

**2021 ANNUAL REPORT OF THE GOVERNMENT OF
GHANA ON THE VOLUNTARY PRINCIPLES ON
SECURITY AND HUMAN RIGHTS INITIATIVE**

SUBMITTED TO THE VOLUNTARY PRINCIPLES ASSOCIATION

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INTRODUCTION

Ghana joined the Voluntary Principles (VPs) Initiative as an engaged country through its statement at the 2014 Plenary Meeting in Montreux, Switzerland. Ghana, therefore, submits this report in respect of activities undertaken in the year 2021 in line with its commitment.

A. COMMITMENT

The decision to sign on to the Voluntary Principles Initiative (VPI) affirmed Ghana's commitment to protect, respect, and promote human rights by the Constitution of the Republic of Ghana and in line with UN Guidelines on Business and Human Rights.

Through various activities and initiatives during the year 2021, the Government of Ghana demonstrated its commitment to implementing the VPs in general and the National Action Plan developed by the In-country Working Group of the Voluntary Principles in particular.

In the year 2021, the In-Country Working Group (ICWG) of the Voluntary Principles in Ghana received a no-cost extension from the Voluntary Principles Association (VPA) to complete work on the Baseline Study on Human Rights in the extractive sector and the development of the Curriculum on VPSHR as outlined in the National Action Plan (NAP).

The Commission on Human Rights and Administrative Justice (CHRAJ) completed a baseline study on the status of human rights and security in the extractive industry. The study was an important prerequisite of the NAP and was conducted to understand the state of human rights in the extractive sector at the time of the study.

During the year under review, the Government pillar continued engagements with the other pillars. The Government pillar members, along with members from the Companies and NGO pillars, participated in two (2) meetings of the In-country Working Group organized by the co-chairs, i.e. Ministry of Lands and Natural Resources, Fund For Peace (FFP), and West Africa Network for Peacebuilding, Ghana (WANEP-Ghana).

It is important to state that the ICWG held hybrid meetings due to the COVID-19 pandemic, and those meetings were successful. However, the group could not organize the 3rd and 4th quarter meetings since the contract date had expired by that period.

Ghana will continue to work to sustain the interest of the Government pillar members in the VPs and also play a crucial role in the successful implementation of the NAP. A major stakeholder group that is currently not actively involved in the activities of the ICWG is the players from the petroleum sector. Given this, efforts will be made to get some more involvement of the petroleum sector players in the activities of the ICWG in the ensuing year.

B. POLICIES, PROCEDURES, AND RELATED ACTIVITIES

Implementation of the National Action Plan (NAP)

As required of an engaged country, Ghana developed a National Action Plan (NAP) to guide the implementation of VPs in the country. The plan outlines activities aimed at further promoting human rights and security in the extractive sector in Ghana.

During the year under review, the ICWG continued the implementation of two key activities of the NAP with funding support from the VPI. These are a baseline study on human rights and security in the extractive sector and the development of a curriculum to train public and private security personnel and other stakeholders in the VPs.

Baseline Study on Human Rights and Security in the Extractive Sector

The In-country Working Group (ICWG) engaged the services of the Commission on Human Rights and Administrative Justice (CHRAJ), Ghana's human rights institution, to conduct a baseline study on human rights and security in the extractive sector. The baseline study was necessary to understand the current situation of human rights and security issues in the communities where mining and other extractive activities are undertaken. It was therefore agreed by stakeholders as a pre-requisite for implementation of other activities outlined in the NAP.

The baseline study was specifically to:

1. Assess the sector-specific (mining, oil, and gas) human rights situation in specific reference to the VPs, including security, economic and environmental
2. Determine the nature of human rights violations in these sectors and ascertain the reasons for the violations
3. Make related recommendations to:
 - i. Curtail human rights violations in the communities

- ii. Promote the building of cordial relations between and among competing interest groups in the mining and oil and gas sectors
- iii. Promote awareness of human rights and responsibilities of interest groups

The study adopted a mixture of approaches that entailed recourse to primary and secondary data sources; desk review/research and field/on-site investigation.

The desk review/research was carried out in respect of the international, regional and national legal and policy framework for the promotion and protection of human rights relative to the extractives.

Key informants and stakeholders involved in the extractive sector were interviewed. These interviews were based on semi-structured questionnaires and administered within identified institutions and extractive areas. Some of the institutions interviewed include the Minerals Commission, Environmental Protection Agency (EPA), Ministry of Energy, Ministry of Lands and Natural Resources, and Ministry of Interior.

At the community level, the interviews took the form of focus group discussions and one-on-one interviews with community leaders. Stakeholders interviewed at the community level included opinion leaders, traditional authorities, political leaders (Assembly members and District Chief Executive), leaders of Community-Based Organisations (CBOs), relevant state/public officials, including security services providers (private and state/public), officials of extractive companies, academics and experts in the selected communities. A total of 25 focus group discussions and 3 one-on-one interviews were held.

The draft report has been shared with members of the ICWG for their review. The ICWG intends to use the next quarterly meeting of the group to conduct validation of the report.

Development of Training Curriculum on VPSHR

The ICWG agreed to engage a Consultant from the Kofi Annan International Peacekeeping Training Centre (KAIPTC) to develop a curriculum for all VPs-related training in the country. The consultant submitted the first draft of the report to the chairpersons of the ICWG in December 2021. The first draft of the curriculum had six (6) modules namely;

- Concept of Voluntary Principles (VPs)
- Human rights in the extractive sector
- Security sector governance in the extractive industry
- Scope and operations of extractive companies
- Community relations and environmental quality
- Dispute resolution

The curriculum contained the Learning Objectives, Lesson Map, and Estimated Timing for the various modules. The curriculum also included a field visit for experimental learning for the stakeholders to be trained on the various modules. This is to give trainees a practical experience of the modules treated during the theory session. The chairpersons reviewed the draft document and submitted it to the consultant for further review and action. When all feedback and comments from the chairpersons are addressed, the document will be shared with ICWG for review and input.

C. COUNTRY IMPLEMENTATION

During the year under review, the Government of Ghana, through the ICWG, facilitated the implementation of two key activities of the NAP.

A baseline study on security and human rights in the extractive sector was undertaken by the Commission on Human Rights and Administrative Justice (CHRAJ). CHRAJ submitted the report on the baseline study during the year under review. The following conclusions were made by the study report;

1. Security and human rights issues continue to linger in mining, oil, and gas communities. These include air and noise pollution, lack of enough land for economic activities, and shelter due to large concessions. Others include land degradation, water pollution, and heat emitted into the community as a result of the activities of gas plants.
2. Activities of illegal miners which have led to the degradation of lands and pollution of water bodies need urgent attention from the State in fulfilment of its obligation to protect and respect the realization of the fundamental human rights and freedoms of the people.
3. A concerted effort is needed from all stakeholders this time round to curtail human rights violations, promote the awareness of security and human rights, and the

responsibilities of interest groups to promote cordial relations among competing interest groups.

The following recommendations were made by the report;

1. Following the population growth of the indigenous people, the State must revisit and review colonial agreements granting large concessions to companies aimed at the release of unused lands concessions to the people for their livelihood and economic activities.
2. The State must adopt a human rights-based approach as a priority in the issuance of licensing and grant of concession to large and small scale companies to fulfil the requirements of inclusiveness, participation, and accountability among others.
3. The State must channel a minimum of ten per centum (10%) of all annual revenue from the extractive sector into the provision of specific alternative livelihoods empowerment projects for the affected communities.
4. In the deployment of public security for special operational tasks (Operation Vanguard¹), the State must eliminate political interference to allow effective monitoring in the extractive sector.
5. For proper identification of possible security and human rights issues and resultant requisite mitigating measures, the present practice where Environmental Impact Assessments (EIAs) are conducted by large scale mining companies themselves and reports submitted to the Environmental Protection Agency (EPA) should be reviewed. Instead, EPA should be more empowered to conduct the EIA and the cost borne by the mining companies.
6. For adequate compliance with the VPSHR and United Nations Guiding Principles on Business and Human Rights (UNGPs) regular monitoring of activities of extractive sectors should be well structured and institutional responsibilities well cut out to avoid overlapping of roles in this regard. Monitoring institutions should be well resourced both human and logistically to operate effectively.

¹ Operation Vanguard was a team of security personnel deployed by government to clamp down on activities of illegal miners in the country

7. The State should guarantee adequate remedial measures (compensation, rehabilitation, etc.) aimed at guaranteeing companies respect for the fundamental human rights and freedoms of affected communities.
8. To avoid encroachment and its related safety and security issues, the Minerals Commission in collaboration with other stakeholders should better demarcate the boundaries of the extractive companies and the communities well informed.
9. To avoid the adverse impact of business operations on security and the enjoyment of fundamental human rights of the people, the Minerals Commission must ensure prospecting licenses are not used for mining until the final/main licenses are obtained.
10. The extractive companies' policies relating to their corporate social responsibility must be by the human rights-based approach and transparent to meet the competing interest of all parties and have a binding effect.

A consultant from the Kofi Annan International Peacekeeping Training Centre (KAIPTC) was also engaged to develop a training curriculum on VPs. The curriculum is expected to provide a unified framework for all training on VPs for public and private security personnel and offices from Government agencies and other relevant stakeholders. The consultant submitted the first draft of the report to the chairpersons of the ICWG in December 2021. After making inputs to the document, the chairpersons shared the document with the consultant for his revised inputs. Once the revised version is shared by the consultant, the chairpersons intend to share the revised document with members of the ICWG for their input. The final document will be validated by the ICWG and a Trainer of Trainers (ToT) will be conducted for stakeholders who would be running the curriculum.

D. LESSONS AND ISSUES

The major challenge to expanding the Government and NGO pillars' involvement in implementing the VPs remains to be funding/budgetary constraints. The ICWG currently depends solely on funds from the VPI for activities as well as the running of the Secretariat. The funding support from the VPI has been crucial for the successful implementation of the two (2) key activities mentioned earlier and has kept the ICWG and the Permanent Secretariat functional. The contract for funding support from the VPI for the year under review expired in February 2022. This implied that the ICWG could not use the remaining funds under the funding mechanism to continue activities for the rest of the year. However, if the ICWG had additional or alternative sources of funding, the activities for the rest of the year could have

been continued while the group and the VPI worked on finalizing the new contract vehicle. Given this, efforts are being made to get some Government funding to supplement funds from the VPI for outstanding activities of the NAP that funding does not currently exist, and to mainstream some activities into the operations of the Government agencies. This would also enable continuity of activities should there be a break in funds from the VPI due to circumstances such as the expiration of the contract.

The major challenge faced in completing the curriculum development on time, under the activity funding, was due to delays on the part of the consultant to deliver the document within the agreed timelines. An aspect of the delay was due to the consultant contracting the COVID-19 virus and having to isolate for three (3) weeks. The other cause of delay in developing the curriculum within the agreed timeline was the unresponsiveness of the consultant in delivering the document within the agreed timeline.