

2016 GHANA EITI ANNUAL ACTIVITY REPORT



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List of Abbreviations/ Acronyms

AG	Attorney- General
ASM	Artisanal and Small Scale Mining
CSOs	Civil Society Organisations
DPs	Development Partners
EITI	Extractive Industries Transparency Initiative
GHEITI	Ghana Extractive Industries Transparency Initiative
GIZ	German Development Cooperation
GMC	Ghana Manganese Company
GNPC	Ghana National Petroleum Corporation
GRA	Ghana Revenue Authority
IT	Information Technology
MC	Minerals Commission
MDF	Minerals Development Fund
MMDAs	Metropolitan, Municipal and District Assemblies
MoF	Ministry of Finance
MLGRD	Ministry of Local Government & Rural Development
MSG	Multi Stakeholder Group
MLNR	Ministry of Lands and Natural Resources
MoPET	Ministry of Petroleum
NRGI	Natural Resource Governance Institute
NSC	National Steering Committee
OASL	Office of Administrator of Stool Lands
PIAC	Public Interest & Accountability Committee
SAP	Systems Applications Products
SRRCDD	Social Responsibility Resettlement & Community Development
ToR	Terms of Reference

FOREWORD

Since signing on to the Extractive Industries Transparency Initiative (EITI) in 2003, Ghana has continuously exhibited her commitment and resolve to use the EITI principles to enhance and deepen transparency and accountability in the extractive sector and to ensure that revenues from the extractive sector are used for development purposes, at the national and sub-national levels.

It is worth noting that the EITI has evolved from criteria since Ghana signed on to it in 2003 to a Standard in 2013, and subsequently revised in 2016. The new Standard has expanded the frontiers of transparency to cover the entire spectrum of the industry value-chain; from licensing, through exploration, production, trade in extractive commodities to management and use of revenues. This allows citizens to look beyond revenue transparency to understand how the country's extractive sector is managed as a whole.

Ghana has embraced the EITI Standard and is committed to its full implementation. The country has indeed become a pacesetter in the implementation of the initiative. Even before Beneficial Ownership (BO) was made a mandatory component of the EITI, Ghana had made an attempt to report on BO. Ghana, again, initiated the sub-national reporting at a time when it was not a reporting requirement. Perhaps most importantly, the country has over the past decade used EITI for sweeping reforms to the mining sector fiscal regime, resulting in increased flow of revenues to the state. This sterling performance by Ghana was recognised with an award at the 2016 EITI International Conference in Lima, Peru, where the country was adjudged a star performer for using EITI to influence policy and institutional reforms.

This award has spurred the country on to do much more. For us, the EITI principles tie in perfectly with the government's commitment to better manage its abundant natural resources, and to pursue a rigorous development agenda that integrates the country's mineral sector into the rest of the national economy, starting with bauxite.

2016 was a very eventful year for the Ghana EITI. We collaborated with other stakeholders to get three important legislations passed in Parliament to help better manage the country's natural resources, and to expand the frontiers of transparency and accountability not only in the extractive sector but also across the wider economy. These are: the Petroleum Exploration and Production Act, 2016, Act 919 which provides for contract transparency and open tendering for oil blocks; the Minerals Development Fund Act (Act 912) which provides legislative backing for the disbursement of a share of mineral royalty to mining host communities; and the Companies Amendment Act, 2016 (Act 920) which provides a legislative framework for Beneficial Ownership Disclosure (BOD).

As we go into the future with the implementation of EITI we will leverage on these new laws to deepen transparency and accountability in the extractive sector. Emerging issues, including the implementation of BOD, piloting of Commodity Trading (CT) project by Ghana and four other countries, and the mainstreaming of transparency and accountability principles will be top on the GHEITI agenda. It is our hope that going forward, we will be able to make further

progress in our efforts to combat opacity and illicit financial dealings which have engulfed the extractive sector.

I wish to thank all stakeholders, the Multi-Stakeholder Group, our development partners and the Government of Ghana for the commitment shown and all the efforts to ensure that Ghana's EITI becomes a great success. I entreat us all not to relent on our efforts until we achieve our objective of enhancing the development outcome of natural resource extraction in Ghana.

Patrick Nomo
Chief Director/Chair, Ghana EITI

EXECUTIVE SUMMARY

Ghana is heavily endowed with natural resources such as gold, cocoa, diamond, bauxite, oil and gas, among several others. Due to the governance challenges that have bedevilled the sector, its growth potential has not been fully harnessed to contribute to our development efforts as it ought to.

It is against this backdrop that Ghana signed on to the Extractive Industry Transparency Initiative (EITI) principles in 2003. The main objective of the EITI is to improve on the governance structures of the extractive sector to promote transparency and accountability.

The Ghana version is termed Ghana Extractive Industry Transparency Initiative (GHEITI) and it is governed by a Multi-Stakeholder Group (MSG) which is the decision-making body. The MSG is a tripartite committee made up of government, civil society and industry. It is supported by a Secretariat which oversees the day-to-day operations and implementation of the work plan.

In February last year, Ghana was recognised with an award for using the EITI process to influence policy, regulatory and institutional reforms at 2016 EITI Global Conference in Lima, Peru. The then Hon. Deputy Minister for Finance, Mrs. Mona Quartey received the award on behalf of the country.

The primary activity of GHEITI is to help Ghana's citizens understand how their extractive sector is governed. Among other things this is accomplished through the production of annual reports about the extractive sector. At their core, these reports include a reconciliation of revenues that extractive companies have paid to the government, and what the government has also reported as having received from extractive companies. In the year under review, Ghana EITI disseminated the 2014 GHEITI reports on mining and oil/gas. These reports were disseminated to stakeholders in the Ashanti, Brong Ahafo and Western Regions. Community fora were also organised to share the findings and recommendations with stakeholders at the district using the local dialect with a view to creating awareness and building their capacities to hold the duty-bearers accountable.

In addition to disseminating the reports, other activities were undertaken in 2016. GHEITI went through a validation process in 2016 during which a two-member mission was dispatched from the International EITI Secretariat to collect data and engage with relevant stakeholders. GHEITI also collaborated with Open Government Partnership (OGP) initiative and the Natural Resource Governance Institute (NRGI) to organise a workshop on Beneficial Ownership. GHEITI again, collaborated with NRGI to organise a technical workshop to discuss and analyse the Petroleum Exploration and Production Act (Act 919); the Companies Amendment Act (Act 920) and the Public Financial Management Act (Act 921) and produced a position paper intended to feed into the development of Regulations to operationalise these Acts.

The EITI implementation in Ghana continues to enjoy significant financial support from Government as well as some technical and financial support from some of the country's development partners.

The rather impressive performance was, however, not without setbacks and challenges. Some of the notably challenges were our inability to secure funding for the production of the 2015 reports, lack of fulfilment of budget commitments made by some development partners to facilitate implementation of some of the activities in the 2016 work plan, and non-completion of work on the GHEITI Bill due to misunderstanding between the MSG and the consultant.

In 2017, the MSG is determined to steer the affairs of GHEITI to enhance its significance to the economy. One activity that is certain to be on the front burner will be the GHEITI Bill. As well, we strive to make further progress on implementing the Beneficial Ownership and Commodity Trading activities. Accordingly, the MSG will solicit the support of all stakeholders to ensure that we continue to sustain our commitment to foster shared prosperity on the back of the extractive sector.

1.0 Ghana Recognised at the Seventh (7th) Extractive Industries Transparency Initiative (EITI) Global Conference

Ghana participated in the seventh (7th) Extractive Industries Transparency Initiative (EITI) global conference which took place in Lima, Peru from 24th to 25th February, 2016. Ghana's delegation to the conference was led by the Deputy Minister of Finance, Hon. Mona Quartey. The other members of the delegation were the Co-Chair of Ghana EITI (GHEITI), Dr. Steve Manteaw; a member of the Parliamentary Select Committee on Lands and Natural Resources, Hon. Ben Aryeh; the Coordinator of GHEITI, Mr. M.B. Abdul-Razak; the former Coordinator of GHEITI, Mr. Franklin Ashiadey; a staff of the Secretariat of GHEITI, Ms. Victoria Benson; a representative of the Office of Administrator of Stool Lands, Dr. Gad Akwensivie; Senior Research Officer of Ghana Chamber of Mines, Mr. Christopher Opoku Nyarko; Senior Extractive Industries Advisor of GIZ, Mr. Allan Lassey; and the Anglophone Africa Regional Associate of Natural Resource Governance Institute, Mr. Samuel Bekoe.

The conference, which was on the theme: “From Reports to Results” highlighted the reforms that have been achieved on the back of EITI reports published by the implementing countries. There were nearly forty-nine (49) countries that disclosed disaggregated information on payments by companies and revenue streams. Similarly, most implementing countries were disclosing data in “open data” format to facilitate the secondary use of the published dataset. To a large extent, these developments have propelled significant changes in the management and use of natural resource revenue to reduce poverty in resource endowed countries.

As part of the International Secretariat's effort to reward best practices and encourage sterling performance, the Chair of EITI, Rt. Hon. Clare Short, presented awards to outstanding implementing countries. Ghana was recognised as the best implementing country for initiating reforms on the basis of recommendations from its Reconciliation Reports. The other winners were the Democratic Republic of Congo and Philippines, which were adjudged to be exemplary in providing leadership on Beneficial Ownership and the best new EITI implementing country respectively. Mongolia was also recognised for its effort in developing interactive dataset from its EITI report.



From right to left in the photo are H.E Clare Short-former EITI Board Chair; Hon. Mona Quartey, Dep. Minister for Finance – Ghana; H.E. George Wembi – Minister of Planning & Chair of DRC MSG; H.E Rentsendoo Jigjid, Minister of mining – Mongolia & H.E Cesar Purisima, Secretary of Finance –Philippines posed to receive their respective countries' awards.

In receiving the award for the best implementing country in initiating reforms, the Deputy Minister for Finance and leader of the Ghana's delegation, Hon. Mona Quartey, stated that the country has always approached the implementation of EITI with the objective of deepening accountability, transparency and good governance in the natural resource sector. According to her, the reports were not only relevant in identifying challenges that hinder government's efforts at maximising the benefits from the exploitation of natural resource but also to leverage its recommendation to induce institutional and policy reforms.



Delegation from Ghana that attended the seventh (7th) EITI Global Conference, Lima-Peru

She explained that EITI was not a cosmetic effort to enhance the country's reputation in international circles but a well-thought out exercise to improve the development outcomes of the natural resource sector. She alluded to the reforms that were inspired by GHEITI and assured the international community that the country will continue to deepen the dialogue on prudent and sustainable use of its natural resource revenues.

The 2016 EITI conference provided a platform for stakeholders to discuss and share experiences on how data from the country reports were being used to initiate reforms in public policy and management of natural resource revenue. Specifically, the objectives of the conference were as follows:

- ✓ How to improve natural resource governance
- ✓ Informing better policies on the extractive sector
- ✓ Making the most out of the extractive sector

The conference was attended by more than nine hundred (900) participants from sixty (60) countries, including Heads of States, Government leaders, captains of industries and civil society organizations. Notable personalities that addressed the conference included the following:

- ✓ Prime Minister of Peru, Pedro Cateriano
- ✓ Minister of Energy and Mines, Peru, Rosa Maria Ortiz
- ✓ Chair of EITI, Rt. Hon. Clare Short
- ✓ Chairman of Transparency International, Jose Ugaz

- ✓ President and Chief Executive Officer, Newmont Mining Corporation, Gary Goldberg

In her opening remarks, the outgoing Chair of EITI, Rt. Hon. Clare Short, recounted the strides made by the implementing countries in using their reports to positively influence public policy on the extractive sector. While commending the countries for their achievements, she intimated that publication of Reconciliation Reports were not the ultimate objective of EITI. Accordingly, she urged the International Secretariat to place premium on discussions and implementation of recommendations that will spur change in the extractive sector. She concluded her speech by setting out challenges that confronted EITI during her tenure as Chair, namely:

1. Integrating EITI into government systems;
2. Using the opportunity to turn the recommendations into reforms;
3. Revealing who owns the extractive companies;
4. Ensuring better participation by implementing governments, companies and citizens.

The outgoing Chair of EITI announced the composition of a new board, chaired by the former Prime Minister of Sweden, Fedrick Reinfeldt.

The opening session of the workshop was also addressed by the Prime Minister of Peru, Pedro Cateriano, Chairman of Transparency International, Jose Ugaz, Minister of Energy and Mines, Rosa Maria Ortiz and President and CEO of Newmont Mining Corporation, Mr. Gary Goldberg. [Click for details](#)

Ghana, like the other implementing countries, exhibited its progress at the National Exhibition. The materials that were displayed included reports, videos, brochures, posters, T-shirts, badges, flags and other paraphernalia. This enabled EITI stakeholders from across the world to deepen their understanding of EITI's country processes and the flexibility of the EITI methodology in terms of adaptation to local context and circumstances. Members of country national Secretariats were available to answer questions on items showcased at the exhibition. The National Exhibition was the highlight of the conference.

In addition to the plenary, the conference had parallel sessions that provided distilled information on a range of topics. The themes that were addressed by experts at the parallel sessions included the following: [Click for Details](#)

2.0 Follow-up on the status of implementation of GHEITI reports' findings and recommendations

The MSG of the Ghana Extractive Industry Transparency Initiative (GHEITI) and the Ministry of Finance in collaboration with GIZ organised a one-day workshop on 13th December, 2016 to discuss the implementation of the recommendations of the GHEITI's mining, oil and gas reports so far, challenges and the way forward.

The workshop brought together representatives of the Ministries of Finance, Petroleum, Lands and Natural Resources and Local Government, Minerals Commission, GNPC, Chamber of Mines, Civil Society Organizations, development partners and the members of the National Steering Committee of GHEITI.

The workshop was officially opened by Dr. Toni Aubynn (CEO, Minerals Commission) who also chaired the event. Other speakers included Mr. Frimpong Kwateng- Amaning (Director, Real Sector Division, MoF), Mr. Allan Lassey (Senior Extractive Sector Advisor, GIZ) and Dr. Steve Manteaw (GHEITI Co-Chair). The speakers reflected on the importance of implementing the recommendations to enhance the governance of the natural resource sector.

Dr. Aubynn in his remarks recounted his role in the evolution of EITI in Ghana. He was delighted with the successes of EITI in Ghana in influencing reforms through its reports and consequently gaining recognition at the 2016 global conference. He noted that there are challenges to implementations but urged implementers not to be discouraged but to forge ahead till the extraction of natural resources works for the benefit of the country.

Mr. Kwateng-Amaning on his part stressed on the importance of implementing the recommendations of the report to undertake policy reforms. He commended GIZ for their support for the workshop to help take stock of the implementation of findings. He called on all the institutions affected by the findings to have frank discussions, identify implementation challenges and way forward. Mr. Lassey emphasised how the reports' finding and recommendations since 2004 have informed both fiscal and regulatory policies but said there are still gaps. Dr. Manteaw pointed to Requirement 10 of the 2016 EITI Standard which requires the MSG to take steps to act on lessons learned and review the outcome and impact of EITI implementations. The objective of the workshop he outlined was to bring institutions together to take stock, identify challenges and way forward.

The GHEITI Aggregator Mr. Kwaku Boa-Amponsem (Boas and Associates) outlined the findings of the 2014 reports for the mining, oil and gas sectors. He indicated that once some revelations were made during the study, the institutions involved were notified and acted upon them. However there still remain findings such as the absence of dedicated account by some Assemblies which remain outstanding over the years. Without the accounts, the EITI is unable to assess their utilization of royalties.

Concluding he urged affected institutions to act on the recommendations in order for the reports not to remain on shelves but to be used to improve the governance of the sector

2.1 Mining Cadastre Administration System (MCAS)

The application and award of licences in the mineral sector has for years being undertaken with the use of manual cadastral system. With the support of the Australian High Commission, the Minerals Commission (MC) has developed an online cadastral system to improve the licence administration system in the sector.

Presenting the system and its features to participants Ms. Myriam Amadou said the MCAS is a system that aims to improve investor confidence in the administration of mineral rights and licenses by introducing an accountable and efficient license administration system and improving compliance and revenue integration through data sharing. The project she stated aims at achieving three main outcomes which are to computerise licence management process and workflow; to increase revenue and data sharing compliance and finally to improve small-scale mining licensing and field monitoring.

The system is designed to follow a typical life-cycle of a mining licence. Embedded in it is transparency and accountability along every step of the cycle as indicated in the diagram below.

A typical life-cycle of a mining licence



There is also an online repository which is a web portal that is linked to the cadastral. It is used as a transparency tool in accordance with EITI. [Link to the Online Repository](#). One feature that

is worthy of note is that as data is up loaded onto the MCAS the online repository also automatically gets updated.

Session II discussed the findings of the GHEITI reports. The affected sector agencies provided the implementation status to date and challenges to implementations.

2.2 Guidelines for the Utilisation of Mineral Royalties

The finalisation and implementation of the guidelines for the utilisation of royalties will help to improve the development outcomes in mining communities. Participants urged the MSG to follow through with it to ensure its finalisation and adoption. It was also recommended that a tracking tool be developed to monitor the extent of compliance by local assemblies.

Coupled with the need to ensure efficient utilisation of the royalties, it was also recommended that the OASL should request District Assemblies to include utilisation of their respective share of mineral revenue in their plan of activities. This is in line with the suggestion from the Auditor General's report. Such a measure will also ensure that poverty reduction projects/programmes are planned and/or are undertaken by the Assemblies before the funds are released.

Ground Rent – With a firm and agreed rate of GHS15 per acre now established between government and companies, the OASL was urged to ensure all arrears are duly Paid by the companies. The OASL was further encouraged to involve all relevant stakeholders in the subsequent review of the rate to avoid unnecessary delays. It was recommended for the OASL to consider implementing User Right Rent instead of flat rate for Ground Rent to ensure fairness in the rates applied as the land are used for various purposes. It also has the potential of increasing the revenues collected for Ground Rent.



The Chair, Dr. Aubynn in his closing remarks stressed on the importance of involving stakeholders in the formulation of policies. The outstanding payment for ground rent he expressed resulted from poor consultations leading to rejection of the initial rate set. The GRA he noted is equally guilty of developing policies that seems to be ambushed along the way citing the introduction of 10% tax on small scale mining which was reviewed to 3%. Stakeholder engagement is critical to governance and should therefore be applied in all spheres

of the governance process. The EITI he expressed has a great future and urged members to aggressively pursue it for maximum benefits to be derived from the sector.

3.0 Impact of GHEITI Activities

The work of Ghana EITI particularly, the implementation of the various findings and recommendations in the EITI reports has contributed significantly to policy and regulatory reforms. These ultimately have impacted the contribution of the extractive sector on many fronts in our national discourse especially ‘government take’ and benefits to impacted communities.

3.1 Impact on royalty disbursement and utilisation at the national and sub-national levels

The passage of the Minerals Development Fund (MDF) Act, Act 912 and the development of guidelines for the utilization of mineral royalties by MMDAs presented to the Ministry of Lands and Natural Resources in 2016, undertaken in response to GHEITI’s recommendation, will make a significant impact on royalty disbursement and utilisation both at the national and sub-national levels. Hitherto, disbursement and utilisation of royalties and mineral revenues was done on the basis of an administrative fiat without any legal backing. With the passage of the MDF Law and the development of the guidelines for the utilisation of mineral royalties at the district level, some of the nagging challenges such as arbitrary allocation and utilisation of mineral revenues will be resolved. The mining districts and communities will now receive more monies than before as additional resources will be sent back to the areas for the mining community development schemes on regular basis as stipulated in the Act in addition to their portion of royalties they already receive from the Office of the Administrator of Stool Lands which will receive 50% of the total amount paid into the MDF account. Thus, additional revenue (20%) of the remaining 50% in the MDF account will be allocated to communities impacted by mining activities for the establishment of mining community development schemes.

Again, there will be significant improvement in mineral royalty disbursements to the beneficiary mining communities as the Act stipulates that any monies meant for the MDF should be transferred to the Fund not later than next business day on which such monies have been received by Government. This means that slow disbursements or non-payments in some cases which used to characterize mineral royalty payments to the beneficiaries will be a thing of the past as District Assemblies and other beneficiaries of mineral royalties will receive their monies in real time which is good for planning. The establishment of a Local Management Committee at the local level together with the guidelines for mineral royalty utilisation by District Assemblies will oversee the efficient utilisation of the monies to help address some of the abuses of mineral royalties by the local authorities.

3.2 Beneficial Ownership Disclosure (BoD)

The Minerals and Mining Policy published in the latter part of 2015 and launched in early 2016 has a beneficial ownership disclosure provision. This is an added impetus as the Ghana EITI made an earlier attempt to capture some beneficial ownership information in the 2010/2011 reports. This effort, among other initiatives currently being pursued by GHEITI and other stakeholders on BOD will deepen good governance, transparency and accountability mechanisms in the extractives and other related sectors.

As part of its work, GHEITI also engaged the relevant government agencies and other stakeholders to facilitate the implementation of BO in Ghana by ensuring that the amendment of the Companies Act, 1963 passed by Parliament in 2016 included BO provisions. However, a number of gaps have been identified in the amended Act on BO provisions, and as such GHEITI, CSOs and other stakeholder institutions will continue to advocate for the gaps to be addressed under the new Companies Bill to ensure that Ghana meets the EITI Standard on BO. The Registrar-General's Department which is the custodian of the BO register is currently being supported by development partners such as the DFID and other partners to undertake a comprehensive needs assessment, develop a prototype register and redesigning new forms to include BO data collection. Ghana like all other implementing countries is much poised to rise to the occasion to ensure that the deadline of 1st January, 2020 for BO reporting is realised as planned or achieved before the deadline set. The BO requirement will greatly assist the country to find solution to challenges in dealing with transfer pricing, mis-pricing and mis-invoicing issues.

3.3 Contract Transparency

The Petroleum Exploration and Production Act, Act 919 passed in 2016 has a provision on contract disclosure. The Ghana EITI reports recommended the passage of the E&P law and, with the Law now in place, it will ensure transparency in the contracting process and allocation of oil blocks. The disclosure will ensure the public gets to know the fiscal terms and other important provisions in the contract to be able to analyse whether the country gets the best deal and not shortchanged.

3.4 Improved efficiency and investment in the mining sector

There has been a significant progress in the establishment of a Mining Cadastral Administration System (MCAS) and on-line repository at the Minerals Commission. The MCAS will improve efficient licence administration system and also increase in investors' confidence in Government of Ghana administration of mineral rights by introducing transparent and accountable systems with a view to improving compliance and revenue integration through data sharing.

The three main outcomes the MCAS sought to achieve include:

- computerise the licence management process and workflow;
- increase data sharing and revenue integration for compliance; and
- improve small scale mining and field monitoring.

According to the Minerals Commission, so far about five hundred and eighty-eight (588) licences from both the large and small-scale mining companies have been captured on the MCAS as at the end of June, 2017. With the cadastre, the system can generate outstanding fee report with information such as the due date of payment, the tax identification number (TIN), the owner of the concession and the amount outstanding.

4.0 GHEITI Stakeholder Consultations and Dissemination Activities

4.1 2014 GHEITI Mining and Oil/Gas Reports Launched

The Multi-Stakeholder Group (MSG) of the Ghana Extractive Industries Transparency Initiative (GHEITI) and the Ministry of Finance, in collaboration with the Natural Resources Governance Institute (NRGI) successfully organised an event to launch the 2014 GHEITI reports and as well as the Open Data Dash Board for the mining and oil/gas sectors.

The event took place at the Mensvic hotel, Accra on 30th March, 2016 and brought together a number of relevant stakeholders from different institutions from government, industry, civil society and academia.



Group picture at the launch of the 2014 GHEITI Reports

The 2014 GHEITI reports contain very useful information on the extractive sector (mining and oil/gas) including contextual information on the contribution of the sector to the economy, concession details and government receipts and company payments. The reports also contain important recommendations to reform and improve the governance of the sector.

The Open Data Dash Board on the other hand, is an innovative approach to extractives data presentation which seeks to improve the overall accessibility and usage of GHEITI data sets.



4.2 Members of the Media and IFEJ Engaged on 2014 Mining and Oil/Gas Sector Reports

The Ghana EITI as part of its communication strategy and outreach programmes organised a dissemination and capacity building sessions for members of the media at the Forest hotel, Dodowa in March, 2016. The event was organised by GHEITI in collaboration with the German International Cooperation (GIZ) as part of its support to GHEITI. There were representatives from different media organisations across the country who report on business and economic issues.

The objective of the engagement was to share the findings and recommendations with the media in a more targeted manner with a view to making information contained in the reports available to them and also build their capacities to understand the issues in the reports in particular and the extractive sector in general to ensure accurate media reportage. These will enhance their ability to report accurately on the extractive sector.

4.3 Ashanti Region Engaged on the 2014 GHEITI Mining and Oil & Gas Reports

In collaboration with the Ghana Chamber of Mines and AngloGold Ashanti- Obuasi Mine, the GHEITI MSG organised its second dissemination workshop in Obuasi on 22nd and 23rd September, 2016. The discussions centred on the findings of the 2014 mining and oil and gas reports.



Participants at the Ashanti Regional sensitisation workshop

Over seventy (70) people attended the programme including high-level dignitaries such as, Member of Parliament (MP) for Obuasi West, Hon. Kweku Kwarteng, and Municipal Chief Executive of Obuasi, Hon. Richard Ofori Boadi Agyemang were present to grace the occasion. The other participants included District Finance Officers, Coordinating Directors, Civil Society Organisations, Company representatives and local media organisations.

The main objective of the event was to share the findings and recommendations of the 2014 mining and oil/gas sectors reports and to bring them up to speed on recent developments on the EITI front.

In his address, the Ashanti Regional Minister, Hon. Alexander Ackon, indicated how Obuasi is best suited for the programme due to its association with mining and its experience spanning over a hundred years. However, he mentioned that the relatively poor developmental outcomes of the area demonstrated that the people were yet to benefit from mining. He cited the comparatively low amount of mineral revenues ploughed back to the community as the primary driver of poor developmental outcomes in mining jurisdictions. Accordingly, he intimated that the situation was a major dent on governance of extractive sector revenues and urged stakeholders to address the developmental imbalances. He was hopeful that the problem may be addressed to some extent with the passage of the Minerals Development Fund Bill.

On his part, the representative of the Ministry of Finance, Mr. Franklin Ashiadey, underscored the role of GHEITI in driving policy reforms in the natural resource sector. He recounted how the findings and recommendations of the GHEITI reports have formed the basis for reviewing the fiscal regime in the mining sector and promulgation of the Minerals Development Fund Bill. He also mentioned that the forum provided by GHEITI has led to better appreciation of the natural resource sector by non-industry stakeholders. He affirmed government's commitment to continue to support GHEITI.



The Ashanti Regional Minister, Hon. Alexander Ackon delivering the welcome

The Member of Parliament for Obuasi West, Hon. Kwaku Kwarteng, reiterated how the GHEITI reports have contributed to policy changes in the sector. He therefore, suggested that the recommendations of the report should be implemented to promote good governance in the extractive sector.

Speaking on behalf of the Ministry of Lands and Natural Resources, Mr. Amponsah Tawiah highlighted the contributions of the mining sector to the Ghanaian economy as well as its potential to accelerate development if it is fully integrated into the non-mineral economy. On his part, the representative of the Ministry of Petroleum, Mr. J.B. Okai, emphasised the role of dialogue and engagement in deepening good governance in the extractives sector.

The Municipal Chief Executive for Obuasi, Hon. Richard Ofori Boadi Agyemang, in a brief address, expressed delight with GHEITI's efforts to disseminate knowledge on the extractives sector by engaging members of the host communities. He further mentioned that the relatively low proportion of mineral revenue ceded to host communities stymies the developmental plans of the District Assemblies. He therefore, urged GHEITI to advocate that a greater share of mineral revenues should be ploughed back to local economies to moderate the developmental challenges confronting host communities. Presenting an overview of the concepts, principles and impact of GHEITI, Dr. Steve Manteaw stated that years of natural resource extraction have not resulted in commensurate developmental outcomes for citizens of resource endowed developing countries. He explained that majority of such countries have failed to use their resource as catalyst for sustainable development, attributing this situation in part, to opacity in the management of extractive resource revenues. He cited Obuasi as a classic example of the State's failure to develop a self-sustaining local economy on the back of mining. He argued that EITI represents the most ambitious global effort at unleashing the development potential of extractive sector through the promotion of transparency and accountability.

He explained that EITI is guided by a set of twelve (12) guiding principles. Its implementation involves data collection and analysis, dissemination, public debate, policy reforms, impact, documentation and validation. According to him, the EITI Standard was initially set at the barest minimum but it was changed in 2013 to cover the entire extractive industry value chain. This included providing contextual information such as description of the legal framework and fiscal regime, sectors contribution to economy, production data, state participation, revenue allocations and sustainability of revenues, license registers and allocations.



Participants at the Ashanti Regional sensitisation workshop

In 2016, the EITI Standard was revised to include a provision for disclosure of information relating to Beneficial Owners (BO) by 2020. He mentioned that Ghana was on course to satisfying this requirement by amending the Companies Act of 1963 to include provisions on BO. He also added that Ghana was part of the countries that have been selected to pilot a study on Commodity Trading. He indicated that the project will commence in 2017.

In a presentation on “Natural resource revenue sharing and sub-national revenue management”, the Anglophone Africa Regional Associate of NRGI, Mr. Samuel Bekoe, stated that natural resources have the potential to bolster the economic and social development of resource endowed countries. However, the extraction of the resources and management of the resulting revenues are fraught with challenges such as price volatility, Dutch Disease, population influx, environmental impairments, among others.

He indicated that the remediation of these challenges required effective planning on how to effectively manage and use the resource revenues at both the national and sub-national levels. Analysing the effect of price volatility on the share of royalty revenue ploughed back to the Obuasi Municipal Assembly, he explained that effective planning has been curtailed as a result of the cyclical movements in price and irregular transfer of the due revenue by the OASL and Ministry of Finance. He therefore, urged the Assembly to diversify its local economy away from mining.

4.4 Brong Ahafo Region Sensitised on the 2014 Mining and Oil & Gas Reports

The MSG liaised with the Ghana Chamber of Mines and Newmont Ghana to convene its third sensitisation and dissemination workshop on 23rd November 2016 at Sunyani. Over seventy (70) participants participated in the Brong Ahafo regional workshop. They included District Chief Executives, District Finance Officers, Coordinating Directors, Civil Society Organisations, Company representatives and local media organisations. In addition, a community forum was held for local assembly members in the Asutifi North District Assembly.

In his opening address, the Chief Director of the Brong Ahafo Regional Coordinating Council (RCC), Mr. Felix Chaha, stated that the region hosts one of the largest mines in the country. He noted that although the presence of the mine comes along with economic benefits, it is also associated with negative externalities. Accordingly, significant resources are required to mitigate the environmental challenges induced by mining. He explained that a major bane in mobilizing revenue to address these problems was the delay and irregular transfer of royalty revenue to the Assembly by the central government. He therefore called for the expeditious passage of the Minerals Development Fund (MDF) Bill to address the challenge.

He also mentioned that the GHEITI reports are expected to form the basis of discussions for the prudential use of resource revenues. He therefore proposed that sub-national transfers should be monitored closely to ensure efficiency and good governance in its use. He concluded his speech by urging the District Assemblies to have mechanisms that will mitigate the impact of commodity price shocks on their respective budgets in order to foster the development of sustainable communities.



Mr. J.B. Okai, delivering an address on behalf of the Chief Director of the Ministry of Petroleum, highlighted the gains made by GHEITI in improving governance in the oil and gas sector. He stated that petroleum exploitation requires sound policies and regulations to ensure that maximum benefits are derived. He intimated that the legislative framework of the sector has been enhanced with the promulgation of the Exploration and Production Act, which seeks to deepen transparency and accountability in the sector. He assured the participants that the Ministry will internalize the lessons from the mining sector to improve the outcomes associated with the extraction of petroleum resources.

Delivering the key note address on behalf of the Deputy Minister for Finance, the Coordinator of GHEITI, mentioned that GHEITI was recognised at the 2016 EITI International Conference for its role in using the Reconciliation Reports (RRs) to inform policy reforms in the extractive sector. He observed that this award bore testimony to GHEITI's efforts in empowering its stakeholders to demand accountability from duty bearers.



He added that EITI has evolved from reconciliation to comprehensive reporting on the entire value chain of the extractives sector, including information on the Beneficial Owners (BO) of Extractive Industry entities. He added that Ghana has already met the requirement for the BO disclosure as a result of the amendment of the Companies Act 1963, (Act 179) to make provisions for the disclosure of such information.

In order to further deepen transparency in the extractive sector, he also broached the country's decision to sign-up for the pilot programme on Commodity Trading. He apprised the participants that the project will be applied to both privately and State-owned enterprises in the extractive sector. Accordingly, he urged members to take interest and support the project when it commences in 2017.

Bringing his speech to an end, he indicated that the EITI reports are not only a source of information but a credible tool for initiating policy reforms to facilitate broad based development. He therefore appealed to stakeholders to actively participate and interrogate the findings and recommendations of the report.

The representative of the Ministry of Lands and Natural Resources, Mr. Ben Aryee, intimated that the launch of the mining policy and the passage of the Minerals Development Fund Bill demonstrate the positive contributions of GHEITI to the governance of the sector. With the passage of the MDF Bill, he pointed out the perennial delay in the transfer of minerals royalty to the District Assemblies will be resolved permanently. He therefore, courted the participants' support in implementing the provisions of the MDF Act.

Following the presentations delivered by Dr. Steve Manteaw, Messrs. Asafo-Aidoo, Kwaku Boa-Amponsem and Samuel Bekoe on the "Overview of the concepts, principles and impact

of EITI”, “Findings and recommendations of the mining sector”, “Findings of the oil & gas sector” and “Revenue management at the sub-national level” respectively, the participants sought clarifications from the facilitators.

4.5 Stakeholder Consultations and Meetings on Ghana EITI Validation Process

During the year under review, Ghana EITI hosted a two-member mission team from the International Secretariat who visited the country from 22nd – 26th August, 2016. Led by Mr. Jurgen Reitmaier, the team held stakeholder consultations and meetings with relevant institutions as part of Ghana’s validation process. The new validation system is a departure from the previous one where an Independent Validator was engaged by an implementing country in consultation with the International Secretariat.

The new validation system involves a three-step approach as follows:

- Country visits to conduct stakeholder consultations and meetings with relevant institutions to collect data and views by International Secretariat;
- Submission of an initial report by the team to an Independent Validator appointed by the International Secretariat for review; and
- Submission of the final report to EITI Board to review and to make a decision on an implementing country.

In all the processes, the MSG will be offered an opportunity to comment on the report and send a feedback to the International Secretariat for consideration as part of the final determination in the decision on a country.



Members of the MSG/GHEITI in a round table discussion during 2016 Ghana EITI Validation

5.0 Ghana Beneficial Ownership Disclosure Process

5.1 Implementation of Ghana Beneficial Ownership Disclosure (BOD) regime

As part of the process of BO implementation, the Ghana Extractives Industries Transparency Initiative (GHEITI) collaborated with the Open Government Partnership (OGP) initiative and the Natural Resource Governance Institute (NRGI) to host a consultative workshop on the development of a roadmap for Beneficial Ownership Disclosure (BOD) in Ghana, from 6th to 8th April, 2016. The objectives of the workshop, which brought together stakeholders from the extractive industries, civil society organizations and relevant state agencies, were as follows:

- ✓ Create a platform to discuss beneficial ownership concept and reporting including beneficial ownership definition, data collection, publication and utilization of beneficial ownership information in extractives; and
- ✓ To work on the policy, legal, regulatory and institutional process required in developing a draft roadmap to inform further consultations on the establishment of a beneficial ownership register in Ghana.

Taking turns to address participants, the Co-Chair of GHEITI, Dr. Steve Manteaw and the Director of the Real Sector Division of the Ministry of Finance, Mr. Kwabena Oku-Afari, stressed the importance of establishing a beneficial ownership regime in the country. They intimated that it would not only put the country in a position to meet its international commitments and obligations but also foster accountability among investors, citizens and government as well as abate the incidence of corruption, money laundering, terrorist financing and illicit financial activities.



Participants at the consultative workshop on the development of a roadmap for Beneficial Ownership Disclosure (BOD) in Ghana

Setting the tone for the workshop, the representative of NRGI, Mr. Samuel Bekoe, recommended that the under-listed should be considered carefully in establishing a BO regime in Ghana:

1. The rationale and scope for disclosure;
2. Determine which companies to disclose;
3. Determine the pieces of information to disclose;
4. Set mechanisms and timeframes for collecting information;
5. Identify a workable method for confirming information;
6. Decide on how to publish BO information; and
7. Improve on extractive sector governance via monitoring.

The Managing Partner of Ali-Nakyea and Associates, Mr. Ali-Nakyea, in a contribution, stated that the Companies Act, 1963 (Act 179) did not distinguish between the beneficial owner and legal owner of a company. As a result, it would not suffice for the country's international obligations to keep a public register on Beneficial Owners of firms under the EITI standard and OGP requirements. He therefore proposed that GHEITI should advocate an amendment of the Companies Act, 1963 (Act 179) to provide for BOD.

Table 1.0 provides a summary of the sections of Act 179 that must be amended to facilitate the implementation of the BOD.

Table 1: Legislative Reforms Required

Companies Act 1963	Action
Section 32	to be amended to include beneficial owners;
Section 122	Amending to require beneficial owners to provide an annual filing of legal ownership information for all companies;
Section 196	to be amended for companies to keep a register of beneficial owners detailing the name, quantum of ownership, nationality and country of residence;
Sections 205, 206 and 207	to be amended for beneficial owners to declare their level of interest in contracts the company enters into. This aims to avert possible conflict of interest or transfer pricing issues.
Section 207	to be amended to include the threshold for beneficial ownership disclosure.
Amending Act 179 to introduce a target turnaround time of 48 hours for beneficial owners to provide Beneficial Ownership Information (BOI)	
Sanctions - The lack of effective sanctions for non-compliance can make laws ineffective. The legal reforms should therefore place emphasis on sanctions and penalties on entities who refuse to disclose beneficial ownership information. Sanctions such as revoking of licences and permits until entities become compliant can be employed to ensure adherence to the laws and regulations. The sanctions must be dissuasive, persuasive and proportional. Amending the Companies Act, 1963 (Act 179), the Minerals and Mining Act, 2006 (Act 703) and the Exploration and Production Bill to impose penalties on persons and companies who fail to provide their BO information to government when incorporating should be considered.	
Other Legislative Amendments to be Considered	

Amending the Minerals and Mining Act, 2006 (Act 703) to include, as well as ensuring the Petroleum Exploration and Production Bill includes, beneficial ownership disclosure in relation to mineral's right, mining lease and small-scale mining, as well as petroleum operations
Amending paragraph 17 of the Seventh Schedule to the Income Tax Act, 2015 (Act 896) on record of shareholders of a company. This could be addressed in the Revenue Administration Bill under consideration
Carefully consider relevant provisions in the Right to Information Bill to avoid inconsistencies and conflict in the use of the beneficial owner information and the implementation of the beneficial owner register.

He observed that although BOD may be fraught with challenges, it was important in revealing information about the complex nature and structures of companies to enable the citizenry understand and determine the relationship between companies and whether transactions amongst them are made in an arm's length. He cited the following as some barriers that may impede the implementation of BOD:

- Political risk – risks associated with credibility, control, power among others may prevent government from committing to the process of implementing BOD. To reduce such risk, a deliberate strategy to influence political leaders and get their buy-in will need to be employed to facilitate the process.
- Related to above is the potential resistance from owners of extractive companies who will with their power and influence may work against BOD.
- Another potential barrier is the existing legal and regulatory framework which may conflict with BOD. Laws such as the Data Protection Act 2012 (Act 843), the principles of the 1992 Constitution on privacy and the Official Secrecy Act are laws that serve to protect the privacy of individuals and may serve as barriers to implementation. This requires the smoothing out of these laws to address possible areas of conflict.
- Cumbersome Parliamentary procedures may serve to delay the process for implementation of BOD. An effective parliamentary engagement particularly with the Mines and Energy, Finance and Public Accounts Committees on the issue of BOD is necessary to help push the process forward.
- The drive for accountability and transparency is expensive. It requires human, technical and financial resources to keep the momentum on to the point of completion. Inadequate resources and loss of momentum particularly among CSOs may hinder the process.

In the discussions that ensued, the Chairman of the Chamber of Mines' Finance and Budget Committee, Mr. Edwin Acquaye, pledged the mining industry's support to BOD. He noted that although the concept was not new to the mining industry, it would be imperative for stakeholders to establish the level of disclosure. Furthermore, the President of Ghana's Advisor on Corruption, Mr. Daniel Batidam, emphasized on the need for GHEITI and OGP to explore ways of introducing the BOD in the revised Companies Bill before its passage into law. He indicated that he will lend the support of his office to the process.

As part of the next steps, the workshop agreed on the following:

- Lobby for the inclusion of BOD in the amended Companies Bill before its passage by Parliament;
- Undertake further consultations with a broader CSO representation to strategise and advocate for BOD inclusion into relevant laws such as the Exploration and Production Bill;
- To develop a joint Cabinet Memo based on report and consensus achieved from consultations;
- Undertake cross-country consultations for inputs and build consensus on the BOD.

As a sequel to the BOD workshop, GHEITI collaborated with NRGI in November, 2016 to convene a ‘writeshop’ to finalise the BO road map for submission to the International Secretariat in December, 2016. This was done to ensure that Ghana satisfies the 31st December, 2016 deadline set by the EITI Board.

5.2 Stakeholder Discussions on Implementation of Commitments at London Anti-Corruption Summit

At the May 2016 Anti-Corruption Summit in London, the Government of Ghana (GoG) made public commitments to establish a beneficial ownership register, increase fiscal and public procurement transparency, increase transparency in commodity trading, strengthening assets recovery, among others.

In furtherance of these commitments, the Ministry of Finance collaborated with the Multi-Stakeholder Group (MSG) of the Ghana Extractive Industry Transparency Initiative (GHEITI), Open Government Partnership (OGP) and the Natural Resource Governance Institute (NRGI) to organize a one-day Technical Roundtable to discuss the issues arising out of the anti-corruption summit and develop a road map for the establishment of a beneficial ownership regime in the country. The event took place at the Alisa hotel, North Ridge in Accra on 14th June, 2016.

The meeting brought together Parliamentarians, Anti-Corruption Activists, Extractive Industry representatives, Development Partners and relevant parastatals, to consider the State’s commitments at the London Summit and how to synergize national efforts to achieve them.



Stakeholder Discussions on Implementation of Commitments at London Anti-Corruption Summit

The workshop also formed part of efforts at finalising a roadmap for the establishment of a Beneficial Ownership (BO) regime in Ghana. The process of developing the roadmap commenced with consultations with state and non-state actors in Dodowa on 7th and 8th April 2016, to ascertain if the current practices were in line with the objectives of the BO regime. The consultations brought to fore the policy, legal, regulatory and institutional gaps that needed to be addressed. It also pointed out the three (3) international obligations on the country that relate to the establishment of a BO regime. These are the establishment of a publicly available beneficial ownership register by January 2020 as part of the EITI requirements, an Open Governance Partnership commitment to be implemented by 2017 and the Inter-Governmental Action Group Against Money Laundering in West Africa (GIABA).

Speaking on the topic “The National Anti-Corruption Plan- What should citizens expect?”, the Majority Leader of Parliament, Hon. Alban Bagbin, mentioned that one fundamental area that required clarity was the definition of corruption. According to him, corruption was often interpreted narrowly as relating to financial corruption, which very often involves a giver and a taker. However, he stated that corruption was broad, covering all aspects of national resources. He added that it was a global canker that is motivated and enhanced by both global and local actors. He explained that there was no common definition for corruption. Whereas the National Ant-Corruption Action Plan (NACAP) defines it as the ‘misuse of entrusted power for private gain’, the Parliament of Ghana interprets it as: “the misuse or abuse of power for parochial or private gain”. He reasoned that the absence of a common definition may impair the citizens’ understanding and perception of corruption.

Furthermore, he cited the absence of state funding of political parties as another critical factor that must be considered in addressing corruption. He stated that the lack of public funds has led to a situation where politicians resort to friends and relatives to finance their electoral campaigns. He added that this mode of financing elections makes political office holders

indebted to their sponsors. However, politicians are expected to serve the generality of the public without paying back the investment made in them.

He explained that it was important for the relevant duty bearers to strictly enforce the provisions in the Criminal Offenses Act that relate to corruption. This will serve as a signal to deter others from repeating corrupt practices. He also added that there was the need to expedite the Constitutional reform processes to enable Parliament initiate and pass laws. He concluded that the only way to eradicate the incidence of corruption is to empower the ordinary citizen to demand accountability and have a national consensus on the definition of corruption.

5.3 Community Forums and Durbars on 2014 Mining and Oil/Gas Reports in Obuasi and Kenyasi

The 2014 GHEITI mining report is the eleventh since Ghana acceded to the Initiative in 2003. The focus of the reports over the years have been to enhance transparency on the production and revenue information on extractive sector as well as making information available to relevant stakeholders particularly at the sub-national level. The reports guided by the new Reporting Standards contain critical findings and recommendations that cut across various stakeholders in the extractive sector which require policy direction.

To ensure stakeholders in mining and oil/gas host communities are better informed on development in the sector, community forums were organised in two districts to sensitise them. The forums were held in the Obuasi Municipal Assembly in the Ashanti Region on 23rd September 2016 and the Asutifi-North District on 24th November 2016 in the Brong Ahafo Region.

The main objective of the forums were to interact with community members in mining operating areas to explain to them in local parlance the findings, recommendations and other critical issues contained in the 2014 GHEITI mining and oil and gas reports.

Participants included District Chief Executives, Chiefs, Heads of Departments, Opinion leaders, Assembly Members, Local Governmental Agencies, CSOs, Student representatives, and local media organizations. Also in attendance were members of the MSG and company representatives from AngloGold Ashanti and Newmont Ghana Limited.

6.0. Capacity Building Activities

6.1 Workshop on Analysis and Discussion of the Exploration and Production Act, Amended Companies Act and Public Financial Management Act

In August 2016, the Parliament of Ghana passed the Exploration and Production Act 2016 (Act 919) Amended Companies Act 2016 (Act 920) and the Public Financial Management Act, 2016 (Act 921). These Acts provide a robust framework for the management of the oil and gas sector, compliance to Beneficial Owner Disclosure (BOD) requirements as well as financial management of the country's resources respectively.

The Ghana EITI facilitated the organisation of round table stakeholder discussion around the bills. The Ghana EITI through its reports recommendations advocated for the early passage of the Exploration and Production Act 2016 (Act 919). The Companies Amendment Act to include Beneficial Ownership provisions for instance was a result of discussions and advocacies of GHEITI.

As part of activities to sensitise stakeholders on the provisions of the Acts, the Ghana Extractive Industry Transparency Initiative (GHEITI) partnered the Natural Resource Governance Institute (NRGI) to organise a technical roundtable workshop on 30th November, 2016. Participants of the workshop were drawn from the Ministry of Petroleum, Ministry of Lands and Natural Resources, Minerals Commission, Petroleum Commission, GNPC, Oil & Gas Exploration and Production Forum, Chamber of Mines, Development Partners, and Civil Society Organisations.

The opening session of the workshop was addressed separately by Dr. Steve Manteaw (GHEITI Co-Chair) and Mr. Emmanuel Kuyole (Deputy Director, Africa Region of the NRGI). Both speakers highlighted developments in the extractive sector and the policy reform successes chalked since the country signed onto EITI. They added that the various sessions of the workshop will help identify any potential challenges associated with the implementation of the laws.

The Director of Legal at the Ministry of Energy, Mrs. Anita Lokko, took the participants through the relevant provisions of the Exploration and Production Act, 2016 (Act 919). She explained that the overarching objective of the Act is to provide for and ensure safe, secure and efficient petroleum activities to the benefit of every Ghanaian. Further, she indicated that the Act is predicated on seven (7) main principles including; good governance, the optimal exploitation of resource due to their finite nature and environmental considerations to be guided by the Polluter Pay Principles.

In his presentation, the representative of the Petroleum Commission, Mr George Addy-Morton, indicated that the provisions of Act 919 complement the object and functions of Petroleum Commission (PC) as regulator for the petroleum upstream sub-sector operations. He asserted that one of the Commission's primary functions under the Act is to manage the national

repository register of contracts to be established under Section 56 of Act 919 and the Local Content Fund. In that regard, he mentioned that the PC was working to develop General Petroleum Regulations (GPR) which will detail the modalities for establishing the petroleum register and the information that it will contain.

Following these presentations, a participant enquired whether the data will be shared with the Geological Survey Department (GSD). Mr. Addy-Morton responded in the affirmative, adding that discussions were ongoing with GSD in that regard. However, he broached that the data centre will not be accessible to the general public. In response to a question on whether there will be separate Regulations on the licensing process. Mrs. Lokko mentioned that it will be part of the General Petroleum Regulation.

In the panel discussion that followed the presentations on the Exploration and Production Act, 2016 (Act 919), the resource faculties, Messrs. Ben Boakye, Deputy Director of African Centre for Energy Policy (ACEP), George Addy-Morton, Petroleum Commission, J. B. Okai, Ministry of Petroleum and Anthony DoCoMo, Tullow Oil, were requested to identify and analyse the critical issues in the Act. Mr. Boakye expressed satisfaction with the Act but expressed concern over the seeming opaqueness in the processes for the publication of the petroleum register and discretionary power given to the Minister responsible for Petroleum to override the outcome of a competitive tender subject to stated reasons.

In response to his concerns, Mr. Addy-Morton explained that GPR will address the challenges relating to the registry when it is developed and passed by Parliament.

On his part, Mr. Dzokoto noted that the provisions in the Act were not attractive to investors since they were based on a model that uses a price of about \$100.00 per barrel. He therefore urged the duty bearers to reconsider the price model in the Act. Regarding questions on how the Local Content Fund stipulated in Act 919 would be managed, Mr. Okai explained that the Act contains sufficient provisions and safeguards to ensure prudence and accountability in the Fund. He also added that the Ministry will exercise oversight responsibility in the utilization of monies from the Fund.

With respect to the discussions on the Public Financial Management Act 2016 (Act 921), Mr. Vitus Azeem pointed out that the Act failed to unify all laws relevant to the management of public finances. He argued that such an omnibus law would have simplified the collection and utilization of fiscal revenue. He also added that the Act did not specify fiscal policy targets for the administrators of the economy. In response to the concerns raised, a representative of the Ministry of Finance, Mr. Ekow Yeboah, explained that the PFM was not designed as a substitute for the Petroleum Revenue Management Act or any other industry specific revenue law. According to him, it seeks to provide a comprehensive framework for the management of the public purse. He also added that since the fiscal targets are dependent on the economic situation, it would not be prudent to legislate them.

A representative of Natural Resource Governance Institute delivered a presentation on how to implement the amended Companies Act 2016, Act 920, relating to Beneficial Ownership. He defined BO as stipulated under the Act and explained how to develop a BO register in that regard. He further observed that access to funds may be a challenge in the implementation of the law. He therefore suggested that the Registrar's Generals Department (RGD) should reach out to Development Partners for support. This suggestion was supported by the Co-Chair of GHEITI, Dr. Steve Manteaw, who was part of the panel that discussed the subject.

Likewise, Mr. Ben Aryee, the Advisor on Mining to the Minister of Lands and Natural Resources, walked participants through the Minerals Development Fund Act, 2016 (Act 912). He explained the provisions relating to the distribution of mineral revenue, governance and local community development.

6.2 Anglophone and Lusophone Regional workshop on BO organised in Abuja, Nigeria

Ghana participated in the above-mentioned regional workshop held in Abuja, Nigeria from 31st October – 2nd November, 2016.

Ghana's team that participated in the three-day event included Dr. Steve Manteaw, Co-Chair, GHEITI, Mr. M.B. Abdul-Razak, GHEITI Coordinator and Mr. Samuel O. Bekoe, then with NRG. The workshop was funded by the DFID through the International Secretariat. Participants who attended the programme included members of the International Secretariat led by Mr. Eddie Rich, Deputy Head of the Secretariat, National Coordinators and National Secretariat staff from each of the relevant Anglophone and Lusophone countries.

The objectives of the workshop were to:

- facilitate peer learning, share good practices on draft Beneficial Ownership roadmaps and discuss challenges identified so far.
- discuss the draft roadmaps, which could be tested against other countries' experiences;
- identify areas for more focused work ahead of the 1 January 2017 deadline; and
- take the opportunity of meeting together to discuss experiences and lessons from the implementation of the 2016 Standard, including emerging mainstreaming practice and ongoing challenges of the requirements.

7.0 Outstanding Activities

The MSG and the Secretariat performed quite creditably in terms of executing the work plan for the year; nevertheless, there were some technical and financial challenges which affected the implementation of certain activities as indicated in the table below:

Table 2: Activities that were affected by Implementation Challenges

No.	Activity
1.	To pilot the draft Minerals Royalty Utilization Guidelines for MMDAs in four districts.
2.	Initiate the procurement process and recruit a Consultant to produce 2015 EITI reports for the Mining and Oil & Gas.
3.	Organize key stakeholders including Parliament, DPs, CSOs, companies, Students Loan Trust Fund meeting to discuss GHEITI impact evaluation report.
4.	Finalize and submit the GHEITI draft Bill to Cabinet.
5.	Train six steering Committee Members in courses relevant to Natural resources, Gas Accounting/ finance and contract.
6.	Strengthening the Ghana EITI Secretariat with logistics and equipment.

8.0 Funding

The MSG and the Secretariat were able to successfully undertake nineteen (19) out of twenty-seven (27) activities planned for 2016, representing over 70% of the target set. Out of total budget of a little over GHC2,000,000 (equivalent to about USD500,000) from Government and donor partners as per our 2016 work plan, an amount of about GHC1,500,000 (equivalent to about USD375,000) was actually spent in undertaking the activities with more than 65% of the funding support coming from Government. This demonstrates continuous Government commitment to EITI implementation in Ghana despite limited fiscal space available to government. Some of these activities were not part of activities captured on the work plan and budgeted for, but came up during implementation which necessarily had to be executed to meet our EITI commitments and other obligations. The activities which were not executed included our inability to procure an Independent Administrator to produce the 2015 reports, inability to pilot the mineral royalty guidelines for MMDAs in four districts, finalisation and submission of the GHEITI Bill to Parliament among others due to certain fiscal challenges faced by Government. Donor partners such as the NRGi and GIZ though provided some complementary financial and technical support to GHEITI, they could not honour all their commitments to support most of GHEITI activities they had earlier made pledge to support as a result of global budget cuts from their head offices which in one way or the other affected their operations.

Table 3: Assessment of performance against targets and activities set out in the 2016 work plan

	ACTIVITY/ACTION	ACTUAL EXPENDITURE (GHC)	BUDGET (GHC)	SOURCE OF FUNDING	IMPLEMENTATION STATUS	OUTCOME
	1. Organise stakeholders workshop to launch the 2014 GHEITI reports for mining and oil/gas sectors	60,000	40,000	GoG	Completed	2014 GHEITI reports for mining and oil/gas sectors successfully launched and report produced
	2. Write to all institutions affected by the findings and recommendations of the 2014 EITI reports to implement recommendations	0	0	GoG	completed	All institutions affected by the findings and recommendations of the 2014 EITI reports were duly officially informed to implement recommendations.

	ACTIVITY/ACTION	ACTUAL EXPENDITURE (GH¢)	BUDGET (GH¢)	SOURCE OF FUNDING	IMPLEMENTATION STATUS	OUTCOME
						Periodic follow-up to monitor progress
	3. Present the draft mineral royalty utilisation guidelines for MMDAs to the Minister of Lands & natural Resources to seek his mandate and adoption of the guidelines	0	0	GoG	completed	Guidelines successfully presented to the Ministry of Lands & Natural Resources for adoption before it can be piloted in the districts
	4. Publication of findings and recommendations of the 2014 EITI reports in the major newspapers.	25,000	30,000	GoG/GIZ	completed	Findings and rec
	5. Print and distribute 2,000 copies of the 2014 EITI reports for outreach and dissemination activities	70,000	60,000	GoG GIZ	completed	2000 Copies of the 2014 EITI reports were printed and distributed to stakeholders to create awareness
	6. Organise multi-stakeholder meeting to discuss the results of the pilot validation	50,000	60,000	GoG	completed	Results of pilot validation discussed in preparation for the 2016 validation process.
	7. Organise a sensitisation programme for the media on the 2014 GHEITI reports	55,000	50,000	GOG/GIZ	completed	Media well informed on the EITI. More awareness on the EITI was created as a result.

	ACTIVITY/ACTION	ACTUAL EXPENDITURE (GH¢)	BUDGET (GH¢)	SOURCE OF FUNDING	IMPLEMENTATION STATUS	OUTCOME
	8. Organise 4 Stakeholders' workshops in Greater Accra, Ashanti, Western and Brong Ahafo regions to disseminate the findings and recommendations of the 2014 reports.	190,000	200,000	GoG	completed	Stakeholders and communities engaged on the 2014 reports through the dissemination workshops and awareness created on the reports
	9. Organise community fora on the findings and recommendations of the 2014 GHEITI Reports in Obuasi and Kenyasi	80,000	100,000	GoG	completed	Communities in the mining and oil and gas catchment areas sensitised and empowered to demand accountability.
	10. Follow-up with the Minerals Commission and Petroleum Commission on the implementation of the online cadastral system	0	0	GoG/GIZ	completed	The GHEITI Secretariat was updated on the state of the implementation of the online cadastral system. The Secretariat to do further follow-up periodically to monitor the progress of implementation.
	11. Ensure Ghana's participation in key EITI Global conference and other seminars	-	90,000	Int. Sec GIZ NRGI	completed	Ghana successfully participated in EITI global conference in Lima, Peru
	12. Undertake two (2) separate stakeholders consultations on	87,000	-	GoG NRGI	completed	Stakeholders' consultations on BO organised for both state and non-

	ACTIVITY/ACTION	ACTUAL EXPENDITURE (GHC)	BUDGET (GHC)	SOURCE OF FUNDING	IMPLEMENTATION STATUS	OUTCOME
	Beneficial Ownership (BO) with state and non-state actors					state actors. The consultations paved the way for the development of BO road map for Ghana.
	13. Organise a stakeholder session on Post-London Anti-Corruption Summit in implementing Ghana's commitments	70,000	-	GoG NRGi	completed	Stakeholders discussed strategies to ensure the implementation of Ghana's commitments at the London Anti-Corruption summit. The engagement led to the amendment of the Ghana's Companies' Act to include BO provisions
	14. Organise a writeshop on Ghana Beneficial Ownership Road map	60,000	-	GoG NRGi	completed	The major outcome of the writeshop was the finalisation of Ghana BO Roadmap to meet the deadline set by the International Secretariat for implementing countries. It has since been uploaded on to the GHEITI website.
	15. Participate in Lusophone and	-	-	International Secretariat	completed	Participants discussed and share

	ACTIVITY/ACTION	ACTUAL EXPENDITURE (GH¢)	BUDGET (GH¢)	SOURCE OF FUNDING	IMPLEMENTATION STATUS	OUTCOME
	Anglophone Regional workshop on BO in Abuja-Nigeria					country experiences on a number of issues regarding EITI implementation including update BO implementation progress in their respective countries.
	16. Stakeholder roundtable discussion to follow-up on the implementation of the findings and recommendations of the GHEITI reports	20,000	30,000	GIZ GoG	completed	Implementation status of findings and recommendations of 2013/14 reports established and report produced
	17. Stakeholder consultations on Ghana EITI validation process	66,000	-	GoG	completed	Consultations on Ghana EITI validation process with relevant stakeholders held and views/data collected and collated formed part of the final outcome of validation results
	18. Stakeholder capacity building on the implementation of the petroleum sector E&P Law, the Companies Amendment Act, the Mineral	75,000	-	GoG NRGI	completed	

	ACTIVITY/ACTION	ACTUAL EXPENDITURE (GHC)	BUDGET (GHC)	SOURCE OF FUNDING	IMPLEMENTATION STATUS	OUTCOME
	Development Fund Act and PFM Law					
	19. Organise an end of year retreat for Steering Committee Members	70,000	80,000	GoG	completed	MSG retreat to take stock of the past year performance and plan for 2017 work programme organised

Table 4: Assessment of Performance Against EITI Requirement

Requirements	Progress
Standard 1: The EITI requires effective oversight by the MSG	<p>A very committed and proactive twenty-one (21) members of the Multi-Stakeholder Group (MSG) made up of representatives from government, mining and oil and gas companies, Civil Society organizations have oversight responsibility over the activities of the initiative.</p> <p>The Committee is chaired by a Government representative and co-chaired by a Civil Society representative and meets regularly once every quarter to discuss progress of implementation of activities and address challenges. Among the key activities and decisions made by the MSG for the period among others are the following:</p> <ul style="list-style-type: none"> Organised a retreat to review the Ghana EITI Process to take stock of the previous year and plan for the coming year Approved the Terms of Reference for the production of the 2015/16 reports Revision of the Template for the production of the 2014 Reports Approved the publication of the 2014 GHEITI Report. Monitored and ensures that key findings/recommendations from the 2014 Ghana EITI reports were implemented within one year after issuance of the reports.
Standard 2: The EITI Requires timely publication of EITI reports	Ghana EITI was able to meet the 31st December deadline for the production of the 2014 GHEITI Reports and World Bank funding has been secured to publish the 2015/16 reports

Requirements	Progress
Standard 2.5: The EITI requires all implementing countries to have produced and published Beneficial Ownership (BO) roadmaps by 31st December, 2016 and start reporting on BO from January, 2020	Ghana published its BO roadmap by 31 December, 2016 and the MSG is working hard to ensure that we meet our BO reporting deadline by January, 2020.
Standard 3: The EITI requires Reports that include contextual information about the extractive industries.	The 2014 Ghana EITI Report has met this requirement by the inclusion of contextual information and production data. The 2015/16 reports will continue to provide comprehensive contextual information on the extractive industries.
Standard 4: The EITI requires a comprehensive EITI reports that include full government disclosure of extractive industry revenues and disclosure of all material payments to government by oil, gas and mining companies.	Ghana EITI 2014 reports are very comprehensive and capture all revenue streams including sub-national payments and transfers and production data. The EITI standard ToR will be used for the production of the 2015/16 reports and will address the issues identified in the Validation corrective measures.
Standard 5: The EITI requires a credible assurance process applying international standards.	<p>The Ghana EITI process adhere strictly to all the EITI process to ensure that the process is credible i.e. the Ghana EITI reports are based on audited accounts of Government and company reporting entities are required by law to comply with International Financial Reporting Standards. The procurement of the Reconciler / Independent Administrator for the Ghana EITI is transparent and done through international competitive bidding.</p> <p>For the 2014 reports all the reporting templates were duly signed by the head of the reporting entities except that of Anadarko.</p>
Standard 6: The EITI requires EITI Reports that are comprehensible, actively promoted, publicly accessible, and contribute to public debate	<p>Ghana EITI Reports are publicly available and posted on the GHEITI website. Summarised and easy to read versions are also produced and made available to the public. The reports are widely disseminated and publicised.</p> <p>The Ghana EITI reports continue to play an important role in serving the general public interest on providing oversight of the extractive sector financial reporting. Significantly, the EITI reports continue to inform policy and inspire reforms which are currently taking place in the mining and oil and gas sectors.</p> <p>The Ghana EITI work plan is designed to proactively and continuously engage, disseminate EITI information and sensitise the Ghanaian people on the EITI and on what companies pay and what government receives.</p>

Requirements	Progress
Standard 7: The EITI requires the multi-stakeholder group to take steps to act on lessons learnt and review the outcomes and impact of EITI implementation	<p>The Ghana EITI Secretariat and the MSG followed-up on the recommendations made in the EITI reports and make sure that they are implemented.</p> <p>The report on the implementation of the recommendations in the 2012/2014 EITI reports is attached as Appendix 1</p>

9.0 Outlook for 2017

In 2017, the focus of the Secretariat and the MSG is to ensure that the EITI continues to achieve the relevant impact at both the national and local levels. The year will continue to use the EITI as a tool to address some of the long-standing challenges facing the sector, including discretionary utilisation of royalties which was revealed in the early years of EITI reporting and the finalisation and passage of the GHEITI Bill. In view of this, the piloting of the guidelines and tracking the royalty utilisation will be one of the key activities to be implemented in the year in addition to identifying ways of responding adequately and promptly to emerging issues arising out of our engagements with all our stakeholders and partners. In particular, more effort will be put in building partnerships with key actors and stakeholders to accelerate our pace with respect to the implementation of beneficial ownership reporting and commodity trading transparency pilot project for which Ghana was selected as one of the pilot countries. The outline of key activities for 2017 includes:

- Facilitate the piloting of the implementation of mineral royalty guidelines and tracking the utilisation of royalties in four (4) mining districts;
- Follow-up on the implementation of validation recommendations and corrective actions by the affected institutions;
- Follow-up on the implementation of the outstanding recommendations from the 2012 - 2016 GHEITI reports;
- Engage an Independent Administrator to undertake the production of 2015/16 EITI reports for the mining and oil/gas sectors;
- Undertake the implementation of Ghana commodity trading pilot project work programme and continue with the processes of working on our BO reporting obligations as per the Ghana BO roadmap;
- Finalise and present the GHEITI Bill to Parliament for passage;
- Organise a study tour for members of the GHEITI Secretariat; and
- Implement various capacity building programmes for GHEITI Secretariat and the MSG as well as deepen collaboration between GHEITI and other partner institutions.

10.0 Conclusion

The Ghana EITI will continue to ensure that the implementation of EITI delivers value, results and positive impact not only in the extractives but to the economy as a whole. The Secretariat will seek to build on its contributions to policy, regulatory and institutional reforms both at the national and local levels. Under the effective direction and oversight of the MSG, the Secretariat was able to implement most of its programmes and activities during the year, in spite of the challenges with financial resources.

The number of policy reforms and legislations passed by Parliament were partly due to the influence and recommendations made by the GHEITI reports. These policies and laws will help promote more transparency and good governance in the extractive sector and ensure that more benefits go to impacted communities on regular basis. For instance, while the E&P law and its regulations when finalised will clarify issues on contract transparency and local content funding in the petroleum sector, the MDF Act will address the perennial delays in the disbursements of mineral royalties to beneficiary the mining communities. In addition, the guidelines for the utilisation of mineral royalties is expected to ensure that mineral revenues are utilised in a more transparent and targeted manner to promote development outcomes at the sub-national level.

Finally, the dissemination and sub-national level engagements especially the community durbars provided the required information and opportunity to build the capacities of the stakeholders at the local levels to participate more effectively in the governance and decision-making process in their respective communities.

List of MSG Members

1. Mr. Patrick Nomo	-	Chair, Chief Director (MoF)
2. Dr. Steve Manteaw	-	Co-Chair, ISODEC
3. Alhaji Wayo Abubakari	-	Office of the President, FLSH
4. Mr. Franklin Ashiadey	-	MoF
5. Mr. Sulemanu Koney	-	Ghana Chamber of Mines
6. Dr. Gad Akwensivie	-	OASL
7. Mrs. Philomena Johnson	-	PWYP-Gh.
8. Mr. J.B. Okai	-	Ministry of Petroleum
9. Mr. B.C.D. Ocansey	-	GRA
10. Mr. Chris Afedo	-	GRA
11. Mr. Sammuel Sackey	-	GRA
12. Mr. Amponsah Tawiah	-	Minerals Commission
13. Mr. Sam Addo-Nortey	-	GNPC
14. Mr. George Addy-Morton	-	Petroleum Commission
15. Mr. George Sarpong	-	Kosmos Energy
16. Mr. Kwasi Boateng	-	Tullow Oil Ghana Ltd
17. Mr. Paul Twum Barima	-	ENI Ghana Ltd
18. Mr. Habib Iddrisu	-	Ghana Manganese Co., Tarkwa
19. Mr. Simon Attebiya	-	MLNR
20. Mrs. Hannah Owusu-Koranteng	-	Wacam
21. Mr. Gabriel George Andoh	-	Jomoro Dist. Assembly, W/R

Alternates

1. Mr. Ben Aryee	-	MLNR
2. Mr. Christopher O. Nyarko	-	Chamber of mines
3. Ms. Linda Tamakloe	-	GNPC
4. Mr. Sammuel Kusi-Appiah	-	Kosmos Energy
5. Mr. Antwi Kwarteng Charles	-	Eni Gh. Ltd.
6. Mr. Dickson Agbogah	-	OASL
7. Mr. Eric Osei-Wusu	-	Office of the President

GHEITI Secretariat

1. Mr. M.B. Abdul-Razak	-	Coordinator, MoF
2. Ms. Victoria Benson	-	MoF
3. Mr. Kwesi Asante	-	MoF
4. Mr. Dennis Akunzule	-	MoF

Update on Implementation of the Recommendations of GHEITI Reports

Appendix 1a-Mining: Update on Recommendations Made in 2012 -2014

Issue	Recommendation	Status	Remarks
Receipting and reporting Currency for EITI	Companies to maintain records of receipt currency by GRA for EITI Reconciliation	Complied	
Frequency of Royalty Payments	Regularisation of monthly and split quarterly payments	Partially Complied	
Irregularities in OASL funds transfer to Assemblies	OASL to fully implement recommendations on funds transfer	Complied	
Management of MDF	Appointment of MDF Oversight agency	Acting Administrator appointed	Bill passed and assented to. Awaiting the establishment of the oversight agency.
Award of Mineral Right Licences	Open and Transparent Bidding Process	Complied with	Awaiting outcome of new committee on Mining Agreements
Improvement in Mining Cadastral System	On-line cadastral system	Complied with and currently being piloted)	
Royalty on mineral output of Small Scale Mining	Levying royalty on ASM Production to be attempted	On-going	
Request and release of mineral royalty to Asutifi District	No recourse to Coordinating Council on royalty releases	completed	
Mineral Royalty Payment by Prestea Sankofa Gold Ltd	GRA to follow through	Partly paid (Arrangement with GRA on payment schedule)	The GHEITI Secretariat through the Ministry of Finance and GRA currently work on this issue to bring finality to it.
No Transfer of Mineral Royalty to Assemblies in 2013	Regular transfer advocated	2013 Royalty Funds partly released	The passage of the MDF Act will now address permanently.

On Line Repository for the Mining Sector	Establish an online repository system in the mining sector	Complied with	
Ground rent	Outstanding ground rent by mining companies should be paid	outstanding	LI to give effect to this payment being prepared
Tax credit against royalty	Companies should avoid setting off tax credits against royalty payments	Complied with	Companies advised against the practice since it goes contrary to the law

Appendix 1b-Oil & Gas: Update on Recommendations Made in 2012-14

Issue	Recommendation	Status	Remark
Thin Capitalisation	Petroleum income tax law should be harmonized with Act 592, with regards to interest charges	(Addressed by New Income Tax Act, (Act 896)	GRA applies thin capitalization provision in Act 592 to the Petroleum sector
Ring Fencing	Ring Fencing should be applied at the production field level.	Completed	
Carry Forward Losses	Carry Forward losses to be capped at 5 years	Addressed in Act, 896	
Lack of On Line Repository	Upstream On line Repository to be established to improve efficiency	On-going	
Licensing Regime	Licensing Round of bidding	Outstanding	
Publication of Contracts	All Upstream Contracts and Agreements to be disclosed publicly	Addressed in E&P Act (Act 919)	Selected Contracts are made public
GNPC Expenditure	GNPC Investment plans to be published	complied with	Published up to 2015 on the website
ABFA Expenditure	Progress report on ABFA Expenditure to be furnished	Currently being addressed & in progress	Itemized Expenditure breakdown broad.
Crude Oil Lifting	Provision on Carry Forward Crude Oil Volumes in the PRMA	Outstanding	

Performance of Ghana Petroleum Funds	Investment guide to be furnished	Complied with	
Revenue Stream Computation	Royalty and CAPI computations from GRA and GNPC. Singular methodology to be employed	completed	
Monitoring of ABFA funded projects	Non-reporting on stage of implementation of ABFA funded projects	Being complied with	
Petroleum Exploration & Production Bill	Need to ensure the passage of the E&P Bill	Completed	
Surface Rentals	Petroleum Commission (PC) to ensure payment of outstanding surface rentals	Some recovery has been made by PC and the process is still ongoing	
Carried interest payments	Need to ensure that carried interest is paid from Saltpond Offshore field	Outstanding	