

**GOVERNANCE IN  
RESETTLEMENT FROM  
COMPULSORY LAND  
ACQUISITION – A CASE STUDY  
OF THE BUI DAM PROJECT**

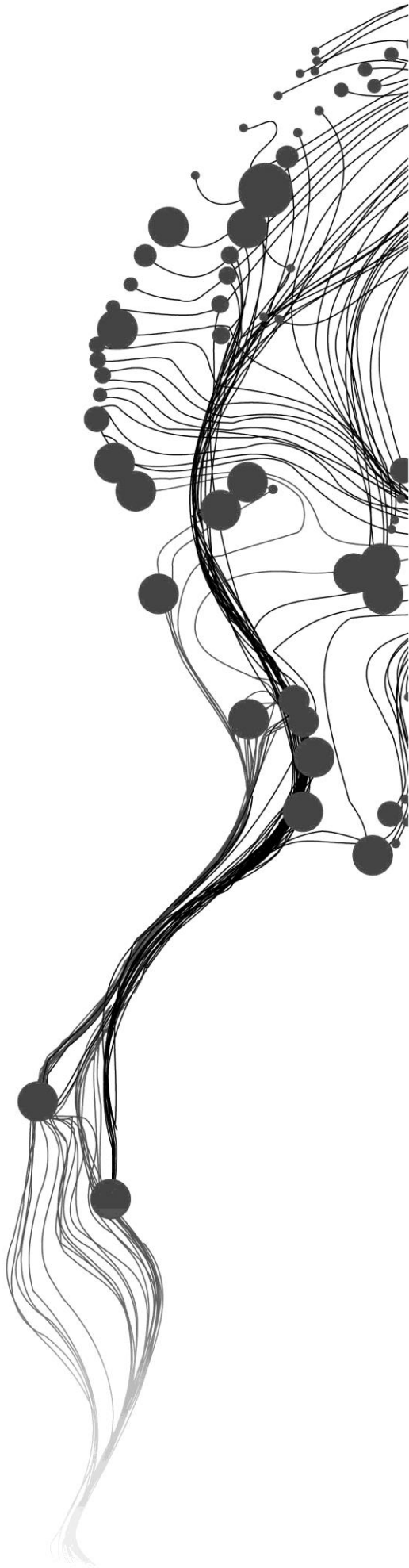
KWABENA OBENG ASIAMA

March, 2015

SUPERVISORS:

Dr. M. N. Lengoiboni

Prof. Ir. Paul van der Molen



# **GOVERNANCE IN RESETTLEMENT FROM COMPULSORY LAND ACQUISITION – A CASE STUDY OF THE BUI DAM PROJECT**

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Enschede, The Netherlands, March, 2015

Thesis submitted to the Faculty of Geo-Information Science and Earth Observation of the University of Twente in partial fulfilment of the requirements for the degree of Master of Science in Geo-information Science and Earth Observation.

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# ABSTRACT

Compulsory Land Acquisition and Resettlement in general are considered as the tools preferable to most countries in the acquisition of land and compensation respectively. Many authors have reflected on the need for good governance in the planning phase of land acquisition in general, not enough studies have been conducted on how to assess good governance in the implementation of these plans. This study aims at assessing the application of good governance in the compulsory land acquisition and resettlement at the implementation phase. The methodology adopted here is both qualitative and quantitative analysis using perspectives of the stakeholders in the Bui Dam Project's resettlement process and then used to study the elements of compulsory land acquisition and resettlement identified in the framework. A framework for assessing compulsory land acquisition and resettlement comprising four good governance dimensions, transparency, public participation, equity, rule of law & justice, and accountability, is designed based on previous studies in land acquisition, resettlement and good governance. The acquiring authority attempts to promote transparency to some extent, but these attempts are stifled by the involvement of the traditional authorities and the valuation authority. Public participation is also low as the affected persons' suggestions are not put into practice. Land tenure security is increased although the affected persons' livelihoods are lost. An inequity in the treatment of the indigenes and settlers of the area is also seen. The compensation paid is also found not to be fair, adequate, and prompt. Furthermore, there are no structures to promote accountability on the part of the acquiring authority to the affected persons. The laws covering the compulsory land acquisition process were adhered to, and the customs of the people were also respected. Although good governance is largely adhered to, the inadequate laws and binding regulations covering the resettlement process and the obstructive nature of the traditional authorities are seen as shortfalls of the process.

Keywords: *Compulsory Land Acquisition, Resettlement, Governance, Compensation, Customary Land*

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*And to all resettled communities around the globe, especially in Ghana...*



*So (King) Ahab spoke to Naboth, saying, "Give me your vineyard, that I may have it for a vegetable garden, because it is near, next to my house; and for it I will give you a vineyard better than it. Or, if it seems good to you, I will give you its worth in money." (1 Kings 21:2 NKJV)*

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## ABBREVIATIONS

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BDC/BDS	Bui Development Committee/Bui Development Secretariat
BPA	Bui Power Authority
CLA&R	Compulsory Land Acquisition and Resettlement
EI	Executive Instrument
EPA	Environmental Protection Agency
ERM	Environmental Resources Management
ESIA	Environmental and Social Impact Assessment
FAO	Food and Agriculture Organization
LEP	Livelihood Enhancement Programme
LI	Legislative Instrument
LVD	Land Valuation Division
MiDA	Millennium Development Authority
NGO	Non-Governmental Organisation
PAP	Project Affected Person
PRC	People's Republic of China
RPF	Resettlement Planning Framework
TI	Transparency International
UML	Unified Modelling Language
UNDP	United Nations Development Programme
VRA	Volta River Authority
YLC	Youth Leadership Committee

# 1. GENERAL INTRODUCTION

## 1.1. Introduction

Every government's role includes the provision of basic services and infrastructure for its citizenry (Šumrada, Ferlan, & Lisec, 2013). These services and infrastructure include water, electricity, schools, roads, and hospitals. Whilst these development projects need large tracts of land in order to be realized, the availability of land is a key problem faced by most governments (Viitanen & Kakulu, 2008).

Land acquisition by governments is a very difficult task which can lead to a myriad of problems which are more prevalent in developing countries (Ty, Van Westen, & Zoomers, 2013). There are several tools for the acquisition of land. One of these is the open market purchase (private treaty) – “the purchase of property by a willing buyer from a willing seller in an arms-length transaction” (RICS, 2012). Other tools include the pre-emptive right of purchase – the requirement that the property owner offer his property to the acquiring authority first, usually at market value; and land consolidation/land readjustment – which is the restructuring of land holdings to enhance agricultural production and to ease urban renewal respectively (Williamson, Enemark, Wallace, & Rajabifard, 2010). However, compulsory land acquisition is viewed as an essential land acquisition tool by most countries (Viitanen, Falkenbach, & Nuuja, 2010). This is because the other tools are voluntary and therefore not reliable since there is no guarantee that the land to be acquired will be available at where it is needed and the time it is needed (FAO, 2009; Shapiro, et al., 2012; Šumrada et al., 2013).

Compulsory land acquisition is a tool used to execute the land development function of land administration within the land management paradigm (Fig 1). Land administration here is defined as the “*process of determining, recording, and disseminating information about the ownership, value, and use of land when implementing land management policies*” (UNECE, 1996). The Land administration functions in a country's context, supported by the land information infrastructures and land policy framework, work together towards sustainable development (Williamson et al., 2010).

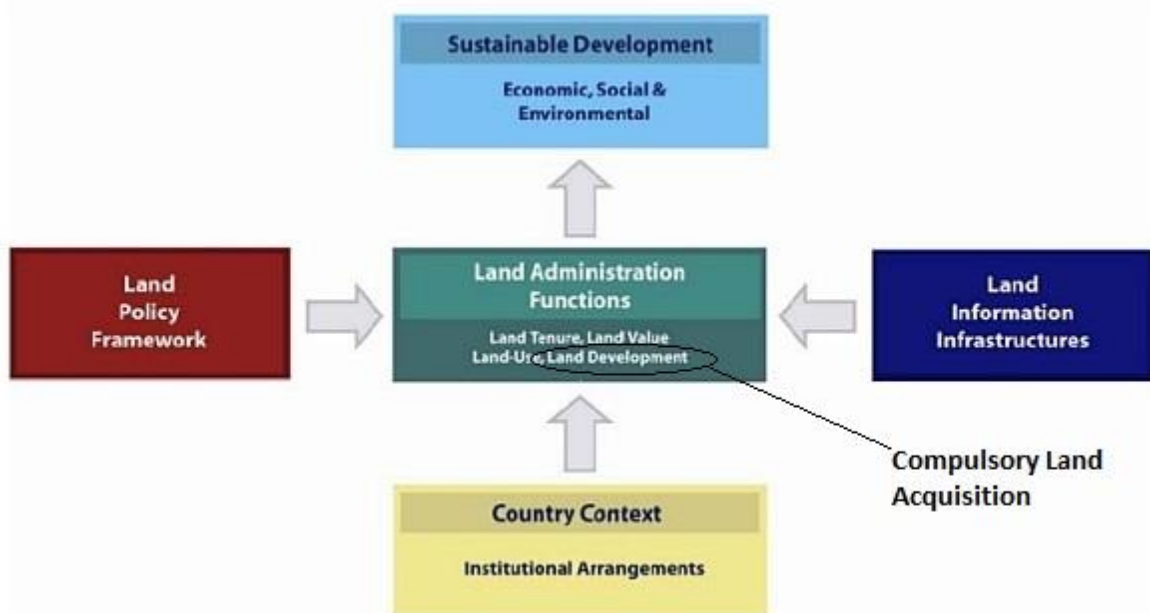


Figure 1-1: The Land Management Paradigm (Stig Enemark, 2005)

The use of the compulsory land acquisition tool, and the accompanying resettlement compensation method is a very severe form of land acquisition since it involves the use of forceful deprivation of

property (Berg, 1999). When Locke (1690), describes property and its fruits as an extension of a man's body, he is also demonstrating how a man grows attached to his land. The way and manner the compulsory land acquisition and resettlement is not just planned but executed is therefore very important. When well conducted, compulsory land acquisition and resettlement leaves the people in an at least equivalent status as they were before. However, if it is not well-conducted, it results in landlessness, homelessness, separation of families, loss of livelihood, and a reduction in the confidence of the public in the rule of law (FAO, 2009). An understanding of the relationship between good governance principles and the implementation of compulsory acquisition and resettlement would help to reduce the occurrence of these problems.

## 1.2. Background

It is estimated that about 78% of land in Ghana is held in customary ownership while 20% is held by the state as public lands, and the remaining 2% is held in joint ownership by the state and the customary ownership (Adu-Gyamfi, 2012). Since the 1992 Constitution of Ghana prohibits the creation of freehold interests in customary land, land is therefore held off the stool, skin, clan, family or state. Ollennu (1962) identifies the two classes of people who access customary lands as the indigenous members/groups and the non-indigenous members/groups of a land owning group. The indigenous members/groups have a lifelong right of use and access to the land by virtue of their membership of the land owning group for their own use (Customary Freehold). These rights are transferable through inheritance but not through sale. The non-indigenous members, such as settlers and migrants in the area, may also be allocated a parcel of land subject to the land being vacant and the beneficiary's respect for the community's traditions and customs.

The main method of public land acquisition in Ghana is through compulsory land acquisition (Anim-Odame, 2011). The constitution of Ghana defines public or state land as "any land vested in the government in trust for, and on behalf of the people of Ghana for the public service of Ghana, and any other land acquired in public interest for the purposes of the Government of Ghana" (*Constitution of Ghana*, 1992). Compulsory land acquisition has been used to acquire public lands in Ghana since 1850 (Larbi et al., 2004) but few have resulted in resettlement. The development projects under which resettlement occurred was for three dams, a harbour and the decongestion of a community. The construction of all three hydroelectric dams in Ghana resulted in resettlement - the Akosombo Dam (1965-1968) displaced 80,000 people, the Kpong Dam (1978-1981) which displaced 6,000 people, and the most recent being the Bui Dam (2008-2013) which displaced 1,200 people (Raschid-Sally et al., 2008; Wet, 1999).

Finance for large scale development projects such as hydro-electric dams in developing countries have in the past been provided predominantly by bilateral and multilateral organizations such as the World Bank and the International Monetary Fund (IMF). Therefore concerns for resettlement at the international level focused on projects financed by these organizations. Due to its large role in the finance of development projects, the World Bank in 2001 developed the World Bank Involuntary Resettlement Policy, OP/BP 4.12. The policy was developed in response to the problems that arose from involuntary resettlement under the development projects financed by the Bank. The objectives of the policy are to first, reduce the occurrence of resettlement by looking at alternative project designs. Secondly, to make sure there is sufficient participation in the planning and implementation of the programme. Third is to safeguard the livelihood and standards of living of the affected persons. Many donor organizations such as the IMF and the Asian Development Bank have drawn upon the Bank's policy in framing their own guidelines. These organisations insist on the adherence of these guidelines as a pre-requisite for getting aid. Recent trends however show a decrease in the development projects financed by the multilateral organizations, and an

increase in those financed based on bilateral relations with other countries. The Bui Dam is an example of such a project, sponsored by the Chinese Government with support from the Export Import (Exim) Bank of China. Some of the elements vital for a successful resettlement, such as a clearly defined eligibility criteria, clarity of valuation basis for infrastructure, and a fast and cost-effective dispute mechanism are seen to be absent from Ghana's legal framework for resettlement. To fill this gap, the formulation of the resettlement policy framework for the Bui Dam was therefore based on the World Bank's Resettlement Policy.

### 1.3. Justification

Many studies have been carried out in the area of land acquisition. The most recent of these studies have been largely based on the role of the good governance principles in the acquisition of land. These studies have identified some of the various principles of good governance as vital in the policy frameworks and also the planning of the compulsory land acquisition and resettlement process. Others go further to suggest how to assess these principles.

Shrestha (2009) in assessing transparency in the planning and design of land acquisition identifies access to information, public participation, and institutional reform as the elements upon which the success of the design and planning of land acquisition rely on. The study shows how these elements can be assessed in the planning phase and posits that access to information regarding the plans, laws, and regulations involved will empower the citizen in contributing to the decision making process by making valuable contributions. The study further points that the simplification of administrative procedures and organizational structure as an approach of institutional reform, increases the performance of such institutions and thus enhance transparency.

The study which was done on the policies and practices of compensation and resettlement after compulsory land acquisition for hydropower development in Vietnam shows the need for good governance in the implementation phase of compensation and resettlement. The study recognized that the state put in a lot of effort in improving the policies by issuing better laws relating to land and specific guidelines for compulsory acquisition, but these were not sufficient to result in effective compensation and resettlement. Poor consultation, lack of collaboration, and little choices open for the affected persons were seen as the short falls the compulsory land acquisition and resettlement process (Ty, et al., 2013). Woldeselasie (2013) further evaluates the role of public participation in the planning and implementation of the land acquisition for capital project implementation in Ethiopia. Here the study assesses the process of land acquisition in the public participation aspect. The study argues that public participation reduces conflicts and eases the project implementation process.

It is known that the two earlier resettlements resulting from the development of the Akosombo Dam and the Kpong Dam had an adverse effect on the livelihood of the people. In these projects, people were not involved in the resettlement planning and implementation, the people were not informed of decisions and plan early enough to start preparing for them, and the compensation and resettlement rules were not made clear to the affected people (Raschid-Sally et al., 2008).

Not enough studies have been conducted on how to assess the role of good governance in the implementation of the compulsory land acquisition and resettlement plans so that the necessary steps can be taken during the implementation phase to lessen the negative impacts.

### 1.4. Research Problem

The need for persons affected by compulsory acquisition and resettlement to be reinstated to their previous station in life is recognized by the 1992 Constitution of Ghana in Article 20(3), which stipulates that *"...the State shall resettle displaced inhabitants on suitable alternative land with due regard for their economic well-*



*being, and social and cultural values*”. The World Bank Operational Manual on Involuntary Resettlement (OP/BP 4.12) also requires that the displaced people be provided with information on their rights and options; consulted on and offered options among resettlement alternatives, and provided with prompt and effective compensation.

The issues emerging after the compulsory acquisition and resettlement of the Bui dam catchment area show that the requirements set out by the OP/BP 4.12 have not been adhered to. The provision of alternative choices was an important part of the public participation in the process. Otu-Tei (2014) reports a situation in the Bui Resettlement implementation where a fishing community was resettled into a farming community is an instance of this. When the people were to be resettled, the chief of the said community successfully negotiated a location with the paramount chief that was close enough to the reservoir created by the dam, however, this request was ignored by the acquiring authority and they were resettled far from the reservoir. This therefore takes away the people’s livelihood. Also the leaders of the people were not involved in the implementation phase of the resettlement. They face the problem of the land and buildings given to them not being those ones agreed upon in the structure for structure compensation. The chief’s palace for example which housed the three households of the royal family was split into three, there by separating the royal family. The result is that a lot of the plans that were put in place to maintain the cultural, religious, and social values of the people were not taken into consideration at the implementation level thus weakening the traditional arrangement. The Ghana News Agency (2011) also reports that the resettled who had been practicing the shifting cultivation method of agriculture over the years, were only given enough land to farm for one farming season without being given any training on the use of other agricultural methods to maintain their previous yield levels. Due to these livelihood problems, some of the residents who were resettled have moved back to their old settlement and are now being threatened with forced eviction by the Regional Security Council (Marfo, 2014).

The policy framework that was formulated adhered to good governance principles, however with these problems that have arisen after the implementation; little is known about how much of good governance principles were applied during the compulsory land acquisition and resettlement process. The problems arising out of the implementation of well-formulated plans suggest a non-adherence to good governance in the implementation phase. This study therefore aims at assessing good governance in the compulsory land acquisition and resettlement of the catchment area in the Bui Dam Project at the implementation phase.

### **1.5. Research Objectives**

The main objective of the research is to assess good governance in the implementation of the compulsory land acquisition and resettlement of the Bui Dam catchment area residents. To reach this objective, the following sub-objectives will be met;

- 1) To develop a framework for assessing the compulsory land acquisition and resettlement process based on a good governance perspective.
- 2) To identify the key actors in the compulsory land acquisition and resettlement process and their role in the Bui Dam Project and in general.
- 3) To assess whether the implementation of the Bui Dam resettlement project meets the requirements of good governance.

### **1.6. Research Questions**

For each sub-objective to be met, the following questions were to be answered;

- 1) To develop a framework for assessing the compulsory land acquisition and resettlement process based on a good governance perspective.
  - a. What are the key principles of good governance in compulsory acquisition and resettlement?
  - b. What are the thematic areas and indicators for assessing the key principles?
- 2) To identify the key actors in the compulsory land acquisition and resettlement process and their role in the Bui Dam Project and in general.
  - a. Who are the actors in the process?
  - b. What are their roles in the process?
  - c. What are the processes of compulsory land acquisition and resettlement in the Bui Dam Project and in general?
- 3) To assess whether the implementation of the Bui Dam resettlement project meets the requirements of good governance.
  - a. How are the principles of good governance applied in the compulsory land acquisition and resettlement process of the Bui Dam resettlement project based on the framework developed?

### 1.7. Conceptual Framework

In order to show the scope and direction of this research, the main concepts that were used in the study are presented. The main concepts in this study were compulsory land acquisition, resettlement, and the principles of good governance. Good governance in this study is explained from the context of governance. Governance is the mechanism through which citizens and governments alike articulate their interests, exercise their legal rights, meet their obligations, and reconcile their differences (UNDP, 1997). The principles of good governance and governance dimensions in compulsory land acquisition and resettlement will be compared and a framework for assessment will be developed. The assessment framework will cover the indicators and criteria to be used. The choice of the indicators to be used will be based on the process of compulsory land acquisition and resettlement since both processes require good governance. Resettlement may be necessitated from many circumstances; however, within the scope of this research, only resettlement from compulsory land acquisition will be covered.

The results provide an insight into how the implementation of the Bui Dam Resettlement scheme adhered to the principles of good governance. The conceptual framework is depicted graphically below;

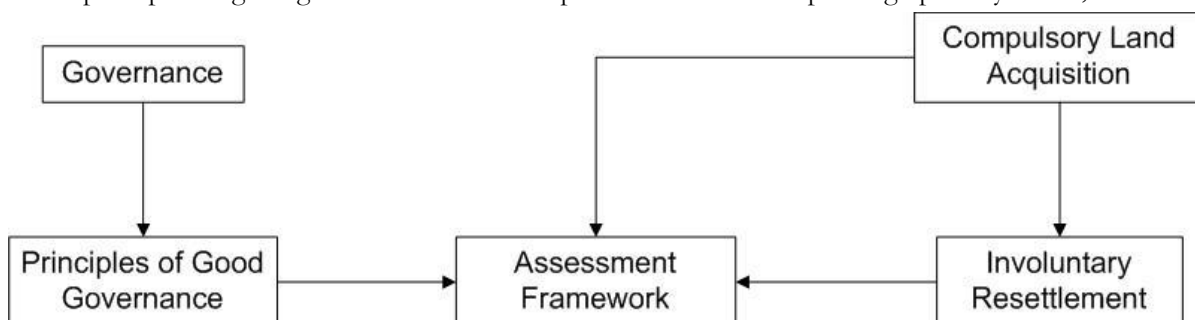


Figure 1-2: Conceptual Framework of the Research

### 1.8. Research Design Matrix

The Research Objectives, and Sub-Objectives, Research Questions, data collection and analysis techniques and the anticipated results are summarized in the table below;

Table 1-1: Research Design Matrix

Research Objectives	Sub-Objectives	Research Questions	Data Collection Sources	Techniques of Data Collection	Techniques of Data Processing and Analysis	Anticipated Result
1) To develop a framework for assessing the compulsory land acquisition and resettlement process based on a good governance perspective.		a. What are the key principles of good governance in compulsory acquisition and resettlement? b. What are the criteria and key indicators for assessing the key principles?	Existing Literature (Journal Articles, Books, Policy Documents)	Literature Review		A framework built on good governance that can be used to assess the compulsory acquisition and resettlement process.
2) To identify the key actors in the compulsory land acquisition and resettlement process and their role in the Bui Dam Project and in general.		a. Who are the actors in the process? b. What are their roles in the process? c. What are the processes of compulsory land acquisition and resettlement in the project and in general?	-Existing Literature - BPA - Individual Households - Unit Committee - Traditional Authority - Youth -Lands Commission -VRA	-Literature Review -Interviews - Focus group discussions	- UML Activity Diagram. - Coding and Labelling. - Digitizing and measurement.	- List of the actors. - Role of each actor. - The process of compulsory land acquisition and resettlement in the project and in general.
3) To assess whether the implementation of the Bui Dam resettlement project meets the requirements of good governance.		a. How are the principles of good governance applied in the compulsory land acquisition and resettlement process?		- Literature Review -Interviews - Focus group discussions	-Coding and Labelling	An assessment of the case study area with respect to the framework developed in sub-objective 1.

## **1.9. Structure of Thesis**

The titles of the chapters are as follows;

Chapter One: Introduction

The Chapter One captures the basis and the reasons for the research. As such it covers the background, justification, research problem, research objectives, research questions, conceptual framework, and the structure of the thesis.

Chapter Two: Governance and Resettlement from Compulsory Land Acquisition

The Chapter Two brings to the fore the theoretical orientation of the thesis through the consistent and coherent review of literature relating to the concepts of compulsory acquisition, resettlement, governance, and the review of the appropriate indicators of good governance.

Chapter Three: Study Area and Methodology

The overview of the study areas is provided here. The criteria for the selection of the study area, research and field approaches, and sampling methods will be discussed here.

Chapter Four: Framework for Assessing Compulsory Land Acquisition and Resettlement

A framework appropriate for the assessment of compulsory land acquisition and resettlement based on good governance is developed in this chapter.

Chapter Five: The Compulsory Land Acquisition and Resettlement Process in the Bui Dam Project

This Chapter covers the processes followed in the compulsory land acquisition and resettlement in the study area and the feedback from the assessment process based on the principles of good governance as captured in the assessment framework.

Chapter Six: Discussion

This Chapter discusses the results from Chapter 5 and compares the findings arrived at to scientific literature.

Chapter Seven: Conclusion and Recommendations

Conclusions are drawn from the study based on the findings, and recommendations are given for further research in the subject area.

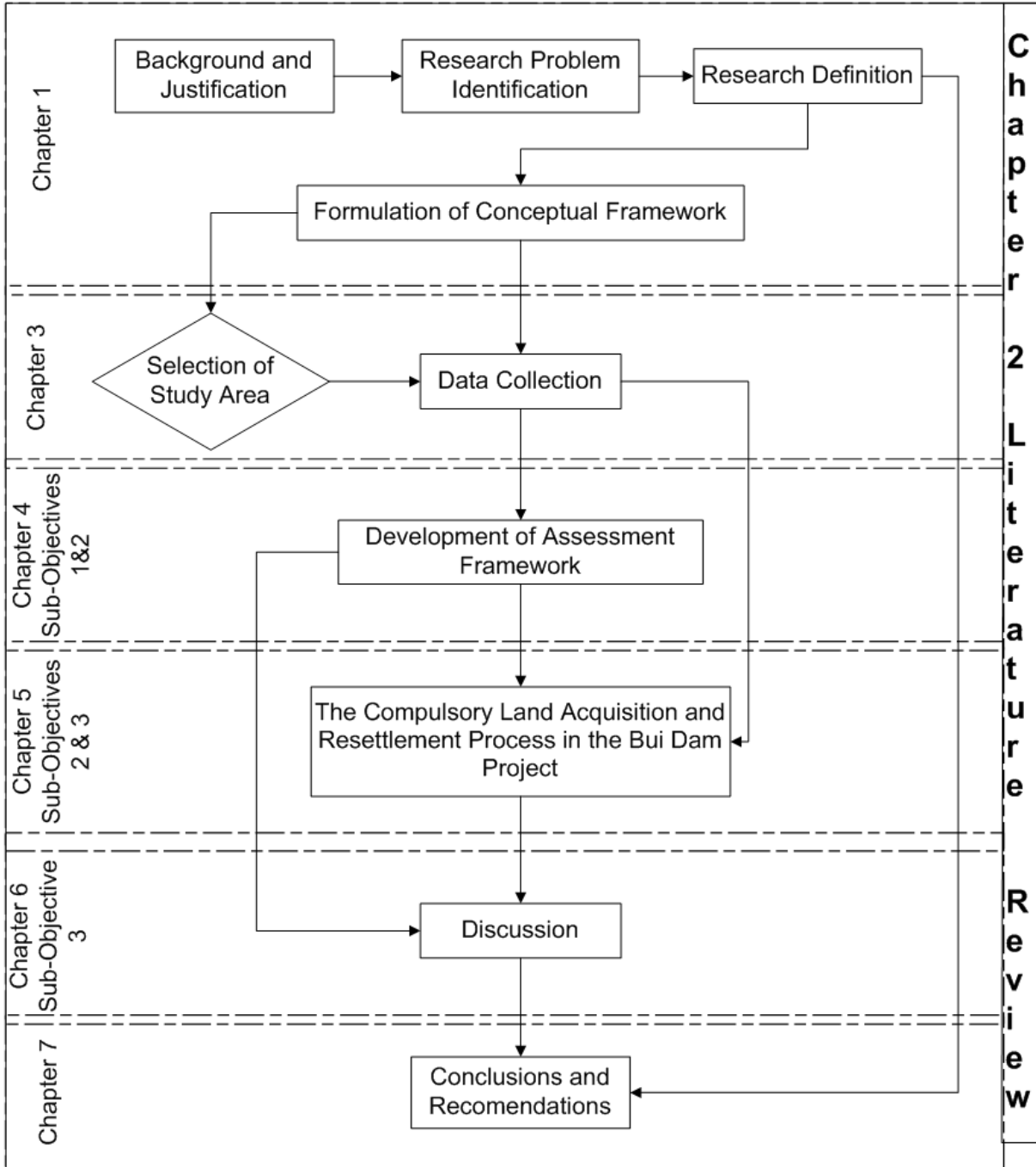


Figure 1-3: Thesis Structure and Workflow with respect to Research Sub-Objectives

## 2. GOVERNANCE AND RESETTLEMENT FROM COMPULSORY LAND ACQUISITION

### 2.1. Introduction

The previous chapter shows the compulsory land acquisition and resettlement as the preferable land acquisition tool for most governments because of its ability to get the amount of land needed, at the necessary location, at the time it is required. Since studies have shown that the planning of the compulsory land acquisition and resettlement usually adheres to good governance principles, the question is therefore whether the good governance is embedded during the implementation of the plans.

The purpose of this chapter is to explore the dimensions of good governance that are relevant to the compulsory land acquisition and resettlement process. The chapter captures the theoretical background that informs the design of the assessment framework. In order to discuss the dimensions of good governance, the chapter starts with an overview of governance in Section 2.2. Section 2.3 then reviews the dimensions and characteristics of good governance on the one hand. Compulsory land acquisition and resettlement is then explored on the other hand in Sections 2.4 and 2.5. Then lastly the Section 2.6 strikes the relationship between good governance and compulsory land acquisition and resettlement.

### 2.2. The Concept of Governance

Governance is a broad term whose meaning is influenced by the viewpoint through which it is being looked at. The concept of governance first received serious discussions in the late 1980s in relation to how the sub-Saharan African countries could improve their economic performance. The document that put these discussions into perspective was a World Bank report on sub-Saharan Africa which sought to explore how policies and programmes need to be changed for sustainable growth within the sub-region into the 21st century. The term governance was therefore used to show the need for institutional reforms and to build a more efficient and effective public sector in the region. Governance was then defined as the exercise of political power to manage a nation's affairs (The World Bank, 1989). This view of governance has since evolved. The UNDP (1997) saw governance as the mechanisms through which citizens and groups could express their interests, enforce their legal rights, meet their obligations, and reconcile their differences. Governance is seen by the FAO (2007) as how the society is managed, by not only formal institutions but also informal arrangements, and the way in which competing interests and priorities of different groups are reconciled. The World Bank (2007) looks at governance as the manner in which public officials and institutions acquire and exercise authority to shape public policy and provide basic goods and services. The three definitions look at governance as including actions such as the acquisition and exercise of power, the process and mechanism used, planning, decision-making and implementation, granting of rights and the fulfilment of obligations. The World Bank looks at the performance of these actions from the viewpoint of the “governors” (the government, the large private interests, and their institutions), whereas the FAO and UNDP look at governance from the viewpoint of the governed (the citizens, public, the elements of the civil society, and their institutions). These definitions therefore show governance as involving a set of actors, including the people, that represent an all-inclusive, and accountable process of decision-making as opposed to the conventional assumption focused on the government as an individual institution with no relation with the outside world.

### 2.3. Principles of Good Governance

Good governance in land administration is aimed at protecting the property rights of individuals and enterprises as well as of the state through the introduction of certain principles into the management of the land sector (Zakout, Wehrmann, & Torhonen, 2006). Although good governance covers a wide range of issues, five main dimensions keep appearing in the literature; Transparency, Participation, Equity and Justice, Accountability, and Rule of Law (Deininger, 2012; FAO, 2012; UNDP, 1997; Zakout et al., 2006). These dimensions that are introduced into governance are not an end in themselves, but a means to an end. Good governance is present where the identified dimensions are considered in the manner, processes on tools for decision-making, planning and implementation of projects to allow for the maximum public engagement (Parigi, Geeta, & Kailasam, 2004). Due to the limitation of this study with respect to time and finance, these five principles will be dealt with. Furthermore, due to the inter-relations between Equity and Justice, and the Rule of Law, those two dimensions will be dealt with as one.

#### 2.3.1. Transparency

Transparency is one of the basic principles of good governance. This principle can however be viewed within a broad or a narrow context. The definitions assigned to it therefore vary as such. The (UNDP, 1997) defines transparency as the free flow of information regarding the process, and mechanisms to those concerned for their understanding and monitoring. The UN-HABITAT (2013) further describes transparency as the principle that allows for persons affected by administrative choices, business dealings or charitable efforts to know not only the basic facts and figures, but also the process and methods applied. These show a narrow view of transparency. However, Shrestha (2009) looks at transparency in a broad context as including public participation, access to information, and institutional reform. The context of transparency here will be in the narrow context. The importance of transparency is underscored by its role as the stepping stone to public participation. Hood (2006) posits that although transparency is supposed to be two directional, that is from the authorities to the governed and vice versa, it is observed that the authorities usually demand an open and rule-governed process from those they administer, whilst often asserting a cloak of privacy or confidentiality for the way they work themselves. This lack of transparency undermines the fair decision-making and implementation process, and increases uncertainty and corruption since a better informed authority is able to manipulate and abuse the lesser informed populace (Birkinshaw, 2006; UN-Habitat & TI, 2004).

Birkinshaw (2006) and Parigi et al, (2004) identify the main components of transparency as access to information and openness. Access to information is a fundamental right of citizens as stated in Article 9 of the Universal Declaration of Human Rights, “Everyone has the right to...seek, receive, and impart information and ideas through any media regardless of the frontiers”. Access to information is important for citizens in order for them to know their rights and how to protect them. Within the context of land acquisition, access to information is also beneficial to the government because, it not only informs citizens of their plans, it also convinces the public that the government is interested in their views thereby enhancing the legitimacy of the decision-making process. Transparency is impossible without information being freely available so it is therefore necessary that the citizens are well-informed and educated about their rights and responsibilities. Therefore the way information is assessed and/or provided is critical if this objective is to be achieved. In the choice of tools to improve access to information, some of the key factors to consider are the literacy level of the population, and the media they have access to. UN-HABITAT (2013) identifies certain tools that promote access to information such as legislation, information technology, internet based information management, electronic and print media, custom-made information, and contemporary media/social media.

- **Land Information Systems:** This comprises human and technical resources which are used to assemble, save, recover, and share land information using the appropriate procedures. This can assist the taking of legal administrative and economic decision as well as serving as a key component of the formulation of plans for the use of land resources. The LIS should be capable of being used by the public sector, private sector, as well as the average citizen. In order to enable a wide range of people to make use of the information, it should comprise very interactive features.
- **Computer Based “One Stop Shop”:** Land information which is managed by different institutions, each with its unique but sometimes coinciding mandates, is a huge obstacle when combining all the data into a single dataset. The one stop shop concept is meant to help the users to gain access to information and services easily by reducing bureaucracy and enhancing transparency (UN-Habitat & TI, 2004).
- **Print Media:** Distribution of printed information can be done through the medium of brochures, and newspapers, as well as the use of notice boards where appropriate. This can be enhanced by translating the information into the various local languages and ensuring its wide dissemination at the important public places. This is the most common way of information provision. For a sensitive undertaking such as compulsory land acquisition and resettlement, this approach will be effective in raising awareness.
- **Electronic Media (Audio and Visual):** The electronic media is a very effective way means of reaching a very large group of people as quickly and cheap as possible. Another advantage is that people do not necessarily have to be literate in order to access these media. These media provide the opportunity of information provision through the use of television and radio announcements, advertisements, and detailed programmes.
- **Public Campaigns:** This is also very useful tool for informing large groups on general matters at a local level. Since this is to reach as much of the populace as possible, there is the need to involve other organizations and stakeholders such as NGO’s, civil society groups, local businesses and the like.
- **Public Meetings/Hearings:** An important way of sharing information is through a large scale open or group public meetings. Where the information exchange is achieved in a open way, this becomes a very good way of not only informing the public of decisions and plans; it is also a good way of receiving feedback from the people regarding the matter at hand. Since this is a meeting where the general populace will interact with each other, it is also important to appreciate the social norms and the cultural relations to know whether or not to organize special meetings for specific groups.
- **Emerging/Contemporary Media:** Social media is also catching up fast as one of the ways through which information is disseminated. Through platforms such as Facebook and Twitter, information is very quickly disseminated especially among the younger generation.

### **2.3.2. Public Participation**

Devas & Grant (2003) defines public participation as the involvement of citizens to have some level of influence over the decision making process. Goodhope (2004) notes that the failure of non-participatory approaches to development in developing countries in the 1950s and 1960s, saw the need for reform in the process of planning and implementation to include the beneficiaries. Public participation creates an



active link, with respect to planning and decision-making, between the authorities on one hand, and the civil society, private sector and the general public on the other hand.

Public participation lends more legitimacy and fairness to the decision-making process since the groups and individuals who will be affected by the decision are given a chance to give their opinions and suggestions. Therefore decisions may be easier to implement since the interaction increases the trust and acceptability of the final decision. It also improves decision making since the local knowledge is sought after in order to balance it with the expert and bureaucratic knowledge. However Innes and Booher (2004) point out that when public participation methods are not suitable for the decisions being taken, or they are not well-implemented, public participation becomes counter-productive and discourages members of the public from joining in the decision-making since they will see the process as a mere formality to fulfil certain legal requirements. Public participation is therefore most effective when the public feel that the process is prioritized by the authorities and their inputs are seriously considered.

There are four main levels of participation, according to Arnstein (1969), which are identified as Informing, Consultation, Partnership/Co-operative Participation, and Co-Design/ Citizen-Controlled Participation.

a. Informing:

Informing is the level of participation that involves the provision of information to those affected directly or indirectly by the intended actions of the authority. It also involves the provision of information regarding the rights, choices, and responsibilities of those affected. This form of participation is a one directional flow of information – that is from the authorities to the affected persons. There is therefore no opportunity for clarification, feedback, or negotiation.

b. Consultation:

This is the level of participation where information is provided and the views and opinions of the affected citizens on the matter at hand are invited. This may be done through focus group meetings, surveys, and public hearings. However, there is no assurance at this level that their views and opinions will be given any consideration. Arnstein (1969) characterizes the result of this level of participation as that the citizens have “participated in participation”, and the authorities will be able to demonstrate that they have included the affected citizens in the process.

c. Partnership/Co-operative Participation:

At this level of participation, the authority’s responsibilities of planning and decision-making are shared with the local people. A consensus is therefore needed between the citizens and the authority in the use of this approach before plans can be implemented.

d. Co-Design/Citizen Controlled Participation:

At the citizen-controlled level of participation, the local people have complete autonomy over the decision-making and planning process. The authorities therefore act upon the initiative of the community. This is the highest level of participation, guaranteeing the absence of any intermediary between the community on one hand, and their source of funding and ability to manage their projects on the other hand.

### 2.3.3. Equity, Rule of Law & Justice

Equity recognizes that all persons should have the same access to services and standards of service irrespective of their status in the society (Zakout et al., 2006). Equity seeks to address the rights of the minorities to make sure that they have equal access to the decision-making and implementation process.

Rule of Law refers to the existence and adherence to the laws of a society as well as the protection of the rights that those laws guarantee (Licht, Goldschmidt, & Schwartz, 2007). The backbone for the success of rule of law is a clear and stable legal framework. Dicey (1897) indicates the core objective of rule of law as ensuring power is used only in ways sanctioned by the law in order to prevent abuse of authority especially in the enforcement of property rights.

Justice deals with the enforcement of the rule of law – that is making sure that the laws are adhered to. For access to even handed justice to prevail, the principles of natural justice must be adhered to. Natural Justice is defined as the common law rules that provide the needed procedural rights in the determination of important issues (Groves, 2013). Natural Justice has two main rules – the hearing rule, and the bias rule. The bias rule states that a person should not be a judge of his own cause. The hearing rule requires that when a matter is being decided on, all parties that have an interest in the matter have to be heard before a decision is made (De Villiers & Tuladhar, 2010).

#### **2.3.4. Accountability**

Accountability is the holding of decision-makers, public agencies, private sector and civil society organisations responsible for their actions and decisions according to the rule of law (FAO, 2012; UNDP, 1997). Accountability is closely aligned with transparency since they both emphasize the essence of public institutions to make their activities open to the beneficiaries. Accountability shows how management and administration responds to inquiries, explains their actions and decisions, and provide evidence of how it executes its duties (FAO, 2007). Goetz & Jenkins (2002) looks at accountability as a relationship of power as pertaining to agency - that is the transfer of decision-making power from the principal to an agent to act for and on his behalf. This transfer of power leads to the two concepts underlying accountability identified by Schedler (1999) – answerability and enforcement. Answerability is the concept that requires the accountable body (agent) to provide information to the beneficiaries (principal) as well as to justify their actions and decisions. The concept of enforcement further requires there to be consequences for the accountable body's decisions, actions, or inactions, either in the form of reward for good behaviour or punishment for bad behaviour. These two concepts are of equal importance since the exercise of accountability which uncovers wrongs but does not impose sanctions will usually look like a product of a weak system yielding an incapable and reduced form of accountability.

### **2.4. Compulsory Land Acquisition**

Although ownership of private property is a key characteristic of a democratic society, this right is subject to the power of the state to compulsorily acquire the property (Benson, 2008; Darin-Drabkin, 1977). Compulsory land acquisition is one of the state's approach to addressing the competing public and private interests for land development to create an egalitarian society (Ty et al., 2013). Compulsory land acquisition is also referred to as expropriation, compulsory land purchase, and taking. Compulsory land acquisition is therefore the state's power to take a person's property after fulfilling the requirements of showing that the property will be used in the public interest and providing compensation (FAO, 2009; Zimmermann, 2008).

#### **2.4.1. Public Interest**

Public interest may be viewed in a broad or narrow sense by governments, depending on the socio-economic and legal environment of the particular country. The constitutions of some countries enumerate the activities and goals that comprise public interest, whilst others leave this for later determination. Darin-

Drabkin (1977) distinguishes public interest where the government's intervention in the economy and development is large as the broad view, whilst the narrow view is where there is a low government intervention in development. Slade (2014) also distinguishes public interest into whether the acquired property will be used directly by the citizens or be used in a manner that will indirectly and ultimately benefit the public.

#### **2.4.2. Compensation**

Compensation, the second element of compulsory land acquisition, is the provision made for persons whose properties have been compulsorily taken to reimburse them for the property loss, as well as the associated losses. Alias & Daud (2006) indicate the goal of compensation as an attempt to reinstate the affected person to his former station prior to the acquisition if not better. Zimmermann (2008) shows two forms of compensation – financial compensation and resettlement. Financial compensation is the payment of the monetary equivalent of the property lost, as well as the other associated losses, to the affected persons (Shapiro et al., 2012).

#### **2.5. Resettlement**

The second form of compensation is resettlement. In general terms, there are four main forms of resettlement stemming from two criteria identified in literature. The first is with respect to the nature of what triggers the resettlement – voluntary and involuntary resettlement (Schmidt-Soltau & Brockington, 2007) and the second is with respect to the manner in which the resettlement is conducted – planned and spontaneous (Cernea, 1988). The combination of these two criteria yields four main forms of resettlement – planned and voluntary resettlement, voluntary and spontaneous resettlement, involuntary and spontaneous resettlement, as well as involuntary and planned resettlement.

- a. Voluntary and Planned resettlement is the form of resettlement that occurs at the initiative of the people themselves, usually driven by opportunities outside their settlement with their movement being planned by themselves or an outside body (Fosse, 2006). This form of resettlement is commonly known as migration.
- b. Voluntary and Spontaneous resettlement is the form of resettlement borne out of the resettlers' own decision to move due to internal push factors like natural disasters and internal strife, but is done quickly without any prior planning due to its pressing need (Arnall, et. al., 2013). This is commonly referred to as evacuation.
- c. Involuntary and Spontaneous resettlement is the forceful removal of a group of people from their community by an external body without legal resort and an alternative living arrangement (CESCR, 1997). This form of resettlement is usually referred to as forced eviction.
- d. Involuntary and Planned resettlement is the physical transfer of individuals or groups from their usual residence to another location by an external body with the provision of housing, basic services and infrastructure, livelihood opportunities, and security of tenure to displaced households in the new location (van Eerd & Banerjee, 2013).

The resettlement as a form of compensation is therefore an involuntary and planned resettlement. The success of a resettlement project depends on careful planning and implementation. Clear statutes and policy framework should be formulated to reduce the negative impacts from resettlement (World Bank, 2013). Resettlement is viewed by some governments as a way of improving the livelihood of the people by creating opportunities and providing basic utilities and infrastructure (Artur & Hilhorst, 2014). It is also a preferred method of compensation for governments because it reduces the risk of the expropriated mismanaging their compensation (Cernea, 1988).

### 2.5.1. Parties in a Resettlement

Cernea (1988) identifies the parties in a resettlement as the acquiring body, the resettled population and the host population. It is uncommon for the acquiring authority to find bare land without owners or inhabitants to resettle the displaced population. The host population is the community within or near the area to which the affected population are to be relocated, where they will have to share land, social services, and other natural resources (The World Bank, 2004). The host population is usually omitted during the planning of the resettlement; however this brings about difficult problems during the implementation. This is because although the host community may react well to the arrival of the resettlers, the resulting increase in population, along with the increase in the demand for water, food, and social services may render them inadequate. Conflicts may also arise where the acquiring authority only caters for the resettlers and neglect the host population (Asian Development Bank, 1998). Although the thorough integration of resettlers and the host community is a gradual process, Cernea (1988) recommends the formulation of policies to speed it up in order to rebuild the severed social connections and have a viable community.

### 2.6. The Relationship between Good Governance and Resettlement from Compulsory Land Acquisition

The significance of good governance in compulsory land acquisition and resettlement can be examined in literature mostly from its significance in land administration in general. The issues raised in the related literature will be covered here.

Good governance in the administration of land is a very important pre-requisite for sustainable development and poverty reduction (Arko-Adjei, 2011; Enemark et. al., 2010). This is because good governance in land administration boosts long-term and private sector investments, improves the livelihoods of the people, and makes their governments more accountable. Governance in relation to resettlement process involves the taking of decisions relating to land use, the selection of land, the selection of settlers, land allocation, infrastructure to be developed, and the training and education of the resettled (De Villiers & Tuladhar, 2010). Clear and transparent procedures and rules, together with accessibility to land information, security of tenure and lesser corruption influence the improvement of lives and the achievement of sustainable development goals. Graham et. al., (2003) highlights this with a quote of a former Secretary-General of the United Nations (Mr Kofi Annan) saying that “*good governance is perhaps the single most important factor in eradicating poverty and promoting development*”. In order for sustainable development to be fulfilled, Enemark et al. (2010) recommends, among other things, that there should be transparent and easy access to land for all and therefore reduce poverty; investments in land and property development should be secure in order to facilitate economic growth; safeguard cultural heritage; and guarantee a good transparent, minority sensitive and affordable land management that will benefit all especially the vulnerable groups.

Tenure security and land access, are identified by Zakout et. al. (2006), as the basic elements in the promotion of economic growth and social development. The compulsory taking of land, when not well undertaken, may result in tenure insecurity, interference with livelihoods, land grabbing by the rich and powerful, a further deprivation of the vulnerable groups, and the creation of opportunities for corruption and abuse of power (FAO, 2009). FAO (2012) therefore recommends the implementation of principles such as equity and justice, gender equality, rule of law, consultation and participation, transparency, and accountability, in order to ensure protection of individual, and group rights to property.

Studies have shown that land administration and management are not corruption-free (Akingbade, Navarra, Georgiadou, & Zevenbergen, 2012; van der Molen & Tuladhar, 2007). UN-HABITAT (2013) describes corruption as the most damaging outcome of poor and weak governance. Corruption flourishes

where the decision-making process is shrouded in secrecy. This is coupled with the statutes and legal provisions that give extensive discretionary power to officials, leading to the creation of opaque situations where there is little oversight over the process. The result of this is that, the top government officials, the wealthy, and the elite are able to manipulate the system to acquire the lands of the poor and vulnerable for their own benefit (Fisher, 2006).

## **2.7. Concluding Remarks**

Good governance dimensions relevant to compulsory land acquisition and resettlement are transparency, public participation, equity, rule of law & justice, and accountability. Transparency is seen as the basic requirement to empowering the affected persons to participate in decision-making. Public participation involves the frequent interaction with the affected persons as well as the level of participation that is adopted (informing, consultation, partnership/co-operative, and co-design/citizen controlled). Equity, rule of law & justice also looks at the equal treatment of the affected persons, the respect for and protection of rights as well as the enforcement of the rule of law. Accountability also deals with the holding of the decision-makers responsible for their actions the two key elements of compulsory land acquisition and resettlement are identified as public interest and compensation. The two forms of compensation are also identified as financial and resettlement. The significance of good governance in compulsory land acquisition and resettlement is also examined to show among other things, economic growth, safeguard of cultural heritage, security of tenure and access to land. This therefore sets the scene for the development of a frame work for assessing good governance in the implementation of compulsory land acquisition and resettlement.

## 3. STUDY AREA AND METHODOLOGY

### 3.1. Introduction

In the previous chapter, the various literature regarding governance and compulsory land acquisition and resettlement, as well as the relationship between the two is explored. This chapter describes how the research objectives are operationalized., the chapter therefore describes the details of the methodology undertaken before, during, and after the field work in Section 3.2, where the selection of the case study methodology is justified, the primary and secondary data sources are described, as well as a description and justification of the selection of the respondents, and how the data analysis was done is also described. The overview and justification of the selection of the study is also given in Section 3.3. the limitations encountered in the collection and analysis of the data are then outlined in Section 3.4.

### 3.2. Research Approach

The research approach used is the case study research. Yin (2003) recognizes the case study research approach as the most appropriate strategy where the research questions are more explanatory, with the research being based on an existing issue that have behavioural situations in the research environment ensuing within the real world context, and beyond our control. The nature of compulsory land acquisition and resettlement and the differing and sometimes unstable environment together with the accompanying social, economic, and cultural issues make the case study approach the most appropriate for this study. In order to be able to get a closer to the phenomenon to get a deeper insight and broader exposure to it, the single case study approach is used in this study. A mix of quantitative and the qualitative methods are used.

The research approach is operationalized in three stages taking the objectives of the research into consideration. These three stages were the pre-fieldwork stage which comprised the identification of the research problem, literature review and the development of the indicators; the fieldwork stage where the data needed was collected; and the post fieldwork stage where the data collected is analysed and from the findings, recommendations are made and a conclusion is drawn (Figure 3-1).

#### 3.2.1. Pre-Fieldwork Stage

The pre-field work phase comprised the identification of the problem and the formulation of the research objectives and questions based on scientific literature, reports, and newspaper articles. The framework for assessment was also designed and the study area was also selected at this stage. The questionnaires were designed to encompass the key dimensions of good governance that this study is to assess – transparency, public participation, equity, rule of law & justice, and accountability, based on the framework for assessment..

#### 3.2.2. Fieldwork Stage

The fieldwork stage involved the collection of primary and secondary data. In order to cover all areas and not miss vital information, data was collected from several sources. The field work was conducted with the intention of collecting the required and relevant information in order to assess good governance dimensions during the implementation of compulsory land acquisition and resettlement. These data sources sought to complement each other as a way of validating and refining how reliable the data will be.

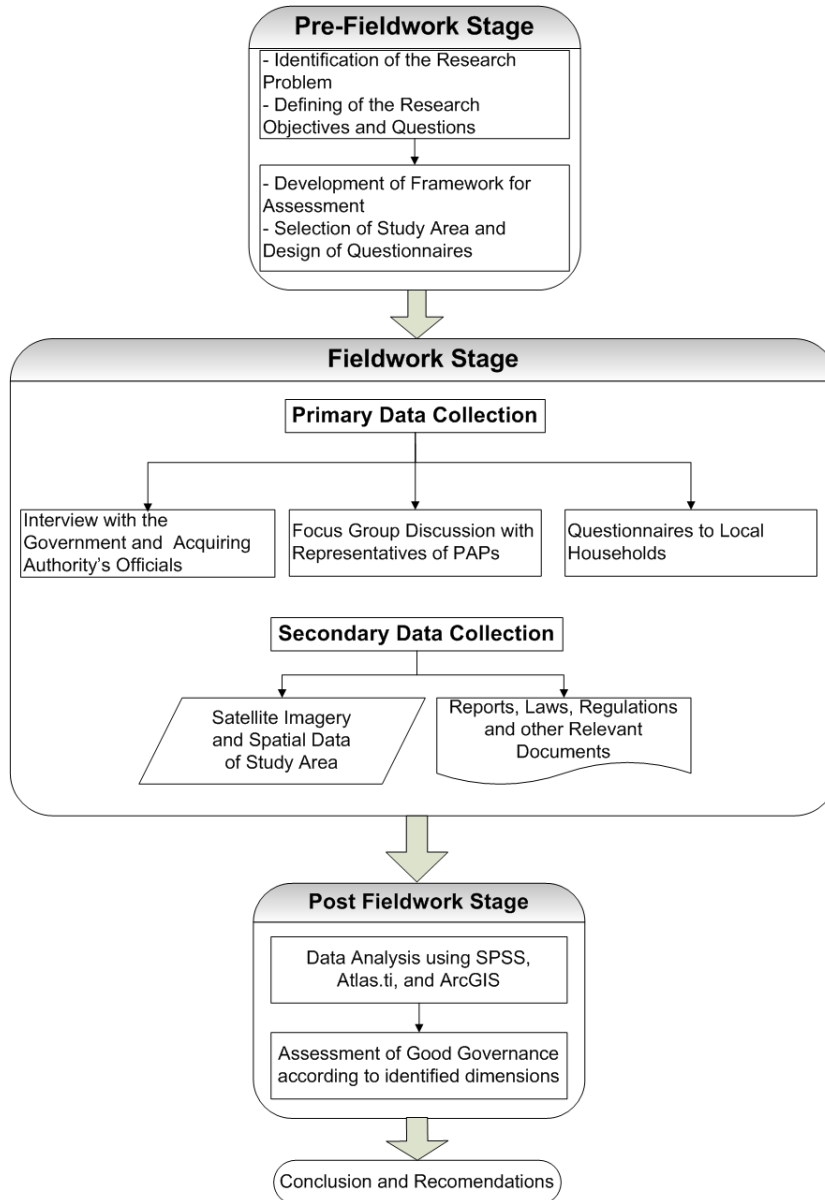


Figure 3-1: Flowchart of the Research Approach

The primary data collection tools used were structured and semi-structured interviews, and focus group discussions. The secondary data collected included the statutes, regulations, the Resettlement Planning Framework (RPF), and the claims made during the interviews (Figure 3-5).

### *Interviews*

Three types of interview guides with open-ended questions were used for the data interviews; one each for the Bui Power Authority and the Volta River Authority, the Lands Commission and the District Assembly. The interview guide for the Volta River Authority and the Bui Power Authority dealt with the resettlement process, the former concentrating on the process prior to 2007, and the latter after 2007. The Lands Commission's interview guide dealt with the compulsory land acquisition process. The interview guide for the District Assembly also used open-ended questions and covered the whole process. The semi-structured interviews were used with the Lands Commission, the Bui Power Authority, and the District Assembly because of the limited number of respondents, the depth of the information needed and the enormity of their views and contribution to the work. The structured interview was conducted with the

households, and the semi-structured interviews were conducted with the Bui Power Authority, Volta River Authority, the Lands Commission, and the District Assembly. With respect to the household interviews, the heads of the household were the main points of contact, however, where possible, other members of the family joined in. The structured interviews were used for the households in order to make interpretation easier. This is because, first an overview of the opinions were needed, and secondly the number of respondents was high. Although structured questionnaires with closed ended questions were used, the respondents were given a chance to air their views, where they were willing in order to give reasons for or explain their responses further. These views were recorded on the questionnaires to be used in the analysis.

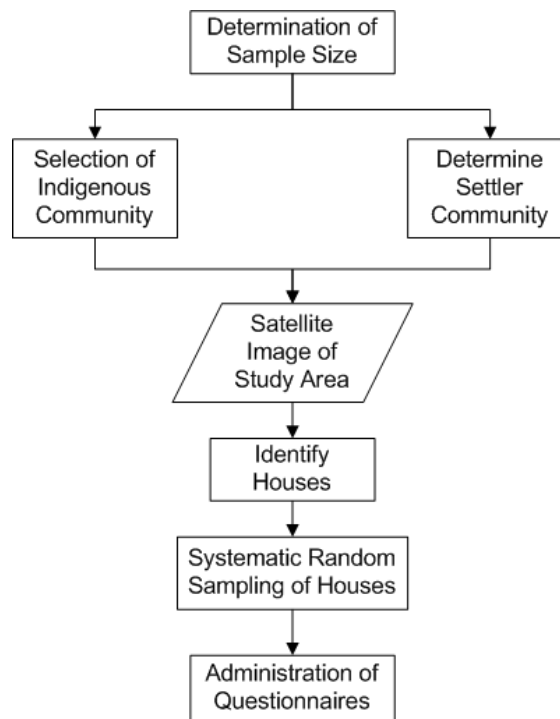


Figure 3-2: Flow Chart of the Process for the Household Interviews

The respondents were seen to be key in the study because they were directly involved in the planning and implementation of the process. There was also an interview conducted with the District Assemblyman with a semi-structured questionnaire with open-ended questions to look at the involvement of the local government.

#### *Sampling Technique for the Household Interviews*

The selection of the sample size influences the reliability and accuracy of the outcome of a study, and therefore care should be taken in its selection. In the selection of the sample size for this study, the Alain Bouchard sampling formula is used as shown below;

$$\text{Sample Size } (n) = \frac{(Z\alpha/2)^2 * p(1-p) * N}{[(E^2)*N] + [(Z\alpha/2)^2 * p(1-p)]}$$

Where; N = Population Size (124 for this study)

p = the estimated frequency for the sample size n; that is proportion of success (50% in this study)

E = Tolerable Error (10% in this study)

$Z\alpha/2$  = Value given for the confidence interval according to the precision desired (1.96 for this study).

$$\text{Sample Size } (n) = \frac{1.96^2 * 0.5^2 * 124}{[(0.5^2)*124] + [1.96^2 * 0.5^2]} = 32$$



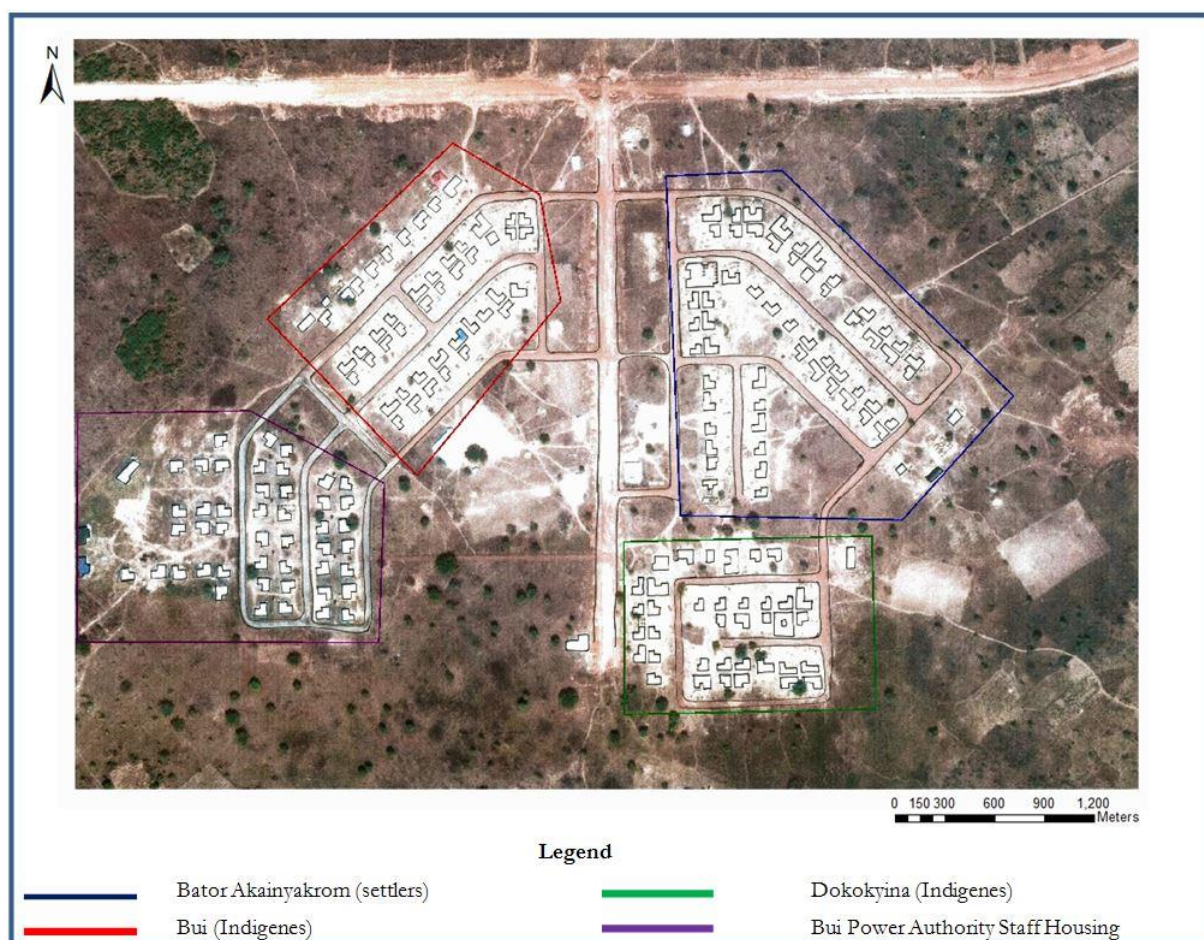


Figure 3-3: Outline of houses in the Resettlement Township B (Base map from Google Maps; Outlines by Author)

Therefore the sample size was 32 households as per the formula, however 38 households were reached. In order to make sure that both indigenes and settlers were interviewed, 19 of the respondents came from the area inhabited by indigenes and the other 19 came from the settlers’ area. After choosing the area to be considered, a satellite image of the area was obtained and used to identify the houses through which the selection of the households were made through systematic random sampling (Figure 3-2).

Ethnicity	Indigene (Banda & Mo)	19	50%
	Settler (Ewe)	19	50%
Gender	Male	23	60
	Female	15	40
Educational Level	Cannot Read, write or understand English	23	60%
	Can Understand and Read English	1	3%
	Primary	3	8%
	Junior Secondary	8	21%
	Senior Secondary/Technical/Vocational	1	3%
	Tertiary	2	5%

Table 3-1: Overview of the Respondents of the Household Survey

*Focus Group Discussion*

Focus group discussions were also conducted with key members of the community including the chiefs' elders, the leadership of the youth, and the unit committee of the area. The number of participants ranged from four to seven depending on the number of people available at the time. The participants were also purposively selected with the help of the royal family heads of each village in the case of the elders. The focus group discussion covered the salient issues regarding the compulsory land acquisition which could not be discussed during the household interviews due to their brief nature. The forum guide was used for the focus group discussion to validate the responses from the interviews with the households.



Figure 3-4: Focus Group Discussion with Unit Committee showing the Involvement of a youth and a woman

*Preparation for Household Surveys, Interviews and Focus Group Discussions*

A research assistant who also acted as a translator was engaged in the data collection. He was selected based on his education level, knowledge of the area, and his experience with similar exercises. The research objectives were explained to him in order for him to understand the nature of the data collection to aid with his translation. He was also acquainted with the details of the questionnaires and the focus group guide. The feedback from him aided in a review of the household interview questionnaires to suit the area.

**3.2.3. Post Fieldwork Stage**

At this stage the entry of the quantitative data, as well as the transcription of the audio recording of the interviews and focus group discussions conducted are carried out. The spatial analysis is done using ArcGIS. The transcripts of the interviews and the focus group discussions are analysed using Atlas.ti, with using the indicators as codes. The household interviews were analysed using SPSS. The analyses are carried out according to the various dimensions good governance identified. The results were then discussed in relation to scientific literature, after which conclusions were drawn and recommendations were made.

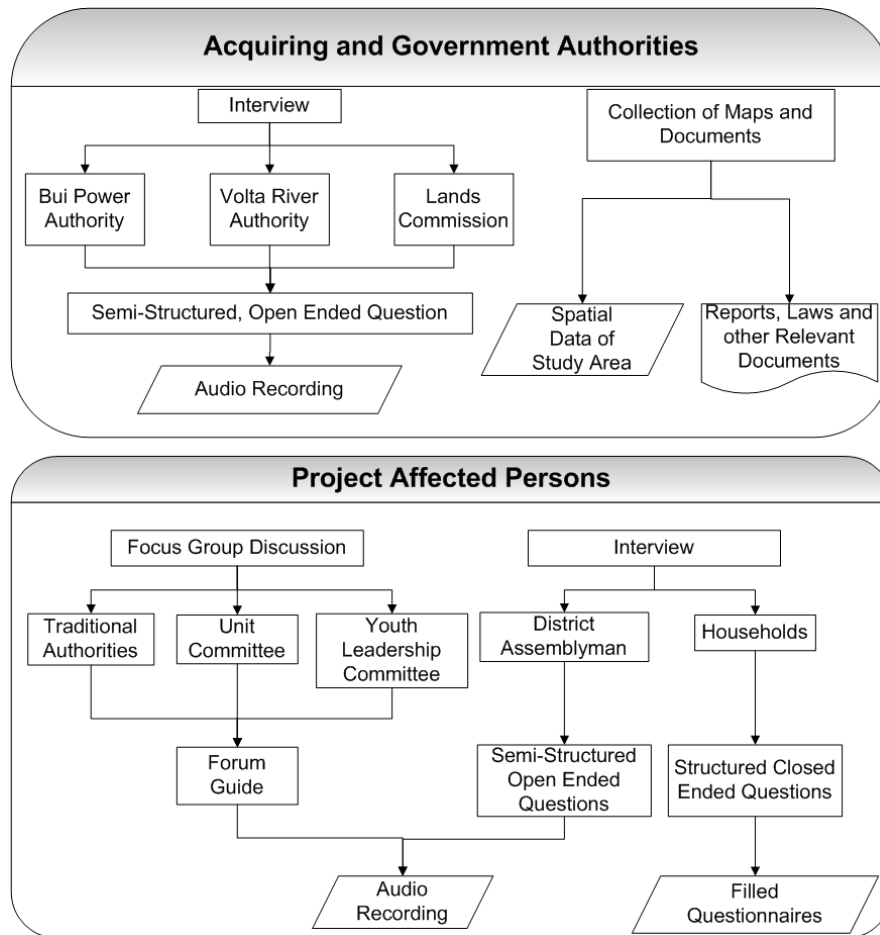


Figure 3-5: Flow Chart of the Fieldwork Approach

### 3.3. Overview and Selection of Study Area

The field study was undertaken in the Bui Resettlement Township B. the township covers an area of one square kilometre. The total population of the township is 654 forming 124 households. The township was created in 2011 to resettle the second of the two groups affected by the Bui Dam Project. The first group was resettled in the Township A in 2007 when they were affected by the dam construction. The township B inhabitants were affected by the inundation of the area by the reservoir created by the dam.

The resettlement township B is made up of three villages, the Bui Village, Bator, and Dokokyina, out of the seven that needed resettlement due to the dam project. The Bui and Dokokyina are predominantly natives of the Mo and Banda tribes, who are the indigenes of the area. The Dokokyina village was founded over 200 years ago, but the time of the founding of Bui is not clear. The Bator village comprises of natives of the Ewe tribe who migrated from Tefle in the Volta Region of Ghana to the area to take up fishing in 1927 (Figure 3-8). The villages are each administered by a chief who reports to the paramount chief of the Banda traditional area. They also have seats on the traditional council of the traditional area.

Prior to 1997, Bator Akainyakrom (settlers), led by a headman, were under the authority of the Bui. In 1997 with the elevation of Banda Ahenkro to a traditional area with a paramount stool, the headman of Bator Akainyakrom was also elevated to a sub-stool effectively placing the settlers under the paramount stool (Figure 3-6 and Figure 3-7).

The choice of the Bui Resettlement Township based on the fact that it is the most recent resettlement township built in Ghana since the resettlement caused by the construction of the Kpong Dam in the early 1980's. The Township B is also the most recent compared to the Township A. This time factor was

relevant because the data to be collected will deal mostly with the people’s ability to recollect events rather than their present situation. The Resettlement Township B also has the more diverse demography in terms of ethnic composition, and differences in livelihood. This diverse nature of the area provides a unique and ideal setting to explore how the resettlement process and how it applied to the settlers and the indigenes. Given these reasons, there is confidence that the data collected will enable a meaningful analysis to be conducted.

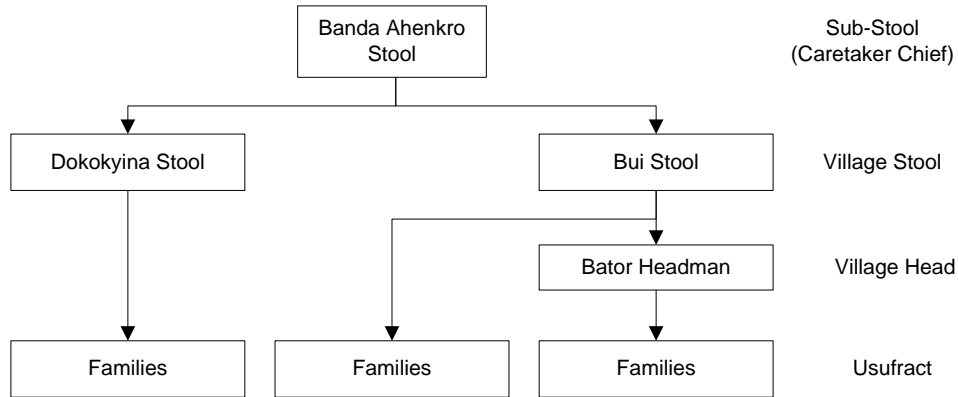


Figure 3-6: Chieftaincy Hierarchy in the Area prior to the creation of the Paramount Stool (Author’s Construct)

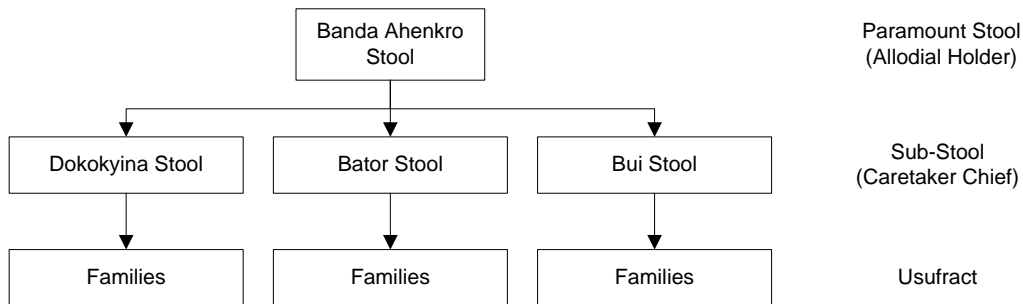


Figure 3-7: Chieftaincy Hierarchy in the Area after the creation of the Paramount Stool (Author’s Construct)

#### *Development of the Bui Dam*

The idea of the Bui dam was conceived in the 1920’s when the Bui gorge was identified as an ideal site for the development of a dam. This avenue was not pursued until 1971 when the Government of Ghana enacted the Wildlife Reserve Regulations (Legislative Instrument 710) to compulsorily acquire the areas around the Black Volta in anticipation for the construction. Coup d’états that occurred in 1978, 1979, and 1981 stalled the project implementation till 1992 (Fink, 2005). The Government of Ghana commissioned the first feasibility study into the project in 1995. With the power crisis that was looming in the country, the Bui Development Committee/Bui Development Secretariat was established under the Volta River Authority to seek out development partners for the project. The Committee and Secretariat were dissolved in 2001 after an unsuccessful search (Ghanaweb, 2001). The Bui Development Committee/Bui Development Secretariat were re-established in 2002 to invite tenders for the planning and execution of the project. When this was not successful, the attention was turned to the Russian and Chinese governments (Ghanaian Times, 2003). The 1995 feasibility study was revised for this purpose and an Environmental and Social Impact Assessment was also conducted as required by the Environmental Protection Agency of Ghana. In 2005, the Chinese Government conveyed its readiness to finance the construction of the dam through the Export-Import (Exim) Bank of China, and lend its expertise through Sinohydro Corporation, a construction firm in China that specialized in the construction of dams. The official commitment of the Chinese government however came in 2006.

With the funding secure, the construction firm in place, and the EPA approval in hand, the project was set to take off. The Bui Power Authority Act was passed by the Parliament of Ghana, and the Bui Development Committee/ Bui Development Secretariat were dissolved, with the VRA ceding responsibility of the dam to the newly formed BPA in 2007.

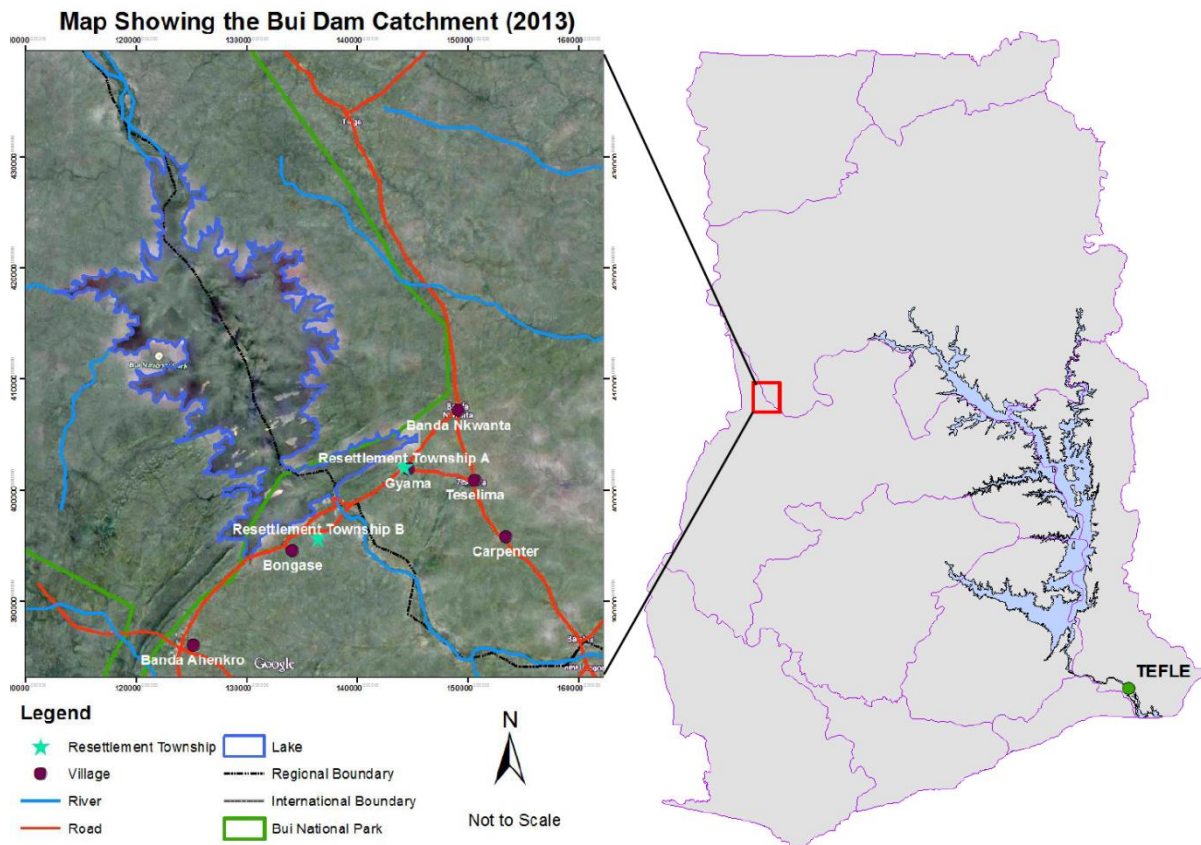


Figure 3-8: Map of Ghana showing the location of the Study Area and the location of the nearby Communities (Base map retrieved from Google Maps; Digitizing by the Author)

### 3.4. Limitations of the Data Collection

There was limited time to organize the collection of the data. More time was spent in seeking the needed authorization than envisaged at the head offices.

The household interviews could also only take place in the evenings when people had returned from their farms. However, this was also a problem since they would be tired at this time. Some of the respondents also expressed their lack of interest in answering the questions since they had gone through a lot of surveys in the area without seeing any positive results to show for them.

Some documents needed could not also be assessed because the people who could give them out were not around or the documents were still in the draft stages.

### 3.5. Conclusion

The chapter indicates the use of the case study research as research as research approach. The stages of the research are first the pre-field work stage comprising the identification and definition of the research problem, objectives, and questions, the development of the assessment framework, and the selection of the study area. The second is the field work stage where primary and secondary data is collected in the study area. The third is the post field work stage where the data collected is analyzed. An overview of the study area is also provided.

## 4. FRAMEWORK FOR ASSESSING COMPULSORY LAND ACQUISITION AND RESETTLEMENT

### 4.1. Introduction

This chapter focuses on the design of a coherent framework upon which the implementation of compulsory land acquisition and resettlement can be holistically assessed by drawing on the linkages between good governance and compulsory land acquisition and resettlement shown in Chapter Two. The chapter begins by identifying the generic steps in compulsory land acquisition, then focus is placed on the four identified dimensions of good governance – transparency, public participation, equity, rule of law & justice, and accountability in partial fulfillment of sub-objective two. The nature of the compulsory land acquisition process, the good practice standards, objectives of the process as well as the information collected in the Chapter Two then guides the selection of the thematic areas and the development of the indicators for assessing governance in compulsory land acquisition and resettlement to fulfill sub-objective one.

### 4.2. General Process of Compulsory Land Acquisition

The process of compulsory land acquisition is peculiar to every country and depends on their laws and regulations governing the process. In order to determine a generic process of compulsory land acquisition that will be applicable to as many countries as possible, the processes used in three countries are taken as Case Studies. The cases are then analysed using UML diagrams and compared to extract the generic process.

#### 4.2.1. Country Specific Process

The three countries taken as cases are chosen based on their socio-economic structures. Darin-Drabkin (1977) notes, that the socio-economic structure of countries is the reason for the differences in their process and use of power. This difference is based on how much responsibility the government bears for the provision of the vital need of the people. The three countries chosen are those where the government bears large responsibility for the provision of the people's vital need (People's Republic of China), where the government bears minimum responsibility for the provision of the people's basic needs (United States of America), and the third is a country whose system is mixed (Republic of Rwanda).

##### ➤ Compulsory Land Acquisition in the People's Republic of China

PR China has a developing market economy. However Article 10 of the *Constitution of China* (1982) states that all its lands belong to the public, with urban land and natural resources being state owned and rural land being collectively owned. Therefore compulsory land acquisition only affects rural lands since urban lands are state owned (Zou & Oskam, 2007). The compulsory land acquisition and resettlement process of rural land is governed by the Land Administration of the PR China. Chan (2003) however distinguishes between compulsory land acquisition and compulsory land resumption as the former being where the government does not have ownership of the land and the latter as where the government owns the land,

not the occupants. The PR China therefore falls under the latter category, however, the procedure is still referred to in their statutes as compulsory acquisition and resumption.

The compulsory land acquisition and resettlement process in the People’s Republic of China as outlined in the Land Administration Law is as follows;

- Agricultural land to be used for construction should first go through examination and approval for conversion of use.
- Approval for requisition of capital farm lands, cultivated land exceeding 30 hectares, and other lands exceeding 70 hectares is approved by the State Council (large scale acquisition). Requisition of any other land (small scale acquisition) is approved by the provincial or municipal governments, and submitted to the State Council for the record.
- An announcement of the requisition is made at the county level or above.
- Units and individuals with interest in the lands to be acquired then present their land certificates to register for compensation.
- Assessment of the compensation is undertaken by the acquiring body according to the statutes. A resettlement plan is also provided for by the statute.
- After the assessment, the plans are made public by the local government in order to solicit comments and suggestions from the owners and other organisations.
- The local provincial and municipal governments set the standards for compensation, but the State Council may also vary the standards for compensation and resettlement subsidies.

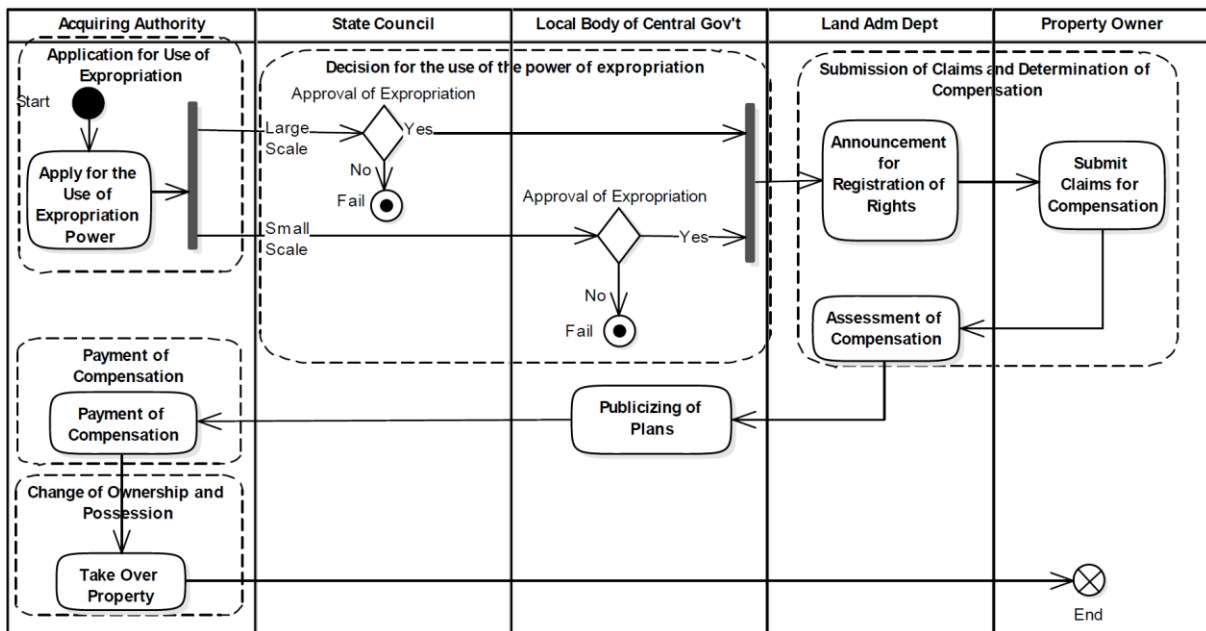


Figure 4-1: UML Activity Diagram of the Compulsory Land Acquisition Process in the People's Republic of China (Author's Construct)

➤ **Compulsory Land Acquisition in the United States (California)**

The power of compulsory land acquisition or eminent domain in the United States is granted by the Fifth and Fourteenth amendments of the Constitution of the United States which say “No person...shall be deprived of life, liberty, or property without just compensation; nor shall private property be taken for public use without just compensation”, and “...nor shall any state deprive any person of life liberty, and property without due process of the law” respectively (US Const., 1787). Local, state and federal laws govern the exercise of eminent domain at

those levels of government respectively; however, the basic procedural requirements are similar throughout the nation. The power of compulsory land acquisition in the United States is more often exercised by state and local governments than by the federal government (Johnson, 2010; Kotlyarevskaya, 2005), therefore for this study, the eminent domain procedure for the State of California will be used as a representation for the United States.

The process for eminent domain in California is governed by the California Code – Title 7: Eminent Domain Law. The process follows the following steps;

- The body intending to make the acquisition may enter the property to undertake surveys, studies, and engage in similar activities reasonably related to the acquisition, with the consent of the owner, and short of the owner's consent, a court order.
- An offer to purchase the property is made at the market value so determined. This offer will be submitted together with a summary of its appraisal of the property value that explains the basis of the offer.
- Where an agreement is not reached, the acquiring body may then petition its governing body, which in the case of a public entity is the legislative body, for the adoption of a resolution of necessity.
- The governing body conducts a hearing to assess the need to adopt the resolution of necessity at which persons with interest in the property should be heard. The hearing is necessary to determine that first, the proposed project fulfills a public purpose; secondly, the project is planned in a manner which is most compatible with the maximum public good, and minimum public injury; thirdly, the property is needed for the project; and lastly, a pre-resolution order has been made. Persons with interest in the property may apply for a judicial review of the resolution.
- Where the resolution of necessity is granted, the acquiring body may then file a case for eminent domain with the courts, to which the property owner is to respond.
- The acquiring body may then deposit “probable compensation” upon the filing of the case, and request for early possession.
- Where this is granted, the determination of the compensation is undertaken.
- Experts are retained by the courts, depending on the nature of the property and the likely disputed matters in the case. Experts are also retained by the parties involved.
- The appraisal reports of the experts are exchanged and the trial commences.
- During the trial, the acquiring body makes its final offer, and the property owner serves his final demand. The rights of the property owners are also determined by the courts.
- The fair market value is then determined by the court.
- Upon the full payment of the compensation, a final order of condemnation is made by the court, and the title is transferred to the acquiring body.
- Upon the full payment of the compensation, a final order of condemnation is made by the court, and the title is transferred to the acquiring body.
- The property owners are then contacted by a relocation agent retained by the acquiring authority to assist the former property owner to relocate their residences and business.



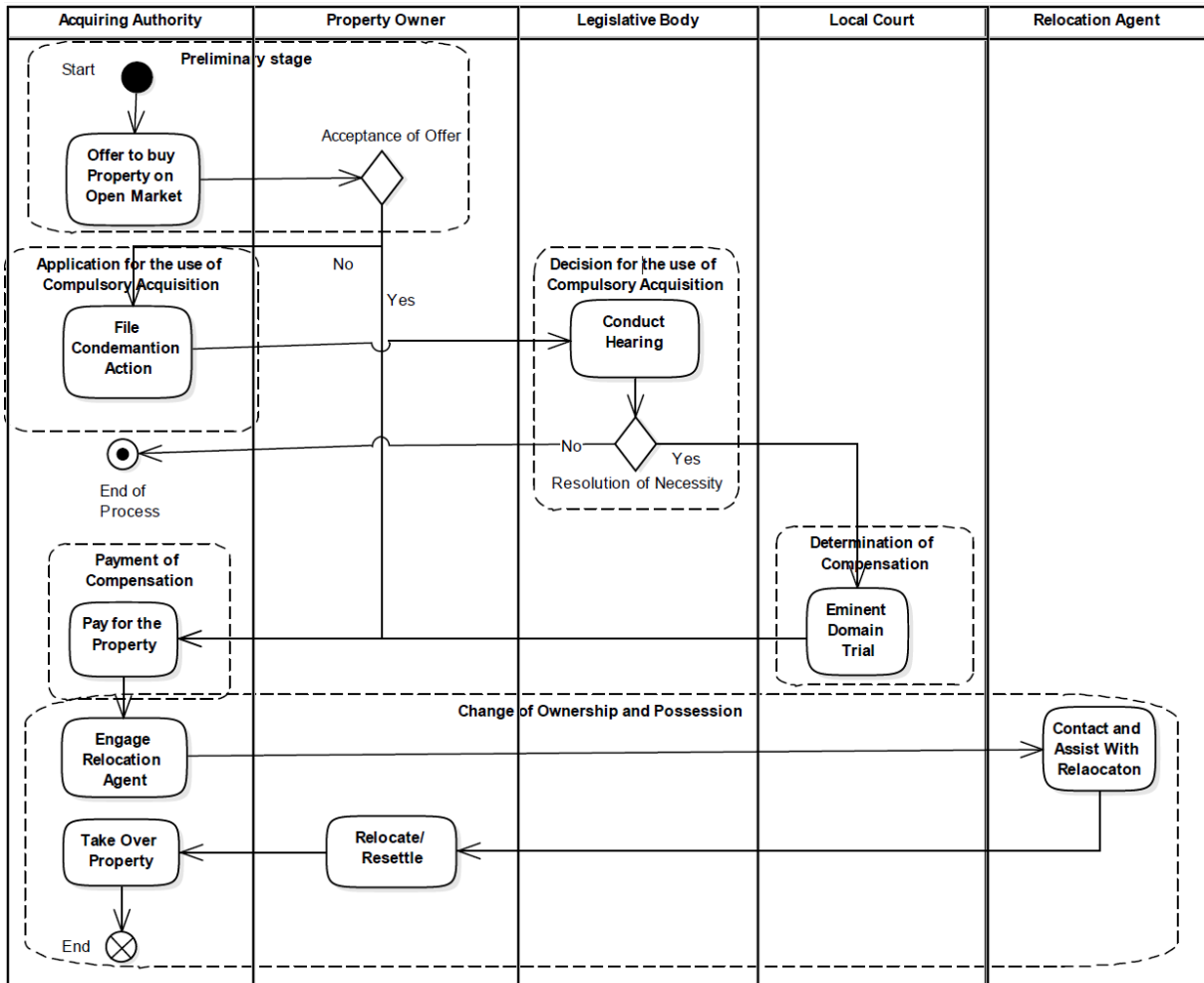


Figure 4-2: UML Activity Diagram of the Compulsory Land Acquisition Process in the State of California (United States) (Author’s Construct)

➤ **Compulsory Acquisition in the Republic of Rwanda**

The Constitution of Rwanda recognizes the state’s power of compulsory land acquisition when it provides that “the right to property shall not be interfered with; except in the public interest, in circumstances, and procedures determined by the law and subject to fair and prior compensation (Republic of Rwanda, 2003). The compulsory acquisition process in Rwanda is determined by the Law Relating to Expropriation in the Public Interest of 2007. The law provides that it is only the government that can carry out expropriation in the public interest, and with just compensation. The Law also prohibits the hindrance of the expropriation process by persons for self-centred reasons and defines public interest to include twenty one different activities which are listed in the act. Where an act activity purported to be in public interest is not listed in the Act, it has to be approved by an order of the Minister in charge of expropriation (Republic of Rwanda, 2007).

The overview of the process for compulsory land acquisition process in Rwanda as outlined in the Law Relating to Expropriation in the Public Interest of 2007 is as follows;

- The Executive Committee at the district level initiates the expropriation proposal where it concerns one district. Where the proposal concerns more than one district in the City of Kigali, the city’s Executive Committee initiates it, and where it concerns more than one district outside

the outside the boundaries of the City of Kigali, or at the national level, the relevant ministry initiates the proposal.

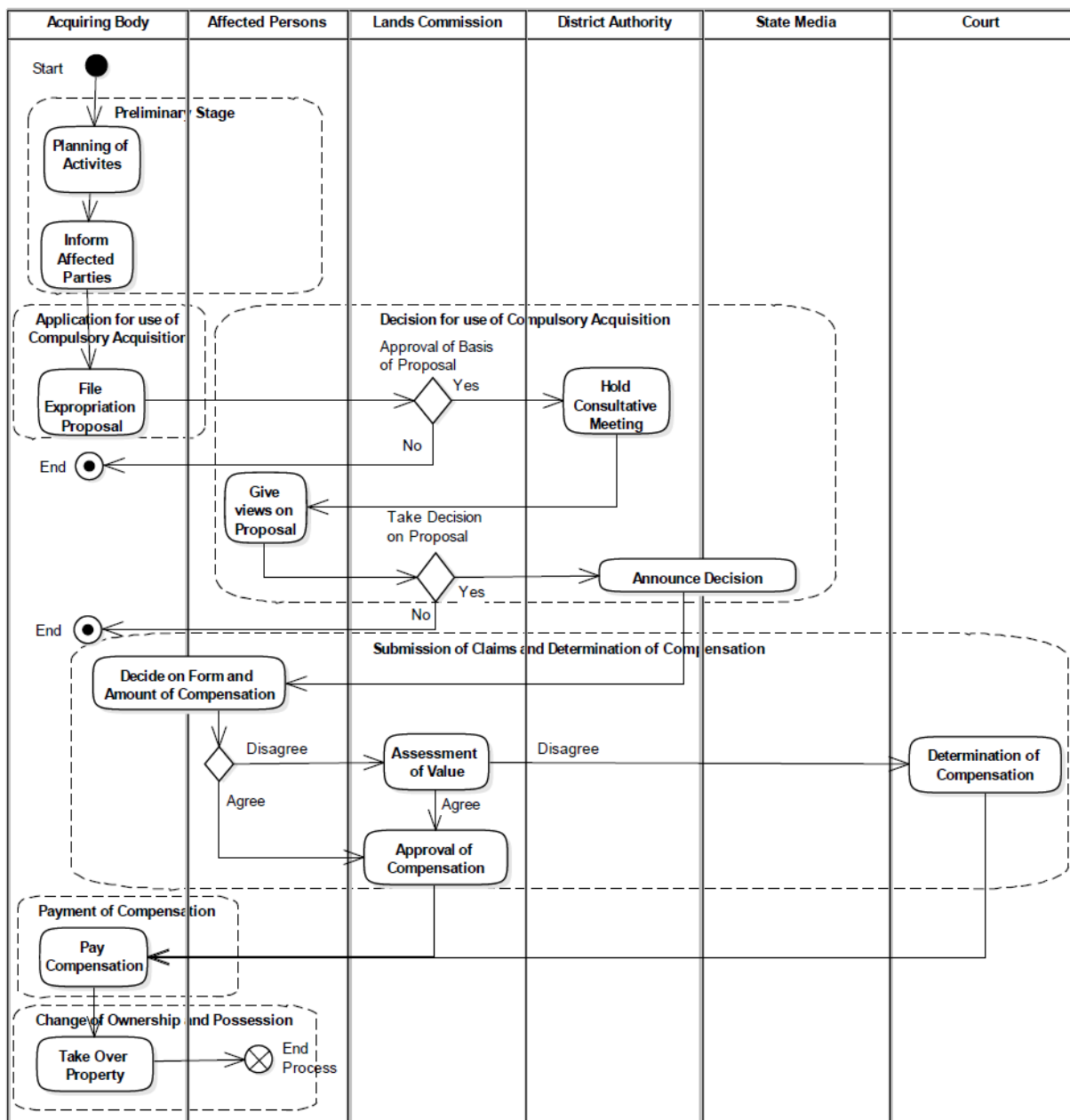


Figure 4-3: UML Activity Diagram of the Compulsory Land Acquisition Process in the Republic of Rwanda (Author's Construct)

- The affected persons are then informed of the proposal to expropriate.
- The expropriation proposal is sent to the relevant Lands Commission for approval. Where the proposal concerns one district, that district's Lands Commission handles the approval. Where the proposal concerns more than one district within the City of Kigali, the Lands Commission of the city handles the approval. Where the proposal concerns more than one district outside the boundaries of the City of Kigali, or the national level, the relevant Ministry handles the approval.
- The relevant Lands Commission then examines the request based on the project proposal.

- Where the basis of the proposal is approved, the Lands Commission asks the district authority to hold a consultative meeting of the people within the affected area.
- The Lands Commission then takes a decision after the consultative meeting.
- The Lands Commission meets the people involved and publicly declares its final decision on the project proposal.
- The decision is then posted in an open place in the district, sector, and cell offices of the area within which the land is located. It is also announced through the state media. This is done together with a list of the affected persons so their attention will be drawn.
- The decision of the Lands Commission may be appealed to the higher level Lands Commission and after that the courts.
- The acquiring authority and the expropriated then decide on the form of compensation – whether cash or resettlement. The amount of compensation is also agreed upon. The amount is then reported to the Lands Commission for its approval.
- If the compensation is approved by the Lands Commission, it is paid to the expropriated party.
- Where the expropriated party is not satisfied with the compensation assessed, he may be asked by the Lands Commission to hire an expert to assess the compensation. Where the person is still not satisfied he may appeal to the courts. The compensation is then paid to the expropriated party and the acquiring authority takes over the land.

#### 4.2.2. General Stages in the Compulsory Land Acquisition Process

Based on the processes extracted from the cases, the following could be derived as the generic process of compulsory land acquisition;

- Preliminary Stage

This stage entails all the activities that are undertaken prior to the acquiring authority formally seeking for the power to use compulsory land acquisition. This mainly involves the planning of the activity, and the interaction with the potential affected persons. The planning of the activity includes identifying the exact location, size, and rights inherent in the land determined to be suitable for the project. Assessment of the impact of the project on the local population also falls under this stage. There is also an interaction with the affected persons, first to educate them on the process, and the anticipated project. Alternative sites are also explored with the help of the affected persons as well as alternative means of acquiring the land, such as through the open market.

- Application for the Use of Compulsory Land Acquisition:

After going through the activities of the preliminary stage as required by the law, the next stage is for the acquiring authority to apply for the use of the power of compulsory land acquisition. This application is made to a higher body, which may be an administrative, legislative, or judicial body. Depending on the jurisdiction, the affected persons may be informed of this step.

- Decision for Use of Compulsory Land Acquisition Power:

The higher authority so petitioned for the use of the power of compulsory acquisition determines whether the use of the power is necessary. The standard here is usually to find out whether the overall benefit of the project outweighs the cost to the affected persons (Viitanen et. al., 2010).

- Submission of Claims and Determination of Compensation:

When the acquiring authority has been granted the power to compulsorily acquire the property, it will then ask the affected persons to submit their claims for compensation. The rights of the various affected

persons in the land are also determined here. The form of compensation to be awarded – that is either cash or resettlement is determined. The land is then valued by the acquiring authority or another authorized body to determine the compensation to be awarded. Where the compensation is by way of resettlement, the nature of the housing or other arrangements is determined. The acquiring authority then makes its offer to the affected persons. This may be negotiated after that.

- Payment of Compensation:

Where the compensation is monetary, the money is paid to the affected persons by the acquiring authority. The World Bank (2004) recommends that the budget for compensation be part of the budget of the overarching project under which the acquisition is being done. Where it is by resettlement, the new dwellings are put up, and the affected persons are resettled.

- Change of Ownership and Possession:

After the compensation is paid and/or resettlement is undertaken, the acquiring authority then takes ownership and physical possession of the property to undertake the planned project.

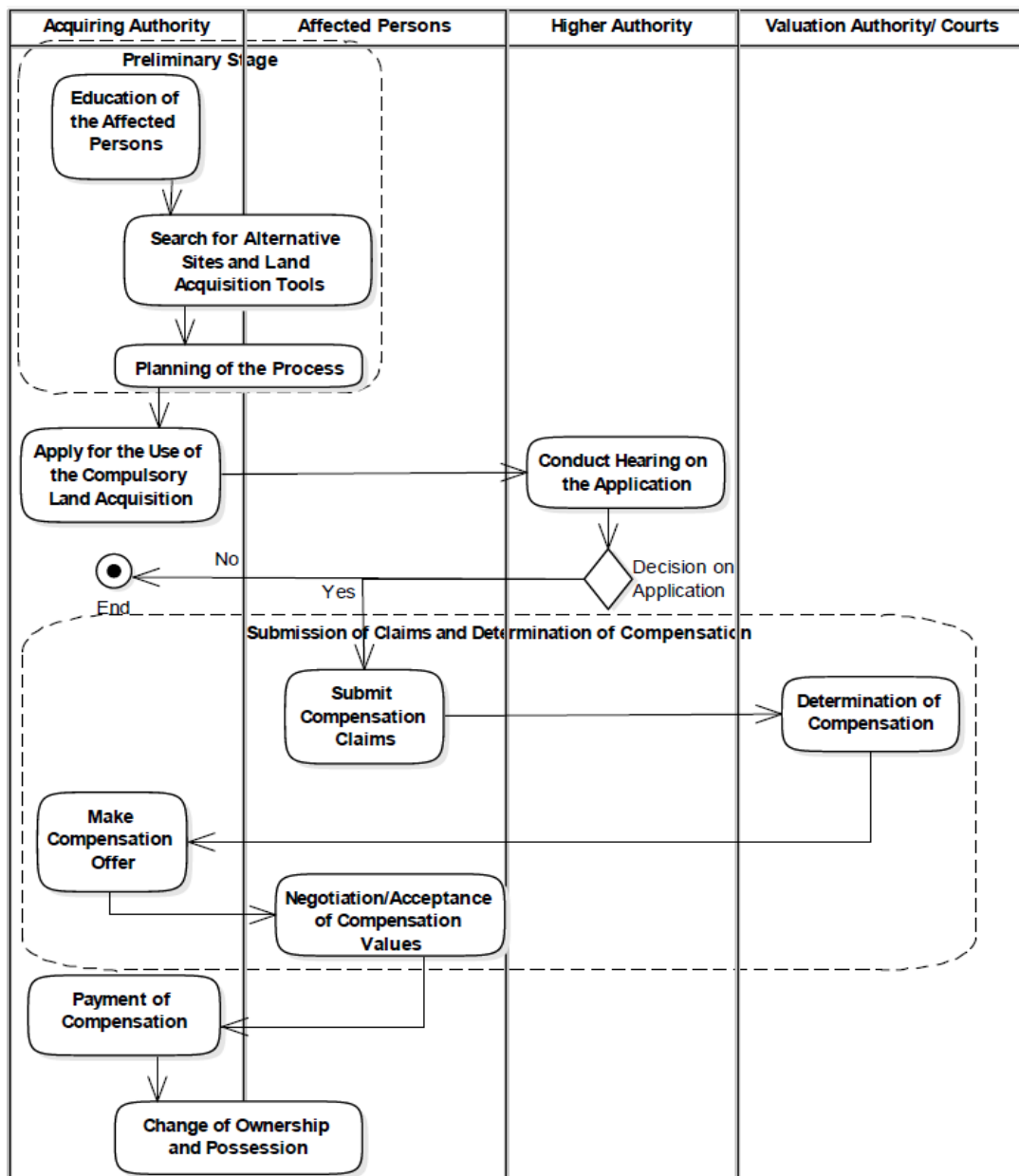


Figure 4-4: UML Activity Diagram of Generic Compulsory Land Acquisition Process (Author's Construct)

### 4.3. Development of Thematic Area and Indicators

Indicators are measures, standards, or indices that aid in ascertaining where progress is made in reaching a particular objective, or whether certain conditions exist (Scott & Wilde, 2006). Indicators can be used in the setting of benchmarks and evaluating success or failure in a system as well as monitoring advancement over time and prioritizing actions (Deininger et al., 2012). Scott & Wilde (2006) identifies three levels of indicators for governance – the first is at the highest policy level which is used to assess the progress to a general objective. An example is Kaufmann et al. (2009)'s World Bank assessment indicators which measure six higher dimensions of good governance at the country level being voice and accountability, political stability and absence of violence/terrorism, government effectiveness, rule of law, regulatory quality, and control of corruption. The second level indicators are usually used to measure the progress towards organisational objectives such as more grass root participation in decision-making. The third level focuses on measuring the day to day activities through which the organisational objectives can be reached such as weekly meeting to solicit views and opinions. Since compulsory land acquisition and resettlement involves organisational arrangements, as well as day to day activities, the indicators are treated at the second and third levels. The UNDP (2009) further suggests that indicators that are used in monitoring and assessing development projects be SMART – Specific (clear to all), Measurable (a reliable and objective approach), Attainable (realistic to be achieved), Relevant (important for the realisation of the specified goal), and Time-bound.

To build up the needed indicators, it is necessary to look at some earlier contribution made in the development of indicators in land governance. This is to help streamline the indicators of compulsory land acquisition and resettlement from the larger and related fields. Deininger et al. (2012) in developing the indicators for assessing land governance has two indicators related to compulsory acquisition of land, these are Justification and Time Efficiency in Expropriation Procedures, and Transparency and Fairness of Expropriation Procedures (Land Governance Assessment Framework Indicators 13 & 14). However, these indicators are however built to suit the country and organisational level. In order to assess the process of compulsory land acquisition and resettlement, this study builds indicators that suit the organisational arrangements as well as the day to day activities.

#### 4.3.1. Good Governance Dimensions in Compulsory Land Acquisition and Resettlement

FAO (2009) shows the importance of good governance in the effective and fair planning, and the implementation of compulsory land acquisition and resettlement. Good governance is needed to strike a balance between the government's need to acquire land quickly and the need to protect the rights of the persons who have interests in the land to be acquired. Dissemination of and access to timely, important, and accurate information to all affected persons and their representatives provides a solid platform for their participation in the decision-making and collaboration with the acquiring authority (Mostert, 2003). It reduces the fears and misconceptions of the affected persons for the project and builds their trust in the acquiring authority (The World Bank, 2004). Information regarding the process should therefore be very open to all members of the affected communities. Accessibility to information will not be effective where there are no structures to aid and encourage the process. An example is where there are no information and grievance offices, especially in the affected communities. The compulsory land acquisition and resettlement process is a complex one; therefore there is the need to make the information as simple as possible. Important issues related to transparency that this study will cover the two components of transparency as identified in Section 2.3.1; the access to information and openness of the process. With respect to access to information, this will include the level of accessibility to the plans in place regarding the compulsory land acquisition and resettlement, the level of complexity and bureaucracy involved in the

acquisition and provision of such information, and the existence of an information desk or office. With respect to the openness of the process, the study will look at whether the process itself is clear and simple, whether the process has been explained clearly to the affected population, and the timeline of the process is also made available to the people so certain actions by the acquiring body does not catch them off guard. Furthermore, in the openness of the compulsory land acquisition process, at the planning stage, the study will determine at what point the affected persons are made aware of the intention to acquire the property and whether the affected persons are informed of the purpose of the acquisition. At the stage of applying for the use of compulsory land acquisition, this should be made known to the affected persons to enable them to start making plans for their next line of action. In determining the compensation, sharing detail of the acquiring body's compensation assessment with the affected persons makes the process more open. Where the openness of the process is with respect to resettlement, the reason for the choice of available sites should also be made known to the affected persons.

The UN Declaration on Rights of Indigenous People requires the Free, Prior and Informed and Consent (FPIC) of persons to be affected by resettlement (United Nations, 2008). Cernea (1997) also indicates the significance of informing and consulting the parties involved in a resettlement in time. When their knowledge is used, inaccurate assumptions about their preferences and needs are lesser. The inclusion of the resettlers will aid in the identification of social, cultural, and environmental issues and concerns of the community. Resettlement resulting from compulsory land acquisition is not always done with the support of the affected persons. This in the past discouraged the authorities from involving the affected persons in the planning (Section 2.3.2). However, recent studies have shown that their inclusion minimizes, and sometimes eliminates, the negative aspects of the resettlement (Cernea, 1988; FAO, 2009). The need for participation is therefore one of the bedrocks for the success of this kind of project since the outcome of the project affects not just the present generation, but also the generations yet to come. The nature of public participation takes different forms as already seen. The World Bank (2004) therefore recommends in the World Bank Resettlement Policy Framework that the level of participation should not just be at the informing and consultation level of public participation in the planning and implementation, but it must reach the level of collaboration and partnership. This level of participation will enable the acquiring body to share the success or failure of the project with the affected persons. It will also reduce the costs that may be incurred later from supporting the affected persons as a result of “dependency syndrome” (Cernea, 1988).

Equitable considerations in compulsory land acquisition and resettlement is based on the same held in land tenure administration – that all persons involved should have the same service standards and considerations (Zakout et. al., 2006). Curry (2001) illustrates two perspectives of equity being distributional and intergenerational equity. Distributional equity sees to the needs of the minorities and the vulnerable groups in the society by ensuring the fair distribution of rights and resources across the interests of the present generation. Intergenerational equity deals with the efficient and effective distribution of rights and resources with consideration for the future. Similarly, these apply to assessment and distribution of compensation. In expressing the intergenerational nature of customary land rights in Ghana, Ollennu (1962) says “...*land belongs to a vast family of whom many are dead, a few are living, and a countless host yet unborn.*” This shows the need for the consideration of the future generation when assessing compensation and resettlement in order not to leave them landless. This is evidenced in the lack of participation in the resettlement for earlier dam projects such as the Volta River Project in Ghana and the Kariba Hydroelectric Dam on the Zambezi river on the Zambia-Zimbabwe border (Magadza, 1994; Tamakloe, 1994). The descendants of the project affected persons in these projects, that took place in the 1960's and 1970's respectively, are still facing problems related to housing, landlessness, and economic hardships. Equity considerations also include the level of tenure security before and after the resettlement. van

Gelder (2010) identifies three views of land tenure security – legal, de facto, and perceived tenure security. Legal tenure security follows the idea that the owner of the property has rights to it guaranteed by the state through the possession of the title to the land. Legal tenure security also refers to a situation where the property owner is protected against involuntary removal from his property unless in special situations and through a procedure prescribed by the law. De facto land tenure security is the notion that certain elements, independent of the legal status of the occupier's rights, determine tenure security. These include inherent elements such as the duration of the period of occupation, the size of the settlement, the nature of the community organisation, as well as external elements such as media support, and political and administrative acceptance. Perceived tenure security deals with the occupier's estimation of the chance of being evicted by the land owner. Equity also considers the nature of the compensation given. With the property taken, the compensation paid should not just be prompt, but also fair and adequate. The FAO (2009) holds the view that fair and adequate compensation can only be achieved through negotiations and therefore recommends the training of the affected persons in negotiations as well as hiring professionals to aid them in the negotiations.

The FAO (2009) shows the need for laws and regulations that help in shaping the process of compulsory acquisition of land. The complete process of the land acquisition including the resulting compensation assessment should be clearly specified in the legislation (Viitanen et al, 2010). With the laws in place to govern the process, the people, especially the affected persons, will be confident and reassured in the system. This also enables the people to know and protect their land rights, as well as those of the future generations. The implementation of the land acquisition should also go according to the laid down legislation. Where the legislation is seen as not enough, it should be supplemented by internationally recognized best practices.

Justice in compulsory land acquisition and resettlement deals mainly with the natural justice rules of bias and hearing, and also the ability to enforce the laid down laws and regulations for the process (Peach, 2003; Viitanen, Falkenbach, et al., 2010). The natural justice bias rule is most applicable when the acquiring authority applies for the use of the compulsory land acquisition power. The rule, which says no man shall be the judge of his own case, therefore requires that the acquiring body should not be the one that has the final say with respect to whether the power will be used. The hearing rule also applies to the second stage of the acquisition process. The hearing rule also known as *audi altera partem*, literally meaning hear the other party, refers to the need for the affected party to be given a platform to be heard on the compulsory acquisition of his land. This form of hearing, if fair, will allow the affected parties, who may not understand the need for the acquisition, accept the need for the acquisition. Justice also deals with the ability of the affected parties to contest the process and the actions of the acquiring body. This application of justice will help in the maintenance of the rule of law, as well as curbing the arbitrary tendencies that are associated with the exercise of the compulsory land acquisition power. The indicators for equity, rule of law and justice will include equal land tenure security before and after the process, the equal treatment of the settlers and the indigenes, prompt payment of fair and adequate compensation, the ability of the affected persons to contest the procedure in the courts, the existence of laws covering the process among others.

Effective accountability is one of the vital ways of combating corruption (van der Molen & Tuladhar, 2007). In assessing the quality of accountability in land administration, Graham et. al. (2003) suggests three things to know; first, whether there is a clear assignment of responsibilities to the people involved for the various functions to be performed. Secondly, whether the responsibilities assigned to those involved are appropriate and are according to their skills; and thirdly, the accountability arrangement itself. There are two forms of accountability arrangements - vertical accountability and horizontal accountability. The most common type is the vertical accountability which is towards the governed, either directly or through the

media and civic organizations. Horizontal accountability is the use of checks and balances at the level of the authority imposed upon it. An example of this is the existence of the legislative and judicial arms of government, the ombudsman, and auditing agencies, to serve as checks on the executive arm of government. With respect to accountability in the compulsory land acquisition and resettlement process, some of the indicators that will show accountability are the clear assignment of responsibilities to the parties involved, the appropriateness of the responsibilities assigned, the existence of bodies to horizontally and vertically check the acquiring authority.

#### 4.3.2. Framework Design for Assessment

In order to show the importance of establishing good governance dimensions for the various areas of the compulsory land acquisition and resettlement, the reason why each indicator is required is shown. In this case, four dimensions of good governance are selected, based on literature as shown in Chapter Two – Transparency, Public Participation, Equity, Rule of Law & Justice, and Accountability. These selected dimensions all have significant sway on governance in compulsory land acquisition. Table 1 below shows the relationship between the various dimensions of good governance and compulsory land acquisition and resettlement;

Dimensions of Good Governance	Relationship to Compulsory Land Acquisition and Resettlement
Transparency	<ul style="list-style-type: none"> <li>- Accessibility to clear and accurate information relating to the compulsory land acquisition and resettlement by the affected persons, civil society groups, and the media.</li> <li>- The establishment of an office or a desk dedicated to information provision.</li> <li>- Quick access to information.</li> <li>- Information regarding the compulsory land acquisition and resettlement is made public.</li> <li>- Process, as well as the laws and regulations, covering the process are made clear to all the affected persons.</li> <li>- The affected communities are educated on the benefits or otherwise of the project that is resulting in the acquisition and resettlement.</li> <li>- Important matters should be deliberated upon in the open in the presence of the affected persons.</li> </ul>
Public Participation	<ul style="list-style-type: none"> <li>- The nature of the people's involvement.</li> <li>- Possibility of lodging complaints on issues regarding the process by the affected persons.</li> <li>- There is a need for consultation and participation in important portions of the procedure such as the selection</li> </ul>



	of the type of compensation, determination of the use of the compulsory acquisition power, and the selection of the resettlement site.
Equity, Rule of Law, and Justice	<ul style="list-style-type: none"> <li>- There is equal treatment of the affected persons regardless of their ethnicity, age, and standing in community..</li> <li>- There is equal or better security of tenure after the resettlement.</li> <li>- Compensation for all affected persons.</li> <li>- Involvement of professionals to assist the affected persons in compensation assessment.</li> <li>- A hearing conducted by a higher body regarding the use of the compulsory acquisition power.</li> <li>- The compensation and the procedure used can be contested in court.</li> <li>- Laws and regulations that govern the process exist.</li> <li>- There is respect for local and traditional norms and customs.</li> </ul>
Accountability	<ul style="list-style-type: none"> <li>- Responsibilities are assigned clearly and appropriately to those with the ability to carry them out.</li> <li>- Civil society groups and the media are able to check the process fairly and effectively.</li> <li>- Other bodies with expertise in the process both on the same level as the acquiring body or above it must be able to check it.</li> <li>- Decisions of the acquiring authority are justified to the affected persons.</li> </ul>

Table 4-1: Good Governance Principles and Compulsory Land Acquisition and Resettlement

Table 2 below shows the details of the thematic areas and their accompanying indicators of the good governance dimensions selected. They are based on the identified relationship between good governance and CLA&R in the previous table. The following table is the operationalized representation of the connection between the two concepts.

Dimension	Thematic Area	Indicator
Transparency	Access to Information	<ul style="list-style-type: none"> <li>-Utilization of appropriate media in information provision.</li> <li>-Low level of Complexity and bureaucracy in information provision.</li> <li>-Establishment of Information Desk/Office.</li> </ul>

		-Free access to information concerning the Compulsory Land Acquisition and Resettlement.
	Openness of Process	-Full disclosure of the intended use of the property. -Laws and regulations are made clear to community members. -Clear and simple process of compulsory land acquisition and resettlement. -Process is made clear and spelt out to community members. -Timeline of the process should be made available to the affected persons.
Public Participation	Involvement of Actors	-The level of inclusion of the people’s representatives in the process. -The level of involvement of the local population in the processes. -The frequency of the interaction between the local people/their representatives and the acquiring authority.
	Decision-making Process	-Possibility of the lodging complaints/making suggestions. -Nature of response to the people’s complaints/suggestions. -Ability of the people to reject plans by the acquiring authority. -Explore other options of land acquisition apart from compulsory land acquisition. -Involvement of community members in resettlement allocation process.
Equity, Rule of Law, and Justice	Tenure Security	-Equal or Better tenure security.
	Fair and Adequate Compensation	-Independent Valuation of Assets. -Prompt payment of Compensation. -Fair and adequate compensation. -The voice of the people regarding the choice of compensation. -The ability of the affected persons to hire professionals to assist in decision-making. -Compensation values are negotiated between the acquiring authority and the affected persons. -Compensate all affected persons including those without titles.

	Livelihood and Equal Treatment of Parties	<ul style="list-style-type: none"> <li>-Formulation of and adherence to plans for livelihood rehabilitation.</li> <li>-Settlers are treated the same as indigenes.</li> </ul>
	Rule of Law	<ul style="list-style-type: none"> <li>-The existence of laws and regulations governing the process.</li> <li>-Adherence to the laid down laws and regulations.</li> <li>-Respect for the local norms and customs.</li> <li>-Formulation and adherence to timeline for implementation.</li> </ul>
	Justice	<ul style="list-style-type: none"> <li>-Ability to contest the procedure in the courts.</li> <li>-Fair hearing should be given to the affected persons on whether or not their property should be taken.</li> <li>-This hearing should be by a body other than the acquiring authority.</li> <li>-Ability to contest the compensation.</li> </ul>
Accountability	Assignment of Responsibilities	<ul style="list-style-type: none"> <li>-Clear assignment of responsibilities.</li> <li>-Appropriateness of the responsibility assignment.</li> <li>-Manner of selecting representatives.</li> </ul>
	Accountability Arrangement	<ul style="list-style-type: none"> <li>-Existence of body to horizontally and vertically check the authority.</li> <li>-Justification of the decisions of the acquiring authorities.</li> <li>-Effectiveness of civil society and the media in mobilizing demand for accountability.</li> <li>-Sanctions for unaccountability.</li> </ul>

Table 4-2: Thematic Areas of Good Governance Dimensions and their Indicators for assessing CLA&amp;R

#### 4.4. Concluding Remarks

This chapter establishes the relationship between the dimensions of good governance and the process of compulsory land acquisition and resettlement. The thematic areas and indicators of the dimensions are derived based on this relationship to constitute the assessment framework. This framework informs the data to be collected using the methodology described in the previous chapter and guides the discussion of the results in Chapter Five.

## 5. THE COMPULSORY LAND ACQUISITION AND RESETTLEMENT PROCESS IN THE BUI DAM PROJECT

### 5.1. Introduction

This chapter turns the focus to the results arising from the application of the research methodology described in the Chapter Three. This description included the field work methods as well as the study area. A framework for assessing good governance in the compulsory land acquisition and resettlement was then developed in Chapter Four.

The results will be presented in two parts. The first part comprises the description of the compulsory land acquisition and resettlement process in the project (Sections 5.2.1 and 5.2.2) to provide an overview. The various actors and their roles are then explained in Section 5.2.3 to fulfill the sub-objective 2. The subsequent sections present the views and accounts of the key actors on the compulsory land acquisition and resettlement process. These views are solicited with respect to the four chosen dimensions of good governance – transparency (Section 5.3), public participation (Section 5.4), equity, rule of law and justice (Section 5.5), and accountability (Section 5.6), to fulfill sub-objective 3.

### 5.2. Process of Compulsory Land Acquisition and Resettlement in the Bui Dam Project

Although the dam construction and inundation area had already been acquired by the Government of Ghana in 1971, the land acquisition was done without the payment of compensation. Before the resettlement was undertaken, the government decided to go through the compulsory land acquisition again, this time with the payment of compensation.

#### 5.2.1. Compulsory Land Acquisition Process

The compulsory land acquisition in the project began with the collection of data for the Environment Resources Management's Resettlement Planning Framework which was prepared as part of the ESIA. The data collection methods comprised among other things, household surveys, public meetings, and stakeholder meetings which apart from seeking the views of the affected persons, also sought to educate them on the impending project. An elder of the Bator community comments that although there had been a few false starts regarding the start of the project and the land take, the exercise undertaken by the ERM made them realize that the land take was on the horizon. The Executive Instrument implementing the land acquisition was passed in 2008 (Appendix 6). Immediately after the passage of the EI, a moratorium banning any construction was placed on the affected communities to prevent speculative construction. The enumeration of the crops and farmlands were then undertaken by the Lands Commission. The enumeration started with the communities that were directly affected by the construction. The enumeration was done in the presence of the farmer, who was presented with the Form F (Appendix 7), on which the details of his assets were listed by the Lands Commission. The payment of the compensation was done by the Government of Ghana as provided by the Bui Power Authority Act. After the regional office of the Lands Commission undertook the enumeration, the report was sent to the head office of the Lands Commission in Accra. From there, it was forwarded to the BPA head office. The claim for funds by the BPA was then made to the Ministry of Energy, who then forwarded it to the Ministry of Finance. The Ministry of Finance then authorized the payments to be made by the Controller and Accountant-General. The amount of compensation was paid to the BPA who disbursed it to the affected persons at a scheduled community meeting upon the production of the Form F by the affected persons. This process

of compensation payment took four years for those who received their money (Interview with Elders, BPA Official, and Lands Commission Official).

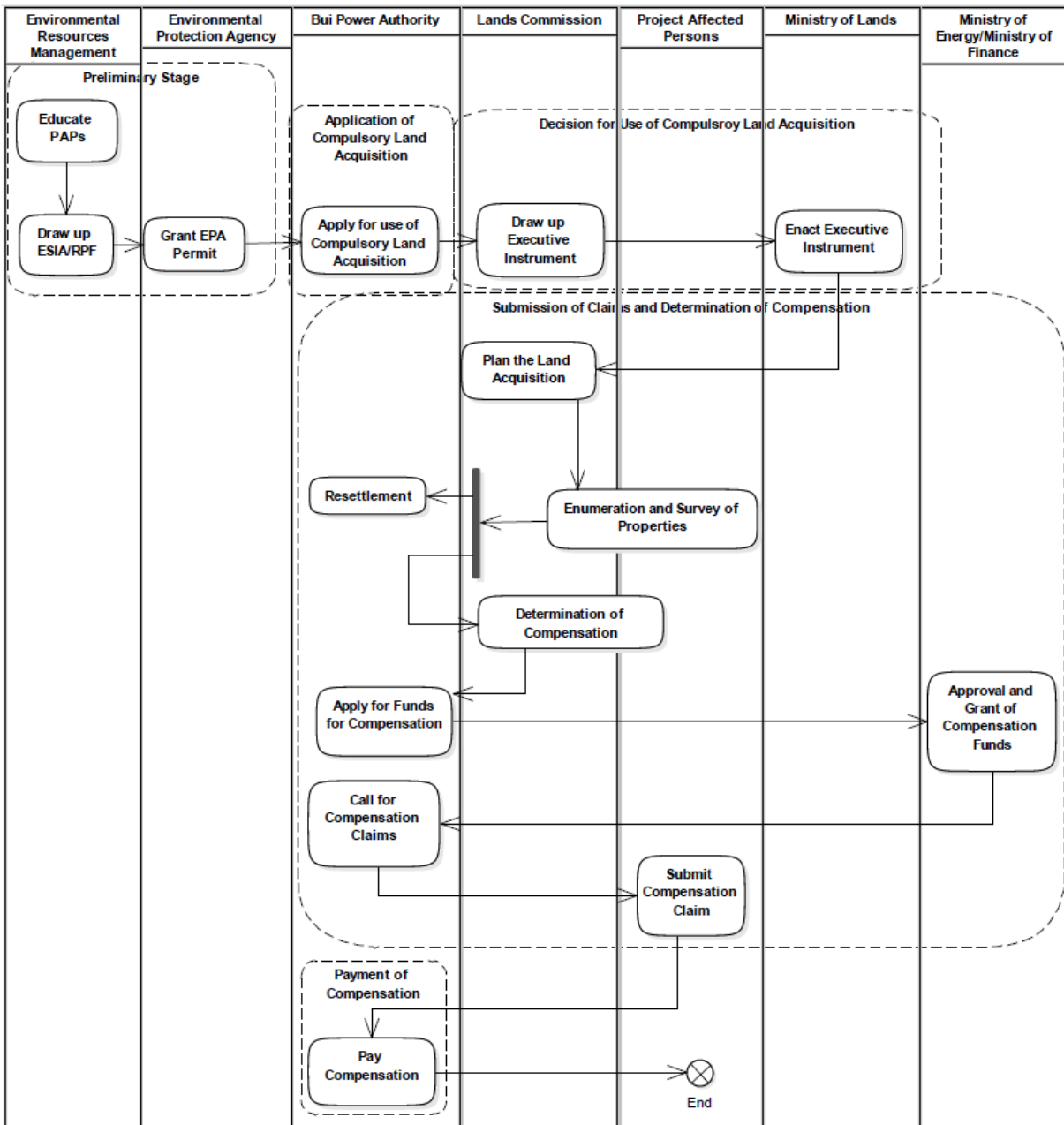


Figure 5-1: UML Activity Diagram of the Compulsory Acquisition Process in the Bui Dam Project

### 5.2.2. Resettlement Process

The resettlement process also began at the time of the Environmental and Social Impact Assessment (ESIA). This was because according to the BPA official, the decision that the affected persons would be resettled was made during the planning of the project. Therefore during the ESIA, the Environment Resources Management and the Bui Development Committee/Bui Development Secretariat also used that opportunity to educate the project affected persons on the resettlement process.

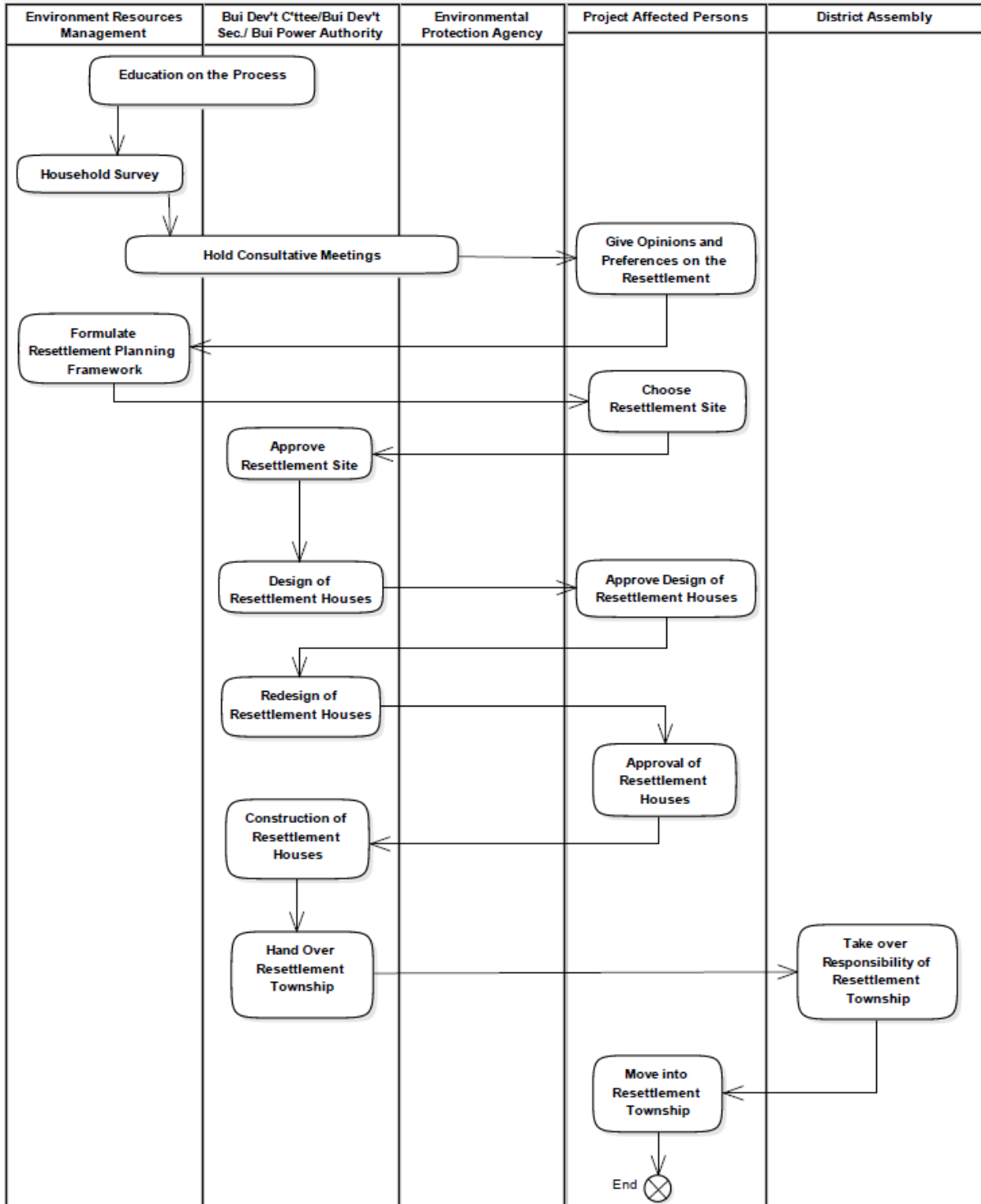


Figure 5-2: UML Activity Diagram of the Resettlement Process in the Bui Dam Project (Author's Construct)

This education included meetings with the Traditional Authorities and focus group meetings with the affected communities. However, these meetings were informal. As this education was being done, the Environment Resources Management also carried out a survey of all the affected persons in order to ascertain the socio-economic indicators and the affected persons' resettlement preferences. The survey also took inventory of all immovable assets, land, buildings, and crops. This inventory taking was also informal since the Land Valuation Division of the Lands Commission is the statutory mandated body that undertakes such an exercise. Formal local level consultation meetings with the representatives of the

various communities were conducted by the Environment Resources Management and the Bui Development Committee/Bui Development Secretariat together with the Environmental Protection Agency since these meetings were required for the Environmental and Social Impact Assessment. These consultations, surveys, and education were undertaken in 2006. The results were used by the Environment Resources Management to formulate the Resettlement Planning Framework (RPF) as an interim plan for the resettlement until the Resettlement Action Plan (RAP) was completed. However as at the time of the interview, the RAP had not been completed. The BPA official remarked that the document was in its final stages of preparation, but only needed the values for the assets from the Lands Commission in order to complete it. He however pointed out that the RPF guided the BPA in the process.

After the enumeration of the assets, consultations and education, the resettlement site was chosen. The houses were then designed and presented to the people in 2007. This was accepted. However, in 2009, before the buildings were constructed, they were redesigned and were again accepted by the affected persons, so the construction began. By 2011, all the houses had been completed and the resettlement site was handed over to the District Assembly in a colourful ceremony after which the affected persons moved in.

### **5.2.3. Actors and their Roles in the Process**

There were four main classes of actors identified in the Bui Dam Project Resettlement. This classification was based on their roles in and the extent of their influence on the process. The four classes identified were the acquiring authority, the resettled community, the participatory bodies and the collaborating bodies.

#### **Acquiring Authority**

The acquiring authority in the process was the Government of Ghana, but the land acquisition was done through the BPA. Prior to the establishment of the BPA, the Bui Development Committee (BDC) was established to undertake the initial works and preparation for the commencement of the project. The Bui Development Secretariat (BDS) was also established as the support staff of the committee. However, since the Bui Development Committee/Bui Development Secretariat had no statutory mandate, the Volta River Authority (VRA) was given oversight responsibility. The VRA continued these duties until the BPA Act was passed and the Bui Development Committee and Bui Development Secretariat were dissolved. The mandates of the BPA according to its enabling Act are to first plan, execute, and manage the Bui hydroelectric power project by generating electric power for general industrial and domestic use, and operate the dam and power generating station. The second is to construct a power transmission system, and then supply the power to approved power distribution bodies, and the third is to provide facilities and assistance for the use of the lake for multiple purposes.

#### **Resettled Community**

##### *Traditional Authority/Council*

The Traditional Council in each of the villages is the decision-making body of the village. Their responsibilities cover all aspects of the community's activities, from their economic to spiritual lives. However, majority of the issues they deal with has to do with land management.

The traditional council comprises the chief, the queen-mother, and the elders. The members comprise prominent family heads in the area of good-standing in the community. The queen-mother, as a member of the council, represents the women. The selection of the elders is purely a local matter with no

interference from the government or any other interest groups. The chief heads the council and chairs its meetings. Where he is not present, the head of the chief's family (also an elder) chairs the meeting in his stead. The meetings of the traditional council are usually held on weekends. However, they also meet on other days where there is the need. When the chief also sits in state to receive petitions and hear disputes, he does so with the elders. The traditional council members also serve as “gatekeepers to the community” as they are the first point of call when a person enters the community to transact business of any kind.

#### *Youth Leadership Committee*

The Youth Leadership Committee (YLC) is an elected nine member body that represents the youth in the area. The YLC was formed at the instance of the BPA to play an advisory role during the resettlement. The committee met fortnightly during the heat of the resettlement, but these meetings became less frequent after. They also met whenever the traditional council asked them to consider a matter, or when the BPA wanted to meet them. They also held regular meetings with the youth on pertinent matters that arose, usually monthly. The committee's advisory role mainly had to do with the livelihood matters regarding the youth, however, where the traditional council saw fit, they assigned more responsibilities to the YLC.

#### *Unit Committee of the District Assembly*

The Unit Committee of the District Assembly is a statutory body set up by the Local Government Act of 1993 (Act 426). The committee has seven members who represent the entire Resettlement Township B. The membership includes two women and one youth. The members are elected to serve a term of four years. They are the main representatives of the District Assembly in the Community.

The statutory duties of the Unit Committee include the supervision of the staff of the District Assembly in the performance of their duties in their area, assisting in the enumeration and keeping of records of taxable persons, making proposals to the Assembly regarding levying and collection of rates for projects and programmes, and monitoring the implementation of development projects in their area. The District Assemblyman for the area also serves as an ex-officio member of the committee, though not statutorily required, in order to better represent the community on the District Assembly.

#### *Community Committee*

The community committee was a body formed by the traditional councils of the three communities, comprising members representing key groups in the area nominated by the members of those groups. These key groups were the traditional council, the YLC, the unit committee, the fishermen association, and the farmers' association. They served as the voice of the people when the whole community could not meet to take a decision. They were in essence the second highest decision-making body in the community after the traditional council. The key role played by the committee however was the field trip organized by the Ghana Dams Dialogue (GDD) that sent them to the Akosombo and Kpong resettlements to demonstrate to them how resettlement was previously undertaken, and how they can avoid the same results. They also met with government ministers and officials of the BPA as well as major stakeholders in the energy production and planning in Accra to discuss their concerns.

### **Host Community**

There was no community close enough to the Resettlement Township B that bore the characteristics of a host community. First, a cursory look at the map shown in Figure 5-3 below shows the relative distance between the Resettlement Township A and its host community, Gyama, a road, as well as the Resettlement Township B and the closest community, Bongase, which is 3.5km away. Secondly, in the resettlement, the Township B was provided with the basic public infrastructure they needed. The facilities which were not provided are also not available in Bongase to be shared.



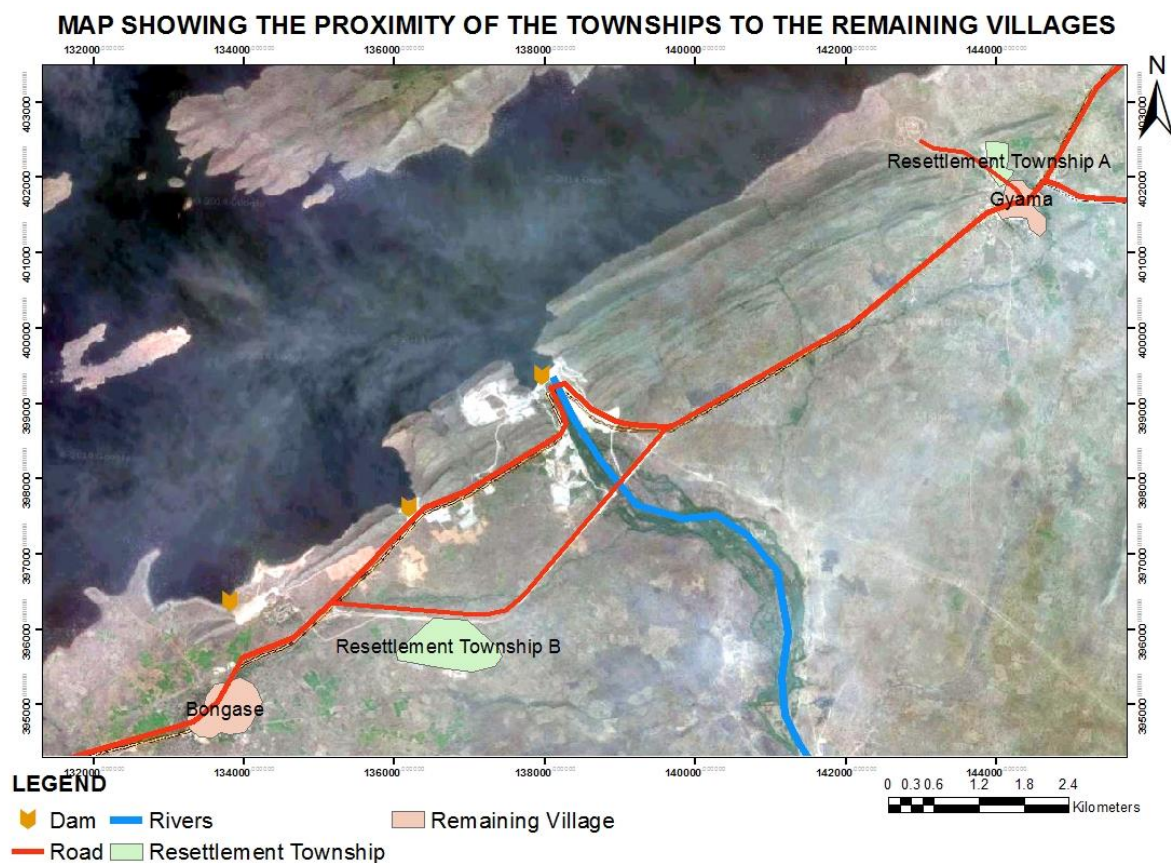


Figure 5-3: Map Showing the Proximity of the Resettlement Areas to the Closest Towns (Base Map from Google Earth; Digitized by the Author)

### Valuation Authority

The Lands Commission was also involved with the acquisition of land as well as the registration and the valuation of assets. The Land Valuation Division of the Lands Commission handled the valuation of the affected persons' assets, as well as educating them on the valuation process while the Public and Vested Lands Division of the Lands Commission also dealt with the land acquisition and registration for the resettlement site.

### Regulatory Bodies

The regulatory bodies were those that were legally mandated to be involved in the compulsory land acquisition and resettlement process, and who were responsible for controlling the process. In this project, there was only one regulating body, the Environmental Protection Agency (EPA) was involved in the environmental and social impact assessment required for the project to begin.

### Collaborating Bodies

Collaborating bodies include those bodies that were consulted in the undertaking of the project, especially in the areas where the Authority lacked the expertise, or had to adhere to some statutory requirements with which the BPA was not familiar (interview with BPA Official). The collaborating bodies in this project included the Town and Country Planning Department, who assisted to ensure that the planning of the resettlement areas was done in accordance with the planning codes of Ghana. The second was the Ghana Health Service and the Ghana Education Service that assisted with the establishment of the community clinic and the primary school respectively, as well as staffing these facilities with their personnel.

### 5.3. Transparency

This section deals with the views and accounts of how easy it was for the affected persons to get information on the process as well as how well they understood the information accessed and provided in order to be able to participate in the process.

#### 5.3.1. Access to Information

In order to provide a link between the acquiring authority and the project affected communities, there is the need to provide a means of giving information out to the people and also a way for the people to get information when they need it. The BPA's aim here was to improve the information provision methods used in the VRA's resettlement in the Akosombo and Kpong townships. An official of the VRA interviewed pointed out how much this had improved and how all the best practices related to information provision had been adhered to. This sentiment was shared by the elders in the focus group discussion. They expressed their satisfaction with the information accessibility and the methods used by the BPA, especially in relation to the household surveys and the public meetings.

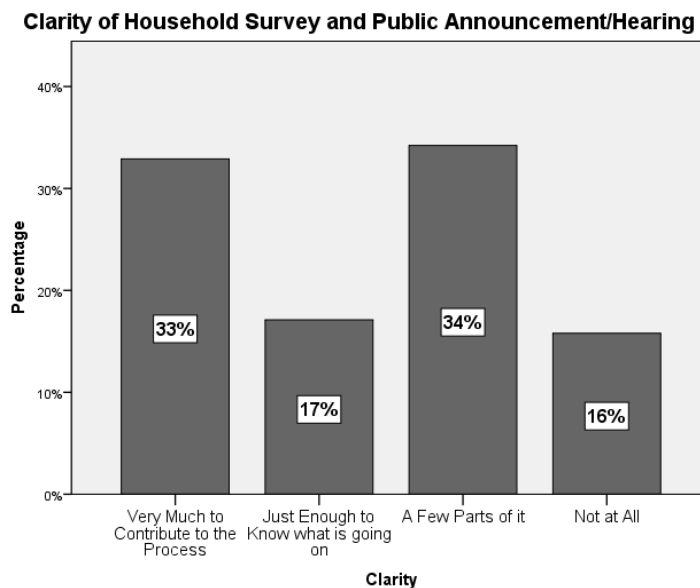


Figure 5-4: Clarity of Household Survey and Public Announcement/Hearing

With regards to the appropriateness of the tools used in the information provision, the BPA made use of the television, radio, public meetings and public announcements, as well as household surveys. To determine the effectiveness of each of these media, their ownership among the affected persons was determined, and then clarity of the information provided through them was also assessed. The respondents who owned television formed 60% whilst those with radios formed 68%. Sixty-six percent of the respondents pointed to the radio as their primary source of information as opposed to television and public forum at 18% and 16% respectively. However, 97% per cent of the respondents indicated that the first place they heard of the compulsory land acquisition was during the household surveys and public meetings. Furthermore, as indicated in Figure 5-4, the respondents found the information provided to them by means of the household surveys and the public meeting very clear, with 84% of them being able to understand at least a few parts of the information provided.

The respondents did not have the same reaction towards the information provided on the television and radio where 18% of the respondents either did not understand what was said, and a further 70% did not own these media (Figure 5-5).

This stands to reason since first of all the programmes on which this information was provided on television and on radio were in English and from Table 3-1, it is seen that 60% of the respondents do not understand English; secondly, the Unit Committee indicated that since they could not communicate back to the television and radio, they were not able to appreciate what was going on.

Furthermore, a staff of the BPA pointed out that the information from the television and radio was for the general consumption of the country and not skewed towards the needs of the affected persons. That notwithstanding, the affected persons were very happy with the information provided through the household surveys and the public meetings (YLC and Elders).

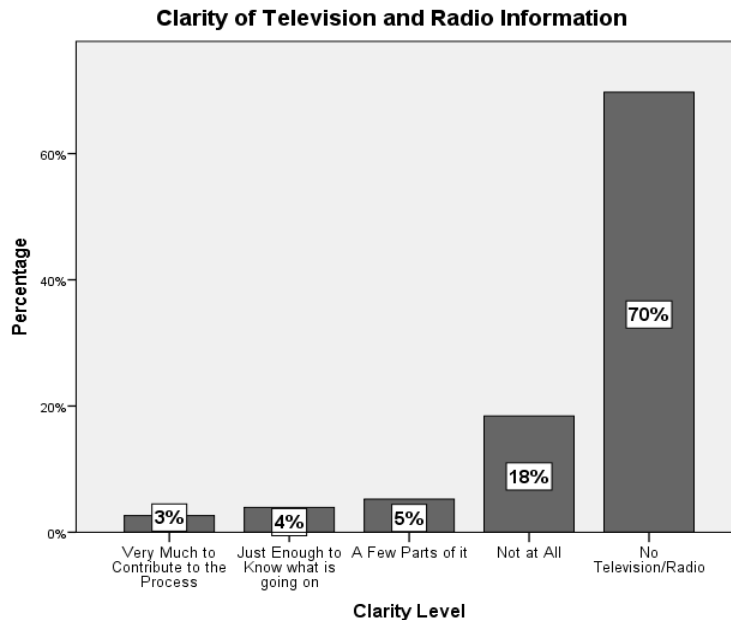


Figure 5-5: Clarity of Television and Radio Information

When it came to the stage of the resettlement, the design of the houses to be built was shown to the people using plans, artist's impressions and a cardboard model of the building itself as a demonstration. According to the elders, the cardboard model was what they really understood. One drawback of these methods of information provision is that there are no documents in the possession of the affected persons to show what information was provided to them earlier if need be. The effect of this drawback is highlighted under the decision-making thematic area of public participation.

The other side of access to information has to do with how information is sought by the affected persons. The prime medium through which people sought for information was through phone calls, primarily to an official of the BPA. However, this was not successful at the initial stages. The reason for this is given by a Unit Committee member that there was little to no cell phone service in the area. Furthermore the BPA also had no community relations offices in the area, so a person seeking information had no option but to walk to their offices. The cell phone service in the area eventually improved substantially thereby aiding communication between the Authority and the affected persons. According to the BPA official, the rationale for the use of the cell phone service for community members to seek for information was because they wanted to take advantage of modern technological trends in communication and eliminate the bureaucracies involved in the accessibility of information. Therefore the affected persons would be able to directly contact the officer in charge for the information needed. Therefore the two key ways of seeking information in the project were through mobile phone and by visiting the BPA Resettlement and Community Relations office. There was therefore no dedicated information office. In order to ascertain how effective this was, there was the need to determine how many of the community members have cell

phones to take advantage of this service. The household survey revealed that 58% of the respondents own a cell phone.

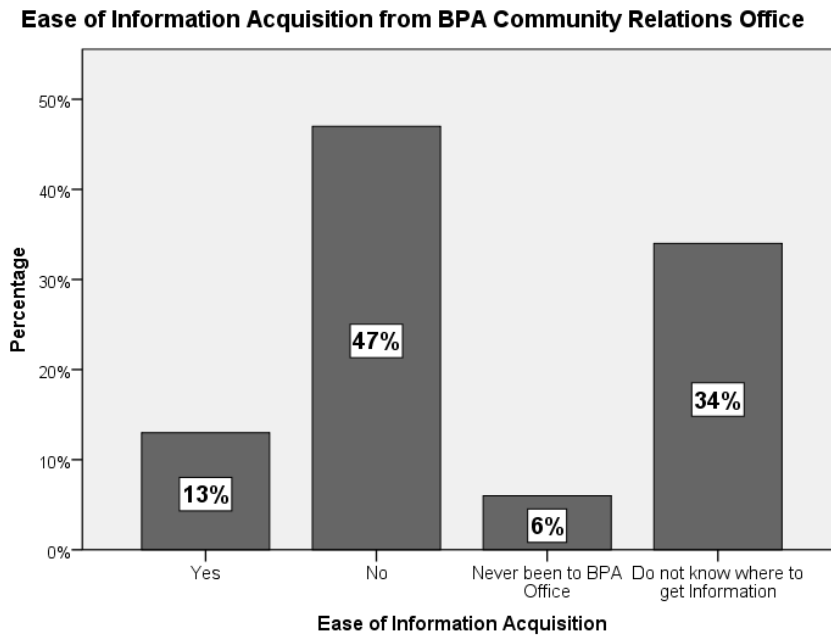


Figure 5-6: Ease of Information Acquisition

When asked whether they knew where to get information regarding the project if they needed it, 34% responded in the negative whilst 66% responded in the affirmative. Of the respondents who know where to get the information regarding the project, 47% of them indicated that getting information was not easy (Figure 5-6). They attributed this to the nature of their culture, where one has to see the traditional council before bringing any matter out of the community. This sentiment was confirmed by the YLC who remarked that aside from the occasional meetings they had with the Authority, they had no direct contact with them. They go on to say that whenever they needed information, the first point of call was with the chief's elders, who would then either pass on the request to the Resettlement and Community Relations manager or allow the community member to go ahead and contact the manager.

### 5.3.2. Openness of the Process

In order to know how open the entire process was for the affected persons, there was the need to determine whether the project and the process itself were explained to them, and how much they understood the explanation. When asked whether the reason for the process and the process were explained to them, 87% of the respondents said yes. The BPA official and the elders confirmed this, indicating that education on the process informally began in 2004 when the first household surveys were done for the Environmental and Social Impact Assessment and the feasibility study. The education of the affected persons formally began on 2008 after the Executive Instrument implementing the land take was issued and the Authority was established.

With respect to the process being clear and spelt out to the community members, 87% of the respondents said the process was explained to them. Also important to the study of the process in terms of transparency is how the people were able to understand the individual aspects of the process since in this case it is seen that various aspects of the process were handled by the acquiring authority and the valuation authority. The compensation assessment was handled by the Lands Commission, and the resettlement was handled by the BPA. On the clarity and simplicity of the compulsory land acquisition process, when asked

about the clarity of the explanation of the compensation assessment and payment schedule, the average response of the respondents in the household survey was similar to those of the elders and the Unit Committee. 70% of the respondents said they did not understand these processes (Figure 5-7).

Some community members indicated that the process of ascertaining the crop values was seen to be complicated. Coupled with that, the crop values, for neither a single stand nor an acre, were given to them to help them to appreciate the process. The response of the Lands Commission on the matter of the provision of the crop rates and the education of the affected persons on the compensation assessment was that the process of the compensation assessment was the only information that the affected persons are entitled to. Short of that, they are not privy to any other information regarding the compensation since that information is confidential. The community members and the elders together with the YLC also expressed their ignorance on the issues related to the payment schedule for the compensation.

With regards to the clarity and simplicity of the resettlement process, the response of the community members was more positive, with 84% of them being able to understand at least a few parts of the process. This may be attributed to how much time the BDC/BDS and BPA spent on educating the affected persons on the process. The level of understanding that people receive from the explanation of the process, either enhances or reduces their ability to participate in the process. It is seen here that the respondents understood the aspects of the resettlement better than the compensation assessment (Figure 5-7).

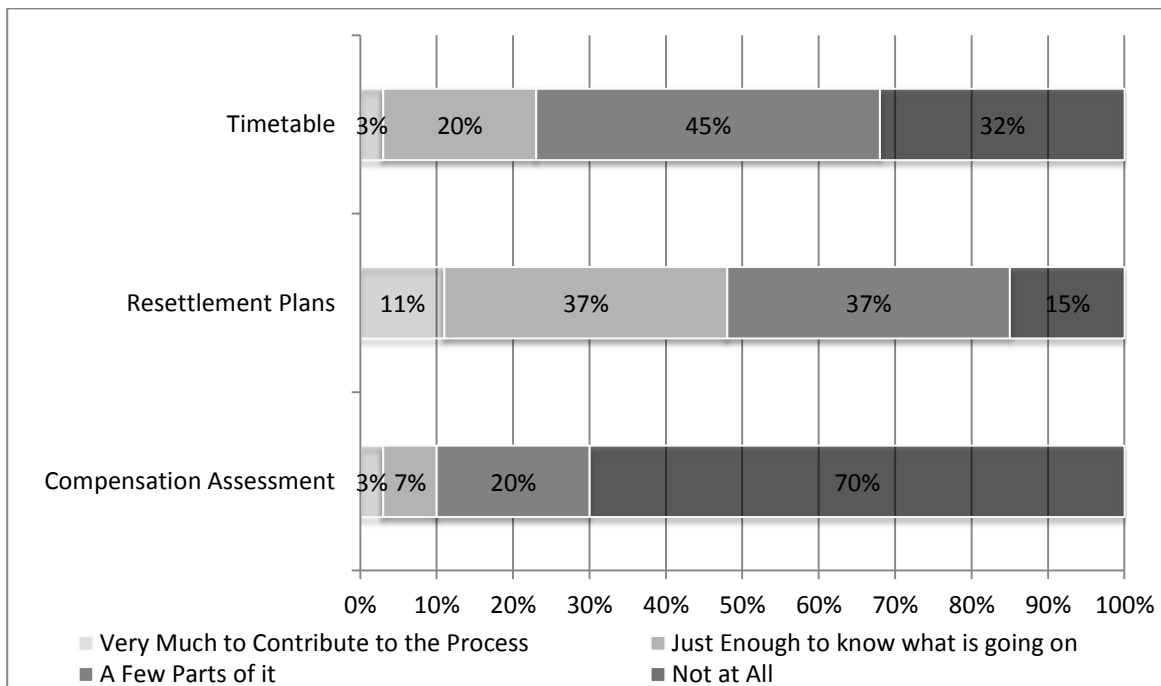


Figure 5-7: Clarity of Explanation of the Individual Aspects of the Compulsory Land Acquisition and Resettlement Process

All the respondents said that the timetable of the resettlement process was made known to them, with 69% of the respondents saying they understood at least a few parts of the explanation of the process timeline, the process seemed to be clear to most of the respondents (Figure 5-7). However, there is a need to assess whether this information was useful. That is whether the information was received in time for the affected persons to prepare ahead of time for the next thing to happen. The BPA officer remarked that since the project was earmarked in the sixties, and the plans were made then, people already knew about the project. This was confirmed in the household surveys where it is seen that none of the

respondents were able to exactly tell when they heard about the dam project, however, they were sure that they knew about it for at least five years before it started. They also said they knew about the CLA&R in so far as it would come in the future, but the point at which the affected persons became aware of the land acquisition was after the passage of the Executive Instrument in 2008.

The laws, regulations, and policies governing the compulsory land acquisition and resettlement process are some of the areas that need to be well understood for transparency to exist. However overall, none of the household survey respondents had been told of any of the laws, regulations, or policies covering the process. This is in tandem with the responses in all the focus group discussions with the elders, Unit Committee, and the YLC. This is despite the response of the BPA official and the Lands Commission official who both claimed that the legal provisions were explained. This either shows a communication breakdown regarding this aspect, or the information provided was so complex that the people did not know the issue being explained.

The results, with respect to transparency, show that the use of public announcements and household surveys were more effective than the use of the television and radio in information provision. The tool used by the affected persons to seek for information was also effective in reducing the bureaucracy involved, but this was counteracted by the involvement of the traditional authorities. Another area explored is the clarity of the information provided where it is seen that the resettlement process was well understood, but the compulsory land acquisition process was not.

#### **5.4. Public Participation**

This section looks at how the affected persons – the traditional authority, the Unit Committee, the youth leadership committee, as well as the community members were involved in the process, and then also how decisions were taken. The level of interaction between the various actors is also looked at.

##### **5.4.1. Involvement of Actors**

The actors in the CLA&R process on the side of the affected persons have been identified as the Traditional Authorities, the Youth Leadership Committee (YLC), and the Unit Committee of the District Assembly. It was seen that the degree of involvement of these actors is dictated by the customary rules of the area. With respect to the traditional authorities, the customary rules view them as the gatekeepers of the community. Such that any person who wants to conduct any business in the community has to first contact them. They were already in place before the resettlement started. The involvement of the YLC was therefore subject to the traditional authorities. As pointed out by a member of the YLC, whenever the BPA came to the communities, they would first go to the traditional authorities, who would then gather all the people. However, since majority of the youth were then either farmers or fishermen, they were usually not around for these meetings. They therefore had to rely on the account of the traditional authorities to know what was discussed. Despite this, the traditional authorities still held the YLC in high regard as the representatives of the youth. This is shown by the inclusion of the YLC in the community committee that went on visits to other resettlement areas in the country (this is further explained in Section 5.5.3). The Unit Committee's involvement as an individual entity was minimal at best, as they could only draw their authority from the District Assembly. Although the committee was also part of the community committee, with the involvement of the District Assembly being low, this affected the work of the unit committee (Focus group discussion with Unit Committee). This low involvement of the District Assembly was however short lived when upon education from some of the NGO's involved; the Unit Committee saw the need to find ways of involving them, either as a witness or as a party to the negotiations.

According to the Unit Committee members, this was because of the notion that the District Assemblies always leave development works for the implementation agencies undertaking the Assembly thereby leaving the beneficiaries to their own fate. The involvement of the community members was held in high regard by the BPA (interview with BPA official). Therefore in all the meetings, they were sure to include them in their discussions. The community members also felt very involved in the process with 95% of them indicating that they involved were with at least a few parts of the process (Figure 5-8). The role of the traditional authorities as gatekeepers however sometimes clashed with the Authority's aim of reducing bureaucracy and keeping a clear channel with the community members. The elders recall a situation in which they felt the Authority had overstepped its boundaries when they contacted the community members directly to lobby them to accept their plans.

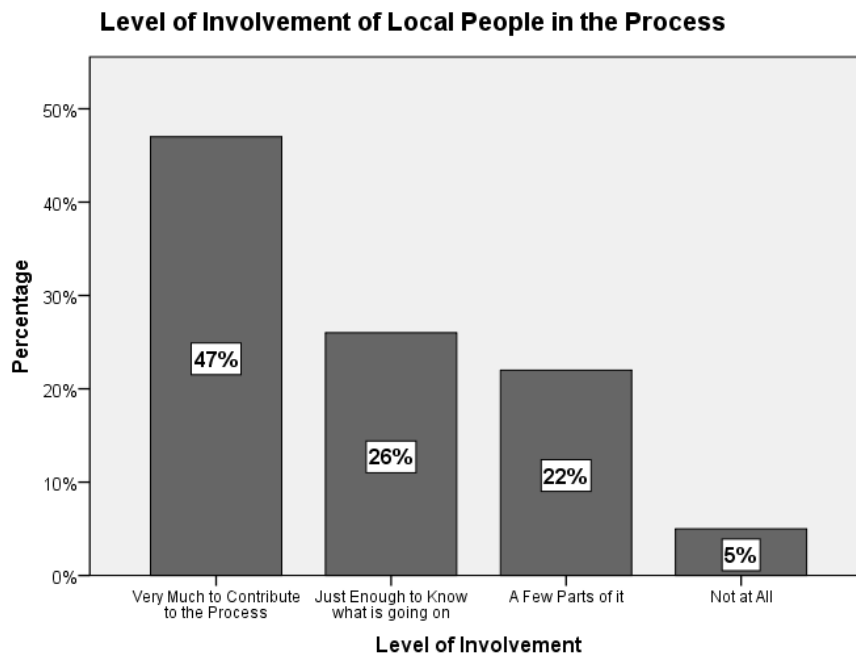


Figure 5-8: Level of Involvement of Local People

The second aspect of the involvement of actors has to do with the frequency of meetings between the various actors. In general, it is seen that the Authority tried as much as possible to meet with the community members. The Authority met with the people almost every two days according to the BPA official as well as the elders. As per the plans made, these meetings were supposed to continue with the same frequency after the people were moved and until they were ready to be on their own.

However, there have only been three of such meetings since the affected persons were moved in 2011. The reasons given by the Authority for this decline in the frequency of meetings are two. First, they want to discourage the sort of dependency syndrome that arose in the VRA resettlements, where till today, the community still relies on the VRA for the management of their township. Secondly, the Authority handed over the resettlement site to the Banda District Assembly, so the community is no longer under their jurisdiction. Also important is the frequency of the interaction between the community members and their representatives. This was pretty high with the elders reporting that they met with the people almost every day. The YLC also met with the youth almost every month. Overall, 68% of the community members in the household survey reported that they met with their representatives at least once a week (Figure 5-9).

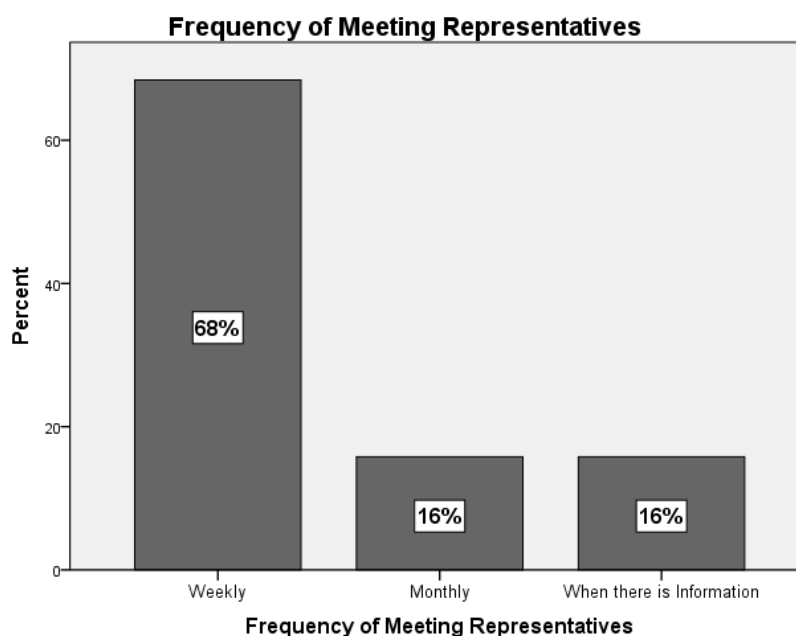


Figure 5-9: Frequency of Meetings with Representatives

#### 5.4.2. Decision-making Process

Majority of the feedback in this thematic area can be related to transparency in the implementation process. This is a view shared by one of the elders who remarked that without information, they are not able to give anything to aid the process. The effects of the decision-making process also directly affected the livelihood changes as well as the equal treatment of the indigenes and the settlers which are explored under equity (Section 5.5.3). The basis of a participatory decision-making process is the ability to make suggestions and lodge complaints, as well as the way these suggestions and complaints are dealt with. This means that there is the need to check how much the local people were allowed to contribute to decisions, both by the authorities and by their representatives. Eighty-four percent of the respondents in the household survey stated that they were consulted on the decisions that were to be taken. This sentiment was shared by the elders in both communities.. Consultation here means that the Authority met with them and solicited their views. These consultations were done through the almost daily meetings that the Authority had with the affected persons. However, there was a different view when it came to the implementation of the affected persons' views. When asked whether they saw their views being implemented, 39% of the respondents replied in the affirmative (Figure 5-10). This goes to show that majority of the people did not see their views being implemented, or they believe they were not consulted at all. A further break down of this indicator according to ethnicity is seen in Figure 5-17 under equity. In shedding more light on this issue, the elders of Bator pointed out that the most important aspect of the process to them was the choice of the resettlement site. This is the reason why the traditional authorities of the Bator community took the step of seeking the help of the paramount chief of the area who suggested a resettlement site which was close to a river located to the South-West of Banda Ahenkro, the capital of the Banda Traditional Area (Figure 5-15). However the Authority insisted on their moving to the site selected for Township B, with the claim that the important communal facilities and amenities such as schools, clinics and the like would only be provided there. The people therefore had no choice but to move to Township B. However, according to the BPA officer, the choice of the resettlement was made by the affected persons themselves, in line with the good practices of resettlement.



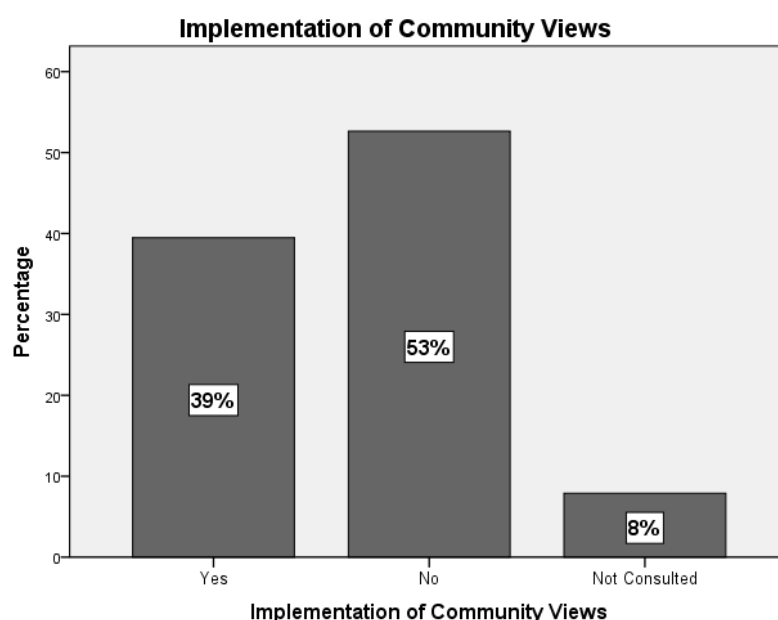


Figure 5-10: Implementation of Community Views

With respect to other policies, the affected persons and their representatives were completely cut out of the process because those policies were formulated before the start of the project, and others were even statutes. One such example is the choice of compensation. According to the BPA official, as well as the elders and the YLC, the only choice of compensation made available to the affected persons with respect to their structures, was resettlement. The BPA official explained that this was because of the experience at the Akosombo Resettlement by the VRA where the structures were built to the floor level and the people were given money to complete them. When they were not able to rebuild their structures, the VRA affected persons blamed the VRA for their inability to get proper structures to live in. This is by far the only situation where a unilateral decision was taken which the affected persons wholly accepted. This is mainly due to the trip the members of the community committee made to the Akosombo Resettlement to look at the problems faced over there.

With regards to the public participation, the results show that the affected persons were very much involved in the process although there were groups among them who felt sidelined. However, this involvement did not translate into the decision-making as very few of the community members saw their views implemented, coupled with an inadequate feedback system.

With respect to the lodging of complaints, the RPF planned for a special mechanism for grievance procedures that was to ensure that complaints regarding livelihoods and compensation could be lodged without cost, and that the complaint would also be resolved in a timely fashion. The plan involved the appointment of a Grievance Officer by the Paramount Chiefs from among the community members so as to maximize the officer's accessibility to the people. Consequently, 68% of the household survey respondents indicated that they knew of how to lodge complaints, and 32% said they did not. The Unit Committee indicated that the manner of making complaints was the same as how information was sought, that is through the use of the mobile phone to call the Resettlement Officer who also acted as the Grievance Officer. However, as already indicated, mobile phone coverage in the area was very erratic at the time the project was starting. The affected persons therefore had no option but to go to the BPA offices to lodge their complaints. The YLC also added that the lodging of a complaint usually had to go through the traditional authorities. The people who did not know exactly know where to lodge their complaints also had to go through the traditional authorities. This might be the reason why only 8% of the

household survey respondents who indicated that they had lodged a complaint before, said their issues were resolved (Figure 5-11)

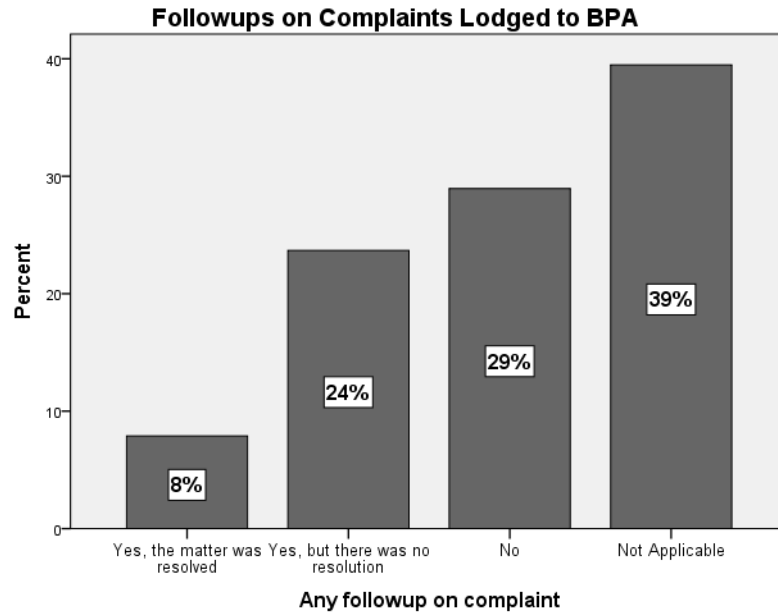


Figure 5-11: Resolution of Problems lodged with the Acquiring Authority

With respect to the ability to reject the plans of the Authority and the way the Authority deals with such situations, the responses in the household survey were also a reflection of the responses of the community leaders. When asked whether the community was ever against the plans of the BPA, 60% said there had been such a situation but the BPA went on with its plans, whereas for 16% the plan was either dropped or a middle ground was negotiated but 24% said they did not witness such a situation (Figure 5-12).

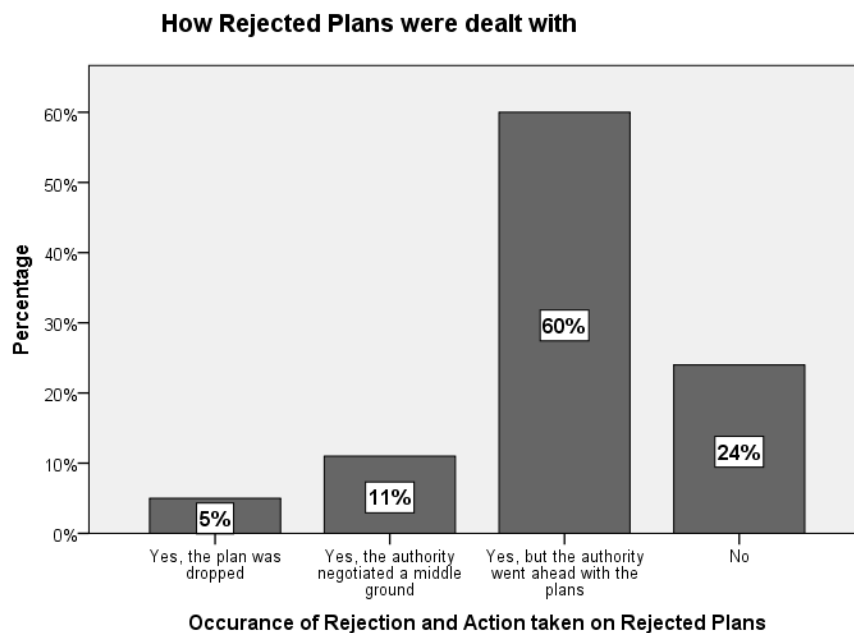


Figure 5-12: Handling of Rejected Plans

This means that the views of the majority of the population were held in a low regard, as the results indicate. The elders and the YLC indicated one of these situations as the design of the toilets in the

resettlement area. The BPA had decided to construct biogas toilets for the affected persons, but the affected persons were not satisfied with this because they were rather comfortable with the Kumasi Ventilated Improved Pit (KVIP). The affected persons therefore made the BPA aware of this preference and an agreement was ostensibly reached. However, after the construction, the affected persons realized that the biogas toilets had been included in their houses. When the issue was raised with the BPA, the affected persons were made aware that they were no documents to the effect that such a decision was ever taken.

## **5.5. Equity, Justice and Rule of Law**

The responses related to the changes to the land tenure security of the affected persons, the nature of the compensation determination process, the livelihood restoration of the affected persons, as well as the equal treatment of the two main classes of the affected persons, the indigenes and the settlers, is also captured in this section. This is done to establish the level of equity on both the distributional and inter-generational scale. The application of rule of law as well as justice are also shown in this section.

### **5.5.1. Land Tenure Security**

The allodial interest in the land in the old settlement was held by the stool of the Banda Traditional Area in trust for the members of the traditional area. These members held a customary freehold interest in the land. This is an inherent right of the members of the traditional area to use and occupy any parcel of land in the area that is already not in occupation by another. Where the use of the land is of a permanent nature, a formal authorization is needed from the stool. This transfer of land is done without the payment of consideration or upon the payment of minimal consideration and is subject to the restrictions and obligations imposed by the stool. Furthermore, there was no written record of these transactions involved (Account of Land Ownership by the Elders of Bui and Bator). According to the Unit Committee, the traditional authority encouraged the people to make more use of the land in order for their community to be more developed. The administration of the lands was also solely in the hands of the chief and his elders. The customary freehold interest is only transferable through inheritance. At the time of the enumeration, all the people who owned land were asked to lay their claims with documentation, and since the community members had no documents to support their interests, they could not lay any claims. However, with respect to the houses, the community members only had to prove through witnesses that they owned them (BPA Official). In order to improve their situation, the BPA decided to give each affected person a standard residential plot of 0.2 acres of land on which their houses were built in the resettlement area. Titles covering these lands would also be given to the heads of the households. This would be done after the negotiations of the terms are finalized.

With regards to how the community members felt about the security of their land tenure, one affected person commented that she felt that the new settlement was a temporary place since no documents had been given to her. She did not therefore want to develop the land further. When asked whether they felt they could sell their current land, all the respondents replied in the negative. One person said he had attempted to sell his and move to his hometown, however, with no documents to prove his ownership, he could not.

### **5.5.2. Compensation**

Majority of the dam catchment area lies within the Bui National Park which was vested in the government in 1971 by the Wildlife Reserve Regulations (Legislative Instrument 710). However, no compensation was paid for the land take at the time. The land was therefore reacquired under the State Lands Act of 1962

(Act 125) which is the Act that meets the constitutional provisions for compulsory land acquisition. The compensation for the land was paid to the allodial interest holder, who is the paramount chief in this case. He was then supposed to compensate the holders of the lesser interest - the customary freehold. The other assets that had to be valued in the financial compensation were the crops. As seen in the process outlined, the Lands Commission undertook the crop and land valuation. The agreement for the compensation of the building was done on a structure for structure basis. The elders and the YLC both corroborate that the idea of engaging professionals to aid them in the negotiation of the compensation values had been raised with the BPA and the Lands Commission; however they were discouraged by both bodies. The Lands Commission remarked that the valuation of crops was guided strictly by the law that governs compulsory land acquisition in the country, the State Land Act of 1962 (Act 125). The Act does not make any provision for the negotiation of property values, nor does it stipulate the engagement of professionals to aid the affected persons with the process. The YLC adds that the crop values were not revealed to them; even at the time of the payment as seen in the Form “F” that indicates the non-movable assets on a person’s farm (Appendix 7). The affected persons also felt that the payment of the professionals they would hire will be a problem since they did not have enough money. However, it was after the payment of the compensation that they got to know about the land acquisition done by mining companies where the affected persons there hired professionals who were paid by the acquiring company in that case.

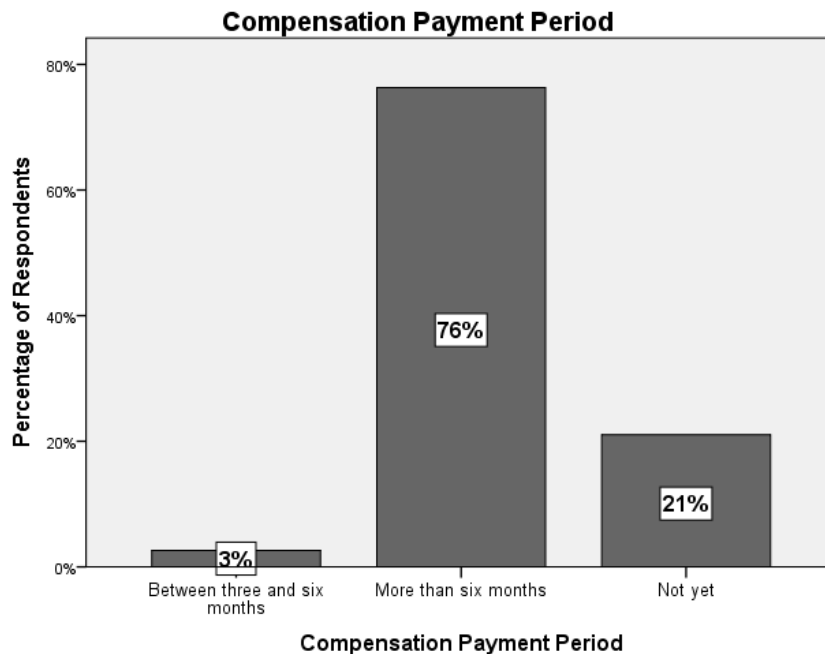


Figure 5-13: Compensation Payment Period

With regards to the payment of compensation, the BPA and the Lands Commission said the compensation was paid to everyone who had a farm or a house at the old town. This was subject to the proviso that the farm or the house had to be put up before the declaration of the moratorium in 2007. This, according to the Lands Commission was a part of the law they had to relax in order not to cause hardship to the people. The State Lands Act provides that “...no account shall be taken of any improvement on the land made within two years previous to the date of the publication of the Executive Instrument...”. Despite this concession, the affected persons still could not build on the land for a period of four years, between 2007 and 2011. This was particularly difficult for families that were growing and needed to expand their houses for their children.

One community member remarked that he got married in 2009, but because of the moratorium, he and his wife could not invest in a house for themselves since they would have had to construct another at the resettlement because they would not be compensated for their new house. Their only option was therefore to lodge in his father's house before they were resettled. The payment for the compensation of the crops was made four years after the enumeration started. But not all the community members were paid for their crops. In the household survey, none of the residents report receiving their compensation in less than three months after the enumeration. 3% got their compensation paid between three and six months, and 76% got their compensation after six months, and 21% have still not received their compensation (Figure 5-13). The result of this is that by the time affected persons got their compensation paid, the value of their money would have depreciated and it would become difficult for them to re-establish their farms (Elders of Bui).

### 5.5.3. Livelihood Restoration and Equal Treatment of Project Affected Persons

The 1992 Constitution of Ghana requires resettlement to be done with due regard for the economic well-being of the affected persons. The BPA therefore wanted to avoid the situation where the livelihood of the community would be adversely affected by the resettlement (BPA Officer). To this end, the RPF planned for the establishment of the Livelihood Enhancement Programme (LEP) to create opportunities to improve the livelihoods to the level that it was prior to the project. The LEP was to be implemented by an NGO appointed by the BPA, which was called the Livelihood NGO, and overseen by a LEP committee comprising the traditional authorities, the Food and Agriculture Ministry, the Resettlement Officer of BPA, and the Livelihood NGO. The LEP was to cover four main livelihood activities – farming, fishing, trading, and grazing (ERM, 2007).

The farming assistance was targeted at all people who farmed prior to the resettlement, and other community members who wanted to be farmers but lacked the skills and access to land. The form of assistance to be given was in three areas; first was the Business Planning, where farmers would attend a training programme and will be taught how to prepare an Agricultural Business Plan with details required for agricultural production. The second was agricultural inputs which were to include an assistance package for ground preparation, crop seed package, micro-credit financing, and then basic agricultural extension services which would include training in cultivation techniques and storage of crops. The third form of assistance would be with respect to land access to make sure that all the affected persons desirous of farming would be able to get at least two hectares of land on which to work.

The RPF planned fishing assistance with the goal of rehabilitating the fisher folk by ensuring that they gained access to an equivalent or even better fishing grounds.

The areas for which the assistance was planned were three; the first was the provision of equivalent or better fishing grounds, which was to ensure that the fisher folk were resettled near water bodies that had an equivalent or better fish production potential than their previous settlement to enable maintenance of the fishing livelihood. The second area is the development of fishing opportunities. This assistance was four pronged, the first was the establishment of a fishing association to aid with the training of fishermen, and assist the Livelihood NGO in their support of the fishermen. The second is business planning, where the fisher folk would be aided in developing business plans for their activities. The third was the provision of micro-credit to fisher folk who would use it to develop their enterprise with the help of the Livelihood NGO and repay the loans. The fourth was the provision of storage, transport, processing, and refrigeration facilities which go hand in hand with the expansion of the fishing enterprise. The third area of fishing assistance was the development of alternative livelihoods for the fisher folk. This was to be meant for fisher folk who were not provided with access to the water bodies to fish or those who desired

to develop alternative livelihoods. The assistance comprised agricultural development, the development of small service enterprises, as well as the training for other livelihoods that were identified and for which there was demand.

Trading assistance was also deemed necessary in the RPF since the trading activities in the area were dependent on the market linkages, personal contacts as well as the supply of the trading goods. Since these were affected by the resettlement, measures planned to mitigate this included first to ensure easy access to the markets by considering the existing traders and trading infrastructure at the new site. The second was to provide support for the traders for at least the first six months to aid them in re-establishing their business. The third was the provision of micro-credit and assistance in business planning to help re-establish their businesses with the last being the construction of market stalls for traders to improve their work environment and also provide a place of sales, reduce damage and deterioration of the goods, and provide a more appealing and hygienic sales environment.

When it came to the implementation, according to the BPA official, the affected persons who were farmers were given lands on which to farm, prior to being moved. These farms were close to their resettlement site, and that was where they were to continue farming when they were finally moved. He added that since the affected persons still held their previous lands, an amount of Gh¢70 (€50 in 2008) was given to each farmer to prepare their new farm lands. The elders of Bui remarked that they expressed their concern about the meager nature of the money, but this fell on deaf ears. This was coupled with their inability to receive the agricultural extension services as planned for in the RPF. One of the elders also remarked that the compensation for crops was paid after they moved and when they received the money, the amount was too little to re-establish their farms.

With regards to fishing, one of the elders of Bator explains that they were only a few meters away from the river in their old settlement such that *“after we ate we could walk to the river to wash our hands. That is how close we were to the river”*. According to one of the female community members, *“When I start cooking and we need fish to add to the food, all I had to do was to tell my husband and he would go to the river. By the time I finish cooking, he would be back with some fish”*. The map below shows the locations of the communities prior to the resettlement and shows the proximity of the communities to the river prior to the resettlement (Figure 5-14). It is seen that the Bator fishing community is only about 150 meters from the river. From their present location, the Bator community is at least 11 km from the nearest area where they can fish (the area north of the Resettlement Township B in Figure 5-15). Explaining their foresight in this situation, an Elder of the Bator community lamented *“We told the BPA that we are a fishing community. We therefore identified an area within the traditional area which is closer to a river rich in fish, alerted the paramount chief of this choice, which he was happy with, and we then informed the BPA about it”*. Furthermore the community had together built a fish pond in the old settlement for the lean season when fish was scarce in the river.

In order to be able to continue with this practice in the meantime, at least till they were able to find their way with the farming methods, the community negotiated with the BPA to have their fish pond rebuilt for them to complement the livelihood assistance that would be provided with the LEP. However, the fishpond was never built. When the affected persons approached the BPA about it, they were informed that the compensation for the fish pond would be financial and not by replacement.

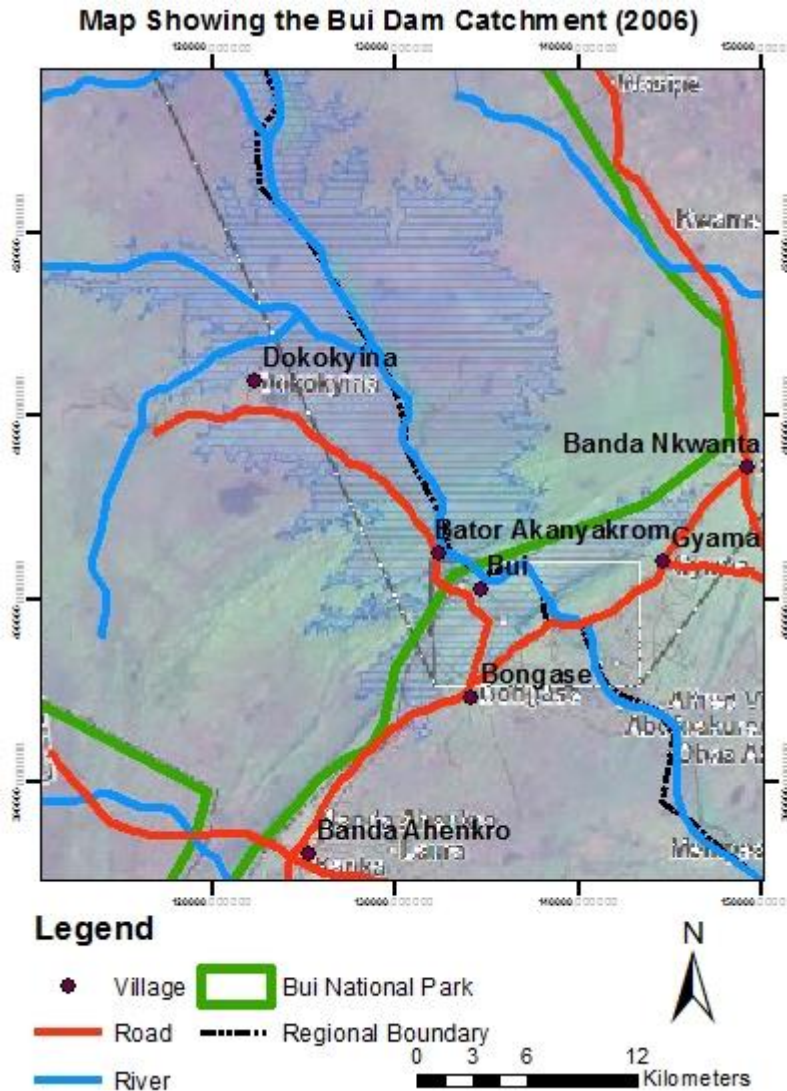


Figure 5-14: Project Affected Villages before the Resettlement (Base Map from Environmental Resources Management, Digitized by the Author)

The affected persons therefore rejected this compensation since the money involved could not construct a fish pond close to the size they had. The livelihood plans outlined in the RPF were also not fulfilled. The fisher folk were neither given any alternative fishing grounds, assistance to farm, nor appropriate training for the development of small scale enterprises.

Trading and Business activities in the old settlement were closely tied to the farm and fishing produce. The women whose husbands were fishermen were mostly fish mongers according to the respondents in the household survey. This meant that the slowdown in the fishing activity limited their ability to conduct their business. One of the Household survey respondents in Bator lamented *“I was a kenkey seller (maize meal served with pepper and fried fish) prior to the resettlement so all the things I needed to prepare the food were gotten from my husband’s fishing activities, as well as the farm we used to own. But after we moved, my husband could not continue with the fishing due to the distance to the reservoir; he therefore only farms now, but his current farm is only large enough to support our meals. I have therefore had to give up the kenkey business to help with the farm, thereby losing our main source of income”*.

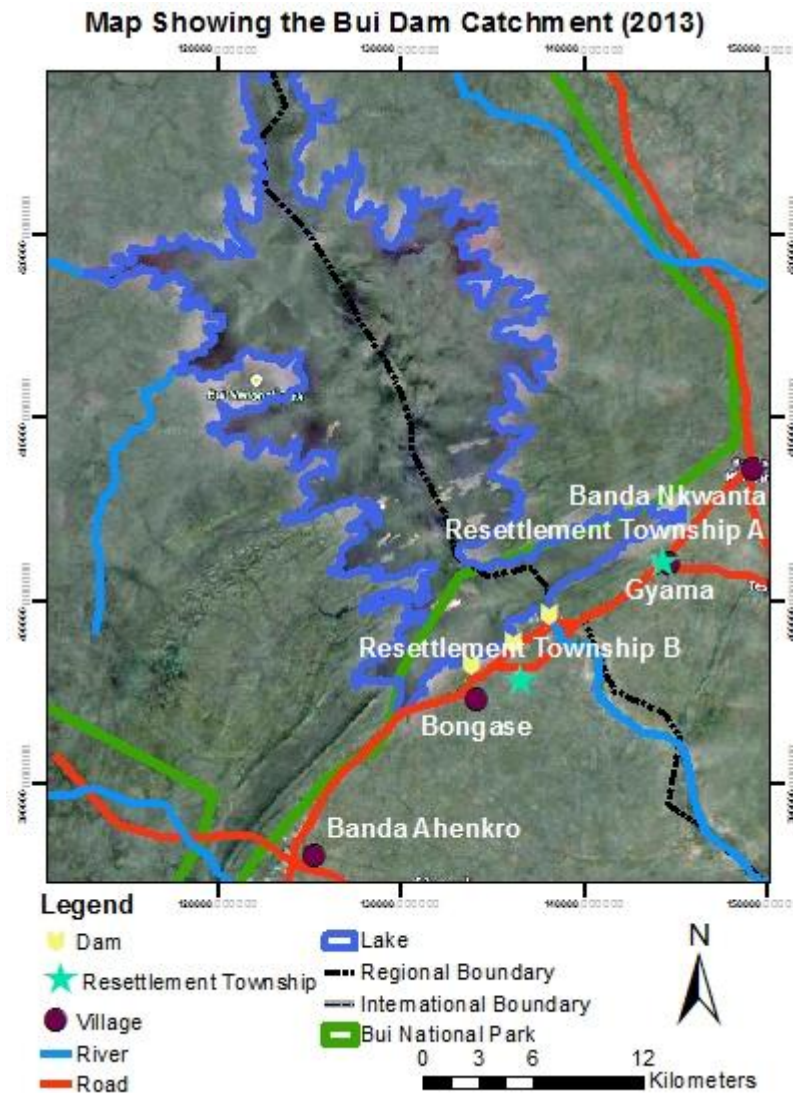


Figure 5-15: Project Affected Villages after the Resettlement (Base map retrieved from Google Maps, Digitized by the Author)

This situation is similar to many traders in the area who were in the business of selling farm produce and fish. Furthermore the plans made for trading had not yet been implemented despite the obvious challenges this poses to the affected persons. The community currently also has no marketplace for trading to take place since the cash compensation suggest by the authority for the marketplace was also rejected.

The interviews and focus group discussions conducted showed that the LEP had not taken off. The only member of the oversight committee in place is the Resettlement Coordinator who is also the Resettlement and Community Relations Manager of the BPA. The traditional authorities who are supposed to receive a report every month on the internal monitoring are also not aware any such exercise.

Another aspect of the resettlement that affected the lives of the affected persons was their housing situation. A YLC member from remarked that the housing meant for them had not been completed by the time they moved in, with a lot of the essential facilities not in place. These facilities included the fishpond and market which have already been mentioned. They did not also get their school, their Catholic Church and mission house, their community center, and their visitors' center. A six classroom public primary school was provided for the three villages, however, the school in the previous settlement was a Catholic



primary school owned by the Bator community exclusively. This was not rebuilt rather the BPA asked that their children attend public school which is under the management of the Ghana Education Service. Furthermore according to the YLC, plans were made to upgrade the primary school to junior and senior high school, but that never materialized. The clinic promised was built but the community had to stock it themselves with the needed supplies. A YLC member points out that, *“All these facilities we are talking about were taken into consideration when the master plan for the area was being drawn up and we were told they would be built for us. A look around the township shows a lot of open space for which communal facilities had been planned for but were not realized”*. An attempt to obtain the master plan for the area however proved futile.

The resettlement was done with the provision of a resettlement package to provide for the affected persons till they were able to be on their own. The package comprised resettlement grants and resettlement allowances. This was however not planned for in the RPF. The resettlement grant was a one-time payment made to community members all of whom got the same amount regardless of their age, gender, or status in the community. According to the BPA official, this grant was GH¢100 (€50) for a year in 2011. The resettlement allowance was the support given to each household for each month for a year. The amount for the resettlement allowance was reached as a result of a study commissioned by the Ghana Dams Dialogue, undertaken by the Institute of Human Settlement Studies in the Kwame Nkrumah University of Science and Technology, Kumasi, to look at the alternative livelihoods for the resettlers in the project. The study concluded that majority of the households area able to save GH¢1,200 (€600) a year from the sale of fish and farm produce. Based on this, the BPA decided to pay the households GH¢100 (€50) a month for a year. The Unit Committee members remarked that the community members appealed to the BPA about the meager nature of the allowance. Upon the intervention of the GDD, the period for payment of the allowance was extended to two years. The housing in the resettlement township also had no electricity then. The elders in the community admitted that this was not part of the initial negotiations because they thought it was already part of the housing provision. One of the elders of the Bui community remarks that *“When we met the BPA to complain, it was revealed that there was no budgetary allocation for the provision of electricity. After a series of negotiations we came to a consensus that the second year’s resettlement allowance would be used to pay for the electricity to our homes”*. The Unit Committee explains that the one year allowance was not enough for them because each family had an average of 10 members. Furthermore, a lot of their major crops took two years to mature so they knew the second year would be difficult for them. With this in mind, they went to the BPA to ask that the resettlement allowance payment period be extended, but the BPA could not approve of this.

Sanitation was also another problem that affected the lives of the affected persons. As seen earlier, in Section 5.4.2, there was a disagreement between the affected persons and the BPA on the type of sanitary facilities that would be built for the community, and the BPA had its way with the bio-toilet facility. However, an elder of Bui comments that because the bio-toilet could not support the average number of people in the houses there, their houses always smelled when the facilities were used. Another elder adds that, *“When approached about constructing KVIPs for us, the BPA told us that we had been handed over to the District Assembly in June 2011 so we were no more their responsibility. When the District Assembly was contacted, it sympathized with us, but made it clear that they could not help us since there were not enough resources to do so. We have therefore resorted to easing ourselves in the bush”*.

Both the indigenes and settlers were very much involved with the process with 5% of indigenes and 5% of settlers indicating that they were not involved at all with the process (Figure 5-16). This however does not necessarily mean they were treated equally. With regards to the equal treatment of the settlers and the indigenes, both insisted that they were treated the same during the focus group discussions and the interviews, however there were indications of differential treatment in their responses, especially with regards to the implementation of their views during the resettlement.

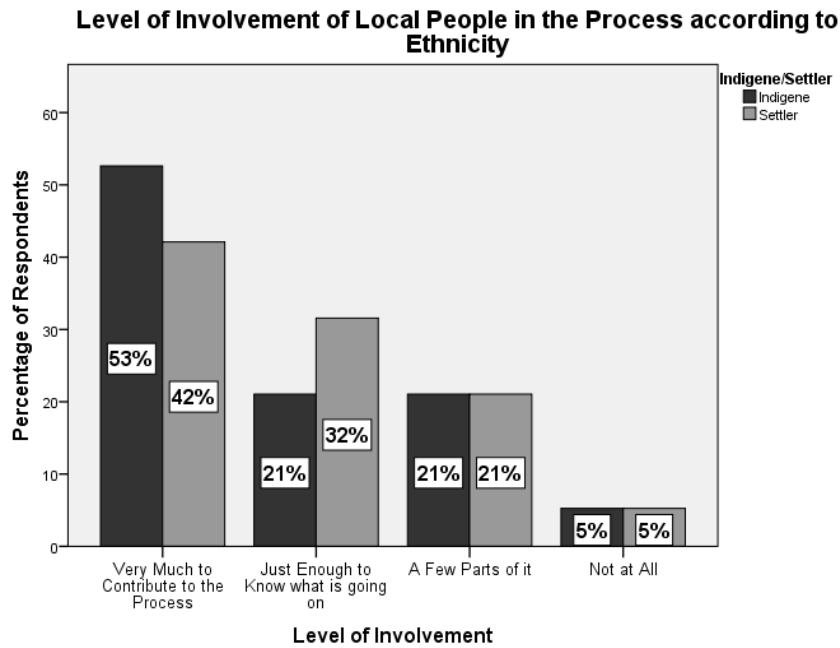


Figure 5-16: Involvement of Local People in the Process according to Ethnicity

Figure 5-17 shows that the number of indigenes who saw their community views being implemented was double the number of settlers who saw same. Similarly, the number of settlers who did not see their views being implemented was double the number of indigenes who saw same. The respondents who did not see their views being implemented mostly talked about the location of the resettlement site vis-à-vis their fishing grounds.

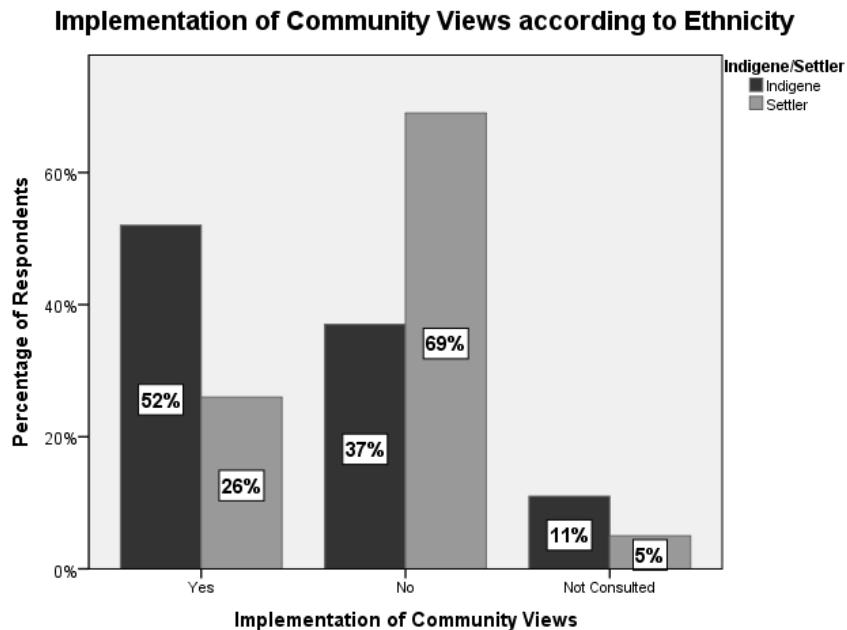


Figure 5-17: Implementation of Community Views according to Ethnicity

This gave an indication that these people were fishermen prior to the resettlement. A look therefore at the effect of the resettlement on occupation according to the ethnicity shows that the settlers were hit harder by the resettlement than the indigenes. A comparison of **Error! Reference source not found.** and

Table 5-2 which show the jobs in the area before and after the resettlement indicate that 21% of the settler respondents lost their businesses, 32% of settler fishermen had to stop fishing, with unemployment rising from 0% to 21% among the settler respondents. The Tables also show the indigenes affected but very slightly. These figures reflect the account of the kenkey (maize meal with fish) seller who relied on her husband's fishing – the decline in fishing activities among the settlers has led to the collapse of fish mongering, whilst indigene businesses remained intact.

	Prior Primary Occupation					
	Civil Service	Business	Crop Farming	Fishing	Retired	Unemployed
Indigenes	3	3	18	1	1	1
% of Indigenes	16%	16%	95%	5%	5%	5%
Settlers	4	8	12	7	0	0
% of Settlers	21%	42%	63%	37%	0%	0%
Total	7	11	30	8	1	1

Table 5-1: Occupations in the Area Prior to Resettlement by Ethnicity

	Current Primary Occupation					
	Civil Service	Business	Crop Farming	Fishing	Retired	Unemployed
Indigenes	3	3	17	0	2	1
% within Indigenes	16%	16%	90%	0%	11%	5%
Settlers	4	4	11	1	0	4
% within Settlers	21%	21%	58%	5%	0%	21%
Total	7	7	28	1	2	5

Table 5-2: Occupations in the Area after Resettlement by Ethnicity

#### 5.5.4. Rule of Law

According to the BPA Official, government driven resettlement is still a new experience for Ghana since the Bui Resettlement is only the third to be undertaken. The only legal provision that makes reference to resettlement is the national constitution which requires the state to resettle displaced inhabitants from a compulsory land acquisition on suitable land whilst taking their economic well-being, social and cultural values into consideration. Since this provision does not provide specific procedure with regards to how to conduct a resettlement, the BPA had to use the lessons drawn from the Volta River Project and the World Bank's OP 4.12, as well as legal provisions regulating resettlement by mining companies. However, these provisions are not legally binding on the BPA and they are not required to follow them.

With regards to the compulsory land acquisition aspect, there are quite a number of laws that cover this area, including the State Lands Act, 1962 (Act125), which empowers the President to declare any specified land required in the public interest through the publication of an Executive Instrument (EI). The Bui Dam catchment area lies within the Bui National Park, which has already been compulsorily acquired by a previous legislative instrument – the LI 710 in 1971. However in order to fulfill the constitutional requirement of the payment of compensation, the State Lands (Site for Bui Hydroelectric Power Project) Instrument, 2008 (EI 70) (Appendix 6) was enacted.

When dealing with the traditional and cultural aspects of the affected persons, the Bui official remarked that the BPA did not want to alter the power structure and community cohesion in the communities. However in the focus group discussions and interview, the alteration of the power structure, and disruption and loss of community cohesion is brought to the fore. The elders of Bator made mention of

the situation related to the chief's palace. They said the chief's family house, which is a private property, is different from the palace, which is a communal property. Furthermore, the chief's palace had all three gates living in the same 12 bedroom house. They therefore asked that the chief's family be separated according to the gates and each given a house. However the palace which is the community's property would still be constructed. When the resettlement construction was complete, it was realized that the palace had not been constructed. When enquiries were made the BPA gave the suggestion for the payment of financial compensation along with the other communal properties. This compensation was rejected and the matter has still not been resolved. Meanwhile the palace, which is meant to show the power and might of the chief, is not available. The previous palace according to the Bator elders included a large hall in which the chief could sit in state, meet with his elders (who sit in order of seniority), as well as receive visitors. The palace also served as one of the meeting points of the people, signifying their unity.

Tasks	Aug. 2007	Sept. 2007	Oct. 2007	Nov. 2007	Dec. 2007	Jan. 2008	Feb. 2008	Mar. 2008	Apr. 2008	May 2008	June 2008	July 2008	Aug 08 – July 09	July 09 Onwards
Finalise Resettlement Sites														
Finalise RAP														
Establish Working & Village Committees														
Pay Compensation														
Prepare & Construct Resettlement Sites														
Relocate affected persons														
Demolish Old Villages														
Implement Vulnerable People's Programme														
Implement LEP														
Start Dam Construction														

Table 5-3: Planned Timeline for the Resettlement as shown in the Resettlement Planning Framework

Tasks	Aug. 2007	Sept. 2007	Oct. 2007	Nov. 2007	Dec. 2007	Jan. 2008	Feb. 2008	Mar. 2008	Apr. 2008	May 2008	June 2008	July 2008	Aug 08 – July 09	July 09 Onwards
Finalise Resettlement Sites														
Finalise RAP														
Establish Working & Village Committees														
Pay Compensation														
Prepare & Construct Resettlement Sites														
Relocate affected persons														
Demolish Old Villages														
Implement Vulnerable People's Programme														
Implement LEP														
Start Dam Construction														

Table 5-4: Actual Timeline of the Resettlement Implementation

The Bator elders further mention water as a large part of their culture which is now lost. The river, according to the elders, made them form the other communities who are farmers. The Unit Committee explains the effect of this, is changing the family structure where the father used to be the sole provider,

with his sons helping him. However now, the parents are not able to fish, leaving the children to find other work to support them. With the children now bringing home the money and food, there is a shift of power in the households from the parents to the children.

With regards to religious considerations, the BPA official as well as the elders all confirm that the burial grounds of their ancestors were exhumed after the performance of the necessary rites, and reburied at the resettlement site. The shrines as well as their traditional worship areas were also relocated with the assistance of the BPA.

The timeline for the process was formulated in the RPF, in accordance to the World Bank OP 4.12. However, a look at the timeline of the implementation shows that this was not adhered to. The Table 5-3 and Table 5-4 below show the planned timeline for the implementation, and the timeline that the implementation took. It is seen that many of the significant actions that were to be undertaken early enough to guarantee a smooth resettlement were undertaken very late in the process, that is if they were undertaken at all. Most importantly is the commencement of the construction of the dam in relation to the CLA&R. The World Bank OP 4.12 recommends that the construction begin after the compensation is paid and the affected persons involved are relocated.

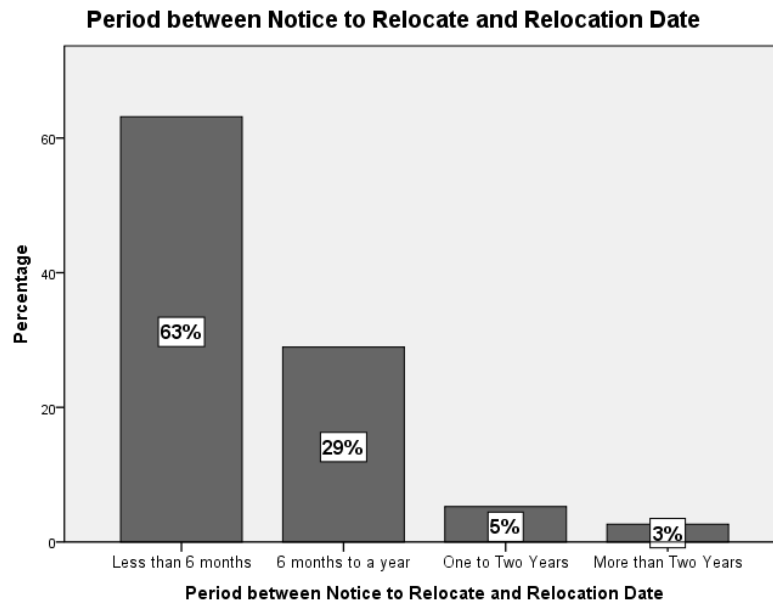


Figure 5-18: Period between Notice to Relocate and Relocation Date.

Similarly, when asked about the duration between the time at which they were informed of the date they were to move, and the moving date, majority of the respondents (92%) indicated less than a year (Figure 5-18). Since most of the crops farmed in the area are annual and biennial food crops, such as cereal, yams, and cassava, it was necessary for the affected persons to be given at least a year for them to move so that they could adjust their planting volumes and also be able to finish the farming season and harvest before leaving. However according to one of the community members, this was not the case. Since they did not have enough time, a lot of these crops they sowed for that farming season had to be left behind. Furthermore, they could not go back to salvage their crops for two reasons, first is that immediately after they moved, the lake took over their farms, and secondly, the Lands Commission had not yet come to undertake the crop enumeration so salvaging their crops would have resulted in no compensation.

### 5.5.5. Justice

The compulsory land acquisition and resettlement process as it was undertaken did not offer to the affected persons an opportunity to get a hearing on whether or not their lands should be acquired. This is because according to the Lands Commission official, the State Lands Act did not make provision for this. Furthermore, the land had already been acquired in 1971 and this process was only undertaken so the affected persons would be able to get compensation for their lands taken as seen in Section 5.6.2. The BPA officer also remarks that the land had been ear-marked for the project since the 1960's, and several studies had been conducted to show that the location was the best. There is however a provision in the State Lands Act that provides for a hearing by the Site Selection Committee of the Regional Coordinating Council on whether there is the need for the acquisition. However, this step was foregone in the process because of the earlier acquisition (Lands Commission Official).

According to the BPA official, the affected persons had the opportunity to contest the procedure and the compensation in the courts. However, there was never such a situation. He attributed this to the adequate nature of the compensation. This reason was shared by the Lands Commission official. However, the affected persons had a different reason for not contesting. The YLC remarked that they got their compensation right after moving to the resettlement site. Since their resettlement grant and allowance were not enough for them, they did not want to go through a long legal tussle with the BPA when they were in dire need of the money. The elders of Bator also add that they did not want to contest the compensation because they did not have money to hire lawyers to aid them with the case. They added that since they did not have the rates used for valuation, and they did not have valuation professionals aiding them, it was difficult for them to determine how to move ahead with their case.

With respect to equity, rule of law and justice, there is an increase in the tenure security, and all the citizens who had developed their land were compensated or are in the process of being compensated. There was almost no livelihood restoration as the planned Livelihood Enhancement Programme (LEP) had not taken off. The results also showed a discrimination against the settlers, as their views were the lesser enforced and their livelihoods were also the harder hit. The adherence to the rule of law was present, although there were few laws to follow. The enforcement of the law was also difficult for the affected persons given their disadvantaged position. The natural justice rule of hearing all parties in the taking of decisions was also not applied.

## 5.6. Accountability

The views and accounts of the various key actors with regards to how the various actors are answerable for their actions are captured here. This also deals with how the responsibilities are assigned to the various actors and the appropriateness of the assignments.

### 5.6.1. Assignment of Responsibilities

Since the Authority's core mandate with respect to its Enabling Act is the development of the hydroelectric power project, a lot of aspects of the CLA&R are outside its scope. It was therefore necessary to collaborate with other bodies, governmental and non-governmental that had specialized in certain aspects of the CLA&R to utilize their expertise. The governmental bodies involved included the Ghana Education Service (GES) which assisted with the establishment of the school in the area, as well as its day to day management. The Ghana Health Service was also involved in the establishment of the clinic and then similarly took over management. The District Assembly which has sanitation as one of its responsibilities handled the issues related to waste management and sanitation. The Lands Commission

handled matters directly related to the land. Since the acquired land was to be public land, the Public and Vested Lands Division of the Lands Commission assisted with land acquisition and now, with the registration of the lands for affected persons. The Town and Country Planning Department was also on hand to aid the Authority in planning the layout of the resettlement site to make sure that the planning regulations had been adhered to. According to a BPA officer the role of these government bodies was purely advisory.

On the side of the affected persons, the traditional authorities were generally the main representatives of the affected persons with a direct link to the BPA. The Unit Committee of the area was also responsible for the relationship between the affected persons and the District Assembly. The Youth Leadership Committee had their main duty as representing the youth to the BPA and the traditional authorities, and more especially, ensuring the livelihood improvement of the affected persons, especially the youth in the resettlement site. Although all the community members were authorized to go over to the resettlement site to ascertain how the construction was going, the traditional authorities tasked the YLC to perform those functions since a lot of the community members were advanced in age and could not go all the way to the construction site to monitor their own structures. The community committee formed by the elders was charged with the responsibility of looking at the way other resettlements were conducted because the committee members cut across the various interest groups within the affected persons. This meant that the specific group representatives could look out for issues and problems that could be peculiar to their group.

### **5.6.2. Accountability Arrangements**

The BPA in its activities was not just answerable to the affected persons; there were some governmental bodies that served as a check on their activities. A BPA officer points out that there were two such bodies – the Environmental Protection Agency (EPA), and the Water Resources Commission (WRC). According to the BPA officer, the mandate of these two bodies barely touched the resettlement aspect of the project especially the livelihood. The Environmental Protection Agency had to grant an environmental license prior to the grant of the loan from Exim Bank, as per the bank's rules. The Water Resource Commission was also responsible for granting of the diversion, construction, and water use permits before the work could take off. Thus to ensure the progress of the resettlement itself towards the goals set in the RPF, the RPF has made provision for a system of monitoring and evaluation, where there would be internal monitoring handled by an appointed NGO to measure the progress of the resettlement against predetermined indicators and compare this to the pre-resettlement baseline at regular and frequent intervals. The NGO was supposed to submit monthly reports on the monitoring to the community committee and the Working Group for discussion and an action plan. In addition to the internal monitoring, there was also the provision for an external evaluation of the resettlement which will be informed by the internal monitoring, and also independent surveys. The external evaluation body would be appointed by the BPA and they would undertake three evaluations; the first is 3-6 months after the resettlement, the second 18 months, and the third 36 months after the resettlement (ERM, 2007). The BPA Officer explains that the Ghana Dams Dialogue has been working closely with the affected persons and the BPA. He added that they usually played a mediating role in their negotiations. Inquiring about the status of the internal monitoring, the elders of both communities remarked that they had only encountered the BPA and the NGOs three times after they were moved in 2011. The elders also added that they knew nothing of a monthly monitoring report they were supposed to receive and discuss.

With regards to the justification of their decisions and actions to the affected persons, a Unit Committee member remarked that whenever they inquired about the reason for an action or decision taken by the BPA, especially those that went contrary to the laid down plans, the answer is always that the agreement

on the plans were not finalized because they were not in writing. The elders of Bator gave a good example of this as the compensation of the communal structures as seen in Section 5.4.2. Here the BPA told the community that only structure for structure compensation for homes was finalized.

The involvement of NGOs and the media was also pronounced with many articles being put out in many of the dailies and magazines about the situation in the area. The affected persons and the BPA officers mention the Ghana Dams Dialogue as an NGO that played a very key role in the planning and the implementation process. The GDD also planned an educational role for the affected persons when it aided the community committee to understand the process of CLA&R, and also facilitated their trips to the Akosombo and Kpong Resettlements. The BPA officer also adds that because the people's livelihoods were involved; the media was also present to serve as a check on the Authority. However as mentioned earlier, the people were advised not to talk to the media and NGOs about their problems since that would make the BPA's work difficult. According to the YLC, it was not until after the resettlement was complete that they started talking to the media. A community member felt that the media coverage was not adequate since it did not change anything. When asked about the justification of decisions made by the authority, the BPA officer revealed that a lot of their decisions were backed by legal justification. One example he gives is the planning codes involved in resettling the Bator community less than 200m from the lake. When the LVB was also asked whether the valuation process was explained to the affected persons to justify the values, the response was that the affected persons did not have the technical know-how to understand the process.

Looking at the results on accountability, it is seen that the BPA sought for support from other agencies that were specialized in certain areas the Authority was not. The accountability arrangements also show the existence of a vertical and horizontal accountability, some of which were not enforced.



## 6. DISCUSSION

### 6.1. Introduction

In Chapter Five, the results of the analysis of the data collected in the Bui Dam Project Resettlement guided by the framework built in Chapter Four were presented. The information on the project was collected from the point of view of the acquiring authority, the resettled community, and the valuation authority. This chapter discusses the results of the three sub-objectives according to the four dimensions of good governance identified in relation to contemporary literature. The results of the data from the Bui Dam Project Resettlement under sub-objective three is discussed in the context of the framework developed under sub-objective one under each of the dimensions. Sub-objective two is discussed mainly under public participation, and equity, rule of law and justice. The actors and the roles, as well as a portion of the stages of the compulsory land acquisition and resettlement process are discussed under public participation. The assessment and payment of compensation stage of the process is also discussed under equity, rule of law and justice.

### 6.2. Transparency

Access to information, as already seen in Section 2.3.1, is the gateway to the participation of the project affected persons in the compulsory land acquisition and resettlement process. The tools used in the provision of information at the start of the project included television, radio, public announcements, and household surveys. Theoretically, these tools used by the BPA in the provision of information are all effective tools according to Adu-Gyamfi, 2012 and UN-Habitat (2013). However the views of the respondents contradicted this. The use of television and radio was not effective, since majority of the affected persons did not own these media. The few who owned them and saw/ heard the information did not understand what was being put across. The public announcements and the household surveys were more effective and understood by the community members. This was mainly due to the close knit nature of the communities involved, such that they could all be reached within a day. The BPA was therefore able to adapt to the nature of the communities with the Resettlement Township B, when it switched to the use of the public announcements and household surveys as the main means of information provision as observed by Hensengerth (2014). The one stop shop via internet as suggested by UN-Habitat (2013), was also suggested by the Resettlement Planning Framework (RPF). The RPF did not however require that the one-stop shop be operated via the internet due to the nature of the communities involved. However, the RPF suggested the establishment of information offices within each community, which would be manned by the locals of those communities. This was planned in order to build the trust of the affected persons in the information provision process as suggested by UN-Habitat (2010) and Cernea (1988). The project implementation as seen however takes a different turn by establishing the Community Relations and Resettlement Office at the dam site, being manned by the Resettlement Officer. The use of the cell phone was also adopted in order to reduce the bureaucracy involved in the provision of information by providing a direct contact to the BPA. However, the customary arrangements in the area did not allow for this direct contact to the BPA by the community members. Therefore although the BPA did not adhere to the plan for the access to information, it found other ways to ease information flow. However, there was still a

high level of bureaucracy in the provision of information because of the involvement of the traditional authorities playing the role of middlemen.

The explanation of detailed and timely information on the compulsory land acquisition process has not been part of the past resettlements in Ghana (Chambers, 1970). The information provision has rather been on an ad hoc basis, that is when the acquiring authority feels the affected persons need it. The BPA sought to break this trend entirely in the Bui Dam Project, so the entire procedure was explained to the affected persons prior to the start. However, the reaction of the affected persons did not see a complete break from the past. A significant finding is the variances in the affected persons' understanding of the various portions of the process handled by the BPA and the Lands Commission. The portions explained by the BPA – the resettlement plans and the timeline for the resettlement, on the one hand were understood by the affected persons. On the other hand, the portions that were explained by the Lands Commission – the compensation assessment and the payment schedule, were not well understood by the affected persons. This is because within the law governing the compulsory land acquisition process (State Lands Act 1962), there is no compulsion for the Commission to educate the affected persons on the process. The explanation given was that in this project the explanation was done at the instance of the BPA and the Lands Commission therefore only gave an overview. This practice of not explaining the process is confirmed by Anim-Odame (2011), who indicates that the Lands Commission is more cooperative with the professionals in the real estate industry (valuers and lawyers) than with the project affected persons, since these professionals are more versed with the procedures and the technical aspects. This disparity between the clarity of explanations given by the two bodies shows that the Lands Commission did not adhere to the OP 4.12 which requires the effective education of the affected persons on the process. Anim-Odame (2011) however examines the effective nature of the information provision process of a Millennium Development Authority sponsored project in Ghana, where the Lands Commission was involved in the same capacity within the same period as it was involved with the Bui Dam Project that is 2007 to 2010, and the Commission was mandated to adhere to the OP 4.12. This shows that though the Commission was aware of the effectiveness of adhering to the information provision procedure from the OP 4.12, it still did not adhere to it, because there was no compulsion. The provision and clarity of the information regarding the laws and regulations is needed at the initial stages in order to aid the affected persons to gain adequate understanding so they will be influential in the decision-making. Overall, it was realized that the laws covering the compulsory land acquisition were existing. However, although there were contradicting accounts as to whether the laws were explained to the people, what is clear is that the people have no understanding of the laws covering the compulsory land acquisition process. There were however no laws covering the resettlement process to be explained to the affected persons.

The plan of the Bui Power Authority was to give all the information regarding the compulsory land acquisition and resettlement to the project affected persons, with minimal bureaucracy, and with high clarity in order to increase access to information and the openness of the process and it is obvious that the BPA was able to do this. Despite this effort, the strategy of giving all the information with high clarity was not met by the Lands Commission with regards to the key aspect of compulsory land acquisition process and laws. The bureaucracy in the access to information was also complicated by the traditional authorities. The access to information to the community members and the openness of key aspects the process to them was also low. The transparency of the process was therefore low.

### 6.3. Public Participation

In assessing the participation of the various actors as well as the community members in the compulsory land acquisition and resettlement process, the four main levels participation identified in Section 2.3.2 are discussed with respect to the manner through which the process was undertaken, as well as roles played by the various actors. These four levels of participation were identified as informing, consultation, partnership/co-operation, and co-design/citizen-controlled participation.

The study has identified four main classes of actors – the acquiring authority, the resettled community, the regulating bodies, and the collaborating bodies. An examination of the results from Section 5.4.1 from the viewpoint of the community members, showed that they felt very much involved in the process. However looking at participation from the viewpoint of the youth leadership committee, it is seen that as with their access to information, their participation was subject to the traditional authorities. Though the Unit Committee is not subject to the traditional authorities, their views suggest that they defer to the traditional authorities on all matters. This is a departure from the observation made by Ubink & Quan (2008) that the Unit Committee and the traditional authorities “are often in direct confrontation”. The frequency of the meetings between the community members and their representatives suggest that they were in close contact with each other, however, the same cannot be said about the frequency of meetings between the community members and the BPA since it is found that the authority usually only met with the traditional authorities during their visits. The use of the traditional authorities expedites communication and cooperation, as suggested by Cernea (1988), since they are highly respected. The use of the traditional authority by the BPA therefore yielded the needed results with the community members since they felt their views were adequately represented. However, the youth were seen to have a different opinion since they felt their views and needs were not adequately represented by the traditional authorities, and at the same time, they were not allowed a direct contact with the BPA. Despite this disparity between the views, this situation still prevailed partly due to the reverence of the youth for the traditional authority, and the domineering nature of the traditional authority as recognized by Arko-Adjei (2011). The involvement of the regulatory bodies was required by the Environmental Protection Agency Act of 1994. Although Cernea (1988) identifies the host community as a key actor in every resettlement project, the Bui Resettlement Township had no nearby community that met the features shown in Section 2.5.1.

While there was a lot of interaction between the community members and the BPA during the preliminary stages, these interactions did not involve an exploration of land acquisition options open in lieu of the use of compulsory land acquisition. Therefore public participation at this stage was at the level of informing. However, during the household survey in the preliminary stage, the level of participation could be said to have risen to the level of consultation since the environmental and social impact assessment and the OP 4.12 required the authority to seek the views of the communities regarding their preferences in the resettlement. This is in line with the recommendation of Cernea (1988), where the “putting people first” strategy is advocated, requiring the public participation to commence in the very early stages of the project preparation in order to increase the understanding of the necessities, reduce the occurrence of irreversible mistakes, reduce the stress that goes with relocation, and ultimately gain the full support and confidence of the affected communities to ease the process. However, the preliminary stages do not need to rise to the level of partnership, as the project has not started. The informing and consulting levels of participation are enough for this stage.

After the preliminary stage, the next stages in the generic compulsory land acquisition process were the application for the use of the power of compulsory land acquisition and the decision for the application. However, since the land had already been acquired by the government, there was no need to go through this stage of the process again. Hensengerth (2014) however notes that the initial compulsory land

acquisition through the Wildlife Reserve Regulations (Legislative Instrument 710) did not involve any form of public participation whatsoever. There was therefore no opportunity for the affected persons to reject the plans of the BPA to compulsorily acquire their land. Therefore, for the stages of the application and decision for the use of the power of compulsory land acquisition, public participation was none.

The low participation of affected persons in past resettlements have adversely affected the results of the resettlement causing lack of trust between the two parties that results, and later on and over dependence on the acquiring authority for their basic needs (Chambers, 1970; Mettle, 2011). The World Bank (2004) recommends that for the Free, Prior and Informed Consent (FPIC) to exist, the involvement of the affected persons reach at least the level of partnership/cooperative participation. The field results in Section 5.4.2 showed that the views of the affected persons were sought. The interaction with the YLC and the Unit Committee shows a daily engagement between the BPA and the affected persons through public hearings. However those interactions are merely a first step. The opportunity of lodging complaints about the process and also making suggestions were also stifled by the “gatekeeper status” of the traditional authority. This is a departure from the observation by Juul & Lund (2002), that the community members’ involvement in decision-making in customary areas is high. The field study also revealed that the affected persons felt that although it looked like the views they had shared on the plans as well as their complaints lodged would be acted upon, this was not the case. The BPA was of the view that the people’s views were taken into account, but there were other policies and regulations in place that contradicted what had been discussed and decided upon. The absence of a feedback system in the process did not allow the people to understand the results of the inputs. This nature of the feedback resulted in a loss of confidence in the decision-making process completely. This is in line with the observations of McEwan (2003) and Smith (2003) that without feedbacks there is a risk of the people involved losing trust altogether.

The above discussion shows that the participation of the affected persons was only limited. The participation levels hovered between informing and consultation at the various stages of the compulsory land acquisition and resettlement process. However, the frequency was adequate and less strenuous to the affected persons. The discussion shows the elements of consultation with the frequency of the meetings as well as the opportunities created for the affected persons to make suggestions and lodge complaints. However these without a good feedback system make consultation a mere formality. The public participation adopted by the authority was therefore not effective.

#### **6.4. Equity, Justice, & Rule of Law**

Prior to the resettlement the affected persons had a high level of legal tenure security since they held their lands off the paramount chief directly, although there were the usual restrictions on customary freehold such as those identified by Ollennu (1962) being their inability to sell their land. However, their ability to pass the land on to the next generation ensured an inter-generational equity. Furthermore their tenure despite not having any formal legal title was held in perpetuity (Section 3.3). With respect to perceived tenure security, given that the affected persons had legal tenure security and they were aware of it, their perceived land tenure security was also high. The length of stay of the affected persons in their old settlement (at least a century), their organized nature, as well as the support of the non-governmental agencies and the media who were watchdogs and the administrative structure of the district assembly gave them a high de facto tenure security. This certainty of the tenure security prior to the resettlement existed despite the affected persons’ knowledge of the impending dam construction that would result in a land take. This therefore signifies the high level of their perceived tenure security. After the resettlement, the field study show that their legal tenure security is higher since they were resettled within the bounds of

their traditional area. Furthermore, the affected persons' new 99 year lease allows for the individual ownership of land instead of the current communal ownership, and thereby allowing them to invest more independently in their land or sell it (Kasanga & Kotey, 2001). The de facto land tenure security of the affected persons also increased with the more formal organisation of their settlements. This increase in the level of legal and de facto tenure security has not translated into an increase in their perceived land tenure security since the field study shows that majority of the affected persons thought the land belongs to the BPA. This has stifled investment in their lands, such as extending their houses, because there is the perception that they will be moved again. Therefore though there is an increase in the level of the legal and de facto tenure security, there has been a reduction in the level of the perceived tenure security.

Recent literature on compulsory land acquisition and resettlement in Ghana and elsewhere have raised the issue of the procedure that best results in a fair and adequate compensation (Anim-Odame, 2011; Ayitey, et al, 2011; FAO, 2009). The view shared by some of these literatures is that the achievement of fair and adequate compensation values requires the collective efforts of the affected persons, and the acquiring authority (together with their respective valuers). The practice in Ghana has always been that the Lands Commission is the sole authority for valuing assets for compensation as stipulated in the State Lands Act, 1962. This view is held by Anim-Odame (2011), indicating strongly that the Lands Commission's values determined for compensation are fair and adequate. However, despite the Lands Commission's claim to be the sole compensation valuation authority in the field study, in a Millennium Development Authority (MiDA) sponsored road construction project during the same period as the Bui Dam Project, the Lands Commission negotiated with private valuers to reach the final compensation values. Anim-Odame (2011) observes that in normal practice, as was witnessed in the MiDA project, the government valuers are likely to offer the floor values whilst the private valuers would demand the ceiling value, allowing for negotiation. In the Bui Dam Project, the affected persons were not given the opportunity to hire professionals to assist them. Furthermore, there were no negotiations as the affected persons were ill-equipped to handle this, despite having been given some education on the process, due to the technical nature of the field. The compensation values assessed and paid here were those of the Lands Commission which have been said to be the floor values and therefore unfair and inadequate.

The legitimate recipient of compensation for land which a customary freeholder occupies has been a long debated issue. Kidido, et al (2015) observes that the law since pre-independence times has been in favour of the allodial title holder being the rightful recipient. However Brobby in Kasanga (1988) differs from this view, averring that since the customary freeholder is the current occupier, he is the logical party to receive the compensation since he loses a valuable interest. This is the view also held by the The World Bank (2004)'s OP 4.12. In the Bui Project, this view was followed but limited to the developments on the land hence the resettlement. With respect to the compensation for the land per se, the case law was adopted. This was done because the customary arrangements in the area require that such payments for customary lands go first to the allodial owner for further distribution among the sub-stools and onto the individual families (Ollennu, 1962), and the BPA did not want to interfere with the customs of the people. However, the field study shows that this compensation paid has not reached the people as is the practice in relation to stool land revenue detected by Ubink & Quan (2008). However, with the customary freeholders being given a leasehold interest in their new lands, they can be said to have received compensation for the land per se, thereby applying both views. With regards to the payment of compensation, the 1992 Constitution requires prompt payment. However, related literature and the OP 4.12 do not define a standard amount of time within which compensation can be considered prompt since this depends a lot on local conditions. Therefore in order to ascertain what the local conditions in Ghana consider as prompt payment of compensation, the period of three months stated by the Mines (Compensation and Resettlement) Regulations, 2012 is used. From the field study it is realized that the

minimum period for compensation payment was six months for most of the affected person; compensation payment was therefore not prompt. Although the bureaucracy of the payment of the payment process can be seen as the reason for the slow payment of the compensation from the field results, Larbi et al. (2004) is of the view that the detachment of the compensation payment from the aspect of the procedure before the publication of the EI is the reason for the slow payment, since the non-payment of compensation does not in any way obstruct the use of the land.

An important way of intergenerational equity is the restoration of the livelihood of the resettlers. Past studies have placed the blame of the failure of livelihood on the formulation of the livelihood plans (Kusiluka, et al, 2011; Ty, et al, 2013). In assessing the livelihood restoration plans in the Bui Dam Project's Resettlement Planning Framework (RPF), Mettle (2011) shows that the plans were well formulated. Information gathered during the field study showed that the livelihoods of the affected persons had not been restored because of the failure to adhere to the livelihood restoration plans (Section 5.5.3). Even though the response to the non-implementation of the Livelihood Enhancement Programme (LEP) was that it is yet to take off, the money allocated to the resettlers as resettlement grants and allowances were not enough to support them for a year. The compensation paid, as seen from the previous paragraph was also not adequate enough for them to restart their normal lives. Similar instances are reported by Kusiluka et al. (2011) and Syagga & Olima (1996) for resettlements in Tanzania and Kenya respectively, with the latter recommending post-resettlement assistance and monitoring for a period of at least five years after the end of the project. This is similar to the monitoring and evaluation process provided for in the RPF. However, Cernea (1988) warns that the provision of support after the end of the process should not be paternalistic in nature but should rouse the commitment of the resettlers to self-sustainability and development through self-mobilization. There is therefore a fine line to be trod for a successful livelihood restoration. The Bui Dam Project however differed from this approach and the affected persons were left on their own soon after the project was completed.

Recent studies show equal participation and access to information for indigenes and settlers in the administration of customary lands (Arko-Adjei, 2011; Gyapong, 2009). This is in line with the result in Figure 5-16 which shows that the level of involvement of the indigenes and the settlers as the same. Inferably, Arko-Adjei (2011) deals with the participation and access to information for indigenes and settlers with respect to the traditional authorities. As seen from the results in Sections 5.3.1 and 5.4.2, the traditional authorities on the one hand, who were mostly in control of the participation and access to information in the resettlement area, treated the settlers the same way as they did the indigenes. Although the distinction between the settler and the indigene has been demonstrated in Chapter One as based on the endeavors and the privileges of one's ancestors, and the resulting uterine lineage, Boni (2006) describes situations in the cocoa growing regions of the country where settlers claim membership of the indigenous land-owning group as citizens – as opposed to being “strangers” – due to their long stay in the area as well as their participation and contribution to the group. Berry (2008) however indicates that this citizenship described here – unlike a state citizenship which is well-defined – is not subject to any formal laws but to the dynamic customary rules, and is therefore subject to several interpretations. This has led to several conflicts between the traditional authority and the settlers with respect to their status; however, as seen earlier in the description of the area (Section 3.3) the membership of the settlers in the traditional council makes them citizens. The Bui Power Authority on the other hand did not treat the settlers the same way as the indigenes as seen in Figure 5-17. The authority's treatment of the settlers shows that they were viewed through Ollennu (1962)'s characterization of settlers and so the interests of the indigenes were placed above those of the settlers.

Due to the sensitive nature of the exercise of the power of compulsory land acquisition and resettlement, there need to be laws, rules, regulations, as well as plans regarding the process which are made clear and

adhered to. It is recognized there are several laws and regulations covering the compulsory acquisition of land (Larbi, 2008), but the two that were applied to the Bui Dam Project were the State Lands Act (1962) and the Wildlife Reserve Regulations (Legislative Instrument 710). The resettlement process on the other hand had no laws and regulations covering it. The only mention of state sponsored resettlement in the law is in the Constitution which requires that the affected persons be resettled with “due regard” to their economic wellbeing as well as their social and cultural values. Since the definition of “due regard” has been defined by neither the Constitution nor any subsequent legislation, what constitutes due regard has been left to the discretion of the acquiring authorities in the resettlements to be determined independently. The past resettlements had been covered by ad hoc rules formulated by the acquiring authority together with affiliated government departments (Chambers, 1970). This approach was however vacated in the Bui resettlement where the acquiring authority ensured the formulation of a plan prior to the resettlement. There was a further attempt to get the plans to the level of best practice standards as shown by the World Bank Operational Manual on Involuntary Resettlement (OP/BP 4.12) in order to avoid the problems of the past resettlements. With respect to the adherence to the laws and regulations, the Lands Commission made sure to apply the laws. Since one of the rationales behind the formulation of the State Lands Act was to make the procedure for land acquisition swift, the Lands Commission was at an advantage sticking to the procedure. The field results showed a high regard placed on the local customs and norms. As such, there was no attempt to alter the traditional arrangements as found. This position was maintained even though as found in Section 5.3.1 and 5.4.2, the traditional authority was sometimes a bottleneck for transparency and public participation in the process. This stance is as a result of the unwritten policy of successive governments not to interfere with customary arrangements (Ubink & Quan, 2008).

The main steps of the generic compulsory land acquisition that requires the application of the rules of natural justice are the stages of the decision of the use of the compulsory land acquisition tool, and the determination of the compensation. Denyer-Green (1994) shows that the exercise of the compulsory land acquisition power is *ultra vires* where there is a breach of the rules of natural justice, which are identified as neutrality of the decision-making body, the responsibility of the decision-making body to hear all parties, and the right of the parties involved to be heard. The results from Section 5.4.2 on the decision to use the compulsory land acquisition tool and Section 5.5.2 on the determination of the compensation shows that with regards to the former, there was no attempt to utilize the rules of natural justice as the decisions had already been taken. The latter however sees certain attempts at the application of the hearing rule of natural justice where the affected persons are given the opportunity to accompany the Lands Commission officials undertaking the compensation assessment to their properties. However this attempt fails as there is a lack of expertise on the part of the affected persons, and the body undertaking the compensation assessment is an agent of the government, as is the acquiring authority, calling its neutrality into question. Justice beyond natural justice rules looks at the ability of the affected persons to enforce the laws and regulations that are in use. Larbi, et. al., (2004) and Akrofi & Whittal (2013) indicate the ability of the expropriated persons to seek redress in the process for various reasons, mainly non-payment and inadequate compensation. With respect to the resettlement process, there were no laws that were to be followed for the affected persons to seek enforcement in the courts. It is also worth noting that although the plans set forth in the Resettlement Planning Framework were formulated at the behest of the authority, they were not enforceable in the courts.

## **6.5. Accountability**

Newell & Wheeler (2006) assert that for there to be a legitimate accountability claim, there has to be explicit laws and rules or implicit conventions about the role and responsibilities of the accountable body

as well as the rights and entitlements of the beneficiary. The responsibilities and the duties of the BPA as stated in its enabling Act mainly relate to the generation of power and then the operations of the lake formed. The functions of the BPA are slightly different from those of the VRA which handled the last two resettlements in Ghana. The VRA's functions included the development of the area for the health and well-being of the inhabitants and the people living close by. This means that the VRA was to bear more responsibilities relating to the resettlement area than the BPA. Chambers (1970) explains that the VRA therefore took the lead in all aspects of the resettlement including managing the resettlement township rather than turning over those responsibilities to the local government and the traditional authorities. This led to a myriad of problems that still exist today. It is however seen from Section 5.6.1 that the BPA seeing how it was only specialized in the generation of power, saw it fit to shed off the responsibilities of the various service provision in the resettlement area to the government bodies that specialized in those services. The assignment of responsibilities among the affected persons was also done according to the previous arrangements that existed prior to the project.

The BPA, in the exercise of its duties related to resettlement, is not expected to report to the affected persons. However, they are mandated to conform to laid down procedures given by the Environmental Protection Agency. Also by virtue of their enabling Act, they are accountable to the Sector Minister who in turn is accountable to the national legislature, whose members are directly elected by the people. This long trace of accountability is what Schedler (1999) characterizes as “the challenge of the n-order accountability” that leads to failure since the second layer of accountability is vulnerable to the same failures as the first. A solution to this long trace of accountability was planned by the RPF with the internal monitoring by the representatives of the affected persons and the livelihood NGO, as well as the external evaluation that was supposed to be undertaken by an agency that was never designated by the BPA. The failure to follow through with the plans set out in the RPF, and subsequent non-demand of accountability on the part of the Sector Minister reflects on the challenge of the n-order accountability. As seen from the previous section, the resettlement planning framework is not enforceable through the courts, therefore the only way of demanding accountability from the BPA is through the government machinery. The media, as well as civil society groups and NGOs, are also involved in their accountability arrangement as horizontal accountability actors. However, their accountability demand is not effective since although these bodies had the willingness to enforce accountability, but they did not have the ability. Accountability arrangement between the project affected persons and their representatives were much simpler. Although the traditional authorities in the three villages report to the paramount chief, they are also accountable to the local people due to their relationship of trust. In line with Kasanga & Kotey (2001)'s assertion that many traditional authorities shirk their fiduciary duties and treat the land as their personal property, it was realized that this was the situation regarding monetary matters, especially with the compensation. However with respect to the process and the interaction with the authority, as noted by all the respondents, there were frequent updates on the matters that had to do with the resettlement. The fortnightly meetings served as an ideal opportunity for the traditional authorities to render accounts to the local people on their decisions taken. The responses from the community members showed that these meetings were very interactive and informative due to the small size and close knit of the communities, confirming Clement & Amezaga (2009)'s contention that there is a higher accountability where there are stronger kinship ties in play.

## **6.6. Concluding Remarks**

The chapter discusses the results of the data analyzed with regards to the related literature as well as the assessment framework. The discussion has indicated that although transparency, public participation,



equity, rule of law and justice and accountability exist to some extent, they do not meet the standards identified in the literature. On the one hand, the use of the appropriate tools of communication and explanation of the process; the soliciting of the views and preferences of the affected persons in relation to the process; the improvement in tenure security, undertaking of the resettlement, and respect for the culture and norms, all indicate that the project promoted good governance to some extent. On the other hand, with the obstruction to the information flow and participation by the traditional authorities, the low level of understanding of the compulsory land acquisition process; the level of participation allowed for the affected persons, the non-adherence to the formulated plans and low level of accountability, it is seen that there were some deficiencies in the adherence to the dimensions of good governance. The chapter suggests the formulation of laws and regulation that are binding on the acquiring authorities to ensure good governance and further strengthen the accountability arrangements.

## 7. CONCLUSION AND RECOMMENDATIONS

### 7.1. Introduction

The previous chapter discusses the process of compulsory land acquisition and resettlement in the Bui Dam Project in relation to the assessment framework for good governance as well as contemporary literature. This chapter presents the conclusions to the main objective and the sub-objectives set in Section 1.5 and the recommendations for further research.

### 7.2. Conclusions

#### 7.2.1. Research Sub-objective One

The first sub-objective seeks to develop a framework for assessing the compulsory land acquisition and resettlement process based on a good governance perspective. The result is the identification four dimensions of good governance (transparency, public participation, equity, rule of law and justice, and accountability) which were broken down into thematic areas. These thematic areas were then reduced into indicators that are specific, measurable, attainable, relevant and time-bound. Therefore the requirements of good governance in the compulsory land acquisition and resettlement process are simplified so they can be easily identified. This result is presented in Table 4-2.

In order to reach this objective, literature pertaining to good governance was reviewed. The characteristics and nature of the compulsory land acquisition and resettlement process were also derived from the literature. The governance issues were then narrowed down and summarized into the four dimensions describing good governance due to their interrelationships. The relationship between good governance and compulsory land acquisition was struck raising issues of land allocation, infrastructure development, clear and transparent rules, information accessibility, security of tenure, protection of cultural heritage, and corruption in Chapter Two.

#### 7.2.2. Research Sub-objective Two

The second sub-objective was to identify the key actors and their roles as well as the compulsory land acquisition process in the Bui Dam Project, as well as in general. The research clearly meets this objective by first identifying the general steps of the compulsory land acquisition process as the preliminary stage, the application for the use of the compulsory land acquisition tool, the decision for the use of the compulsory land acquisition tool, the submission of claims and determination of compensation, the payment of compensation, and the change of ownership and possession. From this general process, the actors in the process are identified as the acquiring authority, the affected persons, the higher authority (that approves the used of the compulsory land acquisition power), and the valuation authority together with their roles. These are presented in Figure 4-4. The three key actors in the resettlement process in general are also identified as the acquiring authority, the affected persons, and the host community. In the Bui Dam Project Resettlement, the compulsory land acquisition and resettlement process of which is summarized in Figure 5-1 and Figure 5-2, the key actors were the acquiring authority, the affected persons, and the valuation authority. There was neither a higher authority approving the use of compulsory land acquisition, nor a host community for the resettlement. There were additional actors who were classified

as regulatory bodies and collaborating bodies because they were not part of the core compulsory land acquisition and resettlement process, but their involvement was either required or important.

### **7.2.3. Research Sub-objective Three**

The sub-objective three assesses whether the implementation of the Bui Dam Project meets good governance standards. To this end four dimensions of good governance were studied – Transparency, Public Participation, Equity, Rule of Law and Justice, and Accountability. The findings varied with each dimension measured. The study reveals that attempts were made in the Bui Dam Project Resettlement at providing information and easing the bureaucracy in access to information through a variety of media, some of which were successful. However the customary arrangement in the area made the process of information provision and access more complex. The openness of the process also varied as the affected persons understood the resettlement process but did not understand the compulsory land acquisition process. With respect to public participation, the involvement of the affected persons was very high in all the aspects of the process as there were a lot of interactions. But these interactions did not translate into decision-making power resulting in the public participation only ranging between informative and consultative participation. There was therefore no free, prior, and informed consent in the undertaking of the project. There is also better tenure security after the resettlement, despite the evidence of the compensation paid not being fair, adequate and prompt. Most of the livelihoods of the affected persons were lost with not programme in place to replace them. An unequal treatment of the indigenes and settlers is also identified, although no actor in the process acknowledges this. In the area of the rule of law, there are laws in place covering the compulsory land acquisition and resettlement which were adhered to strictly, but with no laws covering the resettlement, a Resettlement Planning Framework was formulated, however, it was not adhered to. There was great respect for the local norms and customary arrangements and several attempts were made at maintaining them. In the arena of justice, the process did not adhere to the natural justice principle of hearing all parties. Although there were opportunities available for contesting the procedure in the courts, these were never attempted. With respect to accountability, the manner of selecting the affected persons' representatives was their decision and also allowed for accountability of decisions on their part. The BPA also assigned responsibilities to the appropriate bodies. The accountability arrangement on the part of the BPA was very low as demonstrated in their ability to shelve plans without any sanctions.

### **7.3. General Conclusion**

The main objective of the research is to assess good governance in the implementation of the compulsory land acquisition and resettlement of the Bui Dam catchment area residents. Although very few laws and regulations cover state sponsored resettlements in Ghana, it is seen that the methods adopted in the Bui Dam Project resettlement went beyond the statutory provisions to adopt international best practice standards. However, the project adhered to good governance only to some extent, with the traditional authority being an obstruction. A lot more could have been done to improve transparency, public participation, equity, rule of law and justice, and accountability. The framework for the assessment of good governance in compulsory land acquisition and resettlement in this research has also proved appropriate.

### **7.4. Recommendations**

This research focuses only on state-sponsored resettlement, which is covered by very few laws and regulations. It is therefore recommended that a similar study be carried out in a private sector resettlement

which is covered by several laws and regulations to ascertain whether the same conclusions can be reached.

Further research is also needed into the role of the traditional authorities in the resettlement process and how they can contribute effectively to it.

This research looks at good governance dimensions views from a few but key stakeholders in the compulsory land acquisition and resettlement process – the acquiring authority, the affected persons, and the valuation authority. It is therefore recommended that a more thorough stakeholder analysis be conducted as a further research.

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## APPENDICES

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### **Appendix 1: Questionnaire for Local Households**

I am a student in the Faculty of Geo-Information Science and Earth Observation (ITC) of the University of Twente in Enschede, The Netherlands. I am undertaking a Master of Science in Geo-Information Science and Earth Observation for Land Administration. I am conducting a research on **Governance in Resettlement from Compulsory Land Acquisition: A Case Study of the Bui Dam Project**.

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#### **Privacy Statement**

We acknowledge and respect your privacy. All information obtained from the questionnaire will be used only for the purposes of this research. Thank you.

**Section One: General Information**

1. Description of Respondent:

- a. Gender: 1. Female 2. Male
- b. Marital Status: 1. Unmarried 2. Married
- c. Ethnicity: 1. Ewe 2. Mo 3. Banda 4. Dagarte 5. Burkinabe 6. Other .....
- d. Household Size: .....
- e. Education Level:

1. Cannot Read/Write	
2. Can Read	
3. Read and Write	
4. Primary	
5. Junior Secondary/Middle School	
6. Senior Secondary/Vocational/Technical	
7. Tertiary	

- f. Primary Occupation (Current):
- g. Primary Occupation (Before Resettlement):

1. Civil Service	
2. Trade/Business	
3. Crop Farming	
4. Livestock Farming	
5. Fishing	
6. Retired	
7. Unemployed	
8. Other .....	

1. Civil Service	
2. Trade/Business	
3. Crop Farming	
4. Livestock Farming	
5. Fishing	
6. Retired	
7. Unemployed	
8. Other .....	

- h. Reason for Change in Occupation:

.....

2. Sources of Income

- a. Current

1. Service	
2. Trade/Business	
3. Crop Farming	
4. Livestock Farming	
5. Fishing	
6. Remittances	
7. Salary	
8. Other .....	

- b. Prior to Resettlement

1. Service	
2. Trade/Business	
3. Crop Farming	
4. Livestock Farming	
5. Fishing	
6. Remittances	
7. Salary	
8. Other .....	

3. What type of media do you have?

1. Television	
2. Radio	
3. Cell Phone	
4. Newspaper	

5. Computer with Internet	
6. Other .....	

4. What is your primary source of news?

1. Television	
2. Radio	
3. Cell Phone	
4. Newspaper	
5. Computer with Internet	
6. Notice Boards	
7. Public Forum	
8. Other.....	

5. Were you the owner or the tenant of the land that was taken?

1. Owner                      2. Tenant                      3. Shared Ownership: .....

**Section Two: Transparency – Access to Information**

6. How did you get to know about the Bui Dam Project for the first time?

- |                          |               |                          |                          |
|--------------------------|---------------|--------------------------|--------------------------|
| <input type="checkbox"/> | 1. Television | <input type="checkbox"/> | 4. Internet              |
| <input type="checkbox"/> | 2. Radio      | <input type="checkbox"/> | 5. Notice Board          |
| <input type="checkbox"/> | 3. Newspapers | <input type="checkbox"/> | 6. Public Places         |
|                          |               | <input type="checkbox"/> | 7. Public Hearing/Announ |
8. Other.....

7. When did you hear about the project for the first time?

- |                          |                                  |                          |                                   |
|--------------------------|----------------------------------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | 1. Less than a year before start | <input type="checkbox"/> | 4. 3 – 5 years before start       |
| <input type="checkbox"/> | 2. One year before start         | <input type="checkbox"/> | 5. More than 5 years before start |
| <input type="checkbox"/> | 3. Two years before start        |                          |                                   |

8. How did you first hear about the Compulsory Land Acquisition and Resettlement in the project?

- |                          |               |                          |                                |
|--------------------------|---------------|--------------------------|--------------------------------|
| <input type="checkbox"/> | 1. Television | <input type="checkbox"/> | 5. Internet                    |
| <input type="checkbox"/> | 2. Radio      | <input type="checkbox"/> | 6. Notice Board                |
| <input type="checkbox"/> | 3. Newspapers | <input type="checkbox"/> | 7. Public Hearing/Announcement |
| <input type="checkbox"/> | 4. Friends    | <input type="checkbox"/> | 8. Household Survey            |
9. Other.....

9. Do you know of the place to get information on the resettlement project?

1. Yes                       2. No

10. Is it easy to get information from this information office?

1. Yes       2. No       3. I have never been there before

11. How clear was the information through these media?

	1.Very Much	2.Moderate	3.Some	4.Not at all	5.N/A
Television					
Radio					
Cell Phone					
Newspaper					
Computer with Internet					
Notice Boards					
Household Survey					
Public Hearing/Announcement					
Other.....					

Very Much - Very much to contribute to the process, Moderate - Just enough to know what is going on, Some - A few parts of it.

**Section Three: Transparency – Openness of the Process**

12. Were you told about the laws governing Compulsory Land Acquisition and Resettlement?

1. Yes       2. No

13. Was the explanation of the laws easily understood?

1. Very much to contribute to the process  
 2. Just enough to know what is going on  
 3. A few parts of it  
 4. Not at all

14. How long was it between the time you were given notice to move and when you had to move?

1. Less than 6 months  
 2. 6 months to One Year  
 3. One to two years  
 4. More than two years

15. Was the process of Compulsory Land Acquisition and Resettlement explained to you?

1. Yes       2. No

16. Was this explanation easily understood?

- 1. Very much to contribute to the process
- 2. Just enough to know what is going on
- 3. A few parts of it
- 4. Not at all

17. How much did you know about the following?

	1.Very Much	2.Moderate	3.Some	4.Not at all
Compensation Assessment				
Payment Schedule				
Resettlement Plans				
Timetable of the Process				

Very Much - Very much to contribute to the process, Moderate - Just enough to know what is going on, Some - A few parts of it.

**Section Four: Public Participation – Involvement of Actors**

18. How were you involved in the process?

- a. Very much to contribute to the process
- b. Just enough to know what is going on
- c. A few parts of it
- d. Not at all

19. How were your representatives chosen?

- a. Election
- b. Appointment by Acquiring Authority
- c. Leaders already in place
- d. Other.....

20. How often did you meet with your representatives?

- 1. Weekly
- 2. Monthly
- 3. When there is information
- 4. Other.....

**Section Five: Public Participation – Decision-making Process**

21. Do you know of the place to lodge complaints regarding the resettlement project?

- 1. Yes       2. No

22. Have you ever lodged a complaint?

- 1. Yes       2. No



23. Were there follow-ups by the office?

- 1. Yes, the matter was resolved
- 2. Yes, but there was no resolution
- 3. No
- 4. Other.....

24. Was the community ever against any plans from the acquiring authority?

- 1. Yes, the plan was dropped
- 2. Yes, the authority negotiated a middle ground
- 3. Yes, but the authority went ahead with the plans
- 4. No
- 5. Other.....

25. Was the community consulted with regards to the choice of resettlement site, design, and arrangement of houses?

- 1. Yes                       2. No                      3. Other.....

26. Were your views implemented?

- 1. Yes                       2. No                      3. Other.....

**Section Six: Equity, Justice, and Rule of Law**

27. Did you have title/papers for the acquired lands?

- 1. Yes                       2. No

28. Do you know anyone who did not have title/papers for the acquired lands?

- 1. Yes                       2. No

29. Was the person compensated?

- 1. Yes                       2. No
- 3.                               4.

30. Did the community engage any professionals such as lawyers and surveyors to assist in the process?

- 1. Yes                       2. No

31. Who paid for their services?

- 1. The Authority                       2. The Community                       3. Free

32. Do you have title/papers for your current land?

- 1. Yes                       2. No

33. If you want to sell your land, will you be allowed to?

1. Yes       2. No       3. Don't know

34. How long after the compulsory land acquisition and resettlement did you receive your cash compensation?

1. Less than three months  
 2. Between three and six months  
 3. More than six months

35. How many rooms did you have in your previous house?

.....

36. How many rooms do you have in your current house?

.....

37. What was the size of your land in the old settlement?

.....

38. What is the size of the land allocated to you?

.....

## **Appendix 2: Interview Guide for Bui Power Authority and Volta River Authority**

### **Section One: Process, Actors, and their Roles**

1. Who were the key stakeholders during the project implementation?
2. Who were the representatives involved from the communities? Were there any committees?
3. When did the Compulsory Land Acquisition and Resettlement process begin?
4. How was this process undertaken?
5. What were the roles of these stakeholders in the process?
6. What laws in Ghana were applied in the resettlement phase?

### **Section Two: Transparency**

7. Was there an information desk at the old settlements? Who maintained it? (An outsider or a resident).
8. At what point in the process was the information desk established?
9. Is there an information desk/office in the resettlement site?
10. How was information on the process given to the affected persons? What media was used?
11. Were the laws regarding Compulsory Land Acquisition and Resettlement explained to the community members?
12. When were the people in the Resettlement Township B informed that their lands will be affected?
13. How frequent were complaints about the livelihood from the affected persons?

### **Section Three: Public Participation**

14. What are the provisions in handling the complaints of the project affected persons?
15. How were people's views on resettlement taken?
16. What are the factors considered in the choice of the resettlement site?
17. How did the people's views change this?
18. How was the compensation values assessed?
19. Were there negotiations involved?
20. How was the allocation of houses in the resettlement site done?
21. Were there any influences from NGO's and civil society groups?
22. How often did you meet with the people's representatives?

### **Section Four: Equity, Justice, and Rule of Law**

23. How long did it take for the compensation to be paid?
24. (If more than three months) What was the reason for the delay?
25. How did the Authority handle those project affected persons without titles/documents to their lands?
26. How were conflicts regarding the process resolved?

27. Were the project affected persons involved in the discussion of the choice of using the Bui Gorge as the dam?
28. Were alternative locations for the dam evaluated?
29. How was the decision to compulsorily acquire the lands taken? Were the project affected persons involved in the taking of that decision?
30. Can the project affected persons contest the compensation assessed?
31. How did the Authority handle the existence of cultural and religious sites?
32. How did you ensure that the resettlement conformed to the prior lifestyle of the farmers?
33. How were the sizes of the houses and the lands dealt with?

**Section Four: Accountability**

34. Were the media and civil society groups involved in checking how the Authority handled the procedure? Was this effective?
35. Were there other government bodies there to keep you in check?
36. How did the Authority justify its decisions with the project affected persons?
37. Was the Authority involved in making sure the people's representatives gave a feedback to the affected persons? How?

### **Appendix 3: Forum Guide for Chief's Elders/Unit Committee/Youth Leadership Committee**

#### **Section One: Process, Actors, and their Roles**

1. Who were the other actors in the process from your end?
2. Were there any NGO's and civil society groups involved?
3. When did the compulsory land acquisition and resettlement process begin?
4. How was the process undertaken from your perspective?
5. What roles did you play in the process?

#### **Section Two: Transparency**

6. Was there an information desk/office in the old settlement? Who maintained this? (Resident or outsider). How did you feel about this?
7. How was information given to you? What media was used?
8. How much access do you have to information concerning your lands?
9. Did you have access to the plans regarding how the process will be done before hand?
10. Were you able to understand the information provided about the process?
11. When seeking information, how long does it take to get what you need?
12. When were you told about the start of the project?
13. Were the laws relating to compulsory land acquisition and resettlement explained to you?

#### **Section Three: Public Participation**

14. As representatives, of the people what were your duties in the process?
15. How often did you meet with the general population to brief them on the developments?
16. How often did you meet with the authority?
17. Did you ever have any complaints about the process?
18. Were you able resolve it? How?
19. Have you ever rejected plans regarding the resettlement project?
20. How this impasse resolved?
21. Prior to the compulsory land acquisition, did the authority try to acquire the lands through any other means?
22. Were community members involved in the allocation of houses during the resettlement?

#### **Section Four: Equity, Justice, and Rule of Law**

23. Did everyone who was resettled get a title to his land?
24. How was the choice compensation made?
25. Did you hire professionals such as surveyors, lawyers and planners to assist in your decision-making?
26. Who paid for these professionals?
27. How were the compensation values assessed?
28. Did a negotiation take place after the assessment?
29. How long did it take for the compensation to be paid?
30. Were the persons who had no titles to their lands also compensated? How?
31. Do you know of any plans by the Authority to help the resettled persons to get back on their feet?
32. How different were settlers treated from indigenes?
33. Was there a difference in the size of the lands given and the land you were given? What did the authority say about this?
34. Have you been able to contest any portions of the procedure or the compensation assessed?
35. At the time the decision was made to take the land, were you heard on the matter?

36. How were sacred grooves, trees and the like dealt with during the resettlement?
37. Were your local customs and laws taken into consideration?

**Section Five: Accountability**

38. How did you divide the responsibilities among yourselves?
39. Were the media and civil society groups involved in the checking of how the authority was handling the procedure? How effective was this?
40. Do you know whether other government bodies were there to keep the authority in check?
41. How did the authority justify its decisions to you?

## **Appendix 4: Interview Guide for the Lands Commission**

### **Section One: Process, Actors, and their Roles**

1. When did the Compulsory Land Acquisition process begin?
2. How was this process undertaken?
3. What laws in Ghana were applied in the Compulsory Land Acquisition process phase?

### **Section Two: Transparency**

4. How was information on the process given to the affected persons? What media was used?
5. Were the laws regarding the Compulsory Land Acquisition process explained to the community members?
6. When were the people in the Resettlement Township B informed that their lands will be affected?

### **Section Three: Public Participation**

7. How was the compensation values assessed?
8. Were there negotiations involved?
9. Were there any influences from NGO's and civil society groups?
10. How often did you meet with the people's representatives?

### **Section Four: Equity, Justice, and Rule of Law**

11. How long did it take for the compensation to be paid?
12. (If more than three months) What was the reason for the delay?
13. How did the commission handle those project affected persons without titles/documents to their lands?
14. How were conflicts regarding the process resolved?
15. How was the decision to compulsorily acquire the lands taken? Were the project affected persons involved in the taking of that decision?
16. Can the project affected persons contest the compensation assessed?
17. How were the sizes of the houses and the lands dealt with?

### **Section Four: Accountability**

18. Were the media and civil society groups involved in checking how the Authority handled the procedure? Was this effective?
19. Were there other government bodies there to keep you in check?
20. How did the commission justify its decisions with the project affected persons?
21. Was the commission involved in making sure the people's representatives gave a feedback to the affected persons? How?

## **Appendix 5: Interview Guide for the District Assemblyman**

### **Section One: Process, Actors, and their Roles**

1. Who were the other actors in the process from your end?
2. Were there any NGO's and civil society groups involved?
3. When did the compulsory land acquisition and resettlement process begin?
4. How was the process undertaken from your perspective?
5. What roles did you play in the process?

### **Section Two: Transparency**

6. Was there an information desk/office in the old settlement? Who maintained this? (Resident or outsider). How did you feel about this?
7. How was information given to you? What media was used?
8. How much access do you have to information concerning your lands?
9. Did you have access to the plans regarding how the process will be done before hand?
10. Were you able to understand the information provided about the process?
11. When seeking information, how long does it take to get what you need?
12. When were you told about the start of the project?
13. Were the laws relating to compulsory land acquisition and resettlement explained to you?

### **Section Three: Public Participation**

14. As representatives, of the people what were your duties in the process?
15. How often did you meet with the authority?
16. Did you ever have any complaints about the process?
17. Were you able resolve it? How?
18. How was the District Assembly involved in the process?
19. Prior to the compulsory land acquisition, did the authority try to acquire the lands through any other means?
20. Were community members involved in the allocation of houses during the resettlement?

### **Section Four: Equity, Justice, and Rule of Law**

21. Did everyone who was resettled get a title to his land?
22. How was the choice compensation made?
23. Did you hire professionals such as surveyors, lawyers and planners to assist in your decision-making?
24. Who paid for these professionals?
25. How were the compensation values assessed?
26. Did a negotiation take place after the assessment?
27. How long did it take for the compensation to be paid?
28. Were the persons who had no titles to their lands also compensated? How?
29. Do you know of any plans by the Authority to help the resettled persons to get back on their feet?
30. How did the Assembly respond to the complaints related to the things needed by the community that should have been handled by the BPA?
31. How different were settlers treated from indigenes?
32. Was there a difference in the size of the lands given and the land you were given? What did the authority say about this?
33. Have you been able to contest any portions of the procedure or the compensation assessed?
34. At the time the decision was made to take the land, were you heard on the matter?



35. How were sacred grooves, trees and the like dealt with during the resettlement?
36. Were your local customs and laws taken into consideration?

**Section Five: Accountability**

37. How did you divide the responsibilities among yourselves?
38. Were the media and civil society groups involved in the checking of how the authority was handling the procedure? How effective was this?
39. Do you know whether other government bodies were there to keep the authority in check?
40. How did the authority justify its decisions to you?

## Appendix 6: Executive Instrument

### EXECUTIVE INSTRUMENT

E.I. 70

#### SATE LANDS-(SITE FOR BUI HYDROELECTRIC POWER PROJECT) INSTRUMENT, 2008

WHEREAS it appears to the President that the land specified in the Schedule to this Instrument is land required in the public interest.

NOW THEREFORE, in exercise of the powers conferred on the President by subsection (1) of section 1 of the State Lands Act, 1962 (Act 125), this Instrument is made this 6th day of August, 2007.

The land specified in the Schedule to this Instrument is hereby declared to be land required in the public interest.

#### SCHEDULE

ALL THAT piece of land (un-numbered) containing an approximate Area of 455,912 Acres situate at Bole and Nsawkaw in the Bole-Bamboi and Tain Districts of the Northern and Brong Ahafo Regions of the Republic of Ghana running in a South-Easterly direction and thus embracing portion of the Black Volta from Ntereso in the North to Bamboi in the South and measuring on the North-West a total distance of 22,581 feet more or less; on the North- East a total distance of 105,423 feet more or less; on the South-East a total distance of 33,305 feet more or less and on the South-West a total distance of 103,627 feet more or less which piece of land is more particularly delineated on Plan No. LC.132/85048 attached hereto and thereon shewn edged Pink.

By Command of the President.

Ms. ESTHER OBENG DAPPAH (MP)  
*Minister of Lands, Forestry and Mines*

*Date of Gazette notification:*

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Appendix 7: Form "F"

10 A.O. 232-4892 (11)  
STANDARD FORM "F"

My Ref. No. WB/BA 868  
 Site BUI  
 Dept. of BUI POWER AUTHORITY 2/105/ 2010  
 Claimant [REDACTED]

THIS IS TO CERTIFY that the under-mentioned crops have been planted and are agreed by the claimant (representative) in respect of the area claimed particularly delineated as FARM

Serial No. 110 BLOCK BATOR/AKANYAKROM

CROPS	Large	Medium	Small	Seedlings	Total
Cassava	1-69	-	-	-	1-69
Cashew	34	-	-	-	34

It is being understood that should circumstances arise in which Government becomes liable to pay compensation in respect of such crops it will be necessary for the claim to be verified and the count checked by the officer making the valuation.

Signature of Valuation Assistant [REDACTED]  
 Signature or Thumb-print of Claimant after the Contents of this form have been read and interpreted to him/her in.....  
 Language by GILBERI AMIKRAH  
 when the claimant seemed perfectly to understand same before making his/her mark thereto.

Signature of S. V. A. or Inspector of Lands [REDACTED]  
 Signature of Witness SCRAKE MATHEW