

Virtual National Dialogue on Extractive Policy in Ghana

Theme: Toward a Sustainable Future for Extractive Governance in Ghana – Interrogating Past Reforms for Exploring New Policy Directions.

Organized in partnership with the Africa Center for Energy Policy (ACEP), PIAC and GHEITI

Venue: Zoom

Dates: Tuesday 16th – Wednesday 17th March, 2021

Time: 11:00 am – 1:30pm each day

Background and Rationale

Ghana has mined her mineral resources for over a century and produced oil for about a decade now. From good policies, strategies and laws to implementation of these, the country has already chalked modest progress in extractive governance since independence. In the last decade alone, several petroleum and mining sector policies, strategies and laws have been developed and enacted. The policies include the National Energy Policy 2010 (under review since 2017), the Minerals and Mining Policy 2014 (which is also currently under consideration for review), the Gas Masterplan, the local content policy for petroleum upstream, and the mining local content regulations, among others. In respect of legislations, mention can be made of the 2011 Petroleum Revenue Management Act, the 2013 Petroleum (Local Content and Local Participation) Regulations, the 2016 Petroleum (Exploration and production) Act, the 2020 Minerals and Mining (Local content and Local Participation) Regulations, the public financial management reforms, the 2015 Income tax Act (petroleum and mining provisions), the 2019 Companies Act (beneficial ownership disclosure regime), among others. While the policies and strategies provide written declarations of the framework of principles and policies that guides the government in the management of the extractive sectors, the laws are binding legislative reflections of these framework of principles and policies.

The above policies have been developed and the laws enacted having regard to the provisions of the Constitution of the Republic of Ghana, 1992 (as Amended in 1996). Additionally, these policies and laws have been developed in line with international, regional and sub-regional conventions/protocols. These include, at the international level, the Extractive Industries Transparency Initiative (EITI). On the continental front are the Africa Mining Vision (AMV) and the African Mineral Governance Monitoring Framework (AMGF), with goals that are consistent with the African Union's 2063 Agenda. At the sub-regional front are the Economic Community of West African States (ECOWAS) Mineral Development Policy and the ECOWAS Directive on the harmonization of guiding principles and policies in the mining sector. Civil society has played prominent roles in the design and implementation of these national policies, laws and international, regional and sub-regional instruments.

On the back of these policies and laws, the last ten years were anticipated to be a decade of landmark improvement in resource governance in Ghana. Yet it remains debatable whether the country's policies and laws are sufficient to avert the much dreaded paradox of resource abundance. Has the mining, oil and gas sectors been historically governed satisfactorily? Are the existing policies and laws adequate for sustainable resource governance? Has the country succeeded in converting extractive resource rents into both sustainable development and improvement in the standard of living for the majority of Ghanaians? To what extent are Ghana's extractive policies reflective of the country's international, regional and sub-regional commitments? To what extent has the country made adequate progress with governance of its extractive resources?

Against the backdrop of inaugurating a new president and the 8th parliament of the 4th Republic, all eyes are set on how the Nana Addo led government will work with a split parliament to address major extractive governance challenges in the next four years. From illegal mining ("galamsey") through climate change and the prospects for an energy transition away from fossil fuels to unpopular deals on use of resource rent (like the "Agyapa deal"), Ghana faces evolving threats to extractive governance. Others include transparency and accountability deficits, ineffective implementation of policies and laws, the coronavirus and post-election uncertainties.

In this two-day virtual national dialogue, successive speakers and panels of policy experts will provide their outlook for the extractive industries in 2021 and beyond. The discussion will center on how extractive policy communities¹ can drive thought leadership to better redefine the direction of Ghana's extractive policy, from design to implementation, for the greater good of the people of Ghana. They will analyze the directions of Ghana's mining, oil and gas policies after ten years of oil production and over a century of mining. The aim is to shape the agenda by highlighting what have been the successes, where are the gaps and what are the key challenges that Ghana's extractive sector will face going forward. Will 2021 signal a new shift in extractive policies for Ghana? What guiding principles should orient the country's role in extractive governance among the comity of resource-rich countries? What mining, oil and gas policies should be at the top of the agenda for president Nana Addo and for Parliament, and what kinds of decisions do they need to make to enhance extractive governance in Ghana? These are the key issues we will be interrogating over the next two days.

The first day will be dedicated to the oil and gas sector, while the second will be dedicated to the mining sector. For each day, the presenters and panelist will explore the broad thematic and topical issues across the mining and petroleum sectors. These would include evolution of contract

¹ Composed of policy specialists in mining, oil and gas sectors, both within and outside of Government, who have in common a shared concern with policy problems occurring in the sector and interacting with each other with a common goal of developing policy alternatives.

licensing, transparency and disclosure, implementation gaps, revenue management, national oil company governance and sustainability in light of the energy transition. We will also explore risks associated with resource-backed loans (RBLs) in the context of mining policy and investment policy. The dialogue will highlight successes, challenges and make recommendations to government to improve the sector governance and ensure optimal benefit for the people of Ghana.

**See Agenda for specific issues.*

Objectives

This national policy dialogue is convened with the overriding objective of empowering government and policy makers with expert perspectives on extractive policy and proffering alternative policy options to help improve extractive sector governance going forward.

Specific objectives include:

- Enhance understanding on the challenges that confront the mining, oil and gas sectors in Ghana and making recommendations where necessary for improving government's extractive sector policies for the benefit of the people of Ghana;
- Contribute to avert the so called "resource curse", by aiming among other things to hold the government accountable by insisting that:
 - ✓ There is transparency in government decision-making processes for the sector including in development and implementation of plans, policies and strategies for managing the sector;
 - ✓ the government is transparent and accountable with revenues earned from extractive resources and how such revenues are managed;
 - ✓ Institutional structures do not impede progress, are designed and managed transparently to effectively address the sector's challenges.
- Build a shared understanding with civil society on government's extractive policies and reform plans and enhance civil society and oversight actors' ability to hold government accountable for implementation of these plans and policies.

Expected Outcomes

The national dialogue is expected to produce four outcomes:

1. Government is awakened to the prevailing challenges in the extractive sector;
2. Government and civil society have a shared understanding of the challenges confronting the extractive sector; and
3. Credible policy alternatives are proposed and documented for addressing the prevailing challenges identified.

4. CSOs and the media are sufficiently empowered to help shape extractive policy and hold government accountable for their stewardship in respect of their extractive policy commitments and proposed reforms.

Next Steps

Through this national dialogue, NRGI together with our partners, ACEP, GHEITI and PIAC aim at influencing government decisions and actions relative to the options and ideas generated. Accordingly, NRGI and our partners will synthesize the outputs of this dialogue into a communiqué and present to government for consideration.

Target Participants

1. Minister/Representatives of the Ministry of Energy;
2. Minister/Representatives of the Ministry of Lands and Natural Resources;
3. Minister/Representatives of the Ministry of Finance;
4. Members of Parliament
5. Minerals Commission;
6. Petroleum Commission;
7. A representative from the Office of the President;
8. Public Interest and Accountability Committee (PIAC);
9. Ghana Extractive Industries Transparency Initiative (GhEITI);
10. Ghana Chamber of Mines;
11. Petroleum Upstream Chamber;
12. Representatives from academia, policy think tanks, CSOs, development practitioners, students and the media; and
13. Development Partners / Donor Agencies.

As with all NRGI events, participants' questions and perspectives drive the conversation. Register now to share, debate and develop ideas on this critical national dialogue.

Agenda

Event Moderator: Nasir Alfa Mohammed (Policy Advocacy Officer, NRGi)

DAY 1 – Tuesday 16 th March, 2021		
Time	Activity	Responsibility and Remarks
10.50am-11am	Admission of resource persons and participants via Zoom link	Host (NRGI)
11am-11.10am	<ul style="list-style-type: none"> Welcome Remarks 	Ms Nafi Chinery (Anglophone West Africa Regional Manager, NRGi)
11.10am – 11.15am	<ul style="list-style-type: none"> Quick Remarks by NORAD Rep (TBC) 	NORAD Rep (TBC)
11.15am – 11.20am	<ul style="list-style-type: none"> Introduction of Special Guest of Honour for Keynote Address 	Ms Nafi Chinery (Anglophone West Africa Regional Manager, NRGi)
11.20am-11.35am	<ul style="list-style-type: none"> Keynote Address: - “Upstream petroleum policies - implementation, gaps, lessons and expectations for reform” 	The Honourable Minister of Energy (Special Guest of Honour) (TBC)
11:35am – 12:10pm	Session 1: Evolution of Petroleum Sector Governance in Ghana: Successes, Challenges and Recommendations	Mr. Benjamin Boakye (Executive Director, ACEP) Presentation would highlight the major petroleum sector issues, including contract transparency/disclosure, implementation gap, EITI implementation status and assessment of revenue management status and national oil company governance. In doing this, the presentation would put in perspective the major petroleum sector policies (national, regional and international) and legislations, and assess their implementation, gaps, lessons and recommendations for policy review, especially in the era of energy transition.
12:10pm 12:25pm	Session 2:	Mr. Patrick Heller (Advisor, NRGi) Presentation would focus on NRGi’s risky bets publication and highlight the risks to NOCs in an

	National Oil Company Governance and the Energy Transition: Global Perspectives for National Consideration	era of energy transition and options for sustainable growth. The presentation would put in perspective GNPC and proffer recommendations for government and the NOC's considerations.
12:25pm – 1:05pm	<p>Session 3:</p> <p>Panel Discussion – Questions and Answers</p> <p>(The discussion should focus on interrogating the central issues presented and teasing out clearly what the key petroleum sector issues, including contract and revenue governance issues are in while proposing alternative recommendations for reform)</p>	<p>Moderator:</p> <p>Dr. Julliette Twumasi- Anokye (Principal Consultant, Anojul Afriyie & Co)</p> <p>Discussants:</p> <ol style="list-style-type: none"> 1. Benjamin Boakye (Executive Director, Africa Centre for Energy Policy) 2. Steve Manteaw (Co-Chair, Ghana Extractive Industries Transparency Initiative) 3. Ministry of Energy Rep (TBC) 4. Patrick Heller (Advisor, Natural Resource Governance Institute) 5. Mark Agyemang (Technical Manager, Public Interest and Accountability Committee) 6. Nicola Woodroffe (Senior Legal Analyst, Natural Resource Governance Institute) 7. GNPC Rep (TBC)
1:05pm 1:20pm	<p>Session 4</p> <p>Open Plenary – all participants</p> <p>(Plenary should focus on identifying the salient issues discussed and recommendations proffered that should feed into a communiqué or position paper for consideration)</p> <p>Additionally, Plenary should identify opportunities for effective advocacy on the proposed recommendations.</p>	<p>Moderator:</p> <p>Dr. Julliette Twumasi- Anokye (Principal Consultant, Anojul Afriyie & Co)</p>
1:20pm 1:30pm	<ul style="list-style-type: none"> - Concluding remarks, way forward - Announcements 	Nafi Chinery, NRGi

DAY 2 – Wednesday 17 th March, 2021		
Time	Activity	Responsibility and Remarks
10.50am-11am	Admission of resource persons and participants via Zoom link	Host (NRGI)
11am-11.05am	<ul style="list-style-type: none"> Welcome Remarks Introduction of FCDO Rep 	Ms Nafi Chinery (Anglophone West Africa Regional Manager, NRGI)
11.05am – 11.10am	<ul style="list-style-type: none"> Quick Remarks by FCDO Rep (TBC) 	FCDO Rep (TBC)
11.10am – 11.15am	<ul style="list-style-type: none"> Introduction of Special Guest of Honor for Keynote Address, and key speakers 	Ms Nafi Chinery (Anglophone West Africa Regional Manager, NRGI)
11.15am-11.30am	<ul style="list-style-type: none"> Keynote Address: - “Ghana’s Minerals and Mining policies - implementation, gaps, lessons and expectations for reform” 	The Hon. Minister for Lands and Natural Resources (Special Guest of Honor) (TBC) Among others, the Keynote address should highlight the salient features of government’s mining sector policies to set the tone for the discussion.
11:30am – 12:05pm	Session 1: Evolution of Mining Sector Governance in Ghana: Successes, Challenges and Recommendations	Dr. Steve manteaw (Co-Chair, Ghana Extractive Industries Transparency Initiative) Presentation would highlight the major mining sector issues, including contract transparency/disclosure, implementation gaps, EITI implementation status and assessment of mining revenue management and investment options. In doing this, the presentation would put in perspective the major mining sector policies (national, regional and international), legislations and investment deals, and assess their implementation, gaps, lessons and recommendations for policy review.
12:05pm – 12:15pm	Session 2: Resource-backed Loans (RBLs) and the investment Climate: Potential for Sustainable Growth/Development or Deepening the Financial Distress?	David Mihalyi (Senior Economic Analyst, NRGI) Presentation would highlight the risks to RBLs in an era of distressed economies and options for negotiating good deals for sustainable growth/development. The presentation would contextualize the discussion along RBL deals in

		Ghana and assess their risks, implementation, lessons and recommendations
12:15pm – 12:55pm	<p>Session 3:</p> <p>Panel Discussion – Questions and Answers</p> <p>The discussion should focus on interrogating the central issues presented and teasing out clearly what the key mining sector issues (particularly contract governance, revenue management and local content issues) are while proposing alternative recommendations for reform.</p>	<p>Moderator: Dr. Julliette Twumasi- Anokye (Principal Consultant, Anojul Afriyie & Co)</p> <p>Discussants:</p> <ol style="list-style-type: none"> 1. Steve Manteaw (Co-Chair, Ghana Extractive Industries Transparency Initiative) 2. Benjamin Boakye (Executive Director, Africa Centre for Energy Policy) 3. Erica Westenberg (Governance programs Director, NRGi) 4. Minerals Commission Rep (TBC) 5. Sulemanu Koney (CEO, Ghana Chamber of Mines) (TBC)
12:55pm – 1:10pm	<p>Session 4</p> <p>Open Plenary – all participants</p> <p>Plenary would focus on identifying the salient issues discussed and recommendations proffered that would feed into a communiqué</p> <p>Additionally, Plenary should identify opportunities for effective advocacy on the proposed recommendations.</p>	<p>Moderator: Dr. Julliette Twumasi- Anokye (Principal Consultant, Anojul Afriyie & Co)</p>
1:10pm – 1:20pm	Rapporteur to read out draft communique for adoption by plenary	Adams Kwaw (Social Dev't Consultant, The World Bank)
1:20pm – 1:30pm	– Concluding remarks and Next Steps	Nafi Chinery, NRGi