



Terms of Reference

Study to examine gaps in environmental laws, policies and regulations governing ASGM operations in Ghana

Context and justification

Most of the states in the West African sub-region are very rich in mineral resources such as gold, bauxite, iron, uranium, manganese, phosphate, limestone, diamonds, marble, lead, copper, gypsum, nickel, platinum, tin, lithium, etc. For example, countries like Ghana, Guinea and Mali, derive most of their income from mining of their mineral resources.

Mining of minerals such as gold in the aforementioned countries pre-date pre-colonial days and was mostly done by indigenous artisanal small-scale miners. However, during the colonial rule in most of these countries, artisanal small-scale mining was banned or marginalised in favour of mining firms from their colonial masters. Currently, in countries such as Ghana, Mali and Guinea, gold mining activities are mostly undertaken by multinational companies operating on a large scale, with artisanal small-scale mining being mainly run by nationals.

For instance, in the case of Ghana, artisanal small-scale gold mining was banned in the 1930s with the passage of the mercury ordinance and still remained an illegal activity for Ghanaian nationals for 32 years after the nation attained its independence. However, in 1989, as part of the Economic Recovery programme, the government repealed the 1962 Minerals and Mining Act, which outlawed artisanal small-scale gold mining.

Since then, several laws, regulations and policies have been formulated to regulate the sector while ensuring sustainable artisanal small-scale gold mining in the country. In spite of these laws, policies and regulations as well as a hosts of other international instruments such as the ECOWAS Mining Code and African Mining Vision as well as its Governance Framework that Ghana signed, the artisanal small-scale gold mining sector is bedeviled with a lot of negative issues. These negative issues have been so highlighted that the President of the republic of Ghana in 2017 placed a six month ban to address the legal, environmental and regulatory policy framework governing the sector. This ban was later extended for the 18 months.

In order to understand the gaps within the legal, environmental and regulatory policy framework governing the sector and support government of Ghana efforts of ensuring sustainable artisanal small-scale mining in Ghana, the Centre for Environmental Impact Analysis (CEIA), in partnership with Foundation for Development in the Sahel (FDS) and The International Trade Centre for Development (CECIDE) under the project “Promotion of Sustainable Artisanal Small-scale Mining in West Africa: The role of CSOs, ASGM Miners and host communities” funded by OSIWA intends to conduct a study on the gaps in environmental laws, policies and regulations governing ASGM operations in Ghana.

II. Objectives

2.1 General objective

The general objective of this study is to provide baseline data on gaps within the legal, environmental and regulatory policy framework governing artisanal and small-scale mining (ASM) operations in Ghana that does not engender sustainable exploitation of gold resources by the indigenes in line with ECOWAS Mining Code as well as the African Mining Vision for the maximum benefit of the people in Ghana.

2.2 specific objectives

Specifically, the study will permit to:

- Conduct an in-depth review of the environmental legislative and regulatory framework for artisanal and small-scale mining in Ghana;
- Conduct a thorough review of policies relating to artisanal and small-scale mining in Ghana;
- Highlight gaps in the legal and regulatory framework and policies relating to artisanal and small-scale mining in Ghana;
- Produce a technical report in English and French.

III. Expected results

The expected results are as follows:

- A comprehensive examination of the environmental legislative and regulatory framework for artisanal and small-scale mining in Ghana is produced;
- A comprehensive examination of policies relating to artisanal and small-scale mining in Ghana made available;
- Gaps in the environmental legal and regulatory framework and policies relating to artisanal and small-scale mining in Ghana are identified;
- A technical report on gaps in the environmental legal and regulatory framework and policies relating to artisanal and small-scale mining in Ghana made available.

IV. Duration of the study

The total duration of the mission is three (03) months. However, the selected consultant or consultancy firm shall submit its provisional report within seventy-five (75) days from the

He shall integrate the various observations from the Editorial Team fifteen (15) days following receipt of the draft comments on the provisional report.

V. How to apply

Interested consultants, Research Institutes and Think Tank must submit a 5 page concept note (in English or French) detailing how they intend to carry out the exercise (work plan, instruments for data collection and analysis), budget and 2 page CV of the lead scientist to the Project Coordinator, CEIA, P.O. Box AD 738, Cape Coast, Ghana or infoceia2005@gmail.com and copied kwesikwabo@gmail.com not later than 24th August, 2020.

If your proposal is accepted, you will be contacted by End of September 2020. You are eligible to receive financial support only after your proposal has been accepted and you have received a written confirmation from CEIA