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GrOW Project

“Growth in West Africa: impacts of extractive industry on women’s economic empowerment in Cote d’Ivoire & Ghana”

POLICY BRIEF

Women's Economic Empowerment and the Regulatory Framework for Extractives in Ghana

INTRODUCTION

In as much as Ghana is celebrated for her inclusive democracy and abundance of natural resources, there is a wide disparity in who gets to benefit from the wealth that flows out of the nation. The regulatory environment provides the overarching legal framework governing economic activities and the behaviour of economic actors. A review of the regulatory framework can therefore help to rationalise the specific situation of a particular group in a given sector of the economy, thus identifying opportunities to update the framework.

WHAT'S AT STAKE?

Although the gender gap is largely seen to be narrowing and the general laws of Ghana make attempts to advocate for equality, women in Ghana are visibly underrepresented in the extractive sectors. Women therefore continue to represent a vast and untapped cache of fresh perspectives and innovative solutions to much of the challenges that Ghana faces in the extractive sectors.

In order that Ghana be able to experience the full benefit of the sector, it is imperative to ensure that women are well represented within the sector and have a strong enough voice to impact the sector. This report aims at presenting the necessary information to enable policy makers and relevant stakeholders have a proper appreciation of what is being done, if anything at all, and what more can be done to empower women in the sector.

APPROACH

The report was put together from a critical examination of the legal and regulatory framework that governs the extractive industry as well as employment and labour issues, focusing particularly on how they affect the economic empowerment of women.

Of keen interest was whether the laws and regulations of Ghana offer any direct or indirect opportunities for women economic empowerment in the extractive sector; whether opportunities exist to ensure that the legal and regulatory framework will actually empower women in the extractive sector; and whether there are any limitations or barriers to the goal of having a legal and regulatory framework in the extractive sector that empowers women.

KEY FINDINGS

Unfortunately, the legal and regulatory framework for the extractive sector in Ghana do not directly empower women.

In all of Ghana's substantive laws and legislative instruments governing the said industry, there are no direct references to the empowerment of women in the sector. Ghana's laws and regulations tend to make general references to the rights of Ghanaians as a whole. This is quite a disappointing observation considering the nation's Constitution recognises that special attention needs to be given to women, and that Ghana's Parliament has, in recent years, seen the need for women to be present on the governing boards of the licensing and regulatory bodies of some of the extractive sectors.

The vast majority of the legal and regulatory provisions in Ghana have the effect of indirectly empowering women.

The tone of much of Ghana's law with respect to equality stems from the value placed on same by the Constitution. The main concern for the supreme law of Ghana is that all people be recognised as having equal rights and opportunities. Consequently, much of the substantive laws enacted in Ghana maintain a genderless tone. Fortunately, enough can be gleaned from the totality of Ghana's laws and regulations to establish a collective trend in the legal regime for women's economic empowerment in the extractive sector.

There is a vast array of soft laws and international conventions that hold the potential to massively improve the opportunities women have in the extractive sectors.

Ghana is party to many international conventions that advocate in one way or another for more inclusion of women in all sectors of the economy. The nature of Ghana's legal system is such that these conventions must be ratified and adopted as domestic law before they have effect in Ghana. Nonetheless, these conventions stand as strong potential gains in the campaign to ensure that women are empowered in the extractive sectors. There is also much hope in the possibilities of policies like the 2015 National Gender Policy and the 2016 Affirmative Action Bill providing for women's economic empowerment, including in the extractive sector.

POLICY INSIGHTS

The quest to ensure effective and fair women's participation in the extractive sector should go beyond their mere representation in governance and regulatory institutions.

There must be resourcing and retooling of institutions engaged in advocacy for women's economic empowerment. It is crucial that institutions dedicated to women's empowerment are given a shot in the arm in championing this cause. In essence, efforts centred on advocacy must be scaled up. Women's economic empowerment has the potential to affect the lives of all persons within a given society, and it is therefore of

utmost importance that everyone be given the chance to contribute to making it a reality.

The Courts should liberally apply the provisions in the 1992 Constitution advocating female empowerment and inclusion in pursuance of the agenda of women's economic empowerment.

Ghana is fortunate to have an active and effective third arm of government in its judiciary. This critical avenue must not be left aside in the efforts to ensure the economic rights of women. The Ghanaian people respect the decisions of the courts, and in recent times, court judgments have been agents of change and reform. Society and the push for women's economic empowerment would find great benefit should the courts be tasked as agents of change.

There must be a concerted effort aimed at the passage of the Affirmative Action Bill.

The Bill represents what will hopefully be the first of many enactments that will push the women's empowerment agenda forward. The Bill recognizes that women are marginalized in many sectors and areas in Ghana and that action needs to be taken to level out the disparity between males and females in the workforce. The passage of the Bill will also bring Ghana closer to conforming with the international conventions and would certainly mean that Ghana is making headway on Goal 5 of the Sustainable Development Goals.

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