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Human Security Concerns in the Western Region of Ghana: An Analysis of the Oil and Gas Industry

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SUMMARY

The production of oil and gas is contributing to Ghana's GDP. However, there are palpable human security threats associated with oil and gas production. This policy brief examines oil and gas-related human security threats on host communities in the Western Region of Ghana. The paper identifies toxic drilling mud spills, gas flaring and low fish catch as the key effects of the upstream industry. It further explores the legal and policy gaps in addressing these concerns and provides policy recommendations including the need to build the investigative capacity of the Environmental Protection Agency (EPA) into oil-related accidents.

Introduction

Oil and gas discovery within Ghana's Western Region (WR) in 2007 aroused concerns on whether the 'resource curse' phenomenon will surface in Ghana.¹ Although this concept broadly refers to all the 'ails' associated with natural resource exploitation, much of the existing academic literature have explained it from the perspective of the political and economic development of a country to the neglect of human security concerns.² Yet the impact of the oil industry on human security cannot be underrated. The Global Environmental Change and Human Security (GECHS) project sees human security as attained when 'individuals and communities have the options necessary to end, mitigate or adapt to threats to their human, environment, and social rights; have the capacity and freedom to exercise these options; and actively participate in attaining these options.'³ The advent of the oil and gas industry in Ghana's WR raises fundamental concerns as to which threats are posed to Oil Communities (OCs) by the industry; which legal and policy frameworks address these threats and which lacunae need to be filled? This paper aims to answer these questions.

Human Security Threats in the Western Region

Although Ghana's oil industry kicked-off quite recently, there are threats currently bemoaned by OCs in the WR.

Oil Spills and Gas Flaring

Oil spillages and gas flaring are two key dangers to human security. Unlike Nigeria's oil and gas industry, Ghana's is offshore (60km away from the coast) hence effects of spills are not expected to pose significant threats. Yet the 2009/2010 Kosmos Energy spill of over 600 barrels of toxic drilling mud is a cause for concern. The sea is a source of leisure for coastal dwellers which is reflective in the rate of swimming along the coastal communities in Ghana. Therefore the mud spill constituted a source of environmental pollution with an impact on the healthiness of sea users.

On the other hand, gas flaring has direct bearing on the health of OCs. In places such as Canada, there is a link between flaring and health complications like "increase in hair loss, skin rashes and respiratory issues such as coughing."⁴

¹ Kuzu, D., & Nantogmah, D. (2010). The Oil Economy and the Resource Curse Syndrome: Can Ghana make a difference?. Accra: Friedrich Ebert Stiftung.

² Manteaw, S. (2009a). "Oil's Challenge to Ghana's Democratic Development. IEA-Ghana Monograph Series. Accra: The Institute of Economic Affairs

³ Lonergan, S., Brklacich, M., Cocklin, C., Gleditsch N., Gutierrez-Espeleta E., Langeweg, F., Mathew R., Narain, S., and Soroos, M. 1999. GECHS Science Plan. IHDP Report

No. 11 in Matthew, R. A., Barnett, J., McDonald, B., & O'Brien, K. L. (eds.) (2010). Global environmental change and human security. MIT Press.

⁴ Brenda Bouw (2013). Gas flaring on the rise despite environmental and health concerns. [Online], available at www.theglobeandmail.com/report-on-business/breakthrough/gas-flaring-on-the-rise-despite-environmental-and-health-concerns/article14088342/ [Accessed: 19/03/2015]

After assuming a no-flaring position for some time following the discovery of oil and gas in Ghana, the Government of Ghana (GoG), in May 2014, signed an agreement with the operators in the Jubilee Field⁵ which allowed them to flare up to 500 million cubic feet of gas per month. The reason for this agreement was to help optimize oil production.⁶ Following this agreement, gas flaring began in June 2014, and there have, since, been reported cases like reddened eyes and skin diseases. Acidic rain in the OCs has also been associated with gas flaring⁷ and since portable drinking water are lacking in most of the OCs, people are likely to use acidic water for several purposes including drinking. Although the completion of the Atuabo Gas processing plant in September, 2015 – which is to absorb and process gas that otherwise would have been flared – promises to stop flaring, the GoG could have waited for the completion of this project for the sake of the well-being of the OCs. And given that there are limited health facilities in the OCs⁸ to cater for the complications already caused by flaring, one can only imagine the plight of people now suffering from the effects of flaring.

Low Fish Catch

Low fish catch in the OCs has been blamed on oil production. A field study in Cabinda (Angola), for instance, reveals that oil production has negatively impacted fishing activities.⁹ In Ghana, there is a 500-meter no fishing zone around oil rigs. This, together with the lighting systems of the rigs, which seemingly attract fish to the prohibited zone, is a major challenge to fishing.¹⁰ It is reported that fishermen attempting to fish closer to this zone have often had their fishing vessels and other valuables confiscated by the Ghana Navy.¹¹ Although the causes of low fish catch could also be attributed to climate change and overfishing,¹² the practice where fishing vessels are seized by the Ghana Navy have livelihood implications on the fishermen. It renders them economically vulnerable with a ripple effect on the quality of their social lives and those of their dependants.

Legal and Policy Measures

The foregoing threats to the social, environmental and human rights of OCs may exacerbate over time without

necessary structures to manage them. An examination of the existing legal and policy measures regulating the industry is, thus, vital.

The Environmental Protection Agency Act (490)

The Environmental Protection Agency Act (EPA) (490) regulates the release of wastes into the environment while guaranteeing the quality of the environment.¹³ The agency can authorize an inspector to examine premises to establish the extent of compliance with the EPA Act.¹⁴ However, the EPA could not conduct any test into the Kosmos mud spill, largely because of the Agency's limited technical capacity. The water samples of the spillage therefore had to be sent to the US for testing.¹⁵ The Act allows the Agency to ensure compliance with an enforcement notice requiring an operator to stop a life threatening activity.¹⁶ But it is doubtful if any enforcement notice was served on Kosmos Energy for its spillages. Instead a Ministerial Committee was set up to investigate the spills which imposed GH¢40 billion fine on Kosmos energy.¹⁷ The company failed to pay, arguing that there is no Ghanaian law that imposes 'a fine on any person in the event of an oil spillage.'¹⁸ It is not too clear if the EPA Act, or any other petroleum Acts, has any provision dealing with events like oil spills. However, the Agency has a generic responsibility for regulating the environment.

The Ghana National Petroleum Corporation Act (PNDC 64) and the Model Petroleum Agreement

The Ghana National Petroleum Corporation Act (GNPC) (PNDC 64) enjoins the Corporation to regulate petroleum operations in ways that reduce any harmful effects on the people and environment of Ghana.¹⁹ The Model Petroleum Agreement of the GNPC further requires operators to "provide an effective and safe system for disposal of water and waste oil, oil base mud and cuttings".²⁰ While these legislations are useful to protect the environment, the GNPC Act itself has no enforcement mechanisms. Nevertheless, the Model Petroleum Agreement obliges an operator whose "gross negligence or wilful misconduct"²¹ results in pollution to remediate the situation. Yet the GNPC could not effectively address the Kosmos spills partly because its (GNPC's) representative, who was to verify the extent of the

⁵ Jubilee Field is the name given to Ghana's oil field in the Western Region

⁶ Masahudu, A.K (2014). Ghana to lose Millions of Dollars to Gas Flaring. Available at: thechronicle.com.gh/ghana-to-lose-millions-of-dollars-to-gas-flaring. [Accessed 20 March 2015].

⁷ Planitz E. (2013). "Consequences of the Oil Production in Ghana on the Livelihood of the Urban Population in Sekondi-Takoradi: A case study referring to the Livelihood Framework Approach." Published dissertation

⁸ Ackah-Baidoo, A. (2013). Fishing in troubled waters: oil production, seaweed and community-level grievances in the Western Region of Ghana. Oxford University Press 48 (3) 406 – 420

⁹ Baumüller, H., Donnelly, E., Vines, A., & Weimer, M. (2011). The effects of oil companies' activities on the environment, health and development in sub-Saharan Africa. Policy Department, Directorate-General for External Policies of the European Union, Brussels.

¹⁰ Badgley, C. (2011a). Oil City vs. Fish Town. Pulitzer Center on Crisis Reporting. [Online]

available at <http://pulitzercenter.org/articles/ghana-secondi-takoradi-oil-fish> [Accessed: 19/03/2015]

¹¹ ibid

¹² See Planitz E. (2013)

¹³ See Section 2 of the EPA Act (490)

¹⁴ See Section 15 of the EPA Act (490)

¹⁵ See Planitz E. (2013).

¹⁶ See Section 13 of the EPA Act (490)

¹⁷ See Kosmos Bullies Govt Over c400bn Fine at www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=190709 (accessed: 14/03/15)

¹⁸ ibid

¹⁹ See Section 2 of the GNPC Act 1983

²⁰ See Article 17 of Ghana National Petroleum Corporation Model Petroleum Agreement (2000)

²¹ ibid

spills at the time, was allegedly on vacation.²² These lapses in the legislative frameworks limit the options available to OCs to manage the threats to their environmental, human and social rights

Managing the Problem of Low-Fish Catch

There is presently no policy mechanism to manage the low fish catch problem. A report of a research jointly conducted by US-based Acorn International (AI), EPA and Kosmos Energy dissociates this problem from oil operations. Instead, the research findings blame illegal, unreported and unregulated (IUU) fishing for fishermen's misfortunes.²³ This scientific exercise involved 100 participants from OCs in an attempt to find answers to the low fish catch. But a chief in one of the OCs questioned the validity of the findings because in his opinion, the sample size of 100 is not representative of a population of approximately 2.5 million in the OCs.²⁴ This implies that notwithstanding the findings, some OCs still hold that oil production disrupts fishing. It is therefore important that the various stakeholders cooperate to find a lasting solution to this problem.

Recommendations

The following recommendations are useful to fill the legal and policy gaps identified above.

First, the capacity of the EPA to conduct investigations into oil-related accidents needs bolstering. A permanent fact finding mission could be created as a subsidiary body of the EPA to conduct investigations into oil spills. It is equally important that enforcement notices are served on all operators in the field whose activities are deemed detrimental to human health.

Second, the current Petroleum Exploration and Production Bill should be amended to include provisions dealing with events such as oil spills. Given the inevitability of oil spills, this amendment can prevent future pollution through negligence.

Third, although section 2 of the GNPC Act aims at reducing negative consequences of petroleum operations, there is hardly any mechanism to enforce this provision. A review of the GNPC Act is necessary to provide for an enforcement provision to give effect to the Section.

Fourth, it is established in this paper that health facilities in OCs are woefully inadequate to cater for diseases caused, especially, by flaring. It is important that the GoG prioritizes the health of people living in OCs by providing the necessary facilities and support required to alleviate their miseries.

Finally, the joint AI, Kosmos and EPA research findings seem to have blocked any serious government response to the continuing low fish catch in the region. Aquaculture projects could be developed in fishing communities to cater for this deficit.

Conclusion

This policy paper has examined the nexus between Ghana's oil and gas industry and human security concerns. The paper drew upon the GECHS definition of human security to provide a basis for discussion. The paper found key threats to the social, environmental and human rights of OCs to include low fish catch, oil mud spills and gas flaring. The paper further identified major legal and policy gaps that have limited the space for OCs to exercise their socio-human and environmental rights. Recommendations are then made to fill these gaps.

²² See Ghana Lacks 'Capacity' to Tackle Oil Spills, Report Shows at www.bloomberg.com/news/articles/2010-10-08/ghana-lacks-the-capacity-to-tackle-spills-from-oil-wells-report-shows (Accessed: 14/03/15)

²³ See Oil find not responsible for dwindling marine sector at www.ghananewsagency.org/social/oil-find-not-responsible-for-dwindling-marine-sector--86330 (Accessed: 20/03/15)

²⁴ Ibid

About the Author

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