

Conference Report - The Launch of the Sample Minerals and Mining Bill

Accra, 30th August 2016

*"If I have seen further than others,
it is by standing upon the shoulders of giants"*
Isaac Newton

Ambassador Elkanah Odembo (Country Director Care International in Ghana) explained in his speech: "Mining is central in Ghana, it is important for the GDP and the populations employment. But it has an impact on the people, the planet; soil, water and air, and there is the issue of profit and wealth. Mining is about prosperity for all stakeholders. That is why we need to reflect on the existing Mining law."

Mrs. Hannah Owusu-Koranteng (Associate Executive Director WACAM) explained in her speech: "The Sample Minerals and Mining Bill was developed by the Wassa Association of Communities Affected by Mining (WACAM), the Center for Public Interest Law and the Centre for Environmental Impact Analysis (CEIA) and will be launched today.

In 2001, proposals for the review of the PNDCL 153 law about the regulations of mining operations in Ghana of 1986, were presented to the government by WACAM, the League of Environmental Journalists and FIAN (German Human Rights NGO). By 2006 and many efforts and a campaign of Civil Society Organisations, some cosmetic reforms were done and the new law, the Minerals and Mining Act 703 was launched.

Due to the Foreign Direct Investment (FDI) in the mining sector through a liberal mining regulatory regime, the protection of the human rights, the environment, the community livelihoods (60'000 landlords were displaced), the water bodies, the protected areas couldn't be achieved and the benefits for Ghana were inadequate. This led to violent conflicts, based on the social, economic, cultural and environmental problems. The indigenous people in the mining communities are suffering and the current Act 703 isn't addressing those problems.

Ghana has managed to be competing for mining investment by lowering regulatory standards to stay attractive. Thereby, we have failed to regulate mining. The contribution of the mining industry to the GDP in 2014 was not more than 0.8%. The mining companies took advantage of the periods of high gold prices and increased their production, which meant increased pollution of our rivers and environment. In case, those mining companies are violating the Act 703, they pay a penalty of only 5'000 US Dollars.

Hopefully, the Sample Minerals and Mining Bill contributes to mining law reforms not only in Ghana, but in mineral endowed countries of Africa."

The video documentary "WACAMs Community-based Mining Advocacy", directed and produced by David A. Masterwille, had its premiere during the conference.

The documentary contains impressions of the communities of Kenyasi, Yarogramma, Domaa Kantinka, Samang, Tarkwa, Teberbie, New Atuabo and Dumase, which were impacted by the Mining industry. Interviewed locals mention, that they have been suffering due to being displaced by the companies for inadequate compensations of their farmland and houses.

As a last statement within the documentary, Mrs. Hannah Owusu-Koranteng explains: "We deal with a resource, that is not renewable. The longer we delay the process, the longer the effects that mining will present to us and the legacy problems that we have to deal with as a state. So it is in the interest of the state to listen."

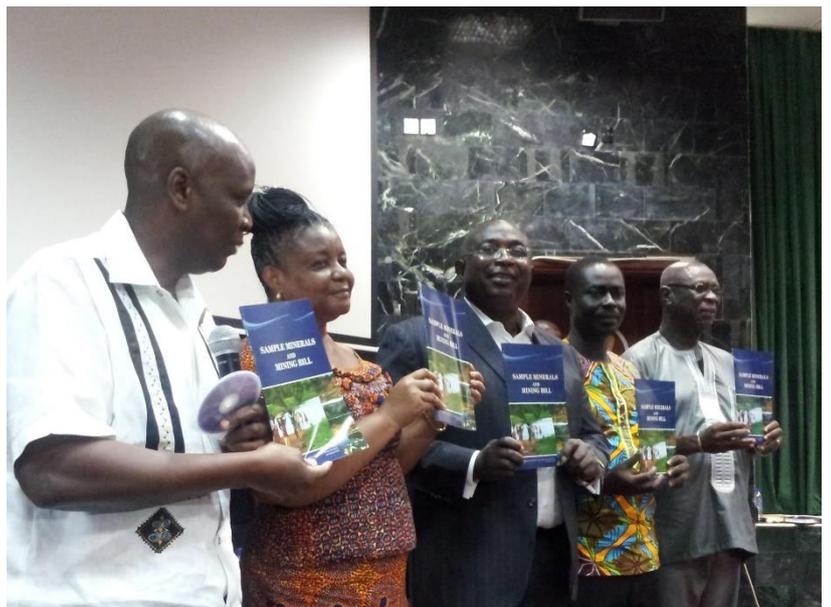
The Sample Minerals and Mining Bill was presented by Mr. Augustine Niber (Executive Director Centre for Public Interest Law), explaining: “This bill should be seen as concepts and proposals to improve the existing Act 703, which can be changed and adapted several times.”

Content of the Sample Minerals and Mining Bill:

- Ownership of Minerals and Cadastral System
- Compulsory acquisition of land
- Land available for application for mineral right
- Minister to reserve land from mining
- Environmental Protection Obligations
- Power of Grant Mineral Rights
- Human Rights Obligations
- Sustainable Development and Local Community Interests
- Water right
- Records of and reports by mineral right holders
- Transparency, Good Governance and Public access to information
- Royalties
- Recovery of debts
- Capitalisation of expenditure
- Additional benefits
- Transferability of capital
- Stability agreement
- Special share to Republic
- Surface rights and Compensation for disturbance of owner’s surface rights
- Access to the Court in respect of compensation
- Offences and penalties
- Penalty for failing to pay a fine

The Sample Minerals and Mining Bill is launched by Ambassador Elkanah Odembo, Mrs. Hannah Owusu-Koranteng, Mr. Augustine Niber, Mr. Samuel Obiri (Executive Director CEIA) and Mr. Daniel Owusu-Koranteng (Executive Director WACAM).

Copies of the Sample Minerals and Mining Bill and copies of the video documentary “WACAMs Community-based Mining Advocacy” are distributed to all conference participants.





Mr. Augustine Niber, Representative of the Mining Industry, Mrs. Hannah Owusu-Koranteng, Ambassador Elkanah Odembo and Moderator during the Panel Discussion.

Statements from the panellists during the Panel Discussion – First Part

“Resources belong to us! Ghana says; we don’t want the Mining at all, we want to give it into foreign hands! We should do own investment.”

Representative of the Mining Industry

“Changes have been made. Between 2006 – 2016, some of the equipment of the illegal Mining industry has been confiscated and high penalties have been paid by the Mining industry.”

Representative of the Parliament

“But today, even multinational companies own land...they have the whole Mining industry in their hands!”

Ambassador Elkanah Odembo

“We need a Cost-Benefit-Analysis. We need independent bodies, who give advice on the topic.”

Mrs. Hannah Owusu-Koranteng

Statements from the audience during the Panel Discussion – Second Part

"In the 80th, Tanzania opened their doors for international investments in their mines, so Ghana had to follow."

"Ghana has to negotiate as the strong party, not as the weak one against the white foreigners!"

"We need to talk to the locals, the bill has to address the needs of the communities."

"We have to give the communities, who are impacted by the mines information, what we are discussing about."

"The Mining industry is all about People, Planet and Profit."

"Go to the communities and see, what the Mining industry is doing to people. Not to animals, to human beings!"

"Who writes our laws? We are not independent. The law should suit us und not the Mining industry."

"We should focus on development – on our development – not theirs!"

"Our cultural heritage is not protected. There was no data about it before the Europeans came. After that the Mining industry destroyed everything."

Responses from the panellists during the Panel Discussion – Third Part

“We have a consensus here. We have to review the current law. It is going to be a long way. The law has to serve the people and the Mining industry!”

Mr. Augustine Niber

“We need a change of mind sets. The resources belong to us, to Ghana. The industry is changing and we should change as well.”

Representative of the Mining Industry

“The Mining is about us – don’t forget! We met because of us.”

Mr. Daniel Owusu-Koranteng

The Sample Minerals and Mining Bill and the Approach of SSF

For the work of the Social Support Foundation (SSF) as a not-for-profit, independent, nongovernmental organisation, the Sample Minerals and Mining Bill is a crucial document. SSF has been working in the field of advocacy of mine workers since many years in different projects.

Nevertheless, SSF sees this document as a motivation to keep focusing on the following actions.

A needs assessment of the communities affected by the Mining industry has been conducted, but can be further improved in the Community Action Planning to give a base for practical and direct projects to improve the public health in the communities.

Moreover, SSF sustains in taking action in terms of environmental protection by monitoring water pollutions and by putting effort in strengthening the cooperation with environmental researchers and organisations such as WACAM.

A further component are the human rights, which have to be continuously protected. In case of violation, reporting and publishing of such incidences are an important step in advocacy.

SSF has a major interest in sustainable development in the communities affected by the Mining industry, which has to be kept addressed by empowering the communities to stand up for their concerns and own development.

Furthermore, SSF takes over the role of achieving access of information for the communities, such as the transparency and sharing of the Sample Minerals and Mining Bill.

Documented by Larissa Bolliger, Intern of SSF