



IGF

Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF)

-- 2017 Annual General Meeting, Geneva



A Ghana Government Perspective on the Voluntary Principles on Security and Human Rights

Presented by Benjamin Aryee,
Adviser on Mining with the Ministry of Lands & Natural Resources,
Ghana; on Tuesday, October 17.

Outline

- Background
- Legal Framework
- Regulatory & Institutional Framework
- Demonstrated Political Will

Location map



BACKGROUND

- **Government** has ultimate responsibility for the security of Citizens & Residents of jurisdiction, for peaceful enjoyment of respective lawful socio-economic activities.
- Need for governance (Good Governance) framework to provide congenial environment;
- Security Assurance & Governance (Legal, Regulatory, Institutional, etc.) provided through:
 - Maintenance of Public Security Agencies &
 - Framework for Private Security Agencies

Extractive Resources:

- Significantly under the trusteeship of the State, through Governments;
- Extraction involves taking from the land & Depletion;
 - land-use issues → Competition → Conflict (Potential / Actual)
- Good Governance, within the Rule of Law, very important; hence adoption of international initiatives like EITI; KPCS; & VPs

LEGAL FRAMEWORK

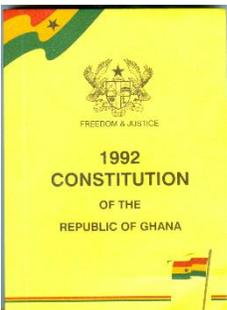
- 1992 Republican Constitution
 - Minerals & Mining Act, 2006 (Act 703)
 - Minerals & Mining (Amendment) Act, 2015 (Act 900)
 - Minerals and Mining (General) Regulations, 2012 (LI 2173)
 - Minerals and Mining (Support Services) Regulations, 2012 (LI 2174);
 - Minerals and Mining (Compensation & Resettlement) Regulations, 2012 (LI 2175);
 - Minerals and Mining (Licensing) Regulations, 2012 (LI 2176);
 - Minerals and Mining (Explosives) Regulations, 2012 (LI 2177) and
 - Minerals and Mining (Health, Safety, & Technical) Regulations, 2012 (LI 2182)
 - Minerals Development Fund Act, 2016 (Act 912)

1992 Republican Constitution

CHAPTER FIVE - FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

12. (1) The fundamental human rights and freedoms enshrined in this chapter shall be respected and upheld by the Executive, Legislature and Judiciary and all other organs of government and its agencies and, where applicable to them, by all natural and legal persons in Ghana, and shall be enforceable by the Courts as provided for in this Constitution.

(2) Every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest.



Minerals & Mining Act, 2006 (Act 703), its Amendments and Regulations, *establish standards & ensure compliance:*

- Provide for rights, obligations, offences, penalties, resolution of disputes, including recourse to court; for parties: government, mineral right applicants & holders, affected persons, etc.

Minerals Development Fund Act, *ensures local level equity in benefits distribution.*

REGULATORY & INSTITUTIONAL FRAMEWORK

- **Building on the earlier: Ombudsman** → an official charged with representing the interests of the public by investigating and addressing complaints of maladministration or violation of rights. *(Wikipedia)*



Now:



Home

COMMISSION ON HUMAN RIGHTS & ADMINISTRATIVE JUSTICE (CHRAJ)
GHANA



- **CHRAJ**: protects fundamental human rights and to ensure good governance for every person in Ghana; Given a broad mandate by the 1992 Constitution (Chap.18) & its enabling 1993 Act, Act 456. Has 3-fold Mandate:
 1. **A National Human Rights Institution**
 2. **An Ombudsman, an agency which ensures administrative justice**
 3. **An anticorruption Agency for the public sector**

Roles of Other State Agencies

- Parliament – passage of legislation;
- Judiciary – ultimate Resolution of Dispute/Conflict;
- Executive arm agencies – set standards & enforce them:
 - Ministries of Defence & Interior; the Military & Police;
 - Assemblies, through DISEC; REGSEC, etc.; &
 - Private security agencies

Roles of Other Stakeholders

- Multilateral Agencies (e.g. World Bank, IFC,);
- Industry Associations (e.g. ICMM, Chambers of Mines, etc.)
- Industry-Related Initiatives (e.g. IGF, KPCS, Equator Principles, etc.)
- CSOs & NGOs (*local, national, international, e.g. The Fund for Peace (FFP) and West African Network for Peace Building (WANEP)-Ghana*)
- Community at large

DEMONSTRATED POLITICAL WILL

- **Aug. 2013 – 2012 Election Petition:**

-

-

-

-

**VPs → Multistakeholder Platform
to Assist Government keep on Track
its Security & Human Rights Commitments,
especially in the Extractives!**

submitted for broader consideration & support to
implement.

Concluding Statement

- **Not** Enforcing Extractive Sector Security & Human Rights because of VPs, but rather
 - **Adopting VPs because it fits into Government's plans to maintain Security & Human Rights in the Extractive Sector**

Thank You for your Attention