

Assessing Environmental and Human Rights Effects of Newmont Ghana Gold Limited Ahafo North and Akyem Projects



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EXECUTIVE SUMMARY

Ghana is endowed with rich mineral resources, including gold, bauxite and other minerals. The exploitation of these mineral resources has attracted mining giants like Newmont, AngloGold Ashanti among others to mine gold in Ghana. Revenues and corporate social responsibility initiatives from these companies have contributed to socio-economic development nationally and in mining communities. However, as Idemudia et al. (2020) note in their paper *“Mining, the Environment, and Human Rights in Ghana: An Area of Limited Statehood Perspective”*, these developmental initiatives by extractive companies have still not addressed communities' complaints of violations of their fundamental human rights. That is, environmental and other fundamental human rights of community members in mining areas are violated on a daily basis. This has resulted in increasingly tense relationships between mining communities and extractive industries, which serves as a reminder of the profound effects of mining companies' actions on host communities. Tensions, complaints and disputes arise from mining operations' frequent disruption of livelihoods, displacement of communities and encroachment on traditional lands (Ofosu-Mensah, 2012). According to the existing literature on the extractive industry, community marginalisation and other negative externalities fuel resentment and dissatisfaction (Davis and Franks, 2011; Roche et al., 2021; Sekher et al., 2022). It is within this context that this study was undertaken to assess the extent of human and environmental rights violations in communities within Newmont's Ahafo North and Akyem concessions. The main objectives of the study are:

- To assess the extent of human rights violations in selected mining communities within the Newmont Ahafo North and Akyem concessions;
- To examine gender gaps in human rights-related issues in the mining sector;
- To provide recommendations for addressing human rights violations in the study areas and other mining communities in Ghana.

The study adopted a mixed-methods approach involving a desktop review and a field survey. For the field survey, ten (10) mining-affected communities within Newmont's Akyem concession and five (5) affected communities in the Newmont Ahafo North project area were selected using purposive sampling. In total, one thousand and sixty-six (1,066) respondents were randomly selected from the two study areas. Respondents included community members who had directly experienced rights violations due to the company's operations, opinion leaders such as chiefs and assembly members, government agency representatives, youth and persons with disabilities (PWDs). Data were collected using semi-structured questionnaires, focus group discussions and



key informant interviews.

The study results revealed that Newmont's land acquisition processes are inconsistent with provisions spelt out in relevant laws such as the 1992 Constitution, the Minerals and Mining Act 2006 (Act 703) and Minerals and Mining (compensation and resettlement) regulations, 2012 (LI 2175). This has negatively impacted the rights of residents, especially women and PWDs, in areas such as the right to property, work, freedom of movement and personal liberty, among others. Similarly, the failure of Newmont Akyem and Ahafo North management to fulfil compensation prompt, fair and adequate compensation obligations with affected community members within their concessions has created animosity, which often results in violent confrontations with local communities. Consequently, community members resort to resistance as a counter-hegemonic response to the adverse effects of mining activities and ill-conceived government policies for managing mineral extraction. It can therefore be concluded that the company's operations have imposed severe and disproportionate hardships on affected residents, including loss of land, disruption of livelihoods, restricted access to economic resources and weakened community autonomy. These impacts have undermined the dignity, security and socio-economic rights of project-affected persons and communities. Government and other relevant stakeholders must work to ensure that the rights of affected residents within the company's operational areas are respected.

This report was produced by the Centre for Public Interest Law (CEPIL) and Wacam as part of a broader civil society initiative to document and address human rights violations in Ghana's mining sector. The findings draw on field research conducted in 2024–2025 in communities within the concessions of Newmont Ghana Gold Limited's Ahafo North and Akyem Mine projects.

The views expressed in this publication are those of the authors and do not necessarily represent the views of Oxfam or any other partner organisation.

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ABBREVIATION (S)

| | |
|---------------|--|
| BNDA | Birim North District Assembly |
| CEIA | Centre for Environmental Impact Analysis |
| CEPIL | Centre for Public Interest Law |
| CHRAJ | Commission on Human Rights and Administrative Justice |
| CEDAW | Convention on Elimination of Discrimination Against Women |
| CRC | Convention on the Rights of the Child |
| EPA | Environmental Protection Authority |
| GDP | Gross Domestic Product |
| GHEITI | Ghana Extractive Industries Transparency Initiative |
| GSS | Ghana Statistical Service |
| LI | Legislative Instrument |
| NGGL | Newmont Ghana Gold Limited |
| PAYE | Pay – As – You – Earn |
| PWDs | People Living with Disabilities |
| TNMA | Tano North Municipal Assembly |



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Chapter One


1.0 Introduction

Mineral resources found in any nation are seen as a vital resource for supporting infrastructure development and socio-economic growth in that nation (Kaku et al., 2021). However, the same cannot be said to be true in the context of countries in Africa and other developing countries with rich mineral deposits. Most African and other developing countries, in their quest to accelerate economic growth and development, decided to exploit their huge mineral resources.

However, over-concentration on revenues and other socio-economic benefits from the extraction of mineral resources, rather than ensuring that the human rights of citizens are upheld, has been the bane of conflicts between mining companies and host communities and a dilemma for governments. In a number of sub-Saharan African countries, the extractive industries have made substantial contributions to human rights violations in a variety of forms and scales (Kamga & Ajoku, 2014). Ghana is one such country in sub-Saharan Africa where exploitation of its rich mineral resources, such as gold, bauxite, manganese, kaolin and feldspar, has not been commensurate with its socio-economic development. For example, gold, the most crucial mineral to Ghana's socioeconomic and political development, has been mined from the pre-colonial era to post-independent Ghana but has not been able to address the nation's economic challenges (Hilson, 2006; Obiri et al., 2016).

Data from the Ghana Chamber of Mines suggest that gold mining's contribution to Ghana's GDP has been increasing, from 9.5% in 2012 to 30% in 2022, accounting for total foreign exchange earnings of US\$6.38 billion (Ghana Chamber of Mines, 2022). However, data from the Ghana Extractive Industries Transparency Initiative (GHEITI) and Ghana Statistical Service (GSS) are in sharp contrast with the figures proposed by the Ghana Chamber of Mines on the contribution of mining, i.e., both large-scale and small-scale mining companies, to Ghana's GDP. For example,





data from the Ghana Statistical Service suggest that the mining sector's contribution to GDP declined from GH¢11.449 billion in 2020 to GH¢10.105 billion in 2021 and increased sharply to GH¢13.025 billion in 2022.


This means that the decline between 2020 and 2021 in the mining sector's contribution to GDP was 11.7%, and it increased by 28.9% between 2021 and 2022 (GHEITI, 2022). The contribution of gold mining to Ghana's GDP is not felt only in providing direct foreign exchange to the government; it has also created jobs for the teeming unemployed youth as well as other corporate social responsibility initiatives, like building schools and providing scholarships to needy but brilliant children within their concessions. For example, large-scale mining firms and other mine support services employed roughly 17,103 persons in 2013 (Ghana Chamber of Mines, 2014), while small-scale mining companies employed approximately 1 million people (GHEITI, 2014; GSS, 2019).

However, a report by the Commission on Human Rights and Administrative Justice (CHRAJ) in 2008 noted with deep concern that over a century of gold mining in Ghana has not been able to transform the Ghanaian economy from a third-world economy into a developed economy but has rather left a deep legacy of human rights abuses in mining communities in Ghana (CHRAJ, 2008). The report further highlighted that gold mining communities in Ghana are still the most poverty-ridden and wretched and lack several basic amenities such as schools, hospitals and access to clean drinking water.

In addition, there is widespread violation of the fundamental human rights of residents in gold mining communities. These human rights violations include, but are not limited to: (1) cyanide spillages polluting water bodies; (2) unfair and inadequate compensation and resettlement packages for affected persons and groups; (3) destruction of communities' economic pillars or properties without payment of adequate compensation; (4) human insecurity, arbitrary arrests and detentions; (5) physical threats and malicious prosecutions; (6) insecurity; (7) non-adherence to FPIC principles throughout the entire lifespan of the mining project; (8) clampdowns, often violent and involving the use of firearms, against citizens and civil society organisations engaged in public protests against the activities of mining companies, among others (CHRAJ, 2008; Adimado & Amegbey, 2002; Obiri et al., 2016).

Owusu-Koranteng (2008) further argues that human rights abuse in mining communities by mining companies is evident in the discharge of toxic pollutants into communities' sources of drinking water. Citing the 13 officially reported cases of cyanide spillages since the late 1980s, he argued that this has been caused by loose legal codes governing environmental standards. In 2005, for example, Newmont Ghana Gold Limited (NGGL) Ahafo Mine discharged faecal matter into River Asuopre, a tributary of River Tano that serves as a source of drinking water for several communities such as Ntotroso and Achrensua, among others (Owusu-Koranteng, 2008; Obiri, 2005).





There are numerous media reports of forceful eviction of residents in mining communities within the Ahafo North Project who protested the meagre compensation being offered to them by the company. This led the Regional Security Council to enter their homes and remove their belongings to the Tano North Municipal Assembly while affected farmers were on their farms, to pave the way for the company to destroy their homes. This incident reinforces findings made by CHRAJ in its 2008 report that eviction processes in mining communities also sometimes raise human rights questions, since some mining companies usually employ the services of security personnel who end up brutalising community members (CHRAJ, 2008).

From the above, it appears that human rights violations in mining communities in Ghana, and for that matter communities within Newmont Ghana Gold Limited's Ahafo and Akyem projects, are systematic in nature. Hence, there is a need for a study of this nature to assess the extent of human rights violations in the study areas.

As residents in communities within the concession of Newmont Ghana Gold Limited's Ahafo and Akyem projects claim, their demands for more justice deserve to be taken seriously. The cost of failing to address these concerns is strained relationships between businesses and communities, which may lead to violence.

Interestingly, some of these mining companies, like Newmont Ghana Gold Limited, that have had these altercations in these communities are signatories to the Voluntary Principles on Security and Human Rights (VPSHR) as well as have well-defined human rights policy documents that are supposed to guide their operations (Mohammed et al., 2022). The question that begs for an answer is: how can a company with a human rights policy be accused of violating the rights of residents in its host communities? It is to address the above question that the Centre for Public Interest Law, Wacam and its partners, with funding from Oxfam, commissioned this study to assess the state of human rights violations in selected mining communities within the concession of Newmont Ghana Gold Limited's Ahafo North and Akyem projects, respectively. The findings from the study will be used to hold the government accountable to the UN Guiding Principles on Business and Human Rights, which state, inter alia, that “government has the obligation to protect, respect and fulfil the human rights of its citizens.”

1.1 Problem Statement

The mining industry is often involved in controversies, mainly regarding the processes used to access land, pollution of communities' sources of drinking water and air, destruction of their socio-economic livelihoods and culture, as well as the emergence of mining-related diseases. While communities and some interest groups believe that mining companies simply cheat people by exploiting liberal provisions in the law with regard to safeguarding the fundamental human rights of residents in mining communities, mining companies and some state regulators often claim otherwise, despite CHRAJ publishing *The State of Human Rights in Mining Communities in Ghana in 2008*.



Human rights abuses have become a point of conflict between mining firms and host communities in Ghana (Traoré, 2016). Due to the nature of these disputes in Ghana's extractive industry, people living in mining communities have had their rights and fundamental freedoms violated. These violations include the use of firearms and other lethal weapons, torture and the violent, unlawful arrest and detention of community members, which has resulted in the loss of lives and property (Traoré, 2016).


1.2 In many of these host villages, including Tarkwa (Akabzaa, 2000), Prestea (Hilson & Yakovleva, 2007), Dumasi and Teberebie (Ayeelazuno, 2011), and Obuasi (Mohammed et al., 2019), this has led to tensions and insecurity, causing people to live in fear and experience limited mobility. Numerous disputes and other difficulties in community relations with mining companies stem from competition for mineral-rich land parcels, driven by locals' unwillingness to cede land to mining companies once they have obtained licences (Okoh, 2014; Segbor, 2014; Adonteng-Kissi & Adonteng-Kissi, 2017), illegal mining by indigenous people on concessions granted to mining companies (Tschakert, 2016), and many other issues. Hence, the problem this study seeks to address is to document cases of human rights violations in mining communities in Ghana after the release of the CHRAJ report in 2008, using selected communities within the concessions of Newmont Ghana Gold Limited's Ahafo North and Akyem projects.

1.3 Scope and Value of the study

The main task for this assignment is to design a scientific study that will assess and generate a research report on human rights violations within the mining, petroleum and cocoa value chains in general. Specifically, the task is to collect data through a review and analysis of company reports and documents on human rights, the administration of questionnaires, interviews and focus group discussions with relevant stakeholders such as affected residents, company officials, regulators and civil society organisations. It will also include, but not be limited to, a review of national documents, laws and policies on human rights, as well as various international human rights instruments that Ghana has signed in relation to the protection of the fundamental human rights of its citizens. However, this study will focus on assessing violations of human and environmental rights in the mining sector of the economy. Hence, the scope for this assignment has been summarised as follows:

1. Access to land by the mining company
2. Unfair compensation and resettlement package (What does the law say?)



- 
3. Shrinking civic space
 4. Abuse of human rights.
 5. Human rights and environmental justice
 6. Restricted access to land and economic rights for women
 7. Erosion of Free, Prior and Informed Consent (FPIC). This illustrates how to ensure rights are respected in land and resource decisions, while fostering more sustainable and equitable practices within mining value chains.

From the above, the value of this study will be to produce a report that critically examines trends in human rights violations in mining communities within the concessions of Newmont's Ahafo and Akyem mines, highlighting the underlying reasons for increasing reports of human rights violations in the study areas.

It will provide insight into issues of human rights abuses in Ghana's mining communities. This will not only be necessary to reveal the effectiveness of policy measures, but it will also inform policy formulation and implementation for efficient mining that guarantees the rights of people. Insight into the effectiveness of government policy measures and their implementation will also shed light on the corporate commitment of mining companies.

Findings from the study will reveal power dynamics that exist amongst the various actors in Ghana's mining communities, which will be necessary for championing the work of human rights NGOs that support communities affected by mining activities. This will be helpful in identifying avenues that could be explored to encourage responsible corporate behaviour by mining companies. It will also reveal the extent of harmonisation between international human rights instruments and Ghana's human rights efforts, which will be necessary to understand the general human rights environment in Ghana's mining communities and to make effective recommendations for remedial action.

Finally, the study will provide an appraisal of the state of observance of fundamental human rights of citizens in Ghana's mining communities. This will inform human rights and civil society organisations, as well as the home and host nations of mining companies, to work towards ensuring more effective and efficient mining practices that will guarantee the rights of people in the future.

1.3 Objectives of the Study

The specific objectives for the study are:

- To assess the extent of human rights violations in the selected mining communities within the concessions of Newmont's Ahafo and Akyem mines;
- To highlight gender gaps in human rights-related issues in the mining sector;
- To make recommendations for addressing these human rights violations in the study areas and other mining communities in Ghana.



1.4 Research Question(s)

The following research questions will guide this study in order to achieve the objectives above:


- What activities of Newmont Ghana Gold Limited's Ahafo North Mine and Akyem Mine have resulted in environmental and human rights abuses of residents in communities within the company's concessions?
- What is the extent of environmental and human rights violations in mining communities within the concessions of Newmont Ghana Gold Limited's Ahafo North and Akyem mines?
- What environmental and human rights provisions exist in Ghanaian and international law to safeguard mining communities against violations of their environmental and human rights?
- How do Newmont's human and environmental rights policies or practices compare with international best practices and other human and environmental rights provisions in Ghanaian law?
- How have regulators, communities, and mining companies responded to and addressed environmental and human rights violations faced by community members, and do these rights have the necessary legal basis?

1.5 Justification of the Study

The contribution of gold mining to Ghana's economic development cannot be overemphasised. For example, the GHEITI report 2022 states that the Ahafo Mine of Newmont, officially known as Newmont Ghana Gold Ltd, produced 573,936 ounces, up from 480,708 ounces in 2021. With an average gold price of US\$1,786 per ounce, the total proceeds from the 573,936 ounces amounted to US\$1,025,049,696 in 2022, compared with a total of US\$864,793,692 obtained from 480,708 ounces at an average of US\$1,799 per ounce in 2021. This shows that Newmont's Ahafo mine overtook Gold Fields' Tarkwa Mine as the biggest mining project in the country due to its 19% output growth rate. The higher ore grade and mill throughput can be attributed to this increase in gold production for the year under review (GHEITI, 2022). Similarly, Newmont Golden Ridge Ltd, Newmont's second mining project in Ghana, produced 420,554 ounces of gold in 2022, which translates to US\$751,109,444 based on an average gold price of US\$1,786 per ounce. This was 10% more than the 381,494 ounces of output recorded in 2021, which amounted to US\$686,307,706 based on US\$1,799 per ounce. The change in gold production between 2021 and 2022 was due to the change in the use of the in-circuit inventory technique to recover gold from the ores.

In spite of the huge gold production output from Newmont's Ahafo and Akyem projects, as well as the practice of setting aside revenue from one ounce of every gold produced from the two mine sites for the Newmont Ahafo Development Fund (NADEF) and Newmont Akyem Development Fund (NAKDEF) to finance developmental projects in the Ahafo and Akyem areas, affected residents whose lands were taken for mining activities and who live close to the mine installations





argue that these huge economic benefits accruing to the company from their land have, rather, resulted in the violation of fundamental human and environmental rights. At the core of the community's complaints is the issue of the land acquisition process used by the company and its impact on community livelihoods. Statistics from the 2021 Population and Housing Census indicate that 52% of the population are predominantly farmers who depend solely on primary land activities for their sustenance. As such, when land is taken by the mining industry, it is poor farmers, including women, who are denied access to land. This increases their poverty, as land is the basic productive resource in rural areas. Similarly, residents are exposed to toxic chemicals through inhalation, dermal contact, and oral ingestion, as well as to excessive noise and the collapse of their buildings due to blasting.

In light of the aforementioned, this study aims to analyse human rights and environmental rights violations associated with Newmont's operations in the Ahafo and Akyem mining areas in relation to the company's compliance with Ghanaian human rights and environmental laws, international human rights and environmental conventions, as well as Newmont's own internal policies, in order to suggest actions that would improve the process by giving the law a human face. It is thought that if Newmont adopts this, it would become the de facto norm for land access in the mining sector, which will align with its goal of being the most respected and valuable mining firm by performing at the top of its industry.

The study will shed light on the problem of human rights violations in Ghana's mining communities, using the Newmont Ahafo and Akyem mines as case studies. This will be required not only to demonstrate the efficacy of policy measures, but also to guide their formulation and implementation for effective mining that will protect human rights. An understanding of how well government policy initiatives are implemented will also reveal the mining corporations' corporate commitment.

This study seeks to evaluate the general human rights environment in Ghana's mining communities and to make appropriate recommendations for remedial action. It will also show how well international human rights instruments and Ghana's human rights initiatives are aligned. Finally, findings from this study will help civil society and human rights organisations, as well as the home and host countries of mining firms, to ensure more efficient and effective mining practices that will protect people's rights in the future.





Chapter Two

Literature Review


1.0 The Gold Mining Sector's Contribution to Ghana's Economic Growth

Ghana's economy, typical of most resource-rich countries in sub-Saharan Africa, benefits from the mining industry, which attracts direct foreign investment and generates tax, royalties and employment. Ghana is the second-largest producer of gold in Africa and the ninth-largest globally, with gold accounting for more than 90% of the mining industry (Hilson and Garford, 2012). For instance, total government revenue from gold in 2011 was 6% of GDP (GSS, 2015).

Ghana earns a substantial amount of foreign exchange from the mining industry. Foreign Direct Investment (FDI) into the mining sector in 2008 was US\$765.3 million. In 2009, the sector contributed GH¢124.60 million, representing 19.79 per cent of the total collection of the Internal Revenue Service (IRS), to the economy. Contribution to total merchandise exports in the same year amounted to US\$2.62 billion, representing 44.52% of total exports of US\$5.88 billion. Mineral royalties also amounted to GH¢90.42 million, while P.A.Y.E. and withholding tax were GH¢103.06 million and GH¢36.29 million, respectively, in 2009. Mining accounted for 6.27% of Ghana's total real GDP in the same year.

Data from the Ghana Extractive Industries Transparency Initiative suggest that the total ounces of gold produced in 2022, as at 30 September 2022, was 2,695,144 ounces, with an estimated value of US\$4.7 billion. Out of the total ounces of gold produced in Ghana, Newmont Ghana Ahafo Mine produced 396,010 ounces of gold in 2022, while the Newmont Ghana Akyem Mine produced 297,410 ounces. Similarly, Newmont Ahafo Mine's share of the US\$4.7 billion total export value of gold produced in Ghana was US\$697,624,482.43, while that of Newmont Akyem Mine was US\$548,390,248.17.





From GH¢5.52 billion in 2020 to GH¢6.2 billion in 2021 and GH¢6.5 billion in 2022, the mining industry's payments to the government grew. Between 2020 and 2021, this corresponds to a growth rate of 11.8 per cent, and between 2021 and 2022, it is 5.4 per cent. The mining industry is the biggest source of fiscal revenue from economic activity, accounting for 21.8 per cent of direct domestic revenue in 2021 and 19.6 per cent in 2022. In 2021, fiscal payments from the mining industry accounted for 9% and 6.8% of total government revenue and domestic revenue, respectively.

However, environmental liabilities and other human rights violations associated with mining operations cannot be overemphasised. The extent of the environmental risks posed by the mining industry continues to be debated in the country. The impact of mining activities on the physical environment and the approach to land access is often a source of conflict between the companies and the communities in which they operate. There has been a lot of research into the negative impacts of mining on the physical environment in recent years, with very little on the approach to the compulsory acquisition of surface rights by mining companies once they have been granted mining leases. Significantly, current mining technology has shifted emphasis towards surface mining. The surface or open-cast method of mining being adopted by most companies on most occasions results in the acquisition of large tracts of land and the displacement of settlements and infrastructure, which often results in violations of host communities' fundamental human rights and is a potential source of conflict between the company and community members.


2.1 Mineral Ownership and Land Ownership in Ghana

Ghana's land is rich in mineral resources and natural resources such as timber and non-timber forest products. These minerals are found beneath lands in Ghana, making access to such lands crucial for their extraction. That is, in order to own and mine any mineral like gold, it is necessary to gain access to the land under which the mineral is found. Legally speaking, land encompasses not just the soil but also everything that is affixed to it, whether by man-made structures like fences and buildings or by the natural processes of trees, vegetation, and water.

The Latin maxim *quicquid plantatur solo, solo cedit* translates as "whatever is attached to the soil belongs to the soil." Therefore, anything that is in or linked to the soil is included in the title to the soil. Minerals in the land were part of that ownership. As a result, under customary law, communities, chiefs, traditional authorities, clans, families, or individuals who owned land also held the minerals on that land.

This dualistic ownership of land and the minerals found within that land existed before the arrival of the European colonial masters in the country and continued until the colonial administration enacted and passed the Gold Mining Products Protection Ordinance (Cap. 149) in 1905 to prevent indigenes from dealing in gold and any other ventures associated with gold. This was followed by the passage of the Mercury Ordinance in 1932, which made it illegal for indigenes to own mercury. The intent of this colonial legislation was to decouple ownership of land rich in mineral resources from ownership of the minerals. In other words, all minerals such as gold, diamond, bauxite, etc. were vested in the colonial administration and not in the owner of the land in question. This is evident in section 4 of Cap. 134, which required a





prospective mineral right holder to seek written consent from a lawful owner of the land over which the mineral in question was to be mined before the grant of the mineral right by the colonial administration.

After independence, Ghana passed the Minerals Act, 1962 (Act 126). The Act provided that the President of the Republic of Ghana hold in trust for the people of Ghana the "entire property in, and control of, all minerals in, under or upon any lands in Ghana, all rivers, streams, and watercourses throughout Ghana, and land covered by territorial waters." As a result, the State acquired ownership of minerals regardless of their location. Ownership of minerals discovered in, on, or over land was now separated from land ownership.

The Minerals and Mining Act, 1986 (Act 153), which repealed the Minerals Act, 1962 (Act 126), also reaffirmed the provision in Act 126 that vests all minerals, wherever they may be found inside Ghana's territorial waters and land, in the Republic of Ghana and are held in trust for the people by the President. Since then, the idea of public ownership of minerals has been maintained in section 1 of the Minerals and Mining Act, 2006 (Act 703) and article 257(6) of the 1992 Constitution of Ghana.

There are a number of human right challenges that have occurred as a result of the separation of ownership of minerals and ownership of land. This is especially true when considering the fact that mining operations invariably have an effect on the land which serves as economic livelihood for affected land owners. Notably among them is the issue of the President exercising its power of eminent domain over lands which have been found to contain minerals, i.e., section 2 of the Minerals and Mining Act, Act 703 of 2006 empowers the President to authorise the occupation of any land for the purposes of extraction of any mineral. Although, section 13 (9) of the Minerals and Mining Act, Act 703 of 2006 stipulate that a mineral right authorise by the President to occupy any land for the purposes of mineral exploitation, the holder of the mineral right can only exercise this right subject to the payment of required compensation to affected land owners, the reality is that, most land owners have had their lands taken away from them or other properties on the land destroyed to make way for mining without being duly compensated.

2.2 Mineral Ownership and Surface Rights of Land

In Ghana, mineral rights are owned by the state. Section 1 of the Minerals and Mining Act, 2006 (Act 703) states:

“Every mineral in its natural state in, under or upon land in Ghana, rivers, streams, water-courses throughout the country, the exclusive economic zone and any area covered by the territorial sea or continental shelf is the property of the Republic and is vested in the President in trust for the people of Ghana”.

Similarly, article 257(6) of the 1992 Constitution re-echoes section 1 of Act 703, which vests ownership of any mineral found within the territorial jurisdiction of Ghana in the state. The ownership of mineral resources is vested in the President in trust for the citizens of Ghana. The state grants these rights to mining companies through concessions or permits. However,



both article 257(6) of the Constitution and section 1 of the Minerals and Mining Act, 2006 (Act 703) only vest the minerals in the state and not the land in which the minerals are found.

To this end, section 2 of Act 703 describes how land in which minerals are found can be acquired for the purpose of mining. It states inter alia: “Where land is required to secure the development or utilisation of a mineral resource, the President may acquire the land or authorise its occupation and use under an applicable enactment for the time being in force.” However, section 72 of the Minerals and Mining Act, 2006 (Act 703) confers surface rights on lawful landowners whose lands have been taken over for mining operations pursuant to sections 1 and 2 of Act 703, subject to obtaining consent from the mineral right holder and provided that the exercise of the surface right does not affect the mining operations of the mineral right holder. On the other hand, surface rights to land are publicly and privately owned in Ghana. These surface rights include farming rights, the right to build, the right to possess and enjoy economic trees, both natural and artificial, the right to alienate, etc. These surface rights can be derived from allodial interest, usufructuary or customary freehold interest, leasehold interest, or even lesser interests like the 'Abusa' and 'Abunu' systems of agricultural tenure in Ghana (Kidido, 2007). Customary systems are based on the values of a particular social group, and it is these values that confer legitimacy on local decision-making (Toulmin, 1998).

In spite of section 72 of Act 703 of 2006, which allows lawful landowners to retain surface rights over lands given for mining operations, other rights affected and losses they suffer as a result of expropriation of their lands are listed in Table 1.0 below.

Table 1.0 : Types of Losses from Land Acquisition

| Category | Type of Loss |
|-----------------------|--|
| Land | <ul style="list-style-type: none"> • Environment-related |
| Structures | <ul style="list-style-type: none"> • House or living quarters • Other physical structures • Structures used in commercial/industrial activity • Displacement from rented or occupied commercial premises |
| Income and Livelihood | <ul style="list-style-type: none"> • Income from standing crops • Income from rent or sharecropping • Income from wage earnings • Access to work opportunities • Income from affected business • Income from tree or perennial crops |



| | |
|------------------------------|---|
| | <ul style="list-style-type: none"> • Income from forest products • Income from fishponds and fishing places • Income from grazing land • Subsistence from any of these sources • Loss of income via use of the land as a collateral for loans, grants, etc. |
| Community and cultural sites | <ul style="list-style-type: none"> • Schools, community centres, markets, health centres • Shrines, other religious symbols or sites • Places of worship (church, temple, mosque) • Cemeteries, burial sites • Rights to food, medicines and natural resources • Intellectual property rights |
| Environment-related | <ul style="list-style-type: none"> • Losses due to environmental impacts that might result from land acquisition or from project itself |

Source: Asian Development Bank (ADB) Handbook on Involuntary Resettlement


2.3 Land Acquisition

In much of the literature on land in Africa, land is viewed as a sacred commodity that is tied to people's communal identity. Land is seen as communal property administered by chiefs on behalf of the whole community, including the interests of ancestors and of the unborn (Amanor, 2006). This is perhaps echoed in the article "Protesters in Eastern India Battle Against Mining Giant ArcelorMittal on March 2nd, 2010". In the rural, tribal lands of Eastern India, protesters are going head-to-head with world steel giant ArcelorMittal. "We may give away our lives, but we will not part with an inch of our ancestral land," the villagers cry. "The forest, rivers and land are ours. We don't want factories, steel or iron. ArcelorMittal Go Back." (www.corpwatch.org).

In recent times, most customary landholders have attached a much higher value to land than was previously the case. At the same time, tenure security has worsened and there is an increasing number of land conflicts, as evident in our newspapers. Land tenure is the institutional structure that determines the political, economic and social framework by which individuals and groups secure access to land and associated resources (Ahene, 2009).

According to (Usilappan, 2000), land acquisition is a complex process, is sensitive in nature, and needs pragmatic approach to deal with. Wherever possible, land developments should be carried through the process of normal economic supply and demand. Land acquisition includes both outright purchases of property and purchases of access rights, such as rights-of way. (IFC Performance Standard 5, 2006).





Freedom of the person and the right to acquire, hold and enjoy property are the two pillars on which a democratic society rests. These are characterised as natural rights of the people. Property is not only an economic asset; it also has emotional and sentimental value (Jain & Xavier, 1996). The right to property is not absolute. This right has always been regarded as being subject to eminent domain, an inherent right of the state and an essential part of state sovereignty (Ghosh, 1973). Eminent domain is subject to two essential conditions: private property is to be taken only for public use, and just compensation must be paid for the property taken.

Land acquisition, therefore, is a way of exercising direct control over land development. Land acquisition is also the government's tool to assemble land in resolving land supply problems for development. Land assembly through land acquisition is a way to solve problems with landownership and landowners' reluctance to offer their land for development (Omar & Ismail, 2005).


The power of compulsory land acquisition is to avoid situations where individual landowners can freeze development by refusing to sell, particularly by trying to hold out for an unreasonable purchase price. Under certain circumstances, such as when there are landownership problems and passive landowners, the government feels that undertaking land development by compulsory land acquisition is more complicated, time-consuming and more expensive than reclaiming land from the sea for development in certain waterfront areas, as it often leads to violation of landowners' fundamental human rights (Omar & Ismail, 2005).

2.4 Compensation and Resettlement

The term compensation is used in a number of other statutes. It has a well understood meaning in respect of workers' compensation. It has a different meaning from damages in the law of contract and tort. When used in the context of deprivation of land it means recompense or amends. It means the sum of money which the owner would have got had he sold the land on the open market plus other losses which result from the resumption. The meaning of adequate compensation has different interpretations in different countries. In United States, the market value of the subject property is generally held as just compensation for the dispossessed owner (Eaton, 1995). In UK, compensation is based on the principle of value to owner that is made up of market value together with other losses suffered by the claimant (Denyer-Green, 1994). This principle is broadly followed in most Commonwealth countries and regions such as Australia and Hong Kong (Cruden, 1986).

Compensation on the basis of replacement value still restricts it to individually owned property; the totality of rights that are violated is not compensated. The most critical of these are the customary rights of people to natural resources that are vital to livelihood and food security, and the loss of the common property resources which constitute a valuable shared productive base of the community. This highlights the need for compensation to be relocated within a framework of restitution of rights, both community and individual, beyond even replacement value.






Compensation has largely been understood to refer to specific measures intended to make good the losses suffered by people displaced and/or negatively affected by the acquisition. Compensation usually takes the form of a one-off payment, either in cash or in kind, and is principally about awards to negatively affected persons. In relation to other countries, evidence from practitioners in every country studied except the UK indicates that a standard premium is added to the valuation achieved via the statutory basis of compensation in instances where the owner is prepared to allow the State to purchase their property by negotiation; indeed, in the USA, municipalities are required to prove that negotiations have failed before leave to proceed through the courts is granted (Dowdy et al., 1998).

Compensation for lost assets, by itself, is not sufficient to address the losses faced by those involuntarily displaced. In addition to losing assets, involuntarily displaced people face substantial economic and social disruption and related costs and losses that rehabilitation and generalised safety net measures must address. Policy makers, planners and practitioners are increasingly accepting that displaced persons should not bear any of the externality costs and that, rather than trying to reduce some of the burden imposed on the displaced, the approach should focus on fully restoring, if not improving, the well-being of project-affected persons (ADB, 1998).

A study in Aberdeen (RICS, 1995) also recommends that a supplement should be paid. If the compensation were seen to be more generous, it could be possible to present compulsory purchase positively to the extent that, if it were sufficiently high, owners/occupiers might welcome compulsory purchase. Various amendments to the Malaysian Land Acquisition Act 1960 provide landowners with lesser compensation, such as for compensation on planned use, relocation hardships and business losses. Most jurisdictions have done away with betterment, but in Malaysia the betterment clause is still in the Act (Usilappan, 2000). The problems of compensation are more than just a matter of law and valuation; they are a matter of justice between society and man. “The word compensation would be a mockery if what was paid was something that did not compensate” (Alias et al., 2006).

The Minerals and Mining (Compensation and Resettlement) Regulations 2012, L.I. 2175, was enacted to provide a broad framework within which mineral right holders and affected landowners or lawful occupiers of lands subject to the mining licence shall negotiate compensation and other related matters. Regulation 1(7) provides that the holder of the mineral right shall, on receipt of the claim for compensation under sub-regulation (3), negotiate with the claimant for the payment of fair and adequate compensation by the holder. Regulation 6 of L.I. 2175 enjoins the holder of the mineral right to resettle inhabitants on the land which is the subject of the mining licence on suitable alternative land before commencement of their operations. It prescribes the modality by which the affected inhabitants or community shall be resettled, taking into account their socio-economic well-being and socio-cultural values.





Regulation 14(g) of L.I. 2176 provides that the holder of a prospecting licence, after the expiry of the licence, is required to remove any camp, temporary building or machinery erected by the holder, and repair any damage to the surface of the ground occasioned by the removal, to the reasonable satisfaction of the EPA and the Commission. This removal and reclamation of the land is to be completed within 60 days after expiration, unless the Commission otherwise directs.

2.5 Concept of International and Ghanaian Human Right Laws


Many researchers are concerned about the human rights violations committed by transnational mining companies (TNMCs) in host mining communities in Ghana (e.g., Akabzaa et al., 2007; Ayeelazuno, 2011; Okoh, 2014; Segbor, 2014; Tschakert, 2016; Obiri et al., 2016). Their concerns stem from the connection between the resource curse and territorial principles usually invoked by mining firms in response to human rights abuses they perpetrate, as well as the Government of Ghana's economic interest in maximising revenue from the exploitation of its minerals and mining companies' desire to make profits on their investments vis-à-vis the protection of the fundamental human rights of residents of mining communities. These are the main topics that have dominated the works of most researchers working on this subject.

According to Zerk (2006), the concept of the territorial principle and human rights is enshrined in international law. This principle is based on the fact that countries or states have exclusive jurisdiction to deal with crimes or violations of citizens' fundamental human rights abuses that occur within their territory. Zerk (2006) further states that all states have both criminal and civil jurisdiction over human rights breaches because they have serious consequences for the peace and stability of that country or state.

However, such human rights abuses can result in crimes against humanity (i.e., contamination of transboundary rivers or water bodies through the discharge of toxic chemicals by a mining company in a mineral-rich country can violate the rights of residents in a non-mineral-rich country who depend on that water body). Hence, violations of the environmental rights of people, which can be categorised as human rights abuse, cannot only be regarded as a territorial issue but rather a universal issue. Hence, human rights can be considered as a "universal principle" and at the same time as a "territorial principle". Therefore, multinational mining corporations and the governments of countries in which they operate cannot treat human rights violations in mining communities as a purely territorial principle.

It is within the above context that the United Nations defined human rights as a set of codes or value systems that are enjoyed by all human beings irrespective of a person's colour, race and religion, and made human rights a universal principle. The United Nations serves as the source of international human rights agreements in the global community. The UN's Universal Declaration of Human Rights (1948) is credited as the source of subsequent international rights instruments but, ironically, is in itself considered non-binding (Anyidoho, 2009). Nine main international human rights treaties have been identified under the UN system. Some of these have optional protocols which make them binding international laws (Anyidoho, 2009).





Mining companies and other businesses are gradually realising that the benefits to their business depend to a large extent on their handling of human rights issues. That is, the human rights implications of their footprint in their operational areas affect the profitability as well as the survival of their businesses. In addition to protecting and upholding company reputations, respect for human rights fosters a secure and tranquil society that allows companies to thrive and draw in top talent. To this end, the UN Guiding Principles on Business and Human Rights were established to empower businesses such as mining companies to develop and implement their human rights policies within the framework of the Universal Declaration of Human Rights and other human rights instruments that have been signed and ratified by Ghana, which are summarised in Table 2 below.

Citing Wohlgemuth & Sall (2006), Anyidoho (2009) discussed the importance of the African Charter on Human and Peoples' Rights as a critical regional commitment that does not only support international rights instruments but also reflects the "African" idea of rights. A unique feature of this charter is its solidarity rights, especially the right to self-determination, development and environmental integrity, and the right to freely dispose of natural resources. By placing economic, social and cultural rights on an equal footing with civil and political rights, the African Charter denotes these rights as justiciable (Wohlgemuth & Sall, 2006, in Anyidoho, 2009).

In Ghana, the major issue concerning human rights is essentially given space in the 1992 Constitution of the Fourth Republic, which has its basis in human rights instruments such as the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights (Kludze & Kodzo, 2008). Generally, "Laws of Ghana", as defined by the Constitution, are made up of "the Constitution itself, Acts passed by Parliament, orders and regulations by any authority on which the Constitution confers such power, common law and existing laws that conform to the Constitution" (Anyidoho, 2009, p. 7). The Constitution constitutes the embodiment of human rights in the country.

The Constitution declares "the protection and preservation of fundamental human rights and freedoms...." as a guiding principle in its preamble (Republic of Ghana, 1992). Referring to Chapter Five of the Constitution, Anyidoho (2009, p. 7) describes it as "the central passage on human rights" that outlines specific groups of persons (women, children, persons with disabilities and the sick) whose rights should be protected, as well as a host of rights to which every category of person in Ghana is entitled.



Table 2 : Related International Human Rights Treaties Ratified by Ghana

| Human rights instruments | Year adopted | Year of entry into force | Date ratified by Ghana |
|--|--------------|--------------------------|--|
| International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) | 1965 | 1969 | 8th Sept. 1966 |
| Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Optional Protocol on the Elimination of Discrimination Against Women. | 1979 | 1981 | 2nd Jan. 1986 3 rd February 2011 |
| Convention on the Rights of the Child (CRC) | 1989 | 1990 | 5 th February 1990 |
| International Covenant on Civil and Political Rights (ICCPR) Optional Protocol on Civil and Political Rights | 1966 | 1976 | 7 th September 2000 7 th September 2000 |
| International Covenant on Economic, Social and Cultural Rights (ICESCR) | 1966 | 1976 | 7 th September 2000 |
| Convention Against Torture and other Cruel Inhuman or Degrading Treatment or Punishment (CAT) | 1984 | 1987 | 7 th September 2000 |

Source: Anyidoho (2009)



2.6 Newmont's Human Rights Policy

Human rights are inherent to everyone. Hence, Newmont's human rights policy is to demonstrate the company's respect for human rights, which is crucial for sustainable development and addressing global challenges, such as modern slavery and the just transition to a low-carbon economy. Therefore, the human rights practices of Newmont Africa's Akyem and Ahafo projects are guided by the UN Universal Declaration of Human Rights, the UN Guiding Principles on Business and Human Rights, human rights laws in the countries in which they operate, as well as other recognised international, regional and sub-regional human rights treaties and principles, together with Newmont's Global Human Rights Strategy. Newmont's human rights policy is therefore a strategic framework for integrating the company's respect for human rights into all aspects of our operations and actions.

This policy is aligned with the UN Guiding Principles on Business and Human Rights (“Guiding Principles”). Our Code of Conduct (the “Code”) underscores our commitment to respect the human rights of every individual. Our Sustainability and Stakeholder Engagement Policy explicitly commits to respecting the dignity, wellbeing and rights of employees, those in the communities where we operate and others affected by our activities. The following are salient human rights issues highlighted in Newmont's human rights policy document:

- Right to life;
- Right to water and sanitation;
- Right to an adequate standard of living;
- Right to enjoy just and favourable conditions of work;
- Right not to be subjected to discrimination in employment/occupation;
- Right to health;
- Right not to be subjected to slavery or forced labour; and
- Right to self-determination

2.7 Securitisation and its Implication on Human Rights

Mining companies such as Newmont Ghana Gold Limited, with operations in Akyem, Ahafo South and Ahafo North, have resulted in either taking over farmland/arable land or land and property owned by communities, without appropriate consultation and due diligence through the FPIC process, thus triggering tension between the community and the company (Fig. 1).

These disputes and conflicts have a significant impact on Ghana's national security, economic and political stability, as well as the assets and corporate image of Newmont as the second-largest mining company globally (Stevens et al., 2013). The conflicts between the company and the community also have the potential to negate all the gains it has made, as well as lead to a shutdown of the mine, which can result in revenue loss to both the company and the state and the retrenchment of locally employed mine workers.





Fig. 1. An example of a conflict between affected farmers in Susanso in the Nano North Municipality and officials of the Newmont Ahafo North Project and personnel from the Ghana Police Service.
Source:Wacam and CEPIL Field data (2024)

To forestall these conflicts and agitations by residents of mining communities, and ensure that mining companies such as Newmont have free rein to engage in their activities, the Government of Ghana, like all other mineral-rich countries, often deploys repressive security measures under the guise of protecting the economic interests of both companies (Fig. 2) and citizens in these mining communities (Conde and Le Billon, 2017), thus leading to the adoption of a militarised approach to mineral governance in Ghana.



Fig. 2: A section of a contingent from the military and police deployed to forestall tensions arising out of the demolition of an affected farmer's properties in Susanso, Tano North Municipality, to make way for the Newmont Ahafo North Project. Source:Wacam and CEPIL Field data (2024).




Examples of some of the measures adopted in the militarised approach to mineral governance include, but are not limited to, armed crowd control, the enforcement of anti-terrorism laws, and the creation of a coercive environment in mining communities to suppress the grievances of residents rather than addressing them in a consultative and participatory manner for a win-win situation for communities, companies and government (Andrews et al., 2018; Middeldorp and Le Billon, 2020). In response, communities resort to protest, illegal operations, militancy, and other kinds of resistance (Szablowski and Campbell, 2019), resulting in what we call "new forms of security movement". These dynamics were more visible in Ghana between 2016 and 2017, when the military was employed as a mineral governance policy approach, highlighting the complicated interplay between governance and community grievances. Ghana's reliance on military task forces to combat illegal mining has prompted concerns about human rights and legal abuses, forcing the country to reconsider its mining security methods and sparking community demonstrations (Hilson, 2017), which result in the dispossession of residents of mining communities of their lands, landed properties or their investments in favour of multinational mining companies such as Newmont Ghana Gold Limited without paying them adequate compensation.

The concept of securitisation emphasises that 'security' is not a static or universally defined notion. Rather, the identification of threats and the entities deemed worthy of protection are inherently subjective (Balzacq, 2010). In this case, attention has been drawn to what are referred to as "functional actors" within security discourses (Floyd, 2021). Translating it within the context of the extractive sector, these actors are defined as those whose actions influence sector dynamics, even if they are not directly advocating for security on behalf of a referent object (Floyd, 2021, p. 81), and this process could be driven by speech acts, where political leaders articulate certain issues as existential threats, designate the referent object to be safeguarded, and mobilise audience support for securitising measures (Floyd, 2021). Consequently, the manner in which security concerns are constructed through varied discursive acts becomes central to determining what is securitised and what is disregarded, as well as understanding the ramifications for those affected by these categorisations. This perspective underscores the significance of examining how security narratives are framed, highlighting their impact on different populations.

In this regard, security is increasingly conceptualised as both local and global, public and private, resulting in a diverse network of security actors operating within resource extraction sites and reshaping the security landscape on multiple levels (Enns et al., 2020; Huggins and Kinyondo, 2024). That is, different forms of security governance are known to exist. Examples include, but are not limited to, structural, direct, and slow violence forms of security governance (Davies, 2022; Holterman, 2014; Nixon, 2007; Vélez-Torres and Méndez, 2022).

Structural violence occurs through institutional mechanisms, where political structures implement policies and formal security measures that negatively impact host communities. Direct violence is the visible use of force by public or private security forces, often manifesting in actions like forced removals, displacements, arrests, and, in some cases, deaths. Slow violence,





on the other hand, refers to the less visible consequences of security governance, with the assumption that these security practices are intended for community welfare, though they may cause long-term harm.

The aforementioned raises critical questions about whose security is prioritised and the underlying power dynamics shaping these practices in mining communities within the concessions of Newmont Ghana Gold Limited's Akyem and Ahafo North mines respectively. In most mineral-rich countries in Africa, governments often prioritise the security of mining companies far more than that of mining communities.

This prioritisation of mining companies' security over the security and well-being of residents of mining communities usually results in the violation of their fundamental human rights, as noted in the 2008 CHRAJ report on the state of human rights violations in mining communities in Ghana.





Chapter Three

Methodology

3.0 Study design

The study was designed to use mixed methods. It was also divided into two phases. The first phase involved a gap analysis of human rights provisions in laws, policies and regulations governing the protection of human rights as compared to international human rights instruments and Newmont's own human rights documents. Legislative Instruments (regulations) and other international conventions/treaties that Ghana has signed and ratified, such as:

1. 1992 Constitution of the Republic of Ghana
2. Ghana's Minerals and Mining Act, 2006 (Act 703) and the accompanying Regulations
3. The Environmental Protection Authority Act, 1994, Act 490 as amended by Act 1124 of 2025 and the accompanying Regulations
4. The UN Declaration of Human Rights and other international human rights instruments that the country has signed and ratified would be reviewed in this study.

In addition to the review of the above documents, Newmont's human rights policy documents, reports, as well as other documents from the Ghana Chamber of Mines, the International Finance Corporation (IFC) and the International Council on Mining and Metals (ICMM) would be reviewed under this phase of the study.

The second phase of the study involves a field trip to collect data to complement information gathered from the desk-top review. This phase involves the administration of semi-structured questionnaires, interviews and focus group discussions with relevant stakeholders in the study areas. The findings obtained from the fieldwork as well as phase one would be used to develop recommendations on how to address systemic human rights violations in mining communities in Ghana.

3.1 Description of the Study Areas

This study was undertaken in communities within Newmont concessions in Akyem and Ahafo North. Administratively, the Newmont Akyem concession falls within the Birim North District of the Eastern Region, while the Newmont Ahafo North concession is within the Tano North Municipality in the Ahafo Region.

According to the 2021 Population and Housing Census District Analytical Report for Birim North District (BND), the total population of the district is 82,669 people, with 41,343 (50.0%) being males and 41,326 (50.0%) being females. In the case of the Tano North Municipal Assembly, it has a population of 90,000 people, 51% being males and 49% being females. Agriculture is the main economic activity for residents in both BND and TMA; i.e., about 60% of them are farmers.

Geologically, the two districts lie on the Birimian rock system and are rich in gold and other minerals. Newmont is the mining company that operates in the two districts. Artisanal small-scale gold mining takes place in the Birim North District alongside the activities of a large-scale mining company, i.e., Newmont. Newmont's operations in the BND affected ten communities, and these communities were selected as sample communities and are shown in Fig. 3 below.

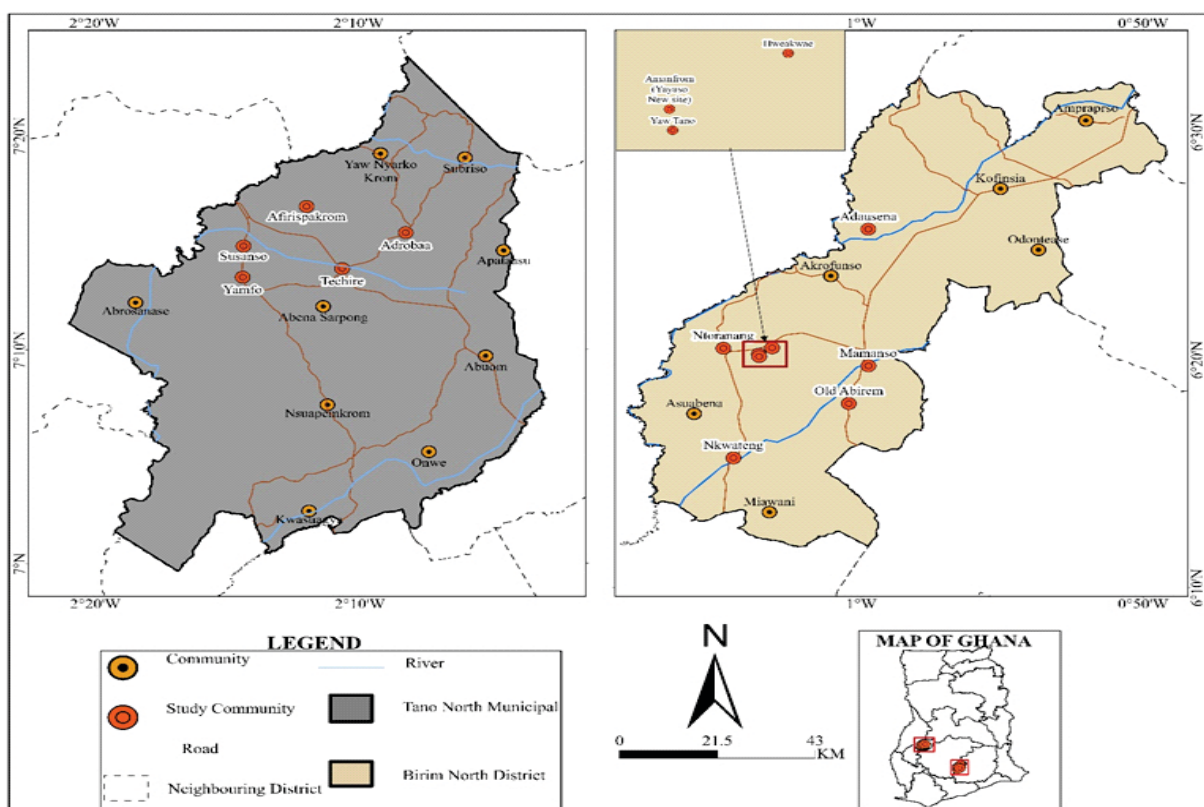


Fig. 3: Map of the study area.

Newmont Ahafo North is the only company operating within the Tano North Municipality. The company's operation covers five communities. These communities are shown in Fig. 3 above.



3.2 Study and Sampling Population

A multi-stage sampling procedure was adopted for the fieldwork phase of the study. This sampling procedure was used to select participants and communities for the study. In the first stage, residents in the following mining communities in the Newmont Ahafo North project area would be randomly selected. They are: Techire, Yamfo, Afrisipakrom, Susuanso and Adrobaa; while for the Akyem area, the following communities would be randomly selected: Ahausena, Yaw Tano, Old Abirem, New Abirem, Hweakwae, Tano, Afosu, Mamanso, Ntronang and Yayaaso. In each of these selected communities, 10 resident adults, 2 assembly members, a chief and a queen mother would be selected. In the second stage, 2 officials from Newmont Ghana Gold Limited's Ahafo North Mine and Akyem Mine respectively would be selected, together with the District Crime Officer, officials of the EPA, the Mining Inspectorate Division of the Minerals Commission, the Water Resources Commission, the Lands Commission, CHRAJ, as well as CSOs working in the study areas. The total number of respondents to be selected has been summarised in Table 2 below.

Table 3: Number of respondents to be sampled

| Respondent | Category of respondent | No. of Respondents | | Total |
|---|---------------------------------|--------------------|-------|--------------|
| | | Ahafo North | Akyem | |
| Resident Adults | Male | 150 | 150 | 300 |
| | Female | 150 | 150 | 300 |
| | Youth | 200 | 200 | 400 |
| | PWDs | 20 | 20 | 40 |
| Assembly Members | Male | 2 | 2 | 4 |
| | Female | - | - | - |
| | PWDs | 5 | 5 | 11 |
| | Youth | 4 | 1 | 5 |
| Traditional Authorities | Chief | 1 | 1 | 2 |
| | Queen Mother | - | - | - |
| District Crime Officer/Commanders | Ghana Police Service | 2 | 2 | 4 |
| Mining Company | Newmont Officials* | - | - | - |
| Ghana Chamber of Mines | CEO and Research Department** | - | - | - |
| Officials from Mining Sectors Regulatory Agencies | Environmental Protection Agency | - | 1 | 1 |
| | Minerals Commission*** | - | - | - |
| | Lands Commission*** | - | - | - |
| Other State Agencies | District Assembly | 1 | 1 | 2 |
| | CHRAJ | 1 | 1 | 2 |
| | Disease Control Officer | 1 | 1 | 2 |
| Non-State Actors | NGOs/CSOs/CBOs | 2 | 2 | 4 |
| Total | | | | 1,076 |

*Newmont Officials refused to answer the questionnaires sent to them despite repeated calls and reminders



****Officials of the Chamber of Mines also refused to answer the questionnaires sent to them despite repeated calls and reminders**

*****Officials of Minerals Commission and Lands Commission agreed to answer the questionnaires but their responses were not ready at the time of finalising the report.**

3.3 Data Collection Techniques

As a human rights monitoring study, the study would employ human rights monitoring techniques and methods such as focus group discussions, interviews, site inspections, documentation and observation, and the administration of semi-structured questionnaires, among others, to ensure a high-quality assessment of human rights violations. Interview schedules, semi-structured questionnaires and a guide for the focus group discussions to be used for the data collection can be found in Appendices 1, 2 and 3, respectively.

3.4 Ethical Considerations

Informed consent will be obtained from all study participants before they are interviewed. In cases where a photograph has to be taken, the research team will respect an individual's right to autonomy by seeking informed consent. The study does not anticipate collecting data from minors. The right to anonymity and confidentiality of the respondents will be respected in the study.

3.5 Data Analysis

The data to be collected through key informant interviews (KIIs) and focus group discussions (FGDs) will be transcribed verbatim and analysed using NVivo software and through thematic analysis techniques, guided by the objectives of the study. Data from the semi-structured questionnaire will be analysed using SPSS version 21 after coding.





Chapter Four

Results and Discussion

4.0 Socio-demographic background of respondents

The results of the socio-demographic characteristics of respondents (i.e., resident adults, assembly members, persons living with disability, traditional authorities, etc.) are presented. Data on the socio-demographic characteristics of respondents include age, gender, marital status, occupation, educational background, length of stay in the community, migration status and main economic activity, among others, and are presented in Table 4.0.

4.0 Socio-demographic background of respondents

| Variable | Ahafo North Mine | | Akyem Mine | |
|-----------------------|------------------|------------|------------|------------|
| | Frequency | % | Frequency | % |
| <i>Age:</i> | | | | |
| 18 - 20 years | 23 | 4.34 | 36 | 6.80 |
| 21 – 30 years | 119 | 22.36 | 122 | 23.06 |
| 31 – 40 years | 182 | 34.21 | 253 | 47.83 |
| 41 – 50 years | 110 | 20.67 | 64 | 12.10 |
| 51 – 60 years | 61 | 11.47 | 30 | 5.67 |
| Greater than 60 years | 37 | 6.95 | 24 | 4.54 |
| Total | 532 | 100 | 529 | 100 |
| <i>Gender:</i> | | | | |
| Male | 279 | 52.4 | 173 | 32.7 |
| Female | 253 | 47.6 | 356 | 67.3 |



| | | | | |
|---|-----|-------|-----|-------|
| <i>Duration of stay in the community:</i> | | | | |
| Since birth | 357 | 67.11 | 452 | 86.44 |
| Less than 5 years | 26 | 4.89 | 20 | 3.78 |
| 6 – 10 years | 50 | 9.40 | 13 | 2.46 |
| 11 – 15 years | 17 | 3.20 | 30 | 5.67 |
| Greater than 16 years | 82 | 15.41 | 15 | 2.84 |
| <i>Household status:</i> | | | | |
| Head | 269 | 50.56 | 259 | 48.96 |
| Spouse of Head | 131 | 24.62 | 146 | 27.60 |
| Adult Member | 132 | 24.81 | 124 | 23.44 |
| <i>Educational Background</i> | | | | |
| No Formal Education | 47 | 8.83 | 60 | 11.34 |
| Basic | 140 | 26.32 | 146 | 27.60 |
| Secondary/TVET | 320 | 60.15 | 296 | 55.95 |
| Tertiary | 25 | 4.70 | 27 | 5.10 |
| <i>Marital status:</i> | | | | |
| Single | 47 | 8.83 | 49 | 9.26 |
| Married | 239 | 44.92 | 238 | 44.99 |
| Divorce | 94 | 17.67 | 86 | 16.26 |
| Widow | 26 | 4.89 | 51 | 9.64 |
| Co-habitation | 126 | 23.68 | 105 | 19.85 |

Source: **Field Data (2025)**

A total of 1,061 respondents, comprising 532 respondents living within the concession of the Newmont Ahafo North project area and 529 respondents living within the concession of the Newmont Akyem project area respectively, were randomly selected to take part in this survey. In the Newmont Ahafo North Project area, more males participated in the survey (52.4%) than females (47.6%), while in the Newmont Akyem Project area, there were more women (67.3%) than men (32.7%) participating in the study. This could be attributed to the fact that most affected men in the Akyem area might have travelled to other parts of the country to search for greener pastures, leaving their families behind. This observation is consistent with Tenkorang (2016), who opines that mining affects men and women disproportionately; i.e., during the initial stages of the mine's life, you are likely to find more men than women. However, as the mine progresses and most male farmers have exhausted their compensation and are not employed by the company, they tend to travel out of their communities to seek greener pastures, leaving the women behind. This observation is also consistent with data from the 2021 Population and Housing Census District Analytical Results for both the Tano North Municipality and the Birim North District.

As shown in Table 4, which is consistent with the 2021 Population and Housing Census data, the majority of respondents, i.e., 60.91% (Ahafo North Mines) and 77.69% (Akyem Mines) respectively, who participated in this study were of youthful age, which ranged between 18 years and 40 years. It can be seen from Table 3 that 269 (50.56%) of the respondents from the Newmont Ahafo mines were heads of their respective households, i.e., breadwinners, while in the Newmont Akyem mining area, 259 (48.96%) were found to be heads of their respective households. This observation means that any disruption in their source of livelihood is likely to affect their ability to take care of members in their households.

The majority of the respondents in the Ahafo and Akyem mining areas respectively have stayed in the community since birth. These people have lived long in the community to describe their experiences in relation to the onset of Newmont Ghana's operations in their communities (i.e., 67.1% in the Ahafo project area and 86.44% from the Akyem area). Similarly, less than 5% of the respondents were migrants who had just moved to the study areas in search of greener pastures due to high gold prices, as well as engaged in farming activities as tenant farmers, among others. These respondents have lived in the study areas for less than five years.

A summary of the major economic activities undertaken by the respondents' households in

Table 5: Major economic activities of respondents

| Economic activity | Ahafo North Project | | Akyem Mine Project | |
|-------------------|---------------------|----------------|--------------------|----------------|
| | Frequency | Percentage (%) | Frequency | Percentage (%) |
| Farming | 343 | 64.47 | 363 | 68.62 |
| Trading | 89 | 16.73 | 66 | 12.48 |
| Mining | 2 | 0.38 | 9 | 1.70 |
| Seamstress | 42 | 7.89 | 24 | 4.54 |
| Retiree | 10 | 1.88 | 23 | 4.38 |
| Carpenter | 36 | 6.77 | 15 | 2.88 |
| Others | 10 | 1.88 | 29 | 5.48 |
| Total | 532 | 100 | 529 | 100 |

Source: **Fieldwork, 2025**

As shown in Table 5, the majority of the respondents in the study areas said they were farmers (i.e., 64.47% of respondents in the Ahafo North Project Area and 68.62% of respondents in the Akyem Mine Project Area respectively). When probed further about the economic activity that they are currently engaged in, their response was that they were unemployed because their farmlands had been taken over by the mining operations of the company. Surface mining, a



major mining technology used by Newmont Ghana Gold Limited for both the Akyem and the Ahafo North mining projects respectively, is competing with respondents' access to land for farming and other land-based activities (Fig. 4).



Fig. 4: Compulsory land acquisition for mining deprives farmers of land for their economic activity. Source: Wacam and CEPIL Field Data (2025)

This observation is consistent with Newmont's Environmental and Social Impact Statement, which categorically states that agriculture is the main economic activity for residents in its operational areas in the Ahafo and Akyem mines respectively. This is also consistent with observations from both the Tano Municipal Assembly and the Birim North District Assembly Mid-Term Development Plans respectively, which put the number of residents engaged in agriculture in the aforementioned districts at over 80% (GSS, 2021).

Similarly, the background of respondents from governmental agencies that have oversight roles in the mining industry, as well as the protection of residents in mining communities' fundamental human rights, that participated in this study has been presented in Table 6.

Table 6: Background of Institutional Respondents

| Characteristics | Frequency | Percentage (%) |
|---|-----------|----------------|
| <i>Level/position in the organisation:</i> | | |
| Management | 7 | 58.3 |
| Senior staff | 4 | 33.3 |
| Junior staff | 1 | 8.3 |
| <i>Number of years respondent has followed issues associated with Newmont's operations:</i> | | |
| 0 – 2 years | 2 | 16.7 |
| 1 – 5 years | 9 | 75.0 |
| ➤ 5 years | 1 | 8.3 |

Source: Field Data, 2025

4.1 Newmont's Land Acquisition

Land is a great investment and a valuable asset that does not depreciate but rather increases in value over time. There is no doubt that land is the most significant economic asset to civilisation, as it is difficult to imagine any economic endeavour that does not include the use of land. Thus, interest in property is critical in a commercial contract, serving as a necessary precondition for any economic activity. This makes land the world's most dominant commodity, with significant demand in all areas of development. It is the primary source of wealth (50–75%) for every nation, city, town, village, clan, or family (Paaga, 2013).

Hence, this section of the study sought to investigate human rights issues associated with Newmont's land acquisition processes in two of its operational areas in Ghana, i.e., Ahafo North Project area (hereafter called Ahafo North) and the Akyem Project area (hereafter called Akyem). The response of participants on whether their land had acquired by Newmont have been summarised in Fig. 5 below:

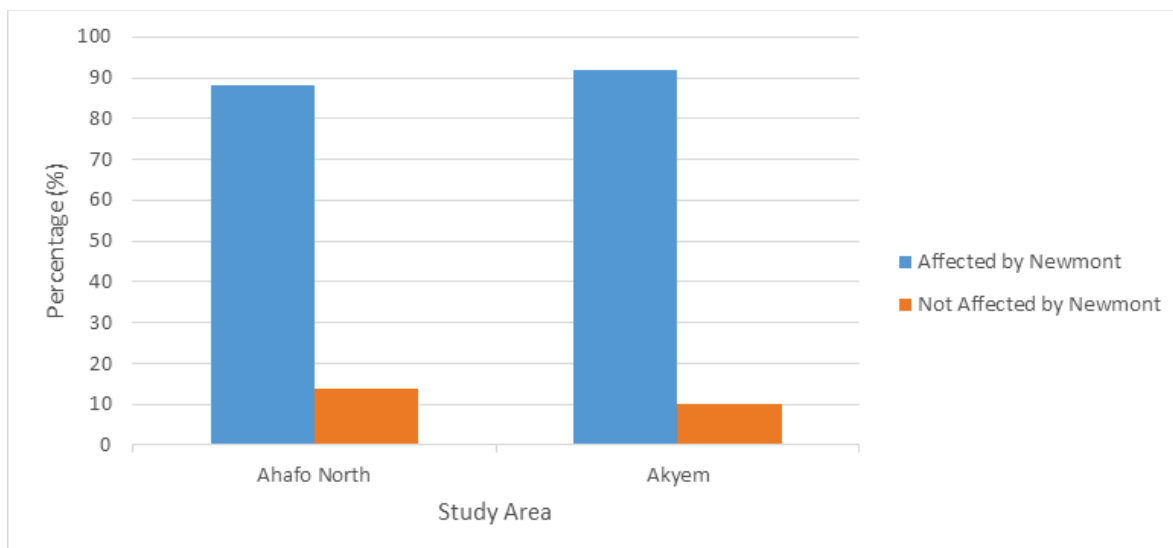


Fig.5: Number of respondents affected by Newmont's land acquisition

From Fig. 5, 88% of the respondents in Ahafo North are Affected Persons and 92% in Akyem are also affected. These respondents were in a good position to share their experiences of Newmont's land acquisition processes. The remaining 12% of respondents in Ahafo North and 8% of respondents in the Akyem mining area respectively either have not been affected by Newmont's land acquisition (i.e., as they were mostly teachers and other workers in the communities in search of their livelihood or their lands fell outside the mining take area as declared by the company) but are knowledgeable of the company's land acquisition process and could comment on it.



There is significant evidence that supports the notion that the extractive industry globally (Lahiri-Dutt 2006; Perks 2011; Purevjav 2011; Mercier 2011) impacts negatively on women's access to land and land-based activities such as farming. These gender concerns are often overlooked in the land acquisition process by mining companies due to its male-dominated nature (Mishra and Reddy 2012). Hence, in order to get a full picture of the impacts of large-scale land transactions and their ramifications in terms of inequalities, livelihoods, and food security on women in Newmont Ghana Gold Limited's Ahafo North and Akyem Project areas respectively, this section of the study examined the gendered effects of and responses to persons affected by Newmont's land acquisition in the study areas by comparing it with findings made by Doss et al. 2014. The findings obtained from such gender analysis have been summarised in Fig. 6.

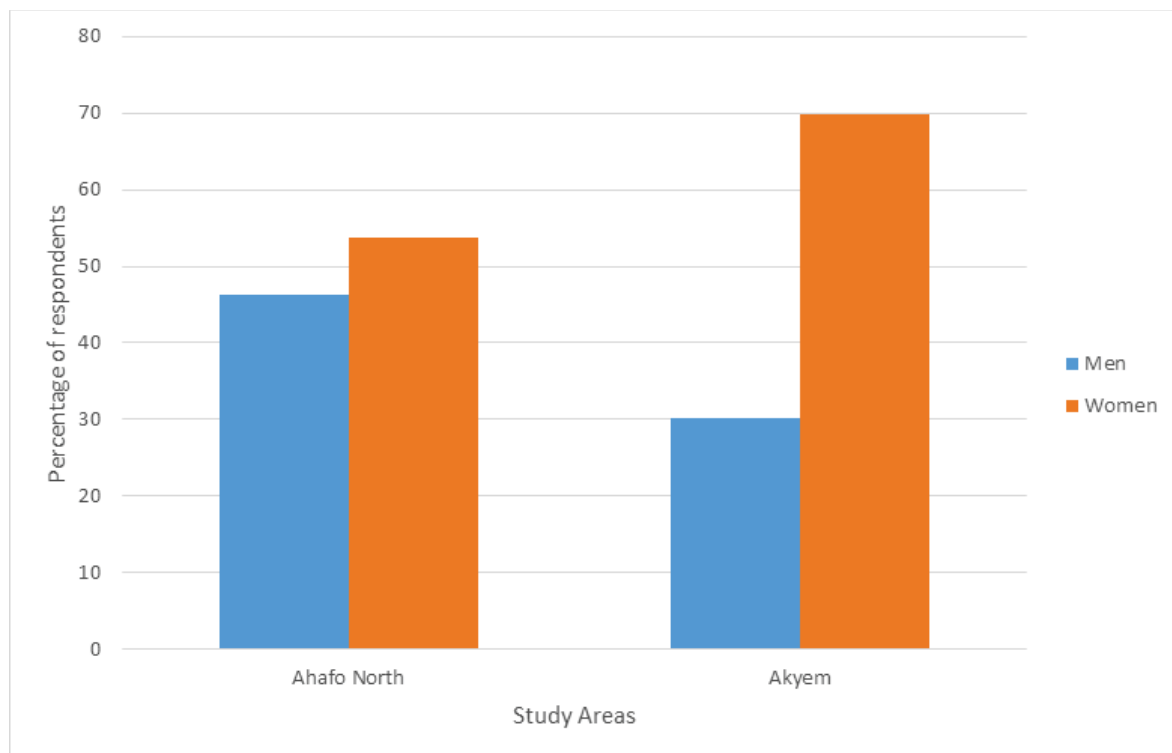


Fig. 6: Percentage of men and women affected. Source: Field Data (2025).

It can be seen in Fig. 6 that 53.8% of women respondents in the Ahafo North Project area have been affected by the company's land acquisition process as against 69.9% of women respondents in the Akyem mining area. This observation is consistent with findings made by Tenkorang (2008), who argued that between 76.8% and 90% of women respondents in Newmont Ghana's Ahafo South Mine reported that they lost access to their land as a result of the mining operations of the company. Meanwhile, 46.2% of men in the Ahafo North project as against 30.1% of men in the Akyem area respectively lost their land to Newmont Ghana Gold Limited.



During focus group discussions, most of the affected respondents indicated that they were landowners or tenants who rented the land for their economic activities. The land in question had either been used for the cultivation of crops, fish ponds, houses built on them for residential purposes or for the rearing of animals, or stores for the selling of other merchandise items (Fig. 7). An FGD participant in the Akyem area sums it up as follows:

“My 20-acre land I inherited from my parents has been taken over by Newmont for mining operations; I used about 5 acres to cultivate cocoa, 3 acres for a cashew plantation, with the rest being used for the cultivation of plantain, cassava, maize, etc.”
(An FGD participant from Old Abirem, Newmont Akyem Mines)



Fig. 7: Destruction of properties on affected respondents' properties.

Source: Wacam and CEPIL Field Data (2025)

According to Ghana's 1992 Constitution, the Lands Act, Act 1036 of 2020 and the 1999 Land Policy, land ownership in Ghana falls under customary, statutory/public or private ownership. Customary lands are those owned by stools, skins, families, or clans and are typically held in trust by the chief, head of family, clan, or fetish priests for the benefit of the group's members. Private ownership of land can be obtained through a grant, sale, gift, or marriage. Public lands are those vested in the President for public use. Ownership can be acquired by outright acquisition from customary landowners, private persons, or colonial governments.

Since over 80% of respondents living in communities within the concession of the company in both the Ahafo and Akyem mine areas are farmers and require land for their farming activities as well as other economic ventures, the study sought to investigate the nature of respondents'

interest in the lands acquired by Newmont in its Ahafo North and Akyem projects respectively. Responses from community members in the two mine project areas have been summarised in Fig. 8.

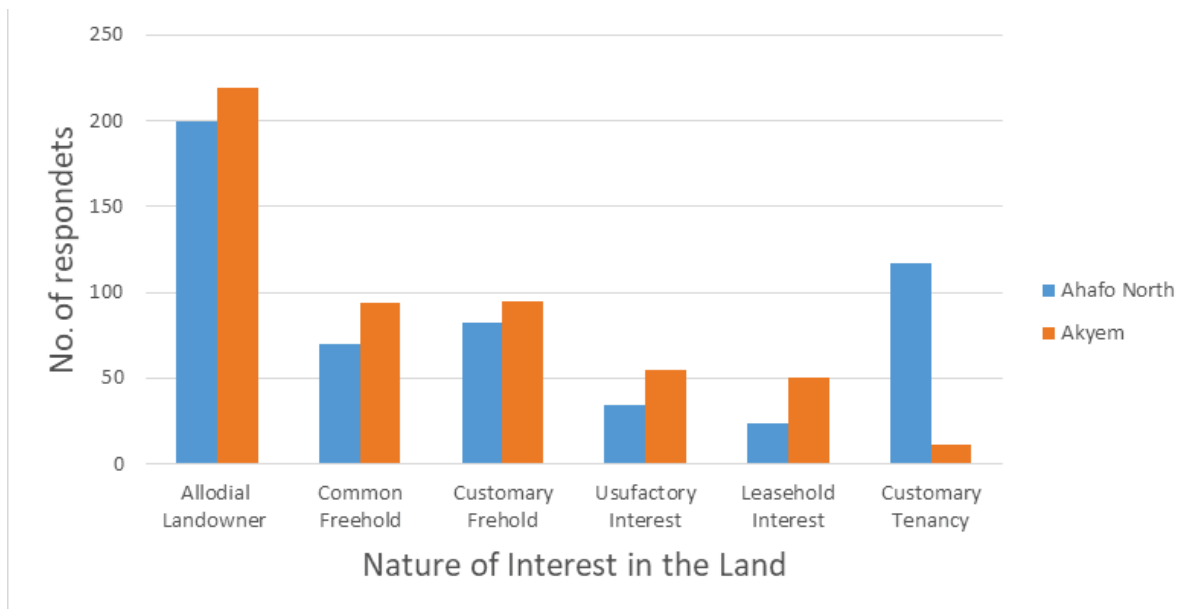


Fig. 8: Nature of respondents' interest in land acquired by Newmont in its Ahafo North and Akyem operations. Source: Field Data (2025)

From Fig. 8, it can be seen that the majority of respondents in the two operational mining areas of the company are allodial owners of the land. Hence, they have a high interest in the land being acquired as compared to customary tenants who rented the land to engage in farming activities or other economic ventures. Such customary tenants may be quick to give out the land in question for mining so that they can take their compensation.

On the issue of the mode of acquisition of respondents' land by Newmont Ghana Gold Limited, 39% of the respondents in the Akyem area said that they were informed either by officials of Newmont that a gold belt falls on their land, for which government had already given them a permit to mine, or through the chiefs, opinion leaders and other government officials as well as their landlords; while 51% of the respondents claimed that they were coerced to give out their lands to the company by chiefs, and the remaining 10% by state officials such as the Police and the Military.

In the case of Newmont Ahafo North, about 80% of the respondents argued that their lands were taken over through the compulsory land acquisition process enshrined in the Land Act 2020 (Act 1036) after they failed to consent to the compensation packages being offered by officials of the company. Such farmers had their properties destroyed under the supervision of



the Tano North Municipal Assembly with the support of officials of the Ghana Police Service and the deployed contingent of the Ghana Armed Forces to provide the company officials with the needed security (Fig. 9).



Fig. 9: An affected respondent with his destroyed properties. **Source:** Wacam and CEPIL Field Data (2025)

Delving deeper to understand issues surrounding the mode of land acquisition by Newmont, most of the respondents assert that they are either coerced or intimidated into giving out their lands to the company by either the chiefs or government officials or the company itself. The coercion usually comes from the company, which made a lot of promises to them; while customary tenant farmers are intimidated by their landlords into accepting paltry compensation to make way for the company to acquire the land.

The remaining 10% of respondents in both Akyem and Ahafo North project areas argued that the government abused its power of eminent domain enshrined in Part B of section 2 of the Minerals and Mining Act 2006, Act 703 (which states inter alia: “Where land is required to secure the development or utilisation of a mineral resource, the President may acquire the land or authorise its occupation and use under an applicable enactment for the time being in force”) in authorising the forceful taking over of their lands by Newmont Ghana Gold Limited. This is evident in the Ahafo North project area where a contingent of the Ghana Police and the Ghana Army supervised the demolition and forceful taking over of their lands under the instructions of the Ahafo Regional Security Council and the Tano North Municipal Security Council respectively (Fig. 10).



Fig. 10: Forcible takeover of community properties by Newmont in Ahafo North. **Source:**Wacam and CEPIL Field Data



During FGD discussions with respondents in the Ahafo North area, they claimed that the government relied on compulsory land acquisition provisions in the new Land Act 2020, Act 1036 for the acquisition of their land by the company, which was very new to them. Hence, there was a need to interrogate respondents' knowledge of relevant laws governing land acquisition for mining operations in the study areas. The responses obtained have been summarised in Fig. 11.

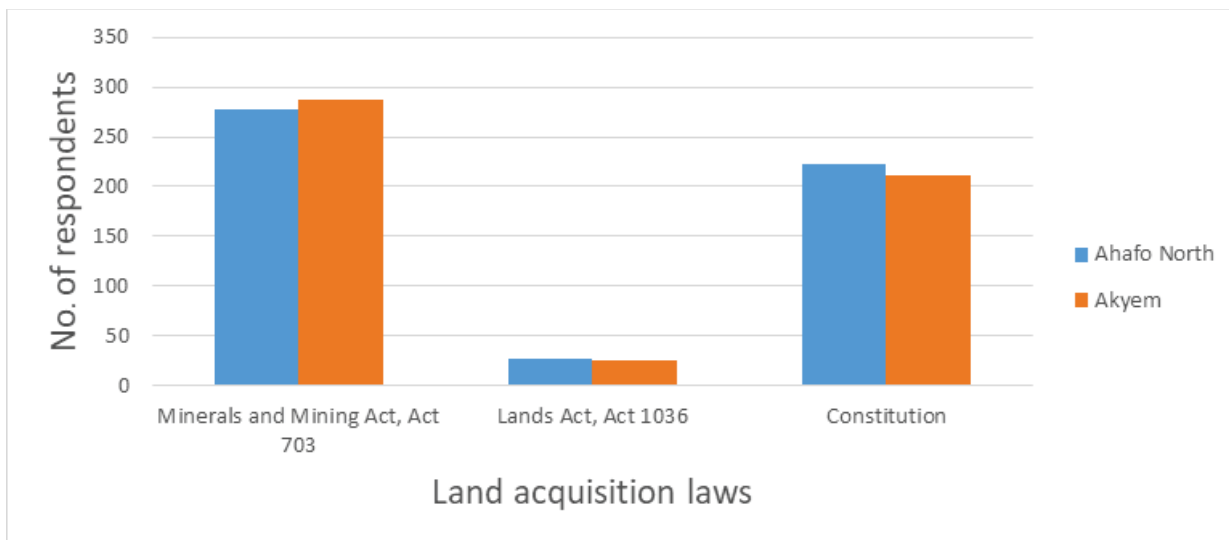



Fig. 11: Respondents' knowledge on relevant laws governing land acquisition for mining in Ghana. Source: Field Data (2025)

As shown in Fig. 11, the majority of the respondents in the study area had knowledge of the Minerals and Mining Act 703 of 2006 and the 1992 Fourth Republican Constitution. However, most of the respondents have very limited knowledge about the new Land Act 1036 of 2020. This is serious as some parcels of land, land acquisition in the Ahafo North mining area was done under the new Land Act, Act 1036 of 2020. It is interesting to note that not only community members who have limited knowledge about the existence of this law, most officials of the District Assemblies, EPA, and other government agencies were also ignorant about the law. Hence, the Lands Commission needs to step up its public education to bring all the actors in land acquisition processes in Ghana up to speed on the knowledge of this law.

The compulsory land acquisition provisions enshrined in sections 233 to 267 of the Land Act 2020, Act 1036 provide the legal basis upon which land may be acquired by the state. Though these provisions are new to the respondents, it must be noted that most of the provisions in the Act which are supposed to safeguard the interest of the respondents were not followed. That is, analysis of FGDs on this subject with respondents in the study areas documented community perception about the use of state security forces to enforce the compulsory taking over of their





lands under the aforementioned provisions in the Land Act without the state fulfilling the obligations imposed on it by the law, i.e., arbitrary enforcement of laws. Reports indicate that security personnel often act with impunity, resulting in human rights abuses, unjust actions, and even fatalities (Interview, 2025). This raises concerns regarding the underlying objectives of the compulsory land acquisition provisions in the current Land Act and for whose interest these provisions were made.

A female FGD participant in the Ahafo North area reinforced this point as follows:

“Everyone is afraid of soldiers, and when they come, and when they come when run anywhere, some fall and others injure themselves; others are arrested, including my husband, and others are shot at. So, it is not easy. It is not good at all. So, when the soldiers appeared, we ran for our lives, not knowing where we were running to and the dangers ahead in the unknown destination, we were running to ... (A Female FGD participant, 2025)

Another male FGD participant in the Ahafo North also had this to say;

“The 1992 Constitution, as well as section 265 of the Land Act 2020, Act 1036, require that we be resettled in a conducive area having regard to our socio-cultural, socio-economic values. But here is the case, Newmont, sooldiers and police came and demolished our houses without resettling us properly as stipulated by law. In fact, on the night of the demolition we had to beg other people to offer us a place to sleep; while those of us who could not make such arrangement had to sleep in the open” A male FGD participant, 2025)

When respondents were asked about the source of knowledge about these laws, most of the respondents claimed that they got to know about the laws from NGOs like Wacam and the Centre for Public Interest Law (CEPIL).

They were quick to add that, at the time when most of their lands were being taken over by Newmont, they had very little or no knowledge about these laws. This lack of or limited knowledge about these relevant laws affected the type and magnitude of compensation they received. This suggests that regulators and the company need to educate community members on relevant provisions governing land acquisition for mining operations.

The Minerals and Mining Act, Act 703 of 2006 as amended and its regulations, i.e., regulation 16 of LI 2175, empower mineral right holders to declare a mining cut-off date, popularly known as a moratorium, as well as the declaration of the mine take area. As noted by Asante (2011), the concept of the declaration of a mine take area and moratorium is relatively new in mining sector regulations. Hence, there was a need to assess residents' knowledge in both Newmont Ahafo and Akyem operational areas of the concept of this regulation, as well as their views on the application of this regulation as it affects their access to land and right to work or development. Responses from the respondents have been summarised in Figures 12 and 13, respectively.



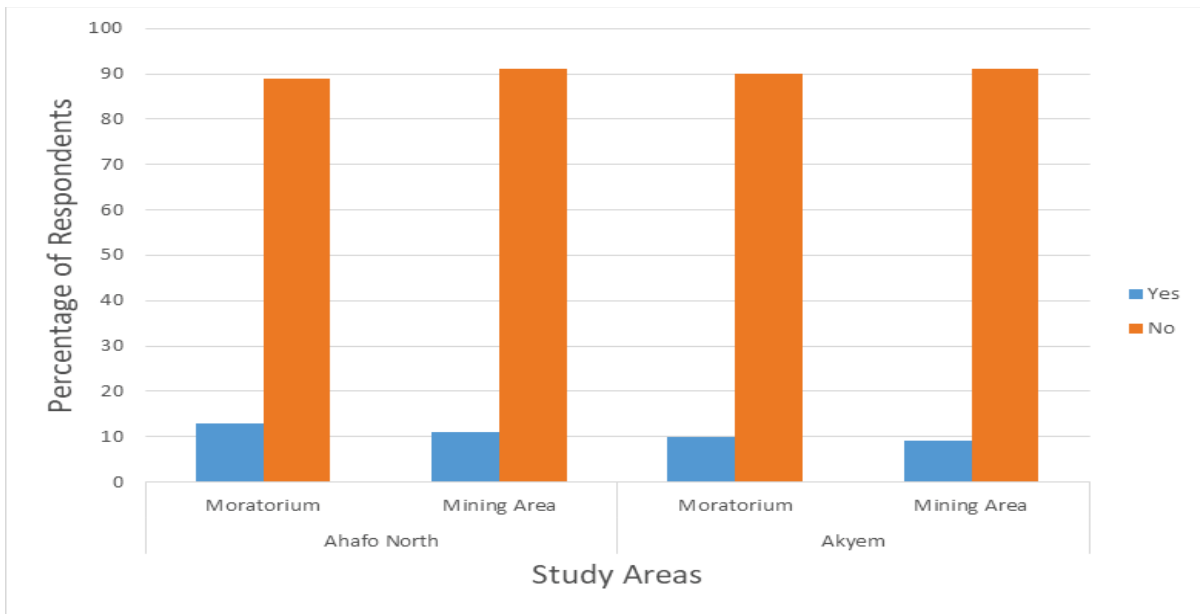


Fig. 12: Respondents' knowledge of concept of moratorium and mining area declaration in regulation 18 of LI 2173. Source: Field Data (2025)

It can be seen from Fig. 12 that the majority of residents (90%) in Newmont Ahafo North and Akyem said they have no knowledge of regulation 16 of LI 2175 accompanying the Minerals and Mining Act, Act 703 of 2006, means the date agreed by the holder of a mineral right and the Commission for the payment of compensation following the designation of a mining area and which is published in the relevant district. Of the less than 10% of residents who answered that they knew of this regulation, they claim that the source of their knowledge is based on legal empowerment training they have received from NGOs like Wacam and CEPIL. The over 90% of respondents who have no knowledge of the existence of this regulation claim they heard of it for the first time when the company visited their properties, in their presence or in their absence, to cut the line for the mining take.

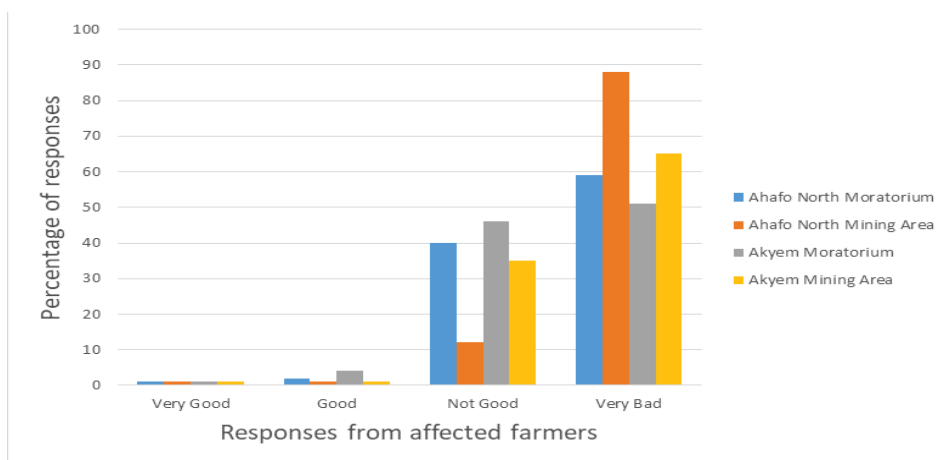


Fig. 13: Perception of respondents on the implementation of Mining Area and Moratorium declaration by Newmont. Source: Field Data (2025)



From Fig. 13, it can be seen that most of the respondents in both the Ahafo North and Akyem mining areas of the company described the way Newmont is implementing the declaration of the mining area and moratorium as 'Not Good' (i.e. about 45% of respondents) and 'Very Bad' (i.e. about 90% of respondents).

Only a few of the respondents (i.e. less than 2%) ranked the way the company is implementing the declaration of the mining area and moratorium as 'Very Good' and 'Good', because to them “it creates awareness for the people to know the position of the company with respect to tracts of land, thereby avoiding conflict in land use with the community” and “any land acquired is paid for”, as well as 'avoiding speculative farming or development on the land'.

However, for the majority of respondents who said that the declaration of the mining area and moratorium by Newmont is 'Very Bad' or 'Not Good', it is because this concept affects their right to development as well as their economic rights. They explain that, during the declaration of their lands as mining areas or when a moratorium was placed on them not to develop their lands, they had not received any compensation from the company; hence asking them not to work on their lands affects them severely. Secondly, they might have used their lands as collateral for loans, which often results in them being arrested for defaulting in honouring their side of the agreement reached with their creditors. The net effect of the implementation of this concept by the company leads to a lot of controversy and tension between the company and affected community members, which, according to officials of the Ghana Police Service, affects the general security of the area.

On the length of time affected landowners' lands within Newmont Ahafo North and Akyem concessions were placed under moratorium, the majority of the respondents (92%) claimed that it took the company more than four months to come and negotiate and pay them the compensation due to them (as shown in Fig. 14). For affected landowners in the Ahafo North area whose lands were compulsorily placed under moratorium by the company, under the compulsory land acquisition processes enshrined in Act 1036 of 2020, they are yet to receive any compensation two years after their lands were declared a mining area.

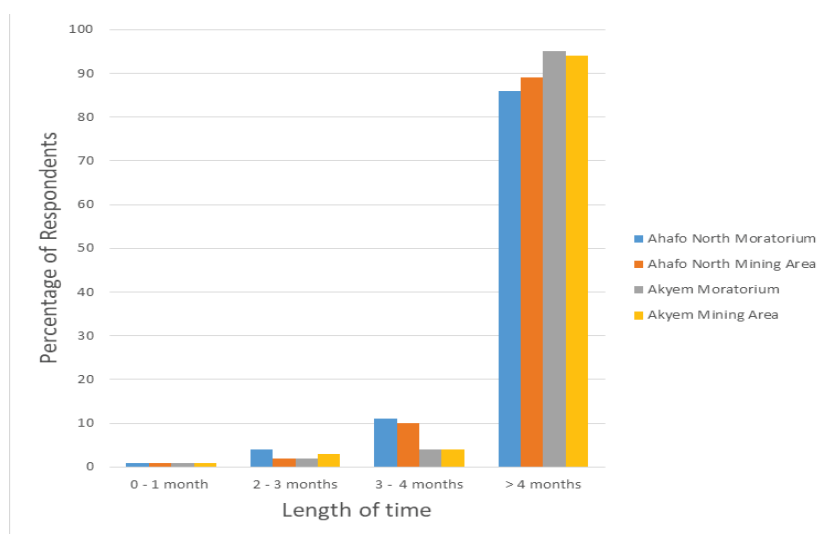


Fig. 14: Length of time respondent's lands were placed under moratorium by Newmont. Source: Field Data, 2025



4.2 Compensation

The 1992 4th Republican Constitution guarantees the right of citizens to own property. However, in cases where such property is required to promote the larger interest of society, a citizen's right over that property can be taken over by the state with payment of appropriate compensation. Hence, this section of the study sought to find out whether respondents whose properties — i.e. land and other structures — were destroyed to make way for the mining operations of Newmont were properly compensated. Responses from the affected respondents have been summarised in Table 7 below.

Table 7: Payment of compensation to affected respondents

| Issue | Ahafo North | | Akyem | |
|-----------------------|-------------|-------|-----------|-------|
| | Frequency | % | Frequency | % |
| Compensation paid | 224 | 42.11 | 498 | 94.14 |
| Compensation not paid | 308 | 57.89 | 31 | 5.86 |

Source: **Field Data, 2025**

It is also clear from Table 6 that compensation had been paid to 94.14% of respondents in the Akyem area who had been impacted. It was only about 5.86% who had not received their compensation. These respondents are contesting the compensation figures proposed by the company in courts of competent jurisdiction. It is worth noting that, at the time of the survey, about 308 residents in the Ahafo North area had not received any compensation. These people's properties were acquired under compulsory land acquisition processes enshrined in the new Land Act, Act 1036 of 2020. During the focus group discussion, participants were unanimous in their view that delays in the payment of compensation due to them are a violation of their fundamental human rights. For example, a 50-year-old female farmer from Akyem Hwaekwae, in an in-depth interview, expressed her frustration at having to chase her compensation for the destruction for years in the following words:

“I am a farmer and have farmed for so many years, but the presence of Newmont in the Akyem area has destroyed many of my farmlands, especially my sugarcane farm which provided me with a source of income to help send my children to school. I believe Newmont has greatly destroyed many farmers' household incomes and is still having negative effects on us, as I am still chasing them for my compensation.”



The delay in payment of compensation due to affected respondents is a flagrant disregard of Article 20(2a) of the Constitution, which emphasises prompt payment of compensation. This assertion is corroborated by data from the administration and analysis of questionnaires summarised in Fig. 15 below: only 2 affected respondents in the Ahafo North and Akyem areas respectively claimed that they received their compensation within a month after the destruction of their properties.

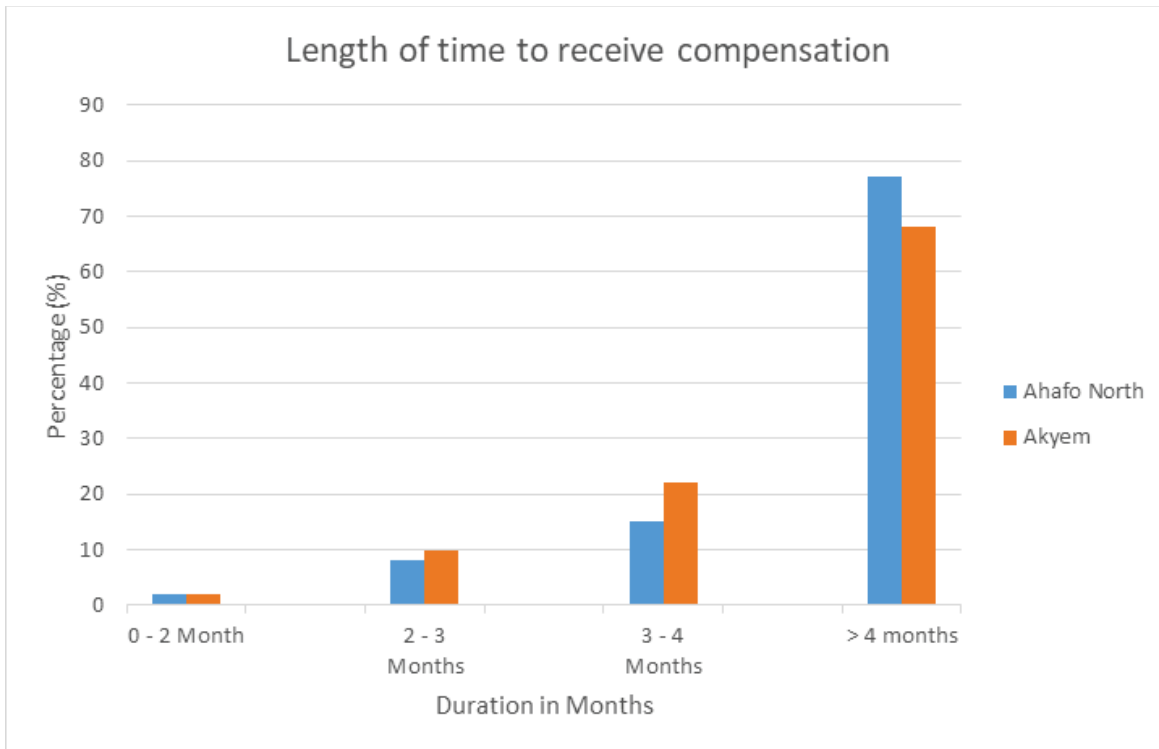


Fig. 15: How long it takes to be compensated? Source: Field Data ((2025)

It can be seen in Fig. 15 that only 8% of respondents in the Ahafo area claimed the duration was between 2–3 months, as compared to 10% of respondents from the Akyem area. The majority of respondents put the duration between assessment of compensation payable to the affected respondents and actual receipt of the compensation at more than four (4) months. Another participant during the FGD for combined male and female respondents in the Akyem area had this to say about the unfair compensation packages offered to them:

“You know, mining is about land and, in the course of acquiring these lands, the abuses come in. Sometimes it is because some of these community people do not really know their rights. They take their land and give them some peanuts. Sometimes they do not pay anything because they use the chiefs and the community leaders to acquire the land. For example, they can give about 500 Ghana Cedis (GH¢) (i.e. about 90 USD) or 1000 GH¢ (i.e. about 180USD) for an acre of cocoa farm; even getting GH¢ 1,000 means you have some amount of bargaining power.”



However, sometimes, when you compute the actual cost of that farm by normal compensation principles, it could even run into hundreds of thousands of Ghana Cedis. People in the communities are usually not aware of principles of compensation so even when they resist the meagre compensation, they are forced to accept it.”
(A 40-year-old male FGD participant in Old Abirem)

Article 20 of the 1992 Constitution, the Land Act, Act 1036 of 2020, as well as the Minerals and Mining Act, Act 703 of 2006, require that where any land is compulsorily acquired for mining purposes, the owner or lawful occupier be compensated by the holder of the mineral right. Section 73(1) of the Minerals and Mining Act, Act 703 of 2006 states, inter alia, as follows: “The owner or lawful occupier of any land subject to a mineral right is entitled to and may claim from the holder of the mineral right compensation for the disturbance of the rights of the owner or occupier, in accordance with section 74.”

The compensation principle outlined in section 74(1) of Act 703 of 2006 is as follows:

“The compensation to which an owner or lawful occupier may be entitled, may include compensation for:

- a. deprivation of the use or a particular use of the natural surface of the land or part of the land;
- b. loss of or damage to immovable properties;
- c. in the case of land under cultivation, loss of earnings or sustenance suffered by the owner or lawful occupier, having due regard to the nature of their interest in the land; and
- d. loss of expected income, depending on the nature of crops on the land and their life expectancy”.

Hence, this study sought to examine whether Newmont complied with the above provision in the payment of compensation to affected residents in both its Ahafo North and Akyem mines. The findings obtained have been summarised in Fig. 16.

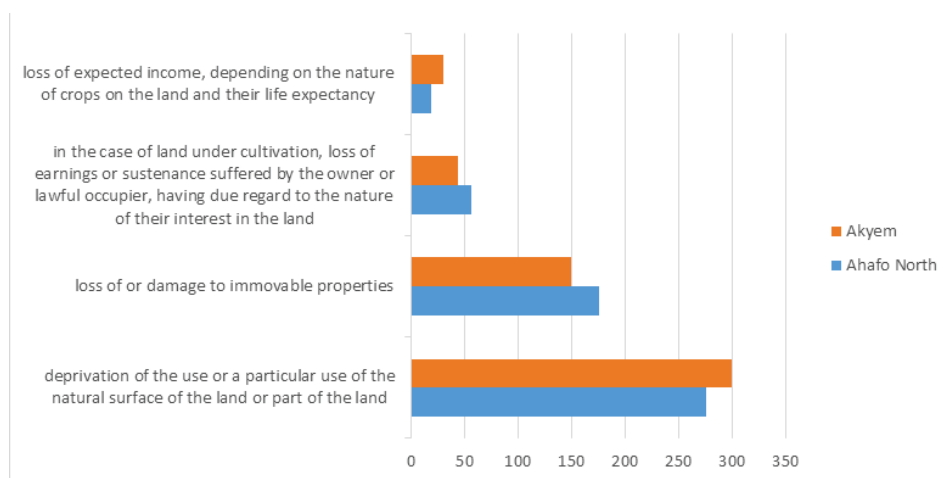


Fig. 16: Perceptions of residents on compliance of Newmont to compensation payment principles in section 74 (1) of Act 703 of 2006 and LI 2175 of 2012. **Source:** Field Data (2025)



Out of the total 1,061 affected residents interviewed for this study, a total of 920 (87.5%) have received compensation for either the acquisition of their lands or the destruction of their properties for mining by the company. The majority of them claim that Newmont did not follow the compensation principles set forth in section 74(1) of the Minerals and Mining Act, Act 703 of 2006 and regulation 3 of L.I. 2175 of 2012. That is, 676 of the respondents (64.3%) claim that the compensation they received from Newmont did not factor in the deprivation of the use of the natural surface of their lands. According to Ayitey et al. (2011), "deprivation of the use of land or a particular use of the natural surface of the land" refers to the prevention or denial of economic and beneficial use of land, or the restriction of use rights. Deprivation can be total or partial, depending on the scale of the curtailment. Total deprivation affects all use rights of an owner or lawful occupier, while partial deprivation refers to the curtailment of a specific use. Similarly, according to the framers of regulation 3(b) of L.I. 2175 as well as section 74(1) of Act 703, compensation for deprivation of the use of the land or particular use of the natural surface of the land is expected not to make the landowner worse off or to avoid speculative activities by the affected landowner so as to get more compensation, through strict adherence to the following regulations provided for in regulation 3(b) of L.I. 2175:

- (b) in respect of deprivation of use or a particular use of the natural surface of land,
 - i. the disruption of the socio-economic activities of the claimant;
 - ii. change or conversion of use of the land after mine closure;
 - iii. duration of the mining lease;
 - iv. diminution of the value of the land as a result of the diminution of the use made of or which may be made of the land;
 - v. severance of any part of the land from other parts; and
 - vi. any surface rights or access;

Similar reasons were given by the respondents to buttress their point on non-adherence to the law governing payment of compensation by Newmont.

It emerges from the study that the company often delays in paying affected residents the compensation due to them. The views of respondents have been presented in Fig. 17.

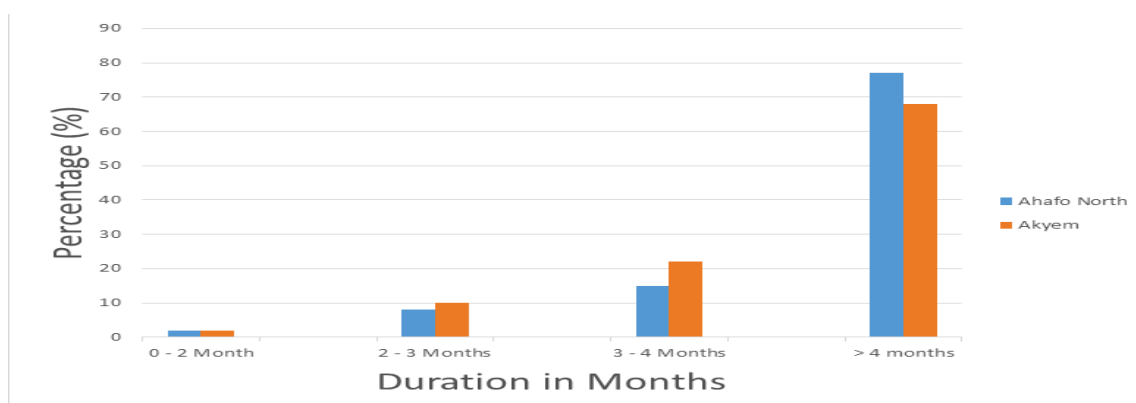



Fig. 17: Duration for payment of compensation to affected residents. Source: Field Data, 2025





The impact of protracted delay in the payment of compensation to affected residents can be likened to modern-day slavery, i.e., intentionally punishing residents of these resource-endowed communities to push them into extreme poverty. For example, a 50-year-old female farmer from Akyem Hwaekwae, in an in-depth interview, expressed her frustrations in having to chase her compensation for the destruction for years in the following words:

*“I am a farmer and have farmed for so many years
but the presence of Newmont in the Akyem area,
has destroyed many of my farmlands,
especially my sugarcane farm which provided me
a source of income to help send my children to
school. I believe Newmont has greatly destroyed many
farmers' household incomes and is still having
negative effects on us, as I am still chasing them for my compensation.”*


4.2.1 Payment of Annual Ground Rent

Section 23(b) of the Minerals and Mining Act, Act 703 of 2006 states, inter alia, as follows: “payment of annual ground rent shall be made to the owner of the land or successors and assigns of the owner except in the case of annual ground rent in respect of mineral rights over stool lands, which shall be paid to the Office of the Administrator of Stool Lands, for application in accordance with the Office of the Administrator of Stool Lands Act, 1994 (Act 481)”.

Hence, this section of the study sought to find out whether affected lawful landowners who claimed to have allodial title to land acquired by Newmont have received any annual ground rent from the company. It emerged from the study that all the affected respondents who have allodial title to their lands, which were acquired by Newmont, had not received ground rent due to the current disbursement formula used by the Office of the Administrator of Stool Lands (OASL).

The current approved disbursement formula used by OASL mandates that 55% of such revenues received is paid to the respective District or Municipal Assembly; 25% to Stools or Skins; 20% to Traditional Authorities under whose jurisdiction the mining lease falls; and 10% is to be retained by the OASL for administrative purposes.





Most of the respondents claimed that such non-payment of annual ground rent for the use of their lands for mineral exploitation affects them economically and is a clear violation of Act 703 of 2006.

4.3 Shrinking Civic Space

This section of the study sought to find out whether the presence of mines in the Ahafo North and Akyem areas has resulted in the narrowing of civic space for community engagement. Most scholars have argued that the mere presence of the mines in the community in itself creates its own power relationship, which affects hitherto normal community relations. The majority of respondents in the two study areas were of the view that the presence of the mine in their communities has narrowed the civic space for their engagement. This is evident from the fact that, during the administration of the research instruments in Yamfo, a community in the Ahafo North District, the community members were afraid to talk to the researcher because they had not been authorised by Newmont to do so. For example, a 40-year-old female resident at Yamfo had this to say, which had also been re-echoed by the Chairman of the Yamfo Youth Association:

“...here in this community, Newmont has colluded with Nananom and other authorities to set spies for fishing out anyone who meets to discuss any issues associated with the company's operation.”

It also emerged from the study that about 75.2% of the 1,061 respondents claim that their right to hold an opinion and to express same had been curtailed by the presence of the mine in the community. Of the 14.8 per cent who felt their right to hold an opinion and to express it had been infringed upon, 3.7% said it was because the company, regulators and traditional leaders do not listen to them or even allow them to express their opinion. Other reasons given were that chiefs and opinion leaders were working with Newmont (3.3%), or that respondents had either been banished from attending community meetings or, for fear of their lives, they do not honour invitations to attend such meetings (3.0%).

Harassment, intimidation and violence (67.4%) were said to characterise the situation in the communities. The respondents further explained that the company harassed them, intimidated them and took over their property (34.8%), or that the company, working with the leaders, intimidated the citizenry (26.1%). These have therefore led to issues arising between the youth and the company (6.5%).

Some of the respondents were of the view that the presence of the mine and some of its associated dynamics had led to poor social relations within the communities (54.3%). The specific reasons respondents said social relations had worsened in the communities are displayed in Table 8.



Table 8: Reasons explaining deteriorated social relations in communities

| Reason | Ahafo North | | Akyem | |
|--|-------------|------------|-----------|------------|
| | Frequency | Percentage | Frequency | Percentage |
| Community members cannot socialise due to trust issues (companies or other powerful blocks have set up spies in the communities) | 323 | 60.7 | 321 | 60.68 |
| Chiefs fighting against community | 123 | 23.12 | 78 | 14.74 |
| Members cannot associate with leaders | 56 | 10.53 | 49 | 9.26 |
| Chiefs working with Newmont | 15 | 2.82 | 60 | 71.89 |
| Others | 15 | 2.82 | 20 | 3.78 |
| Total | 532 | 100 | 529 | 100 |


Source: Field Data (2025)

From Table 8, approximately over 60% of respondents in Ahafo North and Akyem say that, with the advent of Newmont in their communities, they are unable to associate freely as they used to do because of trust issues. They claim the company has set up spies. Also, chiefs and other powerful pro-mining opinion leaders have their own spies to fish out people opposed to the mine for them to deal with. In addition, the harsh economic effect of the mine has made it practically impossible for them to meet as they used to do before the advent of the mine, because they are always trying to survive and have much less time to socialise. Another critical factor responsible for this state is the role of chiefs (traditional leaders) in all these. As 5.32% of the respondents believe that their chiefs fight the community anytime they stand up against the company, while 4.19% perceive their chiefs to be working with the mining company, and the remaining 8.08% cited other reasons for the narrowing civic space in the mining communities.

4.4 Abuse of Human Rights

According to a report by CHRAJ (2008), mining companies maintain private security personnel to protect their concessions and property from encroachers/trespassers. Apart from the private security of the companies, all the mining companies, with the assistance of the Government (various REGSECs), deploy state security personnel (especially police and military) to protect their property/concessions. These security personnel often abuse the rights of community members. For example, during an all-female focus group discussion at Yayaso resettlement camp in the Akyem area, it emerged that both state security officials as well as Newmont's private security abused residents' right to privacy. The leader of the women's group at the Yayaso resettlement camp had this to say:





“We were there one Wednesday, when a combined team of Police, Military, Newmont Security and their officials came to the Yayaso Old town and, forcefully, entered our rooms without any prior notice to take inventory of items in our rooms. The most painful thing was that, at the time of their visits, some of us had just returned from the washroom and were dressing up. Can you imagine how it feels when somebody you're not close to sees your nakedness? To add salt to our injuries, the company officials insulted us, saying we should keep quiet and accept the meagre compensation they are offering us because when they entered our rooms they found out that most of us were wearing panties whose underpants are torn.”

In the case of the Newmont Ahafo North area, most of the respondents claimed that they were harassed, intimidated and arrested by a combined team of Police and Military personnel for defying the orders of the company, and were detained for the constitutionally mandated 48 hours.

Other human rights abuses investigated include arbitrary arrests and fair treatment under the law. Approximately 56.5% of respondents stated that the mine's presence in the region had resulted in arbitrary arrests. The respondents regarded the idea of arbitrary arrest as including the arbitrary use of force or power. According to the respondents, the arbitrary arrests included issues such as forced property acquisition or destruction of their properties (82.6%), harassment (8.7%), and property destruction (8.7%). That is, persons whose properties are being destroyed or forcefully taken over by the company are restrained by a combined team of security personnel from the Police and Army, which results in arbitrary arrests, detention, among others, leading to conflict in the community.

According to Faanu et al. (2025), government deployment of security personnel to resolve conflict between affected community members and officials of Newmont Ahafo North over land access, economic rights, and compensation results in human rights abuses. This statement was re-echoed during an FGD in Techire by an affected participant;

“We don't understand why the company brought the police here. If they truly intended to come in peace, why would they involve the police? We have not yet resolved the issue of whether our association members agree to give up their land. To me, the presence of some company officials, EPA members and the police on my land feels like an attempt to intimidate and forcibly evict us. We will not allow that, and this led to confrontations between us and them.” (An FGD Participant in Techire, 2025).

4.5 Human Rights and Environmental Justice

It is common knowledge that dust pollution could be responsible for several health disorders. Dust or inhaled mercuric vapours could trigger asthmatic disorders in asthmatic patients. It can also produce several skin disorders and general pollution of water sources.

However, it is observed that dust is sometimes hardly seen by the naked eye, and so the damage it creates is also hardly noticed or compensated for. So, whereas damages like cracks in buildings could be identified and claims for compensation filed, there would be very subtle forms of



damage that invariably affect the lives of the people but would not be acknowledged or compensated for.

For instance, an FGD participant in old Abirem had this to say;

“We were having about two or three streams that provided us water and fish. They destroyed them and when it is the dry season women suffer to get water. They have created a dam over it in some areas and it is serving as a drinking water but in my area no. Sickesses and death became the order of the day. We never knew the cause until the Centre for Environmental Impact Assessment came to conduct research on our water in 2009 and concluded that our drinking water had been polluted with heavy metals such as arsenic, cadmium, mercury, etc. And cancers suffered by people were as a result of that”.

Similarly, approximately 66.72 per cent of respondents claimed that the mining had violated their right to a healthy environment. Table 9 provides an explanation for the question about the right to a healthy environment.

Table 9: Explanations on the issue of right to a healthy environment

| Explanation | Frequency | Percentage |
|-----------------------------|-----------|------------|
| Air pollution | 708 | 66.72 |
| Health issues | 145 | 13.67 |
| Destruction of water bodies | 190 | 17.90 |
| Forest degradation | 11 | 1.04 |
| Not affected | 6 | 0.57 |
| Non-response | 1 | 0.09 |
| Total | 1,061 | 100.0 |

Source: **Field Data, 2025**

From Table 9, air and water pollution were the most prominent explanation of the effects of the mine on the right to a healthy environment. Mining generates a lot of dust and fumes which pollute the air. Similarly, discharges from the mine into water bodies cause significant pollution. Exposure to toxic contaminants in polluted air and water bodies can result in a number of negative health outcomes. Hence, 13.67 per cent of the respondents ranked the prevalence of mining-related health issues as the third most important impact of the mining operations on their right to a clean and healthy environment.

4.6 Free, Prior and Informed Consent (FPIC)

According to the Free, Prior and Informed Consent (FPIC) idea, communities impacted by development projects such as mining must be promptly informed about these projects and given the chance to agree to or reject them before operations begin. Hence, this section of the



study sought to find out whether this basic FPIC principle was applied in the decision to open both the Ahafo North and the Akyem areas respectively for mining. The results obtained, summarised in Fig. 18, indicate that the majority of the respondents, i.e. 85 per cent in the Ahafo North and 89 per cent in the Akyem, stated emphatically that FPIC principles were not applied either by the company or regulators and government in the grant of a mining lease to the company.

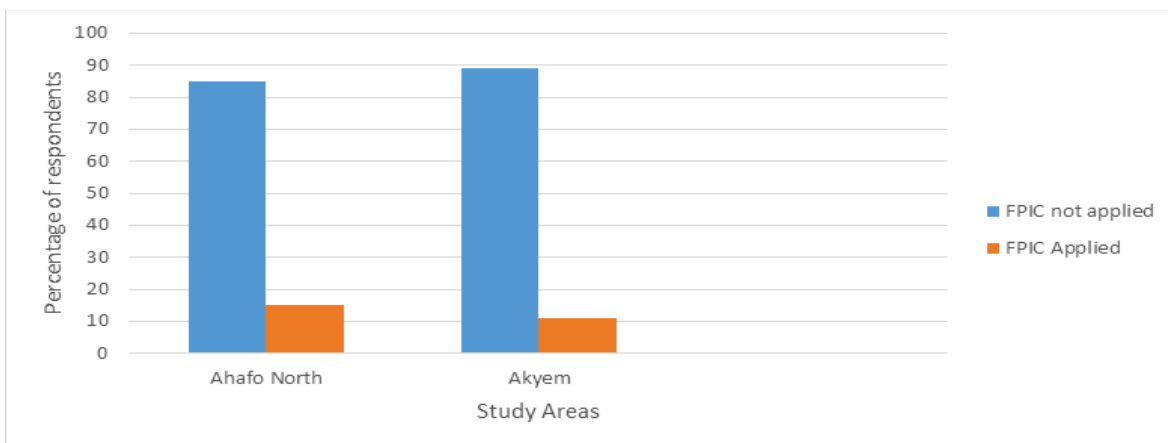


Fig. 18: Response of affected community members on application of FPIC principles NGGL operations in Ahafo North and Akyem Source: Field Data (2025)

On the issue of whether residents in the Ahafo North and Akyem project areas of NGGL, given the opportunity through the FPIC principles, have the right to say “no” to mining activities in their communities, out of 532 respondents, 82.6 per cent of respondents in Ahafo North indicated that they would have used the opportunity to say "no" to mining, while 17.4 per cent of them said that they would not have objected to mining. The question concerned whether communities have a right to carry on with their economic activities if minerals are located in their community. Communities desire to preserve farming as a long-term economic activity, according to the study, and the vast majority of respondents agreed that they have the right to refuse mining. Figure 19 shows the answers to the community's right to refuse mining.

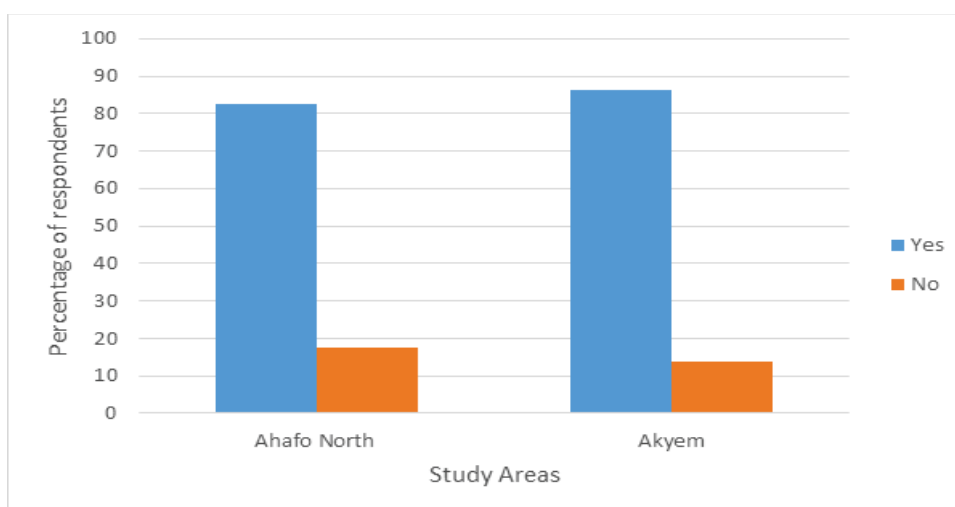


Fig. 19: Respondents' perception of their right to say “No” to mining. Source: Field Data (2025)



Table 10: The company-community engagement

| Engagement | Frequency | Percentage |
|----------------------|-----------|------------|
| No engagement | 176 | 16.56 |
| Low engagement | 845 | 79.64 |
| High engagement | 20 | 1.89 |
| Very high engagement | 9 | 0.85 |
| Non-response | 11 | 1.04 |
| Total | 1,061 | 100 |

Source: **Field Data, 2025**

According to Table 10, 79.64 per cent of respondents reported low engagement between the organisation and communities. The combined impacts of loss of resources, inadequate compensation, abuse of the FPIC idea, and limited interaction between the corporation and communities are predicted to have an impact on people's capacity to advance in life.

4.7 People Living with Disabilities (PWDs) and Women

The negative impacts associated with mining in mineral-rich host communities are experienced by residents. However, people living with disabilities and women are mostly affected to a larger extent than their able-bodied counterparts. This section of the study sought to investigate the impacts of Newmont operations in the study areas on vulnerable groups such as women and people living with disabilities.

Approximately 69.6 per cent of women respondents stated that the location of the mine had an impact on their ability to conduct economic activities. Aside from losing their lands to Newmont, 67.4 per cent of the women in Techire and Afrisipakrom who used to sell along the Kumasi–Sunyani highway claimed that they have lost their trade due to the diversion of the road. Similarly, the majority of people living with disabilities had also lost their lands to the company. This has worsened their economic activities. The net effect is that 97.8 per cent of respondents, i.e. women and PWDs, reported an increase in the cost of living in the town.

The majority of the respondents admitted having received some compensation from Newmont. However, the compensation paid did not factor in the peculiar needs of women and PWDs. The freedom of people living with disability to move freely within their communities was explored, and 67.4 per cent of respondents stated that their ability to move freely in the communities has been impacted negatively. While 26 per cent of the respondents believed that their freedom of movement had not been hampered by the mine's presence, 6.6 per cent indicated that robbers had been drawn to the region, making it unsafe to travel freely within the neighbourhoods.



4.8 Institutional Responses

In order to understand the holistic impacts of the mining operations of Newmont Ahafo North and Akyem mines on residents within its concession, this section of the study analysed views obtained from selected governmental organisations and other institutions listed in section 3.2 above. Some of the questions posed to these officials were comparable to questionnaires administered to affected respondents in the two operational areas and had already been examined and discussed above. The perspectives from organisations and government agencies operating in the two districts, as well as having oversight roles in the mining sector, on these similar questions as well as different questions posed to them based on their unique roles and expertise are discussed below.

On the issue of whether respondents from the decentralised government agencies and other institutions were qualified to share their opinions on the subject matter, it can be seen from Fig. 20 that 59 per cent of the respondents are in managerial positions, 33 per cent are in the senior staff category and 8 per cent are in the junior staff category of their respective organisations. Also, it can be observed from Fig. 20 that most of these respondents (75 per cent) have followed Newmont operations in the two districts for more than 5 years, and had lived in the community for more than five years, while 17 per cent of organisational respondents had over two years of experience with the process. Hence, it can be said that these organisational respondents are qualified to share their views on the subject matter of this research.

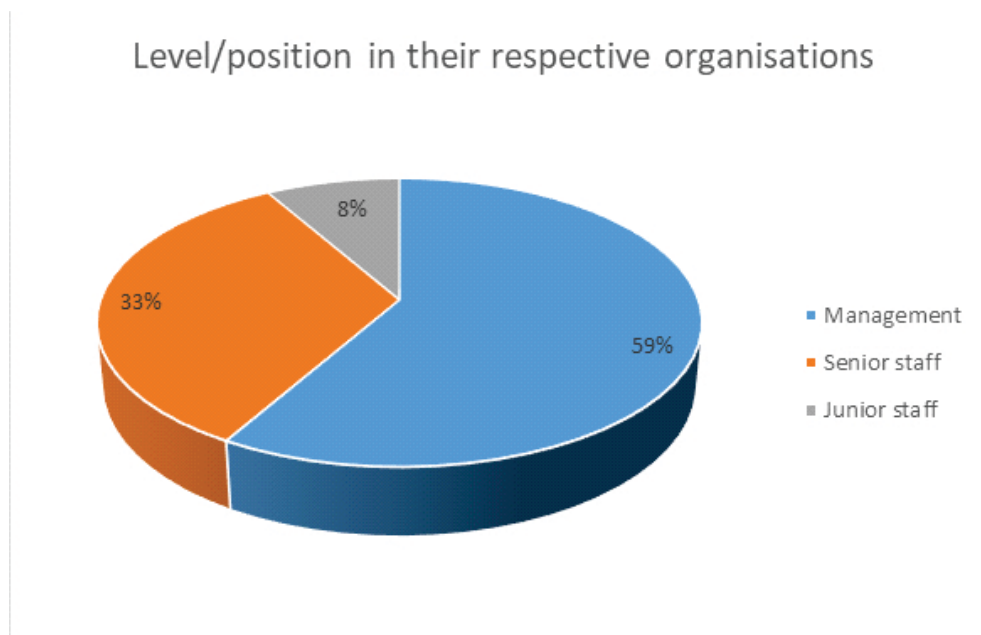


Fig. 20: Positions of respondents in their respective organisations. Source: Field Data, 2025



Number of years' respondent has followed issues associated with Newmont's operations

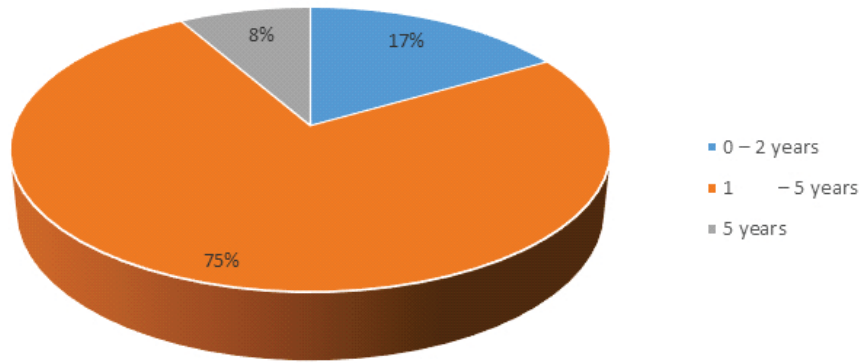


Fig. 21: Number of years the organisational respondents have followed Newmont's issues.
Source: Field Data (2025)

Government has enacted several laws, regulations and policies to govern the mining sector so as to ensure that both the state and residents in mining communities hosting these companies are not ripped off, and that the human rights of community members are guaranteed. Hence, this question sought to examine organisational respondents in the two districts where Newmont is operating, and their knowledge on the various mining sector laws, and international human right treaties and conventions Ghana has signed and ratified. Their responses have been summarised in Fig. 22.

Organisational Respondent's Knowledge on Mining Sector Laws

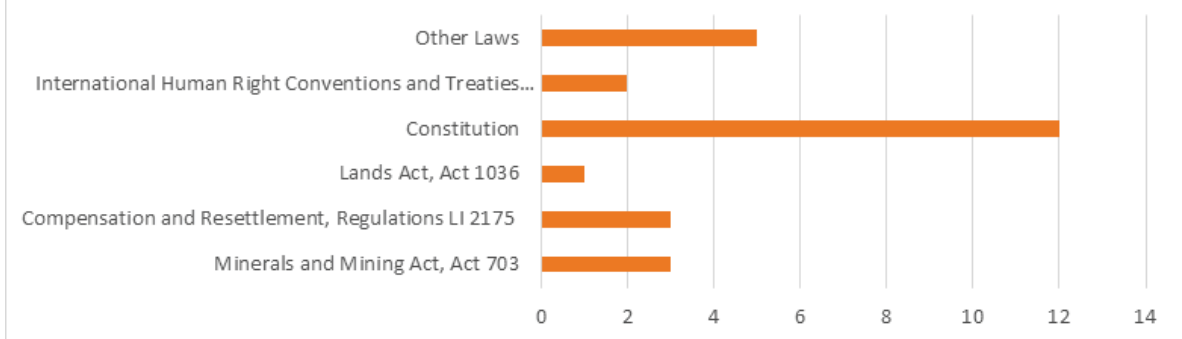



Fig. 22: Organisational respondents' knowledge on mining sector and human rights laws in Ghana.
Source: Field Data, 2025





It can be seen in Fig. 22 that all the respondents claimed to have knowledge of the 1992 4th Republican Constitution of Ghana. However, when they were asked to state some of the human right provisions in the constitution, it became clear that not all of them are abreast of all the human right provisions. It was worrying to note that only a few of the respondents have knowledge of the Minerals and Mining Act, Act 703 of 2006, the new Lands Act, Act 1036 of 2020, as well as the Regulations on Compensation and Resettlement, LI 2175 of 2012. As most of these organisational respondents serve on the following committees put up by Newmont to guide its operations — Resettlement Negotiation Committee (RNC), Crop Rate Review Meeting (CRRM), Rapid and Full Asset Survey (RFAS), Crop Survey (CS), Grievance Committee (GC), Resolution Committee (RC) and Assessment of Crops and Structures Committee (ACSC) — and are expected to apply these laws which specify the mode of land acquisition and how community members affected are to be compensated or resettled.

On the question of whether they are aware of the Mining Area and Moratorium Concept of Newmont's land acquisition, all the respondents responded in the affirmative. Findings on a follow-up question on the participatory nature of the process revealed that 79 per cent of respondents felt the process was participatory, citing factors such as involvement of government organisations, fixed moratorium dates by the company in collaboration with the Resettlement Negotiating Committee (RNC), involvement from a Land Valuations Division representative, and cross-sectional dialogue with all relevant parties before declaring a moratorium, among others. However, 27 per cent of the respondents felt that misunderstandings between the company and affected residents show that the process is not participatory enough, due to lack of involvement of all stakeholders.

On the issue of consistency of Newmont's land access processes with Act 703, the Lands Act, Act 1036, as well as the Compensation and Resettlement Regulations, LI 2175, the responses obtained from the respondents were split, i.e. 50 per cent of organisational respondents agreed that the process was in accordance with the aforementioned applicable laws, whilst the other 50 per cent were of the view that because of the existence of numerous conflicts between Newmont and affected residents, it cannot be said that the company is following the laws in its strictest sense.

Finally, on the issue of arbitrary arrest and detention of community members without bail, the unanimous response from the respondents indicated that they agreed it violates a citizen's right but were quick to add that, due to the security situation in the communities, sometimes it is in the interest of the affected persons when they are detained beyond the stipulated 48 hours as enshrined in the constitution.





Chapter Five

Conclusion and Recommendation

5.0 Overview

According to a report by CHRAJ on the “state of human right violations in mining communities in Ghana” published in 2008, conflicts between mining communities and mining companies over the cultural, social, environmental, and economic impacts of mineral exploitation, especially mining of gold, have led to widespread human right violations in the country. Due to the conflicts, security services have been known to brutalise host mining communities, which has resulted in egregious abuses of the human rights of residents in mining communities.


Similarly, community complaints about the violation of their fundamental human rights have been recorded in other mining communities in Ghana, and it is against such a background that this study sought to investigate complaints of human rights violations by residents living within the concessions of NGGL Akyem Mine and the yet-to-be-developed Ahafo North mine.

5.1 Summary of Findings

Major findings that emerge from this study have been summarised under the following headings:

- **Land Acquisition**
 1. The majority of respondents in the study areas, i.e. 88 per cent of respondents in Ahafo North and 92 per cent of respondents in Akyem respectively, have been affected by the NGGL land acquisition process;



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2. It came to light that 53.8 per cent out of 532 respondents in the Ahafo North project area were women who have been affected negatively by NGGL land acquisition, while 69 per cent out of 529 respondents in the Akyem area are women affected negatively by NGGL land acquisition;
 3. The majority of respondents, i.e. 70–89 per cent of respondents in the Ahafo North and Akyem areas of NGGL, hold allodial interest in the land acquired by NGGL, with the remaining percentage holding customary tenancy interest in lands acquired by the company;
 4. The mode of declaration of mining area and moratorium by NGGL as a prelude to taking over their lands was seen as very bad and a violation of their economic rights by the majority (≥ 75 per cent) of respondents in both Ahafo North and Akyem project areas of NGGL;
 5. Most respondents (i.e. 60–90 per cent) in both the Ahafo North and the Akyem areas respectively complained that it took more than four (4) months or years to receive the needed compensation after the declaration and enforcement of moratorium by NGGL. This has made them worse off as they were not allowed to use their land for any economic activity — a gross human right violation, retorted one of the respondents;
 6. On the issue of whether NGGL followed the laid-down procedures in relevant laws governing land acquisition in the country, respondents from both Ahafo and Akyem unanimously accused NGGL of not following the law. They also accused government and its assigns that supervised NGGL land acquisition of colluding with the company to inflict hardship on them; etc.

Compensation

1. It was observed that 42.1 per cent out of 532 respondents in NGGL Ahafo North claimed that they have been compensated for the taking over of their lands or other properties, while 57.9 per cent of them have not been compensated because they were dissatisfied with the compensation packages offered by NGGL. In the Akyem area, 92.1 per cent of the respondents claimed that they had been compensated, with only 7.9 per cent who disagreed with the compensation offered by NGGL and are in court;

On whether NGGL followed the compensation principles set forth in section 74 of the Minerals and Mining Act, 2006 (Act 703) in the payment of compensation to affected residents within their concessions in Ahafo North and Akyem respectively, all the respondents unanimously stated that the company did not follow the principles set forth in the Minerals and Mining Act. They argued that the Act mandates the company to pay compensation for bare lands, which was not the case in the determination of the amount of compensation they received from the company, etc.



Payment of Annual Ground Rent

1. All the respondents in the study areas unanimously stated that they have not receive any ground rent from the Office of Administrator of Stool Lands (OASL), a government agency mandated to collect and distribute ground rents from mining companies to affected allodial land owners;
2. All the respondents in the study areas unanimously stated that they have not received any ground rent from the Office of the Administrator of Stool Lands (OASL), a government agency mandated to collect and distribute ground rents from mining companies to affected allodial landowners;

Shrinking Civic Space

1. The study found that between 60–75 per cent of respondents who tried to question NGGL activities had been declared “persona non grata” and are barred from attending meetings relating to NGGL operations in the study areas, thus narrowing their civic space for engagement. They cited Yamfo, Techire, Adrobaa, etc. in Ahafo North as well as Ahausena, Yaayaso, among others, in Akyem where such people, referred to as “anti-mining”, are not allowed to meet or socialise with other members of the community;
2. The majority of respondents (i.e. 60–76 per cent) claimed that, for trust-related issues, they are not able to engage freely as they used to do before the advent of NGGL, etc.

Abuse of human rights

1. It came to light that between 67–77 per cent of respondents claimed that military and police personnel deployed in the communities used to harass and intimidate them into accepting poor compensation packages from the company;
2. Most of the residents arrested are detained beyond the mandatory 48 hours. In most of these instances, the detainees are not processed for court;
3. The majority of the respondents alluded to the fact that there was state-sponsored destruction of their properties;
4. Other issues that emerged on the abuse of residents' fundamental human rights include, but are not limited to, a culture of silence, torture, release of guard dogs, etc.;

Environmental Justice and Human Rights

1. Approximately 66.72 per cent of respondents in both Ahafo North and Akyem claimed that the mining had violated their right to a healthy environment;
2. The majority of respondents (i.e. 66.72 per cent) claimed that the mining operations of NGGL have destroyed most water bodies in both the Ahafo North and Akyem mining areas, etc.;



People Living with Disabilities (PWDs) and Vulnerable Groups like Women

1. It came to light that 69.6 per cent of women respondents in Newmont Ahafo North stated that the location of the mine had an impact on their ability to conduct economic activities;
2. The majority of respondents living with PWDs in Newmont Ahafo North claimed that the diversion of the Sunyani–Kumasi Highway that traverses communities like Techire, Susanso, and Afrisipakrom had affected their right to movement, etc.;

5.2 Conclusion


In conclusion, the evidence shows that women are often the most affected by poverty and inequality. They face hardship both in paid work and in their unpaid roles at home and in the community. These challenges are made worse by unequal power relations between men and women, which limit women's access to land, income, decision-making and other opportunities. For example, a woman participant in Ahausena in the Newmont Akyem area recounted the ordeal she suffered as a result of ceding her land to the company as follows: "I had a cocoa farm before Newmont came, and I used the money I made from after-sales to feed my kids and pay for their schooling. My land was taken by Newmont, who then gave me 14 million [GHC 1,400]. They gave me little and did not cover the cost of the land. I've been struggling ever since, and for the last three years, I've been sick and crippled."

Additionally, one of the most controversial security issues and a source of security conundrums in extractive governance continues to be contract violations and covert techniques. Concerns regarding the mining company's recruitment practices have surfaced in Ahafo North, despite early promises to give preference to local hiring. Community members claim that job prospects are still limited, which exacerbates discontent, in line with findings by Taabazuing et al. (2012). Furthermore, it is said that businesses prefer less expensive labour from other areas in order to reduce expenses, while current workers from outside Ahafo North are urged to apply, suggesting a perceived shortage of competent local applicants (Interview, 2025).

Other human and environmental rights violations that came out of this study include, but are not limited to: 1) non-compensation for deprivation of bare lands; 2) state-sponsored destruction of properties; 3) arbitrary arrest of community members embarking on peaceful demonstration, etc. For example, most of those in the Ahafo North area whose properties were compulsorily acquired have, to date, not received their compensation. Some of them claim that they travelled to Sunyani and returned in the evening to find out that their houses had been razed down and their properties taken to the District Assembly. They had no option but to sleep in the open for days before getting some loved ones to accommodate them.

It can be concluded that most residents in the study areas, particularly those affected by the Newmont Ahafo North Project in the Tano North Municipality, have experienced severe socio-economic hardship as a result of Newmont's operations and related activities. These impacts





include loss of land and livelihoods, disruption of community life, weakened economic independence and increased vulnerability among affected persons. It can be concluded that Newmont's land acquisition processes are not consistent with applicable provisions governing the sector, i.e., section 74(1) of the Minerals and Mining Act, Act 703 of 2006 and regulation 3(b) of LI 2175 of 2012.


Finally, it can be concluded that mining communities are aware of FPIC's existence and think it is a useful tool that can protect them from a number of mining-related infractions. It was noteworthy that residents of mining communities are sufficiently informed about FPIC, largely due to their awareness of the impacts of mining on affected areas and their desire to defend their rights to land ownership and livelihood.

5.3 Recommendation

From the findings of the study, it is recommended that:

- Newmont should guarantee meaningful consultation and informed consent in all land access, resettlement, compensation and project implementation processes. This should include full disclosure of project impacts, compensation entitlements, timelines and grievance mechanisms to all project-affected persons and communities in a language and form they understand.
- Government should review and strengthen the Minerals and Mining Act, 2006 (Act 703) to address gaps in land access, community consent, moratorium declarations, compensation, resettlement and grievance redress. The review should ensure greater clarity, fairness and consistency in the protection of surface rights and community livelihoods.
- Government should enforce legal protections for civil society organisations, human rights defenders and community-based groups that provide rights education, legal support and advocacy in mining-affected communities. Such protections are necessary to prevent intimidation, criminalisation and restrictions on legitimate civic action.
- Mining sector regulatory agencies should strictly enforce compliance with compensation and resettlement laws. In particular, the Minerals Commission, Lands Commission and other relevant agencies should ensure that Newmont complies with Article 20(2)(a) of the 1992 Constitution, Section 74(1) of the Minerals and Mining Act, 2006 (Act 703), and Regulation 3(b) of L.I. 2175, which require prompt payment of fair and adequate compensation.
- Regulatory agencies should establish stronger monitoring and accountability mechanisms to ensure that compensation is paid before displacement, demolition, destruction of farms or takeover of community lands. Where violations occur, affected persons should have access to timely remedies, including review of compensation, restitution, resettlement support and sanctions against non-compliant actors.



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- Regular multi-stakeholder dialogue platforms should be institutionalised among affected communities, Newmont, traditional authorities, district assemblies, regulatory agencies, civil society organisations and relevant government institutions. These dialogues should be structured, documented and guided by prior agreements, with clear timelines for implementing decisions reached.
 - Traditional authorities should play a constructive mediation role in dialogue and dispute resolution processes. However, their role should be exercised transparently and in a manner that protects the interests of affected community members, especially farmers, women, youth and vulnerable groups.
 - Community grievance mechanisms should be made accessible, independent and trusted. Affected persons should be able to raise complaints without fear of victimisation, and complaints relating to compensation, land access, security conduct, livelihood loss and human rights violations should be resolved promptly and fairly.
 - Security responses to community grievances should be rights-based and proportionate. Government and Newmont should avoid militarised approaches to community concerns, land access disputes and protests. Instead, they should prioritise dialogue, mediation and lawful dispute resolution mechanisms that respect the rights, dignity and safety of affected community members.



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APPENDIX 1

Dear Participant,

This instrument is part of a participatory assessment of the environmental and human rights effects of NEWMONT GHANA GOLD LIMITED's AHAFO NORTH AND AKYEM projects in your communities. This work is being undertaken by Dr. Dr. Samuel Obiri of the Centre for Environmental Impact Analysis and sponsored by the Centre for Public Interest Law (CEPIL) and Wacam with funding from Oxfam in Ghana. Findings from this study will be used to support advocacy work by CEPIL, Wacam and its partners to advocate just and fair mineral exploitation in the country. I would be grateful if you would participate by giving frank answers to questions. Your identity will be kept confidential and your responses used anonymously and only for the purpose of this work.

Thank you.

A. Biodata of respondents

Age:

Sex: Male Male

Community:

Which of Newmont Ghana Gold Limited operational areas does your community fall under?

Ahafo North Project Akyem Project

Duration of stay in community:

Household status: Head Spouse of head Adult member

Household size:

Educational Background: Literate Illiterate

If literate, specify the level of education:

Up to JHS/ Form 4 SHS/Secondary School Tertiary

Marital status: Single Married Divorce Widow Co-habitation

Are you an indigene? Yes No

Are you a migrant? Yes No



Main economic activity of household:

Access to land by the mining company

1. Do you have your farm/land or structure acquired by NGGL? Yes No

2. If yes, kindly explain how the acquisition was done:
.....
.....

3. What was your interest in this land that was acquired by Newmont Ghana Gold Limited?
Kindly explain
.....
.....

4. Are you aware of the provisions in the Minerals and Mining Act, Act 703 of 2006 in relation to acquisition of land for mining operations? Yes No

5. If Yes, how did you get to know of it?

Through NGGL Staff

Government Officials

Other(s) specify:.....

6. Are you aware of the provisions in the Land Act, Act 1036 of 2020 in relation to acquisition of land for mining operations? Yes No

7. If Yes, how did you get to know of it?

Through NGGL Staff

Government Officials

Other(s) specify:.....

8. Are you aware of the provisions in the 1992 4th Republican Constitution in relation to acquisition of land for mining operations and the right to own property (ies)?

Yes No

9. If Yes, how did you get to know of it?

Through NGGL Staff

Government Officials



10. Do you know of the Mining Area declaration? Yes No

11. Do you know about the Moratorium declaration? Yes No

12. If Yes (from 11 and 12), what is your opinion about this provision of the Law being implemented by NGGL in the land acquisition process:

Very good

Good

Not Good

Very Bad

Kindly give reasons for your answer

13. Has your land ever been placed under moratorium by Newmont Ghana Gold Limited?

Yes No

14. If yes, how long was your land placed under moratorium by Newmont Ghana Gold Limited?

0-1 months

2-3 months

3-4 months

4 months and above

15. Did you ever receive compensation from NGGL during the moratorium period?

Yes No

16. If yes, how long did it take you to receive your compensation upon the declaration of Moratorium over your land?

0-1 months

2-3 months

3-4 months

4 months and above



17. What suggestions would you make to help address any of the issues discussed above to improve the land acquisition process of NGGL?

.....
.....

Unfair compensation and resettlement package (What does the law say ?)

1. Do you have your farm/land or structure acquired by NGGL?

Yes No

2. Have you received any compensation due to you?

Yes No

3. If yes from the above, what kind of compensation did you receive?

Monetary

Monetary and resettlement

Others (specify).....

4. Were you or a representative from your community involved in the determination of the compensation? Yes No

5. How would you describe the compensation?

Very Adequate

Adequate

Not adequate

Neutral

Others (specify).....

Any reason for your answer

6. Would payment of compensation by itself be sufficient recompense?

Yes No

7. Would you be willing to give your farm to NGGL in future land take? Yes No

Please give reasons for your answer

.....



8. Have you benefited from any of the NGGL Livelihood Re-establishment Program me?

Yes No

9. How do you consider the Livelihood Reestablishment Program me?

Very Good

Good

Not Good

Give reasons for your answer.....

10. Is the Livelihood Enhancement Program me an addition to the compensation paid?

Yes No

11. If the Livelihood Re-establishment Programme is considered additional compensation, then compensation paid is:

More than adequate

Adequate

Not Adequate

12. Are you aware of sections 73 and 74 of the Minerals and Mining Act, Act 703 of 2006 in relation to compensations of land and destruction of properties for mining operations?

Yes No

13. If Yes, how did you get to know of it?

Through NGGL Staff

Government Officials

Other(s) specify:.....

14. To what extent would you say that, sections 73 and 74 of the Minerals and Mining Act, Act 703 of 2006 were complied with by officials of Newmont Ghana Gold Limited during the acquisition of your property.

a. Small extent

b. Medium extent

c. Large extent

d. Very large extent

Give reasons for your answer



15. Are you aware of provisions in Minerals and Mining Compensation and Resettlement Regulations, L.I 2175 of 2012 in relation to compensations of land and destruction of properties for mining operations? Yes No

16. If Yes, how did you get to know of it?

Through NGGL Staff

Government Officials

Other(s) specify:.....

17. To what extent would you say that, sections in: L.I 2175 of 2012 were complied with by officials of Newmont Ghana Gold Limited during the acquisition of your property.

a. Small extent

b. Medium extent

c. Large extent

d. Very large extent

Give reasons for your answer

18. Are you aware of article 20 (a) of the 1992 4th Republican Constitution which provides for the payment for 'fair', 'prompt' and 'adequate' in relation to compensations of land and destruction of properties for mining operations?

Yes No

19. If Yes, how did you get to know of it?

Through NGGL Staff

Government Officials

Other(s) specify:

20. In the acquisition of your land or property for mining operations by Newmont Ghana Gold Limited, to what extent would you say that, the above constitutional provision was complied with.

a. Small extent

b. Medium extent

c. Large extent

d. Very large extent



21. Have you ever been dissatisfied with compensation and resettlement packages offered to you by Newmont Ghana Gold Limited? Yes No

22. If you have ever been dissatisfied with the compensation and resettlement packages offered to you by the mine, how much would you say it has affected you?

- a. Small extent
- b. Medium extent
- c. Large extent
- d. Very large extent

23. Have you ever challenged your dissatisfaction of the compensation and resettlement packages offered to you by the mine in a court of competent jurisdiction? Yes No

24. Kindly explain your answer

25. Have you ever been limited in your access to justice for right and fair compensation and resettlement package by section 75 of the Minerals and Mining Act, Act 703 of 2006?

Yes No

26. Kindly explain your answer.....

Shrinking civic space

1. Has the location of the concession affected the right you have to assemble?

Yes No

2. Please explain your answer.....

3. If the mine has affected your right to assemble, by how much will you say it has affected this right?

- a. Small extent
- b. Medium extent
- c. Large extent
- d. Very large extent

4. Has the mine affected your right to associate with any person or groups of people?

Yes No

5. Please explain your answer.....

6. If the mine has affected your right to associate with other persons or groups of people, how much will you say it has affected your association?

- a. Small extent
- b. Medium extent
- c. Large extent



7. Has your ability to move freely within and outside the community been affected by the presence of the mine? Yes No
8. Please explain.....
9. Do you think your right to hold an opinion and to express the same has been affected by the presence of the mine? Yes No
10. Please explain your answer.....
11. Has your right to privacy been affected by the mine? Yes No
12. Please explain your answer.....
13. Has the mine affected your right to express your opinions as a member of the community? Yes No Please explain your answer.....
14. If the mine has restricted your right to express your opinions, to what extent would you say it has affected you?
- a. Small extent
- b. Medium extent
- c. Large extent
- d. Very large extent

Abuse of human rights

1. Do you think that the location of the mine in your community has resulted in cases of arbitrary arrests of people? Yes No
2. Please explain your answer.....
3. If the mine has resulted in arbitrary arrests, how much will you say the mine has contributed to them?
- a. Small extent
- b. Medium extent
- c. Large extent
- d. Very large extent
4. If there was an arrest, who effected the arrest? Police Newmont Security
Citizen arrest
I don't know Other (s), specify:
5. Were the arrested officials sent to court? Yes No
Kindly explain
6. Have you heard of threats of harm to a resident by Newmont security or staff? Yes No
Kindly explain your answer:
7. If yes, was the Newmont security or staff arrested by the Police? Yes No.
Kindly explain your answer:.....



Have you witnessed threats of harm by Newmont security or staff to a resident?

Yes No

Kindly explain your answer:

9. Do you think that the law treats everyone equally, even with the advent of the mine in the community? Yes No

.. Please explain your answer.....

10. If the mine has resulted in unequal treatment before the law, to what extent would you say it has affected this?

- a. Small extent
- b. Medium extent
- c. Large extent
- d. Very large extent

11. Has the mining operations increased social tensions or violence in the community?

Yes No

Give reason(s) for your answer

12. Have you, or anyone in your community, faced harassment, intimidation or violence for expressing your views against the mining operations? Yes No

Give reason (s) for your answer

13. Has the presence of the mine led to changes in community cohesion or social relations?

Yes No

Give reason (s) for your answer

13. Do you know of any court litigation against any member of your community?

Yes No

Please give reason for your answer:

14. Is any member of your community being prosecuted for trying to assert his/her rights?

Yes No

Kindly explain your answer:



15. If the prosecution of, or litigation against, a member of your community was intended to deter citizens from demanding or asserting their rights, to what extent has such prosecution or arrest deterred you or any member of the community?

Small extent

Medium extent

Large extent

Very large extent

Human Rights and Environmental Justice

1. Do you think the mine has affected your right to clean air? Yes No

2. Please explain.....

3. If the mine has affected your right to clean air, by how much will you say it has affected it?

a. Small extent

b. Medium extent

c. Large extent

d. Very large extent

4. Do you think the mine has affected your right to clean water? Yes No

5. Please explain.....

6. If the mine has affected your right to clean water, by how much will you say it has affected it?

a. Small extent

b. Medium extent

c. Large extent

d. Very large extent

7. Do you think the mine has affected your right to a healthy environment? Yes No

8. Please explain.....

9. If the mine has affected your right to a healthy environment, by how much will you say it has affected it?

a. Small extent

b. Medium extent

c. Large extent



Restricted access to land and economic rights for women

1. As a woman in the community, has your land been taken over by Newmont Ghana Gold Limited's operations? Yes No

2. Were you compensated after your land was taken over for Newmont Ghana Gold Limited operations? Yes No

Kindly explain your answer

3. Do you ever feel discriminated against in the compensation of your land by the mining company? Yes No

Kindly explain your answer

4. To what extent has the loss of your land affected your economic activity?

Small extent

Medium extent

Large extent

Very large extent

5. Are you still allowed access to the collection, sale or use of non -timber forest product in land acquired by the company? Yes No

Kindly explain your answer.....

6. How has the presence of the mine in your community affected your economic activity as a woman?

Small extent

Medium extent

Large extent

Very extent



Free, Prior and Informed Consent (FPIC).

Were you informed that you would lose control of the resource before you lost it?

Yes No

1. Please explain your answer.....
2. Did you consent to the change in access to the resource? Yes No
3. Please explain your answer.....
4. Were you coerced into giving your consent? Yes No
5. Please explain your answer.....
6. How would you rank the mining company-community engagement on the Free, Prior and Informed Consent before the mine?
 - a. No engagement
 - b. Low engagement
 - c. High engagement
 - d. Very high engagement



APPENDIX 2

QUESTIONNAIRE FOR GOVERNMENT OFFICIALS, CSOs AND TRADITIONAL AUTHORITIES

Dear Participant,

This instrument is part of a participatory assessment of the environmental and human rights impacts of Newmont Ghana Gold Limited's Ahafo North and Akyem projects in your community. The study is being undertaken by Dr Samuel Obiri of the Centre for Environmental Impact Analysis and is sponsored by the Centre for Public Interest Law (CEPIL) and Wacam, with funding from Oxfam in Ghana. Findings from this study will be used to support advocacy work by CEPIL, Wacam and its partners for just and fair mineral exploitation in the country. I would be grateful if you would participate by providing frank answers to the questions. Your identity will be kept confidential, and your responses will be used anonymously and solely for the purpose of this study.

Thank you.

Kindly state your organization name:

1. Kindly indicate your level in the organisation;

Management Senior Staff Junior Staff

Land acquisition

2. How long have you followed Newmont Ghana Gold Limited's (NGGL) land acquisition activities? 0-2yrs 2-5yrs above 5

3. Do you know of the New Minerals and Mining Act of 2006? Yes No

4. How did you get to know of it?

Government source

NGGL

Other(s)

5. Do you know of the Mining Area and Moratorium Concept of NGGL Land Acquisition? Yes No

6. To what extent would you agree with the statement that the moratorium concept in Newmont Ghana Gold Limited's land acquisition results in a violation of residents' human rights to own property and their economic rights, etc?

Small extent

Medium extent

Large extent

Very large extent



7. Has the process been participatory? Yes No Some how

Kindly give reasons for your answer?.....

8. Has your outfit been involved in any of the following land acquisition processes by NGGL?

RNC Resettlement Negotiation Committee

Crop Rate Review meeting

Rapid and Full Asset Survey

Crop Survey

Grievance

Resolution

Assessment of Crop and Structures

9. Has it been transparent and fair? Yes No Somehow

Kindly give reasons for your answer,

10. Is the declaration of the Mining Area and the entitlement cut-off (moratorium) date process fair? Yes No

11. Is NGGL's land acquisition process consistent with the Minerals and Mining Act of 2006, Article 20 (a) of the 1992 Constitution and the Minerals and Mining Compensation and Resettlement Regulations, L.I 2175?

Yes No

Kindly explain your answer

12. Are affected persons or their representatives involved in the determination of compensation rates and relocation processes? Yes No

13. Would payment of compensation by itself be sufficient recompense? Yes No

14. To what extent are relevant government institutions involved in the determination of compensation rate and relocation/resettlement process?

Deeply involved

Involved

Not involved



15. There are often controversies in the acquisition process between affected persons and NGGL, what do you think is usually the cause?.....

16. Are you aware of speculative activities in the concession? Yes No

17. Could attempts by speculative farmers to reap higher compensation from the company be the source of the controversy?

Yes

No

To some extent

18. What role do you think your organisation can play to eliminate controversies during Newmont's land take or acquisition exercise?

19. What measures should be taken to ensure there are no confrontations during land acquisition by Newmont on the Ahafo concession?
.....

Effect on civic space

1. Do you think that the location of the mine in your community has resulted in cases of arbitrary arrests of people? Yes No

2. Please explain your answer.....

3. If the mine has resulted in arbitrary arrests, to what extent has this occurred in the community??

a. Small extent

b. Medium extent

c. Large extent

d. Very large extent

4. Do you think that the law treats everybody equally, even with the advent of the mine in the community? Yes No

5. Please explain your answer.....

6. If the mine has resulted in unequal treatment before the law, to what extent would you say it has affected this?

a. Small extent

b. Medium extent

c. Large extent

d. Very large extent



7. Has the presence of the mine affected the right of community members to express their opinions? Yes No

Please explain your answer.....

8. If the mine has affected the right of community members to express dissenting opinions, to what extent would you say it has affected this right?

- a. Small extent
- b. Medium extent
- c. Large extent
- d. Very large extent

9. Has the location of the concession affected community members' right to assemble?

No Yes

Please explain your answer.....

10. If the mine has affected the right of community members to assemble, to what extent would you say it has affected this right?

- a. Small extent
- b. Medium extent
- c. Large extent
- d. Very large extent

11. Has the mine affected the right to associate with any person or groups of people in the community? Yes No

Please explain your answer.....

12. If the mine has affected the right to associate with other persons or groups of people, to what extent would you say it has affected such association in the communities?

- a. Small extent
- b. Medium extent
- c. Large extent
- d. Very large extent

13. Has your ability to move freely within and outside the community been affected by the presence of the mine? Yes No



