

**2014 ANNUAL ACTIVITY REPORT**  
**FOR**  
**GHANA EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE**  
**(GHEITI)**



**PHOTO:GHEITI WORKSHOP ON IMPLEMENTATION OF ROYALTY GUIDELINES**

***PREPARED BY: GHEITI SECRETARIAT, MINISTRY OF FINANCE***

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## APPENDIX

### ***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
NRGI	Natural Resource Governance Institute
NSC	National Steering Committee
OASL	Office of Administrator of Stool Lands
PIAC	Public Interest & Accountability Committee
RWI	Revenue Watch Institute
SAP	Systems Applications Products

SRC  
Development

Social   Responsibility   Resettlement   &   Community

ToR

Terms of Reference

## **FOREWORD BY THE GHEITI CHAIRMAN (CHIEF DIRECTOR OF MoF)**

This year's annual activity report marks an important turning-point for the Ghana EITI. After over a decade of EITI implementation in Ghana, and with over fourteen (14) EITI reconciliation reports – ten (10) covering the mining sector and four (4), the oil and gas sector, the Ghana EITI continues to improve on its scope, content, presentation and outreach, all as part of the country's efforts at enhancing the socio-economic performance of its natural resource sector.

Through the production of high-quality reconciliation reports which are widely disseminated, GHEITI ensures that extractive sector revenues are accurately monitored, reported and well accounted for. The public discourses around the reports and their recommendations have motivated government to carry out reforms in the extractive industry, and in the process, improve upon the benefits that accrue to both the state and host communities.

The Ghana EITI has over the years provided the platform where issues of mutual concern to stakeholders in the mining, oil and gas sectors are discussed and mutually acceptable solutions found, thereby eroding mistrust and building confidence, especially in industry-community relations.

The Multi-stakeholder Group (MSG) and the GHEITI Secretariat in 2014 undertook a number of activities which included the production of the country's first EITI reports based on the EITI Standard adopted in Sydney in 2013, covering 2012/13; an impact assessment study of the GHEITI; revision and update of the draft GHEITI Bill, which seeks to institutionalise and strengthen EITI implementation in Ghana.

For GHEITI, the current expanded scope of the Initiative poses a challenge in terms of the amount of work and the time it takes to comply with the new requirements, but at the same time, it provides an opportunity to take a broader view of natural resource governance, while making EITI production and revenue data meaningful within the context of overall national development. Perhaps, most importantly, it also affords the opportunity to inform national debates on expenditure choices. .

In rising to the challenge, the MSG is very much determined to work hard to maintain the close dialogue with the wider community and stakeholders, and to ensure that we continually demonstrate the value that we add to society through the impact of our work on extractive sector policy reforms. We would continue to engage in dialogue with

political decision makers and other stakeholders regarding how EITI implementation will be made more meaningful to the citizenry.

In the past year, the MSG and the GHEITI Secretariat have continued to adapt to today's governance realities in the extractive sector. It is very heart-warming that extractive companies have also identified transparency as central to their "license to operate", or the legitimacy and utility of their engagement in the countries where they do business. We however have to work hard on sustaining the emerging confidence, trust and openness within the sector, and to commit to making resource extraction a win-win venture for all stakeholders.

In conclusion, I would like to express my sincere gratitude to colleague members of the MSG, and the GHEITI Secretariat for their hard work and cooperation leading to a successful year. To our stakeholders and partners, thank you for your support so far in this journey. It is our expectation that all hands will continue to be on deck to deliver value to society and the nation at large for shared goals and benefits going into the future.

**Major (Rtd) Mahama S. Tara, Chief Director/Chairman, Ghana EITI**





## **EXECUTIVE SUMMARY**

Ghana is a mineral rich country, the second largest gold producer in Africa after South Africa. It hosts three of the world's largest mining companies i.e. Anglo-Gold Ashanti, Newmont and Gold Fields, and is home to over 100 other mining and quarry companies. In 2007 the country made a major discovery of oil and gas condensates off its Western shores, and began commercial production and export of crude oil in 2010.

Sadly however, Ghana has not been able to unleash the development potential of its gold and other natural resources to propel economic growth and reduce extreme poverty among its people.

Desirous of enhancing the social and economic impact of natural resource extraction, Ghana signed on to the EITI in 2003. The stated objective of Ghana EITI (GHEITI) is to promote transparency, improve development outcomes and reduce potential for corruption and large scale embezzlement. This objective is being pursued through regular publication of company payments and government receipts in the Ghana EITI reports, which are disseminated to inform stakeholders, and to generate debate, leading to policy reforms in the extractive sector.

The year under review witnessed the implementation of key activities including the production of the 2012/2013 GHEITI reports for the mining and oil/gas sectors, the review of the GHEITI Bill, an impact assessment study of Ghana EITI, a scoping study to incorporate ASM into GHEITI reporting and capacity building programmes.

The general assessment of GHEITI performance in 2014 pointed to very impressive results. However, some planned activities could not be carried out due mainly to funding limitations and this impeded our attainment of a hundred per cent implementation of the year's work programme. Notwithstanding the funding challenges, the future prospects of Ghana's EITI look very bright and it is our hope that making real impact and achieving excellence will continue to be our guiding principle.

## **1.0 INTRODUCTION**

The Ghana EITI as part of efforts to implement its 2014 annual work plan undertook a number of activities. The outline of key activities carried out by the GHEITI Secretariat and the Multi-Stakeholder Group (MSG) is captured under the following objectives.

- i. Revenue Management;
- ii. Enhanced Citizen Participation in Decisions Around Resource Extraction Along the Value Chain;
- iii. Enhanced Transparency in Licensing;
- iv. Institutionalisation of the Ghana EITI and Strengthening Natural Resource Governance;
- v. Capacity Building for GHEITI Secretariat and National Steering Committee Members;

## **2.0 REVENUE MANAGEMENT**

### ***2.1 Follow-up on the implementation of the recommendations of the 2010/2011 EITI reports***

The Ghana EITI Secretariat, under the direction of the Multi-stakeholder Group (MSG) in 2014 continued with the monitoring of implementation of the various recommendations in the EITI reports, as part of efforts at making the Initiative feed into policy and practice changes in the extractive industry. Follow-ups were made to the relevant agencies to determine the implementation status and to offer support where necessary. A meeting was subsequently organised in September 2014 to provide the MSG an update on implementation of the 2010/2011 recommendations in particular. The Agencies were afforded the opportunity to explain and provide new timelines for carrying out the recommendations, where implementation had seen little or no progress.

### ***2.2 Technical Round Table for relevant stakeholders on operationalization of minerals royalty utilisation guidelines***

The potential for extractive activities to significantly impact positively on local development has not been fully exploited by the state and local communities. Improving the development outcomes of benefits from mining requires transparency and accountability in the payments, receipts, disbursement and utilisation of benefits/revenues generated from the sector.

Following the revelation by the GHEITI reports that most Metropolitan, Municipal and District Assemblies (MMDAs) in the mining areas use a significant portion of their share of royalties on recurrent expenditures, such as garbage collection, instead of development projects, the MSG has been working with the relevant agencies to develop guidelines to direct how royalties disbursed by Central Government are spent at the local level. The Secretariat and the MSG in collaboration with Minerals Commission and the Ministry of Local Government and Rural Development (MLGRD) organised a stakeholders workshop on the 6<sup>th</sup> November, 2014 to discuss the modalities and strategies for implementing the guidelines to ensure the efficient use of mineral revenues by MMDAs.



***PHOTO: STAKEHOLDERS WORKSHOP ON GUIDELINES FOR MINERAL ROYALTY UTILISATION***

The workshop was attended by about 100 participants, including the Deputy Minister for Local Government, Members of Parliament, Chief Directors of relevant sector Ministries, Metropolitan/Municipal/District Chief Executives, Coordinating Directors, District Finance Officers, Civil Society Organisations and the Media.

Stakeholders at the workshop agreed that the guidelines in its present form is too prescriptive, and has the tendency to undermine the independence of local authorities in setting their development priorities. As a way forward a small committee was set up under the leadership of the Ghana EITI to revise it for further consultation and adoption.



***PHOTO: STAKEHOLDERS WORKSHOP ON GUIDELINES FOR MINERAL ROYALTY UTILISATION***

### **3.0. ENHANCED CITIZENS' PARTICIPATION IN DECISIONS AROUND RESOURCE EXTRACTION ALONG THE VALUE CHAIN**

The EITI process seeks to promote citizens' participation in decisions around resource extraction along the entire value chain. In pursuit of this objective the Ghana EITI during the year under review continued to engage key stakeholders in the extractive sector through the dissemination of GHEITI audit reports for 2010/2011, and the provisioning of a platform to deliberate on their findings and recommendations. As part of its dissemination and outreach activities, GHEITI organised community forums in all the major mining, oil and gas host districts, during which local concerns with respect to



the Ghana EITI were discussed. Participants were almost always afforded the opportunity to also contribute to discussions on what more the Initiative could do to improve on the management of the country's mining, oil and gas resources.



**PHOTO: STAKEHOLDERS WORKSHOP ON GUIDELINES FOR MINERAL ROYALTY UTILISATION**

### ***3.1 Engagement of Consultants (Independent Administrator) to produce 2012/2013 EITI Reports***

The GHEITI Secretariat and the MSG started the journey towards the production of the 2012/2013 mining and oil and gas reports first by agreeing on the Terms of Reference for the Independent Administrator. The agreed Terms of Reference then had to receive the approval of a World Bank Technical Team Leader. The approval paved the way for the initiation of the procurement process through a competitive bidding to recruit the Independent Administrator.

A call for the expression of interest in undertaking the reconciliation exercise was put out in the Ghanaian media and on the GHEITI website, following which a Bid Evaluation Sub-Committee of the MSG was set up to assess the bids. Working under the guidance

of a World Bank Procurement Specialist, the sub-committee met four times to undertake the evaluation of bids submitted by both local and international firms. A summary report, based on the individual assessment by the members of the Evaluation Sub-Committee was then put together by the procurement specialist, leading to the engagement of the Consultants, Boas and Associates.

Our observation is that the procurement process has consistently proven cumbersome and has the tendency to sometimes delay the timely production of the EITI reports.

### ***3.2 Workshop for the NSC to develop EITI Reporting Templates for 2012/2013 Reports***

In preparation for the production of the 2012/2013 reports, the Ghana EITI Secretariat, in collaboration with the Natural Resources Governance Institute (NRGI) organised a workshop for members of the Multi-stakeholder Group to facilitate the development of the EITI reporting templates for 2012/2013, based on the EITI Standard adopted at the 2013 EITI global conference in Sydney. The workshop was held on 28<sup>th</sup> -29<sup>th</sup> May, 2014 at the Forest Hotel, Dodowa.

The objectives of the workshop were:

- To highlight the changes in the new EITI reporting templates
- To review the 2012/13 GHEITI reporting template
- To determine how to include areas not already covered and to identify additional information / data to be included in the next Ghana EITI reports.

The workshop was chaired by the National Coordinator of GHEITI Mr. Franklin Ashiadey on behalf of the Chair of GHEITI and Chief Director of the Ministry of Finance.



**PHOTO: GHEITI MSG WORKSHOP TO DEVELOP REPORTING TEMPLATE**

The new requirements, it became apparent, fell under Sections 3 and 4 of the Standard, and facilitators sought to shed more light on these during the workshop. The specific areas covered were: Allocation of rights, production data, revenue collection, State-owned Companies, Sub-National transfers, Social Impact and revenue management. These new areas which were not covered in the old reporting template were incorporated into the new reporting template.

Subsequent to the template development workshop, a stakeholders meeting was organised by the MSG to validate the draft EITI reporting templates for the production of the 2012/2013 reports. The meeting was held on 22<sup>nd</sup> July 2014 at the Ministry of Finance.

### ***3.3 Scoping Study to Incorporate Artisanal and Small Scale Mining (ASM) into GHEITI Reporting***

During the year under review, the GHEITI Secretariat and the Steering Committee as part of the process to scale up and strengthen EITI implementation in Ghana commissioned a scoping study to include ASM sub-sector into the EITI reporting. To

this effect, SRC, a Consultancy firm was selected after a competitive bidding process in February 2014 to undertake the assignment.

The main aim of the study was to assess whether or not EITI implementation could be used as a tool to capture the economic contribution of the ASM sub-sector while providing a framework for deliberating and addressing the challenges facing the sub-sector.

According to the Minerals Commission, the ASM sub-sector contributed about thirty-four percent (34%) of total gold production in Ghana in 2012 and 2013. This is significant enough to contribute to the development of the country by way of employment and revenues, if properly managed and supported.

The Consultants have since submitted an inception and first draft reports to the MSG which have been reviewed, and feedback provided for the consultants' consideration and further action.

### ***3.4 GHEITI Sensitization Workshop for the Three Regions in Northern Ghana***

To create EITI awareness and increase coverage in the new mining frontiers of the country, the GHEITI Secretariat/MSG with the support of the German Development Co-operation (GIZ) organised a second sensitisation workshop for stakeholders from the Northern, Upper East and Upper West regions of Ghana. The workshop was held at the Gariba Lodge in Tamale from 24<sup>th</sup> -26<sup>th</sup> June 2014.

The workshop focus was on the policy, legal and regulatory framework governing the mining, oil and gas sectors. The MSG also shared with participants, the findings and recommendations of the GHEITI Audit Reports for the periods 2010/2011.





**PHOTO: GHEITI NORTHERN REGIONAL SENSITISATION WORKSHOP IN TAMALE**

It was attended by about 70 participants including , Chief Executives of the various Metropolitan, Municipal and District Assemblies (MMDAs), District Finance Officers, Traditional Authorities, Civil Society Organisations, and representatives from the Ghanaian Media .



PHOTO: GHEITI NORTHERN REGIONAL SENSITISATION WORKSHOP IN TAMALE

### ***3.5 Production of the 2012/2013 GHEITI Mining and Oil/Gas Reports***

Following the successful development of the EITI templates and engagement of an Independent Administrator by the MSG, the production of the 2012/2013 EITI reports began. The Consultants commenced work after the signing of the contract, and submitted an inception report on 2<sup>nd</sup> October 2014 for review by the MSG.

The Independent Administrator subsequently submitted the final draft reports, which were validated and approved by the MSG at a technical roundtable workshop on 11<sup>th</sup> December 2014 at Mensvic hotel, Accra. The final reconciliation reports of the 2012/2013 mining, oil and gas sectors were ready and uploaded on the GHEITI website on 30<sup>th</sup> December 2014. The 2012/2013 reports represent the 10<sup>th</sup> and 11<sup>th</sup> EITI reports for the mining sector and 3<sup>rd</sup> and 4<sup>th</sup> reports for the oil/gas sector respectively.

This is also the first time the EITI reports have been produced based on the EITI standard. The Standard, adopted at the 2013 EITI global conference, goes beyond reconciliation of payments and receipts to include the macro-economic context, the

legal and regulatory framework, allocation of rights, production data, revenue collection, beneficial ownership information, economic and social impact, and revenue management.

The Ghana EITI reports have over the years become central to public debates on natural resource governance. They provide critical financial information on the extractive sector to all stakeholders. The 2012/13 reports for the mining sector for instance, pointed to a growing significance of the small scale and artisanal mining sector, which according to figures provided by the Minerals Commission to the GHEITI Administrator, accounted for 34% of total gold production. The reports also revealed that corporate income tax has exceeded mineral royalty for three continuous years; a development which the Administrator said needed to be investigated further. The reports also urged the Minerals Commission to consider an online cadastral system as a key priority.

For the oil/gas sector, the reports made a number of recommendations based on observations including lack of on-line repository in the petroleum sector, non-payment of capital gains tax by Sabre Oil in 2012 when it sold its interest in the Jubilee Fields to Petro SA.

The Ghana EITI Multi-stakeholder Group approved the reports, paving way for its publication on the GHEITI website.

### ***3.6 GHEITI Impact Assessment Study***

The Ghana EITI Secretariat and the MSG, with the support of the GIZ Good Financial Governance Programme in 2014 engaged the services of a Norwegian Consultancy Firm, Scanteam to assess the impact of the EITI in Ghana since its inception in 2003.

The implementation of the initiative began with the mining sector and later extended to the oil/gas sector in 2010 following the discovery and production of oil in commercial quantities in the country.

The objective of the study is to assess the EITI impact in terms of policy reforms, stakeholder relationships; quality of resource governance; as well as challenges that confront the country's implementation of the Initiative, with a view to making some recommendations for overcoming them.

The Consultants have since submitted an inception and two draft reports to the MSG through the Secretariat and these have been duly reviewed by the MSG.



## **4.0 ENHANCED TRANSPARENCY IN LICENSING**

### ***4.1 Technical Roundtable for Stakeholders on Resource Allocation and Licensing***

On 24<sup>th</sup> July, 2014, the Secretariat of the Ghana Extractive Industry Transparency Initiative organised a one day workshop to sensitise stakeholders on the systems of extractive sector license allocation and contracts in Ghana. The EITI reporting Standard requires implementing countries to disclose information about how licenses are awarded (competitive bidding, auctions, direct negotiations, and “first come first serve” basis). The Standard further requires that the EITI Report documents the government’s policy on disclosure of contracts that govern the exploration and exploitation of oil, gas and minerals. The disclosure is expected to include relevant legal provisions, actual disclosure practices and any reforms that are planned or underway.



***PHOTO: Technical Roundtable for Stakeholders on Resource Allocation and Licensing***

The workshop was organised to help stakeholders understand the legal and policy context of extractive sector licensing and contracts and to sensitise GHEITI stakeholders on the obligations the new reporting requirements place on them. Above all it was to prepare the EITI Multi-stakeholder Group for the 2012/2013 EITI audit.

About forty (40) participants attended the workshop. The participants were drawn from the Ministry of Petroleum, Ministry of Lands and Natural Resources, Minerals Commission, Petroleum Commission, GNPC, Oil & Gas Exploration and Production Forum (the advocacy arm of upstream oil and gas companies operating in Ghana), Chamber of Mines, Civil Society Organisations and the MSG.

Drawing from the workshop's objectives, facilitators shed light on how licenses and contracts are awarded in the mining, oil and gas sectors, the process of competitive bidding in the forestry sector, lessons learnt from the forestry sector, global perspectives on international best practices and the responsibilities of the multi-stakeholder group in ensuring the report meets the new requirements.

## **5.0 INSTITUTIONALISATION OF THE GHANA EITI**

The motivation to institutionalise EITI implementation in Ghana arises from a desire to sustain the Initiative, by committing successive governments to it. In arriving at the decision to provide legislative backing for the Initiative, GHEITI has been mindful not to create an additional nomenclature that will rival existing institutions and arrangements for exacting accountability from public office holders. What therefore would be legislated are the principles of transparency and accountability in natural resource governance. It is GHEITI's conviction that, by backing the Initiative with legislation all companies and successive governments would be bound by law to disclose not only their payments and receipts, but also contracts, beneficial owners, expenditures and their outcomes etc. A level playing field in the process would be created for all, including companies who do not on their own subscribe to EITI.

In its quest to institutionalize the EITI and to strengthen natural resource governance in Ghana, the GHEITI Secretariat together with the members of the MSG adopted the following measures:

### ***5.1 Engagement of a Consultant to Review and Update the Draft GHEITI Bill***

As part of measures to institutionalise and strengthen EITI implementation in Ghana, the Secretariat and the MSG with the support of the GIZ engaged yet another Legal Consultant, Mr. T.E. Amuzu in August 2014 to review and update the existing draft GHEITI Bill started by Dr. Dominic Ayine who unfortunately could not continue to work on the Bill because of issues of conflict of interest as a result of his appointment to the position of Deputy Minister of Justice and Attorney-General.

The objectives of the GHEITI Bill include:

- Provide legal framework to mainstream transparency and accountability into payments originating from the natural resources sector of the economy and receipts by Government;
- Expand the scope of the current EITI to cover the entire natural resources sector (i.e. minerals, petroleum, forestry and fisheries);
- Ensure increased transparency in the distribution of payments made to and received by local government units and traditional authorities.

The Consultant has since finished with the review of the Bill and submitted to the MSG who discussed and approved the Bill for further stakeholder consultations for comments and inputs before the Bill is submitted to Cabinet for consideration.

### ***5.2 Ghana EITI Retreat for Steering Committee Members***

On 27<sup>th</sup> November 2014, the Ghana EITI Secretariat organised a one day Retreat for its Multi-stakeholder Group to review, validate and finalise the work plan for the coming year.

The specific objectives of the workshop were to undertake a review of the 2014 GHEITI programme, discuss and agree the 2015 GHEITI draft work plan. It was also to revise the GHEITI Communication Strategy and to develop a Roadmap for consultation on the draft GHEITI Bill. Above all it was to assess GHEITI's readiness towards the 2015 EITI validation.

Participants included representatives of the MSG from the Ministries of Finance, Petroleum as well as Lands and Natural Resources. Other representatives were from the Minerals Commission, Petroleum Commission, GNPC, Oil and Gas Exploration and Production Forum, Ghana Chamber of Mines and Civil Society Organisations.

The workshop consisted of two sessions, each with introductory comments followed by working group discussions and reporting back to plenary. The first session reviewed the final draft of the 2012/13 GHEITI mining and oil/gas reports and the second session

focussed on GHEITI's work plan and programme for 2015 and a review of its communication strategy.

The workshop ended with the adoption of the 2015 GHEITI work plan and the revised communication strategy.

## **6.0 CAPACITY BUILDING FOR GHEITI SECRETARIAT AND MSG**

Capacity building forms an important part of GHEITI's core activities and as a result the capacities of members of the Secretariat and the MSG, as well as other critical stakeholders are being built periodically through training programmes both locally and internationally. During the year under review, the following capacity building programmes were organised:

### ***6.1 Training on the New EITI Standards in Dar es Salaam***

The International EITI Secretariat as part of its capacity building for EITI implementing countries organised a training workshop for selected members of the MSG from various EITI implementing countries in Dar es Salaam, Tanzania from 4<sup>th</sup> -6<sup>th</sup> March 2014. Three (3) members of the Ghana EITI MSG, namely Mr. Franklin Ashiadey, Coordinator, GHEITI; Dr. Steve Manteaw, Convener Publish What You Pay, and Co-Chair of GHEITI; and Mr. Sulemanu Koney, C.E.O of Ghana Chamber of Mines and a member of the MSG participated in the above-mentioned training programme in Tanzania. Other participating countries included Zambia, Tanzania, Ethiopia, Nigeria, Liberia, Sierra Leone, and Mozambique.

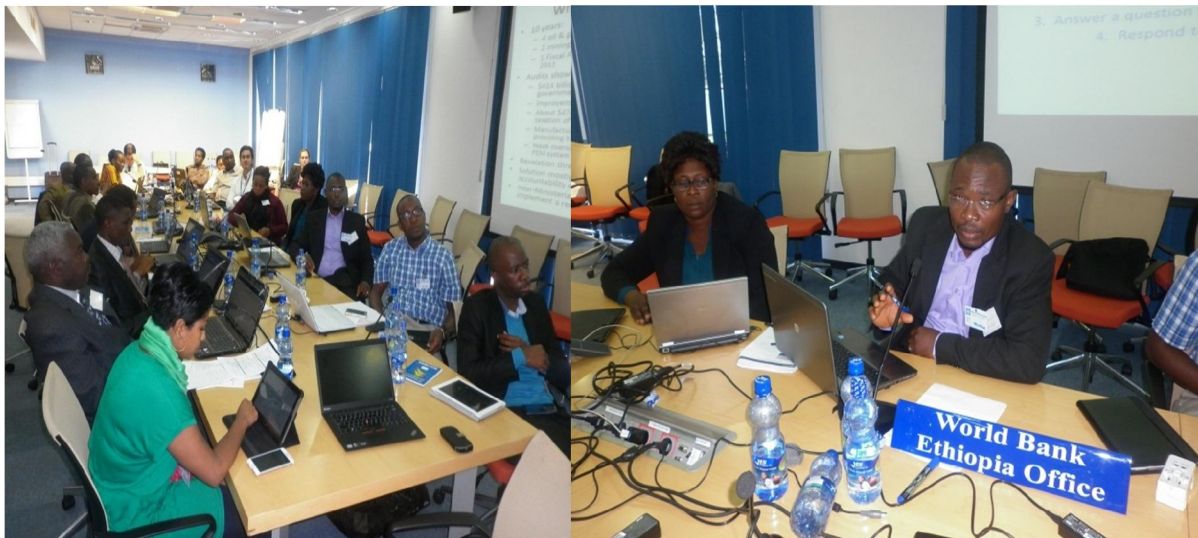
The overall objective of the training was to build the capacities of EITI implementing countries on the EITI Standard adopted in Sydney, Australia in May 2013 and to exchange EITI implementation experiences.

The EITI Standard encourages more relevant, more reliable and more usable information, and provides better linkage to wider reforms. The Standard requires that the reports contained contextual information, as well as information about the fiscal regime, contractual framework, production, licensing procedures, revenue allocations and expenditures.

### ***6.2 EITI COMMUNITY OF PRACTICE (CoP) WORKSHOP IN ADDIS ABABA, ETHIOPIA: 17<sup>TH</sup> – 18<sup>TH</sup> SEPTEMBER, 2014***

Two representatives from the Ghana EITI Secretariat and the National Steering Committee took part in the launch of the EITI Community of Practice (CoP) held in Addis Ababa Ethiopia from 17<sup>th</sup> -18<sup>th</sup> September, 2014.

The EITI CoP is a newly developed online platform to facilitate dialogue among diverse countries implementing the EITI. It is expected to bring together stakeholders that are dealing with similar EITI issues in different countries to learn from each other in real time through the online platform.



Before a full roll-out of the on-line facility, six EITI implementing countries: Ghana, Nigeria, Cameroon, Tanzania, Zambia and Ethiopia were selected to participate in the initial practice workshop to kick-start the knowledge sharing facility.



At the workshop, participants were taken through the processes of creating personal profiles, starting and participating in discussions, creating documents, managing versions in



documents, creating blogs and using tags, uploading photos and how to use the action and communication sections.

The platform is expected to become fully functional after other regional pilot workshops have taken place for the other regional blocks.

The representatives who are trainer of trainers have been charged to train their respective MSG's and at a recent meeting held by the GHEITI MSG, members were briefed about the platform. It is anticipated that, a formal workshop will be organised to deepen the learning experience for members of the MSG.

### ***6.3 Regional National Coordinators meeting in Addis Ababa Ethiopia.***

National Coordinators from the Africa region met from 19<sup>th</sup> -23<sup>rd</sup> August 2014 in Addis Ababa, Ethiopia, to strengthen peer learning and to have in-depth discussions on technical aspects of the EITI Standard, linking the EITI to national priorities, media training and generating impact. Other topics discussed included the role of the work plan in guiding daily work, usefulness of the Annual Activity Reports (AAR), ensuring government acts on recommendations, and the EITI implementation in general. The Ghana EITI Coordinator made a presentation on the sub-national EITI implementation, which Ghana had pioneered ahead of the adoption of the EITI Standard.

Ghana participated in the meeting alongside other EITI implementing countries such as, Nigeria, Sierra Leone, Sao Tome & Principe, Ethiopia, Zambia, Tanzania and others.

### ***6.4 GHEITI Field Visits/Training on the SAP Web-Based Reporting System***

To consolidate the gains so far made through the use of Information Technology (IT) solution to support data collection and analysis for EITI reporting, the GHEITI Secretariat organised a field visit and training programme to all EITI reporting entities including mining companies, government institutions, and District Assemblies to develop the capacities of new users and enhance the knowledge of existing users on the SAP web-based reporting system. The training was done in two phases: the first was held from 10<sup>th</sup>- 25<sup>th</sup> August, 2014 and the second was done from 1<sup>st</sup> – 9<sup>th</sup> September 2014.

As part of the exercise, the officials of the GHEITI Secretariat visited the reporting entities to monitor the progress of using the system, provide training to users and offer assistance to address technical challenges to those in need. The officials also took the opportunity to set-up new users on the system.

Periodic training on the use of the SAP IT system is essential due to high labour turnover of accounting staff in the mining sector and regular changes in the requirements of the EITI reporting system.

The deployment of the SAP IT Solution to facilitate data collection and analysis has proven to be useful by way of introducing efficiency into the GHEITI reporting cycle.

### ***6.5 Training for the Media on EITI Issues***

As part of the GHEITI capacity building efforts aimed at deepening the understanding of the media to be able to report accurately on the activities of Ghana EITI, the German Development Cooperation (GIZ) in collaboration with the GHEITI Secretariat and the MSG organised a training programme for members of the Institute of Financial and Economic Journalists (IFEJ) at the Mac-Dic Hotel in Koforidua from 15<sup>th</sup> – 19<sup>th</sup> May, 2014.

The main object of the training was to equip the Journalists with the requisite skills to appreciate issues of the extractive sector to promote accurate reporting, particularly on mining and oil/gas matters. The expectation of the training was that the media would be well informed on the EITI leading to improved coverage within the media space.

### ***6.6 Capacity Needs Assessment Workshop with Ghana EITI and PIAC***

The GIZ Good Financial Governance Programme as part of its support to the Ghana EITI and the Public Interest and Accountability Committee (PIAC) organised a half-day capacity needs assessment workshop for members of GHEITI and PIAC at Novotel on 12<sup>th</sup> February 2014.

The objective of the workshop was to undertake a capacity assessment of GHEITI and PIAC to enable GIZ to include the capacity needs of the two organisations in its strategic plan with a view to supporting efforts at bridging the identified capacity gaps.

### ***6.5 Update on Public Interest and Accountability (PIAC) Issues***

The Ghana EITI continues to participate actively in the activities of the Public Interest and Accountability Committee (PIAC). Since its establishment in 2011 by the Petroleum Revenue Management Act 2011 (Act 815), PIAC has continued to pursue its mandate of monitoring and evaluating compliance with the Act by the Government and other relevant institutions, in the management and use of petroleum revenues, as well as providing a platform for public debate on spending prospects of petroleum revenues in line with the country's development priorities.

The Committee through its reports has made a number of recommendations which are under consideration by Government.

The PIAC compiled and published the 2013 Semi-Annual Report on the usage and management of oil revenues by the government and other institutions for the period January to June 2013 in April. It also published the 2013 full year Annual Report on the management of the petroleum revenues for the year 2013 and launched it in October, 2014. The event was attended by a cross section of the members of the Ghana EITI Multi-stakeholder Group.

The Committee held its fourth public meeting in the Northern regional capital, Tamale, in April, 2014 and its fifth meeting in Koforidua in the Eastern Region, on 4<sup>th</sup> December, 2014. The two fora were well attended by participants drawn from traditional authorities, religious leaders, labor unions, NGOs, the media and other members of the public. The content of the 2012 Annual and the 2013 Semi-Annual Reports were presented to the people and subjected to their scrutiny. They gave feedback on the management and use of the petroleum revenues including a suggestion to invest the revenues in productive sectors of the economy for better growth and higher productivity.

The Ghana EITI which is represented on the PIAC continues to participate actively in the programmes of the PIAC, and uses its reports to corroborate the findings of the GHEITI reconciliation exercises.

## **7.0 UPDATE ON IMPLEMENTATION OF THE RECOMMENDATIONS OF GHEITI REPORTS**

To ensure implementation of the recommendations contained in the Ghana EITI reports, the GHEITI Secretariat and the Ministry of Finance continue to do periodic follow-up to monitor the progress of implementation of the recommendations by the affected institutions and offer them any assistance thereof. In furtherance of this, a sub-committee consisting of members of the MSG drawn from government, industry and civil society was formed to follow-up on the implementation of the recommendations and provide periodic feedback to the MSG. The details of implementation status of recommendations in the 2010/2011 reports for the mining and oil/gas sectors are attached as appendices 1a and 1b respectively.

## 8.0 OUTSTANDING ACTIVITIES

In spite of the high level of successes accomplished in 2014, in terms of the execution of the activities as per the work plan during the year under review, there were still some outstanding activities which could not be carried out within the year. The factors which impeded our ability to undertake these activities included long procurement processes, insufficient funds and/or delay in the release of funds from government, the rather ambitious work plan and inadequate time due to some unplanned but critical programmes outside the work plan which had to be worked on.

Activities which were planned but not carried out, or partially completed, included the following:

- A scoping study to incorporate ASM into GHEITI reporting was partially completed. A revised final draft is expected in 2015;
- GHEITI impact assessment study to evaluate a decade of EITI implementation was also partially done, and expected to be completed in 2015;
- Stakeholder meeting to discuss GHEITI impact assessment report - Not carried out due to the delay in finalising the report;
- Sensitise the AG's department on the draft GHEITI Bill;
- Study tour for some members of the MSG to an EITI implementing country;
- Training for six (6) MSG members in courses relevant to natural resources management in Ghana, in oil/gas accounting, finance and contracting.

These activities will be included in the GHEITI 2015 work plan to ensure their implementation going forward.

## 9.0 FUNDING

Though funding remains the main challenge for EITI implementation in Ghana, for the year 2014, funding of GHEITI activities improved considerably as compared to 2013.

The total budget required for the implementation of the 2014 work plan was **GHC2,396,282.04** out of which **GHC2,194,030.75** (more than 92%) was made available to

the Ghana EITI from Government, GIZ and the World Bank's Ghana Natural Resources Technical Assistance (NREGTA) Programme. The funding gap has therefore narrowed considerably compared to that of 2013. The GIZ together with the World Bank provided 75% of the amount while Ghana Government provided 25%. The higher percentage of donor support was largely due to the World Bank funding of the 2012/2013 GHEITI reconciliation report which alone constituted 54% of the total GHEITI expenditure for 2014(refer to the table on the status of implementation of the 2014 work plan for details of sources of funding). The increase in the cost of the reconciliation report was due to expansion in the scope of the GHEITI Report, following the adoption of the EITI Standard in Sydney, Australia 2013.

The limited funding gap of **GHC202,251** nonetheless affected the implementation of the work plan activities, such as the capacity building for MSG members and the funding of the study tour.

Overall the Ghana EITI continues to enjoy financial support from Government despite the severe fiscal challenges faced by the country.

## **10.0 OUTLOOK FOR 2015**

Going into 2015, the GHEITI Secretariat and the MSG are poised to meet the growing demands of its stakeholders on the Initiative and to continue to explore ways of responding adequately and promptly to emerging issues arising out of our engagements with all our stakeholders and partners. The outlook of activities as per our 2015 work plan will continue to focus on the real issues in the extractive sector to ensure EITI implementation delivers value and the desired impact. The outline of key activities for 2015 includes:

- Follow-up on the implementation of the recommendations from the 2012/2013 EITI reports;
- Set-up a cross-sectoral committee to revise minerals royalty utilisation guidelines for MMDAs;
- Organise a training workshop on transfer pricing in the extractive sector for GRA;
- Engage an Independent Administrator to undertake the production of 2014 EITI reports for the mining and oil/gas sectors;
- Engage a Consultant to undertake pre-validation of the Ghana EITI;
- Organise a workshop to disseminate the findings of the scoping study to incorporate ASM into GHEITI reporting;

- Organise dissemination workshops on the draft GHEITI Bill and recommendations for Parliamentary Select Committees on Mines and Energy, Public Accounts and Finance;
- Organise stakeholder consultation workshops on the GHEITI Bill; and
- Organise a study tour and various capacity building programmes for GHEITI Secretariat and the MSG.

## **11.0 IMPACT OF THE GHANA EITI ACTIVITIES**

The implementation of EITI over the past decade has led to significant policy reforms in the natural resource sector. It has also afforded citizens a rare opportunity to participate in policy discourses around the management of the country's natural resources from an informed position, and equipped them with the necessary information to demand accountability from duty bearers.

Major policy reforms in the recent past that have been undertaken in the sector have arisen as a result of the findings and recommendations from GHEITI reports and the effective oversight of the Multi-stakeholder Group.

In 2014 two important recommendations from the 2010/2011 Ghana EITI Reports were implemented with significant policy impact, they are: the revision of the concession ground rent and the introduction of the capital gains tax for the oil and gas sector.

One of the most critical findings from the first Ghana EITI Reports was the abysmally low rate of ground rent paid by mining companies in the country. Though the implementation of this recommendation took a long time it has been finally implemented. The increase in the rate was finally approved by Parliament in December 2014 through the Fees and Charges Amendment Instrument 2014 LI 2216 from the low level of GHC0.50/km<sup>2</sup> to GHC3,788/km<sup>2</sup>. The new rates are now being effectively implemented by the Office of the Administrator of Stool Lands (OASL). They are expected to impact significantly on the incomes of land owners on whose land the mineral resources are extracted. The disbursement, as provided in law, will be done by the Office of the Administrator of Stool Lands.

The second policy change which also could have a significant impact on government revenues was the amendment of the Internal Revenue Act to tax gains from the upstream petroleum sector as oil and gas companies sell their interest to third parties for profit. Hitherto, there was no such provision, as a result of which two oil and gas

sector companies got away with the non-payment of capital gains tax after selling their interests in the Jubilee Field.

The impact of the EITI implementation over the period is further reflected in the deepening of institutional collaboration between the extractive sector institutions, i.e. Minerals Commission, Ghana Revenues Authority and the Bank of Ghana. Currently when concessions or ownership of mineral right licenses change, the Minerals Commission refers them to the Ghana Revenue Authority (GRA) for the payment of appropriate taxes.

At the sub-national level, by reporting on transfers to sub-national governments and their utilisation, communities have been empowered to demand accountability and ask critical questions of the local authorities. GHEITI has built the awareness of the need for transparency in the extractive sector between both District Assemblies and community members, to the extent that there have been reported instances where communities, for example in Obuasi, have disagreed with their Assembly on the proposed use of their share of mineral royalty.

Ghana's EITI has indeed enhanced dialogue between stakeholders in the sector namely government, civil society, companies and communities.

## **12. CONCLUSION**

The year 2014 was characterised by unparalleled challenges and extraordinary opportunities. It was a year of significant achievements even in the midst of declining resources. Some great lessons were also learnt through GHEITI engagements with its stakeholders during the year under review. The lessons that came to the fore included how community members at the sub-national level were using information in the GHEITI reports to track existing projects undertaken by MMDAs to demand accountability from the local duty bearers.

The incorporation of community durbars into the GHEITI outreach activities has helped to obtain feedback from the impacted communities on how EITI is addressing their concerns. Even though we find that the levels of mistrust between companies and their host communities have substantially reduced, partly due to the platform GHEITI affords the communities to express their grievances, there are still issues that must be addressed to sustain our trust-building efforts, using the GHEITI reports as the tool. Environmental and social impacts remain very much a major concern to mining host communities, and even though the EITI Standard overlooks this, the GHEITI MSG has decided to respond to the concerns by incorporating disclosures of the Environmental and Social Impact Assessment (ESIA) reports of the companies, as well as their

Environmental Management Plans (EMPs) in the 2015 GHEITI Terms of Reference to enable the host communities obtain the necessary information to monitor compliance.

In these uncertain times, as conditions continue to evolve in unexpected ways, and priorities continue to change, it is the conviction of GHEITI that the sustainability of the Initiative will rests not only on the political will and finances that make it possible to continue churning out the reports, but perhaps more importantly, on citizens finding some relevance and use for the published data. This means, the Secretariat and MSG have a responsibility to ensure that the frontiers of transparency are expanded to take into account the real needs of the people, especially those immediately and most impacted by extractive activities; and this is what the GHEITI Secretariat and MSG have committed to do.

#### **ASSESSMENT OF PERFORMANCE AGAINST TARGETS AND ACTIVITIES SET OUT IN THE 2014 WORK PLAN**

NO	ACTIVITY/ACTION	ACTUAL EXPENDITURE	BUDGET	FUNDING SOURCE	Implementation status	OUTCOME	Comments
<b>OBJECTIVE ONE: REVENUE MANAGEMENT</b>							
1	Follow-up on the implementation of the recommendations of the 2010/2011 EITI reports by the GHEITI Secretariat	0	0	GOG	Completed	80% of the recommendations of the 2010/2011 GHEITI reports implemented	Most of the outstanding recommendation are in oil and gas sector which may require some change in petroleum Income Tax Law
2	Organize a Technical Round table for relevant stakeholders on operationalization of minerals royalty guidelines	65,200	40,000	GOG	Completed	Agreement reached on the way forward for the implementation of the guidelines	Guidelines to be revised for adoption and implementation
<b>OBJECTIVE 2: ENHANCE CITIZEN PARTICIPATION IN DECISIONS AROUND RESOURCE EXTRACTION ALONG THE VALUE CHAIN</b>							
3	Initiate the Procurement process leading to recruiting of Consultants to produce 2012/2013 EITI Reports for Mining and oil and gas	0	0	GOG	Completed	EOI and call for proposals were placed in the daily newspapers	
4	Organize training for the media on the EITI	152,587.85	50,000	GIZ	Completed	33 people were trained and their Capacity of the Media built on EITI issues.	This was done in the collaboration with the German Television DW for Steering Committee Members and Institute of Economic and Financial Journalist
5	Organize workshop for the Steering Committee to develop	41,550.00	38,000	GOG	Completed	Draft templates developed	





18	Participation in training on the New EITI Standard in Dar es Salaam by some members of the	4,950	5,000	GOG	Completed	Three (3) NSC members trained in the New Standard	
18	Organize a study tour for some members of the National Steering Committee to an EITI implementing country	0	50,000	GOG/GIZ	Not done	Study Tour report	
20	Train GHEITI stakeholders at the Districts in the SAP web based reporting system	49,270	70,000	GOG	Completed	Report of the training GOG	
21	Train six (6) Steering Committee Members in courses relevant to Natural resources management in Ghana in oil /Gas Accounting/ finance and Contract	0	60,000	NSC members trained in oil and gas management	Not done		
22	Strengthening the Ghana EITI Secretariat (logistics/equipment, etc	100,300	200,000	GHEITI Sec. well-equipped and resourced	Done		
	<b>TOTAL</b>	<b>2,194,030.75</b>	<b>2,396,282.04</b>				

## ASSESSMENT OF PERFORMANCE AGAINST EITI REQUIREMENT

Requirements	Progress
Standard 1: The EITI requires effective oversight by the MSG	<p>A very proactive twenty (20) member National Steering Committee (NSC) 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"> <li>• Organised a retreat to review the Ghana EITI process take stock of the previous year and plan for the coming year</li> <li>• Approved the Terms of Reference for the production of the 2012/2013 reports</li> <li>• Revision of the Template for the production of the 2012/2013 Reports</li> <li>• Approved the publication of the 2012/2013 GHEITI Report.</li> <li>• monitored and ensures that key findings/recommendations from the 2010/2011 Ghana EITI reports were implemented within one year after issuance of the reports.</li> </ul>
Standard 2: The EITI Requires timely publication	Ghana EITI was able to meet the 31 <sup>st</sup> December deadline for the production of the 2012/2013 GHEITI Report and the 2013 Annual Activity Report by 1 <sup>st</sup> July 2015.
Standard 3: The EITI requires Reports that include contextual information about the extractive industries.	The 2012/2013 Ghana EITI Report has met this requirement by the inclusion of contextual information.
Standard 4: The EITI requires a comprehensive EITI Reports EITI reports that include full government disclosure of	Ghana EITI 2012/2013 reports are very comprehensive and capture all revenue streams including subnational payments and transfers.

extractive industry revenues and disclosure of all material payments to government by oil , gas and mining companies	
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 /administrator for the Ghana EITI is transparent and done through international competitive bidding.</p> <p>For the 2012/2013 reports all the reporting templates were duly signed by the head of the reporting entities.</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. Summary easy to read versions are also produced and made available to the public. The reports are widely disseminated and publicized.</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 sensitize the Ghanaian people on the EITI and on what companies pay and what government receives.</p>
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 makes sure that they are implemented.</p> <p>The report on the implementation of the recommendation in the 2010/2011 EITI report is attached as Appendix 1</p>

## Appendix 1a

### UPDATE ON RECOMMENDATIONS MADE IN THE 2010/2011 MINING REPORT

#### Details of implementation of recommendations

Issue	Finding	Recommendation	Status	Remarks
<b>Receipting and reporting Currency for EITI</b>	Some companies reporting in dollars	Companies to maintain records of cedi receipts from GRA for EITI reconciliation	Partially complied	Some discrepancies resulting from non-archiving of cedi receipts
<b>Frequency of Royalty payment</b>	Split quarterly payments by some companies	Regularization of monthly and other split quarterly payments.	Companies engaged in such payment practice reduced.	Regularization of multiple payments is outstanding.
<b>Adamus Royalty payment on hedge figures</b>	Royalty computations on hedge gold prices instead of spot prices.	GRA to review royalty payments on spot prices.	Adamus paid GHC 213,995 to GRA in 2013 after the review.	
<b>Re-evaluation of Ghana Manganese (GMC) and Chirano royalty payments</b>	GMC skipped 3 <sup>rd</sup> quarter 2011 royalty payment to offset overpayment Chirano skipped 4th quarter 2011 payment.	GRA to reconcile over/under payments by GMC and Chirano	GMC Discrepancy resolved by GRA. Chirano not resolved.	
<b>Irregularities in OASL funds transfer to Districts Assemblies</b>	Transfers from OASL were in tranches	OASL to fully implement recommendations on funds transfer.	Transfers in 2012 were minimal. No transfer in 2013	2014 transfers from OASL to comply.
<b>Management of MDF</b>	Monitoring of MDF expenditures cumbersome	Appointment of MDF oversight agency.	Outstanding	Pending appointment of agency, MDF disbursements to be duly supervised.

**Appendix 1b****UPDATE ON RECOMMENDATIONS MADE IN THE 2010/2011 OIL & GAS REPORT***Details of implementation of recommendations*

Issue	Finding	Recommendation	Status	Remarks
Capital Gains Tax	Petroleum rights did not attract capital gains tax	Change in ownership of petroleum rights should attract capital gains tax	Implemented  The capital gains tax positions in the PITL and Act 592 have been harmonized as per Act 871 (Internal Revenue (Amendment) (NO.2) ACT, 2013.	Petroleum rights now attract capital gains tax.
Thin Capitalization	There is no provision in the PITL that relates to excessive interest charges. However IRA 2000; Act 892 has limitations on interest charges.	The Petroleum income tax law should be harmonized with the Act 592, with regards to interest charges.	Outstanding	The GRA applies the thin capitalization provision in Act 592 to the Petroleum sector.
Ring Fencing:	Ring fencing applies to contractor may set off expenses that are exclusive to a production area against income from another production area. This may delay corporate tax revenues.	Ring fencing should be applied at the production area level.	Outstanding.	
Carry forward of losses.	Petroleum Income Tax law allows for the indefinite carry forward of losses. Meanwhile in the mining sector losses are carried forward for 5 years.	Recommended that the carry forward of losses in the petroleum sector should be restricted to 5 years.	Outstanding	

## **GHEITI STEERING COMMITTEE MEMBERS**

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Major. M.S TARA (Rtd)	-	Chairman, Ministry of Finance
Dr. Steve Manteaw	-	Co-chair, Publish What You Pay-Ghana
Mr. Franklin Ashiadey	-	Coordinator, Ministry of Finance
Mr. Roger Angsomwine	-	Office of the Vice President
Mr. Wayo Abubakari	-	Office of the President
Prof. Thomas Akabzaa	-	Chief Director, Ministry of Energy
Mr. Sulemanu Koney	-	Ghana Chamber of Mines
Dr. Gad Akwensivie	-	Office of the Administrator of Stool Land
Mr. Amponsah Tawiah	-	Minerals Commission
Mr. B.C.D. Ocansey	-	Ghana Revenue Authority
Mr. Simon Attebiya	-	Ministry of Lands and Natural Resources
Mr. Frank Turkson	-	Ghana Manganese Company
Mr. Dela Klubi	-	Ghana Revenue Authority
Mrs. Hannah Owusu Koranteng	-	WACAM
Mr. Chris Afedo	-	Ghana Revenue Authority
Mr. Kennedy Noono	-	Tullow Oil Ghana Limited
Mr. George Sarpong	-	Kosmos Energy
Ms. Victoria Benson	-	Ministry of Finance
Mrs. Philomena Johnson	-	IFD/Publish What You Pay-Ghana
Mr. J.B. Okai	-	Ministry of Energy
Mr. Sam Addo Nortey	-	Ghana National Petroleum Corporation

**THE REPORT HAS BEEN APPROVED BY THE GHANA EITI STEERING COMMITTEE**

