



Original Article

Environmental justices and injustices of large-scale gold mining in Ghana: A study of three communities near Obuasi



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ABSTRACT

In this paper, I examine the environmental and social impact of large-scale gold mining in Ghana as a matter of justice of distribution, procedure, participation, and recognition. In this study of three affected communities surrounding AngloGold Ashanti's (AGA) operations in Obuasi, a communitarian approach to justice is applied to understand the disproportionate distribution of environmental and social burdens farming communities face. This communitarian analysis will demonstrate that distributive, participation-based, and recognition-based injustices persist despite recent legislation to re-regulate the minerals sector. I will explain that because this legislation is affirmative, or redistributive, the underlying cultural, political and economic structures that create inequalities are unchallenged. Injustices will continue as long as structural causes prevent affected communities from participating in the decision-making processes surrounding large-scale.

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1. Introduction

Undoubtedly, Ghana has witnessed dramatic growth in its minerals sector since the implementation of the Economic Recovery Program (ERP) in 1983 (Aryee, 2001; Hilson, 2004; Konadu-Agyemang, 2000; Britwum et al., 2001). Since 1992, the minerals sector has contributed to 40% of Ghana's total exports (Tsikata, 1997), 95% of which is gold (Garvin et al., 2009). Responsible for 45% of Ghana's total foreign currency, gold mining is now the country's the largest foreign exchange earner. Unsurprisingly, gold has surpassed cocoa and timber as Ghana's most important export commodity (Bloch and Owusu, 2012).

Despite the gold "boom", many commentators (Akabzaa and Darimani, 2001; Hilson and Potter, 2005; Burgis, 2010; Konadu-Agyemang and Adanu, 2003) argue that the economic benefits of gold mining have come at a cost, environmentally and socially. Under the ERP, attempts to increase gold production through privatization of state-owned mines, deregulation, and the reduction of taxation led to the rapid expansion of large-scale gold mining operations. Consequently, the livelihoods of many rural communities have been negatively affected due to the lack of state protection (Hilson and Potter, 2005). In recent years, grievances are voiced over resource-based competition between the mining companies and the local communities in affected areas. In

particular, there has been competition over land and water between subsistence-farming communities and large-scale operations (Hilson, 2002).

In this essay, I examine the environmental and social impact of large-scale gold mining in Ghana as a matter of justice of distribution, procedure, participation, and recognition. Through the study of three affected communities surrounding AngloGold Ashanti's (AGA) operations in Obuasi, I apply a communitarian approach to justice to understand the disproportionate distribution of environmental and social burdens farming communities face. This essay seeks to use justice as an analytical tool to understand the nature of marginalization persons in communities affected by large-scale gold mining activities experience.

I have selected a communitarian theory of justice for three reasons. First, communitarian theory treats procedural justice as bifocal or inseparable from participation. Second, communitarian theory uncovers the structural causes of distributive and participation-based injustices that are group-based. Third, communitarian theory explains how procedural justice is accompanied by distributive and participation-based injustices through the consideration of recognition. While liberal theory offers two categories to evaluate justice (distributive and procedural), a communitarian approach provides four categories (distributive, procedural, participation, and recognition) of analysis.

I demonstrate that the three communities of Kokotenten, Nhyiaeso, and Dokyiwaa situated near AGA's operation in Obuasi suffer from distributive, procedural, participation-based, and recognition-based injustices. Using Fraser's (1995a, 1995b) distinction

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between affirmation and transformation, I argue that distributive, participation-based, and recognition-based injustices persist, despite recent legislative changes to re-regulate the minerals sector. I propose that because this legislation is affirmative, which solely focuses on redistribution, the underlying cultural, political and economic structures that create inequalities are unchallenged.

The empirical data for this paper were collected using the case study methodology (Yin, 2003) based on semi-structured interviews and group interviews through snowball and purposive sampling (Teddlie and Yu, 2007; Noy, 2008). Key stakeholders involved in the regulation and conducting of, and affected by, large-scale mining in Obuasi were interviewed. The communities studied are selected because they are currently pursuing legal remedies for their environmental and social grievances due to AGA's operations.

2. The evaluation of environmental grievances as justice

Rawls' justice as fairness provides a framework to evaluate existing social institutions in terms of procedural and distributive justice. Procedurally, just institutions should treat all individuals equally. Instead of evaluating a society on the basis of equal distribution (outcome), Rawls focuses on formal equal opportunity (procedures) (Lamont, 2013). However, theorists such as Dworkin (1981), Miller (1997), and Barry (1988) have contested Rawls' position on procedural equality regarding the distribution of resources. Dworkin criticizes Rawls' treatment of equality as "flat" because he fails to distinguish expensive tastes from natural misfortunes. Dworkin proposes his theory of liberal equality, which is more consequentialist than procedural (Dobson, 1998). Dworkin argues that Rawls' treatment of distributional equality as procedural is insufficient, especially with issues of natural disadvantages (Dworkin, 1981).

Miller (1997, 2002) contributes to the clarity of a liberal theory of justice in two ways. First, he argues that equality can be conceptualized as social and distributive. The first equality does not concern distributive equality but has distributive consequences, such as equal opportunity and equal status as citizens. The second equality refers to the distribution of goods. Second, Miller (1999) treats environmental goods and bads as being directly tied to other primary goods, such as health and education. Environmental goods fit perfectly under the Rawlsian definition of a primary good: "that which every rational man is presumed to want" and "normally ha[s] a use whatever a person's rational plan for life [may be]" (Rawls, 1971). Conversely, an environmental "bad" is something that can be distributive and is harmful to human life. Pollution is seen as a burden while having access to clean water free of pollution is considered a benefit. As such, environmental goods and bads can be interpreted as social benefits and burdens, which is inherently a matter of social justice.

Miller (1999) and Barry (1997) suggest that distributive justice concerns future distribution. The former claims that the environment is valued based on human claims. Similarly, the latter suggests that "sustainability" or the preservation of environmental goods for future generations is a matter of social justice. He argues that goods must be maintained such that future generations may pursue a specific life, regardless of changing preferences.

If we synthesize the aspects of justice into an evaluative framework, two components are discernible: procedural and distributive justice. Procedural justice will be based on Rawls' two principles and Miller's four criteria of fair procedures for fairer outcomes. Its applicability to large-scale gold mining is evident. For instance, the existence of courts and legislation regulating mining activities guarantee that all individuals are able to have access to legal protection. Distributive justice, based on Dworkin, Barry, and Miller, has two components: contemporary and

intergenerational distribution. Because Miller and Barry have extended distributive goods to include environmental goods, they have facilitated a measurement of the environmental impact of activities in society.

3. The communitarian inclusion of recognition and participation

Communitarians offer alternative ways to re-imagine procedural and distributive justice (Walzer, 2006) based on communitarian ontology of the person and groups (Young, 2011; Sandel, 1982). Young (2011) and Fraser (1995a, 1995b) discuss the possibility of oppression in social institutions that only guarantee individual freedom. While state institutions may be neutral, they contain systemic forces that compel unfair distribution (Young, 2001). Social structures, or "rules and resources, recursively implicated in reproduction of social systems" (Giddens, 1984), may produce and reproduce biased cultural norms. These norms and cultural valuations may be institutionalized in the economy and the state, thus influencing distributions in the public sphere and the everyday (Fraser, 1995a).

Two accounts of justice are derived in communitarian theory to account for structural inequalities: recognition and participation. The need for recognition stems from the existence of misrecognition, or degradation and devaluation at the cultural and individual level that may lead to distributive injustice (Schlosberg, 2007). Injustices from misrecognition are tied to institutionalized inequity grounded in the practice of cultural domination (Young, 2011; Fraser, 1997), where misrecognized groups lack confirmation of worth (Honneth and Margalit, 2001).

Another injustice stemming from structural inequalities is the impediment to participation. While some accounts of procedural justice assume participation, communitarian theorists argue that participation is impeded by distributive and recognition inequalities, leading to exclusion (Young, 2011; Young and Hunold, 1998). These inequalities prevent participation in decision-making processes. Since the lack of active public participation deprives a person or a group an opportunity to demand recognition and just distribution, a disadvantaged group barred from participation cannot challenge structuralized inequalities. These obstacles can be purely distributive, even if procedural rules allow for active participation (Fraser, 1997). In sum, communitarians demonstrate that procedural justice does not entail actual participation.

While communitarians do not necessarily reject the merits of distributive and procedural justice, they would argue that injustices must not be reduced to distribution alone. Communitarians such as Fraser (1995a) demonstrate that justice is "bivalent", needing both cultural-valuational and political-economic structural changes to remedy injustices. To assess the environmental impact of large-scale gold mining in Ghana, I have considered both liberal and communitarian accounts of justice to derive four categories of analysis.

3.1. Distributive justice

Distributive justice concerns the distribution of goods. Drawing on Dworkin (1981), Miller (1997, 2002), and Barry (1988, 1997), distributive justice fundamentally questions how society distributes benefits (freedoms, opportunities, resources) and burdens (risks, costs). Distributive justice would consist of evaluating the distribution of environmental goods and bads, including potential bads from large-scale gold mining.

Although assessing the distributive aspect of environmental hazards seems to provide a clear indication of the type of environmental impact (see Carruthers, 2008 on uneven development and urban disparity in South Africa), there are two

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