

**THE POLITICS OF PUBLIC POLICY IMPLEMENTATION IN GHANA:
THE CASE OF SMALL-SCALE MINING LEGISLATION**



BY

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(10559686)

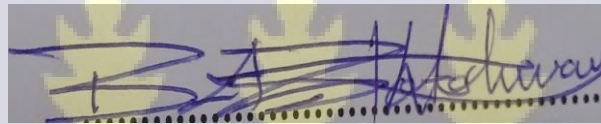
**THIS THESIS IS SUBMITTED TO THE UNIVERSITY OF GHANA,
LEGON IN PARTIAL FULFILMENT OF THE REQUIREMENT FOR THE
AWARD OF MPhil IN POLITICAL SCIENCE DEGREE.**

OCTOBER, 2023

DECLARATION

I, Bernard Asiedu Botchway, hereby declare that this MPhil thesis, submitted to the School of Graduate Studies, University of Ghana, Legon, is my own work, produced from independent research under the supervision of Professor Joseph R. A. Ayee and Professor Abdulai Kuyini Mohammed.

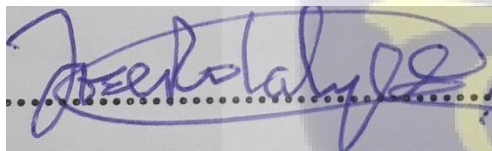
With the exception of quotations and references to other people's works, which have all been duly acknowledged and appropriately cited, this study is an original work. To the best of my knowledge, it has never, in whole or in part, been presented for the award of any other degree. I am solely responsible for any shortcomings in this work.



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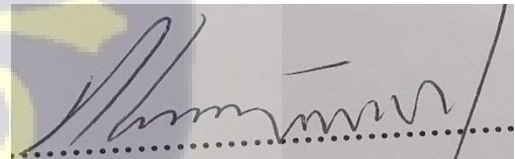
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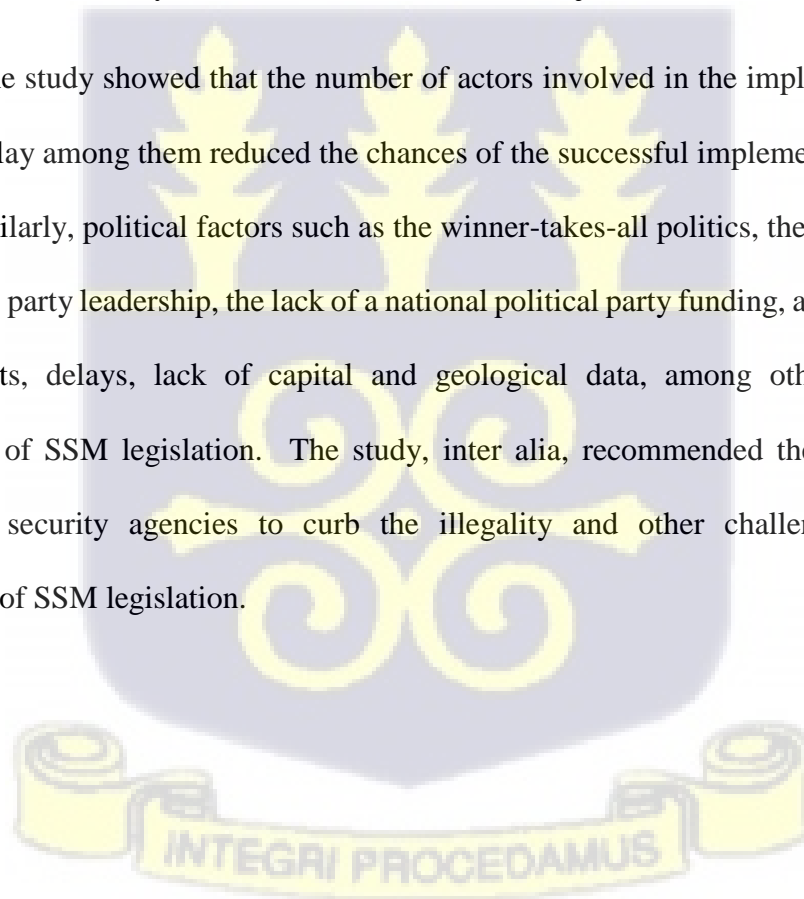
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ABSTRACT

In Ghana, successive governments have employed various measures to streamline the small-scale mining (SSM) sector. These measures span four broad strategies: the enactment of legislation; the deployment of security taskforce; stakeholder engagement; and constituting inter-ministerial taskforces. However, these strategies seemed not to have produced the expected results.

Focusing on legislation, the study assessed the political drivers or factors that affected the implementation of the SSM legislation in Ghana from 1989 - 2022. The study used the complexity of joint action model to assess the power play between the actors and how it affected the implementation of SSM legislation. The study employed the qualitative research approach to obtain primary data while secondary data was obtained from books, journal articles, etc.

The results of the study showed that the number of actors involved in the implementation process and the power play among them reduced the chances of the successful implementation of the SSM legislation. Similarly, political factors such as the winner-takes-all politics, the delegate system of electing national party leadership, the lack of a national political party funding, and other challenges such as conflicts, delays, lack of capital and geological data, among others, frustrated the implementation of SSM legislation. The study, inter alia, recommended the empowerment of regulatory and security agencies to curb the illegality and other challenges affecting the implementation of SSM legislation.



DEDICATION

To God, family, and country



ACKNOWLEDGEMENT

“Great is thy faithfulness, O God my Father; there is no shadow of turning with thee, Thou changest not, thy compassion they fail not, great is thy faithfulness, Lord unto me!” (Chisholm, 1953). But for God whose faithfulness endures forever, the journey would have been fatal and futile. To Him alone be glory, honour and power forever and ever!

I am eternally grateful to my supervisors Prof. Joseph R. A. Ayee and Prof. Abdulai K. Mohammed of the Political Science Department of the University of Ghana, Legon. I benefited enormously from their in-depth experience, scholarly prowess and gentle guidance. Prof. Ayee in particular was always ready and willing to shepherd me through the research, especially in times when I needed light thrown on some critical issues. His selfless dedication, unquestionable commitment, meticulous review and charming mentorship was fundamental to the successful completion of this thesis. To Mr. and Mrs. Kumah, and Mrs. Elizabeth Nimako-Mensah my ardent fans. They believed in me and lent me a hand of support. Mention must also be made of Mr. Francis Nimako-Mensah (late), the man who laid the foundation for all of these to happen, may his gentle and generous soul rest in the bosom of the Father of life.

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Ebenezer! Thus far, the LORD GOD has brought us.

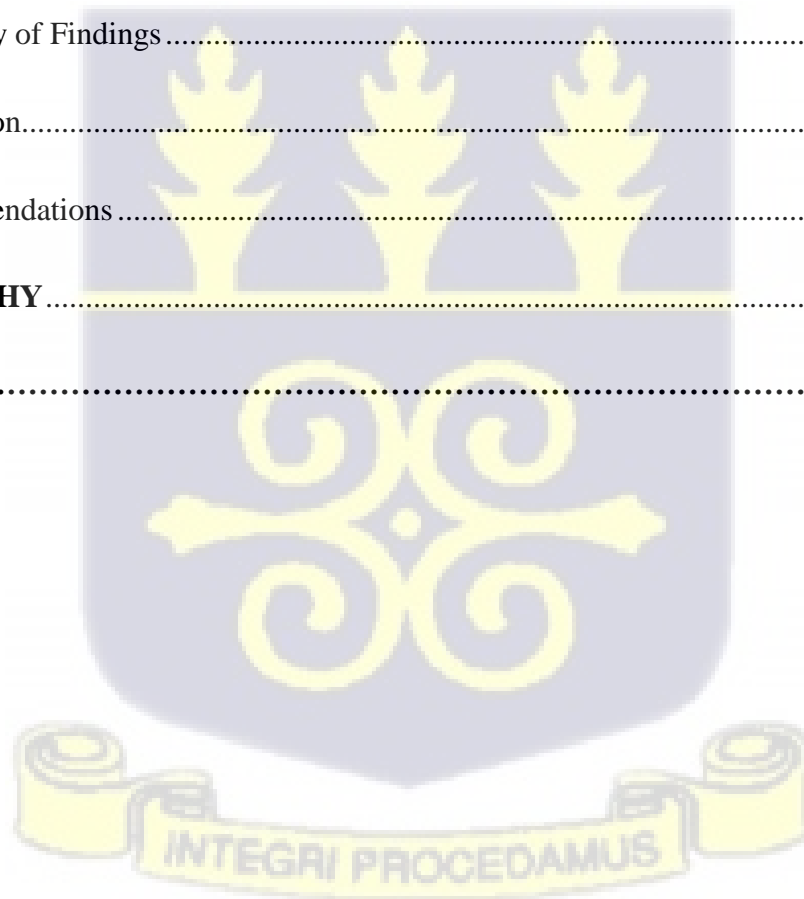
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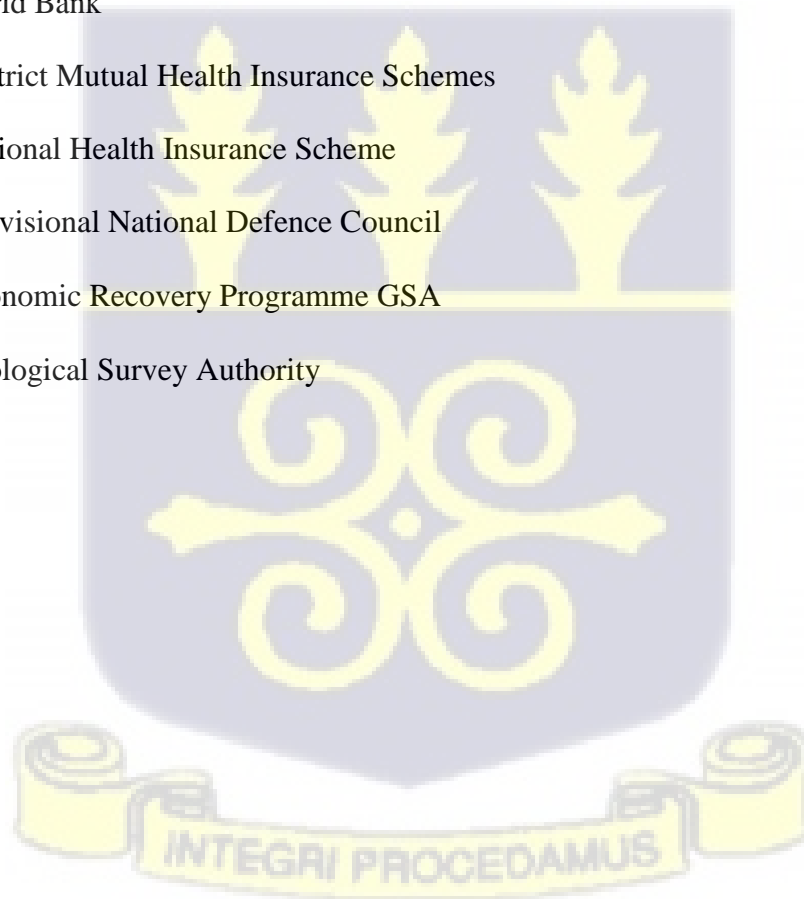
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LIST OF ABBREVIATIONS

CSOs	Civil Society Organizations
CF	Cumulative Frequency
DCIMs	District Committees on Illegal Mining
MESTI	Ministry of Environment, Science, Technology and Innovation
EPA	Environmental Protection Agency
FC	Forestry Commission
GNASSM	Ghana National Association of Small-Scale Miners
IMCIM	Inter-Ministerial Committee on Illegal Mining
LC	Lands Commission
LSMs	Large-Scale Miners
LSM	Large-Scale Mining
MLGRD	Ministry of Local Government and Rural Development
MMDAs	Metropolitan, Municipal and District Assemblies
MMDCEs	Metropolitan, Municipal and District Chief Executives
MinCom	Minerals Commission
MLNR	Ministry/Minister of Lands and Natural Resources
NDC	National Democratic Congress
NPP	New Patriotic Party
PMMC	Precious Minerals Marketing Company

SSMs	Small-Scale Miners
SSM	Small-Scale Mining
SAP	Structural Adjustment Program
TAs	Traditional Authorities
VAT	Value-Added Tax
WRC	Water Resources Commission
IMF	International Monetary Fund
PARDIC	Public Administration Restructuring and Decentralization Implementation Committee
UNDP	United Nations Development Programme
WB	World Bank
DMHISs	District Mutual Health Insurance Schemes
NHIS	National Health Insurance Scheme
PNDC	Provisional National Defence Council
ERP	Economic Recovery Programme GSA
GSA	Geological Survey Authority



CHAPTER ONE GENERAL INTRODUCTION

1.0 Introduction

Ghana has had a long history of mineral resources, which earned it the name the "Gold Coast" during colonial times (Ayee et al., 2011). Mining has unquestionably aided the country's development (Emmanuel et al., 2018). It has, like other industries, brought both advantages and risks to residents of areas where minerals such as gold, diamonds, and bauxite are mined. The mining of these minerals pose negative environmental and health risks to the residents of the communities in these mining areas. How the government, communities, and mining companies manage these negative environmental and health impacts can either worsen or improve the lives of community residents (Emmanuel et al., 2018).

The negative externalities of the mining industry, particularly, the small-scale mining (SSM) industry seem to be at par with or exceeding the benefits of the industry. This stems from the fact that river bodies are being destroyed, aquatic lives are being curtailed, forests reserves are being lost, fertile lands are becoming scarce, food security is being threatened, the cost of potable water production rises by the day owing to the high pollution of water bodies resulting from mining in water bodies, disposing of mining chemicals into water bodies and mining with hazardous chemicals such as mercury, among others.

Concerned by the havoc being wrecked by small-scale mining (SSM), the state took steps to regularize the activities of small-scale miners (SSMs) in the country. To this end, the first Small Scale Mining Act, 1989, also known as Provisional National Defense Council Law (P.N.D.C.L) 218 was enacted to regularize SSM operations and to protect the environment. This law divided SSMs

into two groups: legal SSMs (those who obtain the necessary permit to mine on concessions assigned to them) and illegal SSMs, commonly referred to as *galamseyers* (those who mine without permit or license and mostly, (if not always) on concessions belonging to a legalized small-scale miner or a large-scale mining company). The main goal of the Mining Act, 1989 was to regulate the SSM industry by issuing the necessary licenses to qualified and competent miners. This was done to ensure that SSM operations did not present an excessive risk to human life, properties and the environment. Consequently, miners without a license were considered illegal and hence committed a criminal offense (Osei-Kojo et al., 2016).

In 2006, all mining laws (large and small scale mining laws) in Ghana were consolidated with the passage of the Minerals and Mining Law 2006, Act 703. This was aimed at providing a comprehensive legal framework to guide large scale and small-scale mining operations in the country. Sections 81 and 99 of Act 703 are dedicated to SSM. They state, among other things, that only Ghanaians who have attained the age of 18 and have registered with the Minerals Commission in a specified mining district are eligible to engage in SSM. This part of the legislation suggests that the Ghanaian government is attempting to limit certain business avenues solely to Ghanaians in order to increase employment opportunities.

Limiting SSM to Ghanaians solely is good but the industry has been infiltrated by some foreign nationals, particularly Chinese nationals. This development is attributable to poor implementation of SSM laws. Pressman and Wildavsky (1973, p. xv) defined implementation as the “interaction between the setting of goals and the actions geared to achieving them.” Furthermore, Ayee (1994, p. 1) defined policy implementation as “actions taken by governments and institutions directed towards the achievement of prior policy objectives.”

A number of studies have been conducted to assess the factors that have militated against the smooth and successful implementation of mining legislation especially that of small-scale mining (SSM) in Ghana. For instance, Osei-Kojo et al. (2016) examined how implementation agencies were resourced to enforce SSM laws in the Prestea-Huni Valley District, and how the availability of resources, or the lack thereof, affected implementation. Osei-Kojo and Andrews (2016) on the other hand, examined improving the implementation of SSM laws by involving stakeholders, mainly chiefs in the mining communities and SSM operators. According to them the disengagement of key stakeholders from the implementation of the SSM legislation is the key challenge.

It is obvious from the foregoing that successive governments have made legislative efforts to streamline the activities of SSMs. These legislative efforts notwithstanding, the desired results are yet to be realized because of the politics of implementation. According to Turner and Hulme (1997), policy implementation is an arena where stakeholders with diverse interests engage in discussions over the policy's aims which may lead to conflict over resource allocation. Politics has impeded the implementation of SSM laws thereby frustrating their effective implementation. For instance, during the 2008 general election campaign, former President John Evans Atta Mills was sympathetic to SSM youth, and blamed the leadership of the then ruling New Patriotic Party (NPP) government for the conflicts between SSMs and large-scale mining companies (Abdulai, 2017).

It is this politicization of the implementation of SSM legislation in Ghana that this study seeks to investigate.



1.1 Problem Statement

In most parts of the world, small-scale mining (SSM) is considered an informal activity (Hentschel et al., 2002). Small-scale mining is prohibited in many states, and trading in or exporting small-scale mined gold is considered smuggling. However, an increasing number of countries have attempted to integrate small-scale miners (SSMs) into the formal economy because of their economic relevance (Dreschler, 2001). In Ghana, for instance, successive governments have implemented strategies to formalize the SSM industry. First, by the use of legislation. Four pieces of legislation have been enacted in this regard. They are the Small-Scale Mining Law (PNDCL 218), 1989; Precious Minerals Marketing Corporation Law (PNDCL 219), 1989; Mercury Act. PNDCL 217, 1989; and Minerals and Mining Act (Act 703), 2006.

Second is the use of the security forces, namely the Ghana Armed Forces, Ghana Police Service, Ghana Prisons Service, Ghana National Fire Service, Ghana Immigration Service, and the National Investigations Bureau. For instance, the Nana Akufo-Addo led administration formed operation Vanguard, a team of military and police officers to rid the SSM sector of illegal miners and to also enforce the SSM laws. This was followed by the formation of “Operation Halt 1” comprising of only military officers to rid the sector of illegality and to enforce SSM laws.

Third, governments (past and present) have appealed to different stakeholders, including the Ghana National Association of Small-Scale Miners (GNASSM), to either assist security agencies to check the excesses in the industry or help educate their members on safe mining measures.

Fourth is the setting up of a task force by governments. For instance, in May 2013, former President, John Mahama established a five-member inter-ministerial task force that comprised the

Ministers of Defense, Interior, Foreign Affairs, Science, and Environment and chaired by the Minister of Lands and Natural Resources. His address at the task force's inauguration is an acknowledgement not just of prior policies' failures, but also of the government's attitude regarding

SSM:

Small scale mining has become a security risk and a threat to the environment, and we must address it more systematically than in the past. The government has no objection to small-scale mining. Your duty is to guarantee that our small-scale mining rules are adequately implemented. It may include the following: seizing equipment from those who do not comply with the new directives for obtaining or renewing licenses, arresting and prosecuting anyone involved in illegal small-scale mining, deporting non-Ghanaians involved, revoking the licenses of Ghanaians who have sub-leased their concessions to non-Ghanaians in violation of the rules, revoking the licenses of Ghanaians who have engaged the services of non-Ghanaians as miners in small scale mining (Mahama, 2013).

Despite the promulgation of pieces of legislation and the employment of the afore-mentioned methods and strategies, the implementation of SSM legislation still suffers hiccups. Though many studies have been conducted on the implementation of SSM legislation in Ghana such as Teschner (2012), Osei-Kojo et al. (2016), Osei-Kojo & Andrews (2016), Kuma & Yendaw (2010), Ayee et al 2011, among others, the politics of implementation has not received adequate attention.

Against this backdrop therefore, this study examines the implementation of SSM legislation in Ghana. More specifically, it discusses the political drivers or factors that have influenced the implementation of the SSM legislation since 1989 with the passage of the Small-Scale Mining Law (PNDCL 218), 1989, which has further been improved by the Minerals and Mining Act (Act 703), 2006, and its amendments in 2015 and 2019.

1.2 Research Objectives

The overarching objective of the study is to assess the political drivers or factors that have affected the implementation of SSM legislation in Ghana.

The specific objectives of the study are to:

1. Examine the power play among the actors and other challenges in the implementation of SSM legislation in Ghana;
2. Recommend strategies to deal with the implementation bottlenecks; and
3. Discuss the lessons learnt and the implications for the literature.

1.3 Research Questions

The overarching research question is why and how did political drivers or factors affect the implementation of SSM legislation in Ghana?

The specific research questions are:

1. How did power play between the actors and other challenges affect the implementation of SSM legislation?
2. How will strategies recommended deal with the implementation challenges?
3. What are the lessons and their implications for the literature?

1.4 The Location of the Study in Political Science

The study is generally located within the field of Public Policy, a sub field of Political Science with emphasis on policy implementation. Generally, public policy deals with what a government does or does not do in response to a past, present and/or future problem (Dye, 2008).

1.5 Significance of the Study

The study is significant in two ways.

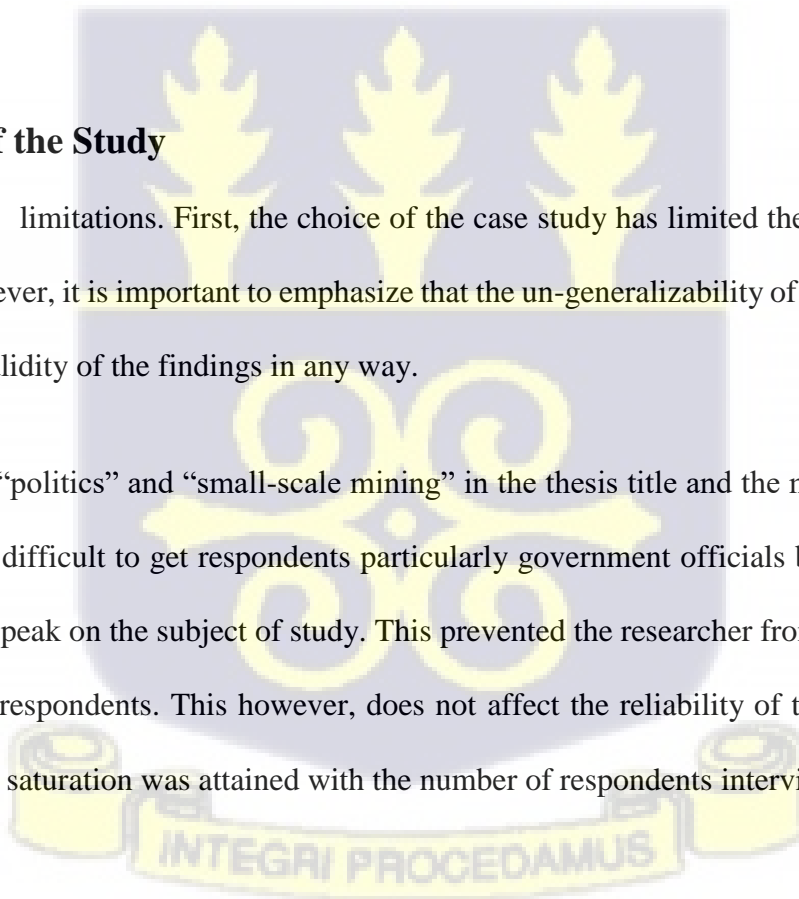
First, the study either complements or extends the literature on public policy implementation and small-scale mining and therefore serves as a basis for further research in this field. The findings of the study will provide the relevant information for future comparison with other empirical works.

Second, the findings will inform policy makers on measures to ensure effective implementation of SSM laws because implementation challenges are usually forgotten, because, as rightly pointed out by the literature, the implementation of public policies and programmes is separated from the formulation when it should not be the case particularly in developing countries (Pressman and Wildavsky, 1973).

1.6 Limitations of the Study

The study has two limitations. First, the choice of the case study has limited the generalization of the findings. However, it is important to emphasize that the un-generalizability of the study does not compromise the validity of the findings in any way.

Second, the terms “politics” and “small-scale mining” in the thesis title and the milieu of the study made it extremely difficult to get respondents particularly government officials because they were literally scared to speak on the subject of study. This prevented the researcher from getting to speak to all the targeted respondents. This however, does not affect the reliability of the findings of the study because data saturation was attained with the number of respondents interviewed.



1.7 Organization of the Study

The study is organized into six chapters.

Chapter 1, “General Introduction”, comprises an introduction, a statement of the research problem, research objectives, research questions, the significance of the study, the study's location in political science and organization of study.

Chapter 2, “Literature Review” is devoted to the review of relevant literature on policy implementation and mining in general, and small-scale mining.

Chapter 3, “Theoretical Framework”, describes the theoretical underpinnings of the study, which is based on the complexity of joint action model of policy implementation.

Chapter 4, “Research Design and Methodology”, focuses on the research approach and research instrument utilized.

Chapter 5, “Data Analysis” discusses the findings of the study in the light of existing literature.

Chapter 6, “Summary of Findings, Conclusion and Recommendations”, summarizes the findings, draws conclusions and makes key policy recommendations.



CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

There is a substantial body of scholarly works on public policy implementation, natural resources management, the political economy of mining in Ghana, implementation of mining laws in general and the implementation of SSM legislation. This chapter reviews the relevant literature, drawn from existing scholarly works such as books and journal articles. The review covers the following broad themes:

1. General Studies on Policy Implementation
2. Studies on Policy Implementation in Ghana
3. Studies on Natural Resources Governance in Ghana
4. Studies on the Political Economy of Mining in Ghana
5. Studies on Implementation of Small-Scale Mining Legislation in Ghana

2.1 General Studies on Policy Implementation

Public policy is a process or sequence of government actions aimed at resolving some public problem, real or imaginary. It is a comprehensive description of goals, objectives, and methods that is developed, implemented, and assessed by political system authorities (Ayee, 2000). The process of developing public policy is fundamentally political in nature, as it entails conflict, negotiation, compromise, and struggle between individuals and organizations with divergent agenda on matters of public concern (Ayee, 1996). Several researchers, including Dunn (2014) and Anderson (2003),

have highlighted five distinct stages in the policy-making process: agenda setting, policy formulation, policy adoption, policy implementation, and policy evaluation. This thesis, however, focuses on the implementation stage of the policy process.

Policy implementation, like the majority of social science concepts, lacks a universal definition. This assertion is supported by Sapru (2004), who argues that implementation is challenging to define universally due to the existence of numerous definitions. Perhaps the difficulty in defining implementation stems from the diverse perspectives from which academics approach the concept (Osei-Kojo et al., 2016). Despite this difficulty, some definitions are provided in the paragraphs below.

Lester et al. (1995) define policy implementation as the link between a government's stated objective(s) and its actual outcome(s). Dunn (2004) also indicates that implementation occurs when an accepted policy is carried out by administrative entities that mobilize financial and human resources to comply with the policy. Unlike the elaborate definition given by Dunn (2004), Dye (2008) gives a simplified but comprehensive definition that captures the very essence of the concept of implementation. According to him, implementation encompasses all of the legislative branch's efforts to execute its policies. His definition reveals that implementation is action-oriented, resource-intensive, and people-focused. In addition, the definition implies that implementation is contingent on financial, human, and material resources.

For Anderson (2011), implementation encompasses whatever is done to carry a law into effect, to apply it to the target population, and to achieve its goals. On the other hand, Van Meter & Van Horn (1975) view policy implementation as the measures taken by public and private people or entities with the goal of achieving the objectives outlined in policy decisions. This encompasses both one-

time attempts to operationalize policy choices and ongoing efforts to implement the major and minor changes demanded by policy decisions. O'Toole (2000) on the other hand defines implementation as what happens between the establishment of an apparent intention on the part of the government to do something, or to stop doing something, and the ultimate impact in the world of action.

From these definitions, policy implementation is the result of rigorous planning and design, not coincidence. This study adopted Anderson's (2011) definition because it sits well with the study's focus as the SSM legislation is targeted at a given population and seeks to achieve some goals.

Prior to the 1970s, policy implementation is regarded as straightforward. This is because it was expected that once a policy was formulated, it would be automatically implemented (Howlett and Ramesh, 1995). However, the work of Pressman and Wildavsky (1984) has invalidated this assumption and changed that perception, and brought the question of implementation to the fore. Consequently, implementation is viewed as a complicated event that could not be "simplistically defined as a technical activity involving deliberate selection of acceptable procedures" (Turner and Hulme, 1997:75).

There are basically three models of public policy implementation: (i) the top-down; (ii) the bottom-up; and (iii) the hybrid. According to Matland (1995), these implementation models evolved through three generations of study. He argues that the first-generation of research took place between the early 1970s and the 1980s, followed by the second-generation in the 1980s and 1990s. The third generation of research began in 1990 and continues to present day. Winter (2003) opines that the first-generation studies were primarily concerned with investigation and theory creation.

According to Goggin et al. (1990: 13), the first-generation research concentrates on "how a single authoritative decision was made, either at a single place or across numerous locations." Pressman

and Wildavsky's publication of 1984 has a considerable influence on the first-generation implementation studies. The second wave of implementation studies emphasizes the description and analysis of the links between policy and practice. Elmore's (1978) work is significant in this generation. Elmore (1978) asserts that the study of Goggin et al. (1990) paves the way for the third generation of implementation studies. He posits that this generation is concerned with increasing the scientific rigour of the implementation process and hence, shifts from theory development to empirical evidence testing.

Generally, implementation studies have concentrated on the effectiveness or ineffectiveness of implementation. Elmore (1978) identifies four critical components of effective policy implementation. First, there is a requirement for clearly defined duties and objectives that appropriately reflect the policy's aim. Second, a management strategy should be in place that assigns duties and performance requirements to sub-units. Third, there should be a method for objectively evaluating sub-unit performance. Fourth, a system of management controls and social punishments should exist that is sufficient to hold subordinates accountable for their performance (Elmore, 1978). He argues that a failure of implementation entails planning, specification, and control deficiencies. In line with this, Matland (1995) asserts that successful implementation entails adhering to legislative mandates and objectives; achieving certain success indicators; and improving the political atmosphere around a programme. There has been an acceptance that policy implementation, even when effective, entails much more than a mechanical translation of objectives into ordinary operations. Thus, it raises basic issues regarding dispute resolution and who receives what in a community (Grindle, 1980). This implies the existence of politics in the process of implementation. The conclusion of Turner and Hulme (1997) that implementation is typically a highly politicized process is consistent with Grindle's observations (1980). To them, the implementation stage is a

forum where parties interested in a policy, participate in talks over the policy's objectives and clash over resource distribution. These dynamics are referred to by these experts as implementation politics or the politics of implementation (Turner and Hulme, 1997).

According to Grindle and Thomas (1991), public policy is the consequence of dispute, negotiation, and coalition building among a potentially huge number of societal organizations established to safeguard or advance shared interests. In the developing world, the implementation phase is marked by rivalry and conflict between individuals and organizations that have been excluded from previous stages of the policy-making process and hence wish to pursue their interests through competition for access to scarce resources (Grindle, 1980). At this stage of the policy process, several political conflicts over the allocation of scarce resources ensue between players who are either heavily or insignificantly involved in the implementation process.

Grindle (1980) emphasizes this point further in her book, *Politics and Policy Implementation in the Third World*. She argues that, in contrast to the United States and Western Europe, policy effort in the third world is concentrated on the output (policy implementation) stage. Due to the fact that "interest aggregating structures are frequently deficient in the third world," a significant percentage of individual and group demand formation, interest representation, and its development and resolution occur at the output stage (Grindle, 1980: 15). Grindle (1980) uses two primary factors to explain why policy effort in the third world is concentrated on the output stage. These are the policymaking process's remoteness and inaccessibility to the majority of persons, and the shortage of resources and widespread needs, which enhance the sense of who benefits and who loses from the implementation process. Additionally, the implementation phase is where factionalism, patron-client relationships, ethnic affiliations, and personal alliances take hold. These and other emotional modes

enable "individual demand on the bureaucratic machinery for the allocation of commodities and services" (Grindle, 1980: 18). According to Turner and Hulme (1997), the implementation phase may be understood as a space in which persons responsible for resource allocation engaged in political relationships with one another and with other actors in order to influence resource distribution. Ayee (1992) describes this as "delayed politics" which characterizes the policy implementation process in developing countries.

The reviewed studies are important to this study because they give the researcher insights into why public policies succeed or fail in the case of Elmore (1978) and Matland (1995); why the implementation stage of public policy in developing countries is engulfed with politics in the case of Grindle (1980), Grindle and Thomas (1991) as well as the sources of contentions and coalitions in Turner and Hulme (1997) and Ayee (1992).

2.2 Studies on Policy Implementation in Ghana

There has been concern for and interest in the implementation of public policies in Ghana, like most emerging countries. Ayee's (1994) "An Anatomy of Public Policy Implementation: The Case of Decentralization Policies in Ghana" is one of the pioneering works on implementation in Ghana. This study employed the Complexity of Joint Action and Implementation as Evolution models to assess the success or otherwise of decentralization programs under two regimes: 1957-1966 under Dr. Nkrumah and 1981-1992 under Chairman Rawlings of the Provisional National Defence Council (PNDC). Decentralization raises basic problems regarding conflict and the distribution of resources in society (Ayee, 1994). For Ayee (1994), the outcomes of conflict and "who gets what and how" are based on strategies, resources, and the power positions of players in the implementation

stage. There is a political calculus at work while implementing decentralization plans, and the results of that equation are determined by conflicting interests for limited resources.

His study's findings point to the fact that, many governmental entities act with distinct interests due to the numerous "veto points" in place. Thus, effective decentralization in Ghana is unlikely because of the conflicting viewpoints of the stakeholders. Using the implementation as evolution model, Ayee (1994) also makes the point that the lack of successive administrations' use of unsuccessful programmes as a learning process was responsible for the under-achievement of the stated goals of decentralization. Thus, he comes to the conclusion that: "Lack of political commitment and coordination; communication; finances; and manpower continues to reoccur" (Ayee, 1994: 3).

The economic downturn of Ghana in the 1970 and 1971 compelled Prime Minister Busia to implement currency devaluation policy though he and his government had initially resisted this initiative. This turnaround is examined by Grindle and Thomas (1991). The devaluation of the Ghanaian currency, the Cedi, was set in motion by a press release from the Prime Minister Busia against pressure from both internal and external sources. Internally, high-level officials expressed worry that the country faced a growing balance-of-payments crisis. Externally, Busia's administration was under considerable pressure from the International Monetary Fund (IMF) and other creditors and donors to get the economy on a right footing or risk losing their financial assistance. Grindle and Thomas (1991) argue that there are two main sources of policy formulation, namely crisis-ridden policymaking and non-crisis or politics as usual policy making.

The decision by the Busia's administration to devalue the Ghanaian Cedi against the dollar is classified by Grindle and Thomas (1991) as crisis-ridden policy formulation and implementation since the policy was inspired by crisis and was implemented to address same. They argue that the

devaluation of the Cedi in 1971 got onto the agenda list of policy makers because firstly, decision makers perceived the existence of a crisis; secondly, there was a general consensus among policy makers that the situation of the crisis was real and of a threatening nature; and thirdly, they believed that failure to act would lead to even more threatening economic and political realities.

Though Busia's administration was under pressure to devalue the Cedi, Grindle and Thomas (1991) argue that policy makers still had complete autonomy to decide by how much to devalue it and the public justification of same. That is to say, elite policy makers are not necessarily swayed or influenced by pressure to make policy decisions.

Furthermore, Ayee (1993) uses the Complexity of Joint Action to examine the implementation of the restructuring of ministerial organization in Ghana. The study aimed at examining the factors that contributed to the failure of ministerial restructuring programme to achieve its objectives. It also examines the programme's formulation, implementation, difficulties, ramifications and lessons learned for the implementation of future public programmes. The ministerial restructuring was occasioned by the implementation of the Economic Recovery Programme (ERP) and the Structural Adjustment Programme (SAP) vis-à-vis a deficient civil service incapable of supervising the implementation of those two crucial economic policies by the Provisional National Defence Council (PNDC).

Ayee (1993) notes that the PNDC inherited a civil service that was plagued by several weaknesses such as bureaucratization, weak decision-making database and underpaid workers when it assumed office in December 1981. The implementation of the ministerial restructuring programme fell through chiefly because of the large number of actors, in addition to the principal(s), whose consent–

either implicit or explicit – was required before the restructuring programme could be executed effectively. Indeed, there was minimal unanimity among parties regarding the objectives. Other obstacles that impeded the effective execution of the initiative were the implementing agencies' unrealistic timetables and uncordial relationship between the key implementing agency – the Public Administration Restructuring and Decentralization Implementation Committee (PARDIC) and some international agencies such as the United Nations Development Programme (UNDP) and the World Bank (WB).

Furthermore, the policy suffered resistance from within the bureaucracy owing to the decision to replace career Chief Directors of the Ministries with a political Chief Director. Finally, the key implementing agency of the policy, that is, PARDIC lacked the needed locus to command compliance to its decisions and directives as it was established by a letter of the Committee of PNDC Secretaries (Cabinet) other than an Executive or Legislative Instrument or a PNDC law. This resulted in the inability of PARDIC to take authoritative and binding decisions and ensure the implementation of the reorganization thereby leading to the unsuccessful implementation of the policy.

In short, Ayee (1993) argues that the ministerial reorganization failed largely because of complexity of joint action (changing of actors, inconsistent and erratic leadership, inertia within the bureaucracy, lack of commitment and poor working relations between PARDIC members and some of the development partners).

Ayee's (1993 and 1994) research are relevant to this study because it employed one of the models of the theory of implementation, the Complexity of Joint Action which sits well with this study and which the researcher will use to explain how the number of actors involved in the implementation of SSM legislation impeded its effective implementation.

In the area of health, Gajate-Garrido and Owusua (2013) examine the challenges that faced the District Mutual Health Insurance Schemes (DMHISs) of the National Health Insurance Scheme (NHIS), how the challenges were managed over the years, and what can be done to improve the operation of DMHISs. Similarly, Christmals and Aidam (2020) discuss the implementation of the NHIS in Ghana and the lessons South Africa and other low- and middle-income countries can learn from such a process.

Gajate-Garrido and Owusua (2013) identify the internal and external sources of challenges that confronted the successful implementation of the DMHISs. Internally, the main barrier to children's access to healthcare is the requirement that they register with their parents. This is in addition to the absence of effective marketing strategies to create awareness of the scheme, the financial constraints faced by parents and the poor condition of road networks and health infrastructure. An internal evaluation conducted by DMHIS officials revealed that inadequate logistics, weak infrastructure, inadequate human resources and delay in reimbursement of claims were the schemes' most significant challenges over time. Even though administrators of the scheme have attempted to address these challenges, they have only provided temporary solutions; officials request more permanent solutions, including permanent office accommodation, vehicles, and appropriately trained and motivated permanent staff members, among others (Gajate-Garrido & Owusua, 2013).

In addition, a number of external challenges militated against the scheme. They include low awareness of the scheme and the trust and interest in it, politicization, delayed registration, renewal of memberships, and high poverty leading to low patronage, inadequate healthcare facilities and

services and the lack of cooperation by health providers and the inaccurate filing of claims (GajateGarrido & Owusua, 2013).

To improve the implementation of the policy, the following recommendations were made:

- The personnel must be provided with permanent infrastructure and adequate training prior to the scheme's implementation;
- An automated claims processing center must be established to expedite claims processing;
- The original design must include a decoupling mechanism that allows children to enroll on the programme for free without their parents' participation;
- A monitoring and evaluation unit, capable of keeping corruption under control should be designed from the outset;
- An extensive public education especially for children should be provided regarding the benefits of registering for the scheme prior to its implementation. This activity should involve key stakeholders and influential opinion leaders from each community and emphasize the non-political nature of the plan;
- A premium payment flexibility should be implemented to encourage the registration of the poorest who are not indigent. That is, premiums could be paid by installment, and timing of premium collection should be appropriate for members, for example, during harvest time for farmers;
- The initial phase of implementation should include mass community registrations; and
- Before the creation of the scheme, it is necessary to test and perfect a targeting strategy to identify low-income groups (Gajate-Garrido & Owusua, 2013).

In a similar vein, Christmals and Aidam (2020) have reinforced the point that the implementation of the NHIS has provided the Ghanaian populace, especially the poor and vulnerable, with access to healthcare and thereby shielded them from the negative effects of rising healthcare costs. They, however, note that despite the successful implementation of the NHIS in Ghana, it has been plagued by insufficient coverage, poor quality of care, corruption and ineffective governance, inadequate stakeholder participation, a lack of clarity on policy concepts, intense political influence, and inadequate funding. Furthermore, the failure to pay service providers for services rendered to clients as a result of inadequate funding, manual processing of claims, and mismanagement of the scheme's funds negatively impacted its implementation.

In another publication, Ayee (1997) assesses policy management in Ghana using the Value-Added Tax (VAT) as a case study. He discusses the factors that contributed to the poor implementation of the VAT policy culminating in its withdrawal by the National Democratic Congress (NDC) government, and offers lessons on prerequisites for and constraints on effective policy management. According to Ayee (1997), the VAT policy was necessitated by the quest of the NDC government to widen the scope of the tax net, to expand the tax base to cover a greater proportion of the population and consequently, increased revenue. Prior to the introduction of the VAT, Ghana had operated basically five forms of taxes, namely Sales Tax, Hotels and Restaurant Customers Tax, Advertisement Tax, Betting Tax and Entertainment Tax, which were merged into VAT. This policy change was, however, met by public outcry and was fiercely challenged by the Alliance for Change, an opposition pressure group formed to counteract the implementation of the VAT policy. The opposition met by implementation of the policy led to its withdrawal. Apart from the opposition against the implementation of the VAT, other factors that led to its withdrawal include its wrong

timing, the general increase in prices following the reading of the 1995 budget, inadequate public education, institutional problems such as the charging of VAT on goods exempted from it, difficulties in the calculation of the amount of VAT and a general misunderstanding of how the VAT system works (Ayee, 1997).

Some of the recommendations made include an extensive public participation and education, longer life span of policy implementation and the low-cost dispersion of policies to avoid public protest and demonstration (Ayee, 1997).

The studies of Grindle and Thomas (1991), Ayee (1997), Gajate-Garrido and Owusua (2013) and Christmals and Aidam (2020) are important to this study because they provide essential information on the sources of public policies as well as what contributes to their effective and successful implementation or otherwise.

2.3 Studies on Natural Resources Governance in Ghana

The discovery of oil and natural gas across Africa has sparked global interest in the continent's economic importance. While some scholars have expressed excitement about the future development prospects of these discoveries, others are apprehensive of the growing competition among developed countries over Africa's oil and gas resources (Kumah-Abiwu, 2017). For example, Frynas and Paulo (2007) believe that Africa is experiencing a "New Scramble" over its petroleum resources from major powers like China and the United States. Contrary to the well-known incidents of the resource curse, some scholars have argued that Ghana may be able to avoid the resource curse due to its developing democratic institutions and good governance practices (Okpanachi & Andrews, 2012; Gyimah-Boadi & Prempeh, 2012). This stems from the fact that, strong institutions and good governance

practices have been emphasized as some of the explanatory variables for outlier countries like Norway and a few other countries' high performance (Kumah-Abiwu, 2017).

Some scholars have written extensively about countries that have struggled to grow their economies despite having vast natural resources (the resource curse), and Ghana's oil and gas sector is no different. For instance, Graham and Gyampo (2019) highlight the signs of blessing and curse in Ghana's oil and gas sector after a decade of exploration and seven years of production. They opine that the discovery of oil in Ghana has aided the country's socio-economic growth through income generation and the creation of jobs through the local content policy. Despite these benefits, Graham and Gyampo (2019) argue that the discovery of oil in Ghana has posed a number of challenges to local oil-producing communities, making it feasible to characterize Ghana's oil as a curse. Socio-economic ills, environmental challenges, high cost of living, and security threats are just a few of the challenges.

Graham and Gyampo (2019) make policy recommendations to prevent these difficulties from becoming a full-fledged curse. First, Ghana should have a national policy plan in place to define how oil revenue would be well spent. Second, the government must create and execute social protection policies and programmes to reduce the cost of oil production in rural areas.

D'Alessandro et al. (2014) investigate Ghana's civil society's role in natural resource governance, specifically, its connection to the oil sector. They are particularly intrigued by one facet of natural resource management and governance: environmental governance. They note that civil society organizations (CSOs) play a key role in the future of Ghana's oil industry by ensuring that social and environmental issues are at the centre of the oil and gas value chain. To do so successfully,

D'Alessandro et al. (2014) advocate that CSOs build their capacities so that they can: (i) inform and manage expectations, (ii) propose mitigating measures, and (iii) influence policymaking.

Others such as Kumah-Abiwu (2017) argue that Ghana's chances of escaping the resource curse could be hampered by its sole concentration on democratic governance rather than a broader focus on oil sector governance. Ayee (2014) investigates the role of Africa's post-colonial state in the exploitation of natural resources on the continent, focusing on multi-national firms, and argues that the resource curse is not unavoidable. Thus, he recommends for African countries to learn from the success stories of countries like Botswana; advocate for resource nationalism; adopt transformational and development-oriented leadership, among others, in order to escape the Dutch disease. Finally, Arthur (2014) calls for the establishment of capacity-building programmes and the promotion of good governance as the most important step toward efficient natural resource management in and among African countries.

The foregoing review has given the researcher an insight into how mineral resources of other African countries and Ghana for that matter have been managed and what can be done to better manage them for the betterment of these countries and their citizens, and to escape the resource curse.

2.4 Studies on the Political Economy of Mining in Ghana

Ghana has a long history of mineral resource extraction, with mechanized large-scale mining (LSM) often traced to the 19th century. The country is endowed with substantial mineral resources in commercial quantities, including oil, gold, and diamonds, among others. Despite Ghana's vast mineral wealth and the fact that it is Africa's second largest gold producer after South Africa, the role of mining in the country's growth has long been questioned (Kapstein & Kim, 2011). For some

(e.g. Aryee, 2001), mining has played an important role in Ghana's development efforts, particularly in terms of government revenue. However, the mining industry has had insufficient impact on Ghana's overall development.

Mining has major environmental consequences, yet transfers from the sector to the economy as a whole is inadequate (Ayee et al., 2011). The sector's contribution to overall national development efforts is described as "disappointing" (Ayee et al., 2011).

Some scholars have written on the political economy of mining in Ghana (Ayee et al., 2011; Abdulai, 2017). Ayee et al. (2011), for instance, examines the institutional framework and political environment as crucial to understanding and correcting the negative impact of mining on Ghana's economic development. Their study identifies weaknesses in mining sector governance along the value chain and explains why reforms that might increase social welfare have been difficult to implement. Ayee et al. (2011) opine that the major obstacles confronting the sector include incentive problems in institutions directly or indirectly involved in mining governance, an excessively centralized policy-making process, a powerful executive president, strong party loyalty, lack of transparency, and weak institutional capacity at the political and regulatory levels.

They argue that, despite the complex political and institutional challenges, there are a number of opportunities to improve mining sector governance such as the apparent willingness of some of the larger mining companies to review the terms of their investment agreements (Ayee et al, 2011). The study finds that, with suitable governance reforms such as capacity building at all levels and institutions, coupled with initiatives to improve institutional performance, the mining sector's net influence on economic development would improve.

Abdulai (2017) on his part discusses how competitive clientelism has influenced the ties between political leaders and mining companies, as well as the ramifications for mining sector governance.

The study demonstrates that the relationship between politics and mining in Ghana can be better understood through a political settlements' perspective. This emphasizes how power and idea relations affect elite commitment to allocating mineral resources for equitable development. Although ruling elites agree that mining rents should be centralized, Abdulai (2017) found that the lack of a long-term development vision for the mining industry has allowed ruling elites to skew public spending toward short-term political survival goals rather than long-term investments needed to structurally transform the economy and promote more inclusive forms of development leading to a lack of a long-term vision for the mining sector and the country as a whole.

Abdulai (2017) argues further that the allocation of rents to traditional authorities is more of a cooptation strategy driven by: (i) the logic of maintaining social orders, given traditional authorities' significant leverage over mineral-rich lands; and (ii) the desire of ruling elites to win and maintain political power through the support of chiefs, who wield substantial clout.

The nexus between politics and mining is very important to this study because the researcher is able to assess how politics has influenced mining in Ghana and vice versa.

2.5 Studies on the Implementation of Small-Scale Mining Legislation

Mineral deposits are found virtually everywhere. Minerals such as gold, bauxite, crude oil, and diamond are regarded as key natural resources since they provide a significant contribution to a country's development and economic progress (Mensah-Attipoe, 2019). Gold is one of the most economically valuable precious materials in the extractive industry globally including Ghana. Apart from agriculture, mining is a major contributor to Ghana's economy (Aryee, 2001). Gold sales

contribute significantly to the country's economic and social development, including road construction, hospital, school, and home constructions. Gold mining is carried out on large and small scales at the international, national, and local levels (Hilson, 2002a).

Small-scale mining is a growing industry in a number of countries, including Ghana, owing to population growth and the lack of alternative sources of income (Hilson, 2002a). Thus, the activity has aided in the alleviation of poverty in a number of rural places throughout developing countries. This is because, it is practicable in these places and requires minimal infrastructure, employs lowtech operations that do not require the presence of technical staff, and employs workers with the lowest levels of education and poverty (Hilson, 2002a).

In recent years, however, the harmful nature of SSMs activities has been condemned by mining communities and in the local media, mostly due to the environmental degradation as a result of their operations (Hilson, 2002a). The environmental destruction and degradation, primarily results from the primitive extraction and processing techniques, inadequate monitoring procedures, a lack of financial resources, and a scarcity of information necessary to comprehend the environmental consequences of their actions (Hilson, 2002a). To check these and other excesses of SSMs, laws were formulated first in 1989, and in 2006, all mining laws (large and small-scale mining laws) were consolidated into the Minerals and Mining Act, Act 703, 2006, with sections 81-99 dedicated to SSM. Some of these sections have subsequently been amended in 2015 and 2019 to increase the penalty regimes. The implementation of these laws, however, have been ineffective owing to a number of militating factors.

A number of studies have been conducted by scholars to assess the factors that have militated against the effective implementation of SSM legislation in Ghana. For instance, Teschner (2012) in his study

on “Small-Scale Mining in Ghana: The Government and Galamsey”, argues that the implementation of SSM legislation is hampered by legal loopholes, which presents themselves in a higher level of political leniency and corruption in the enforcement of SSM laws. Another issue raised by Teschner (2012) is the politicization of the implementation process, in which politicians had reneged on effective enforcement of the legislation in their quest for power, fearing that taking a stronger position will diminish their popularity and so impact their political fortunes adversely. Furthermore, measures such as military swoops in the implementation process exacerbated the difficulty because they were riddled with legalities and obstacles that undercut the needed transformation expected from a legal standpoint (Geenen, 2012).

Though Teschner (2012) touches on the politicization of the implementation process, it was mentioned in passing as it was not the main focus of the study. This thesis therefore seeks to complement and extend the literature by focusing on the politicization of the implementation of SSM legislation in Ghana. Moreover, Teschner (2012) makes no distinction between legal and illegal SSM and SSMs as he used them interchangeably. This thesis, however, makes a clear distinction between the two types of SSM and SSMs as stated in the first Small-Scale Mining Law (P.N.D.C.L 218), 1989 and focuses on the implementation of SSM legislation.

Hilson and Potter (2005) examine how the implementation of the Structural Adjustment Programme (SAP) has adversely affected the subsistence industry with particular focus on artisanal gold mining in Ghana. To them, the implementation of SAP by the Ghanaian government in the 1980s did not only create problems (hardships) in the public sector but also in the mining industry owing to it being opened up to foreign investment, which has led to the taking over of a chunk of the mineral endowed lands by foreign LSM companies to the detriment of artisanal gold miners. In the words of Hilson and Potter (2005: 1), “The SAP has both fuelled the uncontrolled growth of informal, poverty-driven

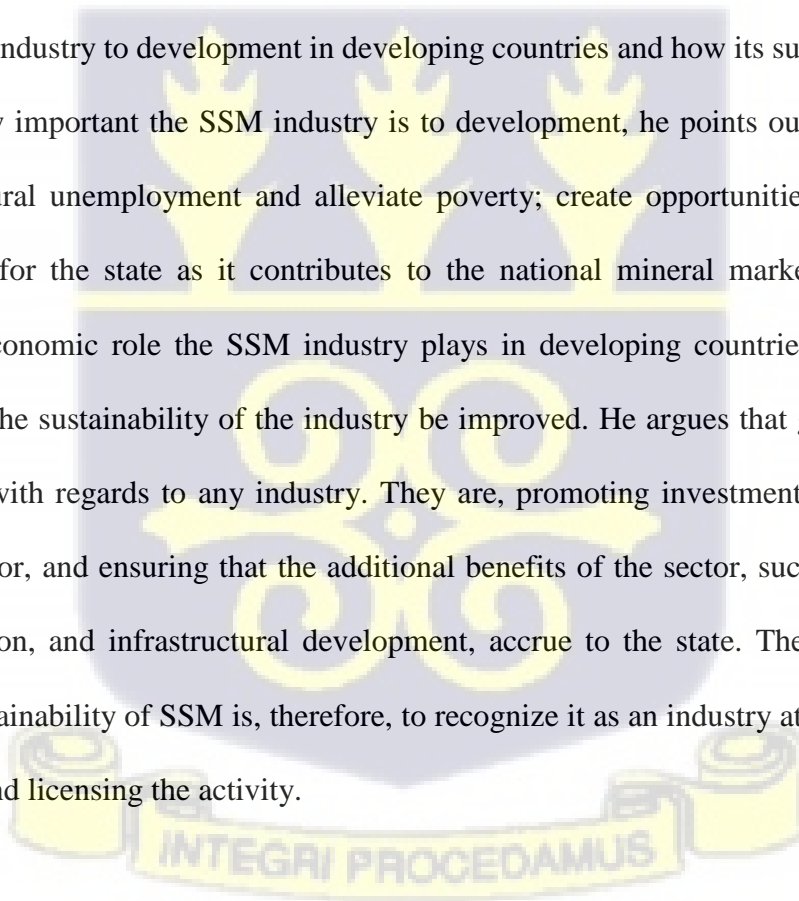
artisanal gold mining and further marginalized its impoverished participants.” Their study concludes that, as long as government adhered to the policies implemented upon the launch of SAP, artisanal gold miners continued to be marginalized because the majority of the mineralized lands in the country are owned by LSM corporations and foreign multi-nationals.

Tom-Dery et al (2012), Kessey and Arko (2013), Hilson (2002a) and Donkor et al. (2006) examine the impact of SSM on the environment. Though all the four studies address the negative impact of SSM on the environment, Donkor et al. (2006) focus mainly on the use of mercury by SSMs and how it has contaminated some water bodies and soils in South-western Ghana. Kessey and Arko (2013) discuss the destruction of the environment by SSMs through the use of mercury, the removal of vegetative cover through excavation, disposal of tailings into water bodies and the construction of pits which have been left uncovered. Tom-Dery et al. (2012) concentrate mainly on the removal of vegetative cover leading to the extinction of some trees, shrubs and other vegetative species in the Talensi-Nabdam District of the Upper East Region of Ghana. Hilson (2002a) examines mercury pollution and land degradation occasioned by the activities of SSMs. These studies found that the soil and some water bodies in the study areas are contaminated with mercury; there is land degradation resulting from the removal of vegetative covers and dug outs; and the loss of some important tree species.

All the four studies blame the lack of enforcement of environmental protection laws by the Environmental Protection Agency (EPA) for the destruction of the environment by SSMs. Hilson (2002a), however, recommends ways through which the issues of land degradation and mercury pollution can be addressed. First, technicians from other government agencies, such as the EPA and the Geological Survey Authority (GSA), as well as academics, should be consulted for assistance on

how to reduce the use of mercury by SSMs as well as reduce land degradation. Second, the government should supply labour and research resources to the Minerals Commission (MinCom), which is tasked with nearly all obligations associated with SSM. Third, the Geological Survey Authority commences exploration to identify ideal sites for small-scale gold mining, as some land degradation is related to extensive small-scale prospecting, which results in the uprooting of trees and the removal of vegetative cover in the hunt for acceptable ore bodies. Lastly, there must be the commissioning of a nationwide mercury study centre to identify, geographically, the industry's sources of mercury contamination, that is, the locations where mercury is being dispensed as well as the most impacted regions (Hilson, 2002a).

In another study, Hilson (2002b) shifts his attention from the negative impact of SSM to the importance of the industry to development in developing countries and how its sustainability can be improved. On how important the SSM industry is to development, he points out that the industry helps to reduce rural unemployment and alleviate poverty; create opportunities for women and provides revenue for the state as it contributes to the national mineral markets. Owing to the important socio-economic role the SSM industry plays in developing countries, Hilson (2002b) recommends that the sustainability of the industry be improved. He argues that governments have three basic tasks with regards to any industry. They are, promoting investment and profitability, acting as a regulator, and ensuring that the additional benefits of the sector, such as employment, technical acquisition, and infrastructural development, accrue to the state. The key first step in enhancing the sustainability of SSM is, therefore, to recognize it as an industry at the national level by documenting and licensing the activity.



To sustain the SSM industry, Hilson (2002b) recommends: (i) the legalization of SSM activity with sector-specific legislation. This has to do with the issuance of different licenses to miners engaged in different mineral extraction activities; (ii) governments should take into account the geographical features such as sensitive ecological regions, population distribution, among others, to determine where SSMs can mine and to what depths they can excavate; and (iii) the implementation of legislation that properly regulates SSM operations.

Other scholars Banchirigah (2008), and Kuma and Yendaw (2010) have blamed corruption, a lack of political will, and politicization for the difficulties in Ghana's implementation of SSM laws.

The gap in the literature is that none has given much attention to the politicization of the implementation of SSM legislation. Thus, this study seeks to contribute to the literature by extending the studies of earlier scholars by examining the politicization of the implementation of SSM legislation in Ghana.

2.6 Conclusion

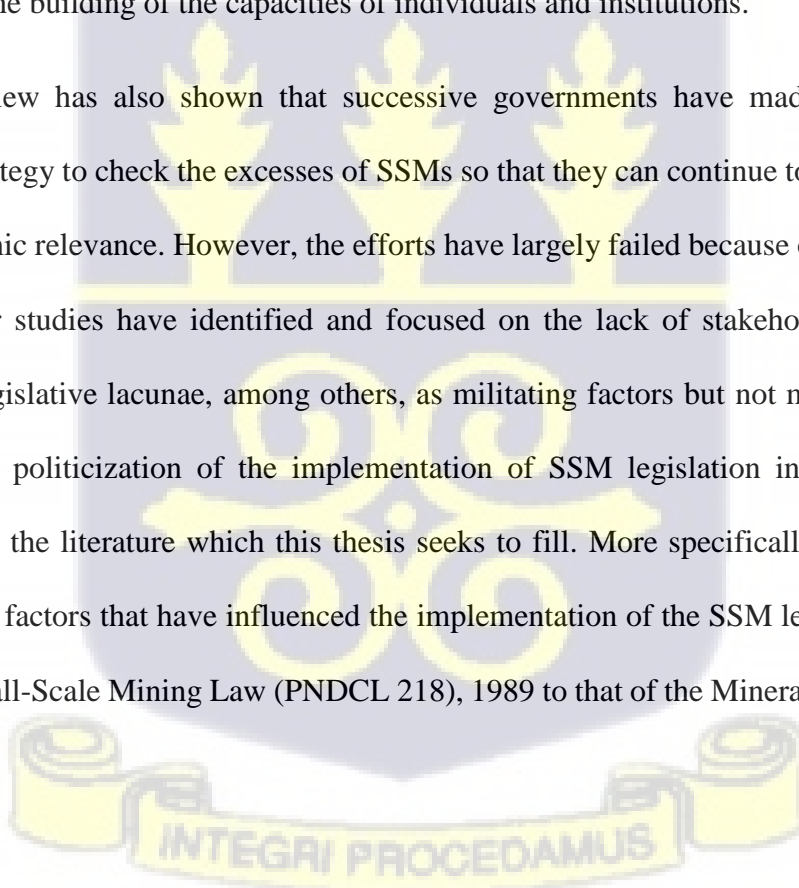
This chapter has reviewed the relevant literature on policy implementation generally and specifically in Ghana, natural resources governance in Ghana, the political economy of mining in Ghana and the implementation of small-scale mining legislation.

In relation to the politics of implementation, the literature reveals that the implementation process is characterized by conflict resolution and who receives what in a community or society, demonstrating the prevalence of politics in the implementation process in industrialized countries. Similarly, in developing countries, policy implementation is a major issue as it is characterized by competition and conflict among a variety of excluded persons and groups.

Also, the literature reveals that resource-rich African countries can get the best out of their natural resources if they invest in capacity building, adopt transformative and development-oriented leadership, create an enabling environment for CSOs to operate, among other initiatives. Ghana can avoid the resource curse and the Dutch disease if she continues in her democratic and good governance path and also learn from the success stories of countries such as Botswana, Norway, Canada, Qatar, Indonesia, Malaysia, among others, coupled with other forward-looking and innovative policies.

Furthermore, on the political economy of mining in Ghana, the literature indicates that generally, the Ghanaian economy has not benefitted from the net influences of mining. Scholars such as Ayee et al. (2011) are of the view that Ghana can benefit more from mining through improved institutional performance and the building of the capacities of individuals and institutions.

The literature review has also shown that successive governments have made efforts through legislation and strategy to check the excesses of SSMs so that they can continue to operate owing to their socio-economic relevance. However, the efforts have largely failed because of implementation challenges. Earlier studies have identified and focused on the lack of stakeholder participation, corruption, and legislative lacunae, among others, as militating factors but not much attention has been given to the politicization of the implementation of SSM legislation in Ghana. There is therefore, a gap in the literature which this thesis seeks to fill. More specifically, it discusses the political drivers or factors that have influenced the implementation of the SSM legislation from the passage of the Small-Scale Mining Law (PNDCL 218), 1989 to that of the Minerals and Mining Act (Act 703), 2006.



CHAPTER THREE

THEORETICAL FRAMEWORK

3.0 Introduction

Almost every scientific research relies on theories because they assist the researcher in offering a comprehensive and logical account of the phenomenon under investigation. According to Reeves et al. (2008), theories provide researchers with a choice of "lenses" through which they can evaluate complex topics, focusing on the relevant elements of the data. A theory also refers to a "network of interconnected abstractions or ideas that condenses and organizes information about the social environment" (Mikkelsen, 2005:157). It is used to explain the phenomenon under investigation and assists the researcher in the conduct of his/her research (Johnston et al., 2000). Without a theory, there is nothing to research (Kitchin & Tate, 2000). Thus, the theoretical framework serves as a conceptual guide for selecting the variables to study, structuring the research questions, and framing the research findings (Corbin & Strauss, 2008). It lays the groundwork for doing research by serving as "an anchor for the literature survey and, more crucially, the methodology and analysis" (Grant & Osanloo, 2014:12).

Against this backdrop, the theoretical framework of this study is the complexity of joint action model of implementation, which was propounded by Pressman and Wildavsky (1984).

3.1 Defining Implementation

The term "implementation" is derived from the Latin verb, "implementum", which means to fill (Pressman & Wildavsky, 1984). The idiomatic expression "to fill up" assumes a hole or void, which is a metaphor for a problem requiring a solution. Implementation can, therefore, be seen as what

occurs between the problem and the activities made to solve the problem or defining a goal (Pressman & Wildavsky, 1984). Implementation is a stage of the policy-making cycle that aims to execute government policy choices (Lester & Stewart, 2000; Howlett & Ramesh, 1995).

Implementation theory development involves the building of a comprehensive collection of conceptual tools that allows academics and practitioners to identify, define, and explain essential features of implementation processes and their consequences (May, 2013). Different models for the study of policy implementation make up the theory of implementation. Dye (2008) defines a model as a "simplified depiction" of some part of reality. Models simplify and clarify our understanding about politics and public policy, pinpoint essential elements and relationships about policy problems, and also offer explanations for public policy and estimate its repercussions (Scribd, 2012). Models of policy implementation help us better understand how policies are developed and implemented because they are mental constructions (Lester & Stewart, 2000).

The numerous studies of implementation have resulted in a variety of implementation models. They include the top-down, bottom-up, interactive and the complexity of joint action models.

Before the chapter discusses the complexity of joint action model, which serves as the study's theoretical framework, it will be appropriate to run through the three other models to give one a better perspective on the implementation models.

3.1.1 The Top-Down Model

The top-down model implies that policy goals can be established by policymakers and successfully implemented by establishing appropriate procedures (Palumbo & Calista, 1990). It is "policy centered" and reflects the perspectives of policymakers. It begins at the top of the process with the clearest possible expression of the policymaker's objective and progresses through a series of

progressively explicit phases to describe what is expected of implementers at each level. The top-down perspective stresses formal management of issues and elements, which are simple to manipulate and lead to centralized control (Matland, 1995). The model focuses primarily on actors who are formally involved in the implementation of a particular programme and views local actors as obstacles to successful implementation; and agents whose evading behavior must be managed (Winter, 1990).

According to Sabatier (1986), the top-down model begins with a policy choice made by government officials (typically the central government), and then asks the following questions: (i) how closely did the target groups' and implementing officials' activities match the policy decision's goals and procedures? (ii) How well did the goals get accomplished over time, or how well did the results match the goals? (iii) What were the key variables influencing the outcomes and implications of policy, both those that were pertinent to the official policy and those that were of political significance? (iv) what adjustments were made to the policy as time went on based on experience?

The model has a number of strengths. First, it places premium on the legal architecture of the implementation process (Sabatier, 1986). Second, the six conditions of effective implementation namely: (1) policy objectives are obvious and consistent; (2) the programme is founded on a valid causal theory; (3) the implementation process is adequately structured; (4) implementing officials are committed to the program's goals; (5) interest groups and the sovereigns (executive and legislative) are on board, and (6) there have been no adverse changes within the socio-economic conditions; have proven to be a valuable checklist of essential factors for understanding fluctuations in programme effectiveness and the methods of programme advocates over time

(Sabatier, 1986). Finally, it aids in diminishing gloomy assessments of government performance (Sabatier, 1986).

Despite its strengths, the top down model has some weaknesses. First, it uses legislative text as its point of departure. This disregards the significance of acts performed earlier in the process of formulating a policy (Paudel, 2009). Second, it views implementation as a purely administrative procedure and therefore disregards or attempts to erase the political dimensions (Berman, 1978; March & Safren, 1986). Third, it places emphasis on legislators as key actors (Paudel, 2009). Finally, it ignores the realities of policy modification and distortion by implementers (Paudel, 2009).

3.1.2 The Bottom-Up Model

The bottom-up model focuses on the formal and informal relationships that comprise the policy sub systems involved in policy formulation and implementation (Howllet & Ramesh, 2003). This perspective begins with a problem in society, focuses on individuals and their behavior, and places bureaucrats at the grassroots level at the center of the political process (Paudel, 2009). Officials at the local level are said to have a greater understanding of what customers require because they have direct touch with the public (Paudel, 2009).

Proponents of the model argue that central initiatives are poorly matched to local settings, and the success of a programme or policy rests heavily on the talents of local implementation structure members who can adapt the policy to local realities (Lipsky, 1980). In analyzing this situation, Lipsky (1980) proposed the concept of "street-level bureaucracy" which focuses on the discretionary decisions made by each field worker or "street-level bureaucrat," as he prefers to call them, when delivering policies to individual citizens. This discretionary power in providing services or enforcing

regulations makes bureaucrats at the local level critical actors in the implementation of public programmes. In fact, Lipsky (1980) asserts that local bureaucrats are the true policymakers.

The model has a number of strengths. First, it develops an explicit and replicable mechanism for establishing a policy network ('implementation structure') (Elmore, 1979). Second, because the model does not begin with a government programme, but rather with actors' perceived problems and the strategies developed to address them, they are able to assess the relative importance of various government programmes versus private organizations and market forces in resolving those problems (Hull & Hjern, 1982). Third, because the proponents do not begin with a focus on the achievement of formal policy objectives, they are free to identify a wide range of (unintended) effects of government and corporate programmes (Matland, 1995). Lastly, the model is better equipped to deal with strategic interaction over time than the top-down model, which tends to focus on the strategies of programme proponents while ignoring those of other actors (Matland, 1995).

These strengths notwithstanding, the model has some limitations. First, it exaggerates the periphery's potential to upset the center (Sabatier, 1986). Second, the model accepts as given, the present participants in a structure for implementation without considering the earlier efforts of various individuals to influence participation rates (Berman 1978; March & Sætren, 1986). Lastly, because it relies so heavily on the perceptions and actions of participants, it is unlikely to study elements indirectly influencing their behavior or even things directly influencing their conduct that they do not recognize (Sabatier, 1986).



3.1.3 The Interactive Model

The interactive model was propounded by Thomas and Grindle (1991) for policy reform implementation. It views policy reform as interactive rather than a linear process (Thomas & Grindle, 1991). Their paradigm for policy research examines how reform proposals make it onto the policy agenda for government action, what factors affect decision-makers, and the connections between agenda setting and the decision-making process (Thomas & Grindle, 1991). The key tenet of the model is that a policy reform project can be revised or reversed at any point in its lifecycle as a result of the pressure and reaction to it (from the public or citizens). This model views policy reform as a process in which interested parties can exert change pressure at many points. Some interests may be more effective at influencing high-level government officials, whilst others may be more effective at persuading the managers of the implementation process or those who control the necessary implementation resources. Understanding the consequences requires a thorough comprehension of the location, strengths, and stakes involved in these efforts to promote, amend, or reverse policy reform measures (Thomas & Grindle, 1991).

The model has a number of strengths. First, the two-way interaction between top-down and bottom-up aspect of the model gives affected parties a chance to participate in the formulation of policies and their localized implementation at the local level (Russell, 2015). Second, it offers opportunities for affected parties to participate in the governance and performance accountability processes of policies (Russell, 2015). Third, it promotes increased participation and eventually, objective success would be improved as affected parties of policies were involved in both the drafting of policies and their implementation (Russell, 2015).

The aforementioned strengths notwithstanding, the model has some limitations. First, it leads to increased bureaucracy which could slow down the drafting and execution of policies (Russell, 2015).

Second, it is characterized by conflicting opinions or competing interests, priority-setting, and other important choices, which can lead to difficulties in policy formulation and implementation (Russell, 2015). Third, it is associated with cultural, political, social, or economic issues which could take some time to settle and thereby impede the pace of policy makers and implementers (Russell, 2015).

3.1.4 The Complexity of Joint Action Model

The complexity of joint action model was propounded and popularized by Pressman and Wildavsky in their 1973 seminal study of the Economic Development Administration's (EDA) Oakland programme in the city of Oakland in California. In this study, the authors found that because of "changing actors, varied opinions, and multiple clearances," the programme's implementation was difficult and complicated.

The EDA programme's goal was to better the lot of minority groups such as blacks and Hispanic races through the Great Society programmes such as job creation and the formation of the Economic Development Administration (EDA) programme (Oakland, California) of then President Lyndon Ben Johnson of the US in the late 1960s (Pressman & Wildavsky, 1973). This goal was intended to be accomplished over a six-year period (from 1965-1971), through financial aid programmes for local businesses and public works projects (Pressman & Wildavsky, 1973).

Despite spending enormous amounts of money, the results were disappointing because very few employment were generated within the allotted time. The programme's underwhelming accomplishment generated concerns about what may have happened (Pressman & Wildavsky, 1973). Pressman and Wildavsky (1973) attempted to explain this policy failure as EDA's activities in Oakland were not marred by controversy or hindered by the existence of a "political machine." Instead, a seemingly "harmless" programme that encountered no significant dispute, significant

political pressure, or financial shortage encountered significant challenges (Pressman & Wildavsky, 1973). Therefore, Pressman and Wildavsky (1973) argued that even circumstances that seem very normal could present significant barriers to the implementation of policy.

According to Pressman and Wildavsky (1984), the complexity of joint action model refers to the number of individuals, in addition to the principal, whose agreement must be obtained either cooperatively or tacitly before a policy may be executed successfully. The point of contact between the actors is referred to as “veto points” (Mazmanian & Sabatier, 1983). There are multiple actors and with differing perspectives (Pressman & Wildavsky, 1984). When a programme is dependent on a large number of players and participants, there may be conflicting dimensions in the policy process and numerous clearing points, resulting in delays and the policy's likely failure. The different actors' divergent perceptions result in the proliferation of veto or decision or clearance points, muddled objectives as a result of divergent perspectives, heightened conflict and intergroup rivalry, divided loyalty, lack of coordination, and energy diversion in the play of a number of loosely related games (Ayee, 1992).

In their analysis of the EDA project, Pressman and Wildavsky (1984) assumed that each decision point had a high probability of approval. Adding more decisions, however, would result in failure. Thus, as the number of decisions requiring approval for a programme's implementation increases, the likelihood of overall programme success diminishes considerably. Hence, to implement decision points, a programme may require dozens of clearance actions performed by a diverse group of participants (Pressman & Wildavsky, 1984). When a programme involves a large number of actors, there are various opportunities for delay and conflict (Ayee, 1992), highlighting the fact that the 'complexity of joint action' results in extremely low chances of effective or successful policy implementation.

Assumptions of the Complexity of Joint Action Model

According to Pressman and Wildavsky (1984), the following are the key assumptions of the complexity of joint action model:

1. Implementation should not be separated from policy formulation, and it should not be seen as a process that occurs after and apart from policy formation (Pressman & Wildavsky, 1984).
2. Policymakers must think about how to achieve their goals in the most direct way possible. The EDA project was hampered by intermediary implementation, and the plethora of decision points and approvals resulted in a "complexity of combined acts" that thwarted the implementation process (Pressman & Wildavsky, 1984).
3. One should think about the theory behind one's actions. The shortcomings in idea were discovered behind the seemingly infinite amounts of barriers in the way of the EDA employment initiative in Oakland. The economic theory was flawed because it targeted the incorrect target: subsidizing business companies' capital rather than their wage bill (Pressman & Wildavsky, 1984).
4. Leadership continuity is critical for successful implementation. The rapid departure of important players wreaks havoc on the programmes (Pressman & Wildavsky, 1984).
5. Policy simplicity leaves a lot to be desired. Simplicity should only be neglected if one wants to avoid a breakdown (Pressman & Wildavsky, 1984).



Variables of the Model

The model highlights the importance of a number of variables in the implementation process. These are:

- The presence of a diversity of participants and opinions. This demonstrates that in order to carry out a policy or programme, such as the implementation of SSM legislation, a significant number of governmental and non-governmental organizations and individuals are eventually involved in the implementation process;
- Each person has a unique point of view, and as points of view differ, so does the measure of success;
- Clearances and decision points isolate every decision in which a major player has a discernible opportunity to make decisions; there are a number of decision points along the path where clearance is required if the policy being implemented is to continue (Ayee, 1992).

Propositions of the Model

The model makes the following propositions which provide insights into the policy implementation process:

- The maneuvering of the various parties both expresses and creates conflict;
- Every maneuver intended at lessening the conflict carries the risk of actually exacerbating the problem;
- Much of the implementation process is being pushed along by complicated forces that are beyond the control of any one party;

- The policy implementation process is dynamic, and the passage of time must be considered; and
- Under some circumstances, the longer participants continue their maneuverings, the lower the chances of the success of the programme (Ayee, 1992).

The model has a number of strengths. First, it makes a significant contribution to policy implementation research by alerting policymakers of the complexity of the policy environment, which forces policy actors into a continual fight to advance their wishes (Ayee, 1992). Second, it provides an interesting perspective and brings the relevance of certain variables associated with the execution of public policy, namely the number of actors involved, decision points, clearance, and the passage of time and the anatomy of delay to bear (Ayee, 1992).. Third, its use of the multiplicative model from the probability theory leads to a prediction of failure in all multi-stage implementation scenarios, even when the odds associated with success at each stage are high (Ayee, 1992).

These strengths notwithstanding, the model has some flaws. First, the model is ambiguous on the real events that result in implementation failure (Ayee, 1992). Second, it falls short of capturing the interactions that occur routinely between the many actors involved in implementation (Bardach, 1977 cited in Ayee, 1992). Third, it lacks a clear definition of what constitutes an 'excessive number of actors' during the implementation phase (Ayee, 1992).

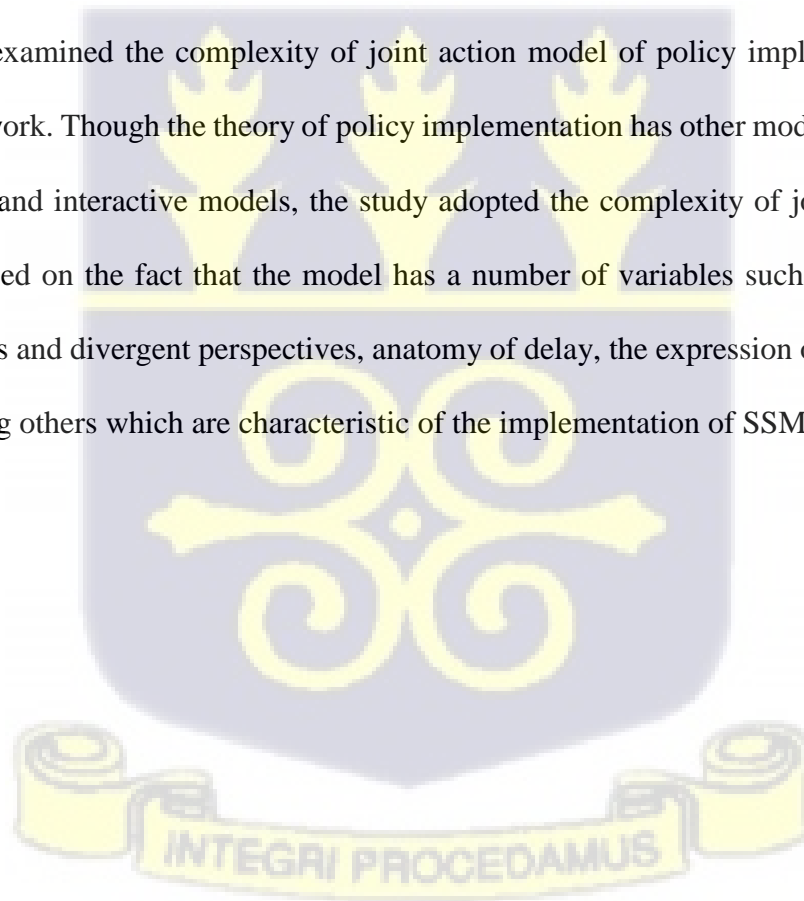
Notwithstanding these weaknesses, the model sits well with the study because it will assist the researcher in identifying the number of actors, understand the role of the actors, their actions, and their relationships in the implementation of SSM laws. Additionally, it will identify the potential causes of conflict and interference with the implementation of SSM laws.

3.2 Deployment of Theory

The top down, bottom up, complexity of joint action, and interactive models of implementation have been discussed. However, for the purposes of this study the researcher will make use of the complexity of joint action model. The researcher seeks to investigate the politics that surrounded the implementation of the SSM laws and its impact on outcome of the laws. The complexity of joint action model will help the researcher to understand the power play between and among the actors, the differing perspectives and interests and their implications for the implementation of SSM laws. It will also assist in the identification of the sources of conflict and interference as well as lack of coordination in the implementation of SSM laws.

3.3 Conclusion

This chapter has examined the complexity of joint action model of policy implementation as the theoretical framework. Though the theory of policy implementation has other models such as the top down, bottom up and interactive models, the study adopted the complexity of joint action model. This choice is based on the fact that the model has a number of variables such as the number of actors, the interests and divergent perspectives, anatomy of delay, the expression of and the creation of conflicts, among others which are characteristic of the implementation of SSM legislation.



CHAPTER FOUR

METHODOLOGY AND RESEARCH INSTRUMENT

4.0 Introduction

The chapter discusses the research design, the targeted population, the sample size, the sampling technique, the sources of data, the tools for data collection, ethical considerations, and the instrument for data analysis, in addition to their advantages and disadvantages.

4.1 Research Design

A research design is the general plan chosen to undertake the study. It is the guiding principle that governs the conduct of the study and connects the various sections in a cohesive and consistent manner. This is to ensure that the research objectives are met and research issues are resolved. It serves as the blueprint for data gathering, measurement, and analysis (De Vaus, 2001; Bhattacharjee, 2012). According to Welman and Kruger (2001), a research design is the technique used to determine the sort of data to be collected and the specific respondents in order to reach appropriate conclusions for study objectives. Creswell and Poth (2018) further noted that a research design may employ quantitative, qualitative, or mixed-method approaches.

This study adopted the qualitative method of inquiry in order to obtain expert knowledge on the politics of implementing SSM legislation in Ghana. The qualitative technique of enquiry is fundamentally inductive, with the researcher deriving meaning from field data (Creswell, 2003). Creswell (2003:14-15) opined that qualitative research methods include "narratives, phenomenologies, ethnographies, grounded theory investigations, and case studies."

Though some quantitative models, such as opinion polls, can be used to describe human behaviour, this study utilized the qualitative technique of enquiry, which is commonly used to investigate a sudden change in a behavioural pattern. Specifically, the study adopted the case study method of the qualitative approach to scientific inquiry. A case study is a research method used to develop an in-depth and multi-dimensional understanding of a complex subject in its natural setting. It is a well-established research design that is widely utilized across a wide range of disciplines, particularly the social sciences. Its basic principle is the necessity to examine an event or occurrence in depth and in its natural environment (Crowe et al., 2011).

The case study method was utilized due to its capacity to explain the politics of public policy implementation and, more specifically, the implementation of SSM laws. The SSM legislation case was selected because of its implementation gains and deficits and the concern of succeeding governments. It will be interesting to examine how the implementation of SSM laws have either succeeded or failed in the face of all efforts made and strategies employed by successive governments. The study covered the period, 1989 to 2022.

4.2 The Case Study Approach

As stated earlier, this study employed a case study approach to evaluate the politics surrounding the implementation of SSM legislation. The choice of the case study method was partly informed by the work of Creswell (2003) and Yin (2003). As Creswell noted, case study methodologies allow "researchers to investigate in depth a programme, event, activity, or process" (Creswell, 2003:15). Researchers have traditionally promoted the use of "how" and "why" while investigating a phenomenon. In accordance with this, scholars such as Yin (2003) and Baxter & Jack (2008) have emphasized the use of case studies in research that focuses on answering "why" and "how" questions.

Advocates of the case study approach to research such as Yin (2014), and Denzin and Lincoln (2018) have established several typologies of case studies. These comprise descriptive and exploratory research, testing of hypotheses, and development of the normative theory (Ibid). The descriptive case study method employs "document research, participant observation, and in-depth interviews to comprehend the experiences, viewpoints, and worldviews of persons in a specific set of situations" (Denzin & Lincoln, 2018: 607-608). Notably, the descriptive case study method helps to understand a phenomenon from multiple angles. The case study approach has the following strengths:

1. It affords researchers the opportunity to generate numerous studies on a similar occurrence in order to establish and examine the trends (Denzin & Lincoln, 2018).
2. It allows researchers to develop data sets that can be used to "contrast contradictory facts, liberating the inquiring mind to reconsider the links between data points" (Ibid: 611).
3. It aids researchers to perform a thorough investigation of a social phenomenon (Kaarbo & Beasley, 1999).

The aforementioned merits notwithstanding, the case study approach has the following demerits:

1. It is unrepresentative and relies on the researcher's biased subjective interpretation of a phenomenon (Bryman, 2004).
2. It is challenging to generalize its findings and conclusions because it is limited to specific instances (Denzin & Lincoln, 2018).

The limitations of the case study approach was addressed by two control mechanisms. First, its unrepresentativeness was addressed by using triangulation. Triangulation in research refers to the use of multiple methods or data sources in qualitative research to develop a comprehensive understanding of phenomena (Patton, 1999). Denzin (1978) and Patton (1999) identified four types

of triangulation: (a) method triangulation, (b) investigator triangulation, (c) theory triangulation, and (d) data source triangulation. This study utilized the data source triangulation method. Second, regarding its un-generalizability, Bassey (1981:85) has asserted that the "reliability of a case study is more significant than its generalizability." Hence regardless of the objections, the qualitative case study approach and its accompanying typologies have shown to be an authentic means of acquiring scientific knowledge (Bassey, 1981) – the main goal of this thesis.

4.3 Data Collection

Data collection is the most important step in every study procedure. It involves the design of techniques and data gathering instruments to collect pertinent information for a study (Burnham, et.al, 2008). The study utilized two major data sources, namely primary and secondary sources of data. Primary data was used because of its pureness (emanating directly from the natural setting of the phenomenon and directly from the person(s) experiencing the phenomenon) while the secondary data was chosen to ensure that the findings and results of the study were unbiased and analyzed in the light of scholarly works (Heaton, 2008).

4.3.1 Primary and Secondary Data

Primary data is indisputably the purest type of data source because it consists primarily of firsthand or unfiltered information (Persaud, 2010). Due to its ability to relate to the past, the primary data source remains valuable for historical study (Ibid). Given the nature of the study, it is necessary to collect first-hand information from individuals with an in-depth knowledge of public policy implementation in Ghana, SSM legislation, and their implementation processes. Technocrats,

academics, and small-scale miners with an in-depth knowledge of the application of SSM regulations provided the study's key data.

Similar to primary data sources, secondary data sources cannot be undervalued in any research. According to McGinn (2008), secondary data consists primarily of prior information collected by researchers for different objectives. It is gathered primarily from existing researchers' databases, government repositories, "public and private" archives, and institutional databases (Ibid). Secondary data for the study came from relevant journals, articles, books, and other relevant sources.

4.4 Population

Population in research is defined as "the total collection of entities one attempts to understand or from which one seeks to make inferences" (Litt, 2010: 1053). The targeted population for this study were technocrats, academics and small-scale miners who had an in-depth knowledge on the implementation of SSM legislation and the politics that surrounded the implementation process. This helped to obtain the needed information from individuals with expert knowledge and firsthand information on the implementation of SSM laws.

4.5 Sampling Technique and Sample Size

Sampling is a crucial step in research since it helps to comprehend the researcher's research plan and techniques. A sampling technique devoid of a researcher bias is dependable and indicative of the full population's viewpoint (Fritz & Morgan, 2010). This study utilized the non-probability sampling method, which involves the subjective selection of respondents based on their prior knowledge of the phenomenon being studied (Crouch & Housden, 2003). It is further classified as purposeful, convenience, quota, and snowball effect (Sharma, 2017). The study employed the purposive

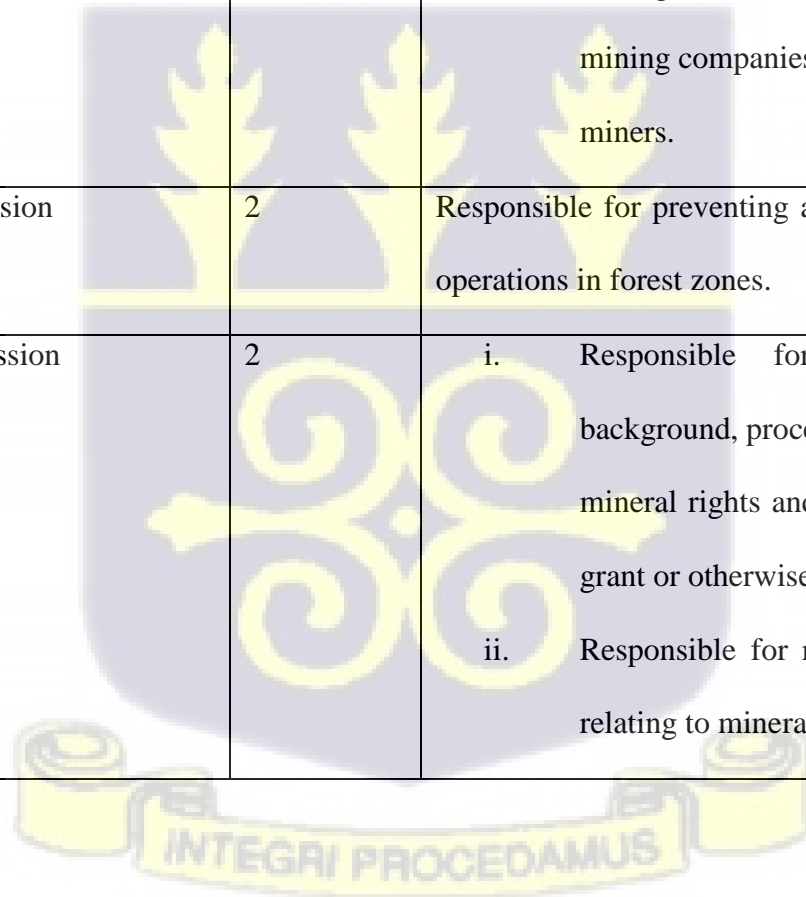
sampling technique to recruit respondents with knowledge of the implementation of SSM laws. Although purposive sampling has been criticized for researchers' bias, it remains convenient for exploratory study designs (Taherdoost, 2016).

The selection of non-probability sampling over probability sampling was driven by the requirement to eliminate the risk of selecting respondents with little or no knowledge of the topic under consideration. The selection of the non-probability sampling approach permitted the use of expert information regarding the phenomenon of the politics of public policy implementation. Every study's sample size remains a vital aspect of its design. Unlike quantitative research, qualitative research typically requires a smaller sample size to collect data (Borrego et al., 2009). Consequently, twenty-five (25) respondents were selected based on purposive sampling technique and interviewed for the study. The breakdown and the role(s) of each of the respondents are contained in Table 4.1

Table 4.1: Respondents, Number and Roles

Respondent(s)	Number	Role(s)
Ministry of Lands and Natural Resources	2	i. Responsible for the formulation, implementation, co-ordination, monitoring and evaluation of policies and programmes such as the SSM legislation. ii. Responsible for issuing and renewing mining licenses for large scale mining

		<p>companies and small-scale miners at the national level.</p> <p>iii. Responsible for ensuring efficient management of mineral resources to facilitate sustainable development.</p>
Lands Commission	2	<p>i. Responsible for surveying and mapping state lands for various purposes including mining (large and small-scale mining).</p> <p>ii. Responsible for the allocation of mining concessions to both large- scale mining companies and small-scale miners.</p>
Forestry Commission	2	Responsible for preventing and regulating mining operations in forest zones.
Minerals Commission	2	<p>i. Responsible for investigating the background, processing applications for mineral rights and recommending their grant or otherwise.</p> <p>ii. Responsible for reviewing agreements relating to minerals.</p>



		<p>iii. Responsible for collecting, collating and analyzing data on the operations of mining companies for decision making. Liaises with other governmental agencies, notably the Geological Survey Authority and the Environmental Protection Agency, to monitor and ensure the adherence of mining companies to the terms and requirements of mineral rights granted to them.</p>
Ghana National Association of Small-Scale Miners	2	<p>i. It serves as a link between regulators (Lands Commission, Minerals Commission, etc.) and small-scale miners.</p> <p>ii. It ensures compliance to mining regulations by members.</p>
Think tanks (civil society organizations)	2	They undertake research on government programmes and policies, and policy related issues as well as their implementation including SSM legislation.
Academics	2	They undertake research, teach and write on government programmes and policies, and policy

		related issues as well as their implementation including SSM legislation.
Sub-Total	14	
Small-scale miners		i. They are the main target of SSM legislation.
Obuasi	4	ii. Their operations have both beneficial and negative effects.
Dunkwa	4	
Prestea	3	
Total	11	
Grand Total	25	

Source: Compiled by Author

The selection of respondents was based on two main reasons. Firstly, to gather expert opinion on the politics surrounding the implementation of SSM laws. Secondly, to get a more objective and balanced explanation on both effective and ineffective implementation of the SSM legislation and their effects on the communities in particular and the country at large. Similarly, the mining towns of Obuasi, Dunkwa and Prestea were selected based on the prevalence of mining operations and SSM operations for that matter in these towns.

4.6 Research Instrument

Comprehensive interviews were used to collect the study's primary data. Some scholars have pointed out that "verbal communication between the researcher and the subject" is crucial for data collection in interviews (Mathers, et.al, 1998:1). There are a number of interviews types. The most notable ones are structured (standardized), semi-structured (semi-standardized), and unstructured (unstandardized) interviews (Frances, et.al, 2009). The structured interview restricts researchers to asking questions according to a predetermined format (Mathers, et.al, 1998). These types of interviews consist primarily of closed-ended questions with pre-coded responses (Ibid). Semi structured interviews include a sequence of open-ended questions that allow the interviewer and interviewee to explore the issues well, whereas unstructured interviews allow the researcher to ask different sets of questions to each respondent without any limits (Ibid).

This study used a semi-structured interview guide to elicit information from technocrats, policy analysts, SSMs and academics. Interviews were conducted with fourteen (14) experts, who were individuals with the competence and knowledge to speak on the study subject. In each of these instances, the researcher isolated the respondents individually and conducted a personal interview. The conversation took place in a comfortable and stress-free environment. This influenced the respondent's desire not only to answer the questions but also to provide accurate and objective responses and to be patient with the interviewer during the questionnaire (Kumekpor, 2002).

4.7 Framework for Data Analysis

Data analysis is a crucial phase in qualitative research (Flick, 2013). According to Kawulich (2004), the data analysis phase of every study is the act of reducing massive field-collected data into small, manageable pieces in order to make sense of them. The framework for data analysis in the study was

Qualitative Content Analysis (QCA). The selection of QCA was heavily inspired by the findings of Hsieh and Shannon (2005) that it is suitable for qualitative research. The QCA analyzes "written, spoken, or visual communication messages" (Elo & Kyngäs, 2008:107). In the light of this, the QCA method was utilized to compare and contrast fieldwork data and existing literature in order to identify similarities and discrepancies. The aims of the study were reflected in the analysis and interpretation of the data.

Burnham et al. (2004) noted that a benefit of qualitative content analysis is that enormous amounts of data can be evaluated precisely and systematically. Thus, it is systematic, adaptable, and reduces data. However, Burnham et al. (2004), argued that, if the categories are too broad, interesting material may be overlooked. In this study, however, the interesting material was not overlooked because the categories were not too broad.

4.8 Ethical Issues

Research ethics are important (Parveen & Showkat, 2017). Burnham et al. (2004) identified five (5) important ethical considerations that must be taken into account when undertaking any political research. These are informed consent, respect for privacy, guaranteeing anonymity and confidentiality, and avoiding fraud and injury (Ibid). Adhering strictly to these ethical values, the researcher obtained an introductory letter from the Department of Political Science of the University of Ghana, Legon which stated the topic and purpose of the study. It was sent to the targeted respondents to seek their consent to participate in the study. Additionally, the respondents' permission was sought before recording the interviews. Furthermore, the interviewees were assured of confidentiality, that is, that their identity would be preserved. As a result, the names and positions of respondents were omitted from the thesis. Moreover, the researcher informed them that all

interview tapes would be deleted upon completion of the thesis, to prevent individuals who could identify their voice from accessing it. This reinforced the point made by Lofland et al (2006) that one of the primary responsibilities of field researchers with respect to individuals they investigate is to ensure anonymity via the "assurance of confidentiality" used in the research report or will be substituted by pseudonyms.

4.9 Conclusion

This chapter has discussed the research methods and procedures employed in the study. It has provided explanations for the use of the case study approach as the qualitative research design due to its ability to uncover the issues behind a phenomenon through thorough investigation. The qualitative case study approach enables researchers to focus on a particular issue and to ascertain peculiar and in-depth information. Thus, the case study approach afforded the researcher the opportunity to focus particularly on the SSM legislation and to obtain the needed information on its implementation.

The chapter also discussed the use of semi-structured interviews as the primary data collection method. This instrument enabled the researcher to probe issues further after asking an initial question to get a deeper understanding of same while it also gave the respondents enough room to speak to the issues. This is different from the quantitative research approach where the respondents are limited in what they say on an issue owing to the closed nature of questionnaires. It also afforded the researcher the opportunity to generate data that can be used to "contrast contradictory facts and liberate the inquiring mind to reconsider the links between data points" (Ibid: 611).

CHAPTER FIVE

DATA ANALYSIS AND DISCUSSION

5.0 Introduction

This chapter is devoted to the analysis and discussion of data obtained from the fieldwork. The study was guided by the complexity of joint action model and sought to assess the political drivers or factors that have affected the implementation of SSM legislation in Ghana. Accordingly, this chapter presents findings from the fieldwork conducted at Obuasi, Dunkwa and Prestea and discusses them vis-à-vis the existing literature. Through a purposive sampling approach, the findings were obtained from the views of respondents with the competence and knowledge to speak on the study subject. Given the research objectives and the theoretical framework, the analysis and discussion have been categorized into the following four (4) major themes:

1. Actors and institutions, their roles and interests in the implementation of SSM legislation;
2. Examine the power play among the actors and other challenges in the implementation of SSM legislation in Ghana;
3. Recommend strategies to deal with the implementation bottlenecks; and
4. Discuss the lessons learnt and the implications for the literature.

5.1 Actors and Institutions and their Roles in the Implementation of SSM Legislation

Actors and institutions play a key role in the policymaking process, although one may be more crucial in particular cases. Individuals, groups, classes, and states engaged in the policy process undoubtedly

have their own interests, but institutional considerations impact how they interpret and pursue those interests, as well as the results of their efforts (Sapru, 2004).

In the policymaking process, various individuals and organizations wield influence through the exercise of their power (Sapru, 2004). The principal actors in the implementation of SSM legislation are the Ministry of Lands and Natural Resources (MLNR), Minerals Commission (MinCom), Lands Commission (LC), Environmental Protection Agency (EPA), Forestry Commission (FC), Ghana National Association of Small-Scale Miners (GNASSM), small-scale miners (SSMs), traditional authorities (TAs), Metropolitan, Municipal and District Assemblies (MMDAs), and the security agencies. . These are broadly categorized into regulators, operators and communities.

Table 5.1 depicts the number of actors involved in the implementation of the SSM legislation. The many actors involved in the implementation process increased the decision, clearance or veto points, which led to delays and conflicts among the actors thereby reducing the chances of a successful implementation of the SSM legislation - an essential feature of the complexity of joint action model. The number of actors and cumulative frequency (CF) was 1,901 and 7,303 respectively. According to the complexity of joint action model, the actors with differing interests and perspectives coupled with the statistical cumulative frequency pose such a big obstacle to the successful implementation of the SSM legislation which on the surface of it is a good one that will benefit Ghana in terms of preservation of the environment, land and water bodies as well as preventing unauthorized persons from gaining access to the natural resources. In addition, the changing actors undermined continuity in the implementation of the SSM legislation as they sought to either promote or protect their interests in a power play of gains and losses.

Table 5.1: Actors and their Roles/Interest in Ghana’s Small-scale Mining (SSM)

S/No.	Categories	Names	Roles/Interests	Frequency ¹	Cumulative Frequency
1.	Regulators	Ministry of Lands and Natural Resources (MLNR)	General policy direction and compliance to laws governing mining sector.	1	1
		Minerals Commission (MinCom)	Design and implementation of policies in mining sector.	1	2
		Environmental Protection Agency (EPA)	Guidelines for the compliance of environmentally permissible mining activities.	1	3
		Forestry Commission (FC)	Compliance with the laws and regulations governing the country’s forestry industry in collaboration with MinCom.	1	4

¹ Frequency refers to the number of actors involved in the implementation of the SSM legislation.

	Water Resources Commission (WRC)	Management of water resources in Ghana and granted water permit to miners.	1	5
	Lands Commission (LC)	Management of land use and determination of compensation to displaced people.	1	6
	Office of Administrator of Stool Lands (OASL)	Receipt of royalties and surface right fees from both large and small-scale miners.	1	7
	Metropolitan Municipal, and District Assemblies (MMDAs)	Responsible for approval of applications for mineral rights.	138	145



		Security Agencies	Collaboration with regulators to enforce SSM laws.	5	150
		Small-scale miners (SSMs)	Target of SSM policies and regulations.	1,000	1150
2.	Operators	GNASSM	Provided advocacy for SSM sector.	1	1,151
3.	Communities	Mining districts	Designated mineralized lands.	13	1,164
		Mining Communities	Hosted mining operations.	450	1,614
		Traditional Rulers	Overlords of lands with mining rights.	287	1,901
	Total			<u>1,901</u>	<u>7,303</u>

Source: Compiled by Author

5.1.2 Sources of Conflicts among the Actors

One of the key variables of the complexity of joint action model is the occurrence of conflicts among actors, which leads to implementation failure or reduced implementation success. These conflicts are driven by varied interests, divergent opinions, opposing goals, unequalled powers, differed

mandates, and aspirations. In the implementation of the SSM legislation, conflicts emanated from various sources as discussed below.

First is the competition for land use. There were limited lands for both miners and farmers, especially nomadic farmers. Therefore, giving land(s) belonging to or being used by a farmer(s) for SSMs was a potential source of conflict. Besides this is the conflict between large-scale mining (LSM) companies and SSMs. This stems from the fact that almost all mineralized lands in Ghana have been allocated to LSM firms and LSM exploration, leaving SSMs with little or no mineralized lands to mine. This resulted in SSMs encroaching on lands belonging to large-scale miners (LSMs), thereby creating conflicts (Fieldwork, 2022).

Second is the issue of compensation. When a small-scale miner acquired a land for mining, he or she compensated the land user be it a farmer or whoever had use of the land before the mineral discovery. Similarly, if a SSM(s) was or were working on a piece of land and it had to be given to a LSM company, the SSM(s) was/were compensated by the LSM company before they took over the ownership of the land. The issue of compensation, however, had been a major source of conflict in the SSM sector resulting from (i) under-compensation; (ii) perceived under compensation; and (iii) unrealistic or prohibitive compensation (Fieldwork, 2022).

(i) Under-compensation occurred when a SSM or a LSM firm paid less compensation to land users or occupants than was required. This brought about conflict between the land users or occupants, and the SSM or LSM as they refused to vacate the land until they were paid what was rightfully due them.

(ii) Perceived under compensation occurred when land users, after they had been compensated and vacated the land, returned to demand more compensation on grounds that the SSM(s) or LSM

had made more money than expected, and thus he, she, or they (land users) should be given more money (compensation) (Fieldwork, 2022).

(iii) Some land users and occupants made prohibitive or unrealistic compensation requests that sparked conflict between them and SSMs, especially in situations where the land user(s) took entrenched positions on their demands. During the fieldwork, a miner narrated how he ended up paying GH¢ 100, 000.00 as compensation after a farmer refused to accept GH¢ 40, 000.00 offer he made (Fieldwork, 2022).

Third is perceived frustration. According to section 91(1) of the Minerals and Mining Act, 2006, anyone wishing to engage in SSM was required to register with the Minerals Commission in order to legalize their activities. The registration process is complex and laborious characterized with filling of forms with multiple questions. Whenever applicants make an error in the registration process, the Minerals Commission frequently requested applicants to correct such errors for resubmission. This often caused delays in the registration procedure. According to some of the applicants, the regulators were using this tactics to obstruct their application process and this sparked conflict between the two (the Minerals Commission and SSMs). Another factor blamed by SSMs is the bureaucratic nature of the application process as far as the agencies to deal with and their requirements are concerned (Fieldwork, 2022).

Fourth is inter-agency disputes. There was a lack of coordination, harmony, and cooperation between and among implementing agencies of the SSM legislation, and this created conflict between the actors, and between the actors and SSMs. For instance, the MinCom and EPA conducted inspection of mining sites at different times and days and that displeased miners as they found them to be obstructions to production. Similarly, the Mincom and EPA also quibbled over the scope of work

whereby Mincom officials argued that the EPA has the mandate only over the environment and not minerals and should therefore not stop miners from working when there is a breach of an environmental law (Fieldwork, 2022).

Fifth is boundary disputes, which normally happened between two SSMs, mostly at the borders of their concession. Where one miner's concession converged with another one, it resulted in conflict between SSMs. The MinCom district officer, who had a master map of all concessions and every applicant's concession and could clarify where a concession begins and ends, resolved this conflict. The GNASSM had dispute resolution committees that also helped to resolve issues of this nature (Fieldwork, 2022).

Finally, the loss of investment is another source of conflict in the SSM sector. Due to the capital intensive nature of SSM presently, SSMs partnered with other individuals who had the financial wherewithal to invest in their operations, and they shared the returns. However, when the business failed to generate the expected returns, the investor(s) demanded payment from the miner(s), who refused to pay because of poor returns from the venture (Fieldwork, 2022).

5.2 Power Play among the Actors in the Implementation of SSM Legislation

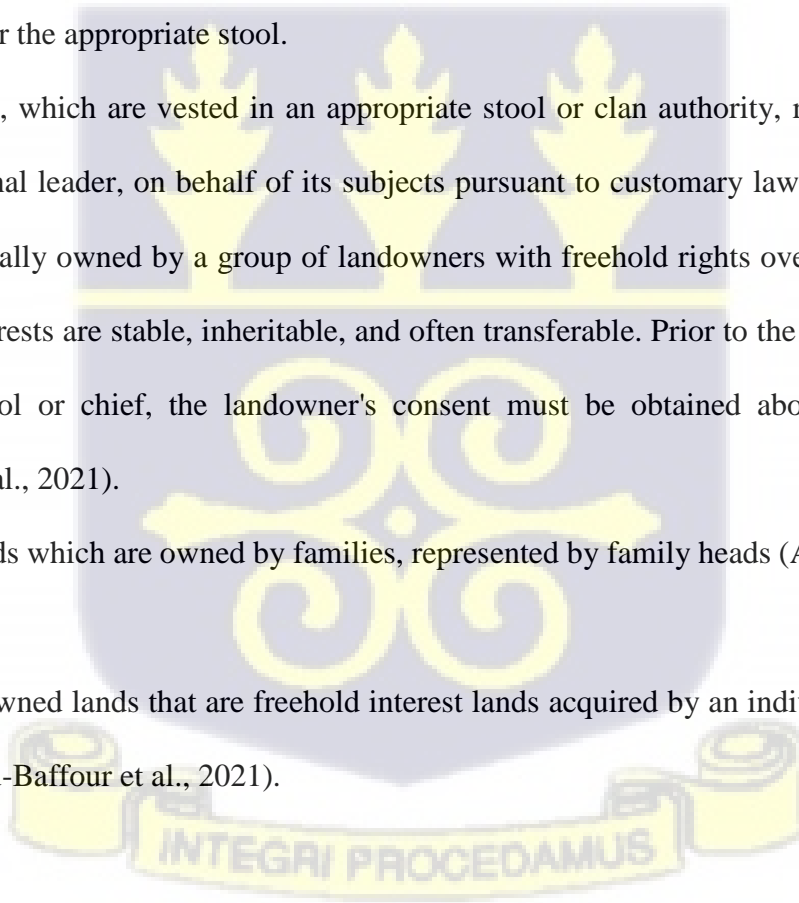
One of the objectives (objective 2a) of the study was to examine the power play among the actors. Consequently, this section examines the interactions between the key actors namely the MinCom, traditional authorities (chiefs), mining communities, the EPA, the security agencies, SSMs and land users.



5.2.1 The MinCom vs Land Owners, Land Users and Mining Communities

Although natural resources on or beneath the surface of the earth belonged to the state in trust for its citizens, the lands on which such minerals were found belonged to a variety of other entities (Adu-Baffour et al., 2021; Article, 257(6), 1992). The land's transferability as a possible mining concession was influenced by its location and tenure. There were essentially five categories of land ownership namely

- (i) State lands, which are acquired by the government in the public interest pursuant to the State Lands Act of 1962 (Government of Ghana, 1962b).
- (ii) Vested lands, which are stool lands that have been transferred to the state under the Administration Lands Act in 1962. (Government of Ghana, 1962a). In such instances, the state acts as trustee for the appropriate stool.
- (iii) Stool lands, which are vested in an appropriate stool or clan authority, represented by the chief or traditional leader, on behalf of its subjects pursuant to customary law and usage. These lands are practically owned by a group of landowners with freehold rights over their use. These landowners' interests are stable, inheritable, and often transferable. Prior to the alienation of such land by the stool or chief, the landowner's consent must be obtained about these interests (AduBaffour et al., 2021).
- (iv) Family lands which are owned by families, represented by family heads (Adu-Baffour et al., 2021).
- (v) Privately owned lands that are freehold interest lands acquired by an individual or group of individuals (Adu-Baffour et al., 2021).



The majority of lands in Ghana, especially in the rural areas where mining concessions were prevalent, were owned by individuals, extended families, or traditional leaders in trust for the members of the communities they lead (Adu-Baffour et al., 2021). According to the MLNR, approximately 78% of Ghana's total land, including forest reserves, was owned by customary landowners (clans, stools, families). In the benefit of their wellbeing, customary law permitted these landowners to exercise surface rights and appropriate portions of their lands (Adu-Baffour et al., 2021). The Minerals and Mining Act, Act 703, 2006 allowed a holder of mineral rights to access land for the purpose of conducting mining activities, subject to the surface rights of the land owner or occupant. Thus, even after securing the minerals right, one had to also secure surface rights (entry and digging permits) from the custodians of the designated land before work or mining commenced (Adu-Baffour et al., 2021).

The surface right (the right to enter and mine) in communities was often met with stiff opposition from chiefs and community members who refused to allow the licensed miner into the community. The chiefs and community members contended with MinCom over the type of mining or miner they wanted in their community. For instance, at the time of writing this study, the Mamponghehene who represents the Mampong Traditional Area in the Ashanti Region which includes Mampong, Effiduasi, Jamasi, Ejura, Apana, Akrofaso, and Kyekyewere, opposed mining activity in the area. This protest caused the MinCom to revoke the mineral rights license it issued to a mining company to mine in the area (Barimah, 2022).

Thus, whereas the MinCom depended on its legal mandate to give mineral rights to SSMs, landowners, chiefs especially depended on their ownership rights to refuse mineral rights holders access to their legally acquired concession (Fieldwork, 2022).

5.2.2 The Minerals Commission vs Security Agencies

One key challenge facing the implementation of SSM legislation is illegality. Consequently, the MinCom depended on the state security apparatuses, namely the Ministry of Defense, Ministry of Interior and Ministry of National Security to arrest and prosecute illegal miners. The well-intended partnership, however, did not always turn out well because the police did not act promptly on or pushed the interest of the MinCom, which had emboldened the perpetrators of illegal mining (Fieldwork, 2022). In the words of a respondent:

“Even though the Minerals Commission is responsible for the management of mineral resources, we are not clothed with prosecutorial powers to prosecute them (illegal miners), and we cannot even arrest them. All we can do is to report them to the security agencies, the police. Therefore, you reported the issue, and the police refused to act, or they arrested the people, and you wanted to push for their prosecution and then they (police officers) will tell you that you did not have any power to tell them what to do” (Fieldwork, 2022).

This power play between officials of the MinCom and the security agencies had inured to the benefit of illegal SSMs as it had emboldened them and given them a field day to operate with uttermost disregard for SSM laws (Fieldwork, 2022).

5.2.3 The SSMs vs Land Owners and Users

By legislation, once a SSM had gone through all due process to acquire a mining license, he or she had the right to mine on the identified land. This, however, was not what transpired all the time as some landowners (chiefs especially) and land users refused to recognize the license issued by the

Minister through the MinCom. Whereas some argued that they would want to mine the minerals themselves because it was found on their land, others preferred an individual or mining company of their choice to the one who had been licensed. Some also refused licensed miners' entry into their community or land for political reasons. Thus, they relied on their powers as landowners to frustrate the work of the MinCom (Fieldwork, 2022).

5.2.4 The MinCom vs EPA

The MinCom and EPA are two key implementing agencies of the SSM legislation. Whereas the MinCom was interested in the utilization of the minerals, the EPA dealt with the impact of the operations of the miners on the environment, and on the health and safety of the people in and around the mine. Also, though the MinCom is the agency that issued mining permits, a miner could not proceed to mine his or her allocated concession until the EPA had certified and granted him or her an EPA permit after conducting an environmental impact assessment. This arrangement often resulted in contestation between the two agencies. For instance, an inspecting officer of EPA after inspecting a mine and found an environmentally unfriendly operation threatened to close down the mine while the Inspector of Mines of MinCom told the EPA official that he had no power to do so. Several of such war turfs existed between the EPA and MinCom leading to tension between the two implementing agencies as well as between them and SSMs (Fieldwork, 2022).

In the words of one of the officials of a regulatory agency:

“There is no inter-agency collaboration, we do things separately. We make and implement our laws separately without consulting each other and that leads to regulatory fatigue. When it comes to inspection, we do it separately. But in mining time is very important so miners do not like it when their time is wasted on

inspection by two different institutions, this tended to frustrate them. But now we are talking to ourselves to see how we can make things better for ourselves and our clients” (Fieldwork, 2022).

5.2.5 Other Challenges Affecting the Implementation of SSM Legislation

A key objective (objective 2b) of the study was to examine other challenges that had militated against the smooth the implementation of SSM legislation in Ghana. The study identified political and non-political challenges. This sub-section discusses these challenges that have plagued the implementation of SSM legislation.

5.2.6 Political Challenges Affecting the Implementation of SSM Legislation

From the fieldwork, a confluence of political challenges emerged such as the politicization of the sector, partisan politics, political interference, political entrepreneurship, the delegate system of electing national party leaders and the lack of national political party fund, and the winner-takes-all system.

First is the politicization of the sector. Politicians, particularly those aligned with the two major political parties, namely the New Patriotic Party (NPP) and the National Democratic Congress (NDC), were aware of the extremely high youth unemployment rate in the rural mining areas despite the presence of multinational mining companies and the political support of SSMs. Therefore, supporting SSM was attractive to politicians to be sympathetic to rural unemployed youths and their families while, at the same time, maximized their votes in the political marketplace to ensure their continued political survival (Teschner, 2012).

The fieldwork found that the quest for continuous political survival had led to patrons of the two political parties playing games with the implementation of the SSM legislation. When the NDC was in power and ensured a strict implementation of the SSM laws, the NPP was against the move. Similarly, when the NPP, which is currently in power, tried to deal with the illegal SSM menace, it was politicized by the NDC (Fieldwork, 2022).

This has led to the discontinuation of implementation efforts by previous administrations for fear of losing the votes of the members of the sector. For instance, in 2013, the Mahama-led NDC administration began a clampdown on illegal SSM, but it ended barely a month into the exercise for fear of incurring the displeasure of members of the sector. The sector’s ability to ensure the political survival of politicians was witnessed in the 2020 general elections when the ruling NPP government lost massively in most (if not all) mining towns due to its sustained clampdown on illegal SSM. Table 5.2 Illustrates this by comparing the percentage of votes obtained by the two political parties in the 2016 and 2020 General Elections in six SSM constituencies in three major mining regions.

Table 5.2 A Comparative Analysis of the Votes of the NPP and NDC in the 2016 and 2020 Presidential Elections

Region	Constituencies	NPP Presidential			NDC Presidential	
		2016	2020	2016	2020	
	Ruling Party’s Stronghold					
Ashanti	Manso Adubia	82.6%	65.3%	16.1%	32.9%	

	Manson Nkwanta	85.1%		76.2%	14.3%		22.3%
	Swing Regions						
Western	Tarkwa Nsuaem	62.5%		51.8%	34.2%		45.3%
	Prestea Huni-Valley	47.6%		38.8%	49.8%		55.7%
Central	Upper Denkyira East	63.0%		55.0%	35.0%		43.6%
	Upper Denkyira West	62.3%		50.7%	36.6%		47.2%

Data Source: Electoral Commission: 2016 and 2020

Table 5.2 shows how the votes of the ruling party (NPP) dipped in the 2020 elections compared to its 2016 ones, even in its own stronghold (Ashanti Region), while the opposition NDC's votes appreciated not just in the swing regions but also in the ruling party's citadel – Ashanti Region.

The SSM sector puts pressure on politicians hence they try to avoid it (Fieldwork, 2022). In the words of Teschner (2012, p. 313):

“Politicians so far have opted out of these tough decisions and elected for the easy option; continue to support the sector's chosen formal engagements and turn a blind eye to the informal activities. The consequences of this action (or inaction) are proving catastrophic.”

Another political factor militating against the successful implementation of the SSM legislation is partisan politics. The partisan approach to the implementation of the SSM legislation involved the approval of licenses along party lines or for party patrons or loyalists, exemption of party loyalists and sympathizers from sanctions and military raids, among others. The partisan approach to implementation is consistent with Harold Lasswell's definition of politics, that is, "who gets what, when and how"? (Lasswell, 1936).

In the implementation of SSM laws, who got exempted from a military raid or got license signed, among others, was determined by one's political affiliation. The fieldwork (2022) found that invitation to stakeholder meetings and recruitment into task force for clampdown on illegal mining were mostly based on political affiliation. Ziaba (2021) reinforced this point when he found that, prior to the 2013 raid, the NDC government questioned Chairman Wontumi, a financier of the then-opposition NPP, about the legitimacy of his Western Region mining concessions. He argued that Chairman Wontumi, who eventually became the Ashanti Regional Chairman of the NPP, asserted that Mahama unsuccessfully attempted to convince him to cross the party line (Ziaba, 2021). This occurrence preceded the government's crackdown on illegal miners, which resulted in the destruction of Wontumi's excavators and the confiscation of many kilograms of gold. In addition to Wontumi's example, the Ashanti Region, the stronghold of the then opposition NPP was the hardest hit compared to the Western Region, a swing region where SSM was similarly common (Ziaba, 2021). Moreover, even within the Ashanti Region, "Operation Halt" interestingly spared GNASSM affiliated illegal miners in Obuasi and targeted unlicensed miners because of the cordial relationship between the GNASSM and the NDC (Ziaba, 2021). A key GNASSM member admitted that the sector Minister collaborated closely with the GNASSM to define the scope of "Operation Halt", a

claim that was corroborated by the sector minister. How Chairman Wontumi and SSM operatives in the Ashanti Region became the main targets of “Operation Halt” in relation to GNASSM and its members revealed the NDC government's partisan approach to enforcing the SSM legislation (Ziaba, 2021).

Similarly, in 2017, the NPP administration led by Nana Akufo-Addo set up an Inter-Ministerial Committee on Illegal Mining (IMCIM), an ad-hoc body to lead the fight against illegal mining. The committee comprised the Ministers of Lands and Natural Resources (MLNR), Local Government and Rural Development (MLGRD), Chieftaincy & Religious Affairs, Ministry of Regional Re-Organization and Development, Monitoring and Evaluation, Water and Sanitation, Interior, Ministry of Environment, Science, Technology and Innovation (MESTI), Defense and Information (Ziaba, 2021). The chairperson of the committee was Professor Kwabena Frimpong Boateng who doubled as the Minister of MESTI (Ziaba, 2021). This composition introduced partisanship into the fight against illegal mining in two ways. First, the IMCIM had strong suspicions that GNASSM was a pro-opposition mining group. This mistrust increased as the Ashanti Chapter of Small-Scale Miners (SSMs), a splinter faction of the GNASSM, planned demonstrations against the initial ban on SSM (Ziaba, 2021). A prominent GNASSM member argued that:

“They saw all of us as members of the opposition NDC party with no good intention for the Government. When we went for a meeting with them, we could read from their faces that they didn't want to have us in the meeting” (Ziaba, 2021).



Second, the IMCIM formed District Committees on Illegal Mining (DCIMs), chaired by the Metropolitan, Municipal and District Chief Executives (MMDCEs) in the various Metropolitan Municipal and District Assemblies (MMDAs) to manage illegal mining at the local level. These MMDAs mining committees were tasked to evacuate all earth moving mining equipment to designated areas, install tracking devices on them, vet and verify SSM licenses and introduce the community mining model (Ziaba, 2021).

As if these partisan ways of managing the sector were not enough, the community-mining model introduced to help deal with irresponsible mining was managed by a committee headed by MMDCEs. Assuming that there is a power transition from one government to another, one does not know what would happen to members of these committees and the miners who had been given community-mining concessions. In addition, if party sponsors, apparatchiks and loyalists engage in illegal mining, it is not clear how the IMCIM or DCIM would have dealt with them (Fieldwork, 2022).

Interestingly, during the IMCIM era, more than 500 excavators seized by the IMCIM disappeared and apparently distributed by the ruling government to its members to mine clandestinely (Ziaba, 2021). These findings of Ziaba (2021) are corroborated by the fieldwork (2022). Some of the miners interviewed asserted that, when their equipment were confiscated, they were given to either the ruling party members or party executives to mine illegally, a situation similar to the 500 excavators which were confiscated but distributed to the ruling party's supporters (Fieldwork, 2022).

Political interference is another factor that has adversely affected the successful implementation of the SSM legislation despite the efforts made by successive governments. According to Batalla, et al

(2018), political interference refers to the illegitimate interventions by politicians in government operations and activities.

There has been interference in the work of key regulators, namely the district officers of the MinCom, security agencies (specifically, the police), officers of the FC, district EPA officers by politicians, politically exposed persons and politically connected persons who are either concession owners, miners or sponsors of a SSM(s). For instance, in 2017, a Chinese woman, Aisha Huang was arrested for engaging in illegal SSM in contravention of Section 99 (1) of the Minerals and Mining Act, Act 703, 2006; provision of mining support services without valid registration with the MinCom; and illegal hiring of foreign nationals in contravention of the Immigration Act, 2000 (Act 573). However, in 2018, the government controversially dropped the case during the prosecution and deported her.

In 2019, the then Senior Minister justified why the government discontinued the case and deported her. According to him:

“Putting Aisha Huang in prison in Ghana will not solve your financial issues. It will not make either you or me happy. We enjoy an excellent connection with China. Sinohydro, a Chinese company, is the leading contributor to the development of the infrastructure system in Ghana. It will help us process our bauxite and provide us with approximately \$2 billion. Consequently, when such arrangements are made, there are other factors at play. Beyond what we observe in these topics, there are numerous additional factors, and everyone is alert. The most important aspect is that we have developed regulations and are safeguarding the environment. That is significantly more important than the deportation of one Chinese woman” (OsafaMafo, 2019).

However, while she was deported, other Chinese nationals who had perpetrated the same crime were fully prosecuted. Interestingly, at the time of writing this study, the same woman had been re-arrested by the National Security for her involvement in illegal mining. After her deportation, she found her way back into the country to engage in the same activity (illegal SSM) for which she was deported. The President, however, in a radio interview had expressed doubt about her earlier deportation indicating that he was not sure if the woman was deported. Similarly, some miners interviewed for the study boasted about the political connections they had and how they could not be arrested even if they break the SSM laws. (Fieldwork, 2022).

A small-scale miner averred that:

“As for me if you touch (arrest) me, you have not touched (arrested) me. You have touched my godfather and he will come after you” (Fieldwork, 2022).

A regulator narrated the ordeal of a district officer:

“One of our officers went to a police station to report an illegality being perpetuated by some small-scale miners but the officers won’t mind him. He kept talking but the officers were just sitting there and looking at him. This infuriated him so he started speaking on top of his voice, which attracted the District Commander’s attention. He called our officer and told him that he does not want to lose his job by arresting the illegal miners as he has a short time to retire (Fieldwork, 2022).

Another factor is political entrepreneurship which is the act of funding or establishing a political project, group, or political party by either someone involved in politics or business or the act of

seeking benefits such as subsidies, protection, or other such preferential agreements with government through rent-seeking activities such as funding the campaign(s) of political parties, politician(s) or other political actors (Mishra & Jain, 2016). A number of the respondents interviewed for the study blamed the difficulties regulators faced in enforcing the laws of SSM on the inability of the political elites to allow the full enforcement of the legislation because those involved in the illegalities and irregularities are people who financed their political career and therefore found it difficult to crack the whip and deal with the illegal SSMs. As already indicated, the political elites have failed to act when issues of illegality were reported to them because the culprits were party loyalists, sponsors or political entrepreneurs who either lobbied for them to get the positions they occupied or sponsored their political career (Fieldwork, 2022). According to a respondent:

“The same people calling for enforcement are the same people engaged in the illegal activities. They are supporting the perpetrators of these illegal acts so how and why would they act? They only called for enforcement but they never acted and even if they did, they notified those engaged in the illegal mining to stay clear from their operation sites because of an imminent crackdown” (Fieldwork, 2022).

It is worthy of note that political entrepreneurs operate at both the sub-national and national levels. A respondent narrated how a former president expressed how helpless he was when asked to clamp down on illegal miners. The respondent said that the president refused to act on grounds that many of the people involved were those who sponsored his personal campaign as well as his party's operations (Fieldwork, 2022).

More so, the delegate system of electing national party leaders and the lack of a national political party funding had also contributed to the ineffective implementation of SSM legislation even though they may seem remote causes. The delegate system of electing party leaders is where a group of

people are chosen to represent the interest of party constituents in electing the party's national leadership. This is the system employed by political parties in Ghana, and this has bred monetization of internal party elections because of the small size of the delegates. Candidates who contested for positions in the two main parties especially have tended to spend a lot on delegates by giving them transportation and lunch, and presents such as television, bicycles, and fridges, among others.

This has made internal party elections in the two main political parties very expensive leading to people soliciting for funds from affluent individuals (both foreign and local individuals) and companies (both local and foreign). Some of these individuals or companies from whom aspirants solicit for funds are miners or mining companies as they are the ones who have the funds to spend on a *quid pro quo* basis. A respondent narrated how his party leadership was not able to call to order the “big men” in their party who were engaged in illegal mining because they financed and continue to finance the party.

Similarly, the lack of a national political parties funding that candidates could draw from to finance their activities and campaigns had led some of them to seek financial assistance from individuals and companies including miners and mining companies. This has tended to incapacitate the whole party hierarchy especially when they assume power or office, as it has proved ineffective in dealing with illegal SSM (Fieldwork, 2022). A respondent lamented that:

“Our party must scrap the delegate system or make every party member a delegate. Until that is done, we cannot win the fight against illegal mining because our leaders in government and our national leaders receive funding from these illegal miners to fund their internal party campaigns (Fieldwork, 2022).”

Furthermore, virtually every key person or authority in the management of the mining sector is directly or indirectly appointed by the President. These appointments introduce politics into the governance of the mining sector as all the officials owe their positions to the President and his party and therefore the pursuit of their political agenda in the sector cannot be underrated (Fieldwork, 2022).

Finally, the winner-takes-all system of governance is problematic. Though the 1992 Republican Constitution adopted a multiparty democracy, in practice, only two political parties, namely the NPP and NDC have dominated the political landscape since the inception of the Fourth Republic as they have been in and out of government. This trend has resulted in a winner-takes-all political system and abuse of incumbency in which the party that wins the election has access to all state resources to the exclusion of the minority political parties (Fieldwork, 2022).

The winner-takes-all politics has resulted in parties and party loyalists employing all means to amass wealth to enable them be financially sound when they leave office. And one of the sectors where such wealth could be amassed is the mining sector, especially the SSM. Consequently, the government appoints party members to be board members of mining companies and the MinCom so that they can prosecute the party's agenda (Fieldwork, 2022). For instance, a leaked audio tape allegedly revealed how Professor Kwabena Frimpong-Boateng, former Minister and Chairman of the IMCIM emphasized the NPP's need for campaign funding while conversing with the Central Regional NPP organizer, in a local dialect about exploiting some concessions to obtain money for the party (Ziaba, 2021).

The fieldwork found that both the NPP and the NDC used this strategy to enrich party loyalists and the party for forthcoming elections or prepare themselves while in opposition. The cause of

disagreement is the politics of equalization, which has dogged Ghanaian politics. The NPP and NDC are always blaming each other for doing a similar thing while in office. Therefore, instead of the two political parties accepting responsibility for the problems, there is buck-passing and blame-game (Fieldwork, 2022).

5.2.7 Non-political Challenges Affecting the Implementation of SSM Legislation

Besides the political challenges examined above, the fieldwork also found a combination of nonpolitical factors that have plagued and continue to plague the implementation of SSM legislation in Ghana. These are illegality, the tacit endorsement of illegal mining, the lackadaisical attitude of some of the MMDCEs and security agencies, militarization of the sector, the lack of geological data, lack of access to capital, high illiteracy rate in the sector, inability to determine the exact amount of gold produced by SSMS, lack of adequate human resources and logistics, environmental pollution, a sense of entitlement, foreignization of the sector and delays.

First is illegality, which has to do with the extraction of mineral resources without the authorization of the regulators of mineral resources such as the MinCom or having the authorization and mining without following laid down rules, regulations and procedures (Fieldwork, 2022). In addition, mining concessions are not granted in prohibited areas such as forest reserves (on-reserves), locations close to rivers and other water bodies, residential areas, shrines, cemeteries and other public infrastructure such as rail ways (Government of Ghana, 1989a). Hence, any mining activity that was conducted in these areas was deemed illegal.

This challenge is the result of political interference and partisanship. The so-called political godfathers had interfered with the work of regulators by causing the release of their “boys” who

were arrested. This had emboldened and made them feel untouchable to continue their illegal activities (Fieldwork, 2022).

Most (if not all) of the illegal mining activities were perpetrated by politicians, politically exposed persons or political sponsors. This is because they wanted the best of places in terms of mineralized lands to work but they did not want to go through the processes of properly legitimizing or registering their operations before the commencement of business. Furthermore, the concession allocation processes could not be influenced regardless of the powers that be, a situation that led to mining without authorization by politically connected persons who were unable to covert a concession belonging to a miner(s) or being processed by someone else. The licensing regime has also fuelled the illegality. Industry players blamed the license regime as being too lengthy and time-consuming vis-à-vis the time limit a small-scale miner had to operate. It is also costly thereby making it difficult for ordinary SSMs to register their operations (Fieldwork, 2022). A regulator remarked:

“Even though people want to work, they cannot work anywhere in small-scale mining. This is because there are demarcated areas, which would have to be published in the Gazette by the Minister of Lands and Natural Resources. The lack of patience to go through the licensing regime has contributed to the illegality (Fieldwork, 2022).

Second is the lackadaisical attitude of some of the MMDCEs and security agencies to curb illegality by arresting and prosecuting illegal miners. The MMDCEs are political figures, who are party men and women and are also appointed by the President and would like to keep their positions by secretly supporting illegal mining. Hence, if some party members engaged in illegal mining, they were unable to take action for fear of falling out of favour with the party and thereby lose their job (Fieldwork, 2022). A regulator averred that:

“The MMDCEs do not like to incur the anger and displeasure of their party followers and party foot soldiers and so even when illegality is reported, they do not take any action though they are the head of the District Security Council (DISEC) and Municipal Security Council (MUSEC). They know all those engaged in illegal mining and the places where illegal mining takes place but they won’t act. The police have also failed to act when they received complaints of illegal mining because of interference by political figures such as MMDCEs” (Fieldwork, 2022).

Third is the growing militarization of the sector. This has to do with the use of military taskforces to rid the sector of illegal (local and foreigners) and irresponsible (registered) SSMs. This combative approach to sanitize the SSM sector has a long history, dating as far back as the British colonial administration era, which enacted the Mercury Ordinance of 1933 to ban and criminalize local miners (Fieldwork, 2022).

For the last two decades, successive governments have attempted to augment the efforts of regulatory agencies through military raids (Ziaba, 2021). For instance, in 2006, the NPP government of President John Kufuor launched “Operation Flush-out”, a six-month-long military and police exercise aimed at sanitizing the sector and streamlining the operations of SSMs, particularly, illegal SSMs. Similarly, in 2013, President John Mahama of the NDC launched “Operation Halt”, a month-long military exercise to stop unlicensed hard rock and alluvial SSMs from operating (Ziaba, 2021). Again, from 2017 to 2020, the second NPP’s administration led by President Nana Akufo-Addo launched “Operation Vanguard”, which, unlike its predecessors, targeted both licensed and unlicensed alluvial and hard rock miners (Fieldwork, 2022).

Towards the end of 2021, “Operation Halt I” was launched to continue from where “Operation Vanguard” left off. This was followed in 2022 by “Operation Halt II” to deal with recalcitrant licensed and unlicensed miners who were mining illegally. These operations resulted in the destruction of mining equipment such as chafangs, burning of excavators, water-pumping machines, among others. “Operation Halt II” is still in force to rid the sector of illegal miners as at the time of undertaking this study. Unfortunately, these successive military exercises have not recorded the desired success in terms of getting rid of illegal miners from the country’s forest reserves and water bodies, and from the mining sector as a whole. The SSMs have blamed the nonrealization of the intended and desired results from the various exercises on non-involvement of the GNASSM, partisanship and corruption of the military task force (Fieldwork, 2022).

The fieldwork found that the GNASSM was generally not consulted, and where it was, the consultation was a matter of going through the motions. In addition, the GNASSM members were not added to the military task force; therefore, even if they knew where, when and how the illegal miners operated, they were unable to help thereby jeopardizing the exercises (Fieldwork, 2022).

In the view of a respondent:

“We live and see these people (illegal miners) when they are going to site. We know when, where and how they operate but we look on unconcerned. We know how they position people to watch for any military raid and alert their friends. I tell you that if the government realizes the importance of GNASSM in the fight against illegal mining and brings us on board, we will end this in no time” (Fieldwork, 2022).

Furthermore, where the ministry involved the GNASSM in the exercise, it was done on partisan basis. When names were submitted to constitute the task force, the government representatives

deleted the names of those who were not party loyalists in spite of their expertise in swimming and running (Fieldwork, 2022). Finally, the military who were sent to rid the sector of illegality only went to enrich themselves as they were lured with money by the illegal miners and were allowed to work, sometimes under the watch of the former. Besides this, the military (not even the navy) was unable to apprehend illegal miners who worked in water bodies because they are unable to swim in the muddied water like the illegal miners (Fieldwork, 2022). A respondent averred that:

“Sea water is different from the Pra or Offin or Ankobra rivers. Therefore, even though one can be a very good naval officer, swimming in the Offin, Pra and Ankobra rivers can be difficult because the terrain is not known including the safe and unsafe areas” (Fieldwork, 2022).

A respondent narrated how the speedboat of some military men nearly got sunk by a whirlwind but for the rescue action of a twelve year old boy:

“Just recently, some naval officers who were chasing some illegal miners were confronted by a whirlwind and their boat capsized and they nearly drowned. However, a twelve year old boy dived into the water to save them. Even though they are trained officers they did not know the terrain, something which the boy knew” (Fieldwork, 2022).

In fact, at the time of writing this study, a member of an anti-galamsey team had drowned and died in the River Sui at Sefwi Amoaya in the Sefwi Bodi District of the Western North Region while chasing some illegal miners (Amoh, 2022).

Moreover, the fieldwork shows that the chanfangs used in mudding the water could be deliberately submerged thereby making it difficult for either, a helicopter or drone to locate them (Fieldwork, 2022).

As part of the data collection for this study, I visited some mining towns namely Obuasi, Dunkwaon-Offin and Prestea. I saw that the state of rivers Pra, Ankobra and Offin is bad and not fit for human consumption – a clear indication of the failure of the fight against illegal mining in general and the use of the military to be precise (Fieldwork, 2022).

Fourth is the tacit endorsement of illegal mining. There are two categories of small-scale gold miners: licensed or legal miners and unlicensed or illegal miners (Teschner, 2012). However, Hilson and Potter (2005) have noticed that there are only slight organizational or technological differences between legal and illegal mining activities, with the exception of the former's security of tenure on a delineated mineralized concession for a specified duration.

Most SSMs who engage in illegal mining have blamed the laborious licensing regime for their actions (Teschner, 2012). However, on the contrary Teschner (2012) has argued that the cumbersome registration procedures were an annoyance, but they were not the principal impediment to registration. According to him the fact that the state allowed unregistered SSMs to benefit from the framework of the gold market, including competitive prices for their product and access to production inputs, means that illegal SSMs receive the maximum benefits of registration without incurring the costs and annoyances that come with them (Teschner, 2012). To him, registered and unregistered small-scale mines are indistinguishable without their registration papers (or lack thereof), a situation which can make unlicensed mines appear to be legitimate (Teschner, 2012).

This assertion is corroborated by data collected from some miners who were interviewed for this study. They indicated that both licensed and unlicensed ones were able to freely procure mercury, had equal market for their products and that some chiefs sought assistance from illegal miners for community development projects such as the construction of boreholes, toilets, community centers, among others. According to the respondents, some illegal miners enjoyed police and/or military

protection at their sites while the registered ones struggled to get security protection on their concessions even when they were under threat or attack. Thus, legally, the operations of illegal miners were outlawed but in practice, they were endorsed which has made the fight against illegal SSM a herculean one and the implementation of SSM laws difficult (Fieldwork, 2022).

Fifth is the cosmetic approach to fighting illegal SSMs by successive governments because the real culprits were not punished (Fieldwork, 2022). For instance, Tschakert (2016) noted that incumbent governments introduced military raids against illegal SSMs to mask the link between them and the real illegal SSMs while using foreigners, particularly the illegal Chinese miners as scapegoats (Tschakert, 2016). This view is consistent with the findings of the study that the military raids were only a smoke screen aimed at diverting the attention of the Ghanaian populace from the real perpetrators who vacated their sites before the raids were carried out (Fieldwork, 2022).

Sixth is the corruption among the law enforcement agencies (Fieldwork, 2022). Teschner (2012) and Tschakert (2016) pointed to law enforcement corruption, which is influenced by the entrenched interests of society's dominant groups, as an explanation for the increase in illegality. For these scholars, the incumbent government and their supporters profited from the informality in the sector and had a vested interest in its perpetuation (Tschakert, 2016). Some of the miners interviewed revealed how illegal miners were able to bribe some members of the government taskforce to either free them after their arrest, or release their equipment after confiscating them or informing them ahead of an impending raid (Fieldwork, 2022).

The disappearance of over 500 confiscated excavators and the sneaking back into the country of Aisha Huang after her “deportation” reinforce this assertion. Furthermore, at the time of writing this chapter, there was an interesting development in the Ellebelle District of the Western Region where

the DCE had conducted a raid with some of his staff and had confiscated two excavators which they brought from the bush to a nearby town. The confiscated excavators were left in the care of two police officers, but the District Police Commander later recalled the officers leading to the disappearance of the two excavators. After about five days, one of the excavators was retrieved in a forest being used to mine illegally while the remaining one was not retrieved (Fieldwork, 2022).

Seventh is the lack of geological data. Ghana has not invested financial, logistical and human resources into its Geological Survey Authority, which is responsible for conducting geological investigations. Consequently, the country does not have credible geological data on mineralized lands in the country. Hence, Ghanaian SSMs have operated on informal basis without access to geological data (Fieldwork, 2022). Since no exploration is conducted by SSMs, the discovery of a new mineral is purely based on chance, and speculation (Hilson, 2002b). From the researcher's engagement with some of the officials of the MinCom, the SSMs are not allowed to prospect before the granting of mining license unlike their large-scale counterparts (Fieldwork, 2022). Hilson (2002b) argued that the unscientific method used by the SSMs has contributed to increased cost of environmental repair (Hilson, 2002b).

Closely linked to this challenge is the issue of LSM bias (Ayee et al., 2011). In Ghana, there is a preference for LSM by both governments and chiefs. Similarly, governments have supported capital-intensive mineral exploration and extraction (Hilson et al., 2022) and designed policies such as the designation of a large size of land currently close to 30 percent of the country's total mineralized land for large-scale mineral extraction and exploration (Hilson et al., 2022). Even though these policies are seen as transforming Ghana into Africa's biggest gold producer, the impact of this bias

on the institutional framework in place to regulate and support SSM has been significant (Hilson et al., 2022).

This bias also manifests as rent-seeking behaviour with officials getting fixated on the revenues generated by these large-scale companies regardless of the repercussions they have on SSMs (Hilson et al., 2022). In the view of Ayee et al. (2011: p. 22) “the possibility of misappropriation in the collection and calculation of royalties in the large-scale mining industry is substantial. This embezzlement, coupled with the enclave nature of the mining sector, creates opportunity for politicians to profit from their authority in the mining sector, particularly when they are made board members of mining corporations”. Even at a time when SSMs were struggling to get mineralized lands, the MinCom continues to be biased towards LSM by allocating vast tracts of land, including portions of designated areas, to LSM mineral exploration and mining corporations (Hilson et al., 2022).

Some chiefs, elders, miners and the people of Akyem Abuakwa and Akyem Kotoku traditional areas petitioned the late President J.J. Rawlings in 1991 on this same issue:

“We have no objection to handing over vast tracts of land to foreign investors if it will maximize the country's revenue base. However, when the practice begins to bite us in the form of investors' plans to evict us from the land on which we have laboured for years, we would have reason to complain. Some of the expansive lands handed to foreign investors may take them over fifty years to mine, but we will be left to starve. In fact, over one million people depend on small-scale mining in these areas, and if the current trend continues, we will all starve to death since this is our main source of employment and income (Hilson et al., 2022).

The SSMs interviewed for the study lamented the bias of the government, the MLNR and the MinCom and other regulators such as the EPA and the WRC towards LSM firms when it comes to the allocation of mineralized lands and the meting out of sanctions. They argued that, just like SSMs, LSM firms have also breached environmental rules by discharging waste liquids into river bodies, among others, but the regulators did not sanction them as they had done to SSMs. They asserted that the regulators treated LSM companies with kids' gloves when they breached mining rules while they (SSMs) were dealt with harshly anytime there was a breach in their operations.

For instance, in Prestea, the SSMs cited a LSM firm that had its waste pipes directly laid into river Ankobra through which it discharged cyanide waste into the river thereby polluting it. They were also unhappy that almost all mineralized lands in the country have been allocated to LSM firms leaving them with literally nothing. They described this practice as highly unfair and discriminatory (Fieldwork, 2022).

Eighth is the environmental degradation that results from the activities of the SSM sector. TomDery et al, 2012; Kessey and Arko 2013; Hilson 2002a; Donkor et al. 2006; Aryee et al, 2002; and Henstchel et al., 2002, among others, have written extensively on the devastating impact of the sector on the environment. Besides the irresponsible way of mining that caused environmental degradation, the study found that the unscientific way of prospecting by SSMs resulting from the lack of geological data on mineralized lands also caused environmental problems. This is because through their unscientific methods, SSMs removed vegetative covers, excavated the earth thereby creating dugouts, among other environmentally unfriendly activities. These exposed the land's surface directly to rainfall, increased the infiltration of rainfall into soils, and eliminated the substance that

bound soil particles together resulting in erosion (Republic of Ghana, 2017; Republic of Ghana, 2021; Fieldwork, 2022).

According to EPA respondents, the EPA is preparing a reclamation agreement in which existing and potential SSMs would be made to deposit an amount that would be used to reclaim the lands in the event that a miner failed to reclaim his or her land after mining. This is aimed at remedying the environmental damages caused by SSMs (Fieldwork, 2022).

Ninth is the sense of entitlement. There are people such as chiefs, opinion leaders, landowners and communities who held the view that once a mineral is discovered on their land or in their community, it belongs to them and therefore they must be allowed to mine it without any authorization or it must be mined on their terms and conditions. This created enforcement challenges for implementing agencies particularly the MinCom (Fieldwork, 2022).

Tenth is the high level of illiteracy among SSMs (Hilson & Potter, 2003). Though some educated persons have ventured into the sector, there still are people with little or no education in the sector and this made it difficult to get them to understand the need to mine legally. A regulator narrated how he tried unsuccessfully to educate some miners at a mine he inspected on safety measures and the need to construct sizeable path for their workers or build rails around the pit to prevent accidents. The mine owner did not understand why he had to consider the health and safety of his workers and others who visited the site. This made it extremely difficult for regulators to get miners to understand legal mining (Fieldwork, 2022).

Eleventh, the SSM sector is a significant cornerstone to the Ghanaian economy but this potential had not been fully realized because the operations of SSMs was hindered by difficulty in accessing capital through the local banks. Mining, more specifically, SSM is a high-risk investment and hence no bank

is willing to take such risk (Fieldwork, 2022; Teschner, 2012). This, coupled with the lack of guaranteed mineralized lands, made it difficult (if not impossible) for the banks to grant SSMs loans to finance their operations – something unattractive to the state. The inability to conduct resource evaluations on SSMs is regarded as the most significant impediment to private financing, as the banks have no way of determining the concession's value for use as collateral (United Nations Economic Commission for Africa, 2011).

The viability of the sector is not in doubt (Aryee, 2001; Hilson, 2002a) particularly, given its significance as a vehicle for poverty reduction, employment creation, income generation, and the creation of diverse livelihood options and alternatives to weather-dependent subsistence agriculture for many unskilled people in rural and mineral-rich areas of the country (Republic of Ghana, 2017). This notwithstanding, not much attention has been given to it by the state, a development which has led to foreigners, particularly the Chinese, with financial capacity to invest in the operations of SSMs. For instance, some of the SSMs interviewed revealed that they have Chinese partners who provided cash, equipment and technical support for their operations while some fronted for these foreign nationals to acquire SSM license. This has led to the invasion of the SSM sector by foreign nationals notably Chinese and that has been counterproductive to the sector which is reserved for only Ghanaians (Fieldwork, 2022).

Twelve, the successful implementation of SSM legislation is largely contingent on the quantity and quality of the human resource of the implementation agencies, and the logistical capacity at their disposal. From the fieldwork, all the key implementing agencies of the SSM legislation are faced with human resources and logistical challenges. Many (if not all) of the district offices of key implementing agencies such as the MinCom and EPA are under-staffed. For instance, the MinCom

office in the Tarkwa mining district (consisting of Tarkwa, Prestea and Bogoso) had a staff strength of ten officers while its satellite office in Prestea had three officers. Similarly, the main MinCom office in Obuasi had a staff strength of seven while the satellite office in Dunkwa was manned by three officers. The fieldwork also found that some computers needed by the MinCom for its operation were procured only in 2022. About 50 of such computers had been procured and distributed to the district and satellite offices and the rest being used at the head office. Similarly, prior the fieldwork, the MinCom's district offices had one vehicle each. However, during the fieldwork, an additional vehicle was given to them, which is still inadequate.

The EPA faced a similar situation though its mandates are broader in scope than that of the MinCom as its mandates cut across sectors (Fieldwork, 2022). The point is that it is difficult for under-resourced institutions to enforce laws, supervise effectively and monitor the activities of its actors (Fieldwork, 2022). The MinCom supervises 13 mining districts (Table 5.3). Figure 5.1, on the other hand, shows the mining areas under the jurisdiction of the MinCom.

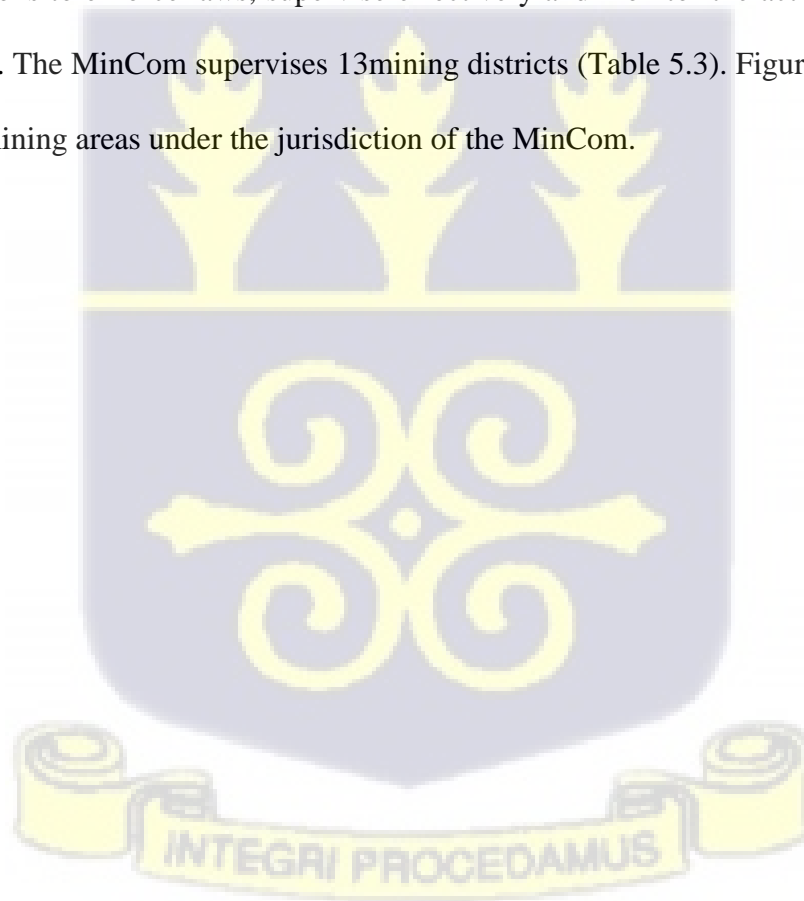


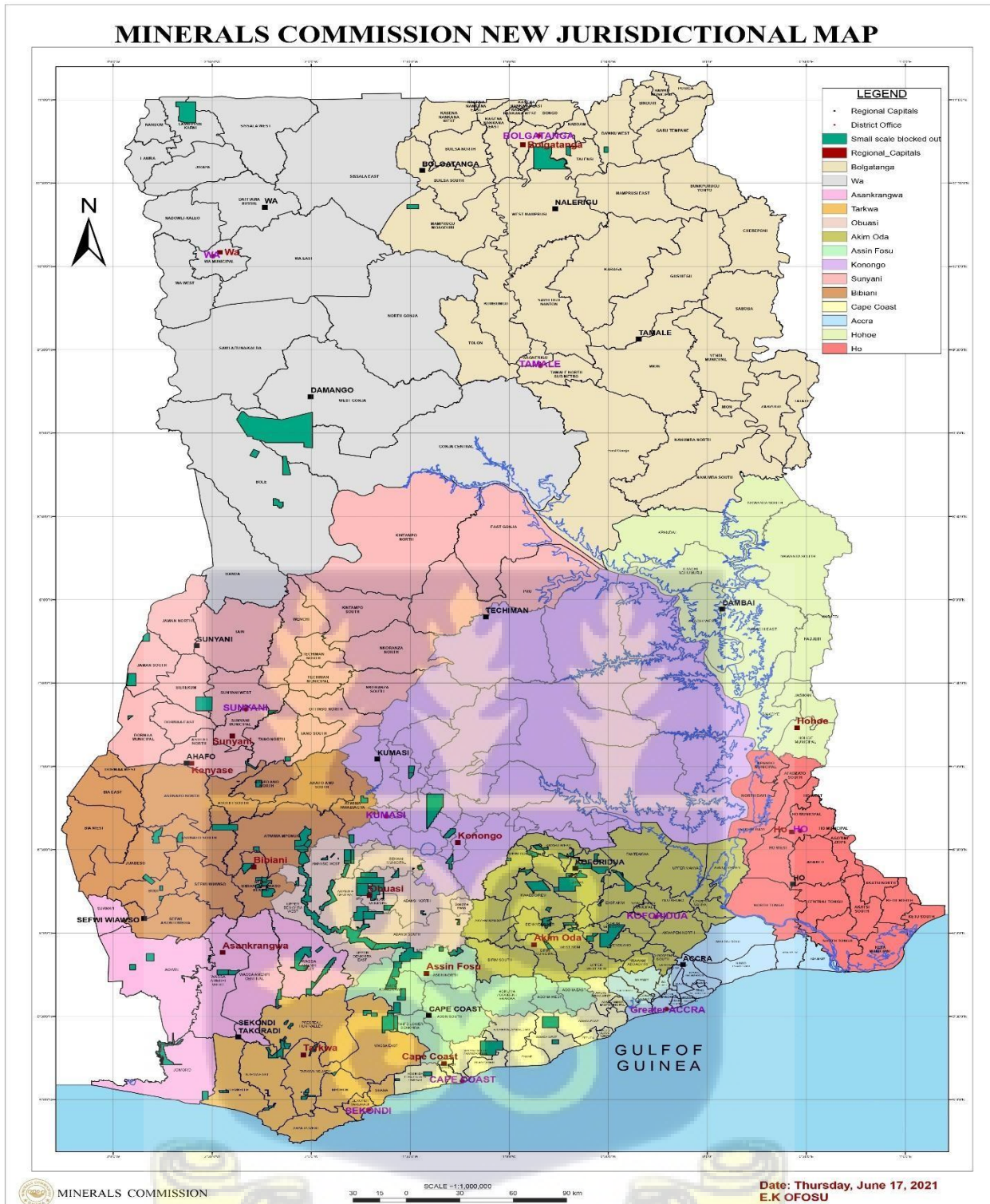
Table 5.3: Mining Districts in Ghana

S/N	MINING DISTRICT	MINERAL MINED
1.	Tarkwa	Gold
2.	Asankragwa	Gold
3.	Obuasi	Gold
4.	Kenyase	Gold
5.	Konongo	Gold
6.	Wa	Gold
7.	Bibiani	Gold
8.	Akim Oda	Diamond
9.	Bolgatanga	Gold
10.	Hohoe	Iron ore
11.	Ho	Granite
12.	Assin Fosu	Gold
13.	Cape Coast	Gold

Source: Minerals Commission



Figure 5.1: The Mineral Commission’s New Jurisdictional Map



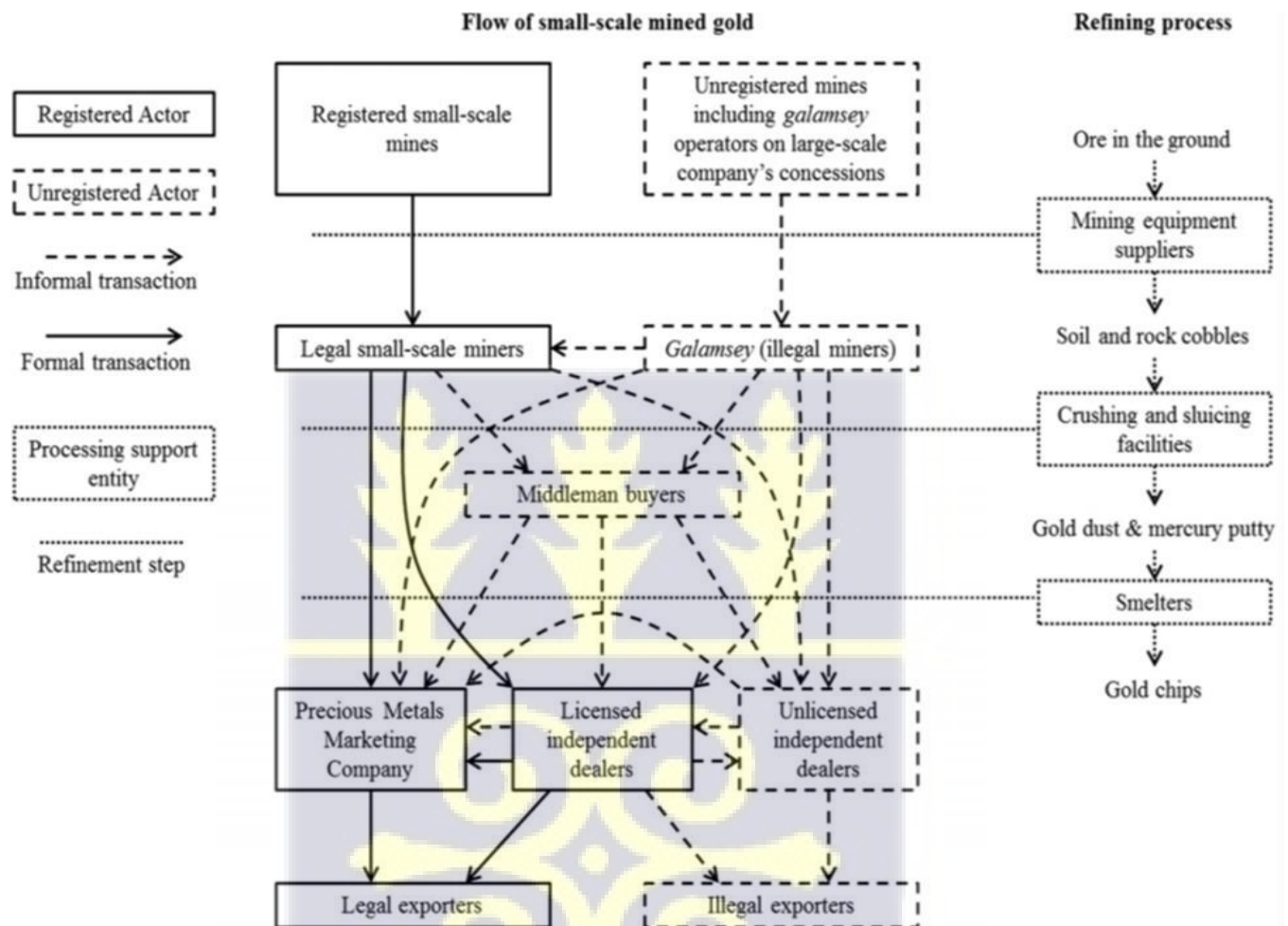
Source: Minerals Commission

In addition, one regrettable fate suffered by Ghana prior to the formalization of the SSM sector is the smuggling of gold mined to neighbouring countries (Hilson, 2002b). A significant issue that dominated the news coverage in Ghana in the late 1980s was gold smuggling (Hilson et al., 2022). To address this, the state established the Precious Minerals Marketing Company (PMMC) as part of the formalization process to create a ready market for SSMs. To further curb smuggling, private gold dealers were permitted to participate in the gold market, ostensibly to create a competitive market and maintain prices at market levels (Amankwah & Anim-Sackey, 2003; Hilson 2002b). Unfortunately, the formalization of the sector and the establishment of the PMMC have not addressed the phenomenon fully as some of the gold mined did not go to the MinCom and PMMC. By legislation, the SSMs are enjoined to declare their gold returns to the MinCom but they have failed to do so because they are afraid to pay higher taxes to the state. They are also reluctant to sell their products to the PMMC because the private purchasing firms offer better incentives, which the PMMC does not. For instance, whereas the PMMC buys SSMs gold at the prevailing world price, the private firms offer other incentives such as smelting services, pre-financing of the operations of SSMs and buying of the SSMs' gold at a price slightly higher than the prevailing world price (Fieldwork, 2022; Teschner (2012).

Besides the PMMC and licensed private gold-buying firms, there are also unapproved or unregistered buyers of gold in the system (Teschner, 2012). Although there are significant distinctions between registered and unregistered actors, legislation governing gold transactions indicates that a person is deemed to be lawfully in possession of gold until the contrary is proven (Ghana Government, 1989a). Therefore, both registered and unregistered gold miners have access to legitimate gold buying companies that offer globally competitive prices while informal intermediaries and processors fill any holes in the supply chain. Gold is easily transferred between registered and unlicensed miners

and buyers (Teschner, 2012). Formal and informal supply networks are intricately intertwined, and the distinction between formal and informal actors is blurred (Teschner, 2012). Figure 5.2 shows how gold circulates between the sellers and buyers.

Figure 5.2 Actors in the Gold Chain Market



Source: Teschner (2012): Small-scale Mining in Ghana: The Government and the Galamsey



Furthermore, the operations of both the regulators and operators resulted in delays which made the processes of legitimizing one’s SSM cumbersome and frustrating - a key feature of the complexity of joint action model. Several factors contributed to these delays. First is the licensing regime. Hilson & Potter (2003) reported that properly registering a mine is a time-consuming and inefficient process, which discouraged miners from registering their mines. The SSMs also lamented that the fees and paperwork were ridiculous (Hilson & Potter, 2003). They argued that applicants are required to fill out ten identical forms, a task made more difficult by the fact that most of the applicants are illiterates (Hilson & Potter, 2003). Similarly, Tschakert & Singha (2007) have argued that Ghana has one of the most cumbersome laws for SSM, a framework that has deterred operators from obtaining a license (Tschakert & Singha, 2007). This point is buttressed by Table 5.4, which provides a summary of the procedures for acquiring a SSM license from the MinCom only.

Table 5.4: Summary of Procedures for Acquiring a SSM License in Ghana

	ACTIVITY	OPERATOR	REQUIREMENT/MEDIUM
i	Identification of area or mineralized land	Applicant	Maps (1:50,000), Geol. Info
ii	Obtain Cadastral Search Report	Applicant	Site plan (1:50,000 scale) to ensure area is within designated area
iii	Apply for license	Applicant	Completed application form, search report, work programme/ feasibility report, etc.
iv	Payment of processing fee	Applicant	Payment to the Commission by banker’s draft

v	Review and pre-licensing Inspection	Minerals Commission	Application area (town or village) by District Officer(s)
vi	Register undertaking at EPA	Applicant	a) Registration forms b) Obtain Environmental Permit
vii	Evaluation of application	Minerals Commission	Background information on applicant
viii	Recommendation to Hon. Minister to grant/reject application	Chief Executive Officer Minerals Commission	Memos/Reports
ix	Acceptance of Grant	Applicant	a) Payment of Annual Mineral Right Fee b) Payment of Annual Ground Rent
x	Execution of license	Minister/Applicant	Public agreement (Small Scale Mining Licenses, etc.)
xi	Issuance of license	Hon. Minister	Small Scale Mining License
xii	Operation Permit	Applicant	Preparing of Mining Operating Plan

Source: Minerals Commission

The EPA and other agencies also have their own procedures. Securing all these permits is what culminated into a mining license, and the registration with each of the agencies is done consecutively, not concurrently. This made the processes lengthy, time consuming, costly and frustrating.

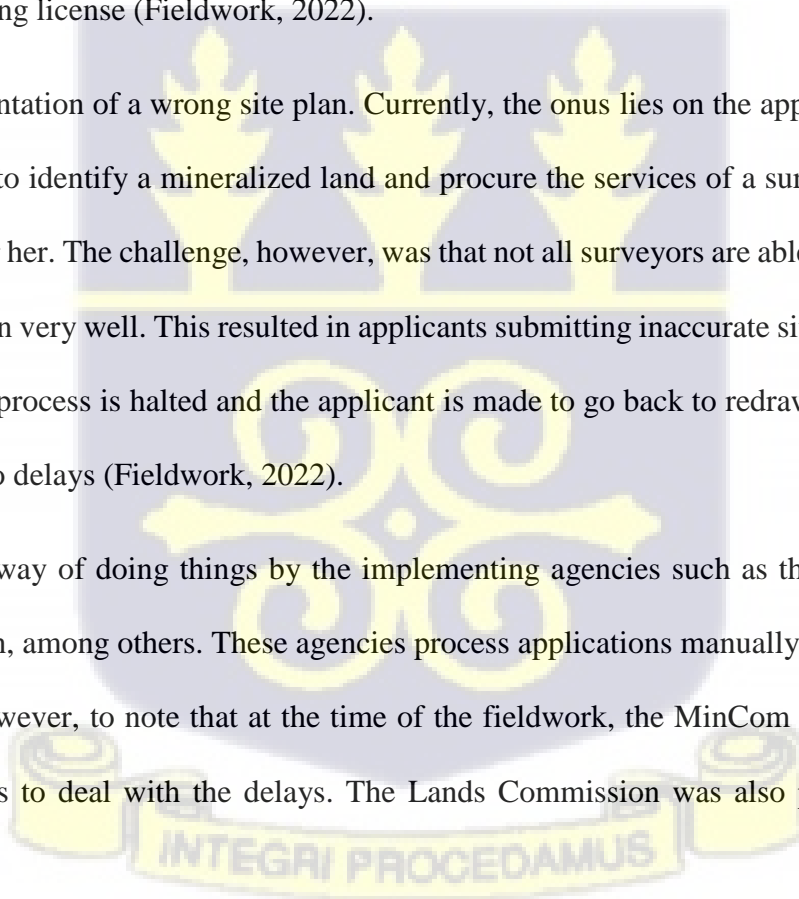
Second is that even though there were genuine delays in the processes, some of them may be described as ‘perceptions’ (Fieldwork, 2022). In the view of an official of the MinCom:

“Most of the time, before applicants start the licensing process, they would have gone to see the site and gone for a loan and promised to pay in some months. So when they come and are briefed of the processes involved in acquiring a mining license, they complain that it is too long. Sometimes too, some applicants will come and enquire about the licensing process and then start to count from the day they first visited the office to enquire” (Fieldwork, 2022).

Third is the incorrect submission of application and inappropriate documents. For instance, in filling the application form, the applicant is required to indicate the nature of business. If the business stated is not related to mining, the application process is halted until the correction is done. By legislation, an applicant could not use a business that does not deal in mining or rendered mining related services to apply for a mining license (Fieldwork, 2022).

Fourth is the presentation of a wrong site plan. Currently, the onus lies on the applicant or potential small-scale miner to identify a mineralized land and procure the services of a surveyor to draw the site plan for him or her. The challenge, however, was that not all surveyors are able to draw a mining concession site plan very well. This resulted in applicants submitting inaccurate site plans. Once this has happened, the process is halted and the applicant is made to go back to redraw the site plan and resubmit leading to delays (Fieldwork, 2022).

Fifth, the manual way of doing things by the implementing agencies such as the MinCom, EPA, Lands Commission, among others. These agencies process applications manually leading to delays. It is important, however, to note that at the time of the fieldwork, the MinCom was digitizing the application process to deal with the delays. The Lands Commission was also piloting an online



system at the time of the fieldwork while the EPA was yet to join the digitization train (Fieldwork, 2022).

Finally, one of the challenges to the successful implementation of SSM legislation is the activities of fraudsters, imposters and “goro boys.” “Goro boys” are individuals who offer to assist others to obtain a service at a fee. The activities of these “goro” boys had obstructed the work of the MinCom and other regulators, through the acquisition of fake licenses for unsuspecting SSMs.

Besides the “goro boys”, there were also some people who pose as staff of the MLNR, MinCom and EPA and others presented fake licenses and other documents that were not mining licenses to deceive chiefs and communities to mine in their lands. For instance, during the fieldwork, a regulatory officer narrated how a young man presented his (regulatory officer) complementary card as mining license to chiefs and elders of a mining community and mined for years before he was apprehended (Fieldwork, 2022).

3.0 Strategies to Deal with Implementation Bottlenecks

The study proposed seven strategies to deal with the implementation bottlenecks.

First, to address the issue of cumbersome licensing regime, a one-stop shop for key regulating agencies such as the MinCom, EPA, Lands Commission, Forestry Commission, and WRC should be created, in which all regulators will be housed in one building at the district level. This will enable SSMs to access all services related to registering their mines in one building without having to travel between the district and Accra. This has been done in the Komenda-Edina-EguafoAbirem (K.E.E.A.) Municipal Assembly where key state institutions are housed either in one building or in the same yard (Fieldwork, 2022).

Second is the digitization of the licensing regime, which can be operated alongside the manual (one stop shop) process so that those who cannot use the online process because they are technologically handicapped can use the manual system (Fieldwork, 2022).

Third, the signing of mining licenses should be decentralized. Currently, the law permits only the MLNR to sign all mining licenses (both large and small-scale). This means that until the Minister is ready and available to sign them, the mining license applications would be piled on his desk while the applicants are waiting to begin work. The current situation contributes immensely to delays, which also breeds illegality and loss of investment. Similarly, the centralization of the signing regime is a potential source of corruption and politicization of the license-signing regime. To remedy this, the laws should be amended to allow deputy Ministers and the Chief Director of the MLNR to sign mining licenses in addition to the Minister at the national level, and at the subnational level, the MMDCEs and District Coordinating Directors (DCDs) should be authorized to sign them at the local level (Fieldwork, 2022).

Teschner (2012) advanced a similar argument that delegating SSM decisions to municipal and district assemblies in consultation with traditional authorities will enhance the identification and inclusion of local actors in the licensing process. Furthermore, this would also facilitate communication with local miners, as municipal and district assemblies are the agents of local development (Teschner, 2012). This will equally bring decision-making processes closer to small-scale miners and boost the sector's ability to be effectively policed and monitored (Teschner, 2012). Aside these, it will also help deal with the issues of delays in the signing and issuance of mining license which will also contribute to reducing illegal mining activities, corruption and partisanship (Fieldwork, 2022).

Fourth, there should be enhanced consultation and increased involvement of chiefs, mining communities, opinion leaders and SSMs in the policy process. This is because a burgeoning SSM sector that is ecologically friendly, sustainable and economically viable to the state can only be realized if citizens and mining communities are increasingly involved. Previously, when a concession is granted to a small-scale miner, a notice was published at the district or municipal assembly and the chief's palace for a 21-day period to notify the Assembly, the community and the chief. Besides the notification, the publication also seeks to afford anyone who has anything reasonable against the published SSM company the opportunity to raise the issue for redress before the SSM company begins work. If after 21 days no objection is raised against the publication, then the company can go to the community, fulfil the requirements there and begin work but currently, the MLNR gazettes the licensed SSM company. These practices have, however, not achieved the desired results as chiefs and community members denied knowledge of SSM companies that are designated to their communities to mine. Therefore, consultations should be enhanced at the subnational level and actors' involvement should also be increased to ensure successful and effective implementation of the SSM legislation (Fieldwork, 2022).

Fifth, sustained and intensive education by the MLNR, MinCom and EPA is needed. This should involve educating chiefs, opinion leaders and community members of mining towns about what constitutes illegal mining and the laws governing SSM in general. Some of the challenges facing the successful implementation of SSM legislation thrive on the ignorance of the leaders and people in mining towns in terms of what constitutes illegal mining and what a mining license looks like and how it can be authenticated. Hence, a sustained and intensive awareness creation would result in a concerted effort by state and non-state actors at the national and sub-national levels to deal with the excesses of illegal SSM (Fieldwork, 2022).

Sixth is the strict enforcement of SSM legislation. None of the respondents engaged for this study expressed doubt about the adequacy and potency of the country's SSM legislation, and its ability to address the issues undermining the SSM sector. Respondents, particularly those at the MLNR and the MinCom, indicated how other African countries came and continue to come to Ghana to study the country's mining sector laws and either draft or revised their own based on the Ghanaian model. Therefore, the laws should be applied without fear or favour in addition to governments having the political will to apply the sanctions irrespective of who is engaged in illegal mining (Fieldwork, 2022).

Finally, a crackdown on corruption in law enforcement must be the top reform priority. All other measures would be unattainable without a credible promise to enforce the law and bring the sector under control (Teschner, 2012).

4.0 Lessons Learnt and their Implications for the Literature

There are seven lessons that the study has highlighted.

First, the Ghanaian SSM legislation is very adequate and encompassing. The laws are sufficient to deal with the challenges plaguing the sector. Hence, if the laws are strictly enforced, the proliferation of illegal mining will be drastically reduced, if not eliminated. This reinforces the findings of Hilson & Potter (2003) and Tschakert & Singha (2007), who argued that Ghana has one of the most regimented SSM laws in Africa. Therefore, attention should be focused on implementing the laws rather than calling for the enactment of new ones. The existing laws, particularly Act 995, are punitive enough to deter perpetrators of illegality in the SSM sector if strictly enforced.

Second, law enforcement corruption was a major obstacle in the implementation of the SSM legislation. Besides the inland corruption bemoaned by Teschner (2012) and Tschakert (2016), law enforcement corruption at the country's borders, especially the land ones, is a worrying situation. The influx of other foreign nationals besides the Chinese, such as Malians, Togolese, Burkinabes, Ivorians, among others in the SSM sector are examples of law enforcement corruption at the country's borders and how they have undermined the fight against illegal SSM.

Third, the involvement of party apparatchiks and the big wigs of society in illegal mining, coupled with the fact that none of these has been prosecuted yet, had emboldened others to also mine illegally with impunity. The involvement of those who ought to know better and live by example, coupled with their seeming immunity against the laws, had created a general loss of hope in combatting illegal SSM. Farazmand (2002, p. 138) has argued persuasively "if responsibility and ethical behaviour are lost at the top level, then nothing can be anticipated at the lower levels." The same point has been made by Dickson et al. (2001, p. 208), that "the leader serves as a role model for his subordinates regarding the types of ethically acceptable activities and how ethical difficulties and questions should be addressed." The fight against illegal mining appeared to have been lost at the top level hence there is disenchantment at the lower levels.

Fourth, some chiefs gave out lands to SSM miners without recourse to the MinCom. As previously stated, Ghana lacks geological data, so the MinCom is unaware of all mineralized lands in the country. Therefore, when an individual or group discovered a mineral in a land, they simply went to the chief whose jurisdiction the land falls under, made some payments, paid off the occupant(s) or user(s) of the land (if any), and began mining. Consequently, because the concession was not given by the state, its agencies responsible for regulating mining operations would not be aware. Hence,

these miners operated without any form of prior inspection by the regulating agencies and such miners do not adhere to the rules governing SSM operations.

Fifth, the country lacks a concerted effort in the fight against illegal mining. Communities and the state at large are polarized along political and economic lines. Hence, while some resisted the fight against illegal mining from a political point of view or on political lines, others resisted the fight from an economic point of view, arguing that those engaged in it do so for their daily bread; hence, stopping it would mean denying them of their means of survival or livelihood.

Sixth, politicians on both sides of the divide (NPP and NDC) prioritized their political survival over the state's or national interest. Consequently, though MMDCs are fully aware of all the galamsey sites in their districts and municipalities, they failed to act. Neither do they allow regulators to act. And even when regulators acted, these political figures intervened for the release of the culprits. Similarly, Members of Parliament (MPs) in mining towns are aware of the galamsey sites in their constituencies and those engaged in it, but for fear of losing votes or losing the next election, they pleaded for the release of the perpetrators arrested by a government taskforce. The opposition, on the other hand, appeared to be jubilating over the inability of the current government to bring the situation under control and hoped to make a political fortune out of it in the next election. A clear case of politicization of issues and the discussion of same along partisan lines other than along national interest lines as argued by Ziaba (2021).

Finally, the issue of galamsey is deeply rooted and endemic in the country's rural areas and hinterlands, and the people involved are no mere men. They are men of affluence and influence, and are well connected to the corridors of power hence they have no fears whatsoever. This has made the fight against illegal mining very complex and dangerous especially for the regulators.

4.1 Conclusion

The chapter has examined the key players or actors and their roles in the implementation of SSM legislation. Some of these actors have had and continue to have confrontations with one another. These conflicts or power struggles have had a negative impact on the implementation process in addition to the changing actors and diverse perspectives and interests. The chapter has reinforced the complexity of joint action model in that the number of actors, decision points, delays and conflicts have contributed to the gap between the stated objectives of the SSM legislation and their actual outcome. It is clear that the actors' power positions, strategy, and resources determine their gains and losses (Ayee, 1994).



CHAPTER SIX

SUMMARY, CONCLUSION AND RECOMMENDATIONS

6.0 Introduction

The purpose of this chapter is to synthesize the research findings, draw conclusion, and offer some recommendations in an effort to improve the implementation of the SSM legislation.

Ghana's SSM legislation has been touted by regulators and operators as the best and sufficient to streamline the SSM industry and the operations of industry players. This notwithstanding, the implementation has been frustrated by a myriad of factors, one of which is politics. Consequently, the study sought to assess the political drivers or factors that have affected the implementation of SSM legislation in Ghana as its overarching objective.

To achieve its objectives, the study interviewed participants purposely selected. They included respondents from the MLNR, the MinCom, the Lands Commission, the EPA, and the Forestry Commission. Other respondents were selected from academia, think tanks, and from among small-scale miners as well as from the executives of the GNASSM. The data was analyzed in the light of existing literature.

6.1 Summary of Findings

The study's findings were summarized according to the following research questions.



6.1.1 Research Question 1

How did power play between the actors and other challenges affect the implementation of SSM legislation?

The study found some of the features of the complexity of joint action model such as the multiplicity of actors with diverse interests and perspectives, conflict, delays, policy discontinuity, lack of commitment from succeeding governments and weak inter-agency collaboration and coordination. The power play between the actors such as the MinCom and the security agencies emboldened illegal SSMs because of either the refusal or failure of the security agencies to act on the directives of the MinCom. Furthermore, the power play between the chiefs, community members, land users and occupants, and the MinCom frustrated the work of the implementing agency (MinCom) because the licensed miners were often refused entry or had their operations frustrated by land occupants and community members. Similarly, conflicts between registered SSMs, and land user(s) and occupant(s) posed a major challenge to miners and the MinCom, which affected effective the implementation of SSM legislation.

Additionally, the study found that other challenges such as delays, the lack of geological data, and inability to access capital impeded the successful implementation of the SSM legislation. Most of the illegal miners including Chinese nationals took advantage of the challenges to engage in illegal mining which were counterproductive to the environment and water bodies.

Furthermore, the quest of the two main political parties, the NPP and NDC to score political points in order to enhance their political fortunes had led to them defending the activities of SSMs depending on which of them was in power. This has taken irresponsible mining as a national canker

to the narrow confines of NPP-NDC politics thereby making it extremely difficult (if not impossible) for regulators to perform their mandates.

Moreover, the appointment of party supporters and sympathizers to be heads and board members of mining sector institutions further politicized the implementation of SSM legislation as almost all of them were interested in promoting the interests of their political parties rather than the national one.

Finally, being in opposition in Ghana without financial resources and party members planted in strategic positions before leaving office is challenging for politicians. This is because, in Ghana, when a party wins election, it translates into state capture hence all resources, the sector notwithstanding is taken over by the party and its members - even public toilets are not spared. Consequently, when parties are in power, they try, as much as possible, to amass enough wealth as possible to keep them financially sound when they leave office, and the SSM sector is one of such lucrative avenues. Hence, there is constantly a scramble for concessions and where regulators stand in their way, they use their political backing or powers to bully their way through resulting in illegal SSM.

6.1.2 Research Question 2

How will recommended strategies deal with the implementation challenges?

The study proffered some strategies to help deal with the implementation challenges.

First is the creation of a one-stop-shop to house all the key implementing or regulatory agencies at the district level of all mining districts as demarcated and operated by the Minerals Commission and the Ministry of Lands and Natural Resources. This will help address time wastage and travelling time - complaints of some SSM applicants.

Second, the manual way of doing things by the regulatory agencies contributed to delays as officers in charge of aspects of the registration process as they have to go through a pile of documents to access documents of applicants. Again, for SSM, the application process is a long one beginning from the district office of the MinCom to the Head Office in Accra for the processes to continue. The delays caused could be addressed by the digitization of the application processes.

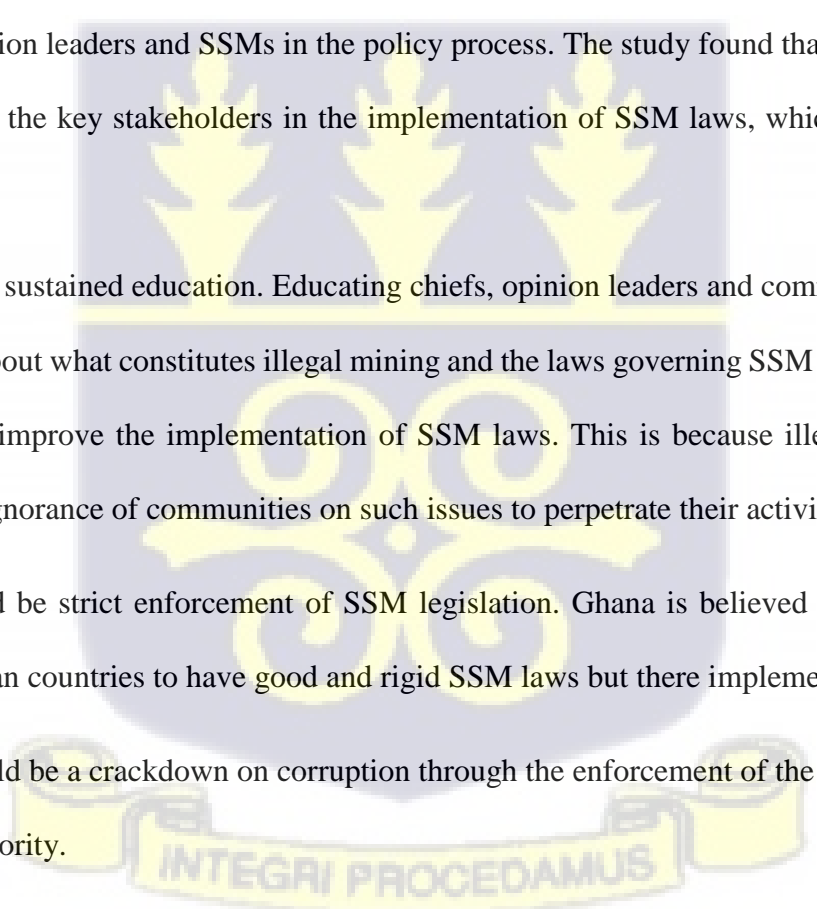
Third, there should be a decentralization of the mining license-signing regime. Currently, the law (section 82(1) of the Minerals and Mining Act, 2006) permits only the MLNR to sign all mining licenses. This means that if the minister is not available the mining applications will pile up leading to delays that will encourage illegal SSM.

Fourth is to promote the enhanced consultation and increased involvement of chiefs, mining communities, opinion leaders and SSMs in the policy process. The study found that there is little or no involvement of the key stakeholders in the implementation of SSM laws, which made them to become apathetic.

Fifth is to promote sustained education. Educating chiefs, opinion leaders and community members in mining towns about what constitutes illegal mining and the laws governing SSM in general would go a long way to improve the implementation of SSM laws. This is because illegal miners took advantage of the ignorance of communities on such issues to perpetrate their activities.

Sixth, there should be strict enforcement of SSM legislation. Ghana is believed to be one of the mineral rich African countries to have good and rigid SSM laws but there implementation is weak.

Finally, there should be a crackdown on corruption through the enforcement of the law, which must be a top reform priority.



6.1.3 Research Question 3

What are the lessons and their implications for the literature?

The study conveyed seven lessons. First, Ghana's SSM legislations are very adequate and encompassing to deal with the challenges plaguing the sector hence if the laws are strictly enforced, the proliferation of illegal mining would be curbed if not eliminated.

Second, law enforcement corruption is a major obstacle in the implementation of the SSM legislation. Besides the inland corruption, corruption among law enforcement agencies at the country's borders, especially the land borders needs to be curbed.

Third, the involvement of some party apparatchiks and the big wigs of society in illegal mining, coupled with the fact that none of them has been prosecuted yet, had emboldened others to also mine illegally.

Fourth, some chiefs gave out land to SSM miners without recourse to the MinCom. This is due to the lack of geological data, which created the opportunity for some illegal miners to purchase the land from the chiefs and without going through the process start mining.

Fifth, the country lacks a unified effort in the fight against illegal mining. Communities and the state at large are polarized along political and economic lines. Hence, while some disagreed with the clamp down on illegal mining from a political point of view others opposed it from an economic point of view.

Finally, politicians from both the NPP and NDC prioritize their political survival over national interest. Consequently, even though some MMDCEs and some MPs are fully aware of all the

galamsey sites in their areas, they did not take steps to deal with the illegal miners because they were politically connected.

6.2 Conclusion

Ghana's SSM legislation is a well-drafted policy when compared with the mining laws of other African countries. However, the implementation is marred with politics thereby altering its intended outcome. Again, the power clashes between actors and the delays in the licensing regime undermines the viability of the legislation. Besides these, other challenges such as illegality, illiteracy, lack of access to capital, lack of geological data, foreignization of the sector, law enforcement corruption, have hampered the successful implementation of SSM laws. Furthermore, political factors such as politicization of the implementation process, partisanship, political interference, the delegate system of electing national party leaders and the winner-takes-all politics have created additional implementation deficits. To address the challenges, the study proposed a number of strategies such as extensive consultation and involvement of all key stakeholders and sustained intensive education.

6.3 Recommendations

Based on the findings, a number of recommendations are made.

First, the regulators of SSM laws and the security agencies that help with the enforcement of the laws should be empowered to perform their legally mandated duties. By empowerment, the regulators should be given the needed logistics such as vehicles and computers and human resources (HR). The recruitment of HR should be based on merit and nothing else to ensure that mandates are effectively performed. Furthermore, there should not be any political interference in the work of

personnel so that the legislation can be uniformly enforced to the letter. The current selective application or enforcement of the legislation has further fuelled illegal mining and impunity.

Second, there should be a stronger collaboration between and among key actors. A key challenge identified by the study is the lack of cooperation, coordination and harmony between and among key actors. Thus, the regulators and implementing agencies should forge stronger collaboration to fight illegal mining.

Third, the GNASSM should develop an accurate and reliable database to capture the particulars of all its members to enable it have the correct number of members, their place of abode, the number of concessions each member has, where the concessions are located, among others. This will equip it with the necessary information to make informed decisions. This will also make it easier for it to isolate the concessions of members from military raid as it can easily identify the location of its members concessions based on the database. This recommendation is informed by the fieldwork to the effect that the GNASSM does not have a database thereby compounding its problems.

Fourth is for the government to create a plant pool in mining MMDAs and stock it with heavy duty machines such as excavators, bulldozers, among others which have become a part of SSM today. Unlike a decade or two ago when SSM was done with basic tools such as shovels, pick axes, among other primitive tools, currently SSM is done with more sophisticated equipment which has equally made it expensive. This has led to some local miners who could not buy them go into partnership with Chinese nationals as they have these heavy earth-moving machines. Those who could neither buy nor partner with Chinese nationals resorted to renting these machines at exorbitant fees. Therefore, to encourage registered SSMs, the government should create a plant pool (make these equipment available at the MMDAs) where miners who do not have the modern equipment can rent

them at a subsidized fee. The government should also either guarantee loans from local banks for credible SSMs or create a national fund from which registered SSMs can draw funds to finance their operations and pay back after production or deduction made at source (PMMC) when they sell their produce.

Fifth, there should be political will. Throughout my engagement with respondents for this study, a key challenge that has affected the implementation of the SSM legislation is the lack of political will on the part of governments and political figures to prosecute culprits, especially their own members. Consequently, at the national and sub-national levels, government officials should demonstrate enough political will in the enforcement of SSM laws and the prosecution of culprits particularly their own.

Sixth, there should be the adoption of a pragmatic systems auditing and refinement approach. The MLNR, MinCom, and security agencies, especially the national security including the military, the immigration and the police, should conduct an assessment of existing systems and procedures to identify loopholes and "windows of opportunity" in order to change strategies. This recommendation is based on the notion that, when people become too familiar with a system, they can simply organize a clandestine network to circumvent these systems or laws and act in their blind spot (Yeboah-Assiamah, 2017).

Seventh is the existence of a strong, compelling or countervailing third force. The study found that, for SSM legislation to be enforced to the letter, there is the need for a countervailing force that will keep the government and its regulatory agencies on their toes and scrutinize their activities to plug loopholes. Consequently, the study recommends the adoption of the corruption control tripod (Yeboah-Assiamah, 2017) with particular focus on the creation and maintenance of a strong third

force consisting of the media, think tanks, opposition political parties, pressure organizations, NGOs and civil society. The corruption control tripod rests on three key pillars: (i) strong personalities, which requires public officials to build personal ethics and high levels of integrity for their own benefit and that of their organizations. Similarly, actors involved in the implementation of SSM legislation must develop personal ethics and integrity for their own benefit and that of the country as a whole. (ii) robust institutions, which requires the state to build context specific systems to drive, encourage ethical conduct and integrity, monitor, prevent and regulate corruption among actors (Yeboah-Assiamah, 2017). (iii) an active civil society comprising of the media, think tanks, opposition parties, pressure organizations, and NGOs that compel public officials to act right and in the interest of the state (Yeboah-Assiamah, 2017). He asserted that, if a strong third force mediates between public officials and institutions, there will be more ethical public officials and organizational structures, and enforcers will be compelled to do the right thing (Yeboah-Assiamah, 2017).

Eighth, political appointees at the sub-national level namely regional ministers and MMDCEs should be made to sign anti-galamsey contract before assumption of office. The contract should be that, where galamsey is prevalent, the MMDCEs should sign a contract to curb it with timelines and where there is none, the MMDCEs should sign a contract to ensure it does not start there. Failure to do this should come with the removal from office and prosecution where necessary. The job and tenure of office of MMDCEs and regional ministers should be linked to their performance in the management of galamsey activities in their district, municipality or region.

Ninth, there should be self-monitoring by GNASSM. Illegality perpetrated by illegal SSMs as well as some registered SSMs is a key challenge affecting the SSM sector and the implementation of its laws. This has led to the clampdown of their operations by successive governments. Whereas

previous governments clamped down on only illegal miners, the current administration in 2017 clamped down on both legal and illegal SSMs. This affected the registered ones terribly and the situation has persisted. The study therefore recommends that, to avert future occurrences of similar situation, the GNASSM should monitor the activities of its members to ensure they mine responsibly and sustainably, and also help regulators to flush out illegal miners. Failure to do so would lead to giving the government the option to rid the sector of miscreants which will also affect members of the GNASSM.

Tenth, there is the need to set up a local anti-galamsey taskforce. Mining takes place in the rural areas and communities from where illegal miners particularly Chinese nationals operate clandestinely. Therefore, the government must decentralize the fight against illegal mining. This should be done by recruiting local people in individual mining communities and empower them to help with the clampdown on the activities of illegal miners in their own communities instead of deploying the military from Accra into the villages to drive out illegal miners. The local anti-galamsey taskforce can be formed around registered SSMs, Unit committee members and assemblymen because of their proximity to the areas and therefore have the capacity to deal with illegal mining.

Finally, mineral exploration in forest reserves should be banned indefinitely. One interesting but worrying findings made by the study was that mineral exploration or prospecting in forest reserve is permissible but when a mineral is discovered, it cannot be mined. This “trap” has not currently worked for the state because mining companies that were permitted to prospect in forest reserves and found minerals never returned or exited the forest. They remained, mined and destroyed the forest reserves with the attendant pollution of water bodies and depletion of forest reserves.

BIBLIOGRAPHY

- Abdulai, A-G (2017). Competitive Clientelism and the Political Economy of Mining in Ghana. ESID Working Paper No. 78, Manchester: The University of Manchester.
- Adu-Baffour, F., Daum, T., & Birner, R. (2021). Governance Challenges of Small-scale Gold Mining in Ghana: Insights from a Process Net-map Study. *Land Use Policy*, 102 (105271), 1-16.
- Agbevade, A. (2018). The Politics of Formulating the National Health Insurance Scheme in Ghana. *ADRRI Journal of Arts and Social Sciences*, 16(4), 1-15.
- Amankwah, R.K., Anim-Sackey, C., (2003). Strategies for Sustainable Development of the Smallscale Gold and Diamond Mining Industry of Ghana. *Resources Policy* 29, 131–138.
- Amoh, E. K. (2022). Police Officer Drowns while Chasing Illegal Miners on River Sui. Retrieved from: <https://3news.com/police-officer-drowns-while-chasing-illegal-miners-on-river-sui>.
- Anderson J.E. (2003). *Public Policy Making: An Introduction*. Boston: Houghton Mifflin.
- Anderson, J. E. (2011). *Public Policy Making*. Boston: Wadsworth.
- Arthur, P. (2014). Governance of Natural Resource Management in Africa: Contemporary Perspectives. In Hanson, K.T., D'Alessandro, C. & Owusu, F. (Eds.), *Managing Africa's Natural Resources* (pp. 39-65). London: Palgrave Macmillan.
- Aryee, B. N. (2001). Ghana's Mining Sector: Its Contribution to the National Economy. *Resources Policy*, 27(2), 61-75.

- Ayee J.R.A. (1994). *An Anatomy of Public Policy Implementation: Case of Decentralization Policies in Ghana*. Ardershot: Ashgate Publishing Company.
- Ayee J.R.A. (1996). "Policy Making: Approaches and Concepts in Kayode Odusote (ed.), *West African Postgraduate Medical College, Health Service Management Course Manual*, 2(1).
- Ayee J.R.A. (2000). *Saints, Wizards, Demons and Systems Explaining the Success or Failure of Public Policies and Programmes*. Accra: Universities Press.
- Ayee, J.R.A. (2014). *The Status of Natural Resource Management in Africa: Capacity Development Challenges and Opportunities*. In Hanson, K.T., D'Alessandro, C. & Owusu, F. (Eds.), *Managing Africa's Natural Resources* (pp. 15-38). London: Palgrave Macmillan.
- Ayee, J.R.A. (1992). *Some Theoretical Models of Policy Implementation: An Assessment*. *Greenhill Journal of Administration*, 8(1), 15-30.
- Ayee, J.R.A. (1993). *Complexity of Joint Action: Implementation of Restructuring of Ministerial Organization in Ghana*. *African Journal of Public Administration and Management*, 2(2), 25-43.
- Ayee, J.R.A. (1997). *Policy Management in Ghana: The Case of the Value Added Tax (VAT)*. *African Journal of Public Administration and Management*, 8(2), 51-64.
- Ayee, J.R.A., Soreide, T., Shukla, G. P., & Le, T. M. (2011). *Political Economy of the Mining Sector in Ghana*. *World Bank Policy Research Working Paper*, (5730): 1-48.
- Baier, V. E., March, J. G., & Saetren, H. (1986). *Implementation and Ambiguity*. *Scandinavian Journal of Management Studies*, 2(3-4), 197-212.

- Banchirigah, S. M. (2006). How have Reforms Fuelled the Expansion of Artisanal Mining? Evidence from sub-Saharan Africa. *Resources Policy*, 31(3), 165-171.
- Banchirigah, S. M. (2008). Challenges with Eradicating Illegal Mining in Ghana: A Perspective from the Grassroots. *Resources policy*, 33(1), 29-38.
- Bardach, E. (1977). *The Implementation Game. What Happens After a Bill Becomes a Law*. Cambridge: MIT Press.
- Barimah, N.Y. (2022). Mampong Chiefs Oppose Mining Activities: Force Minerals Commission to Withdraw Application. Retrieved from: <https://www.graphic.com.gh/news/generalnews/mampong-chiefs-oppose-mining-activities-force-minerals-commission-to-withdrawapplication.html>.
- Barreto M.L., Schein P., Hinton J., and Hruschka F. (2018). The Impact of Small-Scale Mining Operations on Economies and Livelihoods in Low-to Middle-Income Countries. Pact Global U.K and Alliance for Responsible Mining.
- Barry, M. (Ed.), (1996). *Regularizing Informal Mining. A Summary of the Proceedings of the International Round table on Artisanal Mining*. Organized by the World Bank, 17–19, May 1995, Industry and Energy Department Occasional Paper No. 6, Washington, DC.
- Bassey, M. (1981). Pedagogical Research: On the Relative Merits of Search for Generalization and Study in Single Events. *Oxford Review of Education*, 7(1), 73-93.
- Batalla, E. V. C., Torneo, A. R., & Magno, F. A. (2018). A Survey of Political Interference Patterns and Modalities in National Roadworks in the Philippines. *Asia-Pacific Social Science Review*, 18(2). 267-281.

- Baxter, P. & Jack, S. (2008). Qualitative Case Study Methodology: Study Design and Implementation for Novice Researchers. *The Qualitative Report*, 1 (4), 544-559.
- Berman, P. (1978). The Study of Macro- and Micro-Implementation. *Public Policy* 26, 157-84.
- Bhattacharjee, A. (2012). *Social Science Research: Principles, Methods, and Practices*. University of South Florida. Retrieved on May 28, 2022, from http://scholarcommons.usf.edu/oa_textbooks/3.
- Borrego, M., Douglas, E. P., & Amelink, C. T. (2009). Quantitative, Qualitative, and Mixed Research Methods in Engineering Education. *Journal of Engineering Education*, 98(1), 53-66.
- Bryman, A. (2004). *Social Research Methods, Second Edition*. Oxford: Oxford University Press.
- Burnham, P., Gilland, K., Grant, W., & Layton-Henry, Z. (2004). *Research Methods in Politics*. New York: Palgrave Macmillan.
- Carter, N., Bryant-Lukosius, D., DiCenso, A., Blythe, J., & Neville, A. J. (2014). The Use of Triangulation in Qualitative Research. *Oncology Nursing Forum*, 41(5), 545–547.
- Coomson, N.K. (2013). President Mahama Sets up Inter-Ministerial Taskforce on Illegal-Mining. Retrieved from: <https://233times.net/2013/05/pres-mahama-sets-up-inter-ministerial-taskforceon-illegal-mining>.
- Christmals, C. D. & Aidam, K. (2020). Implementation of the National Health Insurance Scheme (NHIS) in Ghana: Lessons for South Africa and Low-and Middle-Income Countries. *Risk Management and Healthcare Policy*, 13, 1879-1904.

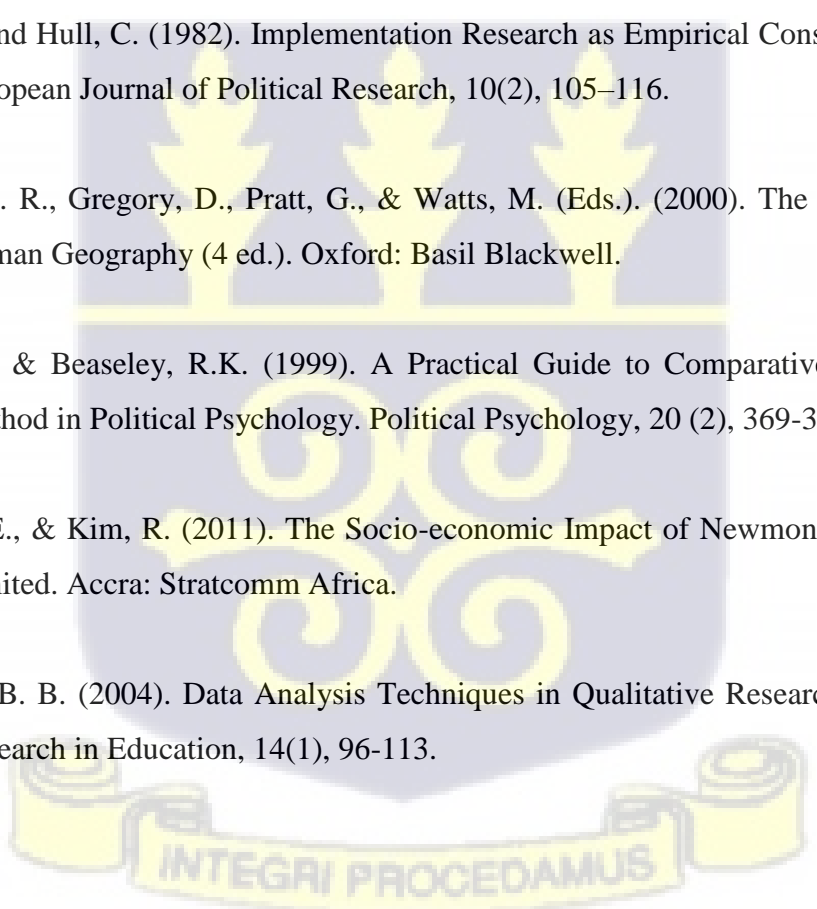
- Creswell, J.W. (2003). *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*. (2nd Ed.). Thousand Oaks: Sage.
- Creswell, J.W. & Poth, C.N. (2018). *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*. (4th Ed.). Los Angeles & London: Sage.
- Crouch, S., & Housden, M. (2003). *Marketing Research for Managers*, [online] Oxford: Francis & Taylor.
- Crowe, S., Cresswell, K., Robertson, A., Huby, G., Avery, A., & Sheikh, A. (2011). The Case Study Approach. *BMC Medical Research Methodology*, 11(1), 1-9.
- D'Alessandro, C., Hanson, K. T., & Owusu, F. (2014). The Gas and Oil Sector in Ghana: the Role of Civil Society and the Capacity Needs for Effective Environmental Governance. In Hanson, K.T., D'Alessandro, C. & Owusu, F. (Eds.), *Managing Africa's Natural Resources* (pp. 140-161). London: Palgrave Macmillan.
- De Vaus, D. A. (2001). *Research Design in Social Research*. London: Sage.
- Denzin, N. K., & Lincoln, Y. S. (Eds.). (2018). *The Sage Handbook of Qualitative Research*. (5th.ed.). Thousand Oaks: Sage.
- Denzin, N.K. (1978). *Sociological Methods: A Sourcebook*. New York: McGraw-Hill.
- Dickson, M. W., Smith, D. B., Grojean, M. W., & Ehrhart, M. (2001). An Organizational Climate Regarding Ethics: The Outcome of Leader Values and the Practices That Reflect Them. *The Leadership Quarterly*, 12(2), 197–217.
- Donkor, A. K., Bonzongo, J. C., Nartey, V. K., & Adotey, D. K. (2006). Mercury in Different Environmental Compartments of the Pra River Basin, Ghana. *Science of the Total Environment*, 368(1), 164-176.

- Dreschler, B. (2001). Small-Scale Mining and Sustainable Development within the SADC Region. *Mining, Minerals and Sustainable Development*, 84(84), 1-165.
- Dunn W. (2014). *Public Policy Analysis*, (5th Ed.). Edinburgh Gate: Pearson Education Ltd.
- Dye, T. R. (2008). *Understanding Public Policy*. New Jersey: Prentice Hall.
- Elmore, R. F. (1979). Backward Mapping: Implementation Research and Policy Decisions. *Political Science Quarterly*, 94(4), 601-616.
- Elo, S., & Kyngäs, H. (2008). The Qualitative Content Analysis Process. *Journal of Advanced Nursing*, 62(1), 107-115.
- Emmanuel, A. Y., Jerry, C. S., & Dzigbodi, D. A. (2018). Review of Environmental and Health Impacts of Mining in Ghana. *Journal of Health and Pollution*, 8(17), 43-52.
- Farazmand, A. (2002). Administrative Ethics and Professional Competence: Accountability and Performance under Globalization. *International Review of Administrative Sciences*, 68(1), 127– 143. Flick, U. (Ed.). (2013). *The Sage Handbook of Qualitative Data Analysis*. Los Angeles: Sage.
- Mathers, N. J., Fox, N. J., & Hunn, A. (1998). *Using Interviews in a Research Project*. Nottingham: Trent Focus Group.
- Frances, R., Coughlan, M., & Cronin, P. (2009). Interviewing in Qualitative Research. *International Journal of Therapy and Rehabilitation*, 16(6), 309-314.
- Fritz, A.E. & Morgan, G.A. (2010). Sampling. In N.J. Salkind (Ed.). *Encyclopedia of Research Design*. (pp. 1303-1306). Thousand Oaks: Sage.

- Frynas, J. G., & Paulo, M. (2007). A New Scramble for African oil? Historical, Political, and Business Perspectives. *African Affairs*, 106(423), 229-251.
- Gajate-Garrido, G., & Owusua, R. (2013). The National Health Insurance Scheme in Ghana: Implementation Challenges and Proposed Solutions, 1-33.
- Geenen, S. (2012). A Dangerous Bet: The Challenges of Formalizing Artisanal Mining in the Democratic Republic of Congo. *Resources Policy*, 37(3), 322-330.
- Goggin, M. L., Bowman, A., Lester, J., & O'Toole, L. J. (1990). *Implementation Theory and Practice: Toward a Third Generation*. New York: Harper Collins.
- Graham, E., & Gyampo, R. E. V. (2019). Sixty Years of Independence and a Decade of Oil Discovery in Ghana. In Ayee, J.R.A. (Ed.), *Politics, Governance, and Development in Ghana* (pp. 281-296). Lanham, Boulder, New York & London: Lexington Books.
- Grant, C., & Osanloo, A. (2014). Conducting, Selecting and Integrating a Theoretical Framework in Dissertation Research: Creating the Blueprint for your “House”. *Administrative Issues Journal: Connecting Education, Practice and Research*, 4(2), 12-26.
- Grindle, M. & Thomas, J. (1991). *Public Choices and Policy Change: The Political Economy of Reform in Developing Countries*. Baltimore & London: The Johns Hopkins University Press.
- Grindle, M. S. (1980). *Politics and Policy Implementation in the Third World*. Princeton, New Jersey: Princeton University Press.
- Gyimah-Boadi, E., & Prempeh, H. K. (2012). Oil, Politics, and Ghana's Democracy. *Journal of Democracy*, 23(3), 94-108.

- Gyimah-Boadi, E., & Prempeh, H. K. (2012). Oil, Politics, and Ghana's Democracy. *Journal of Democracy*, 23(3), 94-108.
- Heaton, J. (2008). Secondary Analysis of Qualitative Data. *Historical Social Research*, 33(3), 33-45.
- Hentschel, T., Hruschka, F., & Priester, M. (2002). Global Report on Artisanal and Small-Scale Mining. Report Commissioned by the Mining, Minerals and Sustainable Development of the International Institute for Environment and Development.
- Hilson, G. & Osei, L., (2014). Tackling Youth Unemployment in Sub-Saharan Africa: Is There a Role for Artisanal and Small-Scale Mining? *Futures* 62, 83–94.
- Hilson, G. & Potter, C. (2005). Structural Adjustment and Subsistence Industry: Artisanal Gold Mining in Ghana. *Development and Change*, 36(1), 103-131.
- Hilson, G. & Potter, C., (2003). Why Is Illegal Gold Mining Activity so Ubiquitous in Rural Ghana? *Afr. Dev. Rev.* 15 (2–3), 237–270.
- Hilson, G. (2002a). The Environmental Impact of Small-Scale Gold Mining in Ghana: Identifying Problems and Possible Solutions. *Geographical Journal*, 168(1), 57-72.
- Hilson, G. (2002b). Small-Scale Mining and its Socio-Economic Impact in Developing Countries. In *Natural Resources Forum* (Vol. 26, No. 1, pp. 3-13). Oxford and Boston: Blackwell Publishing Ltd.
- Hilson, G., & Potter, C. (2005). Structural Adjustment and Subsistence Industry: Artisanal Gold Mining in Ghana. *Development and Change*, 36(1), 103-131.

- Hilson, G., Bartels, E., & Hu, Y. (2022). Brick by Brick, Block by Block: Building a Sustainable Formalization Strategy for Small-scale Gold Mining in Ghana. *Environmental Science & Policy*, 135, 207-225.
- Howlett, M., & Ramesh, M. (1995). *Studying Public Policy: Policy Cycles and Policy Subsystems*. Oxford: Oxford University.
- Hsieh, H. F., & Shannon, S. E. (2005). Three Approaches to Qualitative Content Analysis. *Qualitative Health Research*, 15(9), 1277-1288.
- Huberman, A. M., & Miles, M. B. (1994). Data Management and Analysis Methods. In N. K. Denzin & Y. S. Lincoln (Eds.), *Handbook of Qualitative Research* (pp. 428–444). Los Angeles, London, New Delhi & Washington DC: Sage Publications Inc.
- Hjern, B. and Hull, C. (1982). Implementation Research as Empirical Constitutionalism. *European Journal of Political Research*, 10(2), 105–116.
- Johnston, J. R., Gregory, D., Pratt, G., & Watts, M. (Eds.). (2000). *The Dictionary of Human Geography* (4 ed.). Oxford: Basil Blackwell.
- Kaarbo, J., & Beaseley, R.K. (1999). A Practical Guide to Comparative Case Study Method in Political Psychology. *Political Psychology*, 20 (2), 369-391.
- Kapstein, E., & Kim, R. (2011). *The Socio-economic Impact of Newmont Ghana Gold Limited*. Accra: Stratcomm Africa.
- Kawulich, B. B. (2004). Data Analysis Techniques in Qualitative Research. *Journal of Research in Education*, 14(1), 96-113.



- Kessey, K. D., & Arko, B. (2013). Small scale Gold Mining and Environmental Degradation, in Ghana: Issues of Mining Policy Implementation and Challenges. *Journal of Studies in Social Sciences*, 5(1), 12-30.
- Kitchin, R. & Tate N. J. (2000). *Conducting Research into Human Geography*. London: Routledge.
- Kuma, J. S., Yendaw, J. A. (2010). “The Need to Regularize Activities of Illegal Small-Scale Mining in Ghana: a Focus on the Tarkwa–Dunkwa Highway”. *International Journal of Geosciences* 1, 113–120.
- Kumah-Abiwu, F. (2017). Democratic Institutions, Natural Resource Governance, and Ghana’s Oil Wealth. *Social Sciences*, 6(21), 1-13.
- Kumekpor, T. B. K. (2002). *Research Methods and Techniques of Social Research*. Accra: SonLife Printing Press and Services.
- Laswell, H. (1936). *Politics: Who Gets What, When and How?* New York: McGraw Hill.
- Lester, J. P. & Stewart, J. (2000). *Public Policy: An Evolutionary Approach*. Belmont, CA: Wadsworth.
- Lester, P. J., Bowman, A. O., Goggin, L. M., & O’Toole, L. J. (1995). Public Policy Implementation: Evolution of the Field and Agenda for Future Research. *Research in Public Policy Analysis and Management*, 7, 71-94.
- Lipsky, M. 1980. *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russell Sage Foundation.
- Litt, A.R. (2010). Population. In N.J. Salkind (Ed.). *Encyclopedia of Research Design*. (pp.10531067). Thousand Oaks: Sage.

- McGinn, M. K. (2008). Secondary Data. In L.M. Given (Ed.). *The Sage Encyclopedia of Qualitative Research Methods*. (p. 660-665). Thousand Oaks: Sage.
- Lofland, J., Snow, D., Anderson, L., & Lofland, L. (2006). *Analyzing Social Settings: A Guide to Qualitative Observation and Analysis* (4th ed.). Boston, MA: Wadsworth.
- Maconachie, R. & Binns, T., (2007). 'Farming Miners' or 'Mining Farmers'? Diamond Mining and Rural Development in Post-Conflict Sierra Leone. *J. Rural Stud.* 23 (3), 367–380.
- Matland, R. E. (1995). Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation. *Journal of Public Administration Research and Theory*, 5(2), 145-174.
- May, C. (2013). Towards a General Theory of Implementation. *Implementation Science*, 8(1), 1-14.
- Mazmanian, D. & Sabatier, P. (1983). *Implementation and Public Policy*. Chicago: Scott Foresman and Co.
- McGinn, M. K. (2008). Secondary Data. In L.M. Given (Ed.). *The SAGE Encyclopedia of Qualitative Research Methods*. (pp. 660-665). Thousand Oaks: Sage.
- Mensah-Attipoe, G. (2019). *Challenges in Implementation of Policies on Small-scale Gold Mining in Ghana-The Case of Gbane* (Master's thesis, Itä-Suomen yliopisto).
- Mikkelsen, B. (2005). *Methods for Development Work and Research: a new Guide for Practitioners*. London: Sage.

Mishra, V. & Jain, T. K. (2016). Political Entrepreneurship-A Review of its Historical Aspects. *International Journal of Arts Humanities and Management Studies*. 2. 8-15.

Nyabor, J. (2019). Jailing Aisha Huang Would not Have Solved Ghana's Problems – Osafo Maafo. Retrieved from: <https://citinewsroom.com/2019/04/jailing-aisha-huang-wouldnt-have-solvedghanas-problems-osafo-mafo>.

Okpanachi, E., & Andrews, N. (2012). Preventing the Oil “Resource Curse” in Ghana: Lessons from Nigeria. *World Futures*, 68(6), 430-450.

Osei-Kojo, A., & Andrews, N. (2016). Questioning the Status Quo: Can Stakeholder Participation Improve Implementation of Small-Scale Mining Laws in Ghana? *Resources*, 5(4), 33.

Osei-Kojo, A., Asamoah, K., & Yeboah-Assiamah, E. (2016). Implementing Small Scale Mining Laws in Ghana: Insights from the Prestea Huni Valley District. *Administratio Publica*, 24(3), 235-257.

O'Toole Jr, L. J. (2000). Research on policy implementation: Assessment and prospects. *Journal of public administration research and theory*, 10(2), 263-288.

Pacherie, E. (2012). The Phenomenology of Joint Action: Self-Agency vs. Joint-Agency. In A. Seeman, *Joint Attention: New Developments* (pp. 343-389). Cambridge: MIT.

Palumbo, D. J. & Calista, D. J. (1990), *Implementation and the Policy Process, Opening the Black Box*. New York: Greenwood Press.

Parveen, H., & Showkat, N. (2017). Research Ethics. Retrieved from:

https://www.researchgate.net/publication/318912804_Research_Ethics_on12/11/2019.

Patton, M. Q. (1999). Enhancing the Quality and Credibility of Qualitative Analysis. *Health Services Research*, 34(5), 1189-1208.

Paudel, N. R. (2009). A Critical Account of Policy Implementation Theories: Status and Reconsideration. *Nepalese Journal of Public Policy and Governance*, 25(2), 36-54.

Persaud, N. (2010). Primary Data Source. In N.J. Salkind (Ed.). *Encyclopedia of Research Design*. (pp. 1095-1097). Thousand Oaks: Sage.

Pressman, J. L. & Wildavsky, A. (1973), *Implementation: 1st edition*. Bekeley: University of California Press.

Pressman, J. L., & Wildavsky, A. (1984). *Implementation: How Great Expectations in Washington are dashed in Oakland; or, why it's amazing that Federal Programs work at all, this being a saga of the Economic Development Administration as told by two Sympathetic Observers who seek to Build Morals on a Foundation* (3 Ed). Berkeley, Los Angeles & London: University of California Press.

Pülzl, H., & Treib, O. (2017). Implementing Public Policy. In Fischer, F., Miller, G. J., Sidney, M.S., (Eds) *Handbook of Public Policy Analysis* (pp. 115-134). Boca Raton, London & New York: CRC Press.

Reeves, S., Kuper, A., & Hodges, B. D. (2008). Qualitative Research Methodologies: Ethnography. *British Medical Journal*, 337(7668), 512-514.

Republic of Ghana. (1989). *Mining Act 1989 (PNDCL 217)*. Accra: Ghana Publishing Corporation.

Republic of Ghana. (1989). Mining Act 1989 (PNDCL 218). Accra: Ghana Publishing Corporation.

Republic of Ghana. (1989). Mining Act 1989 (PNDCL 219). Accra: Ghana Publishing Corporation.

Republic of Ghana (1992). The Constitution of the Fourth Republic of Ghana. Accra: Parliament of Ghana.

Republic of Ghana. (1993). Civil Service Law (PNDCL 327). Accra: Ghana Publishing Corporation.

Republic of Ghana. (1993). Minerals Commission Act, 1993 (Act 450). Accra: Ghana Publishing Corporation.

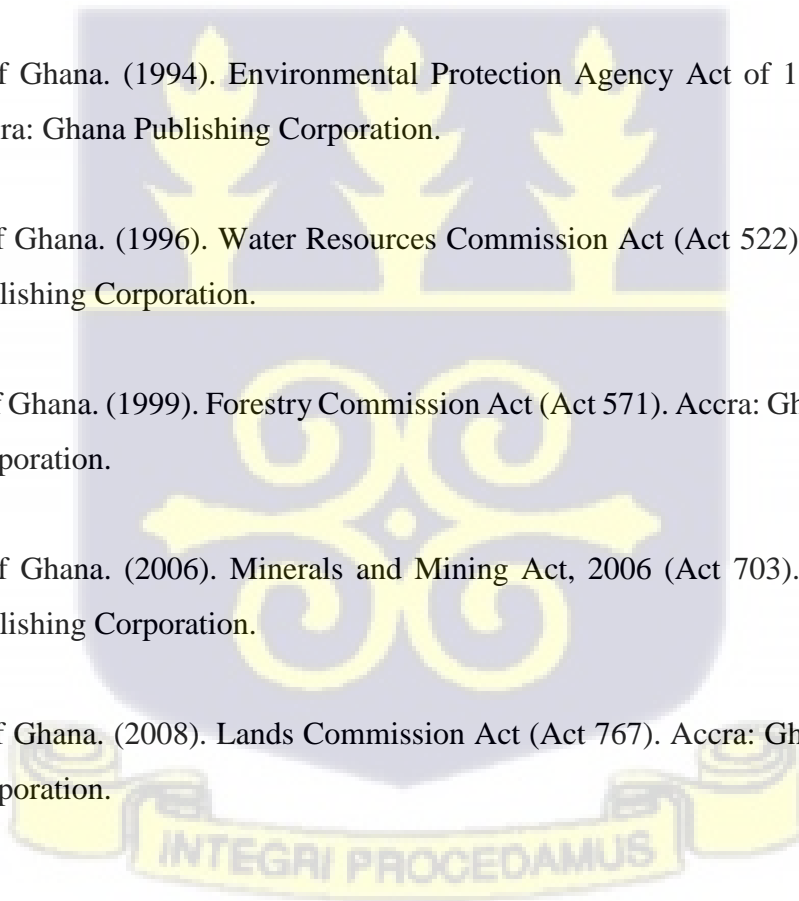
Republic of Ghana. (1994). Environmental Protection Agency Act of 1994 (Act 490). Accra: Ghana Publishing Corporation.

Republic of Ghana. (1996). Water Resources Commission Act (Act 522). Accra: Ghana Publishing Corporation.

Republic of Ghana. (1999). Forestry Commission Act (Act 571). Accra: Ghana Publishing Corporation.

Republic of Ghana. (2006). Minerals and Mining Act, 2006 (Act 703). Accra: Ghana Publishing Corporation.

Republic of Ghana. (2008). Lands Commission Act (Act 767). Accra: Ghana Publishing Corporation.



Republic of Ghana. (2017). Artisanal and Small-Scale Mining Handbook for Ghana. Accra: Ghana Publishing Corporation.

Republic of Ghana. (2019). Minerals and Mining Act, 995 (Act 2019). Accra: Ghana Publishing Corporation.

Republic of Ghana. (2021). Environmental and Social Management Framework (ESMF). Accra: Ghana Publishing Corporation.

Russell, H. A. (2015). Neo Synthesis Approach to Policy Implementation of Social Programs: an Alternative Approach to Policy Implementation. *Journal of Sociology and Social Work*, 3(1), 17-26.

Sabatier, P. (1986). Top-Down and Bottom-Up Approaches to Implementation Research: A Critical Analysis and Suggested Synthesis. *Journal of Public Policy*, 6(1), 21-48.

Sabatier, P., & Mazmanian, D. (1979). The Conditions of Effective Implementation Policy Analysis: A Guide to Accomplishing Policy Objectives. *Policy Analysis*, 5(4), 481-504.

Sapru, R. K. (2004). *Public Policy: Formulation, Implementation and Evaluation*. New Delhi: Sterling.

Scribd. (2012). Public Policy Models. Retrieved May 10th, 2022, from Scribd: <http://www.scribd.com/doc/6505727/Public-Policy-Models>.

Sharma, G. (2017). Pros and Cons of Different Sampling Techniques. *International Journal of Applied Research*, 3(7), 749-752.

- Strauss, A., & Corbin, J. (1990). *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*. Newbury Park: Sage.
- Taherdoost, H. (2016). Sampling Methods in Research Methodology; How to Choose a Sampling Technique for Research. *International Journal of Academic Research in Management (IJARM)*, 5(2), 18-27.
- Teschner, B. A. (2012). Small-Scale Mining in Ghana: The Government and the Galamsey. *Resources Policy*, 37(3), 308-314.
- Tom-Dery, D., Dagben, Z. J., & Cobbina, S. J. (2012). Effect of Illegal Small-scale Mining Operations on Vegetation Cover of Arid Northern Ghana. *Research Journal of Environmental and Earth Sciences*, 4(6), 674-679.
- Tschakert, P. (2016). Shifting Discourses of Vilification and the Taming of Unruly Mining Landscapes in Ghana. *World Development*, 86, 123-132.
- Tschakert, P., & Singha, K. (2007). Contaminated Identities: Mercury and Marginalization in Ghana's Artisanal Mining Sector. *Geoforum*, 38(6), 1304–1321.
- Turner, M., & Hulme, D. (1997). *Governance, Administration and Development: Making the State Work*. London: Macmillan.
- United Nations Economic Commission for Africa (UNECA). (2011). *Minerals and Africa's Development: The International Study Group Report on Africa's Mineral Regimes*. Addis Ababa, Ethiopia: UNECA.
- Van Meter, D. S., & Van Horn, C. E. (1975). The Policy Implementation Process: A Conceptual Framework. *Administration & Society*, 6(4), 445-488.

Welman, J. C., & Kruger, F. (2001). *Research Methodology for the Business and Administrative Sciences*. Cape Town: Oxford University Press.

Winter, S. C. (2003). Implementation. In B. Peter, & J. Pierre (Eds.), *Handbook of Public Administration* (pp. 212-222). London: Sage.

Yeboah-Assiamah, E. (2017). 'Strong Personalities' and 'Strong Institutions' Mediated by a 'Strong Third Force': Thinking 'Systems' in Corruption Control. *Public Organization Review*, 17(4), 545-562.

Yin, R. (2003). *Case Study Research*. (3rd Ed.). Thousand Oaks: Sage.

Yin, R. (2014). *Case Study Research*. (5th Ed.). Thousand Oaks: Sage.

Ziaba, H.I. (2021, April, 1-3). *Governing Artisanal and Small-scale Mining in Africa: The Ghanaian Experience*. [Paper Presentation]. WPSA 2021: Comparative Political Economy: Commodities, Markets, and the State. Virtual Conference. Retrieved from <http://www.wpsanet.org/papers/docs/isaacharuna2021.pdf>.



APPENDICES

Appendix A: INTERVIEW GUIDE FOR MINISTRY OF LANDS AND NATURAL RESOURCES AND ITS AGENCIES

Introduction

I am an M.Phil. Part II student of the Department of Political Science, University of Ghana. I am researching on the topic “**Politics of Public Policy Implementation in Ghana: The Case of Small-Scale Mining Legislation**” under the supervision of Prof. Joseph R.A. Ayee. As part of my fieldwork, I would be grateful if you could assist in providing answers to the questions below. In line with the ethics of research, the information provided will be solely for academic purposes and respondents are assured of anonymity and confidentiality. The interview section will take approximately 30 to 45 minutes and will be recorded for further analysis upon approval. For further enquiries, please contact Bernard Asiedu Botchway on **0246216390/0203719260** or babotchway001@st.ug.edu.gh

Thank you very much.

1. What are the functions of your ministry in small-scale mining (SSM) and its legislation?
2. How well have these functions been performed?
3. Has the SSM sector been beneficial to the country? In what way?
4. What is the relationship between your ministry and other agencies in SSM?
5. Who are the major actors and players in the implementation of SSM legislation?
6. What are the interests of these actors and players?
7. How do their interests affect the implementation of SSM legislation?
8. What are the criteria used in the allocation of concessions?
9. Do you think some of the actors are dissatisfied with the allocation of concessions? If yes, why?
10. What are the main causes of conflict in the implementation of SSM legislation?

11. What are the main causes of delay in the implementation of SSM legislation?
12. What are the key challenges facing SSM legislation?
13. What can be done to remedy these challenges to SSM legislation?
14. How will you rate the performance of your ministry in the implementation of SSM legislation? Excellent, Very Good, Good, Satisfactory, Bad
15. How satisfied are actors with the performance of the role of your ministry/agency in SSM legislation?
16. What recommendations will you make to improve the SSM sector and legislation



Appendix B: INTERVIEW GUIDE FOR NATIONAL ASSOCIATION OF SMALL-SCALE MINERS REPRESENTATIVES

Introduction

I am an M.Phil. Part II student of the Department of Political Science, University of Ghana. I am researching on the topic “**Politics of Public Policy Implementation in Ghana: The Case of Small-Scale Mining Legislation**” under the supervision of Prof. Joseph R.A. Ayee. As part of my fieldwork, I would be grateful if you could assist in providing answers to the questions below. In line with the ethics of research, the information provided will be solely for academic purposes and respondents are assured of anonymity and confidentiality. The interview section will take approximately 30 to 45 minutes and will be recorded for further analysis upon approval. For further enquiries, please contact Bernard Asiedu Botchway on **0246216390/0203719260** or babotchway001@st.ug.edu.gh

Thank you very much.

1. Is your association involved in the implementation of SSM legislation? If yes, in what way?
2. Has the SSM sector been beneficial to the country? In what way?
3. What are the criteria used in the allocation of concessions?
4. Are you satisfied with them? If Yes or No, give reasons
5. What are the benefits enjoyed by your association in SSM legislation?
6. Do you think more benefits can be enjoyed by your association? If yes, state reasons.
7. What are the key causes of dissatisfaction among your association?
8. How many conflicts have arisen among members?
9. How were these conflicts resolved?
10. How will you rate the performance of the association in the SSM sector and legislation?
11. Do you think you can do better?

12. What challenges affect the implementation of SSM legislation?
13. How can these challenges be addressed?
14. How can the implementation of SSM legislation be better?
15. Suggest ways of improving the SSM sector taking into account the interest of the members of your association.



Appendix C: INTERVIEW GUIDE FOR SMALL-SCALE MINERS

Introduction

I am an M.Phil. Part II student of the Department of Political Science, University of Ghana. I am researching on the topic “**Politics of Public Policy Implementation in Ghana: The Case of Small-Scale Mining Legislation**” under the supervision of Prof. Joseph R.A. Ayee. As part of my fieldwork, I would be grateful if you could assist in providing answers to the questions below. In line with the ethics of research, the information provided will be solely for academic purposes and respondents are assured of anonymity and confidentiality. The interview section will take approximately 30 to 45 minutes and will be recorded for further analysis upon approval. For further enquiries, please contact Bernard Asiedu Botchway on **0246216390/0203719260** or babotchway001@st.ug.edu.gh

Thank you very much.

1. Are you aware of the small-scale mining (SSM) legislation?
2. Do you think the SSM legislation has benefited you? If yes, in what way? If no, why?
3. Has the SSM sector been beneficial to the country? In what way?
4. What are the criteria for the allocation of concessions?
5. Are you satisfied or dissatisfied with the allocation of concessions? If yes, why? If no, why?
6. Do you think the implementation of the SSM legislation has been done effectively?
7. Did you play any role in the implementation of the SSM legislation?
8. What are the main causes of conflicts among the actors?
9. How were the conflicts resolved?
10. Are you satisfied or dissatisfied with the implementation of the SSM legislation? If Yes or No, why?
11. Why are there delays in the implementation of the SSM legislation?

12. Do you think the Small-Scale Miners Association has represented your interests? If yes or no, why?
13. How will you rate the Small-Scale Miners Association? Excellent, Very Good, Good, Satisfactory, Bad
14. Are satisfied or dissatisfied with the performance of the Ministry of Lands and Natural Resources? Yes or No. Give reasons
15. What are the key challenges facing the implementation of SSM legislation?
16. How can the challenges be addressed?
17. Suggest ways to improve the SSM sector and legislation



Appendix D: INTERVIEW GUIDE FOR THINK TANKS

Introduction

I am an M.Phil. Part II student of the Department of Political Science, University of Ghana. I am researching on the topic “**Politics of Public Policy Implementation in Ghana: The Case of Small-Scale Mining Legislation**” under the supervision of Prof. Joseph R.A. Ayee. As part of my fieldwork, I would be grateful if you could assist in providing answers to the questions below. In line with the ethics of research, the information provided will be solely for academic purposes and respondents are assured of anonymity and confidentiality. The interview section will take approximately 30 to 45 minutes and will be recorded for further analysis upon approval. For further enquiries, please contact Bernard Asiedu Botchway on **0246216390/0203719260** or babotchway001@st.ug.edu.gh

Thank you very much.

1. Are you familiar with the SSM legislation?
2. Do you think the legislation has been beneficial to the SSM sector? If yes or no, give reasons
3. Has the SSM sector been beneficial to the country? In what way?
4. What are the causes of the conflicts and tensions among the actors?
5. How were the tensions and conflicts resolved?
6. Did your organization have a hand in resolving some of the conflicts and tensions?
7. How will you rate the performance of the Ministry of Lands and Natural Resources? Excellent, Very Good, Good, Satisfactory, Bad
8. How will you rate the performance of the Small-Scale Miners Association? Excellent, Very Good, Good, Satisfactory, Bad
9. How will you rate the behaviour of the miners as a group? Excellent, Very Good, Good, Satisfactory, Bad
10. What are some of the key challenges affecting the implementation of the SSM legislation?

11. How can the challenges be addressed?

12. Suggest ways to improve the SSM sector and legislation



Appendix E: INTERVIEW GUIDE FOR ACADEMICS

Introduction

I am an M.Phil. Part II student of the Department of Political Science, University of Ghana. I am researching on the topic “**Politics of Public Policy Implementation in Ghana: The Case of Small-Scale Mining Legislation**” under the supervision of Prof. Joseph R.A. Ayee. As part of my fieldwork, I would be grateful if you could assist in providing answers to the questions below. In line with the ethics of research, the information provided will be solely for academic purposes and respondents are assured of anonymity and confidentiality. The interview section will take approximately 30 to 45 minutes and will be recorded for further analysis upon approval. For further enquiries, please contact Bernard Asiedu Botchway on **0246216390/0203719260** or babotchway001@st.ug.edu.gh

Thank you very much.

1. Are you familiar with the SSM legislation?
2. Do you think the legislation has been beneficial to the SSM sector? If yes or no, give reasons
3. Has the SSM sector been beneficial to the country? In what way?
4. What are the causes of the conflicts and tensions among the actors?
5. How were the tensions and conflicts resolved?
6. How will you rate the performance of the Ministry of Lands and Natural Resources? Excellent, Very Good, Good, Satisfactory, Bad
7. How will you rate the performance of the Small-Scale Miners Association? Excellent, Very Good, Good, Satisfactory, Bad
8. How will you rate the behaviour of the miners as a group? Excellent, Very Good, Good, Satisfactory, Bad
9. What are some of the key challenges affecting the implementation of the SSM legislation?
10. How can the challenges be addressed?

11. Suggest ways to improve the SSM sector and legislation.

