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### Incidences of human rights violations and practice of the voluntary principles on security and human rights in selected mining communities in Ghana

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#### ABSTRACT

The paper examined the implementation of the Voluntary Principles on Security and Human Rights (VPSHR) in Ghana's extractive sector from the perspective of three selected resource-endowed host communities. An exploratory design involving the use of stakeholder analysis in sequential phases was used for this study. Transect walks, in-depth interviews and community-based focus group discussions were the techniques employed in the data collection. The results indicated that there is a general lack of awareness of the VPSHR by most stakeholders, especially at the local level. Even though some mining companies have signed onto the voluntary principles, implementation and adherence are not adequate because there is no community participation in any risk assessment and mitigation strategies developed by mining companies thereby resulting in a lack of trust in the process. The paper concludes that there is a general lack of knowledge of the VPSHR and an absence of mechanisms to demand social accountability which presents a challenge to adherence and achievement of desired outcomes. This calls for efforts to be made to improve the capacity of Civil Society Organisations (CSOs) and national-level VPSHR implementing agencies and departments.

## 1. Introduction

Globally, mineral wealth is an essential asset to enhance socioeconomic growth and foster infrastructure development (Kaku et al., 2021). Conversely, adherence to human rights is overlooked at the expense of economic growth and development in most African, and other developing, nations. In several countries in sub-Saharan Africa, the extractive industry has contributed significantly to human rights violations in various forms and magnitudes (Kamga & Ajoku, 2014). In Ghana, the violations of human rights have become a bone of contention between host communities and mining companies (Traoré, 2016). The nature of these contentions in the extractive industry in Ghana has occasioned the violation of the rights and fundamental freedoms of people living in mining communities which includes violent, illegal arrest and detention of community members, torture, the use of firearms and other deadly weapons resulting in the loss of lives and properties (Traoré, 2016). This has created insecurity and tensions in many of these host communities, such as Tarkwa (Akabzaa, 2000), Prestea (Hilson & Yakovela, 2007),

Dumasi and Teberebie (Ayeelazuno, 2011), Obuasi (Mohammed et al., 2019), resulting in people living in fear and with restricted mobility. Many of the conflicts and other challenges in different community relations with mining companies is the contention for mineral-rich parcels of land caused by the resistance of locals to give out lands to mining companies after they have secured licenses (Okoh, 2014; Segbor, 2014; Adonteng-kissi and Adonteng-kissi 2017), indigenes illegally mining on concessions granted to mining companies (Tschakert, 2016) and many more. Interestingly, some of these companies that have had these altercations in these communities are signatories to the Voluntary Principles on Security and Human Rights (VPSHR).

The VPSHR was developed in 2000 through a multi-stakeholder initiative between leading extractive companies, non-governmental organisations and the governments of the United States and the United Kingdom (Tripathi et al., 2008; Johnson, 2021). Participant countries in the Voluntary Principles Initiative expressed support for three fundamental principles guiding the protection of security and human rights

in the extractive sector. These are (Tripathi et al., 2008): i) conduct a regular and sufficient risk assessment; ii) monitor and guide the relationship and interactions between companies and public security; and iii) interact between companies and private security.

Risk assessment in the extractives industry is critical to the security of personnel, local communities, and assets (Smith, 2013). It is also essential to the success of the industry's short and long-term operations; and to the promotion and protection of human rights (Pediati et al., 2013). Though, it is recognized that risk assessments in the mining industry could be simple or complicated. In some cases, the quality of complicated risk assessments is mostly dependent on the assembling of regularly updated and credible information from a broad range of perspectives thus from local communities, national governments, security agencies, other companies, and civil society organisations (Tubis et al., 2020). Therefore, this information may be most effective when shared across host communities, companies, civil society organisations and governments.

The VPSHR framework serves as a guide to governments and multinational companies in the extractive industry on how to observe and protect human rights, fundamental freedoms and security associated with the extraction of natural resources in social environments (Tripathi et al., 2008). The main goal of the VPs is primarily to encourage extractive industry players, Governments, companies, host communities and civil society organisations to promote and protect human rights by making adherence to the VPs a shared responsibility. While governments have primary responsibility for protecting human rights, companies signatory to the VPs have a critical role in ensuring that their operations, security relationships and security arrangements do not cause; be directly linked; and contribute to adverse impacts and human rights abuses (WANEP-Ghana, 2015).

At the international level, Pakistan is one of several countries that have established petroleum-producing companies associations to promote and coordinate the activities of the oil and gas industry. Engaging the government via this forum has been effective, including when it comes to sensitive security policy matters that impact several investors (GIZ, 2011). For instance, companies have been able to coordinate their communication with the host government regarding issues related to requests for financial assistance from companies to help offset the cost of providing public security to protect oil and gas facilities. Collective representation can often be more effective than making an individual approach (GIZ, 2011). Another example is BP Colombia which has put in place a VPs evaluation process focused on the extent to which the company is applying the principles concerning risk assessment, working with private and public security providers (DFID, 2011). In Azerbaijan and Georgia, commissioned independent assessments are in place to review how the VPs are implemented in the extractive sector to provide security for host communities (International Council on Mining and Minerals [ICMM], 2015).

The principles guide companies in conducting a comprehensive assessment of human rights risk in their

engagements with public and private security providers to ensure human rights are protected. In Ghana, it is acknowledged that mining companies during their operations engage private security services to protect their operations and assets (Akabzaa, 2000; Hilson & Yakovela, 2007). Given the fact that these private security companies may be carrying weapons with associated risks, the voluntary principles provide a guide on how secret security operatives can conduct their operations without harming human rights, liberties, and assets (Tripathi et al., 2008). On the other hand, the government in furtherance of her primary role of maintaining law and order may designate state security apparatus in mining areas. While public security is expected to act in a manner consistent with local and national laws as well as with human rights standards and international humanitarian law, within this context abuses may nevertheless occur (Bilgili, 2013; Andeobu et al., 2015). In that regard, companies have an interest in ensuring that actions taken by public security providers are consistent with the protection and promotion of the human rights of host communities and in conformity with voluntary principles (VPs).

Ghana signed on to the VPs, becoming a participant in 2014. While some extractive industry operators in Ghana have subscribed to the VPs, their reactions to some security challenges have been questioned (Fund for Peace, 2018). While mining (especially gold production) is of increasing importance for Ghana's economic growth (Mohammed et al., 2019), inherent risks in that industry are making host communities more aware of the risks, and how they should be managed. Although the VPs act as a guide rather than a regulatory standard, their proper implementation by companies is very crucial. Likewise, general awareness and understanding of the VPs by relevant stakeholders of the extractive sector in Ghana is critical. It is against this backdrop that this study examines host mining communities' perceptions and awareness of the VPs, using three mining communities in the Ashanti, Eastern and Western Regions. Although there is some literature on VPSHR (DFID, 2011; ICMM, 2015), methods for successful stakeholder engagements and the assessment of social accountability in Africa are scarce. This study propitiously fills the gap by integrating stakeholder analysis with in-depth interviews to examine the challenges and approaches to implementing the Voluntary Principles on Security and Human Rights (VPSHR) in Ghana.

## **2. Literature review and theoretical framework**

Many mineral-rich countries in Africa have made conscientious but futile efforts to attract foreign investment into their mining sectors (Pegg, 2006). According to Morgan (2002), this was due to excessive state control of the mineral sector in the developing world in the 1970s and 1980s which was considered a threat to attracting the needed investment into the sector. To address this, the World Bank collaborated with desperate governments to attract foreign investors by reforming national mineral codes (Pegg, 2006). In Ghana, for instance, the government took a step to make the country's mining sector a favourable and attractive venture under the code name Economic Recovery Program (ERP) in the early 1980s (Hilson & Nyame, 2006). This led to a review of 78

Acts, Ordinances, Codes, and Laws regulating the country's mining sector (Hilson, 2004). Consequently, the Minerals and Mining Law 1986 (PNDCL 153) was enacted, which authorized the president to acquire any land or authorize the occupation and use of any land that is required to secure the development or utilisation of a mineral resource under any applicable law (Republic of Ghana, 2006). This also resulted in the liberalisation of mining codes which gave attractive incentives to foreign mining companies, including tax exemptions, facilities for profit repatriation, low royalty payments, stability agreements, and poor compensation regimes, over the protection of foreign companies in cases of disputes, and weak environmental standards (Owusu-Koranteng, 2008).

Compared to the 7 mines in existence in 1986 (Hilson & Yakovleva, 2007), there are currently 89 mining projects in Ghana owned by 32 mining companies, but many of them, and those looking to invest in the Ghanaian mining industry, are international mining companies (Ghana Minerals Commission, 2021). This expansion in mining and exploration tends to have adverse impacts on local communities. Policies aimed at attracting an inflow of foreign investments did not incorporate firm requirements for responsible mining activities by the mining companies. There are minimal environmental standards for mine operations (Owusu-Koranteng, 2008). This has led to great environmental damage because of the clearing of large tracks of productive land through excavations as well as cases of cyanide spillage (Segbore, 2014).

Despite the economic growth that mining is argued to have brought (Tsikata, 1997), there is also a counterargument that it does not augur well for host communities (Mohammed et al., 2019). Economically, environmentally, and socially, mining communities have a high cost to pay. Large-scale surface mining has taken up large tracks of land from farmers and at the same time, mining activities have not provided enough jobs to match the total number of people laid off from agriculture because of the impact of mining (Akabzaa and Darimani, 2001). The damages that are associated with the spillage of hazardous chemicals like cyanide into rivers have also been noted (Segbore, 2014). There have been several grievances and agitations regarding damages to crops, relocation compensation as well as the quality of services and housing for newly located settlements (Aubynn, 1997).

Mining sector reform policies have resulted in human rights abuse of mining communities by mining companies. Citing the 13 officially reported cases of cyanide spillages since the late 1980s, Owusu-Koranteng (2008) argued that this has been caused by loose legal codes governing environmental standards. Contamination and pollution of water sources by mining activities have caused conflicts and agitations in mining communities. For example, it was reported that the major source of conflict between the people of Prestea and Golden Star Resources company was the pollution of the Abodwese River that provided an all-year-round water supply to a population of about 10,000 in Prestea (Ayeelazuno, 2011). Also, it was recorded that the activities of the same mining company stopped the flow of five streams and contamination of one stream following two cyanide spillages

in 2004 and 2006 in Dumase (Ayeelazuno, 2011). The Teberebe cyanide spill from the Tarkwa Goldfields mine into the Angonaben stream in 1996 also affected nine villages and many socio-economic activities in the village (Awudi, 2002).

The displacement of about 30,000 people from 14 communities by mining activities, with meagre compensation between 1990 and 1998 in Tarkwa, was an act that interfered with the rights of people in the community (Awudi, 2002). Environmental damages because of the clearing of large tracts of agricultural lands through excavations have resulted in limited farmland. Farming has been greatly affected, leading to the high cost of food and the destruction of livelihoods (Mohammed et al., 2019), a situation that is a breach of their right to a decent living. Frequent brutal confrontations between host communities and mining companies over the right of ownership over concessionary lands have also been reported (Awudi, 2002).

Concerns over human rights abuses in host mining communities by transnational mining corporations (TNMCs) in Ghana have attracted the attention of many researchers (e.g., Akabzaa et al., 2007; Ayeelazuno, 2011; Okoh, 2014; Segbor, 2014; Tschakert, 2016; Obiri et al., 2016). These concerns are generally related to economic interests and human rights violations, concerns about territorial principles, resource curse, and the relationship between mining companies and human rights abuse. One theoretical approach to economic interest and human rights abuses is the concept of "market discipline" (Evans, 2005). This concept provides that for a country's economic growth, the free market and deregulation are central policy objectives and are favoured over the protection of human rights. According to Evans (2005), market discipline considers human rights as the liberties necessary to authentic forms of production and exchange; it tracks only those rights which are essential to sustain claims for liberal freedoms including those associated with liberty, security, and property. He argues that, although existing international human rights law officially recognises the indivisibility of human rights, in practice only which support market discipline are promoted while economic and social rights are of less significance. Consequently, the role of the state has changed from that of a protector of human rights to safeguarding the efficient functioning of the country's economy.

The basic principle of international law – the 'territorial principle' - stipulates that "each state has exclusive jurisdiction within the limits of its territory" (Zerk, 2006: 105). While discussing the 'universal principle', Zerk (2006) indicated that all states have criminal jurisdiction regarding those human rights violations which have severe repercussions for peace and stability, including crimes against humanity. Consequently, the territorial principle can be applied to foreign companies when their actions amount to abuses of human rights. In discussing the 'resource curse' thesis about human rights abuses in the extractive sector, Muchlinski (2009) suggests that recurrent violation of human rights in the extractive industry is influenced by the fact that many natural resource deposits are found in countries with weak governance systems and dangerous political, social, and economic difficulties. Furthermore, according to

McCorquodale (2009), the host countries are mostly less economically powerful than the parent countries of the mining companies operating in their territory and the latter can exercise significant power over the host government, which can lead to dangerous human rights abuses. Muchlinski (2009) identifies four categories of human rights abuse by Trans-National Mining Companies (TNMCs) operating in the extractive sector:

- i. Companies may aid government agencies or opposition forces in the abuse of human rights when there is tension emanating from host communities for control over natural resources;
- ii. Companies may be complicit in human rights abuses done by suppressive governments;
- iii. Companies may abuse human rights due to industrial pollution or other environmental injuries; and
- iv. Security personnel of companies may commit criminal assaults (or even killings) of host community members who may (or may be perceived) pose a danger to the asset/investment.

Mares (2008) also identify challenges to human rights associated with the extractive sector. According to him, human rights concerns arise in such circumstances because: (a) natural resources are usually found in frail and weak-democratic states where human rights violations are common; (b) investment in the extractive sector has a long-term feature; (c) extractive industry processes can lead to negative environmental impacts or disruption of local ways of living for indigenous population; and (d) security personnel of mining companies use arms as protection which can result in violent clashes with protestors from host communities.

From the discussion above, the possibility of human rights violations in TNMC is considerably high relative to other sectors. Therefore, the issue of human rights violations in host mining communities requires attention and regulatory mechanisms by the host government.

### 3. Methodology

The study was designed in line with the advocacy principle by employing a structure of meetings that followed a stratification of stakeholders. This consisted of meetings that facilitated action-oriented advocacy among various communities and organisations and assessed responses to short-term and long-term problems. The target population for this study was communities that have been victims of human rights abuse by mining companies. Three communities from three regions (Ashanti, Western and Eastern) were selected due to large-scale mining by official mining operations. The communities studied were Obuasi in the Ashanti Region, Prestea in the Western Region, and Anyinam in the Eastern Region. Obuasi and Prestea were selected for the study for their natural endowment with gold and as the operational area of AngloGold-Ashanti Mining Company and Golden Star Resource respectively. Eastern Region has the most diverse mineral resource endowment – gold, bauxite, manganese, and diamond. New Mont Mining Company is a gold mining company in Anyinam. In addition, AngloGold Ashanti, Golden Star Resource and New Mont Mining Company are

participants in the Voluntary Principles Initiative (VPI).

The study was conducted in two phases. The first phase was a scoping study of the selected extraction-based communities. The general objective was to scope the issues on the subject under study from the perspective of the host communities, the mining companies operating in the project areas, local government authorities and local civil society organizations. More especially, the scoping study sought to assess the level of knowledge and adherence to the VPs by the key stakeholders at the community level. The scoping exercise covered the officials and groups of representatives (shown in Table 1), who were purposively selected.

**Table 1: Respondents for scoping study**

S/n	Respondents	Number of Respondents
1	Obuasi Municipal Assembly	1
2	Prestea Huni-valley Municipal Assembly	1
3	New Abirim District Assembly	1
4	Municipal/District Security Committee/ District Security Committee (MUSEC/DISEC)	3
5	Sub Chief in Obuasi	1
6	Sub Chief in Prestea	1
7	Chief of Anyinam	1
8	Newmont official in Anyinam	1
9	AngloGold official in Obuasi	1
10	Golden Star Resource official in Prestea	1
11	Directly Affected Persons (DAPs) in Obuasi	4
12	Directly Affected Persons (DAPs) in Prestea	4
13	Directly Affected Persons (DAPs) in Anyinam	2
14	Assembly members in all communities	3
15	Local Civil Society Organisations (Obuasi and Prestea)	2
<b>Total</b>		<b>27</b>

Several methodologies were employed at the community level to collect the data (see Table 2). Since the study was fundamentally exploratory, transect walks and in-depth interviews were used. The transect walk on mining sites with officials of mining companies, guided by a checklist, gave the research team a picture of communities, particularly concerning the mining enclaves and the general topography of the areas. In-depth interviews were conducted with traditional authorities. The interviews covered a range of issues, including the benefits of extraction, the challenges and hazards associated with it and coping strategies developed by the communities. Of interest also were the human rights abuses, and the channels opened to the local authorities to address grievances. Alleged victims of human rights abuses perpetrated by specific mining companies in the communities visited were also engaged.

Table 2: Summary of tools used for the scoping study

Type of Participants	Nature of Interview	Number of Interviews
Traditional Authorities (Chief/sub-chiefs)	In-depth/Member of FGD	3
District Chief Executive/assembly officials	In-depth Interview	3
Assemblymen	In-depth Interview	3
Municipal/District Security Committee/District Security Committee (MUSEC/DISEC)	In-depth Interview	3
Extraction Company	In-depth Interview	3
Community Members	In-depth Interview	10
Local CSOs	In-depth Interview	2
<b>Total</b>		<b>27</b>

The second phase was the national-level consultations, which focused on broader discussions with national key stakeholders mainly and the formation of a civil society coalition. This was done to gain insights into policymaking and implementation of the VPs in Ghana. Some of the key actors engaged in the process were:

- i. Ministry of Lands and Natural Resources;
- ii. National Peace Council;
- iii. Mineral Commission;
- iv. Environmental Protection Agency; and
- v. Extractive Industry Transparency Initiative (Ministry of Finance).

#### 4. Results

##### 4.1 Impacts of mining activities on host communities

The impacts of mining activities risks reported by respondents in this study ranged from the loss of farmlands leading to loss of livelihoods, high youth unemployment, cracks, and collapse of building structures, to pollution and related health problems such as prolonged cough, headache and deafness (see Table 3).

Table 3: Stakeholders' perceptions of the impacts of mining

Type	Communities	Assemblies	Traditional Authority	District Security Committee

Environmental	Pollution (air chemicals, dust, water, noise); cracks in buildings.	Contamination of water bodies; land degradation.	Pollution (air: dust and chemical, noise); cracks in buildings.	Pollution (water); cracks in buildings; land degradation.
	Social	Youth unemployment; the high cost of living; theft and armed robbery; loss of livelihood (farming and 'galamsey')	Loss farmlands; loss of livelihood; theft and armed robbery; youth violence; youth unemployment.	Unemployment; loss of livelihood; the high cost of living.
Health		Cough and headache		

Source: Field Data (September 2019)

In-depth interviews with chiefs revealed that they are frustrated with mining companies who have promised to employ youths of various communities but have largely not fulfilled their promises leading to a high rate of youth unemployment creating tension, conflict, and violence. Armed robbery is rife in most of the mining communities due to high youth unemployment. According to the Chief of Anyinam:

*"..... my persistent coughing condition for over six years is due to the activities of mining companies" (in-depth interview, 23/05/2019).*

Similarly, the sub-Chief in Obuasi said:

*"Armed robbers come into this village to rob mining company workers and, even, ordinary residents because they believe people living here are wealthy" (Key Informant interview, 20/06/2019).*

The primary threat facing mining companies is competition from illegal miners (galamsey operators) in their operational areas. From the perspective of an official Golden Star Resource:

*"..... although competition with illegal miners poses a significant risk to our operations, the greatest threat is galamsey operators attacking our underground mining personnel, using explosives, and violent clashes (including shootings)" (in-depth interview, 23/06/2019).*

Mining communities, however, argued that galamsey is their primary source of livelihood since farming, which used to be their main occupation, is no longer viable. An Assemblyman in Obuasi noted that:

*"Galamsey is the only source of livelihood for most of us after our farmlands were taken away from us by mining companies" (in-depth interview 21/06/2019).*

Table 4 captures a breakdown of the various potential risks posed by mining activities identified by stakeholders. From the perspective of the district/municipal assemblies, food

insecurity is a significant foreseeable risk. Loss of farmlands to mining and diversion of farmland compensation for alternative livelihoods threatens food security in host communities where most of the population is farmers. Increasing demand for food crops as against limited supply could contribute to food shortage and hunger.

Table 4: Identified risks by stakeholders

Type of	Communities	Assemblies	Traditional Authority	District Security Committee	Mining Companies
Environmental	-	Spillage of cyanide	-	Food insecurity	-
Social	Fear; intimidation; withdrawal of utility services.	-	Withdrawal of utility services; educational infrastructure problems.	-	Allegation of collusion and bribery between companies and state officials; assaults; sabotage
Health	Deafness; death.	-	-	Skin diseases; death	-

Source: Field Data (September 2019)

In terms of health, communities, as well as district and municipal security agencies, highlighted issues relating to skin diseases, death, deafness, fear, and intimidation associated with the impact of mining on the affected communities. The significant potential risks identified by Traditional Authorities are the withdrawal of utility (electricity and water supply) services and support for educational infrastructure. In Obuasi, for example, AngloGold Ashanti supplies electricity and water freely to residents of the mining communities, but the company is proposing a withdrawal of its services in electricity provision because of its excessive use by residents. This development, according to a sub-Chief:

*“..... will pose a major risk to us since we do not have money to pay for utility services because the company has taken over our farmlands and refuse to offer the youth jobs to support their families and households” (in-depth interview, 22/06/2019).*

Interviews with community members revealed that residents had lost trust in state agencies, particularly the Minerals Commission, Environmental Protection Agency (EPA) and security officials hosted by mining firms in their residences. Host communities alleged that mining companies have 'bribed' various state institutions and therefore, the institutions are unable to perform their duties efficiently and

genuinely. Communities expressed their gross dislike of mining companies hosting EPA and other state agencies' staff for human rights and security protection.

#### 4.2 Adherence to and awareness of the voluntary principles by mining companies

The mining companies studied, AngloGold Ashanti, Golden Star Resource and New Mont Ghana, have been participant companies on the VPI since 2007. By 2010, the companies committed themselves to the UN Guiding Principles on Business and Human Rights and, since 2012, they have shown commitment to the VPs' implementation by making it one of their core values. By setting the VPs as a core value, the companies ensure that every worker goes through security induction, which has a component titled VPSHR training. Again, the companies ensure that regular Risk Assessment is done to identify the potential impacts of their activities on the affected communities. According to the principle, mining companies have equipped their security force to resort to the appropriate means for protest and crowd control depending on the situation at hand. Aside, from the security departments handling some aspects of the VPs for AGA, there are Sustainability or Community Relations Departments which are responsible for managing the companies' relationship with members of affected communities and other stakeholders. These departments also undertake regular risk assessments to be able to sustainably address any community relations issues.

To effectively assess all forms of risks (environmental, social, and human rights) in mining communities, companies involve potentially affected stakeholders like affected communities, workers, and other relevant individuals. Table 5 gives an overview of the risk assessment (RA) mechanisms adopted by the different stakeholders in the three mining communities studied. The results indicate that different stakeholders have different mechanisms for assessing mining-related risks.

Table 5: Regular RA Mechanisms by stakeholders

Community	District/Municipal Assembly	Traditional Authority	District Security Committee	Mining Company
Community dwellers to engage companies;	Based on community complaints, and individual experiences; responsible government departments	Formal commitments responsible for RA exercise in the community.	Based on community complaints; employ independent consultants to do RA; RA is conducted by the	Regular RA is done by the security and sustainability or community relation departments of the company
Previous experiences.	conduct RA on the community's behalf; use independent consultants; companies to			

undertake RA on the community's behalf.	district' s disaster and preventi on departm ent.
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Source: Field survey (September 2019)

Although the company's RA is a continuous process, this study found that this is not adhered to by the relevant stakeholders. Interestingly, mining communities rely on community durbars, mostly organised by mining companies, to inform community members about the imminent risks of the companies' activities and preventive measures. Host communities also rely on knowledge of previous conditions in their settlements to assess changing conditions. In other words, they depend on past experiences to determine the risks and impacts of mining in their communities. For instance, cracks in residential dwellings, which were not observed before mining started in the communities, were attributed to blasting activities by mining companies. Communities, however, complained that their reports are often discounted and abandoned and described as unreliable and lacking scientific basis, and they are often queried to provide scientific-based reports of their allegations to warrant attention. The demand for scientific proof by district/municipal assemblies and mining companies applies to all three mining companies studied. Traditional rulers of the mining communities and assemblypersons observed that they are unable to conduct any scientific study and report on these. Even though the communities expect state agencies, such as the Minerals Commission and Environmental Protection Agency, to also conduct independent RAs consumption by the public, they expressed total distrust of these state agencies due to how such agencies undertake RAs. They accuse these departments of always working in favour of the mining companies and not working in the interest of host communities.

The district/municipal security committees and assemblymen sometimes depend on community complaints to learn about the risks of mining in the communities under their jurisdiction. Besides, independent consultants are sometimes contracted to examine both reported and unreported risks. The district/municipal assemblies also use the departments responsible for disaster management to undertake RAs. Where necessary, these departments prepare their reports for the security committees to inform management response. The security committees, which oversee security at the district/municipal level, meet regularly to assess security situations in their districts/municipalities for action plans to be drawn and acted upon. Mining companies are expected to use their security and sustainability or community relations departments to conduct RA. For instance, AGA's sustainability and security department undertakes regular RAs for management to act. According to a mining official:

*“The company recognises that regular risk assessment forms the first significant strategy for implementing the VPSHR. The problem, however, is that these RAs do not usually include the community*

*members” (in-depth interview, 02/05/2019).*

Not surprisingly, host communities, generally, seemed to be unaware of the VPSHR. They could hardly recount any period that they received such information. However, if they did ever receive such, they seemed to have forgotten. On the other hand, although the assemblymen did express awareness of the VPSHR, their knowledge of it was insufficient and inadequate. Their frustration stems from the fact that the principles are written in a legal-laden language, which makes it difficult for extractive communities to understand and communicate effectively to enhance awareness of the concepts.

#### 4.3 Infringement on human rights and freedoms

The study sought to find out whether the potential impacts and risks identified by the participants infringed on some human rights and freedoms. The findings (Table 6) indicate that mining host communities generally feel aggrieved because most of their rights have been trampled upon because of unfair treatment by the mining companies. Communities contend that they cannot gain access to their farmlands which has deprived them of work (employment). Although some feel that this right may not have been denied because they have been given alternative lands elsewhere to farm, others indicated that the new farmlands involve a high cost of transportation. An Assemblyman remarked in Anyinam remarked that:

*“..... that is why the youths are ready to kill because they feel their rights have been trampled and nobody is available to sympathise with them” (in-depth interview, 12/06/2019).*

Mining companies, however, maintained that the human rights of residents in the operational communities are essential to their vision. According to a mining official in Prestea:

*“My company ensures that all human rights issues affecting communities in which we operate are dealt with in the best interest of all stakeholders” (in-depth interview, 22/06/2019).*

Another issue of human rights violation is associated with mining companies' intended stoppage of providing free utility services, including quality water and electricity, to residents. In Anyinam, for instance, community members feel AGA's activities have contaminated their traditional source of water. As a result, the company is obliged to ensure that they have continuous access to a safe water supply at no cost to them. Similarly, in the case of electricity supply, affected communities feel that AGA has no right to bring the provision of the service to an abrupt end as suggested. Communities also complained that private and public security agencies interfere whenever they demonstrate against infringements of their rights. All the communities expressed their distrust in most state agencies required to act on behalf of residents. From the in-depth interviews, it became evident that some community leaders relent on their responsibility to speak on behalf of their people whenever the need arises.

Evidence in the communities suggests the possibility of violence occurring between host mining communities and

government agencies on one hand and communities and mining companies on another hand. A Chief in Anyinam asserted that:

*"Over the years, a series of demonstrations have occurred which have resulted in the 'blacklisting' of some youth members on security agents' lists. However, demonstrations will continue to occur until our concerns are addressed".*

It was reported by an opinion leader in Anyinam that:

*"In one instance, when the youths undertook a massive demonstration in this community, AGA withdrew its electricity provision services. This is a clear case of violation of our right" (in-depth interview, 15/06/2019).*

While the security committees did not entirely reject claims of the possible risks causing violence, a member noted that:

*".....these risks outlined, for now, are not up to the level to cause any havoc. However, there is the possibility of violence occurring considering the high rate of youth unemployment in the community". (DISEC Member, Obuasi Municipality, September 2019).*

#### **4.4 Strategies for addressing the impacts and risks of mining activities**

Different strategies are employed by mining companies to reduce the impact of their activities on host communities in the study areas. These include the use of dialogue, community durbars, consultations, training of affected individual community members and the use of security officials, CSOs, NGOs, and political and traditional leaders. AGA, for instance, has a 'grievance mechanism' instituted by the Sustainability Department of the company to address matters that concern affected persons and general members of the community. This department is also mandated to determine compensation for the affected person. Despite these mechanisms, community members complained of delays and non-payment of compensations to affected persons by the company.

Mining companies also employ 'community durbars' to alert communities about impending dangers and ways to manage them. Similarly, 'community durbars' are used when host communities are meeting with companies and other stakeholders to discuss issues relating to mining and the general well-being of communities. At the community level, residents rely on committees to address issues of mining activities in and among affected communities. In Anyinam, for example, there exists an SRF committee that acts as the mediator between affected community members and Newmont Mines. This committee, which draws its membership from all the affected community members, meets weekly to elicit community grievances and subsequently forwards the same to the company for redress.

Even though the 'grievance mechanism' is the standard strategy used for addressing risk issues in mining communities, residents averred that they resort to this strategy mostly because of limited alternatives. Residents alleged that their leaders usually get 'bribed' by the mining companies and therefore stand to defend the companies instead of

affected persons or communities. Some residents affected by the mining activities also resort to litigation in the law courts for the necessary actions to be taken. However, interviews with participants across all communities revealed that only wealthy residents could go to court to have their concerns addressed. A community member in Obuasi said that:

*"Those who go to court are mostly the wealthiest and have the resources and time to take such powerful mining companies there. We would all prefer to use the courts if we had the resources. However, Due to lack of resources and willpower, we mostly let it go" (in-depth interview, 17/06/2019).*

Meanwhile, mining companies continuously take several issues, often bordering on crime and security, to the courts. Their legal departments pursue cases, and the culprits (residents) are often brought to justice. Independent consultants are sometimes called upon to assess potential risks and recommend remedies for action. According to a member of the security committee:

*"Departments capable of embarking on risk assessment are usually called to render this exercise. EPA, Minerals Commission, CSOs and NGOs are engaged where necessary to advise the respective stakeholders on the needed actions to be taken" (DISEC member, Obuasi, September 2019).*

Security officials are usually called upon when issues of security breaches are brought to the fore. Mining companies engage both private and public security in their operations for safety. Similarly, host communities call on security for protection, especially when they are embarking on demonstrations against mining companies. A member of the security committee said that:

*"During such times, the security committee also gets its security forces on the ground and possibly call for reinforcement from nearby communities if necessary. The challenge is that the Police Service often complains of lack of personnel, which residents find weird and difficult to comprehend" (DISEC member, Obuasi, September 2019).*

This is because host communities cannot fathom why the Ghana Police Service can provide mining companies with adequate personnel and logistics to guard their properties against communities but are not able to provide the same to guide community demonstrations.

#### **4.5 Stakeholder relationships in the implementation of VPSHR**

Apart from district/municipal security councils, which meet with all the security forces regularly and hold emergency meetings to ensure proper implementation of the VPs in their areas, all other stakeholders usually engage the Ghana Police Service for security protection. In the case of the mining companies, the Ghana military is called upon for support when necessary. Host communities were dissatisfied with the relationship that they have with public security agencies. This is mainly attributed to the level of response to security threats and human rights violations in the respective communities. Residents contended that most of the national security



operatives are usually on the side of the mining companies and are, therefore, reluctant in rendering adequate support for communities' protection. In an interview at Anyinam, a community member reiterated the fact that:

*“Newmont bought the Ghana Police Service by building them a police station and providing police vehicles and other logistics” (in-depth interview, 12/06/2019).*

Generally, it is perceived that the relationship between communities, mining companies and public security agencies in Ghana is one of the state institutions providing social services to both companies and communities. However, the preference seems to be centred on protecting companies over communities instead of a balancing act. Some of the CSOs contacted did not seem enthused about the protection of residents of mining communities by public security agencies (see Box 1).

**Box 1: Relationship between mining companies and public security in Ghana**

- The relationship between mining companies and public security is cordial compared to that of public security and communities. Governments do not mostly protect the rights and freedoms of the people in mining communities. They instead deploy the security to protect mining companies and their investments in the name of providing security to all. Both government and extractive industries always want to exploit communities because they do not have a voice (WACAM, August 2019).
- Mining companies in Ghana join forces with state institutions to violate international human rights and freedoms, threatening the security and peace in host communities (NRGI, August 2019).
- The public securities sometimes engaged by the mining companies overstep their boundaries to infringe on the rights and freedoms of the people in host communities by preventing them from popular demonstrations initiated by the people (ISODEC, August 2019).

The study also explored the relationships communities and mining companies have with private security agencies. Mining companies employ the services of private security companies to protect their concessions and other organisational resources, including staff. No incidents or allegations of human rights abuses were reported in this study about the services provided by these agencies. The kind of relationship existing between private securities and extractive companies is one of a 'commercial interest'. However, according to a CSOs interviewed, the worrisome aspect is that private security agencies sometimes exercise brutal forces on unarmed and helpless residents due to a lack of adequate training and expertise on the part of security personnel. For example, according to a CSO official:

*“Private security personnel in Ghana are not expected to be holding and using arms for their operations contrary to what is sometimes observed.*

*The use of firearms by private security is sometimes occasioned by joint security operations with public security operatives”.*

State institutions, such as the Minerals Commission, Ghana Chamber of Mines, EPA, and related ministries, play critical roles in guiding and regulating the extractive sector in Ghana. The autonomy of state regulatory institutions is challenged because of weak financial, infrastructural, and technical know-how. These institutions are sometimes found culpable of depending on extractive companies for assistance and support to function. CSOs consider that this situation can be attributed to a loss of national priority towards developing the extractive sector (Box 2). State institutions are weak in performing their roles in monitoring compliance. Again, the lack of physical presence of state regulatory institutions in all extractive areas of Ghana limits their potential to deliver on all their stipulated mandates.

**Box 2: Views of a CSO on the regulatory situation of the extractive industry**

If you regulate, you need to go beyond granting licenses to ensure that laws are followed. If nine cases of cyanide spillage are recorded in a country and this is likely to increase, then the regulatory institution in this respect does not seem to be on top of issues. If you have situations where communities' water bodies are polluted because of mining, then what will we say EPA is doing? Talk about the terrace dams and others. If you have a structure where EPA Ghana is not fully equipped to analyse samples picked from mining areas, if mining cannot cater for itself and we cannot regulate mining and mining revenues to finance regulators' operations for proper implementation of our laws, then there is a problem.

Source: Fieldwork, August 2019

In the view of host mining communities, state institutions are in directly connive with mining companies to exploit their very existence with no regard for their livelihoods and survival. They have, therefore, lost trust in these institutions and will not want to see them in their communities. In Obuasi, a mining project had been abandoned because the Assemblyman, who initially agreed to talk with them and had promised to mobilize other people for in-depth interviews and focus group discussions as part of the consultation process, abandoned the excellent faith and instead cautioned the consultation team not to call him again. The Assemblyman indicated that:

*“The community members are beginning to accuse me of entertaining people from state institutions. A Good Samaritan in the community secretly advised the team to leave the community immediately to avoid the attack. This fellow revealed that the youth in this town are ready to kill or die rather than sit and watch AGA put their lives in danger and nobody is doing anything to help them”.*

## 5. Discussion

Several studies have reported the impacts of mining on host communities in Ghana (e.g., Akabzaa et al., 2007; Amponsah-Tawiah and Dartey-Baah, 2011; Hilson and Garforth, 2012; Obiri et al., 2016; Tschakert, 2016). In this study, similar impacts, including loss of farmlands and livelihoods, unemployment, destruction of buildings and the environment, pollution and related health problems, were reported by host mining communities. These environmental and social problems have caused tension, conflict and violence in mining communities. The most violent clashes reported are those that occur between mining companies and illegal miners. While mining companies accused illegal miners of threatening their operations, community members claimed that illegal mining is their only source of livelihood since they no longer have lands to farm on. Food insecurity is a major anticipated risk in mining communities due to the loss of farmlands (Akabzaa et al., 2007; Ayeelazuno, 2011) and diversion of compensation meant for alternative livelihoods. The food insecurity situation can be aggravated by the increasing demand for food and limited supply. Other threats include the withdrawal of utility (electricity and water supply) services and support for educational infrastructure by mining companies (Mohammed et al. 2019). Despite these impacts and potential threats, communities do not trust that state agencies, such as the Minerals Commission, Environmental Protection Agency and security services can protect their rights and interests.

By setting the VPs as their core values, mining companies ensure to undertake regular risk assessments to identify the potential impacts of their operations on host communities (Andeobu et al., 2015). However, the findings of this study suggest that risk assessment is not adhered to by mining companies. Risk assessments are done using community durbars or past experiences which, in many cases, do not meet communities' expectations. Moreover, host communities are unaware of the VPSHR. Those who seem to be aware of the principles do not have sufficient knowledge since the principles are written using a legal language which makes it difficult for them to understand the concepts. The strategies used by mining companies to remedy the impacts of mining on host communities include dialogue, community durbars, consultations, capacity building, and the use of security officials, CSOs, NGOs, and political and traditional leaders. These strategies have not yielded positive results as some affected community members have resorted to litigations in the law courts for redress (Akabzaa, 2000; Hilson & Yakovela, 2007). Although no incidence of human rights abuses was reported about the services provided by private security agencies by communities, CSOs expressed that these agencies sometimes exercise brutal forces on harmless and helpless residents. In playing this role, extractive companies under the VPSHR must not be seen to be working for any of these bodies to perpetuate violence or infringe on the rights, freedoms, and peace of host communities (WANEP-Ghana, 2015; Fund for Peace, 2018).

## 6. Conclusion

The study assessed host mining communities' perspectives on human rights violations and implementation of the Principles on Security and Human Rights in Ghana using three mining communities in the Ashanti, Western and Eastern Regions. The study brought together an analysis of the perspectives of stakeholders in the gold mining industry, including residents of mining communities, mining companies, district/municipal assemblies, traditional authorities, and CSOs. The results show some perceived incidences of human rights violations and that there is a general lack of awareness of the VPSHR by most stakeholders, especially at the local level. Local community members, district/municipal assembly officials and CSOs who form part of the key stakeholders in the industry in host communities are not satisfied with the implementation of the VPs.

Generally, communities' knowledge of grievance mechanisms and other processes for dispute resolution is limited. Even though the mining companies have signed on to the VPs, implementation and adherence are not appreciable by stakeholders. There is very limited community participation in any risk assessment and mitigation strategies developed by mining companies and/or public security agencies. Finally, there is a general mistrust and suspicion amongst host communities for mining companies and state agencies mandated to regulate mining operations. The abysmal knowledge of the VPs and for that matter, the absence of mechanisms to demand social accountability presents a challenge to adherence and achievement of desired outcomes. There is a need to improve the capacity of CSOs and national-level VPs implementing agencies and departments. For extractive companies, a continuous dialoguing process with host mining communities is recommended. Also, risk assessments must be undertaken with community involvement to ensure credibility and transparency.

## References

- Adonteng-kissi, O., & Adonteng-kissi, B. (2017). Living with conflicts in Ghana Prestea mining area: Is community engagement the answer? *Journal of Sustainable Mining*, 16(4), 196–206. <https://doi.org/10.1016/j.jsm.2017.12.005>
- Akabzaa, T. M. (2000). Boom and Dislocation: The Environmental and Social Impacts of Mining in the Wassa West District of Ghana, Accra, Ghana, Third World Network – Africa (TWN-Africa).
- Akabzaa, T. M., & Darimani, A. (2001). Impact of mining sector investment in Ghana: a study of the Tarkwa mining region. A draft report. Retrieved from [http://www.saprin.org/ghana/research/gha\\_mining.pdf](http://www.saprin.org/ghana/research/gha_mining.pdf).
- Akabzaa, T. M., Seyire, J. S. and Afriyie, K. (2007). The glittering facade effects of mining activities on Obuasi and its surrounding communities. Accra, Ghana: Third World Network – Africa (TWN – Africa).
- Amponsah-Tawiah, K. and Dartey-Baah, K. (2011). The mining industry in Ghana: a blessing or a curse. *International Journal of Business and Social Science*, 2(12), 62-69.
- Andeobu, L., Samanthala, H. and Christopher, S. W. (2015).

- Risk management in the extractive industry: an empirical investigation of the Nigerian oil and gas industry. *Journal of Applied Business and Economics*, 17(1), 86-120.
- Aubynn, T. (1997). A liberalism and economic adjustment in resource frontiers: land-based resource alienation and local responses, a reflection from Western Ghana. IDS, University of Helsinki. Finland.
- Awudi, G. B. K. (2002). The role of foreign direct investment (FDI) in the mining sector of Ghana and the environment. In CCNM Global Forum on International Investment, Conference on Foreign Direct Investment and the Environment: Lessons to be Learned from the Mining Sector (pp. 1-10). OECD/OCDE, Paris, France.
- Ayeelazuno, J. (2011). Continuous primitive accumulation in Ghana: the real-life stories of dispossessed peasants in three mining communities. *Review of African Political Economy*, 38(130), 537-550.
- DFID (2011). Empowering poor people and strengthening accountability. DFID, London.
- Evans, T. (2005). The politics of human rights - a global perspective (second ed.). London: Pluto Press.
- Fund for Peace (2018). Voluntary principles in Ghana: final project report supporting the implementation of the Voluntary Principles on Security and Human Rights in the oil and mining sectors in Ghana. Accra, Ghana: Fund for Peace.
- Ghana Minerals Commission (2021). Major operating mine companies in Ghana. Minerals Commission, Accra.
- Ghana Statistical Service [GSS]. (2012). 2010 Population and housing census final results. Ghana Statistical Service, Accra.
- GIZ (2011). The ABC of human rights for development cooperation. GIZ, Eschborn.
- Hilson, G. and Garforth, C. (2012). Agricultural poverty and the expansion of artisanal mining in sub-Saharan Africa: experiences from Southwest Mali and Southeast Ghana. *Population Research and Policy Review*, 31(3), 435-464.
- Hilson, G. (2004). structural adjustment in Ghana: assessing the impacts of mining sector reform. *Africa Today*, 51(2), 53-77. doi: 10.2307/418765.
- Hilson, G., & Nyame, F. (2006). Gold mining in Ghana's forest reserves: a report on the current debate. *Area*, 38(2), 175-185.
- Hilson, G., and Yakovelva, N. (2007). Strained relations: A critical analysis of the mining conflict in Prestea, Ghana. *Political Geography* 26(1), 98-119.
- Johnson, M. (2021). The Voluntary Principles on Security and Human Rights (Issue January).
- International Council on Mining and Metals (2015). Voluntary principles offer an alternative. *Good Practice*, 13(1), 11.
- Kaku, D. U., Cao, Y., Al-masnay, Y. A., & Nizeyimana, J. C. (2021). An Integrated Approach to Assess the Environmental Impacts of Large-Scale Gold Mining: The Nzema-Gold Mines in the Ellemelle District of Ghana as a Case Study. *International Journal of Environmental Research and Public Health*, 18(18), 1-20. <https://doi.org/10.3390/ijerph18137044>.
- Kamga, S. D., & Ajoku, O. O. (2014). Reflections on how to address the violations of human rights by extractive industries in Africa: A comparative analysis of Nigeria and South Africa, *PER/PELJ*, 17(1). <https://doi.org/doi:10.4314/pelj.v17i1.11>
- Mares, R. (2008). The dynamics of corporate social responsibilities. Leiden/Boston: Martinus Nijhoff Publishers.
- McCorquodale, R. (2009). Corporate social responsibility and international human rights law. *Journal of Business Ethics*, 385-400.
- Mohammed, S. A., Osumanu, I. K. and Antwi. H. S. (2019). Extractivism and community development in Ghana: local actors' perspectives from gold mining in Tarkwa and Obuasi. *International Journal of Development and Sustainability*, 8(5) (2019), 311-328.
- Morgan, P. G. (2002). Mineral title management, the key to attracting foreign mining investment in developing countries? *Transactions of the Institution of Mining and Metallurgy*, 111(B), 165-B170.
- Muchlinks, P. (2009). Social and human rights implications of TNC activities in the extractive industries. *Transnational Corporations*, 18, 125-136.
- Obiri, S., Mattah, A. D. P., Mattah, M. M., Armah, A. F., Osa, S., Adu-Kumi, S. and Yeboah, O. P. (2016). Assessing the environmental and socio-economic impacts of artisanal gold mining on the livelihoods of communities in the Tarkwa Nsuaem Municipality in Ghana. *International Journal of Environmental Resource and Public Health*, 13(2), 160, doi: 10.3390/ijerph13020160
- Okoh, G. A. (2014). Grievance and conflict in Ghana's gold mining industry: the case of Obuasi. *Futures*, 62, 51-57.
- Owusu-Koranteng, D. (2008). Mining investment and community struggles. *Review of African Political Economy*, 35(117), 467-473.
- Pediaditi, K., Wehrmeyer, W. and Chenoweth, J. (2013). Brownfield redevelopment, integrating sustainability and risk management. Liphook, UK: Center of Environmental Strategy, University of Surrey.
- Pegg, S. (2006). Mining and poverty reduction: transforming rhetoric into reality. *Journal of Cleaner Production*, 14(3-4), 376-387. DOI: 10.1016/j.jclepro.2004.06.006
- The Republic of Ghana. (2006). Minerals and Mining Act, 2006. Ghana Publishing Company, Accra.
- Segbor, E. D. (2014). Human rights struggles in Ghana's mining communities: the case of Prestea. MSc. Thesis. Noragric, Norway: Norwegian University of Life Sciences.
- Teschner, B. (2013). How you start matters: a comparison of Gold Fields' Tarkwa and Damang Mines and their divergent relationships with local small-scale miners in Ghana. *Resources Policy*, 38(3), 332-340.
- Traoré, M. (2016). Extractive Industries, the State and Host Communities: A Study of Gold Mining Industry in Ghana. Book by: Agbesinyale, P., Tenkorang, E. Y., Dankwah, M (2012). *Journal of Science and Technology*, 36(2), 108-113. <https://doi.org/doi:10.4314/just.v36i2.10>
- Tripathi, S., Godnick, W. and Klein, D. (2008). Voluntary principles on security and human rights: performance indicators. London: International Alert.
- Tschakert, P. (2016). Shifting discourses of vilification and the taming of unruly mining landscapes in Ghana. *World*

*Development*, 86, 123-132.

Tsikata, F. S. (1997). The vicissitudes of mineral policy in Ghana. *Resources Policy*, 23(1– 2), 9-14. doi: [http://dx.doi.org/10.1016/S0301-4207\(97\)00006-8](http://dx.doi.org/10.1016/S0301-4207(97)00006-8).

Tubis, A., Werbińska-Wojciechowska, S., & Wroblewski, A. (2020). Risk assessment methods in mining industry-A systematic review. *Applied Sciences* (Switzerland), 10(15), 1–34. <https://doi.org/10.3390/app10155172>

WANEP-Ghana (2015). Voluntary Principles on Security and Human Rights in Ghana. Quarterly Project Update: October-December 2015. Accra, Ghana: WANEP-Ghana.

Zerk, J. A. (2006). *Multinationals and corporate social responsibility - limitations and opportunities in international law*. Cambridge: Cambridge University Press.