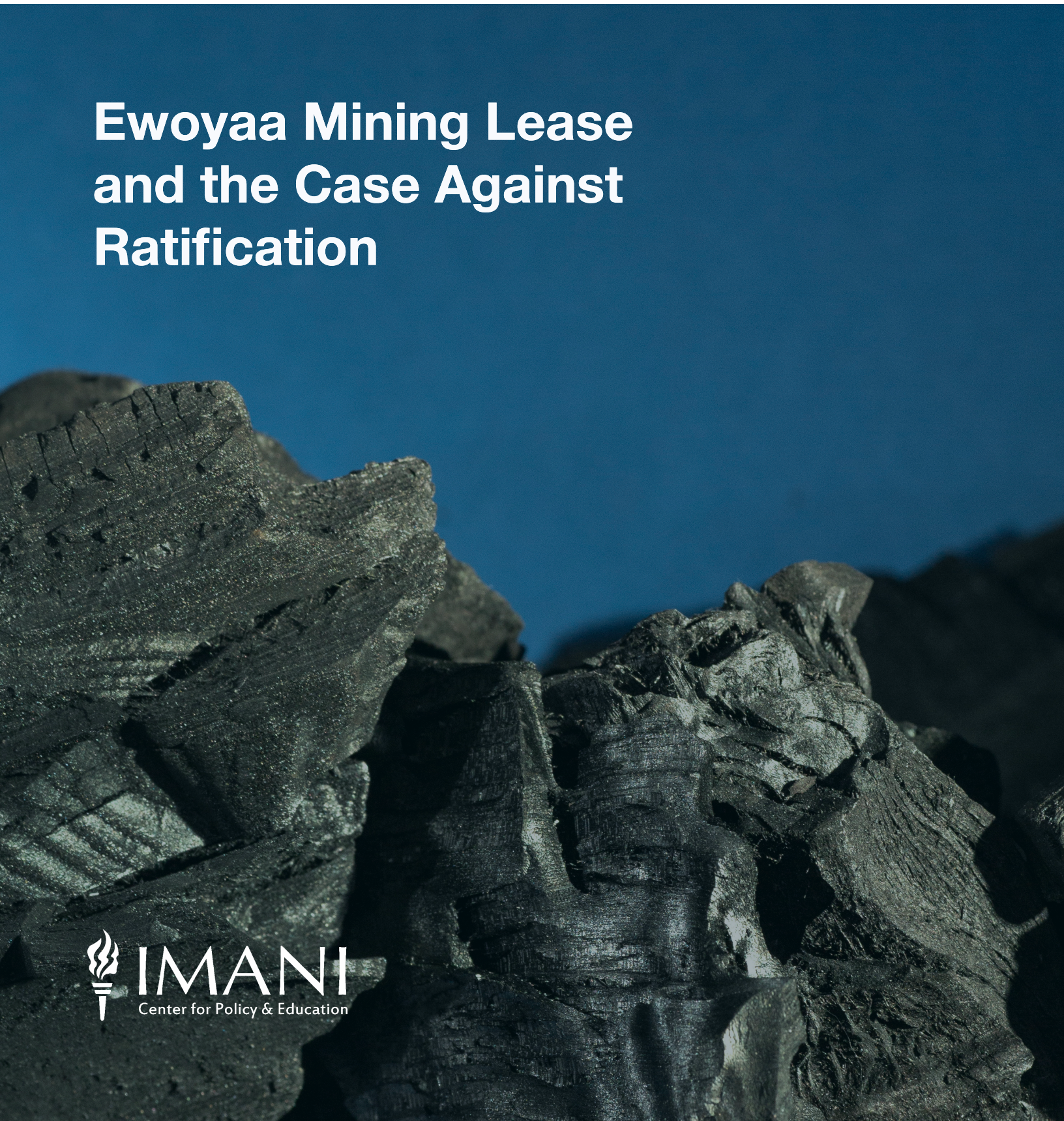
# IMANI CPE Policy Brief

## Ewoyaa Mining Lease and the Case Against Ratification



IMANI
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# EXECUTIVE **SUMMARY**

The World is on the cusp of an extended global transition toward renewable energy and electric mobility. This shift, contested though it is, has precipitated a geopolitical and geoeconomic scramble for critical minerals, placing lithium (often termed "white gold") at the apex of strategic industrial policy. For this reason alone, minerals like lithium cannot be treated like ordinary minerals. Their sophisticated and intricate chemistries intertwine complexly with their geopolitical baggage, creating volatile supply chains, with disruptive economic implications.

For the Republic of Ghana, the discovery of the Ewoyaa lithium deposit in the Central Region represents a seminal opportunity to diversify the national mineral revenue portfolio, which has historically been dominated by gold and hydrocarbons, both mature and reasonably predictable commodity cycles, with little room for creative policymaking. The mere fact that between the 2010s and the early 2020s, tradable lithium compounds rose from just $6000 to over $80,000 clearly signals the unconventional economics of these transformative minerals, calling for a degree of policymaking imagination hitherto unconceivable.

The proposed development of the Ewoyaa Lithium Project by Barari DV Ghana Limited, a subsidiary of the Australia-listed Atlantic Lithium Limited, is poised to be the country's first lithium producing mine. However, the governance framework surrounding this project, specifically the evolution of the Mining Lease Agreement from its signed 2023 iteration to the revised 2025 draft currently before Parliament, raises serious concerns regarding sovereign resource maximization, fiscal prudence, and intergenerational equity.

This policy brief is presented by the IMANI Center for Policy and Education to provide a reasonably rigorous, technically grounded, opposition to the ratification of the 2025 Mining Lease Agreement in its current form. Our analysis is informed by a deep forensic review of the lease texts, financial data from the project's Definitive Feasibility Study (DFS), legal jurisprudence surrounding Ghana's Minerals and Mining Acts (Act 703 and Act 900), and comparative benchmarks from established lithium jurisdictions including Chile, Western Australia, and Zimbabwe.
The central finding of this report is that the Government of Ghana, under the auspices of the Ministry of Lands and Natural Resources, is on the precipice of committing a grave error of economic statecraft. The decision to revise the royalty rate downward from a negotiated 10% (hailed by the then government in 2023 as a historic departure from colonial-style concessions and panned by the Opposition as a literal giveaway) to a statutory baseline of 5% (and an as yet indeterminate sliding-scale maximum) is unjustified by the economic fundamentals of the project. IMANI counsels strongly that under no circumstances should the baseline fall below 10% if the government is to retain credibility.
The government's narrative so far, which cites a collapse in global lithium prices and legislative constraints as the primary drivers for this capitulation, collapses under scrutiny.

First, our economic modelling confirms that the Ewoyaa project remains robustly profitable even at the reduced price levels cited by proponents of the revision. With an All-In Sustaining Cost (AISC) of approximately US$610 per tonne and current market prices hovering above US$1,170 per tonne (spodumene concentrate, 6% $Li_2O$, CIF China), the project generates healthy margins that can comfortably accommodate a 10% royalty. The reduction to 5% effectively transfers millions of dollars in economic rent from the Ghanaian treasury to foreign shareholders, serving only to de-risk the investor's capital at the expense of the resource owner, the sovereign people of Ghana.

Second, the legal argument advanced by the Majority Caucus in Parliament, effectively that a 10% royalty is "illegal" under current statutes, is a serious misinterpretation of the legislative hierarchy. We demonstrate that the Minerals and Mining (Amendment) Act, 2015 (Act 900), grants the Minister discretion to prescribe royalty rates, and more importantly, that Article 268 of the 1992 Constitution empowers Parliament to ratify agreements that may differ from general statutory provisions, thereby granting them the force of law. The claim of a "legislative barrier" is a political smokescreen for administrative inaction.

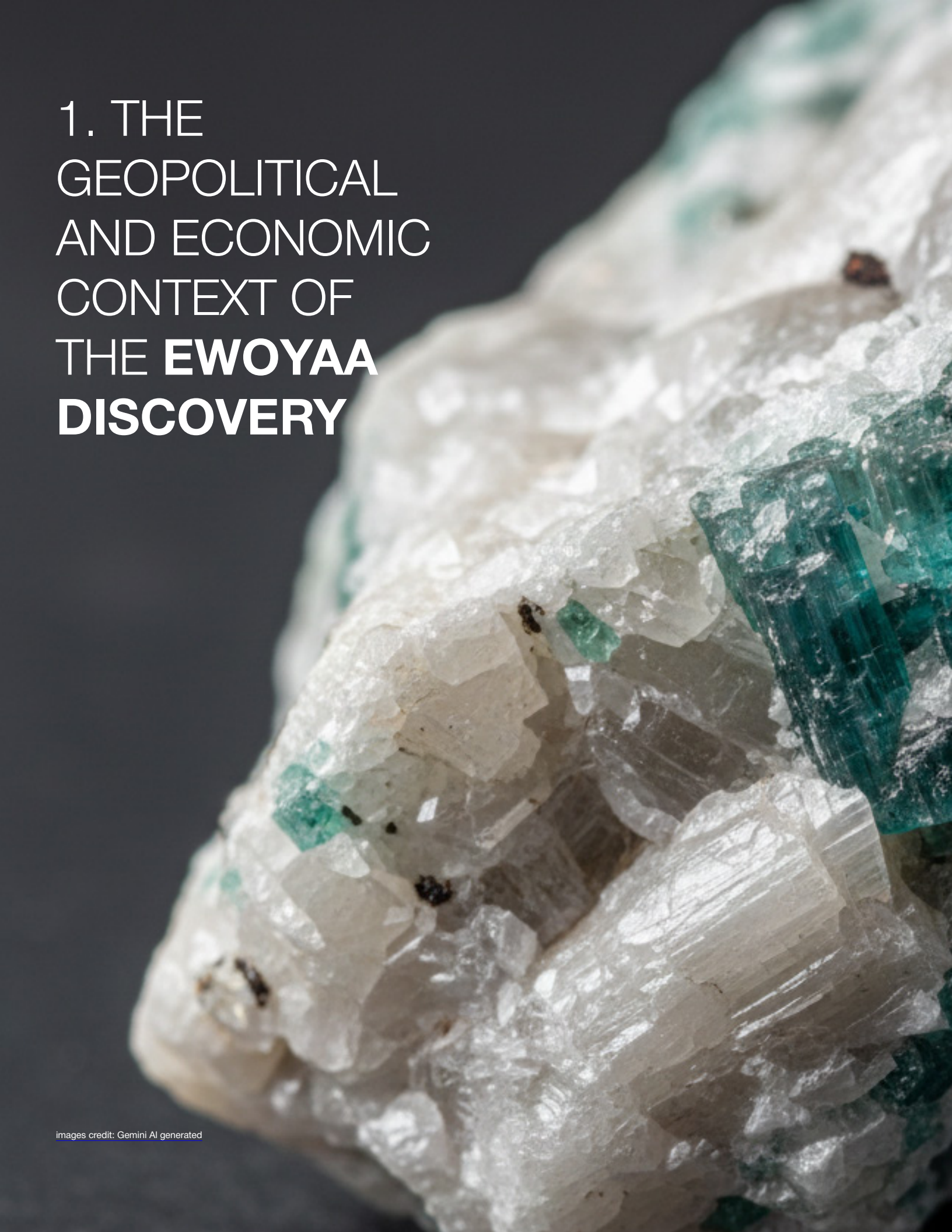
Third, the agreement's provisions for downstream value addition are revealed to be illusory. The commitment to establish a chemical plant for refining lithium concentrate into battery-grade chemicals is conditioned on "scoping studies" and economic viability assessments that provide ample escape hatches for the operator. Furthermore, the newly introduced proposal for a jetty at Saltpond is technically impractical given the bathymetric realities of the coastline and appears to be a distraction intended to placate local political interests rather than a serious logistical solution.

IMANI Africa asserts that ratification of the 2025 lease would entrench a suboptimal fiscal regime for the next 15 years, depriving the state of windfall revenues during inevitable commodity super-cycles. We advocate for a rejection of the current text and a return to the negotiation table to secure a sound sliding-scale royalty mechanism with a 10% minimum baseline; a binding commitments on value addition to be predicated on a definitive feasibility study and strategic options framework; and a transparent, independent verification of the project's logistics infrastructure.

We call on Mr. President to intervene using his overriding executive powers to withdraw the Agreement from Parliament for further consultations. Parliament should not be goaded by lobbyists to approve the Agreement in its current form.

To fully appreciate the gravity of the concessions being made in the Ewoyaa Mining Lease, one must first situate the project within the broader context of the global critical minerals race and Ghana's specific history of extractive governance.

# 1. THE GEOPOLITICAL AND ECONOMIC CONTEXT OF THE **EWOYAA DISCOVERY**



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## 1.1 The Global Lithium Imperative

The trajectory of the global automotive industry is irrevocably shifting toward electrification. Driven by decarbonization mandates in the European Union, China, and the United States, demand for lithium-ion batteries is forecast to grow exponentially.

Despite competitors like graphene and sodium gaining more attention, intensifying R&D continues to position lithium at the technological frontier, exemplified by new research into intercalation at MIT, which has confirmed the likely dominance of lithium for at least the next decade as consumption surges across storage and other uses.[1] This demand shock has created a structural deficit in the supply of raw lithium, particularly spodumene concentrate, the feedstock derived from hard-rock pegmatite deposits like Ewoyaa.

Unlike gold, which functions primarily as a store of value, lithium is an industrial input essential for the energy transition. This strategic importance grants resource-holding nations significantly higher leverage in negotiations than was historically available for precious metals. Countries like Chile, Mexico, and Zimbabwe have responded by tightening state control, increasing fiscal takes, and mandating local beneficiation. The "Green Minerals Policy" approved by the Ghanaian Cabinet in July 2023 was ostensibly designed to align Ghana with this trend, promising to prohibit the export of raw ore and maximize state equity.[1] Yet, the policy remains in abeyance.

The Ewoyaa discovery by Atlantic Lithium is significant for more than its size, though 35.3 million tonnes at 1.25% Li2O is anything but marginal. It is also highly strategic for its geology. The coarse-grained spodumene pegmatite is amenable to simple Dense Media Separation (DMS) processing, which requires lower capital expenditure and energy compared to flotation or brine extraction methods.[2] This geological advantage translates into one of the lowest operating cost profiles in the global lithium sector, a fact that is pivotal to debunking the government's claims of project fragility.

## 1.2 The Shadow of the "Gold Curse"

Ghana's history with gold mining casts a long shadow over the lithium debate. Despite being Africa's leading gold producer, the developmental impact of the sector has been underwhelming, characterized by environmental degradation, minimal linkage to the local economy, and a fiscal regime that captures a relatively small fraction of the value chain. The standard 5% royalty and 10% free carried interest in the gold sector have long been criticized by civil society organizations (CSOs) as inadequate.[3]

It was against this backdrop that the Minister of Lands and Natural Resources presented the initial 2023 lithium agreement as a paradigm shift. By negotiating a 10% royalty and a 13% free carried interest, the government claimed to have broken the "colonial" mold. Even so, the terms failed to delight the country. This is despite the fact that by the time the debate intensified (in December 2023), the price of lithium on the global market had fallen to just a little over $1,160 (spodumene concentrate, 6% $Li_2O$, CIF China), effectively **lower than the price today.**
The recent, effective, retreat to the 5% royalty in the 2025 draft is, therefore, not just a fiscal adjustment; it is a symbolic and substantive reversion to the very model the government claimed to have abandoned. It signals to the global investment community that Ghana's "Green Minerals Policy" is but a hallucination and that the state is willing to underprice its strategic assets under pressure.
A textual comparison of the Mining Lease Agreement signed in October 2023 [5] and the revised draft presented to Parliament in 2025 [5] reveals a systematic dilution of state benefits and an introduction of clauses that weaken the operator's obligations.

1 See: https://news.mit.edu/2025/simple-formula-could-guide-design-faster-charging-longer-lasting-batteries-1002

# 2. THE 2023 VS. 2025 LEASE AGREEMENTS: **A FORENSIC COMPARISON**

## 2.1 The Royalty Clause (Clause 20)

The most critical alteration appears in Clause 20 regarding Financial Obligations and Royalties.

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|---|---|
| **2023 Text (Clause 20a)**: "The Company shall pay to the Government a royalty of ten percent (10%) of the total revenue earned from the sale of the Minerals obtained from the Lease Area." [5] | ***Analysis:*** This clause provided a fixed, contractually guaranteed revenue stream significantly higher than the industry standard for gold. It offered certainty to the state and established a new benchmark for critical minerals. |
| **2025 Text (Clause 20a):** "The Company shall pay to the Government royalty *as prescribed by law or as may be agreed between the Company and Government.*" [5] | ***Analysis:*** The removal of the explicit "10%" figure is a catastrophic concession. The phrase "prescribed by law" currently points to the default rate under the existing legislative framework, which the government argues is 5%. The additional phrase "or as may be agreed" creates ambiguity but does not fundamentally lock in the higher rate without a specific side agreement or amendment, leaving the state vulnerable to the lower statutory baseline. |

## 2.2 Downstream Obligations (Schedule 2)

The shift in language regarding the establishment of a refinery indicates a retreat from a hard mandate, as implied by the Green Minerals Policy, to a "best efforts" endeavor.

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| **2023 Text (Schedule 2, Clause 1c):** "Subject to the outcome of the scoping study, the Company shall establish a chemical plant for refining the concentrate in Ghana." [5] | ***Analysis:*** While conditioned on a study, the imperative "shall establish" signalled a strong intent and contractual obligation to proceed if feasibility was proven. Even so, many critics counselled a tightening of the language to a "definitive feasibility study" and a strategic options framework anchored to a search for pathways to refining lithium locally instead of merely leaving the company to assess whether refinement made sense of not. |

| | |
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| ***2025 Text (Schedule 2, Clause 1c):*** "Subject to the outcome of the scoping study, the Company shall establish a chemical plant..." [5] | ***Analysis:*** While the wording appears similar, the context has shifted. The 2025 lease introduces a new focus on a feasibility study for a jetty at Saltpond (Schedule 2, Clause 1f), diverting focus and capital allocation discussions away from the refinery. Furthermore, the 2025 agreement's broader softening of terms suggests that the "outcome of the scoping study" will likely be used as a justification *not* to build the plant, citing energy costs or market conditions, without any penalty mechanism for failure to industrialize. It is critical that the suggestion that the language be switched from a scoping study to a definitive feasibility study plus strategic options framework be taken on board.<br><br>Moreover, it should be spelt out clearly, whether in the main text or a side agreement, that the definitive feasibility study and strategic options framework shall be developed with technical representation from the Ghana side (membership of which must include independent analysts and experts from academia, civil society, and the professional services and consulting domains.) |

## 2.3 Infrastructure Commitments

The 2025 lease introduces a completely new obligation regarding logistics infrastructure.

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|---|---|
| ***2025 Text (Schedule 2, Clause 1f):*** "Within six (6) months from the ratification of this Lease Agreement, the Company shall conduct a feasibility study for the construction of a *jetty, barge, or mini-port system* of appropriate size at Saltpond or a nearby location." [5] | ***Analysis****:* This clause was absent in the 2023 agreement. As discussed in Section 6, this proposal is fraught with technical difficulties. Its inclusion serves a political purpose (creating the illusion of infrastructure development for the Central Region) while likely providing the company a pretext to delay operations or, worse, claim additional capital costs that reduce taxable profits. |

# 3. "ECONOMIC UNVIABILITY" **DOESN'T ARISE AT CURRENT AND PROJECTED PRICES**

The Ministry of Lands and Natural Resources has mounted a vigorous defense of the royalty reduction, centered on the argument that the collapse in global lithium prices renders the Ewoyaa project unbankable at a 10% royalty rate. This narrative relies on a superficial reading of market data and ignores the robust fundamental economics of the Ewoyaa deposit.

## 3.1 Pitching the Price Crash Narrative Against Market Reality

The Minister has publicly argued that lithium prices have fallen from over $3,000 per tonne to approximately $630 per tonne, fundamentally altering the project's financial landscape.[6] The specific figures quoted by the Minister are purely phantom and of ethereal original. It is true that in 2022, due to supply chain panic, lithium prices surged. But as has been mentioned already, the price dropped throughout 2023 when the Agreement was being finalised. By the time it was signed in October, prices were just a little over $2,200. At any rate, using short-lived market anomalies, instead of medium-range forecasts, as a baseline for long-term policy and strategic negotiations is both disingenuous and misconceived.

The Atlantic Lithium Definitive Feasibility Study (DFS), released in June 2023, utilized a conservative long-term price assumption of **US$1,587 per tonne** (FOB Ghana) for spodumene concentrate (SC6).[2] The project's financial viability was predicated on this figure. It was not hitched to the spot peaks.
*Current Market Assessment (December 08, 2025):* Contrary to the Ministry's pessimistic figures, the lithium market is showing signs of stabilization and recovery.

Spot Prices**:** As of December 8th, 2025, the price for spodumene concentrate (6% Li2O) is tracking between **US$1,170 and US$1,295 per tonne** [8], significantly higher than the $630 figure cited to justify the royalty cut.

Future Outlook**:** Leading market analysts, including Goldman Sachs and Fastmarkets, forecast a market tightening in 2025 and 2026 driven by the explosive growth of Energy Storage Systems (ESS). Projections suggest prices will rebound and stabilize well above the $1,000 threshold.[10]

## 3.2 Profitability Modeling: The Ewoyaa Advantage

The Ewoyaa project benefits from exceptional geology. The coarse-grained nature of the spodumene allows for processing via Dense Media Separation (DMS) only, eliminating the need for expensive and energy-intensive flotation circuits for the majority of the ore body. This results in one of the lowest capital and operating cost profiles in the industry.

**CAPEX: US$185 million.**[12]
**C1 Cash Costs: US$377 per tonne.**[2]
**All-In Sustaining Costs (AISC): US$610 per tonne.**[12]

**Sensitivity Analysis of Royalties:**

Using the AISC of $610/t, we can model the project's margins at various price points to test the "unviability" claim.

| Price Scenario (US$/ton) | AISC (US$/ ton) | Gross Margin (Pre-Royalty) | Royalty @ 10% (US$) | Net Margin @ 10% | Royalty @ 5% (US$) | Net Margin @ 5% |
|---|---|---|---|---|---|---|
| **$800 (Crisis)** | $610 | $190 | $80 | **$110** | $40 | $150 |
| **$1,000 (Short-range)** | $610 | $390 | $100 | **$290** | $50 | $340 |
| **$1,200 (Recovery)** | $610 | $590 | $120 | **$470** | $60 | $530 |
| **$1,587 (DFS)** | $610 | $977 | $159 | **$818** | $79 | $898 |

**Insight:**

Even at a "crisis" price of $800/t, the project remains profitable with a 10% royalty, generating a net margin of $110 per tonne.

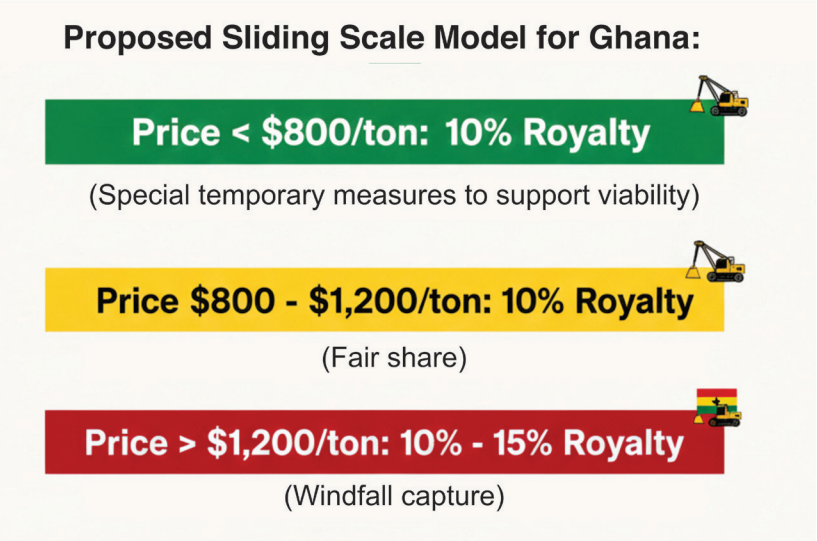
At current prices (~$1,170/t), the 10% royalty leaves a healthy margin of **$460 per tonne** (approx. 39% margin).

Reducing the royalty to 5% at current prices transfers ~**$60 per tonne** directly from the Ghanaian people to the company. Over a planned production of ~350,000 tonnes per annum, this represents an annual loss of **$21 million** to the state. This figure, however, escalates as the average medium-term price of lithium increases.

The claim that the project is "unviable" at 10% is mathematically unsupportable based on the company's own cost data. The royalty reduction is a wealth transfer mechanism and not, as we are being urged to accept by lobbyists, a survival necessity.

## 3.3 The Case for a Sliding Scale Royalty

Rather than capitulating to a fixed low rate, international best practice dictates the use of a sliding scale royalty. This mechanism links the royalty rate to the market price of the commodity, protecting the miner during downturns while ensuring the state captures a fair share of "super-profits" during booms. However, the minimum/ baseline rate must remain at 10%, and a regime of special support implemented when prices fall below a critical threshold.




Civil society groups like NRGI and IMANI have consistently advocated for this model.[14] The government's refusal to adopt a sliding scale with a defensible baseline, preferring a reversion to the statutory minimum, lays it open to the charge of a lack of negotiation sophistication or a predisposition to favour corporate interests over innovative fiscal policy.

# 4. THERE IS NO **“LEGISLATIVE BARRIER”**

The government’s second line of defense is legalistic. The Majority Caucus on the Lands and Natural Resources Committee has argued that charging a 10% royalty would violate the Minerals and Mining Act, 2006 (Act 703), which they claim caps royalties at 5%.[15] This argument is legally flawed and ignores the supremacy of the Constitution.

## 4.1 The Evolution of Section 25

**Act 703 (Original):** Section 25 originally set a royalty range of 3% to 6%.[16]

**Act 794 (2010 Amendment):** This amendment fixed the royalty at a flat 5%.[18]

**Act 900 (2015 Amendment):** Crucially, the relevant provisions of Act 794 were repealed by Act 900. The current Section 25 states: *“A holder of a mining lease... shall... pay royalty to the Republic at the rate and in the manner that may be prescribed”*.[19]

### *Legal Interpretation*:

The term “prescribed” refers to prescription by Regulations (Legislative Instrument). The government argues that because the Minister has not yet passed a new Regulation prescribing a rate higher than 5%, the “savings” clause of Act 900 keeps the old 5% rate in force.[19]

However, this argument is self-defeating. It admits that the Minister has the power to prescribe a higher rate but has simply chosen not to exercise it via Regulation. Using administrative inaction as an excuse for fiscal surrender is a dereliction of duty.

## 4.2 The Constitutional Override: Article 268

More importantly, the Minerals and Mining Act is subordinate to the 1992 Constitution. Article 268(1) mandates that:
“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... for the exploitation of any mineral... shall be subject to ratification by Parliament.”[21]

### *The Principle of Lex Specialis*:

The Supreme Court of Ghana, in cases such as Attorney General v. Balkan Energy and The Republic v. High Court (Ex Parte Attorney General & Exton Cubic), has affirmed the centrality of Parliamentary ratification in validating international business transactions.[23] When Parliament ratifies a specific Mining Lease, the terms of that lease acquire the force of law for that specific project, even if they differ from general statutes.

This legal principle is routinely used to grant *concessions* to mining companies (e.g., stability agreements that freeze tax rates). It is equally valid for imposing *higher* obligations. If the Executive negotiates a 10% royalty and Parliament ratifies it, the ratification provides the legal authority to collect that rate. The “legislative barrier” does not exist; it is a political construct.
The Minority in Parliament has correctly identified that Clause 20(a) of the 2025 Lease itself creates the opening: *“as prescribed by law or as may be agreed between the Company and Government”*.[5] This contractual language explicitly contemplates a negotiated rate distinct from the general law. By rejecting the 10% agreement, the government is voluntarily closing a door that the contract left open.

# 5. VALUE ADDITION OR VALUE EXTRACTION? **THE DOWNSTREAM MIRAGE**

A critical component of the "Green Minerals" narrative is the promise that Ghana will not merely export raw materials but will participate in the high-value downstream processing of lithium. The 2025 Lease, however, dilutes these promises into vague aspirations.

## 5.1 The Chemical Plant: From Mandate to "Study"

Lithium value addition involves converting Spodumene Concentrate (SC6, worth ~$1,000/t) into Lithium Hydroxide or Carbonate (worth ~$15,000 - $20,000/t).
The Key Clause: Schedule 2 of the Lease requires the company to conduct a "scoping study" to evaluate the economic benefits of downstream conversion.[5]

The Escape Hatch: The obligation to build a plant is *subject to the outcome* of this study. This creates a massive loophole. The economics of lithium refining are heavily dependent on the cost of reagents (sulfuric acid, soda ash) and energy. Ghana in its present, weak policy context, lacks domestic production of these reagents and has high industrial electricity tariffs compared to China. Refining would always require the exercise of deliberate strategic options.

The Risk: It is highly probable that the company's study will conclude that a refinery in Ghana is "uneconomic" compared to shipping concentrate to established refineries in North America (Piedmont Lithium's Tennessee plant) or China. Without strict incentives (e.g., cheap power, tax holidays specific to refining) or penalties (e.g., an export tax on raw concentrate), the "commitment" to build a plant is legally unenforceable.[27]

That is why a smarter approach would be to undertake a deeper study and construct the right incentives matrix exploring the question: "what do we need to refine lithium in Ghana" instead of reduce the company's obligation to: "find out whether lithium can be refined in Ghana," which is what the contractual technology in the draft Agreement laid before Parliament presently does.

## 5.2 Feldspar is a Distraction in this context

The government and Atlantic Lithium have heavily publicized the potential for Feldspar production as a by-product of the DMS process to support the local ceramics industry.[13]

Economic Reality Check: While positive for local tile manufacturers, feldspar is a high-volume, low-value industrial mineral. Its economic contribution is negligible compared to the revenue lost from the lithium royalty reduction. Focusing on feldspar is a classic diversionary tactic intended to distract stakeholders from the concessions made on the primary strategic asset.

# 6. INFRASTRUCTURE AND LOGISTICS: **THE SALTPOND JETTY IS NOT A STRATEGIC PLAY**

The 2025 Lease introduces a new requirement for a feasibility study to construct a jetty or mini-port at Saltpond.[5] This proposal warrants extreme skepticism.

## 6.1 Technical and Bathymetric Challenges

The coastline off Saltpond, like much of the Central Region, is a high-energy environment with significant swell and wave action from the Atlantic Ocean.
Open Roadstead: Saltpond lacks a natural harbor. Historical oil operations in the Saltpond Field utilized offshore platforms and supply vessels as opposed to bulk ore loading facilities.[30]

Draft Requirements: Efficient barging of lithium concentrate requires stable waters and sufficient depth. Constructing a jetty capable of handling bulk loading operations would likely require a massive breakwater to shelter vessels from the Gulf of Guinea swells.

Dredging: The bathymetry would necessitate extensive dredging to create a channel, raising capital costs and triggering severe environmental impacts on the local artisanal fishing industry.[31]

In short, the proposed jetty does not compensate for the loss of certain royalty flows.

## 6.2 Economic Viability Must Trump Political Optics

The CAPEX required to build a functional bulk-loading port at Saltpond would likely exceed the operational savings from avoiding the 110km truck route to the existing, deep-water Port of Takoradi. Takoradi is already equipped for bulk mineral export (manganese, bauxite) and has the necessary draft and handling equipment.[32]

The inclusion of the Saltpond jetty clause appears to be a political sweetener designed to garner support from the Mfantseman constituency and local chiefs by promising major infrastructure development.[33] It is highly likely that the feasibility study will return a negative result, allowing the company to revert to trucking, but by then, the lease will have been ratified.

# 7. COMPARATIVE GOVERNANCE: **GHANA MEETS THE WORLD**

To assess the fairness of the Ewoyaa deal, we must benchmark it against other lithium jurisdictions.

| Feature | Ghana (2025 Proposed) | Chile | Western Australia | Zimbabwe |
|---|---|---|---|---|
| **Royalty Rate** | **5%** (Fixed, Statutory) | **6.8% - 40%** (Sliding Scale based on LCE price) [34] | **5%** (Fixed) + High Corporate Tax Compliance | **5%** (Sliding Scale Proposed) + Export Tax [35] |
| **State Equity** | 13% Free Carried Interest | State ownership of resource; effective tax rates up to 46.5% [36] | None (Standard Corporate Tax & Royalties) | Mandated local ownership / JV requirements |
| **Value Addition** | "Scoping Study" (Best Efforts) | Preferential quota for local sale; strict production quotas | Incentives for hydroxide plants | **Ban on raw ore export**; strict beneficiation laws [37] |
| **Community Fund** | 1% of Revenue | Regional Productivity Fund | Native Title Agreements | Community Share Ownership Trusts |

**Analysis:**

***Chile:*** The Chilean model aggressively captures upside during price booms through its sliding scale. Ghana's fixed 5% leaves all "super-profits" on the table.

***Zimbabwe:*** Zimbabwe has taken a bold sovereign stance by banning raw exports to force refining investment. Ghana's approach (allowing export of concentrate while "studying" the need for a plant) is weak by comparison.

***Australia:*** While the headline royalty is 5%, Western Australia benefits from a mature mining ecosystem, high corporate tax compliance, and significant infrastructure user fees that capture value. Ghana lacks this ecosystem, making the royalty instrument far more critical for revenue capture.

# 8. RECOMMENDATIONS TO **PARLIAMENT**

IMANI Africa calls upon the Parliament of Ghana to exercise its oversight powers under Article 268 and reject the ratification of the 2025 Barari DV Mining Lease in its current form. We propose the following amendments:

Reinstatement of the 10% Royalty (or Sliding Scale): Parliament must demand a royalty regime that protects the state's interest. A sliding scale (e.g., a 10% base rising to 20% as prices exceed $2,500/t) is the optimal mechanism to balance project viability with upside capture.

Binding Value Addition Commitments: The "scoping study" clause must be replaced with a binding commitment to establish a refinery within a set timeframe (e.g., 5 years), backed by performance bonds or punitive export taxes on raw concentrate if the milestone is missed. As a first step on that pathway, a definitive feasibility study coupled with a strategic options framework must be developed with maximal participation from the Ghana side (with room created for independent stakeholders from academia, civil society, and the professions.)

Independent Audit of Saltpond Jetty: Before ratification, an independent technical audit of the Saltpond jetty proposal must be commissioned to determine if it is a genuine infrastructure project or a political gimmick.

Clarification of "Prescribed by Law": The lease must explicitly state the royalty rate (whether 10% or a sliding scale) rather than deferring to general statutes. This provides fiscal stability for the state and prevents future administrative erosion of revenues.

A definite pricing index modality must be explored: to be developed in conjunction with key stakeholders with a view to preventing abusive offtaker arrangements.

Community Development Trust: The 1% Community Development Fund should be managed by an independent trust with majority representation from the affected communities, ensuring funds are not absorbed by central government bureaucracy.

# CONCLUSION

The 2025 Ewoyaa Mining Lease represents a critical test of Ghana's resolve to break the cycle of extractive dependency. By voluntarily surrendering a negotiated 10% royalty in favour of a 5% statutory baseline, the government is betting against the future strategic value of lithium. The arguments regarding legislative barriers are legally porous, and the economic justifications are contradicted by the project's own data.

Mr. President, and as a last resort Parliament, stands as the final bulwark against this undervaluation of sovereign wealth. Ratification of the current text would not only deprive Ghana of essential revenue but would set a dangerous precedent for all future "green mineral" negotiations. The time to draw the line is now.

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