

**Between Elite Reflexes and Deliberative Impulses:**
**Oil and the Landscape of Contentious Politics in Ghana**

**Abstract**

From the vested interests that have held back the promulgation of Nigeria’s Petroleum Industry for more than seventeen years, to the sporadic stoppages that often frustrate attempts by the Kenyan government and Tullow Oil to truck oil from the Turkana region, attempts by national political elites to construct grand schemes from petroleum resources often get entangled in a complex of contentious politics. Nonetheless, the basic instinct of the predominant literature on oil governance has been to confine these contentious processes to the ‘black box’ of elite consolidation. Based on an in-depth account of the distinctive political economy drivers of reform in Ghana’s oil industry and the complement of Abdul Raufu Mustapha’s interpretation of the ‘multiple publics’ governing Africa’s public sphere, this article offers a pushback against this dominant disposition. The article underscores the need to frame the analytic problem of reform in the oil industry as part of a more fundamental question; should the politics of oil in developing countries be viewed through the narrow prism of the rational calculations of dominant elites, instead of the broader impulses of democratic pluralism and contentious politics at multiple scales? The main argument advanced by the author maintains that the constitutive processes that drive institutional and policy reform in the oil industry reflect the impulses of contentious politics, instead of elite reflexes.

**Keywords:** Abdul Raufu Mustapha; Oil Politics; Public Sphere; Sealing Democracy; Ghana; Elites; Contentious Politics
Introduction

On 18th June, 2007, the Government of Ghana along with a consortium of global energy firms and the EO Group, an indigenous petroleum company, announced the discovery of an estimated 600 million barrels of light crude oil offshore from the West Cape Three Points and Mahogany exploration blocks in the Western Region (BBC News, 2007). The fields, which were jointly labelled as the ‘Jubilee Fields,’ marked an important gleeful moment in the country’s history as their discovery coincided with the 50th Anniversary of Ghana’s national independence. To capture the developmental dividends of the newfound oil resources and cement the legacy of a tenure that was set to end with the 2008 general elections, President John Kufuor set out a fast-track route that will culminate into an overarching institutional framework to facilitate oil extraction. As demonstrated by the Fundamental Policy and Master Plan, which was adopted in July 2008 as the Government’s blueprint for petroleum policy months after the discovery, the institutional edifice that emerged from this process marked out a clear path for a centralized petroleum governance framework that revolved around government ministries, departments and agencies, with legislative oversight. Notably, the Master Plan designated task forces led by frontline ministries and departments around Fiscal Regimes and Fund Types (Finance Ministry), Legal (Attorney-General’s Office), Health and Safety (Environmental Protection Agency), Security (Department of Defense), and local content (Ministry of Trade and Industry) (see Amoako-Tuffuor, 2011; Cavnar, 2008). Buoyed by a conviction that Norway’s experience with managing oil revenues, which has been synthesized more under the Oil for Development Programme,¹ represented the pathway for oil-rich developing nations, the Master Plan largely framed the role of the citizens as passive recipients of oil-financed projects. Nonetheless, by the time Ghana lifted its first oil on January 5, 2011 which was sold through Vitol SA by Tullow Ghana and the EO Group (GNPC, 2011), not only were the provisions of the Master Plan off the policy shelves, the newfound industry represented a more diverse field with the active pursuit of civic action deeply etched into the landscape of petroleum governance in Ghana. More tellingly, new platforms such as the Public Interest and Accountability Committee (PIAC) – a statutory citizens-based independent oversight body in charge of monitoring of the management and use of petroleum resources – and the expanded Ghana Extractive Industry Transparency Initiative (GHEITI), were grudgingly adopted to share some of the central government’s mandate over the management and use of oil resources in Ghana (Oppong, 2016a; Oppong, 2016b; Oppong & Andrews, 2020).

¹ The government’s position contained a Memorandum of Understanding that was signed by the Government of Ghana and the Kingdom of Norway after the National Oil for Development Conference in 2008. The memorandum entailed a series of commitments by the Norwegian government towards the establishment of a comprehensive national oil and gas policy strategy for Ghana, without any mention of citizens oversight (see Government of Ghana & Kingdom of Norway, 2008).
Across the developing world, similar policy reversals that often emanate from what Holston (2009) has characterised as the entanglements between differentiated versions of hegemonic and insurgent forms of government and citizenship, have come to dominate the policy landscape of oil governance. From the vested interests that have held back the promulgation of Nigeria’s Petroleum Industry for more than seventeen years, through the sporadic stoppages that often frustrate attempts by the Kenyan government and Tullow Oil to truck oil from the Turkana region, to the World Bank’s suspension of the infamous Chad-Cameroon Pipeline Agreement, attempts by national government elites to construct grand schemes from petroleum resources often get entangled in a complex web of contentious politics. Nonetheless, the basic instinct of the predominant literature on oil governance has been to confine these contentious processes to the ‘black box’ of elite consolidation. This article offers a pushback against the dominant scholarly disposition to eclipse the contentious dynamics of oil governance by focusing on the specific nature of socio-political entanglements that shape policy reform in Ghana’s oil industry. It underscores the need to frame the analytic problem of oil governance in developing countries as part of a more fundamental question; should the politics of governing oil be viewed through the narrow prism of the rational calculations of dominant elites, instead of the broader impulses of democratic pluralism and contentious politics at multiple scales? The overriding argument advanced here maintains that the constitutive processes that drive institutional and policy reform reflect the impulses of contentious politics, instead of elite reflexes. To develop this argument, the analysis offered here unites Mustapha’s (2013) interpretation of the ‘multiple publics’ governing the public sphere in Africa with the lens of ‘scaling democracy’ (Riofrancos, 2017).

Contentious politics has enjoyed a measure of ubiquity in the social science literature and, recently, inspired a more visible enthusiasm for studies around the dynamics of power and politics of extractive sector governance (Alonso-Fradejas, 2015; Gürcan, 2019; Houeland, 2020; Oppong, 2018). The concept underscores the entanglements between governing elites and social actors by combining ‘repertoires’ of collective action with ‘political opportunity’ structures (Porta & Donatella, 2009; Tarrow, 2011; Tilly, 2010). Repertoires are the means of mobilisation and acts that different individuals adopt to advance particularistic or collective claims. As Tilly (1986:4) observed, a repertoire is the ‘whole set of means that a group has for making claims of different kinds on different individuals or groups.’ Political opportunity structures relate to the aspects of the regime that offer openings and threats for actors and specific forms of claims (Tilly & Tarrow, 2015:49). Consequently, the literature has largely framed contentious politics as the responses to the opportunities and constraints that are imposed by the interactions among different political players and institutions (Traugott, 1995). This general interpretation officers significant leverage to unpack the relational dynamics between the means of collective action and political regimes in the oil industry (Alonso-Fradejas, 2015; Gürcan, 2019; Houeland, 2020; Oppong, 2018). However, its narrow focus on “episodic occurrences,” as opposed to routine
events (Tilly & Tarrow, 2015), and actors outside the representational structures of the state, have resulted in an imbalance that applies contentious politics mostly to questions of collective violence. Also, there has been a general reluctance to interrogate how economic structures condition the opportunities and threats for collective action (cf. Traugott, 1995:8). Hence, while embracing the relational and open-ended nature of the mobilizational patterns that underpin collective action and their intricate interlinkages with institutions and governing structures of the oil industry (Kröger, 2013), the presentation maintains that contentious politics conveys a much deeper meaning associated with economic structures, democratic governance, and pluralistic politics. Contentious politics is, therefore, deployed in this article as an umbrella term capturing the diversity of conflicts and disputations that shape the outcomes of institutions (Leitner et al., 2008; Slater, 2010).

By framing contentious politics as the producer, instead of the product, of institutional and policy processes, the article makes three key contributions the literature on oil governance: Firstly, it underscores how pluralistic politics and democratic regimes permit a measure of inclusivity, deliberation, and the proliferation of ideas (see Oppong, forthcoming). As elaborated further in the next section, this position aligns with Abdul Raufu Mustapha’s work on broadening the public sphere in Africa. It also resonates with his lifelong dedication towards unmasking the heterogeneity of African institutions, while challenging hierarchies of power which delegitimize marginalized voices that do not align with the rationalist and apolitical discourse on governance reform (see Mustapha, 2000; 2006; 2007). Secondly, the article brings a radical perspective that challenges perspectives within the ‘Africanist’ scholarship and the policy literature which confine contentious politics to the realms of ‘neopatrimonialism’ and informal networks that disrupt optimum governance of oil. Through the lens of ‘scaling democracy’ i.e., the agonistic processes by which the scales of democratic decision-making and democratic people are contested, established, and transformed (Riofrancos, 2017), it highlights how the coexistence of competing claims from the informal realms of contentious shape deliberations and governance innovations in the oil industry. The third contribution relates to the broader political economy context of reform, by showing how contentious politics steered the evolving industrial structure of Ghana’s oil towards what Tiberghien (2007) has designated as ‘stakeholder capitalism’ – a largely market-oriented environment with multiple private firms and interdependence between multiple institutions and actors. As affirmed further below, the emergence of stakeholder capitalism in Ghana has entailed the erosion of the control of the ruling coalition over the management of oil, initially, by global commercial actors and, subsequently, civil society and sub-national actors. These dynamic changes invariably shaped the institutional contours of the petroleum industry, especially through the proliferation of multipartite institutions such as the PIAC (Oppong, 2016; Oppong & Andrews, 2020).

To capture the theoretical and empirical essence of the article, the next section provides the theoretical basis of the presentation by expounding on the critiques of elite consolidation and
the agency of contentious politics. The bulk of the analysis is devoted to further exploration of
the trajectory of oil governance in Ghana and the key actors that are implicated in policy changes
in the sector. Data for this article were compiled through field work that I undertook as part of
my Doctoral study in 2013. The fieldwork entailed the collection of a variety of data sources
from archival research, unobtrusive observation of various meetings and briefings, including the
National Policy Fair, parliamentary debates, dissemination workshops of the Public Interest
Accountability Committee (PIAC) and the Ghana Extractive Industries Transparency Initiative
(EITI), and donor-funded workshops. I also conducted elite interviews with various respondents
sampled from the Ghana EITI Secretariat, Members of Parliament, the Energy and Natural
Resources Ministry, the Administrator of Stool Lands, Ghana Chamber of Mines, Ghana
National Petroleum Corporation, along with individual consultants, extractive firms, donor
agencies, non-governmental organisations, and community activists, labour activists, and think
tanks that linked to the petroleum sector. Since then, I have maintained continuous engagement
with the oil industry that has enabled me to build more updated insights. The main arguments
and themes that underpin the presentation here emerged from many rounds of intense reading of
my interview transcripts and other data, which were iterated with critical theoretical debates
around the politics of oil, especially in Africa. I draw from key components of my final doctoral
dissertation, which was submitted in 2016.

(De)Criminalizing political Agency

For the vast literature on the political economy of natural resources, the presence of oil in
developing countries constricts the repertoires of action and opportunity structures that culminate
into collective social action for optimum policy making. Without downplaying its diverse
color, the focal point of analysis in the literature on oil politics largely hinges on what
Mitchell (2011) has labelled as the ‘machineries of control’ that empower elites to the detriment
of the broader citizenry (see Frankel, 2012; Robinson et al., 2006; Rosser, 2006). Notably,
studies around the rentier state theory, have maintained that revenues derived from the oil
revenues often evoke centralising tendencies that cumulate into authoritarian regimes (Chaudhry,
1989; Luciani, 1987; Yates, 1996). The ‘oil curse,’ an allegory for the detrimental effects of oil
on development as captured by this literature, emanates from the super-normal profits that it gifts
to ruling elites to finance the instruments of repression, break up the fiscal basis of accountability
between the ruling elites, and confine civic activism to the narrow prism of rent seeking in the
shape of subsidies and welfare (Abdel-Fadil, 1987; Dunning, 2008; Herb, 2005; Vandewalle,
1998).

2 The Office of the Administrator of Stool Lands is a statutory body that is mandated to collect and disburse revenues
deriving from customary lands in Ghana. The country’s mining regime, the Office receives all ground rents related to
stool lands and manages disbursements to stools in mining communities.
The view that oil generates perverse incentives for authoritarian regime formation and reversals in development resonates with a common perspective among ‘Africanist’ political scientists who point to a seamless linkage between various machineries of control and what they consider as the pathologies of the ‘Third World’ state in the shape of elite capture, corruption, economic mismanagement and stagnation, institutional fragility, armed conflicts, and the ‘neo-patrimonial’ nature of state-society interactions (De Oliveira, 2007; Wood, 2004; Yates, 1996). More recently, a growing number of studies drawing from analysis of political settlements have joined the fray with a sense of optimism about the crucial role of strategic and powerful elites in setting and enforcing long-term development and incremental policy changes (Hickey et al., 2015; Mohan et al., 2017). In the case of Uganda, for instance, Hickey & Izama (2016) have argued that a dominant developmental coalition, led by President Yoweri Museveni and the ruling National Resistance Movement, have accounted for the development of bureaucratic capacity and political leverage that have set the country’s oil industry towards a developmental path. The central premise of this argument has been replicated to explain the successes and failures of oil-led governance in countries ranging from South Sudan, in relation to procurement reforms (Twijnstra, 2015), to the micropolitics of oil in Ghana (Mohan et al., 2017).

Whereas the foregoing accounts have proven quite beneficial in unpacking the policy dynamics of the ‘black box’ that shape certain outcomes in oil-rich countries, its narrow focus on how elites instrumentalise reform leaves open the involvement of various social actors. In one of the earliest signals about the social dynamics of reform in the oil industry, for instance, Skocpol (1982) offered an account of the Iranian Revolution within the purview of the associational life in buzzing urban economic centres which posed the most significant vulnerabilities of the petro-state in the pre-revolution era. She further observed that the capacity and willingness of political leadership to mobilize and channel ‘mass support’ were crucial for the exercise of central control (Skocpol, 1982:276). These socio-political entanglements that drive reform in oil-rich states is the subject of recent studies ranging from national and global guarantees for consulting indigenous groups (Fontaine et al., 2016) to the conflicts between the Yasunidos, a social movement, and the Ecuadorian government over the drilling of oil in the Yasuni areas of the Amazon region (Coryat, 2015). Indeed, insurgent acts from below do not always guarantee structural change. Bettini and Karaliotas’ (see 2013) examination of how the discourses and movements that mobilised to highlight the threats of peak oil, for instance, underscores how social activism reinforced ‘hegemonic discursive structurations’ which foreclosed radical alternatives and reproduced a socio-ecological regime.

The lens of contentious politics, albeit applicable to other socio-political domains, reflect not only the inherently conflictual dynamics of the oil industry, but also the value of pluralistic politics that drive the social bargains and governance outcomes in oil-rich states. Notably, political economists who are interested in the materiality of oil, i.e. the different ways in which the material qualities of oil enter into and shift broader regimes in times and places (Rogers,
2012:285), have underscored the complex web of structures as well as bureaucratic and institutional processes that are continuously negotiated as part of the value creation processes of the industry (cf. Appel et. al. 2015:18). For the conflict literature, this inherently contentious nature of oil emanates from the distributional tensions that it provokes over issues such as boundary delimitation, local representation, community dislocation, and investment decisions, as demonstrated by the cases of the Niger Delta in Nigeria and Sudan (Le Billon, 2005, Omeje, 2008). While the propensity of violent outcomes remains compelling, it is equally important to foreground the contentious dynamics of the oil governance through the routine and open-ended opportunity structures afforded by pluralistic coexistence in democratic states. Hence, instead of confining the politics of oil to the repressive structures of authoritarian regimes and the cumulating centres of the rentier state, a more refreshing account must emphasise how multiple policy outcomes mirror the agency of social bargains and democratic coexistence.

Ranking among Abdul Raufu Mustapha’s most influential works, he grappled with the foregoing critique through a deeper reflection on the public sphere in Africa. Considering Habermas’ conception of the public sphere as an abstract forum for dialogue and, more specifically, ‘a sphere of communicative action,’ Raufu’s work in this area, first, took a ‘backward’ step to critique extant approaches that model the public sphere as a single public built around rationality, consensus and accessibility; and, secondly, a forward step, to highlight opportunities and threats to inclusive social dialogue (Mustapha, 2013). His toleration for elite-centred analysis like the Political Settlements framework, as he shared with most of his students including the author, was premised largely on the first dimension. However, he did not shy away from that threats that such elite centeredness posed for legitimising authoritarian tendencies within the governance landscape of development in Africa. Notably, his longstanding criticism of the Structural Adjustment Programmes (SAPs) and the subsequent processes that culminated into the Poverty Reduction Strategy Papers (PRSPS), was based on his reading of their tendencies towards elitism and how they were often legitimised through a culture of professionalism or technical administrative expertise, rather than any meaningful inclusive discussion. In an introduction to a special issue on this subject, Raufu reflected deeply on Fraser’s (1992) earlier caution that there is never a single public sphere, but a multiplicity of public spheres and counter public spheres and spelt out some of the conditions for guarding electoral democracies against authoritarian tendencies and instrumentalist elite capture, while orienting them towards inclusive social dialogue (Mustapha, 2013:37). Among others, he emphasized the need to embed inclusive norms in various policy processes, disregard social status and hierarchies, while promoting autonomy for participants and, most importantly, guarding against any impulse to endow any individual or group with the monopoly over interpretation.

The strength of Raufu’s work lies in the complexity and room for expansion of the public sphere. Nonetheless, the depth of the public sphere could be explored more in terms of its
sectoral dynamics and the agonistic nature of politics that marks democratic governance. As Riofrancos (2017) observed earlier, a tradition that runs through that value that political theorists like John Jacques Rousseau placed on small polities and local decision-making, against Immanuel Kant’s cosmopolitanism, reinforces the dilemma of setting and negotiating the boundaries of democracy. Consequently, as she asserted; ‘whereas political theories and formal institutions may designate the territorial bounds of democratic polity and the relationship between subnational, national and supranational scales, but so long as there are competing sources of democratic legitimacy available to nested and overlapping political communities, conflict over the scales of democracy will reignite’ (Riofrancos, 2017 p.680). Attention to scaling democracy opens the way to probe how oil shapes the dilemma associated with the construction of collective identities and continuous contestations over resource extraction and utilization across multiple scales in democratic states (ibid.). Recognizing scale further offers an opportunity to better appreciate the dilemmas associated with democratic and the material politics of oil. Scale is also linked to the question of why different governance mechanisms that seek to secure order in in the presumably unstable environment around resources fail. This perspective illuminates possible innovative practices that could facilitate possible alignments of governance reforms with the contentious lifeworld of the oil industry.

The importance of expanded and diverse public spheres that shape the multi-scalar dimensions of policies, therefore, lies in the space it affords to unpick the vulnerabilities to elite hegemony and the openings for inclusive politics over the landscape of oil. Within the Ghanaian context, attention to this arena for contentious politics offers a much clearer insight into the critical influence of democratic pluralism and the interactive dynamics of deliberative politics. As demonstrated further below, rather than the widely held perception that this had driven elites to adopt a more short-term policy horizon and indulge in clientelistic politics (Appiah, D. & Abdulai, 2017; Mohan et al., 2017), these contestations have sustained the evolution of a more long-term industrial structure around stakeholder capitalism.

**Elite reflexes and the making of oil in Ghana.**

A common assumption embedded in analysis of the political economy of reform suggests that there is a trade-off between binding arrangements that permit reform and the consolidation of elite dominance and control over policy processes (for instance, Nye, 1967). Consequently, various commentaries and studies about Ghana’s policy landscape remain divided between those who have emphasized the appetite among the ruling elites for pursuing various reform initiatives largely as an instrument of power (Gibson, 1997; Oelbaum, 2002; Ohemeng & Anebo, 2012; Owusu, 1970), and others who continue to underscore various vulnerabilities to the exercise of elite power that emanate from actors such as donors (Libby, 1976), policy experts (Ohemeng, 2005), and the private sector (Tangri, 1992). Beneath this lively discussion is the ever-swinging pendulum between elite centrality and the agency of social actors that continues to steer reform.
processes. This sub-section lays out how these policy entanglements shaped the initial governance contours of the oil industry.

The inception of Ghana’s oil industry, which dates back to the colonial administration in the late 19th century, was characterised by an overarching governance structure that approximated the centralising tendencies of the rentier state. Notably, colonial-era laws for governing initial oil exploration, such as the Mining Regulation Ordinance of 1905 (amended in 1915) and the Mineral Oil Pre-emption Ordinance of 1907, conferred on the British colonial government supervisory jurisdiction over the “exercise of mining rights within the colony” and the “right of pre-emption of all crude oil obtained in the colony, and of all products of the refining of such oil” (cf. Foreign Office, 1920:46; Nugent, 2010:46). The underlying structures of this largely elite-centered approach to oil governance were invariably maintained in the post-independence era. Consequently, notable successes in oil exploration that led to the development of the Saltpond Fields and South Tano Basin by the US-based consortium, Signal Oil Group, concluded in 1985 without much public debate.

A more systematic attempt to share the oil policy space with other actors in the private sector began in the 1980s, following the military coup that brought the Provisional National Defense Council (PNDC), under the leadership of Jerry John Rawlings, to power. The PNDC assumed the reins of government with the issue of ‘self-sufficiency’ in energy at the core of its earlier populist rhetoric (see Rothchild, 1985; Underwood, 1982). Among the key instruments that subsequently underpinned the government’s nationalist drive over oil was the creation of the Ghana National Petroleum Corporation (GNPC) in 1983, which was tasked by its enabling legislation – PNDC Law 64 – to ‘undertake the exploration, development, production and disposal of petroleum.’ This ideological and nationalist fervour was soon altered when the PNDC regime began various institutional reforms that created more openings for private sector participation in the oil industry, as part of its decision to access loans from the International Monetary Fund (IMF) and the World Bank through the Structural Adjustment Programme (SAP). In 1982, for instance, the Ministry of Fuel and Power entered into an agreement with Geophysical Services Inc. to acquire non-exclusive seismic survey offshore rights to accelerate the exploration and production of hydrocarbons covering the eastern border of Ghana to Cape Three Points (Banful, 2009). Armed with new geological surveys of Ghana’s oil prospect, the PNDC organised a Conference in the United States for foreign oil companies to woo prospective investors (Ahiakpor, 1985). The tenor of the new oil regime was articulated by the Finance Minister, Kwesi Botchwey at the conference:

Ghana will actively encourage direct foreign investment and ensure that while safeguarding the interest of the economy and the honour of the people, investors will not be frustrated when the time comes to transfer their profits and dividends to their shareholders overseas…Investors would be particularly welcome in
such priority areas as petroleum exploration and production, mining and mineral processing, timber logging and wood processing, quarrying, deep-sea fishing, food processing and local resource-based manufacturing industries (cited in Ahiakpor, 1985:549).

The PNDC regime subsequently unveiled the embryonic institutional and policy mechanisms that would drive heightened exploration under the SAP regime. In the year after the establishment of GNPC, the government promulgated the Petroleum Exploration and Production Law (PNDCL 84) to establish the terms for the contractual relationship between the State, GNPC and prospective investors in upstream petroleum activities. Another legislation, the Petroleum Income Tax law (PNDCL 188) was passed in 1987 to set out a separate tax regime for petroleum operations in the country. Following the terms of these laws, a Model Petroleum Agreement was developed to set the standards covering government’s negotiation with prospective investors in upstream petroleum operations. The MPA covered commercial contractual areas such as contract scope, exploration period, minimum exploration requirements, joint management, contractor rights and obligation, sole risk accounts, oil sharing, measuring and pricing, environmental protection, as well as accounting and auditing (GNPC, 2000).

The institutional landscape at this stage reflected the PNDC Government’s desire to retain leverage over exploration, while steering private sector entry into the industry. Hence, the reforms maintained the sector Secretary’s (Minister) roles in negotiating and executing petroleum agreements and set the guidelines to regulate the industry. However, the fiscal regime set broadly by the Petroleum Income Tax Law (PITL) attempted to accommodate the interest of the state and private capital through, what Amoako-Tuffuor & Owusu-Ayim (2010), have characterised as a hybrid of production sharing and concessionary arrangements to govern contractual arrangements in the industry. The Law contained “national interest” provisions such as royalty payment on gross production, initial or carried interest of 10% in each contract area, additional interest in the case of commercial discovery, income tax payments and Additional Oil Entitlement. These “national interest” provisions in the Law coexisted with generous terms for private operators, including the absence of provisions on transfer pricing, exclusion of capital gains tax, and inclusion of stability clauses, which guaranteed protection from tax regime changes as provided in petroleum agreements (see ibid.).

The move to inject market principles and attract private capital interests is, perhaps, the most visible alteration of the centralising governance structure of Ghana’s oil industry. Indeed, the PNDC’s decision to share the institutional terrain of the oil industry with commercial interests, led to an increase in firm activity. The GNPC, for instance, developed a database of seismic information, and with Statoil, subsequently applied new technology to analyse and process previous exploration data. The company also collaborated with other state firms from Canada (Petro-Canada International), Norway (Statoil), Brazil (Petrobras) and Nigeria (NNPC).
to acquire, process and interpret Ghana’s first 3D seismic surveys over the South Tano Field, which then resulted in the drilling of three wells between 1991 and 1994 (Environmental Protection Agency, 2011:3). However, as recollected by Jonah (2013), the prospect of Ghana finding oil in commercial quantities at the time was generally greeted with ‘scepticism,’ as the heightened exploration did not lead to any breakthrough in discoveries.

Notwithstanding the influential role of market-led changes, in spite of its limits, different social actors who coalesced around different policy spaces in the early 1990s proved more pivotal in driving oil sector reforms. The first adjustment decade in Ghana witnessed a groundswell of social discontent that threatened to undermine the marketisation drive and raised concerns for new institutional and political arrangements that could help manage the deterioration in living conditions. National agitations during the period, largely led by urban, middleclass and professional groups, such as the Ghana Bar Association, and the Christian Council of Ghana quickly grew into calls for transition towards democratic rule (Ninsin & Drah, 1991; Rothchild, 1985). Notably, the US House of Representative’s Sub-Committee on Africa during a visit to the country warned that “political tolerance of key urban groups may be diminishing” (Weissman, 1990). The group, among others, called for “consultative mechanisms” and the dismantling of the “culture of silence” that had prevailed alongside the ERP (ibid.). The response of the Government, under mounting pressure from external donors, culminated into a well-controlled and contentious political transition programme that witnessed the introduction of a new civilian constitution and the election of the National Democratic Congress (NDC) led by Jerry Rawlings in 1992.

The end of the Rawlings era and the election of the opposition New Patriotic Party (NPP) in 2001 added an expanded space for the entry of more private capital interests in the oil industry. Often associated with the more business-friendly wing of Ghana’s political spectrum, the Party’s manifesto for the 2000 general elections promised “free enterprise, fundamental human rights, and the vigorous pursuit of private initiative” (New Patriotic Party, 2000). During his inauguration the following year President, John Agyekum Kufuor, reiterated the Party’s position that the private sector is ‘the main agency for the creation of wealth,’ promising a ‘golden age of business and enterprise’ with a call on the business community, within and outside of the country, to “come in and let’s do business” (Kufuor, 2001).

The signal for the “Golden Age of Business” quickly echoed in Ghana’s oil exploration programme in two general ways: Firstly, new policy reforms were adopted to scale down the remaining vestiges of nationalism that characterised exploration under the previous regime. Notably, in an interview with a former Energy Minister under the Kufuor government, he affirmed that the NPP Government redefined the focus GNPC operations towards the core business of oil exploration, which was followed by retrenchments and redeployments of staff.
Closely following this approach, as disclosed by members of the Government’s energy taskforce who were also interviewed, was a resolve to “use the private sector to search for oil” and not “the resources of the Ghana” (anonymous interviews, 2013). This, in practice, entailed various overseas Road Shows to sell Ghana’s hydrocarbon prospects to multinational firms and a decision to downgrade the fiscal terms of exploration and production for prospective companies. Most significantly, under the Rawlings regime, Ghana sought a net share of oil at 65-55%. This was considered by leading members of the NPP government as ‘too harsh’ and not commercially attractive for a country not known for oil (ibid.). The Kufuor government, therefore, announced a downgraded fiscal regime which pegged Ghana's net oil benefits at 45-55% (Kan-Dapaah, undated).

Mapping the Contentious Landscape

In many ways, the institutionalisation of democratic pluralism, which was epitomised by the successful transfer of power from the NDC to the NPP in 2001, and its resultant policy changes, underscored the expanding opportunity structures for contentious politics in the oil industry. Despite attempts by the NPP government to maintain the centralized grip that had characterized much of the exploration period, the announcement of commercial oil discovery drew out a range of forces that sought to disperse the centre of policy control. With the announcement of oil discovery, a year before the 2008 general elections, Ghana’s pluralistic politics played a prominent role in reshaping the contours of decision making as party politics and civic activism shaped a new phase of contestation over the new industry.

Among some of the notable contentions in the oil industry wrought by Ghana’s nascent oil industry were competing narratives between the two main political parties over which government’s policy approach was more influential in securing the discovery. Members of the NPP Government under President Kufuor who were interviewed averred, for instance, that the decision to downgrade the fiscal terms yielded immediate results. They maintained that the discoveries in the West Cape Three Points and Tano Fields in 2007 were the crowning moments for the Government’s strategy, especially given the frontline role of small and budding independents like Kosmos Energy and Tullow Oil in the deep-water prospecting of oil. The triumphalist mood of the NPP Government over the discovery was captured by the party’s manifesto for the 2008 elections which read:

The recent oil discovery in our deep waters offshore is not by accident. We have struck oil because of the sound policies of the NPP government. The oil has always been there but the 19 years of (P)NDC rule could neither create the conducive investment climate nor the

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3 During fieldwork, the actual number of dismissed staffs was not given, but a leading member of the NPP government, who oversaw the restructuring of the GNPC during an interview put the reduction at 150 from a high of about 1000 (interview, 2013).
managerial direction for the oil to be found. In the short period between 2001 and 2005, the NPP government restructured and refocused the work of the GNPC and provided the conducive business environment to attract committed investors to our offshore oil fields. The result was the discoveries announced in June 2005, June 2007 and February 2008. We expect more discoveries in the coming years and, as the party who enabled these new finds, we are best placed to manage these new resources responsibly (Section 1.16 of New Patriotic Party, 2008).

This claim was rejected by the opposition NDC who joined an array of other opposition parties, like the Convention People’s Party and the People’s National Convention, as well as some civil society organizations to accuse the Government of mortgaging the country’s oil reserves to foreign business capital. More specifically, in a press conference during the election year, the opposition NDC accused the Government for mortgaging the country’s oil reserves to Tullow Oil, contrary to the Rawlings-led government’s efforts, and promised to revise various oil deals if elected to power during the 2008 general elections (see Ampofo, 2008). This evolving contentious landscape around the electoral cycle proved decisive in shaping the mobilizational patterns between opposition political parties and civil society activists in steering the governance patterns of the oil industry, as part of the 2008 electoral cycle (Ayanore, 2018).

Another layer of contentious politics emerged from the mass of civil society actors who were mostly energized into action by the announcement of oil find. Through various unilateral initiatives and collaboration, especially the Civil Society Platform on Oil and Gas, various groups under the civil society umbrella positioned themselves as countervailing forces in a site that was widely held as dominated by government, firms and donor agencies (Oppong, 2018). The first most visible resolve of these groups was tested against the Fundamental Policy and Master Plan. Notably, the process that led to the adoption of the Plan was criticized for lacking domestic input and marginalizing ordinary citizens and described as “closed” and “secretive” (Cavnar, 2008). These criticisms amplified with media leaks of different components of the Master Plan. In scathing report, Oxfam-America and the Integrated Social Development Centre (ISODEC), for instance, revealed that the government’s policy report was filled with “vague policy principles and proposals” with less attention to parliamentary oversight and no mention of initiatives such as the Extractive Industries Transparency Initiative (Gary et al., 2009). Civil society activism was, therefore, focused on opening up the policy space and dismantling the culture of secrecy that have come to characterized public processes around the industry. The First National Oil for Development Conference in February 2008 became the centre-stage for the new politics of civil society contestation in Ghana’s oil industry. At the conference, ISODEC, the Publish What You Pay (PWYP) coalition in Ghana and a host of NGOs submitted a memo that was previously adopted at a consultative forum in Mankessim, raising concerns about the lack of public engagements with a call on the Government to adopt various transparency and accountability mechanisms (personal interviews with various activists Steve Manteaw, Ismael Edjekumhene, Emmanuel Kuyole, 2013). Various NGO coalitions, including the Oil and Gas
Stakeholders Network and, later, the Civil Society Platform on Oil and Gas, were created with the support of international NGOs and foundations, such as Send-Ghana, Transparency International, Oxfam America, and the Natural Resource Governance Institute (then Revenue Watch International) with the stated aim of steering the oil industry towards the principles of transparency and accountability (ibid.; Oppong & Andrews, 2020).

In various field interviews, NGOs activists in the oil industry underscored the critical role of Ghana’s electoral cycle in supporting the push for more a broad-based public deliberation over the industry. Within the NPP government, for example, there was a demonstrable reluctance to slow down oil production due to a range of factors such as the global food crisis, increases in oil prices, which peaked at $147/barrel in 2007, a domestic energy crisis, and the rise in the public wage bill that compounded the country’s fiscal situation in the year of oil discovery. As the Government sought to generate further revenue on the international capital market by raising a $750 million loan in the form of a Eurobond in 2008 (Gary et al., 2009), the stakes in a fast-track approach to oil development got higher and further public consultations was considered a ‘luxury’ that the country could not afford. Nonetheless, NGO activists took advantage of the 2008 general elections to compel the leading opposition parties to commit to further public deliberations and transparency norms in the industry. This pressure to expand the consultative base of the petroleum industry yielded results when the opposition National Democratic Congress (NDC) won the 2008 general elections. Under the leadership of President John Atta Mills, the NDC suspended the 2008 draft Petroleum Policy and rolled out nationwide consultation programme, which paved the way for multiple sources of influence on the trajectory of the petroleum industry within and outside of the country.

These public deliberations, which involved a nation-wide consultation and a Constitutional review exercise, in turn, exposed some of the deep-seated contestations around the politics of scale over the petroleum industry in Ghana. More significantly, on November 11, 2011, distributional contentions took a dramatic turn during the parliamentary consideration of Petroleum Revenue Management Bill, when a group of traditional leaders from the Western Region petitioned the Ghanaian Parliament to demand, among others, 10% allocation of petroleum revenues into a proposed Western Region Development Fund and 10% representation of indigenes from the Region on the Petroleum Commission (Parliament of Ghana, 2010:1398). In the petition, the chiefs called for representation on the Investment Advisory Committee, the Public Interest and Accountability Committee and ‘all governing bodies of institutions established under the laws relating to oil and gas’ (ibid.). They also called on the parliamentarians to guarantee employment and “business opportunities” to “indigenes” from the Western Region (ibid). According to the chiefs, the demands were the outcome of various consultations involving traditional rulers, civil society and community-based organisations in the Western Region (see Western Region Development Forum, 2010).
The petition from the Western Region forcefully dramatized the multi-scaler dimensions of the contentious landscape of Ghana’s oil industry. As evinced by Mouffe’s characterization of the political arena as one that is characterized the ever-present possibility of agonistic politics, the petition provoked an intense national debate over collective and particularistic claims Ghana’s oil resources which is yet to be resolved satisfactorily (Oppong, 2011). Prominent media commentators, including a leading journalist and activist Mr. Kwesi Pratt, accused the Chiefs of making “ridiculous” demands that were inconsistent with Ghana’s status as a unitary state (see Citi Fm, 2010). Various technocrats who worked on the Petroleum Revenue Management Bill also argued that the demands were not supported by the country’s property laws, pointing out that the oil industry was “60 km offshore and did not have direct impact on any community” (Send-Ghana, 2013:10). Similar sentiments were advanced in the chamber of Parliament when MPs debated the Petroleum Revenue Bill. During the debate, MPs from the Western Region maintained that the Region is the “El Dorado of Ghana” given the fact that it is home to a significant proportion of the country’s resources, but remains marginalised and deprived (Aidoo, 2010:1469). MPs from other parts of the country rejected this claim pointing out other resources and relative marginalization of their respective regions (see Appiah, T., 2010:1451). When the Petroleum Revenue Management Law was eventually enacted, the petition from the traditional rulers were rejected. Instead, the then NDC government led by John Atta Mills offered vague assurances for the enhancement of the Western region’s infrastructure (Daily Graphic, 2011), a move that has been continued by successive governments.

Recent readings of the government’s refusal to adhere to the calls for specified allocation as evidence of the importance that elite choices for electoral survival plays in driving policies in the oil sector (Mohan et al., 2017), especially given the Western Region’s role in swinging the results of national elections, and maintaining the unitary character of the Ghanaian state (Ayanoore, 2017). While this presumption of elite political calculus remains relevant, it underplays the ways in which the petition reflected and shaped the new boundaries of contentious politics that flowed from oil and their role in adding to the momentum for new forms of state-local interactions and shifting the politics of scale towards the Western Region. As demonstrated by high-profile initiatives such as the Coastal Foundation, which is facilitated by oil companies and development agencies to promote good governance and social development (Friends of the Nation, 2013), as well as the Western Region Development Working Group by the Nana Kobina Nketsia IV Trust, the petition added a new impetus for local-level participation in oil governance in Ghana. A study of the ruling NDC government’s decision to site the Enterprise Development Centre to address local capacity challenges in the Western Region by Ayanoore (2018), along with further insights into the challenges and openings in the local economy (see Obeng-Odoom, 2014), also point to some aspect of the critical leverage that the region have developed through these interactive engagements.
A deeper scrutiny of the wider context of reform in the petroleum sector suggests that concessions of the policy spaces by hitherto centralized policy spaces is not only peculiar to the Western Region. Notably, a riveting account of the adoption of the Public Interest and Accountability Committee suggests a reluctance by the Ghanaian elites, especially those in parliament, to cede some aspect of their oversight role to unelected citizens (Oppong, 2016). Besides, as observed by Ayanoore (2019) (2018), in the early years of the oil industry, the coalition between NGOs and critical segments of opposition parties was critical in steering the industry’s orientation towards local content policies. The leitmotifs of this largely ensuing stakeholder-oriented industrial structure in the oil industry bear striking similarities elsewhere (Agrawal & Gibson, 1999; Riofrancos, 2017). However, the opportunities offered by the agency of contentious politics has not been without difficulties. In the case of the restoration of the fuel subsidies in Nigeria, which was led by mass political mobilizations in 2012, Houeland (2018) has observed that embeddedness of labour unions in the structures of the state, markets, and the diversity of civil society raised serious questions as to whether they should be considered as ‘mobilisers of discontent’ or ‘producers of social comprise’ (2018). This paradox, which has been depicted by Oppong (2018) as part of a broader trend paradox of NGOisation – the increasing institutionalization of advocacy – implicates key social actors and imposes considerable constraints to the agency afforded them through contentious politics. Nonetheless, the utility of the openings and insights to the workings of democratic politics and the coexistence of multiple publics in shaping the governance contours cannot be overemphasized.

Conclusion

From the preceding presentation, it is clear that whereas the role of dominant elites and the power they wield remain important aspects of policy processes, in contexts that are marked by democratic pluralism and multiplicity of actors, they take on meaning and significance within the industrial structure and deliberative arena in specified deliberative domains. In the Ghanaian context, the successive dismantling of the initial production networks that were earlier structured to bolster the role of the state in leading oil exploration, reflect these conditionings, initially, through market reforms and, later, the multiplicity of actors who came to characterize democratic politics. Analysts who have focused on elite consolidation have so far cast these changes through the narrow lens of rational instrumentalization of the policy processes by the ruling elites that have oriented the institutional and governance landscape of the industry towards a short-term horizon and clientelistic ‘settlements.’ What such portrayals tend to miss is how the sustenance of the overarching structure of stakeholder capitalism over the past decade of petroleum production invariably reflects the constitutive domain of democratic contestation among actors at multiple scales.
In deploying contentious politics here, I have chosen not to indulge in bigger debates about their developmental effects as often offered by others who have wondered whether Ghana’s democratic space constitutes a blessing or curse. Also missing in the account here are normative judgements about whether the institutional paths adopted were intrinsically good or bad for the industry. This rather blatant omission serves to underscore the analytical utility of the conceptual lens that I have deployed here to unpack the dynamics and importance of the contentious processes that drive policy trajectories in specified policy domains. This largely ‘agonistic’ take on the oil governance debate evokes Mouffe’s (2000:98) earlier caution that ‘there is absolutely no justification for attributing a special privilege to a so-called ‘moral point of view’ governed by rationality and impartiality and where a rational universal consensus could be reached.’ This caution, when recast into the oil industry, underscores the significance of paying more attention to the contentious landscape afforded by pluralistic politics. Notably, in the context where oil coexists with democratic institutions and mounting societal expectations, the political economy significance may not necessarily lie in the dispensing of “risk averse” public investments in welfare goods or investments in the instruments of coercion, as advanced by the dominant ‘resource curse’ literature. Rather, it rests on how social expectations are articulated and met, and how oil becomes an added instrument within a complex array of political strategies that are at play within the context of various structural factors such as those offered by democratic politics. In this regard, one of the common critiques associated with various governance relates the growing disjuncture between the instruments of reform that they deploy and the intrinsically contentious nature of oil governance (Oppong, 2018; Riofrancos, 2017).

The importance of Mustapha’s (2013) conception of how multiple publics coexist and compete within this broader contentious sphere, therefore, has significance in unpacking the structural paradoxes of inclusion and exclusion, despite the growing prominence attached to various transparency and accountability reforms in the oil industry. These structural elements include the growing technocracy of governance that singles out order and efficiency as the end goal of reform in the extractive sector. This end goal has meant a growing disjuncture between the platforms of contestation, including the creative openings afforded by strategic alliances in the civic and political realm, as well as the instruments of governance. By highlighting the intrinsic vulnerabilities of elite centralization, this article has demonstrated what actually happens when such instrumental calculations interact with the complex and unpredictable terrain of contentious politics. In Ghana, this has taken the shape of an open-ended negotiation around the structural underpinnings of the largely stakeholder-oriented petroleum landscape and its distributional outcomes. The multiple contributions of Abdul Raufu Mustapha offer a sobering, but critical, caution against the attraction of an easy answer that subsumes the legitimate and pluralistic nature of ‘public sphere’ to the whims of society’s most powerful and ‘rational’ players.
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