



POLICY BRIEF No.5

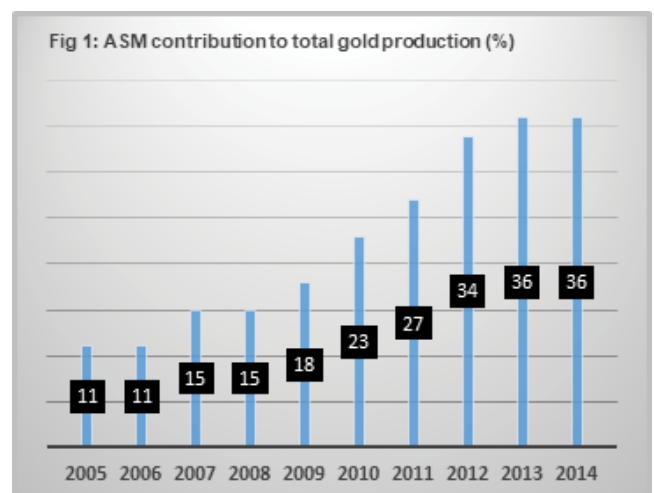
The Galamsey Menace in Ghana: A Political Problem Requiring Political Solutions?

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The Policy Issue

One of the most significant policy challenges in Ghana today revolves around the question of how best to maximise the benefits of the artisanal and small-scale mining (ASM) sector while minimising the negative consequences associated with it. ASM has expanded dramatically in recent years (Figure 1), and has a strong potential for rural poverty reduction if regulated effectively. Today, ASM accounts for well over 60 percent of Ghana's total mining labour force, providing direct and indirect employment to over one million people. In 2013, gold exports from ASM operators accounted for 34 percent of Ghana's total gold export, which equalled the total contribution of the three largest multinational companies in the country.



Source: Author, based on data obtained from Minerals Commission, Accra.

Although Ghana has had a formalised process for engaging in ASM on legal basis since the late 1980s, an estimated 85 percent of small scale miners in the country operate on illegal basis. Popularly known as *galamsey*, illegal mining has had significant adverse implications in Ghana, ranging from revenue losses to the state (as illegal miners do not pay taxes) to the pollution of important water bodies. In March 2017, the Ghana Water Company warned that the spate of water pollution by illegal ASM operators is approaching alarming levels, and that the country risks importing water for consumption by 2020 unless illegal mining activities are curbed.

This revelation, along with widespread media campaigns, has resulted in an unprecedented national consensus against *galamsey*, prompting actions from among a wide range of institutions, including the presidency, the judiciary, security services, and the Ministry of Lands and Natural Resources. Academic institutions have also been part of this renewed anti-*galamsey* crusade, with the University of Ghana responding by forming a new inter-disciplinary Research Group on Illegal Mining. Yet, whether these renewed efforts will succeed in eliminating *galamsey* will depend partly on an understanding of why the impact of past approaches to redressing this problem have been disappointing. In particular, we need answers to three related questions:

- Why has illegal mining continued to flourish despite the state's efforts to regularise the sector through various policies and programmes?
- Why have most ASM operators chosen to remain illegal despite some opportunities for the state's support associated with the regularisation of their activities?
- Why has the fight against illegal mining been thus far largely unsuccessful?

Any anti-galamsey crusade that fails to tackle the political drivers of the problem is unlikely to succeed.

Summary of Key Findings

Until quite recently, most analysts and policy makers have interpreted Ghana's *galamsey* menace as a technical and economical (not a political) problem driven by the cumbersome

and time-consuming processes involved in acquiring the necessary licenses for engaging in ASM on legal basis; widespread poverty and youth unemployment in rural areas; and perceived social injustices resulting from the displacement of indigenous communities by large-scale expatriate mining companies. Consequently, efforts in curbing the *galamsey* menace have focused largely on the provision of technocratic solutions such as simplifying and decentralising the ASM licensing regime, the provision of alternative livelihood opportunities for displaced communities and small-scale miners, the demarcation of land plots reserved for ASM operators, and some occasional 'military crackdowns' where armed security forces raid the sites of miners to arrest them and confiscate their assets. All these approaches have failed, as evidenced in the growth of illegal mining activities and its adverse implications.

As electoral competition has become more intense, the galamsey discourse has taken 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.

Our research highlights the inherently political nature of the *galamsey* menace in Ghana, and suggests that any anti-*galamsey* crusade that fails to tackle the political drivers of the problem is unlikely to succeed. Three key political issues are especially crucial in this regard: the nature of electioneering campaigns, the network of powerful actors engaged in this phenomenon and the challenge this poses for the effective enforcement of anti-*galamsey* laws, and ambiguities around land tenure practices.

As electoral competition has become more intense, the *galamsey* discourse has taken 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. The two dominant parties are especially guilty of this problem. In late 2006, the NPP government initiated Operation 'Flush-Out' – a military 'sweep' against illegal miners that resulted in the confiscation and destruction of the equipment of *galamsey* operators.

Galamsey operators are aware of the importance of their votes for incumbent political parties, and have often exploited the political vulnerability of those in power (due to intense electoral competition) during election years.

This operation formed an important part of the campaign message of the opposition NDC which campaigned on a platform that was sympathetic to small-scale mining youth engaged in galamsey. The late John Atta Mills, the party's presidential candidate at the time, continually blamed the leadership of the then ruling NPP for conflicts between small-scale miners and large-scale companies, and reportedly asked why the NPP was treating galamsey operators as if they were 'not Ghanaians'.

Once Atta Mills won the 2008 elections, his government came under intense pressure from youth groups and small-scale miners to make good on his promises to provide greater support for the sector. The NPP, now in opposition, capitalised on the small-scale mining community's perceived alienation in the next elections by pointing fingers at Mills' broken promises. Importantly, just as the NDC did in 2008, the NPP's campaign strategy for the 2016 elections was couched in a language that pointed to its support for galamsey, even if unintentionally. During a campaign trip to Obuasi, the party's presidential candidate, now President Akuuffo Addo, reportedly drew his supporters attention to how the Mahama-led NDC government "directed Soldiers to come and drive out all persons involved in galamsey". It is these types of election fever pronouncements that provided grounds for galamsey operators to express their feelings of betrayal by the current NPP government in its fight against illegal mining.

Galamsey operators are aware of the importance of their votes for incumbent political parties, and have often exploited the political vulnerability of those in power (due to intense electoral competition) during election years. Around the 2016 elections, galamsey miners set off to vandalise the offices of various political parties amidst chants of "no galamsey, no votes". Illegal miners have recently repeated such threats, asking President Akuuffo Addo to halt his fight against their operations or risk being voted out of power in 2020.

These observations draw attention to how partisan political divide has contributed to undermining prospects for an inter-party consensus in enforcing laws within the ASM sector.

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Illegal mining has also persisted in Ghana not because of weak state capacity, as some have claimed, but primarily because of political leniency and law enforcement corruption. One of our key informant at the Ministry of Lands and Natural Resources attributed the galamsey phenomenon to "a complete lack of political will," arguing that the people who have the responsibility to curb illegal mining activities tend to benefit from them: "the chiefs are culpable, the Assemblies are culpable, some MPs are culpable, some ministers are culpable. That is how bad it is." In this respect, illegal mining has continued to flourish because it serves the interests of a wide range of actors, including some chiefs who gain through the royalties they receive in exchange for land; and the political, business, and local elite who own the concessions that operate outside the legal mining framework. In this respect, the answer to the questions posed above does not lie in techno-economic approaches such as the demarcation of land plots suitable for ASM activities, the provision of alternative livelihoods to those engaged in galamsey or the decentralisation of the ASM licensing regime.

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Another crucial factor relates to ambiguities around land tenure practices in Ghana. Although all minerals are formally vested in the President in trust for the people, the continuing influence of chiefs over land in Ghana has practically given rise 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). As a result of the historical power struggles between politicians and chiefs over mineralised land since the colonial period, land ownership remains very complex in Ghana.

Some chiefs have turned their control over land into widespread de facto power at the local and national levels, effectively utilising it in exacting tribute from both legal and illegal galamsey dealers.

There are two main categories of land ownership today, namely, state lands, compulsorily acquired by the government through the invocation of appropriate legislation; and vested lands, belonging to customary authorities (stools, skins, clans and families). In all, more than 80 percent of land in Ghana is under the control of chiefs, implying that most mineral operations, both by large-scale companies and ASM operators, occur on stool land. Some chiefs have turned their control over land into widespread de facto power at the local and national levels, effectively utilising it in exacting tribute from both legal and illegal galamsey dealers.

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Conclusion and Policy Implications

Our overall evidence points to the inherently political nature of the galamsey menace in Ghana. Yet, efforts in curbing the problem have focused mainly on technocratic approaches such as streamlining the registration processes for ASM operators, strengthening the decentralised offices of the Minerals Commission, demarcating specific portions of land for small-scale miners, providing alternative means of livelihoods to displaced communities and illegal miners, and occasional military crackdowns.

Ambiguities around land tenure administration have posed some challenges in the fight against illegal mining.

All these policy measures are important, but their effectiveness would be enhanced if combined with tackling the political drivers of the problem. In particular, as the two dominant parties compete vigorously for votes during presidential elections, they mostly engage in the delivery of campaign messages that often bolster (even if unintentionally) the illegal activities of galamsey actors. This explains why illegal mining activities are often on the rise during election years, as was witnessed around the 2016 elections.

- Given the adverse implications of galamsey on the Ghanaian society as a whole, it will be important that political parties desist from pronouncements that implicitly underscore their endorsement of illegal mining activities during election seasons.
- Illegal mining also flourishes in Ghana because it serves the interests of a wide range of powerful actors in society. In this context, we contend that any successful anti-galamsey crusade would depend on the demonstration of sustained top-down elite commitment at the highest levels of government.
- In particular, the strict enforcement of the laws governing the ASM sector (notably through punitive measures) would be required to help break the network of powerful actors who profit from this illegal activity. While there has been some evidence of a much stronger political commitment against galamsey in recent months (particularly on the part of the presidency and the Ministry of Lands and Natural Resources), it remains to be seen if this commitment would be sustained in the context of increased political pressures from party cronies.
- Claims that the galamsey phenomenon is underpinned by poverty should not, in any way, be countenanced within policy circles, in as much as other social vices (e.g., armed robbery, prostitution) cannot be justified on grounds of high levels of youth unemployment.
- Given the substantial control that chiefs continue to wield over land and rural populations, it is crucial that chiefs be brought on board in the anti-galamsey crusade. In this respect, the recent efforts by some paramount

paramount chiefs to punish their sub-chiefs for supporting or condoning the activities of illegal miners is a step in the right direction. Without a comprehensive approach to the fight against galamsey, the presently piece-meal and technocratic approaches to curbing this inherently political problem would at best continue to yield sub-optimal results.

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About this Brief

The UGBS Policy Brief Series are generated from published research papers on topical issues by faculty members of the School. The Series are part of the School's efforts in contributing to policy issues that are critical to national and international development. This policy brief was developed from a recently-published Working Paper by the Effective States and Inclusive Development Research Centre (ESID) at the University of Manchester under the title 'Competitive clientelism and the political economy of mining in Ghana'. The original paper is available at: <http://www.effective-states.org/working-paper-78/>

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