

CAPACITY BUILDING

Extractive Communities Human Rights and Legal Support Programme

CEPIL with funding support from Oxfam and OSIWA provided court room representation to extractive communities and won a number of cases. Examples include Nana Kofi Karikari and 44 other vrs. Anglogold Ashanti (Suit No. Ls34/97); CEPIL and Anor vrs. Environmental Protection Agency (Suit No. AP6/05a (EN) 1/2005); and Emelia Amoateng vrs. Ghana Australian Goldfields Ltd (Suit No. E 12/7/05). CEPIL also successfully negotiated settled cases for some communities. Examples include Clement Baffour vrs. Anglogold Ashanti Ltd Obuasi Mine (Suit No. BC/260/11); Nana Molobah Nyamikeh vrs. Goldfields Ghana Ltd (Suit No. C821/02) etc.

Workshop on “Empowering Women and Disadvantaged Groups in Mining Communities to Stand for their Rights”

In 2017, CEPIL with funding support from Oxfam conducted women leadership empowerment training for women leadership drawn from the mining and other extractive communities. Women were trained on their socio-economic rights to demand protection form extractive sector companies.

Workshop on “Ensuring and Enhancing Compliance with Oil and Gas Laws and Policies”

CEPIL with funding support from STAR Ghana successfully reviewed the 2013 and 2014 budgets to ensure compliance with oil and gas law. CEPIL in its two review reports identified acts of non-compliance with provisions of the Petroleum Revenue Management Act which was brought to the notice of the government. As a result, Government took the following measures to address the identified acts of non-compliance:

- An independent certifier was appointed in 2013 to verify benchmark revenue for the 2014 Budget Statement. Government now appoints an independent certifier to verify the benchmark revenue for each year. In 2014, the Ministry of Finance advertised for appointment of consultant to serve as an independent certifier to verify the benchmark revenue for the 2015 budget statement.
- Ghana Revenue Authority indicated they are making efforts to recover capital gains tax from two oil companies namely Kosmos and Sabre Oil which was one of the issues raised in CEPIL's review report. Similarly eight new oil contracts that were recently signed and ratified by Parliament included provision on capital gain tax. Also, the Government of Ghana has now included a provision on capital gain tax in Petroleum (Exploration & Production) Bill now before parliament.
- The Government has also formalized the infrastructure fund that was proposed to be established in the 2013 budget statement contrary to the Petroleum Revenue Management Act in the amendment of the PRMA.
- Also, government has agreed to include in the revised Petroleum Revenue Management Act a provision for the funding of Public Interest Accountability Committee. As a result of the implementation of the project, CEPIL called for the review of the Petroleum Revenue Management Act and the Ministry of Finance invited inputs for stakeholders leading to the drafting of a revised proposal for the amendment of Petroleum Revenue Management Act (PRMA).

Workshop on “Protecting the Rights of Oil and Gas Communities in the Western region of Ghana”

CEPIL with funding support from STAR Ghana built the capacity of communities affected by the establishment of the construction of gas facilities and pipeline in the Western region of Ghana. As a result;

- Affected communities have acquired knowledge on their rights and governments obligations and proper procedures for paying compensation.
- The affected communities are now engaging duty bearers and oil and gas companies and demanding their rights. Ten (10) communities with the help of CEPIL have instituted cases in court for the payment of inadequate compensation following the awareness created.

Making a Case for Unregulated Discretion in the Legal Framework Governing Oil and Gas Sector in Ghana

CEPIL with funding support from Oxfam successfully reviewed the Petroleum Revenue Act, the Local Content Regulations of the Petroleum (Exploration and Production) bill and the Marine Pollution Bill to establish the extent of discretionary provisions of the ministers' discretionary powers in these laws and bills for corrective action. This advocacy work by CEPIL, ACEP and FoN has contributed to the removal of some of the discretionary provisions in the Petroleum (Exploration and Production) bill.

Workshop on “Promoting Citizen Participation in Ensuring Transparency and Accountability in the Extractive Sector in Ghana”

The training workshop, funded by OSIWA, aimed at promoting and building the capacity of citizenry to demand greater accountability from state and non-state actors in the extractive sector. The activities of the workshop included collating the views of community members from the Eastern, Western, Ashanti, Brong Ahafo regions and hold a national workshop for civil society organisations in Accra to input into the review of the minerals and mining law. It also included the provision of legal assistance and representation to some mining communities and individuals.

Workshop on “Promoting Access to Justice for the Poor and Marginalised”

CEPIL with funding support from STAR Ghana produced simplified and user friendly versions of court procedures and processes in the Ghana judicial system to improve access to justice for the marginalised.

West African Human Rights and Environmental Lawyers Training and Collaborative Workshop

The training workshop, funded by OSIWA, enhanced the capacity of West African lawyers to develop strategies to use legal tools to respond to complex environmental and human rights cases and strengthened collaborative trans-border and regional work among the participants on human rights and environmental issues leading to the formation of Public Interest Lawyering Initiative for West Africa (PILIWA). It has carried out a series of collaborative litigation in the ECOWAS Court and national courts which OSIWA is funding.

Workshop on “Enhancing the Work of Government Renegotiating Committee and Enhancing Respect for the Rights of Akyem Communities”

CEPIL with funding support from Ibis reviewed mining contracts and stability agreements of Newmont Gold Ghana Ltd and AngloGold Ashanti Ltd to assist the negotiating committee that was set up by government to renegotiate the mining contracts and stability agreements of the two companies.

Rights Education Workshop for Communities in Sheini

In November 2016, CEPIL with funding support from OSIWA organised a rights education workshop to over fifteen (15) communities in the Sheini area in the Northern region of Ghana. The workshop equipped participants with basic knowledge of their human rights, so as to enable them know and protect their rights before the iron ore operations start. Participants were taken through the following topics:

- Introduction to Human Rights
- Right to own Property and Protection from Deprivation of Property
- Freedom of Speech, Association and Demonstrations
- Community Mobilization and Action to Demand Rights

A Two Day Workshop on “Compensation and Conflict Resolution for Communities to be affected by Iron Ore Operation in Tatale Sangule District”

On 13th and 14th September 2017, CEPIL with funding support from OSIWA organised a workshop in respect of the potential exploration of iron ore in Sheini area. A toolkit on compensation and dispute settlement training modules was developed for the purpose of the workshop. Participants were taken through the legal regimes preceding the minerals and mining Act 2006 and the underlying features as well as lapses found in the law. Participants were schooled on the following topics:

- Understanding why the subject of compensation is important
- Understanding what compensation is and how to make a claim for compensation
- Understanding the process for resettlement of communities displaced by mining companies
- Understanding the principles used in calculating compensation

Workshop on “Legal Framework for Mining in Ghana for Tatale and Zabzugu District Assemblies and other Stakeholders in the Northern Region”

On 28th and 29th November 2017, CEPIL with funding support from OSIWA organised a workshop to sensitise key stakeholders on possible environmental and social impacts of exploration of iron ore in the Sheini community and also educate assembly men and women in Zabzugu and Tatale districts concerning the effects of the extraction of iron ore. Participants were taken through the following topics:

- Overview of the mining sector in Ghana
- The legal framework for mining in Ghana
- The Environmental Impact Assessment (EIA) process