or projects?**

**Score:** (A) B C

**Comments:**

The legislation is not specific to Extractive Activities but it does exclude them.

The Auditor General has presented the Assets Declaration Form in 2009 even if the Act dates back from 1998.

**References:**

Constitution of Ghana, 1993 Section 284-286,  
284

A public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office.

285

No person shall be appointed or act as the Chairman of the governing body of a public corporation or authority while he holds a position in the service of that corporation or authority.

286.

(1) A person who holds a public office mentioned in clause (5) of this article shall submit to the Auditor-General a written declaration of all property or assets owned by, or liabilities owed by, him whether directly or indirectly.

(a) within three months after the coming into force of this Constitution or before taking office, as the case may be,

(b) at the end of every four years; and

(c) at the end of his term of office.

(2) Failure to declare or knowingly making false declaration shall be a contravention of this Constitution and shall be dealt with in accordance with article 287 of this Constitution.

(3) The declaration made under clause (1) of this article shall, on demand, be produced in evidence-

(a) before a court of competent jurisdiction; or

(b) before a commission of inquiry appointed under article 278 of this Constitution; or

(c) before an investigator appointed by the Commissioner for Human Rights and Administrative Justice.

(4) Any property or assets acquired by a public officer after the initial declaration required by clause (1) of this article and which is not reasonably attributable to income, gift, loan, inheritance or any other reasonable source shall be deemed to have been acquired in contravention of this Constitution.

(5) The public offices to which the provisions of this article apply are those of -

(a) the President of the Republic;

(b) the Vice-President of the Republic;

- (c) the Speaker, the Deputy Speaker and a Member of Parliament;
  - (d) Minister of State or Deputy Minister;
  - (e) Chief Justice, Justice of the Superior Court of Judicature, Chairman of a Regional Tribunal, the Commissioner for Human Rights and Administrative Justice and his Deputies and all judicial officers;
  - (f) Ambassador or High Commissioner;
  - (g) Secretary to the Cabinet;
  - (h) Head of Ministry or government department or equivalent office in the Civil Service;
  - (i) chairman, managing director, general manager and departmental head of a public corporation or company in which the State has a controlling interest; and
  - (j) such officers in the public service and any other public institution as Parliament may prescribe
- (6) The Auditor-General shall make a written declaration of his assets and liabilities to the President in the manner and subject to the conditions provided in clauses (1) to (3) of this article.
- (7) Before entering upon the duties of his office, a person appointed to an office to which the provisions of this article apply, shall take and subscribe the oath of allegiance, the oath of secrecy and the official oath set out in the Second Schedule to this Constitution, or any other oath appropriate to his office.

**PUBLIC OFFICE HOLDERS (DECLARATION OF ASSETS AND DISQUALIFICATION) ACT  
1998 (ACT 550)**

**Section 1-Declaration of Assets and Liabilities by Public Office Holders**

- (1) A person who holds a public office mentioned in section 3 of this Act shall submit to the Auditor-General a written declaration of—
- (a) all properties or assets owned by him; and
  - (b) all liabilities owed by him; whether directly or indirectly.
- (2) The declaration shall be made on the form provided in Schedule II to this Act.
- (3) It shall be the responsibility of the officers required to make the declaration under this Act to obtain the forms from the office of the Auditor-General.
- (4) The declaration shall be made by the public officer—
- (a) before taking office;
  - (b) at the end of every four years; and
  - (c) at the end of the term of his office and shall in any event be submitted not later than 6 months of the occurrence of any of the events specified in this subsection.

**Peer Review Comments:**

Ghana's Assets law requires all public officials of a certain level to disclose assets and liabilities. It does not specifically target those in the oil, gas and mining sector. However, disclosures are not published or even verified by the custodian, the Auditor-General, without an allegations of corruption. It is only upon denunciation when the government decides whether to investigate or not, and disclosure are opened by an appropriate authority for verification.

**2.3.029: Is there independent external validation of internal controls of agencies in charge of receiving payments from resource companies with the objective of providing assurances of integrity of public funds and sound financial management?**

**Score:** A  B C D E

**Comments:**

Ghana has a Ghana Audit Service which is responsible for the external validation. The World Bank document mentions that, even if functioning, the Audit systems is weak.

**References:**

EITI Report

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

#### 4.2.1 Auditing:

The companies that participated in the reconciliation process have had their financial statements audited by external auditors.

The receipts by the government Agencies' are audited by the Ghana Auditor Generals' office annually. Audit reports are sent to Parliament. The 2009 figures have already been audited.

----

Publication: Report No. 47321-GH

Author: World Bank

Title: Economy-Wide Impact of Oil Discovery in Ghana

Date Published: November 2009

Web: [http://siteresources.worldbank.org/INTGHANA/Resources/Economy-Wide\\_Impact\\_of\\_Oil\\_Discovery\\_in\\_Ghana.pdf](http://siteresources.worldbank.org/INTGHANA/Resources/Economy-Wide_Impact_of_Oil_Discovery_in_Ghana.pdf)

3.10 Formal checks and balances exist in Ghana but are generally thought to be quite weak. The 1992 Constitution of the Republic of Ghana separates the three arms of government from each other and Parliament is expected to provide a check on the Executive. The Standing Orders of Parliament provide for the minority party in Parliament to appoint a chair of the Public Accounts Committee and this has been adhered to throughout the fourth republic (1993 to date). However, the role of Parliament as an independent institution to hold the Executive to account is weakened and contradicted by Article 78(1) which requires that the President appoint a majority of cabinet ministers from Parliament, making more than 50 percent of ministers responsible for implementing policy as well as providing the check and balance on this implementation. According to the African Peer Review Mechanism (2005), this potentially diminishes the independence of the legislature and its effectiveness in enforcing horizontal accountability. The Office of the Auditor General also exists in Ghana and prepares annual audit reports which are then presented to Parliament within the constitutional requirements (6 months after the end of the financial year). Challenges however remain with the follow up of its recommendations on, for example, prosecution for abuse.

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### 2.3.030: Does the national audit office (or similar independent organization) report regularly to the legislature on its findings, including an objective analysis of agencies in charge of managing resource revenues, and are these reports published?

Score: A  B  C  D  E

#### Comments:

I could not find these documents of the Ghana Audit Service. Even if the Ghana Audit service website includes several audit reports, those related to EI are not published.

See: <http://www.ghaudit.org/gas/?arc=allRep>.

#### References:

"The receipts by the government Agencies' are audited by the Ghana Auditor Generals' office annually. Audit reports are sent to Parliament. The 2009 figures have already been audited."

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

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Publication: Report No. 47321-GH

Author: World Bank

Title: Economy-Wide Impact of Oil Discovery in Ghana

Date Published: November 2009

Web: [http://siteresources.worldbank.org/INTGHANA/Resources/Economy-Wide\\_Impact\\_of\\_Oil\\_Discovery\\_in\\_Ghana.pdf](http://siteresources.worldbank.org/INTGHANA/Resources/Economy-Wide_Impact_of_Oil_Discovery_in_Ghana.pdf)

3.10 Formal checks and balances exist in Ghana but are generally thought to be quite weak. The 1992

Constitution of the Republic of Ghana separates the three arms of government from each other and Parliament is expected to provide a check on the Executive. The Standing Orders of Parliament provide for the minority party in Parliament to appoint a chair of the Public Accounts Committee and this has been adhered to throughout the fourth republic (1993 to date). However, the role of Parliament as an independent institution to hold the Executive to account is weakened and contradicted by Article 78(1) which requires that the President appoint a majority of cabinet ministers from Parliament, making more than 50 percent of ministers responsible for implementing policy as well as providing the check and balance on this implementation. According to the African Peer Review Mechanism (2005), this potentially diminishes the independence of the legislature and its effectiveness in enforcing horizontal accountability. The Office of the Auditor General also exists in Ghana and prepares annual audit reports which are then presented to Parliament within the constitutional requirements (6 months after the end of the financial year). Challenges however remain with the follow up of its recommendations on, for example, prosecution for abuse.

#### Peer Review Comments:

Once audit reports are presented to Parliament, they become public documents and can be accessed by any interested citizens. However, due to logistics constraints, they are not widely disseminated. Reports also usually delay due to the constraints.

### 2.3.031: Does a Parliamentary committee scrutinize reports on resource related revenues and, if so, when does this occur?

Score:  A  B  C  D  E

#### Comments:

The EITI report of 2009 data mentions that Parliament reviewed the Audited Report of 2009. In addition, the quoted passages of the World Bank document (Economy-Wide Impact of Oil Discovery in Ghana) underlines that Audited report are presented to the parliament according to the constitution requirements, which is six months within the end of the fiscal year (see Section 187.5 of the constitution).

#### References:

Publication : Ghana EITI Report  
 Author: Boas and Associates for MoFEP  
 Date published: September 2011  
 Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009  
 Website: [http://www.geiti.gov.gh/site/index.php?option=com\\_phocadownload&view=category&id=4:2009&Itemid=54](http://www.geiti.gov.gh/site/index.php?option=com_phocadownload&view=category&id=4:2009&Itemid=54)

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 Publication: Report No. 47321-GH  
 Author: World Bank  
 Title: Economy-Wide Impact of Oil Discovery in Ghana  
 Date Published: November 2009  
 Web: [http://siteresources.worldbank.org/INTGHANA/Resources/Economy-Wide\\_Impact\\_of\\_Oil\\_Discovery\\_in\\_Ghana.pdf](http://siteresources.worldbank.org/INTGHANA/Resources/Economy-Wide_Impact_of_Oil_Discovery_in_Ghana.pdf)

3.10 Formal checks and balances exist in Ghana but are generally thought to be quite weak. The 1992 Constitution of the Republic of Ghana separates the three arms of government from each other and Parliament is expected to provide a check on the Executive. The Standing Orders of Parliament provide for the minority party in Parliament to appoint a chair of the Public Accounts Committee and this has been adhered to throughout the fourth republic (1993 to date). However, the role of Parliament as an independent institution to hold the Executive to account is weakened and contradicted by Article 78(1) which requires that the President appoint a majority of cabinet ministers from Parliament, making more than 50 percent of ministers responsible for implementing policy as well as providing the check and balance on this implementation. According to the African Peer Review Mechanism (2005), this potentially diminishes the independence of the legislature and its effectiveness in enforcing horizontal accountability. The Office of the Auditor General also exists in Ghana and prepares annual audit reports which are then presented to Parliament within the constitutional requirements (6 months after the end

of the financial year). Challenges however remain with the follow up of its recommendations on, for example, prosecution for abuse.

-----  
Section 187.2 and 187.5 of the Constitution of Ghana:

(2)The public accounts of Ghana and of all public offices, including the courts, the central and local government administrations, of the Universities and public institutions of like nature, of any public corporation or other body or organization established by an Act of Parliament shall be audited and reported on by the Auditor-General.

[...]

(5)The Auditor General shall, within six months after the end of the immediately preceding financial year to which each of the accounts mentioned in clause (2) of this article relates, submit his report to parliament and shall, in that report, draw attention to any irregularities in the accounts audited and to any other matter which in his opinion ought to be brought to the notice of Parliament

---

### 2.3.032: Is this country an EITI candidate or compliant country?

Score:  A  B  C  D  E

#### References:

The EITI Board designated Ghana as EITI Compliant on 19 October 2010. The final Validation Report will be available shortly. Ghana must be re-validated by 18 October 2015. Stakeholders in the process may request that the EITI Board requires a new Validation at any time within that period if they think the process needs reviewing.

<http://eiti.org/Ghana>

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# Ghana - RWI Index Questionnaire

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Indicator	Score
3.1.1	Context 67 

3.1.1 Context

### 3.1.1.033: Is there a state-owned company? If so, what is its role in the extractive sector?

**Score:** A B C **(D)** E

**Comments:**

Precious Minerals Marketing Company is a SOC but it refers only to Artisanal Small Scale Mining of gold and diamonds. The PMMC buys from small scale miners, authorizes companies to market gold and diamond from ASM, but it doesn't explore or produce gold or diamonds. There is no other SOC in the mining sector, assessed in this questionnaire. Following questions on SOCs are then scored N/A.

In the Oil Sector GNPC is a State Owned Company. Information on GNPC is provided in this section for further research but scored as 'not applicable'.

**References:**

See comment.

**Peer Review Comments:**

For the oil sector, the answer could be B. The GNPC is the SOC in the oil and gas sector but it has no monopoly.

### 3.1.1.034: How is government ownership of resource companies structured in this country?

**Score:** A B **(C)** D E

**Comments:**

There are no Production Sharing Contract. Besides Government of Ghana sold its share in Anglogold recently.

**References:**

Mining and Minerals Act 703

Government participation in mining lease

43. (1) Where a mineral right is for mining or exploitation, the Government shall acquire a ten percent free carried interest in the rights and obligations of the mineral operations in respect of which financial contribution shall not be paid by Government.

(2) Subsection (1) does not preclude the Government from any other or further participation in mineral operations that may be agreed with the holder.

Publication : Ghana EITI Report

Author: Boas and Associates for MoFEP

Date published: September 2011

Title: MOFEP(Ghana EITI): Report on the Aggregation/Reconciliation of Mining Sector Payments and Receipts: 2009

Website: <http://www.geiti.gov.gh/site/index.php?>

option=com\_phocadownload&view=category&id=4:2009&Itemid=54

#### 4.1.6 Dividends:

The Republic of Ghana retains a 10% non –contributing shareholding in every mining lease holder. The government's percentage holding (10%) may be altered in circumstances where special agreements exist.

The Government's share of dividends when declared by the companies is collected by the Non Tax Unit of the Ministry of Finance and Economic Planning.

Table 6 : Government Shareholding in selected companies.

Company	G o G Shares %
Goldfields (Abosso)	10
GSR ( Prestea/Bogosu) Goldfields	10
Gold Fields (Tarkwa)	10
Ghana Bauxite Company Ltd	20
Ghana Manganese Company Ltd	10
Anglo Gold Ashanti (International)	3.41
GSR (Wassa) Ltd	10
Chirano Gold Mine Ltd	10
Newmont Ghana Ltd	Nil

#### Peer Review Comments:

Ghana is a new oil producing country as of 2011 and the GNPC plays a role. The SOC is entirely owned by the government.

### 3.1.1.035: Is there more than one state-owned company (SOC) operating in the extractive sector?

Score:  A  B  C

#### Comments:

Overall, in the extractive sector there is the Precious Minerals Marketing Company for small scale gold and diamond, the Ghana National Petroleum Corporation and Ghana National Gas Corporation. There is no SOC for industrial mining.

#### References:

See comment.

#### Peer Review Comments:

There are two state-owned companies. The GNPC was established as a State-owned entity and given legal backing by two main statutes i.e. PNDC Laws 64 and 84. The PNDC Law 64 of 1983 mandates the Corporation "to undertake the exploration, development, production and disposal of petroleum" and PNDC Law 84 establishes the legal framework governing the contractual relationship between the State, GNPC and the prospective investor in upstream petroleum operations.

The Precious Minerals Mining Company, which was initially established in 1963 as Ghana Diamond Marketing Board, operates in all the small-scale Gold and Diamond areas, mainly marketing diamonds and gold.

### 3.1.1.036: Do the roles and responsibilities of the SOC include provision of subsidies or social expenditures (quasi-fiscal activities)?

Score:  A  B  C

#### Comments:

See comment in question 33. RWI Index 2012 focuses on mineral sector.

#### References:



See comment in question 33.

**Peer Review Comments:**

In the oil sector GNPC has been involved in a number of activities, including trading activities, in the past.

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Indicator		Score
3.2.1	Comprehensive reports	N/A
3.2.2.038	Does the SOC publish information on revenue generation?	N/A
3.2.3.038.j	Disaggregated Revenue Streams	N/A
3.2.4	Quality of reports	N/A
3.2.5.043	Audited reports	N/A

## 3.2.1 Comprehensive reports

### 3.2.1.037: Does the SOC publish comprehensive reports with information about its operations and subsidiaries?

Score: A B C D **E**

**Comments:**

GNPC produce an Annual Report, but it is not available on line.

**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

**Peer Review Comments:**

Like any other company registered with the Registrar-General's department in Ghana, all SOCs are required to produce and publish their financial reports. Accessibility to these reports may be a problem.

## 3.2.2.038 Does the SOC publish information on revenue generation?

### 3.2.2.038.a: Reserves

Score: A B C D **E**

**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

### 3.2.2.038.b: Production volumes

Score: A B C D **E**

**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

---

**3.2.2.038.c: Information on prices****Score:** A B C D  E**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

---

**3.2.2.038.d: Value of resource exports****Score:** A B C D  E**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

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**3.2.2.038.e: Estimates of investment in exploration and development****Score:** A B C D  E**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

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**3.2.2.038.f: Production costs****Score:** A B C D  E**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

---

**3.2.2.038.g: Names of companies operating in country****Score:** A B C D  E**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

**Peer Review Comments:**

The GNPC undertakes the exploration, development, production and disposal of petroleum.

The Precious Minerals Mining Company, which was initially established in 1963 as Ghana Diamond Marketing Board, operates in all the small-scale Gold and Diamond areas, mainly marketing diamonds and gold.

---

**3.2.2.038.h: Production data by company and/or block****Score:** A B C D  E**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

**Peer Review Comments:**

There are two state-owned companies, even if one deals with small scale mining. The GNPC was established as a State-owned entity and given legal backing by two main statutes i.e. PNDC Laws 64 and 84. The PNDC Law 64 of 1983 mandates the Corporation "to undertake the exploration, development, production and disposal of petroleum" and PNDC Law 84 establishes the legal framework governing the contractual relationship between the State, GNPC and the prospective investor in upstream petroleum operations.

The Precious Minerals Mining Company, which was initially established in 1963 as Ghana Diamond Marketing Board, operates in all the small-scale Gold and Diamond areas, mainly marketing diamonds and gold.

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**3.2.2.038.i: Quasi fiscal activities**

**Score:** A B C D **(E)**

**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

**Peer Review Comments:**

There are two state-owned companies, even if one deals with small scale mining. The GNPC was established as a State-owned entity and given legal backing by two main statutes i.e. PNDC Laws 64 and 84. The PNDC Law 64 of 1983 mandates the Corporation "to undertake the exploration, development, production and disposal of petroleum" and PNDC Law 84 establishes the legal framework governing the contractual relationship between the State, GNPC and the prospective investor in upstream petroleum operations.

The Precious Minerals Mining Company, which was initially established in 1963 as Ghana Diamond Marketing Board, operates in all the small-scale Gold and Diamond areas, mainly marketing diamonds and gold.

**3.2.3.038.j Disaggregated Revenue Streams**

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**3.2.3.038.j1: Production streams value**

**Score:** A B C D **(E)**

**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

**Peer Review Comments:**

There are two state-owned companies, even if one deals with small scale mining. The GNPC was established as a State-owned entity and given legal backing by two main statutes i.e. PNDC Laws 64 and 84. The PNDC Law 64 of 1983 mandates the Corporation "to undertake the exploration, development, production and disposal of petroleum" and PNDC Law 84 establishes the legal framework governing the contractual relationship between the State, GNPC and the prospective investor in upstream petroleum operations.

The Precious Minerals Mining Company, which was initially established in 1963 as Ghana Diamond Marketing Board, operates in all the small-scale Gold and Diamond areas, mainly marketing diamonds and gold.

---

**3.2.3.038.j2: Government s share in PSC**

**Score:** A B C D **(E)**

**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

**Peer Review Comments:**

From the researcher's comments, there are two state-owned companies, even if one deals with small scale mining. The GNPC was established as a State-owned entity and given legal backing by two main statutes i.e. PNDC Laws 64 and 84. The PNDC Law 64 of 1983 mandates the Corporation "to undertake the exploration, development, production and disposal of petroleum" and PNDC Law 84 establishes the legal framework governing the contractual relationship between the State, GNPC and the prospective investor in upstream petroleum operations.

The Precious Minerals Mining Company, which was initially established in 1963 as Ghana Diamond Marketing Board, operates in all the small-scale Gold and Diamond areas, mainly marketing diamonds and gold.

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**3.2.3.038.j3: Royalties**

**Score:** A B C D **(E)**

**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

**Peer Review Comments:**

There are two state-owned companies, even if one deals with small scale mining. The GNPC was established as a State-owned entity and given legal backing by two main statutes i.e. PNDC Laws 64 and 84. The PNDC Law 64 of 1983 mandates the Corporation "to undertake the exploration, development, production and disposal of petroleum" and PNDC Law 84 establishes the legal framework governing the contractual relationship between the State, GNPC and the prospective investor in upstream petroleum operations.

The Precious Minerals Mining Company, which was initially established in 1963 as Ghana Diamond Marketing Board, operates in all the small-scale Gold and Diamond areas, mainly marketing diamonds and gold.

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**3.2.3.038.j4: Special taxes**

**Score:** A B C D **(E)**

**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

**Peer Review Comments:**

There are two state-owned companies, even if one deals with small scale mining. The GNPC was established as a State-owned entity and given legal backing by two main statutes i.e. PNDC Laws 64 and 84. The PNDC Law 64 of 1983 mandates the Corporation "to undertake the exploration, development, production and disposal of petroleum" and PNDC Law 84 establishes the legal framework governing the contractual relationship between the State, GNPC and the prospective investor in upstream petroleum operations.

The Precious Minerals Mining Company, which was initially established in 1963 as Ghana Diamond Marketing Board, operates in all the small-scale Gold and Diamond areas, mainly marketing diamonds and gold.

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**3.2.3.038.j5: Dividends****Score:** A B C D **(E)****References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

**Peer Review Comments:**

There are two state-owned companies, even if one deals with small scale mining. The GNPC was established as a State-owned entity and given legal backing by two main statutes i.e. PNDC Laws 64 and 84. The PNDC Law 64 of 1983 mandates the Corporation "to undertake the exploration, development, production and disposal of petroleum" and PNDC Law 84 establishes the legal framework governing the contractual relationship between the State, GNPC and the prospective investor in upstream petroleum operations.

The Precious Minerals Mining Company, which was initially established in 1963 as Ghana Diamond Marketing Board, operates in all the small-scale Gold and Diamond areas, mainly marketing diamonds and gold.

---

**3.2.3.038.j6: Bonuses****Score:** A B C D **(E)****References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

**Peer Review Comments:**

There are two state-owned companies, even if one deals with small scale mining. The GNPC was established as a State-owned entity and given legal backing by two main statutes i.e. PNDC Laws 64 and 84. The PNDC Law 64 of 1983 mandates the Corporation "to undertake the exploration, development, production and disposal of petroleum" and PNDC Law 84 establishes the legal framework governing the contractual relationship between the State, GNPC and the prospective investor in upstream petroleum operations.

The Precious Minerals Mining Company, which was initially established in 1963 as Ghana Diamond Marketing Board, operates in all the small-scale Gold and Diamond areas, mainly marketing diamonds and gold.

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**3.2.3.038.j7: License fees****Score:** A B C D **(E)****References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

**Peer Review Comments:**

There are two state-owned companies, even if one deals with small scale mining. The GNPC was established as a State-owned entity and given legal backing by two main statutes i.e. PNDC Laws 64 and 84. The PNDC Law 64 of 1983 mandates the Corporation "to undertake the exploration, development, production and disposal of petroleum" and PNDC Law 84 establishes the legal framework governing the contractual relationship between the State, GNPC and the prospective investor in upstream petroleum operations.

The Precious Minerals Mining Company, which was initially established in 1963 as Ghana Diamond Marketing Board, operates in all the small-scale Gold and Diamond areas, mainly marketing diamonds

and gold.

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### 3.2.3.038.j8: Acreage fees

Score: A B C D  E

**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

**Peer Review Comments:**

There are two state-owned companies, even if one deals with small scale mining. The GNPC was established as a State-owned entity and given legal backing by two main statutes i.e. PNDC Laws 64 and 84. The PNDC Law 64 of 1983 mandates the Corporation "to undertake the exploration, development, production and disposal of petroleum" and PNDC Law 84 establishes the legal framework governing the contractual relationship between the State, GNPC and the prospective investor in upstream petroleum operations.

The Precious Minerals Mining Company, which was initially established in 1963 as Ghana Diamond Marketing Board, operates in all the small-scale Gold and Diamond areas, mainly marketing diamonds and gold.

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### 3.2.3.038.j9: Other (Describe below)

Score: A B C D  E

**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

**Peer Review Comments:**

There are two state-owned companies, even if one deals with small scale mining. The GNPC was established as a State-owned entity and given legal backing by two main statutes i.e. PNDC Laws 64 and 84. The PNDC Law 64 of 1983 mandates the Corporation "to undertake the exploration, development, production and disposal of petroleum" and PNDC Law 84 establishes the legal framework governing the contractual relationship between the State, GNPC and the prospective investor in upstream petroleum operations.

The Precious Minerals Mining Company, which was initially established in 1963 as Ghana Diamond Marketing Board, operates in all the small-scale Gold and Diamond areas, mainly marketing diamonds and gold.

## 3.2.4 Quality of reports

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### 3.2.4.039: Are the reports published by the state owned company understandable?

Score: A B C D  E

**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

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### 3.2.4.040: How often are the reports or statistical databases containing information on revenue generation published by the state owned company?

**Score:** A B C D **(E)**

**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

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**3.2.4.041: If the SOC is involved with quasi fiscal activities, does it publish information about them?**

**Score:** A B **(C)**

**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

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**3.2.4.042: If there are joint ventures, does the SOC (or government) publish information on its share of costs and revenues deriving from its equity participation in joint ventures?**

**Score:** A B **(C)**

**References:**

See comment in question 33. RWI Index 2012 focuses on mineral sector.

**Peer Review Comments:**

Some information on first oil revenue for Ghana starting production in 2011.

1. GNA, 16th November 2011: "Total oil revenue received is GH¢ 506.0 million – Finance Minister"  
<http://www.energymin.gov.gh/index22.php?id=0092&pgtid=3&cntid=newinfo&pgt=>

2. By Stephen Odoi-Larbi, "Ghana earned \$112m from first oil lifting" The Chronicle, May 8, 2012.  
<http://ghanaiian-chronicle.com/ghana-earned-112m-from-first-oil-lifting-2>

3.2.5.043 Audited reports

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**3.2.5.043.a: Is the SOC subject to annual audits conducted by an independent external auditor to ensure that the financial statements represent the financial position and performance of the company?**

**Score:** A B C D **(E)**

**References:**

See comment on question 33. RWI Index 2012 focuses on the mineral sector.

**Peer Review Comments:**

MY COMMUNITY PORTAL, "Ghana: GNPC diverts resources into unprofitable business". Posted: February 18, 2010 in Economic Reporting

Tags: Audit report, Ghana, GNPC, Parliament, Public Accounts Committee:

<http://mycommunityportal.wordpress.com/2010/02/18/ghana-gnpc-diverts-resources-into-unprofitable-business>

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**3.2.5.043.b: Are SOC audited reports published?**

**Score:** A B C D **(E)**



**References:**

See comment on question 33. RWI Index 2012 focuses on the mineral sector.

**Peer Review Comments:**

Like every other state-owned enterprise the GNPC is subject to annual audits by Ghana's Auditor-General, the independent audit institution in the country. According to the laws of the country, once an audit report is laid before Parliament, it becomes a public document and accessible to the public. Besides, the Public Accounts Committee of Parliament sits in public to debate audit reports.

MYCOMMUNITYPORTAL, "Ghana: GNPC diverts resources into unprofitable business". Posted: February 18, 2010 in Economic Reporting

Tags: Audit report, Ghana, GNPC, Parliament, Public Accounts Committee:

<http://mycommunityportal.wordpress.com/2010/02/18/ghana-gnpc-diverts-resources-into-unprofitable-business>

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# Ghana - RWI Index Questionnaire

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Indicator	Score
3.3.1 Legal Framework and Practice	N/A

## 3.3.1 Legal Framework and Practice

### 3.3.1.044: Does the SOC have a legal obligation to publish financial reports?

Score: A B  C

**References:**

See comment on question 33. RWI Index 2012 focuses on the mineral sector.

**Peer Review Comments:**

GNPC has no legal obligation to publish reports.

### 3.3.1.045: Does the SOC follow internationally recognized accounting standards?

Score: A B  C

**References:**

See comment on question 33. RWI Index 2012 focuses on the mineral sector.

### 3.3.1.046: Do SOC audits include consolidated accounts that cover all of the SOC subsidiaries?

Score: A B  C

**References:**

See comment on question 33. RWI Index 2012 focuses on the mineral sector.

**Peer Review Comments:**

For GNPC, Section 12(3) of the Provision National Defense Council Decree: Ghana National Petroleum Corporation Law, 1983 (PNDCL 64) requires that the books of account of the Corporation and its subsidiary and affiliate companies shall be kept in such form as may be determined by the Board of Directors on the advice of the Auditor-General.

### 3.3.1.047: Are officials of the SOC required to disclose information about their financial interest in any oil, gas or mining projects?

Score: A B  C

**Comments:**

GNPC

**References:**

See comment on question 33. RWI Index 2012 focuses on the mineral sector.

**Peer Review Comments:**

officials of the GNPC are required to disclose their assets and liabilities upon assumption of duty and from time to time. However, there is no specific law targeting officials of the GNPC and even the assets declaration regime is not effective.

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**3.3.1.048: Does the SOC publish information on the composition of its Board of Directors?**

**Score:** A B  C

**Comments:**

GNPC the board of directors is available online:  
<http://www.gnpcghana.com/aboutus/management.asp>

**References:**

See comment on question 33. RWI Index 2012 focuses on the mineral sector.

**Peer Review Comments:**

The GNPC does not publish the names of its Board of Directors at its website. However, from news, the names can be identified. The board is chaired by Mr Ato Awhoi and is made up of Dr Cadman Mills, Dr Kwaku Temeng, Mr Kyeretwie Opoku, Mrs Alexandria Amoako-Mensah, Nana Boakye Asafu-Adjaye and Awulae Attibrukusu III.

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**3.3.1.049: Does the SOC publish information about the rules governing decision making by the Board of Directors?**

**Score:** A B  C

**Comments:**

In the oil Sector the decision making for the GNPC is described in two Acts easily available on internet:

Ghana National Petroleum Corporation Act, 1983 (P.N.D.C.L.64)  
<http://www.epa.gov.gh/ghanalex/acts/Acts/GHANA%20NATIONAL%20PETROLEUM%20CORPORATION%20AUT1983.pdf>

PETROLEUM EXPLORATION AND PRODUCTION LAW, 1984 (P. N. D.C.L. 84)

[http://ghanaoilwatch.org/images/laws/petroleum\\_exploration\\_and\\_production%20law\\_1984\\_pndc\\_law\\_84.pdf](http://ghanaoilwatch.org/images/laws/petroleum_exploration_and_production%20law_1984_pndc_law_84.pdf)

**References:**

See comment on question 33. RWI Index 2012 focuses on the mineral sector.

**Peer Review Comments:**

Section 8 of the Provisional National Defence Council Decree Ghana National Petroleum Corporation Law, 1983 (PNDCL 64) spells out the functions of the Board.

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