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Ghana's Gold Boom and Multinational Corporations: Resource Nationalism or Countervailing Force?

Patrick K. Agbesinyale

Ghana's Economy and Mining

Ghana is one of the mineral-rich developing countries in sub-Saharan Africa and its mineral resources make up a sizeable share of the national economy. The country has substantial mineral resources, including gold, diamonds, bauxite, manganese, iron ore and, recently, oil and gas. However, gold dominates the mining subsector. Prior to its independence in 1957, Ghana's mining sector was controlled by European metropolitan capital. This was to change after independence under the Nkrumah-led Convention People's Party (CPP) government. Within the context of its 'scientific socialism' and 'work and happiness' ideology, the CPP government nationalized almost all mines under the State Gold Mining Corporation (SGMC), a state entity charged with managing and appropriating the country's mineral resources. This was part of a broad strategy within the political ideology of state capitalism. Subsequent military-led

P.K. Agbesinyale (✉)
Institute for Development Studies, College of Humanities & Legal Studies,
University of Cape Coast, Cape Coast, Ghana

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regimes (1972–79), by the same token, upheld the belief that the country's mineral resources constituted strategic national assets that ought to be vested in the state as part of the policy of consigning the 'commanding heights of the national economy into the hands of Ghanaians' (Agbesinyale 2003).

By the early 1970s, Ghana's economy had suffered a severe setback, resulting in the near collapse of the mining industry, with mineral output and revenue dipping substantially. By 1983, the decrepit state of the economy compelled the government to opt for a World Bank/International Monetary Fund (IMF)-inspired Structural Adjustment Programme (SAP). The SAP meant a major paradigm shift towards neo-liberalism, where private capital and private-sector participation in the national economy was deemed both critical and paramount to the country's economic recovery, growth and sustainability. Generally, SAPs not only liquidate centralized state-ownership systems seen as antiquated but set the stage for substantial foreign direct investment (FDI) inflows to the domestic economy. The Minerals and Mining Law of 1986 (PNDC Law 153), enacted at the behest of the World Bank/IMF as part of the mining-sector reforms, was touted as a significant legislative framework specific to mining that had revolutionized Ghana's mining sector, providing the impetus and catalysis for FDI and the influx of multinational mining companies in search of gold. Contained in the new mining law are very generous terms and proviso to mining companies, including low taxes and royalty payments, import duty waivers on equipment, high retention of revenue and repatriation of profits (Agbesinyale 2003; Akabzaa and Darimani 2001; Aryee 2001; Tsikata 1997), among others.

As all minerals 'in their natural state' are the property of the state, as reaffirmed in the 1992 Constitution, the government had the power to award concessions of land for mining purposes to foreign investors (Anyidoho and Crawford 2014). Between 1985 and 2000, the government had not only sold out almost all the state-owned mines with their usually extensive mineral (land) concessions, it had also, through the Minerals Commission, granted licenses to over 270 mining companies of various sizes to either prospect for or mine gold (Akabzaa and Darimani 2001). Several were multinational corporations (MNCs) from South Africa, the USA, Canada, Australia, UK and other countries.

Some of them had won extensive mining concessions, which provided for the appropriation of large expanses of countryside lands for large-scale surface mining. In the last three decades, the mining sector, particularly, the gold subsector, may have attracted FDI to the tune of over US$10 billion, with MNC-led gold production in Ghana increasing substantially. MNC-led mining has been a major source of revenue for Ghana, accounting for between 3 and 5 per cent of gross domestic product (Agbesinyale and Inkoom 2012). It is also a major foreign exchange earner. Mineral royalties and corporate taxes continue to boost domestic revenue. According to the Ghana Chamber of Mines (2012), the mining sector maintained its position as the leading contributor to Ghana's revenue collections, accounting for approximately GH¢1 billion in revenue collections, representing 27.61 per cent of total Ghana Revenue Authority collections in 2011. The industry also paid GH¢645 million in corporate tax, representing 38.26 per cent of the total company tax collected in 2011, while contributing about 40 per cent of gross merchandise export earnings. Gold has generated mining-related employment accounting for 2.5 per cent of the formal sector employment in Ghana. Other contributions to the national economy include salaries and wages of mine employees, social security contributions, rents, dividends, custom and excise duties and utility fees. Gold mining has also bestowed other benefits, including the provision of social and economic infrastructure, while stimulating a measure of local economic growth in host areas. Also, the presence of some of the world's largest mining MNCs in the country may have created impulses and agglomeration effects that attract further FDI into allied or separate sectors, including mine support services, oil and gas, energy, telecommunications, agriculture, banking and financial services, commerce, tourism and hospitality, among others.

The Mining Industry's Downsides

Despite the benefits accrued from mining, as discussed earlier, there have been major concerns with the MNC-led gold boom. Gold mining has remained an enclave industry hardly contributing to the desired structural transformation of the national economy. Ghana's share of revenue from mining remains abysmally low. According to UNCTAD (2005), Ghana earned only about 5 per cent of the total value of mineral exports annually, compared to over US$1 billion in mineral revenues repatriated by the mining companies. Rising gold prices in recent years have handed the mining companies a windfall, yet this has hardly trickled down. Being largely FDI-driven, the mining sector suffers from massive capital flight; up to 85 per cent of mineral revenue is held in offshore banks by the companies. In addition, the overly generous incentives extended to the mining companies, such as corporate and import tax waivers, amount to losses to the government of over US$100 million annually in waived taxes (Agbesinyale 2009). At the community level, land alienation and loss of primary livelihood assets such as arable lands and farms, forests, pasture fields, water bodies and game and fish stocks have not only impoverished host communities but have remained major sources of conflict. Communities have also suffered marginalization and exclusion through what is seen as state–MNC complicity in the annexation of their resources and disruption of their livelihoods. Surface mining has left a trail of environmental degradation and pollution across mining areas, often with adverse downstream consequences. Other harms suffered by mining communities include mining-related health problems, human rights abuses perpetrated by the mining companies and violent conflicts.

Competition for natural resources between the mining companies and their host communities has been one major source of antagonism, conflict and the deep-seated adversarial relations between the two. Relations have thrived on suspicion, mistrust, antagonism, adversarialism, intimidation, conflicts and open hostilities in some cases. Mining companies have won concessions in large tracts of land from the government in ways that alienate local communities by not taking the latter's consent and making such communities tenants on their own lands. Communities have felt utterly excluded and marginalized. They have also felt coerced and subjugated by the companies with state complicity, leading to tensions and hostilities between the two. In the past, the companies preferred to deal directly with the government through the Mineral Commission, that is, in accordance with the law, rather than the host communities, even on matters that impinge directly on the welfare and interests of these communities. Local communities felt not duly recognized as legitimate parties and stakeholders to mining concessions. Transactions and the award of concessions were exclusive to the government and the mining companies, begging the question of openness and transparency. Local communities perceived this as an affront to their traditional rights of ownership, compelling them to fight back. The result has been widespread protests, conflicts, open hostilities and insecurity in most mining communities. Constructive engagements and dialogue with local communities over critical issues such as land alienation, alternative livelihoods, compensation payments, small-scale mining, environmental degradation and pollution, community development, employment and participation, which are of principal concern to host communities, have in the past been very low.

In several instances, communities obtained redress for their grievances only through incessant protests and sometimes violent actions, which elicited ruthless police-military responses, a phenomenon that was gradually transforming some of Ghana's mines into mini-military garrisons. Recent such violent occurrences were seen in the Obuasi mine owned by AngloGold Ashanti, Perseus mine at Ayanfuri, Golden Star Resources mine at Prestea and Adamus mine at Nkroful/Teleku-Bokazo. Communities have had to contend with what is perceived as the tyranny of the mining companies. Given their rather huge corporate, financial and political clout, mining MNCs in poor countries have the tendency to coerce their host communities and violate their rights, including the rights to resources, decent livelihoods and to a clean environment, among others. A study carried out by Ghana's Commission on Human Rights and Administrative Justice (CHRAJ) in selected mining communities in Ghana in 2007 detailed a litany of human rights violations perpetrated by some mining companies on their host communities.

Mining communities in Ghana are mostly rural with extremely weak capacities that can hardly withstand the might of mining MNCs—a clear case of a 'David versus Goliath' power imbalance. In addition, in an age of globalization, contesting a mining company in a poor but mineral-rich country like Ghana is a contest against global capital and its confederates. According to Bush (2009), cited in Anyidoho and Crawford (2014), in almost all resource-rich developing countries, the mining industry is reinforced largely by an advocacy of the extractive model of development articulated by powerful neo-liberal international institutions like the World Bank/IMF and their allies and embraced by national governments. Thus, when a local entity like a community, pressure group or a local civil society organization/non-governmental organization (CSO/NGO) opposes mining, it is challenging a global development project and engaging the powerful global coalitions behind it. Today, globalization has redefined development to mean a global pursuit in which global resources including capital can find outlets everywhere including the national space. MNCs are major conduits for global capital, and so any contest anywhere against them and their activities is a contest against global capital and its affiliate institutions and, by extension, the global development agenda.

These dynamics notwithstanding, there is evidence to suggest that mining-affected communities in Ghana have over the years developed some degree of countervailing power through various strategies such as alliance building, networks, capacity building and empowerment, as well as partnerships with rights-based CSOs/NGOs like WACAM,[1] the Centre for Public Interest Law (CEPIL), Third World Network (TWN) and Integrated Social Development Centre (ISODEC), among others, to bolster their bargaining position and their ability to counter and contest some of the world's most powerful mining MNCs. The outcome has been quite positive; there are indicators to the fact that mining companies' disposition towards their host communities may have improved appreciably over and above what the situation was some 10–20 years ago. The aim of this chapter, therefore, is to establish the extent to which countervailing power developed by local mining communities has impacted the power inequalities between them and the combined MNCs' corporate and state power and how this may have contributed to shaping the mining companies' relations with them. The principal research question is this: in what ways and to what extent has communities' countervailing power countered the tyranny and impunity of the mining companies?

Conceptual and Theoretical Underpinnings

This chapter is situated within a number of theoretical and conceptual frameworks, including the multinational or transnational corporation and countervailing power theories. These combined also serve as the analytical framework for the chapter.

Theoretical Perspectives of Multinational Corporations

MNCs and the globalization of production are well-recognized phenomena. According to Jenkins (1987), the subject of MNCs and their role in developing countries has generated passionate feelings which no other economic institution has done. On one hand, MNCs are seen as engines of growth capable of eliminating international economic inequality and, on the other, as major impediments to development. They are reckoned as a force capable of revolutionizing the productive capacities in economically backward regions and yet as a major cause of underdevelopment through the accumulation and draining off of surplus offshore. Both arguments are underpinned by the dialectical doctrines of liberalism and Marxism, with discourses on MNCs often heavily ideologically loaded. Nonetheless, MNCs have remained key actors in the global economy, and by linking FDI, technology and trade, they constitute the driving force of economic growth. Their impact on the economic and social welfare of both developed and developing countries is both widespread and critical (Sauvant and Dunning 1993). According to Eldridge (n.d.), over 40,000 MNCs are currently operating in the global economy, in addition to approximately 250,000 overseas affiliates running cross-continental businesses. In 1995, the top 200 MNCs had combined sales of $7.1 trillion, which is equivalent to 28.3 per cent of the world's gross domestic product. MNC activities are, therefore, one of the most important and intriguing facets of the modern world economy.

Of major concern, however, is the dominant economic power of MNCs. Their unparalleled and continued domination of the global economic space has prompted some writers to cast them in the mould of 'super states' (Acquaah 1986). Their global ubiquity marks them as the most resented and attacked institution within the global economic system. MNCs are accused of various ills such as being the facet of capitalism that exploits developing countries, aggravating their underdevelopment and dependency. Radical dependency exponents, for instance, point to the role of MNCs in the generation and intensification of the contradictions of underdevelopment throughout the developing world. According to Onimode (1988), the capitalist economists' misleading conception that MNCs are partners in development because they channel FDI to poor countries, transfer technology and innovation, provide employment, pay wages and taxes and promote industrialization conceals stark realities. These include the pillaging of host countries' natural resources, super exploitation of labour, net capital transfer from poor countries, technological retardation, structural distortions, political instability, cultural degradation and other abuses. In generating these contradictions, FDI, MNCs, neo-colonialism, multilateral imperialism and neo-liberalism—all mean basically the same thing.

The heat of the debate over the role of MNCs in developing countries may have subsided considerably in recent decades, with resentment giving way to a general warming of attitudes towards MNCs not only in the development literature but also on the part of national governments known to be traditionally very hostile to MNCs (Lall 1993). Prominent among the reasons for this change of heart are a better appreciation of the benefits of MNCs, the experience of FDI-led industrialization in parts of the developing world proving exceptionally successful as in the cases of the so-called Asian Tigers and China, while regimes restrictive to MNCs have performed poorly. The increasing rate of unemployment in many developing countries and the growing need on their part to gain speedy access to modern technologies, services and information networks (ibid.) are key imperatives. One prime factor has been the political or ideological changes in most developing countries following the global demise of leftist ideologies which had alienated MNCs in the past. This has now been replaced with neo-liberalism, which espouses FDI as the principal axis by which developing countries could attract finance capital and also become better integrated into the global economic system. Indeed, as strategic shifts in most countries in Central and Eastern Europe, South East Asia, China and parts of Latin America have gathered pace, leftist and dependency analyses have grown quite unfashionable, supplanted by a widespread move towards a greater belief in the market.

At the core of MNC theorization are the intense debate and conflicting arguments over the role and impact of MNCs in developing countries. The literature articulates various positions on their role and impact, often with considerable ideological passion. The trend has been to distinguish between those groups of social scientists whose contributions to this debate place emphasis on the benefits of MNCs' presence in developing countries and the other faction, which adopts a more critical approach, stressing the liabilities arising from MNCs' activities. This two-way classification corresponds respectively to the non-Marxist and Marxist views on MNCs in developing countries. Jenkins (1987) classified the analytical approaches adopted by various writers into four main theoretical perspectives on MNCs. These include the neo-classical, global-reach, neo-fundamentalist and the neo-imperialist perspectives on MNCs.

The *neo-classical approach* is attributable to theorists who advocate the positive effects of FDI, basing their arguments on neo-classical economic theory, which postulates that MNCs guarantee capital flow to poor and lagging regions and in the process act as efficient allocators of resources internationally, maximizing global welfare by bridging inequality gaps. The *global-reach* view emphasizes the oligopolistic nature of MNCs. It asserts that FDIs are part of the strategy of oligopolistic firms and not simply a resource flow. Thus, the market power of MNCs emanates from a number of oligopolistic advantages possessed by them with regard to access to capital, control over technology, extensive marketing outlets and strategies and privileged access to raw materials that give them extremely discretionary powers and influence (ibid.). The *neo-imperialist* perspective of MNCs represents the views of Marxist and dependency theorists who argue that MNCs intensify and perpetuate underdevelopment in poor countries. They contend that the monopolization of industry leads to the accumulation of capital in the core regions. This capital seeks investment outlets overseas, leading to exploitation, imperialism and underdevelopment of host nations. They depict MNCs as 'vast suction pumps' that siphon off resources from the periphery to the core, depriving poor countries of domestic resources for economic growth (ibid.). The *neo-fundamentalist Marxists* are Marxist turncoats who developed somewhat very different opinions on the role of MNCs in developing countries, contrary to the position espoused by mainstream Marxists. To them, the impact of MNCs on developing countries is significantly positive because they help to develop the forces of production and provide the material basis for a socialist society. Regarded as ‘realist Marxists’, they concur with the neo-classical viewpoint that MNCs not only supplement existing local resources but also generate additional local resources or utilize previously unutilized resources (ibid.).

In summary, while advocates of MNCs point to their positive contributions, such as the inflow of investible capital, transfer of technology and diffusion of innovations into poor and lagging regions and employment creation, among others, critics sharply contest these factors. They point to ills like capital flight and the ‘de-capitalization’ of host nations (backwash effect), distorted development patterns, transfer of obsolete technologies and low employment creation owing to their preference for capital-intensive technologies or modes of production. Other criticisms relate to MNCs’ distortion of local economies by undermining indigenous entrepreneurial initiatives; reinforcement of financial, technological and market dependencies; threatening indigenous cultures; and even encouraging political interference. The environmental effects of MNCs’ broad range of activities related to extraction, production, including processing, manufacturing and technical processes, distribution and disposal of goods and services are of major global concern. Though developing countries may have improved their bargaining position and achieved relatively better terms, asymmetrical relations do persist. For instance, MNCs operating in the extractive sector of mineral-rich developing countries often justify their larger stake to the profits on the grounds that it takes their risk capital, equipment, technical know-how and marketing arrangements to give the mineral its resource value. The host countries merely sit back and collect the unearned economic rent by their geologically fortunate inheritance (Rees 1985).

The Theory of Countervailing Power

Within mainstream capitalist economic theory, competition is perceived as the autonomous regulator of economic activity and as the only viable regulatory mechanism apart from the state. Competition ensures that economic power is not concentrated in the hands of a few. According to Galbraith (1952), who propounded the theory of countervailing power, the emergence of a string of firms to counter the monopoly and economic power of individuals is central to classical economic theory. On the other extreme is the notion of state capitalism or state control of capital as a check to private monopoly and the enhancement of individuals' private economic power, a thought rooted in Marxist doctrine. According to Galbraith, within the framework of the competitive model, the restraint on the emergence of a monopoly and the private exercise of economic power is provided by other firms on the same side of the market. Thus, if firms can exploit strong demand and increase their price as well as profit margins appreciably, this would induce an inflow of new competitors. The resultant increase in supply would return prices and profits to normal. In this case, according to Galbraith, the incentive to engage in socially desirable behaviour is provided by the competitor. It was in the same side of the market—the restraint of sellers by other sellers and of buyers by other buyers—that economists have identified the self-regulatory mechanism of the market, that is, competition. Galbraith posits that new restraints on private economic power have appeared to replace competition. But they appeared not on the same side of the market but on the opposite side, not with competitors but with customers or suppliers. This counterpart of competition he calls the countervailing power.

Galbraith postulates that private economic power is held in check by the countervailing power of those who are subject to it. The first begets the second. The fact that a seller enjoys a measure of monopoly power and is reaping a measure of monopoly return as a result means that there is an inducement to those firms from whom the seller buys or those to whom he sells to develop the power with which they can defend themselves against exploitation. In this way, the existence of market power creates an incentive for the organization of another position of power that neutralizes it. Countervailing power like competition is also a self-generating force, which evolves in response to a given position of power. This power can be relied upon to curb the economic power of a few firms and monopolies because power on one side of a market creates both the need for and the prospect of reward to the exercise of countervailing power from the other side. According to Galbraith, countervailing power manifests itself with the greatest clarity within the labour market, where it is most fully developed. Labour unions representing countervailing power have emerged over time in response to the economic power that confronts individual workers in the sale of their labour, and, coupled with the competition of many sellers dealing with few buyers, it is essential that they unionize with other workers through which their economic interests can be protected. In effect, a countervailing power develops often in response to a domineering economic power. It is not by accident that the most powerful labour unions in the industrialized countries are found where markets are served by very strong enterprises or corporations. The economic strength of these corporations has compelled workers to develop the protection of countervailing power.

In many poor countries, it is not easy for a large number of individuals to come together to organize countervailing power. What one finds is that a large mass of the people are fully exposed to the exploitation of powerful MNCs, strategically positioned importers, merchants and wholesalers and yet without the seeming capacity to develop countervailing power on their own. Though Galbraith fails to explain why this is the case in poor countries, it is apparent that this is a reflection of the power asymmetry between MNCs and their host developing countries. This represents, according to Marxist economic theory, part of the externalities of capitalism (Agbesinyale 2003). To cure the power imbalance, government-sponsored countervailing power may be relied upon. This may come in the form of legislation to protect labour and unions, minimum wage setting, regulatory frameworks for industry regarding investments, company mergers, pollution and environmental standards, which give some measure of power to groups previously subordinated to the power of the more powerful economic entities. Government can also act to curb the power of monopolies and oligopolies. The development of countervailing power with government support can change the situation of vulnerable groups and those at the lowest rungs of the economic ladder such as peasants and lower-class workers. This can help to change attitudes among this class where a pervading deep sense of inferiority and insecurity is replaced by a sense of equality and confidence, which is good for the economy and the polity.

Countervailing power from a socio-political point of view thus denotes the ability of weaker groups in any power relations to mobilize forces—economic, political and social—so that they can counter or curb the power of the extremely dominant group or groups. The mobilization of forces enhances their power position vis-à-vis the power position of the dominant group. Within the context of Ghana's mining industry, the emergence of countervailing power helps to address some of the ills of power asymmetry in corporate–community relations. It has been inconceivable how weaker groups like mineworkers' unions, communities and groups such as small-scale miners and peasants within a mining setting could develop countervailing power to contend with the might of giant mining MNCs. Some of the realities in Ghana today point to the contrary. The Ghana Mineworkers Union (GMWU) is one of the most powerful national unions within the ranks of organized labour in Ghana. It has been quite successful over the years in building countervailing power in response to the might of their employers—the mining companies. One of the union's landmark achievements was to have its members' wages and salaries indexed to the US dollar as a hedge against volatilities inherent in the local currency. The argument has been that labour unions are able to build effective countervailing power because of their structured nature and because they have a certain level of formality which communities and community groups do not have. However, through partnerships and collaboration with CSOs/NGOs, networking and alliance building, aided by the vast opportunities offered by information and communication technology (ICT), mining communities and local groups are developing countervailing power and pitting themselves against the might of the mining companies, sometimes winning little but important victories.

Methodological Approach

The study design was a longitudinal case study of the Ahasonyewodea mining community near Obuasi in the Ashanti region of Ghana, located within the shadows of one of the world's largest mining companies—AngloGold Ashanti (AGA). The choice of AGA was informed by its size and global standing in terms of corporate might and clout. Some of AGA's mining operations are within typical rural settings, bringing its corporate disposition into sharp contrast with those of typical traditional rural communities. Ahasonyewodea was purposively selected owing to its chequered history of antagonistic relationship with the AGA. The longitudinal nature of the study stems from the fact that Ahasonyewodea was studied repeatedly specifically in 2000, 2008 and 2014 in order to establish trends in corporate–community relations over time. The study employed a qualitative approach to facilitate in-depth analyses of the key issues. Community respondents and key informants, including chiefs and their elders, opinion leaders, assembly members, Unit Committee members, mine workers, artisanal ('galamsey'[2]) miners, farmers, youth groups, women's groups and ordinary community members, as well as the AGA and Ghana Chamber of Mines officials, constituted the main sources of information on a range of issues. Both primary and secondary information was solicited from a number of relevant public institutions and agencies, including the municipal assembly, police service, law courts, the Commission for Human Rights and Administrative Justice (CHRAJ), Minerals Commission and Environmental Protection Agency. A number of civil society groups and NGOs, including WACAM, CEPIL, ISODEC, TWN, GMWU, Small Scale Miners Association and other local development NGOs were also contacted for information. Both WACAM and CEPIL were crucial to the study since they are strong advocacy NGOs whose work involves actively empowering mining communities and grass roots in ways that help them to develop advocacy capacity and build countervailing power. Data collection was conducted via focus group discussions for communities and groups, structured and unstructured interviews, key-informant interviews, informal chats and discussions with individuals. Documentary studies and analyses were carried out as part of secondary data collection, while triangulation to authenticate field data as part of quality control was embedded as a part of data collection.

Analyses and Discussions

The study identifies and delineates three interlocking phases in the evolution and development of countervailing power by host local communities in their relations with mining companies. The three phases are as follows:

- Phase I (1986–96): The era of dominance, tyranny and arrogance of the mining companies;
- Phase II (1997–2007): The period of grass-roots advocacy, power mobilization and resistance;
- Phase III (2008–2015): The phase of countervailing power and moderation.

The Era of Dominance, Tyranny and Arrogance of the Mining Companies (1986–96)

This phase marked the early years of MNCs' descent on Ghana's mining sector following comprehensive mining sector reforms in 1986. The decade 1986–96 witnessed a massive influx of mining MNCs following the liberalization of the sector. Within this period, at least 270 mining companies of various sizes and of various nationalities had applied to the Minerals Commission for a licence to carry out various mining operations in the country (Akabzaa 2000). The period also represents the era of dominance, tyranny and arrogance on the part of the mining companies backed by state power, global capital and allied capitalist institutions like the World Bank and the International Finance Corporation (IFC). The period coincided with Ghana's journey towards economic recovery and stabilization under the SAP, whereby attracting FDI into the extractive sector was deemed as being strategic and valuable. State power provided both the leverage and mileage for FDI and the mining MNCs. For local communities, this era witnessed massive land seizure and land alienation without adequate or no compensation and the dislocation of communities and the destruction of their livelihood, coupled with environmental degradation and pollution with tacit government complicity. According to Akabzaa (2000), this period marked an era of boom and dislocation. It was an era of arrogance, impunity, abuse of power and human rights violations on the part of the mining companies. For instance, in a study of the South Africa–owned Gold Fields Ghana Limited mine in Tarkwa, in 1996, soon after it had acquired the state-owned Tarkwa mine, workers complained bitterly about the racist and apartheid style of the management. They claimed that all the white managers and supervisors of the mine were constantly armed with pistols, which they used to intimidate and coerce workers with impunity while the government stood aloof, drawing the management into sharp conflict with the workplace union (Agbesinyale et al. 1997). This era (1986–92) coincided with the despotic military-led regime of the Provisional National Defence Council (PNDC), and with its autocratic tendencies, the state employed coercion and repression to whip local mining communities into acquiescence for the sake of 'national interest'. The mining companies became entrapped in a similar mould by 'regimentalizing' their relations with their host communities, resulting in human rights violations, which invariably undermined their social legitimacy.

While the Minerals and Mining Law (1986) provided benefits and incentives to prospective investors and mining companies, it also placed specific obligations on them with respect to the rights of others. These obligations, as stated in Sections 70–72 of the law, include the following:

- The exercise of a mineral right must be consistent with the reasonable and proper conduct of mining operations and shall affect as little as possible the interest of any lawful occupier of the land in respect of which such right is exercised;
- The lawful occupier of land subject to a mineral right has grazing and cultivation rights insofar as such grazing and cultivation do not interfere with mining operations. In other words, the mining company is obligated to permit the exercise of the surface rights of grazing and cultivation that do not interrupt its mining;
- The holder of a mineral right is under an obligation to pay compensation to the owner or occupier of any land subject to a mineral right in respect of disturbance of the rights of such owner and for damage done to the surface of the land, buildings, works of improvement, livestock, crops or trees in the mining area;
- Holders of mineral rights are entreated to have due regard for the effect of mining operations on the environment and to take such steps as may be necessary to prevent pollution of the environment as a result of such mining operations.

According to Ayine (1999), while mining companies have been quick to exercise their rights with respect to the incentives, they are rather tardy in complying with the legal and constitutional obligations placed on them under the same enactments. Mining companies within this period frequently flouted rules and regulations which imposed obligations and responsibilities on them and trampled on the correlative rights of other persons emanating from such obligations and responsibilities. Government's enforcement mechanisms were either weak or relaxed so as not to stifle FDI. Some of the rights of mining communities are enshrined in the Constitution of Ghana, while others represent embodiments of international laws, charters and legal principles pertaining to human rights and the environment. For instance, Article 24 of the African Charter on Human Rights states: '*All peoples shall have the right to a general satisfactory environment favourable to their development.*' This right is embodied in the UN Environment Programme's 1993 basic law on environmental protection and the promotion of sustainable development. Article 2 paragraph 2 of the Governing Principles provides for the right of present and future generations to enjoy a healthy and decent quality of life (Kasimbazi 1998).

A close assessment of the situation in most of the mining communities studied within this period revealed breaches of the rights of individuals and communities by the companies. This included the right to a clean and healthy environment, the right to development, protection from deprivation of property and protection of privacy of home and other property. Others included the right to employment and meaningful livelihood, respect for human dignity, educational rights and rights of children. In addition, across most of the mining areas, communities recounted vivid stories of brutalities meted out to them by police-military task forces engaged by the mining companies to forcefully evict recalcitrant individuals and communities from their lands, homes and farms to make way for mining operations. They also suppressed all forms of community agitation and resistance to the mining companies. Sections of small-scale miners and galamsey operators spoke of how armed security personnel had brutalized them for reasons such as operating illegally within the companies' concessions, for causing damage to company property or for alleged theft (Agbesinyale 2003).

Within the period under review, various studies (Akabzaa and Darimani 2001; Mireku-Gyimah 2001; Akabzaa 2000; Ayine 1999; Lassey 1999; Mate 1998) and newspaper reports featured several cases of open hostilities and clashes between the security outfits of mining companies and their host communities. Indeed, the entire mining sector of Ghana was awash with conflicts, tensions and clashes almost everywhere primarily because of the companies' use of open-cast mining, which was alien and destructive to most communities and which also usurped their lands and livelihood assets. In almost all cases, the grievances were the same or similar, notably, land alienation, loss of livelihood, forceful evictions, little or no compensation payments over loss of land, farms and houses, and environmental degradation and pollution through effluent discharge including cyanide spillage. Others included the effects of rock blasting on buildings as well as dust and noise pollution. Community resistance and protests were met with inordinate police-cum-military force leading to deaths, injuries and destruction of property. Several cases of harassment, intimidation, arrests and detention with or without trial of locals at the behest of the mining companies were common across the board. In many cases, the targets were vocal individuals and local activists who were perceived as instigating community resistance.

Some landmark cases during the period under review were the Old Atuabo and Akontansi communities' resistance to a planned resettlement arrangement by Gold Fields Ghana Ltd. in a newly constructed New Atuabo resettlement township. The protest was over the sizes and number of rooms allocated to individual households as part of the resettlement package. In April 1998, two members of the village of Atuabo serving on the resettlement committee were arbitrarily arrested by security personnel and put before a community tribunal allegedly on the orders of the then regional minister. They were accused of expressing divergent views on the resettlement issue in a manner that was insulting to the minister. A series of community protests followed the arrests. A combined team of police and soldiers went on a rampage within the protesting communities, shooting and wounding nine people and arresting several others, who were detained for days. Many of the villagers, including the old, women and the infirm, were reportedly subjected to severe beatings and mistreatment. The armed men also destroyed property, including the dwelling places of most of the villagers (Agbesinyale 2003).

According to Lassey (1999), in August 1997, the farming village of Nkwantakrom near Tarkwa with about 45 houses was completely demolished by armed police and a group of thugs allegedly hired by the Ghana Australia Goldfields Limited. Terrified by the demolishing exercise, women and children ran into the bush. A two-year-old child who was sleeping was buried alive but was later salvaged when the raiders retreated. Personal effects of the villagers were also looted. What triggered this action was a protest staged by the community over pollution by the mining company of a river which was the community's only source of drinking water. Within the same period, the youth of Bogosu clashed with armed police in violent demonstrations staged by the youth over discrimination by the company over jobs leading to several arrests and detentions without trial. The youth claimed that almost all the mining jobs were offered to 'outsiders', contrary to earlier promises made to them by the company. Other similar conflicts or open hostilities between communities and mining companies were recorded at the Ayanfuri mine owned by Cluff Resources, Teberebie mine (near Tarkwa) owned by Teberebie Goldfields Limited, and Aboso mine owned by Aboso Goldfields Limited. These and several other examples illustrate how the rights of host communities were subjected to incessant threats from the companies.

According to Ayine (1999), local communities were treated with indignity; apart from their constant subjection to harassment, beatings and all manner of inhuman treatments perpetrated by the security forces, the living conditions of some of these mining communities deteriorated on daily basis owing to the mining operations. In addition, communities were deprived access to the basic necessities of life including potable water, adequate food, housing, education and good health. Studies on mining in Ghana during this period (Akabzaa 2000; Ayine 1999; Lassey 1999; Dzigbodi-Adjimah 1996; Songsore et al. 1994; Tsidzi and Adofo 1993) pointed to the enormous power inequality between the mining companies and their host communities and how communities had lost their rights and entitlements while the mining companies with their powerful lobby had gained everything. Local communities were not only highly ignorant of their rights and privileges under the law owing to illiteracy, they were also oblivious of the processes and procedures for the legal protection of these rights under the law and so were not able to assert them. These deficiencies were exploited by the companies the fullest extent possible with apparent state complicity. State complicity in the form of acts of commission and omission by state agencies that aided and abetted mining companies' violations of community rights reinforced the dominant power position of the companies. The tendency was for both the state and the companies to perceive local communities as impediments to resource expropriation and not as holders of rights. As Ayine (1999) pointed out with respect to compensation payments:

> The protection afforded local communities in terms of payment of compensation with respect to land surface rights is rendered useless because local communities are treated as obstacles and not as right-bearers to mining operations by both mining companies and the central government. (1999: 12)

Communities' only option under the circumstances was to stage mass demonstrations, protests and sometimes violent confrontations to have their grievances redressed, even over trivial matters. For instance, in 1996, for the first time in the history of Ghana, a large retinue of Wassa traditional chiefs held a public demonstration in Tarkwa to register their protest over the spate of land alienations and destruction of Wassa[3] lands through mining. Such a public demonstration by traditional chiefs was considered rather sacrilegious and was an extremely rare occurrence in Ghana's traditional social arrangement, amounting to chiefs breaking traditional protocol. WACAM, as an advocacy and rights-based organization, was said to have been born soon after this action by the chiefs and aimed at helping protect the rights of Wassa communities affected by mining. Thus, within this period under review, community–corporate relations were characterized by bad blood, adversarialism, deep suspicion, mistrust and conflicts. Communities accused the companies of employing divide-and-conquer tactics, arm-twisting, subterfuge and gimmicks, blackmail, intimidation, harassment and brute force in their relations with them. Generally, the state and mining companies' complicity in frustrating the communities, repression using various state apparatus and lack of adequate redress and avenues for justice delivery led to despondency among communities, resulting in the widespread conflicts characteristic of this era.

The Case and State of the Ahansonyewodea Mining Community in 2000

The Ahansonyewodea mining community and events in that community over the years typify the three interlocking phases, as elaborated earlier, in its relations with AGA mining company. Ahansonyewodea is one of the oldest mining communities in Ghana and is located on the fringes of a major open-cast mine operated by AGA in Obuasi (formerly Ashanti Goldfields Corporation or AGC).[4] The community had a chequered history of losing its lands and locations many times owing to land alienation and conflict until it finally settled in the present location, hence the name Ahansonyewodea, which in the Akan language translates to '*this present location does not even belong to you*'. Ahansonyewodea is a highly densely populated slum community with over 2000 persons residing on less than one square kilometre of land with shack-like houses clustered closely, almost suffocating the community. By all standards, Ahansonyewodea represents a classic case of the gold–poverty paradox where poverty thrives next to gold; it is characterized by poor housing, limited access to social infrastructure and services, high unemployment, malnutrition among children, illiteracy, squalor, disease and crime.

The community has been a hotbed of agitation, violent conflict and open hostility directed at the AGA, and these came to a crescendo when the latter (as AGC then) began surface mining operations in the mid-1990s. Grievances against the AGA since the late 1990s were dominated largely by issues around land alienation and a loss of community lands, including farms and farmlands, loss of livelihoods, unemployment and perceived denial of mine jobs to community members by the company, issues of exclusion and environmental degradation and pollution. Others included AGA's stance and fight against illegal mining,[5] popularly known as galamsey, within its mining concessions, which the youth saw as their legitimate right, a development which was responsible for stoking frequent conflicts and human rights abuses. By 2000, when Ahansonyewodea was first studied by the author, the community had lost a large expanse of its lands, including farmlands and farms, to the surface mining operations of AGA without adequate compensation, a claim forcefully and passionately made by community leaders and members. This led to the disruption of household livelihoods, which were largely farm based. AGA officials countered the land alienation claim, stating that all lands in the Obuasi area including those of Ahansonyewodea had long been concessioned out to the predecessor company (AGC) under the colonial government and upheld by successive post-independence governments, so communities had no tenable claims to such lands. Unemployment was rife among the youth, leading to illegal mining and crime. Many of the youth in Focus Group Discussion (FGD) sessions claimed that AGA had denied them mine jobs because of the perceived belligerent stance of the community, a claim confirmed by AGA officials. AGA's persistent fight to stamp out illegal artisanal mining or galamsey within its Obuasi concession remained the most unpopular battle and a major source of conflict between the company and the community's youth, the vast majority of galamsey miners. Several instances of violent clashes occurred between combined company and state security personnel on the one hand and galamsey miners from the community on the other, resulting in death, injuries and damage to property, followed often by indiscriminate arrests, detentions and prosecutions. The protracted conflict between AGA and galamsey miners rages on to this day. At the heart of this conflict lies the competition for resources which local people lay legitimate claim to but which AGA disputes on the basis of law. The state is obliged to act on the company's behalf in matters of violent conflicts and other serious infractions committed by members of the community.

AGA has persistently been accused of violating the rights of community members, which the company had denied, but this would be confirmed later by a study commissioned by CHRAJ in 2007. For years, Ahansonyewodea had been a victim of air, water, chemical and noise pollution. Separating the community from the mine is an artificial ridge built by AGA out of rock waste both as a dump site and a barricade against encroachment. The community is located at the foothills of this artificial ridge. Run-off and leachate from the waste dump carry residual toxic chemicals that pollute the entire community after each rain. In addition, the community has been living in fear over the prospect of a possible landslide from the dump. For years, this ridge of waste dump had also been an object of contention between AGA and galamsey miners from the community. AGA fought back, sometimes ruthlessly, against any attempt by the latter to mine the waste dump suspected to be laden with residual gold, often resulting in violent clashes and high-handedness from the company. The community also suffered from the effects of persistent rock blasting on the mine. Cracked buildings and injuries from flying rocks, alongside pollution from mine dust and deafening noise, were common. Ahansonyewodea's numerous grievances and petitions to AGA and relevant state agencies always ended with no action being taken. The chief of Ahansonyewodea had this to say in 2000 to buttress the community's claims:

> Ever since commercial mining began in Obuasi more than a century ago we have been the community that has suffered the most through land alienation and disruption of our livelihoods in ways that have utterly impoverished us. We have been constantly polluted and blasted, which has left our houses dilapidated and exposed to adverse health conditions. Meanwhile, our children are denied jobs at the mine on the grounds that they are too vociferous and bellicose, and for the same reasons we are denied basic amenities, even by the government. Our ancestors bequeathed to us artisanal mining as a legacy we cannot practice, but meanwhile, there are no jobs for the youth. Our countless appeals and petitions have gone nowhere. Both AGA and the government have hemmed us in, and we have become captives to them. We have become more than slaves on our God-given land. I fear an explosion.

This statement from the chief summed up the general pent-up feelings and sentiments of the Ahansonyewodea community at the time; it is a community which is in distress and wants to be heard but its members' voices have been suppressed and marginalized. The same community lacked the capacity and the clout to effectively seek redress and pursue justice in the law courts over a range of issues and grievances. Even when they attempted to do so, community members became frustrated, pointing to perceived collusion between the state and the mining company to stifle dissent. The state and its apparatus were perceived as seeking to protect AGA, over and above the interests and rights of the community, compelling the latter to see defiance, resistance and protest as the only plausible options available to them. One community youth remarked as follows during an FGD session in 2000:

> All that the mining company backed by the government has done is to weaken and break our collective resolve as a community. But a baby that would not allow her mother to sleep at night would not herself sleep well.

This implied that they as a community and the youth would make things rather difficult for AGA through defiance, resistance and protest until their grievances were addressed. These statements from community members aptly captured the mood of an underdog community at the time. AGA's relation with the community at this point in time could be described as overbearing, high-handed, haughty and arrogant. AGA officials defended their sledgehammer actions, retorting that theirs is a law-abiding and tax-paying company that had the duty to protect itself and its shareholders' investments by any lawful and legitimate means.

The Phase of Grass-Roots Advocacy, Mobilization and Resistance (1997–2007)

This phase marks the development of grass-roots advocacy, mobilization and resistance, aided largely by interventions and support from notable advocacy-based CSOs and NGOs, including WACAM, CEPIL and ISODEC. Two developments provided added impetus. First was the sharp dip and near collapse of the world market price of gold by the late 1990s and early 2000s, when some developed nations decided to sell part of their gold reserves, with devastating effects on Ghana's economy. The bust also clipped the economic might of the mining companies. A number of them, especially the junior ones, were either sold out or folded up their operations in Ghana. Massive retrenchment of mine labour followed. AGA, for instance, downsized its labour force from 8000 employees to about 5000 by the year 2000, sparking major labour agitations. A chunk of this redundant mine labour found its way into illegal artisanal mining or galamsey, swelling up this subsector significantly in the ensuing years. Galamsey is considered to be a major threat because it tends to compete with mining companies for mineral resources. Several galamsey operators invaded the concessions of AGA and its underground mine, prompting a heavy-handed response from the company, which according to critics, including CHRAJ, amounted to serious human rights violations.

Second was the increasing and renewed surge towards globalization and the expansion of the frontiers of ICT, particularly the Internet, which allows the grievances, pain and protests of even the tiniest mining community in Ghana to become global and possibly attract global sympathies. In their effort to empower local communities so that they can counter the excesses of the mining companies, advocacy CSOs, particularly WACAM, began to build global alliances for itself and on behalf of the mining communities. WACAM, for instance, built alliances at the international, national and local levels with like-minded rights-based organizations. In the global North, WACAM has been successful in forging partnerships with Food First International Action Network (FIAN), an international human rights organization based in Germany that advocates for the right to food as an economic right; OXFAM America; Earthworks, a US-based NGO; and OECD Watch, among others. These have been used by WACAM to wage very successful international campaigns against the mining companies and their surrogates. Similar alliances have been forged with the Third World Network-Africa, Forest Watch Ghana and the National Coalition on Mining (NCOM) at the national level. At the local level, WACAM has strong partnerships with the Concerned Farmers' Associations and youth groups such as Youth for Action, all for the purpose of effective advocacy and campaigns on behalf of the mining communities.

The global partners often highlight the plights of mining communities and bring to the fore some of the effects of Western FDI in mineral-rich poor nations like Ghana. The intense campaigns on mining communities' plights, some of them strategically targeted at the shareholders of the mining MNCs, using the Internet for example, may have had the desired impact as some shareholders had threatened to divest or actually had done so over questions of ethical investment. These developments, sometimes interspersed by violent demonstrations by a mosaic of anti-capitalist, left-wing, pro-poor and pro-environmental groups on the side-lines of global summits like the G7/G8, G20 and World Economic Forum began to shape discourse around FDI and extractivism in developing countries, with the call for FDI to assume a more human face in these countries. The World Bank and its subsidiary, the IFC,[6] having come under intense global pressure from these campaigns, have by now begun to push for greater environmental justice, inclusiveness, social and economic uprightness and respect for human rights from MNCs, particularly those in the extractive sector.

Seeing that their adversarial relations with their host communities could not guarantee sustainability, coupled with pressure from both local and international rights-based and environmental watch groups, and, most importantly, from shareholders, most of the mining companies established internal formal structures to constructively engage with their host communities. It soon became a norm for almost all the large mining companies to establish community relations and development departments in addition to environmental management departments with clear mandates to deal with community and environmental issues respectively. Corporate social responsibility was to be used as a vehicle to mend hostile corporate–community relations into a relationship built on transparency, trust and cooperation. To enhance their corporate image globally and address the apprehensions of their shareholders, some of the mining companies applied for ISO certification, which called for, among other things, high environmental and community relations standards. Nonetheless, these did not immediately change the situation on the ground with respect to corporate–community relations.

Locally, WACAM in particular had by this time started to work closely and actively with several local mining communities mainly in the western region of the country, leading both local and international campaigns against the mining companies, providing advocacy training to locals and equipping them with skills that enabled them to effectively engage the mining companies. CEPIL, on the other hand, provides legal aid to communities in their search for justice in courts of law while also providing paralegal training to select community members for the purpose of effective community representation and participation in legal issues. Both organizations drew considerable funding support from OXFAM America and other funding organizations. The two organizations, with support from their international networks, thus started to build the capacities of many mining communities towards empowering them and aiding them to gradually build their own countervailing force. Intense public campaigns led by WACAM and CEPIL, in conjunction with some of the mining communities with respect to human rights abuses by the companies, had by 2007 compelled CHRAJ to commission an extensive study and investigations into cases of human rights violations in Ghana's mines. A recent study by WACAM and its activities over the years by Crawford has shown how successful the organization has been in charting this path, using various strategies, including Lukes' (2005) three dimensions of power—visible, hidden and invisible.

The Situation in Ahansonyewodea in 2008

The emerging issues from a study of the same Ahansonyewodea community in 2008 indicated demonstrably that little had changed over the last eight years. Prominent among the issues raised by the community were land/farm alienation without payment or with inadequate payment in compensation; denial of access to food crops, forests, streams and rivers by AGA; restriction on the movements of community members with barricades built out of rock waste; degradation of land, pollution of water bodies and malaria menace; and an outbreak of tuberculosis within the community. Other issues included human rights violations, specifically the use of the police-cum-military to harass, coerce, arrest and brutalize community members and galamsey miners; the suffocation to death of illegal miners in underground pits by the company's security personnel (who used smoke to drive out illegal miners) and the use of giant security dogs of the company on small-scale miner intruders to demobilize and arrest them in a harmful manner. Some workers of AGA confirmed and justified the gory treatments meted out to illegal miners who had intruded on the company's underground pits. They claimed that illegal miners were often suffocated by the use of intense smoke from burning lorry tyres underground in order to flush them out. In the process, some of the illegal miners died underground, which nobody ever hears or knows about. The mine workers justified this action on the grounds that the illegal miners were intruding on concessions of AGA, which is the legitimate and bona fide owner of the property. In many instances, according to company workers, the intruding illegal miners were armed with deadly weapons with which they attacked the company's security personnel whenever challenged. The community also complained of frequent rock blasting without adequate precautions by the company, non-payment of compensation for the damage and destruction of landed properties like houses caused by blasting, community exclusion and their effective loss of the right to participate in decision making and in Environmental Impact Assessments carried out by the Environmental Protection Agency (EPA). It was evident that members of the community were largely ignorant of their own rights under the law just as they were of the legal processes and procedures as a whole. Even when they were aware, the level of poverty and the absence of legal aid were severe constraints. Their countervailing power base albeit being built, remained extremely weak and very ineffectual as the pursuit of justice remains very expensive for the community.

Sections of galamsey operators in Ahansonyewodea complained bitterly about the use of armed security personnel by the mining companies to brutalize them for trespassing and about the mining rock waste of the company. It was evident that the activities of galamsey miners, which were in direct competition with the AGA, presented a major challenge, a conflict situation which was getting increasingly explosive and extremely dangerous. The head of Obuasi District Police, for instance, revealed that on average, five mining-related cases were reported every day at the police station involving mostly galamsey operators or community youth. The Obuasi District Circuit Court Registrar also affirmed this, stating that the court was inundated with countless cases of illegal miners and youth encroaching on company property, illegal entry, theft and damage to company property. The truth was that the large-scale surface mining operations of AGA have diminished the space within which small-scale miners operated locally. This became a major source of conflict in most of the mining areas. Small-scale miners are mostly indigenous people who see themselves as having a legitimate right to the land within their localities where land is traditionally owned communally. To them, the land belongs to their ancestors, some of whom were involved in artisanal mining, which was bequeathed to the current generation, so today they saw it as a legitimate duty to continue with this vocation. A group of small-scale miners in an FGD session had this to say:

> This land is ours and not for the government; our ancestors handed it over from one generation to the other, and today it is our turn. Our ancestors did farming, hunting, gathering and later artisanal mining on the land, and those were the vocations they handed down to us. Even though formal education today provides other opportunities for making a living, many of us in this community have been tied to these traditional vocations. But see, today we cannot do farming and hunting because all our farmland and forests have been taken away by the mining company and we are perpetually hemmed in here. The only thing we can possibly do is small-scale mining, but we are constantly being harassed for it. We do not know what the company and the government expect us to do. But we want you [the author] to tell them that we shall never give up.

Over the years, these groups of artisanal miners have developed a strong sense of resource nationalism, which is incipient in the strong arguments raised to justify their illegal actions. According to them, small-scale mining provides mass employment for the youth and women; the gold obtained therefrom is sold within Ghana and the revenue obtained thereof stays in the country, unlike the mining companies, who repatriate their gold revenues outside the country. Moreover, income from the trade has boosted the local economy to unprecedented levels. In that respect, the groups were confident that their activities aided the development of Ghana more than those of the large mining companies.

In a related development, findings from a study by CHRAJ on human rights abuses in the mines, published in 2008, identified the mining companies, along with the AGA, as being among the worst offenders. The findings generated a backlash, blemishing the image of the company, thereby prompting it to revise its policy on host communities from one of confrontation to engagement. With training and advocacy support from WACAM, CEPIL and other local NGOs, the Ahansonyewodea community also slightly shifted from open confrontations towards greater community activism. The community had by this time elected a very dynamic assemblywoman to represent it in the Obuasi Municipal Assembly, which also had brought a new phase of leadership of engagement and activism to the community. By 2008, in spite of a few skirmishes between community youth/galamsey operators on the one hand and the company's security personnel on the other, the general trend has been towards company–community engagement on a range of issues.

The Phase of Countervailing Power and Corporate Moderation (2008–15)

This phase is associated with a period of remarkable growth in the power and voice of communities, with strong and active support from rights-based advocacy CSOs/NGOs and their global allies, buoyed by further growth in the use of ICT and social media. Through intense media (including social media) campaigns, mining and oil companies have come under immense pressure globally to act responsibly with respect to human rights, community relations, corporate social responsibility and environmental sanctity. Global campaigns were also stepped up to influence companies, financial institutions and entities that stand to benefit from extractive industries operating in developing countries and, likewise, to enact, uphold and enforce policies and practices that protect communities' rights. Locally, strong campaigns waged by CSOs/NGOs like WACAM in collaboration with mining communities and various community-based organizations (CBOs) around emerging issues like the Extractive Industries Transparency Initiative (EITI), which Ghana had signed onto in 2003, and the concept of free, prior and informed consent (FPIC) were stepped up. Pressure was also brought to bear on the government to amend the Minerals and Mining Law of 2006 (Act 703), albeit with few concessions to the communities except that the amendment had established an Inspectorate Division to the Minerals Commission with a mandate to enforce compliance with laws, regulations and standards, by permitting procedures, inspections and enquiries so as to reduce accidents, dangers, disturbing effects and nuisances caused by mining activities to an acceptable level. These developments, among others, shored up the countervailing power of the local communities.

Massive recoveries in the gold price within the period under review not only brought the companies' windfall profits but also occasioned the opening of new mines or the rehabilitation of old ones. These required some amount of social licence from the host communities which by now had to be earned and secured through corporate–community engagements and negotiations and not based on the earlier arrogant stance of the companies in alienating communities' lands. The AGA had by this time developed a corporate human rights policy in addition to an integrated environment and community policy, among others. The latter highlights AGA's core values such as 'respect for the environment and the need for communities and societies in which the company operates to be better off for AGA having been there'. Across the board, community relation departments of the various mining companies have been strengthened to engage actively with host communities. AGA, in addition, established a Sustainable Development Department, which was charged with planning and delivering development in the mining communities through various strategies, including the provision of alternative livelihood schemes, job creation, provision of social infrastructure and amenities, scholarship schemes, malaria control and environmental restoration, among others. The hitherto belligerent and frigid relations between the AGA and its host communities had given way to community engagement and negotiations over pertinent issues. In one interview, the head of the Sustainable Development Department of AGA, Obuasi mine, in 2010, had this to say:

> The exigencies of the time demand that we as a company make a paradigm shift in the way we perceive and relate to our host communities. We followed a certain historical path in the past in which the company's relationship with the communities was founded on power asymmetry, with the AGA historically being the dominant and monolithic entity in relation to the communities, culminating in the company's being perceived as tyrannical and arrogant. This was a grave mistake, which we have accepted and learnt from. Today, and going forward, we have set ourselves on a path to change the way people experience AGA, through positive engagement and development for mutual benefit, across all stages of the

> mine life cycle. AGA now focuses not only on the well-being and development of our employees but also on contributing to the development of economically, socially and physically resilient host communities and environments. This represents a complete change in the way we relate to communities now.

The narrative here shows the extent who which AGA claimed to have mended its ways with respect to corporate–community relations, even though evidence from most of the communities, including Ahansonyewodea, did not demonstrate a commensurate turnaround. Nonetheless, these same communities, including Ahansonyewodea, intimated that they had perceived some remarkable change in the attitude of AGA towards them, accompanied by some positive overtures to genuinely better relations from the company. Even so, they as host communities were proceeding with caution and with a measure of suspicion.

Ahansonyewodea Community in 2014

A study of Ahansonyewodea in 2014 revealed a number of developments. Drawing on the support of the CSOs/NGOs, community activism had grown appreciably, with the assemblywoman and the Town Development Committee serving as the arrowheads. During that period, the Sustainable Development Department of AGA, Obuasi, had several engagements with the community over a range of issues, including illegal mining; the provision of social amenities like a community market, potable water supply, public drains; compensation for damaged houses; and refurbishment of the chief's palace. Other development included employment in the mine, alternative livelihoods, environmental pollution and a malaria control programme initiated by AGA. The assemblywoman claimed that AGA had re-opened communication lines with the Ahansonyewodea community after a long spell of blacklisting owing to the company's intransigence and notoriety in connection with illegal mining, intrusion into the company's concessions, arson, theft and frequent rioting, among others. The blacklisting meant the freezing of all corporate social responsibility benefits extended to the community, including jobs and the provision of social amenities. According to the assemblywoman:

> To show that it has turned over a new leaf, AGA had recently donated and installed a community public address system for Ahansonyewodea to relay information to the community. AGA has also pledged to donate cash and cement towards the construction of a new community market, which had been on the drawing board for years. We have also submitted a request to them for the refurbishment of the chief's palace, to which they have pledged their commitment. (Author interview)

This new era of corporate–community détente and rapprochement, largely at the instigation of AGA, brought a new breath of hope towards building a better relationship. One landmark development during this period was the decision by AGA to allow artisanal miners from the Ahansonyewodea community, under strict requirements, to mine the company's mount of rock waste dump, which had hitherto been barricaded from the community. This, for the community and the artisanal miners, represented a major victory as this issue had been the source of protracted battles and frequent hostilities over the years. Despite these new developments, old grievances still persist in addition to new ones. By 2014, there were indications that the Ahansonyewodea community was being ravaged by a tuberculosis epidemic. According to the assemblywoman, at least one out of fifty people in the community had tested positive for the disease, with some of them already under treatment. Meanwhile, malaria, diarrhea and upper tract respiratory diseases and HIV/AIDS have taken heavy tolls on the community. It was evident from the study that while the Ahansonyewodea community had started down the path towards harnessing its countervailing power, AGA, on the other hand, has been moving towards moderation and improved corporate–community relations and social legitimacy, which are imperatives for its long-term survival as a company.

Concluding Remarks

The study presented in this chapter has shown clearly the power imbalance between the Ahansonyewodea mining community and combined corporate and state power supplemented by invisible power from international financial institutions like the World Bank/IMF and their allies. Nonetheless, Ahansonyewodea, with active support from rights-based

CSOs/NGOs, including WACAM, CEPIL and ISODEC, has over time nurtured and used countervailing power in ways that have influenced the configuration of power within the extractive sector. The struggle of the people of the Ahansonyewodea community against the tyranny and impunity of a mining MNC over the years aided by these rights-based CSOs/NGOs is only one example among countless cases across Ghana's several mining enclaves. And yet, it show how mining communities are nurturing and building their own countervailing power and using this power to 'check power so that power balances'. For instance, the struggles of Ahansonyewodea and those of similar mining communities have created greater awareness (both local and international) of the adverse effects of gold mining. The same struggles backed by pressure from rights-based CSOs/NGOs had compelled CHRAJ, an independent body established by the Constitution, to undertake an investigation into allegations of human rights violations in forty-two mining communities across four regions in Ghana. The report, published in March 2008, concluded that there was evidence of widespread violations of human rights of individual members of communities and communities' collective rights (CHRAJ 2008). The CHRAJ report not only indicted the mining companies but had also inflicted severe reputational damage on them, thereby curbing their impunity to some extent. According to the coordinator of the Third World Network-Africa (cited in Anyidoho and Crawford 2014), mining companies today are having to defend themselves in ways that they did not ten years ago. Beyond this, they are less able to undermine local livelihoods and violate rights with impunity, while the government, as well as the World Bank's IFC, is no longer able to simply ignore criticisms within a democratic context. Similarly, today, unlike ten years ago, mining companies, with pressure from their shareholders, are making positive overtures to their host communities including Ahansonyewodea in their quest for enhanced social legitimacy. Many of the companies have set up community relations departments for effective community engagements that admit communities to the decision-making table and in ways reflect noticeable modifications in the alignment of power.

In conclusion, the presented study shows that even though asymmetrical power relations indisputably still exist between mining MNCs and their host communities like Ahansonyewodea, it is also a fact that the latter have, over the last twenty years or more, fostered and accumulated countervailing power, which they have used to curb the excesses and impunity of the former.

Notes

1. WACAM was formerly an acronym for the Wassa Association of Communities Affected by Mining. However, in 2009, the organization changed its name simply to WACAM to reflect the fact that its operations had expanded beyond the then Wassa District to mining communities in other parts of Ghana. In Akan, *wacam* means "I have been bitten" or "I have been disturbed" which, it was thought, reflected the experiences of mining communities.
2. 'Galamsey' is the popular name in Ghana for illegal artisanal mining.
3. The Wassa ethnic group is one of the largest occupying the western region of Ghana, with much of their lands rich in gold.
4. AngloGold Ashanti (AGA) mining company was formerly Ashanti Goldfields Corporation (AGC) until the latter merged with AngloGold (South Africa) in 2004 to become AngloGold Ashanti (AGA).
5. Illegal mining is a common phenomenon in Ghana, where people mine for gold, mainly by artisanal mining, without the appropriate licence.
6. The International Finance Corporation (IFC), a subsidiary of the World Bank, is a major financier of several large-scale mining and oil and gas projects.

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