

## GHANA INSTITUTION OF ENGINEERS (GhIE)



## FORUM ON "GALAMSEY - RESOLUTION OF THE MENACE"

April 27, 2017



## FORUM DECLARATION

**Preamble and Overview**

The Ghana Institution of Engineers (GhIE) organised a one-day forum on illegal mining and the attendant challenges at the Engineers Centre, Accra on Thursday, April 27, 2017. The theme of the forum was: "Galamsey - Resolution of the Menace" and it was aimed at developing solutions to this national problem.

The forum brought together about fifty (50) participants from a variety of state and private institutions, which have a role to play in mining in Ghana. These included multi-disciplinary experts from the Minerals Commission, the Ghana Chamber of Mines, Environmental Protection Agency (EPA), Water Resources Commission (WRC), Engineering Council of Ghana, Precious Minerals Marketing Corporation, Soil Research Institute and Forestry Research Institute of Ghana from the Council for Scientific and Industrial Research (CSIR), International Association for Impact Assessment - Ghana, Ghana National Association of Small Scale Miners, Ministry of Environment, Science Technology and Innovation, Ghana Immigration Service, various media houses and members of the GhIE.

The forum was chaired by the President of the GhIE Ing. (Mrs.) Carlien Bou-Chedid who stated that one important objective of the GhIE as per its Constitution and Bye Laws-2001 was: "To ascertain and publish the views of the engineering profession on matters of public importance and which lie within its competence". She defined engineering in accordance with the Engineering Council Act, 2011, (Act 819) as: the science and art of applying scientific and mathematical principles, experience, judgement and common sense to create, maintain, develop and apply technology for the needs and desires of society and emphasised that mining involved engineering activities and as such fell within the ambit of the GhIE. (Note: Mining is defined as "the industry and activities connected with getting valuable or useful minerals from the ground for example coal, diamonds or gold".)

The keynote address was delivered by Ing. Kenneth Ashigbey, Managing Director of Graphic Communications Group and a Fellow of the GhIE. His address focused on the challenges of illegal mining, the actions and inactions of key stakeholders and the need to hold the relevant stakeholders accountable. He observed that professional bodies, religious bodies, other social organisations and even the media had been negligent on the issue, mostly watching while the situation deteriorated to the present crisis level. He drew attention to the recent proactive role of the Media Coalition against Galamsey that has helped to make the menace a burning national issue so it can be resolved. Finally, he commended the role of various organisations, which have started acting but stressed that the pressure needs to be maintained until the problem is fully resolved.

The forum commended the President of the Republic and the Minister for Lands and Natural Resources for their leadership in the fight against illegal mining. The Chief Justice was similarly commended for the initiative to set up fourteen special courts across the country to deal with illegal mining cases.

**Statements**

After presentations and deliberations, the forum identified the three components of the solution to consist of: A) Adapting Legal Processes and Regulations for Prevention of Illegal Mining, B) Measures to Avoid the Destruction of the Environment. C) Reclamation and Restoration of Lands and Water Bodies. Further details are as follows:

**Adapting Legal Processes and Regulations for Prevention of Illegal Mining**

The law on small scale mining was set up to allow for the participation of Ghanaians in the mining sector at a time when basic implements like shovels, pickaxes and spades were being used. Over the years, the mode and scale of operations have changed. Small scale mining is now heavily mechanised and the environmental and social effects are much more pronounced. Foreigners have become involved as financiers and providers of heavy equipment and other technology. Some small scale miners have not followed due process to obtain licenses before mining are these are the ones referred to as galamsey operators. There are also others who may have obtained a prospecting license but have gone ahead to mine without the proper mining license. There have been complaints that the process for acquiring a licence is unduly lengthy. There is now an urgent need to re-examine the laws on small scale mining to account for current developments.

1. Currently, the Minerals Commission plays the role as the main promoter of mining and this should be maintained, however they must actively involve other agencies prior to issuing licenses to ensure that mining is done in accordance with the law. A one-stop shop for obtaining mining licenses is recommended and this should include all relevant state actors such as the Minerals Commission, Environmental Protection Agency (EPA), Water Resources Commission (WRC), Forestry Commission etc. Small-scale miners should obtain necessary approvals from relevant agencies before obtaining the final license from the Minerals Commission. The licensing processes, licensed companies and their concessions as well as the status of each mining application should be made available online for the information of the general public.
2. The Geological Survey Department should be given the mandate to explore and map out concessions with proven ore. This will reduce the current practise of small scale miners being allotted concessions for which there is no knowledge of proven ore. The speculative nature of this practise could lead to the environment being destroyed, in some cases for little economic benefit. Current technologies making use of satellite imagery to identify ore bodies could be put to use in defining potential concessions. A resulting advantage is that a small scale miner having a concession with proven ore could approach a bank for financing. This will significantly reduce the need to approach foreigners for funding and hence their participation.
3. The current laws and regulations must be amended to prescribe specific measures for reclamation and to require the posting of reclamation bonds for small scale miners.
4. There is a need to examine the supply chain for the marketing of gold. Mechanisms must be put in place to enable the traceability of gold to the origin and then issue certificates of origin. Banks, including rural banks should be encouraged and licensed to participate in the purchase of gold. Bank inflows and gold outflows must be compared on a regular basis to avoid the smuggling of gold. A harmonisation of laws within the sub-region may also be required to prevent smuggling.
5. The purchase of gold from small scale mining activities must also be reserved for Ghanaians. This is to avoid the situation in which foreign buyers invest in small scale mining operations, thus defeating the attempts to reserve the sector for Ghanaians.
6. The definition of small scale mining in the law was based on size and limited to concessions of up to 25 acres. The law may need to be modified to allow for growth in the sector. Small scale miners must be provided with support mechanisms and technical knowledge so that eventually, some Ghanaian small scale miners can grow into medium and large scale operators. Organisations such as the University of Mining and Technology (UMAT), the Centre for Scientific and Industrial Research (CSIR) and Geological Survey Department could be encouraged to assist in this.
7. The training carried out for state prosecutors on mining regulations should be continued for all officers across the country in all relevant jurisdictions. Magistrates and judges should also be updated and equipped with the relevant regulations to enable speedy adjudication of cases brought before them.
8. The appropriate border agencies including the Ghana Immigration Services and the Ministry of Foreign Affairs should ensure that persons entering the country have the appropriate entry and work permits to prevent the situation where they are involved in illegal mining activities. People from the ECOWAS sub-region who enter using ECOWAS protocols and those from areas in specific countries where the majority of the foreign illegal miners' hail from should be monitored and visa applications properly vetted.

**Measures to Prevent the Destruction of the Environment**

9. Currently, small scale mining licenses are issued by the Minerals Commission for blocks of land that are supposed to have been assessed for environmental and social impact. In reality, framework and strategic Environmental Impact Assessments (EIA) are done at the prospecting stage but this does not respond to the peculiar sensibilities of a site. It does not also address the mining and processing methodology and its implications. Environmental and Social Impact Assessments (ESIA) and subsequently an Environmental and Social Management Plan (ESMP) must be a



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prerequisite for issuing all small scale mining licences. These must be detailed and should be based on the methodology /mining plan and equipment for extraction and should contain a reclamation plan. The small scale mining entrepreneur should be required to produce the ESMP and post a performance bond in this regard. The EPA and Minerals Commission would then monitor the sites to ensure compliance in accordance with L.I 2173, 2174, 2175, 2176, 2177, 2182 (2012).

10. The Minerals Development Fund Act, Act 912, which provides for a fund for mining should be implemented immediately. This would enable the Minerals Commission have adequate resources and the right logistics to act and monitor as required by the law.
11. The EPA is understaffed and is unable to adequately monitor all the mining activities currently taking place in the country. In view of the complex issues that may arise, the EPA is advised to engage consultants to assist it in fulfilling its mandate.
12. The agencies (Minerals Commission, EPA) must involve the traditional leaders in the licensing process, making them aware which concessions have been given out and what conditions are attached to the licenses. This will enable them to monitor what happens in their traditional areas. Traditional Authorities must also be sensitised to the important role that they can play in policing mining activities.

#### *Reclamation and Restoration of Lands and Water Bodies*

13. The Minerals Commission must work with the EPA, WRC, Forestry Commission and the security agencies to ensure that all illegal mining activities are stopped immediately. Unwarranted interference by political, traditional and other social leaders must be condemned and must cease immediately. These organizations must be left to do their work without fear or favour.
14. Government should provide funding for the immediate reclamation of all lands that have been degraded and for the restoration of all water bodies that have been polluted by illegal mining. Experts must be consulted to provide the various measures required. The importance of biodiversity as a marker in determining the effectiveness of measures taken must not be overlooked.
15. Expert advice will be required for land reclamation. Opportunities exist to put the lands to beneficial use and so the methods will vary depending on the use to which the land is to be put. Methods such as stabilisation of open pits and soils, planting of appropriate kinds of flora, among others, may be involved. There must be a common understanding amongst the community of the use to which the land will be put after reclamation. The Minerals Commission, CSIR, Ghana Atomic Energy Agency, Remediation Specialists, District Assemblies, and traditional authorities all need to be consulted.
16. The key to the restoration of water bodies that have been polluted is a cessation of all activities that pollute the water. The measures should go beyond pollution caused by mining and should include other industrial and human activities causing pollution. The WRC CSIR and the local people all need to be involved in the management of the water catchment area.
17. The GhIE will support the Ministries, Departments, and Agencies as well as the affected Municipal and District Assemblies by identifying experts from amongst its membership that have the technological knowhow to assist in the reclamation of lands and water bodies that have been polluted and degraded.

#### **Conclusion**

The GhIE pledged to support government and relevant stakeholders and to do everything in its power to help make the menace of illegal mining a thing of the past. The Institution will also ensure that its members uphold the highest professional and ethical standards with respect to mining activities.