

# International **Comparative** Legal Guides



Practical cross-border insights into mining law

## Mining Law **2022**

**Ninth Edition**

Contributing Editor:

**Andrew Emrich**  
Holland & Hart LLP

**WORLD**  
ASSOCIATION OF MINING LAWYERS

**ICLG.com**

## Expert Analysis Chapters

**1** **Emerging from the COVID-19 Pandemic: Trade and Regulatory Challenges Facing the Mining Industry**  
Andrew Emrich, Holland & Hart LLP

**4** **WAOML: Providing a Forum for the Discussion of Legal Issues Impacting the Global Mining Industry**  
Rafael Vergara, World Association of Mining Lawyers (WAOML)

## Q&A Chapters

**7** **Brazil**  
WILLIAM FREIRE Advogados Associados: William Freire

**15** **Canada**  
Lawson Lundell LLP: Khaled Abdel-Barr & Karen MacMillan

**28** **China**  
Jincheng Tongda & Neal Law Firm: Guohua (Annie) Wu & Yingnan (Jason) Li

**35** **Congo – D.R.**  
Kalamba & Associés: Harlène Ngalula & Anne Marie Nsaka Kabunda

**42** **Ghana**  
N. Dowuona & Company: Nana Ama Botchway, Naa Atswei Koney & Eyram Homenya

**49** **Indonesia**  
MacalloHarlin Mendrofa Advocates: Andika Mendrofa & Shanti Prameshwara

**56** **Japan**  
Anderson Mōri & Tomotsune: Hiroaki Takahashi

**64** **Malawi**  
Sacranie, Gow and Company: Shabir Latif, S.C., Hamza Latif & Levison Fraser

**71** **Mexico**  
RB Abogados: Enrique R. del Bosque

**80** **Philippines**  
Fortun Narvasa & Salazar: Roderick R.C. Salazar III

**87** **South Africa**  
Norton Rose Fulbright Inc.: Christina Pretorius

**94** **United Kingdom**  
Milbank LLP: John Dewar & Emily Whittaker

**105** **USA**  
Holland & Hart LLP: Karol L. Kahalley

**114** **Zambia**  
Dentons Eric Silwamba, Jalasi and Linyama: Joseph Alexander Jalasi, Jr. & Eric Suwilanji Silwamba

**122** **Zimbabwe**  
Wintertons Legal Practitioners: Nikita Madya & Milton Muzaza

# Ghana

N. Dowuona & Company



Nana Ama Botchway



Naa Atswei Koney



Eyram Homenya

## 1 Relevant Authorities and Legislation

### 1.1 What regulates mining law?

The key legislation regulating mining in Ghana is the 1992 Constitution of Ghana, the Minerals and Mining Act, 2006 (Act 703), as amended by the Minerals and Mining (Amendment) Act, 2015 (Act 900), the Minerals and Mining (Amendment) Act, 2019 (Act 995), and the Minerals Commission Act, 1993 (Act 450). Other substantive enactments that regulate mining are the Minerals Development Fund Act, 2016 (Act 912), the Minerals Income Investment Fund Act, 2018 (Act 978), and the Kimberley Process Certificate Act, 2003 (Act 652).

The following subsidiary legislation further regulates different aspects of the mining sector: a) Minerals and Mining (General) Regulations, 2012 (L.I 2173); b) Minerals and Mining (Support Services) Regulations, 2012 (L.I 2174); c) Minerals and Mining (Compensation and Resettlement) Regulations, 2012 (L.I 2175); d) Minerals and Mining (Licensing) Regulations, 2012 (L.I 2176); e) Minerals and Mining (Explosives) Regulations, 2012 (L.I 2177); f) Minerals and Mining (Health, Safety and Technical) Regulations, 2012 (L.I 2182); g) Minerals and Mining (Mineral Operations – Tracking of Earth Moving and Mining Equipment) Regulations, 2020 (L.I 2404); h) Minerals and Mining (Ground Rent) Regulations, 2018 (L.I 2357); and i) Minerals and Mining (Local Content and Local Participation) Regulations, 2020 (L.I 2431).

### 1.2 Which Government body/ies administer the mining industry?

The Ministry of Lands and Natural Resources and the Minerals Commission administer the mining industry in Ghana.

The Minerals Commission was established under the Minerals Commission Act, 1993 (Act 450) with the statutory purpose of the “regulation and management of the utilisation of the mineral resources and the coordination of the policies in relation to them”.

### 1.3 Describe any other sources of law affecting the mining industry.

Other sources of law affecting the mining industry include environment-related laws such as the Environmental Protection Act, 1994 (Act 490) and its subsidiary legislation and other natural resources-related laws such as the Forestry Commission Act, 1999 (Act 571), the Water Resources Commission Act, 1996 (Act 562), the Geological Survey Authority Act, 2016 (Act 928), and their subsidiary legislation. Further sources include: the Lands Act, 2020 (Act 1036); the Local Governance Act, 2016 (Act 936); and the Land Use and Spatial Planning Act, 2016 (Act 925).

Additionally, the following legislation regulates the administrative aspect of the mining operations: the Companies Act, 2019 (Act 992); the Incorporated Partnership Act 1962 (Act 152); the Ghana Investment Promotion Centre Act, 2013 (Act 865); the Income Tax Act, 2015 (Act 896); the Labour Act 2003 (Act 651); and the Workmen Compensation Act 1987 (PNDCL 187).

## 2 Recent Political Developments

### 2.1 Are there any recent political developments affecting the mining industry?

Ghana has been battling with an increase in illegal mining, which resulted in heavily polluted waterbodies and other environmental issues. In a bid to crack down on illegal mining and its adverse effects on the environment, particularly on the country’s waterbodies, the President, in 2021, authorised the Ghana Armed Forces to embark on an operation to remove all persons and logistics whose mining activities occur either in any waterbody or within 100m of major waterbodies.

The Ministry of Lands and Natural Resources has placed a ban on all reconnaissance and prospecting activities and operations in forest reserves (those areas specially designated by the Ministry to be protected areas) until further notice. Notice of this ban was issued on 21 April 2021. Persons/companies engaged in reconnaissance and/or prospecting in forest reserves had seven days from the publication of the notice to cease their operations and remove their equipment from these reserves.

## 2.2 Are there any specific steps the mining industry is taking in light of these developments?

The Minister for Lands and Natural Resources has directed the Minerals Commission to stop accepting, processing and/or recommending the grant, including renewal and/or extension, of reconnaissance and prospecting licences in forest reserves.

The Minister for Lands and Natural Resources tasked the Minerals and Forestry Commission with publishing the list of companies holding prospecting and/or reconnaissance licences in Forest Reserves by close of business on 7 May 2021.

## 3 Mechanics of Acquisition of Rights

### 3.1 What rights are required to conduct reconnaissance?

The two types of rights applicable are: a) a reconnaissance licence; or b) a restricted reconnaissance licence.

A reconnaissance licence is granted for an initial period of not more than 12 months and may be renewed not later than three months before the expiry of the initial term of the licence for a further period of not more than 12 months.

A restricted reconnaissance licence is a reconnaissance licence issued in respect of reconnaissance for industrial minerals e.g. basalt, clay, granite, gravel, gypsum, laterite, limestone, marble, rock, sand, sandstone, slate talc, salt and other minerals as the Minister may from time to time declare, by notice published in the Gazette, to be industrial minerals.

### 3.2 What rights are required to conduct exploration?

The two types of rights applicable are: a) a prospecting licence; or b) a restricted prospecting licence.

A prospecting licence is granted for an initial period of not more than three years and may be renewed not later than three months before the expiry of the initial term of the licence for a further period of not more than three years.

A restricted prospecting licence is a prospecting licence issued in respect of industrial minerals.

### 3.3 What rights are required to conduct mining?

The two types of rights applicable are: a) a mining lease; or b) a restricted mining lease.

A mining lease is granted for an initial period of 30 years and may be renewed before the expiry of such period for a further period of not more than 30 years.

A restricted mining lease is a mining lease issued in respect of industrial minerals.

### 3.4 Are different procedures applicable to different minerals and on different types of land?

The same procedures are generally applicable to different minerals. However, the law provides some modifications with respect to radioactive minerals and industrial minerals.

### 3.5 Are different procedures applicable to natural oil and gas?

Yes, different procedures apply.

## 4 Foreign Ownership and Indigenous Ownership Requirements and Restrictions

### 4.1 What types of entity can own reconnaissance, exploration and mining rights?

Generally, only companies incorporated in Ghana are granted rights to undertake reconnaissance, exploration or mining operations. Non-citizens may apply for a mineral right in respect of industrial minerals if the proposed investment in the mineral operations is above US\$10 million. A small-scale mining licence may only be issued to an individual who is a Ghanaian.

### 4.2 Can the entity owning the rights be a foreign entity or owned (directly or indirectly) by a foreign entity and are there special rules for foreign applicants?

As noted above, a foreign entity will not be granted rights in Ghana unless a separate company is incorporated in Ghana.

Additionally, all companies in Ghana with foreign participation must register with the Ghana Investment Promotion Centre under the Ghana Investment Promotion Centre Act, 2013 (Act 865).

This act prescribes certain minimum capital requirements for the operation of foreign entities in Ghana. A wholly owned foreign entity must invest a minimum of US\$500,000 in cash or goods/equipment, whilst a foreign entity which partners with a Ghanaian must invest a minimum of US\$200,000 in cash or capital goods relevant to the investment, or a combination of both by way of equity participation. The Ghanaian partner must have at least 10% equity participation in the joint enterprise.

### 4.3 Are there any change of control restrictions applicable?

A person who intends to become a controller of a mining company must serve a written notice of his intention on the Minister of Lands and Natural Resources. The person may become a controller of the mining company only if the Minister issues a written notice of no objection or fails to issue a notice of no objection within two months from the date of service of the notice on the Minister.

### 4.4 Are there requirements for ownership by indigenous persons or entities?

Small-scale mining licences may only be issued to Ghanaian citizens. They must be at least 18 years old and must be registered by the office of the Minerals Commission in an area designated for small-scale mining operations.

A restricted reconnaissance licence, restricted prospecting licence or restricted mining lease may only be granted to a Ghanaian citizen.

A non-citizen may apply for a mineral right in respect of industrial minerals, provided that the proposed investment in the mineral operations is at least US\$10 million.

### 4.5 Does the State have free carry rights or options to acquire shareholdings?

The Government has a 10% free carried interest in the rights and obligations of the mineral operations. This does not preclude the Government from any other or further participation in mineral operations that may be agreed with the holder.



Furthermore, the Minister may, through a written notice to the mining company, require the mining company to issue the Republic a special share for no consideration. A special share shall constitute a separate class of shares and shall have the rights agreed between the Minister and the company.

## 5 Processing, Refining, Beneficiation and Export

### 5.1 Are there special regulatory provisions relating to processing, refining and further beneficiation of mined minerals?

There are no specific laws regulating the processing of minerals. However, a person must obtain a licence to export, sell or dispose of any mineral.

An application by a holder of a mining lease for a licence to export, sell or dispose of gold or other precious minerals produced by the holder must be accompanied by a refining contract. If the applicant is not a holder of the mining lease, he must satisfy the Minister that the business plan or particulars of the programme of the proposed operations include the refining or polishing of the minerals in Ghana before export, the purchase of only refined or polished minerals for export, and that a percentage of the minerals determined by the Minister will be supplied to local refineries to ensure regular supply to local users.

### 5.2 Are there restrictions on the export of minerals and levies payable in respect thereof?

A licence is required from the Minister to export, sell or dispose of a mineral. The licence issued is not transferable.

The Kimberley Process Certificate Act, 2003 (Act 652) regulates the import and export of rough diamonds.

## 6 Transfer and Encumbrance

### 6.1 Are there restrictions on the transfer of rights to conduct reconnaissance, exploration and mining?

A mineral right can only be transferred, assigned, mortgaged or otherwise encumbered with the prior written approval of the Minister.

### 6.2 Are the rights to conduct reconnaissance, exploration and mining capable of being mortgaged or otherwise secured to raise finance?

Yes, mining rights are capable of being mortgaged with the written approval of the Minister.

## 7 Dealing in Rights by Means of Transferring Subdivisions, Ceding Undivided Shares and Mining of Mixed Minerals

### 7.1 Are rights to conduct reconnaissance, exploration and mining capable of being subdivided?

Yes, rights to conduct reconnaissance, exploration and mining can be subdivided with the approval of the Minerals Commission.

### 7.2 Are rights to conduct reconnaissance, exploration and mining capable of being held in undivided shares?

Yes, rights to conduct reconnaissance, exploration and mining are capable of being held in undivided shares.

### 7.3 Is the holder of rights to explore for or mine a primary mineral entitled to explore or mine for secondary minerals?

The holder of a right to explore or mine a primary mineral may apply to the Minister to amend the mineral right to include a secondary mineral.

### 7.4 Is the holder of a right to conduct reconnaissance, exploration and mining entitled to exercise rights also over residue deposits on the land concerned?

Yes, to the extent that such exercise will enable them to fulfil their obligations under the issued licence.

### 7.5 Are there any special rules relating to offshore exploration and mining?

No, there are not any special rules relating to offshore exploration and mining.

## 8 Rights to Use Surface of Land

### 8.1 Does the holder of a right to conduct reconnaissance, exploration or mining automatically own the right to use the surface of land?

No, mineral rights are issued in respect of minerals and do not automatically extend to include ownership rights of the surface of the land. Mineral rights are subject to the limitations on surface rights that apply under an enactment or as reasonably determined by the Minister.

### 8.2 What obligations does the holder of a reconnaissance right, exploration right or mining right have vis-à-vis the landowner or lawful occupier?

The lawful owner has a right to graze livestock or cultivate the land, provided the grazing or cultivation does not interfere with the mineral operations in the area. The lawful owner is also entitled to compensation from the holder of the mineral right for the disturbance of the rights of the owner. The amount of compensation shall be determined by an agreement between the parties; however, if the parties are unable to reach an agreement as to the amount of compensation, the matter shall be referred by either party to the Minister who shall, in consultation with the Government agency responsible for land valuation, determine the compensation payable by the holder of the mineral right. A landowner may also be compensated by way of resettlement.

### 8.3 What rights of expropriation exist?

The State can compulsorily acquire land that is subject to a mineral right. Compulsory acquisition must be made under a law

that makes provision for prompt payment of fair and adequate compensation and a right of access to the High Court by any person who has an interest in or right over the land for the determination of his interest or right and the amount of compensation to which he is entitled.

Additionally, the Minister has the right of pre-emption of all minerals raised, won or obtained in Ghana and from any area covered by territorial waters, the exclusive economic zone or the continental shelf and products derived from the refining or treatment of these minerals.

## 9 Environmental

### 9.1 What environmental authorisations are required in order to conduct reconnaissance, exploration and mining operations?

An environmental permit issued by the Environmental Protection Agency (EPA) is required prior to the commencement of mining operations. Where the mining lease covers a total area in excess of 10 hectares, an environmental impact assessment must be submitted to the EPA prior to the grant of an environmental permit.

A water use permit will be required where the contemplated activities under the licences involve the use or diversion of water from a river, stream, underground reservoir, etc. A holder of a mineral right may also be required to obtain approvals/permits from the Forestry Commission where applicable.

### 9.2 What provisions need to be made for storage of tailings and other waste products and for the closure of mines?

The manager of a mine must, among other things, ensure that the location of a tailings storage facility meets specific minimum standards and is not likely to result in a threat to human life and/or the environment.

The holder of a mining lease shall, before closing a mine site, satisfy the Chief Inspector of Mines that each source of potential pollution and component of the mining project that is to be closed are designed to be stable in the long term.

The holder of a mining lease is also required to post a reclamation bond based on an approved work plan for reclamation.

In the case of mining operations, the holder of the mining rights who undertakes mining operations must, prior to beginning its operations, and as part of the process of application for an environmental permit, enter into a reclamation security agreement with the EPA. This usually requires the holder of the mining rights to pay specified amounts to an interest-yielding account for the duration of the mining operations. Where the mineral rights holder defaults in reclaiming the mined land, the EPA will call on the monies paid in respect of the bond to reclaim the land. A certificate of final completion is issued to the holder of the mining rights upon completion of works to reclaim the disturbed land, and after inspection by the EPA.

### 9.3 What are the closure obligations of the holder of a reconnaissance right, exploration right or mining right?

The holder of a mining lease must, before closing a mine site, ensure that emission of polluted water, air or dust does not occur

from the closed mine site, and must submit a mine closure plan to the Inspectorate Division for approval. He/she must also rehabilitate the mining areas which are no longer required for mining operations.

The holder of a mining lease is also required to post a reclamation bond based on an approved work plan for reclamation.

In the case of mining operations, the holder of the mining rights who undertakes mining operations must, prior to beginning its operations, and as part of the process of application for an environmental permit, enter into a reclamation security agreement with the EPA. This usually requires the holder of the mining rights to pay specified amounts to an interest-yielding account for the duration of the mining operations. Where the mineral rights holder defaults in reclaiming the mined land, the EPA will call on the monies paid in respect of the bond to reclaim the land. A certificate of final completion is issued to the holder of the mining rights upon completion of works to reclaim the disturbed land, and after inspection by the EPA.

### 9.4 Are there any zoning or planning requirements applicable to the exercise of a reconnaissance, exploration or mining right?

A person who intends to engage in mining operations must obtain prior written approval, in the form of a written permit, from the District Planning Authority. The District Assembly must consult public agencies and local communities in the determination of an application for a permit prior to the adoption of an approved District Development Plan.

## 10 Native Title and Land Rights

### 10.1 Does the holding of native title or other statutory surface use rights have an impact upon reconnaissance, exploration or mining operations?

Persons who have native title to land or other statutory surface use rights may continue exploitation and use of the land, provided their use does not interfere with the holder of the mineral rights. Additionally, those with native title or other statutory surface use rights are entitled to compensation from the holder of the mining lease.

## 11 Health and Safety

### 11.1 What legislation governs health and safety in mining?

The Minerals and Mining (Health, Safety and Technical) Regulations, 2012 (L.I 2182) have detailed provisions on health and safety.

The Minerals and Mining (Explosives) Regulations, 2012 (L.I 2177) regulate the conveyance, storage, possession, manufacture and use of explosives for mining, quarrying and civil works, as well as substances used for the manufacture of explosives.

Additionally, the Labour Act, 2003 (Act 651) and its subsidiary legislation, and the Environmental Protection Act, 1994 (Act 490) and its subsidiary legislation also contain provisions on health and safety generally, which may be applied to mining operations.

### 11.2 Are there obligations imposed upon owners, employers, managers and employees in relation to health and safety?

Yes, some of the key obligations are as follows:

1. A manager of a mine must, in relation to the mine, take the necessary steps to ensure that adequate ventilation is supplied to places where persons are travelling or working underground. The manager of a mine shall ensure that the quality of air is continuously monitored to enable the detection of carbon monoxide in main return airways. He must also ensure that the data relating to the monitoring is transmitted to the central control room at the surface.
2. A person who engages in the procurement, transportation, storage, use and disposal of cyanide products for gold processing purposes shall appoint a qualified person to be responsible for any activity that involves the cyanide products. The manager of a mine is responsible for the safe procurement and transportation of cyanide products to the mine site.
3. A manager of a mine or a holder of a small-scale mining licence must organise and maintain a rescue brigade in each mine. Each rescue brigade shall consist of not less than five fully trained persons, including one person who shall act as captain of the brigade.

### 11.3 Are there any unique requirements affecting the mining industry in light of the coronavirus (COVID-19) pandemic?

No, there are not any unique requirements affecting the mining industry in light of the COVID-19 pandemic.

## 12 Administrative Aspects

### 12.1 Is there a central titles registration office?

The Minerals Commission is required to maintain a register of mineral rights in which shall be promptly recorded applications, grants, variations and dealings in, assignments, transfers, suspensions and cancellations of the rights. The register shall be open to public inspection on payment of a prescribed fee and members of the public shall be given a copy of the records upon request to the Commission and the payment of a prescribed fee.

### 12.2 Is there a system of appeals against administrative decisions in terms of the relevant mining legislation?

An aggrieved person who considers that their rights may have been breached by the Minister or other government officials in respect of any of the licences issued under the mining laws, may apply to the High Court under Ghanaian administrative law.

Additionally, the principal mining legislation provides for alternative dispute resolution for disputes arising between a holder of a mineral right and the State.

## 13 Constitutional Law

### 13.1 Is there a constitution which has an impact upon rights to conduct reconnaissance, exploration and mining?

The Ghanaian Constitution provides that every land in its natural state in, under or upon any land in Ghana, rivers, streams or

water courses throughout Ghana, the exclusive economic zone and any area covered by the territorial sea or continental shelf is the property of the Republic of Ghana, which is vested in the President on behalf of, and in trust for, the people of Ghana.

Additionally, any transaction, contract or undertaking involving the grant of a right or concession by or on behalf of any person, including the Government of Ghana, to any other person or body of persons for the exploitation of any mineral, water or other natural resources of Ghana, is subject to ratification by Parliament.

However, Parliament may, by resolution, supported by the votes of at least two-thirds of the members of Parliament, exempt any particular class of transactions, contract or undertaking from the requirement of Parliamentary ratification.

### 13.2 Are there any State investment treaties which are applicable?

Ghana has signed and ratified bilateral investment treaties with Burkina Faso, China, Denmark, Germany, Malaysia, the Netherlands, Serbia, Switzerland and the United Kingdom.

## 14 Taxes and Royalties

### 14.1 Are there any special rules applicable to taxation of exploration and mining entities?

Yes, the tax payable for mineral operations is 35% of the chargeable income derived from mineral operations for each year of assessment. In order to ascertain the assessable income from mineral operations of a person, each separate mineral operation is treated as an independent business. The tax liability for the business is calculated independently for each year of assessment.

The holder of a mineral right may be granted the following: a) exemption from payment of customs import duty in respect of plant, machinery, equipment and accessories imported specifically and exclusively for the mineral operations; b) exemption of staff from the payment of income tax on furnished accommodation at the mine site; c) immigration quota in respect of the approved number of expatriate personnel; and d) personal remittance quota for expatriate personnel free from tax imposed by an enactment regulating the transfer of money out of the country.

The Minister for Lands and Natural Resources may, as a part of a mining lease, enter into a stability agreement with the holder of the mining lease, to ensure that the holder of the mining lease will not be adversely affected by subsequent changes to the level and payment of royalties, taxes, fees and other fiscal imports. A stability agreement shall not exceed 15 years and is subject to ratification by Parliament.

### 14.2 Are there royalties payable to the State over and above any taxes?

Yes, 5% of the total revenue earned from mining operations is payable to the State.

## 15 Regional and Local Rules and Laws

### 15.1 Are there any local provincial or municipal laws that need to be taken account of by a mining company over and above National Legislation?

No, there are not any local provincial or municipal laws that need to be taken account of by a mining company over and above national legislation.

**15.2 Are there any regional rules, protocols, policies or laws relating to several countries in the particular region that need to be taken account of by an exploration or mining company?**

Yes, the Africa Mining Vision and its Action Plan, which seek to use Africa's mineral resources to reduce the continent's poverty and accelerate its social and economic development. The Africa Mining Vision was adopted by African Heads of State to create an opportunity for African states to actually benefit from their mineral resources.

The Economic Community of West African States (ECOWAS) Directive on the Harmonisation of Guiding Principles and Policies in the Mining Sector and the ECOWAS Mineral Development Policy provide guidelines to promote the development of an efficient mineral sector in the region.

## **16 Cancellation, Abandonment and Relinquishment**

**16.1 Are there any provisions in mining laws entitling the holder of a right to abandon it either totally or partially?**

Yes, a holder of a mineral right may surrender all or part of the land subject to a mineral right. The holder may apply to the Minister for a certificate of surrender not later than two months before the date on which the holder wishes the surrender to take effect. The grant of the certificate of surrender will be dependent on whether the holder has satisfied its obligations under the licence.

**16.2 Are there obligations upon the holder of an exploration right or a mining right to relinquish a part thereof after a certain period of time?**

Yes, prior to the expiration of its initial term, a holder of a prospecting licence is required to surrender at least half the number

of blocks of the prospecting area, provided a minimum of 125 blocks remain the subject of the licence and the blocks form not more than three discrete areas each consisting of a) a single block, or b) a number of blocks, each having a side in common with at least one other block in that area.

A holder of a prospecting licence may apply to the Minister for exemption, either wholly or in part, where a delay in the issuance of permits occasioned by a government agency or institution has affected the holder's ability to discharge its obligations under the prospecting licence. The application must be made at least one month before the expiration of the licence (or shorter where the Minister permits it) and the exemption, if granted, may not be for a period of more than 12 months.

**16.3 Are there any entitlements in the law for the State to cancel an exploration or mining right on the basis of failure to comply with conditions?**

Yes, the State (through the Minister of State responsible for the mining industry) may suspend or cancel a licence issued in respect of exploration or mining if the holder fails to comply with the conditions indicated in their licence.

A licence may also be suspended or cancelled if the holder: a) fails to make any required payment to the Republic of Ghana or another person on the due date; b) becomes insolvent or bankrupt, enters into an agreement or scheme of composition with the holder's creditors, or takes advantage of an enactment for the benefit of its debtors or goes into liquidation, except as part of a scheme for an arrangement or amalgamation; c) makes a statement to the Minister in connection with the mineral right which the holder knows or ought to have known to be materially false; or d) for a reason, becomes ineligible to apply for a mineral right under the Minerals and Mining Act, 2006 (Act 703).





**Nana Ama Botchway** is the founder of N. Dowuona & Company. She is ranked as a leading lawyer in *The Legal 500*, *Chambers and Partners*, and the *International Financial Law Review*. She has advised on numerous significant investments and divestments in Ghana and in other parts of Africa, including: the US\$200 million sale of Fan Milk International; the acquisition, development and divestment of the Mövenpick Ambassador Hotel; and Leapfrog Strategic African Investment's US\$180 million investment in the Enterprise Insurance Group.

Nana Ama is a graduate of Princeton University's Woodrow Wilson School Undergraduate Program, New York University's Stern School of Business and Columbia University School of Law.

**N. Dowuona & Company**

Solis House  
GL-056-7567 Adembra Road  
East Cantonments, Accra  
Ghana

Tel: +233 244 319 936  
Email: [NanaAma@ndowuona.com](mailto:NanaAma@ndowuona.com)  
URL: [www.ndowuona.com](http://www.ndowuona.com)



**Naa Atswei Koney** is an associate at N. Dowuona & Company. Her areas of focus are litigation and dispute resolution, labour and employment, and environment. Her recent work with the firm includes representing the local subsidiary of a multinational commodity trading company in the petroleum sector in their commercial debt recovery actions. She also advised on labour and employment matters in the proposed acquisition of an offshore subsidiary of a leading petroleum company with interests in petroleum assets in Ghana. Additionally, she has advised on local and international environmental legal and regulatory compliance for a natural gas project.

Naa Atswei holds two bachelors' degrees in Zoology and Law, respectively, both from the University of Ghana. She also holds a Master of Philosophy degree in Environmental Science, also from the University of Ghana. She is admitted to practise law in Ghana.

**N. Dowuona & Company**

Solis House  
GL-056-7567 Adembra Road  
East Cantonments, Accra  
Ghana

Tel: +233 302 794 001  
Email: [NaaAtswei@ndowuona.com](mailto:NaaAtswei@ndowuona.com)  
URL: [www.ndowuona.com](http://www.ndowuona.com)



**Eyram Homenya** is a pupil at N. Dowuona & Company. Her areas of focus are banking and finance, corporate and commercial, and taxation. Her recent work with the firm includes advising on a tax transaction involving the disposal of interests in Ghana by a multinational gold mining corporation, participating in due diligence processes for the grant of a credit facility to a fintech company, and advising an international company on the tax implications of re-domiciliation. She also routinely participates in various due diligence activities for investor clients of the firm.

Eyram obtained her LL.B. from the University of Ghana, Legon, and a professional certificate from the Ghana School of Law. She is admitted to practise law in Ghana.

**N. Dowuona & Company**

Solis House  
GL-056-7567 Adembra Road  
East Cantonments, Accra  
Ghana

Tel: +233 302 794 001  
Email: [Eyram@ndowuona.com](mailto:Eyram@ndowuona.com)  
URL: [www.ndowuona.com](http://www.ndowuona.com)

N. Dowuona & Company is a dynamic legal and strategic advisory firm, with the mission to help our clients minimise legal risk and achieve their goals by providing innovative legal solutions and a world-class client service experience.

Our team of creative and dedicated professionals has more than 40 years of local and international experience in law and business. We combine this experience with a creative and flexible approach to deliver comprehensive, concise and commercial advice for all our clients.

Over the past decade, we have earned a reputation for being responsive, effective and efficient at providing the highest quality legal services in our market. Our priority is always to understand and anticipate our clients' specific needs and then to use our local knowledge and international expertise to meet them.

We offer clients the best of both worlds – a modern, forward-looking firm that is able to combine broad international experience with a deep knowledge of the Ghanaian regulatory regime and political and economic environment.

[www.ndowuona.com](http://www.ndowuona.com)

**n . d o w u o n a & c o m p a n y**  
legal and strategic advisory services

# ICLG.com



## Current titles in the ICLG series

Alternative Investment Funds	Franchise
Anti-Money Laundering	Gambling
Aviation Finance & Leasing	Insurance & Reinsurance
Aviation Law	International Arbitration
Business Crime	Investor-State Arbitration
Cartels & Leniency	Lending & Secured Finance
Class & Group Actions	Litigation & Dispute Resolution
Competition Litigation	Merger Control
Construction & Engineering Law	Mergers & Acquisitions
Consumer Protection	Mining Law
Copyright	Oil & Gas Regulation
Corporate Governance	Patents
Corporate Immigration	Pharmaceutical Advertising
Corporate Investigations	Private Client
Corporate Tax	Private Equity
Cybersecurity	Product Liability
Data Protection	Project Finance
Derivatives	Public Investment Funds
Designs	Public Procurement
Digital Business	Real Estate
Digital Health	Renewable Energy
Drug & Medical Device Litigation	Restructuring & Insolvency
Employment & Labour Law	Sanctions
Enforcement of Foreign Judgments	Securitisation
Environment & Climate Change Law	Shipping Law
Environmental, Social & Governance Law	Technology Sourcing
Family Law	Telecoms, Media & Internet
Fintech	Trade Marks
Foreign Direct Investment Regimes	Vertical Agreements and Dominant Firms

The International Comparative Legal Guides are published by:

**gig** global legal group