

Ghana's tax dispute reset: building confidence through fairer resolution



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A system ready for renewal

For years, Ghana's tax dispute resolution framework has carried a credibility gap. When taxpayers disagreed with assessments or administrative decisions by the Ghana Revenue Authority (GRA), their only recourse was to go directly to the High Court – a path both costly and time-consuming.

To address this, policymakers created the Independent Tax Appeals Board (ITAB), a quasi-judicial body positioned between the GRA and the courts in 2020. Its mandate is simple: to offer a faster, fairer, and more transparent mechanism for resolving tax disputes.

Yet, five years after the enabling legislation was passed, ITAB has yet to hear its first case. The delay highlights a familiar challenge in many emerging markets where reform design often outpaces implementation. Still, ITAB remains a valuable opportunity: if executed effectively, it could transform Ghana's tax administration landscape and restore investor confidence.

At the 13th Annual International Tax Conference of the Chartered Institute of Taxation Ghana (CITG), the Acting Commissioner-General announced that the long-awaited regulations to operationalise ITAB are expected to take effect before December 2025. This announcement signals renewed momentum after years of delay.

The limits of the “pay-to-play” model

Under current rules, taxpayers who wish to challenge a GRA assessment must first pay 30% of the disputed amount before their objection can be heard. This “pay-to-play” rule was intended to deter frivolous appeals and safeguard revenue, but it has created perceptions of unfairness, particularly for businesses facing large or complex assessments where liquidity is already tight.

The Supreme Court upheld the rule in *Richard Amo-Hene v. GRA & Attorney-General* (2022), affirming its constitutionality, though debate continues over whether it unfairly restricts access to justice. Other jurisdictions show that there are

better ways to strike this balance. Kenya, for instance, initially imposed a prepayment requirement before relaxing it following investor concerns. Nigeria's Tax Appeal Tribunal requires no prepayment at all, relying instead on strict procedural timelines. In the United Kingdom, taxpayers can appeal without paying upfront, though penalties may apply if the case is lost.

Ghana's approach, while well-intentioned, risks signalling that access to justice depends on one's ability to pay. For a country seeking to position itself as a regional investment hub, that perception matters.

A step toward reform

Ghana took an important step by establishing the ITAB – an 11-member quasi-judicial body serving as an intermediate appeals mechanism and providing taxpayers with a space to seek redress before resorting to tax litigation.

Since then, the GRA and the Ministry of Finance have been working to finalise the implementing regulations that will define ITAB's procedures, membership, and timelines to ease bottlenecks and build trust between taxpayers and administrators. Experience elsewhere, however, shows that credibility in tax dispute resolution depends not only on structure but also on independence, transparency, and adequate resourcing. In South Africa, for example, tax courts gained legitimacy only after they were properly funded and staffed with independent tax experts. Ghana's ITAB will require similar safeguards to ensure it is not perceived as an extension of the GRA. ITAB's potential is strong, but several issues remain unresolved. The Minister for Finance retains power to revoke appointments, which could undermine perceptions of independence.

The law imposes deadlines on the GRA to issue objection decisions, but no such timelines are imposed on ITAB itself, leaving room for procedural delays. The Board also lacks authority to suspend tax collection during appeals, exposing taxpayers to enforcement or accumulating interest while their cases are pending. Lawmakers might also consider clarifying how “judicial manner” proceedings – as referenced in the draft regulations –

should align with ITAB's mandate to operate flexibly and not be bound by the strict rules of evidence. Achieving that balance between accessibility and due process will help ensure the Board's proceedings are both credible and user-friendly.

Finally, awareness and accessibility of this new program will be key to its success. Both local and multinational businesses will need clear, practical guidance on how to file appeals and what outcomes to expect. So far, limited communication or taxpayer education has taken place. Experience from countries such as Kenya and Malaysia showed that early and proactive outreach was essential to building trust in similar systems. Ghana's success will likely depend on a strong commitment to transparent communication and taxpayer engagement.

Importantly, ITAB's reach will extend beyond conventional tax assessments. Taxpayers will be able to challenge issues such as denied VAT refunds, charitable registration refusals, and customs valuation disputes – making it a broader accountability tool across the entire tax administration system.

Policy priorities going forward

For ITAB to achieve its intended impact, policymakers should focus on four key actions:

- Codify timelines: introduce statutory deadlines for ITAB to deliver decisions, creating predictability for taxpayers and the GRA.

- Suspend enforcement during appeals: prevent interest accrual and collection activity while cases are pending to preserve fairness.

- Strengthen governance: make the appointment and removal of Board members transparent and protected from political influence.

- Resource appropriately: fund the Board adequately and recruit professionals – tax experts, accountants, and legal practitioners – known for impartiality and credibility.

If these priorities are addressed, ITAB could develop the institutional strength and reputation of the UK's First-tier Tribunal or South Africa's

Tax Court, where independence and professionalism underpin credibility.

From policy to practice

ITAB represents a much-needed innovation in Ghana's journey toward a modern tax adjudication system, but its success will depend on political will, institutional independence, and operational discipline. If the Board demonstrates efficiency and impartiality, its very presence could deter arbitrary or inconsistent decisions, reinforcing a culture of fairness within the GRA itself. Effective tax dispute systems – whether in Africa, Europe, or Asia – share three defining traits: clarity, independence, and timeliness. Embedding these into ITAB's operations would not only strengthen Ghana's tax governance but also enhance its reputation as a destination where fair administration and the rule of law support sustainable investment.

Tax and Finance Operate

Kofi is a Chartered Accountant and Chartered Tax Advisor while Maame is a Lawyer, Chartered Tax Advisor and an Entity Compliance & Governance specialist. They have over 12 and 10 years' experience respectively, providing assistance to companies in resolving tax disputes, efficiently structuring their tax affairs, performing buy-side or sell-side due diligence and complying with the requirements of the tax laws, among others. Additionally, Kofi is a guest lecturer at the University of Ghana School of Law (UGSoL), co-teaching the Transfer Pricing course in the UG SoL's Master of Arts and Master of Laws in programs in Tax Law, Policy and Practice.

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