

Report on the Roundtable to promote the role of Artisanal and Small-Scale Gold Mining in Ghana

Date: 29 May 2018

Venue: Premier Lodge, Bolgatanga

Sponsored by STAR-Ghana

Introduction

Third World Network – Africa (TWN-Africa) on the 29th May 2018 organized a roundtable discussion in Bolgatanga, to discuss the optimal role of Ghana’s artisanal and small-scale (ASM) gold sector and existing policies regulating the ASM gold sector in Ghana with the view to contributing to on-going reforms of Artisanal and Small-Scale Mining (ASM) in Ghana. The roundtable, the third and final in the series of roundtables on ASM gold, was supported by STAR – Ghana which is supporting a range of activities being implemented by the TWN-Africa in the ASM sector. The 50 participants at the meeting came from Northern, Upper West and Upper East regions and were mainly ASM operators, the District Mining Officer of the Minerals Commission, the National Disaster Management Organization, the Fire Service, district assembly members, CSOs and the media. The meeting was chaired by Bismark Adongo Ayongo of NORPRA, a CSO based in Tamale.



As in the earlier roundtables Pauline Vande-Pallen clarified, after the self-introductions of participants, the background and need for the roundtable. She explained that the roundtable was occasioned by Government’s 2017 ban on small-scale mining with the attendant impacts on the ASM sector, the ‘wrong’ message the media campaign against galamsey is sending out about ASM in general and the attempt to lump galamsey (illegal small-scale mining) with legal and licensed ASM and as a result inflict “collective”

punishment. The roundtables in the regions is one of the means, Third World Network-Africa, through a project funded by STAR-Ghana, together with operators in the ASM sector, is seeking to set the record straight on the ‘reality’ of the ASM sector, its contribution to the national and local economy, the distinction between galamsey and legal ASM and raising the debate on ASM to a higher discourse.

Presentation 1. The Importance of the ASM Sector in Ghana

Following the opening remarks, Mr. Richard Ellimah, a mining expert, made a presentation on the importance of ASM to Ghana’s economy, pointing out its immense contribution to both national and local economies, employment generation, and poverty alleviation in the mainly rural areas where it is carried out. In Ghana, he said, over one million people are both directly or indirectly involved in the ASM sector. ASM mining not only directly impacts the lives of people in communities where it is

undertaken, it contributes significantly to Ghana's gold production, bringing in foreign exchange earnings.

The importance of ASM has been recognized at both the continental and regional levels, the African Union, through its African Mining Vision (adopted by member countries since 2012), has called on all African governments to promote the sector. ECOWAS has also through its ECOWAS Mining Development Policy, asked for measures to ensure that ASM is encouraged. Ghana, as signatory to these protocols therefore, has no excuse banning the sector instead of making sure it works for the benefit of the practitioners and the economy as a whole. The omnibus 'ban' thus according to Mr. Ellimah defies all logic as ultimately the country stands to lose a lot. There is the need to come out with bold and workable measures to tackle the 'challenges' of galamsey and its impact on the environment instead of going for an unsustainable, inefficient, means as 'Operation Vanguard' which mirrors earlier similar interventions that have not solved the problem. He argued that the total ban on ASM is not the solution but targeting 'galamsey' would be more effective.

A number of ASM operators then took the floor and expressed their misgivings about the ban on ASM. According to them the peculiarity of the nature of mining in the region meant that the issues that led to the ban, the destruction of water bodies was not taking place within ASM mining in the Upper East and Upper West region. Concerns were voiced on the fact that in their opinion, the ban is illegal since their licenses have not been revoked and government is therefore renegeing on the agreement they have with it to go into mining. The ban has placed them in a very bad state as the bank loans they went for and equipment they have rented have all accumulated large debts which they cannot pay since they have not worked for more than a year. Specific mention of the case of the Talensi/Bole areas where even though the licenses of ASM operators has not been revoked their concessions have been handed over to foreign large-scale mining firms. On the whole, the loss of investment, income and livelihood has left many ASM operators insolvent, hungry and unable to meet their family responsibilities like children's school fees. The impact of the ban has gone beyond small scale miners and had generally affected local businesses as fuel stations' sales have gone down, the hospitality industry has also lost its customers, local traders are complaining of low sales etc. The earlier the ban was lifted the better, they reiterated as the continuous ban bodes ill for both the local and national economy since everybody knows the benefits of ASM.

Presentation 2. Ghana's Mining Regulations and ASM

Mr. Eric Bukari, the Minerals Commission District Mining Officer in Bolgatanga traced part of the history of ASM and its policy regulations in Ghana. He cited the Minerals and Mining Act 2006, Act 703. Minerals and Mining Policy, 2014 and the Minerals and Mining Act 900, 2015 (amendment- offenses and penalties) as the 3 main legal that small scale miners needed to be familiar with. He then took participants through the various processes of acquiring a license and the policy and regulation framework pertaining to ASM. He confirmed that ASM was formally recognized as an avenue for poverty alleviation through PNDC Law in 1989. A lot more can be done in the sector to sanitize the operations, he admitted and announced the Commission is about to open more district and regional offices to make up for its resources and logistic shortfall.

In the discussions following the presentation, participants were in agreement that Ghana having recognized the importance of ASM and signed on to, regional and continental documents the EMDP and AMV which both demand the promotion of ASM cannot turn round and 'kill' it through the ban.

There are challenges especially environmental ones but all mining, ASM or large scale disturb the ecology and need to be managed. Efforts should be geared towards good management practices and monitoring the activities and enforcing the laws instead of an endless ban. The environmental challenges notwithstanding, ASM has its benefits, which are critical for socio-economic development, contribution to national economy, rural development and poverty reduction etc

General discussion



Under general discussions a lot of issues came up which are enumerated below:

1. Licensing is so cumbersome that it could be one reason why there are a lot of galamsey (illegal miners) operations so there is the need to streamline and simplify licensing region eg lincensing should be decentralized and done at the district level not in Accra.
2. Child labour in ASM has become a challenge especially in the Talensi area so ASM operators should put a stop to it.
3. The destruction of the seized equipment of galamsey operators is illegal and should be stopped
4. The law implementation by law enforcement agencies should be done within the ambit of the law and effectively too
5. ASM operators need to be abreast with safety measures since there are too many preventable mine accidents involving ASM operators. They should engage the National Fire Service and other safety agencies
6. It is critical to address the issue of the difference between legal ASM and galamsey because government itself and those leading the media campaign do not seem to know the difference between the two and hence have bundled both together hence the ban on ASM.
7. There is confusion on who the ban is targeted at because galamsey is illegal and so cannot be banned because it is not allowed so what should be done is apply the law and arrest the

illegal (galamsey) miners not ban ASM in general. ASM especially, the legal one should not be banned as well.

8. ASM is supposedly/by law reserved for Ghanaians only but now there are a lot of foreigners involved under the guise of offering support services to mining but it is increasingly becoming difficult to differentiate between foreigners in ASM and those supposedly offering services to Ghanaian ASM operators and those engaged in mining themselves especially with new technologies on show now.
9. There are strong regulations but implementation from regulatory bodies are currently weak as they are understaffed, under resourced etc
10. District assemblies are not helpful in the acquisition of licenses but are in a hurry to help large scale mining companies or give preferential treatment to them
11. When it comes to the issue of license process, license is given to large scale miners before consultation with the communities in which the concessions are.
12. Operation Vanguard seems to be politically-motivated and not well thought through as failure of similar actions should inform it.
13. There is the need to enforce laws not a blanket ban on ASM
14. The acquisition of concessions is becoming more and more problematic as promise by Minerals Commission to 'block' out areas has not materialized. Worse still in the absence of prospecting by ASM (who are barred from prospecting) there is no assurance that whatever concession one eventually gets is mineral-rich
15. Worst of all large scale mining companies take large swathes of large as concession and keep them without mining for ages, meanwhile ASM operators are not getting enough (Azumah Resources, Northern Volteface are some of the culprits).
16. Politicians and traditional chiefs are now fronting for foreign ASM operators.
17. There is also the issue of incoherent licensing regimes as Minerals Commission's timeframe is different from the EPA, Water Resources Commission etc
18. The challenges with ASM are not just security matters and therefore should not be the in the bosom of District or Regional Security Committees who have taken control of the situation instead of the District Mining Committees with its attendant misunderstanding.
19. The Minerals Commission with its 'control' of lands from afar without reference to traditional authority also creates challenges between ASM operators and traditional rulers who feel left out of the 'concessionairing' process and therefore vent their frustration on ASM operators.
20. Political interference is another major challenge to ASM which has led to the current impasse as governments try through partisanship to divide the front of ASM operators.
21. So far government has not recognized the complementary effort by ASM operators to stop galamsey. ASM have been on the frontlines with the security forces in the little success they have chalked an indication that legal ASM are critical partners in the fight against galamsey.
22. Large scale does more pollution than ASM but unfortunately, the focus is more on ASM, why is it so?
23. In all fairness, hard rocks miners—which is mostly the ASM done in the three northern regions must be allowed to work as legal workers.
24. The impact of the ban so far has been very negative with livelihoods at stake, education, loss of income, hunger etc.

25. There are fears that with the ban on ASM, large scale miners are being issued licenses which cover some of the concessions owned by legal ASM operators. The District Mining Officer however, allayed their fears with the excuse that only those areas seen as not possible to be mined by ASM operators are being given out. This was countered by ASM operators as illegal since they hold the original concession and the large scale company should be negotiating with them and not take over their concessions with the help of the Minerals Commission.
26. The benefits of ASM to Ghana are more than those of large scale but because foreign companies pay their way through they are given preferential treatment and the local Ghanaian ASM entrepreneur disregarded (Once the 'Ghana big man get big envelope from foreigner, finish'). It is even possible the ban on ASM is linked to foreign interests.
27. ASM operators were called upon to package their issues well and 'advocate' for the lift of the ban since from the discussions they seem to have a case.
28. There is the need for the Minerals Commission to carry out diligent database collection of the sector to help in proper policies being put in place.
29. The Minerals Commission should also have mapped out, prospected areas and block them for ASM operators so as to lower the risk of ASM operators who are not allowed to prospect for minerals but are just given concessions without detailed mineral information.
30. Efforts should be made by Ghanaians to also get into the large scale mining sector to also enjoy the benefits that the multinational mining companies get
31. On the varied timeframes etc of the licenses by various institutions, the District Mining Officer explained that these are due to variations in operations, hence EPA regime could be different from operational licence etc
32. The police or other security agencies involvement are purely meant to restore order and reduce security risks in most cases and not for any other purpose a representative of the Security services explained.
33. Issues of continuous re-demarcation of concessions and then assigning of concessions to new companies with disregard to previous MOUs with other companies is also becoming a major challenge in the sector.
34. There is need for compensation to be paid to legal license ASM operators as they have lost income for more than a year and have also incurred debts through unserviceable bank loans, non-payment of rent for rented equipment etc through no fault of theirs especially when the ban was effected because of galamsey and not legal ASM.

Way Forward:

On the way forward the following points were made:

1. ASM operators must do some self-policing in addition to cooperating with the requisite authorities to prevent the situation that has led to the ban.
2. ASM operators should eschew individualism come together, collaborate, cooperate, and to further strengthen their from form cooperatives and companies. GNASSM should also be strengthened.
3. State agencies should be efficient in the monitoring and evaluation processes as far as the ASM sector is concerned since most of the challenges that led to the ban could be blamed on the lapses in their operations.

4. There should be an immediate lift of the ban to allow for cooperation to 'arrest' the situation.
5. Efforts at improving health and safety in the ASM sector must be implemented with the help of the state agencies like Fire Service.
6. A well-thought out strategy to sensitise 'galamsey' operators must be rolled out so as to help sanitise the ASM sector (GNASSM should also get involved in this effort of 'educating' the galamsey folks and help them to become legal as the 2016 Obuasi experience shows it can be done)
7. Streamlining the licensing regime by
 - (i) De-centralising it by bringing it to the district level
 - (ii) Simplifying the processes and procedures
 - (iii) Reducing the various charges involved in acquiring and renewing the license
 - (iv) Weeding out traditional and political interference
8. Commitment to the aims of GNASSM by members and taking out partisan political consideration
9. Government through the Minerals Commission should help resource to local entrepreneurs to ensure that linkages and diversification becomes possible in the ASM sector.