

# COMMUNITY EXPERIENCES WITH MINING-INDUCED COMPENSATION AND RESETTLEMENT IN THE AHAFO AND ADANSI DISTRICTS OF GHANA

CENTER FOR SOCIAL IMPACT STUDIES

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## EXECUTIVE SUMMARY

Multinational gold mining companies who operate in mineral-rich developing countries continue to profit from their activities while the nexus amongst company profits, socio-economic and environmental outcomes in the local communities within which they operate are weak. Community inhabitants lose lands, cultural sites, cultural identity, income-earning assets and sources, networks and social ties due to resettlement. Additionally, community inhabitants face several challenges which includes resettlement problems, environmental degradation and human rights abuses. Communities are shortchanged because they have no or little capacity to negotiate with multinational companies. To deal with some of these issues, the 1992 constitution and the Minerals and Mining Act, 2006 (Act 703) the Minerals and Mining (Compensation and Resettlement) Regulations, 2012 (LI 2175) have been promulgated to address issues of fair, adequate and timely payment of compensation claims and resettlements related issues. Despite this regulation, the current legal and regulatory regime fails to compensate lands and for the use of common resources in communities. Also, the adequacy of compensation has been questioned by community inhabitants. Due to this, work needs to be done to understand power dynamics, processes, actions and community experiences regarding what the law states and what is practiced

Based on this background, the study seeks to:

- i. Review existing state policy and practice on resettlement and compensation for mining-affected communities and identify gaps
- ii. Review company practice in relation to how much compensation is negotiated and paid and within what time frame and how adequate or otherwise is the package offered to the communities
- iii. Build further knowledge on the dynamics at play at the community level in processes leading up to, during and after negotiations around resettlement and compensation, including identification of the actors, their roles and their power to influence the process
- iv. Review the role of institutions such as the district assemblies, minerals commission, ministry of Lands and Natural Resources and the Environmental Protection Agency etc. in the processes around negotiations on resettlement and compensation
- v. Make policy recommendations for advocacy.

Three communities in the Adansi district of the Ashanti region are purposively selected based on study objectives. These communities are New Bediem, Dokyiwa and Anwiam. The study used a mixed-method approach. This comprises four key approaches namely, a Focus Group Discussion (FGD), Key Informant Interviews (KIIs), a survey and a desk review. Groups of 5-8 community residents were carefully selected for the discussions in each community to allow in-depth discussion. Regarding the KIIs, eight key informants comprising a former Municipal Chief Executive, community leaders comprising local Chief Local Queen mother, Elders, Assembly Member and Unit Committee Members were interviewed. Regarding the survey, 129 respondents were selected for the survey. In New Bediem the respondents were selected purposively while in Dokyiwa and Anwiam respondents were selected randomly.

The research has also shown that:

- The Land Act, 2020 (Act 1036), the 1992 constitution of Ghana, the Mineral and Mining Policy of Ghana, Minerals and Mining Act 2006 (Act 703) and the Minerals and Mining (Compensation and Resettlement) Regulations, 2012 (L.I. 2175) are the key State legal and regulatory frameworks that guide practice on resettlement and compensation for mining-affected communities. Linked to this, LI 2175 is the most current and comprehensive document related to practices on valuation, compensation, grievance procedure, resettlement requirements for affected communities, procedures for the development of a resettlement plan and a resettlement implementation plan as well as the role of a Resettlement Monitoring Committee.
- AngloGold Ashanti Limited has a compensation, negotiation and payment procedure for the loss of crops only and the Minerals and Mining Act of 2006 and LI 2175 does not directly address land compensation. This situation makes landowners and communities unsatisfied with the adequacy of compensation. It is also evident that a gap exists between compensation paid by AGAs and its compensation processes.
- The Ministry of Lands and Natural Resources, Minerals Commission, Land Valuation Division of the Lands Commission, Traditional Authority, District Assembly, High Court, Ministry of Food and Agriculture, Community Members, Assembly Members, Civil Society Groups in the affected district, the Environmental Protection Agency, District Town and Country Planning Office in the affected district, and the Mining Company are the actors in processes leading up to, during and after negotiations around resettlement and compensation.
- The Minister of Lands and Natural Resources, Resettlement Monitoring Committee, Traditional Authorities, District Assembly and Mining Company have the most power and interest to influence negotiations on resettlement and compensation processes whiles community members, Assembly members and Minerals Commission have less power to influence negotiations on resettlement and compensation processes but have the most interest.
- Most residents of the impacted villages are unaware of the applicable laws governing resettlement and compensation, and those who are aware of the laws have little or no understanding of the legal frameworks. Linked to this, their lack of understanding negatively impacted how they engaged with AGA. On the side of AGA, a gap existed in the company's resettlement and compensations procedure and what was practiced/implemented. There were indications of nifty and unfulfilled promises, involuntary displacements and little or no resettlement support systems to persons and families
- AGA had negotiations with community members on an individual basis and that the poor negotiation skills of the community members contributed to them being shortchanged.
- Majority of people in the study communities have not taken any efforts to obtain adequate compensation and resettlement rights whiles those who have taken actions are in the form of protests and grievance reporting meetings.
- Inhabitants of resettled communities ( New Bediem and Dokyiwaa) report suffering violations of their civil rights ( forcibly removed from their homes,) human rights( arrested

without cause), economic rights( denied compensation for lost jobs) and social rights ( denied compensation for water sources, having to travel farther to reach farmland) and moreover, unemployment, paltry compensation amounts, dissatisfaction with the resettlement processes and grievance redress are the key factors that influence demand for appropriate compensation and resettlement. The push factor for individuals/households seeking resettlement (Anwiam residents) can be attributed to the noise from truck movements, cracks in block structures, loss of their farmlands and other income sources, and restricted access in some communities. Overall, unfavorable compensation and resettlement outcomes was because of the low knowledge of relevant legislation on resettlement and compensation, poor negotiation capacity and skills, and the lack of an extensive legal and regulatory framework during the time of the resettlement of New Bediem and Dokyiwaa.

Based on the above findings, the following recommendations are proffered to AGA, communities seeking resettlement and resettled communities.

### **Recommendations to AGA**

- i. Constitute a joint resettlement committee: Since AGA resettlement procedure aligns with the LI 2175 and recognizes the need for monitoring and evaluation of resettlements till mine closure, it is recommended that a joint resettlement committee should be constituted to monitor, evaluate and settle controversial resettlement issues and complicated problems, find solutions and evaluate individual complaints on an individual basis. A report arising from the process should be published on relevant actions taken.
- ii. Improve home occupancy: AGA should establish the causes of cracks in buildings. Those linked to mining operations should be repaired by their maintenance department. Also, resettlers should be provided with a title to their resettlement houses/ plot in the form of a certificate of occupation by the Lands Commission
- iii. Improve basic social amenities in resettled communities: AGA should extend power distribution lines and meter acquisitions to resettled communities with no electricity access. Additionally, the mining companies should provide a place of convenience for each household, provide water supply systems including boreholes, storage reservoirs, and communal standpipes within minimum walking distance. Also, water systems should be integrated into the existing larger water supply system in the district.
- iv. Commence a mobility arrangement for resettlers: Commence a mobility programme for resettlers whereby fuel cost recovery transport services are run on market and farming days, Alternatively, a motorbike acquisition scheme (based on no or little interest plus an installment plan) will be key to improving mobility to distant farmlands.

### **Recommendations to communities seeking resettlement**

- v. Capacity building: CSOs should empower communities seeking resettlement on compensation and resettlement provisions, key State institution involved, negotiation skills, compensation principles, policies, procedures and compensation rates, determining eligibility for relocation and resettlement, site selection, review of resettlement house

designs, plot layout and architecture, best practices, speculative development and protection of legitimate interest in immovable assets (e.g., through land deed). To this end, a citizen version (easy to read) of such laws should be developed, if possible, translated into the local dialect to facilitate comprehension. Also, all State and State actors at the subnational level should be trained on their respective roles on compensation and resettlement to maximize collaborative efforts. Linked to this, a trainer's program on money management and micro-enterprise development should be conducted so they can utilize future compensation payments aptly in support of sustainable livelihoods.

Awareness and comprehension of the current legal and regulatory arrangements on compensation and resettlement are key to maximizing negotiation, compensation and resettlement outcomes.

### **Recommendations to resettled communities**

- vi. Provision of jobs and alternative livelihood: Civil society with community leaders should have roundtable discussions with AGA on their local recruitment policy and complementary skills training program to identify job entry points for the youth in resettled communities.
- vii. Research dissemination: The local people and the external affairs department of AGA should be engaged with findings from this study to provide an opportunity for them to react and adopt the recommendation. Key responses and commitments from this engagement will be tracked
- viii. Grievance redress: Encourage and support adversely impacted persons/households to explore court action for grievance redress on compensation, economic, social and human rights violations. Another option for ensuring that grievances get attention is to write project financiers of AGA, the International Council on Mining and Metals (AGAs umbrella body) or send a delegation to in-country offices to discuss outstanding issues. For instance, the handbook for preparing a Resettlement Action Plans recommends project financiers ensure that grievance redress procedures are in place and are monitored to ensure that grievances are handled properly including resolution. Another option is to develop a resettlement action plan compliance index to track AGA and other large-scale mining company's compliance to the inhouse policy, resettlement plan and national legislation. Since companies are sensitive to their brand and reputation, they might be more responsive to index results thereby attending to grievances.
- ix. Collaboration: A concerted effort of community members, traditional leaders, Assembly members/ community leaders, and Civil Society may be useful to increase the influence/power of affected communities in maximizing negotiation, compensation and resettlement outcomes.

These results provide more evidence to support recent reports regarding the critical need for large-scale mining companies, subnational and national governments to give attention to ensuring that the gaps in compensation and resettlement processes of mining companies and national legislation are implemented to the latter whiles at the same time minimising perpetual social cost linked to resettlement of communities.

## ACRONYMS AND ABBREVIATIONS

AGA	-AngloGold Ashanti Ghana
AGC	-Ashanti Goldfields Corporation
Act 703	-Minerals and Mining Act
CHRAJ	-Commission for Human Rights and Admirative Justice
CAST	-Consolidated African Selection Trust
CSOs	-Civil Society Organizations
DCE	- District Chief Executive
C & R	- Compensation and Resettlement
EPA	-Environmental Protection Agency
FGD	-Focus Group Discussion
GDP	- Gross Domestic Product
GNMC	-Ghana National Manganese Corporation
KII	- Key Informant Interviews
LI 2175	- Minerals and Mining (Compensation and Resettlement) Regulations, 2012
RMC	-Resettlement Monitoring Committee



## 1. BACKGROUND AND INTRODUCTION

### 1.1 The contribution of mining to Ghana's economy

Ghana's mining sector contributes to Gross Domestic Product (GDP), domestic revenue and provide jobs. Total gold production for 2019 and 2020 was 4.57 million ounces and 4.02 million ounces respectively with Large Scale Mining (LSM) contributing 65% and 71% to total production in the respective years. In monetary terms, the country received GH¢13.5 billion and GH¢11.7 billion in 2019 and 2020 translating to 8.6% and 7.5% of GDP respectively. The mining and quarrying sector were the leading source of domestic revenue in 2020 contributing GH¢4.17 billion in 2020. It was the foremost source of foreign exchange from export earnings<sup>1</sup>. In terms of jobs, data published by the Ghana Chamber of Mines indicates producing member companies of the employed 7,874 people at the end of 2019<sup>2</sup>.

### 1.2 Ghana's mining reforms and the community impacts

Gold mining in Ghana has a long history that predates the fourteenth century. Before independence when Ghana's mining policy was primarily focused on encouraging the maximisation of mineral extraction in the interests of the colonial powers, the sector was quite active. For instance, between 1493 and 1600, Ghana produced 36% of the world's gold. But as time went on, its contribution to worldwide mineral production decreased because of shifts in global supply and demand as well as the impact of the two world wars. In 1958, the government decided to take over all mineral rights from landowners for whom rights had previously been issued by their Chiefs and other local authorities. The government also established strict guidelines for the geographic scope and length of mining concessions. In addition, the government assumed authority to revoke a mineral right for non-performance and to take majority stake in mining firms doing business in Ghana. As a result of these adopted policies, the Minerals Act, Act 126 of 1962 was passed.

Between 1957 and 1983, the government maintained a strong degree of control over Ghana's mining sector. Prestea, Tarkwa, Dunkwa, Bibiani, and Konongo were the five mines that the Ghana State Gold Mining Corporation purchased from British businesses in 1961 after they volunteered to sell them due to growing production costs and a depressed gold price. To "take over the commanding heights of the economy," the government launched a plan in 1972 to nationalise a number of companies including mines. The primary purpose of the government's acquisition of these mines was to safeguard job opportunities for Ghanaians and to get access to the foreign exchange produced by the mineral sales. As a result, all foreign mining corporations had their majority interests (55%) bought by the government via Decree, 1972 (National Redemption Council Decree 132). The Ashanti Goldfields Corporation (AGC), Consolidated African Selection Trust (CAST), and the Ghana Bauxite Company were affected by this State share acquisition exercise while the African Manganese Company a subsidiary of Union Carbide (USA) was entirely taken over by the government under the new name Ghana National Manganese Corporation (GNMC). The State Gold Mining Corporation SGMCo and British Aluminum Company (now Bosai

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<sup>1</sup> <https://ghanachamberofmines.org/wp-content/uploads/2021/06/Ghana-Chamber-of-Mines-2020-Report.pdf>;  
<https://www.bog.gov.gh/monetary-policy/summary-of-economic-and-financial-data/>

<sup>2</sup> [http://ghanachamberofmines.org/wp-content/uploads/2020/05/2019-Annual-Report\\_Complete.pdf](http://ghanachamberofmines.org/wp-content/uploads/2020/05/2019-Annual-Report_Complete.pdf)

Mining Co.) were running at either marginal profits or losses in contrast to AGC and GNMC which were both earning profits. The maintenance and repair of the mines were extremely challenging because of these problems. To stop the continuous downturn in economic growth, the Economic Recovery Programme (ERP) was launched in 1983. After the launch, the mining sector became the top foreign exchange earner for the country<sup>3</sup>.

Other key sector reforms include the passage of the Minerals and Mining Law (PNDC Law 153) in 1986 to sustain and promote and the sector's growth, the passage of the Small-Scale Gold Mining Law (PNDC Law 218), the Mercury Law (PNDC Law 217) and the Precious Minerals Marketing Corporation Law (PNDC Law 219) in 1989 to regulate the use of mercury by small-scale gold miners and to establish official marketing channels for the gold mined by small-scale miners. These actions resulted in major mining industry investment and activity as well as a significant rise in the nation's gold production, with just a slight uptick in manganese and bauxite production and export. Since then, Ghana's mining industry has contributed significantly to the country's economy and has made the country a major global producer of gold<sup>4</sup>. Over 250 local and international businesses have joined Ghana's mining industry due to a favourable investment environment and mineral wealth<sup>5</sup>.

Despite major investment in the mining sector, there have been complaints that there is excessive reliance on fiscal benefits without conscious effort for developmental impacts<sup>6</sup>. For instance, some communities have experienced mining induced pollution and /or displacement<sup>7</sup>. Others have challenges with compensation, resettlement, environment, safety and health and postmining rehabilitation.

### 1.3 Brief profile of Ashanti Goldfields Company

In 1907, the Ashanti Goldfields Company (AGC) began underground mining. Lonrho bought AGC in 1969 and the Ghanaian government reduced its shares in 1994 leaving Lonrho (now Lonmin) company with a 33% stake while corporate and private investors held the remaining shares. Until Ghana's commencement of the economic recovery program in 1983, Ashanti Goldfields Company was a small gold mining business. AGC's excellent financial position was influenced by good business climate as well as the soaring price of gold. Through a \$159 million expansion project, the company consolidated its operations in Obuasi in 1985. By then the government controlled 55% of AGC and was in its best interest to make sure the company had all the resources it needed to restructure its operations. For an estimated \$93 million surface mining project in Sansu, the

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<sup>3</sup> UN Charter: General Assembly Resolution 1803 (XVII) of 14 December 1962, Permanent Sovereignty over Natural Resources

<sup>4</sup> Gavin M. Hilson. (2004). Structural Adjustment in Ghana: Assessing the Impacts of Mining-Sector Reform. *Africa Today*, 51(2), 53-77. <http://www.jstor.org/stable/4187650>

<sup>5</sup> <https://www.mincom.gov.gh/>

<sup>6</sup> <https://www.mincom.gov.gh/wp-content/uploads/2021/06/Mineral-and-Mining-Policy-Ghana.pdf>

<sup>7</sup> Gavin M. Hilson. (2004). Structural Adjustment in Ghana: Assessing the Impacts of Mining-Sector Reform. *Africa Today*, 51(2), 53-77. <http://www.jstor.org/stable/4187650>

company secured a \$70 million loan from the IFC and other lenders in the late 1980s for this project<sup>8</sup>.

Sansu was a farming community and was historically known for artisanal mining. This served as a source of livelihood for members in the community especially the youth. When AGC began large-scale, surface mining, in the late 1980s. The company began using large tracts of agricultural lands as dumps for mine waste<sup>9</sup>. AGC changed its mining focus from low-grade ores in the north to higher-grade ores in the south of the Obuasi mine. This enhanced the company's long-term ore reserve and reduced underground haulage distance by half. Up until 2004, when AGC was bought by AngloGold Limited of South Africa, (for \$1.5 billion) the name was changed to AngloGold Ashanti (AGA). AGA reached a new level of local expansion, generating an extra 180,000 oz/year of gold and evolved into a multinational gold mining corporation with six producing mines in four African nations and seven significant exploration projects. The company's operations had a negative impact on communities in Sansu, Adansi, and Obuasi. These adverse impacts included food shortages and soil pollution, constant conflicts between the small-scale illegal miners and AGC's security forces, loss of cocoa farms from mining activity, water pollution by arsenic, iron, and heavy metal. Streams and rivers which were used for drinking, fishing and irrigation are now unusable. Additionally, there were reports of mining linked acute respiratory illnesses, skin conditions, malaria and eye infections. There were reports of brutalities and possible murders by local police and the company's security personnel in the Obuasi area<sup>10</sup>.

#### 1.4 Local socio-economic challenges associated with large scale mining operations

Multinational gold mining companies who operate in mineral-rich developing countries continue to profit from their activities while the nexus amongst company profits, socio-economic and environmental outcomes in the local communities within which they operate are weak<sup>11</sup>. Community inhabitants lose lands, cultural sites, cultural identity, income-earning assets and sources, networks and social ties due to resettlement. Additionally, community inhabitants face several challenges which includes resettlement problems, environmental degradation and human rights abuses<sup>12</sup>. At times, women are neglected in compensation negotiations due to cultural norms. In some instances, the husbands of such women behave irresponsibly after they receive

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<sup>8</sup> Nikoi, E. (2015). Ghana's Economic Recovery Programme and the Globalisation of Ashanti Goldfields Company Ltd. *Journal of International Development*, 28(4), 588–605. doi:10.1002/jid.319

<sup>9</sup> <https://earthworks.org/blog/sansu/>

<sup>10</sup> Ghana, A. A. (2006). Gold rush: The impact of gold mining on poor people in Obuasi in Ghana. A Report by Action Aid International. Accra, Ghana; Emmanuel, A. O. M. (2011). Gold mining and the socio-economic development of Obuasi in Adanse. *African Journal of History and Culture*, 3(4), 54-64; Leder, O. M., Hessen, D. O., Lindberg, Y., Nystuen, G., & Rathe, B. (2013). Recommendation to exclude AngloGold Ashanti Limited from the investment universe of the Government Pension Fund Global. Annual Report, 94-135.; AngloGold Ashanti

Submission to the Voluntary Principles on Security and Human Rights Plenary, March 2008

<sup>11</sup> Essah, M. (2022). Gold mining in Ghana and the UN Sustainable Development Goals: Exploring community perspectives on social and environmental injustices. *Sustainable Development*, 30(1), 127-138.

<sup>12</sup> Arhin, P., Erdiaw-Kwasie, M. O., & Abunyewah, M. (2022). Displacements and livelihood resilience in Ghana's mining sector: The moderating role of coping behaviour. *Resources Policy*, 78, 102820; Yaro, J. I. (2010). The Impact of mining on livelihoods of local communities: A case study of Newmont Ahafo South Mining Project of Brong-Ahafo Region of Ghana. Retrieved June, 10, 2016.

compensation by not making provisions for their wives. Women who are traders are resettled and sometimes taken far away from their hard-won customers. Also, households who are compensated often receive low compensation and lose income sources. In terms of jobs, since large-scale mining is highly skilled, it is the well-educated (largely non-indigenes) persons who are the beneficiaries leaving the indigenes because they do not have the skills. To add to these challenges, communities are shortchanged because they have no or little capacity to negotiate with multinational companies<sup>13</sup>.

To deal with some of these issues, the Minerals and Mining (Compensation and Resettlement) Regulations, 2012 (LI 2175) was promulgated to address issues of fair, adequate and timely payment of compensation claims and resettlements related issues<sup>14</sup>. Despite this regulation, the current legal and regulatory regime fails to recognise and compensate those without property rights and for the use of common resources in communities. Due to this and the many challenges associated with resettlement, compensation for the loss of land rights owing to mining operations has become a crucial issue for Ghana's mining sector and communities. The 1992 constitution<sup>15</sup> and the Minerals and Mining Act, 2006 (Act 703)<sup>16</sup> stipulate that dispossessed property must be compensated in a fair, adequate, and timely manner. Despite recent progress in Ghana's statutory framework on forced evictions from large-scale mining operations, execution of the law to the latter is inadequate<sup>17</sup> and much work needs to be done to understand power dynamics, processes, actions and community experiences regarding what the law states and what is practiced

### 1.5 Study objectives and expected outcomes

Based on this background, the main objective of this study is to:

- vi. Review existing state policy and practice on resettlement and compensation for mining affected communities and identify gaps
- vii. Review company practice in relation to how much compensation is negotiated and paid and within what time frame and how adequate or otherwise is the package offered to the communities
- viii. Build further knowledge on the dynamics at play at the community level in processes leading up to, during and after negotiations around resettlement and compensation, including identification of the actors, their roles and their power to influence the process
- ix. Review the role of institutions such as the district assemblies, minerals commission, ministry of Lands and Natural Resources and the Environmental Protection Agency etc. in the processes around negotiations on resettlement and compensation
- x. Make policy recommendations for advocacy.

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<sup>13</sup> Bugri, J., & Kumi, S. (2018). Dynamics of community perceptions, common resources and compensation practices in mining: the case of Newmont Ghana Gold Ltd at Ahafo. *International Journal of the Commons*, 12(1).

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[https://www.bcp.gov.gh/acc/registry/docs/MINERALS%20AND%20MINING%20\(COMPENSATION%20AND%20RESETTLEMENT\)%20REGULATIONS,%202012%20\(L.I.%202175\).pdf](https://www.bcp.gov.gh/acc/registry/docs/MINERALS%20AND%20MINING%20(COMPENSATION%20AND%20RESETTLEMENT)%20REGULATIONS,%202012%20(L.I.%202175).pdf)

<sup>15</sup> 1992 constitution of Ghana. Available at <https://www.wipo.int/edocs/lexdocs/laws/en/gh/gh014en.pdf>

<sup>16</sup> <https://www.mincom.gov.gh/wp-content/uploads/2021/06/Minerals-and-Mining-Act-2006-Act-703.pdf>

<sup>17</sup> *Ibid.*

It is expected that the study outcome will highlight community experiences on compensation and resettlement in the Adansi traditional area of the Ashanti Region on how they have been adversely impacted by large-scale mining operations. Study outcomes are also to inform project programming including advocacy to ensure that communities benefit from mining and mining-related activity. The rest of the report is organised as follows: methodology, a review of existing State policy and practice on mining induced resettlement and compensation, a review of company practice on compensation negotiation and payment, community dynamics in processes around negotiations, resettlement and compensation, the role of oversight institutions in the processes around negotiations on resettlement and compensation, conclusions and recommendations

## 2. METHODOLOGY

### 2.1 Study area

Three separate communities in the Adansi traditional area of the Ashanti Region were purposively selected based on study objectives. These communities are New Bediem, Dokyiwa and Anwiam. The people who were dislocated by the activities of the mining company were resettled in New Bediem, in 1996 while those who resettled in Dokyiwa were moved in 2011<sup>18</sup>. Communities inhabitants in Anwiam are demanding to be resettled due to the adverse impacts of mining operations on lives and property.

**Dokyiwa is a small community located within the Obuasi Municipality in the Adansi traditional area of Ashanti Region of Ghana.** Per the 2010 population and housing census, it has a total population of 578 comprising 283 males, 295 females with 145 households and 117 houses. It used to be a vibrant farming community until sometime in 2011 when it became necessary for the mines to resettle them to their current location. Economic activities or local livelihood has been hampered as a result of the resettlement because there wasn't adequate compensation and alternative sources of livelihood.. In Dokyiwa, the residents claim they were not properly consulted before the resettlement. Also, potable water is a major concern. They rely on the water system provided by AGA but they are unable to bear the cost. They also complain building materials were used for the construction of the resettled building

**New Bediem is a densely populated community located within the Obuasi Municipality in the Adansi traditional area of Ashanti Region of Ghana with about 6,500 people.** They were previously located at Sanso until they were dislocated and resettled by AGC 26 years ago. The level of unemployment is high among the community folks because most of the people lost their livelihood during the period of the resettlement and have not been adequately compensated. Locals are mainly petty traders.

**Anwaim is a small community located within the Ahansonyewodea electoral area in the Obuasi East District which falls under the Adansi traditional area of Ashanti Region of Ghana.** It has a population size of about 222, with 106 males and 116 females<sup>19</sup>. Anwaim has been sandwiched by AngloGold Ashanti .The entire community is competing for space with the tailings of the Mine

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<sup>18</sup> AGA (2011). Annual report. Communities' Supplementary information. Available at [Aga-reports.com](http://Aga-reports.com)

<sup>19</sup> 2021 district census data

The operation of AGA has blocked all access routes to and from the community including the road students use to school. Access to farmlands have also been blocked denying community members their livelihood. Women in the community are the most affected because they used to fetch firewood and sell in the markets. Economic activities by locals have been virtually destroyed since all farmlands have been destroyed by the activities of the Mine. Ahwiam

## 2.2 Research design and data collection

The study used a mixed method approach. This comprises four key approaches namely, a desk review, a Focus Group Discussion (FGD), Key Informant Interviews (KIIs) and a survey. The desk review was begun in June 2022 while FGDs, KIIs and the survey were conducted in July 2022.

Desk review: A review of legal and regulatory documents relating to compensation and resettlement in Ghana was done to understand the process, identify the key players, and their roles and serve as a benchmark for identifying the gap between what the law says and what is practiced. The 1992 constitution of Ghana, Mineral and Mining Policy of Ghana, Minerals and Mining Act 703, Minerals and Mining (Compensation and Resettlement) Regulations, 2012 (L.I. 2175), Land Act, 2020 (Act 1036), AngloGold Ashanti Ghana (AGA) reports on environmental stewardship are the key documents consulted. Findings from the review was complemented with field data to inform the stakeholder analysis presented later in the study.

FGD: Primary data was collected from the communities. Groups of 5-8 community residents were carefully selected for the discussions in each community to allow in-depth discussion. Eight, Seven and Five persons in Dokyiwaa, Anwiam and New Bediem participated in the discussion respectively. These numbers were low because researchers observed that there was research fatigue in some of the communities. Also, one community was very hostile towards the research team because several researchers from Kwame Nkrumah University of Science and Technology have collected data frequently and assured them of getting their issues resolved but to no avail. Despite the low numbers, a minimum number of four participants have been used in some social science studies and three in some conservation social science studies<sup>20</sup>. Issues discussed included livelihood experiences before and after the resettlement, effects of the resettlement on livelihoods, level of satisfaction with the compensation packages and other key open-ended questions. Discussions were conducted in Asante Twi, recorded to ensure the quality of the data and transcribed to English.

KII: Key informants were reached through a snowballing process. Eight key informants comprising a former Municipal Chief Executive, community leaders comprising local Chief (Odikoro), Local Queen mother (represents the women), Elders, Assembly Member and Unit Committee Members were interviewed. Afterwards, the leaders directed the research team to speak to people who

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<sup>20</sup> See Namy, S., Carlson, C., O'Hara, K., Nakuti, J., Bukuluki, P., Lwanyaaga, J., ... & Michau, L. (2017). Towards a feminist understanding of intersecting violence against women and children in the family. *Social Science & Medicine*, 184, 40-48.; O. Nyumba, T., Wilson, K., Derrick, C. J., & Mukherjee, N. (2018). The use of focus group discussion methodology: Insights from two decades of application in conservation. *Methods in Ecology and evolution*, 9(1), 20-32.

were involved in the resettlement process. Such people including well-known farmers in the community due to that they are requesting to be resettled.

Semi-structured questionnaires were developed and used to elicit rich accounts of the issues. Both FGD and KII are analysed manually by categorising each informant's responses by theme and summarising results.

Survey: Obuasi East District Assembly (has Anwiam as one of its communities) and Obuasi Municipal (has New Bediem and Dokyiwaa as one of its communities) Assembly has 29 communities and the estimated population of the three communities is 11,628. Guided by the Solvin's formula and an error of 0.05 a sample 386.70 was supposed to be selected but for a lack of resources (time, personnel and money) one third of the sample size (129) was selected for the survey. To account for non-responses, the researchers administered questionnaires to 140 respondents. The deficiency in the sample size was bridged by performing FGDs and KIIs. In New Bediem the respondents were selected purposively with the aim of targeting those who were resettled in 1996 whiles in Dokyiwa and Anwiam respondents were selected randomly. Responses from the survey were analyzed using the Statistical Package for Social Sciences (SPSS v 16.) software to generate descriptive statistics. Pie charts, stacked, group bars and split bars were used in visualizing results. The chi-square is used to determine whether the three sample groups have a statistically significant difference.

### 2.3 Ethical considerations

Throughout the research, the following ethical strategies were strictly followed in obtaining informed permission, ensuring privacy and confidentiality and protecting the privacy and safety of research participants. All respondents had the option to either join or quit the study at any time. Desai and Potter (2006)<sup>21</sup> outline ethical considerations that require the researcher to share honest information about the research with participants and to solicit their cooperation without compulsion. As previously stated, the researchers presented the study's goal in the local language. Before interviews could begin, respondents were required to say "Yes" to indicate their consent. To ensure anonymity and secrecy, behaviours that may reveal interviewees' identities were avoided. This was accomplished by shielding participants' identities and preventing the traceability of their responses in the research data. Researchers noticed that it is normal in a community to find community members 'standby' for interview sessions whiles uninvited. It was difficult to ask such people to leave especially when the respondent was comfortable with it. Despite these obstacles, the study followed all anonymity and confidentiality protocols. The interviews were done with some awareness and at times, empathy concerning delicate issues, but without becoming emotionally engaged.

## 3. A REVIEW OF STATE POLICY AND PRACTICE ON RESETTLEMENT AND COMPENSATION OF AFFECTED MINING AFFECTED COMMUNITIES

This section presents a review of the current legal and regulatory framework on resettlement and compensation for affected mining affected communities. The frameworks are the Land Act, 2020

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<sup>21</sup> Desai, V., & Potter, R. B. (2006). Doing development research. London: SAGE Publications, Ltd.

(Act 1036), 1992 constitution of Ghana, Mineral and Mining Policy of Ghana, Minerals and Mining Act 2006 (Act 703) and the Minerals and Mining (Compensation and Resettlement) Regulations, 2012 (L.I. 2175).

Land Act, 2020 (Act 1036): The Land Act, 2020 (Act 1036), which was passed in December 2020, aims to codify all currently existing land-related laws and address related issues. The creation of an interest-bearing escrow account to handle compensation payments is provided for in Section 238, which deals with the availability of funds for paying compensation for compulsorily acquired land and property. It states that the Lands Commission may not carry out or facilitate the compulsory acquisition of land unless the intended user of the acquired land demonstrates in writing to the satisfaction of the Commission that the funds necessary to pay compensation and other acquisition-related costs have been deposited into an interest-bearing escrow account managed by the Lands Commission. Secondly, before beginning the acquisition, the intended user—a public body wholly reliant on public funds—shall get Cabinet approval and possess a budget allocation approved for the compensation payment and other acquisition-related charges. Thirdly, cash for the payment of compensation and other takeover costs must be deposited into an interest-bearing escrow account before the takeover if the intended user is a public corporation or statutory corporation that is not a public service. Fourthly, any deficiency in the escrow account that remains after paying the compensation and other acquisition-related expenses must be paid by the intended user to the Lands Commission, and any remaining funds must be given to the intended user. These clauses are crucial because they address the problems with incomplete acquisition and unpaid compensation for compulsorily acquired property even if the State still owns them<sup>22</sup>.

1992 constitution of Ghana: Article 20 (2) of the 1992 constitution<sup>23</sup> stipulates that dispossessed property must be compensated in a fair, adequate, and timely manner and that person has a right to seek redress in the high court for the determination of their interest on the amount of compensation they are entitled to. The constitution also states that displaced inhabitants are to be provided suitable alternatives that safeguard their economic well-being, and social and cultural values.

Mineral and Mining Policy of Ghana: The Mineral and Mining Policy of Ghana<sup>24</sup> was developed in 2014. Sections 6.4 and 10.11, highlight compensation and resettlement-related issues. Section 6.4; requires appropriate State agencies to assist local communities to better engage with the mining company on issues affecting them including compensation and resettlement. Likewise, section 10.11 indicates that the compensation payment is not a sustainable solution to displacements and as such mining companies are required to develop sustainable means of livelihood for displaced persons as part of their environmental management plan and also prove that such livelihoods maintain or improve the gains than those previously enjoyed. In such instances, State agencies are required to assist communities to develop sustainable livelihood

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<sup>22</sup> Botchwey, G. (2021). Compensation for lands compulsorily acquired by the state: Issues of non-completion of acquisition, non-payment of compensation and potential unjust enrichment Faculty of Law Journal, 1(2), 221-238.

<sup>23</sup> <https://www.wipo.int/edocs/lexdocs/laws/en/gh/gh014en.pdf>

<sup>24</sup> <https://www.mincom.gov.gh/wp-content/uploads/2021/06/Mineral-and-Mining-Policy-Ghana.pdf>

ventures and also ensure that lands are secured to enable the people to continue with their farming and other activities in the new location.

Minerals and Mining Act 2006 (Act 703): Minerals and Mining Act 2006 (Act 703) (specifically article 72-76) indicated that the lawful occupier of land retains the right to allow livestock to graze or farm on the surface of the land if both activities do not interfere with the mineral operations and that the lawful occupier of land in a mining area shall not construct a building or structure or introduce new higher value crops without the consent of the mining company<sup>25</sup>. Additionally, it indicates that the valuation of crops should be done in the presence of the landowner or his/her authorize representative, mining company representative and State land valuation officer to inform compensation rates<sup>26</sup>.

Minerals and Mining (Compensation and Resettlement) Regulations, 2012 (L.I. 2175): The regulation<sup>27</sup> was promulgated on 20th March 2012. Regarding processes, first, there must be public notification (at public places including schools, markets, churches, and mosques) to affected persons/communities not more than 14 days after granting the mining license. Second, affected persons/communities must submit a claim to the mining company including copies to the Ministry of Lands and Natural Resources, the Minerals Commission and the Land Valuation Division of the Lands Commission, for compensation within 60 days of notification<sup>28</sup>. The claimant in his / her application must indicate how rights/interests have been affected, the type of compensation requested plus the methodology used in arriving at such claims. When a claim is not made, the Minister shall authorize the Land Valuation Division of the Lands Commission to value the land. It is only after valuation that a firm basis for compensation can be reached. Third, the mining company on receipt of the claim shall negotiate for fair and adequate compensation<sup>29</sup>. Albeit the mining company is not obliged to pay anyone who engages in speculative development after the cut-off date. Agreed amounts will be in a form of a signed written agreement. The claimant and the mining company can set up a committee comprising qualified persons from both sides including three farmers from the affected community of the claimant, the Lands Commission, a representative of traditional authority and the district assembly and other mutually agreed persons. All costs relating to negotiations will be prefinanced by the mining company. When there is a dispute in negotiations the Minister and the Land valuation will determine the compensation amount<sup>30</sup>

### **3.1 Compensation and resettlement processes by according to LI 2175**

#### **Valuation, payment and grievances**

During valuation, crops and natural surface of land including loss of expected income/earnings, any other disruption suffered, and disruption of economic activity together with commercial

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<sup>25</sup> Section 72 (3)-(5) of Minerals and Mining Act 703

<sup>26</sup> Section 72, (3)-(5) of Minerals and Mining Act 703

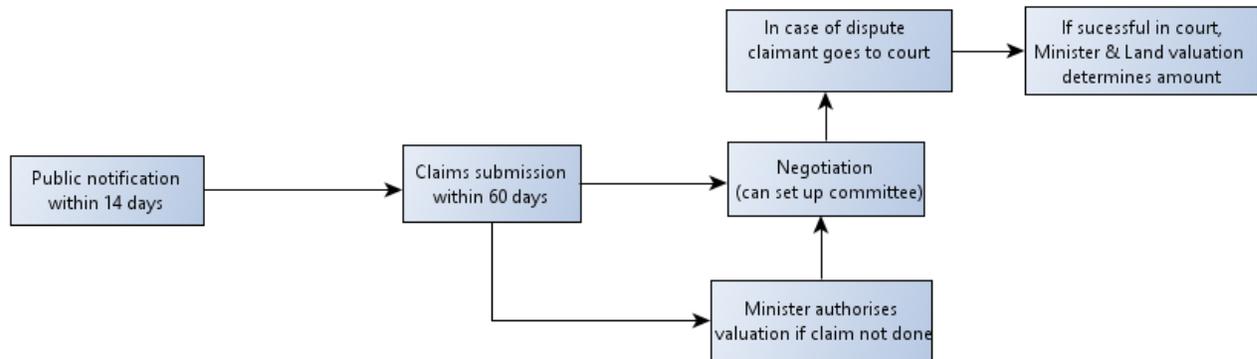
<sup>27</sup> <https://www.mincom.gov.gh/wp-content/uploads/2021/06/Minerals-and-Mining-Compensation-Resettlement-Regulations-2012-L.I.-2175.pdf>

<sup>28</sup> Also in Section 73(2) of Minerals and Mining Act 2006 ( Act 703)

<sup>29</sup> Also, in Section 74(2) of Minerals and Mining Act 2006 (Act 703)

<sup>30</sup> Also, in Section 73(3) of Minerals and Mining Act 2006 (Act 703)

structures (including the cost of re-establishing similar commercial activity elsewhere in a similar locality, net income loss during the transition, and cost of transfer and reinstallation) and immovable property including full replacement cost are accounted.<sup>31</sup> The compensation payment period is within three months after the compensation amount is determined. 10% of the amount is paid as interest each month beyond the stipulated three months. If there are grievances, the law permits an unhappy claimant about a compensation amount, to apply to a high court for a review of the amount. If the case is upheld, the Minister determines a revised amount.<sup>32</sup> ( Figure 1)



Source: Authors construct based on LI 2175

Figure 1: Summary of valuation, compensation and grievances processes

### Resettlement requirements

Per the Minerals and Mining (Compensation and Resettlement) Regulations, 2012 (L.I. 2175), where the inhabitants of a community are affected by a mining lease operation, the mining company resettles community members to a suitable place that upholds the socio-cultural and economic welfare of affected persons. This is to be done to improve livelihoods and living standards. Before resettlement, the mining company will have to engage the district assembly, community members and chiefs on the imminent resettlement activities. Next, the mining company conducts a diagnostic study on the current socio-economic situation, housing inventory and ecological conditions of the local people to be resettled. Afterward, in line with the local government Act 1993 (Act 463), National Building Regulations, 1996 (L.I 1630) and other relevant planning regulations and by-laws of the district assembly, a resettlement plan including the use of land, action programmes, execution strategy are developed<sup>33</sup>.

### Plan formulation and plan approval

The mining company in a public forum of all stakeholders will present a report of the draft baseline study and plan for settlements. Inputs and comments received from stakeholders are incorporated to create a final plan. This will inform the development of an action plan for resettlement. After

<sup>31</sup> Also in Section 74(1) (3) of Minerals and Mining Act 2006 (Act 703)

<sup>32</sup> Also in Section 75 of Minerals and Mining Act 2006 (Act 703)

<sup>33</sup> Also, in Section 73(4) of Minerals and Mining Act 2006 (Act 703)

this, all parties shall sign a resettlement agreement to effect resettlement. After this, the Municipal/ District Assembly will review the resettlement plan within 60 days of receipt and communicate in writing to the mining company any concern in the plan that is found objectionable. The assembly will request the submission of a revised settlement plan or recommend future studies and will only approve the plan after the Assembly is satisfied. Additionally, evidence of extensive consultation with the chiefs and community members to be resettled together with resettlement plans compliance with the National Building Regulations, 1996 (L.I. 1630), by-laws of the District Assembly and planning regulations is required for approval.

#### Implementation of the plan

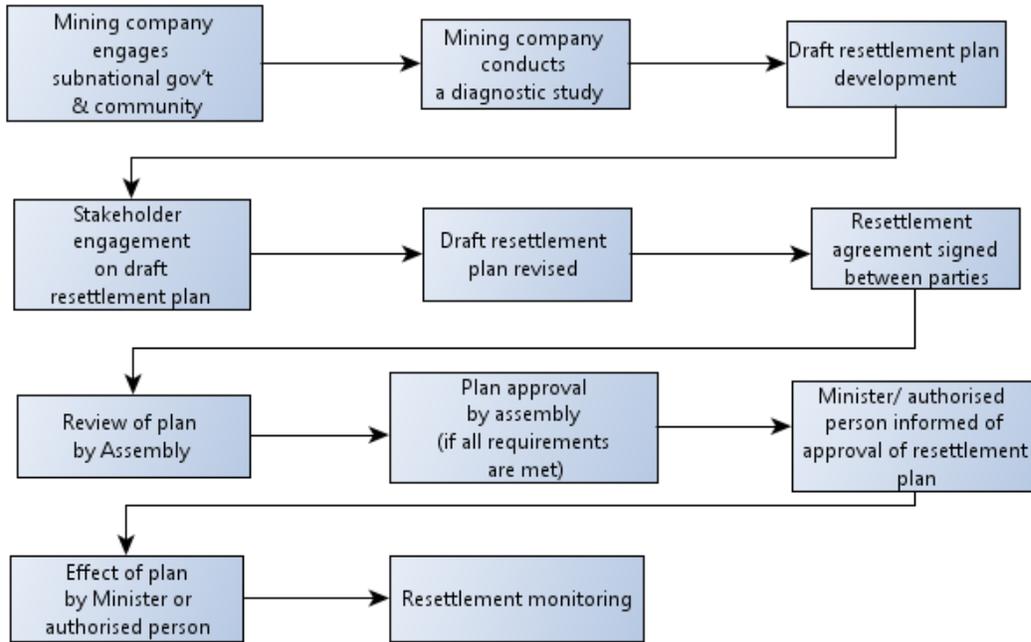
The Municipal/ District Assembly after approval will submit in writing to the Minister or any person authorised to take actions to effect the plan. The mining company will be responsible for bearing all cost of the resettlement plan<sup>34</sup>. If at any moment the mining company decides not to undertake mining operations until community members are resettled or decides to abandon the mining lease, the mining company shall be liable for all cost<sup>35</sup>.

Of key importance is the role of a Resettlement Monitoring Committee (RMC). The RMC will be constituted to monitor the implementation of the resettlement action plan. The committee comprises the District Chief Executive or his representative, district engineer, district town and country planning officer, Civil Society Groups, Assembly Members of the affected area, most senior Chief of the affected area, representative of regional lands office, the mining company, Minister/ authorised person, two persons nominated by the inhabitants to be resettled, one of whom is a woman; and any other person the committee may co-opt (not more than three)

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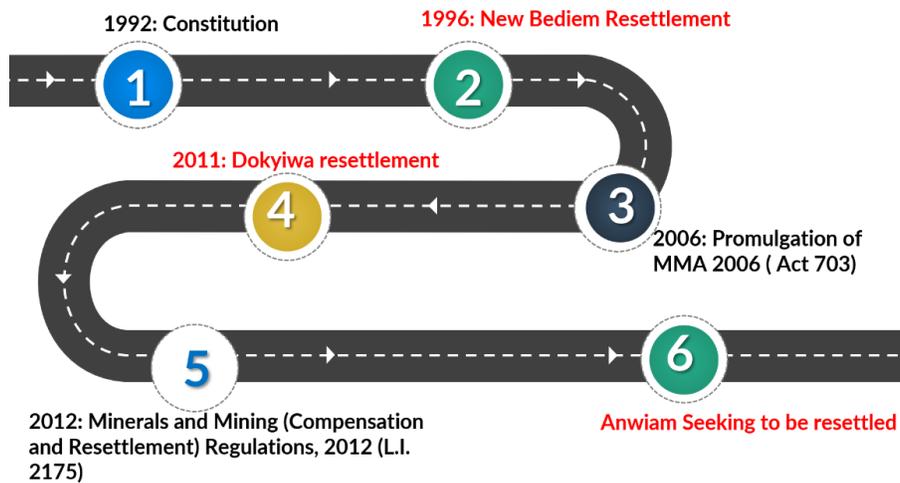
<sup>34</sup> Also, in Section 73(5) of Minerals and Mining Act 2006 (Act 703)

<sup>35</sup> Also, in Section 73(5b) of Minerals and Mining Act 2006 (Act 703)



Source: Authors construct based on LI 2175

Figure 2: Processes for resettlement



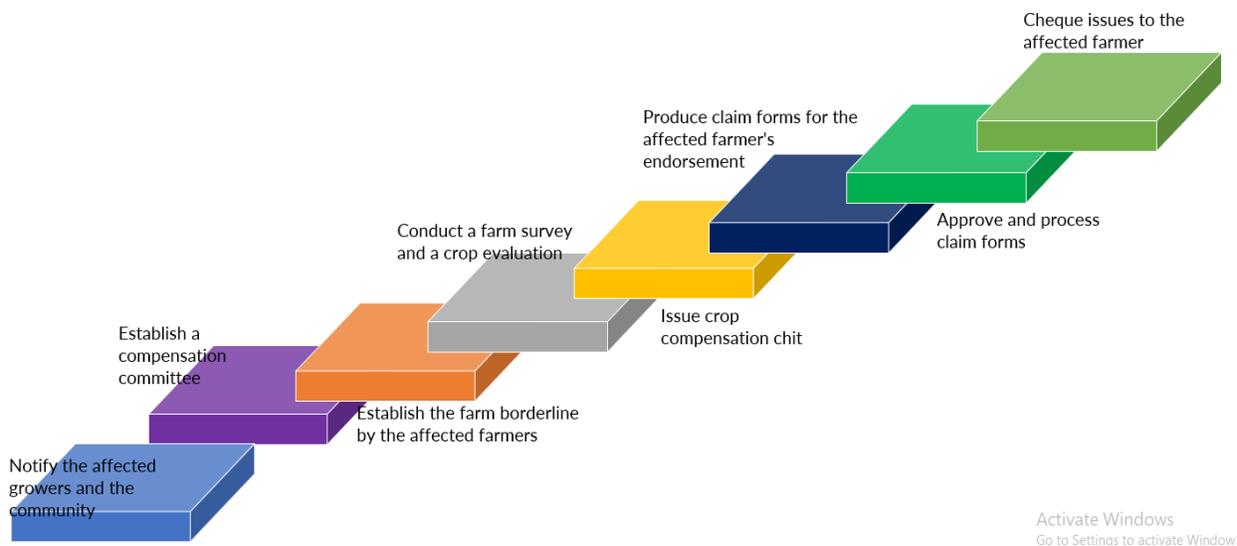
Source: Authors construct

Figure 3. Timeline of key events

Figure 3 is the timeline of the passage of key legal and regulatory frameworks that is presented within the context of resettlement to new communities. The 1992 constitution and Minerals and Mining Act 2006 (Act 703) may have guided the resettlement to New Bediem and Dokyiwa respectively. A more detailed regulation was passed in 2012 (LI 2175) and since then, no community within the study area has been resettled.

#### 4. A REVIEW OF COMPANY PRACTICE ON COMPENSATION, NEGOTIATION AND PAYMENT

AngloGold Ashanti Limited's crop compensation method enables the company to keep track of the number of farmers impacted each year in a certain location. The following steps are taken: notifying the affected growers and the community; establishing a compensation committee to help determine crop rates and other modalities; establishing the farm borderline by the affected farmers; conducting a farm survey (to produce a crop identification map) and a crop evaluation in the presence of the affected farmers or their designated representative; and issuing the crop compensation chit to the farmer. The chit serves as a written record of the crop assessment and expresses the farmer's contentment with the kind, quantity, and age of the crops. The last stages include producing claim forms for the affected farmer's endorsement, approving and processing the claim forms based on the affected farmer's individual yearly agreed-upon rates, and providing a cheque to the affected farmer<sup>36</sup> ( Figure 4). Crop compensation rates are computed using market pricing, production costs, and other biological and chemical elements such crop growth, farm condition, and asset life expectancy.



Source : Mantey et al ( 2012)

Figure 4. Company practice on compensation, negotiation and payment

Studies suggest that some farmers accept the compensation but continue to live on and farm/property despite been compensated per the above-mentioned procedure. Additionally, disputes about title and claims to the same piece of property may result in lawsuits. Other issues include the fact that the Minerals and Mining Act of 2006 and LI 2175 don't seem to have directly addressed the problem of compensation for the land itself, which makes individual landowners and communities are not satisfied. This fuels

<sup>36</sup> Tagoe, N. D., Mantey, S., Adjei, S., & Soakodan, M. (2012). The Role of the Land Surveyor in Land Acquisition and Compensation—A Case Study of the Tarkwa Mining Communities, Ghana. *Proceedings of the Territory, environment and cultural heritage, Rome, Italy*, 6-10.

animosity within the community and disagreements over who owns the property<sup>37</sup>. Also, a clear gap exists between the compensations AGAs compensation processes and what it practiced in the sense that, there were indications of nifty and unfulfilled promises. These findings are consistent with Mensah, S. O., & Okyere, S. A. (2014)<sup>38</sup> in their study on company-community conflicts over gold mining in Obuasi. The study reports cases of disagreements on compensation and a gap in AGAs documented compensation practices.

## 5. COMMUNITY DYNAMICS IN PROCESSES AROUND NEGOTIATIONS, RESETTLEMENT AND COMPENSATION

To understand community dynamics in the processes around negotiations, resettlement and compensation, issues around the role of actors, their interest and power to these processes are discussed. Also, the section discusses the understanding of community inhabitants in these processes and also actions taken to enforce compensation and resettlement rights. Lastly, community experiences relating to compensation and resettlement and the factors influencing the demand for appropriate compensation and resettlement are presented.

### 5.1 Actors, their roles and power to influence negotiations, resettlement and compensation processes

Mendelow<sup>39</sup> provided a model of environmental scanning that considers the environment and the stakeholder's power in relation to the organization or the project. Mendelow asserts that the basis for stakeholders' power in relation to an organization or project is subject to change based on the effect that the stakeholders' environment has and that power and dynamism are important aspects in the model. Johnson and Scholes<sup>40</sup> simplified and modified Mendelow's model and updated the axes of dynamism to measure interest and thus created the power/interest matrix. The matrix answer the following questions: i. How keen is each stakeholder group to influence project decisions in accordance with their expectations? ii. Will they really do that? Do they possess the authority to do so? From a stakeholder analysis, those with high power and interest are considered the "Key Players" while those with high interest and low power should be considered the group that only need to be "Kept Informed". Those with high power but low interest should be "kept satisfied". By grouping stakeholders in the power/interest matrix, project management can produce a better picture of how communication, advocacy and relationships between stakeholders can be affected or has affected the project and its implementation. From the information

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<sup>37</sup> Tagoe, N. D., Mantey, S., Adjei, S., & Soakodan, M. (2012). The Role of the Land Surveyor in Land Acquisition and Compensation—A Case Study of the Tarkwa Mining Communities, Ghana. *Proceedings of the Territory, environment and cultural heritage, Rome, Italy*, 6-10.

<sup>38</sup> Mensah, S. O., & Okyere, S. A. (2014). Mining, environment and community conflicts: A study of company-community conflicts over gold mining in the Obuasi Municipality of Ghana. *Journal of Sustainable Development Studies*, 5(1).

<sup>39</sup> Mendelow, A. (1981). Environmental scanning: the impact of stakeholders concept, proceedings of the second International conference on information systems. Cambridge, Mass, December.

<sup>40</sup> Johnson, G., Scholes, K., & Whittington, R. (1999). *Exploring corporate strategy: Text and cases*. Pearson education.

gathered from a review of LI 2175, field data, and a combination of LI2175 and field data ( See figure 5-7) the most relevant stakeholders have been evaluated in the power/interest matrix

From the review of the legal and regulatory provisions on compensation and resettlement arrangements in Ghana, the following stakeholders were identified; The Ministry of Lands and Natural Resources, Minerals Commission, Land Valuation Division of the Lands Commission, Traditional Authority, District Assembly, High Court, Ministry of Food and Agriculture, Community Members, Civil Society Groups in the affected district and the Environmental Protection Agency. Other stakeholders are the District Town and Country Planning Office in the affected district, Assembly Members of the affected area and the Mining Company ( Table 1).

Table 1: Stakeholder analysis based on legal and regulatory regime

Stakeholder group	Roles	Power	Interest
High Court	Provides an avenue for unsatisfied claimants to seek a review of the amount determined by the mining company through the Minister	High	Low
Minister of Lands and Natural Resources	Receives copies of all correspondence and agreements. Determines compensation together with land valuation office after court process if consensus with the mining company is unreachd. Effects resettlement plan. Member of Resettlement Monitoring Committee or assigns someone	High	High
Ministry of Agriculture	Provides annual price list for crops	Low	Low
Minerals Commission	Receives copies of all correspondence and agreements including payment of compensation. Also ensures strict adherence to mining area boundaries, agrees on a cut-off date with the holder of a mineral right for the payment of compensation following the designation of a mining area	Low	High
Land Valuation Division of the Lands Commission	Values land, crops and other assets	Low	Medium
Resettlement Monitoring Committee	Monitor the implementation of the resettlement action plan.	High	High
Traditional Authorities	Member of Resettlement Monitoring Committee. Included in all consultations as land custodians	High	High
District Assembly <sup>41</sup>	Reviews and approves/declines resettlement action plan. Provides support	High	High

<sup>41</sup> Includes District Chief Executive or his representative, district Engineer, district town and country planning officer

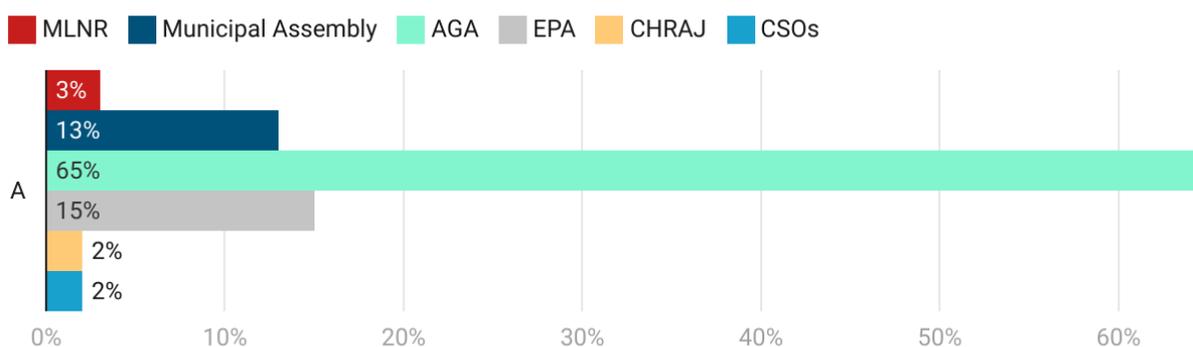
	to affected communities to develop sustainable livelihoods		
Environmental Protection Agency	Member of the Resettlement Monitoring Committee and Interested in environmental-related issues	High	Medium
Mining Company	Represented on Resettlement Monitoring Committee. Responsible for compensation and implementing an action plan. Bears liability of process	High	High
Community Members	Represented on Resettlement Monitoring Committee. Affected stakeholder	Low	High
Civil Society Groups	Member of the Resettlement Monitoring Committee	Low	Medium (Interest and project focus determines the level of involvement)

\*High means has an active role in compensation and resettlement issues and vice versa for low

Source: Authors construct based on legal and regulatory provisions on compensation and resettlement arrangements in Ghana.

Survey results show that the majority (65%) of respondents indicated that the mining company played a key role while the Ministry of Land and Natural Resources, civil society, Commission on Human Rights and Administrative Justice are seen by the people to be playing no active role in the processes around compensation and resettlement.

Question: Which institutions were involved in the compensation and resettlement process?



Source: Field data, 2022

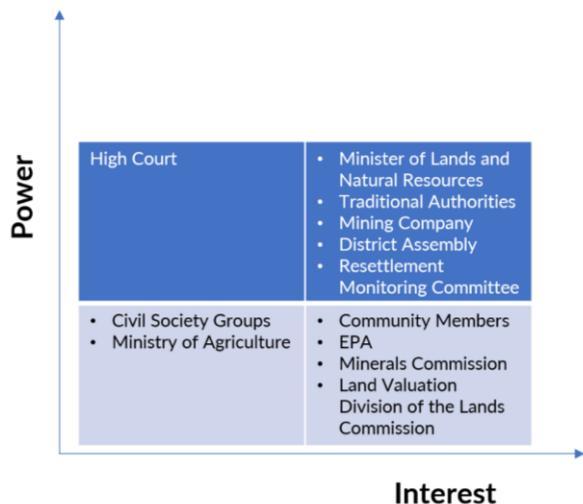
Figure 5: Players involved in the compensation and resettlement process

On the role of traditional leaders, the chief of Dokyiwaa was cited as the one who played a key role in negotiating the land payment on behalf of the affected community<sup>42</sup>. Also, the District Chief Executive (DCE) was said to be aware of the issues but was not active in the process. Members of the affected community indicated hiring lawyers but were unsuccessful with demands<sup>43</sup>. Linked to this, there was no participation of Civil Society / Non-Government Organizations until after resettlement. Although Assembly members were actively involved, they had no power to press home the demands of the affected community<sup>44</sup>. From the FGD no government official or community leader (assemblyman or woman) or Member of Parliament was involved in the process. For those in Dokyiwaa, the mining company met with community leaders and were informed to relocate afterward.

**Box 1: Players involved in the compensation and resettlement process**

- None was involved in the entire process of resettlement. We didn't hear anything from our sitting MP too (New Dokyiminig-affected Respondent 2).
- The elders of our community alone and the chief had a meeting with the mining company and afterward, we were organized and sacked from our community. The chief appointed Nana Ponko and also the community had a consultant at that time ( New Dokyiwaa June 2022, Respondent 2).
- How the process started was that we were in our community when people from the mining company came and informed us of poison that has been identified in the mine pits and that it is harmful. We were told if we don't relocate, we would fall seriously sick and our skins will be white and black. ( New Bediem June 2022, Respondent 1)
- Yes, we have heard of something of that sort ( New Bediem June 2022, Respondent 1).

Source: Field data, 2022



Source: Authors construct based on legal and regulatory provisions

Figure 6: Stakeholder analysis per legal and regulatory regime



Source: Authors construct based on field data, 2022

Figure 7: Stakeholder analysis based on field data

<sup>42</sup> Interview with former Municipal Chief Executive on 22nd June 2022

<sup>43</sup> Interview with community leader, New Bediem, 18<sup>th</sup> June 2022; Interview with farmer, New Bediem, 18<sup>th</sup> June 2022

<sup>44</sup> Interview with community Leader, Dokyiwaa, 14<sup>th</sup> June 2022; Interview with traditional leader, New Bediem, 18<sup>th</sup> June 2022



Source: Authors construct based on legal and regulatory provisions and field data

Figure 8: Modified stakeholder analysis per field data, legal and regulatory regime

From figure 8, the Minister of Lands and Natural Resources, Resettlement Monitoring Committee, Traditional Authorities, District Assembly and Mining Company have the most power and interest to influence negotiations on resettlement and compensation processes while community members, Assembly members and Minerals Commission have less power but most interested in negotiations on resettlement and compensation processes.

### 5.2 Community inhabitants' understanding of the processes around resettlement and compensation

To gauge community inhabitants' understanding of the processes around resettlement and compensation, the study sought to use an indicative measure (awareness of legal and regulatory framework). The study found that a good proportion (40%) of the participants were not aware of any legal and regulatory framework while 60% of them were aware of either the Minerals and Mining (Compensation and Resettlement) Regulations, 2012 (L.I. 2175), Mineral and Mining Policy, Minerals and Mining Act 2006 (Act 703), National Mining Policy and the Mining company's policy on compensation and resettlement (Figure.9).

Question: Which of the following legal and regulatory frameworks are you aware of?

L.I. 2175
  Act 703
  National Mining Policy
  Mining company's policy on C & R
  None

A



Source: Field data, 2022

Figure 9: Awareness of legal and regulatory frameworks

However, the majority of respondents participants (92%) only took notice of the regulatory documents after the resettlement (92%).

Question: If you are aware of any of the frameworks, did you take notice of /these document (s) before the resettlement or after the resettlement?

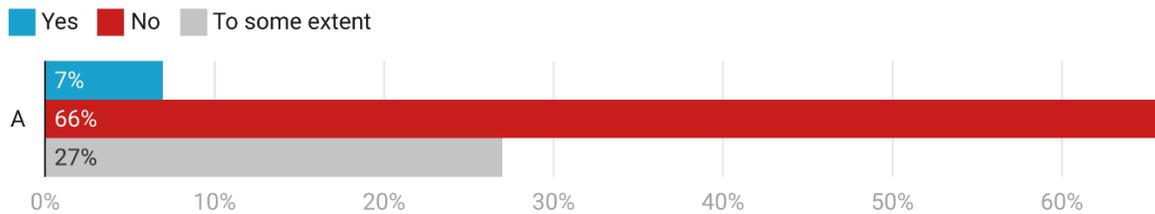


Source: Field data, 2022

Figure 10: Period of document awareness

Although a majority of the respondents became aware of the document after the resettlement the documents were not accessed, read or understood by them. It is not surprising that the majority (66%) of respondents indicated that their awareness of the legislative framework did not help them in their engagement with the mining company.

Question: Has your awareness of the legislative framework helped you to engage with the mining company in your area?



Source: Field data, 2022

Figure 11: Level of legislative framework awareness on engagement with the mining company



Source: Field data.

Figure 12: Interview with some community members in New Bediem

Comparison of the findings with those of other studies such as Bugri, J., & Kumi, S. (2018)<sup>45</sup> as confirms that most people in affected communities are not aware of relevant legislation on resettlement and compensation and that a limited portion of those who were aware of the legislation has no or little grasp of the legal frameworks. The low knowledge has an adverse bearing on how they engaged with the mining company. This includes the reduction of compensation and resettlement outcomes. Study findings reveal that the majority of the respondents have taken no action to demand fair compensation and resettlement rights. Those who have taken action are in the form of grievance-sharing meetings with AGA representatives, Chiefs and community leader's advocacy and demonstrations respectively. These findings are similar to the actions described by Cernea, (2009) and Nikuze et al (2020)<sup>46</sup> where affected landowners agitate, protest, and file lawsuits to defend their rights and make their claims.

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<sup>45</sup> Bugri, J., & Kumi, S. (2018). Dynamics of community perceptions, common resources and compensation practices in mining: the case of Newmont Ghana Gold Ltd at Ahafo. *International Journal of the Commons*, 12(1).

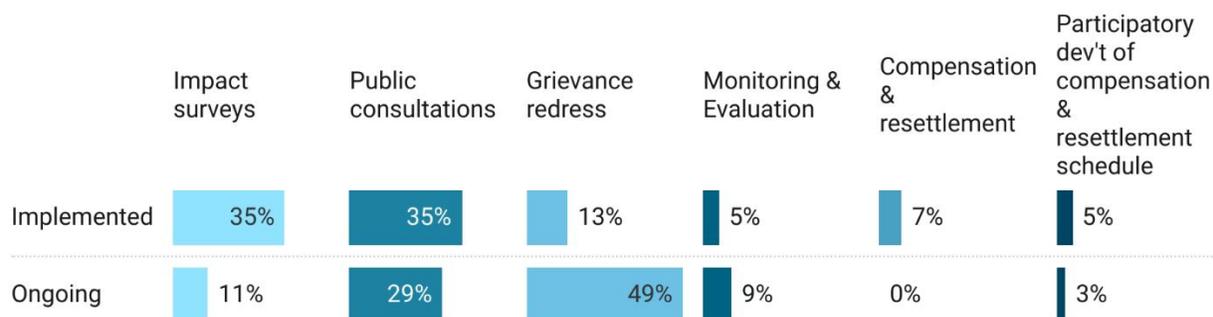
<sup>46</sup> Cernea, M. M. (2008). Compensation and benefit sharing: Why resettlement policies and practices must be reformed. *Water Science and Engineering*, 1(1), 89-120.; Sliuzas, R., & Flacke, J. (2020). From closed to claimed spaces for

## 5.2 Compensation and resettlement processes as practiced by AGA

As a way of estimating the gap between AGA's compensation and resettlement processes and what was practiced, the study sought to find out which activities have been either implemented or ongoing. From survey results, respondents indicate that impact surveys (35%), public consultations (35%) and grievance redress (13%) are the three key activities that have been implemented. Regarding ongoing activities grievance redress (49%), public consultations (29%) and impact surveys (11%) are some activities in progress. It is interesting to note that only 7% of respondents indicated that compensation and resettlement were done. In other words, only 7% received compensation and were resettled. This also means the majority (93%) did not receive compensation but were resettled. This may have contributed to a surge in the percentage (from 13% to 49%) of respondents who indicated grievance redress issues were ongoing

Question: a) Which of the following activities have been implemented as part of compensation and resettlement activities?

b) Which of the following activities are ongoing as part of community resettlement activities?



Source: Field data, 2022

Figure 13: Completed and ongoing activities in affected communities

participation: contestation in urban redevelopment induced-displacements and resettlement in Kigali, Rwanda. Land, 9(7), 212.



Source: Field data.

Figure 14 : Interview with some community members in Dokyiwaa

Regarding the process, field data indicates that in Dokyiwaa, officials from the district assembly and community leaders informed community inhabitants to resettle and that AGA would provide jobs for the youth, money for their business, repair cracks in the house and that they had built new houses to be resettled in<sup>47</sup>. The community leaders indicated that representatives of AGA came and negotiated with them on an individual basis and paid some monies based on a formula they did not know of<sup>48</sup>. Studies indicated that due to widespread perceptions that Land Valuation Board rates are unduly depressed, negotiation on a personal basis is acceptable to those who may be impacted<sup>49</sup>. Linked to this the local people could not negotiate and were shortchanged<sup>50</sup>. A traditional leader indicated that because of the lack of capacity to negotiate, no written agreement was signed with AGA. Despite these concerns, AGA provided some amenities such as a school and a community center and a recreational park<sup>51</sup>

Some key informants also shared accounts of an announcement by AGA to community inhabitants on the adverse health effects (skin disease) mine operations will have on inhabitants if they do not resettle. They were also told that if they resettle, they will be compensated with money and food supply for at least three years. According to informants, since they feared of contracting the disease, they relocated without going through proper procedure. According to another key informant, in New Bediem, AGA met with some community leaders and informed them of houses that were under construction for community inhabitants to resettle<sup>52</sup> Those who did not leave

<sup>47</sup> Interview with head of women, Dokyiwaa, 14<sup>th</sup> June 2022; Interview with head of women, Dokyiwaa, 14<sup>th</sup> June 2022

<sup>48</sup> Interview with senior government official for Obuasi East, 14<sup>th</sup> July, 2022

<sup>49</sup> Planning Alliance (2005). Resettlement action plan (Rev 1), Ahafo south project. Available at [https://s24.q4cdn.com/382246808/files/doc\\_downloads/operations\\_projects/africa/documents/RAPRev1\\_Summary\\_Ahafo\\_South\\_Project\\_0.pdf](https://s24.q4cdn.com/382246808/files/doc_downloads/operations_projects/africa/documents/RAPRev1_Summary_Ahafo_South_Project_0.pdf)

<sup>50</sup> Interview with former Municipal Chief Executive on 22<sup>nd</sup> June 2022

<sup>51</sup> Interview with head of women, Dokyiwaa, 14<sup>th</sup> June 2022

<sup>52</sup> Interview with community leader, New Bediem, 18<sup>th</sup> June 2022

voluntarily were threatened with guns by security men to leave. Participants in the FGD indicated that they were misled by the mining company about a purported poisoning from the mine that would have harmed the community if they do not relocate.

#### Box 2: Responses on resettlement process from FGDs

- They told everyone about poison in the mine pit that will affect our health and when agreed, we were relocated. The truth was that their geologists or so had discovered gold on our lands and even the sands we used for building in our community. They then cooked up that story and sacked us from our lands. Can you imagine, after we left, our houses were broken down and mined for gold? The unfortunate part was we were deceived and therefore didn't sign any agreement. (New Bediem June 2022, Respondent 5)
- Yes, some of us resisted the move. I for example didn't want to move since I am a custodian of our ancestor's gods. I refused and stayed for several months. However, they lied to my people and told them the reason they haven't been paid is that some of us refused to relocate. That and other issues forced the remaining of us to move. (New Bediem June 2022, Respondent 3)

Source: Field data, 2022

This is what a traditional leader, community and opinion leader had to say ...

#### Box 3: Interviews on processes

- ... This is because they told us how we will fall sick if we stayed. That was motivation enough for most of us to leave without any proper meeting... Well, due to the lies they told us; we were afraid for our lives. They told us our skin will turn red and black if we stayed and this forced most of us to leave our lands. Later we found out this was all a lie; they cheated us and stole our livelihoods from us... They were lied to and asked to move here in order for the community to receive our compensation. Those who still didn't want to flee were chased with guns by security men. (Interview with traditional leader, New Bediem, 18<sup>th</sup> June 2022)
- They told us the government has permitted them to mine and they had permission to mine in our community. They told us of the gold and made promises that they would take care of us once they start work. The agreement was money and food for three years after we relocate... They promised to take care of us and provide feeding and money but they didn't care. ..Can you imagine we weren't even transported from our former community to here? We used our own monies and loans for those who didn't have money to move here. (Interview with opinion leader, New Bediem, 18<sup>th</sup> June 2022)
- Not at all. At that time, they promised that they would care for us for five years in our new community. Later the rumors changed to three years. (Interview with community leader, New Bediem, 18<sup>th</sup> June 2022)
- ..we were called and asked what we wanted especially by the government officials and leaders that led them. We responded and told them all our demands. They also made us some promises such as jobs for our youth, money for business, and most importantly houses but truthfully man is wicked as we are highly disappointed and deceived by them (Interview with head of women, Dokyiwaa, 14<sup>th</sup> June 2022)

Source: Field data, 2022



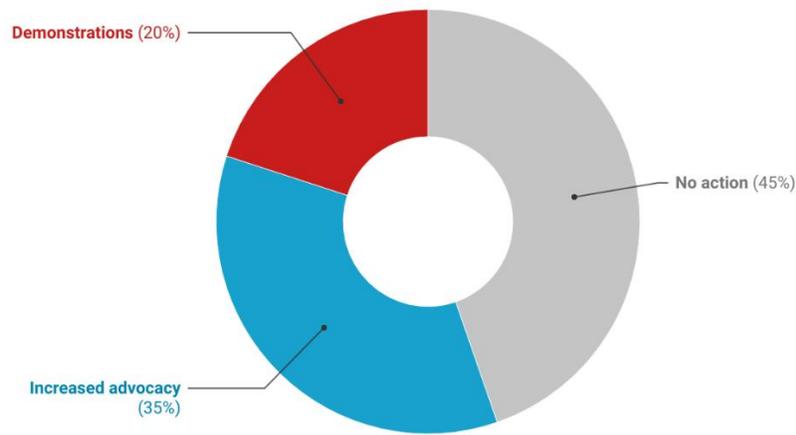
Source: Field data

Figure 15: Interview with former AGA worker, Former Obuasi MCE and Former Ashanti Regional Minister

### 5.3 Actions taken on compensation and resettlement rights

Figure 13 reveals that the majority (45%) of the respondents have taken no action to demand fair compensation and resettlement rights while 35% and 20% have resulted in increased advocacy on the issues and demonstrations respectively.

Question: If you are unsatisfied or somewhat satisfied with resettlement and compensation, what action(s) have been undertaken to demand for fair compensation and resettlement rights?



Source: Field data, 2022

Figure 16: Actions undertaken to demand for fair compensation and resettlement rights

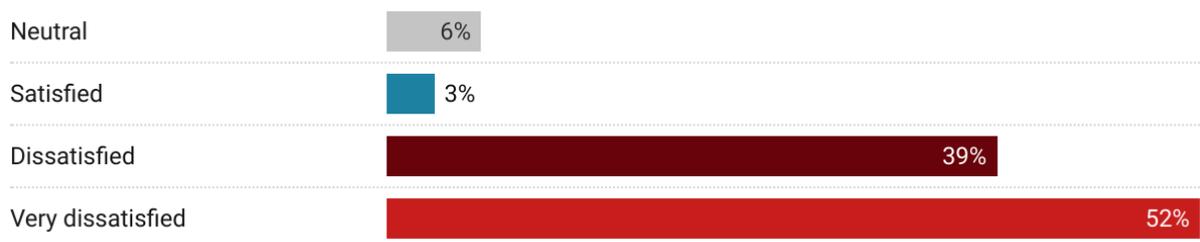
KIIs reveal that community members want to renegotiate with AGA since AGA did not keep to its promise. Some attempts have been made in this regard but have proved futile<sup>53</sup> (Box 3). A former Municipal Chief Executive indicates that establishing a premise for renegotiations might be problematic since community inhabitants are unable to adduce evidence of previously signed agreements despite some form of negotiations in 1996<sup>54</sup>.

#### Box 4: Actions taken to demand fair compensation and resettlement rights

- We have had several meetings with the mining company but to no avail. ( Awiam June 2022, Respondent 1)
- They don't really listen to us and are not willing to solve our complaints ( Awiam June 2022, Respondent 2)
- We have had some meetings with them and told them of our problems but no response (New Bediem June 2022, Respondent 4)

Source: Field data, 2022

Question: How satisfied are you with the resolution of your concerns?



Source: Field data, 2022

Figure 17: Level of satisfaction with the resolution of concerns

<sup>53</sup> Interview with community leader, New Bediem, 18<sup>th</sup> June 2022; Interview with opinion leader, New Bediem, 18<sup>th</sup> June, 2022

<sup>54</sup> Interview with former Municipal Chief Executive on 22<sup>nd</sup> June 2022

From the FGD, respondents opined that although they have channeled their grievances to the mining company, Chiefs and community leaders but their concerns have not been addressed. From the survey, only 3% of respondents were satisfied with how their concerns were addressed. But as high as 91% were either dissatisfied or very dissatisfied with how issues were resolved (Figure 14). From each of the three towns, it was found that there was no statistically significant difference among respondents on their level of satisfaction with the resolution ( $X^2=0.879$ ,  $p=0.348$ ) implying that the mining companies had not improved in how they resolved issues around compensation and resettlement over the years in the two resettled communities.

Findings from the compensation and resettlement processes as practiced by AGA indicates that AGA had negotiations with community members on an individual basis. It is evident that, the poor negotiation skills of the community members contributed to them being shortchanged. This finding is corroborated by Bugri, J., & Kumi, S. (2018<sup>55</sup>) in a study conducted in the Ahafo region of Ghana. To indicate that communities were also not well resourced to negotiate for compensation with the transnational corporation.

#### 5.4 Community experiences relating to compensation and resettlement

For those seeking resettlement (inhabitants of Anwiam), participants at the FGD indicated that they experience noise from truck movements, and cracks in buildings. They also indicate that their farms and other sources of livelihood have been lost and have not been compensated adequately. Additionally, access to certain parts of the community have been restricted. This is aptly stated as:

##### Box 5: Community experiences for those seeking resettlement

- We have lost a lot. Cracks in houses, animal farms destroyed. For example, a pig farm we had is destroyed due to mining activities. ( Anwiam June 2022, Respondent 2)
- We tell them about how the mining activities have restricted us in this community. Our access to some places, and some movements within our own community. Some of our routes have been blocked and nowadays when it rains, alternate routes we used when the usual roads flood have all been blocked. They do not take our case serious since we do not have a savior ( Awiam June 2022, Respondent 1)
- The noise is too much in the community in addition to all my family has said ...Some have been restricted. For example, we are prevented from gathering firewood. When we go for the firewood, we are chased and sometimes with knives (Awiam June 2022, Respondent 3)
- The company keeps tossing us on our issues. They use trucks to make a lot of noise in the community, this disturbs our sleep. Again, they don't give permanent jobs to the people in this community ( Awiam June 2022, Respondent 5)

Source: Field data 2022

In the other community that have been resettled (Dokyiwa and New Bediem), participants at the FGD and interviews indicated that they suffered civic, economic and social rights abuses including forced ejections, unwarranted arrests, inadequate places of convenience, not paying for compensation loss of jobs and water source, longer routes to farmlands, out of pocket expenditure for classrooms, small room sizes, harassment with guns and knives by security personnel. Affected

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<sup>55</sup> Bugri, J., & Kumi, S. (2018). Dynamics of community perceptions, common resources and compensation practices in mining: the case of Newmont Ghana Gold Ltd at Ahafo. *International Journal of the Commons*, 12(1)

community inhabitants also complained of unfulfilled promises and inadequate compensation ( Box 6).

#### Box 6: Community experience of resettled communities.

- Terrible, we didn't have a school for our children here until we built one ourselves with the help of philanthropists. We lived in darkness without electricity for 10 years until we paid for a meter last 5 years. We have no toilet facilities in our houses. Many here have no toilet facilities. Some of us attempted to go back to our farms at the old site after we found out they lied to resettle us... we have however stopped since transport fare from here to our farms is too much for us to bear. Life here is very hard. (New Bediem June 2022, Respondent 1)
- I am aware because of the fends constructed by the Mine has restricted their movements but as a DCE nobody has come to me officially ( Interview with a senior government official for Obuasi East,14th July 2022)
- Before God and man, I am also old therefore won't lie for anything. I did not receive even one Ghana cedi from the mining company. They threatened us from our lands, brought soldiers and terrorized us into fleeing from where we were born and live. Nothing was given to me as compensation (Interview with community leader, New Bediem, 18th June 2022)
- Those who still didn't want to relocate were chased with guns by security men. gods ( Interview with traditional leader, New Bediem, 18th June 2022)
- I have nothing here, no farmlands which can feed my family. Due to the transport fares from here to my farm, I haven't been to my farm for 15 years. I had cocoa farms in our former homes. ( New Bediem June 2022, Respondent 2)
- Apart from houses that they built for us, lands like farmlands we had and for other activities we weren't given anything...Most of our livelihoods were based on our lands. Few of us were also in animal farming. We also reared animals like goats, pigs, and sheep among others. We were given nothing.... ( Interview with traditional leader, New Bidiem, June 2022)
- They didn't even measure my farm let alone give me something. I was told to leave and that was all. They said they had government permission. ( Interview with opinion leader, New Bediem,18th June 2022)
- No, I was given nothing. This was very hard for me since the crops fed my family and were my livelihood...They provided farmland However, it is very far and I can't afford daily transport fees from here to there (Interview with community leader, New Bediem, 18th June 2022)
- We were having a meeting one day, around 5:00 pm when a car came and arrested four of my brothers. We do part-time jobs and by-day pay jobs. Farming is not possible here due to the forest around us along with the thick trees. In the evening, the whole place is dark because the electricity bill is a problem for us. ...The chief keeps selling our lands for galamseyers. Activities of galamsey leave our land with pits which endanger both the lives of the young and old in the community.... We need a school and a public place of convenience.....Back at where we stayed, we had a water body that met all our needs, over here the situation is difficult. At least they should pay for us to get water (Dokyiwaa 2022, Respondent 8)
- I was not happy with the move. They forced us and some of my brothers who resisted were sent to prison. It was a terrible time, and we were forced out of our homes and community (Dokyiwaa 2022, Respondent 4)
- Our forefathers and parents had all the water they needed for their needs because of our water bodies, now it is a very big challenge at our new location. We don't have access to water here and electricity due to the bills. They have taken us for granted. (Dokyiwaa 2022, Respondent 3)
- Coming here my children and family have been given a single room, apart from that, nothing. I can't say they have delivered in any way. We have been cheated because we didn't have anyone to speak for us ( Interview with head of women, Dokyiwaa, 14th June 2022)
- ...we were promised houses, jobs, and value for the crops we had planted on our lands...I asked for what was promised, at least the value of the house I had built but AGA refused to respond. They thought what they had given me should be enough (Interview with Community Leader, Dokyiwaa, 14th June 2022).

- ...we were called and asked what we wanted especially by the government officials and leaders that led them. We responded and told them all our demands. They also made us some promises such as jobs for our youth, money for business, and most importantly houses but truthfully man is wicked as we are highly disappointed and deceived by them (Interview with head of women, Dokyiwaa, 14th June 2022)
- ... when we arrived here, we asked for what was due us, however, we were told to go get consultants. Later we were told we couldn't take them and it was at that point we realize we had made the mistake of not making a written document of agreement between both parties. (Interview with head of women, Dokyiwaa, 14th June 2022)
- My one acre of cocoa farmland was paid for but not the value of the crops on my land. They first gave us 5 Kg rice, some tin fish and five hundred Ghana cedis (Interview with Opinion Leader, Dokyiwaa, 14th June 2022).

Source: Field data 2022.

The above responses are corroborated by senior subnational government officials. They indicate that there were dodgy engagements between AGA and affected communities. In the sense that community inhabitants engaged in speculative developments on lands and that payment made by AGA was not of the right economic value. He indicated that there were instances where a one-acre cassava farm was valued less than GHs 2000.00 by AGA<sup>56</sup>. Another former senior subnational government official indicated that no compensation was paid when resettlement was done and that it took some time until the laws on compensation were introduced. Even that, it was for compensation for crops on the land. The means of compensation was also by the number of crops planted and afterward, it was valued against the government evaluation figures.<sup>57</sup> Participants from the FGD from the two resettled communities indicate that life before resettlement was better than life after resettlement. Their responses are presented in Box 7

#### Box 7: Responses on how life feels after resettlement

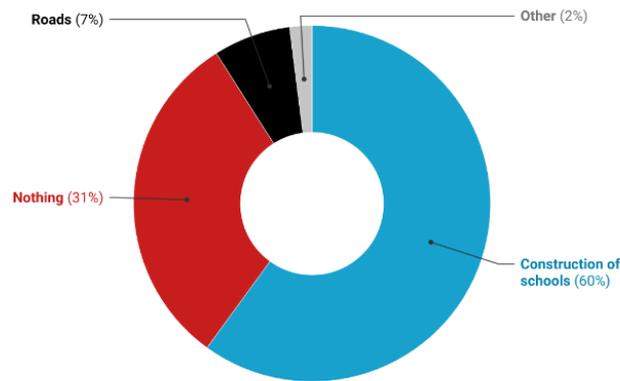
- Life was better and richer. We had farms. Farms which my forefathers had fed on for years. Cocoa farms and several crops farms. Cassava, plantain, tomatoes and we could even fish from the water bodies. (New Bediem June 2022, Respondent 1)
- I could hunt, had foodstuffs, and even crops like tomatoes I had easy access to. (New Bediem June 2022, Respondent 2)
- It was far better than here. We had peace of mind and enjoyed our lives there. We were on the land our great grandparents and parents had lived on and were buried there. The food and water we had access to there were safe. However, living conditions here are not great. For example, we haven't had access to water and electricity for a week (New Dokyiwaa June 2022, Respondent 3).

Source: Field data, June 2022

Despite the above negative experiences, the majority of (60%) respondents indicated that they received some indirect benefits such as the construction of a school in Dokyiwaa whereas 31% indicated they have not received any indirect benefit.

<sup>56</sup> Interview with senior government official for Obuasi East, 14th July, 2022

<sup>57</sup> Interview with former Municipal Chief Executive on 22<sup>nd</sup> June 2022.



Source: Field data

Figure 18: Some of the indirect benefits received as part of the resettlement

According to a community leader, AGA trained some women in bead making and bakery amongst other vocational skills. AGA also promised to train women in growing mushrooms, but the seedlings never came<sup>58</sup>. From the interview, some community inhabitants in New Bediem indicated that after they had funded the building of a classroom block, AGA provided a children's playground in the school<sup>59</sup>.

### 5.5 Factors that influence the demand for appropriate compensation and resettlement

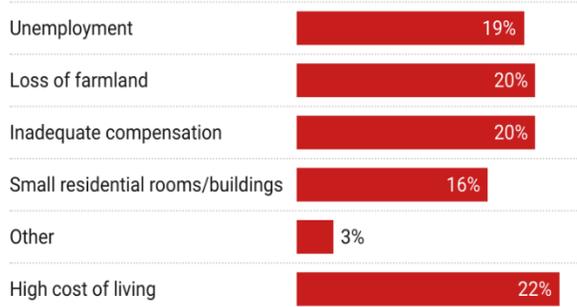
Figure 16 is a summary of community experiences, from the three study areas. This includes high cost of living (20%), loss of farmlands (20%), inadequate compensation (20%), unemployment (19%) and small residential homes (16%). Linked to this, 88% of respondents were not satisfied with the resettlement (Figure 17). It is also observed that no differences were observed relative to overall satisfaction with resettlement among the respondents from the three towns  $X^2= 0.012$ ,  $p=0.914$ ). This also indicates that irrespective of which period resettlement was done, respondents are unsatisfied.

Question: Have you been hit by any of the following because of being resettled?

Question: How satisfied are you with resettlement?

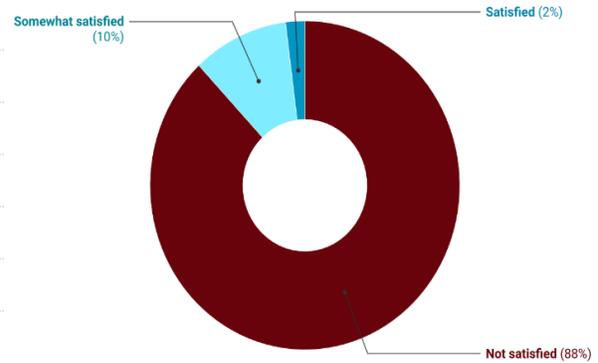
<sup>58</sup> Interview with head of women , Dokyiwaa,14th June 2022

<sup>59</sup> Response from respondent 1 during focus group discussion at New Bediem June 2022



Source: Field data, 2022

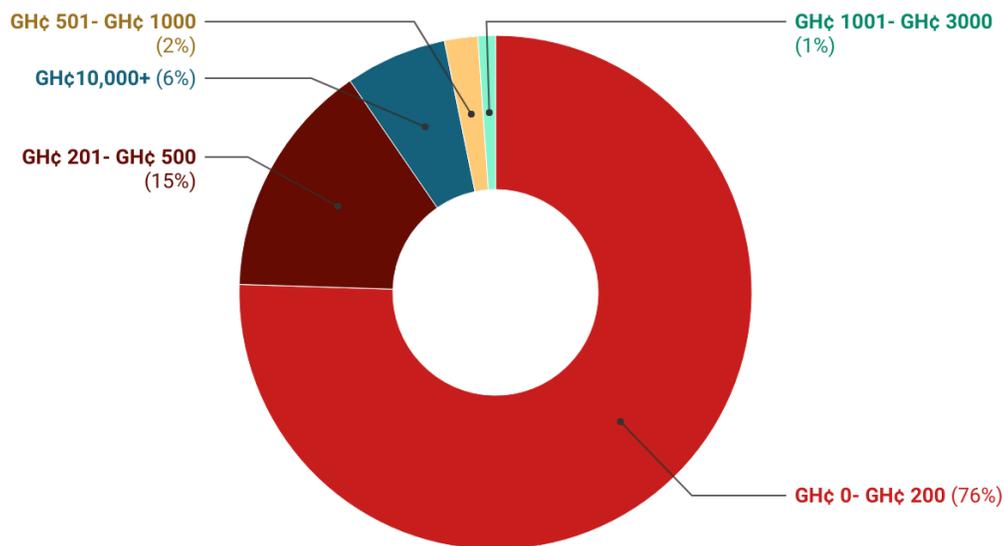
Figure 19: Summary of community experiences



Source: Field data, 2022

Figure 20 : Level of satisfaction with resettlement

Question: How much (cash) were you given as compensation?



Source: Field data, 2022

Figure 21: Amount received as compensation

The data presented in figure 18 is well corroborated by the FGDs. From the FGD, when asked how much they were paid after relocating the following were their responses.

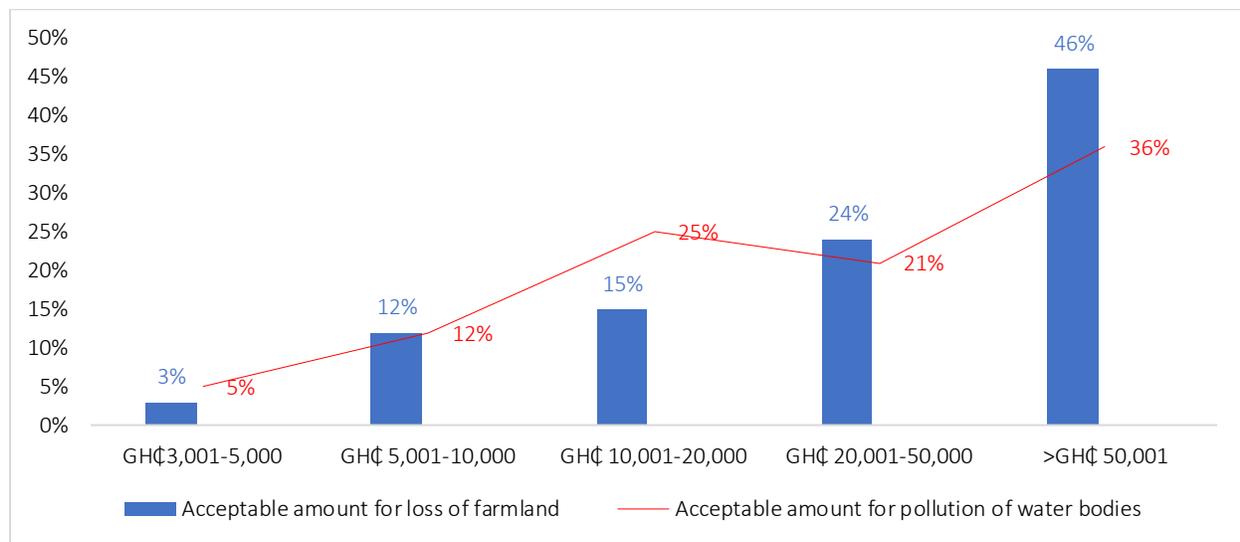
**Box 7: Compensation amounts received after relocating**

- I was given five hundred thousand cedis old currency (fifty Ghana cedis) to move the goods but that was all. ( New Bediem June 2022, Respondent 3)
- I was given five hundred thousand cedis old currency (fifty Ghana cedis) for the move and that was all. (New Bediem June 2022, Respondent 2)
- However, not the whole community was given this amount. I was given five hundred thousand cedis old currency (i.e. fifty Ghana cedis) for my 6 acres of farmland. ( New Bediem June 2022, Respondent 1)

- Some people didn't even have any farms measured and so got nothing. Those that had theirs measured too were given monies such as five hundred thousand cedis old currency (fifty Ghana cedis), two million cedis old currency (two hundred Ghana cedis) and two million, five hundred thousand cedis old currency (two hundred and fifty Ghana cedis). (New Bediem June 2022, Respondent 5)
- They gave every household head, GH¢500 and 25 Kg of rice and oil. That is all (Dochiwaa 2022, Respondent 1)
- Nothing was given irrespective of what item of yours was spoilt or lost during that process. They just promised to do something about it but up till now, nothing has been done (Dochiwaa 2022, Respondent 4)
- Over here, we have a lot of problems. We don't have good portable drinking water. They deceived us. (Dochiwaa 2022, Respondent 6)

Source: Field data 2020

Question: How much are you willing to accept (cash) as compensation for losing your place-based identity and river body/ water source due to resettlement?



Source: Field data, 2022

Figure 22: Acceptable amount that would be acceptable as appropriate compensation

Also results in Figure 18 showed that the majority 91% (76% + 15%) of respondents received at most GH¢500. The highest amount received was received by just 6% of the respondents. However, there were statistically significant differences between the monies received by respondents in the three towns. Respondents from New Dokyiwaa were more likely to receive a higher amount than respondents from New Bediem or Anwiam ( $X^2=13.027$ ,  $p<0.001$ ). Respondents indicated that instead of these paltry sums of money majority (70%) (46%+24%) of them would have preferred compensation amounts of over GH¢ 20,000 for loss of farmland only while 57% (36%+21%) would have preferred compensation amounts of over GH¢ 20,000 for loss of water body only; Figure 19. Generally, the trend shows that the higher the amount paid, the most acceptable compensation amounts will be.

From the FGDs and interviews, participants are willing to accept amounts ranging from GH¢ 50,000 to GH¢ 1,000,000. Others were of the view that instead of a one-time payment, they would prefer a sustainable job (for themselves and their children) or be given a monthly allowance of GH¢500 - GH¢1,000 plus a bag of rice and oil (Box 8). Generally, the Researchers observed that older folks (over 54 years) either preferred large amounts for one-time payments or sustainable jobs for youth and regular monthly payments. This is what they had to say

**Box 8: Acceptable compensation for loss of livelihood and resettlement**

- GH¢ 1,000,000 (Dochiwaa 2022, Respondent 1) ;GH¢ 500,000 ( Awiam June 2022, Respondent 2);GH¢ 200,000 ( Awiam June 2022, Respondent 3); GH¢ 100,000 ( Awiam June 2022, Respondent 4); GH¢ 50,000 ( Awiam June 2022, Respondent 5)
- I would take monetary compensation of about one hundred thousand Ghana cedis and use it to sustain and improve my family, especially the children and my business ( Interview with community leader, New Bediem, 18th June 2022)
- My farmlands, both crop and animal farms are gone. I will like Money and jobs for the youth of this community and about fifty to sixty thousand Ghana cedis( Interview with traditional leader, New Bediem , 18th June 2022).
- I want a monthly allowance for the value of my land. one thousand Ghana cedis every month will be okay (Interview with Opinion Leader, Dokyiwaa,14th June 2022).
- I also want employment. And if they decide not to employ me, at least they should employ my children. That will make me happy (Dochiwaa 2022, Respondent 5).
- I agree with the monthly payment of money to everyone of age 18 and above Dochiwaa 2022, Respondent 3).
- I will ask them to offer jobs to the youth here. That will help support the family here and solve our hunger problem (Dochiwaa 2022, Respondent 4).
- I would like monthly payments as compensation. GH¢500 plus a bag of rice and oil will do for me. (Dochiwaa 2022, Respondent 7).

Source: Field data, 2022

From the forgoing analysis, the factors which influence the demand for appropriate compensation and resettlement are i) the high adverse effects of resettlement (figure 16) ii) the high level of dissatisfaction with the resettlement processes (figure 17) iii) the high level of dissatisfaction with the resolution of the issues (figure 14) and iv) the paltry compensation given as compensation (Figure 19).

Another important finding was that residents in relocated areas reported that they had experienced violations of their civil, economic, and social rights, including being forcibly removed from their homes, being arrested without cause, being denied compensation for lost jobs and water sources, having to travel farther to reach farmlands. This finding is consistent with that of Arhin et al ( 2020)<sup>60</sup> who conclude that the loss of lands, cultural landmarks, cultural identity, resources and assets for generating revenue, networks, and social relationships, resettlement issues, environmental degradation, and human rights violations as some challenges which confront residents of the affected communities.

As mentioned in section 2.4 of the results, the adverse effects of resettlement on livelihoods such as unemployment, paltry compensation amounts, dissatisfaction with the resettlement processes

<sup>60</sup> Arhin, P., Erdiaw-Kwasie, M. O., & Abunyewah, M. (2022). Displacements and livelihood resilience in Ghana's mining sector: The moderating role of coping behaviour. *Resources Policy*, 78, 102820

and grievance redress are the key factors that impact the demand for a fitting compensation and resettlement. These results are similar to a study conducted in Prestea-the Western region of Ghana by Adonteng-Kissi, O. (2017)<sup>61</sup>. Results from that study confirm that the mining company's vast operations have led to poverty and joblessness due to the loss of agricultural lands to the large-scale mining firm. Moreover, there are minimal opportunities for natives to find wage work in the company.

## **6. THE ROLE OF INSTITUTIONS OVERSIGHT INSTITUTIONS IN THE PROCESSES AROUND NEGOTIATIONS ON RESETTLEMENT AND COMPENSATION**

The Ministry of Lands and Natural Resources, Minerals Commission, Civil Society Groups in the affected district, the Environmental Protection Agency, and District Town and Country Planning Office in the affected district are the key with institutions with oversight institutions in the processes around negotiations on resettlement and compensation

**The Ministry of Lands and Natural Resources:** The Ministry exists to ensure the sustainable management and utilization of Ghana's lands, forests, wildlife and mineral resources for socio-economic growth . Upon the advice and recommendation of the Minerals Commission, the Ministry acts on behalf of the President to negotiate, grant, revoke, suspend or renew mineral rights<sup>62</sup>. Also, all correspondence and agreements are copied and given to the ministry. The ministry determines compensation together with the land valuation office after the court process if consensus with the mining company is unreachd and a member of the resettlement Monitoring Committee.<sup>63</sup>

**Minerals Commission:** Copies of all communications and contracts, including those relating to the payment of compensation, are given to the Minerals Commission. The Commission ensures that mining area borders are strictly followed and determines a deadline for paying compensation to the owner of a mineral right once a mining area has been designated<sup>64</sup>.

**Environmental Protection Agency (EPA):** The EPA is the resettlement monitoring committee member and environmental issues interest.

**District Assembly:** The assembly reviews the resettlement action plan and approves or declines the plan. The assembly helps impacted communities create sustainable means of subsistence<sup>65</sup>

**The District Town and Country Planning:** The District Town and Country Planning Office is a member of the Resettlement Monitoring Committee and plays a key role when a mining lease holder's actions result in the eviction of residents.

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<sup>61</sup> Adonteng-Kissi, O. (2017). Poverty and mine's compensation package: Experiences of local farmers in Prestea mining community. *Resources Policy*, 52, 226-234.

<sup>62</sup> <https://www.mincom.gov.gh/wp-content/uploads/2021/06/Overview-of-Minerals-and-Mining-Act-2006-Act-703.pdf>

<sup>63</sup> See Minerals and Mining (Compensation and Resettlement) Regulations 2012, (LI 2175)

<sup>64</sup> LI 2175

<sup>65</sup> Se LI 2175

## 7. SUMMARY OF FINDINGS

The research has also shown that:

- The Land Act, 2020 (Act 1036), the 1992 constitution of Ghana, the Mineral and Mining Policy of Ghana, Minerals and Mining Act 2006 (Act 703) and the Minerals and Mining (Compensation and Resettlement) Regulations, 2012 (L.I. 2175) are the key State legal and regulatory frameworks that guide practice on resettlement and compensation for mining-affected communities. Linked to this, LI 2175 is the most current and comprehensive document related to practices on valuation, compensation, grievance procedure, resettlement requirements for affected communities, procedures for the development of a resettlement plan and a resettlement implementation plan as well as the role of a Resettlement Monitoring Committee.
- AngloGold Ashanti Limited has a compensation, negotiation and payment procedure for the loss of crops only and the Minerals and Mining Act of 2006 and LI 2175 does not directly address land compensation. This situation makes landowners and communities unsatisfied with the adequacy of compensation. It is also evident that, a gap exists between compensation paid by AGAs and its compensation processes.
- The Ministry of Lands and Natural Resources, Minerals Commission, Land Valuation Division of the Lands Commission, Traditional Authority, District Assembly, High Court, Ministry of Food and Agriculture, Community Members, Assembly Members, Civil Society Groups in the affected district, the Environmental Protection Agency, District Town and Country Planning Office in the affected district, and the Mining Company are the actors in processes leading up to, during and after negotiations around resettlement and compensation.
- The Minister of Lands and Natural Resources, Resettlement Monitoring Committee, Traditional Authorities, District Assembly and Mining Company have the most power and interest to influence negotiations on resettlement and compensation processes while community members, Assembly members and Minerals Commission have less power to influence negotiations on resettlement and compensation processes but have the most interest.
- Most residents of the impacted villages are unaware of the applicable laws governing resettlement and compensation, and those who are aware of the laws have little or no understanding of the legal frameworks. Linked to this, their lack of understanding negatively impacted how they engaged with AGA. On the side of AGA, a gap existed in the company's resettlement and compensations procedure and what was practiced/implemented. There were indications of nifty and unfulfilled promises, involuntary displacements and little or no resettlement support systems for persons and families
- AGA had negotiations with community members on an individual basis and that poor negotiation skills of the community members contributed to them being shortchanged.

- Majority of people in the study communities have not taken any efforts to obtain adequate compensation and resettlement rights while those who have taken action are in the form of protests and grievance reporting meetings.
- Inhabitants of resettled communities (New Bediem and Dokyiwaa) report suffering violations of their civil rights (forcibly removed from their homes,) human rights (arrested without cause), economic rights (denied compensation for lost jobs) social rights (denied compensation for water sources, having to travel farther to reach farmland) and unemployment. Additionally, inhabitants of resettled communities reported receiving paltry compensation amounts, dissatisfaction with the resettlement processes and grievance redress. The aforementioned issues are the key factors that influence the demand for appropriate compensation and resettlement. The push factor for individuals/households seeking resettlement (Anwiam residents) can be attributed to the noise from truck movements, cracks in block structures, loss of their farmlands and other income sources, and restricted access in some communities. Overall, unfavourable compensation and resettlement outcomes were because of the low knowledge of relevant legislation on resettlement and compensation, poor negotiation capacity and skills, and the lack of an extensive legal and regulatory framework during the time of the resettlement of New Bediem and Dokyiwaa.

## 8. CONCLUSIONS AND RECOMMENDATIONS

The purpose of the study was to review existing State policy and practice on resettlement and compensation for mining-affected communities and identify gaps; Review company practice in relation to how much compensation is negotiated and paid and within what time frame and how adequate or otherwise is the package offered to the communities; Build further knowledge on the dynamics at play at the community level in processes leading up to, during and after negotiations around resettlement and compensation, including identification of the actors, their roles and their power to influence the process; Review the role of institutions such as the district assemblies, minerals commission, ministry of Lands and Natural Resources and the Environmental Protection Agency, etc. in the processes around negotiations on resettlement and compensation and make policy recommendations for advocacy. The research used a mixed method approach Focus Group Discussions Key Informant Interviews, and desk review of the literature.

Based on the above summary of findings in Section 7, the following recommendations are made.

### Recommendations to AGA

- Constitute a joint resettlement committee: Since AGA resettlement procedure aligns with the LI 2175 and recognizes the need for monitoring and evaluation of resettlements till mine closure, it is recommended that a joint resettlement committee should be constituted to monitor, evaluate and settle controversial resettlement issues and complicated problems, find solutions and evaluate individual complaints on an individual basis. A report arising from the process should be published on relevant actions taken.

- ii. Improve home occupancy: AGA should establish the causes of cracks in buildings. Those linked to mining operations should be repaired by their maintenance department. Also, resettlers should be provided with a title to their resettlement houses/ plot in the form of a certificate of occupation by the Lands Commission
- iii. Improve basic social amenities in resettled communities: AGA should extend power distribution lines and meter acquisitions to resettled communities with no electricity access. Additionally, the mining companies should provide a place of convenience for each household, provide water supply systems including boreholes, storage reservoirs, and communal standpipes within minimum walking distance. Also, water systems should be integrated into the existing larger water supply system in the district.
- iv. Commence a mobility arrangement for resettlers: Commence a mobility programme for resettlers whereby fuel cost recovery transport services are run on market and farming days, Alternatively, a motorbike acquisition scheme (based on no or little interest plus an installment plan) will be key to improving mobility to distant farmlands.

### **Recommendations to communities seeking resettlement**

- v. Capacity building: CSOs should empower communities seeking resettlement on compensation and resettlement provisions, key State institutions involved, negotiation skills, compensation principles, policies, procedures and rates, determining eligibility for relocation and resettlement, site selection, review of resettlement house designs, plot layout and architecture, best practices, speculative development and protection of legitimate interest in immovable assets (e.g., through land deed). To this end, a citizen version (easy to read) of such laws should be developed, if possible, translated into the local dialect to facilitate comprehension. Also, all State and State actors at the subnational level should be trained on their respective roles in compensation and resettlement to maximize collaborative efforts. Linked to this, a trainer's program on money management and micro-enterprise development should be conducted so they can utilize future compensation payments aptly in support of sustainable livelihoods. Awareness and comprehension of the current legal and regulatory arrangements on compensation and resettlement are key to maximizing negotiation, compensation and resettlement outcomes.

### **Recommendations to resettled communities**

- vi. Provision of jobs and alternative livelihood: Civil society with community leaders should have roundtable discussions with AGA on their local recruitment policy and complementary skills training program to identify job entry points for the youth in resettled communities.
- vii. Research dissemination: The local people and the external affairs department of AGA should be engaged with findings from this study to provide an opportunity for them to react and adopt recommendation. Key responses and commitments from this engagement will be tracked

- viii. Grievance redress: Encourage and support adversely impacted persons/households to explore court action for grievance redress on compensation, economic, social and human rights violations. Another option for ensuring that grievances get attention is to write project financiers of AGA, International Council on Mining and Metals (AGAs umbrella body) or send a delegation to in-country offices to discuss outstanding issues. For instance, the handbook for preparing a Resettlement Action Plan recommends project financiers ensure that grievance redress procedures are in place and are monitored to ensure that grievances are handled properly including resolution. Another option is to develop a resettlement action plan compliance index to track AGA and other large-scale mining company's compliance with the inhouse policy, resettlement plan and national legislation. Since companies are sensitive to their brand and reputation, they might be more responsive to index results thereby attending to grievances.
- ix. Collaboration: A concerted effort of community members, traditional leaders, Assembly members/ community leaders, and Civil Society may be useful to increase the influence/power of affected communities in maximizing negotiation, compensation and resettlement outcomes.

These results provide more evidence to support recent reports regarding the critical need for large-scale mining companies, subnational and national governments to give attention to ensuring that the gaps in compensation and resettlement processes of mining companies and national legislation are implemented to the latter whiles at the same time minimizing perpetual social cost linked to resettlement of communities<sup>66</sup>.

Researchers wrote to AGA to request for an interview and followed up several times, but the company did not respond. As a limitation to the study, the absence of the views of AGA in this study might have affected study findings. To minimize this impact, a review of the company's compensation and resettlement procedure was done. Future research can focus on the experiences of large-scale mining companies on compensation and resettlement.

## Appendix A1: Descriptive Analysis

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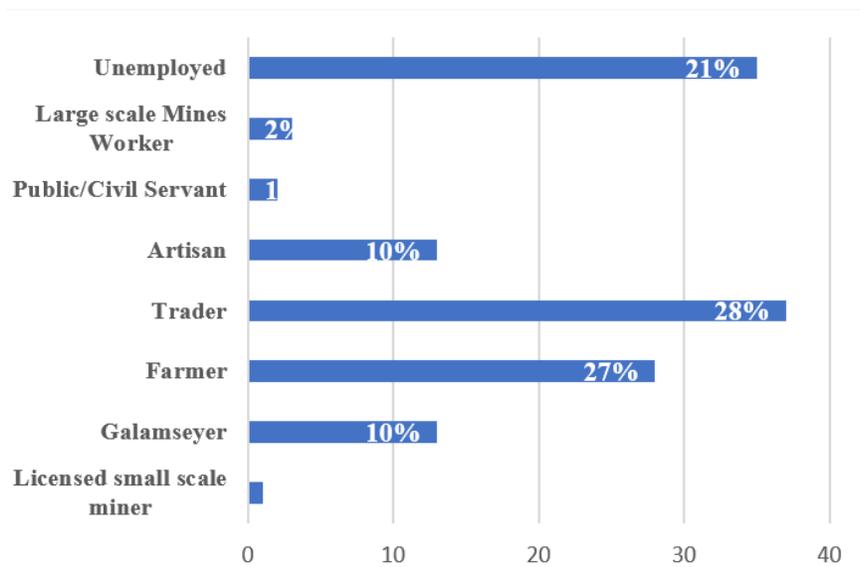
<sup>66</sup> Vanclay, F. (2017). Project-induced displacement and resettlement: from impoverishment risks to an opportunity for development? *Impact Assessment and Project Appraisal*, 35(1), 3-21.

Variable	Town	%	Gender	%	Marital status	%	Indigene status of participants	%
	New Dokyiwaa	44%	Male	53%	Married	65%	Indigene	76%
	New Bediem	28%	Female	46%	Unmarried	27%	Non-Indigene	24%
	Anwiam	28%	Prefer not to say	1%	Divorced	8%		

## Education



Tertiary	4
Secondary/Technical/Vocational	10
Basic (JHS, MSLC)	47
No formal education	39



## Occupation of respondents

## A2: Questionnaire

<https://rb.gy/zq4enu>

## A3: Focus Group Discussion interview guide

CENTER FOR SOCIAL IMPACT STUDIES  
P.O.BOX 827, OBUASI  
**COMMUNITY FOCUS GROUP DISCUSSION INTERVIEW GUIDE**

Good morning/afternoon, my name is ....., a Research Assistant at the Center for Social Impact Studies. We are researching community experiences on mining-induced resettlement and compensation in Ghana. The main goal of the research is to understand the range of issues in the processes around resettlement and compensation in Ghana particularly the Ahafo and Adansi districts.

The interview is estimated to last a maximum of one hour. I would like to seek your permission to take part in the study. I assure you that all information gathered including the recording shall be used as a general part of the interview feedback and not mention your name, I would like to assure you that all information shared including and your identity shall remain private. Feel free to stop the interview at any time when you do not wish to continue and if you do not wish to respond to some questions, you are free not to respond

Do you agree to take part in the interview? Yes, No

1. Tell me something about yourselves. Probe for names, ages, education, economic activities and indigenous status.  
How long have you been living here?

### Legislative and Institutional Framework

2. Do you know any resettlement and compensation laws or regulations in Ghana?
  - If yes, mention them
  - Do you have any government institution that is involved in the resettlement and compensation process?
  - If yes, mention them

### Informed consent

3. What was life like before resettlement?  
Before resettlement, how did you learn that you were going to be resettled?
  - a. What did you think was going to happen?  
When you agreed to move, what were you concerned most about? Do you remember expressing this concern to anyone? Who? Where?  
What was their response?

### Compensation

4. Have you been compensated for any loss as a result of the resettlement?
  - Can you share the process leading to the compensation?
  - In your estimation was the compensation adequate?

### Post-Resettlement Issues

5. After you moved, what has changed? How have things changed?

- How has resettlement affected your quality of life
- Can you tell me things that have improved?
- Can you tell me about things that have gotten worse?
- Since resettlement, how are you making a living?

**Issues about the company**

6. What do you think the company did (or doing) well concerning the resettlement?

What are your general feelings about being resettled? Are you worried or happy?

- How could things have been made easier for you?
- What were your life priorities before resettlement?
- What are your life priorities now?
- Do you think the company understands your priorities? Y/N. How?
- Given the opportunity, what would you like to do differently to enhance your living

**New Resettlement**

7. Has any member of your community lost any property or valuables as a result of AGA's operations?

- Would you prefer to be relocated to a village or a small town?
- Has the community initiated any steps for their relocation?
- If the company were to provide you with a new location, how would you like it to be?

**Adequate and fair compensation**

8. What do you think fair compensation for your losses should be?

- What do you think the company should give you to compensate for your losses, if you have to make a choice, what would you prefer as compensation: Own a piece of land, cash or be employed etc.?
- Imagine cash compensation is the only kind of compensation that you are given. How much do you think a fair cash compensation would be?
- How would you use this money?

**A4: KII samples guide for opinion leaders and chiefs**

CENTER FOR SOCIAL IMPACT STUDIES  
P.O.BOX 827, OBUASI  
**INTERVIEW GUIDE FOR CHIEFS AND OPINION LEADERS**

Good morning/afternoon, my name is ....., a Research Assistant at the Center for Social Impact Studies. We are researching community experiences on mining-induced resettlement and compensation in Ghana. The main goal of the research is to understand the range of issues in the processes around resettlement and compensation in Ghana particularly the Ahafo and Adansi districts.

The interview is estimated to last a maximum of one hour. I would like to seek your permission to take part in the study. I assure you that all information gathered including the recording shall be used as a general part of the interview feedback and will not mention your name, I would like to assure you that all information shared and your identity shall remain private. Feel free to stop the interview at any time when

you do not wish to continue and if you do not wish to respond to some questions, you are free not to respond

Do you agree to take part in the interview? Yes, No

### **Personal Information**

1. Tell me something about yourselves? Probe for names, ages, education, economic activities and indigenous status.

a. How long have you been living here?

### **Land issues**

- How much land did you lose as a community (communal)?
- What was the land being used for?
- How much of it was lost? (Probe if crops, fishponds, parks, forests etc.)
- Can you make a distinction between material and non-material losses? (List them).

### **Decision-making process**

- Were you engaged in the process as a community?
- How was it done? Did someone from the government come to tell you? If yes, who?
- When? What were you told exactly?
- Have you been consulted about the compensation package?
- Who was involved in the process?
- What were their roles concerning the resettlement process?

### **Compensation package**

- We would like to discuss with you issues related to compensation
- What do you think a fair compensation for your losses is or would have been?
- What do you think the company should give you to compensate for your losses, if you have to make a choice, what would you prefer as compensation: Own a piece of land, cash or employed by the company etc.
- Imagine cash compensation is the only kind of compensation that you are given. How much do you think a fair cash compensation would be?
- How would you use this money?