

‘If you say you will not vote for me, then I will find you a place to steal’ – Relations between formal and informal actors and local state formation around illegal gold mining in Ghana

Paul Stacey

In rural Ghana there are relations of dependence between, on the one hand, budding political actors in search of votes and claiming the ability to provide land to miners and, on the other hand, small-scale miners negotiating support from the more powerful political figures to extract a resource – gold – illegally. Conventional approaches frame illegality as the antithesis to democratisation and would consider these social actors as definitive adversaries. Yet, negotiations of this kind between formal and informal actors are commonplace in the sprawling forest and farmland areas of Western Ghana, which are honeycombed with illegal mines and at the same time sites of intense party-political competition. What do these emerging relations which make the illegal extraction of gold possible, tell us about actual resource governance, the rule of law, and state formation in Ghana?

The aim of this article is to develop conceptual understandings about societal relations and social processes that enable access to the resource and proliferation of illegal gold mining. Accordingly, there are two bodies of work that the article contributes to: empirical understandings of the making and unmaking of public authority and resource governance in contested, frontier spaces of extraction (Rasmussen and Lund, 2018; Pelosi, 2018; Tsing, 2003), and conceptual understandings of what shifting relationships between formal and informal institutions mean for broader developmental processes (Hart, 1972; Moser, 1978; de Soto, 1990; Helmke and Levitsky, 2004; Lund, 2006; Goodfellow, 2018). In sites of illegal mining there are many different statutory and non-statutory actors and institutions that in various ways contribute to gain, or lose, from the proliferation of illegal mining, including civil servants, traditional authorities, party members, local councilors, parliamentarians, landowners, community leaders, law enforcement agencies, the military, high ranking ministerial figures, and local government officials. These actors comprise shifting strategic groups which provide diverse forms of support, recognition, acceptance, resistance, and opposition to illegal extraction. In turn, their (in)actions influence neighbouring large scale commercial mining operations with legally binding concessions, and long-established cocoa farmers with formal rights to land, to concede land to creeping, illegal mining operations. As such, the illegal extraction of gold is both shaped by, but also undermines, circumvents, and renegotiates a wide range of key state practices, mandates, laws, and policies, including regulation related to property rights, child labour and taxation, for instance. At the same time, illegal mining reworks context specific customary practices governing land use and traditional authority.

Illegal mining in developing countries has attracted many different studies. However, conceptual and theoretical knowledge about social processes around actual resource governance and the implications for local state formation is under-researched. The article builds on approaches highlighting the complexity and fluidity of relationships between formal and informal institutions in social spaces of contention and high resource value. In contrast to many studies however, it investigates how contrasting but contemporaneous relationships between formal and informal actors and institutions in mining sites enable the continuation of illegal extraction. To guide the analysis, the article introduces the analytical concept of *Creative Antagonisms*. This helps explain how, on the one hand,

interactions between formal and informal actors around illegal extraction undermine the rule of law and formal governance mandates on several fronts. But on the other, how the same interactions simultaneously provide a slew of opportunities for the reproduction of different types of authority and openings for both sets of actors to produce locally legitimate (though illegal) practices and norms which shape actual resource governance (Olivier de Sardan, 1999). Hence, we see how powerful actors (re)produce registers of authority by choosing where and how to intervene in illegal mining by exercising the right to override or affirm property rights, and how formal authorities act as the authorizing agents for illegal activities to continue. In these ways, *Creative Antagonisms* also helps explain the conditions under which proposed solutions to illegal mining, which are invariably state centrist, often fail to meet set objectives. On a broader level, the dialectics of *Creative Antagonisms* around illegal extraction contributes to conceptual understandings of frontier spaces and extractivism with a focus on social processes taking place largely outside of regulatory frameworks. Furthermore, it helps to open local social spaces of power, agency, control, and institutional innovation that reflect forms of resilience to large scale commercial mining enterprises.

References

Rasmussen, Mattias Borg, and Christian Lund. "Reconfiguring frontier spaces: The territorialization of resource control." *World Development* 101 (2018): 388-399.