



BUILDING ON THE SUCCESSES OF THE RECENT CRACK DOWN ON GALAMSEY: ROBUST LOCAL GOVERNANCE AS THE SOLUTION

BY: CLEMENT SEFA-NYARKO & TONY DZIDZINYO KWESI DOGBE

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Clement Sefa-Nyarko,

Research Manager, Participatory Development Associates

(csnyarko@pdaghana.com)

Tony Dzidzinyo Kwesi Dogbe,

Principal Consultant, Participatory Development Associates

(tdogbe@pdaghana.com)

Introduction

The widespread consequences of “Galamsey” (or illegal and unregulated small-scale mining that use crude methods and, more recently, heavy machinery) has persisted in Ghana since the liberalization of artisanal and small scale mining (ASM) in the 1990s. Galamsey is wrecking communities, ripping off forest masses, destroying farms and livelihoods, polluting water bodies, and plunging rural dwellers into irreversible abyss of poverty. This is particularly prevalent in the Eastern, Ashanti and Western regions of Ghana. ASM itself is not bad, if it is properly regulated and adequate taxes extracted to compensate the communities through targeted development programmes. ASM has become synonymous with Galamsey, even though they are supposed to operate with a licence, and have together unleashed unspeakable hardships on residents in the affected communities.

They destroy the land and other natural resources and pollute the environment. The state appears helpless in dealing with this crisis, and has watched on whilst forests are depleted, water bodies destroyed and people’s livelihoods taken from them. A handful of people benefit from Galamsey, which includes the miners themselves and their sponsors who provide machinery, equipment and chemicals for their operations.

The menace affects the very survival of the state, its forest and water bodies, and the security of its citizens. It is compounded by the involvement of foreigners, who are prohibited by law to participate in ASM, and who complicate efforts at tackling the issues. The Chinese government, for instance, has expressed worry at the approach being adopted by the Ghanaian media and authorities to cramp down on Chinese involvement in “Galamsey”. Recent media campaign against “Galamsey”, hash tagged #StopGalamseyNow, has revived national awareness about the extent and consequences of Galamsey on the environment and livelihoods.

The President has called on chiefs to play active role in this; and the sector minister gave a three-week ultimatum for all illegal mining activities to cease. [Media reports](#) suggest that some 544 excavators, that were hitherto used for illegal mining, have been withdrawn from forest and mining areas as of April 20, 2017.

Nine district mining officers in the nine mining zones of Ghana have all been asked to proceed on leave for negligence. But why has it taken so long for such a campaign; and how sustainable is this approach?

State Ineffectiveness & Public Outcry

The heavy machinery used by some Galamsey operators in the thick of forests implies complicity on the part of many stakeholders like the personnel of national security agencies, and some chiefs and people of the mining communities. It is also widely reported that some Galamsey operators, especially the foreigners, use light weapons to protect themselves and their investment against any aggression from local inhabitants.

The state, its environmental protection agencies, the minerals commission, security services, local government agencies and politicians appear helpless, and sometimes complacent, in dealing with the evolving crisis that is affecting livelihoods and the ecosystem. Chiefs, who claim to be custodians of lands, have been complacent, as they sell off parcels of land for Galamsey. The chiefs also look on whilst land and forest resources are brutally depleted. A tweet by a certain K. H. Adu on April 6, 2017 aptly describes the situation as: "The tragedy of a people sitting on gold [and diamond], but ending up with deadly pollution, rampant inequality, and powerless leaders...". The nature of the problem and failed leadership in finding solution cannot be said any better.

The Minerals Commission (MC), in response to recent media campaigns, have suspended the issuance of licenses for ASM in Ghana; but the question remains whether that is enough to completely deal with the crisis that is aggravating by the hour. The recent media campaign that triggered the Media Commission's response may itself be just one of the usual media hikes that will soon dissipate into a media fatigue, the business-as-usual syndrome. The Fulani crisis that engulfed Agogo in the Asanti-Akyem district of the Ashanti Region is one clear example of recent social problems that received short media publicity and subsequently, media fatigue.

Just as it was with the Agogo Fulani crisis, the media highlight on the Galamsey menace will dissipate soon, the Minerals Commission will resume the issuance of licenses, and the illegal miners will return to their digging of trenches and clearing of farmlands and forests. The forest will continue to deplete, land masses will be irreversibly destroyed, livelihoods will be affected, and poverty will persist in the mining communities; unless, of course, the strategy for dealing with the menace is changed into a more drastic and participatory one that hits at the very core of the country's decentralisation and natural resource governance. The entire campaign and mitigation measures are too reactive, centralized and condescending, making the most affected populations (those residents of mining communities who have not participated in this illegal activity) passive observers and passive actors whose cause is occasionally "fought" from the nation's capital, Accra. Beyond the weakness of the current campaign is a more structural problem, the core of which is the half-baked decentralization system being practiced in Ghana.

Diagnostics

First, the breakdown of local governance is the fundamental cause of the persistence of Galamsey. Too little responsibility is accorded local governance institutions, especially chiefs and clan heads, in the issuance and management of ASM licenses, which marginalizes their role in the process. Licenses are issued from the national capital by the Minerals Commission, with no recourse to the local assemblies or the chiefs.

This situation is part of the broader problem of ineffective decentralized institutions whose members defer major decision making on projects and expenditures to the central government. The persistent centralisation of decision making and allocation of resources have disempowered community leaders and their members, who are unable to take responsibility for the development of the towns and villages within their respective jurisdiction.

Second, and related to the problem of failed decentralization, is the constitutional arrangement that vests into the care of the President of the Republic of Ghana, all minerals and natural resources within the borders of Ghana. Article 257(6) the Constitution states:

"Every mineral in its natural state in, under or upon any land in Ghana, rivers, streams, water courses throughout Ghana, the exclusive economic zone and any area covered by the territorial sea or continental shelf is the property of the Republic of Ghana and shall be vested in the President on behalf of, and in trust for the people of Ghana."

This Constitutional provision is problematic, and lends itself to the double reaction of apathy and greed by some chiefs and people of mining and forest areas. They have experienced persons, who come to their localities with licenses from Accra, mining minerals and felling timber for export without benefiting from the proceeds. Royalties that are often paid for these natural resources are captured by few chiefs and their elders, with very little to show in the lives of the community members for the loss of forest, farmland, land mass, water bodies and livelihoods.

The first two problems cited above have three cumulative effects: First, indigenous people do not think it is their responsibility to verify the veracity of persons who parade themselves as licensed ASM operators. Neither do they see themselves as competent to insist that ASM operators follow laid down rules in clearing the forest, digging trenches and mining the minerals. If ASM is done per the regulations of the Minerals Commission, its impact on the ecosystem and inhabitants will not be as dire as is recorded in recent times. The Minerals Commission, by the way, hardly does any monitoring and verification, which is evident in the inactivity of the nine district mining officers that have been asked to proceed on leave. Second, citizens of natural resource rich communities, based on past lessons, now seek to exploit the natural resources for personal gains even if they do not have licenses, since in their calculation, they will never ever benefit directly or remotely from proceeds if they do not get involved. Third, the centralization of the licensing system creates unnecessary bureaucracy and delays that does not make the process appealing for Galamsey operators. Moreover, there are no severe consequences for those who mine without licenses, and Galamsey operators know this very well.

Third, the role of chiefs in dealing with Galamsey has been under-rated; and this is fundamentally due to the contradictions in the Constitution and other legislations that recognize chiefs and clan heads as the custodians of land whilst denying them active decision-making role in local governance. This both disempowers and makes them irresponsible, since at the same time, mineral deposits on their land are vested in the Presidency. The chiefs are therefore quick to sell off parts of the land for illegal mining activities, if they are assured of immediate financial and material benefits. They easily form alliances with politicians and other wealthy persons, including foreigners, who are willing to pay and sponsor Galamsey or ASM activities on their land; and they turn blind eyes to the consequences of such activities on the ecosystem and their people's livelihoods. The President's recent call on chiefs to join in the fight against Galamsey is therefore timely, as the Galamsey menace cannot be fought without whipping the interest of chiefs.

The Way Forward

Due to their prominence in cities, towns and villages, local chiefs should be made major stakeholders in local development, even if it means giving them regular allowances just as is done for paramount chiefs. Chiefs, at all levels, have the capacity to mobilise their people around development issues; so, this potential should be harnessed to the advantage of nation building. They should lead their communities to discuss and agree on specific development plans based on their needs; and this should feed into the development plan of the local assemblies. As part of their plan, communities and their leadership should be taxed to mobilize the means by which they will be able implement their community development plans, which include collecting taxes from individuals and companies, such as ASM operators, or through regulated exploitation of their natural resources.

A percentage of such taxes should be paid to the district and national coffers; instead of the reverse where taxes are paid directly to the national coffers. In addition, the state can complement the efforts of communities by matching what they are able to mobilize to implement their development plans. This is quite an ambitious agenda; but it is both an effective and efficient way to ensure that development planning is bottom up, and receives the kind of legitimacy that is required.

When communities recognize that they are critical stakeholders in planning and executing development agenda, they will be responsive to their immediate environments; and can quickly mobilise against social menaces like Galamsey. When this is done properly, such menaces like Galamsey will not thrive up to the current damning levels. When most affected persons are empowered and supported to act, their efforts can be very efficient and sustainable. This was demonstrated in Liberia, Sierra Leone and Guinea during the recent Ebola outbreak. The spread of the disease was only halted when communities and their leaders were empowered and supported to act. Currently, communities are unable to mobilise against Galamsey operators and those foreigners who invade their communities with heavy earth-moving machines because they come under the pretext of having licenses from Accra. This can change dramatically if the process of licensing is decentralized and communities are empowered to act to protect their own.

To be able to do this, the government, civil society and the private sector organisations should reign in all the traditional leaders to have a conversation on how they and their people can take responsibility for their immediate environment. People will readily report suspected cases of Galamsey to the Police, and will collectively be interested parties in such cases. When the chiefs, clan heads and people of communities are vigilant and passionate for justice, the police cannot but ensure that reported cases are brought to their logical conclusions. Community members will also ensure that ASM operators comply with regulations for small scale miners.

Youth unemployment may be seen to be the immediate cause of Galamsey; but much of what accrue from Galamsey operations ends up in the pocket of wealthy sponsors of Galamsey. Once chiefs and clan heads are made part of decision making at the local and district levels, communities are empowered to be vigilant against Galamsey, and farmers and the youth get value for their agriculture produce through fair prices and efficient marketing, the menace of Galamsey will dissipate with time.