

**MINING IN OBUASI: CONFLICT, SOCIAL JUSTICE AND
PEACE-BUILDING (1890-2014)**

BY

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INTEGRI PROCEDAMUS

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DECLARATION

I, Emmanuel Badu Amoah, hereby declare that, for reference to other people's work that has been duly acknowledged, this thesis is the result of my independent research conducted at Institute of Africa Studies. The University of Ghana is under the Joint supervision of **Professor Kojo Sebastian Amanor, Prof. Richard Asante, and Prof. Emmanuel Ofosu-Mensah Ababio**. I also declare that, as far as I know, this thesis has neither in part nor in whole been published or presented to any other institution for an academic award.



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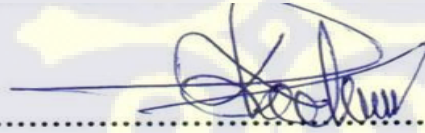
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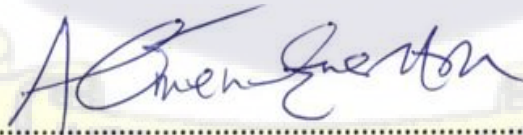
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ABSTRACT

The Obuasi mining communities had functioned for two centuries without engaging in violent conflict, in contrast to another region of Africa where gold mining had led to colonialist land politics with informal and unembedded social mechanisms for resolving conflicts. Although they equally face similar and worse developmental deficits that have led some African countries into civil war. In several mining societies in Africa, mineral set-ups are threatened by structural violence caused by unemployment, exclusion, poverty, discrimination, disrespect for local beliefs, and marginalization, among others. These intangible variables are moral principles and values that are mostly ignored in the legal and plural justice systems in mining communities. The often-frosty relationship between local communities and foreign companies has always resulted in ecological, socio-economic, and political conflicts. As a result, in the post-colonial era, indigenous peoples or mining communities lack confidence in their government or mining corporations on a number of concerns, such as their security, socio-economic rights, and ecological rights, among other things. Therefore, peace-building mechanisms become essential to ensure human survival through a social contract. The main goal of this study was to investigate the mining negotiation strategies that AngloGold Ghana Limited and the Obuasi community used from 1890 to 2014 to guarantee peaceful coexistence.

This study critically examines the social-legal history of mining in Obuasi by teasing out and discussing issues of human rights and peace-building mechanisms during the period under study. The study largely uses archival materials, oral history, oral interviews, and focus group discussions for the analysis and interpretation of issues. The study uses local peace-building approaches as a conceptual tool to examine the peace-building processes in the Obuasi mining community. The study argues that the nature of peace experienced in Obuasi mining communities during the period was a result of the various land and mining ordinances, communitarian living, manipulative justice, and the role of spiritual vigilantes, which have resulted in the current illegal mining phenomenon in the community. Indigenous formal structures embedded in *duabɔ*, *Ntam*, *dwantɔa*, *Akyɔwpa* (apology), landscape Features, mitigating factor for long-term peace, “proverbs”, and “strategic silence” were in the pre-colonial and colonial periods, as well as the foundation for efficient and effective peace-building

systems in Obuasi. It was also discovered that the post-colonial peace-building system, which used national security architecture and plural legal structures, was effective at intimidating host communities into proving justice and fundamental human rights violations caused by mining activities. The study also observed the threat to livelihood and social security from the excessive manipulation of justice by the colonists using the formal structures of chieftaincy and democratic governance. Mining security was also threatened after the mining company started surface mining in the early 1990s, which rendered the host communities in structural poverty since their land for farming is now used for mining. Even during election seasons, the gap between the community's livelihood challenges and the financiers of the political party inciting the youth to engage in illegal mining operations that destroy their own water bodies , air and forests resource poses a significant threat to human existence.



DEDICATION

This work is dedicated to my wife, Mrs. Stella Badu-Amoah and my five lovely children, and my parents whose stories have inspired me to conduct this research.



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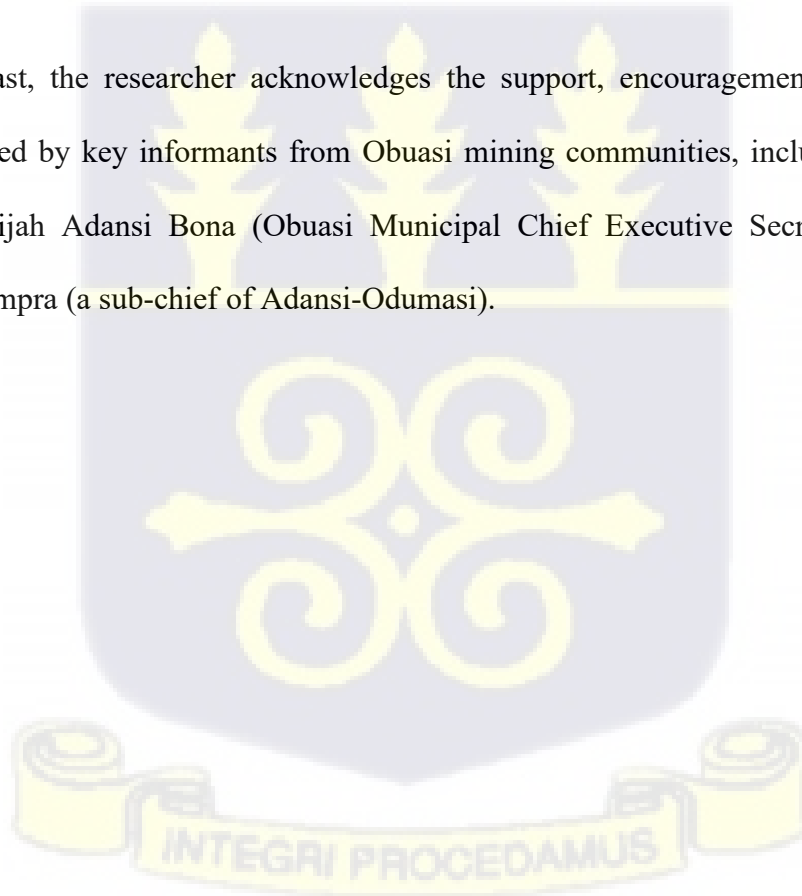


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ACRONYMS

ABA	Amalgamated Bank of Africa
AGA	AngloGold Ashanti Company Ltd.
AGC	Ashanti Goldfields Corporation
AMCHUS	African Ministerial Conference on Housing and Urban Settlements
AMRDR	African Minerals Governance Framework for Dispute Resolution
APMCHUS	Asia-Pacific Ministerial Conference on Housing and Urban Settlements.
ARPS	Aborigines Rights Protection Society
CASM	Community-Based Small-Scale Mining
CCC	Community Consultative Committee
CCD	Consultative Committee for Dialogue
CF	Community Fund
CHIPS	Community-Based Health Planning Service
CHRAJ	Commission for Human Right and Administrative Justice
CPP	Convention People's Party
CSR	Corporate Social Responsibility
CTF	Community Trust Fund
DC	District Commissioner
DISEC	District Security Council
DRC	Democratic Republic of Congo
DSIs	Dispute Settlement Institutions
ERP	Economic Recovery Program
FAO	Food and Agriculture Organisation
FGD	Focus Group Discussion
IMF	International Monetary Fund
LAC	Latin America Countries
MDGs	Millennium Development Goals
MUSEC	Municipal Security Council

NGO	Non-Governmental Organisation
OCMALS	Latin America Observatory of Mining
PNDC	Provisional National Defence Council
PRAAD	Public Records and Archives Administration Department
UG	University of Ghana
UGCC	United Gold Coast Convention
UN	United Nations
RCGP	Draft Revised Complaints and Grievances Procedure
SGMC	State Gold Mining Corporation
WACAM	Wassa Association of Communities Affected by Mining



CHAPTER ONE: INTRODUCTION

1.1 Background for the study

Conflict, social justice, and peace-building are discussed in the thesis as an introduction and as the cornerstones of mining in Obuasi (1890–2014). The study focuses on social-legal mining history and analyses negotiation phases in four historical eras—1890–1929, 1929–1945, 1945–1968, and 1968–2014—in the context of social injustice and conflict. The study takes an interpretivism or social construction approach to the work by employing archive data.

Natural resources have had a positive and negative impact on the national economy, communities, and politics. It should be noted that while resource abundance may lead to a high national income and employment creation, it can also lead to social inequality, conflict, and poverty.¹ Paul Collier posits that the history of natural resource extraction was not encouraging because its foundation was to provide warfare for European national public military spending.² Tilly also argues that the emergence of states from an initial political structure of international military rivalry facilitated the extraction and capital accumulation of natural resources.³ Collier and Tilly, therefore, lay a clear structural challenge both on the benefits and results of the control of natural resources for Europeans. Further, growing threats to customary rights have prompted some scholars to advocate formal recognition, while there is no agreement on how this should be done.⁴ Dallaquis opines that it “is not accidental that some of the nastiest wars in Africa are

¹Johannes, Knierzinger, *Bauxite Mining in Africa: Transnational Corporate Governance and Development*, International Political Series, University of London, (London UK,2018).

²Paul Collier, *Political Economy of Natural Resources*, Social research, (Vol. 77: No4: Winter 2010), 1105; Adonteng-Kissi, (2017).

³Tilly, C. “Transplanted Networks,” in Virginia Yans-McLaughlin, ed., *Immigration Reconsidered: History, Sociology, and Politics*. (New York: Oxford University Press, 1990).

⁴Peter, Paulina E., *Land appropriation, surplus people and a battle over visions of agrarian futures in Africa*, *Journal for Peasant Studies* (Vol. 40. No.3, 2013), pp. 537–562.

being fought in countries richly endowed with natural resources.”⁵ A scholar like Richard Auty argues that comparatively, economic performance in resource-abundant countries is worse than in resource-poor countries.⁶ Alao notes that natural resource conflict has been philosophical, sometimes underlining fundamental issues such as the breakdown of state structure, immense human rights abuses, weakened civil society, a depressed economy, and the disintegration of traditional institutions.⁷ However, there has been a great deal of discussion about the mining aspect of natural resources in the literature where this study is placed.

Mining has both positive and negative impacts on a nation's development. The discovery of mineral resources has not only been reflected in the developmental benefits, but also in underdevelopment challenges. Mining is the world's second oldest and most important industry aside agriculture.⁸ It has played a major role in development, influenced nation building and also given enough resources for security. The earliest history of mineral wealth and mining sees it as a function of royal patrimony.⁹ Industrial mining products have been present in the lives of industrial societies¹⁰ till today. Mining activities are not new therefore undeniably, it may have been ongoing in the Neolithic (Chalcolithic) times to obtain the first metals for tool construction.¹¹ Mining has been important as far back as the eighth century AD, with Arab

⁵Dallaquis, Issis, Diamonds are a guerrilla's best friends: the impact of illicit wealth on insurgency strategy, *The World Quarterly*, (Vol. 22, No 3, 2001), pp. 311-325.

⁶Sachs, J. D. & Warner, A. M, Natural resource abundance and economic growth – revised version. Working Paper, (Harvard University, 1997a), Tornell, Aaron & Lane, Phillip, “The Voracity Effect”. *The American Economic Review*, (vol.89, no.1, 1999), 22-46 Mehlum, H., Moene, K.& Torvik, R.” Institutions and the Resource Curse”. (*The Economic Journal*, issue 116, 2006), 1-20: cited by Akyzbekova, D. *Analysing the Resource Curse Theory: A comparative study of Kazakbstan and Norway*, A published Bachelor Degree Thesis, Lung University, Department of History. (2018), pp.23-26.

⁷Alao, Abiodun, *Natural Resource and Conflict in Africa, The Tragedy of Endowment* (University of Rochester Press, 2007).

⁸Down, C.G., and Stocks, J. *Environmental Impact of Mining*. (London: Applied Science Publishers, 1977).

⁹John, C. Lacy, *the historical origin of the U.S. mining laws and Proposal for change: A home study Course for Professional Development*

¹⁰A History Perspectives of Miners Contribution, MIN-279 Hand out #2 (1980).

¹¹Reardon, A. C., ed. *Metallurgy for the nonmetallurgist*, 2nd edn. ASM International, Materials Park, (OH, USA,2011).

chroniclers on record to have given details of the industry in the sub-region¹² many years ago. Their records practically have become the history of the growth of man's reliance on currency for the past 10,000 years.¹³ Other sector economic activities like transport, catering and banking are also supported by mining.¹⁴ Despite the importance of mining, in some cases, mining has led to conflicts in many communities in the world. For instance, in late 2013, the Latin America Observatory of Mining (OCMALS), Latin American Countries (LAC) organization recorded large-scale metal mining conflicts which accounted for 193 active conflicts and affected 297 communities in North America. OCMALS (2013) named Peru (34), Chile (34), Argentina (29), Mexico (29), Guatemala (24), Brazil (20), Columbia (12), Bolivia (9), and Ecuador (7) as having the highest number of mining conflicts. The negative impact of the metal mining operations on water, land, health, livelihood, and human rights issues affected these communities and their development. Official decision-making practices often result in these violent conflicts.¹⁵ In Asia, well-known post-World War II conflict include the invasion of Tibet by China, the conflict between China and India, and China and Taiwan. Some conflicts within countries include civil war and separatist conflicts in countries such as Cambodia, Burma, the Philippines, and Indonesia, which arose as a result of squabbles over the mining of natural resources.¹⁶ In Canada, where some scholars have expressed some successes, the story is not different in the peaceful

¹²Botchway, N., N., Francis; Pre-Colonial Methods of Gold and Mining Environmental Protection in Ghana, (ADR in Oil Project, 2015).

¹³Landon, E and Evitt, A., Gold in General in the Gold Coast in Particular. The Stock Exchange (London. 1935).

¹⁴Akabzaa, Thomas, M, Seyire, S.J. & Afriyie, K. The Glittering Façade-Effect of Mining. Activities on Obuasi and it Surrounding Community. Third World Network Africa (TWN-Africa, 2007), p. 26.

¹⁵Mariana, Walter, Political Ecology of Mining Conflict in Latin America approach to justify the numbers of violent recorded conflict, explained from Latin American Countries; An Analysis of Environmental Justice Movement & Struggle over Scales. Published Ph.D. Thesis, Instut de Ciencia I Tecnologia, (Ambiental Universitat Autonoma Barcelona, (2014): A. Adedeji (ed.), Comprehending and Mastering African Conflicts: The Search for Sustainable Peace and Good Governance, (London, 1999). (contains analyses (by country research teams) of the complex and diverse roots of a cross-section of African conflicts—Angola, Burundi and Rwanda, Liberia and Sierra Leone, Somalia and Somaliland).

¹⁶Wilson Clem and & Tisdell Clevo, Globalisation, Concentration of Genetic Material and Their Implication for Sustainable Development, School of Economics and Finance, Discussion Paper 196, (Australia, 2005), p. 12.

mining environment where the communities livelihood had been improved. Brown puts it this way:

The conditions of mining are controlled by criminal gangs, siphoned off by corrupt officials, or dominated by certain social or ethnic groups that cause egregious conflict in mining communities that, in some countries, perpetuate civil wars and trigger cross-border disputes. Mineral mining has been a source of grievance, which may be related to the inequitable distribution of benefits, the lack of opportunities for marginalized groups, or environmental and social harm.¹⁷

In some countries in Africa such as the Democratic Republic of Congo (DRC), Sudan, Niger, Nigeria, Angola, Mozambique, Chad, Sierra Leone, and Liberia, mining has bred political insecurities and civil wars.¹⁸ Mining is thought to be at the root of 4 million deaths in the Democratic Republic of Congo; the result of many years of dictatorship, fifteen years of political upheaval, and seven years of armed state and international strife.¹⁹ Sudan too has experienced mining conflict. Two Arab ethnic groups, Rizeigat and Bani Hussein have fought over the Jabel Amer Gold Mines near Kabkabiya in the Northern Darfur region, killing more than 800 people, and displacing 150,000 others since January 2013.²⁰ The problems in the Niger Delta of Nigeria are similar to those in mining disputes. Mining of oil has been and continues to be a major reason for regional instabilities, insecurities, and violence.²¹ The mining conflict is manifested in the

¹⁷Brown, L. R. *World on the edge: how to prevent environmental and economic collapse*. W.W. Norton & Company, (New York, London. 2011), p. 240.

¹⁸Berman, N., Couttenier, M., Rohner, D., & Thoenig, M. *This mine is mine!How minerals fuel conflicts in Africa*. (OxCarre Research Paper 141, 2014). Retrieved February 21, 2015, from <http://www.oxcarre.ox.ac.uk/files/OxCarreRP2014141.pdf>, cited by Poncian,J.& Kigodi, H.M. *Natural Resources Conflict as Struggling for Space: The Case of Mining in Tanzania*, International and Multidiscipline Journal of Social Science, Hipatia Press,2015. cited at 20/7/2019 from <http://hipatiapress.com>.

¹⁹Mazalto, M. *Governance, Human Rights and Mining in the Democratic Republic of Congo*. In B. Campbell (Ed.), *Mining in Africa: (Regulation and Development*, (London: Pluto Press, 2009), pp. 187-242. Cited in Poncian,J.& Kigodi, H.M. *Natural Resources Conflict as Struggling for Space: The Case of Mining in Tanzania*, International and Multidiscipline Journal of Social Science, Hipatia Press, 2015, p. 189. cited at 20/7/2019 from <http://hipatiapress.com>

²⁰ *ibid*, p. 1.

²¹Uzodike, U. O., & Isike, C. *Whose security? Understanding the Niger Delta Crisis as a Clash of two Security Conceptions*. *African Security Review*, 2009, 18(3), pp. 103-116. doi: 10.1080/10246029.2009.9627547; cited by Poncian,J.& Kigodi, H.M. 2015. *Natural Resources Conflict as Struggling for Space: The Case of Mining in Tanzania*, International and Multidiscipline Journal of Social Science, Hipatia Press, 2015, pp. 6-8, cited at 20/7/2019 from <http://hipatiapress.com>

form of kidnapping and blowing up of oil installations and killing an estimated 1,000 people between 1999 and 2004.²² The mining resource conflict also has escalated from ethnic minority protests to state-multinational alliance to organized insurgencies in the area.²³ In Chad, the mining of oil connects to the resource conflict.²⁴ Diamond mining played a very significant role in the civil war in Sierra Leone between 1997 to 2009 since it contributed to enriching the politicians in that country.²⁵ According to Agbesinyale and Akabzaa, mining has not led to a rise in development, social well-being, or the security of livelihoods,²⁶ nor has it lessened the vulnerability of the poor communities.²⁷ Labour resistance and its control have also created conflict in mining communities.²⁸ The positive role of mining has not been reflected visibly in the performance of the national economy and in ensuring sustainable development and peace in the rural communities where the actual activity takes place. Mining has been a source of social discontent and civil unrest. According to some scholars, it has threatened security and affected international law principles such as politico-economic self-determinacy, non-interference, and sovereignty over mining and mineral resources.²⁹ Metal mining activities have had significant

²²Oyefusi, A. Oil Dependence and Civil Conflicts in Nigeria. CSAE Working Paper Series (WPS, 2007), 9. Retrieved from <http://core.ac.uk/download/pdf/6250435.pdf> accessed on 09/10/2019

²³Obi, C. Nigeria's Niger Delta: Understanding the Complex Drivers of Violent Oil-related Conflict. *Africa Development*, 24(2), (2009), 103-128. doi: 10.4314/ad.v34i2.57373.

²⁴Humphreys, M. Natural Resources, Conflicts and Conflict Resolution: Uncovering the Mechanisms. (*Journal of Conflict Resolution*, 49(4), 2005), p. 509. doi: 10.1177/0022002705277545.

²⁵Silberfein, M. The Geopolitics of Conflict and Diamonds in (Sierra Leone, 2004), Retrieved from <http://www.artsrn.ualberta.ca/courses/PoliticalScience/474A1/documents/SilberfeinGeopoliticsConflictDiamondsSierraLeone.pdf>

²⁶Agbesinyale, P. Ghana's gold rush and regional development: The case of the Wassa west district of Ghana. *SPRING Research Series*, 44. University of Dortmund, (Germany. Research Series, 2003), 44, 143-164; Akabzaa, T., & Darimani, A. (2001). *Impact of mining sector investment in Ghana: A study of the Tarkwa mining region*. Draft Report for SAPRIN, Washington, DC, 2001

²⁷ Kuma, J. S. Hydrogeological studies on the Tarkwa gold mining district, (Ghana. *Bulletin of Engineering Geology and the Environment*, 2007).

²⁸Crips, J. *The Story of An African Working Class; Ghanaian Miners' Struggles 1870-1980*, The Pitman Press, Bath, (Great Britain. 1984), pp. 18-24

²⁹Agbesinyale, P. Ghana's gold rush and regional development: The case of the Wassa west district of Ghana. *SPRING Research Series*, 44. University of Dortmund, (Germany. Research Series, 2003,) 44, 143-164; Nyame, F. K., & Grant, J. A. Implications of migration patterns associated with the mining and minerals industry in Ghana, *International Migration Institute (IMI)*, (2007), <http://www.imi.ox.ac.uk/pdf>. Accessed 12 Jan 2010; Opoku-Ware, J. The social and environmental impacts of mining activities on indigenous communities the case of Newmont gold (Gh) limited (Kenyasi) in Ghana. Master thesis in development management (University of Agder, 2010), p. 32.

impacts on the environment, water, health, way of life, and rights, according to the accounts of various African nations.³⁰ The dynamics of the West African subregion, which include Sierra Leone, Nigeria, and Liberia among others, are similar to those in Ghana. These countries communities socio-economic rights and dignity have been disrespected leave their mining communities often clashes with the foreign mining companies.

The administration and delivery of mining income, compensation and resettlement, poverty, ecological concerns, viable alternate maintenances, prohibited artisanal mining, and security of tenure are some of the current sources of conflict in Ghana's mining communities.³¹ Moreover, national resources cannot be negotiated for sustaining life because they are unable to support human survival, which depends on nature and its climate. The growth that fulfills current demands while threatening the potential for future generations to satisfy their own requirements is what the Universal Description of Nature defines as the method of survival for communities conditional on land and resources.³² Land and water resources have suffered a similar fate in mining communities. The deprivation of the use of the same resources that the community uses without alternative sources of livelihood also informs the nature of the conflict that endangers social justice and development.³³ Among other sources of conflict in Ghana, marginalization, a considerable degree of unemployment, poor living and working circumstances, exploitation, weak fiscal policies, and reconstruction and development initiatives are all results of social inequality, social inequality has led to marginalization, a high illiteracy rate, poor living and working conditions, resource mis-allocation, corruption, poor fiscal policies, and structural

³⁰The statement made by Poncian & Koligo that ensures developmental agenda from (Latin America, 2015).

³¹Carsons, M., Cottrell, S., Dickman, J., Gummerson, E., et al. Managing Mineral Resources through Public-Private Partnerships: Mitigating Conflict in Ghanaian Gold Mining. (Woodrow Wilson School of Public and International Affairs,2006).

³² Kemp, D., J.R. Owen, N. Gotzmann, and C.J. Bond: Just relations and company– community conflict in mining, (Journal of Business Ethics,2010), 101, pp. 93–109

³³Collier, Paul, and Hoeffler Anke. Greed and Grievance in Civil Wars. Working Paper, Oxford University Centre for the Study of (African Economies, 2002): Humphreys, M. Natural Resources, Conflicts and Conflict Resolution: Uncovering the Mechanisms. Journal of Conflict Resolution, 2005, 49(4), pp. 508-537. doi: [10.1177/0022002705277545](https://doi.org/10.1177/0022002705277545):

adjustment programs.³⁴ These social differentiations have led to agitations in some communities and have escalated into violent conflict and communities resistant.

Peace-building activities in mining communities must be necessarily designed to prevent conflict. Such a design could target addressing structural and proximate causes of violence, promoting sustainable peace, delegitimizing violence as a dispute resolution strategy, building capacity within society to peacefully manage disputes, and reducing vulnerability to triggers that may spark violence.³⁵ To some extent, the perspective of Galtung et al., and Lederach on the negative applicability of peace-building activities serve as an auxiliary stimulus towards investigating their relevance in the mining company-community spaces.³⁶ This makes room for positive peace where the peace infrastructure takes care of all conflict situations. This need opens a scholarly gap as indicated: “what is needed are avenues in which academics and practitioners from peace-building and human rights perspectives can meaningfully explore, teach, and put into practice new approaches”³⁷ that could ensure sustainable peace in mining communities.

³⁴Omeje, K. Extractive Economies and Conflicts in the Global South: Re-Engaging Rentier Theory and Politics, (2008): In K. Omeje (Ed.), *Extractive Economies and Conflicts in the Global South Multi Regional Perspectives on Rentier Politics* (pp. 1-26). Hampshire: Ashgate Publishing Limited; Wilson, S. Diamonds in Sierra Leone, A Resource Curse? The Case of Kono District in Sierra Leone, 2010, p.2: Retrieved from <http://erd.eui.eu/media/wilson.pdf>; Mwanika, P. Natural Resources Conflict: Management Processes and Strategies in Africa. Institute for Security Studies (ISS) Paper 216, (2010), p.7. Retrieved from <http://www.issafrika.org/uploads/216.pdf>. Office of the Special Adviser on Africa (OSAA), *Natural Resources and Conflict in Africa: Transforming a Peace Liability into a Peace Asset*. Conference Report, United Nations Group Meeting on 17-19 June, Cairo.2010, Retrieved from United Nations website <http://www.un.org>; E. Bickham, A review of international and in-country experiences of the EITI from the perspective of supporting mining companies, *Extractive Industries Transparency Initiati (EITI)*, (Oslo, 2015), 52; J.B. Laggah, J. Allie, and R. Wright, (“Sierra Leone” 1897), in Adedeji, above, n. 32 at 174; Al-Hassan Conteh et al., (“Liberia”, 2003), in Adedeji, above, n. 32 at 104; Dumett, R.E. *El Dorado in West Africa: The Gold-mining Frontier, African Labour, and Colonial Capitalism in the Gold Coast, 1875-1900*, (1998), p.67; Agbakwa S. C., *A Path Least Taken: Economic and Social Rights and The Prospects of Conflict Prevention and Peacebuilding in Africa*. Printed in (United Kingdom *Journal of African Law*, 47, 1 2003), pp. 38–64; Akabzaa, T.M, Seyire, S.J. & Afriyie, K. *The Glittering Façade-Effect of Mining Activities on Obuasi and it Surrounding Community*. Third World Network Africa (TWN-Africa. 2007), p. 2.

³⁵Blum, A. *Improving Peacebuilding Evaluation, A whole of field Approach*, United State Institution of Peace, Special Report,2301 Constitution Ave NW. (Washington DC, 20037, 2011), p..2.

³⁶J. Galtung and D. Fischer, *Pioneers in Science and Practice Johan Galtung*, Springer Briefs on, p.5, DOI: 10.1007/978-3-642-32481-9_1, (The Author(s) 2013),84-98; Lederach, J. *The Little Book of Conflict Transformation*. Intercourse:(Good Books,2003), p. 5.

³⁷Hurst H., E.L .Lutz & E.F. Babbitt, *Human Rights and Conflict Resolution from the practitioners perspective*. Winter/Springs Journal Vol.27/1conflict in mining, (*Journal of Business Ethics*, (2003), p. 5.

This research is a socio-legal history that interrogates conflict; social injustice and peace-building which arise as a result of socio-economic marginalization, unfair and unequal treatment of the use of land as a means of production, and a source of community livelihood in Ghana. The aim of the study is to determine the peace-building strategies that have kept the host community (Obuasi, one of Ghana's most well-known mining communities) and the mining firms together from 1890 to 2014.

Many historians have given less attention to the indigenous process of resolving mining-related conflicts, particularly in Africa. The study demonstrates how local mining communities have lost land utilized for livelihood sustainability to mining firms as a result of unfair, uneven, and discriminatory practices. Conflicts between mining firms and the community are typically the result of these difficulties along with other ecological factors in mining towns. Such clashes, for instance, were reported in September 2014 between the villages of Sanso and Ayinem in Obuasi, Ghana. This research aims to investigate the peace negotiations that took occurred between 1890 and 2014. Put differently, this study aims to investigate the many techniques of peace-building that have been used over the studied time. It is a period that academic scholars have paid little attention to in the context of the Obuasi mining community. In fact, the Obuasi community is much preferred for this study because of its long experience in the commercial operation of mining. The transitional nature of African mining operations and peace-building approaches that ensured harmonious co-existence before foreign control is of great interest to this study.

For the purposes of context, the period under study was divided into four epochs: 1890-1929; 1929-1945; 1945-1968; 1968-2014. This is significant, since it is the period that local mining industries that employed more than five hundred workers started in Obuasi. On 3rd March, 1890 the mine was obtained from Nana Osei Kwabena, Bekwaihene. It was an alleged lease for a

hundred square miles of land to three Fante entrepreneurs, which on August 27, 1895, was transferred to Cote D'Or Mining and became Ashanti Goldfields Corporation (AGC) in 1987.³⁸

It was a period when the Asante Kingdom was recovering from its civil war and working towards a state-building exercise under the leadership of Otumfuo Agyemang Prempeh I.

History explains that in 1886, one hundred and fifty Asante traders were murdered by a group from Adanse on their way to the Coast to sell their products. The cause of these murders was an internal struggle within Asante Territory on who to inherit the kingdom.³⁹ As a result, travellers passing through their region were murdered, kidnapped, and robbed.⁴⁰ In retaliation, 60 Adansi traders who were travelling back from Gyaman were killed by *Bekwaihene*. Bekwai and Adansi, two states in Asante Territory, clashed again over their desire for independence, which caused Adansihene to be exiled to Brasarkwun in Assin on June 13, 1886.⁴¹ The period was also a time Asante was annexed into the colonial Gold Coast after being defeated in the Yaa Asantewaa war in 1900. The Asante Kingdom was stateless and land acquisition policies were determined by a few chiefs whose decisions were based on their clouded self-interest and reified social value systems as the cases in this concession.⁴² The process of external political development from the Concessional Ordinance in 1900 and 1903 criminalised local people engaging in mining as illegal. It was followed by the Mercury Ordinance which made possession of the chemical a criminal offence. Again, the rush to obtain a quotation from such companies on the London Stock Exchange became known as 'the Jungle Rush'. The Boer War too in South Africa and annexation of Asante territory by the British made mining an attractive and attracted more

³⁸Ayowa, Afrifa-Taylor, *An Economic History of the Ashanti Goldfields Corporation, 1895-2004: Land, Labour, Capital and Enterprise*, A Phd Published Thesis University of London, School of Economics and Politics, 2006, pp.46; cited *ibid*, pp.54

³⁹Fuller, F. C.A *Vanished Dynasty: Ashanti*. London: John Murray.1921, pp. 159-160

⁴⁰*Ibid*, p. 160

⁴¹McCaskie, Tom, *Asante Kingdom of Gold, Essays in the History of an African Culture, The Creation of Ashanti Goldfields Corporation, Ltd., 1890-1910: (An Episode in the Colonial Impact upon Asante)*, 2015), p.41

⁴²Piet Konings./, *Political Potential of Ghanaian Miners. A Case Study of AGC workers at Obuasi*, Afrika-Studiecentrum, (Leiden, 1979), p. 23.

foreign participation. From 1900-1903, about 3610 mining concessions were granted to only foreign companies.⁴³ From 1910 until independence,⁴⁴ gold production was under the preserve of English-owned mining companies.⁴⁵ The first epoch ended in 1929. The effect of post-First World War operational challenges coupled with the competition for labour in the rubber and cocoa production, and lastly, railway and harbour construction recruitment activities did not affect this mining operation. It was a period where labour competition was copious till the end of the First World War and many mining companies also collapsed. Their collapse resulted in the few others being put under a “care and maintain basis,” but AGC was still operating without a stoppage in production with the support of its recruitment.

The second epoch, 1929-1945, is very significant to this study since it was the first time the company increased production and profit, but was truncated by World War II. In this same period, around 1934, the colonial legislature increased the royalty to 5% from the original 3% and imposed tax of a 15% on all gold premiums in the colony. The fixing of the unit price of gold at \$35 per ounce by President Roosevelt was enshrined in the Bretton Woods Agreement as part of the post-war international financial systems.⁴⁶ The Asante Kingdom which had been in abeyance for about thirty-three years from 1902, reunited in 1935 with direct controls to the issuance of land vested to the reinstated chiefs. The 1936 Mineral Ordinance contributed to giving mining operations more control over local miners who worked for them. The war caused several of mining businesses to shut down between 1939 and 1945, and the rise in cocoa, rubber, and lumber production had minimal impact on Obuasi AGC’s productivity. The world's stock-taking efforts were an important aspect of 1945. The universal Declaration of Human Rights was

⁴³Ibid, p.8

⁴⁴Annin, T.E, Anin, T. E., Gold in Ghana, London: (Selwyn Publishers, 1990), 13. second edition

⁴⁵Ibid, p.15

⁴⁶Ibid, p. 31

united as a result of the war's effects on humanity. Thus, mining operations saw a boom in investment.

The third epoch marks the increasing value of a capital investment in the company from 1945-1968. A significant role was played by Osagyefo Dr. Kwame Nkrumah (first president of Ghana) in investigating mining challenges through his formation of the Mines Board of Inquiry. This prepared the grounds for the merging of struggling mining companies into state-owned mining entities called State Gold Mining Corporation (SGMC) and AGC, but unfortunately, they could not implement a significant tax system that benefited the development of the Ghanaian economy. In 1962, the Parliament of Ghana passed the Minerals Act. The State Property and Contract Act (C.A.6) or the State Land Act, 1962, (Act 125) which vested all mineral wealth in Ghana, and rights for the Republic of Ghana resulted in the traditional overseas investment reduced drastically, and some other places closed down because of the independent states. The period also expressed independent African legislative instruments and policy on state-owned mining by the administration of Dr. Kwame Nkrumah. Owing to resistance from his own grassroots followers who had helped with his election campaign, his attempt to improve productivity and profit tax in Ghana's mining extraction was unsuccessful.⁴⁷ Lonrho, led by James Spear, took control of AGC at the end of 1968, ending nearly seventy years of profitable and uninterrupted operations. It also marked the tenth anniversary of the incorporation of SGMC, which, at the time, had an accumulated loss of \$33.6 million and had started receiving yearly government grants. At the same time, before the transfer, the AGC had re-negotiated their 30 years left for another 50 years. Lonrho management 'bucked the trend and offered a development approach to the new state'. They finally took over AGC's promised participation of equity in

⁴⁷T.E. Anin, *Gold in Ghana*, (Selwyn Publisher Ltd., 1987), pp.18-20.

Obuasi mines and succeeded in renegotiating a new fifty-year lease instead of the thirty years left on the old lease, with the government having a representative on the Board of Governors of AGC/Lonrho. This re-negotiation was unpopular with radical intellectuals and provoked a good deal of debate in Ghana.

The fourth epoch 1968–2014, was also the commencement of the second republic (1969–1972), led by Dr. Kofi Abrefa Busia, who was unable to restructure the mining sector from where the previous administration had started to directly benefit the state. The investment proposal for AGC Ltd. was still in the interests of the private imperial businesses rather than the state and the indigenous communities. Gold and diamond minerals saw workforce losses due to the comparative economic production advantage. The ex-gratia award, also known as *severance pay*, was given to local farmers on their cash crops in 1969 in Obuasi and across Ghana. These crops included food crops such as plantains and cocoyam as well as cash crops including cocoa trees and orange trees. It amounted to the pay for three months of a miner's labour. In 1969, the Ghanaian government first purchased a 15% stake in AGC. For the first time, Ghana's government received a direct financial gain from the tax revenue generated by its natural resources.

However, all state-owned mining companies had already received approximately \$33.50 without corresponding income from state resources. The military coup on January 13, 1972, led by Colonel I. K. Acheampong, declared "economic war" on the Ghanaian economy and, for the first time, made a decree which gave the state increased shares in AGC from 15% to 55%.⁴⁸ The military government lasted till 1979 and succeeded in negotiating a 55% share of AGC. The third republic from 1979-1981 followed suit but did little in mining to generate more revenue because

⁴⁸Anin, T., E., *Gold in Ghana*, (Selwyn Publisher Ltd., 1987), p.18.

of other economic challenges that the government had inherited. There was another coup under Flt. Lt. Jerry John Rawlings and, in the quest for economic liberation, they consulted the International Monetary Fund and The World Bank and were advised to initiate the Structural Adjustment Program (SAP). The Structural Adjustment Program in the early 1980s forced the military government of the Provisional National Defense Council (PNDC), led by its chairman, Flt. Lt. Jerry John Rawlings, to fit into the global economy, leading to the promulgation of PNDC Mineral and Mining Law 1986 (PNDCCL 153), which repealed the Mineral Ordinance of 1936. The handing over of AGC to AngloGold Ashanti Ghana (AGA) Limited in 2003 followed the surface mining operation, which required considerable land. The Mineral and Mining (Act 703) helped to try to fill the gaps in the previous mineral legislation. The local communities changed from their sources of livelihood to illegal operations for survival since large tracts of land were demanded and removed from their usage. The early political activists and financiers used the opportunity to accept technology from China in late 2009 to indiscriminately mine water bodies that generated conflict, which has led to many deaths and regular insecurity manifested by small arms proliferation⁴⁹ and the regular death of children and women resulting from open pits and environmental degradation. The state supported the locals and, for the first time in its 124-year history, removed its military protection from the mining site. People became more aware of the importance of using the media to draw attention to the numerous wrongs that the mining company had caused, which ended up in openly violent clashes that ended the mining operations.

⁴⁹Small arms proliferation came as result using unregistered arms to operate illegally mining activities as a result of fear and approach to intimidate the community members from exposing them. The approach also gave way for criminals using arms to attack the illegal mining operators .

Finally, the study period ends in 2014 since that was the first time Obuasi Mining Company folded up following community members (some “galamseyers”⁵⁰ and farmers) clashes with the mining company leading to the demise of a manager.⁵¹ There was an increase in consciousness of the people who engaged so much with the media to point out various wrongs which affected their stock exchange market profit index. Lastly, it was the period where artisan small-scale activities increased with more locals, Chinese and West African illegal miners engaging more in practices that affected nearly all the land for agricultural production on Obuasi AngloGold Mining concession.

1.2 Problem Statement

It has been argued that before the arrival of the Portuguese, the people of Adansi were already mining gold.⁵² The traditional authorities were then maintaining law and order in local communities until colonial rule replaced such a governance system and strengthened their position through direct- and indirect governance policy. Although surface mining began to supplant deep mining in the early 1990s, the post-colonial period, along with technology, democracy in mining activities, and legislative tools, made the problem worse. To conduct mining operations, a sizeable area of land was needed, but no other sources of income were offered to replace small-scale mining and farming among peasant communities. Land ownership was transferred to states, capitalists, and traditional leaders, among others, without direct land users’ being recognized, resulting in conflict. The process of transfer of land from various ordinances, legislative frameworks, mineral policies, and international institution regulations also

⁵⁰The local term means *gather them and sell now* means those mining illegally, according to the current mining laws and policies.

⁵¹Interview conducted with Mr. Emmanuel Baidoo on July 16th, 2021, the current Sustainable Community Development Manager of AngloGold Ashanti Co., Ltd. held at his office in Obuasi.

⁵²Hilson, G.M.,” Harvesting Mineral Riches: 1000 Year of Gold Mining in Ghana.” (Resources Policy,2002), pp.13-26; Ofoosu-Mensah, Historical overview of traditional and modern gold mining in Ghana, International Research Journal of Library, Information and Archival Studies, Vol. 1(1), (2011), p. 2.

ignore the local existing land policies that express the ownership of land to the ancestors, the living, and the unborn generation needs.

Thus, ownership and control of mineral-rich lands are at the core of many conflicts. Conflicts among community stakeholders regarding land use are due to fluidity in land ownership, control, and rights, which are common in local communities.⁵³ The economic, social, and environmental welfare of the local populations is usually at the core of such conflicts.⁵⁴ Amanor explains that assigning settlements and work zones to local miners is now within the concession given to foreign firms.⁵⁵ Therefore, this allocation is forced to interfere with these concessions to continue the livelihoods of the local miners. The interference results in conflict between the youth, mining companies, and the security services. Often, mining exploration takes place on land that provides a land-based livelihood for many communities.⁵⁶ Gold mining, on many occasions, destroys livelihoods in the community where the mining activities or operations are accepted.⁵⁷ In the case of Obuasi Adansi, in Asante, Ghana is very crucial for this study. This was the first significant attempt by a foreign business to seize control of and preserve gold reserves for future generations in a significant location in the history of Africa.⁵⁸ In the Obuasi mining communities my research also focused on livelihood challenges. For instance, an evacuation exercise to establish a cyanide dam in AGC operational area in Obuasi Dokyiwa and Bediem from 1996 to

⁵³Ibid, pp. 76-80

⁵⁴Uwafiokun, Idemudia, *Corporate Social Responsibilities and Development in Africa: Issues and Possibility*, Development Studies and African Studies, (York University, 2014), pp. 421-435. <https://doi.org/10.1111/gec3.12143>

⁵⁵Amanor, K.S., "Rural Youth and Rights to Livelihood in Ghana; Paper for Conference in Youth and the Global South: Religion, Politics and Making of Youth in Africa, Asia and the Middle East (Dakar, 13-15, October, 2006), pp. 1-19.

⁵⁶Blum, A. *Improving Peacebuilding Evaluation, A whole of field Approach*, United State Institution of Peace, Special Report, 2301 Constitution Ave NW. (Washington DC, 20037, 2011), p.2

⁵⁷Adjei, E. *Impact of mining on livelihoods of rural households. A case study of farmers in the Wassa mining region, Ghana: MPhil Thesis in Development Studies (Specialising in Geography)*, Department of Geography, (Norwegian University of Science and Technology (2007), p. 18.; Aryee, B.N.A, *Ghana's mining sector, its contribution to the national economy, Resource policy*, Pergamon, retrieved 18/6/2017www. Elseir.com/locate/resource.2001, 6-8; Akabzaa, T.M, Seyire, S.J. & Afriyie, K. *The Glittering Façade-Effect of Mining Activities on Obuasi and its Surrounding Community. Third World Network Africa (TWN-Africa)*. 2007, p. 26.

⁵⁸Ayensu, E.S., *Ashanti Gold: the Legacy of the world's Most Precious Metal*, (London: Marshall, 1997).

1998 forced communities including Badukrom, Atakrom and Kronko to evacuate. This created a “ghost village” coupled with ill-treatment and compensation determined by the company without the collaboration of the community.⁵⁹ The safety afforded the local community in terms of payment of compensation and respect for the surface rights was rendered useless because local communities were treated as an impediment, not as right bearers, to mining operations by both mining corporations and the central and local government authorities.⁶⁰ These forms of frustrations and disappointments generated out of inequality, unfairness, exclusion, unjust treatment and discrimination have led to the existence of conflict between the community and the mining company. There are still ambience of insecurity, fear and frustration in the mining communities in Obuasi despite its long operation period.⁶¹

Despite these conflicts and social injustices in Obuasi mining communities, little research work has been done to understand the forms and types of successful peace-building approaches between the mining companies and the host communities. It is on this premise, that this study critically explores the past one-hundred and twenty-four years of the mining operation from 1890-2014, with emphasis on the systems and structures that have ensured social cohesion (social contract). These systems show resilience factors and have not allowed the Obuasi mining community’s vulnerabilities, aforementioned, to escalate into violent conflict and civil war as compared to other communities in West-Africa. The study looks at four epochs, (1890-1929); (1929-1945); (1945-1968); and (1968-2014). It examines the relationship between conflict,

⁵⁹Akabzaa, T., & Dramani, A. Impact of mining sector investment in Ghana: A study of the Tarkwa mining region. (Draft Report for SAPRIN, Washington, DC,2001).

⁶⁰Ayine, Dominic, The human Rights Dimension to corporate Mining in Ghana: The Case of Tarkwa District; Mining Development and Social Conflicts in Africa, Akabzaa, T., & Dramani, A. Impact of mining sector investment in Ghana: A study of the Tarkwa mining region. (Draft Report for SAPRIN, Washington, D.C The Third Network Africa,2001). p. 98.

⁶¹Akabzaa, T.M, Seyire, S.J. & Afriyie, K. The Glittering Façade-Effect of Mining Activities on Obuasi and it Surrounding Community. (Third World Network Africa TWN-Africa, 2007), p.26.

social justice and peace-building. The central question this study seeks to address is: how has the mining social structure mitigated the effect of social relationship in the colonial ordinances and democratic governance response to mining conflict and social injustice to mitigate peace-building mechanisms provided to the mining corporation and the indigenous community to ensure their relationship in Obuasi gold mining history?

1.3 Research Objectives

The main focus of the study is to explore the relationship between various mining traditions, actions and reactions of the indigenous Akan and European negotiations that ensured social cohesions within the period (1890-2014). To achieve this, the specific objectives would be to:

1. investigate the role of mining in the livelihood of the people in Obuasi communities within the study period (1890-2014).
2. examine the Akan concepts of conflict, social justice and peace-building in Obuasi communities during the period of the study and the role of actors.
3. examine the concept of both the Akan and Western mining conflict; social justice systems applied in the process of peace-building within the period of the study.
4. interrogate the relationship among conflict, social justice, and peace-building and its ability to ensure social cohesion in Obuasi from 1890-2014.

1.4 Research Questions

From the preceding background description and objectives, the research seeks to answer these broad questions.

1. What roles have mining activities in Obuasi played in the livelihood of people?
2. What were the Akan conceptual underpinnings of conflict, social justice, and peace-building in the Obuasi community?

3. What roles did the people who lived in the mining areas throughout the study period play in advancing social justice?
4. How has the interaction of social justice and conflict facilitated the pacification of mining communities?

1.5 Justification of the study

The study contributes knowledge on the social-legal history of mining communities which has little attention in literature. The World Bank indicates that “countries which have a substantial share of their income (GDP) coming from the export of primary commodities are dramatically more at risk of conflict,” in particular during periods of economic decline. Moreover, in some cases, average per capita growth rates have been lower (in resource-rich areas than in resource-poor developing countries), and some resource-rich developing countries remain among the world’s poorest.⁶² Conflicts in mining areas demonstrate the absence of a critical factor needed to translate resource wealth into widely-shared peace and prosperity. While resource scarcity has often been a focus for environmental security research, it forms only one of the ecological sources of violent conflict. The study, therefore, combines sociology and social legal history which deal with the world-view of a people and history because of its ability to use the past to interpret the present. The findings of the study, therefore, provide an additional source of literature, specifically in the understanding of how both indigenous African and western conflict and social injustice systems can be applied in processes of peace-building. The study also brings to bear the nature and extent of social injustices and the application of conflict and attendant processes of peace-building in mining communities in Ghana.

⁶²World Bank report, 2001.

My interest in the social-legal history of mining and social cohesion is derived from three major factors. The first may be described as personal. It relates to my historical root as a son of a cocoa farmer whose plantation was, for sixty years, the only economic hub for a family of eighteen till now. Second is my profession as a conflict analyst, peace-building administrator, and mediator on various mining conflicts on the subject of mining and the political economy of the indigenous people and the effect of mining on the loss of land that has created structural violence in the community where mining is operated. Surface mining, which requires a lot of land and causes many cocoa growers to lose their jobs due to mining activities, caused the family. The families in these rural villages had been so severely impacted by the unsustainable economic activities that their income and the environment harmed their health and education. Health insecurity has been created in the rural mining communities due to the contamination of their access to healthcare, whether through authorized channels or natural auxiliary herbs. Lastly, is the role of social-legal history in conflict analysis and its result in peace-building in African studies. Adding more knowledge to historical perspectives to a discipline is of great essence. Besides, African perspectives on peace studies need similar attention to resolve their difference.

The study is on social-legal historical research in mining communities. It examines systems that have ensured tolerance and consensus and have held the Obuasi communities together till the folding up of the company operations in 2014. Many of the communities were formed as a result of the mining operations and attached migration challenges. According to Crook, Ghana's legal-rational and indigenous peace-building systems were hybridized during the pre-colonial, colonial, and post-colonial periods. Three institutions were mentioned, including CHRAJ, Magistrate's

Courts, and customary land dispute resolution that is informal, accessible, and legal.⁶³ He draws upon, and responds to, local values and expectations about justice. They combine a commitment to formal codes with informal behaviours, assisted by official policies to encourage Alternative Dispute Resolution (ADR). Unfortunately, the level of informality, accessibility, and legitimacy were not clearly explained. This work explains further the levels and other indigenous legal systems that mitigate tension in mining communities, which emphasize more religious than political or economic issues.

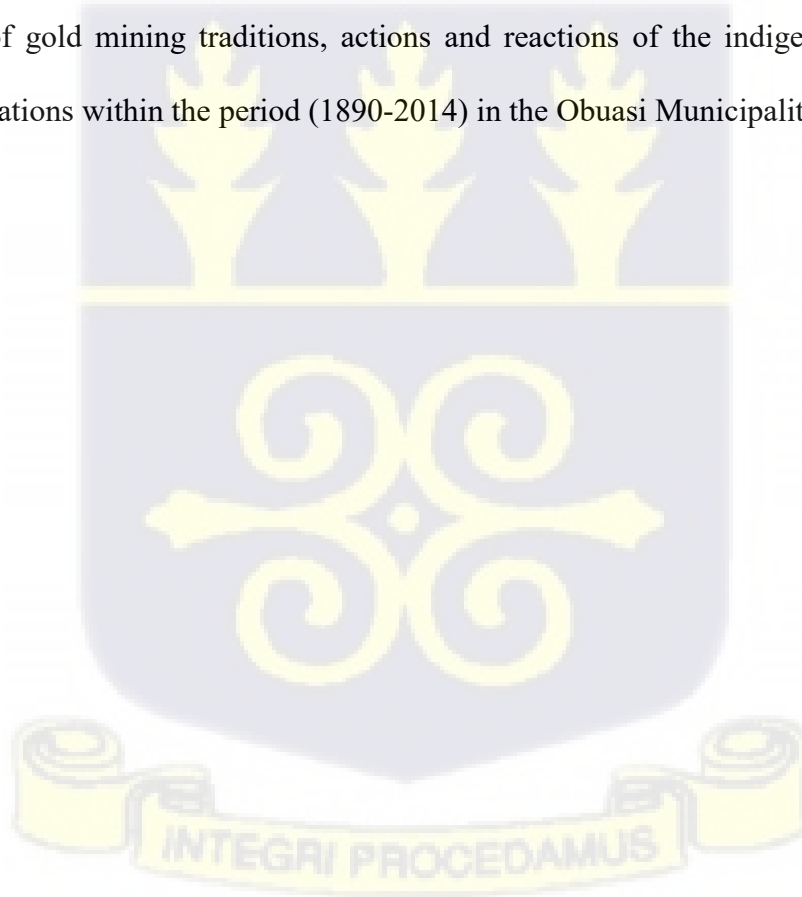
The gaps in the literature on peace-building history in mining communities are fragile. Meanwhile, research in the developing world shows terms such as; ‘resource curse’, ‘blood diamonds’ ‘conflict minerals’ among others, used to indicate that instead of being a blessing in the developed world, minerals are otherwise. Civil and political rights dominate in state policies and programs but socio-economic rights are under-conceptualized and non-reflected in many policy documents and development agendas in the world.⁶⁴ Finally, there is a need for the study to find out whether the approaches and processes used in peace-building history in mining communities in Ghana are effective with its legal system. This is due to the straight fact that social justice and socio-economic rights have a bearing on the history of peace-building. A circumstance like this might lead to the development of a peaceful environmental system that mines conflict from social epistemology.

⁶³Crooks, R.C., ‘Customary Justice Institutions and Local Alternative Dispute Resolution: What Kind of Protection Can they Offer to Customary Landholders?’ Chapter 6 in (Ubink and Amanor ,2008),pp.17-56

⁶⁴Shedrack C. Agbakwa, A Path Least Taken: Economic and Social Rights and Prospects of Conflict Prevention and Peacebuilding in Africa, School of Orietal and African Studies, (Journal of Africa Laws, United Kingdom, 47, 2003), pp. 38-64

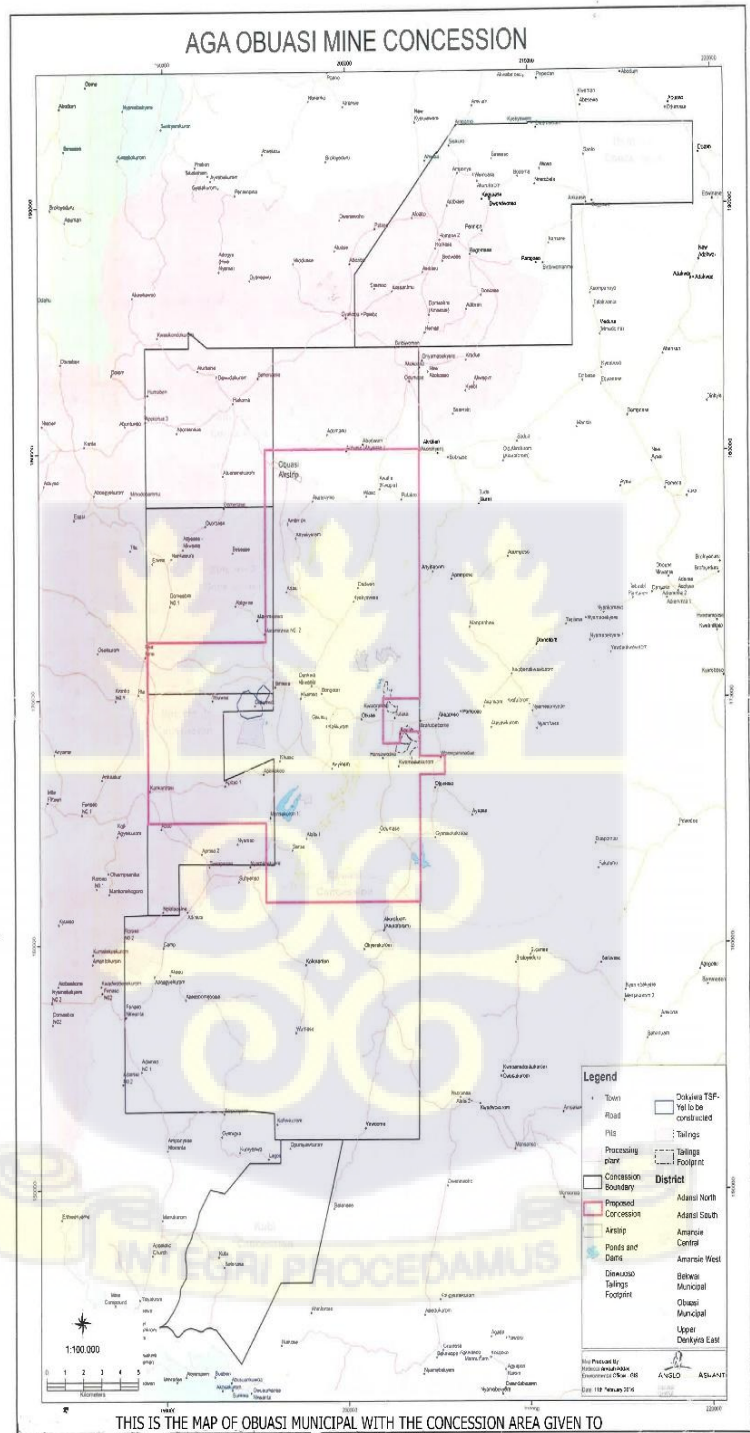
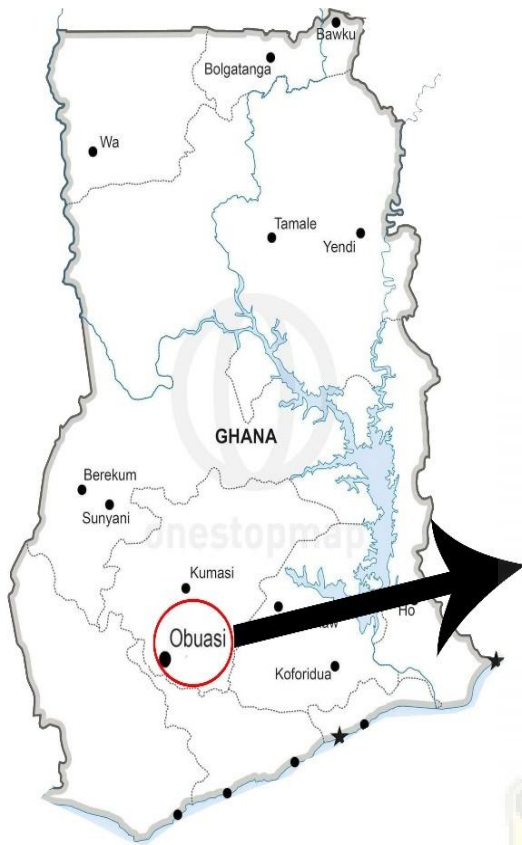
1.6 Scope of the study

Contextually, the discourse on mining conflicts is situated in two main characteristics that define the mining sector: contention and ambiguity.⁶⁵ Contentious because mining has significant adverse effects on the social, environmental and economic sphere, but offers limited benefits for fewer people. It is also ambiguous because of the sense carried by local communities (and even development experts) that mining could do more. The seeds of conflict are, therefore, sown in the situation where there are divergent positions on mining and its environmental effects. Fundamentally, the focus of the study is to explore conflict management strategies for curbing conflicts in the study area. Specifically, conflict management strategies for social cohesion will explore issues of gold mining traditions, actions and reactions of the indigenous African and European negotiations within the period (1890-2014) in the Obuasi Municipality.



⁶⁵Bebbington, A., D. Humphreys Bebbington, J. Bury, J. Ligan, J.P. Muñoz and M. Scurrah Mining and social movements: Struggles over livelihood and rural Territorial development in the Andes, (World Development, 36(12), 2008), pp. 2888-2905.

THE MAP OF GHANA INDICATING OBUASI COMMUNITY



THIS IS THE MAP OF OBUASI MUNICIPAL WITH THE CONCESSION AREA GIVEN TO THE RESEARCHER IN 2020 BY THE COMPANY ANGLOGOLD

The map above is from Ghana, showing a specific place, Obuasi Municipality. The arrow beside it directs to 105 specific communities where the AGC Obuasi mining concession is located. The sketch through the black labelled arrow points also directly to the 100sqm as community-affected mining.

Obuasi is located in the centre of a tropical rain forest, 100 miles from the coast and 45 miles south of the capital, which once served as the Asante Kingdom's administrative centre.⁶⁶ Following Otumfuo Agyemang Prempeh I's return from exile, the capital was moved from Obuasi to Kumasi in 1924.⁶⁷ It is the place where Ashanti Goldfields Corporation Ltd. Company (AGC), currently AngloGold Ashanti Company Limited, is located. Until AGC arrived in 1898, it was a small local mining and farming village. Oral history has it that it was founded by a hunter and his family and by several others who later located the place because of sustainable resources.⁶⁸ The population of Obuasi was increased by about 4% a year since the 1931 period. It was assumed in 1911 that the population was 5,626; in 1931, it was 7,598; in 1948, it was 15,724; in 1960, it was 22,818; and, in 1970, it was 31,018.⁶⁹ According to Ghana's 2010 population census, the population of the Obuasi mining communities—including Adansi South, Adansi Municipal, and Adansi North—rose to 391111.⁷⁰ The geographical scope of the study is the Obuasi Municipality located in the Ashanti Region of Ghana. The Municipality is located between latitudes 5°35'N and 5°65'N, and longitudes 6°35'W and 6°90'W. It covers a total land area of 220.7 square km. It is located in the South-Western part of the Ashanti Region. It is 64

⁶⁶Konings, P., *The Political Potential of Ghanaian Miners: a case study of the AGC workers at Obuasi*, Leiden: (African Studies Centre, 1980), pp.16-17.

⁶⁷Ibid, pp.14-19

⁶⁸Konings, P., *The Political Potential of Ghanaian Miners: a case study of the AGC workers at Obuasi*, (Leiden: African Studies Centre, 1980), pp.8-10

⁶⁹ Ibid, pp. 18-19

⁷⁰ Ghana Statistical Service Population Census 2010

km from Kumasi, the regional capital. The Municipality is bounded on the south by the Upper Denkyira District of the Central Region, East by Adansi South, West by Amansie Central, and North by Adansi North. Obuasi is the Administrative Capital where the famous and rich Obuasi Gold Mine, now Anglo Gold Ashanti is located (Ghana Statistical Service, 2010 Population and Housing Census).

It also lies within the Adansi traditional area. At the moment, Obuasi does not have a chief (Odikro/Ohene). According to custom, Obuasi is under Akrokyere stool land and have the legal right to appoint the Obuasi chief, but he is always challenged⁷¹ with conflict by the “Adansiman”. The struggle made the first president of Ghana elevate Akrokyerehene to the status of a paramount chief so that he could bring Obuasi under his control, but unfortunately, the overthrow of Nkrumah in 1966 reversed the situation to its pre-colonial arrangement leading to protracted traditional conflict.

The selection of this particular study area is due to a couple of reasons. Among these include the area being one of the oldest mining areas in the country dating as far back as hundred years and change over from traditional mining to modern mining technology, the presence of the largest mining corporation in Africa, the existence of frequent disputes of environmental legacy between civil society, organised groups, and companies, among others. Moreover, gold mining in this area has contributed immensely to the economic development of the country and promoted several initiatives for social and territorial development. The blend of African and European laws, and how they work in harmony with the usage of lay attorneys as is intended to ensure societal harmony, are of importance to this subject. The area was chosen because of its cosmopolitan

⁷¹ This conflict is political economic conflict related since in reality Akrokyere controls the place but Adanseman under the authority of Fomena chiefs has interest in collaboration with AGC often resist the processes through the state security.

nature. The area is made up of long-existing communities developed through mining activities and traditional controlled systems with mining legal-rational ruling systems coupled with extensive migration.

1.7 Sources and Methodology

Archival sources, interviews, and focus groups were extensively utilised in this study, with secondary sources acting as a complement. Eighty percent of the primary data came from archives, while twenty percent came from focus groups discussion and interviews that might have added to the recorded data. The principal archival data were obtained from the Public Record and Archives Administration Department (PRAAD) in Greater Accra Region, Ashanti Region, Northern Region, Western Region, as well as Manhyia Archive in Kumasi.⁷² To compare the various materials from various sources and to prevent concentrations that could put historical research at risk of losing a considerable quantity of rich detail, five archival materials were used.⁷³ The phenomenon, whose contextual implementation in various regions is equally significant, especially on the subject of mining concerns how land management by colonial officials affects the religious and economic activities of indigenous people from Kumasi. These concerns are particularly highlighted in the ARG 2/5/2/2 file. The file number ARG 1/5/4/9/ 3rd June 1897 AGC Concession Agreement from Kumasi shows the basic foundational agreement between AGC and Obuasi's 105 communities affected by the mines.

Also, the file number MAG 21/2/12 from Manhyia-Kumasi deals with Adansi Native-Affairs from 1946 to 1958 and justified the conflict in the sharing of the royalties. The ADM 3/1/112

⁷²All references relating to archival materials hereafter be known as PRAAD which used to be National Archives of Ghana (NAG) which started since 1958. The following are abbreviations for the archival materials; Ashanti Region, Ghana (ARG); Manhyia, Ghana (MAG) in Ashanti Region- Kumasi; Northern Regional, Ghana (NRG); Western Region, Ghana (WRG); Administrative Record as (ADM), National Archives, Ghana (NAG); Colonial Secretariat Office (CSO).

⁷³Ntewusu, Samuel Aniegye, Serenity: Conducting Research on Social History in Ghana Archives, (African Studies Association, 2014), p.418; Cited in Silver, James B., "The Second Archives," *History in Africa* 365 – 370

files from Accra contain Labour Action Plans and Settlement Cases that describe the hiring process and its effects on the local political economy. The CSO 5/1/610 file, deals with The Gold Mining Product Protections Ordinance 1929 (The Ashanti No.15 of 1929-Proposed Amendment 1929-1937). The files number WRG 15/1/930 contains Mining Regulations Handbooks from Secondi-Takoradi from 1935 to 1937 and WRG 15/3/291 containing Mining Ordinances of Gold Coast and Ashanti Territory from Secondi-Takoradi are referred to as justified legal forms of discrimination and exclusion that form a basis for conflict because of their economic goals, conflict with the indigenous people's local economic realities. The NRG 8/23/1 file is a prospecting rights document from 1936-1938 and the NRG 8/23/25 files are the Bole Exploration Company Limited Exclusive Prospecting, Application for Prospecting Rights, and Mining Lease 1936-1948 documents compared to the AGC Concession.

Using these official sources of the primary data generated by the colonial outfit gives a one-sided perspective of the events during the period of the study, which has a limitation for my study.⁷⁴ It also projected white colonial officials' biases, eccentricities, and reality on the variables for the study.⁷⁵ Only a limited number of dates and events could be recorded in the archives due to a shortage of storage space for the stored items.⁷⁶ There were no further study-related times that could be located. As an illustration, consider the Accra Archive's lost material from the years 1935 to 1946. The reified one-sided voices leave no room for an African perspective on the issues. Some of the reports had the form of propaganda pieces written to convince the colonial officials either about improvements or the justification of their policies.⁷⁷ The usage of the seven

⁷⁴Amoako-Gyampoh, Akwasi Kwarteng, Sanitation and Public Hygiene in the Gold Coast Ghana from Late 19TH Century to 1950, Published PhD. (Thesis, University of Johannesburg, 2017), pp.40-41

⁷⁵Ibid, p. 40.

⁷⁶Ntewusu, S. A. Settling in and holding on: a socio-economic history of northern traders and transporters in Accra's Tudu, 1908-2008. (Leiden: African Studies Centre.2012), pp.209-114, Retrieved from <https://hdl.handle.net/1887>.

⁷⁷The evidence supporting this claim pointed to the fact that. The Adansi Constitution and History, citing the archival data in ARG 7/2/12 case No. 25/19/07, asserts that the Adansehene signed the concession for AGC during Arthur Cade's visit. The

traditional clans of Obuasi's oral history provided the required African perspectives on the issue. This enabled the study to comprehensively situate the research in a comparative perspective that covered all voices in the analysis. Sometimes you work on a file but the next day the same file cannot be found since you refuse to give the PRAAD personnel money. Other times, too many requested files are empty since some people have paid the officials to remove them because of pending litigation on the subject matter, and more often on land matters because of its current economic values. The last limitation of the archival data was the loss of files, intentionally or unintentionally, because of the demand for money by the PRAAD officials.⁷⁸

Secondly, since the research is on social-legal history, it added both descriptive and explanatory knowledge to the qualitative paradigm.⁷⁹ A descriptive strategy is to document and understand more about a phenomenon's exact aspects.⁸⁰ Before asking more in-depth inquiries to ascertain what is driving the change or stability, it may be essential to repeat the explanation several times. The description design explains the content and context necessary in a historical work when it

Adanshene (Fomenahene), who had fled to Assin Breku then, was elderly, blind, and illiterate, but was able to sign a document pertaining to land that belonged to Akrokerrihene. Similarly, on March 24, 1944, Akrokerrihene Ohene Awiah II, via his barista and attorney Ernest Prempeh, filed a case with the Supreme Court under file number 25/1714/0651, asking Ashanti Goldfields Corporation (AGC) to produce proof of a structure on his land. AGC could not prove from the reply the legitimacy to the claim.

⁷⁸Fosu-Ankrah, Joseph, *Cocoa, Community and the Politics belonging in the Aowin Suaman District in Western Region of Ghana 1962-2008*, Unpublished Mphil. (Thesis from University of Ghana, 2015), pp. 14-17, <http://ugspace.ug.edu.gh>.

⁷⁹A research project's qualitative dimension includes certain assumptions and values about the use of the research methods as well as a collection of those methods. In other words, because qualitative research does not aim to provide a quantitative analysis, theory and method are closely related in qualitative research. They do not describe pre-existing facts about a setting or the world, but rather how individuals seek to interpret and explore them. See Fosu-Ankrah, Joseph, *Cocoa, Community and the Politics belonging in the Aowin Suaman District in Western Region of Ghana 1962-2008*, Unpublished MPhil. Thesis, University of Ghana, pp. 14-17, <http://ugspace.ug.edu.gh>; Cited in The books "Understanding Social Science Research," "The Basics of Social Research," and "Mapping Your Thesis: The Comprehensive Manual of Theory and Technique for Masters and Doctoral Students," all written by Mouton and Neumann, respectively, are all 37 years old. ACER Press, Victoria, 2011. *Practical Research Methods: A User-Friendly Guide*, Catherine Dawson Natasha A *Guide to Mastering Research Techniques and Projects and Qualitative Research Methods: A Data Collectors' Field Guide* (North Carolina: University of North Carolina Press), 14-15 (How to Books Ltd., Oxford, 2012). Aside from Babbie's "The Fundamentals of Social Research," read chapters 1-2. 386-393

⁸⁰Gina, Wisker, *The Postgraduate Research Handbook*, Second Edition, Palgrave Macmillan. 2008, p.71.

uses data, facts, and generalisations to provide truthful descriptions of a phenomenon.⁸¹ The explanatory approach provides a theoretical grounding for the research. The study makes use of additional primary data gathered from various oral sources. The purposive sampling technique⁸² was used to gather data from the seven traditional chiefs who represented Adansi, namely; Fomena, Akrokyere, Dompase, Abodwesango, Ayaase, New-Adubiase, and Amankyem-Akroforom. Other traditional Akan leaders outside Adansi who have in-depth knowledge of the subject, such as some paramount chiefs of Bekwai, Kokofu, and some Otumfuo Abrempong, were included in the discussions on the Akan concepts of conflict, social injustice and peace-building in face-to-face interviews. They offered some helpful supplementary data to corroborate Manhyia Archival Records' claims about indigenous knowledge. The Manhyia Palace archives in Kumasi provided all the additional information about indigenous peace-building. It assisted in identifying the forms of conflict and the reports on social injustice issues were also written from Colonial District Commissioner's Court Judicial Procedures. The reasons for supporting with the face-to-face interviews were clearly due to the disadvantages of archival materials from Manhyia Archival Records which are in terrible shape, with omissions, silences, and wilful document

⁸¹Astalin, Kumar Prashant, *Qualitative Research Design: A Conceptual Framework*, Madurai Kamaraj University, (India, International Journal for Social Science and Interdisciplinary Research, 2013), pp. 2-4; Johann Mouton, *Understanding Social Science Research*. (Hartfield, Pretoria: Van Schaik Publishers.2002), p.102. See also, W. Lawrence Neumann, *The Basics of Social Research, Qualitative and Quantitative Approach*. (London: Pearson Education, Inc., 2007). p. 15 and also Anol Bhattacharjee, *Social Science Research: Principles, Methods and Practices*, 2nd Ed. (Zurich: The Global Text Project, 2012).10. Also, Earl Babbie, *The Basics of Social Research*, 3rd Edition. (Wadsworth, 2005), pp. 88-91, 132- 135,386-393.

⁸²Due to their desire to please, informants may provide unreliable information voluntarily or involuntarily in purposive sampling. For objective data versus subjective data, informant reliability tends to be higher. Reliability may also be impacted by the interviewing technique, the environment, and how at ease the informant is with the researcher. Though these challenges are bound to occur it also is practical and efficient tool than many other tools when properly used as the case of this studies. See? Ma. Dolores C. Tongo, *Purposive Sampling as a tool for informant selection; Ethnobotany Research & Application*, (University of Hawai'i at Manoa, USA., 2007), pp.154-155, accessed online 14/07/2022; <http://hdl.handle.net/10125/227>

destruction.⁸³ Combining the data from the two sources assures complementarity and covers the flaws in each approach that would have tipped the discussion and interpretation of the study.⁸⁴

Also, face-to-face interviews were conducted from January to March 2021 and concluded in May 2021.⁸⁵ Participants were security services officials, court system institutions, NGOs, Forestry Commission officials, CHRAJ, Environmental Protection Agency officials, and community mining companies (both registered and unregistered companies include “galamsey” {artisanal small-scale mining} operators), opinion leaders, religious leaders and traditional rulers. The selection of these target groups and institutions is purposively chosen based on readiness to participate in the study. Most of the informants were tracked through snowball sampling (this method is fundamental since many respondents could have retired and resettled in their hometowns but have in-depth knowledge of the subject matter). All interviews were done in the English language and the local language ‘Twi’⁸⁶. The interview guide for these interviews was semi-structured.⁸⁷ All interviews were recorded and stored in archives after they had been transcribed.⁸⁸ This really balances consistency and flexibility, enabling in-depth exploration of

⁸³Nteuwusu, Samuel Aniegye, *The Banana and Peanut Archive of Ghana*, African Studies Association, (History in Africa, Volume 44, 2017), pp. 285–294.

⁸⁴Joseph Fosu-Ankrah, *Cocoa, Community and the Politics belonging in the Aowin Suaman District in Western Region of Ghana 1962-2008*, Unpublished Mphil. Thesis from (University of Ghana, 2015), pp. 14-17, <http://ugspace.ug.edu.gh>

⁸⁵Even though the COVID-19 procedures report was still in effect, the research closely adhered to the roles for each of the in-person interviews by taking Vitamin C 1000 mg + Zinc 10 mg daily for health

⁸⁶Twi is an Akan language spoken by Asante (Adansi) in the community. The local language was significant because of the high level of illiteracy in the mining communities.

⁸⁷The goal of semi-structured interviews is to develop a thorough understanding of a participant's opinions, perceptions, and accounts of a certain subject. The researcher is able to pursue certain intriguing directions that develop throughout the interview. Almost all questions are open-ended.

⁸⁸All conversations were captured on tape and are available in my private repository. The quotes utilized in this study are verbatim translations or direct translations in order to avoid distorting or misrepresenting the informants' voices. In quotes where interviews were done in Asante Twi, and English, direct translations were used. Verbatim quotes have been kept in cases when interviews were held in English. This was especially in situations when I had to re-interview three informants since I misplaced the recordings of their earlier interviews. Certain times two after consulting an interpreter some Akan language does not have English explain but I take time to explanation. See? Joseph Fosu-Ankrah, *Cocoa, Community and the Politics belonging in the Aowin Suaman District in Western Region of Ghana 1962-2008*, Unpublished MPhil. Thesis from (University of Ghana, 2015), pp. 14-17, <http://ugspace.ug.edu.gh>

complex issues while focusing on research objectives, especially in qualitative research, requiring participant understanding.

In all, thirty-four informants were interviewed from the already listed population of eleven identifiable groups and institutions. Eight institutions and groups selected two respondents each to be interviewed. These institutions are security officials, Environmental Protection Agencies (EPA) officials, Commission for Human Rights and Administrative Justice (CHRAJ) officials, civil society groups (NGOs), religious leader, media personnels, judicial service officials and Adanse youth association. Seven respondents were interviewed among the traditional authorities as representatives of the seven different groups that form the “Adansi” ethnic group as part of the Asante ethnic group. Another seven respondents from each ethnic group and traditional area were also selected from the opinion leaders for the study. Lastly, four respondents were finally selected from the Asanteman traditional council. This gives light to understand the Asante approach to conflict resolution from the bigger reality. The interview was also done based on respondent readiness to take part in the study.

In addition to the face-to-face interview, this approach was a Focus Group Discussion (FGDs) in the community for the understanding of the conceptual realities in the matter of mining conflict, social injustice, and peace-building in various matters of the study. Deeper comprehension of ideas and complexity is made possible through the use of FGDs, which provide an invaluable forum for group knowledge exchange, in-depth debate, and examination of social and cultural settings. Respondents were selected from farmers and galamseyers in the communities for the FGDs approach. Three FGDs were held in the community, targeting youth groups and women groups. In each group, a minimum of six persons and a maximum of fifteen people were present.

All the face-to-face interviews and FGD's discussions were interpreted using the coding system on the themes generated from the archival data deduced from the research questions for the study.

The study has theoretically developed into a case study for the interpretation of historical social mining difficulties, among others. The study focused also on the phenomenological design of peace-building, hence the conflicts are discussed from both historical and contemporary angles. A person's cosmology has a significant impact on both their behaviours and inactions, which is secondary information appropriate for work variables like conflict and social injustice.

1.8 Chapter Outlines

As already noted, chapter one was the introduction. Chapter Two of the thesis lays out the historical underpinnings of the indigenous mining extractions carried out by the Denkyira, Asante, Adansi, and other Akan communities before colonialism and imperialism. It also expresses the Akan socio-political organization and its influence in maintaining order and Western ethnocentric biases. It concludes with the local conceptual framework on Akan ontological nobility of *funtumfunafunu-denkyemfunufunu*, which is based on people's daily interactions and realities. It deals with conflicts in both their historical and contemporary contexts. It works to guarantee peace, advance social justice, and explore conflict. A person's world-view or cosmology has a significant impact on both their actions and inactions.

Chapter Three of the work explains the historical political economy of Adansi, referred to as the commonwealth of Akan states in West Africa that possesses all of the linear characteristics and rectilinear interactions among the Akan. The negotiations and procedures for acquiring land were impacted by the political conflicts that existed within the Asante region. The traders, known as

the Wangaras, who connected Adansi and Tafo to trade with Arabs, the Maghreb, Egypt, and Mediterranean Europe, are responsible for the economy of Adansis gold output. 10,650 fine ounces of gold were mined locally in 1881, and that number rose to 20,288 fine ounces in 1896 with the local mining industry's innovative technology.

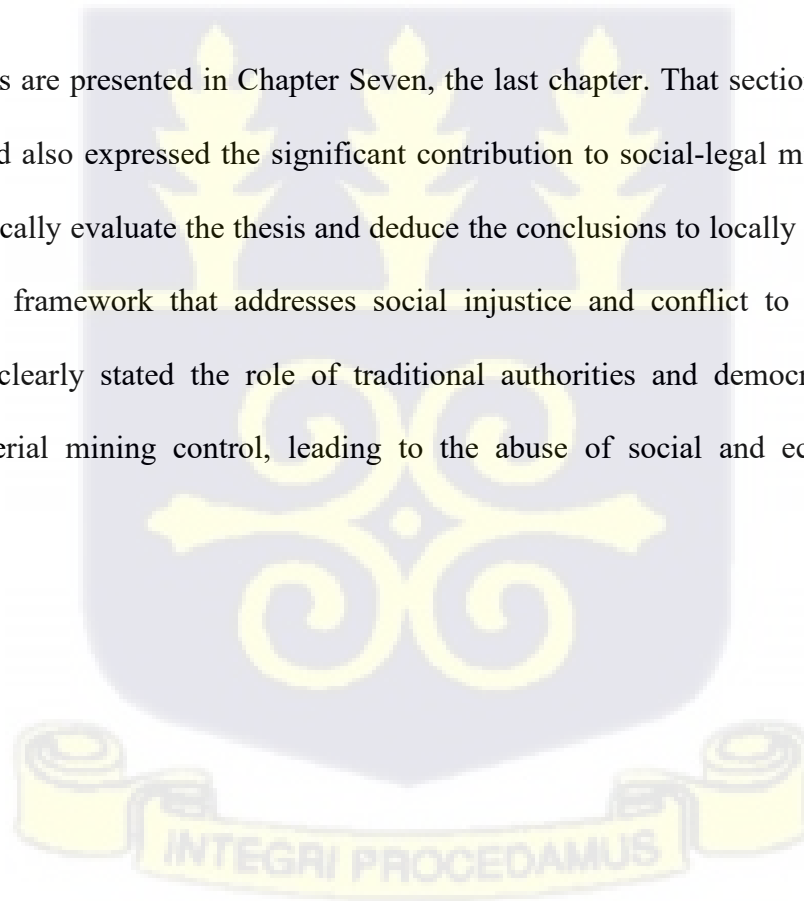
Chapter Four places emphasis on mining activities that have historically been conducted in Ghana's rural villages, where residents rely on the land and surroundings for their survival. This chapter makes the case that the procedures used to negotiate mining concessions have an impact on local people's value systems for land usage, subsistence, and security, which result in social injustice and conflict. It also concludes that the British created the so-called mining concession on June 3, 1897, to take advantage of the locals as part of their colonial project. The post-independence governments' attempts to address these social inequalities made the already poor living conditions of the locals worse.

Chapter Five expresses the view that indigenous Obuasi communities had social justice and dispute resolution techniques in place before colonization. The establishment of peace was viewed as an interaction between spiritual beings and people. The strong conventional institutions that were in place at the time contributed to the efficiency of these systems. The study established that mining community conflict in Obuasi was managed using "*Duabo*", "*Ntam*," "*dwantoa*," proverbs, silence (*fama-Nyame* and *predestination*), and apology, which were significant in pre-colonial, colonial, and post-colonial invisible systems. The reality of people about natural resources such as gold has its approach to conflict resolution.

Chapter Six of the study demonstrates that the mining village in Ghana with the longest history of mining is Obuasi. The chapter looks at the many mining laws and regulations that have been

used as peacekeeping tools. It also assesses how these techniques have affected the interaction between the mining communities and AGC workers. The conclusion of the chapter shows how African concepts of peace-building aim to mend broken relationships and restore and strengthen positive relationships among their community members. Local conflict transformation and peace-building structures in Rwanda, Ukuzidla in South Africa, and the Kotgla in Botswana are examples of local conflict transformation and peace building structures. The Grievance and Complaints Office handles all cases forwarded to the company by aggrieved community members. Increased mining has resulted in serious human rights violations. The youth were the hardest hit, and many children involved in illegal mining were forced to drop out of school.

The study results are presented in Chapter Seven, the last chapter. That section filled the gap in the literature and also expressed the significant contribution to social-legal mining history. The main points critically evaluate the thesis and deduce the conclusions to locally accepted concepts as a theoretical framework that addresses social injustice and conflict to promote peaceful coexistence. It clearly stated the role of traditional authorities and democratic structures in supporting imperial mining control, leading to the abuse of social and economic rights in conflict.



CHAPTER TWO: THEORETICAL FRAMEWORK , REVIEW OF LITERATURE AND CONCEPTUAL CONSIDERATIONS

2.1 Introduction

This chapter covers the issues surrounding the study and gives an outline of the theoretical problems that direct the study. The chapter also expands on the issues in mining activities that have long been carried out by "Akan" rural people whose lives are based on the land they occupy, as outlined in the preceding chapter. Land negotiation rules, which are frequently forced on the host group's value systems, have had a negative impact on the well-being of the host community. The section reviews the literature on mining and community livelihood, natural resources, social justice and injustice, and conflict. The study also compares and contrasts Western and Akan approaches to social justice and peace-building in mining communities, and also develops an indigenous Akan approach for the discussion of the study.

2.2 Theoretical Framework

Three ideas were employed in this thesis, which dominated the argument: environmental modernism, sustainable livelihood, and conflict resolution. From the literature review, the relationship has been elucidated in this chapter.

2.2.1 Sustainable Livelihood Theory

This study's guiding principle and main contention was that a variety of elements, including indigenous value systems, colonial laws, and democratic institutions, require and have an impact on peace-building in the Obuasi community. The theory of sustainable livelihood aims to explain how people maintain their standard of living in the face of social, political, and environmental challenges. This theoretical underpinning drove this historical investigation. Originating from development studies, the idea focuses on three main areas: environmental sustainability, rural

development, and poverty alleviation. Sustainable livelihood theory includes the complexity of livelihoods, vulnerability context, people-centered development, interconnectedness of livelihood assets, and dynamic and context-specific approaches.

Contributing to the 1980s discussion on "livelihood," Ian Scoones and Robert Chamber defined it as the ability, resources, and activities necessary for survival.⁸⁹ The means of survival on land are essentially irreplaceable. Scoones and Chamber went on to explain how human needs can persist without harming the resources they depend on, ensuring their viability for future generations⁹⁰. According to the livelihood framework, poverty should be decreased by making the poor's mix of livelihoods more sustainable. A livelihood is considered sustainable if it can recover from setbacks and shocks, maintain or increase its capacities and resources, and do so without endangering the base of natural resources.⁹¹ Five essential elements make up the framework for a sustainable livelihood: livelihood outcomes, livelihood activities and strategies, vulnerability, fragility, and livelihood assets. It identifies the variables that influence people's livelihoods, their importance, and the nature of their interactions.⁹² It also highlights the importance of the interactions between context, resources for livelihood, institutions and organizations, and livelihood strategies in determining whether or not livelihood outcomes are sustainable for both households and communities.

The vulnerability context as the first indicator of sustainable livelihood framework, or how exposed the households in the community are exposed to shocks and hazards including poverty,

⁸⁹ Chambers, Robert, and Gordon Conway. "Sustainable rural livelihoods: practical concepts for the 21st century." (1992)

⁹⁰Ibid,p.25

⁹¹Carney, Diana, ed. *Sustainable rural livelihoods: what contribution can we make? Papers presented at the Department for International Development's Natural Resources Advisers' Conference, July 1998*. 1998.

⁹²DfID, U. K. "Sustainable livelihoods guidance sheets." *London: DFID 445* (1999): 710.

unemployment, natural disasters, and disappearing employment,⁹³ is the main emphasis of this argument. According to Chamber, the community is subjected to shocks and hazards that leave them defenseless and unable to deal with or recover from trauma that may be physical, psychological, social, or financial.⁹⁴ With livelihoods depending on natural resources, vulnerability is critical in rural environments, such as in Obuasi mining communities in the pre-colonial, colonial, and post-independent mining eras. It is observed from several angles, seeing it as an essential component of the environment and influencing people's means of subsistence.⁹⁵ The vulnerability discusses the structural violence which called for social injustice in the mining communities.

The second framework to the vulnerability is the livelihood assets. Assets related to one's livelihood are necessary for families and individuals to manage vulnerabilities. These resources, also referred to as capitals, serve as the fundamental building blocks that support households and communities.⁹⁶ A person's health, education, abilities, and labour force participation all constitute human capital⁹⁷, which is essential to the creation and application of livelihood plans. Natural capital is the environment and natural resources that rural families have access to⁹⁸, whereas social capital is made up of networks, connections, trust, and conventions⁹⁹. Basic infrastructure and producer commodities, such as electricity, water supply, transportation infrastructure, sanitation, and communication, are included in physical capital¹⁰⁰. Financial or economic capital refers to the assets that allow individuals to afford and implement various

⁹³Ibid,p.25

⁹⁴Chambers, Robert. "Sustainable livelihoods, environment and development: putting poor rural people first." (1987).

⁹⁵ Twigg, Julia. "The spatial ordering of care: public and private in bathing support at home." *Sociology of Health & Illness* 21, no. 4 (1999): 381-400.

⁹⁶DFID. "Sustainable livelihoods and poverty elimination." (1999).

⁹⁷ Carney, Diana. "Implementing the sustainable rural livelihoods approach." *Sustainable rural livelihoods: What contribution can we make* (1998): 3-23.; Ellis, Frank. *Rural livelihoods and diversity in developing countries*. Oxford university press, 2000.

⁹⁸ Ibid, p.45

⁹⁹ Scoones, Ian. *Sustainable rural livelihoods: a framework for analysis*. Vol. 72. Brighton: Institute of Development Studies, 1998., (DFID,

¹⁰⁰ Ibid,p.87

means of subsistence, including cash, savings, credit availability, and liquid commodities like jewellery and animals.¹⁰¹

The mechanisms and procedures that control the availability and application of livelihood assets make up the third part of the framework. The government levels, laws, institutions, organizations, policies, decision-making procedures, and legislation that influence people's access to livelihoods are represented by these structures¹⁰². They are present in both governmental and private organizations at different levels, which has an impact on sources of income, access to finance, and other things. State laws play a crucial role in defining who has access to resources, but they may also serve as obstacles.¹⁰³ For effective outcomes, it is essential to change institutions and procedures to improve access to and utilization of chances for livelihood options. Providing alternative livelihood are harder to execute because of policies in the Adansi land in rural regions due to protracted conflict and infrastructure, which might make people more vulnerable and restrict their access to essential services.

The livelihood strategy is the fourth point. Strategies for generating a livelihood are methods that individuals and groups use to deal with difficult social, political, economic, and environmental conditions. In Obuasi livelihood activities include agriculture, livestock rearing, fishing, indigenous mining, fishing, hunting, migration, and labour work. These tactics might be anything from quick fixes like making a living to long-term plans like growing cocoa, constructing a home, or getting a car. Common livelihood methods include agricultural intensification and extensification, which increase agricultural technology, and livelihood diversification, which diversifies income-generating activities towards off-farm activities. Livelihood strategies can be

¹⁰¹ Ibid,p.80

¹⁰² Ibid, p.24

¹⁰³ Ibid,p.25

natural resource-based, indigenous knowledge-base, or migration-based. It is crucial to consider social factors and exogenous trends in developing and maintaining these strategies. These tactics might be anything from quick fixes like making a living to long-term plans like growing cocoa, constructing a home, or getting a car. Common livelihood methods include agricultural intensification and extensification, which increase agricultural technology, and livelihood diversification, which diversifies income-generating activities towards off-farm activities.

The livelihood outcomes that family members hope to attain by using the coping strategies make up the fifth and final part of the sustainable livelihood (SL) framework. This paradigm for sustainable rural livelihoods centres on the results of household members' livelihoods, encompassing enhanced food security, stable income, better health and well-being, accumulation of assets, decreased susceptibility, elevated social standing, and environmental sustainability¹⁰⁴. But the indigenous community households would face difficulties because of unstable food and income, heightened susceptibility to shocks, asset loss, land for mining usage, and overall poverty. Policies and development programs should take the assets that are accessible and the conditions that determine how these assets are accessed and used in order to support the livelihood strategies of impoverished Obuasi communities. Livelihood strategies are context-specific, as in the case of a mining community losing their land with alternative livelihood systems and compensation failure.

The conclusion of this theory has highlighted the situation scholars have critique the significant of its in the study on social-legal mining history. The sustainable livelihood framework has been criticized for ignoring power relations, particularly class and gender relations, and undermining wider political and economic factors influencing resource access. The power relations to mining

¹⁰⁴ Chambers, Robert, and Gordon Conway. "Sustainable rural livelihoods: practical concepts for the 21st century." (1992).

community and the mining company are equal to that of a father-son relationship in African reality, which is consider children as persons with no rights. The regulatory actors from the state institution are the extension of the company that are often used as mechanisms for abuse the the community members socio-economic rights. This concept however does not relate so well with the socio-cultural realities of the livelihood dreams of the case of the mining communities. This weakness is seen as a key weakness in discussing mining rural populations' livelihoods. To address these challenges, future studies should incorporate a more inclusive, actor-oriented approach that recognizes context-specific local cultural, historical, gender, spatial, and power dynamics of sustainable livelihoods.

2.2.2 Environmental Modernity Theory

Ulrich Beck's thesis of the Risk Society looks at the worldwide dangers that industrialization and modernity entail, especially those related to the environment¹⁰⁵. He presents the idea of reflective modernization, in which the institutions of modernity themselves are questioned and critiqued by society, with a focus on the environmental dangers brought about by industrial capitalism¹⁰⁶. Environmental injustice results from the unequal distribution of environmental hazards, which is also criticized in Beck's critique of environmental modernity.

Building on Beck's environmental modernity theory, Anthony Giddens argues in his work on climate change that the political and economic structures rooted in gradual change and short-term thinking make modern civilizations ill-equipped to deal with environmental catastrophes¹⁰⁷. He advocates for a new approach to climate change politics, one in which government action is

¹⁰⁵Beck, Ulrich. "Risk Society Revisited: eory, Politics and Research Programmes." In *The sociology of risk and gambling reader*, pp. 68-90. Routledge, 2006.

¹⁰⁶Ibid, pp33-36

¹⁰⁷ Giddens, Anthony. "The politics of climate change." *Policy & Politics* 43, no. 2 (2015): 155-162.

required to advance environmentally friendly behaviours and technology without compromising free market principles. Environmental policy is shaped in large part by discourse, as shown in John Dryzek's *Ecological Democracy and Deliberative Politics*.¹⁰⁸ In contrast, he also advocates for alternative discourses that acknowledge the inherent worth of ecological systems and criticizes the prevalent environmental discourses that view nature as a resource to be mined or controlled.

In conclusion, the theory critiques the absence of the roles of citizens and environmental policies and practices. It explains that a measure of environmental modernity with intensive climate change is a political construct with little policy guidelines in modern-politics in recent times. The major actors of this environmental abuse are just blaming it on the African continent. This study has discussed comprehensively in the literature review in this chapter the multinational company contribution to environmental injustice. The mining host community's indigenous knowledge on respect for the environment and effort is significance to influencing decisions about themselves and community¹⁰⁹. This also becomes a challenge in their world-view to be part of the proactive steps and ensure their fundamental environmental rights. The notion has been thoroughly covered in the study literature analysis, and it is evident that a major cause of social injustice and conflict stems from the denial that Adansi land is a person and ought to be treated with dignity. This reality makes the application of law through democratic tenets and modernity untenable.

2.2.3 Theory of Conflict Resolution or Peace-building

Theory of conflict resolution argument is seemingly based on the assumption that resolution of conflict is indeed possible in rational environment. Since it identifies human aspiration as the

¹⁰⁸ Dryzek, John S. "Legitimacy and economy in deliberative democracy." *Political theory* 29, no. 5 (2001): 651-669.

¹⁰⁹ The Adansi view community as a sort of duty to themselves, their ancestors, and the next generation. As such, actions that have an impact on future generations are seen as especially important

root causes of both peace and conflict. Conflict resolution has been used in this studies interchangeable with peace-building. It is multi-disciplinary applied especially in law and social work. Many scholars have different historical foundations of this theory. The concept of "resolution" signifies "the quality of being resolute; a firm decision; an expression of opinion or intentions agreed on by a legislative body; the action of solving a problem or dispute; the process of reducing or separating something into components"¹¹⁰.Therefore, a circumstance where the disputing parties come to an agreement that resolves their fundamental differences, acknowledges their ongoing existence as parties, and puts an end to any aggressive action against one another can be our basic definition of conflict resolution.¹¹¹

Boutris-Ghali suggested its as preventative diplomacy, citing political, social, and economic subjugation as the main drivers of war. To stop the current violent conflict and maintain peace, this might also involve peacemaking and peacekeeping. While effectively maintaining peace, the strategy required for peace-building is to stop acts of violence against the country and its citizens from happening again. Galtung postulation from the 1945 United Nations formation quest to maintain peace and security through the Universal Declaration of Human Rights was premeable and aimed to end armed conflict in a post-conflict era. Galtung's work expanded the argument on the principles of peacemaking, peacekeeping, and peace-building as a means to ensure peaceful co-existance.¹¹² This renowned Norwegian sociologist and peace studies expert, Johan Galtung, furthers his approaches to the topic of conflict and peace-building from three basic angles: structural violence, cultural violence, and direct violence. In order to provide light on the genesis and resolution of conflict, he is a supporter of using scientific methods to methodically

¹¹⁰Humphreys, Macartan. "Economics and violent conflict." *Cambridge, MA* 31 (2003).p.2

¹¹¹Brabeck, Kalina. "Justification for and implementation of peace education." *Peace and Conflict: Journal of Peace Psychology* 7, no. 1 (2001): 85-87.

¹¹²Galtung, Johan. "Violence, peace, and peace research." *Journal of peace research* 6, no. 3 (1969): 167-191.

investigate peace and conflict. The liberal peace-building paradigm highlights how crucial democracy and liberalism are to preserving the guarantee of security within the interstate system, enacting changes to the police and political processes, and safeguarding civilians after the Cold War.¹¹³ In the 1990s and 2000s, recipient nations did not benefit from this governance philosophy, however, showing much improvement in the application of these concepts¹¹⁴. This called for more scientific approaches in the paradigm on conflict resolution methods, indicating that the wreckage of one conflict may spark another. Dan Smith draws attention to the fact that 50% of peace accords fall apart within five years¹¹⁵. Mark Sedra scholarly argument admits re-conceptualization in this debate and requests other governance and hybrid arrangements that are suitable for local security arrangements¹¹⁶.

The debate on conflict resolution or transformation idea developed by John Paul Lederach too provides a comprehensive method of resolving disputes by emphasizing the development of enduringly beneficial changes in interpersonal dynamics¹¹⁷. It places a strong emphasis on long-term transformation, constructive peace, systemic viewpoints, and comprehension of the human experience.¹¹⁸ In order to examine social injustice, Lederach's method is especially pertinent because it calls for advancing democratic ideals, upholding the law, and encouraging healthy competition. Kalyvas also emphasizes the role that human acts have in resolving conflicts and distinguishes three logics of violence: inhibition, coordination, and suppression. Odendaal put it in his works as a "dialogue, the promotion of mutual understanding and trust-building as well as

¹¹³ Ibid, p.45

¹¹⁴ Ibid,p.67

¹¹⁵ Smith, Dan. "Towards a strategic framework for peacebuilding: getting their act together: overview report of the joint Utstein study of peacebuilding." (2004).

¹¹⁶ Sedra, Mark. *Security sector reform in conflict-affected countries: The evolution of a model*. Routledge, 2016.

¹¹⁷ Lederach, John Paul. *Preparing for peace: Conflict transformation across cultures*. Syracuse University Press, 1996.

¹¹⁸ Ibid,p.23

inclusive, constructive problem-solving and joint action to prevent violence"¹¹⁹ constitute the infrastructure for peace. Hopp-Nishanka posits in his own words that it "brings stakeholders and their constituencies together as change agents and creates space for joint problem solving as well as creates, consolidates, and maintains a network of transformative actors."

States are increasingly adopting systematic measures and institutionalized systems to prevent, manage, and resolve conflicts, promoting peace and transitioning from fragile to resilient societies conceptualising conflict resolution. Infrastructure for peace is a strategy that provides a welcoming and courteous response to conflict and social injustice in our communities. Conflict resolution is a process that involves a range of methods and approaches to deal with conflicts, including negotiation, diplomacy, mediation, arbitration, facilitation, adjudication, conciliation, conflict prevention, trust-building, nation-building, conflict management, conflict transformation, restorative justice, and peacekeeping. Effective conflict resolution in human society can be achieved by giving equal attention to marginalized, minority, and unrecognised groups. The primary objective of conflict resolution is to transform an actual or potentially violent situation into a peaceful one and bridge human relationship. Though these frameworks had some level of weakness, they fit for the thesis as common grounds to access sustainable living that had become a ground of conflict and injustice. An approach to resolving social differences between the mining company and the mining community could ensure preservation of the security and livelihood of the unborn generation.

¹¹⁹ Ibid,pp. 65-67

Literature Review

In addition to comparing Western and Akan perspectives, the literature view acquire secondary data on an indigenous Akan strategy for debate and examines mining, community livelihood, natural resources, social injustice, conflict, and peace-building in this section.

2.3 Mining and Livelihood in the Host Communities

This section discusses scholarly works on livelihoods and how it influences social justice and conflict in mining communities. It focuses on reviewing works that have influenced the role of mining in the livelihood of the people living in the host communities of resource extraction. Land access and natural resources play a vital role in the livelihoods of rural inhabitants all over the world. Many rural residents' ties to their ancestral land are threatened by the mortgage of property through ownership.¹²⁰ Although the forms of attachment do not feel or have a thread, they have a distinct colour, taste, and fragrance and yet appear to bind people and their land to one another.¹²¹ It focuses on the links between interconnections among individuals and things, as well as what those ties mean.¹²² On communal lands, a large number of people rely on agriculture, livestock, and non-timber forest products (NTFPs) to make a living.¹²³ The concept of "livelihood" refers to people, their capacities, and sources of support, as well as to the ownership and representation of knowledge that is essential for the effective utilization of the resources people in mining communities utilize to support their livelihoods.¹²⁴ Livelihood based

¹²⁰Parker, Shipton, *Mortgaging the Ancestors: Ideologies of Attachment in Africa*, Yale Agrarian Studies Series (2009)

¹²¹*Ibid*, pp.1-4.

¹²²*Ibid*, p. 5.

¹²³Scoones, L. *Sustainable Rural Livelihood: A Framework for Analysis*. 105 Working Paper 72. Brighton, 1998; Qureshi, M.M., Kumar, S., *Contribution of Common Land to Household Economic Haryana*, (India, *Environ Conserv.* 25. 242- 353, 1998); de Sherbinin, A., VanWey, L.K., McSweeney, K., Aggarwal R.K., Barbieri A., Henry S., Hunter, I.M., Twine, W., Walker, R., *Rural Household Demographic 2020*; Shackleton, K.T., Shackleton, S.E., Cousins, B., *The role of land-based strategies in rural livelihood of arable production animal husbandary natural resource harvesting in a communal area in South Africa* *Dev. (South Africa)*. 18, (2001), 581-604

¹²⁴*Ibid*, pp. 186-190

on land can be affected negatively¹²⁵ by land- rights, land-tenure issues, ¹²⁶degradation of the environment,¹²⁷ human health challenges,¹²⁸ social changes,¹²⁹ undermining of local institutions and practices,¹³⁰ and issues in conflict resolution.¹³¹

For the past years, the study of rural well-being has employed and focused on the concept of livelihood as a conduit to understanding the evolving interventions for poverty.¹³² This line of research, which has come to be known as the “Sustainable Livelihood Approach” (SLA) emphasizes rural people’s embedded and holistic view of their lives and environment.¹³³ Individuals at the focus groups discussions about livelihood in relation to how assets are being used, according to a concept put forth by Horsley et al.¹³⁴ Their ability to survive depends on these assets, which are both physical and intangible.¹³⁵ The entitlements that control their access to these resources are also included. Effective and substantial reduction of poverty is linked to sustainable livelihoods. In general, a livelihood must be able to support both the present generation and future generations if it is to be regarded as sustainable. Therefore, persons should

¹²⁵Hilson, G., Overview of Land Use Conflict in Mining Community: (Land Used Policy, 19 2002), pp.65-73

¹²⁶Kitula, A.G.N., The environment and the social economic impact on local livelihood in Tanzania; Acase of Geita District, J Clean, Prod., 14, 2016),pp.405-414.

¹²⁷A. Bebbington, D.H. Bebbington, J. Bury, J. Langan, J.P. Munoz, M. Scurrah, Mining and social movement: Struggles over livelihood and rural territory development in the Andes, World Development, 26 (2008), pp.2888-2905

¹²⁸Saha, S., Pattanayak, S.K., Sills, A.K., & Singha, C. O., Under-mining health: Environment justice and mining in India, Health Place , 17(2011), pp. 140-148

¹²⁹Andrews, L., Land versus livelihood: Community perspective on dispossession and marginalized in Ghana’s mining sector, (Resource, Policy,58 , 2018), pp.240-249.

¹³⁰Leonard, L., Traditional leadership, community participation and mining development in South Africa: the case of Fuleni (Saint Lucia, KwaZulu- Natal Land Use Policy, 86,2019), pp. 290-298.

¹³¹Rugadya, M.A., Land tenure as cause of tension and driver of conflict among mining communities in Karamoya, Uganda is secure property rights a solution? (Land Use Policy, 9, 2020),

¹³²Scoones, I., “Livelihoods perspectives and rural development”, (Journal of Peasant Studies, Vol. 36 No. 1, 2009), pp. 171-196.

¹³³Conway, G., “Exploring sustainable livelihoods”, in Cornwall, I. and Scoones, I. (Eds), Revolutionising Development, (Earthscan, London,2011) pp. 85-92;Lu, J. and Lora-Wainwright, A. (2014), “Historicizing sustainable livelihoods: a pathways approach to lead mining in rural central China”, World Development, Vol. 62 No. 1,2014), pp. 189-200;available at: <https://doi.org/10.1016/j.worlddev.2014.05.006>

¹³⁴Horsley, J., Prout, S., Tonts, M. and Ali, S.H. “Sustainable livelihoods and indicators for regional development in mining economies”, (Extractive Industries and Society, Vol. 2 No. 2, 2015), pp. 368-380, available at: <https://doi.org/10.1016/j.exis.2014.12.001>

¹³⁵Krantz, L. “The sustainable livelihood approach to poverty reduction: an introduction”, SIDA, Division for Policy and Socio-Economic Analysis, (Stockholm,2001), available at: [www.sida.se/ contentassets/bd474c210163447c9a7963d77c64148a/the-sustainable-livelihood-approach-topoverty-reduction_2656.pdf](http://www.sida.se/contentassets/bd474c210163447c9a7963d77c64148a/the-sustainable-livelihood-approach-topoverty-reduction_2656.pdf) (accessed 10 January 2019).

have access to the resources for engaging in productive activities that contribute to achieving decent living standards. Planning carefully, with participation from all parties, is necessary for sustainable livelihoods. The poor, who are most disadvantaged, should be taken into account as important stakeholders in the planning process despite having minimal control over the decision-making process to avoid engendering exclusivity in sustainable livelihood planning.¹³⁶ In light of this, efforts to support sustainable livelihoods in rural mining communities. Concentrations for establishing favourable social, economic, institutional, and environmental conditions for both the present and future generations become necessary.

Whatever the effects of various livelihoods activities are on humans and the environment short-term gain-generating livelihoods are an insult to the idea of a sustainable way of life. With this in mind, it should be stressed that the livelihoods in mining host communities shouldn't just rely on minerals, which are limited resources, but also need to continue to ensure adequate standards of living long after mine closure. This would prevent the growth of "ghost towns," which form when mines are shut down. This review allows the research to place the host community at the centre of engagement in ensuring that conflicts are resolved amicably.

Sadly, there is increasing mining mechanisation, reducing demand for unskilled labour that only benefits less in the surrounding economy.¹³⁷ Mining necessitates a space for natural resource economic operations for both the host community and the mining industry. It also collaborates with other pre-occupied human activities that have a direct or indirect effect on local well-being.

¹³⁶Forson, J. A., Janrattanagul, J., & Carsamer, E. Culture Matters: A Test of Rationality on Economic Growth. (Asian Social Science, 2013), 9 (9), pp.287–300.

¹³⁷S. Mwanza, A. Bowman, Mining mechanism and distributional conflict in rural South Africa, (Resour. Policy, 69, 2018), pp. 227-237.

The direct and indirect stimuli in the mining communities may have both negative and positive effects on the livelihood of indigenous community members, eliciting a response in the living pattern that is usually viewed as legal or illegal depending on the approach taken by mining companies. Although this economic reality and relationship have existed throughout the history of mining, academics, Akabzaa and Ofoosu-Mensah, argue that mining has aided development.¹³⁸ The different components of socio-political life are examined by their efficacy and efficiency when mining policies and principles emerged in the international world.¹³⁹ There was disregard for the countries or communities in which they operate as part of the contextual indigenous foreign ideology. Regrettably, the construction and infrastructure put up by some mining companies in the community for social justice were merely economic tools to support the miners' operations rather than improving the lives of the indigenous communities in which the operations take place. Even if the cultures and their countries of origin profit directly, the miner benefits much more than the host populations, and there are potential hidden barriers. This situation is a serious problem to understand.

Mining activities, which normally take place in communities, have many effects on the lives of the people. According to oral history about the political economy of Adansi, the Akyeamehene had this to say “mining was the backbone of Africa's politico-economic activities before the Europeans arrived, and it was supervised by traditional authorities.”¹⁴⁰ The people related the source of mining operations as a sacred approach for wealth-creation since the source of mining

¹³⁸Akabzaa, Thomas, Mining in Ghana : Implications for National Economic Development and Poverty Reduction: In: Campbell, B., (Ed.) Mining in Africa, Resource and Development ,(Pluto Press, New York, 2009),pp25-60: Ofoosu-Mensah, E.A, Mining in Ghana and its Connection with Mining in (Brazilian Diaspora),Extractive Industry and Society, 2017b), pp.470-480

¹³⁹Peter D. Cameron & Micheal C, Stanley, Oil, Gas, and Mining: A Sourcebook for Understanding the Extractive Industries, (Bank for Reconstruction and Development/ The World Bank, Washington, 2017), pp. 20-28. Retrieved online on 18/07/2021

¹⁴⁰Winfred, Peters, Gold Trading and Gold Mining in the 15th and 18th Century at Gold Coast (Ghana) and the Activities of the Brandenburg Prussians, (German Zecteschrift, 1986), p. 5.

in the value systems of the Akan's classified land as a deity "Asaase Yaa"¹⁴¹ similar to a person. Akan miners' relationship with their land is sacred in a way that is more revered and profound than one's relationship with his fellow beings. The land was considered as part of the lesser deities and regarded as the next to the supreme being.¹⁴² The land, in this case, consisted of the soil, rivers, streams, mountains, valleys, rocks, and trees.

The traditional authorities are the sole controllers of everything on the land since they are the mediators between the people and their ancestral world. They often control land for mining and other operations, making it extremely difficult for a commoner to mine without the knowledge of the land owners. The mining operation was meant to augment traditional occupations like farming, and hunting, among others, which were largely dependent upon the weather. The mining was sometimes done in the dry season. This regulation fostered easy supervision by the traditional authority. Land needed for mining had a traditionally similar attachment to the people and the effects of improperly managed lands, both have a direct negative impact on the host community such as water and land resource. Mining laws seem to disregard the sensitivity of the community through the compulsory acquisition of land intentionally used for agriculture. This affects the relationship of citizens with their land.¹⁴³ Many land-based activities frequently turn into a source of revenue and a catalyst for further economic disadvantage.¹⁴⁴ Food insecurity and increased poverty of people whose lands are used for mining operations have occurred in the

¹⁴¹Literary mean relating with Land is similar to relating to human because it forms part of their activities and sacred. It has a name which means land is believed by the Akans as birthed on Thursday born and, in all activities, land must be given some time to rest after similar to the relationship with human beings.

¹⁴²Interview with Otumfuo Chief Magician, Nsumankwahene on 18/11/2019, at his palace at Ash-Town in Kumasi. Cited by Ofosu-Mensah, 2011 and Daaku, 1969.

¹⁴³Andrew, N. Land versus livelihood: Community Perspectives on Dispossession and Marginalization in Ghana Mining Sector, (Resource. Pol. 58, 2017), 240-449, and Adonteng-Kissi, O., Poverty, and mines compensation package. Experience of local farmers in Prestea mining community (Resource. 52., 2017), 226-324, Kidido, J.K., J.Z., Kuusaana, E.D, Gavu, E.K., 2015. Who is the rightful recipient of mining compensation for land use deprivation in Ghana? Praxis. Land use policy 43, 19-27 and Larbi, W.O., Antwi, A., Olomolaiye, P., Compulsory land acquisition in Ghana-policy & praxis. (Land use policy 21., 2004), pp. 115-127.

¹⁴⁴Ibid. p. 380.

host communities.¹⁴⁵The challenges of natural resources are the way it leads to the developmental deficit of the host community. The sustainable livelihood theory considered five capital approaches such as natural, human, economic, social, and physical effects on livelihood in mining communities.¹⁴⁶ The idea goes on to explain ecosystem benefits like hydrological circles and pollution drains, among others, as a metric for sustainable living, as well as natural resource stocks including soil, water, air, and genetic resources. The theory identified grounds of livelihood but failed to relate the various components of the livelihood to improving the host community social well-being. The mining operation legal framework only supports the mining company and the state in its operations but little has been said about the host community's social well-being. Just a few members of the elites and prominent community leaders have participated in and represented civil society's role in facilitating and developing systems to assure corporate social responsibility, among other things. These few representatives in the processes often-times have their business and families outside the communities. They only seek their welfare on the group under the pretence their group oaths of secrecy. Secondly, the host community livelihood has not changed significantly through the roles of social corporate responsibilities since only a few as represent the community silence on issues on unfairness and injustice merit them the company's contracts. The majority members of the community such as youth and women are under-represented, beside affected most.

¹⁴⁵Ayelazuno, J., Continuous primitive accumulation in Ghana: The real-life stories of dispossessed peasants in three mining communities. (*Rev. Afr. Polit. Econ* 38(130), 2011), 537-550 and Adonteng-Kissi, O., Poverty, and mines compensation package. Experience of local farmers in Prestea mining community (*Resource. Pol.* 52., 2017), pp. 226-324.

¹⁴⁶*Ibid.* pp. 240-449.

2.4 The concept of social justice: Its Origin and Context

Luigi Taparelli d'Azeglio, first a priest from Sicily, introduced the term "social justice." Written in 1840, "The Theoretical Treatise on Natural Law Based on Facts" is a work by the author.¹⁴⁷ In 1848, this idea gained ground in another book titled "*La Costituzione Civile Secondo la Giustizia Sociale*," written by a French scholar named Antonio Rosmini-Serbatini.¹⁴⁸ In the 19th century, this concept became popularized by British scholars like John Stuart Mill,¹⁴⁹ among others. Some scholars attribute social justice concepts to Karl Marx based on his general criticism of liberalism.¹⁵⁰ Currently, the term "social justice" has attracted much debate. Identifying it in one's lived experience, different perceptions and world-views are given, and the most popular view is Miller's. He suggested that one's understanding of social justice must first begin with an understanding of justice. He continues by explaining a "just" action as a situation in relation to "a state of affairs."¹⁵¹ He went on to define a clear standard for what is unjust and what is just. He explained that the benefit and burden distribution in the conditional types of relationships amongst perceptive beings should be equitable and balanced for all parties.¹⁵²

The sympathetic of impartiality pronounced by Miller is typically mentioned to as 'distributive justice', and functions on the universal principle, 'to each his/her due'. In line with this view, Miller contends that "a just procedure or state of affairs safeguards that no person, or more usually group of persons, enjoys more or less of the returns due them or bear more or less of the

¹⁴⁷Behr, T. Luigi Taparelli and the Development of Scholastic Natural Law Thought as a Science of Society and Politics. (Journal of Markets and Morality. Vol. 6. No. 1. Spring, 2005). Accessed at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=914562. 21/04/08

¹⁴⁸Novak, M. Defining Social Justice. Catholic Education Resource Centre, 2000 Accessed at: <http://www.catholiceducation.org/articles/civilization/cc0081.html>. 26/01/07

¹⁴⁹Zajda, J., Majhanovich, S. & Rust, Education and social justice, ISBN 1402047215 in: (2006). <http://www.ohchr.org/EN/Issues/Pages/WhatareH>

¹⁵⁰Loberfield, B. Social Justice: Code for Communism. FrontPageMagazine.com. Friday February 27, 2004. Accessed at: <http://www.frontpagemag.com/Articles/Read.aspx?GUID=154962F8-7FF3-4B63-B37F-CC3921DCF621>. 14/05/08

¹⁵¹ Miller, D. Social Justice. (New York. Oxford University Press, 1999). p.6

¹⁵²Ibid. pp. 6-8

burdens they ought to bear relative to other members of the society.”¹⁵³ According to this definition, social justice arises when all members of society, regardless of status or class, share equitably and fairly in the benefits and liabilities of the community. According to the American Green Party, social justice depicts the common resistance to inequality based on characteristics like wealth, sexuality, ethnicity, or heritage.¹⁵⁴ Giving to the explanation above, the main issue with social justice appears to be the distribution of rewards and burdens among society's members in a fair and equitable manner. In other words, promoting social justice is a call on individuals in charge of running society to defend their decisions as long as they have an impact on people's security.¹⁵⁵

Similarly, Johnston et al. argue that equality is the norm and so it is inequality that requires justification.¹⁵⁶ An important question that arises, therefore, is whether the distribution of societal benefits and burdens should be based on merit or need. In this regard, those who subscribe to strict distributive justice would consider a just distribution as one based on merit¹⁵⁷ but others who are mainly concerned about improving the situation of the disadvantaged in society regarding strict distributive justice, based on the merit principle ‘to each his/her due’, to be insensitive to the plight of the disadvantaged members of society.¹⁵⁸ In view of the critics, social justice should narrow, if not eliminate, the gap between the well-off and the worse-off in society. In other words, their view of social justice is one based on need. In line with Rawls’ difference principle, they, therefore, call for a distribution system which allows allocations that do not conform to strict equality so long as the inequalities have the effect that the least advantaged in

¹⁵³ Ibid, p. 8.

¹⁵⁴ Green Party, Ten Key Values of the Green Party, (GP-US,2007); Accessed online at 12/08/2018 at: <http://groups.google/group/alt.politics.greens/browsethread/thread/73c7190eac084fcc>. 02/06/08

¹⁵⁵ Barry, M., Brian, A Treatise on Social Justice, University of California Press, (1989), pp. 143-145.

¹⁵⁶ Johnston, R.J., Gregory, D. and Smith, D.M. The Dictionary of Human Geography. (Cornwall, Blackwell, 2000).

¹⁵⁷ Miller, D. Social Justice. (New York. Oxford University Press, 1999), pp.8-9.

¹⁵⁸ Flew, A. Equality and Liberty in Justice. (New Jersey, Transaction Publishers.1999), pp.18-20.

society are better off than they would be under strict equality.¹⁵⁹ In like manner, Catholic social teaching also advocates this kind of social justice.

Emphasizing the sanctity of all human life and the inherent dignity of the human person, Catholic social teaching advocates a distribution system with preferential options for the poor or disadvantaged in society.¹⁶⁰ According to this teaching, not only does every human person have a fundamental right to life, but also a right to those things that are required for human decency. For all people to live decently, they will require the adequate provision of not only tangible goods such as shelter, food, and clothing, but also services that create decent living conditions including water, sanitation, and waste disposal. Social justice is also seen as an attempt to expand equality from the political to the economic realm.¹⁶¹

More extreme advocacy for social justice, therefore, regards economic inequality as unjust and calls for the abstraction of resources from the wealthy to cater to the worse off in society.¹⁶² For Flew social justice is seen as taxing away some of the justly acquired income and capital of the better off to give it to the worse off.¹⁶³ Therefore, the wealthy members of society should be made to share their justly acquired wealth with those who are worse-off as a means of achieving harmony in society. In support of this, Miller is of the view that fair treatment for all is the highest abstract standard of social and distributive justice towards which the efforts of all virtuous citizens and institutions should be made to converge.¹⁶⁴ This is a call for affirmative action to narrow the gap between the wealthy and the poor in line with Rawls's difference

¹⁵⁹Ibid, p.24.

¹⁶⁰USCCB (United States Conference of Catholic Bishops, 2003). Justice, Peace and Human Development. Themes of Catholic Social Teaching. Accessed at: <http://www.usccb.org/sdwp/projects/socialteaching/excerpt.shtml>. 12/08/20

¹⁶¹Loberfield, B. Social Justice: Code for Communism. FrontPageMagazine.com. Friday February 27, 2004. Accessed at: <http://www.frontpagemag.com/Articles/Read.aspx?GUID=154962F8-7FF3-4B63-B37F-CC3921DCF621>. 14/05/08

¹⁶² Flew, A. Equality and Liberty in Justice. (New Jersey, Transaction Publishers.1997).pp.5-7.

¹⁶³Ibid, pp.8-18.

¹⁶⁴Miller, D. Social Justice. (New York. Oxford University Press, 1999): Cited Novak, M. Defining Social Justice. Catholic Education Resource Centre, 2000 Accessed at: <http://www.catholiceducation.org/articles/civilization/cc0081.html>. 26/01/07

principle. In other words, it is justifiable to reduce the luxuries of the rich to reduce the miseries of the poor even if this is achieved by coercive means. While not explicitly calling for the use of force to redistribute wealth in society, Catholic social teaching seems to advocate this kind of social justice.

According to Higgins, social justice has been a major theme in Catholic social teaching, and definitions of the term have been featured in several church documents including papal encyclical letters.¹⁶⁵ For example, Pope Pius XI's 1937 encyclical letter stated that "it is the function of social justice to require of each individual, that which is necessary for the common good"¹⁶⁶ Social justice is here presented as the duty of individuals as well as of the state and is considered necessary for the common good and the proper functioning of society. Both the individual and the state are, therefore, called upon to do what is required to promote the well-being and dignity of the less fortunate members of society for the common good of the whole society.

The above review has shown that while the general notion of social justice is one of fairness in the allocation of societal benefits and burdens, views differ on what this means and how it should be achieved. While some analysts equate social justice to distributive justice, others use the term to refer to the coercive redistribution of wealth to ensure that the worse-off in society are more comfortable than what simple distributive justice would achieve. While social justice is usually examined from a social dimension, it can also be looked at from a spatial perspective. Johnston et al have observed that even though geographical perspectives on social justice are informed by

¹⁶⁵Higgins, G.G. Defining Social Justice. The Catholic Labor Network, 2001; Accessed online on 15/11/19 at: <http://www.catholiclabor.org/higgins/higgins-84.htm>. 22/07/08

¹⁶⁶Ibid,pp. 15-32.

work in other disciplines, there is also a specific a geographical interest in distributions among populations defined by the places in which they live.¹⁶⁷

For instance, in welfare geopolitics, emphasis is placed on social and geographical disparities in distributions that have an impact on human welfare.¹⁶⁸ Distributions among populations that are identified by their geographic location have been referred to as "territorial social justice."¹⁶⁹ Mandel also made a statement to this effect in that noting is "unequal development typically thought of in non-spatial terms as the vertical divergence of economic sectors is also horizontal or intrinsically geographical."¹⁷⁰ When Mandel stated that "the historical survival of capitalist society depends on the distinction of the space into over-production (through technology) and under-developed regions (through colonialism and globalization), with the primary role of backwardness being to furnish reserves of labour and compensatory markets to relieve pressures in a spasmodic, contradictory capitalist development," he was referring to the structure of spatial relations as opposed to non-spatial relations like a class struggle in Marxist analysis on dominance.¹⁷¹

Territorial social injustice finds expression in many developing countries where socio-economic development is spatially concentrated in a few regions while vast areas of the countries remain largely undeveloped. Cities in developing countries usually replicate these uneven spatial developments within their jurisdictional spaces¹⁷² and this includes the provision of services such as water and waste disposal. Studies have shown that social inequality or social injustice, therefore, finds expression in spatial terms in the provision of waste disposal services and there

¹⁶⁷Johnston, R.J., Gregory, D. and Smith, D.M. The Dictionary of Human Geography. (Cornwall, Blackwell, 2000).

¹⁶⁸Clark, A. Longman Dictionary of Geography: Human and Physical. (Harlow Essex. Longman.1985).

¹⁶⁹Ibid, pp. 28-34.

¹⁷⁰Peet, R., Modern Geographical Thought. (Oxford, Blackwell Publishing,1997), 108-118.

¹⁷¹Ibid, p.106.

¹⁷²Ibid, p.8.

can be enormous spatial disparities in the levels of waste disposal services provided for wealthy and poor communities in poor country cities.¹⁷³

The result is that while the poor majority of urban residents live in squalid and dehumanizing environmental conditions created by the lack of waste disposal services, the wealthy segments of the population live in cleaner and safer environments. The spatial concentration of poverty-related problems in low-income communities in poor country cities has been referred to as the ‘pollution of poverty’.¹⁷⁴ According to Elliot,¹⁷⁵ the term ‘pollution of poverty’ was used for the first time at the 1972 Stockholm Conference on Environment and Human Settlements to refer to the environmental concerns of the poor such as the lack of clean water and sanitation and waste accumulations, problems that result from the lack of development, unlike those resulting from the development process (green agenda problems). The ‘pollution of poverty’ or concentration of brown agenda problems in the communities of the poor can be regarded as amounting to social injustice because the poor equally deserve to live in healthy communities where their lives and health will be protected. This inequality of ‘contamination of poverty’ has been tainted by frequent authors¹⁷⁶ and the United Nations in numerous of its consultations on human settlements counting Habitat I (Stockholm, 1972), Habitat II (Istanbul, 1996), the MDGs, the 2006 African Ministerial Conference on Housing and Urban Settlements (AMCHUD) and the 2006 Asia-Pacific Ministers Conference on Housing and Urban Settlements (APMCHUS) (UN, 2008).

Even though some academics have tried to justify social justice by arguing for more equitable distribution, social justice must be built through participation. For instance, Miller and Eliot

¹⁷³Pacione, M. *Urban Geography. A Global Perspective*. 2nd. Edition. London and New York. Routledge, Taylor & Francis Group, 2005).

¹⁷⁴Elliot, J. A. *An Introduction to Sustainable Development*. Third Edition. (New York, Routledge,2006), p. 120.

¹⁷⁵ Ibid, p. 124.

¹⁷⁶Pacione, M. *Urban Geography. A Global Perspective*. 2nd. Edition. (London and New York. Routledge, Taylor & Francis Group,2006); Elliot, J. A. *An Introduction to Sustainable Development*. Third Edition. (New York, Routledge, 2006)

illustrated a distribution system that benefits those in positions of authority whose judgements only serve to ensure their survival and status through the weakness of the voiceless. They hold stances that are more socio-cultural and political-economic than those that resource parties have mutually developed. Additionally, it is stated that a standard social administration need to uphold a form of distribution in accordance with the standards, merits, interests, and needs of the populace. The procedures for assessing the parties' standards, merits, interests, and needs are unclear from the various schools of thought. The review was unable to describe who the management of the social affairs is or how their work might influence the mining community and the host community in a way that is equal and fair. This study investigates historical appropriate societal conflict management and measures how the host community's perception of social justice in a fair and innovative environment affects their relationships.

In summary, social justice refers to the process of allocating resources based on what is owed from social-cultural resources as well as political tangible and intangible social goods from society. Social justice precisely identifies limitations in the explanation of the rational mutual benefit of land resources. The issue of who decides how the distribution of mining resources, both tangible and intangible¹⁷⁷, is done and to what extent they are distributed, creates a gap which this review section seeks to articulate. Amanor attempts to answer some of these questions by pinpointing the role of globalization and neoliberal policies' propensity to expand the wealth divide.¹⁷⁸ He further admitted community-based tactics, which frequently make land eviction and the social marginalization of the poor worse, and concluded that the ability of the rural poor to

¹⁷⁷ The gold is a spirit and is an intangible resource according to the world view of the Asante. The number of golds used to decorate their chiefs is determined by the spiritual power that chief have and vice versa.

¹⁷⁸ Amanor, S. Kojo, Custom, Community and Conflict: Neoliberalism, Global Market Opportunity and Local Exclusion in the Land Question in Africa Paper for International Symposium At the frontier of land issues: social embeddedness of rights and public policy, (Montpellier, 17-19 May 2006), pp.11-12.

make a living is hampered by property rights, which also provide little security.¹⁷⁹ The social justice in this text continues with not only economic rights and security, but also social-cultural rights, which are centred on religion and the fundamental human rights in the world-view of the Akan but have little attention to international law principles.

Secondly, the issues of social injustice to land use and allocation extend to what the Food and Agriculture Organisation (FAO) justifies as the unfair practice often perpetuated by investors or land actors termed as "land grabbers".¹⁸⁰ Some scholars again perceive these unfair practices as exploitative acts¹⁸¹ or wilful denial of land access;¹⁸² negative livelihood influence;¹⁸³ land commodification;¹⁸⁴ distribution and redistribution of one's resources due to¹⁸⁵ pollution or poverty,¹⁸⁶ among others, as the basis for these terms. As a result, these concepts did not explain social injustice's extent and effect on the local communities' basic human rights, which led to conflict and also mitigated factors that ensured mutually beneficial conditions for all actors for long-term living. Farmland inequality and vulnerability already present in certain rural communities are exacerbated by these difficulties as well as the competitiveness in gold mining.

¹⁷⁹Ibid, p. 12.

¹⁸⁰Food and Agriculture Organization (FAO). A statement by FAO Director-General, Jose' Graziano Da Silva at the Global Land Grabbing II International Conference, Cornell University, (Ithaca, 2012), pp.18-26. October 17–19. Accessed November 11,2020; <http://www.cornell-landproject.org/2020/10/19/graziano>

¹⁸¹Bull, C. Norwegian Land Grabbers in Ghana—The Case of Scan-Fuel. Spire, (Oslo, 2010).Retrieved on June 3, 2021. Wisborg, p..2012. <http://www.pdfcast.org/pdf/norwegian-land-grabbers-in-ghana-the-case-of-scanfuel>.Justice and Sustainability: Resistance and Innovation in a Transnational Land Deal in Ghana. A paper prepared for presentation at the Annual World Bank Conference on Land and Poverty. (2012),

¹⁸²Festus Boamah, The Politics of Land Dispossession Through Biofuel Investment in Ghana, Review of African Political Economy, (ROAPE Publication Ltd., 2014), pp. 3-6; cited Bull, C. Norwegian Land Grabbers in Ghana—The Case of Scan Fuel. Spire, Oslo, 2010.Retrieved on June <http://pdfcast.org/pdf/norwegian-land-grabbers-in-ghana-the-case-of-scanfuel>;C. Noe, 2013. Contesting village land: uranium and sport hunting in Mbarang'andu Wildlife Management Area. Working Paper Series No. 15. Cape Town: Land Deals Politics Initiative (LDPI).

http://www.iss.nl/fileadmin/assets/iss/Research_and_projects/Research_networks/LDPI/LDPI_WP_15.pdf

¹⁸³ Ibid, p.13.

¹⁸⁴Amanor, Kojo S., "Family Values, Land Sales and Agricultural Commodification in South Eastern Ghana". (Africa (80), 2010).188-122

¹⁸⁵ Miller, D. Social Justice. (New York. Oxford University Press, 1999).

¹⁸⁶Elliot, J. A. An Introduction to Sustainable Development. Third Edition. (New York, Routledge, 2006).

Also, the social injustice term in the thesis situates how the basic human rights issues in the mining communities' impact on livelihood and security as a window for conflict.

Lastly, the variations are forms of distribution and redistribution, which did not take into consideration the religious world-view of the distribution before it was done. Religion is the central middle of the Akan social life because it determines their form of education, economy, politics, health, and marriage among others in their society. For instance, lands are not sold but *nsatuo*¹⁸⁷ becomes acceptable means to own one from the legitimate owner which in this case is the chief. It is a definite religious exercise. Again, the locals are so attached to the land. This attachment goes beyond the question of economic desire. The attachment to the land is borne the fact that it served as a means of mediation between the ancestors and the deities, one hand and the community on the other hand. Therefore, any undue exploitation of the land without the needed rituals and respect for the community is tantamount to an attack on the culture of the people. The locals believe in the land as a personification. The land is not only regarded as a natural resource, but is also treated as a person by the indigenous community. Hence, any respect accorded to human beings is accorded by the community to the land. The land is, thus, a sacred source of worship.

Given that land and people are regarded as sacred, religion is significant in Akan mining operations. Surface mining by AGA has disregarded the ritual procedure and respect that

¹⁸⁷This is a Twi language which literally means "pouring drink" and is a symbol indicating sacrifice and pacification of the land for use. Akan lands are not sold to ensure non-alienation of the Earth-God, to safeguard good behaviour and customs, to attract more people to the region, to preserve their future heritage on the land, and lastly, to preserve the social status, wealth, power, and authority of the stool (Prempeh et al). Oftentimes, a drink is legitimately required by the chief or owners (Adekye) to plead so that the person (third party) could be allowed or permitted by the ancestral and "nature spirit" without harm. The symbolism of the Earth-god (assase yaa), whose representative among the people is the chief (Busia, 1951), is used to worship land, which includes soil, rivers, streams, and trees (Ollennu, *The Principles of Customary Land Law in Ghana*, London, 1962. 25 Ollennu, *The Law of Testate and Intestate Succession in Ghana*, London, 1 1962). This form of ritual to hand over land is the *one* that gives legitimacy to using land for a third party. The democratic land legal framework has not changed this worldview of Nsatou, Nsa Sika, or Customary Drink Money.

entering a land demand. This sense of attachment and connection, which also shaped their economic lives and frequently had an impact on their way of life, has been lost by indigenous peoples. The study critically looks at the religious form of social justice in a fundamental human rights approach that is cyclical to the mutual benefits of all parties by looking at the party's construction of equity and fairness in the local realities. The claim made by Crook on the use of indigenous methods and adapting to local beliefs and expectations towards justice supports this claim.¹⁸⁸ Crook bridged the gap of social injustices through the hybrid that combines the indigenous and legal-rational framework methods for settlement. It is mutually supportive rather than undermining the other actors on the land as the case in Ghana.¹⁸⁹ The mining community conducts business openly and acceptably, allowing for more logical resource distribution and the promotion of long-term peace. Both the community and the company benefit from land use for survival, and they frequently clash for similar needs and welfare, which is where this study is located. Human interests have been the central of their co-existence. The literature has influenced my purpose on the parties' concepts in bridging the differences more collaboratively and cooperatively.

2.5 Mining and Conflict

Socio-economic development is produced by mining activities all over the world. Conflict, mining, and forced migration are frequently and strongly correlated with each other.¹⁹⁰ Jenkins contends that historically, the mining industry has taken the “devil-may-care”¹⁹¹ arrogance to the

¹⁸⁸Richard, C., Crook, The state and local justice in Ghana: hybridity, legitimacy and popular values, Institute of Development Studies at the University of Sussex, UK, Paper presented to the 4th European Conference on African Studies, Uppsala, (Sweden, 15-18th June, 2011), p. 19.

¹⁸⁹ Ibid, pp. 20-28.

¹⁹⁰ Jason Miklian, Mining, Displacement in Maoist India, Published PhD. (Thesis from Norwegian University of Life Science, 2014), pp. 12-13.

¹⁹¹ Jenkins, H. Corporate social responsibility and the mining industry: Conflicts and constructs. Corporate Social Responsibility and Environmental Management 11, 2004, pp. 23-34;

powers of its operations often acting without societal validity, causing main damage, and similarly leaving once an area has been exhausted of all economically appreciated possessions.¹⁹² He adamantly stated once more that mining company compensation and its respective state benefit in the form of royalties cannot be campaigned to the extent of damage to the indigenous life. The state too suffers similar faith since there are a lot of resources to take care of the community's economic and political infrastructure. Thus, the comparative cost advantage of mining is insufficient and disadvantageous to the people whose resources are extracted. Hilson supported this argument by adding another layer: the form of destruction mining activities often bring is irreversible. There is often competition between mining activities in the community and the mines that have inherited conflict. Although it does not appear as a direct conflict, the environmental effects of mining, such as the removal of sizeable areas of forest cover, the destruction of fertile soil and water resources, and the pollution of chemicals harmful to human health, create a threat to livelihood and security that is rooted in covert structural violence.

Although mining communities are aware of the difficult reality of mining, conflict results from their exclusion from mining governance, and mistrust due to broken commitments that frequently emerges.¹⁹³ As already explained, the perception of both activities of miners and their community leads to mining conflicts. The perception generally heightens and is openly contested when it is directly faced with human rights abuses such as forced eviction, demolition, and destruction of economic survival activities.¹⁹⁴ The beginning of the "resource curse" in the early years of the twenty-first century sparked the link between mining and violence. This notion gained a foothold in a number of developing nations when studies demonstrated that natural

¹⁹²This clause from the America Heritage Dictionary of English Language, 5th Edition define the situation as reckless, careless and cheerfully irresponsible manner. (The America Heritage, 2015)

¹⁹³ Haber, S. & Menaldo, V. A. Do natural resources fuel authoritarianism? (Stanford Center for International Development, Working Paper 351., 2007).

¹⁹⁴Lawson E.T and Benti G. Shifting sands: changes in community perceptions of mining in Ghana. (Springer, 2013).

resources like gold, oil, diamonds, and other minerals have contributed to instability, violence, and environmental destruction.¹⁹⁵ According to the "resource curse," preposition¹⁹⁶ nations with affluence of inanimate control of natural resources should have achieved incredible economic and social improvement, but instead have only dealt with financial difficulties, social unrest, authoritarian regimes, and violent conflicts.¹⁹⁷ By maintaining that the existence of mineral resources does not contribute to authoritarianism but instead promotes democracy and incidences of "blessings," other researchers dispute the "resource curse" idea.¹⁹⁸ One can agree that mutually notions could be explored on contextual significance of socio-economic and politico-cultural factors where such minerals are present; there needs to be further considerate than overviews. That is, the very nature of the mining conflict cannot be oversimplified into an "existential phenomenon". Mineral resources should not be overly exploited, but a critical evaluation of the territorial setting and its social and cultural value should be taken into account to prevent frequent conflicts and violence among the existing population. Further, where people use "uncleared" land or rely on it for agriculture and survival, mining activities are classically carried out in rural regions.

This nonetheless, mining could be satisfactory under decent expertise and supervisory skills. Yet, the basic needs of the land are still sustenance and shelter.¹⁹⁹ Hence, mining conflicts often-times, results in both companies and communities placing different socio-economic values on land they

¹⁹⁵Arthur P. Avoiding the resource in Ghana: Assessing the options in natural resources and conflict: Towards environmental security in: Shnurr M. A and Swatuk L.A. (eds.) International Political Economy Series. Palgrave Macmillan, (London, 2012).

¹⁹⁶Auty, Richard, Sustaining Development in Mineral Economies: The Resource Curse Thesis. London & New York: Routledge,1993

¹⁹⁷Sovacool, B. The political economy of oil and gas in Southeast Asia: heading towards the natural resource curse? Pacific Review, 23(2), 2010), pp. 225–259; Lawson E.T and Bentil G. Shifting sands: changes in community perceptions of mining in Ghana. (Springer, 2013

¹⁹⁸Ibid. pp.22-30

¹⁹⁹Verheye, H. Willy. Land use planning for optimizing agricultural production in Sierra Leone. Mission report (February 1997), FAO, (Rome, 1997), p. 38.

occupied in more competitive and incompatible manner.²⁰⁰ Epp and Brett assert that although mining communities are frequently involved in artisanal small-scale mining, they are also among the poorest.²⁰¹ They are unexposed to the global humanity and more defenceless to the impacts of development. Regrettably, contemporary mining policies from the previous ten years have prioritized social assistance and financial compensation. The local population had lived on the property for thousands of years, but the benefits from this were insignificant compared to the loss of their tangible and intangible attachment.²⁰² The notion that nature is a free good has given way to the belief that it is a shared good, and there has been an increase in public involvement in the use of the land for the production and use of energy and other natural resources, including mining operations.²⁰³ This statement clarifies the environmental modernity theory, which is mute on the means and tactics that such public involvement in resource mining adopts. As a result, this serves as my source for the mining conflict's explanation.

From the standpoint of global policies, the reality of the mining conflict is shown. For instance, developing nations seek to draw attention to the connection between these shady deals and the pervasive injustices in the global political economy around the disposal of toxic waste and restrictions on mining communities. However, research demonstrates that the fundamental principles of the majority of the world's land and environmental regimes under study are based on libertarian concepts of justice drawn from international human rights (civil and political rights as well as social, economic, and cultural rights). The idea of outlawing the disposal of toxic waste in developing nations was viewed by developed nations as a breach of free trade and an

²⁰⁰ Hilson, G. The Environmental Impact of Small-Scale Mining in Ghana. Identifying problems and possible solutions. *The Geographical Journal*, Vol., 168, 2002. pp. 55-72.

²⁰¹ Epps, J., Brett, A., Engaging stakeholders In: Otto, J.M., Cordes, J. (eds.) *Sustainable development and the future of mineral investment*. (France: UNEP.2000).

²⁰² Ibid, pp. 60-70, Hilson, G.

²⁰³ Chukwumerije Okereke, *Global Justice and Neoliberal Environmental Governance*, Routledge 2Park, Square, Abingdon, 2008, pp. 180-200.

infringement on citizens' rights and freedoms. It ultimately took the threat of widespread voting at later Conference of Parties sessions to win a ban, which has yet to go into effect but has already claimed many lives as a result of the development against their means of subsistence and direct health security. The section aims to fill in this type of dominant conflictual concern, including those that go against social and economic rights, in the literature on mining conflict.

2.6 Natural Resource, Social Injustice and Conflict in Gold Mining

In the region where people first lived, natural resources are distributed equally. The natural resources and environmental potentials were issues found to be insufficient to enable human existence in mining communities. In contrast to this imbalanced situation, the advantages of natural resources have to be claimed and re-negotiated for better human survival. The means of the survival of natural resource communities was what the “World Commission for Environment and development” defines as development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.²⁰⁴ Natural resources provided a survival disharmony for all those who were fortunate enough to have them, as well as an enhancer of their well-being.²⁰⁵ This has been ironic to some Western-dominated societies and has resulted in a source of social inequality that has depleted the wealth of host communities. Many schools of thought attribute the unequal treatment to state policies that have an impact on other nations, greed and grievances, dishonesty in one’s office of confidence that others have labelled “corruption,” and other factors. According to Campbell et al., the country's mining policy mechanisms favour international mining companies rather than local

²⁰⁴Afful-Koomson, T., & Asubonteng, O. K., *Collorative Governance in Extractive industries in Africa*, (United Nations University for Natural Resource in African (UNU-INRA), 2013).

²⁰⁵ *Ibid*, p.38.

citizens.²⁰⁶ This can be traced back to the 1980s' Economic Recovery and Structural Adjustment Program. Some African human rights scholars explained that the mining sector entails a lot of suffering, humiliation, and deprivation for the segment of society.²⁰⁷

One of the major components of the Economic Recovery Program was to introduce intensive policies for the export sector, especially the cocoa and mining sector whilst the Structural Adjustment Program aimed to address problems including deteriorating exports, a weak financial system that hindered private investment, and savings mobilization, a stagnant industry, weak public administration, etc. One of the World Bank policy recommendations for restructuring the key export sectors, especially mining, under the Structural Adjustment Program was the gradual divestiture of such mines to private investors. Taabazuing et al., reason that the contemporary mining strategy still gives large-scale mining companies a reasonable benefit in their transactions with local people (peasants, resident farmers, landlords, and minimal miners) in mining areas as a form of relegation.²⁰⁸

Resource-endowed localities see employment in mining firms as a form of compensation because of their loss of arable lands. Most often these mining firms do not live up to expectations. Large-scale surface mining has taken over vast swaths of land from farmers, though mining operations do not provide enough employment to compensate for the total number of people displaced from agriculture due to the effect of mining. The cost of living in communities is a consequence of this occurrence of intolerable detrimental reactions to mining. The costs of all

²⁰⁶ Campbell, B., Doran, M., C., and Aoul, S., K., "Good governance institutional reform and poverty reduction in Africa," 2005, pp. 239-265, (ed.) Akram-Lodhi, H., Chernomas, R., Sepetiri, A., (eds) *Globalization , Neoconservation Politics and Democracies Alternative: Essays in honour of John Loeley*, Wirronpeg: Arbiter Ring Publishing, (2005).

²⁰⁷ Dominic Ayine, *The Human Rights Dimension to Corporate Mining in Ghana: The Case of Tarkwa District*, (ed.) in *The Third World Network Africa; Mining, Development and Social Conflict*, (TWN-Af, Accra ,2001), p.85.

²⁰⁸ Taabazuing, Joseph, Isaac Luginaah, Godwin Djietror, and Otiso, M., Kefa, "Mining, conflicts and livelihood struggles in a dysfunctional policy environment: the case of Wassa West District, Ghana." *African Geographical Review* 31, no. 1 (2012): 33-49.

the factors namely, food, housing, health care, and water that go into living a decent life are out of the reach of the common person. At the same time, mining operations substantially affect the people's traditional sources of entertainment and subsistence, which causes or aggravates other problems.

2.7 Social Justice and Peace-building in Mining Communities

Social justice was among the oldest surviving concepts of rule of law applied exclusively to a specific individual or country to remedy the impact of hierarchical inequalities, especially inequalities inherited²⁰⁹ from the social structure of organized existences. The Bible, for illustration, includes a discussion of the festivity year, during which slaves were unregulated, debts and liabilities were paid in full, and the land was given back to the original owners.²¹⁰ This rearrangement was mainly between people and was not commonly executed.²¹¹

This form of unequal recognition on redistribution of resources of all members of the state or the community was to ensure a fair share of the economic and political resources without considering who had those resources or who controls those possessions. Plato (380 BC) posits that social justice could be accomplished when receiving products that each individual deserved based on their allotted place in their social structure. He presented the form of his model dispersal of the fundamental rights, duties, and advantages of major social institutions. Bell concurs that it is the distribution of physical and emotional well-being and security of all members of society.²¹² The other scholars from the economic injustice perspective classified them as exploitation, marginalization, and material deprivation which Butler also explained as a

²⁰⁹ Reich, Michael, Notes work on social justice 2000

²¹⁰ Bible meaning of the Jubilee

²¹¹ Leviticus 25: 9- 19

²¹² Bell, Christopher, "Transitional Justice, Interdisciplinarity and the State of the "Field" or "Non-Field"", *International Journal of Transitional Justice*, 3 (1), 2009), pp. 5–27.

“redistribution-recognition dilemma” that makes cultural identity politics.²¹³ The question of who assigned the distribution of the social good depends largely on identified parties and included them in the system. The structure of a society is based on historical practices and the effect of changes that may affect self-esteem and self-realization of the social reality of that society.²¹⁴

Aristotle (384-322BC) stated that justice was a principle that regulated the allocation of benefits to social order. However, in Aristotle’s view, equality and justice applied only to the individual who occupied the same stratum of the hierarchical social order. This idea did not include context, and the social construction of society, but worked within Plato’s argument. Universal concepts of justice were developed through the teachings of the great religions of the world (1500-2000 years ago), including Judaism, Christianity, Islam, and Buddhism. These religions emphasized the significance of sharing, equal treatment, not getting rich at the cost of society's disadvantaged groups, the evils of greed, and rulers behaving righteously, practically, and reasonably toward their individuals. Religious organizations, which unsuccessful to practice what they addressed and formed rigid ladders, undermined the common notion of reasonableness echoed in these beliefs.²¹⁵ In the power of the state during the 17th and 18th centuries, the idea of social justice was externally solidified and rationalized. To establish a just society, the monarch was given this key power. Thomas Hobbes (1588-1679) offered a clear response to the question of what happens to nature when life turns ugly, brutish, and brief by advocating the delegation of power to an outside source, which he believed should be the Levantine or state, to secure social fairness for all. The dominant paradigm was patriarchy, meaning that females were not recognized. The state implemented grain preservation laws and social regulation under this construction.

²¹³ Butler, Judith. "Quandaries of the incest taboo." In *Whose Freud?*, pp. 39-46. (Yale University Press, 2008), pp. 39-46,

²¹⁴ Plato (1974) *The Republic*. 2nd Edition, Penguin Books, New York.

²¹⁵ Daniel, C. Maguire, *Religious Influence on Justice Theory*; Michael Reich (ed.) *The Routledge International Handbook of Social Justice*, (Library of Congress Cataloging in Publication Data, New York, 2014), pp. 27-34.

Rousseau (1712-1778) and those who heralded Hobbes in the 'era of revolution' influenced the development of new foundations in the West in the belief that the pursuit and realization of social justice were related to the protection of individual freedom or democracy, the accomplishment of fairness (of privileges, opportunities, and outcomes) and the establishment of shared relation of all human beings.²¹⁶

The American and French revolutions related their objectives of social justice to the quest of faultlessness of contentment and sought to create societies that would maximize personal and communal security. During the 19th and 20th centuries, the gap between the ideals of social justice advanced in the preceding centuries, and the certainties of determined inequality and bias became more apparent. The above historical background shows there is no single definition of social injustice from a social justice perspective. Colaguri et al. perceive social injustice as the unequal or unfair social distribution of rewards, burdens, and opportunities for optimizing life chances, and outcomes. Once more, social injustice refers to how wrong things are done in society. When the equivalents are mistreated and the social and political structures are treated decently, social injustice emerges. The commonest examples of social injustice in a typical African society include discrimination, ageism, and homophobia. Buffacchi explains that social injustice is in three dimensions.²¹⁷ This involves *maldistribution* or improper distribution of benefits; deliberate *exclusion because of policies* to side-line legitimate beneficiaries and lastly *disempowering* and exploiting and exposing personal vulnerabilities.²¹⁸ This was the situation which explain social injustice in Africa. Buffacchi strongly articulated these three hypotheses of social injustice, but there were still some constraints on when the existence of the causes would

²¹⁶ Rousseau, J-J. *The social contract and discourses*, G.D.H. Cole (trans.) (New York: Dutton, 1973).

²¹⁷ Buffacchi, Vittorio. "Making Sense of Social Injustice." In *Social Injustice*, pp. 1-16. (Palgrave Macmillan, London, 2012).

²¹⁸ *Ibid.* p. 10. Buffacchi

result in an injustice.²¹⁹ Nevertheless, his argument is equally important in social injustice in Africa mining and communities.

Africa, Australia, Asia, and America's resource-rich regions run the risk of being ignored or marginalized globally. Communities hosting mining activities may enjoy certain facilities such as electricity, good roads, and other social and economic amenities.²²⁰ Notwithstanding the mining industry's positive contribution to national development, its attendant problems, including environmental rights violations, which often lead to violent conflicts, if not addressed holistically, can undermine the country's fragile democracy and threaten the benefits they seek to provide.²²¹ The activities of miners are polluting the air, land, and water bodies and threatening the environmental rights of the people in the area leading to violent conflicts between the locals and mine workers.²²² Some mining activities, such as loud noise and the direct use of dynamite, which causes vibrations that harm the residents and their properties, have a significant influence on human survival.²²³ The indigenous people's homes have cracked, but those who live close to the mining sites frequently have broken glasses and other glassware in their homes.²²⁴ The residents' amazement and anxiety when the explosion takes place are added to it though. Consequently, there is increasing worry about the adverse repercussions the mining industry is having on the population, which is reflected in the increasing frequency of conflicts between host communities and their leaders and my firms. While mining provides social and economic

²¹⁹ Ibid. p. 13

²²⁰ Verheye, H Willy Land use planning and national soils policies *Agricultural Systems*, 53 1997, pp. 161-174.
[https://doi.org/10.1016/S0308-521X\(96\)00064-9](https://doi.org/10.1016/S0308-521X(96)00064-9)

²²¹ Akabzaa, Thomas, & Darimani, A. (2001). Impact of mining sector investment in Ghana: A study of the Tarkwa mining region - Report prepared for the technical committee on Structural Adjustment Participatory Review Initiative SAPRI, (2007), on Ghana. Retrieved from www.saprin.org/ghana/research/gha_mining.pdf

²²² Mitchell, A., & Anvil Hill, Open Cut not Open-and-Shut. *Sun Herald*, 29 January:49. (2006).

²²³ Verheye, H. Willy. Land use planning for optimizing agricultural production in Sierra Leone. Mission report (February 1997), FAO, (Rome, 1997), p. 38.

²²⁴ Ibid, p.50

benefits to communities through creating jobs and generating revenue, it can also cause social changes that can lead to or exacerbate social conflicts.²²⁵

Despite the economic advantages local communities experience, social conflict can still occur as a consequence of unnecessary or high assumptions.²²⁶ Insufficient information and communication between governments, mining firms, and local communities frequently lead to unreasonable demands.²²⁷ No matter how many employment opportunities are created or how much assistance is provided for development initiatives, mining companies will not be capable of meeting the society's norms of local communities if they cannot effectively communicate their concerns.²²⁸ Conflicts occasionally arise whenever local residents are not aware of all the advantages mining projects bring. Communities frequently lack knowledge regarding how federal funds are used and distributed throughout the nation. The advantages of government-run initiatives that depend on mining revenue may not be known to communities (e.g., education and health services, energy infrastructure, potable water, sewage, schools, et cetera). The effects and advantages of mining may be shared among multiple villages close to large-scale mines, yet each community can be oblivious of other local and regional advantages.²²⁹

Land deals and leases for mining are frequently the root of conflicts between mining companies and local communities. Some issues related to voluntary resettlement may take years to manifest. Community members might lack the knowledge required to maintain the permanent structures that replaced their traditional residences or they might not have enough access to the natural

²²⁵Akabzaa, Thomas, "Mining Boom- a Gain for Africa?" *Third World Resurgence* No.93, (2000).

²²⁶Mitchell, Christopher R. Conflict, Social Change and Conflict Resolution. An Enquiry, in: David Bloomfield, Martina Fischer and Beatrix Schmelzle (eds.). *Social Change and Conflict Transformation*. (Berghof Handbook Dialogue No 5.) (Berlin: Berghof Research Center, 2006), pp. 13-36.

²²⁷ *Ibid*, pp. 42-45.

²²⁸ *Ibid*, p. 32.

²²⁹Banchirigah, S.M., Hilson, G. De-agrarianization, re-agrarianization and local economic development: Re-orientating livelihoods in African artisanal mining communities. *Policy Sci* **43**, 157–180 (2010). <https://doi.org/10.1007/s11077-009-9091-5>

resources (such as fisheries and agriculturally productive land) in new towns. Moving involuntarily typically carries greater dangers than moving voluntarily since it can result in social disintegration, homelessness, food hardship, and loss of access to public services. Indigenous people (also known as "Aboriginals") are especially at risk because of their deep cultural and spiritual ties to the land.²³⁰

Nevertheless, by adhering to government regulations and using excellent mining operational procedures, many conflicts relating to the use of land for mining and the purchase of land can be avoided. Granting local populations (mostly indigenous peoples) property rights, creating fair negotiation processes for changes to land purchase restrictions, and providing social services in relocated regions are examples of regulatory frameworks that prevent conflict (e.g., education, health, and transportation services). Creating new employment opportunities for persons who have been displaced, assuring high agricultural output in areas that have been resettled, and ensuring the availability of social services and common resources are just a few mining business strategies that have helped to prevent conflict (e.g., fishery areas). Paying fair pricing, purchasing land from all members of the community at roughly the same price, and compensating individuals who did not have property rights but had occupied and/or improved the land are some examples of how to treat persons who were not the legal owners ("replacement value" instead of "market value"). For example, The Antamina Mine in Peru purchased all the land it intended to use for the whole mining process all at once, paying equivalent prices for the

²³⁰Mitchell, Christopher R. Conflict, Social Change and Conflict Resolution. An Enquiry, in: David Bloomfield, Martina Fischer and Beatrix Schmelzle (eds.). Social Change and Conflict Transformation. (Berghof Handbook Dialogue No 5.) (Berlin: Berghof Research Center, 2006), pp. 13-36.

property of comparable grade. It did this to prevent future disputes and resentment that had occurred in other mines.²³¹

Conflicts over land use and economic compensation, environmental issues, insufficient community engagement and consultation, artisanal and small-scale mining operations, emigration to mining regions, and varying levels of acceptance of large-scale mining are some of the factors that contribute to social unrest.²³² Mining corporations are becoming more conscious of the social effects of their projects and work to prevent or lessen disputes resulting from social inequalities. At the outset of mining initiatives, it is crucial to forge strong linkages between governments, major mining companies, and local communities. It is important the government, the mines, and the locals may need to work together and coordinate community events in the early going to establish a solid foundation for cooperation, collaboration, and lasting peace. The government, the mines, and the locals may need to work together and coordinate community events in the early going to establish a solid foundation for cooperation, collaboration, and lasting peace. This is especially important in countries that have a history of colonialism, where governments have neglected local communities and indigenous people, and where distrust of governments or other groups in society is unexpected. Local communities may also oppose mining operations if they perceive those projects have been imposed on them without sufficient consultation.²³³



²³¹David, Szablowski, Mining Displacement and the World Bank: A Case Analysis of Compania Minera Antamina's Operation in Peru, Resource Extraction Industries in Developing World, (Journal of Business Ethics, 2002), pp. 247-273.

²³²Community and Small-Scale Mining (CASM), Mining Together- When Large Scale Mining Meet Artisanal Mining: A guide for Action, The World Bank/ International Finance Corporation Oil, Gas, and Sustainable Development Fund (CommDev), World Bank Group, Mining Department 2121 Pennsylvania Avenue, NW Washington DC, (USA, 2009)

²³³Verheye, W.H., Land use planning and national soils policies. Agricultural Systems 53, (1997) pp. 161-174.

Since mining operations may affect nearby communities socially, economically, and environmentally, communities expect to participate in decision-making and share in the benefits of mining. It is, therefore, essential to take these expectations into account and to address the concerns of local communities as early as possible.²³⁴ If community concerns are integrated into mining projects, for example, to avoid, monitor, and minimize environmental efforts, its local communities see that they receive a fair share of benefits; through job opportunities, public infrastructure building, Corporate Social Responsibility (CSR), etc., local communities are more likely to accept mining projects. The traversed relationship demonstrates integrity, truthfulness, respect, and inclusive collaboration of differences to minimize mining conflict in the host community.

The mining company developed a peace-building mechanism, conflict resolution mechanisms, and conflict transformation lenses, among other items, to help mining communities resolve problems and maintain a secure environment for operations. It is not by accident that every mining community or country by its concessional systems or legal framework govern the operations of these viable economic activities. The regulative systems are the ingredients that ensure or spice social relationships in the mining area. Conflict arises in some mining areas, escalating into violent clashes and civil wars. The search to re-explore resource extraction communities could result in the cancellation of developmental projects that bleed the ground for some kind of resistance that is managed by the state through surveillance systems. The term 'peace-building' was rebirth by Johan Galtung in 1975 with the publication of *Three approaches to Peace: Peacekeeping, peace-making, and peace-building*. Galtung developed many of the core concepts on direct violence, structural and cultural violence that continue to be

²³⁴Ibid, p. 17

applied in his peace and structural theory. The peace-building journey starts with negative peace (end of violence) and positive peace (peaceful society at all levels).²³⁵ Peace-building grasps positive peace by producing a systems to support structures and institutions of peace centred on justice, equity, and collaboration, thus permanently addressing fundamental reasons for conflict and preventing their turn into violence.²³⁶The two theories of Galtung largely explore both curative and preventive strategy as the peace-building mechanism. The stint of ‘peace-building’ came into conjoint jargon mainly as an offshoot of the former UN Secretary-General Boutros-Ghali’s 1992 *An Agenda for Peace*.²³⁷ Boutros-Ghali defined peace-building as distinct from peacekeeping (containment of physical violence) and peace-making (moving towards settlement) and explained that once these two processes have achieved their aims, peace-building begins.²³⁸

In the *Agenda*, peace-building is described as a collaboration between conflicting countries through social and economic development and actions to prevent further loss of life, such as the removal of land mines. Boutros-Ghali accentuates that ‘post-conflict peace-building is to prevent a re-occurrence’ of physical violence.²³⁹ This definition explains peace-building only as systems put in place after the conflict and the writer looked at the post-conflict era. This was the clear position on liberal democratic peace-building standpoint. Lederack continued and argues that conflict transformation is multi-track human centered approach to conflict resolution but focuses on creating lasting positive change in relationships, structures, and dynamics as similar to Galtung theory. It emphasizes a systemic perspective, addressing underlying structural issues and

²³⁵Galtung, Johann ‘Three approaches to peace: peacekeeping, peacemaking and peacebuilding. In *Peace, War and Defence*’ *Peace Research* 2, (1975), pp. 297-304; Gawerc, M.I. ‘Peace-building: theoretical and concrete perspectives,’ *Peace and Change* 31 (4), (2006).p.439.

²³⁶*Ibid*, p. 300, Galtung, (1975)

²³⁷Mosse, Madeliene, *The Journey of Positive-to-Positive Peace: Grassroot Peace-building in Kosovo*, Published Ph.D. Thesis, Coventry University, (2012), p. 228.

²³⁸Boutros-Ghali, B. ‘*Agenda for Peace*’. United Nations, (1992). [Online] available at < <http://www.un.org/Docs/SG/agpeace.html> >accessed January 2020.

²³⁹*Ibid*.p.8.

promoting long-term change. It encourages personal and structural transformation, using creative strategies like storytelling and dialogue within the indigenous communities. Ginty added to indigenous peace-building approach. He explained vertical and horizontal peace-building theory relationship and introduces a common grounds called hybridization of peace-building theory of formal peace-building structures and institution, and indigenous peace-building systems collaboration. This combination according Fischer's combines cooperative methods to foster confidence-building, arbitration, mediation, negotiation, communication, and summit reconciliation.²⁴⁰ All these peace-building perspectives considered a post-conflict era mitigated factors steps on state vulnerabilities but focus little on state which had not been to war and beside mining communities where structural violence are predominate. Cooks explain in the context on land dispute settlement in indigenous peace-building mechanism by introducing a restorative approaches which is respected, trusted and informal peace-build systems .

According to Mensah-Bonsu, systems of liberal democracy and peace-building rely heavily on both material and immaterial institutions²⁴¹. The legal framework, such as Ghana's National Constitution, which is the ultimate law of the nation, frequently codifies the concrete systems. She clarified that moral practices and ideals are formed by intangibles, which are frequently ambiguous.²⁴² These ideas include the responsible and responsive organization of governments and society. Intolerance, disdain, distrust, She urged the need of indigenous and traditional peace-building techniques for settling disputes in her concluding remarks. By empowering actors to take charge of the process and reflect on their own culture while working with ideals they are acquainted with, this may be achieved. Building capacity among the disputing parties involved in

²⁴⁰Jeff, Fischer. "Electoral conflict and violence: A strategy for study and prevention." *IFES White Papers February 5* (2002)

²⁴¹ Mensah-Bonsu, Henrieta, J.A.N. "Consolidating Democratic Principles for the Peace and Development of Ghana: The Role of Religion," in S.H. Amisshah Memorial Lectures: Complete Series (Accra :Lay Movement Council of the Methodist Church, 2008), p.49

²⁴² Ibid, pp. 48-52

traditional and indigenous conflict resolution techniques is necessary to ensure better facilitation, mediation, and negotiation skills in addressing contemporary conflict. The discussion by all the peace-building theories by the already scholars, with the exclusion of Crook and Mensah-Bonsu, touched on post-conflict peace-building mechanisms. The later scholars, like Crook and Mensah-Bonsu, accepted the moral principles and values in contemporary situations in nations or communities proactive approaches to build infrastructure for peace when war had not occurred. They were also limited in justifying futuristic mitigating factors that could facilitate and develop mechanisms for conflict prevention, resolution, management, and sustainable peace familiar to the people in hybrid situations. The discussion of Crooks was on cocoa farm land dispute settlement, while Mensah-Bonsus emphasized intangible social reality that could ensure sustainable peace to deal with the structural violence by engaging civil society and traditional authority. These scholars arguments never discussed mining community structure violence. Though Mensah-Bonsu expressed the indigenous peace-building mechanism, little was shown in relation to how the use of moral principals and social value systems relates to mining communities conflict prevention, management, resolution, and ensuring sustainable peace. The modernity theory coupled with human rights and a capitalist world-view in relation to religious roles to ensure peace-building in mining communities is lacking. This study examined the resilience peace-building mechanism that used religion as a centre for sustainable peace in mining at the expense of policies and legal framework.

The gaps in the definition are as follows: Human nature normally reacts to warnings and ultimatums and the use of the peacekeeping process is a major conflict brashness because the understanding parties seem to be supported by the system while the aggrieved parties take an entrenched position which mires the process initially, the peace-making which is the absence of

violence makes the parties reorganize themselves to react further, that is why major conflicts last for a longer period. For instance, Liberia's civil war lasted for fourteen years, and Sierra Leone's eleven years among others. Collier et al., point out that on average, forty percent of conflicts would restart ten years, following their ending.²⁴³

Lastly, the definition refused to give a roadmap for sustainable peace in an environment that has not experienced conflict machinery to avoid occurrences of such events. The short-falls do not give us the impression that peace-building is a process put in place to manage, prevent, resolve and build sustainable peace but unending. The result will be a utopian society which is the ideal type. Waslekar cited Oscar Arias Sanchez Costa Rica in his acceptance speech in 1987 that 'Peace has no finishing line and no destination. It is like climbing a mountain peak only to realize that there is another one in front of you.'²⁴⁴ Moses supported this argument that attempts to achieve peace can be akin to digging a bottomless pit without an end. It is not accidental. The preamble of the United Nations Charter was on peace-building among states (interstate).²⁴⁵ UN Security General expresses peace-building as a preventive outbreak, recurring, or continuation of armed conflict.²⁴⁶ Smith added to the argument that preventive approach for peace-building has to do with understanding peace agreement and proactive actions toward once commitment.²⁴⁷

The above protective steps are used to understand what arrangement is all about and how their need was fulfilled to match the wish of people in various communities. This ability to fulfil these wishes through the transformation of mineral resources into economic growth and development

²⁴³Collier, Paul, Benedikt Goderis, and Anke Hoeffler. "Shocks and growth: Adaptation, precaution and compensation." (2006).

²⁴⁴Waslekar, Sundeep, Saahil, World environmental Kuznets curve and the global future, *Procedia - Social and Behavioral Sciences* 133 (2014), pp. 310 – 319.

²⁴⁵ Mosse, Madeliene, *The Journey of Positive-to-Positive Peace: Grassroot Peace-building in Kosovo*, Published Ph.D. Thesis, Coventry University, (2012), pp. 230-245.

²⁴⁶ UNSC (2001) S/PRST/2001/5 United Nations Security Council

²⁴⁷ Smith, D. 'Towards a Strategic Framework for Peacebuilding: Getting Their Act Together'. (Oslo: 2004), Ministry of Foreign Affairs. Evaluation Report

has created a difficult gap which some academics classify as a resource curse a position of social injustice and conflict. Peace-building has been a long-standing issue for academics, from liberal democracy to hybridization. Both explain their social justice systems. Although its activities aimed to prevent conflict by addressing the structural and proximate causes of violence, promoting long-term peace, delegitimizing violence as a method of dispute resolution, increasing society's capacity to peacefully resolve conflicts, and reducing vulnerability to triggers that can lead to violence.²⁴⁸ It is based on this power that we consider Africa as an adversary or a supporter.²⁴⁹

The values of Africa are enshrined in traditions, songs, folk etymology, proverbs, maxim dances, cultural symbols, equality in our human dignity, and freedom to engage in all of society's political, socio-economic, and ethnic spheres.²⁵⁰ It is in this same form that Africans locate their social justice philosophy which sometimes is real or perceived. The deliberate attempt to remove interdependent links on the maxim and deny relationships creates a psychological obstacle. The net effect is that a hodgepodge of problems and prejudices tends to threaten the predominant global order on the political philosophy against Africa for the past century.²⁵¹ Social justice is an ethical practice that directs Africa in this context in establishing institutions that provide access to what is best for the person, individually and in partnership with others when they are justifiably arranged. Social justice places a personal responsibility on each of Africans to

²⁴⁸Blum, Andrew. "Improving peacebuilding evaluation: A whole-of-field approach." Special Report USIP, (Washington D.C,2011), p.2.

²⁴⁹UN Department of Economic and Social Affairs, Division of Sustainable Development (DESA), 2004. Agenda 21 Chapter 21. Environmentally Sound Management of Solid Waste and Sewage Related Issues. Accessed at: <http://www.un.org/esa/sustdev/documents/agenda21/english/agenda21chapter21.htm>. 13/08/18

²⁵⁰Gyekye, Kwame, Beyond Cultures: Perceiving a Common Humanity, Ghanaian Philosophical Studies. Accra: The Ghana Academy of Arts and Sciences, (2004).

²⁵¹Uzodike, U. O., & Isike, C. Whose security? Understanding the Niger Delta Crisis as a Clash of two Security Conceptions. *African Security Review*, 18(3), (2009), p.103-116.doi:10.1080/10246029.2009.9627547

collaborate with others to model and continuously refine their institutions as instruments of physical and social growth.²⁵²

The socio-political solutions embody social justice to the allocation of different resources and the reallocation of social goods by believing institutions. The institutions were in the "sacred kingship," although some writers like Heusch; Brill; Aren; Meyerowitz; and Akyeampong and Obeng prefer to use "divine kingship" instead.²⁵³ Feeley-Hamik, who first used the term divine kingship.²⁵⁴ Walby also regarded the laws as "god-king" and affirmed that for the sake of the family by sacrificing himself.²⁵⁵ Law, to some scholars, does not exist in Africa's institutions, and it was the only perfect union of God and man, body and spirit.²⁵⁶ Philosophers such as Hegel, Trevor-Poper, Foote, and Drigred cited also by Idowu false an empirical logical fallacy conception of Africa's legal systems were "distasteful deliberate and premeditated discrimination."²⁵⁷

African jurisprudence is positive and not negative; African jurisprudence has a fundamental duty to believe in or fears supernatural powers; no harmony in African laws which are in their value system. The political institution of African law jurisprudence is non-democratic and last but not

²⁵²Background Paper Prepared by the Secretariat: Selection of Case Law on Economic, Social, and Cultural Rights, U.N. Doc E/CN.4/2004/WG.23/ CRP.1 (Nov. 15, 2004); ECOSOC, CESCR, Report of Open-Ended Working Group, U.N. Doc. E/CN.4/2005/52 (Feb. 10, 2005), p.8.

²⁵³Heusch, L. de. The Symbolic Mechanism of Sacred Kinship: Rediscovering Frazer. (Royal Anthropological Institute of Great Britain and Ireland, 1997) 3(2). Retrieved 23/11/2021 from <http://www.jstor.org/stable/3035017>; Brill, E.J. The Sacred Kingship /La Regalia Sacra. Leiden, E.J. Brill; Arens, .W. The Demise of Kings and Meaning Kingship; Royal Funerary Ceremony in Contemporary Southern Sudan and Renaissance France Anthropos Institute, (1884); Meyerowitz, E.R.L., The Divine kingship in Ghana and Ancient Egypt. (London, 1960): Faber and Faber Limited; Akyeampon, E. and Obeng, S. Spirituality, Gender, and Power in Asante History. The International Journal of African Historical Studies, (1995),

²⁵⁴Feeley-Harnick, G. Issues in Divine Kingship. Annual Reviews. (1985). Retrieved 23/10/19 from <http://www.js/stable>

²⁵⁵Walby, C, The African Sacrificial Kingship Ritual and Johnson's Middle Passage. Indiana State University. Winter, (1997), p.661.

²⁵⁶ Enkamit, Hehimetu, Ra, Divine Kingship of the Asante: A Model for Sustainable Development of Self and Community, Unpublished Ph.D Thesis, Kwame Nkrumah University of Science and Technology, (Kumasi, 2016), p.29

²⁵⁷Hegel, Georg Wilhelm Friedrich. "The Philosophy of History, translated by J." *Sibree. New (1956)*; Trevor-Roper, Hugh, Rise of Christian Europe (London: Thames and Hudson, 1964), p. 9; Foote, A. H. , Africa and the American Flag (New York, 1854), p. 207; Driberg, J. H. "The African Conception of Law" (Journal of the African Society 34, 1934), p. 237-38; William, Idowu W. "Social history, African identity and the memory theory." *The Anthropologist* 5, no. 4 (2003). p. 58.

least, African jurisprudence has no literacy or theoretical significance for general jurisprudence on African law. It offers a philosophical truth to deny this factual proposition of the "black calabash of egg" in Yoruba social cosmetology. He also finally outlined these two big misunderstandings about the reality of confusion about Africa to ratiocinate and indulge in the theoretical notion of law and the lack of any written intellectual work on African law. Allot lays the blame for the fact that only part of the story and speech is influenced by discrimination or bias, and the other part is influenced consciously or subconsciously.²⁵⁸ Alias refers to other countries ignorance and misconceptions about Africa's laws and about the absence of written documents, but the ability to document African thoughts and actions on systemic and ongoing seminars.²⁵⁹ Law is a neutral process in each body, but it is part of a dynamic whole in which all forms and systems are constructed and created.²⁶⁰

The historiography is a neutral, value-free, objective, quasi-scientific body, independent of social and moral, and economic considerations, antagonized by them.²⁶¹ Built knowledge of African laws conveyed social justice issues in a more reconciliatory, consensus-based, and cooperative form of advocacy that places society before colonial rule. Then what social injustice was in the African community which rejected compromise, reconciliation, and collaboration? From the reports of many authors, punitive measures occurred in all African cultures. The issues that matter regarding Africans are the jurisprudence that early scholars had discussed the metaphysical thoughts on the history of Africa due to the ignorance and ruling formulated concepts that had arisen before Africans were segregated. The only challenges would be African

²⁵⁸Allot, A. A. *Essays in African Law* (London: Butterworth, 1960), 55

²⁵⁹ Elias, T. O. *The Nature of African Customary Law*. Manchester: Manchester University Press. (1956).

²⁶⁰ David Kairys, ed, *The politics of Law* (New York , 1982), 4.

²⁶¹ E. S. Hartland, *Primitive Law*, 1924, 5-6.

jurisprudence's place of influence in the contemporary world on international laws and democratic theory.

The Akan society's organizational ruler is the king. He is also known as king-priest²⁶² or supreme-priest²⁶³ as he is the conduit between the physical and spiritual realms. The two significant outstanding features of the Akan political system are the Office of the Chiefs (king) and Oman (State).²⁶⁴ The Office of Chiefs (King) and Oman (State) are two significant aspects of the Akan political-institutional system. Some scholars in sociology and philosophy have expressed the same view. For them, the Akan's political, social, and institutional structure is characterized by a well-regulated constitutional governance framework that answers to the people's representation.²⁶⁵ In several African countries, such as South Africa among the people of Zulu, Xhosa, Sotho, Ndebele and, Venda used indigenous peace-building structures called 'Indaba' which means an open space for a group of people of common interest, 'Lekgotta' a scheduled meeting at a picturesque location, and, eventually, 'Pitso' as a public assembly to discuss issues of significant concern.²⁶⁶ Rawls asserts that a well-ordered process of regulation ensures consensus and public trust for institutional determinations that are fair.²⁶⁷ While in such a political system, there is always consensus, conflict can also arise that is often based on the principles that formed the association's basic world-view. Letseka accepted '*Ubuntu*' as a social

²⁶²Heusch, L. de. The Symbolic Mechanism of Sacred Kinship: Rediscovering Frazer. Royal Anthropological Institute of Great Britain and Ireland 3(2). (1997), p.187 Retrieved 23/11/2021 from <http://www.jstor.org/stable/3035017>

²⁶³Meyerowitz, E.R.L., The Divine kingship in Ghana and Ancient Egypt. (London: Faber and Faber Limited, 1960), p.67.

²⁶⁴Martin, Odei, Ajei, Indigenous Knowledge System and Good Governance in Ghana: The traditional Akan socio-political example, An Institute of Economic Affairs, (published in Accra, 2001), p. 10.

²⁶⁵Casely-Hayford, Joseph Ephraim. Gold Coast Native Institutions. (London: Sweet and Maxwell, Ltd., 1903); Sarbah, John, Mensah, Fanti Customary Laws. A Brief Introduction to the Principles of the Native Laws and Customs of the Fanti and Akan Districts of the Gold Coast with a Report of some Cases Thereon Decided in the Law Courts. (London: 1904) at p. 26; Busia, Kofi, Arafrafi the Ashanti of the Gold Coast, in Daryll Forde (ed), African Worlds, (Oxford, O.U.P. 1954); Rattray, Et. S., Ashanti Law and Constitution (London: 1929); Danquah, J.B. The Akan Laws and Customs: Frank Cass, (London, 1929); Gyekye, Kwame, An Essay on African Philosophical Thought: The Akan Conceptual Scheme (Cambridge: Cambridge University Press, 1987), p. 191.

²⁶⁶Louw, D. J. The African concept of Ubuntu and restorative justice. In Dennis Sullivan. (2006),

²⁶⁷ Rawls, John, The Law of Peoples; with the Idea of Public Reason Revisited. (Cambridge, MA: Harvard University Press, 1999)

structure interested in justice and fairness in the history of justice in South Africa.²⁶⁸ The problem of unity and the essence of the system have built up a strong bond of friendship in Ubuntu that also respects divine kinship. Suffice it to say, though 'justice as equality' is based on the notion of 'social contract' and its principle that the dominant role is generally the character of conventional African politics and governance.²⁶⁹

The political head of the *Omanhene*, that is the Paramount Chiefs, has the administrative, legislative, and judicial roles of the traditional political system in Africa. Academics such as Howard believe that traditional African societies' collective nature makes them more concerned with group rights than with individual rights.²⁷⁰ It is embedded in classes in certain cultures where human rights are based on persons in certain cultures. It is the ethical function to clarify the nature of the discourse of social justice in Africa. The socio-political structure of Africa is culture, agreement, and reconciliation, recognizing the interests of communities rather than the rights of individuals. Intellectuals such as Mutua and Motala, advocate cultural relativism that human rights are not special or universal and could not exist in a country other than Western constructs.²⁷¹ While 'group rights' are more common in community cultures such as Africa, the concept of 'individuality is known to be a situation where individual rights in 'group rights' are more nuanced than individualism, a situation where individual rights have separate rights from more Western philosophical group rights. Shivji also argued that human rights in the developing world, like Africa, as foreseen in the West, are not recognized because their theoretical roots are

²⁶⁸Letseka, Moeketsi. "Ubuntu and justice as fairness." *Mediterranean journal of social sciences* 5, no. 9 (2014),p.12

²⁶⁹ Ibid, p.545. Letseka.

²⁷⁰Howard-Hassmann, Rhoda E. "Evaluating Human Rights in Africa: Some Problems of Implicit Comparisons." (1984).

²⁷¹Wa Mutua, M. 'The Banjul Charter and the African Cultural Fingerprint: An Evaluation of the Language of Duties.' *Virginia Journal of International Law*, 35, (1994), pp.339-380 ; Motala, Ziyad. "Human rights in Africa: A cultural, ideological, and legal examination." *Hastings Int'l & Comp. L. Rev.* 12 (1988), p. 373.

unique and contrary.²⁷² Already described above is the relationship of the African community living in harmony with one another at several stages. Whether this particular statement is justified or not depends on the pre-colonial structure that the Europeans met in their earlier encounter with Africa.

Some scholars though demonized these structures, more especially the earlier missionaries. The ' I ' is the product of the ' We ' section in African realities²⁷³. Life in Africa describes "the abandonment of the right to be an independent, particular, competitive, greedy, violent, winning being in favour of the right to be with others, in peace and harmony with the living and the dead, with the natural environment, and their sacred world."²⁷⁴ The individual is part of a group and defending his right must then be through his extended family.²⁷⁵ Legitimate settings were often performed jointly in the tradition of Africa to bring peace to the group rather than simply settle a legal dispute²⁷⁶. The duty of the offending parties was to organize a festival for society as a whole, maintaining peace and harmony²⁷⁷. Sudarkasa indicates that in African societies, the structure of rights and duties is defined by (4Rs): respect, restraint, responsibility, and reciprocity²⁷⁸

These and many others are good in the communal scheme of African sacred parenthood. It is not surprising that in a work by Shaw who wrote about Sierra Leone's Temne ethnic group, the word "individual" is "town person" (wune-unke-pet) and explained personal identity as ingrained in

²⁷²Shivji I. G. *The Concept of Human Rights in Africa*. (London: Codesria, 1989).

²⁷³ Patrick Tom, *The Liberal Peace and Post-Conflict Peacebuilding in Africa*; Sierra Leone Publish PhD. Thesis at University of (ST. Andrews, 2011), pp.44.; J.S. Mbiti, *Africa Religious and Philosophy* (1970), p. 144. cited in Ankumah.Evelyn. A, *The African Commission on Human and Peoples' Rights Practice and Procedure*. 1996, p,159.

²⁷⁴ Kaba M'Baye and Birame Ndiaye, *The Organisation of Africa Unity, The International Dimension of Human Rights*, vol 2 (1982),p. 583 cited in Ankuma, E.A. (1986, p. 160)

²⁷⁵ Ibid, Ankuma , E. A.

²⁷⁶ T. Huaraka, *The Effect of Military Coup d'Etats and Regimes on Human Rights in Africa*, in: (*Archive des Volkerrechts*, 26 (1) 1988), p. 53

²⁷⁷ Ibid, pp. 34-40

²⁷⁸Sudarkasa, Niara. "African and Afro-American family structure: A comparison." *The Black Scholar* 11, no. 8 (1980), p. 50.

relationship frameworks.²⁷⁹ Social justice is in the relationship formation that is regulated by all the customs of society in Africa. Many older anthropologists have a powerful argument against this view of the world of justice. In this debate on whether African traditions are laws,²⁸⁰ distinguishes four schools of thought in contrast with the Western view. Christian missionaries, according to his reasoning, described African law and custom as "paganism" and pointed to their obligation in a Christian society to eradicate these. Such missionaries were unable to understand the laws and customs power in the societies they sought to resolve conflicts.

In their concern for criminal justice, the colonial authorities considered both African laws and customs to be criminals. The third line of thought is the anthropologist who also studied African enough to discuss laws and customs but had no formal legal training but limited to two kinds of mental attitude, one on the concept of Anglo-Saxon law from the old anthropological fact that see little to no law in African and one emphatic on 'rule of kings.' The second is the new group of social anthropologists whose understanding of comparative structures and the current law is prepared to say that the rule of Africa is the law. Although there are clear variations between some of its transliteration and the form of rule, it is grounded differently in the economic circumstances and social environment in which it had to work and develop across ages.²⁸¹ Finally, the school of thought of the colonial legal officers confirmed the existence of law in African society with some pointing out that, the legal principles and procedures were not very close to those of the West. Eze, cited by scholars such as Nmehiella and Tom refuse to acknowledge the traditional African culture resulted from Western colonial conceptualization of state-recognized

²⁷⁹Shaw R. "Tok Af, Lef Af": A Political Economy of Temne Techniques of Secrecy and Self.' In I. Karp and D. A. Masolo (eds.), *African Philosophy as a Cultural Inquiry*. Bloomington: Indiana University Press.(2000),p.40.

²⁸⁰Elias, T. O. *The Nature of African Customary Law*. Manchester: Manchester University Press. (1956),p.25.

²⁸¹Schapera, Isaac. "Ethnographical Texts in the Boloongwe dialect of Sekgalagadi." *Bantu Studies* 12, no. 1 (1938): 157-187. Cited by Elias, T. O. *The Nature of African Customary Law*. Manchester: Manchester University Press. (1956).pp.24-34.

law and incomplete information before colonial rule.²⁸² These were not enough, but concerted, attempts to disregard all systems and fulfil the prevailing dream without any further constraints to the governed.

Maintaining the Western ethnocentric biases and justifying colonial rule in pre-colonial Africa, means that, there were no written records available and to classical theorists could misunderstand oral tradition. European missionaries, explorers, and merchants claimed that Africa had no law, history, democracy, or human rights to ignore the very base that allowed Africa's society to exist even at the level of Western trade was controlled by built-in structures. It is unfortunate, that the very structure both professionals and anthropologists were against was the very same thing that the Westerner wanted to implement to dominate. It was so intense that when their learned approach failed them, they come back to instruct Africans to do it in their way.²⁸³

Wiredu defined law as propagated or recognized rules that are implemented or, at least, intended to be enforced by a recognized authority that has at its disposal sanctions, usually physical forces.²⁸⁴ In this interpretation, the rule objective is to govern the actions of a particular society.²⁸⁵ John Austin cited by Elias also defined law as a rule for the guidance of an intelligent being with power over them.²⁸⁶ Hagan put Akan social justice in three important ingredients; first identical events must be receiving equal treatment of their laws; second, all men must be treated

²⁸²Eze, C. E. (1997). 'Democracy or Consensus? A Response to Wiredu.' In Emmanuel Chukwudi Eze (ed.), *Postcolonial African Philosophy: A Critical Reader*. Cambridge, Massachusetts: Blackwell Publishers. (1997); cited Nmehielle, V. O. O. (2001). *The African Human Rights Systems: Its Law, Practice and Institutions*. Martinus Nijhoff Publishers: The Hague, (2001); Patrick Tom, *The Liberal Peace and Post-Conflict Peacebuilding in Africa*; Sierra Leone Publish PHD. Thesis at University of (ST. Andrews, 2011).

²⁸³Nana Agyeman Prempeh Kumasihene Mediation in 1932 between the Hausa herdman and the Mossis Community in Kumasi which resulted the abolish of the title Sarikin Zongo from the Zongo and the then tribunal.

²⁸⁴Wiredu 1969, pp. 61

²⁸⁵Patrick Tom, *The Liberal Peace and Post-Conflict Peacebuilding in Africa*; Sierra Leone Publish PHD. Thesis at University of (ST. Andrews, 2011). p.48.

²⁸⁶Austin, John. "Lectures on Jurisprudence or the Philosophy of Positive Law [1885]." *Vol. II* (1972); Elias, T. O. *The Nature of African Customary Law*. Manchester: Manchester University Press. (1956), p.25.

as equal under the law and third; the law must respond to moral acts entirely according to moral quality.²⁸⁷ The root of these rests deep in Asante culture and constitution.

These two researchers have concentrated on rule issues and their enforcement. The question on the place of applications shows that there is a government, a community between established people and that, this power extends to the reason that coexistence plays an important role in Africa. The communal living embedded in the African world-view had an intangible structure that defines an African, though only located in the orature as its source brings out the co-existence.

2.8 African Social Justice, Conflict and Peace-building

Social justice in Africa is too clear on its philosophical issues such as acts in humanism, communitarianism, consensus, morals, solidarity, value, symbols, songs, folk-tales, and proverbs, among others, about ontological apprehension and epistemology. Traditional principles of kinship guarantee social contract and the acceptance of universal human rights issues based on all members' collective decisions, while individual consideration is what group decisions call for. Some theorists such as McCaskie argue that their systems of adjudication are undemocratic, incomplete, and objective.²⁸⁸ His statements emphasize that Asantehene also controls the process by taking bribes. Some paramount chiefs rejected this accession with palpable force but conceded to the use of a dispute settlement approach called 'shuttle diplomacy', dialogue, and negotiations in Africa mediation processes alien to McCaskie who could not understand the processes but judge based on his subjective reality fuelled by his perception against a system.²⁸⁹ That speculation is a colonial means to downgrade Africa's social structure to project legal-

²⁸⁷George, P. Hagan, *The Rule of Law in Asante, A Traditional Akan State*, (Presence African Edition, 1980), pp. 2-3

²⁸⁸McCaskie, Tom C. "Accumulation, wealth and belief in Asante history: I. To the close of the nineteenth century." *Africa* 53, no. 1 (1983), p.178

²⁸⁹*Ibid*, pp. 42-50.

rational systems. Bowditch's 1817 study also indicated that in pre-colonial Asante²⁹⁰ act was a common phenomenon. Gyekye and Adjei rejected other academics' postulation on this, and their methodological approach includes songs, symbols, and token maxims, stories in which the approaches to social benefits are identified with great importance.²⁹¹

Roscoe concentrated on various interests in the community, that is, individual interests, public interests, and social interests to define the concept of law.²⁹² In his opinion, the law plays a mediatory role in resolving the conflict which is bound to emanate from such an array of interests that the African realities of law so much concerns. These conflict resolutions are, however, easier said than done and minority rights are generally lost in the process of the majority consensus for the good of all the society. Roscoe Pound, a legal sociologist shows how laws are designed to fulfil human desires (individual and social). Human interest "involves need or desire or individual life". These involve character (consisting of interest relevant to individual physical and spiritual life; for example, physical protection, freedom of will for well-being, privacy and sensitivities, belief and opinion. Public interest is "demand or interests that are interested in, or perceived from, life in a politically organized society that is reflected in political life". Lastly, social interest is "wider demands or interests that are involved in or regarded or social life in a civilized society and claimed in the social life title". There are three key elements in the Akan concept of justice. First, under their laws, identical events must be treated equally. Second, under the law, every man must be treated equally. Finally, the law must respond to moral acts based on moral value. These have profound cultural and constitutional origins in Asante culture.²⁹³ Respect for the State's norms, laws, and customs is emphasized among the

²⁹⁰Bowditch, T. E, *Mission from Cape Coast Castle to Ashantee*, (London: 1817).

²⁹¹Gyekye, Kwame, *Africa Philosophical Thought*, Philadelphia, Temple University Press, (1995).

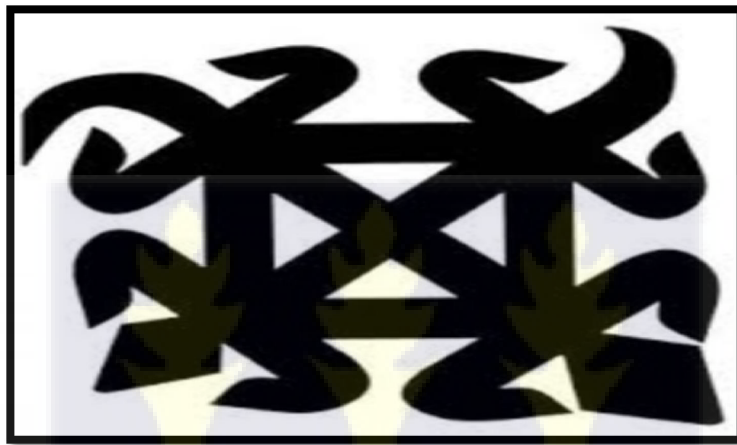
²⁹²Pound, Roscoe. *Administrative Law: Its Growth, Procedure, and Significance*. Vol. 6. University of Pittsburgh Press, 1942.

²⁹³George, P. Hagan, *The Rule of Law in Asante, A Traditional Akan State*, (Presence African Edition, 1980), p.5.

Akans since it leads to excellent governance (*mambu pa*). According to the Akan proverb “*Eto baabi a, edum,eto baabia ehyew:Enyε ammanmui-pa*²⁹⁴” for justice alone is the greatest ideal that ensures good administration. Peace-building is the basic consideration of basic structure that resolves individual differences from social injustice.

2.9 Conceptual Consideration

*Funtumfunafu- Denkyemfunafu or Funtummereku-Denkyemmireku*²⁹⁵



Adinkra Symbol

I use the Akan notion of *funtumfunafu-denkyemfunafu or funtum/Bomudwen* as the conceptual framework for the analysis of this thesis. *Funtum* is an *Adinkra*²⁹⁶ symbol which means central

²⁹⁴The Rev. J.G. Christaller: *Twi Mmeseem Mpensa* — Ahansia Mmoano, (Basel, 1879). Entitled in English: « A Collection of Three Thousand and Six Hundred Twi Proverbs in Use among the Negroes of the Gold Coast Speaking the Asante and Fante [i.e., the Akan] Language Translated as “Justice today and injustice tomorrow, that is not good government”

²⁹⁵The Siamese crocodile is the symbol of knowledge construction that fit Africa's reality and the situation in the study. The historical significance of the "Funtumfunafu-dekyemfunufunu" is shown in different media such as Adinkra cloth trends. The "Akan (Africa) ontology" of the Adinkra sign has been investigated by anthropologists such as Gyekye, Dompere, Wiredu among others. Social justice, conflict, and peace-building all share an ancestor body of regional construction knowledge known as "Funtufunufu-denkyemmeraku," which was employed in the study to analyze three thematically related relational linkages. Relationships, education, the legal and political systems, and media communication were among the things it established. The concept is a history of the present that links knowledge and practices to their historical roots. See Kwadwo A. Okrah, *Nyansapo (The Wisdom Knot) Towards Africa Philosophy of Education*, (Africa Studies History, Political, Economic, and Culture ,2003), p. 3. Edited by Molefe Kete Asante, A Routledge Series Cited from John N. Dewey, *Democracy and Education*, New York: Free Press; Spring, John, *Wheels in the Head: Education Philosophy of Authority, Freedom, and Culture from Socrates to Paulo Friere*. New York:McGraw-Hill, Inc.

²⁹⁶"Akan ontology" of the Adinkra explained oral history a name of a chief in Gyaman's currently in Ghana and located in Bono Region, who was captured on the war front. None of the combatants (Akans or Gyamans) wore an attire /cloth during the war from an oral historical perspective in the year 1817/1818. Before this war, in 1817, Bodwich came to sign a Peace Pact with the Asantehene (Osei Bonsu Panyin) for peace and tranquility between the Asante's and the Gold Coasters. In the Pact, they agreed

relationship (Relational Middle). A central relationship is a duality or polarity form of relationship that is both vertical and horizontal but meets in the centre, which then determines the unity to form a common ground. Therefore, the essence and existence are in the middle relationship (relational middle). The adinkra symbol depicting *funtum* is the Siamese conjoined crocodile with a single shared stomach, but yet the battle for food while feeding. The *funtum* is an indigenous Akan philosophy that is deeply rooted in the people's cosmology which helps them as a people to explain their existential realities. This Akan philosophy is important because of its duality and multi-layered dimensions to societal issues. It reflects peace and unity, injustice and conflict, equity and social justice. The concept takes into account the interdependence between the living and non-living, the spiritual and humans as well as generation yet unborn, in the environment. This implies that the present generation holds the environment in trust for the dead (ancestor) and for the generation that is yet to be born.²⁹⁷ In essence, the social construction of peace, harmony or unity among the Akan is geared towards accountability and responsible sustainability of both man and his environment. And this is done through inclusiveness and adherence to a relevant cultural ethos that value both humans and non-humans. It clearly shows

that each party, thus the Asantes and Gold Coasters would remain at their settlements without interference²⁹⁶. After the Agreement was signed, the Asantehene (Nana Osei Bonsu Panyin) gave Bowdich Adinkra a cloth designed with the "Adwinkra symbol"²⁹⁶ as a gift. Bowdich on his return to Britain presented the gift (Adwinkra cloth) and kept it at the British Museum of Mankind²⁹⁶. This indicates that the textiles industry existed with the Adinkra symbols and was in operation before the 1818 war before Adinkrah's name existed and even bore the symbol. The name Adinkra was co-opted when Apau Adinkra the son of Gyaman chief became a captive of the defeat of his father in 1918 and was brought to Kumasi²⁹⁶. Apau had the artistic skill and was introduced to the textile industry to help with the production and design of the cloth when he was captured to Kumasi. The actual name of the meaningful and communicated symbols was "Edwinkra".²⁹⁶ During the 1818 war, the Asantes captured one of Adinkra's sons named "Apau Adinkra" who was an artist. In that period whenever one is captured at the war front, they conducted background checks and if they confirmed the person to have a skill in any vocation, that person is kept alive and made to impact their skills to others. So, in the case of "Apau Adinkra", he was taken to the textile industry at Asokwa where they were manufacturing the Edwinkra cloth to help with the production. Apau was said to have added more designs to the existing designs of the industry so with time as people became more interested in the new philosophical designs were introduced by Apau Adinkra, his name Adinkra over-shadowed the already existing name "Edwinkra" and with time people corrupted the name "Adinkra symbols" instead of the "Edwinkra". There is an assertion by some writers that the Adinkra symbols are used to bid farewell to a departed soul. This is not valid because the Adinkra symbol was specially made in black and white colors used by the Akans for the celebration of "Addae festival"²⁹⁶ before the introduction and observation of funeral celebrations. The second school of thought the origin of Adinkrah comes from Nana Adinkra of Gyaman who was inspired in his dream to write the symbols on a Kontou by his ancestors. This continued and became a mode and method of communication of the chief to his subject.

²⁹⁷Odoti, I.K. & Awedoba, A.K. (eds). Chieftaincy in Ghana: Culture, Governance and Development, (Accra: Sub-Saharan Publishers, 2006).

the category of duality as the essence of existence, and this is connected to the notion of the *relational middle* with inclusivity as focal point for peaceful relationship.

The world-view or cosmology of a people has a great influence on their actions and inactions. These actions in turn, impact and shape their social relations as well as the political and economic spheres of their lives. There is a direct correlation between the overwhelming impact of a people's world-view and their performance of their roles in their society. The idea of world-view is also a form of social entanglement where the individual as a social being has his or her actions firmly anchored or tethered to the norms, values, and the various structures of public governance in society. For this reason, whereas the idea of freedom of action on the part of individuals, including those in authority to act with agentive capacity, remains, the fact remains that agency is a subject of entanglement, as already stated. Indeed, this argument draws on the debate about culture and cultural creators. The question that is often asked is whether the producers of culture are independent of the impact of the cultures they create. Relating this specifically to the issue of world-view, the issue the study theoretical framework seeks to argue that the idea of agency, as identified by Margaret Archer, is substantially an illusion²⁹⁸. In scholarship, several analysts, including Bourdieu, have observed the imposition of society's values on the individual's capacity to act independently in society²⁹⁹. And yet, the fact remains, as observed by Anthony Giddens in his theory of structuration, that individuals are not simply held in the cog of society's imprisonment³⁰⁰. Rather, whereas the structures of society are designed to govern the public life of individuals, individuals can work through the structures of

²⁹⁸Archer, Margaret Scotford. "The morphogenetic approach; critical realism's explanatory framework approach." *Agency and causal explanation in economics* (2020): 137-150.

²⁹⁹ Bourdieu, Pierre. "Pierre Bourdieu." *Arena Produksi Kultural Sebuah Kajian Sosiologi Budaya (Diterjemahkan oleh Yudi Santoso) Bantul: Kreasi Wacana* (2015).

³⁰⁰Giddens, Anthony. *New rules of sociological method*. Stanford University Press, 1993.

society to advance a degree of agency. All these shed light on the study's conceptual framework about the *funtumfunafu- denkyemfunafu or funtummerek-denkyemmireku* which tends to portray a strong case of independence in the relational middle. The logicity of the framework is that the two creatures have individual pleasures that may appear to contradict, and yet they are drawn to a point of conviviality as their survival rests firmly on shared stomachs, the symbolic source of their survival. In relation to the mining industry, the appropriation of the study's conceptual framework finds expression in the ethos of the political economy of resource management. This means the management of resources must follow the democratic ethos of inclusivity, transparency, sustainability. The disruption in the intermediary relationship that guaranteed their long-term peace and futurist social structure also served as the host community's source of moral principles and ideals.

Thus, the epistemological construction of the notion of *funtum/bomudwen* is grounded in the everyday encounters and realities of the people. This *funtum* episteme permeates the economic, religious, political, and social dimensions of the life of the people. Collectively, these dimensions are very central and are used as a grounded transformative approach to peace-building in local communities. As a theory of conflict transformation, *funtum/bomudwen* deals with conflicts in their historical ramifications: past and present. It seeks to promote social justice, unpack conflict, and strive to ensure peace.

Religiously, the concept defines Akan metaphysical belief in two realities: ³⁰¹supernatural and natural. Since both secular and religious realities are the same, it is difficult to distinguish

³⁰¹Wiredu, Kwasi, "Morality and Religion in Akan Thought," in H. Odera Oruka and D. A. Masolo (eds.), *Philosophy and Cultures*, (Nairobi: Bookwise Limited, 1983), pp.58-67

between them among the people. Strong analytical tools like pluralicity and relationality can go beyond normative notions of pluralism or creolization to provide a deeper knowledge of co-existing structures and events. The Akan land and its environment are believed to be sacred and are treated with dignity and respect. Land activities demand some rituals which are often tangible and intangible, and their management is largely initiated and reinforced by chiefs' motivation to re-establish authority over them.³⁰² The chief is a religious fuel in the engine of the society and the ancestral gods representing the soul of the rural mining community. The mining companies often use the land and its environment only for economic reasons that differ from the rural mining communities' religious functions, which then determine other factors that generate a middle relationship. The religious epistemological perspective of the people is based on three maxims of an imaginary Siamese crocodile, which provides the context for the study's interpretations with the symbol in the "*Akan funtumfunafu denkyɛmfunafu*" icon.³⁰³

- 1) *“Ma ebi ntwi obiara mene mu, na funtumfunafu denkyɛmfunafu wɔn afu bom nso wɔn redidi a na wɔn reko”*

“Let a little pass through each other's throat, the Siamese crocodile, although they have one stomach when they eat, they fight over the food”.

The above Akan proverb expresses assumptions that epitomize land use issues that are intertwined with political, economic, and social issues. It truly affirms Akan's communitarianism in their political system that makes individuals integral and inalienable parts of the social structure.³⁰⁴ Other African scholars, including Mbiti, argue that social relationships trump individual rights.³⁰⁵ The individual in this context represents either the mining company or

³⁰²Festus, Boamah, How and why chiefs formalise land use in recent times: the politics of land dispossession through biofuels investments in Ghana, (Review of African Political Economy, 2014), pp. 41:141, 406-423, DOI: 10.1080/03056244.2014.901947

³⁰³ Appiah, 1979, p. 65; Franko, 1985, p. 20, Adjei, 2003

³⁰⁴ Gyekye, Kwame, 1977, pp. 35-36

³⁰⁵ Mbiti, J.S. African Religion and Philosophy. (Nairobi, Ibadan, London: Heinemann 1992), p.182

the community. The individual (mining community or company) is both good and evil to the relational middle (stomach or land usage) at the level of social order, depending on his or her composite behaviour. If the individual's disposition is not clearly defined, he or she may be both a liability and an asset. Clashes/conflict may occur when one sees himself as the primary category visa-a-vis the other as a derived category. The fundamental determinant for the major category as an individual is the relational middle (land usage) while mining community or company are derived categories. The relational middle and the section on the individual by mining communities defined religious dimensions before economics, social, and educational factors, among others. The various ways and methods for reducing the categories referred to as peace-building are addressed in this research.

Relational middle (mining company and the community, land use in question or stomach) should provide the basis for everyone to participate and enjoy individual (mining company or community) rights. The land is the object that caters for the diverse needs of different parties (companies and the people) and thus becomes a source of conflict in general. While the community wants to use the land to farm because of its fertility (cocoa, orange, food ground, among others), the mining company wants land space for mining extractions. Society should provide an essential platform for everyone to participate and enjoy the social and mining goods are the land is endowed benefit.³⁰⁶ Social justice in western and African cultures is manifested in the form of unfair distribution, inequality, and abuse of rights. This supports the Southern African concepts of Ubuntu, communitarianism, and humanitarianism, with individual rights

³⁰⁶Ahmad, Nesar, and Kuntala Lahiri-Dutt. "Engendering mining communities: examining the missing gender concerns in coal mining displacement and rehabilitation in India." *Gender, Technology and Development* 10, no. 3 (2006): 313-339; Healy, Karen, Anne Hampshire, and Liz Ayres. "Engaging communities for sustainable change: Promoting resilience." In Integrated Learning Network Consultative Policy Development Conference, Canberra. 2003. Magis, Kristen. "Community resilience: An indicator of social sustainability." *Society and natural resources* 23, no. 5 (2010): 401-416.

being considered within communal rights. Tolerance amid reality must be able to bring unity and peace-building.³⁰⁷

2) “*Atwimenemudε nti, funtumfunafu denkyεmfunafu wɔn afu bom nso wɔn redidi a na wɔn reko*” (lit. translates)

“For the taste at the throat, the Siamese crocodile while they have one stomach fight over food”.

“Or” *Dibi na mendibi nti funtumfunafu denkyεmfunafu wɔn afu bom nso wɔn redidi a na wɔn reko*” (lit. translates)

“It is in the context of sharing that the Siamese crocodiles fight when they are eating”.

The proverb discusses throat contentment and emphasizes the need for individuals or groups to work together. This principle states that an unequal and reasonable distribution of resources is caused by the taste of just one stakeholder. There may be a case in which the one person who could not experience the products directly through his throat fully supports the one who did. Mining companies and communities create hybrids of both African cultures and the western reality of individuals that ensure harmony and solidarity. In this epistemology, individuals may enjoy the taste of the social good. *Anoma-kokone-kone*³⁰⁸ in the Twi language of the Akan of Ghana may further shed more light on individual rights. The alternative is the philosophical connection, in terms of interdependence and independence, to the duality and polarity of the other groups under universal unity. In this essence, the mining community and the business (the

³⁰⁷Festus Boamah, How and why chiefs formalise land use in recent times: the politics of land dispossession through biofuels investments in Ghana,(Review of African Political Economy,2014), p. 406-423, DOI: 10.1080/03056244.2014.901947

³⁰⁸It is an Akan concept that literally means a bird that primarily flies upstream of the community's supply of drinking water will pollute the river by flying downstream and discovering the mess of unclean, contaminated water that the community will use. It is the worldview which shows how individual (mining community or company) actions can destruct collective personality where the society land use and environment(livelihood). It describes the private, self-centered, greedy, and careless actions made by an individual and their middle relations. A plea for fair and reliable laws, rewards and penalties, freedom and justice is necessary under such circumstances. All collective personalities contain the survival, which is regarded as the central relationship in this study, See? Dompere Kofi Kissi, Polyrythmicity Foundation of African Philosophy, (2006),p.55-57.

mining company) could be categorized as an entity opposed to the other, which could influence their relationship causing injustice, and conflict amid their social harmony. The issues which represent the holistic realities of the communities are the same that bring socio-economic justice that ensures peace-building in the mining communities.

- 3) “*Funtumfunafu denkyɛmfunafu mpo wɔn afu bom, nso wɔn redidi a na wɔn reko*” (lit. translates)
“Even though, the Siamese crocodiles have a common stomach, when they eat they fight over the food”.

Peace-building in tolerance is the suggested social standard, and it is achieved through conflicting suppression, discrimination, and equity in the share of the community goods of land. Each crocodile needs mutual relationships that ensure harmony and sustainable peace and, in this case, it is the land. The difference in the use of the land generates conflicting issues among parties and is what the study emphasizes. *Funtumfunafu-dɛnkyɛmfunafunu* concept represents the social structure of Akan where equality and hierarchy exist at the same time; the sense of individuality and collective identity are generated to coexist cohesively. While the community must create the collectivist ideal, collectivism owes it an obligation to preserve and sustain individuals' well-being. The concept of “*Funtumfuna-funu-dɛnkyɛm-funafunu*” was thus developed by the Akan to address issues of social injustice, conflict, and peace-building. Its origin represents a symbol of unity in diversity given a common destiny sharing as a case of mining operations in Africa. The concept is recognized, identified, and understood by the mining communities as their social-relational communication. On the other side, the firm Ashanti Goldfields Corporation Ltd. recognizes, identifies, and interprets the concepts as their political-economic trademark. Thoughts on identity and recognition are shared by both parties. However, they dispute how the concepts should be interpreted. The community perceives it as fundamental

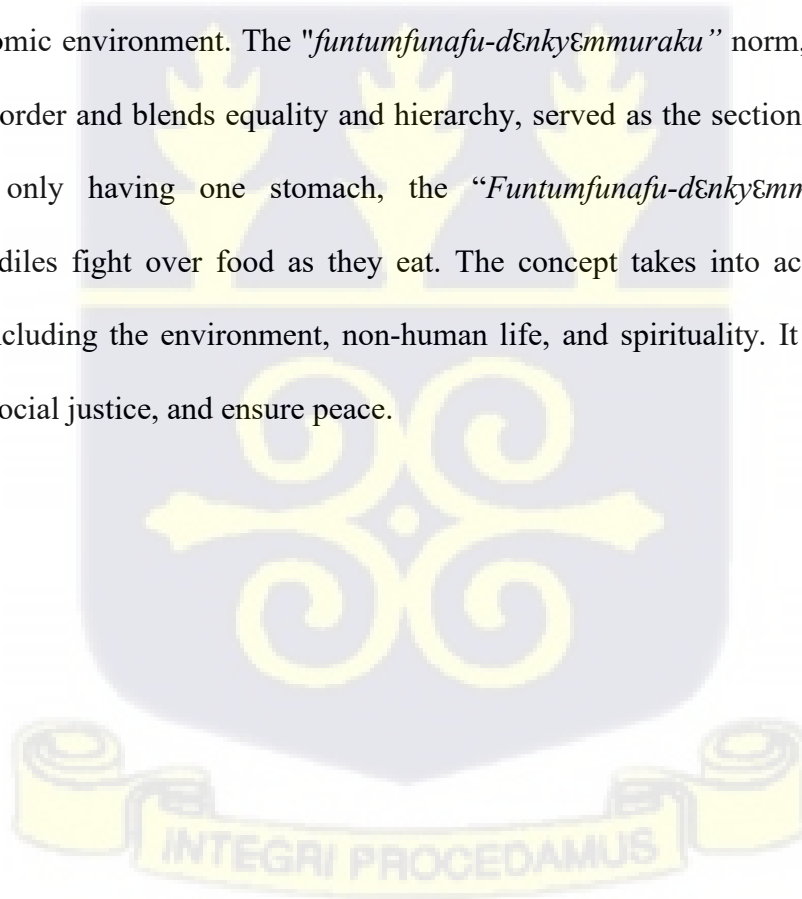
ontological nobility based on religious principles, whereas the business enterprise interprets it in terms of economic gain and profit maximization.

In short, the *funtum* notion heavily relies on the religious dimension to describe the political reality of the society regarding power, which may have an impact on the economic dimension. As the mining company's interest is to control and dominate the land resource for economic gain to maximize profit, the community intends the land for ritual purposes to facilitate both the social relation which involved both political and economic dimensions, and the reverse is the same. Socio-economic issues like religion, employment, education, and health, marriage is more than the resource they are struggling with on the same land. Although psychological battles are perceived with some amount of insecurity, the very thing which brings them together overshadows their ground for misunderstanding. Conflict and social injustice result from unfair allocation, exclusion, discrimination, and inequality existing in religious, economic, political and social dimensions in the mining company and the community interruption. Peaceful coexistence could be realized through fair redistribution of land resources and proper participation from all parties, as is the case of the *Funtumfuna-funu-dɛnkyɛm funafunu* concept, which is suitable for the study's objectives. A sustainable peace context generally deals with the problems of social inequality and conflict.

2.10 Conclusion

The chapter lays out the historical underpinnings of the indigenous mining extractions carried out by the Denkyira, Asante, Adansi, and other Akan before imperialism and colonialism. These peoples' religious world-views were quite explicit in how far their social interactions extended and how they viewed social justice, dispute resolution, and peacemaking. Social injustice and conflict are caused by unfair distribution, exclusivity, discrimination, and inequality. It further

expressed the socio-political organisation of Akans and their influence in preserving order and maintaining the Western ethnocentric biases and justifying colonial rule in pre-colonial Africa which means that, there were no written records available and classical theorists could misunderstand oral tradition. European missionaries, explorers, and merchants early claimed that Africa had no law, history, democracy, or human rights that had been ignored at the very basis of their ontological nobility. The chapter demonstrates a polarization of viewpoints on social justice, conflict, and peace-building between Africa and the West. The colonial authorities were concerned with the administration of justice and saw African customs and laws as criminal. Even though some of its rules and the way it governs are different, they are all founded on the same social and economic environment. The "*funtumfunafu-dɛnkyɛmmuraku*" norm, which represents the Akan social order and blends equality and hierarchy, served as the section's conceptual high point. Despite only having one stomach, the "*Funtumfunafu-dɛnkyɛmmuraku*" Siamese conjoined crocodiles fight over food as they eat. The concept takes into account how linked everything is, including the environment, non-human life, and spirituality. It strives to resolve conflict, create social justice, and ensure peace.



CHAPTER THREE: THE POLITICAL ECONOMY OF MINING IN ADANSI (1895-2014)

3.1 Introduction

This chapter examines the historical political economy of mining in Adansi during the pre-colonial period, colonial and post-colonial. It explores the cyclicity of historical changes in mining policies on social justice, conflict and peace-building. The chapter, therefore, focuses on the socio-economic and political relationships in Adansi and the impact of these interrelations on different individuals and governments regarding the public policy on mining. In this regard, the chapter examines negotiations between indigenous African entrepreneurs and chiefs on one hand, and the influence of the British colonial government and later transfer of concession to European businesses and their eventual takeover and colonization of mining operations in Adansi territory on the other hand.

The negotiation of mineral resources between locals' and corporate entrepreneurs from the West spans social relationships and mitigates cultural political systems in mining in Africa and Adansi. The chapter traces the historical evidence and arguments surrounding the impact of traditional authority on land allocation, which affected the livelihood and security of the mining community for the sole benefit of two negotiating parties without taking into account the majority of community members but with support from the states. An overview of Gold Coast mining before 1471 is given in the first section of the chapter. Second, it provides descriptions of some of the topics, including land distribution, the Adansi political struggle, and pre-colonial Asante gold mining. It provides information on the Asante Kingdom, Obuasi Mining, and the Mining Company, as well as the gold mining activities in Obuasi. Information for the chapter was compiled from archival sources, oral histories, interviews with significant figures, and some secondary historical research.

3.2 A History of Mining in the Gold Coast: Background and Context

In general, mining is one of the earliest human activities in Africa, with a long history as an agricultural activity.³⁰⁹ Apart from being the origin of humanity, Africa is also the birthplace of mining.³¹⁰ The world's oldest mine, a hematite mine in Swaziland's Bomvu Ridge, is found in Africa. The African continent has been acknowledged as the world's oldest and most resilient area by the United Nations.³¹¹ It is estimated to have existed for about 300 million years.³¹² The Tis mine, which dates back to the Bronze Age, is said to be 45,000 years old. Around nine thousand years before the Christian period, copper metallurgy was discovered in Mesopotamian mines.³¹³ It is now accessible to the general public.³¹⁴ Mining has a long history that predates the Stone, Bronze, and Iron Ages. The Steel Age (1780–1945) and the Nuclear Age (1945–present) are also included. The miners used simple hand tools and other techniques to remove the resources.³¹⁵ Ground control, ventilation, haulage, hoisting, illumination, and rock breakage were all done in a basic manner by the miners.³¹⁶ Early European mining specialists described a startling incident that revealed Africans on the Gold Coast had developed cutting-edge extractive technology in the 1860s that had an impact on the production of gold.³¹⁷

Further historical evidence shows the early transition of international trade in gold between the Gold Coast and other parts of the world. In the 6th and 5th centuries B.C., the Phoenicians and

³⁰⁹ Nalule, Victoria R, *Mining and the law in Africa, Exploring the social and environmental impact*, (Springer Nature Switzerland AG, 2020).

³¹⁰ *Ibid.* p. 22.

³¹¹ *Ibid.* p.23.

³¹² Yachir, F., *Mining in Africa Today: Strategies and Prospects* (Vol. 4). (United Nations University Press, 1988).

³¹³ *Ibid.* p.20.

³¹⁴ *Ibid.* 22.

³¹⁵ William Peters, *The Gold Trade and the Gold Mining of the 15th to 18th Century at the Gold Coast (Ghana) and the activities of the (Brandenburg-Prussians, 1986).*

³¹⁶ *Ibid.* p.12.

³¹⁷ Raymond E. Dumett, *El Dorado in West Africa: The Gold-mining Frontier, African Labour, and Colonial Capitalism in the Gold Coast, 1875-1900*, (Athens: Ohio University Press, 1998), pp. 56-58.

Carthaginians brought the first gold from Guinea, precisely the Gold Coast, to Europe.³¹⁸ In the 9th century A.D., the Saracens constructed land connections from West Africa to the Mediterranean via Timbouctou purposely to trade.³¹⁹ West Africa, particularly the Gold Coast, was known in Europe as a gold producer. The gold currency of Portugal, Spain, and Italy in the 14th and 15th centuries was almost completely made of West African gold. In 1455/56, the Venetian Cada Mosto took part in trading expeditions to West Africa via ship.³²⁰ Attempts were made by the Venetian Cada Mosto in the 18th century to restrict trade with gold-producing kingdoms in West Africa. On the Iberian Peninsula, the battle between the Moores and the Saracens resulted in a series of futile attempts to halt the trade. The landing of the Portuguese on the Gold Coast in 1471 is only recorded in history.³²¹ Dieppe-based seamen are claimed to have arrived on the Gold Coast in 1364 and erected a stronghold at Elmina in 1413.³²² The Portuguese made their way to Gold Coast. In 1482, at the mouth of the Pra River at Shama,³²³ Portuguese traders began trading in gold dust. As a result, the castle SAO JORGE DA MINA (later Elmina) was built in Cape Three Points. Captain Thomas Wyndham (Windham), who arrived on the Gold Coast in 1553 and carried 150 pounds of gold to England, was the first Englishman then.³²⁴ When trading efforts began in 1530-1553, the French became the first rivals. A French ship stopped at Cape Three Points in 1542 and returned with 1000 ounces of gold. The first Dutch seaman named Barend Erickszoon arrived on the Gold Coast in 1590 but was arrested by the Portuguese

³¹⁸ Astley, T.: Collection of Voyages and Travels, 1745 5. Ward, W.E.F.: A History of Ghana (London, 1966).p. 6.

³¹⁹ Ibid.p.2

³²⁰ Fage, J.D.: An Introduction to the History of West Africa (Cambridge, 1955), 7: cited in Astley, T.: Collection of Voyages and Travels, 1745 5. Ward, W.E.F.: A History of Ghana (London, 1966), pp. 6.

³²¹ Ibid, pp. 2-9

³²² Ibid. p. 10.

³²³ Daaku, K.Y.: Trade and Politics on the Gold Coast (Oxford, 1970), Seite 17 von 19 8.

³²⁴ Brun, S.: Schiffahrten in etliche neue Laender und Insulen (Sea Travels in Several New Countries and Insulas) (Basel 1624, reprinted Graz 1969).p. 9.

traders.³²⁵ The sailor brought back gold that, at the time, changed the fortunes of the Netherlands in 1593 when they went on a formal date on the Gold Coast. The Dutch West Indian Trading Company was founded in 1629. All gold used by Dutch mints originated from Guinea/Gold Coast between 1600 and 1630. Between 1637 and 1642, the Portuguese were ejected from their Gold Coast territories. In 1629, the Dutch West Indies Trading Company was established. All gold used by the Dutch mints between 1600 and 1630 originated from Guinea/Gold Coast.³²⁶ Between 1637 and 1642, the Portuguese were pushed out of their Gold Coast lands.³²⁷ From the 15th through the 17th centuries, European forces were restricted to coastal areas alone. Due to their trading activity, it is reasonable to believe that they were heavily reliant on local African powers for the production of gold.³²⁸ They could only enforce within the firing range of their forts and castles' cannons. There were more economic activities both internal and external, influenced by gold production. In the late 1870s, a large influx of new miners flocked to the Wassa Goldfields. However, this contradicted popular tales and later political history of the Gold Coast/Ghana.³²⁹ The image passed down is of a heroic European prospector leading the first wave of commercial mining. The Wassas, as well as Ahanta and Gwira, had miner-cultivators.³³⁰ The majority appear to have originated in Nzema, a coastal state, West of the Ankobra River. They continued to mine in well-known sites from 1875 through 1880.³³¹ One of Africa's most well-known mines is the Tarkwa in Zambia.³³² During the peak of the mining season in the 1880s and 1890s, it was once home to more than people working. From 1879 through, M. J. Bonnat, a

³²⁵Winfried Peters, *Gold Trade and Gold Mining in the 15th to 18th Century at the Gold Coast (Ghana) and the Activities of the Brandenburg Prussians*, (German in the *Zeitschrift der Foerderer des Bergbaus und des Huettenwesens*, Nr. 1, 20. Jahrgang, 2001), pp.2-4.

³²⁶Ibid, p. 3

³²⁷Mueller, W.J.: *Die Africanische auf der Guineischen Gold-Cust gelegene Landschaft Fetu (The African Country Fetu Situated on the Gold Coast of Guinea)* ((Hamburg, 1673, reprinted Graz 1968).p. 10.

³²⁸Ibid.,p.4

³²⁹Ibid, pp.87-88.

³³⁰Ibid, pp.7-9

³³¹Ibid, pp.3-5

³³²Ibid, pp.2-7

French explorer, worked there and employed about 13 hands.³³³ The 1897 Concession was the first foreign Asante mines by Europeans after two centuries of the Kingdom followed by the mining rush that attracted more than twenty companies. Control and power were still in the hands of traditional, without their attached role as dominant in mining.

3.3 Political Organisation of Asante

The history of political negotiation for Asante territory re-emphasises the already favourable economic opportunity for such affirmation of trading and extraction of gold and ivory from the forest, South of the Guinean state or Gold Coast Forest area. The resources needed to execute the *Kingdom Territory Agenda* on the trading and extraction of gold for arms among others which were indigenously generated in the late 16th Century were not far-fetched. The Asante Territory had an ethnic identity with distinct allocation of land resources in line with “*Nton*”³³⁴ and *Abusia*”³³⁵ and with different names but simply unified with a one common language “Twi”. Among the sub-states were Asumegya, Bekwai, Kokofu, Dwaben, Kumawu, Mampong, Kwaman and Nsuta.³³⁶ There were some elements of similarity in law, customs, faith and worship, common language and, finally, a clear allegiance to their Sacred Golden Stool were their ultimate service.³³⁷ The union was a military union with economic motivational expansion and some aspect of political influence. Aside the original military union, the common purpose which won them more territories was trading in ivories and gold. Although some historians

³³³Ibids,pp, 4-6

³³⁴The Asante patrilineal bond is known as Nton (Ntoro) which represents the spirit of the child and normally there are twelve namely, Bosomptra, Bosomafram, Bosomtwe, Busumuru, Bosomnketia, Bosomafi, Bosomsika, Bosomakom, Bosomayensu, Bosomkrete, Bosomdwere, and Bosompo. Capt. R.S. Rattray, Religion & Art in (Ashanti, 1969), p.51.

³³⁵This represents the matrilinear line which represents their forms of inheritance and they are eight in number namely; Aduana, Asona, Agona, Asene, Asakyiri, Bretuo, Kuona of which marriages contracted are not permitted within it. Capt. R.S. Rattray, Religion & Art in Ashanti, 1969, p.51. Abusua is the blood that reflects the mother’s clan of which one belongs.

³³⁶Fynn, J.K., ‘Ghana-Ashante (Ashanti)’, in M. Crowder (ed.), West African Resistance: The Military responses to Colonial Occupation, 1971), p.19.

³³⁷Casely-Hayford, Gold Coast Native Institution with Thought Upon A Healthy Imperial Policy for the Gold Coast and Ashanti, (Chancery Line, London, 1903), pp.20-22.

vehemently mention their involvement in the slave trade, their oral history just differs that the trade was only “deviant war captives” who could even fail in social and traditional programs.³³⁸ Their set-plan for action was the defeat of the Denkyira at Feyiase in May 1701 where Asantes with the able leadership of Otumfuo Osei-Tutu I of Kwaman (Kumasi) and his advisers Okomfo Anokye³³⁹ defeated the powerful Kingdom which was then occupied by the Denkyiras in Twi-speaking forest Akans of the River Prah Basin.³⁴⁰ Denkyira’s migrated from Adansi who hailed from Akrokyere but had their independence between 1660 and 1690 and ³⁴¹automatically the rest of the Adansi were existing as separate autonomous states. Though scholars like Ofosu-Mensah attested to the Denkyira independence in 1689,³⁴² it is not implausible that the Denkyira independence took place around the same time 1889/1890 by scholars.

During this period, the possessions of gold trading from the European secured them enough ammunition which enhanced the Kingdom’s power and made them strong among the Akans in the forest area. Apart from the original division of the Asantes, the territory includes the Gonja, Dagomba, Denkyira, Adansi, Asante Akyem, Assin, Sefwi, Aowin, Wassa, Akuapem, Akwamu,

³³⁸The terms "war captive" and "slaves" are equivalent in Asante. War captives were always given the opportunity to reintegrate through their service to the Golden Stool. Normally, their dishonorable condition might be changed to honorable in hard work of services. For example, the golden stool Abrempong’s, whose succession plans are patrilinear, were founded by male captives who earned the title "Baffour," which means "Boafo," which means "helpers." Currently, the DDR peacekeeping method for war captives has a lot of similarities. The Asante approach could be found in their maxim of ‘akoa hunu nan sa hohoroa wene ne wora dede’ this means when a slave behaves, he can get equally with his masters. To the Asante if you fail the test, you are a rebel and not fit in their society but a different society, but one approach is placing you outside the rivalry of which individual servant has made economic capital their desired option. When their servant fails the test, they are automatically out, despite their belief that human beings constitute a greater society and a stronger political force. Their main source of income was gold trading, not slave trade, though the individual Asante did trade human beings for their own parochial interest not the kingdom as a whole.

³³⁹ Ibid.p. 20

³⁴⁰Kea, R. A., Firearms and Warfare on the Gold Coast and Slave Coasts from the Sixteenth to the Nineteenth Centuries. (Journal of African History, 1971), pp.185-213.

³⁴¹McCaskie, T.C. Asante, Kingdom of Gold: Essays in the History of African Culture , The Creation of Asanti Goldfields Corporation , Ltd., 1890-1910: An Episode in the Colonial Impact Upon Asante, Carolina Academic Press, (Durham, North Carolina, 2015),pp 46-52.

³⁴² Ofosu-Mensah, A. E, Gold Mining and Socio-economic development in Obuasi Adansi, (African Journal of History and Culture Vol. 3(4), pp. 54-64, May 2011) Available online at <http://www.academicjournals.org/AJHC>ISSN 2141-6672 ©2011 Academic Journals.

Ga-Adangbe and the members of the Bono state.³⁴³ The Adansi state was among the Asante Kingdom before the Feyiase War in 1699. It was under Denkyira and as the rules of conquerors would determine or apply, it became an automatic part of Asante as had already mentioned and strictly paid allegiance to the Golden Stool.³⁴⁴ The Asante Kingdom Union's challenges came in 1874 after the Kingdom arrested people of different colours and some African war captives to Kumasi which was negotiated in monetary terms but Asante's central leadership woefully refused to set captives free, based on their earlier experience. It was also the same period that Gold Coast was taken over by the British Empire followed by the infusion of gold mining operations and other necessary infrastructural investments in the colony.³⁴⁵ Nana Afia Kobi I, the then queen advised his son Otumfuo Kofi Kakari, the Asantehene, to fulfil the part of the negotiations by setting the war captive free which includes Presbyterian leaders (Rev. Ramseyer and family) among others.³⁴⁶ The misunderstanding and disagreement were at the centre of the defeat of what some scholars called the SAGRANTI War in 1874 of the Asantes by the Europeans and many Asante soldiers and leaders were killed. It was the beginning of the civil war between 1874-1888 that weakened the Asante Territory³⁴⁷ but to J.S. Coleman, it was a state with equality in an international state system.³⁴⁸ In the midst of this disagreement, the British Colony recruited some people from African colonies; these were Hausas from Nigeria and other African soldiers from the Gold Coast who assisted in the attack on Asante Territory. As a result of the British Colony's victory over the Asante, a treaty defining the type of recompense for the Asante's defeat

³⁴³ Ibid. pp. 63-74.

³⁴⁴ Ofosu-Mensah, A. E. Gold Mining and Socio-economic development in Obuasi Adansi, African, (Journal of History and Culture Vol. 3(4), 2011), pp. 54-64. May 2011 Available online at <http://www.academicjournals.org/AJHCISSN> 2141-6672 ©2011 Academic Journals

³⁴⁵ Konings Piet, The Political Potentials of Ghanaian Miners: A case study of the AGC workers at Obuasi, (Afrika-studiecentrum, Leiden. 1979), p.5. cited Handbook, R. and Arn, J. op-cit., 1977.

³⁴⁶ Ibid. p. 58

³⁴⁷ Arhin, K.: Succession and Gold Mining at Manso.Nkwanta (Research Review 6, 1970), pp. 101-109 13.

³⁴⁸ Coleman J, S, Nigeria: Background to nationalism (Los Angeles, pp. 169-70 . SEE for example, Prempeh's dignified claim to remain independent as old'p, 281, below. The fact that Asante was not a sufficiently large unit to stand alone in the modern world does not affect the argument.

was signed at Fomena-Adansi by the British Colony and Asante Territory. It took the Asantes by surprise at the strategy adopted by the British with some African soldiers being defeated. Unlike other African states, Kingdoms like the Zulu in 1897 which took around six months for their defeat, it took the British two centuries 1807-1900 to conquer the Asante.³⁴⁹ If Asante had early been informed, they would have negotiated this battle rather than engaged in the war since more of their soldiers had not returned from the war at the same time. The inter-conflict within the Kingdom widened proposing the overthrow of the then Otumfuo Kofi Kakari by the Oyoko Family and the Asanteman Traditional Council; the reason was that there had been a breakdown of an Oath of the ancestors and the gods that accept that in death and sickness he would always stand and defend the Asante Kingdom.³⁵⁰ Secondly, the king did not obey his mother's advice, the Queen of Asante, to send back the *captives of war* when compensation had already been promised by the colonial secretary. Otumfuo Kofi Kakari did not properly negotiate with other sub-states who are tired of the Asante Kingdom's dominations. King Kofi Kakari refused to fight the battle that could have caused the Asantes to lose their power and kingdom forever. The people assumed the lost battle to be an offense to their leader by the ancestral and the Golden Stool. Lastly, the king allegedly took over the sacred traditional treasures from the ancestral treasury from the "Baamu"³⁵¹ and gave them to his wives. This was a major concern against the matrilineal society of the Asante Kingdom. The Native Authority was built on principal federal

³⁴⁹Konings Piet, *The Political Potentials of Ghanaian Miners: A case study of the AGC workers at Obuasi*, (Afrika-studiecentrum, Leiden. 1979), p.5. cited Sandbook, R. and Arn, J. *op-cit.*, (1977).

³⁵⁰ Robert Earl Hamilton, *Asante 1895-1900, Prulude of War*, Published PhD thesis, Northwestern University, (Evanston, Illinois, 1978).

³⁵¹A particular grave for the town's or community's royalty is called a "Baamu" in the Akan language. It is customary for the paramount and other chief stools to have a designated chief who is in charge of seeing to it that the chiefs or anyone else who meets the requirements for being a chief is buried. Males are typically prohibited from visiting the "Baamu", although with the consent of the chief in charge of the location, the queen, the chief, and other royal women who do not necessarily qualify as queens are permitted to do so.

systems of government Native Authority which operated from paramountcy.³⁵² The natural process that is distinct from the self-preservation for statesmanship³⁵³ of the Native Authorities was perfect in the Asante Kingdom. The principal Federal State was similar to the Fante State which was also made of a combination of sub-states. The rational nature of the local institutions was an intelligent and valiant use-values system. Moral principles were used to guide the resolution of their differences. The political causes had economic and social-relational challenges that affected the dynamic expansion of the territory.

The Asante believed that the earth had power or spirit of its own which could be helpful if propitiated or harmful if neglected.³⁵⁴ Any activity on the land would demand a sacrifice of food, blood, and libation.³⁵⁵ The owner of the land is under constant watch by the ancestors who guide the land for proper usage.³⁵⁶ A personal belief system in Akan society affected how the extraction of minerals was done and the result from the land. Various activities were reported to the traditional authorities who then prayed first before every operation takes place. It is only in extreme conditions that a person would disrespect land and water bodies without recognition.

³⁵²Casely Hayford, *The Coast Native Institution with, Thoughts Upon A Healthy Imperial Policy for the Gold Coast and Ashante*, Sweet Maxwell Ltd. & Chancery Lane, (London W.C, 1903), pp. 21-24.

³⁵³Ibid, p. 23.

³⁵⁴Busia, K.A., *The position of the chief in the modern political system of Asante*. (London, 1968) Frank Cass, p.45; Daaku, K. Y. "Pre-Ashanti States." (Ghana Notes and Queries, 1966), pp. 10-13.

³⁵⁵ Ibid.p. 215, Rattary

³⁵⁶Land management was a belief system that if you do not treat the land by any group or individual the owners would call you back home to answer a question, this normally puts fear on the human relationship of landowners who are always the ones occupying the stool. The stool stewardship link is between the ancestral and living and in trust for the unborn (Busia, 1951). In every Adansi community, the land belongs to the chief. The relationship of Akans miners to their land is so sacred in a more respected manner and profound as one relating to following a human (Daaku,1975). The land was considered as part of the lesser gods and regarded as the next to the supreme being. The worldview on land positions is as a mother of the universe while the heavenly part is the father. It is called mother in figurative terms by some Africans because of its reproductive role. Therefore, some of its first fruits are normally sacrificed for her to show appreciation and respect in recognition. On some occasions, animals like fowls and sheep are used to purify the land when it's defined by one committing adultery or fornication in the bush that part of the land. Sometimes when digging a grave or digging the land for any other activities, one kindly first ought to seek her permission and at times its negative usage resulted from human action claims to be the course of its fertility and unsuccessful operation like famine could also be attributed to the anger of the land. Other water bodies and resources are believed to be treated with dignity and respect on the land. Some Africans believe that is inhabited, by plants, animals harboured beasts, strange insects, and other spiritual beings. She could often incite evil against living beings when they go contrary to its tenets in their relationship. It could also be used as a space for safe-haven for social economic and political reasons. In effect, human activities on land have affected livelihood in both negative and positive ways. It is of this essence that the first sustainable development goal emphasises access to land because of its effect on their livelihood. The kind of respect for the dignity of land usage was guided against a person's interruption with the land.

This idea guided their foreign policy which woefully discriminates against a Whiteman in access to their land with respect to mission and schools without excluding gold production.³⁵⁷ According to Asantehene in March, 1896. “No Whiteman has ever been allowed to dig for gold; neither English, French, Dutch, and German.”³⁵⁸ Even other Akan’s allocation of land was done concerning human dignity and inclusion. The land policy was limited only by indigenous people and supervised by the entire community and their ancestors and gods in general and also worked towards only their benefit.

3.4 Gold Mining in the Asante Kingdom

In history, the essentials of place and period are regularly critical. This study of Obuasi as the Adanse from the forest zone in the Asante Kingdom has a significant role. Mining significantly increased the populations of some communities such as Manso, Adansi and Konongo. There were more innovative technology tools which increased industrial production from 1888-1903.³⁵⁹ The basic form of labour was the conjugal family.³⁶⁰ Taxation generated a platform to ensure the development and peaceful co-existence of the people in the mining areas. Internal and external economic transactions including money lending enhanced the local economy in Asante Territory. The first part began with the Asante Kingdom land resource acquisition for mining and its regulation that ensured tolerance and consensus in the atmosphere of co-existence followed by colonial rule from 1890 to 1902. The spill over effect among the Western State to annex African resources brought the First World War from 1914-1918. The second period also ensured the relapse from the first world and the influencer pandemic in 1918, leading to the Second World

³⁵⁷Ayowa Afrifa-Taylor, *An Economic History of the Ashanti Goldfields Corporation, 1895-2004: Land, Labour, Capital and Enterprise*, A Published PhD Thesis, University of London, School of Economics and Politics, 2006, p.46; cited from Garrard (1980), p.140.

³⁵⁸McCaskie, T.C., 'Innovational eclecticism: the Asante empire and Europe in the nineteenth century', (*Comparative Studies in Society and History*, 14, 1, 1972), pp. 30-45; Wilks, I. *Asante in the Nineteenth Century: The Structure and Evolution of a Political Order*. (New York: Cambridge University Press.1975), pp. 202-204.

³⁵⁹ *Ibid*, p.24.

³⁶⁰Arhin, Kwame,., *Succession and Gold Mining at Manso.Nkwanta* (*Research Review* 6, 1970), pp. 101-109 13

War beginning and ending and its effect on the legal system in mining communities. The third part also ensured independence through the republican statutes and forms of legal systems in mining in Obuasi that was ensuring peaceful co-existing. The last point were the activities that led the four republics and their lesson to ensure social contract mitigating factors in Obuasi. This situation made the company fold up as against issues negotiated for harmonious co-existence. Firstly, study chooses Obuasi communities because of their one-hundred and twenty-five years of experience in the commercial operation of mining as some other communities in the area were established after the mining operation and processes. Secondly, the transitional nature of African mining operations and negotiations ensured harmonious co-existence before foreign control. The various forms of conflict emanated from the local people, Ashanti Kingdom, European domination and independent Africa. Thirdly, the study chooses Obuasi because of its transition record of history and legal structure in the acquisition of land from the Denkyira Kingdom to the Asante Kingdom to the colonial Gold Coast State and Ghana as a whole. Clearly are the multifaceted challenges of migration and industrial labour actions. Fourthly, for the period of mining, the socio-political, ecological and cultural conflict has shaped its vulnerability and resilience factors to this period and mitigation strategies that other extractive industries could tease out to shape their legal framework within the period of the study.

3.5 Obuasi Mining Community and the Asante Gold-mining Company

The Mining operation in Obuasi started with three local coastal Fanti business partners namely; Joseph Ettruson Ellis, Chief Joseph Edward Binney and Joseph Prince Brown. Dumett called them African middle-class mining promoters of the central coastal states³⁶¹ who gain some insight into the shift from pioneering states of mining development in the twentieth century

³⁶¹Raymond E. Dumett, *El Dorado in Africa West Africa, The Gold-Mining Frontier. African Labor, and Colonial Capitalism in Gold Coast, 1875-1900*, (Ohia University Press, 1998), p. 280.

which opened up the Kingdom of Asante industrialised gold mining³⁶² activities. These three Fante entrepreneurs already mentioned were not the only local business entities from the Coast in gold business and trading; others include; Messrs James Amissah, James Horton Brew, John Mensah Sarbah, F.C. Grant, W. S. Kwesi Johnson, Jacob W. Sey, George Blankson and Joseph Dawson.

These people were all merchants dealing with gold, cocoa and rubber business in the Gold Coast. Dumett again classified them as “Africa middle-class participation in the first gold rush”³⁶³ on the continent. Though, as admitted by many history records, cocoa production gained more scholarly attention than gold production³⁶⁴. The history of Obuasi mines shows that the three Fante businessmen used religion and the political situation in the Asante territory to gain enough access to the mining land.³⁶⁵ The role of Adansi entrepreneurs including chiefs in mining business in the forest areas had few records in many historical and anthropological studies,³⁶⁶ though only a few Fante businessmen mentioned were from Cape Coast. Some few forest traders and gold merchants from the forest areas in central Asante territories who assisted some chiefs had little historical information on their role in the gold business.

Strangely, some historians claimed, it was Edwin Arthur Cade who got a concession from Bekwaihene and Adansihene. Meanwhile, the concession contracts of the three Fante business

³⁶²Ibid, p. 280

³⁶³E. Dumett, *El Dorado in West Africa: The Gold-mining Frontier, African Labour, and Colonial Capitalism in the Gold Coast, 1875-1900*, Athens: (Ohio University Press, 1998), pp. 280-3. As early as 1861, a Fante entrepreneur, Thomas Hughes had invested in European mining machinery only to be thwarted in its use by a chief's suspicion and superstition — T. F. Garrard, *Akan Weights and the Gold Trade*, London: Longman, 1980, p. 144.

³⁶⁴Ayowa Afrifa-Taylor, *An Economic History of the Ashanti Goldfields Corporation, 1895-2004: Land, Labour, Capital and Enterprise*, A Published PhD Thesis University of (London, School of Economics and Politics, 2006), pp.12; Raymond E. Dumett, *El Dorado in West Africa: The Gold-mining Frontier, African Labour, and Colonial Capitalism in the Gold Coast, 1875-1900*, Athens: (Ohio University Press, 1998), pp. 280-3. As early as 1861, a Fante entrepreneur, Thomas Hughes had invested in European mining machinery only to be thwarted in its use by a chief's suspicion and superstition — T. F. Garrard, *Akan Weights and the Gold Trade*, (London: Longman, 1980), p. 144.

³⁶⁵Methodist Missionary Society, London, Somerville to Hartley, dd. Bekwai 20th April 1896.

³⁶⁶Ibid.p.123.

entrepreneurs who allegedly signed the concession officially engaged a transfer process to Cade on 25th August 1895.³⁶⁷ The alleged two Indentures were signed on 1st August 1895 and 15th August 1895 in Bekwai and Adansi sub-states of Asante territory respectively.³⁶⁸ Followed by the total handing over of Ellis Mining Company to Cote d'Or Co. Ltd. Bekwai and Adansi were then sub-states of the Asante Kingdom overseeing all the affairs of the area proposed for the mining activities. After five years, Nana Yaw Boakye the then Bekwaihene allegedly endorsed the Indenture on 1st August 1885 if even any, an acceptable annual fee charge of 133 Pound Sterling was the agreement. Meanwhile, Adansihene from the same document received 66 Pounds Sterling per annum. The elders who signed another alleged Indenture (if at all there was any) with the chief were afraid, as reported by McCaskie,³⁶⁹ because of the following reasons: The installation stool of "Abakumagya" for the Otumfuo Agyemang Prempeh I on 26th March 1888 in the presence of Mr. Barnett in the midnight,³⁷⁰ had called for the reunion of the confederacy since the civil war in 1884. Bekwai, the state with whom had supported Otumfuo Agyeman Prempeh I had good relationship already and could have appropriately consulted the Asantehene before the contract was signed by the elders. The Adansi had already wanted the Gold Coast colony to support its independence from the Asante Kingdom, therefore there was no good relationship between the Bekwai State and them. Bekwai and Adansi had already received the colonial flag of the Gold Coast and feared the Asante Kingdom's response to their attempt at a reunion.

³⁶⁷Dumett,R.E. *El Dorado in West Africa: The Gold-mining Frontier, African Labour, and Colonial Capitalism in the Gold Coast, 1875-1900*, (1998).

³⁶⁸ PRAAD, Kumasi, ARG 3/5/7 Mines in Asante Territory

³⁶⁹McCaskie, T.C. *Asante, Kingdom of Gold, Easy in the History of African Cultural, The Creation of Ashanti Goldfields Corporation, Ltd., 1890-1910: An Episode in the Colonial Impact Upon Asante*, 2015, pp. 46-52.

³⁷⁰ Fuller, Francis Charles. *A Vanished Dynasty. * Ashanti*. (London: J. Murray, 1921).

The form of relationship between the chiefs and producers took a similar system evolving in agriculture activities as “*Abusa*” was adapted in mining operations.³⁷¹ Terms in the land contract in the “*Abusa*” and “*Abunu*” system are already known to have its original place with the Fante businessman, and Edwin Arthur Cade partners being charged with the annual fee was not too clear to the elders. Lastly, there were already mining operations on the concessional land of which the elders were aware by the central government of the Asante Kingdom and Bekwaihene. An attempt of giving it out means, a third party who was a total betrayer of stewardship to the territory was in the knowledge of Smith and Cade. It is the last reason that Asantehene had overall authority over the land but processed to dismiss this protocol but quietly drafted a document partially different from the original contract. The drafted revised 1895 1st and 15th August lease by Edwin Arthur Cade was a clear demonstration of the spirit of the Land bill already rejected by the Gold Coast colony in 1889, as a measure of the contract in 1897 lease of the same land. Two weeks after, on 15th August 1895, the Adansihene Nana Kwaku Nkansah who was old and blind³⁷² returned from exile in Assin town called Brasarkwun and was confronted by these business entrepreneurs and Edwin Arthur Cade to support the lease with the charge of 66 pounds per annum on the land use in mining operation. Bekwai Chief allegedly had done these on behalf of the Asante Kingdom or Asanteman Council. It was discovered that the Asante government was not aware of this development and investigated the visit of Edwin Arthur Cade and the role of the Bekwaihene without direct consultation with the Asante Kingdom.

³⁷¹Ofosu-Mensah, Ababio Emmanuel, *Mining in Colonial: Extractive Capitalism and its Social Benefits in Akyem Abuakwa under Nana Ofori Atta I*, Indiana University Press, Vol. 63, 2016, pp.23-55 cited from silver, Jim. 1981. *The failure of Primitive Accumulation: European Gold Mining in the Nineteenth-Century Gold Coast*. *Journal of African History* 22:511–21.

³⁷²McCaskie, Tom, C. *Asante, Kingdom of Gold, Easy in the History of African Cultural, The Creation of Ashanti Goldfields Corporation, Ltd., 1890-1910: (An Episode in the Colonial Impact Upon Asante, 2015)*, p. 46.

The issues of whether these actions were legitimate or illegitimate are explained as follows. Before this period, 1886, Bekwaihene Nana Yaw Gyamfi acting as pro-Kumasi forces had compelled the then Adansihene to Assin for refuge 1886.³⁷³ The second school of thought claim that the constant resistance of the Adansis to accept the realities that the Asante Kingdom (since they conquered the Denkyira in the Feyiase War in 1701), made the Adansi automatic territory should not be difficult to accept being part of the Asante territories but always rebel against the kingdom and seek refuge from the Gold Coast Colony.³⁷⁴ Lastly, the political instability that the Asante Kingdom faced, which other historians classified as a civil war within the confederation, created a lacuna that Bekwaihene was struggling to have his independence from the power of the Asante territory taking advantage of the fragility of the central government. The dispute intervention as was reported to have been promised that later turned to be allocation of 100square meters of land needs further desirable interrogation. It was so clear that gold mining was a sacred profession since it related to land thus Bekwaihene's quest to receive more nuggets could make him more and more powerful.

After operating for five years, the concession was transferred to Cote d'Or Co. Ltd., owned by an English merchant, Edwin Arthur Cade, and his shareholders the gold merchants, who met the three brothers on the gold transactions in Cape Coast and expressed interest to buy the Ellen Mines Company. The transaction later became successful, leading to the change of name to Cote D'Or Co. Ltd. on 27th August 1895 when the Fante businessman finally accepted the proposal to sell their mining company to AGC. The company's name Asante Goldfields Corporation was incorporated in 1896 as its business operational name, prepared by Edwin Arthur Cade for the

³⁷³Rev. Fritz Ramseyer, *Dark and Stormy Days in Kumasi 1900, Missionary Experience in Ashanti*, S. W. Partridge & Co., (London, 1901).

³⁷⁴ Ofosu-Mensah, E. A., *Gold Mining in Adansi* ResearchGate; (2017).

easy identification of the field. Later, documents expressed the fact that Bekwai and Adansi were both under the Gold Coast but with the British ³⁷⁵supervision that prepared the grounds for the takeover of the company.

The final lease by the Governor Maxwell company in 1897 after Asante Colony had been part of a Gold Coast colony a year after Otumfuo Agyeman Prempeh I and his elders were taken to a foreign land by the colonial government. Unlike the Gold Coast colonial government who officially signed Memoranda of Understanding by the Gold Coaster, the Asante Colony had no official legal document to show that they had annexed the Gold Coast through British rule not until 26th September 1901 but the Office was integrated in early 1902. The taking over of the Asante King was not a battle but a self-sacrifice of a good leader for his Kingdom, according to Asante Oral history and proverbs.³⁷⁶What was behind the owing out was that the King thought he had offended the Golden Stool since there were so many controversies surrounding his enstoolment as a king.³⁷⁷ It was not subjugation since there were no wars and soldiers to resist during this period. Thus, in 1874 and 1896 the Asantes did not fight any battle with the Europeans. According to Asante customs and traditions unless a chief is destooled one cannot substitute life leaders. In Asante's reality, their chief was still their leader which is why they surrounded him with more subjects when he was moved to the Elmina Castle and later to Senegambia. Indeed, while his there, his subject were still loyal to him. Eventually, relocated to Seychelles Island, based on this assumption so that he could be out of access to his people. The claim by many historians on the defeat of the Asante Kingdom does not reflect the reality. This is because, oral history records proved there was no battle between the British and Asante in the

³⁷⁵GH- PRAAD, Kumasi, ARG 3/2/1 Adanse Native Affairs (1968-1931).

³⁷⁶Interview with Nana Safo Kantanka (Manhyia historian) on 03/24/2020 at Manhyia Palace

³⁷⁷ Interview with Kokofuhene Barima Offei Kwasi Okogyesu 11 in 01/03/2021.

first place in 1896. What happened in these two instances was the acceptance of internal conflict intervention in post-conflict peace-building by external stakeholders and the willingness to accept their intervention. The former case was the misunderstanding internally that had called for external conflict that and created an avenue for external taking over of their territory and to construct a name for the European as “Abrxofuo” not “Xbronii”.³⁷⁸ Although many people lost their lives as a result of defences, it later became accusations to overthrow the Otumfuo Kofi Kakari. Despite the fact that, King Kofi Kakari had a reason to allow this conflict, he had little opportunity to defend his people. The 1896 invasion of the British colonies was so critical that other scholars classified it as a civil war and invasion or as foreign intervention in the Asante Kingdom.

The reasons why there was no gun shot were as follows: though Bowditch had a camera and captured many events, it was only when he saw Otumfuo Agyemang Prempeh I; it showed preconceived misrepresentation of the actual report on the incident. Prempeh knew that for persons to be enstooled as King, they should not be light-skinned, but he was; so, he believes he had offended the ancestors and the gods but was ready to face the consequences without allowing any person to perish in the Kingdom even if any. Some historians claimed that it was a taking over of the Kingdom. The realities of the Asante, even up till today, are different and I beg to differ from the content and contexts of many political historians. The 1900 battle, led by Yaa Asantewaa bore this fact. The situation that currents post-conflict reconstruction theories and state-building concepts faced internationally and locally was the external stakeholders. The

³⁷⁸The word “Obroni” until recently had attracted two schools of thought to its meaning, Abr0) in twi language means where there is more water such as muddy or wet places. Aburo refers to horizon, that curvature of the earth we see as far as the eye permit us, it is much clearer on the Coast. Aburokyire refers to place behind the Aburo where the whites came from. Thing related to them are imported. Examples of imported products are plantain “Brodie” pineapple “Aprobe”. The second meaning of the word “abro nipa” that is wicked person, a trickster, one who frustrates or one who cannot be trusted which is what is what our ancestors generally called Europeans based on their general behavior back then.

external stakeholders cannot take over the state apparatus as the Asantes believe but to imperialist ideals it is a ‘taking over’ that had imprisoned many states from their independence till now. The Asantes believed that their internal conflicts followed the invasion of 1874 by the prepared conflict as a result of their unprepared conflicts coupled with disunity from 1884 to 1888. The central argument of the study is the extent to which mining had been negotiated and managed through conflict, social injustice and issues that had ensured sustainable peace within four epochs (1890-1929), (1929-1945), (1945-1975) and (1975-2014).

The Asante Kingdom was much endowed with the richest gold deposit, and; the two sub-states Adansi and Bekwai overlapped with the resources in Obuasi mines.³⁷⁹ The mining had two types of African gold seekers in the past namely: peasant farmers (from Asante and more distant areas), whose operation on mining gold on a small scale for seasonal activities to supplement their subsistence agriculture, and a group of westernised coastal African entrepreneurs³⁸⁰.

3.6 An Overview of Adansi Political History

According to traditional Akan cosmology, the place where God started the creation of the whole world was Adansi which emerged during the twelfth century AD.³⁸¹ It was the first state that emerged from the forest of Ghana³⁸² after the Bono and Akwamu states. Their political organisation was not too strong and, with a complex military structure lacking, resulting in the virtual weakness of the Adansi States. The capital of the Adansis was Adansimanso which was

³⁷⁹Ofori Mensah, E.A Gold Mining in Adanse, Pre-colonial and Modern. Unpublished Mphil Dissertation, Department of History, (University of Ghana,1999), pp.18-22

³⁸⁰Dumett, Raymond E., Source of Mining Company History in African: The History and Records of Goldfields Corporations (Ghana) Ltd, (Business history Review, Vol. 62, No.3 Autumn, 1988), pp. 502-515.

³⁸¹Ofori Mensah, Emmanuel, Mining in Colonial: Extractive Capitalism and its Social Benefits in Akyem Abuakwa under Nana Ofori Atta 1, (Indiana University Press, Vol. 63, 2016), pp.23-55 cited from silver, Jim. 1981. The failure of Primitive Accumulation: European Gold Mining in the Nineteenth-Century Gold Coast. *Journal of African History* 22:511–21; Cited by Buah, F.K., A History of Ghana. Macmillan Education Ltd., 1980; Ward, W. E. F. A History of Ghana. 2d ed., rev. (London: Alien and Unwin. 1958); Reindorf, C. C. History of the Gold Coast and Asante. 2d ed. (Accra: Ghana Universities Press. Orig. (ed). 1895,1966).

³⁸²Ibid pp. 123-210

located between Akrokyere and Fomena. In 1946, the Denkyirahene, Owusu Bore II, in an oral interview claimed that their ancestors fled from Adansi Akrokyere to settle 10 miles West of Abankeseso the former capital of the Denkyira whose current location is Abuakwa, Aworansa and Sudantoa.³⁸³ The word “Adansi” in the Twi language means “house building” which implies, according to one tradition, that the Adansis were the first to build a wattle-and-daub house in Ghana.³⁸⁴ The settlements were cited for defence, on the Kusa and Moinsi hills between the Fum and Oda rivers and they were close to Mansia, a place from Fomena to Akrokyere. The state was formally lengthened the Denkyira in the west, east with the Akwamu, south by the Asante and north by the Bonos.³⁸⁵ The Adansi was classified in oral traditions politically as “seven pots” according to elders’ interviews at Akrofoum and in the Akan language as “asanka ɛson” which means seven different Abusua form the Adansis namely Akrofoum or Amankyem³⁸⁶ being Asona. It was not surprising that many Akan states were refugees from the Adansis and a example are the Mampong, Akyems, Juabeng, and many others that are the Bretou clan migrated from Ahensa, a community two miles away from the current Dompoasie to the mountains.³⁸⁷ The economically strategic position and resources of the Adansi made it possible to trade with Tafo, Wenchi, Bontuku, and the middle Niger. On the south were the Assins and Gold Coast which position is critical for wealth and power in 1679 before even the existence of the Asante Kingdom³⁸⁸.

³⁸³T.C. McCaskie, *Denkyira in the Making of the Asante (1660-1720)*, School Oriental and African studies, (University of London, Cambridge University Press, 2007), p. 1

³⁸⁴Ward, E. F. *A History of Ghana*. 2d ed., rev. (London: Alien and Unwin. 1958); Reindorf, C. C. *History of the Gold Coast and Asante*. 2d ed. (Accra: Ghana Universities Press. Orig. (ed). 1895,1966)

³⁸⁵Dickson, B. Kwobina., *A Historical Geography of Ghana*, Cambridge: (Cambridge University Press, 1969)

³⁸⁶Amankyem is a Twi language which means ‘Aman’ state and ‘Kyem’ means “divided” that shows place which the state was divided among the Adansis.

³⁸⁷ Ivor Wilks a note of a traditional history of Mampong, (Historical Society of Ghana, 1960), pp. 26-28

³⁸⁸ Report by the Director General Abramsz.op. cited Ivor Wilk, 1960

Obuasi which literally means under-the-stone and predominantly, occupied by people of the Adansi State is where the mining activities are taking place. However, the constant business transaction since 1890 had overtaken the traditional headquarters of the current Adansi which is Fomena, a “*Sub-State*” capital in the Asante Kingdom, in terms of population growth and socio-economic activities. The dependence and the interdependence of this sub-state of the Asante Kingdom saw political differences which emerged from diverse clans. There are seven pots in the “Twi language” as “Asanka Nson” which constitute the Adansi people. The seven Abusua and their headquarters are Fomena “*Kuona*”, Akrofuom “*Asona*”, Akorokyerε “*Asakyeri*”, Bodwesango “*Agona*”, Dompooase “*Asenie*”, Edubiase “*Xyoko*” and finally Ayaase “*Bretuo*” Royal family. All these royal families formed the Adansi Traditional Authority. The Akans' sustainable society is ensured by Adansi's contribution to the historical social infrastructure and the tenets of chieftaincy institutions. Adansi serves as both the hub of knowledge and the commonwealth for all the Akans.

Their central leadership position historically rotated, based on the context of struggling for the “Akyimefram” a large sword and, until now in Fomena they carry the sword from one place to another, preventing individuals not to see during the day but at midnight. Historically, Akrokyere of Asekyire³⁸⁹ and Akrofuom of Asene³⁹⁰ had both gotten their turn to having this particular sword which is the authority of the head of the traditional Adansi area. The power of ‘Adansihene’ Adansi chief is similar to the concept of *first among equals*. The equal standpoint

³⁸⁹Eva L.R. Meyerowitz, *Akan Traditions of Origin*, Faber and Faber Limited, (London, 1958), pp. 135: Explained the dynasty of the Adansi's head by the Asakyiri clan which was then called Akyerekyere in 1480-1500 by Nana Okain Boadee with his queen Nana Asiriba, 1500-1520 Nana Asare Adekyee, 1520-1540 Nana Asare Niansa, 1540-60 Nana Asare Bediakum, 1560-1580 Nana Asare Butuo, 1580-1600 Nana Asare Kumi Anini, 1600-1620 Nana Asare Minten, 1620-1640 Nana Oti Bereku Asare (Akyerekyere which has been corrupted as Akrokyere came under the overload of the Denkyira), 1640-1650 Nana Adu Asare, 1650- 1660 Nana Asirifi Dankwamoa.

³⁹⁰Akrofuom and Amankyem are the same place whose clan leadership are the Asine whose period was taken over by the “*Afena kyem*” that is the sword of power of the Adansis. It was their term that their name Akyerekyere people then became Adansi. The Asine continued the dynasty from the Asakyiri Nana Asirifi Dakwamoa to 1650, 1660, 1660-1680 was Asine leader Awurade Basa, 1680- 1700 was Nana Akura Furupa the last chief from the Asine clan.

though shows the other six clan chiefs, apart from the Fomena Chief, were all equal.³⁹¹ Fomena was the headquarters of the Traditional Council but was just ceremonial leadership.³⁹² This implies that the taking over of the 100 sq. meters of land as endorsed by Bekwai and “Fomenahene” known as “Adansihene” should have been opened to broad consultation with the other six chiefs already mentioned.

3.7 The Political Struggles and Land Allocations in Adansi

Political struggle on land since 1701 had always been underway in Adansi history. The signing of 3rd June, 1890 for original allocation and endorsement of the lease also for the mining operations in exile by an old blind chief as *Adansihene* should be revisited for an explanation. The work of McCaskie should be further interrogated to dispel scepticism by the primary actors. It was not with a surprise later on 24th March, 1944 that the Akrokyerehene, Ohene Owiah II, hired Bosompra Chambers with their head solicitor by name Ernest Prempeh who wrote a letter through the District Commissioner to the Colonial Secretary, L.W. Gudd, in Accra to request a certified copy of the 3rd June, 1897 agreement between the Omanhene of Adanse and Bekwai and the Ashanti Obuasi Goldfields Corporation Ltd. which was a transfer of the original documents in 1890. The reason was that Akrokyerehene was an interested party since the Obuasi community is traditionally on their land, and wanted to understand the nature of the contract.

Not surprisingly, the Commissioner’s reply on 5th May 1944 of the letter was that Akrokyerehene was not mentioned in the agreement made in 1897 between the government and

³⁹¹Through Abu Bonsera's appointment 1701, Fomena, a Kuana Clan, became the final dynasty to retain the sword of authority, which was handed over from Asine Chief Nana Akura Furupa. Nana Abu Bonsera did not fight for the sword; instead, he was nominated to lead the Adansis after the Asante Denkyira war after meetings with other six Adansi leaders. Nana Abu Bonsera was in exile when the Feyiase War broke out, and he was summoned to head the Adansi.

³⁹²Busia, Kwasi, Abrefa., *The Position of the Chief in the Modern Political System of Ashanti*, (London: Oxford University Press, 1951).

Ashanti Goldfield Corporation but could not mention the signatories from his office. It is refreshing that the agreement signed by the alleged “blind old Adansihene” did not follow the right procedure and process. The Colonial Secretary advised again that it was also not known if Akrokyerehene was the signatory with Adansihene in 1890 and 1895 on which the payment of the Adansihene was laid down in the 1897 agreement.³⁹³ There was no payment made in exile to Adansihene, Nana Kwadwo Nkansah, from Edwin Arthur Cade and his Fante business entrepreneur. The very alleged indenture could have been signed under mere solidarity and consolidation of the already conceived independent movement for the Asante Territory to the Gold Coast Colony. The difficulty was that Adansihene, Nana Kwadwo Nkansah, had crossed to the South of the Pra river to Assin-Brasarkwum in 1886. However, in 1895, according to Arthur Cade's diaries after his travel from Asante land,³⁹⁴ this was his description of how Adansi's chief signed the Indenture;

”we agreed to visit the Old Blind King of Adansi, who has been exiled at Brasarkwun in Assin since he was expelled from his throne years ago, and we had a long palaver, and we arranged such terms as we wish with him, and chiefs.”³⁹⁵

The illiterate chief, who was old, blind and living in exile signing an Indenture is so difficult to believe from what other history had recorded. The bigger question that other scholars like Afrifa-Taylor did agree on was the 100 square miles (265 km²) or 64,000 acres of mining land was bought, but claimed it was a shaky³⁹⁶ concession and is something which needs further investigation into. It was an error since Asante, till now, does not sell lands, and besides the land was occupied already by local miners.³⁹⁷ Signing an agreement in Arthur Cades' own words

³⁹³ PRAAD, Kumasi, ARG 2/5/2/2 Adansi Affairs , 5th December, 1945.

³⁹⁴ Asante, Kingdom of God, Essays in History of an African Culture

³⁹⁵ McCaskie Asante, Kingdom of Gold. Essays in the History of African Culture, The Creation of Ashanti Goldfields Corporation, Ltd., 1890-1910: An Episode in the Colonial Impact upon Asante, (Carolina Academic Press,2015), pp.41-58.

³⁹⁶ Ibid. p.44.

³⁹⁷ Afrifa-Taylor, Ayowa, An Economic History of Asanti Goldfields Corporation , 1895-2004, Land, Labour, Capital and Enterprise, Published PhD. Thesis, (London School of Economics and Political Science, 2006

from exile also questions the legitimacy of the said chief and its legal consequences. Secondly, the land right contracted by the British government is difficult to understand³⁹⁸ since power was in the hands of Asante until 26th September 1901. Besides, Adansi and Bekwai were part of Asante territory. The British governor's endorsement of the Concession explained exploitation interest in natural resources and taxes as their ultimate goal. What Edwin Arthur Cade and partners called their land until 1934 had not been measured and was just constructed on appeal or the consciousness for searching for a location of abundant gold.³⁹⁹ Again, Asante Kingdom was not conquered by the British; it was Otumfuo Agyemang Prempeh I who surrendered to the British upon his understanding of breaking the prophecy of the traditional priest who claimed fair coloured people should not ascend the Golden Stool. Besides, Otumfuo then was fair coloured, and there was no war at the time. The claim, based on this research of acquired land never existed as McCaskie claims is doubtful.⁴⁰⁰ The period ended when the Asante Kingdom on 26th September, 1901 officially became part of the Gold Coast Colony. The next "Ohene" after Nkansah was supervised by the British Commissioner to help them implement their policy. The political system of the Adansi has been manipulated in a way to suit the operation of the mining company. Any legitimate chief who supports the indigenous people's interest against the mining company got overthrown by the company interests with its other collaborators. It was surprising from the study that from 1900 to 2014, the only Adansihene (paramount chief) who had traditionally received the title as chief 'ancestor' is one and his name is Nana Ofori Agyemang. The Adansis seven clans constitute the past kingdom. Their quarters were in Fomena headed by the *Asona* clan. The other six Adansi chiefs should have been consulted in these contracts and even the signing of the document in exile by *Adansihene* raises suspicions about the originality

³⁹⁸ Ibid, pp.34-45.

³⁹⁹ Ibid, pp.240-283.

⁴⁰⁰ Ibid, p.9.

of the contract.⁴⁰¹ Even the Adansihene who allegedly appended the signature had no trace of such document nor Adansiman's record until now. The oral tradition was not too clear about the nature of the agreement signed though. The Adansihene on 3rd August, 1948 instructed his solicitor, E. A. Asafo-Adjaye, to petition the Chief Commissioner, R.C. Parkin, for the clarity of the content of the contract in these terms: The 3rd March, 1890 agreement of Bekwaihene and Biney, Ellis and Brown as the second party. The 1st August 1895 revised Indenture agreement between Bekwaihene and the three Fante businessmen had no written document and besides the Asante do not sell land, according to the tradition even until now.⁴⁰² The alleged 100sq. Meter land area in question had never been measured until early 1934, and even known by the Fante entrepreneurs who alleged their claim negotiated with the then chief, Nana Adu Gyamfi, had no proof of the existence of such allocation paper. The then chief *Bekwaihene* could not read and write. Besides this challenge, he had slaves and other locals mining on the land. The 15th August 1895 alleged claimed Indenture was a fallacy. Edwin Arthur Cade's report explained that Adansihene, Nana Kwaku Nkansah, was on exile at Assin Brasarkwun, the 200 Pounds paid on 27th August 1895 to the three Fante Business entrepreneurs was not a transfer money but a commitment to the transaction.⁴⁰³ Cote d'Or Mining Company Ltd; followed by the 3rd June, 1897 concession between the Gold Coast Colonial states and Ashanti Goldfields Corporation Ltd.⁴⁰⁴ Some scholars argued that the allocation contract was shaky, unambiguous, and needed more investigation.⁴⁰⁵ Another view for context is that both Adansi's and Bekwai's petition of 5th December, 1945 was based on the gap of the lease and necessary compensation which the AGC

⁴⁰¹ McCaskie Tom Charcle, 'The creation of Ashanti Goldfields Corporation, Ltd., ca. 1890- 1910: An episode in the colonial impact upon Asante', (Asantesem, 9, 1978), pp. 37-55. , 'Innovational eclecticici

⁴⁰² Rattary p. 215

⁴⁰³ Edward S. Ayensu., *Ashanti Gold: the Legacy of the world's Most Precious Metal*, (London: Marshall, 1997), pp.11

⁴⁰⁴ PRAAD, Kumasi, ARG 5/5/2 Sansu Mining Affairs in Obuasi 23/9/03- 23/3/09

⁴⁰⁵ Afrifa-Taylor Ayowa, , *An Economic History of the Ashanti Goldfields Corporation, 1895-2004: Land, Labour, Capital and Enterprise*, A Published PhD. Thesis (University of London, School of Economics and Politics, 2006), pp.46; cited *ibid*, pp.54; McCaskie Asante, *Kingdom of Gold. Essays in the History of African Culture, The Creation of Ashanti Goldfields Corporation, Ltd., 1890-1910: An Episode in the Colonial Impact upon Asante*, (Carolina Academic Press,2015), pp, 41-58.

and the Colonial government believed and accepted their wrong and agreed for a better dialogue on the matter.⁴⁰⁶ Akrokerrihene Ohene Owiah II, on 24th March 1944 through his solicitor, Ernest Prempeh, from Bosompra Chambers had already petitioned the chief commissioner and AGC to release the certified copy of the agreement on 3rd June 1897 between the Adansihene of Adansi; Bekwaihene, and AGC. However, this request was refused on the grounds that Ohene Owiah of Akrokerrihene was not a party to the said agreement,⁴⁰⁷ meanwhile, he was the legitimate owner of Obuasi land.⁴⁰⁸ On 3rd August, 1948 another letter from Adansihene's solicitor, Asafo Adjare, requested detailed information from Asante Goldfields concession details on five accounts.⁴⁰⁹ Despite the agreements on 3rd June, 1897⁴¹⁰, 3rd March 1890⁴¹¹, 1st August 1895⁴¹², 15th August 1895⁴¹³ and 27th August 1895, none of these documents existed on the company's files.⁴¹⁴ The whole issue of the lease on 3rd March 1890, being the foundation, never existed as confirmed by the current paramount chief of Bekwai.⁴¹⁵ The Ashanti Goldfields, on the other hand, were unable to demonstrate the existence of such a document.

The chief and his elders could then not read and write and even if there was evidence of such documents of a lease to Bekwaihene who was then the employer of 200 indigenous local miners in Korkortuhia in early 1895⁴¹⁶ could not have sold his own mining company without a monetary

⁴⁰⁶ Ibid, Kumasi

⁴⁰⁷ PRAAD, Accra Adm 5/4/106 on 26/02/1944 the request was legitimate because the Omanhene of Adanse and Bekwai had no control according to the land lease tradition had no control of Akrokyerri, Dompouse, Abadwem land of which the contract was constructed.

⁴⁰⁸ Piet Konings, *The Political Potential of Ghanaian Miner: A case study of the AGC worker at Obuasi*, (Afrika-Studiecentrum Leiden, 1979), pp.16-17

⁴⁰⁹ PRAAD, Kumasi, ARG 5/5/44 Ashanti Regulation No. 1926-36.

⁴¹⁰ Agreement between the governor of the first part, J.E. Biney, J.E. Ellis and J.P. Brown of the second party and Cote D'OR company Ltd of the third party.

⁴¹¹ Agreement between the Omanhene of Bekwai of first party and Biney, Ellis and Brown as a second party.

⁴¹² Agreement between the king of Bekwai of one party and Biney, Ellis and Brown of the second party

⁴¹³ Agreement between Adanse king (Nana Nkansah) on one part and Ellis, Brown and Biney of the second party.

⁴¹⁴ Agreement between Biney, Ellis and Brown of one party and Cote D'OR Company limited of the second party

⁴¹⁵ Interview with Bekwaihene

⁴¹⁶ Ibid, p. 18.

released volume mention by the Fante merchant. The whole deal of the AGC and the role of the Edwin Arthur Cade soliciting for a fund in England on 5th September 1895 on an unregistered title to a concession located in a foreign land which became a legal partnership with the British government⁴¹⁷ shows that the decision process of implementation which means taking over the Asante Territory by the Gold Coast colony already conceived in Berlin Conference in 1884/1885 about the petitioning of Africa was in its implementing stage. Edwin Arthur Cade, the two Fante entrepreneurs (Ellis, Biney, and Brown) Wilson, Harvey and Dry have mentioned in that journey with the exclusion of Brown on 6th July 1895 trip to Bekwai.⁴¹⁸ Edwin Arthur Cade indicated that, for more than two hours, he lobbied two of the intimate friends of the chief on political matters.⁴¹⁹ However, both were only interested in the process of annexation of the Asante Territory into the Gold Coast colony. Again, Nana Yaw Boakye, the then chief of Bekwai, seemed to be influenced by the Methodist Catechist with a direct partnership with the brothers from the coast since all the three Fante leaders were Methodist lay-workers, timber merchants and traders. The agenda of trade, followed by the British dominance to control all of Asante Territory throughout the Gold Coast was forcefully skimmed to creatively take Asante Territory because of its rich minerals. As Dumett put it “the Ashanti Goldfields was the biggest gold bonanza in the history of West Africa.⁴²⁰ It was one of the richest gold-bearing tracts (in terms of recovery per tonne) in the world. The company secured British government backing for its monopoly and direct railway service to its headquarters”.⁴²¹

⁴¹⁷Tom McCaskies, *Asante, Kingdom of Gold. Essays in the History of African Culture, The Creation of Ashanti Goldfields Corporation, Ltd., 1890-1910: An Episode in the Colonial Impact upon Asante*, (Carolina Academic Press,2015). pp, 41-58.

⁴¹⁸ Cade Mss., Birmingham, Typescript Fragment stated cited by McCaskies stated there protesting on the ground of political fear of the King of Kumasi as a form of dissent and protect on betrayer.

⁴¹⁹Ibids, pp. 52-70.

⁴²⁰Ibid,p.518

⁴²¹Dumett, R. E., *Sources for mining company history in Africa: the history and records of the Ashanti Goldfields Corporation (Ghana), Ltd.*, (Business History Review 62, 1988), pp. 502-15

This was followed by the issues surrounding the entire AGC deals, which are still being used by various governments to impoverish the host community. One of the main tactics for achieving this goal was to pit Africans against one another. Brown was a director of Ellis Mines. After handing over similar land to Arthur Cade and Smith in 1895, he released his deadly action to Africa, and joined a few African Coaster literates with their name as ARP to resist similar Land Ordinance when he thought he, too, could be affected because the land principle does not reflect African concepts on land. Meanwhile, the same principles that had already been adopted in the AGC concession, and unhappily, mining law ethics gained its strength from the same law that he had helped others against Adansi land, were applied in the AGC concession. Until now, the letter and spirit of all mining legal frameworks are derived from these exclusive and uncaring documents, which were backed by the same persons with identical interests.

The second step of the British government's takeover of AGC and the unstable Asante state was direct involvement in a scheme to stage an intelligence coup against the central governance systems and familiar vulnerabilities, based on various reports from the sub-states to the British Monarch against the Asante kingdom. The approach was a kind of direct interference in the Asante issue in 1896 using more African soldiers. According to Edwin Arthur Cade's diaries, the Asante Kingdom was invaded three months after Arthur Cade's natural resource intelligence expedition to Asante, and its leadership was taken to exile without a meaningful cause.⁴²²

The colonial government made a deliberate attempt to make AGC concessions, but knowing that this was unlawful and that the Asante Kingdom would oppose it, the colonial government took away their chief to avert rebellion. The AGC was solely there to gain from the secretary-general

⁴²²Tom McCaskies, *Asante, Kingdom of Gold. Essays in the History of African Culture, The Creation of Ashanti Goldfields Corporation, Ltd., 1890-1910: An Episode in the Colonial Impact upon Asante*, Carolina Academic Press, 2015). pp. 41-58

of the British leadership because of Edwin Arthur Cade's relationship with him. It was not strange that in 1950, some chiefs of Adansi, including the Adansihene requested the original contract from AGC again.⁴²³ The alleged drafting of the new contract by Cade, the interested parties, who had then not bought the mining concessions but vehemently claimed so, was a breach of conflict of interest. The very reasons the alleged sub-chiefs in Bekwai signed the Indenture document in the night by hiding themselves at Ellis' house in Bekwai shows a sign of fear which might have followed the Asanteman territory and contradiction.⁴²⁴ It simply shows a failure in a constructed scheme of the mining concession which refused to admit that an illiterate Bekwaihene could not even sign in the night on a land document. Besides, that was not the mode of securing land because of its sacredness.

3.8 Gold Mining in the Pre-colonial Asante Period

Adansi state was part of the Asante Territory. It has a background of early mining, presented in the economic and political conditions during the period of the nation's self-determination and formation stage. The story about Asante was not different until the conflict and war brought together some Akan states to form Asante which literally means "just because of war". Their then supervising masters, the Denkyiras depended on mining gold and trading for brass, irons and iron products (weapon, silver, salt, cloth, and horse). *Sika*⁴²⁵ is synonymous with gold and was a grip on power in the making of Akan Kingdom in the era of state formation in the central and southern territories of modern Ghana.⁴²⁶ It is not surprising that the Denkyira Kingdom which is currently located in modern Obuasi, a gold mining area after its independence from the

⁴²³ Daaku, K.Y., Trade and Politics on the Gold Coast 1600- 1720, (O.U.P, (Ghana Notes and Queries, 1966), 10-13.

⁴²⁴ Ibid, pp. 45-50

⁴²⁵ Arhin, Kwame, Gold Mining among the Ashanti of Ghana, in: (Journal des africanistes, 1978), p.88-100. explains Sika in Akan word if for both raw gold and legal tender, whether gold, silver copper piece of paper money.

⁴²⁶ Rodney, W., Gold and Slaves of the Gold Coast Transaction of the (Historical Society of Ghana, 1965). pp. 13-28.

Akrokyere Adanse formally⁴²⁷ established her power from the basic gold trade with the Portuguese, the English and the Dutch in the seventeenth century.⁴²⁸ The Asante, Akim, Assin, Twifo, Akwamu, and Wassa had gold which became their source of power for warfare, other than bow and arrows, from the European trade establishment.⁴²⁹ Gold was imperative not only to acquire European weaponry but as an ultimate component of regalia, the complexity of the symbols of ranks in the state identity and therefore the best basic of socio-political command.⁴³⁰ The stool of unity and powers in the Asante Kingdom, occupied by Asantehene (king of Asante) generated its name from the “Golden Stool” which in “Twi” language means “Sika Gua” and has no duplication elsewhere in the territory.⁴³¹ It is a mark of incomparable affluence, position and power. The occupant popularly known as *Asantehene* is normally called the “one who sat on gold”.⁴³² Other traditional paramount chiefs also were identified with their regalia based on the type of gold used for decoration at public ceremonies. Mining activities were controlled by the kingdom’s internal and external factors from politico-economic to sociological, using family and slaves who worked to produce gold.⁴³³ Asante earlier had mining companies which supplied gold regularly such as the Owiri river, north of Adumasi in eastern Kumasi, Kokobin South, Lake Bosomtwi in Bekwai division, Konongo mines (in Dweben) and Warm in Brong-Ahafo.⁴³⁴ There were Obuasi pre-colonial mining sites in Asante Territory which also includes Manso-Nkwanta,

⁴²⁷McCaskie, Asante, Kingdom of Gold. Essays in the History of African Culture, The Creation of Ashanti Goldfields Corporation, Ltd., 1890-1910: An Episode in the Colonial Impact upon Asante, (Carolina Academic Press, 2015). pp, 41-58.

⁴²⁸Ibid.p.23,

⁴²⁹Arhin, Kwame, Gold Mining among the Ashanti of Ghana, in: Journal des africanistes, 1978, p.88-100. explains Sika in Akan word is for both raw gold and legal tender, whether gold, silver copper piece of paper money. Cited Daaku, K.Y., Trade and Politics on the Gold Coast 1600- 1720, O.U.P.

⁴³⁰Arhin, Kwame, Status Differentiations in Ashanti of Nineteenth Century: A preliminary study, Research Review, Institutes of African Studies, Legon, 1968, p. 4

⁴³¹Rattary R.S, Ashanti Law and Constitution, (Oxford, Clarendon Press; 1929); Kyerematen, A.A.Y. “Ashanti Royal Regalia: Their History and Functions.” D.Phil. Disertation. Oxford University, (London, 1969); Arhin, Kwame., West Africa Traders in the Nineteenth and Twentieth Centuries (London, Longman, 1979).

⁴³² In Asante-Akan Dialect as) te3 koko) so Cited by Arhin Kwame 1978.

⁴³³Adu Boahen, A., Ghana: Evolution and change in the nineteenth and twentieth centuries, Sankofa Education Publishers Ltd, (Accra, 2000), pp 66-76

⁴³⁴Ibid. p. 70

Kontsiabu, Korkortuahia and Atobiase.⁴³⁵ Gold mining was a seasonal activity. Its operations started a long-time with other indigenous professions like farming, hunting, fishing and trapping. Gold mining had been a long time economic and political means to determine power, and, in the Akan language, gold is called “sika”. There were mining operations by individuals and states even before the Europeans arrived.

3.9 Adansi Political History on Settlement of Differences

The Adansi is said to be the commonwealth of Akan states which have all the linear features and rectilinear relationships among the Akans in West Africa. Their difference certainly settled on the relationships they had with various parties in their community. Their current place of Adansi settlement was the original place of settlement. Some communities resettled in different areas. Adansis who relocated to some communities as a result of early clashes between them and Denkyiras came back and resettled and a typical example is New-Adubuasi who previously left Abadwam and settled at its current places. The political struggle within the Asante territory affected the negotiation process and vehemently destroyed the processes and procedures for land acquisition. The colonial strategy to weaken the politico-economic power had already started. The treaty dated 13th February 1874 called the ‘Treaty of Fomena’⁴³⁶ and the overthrow of Asantehene, Kofi Kakari, created deep and low supervision in the Asante Territory.

This state of affairs was not surprising, after the death of Adansihene, Nana Kwabena Obeng. Indeed, the rivalry within the family attracted the Governor of the colony of the Gold Coast who sent Captain Moloney to oversee the enstoolment of Nana Kwabena Nkansah, a skilled

⁴³⁵Dumett, Raymond E., *Source of Mining Company History in African: The History and Records of Goldfields Corporations (Ghana) Ltd*, (Business history Review, Vol. 62, No.3 Autumn, 1988), p. 502-515.

⁴³⁶W.W. Claridge, *A HISTORY OF THE GOLD COAST AND ASHANTI* from the earliest times to the commencement of the twentieth Century, Volume II, 1915), pp. 153-155. cited in *Ashanti War* (Parliamentary Paper, 1873-84), part viii, p45; Brackenbury), *Ashanti War*, vol. ii, p.269.

traditionalist, that Captain Lonsdale described as "a tyranny, weak almost to imbecility, greedy and grasping, a bully by nature, a coward at heart."⁴³⁷ W.W. Claridge avers that such a person is the least person to become a chief in Adansi.⁴³⁸ During his reign, there were some challenges he faced on political instability and positionality as leader of the Adansis. Though the 13th February, 1874 Treaty of Fomena did support the independence of Denkyira, Akim, Assin, Juabeng, Kwahu, Adansi and other allies of the Asante Kingdom, little was done to ensure stability and peace in the spirit of the letter from the treaty. Adansi was part of the Asante Kingdom but had a unified front meaning from its symbol. The state "*Mfenapa Afrakwa*" which was recognised by the members of the Adansi communities had both overt and covert identity manifestations of belonging. Some sections of the historical records recorded that the Adansis were not united but were a sort of miscellaneous group which played an allegory role to the Adansihene.⁴³⁹ The role only became significant when the external aggressors could affect possibly the units around Adansi communities who seek other support from the Adansihene. Two divergent views had caused some instability in the Adansis areas and still affected the way their differences were managed. This also depended largely on the measure of offences. Some private and public offences as explained by scholars also ensured how the differences were managed. Busia explained that the offences were measured in the form of the relationship of the offender to the offended if it melted against a member of the domestic units or lineage the injured person complained before a respected person of the lineage for settlement⁴⁴⁰. The same is when it is outside a lineage and the extent of offences affect the entire community and create a threat to the future of the people then it becomes public offences.

⁴³⁷ Ibid,pp.24-30

⁴³⁸ W.W. Claridge, A HISTORY OF THE GOLD COAST AND ASHANTI from the earliest times to the commencement of the twentieth Century,(Volume II, 1915), pp. 201.

⁴³⁹ Institute of African Studies, University of Ghana, Asante Chieftaincy History, (Adansi Paramount Stool, 1963), p.89.

⁴⁴⁰ Busia, K.A., The Position of the Chief in the Modern Political System of Ashanti, London: (Oxford University Press, 1951).

3.10 Adansi Politics, Power and Authority

Adansi politics began with power derived from the resource. In an oral interview with *Akyemehene*⁴⁴¹ of Adansi as he narrated, claimed that it was the first Akan Empire though other historians think otherwise. The Adansis are said to be part of the Jewish clan, called the Ashan.⁴⁴² They built the Egyptians pyramid. Their name changed from Ashans because of their positions and role-specific as “leaders” which literary means “*Okandifo*”. It was from the leadership role among them that merited a name which was imposed on them as Akans. It was through the building of the Egyptian pyramids that they acquired the architectural knowledge and skill and became the first builders. Hence, their name changed from *Akandifo* to *Adansifo* now Adansi; so, the name; “Adansi” means (early builders).⁴⁴³ After the building of the Egyptian pyramid, they migrated to *Abisemor* now Ethiopia and that is where they learnt to mine before they migrated to Timbuktu Mali and finally their present place of settlement. They came as six groups of people now called *Abusua (clans)*. It was through one of their chiefs called *Abutenant* through which they got the name *Abusua*. Initially, when a chief died, one of his wives was buried alive with him to join the husband in the ancestral world from Akan oral history. It was then that *Abutenant* stopped that practice and instead of burying human beings, he advised every group of people to carve a tree and shape it into a woman. It was mainly religious differences that led to their migration. They stayed a longer period at Timbuktu. They are interrelated with the Moshes, Gonjas, Nafanas, and Dadgons. It was that era that the Muslim religion started rising; so, most of them wanted to abandon the Jewish religion and join the Islamic religion. This led to their migration. So, the six clans or *Abusua* that migrated were the *Ekuona, Bretuo, Asene, Asona,*

⁴⁴¹Ibid, pp.90-92

⁴⁴²King Jame Bible version, Joshua 15:20, 45

⁴⁴³Though this ideal contracted with early historians who argue that the Adansis are from a hole, Oral interview

Agona, and *Aduana*. The *Ɛkuona*, settled at *Amenam*⁴⁴⁴ now Fomena, the *Bretuo* settled at Kweribe now Ayaase, the *Asene* settled at Kotobonmu now Dompouse, the *Agona* settled at Bogyesango, *Asona* settled at Kokobinnte now *Sodua*/Akokyere. The *Aduana* settled at Wontonuase now Adokwai. The *Aduana*'s relations with Asumagya, Dorma, Tapa, Yamfo, Kwahu, and others in Cote d'Ivoire all have one ancestral source from Adansi.

After the six clans settled at Adansi, additional clans were added to make it eight (8) Akan clans. Most of the *ƐKuona* people moved to settle at Abadwen near Akrokyere. Somehow, so they consumed their forbidden animal called *Kuo* (unicorn in English language) so they ran away from Abadwen to Kokofu, explaining that they have consumed *Kuo*. Hence, it brought the name "Xyokuo" so, we got the Xyoko clan from *ƐKuona* clan. So, from Kokofu, they started spreading to Kwaman now Adum Melcom and they had the holders of the Ashanti venom. The *Aduana* clan was the first to migrate from Adansi to Akwamu and later came to Kwaman to settle at Suntreso now a suburb in Kumasi. And, from Suntreso they finally left Suntreso when Obiri Yeboah Kwamanhene was defeated and killed in 1697.⁴⁴⁵ Otumfuo Osei Tutu I, after being enthroned as Kwamanhene by the Xyoko clan revenged the death of his predecessor, which led the Akwamu in Suntreso to defeat the people and settle in Dorma-Ahenkro.⁴⁴⁶ Later, those left at Adokwai from the Akwamu also migrated to Asumanya, Agogo, and Kumawu Sekyere. It must be noted that Asekyi is the eighth clan. They were originally from Asona, but separated from the very norms of the them. There were two Asekyi, one male and a female who slept together (fornicated), leading to pregnancy which sanction was banishment. They had twin both of whom were females. The elder is now Odumasi and the younger is now Akrokyere who also gave birth to Tawia now Bobreanse. After Tawia, she also had another Nyankomago now Kusa. However,

⁴⁴⁴ Ibid, p.93

⁴⁴⁵ Eva, L.R. Meyerowitz, *Akan Tradition of Origin*, Faber and Faber Ltd., (London,1952), p 102.

⁴⁴⁶ Ibid. p. 103

when they released their expansion, they later changed their clan's name from the Asona to Asekyi. The Asona people who migrated from Kokobeante Adansi later settled in Akyem, Offinso, and Ejisu. So Kokobeante came to a halt and Asekyi took over and so the few people left at Kokobianti also moved to Krofrom, currently the Adansi Akrofrom (Amankyem).⁴⁴⁷ So, if you look at the settlements now the place called Obuasi was known as "No man's land" which later became Abankeseiso. Some Agona also migrated from Bogyesango to settle in Denkyira state and their occupation was hunting. It was at Abankeseiso that they were plying their hunting trade. Following, the death of Osei Tutu I, Opoku Ware succeeded Otumfuo Osei-Tutu I who waged war against the inheritance of Abankeseiso and threw them out. Thus, most of them went to presentably Denkyira Obuasi, then the Abankeseiso became Adansi land.

The system of inheritance in Adansi was matrilineally organised as the Libyo-Phoenicians and Carthaginians like the ancient Egyptians also of the East and the Mediterranean.⁴⁴⁸ They belong to "Kultur Kress" whose concepts of states were socio-religiously connected. Their inheritance was throughout all the six clans that migrated to Adansi. Therefore, the first Adansi King was called Oppong Anni. He was from the *Ekuna* clan and Nana Kyeretuo became the second king. This period was as early as the 11th-century. Adansi had existed then, so, in the 12th century their spread or migration, according to oral history, dates from the 12th century through to the 14th century. By then, Asante and Denkyira did not exist. They were the first settlers which explains why they are called Akandifuo (to wit: First settlers). They are, thus, said to be the first Akan

⁴⁴⁷Amankyem is Akan language with two symbol "Aman" means state "Kyem" also means divided which literally mean's kingdom divided.

⁴⁴⁸Eva L.R. Meyerowitz, *The Akans of Ghana their Ancient Belief*, (Faber and Faber Ltd ,1958), p.14.

empire. Their system of governance was wisdom on models which built good relationships among their people, therefore, they are called “Akyerekyereman”.⁴⁴⁹

Adansis politics may be traced back over 700 years, well before the colonial administration. Their functional political structure played part in the formation of words such as linguist (Okyeame) and family (Abusua). These words have proven their existence in the Akan civilization in West Africa for a long time.⁴⁵⁰ Adansi Kingdom acquired enlightenment and became famous through their fetish Bona at Akrokyere, but not by war. Though the Adansi Kingdom had glory, indiscipline and excessive abuse of power, impatience and no respect for human dignity caused their defeat by the Denkyira.⁴⁵¹ Before it could be stable, the political system of government had to be rooted in tradition, which necessitated social order and a sense of collectivism among the people. This political collective responsibility was confirmed to aim for consensus. It should be noted that even in situations when there are new challenges to the system of governance, more consultation was conducted, and the obligation was ultimately given

⁴⁴⁹The term, which literally refers to a state director or leader, derives from the Akan language.

⁴⁵⁰The Akan word for "family" is "Abusua." According to oral history, an Adansi Chief, named Nana Abu Bonsrah I structured his people in a jealous relationship that enticed others to copy or learn. The Akans were given a name as a result of this process. In Akan, the word "sua" means "to study," "to imitate," or "to duplicate." To put it another way, "abusua" means "to learn from the Abu political organization." "Okyeame" concepts too came from the "King Awurade Basa" in oral tradition was said to perceive that with respect from his subjects, making a mistake in his speech could affect his reign. Secondly, he believes as humans too who represent the gods and ancestors could be sometimes be influence by his mood which cannot sometime help his subjects in his political organization. Again, his prior and subsequent knowledge could affect his mood and ruin his relationship; so, a spokesperson was hired whose main goal to speak directly to his audiences in a more respectable manner, so that any statements that might provoke his audience could be effectively mitigated by a third party. Lastly, in the quest to building a good relationship became so powerful that none could speak to him without a third party and beside if one decides to speak directly to him with provocation, a wise person as a third party should be used. In Akan language, it is referred to as "3kyea-meni," which consists of two words: "3kyea" and "meni," which means "crooked, bound, or bad." The word "mene" can alternatively be translated as "swallow." The role of linguists or public relations officers is to swallow or repeal all negative information to the audience in a more effective and efficient manner. Other scholars also argue that Awurade Basa become so powerful that fearing to mention his name were talking to him through the linguist].

⁴⁵¹According to oral tradition, their first monarch, Nana Atiako Akatakyi, died and was succeeded by his nephew, Nana Awurade Basa. Nana Awurade Basa became powerful through commerce and subjugated the Assin, Akyem, Denkyira, and Asante peoples, among others. He grew haughty and threatened people. He sent his son and messengers to Denkyira one day to collect the level of "Mprendwan num Nsia Bou Apim" (69.65 x1000). His son Appiah Brenya, who wore a long beard, fell into a trap as they passed Abora, a lovely woman whose youth, health, and innocence had been transformed by a complexion so translucent that she was washing in a river. The messenger had the courage to salute her and even touch the Aggrey Beads that she wore around her waist after reaching her. The Denkyira traditional council was notified, and the Adansihene team was ordered detained. As a kind of punishment, the messengers were jailed, and Brenya's beard was shaved because of their abuse to the girl. When his father learned of this, he assembled his troops and fought war on Denkyira, which resulted in Adansi defeat. They completely came under the Denkyira's as subjects.

to the Asanteman mediation mechanism till now. Although the Adansis Central Government was part of the Asanteman Council, it possessed direct control over the land and its natural resources and could be held accountable to it. The land and resources were controlled by the seven Adansi clans, who became the primary resource allocation point. It was similar to the time when the Denkyira took control of the Adansis natural resources. Their first period of settlement was on Adansi Manso, which is now close to Bogwesango as their capital, and lasted around twelve centuries. Though other historians also believed that the Akans first settled in the Kpong mountains and Pra river, there is a clear relation to their argument.⁴⁵² The kingdom was made up of individual clans that lived in different places but had a central supreme leader who did not directly control the clans, but led them in times of war through cohesion. “Afenapa Afrakwa” served as their symbol of authority and identity. This revolved sign of authority was heavily dependent on the strongest out of the seven clans through an organised battle for control and the clan that emerged with the strongest automatically became the leader and was awarded with a sword. Akrokyere and Akrofrom (Asakyire and Asona clan) had taken their turns having the swords “Afenapa Afrakwa”. Always the clan in charge of the sword at any given time was chosen as leaders in consensus from all the clans. The economic benefit and responsibility were spread abroad over all the seven clans provided any operation was on their land like words to political decisions too. After receiving the "Afenapa Afrakwa" sword, the Ekuonna became Adansis automatic leader from Fomena. The old Adansi fought the Denkyira and fell under their

⁴⁵²According to Rev. Carl Christian Reindorf, History of the Gold Coast and Asante, (Basel 1895), pp.43, the Adansi's original home was the Amanse, which means "foundation" or "origins" in Akan language, because it shared a border with Kumasi and Adansi. It is also closer to Ofinso than Takyiman, where historians such as Meyerowitz have maintained that it is the first Akans settlement but not the first significant Akans kingdom. My support of Reindorf's point of view appears persuasive, yet it is not strong enough to be the first powerful kingdom. Since some of the concepts in traditional chieftaincy were like with their leadership and a sword like Bosomuru is still a river at Adansi, Adansi's appear to be the earliest traditional authority among the Akans. The Asante's great resources and security in "Bona Shrine" are still important today. After my field interview, oral tradition of the Adansi area reveals appeal to all six clans, largely from all six clans affirmed being the founding kingdom of the Adansi.

control in a conflict, involving 42 communities in that period. The Adansis power over Denkyira regular levy and political activities was just ceremonial, but they still owed them their allegiance as a strong nation and could assist them in times of war. According to oral tradition, the Denkyira were also Adansi, but they left Akrokyerz from the Asakyire clan and crossed the Pra river and settled on the other side due to a misunderstanding with their leadership. They discovered more gold resources and became more powerful after trading with the Dutch and Portuguese, among others, for weapons. Their conquest became so powerful because of the abundance of gold resources in Adansi. History has it that between the period the 1690s to 1701 the constant preparation by the founder of the Asanteman Otumfuo Osei Tutu 1, many Adansi went to Akyem and Assin before the final battle that formed the Asanteman as an independent territory by defeating the Denkyira. It was a belief that a powerful Adansi clan located at Bodwesango by the name Nana Adu Gyamfi who was from the Agona clan joined the Denkyira to fight the Asantes. Nana Awurade Basa had died and was replaced by Nana Amorase Basa, his nephew, who also died. Concurrently during this period when Kwaman lost their chief, Nana Obiri Yeboah, was killed in a war with specifically Aduana clan Suntreso chief. Incidentally, Otumfuo Osei-Tutu I's enstoolment coincided with Adansihene Nana Bonsrah's who later left during the war for exile in Akyem. After the Asante conquered the Denkyiras, they brought the Fomenahene Nana Bonsral I from Akyem to superintend the affairs of the Adansi in 1701 as part of the right wings' militant security structure. Adansihene is a distinguished paramount chief in the Asante Nation since he swears all with "*Mpomponsuo*".⁴⁵³ Adansi was said to be the first to

⁴⁵³Mpomponsuo is the sword of diligence and loyalty to the Asante Kingdom. It was used to describe the level of relationship and service provided to the Asante Kingdom at times. According to oral history, Okomfo Anokye conjured the sword for Otumfuo Opoku-Ware I on the battlefield after the death of Otumfuo Osei-Tutu I. The Asantehene sword for war was *Ahwebaa*. In fact, currently, all the paramount and waring chiefs swear with this sword to Otumfuo, which shows their readiness and commitment to defend the Asante kingdom. It was a replacement sword of undefeated power after the failure of the previous sword. It is recognized as a "symbol of defense" for the Asante Kingdom and is oftentimes used by Otumfuo in moments of dancing. There is

use a sword to swear an oath to the Asante Kingdom, a practice existing till now. It is, therefore, not surprising that the “*Bosommuru sword*”⁴⁵⁴ originated from the river currently in Bogyesangu. The most important thing to note was that their whole world-view was more spiritual. Than anything else and, it also influences the union membership more to defending the Asante cause.

The second part of Adansi rule was the early 1900s when some record shows the struggle of Adansi in political history. This struggle led Nana Kwaku Nkansah Aduom into exile in 1886 after the attack by Kumasi, Juabeng, and Bekwai to avenge the destruction of Bekwai and the beheading of Bantama Nana Awuah, the army commander of the Asante military troops by Kokofu, Adansi and Dadiasi.⁴⁵⁵ The latter group crossed the River Pra to Akyem while only Adansi crossed the Assin.⁴⁵⁶ There were more such internal conflicts in the Asante territory struggling to have their independence from Asante. Among such struggles was Nana Akwasi Sekyere of Mampong who attacked Nsuta, Ejisu but was defeated at Ejura by Kumasi troops through Agyemang Prempeh’s efforts.⁴⁵⁷ The British government policy of non-interference and intervention was applied but a willful strategy to take over Asante was their major goal. Asante was calling for reunion when an invitation by the British governor was given to Prempeh to assist in the reunion turned into taking Prempeh to exile. He returned to Kumasi in 1924, and in

also the sword of peace, which is called "Bosummuru." It is the final and legitimized approval for any person appointed as Asantehene or with the title of "Otumfuo." Among the chiefs in Asante kingdom, only Asantehene swears his "oath of allegiance" to Asante kingdom with it. There is a mystery surrounding this sacred sword, Bosummuru. As a result, no woman, not even Asantehemaa, is permitted to see the sword's nakedness. Like other significant Asante swords, there is a delegated chief responsible for taking care of it and making it available whenever needed. The final word is the Ahwebaa sword, which also shows direct levels of commitment to the kingdom, and chiefs who work directly for the Otumfuo swear with it. The seven Adansi clans also used it to swear directly to Otumfuo with mponponsuo, establishing Adansi as first among equals in a unified paramountcy. There are other sources for swords too, but these three are the most popular among them.

⁴⁵⁴ This is the sword of peace which means anyone using it must use to pay allegiance of peace in the Kingdom.

⁴⁵⁵The second reason Adansi left Assin in the late 1800s was Bekwai and Dadiaso's struggle for superiority, which led Bekwai to demand three villages from Adansi in exchange for "Aperedwen Adua sia anson nie akyere num" 67.5, followed by Adansi's prepared 2500 armed men facing Bekwai's army of 10,000, which was eventually resolved through negotiation while Adansi was still; Cited Ivor Wilks, *Asante in the Nineteenth Century, The structure and evolution of a political order*, (Cambridge University Press, 1976), pp.500-520.

⁴⁵⁶ Oral History from an interview with Kokofuhene and Adansihene on 18th October, 2020 at Regional House of Chiefs Office in Kumasi

⁴⁵⁷Ivor Wilks, *Asante in the Nineteenth Century, The structure and evolution of a political order*, (Cambridge University Press, 1976), pp.450-500.

1935 his predecessor, Otumfuo Agyemang Prempeh II, called for an Asante reunion, including Adansi to date. The Adansi political leadership had been confronted with destooling issues involving Adansi's sub-chief, the Asanteman, a local rebel, all of which stemmed from mining corporation interests. The archival and the oral records explained that from 1900 till 2014, there had been only one paramount Adansi chief called named Nana Ofori Agyemang, who died while ruling as a chief. All the other paramount Adansi chiefs were destooled before they died because of mining politics both within and outside the Adansi-Asante traditional political system. This has been going on for so long that, despite the fact that Obuasi is on Akrokyere stool land, his hands are full when it comes to the appointment of chiefs on Okrokyere land. The situation conflicts with the Adansihene's decision too, which it should not have, and until now, there had been no chief in Obuasi as tradition demands as a result of mining, which is an example of resource-interest-base conflict.

3.11 Adansi Political Economic History on Mining

Adansis economy on gold production dates back to the traders popularly known as the Wangaras who linked Adansi and Tafo to trading with Arabs, Maghrebs, Egypt and Mediterranean Europe, the Northern Ghana through Niger which, to others, had been very significant.⁴⁵⁸ The mining in Obuasi through the acquisition of the concession was a new form of imperialism.⁴⁵⁹ The expansion of Obuasi's gold mining in 1903 was a result of improved rail infrastructure, which again when combined with the collapse of South Africa Goldfields in 1902 as a result of the Boer War, created a channel for capital inflow for mining activities and attracted numerous firms.

⁴⁵⁸Ivor Wilks, *Asante in the Nineteenth Century, The structure and evolution of a political order*, (Cambridge University Press, 1976), pp.450-500

⁴⁵⁹Raymond E. Dumett, *Source for Mining Company History in Africa: The History and Record of Ashanti Goldfields Corporation (Ghana), Ltd*, (Business Review, Vol.62, No. 3,1988). pp.502. accessed on 14/07/2021, [Sources for Mining Company History in Africa: The History and Records of the Ashanti Goldfields Corporation \(Ghana\), Ltd. on JSTOR](#)

In addition to the production of gold and other raw commodities including lumber, rubber, and cocoa.

Obuasi served as the Provincial Commissioner's Office and was the second-largest town in the Ashanti Region after Kumasi from the early 1900s through 1924.⁴⁶⁰ The Adansis were already indigenous miners, using local technology in the form of panning gold from the stream, mining reefs and having more than nine local shafts before the foreign company took over.⁴⁶¹ Some indigenous mining operators could employ more than 500 staff working in different sections of mining.⁴⁶² The people were predominately farmers who were mining for temporal livelihood.⁴⁶³ When the rains had stopped and farming activities had ceased because of changes in the weather. Given the availability of gold deposits and the Akan economic attraction, it is no surprise that the two largest Akan kingdoms at the time, Denkyira and Asante, made Adansi the hub for pro-resource development.

This accounts for the place being a political hub and having control with backing power as part of right-wing Asante military arrangement.⁴⁶⁴ On 3rd June 1897, Cote d'Or Mining Company transferred both its assets and liability. Interestingly, that same day also marked the company being listed on the London Stock Exchanges with a nominal value of 250,000 Pounds per

⁴⁶⁰ Ibid. p.16

⁴⁶¹Dumett, R.E., *El Dorado in West Africa: The Gold-mining Frontier, African Labour, and Colonial Capitalism in the Gold Coast, 1875-1900*, 1998.

⁴⁶²Tom. C. McCaskie, 'Accumulation wealth and belief in Asante history: I. To the close of the nineteenth century', (*Africa*, 53, 1, 1983), pp. 23-43.

⁴⁶³Ofose-Mensah, Ababio Emmanuel, *Mining in Colonial: Extractive Capitalism and its Social Benefits in Akyem Abuakwa under Nana Ofori Atta I*, (Indiana University Press, Vol. 63, 2016), p.23-55 cited from silver, Jim. 1981. *The failure of Primitive Accumulation: European Gold Mining in the Nineteenth-Century Gold Coast*. *Journal of African History* 22:511-21

⁴⁶⁴Ofose-Mensah, Ababio, E. *Gold Mining and Socio-economic development in Obuasi Adanse*, *African Journal of History and Culture* Vol. 3(4), pp. 54-64, May 2011 Available online at <http://www.academicjournals.org/AJHCISSN> 2141-6672 ©2011 Academic Journals; Ofose-Mensah, E.A *Gold Mining in Adanse, Pre-colonial and Modern*. Unpublished Mphil Dissertation, Department of History, University of Ghana, 1999, pp.18-22

share.⁴⁶⁵ It was an opportunity to invest huge capital into such an economic venture in Asante territory British citizens. Fortunately, within a short time, the share price increased to 18 Pounds per share within this same period.⁴⁶⁶ Though this investment had been made, the foreign firms were handicapped in relation to a local problem on land and more especially difficulty in obtaining land for mining concessions which led to more protracted litigation.⁴⁶⁷ AGC had four subsidiary affiliates located in different communities in Adansi; such was Ashanti Goldfields Corporation limited with a seed capital of 250,000 pounds; Ashanti Consols, Ltd. with an initial capital of 500,000 @ 17; Ashanti Sanso Mine, Ltd. with a seed capital of 315,000; and Ashanti Goldfields Auxiliary, Ltd. with 100 pounds @ per shares.⁴⁶⁸ The operational idea from the subsidiary places was based on the Asante world-view that mining could be done gradually to allow the gold to grow by allowing mining in a specific places for some time but leaving the place and coming back later for it to grow more.

Local people had produced 10,650 fine ounces of gold in 1881, which increased to 20,288 fine ounces in 1896, but fell after indigenous miners were denied the opportunity to use local methods of mining through a series of ordinances. However, in the late 1800s mining boomed, and resumed in 1903. This clearly explains the importance of local technology in the mining sector.⁴⁶⁹ The AGC concession, which encompassed a 265 km² (100 square miles) mining concession that included some timber planting for underground shoring and the removal of land

⁴⁶⁵Edward, S, Ayensu, *The African Legacy of the World Most Precious Metal Ashanti Gold*, Marshall Editions, Accra,1997), p.10.

⁴⁶⁶Ibid, p.10.

⁴⁶⁷Land registration ordinance of 1883 for Gold Coast and 1895 ordinance for deed.

⁴⁶⁸Tom, C. McCaskie *Innovational eclecticism: the Asante empire and Europe in the nineteenth century*, (*Comparative Studies in Society and History*, 14, 1, 1972), pp. 30-45.

⁴⁶⁹Arhin, K., 'Succession and gold mining at Manso Nkwanta', *Research Review* (Institute of African Studies, University of Ghana, 6, 1970), pp. 101-9.

from cocoa production, caused higher food prices in Obuasi.⁴⁷⁰ Between 1880 and 1888 in Tarkwa area, a number of companies developed which employed about 41 European and other Africans.⁴⁷¹ Bowditch who already returned from the Asante Territory had observed that the major backbone of the Kingdom was from mining, supported by the Asante captive, Bonnat, whose observation and desire to mine encouraged him to be the first European to acquire a mining concession in 1887.⁴⁷² Again, Dr.R:A, Freeman who accomplished a Mission to Gyaman (1888-1889) expressed the abundance of gold. George Ferguson who took a special trip to Atebubu gave a tantalizing report of nuggets of small-scale African mining activities. In fact, many communities were the offspring of the mining operations. Culture and livelihood were influenced by the mining operation with multifaceted behaviour in the area through the Adansis believe their value systems should be extended to all their land but little was their influenced in such communities. Obuasi as it currently is made up of huts and villages in the Adansis towns such as Akrofuom, Akrokerri, and New Adubiasia as a steward for the Oyoko from Abadwem and Bekwai, among others. Communities like Sanso, Obenemase, Nyinim, and Korkortuahia, were mining before the concessions of the Arthur Cade were granted.⁴⁷³ In 1898, it was reported, that Arthur Cade, J.W. Daw and Lielie Gordon before they took off from Cape Coast, were already aware of the Bekwaihene's concessions at Ayinam which then employed about 500 local people in 1875.⁴⁷⁴ The admitted to opposition on the same land were negotiated after the arrival of an offer of free mills services to the indigenous people of 33 1/3% quartz under the condition

⁴⁷⁰ Piet, Konings, *The Political Potential of Ghanaian Miners: a case study of the AGC workers at Obuasi*, (Leiden: African Studies Centre, 1980).

⁴⁷¹ David Kimble, *The political history of Ghana, The rise of Gold Coast Nationalism* (Oxford University press, 1969), pp,22

⁴⁷²This has created historical positionality among many

⁴⁷³A Methodist Church report from the Dioceses' in Obuasi review that Sanso shows was built in September 15th 1895 before the Concession of Arthur Cade in 1897 was granted. Interview conducted by Hon. Anna Benjamin a former Assemblyman on 18th September, 2020 explained and confirm this preposition.

⁴⁷⁴Ibid, p.52.

of selling their product to them at the price of 3-12-0 pounds.⁴⁷⁵ About two hundred mining companies were registered on the Gold Coast. Farming in these areas was seasonal. Essentially, more of these people were miners and traders and for a long time mined and traded with the Wangara merchants from the Sahara to the Coast.⁴⁷⁶ The timber and rubber merchants expedited efforts to diversify their business into mining, because of what they saw in these places, unfortunately, could not sustain their business after five years because of major risk factors associated with it. There were other timbers, orange, cocoa and rubber farmers too who were attracted to the location as a forest zone and had a higher level of rainfall. The diversification of the use of the land and the resource deposit also made the mining company sometimes operate in charcoal production which provided a system of energy in the mines area. Some indigenous Adansis too engaged in this business as their livelihood and the effect of these could adversely affect them. AGC was not a predominant employer in Obuasi. They withdrew land from cocoa and food production. Although the cost of food rose enormously, workers of AGC could not acquire land to cultivate foodstuffs even for themselves, unfortunately.⁴⁷⁷ Until the price of food became so high and put financial stress on the company's working capital, their policy tried to release land for farming to the mine workers. It was unfortunate that only a few married staff with children could take advantage of the offer since the singles were so tired after a days work and could not engage more in extra activities. The married staffs used their wives and children to engage in farming activities which provided food for those families. The company increased production by trying to provide some welfare package through food supply which later changed labour and into organisation of welfare activism. The labour office estimates a continuing pattern

⁴⁷⁵Birmingham University, Clamberlain .Mss., JC 9/5/I-2, Daw to Director of AGC.dd. Obuasi Mines, 8 January 1898; Cade Mss., Cade to Directors to AGC. dd. Obuasi Mines Via Praso, 20 February and 30 March 1898.

⁴⁷⁶Winifred Peters, Gold trade and gold mining in the 15th to 18th Century at Gold Coast Ghana and the Activities of (the Brandenburg- Prussians, 1986), p.16.

⁴⁷⁷Cameron Doudo's report in The New Stateman, 8 June, (1973), p.842.

of about 10-20% unemployment attached since the growth and development of Obuasi are intricately linked to the mines and food production.⁴⁷⁸ I am compelled to point out that the ostensibly rigorous division of work between males (digging) and women (washing and pulverizing) emphasized in most early documented accounts of the Akan gold mine did not always exist.⁴⁷⁹ Women, men, and children all worked together to dig long trenches. Females outnumbered guys, two to one in several cases, according to eyewitnesses.⁴⁸⁰

AGC employees were not excluded from the "urban poor" and in collaboration with the dominant classes in Obuasi, there was more socio-economic consciousness than political awareness.⁴⁸¹ The demand for production with its limited increase in wages generated some conflict for which the community in collaboration with mine workers extended the effect on wide differences which manifested riots and strikes. Typical instances were in 1945 and 1955/56 when Obuasi Community miners joined the AGC Mine worker Union for all Ghanaian demonstrations which later helped to improve working conditions after two years of consistent protests which affected the economic activities.⁴⁸² In the same period, there was a 100-day of a strike which had become the longest in Ghanaian labour history which attracted Dr. Kwame Nkrumah to plead for suspension but was woefully unsuccessful.⁴⁸³

⁴⁷⁸Oforu-Mensah, E.A Gold Mining in Adansi, Pre-colonial and Modern. Unpublished Mphil Dissertation, Department of History, (University of Ghana,1999), pp.18-22.

⁴⁷⁹Dumett, Raymond E., Source of Mining Company History in African: The History and Records of Goldfields Corporations Ghana Ltd, Business history Review, Vol. 62, No.3 Autumn, (1988), pp. 502-515.

⁴⁸⁰ Ibid, p. 512.

⁴⁸¹ Ibid, p. 519.

⁴⁸² Ibid, p. 85.

⁴⁸³Kraus, J. The strike and the labour power in a post-Colonial African state: The Case of Ghana, paper presented at a Seminar on the Third World Strikes at the Institute of Social Studies, (The Hague, September 21-16, 1977).

The political alienation of the AGC Union leader D.K Foevie, who had helped Convention Peoples Party (CPP) to return to power and wanted to use the mining negotiation as a tool for reward in 1952, had had its implications for Dr. Kwame Nkrumah and his party CPP. As stated here, this was Dr. Kwame Nkrumah's difficulty.⁴⁸⁴ As a consequence, other laws followed suit to make the government trustee of vested lands of the traditional authority and shareholder of resources in the country. State involvement and participation in mines have brought about an increase in workers interest and welfare as had been promised by a new Acheampong military administration. The partial takeover of AGC in 1972 by Colonel I.K. Acheampong's military government brought-up the national revolution that fought against the "underdevelopment" of working-class consciousness.⁴⁸⁵ The period which saw a prolonged outbreak of war influenced market price and local governance instability affected the economic activities of the mining.⁴⁸⁶ Mining capital was confronted with an acute dilemma which led to labour cost reduction resulting in a paternalism⁴⁸⁷ ground which attracted more strike action. This affected the industry since human needs are insatiable. Though external gold prices did increase, farmers left their farms and joined the mining activities. The result was an increase of about 65% in local food prices between May 1939 to 1941, while the total cost of living for the lower wage earners rose by 51%. The district commissioner in Obuasi reported that most labourers were forced to live on credit and consequently accumulated larger debts.⁴⁸⁸

AGC's power weapon of literacy, legalism and government support worked against the indigenous authorities. Those investors factored too much of their interest in maximising profit,

⁴⁸⁴Crisp Jeff, *The Story of An African Working Class*, Zeb Books, 57 Caledonian Road, (London N1 9BU 1984), p. 113.

⁴⁸⁵*Ibids*, p.106.

⁴⁸⁶W.W. Clarridge, *The History of the Cold Coast and Asante; from the earliest times to commencement of the Twentieth century*, Hozell & Viney Ltd, London, 1915, pp.100-118.

⁴⁸⁷It is a form of relationship between father and son. The fathers always have their way because of their economic power of influence over the household.

⁴⁸⁸Laindon & Evitt *Stock Exchange London, Gold in General and the Gold Coast in Particular* Mid-July, 1935

and the state (the colonial government) was concerned with the revenue generated.⁴⁸⁹ Asante and Adansi became victims unworthy to investigate their rights.⁴⁹⁰ AGC played a significant part in Ghana's colonial and post-colonial economies. During this time, the company was one of the largest private companies in the world operating effectively, according to the AGC annual report from 2002.⁴⁹¹ AGC rapidly became Ghana's single greatest gold producer, accounting for a little over half of all gold mines' gross revenue between 1912 and 1993.⁴⁹² After cocoa, gold was the second (for a brief period, the first) largest earner of foreign exchange. The truth was that the landowner's role as chief was just transitory. The rightful owners are the community's forebears and unborn children. Any involvement in an unequal land transaction entails the possibility of being summoned home to answer the ancestral and unborn children who are believed to exist.⁴⁹³

3.12 Conclusion

The political economy of mining in Adansi during the pre-colonial, colonial, and post-colonial periods is investigated in this chapter. It looks into how historical shifts in mining practices have affected social justice, conflict, and peace-building cycles. The chapter covers social relations as well as cultural and political systems that have been mitigated. In this study, I place the Obuasi mining community and the Ashanti Goldfield Company Ltd. (AGC) inside the framework outlined on political economy in Adansi, complementing my research with a focus on the socio-economic and political relationships in Adansi and the impact of these interrelations between different individuals and governments on the public policy on mining history. As has been established earlier, social injustice in host communities negotiating in mineral operations for

⁴⁸⁹Tom McCaskie, 'Innovational eclecticism: the Asante empire and Europe in the nineteenth century', *Comparative Studies in Society and History*, 14, 1, 1972, pp.58-60.

⁴⁹⁰ *Ibids* p. 55

⁴⁹¹AGC Annual Report, 2002

⁴⁹²*Ibids*, p. 56, Claridge.

⁴⁹³Busia, Kofi Abrefa, *The Position of Chiefs in the Modern Political System of Ashanti, A Study of Influence of Contemporary Political Institutions*, International African Institute, Oxford University Press, London, 1951, p. 145.

their peace-building co-existences is also investigated. The Adansi is said to be the commonwealth of Akan states which have all the linear features and rectilinear relationships among the Akans in West Africa. The political struggles within the Asante Territory affected the negotiation process and vehemently destroyed the processes and procedures for land acquisition. The 13th February 1874 Treaty of Fomena did support the independence of Denkyira, Akim, Assin, Juabeng, Kwahu, Adansis and other allies of the Asante kingdom who had been subject for 173 years. Some sections of the historical records recorded that the Adansis were not united but were a sort of miscellaneous group. Adansis economy of gold production dates back to the traders popularly known as the Wangaras who linked Adansi and Tafo to trading with Arabs, Maghrebs, Egypt and Mediterranean Europe. The mining in Obuasi through the acquisition of the concession was a new form of imperialism. On 3rd June 1897, Cote d'Or Mining Company transferred both its assets and liabilities. That same day, the company was listed on the London Stock Exchange with a nominal value of 250,000 Pounds per share. It was an opportunity to invest huge capital into such an economic venture in Asante Territory. Local people had produced 10,650 fine ounces of gold in 1881, which increased to 20,288 fine ounces in 1896. Between 1880 to 1888, in the Tarkwa area, a number of companies developed which employed about 41 European and other Africans. This clearly explains the importance of local technology in the mining sector. In all, about two hundred mining companies were registered in the Gold Coast. Farming in these areas was seasonal more of these people were miners and traders. Although, the cost of food rose significantly, at the same time, workers of AGC could not acquire land to cultivate foodstuff not even for themselves.

CHAPTER FOUR: SOCIAL INJUSTICE AND MINING CONFLICT IN OBUASI COMMUNITIES

*“The tongue and the teeth stay in one house to ensure efficient food readiness to the body but they always fight “between” themselves”.*⁴⁹⁴

4.1 Introduction

The interaction between local mining communities and mining firms in Ghana, notably in the Obuasi village, is exemplified by the Akan proverb above. Conflict is sometimes explained as an unavoidable phenomenon in all societies, especially mining communities. In Ghana, mining operations among the Akans have traditionally taken place in rural communities whose livelihood is based on the land and environment they occupy. Unfortunately, the mining company's practices on land negotiation, which were often imposed on the host community, mostly ignored their value systems, and this had a negative impact on the host community's well-being. The change in the community's values often leads to social injustice and eventually conflict in the communities. This chapter argues that the methods of negotiation for mining concessions in the local communities affect their value systems on land use, livelihood and security, thus leading to social injustice and conflict. Mining companies did not pay consideration to the indigenous people's religious values on land use instead they adopted politico-economic strategies which conflicted with the interest and coexistence of the people.

⁴⁹⁴It is an Akan proverb which shows that in unity could still exist disagreement in more acceptable and respectful manner.

The purpose of this chapter is to first investigate the influence of mining on the local community's religious values on land, livelihoods and security. Secondly, it looks at how Akan conceptions of conflict and social justice connect to the people's social reality and the role actors play in Obuasi communities throughout the period under consideration. Finally, it looks at the role of the enactment of laws and ordinances in various political regimes and shows how these caused conflict and social injustice in mining communities. This chapter is based on archival materials, oral interviews, Focus Group Discussions (FGDs), seminars, and secondary materials.

4.2 Social Injustice and Conflict in Mining Communities (1890- 1929)

The Akan idea of social injustice exclusively refers to systems that distribute resources unfairly and has nothing to do with individuals in positions of authority or authoritarian methods of distribution and redistribution. As a result, they believe social injustice occurs when someone takes advantage of another's privileges or status in an unfair and sometimes dubious manner.⁴⁹⁵ Human livelihood and environmental concerns are at stake, and both have an impact on human dignity and responsiveness. It is possible that the individual enjoys the luxury of being wealthy and wishes to exploit a person in a position of disadvantage with whom he shares a common social good. So, there is social injustice among citizens, communities, and places of work, among others, and it is the largest form of marginalization in mining communities. This indicates that by completely putting the interests of the host populations above those of the mining companies, the states commit and sustain injustice. The Akan saw this as social injustice because in the same way that someone uses his position or authority, the author likes to support these

⁴⁹⁵Interview with the chief (Ohene or Obrempong, a chief who could also have had two or three towns under his jurisdiction) of Abadwem in Obuasi on 18/08/2020.

local viewpoints. For example, a palace elder abuses the customary laws because he has a close relationship with “Nananom.”⁴⁹⁶

Social injustice in Akan knowledge is “Ntenkyia⁴⁹⁷” which means loss of honesty, truthfulness, and equality or crooked, unfair means of treating someone.⁴⁹⁸ According to the chiefs interviewed, social injustice also means anything or act that affects a family’s dignity, inequality in a more disrespectful manner; things that deny one what is due in a more socially unjust way.⁴⁹⁹ The treatment took a stance that had an impact on the people's relationships and forms of limitations placed more integrally. The unmanaged social injustice or any form of misunderstanding brings violent conflict.

The Akans do not only view the nature of conflict in isolation from issues of development. This is reflected in terminologies such as *Nkyinwowa*⁵⁰⁰, *Akyingyeε*⁵⁰¹, *Nkyinwowahyew*⁵⁰², *Nsawxso*⁵⁰³, and *Ntɔkwa*⁵⁰⁴. This describes the different types of layers in conflict and how they emerge. The study also showed that there are no specific terms that describe conflict directly; rather, local phrases simply describe the behaviour it causes. Conflict is not justified if it lacks a base and manifests nature, but it has become necessary in Akan reality for my analysis, defence, and relationships. People's notions are crucial because they shape their perceptions of how their fellow creatures must behave. With this in mind, the underlined local concept "*funtumfunafu*

⁴⁹⁶Interview with Chief (Odikro is a community leader, who passed through the Ohene to his paramount) of Sanso on 20/08/2020 at Sanso Adansi

⁴⁹⁷These are two Akan words which means ‘Nten’ means judgement and “kyea” also mean crooked or bad. The word thus means crooked judgement that has failed as a result of already known procedures and structure in dealing with similar issues.

⁴⁹⁸ An interview with on 12/02/2021 with Nana Owusu Akyia Berenpong, Krontihene of Adamanu in Asante Region

⁴⁹⁹ An Interview conducted on 13/02/ 2020 with Barima Offe Kwasi Okogyee at Kokoful.

⁵⁰⁰ Akan language “Nkyiwowa” means debate or argument

⁵⁰¹Akan language “Akyinyiez” means open confrontation

⁵⁰² Akan language “Nkyinwowahyew” means a heated argument

⁵⁰³ Akan language “Nsawxso” means pointing of accusing fingers in an aggressive mood.

⁵⁰⁴ Akan language “Ntɔkwa” means a verbal assault {adaapa twa} and physical assault {mmaa bode3 or tw3detoto}.

Sometimes the word is replaced with “Basabasa” which means confusion or disorder

dɛnkyɛmfunaƒu" is employed in the study, which prioritized requirements, interests, positions, and human interactions as a basic foundation of their existence. Both the communal social injustice that has a direct effect on the indigenous cultural practices and the mines operation could interrupt relationships in a middle way. Both equals could survive because of assurance through constant agreement.

4.3 Colonial Rule, Land Ownership and Land Reforms in Gold Coast

In 1876 the Gold Coast saw the implementation of the Public Land Ordinance, Cap 142, which allows the Colonial Secretary to acquire and vest lands for public use from the traditional authorities. Before any lands could be acquired for public purposes, however, notice should be given to those who are known to be entitled to sell or be interested in such lands. Each of such notice must be published at least once in the Gazette. Section 6 of this Ordinance allows appeals for any compensation expected to be lodged with the Colonial Secretary for three months after service of the notice and publication in the Gazette.⁵⁰⁵ In the event of a disagreement about the amount of compensation to be paid for the purchase of any interest in such properties, the matter may be referred to, (among other places), any of His Majesty's Courts with jurisdiction to decide ownership.⁵⁰⁶

The argument may also be expanded to include whether the Court of Appeal put the socio-economic needs of the community members in a position to begin bargaining equitably and reasonably. According to the interview I conducted, any transaction without the traditional

⁵⁰⁵GH- PRAAD, ACCRA, ADM 5/04/31 Gold Coast Geological Survey, Gold for Gold Coast Report in 1935. Cited in The African times 1st, April 1975 follows the Abolition of Slavery.

⁵⁰⁶GH-PRAAD, TAMALE, NRG 7/1/2047, Ghana State Mining Corporation

authority's approval was a criminal act and this was what the Europeans were engaged in.⁵⁰⁷ In 1891, the then-chief judge, J.T. Hutchinson, proposed adopting this strategy of seizing all land in the colony and protectorate, whether occupied or not, without payment on its compensations in his advice to the governor. In light of the host community's reaction, he (the governor) reverses his position, stating that the Crown must only take possession of minerals and underutilized and unoccupied forest land.⁵⁰⁸ The debate continues that mineral had a source of revenue for the few owners so its benefit to the Crown should be a general one provided its activities were not interfered with. On 14th November 1894, a new Crown Land Bill entitled "An Ordinance" that sought to vest waste-land, forest and minerals in the Crown was read in the Legislative Council for the first time.⁵⁰⁹ According to Section 3 of the Bill, "All wasteland" and all forest-land in the Colony are henceforth vested in the Crown for the benefit of the Government of the Colony".⁵¹⁰ Under Section 2 of the Bill 'waste land" was defined as, land of which, for thirty years before the commencement of the ordinance, no beneficial use had been made for cultivation or inhabitation, or for collecting or storing water or for any industrial purposes.⁵¹¹ British institutions like M. Burt and Swanzy first opposed a Bill in 1895 and petitioned for it to be repealed. *The Gold Coast Methodist Times* and the *Gold Coast Chronicle* threatened to leave the Gold Coast Colony if such Bill was passed into Law.⁵¹² The Daily News Papers reading sparked a wide criticism all over the colony and this was what its editorial captured:

The Bill is simply the tip of the iceberg, and its provisions speak little for the writers' political morality. Questionable actions of this nature can only serve to tarnish the British nation's honour and good repute, both for their love of justice

⁵⁰⁷GH-PRAAD, KUMASI, ARG 1/2/ 7/ 29 Adansi Affairs Native Affairs (1949-1951)

⁵⁰⁸GH-PRAAD, KUMASI, ARG 3/5/7 Mines (1933-1936)

⁵⁰⁹ Ibid. p.20.

⁵¹⁰ Ibid. p.15.

⁵¹¹ Justice Azu Crabbe and John Mensah Sarbah 1864-1910 (The Life and Work), University Press, (Accra-Ghana, 1971), pp.15

⁵¹²David Kimble, A Political History of Ghana; The Rise of Gold Coast Nationalism 1850-1928, Oxford Clarendon Press, 1963, p.332.

*and protection of the defenseless. It is sincerely hoped that the Secretary of State will recognize that allowing this Bill to become law will be a flagrant violation of the most basic principle, a tyrannical use of power, a critical error, and an unacceptable oppression of the people of this country.*⁵¹³

In April 1894, John Mensah Sarbah wrote and delivered a letter of protest, expressing shock at the Crown Land Bill's unprecedented incursion on their birthrights, in partnership with King Inkwanta Bissa, Chiefs and headmen in Accra and Himan, and other Cape Coast elite citizens.⁵¹⁴

The bill's strong resistance resurrected that as a policy statement, which was conveyed in the Governor's presentation to the Legislation Council, it was pleasant with the state to confirm the aim to regulate the awarding of mining and wood concessions, as well as analyze the concession agreement that had already been implemented without the government's previous consent in November 1896, to separate genuine enterprises from purely speculative transactions. The legal framework, for example, the type of exploitation that reflects the AGC's operation, could reflect the point of their argument, whether it is simply a measure to strengthen their taxing systems or a good measure to defend the new Gold Coast control system.

4.4 The Ashanti Goldfields Corporation (AGC), Mining Concession and Social Injustice

The AGC Concession on the 1st of January 1897 began the journey of mining social injustice and conflict in Gold Coast till now. The injustice significantly surpassed the 3rd June 1987 AGC Mining Concession Agreement that guaranteed Obuasi's serenity. The preamble of the deed, “that the lands of Bekwai and Adansi are under the protection of Her Majesty the Queen of Great Britain and Ireland express of India and under the direction of the governor on behalf of Her Majesty,”⁵¹⁵ was unfair, exclusive against the international policy of every nation.⁵¹⁶ At the

⁵¹³The Gold Coast Independent Paper, 9th February 1975, p.9 cited in Justice Azu Crabbe, John Mensah Sarbah 1864-1910 (The Life and Work), University Press, (Accra-Ghana, 1971), p.15.

⁵¹⁴Ibid, p. 23

⁵¹⁵GH-PRAAD ARG 1/5/4/9 AGC Concession in the Gold Coast (1929-1936)

exclusive negotiating table, the status of self-determination and sovereignty rights were compromised. A signatory affirmed the legitimacy and in the Ashanti Goldfields Corporation Concession of four parties, namely; the Gold Coast Colony (Sir. William Edward Maxwell), African entrepreneurs are the three "Josephs" (Ellis, Biney, and Brown), the Cote D'Or Company Limited, and Ashanti Goldfields Corporation Ltd. The indigenous occupiers of the land, led by their chiefs and elders in Asante and Adansi, were never recognized as parties by the AGC Concession Agreement.

The Queen of Great Britain should not arrogate to herself the jurisdiction to grant mining leases to cover the Ashanti, as stated in page 2 of the original AGC Concession Agreement in the Gold Coast paragraphs 5 and 6. This agreement was based on willful injustice.⁵¹⁷ Furthermore, it was said in Sections 1(c) and (d) on Page 4 that "The Colonial Treasurer shall receive an indicated sum of 133 pounds and 66 pounds annually on behalf of the person recognized by the Governor as the head chief, or king, of Bekwai and Adansi for the time being." Inherent in these clauses (c) and (d) is the issue of injustice. The injustice identified is the fact that it needed the Colonial Governor to recognize the Chief before the said amount of compensation/royalty could be received by the Chiefs. The governor should not be the person to determine who is supposed to

⁵¹⁶The concession was unjust since Obuasi then was not part of the Gold Coast Territory (The Gold Territory was Eastern Territory) but not under Asante province (These are the current Brong-Ahafo and Asante Regions). It was exclusivity resulted from ignoring indigenous ways of leasing land since Asante land belonged to the chiefs and was occupied by families the chain of attachment should have resulted in happiness and besides Asante territory have issued the lease not Queen of the Great Britain. Also, there was no governor general at that period in the Ashanti Kingdom. So, the Governor General could not have assumed any authority over Ashanti lands to be the representative and also make contracts that would affect the Ashanti Lands. So, injustice in this particular agreement is premised on the fact that as far back as 1890, when this alleged agreement was made, the Ashanti Kingdom lands were not part of the Queens Territory. The injustice far outweighed the clause which ensured peace in Obuasi then human beings were their common ground for co-existence.

⁵¹⁷The territory was then under Asante as it bears the name Ashanti Goldfields Corporation Ltd., the Gold Coast leadership and the Crown had no locus to register a territory which was not under its sovereign area. The terms in the concession claimed that the Obuasi mining operations in question were meant to benefit the Crown; meanwhile, Asante territory had not been colonized by the British but was still under Asante territory. One would also argue that the involvement of the Bekwaihene and Adansihene was enough representation of the Asante territory and therefore the contract was fair seems to beg the question on whether they represent the Asante territory. The Gold Coast governor and the role of the Crown was a serious trespass into other territories in such unfair and unjust means, section (5). The issue of the endorsement of the concession where annual royalty was charged by the British colony was more than what the two alleged "Amanhene" royalty was, the calculated attempt of exploiting the aborigine Asante's of their endowed natural resources.

be the King of both Adansi and Bekwai before the compensation is given. From the agreement, the mining company is supposed to pay some stated amount as compensation/royalty to the Chiefs of Bekwai and Adansi. However, this compensation or royalty first needed to be paid to the governor, who would then distribute it to the Adansi and Bekwai chiefs recognized. Both Bekwai and Adansi's annual royalties were captured, but the part of the clause that states that the person should be "recognized" by the government could generate conflict since the governor does not choose a leader for the local people.

The condition for recognition was quite different from the conquest, and if the governor did not accept an indigenous leader, then they can escape this clause. There, local leaders could become rubber stamps of injustices against the Adansi. The Chiefs were not entirely removed from the equation. Rather, they were part of it because they were receiving some kind of royalty per the agreement. The injustice issue with this particular clause again was the possibility that, in a situation where the governor does not recognize the chiefs of the two paramountcy, these royalties meant for the chiefs shall not be released to them. So basically, in Clauses (c) & (d) of Section 1 on Page 6, there are elements of injustice embedded in the clauses since the annual compensation only goes to two of the paramount chiefs only by colonial recognition. Other chiefs who own their property separately, such as Akrokerri, New Adubiase, Akrofoam, and Dompase, were not even included in this agreement.⁵¹⁸ This was an early warning sign of conflict which was expressed in 1899 by Bekwaihene's statement that Sanso, Ayinam, and Korkorhuetia were not part of the deal as they were already mining concession before 1890.⁵¹⁹

⁵¹⁸GH-PRAAD, ARG 03/01/16 Obuasi Adansi Affairs, 1932-1933

⁵¹⁹Tom. C. McCaskie, Asante, Kingdom of Gold: Essays in the History of African Culture, The Creation of Ashanti Goldfields Corporation, Ltd., 1890-1910: An Episode in the Colonial Impact Upon Asante, Carolina Academic Press, Durham, North Carolina, 2015, pp 46-52.

According to a historical account, Bekwaihene was mining in Ayinam with a workforce of 500 indigenous people when Arthur Cade arrived in Adansi for the first time.⁵²⁰

Although Ayowa-Afrifa and McCaskie blamed Bekwaihene for allegedly giving a contract, based on his misunderstanding of what 100sqms⁵²¹ meant. Hence, the fight for independence, sovereignty, and development agenda began in the Gold Coast Colony in the 1880s was ignored by the Asanteman Traditional Council.⁵²² My interpretation of the same issues is that of the inexistent nature of the contract but a clear form of exploitation exists in all local mining for the benefit of the British colony. Secondly, the mode of allocation was not measured in meters but by natural boundary and where one operates already could have been given to another person because the land was treated as sacred but shared among the people in the community but supervised by chiefs and ancestral estate.

Lastly, Asante's reality showed clearly that land could not be given to the Fante stranger. Besides, their reality does not allow selling land, even if some part of the land, was allocated to strangers, it would have been under serious measure by the local community.⁵²³ This particular view was conflictual with the realities of the Asante/Adansi. It is a key "underlining fact" of social injustice in the mining communities, especially in Adansi. Indeed, conformity with traditional rules that ensured social justice was not the case here.

Furthermore, section 8 page 6 of the Concession states that "The Company shall carry on and conduct all operations hereby authorised in a proper and workman-like manner and will, at all

⁵²⁰ Ibid, pp, 52. Cited in Chamberlain Mss, Daw to the Director of AGC, dd. Obuasi Mines 8th January 1898.

⁵²¹ Ayowa Afrifa-Taylor, *An Economic History of the Ashanti Goldfields Corporation, 1895-2004: Land, Labour, Capital and Enterprise*, A Phd Published Thesis University of London, School of Economics and Politics, 2006, pp.46; cited *ibid*, p.54.

⁵²² Hamilton, Robert Earl, *Asante 1895- 1900: Prelude to War*, Published PhD. Thesis, Northwestern University, Evanston Illinois, 1978, pp. 300-400.

⁵²³ Harrison Alexander Amankwah, *Land Law and Used in Ghana*, Sedco Enterprise Ltd., Accra, 2016, pp. 411-575

times, during the said terms, carry on bonafide mining operations on the said lands and employ therein, continuously a such number of natives".⁵²⁴ Not adhering to this section created injustice since mining justification was always that the company needed technical skills, not unskilled labour which the host community's members could lack.⁵²⁵ Section 9, page 6 from the Concession always results in clashes with the environment and provides a road to avoid discrimination and unfairness. The clashes of interests bring conflict. Lastly, it must be noted that all minerals and precious stones under the earth are for the state, according to the Mining and Minerals Act.⁵²⁶

However, to access the minerals, one must go across the surface of the land owned by the chiefs, who have distributed it to families who rely heavily on it for survival. The chiefs and members of the communities close to the mines were the custodians of the land, yet when mining concessions were given, they are woefully excluded by the mining company's operations. Eventually, there would not be everlasting peace in the mining communities when the chiefs and the people living near the mining operations are excluded from engagement. After a review of the AGC Concession Agreement in 1897, the kings, chiefs, and people's input were not captured or included. To put it directly, social injustice in mining communities generally is to do anything crooked, untrue and exclusively related to resource allocation and distribution which is done unequally. Since land resource depends on the strength of individual members of the family and not on what percentage it is shared affects livelihood was a greater influence on mining, care must be taken. The denial of what one is due to a clash with other people's interests is termed as

⁵²⁴GH-PRAAD, Kumasi, ARG 1/5/4/9 AGC Concession Agreement,1877. pp.6

⁵²⁵Sometime adherent to this section ensures sustainable peace.

⁵²⁶Mineral and Mining Act 706, (ACT 2006); Constitution of The Republic of Ghana, 1992 Article 257 (6); Repealed Mining Rights Regulation 1905(Cap.153), Minerals Ordinance , 1936 (Cap.155); Radio-Active Mineral Ordinance (Cap.151); Mineral Act, 1962(Act 126); The Mines and Minerals (Conservation and Development) Act 1965(Act 278) ;The Mines and Mineral Ordinance , 1965(Act 278); Mineral Act and Regulation Degree, 1968 (N.L.C.D.)The Provisions of Administration of Land (Amendment) Decree,1979 (A.F.R.C.D.61); Mineral and Mining Law, 1986 (P.N.D.C)

conflict, but in other cases, if the clashes ignore interests, needs and demands, peace shall remain with the people.

The Government of the British Gazette (Extraordinary) No. of 1897 released its first intimidation of the Land Bill in the Legislative Council seven days after the AGC Concession was given. It was issued to the Colonial Governors on the Gold Coast on Wednesday, March 10, 1897, to define "public land" for the general benefit of the chiefs and people, as well as the Governor's power.⁵²⁷ Indigenous Africans' prior knowledge of the land and the colonial government's concepts on land acquisitions clashed and generated conflict spearheaded by John Mensah Sarbah in consultation with the King, Chiefs and other inhabitants. In reality, the main objective of the Colonial Government was to administer what they termed as "Public Land" for their general advantage for the exploitation of the natural resource deposit. The justification could have been accepted in good faith for the preservation of the natural resources of the Gold Coast Colony, but on the blind side. Arthur Cade⁵²⁸ had visited the natural resource deposit in the Obuasi area already and pressured the Colonial Scheme (Berlin Conference on demarcating Africa in 1884/1885) to take over the mine deposit in the Asante Territory. Cade returned to England on the 8th of September, 1895 and approached the British Government and Colonial Secretary; (i.e.) shortly after the 17th of January 1896, which was roughly three months after the British governor had prepared the information.

Asantehene Agyemang Prempeh I was exiled to pave way for the Berlin Conference agenda (1884/1885) of seizing African territory including all Asante territory's resources. Despite the Asante territory's inter-conflict and helplessness, the territory accepted in principle the

⁵²⁷A., Crabbe, John Mensah Sarbah 1864-1910, Ghana University Press, Accra, Ghana, 1971, pp.16-22

⁵²⁸Arthur Cade was the first foreign businessman who visited Obuasi in 1895 with the aim of verifying a mining concession already alleged to have been given out by Bekwaihene to the three Fante merchants who had operated the mines for five years in Obuasi

concession allegedly negotiated by Cade in Bekwai. The Kingdom could not respond but remained mute because they were planning for the reunion of their territory as an immediate priority at the time. The Colonial Secretary's earlier communication to the Directors of the Cote d'Or Mining Company on April 27th, 1896, expressing recognition of their application and effort to see that it was carried out, was a clear indication of the unjustly taking over of resources without consulting the Asante territory's local leadership.⁵²⁹ The role of “*Mfante Amanbuhu Fekuw*⁵³⁰” in 1889 who reverences land as fundamental to community life expressed the injustice which later emerged as an action group known as Aborigines Rights Protection Society (A.R.P.S.) in 1897. A.R.P.S. in Gold Coast succeeded in their argument on the wasteland in existence and, as such, called for its withdrawal since the land belonged to the African traditional leadership. Because of their isolation, the colonizers were denied accountability for the forest reserves and mineral deposits. The social injustice related to Public Land Ordinance caused King Tackie in 1887 to vehemently register his displeasure by complaining about the British irregular building without giving the traditional people any notification was registered.⁵³¹ The reference to His Majesty Court in England was made because the host community's relationship with their land was not considered before taking over and the mere fact that their inability to read and write made the notice insignificantly exclusive was repressive on issues of social injustice. Land grabbing stories were similar in mining villages, with a long-running battles over mining lands with the Governor Sir William Brandford Griffith. In his declaration in 1889, William Brandford Griffith offered a sovereign unfair remedy, claiming that “the whole country should be taken

⁵²⁹Tom McCaskie, *Asante, Kingdom of Gold: Essays in the History of African Culture, The Creation of Ashanti Goldfields Corporation, Ltd., 1890-1910: An Episode in the Colonial Impact Upon Asante*, Carolina Academic Press, Durham, North Carolina, 2015, pp 46-52. Cited in Methodist Missionary Society, London, Somerville to Hartley, dd. Bekwai, 20 April, 1896

⁵³⁰This was organized educated African which growing tradition of protest against government actions and created conscious rival of respect on national tradition, Cited David Kimble, *A Political History of Ghana; The Rise of Gold Coast Nationalism 1850-1928*, Oxford Clarendon Press, 1963, pp,332.

⁵³¹David Kimble, *A Political History of Ghana; The Rise of Gold Coast Nationalism 1850-1928*, Oxford Clarendon Press, 1963, pp,400-450

over as Crown territory, and administered to greater advantage than the inhabitant could accomplish for themselves.”⁵³² The busy struggle to withdraw the Land Bill which was publicly disallowed in August 1898 through the African Intelligentsia and the traditional rulers was just a scam since the letter and spirit of the Bill have their shadow clearly in the Obuasi Goldfields Mining Concession in 1897 as a basic legal foundation for mining laws in Ghana. The general issues related to conflict due to this obnoxious law were the clashes of interest through the action of ARPS.

The position of unfairly taking over of Asante land because of the agenda on the exploitation of both gold and timber was reflected in the Ashanti Goldfields Corporation concession on 3rd, June 1897. This concession agreement was between the Commander-in-chief of Gold Coast Colony and Sir William Edward Maxwell.⁵³³ It was a deliberate taking over of the socio-economic rights of the people’s basic inherent social economic needs. Even though, the Land Ordinance in 1887 was announced to be disallowed publicly in August 1898,⁵³⁴ its shadows on the mining legal framework had still stayed in Obuasi Concession that had affected the community till now in all other subsequent mining laws in Ghana.

The indigenous protectant in personalities like John Mensah Sarbah, J.W. Sey, T.F.E. Jones, E. F. Hunt, and George Hughes among other traditional rulers of the Gold Coast could not save the day. George Padmore put it in his words as “The mosquitoes saved the West African not the eloquence of the intellectuals.”⁵³⁵ A Report from the concession expressed, that there was no Indenture that facilitated the claim by Arthur Cade in 1895. As a matter of fact, many historical

⁵³²PRAAD, Accra CSO 01/ 96/247 Letter of 24, July 1891 from Hutchinson to Brandford Griffith, enclosed in His Confidential Dispatch on 29August 1894 to Ripon

⁵³³PRAAD, Kumasi, ARG 1/5/4/9, The 3RD JUNE, 1897 Concession Agreement,

⁵³⁴Ibid,pp.25

⁵³⁵George Padmore, *The Gold Coast Revolution*, (London, 1947), pp.45.

records explain that the two chiefs could not read and write. The Indenture acquisition was not a traditional method of transferring land with a natural resources like gold which the two “Amanhene⁵³⁶” (who were alleged signatories), were already aware of.⁵³⁷ The “Amanhene” had no such record as proof of evidence of the contract. In fact, data from the archives did not support this either.⁵³⁸

My earnest surprise was the character of Joseph Brown who showed a double standard. And, as Afrifa put it, “Brown may have overlooked his inconsistency in land issues: the AGC Agreement was a concession granted by the Crown Government, a proposal that the Gold Coast Aborigines’ Rights Protection Society (ARPS) an African anti-colonialist organization formed in the then Gold Coast, adamantly opposed with the leadership of Joseph Brown. Maybe, he thought Ashanti territory would be treated differently than the Gold Coast which was why on one side, his role was peaceful collaborating transfers of Asante land, to the European and on the other hand vehemently oppose land in Gold Coast Colony.”⁵³⁹ The position was such that it was possible to persuade the indigenous people's leadership into acting both willfully and unwilfully against their relatives, without regard for the local people's future issues. Local missionaries, anthropologists, and academia such as, Mr. Joseph Brown, used this instrument to impose a Eurocentric reality rather than an indigenous world-view, which harmed intangible, workable social structures against his own Africans.

⁵³⁶It meaning in Akan language is a name of paramount chiefs

⁵³⁷Interview with Bekwai Chief “Bekwaihene” on 18/09/2020 in Bekwai and Adansi Chief Adansihene on 24/09/2020 in Fomena

⁵³⁸Tom McCaskie, *Asante, Kingdom of Gold: Essays in the History of African Culture, The Creation of Ashanti Goldfields Corporation, Ltd., 1890-1910: An Episode in the Colonial Impact Upon Asante*, Carolina Academic Press, Durham, North Carolina, 2015, pp 46-52.,

⁵³⁹Afrifa-Taylor, Ayowa, *An Economic History of Asanti Goldfields Corporation, 1895-2004, Land, Labour, Capital and Enterprise*, Published PhD. Thesis, (London School of Economics and Political Science, 2006),

4.5 Gold Mining and Gold Production in Obuasi

Until 1896, the highest production of gold was using the indigenous mining method of production and then the supplement; the other technological methods.⁵⁴⁰ The allegation of crude and stigmatising traditional method of extraction and the call for its locals to stay out of mining operations through mining ordinance was socially unfair since that was the basis of their economic discrimination of which social injustice could be justified. The social injustice issues started when the contract between the Ellis Mines and *Bekwaihene* and *Adansihene* was allegedly signed. The original contract had the foundation of the untruthful picture of the Akan traditional perspective of what is socially unjust.⁵⁴¹ The societal inequities that led to the Aborigine Rights Protection Society's campaign were already present in the AGC Obuasi Mining Concession on March 3, 1897. A concerted effort should have been made to end the legislative framework that was rejected due to its unjust, exclusionary, unfair, and dehumanizing nature. All mining laws have been influenced by the AGC Mining Concession. A.R.P.S. failed to maintain the host communities' livelihoods when their lands were taken or seized, despite making minimal effort to recognize the chiefs.⁵⁴²

The interview with the community revealed that the issues of social injustice started from sharing a portion of land, wrongfully allocated to, someone, disgrace attached to land distributions, dehumanizing and stigmatizing in sharing social goods against the voiceless in society.⁵⁴³ This affirmed that individual rights and communal rights in Africa equally move together, but the difference in the community was the very social label or stigma tag against the local people in mining communities. While the various literature is more concerned with the nature of the

⁵⁴⁰ Ibid, pp. 156-240, Afrifa-Taylor, 2006

⁵⁴¹ Interview with Nana Safo Katanka, Asante Historian and teacher on 03/05/2020 at Manhyia Palace

⁵⁴² Interview with Bekwaihene on 08/06/2020 at his palace in Bekwai

⁵⁴³ Interview with a seventy-eight-year Chairman of Adansi Progressive Association in Adansi-Asokwa on 15/09/2020

distribution, and redistribution of resources, the mining community's injustice prepared enough conflict which was very difficult to negotiate. This is due to a lack of power to exercise openly expressed conflict under the charges of the indirect rules. The conflict was not much realized from the archival data that the Native Ordinance banned indigenous people from mining, leading to suspicions, exclusion from, and misunderstanding of their resources.

Every society evolves through conflict. The role of A.R.P.S. was to use a non-violent approach to prevent future land and environmental conflict in the Gold Coast colony, but it failed miserably in the Asante territory's mining land policy, which was then illegitimately handed over to the Crown Colony via AGC Concession. It was only successful in conceptualizing public land and stool land, which only suited some parts of the country where only chiefs owned land. The situation generally fails miserably in reality, where land is owned by families and local capitalists. When it came to locals' mineral resource exploitation rights, the locals were excluded. That has resulted in a protracted conflict in Asante territory and nearby Obuasi. Even in recent times, the same challenges still exist. Prior to the arrival of European colonial power, gold mining was a significant sector in Ghana's history. The customary law had its own rules on mining's negative livelihood and environmental consequences. But it has been demonstrated that the law was unable to adequately control some of the most serious well-being environmental repercussions of mining⁵⁴⁴.

The oral interview with respondents from Asanteman Council revealed a local concept of conflicts are “akyinwoa⁵⁴⁵”, “Nkyinnyeε⁵⁴⁶”, “Nkyinwoa hyew⁵⁴⁷”, “Nsawɔsoɔ⁵⁴⁸”, and

⁵⁴⁴Francis Nii Nuetey Botchway, *Toward an Environmental Legal Regime for Gold Mining in Ghana*, Published for the fulfilment of Master in Law, Dalhousie University, (Canada,1994),pp.246-266

⁵⁴⁵ ‘Trivial expression of different’ in Akan language.

⁵⁴⁶ ‘Argument’ in Akan language

⁵⁴⁷ ‘Heated argument’

“Ntokwa⁵⁴⁹” which is normally verbal or by using objects on the body. It is a process of expressing one’s discontentment which could lead to destruction. A conflict is a misunderstanding that yields arguments and when increased, could lead to clashes or escalate into violence.⁵⁵⁰ In the structure of the colonial administration, the chiefs and the colonial administrators who later became the mining company enforcement agencies, were used to strengthen the peace-building process and also as actors in the conflict situation. It was an agency that supported the exploitation of mining activities against the indigenous people.

There were divisions in perspective of how African miners left the operation to only Europeans until independence. There was also a disagreement on whether their adopted method was fair and just and whether it resolved struggles on a natural resource like gold or respond to the community. One school of thought claimed Africans left the mining sector to Europeans because of economic diversity in alternative production that demanded low capital like cocoa and rubber where the early stage of its production became a food bucket for survival and has less risk, unlike gold production which needed capital expenditure for exploitation.⁵⁵¹

Junner, an authority in mining, put it as “the excellent African prospector of former days, who discovered practically all of the deposit now being worked by European, has almost disappeared, all the young men are cocoa-minded and unless paid well will not dig for gold.”⁵⁵² From 1890 to 1910 Gold Coast was the leading producers and exporters of rubber.⁵⁵³ Records put it that “the high price of rubber offered them (i.e., the indigenous peoples) was an easier and more lucrative

⁵⁴⁸ ‘Angrily pointing fingers’ in Akan language

⁵⁴⁹ ‘Aggressive fighting’ in Akan language

⁵⁵⁰ Interview conducted from the field in Obuasi in 2021.

⁵⁵¹ Dumett, R.E Sources for mining company history in Africa: the history and records of the Ashanti Goldfields Corporation (Ghana), Ltd., Business History Review 62, 1988, pp. 502-15

⁵⁵² Junner, N.R, Gold in the Gold Coast, Gold Coast Geological Survey, Memoir 4, 1935 at the request of the Governor Sir Arnold Hodson

⁵⁵³ Anin, T.E, Gold in Ghana, Selwyn Publishers Ltd, Accra, Ghana, 1987, pp. 20-187

employment, as all they had to do was to tap the vines of the tree, growing wild in the bush”.⁵⁵⁴

In the case of cocoa production, pioneered by Tetteh Quarshie and other indigenous farmers with missionary and official encouragement, no foreign-owned plantation was available at this time and all were small-scale farms for the local people. The second school of thought also derived from the study shows not-enough records on indigenous people in mining. Small-scale producers were still in business to meet the local demand and needs. These had resulted in local merchants influencing their communities, based on my observation in the Obuasi community.

Lastly, there was an obnoxious legislation enactment that frustrated African miners from their cultural occupation. The Mining Rights Regulation, (1905) was introduced to completely deny indigenous Africans from both prospecting and mining concessions. The Mineral Oil Pre-emption Ordinance of 1907⁵⁵⁵ was enacted to protect the Gold Coast government's mineral rights.⁵⁵⁶ This was a desperate attempt to control resources and mortgage the economic reality of the Africans. This did not consider human-contentedness and welfare, but neo-capitalist domination.⁵⁵⁷ This was further backed in 1909 by Gold Mining Protection Ordinance 125 which criminalised the indigenous Gold Coaster to operate in mining activities as an act which was only preserved for foreign investors. The Forest Ordinance 1911, which was to control the forest resources of the country, was passed to establish their domination.⁵⁵⁸The Mercury Ordinance was one of them too, stating that the simple possession of the chemical by indigenous peoples without a license was grounds for severe punishment. Also, River Ordinance I48, required that dredging and diversion of water with regard to certain scheduled rivers shall only

⁵⁵⁴ Ibid, pp.32-54, Anin

⁵⁵⁵ No.15,1907 as Amended by Cap 154 1935).

⁵⁵⁶Harrison Alexander Amankwah, Land Law and Use in Ghana, Sedco Publishing Limited, Accra, 2016, pp.520

⁵⁵⁷Afrifa- Taylor, Afrifa-Taylor, An Economic History of Ashanti Goldfields Corporation, 1895-2004, Land, Labour, Capital and Enterprise, Published PhD. Thesis, (London School of Economics and Political Science, 2006),

⁵⁵⁸ Harrison Alexander Amankwah, Land Law and Use in Ghana, Sedco Publishing Limited, (Accra, 2016), p.522

be allowed under licence.⁵⁵⁹ In addition, the Governor, has, at his discretion, powers to attach to any license such conditions as he may fit. A fee of 5 pounds has to be paid for a license to dredge for minerals which are renewable yearly, but where a mining license under the Concessions Ordinance, CAP.27 has been obtained, the license to dredge is issued free, the mining license being endorsed accordingly without regard to the cultural value system of the mining communities.⁵⁶⁰

The diversity of ethnic groups in AGC caused concern with the District Commissioner, Obuasi, and reported; “Obuasi’s mushrooming expansion and the minor squabbles among the amalgamation of inhabitants from nearly every tribe on Africa's West Coast... There's a chance that a riot may break out here, and if we don't have enough force to deal with it, it will turn into a very dangerous situation.”⁵⁶¹ Casely-Hayford also justified this period of codes in his comment on the Concession Ordinance in 1900 as the best abused piece of legislation that he had ever come across.⁵⁶²

The different migrants created an alarm that could be attended to in very different ways on the mining land. Adansis value systems did affect the relationship with the mining companies. The majority of the staff were migrants who only obeyed the company code of ethics. The few Adansis who were working in the mines had been forced as labourers with reasonable rewards. Most indigenous people perceived mining operations as inimical to their culture. They hated working under the European forced action since they already have a skill in mining and saw it as a system to devalue their humanity. Admittedly, the mining company also thought that the

⁵⁵⁹Ibid,p. 62, Anin

⁵⁶⁰GH-PRAAD, Accra, CSO 5/1/612, The Gold Mining Products Protection Ordinance 1929 (Asante No. 15 of 1929)- Proposed Amendment, 28/6/32 No. 109/32

⁵⁶¹GH-PRAAD, Kumasi, ADM 53/1/1 District Commissioner Obuasi to the Commissioner of Police 25/09/ 1904, cited Jeff Crips, The Story of An African Working Class (Zeb ,1984).

⁵⁶²Casely-Hayford, Joseph Ephraim, Gold Coast Native Institutions. (London: Sweet and Maxwell, Ltd., 1903).

indigenous people were the right people to be employed in the mines as expressed as follows: “The native actually appears to be the only individual who can bear the climate and who should undertake the work,” George MacDonald wrote, “but the question is, how is he to be convinced to do it in such a way that it could be lucrative to those who spend their capital.”⁵⁶³ Others, who misunderstood the past cultural systems perceived the indigenes as deliberately refusing to work for the mining company and this, oral history put from an interview of a father’s experience from a respondent, thus:

If you are royal and you engage in mining you could lose your reverence power due to the risk and respect attached to miners. Due to this very perception, the indigenous people were not allowed to work in the mines. I remember my father told me, he started his career as a security person for the mining company but his family succeeded in withdrawing his service and created a job for him outside Obuasi because he was a royal. The migrants from Cape Coast and the Northern Region were more; so later as the indigenous people wanted to work in the mines strangers had already dominated it. It is an unfair treatment against the community by the mining company⁵⁶⁴

Though this respondent accepted the exclusion as unfair treatment, this is understandably blamed on the culture.⁵⁶⁵ Though opportunities for mine work were slim, a few Adansis were employed. However, it was not the company’s deliberate action against the host community. The mere nature of one understanding reduced the tension or escalate it into violent conflict. Nonetheless, what the majority of the locals perceived as grounds for exclusion could be triggered by violent conflict and could be their cause.

⁵⁶³Jeff Crips, *The Story of An African Working Class, The Ghanaian Miners’ Struggles, 1870-1980*, (Caledonian Road London, 1984), pp.14, Cited George MacDonald, *The Gold Coast Past and Present*, 1898.

⁵⁶⁴Interview conducted at Akrokyere College of Education, 17/11/ 2019 with an indigenous Tutor from Obuasi

⁵⁶⁵Mines are the preserve for a captive of war classified as slaves (Ayensu, 1998, p. 112) and punishment to a deviant in society, according to the Akans. Many local mining risks were far more than the benefits in their society. As a result, working as an indigenous Adansi called for losing a such family member. Other families, on the other hand, mined as a side business to their farming with only slaves and some family members. It was unacceptable in their reality if someone had been employed an Adansis as a labourer (interview with Abadwehene a staff of the AGC).

The tension was not much intense since the indigenous Adansis were engaging mostly in farming which to them was more profitable than the gold extracted from their soil. What brought about social injustice were payments made to third parties instead of the true beneficiaries, i.e., if the mining company sees that the party to their agreement is sober and the others sharing boundaries to the concession are more difficult and chaotic, the mining company would settle them and have its peace to perform its mining activities leaving the sober behind without paying anything to them. This was a form of injustice from discrimination. Feeling or perceiving being cheated was another way that brought about social injustice, but in a more communitarian way rather than an individualist one. Though it was the individual that forms the community, that is, "I am because we are,"⁵⁶⁶ to borrow from the concept of 'Ubuntu' community interests superseded individual interests.

It occurred when the state was given the authority of chiefs and queens. Along the line, they started dealing with Bekwai and Adansi, and the Ashanti who organised the state together. Whether one was Adansi or Bekwai, the *Asantehene* had central supervisory power. Later, the *Asantehene* realized that his Kingdom, was under a certain government of Ghana. On 26th September 1901, the British took the Ashanti Kingdom and annexed it to the Gold Coast colony, but it was still under the British pieces of Ordinance which laid a foundation to discriminate against the indigenous community members.

The basic foundational thought of the mining company about the occupant of the land (local Adansis) was injustice and unfair occupation of their freehold property, that they must behave

⁵⁶⁶Mbiti, J. S., *Africa Religions and Philosophy*, (Heinemann Education, 1970), pp.141; Afrifa-Taylor, Ayowa, *An Economic History of Asanti Goldfields Corporation, 1895-2004, Land, Labour, Capital, and Enterprise*, Published PhD. Thesis, (London School of Economics and Political Science, 2006).

rightly toward each other.⁵⁶⁷ The Adansi equally perceived the company in similar form as an unjust character by trespassing of the company on their inheritance. Even though both admit some form of social injustice, this has little influence on the company's profit and the host community's livelihood and environment. The state of affairs leads to little dispute that is handled in a non-violent manner⁵⁶⁸ but normally settled by the District Commissioner and community values like proverbs and silence. Among this conflict was the expression made on 20th April 1905 by Mr. Hodge, a manager of Sansu Mining Company Ltd. a sub-contracted mining company by AGC who wrote to the Obuasi mining area District Commissioner about the indigenous people as follows:

*The locals under arrest by the corporal, has built a hut without permission close to my House and outside the village Sansu, he has not only been insolent to my employers, but has made a repealed threat of violence to them, He has no right whatsoever on our property. I would, therefore argue that you instruct him that he must leave at once. I could, of course, pull down his hut but I believe and respect the court you preside over.*⁵⁶⁹

The expression of rights equally could have been made by the hut owner (the native) to his traditional ruler because the occupant knew nothing about the mining company's concession. These form of clashes between the mining company had already been made which have created a roadmap on discrimination against the members of the host community lessening conflict in non-violent ways. The Adansi people had only a few communities whose livelihood was on the cultivation of such as plants, plantain, cassava, orange, cocoyam, cocoa farming and rubber plantation that was on the surface of the land. However, there had been a few clashes since the deep mining method adopted by AGC started.

⁵⁶⁷Kimble, David. A Political History of Ghana: The Rise of Gold Coast Nationalism, 1850-1928. (Oxford: Clarendon Press, 1963).

⁵⁶⁸GH-PRAAD, Kumasi, ARG 3/2/86, Obuasi Adansi Affairs (1929-1945)

⁵⁶⁹GH-PRAAD, Kumasi, ARG, 3/5/7, Mines.

Minor injustice systems where discrimination was recorded against individual community members and the company was recorded. For instance, on 8th January 1907, a fireman staff had a health condition. William Wright, another mining director, brought him to Dr. Woodman, the mine's physician, who gave him a leprosy diagnosis and quickly ordered his removal since his sickness posed a risk to the Whiteman, who called all Africans, regardless of their age, "boys."⁵⁷⁰ Although he was an Adansi and what affected him similarly affected his community, the company management ignored the decision and advised him to enter into more profitable farming. Due to the failure of the Gold Coast government to enact the Land Bill in 1897, the colonies and Asante's mineral rights were not vested in the crown. Meanwhile, it had been effective in the early concession as a manifest institutionalization⁵⁷¹ of Registration of Deed Systems.⁵⁷²

The Gold Coast, the state took active steps to establish an efficient system for managing mineral rights while attempting to prevent the local people from acquiring miners' land. The system encouraged and strengthened the foreign mining business, creating disagreement and dissatisfaction among the direct users of the land. The system encouraged and strengthened the foreign mining business and the colonial state, creating frustration and displeasure among the direct users of the land, be they allodial or usufruct right owners. The procedures in Asante territory were perceived as religious practices rather than as an attempt by the state and foreign

⁵⁷⁰GH. PRAAG ARG 5/5/2 Ashanti Sansu Mines Limited, 23/3/1903- 23/3/1909 in Ghana.

⁵⁷¹Ibid, p.533.

⁵⁷²It is a system of land registration used to record transactions impacting governmental offices in order to offer documentation of a specific land contract to those who deal with land later. In truth, the common law has never required the registration of an instrument as a condition for the legality of an interest in land and land purchases as statutory innovations. The Land Registration Ordinance Act 122 was first enacted in the Gold Coast colony in the nineteenth century (1962). The English Land Registration Act 1925, as mentioned by E. Dunham, *Modern Real Estate Transactions*, London: Sweet & Maxwell (1982), 643-648, was the direct source of my inspiration.

corporations to force out indigenous people of their riches. The reasons are that in their reality, their region would not have been possible without both land and people living on it. The land was obtained by the natives through religious reasons, which were followed by political choices to engage in conflict; as a result, what was acquired became sacrosanct. Their relationship with the land they lived on was religious, thus they were instructed not to sell it but rather to enjoy it freely for religious purposes while being appeased by *nsatou*.⁵⁷³

The Europeans were too anxious about the exploitation of natural resource while Asantes was thinking of the return of their leader to occupy the Golden Stool. The idea of social injustice accepted by the Adansis was the issue around their leader's travel. The community perceived these moves as discriminatory and unjust since the company could give more jobs to aliens who suffer similar ailments while still working in the mines.⁵⁷⁴ Despite this, not all Adansi saw the situation as discriminatory; rather, it was viewed as a means of ensuring the safety of those in the mines. This had an impact on their perceptions of violent conflict, as there was less fear and confrontation in the community with miners, but a more united atmosphere.

The Gold Mining Protection Ordinance was first enacted in 1929, to restrict the host communities' powers to mine. Before this time, there was a classified period of local traditional leaders' dominance beyond imagination. Invasion and control of many colonial ordinances were effective tools in the fight against social injustice in the Gold Coast mining towns within the reach of the actors who have the power to protect the citizens. Social injustice and conflict actors have always been felt in human existence. The European actors applied the blueprint in Berlin in

⁵⁷³The meaning in the Akan language, stands for "pouring libation". It is a religious ritual often used in Akan prayers. In relation to land, it was often done by the chief through his linguist on the land, asking permission from the land for its uses and also asking for successful usage and security. In modern Ghana, where Asante land is not sold, the demand for using land from the traditional is changing to " *Nsa Sika* ", which means in Akan, money used to buy drinks for the land. It is now similar to premium, deliberation, worth or charge for land

⁵⁷⁴GH-PRAAG ARG 8/5/2 Ashanti Sanso Mines Limited 28/3/1909 in Ghana.

1884/1885, which resulted in aggressive exploitation and partitioning of Africa, but marginalized and excluded Africans with such an important landmark. It was within the same period that internal political unrest among the Oyoko clan and other Asante federal states offered a mechanism for unjust economic exploitation in Asante territory. For example, of such conflict was Kwahu, Juaben, among others. The imposition of the Native Laws on mining towns by Europeans without engaging the African perspective on the subject would be interrogated too as a step that was reported as a form of conflict with the local understanding of their reality. The Asante Kingdom's strength had eroded, leaving less room for resistance to external conflict, while internal strife accommodated unsafe security holes. The level of social injustice was egregiously sanctioned in a fragile environment but to some extent mitigated by the ancestors and stools which were served through natural things like land, forest, mountain, rivers, other animals, among others as “spiritual policemen.”⁵⁷⁵

This period marks an economic and political system where mining operation was controlled by the chiefs and even individuals who possessed gold nuggets were reported directly to the chiefs since they owned the land and everything on it such as minerals, natural plants, objects and even water bodies. If one refused to surrender any identified precious mineral or asset on the land, that person could be charged with criminal offences and sometimes their punishment was banishment or death penalty.⁵⁷⁶ Society knew the value of gold nuggets, gold dust, silver and ivory as legal tender or accepted means of exchange of goods and services.⁵⁷⁷ The political and economic leadership of the society was controlled by the chiefs and their subjects. External and internal

⁵⁷⁵Abotchie, Christopher. *Social Structure of Modern Ghana*. (Accra: Hans Publication, 2008); George P. Hagan, *The Rule of Law, A traditional Akan State*, Presence Africaine Edition, 1980.pp. 193-208;

⁵⁷⁶Ofofu-Mensah, Ababio Emmanuel *Mining as a Factor of Social Conflict in Ghana*, *Global Journal of History and Cultures*, Vol.1, 2011), pp. 7-10.

⁵⁷⁷Arhin, K., 'Succession and gold mining at Manso Nkwanta', *Research Review* (Institute of African Studies, University of Ghana), 6, 1970, pp. 101-9.

trade negotiations were done and the queen was in charge of the market operation and taxes, while security issues were a must-patriotic responsibility of all, and surveillance agents were unpredictable.⁵⁷⁸ The land was also in the trust of the chief who fairly and equally distributed it among the citizens or all indigenous family members. The claim of land ownership was in two folds: one is through conquering from the aborigines or through the extrusion of activities like farming and hungering that assumed them owners.⁵⁷⁹ The chiefs knew the boundary of their land and these had given his family a title of “ownership of the boundary”. That is the Akan language is “*Xdehyz*.”⁵⁸⁰

The preparation toward partitioning Africa approach and misunderstanding among the colonisers prepared an unfair foundation for all forms of injustice to destroy the value system among the African Aborigines and inheritance and left protracted mineral conflict. Somehow, or rather sadly, African countries are still battling structural injustice even in this period of democracy.⁵⁸¹ Europeans classified the indigene who occupied their alleged concession. As land squatters; host communities’ dignity and souls were sold in their hunger for minerals. They left a culture of legislation that takes them out of their lands. The land was not only the factor of production for the host communities but the realities which defined their existence. The mining operations were not extractions only from the land, but every social and cultural operation of the host communities.⁵⁸² Land Ordinance Cap. 32 imposed by the European vested all minerals in the hand of the crown colony. This was a foundation of social injustice in the colony. It is so

⁵⁷⁸Interview with Bekwaihene on 28/06/2020 at his palace in Bekwai cited by Dupuis, Joseph. *Journal of a Residence in Asante*. London: H. Colburn, 1824. Fisher, Charles A. *South-East Asia: A Social, Economic and Political Geography*. (London: Methuen and Co., Ltd., 1964)

⁵⁷⁹Interview with Baffour Asabre Kwogyaowasu III on 28/06/2020 at his palace in Kumasi

⁵⁸⁰In Akan language the owner of a land is defined in a community is called “Odehye” which means that a person owns the boundary and heir of the local throne and other times could be given a title “nana” which in Akan means chief.

⁵⁸¹Interview with formal Assembler Hon. Benjamin Annan on 18/10/2020 in Obuasi

⁵⁸²Interview with the Ayienam Chief on 16/10/2020 in Adansi Ayienam

unfortunate that the Europeans only claimed social justice to be supervised by them, but not Africans' understanding of about their reality.⁵⁸³

4.6 The Influences of the Second World War on Mining Social Injustice and Conflict (1929-1945)

The perception of social injustice and conflict still seems to conjoin the relations in the mining communities through the indigenous concepts of “*wɛdi ahohoɔ na ɛkyere kro*”.⁵⁸⁴ Values for social cohesion in African society were for their peaceful existence. The end of the first world war marked the beginning of trade reform through legislation called Cap. 15. No.5 as Gold Mining Product Protection Act 1929. This particular Ordinance explained the “free issue” of concession to the investor and ignored the African competitor for gold such as goldsmith operators. On 2nd March 1932, this Gold Mining Production Protection legislation was amended. Ideas to encourage African indigenous trade were proposed and provided for, but with mere suspicion. Some underground miners were searched several times as African employees were allegedly stealing from local traders; so, a new amendment was proposed. The goldsmith's trade⁵⁸⁵ was the oldest indigenous trade in the Gold Coast. Again, colonial government policy was to not encourage Africans to take up occupations other than clerical jobs, so taxing “goldsmith license” for five Pounds sterling and “goldsmith hawking licenses” for two Pounds

⁵⁸³An interview on 18/11/2019 with Baffour Asabre Kwogyawuaso Ababio III, Otumfuo Osei Tutu II in Kumasi

⁵⁸⁴This is an Akan maxim which literally means strangers are the blocks of every community. The foundation for community development was characterized as the level of relationship that offers a sense of accommodation for immigrants or strangers in a more respected and secure manner.

⁵⁸⁵Goldsmith existed long before the advent of Europeans and, it was therefore in a quite different category from auctioneers, barristers, letter writers, motor drivers, and surveyors who are required to pay annual tax. The trade was luxury one fulfilling a useful purpose but because of its very nature, it suffered more severely from the slump than a trade which produces necessities. There are two reasons for the amendment; (a) To promote the purpose of the principles ordinance by restricting the issue of the license. (b) To promote additional sources of revenues. The Chief Commissioner (H.S. Newlands) found it inappropriate and unfair to the Asante Territory although report from the Police Commanders shows only reported theft in AGC as 1929 -10 cases, 1930 12 -case and 1931 12- case which means it is insignificant for such Amendment. He justified again and advised not to make the procession of gold by the indigene illegal through his letter dated on 15th January 1932 to the Secretary-General; GH-PRAAD CSO 5/1/610 The Mining Product Protection Ordinance 1929 (Asante No.15 of 1929- Proposed Amendment in 28/6/1932.

sterling was a form of injustice, as argued by the chief commissioner H.E. Newland.⁵⁸⁶ The irony of the matter was that the amendment was only applied to those in Asante and during voting on the agreement by a majority which included the six Unofficial Members from the Legislative Council; the minority consisted of seven African Members while (the Omanhene of Winneba) voted with the majority⁵⁸⁷. Some of the provincial Members who opposed the Bill indicated, however, that they did it not to object to a charge being made for licenses if it was considered necessary that trade should pay for the cost of administering the issue of licenses. These clashes of interest did not generate conflict since the local goldsmith cared for licenses but could easily secure gold without the policy of the colonial government as they used to. The period in question too experienced a change in various positions of ordinances which ensured a serious restriction of the darkest shadow of unjust actions to Africans through the legal foundation for mining activities among that was the imposition of Native Customs (Cap 27). On 3rd September 1931, the Omanhene of Aowin wrote a letter to seek the permission of His excellency of the Colony for his people to be allowed to prospect for gold by panning.⁵⁸⁸ This had already been raised in 1929 in a Concession Ordinance in section 33 of (Cap. 27) which woefully failed. The answers from the colonial secretary were that Sec. 34 of Cap. 27 exempts indigenous Adansi citizens from "prospecting" and "mining" in a synonymous manner.⁵⁸⁹ Meanwhile, any citizen from the world apart from the local Africans was allowed to mine showing a form of economic discrimination and exclusiveness which were unfairly justified methods for the distribution of natural resources. The indigenous people before colonization in 1471 were already mining and trading in gold

⁵⁸⁶GH- PRAAD, Accra, CSO 5/I/611, Gold Mining Product Ordinance, (Ashanti N0. 15 of 1929) Proposed Amendment of (28/8/32)

⁵⁸⁷ GH-PRAAD, Accra. CSO 5/I/616, Gold Mining Product Ordinance, (Ashanti N0. 15 of 1929) Proposed Amendment of (28/6/32)

⁵⁸⁸GH-PRAAD, Secondi-Takoradi, CSO 19/02/ 37, Prospecting for Gold by Natives in Ghana

⁵⁸⁹GH-PRAAD, Secondi-Takoradi, CSO 19/02/47 Mines and Concessions 1932-1936

which attracted many Europeans to Gold Coast soil.⁵⁹⁰ The Imperial Economic Committee Mineral Resource reported four gold mine production areas in 1932 just after the first world war. The success of Northern Nigeria in land issues was replicated in the Northern Gold Coast and Asante Territory, where the Land and Native Rights Ordinance, 1932 (Cap 147) regulated the administration of vested land to the state, declaring the entire social structure on land management.

Two mining companies were operating in the banket of Tarkwa, another one was in operation in Prestea quartz reef, and lastly, Obuasi quartz reef which was the richest with an average value of 23 dwts. per ton, while the rest of the gold production amounted to not less than 67% of the total gold output but all of these were exported in the form of bullion to England for refining. The native Adansi people were heavily involved in mining, and their local economy had easy access to the land they could use for cultivation as well.

Suffice it to say, the mine operational system's purpose was found in a social conflict that could have led to protracted conflict.⁵⁹¹ The mining staff recruitment was done by the Gold Coast Colony West Africa through the Colony Secretary to the Chief Inspector of Mines who daily regulated the operations but vehemently ignored African traditional authority whose involvement had been codified in the AGC Concession.⁵⁹² Another Mineral Ordinance, 1936 (Cap.155) which was repealed in the Concessions, 1939 (Cap.136) explains the opportunity of mining in the Gold Coast for Europeans and the resistance path to mining opportunities for indigenous people. The other hard and unskilled jobs were reserved for other Africans who have travelled purposely to the mining area for such jobs. The local people were seriously engaged in farming which was

⁵⁹⁰GH-PRAAD, ARG 8/5/2 Ashanti Sanso Mines Limited 28/3/1909 in Ghana

⁵⁹¹PRAAD, Secondi-Takoradi, CSO 19/6/2, Mineral Resource by the Gold Coast – Correlation of existing information Respected

⁵⁹²GH-PRAAD, Second-Takoradi, CSO 19/5/32, Recruitment of Staff for Tarkwa and Abosso Mines Ltd.

equally rewarding. The mines business had nothing to do with the indigenous people whose resource had been taken over, but within these periods, the mines were using deep mining methods and not surface mining which required a large land for the operation of underground mining. The local workers too complained of the excessive fines and penalties which the Native Tribunal meted out to mine workers in such an unjust manner.⁵⁹³ Their resistance generated tension but the sanction from the secretary and support from the court made for collaborative work in the local tribunal.

There was an inter-conflict too between Kokofu and the Adansi Territory specifically the (mining operational area) about the Bodwisango land dispute which also weakened the Adansi power of negotiation for the natural resource which was popularly known in legal literature as a case of Omanhene Kofi Edu of Kokofu versus Omanhene Kobina Foli of Adansi and Ohene Kobina Wusu Gyakadi of Bodwisango.⁵⁹⁴ The Ohene of Bodwisango was discharged from prison on 29th December 1930, meanwhile, he was imprisoned on 9th December 1930 after paying land rent due to Kokofuhene, enforced by the West African Court of Appeal, but disobeyed by the traditional ruler.⁵⁹⁵ The conflict between Akrokyere and Fomena was another intra-conflict that weakened the power of the indigenous people's relationship. The colonial period exploited Ghana's gold resources with no substantial contribution to the development of the Ghanaian political economy⁵⁹⁶. The 5% royalty on profit was augmented in 1934 with the export tax of 15% of the good premium, a little amount of the profits made⁵⁹⁷ to the colony without any budget estimate for local development.

⁵⁹³GH-PRAAD, Secondi-Takoradi, CSO 19/6/47, Fines and Penalties (Excessive) Imposed by the Native Tribunal in the Locals.

⁵⁹⁴Ibids, pp.45-168

⁵⁹⁵GH-PRAAD, Kumasi, ARG 3/3/51, Adansi & Kokofu Land Dispute,

⁵⁹⁶ Piet Konings, *The Political Potential of Ghanaian Miners, A Case Study of the AGC Workers at Obuasi*, Afrika-Studiecentrum, Leiden, 1979, p.7

⁵⁹⁷Ibid, pp. 7, Konings

4.7 Early Independence Challenges on Mining Conflict and Social Justice (1945-1968)

The early part of 1939 consequence of the Second World war on the economy led to the final gold mine closure as a result of emergency wartime regulations. The few ones left were purely on a “care and maintenance” basis. The wartime victory resulted in economic exhaustion and its exchange control were retained, codified as the Exchange Control Act of 1947⁵⁹⁸ in England, which required the official sanction of all transactions between the Sterling Area and the rest of the world. Typically, Gold Coast was a classical Colonial raw material export economy. This was the general awakening period of the whole world in peaceful living which reflected in the world as a whole.

The post-war economic reconstruction coincided with political fundamental constitutional development in the Gold Coast. The 1946 Alan Burns Constitution was implemented and its results created the first black Colonial Legislative Council with an African majority making the Gold Coast the first political advance colony in black Africa.⁵⁹⁹ The provision and implementation of this Constitution made the local urban elite, consisting of lawyers, merchants, and more affluent form the United Gold Coast Convention(UGCC) in August 1947 with the objective of self-government in the shortest possible time and protection against the provisions of the Alan Burns Constitution. However, these visions were truncated by schisms and division within its ranks.

Dr. Kwame Nkrumah’s contrary vision of *self-government-now* in June 1949 made a break from the UGCC and formed Convention Peoples Party (C.P.P.) which won the 1951 election. He became responsible for key sectors including Gold Coast Defence, External Affairs and Finance.

The large trade surpluses of the immediate post-war era had been invested in the United

⁵⁹⁸T.E. Anin, *Gold Coast in Ghana*, Selwyn Publishers Ltd, Accra, Ghana, 1987, p. 22

⁵⁹⁹ *Ibid*, p. 23, Anin

Kingdom and Empire gilt-edged securities. Within these periods, natural resources and other raw-material exports were free and required no official permission but the cash outflow was basically under instructive use. Most mining experiences close down and the few dozen kept in the Gold Coast were, Obuasi (Ashanti Goldfields' Corporation), Prestea (ARISTON), Tarkwa (ABA), Dunkwa (Bremang Goldfields), Tarkwa & Abooso, Bibiani, Konongo, Tano Gold Dredging, Marlu Gold Mining Area Limited, Ashanti Adowsena, Gold Coast Main Reef, and Lyndhurst Deep Level (Gold & Silver) Limited. Their challenges in these periods were not only obsolescent equipment, but the various mines management bodies were unable to raise external capital to re-equip the operation and unwilling to contribute funds from British political development in 1950 to the Gold Coast. There was dawn in 1956 when new equipment was installed in Obuasi Goldfields Corporation corresponding to an increase in mining production from 267,596 ounces to 500000 ounces in 1970. President Kwame Nkrumah, as part of developing the mining sector, set up the Mines Board of Inquiry to examine the problems of the mines. Their Inquiry report identified that all mines in the country with the exemption of Ashanti Goldfields Corporation needed short-term state support to survive. Within this period, Ashanti Goldfields was the most productive of all mines and during the First and Second World periods, it's still carried its operation on a care and maintenance basis with little influence on the host community.

Dr. Nkrumah accepted the recommendation publicly and declared support for funding five mining companies in 1956 such as Amalgamated Banket Areas Company Ltd. (ABA), Bibiani, Bremang, Konongo, and Gold Coast Main Reef while other companies such as Marlu Gold Mining Area Limited, Lyndhurt Deep Level, and Tarkwa Abooso Mines Limited were all closed down in the same year. Two years after these exercises, mine workers, made up of bulwarks of

Nkrumah's political organisation who had been promised a "better tomorrow" during the independence struggle, now demanded wage increases as their reward for the struggle instead of straightforward taxes on the profit.⁶⁰⁰ The companies were not in a position for these increases in the minimum wage. On the contrary, the companies announced their readiness for redundancies if these were enforced by the state.⁶⁰¹ The period was also when Nkrumah consulted the World Bank, the United States Government and Kaiser Enterprise in negotiating for the construction of the Volta Dam; he did not want to create the impression that his policy for foreign mining was harsh and hostile toward foreign investment; so, he relented in his policy operations in the country. He did not consider the indigenous Ghanaian, living in the mining community but his relational position to bargain for another developmental project for a dam. In this acute dilemma, coupled with the threat of redundancies and retrenchment of the indigenous labour forces in the Mines, he abandoned the Mines Bill just to attract foreign investors as against local communities. The state then took over the unprofitable mines and merged some of them to form the State Gold Mining Corporation (SGMC) which then became an ideological and political philosophy.⁶⁰² Economically speaking, mining at the time was unable to produce enough revenue to support the state's annual budget.

Countries such as South Africa and Canada with similar challenges took a different approach to social development in a manner to assist South Africans and Canadian Gold miners. These two countries had a State-assistant Aid Scheme Act which then introduced financial Assistance to their local mining operations through Government subsidies and interest-free loans which revamped the mining companies from collapsing. This was followed by a massive socio-

⁶⁰⁰GH-PRAAD, Secondi-Takoradi, CSO 19/6/47

⁶⁰¹ Ibid., p. 8

⁶⁰² N.R. Junner, Gold in the Gold Coast, 1933,

economic infrastructure, which paved the way for the growth of cities like Johannesburg. The rationale of the scheme was to enable marginal mines to remain open in production in the hope that prices could change in the future. The case in Ghana was so different because the state merging and taking over of mining operations that affected and influenced mining benefited only foreign experts and other people in different sectors. This created rejection of the local community's politico-economic activities such as cocoa farming and improved new mining skills and techniques that could not support local development projects their place of operation. These specific acts and ordinances were containing a formula under which mining operates. The mining area experienced a different form of discrimination and social injustice, in Bucacchi's words, such as misrecognition, maldistribution, and misrepresentation, as in Sansu Mining.⁶⁰³ This case exemplified a circumstance for illegal activities for survival. To affect this extension too, the Stool Land Act of 1960 (Act 27) was passed, which was "an Act to enable stool lands to be vested in the President as trustee⁶⁰⁴ if the public interest demanded."

In tandem with such revisions, the enactment dealing with the administration of stool and other land established the Administration of Land Act, 1962 (123)⁶⁰⁵ as the legal basis for the state's land control. This development affected all rights in access to natural resources like gold, among others. The state controlling land means the state controlling the indigenous people's livelihood as trust. The new colony development was vital; so, the state proposed a straightforward *tax on*

⁶⁰³Bucacchi, V. "Making sense of Social Justice". In *Social Injustice*, Palgrave Macmillan, (London, 2012) pp.1-16.

⁶⁰⁴The president could protect the public interest by issuing an executive order declaring on the instrument's and deed's publication, or by appointing a trustee in respect of that land on the terms specified in the instrument. Executive Instrument No.46 (1961), for example, vested all Ahafo lands in the President in trust for the inhabitants of the region, which had previously been farming villages and hunting camps. In effect, from the date of enactment, all mineral land rights have been vested in the state of Ghana and are no longer in the hands of foreign sovereignties. Cited in J, Y Dunn and FA Robertson Dependences and Opportunity: Political Change in Ahafo, Cambridge University Press, Ch 61973; The Korsah Commission probe the issue whether Ahafo was part of the Ashanti State that is, whether the chiefs of Ahafo regarded the Asantehene as overlord or paid allegiance to the Asante Stools in the past.

⁶⁰⁵The collection of all stool land revenue would be the responsibility of the state and would disburse it in accordance with the Act. The act was void of two things; grants of stool land by a stool to a person who is not a stool subject and the granting of stool land by members of the land-owing group who acquired their interest under customary law, to a person who is not a subject of the stool in question sec 8(1) and (b).

mine profits but was opposed by CPP backbenchers through their appointment as AGC workers union leaders. They had already supported Dr.Kwame Nkrumah's ambitions to become president but turned back his policies for change by the CPP.

The interview conducted from the seven traditional authorities showed the challenges confronting the livelihood of host communities such that it resulted in real or imagined realities of social injustice. The issues of settlement after our farmland and other economic activities had been taken over with informal agreement failure has resulted in we being are threatened by trained dogs and security machinery even when we want survival by going back to harvest from farms to survive with our children, we are often experiencing demeaning actions, disrespect and open beating”.⁶⁰⁶ A community member had this very revealing perception and feelings of being cheated as a major issue in social injustice matters⁶⁰⁷.

The transferring of the mining company to Lonrho and expansion of the lease period without recourse to life in the community but only state engagement was a feeling of injustice. The review of the concession did not regard the traditional authority, but it was done on the slip side with the community. Human existence is modelled through the law but a detached law educational system and the community value system made of life always created conflict on the purposes of the law. The dominance of social injustice, based on individual rights, resulted from the disrespect of the traditional authority to members of the society, based on self-consciousness as they were being used by the colonial authorities to disrespect indigenous people. This was a result of the location and the nature of Obuasi before Arthur Cade and Co. hired early in 1898, around 200 able-bodied people from the Coast to carry heavy machinery and equipment on their

⁶⁰⁶Interview with Nana Birimana Kwame Ahenkra on 23/10/2020 at Adansi -Tutuka near Obuasi

⁶⁰⁷ Interview conducted with the Political leader (former Assemblyman) on 17/11/ 2020 in Obuasi

heads for their newly found mining job. These people accessed ready money made available leading to the majority remaining employed in the dense forest mining industry in Obuasi. Few villages then belonging to the Abadwem Xyoko clan, Akrokerry Asakyire clan, and Dompease *Asenie* clan, among others, villages like Sanso, and Ayienam had a smaller population and the influence of the Fantes who had travelled and engaged in the mining activities on settling differences in perception of the Adansis on the local people's knowledge on injustice since they were Akans too and their way of doing things was similar to the people of Obuasi's. The accommodating proverbs of the Akans that "yɛdi ɔhɔ hoɔ na de kyekyere kro"⁶⁰⁸ also took the hostility of the people who died through engagement as a means of resolving the differences with migrants.

4.8 Social Injustice and Conflict in Mining Communities (1968-2014)

In 1962, Nkrumah's parliament passed the Mineral Act, 1962 (Act 126) which vested the State ownership of all minerals located in the territory of the Republic of Ghana with all its waters. This State decision was to assist mining industries to function and provide employment for citizens, though the mines were owned and controlled by European businessmen. The State Gold Mining Corporation (SGMC) idea, which the state then had invested in its tenth year of operation C18.8 million grant in 1968, had lost an accumulated amount of about C33.6 million that instead of being a contributor, the Government Revenue became a recipient to the Government grant⁶⁰⁹ only to benefit few European Management Bodies.

In 1968, the then AGC had operated with uninterpreted profit for 70 years and their management wanted a new lease distinct from Cade's precedent of negotiated agreement with Adansihene or

⁶⁰⁸The phrase literally means "strangers or migrant workers are the cornerstone of any community" in the Akan language. This supports the idea that every village or town founded with migrant labor should be acknowledged as a community partner and accorded the same treatment as indigenous peoples. This explains how the term "migration policy" originated internationally.

⁶⁰⁹Anin, T. E., *Gold in Ghana*, Selwyn Publisher Ltd., 1987, pp. 30-36.

Bekwaihene. Lonrho had expressed interest to take AGC under their leader, General Spear. The old concession mines' obligations for the host community on land use was ignored which made an economic historian put it as shaky, but challenging it in court or any institution of responsibility could be foolish.⁶¹⁰ The industry responsibilities for the host community were improperly defined and legally loose from the concession and resulted in a negative impact on the Adansi people's ownership which to AGC, they had a better security rights land title which moral question could be difficult to answer.⁶¹¹ Little action on the social injustices was experienced in Obuasi because of some structural intervention roles for mitigation and internal struggles among the traditional authority. The manifest conflict was an insult to the company by the host, given the open confrontation.

The proposed new agreement with Lonrho also was renegotiated the same as the AGC concession for the next 50 years' lease. In considering the agreement, the Ghana government was offered 20% equity together with the option to acquire another tranche of 20% of fixed prices per share; that, after a year, was agreed upon, but its unpopular content created radical intellectual opinion and provoked upright debate in Ghana. However, its operation was interrupted by a coup d'état.⁶¹² The 20% equity was reduced to 15% in 1969 for state ownership. The early coup d'état against Nkrumah's government affected the settlement challenges of the Adansis while AGC enjoyed obligation freedom in the local affairs. The overthrow of the democratically elected government of Dr. K.A. Busia on 13th January 1972 by a group of armed officers, led by Colonel Acheampong in their opening address declared "Economic war".⁶¹³

⁶¹⁰ *Ibids*, pp. 145-162.

⁶¹¹ Afrifa-Taylor, Ayowa, *An Economic History of Asanti Goldfields Corporation, 1895-2004, Land, Labour, Capital and Enterprise*, Published PhD. Thesis, (London School of Economics and Political Science, 2006

⁶¹² T.E. Anin, *Gold Coast in Ghana*, Selwyn Publishers Ltd, Accra, Ghana, 1987, pp. 22.

⁶¹³ *Ibid*, pp.45-80

Commanding the economic height in Ghana including the mining sector, a Decree known as Mining Operation (Government Participation) Decree- NRCD 132- under which 55% of the equity of all mining companies was acquired by the government and all domicile was in Accra in the fist. AGC was domiciled in London meaning it should relocate to Ghana. This period coincides with the Bretton Woods systems of filled exchange rates and freezing of gold prices. The affected foreign exchanges gave rise to a fall in productivity of the mines which then were State Gold Mining Corporation and AGC own it 55% by the government of Ghana and 45% by Lonrho⁶¹⁴. The continued political instability gave rise to a principal legal framework gap for mines until the early 1980s which partially brought little release to the host community surface rights which could have helped to resolve the tension between the mining company. The question of whether the new agreement during this period after independence could deal with the perceived ills in the host community could be addressed for Ghanaians. Little was done to bridge or mitigate the perceived injustice. The political instability through military intervention gave AGC a safe-heaven from the 55% share proposed from the state since it could not be implemented. Despite the political unrest brought by the military intervention for AGC, which prevented the projected state benefit of mining in Ghana from being implemented, the mines were able to protect themselves from the state's takeover of 55% of the industry. The 1966 military takeover successfully negotiated for 15%, but it wasn't until 1969 that Ghana began to collect direct mining revenue for the first time in recorded history. 1972 democratic administration succeeded in the share of Seriously, even between 1972 and 1984, mining

⁶¹⁴Ibid. p.56

operations were carried out without regulations, which widened socio-economic inequities and opened new doors for local opposition.⁶¹⁵

The Ghana mining sector after 1969 was central to economic development but unfortunately lost control over its laws which affected the benefits from the recovery programs initiated in early 1983⁶¹⁶ There was a need to correct the mining activities' wrongs in 1986 Mineral and Mining Law (PNDCL 153). This law was the first consolidated mining law we had in Ghana. Prior to this, there were bits and pieces of legislation in existence but the PNDC Law 153 consolidated all the legislations into one mining law. It is followed with two addenda, including Profiled Tax Law (PNDCL 122) and Mineral Royalties Regulation (LI 1349) in 1985 and 1987 respectively. Local participation became necessary in the late 1980s for artisanal and small-scale miners which led to another supplementary code on Small Scale Mining Law (PNDCL 218) being enacted in 1989. These laws were backed by the World Bank on their Economic Recovery Program. They did not address local conflict and injustice but created tax rebates and incentives to attract natural resources at the expenses of state development. Besides revenues, were reduced royalties. The government's share in Ashanti Goldfield Corporation Ltd. was compelled due to foreign policy constraints in 1993, and from then until 1997, the share steadily decreased to 19% by 2014. These laws in the midst of adopted technology for gold mining extraction recommended surface mining. The laws coupled with its military enforcement indiscriminately destroyed more farmland used for crops such as orange, cocoa, food crops, and timber, among others. The 1992 Constitution of the Republic of Ghana contains a provision dealing with the

⁶¹⁵Interview with Kokofuhene Barima Offei Kwasi Okogyasuo on 12/08/2020 at his palace in Kokofu.

⁶¹⁶Ibid. p. 35

subject of land and natural resources, including mineral resources.⁶¹⁷ Article 257 clause 6 stated that; “Every mineral and Water resource belongs to the state in trust of the republic.”⁶¹⁸

The Act 703(2006) was a bigger improvement than the two previous ones earlier. The biggest difference which was positive is the section on compensations and combination of small-scale mining which was separated from the main Acts. None of the other laws on mining had any section on compensation that this last law in mining which was repealed in Act 703 (2006) had compressively contained. The compensation distribution ignored the occupants of the land and the mode of circulation, benefiting only state-direct stakeholders. Over time, it grew to a situation where some local chiefs were often replaced due to by the anger of the locals. The greater ramification would be a direct rebellion of local communities against their environment, states, businesses, and their own vegetation. Suffice it to say, without regard to the future direct effects on their water bodies, that was a past determinant for settlement.

Mining royalties in the current mining Act 703(2006) are sources of social injustice and conflict in mining communities. Minerals in their natural state are described as belonging to the state in Article 257 section (6) of the Republic of Ghana's constitution of 1992, as well as Section 1 of the Mining and Minerals Act 703 (2006) state:

Every mineral in its natural state in, under, or upon land in Ghana, rivers, streams, and water-courses throughout the country, the exclusive economic zone, and an area covered by the territorial sea or continental shelf is the Republic's property and is vested in the President in trust for the people of Ghana,

According to the law, mineral firms are obligated to pay the state mineral royalties (ranging from 3 to 6% of the value of the gold they mine). This is paid to the Internal Revenue Service's Large

⁶¹⁷The 1992 Constitution of the Republic of Ghana,

⁶¹⁸ Ibid,p.23

Tax Unit, which subsequently deposits it into the consolidated fund. The government keeps 80% of the mineral royalties paid by mining corporations to the Internal Revenue Service in the consolidated fund. The Minerals Development Fund receives 10% of the consolidated fund, and the Office of the Administrator of Stool Lands receives 10% of the consolidated fund (OASL).

By and large, mineral royalties are distributed to recipients according to the constitutional formula, outlined in Section 267 clause (6), which states that 10% of money derived from stool lands must be paid to the Office of the Stool Land (OASL) to meet administrative costs. From the same amount, the remaining money will be distributed in the following proportions. 25% to the stool through the traditional authority for the stool's upkeep in accordance with its status; in the instance of Adansi, it belongs to the paramount chief in Fomena, who does not have direct jurisdiction over the land in Obuasi in theory. One hundred and five communities were directly affected during the study period. Fifty-five percent to the District Assembly within the area of authority of the stool lands, in this case, Obuasi Municipality, which is in charge of infrastructural development and security; and twenty percent to the traditional authority, which means one hundred and five chiefs will share twenty-five percent of the ten percent royalties.

Unfortunately, the Municipal Assembly expects mining companies to exercise their social responsibilities because the funds are frequently insufficient for social and economic growth in the area. It is of great importance that companies responsible to pay royalties under these regulations file returns to the Commissioner within thirty days of the end of each yearly period, detailing the total worth of minerals collected by the holder. They are additionally responsible to pay royalties under these Regulations, which require them to pay royalties to the Republic on account within fifteen days of the end of each month. Royalties must be paid at a minimum rate of three percent of the total value of minerals obtained by the holder. Development has impacted

negatively on the community in all situations because the state takes royalty without taking into account the indigenous rural community members who have lost their livelihoods as a result of the mining activity.

Due to these and other obstacles, illegitimate ways of survival, such as robbery, fraud and illegal small-scale artisanal mining, are becoming more prevalent. The current mining rules have resulted in intangible, contrived social inequities and conflicts that require immediate adjustment. The scenario has generated security concerns, which political party financiers are addressing by purchasing small-arms for young and adult community members to defend themselves against illegal mining activities that are now employing foreigners in rural Obuasi. The locals often clash with state security, mining company security and thugs' groups hired for their security. About sixty-five water bodies have been destroyed by the illegal and legal operation of the mines making it difficult to believe a community which has not been to war but have destroyed all its water bodies through their operation with dangerous chemicals.

In oral traditional history, this was the same period injustice was perceived as “intankya”⁶¹⁹ selective justice reflected in exclusion, knowledge on unequal treatment but treated differently and unfairly against the other groups.⁶²⁰ Miller's two standpoints were contextualist and universalist and the Akans expressed it as a question of what, to whom, and at what time, is due? These two had a similar perspective but differ a little on perception and measurement. The Akan tended to *dwell on the realities of unity from exclusion, but they were more concerned with the future and inclusion*, while Miller's concepts dwelt with measured rules. These rules were constructed in the presence of globalization supported by the national and local legal framework

⁶¹⁹ This in Akan Language means a “crooked judgement”. Since the people are aware of what the local judgement was about

⁶²⁰ Interview with Barima Ofei Kwesi Okwogyeeasu II (Kokofumanhene) on 12/08/2020

which never considered the host community and its future relationship. It sometimes had to depend largely on the livelihood because in the first place “we used to have sixteen clean rivers and streams for fishing, drinking and farming on economic and domestic use. However, the mines destroyed all these water bodies with their chemicals.”⁶²¹ Meanwhile, the company accepted that their actions, though sometimes disturbing, these same activities create jobs for the youth in the host community, giving extra financial resource burden to replace the lost dependency on livelihood. This is what a respondent expressed during the interview on the issues in question;

The circumstances around us have an impact on our health, marriage, and children's education, among other things. Blasting has always had an impact on our structures, and as I speak, all of the houses in Sanso have cracks. Air pollution, isolation from decision-making, marginalization, and unemployment have all had an impact on us in this community. Every day, the air we breathe is polluted, and this has a direct impact on us. We frequently lack the financial means to use the company's health facilities, so we rely on herbs, which certainly are tainted by mining toxins. We witness the bad direct influence on the environment when the corporation mixes its chemicals. What the Assembly does is neglected. To this effect, the community suffers as a result of our primary object of devotion the river Jimi-god, which we all adore. Whatever and everything you see around us in Obuasi, I often say, is an extension of the mines. Because we are insignificant, it is difficult for them to respond to our needs because the relationship is paternal⁶²²

The cry of this respondent was recognition and inclusion which the company must provide to mitigate the suffering through some form of service that will enhance their livelihood. The situation clearly shows a deliberate approach to ignoring dangers affecting the host community but unfortunately, the community leaders who are in the minority ignored them. The dangers of the poor majority in such an unjust (discriminating, exclusion, and are denied alternative livelihood) manner which led many of the youth to engage in illegal mining artisanal mining

⁶²¹ Interview conducted in Obuasi with the formal Assemblyman on 20th November, 1920.

⁶²² Interview with the Committee Members on 19/10/2020 at Sanso

(galamsey). The worst is the robbery of the rich in the community for survival by the same youth. The negative influence of mining on their culture and livelihood resulted in social injustice and some violent conflict. The constructive terms of the host community expressed solely in their livelihood and culture are intimidating, crooked and inhumane power that melted against the host communities in such an unjust manner. The host community classified the form of relationship with the mining company as similar to a father's⁶²³ and son which indicated fathers' desires normally considered in most African households. It was proved from the focus group discussions; of the study that all the children whose parents lost their land without compensation from 1984-1993 from AGC suffered hardship in such a way that the children dropped out of school because their parents lost land for farming to mines operation. They are the very people and youth who are championing all illegal mining activities in Adansi who consider survival more than rules⁶²⁴. This significant position was verified after engaged with the illegal miners in the focus group discussion, where they claimed their illegal actions were conducted for daily survival and venting against the mining company. "They claim they had no certificates and besides are unemployed in AGC which means their only survival is illegal mining known as "galamsey" which is equal to life and death to them and their generations".⁶²⁵ This showed how they have been fenced and even have no access to socio-economic rights to fight it in court since to them, the governance institution was the extension of the injustices metted against the host communities.⁶²⁶ They claimed access to farming land is a challenge to their livelihood and environment; they pointed out that the only way to survival is all that they are looking for. Below

⁶²³In some Akan reality fathers always seem to be right while wife and children are normally considered wrong. The conflict in early stages of children from such households is at a disadvantage, nonetheless, they vehemently favour the father. The situation changes after the children become adults and the father becomes old. The tools of adult children from such home, applied equal measure to redeem their earlier childhood lost battle. If the condition of loss is just or injustice, adult children would exercise it similarly against such a home. The spillover effect of homes of many clear are disrespect armed robbery, galamsey operation on mining sites, among others. Religion in many homes, to some extent narrative through my observation of this study

⁶²⁴ Focus Group Discussion (FGD) in Anwiam Community in Obuasi on 23/9/2019 with Unit Committee Members

⁶²⁵ A respondent who was a victim of this situation stated from the interview conducted in Ayienam on 28/08/2020

⁶²⁶ Interview with the Executive Secretary of the local NGO in Obuasi on 19/10/2020 at Obuasi

is another expression of a respondent from the community on the perception of social injustice and is worth quoting at length to illustrate the point more forcefully:

*A man named Awudu was shot from behind as his parent could not afford his second cycle education. So, he resorted to picking stones and grinding for a living. His intestines gushed out. Whilst he was lying down helpless on the ground bleeding, one of the security guards of the AGA mines went closer to him and was hitting him with his boot to confirm if he was dead. The leader of the Security Team asked whether he was dead and the officer responded “no” he is alive before they took him from the ground and placed him at the back of their pick-up truck. They sent him to the AGA hospital for medical attention, but upon their arrival, the doctor present told them, the case is beyond him and therefore recommended the patient should be referred to a bigger facility Komfo Anokye Teaching Hospital. The AGA Security team accompanied the Ambulance to Komfo Anokye Teaching Hospital. The Security guards of AGA warned Awudu not to inform the Doctors at the hospital he was shot by them but rather he fell and got wounded from the fence when he was being chased by the security. He was being pursued as an armed robber. They threatened not to take care of his medical expenses if he told the truth about what happened to him. However, as he put it, on his way to the theatre for the surgery, Awudu told the Doctors the truth that he was shot by the AGA security guard. But unfortunately, after his 8-hour surgery, the guy survived and was later sent to his ward but rather handcuffed to his bed because the security guards had told them he was an armed robber. There was police security placed at the gate of his ward to prevent him from escaping. One of the brothers of Awudu managed to get into his ward and took pictures of Awudu being handcuffed to his bed in the ward. They subsequently published it on the front pages of the newspapers. So, the media picked it up and it became a big issue and topic for discussion in the nation. The Stakeholders involved were interviewed on the issue and it was contradictory to one another. Although the incident occurred in June 2005, the doctors from Komfo Anokye came out with the autopsy report in 2012. The medical report of Awudu was made public in the year 2012, 7 years after the incident occurred all because the doctors were threatened not to release the report. A whole lot happened and there were attempts to cover up, but because of public and societal pressure the doctor was corned under the pressure to come out with the truth of the report”.*⁶²⁷

⁶²⁷ Interview with the Executive Secretary of the local NGO in Obuasi on 19/10/2020 at Obuasi

The above incident revealed social injustice within the context of mining where the host community feels that they have sacrificed so much but got very little in return. In reality, host communities sacrifice in terms of giving out their farmlands and river bodies but enduring environmental pollution, human right violation, unemployment and environmental pollution all to make one mining company profitable. Yet, in the end, they get nothing out of it but got dehumanized, economically displaced, and culturally excluded from activities on their land and environment. A discussion from the FGDs revealed that,

“Despite not being involved in a civil war, Ghana is the only nation in the West African subregion to have damaged a significant number of its river systems. The gold mining community of Obuasi is currently experiencing this specific circumstance.

Their ideas of social unfairness were the nexus of all of these difficulties. This informed the host community experience. It emphasized their feeling and perception of protracted ill activities which could trigger a form that could lead to violent conflict. The mining companies and the other state agencies who were supposed to protect the fundamental human rights of the host community perceive social injustice in the form of displacement and social pollution. The mine categorizes displacement into two and that is; physical and economic, which generally affect livelihood in general. The second issue was social pollution which the respondents explained as a culture that affects accessibility to health because the plants for herbal medicine have been polluted, leaving some of the communities with skin rashes, and terminal sickness in the community.

The social pollution also included the norms and the value system which had been affected so much through the migration of different cultures and behaviour. Other disappointed people who have not been employed in the mining company got involved in contrary behaviour from Adansi

character. In some cases, however, not only ills but inter-marriages which largely increased the population in the community were recorded. The situation often could lead to conflict and misunderstanding the the communal values and well-being. The quest to fulfil these challenges is unfairly prolonging social injustice which leads to conflict whether perceived or imagined. Other respondents believe that unattended issues of injustice bring violent conflict. Conflict in the community was defined in terms of the clashes of interest because the communities are looking for better livelihoods and companies are also looking for more profit.⁶²⁸ Now in the pursuit of more profit, often, the companies encroached on the interest of communities.

The companies sometimes have powerful forces behind them from the state security apparatus and the communities do not have this kind of support. Therefore, when you speak to some of the community members, they would tell you that nobody would fight for them if they don't, so that was their natural reaction to the issues of conflict which they needed to fight. The mining company's need for profit and the community's livelihood interest normally clash to form a tension that sometimes escalated into violent conflict.

The company often escapes through its calculated assertive manipulation of justice with the greatest support of the colonial governor and some local stakeholders. Sometimes too, they use threats or intimidation of the desperate community by arresting key local leaders. The unattended social injustice such as “*Nkwasiabuo*”⁶²⁹ depends largely on the response. The mining company claims the issues are not cheating, but they are aware that the people are squatters on their land, that is they are treating them in that manner.⁶³⁰ The host community believes that strange power and behaviour were obtained from a respondent as a principle of “*assertive local manipulation of*

⁶²⁸ The interview with the Sustainable Development Manager on 18 October 2020 at the AGC Ltd. Office in Obuasi

⁶²⁹ Nkwasiabuo is Akan language which means a deliberate cheating, disrespect for communal value and individuals too

⁶³⁰ Interview with AGC Company Sustainable Manager on 19/10/2020 at the AGC Office in Obuasi

justice".⁶³¹ There were three main communities in the study where these community principles were so dominant namely; Sanso, Nyienam and Anwiam. These places are a hub of illegal mining activities and strangely, their communities have been fenced with hump rocks and mesh wires. The confronted conflict in mining means cheating somebody, misunderstanding issues about the land use in the community, and disrespecting people in position, power, and military support. It's a misunderstanding that yields arguments and when increased could lead to clashes or escalate into violence. The community mining conflicts are centred on compensation, resettlement packages, unfulfilled promises, mistrust, and lack of alternative livelihoods for economically displaced groups. What brings about social injustice includes payments made to third parties instead of the true beneficiaries, i.e., if the mining company sees that the party to their agreement is sober and the others sharing boundaries to the concession are more difficult and chaotic the mining company would settle them and have its peace to perform its mining activities leaving the sober behind without paying anything to them serve as injustice.

Whether you are Adansi or Bekwai (*Amansie*) the Asantehene reigns supreme. Then later, the Asantehene realized that his Kingdom was under a certain government of Ghana. In 1901, the British annexed the Ashanti Kingdom and added it to the Gold Coast colony but still, it was under British laws because of that. The British did not destroy the chieftaincy system of the Ashanti Kingdom but sought indirect rule in the form of negotiations for the British that led to

⁶³¹This constructed principle was explained by respondents as a hiding control system through inciting brethren fairly against themselves. This powerful control system normally targeted the use of local opinion or influential leaders on the ground and try always to create a mental picture and conversing one against each other, the two powerful forces one against the other in order to create tension that sometimes even end life to break the common fronts of the community for a selfish course of action. A person who wants a just cause could be used if and only if they oppose the unjust system but not ready to support their unjust action against laws that they are even aware. It is normally done through cohesion or sometimes selfish benefit which is less expensive than the ratification of the wrong which could be forced to join in a high way through injustice in a more compliance form to their standard. Injustice roots are manipulated by their command fit their social structure to enforce injustice to be just. The capitalist's manipulations and satisfy the individual rather than the public/communal good and interest which benefit the majority. It is often the wrong forced to be right, by using the local opinion leaders to influence the wrong against what is right. A typical example is supporting a chief against the assemblyman or using assemblyman against the chief as supporting the community.

peace-building between the indigenes and the mining companies. Moreover, they also turned most of the palace into courts which were recognized as properly constituted courts by the British where the dispute between indigenes was settled and these courts were supervised by the British police.

The mining host community bemoans the fact that the AGC's activities are unlawful, despite the fact that they accuse them on the premise that their mode of survival depends on it. "This does not put food on their table as much as the host community is willing to die for what the government considers to be illegal"⁶³². The mines provided the state institutions, tasked with ensuring the host communities' fundamental rights, including access to basic labour resources are denied. The corporation willfully refused to attend at the request of residents of the host community because all of the state institutions' work tools were extensions of the company. The few institutional leaders who enforce the regulations are never allowed to stay in the community for more than six months. The population had lost faith in all official institutions, and their situation led to a survival strategy known as "galamsey."⁶³³ Obuasi's community's connection with the enterprise is tumultuous and not focused on their wants and interests only.

It is also based on livelihood and environmental survival, not a rational or irrational legal mining framework, which appears to have lost its essential economic requirements in the areas where they are operating. This claim of the community was the source of social injustice which is administered in conflict from the mining law. The laws vehemently ignore the social and economic rights of the indigenous people and exclude their livelihood on land and water

⁶³² Interview with the current Assemblyman, Hon. Appiah Boakye on 17/09/ 2020 at Anwiam community in Obuasi.

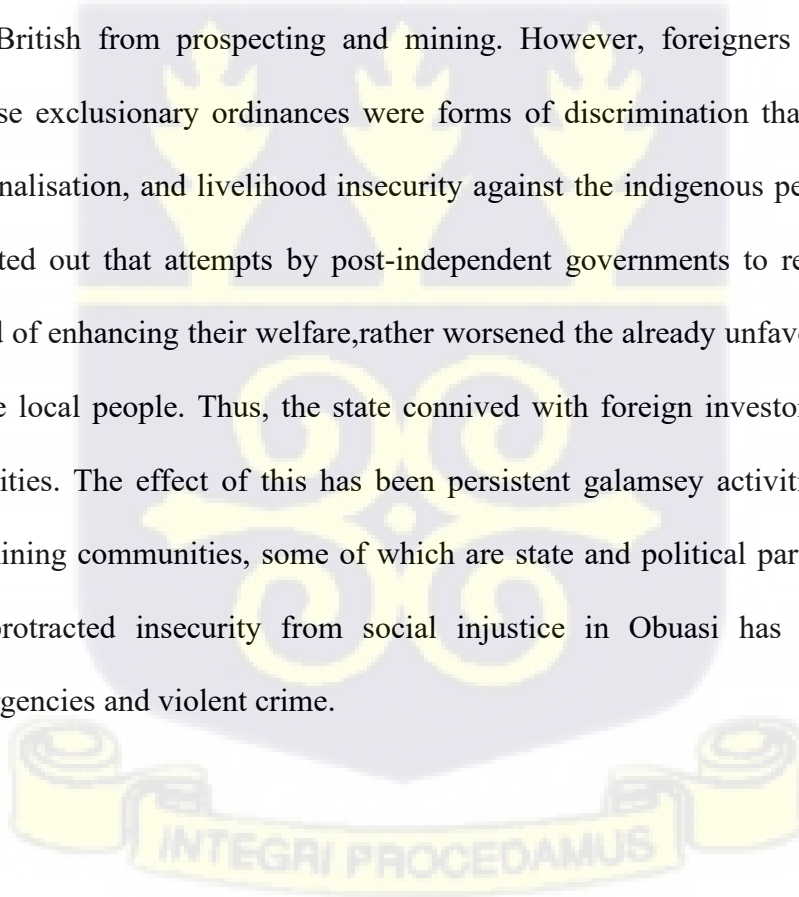
⁶³³All the three-community focus group discuss with both male and female from Sanso, Ayinam, and Adwiam on 23/10/2020-25/10/2020.

resources for their survival. The suppressive domination through regulations is often a time bomb for escalation, often awaiting future triggers. The AGC prepares for conflict on the grounds of legality that favours their operation as against the mining host communities experiences on obnoxious mining legal frameworks. The state, through Minerals and Mining (Compensation and Resettlement Regulation, 2012 Legislative Instrument (L.I. 1275), tried to provide answers from this conflict but also failed. Since 150 communities in the Obuasi area receive a meager 0.45% of the royalties, this ensures a protracted mining conflict and puts their existence in jeopardy. Conflicts between the company and the community frequently cause friction and undermine long-term peace in the Obuasi communities. This community claim was the root of social injustice, which was handled in a tense manner. On legal grounds, the AGC prepares for confrontation, but it has no desire for a mutual relationship or long-term peace. The mining business believes that the host community is asking too much, while also taking too much, and that this is the source of their economic hardship. The opposite perspective has resulted in increased fights. However, there is some resilience in place to guarantee that violent clashes do not damage both parties' daily lives. The youth are using force to negotiate for their economic socio-economics activities through artisanal mining. Unfortunately, things are that, many young men from different communities mining are being supported by people who act as political parties' financiers though their activity for the source funds has not been accredited or acknowledged.

4.9 Conclusion

This chapter has demonstrated that no concession existed in the Obuasi mining community until 1897 when the British imposed an obnoxious one on the community. The so-called mining concession of 3rd June 1897 by the British was a constructed document to exploit the community

as part of the British colonial enterprise. This political manipulation implied that the alleged document was unjust and conflictual with the social realities of the indigenous people. The ability of the British to enforce the alleged mining document on the local communities was encouraged by some traditional rulers who served as collaborators. The local community's religious relationship and attachment to the land for peaceful co-existence were disrespected. Secondly, the chapter reveals that the transfer of concessions/lands by the three *Mfantse* entrepreneurs to the British was unjust because the same Fante resisted the attempts by the British to take over unused lands in the Fante areas. In addition, the chapter shows that several of the mining ordinances prevented the indigenous people who were already mining before the coming of the British from prospecting and mining. However, foreigners were given such advantages. These exclusionary ordinances were forms of discrimination that promoted social injustices, marginalisation, and livelihood insecurity against the indigenous people. The chapter has further pointed out that attempts by post-independent governments to rectify these social injustices, instead of enhancing their welfare, rather worsened the already unfavourable prevailing conditions of the local people. Thus, the state connived with foreign investors to exploit local mining communities. The effect of this has been persistent galamsey activities undertaken by local youth in mining communities, some of which are state and political party sponsored. The extent of the protracted insecurity from social injustice in Obuasi has created attractive transitional insurgencies and violent crime.



CHAPTER FIVE: INDIGENOUS (AKAN) APPROACHES TO PEACE-BUILDING

5.1 Introduction

Before the advent of colonialism, indigenous Obuasi communities had indigenous peace-building mechanisms for dealing with conflict and social injustice. These mechanisms were deeply rooted in the religious cosmology and realities of the local people. Hence, peace-building was seen as not just a human enterprise, but also a relational transaction between humans and spiritual entities, i.e., ancestors, deities, *Onyame*, etc. Indigenous peace-building approaches thus reflect general communal welfare and not the privileging of individual parochial needs. The effectiveness of these mechanisms was due to the strong traditional institutions that existed at the time. This chapter argues that indigenous peace-building mechanisms are relational transactions that transcend the boundaries of individual interests to the general well-being of the entire community. It reveals truths and maintains confidence in local peace-building structures. This chapter examines how these indigenous peace-building approaches have shaped mutual coexistence between AGC and the Obuasi mining communities. Secondly, the chapter assesses the role of empathic and mediative communication in indigenous peace-building in the Obuasi mining communities. Lastly, the chapter discusses how the AGC and the mining communities used traditional institutions for arbitration. The data for these chapters is based on archival materials, oral history, and secondary documents like proverbs by Rattray and Christeller.

5.2 Indigenous Peace-building Mechanism

The concepts of peace-building, bridging of human differences, traditional arbitration, and settlement mechanisms have similar meanings in conflict management, peace infrastructures, conflict resolution, and conflict transformation in pre-colonial, colonial, and post-colonial Asante. These depend largely on religion, centred on the spiritual vigilantes of the Akans. African

viewpoints see this heritage as the invisible and visible appearance of certain intangible and tangible social structure which controls the affairs of their existence. Their mediative communication processes were done through religious processes in spiritual agencies as enforced by spiritual vigilantes' role, customary values, songs, symbols, folktales and rituals. Hagan found this in the Akan systems of living obligations "*ammanmra, ammanmrɛ and ammannneɛ*" which influences social cohesion.⁶³⁴ Administration during this period was built around the state and non-state legal norms (laws) and authority of spiritual forces and personal ties rather than bureaucracy.⁶³⁵ Peace-building co-exists with diversity through forgiveness,⁶³⁶ appeal for mercy, dialogues, love, truth, respect, tolerance, and among others, as structural processes and procedural issues which unite the people.⁶³⁷ Essentially, it is about human affairs, his need and spiritual concerns.

Since human relations among Akans depend on what could ensure community welfare, not individual rights and happiness. Some recognized culturally sensitive systems of peace-building among the Akan (Asante) values help their harmonious co-existence. These are *Duabɔ, Ntam, Dwantua (Dibem), Akyɔwpa (Apology)*, and strategic silences, among others are the intangible systems that were found in proverbs, folktales, and songs, symbols such as Adinkra among others which normally end human differences, ensure a settlement or customary arbitration in the

⁶³⁴George P. Hagan, *The Rule of Law, A traditional Akan State*, Presence Africaine Edition, 1980.pp. 193-208

⁶³⁵ *Ibid.*p.198.

⁶³⁶ Forgiveness literally means "accept every individual action against an individual as a social gift for the society" in the Akan language. Its origin is in their saying, "Obi di asem kyɛaa, na onfaa hwee Enkyee ye," which literally means when you forgive someone for an event that negatively or positively affects a relationship, you have done nothing, since their life experiences are reciprocal. The negative retaliation intended should be gifted society properly to ensure co-existence. The event that was misunderstood or conflictual should be ignored or forgiven because in the circle of life, one could have acted similarly without notice. David Konstan argues there was no such thing as forgiveness in classical Greece and Rome. Surprisingly, it is not totally present in the Hebrew Bible. Because forgiveness was God's province, it took a philosophical revolution to bring it to earth and make it a human quality. He also makes requests that may be coercive, the conditions for receiving it may be made up, and its effectiveness in quelling fury may be overstated. This raises the potential that we are dealing with a term that serves a specific ideological purpose because the idea itself may be based on irrational philosophical presumptions. Though he gave its origin and its essence in his explanation, the Akans conception of it, based on their worldview, seeks to address humanity's method of co-existence that ensures a peaceful society and its future continuity. See, David Konstan, *Before Forgiveness: The Origin of Moral Ideals*, Cambridge University Press, 2010, pp. 159-167.

⁶³⁷Gullen Feltular, *Toward a Global Civilization of Love and Tolerance*. (New Jersey: The Light, Inc, 2004), pp.12-18.

Akan realities. These intangible moral principles and values can operate to undermine the goals that the tangibles, informed by the constitutions, the supreme law of the land, are intended to achieve. The process of resolving conflict in Akan communities involves a peace-building approach through dialogue, mediation, and negotiation. Customary arbitration is often times adopted in the process, depending on the nature of the conflict and parties involved in the conflict. Personal levels of intangibility include religious or political intolerance, obvious lack of regard for individuals, or ethnic groups and communities, discriminating inclinations, partiality, lack of moral rectitude, mistrust, lack of probity, and petty and grand corruption. At the institutional level, the intangible manifests itself as inequity in the distribution of national resources, nepotism, partiality in the exercise of official discretion, including law enforcement, and undue favouritism of one group either class, ethnic group, or religious affiliation against others. This mostly concentrates on moral standards and values, incompatible with the tainted goals of peaceful co-existence intrinsic in African heritage. Below are some of these unwritten invisible and intangible values:

5.2.1 “Duabɔ” Imprecation Curse

Before colonisation, African societies had their systems for settling problems and seeking justice, especially in mining communities. People in post-colonial African countries were, therefore, torn between traditionalism and modernism when it comes to pursuing justice.⁶³⁸ It was not of too many challenges in the pre-colonial and colonial periods. Spiritual forces were being used to resolve disputes as the traditional state loses its core and legitimacy.⁶³⁹ Among these spiritual justice approaches was “*Duabɔ*”, an Akan religious act that ensures basic human rights in a more

⁶³⁸Tweneboah, Seth.). The Culture of Duabɔ (imprecation), Legal Dysfunction and the Challenge of Human Rights in Ghana. Human Rights Research Journal, 9, 1–10

⁶³⁹ibid, pp.1-3

flexible and dignified manner for co-operative co-existence. It is a “system checker” on morality and Akans’ ontological decency which ensured peaceful co-existence. It literally refers to an act of striking someone with a stick to kill them and could be accomplished by entrusting the victim to supernatural beings who would utilize their abilities to injure or afflict the victim.⁶⁴⁰ Tweneboah expressed it as a customary ritual which seeks redress through negotiations by spiritual beings.⁶⁴¹

The Akan language and culture, *duabɔ*, demonstrates verbal taboo but often times, it is a social justice mechanism to ensure sustainable peace. The verbal taboo as a refrain was necessary for African society. Since oral history explained that chieftaincy institutions would have been unnecessary if “*duabɔ*” (through deities and “*spiritual vigilantes*”)⁶⁴² were the only means to ensure justice instead of the human institution which often presents the deities and the ancestors. Unfortunately, the existence of a chieftaincy institution could not completely abolish “*duabɔ*” though it was a taboo. *Duabɔ* had been tagged as a fair and truthful means to ensure justice since the spirits involved can never be manipulated unlike human institutions full of selfishness and greed. The Akan language and culture have a strong emphasis on verbal taboos. A sort of religious verbal prohibition is *duabɔ* grievance imprecation through invocation.' It entails the use of magical and supernatural abilities to hurt one's intended recipient.

⁶⁴⁰Agyekum, K., The Pragmatics of *Duabɔ* “Grievance Imprecation” Taboo among the Akan. *Pragmatics*, 1999. 9(3), 357–382. doi: 10.1075/prag.9.3.03agy

⁶⁴¹Tweneboah, S., Religion, Law, and Politics in Ghana: *Duabɔ* (Imprecation) as Spiritual Justice in the Public Sphere, (*African Journal of Legal Studies*, 2021), pp. 5-8.

⁶⁴²It is a religious conviction that unseen forces rule Akan society on a daily basis. They often operate from God's creations supported by the Akan saying that "walls have ears"—which literally means "nothing can permanently remain a secret"—supports their existence. This is because God's creations have the built-in ability as watchers who assure the prompt application of rewards and punishments for every activity; Interview was conducted on 05/10/2019 with Nana Owusu Akyiew Berepongs in Manhyia Palace Kumasi.

The act is about invoking the power of a deity so that woeful things such as calamity, sadness or unhappiness would be beside one's adversary.⁶⁴³ The meaning of “*duabɔ*” again calls for linguistic, anthropological and theological’ interpretation by some African scholars such as Tweneboah, Agyekum and Sarpong with their lived experiences of their reality.⁶⁴⁴ In Akan reality, *duabɔ* is a spiritual and supernatural communicating action, represented in religious form.⁶⁴⁵ *Duabɔ* too has a magical power through spoken word and act, as well as one’s reverence for the deities is both presents.⁶⁴⁶ In *duabɔ* instances, expressive body communication such as the subject of facial threats is accepted. The faces of the audience, for example, are affronted whenever a *duabɔ* verbal taboo is expressed in public. Often, the *duabɔ* transactions involved four parties which include the message, deity or deities, the speaker and the addressed. According to Agyekum, there is an imprecate call on supernatural forces to harm or punish the imprecator.⁶⁴⁷ The speaker (imprecator), the addressee (the deity-nemesis), and the target for imprecation and punishment are the three participants in *duabɔ*.⁶⁴⁸ The type and form of the message play a major role in the impact of the subject. The protactic, apodictic, and commissive propositions are the three basic sections of *duabɔ*.⁶⁴⁹ One of these can be omitted in some cases when referring to imprecates or imprecation about this grievance imprecation. Often, the speaker determines which parties he wants to imprecate in the situation.

Furthermore, there are different types of, *duabɔ* from minor to major, which cause direct grievances and imprecations in the local community. Based on the type and potency of the deity summoned, they are divided into major and minor categories. Minor *duabɔ*, according to the

⁶⁴³Ibid, p. 8.

⁶⁴⁴Ibid, pp.8-10,

⁶⁴⁵Ibid, pp.16-20

⁶⁴⁶Seth, Tweneboah, The Culture of Duabɔ (imprecation), Legal Dysfunction and the Challenge of Human Rights in Ghana. (Human Rights Research Journal, 9, 2014), pp. 1–10.

⁶⁴⁷Ibids, p.8

⁶⁴⁸Ibid, pp. 20-25.

⁶⁴⁹Ibids., p.13

interview conducted, does not kill directly, but invokes a form of abnormality to once behave. An example of such is incurable skin rashes over the human body, which disgracefully attracts other people's attention, eating often but not satisfied, flatulating often in public-space, barrenness, mental disorder, unusual forgetfulness, among other abnormal characteristics. The major *duabɔ* consequence always leads to death. When the crime is serious, major *duabɔ* is utilized, whereas minor *duabɔ* is used for less serious offences to ensure fairness, truth, and respect for human dignity. *Duabɔ* might be anticipatory or "*Nitandua*"⁶⁵⁰ in the Akan culture too. The effective peace-building mechanisms in *duabɔ* society are very effective in their operations. The Akan religious approach to using *duabɔ* could be found in their proverbs "*Oyame fa ne boa xkyz ansa na watx*".⁶⁵¹ Therefore *duabɔ* is preferred by many Akans as only trusted immediate justice systems.

Strangely, Christianity and Islam have little influence over it since many Imams and pastors have been affected by "*duabɔ*". Though Agyekum differs in this regard because illiterate, rural, and non-Christian imprecatory are all potentially affected people as a result of their beliefs.⁶⁵² Beliefs, morality, and ritual (worship) form the foundation of religion. Breaking away from common moral principles is acceptable in all religions, creating an avenue for *duabɔ* to negatively affect you. As long as there are offences against the value system or social mores, the imprecation becomes very effective. Regardless of social class, sex, religion, education, rank, or status in society, certain people are also interested in imprecation.⁶⁵³ More covertly, some Christians and Muslims, among others, resort to *duabɔ*, but sometimes this position seems to be more political

⁶⁵⁰In Akan, the meaning of *Anitan-dua* is the most dangerous among "Duabo". It is cast as a result of when party A and party B are in a room and party A went out of the room and left his or her phone in the room, but upon returning, the phone was not there, knowing that they were the only two parties in the room. In this scenario above, if party A casts (Dua), it is known as Anitan-dua because party A knows that the (Dua) cast will strike party B.

⁶⁵¹ This means Supreme God delays in instance justice delivery systems

⁶⁵² Ibid., p.23

⁶⁵³Agyekum, K.,. The Pragmatics of Duabɔ "Grievance Imprecation" Taboo among the Akan. (Pragmatics, 1999). 9(3), 357–382. doi: 10.1075/prag.9.3.03agy

than religious. The Christian-Muslim component is more prominent in that, it is possible to find a literate non-Christian-Muslim in the city who wishes to imprecate.⁶⁵⁴The wealthy, (those in positions of power), and luminaries in society will almost always prefer to take their cases to court but are often afraid of the consequences of *duabɔ*.⁶⁵⁵ Women are particularly interested in using the prohibited words of *duabɔ* in Akan society, in terms of gender.⁶⁵⁶Their actions are always motivated by fairness and injustice, by invisible social structures that work against their survival. They often do that not just to look for justice, but to show their wealth by hiring a lawyer and paying their way through manipulating the justice system. The poor and the venerable, who believe they can pay for the service of a lawyer and cannot pay their way through applying *duabɔ*, since the deities are just and fair in dealing with matters in society, few ones in society carefully play their position, not applying to *duabɔ*, but instilling injustice justice by lynching an offender. The result in Africa is what Busia explained in religion as a "*thin-veneer*",⁶⁵⁷ it is similar to *duabɔ*. The African ontology is full of *duabɔ*, which is frequently expressed when religious leaders, parents, and respected people are offended by another human. *Duabɔ* could apply to a community against a community, family against family, individual and against individual and, the reverse is the same.

The supposed power of the deities makes a binding commitment to its adherents. Yet, there have been reported cases of concern, especially regarding fairness, enforcement and the abuse of human rights violations.⁶⁵⁸ In these societies, spiritual vigilantism has long been recognised as an

⁶⁵⁴ Ibid., p. 24-28

⁶⁵⁵ Ibid,p. 16-18

⁶⁵⁶ Ibid., p. 25.

⁶⁵⁷ K.A. Busua Busia *The Position of the Chief in the Modern Political System of Ashanti: A Study of the Influence of Contemporary Social Changes on Ashanti Political Institutions*. (Oxford: Frank Cass & Co Ltd. 1968).

⁶⁵⁸ Crook, R. C., Asante, K. P., & Brobbey, V. K. Popular Concepts of Justice and Hybrid Judicial Institutions in Ghana. *IDS Bulletin*, 42(4), 2011b), pp. 64–75. doi:10.1111/j.1759-5436.2011.00212.x; Tweneboah, S. The Culture of *Duabɔ* (imprecation), Legal Dysfunction and the Challenge of Human Rights in Ghana. (*Human Rights Research Journal*, 9, 2014), pp. 1–10.

essential form of informal justice delivery⁶⁵⁹ among these is “*duabɔ*”. Notwithstanding, these concepts have both socio-political and religious consequences in society.

Duabɔ is also the third force of extra-legal systems, manifested as spiritual vigilantism in Akan society, but tend to pose an obstacle to the administration of justice in modern society since its evidence is unjustifiable.⁶⁶⁰ The admission of its important social existence and neglect for some time now had negatively affected the justice system in the Akan traditional deity for conflict resolution. Water, eggs, drinks, ceremonies involving (male/female genital parts), and the sacrifice of any sort of blood convenient for the person casting the curse in anguish are all examples of how they are occasionally represented. The gods involved dedicate -themselves to the administration of this type of judicial system. In the perspective of Baffour Asabre Ababio III:

*The gods often do their investigations and manifest their results through dreams. They resort to causing the person that has been cursed to have some kind of dreams for a certain period before they take action on the matter. Among the symptoms of curses include; having a dream about riding a boat on streams or river bodies, a dream about walking along the banks of a river and a dream about picking eggs from the ground. Each of the smaller gods is distinct and has its dos and don'ts. Some resort to dreams to draw the person's attention to the curse so as they can have a change of mindset or show remorse and appeal for forgiveness.*⁶⁶¹

The invoked gods often expressed a long period of early-warning signs to the offender or imprecation about the consequences or resulting outcome of the *duabɔ*. Most often, if the offender has “*four eyes*”⁶⁶² ‘*duabɔ*’ result is very urgent but sometimes it is prolonged.⁶⁶³ From the interview, this was significant in Akans communities since ‘*duabɔ*’ kills people, and others

⁶⁵⁹Seth, Tweneboah., Religion, Law, and Politics in Ghana: Duabɔ (Imprecation) as Spiritual Justice in the Public Sphere. (African Journal of Legal Studies., 2021). doi:10.1163/17087384-12340081

⁶⁶⁰Seth Tweneboah, Religion, Law, Politics in the State of African; : Duabɔ (Imprecation) as Spiritual Justice in the Public Sphere. (African Journal of Legal Studies., 2021). doi:10.1163/17087384-12340081

⁶⁶¹interview, Baffour Asabre Kwogyewuasuu Ababio III on 25/8/2021 at Ash-Town, Kumasi

⁶⁶²In Akan reality, if a person is said to have “four eyes”, it simply means the person has spiritual power or he/she is witch or wizard.

⁶⁶³Interview with Baffour Asabre Kwogyewuasuu Ababio III in his Palace in 30/8/2020. He gave examples of the period up to thirty years before it is operationalized.

say it helps to bring forth the truth of an issue or a case between two parties. Still, the most important thing is that it is cast to prove one's innocence of an issue.⁶⁶⁴ It is clear from the study that *duabɔ* is a peace-building system in Akan societies because it begins a process to guarantee social justice a more supernaturally.

In the legal-rational society as the Austrian justice which system prescribes human agents for settlement, this concept uses 'deities' for settlement. "*Duabɔ* ", one of these informal peace-building systems in Asante society, was replaced by chieftaincy and declared unlawful, yet, oral history indicated that it was an effective means of achieving justice.⁶⁶⁵ *Duabɔ* would not be removed from the justice system until our society is free from bad deeds.⁶⁶⁶ Pain is inflicted by the "excesses of expression of human character", and only *duabɔ* can cure such.

The fear of unfairness, competition, marginalization, disrespect, cheating, lies, wrong accusation and loss of purpose of one's-living leads to *duabɔ*.⁶⁶⁷ Sometimes, a human perception of offences against their dignity and integrity without a verified cause could trigger *duabɔ* invocation. *Duabɔ* in Akan is a critical approach to revile truth as the anchor of the rule of law and resolving conflict.⁶⁶⁸ The settlements of "*duabɔ*" are done by spiritual forces through human processes by the indigenous priest. The effect on society is profound since their mode of operation affects the African world.⁶⁶⁹ *Duabɔ* is also the third force of extra-legal systems, manifested as *spiritual*

⁶⁶⁴Interview with Barima Offei Kwasi Okogyeeasu II on 15/9/2020 in Kokofu.

⁶⁶⁵Interview with Barima Offe Kwasi Okogyeeasu Ababio II, Kokofuman in Kokofu in 3/9/2020

⁶⁶⁶Baffour Asabre Kwogyeeawuosu Ababio III Otumfuo Nsumankwahene, in an interview at his palace in Krofrom, Kumasi on 30/8/2020. He defines "excessive expression of human character" as including behaviours such as discrimination, cheating, disrespect, abuse, lies, corruption, and taking advantage of one circumstance, among others, that directly affect basic humanity and expose the true state of affairs in specific circumstances as sickness.

⁶⁶⁷Interview with Nana Owusu Achiew in Kumasi on 19/05/2020

⁶⁶⁸ Ibid.p..87.

⁶⁶⁹Interview with the Chief Priest and Chief magician in Asante Kingdoms who have about 2400 local priests under his supervision has in his Palace 27/8/2021. He has enough power to reverse all these curses melted against the human beings.

vigilantism in the Akan society but tends to pose an obstacle to the administration of justice in modern society since its evidence is unjustifiable.⁶⁷⁰

There are Akan maxims that explain the effectiveness of *duabɔ* in resolving differences in society. There is a saying that “*nipa nsuro Oyame agyesε duabɔ*”.⁶⁷¹ There are Akan maxims that explain effectiveness of *duabɔ* in resolving differences in society. Even in national elections, the effectiveness of *duabɔ* is recommended. Scholars argue that *duabɔ* should be accepted as part of the legal framework because people believe that it works faster when it is invoked to solve problems or establish the veracity of the truth. In the interview conducted on *duabɔ*, all the informants argued that it should be accepted as part of the legal framework because the economic, socio-political, and legal regard tradition and modernity, religion and secularism, rational and irrational, which seek to oppose each other, in practice coexist in contemporary Ghanaian spheres much like *duabɔ* too.

Spirituality has an important role in peace-building, and that is why anyone, whether rational, legal, or irrational, swears by their belief system even today in the modern law court. In the Obuasi mining community, *duabɔ* ensured effective social justice system from the pre-colonial, colonial to post-colonial period till the pluralization of legal-rational justice system with the traditional peace-building mechanism. In pre-colonial era, it was very effective, though taboo, the community members were ready to receive sanctions from taboo at the expense of truth and fairness as a means of operation of *duabɔ*. The settlers in Obuasi were dominant migrants. Oral history explained this point by recognizing the village in 1897 where the people who carried the

⁶⁷⁰Seth Tweneboah, Religion, Law, Religion, Law, and Politics in Ghana: *Duabɔ* (Imprecation) as Spiritual Justice in the Public Sphere, *African Journal of Legal Studies*, 2021, pp. 5-8.

⁶⁷¹This in the Akan language means human beings are not too afraid of God's justice except *duabɔ*. The reality of Akan religious ontology is that when the “Supreme God” picks a stone it takes time before he throws it. The stone which literally means justice from the Supreme God delays his, unlike the *duabo* which gives an instant justice and fair result.

mining equipment numbered 200⁶⁷² supported by the archival data claimed such migrants never returned to the Coast and some became pioneer employers of the mines and stayed in Obuasi communities.⁶⁷³ The *duabɔ* never lost faith in the justice system because even migrants believed and trusted its judiciary system more than the court where adjudication was done by people with no legal background but only defenders of colonial policies

5.2.2 “Ntam” Oath Taking

Ntam is the second invisible peace-building process in Akans society. It operates on terms and tenets similar to the modern-days court summons from a plaintiff, demanding answers from the accuser about some misgiving. “*NTAM*” comes in different forms; it can be explained as a sad past unwanted experience that happened or occurred in one’s lifetime. An example is the cruel death of a father, who was molested in prison, ancestors were killed or outbreak of diseases etc. It becomes something you do not want to remember or be remembered for. Thus, these *Ntam* are used as a tool at the traditional chieftaincy to settle issues within their court system. It is used as a tool by any party within the traditional setting to fight for property, land or stool that belongs to the party or a family at the traditional court. The *Ntam* 'reminiscential oath' is a legislative kind of elocutionary oath used by the Akan of Ghana to build a relationship.⁶⁷⁴ The oath-taker recalls historical events that are too hazardous and nasty to state in it.⁶⁷⁵ This page examines the many forms of “*Ntam*” oaths, as well as the settings in which they are used.⁶⁷⁶ Agyekum gave three main structures of “*Ntam*” as follows: (i) the protactic proposition, involving the commissive performative verb “*ka*” 'swear' that triggers the evocation of the *Ntam*

⁶⁷²Interview with the Chief of Abadwen on 23/08/19, in residence at Obuasi;

⁶⁷³Tom McCaskie, Asante, Kingdom of Gold: Essays in the History of African Culture, The Creation of Ashanti Goldfields Corporation, Ltd., 1890-1910: An Episode in the Colonial Impact Upon Asante, (Carolina Academic Press, Durham, North Carolina, 2015), pp. 46-52

⁶⁷⁴Kofi Agyekum, *Ntam Reminiscential Oath Taboo in Akan*, Language in Society, (Cambridge University Press, London, 1999). p.340.

⁶⁷⁵ Ibid.pp. 392-397.

⁶⁷⁶ Ibid.p.396

taboo, (ii) the apodictic proposition that states the reasons behind the protactic proposition (and may entail a commissive or a directive), and (iii) the commissive that binds and commits the speaker and further indicates the consequences of breach of the “*Ntam*” and the subsequent punishment. The protactic, commissive performative verb “ka” ‘swear’, interpretive “se”, and the apodictic are all obligatory in all *Ntam* expressions. The commissive punishment, which strengthens the binding force of the *Ntam*, is, however, left out in some *Ntam* expressions, but implicitly it is there as a tool to check the inappropriate use and perjury of the *Ntam*.⁶⁷⁷ The word ‘*Ntam*’ is best understood using the commissive speech act theory. *Ntam*, like other oaths, lifts the underlying commissive structure's force from the person to a statutory or institutional level. The use of the word *Ntam* engages a willing audience in either insuring or chastising failure to keep a commitment. Based on their scope of action, we distinguish two categories of *Ntam*: “*Ntan-kumaa*”⁶⁷⁸ and “*Ntankeseɛ*”.⁶⁷⁹ The former pertains to a single person, a family, or a small hamlet or town, whereas the government owns the latter. The structure of the *Ntam* has three main parts similar to “*duabo*”: pro-tactic proposition, apodictic proposition and commissive punishment. Commissive punishment is left out in some expressions, but implicitly, it is there as a tool to check inappropriate use and perjury. Unlike other language taboos in Akan and other communities, *Ntam* is focused on politics and justice⁶⁸⁰. It's a situation between an individual and the state, not between the speaker and the addressee, as in other Taboos *Ntam* is a multifunctional notion that can be employed in land and stool conflicts, marital issues, oaths of allegiance, oaths for war, oaths before the corpse of a monarch, claim of ownership, justification

⁶⁷⁷ Ibid. p.339.

⁶⁷⁸ This in the Akan language means a “Smaller Oath”

⁶⁷⁹ This in the Akan language means a “Bigger Oath”

⁶⁸⁰ Ibid, p.384.

and sincerity in particular matters, and seal to the case settlement at arbitration⁶⁸¹. *Ntam* has no position in the present state or national politics of Ghana. There are two main omissions. *Ntam* in local jurisprudence, ranging from family arbitration to more traditional public settings like Asantehene's court arbitration. In these two diverging circumstances, there exist variances in the *Ntam* usages.⁶⁸² *Ntam* is one significant political, historical, sociocultural, and judicial institution that has withstood the test of time, irrespective of modernization, westernization, and foreign religion. The functions and the importance of *ntam* discussed in this thesis emphasize an indispensable sociolinguistic, pragmatic, and ethnographic concept that will continue to thrive in the soil of the Akan community forever. In some geographical places, *Ntam* has a protective rule with a religious connotation. The diversity and history of ethnic groupings are distinctively different. In the Asante Kingdom, for example, each town has its own bidding *Ntam* before the Otumfuo *Ntam*, whose power is restricted to its court. Because of migration, education, and modernity, *Ntam* has lost its importance in peace-building and reconciliation tasks. The function had a limited impact on national politics and conflict settlement because of its origin, cultural differences, and rules that enticed it.

5.2.3 “Dwantoa” Pleading

There are intangible values principles that are often expressed in tokens. Among these are “*Dwantoa*”⁶⁸³ and “*Dibem*”.⁶⁸⁴ In the Akan language, *Dwantoa* and *Dibem* play major roles in the steps in the procedural systems and structured processes of peace-building. Respected

⁶⁸¹ Ibid, p.384.

⁶⁸² Interview with Nana Owusu Achiew Brempong on 12/10/2020 at Manhyia Palace-Kumasi.

⁶⁸³ It is an Akan word as the fusion of two words; “Dwane” and “toa” (run and meet you) ... It is a term used for a person facing crises who had to “run and meet a saviour”. In a non-verbal approach, when anyone holds the leg of an individual or stool of a chief, it is regarded as calling on such person/savior to intervene in issue or crisis. In the traditional setting there is finally, a general brief among Akans that every issue can be addressed and solved, and that it will ultimately involve a discussion between parties and interested persons. It is a form of mediation to ensure that a matter does not degenerate into an unhealthy relationship.

⁶⁸⁴ This means ‘I surrender’ in the Akan language. The person who is going for ‘*dwane toa*’ must first surrender. Sometimes the one using the ‘*dibem*’ approach does not mean the people are guilty but looking for cooperation and collaboration in the society.

persons with a high position always reduce the effect of offences as a mediator for an apology.⁶⁸⁵ Sometimes, it shows initiated remorse state of an individual without a mediator. However, that is not to undermine the principle of equity and equality in the society in Akan society. The communal respect for the elderly who preserve the heritage of the people in a more honourable manner is preciously safeguarded in a more respected way for the future of the society. These never bridge differences (mistrust, misunderstanding, competition and disrespect) unless certain enforcement, both visible and invisible manifestation, in reality, threatened by their lived life, ensuring people's grievances are met. The *Dwantoa* has a direct brother in the Akan language “*Dibem*” that when a person feels guilty of a sin committed or had done something wrongfully, the person will rush to a revered person in society to plead on his or her behalf for the wrongs committed. Mostly revered people in society could be a priest, chiefs, queens and renowned people in society. *Dwantoa* is also used as a way to seek a piece of land to farm on. It is to be noted that is not always that people who do something wrong seek revered people in society to plead for them. “*Akyɔwpa*” normally differs a little from *Dwantoa*. Nonetheless, there are similarities between apology and “*dwantoa*”.

5.2.4 “*Akyɔwpa*” Apology

Apologies are pragmatic repair processes, used in speech communities to restore and harmonize relationships between interlocutors.⁶⁸⁶ It usually occurs when a person recognises his fault and seeks a mutual reconciliation through the “*Dwantoa*” process. “*Dwantoa*” is when a person feels guilty of a sin committed or something wrongfully, they have done, they then will rush to a revered person in society to plead on their behalf for the wrongs committed. There is a laid-down

⁶⁸⁵ Ibid.p.8

⁶⁸⁶Kofi Agyekum, Ntam Reminiscental Oath Taboo in Akan, Language in Society, (Cambridge University Press, London, 1999) p.340.

rule on apology through ‘*dwantoa*’ which has its place in both the political and economic social structures of the Akan. In current legal-rational society, there is always counsel in a person as a lawyer; there is usually a “*dwantohene*”⁶⁸⁷ in the chief’s palace who also serves as a lawyer and pleads on behalf of people. *Dwantoa* is also used as a way to seek a piece of land to farm on. Apologies are an element of a young child's socialization process and a speaker's communicative ability. The apology speech act expresses the speaker's sentiments and views.⁶⁸⁸ It comprises an expression of sorrow, an acknowledgement of guilt, and acceptance of responsibility.

Apology language is a strong instrument for people to convey their emotions and viewpoints while conflict depends on perception and emotions when management could ensure social cohesion. The refusal of the offended person to accept and forgive is considered unethical by the Akan. To an apology recipient, an appeal to forgive is always made. The Akan would rely on the proverb “*panin tirim na ye hyen akuma*”, which means "the axe is dismembered from the holder in the head of the elder”. “If you cut your tongue and eat it, you are not eating meat”, according to the Akan. It indicates that refusing to forgive might have long-term psychological ramifications for the perpetrator, including indirect impact on the offended or one of their families. Their collective bond has a more futuristic tie that benefits the people in the community, rather than affecting individuals right now. It truly means that forgiving someone today for their mistakes opens the way to protection in the future. In tough times, offenders will come out to protect or offer economic and religious aid. Below is a case in instance about apology from the archives:

In 1951, an extract from the Colonial Pioneer reported an action between the Ashanti Goldfields Corporation (AGC) and Adansis in Hwiremoasi, a village

⁶⁸⁷ The *dwantohene* is the chief in charge of apology, counsellor and a lawyer.

⁶⁸⁸ *Ibid.* p. 54

near Brofeyedru on the Kumasi-Cape Coast Road on the acquisition of land for cutting firewood. A case in forming the basis of the preliminary negotiation was presented by the General Manager, Mr. George, as a token through Adansi State Linguist, in keeping with the custom with Adansihene. The "Ohene" in turn disclosed the manager's intention to his two sub-chiefs, namely; Chief Akwasi Addai and Kyidomhene, who were affected, in as much as they are the caretakers of the said land. As Adansihene was indisposed, he was unable to communicate there and then with the General Mines Manager any action on the matter for three months. Adansihene had agreed in principle with the General Manager but could not instruct his solicitor to get the Concession Agreement for final approval by him and his caretaker chiefs subject to favourable conditions. Without waiting for the final authorization, the manager or his accredited representative unlawfully entered the land. Mr. Ocran, the Corporation Surveyor, started to demarcate some trace lines on the land, causing damage to farmers. A farmer, named Kwaku Addai reported the incident to Odumasi Adansi Youth Association Executives. A meeting was called with all stakeholders, and the company was represented by the surveyor and the Deputy General Manager, named Mr. Buckland. The corporation representatives "apologized" to the Adansihene, the Fomena Elders, the Youth Association, and the community in general. The corporation's unwarrantable entry into the land in question accepted the fact that their entry was premature.⁶⁸⁹

Apology mitigated the tension leading all parties to a fair and just negotiation that could ensure sustainable peace.

5.2.5 Silence

Silence in Akan communities is a religious ontology and epistemology derived from the concepts of destiny and predestination, "*Fama Nyame*"⁶⁹⁰ and "*nyɛ hwee gya na nka*"⁶⁹¹ reality, among others. In every situation in Akan reality, silence has never been empty but has instead provided complete solutions to meet its demands.⁶⁹² From the viewpoints of these parties and mediators in a dispute, it is an instrument for peaceful coexistence. Western conflict resolution techniques

⁶⁸⁹GH-PRAAG ARG 1/2/7/29 Adansi Native Affairs 1949-1951

⁶⁹⁰This in the English language means "It is God's Business" or 'give it to God'

⁶⁹¹This is the Akan language, which literally means "let it go."

⁶⁹² Interview with Baffour Asabre kwogyawuasuu Ababio 111 (Otumfuo Sumankwahene) in his palace in Kumasi Ash-town on 18/09/2020

emphasize verbal communication over non-verbal cues such as silence, ignoring quiet exchanges that have an influence on the restoration of communities after violent conflict.⁶⁹³ While certain conflicts are discussed, others are not. Though these statements are frequently withheld from mediators out of concern since handling and resolving conflicts depend on understanding perceptions of odd behaviour and their effect on human coexistence. Once more, it calls for serious analysis of conflicts in a more unique approach in order to promote peace that has received little consideration in the process of settling disputes. The argument of Gyekye and Eze stands for African morality that silence takes it.⁶⁹⁴ The humanist idea is based on the communitarian philosophy, which holds that each person's well-being and interests should come first in all of their decisions and deeds. Another element of the communitarian attitude is the conviction that people are social beings at their core.⁶⁹⁵ It is a lofty moral ideal to see all people as brothers because of their shared humanity.⁶⁹⁶ This world-view makes silence a major peace-building mechanism in Akan society. Pobee attributes Ghanaian inability and inaction in responding quickly to tyranny and dictatorship between 1972 and 1978 to this traditional African religious viewpoint on predestination and "*Fama Nyame*" through inactive action from silence.⁶⁹⁷ This concept explains why human action and effort have little influence in daily activities, but the spiritual woefully determines more reactions that confront their humanity. The traditional Ghanaian idea of social justice is the statement of "truth" that all parties may agree on.⁶⁹⁸ Their value systems and metaphysical realities usually reflect the truth. When this fact is confused, the

⁶⁹³ Ibid, pp.38-56

⁶⁹⁴ Gyekye, Kwame, *An Essay on African Philosophical Thought: The Akan Conceptual Scheme*, revised edition, Philadelphia: Temple University Press; original edition, Cambridge: (Cambridge University Press, 1995).

⁶⁹⁵ Ibid. p. 120

⁶⁹⁶ Ibid. p. 87

⁶⁹⁷ John S. Pobee, *Religion and Politics in Ghana, 1972-1978: Some Case Studies from Rules of General K. Acheampong*, (Journal of Religion in Africa, Brill, 1987), pp. 44-62.

⁶⁹⁸ Richard Crook, Kojo Asante, and Victor Brobbery, *Popular Concepts of Justice and Fairness in Ghana: Examining the Legitimacy of New or Hybrid Forms of State Justice*, Africa Power & Political, vol. 2

parties agree to consult with "Abisa",⁶⁹⁹ a neutral and respected arbitrator, who then confirms such truth. In the Akan, resolving disputes through silence is a form of communication to accept the supernatural reality of proper execution of justice by the ancestors, natural objects (gods), stools, and creation. Again, when power relations between two parties are unequal, both horizontal and vertical, one results in silence because it is a form of withdrawal which sometimes postpones the conflict. The choice of silence as the best alternative for peace is a belief in the spiritual reality that ensures an automatic peaceful solution.

Since the efforts of men are very limited, based on their world-views, silence becomes the very best conflict resolution method. *Silence in the Western Approaches to Conflict Resolution expressed covertly and overtly: The philosophical foundation* is based on an ideal unitary actor⁷⁰⁰ or speech model⁷⁰¹ that is instrumentally rational, and communication is based on the use of verbal language and operates within a few societal constraints.⁷⁰² It is assumed that the primary means by which a person or collective enters into social and political vehicles is through verbal language.⁷⁰³ In this scenario, participants are assumed to have an equal opportunity to participate the dialogue.⁷⁰⁴ The social and political interruptions are the reason that arguments and ideals leading to an agreement are highly valuable. The form of expressive knowledge and action, either from a mediator or negotiator, is done through goal-direction to satisfy both opposite sides. The Western approaches to rational reality are themselves value-neutral, universally-applicable

⁶⁹⁹Abisa is an Akan word that means "ask the truth." *Often, the truth is sought from a spiritualist using an oracle to reveal the "truth".*

⁷⁰⁰Morgon Brigg, "Governance and Susceptibility in Conflict resolution: Possibilities beyond Control, ("Social Legal Studies 16, no 1 2007), pp, 27-47.

⁷⁰¹Morgon Brigg and Roland Bleiker, *Mediation across differences: Oceanic and Asian Approaches to Conflict Resolution*, University of Hawai'i Press, (United States of America, 2010), pp. 38-52.

⁷⁰²Ibid. p. 28.

⁷⁰³Ibid.p.47.

⁷⁰⁴Francis Fukuyama, *State Building: Governance and World Order in the Twenty-first Century* (London: Profile Books, 2004), p.55.

and scientifically-verified, which differ from the metaphysical Akan belief about silence in peace-building.⁷⁰⁵

In Akan's reality again, the word 'silence' has two main grounds such as promoting understanding for value diversity and a major significant role in conflict resolution in many societies through dialogue, tolerance, confidence-building, reconciliation, negotiation and mediation for peace. On the other hand, it is a process of avoidance of conflict. Still, more especially when it happens in front of the elders, it is a form of disrespect and a form of postponing discussion but trusting supreme authority to deal with the challenges at stake. In Asian culture, silence has more incredible spiritual and ethical significance, and it is anchored in deeply-held beliefs about oneself and the surrounding cosmos.⁷⁰⁶ It gets to the heart of who they are as individuals. There is a contradiction in the Western conflict resolution system that Habermasian models of ideal speech prioritise speech as truth over silence.⁷⁰⁷ Both Indians and Akan (Africa) cherish spiritual silence. Still, in Akan (African) society, when conflict is arbitrated in the chieftaincy systems, it becomes more fearful. It can sometimes lead to sacrificing the one practising silence, but in Asian reality, it is viewed as golden. This could be approached through vital speech, but unnoticed non-verbal means of communication and social-political actions create an avenue for resolving the difference.

In Akan, real spirituality is very significant, and silence is the way to express the positionality of ideals. As a means of conflict resolution, silence can be very dangerous and can have serious repercussions. It is hazardous when a person chooses to be silent on an issue because whatever

⁷⁰⁵Ibid, pp. 39-40.

⁷⁰⁶Tarja Vayrynen, *Silence in Western Model of Conflict Resolution*; cited in M. Brigg and R. Bleiker *Mediating Across the Difference, Oceanic and Asian Approach to Conflict Resolution*, (University of Hawai Press, Honolulu. 2011), pp.36-56.

⁷⁰⁷Jurgen Habermas, *The theory of Communicative Action*, Vol. 1 (Boston:Beacon Press, 1989); On Habermasian discourse ethics and mediation, see Deiniol Lloyd Jones, "Mediation, Conflict Resolution and Critical Theory," *Social Legal Studies* 26, no.4 (2000):pp.647-662.

evil plan or intention the person plans to undertake is unknown. Generally, murderers and wicked people plan their evil secretly and in silence. Hence, whenever a person becomes silent on an issue, it is complicated to put in place measures to prevent any evil or criminal intent the person wants to undertake. In Akan reality, silence is precious and precious hegemony, since it compels the offender to seek redress or a peaceful means. African spirituality also influences peace in their way of coming to the rule of law, which is usually in Akan “*Ammanes*.”⁷⁰⁸ If an Akan says hmmm... (Silence), it is preferable to seek ‘*dwantoa*’ in a situation because it simply implies, "I have sermonized you to the spiritual vigilantes," "I have consulted oracles against the aggrieved," or "I have done some things in secret that could lead to one's death". Silence is more dangerous in the Akan reality, and the perpetrator, together with the victim, would be willing to renegotiate to restore the two families' or individuals' relationships. The Akans' relationship is futuristic, in that, it uses conflict resolution to promote truth, restoration, peace, and love in their society. The Akan tradition values the peace-building system, even if it is conveyed in silence, and argues for a further period to revisit the issues when a similar opportunity comes. The psychological point interpreted through the societal perception has a worse or good social result. However, when it is voiced against chieftaincy, it is viewed as disrespectful. The community offender may sacrifice an animal, may be allowed to pay a fine or be disbanded from that traditional jurisdiction. The way forward towards addressing the issue of silence by one person on the matter is to conduct investigations and interrogations as to the causes and reasons for their silence. Though these might be looked into because perception can be real or imagined, objective or subjective, it is appropriate as long as one does not overreact, which can lead to conflict, and the quiet was for a different reason. Before defining silence's significance as a peace-building

⁷⁰⁸ Ammanez are the rituals that are followed in the rule to make the customary law rules.

technique, it is necessary to evaluate the context and content specifics. Suppression of persons with little power could lead many members of the community into fear, following the various intimations of so-called weakness, which normally postpones the nature of the conflict in the expression "I am not ready now, when I am ready, we will continue." In mining communities, it was a dominant approach in peace-building since members of the host community were afraid to talk about the issues of injustice since their own trusted leader was in the chains of their bad situation. Their faith in the 'spiritual vigilantes' compare their chiefs and mining firms to receive their reward anytime there are differences. They also claim to have poured libation on the land's natural things to fight for them, which explains their silence. Despite the fact that it went against their economic and religious values, the mining community's quietness in Obuasi was an indication of disengagement, indicating that the dispute has been postponed until immediate action is made to minimize the effects.

5.2.6 Using Nature Objects

The nature objects used for peace-building, especially on land disputes are water bodies, mountains, valleys, and trees like “*ɔntomɔ*”,⁷⁰⁹ among others, which were used as a boundary. A boundary in Akans is called “*ehyɛ*”. It's a thin line that marks the limit of an area. Traditionally, the forefathers used trees like *Odum and Nyame dua*, among others, to serve as their boundaries but realized that those trees could be cut off, so they resorted to using rivers as their boundaries. They later discovered a flowering plant known as (*Ntomɔ*) that could serve as a tool for boundary demarcation between two areas. It is a flowering plant that grows tall; it has deep roots and does not wither away. Thus, this plant is tough to die in construction. So, our forefathers used this flowering plant to demarcate boundaries. Sometimes, when the farmland is too large, the owner

⁷⁰⁹“Zntoambeɛ” is a tree with deep root that one's effort cannot stop from growth and accepted as a plant for boundary.

of the land will allow the labourers to build hats along the boundaries of the land. They also used their farm cultivation as boundaries. This involved the planting of trees or food crops at an intervals on the same farmland. When you harvest one crop, then the other crop becomes the boundary, and then you plant another crop to replace the harvested one, which could also serves as their replacement as a boundary after harvesting. Furthermore, they grew beans, peppers, tomatoes, and other vegetables. They also have a dense bush with trees known as "*Dotoo*," which is produced within the agricultural property or at the area's margins to mark the limits from afar. Every society devises strategy and process to promote peaceful coexistence. The reality of the Akan (African) people is similar to those of the rest of the world. It is linked to their spiritual well-being, which mining communities share. To measure the land, the local mining method of assigned land approach boundary with a defined tree or any natural item is used. The population was relatively small comparison to the amount of land they were farming. As a result, the specific territory was allotted to a third party depending on their strength.

5.2.7 Proverbs

Proverbs play a major role in social mores or precepts in many African societies. Some identified them as the structured form of constitution that is normally referred to in the peace-building process in Akan (Africa) society. Others regard the proverbs as an empathic communication tool in Akan realities. Proverbs are always referred to as local judicial constitutions or precedents to lead to final settlement with more restorative, distributive, and truth-guiding objectives to promote peaceful co-existence cohesiveness. Finally, they serve as tools for peace education in Akan contexts, with the following examples:

1. *“Obi fom kum aa, wo nso wo mfom ndwa”*.⁷¹⁰

“If someone kills an animal by accident, you do not skin it by accident”.

This maxim literally implies that a person should not take revenge or retaliate similarly when someone mistakenly does something to offend them. In other words, you should not avenge any action /offence/harm that was committed wrongly or inadvertently. It positioned indigenous mining communities to be more sympathetic to the mining company's acts of injustice, resulting in conflict over land use. The traditional authorities too used it as a form of mediative communication in the settlement of disputes. This eventually becomes an act or means of preventing conflict. The relationship between the mining communities and the mines is often bridged through these particular proverbs, which give the community an empathic approach to confront the mining company even when their human rights are being abused by the activities of the company. It also expresses to the individual members of the community the need to restrain their actions against their needs and interests in their land. This proverb also governs the traditional institutions' relational matters that point to human weaknesses that could also transcend to the mining companies and the communities.

2. *“Dua a εβρω ani no, wotu asez, na wontwa so”*.⁷¹¹

“The branch of a tree which will pierce your eye is uprooted, not broken off or sharpened”

Early detection of any impending threat of violence or conflict should be addressed to prevent further escalation. However, the best way or approach to resolving any possible threat or action completely is to be addressed the root causes and not the immediate triggers. So, emphasis should be on the eradication of deep-rooted causes in addressing any possible threat of conflict.

⁷¹⁰J. G. Christaller, Kofi Ron Lange (1879). Three Thousand Six Hundred Ghanaian Proverbs (from the Asante and Fante Language), (Lewinston: Mellen Press, 1979), p. 11.

⁷¹¹J. G. Christaller, Kofi Ron Lange, Three Thousand Six Hundred Ghanaian Proverbs (from the Asante and Fante Language), (Lewinston: Mellen Press, 1987), p.84.

Deep-rooted causes unattended to are dangerous and can be a recipe for disaster or further violent escalations that more often than not may take years to resolve in smaller communities in an African context. This proverb is used in peace-building methods to teach the community and the mining community how to sit in circles to eliminate genuine reasons for injustice and conflict that have arisen from their connection before they degenerate or develop into violent conflict. For example, there was a crisis in the Obuasi community's access to free electricity in 2014 with communities like Sanso, Nyienam and Ahwiamu. Oral history from 1992 explains an informal negotiation after the introduction of the surface mining effect on the community's 35 water bodies, replacement with free electricity and the provision of hospitals and Community-Based Planning Service (CHIPs) to these communities. Unfortunately, when the company's production costs increased, with an effect on their profit margin, they decided to take the electricity from the community or else charge these communities. The National Peace Council, in collaboration with other NGOs, wanted to engage and mediate, based on the proverb "The branch of a tree which will pierce your eye is uprooted, not broken off or sharpened". The company was engaged several times but refused to sit at the table with the community more than seven times for negotiation. A series of demonstrations and media bashing yielded nothing until the community finally evaded the mines, leading to the death of one manager and the final closure of the company since its existence. This proverb also guides traditional institutions and quasi-judicial institutions in dealing fairly with the core reasons for their disagreements in the mining firm. It also validates society's vital delivery of the legal system as quickly as possible.

3. *"Wofrɛ obi na wannye so aa, na ɛwɔ nea wahu".*⁷¹²

If you call someone and he doesn't respond, it is because of what he has seen.

⁷¹²Ibid. p.97.

This proverb signifies that a person's negative response or reaction is necessitated by a preceded thought or action. In other words, people react or respond either positively or negatively based on information previewed to them. As a truism no one acts or reacts in a vacuum; there is always an underlying cause. There is always an underlying component or explanation in peace-building that explains the reasons for a conflict. This adage illustrates the peace-building mechanism's reliance on early warning indications that trigger instinctive reactions. It just demonstrates the indicators of inequity and unjust expression in Akan reality, which require prompt treatment to avert violent confrontation. Clearly, it is a sort of expressive conflict communication that necessitates replies from the numerous parties or stakeholders involved.

4. *“Nsuo εbtɔ aa, mframa di kan”*.⁷¹³

“There is always a storm before the rain falls.”

There are always signals or warnings that precede every action. In other words, thoughts precede action as lightning precedes thunder. There are always simmering indications that occur before any cause or event occurs. These indicators can serve as a guide to understand, pre-empt and prevent the possible threat of danger and violence escalations. This proverb draws attention to the fact that early warning signs exist and need to be considered as a tool for conflict prevention. The indigenous mining community acknowledges the existence of a storm before the rains and is also used as a peace-building mechanism to report early signs of injustice as a recipe for conflict. Therefore, nothing should happen in surprise to both the mining community and the company. The various engagement about threatening situations gives expressed grounds to deal with the situation on the ground. It is this maxim that called for a Grievance and Complaints Office which handles all cases, forwarded to the Company by aggrieved community members. Other mechanisms set up include the Community Consultative Committee (CCC), the Community

⁷¹³Ibid, pp. 98-100.

Forum (CF) and the Community Trust Fund. The various affected situations are always discussed, leading to a peace-building system. Though this has become a ‘talk show’ with few actions’ community members are always patient in their reactions.

5. ““ *Egya biara bεso aa, nwisie di kan* ”⁷¹⁴

“There is no smoke without fire”

For every cause of occurrence or happening, there is always an indication/ sign or signal that precedes the act. In other words, great fires erupt from tiny sparks. There are early warning signs in peace-building. Early detection of these signs could help provide an appropriate and effective response and intervention toward mitigating the possible threat of violence. This proverb again shows historical factors as proximate causes and triggers of conflict in the content-and context-specific situation. In different phases of the relationship with the mining business, the maxim ensures the interactions between the mining communities and the company with symptoms of the African definition of conflict resolution. In their mediative communication, traditional authorities also utilize this to advise people to learn to bury their differences before they come before them. Similarly, to how smoke, prepares the ground for a fire, injustice and disregard for communal values set the ground for violent conflict. The maxim expresses the objective of the glasses, which is to leave a pleasant environment that is conducive to everyone's existence. The mining communities' grievances about their livelihood, which are presently being aired through rallies and press comments, are smoke preparing for the blaze to start. Because socio-economic rights in the mining community are not regarded similarly to political and civil rights, the struggle is on the verge of turning violent. Regrettably, traditional institutions, such as Dispute Settlement

⁷¹⁴ Rattray, R. S. *Ashanti Proverbs: The Primitive Ethics of a Savage People*. (Oxford: Clarendon Press.1916).

Institutions (DSIs), and legal-rational systems, ignore local values entirely. While waiting for the fire, or, in the case of mining, violent resource conflict, the livelihood concerns are overlooked.

6. *“Nantwie mmɛn (agyanan) ani awɔ, nso aseɛ yɛ mono”*⁷¹⁵

“The surface of the cow dung is dry, but its inside is still fresh”

This proverb in peace-building emphasizes that there is always a deeper root cause or reason beyond the significant viewpoints of the parties in a conflict situation that must be critically studied if the dispute can be resolved. The issues may be fixed until the core reasons are addressed; a small trigger can aggravate the disagreement. In other words, the conflict scenario must be accepted as inevitable because the factors that have led to the conflict's degeneration have not been addressed more proactively. Although the situation appears peaceful, it is merely waiting for a trigger. The maxim emphasizes the idea that injustice and conflict cannot be identified on the surface of equitable relationships, but that a more thorough inquiry might disclose, among other things, the security danger to livelihood. They also serve as a means of communication for shaping the community's perspective and as educational instruments for traditional authority. It equips peacemakers in mining communities to deal with several layers of injustice and conflict. It looks at the scope of connections and forecasts circumstances that might lead to violence. The maxim also asks for quick responses from peacemakers in the mining dispute, as well as initiatives to help mining communities coexist.

7. *“Ahohiahia na ɔwɔ de ka”*⁷¹⁶

“A snake bites when it is troubled”

This means that people are more likely to harm or hurt others out of irritation, oppression, or fear. In other words, when an animal or a human feel threatened or in danger, they harm others. Many

⁷¹⁵Ibid. p.176

⁷¹⁶Ibid.p.117

causes can contribute to these aggravations, including inequities, injustice, human rights violations, marginalization, disrespect, and discrimination, to name a few. There is perpetual peace when efforts are done to address the acknowledged structural roots of conflict within society. Conflict is just the expression of previously unresolved issues in this environment. This aphorism encapsulates the numerous challenges that mining communities endure, including unreasonable and unfair discrimination, marginalization, stereotyping, and rejection. For the indigenous peoples of the villages, the only way to reach an agreement is for them to engage in more combative opposition. This can be supported by another proverb “*wo pam ohufoc a wo to ne barima*”⁷¹⁷. The maxim might also be utilized as a means of communication by traditional institutions to explain Akan conflict philosophy. Persistent injustice breeds long-term conflict, which, if not addressed, can escalate to violent extremism and civil war. The high rate of youth unemployment in mining communities, combined with financial support from political parties' financiers inciting youth engagement, has turned Obuasi mining communities into a threat to the dens of criminals and other vices, necessitating the strengthening of peace-building structures.

8. “*Nea wompe no, wo mfa nyε wo yɔnko*”⁷¹⁸

“Do to others only which you would like them to do likewise”

This adage emphasizes that one should treat people in the same way one wishes to be treated. In another way, you treat others the way you want to be treated. As a result, you treat everyone with dignity, respect, and the respect they deserve. There is peace, unity, and harmony wherever all people adopt this saying. Because you wouldn't injure, mistreat, or place your neighbour in an uncomfortable situation that could escalate to conflict or violence if you recognized and treated

⁷¹⁷The Akan language literally means If you chase the timid with the intention of punishing him, you will meet somebody stronger than you Or If you single out someone because you hate them, you will surely be disgraced Or If a coward is pinned to the wall he exhibits bravery.

⁷¹⁸Ibid.p.185.

them as yourself. The old institutions in the Akan mining communities employed sympathetic communication methods, as evidenced by this maxim. The link between the firm and the people it serves is discussed in traditional African philosophy. It explains how social injustice, conflict, and peace-building all require a common ground connection. The common grounds are investigated in their whole and found to be appealing, honest, reasonable, pure, and praiseworthy. To maintain long-term peace, these principles must be mirrored in society and the workplace. These egregiously damaging practices must be stopped.

9. *“Sɛ Biribi ankoka papa aa, anka papa annyɛ kyɛɛdɛ”*

“If something had not touched the dried palm frond (papa), it wouldn't have made a sound”.

This implies that there is a cause for every effect. Every issue of misunderstanding has an underlying cause which could be structural or immediate. So, understanding, analysing, and providing appropriate resolution mechanisms to the issues, will solely depend on identifying the underlying causes. This clarifies cause-and-effect concerns in Obuasi's mining villages' connections with the mining business. In response to this adage, the mining community expects a demonstration against environmental pollution, sickness, loss of livelihood, and damage to vegetation, among other things. The mining company's overreaction is understandable, given the overwhelming support of the majority of the populace in the impacted towns. The mining industry's misunderstanding of this world-view draws military and police protection into community expression, which frequently results in deadly disputes that must be controlled properly to maintain peace. All in all, they were used as wise sayings in traditional institutions' settlements, as well as for peace teaching.

10. *“Aboa Kɔkɔsakyi, ɔde ne kwasia ɛrɛɛ nyinikyɛ”*

“The animal partridge behaves foolishly in his quest for prolonged life”

This adage emphasizes that there are moments when you must remain cool, put your pride aside, and compromise your viewpoint for the sake of peace or a worthwhile result. This linkage from this study between the mining community and the company is similar to the vulture and the human beings. Humans in Africa like to consume food that has not fallen to the ground. Vultures, on the other hand, frequently eat items that humans refuse and on the ground. As a result, the vulture is less interested in food and is treated with disdain. This moral African philosophy discusses how disregarding a problem and not being prepared to please parties leads to the suspension of the parties. To put it another way, long life is linked to a simple existence. This adage sustains the community while ignoring their desire for long-term harmony. It's a type of communication that's mediated through established institutions.

11. “*Dyaw yε mframa*”

“Abuse is mere wind”

This proverb is used in calming an offended person in a conflict resolution process. Do not be hurt by abuse because it is just words. This perceived constructed word may be real or imagined, subjective or objective and must not be taken so seriously but allowed to go by nature. Sometimes since many words are led through anger the Akans believe anger is a junior brother to madness and must not be treated with less seriousness. This proverb is used to de-escalate tension and teach the offender that verbal abuse is nothing more than a collection of words that will pass as fast as the wind. It describes economic inequality and abuse as something that may be overlooked to make way for coexistence. The maxim describes the influence of one action on the other, but with a strong psychological heritage that assures patience in time's womb. It is a time-based peace-building method that employs avoidance and compromise. When confronted

with this dictum, the mining community refrained from engaging in violent confrontations with the enterprise. It was frequently employed in traditional institutions as part of communication guidance for a harmonious life.

12. *“Atofoɔ mmienu hyia aa na nsaman kwan atue”*

“When two guns from opposing camps meet, the road to the land of the dead is never deserted”

This suggests that death is unavoidable when a war or battle starts. When conflict erupts, no one is immune to violence and death; as a result, this adage cautions people to be alert and make every effort to guarantee that we live in peace and avoid any act or threat of violent conflict within our society. This maxim has its origin in the moral reflection of the indigenous people in the mining communities of Obuasi. This world-view attests to the fact that war and conflict should be abandoned at all times since in every conflict situation, there is no winner, and everyone is a loser. Besides, both engaged parties always lose precious human beings and humanity gets distracted. The relationship between the mining community and the AGC has a direct relationship, and the violent clashes could affect their peaceful co-existence. So, issues within the mining communities concern the company too, since more than 90 percent of their workforce is part of the community. Its early warning signs of analysis conflict with avoidance. The traditional authorities also used this proverb to express future threats in relationships and judiciary precedence. It is, lastly, a mediative method of communication in the settlement.

13. *“Sɛtoɔ adubone a ebi ka w’ano”⁷¹⁹*

“If you poison another, some of the poison goes into your mouth”.

⁷¹⁹Oral interview with Baffour Asabre Kwogyawuaso Ababio in Kumasi- Ash-Town, in his palace on 11/09/2019

If you injure your neighbour, the injury affects you too. When you plan evil against your neighbour, you end up bearing the effects or consequences too. This is also a tool that helps prevent conflict by admonishing and advising people to refrain from planning evil, or an act that will cause harm to another person. The tradition of African philosophy explains the consequences of one action against the other. It reveals a mystery that if the mining company acts against the indigenous people in the community, both could share the consequences and vice versa. This type of relationship should undoubtedly benefit existing humanity and has the potential to improve the productivity and livelihood of all people living in mining communities. The community is guided not to behave in a manner that could destroy their future engagement with the mining company. The education also prevents the community from attacking the mining company since they could receive the effect too. This suppresses the will of the mining community members to violent confrontation into a peaceful engagement to sustain their relationship. This proverb, to some extent, governs the actions to be taken against the company to register their dissatisfaction with unfair treatment. The traditional institution was used as a tool to communicate co-existence.

14. “*Ɔto baabi aa, edum, Ɛto baabi Ɛhye, Ɛnnyɛ amamuo pa*”.

“If the fire (of the law) dies here and burns there, it is not operating properly”

Rules and principles of governance must be applied consistently and without favouritism. When rules appear to shield some groups or individuals or specific personalities in society, but other groups in the same community are subjected to full or harsh enforcement, it can lead to social separation and friction. The meaning of this proverb is equality before the law and the principles of governance to maintain social peace. The use of fire symbolises the damage that a relationship might cause to achieve long-term serenity. This demonstrates fair procedural and substantive

concerns in the mining community's dealings with its firm. It informs peace-building organizations about reports on the mining company's connection with the community. It presents conventional knowledge concerning injustice and prejudice simply and understandably. It is used by traditional institutions as a means of communication that respects all parties while also reflecting human dignity.

15. *“Asemkeseε, yenι no nsemmansemma ”*

“An important matter is not treated as a trifle”.

Every important topic is given the attention and consideration it deserves. Failure to handle such significant issues has serious ramifications and repercussions. As a result, the significance of conflict resolution mechanisms is clear. The type of mediation or resolution panel used depends on the nature of the case or issue. Depending on the nature and truthfulness of the case, several methods and procedures are used to resolve it. This proverb guarantees that everything related to the mining company's connection with the community is not taken lightly. It helped indigenous community members in their fight against the mining firm to promote and safeguard their basic human rights. Because disputes are always considered trifles in the mining community, this reinforced the concepts of jaw-jaw intrinsic in the mining community to avoid conflict. It encourages community members to take responsibility for resolving their conflicts at all levels. It is frequently used as a mediative mode of communication by traditional institutions, which aids in equitable involvement.

16. *“Dua a εb ε n ne onkoε etwie”.*⁷²⁰

“If a tree is near another tree, they rub against each other”.

⁷²⁰Ibid.p. 84.

Therefore, there is a high possibility of friction/quarrel or altercation between them. In order words, conflict is bound to occur between two individuals or groups closer to each other. The purpose of this proverb on the central theme of this study identifies the challenges with the mining community's closeness to the mining companies and the challenges that might occur in their livelihood and environment. It relates the mining company and the community as close trees and by virtue of their proximity could easily generate violent conflict. The community through this world-view accepts the impact the mining activities impacts on their communal values and security without resulting in any violent approaches as long as the company is concerned. The closeness of the mining company and community has created a common ground that ensures unity in their diversity of differences. This is also a traditional institutions' empathic and mediative communication system which it expresses. It is also ingrained in people's ideas about what constitutes satisfying social ties and attitudes.⁷²¹ This is a thought to promote social harmony and cooperative living, as well as justice and fairness

17. *“Nea shy ε no woamfa anhy ε aa, efiri tɔ”*⁷²²

“If you do not put it where it ought to be, it will fall down”

There are processes, procedures, conventions, values, and laws that guide and govern people's behaviour in every community or human existence. In this view, laws are appropriate since they provide norms that govern people's fundamental existence. Therefore, society will be more orderly and harmonious if these standards and procedures are followed. Any attempt to break from the established methods or principles, on the other hand, will result in confusion and instability in society. So, to avoid anarchy or disorder in all fields of human activity, this proverb simply explains the significance of following the established order or principle. The maxim

⁷²¹ Gyekye, Kwame, *Africa Ethics*, Standard Encyclopedia of Philosophy, (Spring Edition, 2011). p.1.

⁷²² *Ibid.*, p.181.

identifies the community and the mining company as having differences and challenges that must be dealt with or else, they will generate different relations. The other form in which the maxim relates to the work is that traditional authorities used it for settlement more often, especially in a form of mediative communication to resolve the differences before them. The mining company could put in place things that can generate conflict and are incompatible with needs, interests, and positions on the use of land. These are often unjust and even more against the livelihoods of the community members whose main occupations are farming. Sometimes the company with state judicial support and enforcement does not regard the economic needs of the indigenous people, and when they are expressed through any means, the company uses intimidation, arrest, and traditional institutions to silence them. This unattended need has generated small-scale illegal mining as a mitigating factor for the community's co-existence with the mining company. The state policy to stop small-scale artisanal illegal mining is a recipe for civil war and sometimes a threat to violent extremism. The proverbs are a peace-building mechanism to sensitize all parties and encourage negotiation atmosphere of peace and coexistence.

18. *“Asem kyε aa, nyansa ba ho”*⁷²³

“If the case takes a long time, wisdom comes to it”

This proverb emphasizes that time is vital in resolving disputes, incredibly long-running ones. Time becomes a valuable instrument in the effort to offer a resolution to an issue since it allows the resolvers or mediators to dig deeper, better comprehend the issues, and get more knowledge and insight that aid in the eventual conclusion of the issue when the case is prolonged. In a more emphatic context between the mining business and the rural areas where their activities take

⁷²³Ibid. p. 237.

place, the maxim teaches patience. Though conventional mining authorities regard mining concerns as difficult, sufficient knowledge and explanation of the common ground of mutual advantages, which is more sustainable, is provided. Apart from responding promptly, other perceived long-term difficulties as a kind of denial of justice include injustice and conflict. Patience in settling conflicts is intended to ensure that excellent data from all sides are accessible for the study of the issue, which might lead to a more durable solution. This also serves as a conflict-prevention tool, reminding people that their relationship has to be balanced. It's also a peace-building technique that conventional institutions adopt because of its mediative communication systems, which encourage all parties to try to resolve their problems.

19. “*AsEm a esen chene wo ho*”.⁷²⁴

“There are some problems even a Chief can't mediate or resolve”

This means that not all disputes can be quickly addressed through the traditional or indigenous system. The Chief serves as the intermediary between the ancestral world and the community. Some cases fall beyond and below the Chief's jurisdiction and so cannot be settled via their procedures. Other joint peace-building efforts are as important. This proverb highlights the fact that not all disagreements can be settled. It strongly promotes dispute resolution in a variety of contexts, including through enforcement and regular contacts. Some Obuasi mining communities have used this as a significant dispute resolution approach. The demand for relocation is considerable, but the expense of resettlement is unreasonably expensive from the company's standpoint, and it may have a direct influence on their operational costs. Meanwhile, harmful chemicals, rashes, and the destruction of water bodies have been discharged into the environment, and all of the community buildings have cracked all over, including the community is

⁷²⁴Ibid. p.236.

surrounded by rocks, resulting in a shift in economic activity from farming to unemployment. The mining firm is keeping the situation under control by permitting the army to prevent any violent conflicts with these people. Traditional authorities frequently employ this adage to communicate in the form of education to avoid misconceptions that might lead to violent disputes.

20. *“Asuo bi so sɛn ara, ɛnkyɛn ɛpo”*

“No matter how big a river could be, it cannot surpass the sea”.

This proverb in peace-building means no matter how powerful an actor appears to be, there is always a higher authority with far more power. Also, there is an end or limit to the power or influence of an actor in the conflict. The proverb builds a form of vertical and horizontal relations between the mining company and the mining community. Both relations are distinct and unique modes of operation in terms of purpose and vision. The adage goes on to say that there is a circumstance that brings both of them together. Their shared experiences are what connect people despite their varied differences, which are always more than what divides them. For the sake of their existence, they must all serve mankind. Both require land to survive, and they each support a different type of vegetation. As previously said, their common ground brings them together to achieve their goals and vision. The company's engagement with the mining community has a similar goal and ambition. The community wanted their socio-cultural needs met. In other words, it conflicted with the mining company's desire for its political-economic goals (profit). Both the used land and its vegetation follow their future survival. Human survival is at the centre, which means that their survival is paramount and should be a priority for all. This maxim is often used by traditional institutions as a means of communication. It ensures sustainable peace and, lastly, acts as a mediative form of communication.

21. “*Akokɔ sa kyee aa, enye akorɔma fe*”

‘The chicken can never gratify the hawk with its dance’.

This proverb means that it is impossible to change the mindset or perception of a presumed enemy or someone who intends to harm you. The only way is to avoid getting into contact or falling into their trap. So, this proverb explains the need to adopt avoidance to prevent a looming danger or threat from an identified source of threat. This proverb pertains to my main point about the mining companies and the mining community's interactions in the negotiation. Hawk and chicken had a relationship that was analogous to the one that existed between the mines and the indigenous people. It also indicates the degree to which conflict is perceived, making both partnerships challenging to please. As a result, the mining community is guided by this moral attitude to accept and leave the differences to the enterprise. The destruction of 35 rivers as the source of drinking water for 105 directly affected communities, destroyed by the mines and replaced with undrinkable pipe-borne initials, did not escalate to violent conflict as a result of this maxim.⁷²⁵ This African moral philosophy also explains that the traditional authority often settles disputes amicably with this proverb.

22. “*Yede tekyerɛma pa na ewɛn tire*”

“A man guards or protects his head with a good tongue”.

A man rarely gets into trouble when he speaks carefully. Instigating and harmful comments enrage people and lead to conflict. However, if a person is conscious of their words and uses friendly and tranquil language, it restores calm and fosters unity and harmony among individuals. It is assumed that this aphorism is used as a conflict-prevention or peace-building strategy. This maxim explains the vocabulary and terms used in mediation or settlement. Conversations are

⁷²⁵Interview with the Odikro (chief) of Sanso in his palace in Sanso-Obuasi on September 8, 2019

defined as a means of learning the unknown to understand two opposing circumstances. In a sustainable, tranquil atmosphere, silence is the preferred method of functioning. It has a positive or negative impact on the relationship in the issue. To avoid violent disputes, both the mining community and the mines may benefit from more receptive silence. It was also employed as a communication medium by traditional institutions in their village.

23. *“Wɔwo ba a, na wawo obi tamfo”*

“We give birth to a man and his enemy”

In this existence, everyone has a natural foe. It is not possible that everyone will be like you. As a result, this adage is employed when one individual has temperamental hate for another. The fact that someone dislikes you does not mean you should engage in conflict with them. Once you realize that it is a normal propensity and a part of human existence, you learn to accept the apparent foe and live in peace with them, regardless of their impressions or dissatisfaction with you. The maxims emphasize acceptance of human differences, such as the mining community's interest in their livelihood and the environment, and the mines' interest in profit from their activities. It trains indigenous people to accept changes in their value system as a result of co-existing with the mining business. The social psychology of an indigenous Adanses responds to challenges to interpersonal connections in a more cooperative manner. The peace-building education philosophy of the traditional Obuasi people stresses that interpersonal problems are normal and should be addressed carefully. Finally, it is a means of resolving human disagreements through mediation.

24. *“Sɛ Sekan hyɛ boha mu aa, na ɛhu”.*

“A knife is dangerous when it's in the jacket”.

Unlike a weapon already out in the open, a knife hidden in its clothing is deadly. Moreover, when a person hides a knife under their jacket or clothing, it implies that there is always a concealed agenda to commit violence. As a result, it is straightforward to find a resolution in peace-building once a party's hidden interests and wants are exposed or revealed; nevertheless, an unknown interest or need of parties in conflict makes offering a peaceful settlement difficult or impossible. The section's maxim outlines the link between the mining community and the corporation, as well as how structural conflict and unfair treatment are analogous to a knife. This indicates a potentially lethal weapon. As a result, it necessitates a swift retaliation to any unjust conduct; as a result, its expression is a highly hazardous condition. According to this African traditional philosophy, sincere participation should influence questions of relationship treatment. Similar to the two sharp-edged swords effect, the numerous discrepancies should be bridged until it is tough to cure. The indigenous rural mining community's educational outlook is similar, except for more favourable treatment of the unjust. In their settlements, traditional institutions are often utilized as a mediator.

25. “ *Ofom ba aa, na mpata reba* ”.⁷²⁶

“If an offence comes, then pacification also comes”

This proverb implies that broken relationships can be amended or restored once an offended party has been appeased. The act of pacification and settlement occurs once an offender has taken responsibility for the actions taken and is ready to pay for the consequences. This proverb is used in a peace-building method that educates the community and the mining company to learn to sit in circles to remove real causes of injustice and conflictual issues that had emanated in their relationship before it degenerates or escalates to violent conflict. It advocates reunion

⁷²⁶Ibid. p .95.

after offenses. A clear platform of readiness for forgiveness. The traditional institutions are also guided by this proverb to justly deal with the root causes of their differences with the mining company. It also justifies the important delivery of the justice system to society.

26. *“Ano berεberε ma adae tɔ.”*⁷²⁷

“Peaceful talk makes one live to see the “Adae” Festival”

This means that calm is required for a person to live long enough to experience a significant life event. Hateful speech or discourse incites rage and leads to confrontation, whereas peaceful speech soothes nerves, settles anger, and promotes healthy and harmonious interpersonal connections. Even in the middle of chaos, a friendly discourse can restore order and create the path for group dialogue and consensus-building. This proverb demonstrates how our humanity's futuristic coexistence secures a type of friendship. It is all about peace education and human rights advocacy. The Obuasi indigenous traditional philosophy sees discourse as vital in human connections, which connects this to the thesis statement. Through the adage, the mining community highlights the need for having a stronger relationship with the mining corporation through mediation and conversation. The traditional structure was adopted as a mediative technique for settlement in the mining environment.

27. *“Mpata kɔ aa, ansa na abodwo aba.”*⁷²⁸

“The means for pacification goes to the person before peace comes”

The proverbs are utilized in local arbitration systems, but also as a form of peace education, as they can influence a society's value system and anticipate a strategy for peaceful coexistence. The role of Social Injustice; Conflict and Peace-building in the Mining Communities. Peace may start with having calmness within oneself. It requires cooperation and concord between parties

⁷²⁷Ibid, p.203.

⁷²⁸Ibid., p.218.

with similar interests. A life based on survival as an inward journey and an external commitment to one's family, community, and the larger world tends to be created without violent confrontation or the use of war weapons. The proverb describes a type of traditional knowledge associated with agitation. The mining community is always prepared for compensation because of this previous knowledge. As a result, in light of the heightened expectations, it is sometimes judged inadequate. Because the measure of pacification may sometimes produce a lot of controversy in the mining community. The proverb is so conflictual sometimes. It frequently lays the foundation for readiness in collecting mining compensation and, in the event of dissatisfaction, turns into a catalyst for conflict in a calm setting. Peace is frequently manifested in anticipation of the philosophy expressed in this proverb. This maxim was employed by traditional institutions as a means of mediative empathetic communication to preserve long-term harmony.

28. *“Atwetweako ne atwetweaba, ne nua ne ebi aba tomu”*

“The dragging of issues back and forth for an extended time allows for the formation of new issues”.

This represents the effects of participants in a misunderstanding or conflict developing entrenched stances. Highly entrenched positions only serve to prolong the case, allowing for the emergence of new concerns or the possibility of violent escalation. It also gives more space too for a protracted conflict since it is deeply seated on postponing issues or disputes. The maxim allows a delay in settlement resolve to evolve with complex issues. This mining company and the community are discouraged from dragging issues but to dialogue about the issues concerning their differences from this proverb. It brings a quick and trusted platform that ensures sustainability in any form of engagement related to their interests and needs. Creating common grounds for consensus building ensured the speedy administration of justice. In other words,

dragging issues retired peace but evolved with the complicity of issues from this maxim. This maxim could be used by the traditional institutions in their mediative communication in settlement and as a form of moral philosophy for peaceful co-existence.

29. “*Yεεkɔ nnomaa, nnomaa, yεnyi pirebuo wɔ kwan mu.*”

“On a journey for bird hunting in the forest full of birds, we don’t remove bird nest on the way.”

Our attention should not be drawn to minor roadblocks in our effort to reach the desired result. The targeted goal must be the centre of attention during dispute resolution processes. This is to ensure a long-term settlement and the re-establishment of damaged ties. Issues that may arise but do not have a substantial influence on the desired result should not be considered. The maxim emphasizes how much work it takes to safeguard the environment from detractors. It elucidates the importance of resolving all structural conflicts (disrespect, discrimination, abuse of rights, unemployment, and others). Traditional institutions also employed it as an empathetic and mediative communication technique.

30. “*Funtumfunafu ne dɛnkyɛ mfunafu, wɔn afuru bom, nso woredidi a na woreko.*”⁷²⁹

“The two-headed crocodiles: they have one stomach, and yet they fight for food.”

This is a peace-building symbol that explains that, there should be unity among people or groups of individuals regardless of their differences because there is always a unique thing that binds them together. Strength lies in unity. In other words, the struggle for individual satisfaction is a major cause of conflict between individuals or groups of people that are of the same identity or origin. So, to ensure peace and unity, emphasis must be placed on the commonalities/bonds/tie or relationships instead of the differences. There is a connection between the mining industry and

⁷²⁹J. G. Christaller, Kofi Ron Lange. *Three Thousand Six Hundred Ghanaian Proverbs (from the Asante and Fante Language)*, (Lewinston: Mellen Press ,1979), p.98.

the surrounding towns. In such a relationship, there is a dimension of conflict, social injustice, and peace-building, which this proverb addresses in the logical relational middle way that secures peace-building. This maxim is my conceptual framework for resolving dualism or polarisation into a mutually beneficial middle partnership in mining communities to cope with conflict, injustice, and peace-building. To resolve disagreements, traditional authorities employ mediative communication in their courts of jurisdiction.

31. “*Ɛfie dwɔ aa, na aha mu dwɔ*”.⁷³⁰

“If the town is at peace, then it is also peace in the forest”.

Peace is a process that can be prevailed or be experienced in the broader spectrum, including the forest so long as there is peace in our town, society or community. In other words, once we work towards achieving peace in smaller groups or settings, it can transcend to the broader spectrum. This section relates well to the central topic sentence which clearly shows results in the community value and its effect on the company and vice versa. As long as the mining communities are treated well, the company activity is virtually not interrupted. In other words, the internal company challenges affect the livelihood of other people which can result in conflict and vice versa. The settlement structure influences the economic, political and religious realities of all stakeholders. When the company sore concentrates on politico-economic leading and ignores the religious needs of the community certain conflict evolves.

32. “*Ofie yɛ yiye a, na ahamu reyɛ yie*”.⁷³¹

“*Ofie yɛ yie ansa na wuram (hamu) ayɛ yie*”

“If things are well at home, then all is well in the forest”.

⁷³⁰Ibid, p. 95.

⁷³¹ Ibid, pp.95-100.

When proper measures are put in place to ensure serenity, peace and sanctity at home, there will be no chaos or disorder in our larger society. When efforts are being put in place to ensure peace and tranquillity in individual homes, it transcends in the entire society and the nation as a whole. Disorders or misunderstandings among individuals or groups of people at home unresolved can affect the larger society. The forest and the home have a mutual relationship relating to the mining company and their community. The maxim concentrates on the imbalances in this relationship that generate injustice and conflict. The maxim concentrates on the imbalances in this relationship that generates injustice and conflict. When protracted, this could automatically lead to violent conflict. Unfortunately, there is no common ground in the relationship that the community argues is a father-son relationship, where the father is always right in the context of African cosmology. According to the maxim, the relationship between the mining company and the community could be improved since both parties occupying the same land must ensure the safety of the other parties, not in such an unjust manner as in the cases of Sanso, Nyinam, and Ahwiam, which had been fenced, preventing farmers from going to their farms even if allowed to take a pass from the company. Some communities frequently invade the company's businesses, often to steal, and are usually intimidated by state security and other settlement structures with a short life. The religious life attached to the community, coupled with economic activities affecting livelihood, is affected by the expression of conflict consciousness and waiting for a response from the community in the long run.

5.2.8 Final Reflections on Indigenous Proverbs

Finally, the indigenous proverbs speak to conceptual realities in peace-building, such as facilitating and establishing methods for conflict prevention, management, resolution, and building sustainable peace that addresses systemic unfairness, injustice, discrimination, and other

challenges. The first fourteen proverbs above are about conflict prevention; the next fifteen to twenty-five are about conflict management; the next twenty-six to thirty are about conflict resolution, and the last thirty-one to thirty-four are about lasting peace. Because conflict resolution is circular, all of the variables are already dependent on the proverbs. Conflict can be prevented, which could have led to long-term peace. In other words, if a violent conflict occurs without regard for management and settlement, the conflict situation would worsen. Because conflict is unavoidable, early warning, structural injustice and remedies, which fall under the category of conflict prevention, should be taken seriously, as the Akan proverbs have done in Obuasi to avert mining conflict. For example, a maxim like "Abuse is just wind" may help to avert conflict in their reality to some extent, but if the dispute persists, it offers fertile ground for an actor who is taken for granted when their fundamental human rights are at stake. Indeed, the Ghana Mineral and Mining Act 2006 (Act 706) has followed this path, completely ignoring local economic and infrastructure development. Local people's livelihoods are exchanged for capitalist profit to further the underdevelopment objective. Conflict prevention, management, resolution, and establishing lasting peace have a relationship, and this aspect of the study has brought out the relationships in the Akan proverbs for peace-building as well.

5.3 Traditional Arbitration

In chieftaincy institutions' means of settling social disagreements, the Akan traditional arbitration strategy for peace-building has been discovered, resulting in a more consensual and reintegration manner of conflict resolution. Whether it is negotiation, mediation, reconciliation, or a trust-building process, the approach they use is the subject of more theoretical academic debate.

"Settlement by intimidation," according to Manu.⁷³² This institution is called divine kingship, led by "god-kings" by De Heusch⁷³³ and Frazer.⁷³⁴ Meyerowitz⁷³⁵ called the chief supreme priest while de Heusch called him king-priest. Mbiti said they are the people's spiritual leaders with divine or sacral rulers, the reflections of God's rule in the universe in the form of shadows. Davidson believes that African ultimate beings and spirits, rather than humans, are the basis of political authority.⁷³⁶ People bestow titles and titles on them such as "saviour," "protector," "child of God," and "head of the divinities."⁷³⁷ Walby⁷³⁸ backs this point of view with their divine roles of sacrifice to their communities. The court, according to Rattray, was not concerned with making amends, but rather in finding culpability.⁷³⁹ In Akan cosmology, all these academic arguments reflect the specific sections of settlement relations. The study conceptualized indigenous traditional peace-building systems as "asem di"⁷⁴⁰ as is was replaced in the work as bridging differences or settlement or indigenous arbitration to explain in this section. It is supported by an Akan maxim as "asem nti na yesi nkondwa."⁷⁴¹

The institution is headed by the chief and his elders, who are in a perfect union between God and man, body and spirit. They remain the main expression of indigenous cultural, social, and

⁷³²Manuh, Takyiwaa, The Asantehemaa's Court and Its Jurisdiction Over Women: A Study in Legal Pluralism. (Research Review N.S, 2010), 4(2). Retrieved March 2010, from <https://journals.co.za>

⁷³³Heusch, L. De, The Symbol Mechanism of Sacred Kingship: Discovering Frazer. Royal Anthropological Institute of Great Britain and Ireland Retrieved 3/10/2020 from <http://www.jstor.org/stable/3035017>, 1997.

⁷³⁴Frazer, J. Ernest. "The formation of the duodenal curve." *Journal of Anatomy* 53, no. Pt 4 (1919), p. 292

⁷³⁵Meyerowitz, E.R.L., The Sacred kingship in Ghana and Ancient Egypt. (London: Faber and Faber Limited, 1960), p.67.

⁷³⁶Davidson, B., Buah, F.K., and Ajayi, J.F.A, The Growth of Africa Civilization, A history of West Africa. 1000-1800. (London: Longman ,1970), p.185.

⁷³⁷Mbiti, J.S. African Religion and Philosophy. (Nairobi, Ibadan, London: Henemann 1992), p.182.

⁷³⁸Walby, C., The African Sacrificial Kingship Ritual and Johnson's Middle Passage, (Indiana State University Winter, 29(4), 1995), p.661.

⁷³⁹ Rattray, R. S. Ashanti Law, and Constitution. (Oxford: Clarendon Press. 1929).

⁷⁴⁰"Asem di" in the Akan language literally means bridging differences. Di means eat. Asem means issues or cases. The word eat shows patience to chew or swallow issues or cases so as to bring parties together. Sometimes, issues have their own problems in human relations and the approach that a constructor goes through is similar to dealing with differences from the issues.

⁷⁴¹This literally means issues about humans that elders are called to sit down to settle

political expression for many African societies.⁷⁴² Also, their roles consist of being the guardians of traditional heritage, arbitration, custodians of the land and natural resources, and leading the fight for the development of their people and respective areas of jurisdiction.⁷⁴³ They are perceived to assume a unique position so much that challenging them amounts to challenging the ancestors,⁷⁴⁴ making them deviant and subject to various sanctions. Their role as local arbiters of reverence and economic power on land and in the environment has cultural and customary relevance to upholding their governance systems. However, traditional authority was used to achieve colonial government objectives in French and English West African colonizers during the pre-colonial, colonial, and postcolonial eras. In 1959, the government of Dr. Kwame Nkrumah expelled chiefs from the legislative council. Only a few of them came back in the 1960s and 1970s to stay in Ghana. The chieftaincy institution in Ghana performs functions such as dispute resolution, the codification of customary laws, the performance of traditional ceremonies and festivals, custodians of resources such as land within their various communities, and, more recently, promoting socio-economic development, as stipulated by the Act.⁷⁴⁵ The unequal relational and distributive power over resources and justice in the local community is the relationship between conventional authority control of resources and resolving disputes. Religion appears to be the source of power to traditional authority. They also influence the political

⁷⁴²Abotchie, C et al.. Perceptions on Chieftaincy. In I. K. Odotei, & A. K. Awedoba, Chieftaincy in Ghana. Culture, Governance and Development. (pp. 103-144). Accra: Institute of African Studies; Buur, Lars & Kyed, Helene. Maria. Traditonal Authority in Mozambique: The Legible Space between State and Community. In L. Buur, & H. M. Kyed (Eds.), STATE RECOGNITION AND DEMOCRATIZATION IN SUB-SAHARAN AFRICA. A New Dawn for Traditional Authorites? (pp. 105- 127). (New York & London: Palgrave Macmillan,2006).

⁷⁴³Ayee, J. R.. Traditional Leadership and Local Governance Africa: (The Ghanaian Experience., 2007, Retrieved October 11, 2011, from The Participation of Chiefs in the Modern Political System.: www.ddp.org.za/programme-events

⁷⁴⁴Rattray, R. S. Ashanti. . Oxford: Clarendon Press; Sarpong, P. K., The Sacred Stools of Asante. (Anthropos, 1967), Bd. 62, H. 1/2, 1-60. Retrieved October 30, 2012, from <http://www.jstor.org/stable/40456847> ; Busia, K., The Position of the Chief in the Modern Political System of Ashanti: A Study of the Influence of Contemporary Social Changes on Ashanti Political Institutions. Oxford: Frank Cass & Co Ltd. 1968; Boafo-Arthur, K. 'Cheiftaincy in Ghana: Challenges and prospects in the 21st Century'. (African and Asian Studies, 2, 2003), pp. 125-153.

⁷⁴⁵Chieftaincy Act, 2008 Act 756, (Accra: Assembly Press, 2008). (n.d.): Bob-Milliar, G. M. , Chieftaincy, Diaspora, and Development: The Institution of Nkforumlasuohene in Ghana., African Affairs, 108(433), 541-558. <https://doi.org/10.1093/afraf/adp045>; Ubink, J. Traditional Authority Revisited: Popular Perceptions of Chiefs and Chieftaincy in Peri-Urban Kumasi, Ghana, The Journal of Legal Pluralism and Unofficial Law, 39(55), 123-161. doi:10.1080/07329113.2007.10756610

economy throughout the study. Their control over land as a source of livelihood for many African societies in legal-rational systems in colonial and post-colonial periods makes their role indispensable in nation-building. Among their approach to resolving differences are *duabɔ*, *Ntam*, *dwantuo*, silence, and apology, among others. These roles are done in their language in proverbs, symbols, folktales, and dance. The modern conflict transformation to a sustainable peace model in peace studies accepts the traditional arbitration, which applies mediation, confidence-building, negotiation, dialogue and reconciliation were all found with their approach. The challenge is the spiritual power replaced by Christianity and Islam, which have affected it, resulting in “manipulative self-seeking economic and political needs”⁷⁴⁶ that vehemently affected their results in the resolution.

Indeed, when it comes to African and community involvement concepts, the modernity theory, which predicts that traditional authority may perish due to development, has been undervalued. However, the traditional authority though has limited state governance systems currently in Ghana. This is what the study *tease-out those chiefs and traditional rulers* whose roles within the community when it comes to peace-building during the study period. Our chiefs were not compromised in the early 1980s when we had no mining problems since all their operation in Obuasi was deep-pit mining. Sadly, I regret to say that the AGA company has compromised the current chiefs in our communities, and is hard to be trusted because of the economic capital attached to their operations. They cannot be relied on to keep the peace in the communities. But in the past, the chiefs were the ones championing social justice for their communities more especially in traditional arbitration leading to sustainable peace. It was done through their

⁷⁴⁶The influences on the local traditional judicial system, which was formally regulated by ancestral and spiritual vigilantes who are found in the African worldview of their existence, are described as "manipulative self-seeking economic and political needs." The arbitration, which was founded on truth and respect for communal interests, was a complacency when the chiefs' functions had only become religious, with a plethora of knowledge from Christianity and Islam, as well as a drive for money based on hunger for self-interest.

principle of “*taame*”⁷⁴⁷ after many conflicts’ settlements. They were the ones facing the companies by letting them understand why it is wrong for the companies to destroy farmlands without paying compensation. They stood up for their communities when people were maltreated and killed unjustly. So, whenever there were agitations in the community, the chiefs played a significant role by rising and rallying behind the community to demand justice for the people against the mining company. The community and youth had trust in their chiefs. But the situation is different now. The youth have no confidence and respect for their chiefs because they believe they have been compromised. The structure is now a problem because some of the chiefs are major sources of the conflicts and problems in Obuasi and therefore cannot be relied upon to provide any peace-building mechanism for the community. Being the last person is a traditional arbitration philosophy that allows the chief to speak and provide a straightforward means of involvement, a fair hearing, acknowledgement, of forgiveness and respect to all parties involved. It entails disclosing the truth about the status quo, which treats the rich and the poor on an equal footing and is influenced by anything but the truth. Although it has its own set of difficulties, the final restrictions are that it was sufficient and that reliable institutions were in place to assure long-term peace. Furthermore, their sitting arrangement in a circle, which expresses a cord without breaking, demonstrates the essence of being a part of a whole, and the whole cannot make their arbitration results represented by individuals without the people, even though they were projecting the conclusion of all the various parties involved.

⁷⁴⁷In the Akan language, “*taame*” is a term used to end settlement of numerous disputes before traditional authorities. It is the ultimate word on the conflict’s players, indicating a kind of curse that will befall them if the settled case is brought up in their society again. The etymological root of the word is “*ntan mi*” which in Akan language means “never hate me” since hatred is the only means to lose a community member, according to Kwame Gyekye concepts of “radical communitarianism” See. Gyekye, K.. ‘Person and Community in African Thought’, in K. Gyekye’s and K. Wiredu, Person and Community: Ghanaian Philosophical Studies, 1. (Washington DC: Council for Research in Values and Philosophy, 1992), 101–122.. It is interpreted as, since, I have brought an “issue” to settle with you before our elders and it is settled, we are all committed never to revisit the issues again so long as we all remain loyal to the community. The purpose of this term is to focus the future brotherhood as a member of our community. Following this encounter, both sides show gratitude to the elders for devoting their time to mending their issues, and they swap hands as a symbol of one getting their brother back.

5.4 Conclusion

The section combines all indigenous peace-building mechanisms through communal value systems, which are more effective in the mining community. The reality of an important peace-building process, which legal rational law could not interpret, was the most effective peace-building mechanism in mining communities in the pre-colonial, colonial, and post-colonial periods. "*Duabo*" is also followed by other empathic and mediative communication through proverbs that bridge human differences. Mining community conflict in Obuasi was managed using *Ntam*, *dwantoa*, and Apology, which were significant from pre-colonial, colonial, and post-colonial invisible systems. The other indigenous religious mechanism from the study was the use of silence as a peace-building mechanism. The reality of the people relating to natural resources like gold had its approach to de-escalation conflict since the monitors of this approach used "spiritual vigilante". Despite the fact that their major roles in peace-building are significant in the indigenous system, individual dignity is often taken for granted, thus, making some of the proverbs a channel for abuse of human dignity. The mining community's judgement on clashes is left silent through their interpretation of mining disasters, which regularly occurs in the mining company, and justice and conflict are left to their belief. Traditional arbitration, which involves the use of natural objects, promotes long-term mining peace by collaborating in a hybrid of legal and logical processes to ensure mining co-existence.



CHAPTER SIX: ENSURING SUSTAINABLE PEACE IN OBUASI MINING COMMUNITIES (1890-2014)

6.1 Introduction

The Obuasi community has been the longest-existing mining community in the country. Of particular interest is the fact that the AGC and the indigenous communities have been able to mitigate violent conflicts through various peace-building mechanisms such as mining laws, legal frameworks, and collaboration with traditional political authorities and institutions. In this chapter, I argue that even though there are peace-building structures in the Obuasi mining communities, (and this includes traditional political institutions, legal-rational systems and quasi-legal institutions like CHRAJ, Legal Aid, NGOs, and religious institutions that Crook classified as Dispute Settlement Institutions (DSIs)⁷⁴⁸ and others whose operations are informal, accessible, and legal venues for settling difference), at the same times, institutional and informal peace-building processes work together rather than against each other. They are influenced by, and attentive to, the demands and goals of local justice.⁷⁴⁹ However, these structures are manipulative because they use coercive force on the indigenous people whose interest is their livelihood. To that extent, the issue of mutual relations is undermined, thus making social injustice and conflict inevitable. As a result, this chapter first examines the numerous mining regulations and legal frameworks that have been employed as peace-building mechanisms in Obuasi since 1890, as well as how they have contributed to the community's long-term peace. Second, the chapter evaluates the influence of these methods on the AGC mining communities' relationship as well as the mining communities' livelihoods. The data was collected through

⁷⁴⁸Richard C. Crooks, The state and local justice in Ghana: hybridity, legitimacy and popular values, Paper presented to the 4th European Conference on African Studies, Uppsala, Sweden, 15-18th June, 2011 (Institute of Development Studies at the University of Sussex, UK, 2011). p.19.

⁷⁴⁹Ibid, pp.4-8

FGDs, interviews, oral histories, archival records, and examination of AGC's 1897 mining concession.

6.2 Sustainable Peace in Obuasi Mining Community (1890-1929)

Quintessentially, the aims of African concepts of peace-building are to mend broken relationships, and restore and strengthen positive relationships among their community members.⁷⁵⁰ A question was asked: What about the banishment and human sacrifices of individual offenders in some African communities? It is the same experience in many societies' value-judgement structure to build a social fact about controlling social orders in such a society. Even during the current period of human rights uprising, the death penalty system still exists and is not unique to the developed world's standard in human existence. Machakanja posited that using endogenous systems can be beneficial because traditional connections and structures have more customary backing than those imposed from without⁷⁵¹ Gacaca courts (little courts) in Rwanda, Ukuzidla in South Africa, the kotgla in Botswana, mato oput (drinking the bitter root) in Northern Uganda, bashingantahe in Burundi, the shrine of Tiru Sina in Ethiopia, Palava Hut in Liberia,⁷⁵² Gadaa Oromo in Ethiopia and the dare/dale (traditional court) in Zimbabwe are examples of African local traditional conflict transformation and peace-building structures.⁷⁵³ As they were used in many African countries, the 'Ubuntu' South African principles were good to impress other invincible value systems, which are clearly shown in African and other mining communities. The Ubuntu concepts of humanity's unity and emphasis on empathy, sharing,

⁷⁵⁰Ndlovu, L. & Svodziwa, M., The role of Indigenous Knowledge Systems in Peacebuilding: A case of Umguza District Zimbabwe, *International Journal of Politics and Good Governance*, (Balawayo, Zimbabwe, 2017), pp.2-10.

⁷⁵¹Machakanja, Pamela, *Political of Memory: Collective Remembering and Manipulation of the Past in Zimbabwe*, (USA, Vol, 1, 2008), p.4.

⁷⁵²Pajibo, Ezekiel, 'Traditional Justice Mechanisms: The Liberian Case', (Paper published by International IDEA, 2008) ;(Republic of Liberia, 2009). Cited by K. Danso, *Mending Broken Relationship after Civil War*, "Palava Hut" and the Prospect for Lasting Peace in Liberia, Policy Brief, KAIPTC, Accra, 2016, pp. 2-4.

⁷⁵³Ladley, A. "Changing the Courts in Zimbabwe: The Customary Law and Primary Courts Act", *Journal of African Law*, Vol. 26, No. 2, 1982, pp. 95-114. cited in Murithi, T. (2008), '(African indigenous and endogenous approaches to peace and conflict resolution', In D. J. Francis (ed), *Peace and conflict in Africa*, London, Zed Books,1982).

respect, equity, equality, and cooperation with good communication usher many African states into positive peace, and the situation in the Asante kingdom, particularly in the mining community of Obuasi (Adansi), could not be any different.

The "*Abusa* system"⁷⁵⁴ and other social structures on how to acquire land for cultivation, which were applied in mining too, were a peace-building process that ensured peaceful coexistence in pre-colonial (Akan) states. The "*Abusa*" mechanism assigns fair share proportions and establishes the contractual foundation of resource used. Although, it is an unwritten contractual agreement on how the distribution of land produce is accounted for and accepted by all parties in a more respectable way. It also shows and defines the responsibilities of all parties on the land toward their co-existence. It again regulates the form of relationships between the parties involved in the land. Lastly, it is a peaceful method that ensures mutual benefits for all parties engaged in gold production on the land with respect and dignity without discrimination and exclusion. Indigenous gold mining, on the other hand, was dangerous, time-consuming, and exhausting in community areas, gold mining was done.⁷⁵⁵ The gold-bearing lodes were mined by dozens, if not hundreds, of men and women in regions where the deposit was rich. Men and boys were in charge of crushing the ore, while women were in charge of washing it.⁷⁵⁶ The "*Abusa* system," which is still used in caretaker cocoa cultivation in modern Ghana, was used in all of

⁷⁵⁴"Abusa" is the Akan language, which means "divided into three parts". It often falls under two categories: the owner's knowledge and the condition for prospecting of the existing gold. Under difficult conditions for prospecting and extraction, gold is divided into one-third of the gold given to the chiefs whose land the deposit is situated (sub-chief and paramount chief), who use their part to develop the community, preserve it for future generations, and pacify the gods on the land. Another one-third goes to the workmen who used their energy to extract the gold from the ground (labour cost). The last one-third goes to the local capitalist who invested his resources in the mining operation (capital and entrepreneur costs). Obviously, this consists of only 10% of Akan gold transactions. The popular and suitable local *abusa* gold mining system oftentimes acknowledges the existence of gold by the ownership (caretaker or paramount chiefs) through local a priori or posterior local knowledge. Here, two-thirds of the extracted gold is given to the chiefs who use some to develop the community and other religious roles, some go to the caretaker chief, stool, stool elders, queen if any, the usufruct holder, and some for the future generations' progress activities. Lastly, the last one-third covers the labor and capital costs for the lessee. This was Akan's approach to sharing in the *Abusa* contract. It is about 90% popular in Akan gold mining transactions from the oral interview conducted. When the gold mining activities are owned by a chief and employ slaves to win all the gold, the chief naturally appropriates all the winnings and reserves some for the future development of the community.

⁷⁵⁵T.E. Annin, *Gold in Ghana*, Selwyn Publishers Ltd, 42 Sunny Garden Road, (London NW4,1987), pp. 5-7.

⁷⁵⁶ *Ibid*, p.6.

these development processes. Until the importation of water pumps during the last two decades of the 19th Century, the indigenous gold diggers had no means of combating the inflow of more than small quantities of water; consequently, their ‘workings’ were everywhere restricted to above the water table. The low population growth effect on land was minimal, and this, coupled with the people’s concept of relationship, also ensured peace. So, the pre-colonial peace-building mechanism was the respect of traditional authorities and their value systems. The local tribunal was one method of resolving conflicts in several (Akan) ethnic groups that was built on the principle of “*yɛ ten asem yɛn tan nie ɔnipa .*”⁷⁵⁷ Punitive measures and forces were among them, and they hampered community cohesion. In the pre-colonial period, religion regulated mining activities, affecting the political system rather than the economy of the host mining communities. The relationship between land use and environmental responsibility were peaceful with regulations that governed the peace processes.

The mining host community treated the land as a rational being that needed care and protection like any created thing by God. First, land generates nothing without water, labour, money, or all three. Second, people pursue land for various reasons, including material gain, power, riches, and other meaningful purposes in life. Finally, humans are linked to the land through their participation in groups, networks, and classifications.⁷⁵⁸ These predate the mining activities and taking over the same land from the already-mentioned interests resulted in clashes with the mining companies. There was a need for a resilience system to maintain mutual coexistence in the host communities, which were then rural. Some were also merely a forest to assume economic survival while adhering to the mining company's regulating social regulations systems

⁷⁵⁷This is Akan language which literary means we hate issues or troubles not human beings in the center. It expresses that no matter difference among two parties, the human beings behind must highly be esteemed to ensure co-operations.

⁷⁵⁸Parker Shipton, *Mortgaging Ancestors Ideologies of Attachment in Africa*, (Yale Agrarian Studies Series, 2009), pp. 2-16.

that only focused on exploitation for their profit. Their activities seem a little far from their communal efforts which did not have initial conflict.

Some of their powerful chiefs, Kokofu, Dadieso, and Adansi as a result of the enstoolment of Otumfuo Agyemang Prempeh I had sought political asylum at Akyem and Assin and the weakening of their power for resistance. The Asante Kingdom, which directly controls the land through the Adansi chiefs, had then been taken to exile, resulting in less tension between the company and the host community. Few local chiefs resign their positions as caretakers of the interests of all members of the community, including the unborn generation. Instead, they seek their own interests and those of their families at the expense of the community. The individual interest was an interest-gain position for self-seeking means instead of a religious-heritage position, which seeks the present and future survival and cohesion of all the general members of the community. There was an internal dispute among the chiefs in question in Adansi during the time. Bekwaihene and Adansihene's quest to be autonomous from the Asante Territory followed the arrest of some powerful chiefs in 1896 and the final defeat of Asante in 1900 led by Yaa Asantewaa resulted in a natural peaceful environment.

The mining company broke the odds and introduced written Ordinances to regulate their activities around their existence and that of the Obuasi community, which was not under their protagonist. The Ordinance did not improve and develop indigenous ideals, customs, manners, and institutions. Initial local miners were hampered indirectly by the legislation in this era. Though the miners in Obuasi were in the minority and did not resist, the general village economy of the territory was at the point of being taken over. The early warning signs were clear on the cloud, but initial local community members exercised silence to mitigate co-existence. The silent

expression does not directly affect their social cohesion as an approach to mitigate these vulnerabilities. The innate religious structure created a mechanism for co-existence and relational dynamics in African concepts of “*funtumfunu funu denkyɛmfunefunu*” systems.

Obuasi Mining Concessions in 1897 was a peace-building structure as compared with current democratic tenets for sustainable peace in a world of democratic development. The various ordinances and their enforcement ensure sustainable peace in the early mining host communities. Two things did happen in AGC Mining Concession. First and foremost, the Chiefs in Adansi and Bekwai received some compensations/royalties annually from the mining company per the agreement. By and large, that contributed to why there has been peace in the area, which inclusively created local participation. The chiefs were not entirely removed from the equation but were part of the process because they received royalties per the Concession Agreement in 1897. That could explain why the Chiefs were not rebelling or fighting and rather taming their community to be quiet and not agitating with the minimum. A critical look at the two clauses on page 4 (Clauses C & D), the C is for Bekwai Chief and the D is for the Adansi Chief. These two areas, the mining lands/concessions, were peaceful partly due to the compensation /royalties they were receiving per the agreement in AGC Concession.

Secondly, the Concession states that locals were being employed or engaged in the mining operations as well. The Company was mandated by the Agreement to ensure some of the locals of Adansi and Bekwai areas, about 30% could be engaged in mining activities as a means to replace lost livelihood, assuming that was adhered to by the Companies. In that case, it was going to provide employment, work, or labour for the indigenous people of the two areas (Adansi & Bekwai), so there would be no need for the people to support the sustainability of the

company rather than become agitated against the mining activities. Sustainable peace in this clause was a very clear with a focus on the livelihood of the community and co-existence.

In point “9” of the AGC Concession Agreement of 3rd July 1897, the Concession seeks to protect the environment, which was a mitigating factor for the conflict. It states that “the company shall at all times during the said term keep so much of the said lands as shall be occupied by it in proper sanitary conditions.” There would have been no need to fight or complain by the people because the mining companies, per the agreement, are supposed to be keeping the mining communities clean and in good sanitary conditions.⁷⁵⁹ On the contrary, when you visit some mining areas, there is a poor sanitary condition, a filthy environment, and destruction of farmlands and water bodies by illegal small-scale artisanal “galamsey” mining activities. These conditions are likely to trigger conflicts in such communities because of economic threats to livelihood. But point 9 from AGC Mineral Concession Agreement seeks to ensure the sanitary conditions are ripped, proper and improved. Point 9 goes further to state that “it shall not find any river or stream destroyed or polluted per the Agreement. Beyond this, you can also make another point or argument that the local people were not engaged in the Agreement. Before the arrival of European colonial power, gold mining was a significant sector of Ghana's heritage. The customary law had its own rules on mining's negative environmental livelihood consequences. The majority of the customs, whether viewed as individuality or in combination with social collectivity, were not directly or entirely aimed at the gold mining business as only a survival venture but a supplement to farming.⁷⁶⁰

⁷⁵⁹GH-PRAAH, Kumasi ARG 5/3/7 Adansi Affair 1927-1936

⁷⁶⁰Francis Nii Nuertey Botchway, *Towards an Environmental, Legal Regime for Gold Mining in Ghana*, Published Thesis from Dalhousie University Halifax, Nova Scotia, (Canada for the award of Masters of Law, 1994), pp.82.

The pact never included the participation of the local population or their chiefs, which led to conflict as each party was dependent on the other for survival. In other words, both Adansi and Bekwai Chiefs and their communities were not engaged as parties to the concessions when the Agreement was drafted. It must be noted that all minerals and precious stones under the earth are for the state, according to the Mining and Minerals Act in Ghana Act 2006 (Act 703) section pointed to some issues not adhering to the very rule which governed the operation of the Obuasi mine. But to get to the minerals, one has to pass through the surface which belongs to the Chiefs. The Chiefs are the custodians of the land; yet when mining concessions are given, the Chiefs are not consulted or engaged. The situation was a creation of structural violence in positive peace according to Galtung.⁷⁶¹ Eventually, there will not be everlasting peace in the mining communities when the Chiefs and the people occupying the land are not engaged or consulted since accessing the mineral which belongs to the state, and the land to the chiefs have no collaboration in the mineral lease. In the review of the Agreement, the Chiefs', Kings', and people's inputs were not captured or included. In a nutshell, this point of not working together did not help to ensure community peace as the spirit of the rule.

The process which ensured peace in the host community regarding the mining operations was first through legislation passed after the Concession by the colonial government in 1900, called Concession Ordinance (Cap. 87) in the Gold Coast coupled with local politics. Walker expressed the pressing need for regulation on three fronts: to safeguard indigenous people's land rights and prevent landowners from being defrauded; to prevent capitalists from obtaining monopolistic control over large expanses of land; and, to govern the rights of rival concessionaires.⁷⁶² Though

⁷⁶¹Galtung, Johan. *Peace by peaceful means*. (London, UK: Sage, 1998).

⁷⁶²Lillian P., Walker, *The Gold Mining Industry in Ghana*, Thesis presented for the Degree of Doctor of Philosophy of the (the University of Edinburgh in the Faculty of Social Sciences, 1971), p. 62.

not under the surety of the Gold Coast Colony, Asante Territory had already been imposed with these rules. Casely-Hayford called the same Concession Ordinance the "best-abused piece of legislation" since both capitalists and speculators joined forces to charge an obstruction on the arduous task of law⁷⁶³ which was against the purpose of sustainable peace. Also, Regulatory Ordinance and the River Ordinance 1903 (Cap. 226) seek to regulate waters in the colony, which includes Asante Territory. Both regulated general industrial and commercial activities involving the used rivers, but parts two and three were very relevant to the mining industry, which includes dredging activities in specified rivers, granted by the minister in some specific rivers. Examination of license before operation with the Term of Reference (TOR) before operations was a systematic approach for sustainable peace but excluded the local Africans. The challenges in this concession were factors taken by the minister before the award of the concession (though, were not clear, and the nature of unpredictability and instability in the license system) the process was to control the environment, which could generate conflict and build sustainable peace. The next ordinance was the 1905 Mineral Protection Ordinance (Cap.153), which separated the indigenous people from mining to preserve their resources. The Mineral Rights Regulations Ordinance 126 (Cap.150) seeks to protect the mining environment and prevent the host community from the mining activities which they have engaged in for a long time before 1491 when the Portuguese arrived at Gold Coast.

The study chooses 1890 since that marked the period Asante Territory became part of the Gold Coast Colony. The gold rush started in the peak of operation because it was also sub-contracted to four other companies in the four different communities in the Obuasi area. In communities living in and around mining concessions, increased mining investment has resulted in serious

⁷⁶³Joseph Casely-Hayford, *Gold Coast Native Institutions*, Africana ,1903), p.23.

human rights violations.⁷⁶⁴The dangerous nature of mining practised and the ideals that guided the development of the kind of compounds we see today at the mines of Obuasi, Dunkwa, Prestea, and Tarkwa sparked political awareness and struggle.⁷⁶⁵The Colonial Secretary and the Commissioners' job included serving as a liaison between the Mining Company and the host community. They regularly assisted in the resolution of social injustice and conflict. Despite the fact that African justice is quite similar to Western justice, the host communities needed to trade some values, trust, and traditions regarding the state of their livelihood as a vital ingredient to social justice in their community. The imported common laws that affected the host community and subjugated Asante Territory which influenced issues of peace in the community.

Another important economic activity that ensured peace-building was the cocoa business which was vehemently encouraged by missionaries, foreign-owned plantations and other officials, who benefited, took many energetic young people from Bono, Adansi, Akuapim, Asante to Sefwi to engage in farming whose skills were so familiar to the people. The Adansi indigenous farmers migrated to Sefwi to plant cocoa, but they only paid little or nothing for the land used. This helped to alleviate the community's early tension and discord generated at home. Migrant farmers saw the growing cocoa industry as critical to their survival since it was more profitable and not as difficult as labour in the mines. The cultivation was in the indigenous methods and not only ideally suited to the indigenous temperature, but was more reliable and, thus improved their livelihood. The farmers lived the land and cultivated their plots of land either with labour supplied by members of their family or with hired labour or “*Nndɔmoa*.”⁷⁶⁶ They could not be

⁷⁶⁴Dominic Ayine, *The Human Rights Dimension of Corporate Mining in Ghana: The Case of Tarkwa*; cited *Third World Network Africa, Mining, Development and Social Conflict in Africa*, Combent Impressions Ltd, (Accra, 2001), pp,85-101.

⁷⁶⁵Jeff Crips, *The Story of an African Working Class: Ghanaian Struggles: 1870-1980*: (Zeb Books, 1984).

⁷⁶⁶ *Nndɔbo* is the Twi language, whose literary meaning in English is divided into two separate words: "Nndɔ" means weeding, and "Boa" also means help or assistance. It is a form of labour service provided by members of society to assist themselves in farming activities. Thus, it is a form of communal, rotational labour in farming activities. It is often done on a voluntary basis.

expected to exchange this type of survival life on strange and impersonal mine company. Indeed, even the few who were being employed as carriers in the cocoa industry were far more remunerated than being a labourers in the mines.⁷⁶⁷ Besides these, other minerals like diamond and manganese companies were competing with gold production activities. The challenge calls for the recruitment of other foreign labourers (Krumen from Liberia) and people from the Northern who had nothing to do with land use and environmental interests Territories to support their production. Little or no attention was provided to the mining operations by the AGC besides the peace in the community that has automatically become sustainable. This was the emerging systemic conflict prevention design by the circumstance in the late 1890s. The situation could have also been an unintended outcome of competition on land uses that could have ended in violent clashes. This was preceding their method of mining production to using the deep-mines approach, which requires little land giving the indigenous opportunity to farm for survival without struggling with land use and the environment.

Again, the period was a transition from the pre-colonial period to colonial rule in Asante Territory. In the early part of mining legislatures coupled with social injustices, conflict and at the same time peace-building systems influenced local approaches to bridging differences. The relative neglect was largely the result of ethnocentric conceits and perceived prejudice which guided colonialism,⁷⁶⁸ though their initial idea was to establish a legal and administrative framework that facilitated mining operations and ensured the self-sufficiency of the British

When all parties verbally agreed to common farming support, the first person involved in farming activities received support from the group until the last person involved received the same group farming support. Oral history explains that it all started in 1522 at Adansi Akrokyere by the Asakyiri Abusua during the reign of King Awurade Basa. They all wanted a communal form of living to provide a common advantage for themselves as members with equal privileges and opportunities for their holistic development. They wanted to be rich together, protect themselves from wild animals, share farming knowledge, and lastly, provide support to the weak in farming.

⁷⁶⁷Ibid, p.38.

⁷⁶⁸Morgan Brigg and Roland Bleiker, *Mediation Across Differences; Oceanic and Asian Approach to Conflict Resolution*, (University of Hawaii Press, Honolulu, 2011), pp. 20-32.

empire.⁷⁶⁹ The form of peace-building was very influential until the host community began to experience exclusion, marginalization and rejection from the land use and environmental challenges by the Crown Colony. The structural mechanism for the host community initially did have a direct influence on the mining areas since the places were huts and farmlands until mining migration in 1897 by the British increased tremendously. Additionally, and European activities pushed an unplanned form of settling miners. The development affected the stability and peace in their favour because of the use of security forces, not service, which often imposed their will against the host community's desire for survival.

Peace-building uses liaison officers, who were made up of opinion leaders. Sometimes, traditional authority, elite members of the societies, the state security, the local associations, the media, and sometimes state institutions, equally provide “suppression service” against the mining community. This is what a traditional chief expressed on this issue:

*“Sometimes we lead the arrest of some youth so my community would be peaceful. Occasionally too, we can arrest our opinion leaders so that we could ensure peace in our communities, and putting fear in people to ensure peace are some of the methods”.*⁷⁷⁰

In other words, opinion leaders are also used to suppress the community's justice system for their economic gains. They are sometimes paid by the company to support their interns. The traditional authorities often consider their economic benefit rather than the community's interest found in their concept of " *Funtumfunafu ne denkyemfunafu, won afuru bom, nso woredidi a na woreko,*" which rejects greed and individuality but accepts relational middle that ensures the dimension of social injustice, conflict, and peace-building between the mines and the community.

It was not a surprise that Crook's assumptions about the supreme traditional authorities and ADR

⁷⁶⁹Akabzaa, T., & Darimani, A. Impact of mining sector investment in Ghana: A study of the Tarkwa mining region. Draft Report for SAPRIN, (Washington, DC,2001).

⁷⁷⁰Interview with some Community Management Staff of AGA on September 18, 2020 in Obuasi

were unrealistic, though they were recognized in peace-building.⁷⁷¹ The Akan cosmology of equity has been a trade-off for the mines' profit by their trusted custodians. The consequence is a loss of trust in any engagement, resulting from their other intangible peace-building systems such as silence and "*duabɔ*," among others. To put it another way, opinion leaders are also utilized to stifle the community's justice system to benefit financially. They are occasionally compensated by the corporation to promote its goals. The environment of mining injustices are economic gains from the unfair treatment by the opinion leaders, made up of traditional authority, elite class in the society, the government agencies, paid media, Adansi Progressive Association and often, the evolving civil society organizations who are all actors, used to manage conflict and who should help the community to protect their very rights. They are all suppressing agents that provide early warning preventive measures of violent conflict information to the mining company to ensure the quick arrest of those whose social survival was dealt with unjustly. Because of their interest, they are the locals who only report people and are paid for their livelihood. Sometimes their compensations are contracts to provide existing or certain services in the community.

It must be pointed out, however, that is also not always the case but depends on their understanding of what they are experiencing, social injustices and conflicts, that lead to violent conflicts in mining areas are identified, could mitigate their effect on early response operations. Quick intervention, which prevents conflicts and sustains peace, is peace-building. The interventions are not too expensive. It does not matter the extent of the conflict or the social injustice meted out against the people. The intervention, being its structural system or an *ad hoc* approach, ensures the mining communities' peace processes. The efficient and effective method

⁷⁷¹Crook, R.C. 'Customary Justice Institutions and Local Alternative Dispute Resolution: What Kind of Protection Can they Offer to Customary Landholders?' Chapter 6 in Ubink and Amanor ,2008, pp. 145-150

of peace-building is to provide education and other knowledge for scholarships that could help develop a job for the youth if the mines cannot absorb them into the main system. The mining community should create a hopeful situation for the community people so that both parties can live peacefully in the environment.

6.3 The Peace-building Mechanism in Obuasi (1929-1946)

The land issue's potency to elicit emotional responses and political action extends to issues of ownership, usage, development practices, resource management, and, ultimately, citizenship and identity politics⁷⁷². The activities are the outcome of Africa's ontological nobility, which originated with religions rather than economics and politics, which are utilized to explain the benefits and challenges of their existence. The Land Ordinance of 1927 and the Gold Mining Products Protection Ordinance of 1929 (Cap.15) were intended to protect mining activities by imposing limits that, in turn, protected mineral resources. Indigenous mining communities have sparked tensions or violent conflict since their religious and economic activities mostly impacted their knowledge. The period coincided again with the second phase of the "Jungle Rush," which agreed with the preparations for World War II, when gold production increased, causing many mining enterprises to close down. The Governor changed the bill's name from "Concessions Ordinance" to "Mineral Rights Ordinance" because the former "has the technical meaning of a document signed by a local grantor in the Gold Coast and Ashanti, while licenses and options are to be granted by the Chief Commission in the Northern Territory."⁷⁷³

The wording of the Asante mining regulation in 1932 differed slightly from the wording of the Asante Mining Ordinance. Asante's Concession Ordinance (Cap.27) dealt with concerns about

⁷⁷²Ward Anseeuw and Chris Alden, *The struggle over land in Africa: Conflicts, politics and change*, HSRC Press, Cape-Town, South Africa, 2010, pp. 2-8

⁷⁷³R. B. Benning, *Land Policy and Administration in Northern Ghana (1898-1976)*, Historical Society of Ghana, No. 1 (Vol. 16, no. 2) (1995), pp. 227-266

land rights. Any written right, interest, or property in, or over, land, as well as minerals, precious stones, and timber, is referred to as a 'concession' in this context. For example, rubber or any other crop soil product growing on or on any property, or the option to acquire any such rights demands a concession agreement.⁷⁷⁴ The drastic recovery resulted as many countries had already left the Gold Standard and price rose⁷⁷⁵ between 1930 and 1933, and fuelled, in part, by the capitalization of reserves, and were prompted by the directors' belief that the company's capital base was too modest in comparison to the value of its assets and the amount invested in expanding the mines⁷⁷⁶. Both internal and external shocks hit the company, which needed a sense of responsibility to react. The external shocks were the collapse of the gold standard and the consequent increase in the market price for bullion, and the Second World War triggered the introduction of new taxes which increased AGC's fiscal burden. Another external aggression was the Caribbean force that forced the imperialists to reassess their welfare and development responsibilities toward their colonial subjects. Although other mining companies were shutting down, AGC was still producing at a break-even point. This brought about a consciousness in Obuasi, leading the traditional authorities to demand fair and equitable operations from their land and environment. The colonial administrative authority was challenged to ensure justice and evenness with these interests.

Internally, the socio-economic and political factors of the Second World War contend greater priority for the colonial well-being instead of individual imperialist business benefits. The period 1932 to the Asante become epidemic in the affairs of the destoolment of chiefs by the colonialist

⁷⁷⁴GH-PRAAD, CSO, 05/1/610, The Gold Mining Product Protection Ordinance 1929 (Ashanti No. 15 of 1929) Proposed Amendment.

⁷⁷⁵ Piet, Konings, *The Political Potential of Ghanaian Miners, A case studies of the AGC workers at Obuasi*, Afrika-Studiecentrum, Leiden, 1979), p. 5

⁷⁷⁶Ayowa Afrifa-Taylor, *An Economic History of the Ashanti Goldfields Corporation, 1895-2004: Land, Labour, Capital and Enterprise*, A Phd Published Thesis University of London, School of Economics and Politics, 2006, pp.12 Cited from MS 1416/7 Minutes, 8th November 1933.

which affected the local's reaction towards agitation for justice.⁷⁷⁷ Attempt to removed Kwame Affram from Kumawu and the Bompatahene failed after skirmishes, but the chiefs of Agogo and Obogu removed refereeing the events was a somewhat dicey business.⁷⁷⁸ With the District Commissioner's (D.C.) role as colonial administrators automatically validate all mines concession through his signatory. Additionally, had equal distributed to the chiefs' powers, that ensured the locals, extremely careful since unappropriated allocation of land in due processes ensured enough reasons for destoolment. The control of the local land was shared between the chiefs and the colonist. Back in Obuasi, the colonist controlled all the lands in 105 communities which fall within and every economic activities of 100sqmeters alleged acquired land area.

There was a high cost of labour and a rising tax burden on the company, leading to less responsibility for the environment, which had a direct effect on the communities. The labour-and- host community difficulty led to conflict in which the community in question used more silence as a form of their peace-building mechanism. This is how a respondent explained it, "we were assured of the land and water rewarding the miners since they were the spiritual watchdog of the land and the environment."⁷⁷⁹ This period marked the gold boom, followed by the Gold Mining Products Protection Ordinance (1929) which also came at a point where charges were allotted to prevent the procession of Gold (though repealed in 1936), yet, local mineral management and operation were discouraged.

The Asante Confederacy on 31st January, 1935 became a peace-building mechanism, with Otumfuo Agyemang Prempeh II as the Asantehene. The main goal was to reclaim the Asante homeland. Adansi chiefs all approved the return of Asante Territory as a means of reclaiming

⁷⁷⁷Spooners. A.C. Report on Buck McGuinness and Jock Reid , 1932-1936

⁷⁷⁸Ibid, pp. 1-2 Spooners

⁷⁷⁹Interview of Nana Afriyie Bonsrah on 12/09/2021 at Fomena

their land. The system of an unresolved constitutional dispute between the traditional authorities and colonizers which led to the formation of the Asante Confederacy in 1935 was a conflict prevention approach through domination. The host mining communities' interests and development were completely lost in the deliberations. They were just considered commonest before the Asante Confederacy Council. The territory only recognized only paramount chiefs without considering the suffering host community members. The community's only knowledge about the Councils was to bring a new law. The plight of the host community was lost in the interest of colonial rulers. The chiefs who fought for the interest of the local community was destroyed to serve the colonizers' interests.

6.4 The Peace-building Mechanism in Obuasi (1945-1968)

The end of the Second World War in 1945 did not lead to an automatic re-opening of the gold mines that were closed in 1939 due to the emergency wartime regulations that affected mining economics and politics. Victorious as the British were militarily, they were economically exhausted and religiously bankrupt. This then led to the codification of the Exchange Control Act of 1947. Under this Act, virtually all transactions between the Sterling Area and the rest of the world required official sanctions, which led to a capital famine that affected gold production. During the external stress, the Gold Coast exported gold, cocoa, manganese, timber, rubber, diamonds, and other equally valuable items that positioned it in a very strategic balance of trade because it was a classically British raw material export economy, dependent on the British. This period politically coincided with the fundamental constitutional development by the work of the Alan Burns Constitution, which was named after the governor. It was considered the first ever advanced Colonial Legislative Council with a black majority. The new constitution integrated Asante Territory for the first time with the Gold Coast Colony while the Northern Territory was

a protectorate⁷⁸⁰. The local urban elite, consisting of attorneys, merchants, and affluents, organized the United Gold Coast Convention (in August, 1947) to safeguard the new Constitution, taking advantage of the political circumstances (because the people directly elected only five out of the eighteen members of the Legislative Council; local chiefs were thirteen) and, lastly, demanding "Self-Government in the Shortest Possible Time". The riot and rampant demonstration on the Coast which led to the formation of the Watson Commission to recommend a two-thirds election and one-third appointment of the traditional authority into the Legislation Council which influenced the AGC peace process.

The disappointment which caused the riot by the youth on the long-time role of the traditional authority triggered a serious strike in AGC, culminating in that one-year stoppage of production. In June 1949, the UGCC's radical secretary-general, Kwame Nkrumah, broke away and founded the Convention People's Party with the basic goal of "Self-Government Now." In both rural and urban neighbourhoods, the CPP grew more accessible to regular people and the working class. Its political strategy was a more direct approach to things. Political tensions were at an all-time high in 1949, resulting in boycotts, strikes, and looting. The colonial authorities retaliated by forming the Coussey Commission, which was tasked with writing a new constitution known as the Coussey Constitution, which Kwame Nkrumah branded as "bogus and dishonest," despite the fact that he won the election in 1951 under the same constitution. In the 1950s, many miners were northerners and foreigners whose interests were in preserving their real income than Southern politics, but underground mining had more space to operate. The political and economic did affect the religious realities of the indigenous community. The Second World War,

⁷⁸⁰Agyewodin Adu Gyamfi Ampem, *A Silver Jubilee Cake on a Wooden Platter*, (KNUST Printing Press, 2016), pp.44-58.

which made more foreign mining companies collapse leaving a few twelve companies under care and maintenance, did not exclude AGC.

In 1956, the state support to revamp the company led to the installation of new equipment, leading to its corresponding output increase. The new state took over 55% percent shares. Other mining companies emerged as state mining corporations because of the lack of capital by British owners to invest after the Second World War. The agitation affected AGC, whose workers justified with the position that if all means to settle the conflict have failed, the only means to “bring management and government on their knee” was to strike. As a result of the Coussey Constitution, the British were solely responsible for the Gold Coast's finances, defence, and foreign affairs. When settling mining difficulties that afflicted the Gold Coast, the colonial government and aristocracy embraced a political and economic binary approach. Political and economic realities had little impact on the Obuasi villagers' perspective because few of them were involved in mining operations. External and internal political and economic activity have an impact on the relationship between the host community and the mining corporations in Obuasi. Gold production was first limited, but it gradually improved as more money was invested in Nkrumah's New State programs. The mining company neglected the host mining community's religious positionality. Because just a small percentage of the Obuasi village residents worked in the mining industry, political and economic realities had little impact on their outlook.

1957 marked the redraft of mining codes or laws and coupled with political tension and socialist policy had little influence on mining on the people's development. Peace-building is a form of acceptable intervention that is visible and invisible which settles differences that had emanated from a relationship for truth restoration in a mutual respected, intimate, or influential manner for

sustainable living humanity.⁷⁸¹ Sometimes a society sees force as a positive confirmative approach for a safe society to a systemic structure, while others see it as a sacred measure that bridges such differences. Perception plays a major role in this situation while bringing understanding in this process matters a lot. Some people think community members see it as an empire of suppression through aggression against human rights. That, regardless, some respondents explained and claimed it is only peculiar to their environment, which is mining communities.

The Mining Act of 1962, passed by Nkrumah's parliament, gave the state control of all minerals found on the Republic of Ghana's land and in its coastal jurisdiction. AGC and the State Mining Group (SGMC), which had their first consolidated account in 1966 when five miners ceased to trade as United Kingdom-registered businesses, had previously turned over gold. The consolidated policy was to help the survival of the industry. While countries like Canada and South Africa encourage local entrepreneurs with capital resources to revamp the mining industries, the policy of state-owned industries, managed by foreigners with only a few local administrators is collapsing. The private-owned entrepreneurs supported by the countries already mentioned were increasing their production and affecting their development. The Dr. Kwame Nkrumah administration avoids surface mining because of its environmental and livelihood challenges to every citizen. This decision was very important in mitigating steps since the indigenous farmers' socio-economic activities were not interrupted, giving room for an increase in agricultural products. Though there was an agitation by mining workers about their salary, the state diversification policy created other economic windows which stabilized the demand for mine workers, especially those who supported Nkrumah's political needs in other sectors of the

⁷⁸¹Interview with Elliman Kojo local CSO CEO in Obuasi at 13/03/2021

economy. It was in the midst of Dr. Kwame Nkrumah's mineral reforms that he was overthrown in a military coup in 1966.

Little was done after 1966 till 1968 by the military leaders when elected president Dr Kofi Abrefa Busia to became president. Furthermore, this type of gold could not bring the anticipated assumption of invested revenue from the state and was intended to have an impact on the development of mining host communities.

6.5 The Peace-building Mechanism in Obuasi (1968-2014)

Mining diversification was required because of the persistent fear of losing over international trade. Traditional authorities were emboldened, producing political friction through indirect rule and undermining peace-building procedures that were still in the hands of international law systems, taking control of the mining extremely difficult. Political regimes were more concerned with international recognition than with the well-being of the host society. Chiefs who advocated fairness and equality for their subjects ran afoul of the state and were threatened with destoolment.⁷⁸² The state carried its exported colonial structure which considered its legal system founded on justice, equality, and fairness in more punitive measures. There was high-level corruption in many cases, yet only a few people appeared to have access to justice.⁷⁸³ The legal systems considered not little deep-seated indigenous values into account.

In 1983, Ghana approached the World Bank and the International Monetary Fund (IMF) for assistance. During the military administration of the PNDC, the IMF established the Economic Recovery Program (ERP) to assist the country in strengthening its economy. They proposed a series of reforms that the country should implement to enhance its economy. The Minerals and

⁷⁸²Interview with Nana Bonsu Appiah on 18/09/2020 in Obuasi

⁷⁸³ Ibid, pp. 8-10

Mining Law of 1986, (PNDC Law 153), was the country's first comprehensive mining law to form part of the assistance. For the first time, it consolidated all previous mining legislation into a single piece of legislation. In 1989, the same regime alleviated mining host community tensions by enacting PNDC Law 218, the Small-Scale Gold Mining Law of 1989, and the first artisanal mining legislative framework to include indigenous communities' involvement and skills in mining activities (PNDC, 1989). As a result, in mining operations, host communities were free to apply their abilities while being guided by strict environmental guidelines.

The legal framework for mining only works when it benefits the firms, not the community. Therefore, local populations have traditionally rejected the judicial system to resolve disputes between the host community and the mining company. Demonstrations, media, NGOs, and, finally, an intelligent reactive strategy such as face-to-face underground conflict clashes are all viable settlement methods for them. It has always been that way, even from the beginning after the 1992 policy on surface mining that had taken over all their lands. When you go to the neighbourhoods and talk to the troubled youth, you'll notice that they are bound in by the values of the community. As a result, any-time they become frustrated and want to take action against the mining firm, their parents exert control over them. Parents, in actuality, play a key role in preserving social harmony. Though the number of young people migrating to mining villages is increasing, indigenous youth have a greater effect on violent conflict than any other group of young people. Even though present modernism has brought a minor adjustment to the already existing norm, the social fibre of the society has stayed intact.

The legal framework developed to expand mining exploration for the benefit of foreign countries was as follows: The Geological Survey, which is administered by the Ministry of Lands and Natural Resources' Minerals Commission. Three agencies regulate Ghana's mining industry: the

Department of Lands and Natural Resources, the Minerals Commission's Inspectorate Division, and the Precious Minerals Marketing Company Limited. The Minerals Commission governs mineral usage. Ghana's mineral policy is resourced and coordinated. From the geological perspective⁷⁸⁴, the Survey Department is in charge of maintaining current geological data and serving as a repository for geoscientific data. The Minerals Commission's Inspectorate Division monitors and enforces mining and mineral laws' health, safety, and environmental standards. The Valuable Minerals Marketing Company Limited is responsible for the marketing of the country's precious minerals and jewellery. These harsh measures from the pre-colonial, colonial, and post-colonial periods have erected a wall of protection for investors and the government, with little concern for the host communities' survival, which is struggling and suffering as a direct and indirect result of mining operations.

The legal acts and policies of the mining period that have travelled and impacted the host community's development to minimize the host community's vulnerabilities were discussed as a peace-building mechanism in the present Mineral Mining 703 (Act 2006): For the protection of natural resources, public health, and the environment, a mineral right explorer must receive the requisite approvals and permits from the Forestry Commission and the Environmental Protection Agency.⁷⁸⁵ The provision of direct protection through state institutions ensures dual diligence, but these institutions were unable to be located in the host communities.⁷⁸⁶ Mining inspectors and the Environmental Protection Agency, for example, do not have auto-mobiles that AGC has purchased for them, so they are working against the community. In the mining battle, bribes play a part. All resources are available, as well as improved monitoring. Obuasi, Bekwai, Adubiase,

⁷⁸⁴Felix Danso, *Mineral Resource Governance and Human Development in Ghana*, Routledge, Taylor & Francis Groups, (London & New York, 2020), pp.12-15.

⁷⁸⁵Minerals and Mining Act 703 (Act , 2006) Section 18(1)

⁷⁸⁶Ibid. Section 18 (2)

Dunkwa, and Diaso are all under the supervision of the same person. Who on a weekly, monthly, quarterly, and annual basis, provides updates on monetary and economic trends.

Information about mining transactions should be treated as confidential and not disclosed to the public without the holder's or successor-in-prior title's written approval, according to Section 19 of the Mines and Minerals (Public Liaison and Disclosure of Mining Transactions) Order 2012.⁷⁸⁷ It is full disclosure to the public but is insignificant since the effect usufruct on the land could do nothing if he is affected. Therefore, it brings out the unintended outcome of the conflict in the community instead of ensuring sustainable peace for which this law was purposed. The legal framework is also manipulated to deprive the community of experiencing the projected peace the mining laws intended to achieve. An applicant for a mineral right must pay a charge as determined by the court.⁷⁸⁸ The annual ground rent is paid to the landowner or the landowner's successors and assigns.⁷⁸⁹ Mineral rights over stool lands are subject to annual ground rent, which is paid to the Office of the Administrator of Stool Lands.⁷⁹⁰ The holder of a mineral right is required to a mining lease, restricted mining lease, or small-scale mining license and must pay the Republic a royalty on minerals extracted from its operations.⁷⁹¹ These fees do not reach many people directly occupying the land, especially the rural family dwellers in mining communities, though the principles of this law were to ensure sustainable peace and communal collaboration. This was what a respondent said of the situation in an interview:

The chiefs profited from the situation by charging three thousand Ghana cedis each, which local farmers could not afford. Meanwhile, their land had been taken

⁷⁸⁷Section 20

⁷⁸⁸Section 22

⁷⁸⁹Section 23

⁷⁹⁰Section 24

⁷⁹¹Section 25

*over by the mining company, and the chief had not visited his people for the previous seven years. We will destroy him and his elders if he attempts*⁷⁹²

According to Simon Tisdall, the communities believe that the chief abuses their position to benefit from mining and that once they benefit from mining, they don't care what happens to the community, thus, the communities can complain about polluted water bodies and destruction.⁷⁹³

The people in charge of ensuring peaceful coexistence between the mining corporation and the host community are thus using the chasm for their gain, which impacts the people in charge of the mining legal framework. Other chiefs were critical of the mining firms' treatment and occasionally organized protests against human rights violations in the host community. Unfortunately, these chiefs face opposition from their paramountcy, limiting their effectiveness in the mining towns. The local “*funtumfunefunu* icons” among all stakeholders could ensure sustainable peace. Crook questions in Ghana, is how inclusive and legitimate are informal and traditional local Dispute Settlement Institutions (DSIs)? A lot of potential conflicts, especially over land usage and boundaries, are usually resolved through relatively local conflict resolution.⁷⁹⁴ Beyond the village level, however, the superior chiefs' customary courts are not always more trustworthy or user-friendly than state courts.⁷⁹⁵ Because of their internal politics and dishonest tactics in dealing with miners' issues, mining rural communities have lost sight of traditional institutions.

Furthermore, a compensation claim made under section 73 of the Mineral and Mining Act 703(2006) subsection (I) must be copied to the Minister and the government agency in charge of

⁷⁹²An interview with ninety-year-old man from the community on 25/10/2020 at Obuasi.

⁷⁹³Tisdall, Simon.,” Silent blight in a countryside of empty homes and shut shops.” *Sat*,22(2015):19-05

⁷⁹⁴Crook, R.C. ‘Customary Justice Institutions and Local Alternative Dispute Resolution: What Kind of Protection Can they Offer to Customary Landholders?’ Chapter 6 in Ubink J.M. and Amanor, S, J , *Contesting land and Customs in Ghana; State, Chiefs and the Citizen*, (Leiden University Press, 2008),pp. 145-150

⁷⁹⁵Ibid, pp. 150-152

land valuation. The compensation was payable by the holder of a mineral right in consultation with the government agency responsible for land valuation and subject to this Act. If the parties cannot agree on the amount of compensation, either party may refer the matter to the Minister, who would determine the compensation. Subsection (4) expresses the price of resettlement under the same subsection (4), which shall be borne by the holder of the mineral right, except where the holder elects to delay or abandon the proposed mineral operation, which will necessitate resettlement. Subsection 5 (b) The obligation to bear the cost of resettlement arises only if the holder is pursuing a mineral right. Compensation principles in section 74 of the same act describe situations in which an owner or lawful occupier may be entitled to compensation for; (a) deprivation of use or a particular use of the natural surface of the land or part of it; (b) loss of, or damage to, immovable properties; or (c) loss of earnings or sustenance suffered by the owner in the case of land under cultivation. In the case of compulsory property acquisition, prompt payment of fair and adequate compensation must be made. An agreement or determination regarding compensation to which an owner or lawful occupier is entitled shall take into account payments made or given to the owner or occupier. Access to the Court in respect of compensation in Section 75; (c) work carried out by the holder. The owner or lawful occupier of land affected by a mineral right may not apply to the High Court for a determination of the amount of compensation to which he or she is entitled under sections 73(3) or 73(5) (b). The religious commitment and relationship between the host community and the pastor in charge create compensation issues. The governance goal is to increase revenue and find new ways to attract other investors. Communities are routinely overlooked for the governance's international image, to the disadvantage of the host communities, despite the Act's stringent implementation plans. Even, though the three sections 73 to 75 had been the improvement of mining laws, they

also generate conflict because of the paternally assumed position of the mining company against the host community.

Section 80 of Act 703 (Act 2006) allows a local authority on land owned by it and owner or lawful occupier of land or occupier of land owned by a person's mineral rights on the land, prospecting for and mining an industrial mineral to be used by the owner, occupier or holder solely for building, road construction or agricultural purposes on the land, so long as the exercise of the right is not inconsistent with, or detrimental to, the right of another person holding a mineral right in respect of the land. The section includes local ownership that could ensure understanding and mutual rights for a sustainable society. It is unfortunately, the law could not consider the mineral operation and the people in such a community to raise such a capital-intensive venture which local funds could be difficult to raise.

Lastly, Act 703 (section 105) establishes that any holder of the mineral rights shall form their mineral operations by the given preference of the product and service and shall register with a Company Registration Code 1963 (Act 179) or Incorporated Private Partners Act 1962 (Act 152) shall ensure peaceful regulations by the state which ensures safety, efficiency and economy. Traditional authorities' rights to assign mining concessions were taken away. Again, in the phase of the company's operation preference shall be given in employment to citizens to the maximum extent possible and consistent with the safety, efficiency and economy. It is a clear case of local participation in the affair of the mine's operation for sustainable peace. The Section in the Act that ensures peace to some extent has operationalization challenges though it has reduced the mining tension to some extent. Its major challenges have the chiefs and those who occupied the land relationship. It was observed from the interview the anger some community members have

against the company and the traditional authorities. Still, their value system and the fear of the supernatural prevented conflict escalation but resulted in silence.

The local peace-building mechanism ensured peace in more restorative, communal and reconciliation approaches. A respondent, who had worked for more than forty years in the company had this to say about his conception of the challenges:

Peace-building is a process of dialogue, aimed at resolving disagreements. Although often conflicts may arise if the AGC's activities are not transparent (covert approach to destroy host community farmlands). Conflicts between other groups might arise outside of the mining areas, and there were a few chieftaincy disputes in other cities. The AGC and the communities have the most conflicts. The majority of the lands taken by the AGC belong to the Abadwam people, and it has harmed the livelihoods of numerous villages.⁷⁹⁶

There was recognition of egregious conflict, resulting from livelihood mortgage on land use between the host community and AGC. One mechanism usually adopted for resolution was dialogue and strategic engagement with the community, between the company and the community leaders. Most of the time, the safety manager also meets with the community to calm tempers whenever an incident occurs. This dialogue coupled with the silence strategy often yields a peaceful result. Peace-building is dialogue held in the quest to resolve misunderstandings. If the AGC is not transparent in its activities, conflicts can arise. Lack of transparency could bring about conflict in the communities. Apart from the mining communities, conflicts could arise between other groups, and there were a few chieftaincy issues in Adansi towns on dominations. The typical examples are Adansi and Kokoku issues on legitimacy over Bodwesango in 1932. The mining company had these to explain their early 2000s peace-building processes as followed:

⁷⁹⁶ Interview with Abadwamhene on 15/10/2020 at Obuasi

Conflicts are resolved through consultation. When a conflict is severe, we must sometimes use the governmental infrastructure to our advantage. We have your MUSEC or DISEC at the municipal and district levels, so we utilize them when the dispute is severe, and we also use state security because we care about human rights. It is to ensure peace and harmony between us and the mines while you bring them together, while we have the grievance system, while we interact and proactively. We can cement out concerns for peace-building if we have a quarrel that can be avoided. We don't have any kind of premeditated interference.⁷⁹⁷

Though the company used the legal and structural systems, the community see these structures as “an extension of the company” and is there for their interest; besides do not trust their processes and demonstrations are more effective than these systems. The Ashanti Goldfields Corporation (AGC) has established internal procedures for responding to disputes, grievances, or complaints from community members who may be adversely affected by its activities. The primary responsibility of the Community and Social Development Department is to address local problems in the catchment regions. All issues sent to the company by furious members of the community are also handled immediately by the Grievance and Complaints Division. The Community and Social Development Department is primarily tasked with dealing with community issues. The Grievance and Complaints Office also directly handles all cases forwarded to the company by aggrieved community members. Other mechanisms set up include the Community Consultative Committee (CCC), the Community Forum (CF), and the Community Trust Fund. To effectively communicate with AngloGold Ashanti, each community within the catchment area, must create a Consultative Committee for Dialogue (CCD). The CCC is made up of a local chief, local officials, a youth leader, opinion leaders, and one representative for each gender, but unfortunately, members invited are always sectioned who could be manipulated by the company.

⁷⁹⁷Interview with Sustainable Development Manager of AGA at Obuasi on 14/09/2020

Meetings of this organization are solely open to the appointed members; the general public is not permitted to attend. It is in this situation that the members whose livelihoods are worsened also claim that they are deliberately excluded, disrespected, and discriminated against. The CF might be thought of as the general community meeting called by the AGA to bring all community members together. It provides certain community members with the opportunity to discuss their problems with a company representative directly. In the fourth republic of Ghana's mining history, when Ashanti Goldfields took control in 2004, the business built the aforementioned peace-building mechanism. Up until that point, the corporation had little concern about the community, and even then, its strategy was to follow international regulations rather than being their clear vision statement.

The forum has lost the "confidence" of the community, which now perceives it as an empty "talking shop" where they are only provided with information and not included in all stages of decision-making affecting their livelihood. Another primary model for handling grievances and other concerns brought against mining activities since 2005 is the Draft Revised Complaints and Grievance Procedure (RCGP). A noteworthy attempt at resolving anticipated conflicts and complaints from local groups is the African Minerals Governance Framework for Dispute Resolution (AMRDR). The settlement process's early phases are seen by the framework as solely a business endeavour involving mostly firm employees.

Local organizations like NGOs, members of local assemblies, and the municipal assembly cannot be regarded as third parties. Although all these peace-building mechanisms are easily accessible to some members, the excessive power supported by the state institutions makes them ignore their responsibilities. The company engages the community but does little to fulfil its

promises. Sometimes, community leaders with a vested interest take advantage of the situation to overburden the company, assuming that the mines are too rich to exploit. They often assume the disadvantageous position of losing their land, misusing their little compensation for entertainment, and becoming poor a few times after receiving support, but turn back again against the mines.

As much as this is a good attempt at addressing expected disputes and grievances from local communities, there remain key issues worthy of note. First, the framework considers the initial stages of the resolution work as purely a corporate exercise, involving mainly company staff. This could be good but not sufficient in very alarming dispute situations. Considering these locally embedded informal mechanisms at a later stage may rather elongate and complicate the nature of the conflict. Secondly, local institutions such as NGOs, local assembly persons, and Municipal Assemblies cannot be peripherally considered as third parties. NGOs possess enormous knowledge and contribute to the way mining activities are viewed at the local level. To enhance its feasibility, prospects, and success, a resolution process must of necessity include such-locally-based institutions at the early stages of the process. The idealist and universalist perspectives of social justice are not different in Africa and other countries in Asia. Opportunities and outcomes of institutions like families, the government, the economy, our culture, intellectual life, cultural life, and quality and attitude form Africa's life.

Traditional mechanisms within the communities' level contextualised local structure. But the unfortunate thing is that the mining companies usually exploit this existing structure (Traditional Mechanisms) of resolving conflict for their good only. The respect for the aged has always been even from the old level. When you visit the communities, and you engage with the agitated

youth, it is observed that existing structures at home restrained them, thus, their parents restrain them anytime they get agitated and want to act against the mining company. When you interact with the youth, they explained that most of the time, the advice of their parents calms and restrains them from embarking on actions against the Company when they become agitated. If the Ghana Police Service, and equal security measures, and other vital bodies are disregarded, the youth are unlikely to respect their parents. In effect, when it comes to maintaining community peace in Obuasi, the parents or family are key actors. Clearly, that social fabric has remained intact in the community even though current modernity has brought a slight change to the already existing norm.

Apart from that, the Chiefs and Traditional rulers play some roles within the community regarding peace-building. In the early 80s and 90s when we had no mining problems, our Chiefs were not compromised. Unfortunately, the investigation found that AGA has compromised the position of the existing leaders in the areas, and the indigenous people no longer trust them. They stated once again that their chiefs and elders could not be a good conduit for ensuring long-term peace because they aided the mining business in all of its wrongdoings. Traditional authorities cannot be relied upon to bring any peace to the communities. But in the past, the Chiefs were the ones, championing social justice for their communities. They were the ones facing the companies by letting them understand why it is wrong for the company to destroy farmlands without paying compensation. They stood for their communities when people were maltreated and killed unjustly. So, whenever there were agitations in the community, the Chiefs played a significant role by rising and rallying behind the community to demand justice for the people against the mining company. As a result, the community and youth had trust in their chiefs. But the situation is different now; the youth have no confidence and respect for their Chiefs because they believe

they have compromised their position. The traditional local structure now is a problem because some of the chiefs are a major source of the conflicts/problem in Obuasi and therefore cannot be relied upon to provide any peace-building mechanism for the community. The study observed that some chiefs were agitated when some specific questions were asked in relation to human rights, emanating from a clear activity in the community. Here's an example of a response.

This is a system or pattern that tries to bridge differences. Examples are duabɔ, dwanetɔa, sermons, among others, which deal with the issues in contention namely traditional approach to settlement by the chiefs. In this mining community, conflicting issues are reported to a unit committee who later reports them to the chiefs and the assembly. The chief is the final arbiter, but we have lost trust in him since he is in bed with the company because they have awarded a clothing contract to the company, so if you report, nothing normally comes out. Sometimes the settlement goes to the Adansihene, who supervises the chief, but sometimes the outcome impoverishes us. We respect their systems because they control the rivers and lands and have direct access to their ancestors.⁷⁹⁸

Opinion leaders are also very key in peace-building in Obuasi communities. This includes religious leaders, retired nurses, and headteachers who wield a certain level of influence in the community towards ensuring peace. There are instances where some retired teachers have taken up the fight to ensure peace in the community by calming down the young ones, since, often-times, their old age and service to the community have become a social capital to negotiate with them. Similarly, pastors and other religious leaders engage the youth to remain calm and temperate through education about moral values. The Obuasi Local Churches, (a standing committee that met periodically to address issues within the community) for instance, played that role in the communities. Sometimes, they invite the sustainable manager to answer some

⁷⁹⁸Interview conducted on the field with Assemblyman of Sanso on 22/10/2020 at Obuasi

questions. The local church fellowship organises a thanksgiving service, and the mining company leadership occasionally attends, all in a bid to foster peace.

Traditional mechanisms within the mining community's peace process for a sustainable society were also employed. The British did not abolish the Ashanti kingdom's chieftaincy ruling system. Instead, they opted for indirect control in British-led discussions that resulted in peace between the indigenes and the mining firms. They also converted the majority of the palace into courts, which the British regarded as proper courts for resolving indigene conflicts, and British police monitored the courts. But the unfortunate thing was that the mining companies usually exploited this existing structure (Traditional Mechanisms) of resolving conflict. For example, the Obuasi community, led by two paramount chiefs and 105 settlements were directly affected by the mining operation. In addressing these communities' political, economic, and religious concerns, the compensation offered under land use and environmental legislation are negligible. Communities are confronted with distinct challenges to which they must adapt. Many youths and members of such groups aspire to exist without resorting to illegal means. Mining activity creates a lot of strain, leading to many social vices. The community develops its values from Akan values, which frequently clash with colonial legislation. In truth, this was a terrible breeding environment for radicalism and violent extremism. Secondly, internal conflict can also be disruptive to the communities in question, resulting in social injustice in the form of violent conflict. Currently, all the chiefs whose communities' mining operations are taking place directly or indirectly have suspended their chiefs, and this has been the trend since the AGC started its operation. Obuasi township does not have a chief. Similarly, because of the same internal

“acceptive-manipulative-politics”,⁷⁹⁹ "Bekwai, New Adubiase-Abadwem, Dompouse, and Akrokerri have never had a chief who died on the throne as an “ancestor-chief⁸⁰⁰." External political influence is always employed, and the community is the one who suffers the most.

In addition, contemporary structures exist, including the new "neo-liberalization" policy which uses structures like security suppression with the Military and Police. Political in colonial governance structures continued in present governance structures. This peace-building system was the dominant force forcing peace in the community through the use of arrest and intimidation. In contrast, influential leaders relocate to other communities for fear of life. However, because of their conduct when cases of mine are reported, the police force has not been perceived as neutral, and the community believes that their position has been compromised. They point to the fact that currently, almost all the mobile communication devices (walkie Talkies), used by the Police were donated by the AGA mining company. Also, the Police Commanders and staffs live in AGA Bungalows, hence, the headquarters for the Police too are controlled by the mines. Once the security officers present is fed and accommodated by the Company, what credibility do the host community have to ensure the expression of their fundamental human rights whenever an issue occurs between them and Company? Economic and physical displacement of communities often accompanies mining projects, rejecting the interest of the host communities.

⁷⁹⁹This was a word used by a former Akrokerri College of Education principal who was interviewed on September 18, 2020 in Akrokerri. He defines "acceptive," "manipulative," and "politics" as power ties that damage other lower powers through lies that are not probed because of one's political gain. It is typically used against anyone in the community who assumes power, but this power is being used to oppose AGC's unjust and inhumane treatment of the host communities. The firm frequently surrounds itself with other persons of similar influence in the community or from outside the community in order to destroy forces that are working against them. Their threat of instigation has the unintended consequence of provoking the opposite party.

⁸⁰⁰The Akan perspective on "ancestor chief" is that when a chief dies while serving his people, his stool or throne is reserved and any of his future chiefs after him can use his stool name but add first or second to the name, but when he is destooled based on his questionable character, he would not be given the reserved stool name but record a strip off from ancestral records.

In Akan, settlement is referred to as "nsie sie,"⁸⁰¹ which falls under an ontological sentiment often spiced with cultural realism but clashes with competing views of human rights, which are more adversarial to the locals. Community resettlement based on legal frameworks has even physically and religiously disconnected locals from their existing reality. Because of the Akan concept of land, the procedural approach and the sustainable steps are outward-facing. Respect and dignity are often lost when relocation is managed improperly or properly. It fosters mistrust with locals and their elders, mines the local elder, artisanal small-scale miners, and the community, and mines the leadership of their social system, among others. The people and the significant indigenous population in the area have a strong connection to the land and the natural surroundings, so a better approach could mitigate clashes between them. Miners seeking to work in areas where land and other traditional rights are strictly observed face complex issues, and sometimes get limited help from governments who are reluctant to deal with traditional rights. The law does not provide how the Minister would supervise or monitor the program's operation. In other words, the legal clauses create a significant distance between the Minister who authorizes the program and the mining firm that proposes and implements it. This chasm encourages environmental conservation to be pushed to the backdrop.⁸⁰² The second item to consider is that current and previous governments have always seen mining as an essential investment that must be safeguarded. As a result, when people rise up against mining companies, the state's first response is to safeguard the investment of the (companies). To protect the firms' interests against the host populations, the military and police are deployed. The army and the police frequently enter villages to brutalize residents, and, as a result, the community has lost

⁸⁰¹A further explanation of Akan relational ontology nobility is provided by the word "nsie sie," which denotes the repeal or amending of a broken relationship. When elders reach a settlement, both losers and the winner embrace it and praise the elders collectively for establishing a fair standard for the entire community. The direct parties cite an ancestor oath of the elders that declared this problem to be resolved and declared the entire society aware of it.

⁸⁰²Francis Nii Nuertey Botchway, *Towards an Environmental, Legal Regime for Gold Mining in Ghana*, Published Thesis from Dalhousie University Halifax, Nova Scotia, (Canada for the award of Masters of Law, 1994), p.82.

faith in the government and state organizations to address its conflicts. The communities are peaceful because the activities of the state's forces suppress them to have investments at the expense of the host community's livelihood and environmental challenges. This state of affairs explains why many choose to complain to non-governmental organizations which they perceive as more neutral and more credible rather than to the government and its agencies.

The Wassa Association of Communities Affected by Mining (WACAM), National Peace Council, for example, intervened at a time when the host community was about to clash with the company due to long unpaid anticipated compensation combined with a break in contract light bill payment imposition, for which all mediation channels failed. These were two other peace-building structures that had more resilience in the mining communities in the late 2000s. A respondent's reaction was as follows:

What makes the difference between Obuasi and other parts of Ghana is the presence of civil society. You can't fight these companies with violence and demonstrations because when physical force is applied, they have the state security apparatus at their disposal. In dialoguing with the companies, in spite of their strong anti-mining position, they still encourage dialogue between the communities and the companies. So, what WACAM and National Peace Council did was to build the capacity of the communities for them to be able to engage with the community. In 2009 WACAM nominated AngloGold for the World's Most Irresponsible Award at an International Conference with the support of video evidence. It did a lot of damage to the company that the Norwegian Pension Fund decided to pull out this investment from the company, this should have been a huge blow to them. WACAM has saved the company from possible legal action by bringing them to the negotiation table which they in a long time avoided with the host communities. Dr Addo Kufour was appointed as the lead head of the company and he brought on board experienced lawyers to meet the community in a friendly manner. Both sides agreed to get a mediator and they did pay compensation in 2014.⁸⁰³

⁸⁰³Interview with Local NGO leadership on 18/10/2020 at Obuasi

A compensation shortage has existed since 1992, and lighting issues in some communities (Sanso and Nyinam) have posed a threat to long-term peaceful co-existence. The institutional responsibilities of WACAM and the National Peace Council gave reassurance in dealing with the issues and decreasing tension. They advocate regular community engagement with the company to mitigate outstanding tension or differences with them. They expected them to be more involved with the communities, educate them, and listen to their problems. At the very least, the corporation should have told them the truth about their condition for them to comprehend what they are capable of. Allow them to know and comprehend the corporations' goals and ambitions for the mining villages. The relationship between them and the people would have been much better since what unit them is more than what separates them.

Lastly, the host community enjoys artisanal mining which provides a living for many poor people in resource-rich developing communities like Obuasi. The sector is often unregulated, with formal miners competing with artisanal diggers for their resources. Governments often deal erratically with artisanal miners, and some companies that have taken decisive action have been accused of abusing the rights of people in the community. Many developing countries have weak legislation managing mining impact, and the use of tax and royalty revenues. This may allow some officials to adopt corrupt practices, and some miners to dodge responsibilities. Mining contributes to the economies of many developing countries; however, the wealth may not reach local communities. Responsible miners often seek to contribute to local development, but they face several challenges, including unrealistic expectations and a plethora of deserving projects.

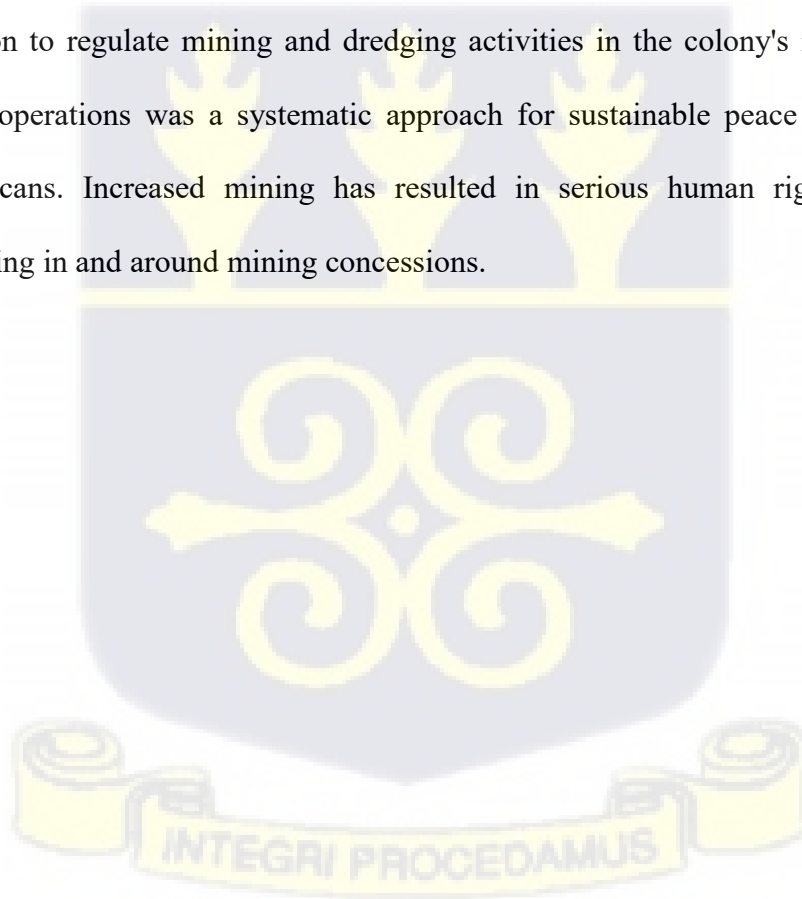
6.7 Conclusion

With everything considered, African concepts of peace-building aim to mend broken relationships, and restore and strengthen positive relationships among their community members. Gacaca courts (little courts) in Rwanda, Ukuzidla in South Africa, the Kotgla in Botswana, and Mato Oput (drinking the bitter root) in Northern Uganda are examples of African local traditional conflict transformation and peace-building structures.⁸⁰⁴ The majority of the lands taken by the AGA belong to the Abadwem people, and it has harmed the livelihoods of numerous villages. Political regimes were more concerned with international recognition than with the well-being of the host society. There was high-level corruption in many cases, yet only a few people appeared to have access to justice. AngloGold Ashanti (AGA) has adopted its internal mechanisms for dealing with cases of disputes, grievances, or complaints from community members in legal-rational approaches with customary. One mechanism usually adopted is dialogue and strategic engagement with the community, between the company and community leaders which Crook called Community-based Dispute Settlement Institutions (DSIs).⁸⁰⁵ This dialogue, coupled with the silence strategy, by the community world-view often yields a peaceful result. The primary responsibility of the Community and Social Development Department is to address community problems in the surrounding regions. Demonstrations, the media, NGOs, and one-on-one shuttle diplomacy are effective means of resolving conflicts when they arise. All concerns submitted to the corporation by irate key stakeholders are handled by the Grievance and Complaints division. The Community Trust Fund (CTF), the Community Forum

⁸⁰⁴Poncian, J. & Kigodi, H.M. Natural Resource Conflicts as a Struggle for Space: The Case of Mining in Tanzania. (International and Multidisciplinary Journal of Social Sciences, 4(3), 2015), pp. 271-292. doi: 10.17583/rimcis.2015.1773

⁸⁰⁵Crook, R.C.; Asante, K. and Brobbey, V. Popular concepts of justice and fairness in Ghana: testing the legitimacy of new or hybrid forms of state justice, Working Paper 14, London: Africa Power and Politics Programme, 2010, cited <http://www.institutions-africa.org/filestream/20101026-appworking-paper-14-crook-et-al-popular-concepts-of-justice-fairness-in-ghana-oct>

(CF), and other mechanisms have also been established. Sadly, none of these tactics addressed the issues that are undermining community values and livelihood stability. This encompasses challenges related to structural values including respect, discrimination, economic needs, religious needs, and supporting the continuation of their existence. The youth were the worst hit, and since 1992, when surface mining was introduced, many children who had been involved in illegal mining with the help of political party financiers whose actions constituted a security risk to their operation have been forced to drop out of school. The youth in the gold mining communities such as Obuasi use illegal mining as a peace-building mechanism since it directly responds to their livelihood needs, among others. The colonial government on the Gold Coast passed legislation to regulate mining and dredging activities in the colony's rivers. Examining licenses before operations was a systematic approach for sustainable peace but excluded the indigenous Africans. Increased mining has resulted in serious human rights violations in communities living in and around mining concessions.



CHAPTER SEVEN: CONCLUSIONS

7.1 Introduction

Although, the study explores how mining activities affect the quality of life in local communities in Obuasi, it examines the period from 1890 to 2014. The study considers the social justice systems used in the process of establishing peace by juxtaposing the Akan peace-building process with Western approaches to peace-building in the Obuasi mining communities. It investigates the forms of relationships that existed in mining communities in terms of land use, natural heritage, and Akan values before the imposition of Colonial Ordinances to regulate the same local social structure. The misunderstanding of the people's religion led the colonials to make legal decisions that led to conflicts. Therefore, if the colonials had understood the religion of the people, they would not have made legal impositions that resulted in mining conflicts. Hence, the source of conflicts was a religious misunderstanding of the indigenous people. The effort to mitigate this social injustice, vulnerabilities, and associated conflict to ensure co-existence between the mines and the community led to the peace-building system, *funtumfunafunu-dɛnkyɛm-funafunu*, or *funtum* (middle relationship), which is central to the study. Given that mining activities took place in African rural areas and thus encouraged migration, *funtum*, therefore, stands as a symbol for unity in diversity, which implies that one's essence and existence are in the relational middle or central relationship. The mining communities have adopted the idea as their social relations and communication mechanism, and have recognized, acknowledged, and understood the *funtum* concept as a peace-building mechanism in the Obuasi community until surface mining took place in Obuasi. AGC Ltd uses the *funtum* concept as the company's symbol and trade mark while the locals included the symbol in their daily forms of mediative communication in their interaction.

7.2 General Findings: Universal and the Local

On the whole, Akan pre-colonial mining communities were found to be guided by respect for the land, water bodies, the environment, and fellow human beings, among others, which was understood more relationally. The study identified livelihood as a type of religious duty that requires every member of society to be accountable for and respect the use of land. In the pre-colonial era, the state's socio-economic security was built around the work one did to serve the general society. Survival (livelihood) was based on the obligation of land use by parties. The parties considered other people's economic activities as central to the communal bond as far as these people's relationship with the land was concerned. This implies a reciprocal relationship.

The colonial authorities were concerned with the administration of justice centred on economics. The community's concerns, on the other hand, were about their religious obligations to the land. The colonial authorities were concerned with the administration of justice centred on economics because this economic motive fed into the agenda of the Berlin conference of 1884/5. These economic motives in the Obuasi region were demonstrated through the Adansi Treaty of 1874, the capture and exile of Prempeh I in 1896, which was followed by AGC's concession of 1897, the railway construction from Takoradi to Obuasi in 1902, and the Ashanti Concession Ordinance of 1905, which banned indigenous Adansi people completely from mining and prospecting. At face value, these laws and projects appear to be political, but their motives were inherently economic. The indigenous community, on the other hand, was concerned with their religious obligations to the land. These obligations are reflected in their approach to dealing with the land. For instance, one cannot enter the land or mine the land without first consulting the chief, who holds the land in trust for the ancestors, the living, and the unborn generations. The concept of *nsatuo* emanated from this practice. The notion of *nsatuo* is not necessarily a price for

the land but a symbol indicating sacrifice and pacification of the land for use as a religious ritual. The colonial mining system, though it prevented the indigenous people from mining through its several imposed ordinances, had little effect on the local people's livelihood during the pre-colonial and colonial periods. During the pre-colonial and colonial periods, mining operations were far from the communities' land for farming, and thus there were no conflicts. Besides, the local population was too small compared to the land they occupied. Limitations on clashes were assured in both pre-colonial and colonial Obuasi mining communities. The indigenous communities valued some of their sayings that *y&di ah&ho& na &kyekyere &man anaa kro*⁸⁰⁶ and "*nsamanfo& mpo se, w&pe &dodo& enye y&en ateasifu&*⁸⁰⁷ made their relationship with the mines accommodating to the miners, a situation to avoid conflict and little influence, even when it was against their livelihood.

The post-colonial livelihood of the mining communities affected the people's security and development. More importantly, the study identified Ghana's last four Republics as the worst periods of livelihood access, generating social injustice and conflict in the socio-legal mining history of Ghana. The post-colonial legal framework or structure on mining widened the gap of discrimination and exclusion of the indigenous community because it encouraged the demand for larger land space for mining due to mining technology; migration and increase in the local population; unregulated mining policies after indigenous exemption for 86 years (1903–1989) in mining activities;⁸⁰⁸ vague road maps and policy framework to guide small-scale mining;

⁸⁰⁶This is an Akan language, which means migrants or strangers are the bedrock of a town or kingdom. This registered the form of relationship with strangers, according to them, to be cordial to mitigate confrontation in an unfriendly manner

⁸⁰⁷This is an Akan language, which means the dead claim for need more people, but the living needs more than enough

⁸⁰⁸The archival data on the Ashanti Concession Ordinance of 1904 put a complete ban on the indigenous Obuasi people from mining and prospecting for gold. The Mercury Ordinance in 1905 also followed suit, which placed limitations even on the indigenous people's processing of gold. This had been enforced until 1989, when the Small-Scale Gold Mining Law (PNDC 218) accepted local people's participation in artisanal small-scale mining and prospecting.

political polarization; and the advantage of individual greedy political party financiers, using the vulnerable youth from the community to achieve their parochial interests. The exploitation of traditional institutions by miners and state institutions, among others, without regard to the plight of community members had a direct impact on the community's livelihood and security, both positively and negatively. The positive effects of these were urbanization, increased population due to migration, the emergence of new settlements, the creation of improved transportation and health systems, and a boosted economy. The reverse effects of these were social injustice and protracted forms of conflict in Obuasi communities.

The AGC's 1897 concession in Obuasi, which was a deliberate attempt to conceal non-existent and a purported 1890 allocation document lacking a measure of 100sqm. meter of land, was founded on the problems of social injustice and conflict. It is the father of all mining regulations in Ghana within the study period. Although it was designed with social injustice and conflict in mind, it also evolved into a peace-building strategy in Obuasi. Again, the study observed that no concession existed in the Obuasi mining community until 1897 when the British imposed an obnoxious one on the community. The so-called mining concession of June 3, 1897 by the British was a concocted or fictitious document to exploit the community as part of the British colonial enterprise to take over economic activity in Asante Territory. It was a clear form of domination and exploitation, which needs reparation for the community. The local community's attachment to the land for peaceful co-existence was disrespected. The work also revealed that the transfer of concessions and lands by the three *Mfantse* entrepreneurs to the British was unjust because the same Fante resisted the attempts by the British to take over unused lands late in the same year as the Gold Coast Colonial lands in the Fante areas. The indigenous people who were already mining before the arrival of the British were also discriminated against and excluded

from their ability to survive as miners due to some mining ordinances. This laid the foundation for the obnoxious mining rules. Unfortunately, the changes only affect civil and political rights; nothing has been done on social, economic, or cultural rights, which are the basic foundation of conflict in many mining communities.

The study observed a conceptual usage of the variable like social justice differently from the miner's world-view of the same notion. The community perceives social justice as a generally accepted social norm that is served by the responsibility of individuals for the common good of the general society in a ritualistic manner. The mining company also perceived social justice as a form of resource distribution and redistribution in a procedural manner with the needed stakeholders (parties) that matter. The procedural forms refer to the legal processes or means like ordinances, policies, and laws on mining that the colonial regime enacted to regulate mining activities. The post-colonial state inherited these procedures. These procedural approaches were not abandoned by the post-colonial state. The redistribution of resources was done via royalties, where a percentage goes to the paramount chiefs and the people in the community as a form of recognition.

This varying conceptual understanding often times generates conflict between the mines and the communities. For example, until 2008, all building permits were signed by the AGA in Obuasi land because of their understanding of the concept of social justice in ownership, claiming openly to the indigenous communities' members that they were illegal squatters. The mining company alleged that it has the right to land ownership through purchase. However, the community views this claim as unjust because they were excluded from the processes leading to the so-called lease of the land to the mining company. The mining communities did little to

promote and protect their basic rights for survival in the early (colonial and post-colonial) periods until 1992 when AGC mining technology of deep mining gave way to surface mining that demanded large stretches of land from the company.

The study's investigation shows that African concepts of peace-building aim to mend broken relationships and restore and strengthen positive relationships among their community members, and this was reflected in the case of Obuasi. For example, the *Gacaca* courts (little courts) in Rwanda, *Ukuzidla* in South Africa, the *Kotgla* in Botswana, and *Mato Oput* (drinking the bitter root) in Northern Uganda are examples of African local conflict transformation and peace-building structures. The mitigation of social injustice and conflict in Obuasi mining communities was done through their indigenous peace-building structures such as *ntam*, *dwantoa*, and apology, which were important in pre-colonial, colonial, and post-colonial peace-building systems. The other indigenous religious mechanism from the study was the use of "*strategic silence*" as a peace-building mechanism. "*Duabɔ*" is also followed by other empathic and mediative communication through *proverbs* that bridge human differences. According to the findings, the indigenous conflict resolution structures found *duabɔ* and silence to be the most appropriate methods. They often conformed to the people's realities of justice, based on "*acceptable truth*" and final execution was also done by the "*spiritual vigilantes*"⁸⁰⁹ within the study period. Furthermore, judgment cannot be manipulated by any human, and silence, at times, has the potential to break the cycle of vengeance and increase respect for community values. Since speaking the vernacular (*Twi language*) in the Obuasi community in the early 2000s was classified as uncivilized but speaking the English language was given a justified social tag as being modern, many people in Obuasi have stopped speaking *Twi* and this has gravely affected

⁸⁰⁹ It is invisible spiritual forces who are believed to executive social justice as evidence in ancestors, ecological power and other existing power in Akan reality.

the social values such as *proverbs* in their communicative mediation processes. The use of *proverbs* has become the least peaceful peace-building method and could affect future peace-building processes in the area. Traditional arbitration, which involves the use of natural objects, promotes long-term mining peace by collaborating in more hybrid legal and logical processes to ensure mining co-existence. The reality of the people relating to natural resources like gold had its approach to de-escalation of conflict since the monitors of this approach used "*spiritual vigilante*."

The study has shown a clear form of social injustice and conflict that influences peace-building systems. The indigenous mining community had some form of structured mitigation factors which helped reduce the extent of the escalation of violence. Again, the mining company and the state bring out the effort of conflict resolution through the outcome of community-based Dispute Settlement Institutions (DSIs), which are frequently peaceful because they follow the indigenous peace-building mediation system. Furthermore, all mining complaints sent to the Grievance and Complaints Office come from community members who have been wronged. Demonstrations, the media, NGOs, and one-on-one shuttle diplomacy are effective means of resolving conflicts when they arise. The Fourth Republican Democratic Structure of Ghana should be approached with caution because the legal framework has excluded the majority of youth and women's groups in mining communities. In addition, economic hardship and the loss of indigenous knowledge structures because of Western dominant education as well as disrespect for the relational middle lead to tensions and conflict.

Generally, the youth do not have direct access to land ownership and they are mostly affected in terms of their livelihood. They are often attracted by the local greedy and self-seeking political

capitalists who engage in an illegal enterprise, which could negatively affect the general security of Obuasi. The traditional authority who had been given the contract to sew overall jackets for the factory workers of AGA used his position to employ outsiders instead of their locals.⁸¹⁰ Second, there was a policy of chiefs signing employment forms, which was used to exploit outsiders while excluding locals from employment.⁸¹¹ In addition, local capitalists also exploited the agitation for social justice to their advantage.⁸¹² Lastly, the political financiers supported the youth in 2014 to invade the mining site, leading to the collapse of AGC.⁸¹³

7.3 Contribution of the study to the literature

This thesis contributes to the literature on the social and legal history of mining in Ghana. It has been clearly established in existing literature that social injustice in mining communities is unfair treatment and assures of distribution and disrespect for the communal structure. But this study further adds another layer to this observation, which is that social injustice in mining communities is also a form of untruth, human structural manipulation, and disregard for people's trusted religious rituals in the mining communities. Also, it is about the seismic Western World's imposition of colonial mining ordinances and policy structures that clashed with indigenous world-view of resource allocation for communal benefits through sacred truth in communal mores. The issue of traditional authorities owning land while the state owns minerals, for example, is incompatible with checks and balances and the local people's lived reality which is supervised by their ancestors. Thus, allodial ownership of land in Akan lived reality seeks to ensure African humanity's socio-economic rights and land allocation in a more respectable manner through the religious practice of "*nsatuo ritual*" that land was given by the autonomous

⁸¹⁰ Sanso Catholic Church Focus Group Discussion of the eight female residents on

⁸¹¹ Anwiam mixed Focus Group Discussion with both male and female participants

⁸¹² Anwiam mixed Focus Group Discussion with both male and female participants

⁸¹³ Interview with Hon, Benjamin Annan, Former Assemblyman of Sanso at Obuasi Social Clubhouse on 17/10/2020.

owners (who are represented by the chief, who is merely a caretaker) and witnessed by the ancestors. It is for this reason that land ownership is for the living, the dead, and the unborn, as had been vehemently argued by Busia and supported by Nana Sir Ofori Atta.⁸¹⁴ Unfortunately, capitalism's post-colonial democratic tenets on land commodification and land governance structure are inextricably linked and have negatively affected poor farmers' livelihoods in mining communities.

Secondly, the study critiques the Western form of peace-building as a procedural structure that makes peace an utopia. The study thus observes that peace in the mining communities in Obuasi for instance, and particularly among the Akans is an object which can be experienced. And this is reflected in Akan peace expressions such as *asomdwee*, *abotoyam* etc Social injustice and conflict are mere destructions of that object. The object of peace could be attained when best measures using the supernatural approach rather than a set rule by human structures. The study points out that the best measures to ensure sustainable peace are not in prevention, management, resolution, and building sustainable peace, but in a conscious effort to consult the spiritual world through religious rituals.

Akan realities during the pre-colonial period made religion the centre which determined the economic, social, political, and psychological needs of the people. The implementation of the 1897 AGC Mining Concession was the foundation of social injustice and conflict, and peace-building in Ghana at the same. However, little social injustice and conflict were experienced in pre-colonial and colonial times until 1989 when small-scale artisanal mining regulations

⁸¹⁴Nana Akwasi Prempeh, David Akubila, and Kwaku Obeng Mireku, *The Asante Lands: A Practical Guide to Stool Land Acquisition and Documentation*, Sedesel Publication, Madina, 2021,

followed up with the changes in mining technology from deep mining to surface mining creating a high demand for land that competed local land uses for farming purposes.

The contribution to the conflict in literature from the studies explained an incompatibility of goals experienced as a result of one position, interest, and need.⁸¹⁵ The study reveals that conflict is about the social construction perceived by a person or group of people acting in their social values comparable through actions that could be immediately attended to ensure social cohesion.

Lastly, the study adds to the literature on peace-building as a form of social control mechanism which is understandable and acceptable to be truthful and acceptable by all in hybridized structure in the literature been further explained.⁸¹⁶ Crook adds that the system should be done in an environment of truth and an acceptable manner. This thesis has clearly shown that peace-building is a like manner in truth and acceptable process in mining communities with respect for community world-view.

7.4 Implications for Future Research and Policy Directions

This study is a socio-legal mining history that highlights the legal framework, social disruptions, and anthropological and historical discussions on land, which have generated a structure of violence in the mining community of Obuasi. The primary data gathered, primarily from archives, emphasizes the exploitation by European businessmen while neglecting the role of local entrepreneurs who were engaged in trade and mining before the AGC concession. This study recommends that comprehensive research be conducted on early local mining businessmen in Adansi and how their activities improved their livelihoods and social welfare.

⁸¹⁵ Coser, Rose Laub. "A home away from home." *Social Problems* 4, no. 1 (1956), pp. 3-17

⁸¹⁶ Crook, R. A. Popular concepts of justice and fairness in Ghana: testing the legitimacy of new hybrid forms of state justice, Working Paper 14. Africa Power and Politics Programme. (London, 2010)
p. 17

Furthermore, there is a recommendation for interdisciplinary approaches to African studies, which would emphasize indigenous concepts that reflect the lived realities of the people. These approaches are essential for peace-building in local mining communities. In comparison to indigenous methods of land management, the study advocates for more holistic techniques that address mining operations, including colonial structures such as ordinances and legal frameworks. The research strongly criticizes the mining legal framework for disregarding the obligation to manage land for ancestors, the living, and future generations instead of considering the interests of all stakeholders. It highlights how the development of host communities has been negatively impacted by the long-term presence of multinational companies.

The study focuses on the socio-legal history of mining and the resulting social inequalities in mining towns, drawing attention to the unequal treatment of local populations, the disdain for social institutions, and the disregard for religious customs. It recommends reforms to mining policies and legal frameworks in these communities, taking into account ancestral, living, and future generational needs. Adequate compensation should be provided to mitigate the impact of surface mining on these communities. Additionally, the current mining royalties, which are set at no more than 5%, should be increased to 60%, with 50% of this allocated to the community's social welfare to meet its socio-economic needs.

Focusing on Obuasi's mining villages, particularly those inhabited by the Akan people, the study critiques Western peace-building approaches as unrealistic. It suggests that social injustice and violence are often seen as destructive, whereas peace is understood as a lived experience. Consulting the spiritual realm through religious rituals is proposed as a more effective way to achieve lasting peace than traditional management, conflict prevention, or resolution strategies.

Religion had a significant impact on the pre-colonial social, political, economic, and psychological beliefs of the community. Conflict and socio-economic inequality in Ghana can be traced to the 1897 AGC Mining Concession, which has served as a foundation for mining laws in Ghana. The prolonged structural violence, as argued by Galtung, has had spillover environmental effects. The 1989 regulations on small-scale artisanal mining increased the demand for land and triggered violence due to the indigenous people's long absence from mining activities. This has led to greed, selfishness, and an uncontrollable search for minerals, resulting in environmental destruction.

I recommend further detailed studies on the 1989 law and its direct influence on the politics of local people's world-views. This research contributes to the existing literature by defining conflict as a social construct arising from individuals' needs, interests, and positions. It emphasizes the importance of fostering peace as a reasonable, respectful, and effective tool for social control. The study underscores the need to implement peace-building strategies in a way that is both acceptable and respectful to the community's world-view, using a hybridized framework.



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