



## **STATEMENT OF WACAM, CENTRE FOR PUBLIC INTEREST LAW AND CENTRE FOR ENVIRONMENTAL IMPACT ANALYSIS ON THE EFFECTS OF SURFACE MINING OPERATIONS IN GHANA**

Wacam, the Centre for Public Interest Law (CEPIL) and the Centre for Environmental Impact Analysis (CEIA) have collectively aimed to promote and protect the rights of communities and the environment affected by mining and other resource extraction activities.

Over the past two decades, we have worked in over 120 mining-affected communities, empowering residents to effectively engage with stakeholders in the mining sector and advocate their interests, as well as those of the country. Some of the key issues we have addressed include, but are not limited to:

- Brutalisation of people in host communities by the military and police acting on behalf of mining companies
- Unlawful arrest and detention of community people asserting their rights in the events of mining
- Shooting of suspects
- Pollution of community rivers through cyanide spillages and other pollutants
- Mining in Forest Reserves
- Economic and physical displacement of mining communities

The large-scale nature of the current mining boom referred to as the "Third Jungle Boom," resulted in extensive destruction of lands of indigenous communities whose main occupation is farming. The introduction of surface mining in the third jungle boom also introduced extraction of gold using cyanide in heap leach, a method considered by mining investors to be cost effective. Since then, the country had experienced cyanide spillages.

According to Adimado and Amegbey (2003), Ghana has recorded about 19 official cyanide spillages between 1989 and 2003 as well as several other unofficial cyanide spillages into our waterbodies and nearby lands.

Wacam, CEIA, and CEPIL have been vocal about the dangers of mining in forest reserves since 2002 specifically highlighting the devastating effects of mine wastewater on forests and waterbodies that serve as drinking water sources for communities. The consequences of such actions are dire, as seen in the case of Newmont Ghana Gold Limited, which discharged massive amounts of mine waste into River Subri on two separate occasions: December 26, 2010, and December 20-24, 2011. River Subri, which flows from Bono and Ahafo regions to the Western Region, is a vital source of drinking water for millions of Ghanaians.

A 2009 study by CEIA, commissioned by Wacam, found alarming levels of heavy metals (arsenic, cadmium, mercury, and lead) polluting waterbodies in Tarkwa and Obuasi mining

areas. Similarly, a 2016 study at Newmont Ghana Gold Limited's Ahafo Mine revealed elevated levels of cyanide and heavy metals in surface water. Furthermore, rainwater monitoring showed high levels of heavy metals and extremely low pH values, indicating poor air quality in the region.

Compensation problems arise when mining companies pay paltry sums to poor farmers, who lack the negotiating power to secure fair and adequate compensation. This has led to economic and physical displacement of host communities, resulting in worsening poverty among the affected populations. So, the previously hardworking farmers who lost their farms and livelihoods to multinational mining operations were compelled to become miners who had been introduced to the use of cyanide and other dangerous for the extraction of gold. That was how indigenous people who were farmers were transformed to become Miners in different forms like Galamseyers and Small Scale Miners in the present mining boom.

The weak mining regulation, the Minerals and Mining Act, 2006 (Act 703), promoted irresponsible mining because the Act is too weak to hold mining companies responsible for issues relating to cyanide spillages, and other acts that are mining related violations.

For example, Section 17 of the Minerals and Mining Act (Water Right) states as follows:

‘Subject to obtaining the requisite approvals of licences under the Water Resources Commission Act 1996(Act 552), a holder of a mineral right may, for purposes of or ancillary to the mineral operations, obtain, divert, impound, convey and use water from a river, stream, underground reservoir or watercourse within the land the subject of the mineral right.’

This provision in the Minerals and Mining Act of Ghana strip rivers of their protection in the event of surface mining operations. The weakness of the Minerals and Mining Act lies in the weakness of its strength in addressing violations of the Act. For example, Section 108(1) General Penalty states as follows:

‘A person found Guilty of an offence under this Act for which a penalty has not been provided is on summary conviction liable on first conviction, to a fine not more than the cedi equivalent of US\$ five thousand.’

Section 109 (Penalty to be civil debt) states;

Except otherwise provided in this Act, where a fine is imposed on a person, under this Act or Regulations made under this Act and there is failure to pay the fine, the amount shall be recoverable as a civil debt owed to the state.’

Added to the issue of the weak laws is the problem of weak regulation creating an issue of Regulatory Capture. The problems confronting our mining sector can be summarised as follows:

- Weak Laws
- Weak enforcement of the weak laws (Regulatory Capture).
- Pollution of rivers
- The lack of political will among governments to make tough decisions to address the problems of mining due to connections between miners and political parties.

- It is a common attitude of Governments in power as well as most Ghanaians including regulators to adopt the tactics of scratching the surface of the mining problems without taking strong measures to address the root causes of surface mining because most of the beneficiaries of the galamsey operations have political connections.
- Mining in Forest Reserves constitutes an insult to the dignity of our nation for anybody who would allow local or foreign company to mine in forest reserves.
- With the local and foreign increase in the consumption of chocolates and other confectionary products, the prize of cocoa is increasing at a very alarming rate and this is the time that we are destroying our cocoa trees for surface mining.
- The pollution of our rivers by mining operations connects our Chiefs to the problem of mining in our communities who are custodians of observance of most cultural rights usually performed using our polluted rivers.

### **Solutions**

- **Non-partisan approach** to the fight against the menace of all kinds of surface mining operations.
- **Placing a moratorium on the grant of mining licences** to cover all categories of mining.
- **Promotion of Joint Citizens' Mass Actions** involving the Clergy, Churches, Workers, Market Women, Media, Traditional Authorities etc., to hold governments to commitments to fight all forms of surface mining issues including galamsey.
- **A complete review of laws and regulations** governing mining operations to include strong environmental safeguards.

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