

**IN THE FIRST SESSION OF THE SEVENTH  
PARLIAMENT OF THE FOURTH REPUBLIC OF  
GHANA**

**REPORT OF THE ADHOC COMMITTEE TO  
INVESTIGATE THE EFFECTS OF SAND WINNING  
IN THE COUNTRY**



***JUNE, 2017***

# **REPORT OF THE ADHOC COMMITTEE TO INVESTIGATE THE EFFECTS OF SAND WINNING IN THE COUNTRY**

## **1.0 INTRODUCTION**

- 1.1 The Hon. Member of Parliament for Nsawam-Adoagyiri Constituency, Mr. Frank Annoh-Dompreh, on Wednesday, 15<sup>th</sup> February, 2017, made a Statement on the Floor of Parliament in which he drew the attention of the House to the adverse effects of sand winning operations in the country, particularly its potential threat to food security. The Statement also called on the House to take the necessary steps to arrest the situation.
- 1.2 In view of the ensuing sentiments and concerns expressed by Hon. Members, the Rt. Hon. Speaker constituted a 5-Member Adhoc Committee (List attached as APPENDIX I) to conduct an inquiry into the matter and report to the House pursuant to Article 103 (1) of the 1992 Constitution and Order 191 of the Standing Orders of Parliament.

## **2.0 TERMS OF REFERENCE**

- 2.1 The Terms of Reference for the Committee were to:
  - a. examine the adequacy of the existing legal framework regulating sand winning in the country;
  - b. assess the capacity and effectiveness of the existing institutions responsible for regulating sand winning in the country;
  - c. assess the impact of sand winning in the country; and
  - d. make recommendations to the House on the way forward.

## **3.0 METHODOLOGY**

- 3.1 The Committee adopted the following methodology in its inquiry:
  - a. Reviewed the legal framework regulating sand winning in the country;
  - b. Engaged stakeholders including Minerals Commission, Environmental Protection Agency, Water Resources Commission, Ministry of the Interior, farmers, traditional authorities, Sand and Stone Contractors and Tipper Truck Owners' Associations,

selected District Assemblies and the Ghana Police Service and other Security Officers at the District level to understand their challenges; and

- c. Carried out field visits to sand winning prevalent areas in the Central, Eastern, Greater Accra and Volta Regions to ascertain the extent of the degradation and the impacts;

#### 4.0 **ACKNOWLEDGEMENT**

4.1 The Committee is grateful to the Inspector General of Police, the Officials of the Environmental Protection Agency (EPA), the Minerals Commission, Water Resources Commission, Ministry of the Interior, the Metropolitan, Municipal and District Coordinating Directors of Awutu Senya East and West in the Central Region, Ga West and South in the Greater Accra Regions, Ayensuano and Nsawam in the Eastern Region and North Tongu in the Volta Region as well as the chiefs and people of these communities for their diverse support and openness during the engagement and field visits.

#### 5.0 **REFERENCE DOCUMENTS**

5.1 The Committee made reference to the under-listed documents during the inquiry:

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- a. The 1992 Constitution;
- b. Standing Orders of the House;
- c. Minerals Commission Act, 1993 (Act 450);
- d. Minerals and Mining Act, 2006 (Act 703)
- e. Environmental Protection Act, 1994 (Act 490);
- f. Environmental Assessment Regulations, 1999 (LI 1652);
- g. Water Resources Commission Act, 1996 (Act 522);
- h. Forestry Commission Act, 1999 (Act 571); and
- i. Local Governance Act, 2016 (Act 936)

## 6.0 OBSERVATIONS

### 6.1 Existing Legal frameworks

- 6.1.1 The Committee noted that Article 268 of the 1992 Constitution and Section 5(4) of the Minerals and Mining Act, 2006 (Act, 703) require Parliament to ratify all transactions, contracts or undertakings involving the grant of a right or concession for the exploitation of minerals in the country. Again, sand and gravels are classified as industrial minerals under the Mining and Minerals Act, 2006 (Act 703) which suggests that the grant of a right for their exploitation must equally be ratified by Parliament. The inquiry revealed that these constitutional imperatives have not been complied with by Minerals Commission and the Ministry of Lands and Natural Resources.
- 6.1.2 The Committee also observed that the Minerals Commission has granted rights to individuals to win sand contrary to Section 10 of the Minerals and Mining Act, 2006 (Act, 703). Section 10 of Act 703 states that, *“unless otherwise provided in this Act, a mineral right shall not be granted to a person unless the person is a body incorporated under the Companies Code 1963 (Act 179), under the Incorporated Private Partnerships Act 1962 (Act 152) or under an enactment in force”*. The practice of granting rights to individuals has made it difficult to track contractors in the event of failure to reclaim the land after winning the sand.
- 6.1.3 It was also noted that, under Schedule 2 (11) (c) of the Environmental Assessment Regulations, 1999 (LI 1652), it is mandatory for any entity undertaking sand winning to secure environmental permit from the EPA. However, the Committee gathered that more than 85% of the Sand Winners were operating without environmental permits and without restraint by the EPA. The Officials of the EPA attributed the widespread of illegal operations to low penalty regime for offenders. The prescribed penalty for sand winning offences under Regulation 29 of the L.I 1652 is two Hundred Ghana Cedis (GH¢200).
- 6.1.4 Another important observation made by the Committee was the cumbersome procedure and the duration within which a prospective sand winner has to go through to secure a

licence to operate. It was noted that under Section 12 and 13(1) of the Minerals and Mining Act, 2006 (Act 703) and Regulations 7(3), 13(1) and 16(3) of the Environmental Assessment Regulations, 1999 (LI 1652), that the maximum duration for the issuance of license is about eleven (11) months. The Committee however gathered that in practice, it takes over two (2) years to acquire a license. As a result of the cumbersome procedure, applicants who are impatient usually enter the concessions without license and win sand illegally. It must be emphasised that unlike other mining ventures, which takes reasonable period to exhaust the mineral potential of the area, sand winning can take just a week to exhaust the sand deposit covering an area of about 25 acres. Therefore, impatient applicants can enter the concessions illegally and exhaust the sand deposit within a short period.

**6.1.5** Also, Section 83 of the Minerals and Mining Act, 2006 (Act 703) specifies the qualification for small scale mining operations in the country. Under the said Section, only citizens of Ghana, who have attained the age of 18 and registered with the Minerals Commission qualify to be issued a small-scale licence to operate. Regrettably, the Committee observed that certain companies owned and operated by other nationals were winning sand in the Volta river. Further inquiry by the Committee revealed that the District Assembly as well as the Police were fully aware of their operations but failed to halt them. It was further noted that the heavy-duty trucks operated by the said companies have damaged the road network within the areas of their operations.

**6.1.6** The Committee noted that Regulation 23 of the Environmental Assessment Regulations, 1999 (LI 1652) requires mining companies including sand winners to post a reclamation bond as part of their reclamation plan when securing an environmental permit. The Committee observed that this provision was not being enforced by the Environmental Protection Agency. As a result, no funding mechanism exists to support reclamation efforts either by District Assemblies or EPA whenever an entity fails to do so.

**6.1.7** The Committee also observed some irregularities in the use of mineral rights. It was noted that mineral rights granted for particular concessions were used at different sites and also transferred from one company to another in breach of the law. Sections 13(1) and (14) (1) of Act 703 provides that mineral rights shall be limited to the specific area upon which the right was granted and that such right shall not in whole or in part be transferred without the prior approval in writing by the Minister.

**6.1.8** The Committee further observed some irregularities in the publication of notices in respect of application for a mineral right. Section 13(2) of Act 703 and Regulation 16(3) of LI 1652 requires the Minister responsible for Mining and the Environmental Protection Agency to give sufficient notice to the chiefs and the allodial title holders of a mining right being considered in relation to their land. The Committee observed that such notices are mostly placed at the offices of the District Assemblies far away from the residents of the affected communities. The effect is that affected communities, particularly farmers, are not properly informed to enable them prepare adequately to vacate their lands for such operations to take place or demand reasonable compensation as provided under Section 94 of the Act, 703.

## **6.2 ROLES, FUNCTIONS AND CHALLENGES OF THE REGULATORY INSTITUTIONS**

### **6.2.1 Minerals Commission**

Section 2 of Act 450 mandates the Minerals Commission to regulate and manage the utilisation of mineral resources in the country including monitoring the implementation of laid down policies of the Government on minerals. The Committee however found that the Commission has not performed its responsibilities under the law satisfactorily. The inquiry revealed that about eighty-five per cent (85%) of sand winners are operating illegally. The Commission attributed this state of affairs to inadequate staff, logistics and lack of cooperation from other relevant regulatory bodies. The Officials of the Commission further explained that the illegal sand winners operate at night and are

usually armed with deadly weapons thereby making it difficult for the Commission to apprehend them. It was also noted that, though, taskforces have been established by some District Assemblies to assist the Commission to combat the menace, most of them are not functional due to logistical constraints.

### **6.2.2 Environmental Protection Agency**

The EPA is mandated under the Environmental Protection Act, 1994 (Act 490) to implement policies and programmes that ensures environmental sustainability. Section 2 of Act 490 mandate the EPA, to among others, prescribe standards and guidelines on any form of land use likely to affect the environment; liaise with the District Assemblies and other institutions to protect the environment; and pursue educational programmes and awareness creation on the environment and its importance to the economic and social life of the country.

The Committee observed that the EPA has also not lived up its expectation as provided by Act 490. For instance, the level of the community awareness regarding the procedure for licence acquisition for sand winning was observed to be very low. Similarly, some of the sand winners who have acquired licence were not following the guidelines provided by the EPA. An engagement with the EPA revealed that the Staff strength compared to the enormity of the task on the ground - especially with the upsurge of *galamsey* operations in the country, is far too low to adequately combat the menace. The Eastern Regional EPA Director, for instance, informed the Committee that only four officers were serving the entire Eastern Region thereby making it extremely difficult for the Agency to undertake any effective monitoring exercise.

### **6.2.3 District Assemblies**

The Local Governance Act, 2016 (Act 936), specifically Section 12(3)(a) places the overall development of the districts at the bosom of the Assemblies including sustainable land use. The Committee gathered that the District Assemblies are mostly interested in the revenue accruing from sand winning operations at the expense of the degradation of the environment. For instance, the Committee observed that fees ranging from ten to

twenty Ghana Cedis per Truck of Sand were being collected at revenue check-points even though the Assemblies were fully aware that the practice was illegal.

#### **6.2.4 Security Agencies**

The Committee noted that some of the police personnel were not abreast with the legal framework regulating sand winning in the country. As a result, reported cases were not given the needed attention.

The above notwithstanding, the Committee observed that some District Police Offices lack the necessary logistics to clamp down on the activities of illegal sand winners. The Ayensuano District Police Commander, for instance, informed the Committee that his Office do not have even a single vehicle and in some cases, he had to use his old personal vehicle for official purposes.

#### **6.2.5 Water Resources Commission**

Section 2 of Water Resources Commission Act, 1996 (Act 522) places the regulation, management and utilization of water resources in the hands of the Water Resources Commission. Section 24 has prescribed sanctions for any person who interferes, pollutes or alters the flow of water beyond the level prescribed by the Environmental Protection Agency. In spite of these vital roles and the powers conferred on the Water Resources Commission, the Committee observed that many companies, including those owned by foreigners, were destroying some water resources through their sand winning operations with impunity. The Commission attributed its ineffectiveness to human resource constraints. The Commission informed the Committee that its total staff strength nationwide is only forty (40) thereby making it extremely difficult to undertake any meaningful monitoring exercise. The Commission also indicated that it has no dedicated Inspectorate Division to undertake routine monitoring of the activities of permit holders.



### 6.2.6 Traditional Authorities

The role of the traditional authorities in regulating and managing sand winning operations in the country have been identified in two fronts – first, the traditional authorities as custodians of lands, and second, traditional authorities as avenues for publicising notices of pending applications for grant of rights for sand winning operations (Section 13(2) of Act 703). The inquiry revealed that some of the traditional authorities have misconstrued the conferment of ownership of the land to include ownership of minerals found on their lands. This has led to some traditional authorities signing contracts with some sand winners without recourse to the regulatory institutions such as EPA and Minerals Commission.

Regarding their involvement in the twenty-one-day mandatory publication of notices of grant of rights, the traditional authorities disclosed that in most cases, they are not informed about companies applying for concessions. Hence, they are unable to monitor and support the District Assemblies and other relevant State regulatory institutions to ensure the land is reclaimed and to clamp down on operations of the illegal sand winners.

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### 6.3 COORDINATION AND COOPERATION AMONG THE STAKEHOLDERS

Effective coordination and cooperation among State regulatory institutions such as the Minerals Commission, EPA, Water Resources Commission, Security Officers and the Metropolitan, Municipal and District Assemblies are critical to ensuring that the right processes and procedures are followed and complied with by the prospective sand winners. The Committee however gathered that the coordination among these state institutions is very poor. For instance, the coordination among the EPA, Water Resource Commission and Minerals Commission ends just after issuing the licences to a sand winner – no mechanism exists to collaborate with the District Assemblies and the Security Officers to monitor the operations of the sand winners. The Committee observed that the lack of such collaboration has brought about *blame game* – each of the institutions is accusing the other for the upsurge of the menace.

## 6.4 IMPACT OF SAND WINNING

### 6.4.1 Destruction of Arable Lands, Food and Cash Crop:

The Committee observed that the activities of the illegal sand winners had destroyed large tracts of arable lands and cash crops which could have otherwise contributed to food security and also earned the country some foreign exchange (Fig 1. & 2).



*Fig.1 Destruction of a pawpaw plantation by illegal sand winners at Nsawam*

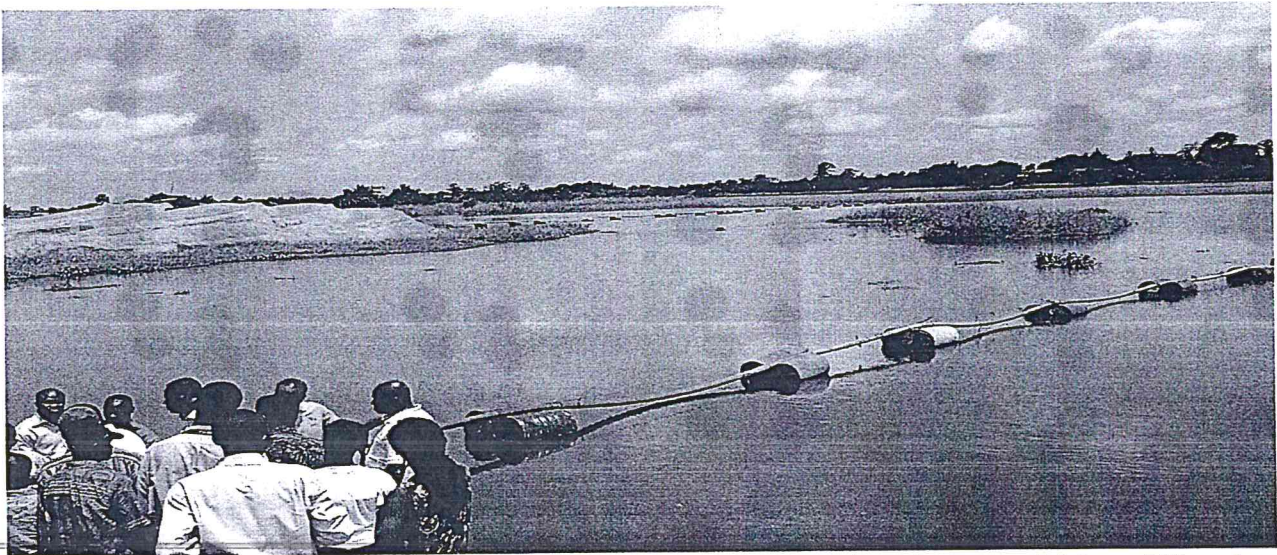


*Fig. 2 Destruction of oil palm plantation by illegal sand winner at Ayensuano*



#### 6.4.2 Obstruction of River Transport and decline in Fish Stocks

The Committee observed that sand winning operations in the Volta River has seriously affected transportation on the river and reduced fish stocks. The worst of all was that the operations were being carried out by foreign national using heavy-duty equipment which cut deep into the water base creating death traps for swimmers and fishermen (Fig. 3 &4). The Committee was informed that several people have drowned in that process.



*Fig. 3 A picture showing a heap of sand at the middle of the river due to activities of illegal sand winners*



*Fig. 4: Interaction with foreign nationals winning sand in the Volta River at Battor*

### 6.4.3 Threat to Public Safety and Upsurge of Conflicts

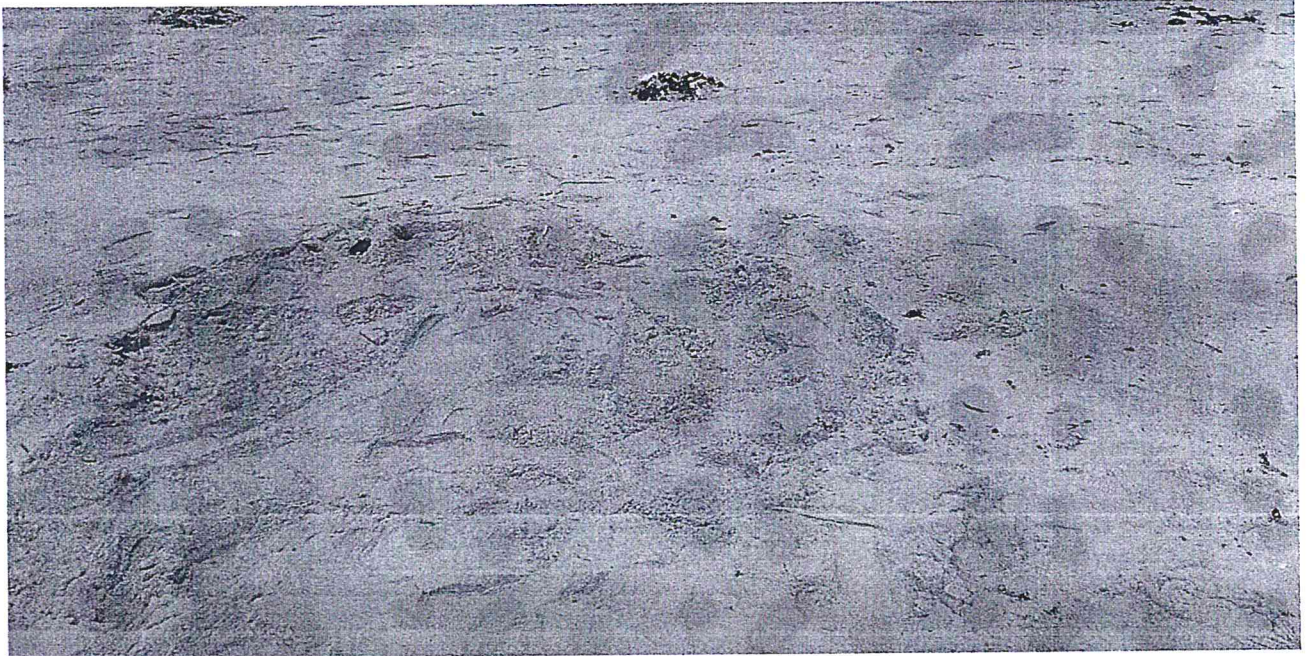
The illegal operations are conducted without conscious effort to rehabilitate the sites after winning the sand. The nature of the footprints left after the sand winning include excavations with stagnant water, slime dams containing mud and water, trenches/ditches, etc (see Fig.5). These pits serve as death traps for the general public particularly women and children who interact more with their surroundings. The Committee was informed that some children have lost their lives in some abandoned pits in Kibi in the Eastern Region. Another person was reported to have been shot dead at Yakoko in the Eastern Region by illegal sand winners when he confronted and questioned the legality of their acts.



*Fig 5: Abandoned pit after winning the sand*

#### 6.4.4 Threat of Coastal Erosion

The Committee was informed by EPA that the use of tipper trucks in beach sand winning account for the loss of about 285,376m<sup>3</sup> a year of sand from the littoral zone in the Cape Coast area. The Committee affirmed this when it visited some of the coastal areas (Fig. 6 & 7).



*Fig. 6 Sand winnings along the beaches*



*Fig. 7: Erection of Sea defense as a result of excessive sand winning*

## 7.0 RECOMMENDATIONS

The Committee recommends as follows:

- 7.1 The Committee recommends that, as part of measures to fully implement the provisions of Article 240 (2) (b) of the 1992 Constitution, the Minister responsible for mining should submit to Parliament, a Bill to amend the Minerals and Mining Act, 2006 (Act 703), to provide for a more decentralised system of license acquisition for sand winning. This will make the license acquisition easier and avert undue delays, which compel applicants to undertake illegal operations. It will also enable the District Assemblies assume ultimate responsibility of ensuring the reclamation of the land after sand winning. This will also avert the current *blame games* amongst the regulatory institutions.
- 7.2 The Committee also recommends an amendment to Section 5(5) of the Minerals and Mining Act, 2006 (Act, 703), to exempt all contracts relating to sand winning from Parliamentary ratification in line with Article 268(2) of the 1992 Constitution. This would facilitate the acquisition of license for sand winning operations.
- 7.3 The Committee also recommends the establishment of a Taskforce consisting of the Security Officers, representatives from the District Assemblies, EPA, Minerals Commission and, where applicable, Water Resources Commission at all the Districts where sand winning operations are more prevalent. The Taskforce should adequately be resourced to effectively carry out its mandate.
- 7.4 The Committee recommends that the Ministry of the Interior and the Ministry of Justice and Attorney Generals' Department should hold capacity building workshops for security officers and Magistrates at the district level where sand winning is more endemic on the legal framework regulating sand winning in the country.
- 7.5 It is also recommended that the Minerals Commission, Environmental Protection Agency and Water Resources Commission should facilitate the prosecution of all persons involved in the illegal activity of sand winning.

- 7.6 The Committee also recommends that District Assemblies, the Minerals Commission and EPA should adequately inform the communities where application for concessions to win sand are being considered to enable the affected farmers negotiate for compensations in line with Section 94 of Act 703. In this regard, suitable communication systems such as community hearings should be employed to complement the 21-day mandatory publication.
- 7.7 It is also recommended that the police should be given a list of the companies issued with sand winning licenses within their respective Districts to enable them identify illegal operators within their respective jurisdictions. The cadastral map of areas leased out for concessions at the district level should also be properly displayed at vantage places including the police offices.
- 7.8 The Committee also recommends the establishment of regional and district offices for Environmental Protection Agency as provided for under Section 11 of Act 490 to enhance their capacity to protect the environment for sustainable development. Opportunity should also be given to EPA to recruit additional Staff to augment the current staff strength to enable the Agency effectively confront the upsurge of illegal mining operations in the country such as *galamsey* and sand winning
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- 7.9 Considering the differences in requirements for sand winning in water as oppose to land, the Committee recommends that as a matter of urgency, the Water Resources Commission should collaborate with EPA to develop unique guidelines for sand winning in water bodies.
- 7.10 The Committee also recommends that the EPA and the Water Resources Commission should intensify their efforts at awareness creation and education on issues affecting the environment including illegal sand winning.
- 7.11 It is also recommended that, as a matter of priority, the Water Resources Commission should be given the opportunity to recruit additional staff to augment the current forty (40) staff serving the entire nation. The Commission must also establish its Inspectorate Division to ensure effective monitoring of the country's water resources.

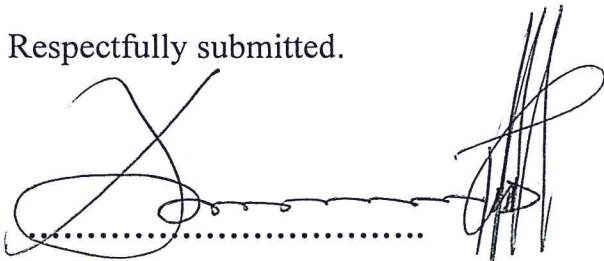
## 8.0 CONCLUSION

The threat to the socio-economic development of the country as a result of widespread illegal sand winning operations cannot be overemphasized. People are being trapped to death in the pits created by sand winning operators; arable lands and cash crops are being destroyed; water bodies are being polluted and water courses are being altered posing threats to human and aquatic life. There is also an upsurge of conflicts within communities in which they operate. Moreover, the existing legal frameworks, particularly the licensing process which can travel up to a period of about two (2) years, are not business friendly to prospective sand winners.

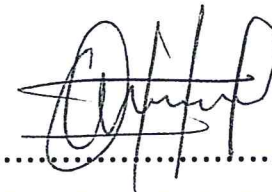
In order to arrest the current spate of environmental degradation emanating from illegal sand winning and achieve sustainable land use such that the needs of the present can be met without compromising the needs of future generations, the Committee strongly suggests for effective implementation of its recommendations.

The Committee accordingly urges the House to adopt its report and urge the affected institutions to furnish the House with status reports on the implementation of the recommendations after six months.

Respectfully submitted.



**HON. FRANK ANNOH DOMPREH**  
**(CHAIRMAN, ADHOC COMMITTEE**  
**ON SAND WINNING)**



**KOFI MENKAH**  
**(CLERK TO THE COMMITTEE)**

June, 2017



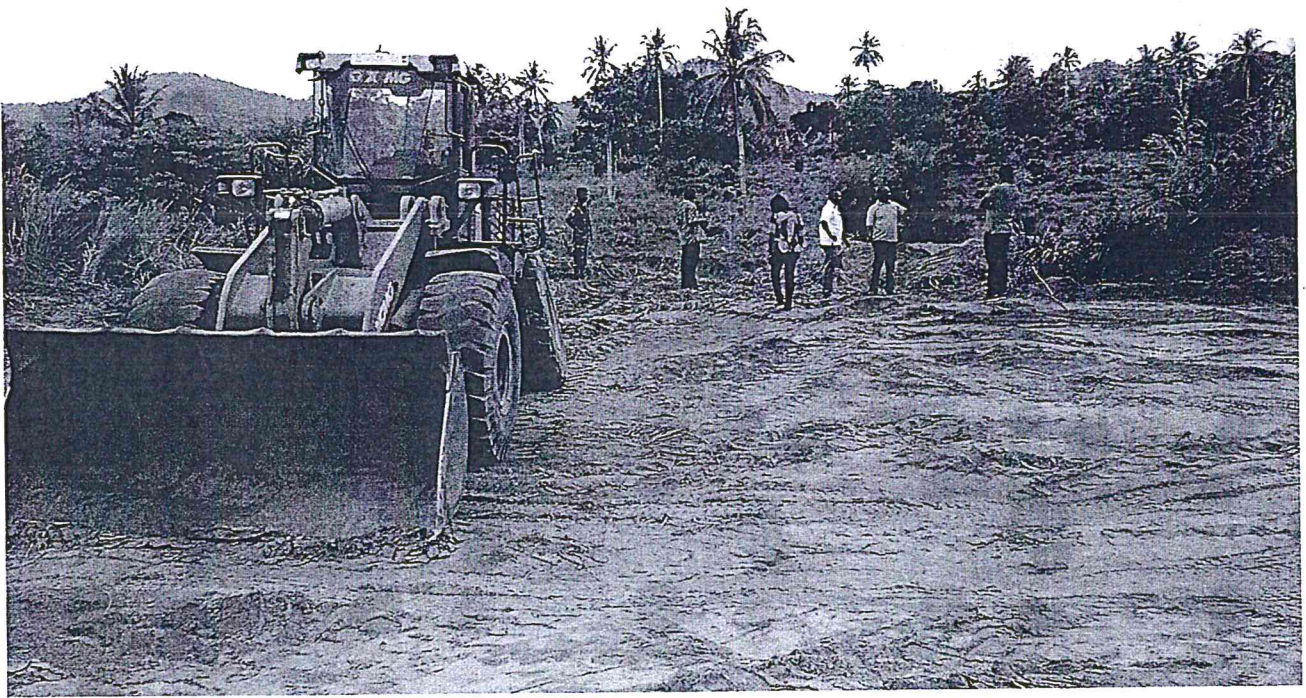
## APPENDIX I – LIST OF COMMITTEE MEMBERS

1. HON. FRANK ANNOH-DOMPREEH - CHAIRMAN OF THE COMMITTEE
  2. HON. ANDY KWAME APPIAH-KUBI - MEMBER OF THE COMMITTEE
  3. HON. ALFRED OKOE VANDERPUIJE - MEMBER OF THE COMMITTEE
  4. HON. SOPHIA KAREN ACKUAKU - MEMBER OF THE COMMITTEE
  5. HON. SAMIU KWADWO NUAMAH(DR)- MEMBER OF THE COMMITTEE
  6. MR. KOFI MENKAH - CLERK TO THE COMMITTEE
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**APPENDIX II – PICTURE GALLERY SHOWING DESTRUCTIVE EFFECTS OF SAND WINNING**



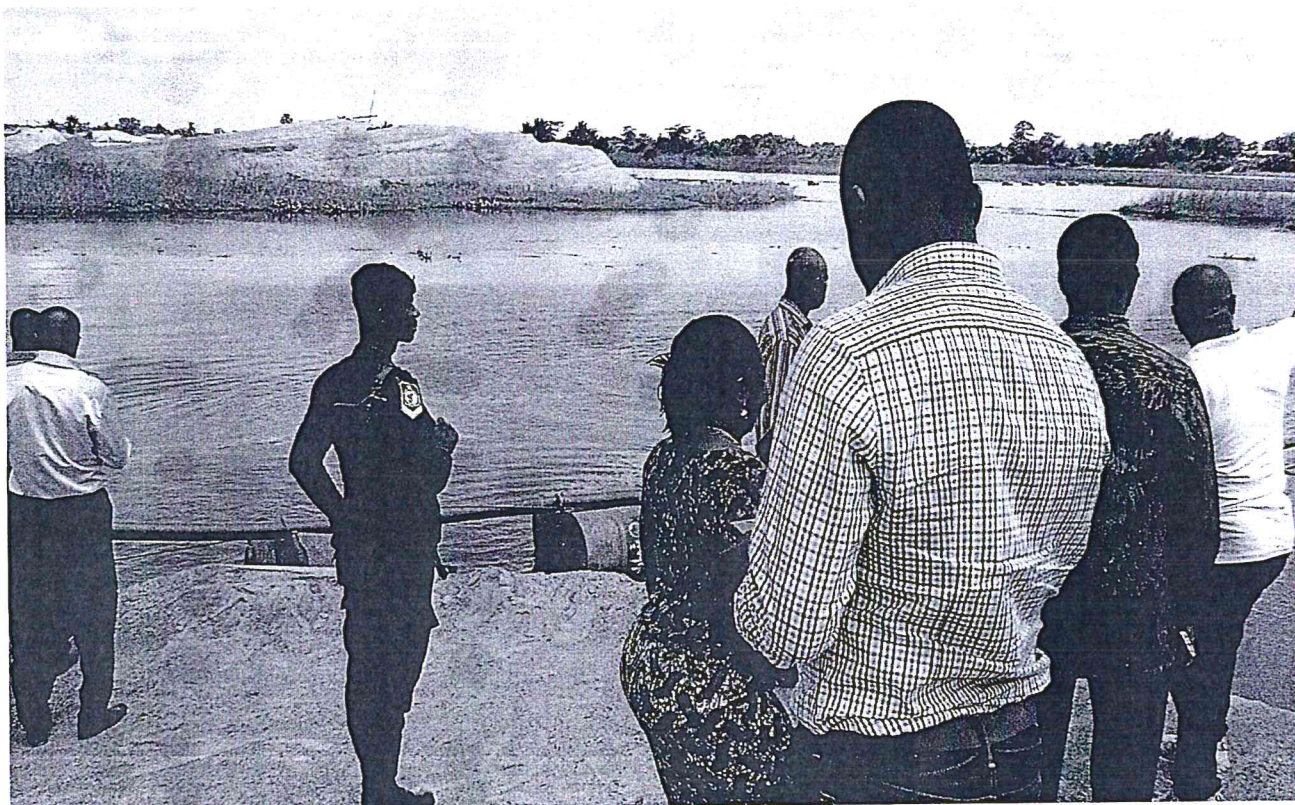
**Large track of land being degraded by illegal sand winners**



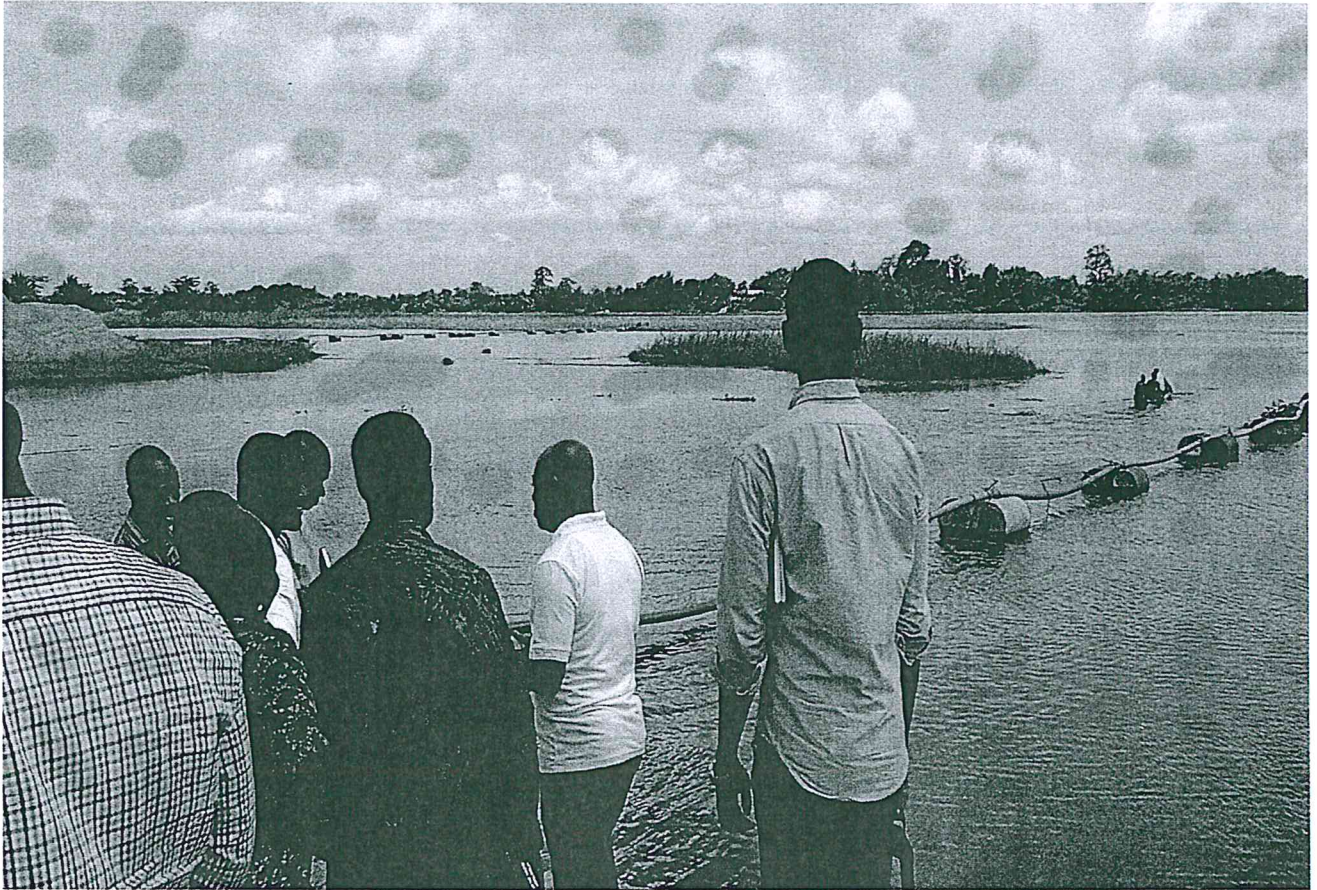
**Oil palm plantation being destroyed by illegal sand winners.**



**Destruction towns roads leading to the operational sites**

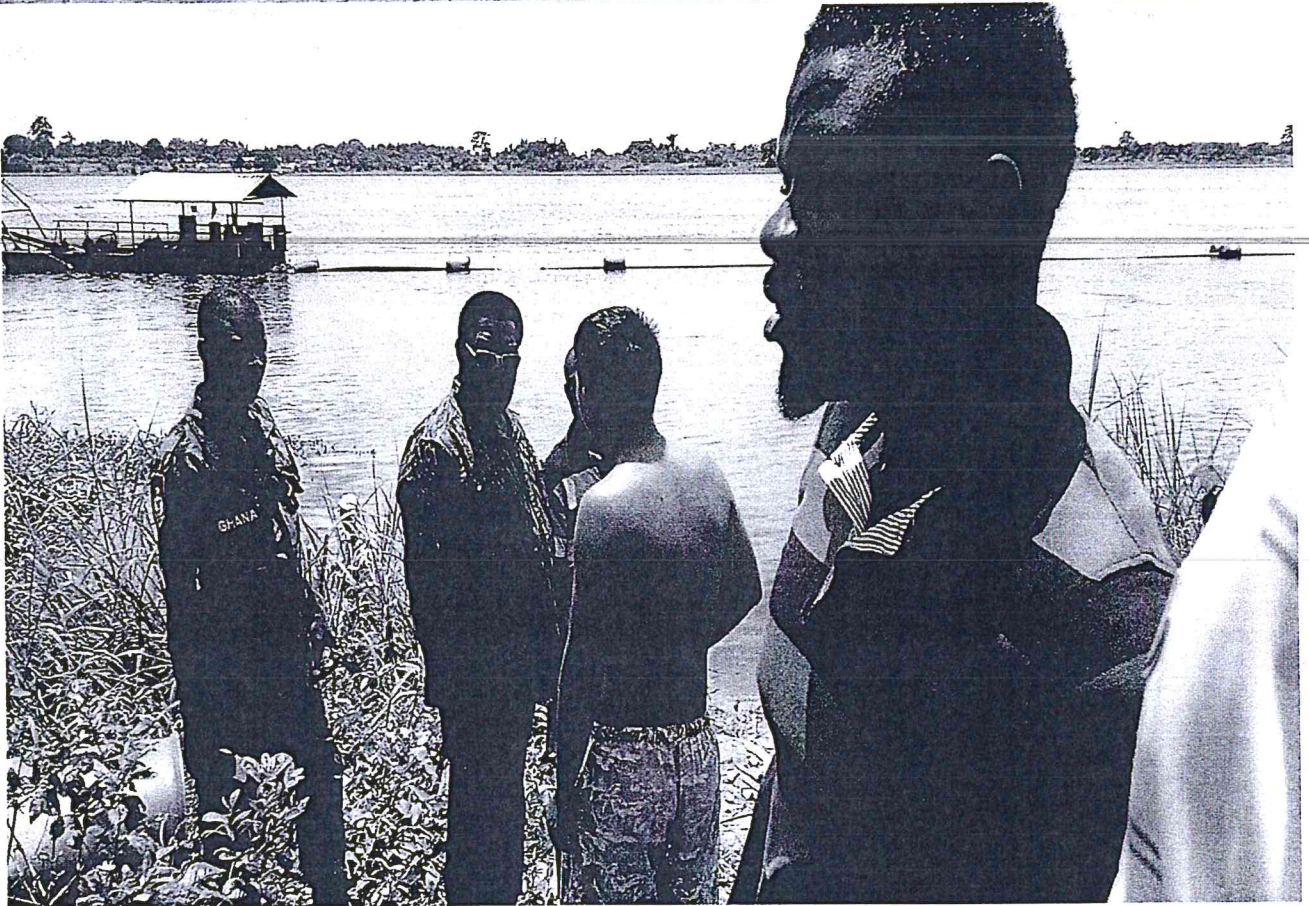


Heaping of sand inside the Volta river impeding water transport

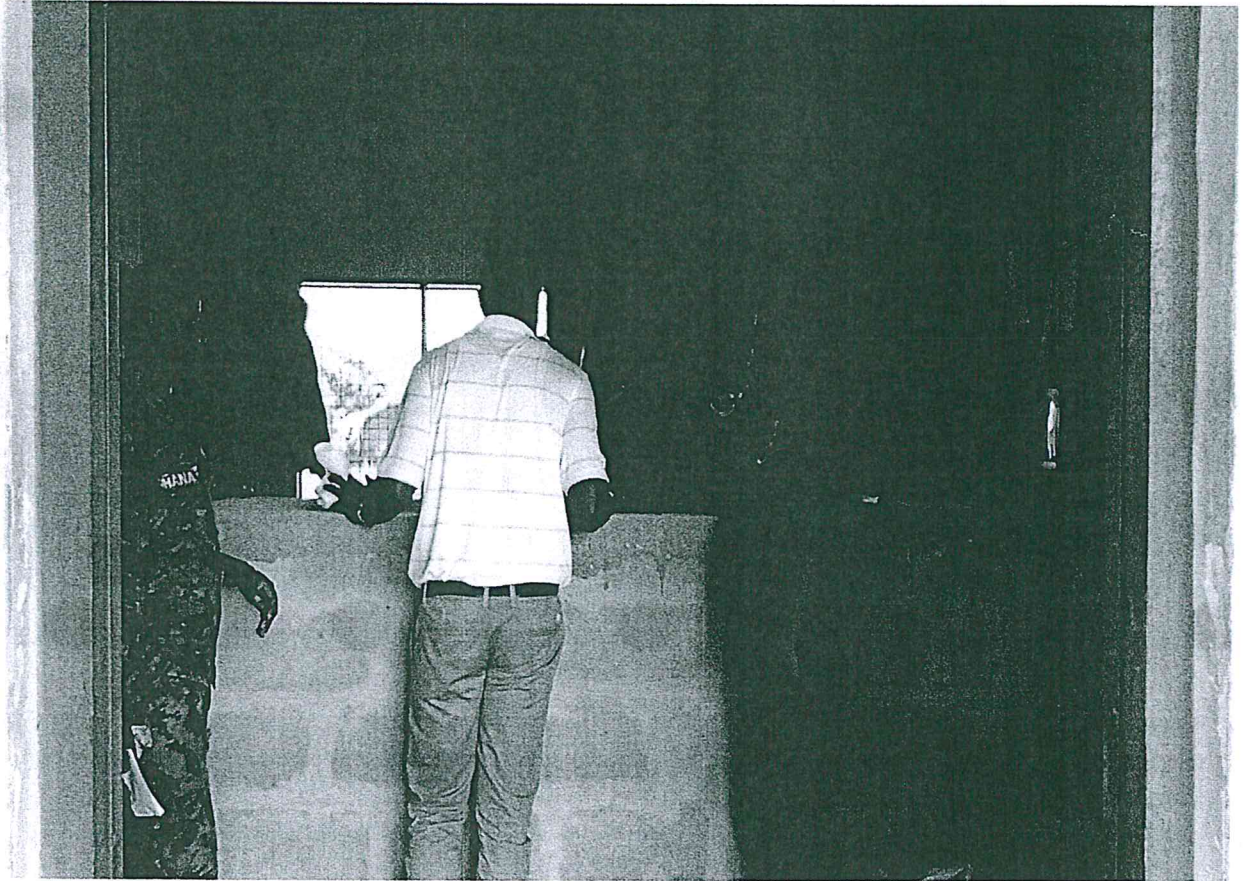


Heap of sand wined from the Volta River



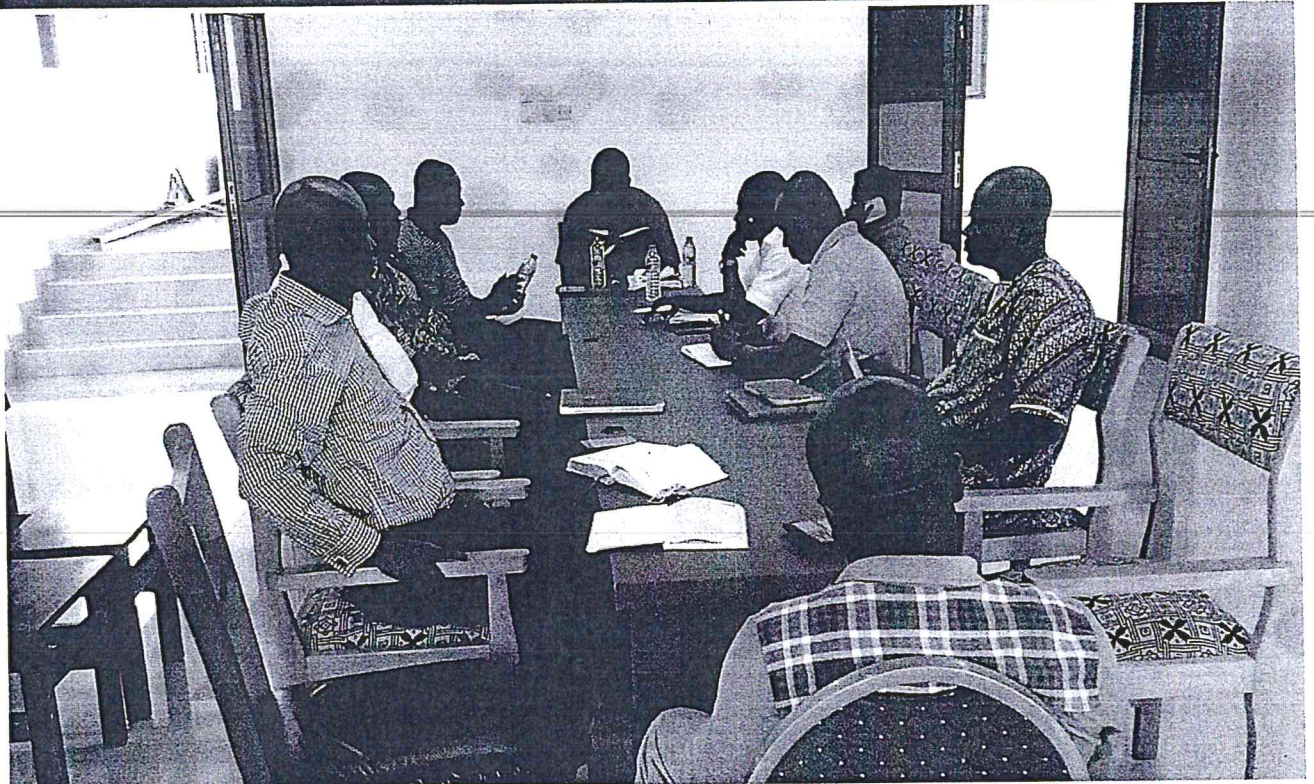
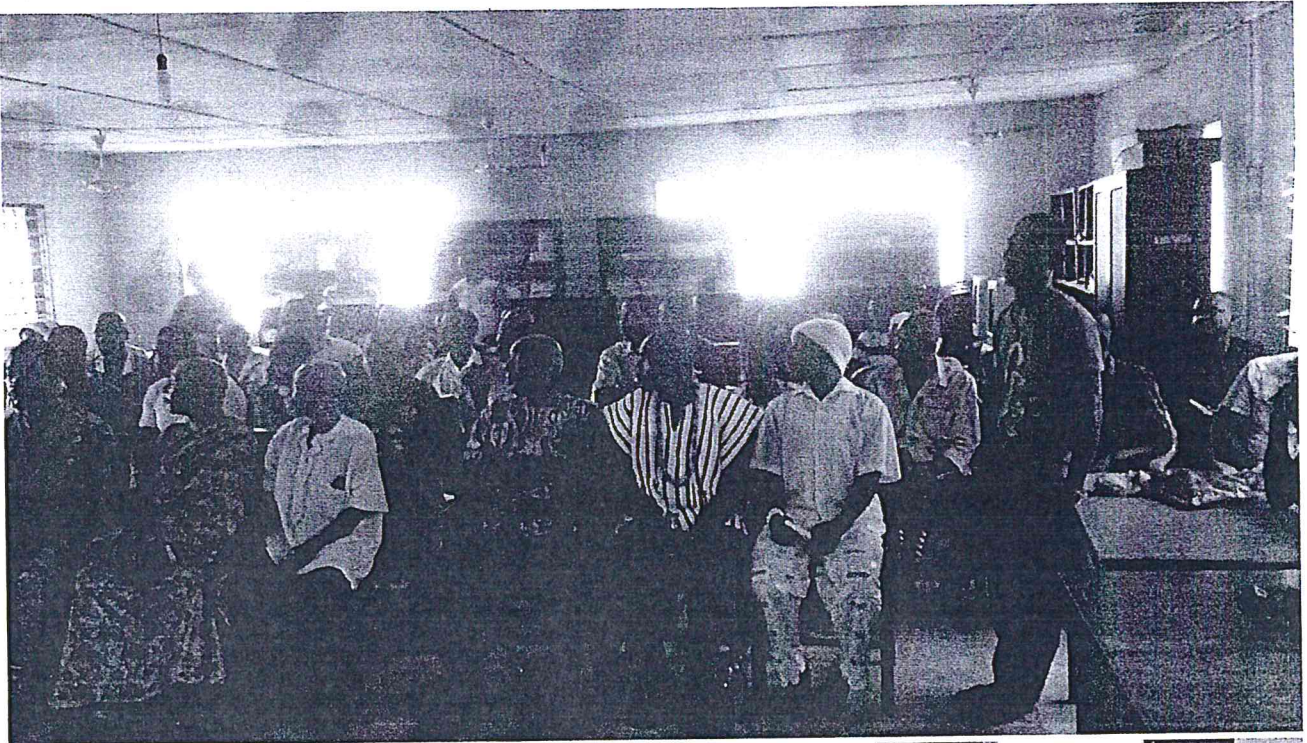


Foreigners winning sand in the Volta River



Some illegal sand winners caught at the site. Chairman of the Committee lodging complain at the police station





Community engagement

