

# Tinkering with Resettlement from Large-Scale Land Acquisition on Customary Lands – Lessons from Compulsory Acquisition and Deprivation of Land Use in Ghana

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## SUMMARY

Whereas Large-Scale Land Acquisitions (LSLAs) have received a lot of attention around the world in the past few years, especially with respect to the determination and adjudication of land rights, the planning of the acquisition process and the valuation of the property rights. However, more so intimately related to these issues is the process of the planning and execution of the resettlement of the affected persons. In this paper, the meaning of resettlement is explored, with the uniqueness of resettlement from LSLAs being conceptualized and categorised into four forms – voluntary and planned, voluntary and spontaneous, involuntary and spontaneous, and involuntary and spontaneous resettlements. With most LSLAs being categorised along the spectrum of Involuntary and Spontaneous on the one hand, and Involuntary and Planned on the other hand, it is worth looking at the two key approaches that have been used for LSLAs in Ghana in the recent years, and how their implementation approaches influenced the results of the resettlement process.

The two approaches to LSLA in Ghana, compulsory acquisition and deprivation of land use (DLU) are both regulated by law, albeit different laws, with the former covering acquisitions by the government, or by a governmental body, and the later used by private parties, most prominently mining companies. It is widely seen that the Resettlement Action Plans (RAP) drawn are usually acceptable to all parties. However, on implementation, it is seen that a governance gap appears. Many studies have looked at the governance requirements for the planning process of resettlements, however, little has been done with respect to the governance requirements in the implementation process. Using cases of two LSLAs in Ghana in 2011, the Bui Dam Resettlement Project, and Newmont Ghana Gold Limited's Akyem Project's resettlement, representing compulsory acquisition and deprivation of land use respectively, this paper traces the key governance points in the implementation process the two LSLA

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process.

The results are analysed under the principles of governance that are relevant to LSLAs as found in the literature review – transparency, encompassing the access and complexity of information; public participation encompassing the involvement of the actors, and the nature of the decision-making process; equity, encompassing the levels of land tenure security, fair and adequate compensation, and the livelihood restoration; and accountability, which has the dimensions of the proper assignment of responsibilities, and the accountability arrangements in the process. It is found that though there is a particularly high level of openness with the deprivation of land use, compared to compulsory acquisition, the DLU still has more complaints from the resettled community. A pertinent issue that was common among the two was the rightful recipient of the monetary compensation for the land. This is due the layered customary land tenure system of the area, interwoven with legal and equitable land rights. Finally land tenure security in the two cases were found to be inadequate, with respect to perceived land tenure security, hence the resettled community were less likely to invest in the new properties.

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