



REPUBLIC OF GHANA

# MINERALS AND MINING POLICY OF GHANA

Ensuring Mining Contributes to Sustainable Development



November, 2014

**DRAFT SECOND EDITION OF**  
**THE MINERALS AND MINING**  
**POLICY OF GHANA**

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**BY THE MINERALS AND MINING POLICY OF**  
**GHANA REVIEW COMMITTEE**

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**INTRODUCTION TO THE SECOND EDITION OF THE**  
**MINERALS AND**

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## **1.0 INTRODUCTION AND POLICY CONTEXT**

Among the stakeholders in any economy, Government is the one responsible for setting the policy and regulatory framework to direct how stakeholders interact and how available resources are utilized to ensure the proper functioning, growth, and development of the economy.

As spelt out in more detail in Chapter 2, Ghana has had comparative advantage in mineral resources for over a century. However, as happened elsewhere, with the European incursions into Ghana, and the introduction of industrial mining from about the fifteenth century, the broad agenda of the government was to maximize the extraction of resources in general to support the economic development of colonizing countries. This was reflected in the various policies and programmes which were instituted and implemented.

Policies for the mining sector were dispersed across legislation, directives, statements, correspondences, and public pronouncements by government officials, both in written and verbal form. The trend of not collating all policies into one document continued even after independence. It was, in this context, that a broad range of stakeholders raised concerns about an absence of a document, which coherently put together what constituted the policy direction of government in respect of the minerals and mining sector.

Recognizing the distinct characteristics of the mining industry, government initiated the consolidation of the mineral related policies of Ghana by passing the Minerals and Mining Law, PNDCL 153 in 1986.

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From the 1990s, further attempts to consolidate the scattered policies finally led to the publishing, for the first time, of the Minerals and

Mining Policy of Ghana in 2014. The Minerals and Mining Policy of Ghana (MMP) provided the government's context for managing the sector. The document provided for a review "... after every five (5) years unless dramatic changes occur in the minerals and mining industry, in which case, it may be reviewed as and when needed". However, the document was found to be broad-based enough to provide the necessary framework for managing and regulating the minerals and mining sector in Ghana for about a decade. The government initiated a review process in the first quarter of 2023.

The review was intended to take into account the following:

- i. new government policies,
- ii. emerging global trends and
- iii. challenges faced in the implementation of the first edition of the MMP.

The proposed draft was subjected to stakeholder reviews in line with international best practice to arrive at the 2nd edition of the Minerals and Mining Policy of Ghana.

## 2.0 OVERVIEW OF GHANA'S MINERALS AND MINING SECTOR

Ghana is well endowed with substantial mineral resources, the major known ones being gold, diamonds, manganese, bauxite, and lithium. Gold is the predominant mineral produced in the country accounting for over 90% of all mineral revenues annually over the past two decades. While bauxite and manganese are also mined on a large-scale basis, diamonds production has been rather limited from 2008 when it was only by small scale mining methods.

*Ghana is endowed with immense economic mineral resources such as gold, diamonds, manganese, bauxite, lithium, clays, kaolin, mica, columbite-tantalite, feldspar, chrome, silica sand, quartz, salt etc.*

The country is also endowed with unexploited deposits of iron ore, limestone, brown clays, kaolin, mica, columbite-tantalite, feldspar, silica sand, quartz, salt etc. There are minor deposits of ilmenite, magnetite

### 1.1 Background Information

, and rutile. Some of these industrial minerals – e.g., brown clays, kaolin and silica sand are being exploited on small scale basis to supply local ceramic, paint, and glass manufacturing industries, respectively. Efforts at realizing the huge solar salt production potential are yet to fully materialize.

## 2.1 Historical Context

Ghana's mining history, particularly of gold, dates to the fifteenth century. With the European incursions and the introduction of industrial mining, the industry became very vibrant during the pre-independence period when mining policy was largely geared towards

assisting and promoting the maximization of mineral production in the interests of the colonial powers. Therefore, for example, Ghana accounted for 36% of total world gold output (8,153,426 fine ounces) between 1493 and 1600 when there were more than thirty gold mines in operation. ~~back to the fifteenth century. The industry was very vibrant during the pre-independence period when mining policy was largely geared towards assisting and promoting the maximization of mineral production in the interests of the colonial powers. Therefore, for example, Ghana accounted for 36% of total world gold output (8,153,426 fine ounces) between 1493 and 1600 when there were more than thirty gold mines in operation.~~ **But its** However, the country's share of world mineral output dwindled subsequently due to variations associated with global supply and demand and the influence of the two (2) world wars.

### **2.1.1 The Post Independence Period up to 1983**

The post-independence period, notably between 1957 and 1983, was marked by ~~state~~ State ownership of mineral resources. One (1) year after independence, a diagnostic study was conducted into the grant of mineral and timber rights. ~~The period up to 1983 was generally characterised by stagnation of the industry, except for a few spikes recorded immediately after independence and in the early 1970s. The abysmal performance in production, particularly in the gold sector, was as a result of global market conditions and investor uncertainty about the safety of their investment under Ghanaian self-rule, run down of equipment due to the unavailability of foreign exchange to purchase the much needed spare parts for mine equipment and machinery among others.~~



## *~~1.2 The Early Post Independence Period, Up To 1983~~*

~~Generally, the changes that occurred in Ghana's mineral industry mirror trends in the industry globally. The period between 1965 and 1980 was characterised by the declaration of permanent sovereignty over natural resources by developing countries which empowered mineral resource endowed nations to nationalise and expropriate existing mining concessions based on grounds of public utility, security or the national interest<sup>1</sup>.~~

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<sup>1</sup>UN Charter: General Assembly Resolution 1803 (XVII) of 14 December 1962, Permanent Sovereignty over Natural Resources

## Minerals & Mining Policy of Ghana

~~One (1) year after independence, a diagnostic study was conducted into the grant of mineral and timber rights. Consequently, Government adopted the following policy recommendations of the study. These are:~~

~~☒ The takeover~~ The takeover of all mineral rights by Government from

- land owning communities on whose behalf grants had hitherto been made by their chiefs and other local leaders;
- ~~☒~~ Development of stringent rules regarding the areal extent of mineral concessions and their duration;
- ~~☒~~ Government having the right to terminate a mineral right for non-performance;
- Government to consider acquiring majority shares (51%) in mining companies operating in the country.
- ~~▪ ☒ Government to consider acquiring majority shares (51%) in mining companies operating in the country.~~

These adopted policies consequently resulted in the enactment of a series of statutes relating to land and minerals. For example, the Minerals Act, 1962 (Act 126-~~1962~~) had the following provisions: (i) vesting of ownership of minerals in the President on behalf of the Republic and in trust for the people of Ghana, (ii) limitation on areal extent and duration of mineral rights and (iii) the President having power to demand the sale of minerals produced in Ghana to a state agency at a negotiated price determined by a High Court.

Generally, the changes that occurred in Ghana's mineral industry mirror trends in the industry globally. The period between 1965 and 1980 was characterised by the declaration of permanent sovereignty

over natural resources by developing countries which empowered mineral resource endowed nations to nationalise and expropriate existing mining concessions based on grounds of public utility, security, or the national interest<sup>1</sup>.

### The

~~It is noteworthy that Ghana's mining industry was to a large extent state controlled between 1957 and 1983. In consequence~~ was that, in 1961, the Ghana State Gold Mining Corporation (SGMC) was formed and it acquired the assets of five mines (Prestea, Tarkwa, Dunkwa, Bibiani and Konongo [Gold Coast main Reef]) from the British companies who offered to sell ~~the mines~~them because of rising production costs, and low gold price which had remained fixed at US\$35/oz as part of the gold standard since 1934, among others. This was to forestall a sudden dislocation of the economy as a result of retrenchment of labour ~~and/or~~ the closure of some of the mines.

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<sup>1</sup> UN Charter: General Assembly Resolution 1803 (XVII) of 14 December 1962, Permanent Sovereignty over Natural Resources

In 1972, the government initiated a plan, under what was described as *"taking over the commanding heights of the economy"* to indigenise some strategic business enterprises including mines. Thus, by the Mining Operations (Government Participation) Decree, 1972 (NRCD 132), the government acquired majority shares (55%) in all the foreign mining companies. The Ashanti Goldfields Corporation (AGC), Consolidated African Selection Trust (CAST), and the Ghana Bauxite Company were affected by this state participation exercise while the African Manganese Company, a subsidiary of Union Carbide (USA), was entirely taken over by the government under the new name of Ghana National Manganese Corporation (GNMC).

The government's main aim ~~effor~~ acquiring these mines was to protect the employment of Ghanaians as well as have access to foreign currency generated by the mines. The policy at the time was, therefore, aimed at maximising government revenue, control of resources and employment generation. Apart from AGC and GNMC, which were operating profitably, the SGMC and British Aluminium Company (now Bosai Mining ~~Co-)~~Company) were operating at either marginal profits or making losses. The SGMC had closed the Bibiani and Konongo mines, which were more in distress.

Concurrently, there was a multiplicity of legislation aimed at attracting private participation in the mining sector during the period 1960 to 1980. The economy was characterised by exceptionally high taxes and other levies, ~~pressure.~~ Pressure on foreign currency led to the implementation of strict exchange controls which severely limited repatriation of profits and access to foreign exchange for the replacement of worn-out equipment. In addition to these macro-economic problems, the mining sector had ~~its~~other specific challenges; — there was a lack of clearly defined legal and fiscal regimes, and high front end charges (for example, royalty was levied at 6%, mineral duty of 5 to 10% and export levy was



pegged at US\$3 per ounce for gold exports exceeding 100,000 ounces). To complicate it even further, infrastructure had deteriorated, particularly leading to shortages of rail capacity for manganese and bauxite haulage.

These challenges created extreme difficulties for the maintenance and rehabilitation of the mines. The mining industry therefore stagnated, and up to the early 1980s, there were no significant new investments in Ghana's mining sector. Output in almost all the mines declined and the sector contributed relatively little to gross national earnings because production of Ghana's flagship mineral, gold had declined to about 283,000 ounces per annum.



## 2.0 Overview of Ghana's Minerals and Mining Sector

Ghana is well endowed with substantial mineral resources, the major ones being gold, diamonds, manganese and bauxite. Gold is the predominant mineral produced in the country accounting for over 90% of all mineral revenues annually over the past two decades.

*Ghana is endowed with immense economic mineral resources such as gold, diamonds, manganese, bauxite, clays, kaolin, mica, columbite-tantalite, feldspar, chrome, silica sand, quartz, salt etc.* The period up to 1983 was generally characterised by stagnation of the industry, except for a few spikes recorded immediately after independence and in the early 1970s. The abysmal performance in production, particularly in the gold sector, was as a result of global market conditions and investor uncertainty about the safety of their investment under Ghanaian self-rule and the rundown of equipment due to the unavailability of foreign exchange to purchase the much-needed spare parts for mine equipment and machinery among others. The sector was, therefore, faced with

The country is also endowed with unexploited deposits of iron ore, limestone, brown clays, kaolin, mica, columbite-tantalite, feldspar, silica sand, quartz, salt etc. There are minor deposits of ilmenite, magnetite and rutile. Some of these industrial minerals — e.g. brown clays, kaolin and silica sand are being exploited on small scale to supply local industries in ceramic, paint and glass manufacturing respectively. There is a huge potential in solar salt production but this remains to be fully realized.

As the table below shows that the period between 1960 and 1983 saw a dramatic decline in the production of gold, the main revenue earning mineral, as well as for bauxite, manganese and diamonds.



~~Table 1: Mineral Production Statistics from 1960 to 2021~~[illegible]

~~\*oz—ounce,~~  
~~et—carat,~~  
~~mt—metric tonne~~

**Minerals & Mining Policy of Ghana**

<b>Year</b>	<b>Gold (oz)</b>	<b>Diamond (ct)</b>	<b>Bauxite (mt)</b>	<b>Manganese (mt)</b>
1960	915,317	1,138,665	197,938	577,648
1961	878,459	1,567,039	213,767	559,760
1962	823,115	1,713,286	207,929	443,391
1963	911,663	1,765,461	225,955	394,080
1964	912,592	1,968,176	271,025	424,657
1965	851,090	2,070,142	278,589	509,166
1966	708,906	2,301,659	312,508	638,000
1967	724,134	2,633,527	333,458	596,572
1968	757,346	2,398,631	317,171	484,696
1969	750,435	2,413,415	247,999	400,363
1970	714,442	2,355,797	259,993	354,726
1971	693,770	2,542,100	361,038	455,253
1972	710,013	2,482,822	356,479	476,690
1973	371,711	2,375,582	330,351	533,789
1974	709,550	2,406,860	327,627	255,393
1975	583,103	2,255,227	383,087	282,291
1976	515,654	2,231,791	282,084	384,162
1977	531,084	2,085,511	271,090	343,228
1978	465,651	1,817,818	329,856	321,443
1979	387,730	1,391,058	213,679	342,051
1980	342,904	1,227,071	224,501	368,593
1981	338,042	1,016,580	179,598	260,409
1982	337,754	893,016	63,530	176,871
1983	285,291	336,612	70,235	179,987
1984	282,299	345,675	44,169	267,996
1985	299,615	636,127	124,453	357,270

1986	287,124	560,538	226,461	262,900
1987	328,926	440,681	201,483	242,410
1988	373,937	259,358	299,939	284,911
1989	429,476	285,636	374,646	273,993
1990	541,147	636,503	368,659	246,869
1991	847,559	687,736	324,313	311,824
1992	1,004,62 5	656,421	399,155	276,019
1993	1,261,89 0	590,842	364,641	295,296
1994	1,438,48 3	746,797	451,802	238,544
1995	1,715,86 7	631,708	530,389	187,548
1996	1,583,83 0	714,738	383,370	266,765
1997	1,752,45 2	829,524	536,723	332,703
1998	2,371,10 8	822,563	341,120	384,463
1999	2,608,10 2	681,576	355,263	638,937
2000	2,457,15 2	878,011	503,825	895,749
2001	2,381,34 5	1,090,072	678,449	1,076,666
2002	2,236,83 3	963,493	683,654	1,135,828
2003	2,274,62 7	904,089	494,716	1,509,432
2004	2,031,97 1	905,344	498,060	1,597,085
2005	2,138,94 4	1,065,923	606,700	1,719,589
2006	2,337,78 4	972,992	972,991	1,699,546

2007	2,628,29 0	836,488	1,033,36 8	1,305,809
2008	2,796,95 5	599,007	574,389	1,261,000
2009	3,126,57 7	354,443	420,477	1,007,010
2010	3,321,68 8	308,679	595,092	1,447,627
2011	3,676,22 3	283,369	409,918	1,705,314
2012	4,313,19 0	215,117	662,925	1,501,033
2013	4,396,98 7	160,821	908,586	1,724,417
2014	4,471,57 3	241,235	798,114	1,531,394
2015	3,623,74 0	174,364	1,014,60 5	1,562,769
2016	4,241,20 2	173,863	1,278,56 1	2,034,560
2017	4,231,37 6	87,065	1,476,96 6	3,021,633
2018	4,944,06 9	100,328	1,011,30 2	4,473,192
2019	4,673,97 4	31,444	1,116,33 4	5,401,093
2020	4,094,06 9	25,292	1,162,08 6	2,359,546
2021	2,824,93 4	54,175	839,465	3,418,218

~~The sector was characterized by worn-out and run-down infrastructure, obsolete plant and equipment, production costs not matched by revenues due to overvaluation of the local currency, as well as an exodus of skilled personnel, among other things. All the gold mining operations except the erstwhile Ashanti Goldfields Corporation Ltd., were 100% state owned, and in 1972 the~~

state acquired 55% interest in the non state owned mining operationsfactors.

As the table below shows, the period between 1960 and 1983/4 saw a dramatic decline in the production of gold, the main revenue-earning mineral, as well as for bauxite, manganese, and diamonds.

Table 1

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<u>Year</u>	<u>Gold (oz)</u>	<u>Diamond (ct)</u>	<u>Bauxite (mt)</u>	<u>Manganese (mt)</u>
<u>1960</u>	<u>915,317</u>	<u>1,138,665</u>	<u>197,938</u>	<u>577,648</u>
<u>1961</u>	<u>878,459</u>	<u>1,567,039</u>	<u>213,767</u>	<u>559,760</u>
<u>1962</u>	<u>823,115</u>	<u>1,713,286</u>	<u>207,929</u>	<u>443,391</u>
<u>1963</u>	<u>911,663</u>	<u>1,765,461</u>	<u>225,955</u>	<u>394,080</u>
<u>1964</u>	<u>912,592</u>	<u>1,968,176</u>	<u>271,025</u>	<u>424,657</u>
<u>1965</u>	<u>851,090</u>	<u>2,070,142</u>	<u>278,589</u>	<u>509,166</u>
<u>1966</u>	<u>708,906</u>	<u>2,301,659</u>	<u>312,508</u>	<u>638,000</u>
<u>1967</u>	<u>724,134</u>	<u>2,633,527</u>	<u>333,458</u>	<u>596,572</u>
<u>1968</u>	<u>757,346</u>	<u>2,398,631</u>	<u>317,171</u>	<u>484,696</u>
<u>1969</u>	<u>750,435</u>	<u>2,413,415</u>	<u>247,999</u>	<u>400,363</u>
<u>1970</u>	<u>714,442</u>	<u>2,355,797</u>	<u>259,993</u>	<u>354,726</u>
<u>1971</u>	<u>693,770</u>	<u>2,542,100</u>	<u>361,038</u>	<u>455,253</u>
<u>1972</u>	<u>710,013</u>	<u>2,482,822</u>	<u>356,479</u>	<u>476,690</u>
<u>1973</u>	<u>371,711</u>	<u>2,375,582</u>	<u>330,351</u>	<u>533,789</u>
<u>1974</u>	<u>709,550</u>	<u>2,406,860</u>	<u>327,627</u>	<u>255,393</u>
<u>1975</u>	<u>583,103</u>	<u>2,255,227</u>	<u>383,087</u>	<u>282,291</u>
<u>1976</u>	<u>515,654</u>	<u>2,231,791</u>	<u>282,084</u>	<u>384,162</u>
<u>1977</u>	<u>531,084</u>	<u>2,085,511</u>	<u>271,090</u>	<u>343,228</u>
<u>1978</u>	<u>465,651</u>	<u>1,817,818</u>	<u>329,856</u>	<u>321,443</u>
<u>1979</u>	<u>387,730</u>	<u>1,391,058</u>	<u>213,679</u>	<u>342,051</u>
<u>1980</u>	<u>342,904</u>	<u>1,227,071</u>	<u>224,501</u>	<u>368,593</u>
<u>1981</u>	<u>338,042</u>	<u>1,016,580</u>	<u>179,598</u>	<u>260,409</u>
<u>1982</u>	<u>337,754</u>	<u>893,016</u>	<u>63,530</u>	<u>176,871</u>
<u>1983</u>	<u>285,291</u>	<u>336,612</u>	<u>70,235</u>	<u>179,987</u>
<u>1984</u>	<u>282,299</u>	<u>345,675</u>	<u>44,169</u>	<u>267,996</u>
<u>1985</u>	<u>299,615</u>	<u>636,127</u>	<u>124,453</u>	<u>357,270</u>
<u>1986</u>	<u>287,124</u>	<u>560,538</u>	<u>226,461</u>	<u>262,900</u>
<u>1987</u>	<u>328,926</u>	<u>440,681</u>	<u>201,483</u>	<u>242,410</u>
<u>1988</u>	<u>373,937</u>	<u>259,358</u>	<u>299,939</u>	<u>284,911</u>
<u>1989</u>	<u>429,476</u>	<u>285,636</u>	<u>374,646</u>	<u>273,993</u>
<u>1990</u>	<u>541,147</u>	<u>636,503</u>	<u>368,659</u>	<u>246,869</u>

<u>1991</u>	<u>847,559</u>	<u>687,736</u>	<u>324,313</u>	<u>311,824</u>
<u>1992</u>	<u>1,004,625</u>	<u>656,421</u>	<u>399,155</u>	<u>276,019</u>
<u>1993</u>	<u>1,261,890</u>	<u>590,842</u>	<u>364,641</u>	<u>295,296</u>
<u>1994</u>	<u>1,438,483</u>	<u>746,797</u>	<u>451,802</u>	<u>238,544</u>
<u>1995</u>	<u>1,715,867</u>	<u>631,708</u>	<u>530,389</u>	<u>187,548</u>
<u>1996</u>	<u>1,583,830</u>	<u>714,738</u>	<u>383,370</u>	<u>266,765</u>
<u>1997</u>	<u>1,752,452</u>	<u>829,524</u>	<u>536,723</u>	<u>332,703</u>
<u>1998</u>	<u>2,371,108</u>	<u>822,563</u>	<u>341,120</u>	<u>384,463</u>
<u>1999</u>	<u>2,608,102</u>	<u>681,576</u>	<u>355,263</u>	<u>638,937</u>
<u>2000</u>	<u>2,457,152</u>	<u>878,011</u>	<u>503,825</u>	<u>895,749</u>
<u>2001</u>	<u>2,381,345</u>	<u>1,090,072</u>	<u>678,449</u>	<u>1,076,666</u>
<u>2002</u>	<u>2,236,833</u>	<u>963,493</u>	<u>683,654</u>	<u>1,135,828</u>
<u>2003</u>	<u>2,274,627</u>	<u>904,089</u>	<u>494,716</u>	<u>1,509,432</u>
<u>2004</u>	<u>2,031,971</u>	<u>905,344</u>	<u>498,060</u>	<u>1,597,085</u>
<u>2005</u>	<u>2,138,944</u>	<u>1,065,923</u>	<u>606,700</u>	<u>1,719,589</u>
<u>2006</u>	<u>2,337,784</u>	<u>972,992</u>	<u>972,991</u>	<u>1,699,546</u>
<u>2007</u>	<u>2,628,290</u>	<u>836,488</u>	<u>1,033,368</u>	<u>1,305,809</u>
<u>2008</u>	<u>2,796,955</u>	<u>599,007</u>	<u>574,389</u>	<u>1,261,000</u>
<u>2009</u>	<u>3,126,577</u>	<u>354,443</u>	<u>420,477</u>	<u>1,007,010</u>
<u>2010</u>	<u>3,321,688</u>	<u>308,679</u>	<u>595,092</u>	<u>1,447,627</u>
<u>2011</u>	<u>3,676,223</u>	<u>283,369</u>	<u>409,918</u>	<u>1,705,314</u>
<u>2012</u>	<u>4,313,190</u>	<u>215,117</u>	<u>662,925</u>	<u>1,501,033</u>
<u>2013</u>	<u>4,396,987</u>	<u>160,821</u>	<u>908,586</u>	<u>1,724,417</u>
<u>2014</u>	<u>4,471,573</u>	<u>241,235</u>	<u>798,114</u>	<u>1,531,394</u>
<u>2015</u>	<u>3,623,740</u>	<u>174,364</u>	<u>1,014,605</u>	<u>1,562,769</u>
<u>2016</u>	<u>4,241,202</u>	<u>173,863</u>	<u>1,278,561</u>	<u>2,034,560</u>
<u>2017</u>	<u>4,231,376</u>	<u>87,065</u>	<u>1,476,966</u>	<u>3,021,633</u>
<u>2018</u>	<u>4,937,762</u>	<u>100,328</u>	<u>1,011,302</u>	<u>4,473,192</u>
<u>2019</u>	<u>4,673,974</u>	<u>31,444</u>	<u>1,116,334</u>	<u>5,401,093</u>
<u>2020</u>	<u>4,094,069</u>	<u>25,292</u>	<u>1,162,086</u>	<u>2,359,546</u>
<u>2021</u>	<u>2,824,934</u>	<u>54,175</u>	<u>839,465</u>	<u>3,418,218</u>
<u>2022</u>	<u>3,699,475</u>	<u>82,251.99</u>	<u>773,213</u>	<u>3,103,388</u>

### 2.1.2 1983 Economic Recovery Programme

*The Economic Recovery Programme (ERP) was launched in 1983 to halt the general decline in the economy by resuscitating its major sectors including the mining sector.*

In 1983 the Government launched the Economic Recovery Programme (ERP). Among its elements were: (1) the adjustment of the cedi/foreign exchange rate to more realistic levels, and ultimately deregulation; (2) the institution of a scheme by which exporters were allowed to retain a proportion of their foreign currency earnings for their operations, and payment of dividends and (3) the disposaldivestiture of loss-making state enterprises.

The export sector, particularly mining, was identified as one of the key sectors that could help revive the economy at the time. In 1986 the Minerals and Mining Law (PNDC Law 153) was enacted to promote and regulate the orderly development of the sector. TheSubsequently, the Small-Scale Gold Mining Law (PNDC Law 218), the Mercury Law (PNDC Law 217) 217) and the Precious Minerals Marketing Corporation Law (PNDC Law 219) were passed in 1989 to regularise and streamline small-scale gold mining, regulate the use of mercury by small-scale gold miners, and provide official marketing channels for gold produced by small-scale miners. ~~These measures led to significant investment and activities in the mining sector and a substantial increase in the production of gold in the country, with marginal increase in manganese and bauxite production and shipment.~~

These measures led to significant increases in investment, activities, and production in Ghana's mining sector, initially in gold, but subsequently in manganese and bauxite production and shipment, as well. Diamonds production continued to vary sporadically, with of source of primary production swinging between large and small-scale mining.

*As a result of the ERP and other policy measures, the mining sector ~~has become~~ was resuscitated and became the highest foreign exchange earner for the country.*

The mining sector has been an important part of Ghana's economy with gold accounting for over ~~95~~<sup>90</sup>% of the sector. Ghana is a significant gold producer in Africa (~~almost always~~ second after South Africa, except in 2018 when Ghana ~~toppled~~<sup>overtook</sup> South Africa as the number one gold producer in Africa, by virtue of ~~the volumes of gold produced in 2018~~<sup>its marked production that year</sup>) and globally, being ~~among~~ the ~~9<sup>th</sup> largest producer~~<sup>top 10 producers</sup> in the world.

Over the past ~~decade~~<sup>two decades</sup>, the price of gold has witnessed a significant and sustained rise. From an average ~~low~~<sup>annual level</sup> of US\$279 in year 2000, the price rose to US\$445 in 2005, ~~again to rising above US\$1,000 by 2010 (at US\$1,225 in 2010 and then to), reaching~~ an all-time high of US\$1,800 for 2022. ~~By way of the highest daily prices, some notable peaks reached over the period were: US\$725 in May 2006; US\$841 in November 2007; US\$1,895 in September, 2011. However,; and currently the price dropped to about~~<sup>all-time high of US\$1,300</sup>~~2,067 in June 2013~~<sup>August 2020</sup>.

~~Except~~<sup>From 1999 to date, except for</sup> year 2004, the mining sector was consistently the highest gross foreign exchange earner ~~from 1999 to date~~ as well as a provider of significant employment to Ghanaians. ~~Currently, the sector contributes 27% of government revenue in terms of Domestic Tax.~~ The sector also employs over ~~29~~<sup>32</sup>,000 people in the large-scale mining industry whilst an estimated ~~13~~<sup>13,000</sup>,000 people are engaged ~~directly~~ in the small-scale gold, diamonds, sand winning and quarry industries. In ~~2012~~<sup>2018</sup>, Ghana produced ~~4,313,190.00~~<sup>937,762</sup> ounces of gold, the highest ever in the history of the country. It is significant to note that out of this record production, small scale miners contributed some ~~34% (1,423,453~~<sup>43%</sup> ~~(2,130,156 ounces) of the).~~ <sup>The</sup> total gold produced in ~~2012.~~<sup>2018</sup> ~~This~~<sup>2018</sup> resulted in export revenues of ~~over US\$5.9billion.~~ <sup>Though</sup>

gold production has seen some US\$5.6 billion decline subsequently, policy measures are being pursued to address same, as the 2022 figure shows.

The favourable investment climate coupled with Ghana's mineral endowment has attracted over 673 local and foreign companies to ~~the industry for~~ invest into mineral exploration. Currently, there are 18 large scale companies producing gold, diamond, bauxite, and ~~Manganese~~ manganese, with over 850 registered small scale mining groups and 330 Mine Support service companies.

~~Small~~As alluded to earlier, small-scale mining of precious minerals ~~continues to make~~has progressively made significant contributions to the country's foreign exchange earnings. For example, total gold production by artisanal and small-scale miners ~~had risen~~rose from 2.2% in 1989 to ~~34~~43% of ~~the~~national production in 2018. ~~Though this declined thereafter, this is being addressed by policy actions.~~

~~national production in 2012. All~~

~~Starting from 2008, all~~ diamond production is ~~now~~ from small-scale mining. As a result of the emphasis on private sector development since the 1980s, the mineral sector is now generally fully privatized, except for the mandatory government ownership interest required by law. Investments have come from both major multinational companies and junior mining companies. Whilst there have been some local equity interests, the sector remains predominantly foreign, save for the small-scale component and the privatised Ghana Consolidated Diamond Ltd which is presently wholly Ghanaian owned.

## 2.2 Contemporary Challenges in the Mining Sector

*Despite the successes achieved, ~~major challenges still face the~~ mining sector still faces some challenges.*

Despite the significant progress made over the years, the sector faces many challenges which require attention. Despite the significant investment in the mining sector, ~~there~~the concern has been ~~lots of complaints~~quite widespread that the mining sector is not contributing enough to Ghana's economy, because of our over-dependence on the rather short-term fiscal benefits without sufficient conscious effort to develop the linkages, to other sectors and which yield more holistic and strategic benefits, that mining brings along its value chain. ~~In fact Ghana~~Ghana's situation is ~~no exception~~therefore, similar to ~~this enterprise. Most~~a number of mineral dependent nations in Africa which face similar challenges.

~~Other emerging issues include;~~ A notable, quite recent but ingrained and illusive challenge for Ghana's mining sector has been

the participation of foreigners in small scale mining, which is reserved for Ghanaians. Activities of these illegal miners ~~have added, by adding~~ to the environmental and social cost of mining due to the extensive destruction of flora and fauna as well as the landscape and pollution of water bodies, have become existential threats.

~~To address these challenges~~In addition to global initiatives like those of the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF), the Extractive Industry Transparency Initiative (EITI); the Minamata Convention on Mercury; the Kimberley Process Certification Scheme (KPCS), to address these sector challenges continent-wide, a policy framework with its resulting action plan (The African Mining Vision and Action Plan) was developed under the auspices of the Africa Union in 2009. The Africa Mining Vision (AMV) seeks to use Africa's mineral resources to reduce the continent's poverty and accelerate its social and economic development. ~~The~~ Vision also seeks to set

Africa on an industrialization path, based on its natural capital and enable the continent to take its place in the global economy.

On the sub regional level, the ECOWAS Mineral Development Policy and the ECOWAS Directive on the ~~harmonisation~~Harmonisation of ~~guiding principles~~Guiding Principles and ~~polices~~Policies in the ~~mining sector~~Mining Sector have been developed. One of the key objectives of these ECOWAS initiatives is to provide a mining environment that is responsive to sustainable development and balances the need to provide the appropriate incentives to attract investors with the protection of the revenue base and resources of member states. ~~The minerals and mining policy seeks to develop policies in line with these international conventions.~~

Additionally, the outcome of the Rio+20 Summit emphasized a development approach involving wise use of natural resources, respect for the environment and equitable distribution of resources. This development approach highlighted green economy in the context of sustainable development and poverty eradication as one of the important tools for achieving sustainable development, while maintaining the healthy functioning of the Earth's ecosystems.

It is noteworthy that the most significant concern about environmental sustainability in contemporary times is Climate Change. 2019 has been noted to be the second warmest year on record, capping the warmest decade (2010- 2019) ever recorded. This is said to be more induced by human activities emitting carbon dioxide (CO<sub>2</sub>) and other greenhouse gases into the atmosphere, than natural causes. Mining is clearly a major contributor. It is therefore necessary to put in place policies that recognize these impacts and the need to deal with them through both mitigation efforts targeted reducing or preventing emission of greenhouse gases and adaptation efforts aimed at factors

that make people vulnerable, building capacity to and responding to threats by climate change, including cleaner production technologies.

It is in this broad context that the United Nations (UN) Conference of the Parties (COP) have been held, to globally strategise on how to respond to the threat of climate change, and support initiatives for energy transition leading to the net zero carbon emission status, including nations making commitments to “nationally determined contributions” (NDCs), to limit emissions by 2030, which should lead to the annual rise in the global average temperature being possibly limited to 1.5 degrees.

While Africa’s contribution to global carbon emissions is negligible, nations of the continent still amount the worst hit by its impacts, including rising sea levels and extreme weather events – both droughts and flooding – and therefore need to put management policies towards their energy transition strategies.

Addressing these challenges will not only position ~~the~~Ghana’s industry to remain internationally competitive, ~~whilst at the same time ensuring~~but also ensure that the expected benefits due the state, communities ~~and~~, investors and other stakeholders are realised.

These challenges include:

- i. Environmental issues;
- ii. Social conflicts that arise from mining operations;
- iii. Over-reliance on the exploitation of traditional minerals: gold, diamond, bauxite & manganese;
- iv. Inadequate local value addition to minerals produced;
- v. ~~Inadequate~~Inadequacy of geo-scientific data required to assist prospective investors;
- vi. Inadequate funding to prospect for areas suitable for demarcation to artisanal and small scale miners;
- vii. Lack of access to financial opportunities to enable artisanal and small-scale miners to upscale their activities;
- viii. Capacity deficiency of state institutions in contract negotiations, monitoring and ensuring compliance with laws and regulations.
- ix. Inequitable distribution of benefits accruing from mining among all stakeholders;
- x. Lack of local capital in the mining sector;
- xi. ~~Developing~~Insufficient ~~developing~~, attracting and retaining local human resource in the sector;

- xii. ~~Integrating~~Insufficiency of integration of the sector with the rest of the economy (ensuring backward, forward and side-stream linkages) to maximize earnings from mining activities;
- ~~xiii. Governance issues~~Inadequate depth of governance, including, accountability of stakeholders, participation, transparency, access to

- xiii. information and management of mineral revenue especially at the local level;
- xiv. Inadequate consultation with other sectors in the ~~plan~~ ing and development of economic planning and development of economic infrastructure to take account of the requirements of mining activities, e.g., energy, transportation etc.  
~~For~~
- xv. Insufficiency of technology and capacity to achieve optimal recoveries of minerals, especially, gold by small scale miners.
- xvi. Inadequate facilities to recover gold from mine wastes such as spent carbon, steel, and rubber mill liners.
- xvii. Low participation of women in the mining sector
- xviii. Low participation of Ghanaians across the entire mining value chain.
- xix. Lack of adequate Research and Development in the mining sector to foster development and
- xx. Others arising of the dynamic nature of mining activities.

## **2.13 Policy Framework and Objectives**

The Minerals and Mining Policy provides a written declaration of the framework of principles and policies that will guide Government in the management of the mining and minerals sector.

*By consolidating various policies in*

*The revised document updates the mining ~~sector~~ sector's policies,*

*with the key objectives have been outlined to objective of streamlining the sector's support for the sustainable development of the national economy.*

This Policy Document has been developed having regard to the provisions of the *Constitution of the Republic of Ghana, 1992 (as Amended in 1996)* and with a view to complementing the *Ghana Growth and Poverty Reduction Strategy (GPRSII), the Draft Medium Term Development Plan and the Better Ghana Agenda, for Jobs II – Creating Prosperity and Equal Opportunities for All (2022-2025)* which ~~setsets~~ *out measures 'to create an optimistic, self-confident and prosperous nation through the creative exploitation of our human and natural resources, and initiatives for economic growth operating within a democratic, open and improvement in the standard fair society in which mutual trust and quality of life of all Ghanaians economic opportunities exist for all'.* Other documents taken into account include: Guidelines and Policies prepared under the Natural Resources and Environmental Governance (NREG) Programme which relates to social & environment issues and sustainability of mining communities after mine closure.

Ghana has a well-established mining sector, ~~which has grown considerably in recent years to represent that represents~~ an important pillar of the Ghanaian economy. *In recent years, the sector has again grown quite considerably.* By the consolidation *and then streamlining* of various policies in the mining sector, ~~Government~~ *the government* wishes to secure the continued development of a thriving mining industry that will

contribute to sustainable economic development based on the following objectives:

- i. Diversify the country's mineral production base to promote a more sustainable support base for the economy;
- ii. Promote linkages (backward, forward and side-stream) ~~to of~~ minerals produced locally to other sectors of the economy, to the maximum extent possible;
- iii. Generate adequate geo-scientific data to promote investment;
- ~~iv.~~ iv. Provide support for optimizing the achievement of Ghana's energy transition or climate change agenda, including the development and utilization of the country's critical/green minerals endowment;
- ~~iv.v.~~ v. Generate detailed geological information in designated areas for demarcation to artisanal and small scale miners;
- ~~v.vi.~~ vi. Provide opportunities for artisanal and small scale miners to access financing to upscale their activities;
- ~~vi.vii.~~ vii. Enhance capacity of state institutions and strengthen inter-agency collaboration in the management and development of mineral resources;

- ~~vii.~~viii. Optimize tax revenue generation and collection as well as ensure transparent and equitable distribution of mineral wealth;
- ~~viii.~~ix. ~~Assist in~~Facilitate the development of skilled human ~~resource~~resources and develop local industrial capacity for the mineral industry;
- ~~ix.~~x. Contribute to infrastructure development in mining and adjoining areas;
- ~~x.~~xi. Use mining as a catalyst for wider investment in the economy;

- ~~xi.~~xii. Ensure high level of environmental stewardship, within the broad framework of global ESG standards, in the exploitation and use of minerals;
- ~~xii.~~xiii. Promote social harmony between the mines and adjoining communities;
- ~~xiii.~~xiv. Collaborate in the harmonisation of mineral policy in policies across ECOWAS and ~~in~~ Africa;
- ~~xiv.~~xv. Adopt principles of the ~~AU~~African Union and the Intergovernmental Forum on Mining (IGF) in promoting good governance and transparency, in general ESG, in the extractive sector;
- xvi. ~~Implement through~~Adopt, in liaison with the African Mineral Development Centre, relevant policies outlined in the African Mining Vision;
- ~~xv.~~xvii. Adopt the principles inherent in conventions and the Mining Policy Framework initiatives, like the Extractive Industry Transparency Initiative (EITI), the Minamata Convention on mercury; the Kimberley Process Certification Scheme (KPCS) on diamonds trading, that affect mining;
- ~~xvi.~~xviii. Access the African Development Bank's African Legal Support Facility and the Facility for Fair Exploitation of Extractive Resources in Africa;
- ~~xvii.~~xix. Facilitate the setting up of facilities for smelting and refining, cutting and polishing of minerals;

~~xviii.xx.~~ Encourage mining companies to include considerations for Facilitate the inclusion of beneficiation and value addition in ~~their~~the mine development plans of mining companies;

~~xix.xxi.~~ Provide ~~artisanal and~~ small scale miners with appropriate technologies and ~~machineries~~machinery to improve recoveries;

~~xx.xxii.~~ Facilitate the setting up of processing facilities to recover gold from mine wastes;

~~xxi.xxiii.~~ Create conducive environment for women participation in the mining sector;

~~xxii.xxiv.~~ Generate opportunities for local entrepreneurs to participate directly in mining as either contributors of capital, labour, goods, or services to the maximum extent possible;

~~xxiii.xxv.~~ Strengthen the co-operation between research institutions, higher learning institutions and mining companies, and

xxvi. Any other objective arising out of the dynamic nature of mining activities globally, continentally, sub-regionally or locally.

*The policy seeks to establish a comprehensive and forward-looking framework for mining that catalyses sustainable development.*

~~In order to~~To achieve these objectives, ~~Government~~the government recognises that there is a need to establish a clear, comprehensive, and forward-looking national policy that will govern the regulation and development of the mining sector. ~~Government~~The government recognises also that the minerals and mining policy must provide for the establishment of an enabling ~~environment~~ESG atmosphere for investors, which is based upon modern regulatory arrangements and attractive terms.

~~Whilst~~Maintaining ESG standards requires that whilst seeking to encourage investment, there is also a need to ensure that mineral operations are conducted responsibly. ~~Government considers that~~  
~~The government does not consider the~~ neglect of the environment and

harm to local communities as a result of mineral resource development ~~is not~~ acceptable. The intention is therefore to ensure that Ghana secures the full economic and social benefits that mining development promises, in an environmentally and socially responsible manner.

The initiatives contained in this mineral and mining policy are directed not only at large-scale mining but also at artisanal and small-scale mining. The recognition of, and support to, artisanal and small-scale mining is based on the premise that it offers opportunities to generate employment, support rural livelihoods and foster local entrepreneurship. In this respect, ~~Government~~the government recognises that small-scale miners require assistance in their efforts to operate in an economically and environmentally sustainable manner. ~~Government~~The government has already implemented a number of measures to facilitate the development of artisanal and small-scale mining and will take further measures to promote and enhance the sub-sector.

Continued policy action will also be pursued to rid the sub-sector of the canker of invasion of foreigners that has been fueling the development of an existential threat to many parts of the country.

The ~~Government~~government acknowledges the tension that has arisen<sub>2</sub> on many occasions<sub>2</sub> between large mining companies and small-scale miners. ~~This is an issue which has to be handled with due regard~~Due consideration would be given for acquired rights, legitimate expectations<sub>2</sub> and the need to promote social harmony. ~~Moreover, Government has a duty to discharge in dealing with this situation, with government discharging~~ its regulatory responsibilities in an effective, even-handed<sub>2</sub> and coordinated manner.



The revised Minerals and Mining policy therefore seeks to document policies that have been postulated, taking account of international conventions, but also contemporary developments in Ghana's mining space, in a way that will ensure that the naturally endowed minerals resources are exploited to support the country's development as well result in an equitable distribution of the benefits relevant stakeholders.

### 3.0 PRINCIPLES OF MINERALS AND MINING SECTOR POLICY

The mineral resources of Ghana are public property which must be managed for the collective interest of the people of Ghana. Government therefore declares the following guiding principles of the minerals and mining policy:

*Twenty guiding principles underpin the minerals and mining sector policy.*

1. Ensuring that Ghana's mineral endowment is managed on a sustainable economic, social and environmental basis, in line with relevant global standards including ESG standards;
2. Extracting and managing Ghana's mineral endowment with due regard to internationally accepted standards of health, mine safety, environmental and human rights protection;
3. Fostering the development of a mining sector that is well integrated with other sectors of the national economy;
4. Promoting the transformation of mining capital ~~depletable~~ mineral resources into other forms of more sustainable development capital;
5. Contributing to the economic empowerment of Ghanaians by generating opportunities for local entrepreneurship, increasing demand for local goods and services and continuously creating employment opportunities for Ghanaians;
6. Applying modern principles of transparency and accountability ~~to,~~ while upholding the highest ethical standards in the administration of mining laws and regulations;

- ~~7. Conducting all businesses with investors in accordance with the applicable laws, regulations and rules and to the highest ethical standards and zero tolerance to corruption~~
8. Ensuring ~~an~~ equitable sharing of the financial and developmental benefits of mining between investors and

7. all Ghanaian stakeholders;
8. Respecting the rights of communities that host mineral resources development;
9. Encouraging local and foreign private sector participation in the exploration for, and commercial exploitation of, mineral resources;
10. Recognising the need to establish and maintain a conducive macro-economic environment for mining investment;
11. Developing a predictable regulatory environment that provides for the transparent and fair treatment of investors;
12. Ensuring availability and accessibility of geo-scientific data necessary for the promotion of minerals sector investment;
13. Incorporating in the licensing system ~~an early focus on~~ mine closure and post closure planning to anticipate and provide ~~aheadupfront~~ for managing the environmental, social and economic consequences of mining;
14. Promoting sustainable livelihoods in mining ~~communities~~communities;
15. Supporting the development of Ghanaian mining skills, entrepreneurship and capital by encouraging and facilitating the orderly and sustainable development of small-scale mining in precious and industrial minerals;

16. Maximising opportunities for minerals-related ~~education~~education, training, career development and other support to empower Ghanaians to become owners and managers of mines and other professionals in the mining industry;
17. Respecting employee, gender, children's rights and other human rights in mining, and the removal of obstacles to participation in the mining sector on the basis of gender, marital status or disability and others;

~~participation in the mining sector on the basis of gender, marital status or disability;~~

18. Encouraging mining companies to develop a participatory and collaborative approach with local communities in decision making relating to mine planning, development and decommissioning;
19. Developing streamlined institutional arrangements with adequate capacity for effective promotion and regulation of the mining sector; and
20. Acting in harmony with regional and international ~~con-~~  
~~ventions~~conventions and other instruments relevant to mining by endorsing and implementing principles that are established in these conventions and instruments.



## ~~Minerals & Mining Policy of Ghana~~

## 4.0 REGULATING THE MINING SECTOR

Mineral resources belong to the Ghanaian people in common, and their stewardship is entrusted to the President in accordance with the ~~governing~~ provisions of the Constitution. Under this framework, the Parliament of Ghana may make specific laws regulating rights and interests in minerals.

~~Government has developed a new~~ Taking cognizance of the high-risk nature of exploration and mining ~~law, of mineral resources, an effective and predictable legal and regulatory framework is required to engender investor confidence. The applicable mining laws and regulations must be up-to date and in line with International best practice and new technological changes in the~~ Minerals and Mining Act, 2006 (Act 703) ~~to replace~~ industry.

~~The principal laws governing minerals and mining operations in Ghana are~~ the Minerals and Mining ~~Law, 1986 (PNDCL 153). The Act, 2006 (Act 703) and the Regulations made pursuant to it. The laws and regulations which affect the minerals and mining sector are listed in appendices 1 and 2.~~

~~Under the regulatory regime, the~~ Minister responsible for ~~mining retains~~ Mines ~~has~~ responsibility for the overall management ~~and utilisation~~ of Ghana's mineral resources ~~and~~. The Minister is also ~~responsible for policy-~~ making, ~~including and~~ the grant of mineral rights.

The ~~Minister is assisted by the~~ Minerals Commission (~~established under the Minerals Commission Act, 1993 (Act 450)), which is responsible for day-to-day administration and~~), is authorised to perform a range of specific duties and functions, including ~~advising~~ responsible for the regulation and management of the utilization of the minerals resources of Ghana and the coordination of

the policies in relation to them. The Minerals Commission advises the Minister on matters relating to minerals policy and on the granting administration of mineral rights the minerals and mining sector.

~~The Environmental Protection Agency (EPA), the~~ The Ministry responsible for the environment, the Environmental Protection Agency (EPA), the Forestry Commission and the Water Resources Commission have key roles to play in the environmental regulation of the mining sector.

The Ministry of Finance, the Ghana Revenue Authority, and the Bank of Ghana in collaboration with the Minerals Commission ~~are the regulators of~~ manage the fiscal policy aspects of the ~~policy~~ sector.

~~Laws and Regulations which affect the minerals and mining sector are listed in appendices 1 and 2.~~

While encouraging ASM in approved areas, the Government will protect bona fide mineral right holders from undue interference in their operations. Government will work in partnership with all stakeholders, especially law enforcement agencies in this regard.

## 5.0 MINERALS LICENSING

A principal tool for the management of national mineral resources is a system of allocating rights to ~~mining companies and persons~~ through the grant of mineral rights to carry out ~~minerals exploration and mining~~ mineral operations ~~in return for the performance of under~~ explicit and enforceable ~~obligations, terms and conditions~~. The objective of a licensing system is to allocate mineral rights, in areas not proscribed, to those best able to generate improved knowledge about the mineral endowment in general, to delineate mineralization of commercial value and to carry out commercial production and supply of minerals in an efficient and responsible manner.

*A modern mineral cadastre ~~is being developed~~ has been established to facilitate and streamline the administration of mineral rights.*

This objective can be best achieved through the establishment of a standardised licensing system, with the principal legal and administrative arrangements enshrined in law. ~~Standardisation~~ Standardisation enables mineral operations to be conducted on a level playing field and investment decisions to be based on factors that can be predicted and planned for. It also enhances the capacity of the mining authorities to administer the system efficiently and transparently. This, in turn, forms the basis for accountability to Parliament and the people.

This approach is reflected in the mining law, which contains the following arrangements for minerals licensing:

1. The minerals licensing system has provisions for all classes of minerals (including radioactive minerals and, industrial minerals such as sand, gravel and salt);

~~2.~~—There is a range of fixed term (and renewable) mineral

2. rights suited to the various phases of mineral operations from reconnaissance of potential mineral-bearing areas through to mineral extraction and treatment. Limitations may be imposed on the surface area granted under mineral rights, in accordance with the type of mineral operation and ability of the holder to work the area effectively. Specific licences are required ~~also to enable for~~ a person to buy ~~and, sell, export, deal or otherwise dispose of a mineral produced in minerals~~Ghana;
3. Small-scale operations are distinguished from other operations in order to reserve rights to conduct such operations to Ghanaian citizens and to assist Government in targeting programmes to support the development of small-scale mining to those possessing rights to conduct such operations ~~(see Section 8);~~;
4. Mineral rights are open to any bonafide applicant, subject to the reservation of licences for small-scale operations to Ghanaians only;
5. Timely, effective<sub>2</sub> and transparent arrangements for the assessment and approval of applications for mineral rights, include prescribing:

  - a. the required form and content of applications;
  - b. procedures for lodging applications with the Minerals Commission;
  - c. procedures for the registration of applications in a Register of mineral rights, maintained by the Minerals

Commission and accessible to the public upon the payment of a nominal fee; and

- d. — obligations of the Minerals Commission upon receiving applications, including time limits for conducting evaluation of applications,

- d. \_\_\_\_\_ notifications to other government agencies and maintaining active liaison between mining companies, regulatory agencies, and local communities.

*Effective consultation with mining communities is an important aspect of the mineral licensing process.*

6. Procedures for effective participation of communities in the licensing process include notification to the communities by methods such as publication of the application at the District Assembly, among others as well as the conduct of public hearings in prescribed circumstances.

*Security of tenure of mineral rights is guaranteed.*

- ~~8.7.~~ Terms and conditions that guarantee security of tenure to mineral right holders and the right to proceed from reconnaissance through prospecting to mine development ~~once the commercial feasibility of mining are established under the mining laws, in return for specific and enforceable commitments from mineral right holders, including the following obligations:~~ are established.

8. Specific and enforceable obligations for mineral right holders include the following:

- a. carrying out prospecting operations in accordance with an approved programme;
- b. progressively relinquishing portions of the area held for prospecting as prospecting advances;
- c. moving efficaciously towards determination of the commercial viability of mining following the discovery of minerals;
- d. — supporting an application for a mining lease with

a comprehensive mine development plan (including a production plan, financing plan, marketing plan, environmental impact statement and such other studies and proposals as are required under applicable legislation and obligations into which the applicant has entered under a mineral agreement) to demonstrate that the operations will ensure the efficient and

- d. beneficial socio-economic use of mineral resources;
- e. conducting mining and related operations in accordance with the approved programme of mineral operations; and,
- f. providing satisfactory undertakings to guarantee or secure performance of the mineral right holder's obligations at the prospecting and mining stages.

~~8.9.~~ Regulations have been developed to ensure that mining operators employ techniques that are modern, efficient, safe, and environmentally sound.

~~9.10.~~ Government is ~~also~~committed to providing other assurances which are required by the holder of mineral rights in order to facilitate the financing and implementation of mineral operations, including:

- a. transferability of mineral rights, subject to prior approval of the Minister and other safeguards to protect the interests of Ghana;
- b. access to land designated for prospecting and mining operations, subject to payment of compensation and

other safeguards to protect the interests of surface right holders; and,

- c. the right to market production, within the framework of the prevailing laws and subject to accurate assessment of fair market valuation of the mine product and appropriate audit and monitoring.



## 6.0 ENVIRONMENTAL REGULATION OF MINING

~~Government's~~The government's objective is to achieve a socially acceptable balance, ~~within the environmental regulatory framework,~~ between mining and the ~~physical and human~~ environment ~~and, within the regulatory framework. It is also~~ to ensure that internationally accepted standards of health, mine safety and environmental protection are observed by all participants in the mining sector.

*Environmental Regulations on mining is to ensure that mining is carried out in a modern, safe, and environmentally sound manner.*

The current environmental and social standards under which economic activities should be conducted in Ghana and the methods by which Government seeks to enforce them are contained in the following documents and instruments: the National Environmental Policy of Ghana, which is complemented by the Minerals and Mining (Health, Safety & Technical) Regulations, 2012 (L.I. 2182); Environmental Protection Agency Act, 1994 (Act 490); Environmental Assessment Regulations, 1999 (L.I. 1652) (~~Environmental Regulations~~); the Forestry Commission Act, 1999 (Act 571); Ghana's Environmental Protection Agency (Mining in Forest Reserves) Regulations, 2022 (LI 2462); Ghana's Mining and Environmental Guidelines, 1994; Operational Guidelines for Mineral Exploration in Forest Reserves for Selected Companies, 1997; ~~Environmental Guidelines for Mining in Production Forest Reserves in Ghana, 2001; Guidelines for the Preparation of Feasibility study reports, 2009;~~ Mine Closure and Post-closure Policies; Guidelines for Corporate Social Responsibility in Mining Communities; ~~and Compensation Policy and~~

Regulations. Other guidelines are being developed to improve the standards of environmental stewardship.

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Ensuring Mining Contributes

To Sustainable Development

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~~Minerals & Mining Policy~~ enhance environmental stewardship, the government will streamline inter-agency collaboration for the enforcement of Ghana

existing legislation and update the laws and guidelines to reflect contemporary and emerging trends in environmental standards. The following environment-related issues are addressed:

*Mineral activities can only commence after environmental and other permits have been obtained.*

1. The provisions of the ~~minerals and mining~~ Act 703 recognize existing environmental legislation. In particular, ~~the~~ Act 703 provides that:
  - a. mineral rights may not be granted to an applicant unless that applicant has provided a satisfactory programme of environmental protection measures and how these would be funded;
  - b. applications for mineral rights must be accompanied by information relevant to all activities requiring approval under environmental legislation;
  - c. mining companies must comply with the requirements of the environmental regulations, including requirements relating to environmental impact assessment for environmental permitting.
2. The provisions of the ~~minerals and mining~~ Act 703 clarify the position regarding the grant and enjoyment of water rights in connection with mining operations by specifying ~~in~~

~~particular~~ that a mineral right holder who seeks water rights associated with mining operations must obtain the requisite ~~license~~permits from the Water Resources Commission.

3. Procedures for the assessment of applications and inter-agency consultation will be regularly monitored by:

*~~Key regulatory agencies would maintain constant interaction among them to ensure effective mineral right administration~~*

- a. keeping under review current arrangements under which the Minerals Commission consults with the Environmental Protection Agency (EPA), the Forestry Commission, the Water Resources Commission, Metropolitan, Municipal and District Assemblies and other relevant departments and agencies during the evaluation of applications for mineral rights; and
- b. improving the capacity of the Minerals Commission to maintain active liaison with mining companies, the regulatory agencies named above, local communities and civil society during all stages of environmental permitting.

~~above, local communities and civil society during all stages of environmental permitting.~~

Key regulatory agencies would maintain constant interaction among themselves to ensure effective mineral right administration.

4. Relevant government agencies would assist local communities to be better able to engage with the mining companies on issues affecting them, such as compensation, resettlement, safety and health and post-mining rehabilitation.

~~5.~~ The EPA, ~~the~~ Minerals Commission, ~~the~~ Forestry Commission, and other relevant agencies, acting in

5. collaboration, have the responsibility to develop standards and guidelines for environmental compliance by operators in the mining companies industry, including:

a. standards of environmental performance for different types of mineral operations, particularly ~~with regard to~~regarding wildlife sanctuaries, forest reserves and areas of ecological sensitivity; and,

b. — guidelines for mining companies on compliance

b. \_\_\_\_\_ with environmental requirements, including conformity with internationally accepted standards on matters such as compensation and resettlement, water, and air pollution, mine waste disposal, decommissioning, reclamation, rehabilitation, and ~~on~~in monitoring plans and programmes.

6. There are provisions in the current legal regime as to what happens to the mine and its assets at mine closure. Government's policy would:

- a. ensure that rehabilitation and other mine-closure obligations of the mineral rights holder are consistent with international best practice. This will require mining companies to provide a suitable upfront guarantee or set aside funds to meet clear and comprehensive rehabilitation and other mine-closure obligations; and,
- b. ensure that Government, ~~land owners~~landowners and local communities benefit from assets remaining after mine closure.

## 6.1 Climate Change

Climate change is one of the foremost global challenges for future economic growth of Ghana and well-being of the Ghanaian ~~Society~~society. The mining industry remains strongly committed to addressing the urgent need to reduce greenhouse gas emissions significantly by ~~2020~~2030 in accordance with international treaties and ~~also~~ to pursue a low carbon path afterwards. ~~These are expected to contribute to effectively limiting the increase in global~~

temperature to no more than 2°C above pre-Industrial levels, consistent with science and technology.

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Ensuring Mining Contributes To Sustainable Development — 32

Mining will be carried out in an ambitious and transparent manner and in accordance with the United Nations Framework Convention on Climate Change (UNFCCC), complemented by actions addressed through other relevant fora.

It is in this broad context that the Conference of the Parties (COP) under the UNFCCC globally strategises on how to respond to the threat of climate change, and support initiatives for energy transition leading to the net zero carbon emission status by 2030, which should lead to the annual rise in the global average temperature being possibly limited to 1.5 degrees Celsius.

Government will pursue the policy path that fosters optimal socio-economic development which effectively and efficiently exploits our critical minerals including the green minerals, used in producing batteries for electric vehicles to replace fossil fuel dependent vehicles.

## 7.0 OCCUPATIONAL HEALTH AND SAFETY

### Mining

~~The various mining~~ operations in Ghana pose different types of health and safety hazards. The minerals and mining policy seeks to implement put in place measures and systems to reduce ~~mine-related~~ onsite and off-site deaths, injuries and diseases ~~resulting from activities of individuals and companies operating in the mining industry.~~

It is recognized that both surface and underground mining operations, if not well managed, have the potential to result in workplace fatalities, injuries, and diseases. The introduction of the cyanidation technology for gold processing has introduced new risk factors within the mining industry. Surface mining operations have brought mining into proximity with the mining communities thereby creating new health and safety risks.

*The Policy seeks to reduce to the barest minimum occupational health and safety hazards associated with mining ~~to the barest minimum.~~*

~~In spite of the fact that~~ Although the law provides for the regularization of artisanal and small-scale mineral operations, much of the activity in the area remains outside the law. There are unacceptable levels of fatalities and serious workplace injuries at artisanal and small-scale mining operations. ~~Improvements~~ There will be improvement in the regulation of the sector ~~and mainstreaming of~~ to mainstream ASM activities ~~within it are required.~~

~~The~~ Government will ensure compliance with the legislative framework to curb the prevalence of lung diseases, such as silicosis,

caused by dust inhaled during mining operations—~~must be addressed.~~

Education and measures to contain other diseases which could negatively impact operations, such as malaria, and HIV/AIDS with its indirect opportunistic diseases like tuberculosis would be intensified.

The policy objective is to promote and facilitate the administration of legislation and guidelines and to ensure that all mining activities in the country are conducted in such a manner as to protect the physical environment, the workers, and the ~~general~~-public. This will be achieved through compliance with applicable environment, health and safety laws and regulations and the development and implementation of comprehensive monitoring and auditing programmes.

The ~~-occupational -health -and~~ safety measures include the following:

1. Regulations to ensure health and safety standards for all mining operations in the country.
2. ~~Mining~~Individuals and companies engaged in mining to put in place adequate and effective measures to ensure the achievement of standards so established. To this end mining companies shall:
  - a. conduct risk assessments to identify the various hazards inherent in their operations, rank these risks and ensure that effective controls are put in place to ameliorate the risks;
  - b. provide training and re-training of the employees in safety matters;
  - c. show commitment to comply with environmental, occupational, health and safety standards through implementation of appropriate health and safety programmes;

- d.* ensure that all employees exercise leadership and commitment to continual improvement in environmental, occupational, health and safety awareness.

*Child labour in mining is outlawed.*

3. Local Government Authorities and other local level structures shall ensure that children are not engaged in mining operations. Children who ~~have to~~must visit mining areas shall be under proper supervision.
4. Sustained educational campaign must be carried out by companies, civil society organizations and government agencies in all mining areas ~~in order~~ to reduce the incidence of HIV/AIDS, Malaria, Tuberculosis, Silicosis, pandemics, and other diseases arising from the exposure to mercury and cyanide in mining communities.
4. The Metropolitan/Municipal/District Assemblies in mining communities should collaborate with mining companies to implement Voluntary Counselling and Testing~~testing~~ (VCT) programmes in ~~the~~ communities.



5. In light of the Minamata Convention, artisanal and small-scale miners are encouraged to use mercury free, resource efficient technologies to reduce diseases and conditions associated with the use of mercury. Government will continue to sensitize and actively promote education and advocacy with respect to the use of appropriate technologies, along with enforcement of relevant laws to prevent anthropogenic emissions of mercury and mercury compounds into the environment and waterbodies.

## 8.0 FISCAL POLICY FOR MINING

Natural resources have the potential, ~~if developed and managed responsibly, in line with internationally recognised environmental and social standards,~~ to be a key driver of strong and sustainable growth, especially in developing countries with an abundance of natural resources if they are developed and managed responsibly, in line with internationally recognised environmental, social and governance standards.

~~However, the~~The lack or inadequacy of strong systems of transparency and accountability, along with appropriate stakeholder engagement, in the management of the extractive sector in some resource-rich countries has too often allowed even the fiscal benefits—the revenues — to be diverted from high-priority national needs. Raising global standards of transparency in the extractive sector and building the capacity of countries to manage their resources effectively will improve accountability, reduce the space for corruption and other illicit activities and ensure that citizens benefit more fully from the extraction of natural resources.

Government recognises that in exercising stewardship of the mineral endowment on behalf of the people of Ghana, it must optimize the fiscal benefits generated by the exploitation of the country's non-renewable resources. There is a need to synchronise the long-term context of mining activities with the shorter term view of Government programmes. The long-term view of the mining sector would ensure that its various linkages with other sectors of the economy are well developed to reap optimal benefits from the sector.

The policy sets out measures to optimize the shorter-term fiscal benefits while achieving the long-term objectives. To this end,

Government seeks a fair balance between generating revenues and attracting sustainable investment in the mining sector. This involves recognising the particular risks and economic characteristics of mineral operations while at the same time capturing an adequate share of the value of the mineral resource exploited for the country.

The policy also aims at empowering Ghanaians to hold Government and mining companies to account for every aspect of the mining operations. This would be achieved through active participation in fora for open ~~free~~ and ~~uninterruptible~~free access to information as well as other international conventions such as the Standards of the Extractive Industry Transparency Initiative (EITI), to which Ghana is signatory. ~~The transparency drive will include~~

~~The transparency drive will include information sharing on who ultimately controls, owns~~Beneficial Ownership ~~and profits from all mining operations~~schemes ~~and all legal arrangements used for tax evasion, money laundering and other illicit financial flows, including trusts, not only those who seek to evade and avoid improperly tax, but also those who seek to launder the proceeds from mining to carry out~~ across ~~borders~~border crimes.

A transformative Open Data Charter to make budget data and other government information public in an easily accessible way will be put in place. The policy seeks to put in place a reporting standard in conformity with global reporting standards to make minerals and mining industry payments more transparent to ensure that the country manages its mining revenues better ~~so as~~ to provide a route out of poverty and reliance on foreign aid.

*The Policy seeks a fair sharing of revenues generated while attracting investment into the sector.*

The principal features of the fiscal regime for mining are as follows:

- 1.1) A standardised and transparent fiscal regime which ~~ta-~~kestakes account of international trends and enables investors to predict and plan for fiscal obligations. Such standardisation also enhances the ability of mining authorities to administer the regime efficiently and effectively.

~~2. The standardised fiscal regime includes the following elements:~~

~~a.2) mineral royalty, which would be characterized by clarity, transparency, and non-discrimination, would involve the specification of methods of determination of amounts due and procedures for payment under the applicable law, as set by the Government from time to time under the applicable law; after reasonable stakeholder engagement. The regime will include the following elements:~~

~~b. corporate income tax, the methods of determination of amounts due and procedures for~~

- ~~payment set out in the relevant tax legislation;~~
- ~~e. Other fiscal imposts, the methods of determination of amounts due and procedures for payment set out in the relevant tax legislation;~~
- ~~d. the relevant tax legislation provides for the non-discriminatory treatment of mining companies;~~
- ~~e. provision for Government to enter into agreements with the holder of a mining lease regarding the stabilisation of some fiscal elements up to a specified maximum period. The execution of such agreements are subject to ratification by Parliament;~~
- ~~a. provision for~~Mineral Royalty
- ~~b. Corporate Income Tax~~
- ~~c. Annual Ground Rent~~
- ~~d. Annual Mineral Right Fees~~
- ~~e. Levies by local authorities~~
- ~~f. Government's mandatory Government participating~~participating interest in mining operations.
- ~~g. Other levies by local authorities,~~national fiscal imposts

3) When adequate geo-scientific information on mineral resource endowment becomes available, enhanced benefits to the State beyond the standardized regime may be considered under a differentiated but equitable and transparent framework.

*Favourable fiscal provisions have been developed to attract investment into the sector.*

3.4) \_\_\_\_\_ Having regard to the ~~particular~~ risks and long gestation period associated with mineral exploration and development operations, the regime is designed to:

- a. \_\_\_\_\_ offer \_\_\_\_\_ an \_\_\_\_\_ equitable \_\_\_\_\_ rate \_\_\_\_\_ of \_\_\_\_\_ depreciation  
a. ~~for mine related capital~~ for mine-related capital expenditures; and,
- b. provide standardised procedures and criteria for granting ~~exemptions for~~ concessionary rates of import duties and VAT in respect of plant machinery, equipment and accessories imported specifically and exclusively for mineral operations.

~~4.5)~~ The efficiency of collection and accountability for fiscal receipts from mining would be maintained by:

- a. simplifying and standardising the fiscal regime;
- b. providing safeguards in the tax legislation against tax leakage ~~through appropriate definitions of mining income, transfer pricing, allowable mining expenditures and value of mineral sales, coupled with standardised accounting procedures based on best international practice; and tax evasion.~~
- c. strengthening \_\_\_ company financial reporting obligations; and,
- d. developing appropriate capacity for tax administrators for efficient administration of mining taxation, including fostering greater collaboration between the Minerals Commission and the Revenue Agencies, as well as with sister agencies in mining jurisdictions across the continent and beyond.

~~5.6)~~ Government seeks also to minimize the cost to mining companies associated with preventing and mitigating adverse impacts on the environment and local communities by providing under the relevant tax legislation for approved expenditures associated with environmental protection ~~and~~, site restoration and social development to be treated as deductible for tax purposes.

~~6.7)~~ Licensing and other related fees would be kept rationalised to preserve their value through appropriate indexation.

- 8) Government would regularly review the framework of the fiscal regime to maintain the tenets of good governance as well as equity in the optimizing and sharing of the value of our mineral resource endowment.

## 9.0 PROMOTION OF EFFICIENT ARTISANAL AND SMALL-SCALE MINING OPERATIONS

Government recognises that ~~small-scale mining~~Artisanal and Small-Scale Mining (ASM) operations undertaken by Ghanaians offer opportunities to support rural livelihoods, develop entrepreneurship and provide a source of industrial raw materials, ~~and thus ensuring economic linkages.~~ However, artisanal and small-scale miners must be assisted in their efforts to operate in a technically, economically and environmentally sustainable manner.

In this regard, Government has implemented a range of measures relating to the regulation and promotion of ~~small-scale mining~~ASM with some positive results. These include:

- a. ~~the a.~~ establishment of district and satellite offices ~~manned by Minerals Commission personnel to to facilitate licensing and~~ give technical assistance to small-scale miners;
- b. ~~the b.~~ geological investigation and demarcation of areas suitable for ~~small-scale mining; ASM :~~
- c. ~~c.~~ provision of finance to small-scale miners to ~~im-prove~~improve their operations;
- d. ~~d.~~ education, training and provision of logistics to enhance the corporate governance, efficiency and safety of their operations ~~and;~~
- e. introduction of mercury free technology.
- f. introduction of e-licensing regime for ASM
- g. introduction of tracking of earth moving and mining equipment

- h. introduction of Community Mining Scheme to encourage effective local community participation in ASM and
- e. i. effective collaboration with all stakeholders.

Government's intention is to build upon these achievements to implement further initiatives to enhance the development of an efficient, modern, responsible and sustainable ~~small-scale mining~~ ASM sector, involving ~~both precious and industrial minerals.~~

both precious and industrial minerals.

*Artisanal and Small-scale miners would be assisted to improve upon their ~~operations~~ operation.*

The following measures are intended to enhance the growth and opportunities in the ~~small-scale mining~~ASM sector:

1. Improving access to finance for small-scale miners, including:
  - a. ~~a.~~ a. assistance to obtain fair market prices for their minerals by the control of illicit dealings and trading of minerals through appropriate licensing and providing necessary market information, traceability and training;
  - b. ~~promoting~~b. promotion of co-operative savings schemes, ~~pool-led~~pooled equipment leasing arrangements, establishment of centralized processing base and concessional lending schemes (with special support funding from both local and international sources);~~);~~ and,
  - c. ~~c.~~ c. tailored assistance in basic business and managerial skills.

*~~Artisanal and small-scale mining is reserved for Ghanaian citizens.~~*

2. The minerals licensing system restricts the granting of ~~mineral rights~~licences for ~~small-scale mining~~ASM operations to Ghanaian citizens. Simplified procedures for applying for these licences and other relevant permits will be adopted.

3. The Minister exercises his authority, in consultation with the Minerals Commission, to continuously designate areas to be reserved for ~~small-scale mining~~ASM activity based on technical and financial viability of the areas.
4. To manage land use conflicts in the context of ~~small-scale mining~~ASM, the Minerals Commission will develop standardized procedures, including adequate advance notice, and community participation in deliberations leading to the designation of areas.

*Government will continue to ensure the use of appropriate, safe, and affordable technologies in small-scale mining.*

5. To encourage the use of appropriate, affordable, and safe technology, Government will continue to support the collation and dissemination of information on appropriate technologies, the provision of extension services and demonstration of improved technologies.
6. In seeking to promote the interests of small-scale mining ASM, Government will continue to form district mining committees and support the small-scale mining associations to help manage the sub-sector at the local level.
7. Government will continue to work with, and encourage, mining companies to collaborate and give support to small-scale miners where it is in the mutual interests of the parties.
8. To mitigate the negative impacts of small-scale mining, Government will disseminate information to raise awareness of health, safety and environmental risks, and will periodically revise and disseminate occupational health and safety guidelines for small-scale mining ASM.
9. Taking cognisance of the dynamic nature of mining, government will periodically review the regulatory framework within which artisanal and small-scale mining operations take place.
10. To adhere to the tenets of the Minamata Convention, Government will introduce cutting – edge mercury free

technology to reduce drastically, if not eliminate, the use of mercury in ASM operations.

11. The use of cyanide for gold processing without a licence by ASM operators is posing a great threat to human life and the environment. Government will develop stringent strategies and regulations to address the challenge.

12. Government will continue to make conscious efforts and actions towards gender mainstreaming in the ASM sub sector.

13. Nothing in this policy document should be construed to equate ~~small scale mining~~ASM with illegal mining. ~~While encouraging small scale mining in approved areas, Government will protect bona fide mineral rights holders from interference in their operations by unlicensed persons. Government will work in partnership with all stakeholders in this regard.~~



## 10.0 SECURING THE MAXIMUM BENEFITS AND MINIMISING THE COSTS OF MINING

Government ~~wishes~~commits to ~~foster~~fostering the development of a thriving mining industry that will contribute to sustainable economic development, socio-economic empowerment of Ghanaians, and the alleviation of poverty ~~and,~~improvementsleading to the improvement of the standard and quality of life in Ghana. In this respect, Government has an important role to play in ensuring that all Ghanaian stakeholders secure the maximum ~~direct and indirect~~ benefits from mining. Government ~~has established~~will be guided by the following policies to achieve this goal.

<i>Government will ensure that mining is <u>well-integrated</u> with other sectors of the economy.</i>
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### 10.1 Generating Geo-Scientific Information to Mining

~~Detailed geo-scientific information shall be made available to both large scale and small scale miners, to generate employment and contribute to the country's industrialisation. Provision of detailed geo-scientific information involves a lot of resource commitment, therefore there is the need to commercialise this to provide the needed incentive for its sustainability. This will also ensure that the sector has what it takes to attract and motivate well-qualified professionals.~~ Government, under the leadership of the Ghana Geological Survey Authority (GGSA), will make available adequately detailed geo-scientific information for investment decision-making in the mining sector.

Projects to establish the extent of the country's mineralisation through regional air-borne geophysical surveys and other surveys will be continuously pursued. Information generated thereby would be

packaged in a way to realize its commercial value and secure continual funding for such work. Also, the prospects and conditions of work within the sector will be enhanced to attract and retain well-motivated qualified professionals.

Availability of such geo-scientific information will empower government to negotiate investment agreements that are more favourable and earn more equitable benefits from the exploitation of Ghana's mineral resource wealth. This could include creating a climate for considering competitive auctions to complement the "first come first considered" concession regime in the granting of mineral rights.

## **10.2 Creation of Linkages**

~~Conscious effort Government will also be made to channel revenues accruing from mining into specific projects to provide~~facilitate, create and sustain an enabling environment and opportunities for thriving forward, backward and side-stream linkages ~~needed~~demanating from the mining sector, for the expansion of the local economy. ~~Some work has~~

## Minerals & Mining Policy of The linkages must also enhance value retention in Ghana

~~already been done by the Minerals Commission to identify feeding into the location, extent and potential markets for certain industrial minerals. Further work will be done to expand knowledge about and potential uses of a greater range of minerals, local content and local participation policy. These imperatives are aimed at enhancing and creating more opportunities for Ghanaian individuals and business entities, at all levels including small and medium enterprises (SMEs).~~

Government in collaboration with industry will ~~also~~ continue to identify inputs (goods and services) which can be sourced locally for the mining industry. Ghanaian entrepreneurs will be encouraged to produce and provide these inputs to the mining industry ~~and to add value to the minerals produced. Further work will be done to expand knowledge on all possible mineral resource endowment and their potential, to enable Ghana to benefit from their exploitation and value addition.~~

### **10.3 Diversification of Mineral Production Base**

#### **1. Salt**

~~Ghana's comparative advantage over its West African neighbours in solar salt production stem from the favourable geographical, climatic and environmental conditions. Thus, it is Government's policy to secure the continued development of an efficient and thriving salt industry that will extract all possible by and co-products from the production process and generate supplies for domestic as well as raw material needs of appropriate local and regional industries.~~

It is also expected that the salt industry will facilitate and accelerate the development of our oil fields as well as the downstream local petro-chemical industry. The salt industry will also support the proposed integrated bauxite-alumina industry, and the agriculture, food and beverage, water and textiles sub-sectors.

Taking cognisance of land use and environment challenges in the salt producing areas, the development

~~framework will include the establishment of appropriate sustainable livelihood projects as well as environmental impact mitigating programmes that would be well suited for the affected communities to ensure that livelihood of the indigenous people are not jeopardized.~~

## 2. Base Metals

Government will ensure identification and documentation of all the mineral resources endowments of the country, to feed into the national development planning programme.

Ghana's known minerals are currently classified into three broad categories namely:

- i. Precious minerals
- ii. Bulk minerals
- iii. Industrial minerals

Government will ensure the review of the classification from time to time, in line with Ghana's development agenda and emerging trends in the global mining industry. Consideration will be given to differential policies applicable to the various classes of minerals in recognition of their unique characteristics.

The exploitation of the known minerals will be optimized, with special consideration and planning for those known minerals which have not been exploited adequately or exploited at all. Geological investigation and appropriate exploration would be undertaken to identify the undiscovered minerals.

~~As part of Government periodic review of the country's mineral resource base, results of recent exploration work done have shown occurrences of base metals such as Copper, Zinc, Nickel and Chrome in some parts of the~~

~~country. Further exploration of these deposits and others identified will be promoted to determine their economic viability.~~

### ~~3. Other Minerals~~

~~Unexploited deposits of iron ore, limestone, brown clays, kaolin, mica, columbite tantalite, feldspar, silica sand, quartz, dimension stones also exist. As energy generation and other infrastructure are improved, advantage will be taken of their existence to facilitate the exploitation and development of such deposits.~~

## 10.4 Employment Generation

~~In order to~~To maximise the generation of employment in ~~mining,~~ the mining ~~sector, the minerals and mining~~ legislation ~~requires~~will ~~continue to require that~~ mining companies ~~to~~and mineral related operations in the country give preference to the employment of Ghanaians~~– at all levels.~~

To promote this, the companies will be required:

- a. to submit a programme for the recruitment of ~~qualified~~qualified Ghanaians to be approved from time to time by the Minerals Commission, on behalf of Government; and,
- ~~b.~~to submit from time to time a programme for the

b. training of Ghanaian personnel for the approval by the Minerals Commission. The Commission will ensure that companies exhaust all reasonable means to find qualified Ghanaians before any quota for the employment of expatriates can be approved. ~~In~~To facilitate this ~~respect,~~the Minerals Commission will maintain a database of Mine Labor Information System (MLIS) which will hold data on Ghanaian Geo-scientists and other relevant professionals ~~will be kept and regularly up dated by the Minerals Commission.~~

The Artisanal and Small-scale Mining (ASM) sub-sector, including Community Mining Schemes (CMS), remains the preserve of Ghanaians.

## **10.5 -Training -of- Geo-Scientist and Other Mining Professionals**

### *Professional*

~~The~~Government, through the Minerals Commission, in consultation with the Chamber of Mines ~~and the, the accreditation authorities and~~ tertiary institutions, shall support the development of curricula of ~~geo-science and~~relevant mining courses and build capacity of other training institutions.

To afford Ghanaian geo-science students and other mining students opportunities to undertake practical training, mining companies will be expected to offer industrial attachments opportunities to students from the country's ~~tertiary~~ educational institutions. Appropriate guidelines and conditions for such attachments shall be developed in collaboration with the Chamber of Mines and other relevant institutions.

*Mining inputs and services shall be of local origin to the maximum extent possible*

## 10.6 Procurement of Local Goods and Services

The mining legislation requires mining companies to give preference to qualified Ghanaian suppliers of local goods and services. The Minerals Commission will administer this policy ~~with~~through the use of the instruments of the ~~local procurement list~~Local Procurement List and the companies' ~~procurement plans~~Procurement Plans. Professional Services should be localized to the extent possible in line with the local content and local participation policy.

## 10.7 Development of Local Infrastructure

~~In order to maximise~~To optimize the development of infrastructure, mining companies will be expected to provide adequate infrastructure necessary for mine development.use of facilities, wherever possible. Government ~~would consider proposals from companies~~will encourage mining entities to develop infrastructure ~~that may have a~~with shared usage, giving access to the adjoining communities and the wider public ~~use.~~

## ~~10.8 Rural~~ 8 Rural Transformation ~~and~~ Community Participation

Mining should be an important pillar to support the development of ~~rural Ghana~~host communities. To improve their livelihood, mining communities and mining companies should be partners in development and must tap into the unique expertise and opportunities that mining companies bring along ~~to that end~~. Mining companies shall be encouraged to actively participate ~~in~~, and support the achievement of community initiatives, especially in the areas of health care, education, water and sanitation. This makes business sense and supports the acquisition and maintenance of a social licence to operate.

Government further recognises that the benefits generated by mining in the form of fiscal receipts must be utilised to ensure ~~an~~ equitable sharing of benefits, having regard, in particular, ~~to~~for the needs of local communities most directly affected by mining. In order to achieve this, Government will ~~introduce improvements to the existing administratively operated fund (periodically review arrangements under~~ the Mineral Development Fund)for apportioning and its corollary Mining Community Development Scheme, for

returning a part of mining revenues for development projects in local communities affected by mining. ~~Legislation will be introduced to give statutory standing to the Mineral Development Fund. Amounts payable to District Assemblies and traditional authorities will be made under a transparent framework, and also be given wider and more consistent publicity.~~

*The rights and interests of landowners and local communities regarding benefits accruing from the use of land shall be guaranteed during the entire mining process.*

Additional measures will be taken to maximise the accruing benefits and minimise the negative impacts of mining on local communities by requiring that:

- a. training programmes and business development plans developed by mining companies give special emphasis to local beneficiaries;
- b. mining companies make proposals on community liaison and consultation arrangements in their mining development proposals; and
- c. local authorities, in conjunction with relevant governmental agencies, establish policies and procedures for full engagement of local representatives and other relevant stakeholders in planning and supervising local community development.

### **10.9 ~~Creation~~Sustenance of ~~Opportunities~~opportunities after ~~Cessation~~cessation of mining** *Mining*

To maximise the ~~opportunity~~opportunities for—the post-mine economic viability and sustenance of local communities, mining

companies will be required to address post-mine viability issues in their mining development proposals, including measures for post-mine closure that will be implemented prior to decommission and closure, subject to approval by relevant Government agencies such as the Environmental Protection Agency, the Minerals Commission, and the local community.

## 10.10 -Recognition of the Rights and Interests of

### Landowners

~~Legislations exist~~

Legislation exists relating to the acquisition of ~~land~~ rights for mineral operations and the obligations regarding resettlement and compensation of landowners and lawful occupiers. Procedures for ~~achieving these are transparent and predictable in~~ the assessment of compensation claims and the settlement of disputes concerning compensation are transparent and predictable.

~~Sustainable livelihood programmes to improve the economic condition of communities shall form an integral part of the planning for any mining activity.~~

## 10.11 Sustainable Livelihoods

Mining activities often cause dislocations in communities that host them, by physically removing persons from land on which they previously depended for livelihood. The payment of compensation ~~is,~~ without other corollary interventions may not be a long-term solution to such dislocation. In this connection all mining companies will be required, as part of ~~the~~their environmental management ~~plan~~plans, to develop sustainable means of livelihoods for displaced persons and demonstrate that such livelihoods provide equal or greater benefits than those previously enjoyed. Government institutions will actively support the engagement of communities in developing ventures geared to the creation of sustainable livelihoods for rural mining communities.

In cases where there is the need to resettle any ~~community~~community during mine development ~~as part of a package~~, alternative lands must be acquired to enable the people continue with their ~~farming and other socio-economic~~ activities in their new location.

~~Minerals & Mining Policy~~ Government, in partnership with mining companies and other relevant stakeholders, will explore sustainable alternative and complementary livelihood schemes to create socio-economic opportunities to improve the welfare and wellbeing of residents of Ghana ~~host communities.~~

## 10.12 Land Use

Land use choices ~~could~~ present ~~several~~ both opportunities and challenges in fostering a healthy co-existence between mining and other forms of economic activity, particularly residential development, agriculture and forestry. ~~Mining Government would, therefore, require that mining operations are to be conducted in a manner that will not cause undue disruption of the ecosystem and restore mined-out lands to other viable socio-economic uses. In the case of forest reserves the Forestry Commission must explicitly waive any restrictions to entry before any mining activity can take place.~~

Government will continuously examine land use options and make a strategic choice between mining and other forms of activity on the basis of long-term and strategic considerations. Beyond post-mining reclamation, Government will work through regulatory agencies in collaboration with operators in the mining sector to explore options for the reclamation and restoration of mined fields to be deployed to create sustainable complementary and alternative livelihood opportunities. Reclamation securities (bond) posted by the operators will be the last resort to finance the cost of such reclamation, if necessary.

## 10.13 Research and Development

Government will actively support the nurturing of a symbiotic academia-industry relationship through effective applied research and

development work in the mining sector, particularly in the following areas:

- a. small-scale mining, ~~with a view to~~ improving geo-scientific information, processing, providing feedstock for broad-based industrial and SMEs development, and reducing environmental degradation; among others.
- b. large scale mining, ~~with a view to~~ securing technical support from local research institutions and academia; on the one hand, and the mines providing practical industrial exposure for students and other trainees on the other.
- c. industrial minerals, ~~with the view to~~ (also known as “development minerals”): establishing a closer bond between mining, and industries based on the processing, value addition and use of its outputs, broadly in local industry;
- d. environmental issues relating to mining ~~with the view to mitigate its~~: mitigating negative impact and enhancing positive ones, along with adaptation strategies;
- e. ~~sustainable livelihoods, with a view to~~

- e. : enhancing the ability of mining communities to develop both direct and indirect opportunities and as means for of improved livelihoods livelihood during and after mining operations;
- f. occupational health and safety, ~~with the view to:~~ assessing and managing the ~~impact~~ impacts of specific mining activities on the health of workers and communities that host mining operations.
- g. local content and local participation: assessing and optimizing their impacts on the local economy and the wellbeing of the citizenry.
- h. Emerging trends, technologies, and practices: repositioning the mining sector for enhanced overall gains and benefits to all stakeholders, along with equitable distribution of such benefits.

Support for approved research may be made available through the Mineral Development Fund and other Government-sponsored facilities to research and educational institutions, as well as recognised professional bodies. Mining companies would be encouraged to conduct needed research in-house as well as contracting research work to local institutions and academia.





## 11.0 INSTITUTIONAL ROLES IN THE MINING SECTOR

The Minerals and Mining Policy recognises the important need for all sector institutions, both state and non-state, to collaborate to ensure that the objectives of the minerals and mining sector are achieved. ~~To foster such collaboration, The~~ Government will identify areas of collaboration among public mining sector institutions. The following is a list of the key institutions and their respective roles:

**Ministry responsible Mines** ~~(The following is a list of the key institutions and their respective roles:~~

### **I. Ministry of Lands and Natural Resources)**

The Ministry provides overall policy oversight for the natural resources sector. It is to ensure the efficient management of the nation's mineral resources and promote their judicious exploration, exploitation and processing with minimal harm to the environment, for optimum benefit to society.

### **II. Ministry of Finance**

The Ministry of Finance has overall responsibility for the formulation and implementation of national fiscal policy.

### **III. Ministry of Local Government & Rural Development**

~~III.~~ The Ministry of Local Government & Rural Development has overall responsibility for policy on local government.

### **IV. IV. Ministry of Local Government & Rural Development**

The Ministry of Local Government & Rural Development has overall responsibility for policy on local government.

### **V. Ministry responsible for the Environment (Ministry of Environment, Science & Technology, Technology and Innovation).**

The Ministry of Environment, Science—& Technology and Innovation is responsible for formulating national policy on environmental protection.

#### VI. ~~V.~~ **National Development Planning Commission**

The National Development Planning Commission is responsible for development planning strategy by

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providing a national development policy framework and ensuring that strategies including consequential policies and programmes are effectively carried out to enhance the well-being and living standards of all Ghanaians on a sustainable basis.

## VII. ~~VI.~~ **Minerals Commission**

The Commission is responsible for the promotion, regulation and management of the utilisation of the mineral resources of Ghana and the co-ordination of policies therein. Through its Inspectorate Division (formerly Mines Department), it undertakes environmental, health and safety inspection to ensure compliance with existing regulations.

## VIII. ~~VII.~~ **Ghana Geological Survey Department Authority**

The ~~Department~~GGSA is responsible for the provision of reliable and up-to-date geological information for national development through geological mapping, research and investigations.

## IX. ~~VIII.~~ **Precious Minerals Marketing Company Ltd.**

Precious Minerals Marketing Company (PMMC) is the authorised body, legally permitted to grade and assay precious minerals and further license agents in Ghana. The company is endowed with the expertise via technology in determining the purity of gold, diamond, and other precious metals. It also promotes the development of precious minerals and jewellery industries in Ghana and handles the export of all diamonds produced in Ghana.

~~The company provides official marketing services for small scale gold and diamond miners.~~ It also promotes the development of precious minerals and jewellery industries in

Ghana and handles the export of all diamonds produced in Ghana.

#### X. ~~IX.~~ **Environmental Protection Agency**

The Agency sets guidelines for the compliance of environmentally permissible mining activities. The Agency maintains close liaison with the Minerals Commission to ensure that the latter's promotional, regulatory and superintending roles over mining operations are consistent with the country's environmental requirements.

~~environmental requirements.~~

~~X.~~XI. **Forestry Commission**

The Forestry Commission is responsible for the sustainable management of the country's forestry resources. It maintains close liaison with the Minerals Commission to ensure that mining operations are carried out with due regard to the laws and regulations that govern the forestry sector.

XII. ~~XI.~~ **Water Resources Commission**

The Water Resources Commission is responsible for ensuring the sustainable use of the country's water resources. In particular, the Commission's role is important in determining alternative water uses that recognise the important attributes of water as both an economic as well as social good.

XIII. ~~XII.~~ **Lands Commission**

The Lands Commission is responsible for land use management. Through its Land Valuation Division<sub>2</sub>, it helps to determine the level of compensation to people displaced or otherwise affected by mining operations. The Survey and Mapping Division of the Commission is responsible for demarcation, mapping and certification of land boundaries, whilst the Land Registration Division manages land titles.

XIV. ~~XIII.~~ **Office of the Administrator of Stool Lands**

The Office of Administrator of Stool Lands is the body through which payments of part of royalties and rents for surface rights accruing to mining communities are made for bonafide beneficiaries.



~~XIV.~~

XV. **Bank of Ghana**

The Bank of Ghana determines the monetary policy in conjunction with the Ministry of Finance.

XVI. ~~XV.~~ **Ghana Revenue Authority (IRS/CEPS/VAT)**

The agencies of the Ghana Revenue Authority are responsible for the collection of revenues accruing to Government.

XVII. ~~XVI.~~ **Metropolitan, Municipal and District Assemblies (MMDAs)**

The District Assemblies constitute the bedrock of the country's decentralisation policy. As the focus of planning and development within the communities that come under them, the District Assemblies are empowered to ensure individual, community or district endorsement or objection of applications for mineral rights. The Assemblies are also required to ensure, through District Environmental Committees, that mining operations are carried out in an environmentally acceptable manner. The Assemblies are required to provide economic and social infrastructure from mineral royalties that accrue to them.

XVIII. ~~XVII.~~ **Traditional Rulers Authorities**

Traditional rulers are in most cases the overlords of lands on which mineral rights are acquired. They are expected to provide input on the grant of mineral rights, galvanise community members to be the local watchdog of the mining operations which they host and to ensure that such operations are carried out in conformity with the country's laws and regulations. As beneficiaries of government's mineral royalty revenues,

traditional rulers are expected to apply such funds to undertake social infrastructure and to raise the dignity of their high office.

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~~funds to undertake social infrastructure and to raise the dignity of their high office.~~

~~XVIII.~~

XIX. **Mining Communities**

Mining Communities host mining operations and therefore bear the brunt of its undesirable effects. They release lands for mining operations (in return for rent and appropriate compensation). They are to benefit collectively from part of the royalties paid from the Mineral Development Fund through the provision of social infrastructure by the assemblies and the traditional authorities. Communities have a ~~resp-onsibility~~responsibility to themselves and the nation to ensure that mining operations are carried out legally and in consonance with the country's environmental regulations.

XX. ~~XIX.~~ **Ghana Chamber of Mines**

The Chamber of Mines is an association of mining companies operating in the country, and is dedicated to pursuing the common interests of its members. Government will continue to work in concert with the Chamber to address issues of concern to its members, mindful of the supreme national interest and the achievement of the sector's objectives.

XX.XXI. **NGOs/Civil Society**

Non-Governmental Organizations (NGOs) undertake advocacy work and play an important role in empowering mining communities to improve their living conditions and understanding their rights in hosting mining operations. In providing alternative policy proposals on the sector, they make very useful contributions to sustainable development.



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**XXII. Minerals & Mining Policy Income Investment Fund (MIIF)**

The core function of MIIF is to manage equity interests of the Government in mining companies and receive mineral royalties and other related income due the Republic from mining operations. The company also manages and invests the assets of the Fund realized. All mineral royalties are channeled into the MIIF for onwards disbursement to identifiable institutions and activities.

**XXIII. Minerals Development Fund (MDF)**

The MDF provides funding for development initiatives in mining communities. The Fund provides financial resources for the direct benefit and development of mining communities, surface rights holders within mining communities, the traditional and local government authorities within mining communities and an institution responsible for the development of mining in Ghana——.

**XXIV. Ghana Integrated Aluminium Development Corporation (GIADEC)**

GIADEC has the mandate to develop and promote the Integrated Aluminium Industry (‘IAI’) in Ghana. The Corporation manages Government interest and investments in entire value chain in the production of aluminium in the IAI. GIADEC manages Government interest in Volta Aluminium Company Limited (VALCO) and Ghana Bauxite Company Limited (GBC).

**XXV. Ghana Integrated Iron & Steel Development Corporation (‘GIISDEC’)**

The core function of GIISDEC is to develop and promote an integrated iron and steel industry, whilst encouraging local content and technology transfer to boost local industrialization equitably.

**XXVI. Ghana Boundary Commission (GhBC)**

GhBC is responsible for the demarcation, delimitation and management of Ghana's international and internal boundaries (land, sea and air). The settling of boundary disputes is done through the implementation of National and Regional legislations, as well as International Conventions on boundary management and cross-border cooperation in Africa.

#### **XXVII. Academia & Training Institutions**

There are various institutions across the country that train students interested in building careers in the mining industry. Among the institutions currently running such programmes are University of Ghana (UG), University of Mines and Technology (UMAT), Kwame Nkrumah University of Science and Technology (KNUST) and University of Energy and Natural Resources (UENR). The qualifications obtained are geared towards making the graduates industry- ready by imparting knowledge for their work ethics and building their problem-solving ability.

#### **XXVIII. Ghana National Association of Small-scale Miners (GNASSM)**

The GNASSM is an association of licensed small-scale miners with the main objective of promoting the common interest of its members. Its formation was facilitated by the Minerals Commission in line with ACT703. GNASSM stands out as an interface between the regulatory agencies (MC, EPA, and WRC) and the small-scale miners for being in the forefront for mobilization efforts towards promotion of responsible and sustainable SSM and to stem the tide of destruction and ravaging effects of illegal mining.

#### **XXIX. Chamber of Bullion Traders, Ghana**

A private association of companies registered to promote sustainable gold industry in Ghana, promote partnership of members and to lobby Government on gold trade policies and laws and to discourage illegal trade.



## ~~12.0 Review of Mining Policy~~ **REVIEW OF MINING POLICY**

This policy shall be reviewed after every five (5) years unless dramatic changes occur in the minerals and mining industry, in which case, it may be reviewed as and when needed.



## APPENDICES

### Appendix 1: List of Statutes

- ~~a.i.~~ i. The Constitution, 1992
- ~~b.ii.~~ ii. Minerals and Mining Act, 2006 (Act 703)
- ~~c.iii.~~ iii. Minerals Commission Act, 1993 (Act 450)
- ~~d.iv.~~ iv. Environmental Protection Agency Act, 1994 (Act 490)
- ~~e.v.~~ v. Water Resources Commission Act, 1996 (Act 522)
- ~~f.vi.~~ vi. Forestry Commission Act, 1999 (Act 571)
- ~~g.vii.~~ vii. Local Government Act, 1993 (Act 462)
- ~~h.viii.~~ viii. Internal Revenue Act, 200 (Act 592)
- ~~i.x.~~ ix. ~~I.~~ Ghana Revenue Authority Act, 2009 (Act 791)
- ~~j.x.~~ x. Office of the Administrator of Stool Lands Act, 1994 (Act 481)
- ~~k.xi.~~ xi. Precious Minerals Marketing Company Act, 1989 (PNDCL 219)

### Appendix 2: List of Subsidiary legislations

- ~~a.i.~~ i. Minerals and Mining (General) Regulations, 2012 (LI 2173)

- ~~b.ii.~~ Minerals and Mining (Support Services) Regulations, 2012 (LI 2174)
- ~~e.iii.~~ Minerals and Mining (Compensation and Resettlement) Regulations, 2012 (LI 2175)
- ~~d.iv.~~ Minerals and Mining (Licensing) Regulations, 2012 (LI 2176)
- ~~e.v.~~ Minerals and Mining (Explosives) Regulations, 2012 (LI 2177)

- ~~f.vi.~~ Minerals and Mining (Health, Safety, and Technical) Regulations, 2012 (LI 2182)
- ~~vii.~~ Environmental Protection Agency (Mining in Forest Reserves) Regulations, 2022 (LI 2462);
- ~~g.viii.~~ Environmental Assessment Regulations, 1999 (LI 1652) ('Environmental Regulations');

### Appendix 3: Other documents

- ~~a.i.~~ Ghana's Mining and Environmental Guidelines, 1994;
- ~~b.ii.~~ Operational Guidelines for Mineral Exploration in Forest Reserves for selected Companies, 1997;
- ~~c.iii.~~ Environmental Guidelines for Mining in Production Forest Reserves in Ghana, 2001;
- ~~d.iv.~~ Guidelines for the Preparation of Feasibility study reports, 2009;
- ~~e.v.~~ Mine Closure and Post-closure Policies;
- ~~f.vi.~~ Guidelines for Corporate Social Responsibility in Mining Communities.



