



Netherlands Commission for  
Environmental Assessment

# Approach for the Ghana SEA for the mining sector

Memorandum by the NCEA

August 2011



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**Advice of the Secretariat of NCEA**

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**To** Minerals Commission (MC), Environmental Protection Agency (EPA), Ghana and Netherlands Embassy

**Attn** Mr. Richard Kofi Afenu (MC), Mr. Daniel Amlalo (EPA), Mrs. Christine Asare (EPA), Mr. Ebenezer Sampong (EPA) and Mr. Ton van der Zon (Netherlands Embassy)

**From** Secretariat of the Netherlands Commission for Environmental Assessment (NCEA) : Ineke Steinhauer

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**Subject** **Approach for the Ghana SEA for the mining sector**

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## 1. Introduction

5 In April 2011, the Ghanaian Minerals Commission (MC), Environmental Protection Agency (EPA) and the Netherlands Embassy (EKN) discussed the way forward on the Strategic Environmental Assessment (SEA) of the Mining Sector. The SEA was finalized in June 2008 as part of the EU funded Mining Sector Support Programme.

10 Environmental performance is very important for the MC, especially in the context of the Natural Resources Environmental Governance Sector Budget Support (NREG SBS).

15 Since 2000, the Netherlands Commission for Environmental Assessment (NCEA) advises Ghana and EPA on various activities related to EIA and SEA. Support on SEA started with advice on the application of the SEA on the Ghana Poverty Reduction Strategy (GPRS 1) and later on continued with advice on various sector SEAs.

20 In the NREG context, MC, EPA and EKN have been discussing the SEA on mining in relation to the draft mining policy (October 2010), the mining sector medium-term development plan (MTDP) 2010-2013 (October 2010) and the draft strategic plan (2010-2020) of MC (March 2009). The outcome of several meetings was an agreement on involvement of NCEA, along the following steps, in close collaboration with MC and EPA:

25 Step 1) Check whether and to what extent SEA recommendations (from 2008) are addressed by Sector MTDP and/or draft mining policy and/or draft mining strategic plan

Step 2) If recommendations have been addressed, has that been properly done from an SEA point of view? If yes, OK, if no, suggest alternatives (if still possible)

5 Step 3) If recommendations have not been addressed, find out why not and assess possibilities to link these to future decisions (agenda setting)

Step 4) Advising on the way forward to take environment into consideration in the mining sector. Important issues are to look into the future mining planning according to different scenarios and see what the consequence of each scenario is for Ghana's environment

10 The outcome of these steps could then guide MC's preparation of the 2012 budget.

15 Both MC and EPA agreed on these steps, emphasizing that the Government of Ghana (GoG) has to own the SEA process with MC being supported by the EPA to drive the process. MC and EPA also agreed to collaborate in this area. MC stressed the fact that previous work should be taken into account to identify possible gaps and address them appropriately.

## 2. Quick scanning

20 In preparation of the meeting with MC, EPA and EKN, the NCEA performed a quick review of the SEA of the mining sector, to assess whether it conforms to good SEA practice. NCEA made use of two assessments already carried out:

- Case study; SEA of mining sector, carried out in the framework of a study carried out by consultants in collaboration with EPA called 'Review of SEA practice in Ghana', March 2009)
- 25 – Ghana Mining Sector SEA; review and recommendations, carried out by a World Bank SEA specialist, February 2011).

In the opinion of NCEA, SEA is meant as a tool to improve planning and decision making and brings in steps in the planning process that otherwise would be forgotten. SEA therefore should complement planning with:

- 30 – A solid **assessment** of environmental and other issues
- A well structured public & government **debate** on these issues
- A **mechanism** to take the results of assessment and debate into account

35 The NCEA below summarizes the main findings of both review studies already carried out and then concludes whether the mining sector SEA meets the above mentioned requirements in terms of a good assessment, a solid debated and whether a mechanism was in place to make sure that SEA results influenced planning.

**Conclusions** from the first study can be summarized as follows:

- The EIA/SEA study in the mining sector has been the largest one in Ghana carried out at sectoral level.
- As regards the coverage by the SEA of the wider environmental and sustainability issues in the mining sector, the SEA has been successful. The totality of reports available cover all possible aspects (environmental, social, economic, institutional and legal) and set an excellent state-of-the-art of the sector.
- The range of participatory events that has been organised at different levels (local, regional, national), and the level of participation by different stakeholders, is impressive. Much has been done to generate broad consultations and share commitment on the findings of the SEA.
- Yet, the various available reports still have a rather technical nature, and all participatory aspects are reflected in one report.

**Recommendations** from the first review study are the following:

- The purpose of the SEA was provision of information and general recommendations; the SEA was not meant to inform (and was not associated with) a concrete decision-making process. Therefore, concrete influences on policies, plans or programmes were not realised.
- No use was made of specific SEA tools and thus there has been limited capacity building on the conduct of SEA. For instance, the SEA misses a future perspective, e.g. by way of trends or scenarios, as one commonly encounters in SEA.
- There are no action/monitoring/implementation plan/s to implement the recommendations.

**Conclusions** from the second review study are:

- The SEA is in line with good international practice. Significant gaps to be filled in the SEA were not identified.
- However, if a large expansion of mining investment and production is expected in the next few years, an SEA to account for this development is advisable to revisit the SEA environmental and social priorities and reassess existing capacity, institutional and governance gaps to address these priorities.

**Recommendations** for an up-date of the SEA were given, comprising of:

- Adding a scenario of expanded investment and production capacity to identify potentially affected areas
- Involving all key stakeholders, including the vulnerable and weak ones, in revisiting the SEA priorities and recommendations
- Focussing the institutional, organizational and capacity assessment on what is required for managing environmental and social priorities
- Preparing a standalone report that summarizes the SEA

Based on the conclusions and recommendations of these two studies, NCEA concludes that:

- 5                   - A solid **assessment** of environmental and other issues was well done, but (a) future scenario(s) should be added
- A well structured public & government **debate** on these issues was also performed well, but more focus should have been given to some specific vulnerable and poor groups
- 10               - A **mechanism** to take the results of assessment and debate into account was lacking, therefore the opportunity to influence planning was not realised and therefore the potential of SEA was only partly used.

These conclusions led to the suggested steps already mentioned in the Introduction. In the next chapters, the steps will be further elaborated.

### 3. Step 1) SEA recommendations (2008) addressed?

15               The mining sector SEA followed six stages:

- Stage 1 – Scoping
- Stage 2 – Defining baseline conditions
- 20           2a – Policies, legislation and institutions
- 2b – Monitoring of the bio-physical environment in river basins
- 2c – Health and socio-economic surveys
- 2d – Review of EIA audit results
- 2e – Human health risks associated with mining-related contamination
- Stage 3 – Evaluation of policies, legislation and institutions
- 25           Stage 4 – Recommendations for mitigation measures, including alternatives
- Stage 5 – Development of indicators
- Stage 6 – Monitoring and evaluation

30               Stage 4–6 are summarized in one volume (June 2008, 25 pages altogether). Based on the findings and analysis of Stages 1–3, eight areas of major concern were identified. Within each of these eight areas a number (19) of issues were identified. The issue is initially summarized followed by proposals for mitigation, indicators and monitoring in that order. The indicators and monitoring recommendations partly result from consultants' deskwork and workshops involving key stakeholders.

35               The eight issues are:

- 1. Mineral Licensing and Permitting Processes;
- 2. Environmental Impact of Mining Operations;
- 3. Land Use, Resettlement and Compensation;
- 4. Royalties;
- 40           5. Mine-Community Relations and Corporate Social Responsibility;
- 6. Occupational Health and Safety;
- 7. Community Health;
- 8. Small-scale and Artisanal Mining

The purpose of the SEA was to provide information and general recommendations only. Although the SEA was not meant to inform (and was not associated with) a concrete decision-making process, NCEA has systematically checked whether the recommendations feature (perhaps unintended) in one of the following documents:

- Draft national mining policy (2010)
- Draft strategic plan for the mining sector (2009)
- Sector MTDP (2010), especially chapter 4, sector programme of action and the MTDP matrix NDPC format.

The results of this check are attached to this Advice in Annex 1.

In the table below, an attempt has been made to give scores on the basis of the assessment in Appendix 1: ++ is relatively well addressed, + is only partly addressed and 0 is not addressed at all.

1. Mineral Licensing and Permitting Process (1,3)	Score
Improved performance by authorities regarding licenses and permits for large-scale mining	+
Improved use of the EIA instrument	+
Small-scale mining	++
2. Environmental Impact of Mining Operations (1)	
Arsenic	+
Environmental management at large-scale mining operations	+
Mine rehabilitation	++
Historic environmental liabilities	0
3. Land Acquisition, Resettlement and Compensation (1,5)	
Land acquisition	+
Resettlement and Compensation	++
4. Royalties (2)	
Improved distribution of royalties	++
5. Mine-Community Relations and Corporate Social Responsibility (1,5)	
Mine-community relations, consultation and development	++
Integration of development projects with district development plans	+
6. Occupational Health and Safety (2)	
Improved OHS systems at mines through new policy and guidelines	++
Collaboration between mines and health authorities	++
OHS enforcement and supervision	++
7. Community Health (0)	
Baseline studies regarding health	0
Improved collaboration between mining companies and authorities	0
Institutional strengthening within the health sector	0
8. Small-scale and Artisanal mining (1,5)	
Small-scale mining	++
Artisanal mining	+

#### Conclusions step 1): Whether and to what extent have SEA recommendations been addressed?

In the three documents assessed, none of the specific SEA recommendations has been included in similar wording and with the same level of detail provid-

ed in the SEA recommendations. However, looking at the 8 issues that were prioritised:

- 2 issues which have been addressed rather well: ‘Royalties’ and ‘Occupational Health and Safety’
- 3 other issues have a medium score: ‘Land Use, Resettlement and Compensation’, ‘Mine–Community Relations and Corporate Social Responsibility’ and ‘Small–scale and Artisanal Mining’
- 2 issues can be significantly improved upon: ‘Mineral licensing and permitting process’ and ‘environmental impact of mining operations’
- 1 issue on ‘community health’ is not dealt with at all.

#### **4. Step 2) Recommendations addressed, but ‘SEA proof’?**

Step 2) is about the following question: If recommendations have been addressed, has that been properly done from an SEA point of view? If yes, OK, if no, suggest alternatives (if still possible).

The SEA Stage 4–6 report on Mitigation Measures, Indicators and Monitoring contains many specific suggestions for mitigation measures for each of the 8 issues. These mitigation measures can be used to further elaborate/specify the texts in the three documents, because none of these have been incorporated yet to their full extent. Appendix 1 already gives the pages/chapters in each of the documents, so this can be used for easy tracking.

However, much will depend on whether there is still a possibility to improve the 3 documents, because:

- they might be already approved, so there is no room for improvement
- the character of the document (policy, strategic plan etc.) does not allow for elaboration at that level of detail.

#### **Conclusion and recommendation step 2):**

If (one of the) three documents still offers opportunities to include SEA recommendations, NCEA advises to do so. The scores in the previous chapter 3 may give an indication of which issues need priority attention.

In the case that policies and plans have already been adopted, there might be an opportunity when these will get an up–date in the near future.

In case the level of detail of the three documents is considered not suitable for inclusion of SEA recommendations, then further thought should be given to which formal planning or decision making processes the SEA recommendations could be linked.

The SEA reports contains very specific suggestions for long term and short terms indicators, and mentions parties and timeframes for monitoring. NCEA advises to make use of these.

## 5. Step 3) Recommendations not addressed, what next?

5 Step 3) is about the situation that recommendations have **not** been addressed, find out why not and assess possibilities to link these to future decisions (agenda setting).

10 From the assessment of the three documents, there were only 4 sub-issues out of 19, that were not covered at all: the one on 'historic environmental liabilities' and three on 'community health'.

As this advice is a desk study (quick scan) only, it was not possible to find the reasons why these issues have not been addressed.

### 15 **Conclusion and recommendation step 3):**

These 4 sub-issues basically deal with surveys and collection of baseline data. On environmental liabilities, EPA, MC and District Assemblies are suggested to take the lead.

20 The main stakeholders in relation to community health are Ghana Health Survey, EPA, Chamber of Mines, Inspectorate Division and District Assemblies. Both themes also as a separate program could be developed, not specifically linked to any future decision or planning process.

## 25 **6. Step 4) The way forward?**

Chapter 4 and 5 give specific recommendations how to make better use of the results of the SEA of 2008 in current and on-going planning and decision-making.

30 NCEA also observed that the three documents that were assessed, were not always consistent with each other. One would expect that the National Mining policy sets out the general policy framework, which would be elaborated in the Strategic Plan (2010–2020) and further specified in the MTDP 2010–2013. It seems as if each document is drafted without taking notice of the others. Such coherence could further be improved upon e.g. making use of consistency analysis (an SEA tool used frequently in the 'Ghana SEA approach').

40 Another important observation, which should be given follow-up and on which both reviews in Chapter 2 agree is including a future perspective, e.g. by making use of scenarios. A large expansion of the mining sector could be expected in Ghana and therefore it was suggested to add a scenario on expanded investment and production capacity using spatial analysis to identify potentially affected areas.

45 In fact, the focus of the 2008 SEA can be summarized as 'getting grip on mining development' and 'identifying and solving problems' related to mining. What is lacking is clearly stating future objectives and ambitions for the mining sector. An addendum/up-date to the SEA of 2008 could therefore focus more on 'controlling and guiding' mining development and 'exploiting opportunities'. In this approach it is important to:



- make an inventory of decisions that lie ahead in the mining sector on which GoG has to take a position.
- determine for which of these decisions an SEA up-date/addendum would have most added value. For this, three criteria can be used:
  - o decisions that limit or steer follow up decisions in plans at lower level or on projects, and
  - o for which alternatives exist that from an environmental/social viewpoint potentially are better, and
  - o of which the environmental and social effects can in some way be estimated, qualitatively or quantitatively.

Hereunder an inventory is made of these kind of decisions, including suggestions for alternatives/scenarios that could be part of such an SEA addendum.

- 1) *pace* of mining development in tune with market conditions. SEA can compare future scenarios; e.g. Alt 1: rapid development versus Alt. 2 slow development
- 2) *type* of mining: SEA can compare different scenarios for Alt. 1 only large scale mining, Alt. only small scale mining and Alt 3 (or more) to compare different ratios: e.g. 70-30, 50-50 or 30-70%)
- 3) In determining a policy on the best combination of sustainable use of mineral resources, effective compliance of economic needs and the spatial impacts of extraction, SEA can help in comparing options on *where* minerals may be extracted, in which zones within these regions and *how much* minerals may be extracted within this zone in e.g. the period 2011 - 2030. The SEA could develop alternatives for location and depth (shallow/deep) of extraction for each zone and/or each type of mineral (gold, salt etc.)
- 4) the selection or regulation of the *best exploration and exploitation technology* from an environmental and social point of view and the *choice of appropriate locations* for exploration and exploitation in order to minimize potential risks to natural and social values and vulnerabilities *including routing of related infrastructure* (transport, energy) Alt. 1 conventional technology versus Alt. 2 most environmentally friendly technology, Alt. 1 and 2 in combination with several routing alternatives.
- 5) Options for *sustainable co-existence* with other sectors, such as agriculture, nature conservation, leading to (a combination of) conditions for e.g. specific areas or certain types of areas that cannot be opened to mining exploration or only if certain prerequisites are met or with a sound contingency planning and emergency preparedness. Alt. 1 is e.g. a combination of the strictest conditions, Alt. 2 is a less strict combination of conditions
- 6) Alternatives for *pollution and waste* (solid, liquid, hazardous and domestic) management, e.g. Alt. 1 Centralized and Alt. 2 decentralized management options, disposal options and transportation options
- 7) Proposals for *improving (institutional) capacity* of different competent government institutions to monitor and enforce compliance with laws, regulations, standards and/or conditions that are necessary for achieving a sustainable use of mineral resources

## Annex 1

### Issue 1: Mineral Licensing and Permitting Processes

5 *Sub issue 1.1: Improved performance by authorities regarding licenses and permits for large-scale mining*

10 Licensing and permitting processes regarding mining rights and environmental permits will have to be rendered more effective. This includes improvements regarding administrative formulas and procedures mainly through the merging of some application procedures and stronger inter-institutional collaboration to insulate the applicants from duplicate requirements (a major revision of the system is proposed whereby only one application is submitted to the authorities by any company and powers of the joint technical committee is strengthened).

15 Decentralisation of work to the regional offices of MC and EPA, including transfer of work tasks to Inspectorate Division

#### **Draft national mining policy (2010)**

20 Partly addressed in Chapter 4 (Minerals licensing) and Chapter 5 (Environmental Regulation of mining). Especially p. 17 (para 3 and 5) offer opportunities to further specify the recommendation.

The decentralisation recommendation remains unaddressed

#### **Draft strategic plan for the mining sector (2009)**

25 Not addressed

#### **Sector MTDP (2010)**

Not addressed

30 *Sub issue 1.2: Improved use of the EIA instrument*

A more efficient application of the EIA instrument to cover all of the main aspects of a mining venture, including environmental, social, economic, safety, health and cultural topics, including consulting other institutions more efficiently (e.g. District Assemblies)

#### **Draft national mining policy (2010)**

35 Partly addressed in Chapter 5 (Environmental Regulation of mining), P. 17 para 5 speaks of the need to develop standards and new guidelines .....

40 Involvement of other institutes, and specifically recommendation to have prior authorization of District Assembly of the affected district before granting mineral rights and operation permits: not addressed

#### **Draft strategic plan for the mining sector (2009)**

45 Not addressed

#### **Sector MTDP (2010)**

Addressed in general terms (through e.g. Chapter 4, 5.1, 5.2 and 5.8)  
Also in MDTP matrix NDPC format: 1.1.7 on review guidelines on mining in forest reserves and 4.42 which speaks about promotion of better economic, environmental and social assessments prior to designation of mining areas.

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*Sub issue 1.3. Small scale mining (SSM)*

The delegation of all work regarding licensing, permitting and supervision of small scale mining to the regional offices of MC and EPA, including the required associated strengthened regarding equipment as well as with human resources

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**Draft national mining policy (2010)**

To a great extent addressed in Chapter 8, where mention is made of the establishment of District Offices manned by MC personnel (p.23), simplification of procedures (p.24, para 2)

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The recommendation that prospective areas to be allocated exclusively to SSM be subject to SEA by the MC in collaboration with the EPA is not addressed. This is an interesting option for the simplification of procedures to ensure limited requirements and rapid environmental assessment and mineral licensing processes, and thereby promote compliance

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**Draft strategic plan for the mining sector (2009)**

Not addressed, only speaks of intensification of SSM

**Sector MTDP (2010)**

Addressed partially (through Chapter 4, 2.7 and 5.7)

5.8 suggests to facilitate the conduct of EIA/SEA on designated lands for SSM  
Also in MDTP matrix NDPC format: 2.38 and 4.41 which speak of increased regularization of small scale mining, including review of procedures for obtaining licences. See also 4.44 and 4.45 referring to capacity and legislation to be developed for SEA.

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**Issue 2. Environmental Impact of Mining Operations;**

*Sub issue 2.1 Arsenic*

There is a significant spread of arsenic to nature in some of the mining areas. Due to the potential risk for impacts from arsenic on humans and the environment, it is recommended that those companies releasing arsenic-bearing waters or sediments promptly revise their processing schemes.

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**Draft national mining policy (2010)**

Not addressed

**Draft strategic plan for the mining sector (2009)**

Not addressed

**Sector MTDP (2010)**

Addressed in Chapter 4, 5.8 last item: 'Facilitate execution of pilot remediation of arsenic pollution on heavily identified polluted areas'

45

MDTP matrix NDPC format also mentions remediation of arsenic pollution in 2.25)

*Sub issue 2.2. Environmental management in large scale mining operations*

5 Monitoring procedures and routines for mining companies' reporting to the authorities on environmental issues should be revised, as currently data are reported to the authorities without any in-house analysis or apparent use of the data by mining companies.

**Draft national mining policy (2010)**

10 Not addressed. Section 5.2 speaks of guidelines for monitoring plans and programmes, but does not further specify

**Draft strategic plan for the mining sector (2009)**

Not addressed

15 **Sector MTDP (2010)**

Partially addressed (through Chapter 4, 1.1 (on monitoring visits to small scale miners), 2.8. (on guidelines for Corporate Social Responsibility and development of Annual tracking mechanisms) and 3.1 (on mine monitoring visits to ensure adherence to mining and environmental regulations).

20 MDTP matrix NDPC format mentions 2.26: guidelines for environmental reporting mining companies

*Sub issue 2.3 Mine rehabilitation*

25 It is proposed that the initiative is taken by the Chamber of Mines to contribute to the promotion of effective rehabilitation at all mines, by spreading the excellent knowledge and experiences of some of the mines.

**Draft national mining policy (2010)**

30 P. 10, item 9 mentions 'incorporating in the licensing system an early focus on mine closure planning...' and item 15 on development of an 'approach to mine planning, development and decommissioning'

P. 16 mentions Mine Closure and post-closure policies and also on p. 18, even specific mention is made of further work to be done on mine rehabilitation (para 6.1 and 6.2).

35 Chapter 9, para 8, p. 29 deals briefly with creation of opportunities after cessation of mining.

**Draft strategic plan for the mining sector (2009)**

Not addressed

40 **Sector MTDP (2010)**

Chapter 4 mentions under 1.2 about pursue reclamation and plantation development in areas mined out by illegal small scale miners.

In 3.1. reference is made to guidelines to be developed regarding mine closure and post closure in collaboration with EPA

45 See also MDTP matrix NDPC format: 1.1.3 and 2.27 on reclamation and plantation development and on guidelines for environmental rehabilitation and decommissioning of mine sites

*Sub issues 2.4 Historic environmental liabilities*

Regarding the mitigation of historic environmental liabilities (old mine sites, without owner or responsible party), it is recommended that an assessment is carried out concerning the extent, localization, type, estimated costs, and priority of remediation by MC, in collaboration with EPA and District Assemblies.

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**Draft national mining policy (2010)**

Not addressed

**Draft strategic plan for the mining sector (2009)**

Not addressed

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**Sector MTDP (2010)**

Not addressed

**Issue 3: Land Acquisition, Resettlement and Compensation**

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*Sub issue 3.1: Land Acquisition*

The management of land issues related to the mining sector will have to be improved to avoid conflicts around community access to land, disputes of right to land and landownership. Also sometimes mineral licenses are issued in conflict with district and community land development. Thus, it is recommended that all land acquisition will be done considering the provisions of the Land Administration Project, including a deeper consultation with the relevant District Assemblies.

20

**Draft national mining policy (2010)**

Addressed in general terms on p. 6 and 7: ii. 'Taking measures to minimize social conflicts...' and x. 'Ensuring adequate consultation with other sectors in the planning and development....'

25

Also in general terms in Chapter 9, para 9 (p. 29) with a sentence referring to new mining legislation elaborating provisions relating to the acquisition of land rights for mining operations and Chapter 9, para 11 (p. 30) on Land use, speaking about a healthy co-existence between mining and other forms of economic activity

30

**Draft strategic plan for the mining sector (2009)**

Recognizes the problem in a SWOT analysis from the mining sector perspective namely on , p. 10 and 11 ('More mineral reserves being located in forest reserves' and 'Nebulous land tenure system which makes access to land difficult and not guaranteeing security of tenure'). There is however no strategy planned to overcome this problem.

35

**Sector MTDP (2010)**

Not addressed

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*Sub issue 3.2 Resettlement and Compensation*

Furthermore, in order to assist all stakeholders (mining companies, communities, institutions, etc.) it is recommended that national guidelines for resettlement and compensation are developed, led by EPA and MC with broad stakeholder involvement.

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**Draft national mining policy (2010)**

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Addressed on p. 10. Para 10 ‘Promoting additional and alternative livelihoods in mining communities’. P. 12 speaks about Draft Compensation and Resettlement Regulations (2010). P. 15. 10.2 mentions payment of compensation and other safeguards...P. 16 mentions Compensation Policy and Regulations, P. 17 para 4 speaks about government agencies providing assistance to local communities on issues such as resettlement and compensation... Chapter 9, para 9, p. 29 also elaborates on ‘obligations regarding resettlement and compensation of landowners and lawful occupiers...’ Chapter 9, para 10. p. 29 is on Alternative livelihoods; it is mentioned a.o. that all mining companies are required to develop alternate livelihoods for displaced persons...’ Chapter 9, para 12 on p. 30 mentions it to be an area for applied research and development work

**Draft strategic plan for the mining sector (2009)**  
Not addressed

**Sector MTDP (2010)**  
Not addressed  
Only briefly mentioned in MDTP matrix NDPC format: 1.1.6 ‘Prepare LI on regulations for the payment of compensations...’

#### **Issue 4: Royalties**

##### *Sub issue 4.1. Improved distribution of royalties*

Ghana has joined the Extractive Industries Transparent Initiative (EITI) and has initiated work according to an implementation strategy for EITI in Ghana. Of particular importance is the need for the development of national and regional mechanisms for improved accountability and transparency in the distribution and use of funds derived from mining royalties. This should be an integral part of the Ghana EITI. The fact that the SSM sector does not contribute to royalty payments is another concern and contribution should be resumed.

**Draft national mining policy (2010)**  
Addressed in general terms on P. 7 vi. ‘Ensuring equitable distribution of benefits...’ and on p. 10 again. 4 ‘Ensuring an equitable sharing of the financial and development benefits...’  
P. 12 makes mention of Draft minerals (royalties) regulations (2010)  
Chapter 7 p.21 speaks of ‘the Policy seeks a fair sharing of revenues generated, while attracting investment into the sector’.  
Also Chapter 9, para 7 on p. 28 speaks clearly about improvements to the Mineral Development Fund for apportioning mining revenues to affected communities under a transparent framework.

**Draft strategic plan for the mining sector (2009)**  
Addressed on p. 9, ‘Ensuring equitable distribution...’ And on p. 11: ‘Transformation of task force into a permanent multi agency committee on revenue generation’. In the attached strategic plan matrix, there is mention of Government to channel 20% royalties paid to mining communities for rural development and empowerment by the year 2020 (objective 5.)

**Sector MTDP (2010)**

Addressed in Chapter 4, 2.2. 'Promote actively countries involvement in EITI which seeks to ensure transparency...." Also in 2.8 Reducing social conflicts, which mentions ensuring the equitable distribution through passage of the Mineral Development Fund Bill.

Finally in 5.6 to 'Accelerate the formulation of a National Mining Policy to ..... address concerns of communities, chiefs and District Assemblies on percentage of royalties allocations'. (same in MTDP Matrix NDPC format 4.40) MDTP matrix NDPC format includes 1.2.0 'Review appropriate policies, legislation .....to ensure increased realisation of mining revenues'.

EITI is mentioned in the same matrix under 2.29. and 2.37 speaks of 'Reduce social conflict issues in mining communities by ensuring the equitable distribution of the mining revenues through the passing of the Mineral Development Fund Bill.

## **Issue 5. Mine community relations and Corporate Social Responsibility**

### *Sub issue 5.1 Mine community relations, consultation and development*

Some large-scale mining companies have invested significant funds and effort, and achieved commendable results, with respect to community development projects. In line with this, it is proposed that the Chamber of Mines develops mechanisms for companies to learn from, and follows successful cases. Such mechanisms should primarily include the establishment of guidelines for the way in which mines communicate with all stakeholders, including communities; local and traditional authorities; and government administration. Importantly, the development of the guidelines should be done in consultation with all relevant stakeholder groups.

#### **Draft national mining policy (2010)**

P. 5, 5 mentions 'respect for the rights of communities that host mining operations' and also on p. 6 items nrs. 13, 14, 15 and 17 address the issue of local community participation in different ways.

P. 14, item 7 mentions procedures for effective participation of communities in the licensing process.

P. 16 mentions the existence of Guidelines for Corporate Social Responsibility in Mining Communities.

P. 17 para 4 speaks about government agencies providing assistance to local communities on issues affecting them...'

Chapter 9, para 7 on p. 28 on Rural Transformation and Community Participation also addressed the issue in very specific terms.

#### **Draft strategic plan for the mining sector (2009)**

Not addressed

#### **Sector MTDP (2010)**

Addressed in Chapter 4, 2.8 which is about guidelines for Corporate Social Responsibility, and which mentions the idea of provide a platform for transparent engagement of major stakeholders in the mining sector to increase harmony within the sector. (same in NDPC matrix 1.1.5)

### *Sub issue 5.2. Integration of development projects with district development plan*

Community programmes should be implemented in collaboration with District Assemblies.

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**Draft national mining policy (2010)**

Chapter 9, para 7 on p. 28 on Rural Transformation and Community Participation also addressed the issue in very specific terms, also mentioning the role and tasks of District Assemblies.

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**Draft strategic plan for the mining sector (2009)**

Not addressed

**Sector MTDP (2010)**

Not addressed specifically

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**Issue 6: Occupational health and safety (OHS)**

*Sub issue 6.1: Improved OHS systems at mines through new policy and guidelines*

*Sub issue 6.2: Collaboration between mine and health institutes*

*Sub issue 6.3: OHS enforcement and supervision<sup>1</sup>*

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It is recommended that a national policy is developed for OHS issues specific to mining in Ghana, followed by the development of more detailed guidelines for the OHS management within the mining industry. In this context, a working group should be established with participation by the different stakeholders in order to find ways of improved collaboration between mining companies and health authorities. OHS site inspections by the Inspectorate Division should be more focussed on health issues than what is the case today.

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**Draft national mining policy (2010)**

P. 12 mentions the existence of Draft mining regulations (health and safety) of 2010.

30

P. 16 addresses 'that internationally accepted standards on health, mine safety and environmental protection are considered'

Chapter 6 dedicates about 2 pages to OHS and on p. 30 it is mentioned as a subject for further research and development.

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Strangely enough the Ministry of Health/Ghana Health Service is not mentioned in the overview of key sector institutes.

**Draft strategic plan for the mining sector (2009)**

Not addressed

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**Sector MTDP (2010)**

Addressed in Chapter 4, 3.1: Develop practical guidelines regarding OHS in Ghana (same in NDPC matrix 2.28 and also 2.24 on improving the environmental and natural resource management for health and safety..<sup>1</sup>

<sup>1</sup> Three issues assessed together because they greatly deal with the same subject



2.39 mentions production of new processing equipment (Sika Bukiya), which is less harmful to health for small scale miners, because no mercury is used.

## Issue 7: Community health

5 *Sub issue 7.1 Baseline studies regarding health*

*Sub issue 7.2 Improved collaboration between mining companies and authorities*

*Sub issue 7.3 Institutional strengthening within the health sector<sup>2</sup>*

10 It is proposed that comprehensive baseline studies regarding health are carried out. This data would serve as a basis for the local authorities, in partnership with the mining companies and other actors, to plan for appropriate interventions addressing actual health problems. In addition, the base-line studies would serve as a starting point for the regular monitoring of changes in the health status of communities. Moreover, it is recommended that guidelines are developed for the health baseline information to be provided in EIAs. These guidelines should be developed by Ghana Health Service, in consultation with Ghana Chamber of Mines, EPA and District Assemblies.

15  
20 In order to boost the cooperation between mining companies and authorities, it is recommended that the health information systems of the mining companies are harmonized with the health information system of GHS. This to avoid situations where large scale mining companies contribute with improvement of community health, but without proper participation, leading to the situation that neither mine nor community feels responsible for maintenance and that projects are not integrated well enough with development plans of health authorities.

25 The capacity of the regional and district health services needs to be strengthened, especially to recognize and treat health problems related to mining.

### **Draft national mining policy (2010)**

30 Not addressed

### **Draft strategic plan for the mining sector (2009)**

Not addressed

### **Sector MTDP (2010)**

35 Not addressed

## Issue 8: Small scale and artisanal mining

*Sub issue 8.1 Small scale mining*

Already dealt with in 1.3

<sup>2</sup> Three issues assessed together because they greatly deal with the same subject

*Sub issue 8.2 Artisanal mining*

5 In realization of the economic importance of the (illegal) artisanal mining activities for large groups of the population, strong efforts should be made to promote the formation of legal entities and the observance of environmentally acceptable procedures also within this sector. This to avoid considerable adverse environmental and socio-economic impacts. Such promotion should be carried out by the regional offices of MC and EPA, entities that consequently will have to be strengthened. Furthermore, the same entities should contribute to the resolution of conflicts between the regular mining companies and artisanal miners by furthering compromises and activating the District Assemblies to help in finding solutions.

**Draft national mining policy (2010)**

Does not distinguish between small scale and artisanal mining.

**The draft strategic plan for the mining sector (2009)**

does recognize the problem (p. 10 mentions as a weakness 'large army of illicit miners' and p. 11 'extreme poverty witnessed in mining communities')

**Sector MTDP (2010)**

Not addressed specifically

NDPC matrix mentions under 2.35 'Improve the capacity and operations of the SSM sector and reduce illegal mining (galamsey)'.  
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