

# The role of politics in attempts to resolve the Manya-Yilo conflict in Ghana

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## **Abstract**

Conflict over a natural resource deposit is commonplace in many resource-rich African countries. Such is the case at Odugblase in the Eastern Region of Ghana where the Manya Krobo and the Yilo Krobo traditional councils are in a protracted conflict pertaining to their claims of sovereignty over land-sites where limestone is mined – each vying for a greater portion of the mineral royalties set aside for local authorities. This article studies the attempts by the government and the mining company (Ghana Cement Limited) to resolve the Manya-Yilo conflict, in order to understand why none of them was successful. This study finds that the government's committee of enquiry to resolve the Manya-Yilo conflict was unsuccessful as the investigation process did not adequately involve the traditional councils and there is no political will to enforce the recommendation of the committee. Similarly, a mediation attempt by Ghana Cement Limited was unsuccessful due to the limited involvement of the opponents. The complex political structure, the inadequate regulations for distributing mineral royalties, and weak municipal assemblies are major factors protracting the Manya-Yilo conflict. The traditional councils need to negotiate with each

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other so that they and their respective municipal assemblies receive the limestone royalties and use the funds to develop the mining community.

**Keywords:** natural resource conflict, revenues claimed, adjudication, mediation, politics, Ghana

## 1. Introduction

To address mining-related challenges and suppress grievance-induced natural resource conflict, the Government of Ghana assigns a part of mineral royalties to mining communities. Odugblase, located in the Eastern Region of Ghana, is a limestone mining community, which, by 2010, six years after mining had started, had accrued over 1 billion Ghana Cedis<sup>1</sup> (approximately 200 million US Dollars) mineral royalties for local authorities. Local authorities, however, cannot access the money due to a non-violent conflict between the Manya Krobo and Yilo Krobo traditional councils (hereafter, Manya-Yilo conflict).<sup>2</sup>

The Manya-Yilo conflict is about which traditional council has judicial rights or sovereignty over Odugblase, and thus, the right to the limestone royalties. According to Ghana's mineral revenue distribution scheme, the traditional council and the district assembly that have control over a mining area receive a share of the mineral royalties paid by the mining company to the state (Lujala and Narh 2020:186–187). Thus, if the Manya traditional council has sovereignty over Odugblase, then it receives a part of the mineral royalties and so will the Manya Municipal Assembly.

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1 Cf. ModernGhana News 2010. The central government has not disclosed the current value.

2 Manya Krobo and Yilo Krobo are two related ethnic groups, each having an independent traditional council, made up of the paramount chief and selected divisional chiefs who govern the traditional area. A traditional area, which used to be a kingdom or chiefdom, is a geographical area where people of the same language, culture (way of life), origin, and history dominate and are considered to be natives of that area (Owusu-Mensah 2014: 261–278). In Ghana's modern democratic system of governance, the Manya Krobo traditional area is divided into two districts, Upper and Lower Manya Krobo Municipalities. Part of the limestone mine is in the Lower Manya Municipality. The borders of the Yilo traditional area correspond to those of the Yilo Krobo Municipality.

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Unfortunately, Odugblase straddles the boundary between the Manya and Yilo traditional areas and is inhabited by people from both ethnic groups. Since the two traditional councils are claiming sovereignty over the mining community, the central government does not know which traditional council and municipal assembly are entitled to receive the mineral royalties. Consequently, the central government is keeping the royalties accruing for the local authorities.

Meanwhile, limestone mining at Odugblase has been, to a large extent, a curse for the local people due to the related socio-economic and environmental challenges that have emerged (Lawer, Lukas and Jørgensen 2017:43–52). For instance, landowners have lost part of their farmland to the mining concession, and land compensations are judged inadequate. In addition, rock blasting at the mine produces dust which settles on nearby crops and is believed to contribute to stunted growth and poor yields. Also, landowners who previously engaged in small-scale commercial limestone quarrying have lost that source of livelihood (Lawer, Lukas and Jørgensen 2017:50). Moreover, as the mining company, Ghana Cement Limited (GHACEM)<sup>3</sup> does not process the limestone into cement in Odugblase, it provides only few jobs to local community members. Additionally, although GHACEM has funded the construction of classroom blocks, a headteacher's bungalow, and a public toilet, and has donated cement to individuals and cash to traditional authorities, these interventions have been based on the company's discretion and were not guided by pressing needs demanded by the community members – such as relocation of the community and provision of alternative livelihoods. The locals fear that the increasing level of dust and cracks in houses, and even in the newly built 6-unit classroom

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3 GHACEM is the largest cement manufacturing company in Ghana. It was established by the Government of Ghana and Norcem AS of Norway in 1967. Since 1999, Scancem (formerly Norcem, and now a subsidiary of Heidelberg Cement) holds 93.1% shares, the government of Ghana has 5% shares and a Ghanaian investor has 1.9%. GHACEM's subsidiary company that is mining the limestone at Odugblase at the time of the fieldwork is called West Africa Quarries Limited (GHACEM n.d.).

block, are caused by the blasting at the mine, and pose significant health and security risks.

Further, the conflict itself has strained the previously cordial social relations between the two traditional councils and has prevented them from using their powers to request GHACEM to support Odugblase with alternative livelihood programmes and other relevant socio-economic development projects. Besides, as the frozen royalties have not been invested in a way that would keep its value, the actual value of the limestone royalties is depreciating due to inflation.

Given the mining-related socio-economic hardship in Odugblase, it is natural that sub-national and national authorities have sought to resolve the Manya-Yilo conflict in order to release the limestone royalties so that they could be spent on local development. Unfortunately, for over 15 years, the two traditional councils have not been able to reach symmetric concession.<sup>4</sup> As crucial as it is, no study has systematically investigated the different conflict resolution attempts by government and GHACEM, and the reasons why the Manya-Yilo conflict still persists.

This article demonstrates that it is the limited involvement of the two traditional councils by both the central government's committee of enquiry and GHACEM that has rendered the resolution attempts unsuccessful. Also, weak municipal assemblies, inadequate regulation for distributing mineral royalties, and the complex political structure in the area are the factors that have protracted the Manya-Yilo conflict.

This article provides two key contributions to existing literature. First, it expands natural resource conflict literature. Very often, studies on natural resource conflict look at conflicts in which the national government is involved as one of the sides (Collier, Hoeffler and Rohner 2009:1–27; Basedau and Richter 2014:549–574). This study, thus, adds to the emerging literature on natural resource conflicts between subnational authorities in

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4 Where the opponents decide to compromise on their initial claims and find a middle point to resolve the conflict.

mining communities (Lawer, Lukas and Jørgensen 2017:43–52). Second, this study contributes to conflict resolution literature by looking at how conflict over mineral royalties could be resolved to enhance socio-economic development and to achieve environmental justice.

The rest of the article is as follows: Section 2 reviews conflict resolution mechanisms with a focus on adjudication and mediation. Section 3 presents the methodology and section 4 presents and discusses the results. Section 5 concludes with some recommendations.

## **2. Conflict resolution approaches**

Conflict resolution is a ‘situation where the conflicting parties enter into agreement that solves their central incompatibilities, accept each other’s continued existence as parties and cease all violent action against each other’ (Wallenstein 2019:8). Conflict resolution can be achieved through legal and social means.

### **2.1 Legal conflict resolution mechanisms**

Legal conflict resolution mechanisms ‘require the intervention of a well-recognised, formal or informal third party, in charge of taking a final decision [in which] the validity and enforcement of the decision depend on the third party’s authority, power and legitimacy’ (Herrera and Da Passano 2006:10). This means that decisions of legal resolution mechanisms are enforced, based on the authority of the third party. There are two main legal conflict resolution mechanisms: arbitration and adjudication. However, this article reviews only adjudication as it is one of the mechanisms to which the opponents may resort in order to resolve the Manya-Yilo conflict. Besides, in Ghana, arbitration is usually employed to resolve commercial conflicts.

Adjudication is the legal approach that requires a judge or administrator to give a final and binding decision after hearing arguments from the opponents (Hoffman 2003:7; MacDonnell 1988:5–19). Adjudication ‘depends on the existence of a rationally knowable principle, the application of which to the situation at hand determines the outcome’ (MacDonnell

1988:12). Therefore, the decision of the judge or administrator is based on established laws. The decision of adjudication is binding unless a party who is not satisfied with the judgement appeals to a higher court of law. The success of adjudication depends on the existence of rule of law.

## **2.2 Social conflict resolution mechanisms**

Although there are many social conflict resolution mechanisms, mediation is the most commonly used to resolve territorial and ethnic conflicts (Wilkenfeld et al. 2003:286). Mediation is a social process which facilitates dialogue and negotiations between persons, groups, or nations. Typically, mediation is a 'process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements' (Jensen and Halle 2015:11). This means that the third party, who is usually referred to as a mediator, guides opponents to reach an agreement.

In general, two factors inform the consideration of mediation to resolve a conflict. First, the rational cost-benefit analysis of game theory posits that mediation should be considered, based on the cost and benefit for the opponents and the mediator(s) (see Carment and Rowlands 1998:572–599). The benefit of mediating should exceed the cost of not resolving the conflict (Druckman and Wall 2017:1912). Second, mediation should be considered when the opponents are willing to use it and choose mediators to resolve the conflict. Mediation becomes successful when the process involves the opponents (Read and Michelson 2008:737–764). Successful mediation usually brings lasting peace since the mediator assists opponents to find mutual agreement by themselves, which is not imposed by a third party or an outsider (Jensen and Halle 2015:7).

Mediators employ many techniques to resolve conflicts (Wall 1981:157–180). Broadly, these techniques can be scaled along a passive-active continuum of mediation strategies, which can be categorised into facilitative, formulative, and manipulative strategies (Wilkenfeld et al. 2003:283; Kleiboer 1996: 360–389; Druckman and Wall 2017:1915). Facilitative strategy is passive

in which the mediator serves as a channel of communication between the opponents; formulative is about fact-finding in which the mediator tries to be impartial and proposes a solution but does not impose it on the opponents; and manipulative is an active strategy in which the mediator ‘manipulates the parties into agreement’ (Wilkenfeld et al. 2003:283–284; Touval and Zartman 1985:12). The manipulative (assertive) strategy tends to be more successful in resolving conflicts (Druckman and Wall 2017:1916; Wilkenfeld et al. 2003:297). Thus, mediation is most successful when opponents agree on the choice of mediator(s) and when the chosen third party employs a manipulative strategy in the process.

### 3. Methods and materials

The fieldwork for this study was conducted in Ghana in June and July 2016. In total, 17 interviews were conducted. Purposive sampling was used to select the landowners and key informants interviewed for the study. With the assistance of one of the landowners, 13 landowners who were entitled to the land before the government commissioned it to GHACEM for mining and who were still living or farming in Odugblase were selected. In addition, one representative for each of the two traditional councils and a high-ranking official from the Yilo Municipal Assembly<sup>5</sup> were interviewed, all chosen for their in-depth knowledge of the case. The key informants from the traditional councils are divisional chiefs who are designated as the public relations officers of their respective councils and the officer from the Yilo Municipal Assembly was present at meetings concerning the Manya-Yilo conflict including the mediation attempt by GHACEM. Finally, a GHACEM officer responsible for the company’s quarries and contacts with the traditional authorities and the landowners was interviewed, but the officer chose to answer the interview guide in writing.

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5 Lower Manya Municipal Assembly is equally relevant for this study but all attempts to get an officer to interview proved futile because the Municipal Chief Executive and the Coordinating Director were new in office at the time of the fieldwork. Fortunately, there is a high level of commonality in the narrations of the interviewees regarding the case and so the lack of data from the Manya Municipal Assembly should not affect the results.

The interviews were conducted on the day and time chosen by the research participants and took place in their homes or offices. The interviews were semi-structured and held in *Dangme*, the local language, for the landowners and the traditional councils and in English for the key informants from GHACEM and the Yilo Municipal Assembly. The first part of the interviews focused on understanding the interviewees' perceptions on the causes and effects of the Manya-Yilo conflict. This was followed by a part on understanding the attempts at resolving the Manya-Yilo conflict and the reason(s) why the interviewee thought that a resolution to the conflict had not been reached. The final part of the interviews focused on soliciting interviewees' ideas on the mechanisms through which the Manya-Yilo conflict could be resolved (see Appendix 1 for the interview guide). To enhance the confirmability of the interviews, the main points in each section were summarised for the interviewee to confirm, reject or elaborate before the interview was ended. On average, each interview lasted about 45 minutes and was recorded.

Content analysis was used to identify concepts, themes and patterns from the transcribed interviews (Hsieh and Shannon 2005:1277–1288; Elo et al. 2014:1–10). The textual data were organised manually through open coding, categories making and abstraction. With regard to open coding, any part of the text that answered any of the foci of the interview (content area) was highlighted and assigned a code such as *cause*, *effects* or *resolution*. The coded transcripts were categorised by grouping content areas with similar codes. The main themes that emerged were inadequate regulation to share mineral royalties between two traditional councils, weak municipal assemblies, the mediation attempt and adjudication. Abstraction was done by describing the contents based on the categories and using the conflict resolution literature.

## **4. Findings**

### **4.1 Causes of the conflict**

#### **4.1.1 The wrongly worded banner**

The interviews revealed that the Manya-Yilo conflict was caused by the two traditional councils claiming sovereignty over the mining community (Odugblase) in order to obtain the traditional council's share of the mining royalties. The start of the Manya-Yilo conflict itself can be traced to the commissioning ceremony of the limestone mine by the Government of Ghana to GHACEM in 2004. GHACEM had invited the paramount chiefs of Manya and Yilo traditional areas to the ceremony. At the ceremony, however, to his surprise, the paramount chief of Yilo saw a banner that indicated that Odugblase was part of the Manya traditional area. It has been difficult to identify which of the two traditional councils has judicial right over Odugblase as both councils have some of their subjects living and owning land in the community. Consequently, a committee of enquiry was established to investigate the case, but it failed to ascertain which of the traditional councils has sovereignty over Odugblase. And so the Manya-Yilo conflict persisted. The Manya-Yilo conflict is a latent one as both traditional councils are only claiming their sovereignty over Odugblase verbally, and are not engaged in violence against each other. The Manya-Yilo conflict only resurfaces in the media whenever a limestone hauling track accidentally kills a person or destroys properties in the two traditional areas or when the underdevelopment of the *Krobland* is being discussed. In 2013, GHACEM attempted to mediate the Manya-Yilo conflict, but the attempt failed due to the inadequate time allocated for the mediation and the limited involvement of the two traditional councils.

### **4.2 Effects of the conflict**

#### **4.2.1 Economic hardship and retarded development**

The interviews revealed that economic hardship is a major effect of the Manya-Yilo conflict. Landowners indicated that their major sources of livelihood (farming and quarrying) are threatened by the mining activities,

but the Manya-Yilo conflict is preventing the authorities from accessing the royalties which could provide alternative sources of livelihood. Landowners have lost portions of their land to the mining concession, and those who used to quarry limestone on a small-scale for sale, no longer have that livelihood source. Landowners explained that the blasting of the limestone by GHACEM produces a lot of dust which settles on food crops close to the mine and is believed to cause stunted growth and poor yields. Also, excavated soil from the mine is washed into nearby farms when it rains, burying the top soil in the process and turning it into hardpan when it dries up. This makes those farmlands less productive for shallow-rooted crops like maize, tomato and pepper which are the mainstay of the economy of Odugblase.

Besides, the Manya and Yilo Municipal Assemblies will share their part of the limestone royalties according to percentages that their traditional councils will agree upon. As such, the municipal assemblies could not access their part of the royalties to develop the mining community and their municipalities in general. The Manya-Yilo conflict has undermined research participants' hopes that the royalties could be used to establish a manufacturing or processing factory to provide jobs for the mining community and the surrounding villages, and to boost the local economy. It is rather unfortunate that the livelihood of the local people at Odugblase is in jeopardy while the mineral royalties intended to ameliorate those unintended but unavoidable adverse effects of mining and to develop the *Kroboland* is idling in a bank account due to the Manya-Yilo conflict.

#### **4.2.2 Increased social vices**

According to the research participants, the economic hardship in Odugblase has led to increased numbers of school drop-outs and teenage pregnancies in the community. Landowners indicated that unlike their seasonal and somewhat erratic rain-fed agriculture, limestone quarrying guaranteed a regular flow of supplementary income which enabled them to provide for their children's needs in the secondary and the tertiary schools. With no access to the limestone now, many landowners could no longer support their children in the secondary school or enable them to continue to the tertiary level.

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The interviews revealed further that teenage girls in the community usually got pregnant after dropping out of school. One of the key informants stated:

Part of the money could have been used to offer scholarships to brilliant but needy students to raise the standard of formal education in the community and in *Krobo*land in general. A scholarship scheme could have reduced the number of school-drop-outs and teenage pregnancies in the community and in the two traditional areas.

The loss of small-scale limestone quarrying to GHACEM puts significant financial constraints on many landowners and they are unable to pay for their children's education. Other traditional councils have used part of their mineral royalties to offer scholarships to brilliant students in their traditional areas.<sup>6</sup> The Manya and the Yilo traditional councils could have done same in their respective traditional areas.

### **4.2.3 Less important social intervention by GHACEM**

Another effect of the Manya-Yilo conflict is lack of relevant corporate social responsibility in Odugblase. The interviews revealed that although GHACEM has been socially responsible – having funded the construction of a classroom block and donated cement and cash to individuals and the traditional councils – such interventions are less desired by the community members. Landowners indicated that since the tremor from limestone blasting causes their houses and the classroom block to develop cracks, they want the community to be relocated to a place further from the mine. Landowners believe that the two traditional councils could have used their powers to compel GHACEM to relocate the community had the Manya-Yilo conflict not dampened their cordial relationship.

### **4.2.4 Deteriorating social relationship between the two traditional councils**

The interviews revealed that the Manya-Yilo conflict has not affected the personal relations among the people of Odugblase, but it has weakened the

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6 Cf. Pulse News 2016.

cordial social relationship that used to exist between the two traditional councils. The two traditional councils are accusing each other for the lack of access to the limestone royalties. Each traditional council expressed displeasure on how the other has handled the Manya-Yilo conflict. While the Manya traditional council blamed the Yilo for creating confusion by rejecting the recommendation of the committee of enquiry, the Yilo traditional council accused the Manya of causing the Manya-Yilo conflict by demanding two-thirds of the limestone royalties.

### **4.3 Attempts at resolving the conflict**

#### **4.3.1 The superficial work of the committee of enquiry**

Research participants indicated that a few months after the inaugural ceremony, the government instructed the Eastern Regional Coordinating Council (ERCC)<sup>7</sup> to constitute a committee of enquiry to investigate the Manya-Yilo conflict to determine which traditional council should have sovereignty over Odugblase. The committee of enquiry conducted a household survey at Odugblase and reported that 67% and 33% of the inhabitants of Odugblase are subjects of the Manya and the Yilo traditional councils respectively. Based on its findings, the committee of enquiry recommended that the two traditional councils should receive limestone royalties in proportion to the ethnic origin of people living in Odugblase.

The interviews revealed that the Manya traditional council accepted the recommendation of the committee because it deemed the investigation fair in that it reflected the population situation in Odugblase. The Yilo traditional council, however, rejected the recommendation claiming that the committee of enquiry did not carry out its mandate in accordance with the terms of reference specified, as the committee did a household survey instead of investigating which traditional council has sovereignty over Odugblase.

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7 The Regional Coordinating Council is the executive arm of government at the regional level. Each administrative region in Ghana has a coordinating council that coordinates and supervises government business of the metropolitan, municipal and district assemblies in the region.

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Thus the interviews revealed further that one of the reasons why the effort of the committee of enquiry failed to resolve the Manya-Yilo conflict was the limited involvement of the two traditional councils. The committee failed to interview the traditional councils and to ask them for their proofs of sovereignty over Odugblase. The involvement of the disputants is crucial for ascertaining which traditional council has judicial right over Odugblase. Even if the committee did not want to offer an entrenched recommendation that either Manya or Yilo has the sole judicial right over Odugblase, involving the traditional councils might have unearthed the historical events that have led to the current political situation in the mining community. Since the traditional councils were not interviewed or requested for their proof of sovereignty over Odugblase, the recommendation of the committee of enquiry came as 'an unfavourable surprise to the Yilo traditional council and they had no option than to reject it' (interview with the Yilo traditional council representative).

In addition, there was lack of political will to enforce the recommendation of the committee of enquiry. Since 2004, both the central government and the ERCC have failed to implement the recommendation of the committee of enquiry – for three reasons. First, the interviews revealed that the ERCC deemed it inappropriate to enforce the recommendation because the committee of enquiry violated its mandate by conducting only a descriptive household survey. This could hardly provide evidence for ascertaining the traditional council that has judicial right over Odugblase.

Second, most research participants indicated that the recommendation of the committee of enquiry was not implemented because the Manya-Yilo conflict had not escalated. The then, and subsequent, central government and the ERCC have not seen the Manya-Yilo conflict as a life-threatening problem that needs immediate attention. Some research participants indicated that if the two traditional councils were at war with each other or if GHACEM had been prevented from mining the limestone, the central government and the ERCC would have implemented the recommendation or made other attempts to resolve the conflict. Research participants (except the official from GHACEM) believe that the central government and the ERCC as well as GHACEM will find a lasting resolution to the Manya-Yilo conflict if the two

traditional councils place an injunction on the mine and cause it to suspend operations. They base this view on the fact that when local people threatened to prevent the hauling trucks from using the community road due to the increasing noise and dust pollution by the trucks, GHACEM constructed a new road to the mine.

Finally, most research participants were of the opinion that the central government and the ERCC failed to implement the recommendation for fear of what has been called a *political replacement effect*. According to Acemoglu and Robinson (2006:115–131), such a political replacement effect is found in a situation when institutional change erodes the power and advantages that incumbent politicians enjoy. As the Yilo traditional council is not happy with the work of the committee of enquiry, the interview revealed that the government did not want to implement the recommendation since it might complicate the political situation at Odugblase. Such a political replacement effect could have been dormant and many *Krobos* were probably unaware of it. But implementing the recommendation might have offended the *Yilos* and made the government unpopular to them.

#### 4.3.2 The day that was too short for two mediation attempts

The interviews revealed that there was another attempt to resolve the Manya-Yilo conflict through mediation. GHACEM organised a stakeholders' meeting in 2013 to deliberate on landowners' compensation<sup>8</sup> and to mediate the Manya-Yilo conflict. GHACEM allowed the traditional councils to express their concerns regarding the limestone royalties. The Yilo traditional council became a little considerate and accepted

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8 The interviews reveal that there was a conflict between landowners and GHACEM because the company failed to pay deprivation of land-use compensation to farmers. Deprivation of land-use is a compensation that mining companies are required by law to pay to landowners for depriving them the surface of their land. Although all minerals are vested in the President of Ghana on behalf of Ghanaians, individual landowners have the user right of the surface of their land. The reason is that since individuals can cultivate their land and do other economic activities with it, mining companies should compensate landowners for depriving them of the surface of their lands.

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that Odugblase belonged to both tradition councils.<sup>9</sup> As mediators cannot impose a decision but only suggest a point on which opponents could reach agreement, GHACEM proposed that the part of the limestone royalties set aside for the traditional authorities be shared equally between the two traditional councils. Unfortunately, the traditional councils failed to reach an agreement on GHACEM's proposition. The Manya traditional council wanted the 67% share of the limestone royalties as recommended by the committee of enquiry. The Yilo traditional council, on the other hand, would not accept any amount less than half of the mineral royalties. The interviews revealed that in order not to offend any of the traditional councils or be construed as biased, GHACEM tried as much as possible to be impartial during the mediation attempt. Thus, in that mediation, GHACEM used a formulative style to attempt a resolution of the Manya-Yilo conflict.

As in the case of the committee of enquiry, the ineffectiveness of the mediation attempt was partly due to the limited involvement of the two traditional councils. Mediation can often bring a lasting solution since it is a consensual conflict resolution mechanism in which the opposing parties agree that a third party guides them to resolve their dispute (Herrera and Da Passano 2006:10; Hoffman 2003:7). Although in the case of Manya-Yilo conflict, none of the two traditional councils asked GHACEM to mediate the conflict, the resolution attempt was valid since

mediation is a conflict management [method] where disputants seek the assistance of, or accept an offer of help from, an individual, group, state, or organisation to settle their conflict or resolve their differences without resorting to physical force or invoking the authority of the law (Bercovitch, Anagnoson and Wille 1991:8).

However, there must be at least three stages of negotiation for a mediation to be successful (Druckman and Wall 2017:1910). Mediators usually negotiate with the disputants separately before, and sometimes after, meeting them together. Young (1972:57) relates that sometimes disputants lack adequate

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9 The Yilo paramount chief who claimed that Odugblase is solely in the Yilo traditional area passed on before that mediation attempt.

information about the other's preferences, and it is through meeting them separately that the mediator can transmit selected information and so increase its own power of manipulation. GHACEM should have negotiated with each of the traditional councils before the joint conference. In that case, GHACEM would have better understood the conflict and would have been able to steer the traditional councils towards an agreement. Therefore, the mediation attempt was unsuccessful due to the procedural strategy employed by GHACEM. The formulative mediation style that GHACEM employed can be less successful in resolving conflicts. It has been observed that mediation may be most successful when the mediator employs a manipulative strategy to steer disputants into agreement (Wilkenfeld et al. 2003:297; Kleiboer 1996:360–389; Druckman and Wall 2017:1916; Touval and Zartman 1985:12).

Moreover, it cannot be expected that GHACEM will continue to mediate, since the Manya-Yilo conflict does not currently pose any economic threat to the company. Mediation is often considered if the benefits of resolution will be greater than the cost of not resolving the conflict (see Carment and Rowlands 1998:572–599; Druckman and Wall 2017: 1911–1912; Young 1972:59). Mediators without motivation or resources often 'disengage after a timid resolution attempt' (Corbetta and Melin 2017:2211), and since GHACEM pays all the required taxes to the state, the company may try to avoid the extra costs (in terms of money and time) of further efforts to mediate.

The integrity of the mediation attempt itself is questionable. Why did GHACEM suddenly become interested in the Manya-Yilo conflict in 2013, nine years after the conflict had started? The mediation attempt could have been a smokescreen strategy to portray GHACEM as concerned and caring about the Manya-Yilo conflict. It is more likely that GHACEM organised the stakeholders' meeting mainly to resolve the GHACEM-landowners conflict – realising that it would be difficult to resolve two complex natural resource conflicts in one day.

## 4.4 Other factors that protracted the Manya-Yilo conflict

### 4.4.1 Complex political structure

The main cause, as well as protracting factor, of the Manya-Yilo conflict is the complex political structure in Odugblase. The finding of the committee of enquiry indicates that the community members comprise people from the two traditional areas, with the *Manyas* in the majority. Each group holds allegiance to its traditional council and since the *Manyas* dominate in terms of population, Odugblase could be said to be part of the Manya traditional area. However, landowners of Yilo origin and their traditional council believe that they were the first settlers in the community and by default, Odugblase is part of the Yilo traditional area. The Yilo Traditional council claims that the *Manyas* only bought part of the land from the *Yilos*. The Manya traditional council, on the other hand, holds a compromising view that Odugblase belongs to both traditional areas. But landowners of Manya origin strongly believe that Odugblase is part of only the Manya traditional area. A landowner of Manya origin said:

We vote under Manya constituency. It is also the Manya paramount chief who enstools our sub-chiefs here in Odugblase, so we know we are within the Manya traditional area.

This quotation suggests that traditionally, the Manya traditional council has judicial right over Odugblase since the traditional rulers of the community are of Manya origin and are gazetted by the Manya traditional council. However, the interviews with the official from the Yilo Municipal Assembly and landowners of Yilo origin indicated that Odugblase is within the boundaries of the Yilo Municipality. The above quotation and the claim of the *Yilos* indicate a discordance between the African chieftaincy system and the modern democratic governance in practice in Ghana. Members of Manya origin in Odugblase, a community within the boundaries of the Yilo Municipal Assembly, exercise their franchise in the Manya constituency or align themselves with the Manya Municipality because they see themselves as members of Manya traditional area.

Furthermore, if the finding of the committee of enquiry is anything to go by, then, neither of the two traditional councils has exclusive judicial rights over Odugblase. The historical study required to identify the first settlers of Odugblase and other markers for determining which traditional council has judicial rights over Odugblase is beyond the scope of this study. However, factors that contribute to the complex political situation in Odugblase are worthy of discussion.

The post-independence geo-political arrangement in Ghana attempts to homogenise traditional areas and Metropolitan, Municipal and District Assemblies (MMDAs). The Electoral Commission of Ghana<sup>10</sup> tries to delineate MMDAs to conform to the boundaries of traditional areas, in order to achieve ethnic homogeneity in the MMDAs (Bening 2012:1–17). The Manya traditional area is Manya Municipality and the Yilo traditional area is Yilo Municipality. The Electoral Commission of Ghana upgrades districts to municipal and metropolitan assemblies based on population in the district, as well as some other factors. Population also contributes to the number of constituencies (Members of Parliament) that a traditional area can have. The Electoral Commission of Ghana sometimes depends on the voters' register to estimate the population of the MMDAs. While the Ghana Statistical Services conducts a population Census every 10 years, the Electoral Commission updates the voters' register every two years to organise national elections. So, the Electoral Commission depends on the voters' register during the non-census years to estimate the population, to upgrade district and municipal assemblies, and to create new constituencies. As a result, in order to record a higher population in their constituencies, politicians often encourage people to register as voters in their traditional area even if they are

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10 The Electoral Commission is a statutory body responsible for creating MMDAs and organising national elections in Ghana. However, in most cases, the incumbent political party influences the creation of districts in Ghana (Aye 2013:623–645).

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staying outside their traditional areas.<sup>11</sup> Higher population figures enable a traditional area to have two or more representatives (constituencies) in parliament to lobby for socio-economic development in their traditional area. Besides, the central government assigns a development fund to every member of parliament. Therefore, the larger the population and the more members of parliament (constituencies) a traditional area has, the more money that area will receive for development (Mogues and Benin 2012: 1054–1067; Bening 2012:1–17).

Aside from mineral royalties, the central government also transfers money every quarter of the year to all the MMDAs for specific developmental projects. This money is called a District Assembly Common Fund. So, people register and vote in their preferred constituency for their assembly to receive more from the Common Fund.

### **4.4.2 Weak institutions**

Another factor that has protracted the Manya-Yilo conflict is weak institutions. Institutions include the rules and regulations that enhance or constrain our daily activities as well as state establishments that enforce such regulations. For the present purpose, a crucial weak ‘institution’ is the inadequate regulation for sharing mineral royalties. And then there are the powerless municipal assemblies in Ghana.

The key informant from the Yilo Municipal Assembly indicated that there is no regulation that guides the sharing of the mineral revenue between two traditional councils. Indeed, the Minerals and Mining Acts of 2006 (Act 703) and 2015 (Act 900) of Ghana have no provision on the distribution of mineral royalties between traditional councils where a mining community straddles two traditional areas. Thus, there is no regulation to inform the recommendation of the committee of enquiry and the suggestion of

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11 Many people who do this, encounter transport problems when at the time of presidential and parliamentary elections in Ghana (the voting day, as well as the previous and the following days) they have to travel to their constituencies to vote and return to their working or living areas afterwards. At such times there is always a shortage of commercial vehicles and busy transportation routes.

GHACEM to manipulate the two traditional councils into agreement. Therefore, the Manya-Yilo conflict supports the observation that conflict over natural resources occurs when there is inadequate regulation on mineral revenue distribution ( Organisation for Economic Cooperation and Development 2016; Opiyo et al. 2012:442–453; Patel et al. 2016:450–463; Cuba et al. 2014:250–261).

Furthermore, the Manya-Yilo conflict persists precisely due to the seemingly powerless municipal assemblies. The Manya Municipal Assembly could not grant an interview or produce any official document on the Manya-Yilo conflict because the high-ranking officials in the assembly in 2004 had been changed or transferred. The Manya Municipal Assembly’s contribution to the establishment of the mine is unknown but any significant contribution and coordination would have been documented and other research participants could have mentioned it. The Yilo Municipal Assembly, on the other hand, only expressed worry that GHACEM did not involve stakeholders adequately to establish the limestone mine. Even though the assemblies are the executive and legislative arms of government at the local level, the Yilo Municipal Assembly does not have the mandate to stop GHACEM from mining until all compensation and mineral royalty distribution issues were resolved.

## **4.5 The way forward: Potential conflict resolving mechanisms**

### **4.5.1 Adjudication**

The interviews revealed that the paramount chief of Yilo passed on and there was a chieftaincy dispute over the newly enstooled. As such, the Yilo traditional council had no clear plan yet on how to resolve the Manya-Yilo conflict. The Manya traditional council on the other hand, is planning to seek redress in a competent court of law. The law court is an independent judicial body that individuals cannot easily influence. The Manya traditional council indicated that if any one of the traditional councils is not satisfied with the initial court decision, that council can appeal to a higher court of law. But eventually, the two traditional councils will respect the decision

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of a court of law. Most of the research participants were optimistic that adjudication can resolve the Manya-Yilo conflict.

Adjudication seems promising since Ghana's national political structure is similar to that of Tanzania and Kenya, two Eastern African countries that have been successful in resolving natural resource conflicts in a court of law. In Tanzania, the courts of law successfully resolved land conflicts (see Sackey 2010:38–42). Similarly, Kenya uses the Environment and Land Court and the Land Disputes Tribunal to resolve natural resource conflicts (Maina 2015:52–76). Ghana practises democratic governance just as Tanzania and Kenya, and also has special judicial courts that adjudicate land-related cases. All other things being equal, the law courts in Ghana can also resolve the Manya-Yilo conflict.

The decision of a court proceeding on the Manya-Yilo conflict will serve as a legal precedent in resolving similar conflicts in the future. As there is no clear law on how to share mineral revenue between two traditional councils, a court decision will be an institutional reformation and add to the existing rules and regulations concerning the management and distribution of mineral royalties in Ghana. This institutional reformation can helpfully minimise similar conflicts in the future.

### **4.5.2 Mediation**

Despite the potential and the advantages of adjudication, mediation should be preferred to resolve the Manya-Yilo conflict for two reasons. First, as mediation requires active involvement and willingness of opponents, a successful resolution is often lasting. Second, mediation as a social process could foster peace and unity between the traditional councils. This would be more effective than adjudication which would impose its decision on the traditional council. Therefore, the Manya and the Yilo traditional councils should engage one of the nearby traditional councils to guide them to negotiate their share of the limestone royalties. As the saying goes, *half a loaf is better than none* – having a share of the limestone royalties is far better than the current situation where none of them is receiving any amount.

## 5. Conclusion

Limestone mining in Odugblase in the Eastern Region of Ghana has contributed to socio-economic hardship in the mining community, while the accumulated mineral royalties for development cannot be accessed due to a conflict between the Manya Krobo and Yilo Krobo traditional councils. Both traditional councils are claiming sovereignty over Odugblase in order to claim the largest possible share of the mineral royalties. As it is not clear which traditional council has sovereignty over Odugblase, the central government has been keeping, for the past 15 years, the mineral royalties allocated to the local authorities to develop the mining community. This article explored the attempts made by the state and the mining company (GHACEM) to resolve the Manya-Yilo conflict and to understand the reasons why those attempts failed.

An attempt by a committee of enquiry failed to resolve the Manya-Yilo conflict because the traditional councils were neither interviewed nor asked for their proofs of sovereignty over the mining community. The Yilo traditional council thus rejected the recommendation by the committee of enquiry that it should receive 33 percent of the mineral royalties. The Yilo traditional council accused the committee of enquiry of digressing from its terms of reference and using an inappropriate approach to arrive at that recommendation. In addition, there was lack of political will to implement the recommendation of the committee of enquiry since the Manya-Yilo conflict has not escalated and since a political replacement effect was feared.

Similarly, a mediation attempt could not resolve the Manya-Yilo conflict due to limited involvement of the two traditional councils. The mediator (GHACEM) did not assign ample time to adequately involve the two traditional councils. Besides, the formulative mediating style employed by GHACEM proved to be unsuccessful in resolving the conflict.

In addition, the complex political structure at Odugblase and weak institutions are two contributing factors that are protracting the Manya-Yilo conflict. The attempt to homogenise boundaries of traditional areas and municipal assemblies has failed in the *Krobo* region. Moreover, the

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*Krobos* adhere more to their traditional boundaries than those of the modern democratic system. Thus, a discord between traditional chieftaincy and modern democratic systems contributed to and has protracted the Manya-Yilo conflict. The lack of a relevant regulation to distribute mineral royalties between two traditional councils and weak municipal assemblies have prolonged the Manya-Yilo conflict for years.

This article recommends that the two traditional councils should come together and negotiate their share of the limestone royalties. They can engage a nearby traditional council to help them reach an agreement to receive the mineral royalties and use the funds to address the socio-economic hardships in Odugblase.

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## **Appendix 1: Interview guide**

<b>Themes</b>	<b>Main Question(s)</b>	<b>Content</b>	<b>Potential Follow-up questions</b>
<b>1. Causes of the Manya-Yilo conflict?</b>	What are causes of the Manya-Yilo conflict? How did the conflict occur?	What went wrong?	Who are the people involved? What happened? What are the driving forces?
<b>2. Perceived effects of the Manya-Yilo conflict</b>	What are the effects of the Manya-Yilo conflict?	The effects of the conflict	What is the royalties meant for? How has the conflict affected you/ or the disputants and the community?
<b>3. Attempts at resolving the Manya-Yilo conflict</b>	What actions have you/ or been taken to resolve the Manya-Yilo conflict?	Type of conflict resolution mechanism employed	How have you/ or disputants responded to the resolution attempt? Why were the attempts unsuccessful?
<b>4. Potential mechanism to resolve Manya-Yilo conflict</b>	What are your/ or the intentions (plans) to resolve the Manya-Yilo conflict?	Achieving agreement	Why do you think your opponent/ or disputants will accept the outcome of this conflict resolution mechanism?
Summary/ thanksgiving	A recap of the conversation by the interviewer	Summary	Am I correct to say that ....