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The failure of the militarised fight against ‘Galamsey’ in Ghana: A critical overview of the class and political dynamics

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ABSTRACT

This paper argues that the militarised fight against illegal artisanal small-scale mining (ASM) in Ghana—popularly known in Ghanaian parlance as ‘galamsey’—is neither class-neutral nor apolitical. It is politically opportunistic and elitist, class-wise. Drawing on a plurality of secondary sources—scholarly and grey literature, media, and internet sources – we present a critical overview of developments in the Ghanaian ASM sector, and the militarised fight against illegal operators. Further, we delineate and clarify the politics and class dynamics that characterise the sector and the overall state-led fight against the phenomenon of ‘galamsey’. We predict that because these dynamics pivot on financial wherewithal and power, the militarised fight against ‘galamsey’ may hardly succeed and is thus always and forever bound to fail. Yet, its implications for the powerless subaltern classes are always appalling and deleterious, as they often lose their livelihoods in the fight, culminating in retarded community development.

1. Introduction

The artisanal and small-scale mining (ASM) industry is a key component of the Ghanaian gold mining sector, well known for its substantial contribution to the total gold production in the country. Between 2012 and 2016, it contributed more than 30% of Ghana’s gold production (Hilson, 2017: 110). Across the world and Africa, the ASM industry plays a critical role in economic development generally, and specifically, in job creation, income generation, and poverty reduction in the countries endowed with mineral resources, especially gold, diamonds, and coltan. It is even viewed as not only “the most indispensable—if not the most important—rural nonfarm activity in the developing world,” but as well, “fundamental to achieving all 17 Sustainable Development Goals (SDGs).” (World Bank, 2019: vii-1). The sector “employs tens of millions of people directly and creates millions more jobs in the upstream and downstream industries it spawns; and has become a driver of economic development in numerous rural economies” (Hilson and Maconachie, 2017: 443). In sub-Saharan Africa alone, there are “at least 20 million people employed directly in the sector and an additional 100 million individuals who depend upon its activities indirectly for their livelihoods” (Hilson et al., 2017: 80). In Ghana, ASM contributes immensely to the creation of wealth and employment and the overall economic growth of the country, making it one of Ghana’s most important livelihood activities. It employs “an estimated one million people and supporting approximately 4.5 million more” (McQuilken and Hilson, 2016:16).

Yet the ASM industry in Ghana is dominated by informal and ‘illegal’ mining and the sale of gold, popularly called ‘galamsey’. Though it is difficult to accurately state the number of people engaged in the industry due to the informality that characterises the subsector, the estimates of the number of small-scale miners operating illegally in the country hover around 70 and 85 percent (University of Ghana Business School [UGBS], 2017: 1; McQuilken and Hilson, 2016:12). As we shall demonstrate below, illegal ASM is segmented by class: the capitalists, who engage in it to make money, and the subalterns, who engage in it for survival and diversification of their livelihood strategies. Meanwhile, the government of Ghana and environmental and large-scale mining advocates have lumped operators in the subsector together as illegal small-scale miners, or ‘galamsey’(ers), and as such, as criminals whose activities constitute a serious environmental menace to Ghana.

Presented and amplified in this light, the Ghanaian government has, from time to time, declared war against ‘galamsey’(ers) and embarked on military operations to fight the ‘galamsey’ menace. Sometimes, prompted by a middle-class coalition of environmental advocates, the military crackdowns on ‘galamsey’ operators sit side-by-side with unimpeded large-scale mining (LSM), mining viewed as legal and sustainable; never mind that LSM companies also cause environmental havoc to the human ecologies in which they operate (Ayelazuno and Mawuko-Yevugah, 2019). As argued by Ayelazuno and Mawuko-Yevugah (2019), this discriminatory approach to fighting mining-induced

environmental hazards mirrors the power dynamics that shape the struggles and access to natural resources in the human ecology of rural people, a situation that so often leads to the loss of community livelihoods, particularly for the subaltern classes, while profiting the powerful and often politically connected capitalist class, — both of which are made possible by the discourse of a fight against an environmental menace.

This paper argues that the militarised fight against illegal ASM in Ghana is neither class-neutral nor apolitical. It is politically opportunistic and elitist, class-wise. Drawing on a plurality of secondary sources — scholarly and grey literature, media, and internet sources — we present a critical overview of developments in the Ghanaian ASM sector and the militarised fight against illegal operators, by delineating and clarifying the politics and class dynamics that characterise the sector and the state-led fight against ‘galamsey’. We predict that because these dynamics revolve around money and power, the militarised fight against ‘galamsey’ may hardly ever succeed and therefore is always and forever bound to fail. Yet what it leaves in its trail is suffering for the subaltern classes who mine for survival, and destruction to community livelihoods.

In the rest of the paper, we flesh out our argument in the following order: we present our data and research methods, followed by conceptual ground-clearing, where we map out conceptually, the distinct qualities of ASM. In Section three (3), we describe the ASM industry in Ghana, highlighting its main characteristics and historical evolution from traditional artisanal mining (TAM) to modern ASM, which is often described in broad brushstrokes as ‘galamsey’. We also show in this section that what is so cavalierly lumped together as ‘galamsey’ comprises the subaltern classes digging for survival on the one hand and, on the other, the capitalist class mining for profits, both of which cause severe destruction to the environment anyway. Then follows a discussion of the militarised fight against ‘galamsey’, problematising the apolitical and class-neutral rendering of its mainstream discourses as a fight against environmental menace, and mapping out its class and political contours. In the penultimate section, we demonstrate why militarisation of the fight against ‘galamsey’, shaped by class and political dynamics, will hardly ever succeed, but instead, often leaving behind a trail of massive environmental destruction and suffering of the subaltern class who are denied of their source of livelihood. We conclude by highlighting the paper’s theoretical and policy contributions.

2. Data and Methods

Our study utilises two sets of data for analysis. The first is secondary, largely qualitative, and drawn from conventional scholarly and grey literature, namely, scholarly publications, government reports, and policy documents. The second derives from digital and internet/online sources and comprises mainly hypermedia (TV, radio, and newspaper online platforms). Given that the second source of data is not

a common and often used social science method — particularly in the context of Ghanaian scholarship — it is important to offer a brief background and context to this hypermedia source before proceeding further with a description of our method.

In an ‘Information Age’ and ‘network society’ (Castells, 2010), digital and internet sources, which constitute the trove of hypermedia data and information, now serve as a great wealth of data for qualitative research by social scientists (Hilson and McQuilken, 2014). Today’s fieldwork context and scope of the qualitative researcher have been significantly transformed by the information, communication, and technology (ICT) revolution of our time. The invention and advancement of digitised information, communication, and technology, especially the internet and social media apps and platforms, have created a trove of data-collection methods for the social sciences, which in turn have advanced beyond the traditional methods conventionally known and applied. To ignore this great trove of data sources and the methods for collecting same signals a confinement of one’s discourse to anachronism (Hine, 2020; Dicks et al., 2005).

In the current world of ICT/digital revolution, social life and interaction amongst people frequently take place online or in the virtual space. Likewise, the dynamics that shape social phenomena such as ‘galamsey’ and the characteristics exhibited find expression on the internet (Facebook, Twitter, TikTok, and WhatsApp). These platforms hold an avalanche of qualitative data, such as documents, photos, audios, and videos, available and accessible in digital form on the internet. Significantly also, the era of the digital revolution is accompanied by the invention of numerous hi-tech devices, software, and apps capable of capturing and digitising documents, audio, and video recordings. This digital revolution has created “a digital environment in which multiple types of information can be captured, stored, retrieved, edited, and distributed in highly versatile ways and with considerable speed” (Dicks et al., 2005: 6–7). This has made it convenient and relatively cheap for the social scientist to observe and analyse social phenomena lucidly and sometimes in real time. In addition, the “internet has itself created various kinds of ‘virtual communities’ who not only exist in ‘cyberspace’ but can be studied via the internet itself” (Hine, 2020:1; Dicks et al., 2005: 22). With respect to the present study on the failure of multiple military operations (2015– 2022) to win the fight against ‘galamsey’, the limited successes, challenges, and contradictions have all been viewed and reported in real-time by journalists and ordinary citizens, using digital devices, online portals, and social media platforms. There is considerable online textual, audio, and video information on these military operations. For instance, the content of *GhanaWeb*¹ is a treasure trove of information regarding ‘galamsey’ in Ghana, with news and feature stories on the subject between 2012 and the present being documented online.

By drawing from our two main data sources, namely, conventional scholarly and grey literature and digital and

¹ GhanaWeb DOSSIER: Galamsey menace: This is a collection of articles on Galamsey or illegal mining in Ghana since 2012 <https://www.ghanaweb.com/GhanaHomePage/politics/dossier.php?ID=202&page=4> (Accessed 29 December 2022)

internet/online sources, we have presented a critical overview of developments in the Ghanaian ASM sector, delineated and clarified the politics and class dynamics that characterise the sector, and offered a chronological narrative of the overall state-led fights against the phenomenon of ‘galamsey’ between 2015 and 2022. Thus, our *documentary review and analysis* utilised data derived mainly from scholarly articles, official policy and documentary reports, and media articles obtained from journal websites/institutional repositories, government portals, and the internet/online sources, respectively. We achieved validity of our digital and/or hypermedia sources of data via two main strategies: *comparison* and *contrast* of the different data sources that address the same or similar topics; and *triangulation*, which allowed for a full grasp of the phenomenon under study (Patten, 1999) through identification of patterns, trends, and discrepancies in the data and how they meet consistency and reliability criteria. We have fully compiled the internet links to our sources of information in the reference section for ease of verification, validation, and further research.

3. Artisanal and small-scale mining

Even though ASM is a global industry, a generally acceptable definition and specific features of the industry are difficult to agree on. Particularly, scholars have often found it difficult to clearly delineate the attributes of ASM from large-scale mining (LSM), thus often compounding the conceptual confusion. In this paper, Hentschel et al.’s (2002) definition will suffice, for it comes closer to what pertains in Ghana: artisanal and small-scale mining refers to mining by individuals, groups, families, or cooperatives with minimal or no mechanisation, often in the informal (illegal) sector of the market. Despite the difficulty of coming to a consensus on the definition and specific characteristics that distinguish ASM from LSM, the paper, again, draws on Hentschel et al.’s (2002: 5) distillation of the core characteristics of ASM across the world, summarised below:

“lack or very reduced degree of mechanization, great amount of physically demanding work; low level of occupational safety and health care; deficient qualification of the personnel on all levels of the operation; inefficiency in the exploitation and processing of the mineral production (low recovery of values); exploitation of marginal and/or very small deposits, which are not economically exploitable by mechanized mining; low level of productivity; low level of salaries and income; periodic operation by local peasants or according to the market price development; lack of social security; insufficient consideration of environmental issues; chronic lack of working and investment capital; and mostly working without legal mining titles.”

Because of the broad range of mining activities all considered ASM or ‘galamsey’ in Ghana, a bit more nuances are needed to capture the varied mining activities often subsumed under ASM. It is important, first, to draw a “distinction between ‘artisanal mining’ that is purely manual and on a very small scale and ‘small-scale mining’ that is more mechanised and on a larger scale” (Hentschel et al., 2002: 4). Based on the level of mechanisation of the mining involved, a distinction is drawn between various ASM operations: there is the

traditional and widely known artisanal small-scale mining, semi-industrial small-scale mining, and industrial small-scale mining (Hentschel et al. 2002). Though they are all considered ASM, they are distinct from each other because of the technology used to mine, ranging from simple, low-tech, human-energy-intensive tools like pickaxes and shovels to mechanically powered equipment such as excavators, wash plants, and water pumps (associated with semi-industrial or industrial small-scale mining). In addition to the sophistication of the machinery used, the distinction is also based on the sophistication of the organisation of the mining activities and, of course, the amount of capital investment and profits involved.

Another notable distinction is the formal/legal versus informal/illegal ASM. As the terms suggest, the former refers to ASM activities that are licensed under the relevant laws of the country and operating in accordance with the regulations, policies and management practices of the sector within the modern state (McQuilkin and Hilson, 2016). The foregoing definition illustrates how complicated the informal/illegal ASM is: it denotes the [o]perations that do not have the requisite licenses and permits required by law but have a ‘social licence to operate’ from the local community or other local actors who do not have the power vested by the state to award mineral rights and concessions. By social license, we refer to the perceptions of local-level stakeholders that a person, company, or industry operating in a given area is viewed as socially acceptable or legitimate (Raufflet et al., 2013). At issue here is not the paucity and non-existence of relevant laws and regulations, but non-compliance, disobedience, and non-enforcement of the laws. Usually, there are laws and regulations that require ASM operators to do or not to do certain things, but they often do not comply with them, and worse so, the relevant state agencies do not enforce them for various reasons discussed later in this paper. As documented by Hentschel et al. (2002: 6–7), in most countries, ASM operators are usually required to:

“...possess a mining title or a valid contract with a concession holder; to comply with the relevant environmental legislation; to possess an environmental operation license; to register a company at the relevant mining authority or other fiscal authorities; to pay relevant taxes; to enrol and pay their staff social security insurance with the relevant agencies/department; and to follow laid-down procedure for selling and exporting the minerals mined.”

In the specific case of Ghana, to qualify to mine on a small scale, Section 83 of the Minerals and Mining Law, 2006 (Act 703) requires that one must be a citizen of Ghana, must have attained the age of 18, and must have been registered by the office of the Minerals Commission. However, in many instances, these laws and regulations are often disobeyed and hardly ever enforced, a situation that has made the ASM industry predominantly informal/illegal in Ghana and across the world.

4. A glimpse into the class dynamics of ASM in Ghana

The issues of class (and class relations) and social stratification have engendered voluminous literature across

the social science disciplines. For the present purpose, however, it will suffice to say that there is the subaltern class in Ghana, made up of the poor, unemployed, underemployed, smallholder farmers, and vulnerable women and children who undertake small-scale mining for survival. The capitalist class comprises the middle classes, the political elite, and foreign capitalists, who have the financial wherewithal to invest in industrial mining to make profits by buying heavy mining equipment, acquiring huge tracks of land as mining concessions, and hiring workers to work on their mining concessions. By often lumping together subaltern groups and capitalist classes, the different imperatives—digging for survival and seeking to make quick money—are viewed equally as criminal, a menace to the environment, and should be fought with the military might of the state (Ayelazuno and Mawuko-Yevugah, 2019). In the rest of this section, we transcend the class-neutral criminalisation of ASM, and tagging as an environmental menace, to shed light on the hidden class dynamics of the industry. We do this under three thematic areas: unbundling the different forms and operators of ASM in Ghana; illegalisation or informalisation of ASM; and foreignisation of ASM in Ghana.

4.1. Different forms of ASM and their operations in Ghana

Artisanal and small-scale gold mining has a long history in the Gold Coast (Ghana), spanning several centuries before the European explorers arrived. Prior to the arrival of the Portuguese in the Gold Coast in 1471, natives of the Gold Coast whose land was endowed with gold were mining and trading with gold. In fact, “gold mining in Ghana was one of the mainstays of the economies of Bono Manso, Adanse, Denkyira, Assin, Wassa, Akyem, and many other Akan states” (Ofosu-Mensah, 2011: 6). Even though the technology used by the Akan goldminers was rudimentary, it was effective and sustainable; the gold diggers of Gyaman, Denkyira, Wassa, Asante, and Akyem Abuakwa, among others, supplied Europe with enormous quantities of gold between the fifteenth and nineteenth Centuries (Ofosu-Mensah, 2011). What is so often cavalierly referred to as illegal mining or ‘galamsey’ is a sweeping generalisation and negative tagging of this original and time-honoured traditional artisanal mining (TAM) of the natives of Ghana. Before modern ASM, TAM was a means of survival in gold-rich communities, existing side-by-side and supplementing farming as their modes of production and social reproduction. Viewed this way, it is not any less naïve to say TAM is illegal in poverty-stricken rural communities — with gold buried in the belly of their lands—than it is to say farming and blacksmithing are illegal in these communities.

What is painted in broad brushstrokes as ‘galamsey’ has changed profoundly, including the modes of mining, the imperatives driving it, and the actors involved. A striking dynamic is the different groups of people engaged in ‘galamsey’. There is the poorest segment of people, ranging from “families and individuals trying to earn something to survive, young students funding their school and university education, and farmers supplementing their income, to larger

labour groups comprising men, women, and children” (McQuilken and Hilson 2016: 6). Primarily, this segment is engaged in ‘galamsey’ purely for livelihood reasons. Around 45.6% of Ghana’s population is multidimensionally poor (GSS, 2020: 10), while the country ranks 140 out of 189 countries on the Human Development Index (HDI) of the United Nations Development Programme (UNDP) (Oxfam, 2023). The poor segment of the industry uses rudimentary technology in mining, felicitously conceptualised by Andrews (2015: 4) as “digging for survival and digging for justice” and by McQuilken and Hilson (2016: 15) as “dig and wash.” The mode of mining and tools used by subaltern groups may vary from place to place, depending mostly on the nature of the deposits of gold. Mostly, they involve labour-intensive methods of mining such as dive and scoop, chisel and hammer, underground *ghetto*, and dig and wash; methods involving the use of simple, rudimentary tools like pickaxes, shovels, barrels, head pans, sticks, sacks, sluice boards, and nets (Bansah et al., 2016; Mantey et al., 2016).

Subaltern groups digging for survival neither have the financial wherewithal nor the right political or social connections to ease the cumbersome and corrupt processes of acquiring licenses to operate. They are, therefore, mostly located at the illegal end of the formalisation spectrum (McQuilken and Hilson, 2016). ‘Digging for survival’ is a highly risky and drudgery undertaking, during which people sometimes lose their lives (Bansah et al., 2016). Between 2019 and 2021, for instance, a *Citi Newsroom* report revealed that about 20 people had died due to their involvement in galamsey (Tijani-*CitiTube*, 2022)². Artisanal and small-scale mining undertaken by subaltern groups is the most life-threatening, indecent, and demeaning livelihood strategy that can only begin to make sense when one is struggling for survival, especially with better but highly limited alternatives for making a living. These drudgery working conditions have been intensified by neoliberal reforms, which have rendered smallholder farming less lucrative and less economically viable, thus making ASM the primary income-generating activity for many households (Hilson and Maconachie, 2017). In particular, neoliberal reforms, which have prioritised large-scale land acquisitions for commercial investments to the detriment of smallholder farming activities, have had devastating impacts on the livelihoods of women and men (Agleby, 2019). Relative to men, “women [in ASM] are largely confined to low-paid and labour-intensive roles, struggle to access bank loans without the signature of a male relative, and face gender-based discrimination in owning land, becoming license holders, and managing concessions” (McQuilken 2019: 19). They usually “work as ore haulers and washers, and as service providers (supplying food, clothing, water, and light mine supplies)” (McQuilken, 2019: 17).

Apart from the poverty-driven ASM discussed above, there is a flourishing elite class of the industry represented by the “well-educated and well-connected ‘opportunistic entrepreneurs’ who, due to their unique position and access to significant capital investment, are able to navigate the complex socio-political and bureaucratic landscape needed to obtain a license” (McQuilken and Hilson 2016: 6). This

² More Than 20 People Died Between 2019 And 2021 Because Of Galamsey Activities | Citi Newsroom.
<https://www.youtube.com/watch?v=gc3mfhnvekq>

segment, unlike the poor one, is engaged in ‘galamsey’ to make money. They are typically a capitalist class that is well-resourced, having the financial wherewithal to acquire heavy mining equipment and to hire labourers to work for them. Crawford et al.’s (2015: 36-37) study, for instance, sheds light on the capitalist class; they argue that ‘galamsey’ is a booming business to the capitalist class, particularly the Chinese, who are better resourced to engage in semi-industrial and industrial mining; in like manner, their Ghanaian collaborators follow suit. The authors further argue as follows:

“... that a 15% stake can amount to an income of 15,000 to 25,000 Ghana Cedis per week (approximately £3000 to £5000 per week). Although the Chinese miners bear the cost of production, it is also evident that they have made large amounts of money. One Chinese interviewee, who had Chinese miners as business clients, stated that in 4 to 5 years, a lot of Chinese millionaires, even billionaires, were produced, adding that they had worked very hard.”

This capitalist class cannot, by any stretch of imagination, be viewed as poor people seeking to make a living from ‘galamsey’, nor can the poverty-driven ‘galamsey’ be lumped together with them as illegal small-scale miners because they do not have licenses to operate—a point to be returned to below. The people engaged in capitalist ASM, both foreigners (especially Chinese) and wealthy Ghanaians, acquire large acres of land and mine with sophisticated equipment such as excavators, trucks, dredging machines, and crushers. Unlike the digging for survival by the subaltern classes, the methods of mining used in capitalist ASM are partly mechanised: they include the ‘*changfa* method’ which uses a Chinese-made (*changfa*) diesel-powered rock crusher; the ‘more blade method’, involving the use of excavators to mine in pits; the ‘dredge method’, which involves the use of *changfa* motors and suction hose; and the ‘alluvial washing plant’ method, which uses excavators and mini washing plants (Bansah et al., 2016: 12-13). All these methods, as the foregoing authors note, involve hiring labourers who are paid various wages to work in the mining and processing of the gold.

4.2 The informalization and illegalisation of ASM in Ghana

Informalization and illegalisation do not mean the same thing and should not be used interchangeably. Like many other social phenomena, there is no universally accepted definition of the informal economy, but as a time-honoured livelihood strategy of the people of the Gold Coast, ASM, just as farming, was undertaken without any statutory regulation. This does not mean no regulation at all. Like most rural livelihood activities, ASM has long been governed by traditional institutions and customary rules, considered informal relative to the modern state and its administrative or regulatory powers (see Weng, 2015). However, this changed with the onset of colonialism and the colonial state. Aryeetey et al. (2004:14) have argued that “the British colonial state instituted measures that subsequently led to a ban on the activities of small-scale miners in 1905. These measures constricted the mining rights of the natives on the one hand and, on the other, protected the profits of European

companies.” Thus, the colonial state prioritised exploitation over support for local people in their efforts to make a living from the gold found under the belly of their lands. Its action therefore signalled the beginning of state control and the illegalisation of ASM in the Gold Coast a development that effectively prevented Gold Coasters from participating in the gold mining industry except as labourers.

Although ASM remained illegal even after independence, it was common knowledge that people were actively engaged in the ASM business. The practice gained popularity among other informal artisanal mining activities—for example, salt and quarrying—as an illegal enterprise, with a local name, ‘galamsey’, adapted to illuminate its illegality, even criminality. Ironically, ‘galamsey’ originally refers to “gather them and sell,” the English words used by the colonialists to describe the traditional mining methods of people in the Gold Coast. The inability of indigenous Ghanaian small-scale miners to read and write English compelled them to pronounce “gather and sell” as “galamsey” (Aubynn, 2009; Mantey et al., 2016), a formulation that totally has nothing to do with illegality. It is instructive that as one of the informal economic activities among many in Ghana, ASM is criminal only in the minerals or mining that the state and other powerful capitalist classes have accumulation interests in, and therein lies the class relations being shaped by regulation in the sector. The Multilateral Mining Integrated Project (MMIP) Appraisal and Implementation Document (PAID) notes that “other minerals presently mined on a small-scale in Ghana include salt, limestone, kaolin, oyster shells, silica sands, and brown clays” (MLNR, 2017: 4). Included in this list are quarrying, stone and rock mining, and sand and gravel mining. However, these have not yet attracted the accumulation interests of the Ghanaian state and capitalist classes, hence they operate without the demonisation and criminalisation that ASM has been subjected to, in spite of the fact that they also have negative effects on the environment.

Why and how did ‘digging for survival’ become illegal after the period from the 1980s to the present? As gold mining became more and more important to the Ghanaian state and foreign mining companies, the Provisional National Defense Council (PNDC) passed several laws to regulate the sector. Three pieces of legislation were passed in 1989 to regulate and streamline all activities directly and indirectly related to ASM: PNDC Law 217, 218, and 219 (Tsikata, 1997: 12—13). The Small-Scale Gold Mining Law of 1989 (PNDC Law 218) legalised ASM and introduced a licensing process; PNDC Law 217 regulated the use of mercury in ASM; and PNDC Law 219 created the Precious Minerals Marketing Corporation, authorised to buy gold, including gold produced from ASM. These laws, from the onset, were bound to create a class-biased ASM regulatory regime given their elitist framing. Although these laws have subsequently undergone a series of amendments to catch up with new developments in the industry, not much has changed in terms of their elitism. A case in point is the Minerals and Mining Amendment Act of 1994 (Act 475), which was subsequently amended and replaced with the Minerals and Mining Law of 2006 (Act 703) (Aubynn, 2017). This law consolidated the procedures for the lawful operations of ASM, allowing “artisanal miners to apply for a concession of 25 acres maximum in designated areas through the Minerals Commission and then to obtain a

license to mine” (Crawford et al., 2015: 10—11). The defining elements of the law on ASM, as distinct from LSM, are the relatively small size of land permitted to be mined; relatively rudimentary technology and small capital investment; operators who are usually individuals or a cooperative involving a group of people; ASM as a privilege reserved for adult Ghanaians; operators should have a valid license; operators are to observe health and safety rules, as well as operate in environmentally sound ways; and stipulated penalties exist for both Ghanaians and foreigners found guilty by a competent court to have infringed on the law (see Minerals and Mining Act 2006 [Act 703], as amended by Act 900 of 2015).

In reality, therefore, the Ghanaian ASM sector is anchored on a robust regulatory and institutional regime. There are enough regulations and laws, as specified above. In addition, there are adequate relevant oversight state institutions to enforce these regulations and to take administrative measures to ensure sanity in the sector. Besides, there are other generic state institutions, such as the Ghana Police Service and the Judicial Service of Ghana, that enforce and adjudicate the laws of Ghana, including those related to mining. However, despite the existence of a comprehensive and dynamic regulatory regime, the industry remains predominantly informal, and for that matter, illegal (even criminal), with less than 30% of it licensed. This adverse state of affairs elicits some fundamental questions, thus: What has accounted for the obvious regulatory lapse resulting in a large proportion of operators operating informally? How are the procedures for obtaining a mining license structured, and what category of ASM operators have the means to acquire a license? In the paragraphs that follow, we demonstrate that the very laws and regulations guiding ASM and the procedures for obtaining a license are elitist, bureaucratic, discriminatory, and unjust.

To begin with, neither impressive laws and regulations nor a good array of institutions are in themselves enough to guarantee orderly behaviour for the general good of society. A number of reasons may explain this. For example, if citizens find the laws to be unjust or do not recognise the legitimacy of the state to govern, they would defy them either overtly or covertly. This may be conceptualised as the citizen side of the illegality of the ASM industry in Ghana. There is also the state-side of the illegality where institutions of state and their officials are inept in implementing laws or policies governing ASM, making the state ineffective as the authoritative entity responsible for and equipped to enforce law and order in society. Both the citizens and the state sides of the illegality of ASM come together to constitute the much-reviled ‘galamsey’ menace in Ghana.

On the part of the citizens, the law requires them to register with the Minerals Commission, which would grant them licenses to operate in specific areas designated for small-scale mining operations. However, the registration process is such that it is patronising of elitism but cumbersome for ordinary citizens. Even though the licensing procedures are clearly spelt out, citizens are unable to follow them due to the bureaucratic and cumbersome procedures involved in the registration process. For instance, the licensing of ASM is decentralised to the designated Minerals Commission district offices, but this is merely on paper. Meanwhile, this is how

cumbersome the procedures are: first, fourteen processes are involved, requiring the filling of multiple forms; the payment of various formal and informal fees, which can total as much as USD 1000; multiple agencies are involved in the approval of an application; the Minister of Lands and Natural Resources must sign each application; and these processes must be repeated after three or five years to renew a license (McQuilken, 2019: 19). Hilson (2013: 60) adds that “applicants also end up paying an assortment of bribes and making several informal payments to various landowners, which can amount to tens of thousands of cedis.” This cumbersome registration and licensing of ASM has been viewed as “one of the major disincentives for ASM operators to go through the processes of formalisation” (Aubynn, 2009: 66).

Under these cumbersome circumstances, therefore, it is obvious that the educated elite, the rich, and the politically connected would very likely have privileged access to register for licenses to operate. It is widely known that the ASM sector in Ghana is partly fuelled by some traditional leaders, politically connected party loyalists, and in some cases, elected government officials, appointees, and their cronies who are accused of financing illegal activities (Hilson, 2013). These people engage in capitalist ASM, whereas their poor subaltern counterpart groups engage in artisanal mining that is purely manual and on a very small scale. The use of simple tools and rudimentary methods of extracting gold earns the latter category of operators just enough to survive, such that they are ill-equipped financially to formalise their operations by complying with the 14 steps involved in registration and licensing specified above. This effectively disadvantages the subaltern classes while profiting the business, politically connected, and local elite whose motives are profit-driven.

Apart from the elitist and cumbersome nature of the registration and licensing procedures, there are uncertainties over the land tenure system in Ghana. In spite of a constitutional injunction that vests all minerals in the President in trust for the people, chiefs continue to exert a measure of influence over land in Ghana, virtually leading to “two parallel systems of mineral licensing—one formal (granted by the state to large-scale mining companies) and the other informal (granted mainly by chiefs to ‘galamsey’ operators)” (University of Ghana Business School [UGBS], 2017: 2). The persistence of a parallel mineralised land tenure system has inevitably created an avenue for informal access to mineralised concessions by ASM operators, distinct from the legal concessions superintended by the modern state.

Lastly, informalisation of ASM operations can also be traced to the delayed legalisation of the sector, resulting in the class-biased access to regulated concessions. Hilson (2013: 60) appropriately captures the situation as it unfolded:

“The sector was not fully legalised until the passing of the Small-Scale Gold Mining Law (PNDCL 218) in 1989. By this time, however, significant portions of land had already been demarcated to foreign multinational gold mining and mineral exploration companies, many of which were hundreds of square kilometres in size, a situation that persists to the present day. There are now more than 380 active large-scale mining and mineral exploration concessions in Ghana,

and although estimates vary, it is believed that in combination, these leases cover at least 25% of the country's land area. This has made identifying viable plots for individuals who wish to become licensed small-scale gold miners exceedingly challenging. With so much mineralised land now in the hands of foreign multinationals, the process has deterred rather than encouraged individuals from formalising their activities."

It must, however, be noted that significant improvements have taken place geared towards minimising informal ASM operations in the country. A trawl on the Minerals Commission's website shows that there are currently 776 entries for small-scale mineral rights and registered mine support service companies. That for large-scale mining leases amounts to 129 (Minerals Commission, 2024).³ The prevailing challenge now remains the availability of viable plots for ASM operators as demand for the industry keeps surging. Given this scarcity, therefore, many are compelled to sidestep the formalisation processes and seek their livelihoods in whatever way possible. Once again, the subaltern classes bear the brunt of these regulatory lapses, while the educated elite, politicians, and the business class, who possess the financial wherewithal, wriggle their way around these bottlenecks to gain access to viable plots for mining. Countering the citizen-side illegality is, therefore, unlikely to succeed given that there is a certain genuineness in the lack of capacity and unwillingness of most illegal ASM operators to formalise. Bureaucratic red tape, an ambiguous land tenure system, and delayed legalisation have thus combined to structure the class relations between subaltern groups and elite capitalists engaged in ASM.

The state-side of the illegality is traceable to not only the lack of institutional capacity or motivation on the part of state officials to implement the laws and policies governing the ASM sector, "but primarily because of political leniency and law enforcement corruption" (UGBS, 2017: 2). In some instances, some state officials exact private benefits from ASM operations through corrupt practices so that non-compliance with legal requirements could be overlooked (Ghartey-Myjoyonline, 2022; Crawford and Botchwey, 2018).⁴ But there is also the partisan political side to the "political leniency" argument, where opposition parties seek to boost the position of illegal miners in order to make ruling governments unpopular and thus, gain partisan political advantage (UGBS, 2017).

4.3 The foreignization of ASM and the complicity of Ghanaian elites

The Small-Scale Gold Mining Law (PNDC Law 218) and the Minerals and Mining Act 2006 (Act 703) make small-scale mining the preserve of only Ghanaians. Yet foreigners have invaded the industry (Bokpe-*The Fourth Estate*, 2022; *Daily Graphic*, 2021; Armah et al., 2013), acting with impunity in cahoots with local business elite, thus leaving behind a trail of environmental havoc as if the law does not exist. Though

the Chinese dominate the foreigners engaged in 'galamsey' in Ghana, some also come from other neighbouring African countries—such as Togo, Burkina Faso, and Mali—and non-African countries such as India, Serbia, Armenia, Russia, and Ukraine. The operations of foreigners in ASM in Ghana are widespread; they may be found in both southern and northern Ghana (see Crawford et al., 2015). Their operations range from providing the money and equipment needed for mining to directly participating in mining for gold (Pallen, 2017). In particular, the Chinese foreign miners are notorious for their deployment of semi-mechanised and mechanised technologies in ASM. They operate with excavators, crushing machines, wash plants, and suction equipment for river dredging. These resources enable them to mine on a larger scale and at a faster rate, causing extensive damage to land and forests, as well as serious pollution of water bodies.

But one may ask: How did the Chinese and other foreign miners find their way into the Ghanaian ASM sector? And what has given these foreign artisanal miners leverage over their indigenous ASM counterparts? To answer the foregoing questions, it is important to situate the discussion in a global gold price boom context. The rise in the international market price of gold over the last decade has renewed investor confidence in gold trading across the world. Armah et al.'s (2013: 97) study reveals:

"This sudden interest in Ghana by Chinese and other foreign small-scale miners is explicable. The main reason is the rise in the price of gold on the world market. From \$200 an ounce about 10 years ago, gold is now trading at more than \$1,500 an ounce. Therefore, the Chinese and other foreigners are assured of good returns on their investments."

More than ten thousand Chinese immigrants arrive in Ghana every year, all hoping to make money in the ASM sector, and since 2005, it is estimated that over 50,000 Chinese immigrants have arrived in Ghana to mine illegally for gold (Hilson, 2013). The legal injunction has given rise to Chinese and other foreign large-scale mining investors metamorphosing into artisanal miners in collusion with some unscrupulous citizens to circumvent the Minerals and Mining Act (Armah et al., 2013). Clearly, these are capitalist-driven foreign investors turned artisanal miners whose capacity to acquire and deploy mechanised mining technology sets them apart from the subaltern groups engaged in mining for survival. The global gold price boom is thus often cited as a critical juncture that helps explicate the influx of foreigners into the ASM sector in Ghana.

There is ample evidence that widespread collusion between the local business elite, some traditional/opinion leaders, local government officials, immigration officers, and local politicians on the one hand and foreign illegal miners on the other has aided the successful infiltration of largely Chinese and other foreign artisanal miners into the Ghanaian ASM sector. For example, Hilson et al. (2014: 293) report that:

³ Minerals Commission (2024). Mineral Rights/Registered Mine Support Service. <https://www.mincom.gov.gh/list-of-minerals-licences/> (Accessed April 10, 2024)

⁴ Ghartey, Raphael (8 October 2022). <https://www.myjoyonline.com/charles-bissue-took-bribe-in-2019-to-allow-galamsey-activity-tiger-eye-p-i-insists/> (Accessed April 10, 2024)

“Accusations have been levelled at a number of high-level government officials in particular, most recently, immigration officers, who are suspected of permitting thousands of Chinese nationals’ entry into the country—who arrive in the hundreds weekly on connecting Kenya Airways and Emirates flights—without visas or valid work permits. The corruption is believed to extend to the local level, where chiefs and other community leaders are said to have forged working agreements with arriving Chinese partners, ‘permitting’ them to work sections of land in exchange for a percentage of gold production.”

The foregoing corroborates Armah et al.’s (2013: 98) narration of how expatriates skirt around the prohibition of foreigners from engaging in ASM by paying Ghanaian citizens to register on their behalf and front for their illegal mining activities. They recall the view of an official of the Minerals Commission as follows:

“There are 799 small-scale registered and licensed mining operations owned by only Ghanaians in the country. However, some Ghanaians go through the legal process of acquiring mining licenses, after which they either sell the license to the Chinese, transfer the license, or enter into partnership with them. Thus, officially all the small-scale mining companies are owned by Ghanaians. Yet, in practice, it is the Chinese and other foreigners who operate them.

Clearly, this class of unscrupulous Ghanaians who front for foreigners together with the foreign mining interests (predominantly Chinese) bear all the hallmarks of exploitative capitalists, for they possess the financial wherewithal and necessary political connections to execute their illegal activities; they have the capital to invest in heavy-duty mining equipment, acquire mining concessions, pay for labour, and sell their products in the international gold market. On the contrary, subaltern groups who mine for survival lack the financial capacity to acquire sophisticated mining equipment to engage in mechanised mining, do not have the political clout or connections to get things done expeditiously, and suffer greatly from the deleterious health consequences of ASM. Thus far, a careful assessment of the ASM sector in Ghana reveals the pervasiveness of class dynamics structuring the relations of rights and access to mineralised land for gold mining.

5. The militarised fight against ‘galamsey’: From ‘Operation Flush Out’ through ‘Operation Vanguard’ to Operations Halt I and II

It is common knowledge that mining of all kinds cause some damage to human beings and the environment. Mining is inherently a polluting and socially dislocating industry (see Bell and Donnelly, 2006). But due to media bias against ASM and the Ghanaian state’s bias in favour of LSM, the former is considered a menace that must be fought and defeated for the good of society. The reasons are obvious: LSM is “a source of foreign direct investment (FDI) and revenue to the state, so it must be promoted; indeed, it must be motivated with juicy incentives to invest in the country” (Ayelazuno, 2011: 540), some of which incentives include concessionary rates for the

payment of customs duties on plant, machinery, and equipment exclusively for mining operations. Hilson et al. (2014: 293) have observed correctly that:

“Ghana’s policymakers have prioritised the development of the large-scale gold mining sector, providing a series of generous tax breaks in an attempt to attract foreign investment. But at the same time, successive governments have ignored the needs of indigenous small-scale gold mine operators, implementing and modifying a regulatory framework that has discouraged, rather than facilitated, legalisation.”

What interests drive this discriminatory fight against ASM in Ghana? In this section, we demonstrate that the fight against ASM is largely partisan, aided by elitist media and civil society collusion, the reason for which it hardly ever succeeds.

To start with, there are two stories rarely told in the Ghanaian media about mining: 1) the way in which LSM dislocates and pollutes the environment of the communities in which they operate; and 2) the ways in which subsistence ASM serves as a source of livelihood for the majority of the poor in rural areas. Lumped together and viewed as the chief agent of a looming environmental disaster in Ghana, all mining activities outside LSM have come under unceasing media blitz. The media’s relentless campaign against the so-called menace has elicited the support of the government, the political and middle classes, labour unions and some civil society organizations. The political elite, in particular, have latched on to this vile campaign, but only in so far as it inures to their electoral gains. This posturing is appropriately captured in the following: “As electoral competition has become more intense, the ‘galamsey’ discourse has taken on an increasingly partisan character in which opposition parties often bolster the position of illegal miners in order to make those in power unpopular and gain partisan political advantage” UGBS (2017: 1).

The two leading political parties in Ghana, the National Democratic Congress (NDC) and the New Patriotic Party (NPP), have variously in the past promised to reform the ASM sector in order to bring it under regulation and control. For instance, the NDC’s Manifesto of 2016 pledged to “Regularise and transform artisanal mining operations into legitimate small-scale mining activities in demarcated areas to create employment” (NDC Manifesto, 2016: 37). This promise followed the NDC government’s failed militarised ‘Operation Flush Out’ launched in 2013 to combat illegal ASM. The NPP, then in opposition in 2016, promised to restructure the ASM sector to “enable small-scale miners to work and earn their livelihoods in a regulated, secure, and lawful environment” (NPP Manifesto, 2016: 82). However, upon taking up the reins of government in January of 2017, the NPP government introduced a draconian ban on ASM backed by a military-cum-police task force to monitor and arrest offenders, an action that contradicted its campaign promise (of legalising ‘galamsey’) to small-scale miners in Obuasi in July of 2016 (*Ghanaweb*, 2016). The recent 2020 Elections Campaign Manifestos of the two parties mirrored the same rhetoric as contained in their previous ones, namely to formalise the ASM sector, which formalisation includes

legalising ‘galamsey’, through regulation and control. Whereas the NDC again promised to “promote legal and properly regulated and operated medium and small-scale mining to become attractive and well-paid business ventures, creating jobs for the youth” (NDC Manifesto, 2020: 59), the NPP touted its success in imposing a ‘moratorium on all small-scale mining’ beginning in March 2017 to allow for a well-thought-through response to the menace. Although the NPP government claims to have introduced “a structured, tightly regulated strategy, the Community Mining Programme” (NPP Manifesto, 2020: 96), ‘galamsey’ continues as usual, and this time, led by party operatives operating in cahoots with Chinese⁵ nationals. Thus far, whereas opposition parties often appear sympathetic to the plight of illegal small-scale miners and thus make promises to ameliorate their conditions, ruling parties often lack the political commitment to operationalise their manifesto promises into laws that firmly regulate operations in the sector.⁶ These collectively and appropriately characterise the ‘galamsey’ fight as having taken on partisan colouration and character.

Despite the charge of dysfunctional state institutions made in this paper as well as in the extant literature on the informalization of ASM in Ghana, one thing is clear: when it suits the political interests of the political elites, the same dysfunctional state institutions are resourced and commandeered to act forcefully to accomplish the objectives of the political elites.⁷ Though ad hoc and inconsistent, both the NDC and NPP governments have used the coercive agencies of the state (military cum police)⁸ to suppress ‘galamsey’—a strategy that has not worked and may never work until the underlying cause of the problem, informalization, is addressed comprehensively and firmly.

Historically, the use of coercive force by the state in the mining sector in Ghana dates back to the 1980s. The adoption of neoliberal economic policies, followed closely by the implementation of structural adjustment and economic recovery measures, opened up the country for foreign direct investment, predominantly in the mining sector. The entry of multinational mining companies into this mining space immediately triggered community agitations in mining communities in opposition to large-scale acquisitions of their farmlands. This prompted the state to intervene through the establishment of military camps in mining communities such as Prestea, Tarkwa, and Obuasi (Ellimah, 2019). Initial military deployments to LSM concessions proved successful in suppressing community agitation. Their subsequent deployments on a large scale have, however, left in their trail massive brutalities, destruction, and loss of lives and property, and these we now elaborate on below.

In 2013, following a media blitz of Chinese involvement in ‘galamsey’, the government established a high-level Inter-Ministerial Task Force in May 2013 to combat illegal small-

scale mining. A police-cum-military task force was constituted to undertake the operational aspect of the combat, code-named ‘Operation Flush Out’. The operation led to the arrest, detention, and deportation of thousands of foreigners, as well as the seizure of equipment used in illegal mining. Despite these arrests and deportations, ‘Operation Flush Out’ was generally a failure. Corruption and the lack of political will to act—the very reasons why ‘galamsey’ exists in Ghana—infected the task force. Hyped as a task force against illegal mining, there was neither prosecution of the arrested Ghanaians nor the foreigners. The licenses of the Ghanaian ASM operators who colluded with the Chinese were not revoked. The image of “the taskforce itself was tarnished with allegations of bribery and corruption against its members” (Crawford et al., 2015: 32).

Following a change in government in 2017, Citi FM, an Accra-based radio station, took to Twitter, now X (a social media platform), to mobilise public support against ‘galamsey’ and to compel the Ghanaian government to act quickly to stop the menace. With the Twitter handle #Stop’galamsey’, the campaign garnered momentum, and quickly attracted the “support of other local media outlets, and produced a lengthy petition that included signatures from key ministerial figures—past and present—which Citi FM personnel presented to Parliament on April 7, 2017” (Hilson, 2017: 110). Illustrative of the media’s power against ASM generally, and in particular, the mining undertaken by the poorest of the poor for survival, the signatories of Citi FM’s petition included agents of powerful media and religious organisations such as high-ranking officials at the Graphic Communications Group Limited, the Ghana Independent Broadcasters Association, the Ghanaian Times, the Ghana Journalists Association, the Ghana Broadcasting Corporation, and the Christian Council of Ghana (Hilson, 2017).⁹

The media campaign led to the emergence of a class alliance among the political class, media owners, and the middle class, with the primary goal of crushing ‘galamsey’ for good. In March 2017, the government set up the Inter-Ministerial Committee on Illegal Mining (IMCIM) to among other things, strengthen existing stakeholder agencies connected to ASM, ensure agencies in the mining sector enforce existing laws that are related to ASM, and set up district mining committees to coordinate the various activities of the IMCIM. The government also placed a six-month ban on all ASM activities in the country, which was then extended three times for three months—the last extension made in March 2018. It also suspended the issuance of new licenses for small-scale mining for a year. But most importantly, and akin to its predecessor NDC government, it launched ‘Operation Vanguard’, a police-cum-military taskforce, in July 2017 to monitor and arrest both Ghanaians and foreigners engaged in ‘galamsey’. This operation achieved modest successes, including the halting of illegal ASM in some communities and the arrest and prosecution of several offenders. In April

⁵ <https://gna.org.gh/2023/05/alleged-galamsey-queen-aisha-huang-convicted-on-immigration-charge/>

⁶ <https://www.myjoyonline.com/i-will-grant-amnesty-to-all-arrested-galamsey-operators-mahama/>

<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/CPP-promises-to-legalise-galamsey-451477>

⁷ <https://mlnr.gov.gh/index.php/we-wont-relent-in-the-fight-against-illegal-mining-lands-minister-says-as-he-charges-mmdces-to-lead-fight/>

⁸ <https://www.graphic.com.gh/daily-graphic-editorials/deployment-of-aircraft-in-fight-against-galamsey-good-initiative.html>

⁹ <https://citifmonline.com/2017/04/media-coalition-against-galamsey-launched/>

2017, for instance, the Chief Justice, Mrs. Georgina Theodora Wood, set up fourteen courts—seven High Courts and seven Circuit Courts—to deal with all mining offences committed under the Minerals and Mining Act, Act 703 (Yeboah-Graphic Online, 2017). The Judicial Secretary, Justice Alex B. Poku-Acheampong, who announced the judicial measures against ‘galamsey’ actually said that they were in furtherance of the recent groundswell of public revulsion and media and civil society advocacy against the menace of illegal mining.

Theoretically and constitutionally, the judiciary is an independent organ of the state—insulated from, and protected against the control of the executive arm of the state. So, for the judiciary to announce that it had set up special courts to deal with mining offences meant the judicial arm of Ghana had literally become acquiescent in the government’s crusade against ASM, calling into question its independence and neutrality in dispensing justice. The point is, the judiciary will be hard put to answer the question: why special courts for ‘galamsey’ now and not any other time? In spite of these draconian measures, however, grievous violations of human rights and corruption allegations continued to animate a greater part of the work of the IMCIM and ‘Operation Vanguard’. It is these alleged and proven cases of extortion, bribery, and corruption that signalled a failure yet again of this recent state-led fight against ‘galamsey’. This we now turn attention to in the penultimate section.

5.1. The collapse of ‘Operation Vanguard’

Despite the political grandstanding exemplified in the state’s militarised approach to rout ‘galamsey’ in the Ghanaian mining industry, revelations of rot animated the entire anti-galamsey fight. Similar to the fate of ‘Operation Flush Out’, ‘Operation Vanguard’ was fraught with damning allegations of human rights abuses, extortion, bribery, and corruption. These allegations compelled the government, led by the Chief of Defence Staff, to order a withdrawal of the military from further participating in the war against illegal small-scale mining, partly as a means to save the image of the dreaded state security institution (see *Citi Newsroom* 2020, February 27).

The rot had also engulfed some members of the political class who were leading the fight against ‘galamsey’ with massive reported cases of corruption allegations, including bribery and expropriation of seized excavators and pickup trucks against them. For instance, in February 2020, about five hundred (500) seized excavators were reported to have disappeared from lawful custody. In particular, the Minister for Environment, Science, Technology, and Innovation, who doubled as the Chairman of the IMCIM, Kwabena Frimpong-Boateng, was severely criticised by a cross-section of Ghanaians for his alleged complicity in the disappearance of the excavators (Nyabor-Citi Newsroom, 2020). However, in a GTV interview on March 10, 2023, the former minister refuted the accusations, clarifying that he was framed. He instead alleged that there was a cabal stationed at the presidency of the Republic of Ghana and actively engaged in ‘galamsey’ (Asare-Donkoh-GBC Ghana Online, 2023).

Shortly after his revelations, a confidential report that the former chairman of IMCIM had submitted to the Chief of Staff at the presidency in March 2021 leaked, confirming the former minister’s stance. This shocking revelation quickly elicited a hurriedly instituted police investigation at the instance of the presidency (Abbey-Graphic Online, 2023), which investigation received a legal opinion from Ghana’s Attorney General’s office stating that the allegations “were bare” and could not support a criminal case against 12 of the 15 individuals cited for criminality in respect of illegal mining (Hawkson-Graphic Online, 2023).

In like manner, a Presidential Staffer and Secretary to the IMCIM, Charles Cromwell Bissue, was caught on camera by Ghanaian investigative journalist, Anas Aremeyaw Anas, accepting a bribe in cash ostensibly to facilitate the granting of a permit for a mining company without going through due process (Ansah-Citi Newsroom, 2019). Most shocking was the revelation of January 2021 by Erastus Asare Donkor of *Joynews*, in which video footage showed brisk illegal mining going on in the Manso Forest Reserve of the Ashanti Region (Ghanaweb, 2021). Confronted by a nemesis of its choosing, the government of Nana Akuffo Addo announced the dissolution of the IMCIM and called for a national stakeholder dialogue to forge the way forward (Wiafe-Citi Newsroom, 2021).

To uncover full-scale ‘galamsey’ in a forest reserve by politically affiliated persons¹⁰ under the full protection of armed rogue state security elements (Donkor-Myjoyonline, 2021) simply illuminates impunity and disregard for orderly behaviour in Ghanaian society. But ultimately, the call by the President for a renewed national dialogue on ASM in the country itself signalled the collapse of ‘Operation Vanguard’. The current NPP government thus seems to have been consumed by a nemesis of its creation in choosing a self-serving route—underpinned by official and political deception—to fight the ‘galamsey’ menace in the country. Amid this mess, however, subalterns who mine for a living have suffered the grave consequences of the outright ban of ASM for nearly two years. Indeed, livelihoods have been crashed and lives lost in the process (Dery-Tuokuu et al., 2020).

5.2. The rise of ‘Operation Halt’: Another failed attempt?

‘Operation Halt’ was a product of the National Consultative Dialogue on Small Scale Mining held from April 14th to April 15th, 2021 at the Accra International Conference Center. A number of resolutions were reached at the two-day consultative dialogue, and a communiqué issued read in part:

“12. The Dialogue emphatically charged the government to take steps to put in place systems that would rigidly apply the law, noting particularly the sanctions and penalties imposed by Act 995 on all those who infringe the law, irrespective of political colour, socio-economic status, or class; indeed, the better placed in society and those who ought to know better

¹⁰ <https://www.myjoyonline.com/military-officers-protect-illegal-miners-in-manso-forest-despite-governments-caution/>

<https://theheraldghana.com/laud-commey-nii-teiko-chief-of-staffs-boy-mps-named-in-galamsey-report/>

should have the most punitive of the penalties applied to them.” (MLNR, 2021)¹¹

Two weeks after the conclusion of the two-day consultative dialogue and in pursuit of the resolution referenced above, a statement from the Ministry of Information announced the deployment of 200 military personnel from the Ghana Armed Forces on Wednesday, April 28, 2021, on the River Pra in the Central and Western Regions. The statement read in part:

“In furtherance of the resolution of the final communiqué of the Stakeholder Dialogue on Small Scale Mining from April 14 to April 15, and to ensure that mining within water bodies is immediately stopped; the President of the Republic, Nana Addo Dankwa Akufo-Addo, has authorised the Ghana Armed Forces to commence an operation to remove all persons and logistics involved in mining from Ghana’s water bodies.” (Ministry of Information, 2021)

The activities of ‘Operation Halt’ elicited mixed public reactions. This was because, ‘Operation Halt’ only focused on the demobilisation and the decommissioning of all mining-related equipment (such as excavators, *changfa* machines, crushers, etc.) found within a 100-metre radius of river bodies. Whereas a section of the Ghanaian public found the destruction of mining-related equipment on or near water bodies a deterrent exercise, many believed the task force was fighting illegality through illegal means. For instance, on May 16, 2021, members of ‘Operation Halt’ raided some mining sites at Larbikrom, Dompem, and Pamen, all in the Atiwa District of the Eastern Region of Ghana, during which over 20 excavators and other mining equipment were set ablaze (Nyabor-Citi Newsroom, 2021). Interestingly, some of the destroyed equipment belonged to a company named Xtra Gold Mining Limited, jointly owned by the National Women’s Organiser of the NPP, a high-level party functionary.

In the meantime, a resurgence of ‘galamsey’ activities across the country triggered a relaunch of Operation Halt codenamed ‘Operation Halt II’ on October 11, 2022. At a press briefing on October 13, 2022, the Minister for Lands and Natural Resources, Samuel Abu Jinapor, revealed the following:

“‘Operation Halt II’ would run alongside other measures being implemented by the Ministry, such as the declaration of river bodies as red zones for mining, the suspension of reconnaissance and prospecting activities in forest reserves except in exceptional cases, and the ban on the manufacture, sale, and use of ‘changfa’. Others are the procurement of speed boats to patrol the rivers, the recruitment of river guards to support the protection of the rivers, the introduction of mercury-free gold katcha, the establishment of 83 Small Scale Mining Committees in all mining districts in the country, the revamping of Community Mining Schemes, and the introduction of the National Alternative Employment and Livelihood Programme, which now engages about 80,000 people in alternative

livelihood projects.” (Amenuveve-Graphic Online, 2022).

It is important to underscore that the Minerals and Mining (Amendment) Act 2019 (Act 995) makes explicit provisions regulating the seizure of equipment used in illegal mining. No part of the Act mandates state authorities to destroy or burn such equipment. Instead, the law requires that such equipment be confiscated and assigned to local government units where their services are greatly needed. Beyond the deployment of illegal means to fight illegalities, the use of state coercive force through military deployments, which historically have proven unsuccessful in fighting illegal mining activities, is very unlikely to nib the menace in the bud. At best, it may only temporarily drive the practice underground.

Given the foregoing episodic, reactionary, and coercive actions of the political class and other elite social groups, we contend that the fight against ‘galamsey’ has been discriminatory, selective, class-driven, and sometimes illegal in some of the activities the architects engage in. The political elites, top business and media gurus, as well as top civil and public servants in Ghana, are accused of being highly corrupt, such that, in most cases, the whims and caprices of these state elites determine whether state institutions will work or not. For example, the approval of an application for a license to operate a small-scale mining enterprise does not depend on laid-down procedures but instead on whether the applicant pays a bribe or has the right connections to powerful social and political elite groups (Hilson, 2013). The strong, combative, and bombastic rhetoric used by the Ghanaian media and the political elites that so much revile ASM as an enemy of the Ghanaian state, one can argue, is driven more by political opportunism than any genuine intention to deal with a serious national environmental problem. As a result of the lack of a well-thought-through, concerted, and comprehensive approach to dealing with the ‘galamsey’ menace, the use of brute force has failed to curb it.

6. Conclusion

This paper has tried throughout to illustrate that the fight against ASM (used interchangeably with ‘galamsey’) is a class fight. It is elitist. It is a fight led by the political class, media owners, and the middle class with the primary goal of crushing ‘galamsey’ for good. This we examined against the backdrop of three broad areas: the informalization or illegalization of ASM; the foreignization of ASM; and the militarised fight against ASM. The paper does this in the most inhospitable circumstances in which ‘galamsey’ is viewed across the country as a menace to be fought and uprooted by any means possible. We have demonstrated that the laws regulating the ASM sector from the onset were bound to create a class-biased ASM regulatory regime due to their elitist nature. The cumbersome procedures involved in a small-scale license acquisition simply keep them out of reach for subaltern groups wishing to formalise their operations. On the contrary, the political elite (including top government officials such as members of parliament, presidential staffers, and ministers of state) and the middle class have an easy route

¹¹ <http://mlnr.gov.gh/index.php/national-consultative-dialogue-on-small-scale-mining-14th-15th-april-2021-held-at-the-accra-international-conference-centre/>

to obtaining licenses, some of which are often abused with impunity (Frimpong-Boateng, 2021).¹² The not-less-than fourteen (14) bureaucratic processes involved in a license acquisition (McQuilken, 2019) have allowed informalisation and/or illegalisation to fester in the ASM sector. Significantly, we also establish that the global gold price boom has accounted for the influx of foreigners—dominated by the Chinese—into the ASM sector in Ghana. These foreigners have been aided by local business elites and political and traditional leaders who bear all the hallmarks of exploitative capitalists, for they possess the financial wherewithal and necessary political connections to execute their illegal activities. On the contrary, subaltern groups who mine for survival lack all that which is attributed to the capitalist mining class.

The militarised fight against ‘galamsey’ has been wrongly assumed by the government as the final nail in the coffin, an illusion that has proved disastrous for two successive governments. Code-named ‘Operation Flush Out’, ‘Operation Vanguard’, ‘Operation Halt’, and ‘Operation Halt II’, these militarised operations are best known for visiting brutalities on citizens while being pervasively tagged by the Ghanaian public as extortionist and corrupt. Thus far, these militarised operations are bound to fail. However, it is not because of this imminent failure that the paper defends ‘galamsey’. It defends it because of its critical role in sustaining the livelihoods of the subalterns in mineral-endowed communities. Beyond the livelihood sustenance argument, ASM holds bright prospects of contributing to the realisation of both the new continental and national development visions on mining and other natural resources: “natural resources-based industrialization” as captured in the Africa Mining Vision (AMV), and this we recommend policymakers consider seriously. The issue in this paper is not to deny the disastrous environmental, social, health, and other effects of ASM or to rationalise them for any payoffs in development. Instead, the paper argues forcefully that a fight of this scale that completely ignores the livelihood sources of subaltern groups, who also constitute the majority of persons engaged in the ASM sector, smacks of policy failure and thus requires reconfiguration by relevant actors in the sector. Indeed, the belated attempt at revamping community mining is a ruse, as the leases granted are being fronted for by political actors. On the theoretical front, we have clarified the concepts of ‘illegality’ and ‘informality’ from both the citizen and state sides and shed light on the defining attributes of the Ghanaian small-scale miner, thus helping to minimise the conceptual confusion often associated with the treatment of operators in the ASM subsector. In conclusion, the episodic, reactionary, and coercive actions of the political class and other elite social groups, therefore, form sufficient grounds for the paper to contend that the fight against ASM is discriminatory, selective, and class-driven.

7. Declaration of Conflict of Interest

The author(s) declare no potential conflict(s) of interest with respect to the research, authorship, and/or publication of this article.

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¹² Albert Joseph Quarm, a former Member of Parliament for Manso Nkwanta (2017-2020) who was also a Board Member of the Minerals Commission of Ghana, exploited that privilege in acquiring large scale mining concessions

under the guise of community mining which he then re-sold to private persons and businesses to make profit.

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