Trees for developement? Articulating the ambiguities of power, authority and legitimacy in governing Ghana's mineral rich forests

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A B S T R A C T

The growth of mining activities in Africa in the last decade has coincided with increased attention on the fate of the continent's forests, specifically in the contexts of livelihoods and climate change. Although mining has serious environmental impacts, scant attention has been paid to the processes which shape decision-making in contexts where minerals and forests overlap. Focussing on the illustrative case of Ghana, this paper articulates the dynamics of power, authority and legitimacy of private companies, traditional authorities and key state institutions in governing mining activities in forests. The analysis highlights how mining companies and donors promote a neoliberal model of resource management which entrenches their ability to benefit from mineral exploitation and marginalises the role of state institutions and traditional authorities in decision-making. This subsequently erodes state authority and legitimacy and compounds the contested nature of traditional authorities' legitimacy. A more nuanced examination of foundational governance questions concerning the relative role of the state, traditional authorities and private interests is needed.

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1. Introduction

The mineralisation of sub-Saharan African economies, combined with growing concern regarding the consequences of diminishing forest cover on climate and poor forest-dependent communities, is increasingly drawing attention to the interactions between mining and forestry (Cotula, 2012; Edwards et al., 2013). Well-articulated concerns about the efficiency, equity and sustainability of mineral exploitation in sub-Saharan Africa are amplified in forest-rich contexts because intact forests provide a multitude of (often under-valued) ecosystem services across a range of scales. Forests also play a critical role in the livelihoods of poor people who often do not benefit from mining activities, but bear the associated social and environmental costs of extraction (Akabzaa, 2000; Dondeyne et al., 2009; Ferguson, 2006; Whitmore, 2006).

Navigation of the environmental and social conflicts and trade-offs[1] associated with mining in forested landscapes is largely contingent on the governance arrangements which shape decisions over natural resources. However, assessments of the multifarious trends and drivers of natural resource governance in sub-Saharan Africa are criticised for unfolding within sectoral[2] 'silos', long recognised as a barrier to the formulation of holistic and more nuanced analyses of how resources are governed within their broader landscape (Young et al., 2014). As Mwitwa et al. (2012, p. 20) point out, 'a great deal is now known about forest governance in landscapes shaped by internal dynamics within the sector . . . much less is known, however, about forest governance in the context of extra-sectoral investments'. Sectoral analyses frequently fail to explicitly address the conflicts and trade-offs which underlie much of the scepticism regarding the simultaneous achievement of the environmental and developmental goals of sustainable development. This is epitomised in debates regarding emerging win' strategies to environmental governance, such as schemes to reduce emissions from deforestation and degradation (REDD) (Gupta, 2012). The inclusion of concerns regarding livelihoods within REDD+[3] and the broader shift

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[1] Trade-offs refer to the balancing of competing objectives from one particular perspective and conflicts refer to situations of competition or disagreement between two or more individuals, groups or sectors (after Grimble and Wellard, 1997).

[2] Sectors are defined loosely here as a 'conceptual area' of economically productive activity (Dominguez and Plana, 2002).
[3] REDD+ also includes concerns for biodiversity and carbon stock enhancement.

towards examining 'landscapes' (Sayer et al., 2013) underscores the need for further consideration of forest exploitation and conservation within their wider resource-use contexts.

There is, however, a dearth of detailed empirical analyses which investigate the complex multi-scale interactions that characterise cross-sectoral governance, as well as how these dynamics are shaped by the power, authority and legitimacy of key stakeholder groups (see Mwitwa et al., 2012 and Hirons, 2013 as notable exceptions). Building on analysis presented in Hirons (2013) of mining in Ghana's high forest zone, this paper aims to fill this gap by broadening understanding of key issues associated with resource governance in contexts where minerals and forests overlap spatially.

The following section outlines a power-centric approach to examining cross-sectoral natural resource governance. Section 3 outlines the broad characteristics of mining-forest governance in Ghana. This provides the foundation for exploring the authority and legitimacy of mining companies and miners, traditional authorities and the state. The paper concludes by highlighting the need for politicised understandings of natural resource governance. It furthermore calls for attention to be paid to processes capable of fostering deliberation of the relationship between the state and traditional authorities which are fundamental to shaping the governance of mining in forested areas.

2. Cross-sectoral natural resource governance: adopting a plurality of perspectives on power

The overlapping spatial distribution of forest and mineral resources across sub-Saharan Africa gives rise to a series of conflicts and trade-offs, particularly in the context of widespread pursuit of sustainable development which ostensibly aims to balance economic, social and environmental objectives. Understanding the governance of natural resources – essentially, who makes decisions about resources and how (after Cotula and Mayers, 2009) – is a key to diagnosing mining-forest conflicts and developing equitable and efficient resource management strategies. Analyses of formal rules and regulations governing natural resource use are only partially illuminating: as Wardell and Lund (2006, p. 1888) explain, 'Underneath the changing waves of policy and the restrictive powers of government agencies, another pattern of actual governance unfolds'. This 'actual governance' is shaped by the dynamics of power, authority and legitimacy amongst stakeholder groups and key actors. This paper focuses on the power dynamics of a sub-set of these actors, namely the primary government bodies responsible for overseeing mining and forest activities, mining companies and traditional authorities.

There are numerous conceptual approaches to power, legitimacy and authority. Although adopting a plurality of perspectives on power presents a risk of conceptual incoherence, the advantage of a broad understanding is that the subsequent analyses shed light on power dynamics in multiple dimensions yielding more comprehensive understandings. Here, Weberian notions of power as the probability one actor will be able to carry out their will within a relationship are combined with more poststructural conceptions of the operation power, such as through discourse (Foucault, 1994; Humphreys, 2009). Authority is often viewed as 'legitimate power', and while there are definitional debates, it is generally assumed that perceptions of legitimacy affect the likelihood that someone will obey an authority. Legitimacy, therefore, is a central component of understanding resource governance (Colfer, 2011). Power is contingent on the ability of stakeholders to marshal economic, symbolic, cultural and social capital (after Hellström, 2001). They legitimise their claims over access to, and ownership of, natural resources. This process, as Sikor and Lund (2009) explain, revolves around the historical and cultural legitimising practices of different stakeholders which in turn are bound up with precedent, territoriality[4] and violence.

Adopting a broad view of power draws attention to the importance of structure and agency in governance debates. This sociological schism refers to questions regarding the importance of agency, the process of individual and corporate actors playing an independent causal role in history and making their own free choices (McLaughlin and Dietz, 2008; Brown and Westaway, 2011) relative to structures, the 'sets of mutually sustaining schemas (patterns of thoughts and behaviours) and resources that empower and constrain social action and that tend to be reproduced by that social action' (Sewell, 1992, p. 19). Giddens (1984) argues that neither agents nor structures are omnipotent, and that there exists a 'duality of structure'. But as the analysis that follows demonstrates, understanding the interplay between structure and agency helps to shed light on the multifaceted nature of power dynamics which influence the actual decisions which individuals and communities make and their perceived capacity to influence resource use patterns. The analysis draws on research conducted in the country capital of Accra and three localities: (1) Kibi in the Eastern Region; (2) Obuasi in the Ashanti Region; and (3) Bibiani in the Western Region. In total, 87 semi-structured interviews with purposively sampled key stakeholders, including mining company officials ($n = 5$), small-scale miners ($n = 36$), farmers and chainsaw operators ($n = 10$), national and local government officials ($n = 24$), traditional authorities ($n = 5$) and representatives from non-governmental organisations ($n = 7$), were conducted between April 2011 and July 2012. The analysis draws on these qualitative data, as well as field observations, field notes and documentary analysis.

The next section of the paper examines the case of prospective bauxite mining and small-scale mining in forest reserves to demonstrate the interplay of structure and agency across scales and sectors. This provides the context for examining the power of three primary stakeholder groups in Section 4.

3. Governing the mining-forest nexus in Ghana: scale, structure and agency

In Ghana, reports that environmental degradation is costing the country an equivalent of 1% of its annual gross domestic product (GDP) growth (World Bank, 2006) have helped to articulate concern regarding, *inter alia*, the impact of large- and small-scale mining on the country's increasingly threatened forests (Hilson and Nyame, 2006; Hirons et al., 2014). These costs are weighed against the significant economic benefits accruing from mining.

Formal mining generates approximately 40% of gross foreign exchange in Ghana and accounts for ~6% of its GDP (Republic of Ghana, 2005). Furthermore, the artisanal and small-scale mining[5] (ASM) sector, which accounts for approximately 20% of total gold production, provides a valuable livelihood for more than 1 million individuals, the majority of whom are unlicensed. A fundamental distinction exists in Ghana between land and minerals: the former is vested in stools or skins[6] and the latter, 'in their natural state', are vested in the president on behalf of, and in trust for, the people (Chapter 21, $257_{(6)}$ of the Constitution). As a result, both traditional authorities and state institutions are of central

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[4] The classification and ordering of spatial entities and social groups, often through registration or formalisation.

[5] There is no definitional agreement on the scales of mining, but in general ASM refers to low-tech, labour intensive extraction of mineral resources.

[6] Both stool and skin refer to the 'chiefly office' (Berry, 2004), chiefs in Northern Ghana sit on symbolic hides which are equivalent to stools in the South. The 1992 constitution extended chiefly authority over land in the North, where previously it has been held by the state (Berry, 2004; Ubink and Quan, 2008).