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The Status of Domestication of the Africa Mining Vision in Ghana:
The Case of Artisanal and Small-scale Mining

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SARW Southern Africa Resource Watch

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The Status of Domestication of the Africa Mining Vision in Ghana: The Case of Artisanal and Small-scale Mining. April 2024.

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Southern Africa Watch (SARW) works for participatory, transparent and accountable utilisation of extractive resources in a manner that optimises transformative social and economic benefits and inter-generational equity, with sensitivity to environmental and human rights impacts.

Abbreviations

AfDB	African Development Bank
AMDC	Africa Minerals Development Centre
AMGF	Africa Minerals Governance Framework
AMV	African Mining Vision
ASGM	Artisanal and mall-scale gold mining
ASM	Artisanal and small-scale mining
AU	African Union
CMS	Community mining scheme
ECA	Economic Commission for Africa
ECOWAS	Economic Community of West African States
EPA	Environmental Protection Agency
ERPs	Economic reform programmes
FPIC	Free, prior and informed consent
GNASSM	Ghana National Association of Small-Scale Mining
GoG	Government of Ghana
GSGDA	Ghana Shared Growth and Development Agenda I and II (2013 and 2017)
IMCIM	Inter-Ministerial Committee on Illegal Mining
IMF	International Monetary Fund
LSM	Large-scale mining
KPCS	Kimberly Process Certification Scheme
KNUST	Kwame Nkrumah University of Science and Technology
MICs	Mining Intelligence Committees or Units
MLNR	Ministry of Lands and Natural Resources
MMIP	Multi-sectoral Mining Integrated Project
NIB	National Investment Bank
NREG	Natural Resources and Environmental Governance
PAID	Project Appraisal and Implementation Document
PMMC	Precious Minerals Marketing Company
SAPs	Structural adjustment programmes
SARW	Southern Africa Resource Watch
SSM	Small-scale mining
TJN-Africa	Tax Justice Network – Africa
TWN-Africa	Third World Network – Africa
UMaT	University of Mines, Tarkwa
UNECA	United Nations Economic Commission for Africa

Foreword

The Africa Mining Vision (AMV) stands as a beacon of hope for the sustainable and inclusive development of the mining sector across the African continent. As we navigate the complexities of artisanal and small-scale mining (ASM), it is crucial to reflect on the progress made and the challenges faced in domesticating the AMV in Ghana and beyond.

This report sheds light on the efforts and interventions undertaken in Ghana to align its mining policies with the AMV, particularly in the ASM sector. It highlights the successes achieved, such as the development of policy frameworks and the establishment of institutional mechanisms to support responsible mining practices. However, it also brings to the forefront the persistent challenges, including environmental degradation, illegal mining activities, and the need for enhanced enforcement of regulations.

Looking ahead, it is imperative for Ghana and other African countries to reevaluate their strategies and commit to "walking the talk" in pursuing the AMV's objectives. This requires a concerted effort to strengthen policy frameworks, enhance institutional capacity, and address financing and taxation issues in the ASM sector.

On a broader scale, collaboration among African nations, regional bodies, and international partners is essential to advance the AMV agenda continent-wide. By sharing best practices, building capacity, and addressing common challenges, we can accelerate the realization of the AMV's transformative ambitions and pave the way for sustainable development in the mining sector.

I commend the stakeholders, researchers, and policymakers who have contributed to this study and call upon all stakeholders to join hands in realizing the vision of a thriving and responsible mining sector in Africa.

Together, we can harness the potential of our mineral resources for the benefit of all, ensuring a future where prosperity, sustainability, and inclusivity go hand in hand.

Executive summary

This report presents the findings of a study on efforts to domesticate the Africa Mining Vision (AMV) in Ghana's artisanal and small-scale mining (ASM) sector. It highlights the interventions and challenges faced by stakeholders in the sector. The study was conducted in line with the Reclaim Sustainability! (RS!) programme which aims to promote inclusive and sustainable gold mining and trade in Kenya, Uganda, and Ghana, positioning advocacy for better regulation of ASM in Africa. The programme aims to promote a responsible gold value chain with inclusive decision and policy-making, and where biodiversity is protected.

The RS! programme's focus overlaps with the AMV's objective of ensuring that Africa strategically utilises its mineral resources for broad-based, inclusive, and sustainable development. The report assesses the implementation of the AMV in Ghana's mining policies and recommends policy advocacy and learning on the use of AMV in national policies to inform ASM and natural resource governance. Its preparation relied on an extensive desk review of secondary materials and semi-structured interviews with key stakeholders. The study adopted the African Mineral Governance Framework (AMGF) as a toolkit for tracking and analysing the state of domesticating the AMV in Ghana, focusing on ASM. The AMGF reflects an intent to deepen the commitment to implementing the AMV by serving as a monitoring tool to help African countries determine their progress in realising the transformative ambitions of the vision.

Ghana has been at the forefront of the AMV agenda since its inception, hosting the first inter-ministerial conference in 2008, prior to the adoption of the vision. It has since taken steps in domesticating policy and legal prescriptions of the AMV in its mining regime. With the support of United Nations Development Programme (UNDP) Ghana, the country undertook a review of alignment between the AMV and Ghana's policy and legal frameworks in the solid minerals sector in 2015 and 2016, leading to the identification of critical issues that need to be addressed to achieve AMV-compliant status. The partnership (Ghana and UNDP) also undertook a social analysis of the ASM sector in Ghana, flagging critical issues of concern for the government to address.

Subsequent policy frameworks, such as the 2014 Minerals and Mining Policy, the 2015 ASM Framework, and the 2017 Multi-sectoral Mining Integrated Project, generally align with the goals and recommendations of the AMV. This demonstrates Ghana's commitment to domesticating the AMV. However, the actual situation on the ground falls short of expectations. The increasing involvement of influential and politicallyconnected individuals in ASM activities, the presence of foreigners in the sector in violation of the law, the worsening environmental impact of ASM activities, and the frequent crackdowns by state security on ASM activities have become characteristic of the sector, particularly in the gold industry. These challenges make it difficult for relevant government agencies to implement policies and enforce laws in the ASM sector. As a result, there is a disconnect between Ghana's alignment with the AMV and the reality on the ground. Ghana must reevaluate its strategies and "walk the talk" if the country wants to be taken seriously as far as pursuing the AMV is concerned.

Based on the study's findings and conclusions, the following recommendations are suggested under different headings:

-Policy and regulatory frameworks: The government should create and implement policies that support responsible ASM practices and address the negative impacts of ASM activities on the environment and communities.

-Institutional framework: The government should strengthen the institutional framework for ASM by creating dedicated agencies to oversee and regulate ASM activities. - Financing and taxation: The government should provide financial support to ASM operators and implement a fair taxation system that takes into account the different stages of the mining process.

-Environmental issues: The government should enforce environmental regulations and promote sustainable mining practices that reduce the negative impact of ASM on the environment.

-Occupational health and safety issues: The government should prioritize the safety and health of ASM workers by enforcing safety regulations and providing training and education on safe mining practices.

-ASM and sustainable community development: The government should prioritize sustainable community development by promoting social responsibility among ASM operators and creating programs that support community development initiatives.

-ASM and sustainable livelihoods: The government should promote ASM as a tool for sustainable livelihoods by creating programs that support ASM operators to develop their skills and capacities and by facilitating access to markets and financing.

-Gaining access to information and technology: The government should create programs that provide ASM operators with access to information and technology that can help them improve their mining practices and increase productivity.

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1. Introduction

This report presents the findings of a study on efforts to domesticate the Africa Mining Vision (AMV) in Ghana's artisanal and small-scale mining (ASM) sector, and highlights the interventions and challenges faced by stakeholders in the sector. The study was conducted in line with the Reclaim Sustainability! (RS!) programme which aims to address challenges in the gold sector in Kenya, Uganda, and Ghana, contributing to knowledge and positioning advocacy for sustainable and inclusive ASM in Africa. The RS! programme aims to promote a responsible gold value chain where ASM operators, including women miners, work under legal and safe conditions, with inclusive decision and policy-making, and where biodiversity is protected.

The RS! programme's focus overlaps with the AMV's objective of ensuring that Africa strategically utilises its mineral resources for broad-based, inclusive development. It addresses unfair value distribution, unsustainable artisanal and small-scale gold mining (ASGM) practices, rights violations, and unsafe labour practices in the ASGM sector.

The report assesses the incorporation and implementation of the AMV in Ghana's mining policies and recommends policy advocacy and learning on the use of AMV in national policies to inform ASM and natural resource governance.

The report comprises fourteen sections grouped into three categories. The first four sections, Including the current introductory section, provide background and context to the report. The next three sections focus on the country's overview of the ASM sector, policy and legal frameworks for the ASM sector, and institutional framework and capacity. The following seven sections present and discuss findings from the assessment of AMV implementation in Ghana as it relates to the ASM sector, covering the following key themes: financing and taxation of ASM; environmental issues in ASM; occupational health and safety; ASM and communities; gaining access to information and technology; and contextual and emerging issues. The final sections are the conclusion (status of the country's domestication of AMV), performance ranking through scoring on critical themes, and recommendations.

1.1. Background

In February 2009, the African Union (AU) Heads of State and Government adopted the Africa Mining Vision (AMV) as a developmental framework to respond to what the AU describes as the paradox of mineral wealth existing alongside pervasive poverty. The essence of the AMV has been to foster “transparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development” (AU and UNECA, 2011 pp xiii). The AMV's adoption followed the October 2008 meeting of African Ministers responsible for Mineral Resources Development in Accra, Ghana, which mooted the idea. After the adoption, another ministerial conference organised in 2011 produced an action plan and an analytical framework report by an international study group to support the implementation and realisation of the AMV. In 2013, the

Africa Minerals Development Centre (AMDC) was established by the Summit of the AU Heads of State and Government to "coordinate and oversee the implementation of the Africa Mining Vision and its Action plan" (AU, undated). The AMDC was initially hosted at the United Nations Economic Commission for Africa (UNECA). In January 2016, the AU Assembly adopted the Centre's Establishment Statute, leading to a 2021 hosting agreement between the AU and the government of Guinea.

Since the adoption of the AMV, there has been a raft of efforts at the continental, regional and national levels towards implementing and realising the AMV. Ghana, which hosted the October 2008 meeting of African ministers that led to the adoption of the AMV, has since shown enthusiasm for reforming its mining regime to comply with the AMV agenda. Early in 2010, the country made changes to its mining fiscal regime by altering the sliding scale royalty regime (that ranged from 3 per cent to 6 per cent, although in practice all mining firms were paying 3 per cent) to a fixed 5 per cent (Reuters, 2009). This was followed by establishing a government negotiation team to renegotiate mining stability agreements in the sector and provide a more progressive template to guide the country's future grant and administration of mining stability agreements. The following year, the country adopted six subsidiary legislations (regulations) to give "meaning" to and improve enforcement of the mining law passed six years earlier in 2006. Key among these regulations was the local content regulation that, for the first time in the country's mining history, introduced a framework which sought to compel mining companies to "indigenise" their operations through employment and procurement of local goods and services.

In November 2014, Ghana published a supposedly AMV-inspired 50-page minerals and mining policy framework document with 16 specific objectives (pp 15-16), one of them seeking to "implement through the African Minerals Development Centre policies outlined in the African Mining Vision, and the Mining Policy Framework" (Government of Ghana, 2014, pp 16). This was followed in November 2015 by adopting another "Artisanal & Small-Scale Mining (ASM) Framework" policy with five[1] specific policy objectives. Though this framework curiously had no mention of the AMV in its entire 53 pages, it was more ambitious than the 2014 sector-wide policy framework, with identified strategies, activities, indicative budget, expected output/outcomes and responsibilities for the short, medium and long term aimed at improving ASM in Ghana from 2015 to 2023. With a total budget of GHC25 141 440,[2] the ASM policy framework had specific targets to achieve over the period that included formalising 50 per cent of illegal small-scale mining (SSM) activities, processing 90 per cent of SSM licenses at the district level, and processing 80 per cent of SSM licenses issued within 150 days. While the government was working on these two pieces of mining policy framework, it was also involved in a more AMV-related project with the United Nations Development Programme (UNDP) that led to the production of a review of alignment between the AMV and Ghana's policy and legal frameworks for solid minerals in July 2015 and a social analysis of Ghana's ASM sector in December 2016.

Despite all these efforts, Ghana's ASM sector continued to deteriorate as the environmental cost arising from the sector's predominantly illegal activities went through the roof. With an increasing number of foreigners engaging in ASM activities illegally, devastating thousands of acres of arable lands, farms and forests, and heavily polluting major river bodies, a new government which took office in 2017 changed course. For the first time since mining sector reforms in the 1980s, in February 2017 the government issued a ban on all forms of small-scale mining (particularly in the gold sector), directed at both licensed and unlicensed miners (Tei-Kumadoe, 2020) which remained in effect for almost two years until December 2019 (Oxford Business Group, 2019). Following precedents in the sector dating back to the late 1980s, the new government (further to the ban on ASM) established and commissioned an Inter-Ministerial Committee on Illegal Mining in April 2017, which subsequently launched Operation Vanguard, a Military Police Joint Task Force to enforce the ban and combat illegal mining in Ghana. In 2017, the government introduced the Multi-Sectoral Mining Integrated Project (MMIP), "a five-year project that presents an integrated approach for achieving overall project outcomes and deliverables and represents a framework for collaboration with key stakeholders to sanitise the Galamsey menace"(Ministry of Lands and Natural Resources, 2017).

1.2. Methodology

The process leading to the preparation of this report consisted of two main components: a desk review of secondary materials and fieldwork.
The desk review focused on developing and implementing sustainable ASM policies and the significant issues, gaps, challenges, and opportunities associated with this process. The review further analysed the policy environment, including the ASM formalisation process, land policies, incentive regimes, revenue, and financial policies vis-à-vis ASGM, referencing existing background frameworks, including the AMV and other essential policies advancing the field of ASM. It involved the review of relevant literature such as policy framework documents, academic journals, reports, policy statements, newspaper clippings, and other published documents.

The fieldwork primarily involved semi-structured key informant interviews of 13 relevant stakeholders: ASM operators, representatives of ASM associations, officials of key government agencies, civil society organisations and academics. The development of related data collection instruments (mainly institution-specific interview guides) was informed by the literature review and contextual review of the African Mineral Governance Framework (AMGF) Pillar 5, which focuses on artisanal and small-scale mining. The AMGF, developed by the AMDC with the support of the African Union Commission (AUC) Department of Trade and Industry) (Economic Commission for Africa, 2017) and complimenting the Country Mining Vision Guide Book earlier produced by the AMDC, has emerged as a standard for assessing AMV implementation.

The study adopted the AMGF as a toolkit for tracking and analysing the state of domesticating the AMV in Ghana, focusing on ASM. The AMGF reflects an intent to deepen the commitment to implementing the AMV by serving as a monitoring tool to help African countries determine their progress in realising the transformative ambitions of the Vision. Table 5

1 In the Implementation Plan of the policy framework, a sixth policy objective of discouraging all forms of gender biases was included.
2 Out of this total budget, the government of Ghana was to provide GHC 6 093 680 (24.24 per cent), development partners through the Natural Resources and Environment Governance (NREG) Programme were to provide GHC19 037 760 (75.72 per cent), while the Minerals Commission was to contribute GHC10 000 (0.04 per cent) from its Internally Generated Fund (IGF). These values were reported (apparently in error) to be in thousands of Ghana Cedis.

2. Country Overview of the ASM sector

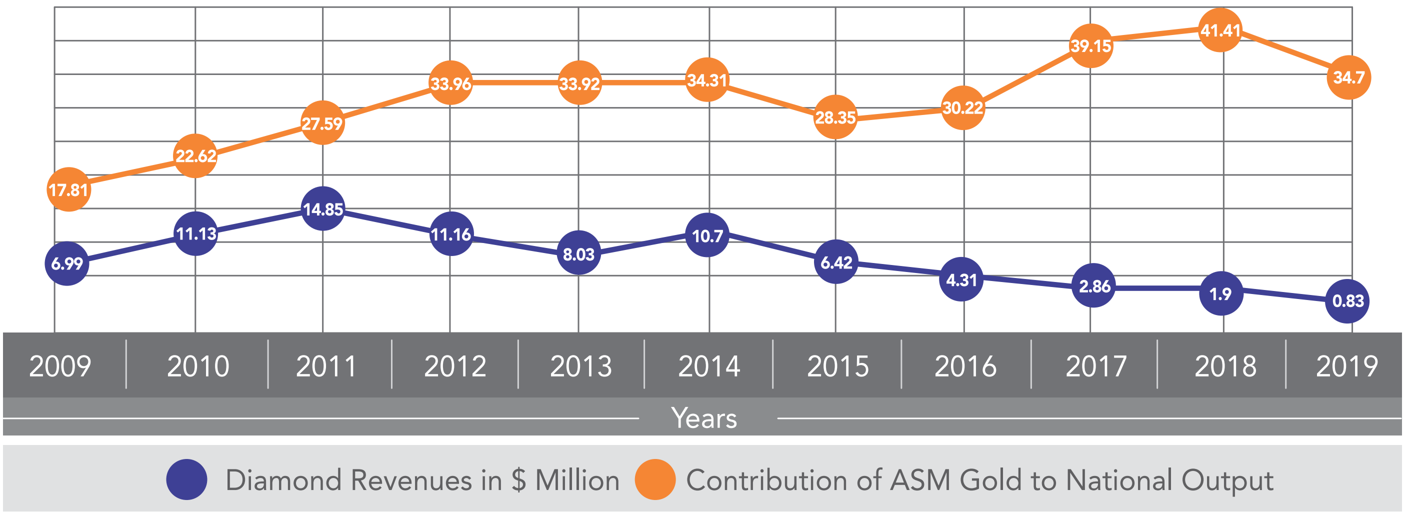
Artisanal and small-scale mining (ASM) has taken place in Ghana for centuries, predating the arrival of European colonial powers who were attracted to the country due in part to the country's significant endowment of mineral resources. The mineral resources that have historically been the focus of ASM activities include precious minerals (mainly gold and diamonds) and industrial minerals (particularly salt, sand, granite, kaolin, quarries or gravels, clay, feldspar and limestone, among others). Until the late 19th century, when the first large-scale mine (for exploiting gold) was established in the Western Region of Ghana (the Tarkwa-Prestea enclave), all mining activities in Ghana were predominantly done by ASM operators. Thus, Ghana's historical feat as the number one gold producer globally between 1493 and 1600, when the country accounted for 36 per cent of total world gold output (Government of Ghana, 2014), was achieved on the back of ASM.

The locations or concentrations where ASM activities occur and their extent, scope, nature, and impacts differ markedly based on the types of minerals involved and their occurrence. While ASM activities in minerals such as sand and quarries or gravels are spread quite evenly throughout the country, production of other minerals (such as gold, salt, diamonds, clay and limestone) are concentrated in particular areas of the country. Salt production occurs almost exclusively along the coast[3] in Central, Greater Accra and Volta regions where requisite environmental factors such as proximity to a lagoon, low rain, and high levels of sunshine are available. Diamonds are produced exclusively in the Eastern region (specifically the Akwatia area) by ASM operators, and gold mining by ASM takes place in 11 of the 16 regions in Ghana: Ahafo, Western, Western North, Ashanti, Eastern, Northern, Upper East, Upper West, Savannah, North East, and Central Regions (GHEITI, 2022).

Statistics about the economic importance of the ASM sector to Ghana are challenging, and (when available) their reliability has been characterised by some level of doubt. This results from the industry being overwhelmingly informal, as is the case with the Ghanaian economy in general. Notwithstanding, some estimates for outputs such as gold, diamonds and salt exist. Salt production by ASM has hovered around 100 000 metric tonnes per annum for decades, while the national salt production has been three to four times higher. Over the past few years, however, nearly all ASM salt production activities at the Songor Lagoon have ended. This has followed the acquisition of the entire lagoon enclave and neighbouring towns totalling more than 40 000 acres by Electrochem Ghana Limited, which has been met with violent resistance by indigenes whose livelihood activities, such as salt production, fishing and farming, have been curtailed by the company.

Gold and diamond production by ASM have historically been estimated or proxied by purchases of these minerals by dealers licensed by the Minerals Commission and Precious Minerals Marketing Company Limited (PMMCL). In 1989, ASM produced 9 272 ounces of gold (representing 2 per cent of total production) and 34 158 carats of diamonds (representing 40 per cent of the total output) (MLNR, 2017). By 2016, ASM production of gold had reached 1.2 million ounces (representing 31 percent of the total output), and that of diamonds had reached 173 863 carats (representing 100 percent of the total output) (ibid). In 2020, the production of diamonds decreased by a quarter to 25 292 carats, equivalent to US$660 000, from 33 789 carats, equal to US$830 000 in 2019 (GHEITI, 2022). Likewise, gold production by ASM operators reduced by a quarter from 1 587 888 ounces in 2019 to 1 175 318 ounces in 2020 (GHEITI, 2022). In terms of value, the reduction in gold output from US$2 207 967 255 in 2019 to US$2 044 530 645 in 2020 was less than eight per cent. The chart below (Figure 1) shows the ten-year performance of ASM activities in the precious metals sector (gold and diamonds) since adopting the AMV.

FIG 1: Production of ASM Precious Metals



Source: Minerals Commission and Ghana Chamber of Mines

Further to the production activities, there is more significant local beneficiation of minerals and metals produced by ASM operators than those produced by large-scale mining (LSM) operators. While the gold, diamonds and salt produced by ASM operators have been subject to varying levels of local beneficiation as well as intense regional and international trade, the other minerals produced (sand, clay and quarries) have been used almost entirely in related economic sectors that included construction and ceramics sectors. Ghana's centuries-old jewellery industry is a crucial part of the country's heritage and produces various products for the chieftaincy institution and the general public. Southeastern parts of the Volta Region and central parts of the Eastern Region are noted areas where ceramic products (such as bowls and pots) and earthenware have historically been made. Given the informality that characterises production and beneficiation activities in the ASM sector, the number of people involved is difficult to establish, and different figures (that have hovered between one and two million) have been reported in various literature.

3 The country is also endowed with rock salt at Daboya in the Northern Region which has been exploited for centuries. However, over the past few decades, very few salt production activities have taken place there.

Despite the importance of ASM activities in entrepreneurship, job creation, income generation, contribution to GDP and foreign exchange earnings, there has been a tall and growing list of challenges characterising ASM activities (particularly those involved in the precious metals sector). These challenges have included conflict between ASM and LSM operators on the one hand, and between ASM activities and mining communities (especially farmers whose lands are negatively affected by ASM activities without compensation) on the other. Workers in the ASM sector have consistently raised concerns about poor working conditions, with some of them battling mining-related health complications and others losing their lives in pit collapses. The ASM operators themselves have had relatively little financial and technical support. The increasingly damaging effects of ASM activities on the environment (particularly water bodies, forests and farms) attributable mainly to ASM operators in the gold sector have, over the past decade, created a very negative image of ASM activities that has fueled various crackdowns by the government and a complete ban on all ASM activities (particularly in the gold sector) for almost two years in the recent past (in 2018 and 2019). These have been a concern for the government, which has failed to regulate the sector properly. The open involvement of politicians and elites in society and the influx of foreigners in a sector traditionally reserved for Ghanaians complicate the issues for the government.

3. The Africa Mining Vision and its Implementation Processes

The Africa Mining Vision (AMV) seeks, among other things, to develop “a mining sector that harnesses the potential of artisanal and small-scale mining to stimulate local and national entrepreneurship, improve livelihoods and advance integrated rural social and economic development” (UNECA, 2017). The ASM sector is, therefore, an essential pillar in the AMV and its implementation processes. In the action plan for the implementation of AMV, the ASM sector features as one of the nine critical programmatic clusters to create “a mining sector that harnesses the potential of artisanal and small-scale mining to advance integrated and sustainable rural socio-economic development” (AUC, AfDB and UNECA, 2011). The expected accomplishment of the programme is “A viable and sustainable artisanal and small-scale mining sector that contributes to growth and development” (AUC, AfDB and UNECA, 2011). The following are the critical set of intervening activities that were identified by the action plan for execution at the national and regional levels, with monitoring indicators and time frames ranging from short-term to medium-term.

3.1. National-level intervening activities

1. Regularise and mainstream ASM into broad-stream socio-economic activities.
2. Develop policies, laws, regulations, standards and codes to promote a viable and sustainable ASM sector.
3. Develop programmes to upgrade knowledge, skills and technologies in the ASM sector, including:
- enabling local service providers in the sub-sector;

- developing models for partnership with the government and large-scale mines to facilitate access to technology, skills, knowledge and market;
- financing and marketing programmes appropriate to the ASM sector;
- improving health, safety, environmental protection and gender equality in ASM.

4. Determine and designate geologically suitable areas for ASM.
5. Promote youth employment and engagement in the ASM sector.
6. Develop methodologies or templates for distinguishing potentially viable ASM operations for targeted support.
7. Develop and strengthen ASM associations.
8. Implement international and regional instruments relevant to the ASM sector.
9. Develop programmes for promoting value-addition in ASM.
10. Develop institutional linkages from national through to local levels for effective management of ASM.

3.2. Regional-level intervening activities

1. Establish regional economic communities (RECs) to harmonise ASM policies, laws, regulations, standards and codes.
2. Coordinate and facilitate technology development and transfer at sub-regional level.
3. Develop and promote implementation of a regional toolkit for engagement between LSM and ASM, including requiring LSM to develop the capacity of ASM.
4. RECs to lead initiatives to formalise and upgrade skills, knowledge and practices in the ASM sector.
5.Promote and coordinate standard measures for training, examination and certification for the ASM sector.
6.AUC and NEPAD Planning and Coordination Agency (NCPA) to lead efforts to develop continental policies, laws, regulations, standards and codes to promote sustainable ASM.
7.Adopt and strengthen measures to address illicit trade in minerals.

Further to the action plan, the AMDC has produced the Africa Minerals Governance Framework (AMGF), a monitoring and accountability framework to assess progress in implementing the AMV and deepening member countries' commitment to the AMV. The AMGF complements the Country Mining Vision developed by the AMDC in 2014 as the paramount instrument through which countries align their mining laws and policies to the tenets of the AMV (UNECA, 2017). Developed to be administered by member states through regular (triennial) assessments, the AMGF is structured around six thematic pillars, including ASM, with gender, young people, human resource capacity development, and technology being cross-cutting issues. From the perspective of AMGF, the key expected outcome from the implementation of the AMV is “improved entrepreneurship in an environmentally and socially responsible manner, leading to sustainable livelihoods, growth and development”. At the same time, the intervention area is “improvement in the viability, progressivity and sustainability of the artisanal and small-scale subsector to enhance its contribution to growth and development through gaining access to training, extension services, finance, marketing and cleaner, efficient technologies” (UNECA, 2017). The following are the critical areas for assessment as per the AMGF:

a. policy and legal frameworks for artisanal and small-scale mining;
b. institutional framework and capacity;
c. financing and taxation of artisanal and small-scale mining;
d. environmental issues in artisanal and small-scale mining;
e. occupational health and safety;
f. artisanal and small-scale mining and communities;
g. artisanal and small-scale mining and sustainable livelihoods;
h. access to information and technology.

The AMGF offers a list of 60 questions to guide stakeholder consultations and engagements to gather requisite information to assess the progress in aligning policies, laws and practices to the tenets of the AMV and, by extension, realising the vision. The government of Ghana has yet to undertake an industry-wide assessment of efforts towards realising the AMV using the AMGF. In 2015 and 2016, the United Nations Development Programme (UNDP) launched some mining sector interventions, including a review of alignment between the AMV and Ghana's policy and legal frameworks for solid minerals and a social analysis of Ghana's ASM sector. The Tax Justice Network – Africa (TJN-Africa) also assessed Ghana's efforts towards implementing AMV prescriptions related to the fiscal regime in the mining sector as part of a three-country regional AMV study.

4. Policy and Legal Frameworks for ASM in Ghana

The policy and regulatory frameworks provide fundamental principles and standards that guide and govern the exploitation of mineral resources. In Ghana, these principles and standards primarily derive from the 1992 constitution and are fleshed out in policy documents and legal instruments to enable their implementation and enforcement.

This section offers a comprehensive overview of key constitutional provisions, related policy documents, and legal instruments related to mining, specifically ASM activities. Subsequent sections take up detailed aspects of policy and law, in an effort to show how the policy and legal landscapes have evolved over the past decade since the AMV has been in force. This enables readers to appreciate efforts being made in Ghana towards implementing and realising the AMV as far as domesticating AMV tenets in national policies and laws are concerned. The section starts with crucial provisions in the constitution related to mineral exploitation in general and to ASM activities in particular. This is followed by a broad overview of policy and legal frameworks, highlighting their evolution.

4.1. Key Provisions of the 1992 Constitution Related to ASM Activities

Following the first wave of resource nationalism across Africa in the 1960s (soon after political independence across much of the continent), all mineral resources in Ghana were nationalised or made the state's property. Their exploitation was supposed to ensure the optimum benefits for the country and its people. In the maintenance of the status quo, Article 257(6) of the 1992 Constitution states that "every mineral in its natural state in, under or upon any land in Ghana, rivers, streams, water courses throughout Ghana, the exclusive economic zone and any area covered by the territorial sea or continental shelf is the property of the Republic of Ghana and shall be vested in the President on behalf of, and in trust for the people of Ghana". This position, as earlier intimated, has been in place since 1962 when the Minerals Act (Act 126), for the first time in the history of Ghana, provided for the vesting of the "entire property in, and control of all minerals in, under or upon, any lands in Ghana, all rivers, streams and watercourses throughout Ghana and land covered by territorial waters" in the president of the Republic of Ghana in trust for the people of Ghana.

The 1992 constitution further gives basis for the establishment of a licensing regime by providing in Article 268(1) that "any transaction, contract or undertaking involving the grant of a right or concession by or on behalf of any person including the Government of Ghana, to any other person or body of persons howsoever described, for the exploitation of any mineral, water or other natural resource of Ghana made or entered into after the coming into force of this Constitution shall be subject to ratification by Parliament". This follows the precedent set by the 1962 law, which empowered the president to grant permits for prospecting and exploiting minerals. This made licensing a condition precedent to mining activities in Ghana to ensure proper regulation of mining activities to derive optimal benefits from mineral exploitation for the people of Ghana.

4.2. Overview of policy frameworks related to ASM activities

At the dawn of the AMV, policies about mining in Ghana could be found in the World Bank- and IMF-influenced medium-term Poverty Reduction Strategy Papers (PRSPs) and annual government policy and budget statements. Given the mining sector's historical economic importance, it featured prominently in these policy documents, especially in government revenues and foreign exchange earnings. The predominant policy that had guided mining in Ghana since the World Bank- and IMF-influenced Structural Adjustment Programmes (SAPs) and Economic Reform Programmes (ERPs) in the 1980s (dominated by the Mining Sector Reform Programme) has been unbridled liberalisation of the mining regime along with substantial incentives (fiscal and non-fiscal) to attract predominantly foreign investors to invest in and expand mining activities. There have been a couple of short-lived efforts for the ASM sector to support them (especially in the form of finance) beyond the regularisation of previously illegal ASM gold mining activities. However, providing ASM operators (especially for gold and diamonds) with marketing channels allows the government to mobilise foreign exchange earnings that neighbouring countries would have otherwise captured. The following are the key policy initiatives that the government of Ghana has promoted to support ASM activities.

4.2.1. Ghana Shared Growth and Development Agenda I and II

The Ghana Shared Growth and Development Agenda (GSGDA) I and II covered the periods 2010 to 2013 and 2014 to 2017 respectively. Each typically had about eight broad focus areas or themes covering the economy. Each wide policy area of focus or theme was subsequently split into critical sub-themes. The relevant sub-theme from GSGDA I was "restoration of degraded natural resources", while that of GSGDA II was "sustainable natural resource management". From these sub-themes, specific policy objectives and strategies were then formulated. The frameworks had no targets for a detailed assessment of progress even though they identified implementing and collaborating agencies for the policy objectives and strategy. Even though these medium-term frameworks offer a platform for enhancing the domestication of the tenets of AMV, they are less ambitious regarding implementation and assessing progress made. Subsequent medium-term frameworks do not provide a rigorous assessment of preceding frameworks as these frameworks do not have SMART objectives and targets.[4] Appendix A reproduces matrices of sub-themes, policy objectives, strategies, and implementing or collaborating agencies with relevance to the mining sector and ASM. Some of the strategies include enforcing compliance with relevant regulations and guidelines on small-scale mining (including environmental impact), completing geological exploration to identify suitable areas for small-scale mining, and improving the technical capacity of small-scale miners to enhance efficiency and sustainability in their operations.

4.2.2. Minerals and Mining Policy of Ghana (2014

The government of Ghana published its maiden minerals and mining policy in November 2014 with the theme of "ensuring mining contributes to sustainable development". As earlier indicated, the policy framework commits to implementing the AMV and other international frameworks, such as ECOWAS-led harmonisation of mineral policy and the AfDB's facilities for legal support and fair exploitation of mineral resources in Africa. Section 9 of the policy is devoted to ASM seeking to "enhance the development of an efficient, modern and sustainable small-scale mining sector, involving both precious and industrial minerals" (Government of Ghana, 2014, pp. 34). This policy goal is to be achieved on the back of nine specific strategies (See Box 1) that include improving access to finance for small-scale miners, simplified procedures for obtaining requisite licenses and permits, blocking out areas to be reserved for small-scale mining based on the technical and financial viability of areas, and development of standardised procedures. It has been almost a decade since the policy was adopted, but sector developments raise questions about implemention of the policy framework. This is particularly so given the various military crackdowns on the ASM precious metals sector over the period. Even though the policy document is provided for review every five years, it is unclear if a review as contemplated in the policy has ever been done and, if so, what were the findings and did the government take remedial action.

4 *SMART objectives are Specific, Measurable, Achievable, Relevant, and Time-Bound.*

Box 1: Measures identified in the 2014 Minerals and Mining Policy to be pursued in support of ASM:

1 Improving access to finance for small-scale miners, including:
- 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 and training;
- promoting of co-operative savings schemes, pooled equipment leasing arrangements, and concessional lending schemes (with special support funding from both local and international sources); and
- providing tailored assistance in basic business skills.

2 The minerals licensing system restricts the granting of mineral rights for small-scale mining operations to Ghanaian citizens. Simplified procedures for applying for these licences 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 activity based on technical and financial viability of the areas.

4 To manage land use conflicts in the context of small-scale mining, the Minerals Commission will develop standardised procedures, including adequate advance notice and community participation in deliberations leading to the designation of areas.

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, 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.

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.

4.2.3. Artisanal and Small-Scale Mining (ASM) Framework (2015)

In November 2015, a year after publishing the Mineral and Mining Policy document, the Minerals Commission published the Artisanal and Small-scale Mining Framework. The idea of assembling a specific policy framework was born from the five-year Natural Resources and Environmental Governance (NREG) programme implemented by five major development partners[5] to provide annual sector budget support to address governance issues in the natural resources sector. The ASM framework seeks to improve the overall governance of the mineral resources sector, and particularly the ASM sector. Referencing key national policies such as the minerals and mining policy, national

5 The participating development partners are Agence Francois de Development (AFD), the UK Department for International Development (DfID), the European Commission (EC), the Royal Netherland Government (RNG) and the International Development Association (IDA – WB).

environmental policy, national land policy, national water policy, national climate change policy, national budget statements and the Ghana Shared Growth and Development Agenda (GSGDA), the framework identified vital issues and undertook countrywide stakeholder consultations at eight locations[6] and a validation workshop in Accra to solicit inputs into the framework.

The ASM framework identified eight key issues or challenges in the ASM sector and proffered six main policy goals to be implemented to address them (Appendices B and C reproduce two matrices, one for the eight key issues or challenges and the other for policy goals and strategies to address the problems and challenges). The matters included environmental degradation, weak enforcement of laws and regulations, and inefficient use and management of natural resources. The six policy goals include regulating and assisting ASM to improve efficiency, ensuring the use of appropriate and safe techniques, and developing an efficient fee system for ASM, among others. Among the list of strategies and expected outputs and outcomes, formalising 50 per cent of illegal ASM operators, processing 90 per cent of SSM licenses at the district level and 80 per cent of SSM licenses issued within 150 days stand out. Unfortunately, most of these outputs failed to materialise by the end of the 2023 framework period.

4.2.4. Multisectoral Mining Integrated Project (2017)

The Ministry of Lands and Natural Resources (MLNR) published a Project Appraisal and Implementation Document (PAID) on the Multisectoral Mining Integrated Project (MMIP) in June 2017. This followed a historical ban on all ASM activities (especially precious metals) that lasted for two years. The MMIP was hailed as holding the key to the problems confronting the ASM sub-sector, especially regarding precious metals where illegal activities had almost taken over and ASM activities were synonymous with conflicts and environmental degradation. Referencing key policy frameworks, including the Africa Mining Vision, the MMIP claimed to offer an overall strategy and activity components to help curb illegal mining activities in Ghana. Like the abandoned ASM framework, the MMIP development benefited from stakeholder validation workshops in four regions to elicit adequate buy-in and ensure local ownership.

The MMIP had the following five key components:

- Review and enforce the legal and regulatory regime;
- Reclaim degraded lands, dredge silted estuaries and waterways, and free lands for agribusiness;
- Implement social interventions to facilitate sustainable livelihood creation in mining communities;
- Adoption of technology to ensure efficient mining, processing, environmental and monitoring activities; and
- Capacity building of ASM, regulatory institutions and project management.

6 The eight locations are Akim Oda, Assin Fosu, Tarkwa, Bibiani, Wa, Bolgatanga, Dunkwa and Asankrangwa.

Interestingly, the MMIP proposed establishing Mining Intelligence Committees or units (MICs) at the district level, separate from the largely dysfunctional District Mining Committees provided for in the mining laws. The MICs were meant to assist the Minerals Commission district offices with information on mining activities. Still, there needs to be more clarity about the authority they will report to and how their activities will be financed. The entire project was planned to be implemented in five years, with specifically identified activities under the various components phased into short-term (within 12 months), medium-term (13 months to 36 months) and long-term (37 months to 60 months). The project cost $200 million, and the government of Ghana was expected to contribute 20 per cent. The MMIP suffered the same fate as the ASM framework: non-implementation. Over the past few years, the MMIP has metamorphosed into other projects currently being implemented with the support of the World Bank and other partners. These are the ASM Formalisation Project, the Ghana Landscape Restoration, and the Small-Scale Mining Project.

4.2.5. Community Mining Scheme (2019)

In 2019, the government of Ghana launched the Community Mining Scheme (CMS) to respond to illegal mining activities by encouraging locals in mining communities to undertake responsible, viable and sustainable small-scale mining (GHEITI, 2020). The CMS seeks to promote effective local community participation in small-scale mining by allowing communities to organise as cooperatives or related organisational frameworks to undertake joint small-scale mining activities. The thrust of the CMS policy has been to create jobs and improve livelihoods in mining communities, improve the working conditions of workers at ASM sites, and minimise the environmental degradation that has become characteristic of ASM activities. According to GHEITI (2020), the CMS combines both Small-Scale Mining (by the Minerals and Mining Act, 2006 (Act 703)) and the Tributer System (by Regulations 493-506 of the Minerals and Mining (Health, Safety and Technical) Regulations, 2012 (L.I. 2182)).

4.2.6. MIIF's Incubation Programme for ASM (2023)

In its Quarterly Market Outlook published in March 2023, the Minerals Income Investment Fund (MIIF) announced the establishment of the Small-Scale Mining and Incubation Programme (SSMIP), which "seeks to invest in licensed small-scale mining companies with defined resources and the need for capital and technical support to grow and develop into responsible and sustainable mid-tier mining operators" (MIIF, 2023). This initiative's pilot phase has begun, with an initial investment outlay of US$30 million and a plan to cover over 100 companies in the next five years (MIIF, 2023). The initiative is expected to contribute to the formalisation of ASM in Ghana, provide traceability of mined gold, enforce environmental, social and governance compliance, and promote sustainable and responsible mining. The MIIF was set up in 2018 to manage and invest royalties and dividends from all minerals and to manage the government's equity interest in mining companies. Over the past few years, MIIF has invested about US$35 million in the firm developing Ghana's first lithium mine at Ewoyaa, US$30 million in the firm exploiting salt at Ada Songor, and US$40 million in the firm that operates Chirano and Bibiani gold mines (among others). If it can implement the incubation programme, there could be a turnaround for small-scale mining in Ghana. The MIIF, however, has some transparency issues to address as questions have recently been asked about its criteria for selecting the firms it invests in and the lack of detailed reports on its activities.

4.3. Overview of legal frameworks related to ASM activities

The legal framework comprises legal and regulatory instruments that apply to ASM activities. These instruments, among other things, make provisions for laws and procedures for the award and management of exploration and production rights, as well as how ASM operators conduct themselves throughout the mining cycle. The 1992 constitution aside, the 2006 Minerals and Mining Law (Act 703), which replaced the 1986 Minerals and Mining Law (PNDCL 153), is the parent law governing mining activities in Ghana. Sections 82 to 99 of the law apply strictly to ASM and provide for licensing of ASM activities, applications for a license, conditions for the grant of a license, areas covered by a license and revocation of ASM license. These sections of the law also deal with the transfer of licenses, designated areas for ASM activities, the establishment of district offices of the Minerals Commission to supervise ASM activities, the establishment of Small-Scale Mining Committees, the use of explosives, the purchase of mercury, and the sale of minerals and jewellery among other things.

The mining law has since been amended a couple of times[7], and in 2012 the government adopted six subsidiary legislative instruments to improve its enforcement. In 2020, subsidiary legislation on tracking earthmoving and mining equipment (LI 2404) was adopted to enhance the monitoring and supervision of ASM activities, especially in the gold sector. In collaboration with the University of Mines, Tarkwa, the Minerals Commission has commissioned a system at the Accra office that tracks explosives, vehicles and excavators. The system can also generate data on mineral volumes passing through the scanners installed near quarry sites. Further to the core mining laws and regulations, some other laws and regulations have implications for mining activities in general and ASM in particular. These include laws and regulations on environmental protection, land, forestry, water resources, and taxation.

The 1999 Environmental Assessment Regulations (LI 1652), for example, provide for the conduct of environmental impact assessments for certain categories of economic activity, including mining. For ASM activities, however, the regulations only require operators to provide a statement on how they will manage the negative impacts of their activities rather than a full-blown environmental impact statement, as is the case with large-scale mining activities. ASM operators are not required to post reclamation bonds, as with LSM operators. However, the Environmental Protection Agency (EPA) engaged stakeholders to demand reclamation bonds from ASM operators. Some international initiatives, such as the Kimberly Process Certification Scheme (KPCS), are signed on by the government of Ghana. Finally, a list of guidelines also contributes to regulating ASM activities.
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7 The Minerals and Mining Act, 2006 (Act 703) has been amended by the Minerals and Mining (Amendment) Act, 2010 (Act794), the Minerals and Mining (Amendment) Act, 2015 (Act 900) and the Minerals and Mining (Amendment) Act, 2019 (Act 995).

Appendix D provides a list of critical laws, regulations and guidelines that constitute the legal framework for the ASM sector.

5. Institutional framework and capacity

The institutional framework comprises critical public and private establishments mandated to perform certain functions necessary for adequately regulating ASM activities to ensure optimal exploitation of mineral resources that will benefit Ghanaians who collectively own these resources. The president's trustee role has implications for the president's office in the institutional architecture of mining in general and ASM specifically. Major decisions usually require cabinet approval and all ministries with responsibility in the mining sector report to the president.

The executive branch of government and the laid-down procedures that govern regularised ASM activities have been blamed for the proliferation or dominance of illegal ASM activities. The procedures are deemed too bureaucratic and less than friendly to ASM operators. The indication by the government in the 2015 ASM Framework that 50 per cent of illegal ASM operators could be formalised (with 90 per cent of SSM licenses processed at the district level, and 80 per cent of SSM licenses issued within 150 days) raises legitimate questions about the source of continued delays that characterise the licensing regime and are primarily responsible for the widespread informality and illegality typical of ASM activities. Miners interviewed indicated that delays and bureaucracy are the main reasons behind illegality in the ASM sector, as a license typically takes over a year to process. However, the MMIP identifies nine key factors that encourage or promote illegal operations (see Box 2), and none of them touches on bureaucracy or delays in the licensing regime.

Box 2: Factors Encouraging Illegal Small-scale Mining (Galamsey) (from MMIP, pp 12):

a) The relatively high gold price which makes marginal gold deposits economically viable for illegal small-scale miners;
b) The perception that illegal mining appears to be more lucrative than other small-scale poverty-alleviation ventures;
c) Greed and a 'get-wealth-quick' mentality;
d) The connivance of some chiefs, landowners and opinion leaders with foreigners operating in remote areas (and areas not designated for mining activities, e.g. river bodies, forest reserves etc.);
e) Ghanaians fronting for foreigners to operate in the small-scale mining sector;
f) Political interference and corruption;
g) Perceived complexity of the licensing process;
h) Introduction of mechanised methods of mining and processing; and
i) Weak enforcement by relevant institutions.

Source: Ministry of Lands and Natural Resources, 2017

Beyond the executive, the parliament and judiciary have general mandates or responsibilities for making laws and adjudicating mining-related matters that have far-reaching consequences for adequately regulating the sector. Over the past years, there has been growing concern about how the legislature and the judiciary have conducted themselves regarding mining in general and ASM activities in particular. Whereas the judiciary has been blamed for long delays in proffering judgments and questionable judgments in matters related to illegal mining (typically in the ASM sector), the legislature is partly blamed for the scope and depth of related laws and regulations.

More directly, the following institutions specifically undertake specific functions in the mining sector and ASM activities.

1. The Ministry of Lands and Natural Resources is responsible for efficiently managing the country's mineral resources. It must make policies that ensure reasonable exploration, exploitation and processing with minimal environmental harm for optimum societal benefit. The minister responsible for mines approves the grant of various mineral rights upon the recommendation of the Minerals Commission.

2. The Minerals Commission is responsible for promoting, regulating and managing the utilisation of mineral resource endowments in the country. Its Inspectorate Division undertakes environmental, health and safety inspections of mining sites to ensure compliance with existing regulations. Its Small-Scale Mining Unit is responsible for artisanal and small-scale mining activities and works directly with district and satellite mining offices.

3. The District Mining Offices of the Minerals Commission are established by Section 90 of Act 703 to compile a register of small-scale miners, supervise and monitor their operations, advise and provide training facilities, keep records of ASM activities, and facilitate the formation of ASM associations. According to the Director of Small-Scale Mining at the Minerals Commission, there are currently 13 district mining offices and 18 satellite offices, of which 14 are in active service, and the remaining four are yet to be activated.[8] Mining office officials have been sent to Zimbabwe and Tanzania to expose them to ASM operations elsewhere (MLNR, 2017). Officers have undergone training in environmental management in ASM and health and safety in ASM activities (ibid).

4. The Ministry of Finance is responsible for mining fiscal policy and determines the rates of various fiscal imposts applicable to mining. The Ghana Revenue Authority (a ministry agency) is directly accountable for revenue mobilisation and collecting taxes such as royalties, corporate income tax, and value-added tax from miners and their affiliates.

5. The Ministry of Environment, Science and Technology is responsible for the formulation and implementation of national policies on environmental protection. The Environmental Protection Agency (an agency of the ministry) is directly responsible for processing ecological permits for mining activities. It ensures that all mining activities comply with environmental standards

6. The Precious Minerals and Marketing Company provides official marketing avenues for ASM gold and diamond miners. It also promotes the development of the precious minerals and jewellery industries and undertakes the export of all diamonds produced in the country.

8 At the time of regularisation in 1989, there were eight mining districts, and by 2016 the number had increased to nine (MLNR, 2017).

7. Other commissions responsible for lands, forestry, water resources, and others are also essential agencies in the institutional framework for the mining sector due to the nature of mining. The Forestry Commission, for example, has forestry guards who protect forests from illegal mining activities.
8. Municipal and District Assemblies are the main foundation of the decentralised institutional framework in the country and have overall responsibility for development in their respective jurisdictions. They also undertake certain general regulatory functions relevant to the mining sector.
9. Small-Scale Mining (SSM) Committees are provided for in Section 92 of Act 703 and assist the district mining offices in effectively monitoring, promoting, and developing mining operations in a designated area. The District or Municipal Chief Executive or their representative is the chairperson of the SSM Committee. The Minerals Commission's district officer, Municipal and District Assembly representatives, Traditional Councils, the Inspectorate Division of Minerals Commission and the Environmental Protection Agency serve as members. The ministry has inaugurated 85 SSM committees nationwide and offered them training to undertake their assigned responsibilities (Agyei Annim, 2023). The effectiveness of these committees has been questioned in light of widespread illegal small-scale mining activities.
10. The Ghana National Association of Small-Scale Mining (GNASSM) is a national artisanal and small-scale miners association representing the interests of ASM miners and workers.
11. Traditional authorities in Ghana are the custodians of land resources. Given the interface between mining and land resources, these authorities represent a critical establishment in the institutional framework of the mining sector. They are recipients of a portion of mineral royalties paid to the government.

The Directorate of Small-scale Mining and district mining offices of the Minerals Commission maintain some data on ASM. At all the district offices, there is a register of both active and prospective ASM operators. Registered ASM operators must submit regular quarterly returns on their production activities that contribute to the data and knowledge base on ASM activities. However, since registered ASM operators represent a small fraction of ASM operators nationwide, the existing data and knowledge base needs to be expanded in scope. The Minerals Commission depends on other sources to beef up its data and knowledge base. For example, establishing a system to track all earth-moving equipment at ASM sites, as noted above, provides real-time data on the quantities of this equipment in active service at various ASM mining sites. Through the district mining offices, the government supports establishing ASM associations through which it consults and communicates with ASM operators on sub-sector policies and programmes. According to the Director of Small-Scale Mining at the Minerals Commission, preparing the 2015 ASM Framework and the 2017 MMIP benefited from stakeholder workshops facilitated by the mining district offices. These mining districts also serve as a link between ASM operators on the one hand and the headquarters of the Minerals Commission, the Ministry of Lands and Natural Resources, and the Environmental Protection Agency, among other national agencies, on the other.

The district-level Small-Scale Mining Committee complements the role of the district mining offices in promoting and supporting sustainable ASM activities. Though reasonably accessible, they are typically overwhelmed by the scale of ASM activities, and their responses to critical issues have usually been inadequate. The situation has been further worsened by the involvement of influential and politically connected individuals supporting or engaging in ASM activities, often on the blind side of the law. Members and leadership of the Ghana National Association of Small-Scale Mining (GNASSM) interviewed intimated that these structures cannot deal with influential and politically connected individuals engaging in ASM, contributing to widespread illegal ASM activities. These structures serve as the implementing organisations for technical interventions and programmes designed by the government to build the capacity of ASM operators.

The University of Mines, Tarkwa (UMaT) is noted for running programmes that enhance the technical capacities of ASM operators. After the two-year ban on ASM activities imposed in 2017, UMaT trained hundreds of young men and women in safe and sustainable mining before engaging in the government's community mining initiative. The Director of Small-Scale Mining at the Minerals Commission noted that interventions and programmes for building the capacity of ASM operators and governing institutions are usually linked to donor-supported projects. The World Bank is currently supporting a project that seeks to formalise ASM. Non-state organisations such as the Third World Network – Africa (TWN-Africa) and Solidaridad also implement activities to support ASM. In 2022, Solidaridad, in partnership with Pact, provided five mines with mercury-free processing technologies as part of efforts to support artisanal and small-scale gold miners in Ghana to produce mercury-free gold (Solidaridad, 2022). TWN-Africa, on the other hand, has supported GNASSM in organisational capacity building, according to the national president of GNASSM.

6. Financing and taxation of artisanal and small-scale mining

6.1. Financing of artisanal and small-scale mining

Miners themselves have historically financed ASM activities in Ghana, often supported by their families and friends. Over the past two decades, however, there has been sustained and growing third-party financial support to the sector, both from local sources and from foreigners. This has created an essential element of the ASM value chain known as financiers, or sponsors in mining areas (Sefanam, 2020; Acquah, 2023; Peacefmonline.com, 2023). The significant financial support these financiers or sponsors provide is reflected in the considerable amounts of heavy-duty equipment that have increasingly been found on ASM sites, and the increased involvement of foreigners.

The conception of ASM activities as operations using basic implements like pick-axes and shovels has long been replaced with largely unregulated capital-intensive mining activities, especially in the gold sector, reflecting the increased injection of financial resources into the sector by third parties as well as increased involvement of influential politically-connected individuals. In 2020, the Minister of Science and Environment who chaired the Inter-Ministerial Committee on Illegal Mining (IMCIM) reported in the Ghanaian media that hundreds of excavators seized by the committee as part of its work had gone missing (Mynewsgh.com, 2020). The increased private sector financing of ASM activities over the past two decades is indiscriminate regarding gender and explains the sector's contribution to national gold output, rising from around 10 per cent at the turn of the century to nearly a third in recent times.

Despite the significant injection of financial resources into ASM by third parties over the past two decades, the formal financial sector in Ghana has primarily viewed the sector as too risky to support its operators. Even so, ASM operators interviewed at Dunkwa and Tarkwa indicated that a few miners can raise funds from local banks using properties other than their operations as collateral. However, the view of ASM activities being too risky to invest in by the formal financial sector has started to change, with Cal Bank (a tier one bank in Ghana) having had engagements with the Minerals Commission to discuss modalities for financing activities of ASM. According to the Director of ASM at the Mineral Commission, the scope of such financing will now be limited to purchasing equipment. However, if successful, it will be broadened to cover other areas where ASM operators need financial support. The rationale for restricting financing of ASM activities by the bank to equipment is informed by the need to ensure that such funding can be quickly recovered in the event of insolvency. Thus, when ASM operators supported by the bank encounter operational challenges making loan repayment difficult, the equipment can be sold to defray remaining debts.

Financial support for ASM from the public sector has been weak over the past three decades. According to the Director of ASM at the Minerals Commission, the government has made two significant attempts to provide ASM operators with financial support over the period in a manner that does not treat women preferentially. In the first attempt, the government established a revolving fund for ASM operators in the early 1990s, a few years after ASM gold mining activities were regularised. The poor recovery rate of the fund has meant that the fund is primarily out of operation, with the last disbursement of the fund to an ASM operator taking place a decade ago. The second effort involved the state directing the National Investment Bank (NIB, majority-owned by the state) to grant loans to ASM operators, especially in the salt sector, as part of the Presidential Special Initiative on Salt in the 2000s. This effort had a poor end as some operators failed to repay the loan. Both initiatives had some ground rules for disbursement. Still, ASM operators interviewed noted that such rules needed to be clarified, and they had cause to believe that disbursement was informed by other undisclosed factors such as partisan politics. In early 2023, the newly established MIIF announced its plans to invest $30 million in the ASM sector (focusing on gold) as equity and debt through an incubation programme for ASM operators. If implemented, it will be the most significant public financial support to the ASM sector to date and a substantial step towards implementing the AMV.

The country needs clear opportunities for women working in ASM to access financing mechanisms; the challenges that women face in mining must be addressed head-on. Despite the overlap between ASM and large-scale operations that often turn conflictual, no financial or taxation-related support mechanisms for ASM consider this overlap or relationship.

6.2. Taxation of artisanal and small-scale mining

Taxation of ASM activities has historically been limited to gold, diamonds and salt. Artisanal and small-scale salt producers, especially in the Ada Songor area, used to pay taxes through their cooperative leadership. This is no longer the case, as large-scale operators have taken over the entire area. In the case of gold, the Ghana Revenue Authority confirmed during an interview that regularised ASM operators in areas such as Tarkwa and Obuasi comply with their tax obligations regarding royalties, value-added tax and income tax (among others). However, those compliant are only a handful of regularised ASM operators, and regularised ASM operators represent a small fraction of ASM operators nationwide, as is characteristic of Ghana's entire economy (and the continent). This shows how inefficient the traditional tax policies and instruments are regarding ASM activities.

In light of this, the government introduced the Income Tax Act 2015 (Act 896), targeting largely informal specialised industries that included the mining sector with an initial effective withholding tax rate pegged at 10 per cent on all gold exports. The Income Tax (Amendment) Act, 2016 (Act 907) reduced the rate from 10 per cent to 3 per cent. In 2022, the withholding rate applicable to gold was further reduced from 3 per cent to 1.5 per cent. The table below presents the performance of the withholding tax on gold. Even though the withholding tax policy has been relatively broad, inadvertently covering both legal and illegal gold mining activities by ASM, it has also suffered a backlash and was accused by miners interviewed at Dunkwa and Tarkwa of fueling the smuggling of gold produced in Ghana to nearby countries for onward export. Nonetheless, its introduction is a step towards optimising tax revenue from the ASM sector in line with the AMV.

Withholding Tax Performance from 2020 to 2023 in respect of Gold Exports

Period	Rate	Quantity Exported (kg)	Withholding Tax Collected (GH¢)
2020[9]	3%	36 278.50	162 900 749.34
2021	3%	2 972.38	28 838 915.66
2022	1.5%	29 159.73	233 870 563.43
2023	1.5%	153 983.61	4 337 985.89
TOTAL		**83 808.97**	**429 948 214.32**

Source: Research Unit, Ghana Revenue Authority, 2023

7. Environmental Issues in ASM

The 1999 Environmental Assessment Regulations (LI 1652), the 1994 Mining and Environmental Guidelines, and the 2010 National Environmental Policy make provisions for environmental management in the ASM sector. Some legislation seeks to prevent the unapproved use of harmful and hazardous substances such as mercury and cyanide in the ASM sector. However, these policies and guidelines need to be better enforced, given the worsening environmental footprint of ASM activities.

The poor enforcement of environmental protection regimes in the ASM sector results from the growing dominance of unregularised or illegal activities in the sector. The dire environmental consequences of ASM activities (particularly gold) are reflected in wanton destruction of farms and forests, land degradation, and heavy pollution of water bodies and have fueled heightened public opprobrium against ASM activities in general. Besides the fact that most ASM activities are unregularised, making it difficult (and often impossible) for the Environmental Protection Agency (EPA), which has the mandate to enforce these legal provisions, the capacity of the EPA in terms of human resources and equipment is minimal as far as regulating even regularised ASM operators is concerned. Interactions with EPA officials at the national headquarters and district offices at Dunkwa and Tarkwa reveal the absence of the agency's capacity for their mandates that cut across various sectors of the economy. Even though the district assemblies have sub-committees and a unit on environmental protection, they are also poorly resourced for assigned tasks, especially in the ASM sector, where the stakes are high and politically connected individuals are significantly involved.

The environmental licensing regime regarding ASM does not require the posting of bonds. It has historically been viewed as providing some support to ASM operators as LSM counterparts are required to post bonds concerning their activities. However, in response to heightened public discontent over its enforcement of environmental regulations regarding ASM activities, the EPA has recently changed course and is also asking for bonds from ASM operators. This issue needs to be supported by ASM operators who argue that the formal financial sector deems their operations too

9 The 2020 data covers only the period 19 May to 31 December 2020.

risky, and are therefore often unwilling to underwrite such activities. This comes from a recent upward revision of fees for processing environmental permits by the EPA, which was roundly rejected by ASM operators, leading to the non-issuance of environmental permits for ASM operators for nearly two years. General support mechanisms exist for the environmental licensing of ASM activities, but the existing regime does not encompass gender issues. The cancellation of permits issued and the prosecution of offenders have been the main measures to manage and ensure compliance with the regime. However, these could have been more effective as the negative environmental footprint of ASM activities continues to grow.

A significant aspect of the negative environmental footprint of ASM activities is the non-reclamation of mined-out areas, mainly by unregularised and illegal miners. The law requires that ASM operators reclaim mined-out regions before moving to other fields, rather than developing comprehensive environmental plans as large-scale operators are required to do. Interactions with some members and leadership of GNASSM note that many regularised ASM operators abide by the law regarding land reclamation. This was corroborated by officials of EPA at the district offices, even though they mentioned some recalcitrant operators. According to stakeholders engaged, the main problems regarding reclamation, pollution of water bodies, and general destruction of the environment are related to illegal or unregularised ASM operators. Therefore, the government must rethink and back policy statements with credible and sustained action to ensure that most ASM operators undertake their activities according to the law, starting with registering and procuring requisite permits. In light of the poor enforcement of environmental regulations, the government has taken responsibility for land reclamation and rehabilitation efforts in some abandoned mined-out areas. The Minerals Development Fund has been noted for the reclamation of some mined-out areas to cultivate oil palm plantations.

8. Occupational Health and Safety

The occupational health and safety profile of the ASM sector remains poor, as with its environmental footprint. Despite the availability of guidelines and regulations regarding occupational, health and work safety, including the country signing on to the 2013 Minamata Convention on Mercury and regularly implementing the related national action plan, the dominance of unregularised or illegal activities makes their enforcement difficult (and in some cases impossible). The situation is further worsened by the weak capacity of state institutions mandated to enforce existing regulations and guidelines. The rules and guidelines need to be gender-responsive. ASM operators are not required to develop and implement a social, occupational and safety plan as with their counterparts in large-scale mining. Several incidents of mine collapse leading to the entrapment and eventual death of miners have been reported in the media. ASM operators interviewed at Dunkwa and Tarkwa indicated that some miners disregard occupational health and safety requirements as a cost cutting measure, knowing very well that the cost of a disaster may far exeed the cost they save.

In May 2023, for example, a mine collapsed and trapped 17 people in Birim North (Karnaku, 2023). Of the nine persons rescued from the debris moments after the collapse, seven were confirmed dead, while the other two were alive (ibid). As is typically the case with all such collapses, rescue efforts for the nine people were initiated by the miners as the country lacks well-resourced mining-specific emergency assistance and rescue plans besides the work of the National Disaster Management Organisation (NADMO), which deals with general disasters. Visits to some ASM mines as part of this study revealed little regard for essential health and safety rules such as wearing helmets and other protective gear. Moreover, these sites belongs to regularised or legal ASM operators. There is more work to be done by the government on occupational health and safety beyond formulating policies and strategies, which the country has historically been good at. For optimal impact, there is a need for the government to allocate resources and enhance coordination among local-level structures such as district mining offices, Small-Scale Mining Committees, Environmental Sub-Committees of Assemblies, Environment Units of Assemblies and GNASSM, among others.

9. ASM and Communities

Various policy documents recognise the importance of ASM activities to the sustainable development of surrounding communities, job creation and the entrepreneurial potential of ASM activities for mining communities. The 2014 mining policy notes that "the recognition of, and support to, small-scale mining is based on the premise that it offers opportunities to generate employment, support rural livelihoods, and foster local entrepreneurship" (Government of Ghana, 2014; p 17). However, specific policies and strategies to catalyse the opportunities offered by ASM activities are hard to find in various policy documents.

Some regularised ASM operators have supported sustainable development in surrounding communities by investing profits made in other economic sectors in rural economies and providing social amenities. At Dunkwa, Tarkwa and Prestea, members or regularised ASM operators supported sustainable community development by providing mechanised boreholes, support to Community Health Planning Services (CHPS) compounds, primary schools and road reshaping, among others. What was missing in all these is that the support (which formed part of their corporate social responsibility initiatives) was given outside district-level policy or strategic frameworks. This problem is not specific to ASM operators but large-scale operators as well, whose interventions need to be sufficiently integrated into local development initiatives, even though local government officials are often invited to contribute to processes of identifying projects to be implemented for the various communities.

Despite the support ASM operators provide to surrounding communities, relations between ASM operators (both regularised and unregularised) on the one hand and communities on the other are often conflictual. This usually stems from a complicated and often conflict-laden land tenure system. Stories abound about farmers waking up to see their farms destroyed overnight by illegal ASM operators without prior conversation and compensation. These are noted strategies among illegal operators when they suspect that farmers will reject ASM activities on their farms. However, once farms are destroyed without prior notice, the illegal ASM operators sometimes find ways to work behind the scenes to get those farmers to accept some compensation. More worrying are instances when illegal ASM operators cause sinkholes in people's buildings. A few years ago, a district judge's official residence fell victim to mining activities beneath the structure. There are some local and traditional mechanisms for addressing such conflicts without resorting to the judiciary system, which is often exceedingly slow. The district offices of the Minerals Commission also intervene in such disputes to help find amicable solutions. Finally, GNASSM has an arrangement to iron out differences that emerge among its members and landowners with the potential of evolving into full-blown conflicts.

Whereas some regularised ASM operators tend to seek informed consent from farmers before commencing mining activities, others (and most illegal operators) do not. Strictly enforcing free, prior and informed consent (FPIC) is uneven in the mining industry. The government has gazetted an instrument produced by the Economic Community of West African States (ECOWAS), which mandates the implementation in member countries. However, strict enforcement of FPIC can prevent the state from accessing nationalised mineral resources. Thus, the rights of individuals could effectively restrict the state from accessing mineral resources should they not consent to mining. Equally worrying as far as the role of ASM in the sustainable development of mining communities is concerned are the spillover effects of ASM activities, including increased social vices and increased pressure on social amenities in these communities. Apart from the friction between ASM and adjoining communities on land, these spillover effects represent a significant concern and have been widely reported in the media and various academic journals.

10. ASM and Sustainable Livelihoods

Related to the issue of sustainable community development is the role of ASM activities in developing sustainable livelihoods. Over the past few decades, there has been a growing trend of rural-urban migration as employment opportunities in rural areas have declined. In mining communities, the situation is worsened by mining activities that have become increasingly capital-intensive and exclude inhabitants of farming lands. In this context, ASM activities offer some prospects for developing sustainable livelihoods in the precious minerals sector and industrial and development minerals with more significant potential linkages. The ASM sector's greater potential in job creation compared to large-scale mining calls for more substantial support to the sector as part of efforts to optimise this potential. Such support has been slow to reach ASM operators, and the issuance of mining permits and leases to large-scale operators covering areas previously operated by ASM challenges the ASM sector in optimising sustainable livelihoods both in and out of the mining sector.

National policies recognise the role of ASM activities in supporting the development of sustainable livelihoods in the mining sector and beyond in other sectors, such as agriculture, manufacturing and trading, with a commitment to strengthen these linkages. However, at the local level, there needs to be more focus on developing sustainable livelihoods through ASM activities. This notwithstanding, the Minerals Development Fund secretariat and the Ministry of Lands and Natural Resources have implemented various alternative livelihood projects to provide employment opportunities in mining communities. Key among these efforts has been the distribution of oil palm seedlings and other support for establishing oil palm plantations and other agro-based ventures. These interventions often target or prioritise the youth and women and thus have built-in mechanisms for mainstreaming gender and youth into sustainable livelihood projects as the AMV prescribes.

11. Access to Information and Technology

The government has committed in various policy documents to making information and technology accessible to ASM operators to improve efficiency (see Box 3 below). This has included geological investigation and demarcation of suitable areas for ASM activities. The government has undertaken investigations and gazetted certain areas solely for ASM activities, mainly in respect of gold mining. According to the Director of Small-Scale Mining at the Minerals Commission, information on these areas is easily obtainable from its 27 functional districts and satellite offices nationwide. Some ASM operators engaged during the study confirmed this but indicated that the areas must be sufficiently rich to sustain their activities. In light of this, there has been a slow uptake of this intervention. The conduct of these investigations needs to be better structured and on an ongoing basis despite inadequate resources.

Box 3: Government commitments and indications of making information and technology accessible to ASM operators

"The government has implemented a range of measures relating to the regulation and promotion of small-scale mining with some positive results. These include the geological investigation and demarcation of areas suitable for small-scale mining; education, training and provision of logistics to enhance the corporate governance, efficiency, and safety of their operations" (Government of Ghana, 2014; pp 34)

"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" (Government of Ghana, 2014; pp 35)

"The current strategy being adopted is to geologically explore areas for small scale miners, organise them into associations and license the areas for them" (Minerals Commission, 2015; pp 5).

"The Minerals Commission in collaboration with the Geological Survey Authority to geologically investigate a minimum of 500 sq.km of designated areas annually to provide mineable areas for small-scale mining" (MLNR, 2017; pp 22)

One of the five main components of the MMIP is the "adoption of technology to ensure efficient mining, processing, environmental and monitoring activities" (MLNR, 2017; pp 23)

In acquiring and distributing mining technology to ASM operators, the government of Ghana, spent $10 million to procure 100 items of mercury-free gold extraction equipment (known as gold kacha) for ASM operators in 2021 (Ghana News Agency, 2021). The equipment, costing $113 000 each, will be given to ASM operators to be paid for on a "work-and-pay" basis within a year. This reflects the government's commitment and support to ASM operators to access information and technology to enhance efficiency and reduce the negative health impacts of mining. Furthermore, the Minerals Commission, the University of Mines and Technology and other public agencies can engage ASM operators from time to time to build their capacities.

Mining equipment technology deployed by ASM (especially for gold mining) has been evolving and currently involves heavy-duty equipment. Even though men dominate their use, they do not lend themselves to redesign to account for gender issues. For other minerals like salt, most ASM operators (dominated by women) use basic and crude equipment that is readily usable by both males and females. The University of Mines, Tarkwa (UMaT) represents the primary mechanism to support technology development and transfer to ASM operators. It started in the 1980s as the Kwame Nkrumah University of Science and Technology (KNUST) campus, supporting technology development. The UMaT is now a fully-fledged university offering various mining programmes and undertaking multiple training activities for ASM operators. On marketing, especially for precious metals, the Precious Minerals Marketing Company (PMMC), established in 1989, and other privately-owned refineries and dealers provide an outlet for selling minerals produced by ASM operators. ASM operators who make industrial minerals like salt and clay rely on local marketing mechanisms such as regional markets for salt.

12. Contextual and Emerging Issues

The main contextual and emerging issues in the ASM sector in Ghana include the increasing involvement and role of influential and politically connected individuals in ASM activities, the influx of foreigners in the sector contrary to the law, the worsening environmental consequences of ASM activities, and perennial indiscriminate clampdowns on ASM activities by state security. The difficulty on the part of the government to implement policies and enforce laws in the ASM sector is attributable in one way or another to these issues.

Increasing role and involvement of influential and politically connected individuals in ASM activities: The stakes in ASM activities (especially gold) are high. Recently, many very influential and politically connected individuals have engaged directly or indirectly in ASM activities. The problem with this is the impunity with which such individuals carry out their activities. A former Minister of Environment, Science and Technology who was the Chair of the Inter-Ministerial Committee on Illegal Mining is on record as accusing the sitting president of undertaking illegal mining activities in his hometown. Senior officials of the current government and ruling political party are also accused of directly or indirectly engaging in illegal mining activities. The King of Ashanti, a famous and influential traditional leader, has deposed many of his chiefs for their involvement in illegal mining activities. With such an endless list of influential and politically connected individuals involved in mining activities (usually illegal), the sector's governance could be much better, irrespective of the robust policies and legal frameworks.

The influx of foreigners: The past decade or two has witnessed many foreigners (mainly Chinese) directly engaging in ASM activities in sharp contrast to provisions of the law. Some of these foreigners have grown so influential that the Ghanaian state has failed to prosecute them after they have been arrested a couple of times for their illegal activities in the ASM sector. An example is Aisha Huang from China, who has been arrested not less than five times for illegal ASM activities. However, the state has failed to successfully prosecute her. These foreigners typically connive with influential and politically connected individuals to undertake illegal mining activities.

Increasing resort to using security agencies: The above emerging issues are sufficient to breed impunity and widespread disregard for the sector's laws and regulations. The government's response to the ensuing chaos has been to resort to the increasing use of indiscriminate military force. In 2017, following the imposition of a blind ban on all ASM activities, a large joint police-military operation was conducted to enforce the ban. This was a continuation of a trend that has increasingly characterised ASM relations, especially over the past two decades (Adogla-Bessa, 2020). Save for a pause in activities, little is achieved by these expensive operations that punish legal and illegal ASM operators alike.

Growing environmental degradation associated with ASM activities, especially water pollution: The negative ecological consequences from mining in general (and specifically ASM) have been growing over the past two decades. This has convinced some well-meaning Ghanaians to start advocating for the cessation of ASM activities (especially in the gold sector). The Ghana Water Company Limited has seen its water production costs increase significantly over the past decade with concern that if the trend observed in water pollution in many parts of the country due to ASM activities continues, the country may not have enough water for its growing population. At the same time, agricultural activities have been negatively affected by uncontrolled expansion in ASM activities, with some European countries threatening to stop importing certain agricultural products from Ghana in protest.

13. Conclusion: Domestication of AMV in the ASM Sector

Ghana has been at the forefront of the AMV agenda since its inception, hosting the first Inter-Ministerial Conference in 2008, preceding the adoption of the vision. It has since taken steps to domesticate policy and introducing legal prescriptions of AMV in its mining regime. With the support of UNDP Ghana, the country undertook a review of alignment between the AMV and Ghana's policy and legal frameworks in the solid minerals sector in 2015 and 2016, leading to the identification of critical issues that need to be addressed to achieve AMV-compliant status. The partnership (Ghana and UNDP) also undertook a social analysis of the ASM sector in Ghana, flagging critical issues of concern for the government to address. Fourteen years down the line, there have been policy frameworks that align closely with the aspirations and prescriptions of AMV.

This has demonstrated Ghana's sufficient interest in domesticating the AMV and its policy frameworks. However, the reality on the ground leaves a lot to be desired. The four key issues identified as contextual and emerging in the preceding section create a wedge between the country's interests and reality.

Consequently, Ghana needs to re-strategise and "walk the talk" if the country wants to be taken seriously about pursuing the AMV. The specific conclusions regarding the key themes are presented below. The status of the country's domestication of the AMV in the ASM sector, based on the findings and conclusions of this study, is presented in the next section.

a. **Policy and regulatory frameworks:** Existing policy documents, particularly the 2014 Minerals and Mining Policy, the 2015 ASM Framework and the 2017 Multi-sectoral Mining Integrated Project, generally reflect the aspirations of the AMV. Their implementation has always been a problem with insufficient commitment from the government. The situation with the legal regime is slightly different, as there is a need for a more stringent regime to deal with the plethora of problems (especially emerging issues discussed in Section 12) confronting the ASM sector.
b. **Institutional framework:** Ghana's institutional framework applicable to the ASM sector is fairly robust but poorly resourced to perform its mandate. At the heart of the framework are the district offices of the Minerals Commission and district-level small-scale mining committees. Consequently, the institutional framework cannot fully regularise the ASM sector and apply the laws to erring ASM operators.
c. **Financing and taxation:** Previous interventions by the government to provide financial and logistical support to ASM operators were largely unsuccessful, due to poor repayment of such support for the benefit of other operators. Similarly, the ASM sector did not make commensurate fiscal contributions to the government for a long time. In recent years, however, there have been renewed efforts, particularly from finance houses and MIIF, to provide financial and logistical support to ASM operators. Similarly, the recently introduced withholding tax on gold exports has shown signs of enhancing the ASM sector's fiscal contributions to the government, consistent with the AMV.
d. **Environmental issues:** The environmental regulations are not robust enough to address environmental challenges in the sector. Despite the government's indications in various policy documents about its commitment to protecting the environment in mining communities, the reality leaves much to be desired. Implementation of existing policy prescriptions and enforcement of legal instruments are visibly weak.
e. **Occupational health and safety issues:** There are indications in various policy documents[10] that the government is committed to ensuring high occupational health and safety standards in the ASM sector. Due largely to decades of liberalisation, the legal regime is not strong enough to achieve policy prescriptions. This has led to relatively poor occupational health and safety standards characterising the ASM sector. Besides regular mine collapses due to poor maintenance, ASM workers often do not wear personal protective gear at sites.

10 Such as the 2014 Minerals and Mining Policy, 2015 ASM Framework, and 2018 Multi-Sectoral Mining Integrated Project.

f. **ASM and sustainable community development:** The recognition and minimal support provided by the government to ASM operators over the past decades are based on ASM's potential to catalyse sustainable development. However, the government has not articulated the catalytic role the sector can play in the sustainable development of communities where ASM activities are undertaken. Thus, governments (both central and local) must carefully prescribe policies and strategies and implement them to optimise the developmental impact of ASM activities. The emergent conflictual relationship between ASM operators and mining communities worsens the situation.

g. **ASM and sustainable livelihoods:** Similar to the role of ASM in sustainable community development, policy and regulatory frameworks are not sufficiently aligned with the aspirations and policy prescriptions of the AMV regarding sustainable livelihoods. The sustainability of livelihoods in the ASM sector is questionable as most workers are not well protected.

h. **Gaining access to information and technology:** The government's policy positions on gaining access to information and technology by ASM operators sufficiently align with AMV's aspirations and policy prescriptions. Furthermore, the government has made reasonable efforts to enhance ASM operators' access to information and technology. However, thee are some lingering issues about the efficiency or productivity of some technologies (such as chemical-free gold processing equipment) and geological information (some geologically investigated areas for ASM operators).

14. Ranking or Scoring of Each Thematic Area

This section presents performance ranking of Ghana as far as domesticating the AMV in the ASM sector is concerned. The ranking is based on Africa Minerals Governance Framework (as applied by the project in the Ghana country study). The section first presents the customised AMV progress scale with its colour codes and descriptions and proceeds to present Ghana's status per each of the eight key thematic areas as well as an overall performance status.

14.1. Customised Africa Mining Vision progress scale

Rank	Colour code	Country descriptor	Comments
V	Red	Beginner	The country is at the early stages of Africa Mining Vision implementation, with low average progression in all Seven Framework Assessment Categories of ASM
IV	Orange	Moderate	The country is at the middle stages of Africa Mining Vision implementation, with fair or moderate progression throughout the Seven Framework Assessment Categories of ASM
III	Grey	Intermediate	The country is at an intermediate stage of Africa Mining Vision implementation, with a mix of progression, regression and neutrality throughout the Seven Framework Assessment Categories of ASM
II	Green	Advanced	The country is at an advanced stage of Africa Mining Vision implementation, with a high rate of progression throughout the Seven Framework Assessment Categories of ASM
I	Gold	Peak	This is the highest score on the Africa Mining Vision progress scale and shows that the country has attained, or is very close to attaining, full Africa Mining Vision implementation, with maximal progression throughout the Seven Framework Assessment Categories of ASM

14.2. Ghana's AMV Domestication Performance Status on Artisanal and Small-scale Mining Sector

Sectors	Colour Coding
Policy and Legal Framework	
Institutional Framework	
Financing and Taxation	
Environmental Issues	
Occupational Health and Safety	
ASM and sustainable community development	
ASM and sustainable livelihoods	
Gaining Access to Information and Technology	

From the theme-specific performance of Ghana's implementation of the AMV as relates to the ASM sector, the country's overall performance status can be described as intermediate attracting the grey colour coding.

15. Recommendations

Based on the conclusions presented above, the following recommendations are proffered to bring the country's mining regime as applicable in the ASM sector to the aspirations and policy prescriptions of the AMV:

a. **Policy and regulatory frameworks:** The Ministry of Lands and Natural Resources and the Minerals Commission must consolidate existing frameworks applicable to the ASM sector and lead in implementing the policy. Government must review the regulatory regime in light of the contextual and emerging issues to give sufficient support to the implementation of policy prescriptions. This is more so in punitive measures for operators outside the regularised framework. Further, the licensing regime for ASM must be recategorised as proposed by the MMIP.

b. **Institutional framework:** The government, particularly the presidency, must retool and strengthen relevant institutions to regularise and govern ASM activities. Specifically, the membership of ASM Committees must be expanded to include non-state actors and assigned increased roles and responsibilities. The capacities of district offices of the Minerals Commission must be increased to enable them to perform their mandates.

c. **Financing and taxation:** The ministries of finance and mines must focus on de-risking the sector by improving governance and engaging players in the financial sector to provide increased financial and logistical support to ASM operators. Regarding taxation, it is recommended that the recently introduced withholding tax covers all ASM operators.

d. **Environmental issues:** The legislature must review existing legal instruments that deal with environmental protection in the mining sector as applicable to ASM. The government, particularly the presidency, should strengthen agencies' capabilities with the mandate for enforcing environmental laws and regulations in the ASM sector. GNASSM must institute periodic training for its members to enhance their capabilities in ensuring that operations are within the confines of the law.

e. **Occupational health and safety issues:** The Ministry of Lands and Natural Resources must strengthen policies on occupational health and safety issues, and promulgate legal instruments to enhance enforcement of occupational health and safety standards. GNASSM must provide regular training and facilitate peer learning to improveoccupational health and safety at ASM mines.

f. **ASM and sustainable community development:** Create a policy space, that recognizes the roles and support of ASM operators in mining communities and provide an enabling environment to enhance the contributions of ASM operators and their activities to sustainable development consistent with AMV policy prescription.

g. **ASM and sustainable livelihoods:** The Ministry of Lands and Natural Resources must ground its policy intent of supporting sustainable rural livelihoods and fostering local entrepreneurship by specifying key interventions with clear roles for ASM operators among other stakeholders.

h. **Gaining access to information and technology:** Increase engagement with ASM operators in procuring and distributing information and technology to enhance the efficiency and productivity of ASM activities as critical stakeholders.

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Appendices

Appendix A: GSGDA II: Sustainable Natural Resource Management

Key Focus Area	Issues	Policy Objective	Strategies	Implementing & Collaborating Agencies
Natural Resource Management and Minerals Extraction	- Negative impact of some farm practices - Negative impact of mining on the environment and host communities - Conflict between mining and forest resource conservation - Inadequate and delayed payment of compensation to land owners - High social and economic cost to communities in mining areas - Minimum local content and local participation in the mining sector - Inadequate revenue mobilisation from mining sector - Outdated and ineffective regulatory regime in the mining sector - Limited value addition to primary products - Over dependence on traditional mineral resources	8.1 Promote sustainable extraction and use of mineral resources	8.1.1 Review guidelines on mining in forest reserves and re-negotiate Government's position with stakeholders 8.1.2 Review appropriate policies, legislation and investment agreements to optimise returns to the country including the local communities 8.1.3 Diversify the minerals production base of the nation to reduce over-dependence on the few traditional mineral resources 8.1.4 Encourage investments in the domestic salt industry to make it competitive 8.1.5 Enforce compliance of relevant regulations and guidelines on small scale mining 8.1.6 Strengthen compliance and enforcement of relevant regulations and guidelines on environmental impact of small-scale mining 8.1.7 Complete geological exploration to identify suitable areas for small scale mining 8.1.8 Provide incentives to encourage value-added downstream mining activities such as refining, smelting etc 8.1.9 Improve technical capacity of small-scale miners to enhance efficiency and sustainability in their operations 8.1.10 Accelerate the passage of the Minerals Development Fund (MDF) bill 8.1.11 Review compensation mechanisms to reflect the long-term livelihood impact of mining activities on communities	MLNR, MLGRD Minerals Commission, Forestry Commission, EPA, MESTI, MoEP, MoJ & AG, Parliament, Ghana Chamber of Mines, Universities, CSIR, Geological Survey Department, MMDAs, GNFS, NADMO, Security Agencies, PC
	- Degradation of the nation's forests - High dependence on bio-mass fuel - Inefficient use and management of natural resources - Inadequate awareness of climate change and its impact	8.2 Ensure sustainable management of natural resources	8.2.1 Vigorously pursue reclamation and afforestation in degraded areas 8.2.2 Introduce and enforce economic instruments for environmental management 8.2.3 Revise and enforce Ghana's Mining and Environmental Guidelines 8.2.4 Promote the adoption of the principles of green economy in national development planning	NDPC, MESTI, EPA, MoEP, MoJ & A-G MOF, MLNR, MLGRD, FC, MC, MMDAs, WRC
	- Weak institutional and regulatory framework for natural resource management and environmental governance	8.3 Strengthen institutional and regulatory frameworks for	8.3.1 Enhance policy and regulatory framework and coordination among key Government agencies and other stakeholders to improve the management of the environment and natural resources	NDPC, MESTI, EPA, MoEP, MoJ & A-G MOF, MLNR, MLGRD, FC, MC, MMDAs, WRC, MoC

Key Focus Area	Issues	Policy Objective	Strategies	Implementing & Collaborating Agencies
	especially at the district level - Weak enforcement of regulations and laws governing the environment and for the management of natural resources	sustainable natural resource management	8.3.2 Enforce the legality assurance scheme under the Voluntary Partnership Agreement (VPA) 8.3.3 Coordinate and harmonise relevant policies and programmes with regional and international bodies as well as ECOWAS 8.3.4 Enact and enforce Legislative Instrument on tree tenure 8.3.5 Intensify capacity building in the application of the Strategic Environmental Assessment (SEA) in the planning process	
	- Weak information system for natural resource management - Different data format and application systems - Fragmented national geo-spatial data infrastructure	8.4 Adopt an integrated national geo-spatial based policy planning and investment decision-making	8.4.1 Develop policy and legal framework for an integrated national geospatial data infrastructure 8.4.2 Enhance the use of existing Fibre Optics and Information Management System (IMS) database at regional and district Levels	NDPC, MESTI, EPA, MoEP, MoJ & A-G, MOF, MLNR, MLGRD, FC, MC, MMDAs, WRC, MoC, CERSGIS, NITA, TCPD, LC, GSD, SD
Land Management and Restoration of Degraded Forest	- Increasing population pressure on land - Loss of soil fertility - Poor land use management - Cultivation along steep slopes leading to erosion - Forest destruction by chainsaw operators - Intensification of charcoal production to meet urban energy demands	11.1 Reverse forest and land degradation	11.1.1 Develop and implement regulatory framework for land use planning at all levels 11.1.2 Intensify implementation of national forest plantation development programme 11.1.3 Integrate watershedmanagement to combat desertification 11.1.4 Facilitate logs importation from exporting African countries to improve resource availability for the timber industry 11.1.5 Apply appropriate agriculture intensification techniques to reduce forest land clearance 11.1.6 Encourage and promote the use of Lesser Used Species (LUS) 11.1.7 Promote and facilitate the use of LPG as a cheaper and cleaner alternative fuel and promote energy efficient charcoal stoves 11.1.8 Implement an educational and enforcement programme to reduce bushfires and forest degradation	LC, FC, MLNR, MoFA
	- General indiscipline in the purchase and sale of land - Inadequate spatial and land use plans - Ineffective development control of human settlement - Indiscriminate sand winning	11.2 Promote efficient land use and management systems	11.2.1 Promote technological and legal reforms in 11.2.2 11.2.3 in support of land use planning and management 11.2.4 Ensure the effective implementation of land use policy 11.2.5 Intensify human resource development for effective land use planning and management. 11.2.6 Facilitate vigorous education on value of land and appropriate land use	

Key Focus Area	Issues	Policy Objective	Strategies	Implementing & Collaborating Agencies
	- Increasing incidence of surface mining including illegal mining		11.2.7 Promote gender equity in land reforms and land use planning and management	

Appendix B: Potentials, Opportunities, Constraints and Challenges (POCC) analysis of the ASM sector

No	Issues to be addressed	Potentials (from baseline situation etc)	Opportunities	Constraints	Challenges
1	Destruction of the environment, pollution by illegal miners	Institutions and regulatory framework	Additional resources from GOG & Development Partners	Inadequate human and material logistics	Untimely and inadequate release of funds
2	Lack of awareness on climate change and its impact	Climate Change Authority established to develop policy framework etc.	Additional resources from GOG & Development Partners	Inadequate knowledge in the field of climate change	Information gap on climate change
3	Inefficient use and management of natural resources	Availability of institutions to regulate and manage natural resources utilisation	Availability of natural resources	Inadequate logistics to utilise and manage natural resources	Lack of co ordination among institutions responsible for the management of natural resources
4	Negative impact of some mining practices	Availability of institutions to regulate mining sector	Adequate institutions to ensure compliance with best mining practices	Inadequate logistics to enforce compliance with mining regulations	Low level of staff to enforce mining regulations
5	Lack of geologically explored areas for small scale miners	Competent exploration companies	Data on explored areas for small scale mi ners	Inadequate funds for exploration	Risk associated with mineral exploration
6	Degradation of land, pollution of water and air and high incidence of mining accidents	Well trained mining sector staff	Adequate institutions to ensure compliance with best	Inadequate logistics and motivation	Inadequate staff to enforce mining regulations

No	Issues to be addressed	Potentials (from baseline situation etc)	Opportunities	Constraints	Challenges
			mining practices		
7	Weak institutional and regulatory framework for natural resource management and environmental governance	Institutions and regulatory framework	Additional resources from GOG & Development Partners	Inadequate human and material logistics	Uncertainty in release of funds
8	Weak enforcement of regulations and laws governing the environment and for the management of natural resources	Institutions and regulatory framework	Additional resources from GOG & Development Partners	Inadequate human and material logistics	Untimely and inadequate release of funds

Appendix C: An Extract from ASM Framework Implementation Plan

Objectives	Strategies	Expected Output/ Outcome	Responsibility/Collaborators
Objective 1: Regulate and Assist SSMs to improve efficiency of their operations	(i) Establish 2 additional District Offices as close as possible to areas of small scale operations to give technical assistance to small -scale miners;	i. Increased education of illegal miners to regularise their activities ii. Improved extension service to SSMs leading to better environmental management	MLNR, MC, MMDAs
	(ii)Geologically investigate and demarcate suitable portions for small -scale mining. Also provide SSMs with Financial Assistance;	i. 20 blocked out areas geologically investigated and demarcated and allocated to SSMs	MLNR, MC, GSD, Universities
	(iii)Facilitate implementation of CSR activities	i. Number ASMs sensitised on CSR activities ii. Number of structured CSR activities performed	MLNR, MC, GNASSMs, MMDAs
	iv)Make relevant minerals and geological data relating to SSM available to the public	All relevant data relating to geologically investigated SSM blocked out areas made available to the public	MLNR, MC, GSD
	(v) Formalise illegal ASM activities in de signated areas and form	i. Formalise operations of 50% of illegal SSMs	MLNR, MC,DMCs, SSMA, EPA

Objectives	Strategies	Expected Output/ Outcome	Responsibility/Collaborators
	cooperatives and associations and support them with equipment and working capital		
	(vi) Decentralise SSM licence acquisition and decrease time for processing of licences	i. 90% processing of SSM licences at the District level ii. 80% of SSM licences issued within 150 days	MLNR, MC, EPA, MMDAs
	vii)Mainstream climate change into SSM ctivities	i. 80% of SSMs educated on sustainable mining practices	MLNR, MC, EPA, MMDAs
	(viii)Develop Guidelines on Health and Safety and train SSMs in the use of environmentally friendly processing methods	Guidelines on Health and Safety distributed and SSMs trained	MLNR, MC, MOH, GHS, EPA
	(ix)Encourage Ghanaians to pool resources to assist small scale mining operations	30% of SSM operators assisted by Ghanaian mine support service companies	MLNR, MC, COM
	x) Government should support the setting up of model mines to train small scale miners countrywide / Collaborate with existing mines to train SSMs	2 model mines set up / 2 existing mines used for training of SSMs	MLNR, MC, MMDAs, TAs
	(xi)Intensify notifications and publications (which form part of the licensing procedure) in communities before and after grant of concessions	80 to 90% Community awareness created on new applications and licencing procedures	MLNR, MC, MMDAs, TAs
	xii) Facilitate registration of SSMs under formal and informal social security schemes	30% of SSMs operators registered by suitable existing social security companies	MLNR, MC, SSNIT, SSMA
	xiii) Establish and Resource District Mining Committees and SSM Associations to assist in the management of SSM activities in the country	i. 50% of District Mining Committees and SSM associations established	MLNR, MC, MMDAs, TAs

Objectives	Strategies	Expected Output/ Outcome	Responsibility/Collaborators
	xiv) Facilitate establ ishment of Mining and Environmental Courts	Mining and environmental courts recommended for establishment	MLNR, MC, MOJ, AGD, JS, EPA, MMDAs
	xv) Enforce regulations regarding performance of small scale licence holders	SSM regulations enforced leading to improvement in their operations	MLNR, MC, EPA, SSMA
	xvi) Laise with EPA to harmonise duration and reduce time for processing permits and small scale mining licence	Duration of licence and permits harmonised within 3 years	MLNR, MC, EPA
	(xvii) Facilitate elimination of child labour in SSM and presence of children at mine sites	i. Reduction in child labour in SSM operations ii. Reduction in children at mine sites	MLNR, MC, MMDAs, SSMA
	(xviii) Facilitate payment of adequate compensation by SSMs	Reduction social conflict due to SSM activity in communities	MLNR, MC, SSMA
	(xix) Explore diverse categorisation of ASMs (Definition of ASM)	ASM activities efficiently regulated	MLNR, MC, SSMA
Objective 2: Ensure the use of appropriate, safe and affordable techniques in small scale mining	- i) Educate, train and provide logistics to enhance the efficiency, and safety of SSM operations	i. improved SSM operations ii.80% Reduction of mine accidents in SSM operations	MLNR, MC, SSMA
	(ii) Institute award scheme for miners with good mining and environmental practices	Best 3 SSM operators in each Mining District awarded annually	MLNR, MC, SSMA, MMDAs
	(iii) Establish ore processing facilities in areas where demand is high (cooperative sites)	Improved recovery and reduction in environmental pollution	MLNR, MC, SSMA, MMDAs
Objective 3: To Ensure that Relevant Stakeholders Enforce the Law Reserving Small Scale mining for Ghanaians	(i) Educate relevant stakeholders on the provisions of Act 703 and subsidiary legislations;	Relevant stakeholders educated at 2 workshops annually	MLNR, MC,
	(ii) Strengthen capacity of officers to monitor SSM activities as well as	i. 20 Officers trained. ii. Improvement in performance of District Officers	MLNR, MC, MMDAs, SSMA

Objectives	Strategies	Expected Output/ Outcome	Responsibility/Collaborators
	enforce provisions in the Act and legislations;		
	(iii) Collaborate with security agencies to deal with recalcitrant illegal miners	Reduction in illegal mining in the country	MC, MLNR, MOI
Objective 4: Ensure Sustainable Use of Resources available for ASM	i) Ensure adequate protection of water bodies by SSMs in mining areas	Water bodies in SSM areas protected	MLNR, MC, EPA, WRC, MMDAs, SSMA, TAs
	(ii) Develop environmental management guidelines for SSM in conjunction with the EPA and ensure compliance	Env guidelines complied with by SSMs	MLNR, MC, EPA, SSMA
	(iii) Ensure concurrent reclamation of ASM operations	SSM mined out lands reclaimed	MLNR, MC, EPA, SSMA
	Identify and facilitate implementation of sustainable livelihood projects in ASM areas	i. Sustainable livelihood projects identified ii. 40% of su ch projects implemented by SSMs	MLNR, MC, SSMA, MMDAs, TAs
Objective 5: Develop a more efficient Fees system for ASMs	Institute fees on production	Substantial revenue mobilised from the ASM sub sector	MLNR, GRA, MC, MOF, PMMC, LGE, MMDAs
	Decentralise collection of some fees for permits, licensing (site inspection)		
	Administer fees on gold purchased by Licensed Buying Companies		
	Strengthen the National Small Scale Miners Association to assist in revenue mobilisation	Revenue mobilised from the SSM subsector through assistance of the ASM Association	
Objective 6: Discourage all forms of gender biases	Afford women opportunities to participate in the ASM sector	Number of women owning ASM concessions	MLNR, MC, GNASSMs, EPA, MMDAs, TAs, WiM

Appendix D: Relevant Documentation

List of statutes

a. The Constitution, 1992
b. Minerals and Mining Act, 2006 (Act 703), as amended by Act 794 of 2010, Act 900 of 2015 and Act 995 of 2019
c. Minerals Commission Act, 1993 (Act 450)
d. Environmental Protection Agency Act, 1994 (Act 490)
e. Water Resources Commission Act, 1996 (Act 522)
f. Forestry Commission Act, 1999 (Act 571)
g. Local Government Act, 1993 (Act 462)
h. Internal Revenue Act, 200 (Act 592)
i. Ghana Revenue Authority Act, 2009 (Act 791)
j. Office of the Administrator of Stool Lands Act, 1994 (Act 481)
k. Precious Minerals Marketing Company Act, 1989 (PNDCL 219)
l. Minerals Development Fund Act, 2016 (Act 912)
m. Minerals Income Investment Fund Act, 2018 (Act 978) as amended by the Minerals Income Investment Fund (Amendment) Act, 2020 (Act 1024)
n. Kimberley Process Certificate Act, 2003 (Act 652)

List of Subsidiary legislation

a. Minerals and Mining (General) Regulations, 2012 (LI 2173)
b. Minerals and Mining (Support Services) Regulations, 2012 (LI 2174)
c. Minerals and Mining (Compensation and Resettlement) Regulations, 2012 (LI 2175)
d. Minerals and Mining (Licensing) Regulations, 2012 (LI 2176)
e. Minerals and Mining (Explosives) Regulations, 2012 (LI 2177)
f. Minerals and Mining (Health, Safety, and Technical) Regulations, 2012 (LI 2182)
g. Mineral and Mining (Ground Rent) Regulations, 2018 (LI 2357)
h. Minerals and Mining (Minerals Operation – Tracking of Earthmoving and Mining Equipment) Regulations, 2020 (L.I. 2404)
i. Environmental Assessment Regulations, 1999 (L.I. 1652) („Environmental Regulations);
j. Minerals and Mining (Local Content and Local Participation) Regulations, 2020 (L.I. 2431)
k. Income Tax (Minerals Income Investment Fund Exemptions) Regulations, 2020 (L.I. 2433)

Other documents

a. Ghana's Mining and Environmental Guidelines, 1994;
b. Operational Guidelines for Mineral Exploration in Forest Reserves for selected Companies, 1997;
c. Community Mining Scheme Operational Manual

The Status of Domestication of the Africa Mining Vision in Ghana:
The Case of Artisanal and Small-scale Mining. April 2024.

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