

Registering a Business in Ghana

Written by Elikem Nutifafa Kuenyehia

Author of 'Kuenyehia on Entrepreneurship'

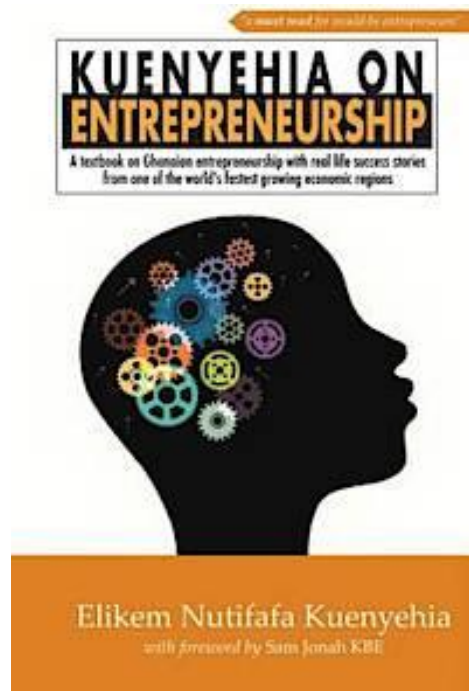


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Introduction

Registering a company is the first step to setting up a successful business in Ghana. Elikem Nutifafa Kuenyehia, a Ghanaian Lawyer by profession, has outlined a step by step guide on how to register a business, organisations you need to engage with and how much to pay whether you are a sole trader or a Limited Liability Company.

How to Register a Business in Ghana

There are different types of vehicles available to an entrepreneur to launch the business venture. The type of business organisation used may depend on considerations such as limiting liability, tax, capital requirements, and control.

There are five main options available to the entrepreneur in Ghana:

1. Sole proprietorship
2. Partnership
3. Company
 - a. Limited liability company

A company which is separate and distinct from its members. The liability of its shareholders is limited to the unpaid amount on their shares.

- b. Unlimited liability company

The liability of shareholders is not limited to the unpaid amount on their shares. Thus, where the company owes money for instance, the shareholders' may be held personally liable for the debts.

- c. Company limited by shares

The company is usually incorporated with the object of carrying on business for the purpose of making money. The nature of the interest of members or shareholders is the shares they subscribe to.

d. Company limited by guarantee

A company which is incorporated for a purpose other than carrying on a business and making profits. It is usually a charity organisation.

4. External company

5. Cooperative

Apart from sole proprietorships, the law requires every other form of business organisation to be registered in order for the entity to be clothed with legal personality.

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Where the business is not registered, it is not recognised under the law to be a legal entity

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How to register as sole proprietorships

A sole proprietorship is a business owned (and often run) by a single individual. The assets of the entrepreneur are not separate and distinct from the assets of the business. Consequently, an entrepreneur who trades as a sole proprietor and the business are the same because there is no distinction in law between the business being carried out and the individual behind the business. This means that the entrepreneur's liability is not limited thus whenever the business owes money for instance, the personal assets of the entrepreneur can be sold to satisfy the debt.

All sole proprietorships must comply with the following requirements:

Obtain a tax identification number (TIN)

In order for a business venture to be carried on in Ghana, the business must be registered with the Ghana Revenue Authority (GRA) for the purposes of the payment of tax.¹

Every person who is liable to pay tax or is required to withhold tax at source must have a tax identification number (TIN)². This requirement for a TIN applies to both individuals and business organisations. However, since the entrepreneur is the same as the business in a sole proprietorship, where the entrepreneur has a TIN, there will be no need to register for a TIN for the business because the entrepreneur's TIN can be used by the business. However, where the entrepreneur does not have a TIN, the entrepreneur must register for a TIN at the GRA.

Procedure for TIN Registration

1. Download a copy of the Individuals/Sole Proprietors Registration Form from the GRA website:
http://www.gra.gov.gh/docs/forms/taxpayer_registration_form_individual.pdf

¹ Internal Revenue (Registration of Business) Act, 2005 (Act 684), section 1.

² Taxpayers Identification Numbering System Act, 2002 (Act 632), section 4.

2. Complete the form and submit it to any of the following agencies
 - Registrar General's Department
 - Domestic Tax Revenue (Income Tax & VAT) Office
 - Custom Division Office
3. Collect your Taxpayer Registration Certificate upon completion of the registration formalities.

Registration Requirements

In addition to providing the details on the registration form, you need one of the following:

- a. Certificate or letter of business registration;
- b. Copy of picture page of valid drivers' licence;
- c. Copy of picture page of valid passport;
- d. Copy of valid voters' ID; or
- e. Copy of valid National ID.

Fee

There is no registration fee for the generation of a TIN. It normally takes between 2 to 7 days to receive the Taxpayer Registration Certificate.

Registering the business name

A sole proprietor who carries out business in his true **personal name, surname or initials, does not have to register the business name.**³

However, where the entrepreneur seeks to use a name that is different from his own name, surname or initials, he must register the name of the business with the Registrar General's Department.⁴ **The registration must be done within two weeks of commencing business.**

³ Registration of Business names Act, 1962 (Act 151), Section 1.

⁴ Registration of Business names Act, 1962 (Act 151), Section 1.

Procedure for Registration of Business Name

1. Pay for and pick up a prescribed **Form A** from the Registrar General's Department (RGD).
2. Submit the completed form with the processing fee to the in-house bank at the RGD.
3. Collect your business registration certificate and a certified true copy of the submitted form once the registration is complete.
4. The business registration certificate must be renewed annually.

Registration requirements

- a. Business name
- b. Nature of business
- c. Principal place of the business
- d. Any other places at which the business is carried out
- e. Name, nationality, residential address and business occupation of the sole proprietor

Fees

- The current fee for Form A is three Ghana cedis, fifty pesewas (GHS3.50).
- The current processing fee is thirty-five Ghana cedis (GHS35.00).
- The current renewal fee is fifteen Ghana cedis (GHS15.00)

Registration under the Registration of Business Names Act does not confer any distinct legal personality on any business name registered under it.⁵ It only gives the entrepreneur the right to use the name, not any intellectual property rights over that name.

⁵ Barclays Bank of Ghana Ltd vs. Lartey [1978] GLR 282.

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Failure to renew the business name may result in removal of that name from the register of business names, which will enable someone else to register and trade with that name.

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A sole proprietorship comes to an end on the death of the sole proprietor or a decision by the sole proprietor to discontinue the business. If the sole proprietor's business name was registered, then notice must be given to the Registrar General for the name to be removed from the register.⁶

⁶ Registration of Business Names Act, 1962 (Act 151), Section 10.

Partnerships

Where an entrepreneur wants to share liability for a business venture without the stringent requirements associated with incorporating a company, a partnership may be the most suitable vehicle for the venture. A registered partnership is treated as a separate and distinct legal entity from the individuals who make up the partnership. However, a partner is jointly and severally liable with the firm and the other partners for all the debts and obligations of the firm over the period for which he remains a partner.⁷ This means that a partner can be sued individually in respect of debts and other obligations of the firm or he can be sued jointly (i.e. together with the other partners and with the partnership).

A partnership is defined as “an association of two or more individuals carrying on business jointly for the purpose of making profits”.⁸ This definition therefore means that, a partnership must necessarily consist of two or more ‘owners’. The owners must

- a. be of sound mind;
- b. be above the age of 18 years;
- c. not have been found guilty of any offence involving fraud or dishonesty in the preceding five years.

The maximum number of persons who can form a partnership is twenty (20). It is not possible for a body corporate (such as a company or another partnership) to become a partner in a partnership.

Procedure for Registering a Partnership

Under Ghanaian law, partnerships must be incorporated under the Incorporated Private Partnerships Act, 1962 (Act 152). It is advised that all persons seeking to enter into a partnership must first prepare a partnership agreement to govern the relationship. A typical partnership agreement would contain provisions relating to the following:

- a) Commencement date of the partnership.
- b) Name of the partnership.

⁷ Incorporated Private Partnerships Act, 1962 (Act 152), Section 14.

⁸ Incorporated Private Partnerships Act, 1962 (Act 152), Section 1.

- c) Financial contribution of each partner.
- d) How profit (or loss) will be shared among the partners.
- e) Ownership of partnership assets
- f) Drawings and/or salaries.
- g) Decision-making and roles for each partner.
- h) How the partnership assets and the existing business would be dealt with in the event that the partners decide to dissolve the partnership.
- i) Payment in the event of retirement or death of a partner.
- j) Restraint of trade following the departure of a partner.
- k) How disputes among partners may be settled.

In the absence of a partnership agreement, or any contrary provisions in a partnership agreement, the provisions of Act 152 shall govern the partnership relationship.

The following requirements must also be complied with:

Obtain Tax Identification Number (TIN)

Every person who is liable to pay tax must have a tax identification number (TIN)⁹. Since partners are liable to tax, each partner must have a TIN. Where a partner does not have a TIN, an application must be made for a TIN before the partnership can be registered.

Procedure for TIN Registration

1. Download a copy of the Individuals/Sole Proprietors Registration Form from http://www.gra.gov.gh/docs/forms/taxpayer_registration_form_individual.pdf
2. Complete the form and submit it to any of the following agencies
 - Registrar General's Department
 - Domestic Tax Revenue (Income Tax & VAT) Office
 - Custom Division Office

⁹ Taxpayers Identification Numbering System Act, 2002 (Act 632), section 4.

3. Collect your Taxpayer Registration Certificate

Registration Requirements

In addition to providing the details on the registration form, you need one of the following:

- a. Copy of picture page of valid drivers' licence
- b. Copy of picture page of valid passport
- c. Copy of valid voters' ID
- d. Copy of valid National ID

Fees

There is no registration fee for the generation of a TIN. It normally takes between 2 to 7 days to receive the Taxpayer Registration Certificate.

Procedure for Registration of the Partnership

- Purchase and complete Form A for Incorporation of Partnerships from the Registrar General's Department (RGD).
- Submit a copy of the partnership agreement (if any) together with the duly completed Form A signed by all the partners. The partners are required to provide the following particulars:
 1. Name of partnership;
 2. General nature of business;
 3. Postal address of partnership;
 4. Address of principal place of business as well as details of all other places it does business;
 5. Personal details of each partner – name (including where applicable, former name), address and business occupation.
- Pay the prescribed fee.
- Collect your certificate of registration once the process is complete. It takes about 5 to 15 working days to complete the registration.
- A TIN will be generated for the partnership during the registration.

Fees for Form A

- The current fee for Form A is three Ghana cedis, fifty pesewas (GHS3.50).
- The current prescribed fee for incorporating a partnership is seventy-five Ghana cedis (GHS75.00).

Company

Where the entrepreneur wants to separate personal assets from the assets of the business, a limited liability company is the best vehicle for the business venture. This is because a company is treated as a separate legal entity and is recognised by law as a person. This means that when the company owes money for instance, the personal assets of the director and shareholders cannot be attached to satisfy the debt, except in some limited instances.

Although not usual, a person who does not want to limit her liability in respect of the company may decide to set up an unlimited liability company. This means when the company owes money, the assets of its shareholders may be used to satisfy the debt.

A company may also be limited by shares or by guarantee. Where the company is limited by shares, members or shareholders subscribe to the shares and pay an agreed amount for each share they subscribe to. Their liability is thus limited to the amount owed on the shares subscribed if any. If a person therefore pays the full cost of the shares held, then where the company owes money for instance, that member will not be called upon to contribute to the debt. Where a member has not paid for the full or partial cost of the shares, the liability for the debt of the company will be limited to the amount owed on the shares.

A company limited by guarantee is prohibited from engaging in business for the purpose of making money. The incorporation procedure for this type of company is different from a company limited or unlimited by shares. However, this write-up will focus on the registration procedure for companies authorised to carry on business for the purpose of making money.

Registering a Company

The law requires every company to be registered before the company can do business in Ghana¹⁰. There are however certain minimum requirements that a company must meet in order to be registered.

¹⁰ Companies Act, 1963 (Act 179), section 5.

1. **Name:** the name of the business shall not be misleading or undesirable and the last word should be “Limited”.
2. **Directors:** a company shall have at least two (2) directors. These directors must be competent in law to be directors and should have consented in writing to be directors before being appointed as directors.
3. **Shareholders:** a company shall have at least one shareholder¹¹. Where the company is a private company, it shall not have more than fifty (50) shareholders.
4. **Auditor:** a company shall have an auditor.
5. **Secretary:** a company shall have a secretary
6. **Regulations:** the Regulations are the rules governing the business entity and serves as a contract between the company and its shareholders, directors and officers.
7. **Objects:** this refers to the purpose for which the business has been set up. The objects must be lawful in order for the company to be registered.

When the above minimum requirements have been satisfied, the following must be complied with:

a. Name search

1. Submit the proposed name of the company to the Registrar General's Department to ascertain whether the name of the company is available. Where the name or a similar version of the name is being used by another entity, the Registrar may refuse to register the company with that name. Where the name is misleading, the Registrar may refuse to register the company with that name.
2. Where the name is available, the entrepreneur may apply to reserve the name or may proceed to apply to the Registrar of Companies for the company to be incorporated with the chosen name.

b. Obtain Tax Identification Number for each director and shareholder of the company

¹¹ Companies Act, 1963 (Act 179), section 8.

Every person who is liable to pay tax must have a tax identification number (TIN)¹². Since directors and shareholders are liable to tax, each of them must have a TIN. Where a director or shareholder does not have a TIN, an application must be made for a TIN before the company can be registered.

Procedure for TIN Registration

- a. Download a copy of the Individuals/Sole Proprietors Registration Form from http://www.gra.gov.gh/docs/forms/taxpayer_registration_form_individual.pdf
- b. Complete the form and submit it to any of the following agencies
 - a. Registrar General's Department
 - b. Domestic Tax Revenue (Income Tax & VAT) Office
 - c. Custom Division Office
- c. Collect your Taxpayer Registration Certificate

Registration Requirements

In addition to providing the details on the registration form, you need one of the following:

- a. Copy of picture page of valid drivers' licence
- b. Copy of picture page of valid passport
- c. Copy of valid voters' ID
- d. Copy of valid National ID

Fees

There is no registration fee for the generation of a TIN. It normally takes between 2 to 7 days to receive the Taxpayer Registration Certificate.

¹² Taxpayers Identification Numbering System Act, 2002 (Act 632), section 4.

c. Procedure for Registering the Company

1. Purchase registration forms at the Registrar General's Department (RGD) or download forms at www.rgd.gov.gh.
2. Complete and submit the registration forms which consist of
 - a. Regulations
 - b. Form 3
 - c. Form 4
 - d. Tax Registration form
3. Pay the registration fee.
4. Pay 0.5% of the stated capital of the company.
5. Receive Certificate of Incorporation, Certificate to Commence Business and certified copies of Form 3, Form 4, and the Regulations when the registration is complete. A TIN will also be generated for the company. It takes about 7 to 21 days to register a company.

Registration requirements

1. Particulars of the first directors (present name, former names, nationality, residential address, occupation, details of other directorships, TIN);
2. Particulars of the company secretary;
3. The name and address of the auditor;
4. The company's registered offices and post office box number;
5. The stated capital of the company – the actual consideration for shares issued;
6. Name, address, date of birth, nationality, occupation and TIN of each shareholder

Fees

- The current fee for a registration form is ten Ghana cedis (GHS10.00).
- The current official fee for registering a company is one hundred and seventy-five Ghana cedis (GHS175.00).

- 0.5% of the stated capital of the company.

d. Register with Ghana Revenue Authority (GRA)

After the company has been incorporated, it has to be registered with the Ghana Revenue Authority. Upon completion of the registration, the company will be given a certificate authorising it to collect Value Added Tax (VAT) and National Health Insurance Levy (NHIL). The company will also be given a unique number in respect of the payment of domestic taxes including income tax.

For the first year of operation, a provisional tax, based on an assessment of the projected earnings of the company, will be paid. Where the company does not do any business, zero returns shall be filed. However, as soon as the business becomes a going concern, the provisional assessment will be made.

With respect to VAT, the company is required to file VAT returns monthly and the deadline is the 15th day of the subsequent month. Where the company does not collect any VAT for the period under review, a nil return shall be filed.

Procedure

1. Obtain and complete GRA registration forms.
2. Before a VAT certificate will be issued, the revenue officers will inspect the physical location of the business.
3. Pay provisional tax assessment.

Registration requirements

1. Certificate of Incorporation
2. Certificate to Commence Business
3. Regulations of the company
4. Detailed curriculum vitae of the directors of the company

e. Register with Social Security & National Insurance Trust (SSNIT)

It is mandatory for employers to ensure that all their employees are registered with SSNIT and to pay contributions on behalf of the employees.

Procedure

1. Obtain and complete SSNIT registration form.
2. Submit form and receive the certification of registration when the registration is complete.
3. Documents required
 - a. Certificate of incorporation
 - b. Certificate to Commence Business
 - c. Form 3 & 4
 - d. Regulations of the company

f. Register with Local Government

Every company is required to obtain a business operating permit from the local government authority.

Procedure

1. Obtain and complete the application form
2. Submit the form and pay the application fee
3. Documents required
 - a. Certificate of incorporation
 - b. Certificate to Commence Business
 - c. Form 3 & 4
 - d. Regulations of the company
4. The fees for business operating permits are paid annually. Fees depend on the location of the business and the objects of the company.

g. Registration with Ghana Investment Promotion Centre (GIPC)

Where the company is the local subsidiary of a foreign company or where shares in the company are held by a person who is not a citizen of Ghana, the company must be registered with the GIPC.

Procedure

1. Open an account with a bank in Ghana;
2. Transfer the foreign shareholder's equity into the bank account;
3. Obtain confirmation of funds transfer from the Bank of Ghana;
4. Obtain GIPC registration form from GIPC, complete and submit it to the GIPC;
5. The GIPC will issue the company with a GIPC certificate;
6. The GIPC shall also issue automatic quotas for foreign employees on application.

Registration requirements

1. Regulations of the local company
2. Certificate of Incorporation
3. Certificate to Commence Business
4. Forms 3 & 4
5. Bank of Ghana Equity Transfer Confirmation letter
6. Where the foreign shareholder is a corporate entity, the entity's constitutional documents
7. Where the foreign shareholder is a listed entity, a listing certificate

Documents required

1. The constitutional documents of the Ghana Company;
2. Bank of Ghana Equity Transfer Confirmation Letter;
3. Copies of constitutional documents of the shareholder of the local company (this is particularly required where the applicant is owned by a corporate entity i.e. the shareholder is a corporate entity);
4. Listing certificate – where the shareholder of the applicant is a listed entity.

Co-operatives

A co-operative has been defined by the International Co-operative Alliance as “an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs or aspirations through a jointly owned and democratically controlled enterprise”. This means that the association is usually set up by its members to provide a service or services for its members.

The composition of a co-operative is usually people who share particular characteristics such as same employer, trade or profession. Members typically pool their resources together to give them a critical mass which enables them to engage in a particular economic venture which, on their own, they might not have been able to do.



There is no requirement for a co-operative to be registered. Thus, it may be just a body of individuals or it may be incorporated.



Co-operatives are generally divided into four categories:

1. Agricultural co-operatives

They are usually engaged in food production, processing and marketing e.g. gari making, pineapple farming, and poultry farming.

2. Financial co-operatives

They usually engage in the mobilisation of savings in rural and suburban areas. Examples are community credit unions, and “susu” groups.

3. Industrial co-operatives

They are typically involved in rural cottage industries such as kente weaving, cloth dyeing, and shea butter production.

4. Service co-operatives

They are usually involved in the service industry including transportation, “provision” stores, etc.

Regulatory Requirements for registration

- A co-operative is registered under the Co-operative Societies Act, 1968 (NLCD 252).
- The co-operative shall not be registered unless it has at least ten (10) members.
- The object of the co-operative shall be the promotion of the economic interest of its members in accordance with cooperative principles.
- The word “co-operative” must form part of the name of the registered entity
- Where the co-operative has limited liability, the word “Limited” shall be the last word of its name.
- Unless the primary object of the society is to grant loans to other registered societies, the word “Bank” or “Banking” shall not form part of the name of a registered co-operative.
- A registered co-operative shall have bye-laws to govern its operations.
- A co-operative is not permitted to grant loans to people other than their own members.
- A registered society shall receive deposits and loans from persons who are not members only in accordance with its regulations or its bye-laws.
- No member of the co-operative is allowed to hold more than 20% of shares in the society unless the co-operative is registered.
- A registered society shall have a registered address.
- The society is required to pay taxes where applicable.
- A society shall not declare dividends unless its accounts have been certified by an auditor and the scheme for distribution has been approved by the Registrar of Co-operatives.
- Where a member passes away, the society shall transfer the deceased member’s interest or shares to an approved heir and liabilities of the deceased member for the debts of a registered society shall continue from the end of the financial year following the demise until two years after the death.

Registration of Co-operatives

1. A minimum of ten (10) people shall agree to form a co-operative. They will agree on a name and the objects of the co-operative. They must also draft the by-laws or regulations of the co-operative.
2. The founding members shall subscribe to shares in the co-operative.
3. A bank account shall be opened in the name of the co-operative.
4. The Department of Co-operatives is the government agency responsible for the administration of co-operative societies. It usually has an office in each district to oversee co-operatives in the district. Collect the appropriate forms from your Municipal Co-operative Officer and complete it.
5. The completed application shall be signed by at least ten (10) members qualified for membership.
6. The application shall be accompanied with three (3) copies of the by-laws of the society and submitted to the district office.
7. The district office will dispatch a field officer to inspect the society, look at its membership, ensure compliance with all requirements and submit a report to the district office.
8. The report is then forwarded to the national office for consideration. Where approval is granted, a certificate will be issued to the co-operative.

NB:

Various types of co-operatives may have different registration requirements. For instance a credit union must have a membership of not less than one hundred and fifty (150) people. Kindly check the national body that your co-operative belongs to for the relevant additional requirements.

External Company

An external company is a company formed outside Ghana and which has an established place of business in Ghana. An established place of business means a branch, registration office, management, factory, mine or other fixed place of business.¹³

It must be noted that an external company does not have a separate legal personality or identity from its parent, but rather operates as a branch of the parent.

1. Registration of External Company

In order to have a presence in Ghana, the external company must register with the Companies Registry by filing the following documents:

- Certified true copies of the constitutional documents of the company from its country of origin.
- The following information:
 - Name of company;
 - Nature of business of the company;
 - If the company has shares;
 - the number and nominal value of the authorised and issued shares;
 - the amount paid for the shares; and
 - the amount yet to be paid for the shares (if any)
- Registered office address.
- Address of principal place of business in Ghana including postal address.
- Details (name, address of one or more persons authorised to act as the company's Local Manager(s). This must be a person competent to be appointed as a director in Ghana. A resolution of the board of directors and a power of attorney are needed to authorise the establishment of an external company and to authorise the Local Manager to act on behalf of the external company .
- The name of the process agent authorised to accept service of process and other documents on behalf of the company.

¹³ Companies Act, 1979 (Act 179)

- Complete a Taxpayers Identification Number (TIN) form for the local manager(s).

The company is required to notify the Companies Registry within two (2) months of any changes to the particulars of the company.

Once the above information is received by the Companies Registry, with a registration fee, the Registrar shall have the information about the company published in the Gazette and will issue a letter confirming the registration of the company on the External Register, however no certificate of incorporation will be issued.

2. [Registration with Ghana Investment Promotion Centre \(GIPC\)](#)
[Same procedure for limited liability company above.](#)

3. [Obtain immigrant quota or work permit](#)

A company that is registered with the GIPC automatically qualifies to employ expatriates to work for it in Ghana. However, to employ any expatriate, the company must first obtain a work permit for such employees by obtaining approval from GIPC and obtaining grant of work permit from the Ghana Immigration Service (“GIS”).

a. **Approval from GIPC**

- I. Submit a written application to the GIPC for immigrant quota.
- II. If the application is found to be in order, the GIPC will issue a Letter of Support.
- III. It could take up to **21 days** to obtain the GIPC Letter of Support and it currently costs US\$500 per expatriate to obtain a GIPC Letter of Support.

b. **Work permit from GIS**

- I. Obtain work and residence permit application forms from GIS and complete same;
- II. Submit work permit application forms together with all relevant documents demanded by GIS.

- III. Where the GIS is satisfied with the application, the GIS will grant a work permit to the applicant. It takes up to **30 days** to obtain a work permit. The current fee payable to the GIS for the application for work permit is US\$500 per applicant.
- IV. After obtaining the work permit, the passport of the expatriate must be submitted (together with the completed residence permit application form and a covering letter from the company) to the GIS for it to be affixed with the permit. It could take further **30 days** to complete this process and obtain the passport back.

The number of expatriates a company may employ will depend on the amount of its foreign capital contribution.

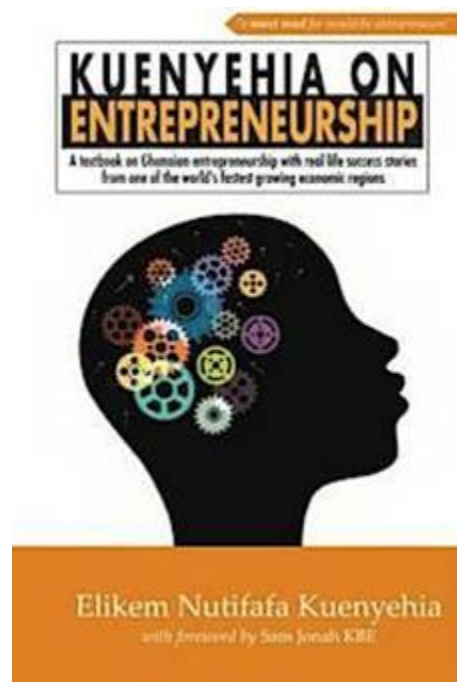
<u>Capital</u>	<u>Automatic quota</u>
US\$50,000 - US\$250,000	1 expatriate
US\$250,000 - US\$500,000	2 expatriates
US\$500,000 - US\$700,000	3 expatriates
US\$700,000+	4 expatriates

If a company intends to employ additional expatriates beyond the above quotas, it must show that the skills required cannot be obtained locally.

- 4. [Registration with Ghana Revenue Authority \(GRA\)](#)
Same procedure for limited liability company above.
- 5. [Registration for Value Added Tax](#)
Same procedure for limited liability company above.
- 6. [Registration with Social Security & National Insurance Trust \(SSNIT\)](#)
Same procedure for limited liability company above.
- 7. [Permit from local government authorities](#)
Same procedure for limited liability company above.

Thank you for reading!

Please find more information on how to grow and strengthen your business in Ghana via [Elikem Kuenyehia's book on Entrepreneurship](#).



**Special thanks to Thelma Tawiah for her significant contribution to this report*