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Understanding tenure security dynamics in resettlement towns: Evidence from the Bui Resettlement Project in Ghana

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ABSTRACT

Many researchers have investigated the impacts of resettlement schemes in Ghana. However, not many have explored the tenure dynamics in resettlement and how it either improves or worsens tenure security. This study contributes to filling this gap by assessing tenure security in the Bui Resettlement Town B in Ghana and proposes measures for undertaking resettlement projects in a tenure responsive manner. The study adopted a qualitative and descriptive statistical approach based on data collected using interviews on tenure experiences and resettlement processes concerning the Bui resettlement project (Resettlement Town B) in Ghana. Findings show that tenure insecurity is associated with the resettlement project due to the transformation of tenure from communal holding to individual holding, changes in traditional land governance structures from local chiefs to Bui Power Authority and a general lack of access to land. The study concludes with some measures for improving tenure security in resettlement towns.

1 Introduction

Development involves space reorganization. All development has the potential of causing displacement (Vandergeest, 2003). Large-scale development or infrastructure projects typically require land, and sometimes vast tracts of land regardless of their purpose and whether they are initiated by governments or private companies (Vanclay, 2017). However, except countries where lands are nationalized, many governments prima facie have no land. In Ghana and many Sub-Saharan African countries, this is attributable to the dominance of customary and communal landholding systems in this part of the world. It is estimated that 80% of lands in Ghana are held under customary tenure system (Kasanga and Kotey, 2001; Ubink and Quan, 2008), whilst a converted 20% of the land is held under statutory and quasi-statutory tenure.

Therefore, though a disruptive tool with high social and political-economic cost, successive governments in both developed and developing countries have had to resort to compulsory acquisition to access land to carry out their infrastructural development mandates. In most cases, the invocation of the powers of compulsory acquisition for infrastructure developments leads to displacement and resettlement of affected persons – described as development-induced resettlement which is the focus of this paper from a tenure security lens.

The effects of development-induced resettlement are widely acknowledged in literature including the enormous social risks, disruption in power relations, loss of culture, psychological effects, loss of livelihoods, loss of homes, impoverishment, loss of community networks and sense of place and adverse environmental conditions (Fynn Bruey, 2019; Vanclay, 2017; Owen and Kemp, 2015; Satiroglu and Choi, 2015; Xue et al., 2015; Mathur, 2013 and Cernea, 2008). Development induced resettlement is often justified with the provision of social infrastructure, housing amenities and utilities. However, Vanclay (2017) posits that the impacts of resettlement on all other dimensions of life are rarely fully assessed. Hence, only those impacts emanating from activities that have the potential of impeding the resettlement task are mostly evaluated. The risk in such case is that resettlements can breed resentment, injustice and social inequality by reducing land rights and interests into claims, and complex systems, into monetary compensation (de Wet, 2005).

Most resettlement projects in Ghana have not been able to restore or improve the land tenure of affected persons, as land access and tenure issues continue to dominate the resettlement literature in Ghana (Wilmsen et al., 2019 and Adu-Aryee, 2019). Conventionally, the focus of resettlement is usually not on tenure security (Leckie, 2002) but instead on the relocation of people. Vanclay (2017) maintains that resettlement practice has only been concerned with providing

cash compensation and replacement housing to the neglect of other dimensions of life that are affected by resettlement, including tenure and tenure security. This is a possible reason why most resettlements dominantly feature property enumeration as against tenure enumeration before resettlement. Resettlement projects are broadly perceived as making lives of the resettled people better and not worse off. They are idealized as a form of growth involving the interlinking of improvements in infrastructure, economy, society, and planning (Yarrow, 2017). However, Vanclay (2017) is of the view that resettlement, even when it leads to an improvement in the material standard of living, can incite other social impacts such as tenure insecurity.

Many types of research in Ghana have focused on the broad socio-economic and livelihood impacts of resettlement (Mettle, 2011; Obour et al., 2015; Yankson et al., 2017; Hausermann, 2018; Korah et al., 2019). Yet there are limited studies if any, dedicated to exploring tenure dynamics in resettlement and how resettlement either improve or worsen land tenure security. However, as Chigbu et al. (2016; 2017; 2019) argue, for any land management intervention to be tenure responsive, tenure security must be an objective to be met and not a principle of good governance to be followed. Failure to provide tenure security and compensate for legitimate land tenure rights during displacement creates 'injustice in the social order' (Bala, 2008). It risks resentment, conflicts and disruption of project activities (Deutsch, 2011). Therefore, this paper investigates how we can achieve a situation where resettlement involves relocating individuals, rights and tenure, to improve tenure security of beneficiaries of resettlement projects or initiatives. It does this by answering these key questions: 1) what is the tenure security situation in resettlement towns? 2) does resettlement improve or worsen land tenure security, and how? 3) how tenure secure are people affected by resettlement projects, and what are the sources of (in)security of tenure? and 4) how can resettlement projects be made to improve tenure security? The rest of the paper is structured as follows: in the next section (2), we present literature or theoretical perspective towards understanding resettlement, land tenure security and tenure responsiveness. Section three comprises the methodology of the study. Section four, discusses the findings of the study, while section six concludes and proffer suggestions for improvement of tenure security when undertaking resettlement projects.

2 Theoretical perspectives

2.1 Deconstructing resettlement and its forms

Resettlement is a term of varied meanings and objectives, with differentiated outcomes for different categories of actors (Artur and Hilhorst, 2014). According to Hedderman (2007), resettlement is used widely in ministerial speeches, government policy documents, regional action plans and academic papers, yet the meaning of resettlement in the different context is debatable. Consequently, separate terms and explanations exist in the usage of resettlement in context-specific jurisdictions. In refugee studies, the UNHCR (2011) refers to resettlement as the "transfer of refugees from an

asylum country to another State that has agreed to admit them and grant them a permanent settlement." In India, resettlement is commonly referred to as 'resettlement and rehabilitation', which means the physical relocation of displaced people and the restoration of their lost economic and social assets at the new site (Mathur, 2013). Under the assumption that resettlement involves restoring people to the social environment and condition which preceded their prison sentence, Raynor (2007), argues that if the intended outcome of resettlement is new social bonds and commitments which support a way of life in which offending is less likely, resettlement is not a very clear description of such a process. Therefore, whilst this research agrees with Mathur's views of resettlement as involving physical relocation and the restoration of lost economic and social assets of displaced people, it disagrees that resettlement and rehabilitation are the same. Instead, the research supports the views of the World Commission on Dams (2000) that rehabilitation can be envisioned as a process that will reverse the risks of resettlement – it is an outcome of resettlement that is conceived not as physical relocation or mere restoration of incomes but as development. Whilst resettlement could be induced by land reform for distributive justice, wars and conflicts, natural disaster, crime or development-induced, this research toes the line of development-induced resettlement. From a development perspective, Vanclay (2002) defined resettlement as a co-opted or coerced process by which local people surrender land for a project (such as a dam) and are relocated elsewhere as part of a compensation package. Consequently, and for a working definition, resettlement in the context of this research is defined as a land management intervention involving the physical, social and economic displacement and relocation of people who involuntarily give up their land for development projects. Development projects here include dam construction, hydro-power generation, housing, mining and irrigation projects. It is physical because it involves the actual movement of people from their original habitat to another and usually involving the construction of new infrastructure and dwelling units. It is social because it often means changes in social structures, loss of sense of place and cultural identity. It is economical, as it directly affects livelihoods and resource access for the generation of income.

Development induced resettlement affects livelihoods and resource access in the sense that it disrupts the rules about how people access and use land. Therefore, understanding the dynamics of tenure in resettlement towns would require getting an overview of the land tenure context within which displacement and resettlement take place.

2.2 Synopsis of land tenure in Ghana

Land tenure defines (socially, legally or customarily) how people relate to land, either as individuals or as groups (Chigbu et al., 2016). In Ghana, the duality of tenure and resource management remains a defining feature of current tenure regimes. Ghana has a pluralistic tenure system in which customary and legal tenure are both recognized and co-exist. Consequently, there are categorically two land ownership regimes in Ghana which reflect this duality of

tenure in Ghana. These are public (state and vested) lands and customary lands.

Public lands encompass both state ownership and vested ownership. State ownership arises from lands that are acquired outright by the state through a statutory Act in exercise of its power of eminent domain. This form of ownership constitutes about 18% of land in Ghana. Vested lands are sandwiched between public lands and customary lands and constitute about 2% of land in Ghana. They originate from a quasi-state land ownership arrangement, in which split ownership is created over land between the state and customary authorities. By vesting, the state acquires the legal ownership of the land to hold in trust for and manage for the benefit of the customary authority, whilst the respective customary authority retains beneficial ownership to use and enjoy the benefits accruing from the management of the vested land in the form of rents and royalties.

Customary lands constitute 80% of lands in Ghana and are the primary source of tenure for many Ghanaians and foreigners alike. Customary lands are owned communally along ethnol-tribal and family lines, with designated traditional authorities responsible for their management in their capacity as trustees (Yeboah and Shaw, 2013), holding in trust for the ultimate benefit of the land-owning communities for which they represent. Depending on the traditional symbol of authority on which the trusteeship and management are vested, customary lands are categorized into *stool lands* where the lands are vested in a stool (symbol of traditional authority in most parts of Southern Ghana) in trust and for the benefit of the subjects of the stool; *skin lands* where the lands are vested in a skin (symbol of traditional authority for most parts of Northern Ghana) to manage on behalf of subjects; *clan lands* where the lands are vested in and managed by a clan and *family lands* where the lands are vested in and managed by a family.

Different rights and interest in land evolve from the different tenure regimes in Ghana. As such, both customary and public lands produce various benefits which Da Rocha and Lodo (1999) categorized into five recognized types of interest that can be held in Ghana. These are allodial, usufructuary, leaseholds, tenancies and licences. The allodial interest is the highest form of property right capable of being held in Ghana. It is vested in stools, skins, family and clan heads. In the event of compulsory acquisition, it is transformed into the state (whose representatives hold the title in trust of the people). The usufructuary interest (freehold) is a derived interest from the allodial interest. Two forms of the usufructuary interest exist; subject usufructuary interest and stranger usufructuary interest. Sub-groups or individuals acquire the subject usufructuary interest by being subjects of the stool/skin/clan/family which holds the allodial title. Subject usufructuary interests are mostly acquired by first cultivation, and holders of this interest have the right to use, alienate, exclude and benefit from the land indefinitely (Kuusaana and Eledi, 2015). A stranger usufructuary interest is similar in all regards to a subject usufructuary interest except it can be acquired by strangers who are not members of the allodial title group, and such interest is only obtained by an express grant from an allodial titleholder.

Leasehold interests are also derived from allodial and usufructuary interest. They are terminable interests that allow one to acquire land for a fixed term subject to payment of periodic rent, evidenced in a contractual agreement. This type of interest is a form of individualization of land and is the common type of interest in most (peri) urban areas in Ghana.

Licences and tenancies are based on customary sharecropping tenancy and cash tenancy arrangements which creates use rights for accessing land for agricultural purposes (Kuusaana and Eledi, 2015). In sharecropping arrangements, farm proceeds are shared between the landowner and the farmer at the end of the farming season according to a predetermined formula informed by customary tenure practices of the area. Two variants of sharecropping tenancy are common in Ghana; *abusa* and *abunu* system. In the *abusa* system, farm proceeds are shared in a 2:1 ratio between the farmer and landowner, respectively. The farm proceeds are however shared in a 1:1 ratio in the *abunu* system. In other jurisdictions, in return for the right to use the farm for agricultural purposes, the farmer pays cash to the landowner. Whatever form these licences and terms take, they could run as long as for generations and as short as a farming season.

It is worth noting that whilst these interests are well recognized by Ghanaian laws and constitute legitimate tenure for many Ghanaians especially in rural areas, the lesser interests, except leases which are mostly evidenced in writing and registered with the Lands Commission, have often lost legality in the wake of pressures of urbanization, infrastructure development, compulsory acquisition and resettlement. In practice, chiefs have posited as absolute owners (rather than trustees) of land which shrouds other legitimate and sometimes superior interests in land. Unfortunately, both government and private investors have endorsed this attitude through how compensations are handled for deprivation of rights, especially when such rights are undocumented, although legitimate. Thus, there is the tendency for resettlement processes not to meet tenure needs of legitimate land rights holders. This is why restoring or improving tenure should be central in resettlement processes. A key issue here would be to understand how development-induced resettlement land use and land tenure security interact.

2.3 Development induced resettlement, land use and tenure security

The effect of resettlement on land use and tenure security cannot be underestimated as it relates to livelihood maintenance (Bessey and Tay, 2015), and (re)defines ownership relationship among people as individuals or groups in relation to land (FAO, 2018). The livelihood potential of land is disrupted, distorted or even depleted by development-induced resettlement processes (Askland, 2018). This is manifested in the inability of resettlement packages to meet land and tenure needs of displaced people. Mugagga et al. (2019) noted that freeholds and formal titles attract better resettlement packages compared to customary tenure. However, in a less formal economy like Ghana and many Sub-Saharan Africa countries, the dominance of customary tenures negatively affects resettlement packages.

It increases the negative impacts of resettlement on tenure. The experience has been that many legitimate but informal forms of tenure are unaccounted for and people in these tenure categories only benefit when they have other relatives with more formal land tenure who receive compensation.

In most parts of Africa, land is held communally and accessed through customary arrangements (Boone, 2017). Generally, the tenure arrangements in these settings are characterized by significant (sometimes unlimited and immeasurable) land holdings through "son of the soil" entitlements (Chimhowu, 2019). These arrangements are robust enough to meet land needs of the people, deliver tenure and are suitable for the agrarian nature of these communities. However, development-induced resettlement disrupts these arrangements and expose affected communities to landlessness (Terminski, 2013). These disruptions breed tenure insecurities which are often not the immediate focus of resettlement projects. Resettlement infringes tenets of tenure security in three ways: First, resettlement processes are characterized by power differentials between the state and displaced people where the state does not necessarily act to protect tenure rights of weaker parties (Price, 2015). Secondly, the direct control of land and power to make decisions about land is assumed by the state, making resettled people voiceless in their land. Thirdly, there is the fragmentation of land ownership and land sizes which are incapable of supporting hitherto livelihood (agricultural) land uses. The net effect is that the resettlement alters land uses, restricts land resource decision making power and breeds insecurity. To reverse these trends requires identifying tenure insecurities in development-induced resettlement and addressing them through tenure responsive approaches.

2.4 Tenure responsiveness: missing link between land tenure security and resettlement

This research is conceptualized under the concept of tenure responsiveness. The term responsive has been used variously by scholars across different fields of study, often relating it to concepts or phenomena in forms such as 'responsive city', 'ecological responsiveness', 'social responsiveness', and responsive governance. De Silva and Valentine (2000) relates a responsive health system to individual welfare enhancement through better interactions with the health system. Bansal and Roth (2000) used the term responsive in their model for ecological responsiveness and explains why companies go green. In their work on understanding social responsiveness, Favish and Ngcelwane (2009) used the term responsive to describe social responsiveness as scholarly-based activities that have projected and defined outcomes that match or contribute to developmental objectives or policies set by civil society, local, provincial or national government, international agencies or industry. Goldsmith and Crawford (2014) used the term 'responsive' to explain the Responsive City concept as a guide to civic engagement and governance of cities in the digital age. de Vries and Chigbu (2017) used responsive as an indicator of responsible land management.

While there is a paucity of literature on the use of responsive in relation to tenure, of relevance to this study is the application of responsive in the concept of tenure responsive

land use planning (Chigbu et al., 2016; 2017). Chigbu et al. (2016) posit tenure responsive land use planning as a complementary initiative involving the mainstreaming of tenure security principles and considerations in land use planning implementations to make it have a direct or indirect influence on the improvement of tenure security. This research aligns with Chigbu's idea of tenure responsiveness but looking at tenure responsiveness in relation to resettlement schemes. Tenure responsive resettlement in this research means the application of principles of tenure security to the planning and implementation of resettlement schemes to improve the tenure security of beneficiaries after implementation. This requires the recognition and respect of all legitimate tenure rights of beneficiaries of resettlement; safeguarding legitimate tenure rights from the risk of infringement; ensuring the enjoyment of legitimate tenure rights; prevention of tenure-related disputes and access to justice for violation of tenure rights. Thus, the concept involves assessing the resettlement processes, identifying tenure gaps and integrating tenure-improving aspects into the resettlement process that will lead to improved tenure security.

Land tenure in this context refers to a system that governs the customary or legal rights of individuals or groups to land and the resulting social relationships among members of the society (Kuhnen, 1982). According to Pierce (2010), there are three primary dimensions of tenure: durability, liberal market compatibility and social equity. Hence, any land management intervention that seeks to promote tenure must create enabling conditions for people with tenure in land to maintain it over time, to be able to participate in economic markets and experience fairness in the distribution of land rights. Therefore, land tenure security is said to exist when an individual perceives that he or she has rights to a piece of land continuously, free from imposition or interference from outside sources, as well as the ability to reap the benefits of labour and capital invested in that land, either in use or upon transfer to another holder (Bruce and Migot-Adholla, 1994). Perception and social recognition are relevant in defining land tenure and tenure security in the Ghanaian context since most lands in Ghana are customary lands; and access to and use of land is mostly through customary arrangements.

3 Methodology

The study uses a single case study research approach to investigate the responsiveness of resettlement projects to land tenure security using empirical data from the Bui resettlement town B in Ghana. It combined qualitative and quantitative methods to collect primary and secondary data. Primary data consisted of tenure experiences and perceptions of resettled people, chiefs and government authorities while secondary data comprised reports, policies and regulations on resettlement in Ghana.

3.1 Study area

The Bui Dam is a 400-megawatt (540,000 hp) hydroelectric project in Ghana which was commissioned in May 2013. The Project involved the resettlement of eight (8) communities with a total population of 1,216 people who were going to be

affected by the construction of the dam and the dam's reservoir, which was expected to cover an area of 444km² at its full supply level. The area of permanent inundation included six communities which needed to be resettled. Although another community, Dokokyina, would not be inundated, it needed to be relocated because the community was going to be surrounded on three sides by the reservoir (south, east and west).¹ A huge part of their land, which was used for cultivation, grazing, hunting and collection of forest products, was also going to be submerged. This study was conducted in the Resettlement Town B. The one square kilometre resettlement town B was created in 2011 to accommodate 141 households which were inundated by the construction of the Bui dam reservoir. The Resettlement Town B is one of three resettlement sites (A, B and C) created by the Bui Power Authority following the construction of the Bui Hydropower Dam. The site A, which was built in 2007, is made up of 42 households and comprises the Brewohodi, Dam Site and Agbegikuro resettlement villages. The site B is made up of up of the Dokokyina, Bui and Bator villages, comprising 141 households, whilst site C comprises 36 households of the Bui National Camp. Traditionally, the resettlement township B falls within the remits of the Banda Traditional Area where each of the respective chiefs of the resettlement villages in township B pay allegiance to the paramount chief of the Traditional Area. Dokokyina and Bui are native villages comprising the Mo and Banda tribes respectively. However, history has it that the Bator village, though considered settlers before 1997, attained a native status by their extended stay and has agreed to join the Banda Traditional Area to meet requirements in achieving the status of a Traditional Area. Hence the village was elevated to a sub-stool within the hierarchy of the chieftaincy administration. Two factors influenced the purposive selection of Resettlement Township B. First, it was chosen on the assumption that being the most recent resettlement in Ghana, it might have benefitted from lessons learnt from previous resettlement projects. Secondly, it was to have views and experiences on tenure security from natives and (converted) settlers.

3.2 Sampling, data collection and analysis

Convenience sampling was used to select and interview 17 household heads from Dokokyina resettlement village, 20 household heads from Bui resettlement village and 30 household heads from Bator resettlement village. The chiefs of the three resettlement villages, two officers from Bui Power Authority and two officers from the Lands Commission were purposively selected as crucial informants of this study. The critical data collection instrument for primary data was interviews based on ten Prindex indicators of tenure security. The study used a combination of policy document reviews and semi-structured interviews to collect data on resettlement processes, tenure (in)security perceptions, tenure experiences and sources of tenure (in)security to assess how the resettlement project has contributed the land tenure (in)security of its beneficiaries.

¹ Description of Bui hydro-power dam and resettlement project available at <https://buipower.com/bui-power-resettlement-programme/>

The assessment was based on a ten-indicator measure of tenure security (Pindex, 2018). We used content analysis to analyse the data. This method allowed the researchers to identify themes among responses from interviewees and based on logical deductions and inferences, interpreted the data. It involved identifying themes of the tenure situation and the elements of tenure insecurity of the respondents. Perceptual data were then analysed and described statistically.

4 Results and discussion

4.1 Land tenure security perceptions in Bui Resettlement Town B

A pre- and post-resettlement probe of the tenure security perceptions of the resettled people concerning their dwelling units, their agricultural holdings and the general tenure perception compared to their old settlement, presented a mix situation. It emerged that there are varying levels of security between tenure from dwelling units and tenure from agricultural holdings. While the resettled people are confident and secure about their tenure in the dwelling units provided as part of their resettlement package, they feel insecure about their agricultural holdings which are their source of livelihood. However, overall, compared to their general tenure perception before the resettlement, they feel less secure in the resettlement town. Figure 1 gives a graphical representation of tenure security levels in the Bui resettlement town.

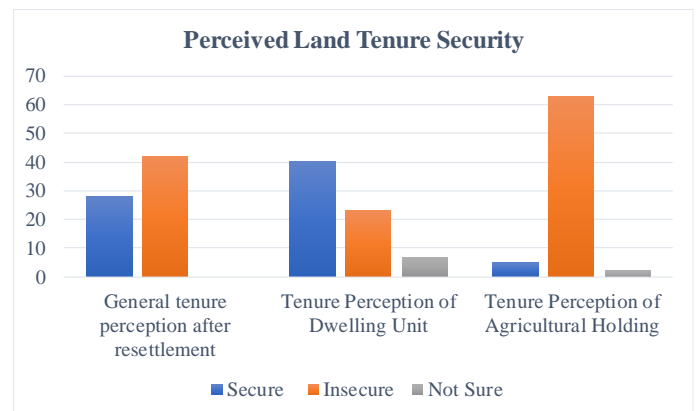


Figure 1: Land tenure security in Bui Resettlement Town B

Source: Author's construct based on field data (2018)

From figure 1, five (5) out of seventy (70) people interviewed including chiefs mentioned that they were tenure secure on their agricultural holding compared to sixty-three (63) people who said they were insecure. In terms of the dwelling units, 40 out of 70 people said they feel secure, 23 people said they feel insecure, and 7 people were unsure of their tenure security. However, asked of their general tenure perception

after the resettlement compared to their old site, 28 out of 70 respondents mentioned that they were tenure secure. At the same time, 42 people said they were tenure insecure.

The field responses were further analysed and interpreted along the lines of natives and settlers, to ascertain if the status of the individual affected their tenure security. It turned out that whilst tenure insecurity did not spare both natives and settlers alike, insecurity was pronounced in the settler village of Bator compared to Dokokyina and Bui resettlement villages. As shown in Figure 2, 19 out of 39 natives interviewed said they were tenure secure while 20 said they were insecure. On the other hand, 9 out of 31 settlers interviewed said they were secure, while 22 said they were insecure. Insecurity among the settler village was high despite that they attained the status of natives, having settled in their old site for decades. However, increased pressure on land after resettlement led to encroachment by natives who now feel the chief and people of Bator are under them and should pay allegiance to the Bui Chief.

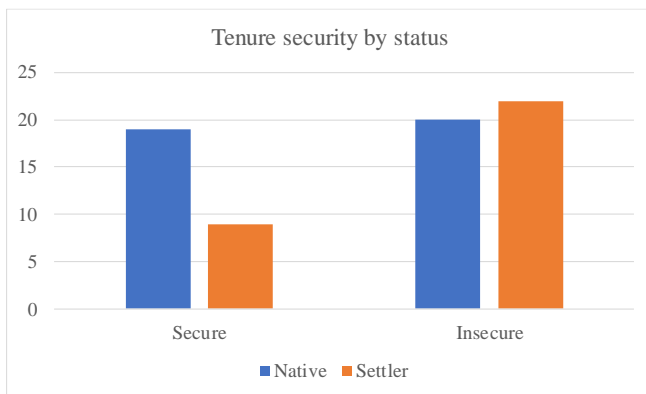


Figure 2: Land tenure security by status.

Source: Author's construct based on field data (2018)

4.2 Tenure assessment in Bui Resettlement Town B using prindex indicators

Ten indicators of tenure security were used to assess tenure in the Bui resettlement town. The evaluation was necessary to ascertain both the tenure situation in the resettlement town as well provide the basis for identifying sources of tenure insecurity among the resettled people. Table 1 provides details on the assessment outcomes.

4.3 Sources of tenure insecurity in Bui Resettlement Town B

Tenure security means different things to different people. For others, it is not something they think about. Nevertheless, several factors or experiences can be sources of tenure insecurity for people who depend on land for a living. The following were thus identified as sources of insecurity of tenure to the resettled people following the Bui hydro-power project, based on which the researcher is making a case for adopting measures that make resettlement responsive to improve tenure.

4.3.1 State-dominated land governance structure breaks trust and fails to secure local tenure

Local people within customary settings trust their leaders and chiefs. This is why the first option of an aggrieved landowner or user is to a family head, a chief, or community elders and not to a local authority office or unit committee member. Land builds power and loyalty between traditional authorities and local people. While it gives chiefs power to protect their people, it makes local people loyal to their chiefs. It is not surprising in most rural parts of Ghana that tenure insecurity is existent. This is because, customary arrangements make land available to everyone if they belong to the land-owning community, and the people trust these arrangements to deliver them tenure. The Bui resettlement project has robbed land governance from traditional non-state agencies and given it to state agencies who are aliens to land and power relations among the local people. On the one hand, chiefs are insecure because they have lost one thing (land) which binds them to their people. On the other hand, local people who have enjoyed tenure through their chiefs do not trust state agencies to deliver tenure security. Instead, they see these agencies as restricting their tenure. It is from a similar perspective that Tchatchoua-Djomo (2018), reports that central government-led attempts to improve local land tenure security have resulted in contrasting impacts on local tenure insecurity and peacebuilding in post-conflict and post-disaster Aceh in Indonesia. Citing Arthur Green, Tchatchoua-Djomo (2018) argues that failure to understand the interconnectedness among the existing diversified norms, customs and conventions, and their roles in shaping local land access and ownership has misguided the land reform process. He (ibid) avers that land governance reforms have improved the resolution and prevention of certain land disputes and the land administration system but have failed in bringing a solution to the competing claims over the land occupied by the displaced people (IDPs) and improving local tenure security.

Table 1: Tenure assessment in Bui Resettlement Town B

Assessment Indicator	Assessment results
Mode of acquisition of dwelling and land access	Bui Power Authority initially allocate land and house to resettled families as compensation. The current mode of land acquisition is through purchase from the Bui Power Authority. Resettled people and new migrants pay different prices for a plot of land. The prospective applicant applies to Bui Power Authority, makes payment and is allocated land. The chief only confirms whether the applicant is a member of the resettled community or a stranger. Land access has become difficult. Payment for land to build is a new practice for the local folks. New families springing up from resettled families cannot find land to develop. Alternative agricultural land given to the resettled villages is exhausted. New families have no land to farm.
Duration of tenure and fear of losing tenure rights	The resettled people have owned land and dwelling units for about 8 years. The duration of tenure for the resettled people is undefined. There are fears of losing their agricultural holdings. There are fears of not being able to afford land in the years to come. They fear that the government has the power over their tenure and could decide anything with the land that will lead to loss of tenure.
Possession of different types of documentation of tenure rights and boundaries	The tenure rights of the resettled people are not spelt out and documented. Residential plot boundaries are demarcated with survey pillars. There are no defined boundaries of agricultural landholdings. All resettled families have an allocation note from Bui Power Authority and a site plan for the house they occupy. The people have no documents on their agricultural landholdings.
Legality of documentation	The current form of land documents issued by the Bui Power Authority does not contain any legal information to confer legal ownership. The issued documents carry the same legal effect as allocation notes which are established by the supreme court of Ghana as not conveying title to land.
The contribution of property to livelihood	Resettlement on comparatively less productive smaller land size affects livelihoods negatively in the form of poverty and food insecurity. Disempowerment of land rights and loss of cultural identity contributes to negative social and psychological wellbeing of the resettled people.
Rights to monetize property through rental, collateralization or sale	The rights to rent, sell or collateralize their land or dwelling units are not specified in the document evidencing the allocation of land. They remain ambiguous.
Size, type and tenure of additional land	Resettled people now have tenure over smaller areas of land. Resettled people have additional land for farming purposes but unspecified tenure over such land.
Knowledge of how to defend tenure rights	The people lack full knowledge of their tenure rights and how to defend them. All that the people know is that the land used to belong to the chief but now belongs to Bui Power Authority who decides what they do with the land. The tenure rights have not been spelt out and explained to the people.
Level of confidence in the protection afforded by authorities	The people think the government will protect them from eviction from their dwellings but fear that Bui Power Authority/government may also decide to use the land they farm on for other projects which will affect their tenure.
Previous experience of tenure conflicts or tenure rights being disputed	There are land disputes among the resettled people, among neighbouring chiefs and between the resettled people and Bui Power Authority over the use of the land.

Source: Author's construct based on field data (2018)

4.3.2 Undefined customary boundaries are no longer appropriate in a land-scarce resettlement situation

Defined, demarcated and recorded land boundaries are crucial in managing conflicting claims to land. While their importance is less noticeable in land abundant rural areas, well-demarcated boundaries cannot be compromised in urban and peri-urban areas where the smallest piece of land matters. Whereas resettled people previously co-existed peacefully in their former place without formally defined boundaries, such an approach in the resettlement town is a source of dispute and insecurity for the people. A respondent put this challenge in the context in the following narrative:

When we were being moved to this place, we were told they would divide the land for everybody to have his share. We complained that this arrangement was going to divide us because, in our old place, we all cultivated together, and each person knew his/her boundaries. The land they gave us here is too small, and we are now divided because everyone is fighting for more land.

These statements affirm how undefined boundaries which were not a problem is now causing tension over land.

4.3.3 Land disputes cause fears among resettled people

Asked if they have experienced or witnessed any land dispute since they were resettled, a respondent said:

Aha! 'ntokwa ne manso twe nkoaa'" – meaning here, only disputes and legal suits. "Our land matters have turn conflicts. Today, because of land, people do not talk to each other. Your brother no longer wants to see you because of land. It used not to be like that in our old place. The land was there, so everybody does what he or she likes. No one has time for the other.

This was the plight of a respondent on land conflicts, which creates insecurity. Land(use) conflicts in the Bui resettlement town B manifests in three forms – conflicts between chiefs claiming ownership and entitlement to compensation, conflicts among resettled people overuse rights of land and land use conflict between resettled people and Bui Power Authority. The Lands Commission and Bui Power Authority confirmed conflicts as the reason for non-payment of compensation for land. This constitutes a source of insecurity in the resettlement town.

4.3.4 Lack of land documents and restrictions on the cultivation of permanent crops creates insecurity

In the absence of documents from Bui Power Authority on their agricultural holdings, many of the respondents felt they have no control over the lands they currently cultivate. They said though the land was given to them by the government, there is nothing to show that they own the land and if someone challenges their children when they are dead and gone. Some respondents also saw restrictions on the cultivation of permanent crops as a threat to their tenure – their point being that permanent crops are evidence of ownership.

4.3.5 Non-payment of compensation

Legally, compensation in Ghana, whether paid or not, neither invalidates a compulsory acquisition nor give rights to the affected persons to challenge the compulsory acquisition. What is challengeable is the fairness or adequacy of compensation. On the contrary, in the minds of many chiefs and landowners, they think until compensation is paid, the land remains theirs. This disparity is a cause of encroachment on most government lands in Ghana and a source of insecurity to people affected by compulsory acquisition. Such insecurity existed in the Bui resettlement town B on such assumptions and creating uncertainty among the people as to who owns the land on which they are resettled. In an interview with one Queen mother in the resettlement town on her perception of tenure security, she said:

I can't tell, because the government said it had taken the land, but Ohene (chief) said he had not been paid compensation. If you take something from someone and you have not paid, then it is not yours.

Another respondent said: *We are insecure because Nana has not yet been paid compensation, so we cannot say the land is for government, so we feel insecure.*

These statements are expressions of uncertainty and fears about land tenure in the resettlement town. While Bui Power Authority legally acquired the land and had the right to use the land as it pleases, it acknowledges the difficulty it poses in administering such land. An officer of Bui Power authority mentioned in an interview that:

We have challenges on our part administering the land. But they will not tell you their grievances. We have a challenge because we have not fully compensated for the land taken. Therefore, we face these resentments in the form of encroachment.

4.3.6 Limited access to land

A significant source of insecurity to many resettled people is lack of access to land. This is particularly problematic, given that most resettlements affect rural people who have enjoyed unlimited access to land through shifting cultivation and customary arrangements. As such, it was a single most dominant source of insecurity in Bui resettlement Township B where every respondent interviewed mentioned that they do not get land to farm. Compared to the land area they controlled previously; many now have smaller farm sizes. The following responses highlight the problem of land access:

I had free access to land and was more secure at the old site than here. There we had it cheap, all that you need to do is to go and see the chief, and he will let a committee allocate land to you. Now, you must go and see the Bui Power Authority. We don't have any arrangements to request for more land if where we are cultivating is exhausted. Resettlement has affected our livelihood. There is hardship here. The first land was productive, and there was a market for our farm products.

4.3.7 New population and increasing land values threaten the tenure security of resettled people

A fear of many of the resettled people is that they and the generations to come will soon not be able to buy land to build. Their reason is that the town is developing because of the hydro-power project and its associated road infrastructure that opens the area and make the place attractive to other people who will want to come and settle here. The respondents complained that even now, the land is inadequate for them. From a near-zero payment for land to build, members of the resettled communities now pay about \$82 (a reduction from the amount paid by outsiders following protests from the youth of the town) for a plot of land to Bui Power Authority. In comparison, outsiders pay about \$510 for a plot of land. This is a concern for the people who think the cost of land will take land from them and give to strangers who may have the purchasing power.

4.3.8 Land encroachment poses insecurity to Bui Power Authority

Tenure insecurity in the Bui resettlement town has not spared the Bui Power Authority who legally holds title to the land. Encroachments on the compulsorily acquired land is a problem the Bui Power Authority must contend with. The encroachments (by the already insecure resettled people who are competing for access to land) creates insecurity for Bui Power Authority.

4.3.9 Struggle for power and allegiance causes tenure insecurity in settler fishing community

This problem was peculiar in Bator, where the inhabitants' tenure is threatened by calls for subordination and allegiance from chiefs of neighbouring resettlement villages who are competing for access and control of more land. By long occupation and contribution to Banda's attainment of Traditional Area status, the settler community of Bator enjoyed native land rights. They were assured before the resettlement that they would be on their own and not under any chief or native town at the resettlement site. However, the dynamics changed when the three communities were resettled on land that was considered inadequate for the three communities. Suddenly, native communities now feel they own the land and others must pay allegiance to them for being on their land. This, according to a key informant, has created misunderstandings between the communities and their members which was reported to the Chief Executive Officer of Bui Power Authority.

4.3.10. Loss of livelihood means tenure insecurity to resettled people

Fishing and farming were two significant sources of livelihood for many of the resettled people. For fishing communities, farming was a secondary occupation for family sustenance. However, after resettlement people who depended on farming and those who rely on fishing now struggle for the same piece of land for farming to sustain their livelihoods. The problem is that a fishing community was resettled together with two farming communities. This led to farming communities encroaching on lands that were meant

for fishing communities. Respondents from the fishing community mentioned that after relocating them far from water bodies where they fished, they have no access to their source of livelihood, and the only option is to turn to the farm. Still, the lands are all cultivated by members of farming communities. According to respondents, even the water bodies from which they were resettled, migrant fishermen have now taken over. When asked about his tenure security experience, a respondent said:

How can we say we are secure when our source of livelihood has been taken away? We are fishermen, and our lives depend on water. However, they resettled us far from the water we used to fish, and they brought us here together with farmers. They promised to build us fishponds which never came and before we realized farming was all we could now do; the land is not available for us to farm because others have cultivated it. When we want to fish, Bui Power restricts us; we want to start farming as a source of livelihood, but there is no land. Now the very river they restricted us and gave us rules of fishing, which we were strictly obeying, is taken over by strangers who are doing the opposite of what we were told. It has even made us enemies in the eyes of those people when we try to let them know and keep to the rules for fishing that were given to us by Bui Power Authority. There is now a whole settlement around the river area where we were told not to fish, and they are fishing. Bui Power Authority is aware of those people, and they go there with military every time.

4.4 The paradox of tenure security in the Bui Resettlement Town B

The findings from this study present a situation about tenure security which the authors describe as the paradox of tenure security. It is paradoxical because it shows a backward movement of tenure contrary to popular assumptions that resettlements deliver formal tenure and better housing standards and therefore should result in improved tenure (Nyametso, 2012). Such an assumption is anchored to the known position in land tenure security literature that formal or legal titles to land give superior tenure security (Firmin-Sellers and Sellers, 1999; Galiani and Schargrodsy, 2010). This means that any purported improvement in tenure must end with a registered title to consider it improved. What we have done, however, is to question whether a registered terminable interest in land is superior to an unregistered perpetual interest and whether the size of the area over which tenure is enjoyed matters in the measure of tenure security.

The findings show that the people affected by the resettlement gave up their customary freehold interest in land before the resettlement for an unspecified interest after. The land laws of Ghana are not clear on what kind of tenure devolves onto the people after resettlement. It can, however, be inferred from the State Lands Act 1962 that these people are divested of their original interest by invoking the powers of eminent domain. Thus, they become tenants (lessees) on government

land. It can be argued that their tenure has been regularised (formalized). However, the argument is that these people had legitimate tenure and exercised tenure rights over a large area of land but have now been regularised over a restricted area of land. In reality, the difference between the pre and post resettlement tenure of these affected people is an improved house, which does not automatically translate to tenure security. In terms of tenure, there is a loss because they now exercise tenure rights over smaller parcels of land, they have given up freehold for what can be described as leasehold, and the benefits of tenure security that formal titles promise was never delivered to them, aside letters recognizing an allotment of a residential plot(s) by the government. Thus, on the grounds of formal titles (legal tenure) as instruments for investment and participation in capital markets, the resettled people are not in a better tenure security status than before because they never had registered titles and still do not have it to enable them to use titles as collateral for loans or credit.

In the rural and customary settings of Ghana, tenure security is not merely in titles, but continuous access to land as many depend directly on land to survive. In such a context, formalizing tenure may not lead to tenure security or enable productivity and participation in capital markets (Jansen and Roquas, 1998; Jacoby and Minten, 2007). Therefore, any land intervention that does not restore or increase people access to land constitutes a threat to tenure security. Land titles leverage access to capital, but if that is all they offer, they will not be serving the needs of people in rural settings where property and mortgage markets are dormant with people hardly wanting to sell landed property or secure a loan. This argument is consistent with the views of Payne et al. (2009) that land titling has generally failed to achieve the benefits claimed by its proponents.

Contrary to views that customary tenure is less secure, evidence from the Bui Resettlement Town B suggests that people felt more tenure secure in their old site where they accessed land under customary arrangements than the new resettlement site. The reason for this contradiction is that under customary tenure, people enjoyed tenure rights over vast areas of land and the system also had its way of catering for generational land needs of local people through customary and family arrangements. In Figure 3 we present an illustration of the different time frames of resettlement which causes a backward movement of tenure and tenure security, vis-a-vis what the desired outcome should be for resettlement to be responsive to tenure. Figure 3 represents a graphical inferential analysis of the tenure situation in Bui resettlement town B based on before and after tenure situations of the resettled people.

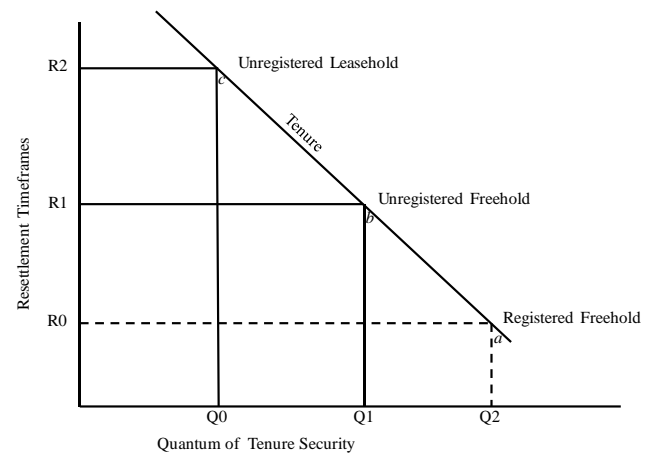


Figure 3: Backward illustration of tenure security in resettlement towns

Given the above scenario, it is inconclusive to say resettlement leads to tenure security. To say this is to assume that tenure security was non-existent before resettlement. However, people were tenure secure until the conception of resettlement plans through to its final implementation. Therefore, for resettlement to claim to restore or to improve tenure security, it must deliver more than enough tenure security or in the worst case, restoring people to the tenure they enjoyed before resettlement. However, what we observe is that the Bui resettlement project ended up delivering a form of tenure that is undefined and uncertain. From figure 2, *a* represents the desired tenure situation for tenure responsiveness, *b* represents the tenure situation before resettlement and *c* represent the tenure situation post resettlement. R0, R1 and R2 represent the different timeframes; desired future of resettlement, pre-resettlement and post-resettlement. It can be observed that contrary to the expectation that resettlement will deliver in the best case, improved tenure security at Q2; or in a worse case, restore tenure security at Q1 before resettlement, it somewhat reduces the quantum of tenure security to Q0 by delivering uncertain (unregistered leasehold) tenure. Thus, tenure security in post resettlement is less compared to the pre-resettlement tenure situation. The driving force for this behaviour is that there is uncertainty as to the kind of tenure that the people hold, for how long and what rights they can exercise, the tenure being enjoyed is now over a limited area, and even though maybe formalized, creates a hitherto non-existent competition and conflicts over space which cumulatively drive down tenure security.

5 Conclusion

This study set out to understand the land tenure security dynamics in resettlement towns using empirical data from the Bui resettlement project in Ghana. The findings show that traditional approaches employed in undertaking resettlement in Ghana are beset with tenure insecurity generating activities which have left the resettled people in a retrogressive state of tenure, generally in terms of lack of land access, disputes, loss of land-based decision-making power and the loss of livelihood which depended mainly on agriculture. The study offers suggestions for improvement of tenure by adopting tenure responsive approaches which integrate tenure security generating activities with resettlement processes. This would

require some changes in policies regarding which interests are compensable, requirements for proof of ownership and measures for engaging local citizens in the resettlement processes.

Drawing lessons from the case of Bui, four measures are recommended for future resettlement projects in Ghana to ensure that they are tenure responsive. These measures include: (1) It is necessary to capacitate individuals with land rights knowledge as part of the resettlement process (2) Resettlement processes should embrace the continuum of land rights and social tenure approaches. (3) There should be clarity on what interest devolves on resettled people and take steps to register their title in land. (4) It is crucial to engage in consultation and participation as crucial processes for identifying and addressing tenure needs.

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