

Original article

Local perspectives on human rights abuses within Ghana's extractive industries

Francis Xavier D. Tuokuu^{a,*}, Uwafiokun Idemudia^b, Raymond A. Atuguba^c^a Senior Advisor, Mercy Corps, Washington, D.C., United States^b Dean, College of Social and Applied Human Sciences, University of Guelph, Canada^c Dean, University of Ghana School of Law, Legon, Ghana

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ABSTRACT

This paper uses local communities' experiences and perceptions of human rights violations to examine the United Nation's (UN's) "Protect, Respect and Remedy"(PRR) Framework for Business and Human Rights in Ghana's extractive industries. Through a combination of semi-structured interviews and focus group discussions with key actors, the research reveals that awareness of the PRR framework in local communities is low, and the extent to which the framework has resulted in better human rights outcomes for community members in extractive sites remains limited. By presenting empirical evidence of human rights violations in both the oil and gas, and the mining communities in Ghana's Western region, the study underscores the urgent need for a comprehensive action to address systemic challenges driving human rights violations, and the need to safeguard the rights and well-being of vulnerable populations affected by natural resources extraction. The article concludes by considering the theoretical and policy implications of its findings and proposes possible strategies to limit human rights abuses within the extractive industries in developing countries.

1. Introduction

Incidences of human rights violations associated with the extractive industries in Africa have largely driven corporations to institute Corporate Social Responsibility (CSR) strategies meant to secure their social license to operate and allow them to contribute to sustainable development in host communities. A key part of this push for sustainable mining is the concern for how mining companies respect human rights, undertake human rights due diligence practices, and support corporate-based non-judicial access to remedies for stakeholders whose rights have been violated (Mcphail and Adams, 2016). Unfortunately, while the complex and evolving nature of the relationship between resource extraction and human rights has previously been conceptually analyzed, rigorous empirical analysis based on community perceptions remains relatively limited (Deva et al., 2019). As such, Idemudia et al. (2020) have argued that, while the global norms (e.g. United Nations (UN) Guiding Principles for Business and Human Rights) meant to guide corporate environmental human rights conducts have steadily improved, we still know very little about the extent to which business-related human rights infringements have as a result reduced. For example, we still do not know the extent to which the PRR

framework meant to secure human rights within the extractive industries in Ghana is understood by local stakeholders (Idemudia, 2007; Idemudia, et al., 2020). Indeed, while some studies such as Mohammed et al. (2022a), and Mohammed et al. (2022b) have examined the gap between Ghanaians' expectations during the oil discovery and the reality of post- oil discovery, and the implementation of the Voluntary Principles on Security and Human Rights (VPSHR), the human rights impacts and potential abuses within the sector is yet to be adequately analyzed (Kwakyewah and Idemudia, 2017; Idemudia et al., 2022).

Besides, while there continue to be debates about the nature and scope of human rights obligations of multinational corporations (see Arnold, 2016; Hsieh, 2017), the United Nations Global Compact was clear on the need for businesses to support and respect human rights by making sure their activities are free of human rights abuses (Arkani and Theobald, 2005). As such, there is now the expectation that business has both a negative duty to avoid human rights violations and positive duties to help protect victims from, and remedy, violations by others (Santoro, 2015). Yet, based on extensive analysis of the literature, Aaronson and Higham (2013, p.33) have argued that "firms are still not ready to be safe rather than sorry." The implication is that there seems to be a disjuncture between global norms that require businesses to respect

* Corresponding author.

E-mail addresses: ftuokuu@mercy Corps.org (F.X.D. Tuokuu), uidemudi@uoguelph.ca (U. Idemudia), ratuguba@ug.edu.gh (R.A. Atuguba).<https://doi.org/10.1016/j.exis.2025.101632>

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human rights and their actual ability to do so in practice. As a result, The UN Special Representative of the Secretary-General on Business and Human Rights proposed the "protect, respect and remedy framework" to clarify the role of states and businesses regarding human rights. The core principles of this framework are corporate responsibility or accountability to respect human rights; states' duty to protect against human rights abuses by third parties, including business; and the need for more effective access to remedies (Ruggie, 2008, p.4). However, limited efforts have so far been directed at examining the relevance and usefulness of the PRR framework from the perspective of those who are meant to be a principal beneficiary of the framework. Consequently, the aim of this study is to:

1. Explore how local actors understand the PRR framework and its relationship to human rights violations within Ghana's extractive industries.
2. Examine the nature of human rights abuses within the extractive industries in Ghana, and
3. Consider the theoretical and policy implications of our findings for dealing with human rights abuses within the extractive industries.

Following the introduction, section 2 discusses the UN's "protect, respect, and remedy" framework, which serves as the analytical frame of the study. In Section 3, we discuss the nature of the study area, and the methodology employed for data collection and analysis. In Section 4, we present our findings and examined the emerging issues. We present the discussion in Section 5. We then conclude the study in Section 6 with possible avenues for future research.

2. Analytical frame

2.1. The UN "Protect, Respect and Remedy" framework for business and human rights

The UN and other international organizations, over the years, have advocated for a human rights regime to protect individuals and communities against abuses. Indeed, the debates on business and human rights gained more attention in the 1990s following the acceleration of globalization and trade liberalization (Ruggie, 2008). As markets expanded, so did governance gaps with significant ramifications for human and environmental rights across the globe. The need to put in place an effective and efficient measures to protect the rights of individuals and communities became necessary, and hence, the emergence of the United Nations Business and Human Rights framework. This paper adopts the UN "Protect, Respect and Remedy" framework for business and human rights as its analytical frame to understand the nature and pattern of human rights abuses within the extractive industries in Ghana from the perspectives of local actors.

According to Backer (2012), the framework was developed in 2008 to reorient how the political, economic, and social governance orders work together. Consequently, while the framework advocates that the State adds human rights norms to its national legal orders, businesses are to ensure the implementation of globalized norms to protect the rights of citizens and communities. As noted by Idemudia et al. (2020, p.2), governance gaps created due to failure by the state "can incentivize other actors like multinational corporations and NGOs to work either collaboratively or on their own to provide public goods."

The human rights framework is a set of three interlinked pillars with each pillar focusing on the role of the state, businesses and the intersections of the state, business, and non-governmental organizations (NGOs) (Backer, 2012). According to Ruggie (2008), governance failure is a core driver of business-related human rights violations especially in developing countries. This is partly because the actions of the individuals, the state, or the firms are often constrained by competition (Ruggie, 2008). To assist the three 'actors' (business, NGOs, and the state) deal with these misalignments and ensure human rights

protection, the PRR framework was developed (Ruggie, 2008). Firstly, the PRR framework suggests that it is the duty of the state to enforce the law to ensure that human rights abuses by businesses or third parties are eliminated using appropriate policies, regulations, and adjudication. Therefore, where abuses associated with businesses or third parties occur, it is the duty of the state to investigate and punish such abuses (United Nations (2011). Secondly, corporations have both the moral and legal duty to conform to global norms and principles by undertaking due diligence, and it is the responsibility of the state to introduce laws that will require corporations to respect human rights. Thirdly, it is the duty of the state and the responsibility of corporations to ensure the effective implementation of the law, as well as ensure that there is access to both judicial and non-judicial remedies for victims.

However, in most developing countries, including Ghana, the state usually lacks sufficient capacity to effectively implement existing laws and policies (Tuokuu et al., 2018. Idemudia et al., 2020). Even if they do, they often relax the rules to attract foreign direct investment. Therefore, some businesses have been known to have capitalize on this limited state capacity to abuse the rights of their host communities. These kind of situations partly explains why the PRR framework makes it a baseline responsibility for businesses to respect human rights as well as obey the national laws of their host countries (Ruggie, 2008).

Although the framework has been criticized for its vulnerability and inadequate attention to differences in contexts and norms in different countries, it remains relevant as it presents an innovative approach to closing the governance gaps that drives incidences of business-related human rights abuses (Ruggie, 2008; Backer, 2012). Besides, the UN framework is not just popular, but it has also been widely accepted across various jurisdictions. However, while the framework assigns to states the responsibility to protect against human rights abuses by third parties, and businesses are expected to respect human rights via due diligence, to the best of our knowledge, we do not know of any effort to empirically examine the PRR framework from the experiences and perceptions of stakeholders on the ground in developing countries.

3. Study area and methodology

3.1. Study area

The Western region is in the South-western corner of Ghana, with its capital as Sekondi-Takoradi. It is the wettest part of the country with an average rainfall of 1,600 mm per annum. The region is bounded by the Central region on the east, Ivory Coast, and part of the Western-North region to the west, Western-North region to the north, and to the south by the Gulf of Guinea. The region has 13 Metropolitan, Municipal, and District Assemblies that includes both the Sekondi-Takoradi Metropolitan and Tarkwa-Nsuaem Municipality. Fig. 1 presents a map of the Western region indicating the study communities.

Agricultural activities such as farming, fishing, and livestock rearing play a very important role in the region. The region is also a leader in the production of cocoa, rubber, oil palm, timber, and wood. However, "the industrial sector is fast gaining ground as an alternative source of economic activity in the region" (Ackah et al., 2019, p.348). The region is rich in oil and gas resources and has most of the country's mineral wealth, such as gold, bauxite, manganese, and diamonds. This study was conducted in two oil producing communities namely New Takoradi and Sekondi in the Sekondi-Takoradi Metropolitan and two gold mining communities namely Iduapriem and Teberibie in the Tarkwa-Nsuaem Municipality.

New Takoradi and Sekondi were chosen for the study due to the significant impact of oil and gas extraction on the livelihoods of these communities. These towns located near key extraction sites, have experienced various social and economic changes because of the industries' operations. The effects on local livelihoods, particularly in sectors like fishing and small-scale commerce, made them critical areas for understanding the broader implications of oil and gas development

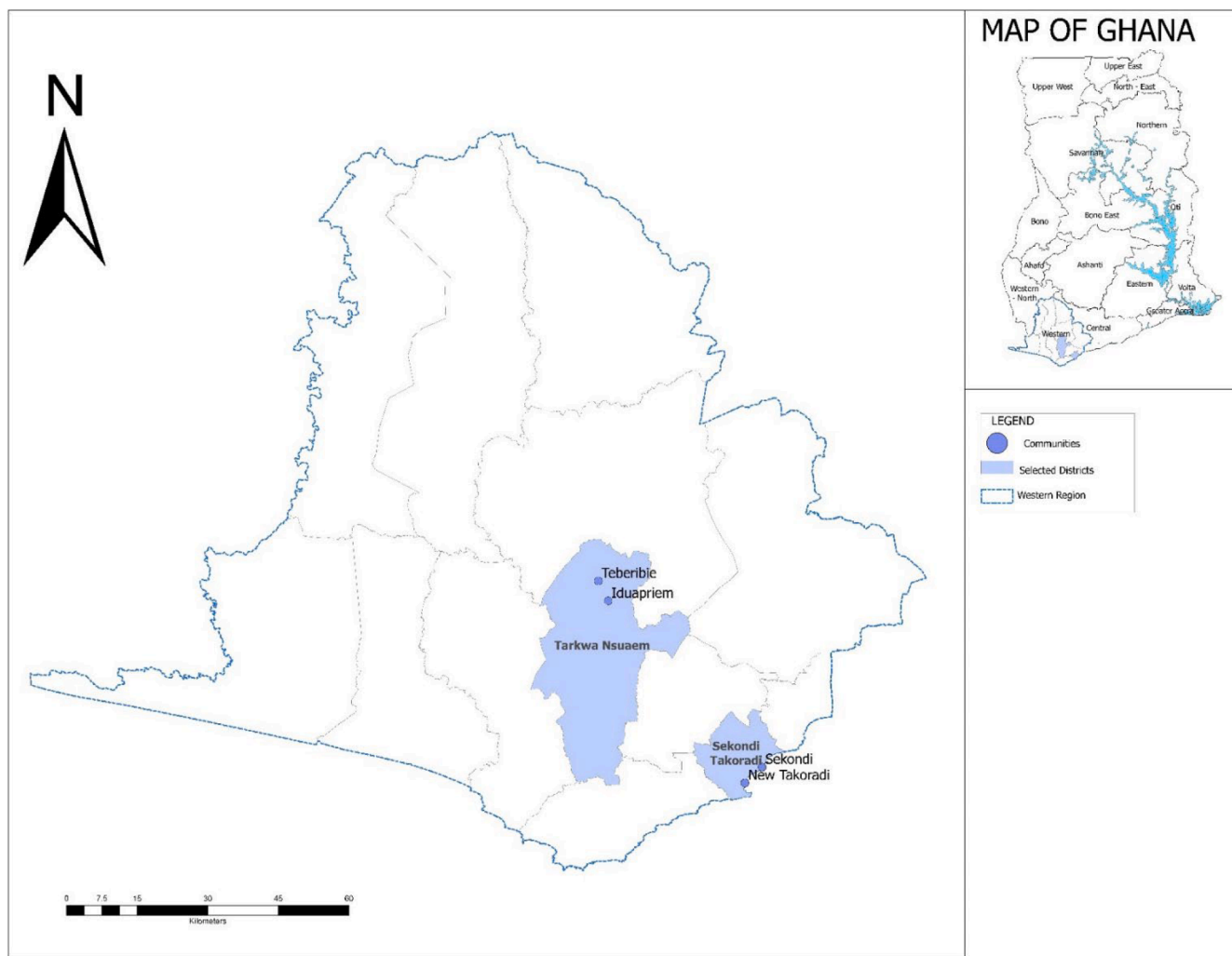


Fig. 1. Map of the Western Region of Ghana showing the study communities. Source: (Authors own map, 2024).

on community well-being.

Similarly, Iduapriem and Teberibie in the Tarkwa-Nsuaem Municipality were selected because of their rich mineral resources. The municipality has a gold mining history spanning over a century and has the highest concentration of mining activities within a single district in sub-Saharan Africa. Many major mining corporations operate in this region, contributing to various socio-economic and environmental challenges (Akabzaa, 2009). These issues include resettlement problems, which have led to tensions and clashes between the mining companies and the local communities (Tuokuu et al., 2018).

3.2. Methodology

This study adopts a qualitative research methodology for both data collection and analysis. According to Creswell (1994, p. 2), qualitative research design is "an inquiry process of understanding a social or human problem, based on building a complex, holistic picture, formed with words, reporting detailed views of informants and conducted in a natural setting." Given that this study sought to explore the perspectives of diverse local stakeholders within Ghana's extractive sector, we found qualitative research methods as a suitable methodology for conducting the study.

The collection of qualitative data was done through semi-structured interviews and focus group discussions as they allow for flexibility and the emergence of new ideas (Parr, 2015). In both New Takoradi and

Sekondi, a total of 23 semi-structured individual interviews and 4 focus group discussions (FGD) were conducted in English and Twi (Ghanaian local language), lasting between 30 and 60 mins. Only one interview with an official of the National Petroleum Authority (NPA) was conducted in Accra because that is where the Head Office is located. Also, each FGD consisted of 6 members. In all, 24 people took part in the FGD. For a detailed list of interviewees, see Table 1 below.

Table 1
List of Interviewees within the oil and gas sector.

Participant / participating organization	Sample size
Friends of the Nation (NGO)	2
Assembly Women/Men	2
Commission on Human Rights and Administrative Justice (CHRAJ)	1
Traditional Authority (Local Chiefs)	2
Chief Fishermen	2
Fishermen	6
Fish Trader	1
Youth Group Leader	1
Women Group Leader	1
Leading Oil Company	1
Journalists	2
National Petroleum Authority (NPA)	1
Independent Consultant	1
Total	23

Source: Authors' own table, 2020.

We adopted purposive sampling strategy to select participants for the interviews so as to obtain the specific information we were looking for. As noted by Tuokuu et al. (2018, p. 439), “With purposive sampling, participants usually have in-depth and detailed knowledge on the topic under investigation.” For the FGD, participants were selected with the assistance of key informants (local leaders and opinion leaders) in the study communities. According to Lunt and Livingstone (1996), a focus group is described as a microcosm of ‘the thinking society’, “where social norms and underlying processes are revealed and shaped by debate and argument” (also, see Tuokuu et al., 2018, p.439).

On the other hand, 16 semi-structured interviews were conducted within the Tarkwa-Nsuem Municipality, specifically in Teberibie and Iduapriem involving different stakeholders (see Table 2 for the full list of interviewees). Also, one focus group discussion was conducted in each of the two communities involving eight (8) artisanal miners and six (6) farmers, women, and other community members. In all, 14 people took part in the FGD in the two mining communities, with English and Twi used as the medium of communication, lasting between 30 and 60 mins. In contrast to the oil and gas communities, where participants were readily available and willing to engage in the study, it was challenging to recruit participants from the mining communities. That explains why fewer people took part in the FGDs in the mining communities compared to the oil and gas areas.

An interview guide was used to conduct the interviews. This is because the use of an interview guide allowed for all the participants to be asked a common set of questions about the institutional context in Ghana, as well as gain insights into community members’ expectations and experiences about the human rights conduct of businesses in their communities. Where there seemed to be inconsistency or ambiguity during interviews, different participants who were not originally part of the study were approached for interviews to provide further information that could help clarify or confirm any major claims. With the consent of participants, audio-recorders were used to record the interviews. These interviews were then transcribed verbatim. In terms of data analysis, the transcripts were carefully read from beginning to end to familiarise ourselves with the data (Wolcott, 1994). Subsequently, the transcripts were re-read a second time for open coding and first-order analysis (Gioia, Corley and Hamilton, 2013). Thus, the data analysis process involved the identification and coding of themes, followed by the grouping of codes into related themes or concepts (Bazeley and Richards, 2000). Throughout this process, the relationship between the different emerging themes that were established, and corresponding quotes were matched with the identified categories. The study had the approval of York University’s Institutional Review Board. The data collection for this study took place between March 2020 and October 2020.

4. Results and emerging issues

4.1. Understanding human rights under the UN framework

Our findings suggest that there seems to be a shared understanding of what constitutes human rights among the various local stakeholders in

Table 2
List of Interviewees within the mining sector.

Participant / participating organization	Sample size
Environmental Protection Agency (EPA) (Field Inspector)	1
Community Leaders (Unit Committee Members)	2
Commission on Human Rights and Administrative Justice (CHRAJ)	1
Farmers	10
Youth Group Leaders	1
Leading Mining Company	0
Small-scale Mining Company (Supervisor)	1
Total	16

Source: Authors’ own table, 2020.

the sector. We also sought to examine whether and how elements of the UN’s “protect, respect, and remedy” framework for business and human rights manifest in the discourses of local stakeholders. The subsequent sub-sections offer a detailed exploration of these perspectives.

4.1.2. Community perspectives on human rights

For mining companies to co-exist peacefully with host communities, the rights of the people must be respected. These rights include civil and political rights as well as cultural rights, economic rights, and political rights. During a focus group discussion with small-scale artisanal miners, one participant defined human rights as: “...the freedom that allows human beings to go about their daily activities without any fear or intimidation” (FGD, Tarkwa, March 2020). Perhaps, this definition was informed by the presence of the military in some communities, in an attempt by the government to end illegal mining, which led to the loss of livelihoods in mining communities (see, for example, Tuokuu et al., 2020). With the loss of many livelihoods, the people believed their rights were infringed upon. For instance, when asked whether the presence of the military and other security forces affects their fundamental human rights, one participant noted that: “...they worry the fishermen by seizing their fish catch and sometimes, they beat us up as well” (Interview, Fisherman in New Takoradi, March 27, 2020). Consistent with the above quote, another participant observed:

The Navy are the ones involved in this destruction. Sometimes we have to go to the office and if it is the Navy who seized our nets, then they give us back our nets. They usually don’t take money before giving us back our nets. They will tell us our fishing nets were getting closer to the oil mining sites so they seized our nets, so it doesn’t spoil their machines (Interview, Chief Fisherman, Sekondi, March 24, 2020).

While the discovery of oil in 2007 and subsequent production in 2010 brought some hope of development to the populace (Tuokuu and Kuusaana, 2015; Ackah et al., 2019; Idemudia, 2017), it also came with untold hardships and human rights abuses. During our fieldwork, one participant noted:

The discovery of oil on our seas and the emergence of these oil and gas companies have brought worry to us and destroyed our fishing business, which used to be very lucrative. The oil drives the fish further from our shores and makes it difficult for us to fish. The government, on the other hand, must ensure we enjoy some percentage from the companies, but we haven’t received or heard anything. These are what sometimes leads to the conflict between us (Interview, Fisherman, Sekondi, March 24, 2020).

Most interviewees noted that the activities of oil and gas companies in the area have adversely affected their business badly, leading to financial loss. According to them, the companies must be willing to pay compensation for the human rights abuses related to their operation to ameliorate the sufferings of the people and enhance healthy relationships between the community and the companies. This suggests that community members expect remedies for human rights abuses from extractive companies’ operations within their community as part of any effort to build positive stakeholder relationships. This expectation seems to be consistent with the goals of the remedy pillar of the PRR framework.

4.1.3. Government perspectives on human rights

The Government’s responsibility is to ensure that policies and laws formulated to protect the rights of the citizens are adhered to. The implication is that government agencies who are to enforce the law should understand the law. While some officials from government agencies demonstrated a good understanding of the PRR framework, others did not. During our fieldwork, one official noted:

My understanding of human rights is the rights of the people. They should have the right to live as well as the company (Interview, Environmental Protection Agency, Tarkwa, April 1, 2020).

This quote suggests that although people have the right to live, businesses also have the right to thrive in a community. This interviewee thinks the community also has a role to play, even though they sometimes abuse the privileges that come with the right to remedy, by lodging complaints that are nonexistent. In an interview with an official of the Commission on Human Rights and Administrative Justice (CHRAJ), the main state agency mandated by law to protect the rights of the citizens, he noted that human rights abuse such as water pollution and destruction of farmlands were quite common in the past, but that this issue is now gradually becoming a thing of the past. According to him:

There was a classical case at AngloGold Ashanti in 2013 where some communities were resettled- those whose names were omitted felt aggrieved and petitioned the commission. After investigating, we found out that they had a case, and we made sure that they got what was due to them. Even though we cannot achieve 100 % since people still complain things have improved and the government of Ghana has been doing its part through the institutions put in place (Interview, CHRAJ official, Tarkwa, March 28, 2020).

He further noted that, the Minerals and Mining Act of 2006 (Act 703), as amended in 2010 and 2015, and under which the Minerals and Mining Compensation and Resettlement Regulation of 2012 states that, if something happens in terms of payment of compensation or resettlement, where the communities and the mining companies are not able to agree, there are structures to resolve the differences or disputes. The position of the law is that either of the parties can petition the minister for lands and natural resources for settlement. If at that level, the settlement ends in a deadlock, either of the parties can take the matter to the courts for final adjudication. Thus, the laws exist to ensure fair treatment of all parties. These laws at minimum indicate governmental awareness of its responsibility to protect and provide access to remedy as implied by the PRR framework. However, the extent to which this governmental awareness of its responsibility to protect human rights have translated to better human rights outcomes for community members as highlighted above remains debatable (see also [Idemudia et al., 2022](#)).

4.1.3. Companies' perspectives on human rights

Two giant corporations, one each from a gold mining company and an oil company were consulted for the study and they showed a good grasp of the issues of human rights. For instance, when asked to explain the concept of human rights, one official noted:

Human Rights have to do with basic privileges every individual enjoys. Human rights deal with the right to life, right to freedom, right to political affiliation, and anything that guarantees peaceful living (Interview, official of an oil company, June 28, 2020).

This interviewee mentioned that his company employs the voluntary principles of human rights and security which ensures the use of reason, logic, and dialogue instead of force. He also noted that his company's security team is trained to ensure that they apply those basic principles in their interaction with fishermen who miss their way and come close to oil installations. A consultant within the extractive industries defines human rights as:

...the most basic rights of individuals and communities which ensure that they can enjoy an equitable and dignified life. These rights, ranging from non-discrimination, education, social protection, freedoms, standards of living, etc. are fundamental issues that cut across all aspects of development and are integral to the sustainability of companies, communities, and society at large (Interview with Consultant with a mining company, Extractive Industries, May 20, 2020).

The above interviewee also noted that most extractive companies have local sustainability teams that liaise with host communities and are likely to be the first point of call when human rights issues of concern arise. Such sustainability teams work to ensure that human rights abuses are minimized if not completely eradicated. This seems to suggest that extractive companies in the region are aware of their responsibility to respect human rights and ensure remedy when human rights abuses occur as suggested by the PRR framework.

4.2. The nature of human rights abuse within the extractive industries

Based on our data analysis, several issues common to all stakeholders emerged regarding the nature of human rights abuses within the extractive industries in Ghana. Since operations within the oil and gas industry are different from those of the gold mining sector, the key human rights issues that emerged were also different between the two sectors. These observations are discussed below under separate headings.

4.3. Emerging human rights violations within the oil and gas sector

4.3.1. Restrictions of fishing activities due to oil rigs

Fishing is a major source of livelihood for many families and communities especially those along the coastal belt of Ghana. That explains why oil and gas production off Ghana's western coast does not excite many fisherfolks, especially since they are restricted from fishing around where the oil rigs are located. Besides, the fish are attracted by the light from the oil rigs thereby reducing their fish catch. Some stakeholders complained that the activities of oil and gas companies in the area have adversely affected their fishing activities. For instance, one participant noted:

The oil production has affected our business badly and it is something we worry about. The light around their rig attracts the fish so we are unable to make enough catch. Sometimes out of disobedience, we risk our life fishing close to those areas, getting our canoes capsizing when they start chasing us and this puts our lives at risk. In the end, it causes financial loss, and we are unable to make enough income to take care of our needs and those of our families (Interview, Fisherman, Sekondi, March 9, 2020).

Although the oil rigs are far from the shores, the fishermen are not allowed to go closer to them. As such, whenever the warning signs are ignored, the fishermen are chased away by the security agencies, and sometimes, their canoes, nets, and boats, are confiscated as noted in the following quote:

The problem is that we are unable to make big catches where we fish due to the construction of their rigs around those places. The light on the rig attracts all the fish yet we are cautioned not to fish around such places. This breeds a lot of misunderstanding and conflicts between us and the companies (Interview, Fisherman, New Takoradi, March 19, 2020).

The above was the sentiment of all the fishermen we interviewed during our fieldwork. Some participants said they were initially excited about the discovery and subsequent production of oil, but only to be frustrated by the restrictions imposed on their livelihood because of oil production. For instance, one participant noted:

At first, we were glad upon hearing of the emergence of these companies in Sekondi-Takoradi but with time we noticed the restrictions we had to face when fishing in places where we used to make big catches. These restrictions often brought misunderstanding between us and them. We were usually chased at sea by the security guards causing fear and endangering our lives (Interview, Fisherman, Sekondi, March 9, 2020).

Furthermore, some participants also said getting a big catch from

their fishing activities has become difficult and expensive. Fishing has been made difficult because of the unpleasant smell the oil produces, and expensive because they now must travel far into the sea to fish, which now means they end up spending a lot more money on fuel and time to travel deep into the sea. These added associated costs often do not make any business sense.

4.3.2. Construction of pipelines

The construction of pipelines by oil and gas companies emerged as one of the leading human rights issues in the communities. From the communities' perspective, the pipelines are installed in areas where they would normally set up their fishing nets for fishing. However, because they are barred from going close to these pipelines their ability to secure their livelihoods is undermined. For instance, the following quote confirms the above claim:

The installations of the pipelines have even aggravated the issue. The pipelines are situated at a place we used to get a lot of catch from. We can't fish there anymore, and this has affected our income per trip (Interview, Fisherman, Sekondi, March 29, 2020).

Consequently, some fishermen indicated that fishing has become less profitable in most of the communities. Fishermen are also unable to get big catches like they used to due to the leakage of the gas in the water which tends to drive the fish further away. Indeed, one participant noted:

Where their machines and pipelines are assembled is where we get our big catch, yet we are cautioned not to go there. Our boats sometimes capsize in the process of fishing, so this usually causes much loss for us in business. We have only accepted that this has come to stay so no matter what turns out, we have no choice but to adjust. We make less money now than before the oil companies came (Interview, Fisherman, New Takoradi, April 1, 2020).

Consequently, the expectations of local fishermen with regard to oil production did not turn out to be positive. This is largely because the fishermen expected the oil and gas companies to support their fishing business by providing the necessary support so that they catch more fish, smoke the fish and sell them to make more profit. However, the reality has turned out to be the exact opposite of their expectations. This finding is consistent with previous studies that, Ghana's oil wealth like in the case of Nigeria may turn out to be a curse if proper legislative measures are not put in place to benefit the host communities (Tuokuu and Kuu-saana, 2015; Idemudia, 2012).

4.4. Emerging human rights issues from the gold mining industries

4.4.1. Water pollution

A reliable and accessible source of water supply is important for the survival of every community. This partly explains why in the developed world, water bodies such as rivers and lakes are often considered a national security asset. In Ghana, there is evidence that several river and water bodies have been polluted through the activities of mining. Throughout our fieldwork in the Tarkwa-Nsuaem Municipality, water pollution caused by the activities of mining companies emerged as a dominant theme. For instance, one participant in our study noted:

The main issue is that our water bodies are polluted so we can't drink from it. As farmers, we can't use that water for our crops because it is contaminated (Interview, Samuel, Teberibie, April 4, 2020).

Similar to the above quote, another participant said:

The main human rights violation has to do with the pollution of our water bodies which is meant for drinking. We sent in our complaints, and we were told the place they were mining was not part of our jurisdiction. We sent in several complaints before they provided

portable drinking water for us (Interview, Unit Committee Member, Iduapriem, April 5, 2020).

Contrary to the perspectives of communities about their sources of water being polluted, small-scale miners, who are mostly accused of water pollution, disagreed with that assertion. According to the small-scale miners, they try as much as possible to protect the water bodies by making sure the sand they dig does not come into contact with the water bodies. In a focus group discussion, one miner noted:

The EPA came here to check if the activities of the company affect the water body. They came to test and verify if it affected the water body and they realized that it had no effect on the water body (FGD, Small-scale Miners, Iduapriem, April 5, 2020).

On the other hand, an official with the EPA we talked to believes some of the issues often raised by communities are exaggerated. According to him:

The community also has a role to play but they shouldn't abuse the privileges that come with the right to live. I know some of the communities are trying to abuse the small freedom they have by lodging complaints that are nonexistent (Interview, EPA Official, Tarkwa, April 5, 2020).

An official with the Commission on Human Rights and Administrative Justice (CHRAJ) believes that in recent times, there has been some improvement to the relationship between communities and companies. According to him, as far as the Tarkwa-Nsuaem Municipality is concerned:

...gone are the days when mining companies were violating people's rights. When waterbodies are alleged to have been polluted, you dare not speak up about it because when you begin to make noise, they would just use the military and security forces against you (Interview, CHRAJ Official, Tarkwa, April 3, 2020).

Our interviewee also indicated that while the government cannot achieve 100% of whatever they expect the mining companies to comply with, he believes that the government of Ghana has been doing its part through the institutions that it has put in place to address community-company conflicts. Presumably, global initiatives such as the UN's Protect, Respect, and Remedy framework and the UN sustainable development goals have all contributed positively to the improvement in community-company relations.

4.4.2. Blasting

Blasting from the mines has become a worrisome trend in most mining communities. From the viewpoint of communities, it is a human rights violation as noted in the following quote:

Most often the blasting which is done underground causes our land to shake at the time. Our crops are affected because we don't get the best crop yields these days due to the activities of the mining companies (Interview, Farmer, Teberibie, April 3, 2020).

Another participant in our study also stated that:

The main thing that creates conflict between the companies and the community has to do with blasting which emanates from the underground activities done by the miners. The dust that emanates from the blasting activities really affects us here (Interview, Businessman, Iduapriem, April 1, 2020).

Ironically, the laws have set limits on the noise levels of blasting from the mines. The Inspectorate Division of the Minerals Commission is expected to monitor the activities of the mining companies. The EPA also undertakes some monitoring activities of the mining companies. However, as noted by Idemudia et al. (2020) and Tuokuu et al. (2018), the problem within the mining sector in Ghana is not the lack of policies, but the limited capacity to adequately implement the existing laws and

policies that protect human rights or ensure proper access to remedy in cases of human rights abuses.

5. Discussion

There are three main emerging issues from our findings. First, our study showed that while people in mining communities generally understood what their human rights are, as it relates to the extractive industries, they are not sufficiently aware of the UN "Protect, Respect and Remedy" framework for business and human rights. This limited awareness of the framework within communities, and the neoliberal logic of profitability might explain why businesses are often not too concerned about how their activities violates the human rights of members of local communities. This finding is consistent with the argument made by [Idemudia et al. \(2020\)](#) that the neoliberal logic of profitability that often informs the operation of oil and gas companies in the developing world allows extractive companies to neglect their positive duties to protect the rights of communities and their negative injunction duties to avoid violating human rights of local community members (also, see earlier work by [Idemudia, 2009](#)). However, the UN "Protect, Respect, and Remedy" framework expects businesses to undertake human rights due diligence in their areas of operations while governments must ensure compliance. Not surprisingly, the government's response to the grievances of communities has been piecemeal probably because it derives most of its revenues from these corporations. For instance, out of the 7.8 % real gross domestic growth rate Ghana recorded in 2017, the oil and gas sector alone recorded 3.8 % ([Government of Ghana, 2019](#); [Owusu, 2019](#)). This has significant implications for the effectiveness of the PRR framework especially in countries with government with limited capacity to enforce laws and implement policies geared toward the protection of human rights.

Second, our findings highlight the ways in which the extractive industries in Ghana have undermined the livelihoods of community members. This finding is consistent with the findings of previous studies on how oil and gas production has led to the destruction of livelihoods in fishing communities in the Western Region of Ghana ([Ackah-Baidoo, 2013](#); [Owusu, 2019](#); [Idemudia et al., 2022](#)). For example, [Owusu \(2019, p.1\)](#) has noted that fisherfolks in Ghana's Western region are "under high socioeconomic vulnerability because of decreased fish catch and declining coastal livelihoods." To deal with such livelihood issues, the UN "Protect, Respect and Remedy" framework calls for the state to protect communities against human rights abuses through policies and regulations. However, there is a regulatory collapse within Ghana's extractive industries ([Taabazuuing et al., 2012](#); [Tuokuu et al., 2018](#)). This regulatory collapse has led to a disconnect between rural livelihoods and resource extraction. Consequently, fisherfolks in Ghana's Western region continue to fish without adhering to the directives put in place to curb their activities around oil rigs. Although it sometimes results in confrontations and conflicts between the fisherfolks and the Ghanaian security agencies, the former continue to fish with the argument that their livelihoods depend on fishing ([Pomeroy et al., 2016](#)). This suggests that there continues to be tension between local communities' efforts to secure their livelihood on one hand and government and extractive companies' interest in securing natural resources revenue and profit on the other hand. As such, it is not clear how well the PRR framework might adequately address this tension rooted in conflicting interest of the principal stakeholders.

Third, while several studies have highlighted the environmental impacts of mining on the livelihoods of communities ([Hilson, 2002](#); [Kitula, 2006](#); [Edwards et al., 2014](#)), we know little about whether those environmental concerns constitute human rights violations. This study has highlighted the fact that once a community depends on the environment for its livelihoods, any activities that negatively impacts the environment will affect their survival. This raises the issue of access to remedy and the extent to which it is provided by either the state or the corporations. Clearly, while our findings suggested that the community

has expectations for remedy when human rights abuse occur, the ability of the state to deliver on this responsibility remains limited as indicated by [Idemudia et al. \(2020\)](#). Consequently; it is important, for extractive companies to see their CSR initiatives as an opportunity to prioritize "deeper community engagement, environmental responsibility and provide support for local development to improve livelihoods of local communities and reduce social conflicts negatively impacting businesses" ([Hoelscher and Rustad, 2019, p. 100](#)). Indeed, there is now an emerging consensus that attention to CSR in areas of limited statehood might be able to help deal with some form of human rights abuses within the extractive industries.

Interestingly, the issue of the right to benefits derived from natural resources within the community, along with the equitable distribution of those benefits, was conspicuously absent from discussions. For instance, Ghana's Minerals Development Fund allocates 20 % to the Mining Community Development Scheme to improve infrastructure in mining communities. This absence indicates that community members may be prioritizing more immediate concerns, such as health and safety risks, environmental degradation, and the need for employment opportunities, over their entitlement to a fair share of the profits or improved infrastructure from mining activities. The implication is that while the long-term economic benefits of resource extraction are important, day-to-day challenges, such as maintaining livelihoods and ensuring safe living conditions, are of greater immediate concern to the community. This suggests that social and economic rights violations are foremost on the minds of community members as their violations tend to have immediate effects on their lives (see [Idemudia, et al., 2022](#)).

These findings from our study contribute to the debate on the extractive industries and human rights in at least two ways. Theoretically, our findings suggest shifting the contemporary debate on business and human rights away from the normative question of whether extractive industries should bear human rights responsibilities. Instead, it emphasizes examining the contradictions and opportunities that emerge when businesses undertake such obligations. In addition, by focusing on community expectations and experiences, our study amplifies the voices of African communities often overlooked in mainstream theoretical debates about the PRR framework. It underscores the importance of including these voices to ensure that efforts aimed at fostering business respect for human rights deliver meaningful benefits at the community level.

At the policy level, the insights gleaned from our research offer valuable guidance for enhancing corporations' capacity to obtain and maintain their social licenses to operate, thereby fostering more sustainable community development. By shedding light on the intricate dynamics between human rights, and community well-being within the extractive industries, our findings provide a roadmap for policymakers seeking to enact more effective regulations and incentives. Moreover, our research contributes to ongoing discussions surrounding the reinforcement of corporate obligations, particularly considering recent debates on corporate accountability for human rights (see [Kwakyewah and Idemudia, 2017](#)). By elucidating the real-world impacts of corporate actions on local communities and vulnerable populations, our findings serve as a catalyst for refining and strengthening the frameworks that govern corporate conduct, ensuring greater alignment with human rights principles and sustainable development goals (SDGs).

6. Conclusion

Drawing upon empirical evidence from Ghana, our study sheds light on the pervasive human rights abuses within the extractive industries and their profound impact on rural communities and their livelihoods. This research underscores the urgent need for comprehensive action to address these systemic challenges and safeguard the rights and well-being of vulnerable populations affected by extractive operations. Our recommendations are designed to not only reduce or eradicate human rights abuses but also pave the way for mutually beneficial outcomes

between extractive companies and their host communities. By implementing these measures, we aim to foster a climate of collaboration and respect, wherein the interests of both parties are safeguarded and upheld. This approach not only promotes ethical business practices but also cultivates sustainable relationships built on trust and mutual benefit.

Future research endeavors should prioritize the development of a comprehensive framework aimed at fostering harmonious coexistence between extractive activities and community well-being. This framework should be designed to promote positive outcomes for all stakeholders involved, addressing the diverse needs and interests of both extractive companies and local communities. By exploring innovative approaches and strategies, future studies can contribute significantly to the establishment of sustainable practices that prioritize environmental stewardship, social responsibility, and economic development. Ultimately, the goal is to create a balanced and inclusive framework that maximizes benefits while minimizing negative impacts, ensuring the long-term viability and prosperity of extractive operations and the communities they serve (see, for instance, [Idemudia, 2009](#)).

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CRedit authorship contribution statement

Francis Xavier D. Tuokuu: Writing – original draft, Visualization, Methodology, Investigation, Funding acquisition, Formal analysis, Data curation, Conceptualization. **Uwafiokun Idemudia:** Writing – review & editing, Validation, Supervision, Conceptualization. **Raymond A. Atuguba:** Writing – review & editing, Validation, Data curation, Conceptualization.

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Supplementary materials

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