SPEECH OF HANNAH OWUSU-KORANTENG (MRS) ASSOCIATE EXECUTIVE DIRECTOR OF WACAM DELIVERED AT THE LAUNCH OF THE SAMPLE MINERALS AND MINING BILL AT THE ALISA HOTEL ON 30TH AUGUST 2016

Mr Chairman,
Our Partners from CARE, Oxfam, OSIWA, IBIS, Ford Foundation and DKA
Representatives of Mining Communities
Representatives of Civil Society Organisations
Representatives of State Institutions
Distinguished invited Guests
Our friends from media houses
Ladies and Gentlemen

It is my greatest pleasure and honour to welcome you most cordially to the launching of the Sample Minerals and Mining Bill developed by Wacam, Center for Public Interest Law (CEPIL) and CEIA.

We are delighted and honoured that you have made time from your heavy schedules to solidarise with us.

The Sample Mining Bill which we are about to launch represent the collective effort of many individuals, institutions, mining communities, NGOs, Journalists, Faith-Based Organisations, Academics and Researchers among others.

We have travelled a long journey from September 2001 when Wacam, League of Environmental Journalists and FIAN, a German Human Rights NGO presented proposal to government for the review of the PNDCL 153, 1986 which was the law that regulated mining operations in Ghana. The initial action was supported by CEPIL, Green Earth Organisation, Friends of the Earth Ghana, Christian Council of Ghana, Third World Network, Ghana Wildlife Society and Friends of the Nation.

Ghana has experienced three mining booms. The third jungle boom saw the proliferation of about 8 large surface mining operations in the then Wassa West District resulting in many problems such as pollution of rivers, displacement of mining communities, destruction of livelihoods, human rights abuses among others.

The mining communities became hotspots of violent conflicts around the social, economic, cultural and environmental problems of the surface mining operations.

The sporadic resistance of host communities to the devastating effects of large scale mining operations galvanised into an organised resistance of the host communities for survival which led to the formation of the Wassa Association of Communities Affected by Mining (WACAM) now known simply as Wacam.

The problems of mining operations indicated that PNDC L, 153, 1986 could not adequately regulate the mining industry in Ghana and this became the motivation of Wacam and its partners to initiate a campaign for the mining law reforms.

We recognised that Ghana attracted Foreign Direct Investment (FDI) in the mining sector through a liberal mining regulatory regime which failed to protect the environment, community livelihoods, water bodies, protected areas and provide adequate benefits to the nation.

The campaign of Civil Society Organisations on the inadequacies of the PNDCL 153 resulted in some cosmetic reforms which gave birth to the Minerals and Mining Act, 703, Act 2006.
For example, the Royalty rate which was 3% to 12% of total volume of the mineral produced in the PNDCL 153 was reduced to a sliding scale of 3% to 6% in the Minerals and Mining Act, Act 703 which gave all the mining companies the opportunity to pay the lowest royalty rate of 3% until it was revised to 5% flat rate in response to campaigns of NGOs.

Rights education is an important pillar of Wacam's work on citizens' and community empowerment.

Through this programme, Wacam undertook extensive education of mining communities, Journalists, NGOs, Faith-Based organisations on the strengths and weaknesses of the Minerals and Mining Act.

The education on the Minerals and Mining Act opened a unique opportunity for Wacam to gain very deep insight into the limitations of the Act in addressing the problems that had been unleashed by surface mining operations.

As we shared our knowledge and experiences from the mining advocacy, we gained from the collective knowledge of a broad spectrum of people especially the indigenous people in mining communities whose knowledge and understanding of the realities of mining have enriched the sample minerals and mining bill we are launching today.

Mr Chairman, we learnt a very useful lesson about how the mineral endowed countries in Africa succumbed to unhealthy competition in "a race to the bottom" and by so doing, managed to get our nations to compete for mining investment by lowering regulatory standards to attract mining investment.

Through the assistance of Oxfam America, Wacam, CEPIL and other NGOs in the sub-region worked with the ECOWAS Secretariat to develop a common mining code to prevent the use of weak regulatory regime as competitive tool to attract mining investment.

This move was to defuse the belief that mining investment could locate in countries with weak regulatory regimes that offer generous incentives to mining companies.

Our roles in the effort to develop a common mining code for the sub region as the antidote for the "race to the bottom" resulted in the ECOWAS Directive for the Harmonisation of Guidelines and Principles in the Mining Sector which Ghana ratified in 2009 and gazetted in 2010. Wacam, CEPIL, ISODEC, League of Environmental Journalists, FIAN and other CSOs are proud to be part of the efforts to build the foundation for a common mining code for the West Africa sub region.

Mr Chairman, the Minerals and Mining Act, Act 703 has been in operation for about a decade and its inability to adequately regulate mining in Ghana is no more an issue of contest. Mining problems have engulfed our nation.

We have mined rivers, mountains, cemeteries, sacred groves, Forest Reserves and displaced more than 60,000 landlords who have many dependants, yet we have nothing substantial to show for the extreme suffering mining operations have inflicted on our people.

We can say with a high degree of confidence that, whilst Ghana has been very good at attracting mining investment, we have woefully failed to regulate mining.

Despite our continuous advocacy for Ghana to include a Windfall Profit tax in our Minerals and Mining Act, we failed to do so and missed the opportunity to increase our benefits from mining in the periods of high gold prices.
No wonder the contribution of mining to GDP in 2014 was a meagre 0.8%. The mining companies took advantage of the periods of high gold prices and increased their production which meant increased pollution of our rivers and environment with pollutants and mining waste.

Mr Chairman, it would be necessary to remind ourselves that the mining industry goes through a cycle of boom and busts.

We seem to have missed the opportunities of the third gold boom because of our weak regulatory framework which provides adequate protection for the mining companies and very little protection for national interest.

We still have the opportunity to make very quick amends to save our nation.

We can sum up the challenges of the Minerals and Mining Act, Act 703 of 2006 as follows:

- In practice, there are no provision for "No Go Zones" to protect communities, protected forests, and important national landmarks.
- The Act has no provisions relating to the protection of the environment and defers same to other laws that are inadequate. For example, the Act is silent on cyanide spillage and chemical pollution of water bodies. It has been difficult to hold mining companies that spill cyanide to account based on the Act.
- There is the need to incorporate the "Polluter Pays Principle" in the legal framework. Internalisation of all operational cost of companies (Social, economic, cultural and environmental costs) and develop mechanisms for applying the Polluter Pays Principles in line with international best practice.
- There is no provision to obtain consent of mining communities on the basis of "Free Prior and Informed Consent" (FPIC). The FPIC principle is an internationally accepted principle which protects the rights of indigenous people.
- The Minerals and Mining Act failed to include Human Rights audits and reporting in the mining sector
- Provisions in the Act on access to justice conflicts with constitutional provisions on access to justice on issues such as compensation.
- The penalty spelt out in the Act for infractions of the Act is ridiculous. For example, a company that violates provisions of the Act would pay a penalty of $5,000 and if it is unable to pay, the amount should be regarded as a debt owed to the state.

Mr Chairman, Wacam is celebrating its 18th anniversary on 5th of September and the launching of the Sample Minerals and Mining Bill shows how many people, mining communities, organisations, the media, our partners, Faith-based organisations have supported our mining advocacy work which has been difficult and risky as well.

This achievement is dedicated to all those who have provided us the opportunity to learn the fundamentals of mining advocacy in the past 18 years.

We share in the statement of Isaac Newton that, "**If I have seen further** than others, **it is by standing** upon the **shoulders of giants**."

We are hopeful that the Sample Minerals and Mining Bill will make useful contribution to mining law reforms not only in Ghana but in mineral endowed countries of Africa.

Thank you for being present.

You are cordially welcome to the launch.