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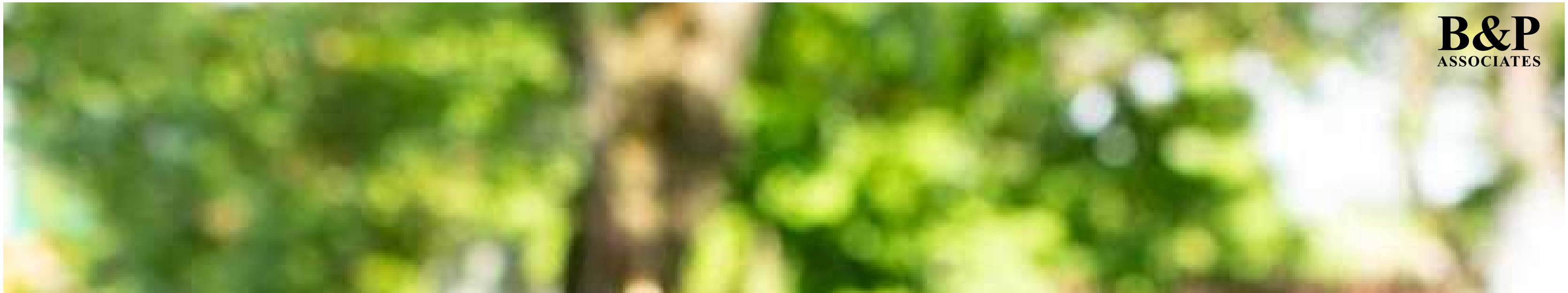

Building Investor Confidence: Ghana's Economic Plans Under New Leadership[1]

Introduction

Ghana's economic landscape has been grappling with numerous challenges in recent years, characterized by high public debt, inflation, and slow economic growth. As the new year begins, the recent swearing-in of President John Dramani Mahama, who returned after an eight-year hiatus, signals a crucial shift in the country's political and economic trajectory.

As the former president resumes office to serve his constitutionally mandated final term, all eyes, both within Ghana and across the global investment community, are focused on how his administration will steer the nation's economic ship in navigating these challenges.
During his campaign for the presidency of Ghana, President Mahama committed to a one hundred and twenty (120) day social contract with the Ghanaian people. This article explores how the new government's proposed policies, such as tax cuts and strategic focus on key sectors, are designed to reshape Ghana's investment landscape. We specifically assess how these measures could influence investor confidence and foster business growth in the early stages of his presidency.

Key Policies for Investors and Businesses

A central focus of the new government's early tenure has been the promise of economic recovery, with particular emphasis on key sectors such as agriculture, technology, and infrastructure (identified as crucial drivers of growth and investment). Additionally, the new government has proposed structural tax reforms aimed at improving the overall business climate.

As part of his 120-day social contract, the president plans to convene a National Democratic Dialogue to evaluate the true state of the economy and develop a home-grown fiscal consolidation strategy. This initiative aims to foster broader participation and consensus in addressing the nation's economic challenges.

Such an inclusive dialogue helps build trust and secure buy-in from the public, which is crucial for successfully implementing the necessary economic reforms.

The major policy shifts include the removal of several taxes, such as the Electronic Transactions Levy (E-levy), the COVID levy, and a reduction in import duties on industrial and agricultural equipment. These measures are designed to ease the financial strain on business operations, which have been hindered by high tax rates. Within the first ninety (90) days in office, the administration has committed to eliminating these taxes and reviewing levies on imported vehicles and equipment for industrial and agricultural use, thereby encouraging investment, and improving the overall business climate.

Further initiatives include establishing an Accelerated Export Development Council (AEDC) to boost exports and support economic transformation as well as providing seed funding to be allocated for the creation of a Women's Development Bank, aimed at empowering female entrepreneurs.

These measures, while generating optimism in key sectors, come with significant fiscal implications. The government's focus on reducing the cost of doing business and reviewing tax policies is expected to create a more favourable environment for both local and foreign investment, fostering long-term economic growth.

Impact of Initiatives on Businesses and Investors

The proposed policy changes aim to significantly boost business growth across key sectors by addressing cost barriers and fostering innovation. Removing the E-levy could be a catalyst for greater digital inclusion by eliminating additional transaction costs, and making digital payment platforms more accessible to a broader population. This move is likely to drive greater adoption of fintech solutions, supporting the growth of the digital economy and encouraging innovation in the sector. Furthermore, the removal would ease the financial strain on small and medium-sized enterprises (SMEs), resulting in reduced transaction costs, improved cash flow, and opportunities for business growth and expansionEliminating the COVID levy is another crucial step in alleviating financial pressure and will help to ease the burden on businesses that have been struggling with inflation. This reduction in input costs will likely boost production, making it easier for businesses to increase output, hire more employees, and grow their operations.

Another significant change is the reduction of high import duties on machinery, which has long hindered productivity in the agricultural industry. Lower import duties will increase competitiveness by making vital machinery more affordable. This, in turn, will support economic transformation by providing businesses with the tools they need to scale operations and improve efficiency.

For agriculture, easier access to machinery is expected to reduce production costs, enhance food security, and create more job opportunities, particularly in rural areas. Reduced equipment costs will also benefit local manufacturers, especially SMEs, enabling them to expand, increase their competitiveness, and even target international markets.

Collectively, these policy measures will create an environment that promotes business growth, drives innovation, expands employment opportunities, and supports long-term economic development.

Immediate and Long-Term Investor Confidence

In the short term, these policy changes are generating positive sentiments within the business community. Small business owners, in particular, are optimistic about the reduction in operating costs that these policies will bring, along with the expected improvements in profitability and cash flow. These positive sentiments, coupled with hopes for lower business operating costs, are attractive to both domestic and foreign investors.

While business owners are hopeful for the immediate benefits of these policies, some remain cautious about their long-term sustainability. The success of these measures will largely depend on the government's ability to maintain fiscal and economic balance. For these policies to have a lasting impact, their effectiveness will need to be supported by a well-performing economy.

Expert Insights on Risks and Considerations

While experts acknowledge the immediate impact of these policies in providing financial relief for businesses and stimulating investment, they recommend a balanced and strategic approach to their implementation in order to mitigate risks to fiscal and economic sustainability.

Some experts caution that the elimination of key revenue-generating measures, such as the E-levy and COVID levy, could create a revenue gap of approximately GH₵ 6 -10 billion annually. If alternative revenue sources are not explored, this could lead to significant fiscal pressures, potentially affecting the funding of public services and infrastructure, which in turn may have a negative impact on businesses.

A balanced approach to implementing these policies is particularly necessary given the current state of the economy. Ghana's debt exceeds 72% of GDP, with a fiscal deficit around 7.7% and high inflation. These economic challenges, combined with high taxes, have already increased the cost of doing business. As such, the success of these policies in attracting new investments and fostering business growth will depend largely on the government's ability to maintain political and economic stability amid these challenges.

Investor Alert: What to Watch

Ghana's new leadership is charting a course that could significantly transform its economic landscape, with a strong emphasis on tax relief and strategic investments in high-growth sectors. The key policies introduced by the government in its first 120 days reflect a focused effort to rebuild investor confidence, reduce the cost of doing business, and stimulate economic activity. In the short term, these policies could:

- Lower the cost of doing business and attract more investments;
- Promote digital financial inclusion and expand fintech solutions; and
- Enhance competitiveness in agriculture and industry.

However, investors should remain cautious, as the full impact of these policies will take time to materialize. Monitoring developments in critical sectors such as agriculture, infrastructure, and technology will be essential for identifying emerging opportunities.

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GOOD CORPORATE GOVERNANCE: A CURRENCY FOR SECURING AND RESTORING INVESTOR CONFIDENCE

In the intricate ecosystem of modern business, investor confidence is paramount. It is the bedrock upon which companies build financial stability, achieve sustainable growth, and create long-term value.

Let us consider a scenario where a once-thriving company faces dwindling stakeholder confidence due to questionable management decisions and a lack of transparency. The ripple effect includes divestment, investor unrest, and tarnished reputation, among others. In such moments, good corporate governance emerges as an indispensable stabilizing currency for restoring trust, ensuring accountability, and safeguarding the interests of investors while securing the company's future.

Corporate governance encompasses the framework of rules, practices, and processes by which a company is directed and controlled[1]. At its core, it ensures that the interests of stakeholders including shareholders, employees, customers, and the broader community are protected and balanced. Effective corporate governance is predicated on principles such as transparency, accountability, fairness or equity, and responsibility. These principles not only define how a company operates but also shape its reputation and credibility in the market making it more attractive to future investors.

When a company adheres to robust governance practices, it sends a powerful signal to investors and demonstrates that the company is committed to ethical decision-making, financial prudence, and sustainable growth. Investors, whether institutional or individual, are more likely to place their trust in companies that exhibit strong governance, as it reduces risks associated with mismanagement, fraud, and non-compliant behaviours.

The Link Between Governance and Investor Confidence

The correlation between good corporate governance and investor confidence cannot be overstated. Investors seek assurance that their capital is being managed effectively and ethically. Governance practices act as a safeguard, providing the mechanisms to mitigate risks and enhance decision-making. Companies with a strong governance structure often outperform their peers, attracting both equity and debt investors due to their stability and reliability.[2]

The Broader Benefits of Good Governance Beyond Investor Confidence

Beyond securing investor confidence, good corporate governance offers several additional benefits that contribute to a company's overall success. It enhances operational efficiency by providing a clear framework for decision-making and accountability whilst mitigating legal and regulatory risks, reducing the likelihood of penalties and reputational harm. Moreover, companies with strong governance practices are better positioned to attract and retain top talent, as employees are drawn to organizations that prioritize integrity and ethical conduct.

The Organization for Economic Co-operation and Development (OECD) emphasizes that good corporate governance facilitates companies' access to capital markets, thereby supporting innovation and corporate investment.

Conclusion

In today's dynamic and interconnected business landscape, good corporate governance is more than a set of policies; it is a strategic asset and a form of currency that companies can leverage to secure and restore investor confidence. By embedding governance principles into their operations, companies not only protect themselves from potential risks but also create a foundation for sustainable success. For investors, a well-governed company represents a promise of reliability, accountability, and long-term value. In essence, good corporate governance is the linchpin that connects trust with opportunity, enabling companies to thrive in a competitive world.

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LEGISLATIVE UPDATE

Affirmative Action (Gender Equality) Act, 2024 (Act 1121)

On 11th September 2024, the Affirmative Action (Gender Equality) Act, 2024 (Act 1121) - (the "Act") was passed into law. The Act aims to achieve gender equality across the political, social, economic, educational and cultural spheres of the society.

Below is an overview of some key provisions of the Act.

Redressing Gender Imbalance and Directive Principles

The Act mandates the government to promote policies to address political, social, economic, educational, and cultural imbalances in the public and private sectors.[3] The Act also mandates the government to set progressive targets for achieving gender equality in accordance with international conventions and regional agreements to which Ghana is a signatory, and for purposes of appointments to positions of authority and decision-making in the public service.[4]

Establishment of Gender Equality Committee

The Gender Equality Committee (GEC)[5] is responsible for monitoring compliance with the Act.

Private Sector

Private sector employers are to ensure that they follow the progressive schedule that the Act provides to enable them to meet gender equality quotas.[6] The schedule mandates private sector employers to achieve the following gender ration within specified timelines:

FROM	TO	PERCENTAGE(%)
2024	2026	30
2027	2028	35
2029	2034	50

Additionally, private sector employers are required to have a gender equality policy with provisions for the maintenance of the quota above. The policy must be reviewed periodically, at least every four years. The gender equality policy must be made in consultation with employees of the establishment and submitted to the GEC for review.

Furthermore, private sector employers are to submit an annual report on gender equality to the GEC, which will ensure the employer's compliance with the Act.[7] In line with the Exemptions Act, 2022 (Act 1083) and the Public Procurement Act, 2003 (Act 663), the Act proposes tax incentives to employers who meet the requisite quota provisions of the Act.[8]

Offences and Penalties

Offences under the Act include attempts to undermine its purpose through obstruction or exerting undue influence, carrying out gender-specific attacks on employees, gender in hiring and failing to provide the requisite information or providing false information as required by the Act.[9] An offender may be liable on summary conviction to a fine ranging from 500 penalty units (GHS 6,000.00) to one thousand penalty units (GHS 12,000.00) or a term of imprisonment between six (6) and twelve (12) months or both.[10]

The Ghana Shippers' Authority Act, 2024 (Act 1122)

The Ghana Shippers' Authority Act which has repealed the Ghana Shippers' Authority Act, 1974 (N.R.C.D. 254) aims to enhance transparency, fairness, and efficiency in the regulation of the shipping industry, and to support the growth of international trade in Ghana.
Below is an overview of some key provisions of the Act.

1. Registration of Shippers and Shipping Service Providers

The Act requires shippers and shipping service providers to register with the Ghana Shippers' Authority (the "Authority") as a prerequisite for operating in the shipping industry.[11] An application for registration must be submitted to the Authority in the form prescribed in the Act accompanied by the following: a certificate of incorporation (for a corporate entity), a valid national identification card (for an individual) and the prescribed fee.[12] Upon successful registration, the Authority shall issue a certificate of registration and a registration number to the shipper or shipping service provider.[13] The certificate is valid for one (1) year only and may be renewed after expiration.[14]

2.Prohibition of Unapproved Charges

The Act prohibits the imposition of shipping service charges that have not been approved by the Authority.[15] A shipping service provider who contravenes this rule shall refund the charges and pay to the Authority an administrative penalty, between 1% and 3% of the unapproved charge.[16] Failure to comply may result in the suspension or revocation of the provider's certificate of registration.[17]

3.Facilitation of Transit Trade

The Act requires a transit shipper to register with the Authority as a prerequisite for facilitating trade through the transport corridors of Ghana.[18] Unregistered transit shippers are prohibited from clearing cargo through customs.[19] A transit shipper who seeks to register with the Authority must file with the Authority a completed Transit Shipper Registration form accompanied by the following: a certificate of incorporation of the transit (for a corporate entity); a national identification card of the transit shipper (for an individual) and the prescribed fee.[20] Upon successful registration, the Authority shall issue a certificate of registration and a registration number to the transit shipper.[21]

4.Introduction of Complaint Process

A person in the commercial shipping industry may submit a complaint in respect of a matter that may arise under the Act to the Authority. The complaint must be submitted within one (1) year after the matter arises.[22] The Authority shall investigate the complaint and facilitate a settlement within thirty (30) days of receipt of the complaint.[23] The terms of settlement issued by the Authority shall be final unless set aside by a court of competent jurisdiction.[24]

5.Offences and Penalties

Offences under the Act include:[25]

- Unlawfully preventing the Authority or its employee from performing a function of the Authority;
- Providing a false statement or misleading the Authority; and
- Unregistered operation.

The Act prescribes fines or/and prison terms for persons convicted of an offence under the Act.

Environmental Protection Act, 2025 (Act 1124)

The Environmental Protection Act, 2025 (Act 1124) repeals the Environmental Protection Agency Act, 1994 (Act 490) and the Hazardous and Electronic Waste Control and Management Act, 2016 (Act 917). It is now the substantive legislation for environmental protection, pesticide control and regulation, management and disposal of hazardous waste, electrical and electronic waste, climate change responses, and other related matters.

The Act is divided into six main parts.

Part I establishes the Environmental Protection Authority (EPA).

Part II provides for pesticide control and management. It governs the formulation, manufacture, storage, transportation, usage and advertisement of pesticides. It further establishes a Pesticide Management Fund to provide funds to support the work of the Pesticide Quality Control Laboratory.

Part III deals with the control and management of hazardous waste and other waste specified in the Sixth Schedule. It provides a regime for the transportation and handling of hazardous waste and other waste.

Part IV deals with electrical and electronic waste. It imposes a levy known as the "Advanced Eco Levy" to be paid by manufacturers and importers of new or used electrical and electronic equipment. The Advanced Eco Levy applies to items listed in the Twelve Schedule including household items such as microwaves, refrigerators, air-conditioning machines and others. Individuals or entities intending to manufacture or import items listed in the Twelfth Schedule must register with the EPA to obtain a permit. Additionally, they are required to pay the prescribed Advanced Eco Levy to the EPA for the applicable items.

Part V deals with climate change. The Act designates the EPA as the lead authority for coordinating Ghana's climate change response, integrating climate interventions at both national and local levels. It establishes the Ghana Carbon Registry to oversee and regulate carbon market activities.

Part VI covers provisions on compliance with the Act. It outlines the following guiding principles for ensuring compliance with the Act:

a. the common but differentiated responsibility: all States are responsible for addressing global environmental destruction but not all States are equally responsible for the environmental destruction;

b. intergenerational equity: meeting the needs of the present generation without compromising the ability of future generations to meet the needs of the future generations;

c. the precautionary principle: where there are threats of damage to the environment, whether serious or irreversible, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation

d. the polluter pays principle: a polluter bears all the costs incurred in the prevention or control of damage caused by any pollution originated by the polluter; and

e. sustainable development: meeting human development goals while sustaining the ability of natural systems to provide the natural resources and ecosystem services the economy and society depend on.

Bank of Ghana Outsourcing Directive, 2024

This directive, issued by the Bank of Ghana applies to banks, specialised deposit-taking institutions (SDIs), financial holding companies (FHCs), and development finance institutions (DFIs) collectively referred to in the directive as Regulated Financial Institutions[26] (RFIs). The directive, among other things, provides guidance on regulatory requirements regarding outsourcing arrangements.[27] According to this directive, an RFI must obtain the written prior approval of the Bank of Ghana before it can outsource a function to any other person.[28]

Climate-Related Financial Risk Directive, 2024

This directive applies to banks, SDIs, FHCs, mortgage finance companies (MFCs), leasing companies and DFIs collectively referred to in the directive as Regulated Financial Institutions (RFIs).[29] The directive seeks to, among other things, ensure that RFIs implement appropriate governance and risk management practices to effectively identify and manage climate-related financial risks and remain financially resilient under severe climate risk events.[30]

The effective implementation date of the directive is 1st January 2026 for banks and 1st January 2027 for SDIs and non-bank financial institutions (NBFIs). RFIs are therefore required to align their governance arrangements, risk management frameworks and internal policies and processes with the requirements of the directive by 31st December 2025 in the case of banks and 31st December 2026 in the case of SDIs and NBFIs.[31]

To facilitate the monitoring of the implementation of the directive by the Bank of Ghana, RFIs are required to provide quarterly updates on the initiatives being undertaken to ensure compliance with this directive.[32]

BUSINESS UPDATE

Renewal of Professional Bodies and Membership Certificates

The Office of the Registrar of Companies has by a notice dated 22nd January 2025 announced that all registered Professional Bodies must renew their registration and Membership Certificates on or before 31st January 2025. Failure to comply with this requirement will result in the automatic lapse of the registration of the professional body. Members of these bodies will be unable to practice in their respective professions in such an event.

Classification of Companies for Exemption and Waivers Under the Companies Act, 2019 (Act 992)

The Office of Registrar of Companies (ORC) on 22nd January 2025 issued a public notice regarding the classification of companies for exemptions and waivers under the Companies Act, 2019 (Act 992).

Regulation 51(2) of the Companies Regulations, 2023 (L.I. 2473) (Companies Regulations) provides that the classification of companies shall be based on the turnover of the company; or any variable determined by the Registrar in consultation with the governing body of the ORC.

The Third Schedule of the Companies Regulations in accordance with Regulation 51(1) sets out the classification of companies into small, medium and large as set out below:

COMPANY CATEGORIES	REVENUE (GHS)	ASSETS (GHS)
Small	0 – 400,000.00	0 – 400,000.00
Medium	400,001.00 – 10,000,000.00	400,001.00 – 10,000,000.00
Large	Above 10,000,000.00	Above 10,000,000.00

Exemption from filing full version of annual returns

Under Regulation 52 of the Companies Regulations, companies classified as small or medium are exempted from the requirement to file annual returns in the form required under Section 126 of the Companies Act. Such companies will only be required to confirm the accuracy of the information of the company contained in the Register.

Waiver of requirement for audit and auditor's report

The requirement for the audit of financial statements by an auditor and the publication of a report by the auditors in accordance with Section 137 of the Companies Act, is waived for a company classified as a small company in accordance with Regulation 51.

A small company will be subjected to an auditor review by the company's auditors in accordance with:

a. the International Standards on Review Engagements; and
b. any other standards issued by the International Audit and Assurance Standards Board applicable to the audit of less complex entities adopted by the Institute of Chartered Accountants, Ghana.

c. A report of auditors required under Section 137 of the Companies Act in respect of a company classified as a small company shall only contain a brief report on the financial statement of the company prepared by the internal auditor of the company.

Bank of Ghana Launches Gold Coin

The Bank of Ghana on 27th September 2024 unveiled the Ghana Gold Coin, a new investment initiative aimed at reducing dollar hoarding. This initiative seeks to absorb excess liquidity in the market and strengthen the local currency against major trading currencies. The coin is available in three denominations: a one-ounce coin, a half-ounce coin, and a quarter-ounce coin and is sold in commercial banks.

Government Launches 5G Network to Revolutionize Connectivity

On 1st November 2024, the government officially launched Ghana's 5G network in Accra. According to the government, the initial 5G rollout will start in major cities including Accra, Kumasi, and Takoradi, with nationwide coverage planned by 2026.

JUDICIAL CORNER

New Directive on Serving Court Processes on Officials of Parliament

Chief Justice Gertrude Sackey Torkornoo has introduced new guidelines for court registrars and court bailiffs concerning the proper service of court documents to high-ranking officials within Parliament. These officials include the speaker of parliament, the clerk of parliament, and members of parliament.

According to the circular, court documents intended for the speaker of parliament should be delivered to the legal department of the parliamentary service on Mondays during business hours. For the clerk of parliament, documents are to be served directly between 7 a.m. and 8 a.m. on Mondays or any weekday from Tuesday to Friday.
This rule applies even when parliament is in recess. Additionally, the clerk is expected to inform the judiciary of the parliamentary recess schedule.

When serving members of parliament, the circular specifies that court documents should be served directly to members of parliament from Monday through Friday, between 7 a.m. and 8 a.m., including during recess periods.

Commercial and General Jurisdiction Courts Merged, Now Called Specialised Courts

Commercial courts will now form part of the General Jurisdiction courts. As such, all commercial cases will now be filed as General Jurisdiction cases. In view of this, commercial cases will attract the same fees and charges applicable to cases filed at the General Jurisdiction courts. The circular adds that judges who constituted the commercial courts will still set on commercial cases that are filed in the General Jurisdiction courts.

Tema High Court Opens Two Annexes

The High Court in Tema Community 1 has unveiled two additional High Courts, namely Tema High Court Annex One and Tema High Court Annex Two, to streamline case management and ease the burden on existing courts.

Tema High Court Annex One will be presided over by Her Ladyship Justice Mrs. Rita Agyeman-Budu J, while Tema High Court Annex Two will be under the leadership of Her Ladyship Mrs Cynthia Wiredu J. According to the Registrar of the High Court, these annexes are now operational, with new cases filed in Tema to be assigned to them.

B&P ASSOCIATES

WHO's WHO?

Professor Naana Jane Opoku-Agyemang

Her Excellency ("HE") Professor Jane Naana Opoku-Agyemang became the first female Vice President of Ghana on January 7th, 2025. She previously served as Minister for Education from February 2013 to January 2017. She is a professor of literature and served as the first female Vice-Chancellor of the University of Cape Coast.

Born on 22nd November 1951 in Cape Coast, Ghana, the Vice President attended Anglican Girls' School and Aburi Presby Girls' School.

She then completed her secondary education at the Wesley Girls High School in Cape Coast from 1964 to 1971. She earned her Bachelor of Education (Hons) in English and French at the University of Cape Coast in 1977, followed by a Diploma in Advanced Studies in French from the University of Dakar. HE Opoku-Agyeman went on to complete both her master's and doctorate degrees from York University in Toronto in 1980 and 1986 respectively.

Throughout her career, HE Opoku-Agyemang has held various academic positions at the University of Cape Coast, including Head of the Department of English, Dean of the Faculty of Arts and Vice-Chancellor. As an author, her work focuses on women from Ghana, oral literature in Ghana and Africa, and communication skills and issues in the African diaspora.

She is a Fellow of the Ghana Academy of Arts and Sciences, University Teachers Association of Ghana, English Studies Association, African Studies Association, United States, African Literature Association, United States and International Fulbright Scholars Association and the Commonwealth of Learning amongst others.

In recognition of her achievements, HE Opoku-Agyemang has received honorary degrees from the University of the West Indies and Winston-Salem University as well as a Global leadership award from the University of South Florida in Tampa. In 2011, she received the Officer of the Order of the Volta Award for Academic Distinction in 2011 by the late President the late John Atta Mills. She also received the Ghana Women of Excellence Award in the Education category for f her contribution to the development and promotion of quality education in Ghana.

In 2020, she was named among the 40 Most Inspirational Female Leaders in Ghana for serving as a role model for women in Ghana and Africa. In January 2023, she was listed among the 100 most reputable Africans.

FIRM NEWS

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We are thrilled to announce that our firm is now an exclusive Ghanaian member of TAG Law! This elite global network of top-tier independent law firms, recognized as an Elite Legal Network by Chambers and Partners, connects over 9,000 professionals across 160 firms in 100 countries, including key African markets. This partnership expands our international reach, enhancing our ability to serve clients in diverse markets with excellence. Through TAG Alliances, which also includes TIAG® (independent accounting firms) and TAG-SP® , we join a prestigious group committed to superior client service and professional excellence. We are excited about the opportunities this collaboration unlocks and look forward to delivering even greater value to our clients worldwide!

CONTRIBUTORS

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The Firm launched its Podcast at the beginning of 2023- “The BPA Community FIRST Podcast”.
Our focus is to bring together a diverse group of experts and practitioners to share their views on various legal and social issues that matter most to our community. We are excited to collaborate and build effective partnerships to enrich the quality of our discussions. Our goal is to empower individuals with the knowledge of the law as a tool for creating lasting, positive change.

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