

# MINING SOCIAL LICENSE AND THE COMMUNITY BENEFITS AGREEMENTS APPROACH: WHAT PROSPECTS FOR GHANA?



## RESPONSIBLE BUSINESS PRACTICE FORUM

NOVEMBER 20<sup>TH</sup> 2019 | ALISA HOTEL, ACCRA, GHANA  
REPORT SUBMITTED BY: WORLD UNIVERSITY SERVICE OF CANADA, GHANA



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Forum participants, Alisa Hotel, Accra (Photo Credit: WAGES)

## EXECUTIVE SUMMARY

World University Service of Canada (WUSC), Ghana, through the West Africa Governance and Economic Sustainability in Extractive Areas (WAGES) Project and in collaboration with the High Commission of Canada to Ghana organized a Responsible Business Practice Forum on November 20th, 2019 at Alisa Hotel in Accra. Under the theme ***“Mining Social License and the Community Benefits Agreements Approach: What Prospects for Ghana?”*** the Forum brought together stakeholders from local and national government, civil society organizations, diplomatic representatives, and both public and private sector actors within the extractive industry.

The event commenced with a series of opening remarks and keynote speeches from honourable guests. It then proceeded with a research presentation on the prospects of Community Benefits Agreements (CBAs) in Ghana, a panel discussion on CBAs, and a fruitful Question and Answers segment. Finally, it ended with closing remarks on key issues, concerns, observations, and recommendations expressed during the event.

The Forum attracted a total number of 146 participants from various social, economic, and political backgrounds. Within that number, women accounted for 41% youth accounted for 45% and female youth accounted for 21%. They engaged in meaningful and integral discussions throughout the day, bringing thought-provoking contributions from their personal, professional and academic backgrounds.

# BACKGROUND

The Mining sector in Ghana is growing and serves as an important factor in the country's economic development. Statistics from the Ghana Revenue Authority indicates a 31% increase in total mining receipts, from GH¢ 1.65 billion in 2016 to GH¢ 2.16 billion in 2016. Moreover, it is also a leading export earner in Ghana. In nominal terms, the revenue realized from the export of minerals increased from USD 5.06 billion in 2016 to USD 6.00 billion in 2017 (Bank of Ghana).

Despite the enormous fiscal benefits that the mining sector has brought to the country's economic development, there are strong perceptions and beliefs that it has brought little to no benefit to communities, often contributing to poor relations between communities and mining companies. In response, mining companies have made conscious efforts in recent years to contribute to government-led initiatives to improve the integration of the mining sector with the non-mineral sectors of the economy, by capitalizing on Community Benefits Agreements (CBAs) as part of a social license to operate.

However, the relationships between communities and mining companies are not necessarily improving to a point where all parties are satisfied, particularly in the case of communities established in mining areas. These gaps in expectations and actual accomplishments often raise several questions regarding the nature, relevance, and impact of CBAs. To explore these areas of concern, World University Service of Canada, Ghana, through the West Africa Governance and Economic Sustainability in Extractive Areas (WAGES) Project, and in collaboration with the High Commission of Canada to Ghana, organized a Multi-National Stakeholder Forum at Alisa Hotel on Wednesday, 20th November 2019.

As part of WAGES community-driven approach, the project facilitated District-level trainings for community participants on how to engage mining companies on CBAs negotiations, who, in turn, participated in the Forum in Accra.

Under the theme ***“Mining Social License and the Community Benefits Agreements Approach: What prospects for Ghana?”*** the Forum was a collaborative effort between World University Service of Canada, Ghana, and the High Commission of Canada to Ghana. Some of the key stakeholders attending and actively participating in the Forum were the High Commission of Canada to Ghana, Government Representatives, Traditional Authorities, Community Representatives, Civil Society Organizations (CSOs), and Mining Companies among which Golden Star and Asanko Gold. With this rich and diverse representation of mining sector stakeholders, the key issues discussed focused on the nature, benefits and limitations of Community Benefits Agreements in Ghana.

# ACKNOWLEDGEMENTS

World University Service of Canada (WUSC), Ghana, would like to acknowledge the efforts of the High Commission of Canada to Ghana in its collaboration and support of the Responsible Business Practice Forum ***“Mining Social License and the Community Benefits Agreements Approach: What Prospects for Ghana?”***

WUSC would like to thank Her Excellency Sabine Nölke, High Commissioner of Canada to Ghana, for her support of the Forum and her presentation of the Forum’s opening remarks.

WUSC acknowledges the important contribution of Honourable Benito Owusu-Bio, Deputy Minister of Lands and Natural Resources, for presenting the Forum’s important keynote address.

WUSC acknowledges the contribution of Golden Star Resources Limited and Asanko Gold for their sponsorship to the High Commission of Canada to Ghana towards this program, as well as for their staff active participation at the Forum.

WUSC would like to thank Dr. Toni Aubynn, President & Chief Policy Analyst of the Africa Institute for Extractive Industries, for taking on the role of Chair of the Forum. In addition, WUSC would like to thank Dr. James Busumtwi-Sam for sharing his research findings on ***“Mining Community Benefits in Ghana Research Results”*** and partaking in subsequent discussions which set the tone for the discussions.

WUSC acknowledges the distinguished role and valuable contribution of the following Panelists:

- Dr. Toni Aubynn, President & Chief Policy Analyst, Africa Institute for Extractive Industries;
- Mr. Isaac Abraham, Head of Communications, Minerals Commission;
- Honourable Wilson Arthur, District Chief Executive, Wassa East District Assembly;
- Dr. Steve Manteaw, Co-Chair, Ghana Extractive Industries Transparency Initiative;
- Nana Adwoa Tanaa II, Divisional Queen Mother, Bogoso Divisional Council;
- Nana Ama Afoah II, Queen Mother, Momponso Divisional Area and
- Mr. Albert Buer, GSBPLs Communities Superintendent, Golden Star Resources Limited.

We thank all our staff and volunteers for the planning and organization of the Forum as well as all Forum participants who engaged meaningfully throughout the day.

# **WORLD UNIVERSITY SERVICE OF CANADA, GHANA & WEST AFRICA GOVERNANCE AND ECONOMIC SUSTAINABILITY IN EXTRACTIVE AREAS (WAGES) PROJECT**

World University Service of Canada (WUSC) is a leading Canadian non-profit organization in international development, committed to building a more equitable and sustainable world. WUSC works with a unique and powerful network of post-secondary institutions, private-sector partners and volunteers to provide education, employment and empowerment opportunities that improve the lives of millions of disadvantaged youth around the world.

Centre for International Studies and Cooperation (CECI) is an established Canadian international development organization whose mission is to combat poverty and exclusion. CECI's Canadian and in-country teams have 15 years of experience in governance and inclusive development in extractive areas of West Africa.

WUSC and CECI are jointly implementing the West Africa Governance & Economic Sustainability in Extractive Areas (WAGES) Project in Burkina Faso, Ghana, and Guinea. Working in partnership with communities, local government, mining companies, and other stakeholders, WAGES will enable communities, particularly women and youth, to maximize the socio-economic benefits from extractive resource investment in West Africa. The project's principal areas of focus include local governance, sustainable and inclusive economic growth, and regional knowledge-sharing on development best practices in mining areas.

# OPENING REMARKS, INTRODUCTORY REMARKS, WELCOME ADDRESS AND KEYNOTE ADDRESS SUMMARY

The Forum launched with opening remarks from both World University Service of Canada, Ghana and the Chair of the Forum, as well as welcome remarks from the High Commission of Canada to Ghana and a keynote address from the Ministry of Lands and Natural Resources. These speeches served as an introduction to the objectives of the Forum and to the subsequent research presentation and panel discussion on Community Benefits Agreements.



Emelia Ayipio Asamoah,  
Alisa Hotel, Accra  
(Photo Credit: WAGES)

## OPENING REMARKS

by Mrs. Emelia Ayipio Asamoah, Country Director,  
World University Service of Canada, Ghana

Emelia Ayipio Asamoah, Country Director, World University Service of Canada, Ghana, launched the Forum with her opening remarks after an introduction by the Forum's Master of Ceremonies, Mr. Akwasi Owusu-Bi. Throughout her speech she gave a brief overview of the mining sector contributions to the

economy in Ghana and underscored wealth distribution issues generated from mining activities at the community level.

She introduced the opportunities and challenges regarding the use of Community Benefits Agreements (CBAs) and presented how World University Service of Canada, Ghana, through the West Africa Governance and Economic Sustainability in Extractive Areas (WAGES) Project has partnered with the High Commission of Canada to Ghana to organize the Forum. The Forum was to serve as a dialogue platform on CBAs from the perspective of local communities as well as bring valuable inputs around policy recommendations on CBAs preparation between mining companies and local communities.

Mrs. Ayipio Asamoah closed her speech segment by welcoming the guests and participants, and by introducing the Chairperson of the event, Dr. Toni Aubynn.

Opening Remarks highlights:

- Mrs. Ayipio Asamoah stated that the mining sector has significantly contributed to the economy of Ghana in terms of exports and revenue generation;
- However, there are some strong perceptions and beliefs that the wealth generated from mining activities have not adequately trickled down to local communities living in mining areas;
- Community Benefits Agreements (CBAs) emerged in this context as one of the most prominent tools between mining companies and local communities that includes both financial contributions and non-financial contributions to support and address the needs of beneficiary communities;
- Within this framework, CBAs have often appeared as a way to break the vicious circle of poverty in which local communities often find themselves in when mining activities are not led with a socially responsible lens;
- World University Service of Canada, through the West Africa Governance and Economic Sustainability in Extractive Areas (WAGES) Project, partnered with the High Commission of Ghana to Ghana in order to provide a dialogue platform on the nature, benefits and limitations of CBAs from the perspective of local communities;
- Ultimately, this event was aimed at bringing more light on the necessary inputs that would contribute to push forward policy recommendations on the community benefits agreements preparation between beneficiary communities and mining companies;
- Mrs. Ayipio Asamoah closed her segment by introducing the Forum Chairperson, Dr. Toni Aubynn, President & Chief Policy Analyst of the Africa Institute for Extractive Industries.



Dr. Toni Aubynn,  
Alisa Hotel, Accra  
(Photo Credit: WAGES)

## **INTRODUCTORY REMARKS**

**by Dr. Toni Aubynn, Forum Chairperson and  
President & Chief Policy Analyst, Africa Institute  
for Extractive Industries**

Dr. Aubynn opened his speech segment by welcoming the Forum's guests and participants. Throughout his introductory remarks, he shared his experiences in the mining sector as well as his thoughts and knowledge on how the concept and practices of Community Benefits Agreements has evolved. He closed his speech segment reinforcing the objectives of the event stated by Mrs. Ayipio Asamoah and by welcoming and thanking guests for attending the Forum.

Introductory Remarks highlights:

- From Dr. Aubynn's knowledge and experiences, CBAs are rooted in the idea that community benefits should be separated from mining companies' budget. In the 2000s, he contributed to the idea to set up a foundation that would support communities in an innovative way;
- Up until that point, community benefits had been linked to mining companies' budgets, but the first area to experience spending cuts would always end up being community benefits;

- One way to address that issue was to create a separate foundation that would be distinct from the mining company and would be funded by the mining activities based on profits and production. Gradually, this idea became a common practice for almost every mining company operating in the country;
- Some companies took the concept and practice further by going into contract with local communities, specifying with them how much communities would receive as financial contributions and the mechanisms through which they could access the benefits based on which they allowed mining companies to operate;
- Dr. Aubynn concluded that these contracts are nowadays what is commonly known as Community Benefits Agreements.



HE Sabine Nölke,  
Alisa Hotel, Accra  
(Photo Credit: WAGES)

## WELCOME ADDRESS

by Her Excellency Sabine Nölke  
High Commissioner of Canada to Ghana

Her Excellency, Sabine Nölke, High Commissioner of Canada to Ghana, highlighted the connection between CBAs and the United Nations Sustainable Development Goals during her opening remarks, stating “for CBAs to be effective, they must link to our shared global commitments to the United Nations Sustainable Development Goals (SDGs), including Goal 5, which focuses on gender equality; Goal 8, on decent work and economic growth; Goal 11, on sustainable cities and communities; and Goal 12, on responsible consumption and production.”

HE Sabine Nölke emphasized that the mining sector plays a key role in Ghana’s economic development, “mining attracts more than half of the country’s Foreign Direct Investment, generates more than one-third of all export revenues, and makes a significant contribution to GDP and employment creation.” Furthermore, HE highlighted Canada’s development assistance program aimed at helping Ghana realize the potential of its natural resources wealth by improving its governance.

### Welcome Address highlights:

- There is the perception that mining has brought little or no direct benefit to the communities in which mines are located;
- There are currently over 450 community benefits agreements in place in Canada. Participation or benefit agreements with Indigenous communities have become widely accepted by industry in Canada and the Mining Association of Canada is about to approve a new update to its Indigenous and Community Standard;
- Community Benefits Agreements go far beyond the usual arrangements with national and regional governments, for the payment of leases, royalties, and taxes to operate mines;
- Community Benefits Agreements lay down in formal detail exactly what the mining company will provide to the community, both in terms of financial amounts pledged, and through the delivery of certain types of employment, local procurement, or projects;
- Some of the major players in the Ghanaian industry (Newmont Goldcorp, AngloGold Ashanti, Golden Star Bogoso/Prestea Limited) are beginning to adopt CBAs as an approach to furthering mining social license in Ghana;
- Canada and Ghana have had strong bilateral relations for over 62 years, rooted in shared values including gender equality which Canada champions globally through the Feminist International Assistance Policy;
- The Corporate Social Responsibility strategy for Canada's extractive sector abroad titled "Doing Business the Canadian Way: A Strategy to Advance Corporate Social Responsibility in Canada's Extractive Sector Abroad" outlines Canada's commitment to responsible business practice abroad and the expectation Canadian companies respect human rights and all applicable laws.



Honourable Benito Owusu-Bio,  
Deputy Minister of Lands and  
Natural Resources,  
Alisa Hotel, Accra  
(Photo Credit: WAGES)

## KEYNOTE ADDRESS

by Honourable Benito Owusu-Bio  
Deputy Minister of Lands and Natural  
Resources

Honourable Benito Owusu-Bio, in his keynote address, highlighted the established collaboration between Ghana and Canada and how Ghana “will continue to build on its existing partnership with Canada, especially in the areas of mining sector investment to ensure that the benefits from mining contribute to the socio-economic development of the people.”

Honourable Benito Owusu-Bio emphasized how the government’s strategies and policy direction are key factors in ensuring the benefits of mining investments are inclusive of women, men and vulnerable groups. He noted the importance for mining companies, through their responsible business practices, to have Community Benefit Agreements and highlighted that the “challenge still remains on how we can make these agreements more effective and beneficial to the larger benefits of host mining communities.”

Keynote Address highlights:

- Government is committed to collaborate with mining companies on Community Benefits Agreements and

social responsibility programmes and to align these with local communities through a participatory approach;

- There is a need for mining companies to have inclusive Community Benefits Agreements as part of Responsible Business Practice;
- The integration of the mining sector within the broader economy, linkages development, small scale mining sector restructuring, and the Minerals Development Fund (MDF) are key factors in ensuring the benefits of mining are inclusive and these socioeconomic benefits reach the community level;
- Community development schemes, inclusive of women at the local level, will be established through the operationalization of the MDF;
- The Office of Stool Lands and the Minerals Commission are committed to ensure that the portion of mineral royalties given to District Assemblies and the Stools are used to build infrastructure projects in mining areas;
- Oil plantations are currently being established using a part of the MDF Secretariat's administrative fund.

# RESEARCH PRESENTATION

## BY DR. JAMES BUSUMTWI-SAM

### BIOGRAPHY



Dr. Busumtwi-Sam delivering his research, Alisa Hotel, Accra (Photo Credit: WAGES)

Dr. James Busumtwi-Sam (PhD, Univ of Toronto, Canada) is an Associate Professor in the Department of Political Science at Simon Fraser University (SFU) in Canada. He was founding Director of the SFU Institute for Diaspora Research and Engagement. His research interests are in International Political Economy and International Organization with a regional specialization in the Political Economy of Development and Security in Sub-Saharan Africa. His publications have examined development assistance and the role of international financial institutions; macroeconomic policy reform and financial liberalization; global governance and sustainable development and the political economy of human security and peacebuilding in Africa. His most recent research examines the political economy of mining and mining community benefits the institutionalization of human security in the UN and African Union, and the impact of migrants/diasporas on development and security in Africa.

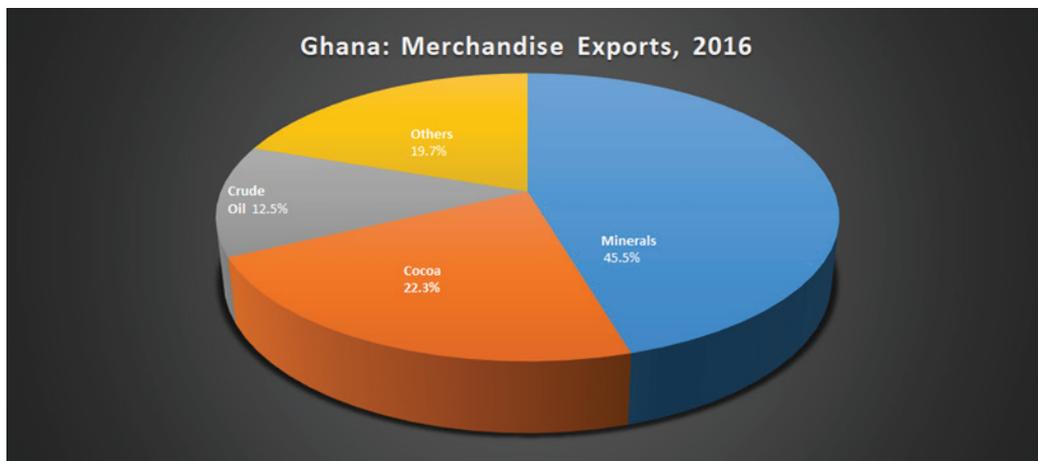
# PRESENTATION SUMMARY

Dr. James Busumtwi-Sam presented his key findings on “Mining Community Benefits in Ghana Research Results.” Below is a summary of his presentation and research, which was followed by a questions and answers segment:

## History of Mining in Ghana

Mining has played an important role in the political economy in Ghana for centuries. Gold, diamonds, manganese, and bauxite being the major resources with known deposits of iron ore, copper, chrome, nickel, limestone, quartz, and mica, valued at US\$ 38.65 billion as of 2014. Its contribution to GDP increased from 2% in 1991 to 9.6% in 2015. Minerals are the leading merchandise export, accounting for 45.5% of the total in 2016, compared with 22.3% for cocoa, and 12.5% for crude oil. Export of gold (96.8% in 2016) is the largest share of mineral exports. Despite being a major source of export earnings and a significant contributor to GDP, mining (large scale) does not contribute significantly to employment in Ghana.

An estimated 10,503 people (~1%) were formally employed in large-scale mining as of 2017 (GCM 2018). Indicative of the capital-intensive nature of large-scale mining. About 20 large-scale mining companies with investment from Australia, Canada, South Africa, and the United States dominate the sector with lesser investors from the UK, Norway, and China.



Apart from large scale mining, Ghana also has over 300 registered artisanal & small scale mining (ASM) operations, and over 90 mine support service companies. ASM is reserved for Ghanaians over 18 years of age. In 2014, approximately 1.1 million Ghanaians participated directly in ASM operations, while a further 4.4 million were dependent on the sector for their livelihoods.

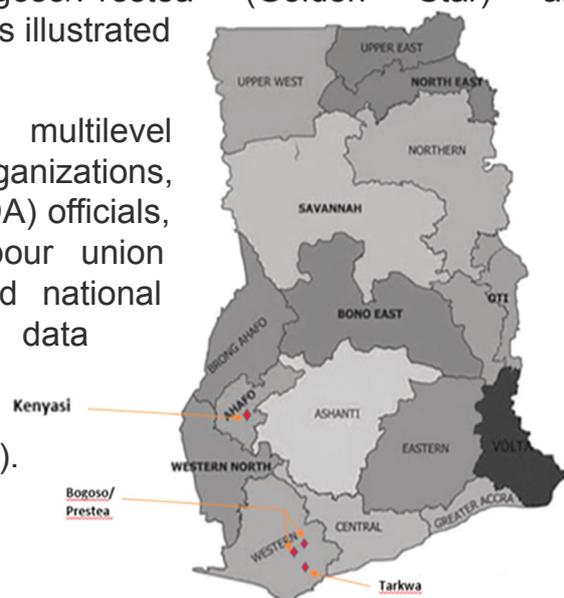
## Emergence of Community Benefits Agreements

Community Benefits Agreements (CBAs) has been increasingly adopted by mining companies to gain a 'social license to operate' in local communities. CBAs, often written as legal/quasi-legal 'contracts', promise host communities a variety of benefits in exchange for access to, and exploitation of local mineral resources. CBAs promise go beyond formal arrangements between mining company and national, regional and local government for the payment of leases, royalties, and taxes to operate mines. Formulation of CBAs has been due to increasing international/national concerns about mining governance challenges, and the environmental and public health consequences of mining and agitation by transnational anti-mining movements. Additionally, development of corporate 'codes of conduct' e.g., 1991-Berlin Guidelines; 1997- Global Reporting Initiative; 2003- Extractive Industries Transparency Initiative (EITI) has pushed for further transparency with the local communities.

## Purpose of Research

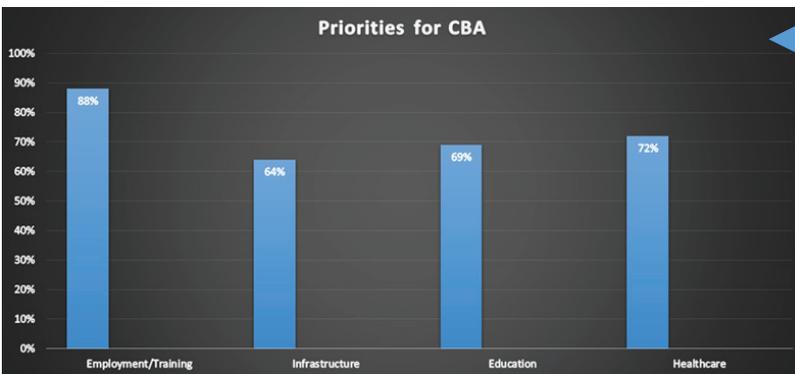
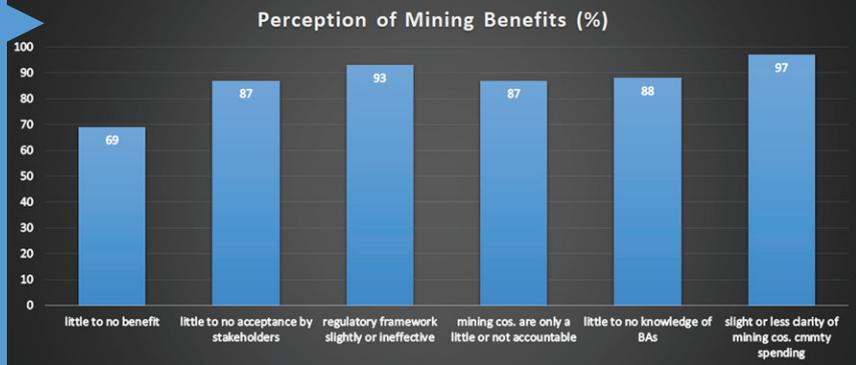
CBAs intend to provide agreement for revenue sharing, education/ training/ employment, local business contracts, and infrastructures to be built. The objective of the research was to examine the benefits of mining for local communities in Ghana through the lens of community in order to answer whether Community Benefits Agreements deliver on the promises made to host communities. The research explored data based on Monitoring and Evaluation (M&E) results of CBAs, focusing on the perspectives, expectations, and experiences of community members regarding the processes and outcomes of CBAs. The field research was done in three communities hosting mine sites in Ghana: Kenyasi (Newmont), Bogoso/Prestea (Golden Star) and Iduapriem/Tarkwa (AngloGold Ashanti) as illustrated on the map below.

Data was collected via interviewing multilevel stakeholders such as community organizations, community leaders, District Assembly (DA) officials, chiefs and traditional authorities, labour union officials, mining company officials and national government officials. Supplementary data were also obtained from review of literature (official reports, mining company reports, published studies, etc.).



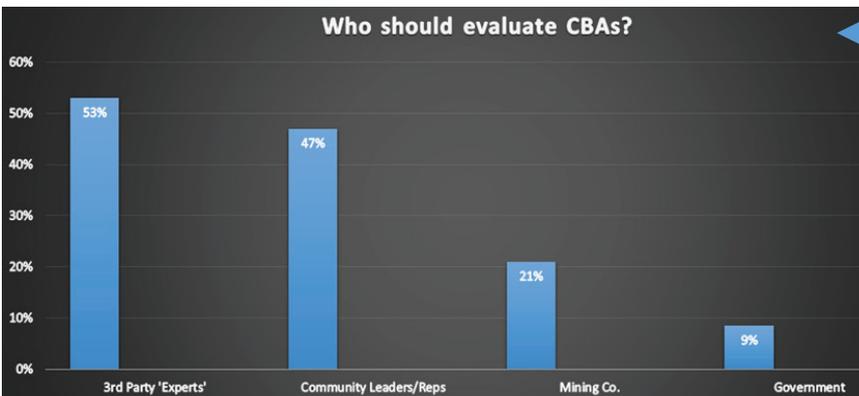
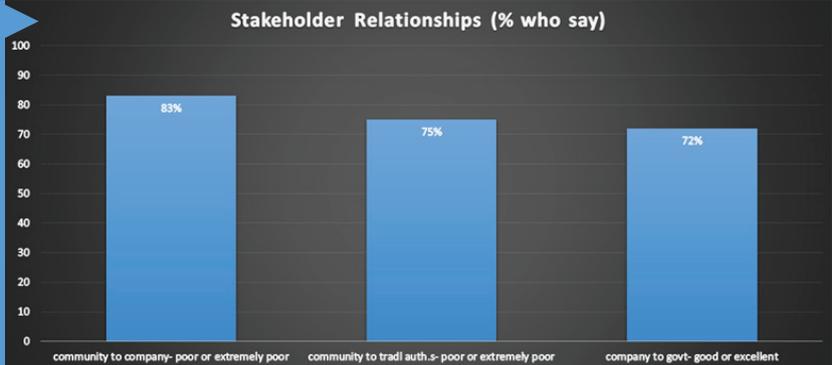
## Results and Analysis

Field results in the three communities (Kenyasi, Prestea/Bogoso and Tarkwa) revealed a clear perceptions problem, and a wide range of expectations, regarding the benefits of mining:



While responses to priorities for CBAs varied, generating employment and education/training received the greatest priority across all three cases:

Also consistent across the three cases were strong perceptions of poor relations between communities and mining companies:



Each of the communities expressed a strong preference for third-party M&E of CBAs and greater community participation in M&E, indicating a lack of trust in mining companies:

Research thus revealed a sense of community distrust towards mining companies, DA/ other government officials, and traditional authorities. Distrust originated due to several deficits in the governance of mining CBAs, including:

1. Weak, or non-existent mechanisms of *Responsibility and Accountability*,
2. Lack of *Transparency*,
3. Perceptions of inadequate *Representation and Participation*.

In order to improve CBAs governance/outcomes mining communities must be seen as an important actor or agent of their own right and engaged as active members in their own development. The communities view the mining companies as ‘benevolent benefactors’, donating of ‘development’ to communities, however no one takes on the responsibility to ensure sure these ‘gifts’ lead to longer-term development. This, in turn, creates a dependency culture – ‘development’ is something bestowed by outside agents, rather than a process that occurs through empowerment and agency. This undercuts the authority and legitimacy of municipal, regional and national government to deliver public services and be responsible and accountable for such.

### **General Recommendations**

Following are propositions to strengthen sustainable development in the mining sector in Ghana:

- A. It is important to implement the 2014 Minerals and Mining Policy of Ghana, and the 2016 Minerals Development Fund Act (MDF) in its entirety;
- B. Institute periodic audits of all MDF channels and beneficiaries including DAs and Traditional Authorities;
- C. Strengthening the mining fiscal regime (royalties and taxes) to allow financial transparency;
- D. Strengthening the environmental regulations; ensure that the EPA is well resourced; adopt a continual monitoring system for environmental indicators at all mine sites;
- E. Develop a national policy and strategy to ensure that women participate in and benefit from mining;
- F. Close the skills/ training gap in mining. The mining sector should be seen as a vehicle for technology, skills, and management.

### **Specific Recommendations on CBAs**

- A. Developing a long-term plan integrating mining (including ASM) into a wider vision of a diversified high-income, high-wage economy whilst making CBAs a mandatory, legally binding obligation for all large-scale mining operations, especially the 20% allocation to the Community Development Scheme (CDS);

- B. Address CBAs governance deficits – enhance responsibility, accountability and transparency of CBAs, and enhance community representation and participation in CBAs decision-making;
- C. Communities should participate in CBAs with help from knowledgeable officials from the national/ local governments through deliberate and ongoing consultation to identify priorities that are in the common interest and part of a long-term development plan;
- D. Adopt international best practices by providing guidelines for mandatory CBAs, obtaining Free and Prior Informed Consent of communities for projects, and for community - oriented independent M&E;
- E. Create a socioeconomic baseline for M&E in each community to see how mining is affecting the general welfare;
- F. M&E frameworks for CBAs should include both quantitative and qualitative data, and incorporate participatory methods;
- G. Clear and publicly available indicators and targets are a must to assess and demonstrate progress;
- H. All CBAs projects should undergo due diligence regarding procurement and hiring;
- I. Build local capacity for M&E by neutral 3rd parties trusted by the community and paid out of general funds, rather than the mining company, to avoid the appearance of conflicts of interest;
- J. Give mining communities better access to legal representation to defend their rights.

# PRESENTATION QUESTION & ANSWER SUMMARY

## Comment 1

The mechanisms mining companies use in engaging with the communities should be reviewed. Companies should be posting on the internet or community boards, not many people are able to go to the internet to access information about what the mining companies are doing. Companies need to change the strategy on how they are engaging with the community. Going to the community members themselves, providing community forums, using local media to highlight the issues will go a long way to see the benefit from mining. Mining companies ought to take a clue from the research findings.

## Response

by Dr. Busumtwi-Sam: Due to financial constraints the research project settled to study the three mining companies.

## Comment 2

The selection criteria for the mining company – it is strange that big players were left out of the selection process and focus only on three mining companies. What about Golden Star's gender issue? What was the reason why women did not actively participate in large scale mining? The research team should look into the socio-economic benefits for CBAs in the mining communities in Ghana.

## Response

by Dr. Busumtwi-Sam: Golden Star copies are not published but were given copies of the data directly by the company headquarters based in Accra to the research team.

## Comment 3

Community members do not have the technical or legal language expertise used to draft clauses in the CBAs. Members do not have the competency and literacy in the subject area. Clauses in the documents are also finalised by the mining company which are always revealed, therefore the issues in the document do not always surface until expenditure. Competency, literacy, knowledge should be looked into as governance deficit.

## Response

by Dr. Busumtwi-Sam: Governance deficit in the government is something that is agreeable, Competency, literacy, knowledge and skills are absolutely important that is why one of the recommendations was that a portion of the CBAs revenue must be used towards building capacity, that we need to train

people, local people to assure that there are knowledgeable people. Or alternatively, governments should subsidise third parties such as University of Mines, so people can go and negotiate. There is a need to build that capacity locally because the issues are technical as communities know what they want, but often cannot express in the legal or quasi-legal framework.

#### Comment 4

CBAs are not required in Canada by law, that being said, they are de facto to do business. What is required legally is for the government to negotiate in good faith for the community. Several hundred CBAs are operational, sometimes are not public, requested either by the company or sometimes the community. At times, parts of the agreements are not made public, money sections are kept private, to keep deals private, strengthen fiscal regime. It does not matter what the royalty is, it is a long-term stability that is important for the mining company as well as the community.

#### Response

by Dr. Busumtwi-Sam: The gender issue – gender inequality for women in mining is quite structural. Maternity leave, change rooms, toilet facilities are not present in the mining sites which bars women from gaining employment in mining. These basic issues are something the mining companies need to address.

#### Comment 5

Challenges arise from gaps in perceptions regarding the responsibility to provide support that address the communities' needs. The most common understanding about this issue is that local governments are to be held responsible for and accountable to providing this support to communities. However, the reality is very often something else. However, most local governments are not able to do it due to various limitations in resources, whether financial, material, human or intellectual. Hence, the public often resort to seek the support of mining companies since they appear to have the ability to address their needs. Nonetheless, such habits from the communities gradually creates and strengthens the perceptions that mining companies are ultimately responsible to provide for their needs in exchange from the exploitation of their lands.

#### Response

by Dr. Busumtwi-Sam: There are no strict legal requirements but there is a strong expectation and, moreover, there are clear guidelines on what should be included in the negotiation. There might not be legislation but there should

be guidelines. There might not be laws but there should be regulations where CBAs fit in within this law so that there is a national uniform standard. The research emphasis is on monitoring and evaluation (M&E) and whether it is voluntary or mandatory we still need ways to assess. M&E should be on-going, annual, semi-annual. Mining challenges the importance of addressing the responsibility gap.

## Comment 6

Most people did not understand what is included in the CBAs, and once the CBAs are signed, information does not trickle down to the grassroots. This research was done in the community, and the community did not have the information so they cannot deliver anything about CBAs. So next time, when the CBAs are being signed, the mining companies need to send the information to the grassroots, so there is a clear understanding.

**Dr. Busumtwi-Sam did not have a specific response to this comment.**

## Comment 7

Mr. Rammy Oboro, Asanko Gold Community Relations Manager, contributed his reflections and comments to the research presentation and question and answer segment. Mr. Oboro shared that there is miscommunication and mistrust between communities and mining companies. He shared that Asanko Gold engages with communities to co-design Community Based Agreements to ensure they meet the needs of the community. He emphasized the importance of the CBAs development process and how the process is integral to the success and impact of the CBAs. Mr. Oboro highlighted several challenges regarding CBAs including fund management and divergent needs of these funds at the local level, galamsey operations as a barrier to CBAs, and how both infrastructure and development activities are needs and yet CBAs cannot tackle both areas in full.

# PANEL DISCUSSION

## BIOGRAPHIES



Nicholas Opoku, Alisa Hotel, Accra (Photo Credit: WAGES)

### **Mr. Nicholas Opoku**

#### **Moderator, Panel Discussion/ Communication Specialists & Journalist**

Nicholas Opoku is an experienced journalist, communications consultant, researcher and conference moderator. He works with Joy FM as Lead Coordinator of Thought Leadership Programmes and has consulted for BBC, Ghana Integrity Initiative and Ghana Centre for Democratic Development amongst others. Over the past 4 years, Nick has organized high profile national policy workshops, roundtables and debates featuring policy makers and technocrats. Nick has moderated many high profile conferences and thought leadership events including the Graphic Business/ Stanbic Bank breakfast meeting on fiscal indiscipline (October 2019); UNHCR forum on 'Entrepreneurship and Employment opportunities for Refugees' (August 2019); CDD-Ghana roundtable on the Legal Profession Amendment Bill, 2019 (July 2019), Corruption Watch's National Accountability Forum (February 2019) etc. He holds a Bachelor of Arts in Political Studies from the Kwame Nkrumah University of Science and Technology and a Bachelor of Laws from the Faculty of Law, GIMPA.



Dr. Toni Aubynn, Alisa Hotel, Accra (Photo Credit: WAGES)

## **Dr. Toni Aubynn**

### **President & Chief Policy Analyst, Africa Institute for Extractive Industries**

Dr. Toni Aubynn has over 20 years of experience in both the solid minerals and the hydro-carbon sectors. He is currently the Founder and President of the Africa Institute of Extractives Industry (AIEI), an extractive industries think-tank, focusing on regulations, policies, governance and inclusiveness. He is also a consultant on a wide range of issues in the extractives industry including, policy, regulation, sustainable and inclusive extractives. Dr. Aubynn is the immediate past Chief Executive Officer of the Ghana Minerals Commission and served as the Chief Executive Officer of the Ghana Chamber of Mines, and previously held various senior executive positions at Tullow Oil Ghana Limited.

Dr. Aubynn is a member of the International Finance Corporation's (IFC) Advisory Group on local content and the UN Institute of Training and Research (UNITAR) expert on small-scale mining in West Africa. He once chaired the Associations and Communities Group (ACG) and the Working Group on Small-Scale Mining, of the International Council on Mining and Metals (ICMM). He has written over forty, published and unpublished academic papers and contributed chapters to six books.



Nana Adwoa Tanaa II, Alisa Hotel, Accra (Photo Credit: WAGES)

## **Nana Adwoa Tanaa II**

### **Divisional Queen Mother of Bogoso Divisional Council in the Wassa Fiase Traditional area**

Nana Adwoa Tana II is a Human & Development Management Consultant and Counselor. In addition to her responsibility as a Mother of the Community, Nana offers business development, management and legal consulting to a number of construction, road and highways and local governance related Investors and companies.

Nana's quest to ensure sustainable development of her traditional area motivated the creation of the Nana Adwoa Tanaa II Foundation (NATDeF), which mobilizes resources for community development and empowerment. The foundation works on child education, professional, vocational and skills training for girls, women and youth, quality health of the people and increasing community voices and inclusiveness in local economic development.

Nana appreciates social accountability and facilitates dialogue toward efficient policy implementation including sustainable resources exploitation. Her training includes degrees in Psychology with Sociology, an MBA in Human Resources Management and an LLB.



Honourable Wilson Arthur, Alisa Hotel, Accra (Photo Credit: WAGES)

## **Honourable Wilson Arthur**

### **District Chief Executive, Wassa East District Assembly**

Honourable Wilson Arthur is a public servant, an entrepreneur and a sports administrator. He was appointed by His Excellency, the President in May 2017 as the District Chief Executive (DCE) for Wassa East District Assembly. Upon assumption of office as a DCE, he was elected by his peers as the dean of all the Metropolitan, Municipal and District Chief Executives (MMDCE) in the Western Region. Hon. Arthur established Skyy FM in 1997 and pioneered the first Digital TV in Ghana in 2008, Skyy Digital.

In sports, he is currently the Chairman of the Western Region Sports Committee and very keen to play an active role in the administration of the new Ghana Football Association. He owns SKYY FC, a Division One Club that plays in the district capital, Daboase.

He brokered current the MTN-Asante Kotoko FC sponsorship deal, as well as the GN Bank Division One League deal. Honourable Wilson Arthur holds an Executive Master's in Public Administration from GIMPA and a BSc in Agriculture Economics from the University of Ghana, Legon. He is a member of the Chartered Institute of Marketing, UK and Ghana.



Dr. Steve Manteaw, Alisa Hotel, Accra (Photo Credit: WAGES)

## **Dr. Steve Manteaw**

### **Co-Chair, Ghana Extractive Industries Transparency Initiative (GHEITI)**

Dr. Emmanuel Steve Asare Manteaw is a Policy Analyst and a Communication Strategist. He has worked with the Integrated Social Development Centre (ISODEC) for 20 years. ISODEC is a Ghanaian, rights-based public policy research and advocacy organization focusing on extractive sector policy research and analysis, revenue/ expenditure tracking, rights protection, tools development, and training.

Dr. Manteaw also has extensive experience in Extractive Industries Transparency Initiative (EITI Implementation), and an appreciation of the legislative and regulatory regimes in the extractive sector in West Africa, with a specific focus on Sierra Leone.

He serves on several national boards and committees, including the Ghana Extractive Industries Transparency Initiative (GHEITI), as well as being the co-chair of the national steering committee of the Open Governance Partnership (OGP) initiative hosted by the public sector reform secretariat. In 2014, he served as a rapporteur for the National Economic Dialogue Forum at Senchi, and was later appointed as a member of the Senchi Forum Implementation Advisory Committee, hosted by the National Development Planning Commission (NDPC). Dr. Manteaw served for four years, as a member of the World Bank Extractive Industries Advisory Group in Washington, D.C.



Nana Ama Afoah II, Alisa Hotel, Accra (Photo Credit: WAGES)

## **Nana Ama Afoah II**

### **Divisional Queen Mother of the Mamponso-Wassa Fiase Traditional area**

With a passion to create sustainable development opportunities for people in her divisional area, Nana Ama Afoah II has been very active in engaging with various development actors in developing partnerships that will inure to the benefit of women and youth in particular in her divisional area.

Nana is particularly interested in interventions that empower women and youth with the required skills to enable them to live prosperous lives. She provides business development advisory services to small and medium enterprises that help to improve financial returns. Nana holds a Bachelor of Commerce degree from the University of Cape Coast, Ghana.



Mr. Isaac Abraham, Alisa Hotel, Accra (Photo Credit: WAGES)

## **Mr. Isaac Abraham**

### **Head of Communications, Minerals Commission Ghana**

Isaac Abraham is the Head of Communications at the Minerals Commission, Ghana. He holds a Master's degree in development management and various qualifications in Marketing and Public Relations and Advertising. Mr. Abraham is an accredited member of the Institute of Public Relations, Ghana where he previously served on the member services committee.

He has twenty five years of work experience in both corporate and government sectors. He has undergone several professional and industry related trainings and obtained various certificates from the University of Queensland, Australia, Maastricht School of Management, in the Netherlands, and Crown Agents International, in the United Kingdom. As the chief manager of corporate communications at Ghana Telecom, Mr. Abraham played a key role in the successful migration from Ghana Telecom to the Vodafone Ghana brand.



Mr. Albert Buer, Alisa Hotel, Accra (Photo Credit: WAGES)

## **Mr. Albert Buer**

### **Communities Superintendent, Golden Star Resources Limited**

Albert Buer is the Golden Star Bogoso/Prestea Limited Communities Superintendent and has over two decades experience in the community relations field with the private sector and non-government organizations. Albert has been part of the Golden Star team for more than nine years, and is responsible for land use and assessment activities, resettlement and relocation. Furthermore, his expertise extends to Golden Star Development Foundation projects, including community development and livelihoods projects, stakeholder management, as well as grievance resolution and management.

# PANEL DISCUSSION SUMMARY



Panel discussion panelists, Alisa Hotel, Accra (Photo Credit: WAGES)

The Panel Discussion, facilitated by Mr. Nicholas Opoku, included panelists from diverse backgrounds and sectors within the extractive industry. Representatives from local communities and Traditional Authorities, local government assembly, policy experts, mining industry and both private and public representation. Through the discussion, panelists shared their expertise and experience with Community Benefits Agreements.

## **1) Why do you think it is necessary to have community benefit agreements with mining companies?**

Dr. Emmanuel Steve Asare Manteaw stated that he definitely saw the need for Community Benefits Agreements, not just with mining companies but also with the government. In Ghana, the industry is structured in a way where benefits arise for the national government through taxes and royalties, yet communities are often marginalized by the unintended consequences of mining. Thus, it is imperative to provide equity in the allocation of benefits that are gained from extraction. A lot of mining companies have taken on pseudo-governmental roles providing public services, which actually should be provided by the royalties given to governments by mining companies.

## **2) 'Development' is the responsibility of the state, why is it currently being outsourced to mining companies?**

Honourable Wilson Arthur responded to the question by highlighting that the government structure being practiced in Ghana is decentralized. He stated that

after taking on his role as District Chief Executive, he focused on understanding what roles the mining companies play in their communities. The more field experience he got, the more he learned about the deep rooted interventions that are undertaken by mining companies, such as building schools, or community centers. Local government units, mining companies, and communities display a continuous sense of disconnection between each other.

**3) (Follow-up question for Honorable Wilson) Why do you want mining companies to be outsourced to develop communities?**

Honourable Wilson Arthur then indicated that there is still a lot of exploitation taking place within mining communities, by the mining companies. He indicated that in the past, when mining companies would exit a community, it would often be left dilapidated, with many displaced people in the communities not knowing what to do. Resources are seldom used to develop communities, while the focus is always extracting from the communities as much as possible.

**4) Is it a case of a failed State which had abdicated its responsibility to mining communities? Or is the case of mining companies supplementing the role of government?**

Nana Adwoa Tana II said she agrees with Honorable Wilson's point on recognizing that mining companies do exploit communities regularly. In her community, people were able to use manageable roads, and drink clean water from the stream, until the concept of mining entered their community. Thus, she sees it imperative that Community Based Agreements take place to protect the communities from the negative implications of mining companies. While yes, it is the responsibility of the government to develop; mining companies should be held responsible and accountable as well.

Nana Ama Afoa II proceeded to add that it is the responsibility of both the mining companies and the government to assure the communities are well taken care of. Agreements are necessary because they protect communities and make it clear that mining companies must be more responsible, and governments must pay royalties into the communities.

**5) Do Community Based Agreements have to potential of meeting the development needs of mining communities?**

Mr. Isaac Abraham indicated that the social impacts of mining and loss of livelihoods is what led to the concept of Community Based Agreements. He recognized that not all communities have them, however all mining communities have sustainability projects to undertake in the communities they operate in. Thus, it is imperative for mining companies to co-exist within the communities they operate in, solidifying the importance of used Community Based Agreements to meet the needs of mining communities.

**6) Are communities unified enough to have a strong bargaining power in negotiating the terms of the Community Benefit Agreements since the communities are fractionalised with chiefs, youths and other opinion leaders?**

Nana Ama Afoah II responded that there has been an overall challenge in moving forward with finalising a benefit agreement for the community as a whole due to the differences in opinions in how everyone views what is a best fit for the community. However, presently the community is learning from its past experiences and coming together in ways that will fulfill the needs of the community. Nana Adwoa Tana II also noted that formally, the community portrayed a consolidated unit at all levels of the community however, in reality the situation can vary, which then leads to additional issues.

Honourable Wilson Arthur felt the community capacity comes into play when it comes to agreeing to the clauses for the Community Benefits Agreements. The key stakeholders within the community needed to have the competency, knowledge, skills and attitude to be able to negotiate for the community as a whole.

**7) Shouldn't the lack of existing capacity at various levels call for a legislated model framework and format the community can follow?**

Honourable Wilson Arthur went on to say that a guide would be worthy however it will still need to be strategically adapted to the context of the community. Dr. Toni Aubynn felt the concept of a CBA is not a bad idea in itself however making it into a law out may be an issue. Community should have a two-way dialogue on the needs that are consistent with the District plan can favour in positive development within the community. For example, one of the gold companies has done this by taking a year to formulate a five year plan that fed into the District plan.

**8) Is the Minerals Development Fund Act fit for purpose?**

Dr. Emmanuel Steve Asare Manteaw sensed that the discussion being played out should strongly be reflected by everyone because the dialogue was moving towards de-harmonizing resources and opportunities at the District level. He stressed the need for the members of the public and institutions should be coming together to generate a development that in accordance with the National Development Commission Act where each and every stakeholder at all levels are properly consulted and given the opportunity to provide inputs towards the final plan.

**9) Agreements are meant to be enforced therefore why should CBAs not be backed by legislation?**

Dr. Toni Aubynn believed making a law would limit the development in the community. He felt a legislation would allow the companies to comply with the bare minimum as per the agreement even though the company may have the

ability to do more. Therefore, he deemed it was important for the state to publish a guideline which emphasised on contribution by the mining companies towards community development funnelled through the district assembly which is the primary developing agent institutionally.

**10) South Sudan has one of the most comprehensive legal regimes for Community Benefits Agreements. Their mining act and subsidiary legislation provide a model for some of these Community Benefits Agreements. They have rules, governing its conclusion and penalties for non-compliance. They explicitly state that, it is a precondition to commencement for mining operation. Should Ghana not have a similar policy?**

Dr. Emmanuel Steve Asare Manteaw who has had extensive background on working with countries that have Community Benefits Agreements as legislation, weighed in on the issue. He cautioned against such a move as it gives legislative duties that essentially are the responsibility of the government to private corporations. It normalizes that the government has failed to meet its obligations. This move would allow the corporations to treat all community development agreement expenditure as cost to their operations which then becomes tax deductible. This in turns prevents the government in collecting the duly tax owed. Dr. Manteaw moved on to say that by treating mining corporations as corporate citizen in the community they are operating in would help enhance the development of the community as a whole. By inviting the companies during development planning at the district level, will allow the companies to map their contribution towards realisation of the development plans. Going out of one's way to sign a Community Benefits Agreement ran the risk of developing projects that may not necessarily be in tandem with the development priorities as established in the district planning level. Dr. Manteaw CBAs can become tokenistic and it was important for the community to look into a more promising approach to develop districts.

# PANEL DISCUSSION

## QUESTION, ANSWER, AND CONTRIBUTIONS



Forum participant, panel discussion, Alisa Hotel, Accra (Photo Credit: WAGES)

Participants were given a segment to intervene and interact with the members of the Panel Discussion. The questions and answers session was very interactive as the participants contribute to the discussion by mainly sharing their views and experiences on the Panel Discussion. The following paragraphs are snapshots of the contributions from the participants. They mainly provided inputs on some of the core questions of the event, among which “Are CBAs relevant?”, “Should CBAs be legalized?”, and “How can we improve CBAs?”

### **Contribution 1**

A participant added that he believed CBAs are a good thing. From his experience in 2015, Golden Star was mining in Prestea. They contracted Local Contractors of Mining Services to fix a road problem that the community was experiencing and had stated as one their need in the CBA. Had it not been for the CBA, the Community would have struggled to find the support and resources to address that issue with only the help of the local government.

### **Contribution 2**

Mr. Nana Osagyefo Amanfo shared that when he was working as a Community Relations Manager, Golden Star had introduced the Foundation system where the employees were contributing dollar per hour for community projects. The company he worked for decided to simply replicate that Foundation system in Bogoso.



A General Manager loved the idea and strived to make it work perfectly.

However, when that Manager left and got replaced, the new General Manager saw it as a waste and decided not to go by it. He now believes that if there had been a signed and binding agreement, in no way could the changes in Management be the reason for noncompliance.



Forum participant, panel discussion, Alisa Hotel, Accra (Photo Credit: WAGES)

### **Contribution 3**

A participant noted that we have not been talking enough on the notion of mining social license and thought it was important that we understand what it is. From his views mining social license is not a tool, a source nor a process. It is rather an outcome of what mining companies have been doing in mining areas. As such, the mining social license should exist as a continuum, meaning it's dynamic and it changes with time, perceptions and events.

By understanding mining social license in this way, we give more consideration to the endowment effect, which suggests that mining companies should give equal focus not only to the benefits of the local communities as stated in CBAs, but also to the acknowledgement that throughout these agreements local communities do experience losses that might not be captured and addressed in the agreements, take the shapes of damaged roads by heavy trucks or pollution of water bodies by the waste produced during mining activities.

# CLOSING REMARKS

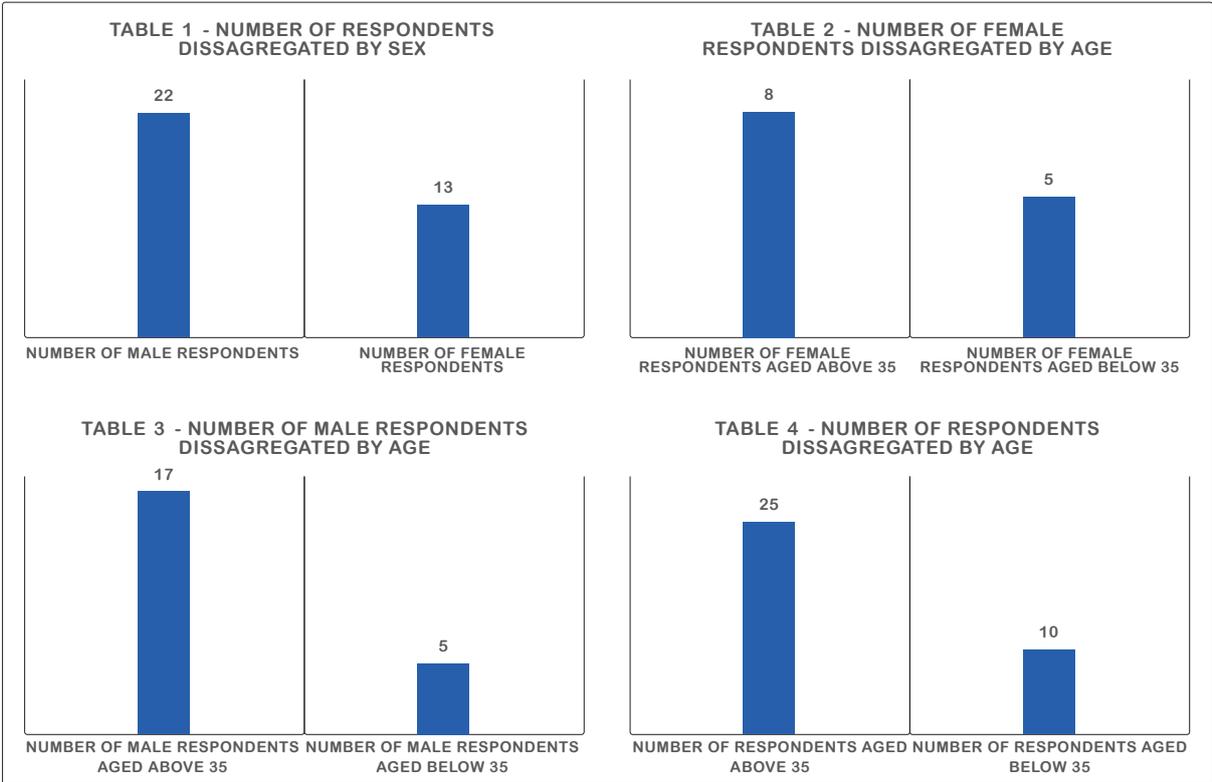
Dr. Toni Aubynn brought the Forum to an end with a series of closing remarks that emphasized the important role Community Benefits Agreements have within Ghana. He acknowledged World University Service of Canada, Ghana, and the High Commission of Canada to Ghana for organizing the Forum. He thanked HE Sabine Nölke for her opening remarks as well as Deputy Minister of Lands and Natural Resources Honourable Benito Owusu-Bio for his keynote address. Dr. Aubynn acknowledged Dr. Busumtwi-Sam's presentation, and how it was a way to open valuable discussions on the Forum's objectives, as well as the important contribution of the Panelists and Forum participants in the Panel Discussion.

Dr. Aubynn highlighted that the Forum brought thorough, honest, and open discussions on the future of Community Based Agreements. He noted that although discussion and debate have not concluded, there is a "sway to maintain CBAs, improving them and then linking them to overall national development." He encouraged participants to continue to have an open dialogue on CBAs and to focus on the Forum's recommendations and ways forward.

# EVALUATION SUMMARY

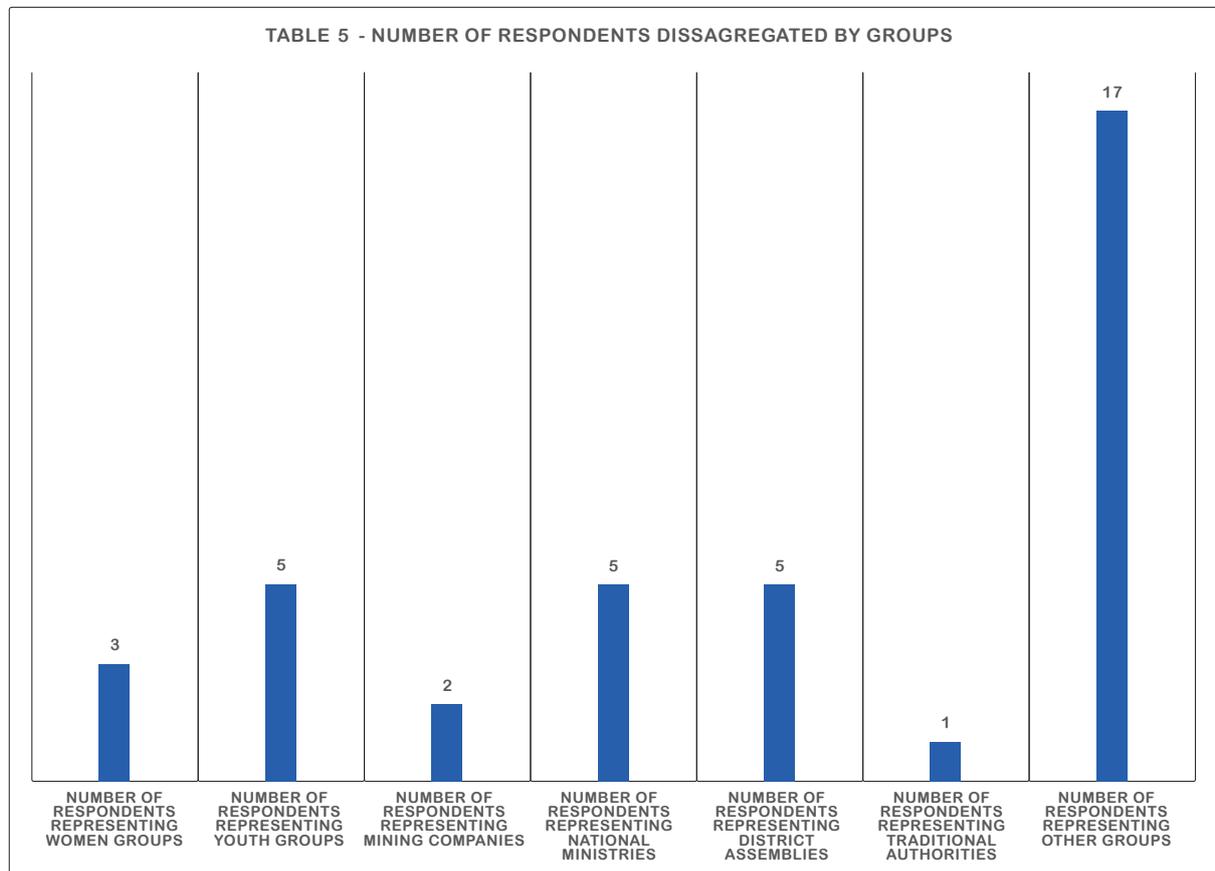
## Forum evaluation respondents' profile

- 35 people evaluated the forum, among which 13 were females and the remaining 22 were males (Table 1);
- Of the 13 females, 8 of them indicated that they were aged above 35 years old while 5 of them indicated that they were youth aged below 35 years old (Table 2);
- Of the 22 males, 17 of them indicated that they were aged above 35 years old and 5 of them indicated that they were youth aged below 35 years old (Table 3);
- The age disparity among the respondents cumulates into 25 of them being aged above 35 years old and the remaining 10 being aged below 35 years old (Table 4).



### Stakeholders representation (Table 5)

- 3 representatives from women's groups;
- 5 representatives of youth groups;
- 2 representatives of mining companies;
- 5 representatives of a National Ministry;
- 5 representatives of District Assembly;
- 1 representative of Traditional Authority Representatives;
- 17 representatives of other groups such as Civil Society Organizations (CSOs), Local Contractors of Mining Services (LOCOMS), Association of Goldsmiths, etc.



## **Key findings from the evaluation**

- The respondents described the forum as “very informative”, “very insightful”, “very interactive and educative”, “good by bringing on board different stakeholders”, “very interesting”, and “engaging”;
- The segments of the event that appeared to be the most interesting for the respondents were the research presentation on Community Benefits Agreements and the panel discussion;
- 29 respondents indicated that their expectations were met through the event reflecting the links between the topics being discussed and the issues actually happening in mining community areas;
- 21 respondents indicated that they were able to establish linkages of various natures during the event among which business, community, donor and institutional;
- One third of the respondents indicated that it was their first time participating in such a forum while the remaining two thirds indicated that they had already attended similar events at least once in the past, at various occurrences ranging from a month to three years ago.

## **Key recommendations**

- The respondents mainly recommended that this type of event should be organized more often, but more so should be replicated at District level and with a regular frequency;
- In addition to that, the respondents expressed that there should be more representation and segment talks from the mining companies, Mineral Commission, Chamber of Mines and government bodies such as the Finance Minister and Chief of Staff. This would contribute to create more favourable conditions for firm commitments on the issues discussed at the event, such as the contention on both the legislation and alignment of Community Benefits Agreements with District Medium-Term Development Plans;
- Moreover, the respondents suggested that the number of panelists during the Panel Discussion should be reduced and community representatives should be given more representation and involvement;
- Finally, some respondents provided general feedback about improving crowd management that created noise in the background during the event, sticking to the schedule and the time, as well as giving more time and opportunity to participants to interact and express themselves by making it a full day event for example.

# CONCLUSION AND RECOMMENDATIONS

The Responsible Business Practice Forum, implemented under the theme “*Mining Social Licence and the Community Benefits Agreements: What Prospects for Ghana?*”, facilitated valuable discussion, debate and key recommendations regarding Community Benefits Agreements in Ghana. Through the research presentation by Dr. Busumtwi-Sam and subsequent discourse as well as the Panel Discussion and question and answer segment, the nature, benefits and limitations of CBAs from the perspective of local communities were discussed. In addition, inputs that would contribute to policy recommendations on the CBAs preparation between beneficiary communities and mining companies were formed. The Forum served as an enriching dialogue platform for the diverse range of participants, including community members from mining communities, both public and private sector actors within the extractive industry, local and national government, civil society organizations and diplomatic representatives.

Recommendations from Dr. Busumtwi-Sam’s research presentation, the Panel Discussion, and the Forum evaluation:

## Community participatory approach and community-driven development

- CBAs need to be developed using a participatory approach with communities, ensuring community participation and representation including gender-balance during development and monitoring and evaluation. Enhancing community engagement as well as increasing the accountability, transparency and responsibility of CBAs will aid in countering CBAs’ governance deficits.
- Ensuring communities have the technical capacity to navigate the CBAs process, and/ or are supported by local/ national government in doing so.
- CBAs must be in line with District Medium-Term Development plans including budget and broader planning.
- Mining communities need better access to legal representation to defend their rights.
- Opportunities for open dialogue around CBAs, such as the Forum, is highlighted as a need by community members at both the District and National level.
- Engaging with mining communities as important, active subjects and experts in their community and in their own development to improve CBAs governance outcomes.

- Communities must hold local governments accountable to assure the royalties are shared fairly with mining communities.

## **Monitoring and Evaluation**

- Improvements in the CBAs monitoring and evaluation frameworks, using both quantitative and qualitative data, and clear and publicly available targets and indicators as well as participatory methods are needed.
- Each community should have a M&E socioeconomic baseline to see how mining is affecting the general welfare of the community.
- Local capacity for M&E of CBAs must be improved and there is a need for a neutral third-party M&E system that can successfully engage with the community. To avoid a conflict of interest, this capacity building should be paid by general funds and not by the mining company.

## **Best practices and lessons learned**

- Due diligence is needed during the CBAs project procurement and hiring processes.
- “Adopt international best practices by providing guidelines for mandatory CBAs, obtaining Free and Prior Informed Consent of communities for projects, and for community-oriented independent M&E” stated by Dr. Busumtwi.
- Mining companies need to improve community outreach and informal education on their responsible business conduct programs and not assume the role of pseudo-governments.
- The panel proposed constituting consultative committees in mining communities representing all the key stakeholders with the aim to address some of these existing challenges.

## **Policy**

- Mineral Development Fund Act (2016, ACT 912) must be implemented to increase accountability and transparency in mineral royalty management and for mining communities to improve natural resource governance.
- Developing a “long-term plan integrating mining (including ASM) into a wider vision of a diversified high-income, high-wage economy whilst making CBAs a mandatory, legally binding obligation for all large-scale mining operations, especially the 20% allocation to the Community Development Scheme (CDS)” stated Dr. Busumtwi.

- Contribution towards the community development and community benefit by the mining companies should align with the development priorities at the District level.
- Public services which are the responsibility of the government should not fall on the shoulders of private corporation and run the risk of tokenist development which does not run in tandem with district development priorities.

## **Other**

- A sustainability plan, including environmental consideration, must be a part of Community Benefits Agreements, to ensure that communities are not left without any support after mining companies exit.

# PICTURE GALLERY

Various pictures from the Forum, Alisa Hotel, Accra (Photo credit: WAGES)



# PICTURE GALLERY

Various pictures from the Forum, Alisa Hotel, Accra (Photo credit: WAGES)



# PICTURE GALLERY

Various pictures from the Forum, Alisa Hotel, Accra (Photo credit: WAGES)



# PICTURE GALLERY

Various pictures from the Forum, Alisa Hotel, Accra (Photo credit: WAGES)








## MINING SOCIAL LICENSE AND THE COMMUNITY BENEFITS AGREEMENTS APPROACH: WHAT PROSPECTS FOR GHANA?

20th November 2019  
8am - 12pm, Alisa Hotel

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