One Law, One Standard: The Uncomfortable Questions Behind the Adamus Saga

The controversy surrounding the revocation of the mining lease of Adamus Resources Limited by the Minister for Lands and Natural Resources, Emmanuel Armah-Kofi Buah, has opened another difficult conversation about Ghanaian-owned businesses and the enforcement of the country's mining laws.

Since the decision became public, some sections of the public have called on the Minister to reconsider it, arguing that Adamus Resources is Ghanaian-owned and that the government must protect indigenous businesses operating in the mining sector.

There is nothing wrong with demanding that Ghanaian businesses receive support. Local companies create jobs, pay taxes and provide livelihoods for thousands of people. Government has a responsibility to create an environment in which such businesses can survive and grow.

But should Ghanaian ownership be enough to shield a company from the consequences of breaking the law?

That question becomes even more important when the government's fight against illegal mining is considered. Since the National Anti-Illegal Mining Operations Secretariat (NAIMOS) began intensified operations, hundreds of young Ghanaians have been arrested in connection with illegal mining activities.

These are not foreigners. They are Ghanaians who, in many cases, went into mining because it was one of the few ways they could earn an income and support themselves and their families.

Yet when the law caught up with them, being Ghanaian did not save them from arrest or prosecution.

So why should the same principle not apply to a Ghanaian-owned mining company?

Reports indicate that about 600 people have faced prosecution nationwide for illegal mining under the Mahama administration. The figure was cited by Deputy Attorney-General and Minister for Justice, Dr Dominic Ayine, in discussions on the government's prosecution of illegal mining cases.

That number represents more than statistics on a government report. Behind every arrest and prosecution is an individual who has had to answer questions about his or her conduct under Ghana's laws.

If the government is prepared to enforce the law against these individuals, then it is only fair to expect the same standard when dealing with companies operating on a much larger scale.

THE QUESTION OF EQUAL TREATMENT

The Adamus debate should therefore not be reduced to whether the company is Ghanaian-owned or foreign-owned. The more important question is whether the company complied with the laws and conditions governing its mining operations.

If there are grounds to show that the revocation was wrong, then those grounds should be presented and properly considered.

But if the Minister acted within the law and followed due process, the fact that Adamus is Ghanaian-owned should not, by itself, become a reason to reverse the decision.

Are we asking for protection of Ghanaian businesses, or protection from accountability?

That distinction matters.

Government can support indigenous businesses while still insisting that those businesses comply with the law. In fact, protecting legitimate Ghanaian businesses requires a system in which everyone plays by the same rules.

The Minerals Commission reportedly uncovered additional defaults, including US$2.56 million in unpaid mineral rights fees, GH¢86.8 million in unpaid royalties and GH¢290.5 million in tax arrears, as well as unexplained variances in gold exports.

There are also claims that the company transferred US$224 million to related parties abroad between 2020 and 2024, while environmental bonds remained only partially fulfilled.

The recent comments by Kofi Bentil Esq., a lawyer and Senior Vice President of policy think tank IMANI Africa, have added another dimension to the debate. In a post addressed to President John Dramani Mahama and Lands Minister Emmanuel Armah-Kofi Buah, he argued that government cannot claim to support Ghanaians in mining while, at the same time, collapsing Ghanaian-owned mining companies.

His position raises a legitimate concern about the need to support local participation in Ghana's mining industry.

There are legitimate questions for anyone demanding that government reverse the revocation purely because Adamus is Ghanaian-owned especially with Kofi Bentil and others

If Adamus Resources is alleged to owe GH¢86.8 million in royalties and GH¢290.5 million in tax arrears, is the argument that its Ghanaian ownership should make government more lenient on those obligations?

If the reported US$224 million transferred to related parties abroad between 2020 and 2024 raises questions about compliance with mining laws and regulations, should those concerns be overlooked because the company is Ghanaian-owned?

And if Ghanaian-owned mining companies are allowed to operate while owing substantial royalties and taxes, how will government raise the revenue needed to build roads, schools, hospitals, water systems and other infrastructure for the very citizens whose interests we claim to be protecting?

The point is not to dismiss Mr. Bentil's argument. Rather, it is to ask whether support for indigenous participation should extend to protection from legitimate regulatory and financial obligations.

Many of those arrested during anti-galamsey operations were also trying to make a living. Some lost their equipment. Others were taken before the courts. Their families were left to deal with the consequences.

They were not given a pass because they were Ghanaian.

ONE LAW, ONE STANDARD

The case involving Bernard Antwi Boasiako, popularly known as Chairman Wontumi, has also become part of the wider conversation. As owner of Akonta Mining Company and a prominent political figure, he is undoubtedly a Ghanaian.

Yet his case demonstrates an important principle: nationality does not place anyone outside the reach of the law.

Where a court finds that an individual or company has breached the law, the appropriate legal consequences must follow.

If the law can apply to a powerful Ghanaian businessman, why should it not apply to another Ghanaian-owned company?

That is the uncomfortable question the Adamus controversy has brought to the fore.

The debate should not be about whether Adamus deserves sympathy. It should be about whether the company deserves a fair hearing and whether the law was properly applied.

If the revocation was procedurally flawed or unsupported by evidence, the company should have every opportunity to challenge it through the appropriate channels.

But if the government has established that the lease was revoked in accordance with the law, then calls for its reversal should be based on evidence rather than simply on the company's Ghanaian ownership.

Ghana cannot fight illegal mining effectively if enforcement becomes selective. The young man operating at a riverbank, the businessman financing illegal mining and the large-scale mining company must all understand that the law has consequences.

What kind of mining sector do we want to build?

One where political connections, wealth or ownership determine who is punished and who is protected? Or one where every operator understands that the privilege to mine Ghana's mineral resources comes with responsibilities?

The answer should be obvious.

Supporting Ghanaian-owned mines is important, but so is protecting Ghana's forests, rivers and communities. These objectives should not be presented as mutually exclusive.

Government can help indigenous companies access financing, technology, concessions and technical support without weakening the laws designed to regulate mining.

WHY IS THE CHAMBER OF MINES SILENT?

This also raises questions about the silence of the Ghana Chamber of Mines, particularly its Chief Executive Officer, Dr. Kenneth Ashigbey.

When Chairman Wontumi faced legal action in connection with the operations of Akonta Mining Company, Dr. Ashigbey publicly commended the court for taking action. His public position at the time suggested that the mining industry must respect the rule of law and that legal processes should be allowed to take their course.

So why has Dr. Kenneth Ashigbey and the Chamber of Mines been relatively silent following the revocation of the Adamus Resources mining lease by the Lands Minister?

Is Dr Ashigbey quiet because of the CEO of Adamus Resources current position as the vice Chair of Chamber of Mines ?

Is the principle of supporting the rule of law expected to apply only when a mining company or individual is facing prosecution, but not when government takes regulatory action against a Ghanaian-owned mining company?

The Chamber of Mines has an important role to play in Ghana's mining sector, and its voice carries weight. If the Chamber believes the Adamus lease revocation is justified, it should say so. If it believes the decision was unfair, procedurally flawed or detrimental to indigenous participation in mining, it should equally make that position known.

Silence, especially after taking a strong public position in a previous case, inevitably raises questions about consistency.

THE PRINCIPLE MUST BE CONSISTENCY

Ultimately, the Adamus controversy presents an opportunity for Ghana to have an honest conversation about the difference between supporting local businesses and giving them special treatment.

If Adamus Resources has been treated unfairly, let the evidence establish that. If the company has been found to have breached its obligations, then the law must take its course.

The same standard must apply to the hundreds of Ghanaians who have been arrested or prosecuted for illegal mining.

They too are citizens. They too have families. They too were trying to earn a living.

But being Ghanaian did not place them above the law.

Why, then, should Ghanaian ownership become the deciding factor in the Adamus case?

The strongest defence of Ghanaian businesses is not to demand exemption from the law. It is to demand fairness, transparency and due process.

That is the standard government should uphold, whether the person involved is a young miner, a politically exposed businessman or the owner of a large Ghanaian mining company.

At the end of the day, the issue is bigger than Adamus Resources. It is about the kind of country Ghana wants to become.

A country serious about ending illegal mining must enforce its laws without fear or favour. At the same time, a country serious about promoting indigenous businesses must ensure that legitimate Ghanaian companies are not unfairly driven out of business.

Both principles can coexist.

The law should protect the innocent, punish wrongdoing and give everyone the same opportunity to be heard.

That is not an attack on Ghanaian-owned businesses. It is the foundation upon which credible Ghanaian businesses can actually thrive.

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By: Samuel Kwaku Mensah
Retired Miner
samuelkmensah221@gmail.com